Agenda

for the

Planning & Amenity Committee Meeting

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

on

Tuesday, 13 November, 2018
at 7:00pm

Councillors:  Cr Alex del Porto
                Cr Laurence Evans (Mayor)
                Cr Michael Heffernan
                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 Victoria Golf Club (Park Road, Cheltenham) Support the Grant of a Planning Permit Application No. 2018/418/1 Ward: Southern . 7
   4.2 Sandringham Golf Course, Cheltenham Road, Black Rock Notice of Decision to Grant a Planning Permit Application No: 2018/432/1 Ward: Southern ................................................................. 21
   4.3 4 Bolton Street, Beaumaris Notice of Decision to Grant an Amended Planning Permit Application No: 2017/692/2 Ward: Southern................................................................. 79
   4.4 63 Ardoyne Street, Black Rock Notice of Decision to Grant a Planning Permit Application No: 2017/478/1 Ward: Southern .. 99
   4.5 135 Beach Road, Sandringham Secondary Consent - Approve Application No: 2014/55/1 Ward: Southern ......................... 169
   4.6 2 Burgess Street, Beaumaris Support the Grant of a Planning Permit (Consent Order) Application No: 2017/509/1 Ward: Southern................................................................. 193
   4.7 49 Sargood Street, Hampton Notice of Decision to Grant a Planning Permit Application No: 2017/821/1 Ward: Central ... 225
   4.8 148A Ludstone Street, Hampton Notice of Decision to Grant a Planning Permit Application No: 2018/113/1 Ward: Central .. 265
   4.9 6 Centre Road, Brighton East Secondary Consent - Approve Application No: 2014/265/2 Ward: Northern......................... 287
   4.10 111 Dendy Street, Brighton Support the grant of a planning permit (Consent Order) Application No: 2017/701/1 Ward: Northern 309
4.11 1/193A Bay Street, Brighton Notice of Decision to Grant an Amended Planning Permit Application No: 2014/844/3 Ward: Northern ................................................................. 367

4.12 50 - 52 Well Street, Brighton & 38 Burrows Street, Brighton Support the Grant of a Planning Permit (Consent Order) Application No. 2017/675/1 Ward: Northern ......................... 421

5. Confidential Business
Nil

Next Meetings 2018

Monday 10 December 2018
Thursday 20 December 2018
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 30 October 2018.
4. Matters of Decision

4.1 VICTORIA GOLF CLUB (PARK ROAD, CHELTENHAM) SUPPORT THE GRANT OF A PLANNING PERMIT APPLICATION NO. 2018/418/1 WARD: SOUTHERN

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>Support the Grant of a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Tract Consultants Pty Ltd</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The site is subject to restrictive covenant 1239456. The covenant does not restrict the proposed development.</td>
</tr>
<tr>
<td>Date application received</td>
<td>5 July 2017 (amended 13 August 2018)</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>70 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>General Residential Zone (Schedule 8)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 2)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Heritage Overlay (Schedule 560)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td>Site area</td>
<td>128ha (approx.)</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>Nil (0)</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>N/A</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes, however works are exempt.</td>
</tr>
</tbody>
</table>

Proposal

The application seeks the removal of six (6) native trees on land within the Vegetation Protection Overlay, Schedule 3 (VPO3) and pursuant to Clause 52.17 (Native Vegetation).

Key details of the proposal are as follows:

- No change to the existing Victoria Golf Club buildings and/or the location or number of fairways and holes.
- Removal of six (6) native on-site trees shown as Trees #1, #3, #4, #5, #6 & #7 on the submitted Vegetation Removal Plan dated 13 August 2018.
- Replacement planting of twenty-one (21) trees throughout the subject site (subject to condition).
The application plans are provided at Attachment 1. An aerial image and photographs of the site and surrounds are provided at Attachment 2.

History
The original golf course at Fisherman's Bend was relocated to the current 128ha subject site in Park Road, Cheltenham in 1926 and has continuingly operated from this site, as a golf course, until present.

2. Planning controls
Planning Permit requirements
A planning permit is required pursuant to:
- Clause 42.02-2 (Vegetation Protection Overlay) - Remove, destroy or lop any vegetation as specified in Schedule 3.
- Clause 52.17 (Native Vegetation) - Remove, destroy or lop native vegetation, including dead native vegetation.

The tree removal is not affected by, or triggered by, the Heritage Overlay.

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>Council’s Arborist has objected to the removal of Tree nos. 3, 4, 5 &amp; 6. The removal of Tree nos. 1 &amp; 7 were supported. This will be further discussed in this report.</td>
</tr>
</tbody>
</table>

Public notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and no (0) objections were received.

4. Recommendation
That Council resolve to Support the Grant a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 5/2018/418/1 for the land known and described as Victoria Golf Club, Park Road, Cheltenham for the removal of six (6) native trees on land within the Vegetation Protection Overlay, Schedule 3 (VPO3) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the
plans advertised but modified to show:

a) The addition and location of twenty-one (21) canopy trees to be planted within the subject site to the satisfaction of the Responsible Authority.

b) Twenty-one (21) proposed canopy trees must be a minimum 6.0 metres height when planted and be capable of reaching 16 metres in height, and at least 10 metres in width, at maturity.

c) The twenty-one (21) additional canopy trees must include 80% native and indigenous species type and count in accordance with the Bayside Landscape Design Guidelines (2016).

d) A survey, including botanical names of all existing trees, to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

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

All to the satisfaction of the Responsible Authority.

2. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

3. 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.

4. The layout of the site and the location of existing buildings and works and vegetation as 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.

5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted on the land without the written consent of the Responsible Authority.

Permit Expiry

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

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

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

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

Permit Notes:

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

5. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

Relevant strategies of the Council plan include:

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

**Bayside Planning Scheme**

- Clause 10 Planning Policy Framework
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks
- Clause 14 Natural Resource Environment
- Clause 15 Built Environment and Heritage
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.04 Environmental and Landscape Values
- Clause 21.05 Environmental Risks
- Clause 21.06 Built Environment and Heritage
- Clause 22.06 Neighbourhood Character Policy
- Clause 32.08 General Residential Zone (Schedule 8)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.01 Heritage Overlay (Schedule 560)
- Clause 43.02 Design and Development Overlay (Schedule 2)
- Clause 52.17 Native Vegetation
- 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 does not appear to be located within and/or been nominated a specific Neighbourhood Character Precinct as contained in Map 1 at Clause 22.06 Attachment 3.

However, the proposal is considered to demonstrate a high level of compliance with the general policy objectives at Clause 22.06 which seek development that retains, responds to and enhances elements that contribute to the character of the area, whilst recognising the need for change that respects the desired future character of the area.

Policy also seeks to take into account the extent to which the characteristics of the built and natural environment in the immediate vicinity of the site may determine a preferred future character and whether the location of the site may alter the relevance of the design responses to consideration of the proposal.
The existing golf course has a significant number of existing native trees, which number in the thousands, planted throughout its 128ha site. These trees contribute to the overall landscape character of the Victoria Golf Club and preferred garden setting character of the immediate area and wider Cheltenham neighbourhood.

In addition to protecting and responding to the preferred garden character of the area, many of the existing on-site trees are protected by Council’s Vegetation Protection Overlay, Schedule 3 (VPO3) which seeks the protection and unnecessary loss of native and particularly indigenous vegetation.

The proposed removal six (6) native trees due to their decline and general poor health is considered reasonable in this instance as the retention of trees near the end of their life expectancy is counter-productive to Council policy objectives and/or supporting the general treed neighbourhood character in and around Cheltenham.

Further, the proposed tree removal is additionally supported and will not disfavour the prevailing and preferred landscaped character of the existing golf course and/or wider neighbourhood given the applicant proposes to plant twenty-one (21) trees as compensation for the net loss of six (6) native trees from the subject site.

It is recommended that a condition of approval require the twenty-one (21) replacement trees be native and/or an indigenous species as desired by Council’s Bayside Landscape Design Guidelines (2016).

### 6.2. Removal of Vegetation

The purpose of Council’s Vegetation Protection Overlay, Schedule 3 (VPO3) and Clause 52.17 (Native Vegetation) is to protect areas of significant vegetation, ensure minimal losses of vegetation, preserve existing trees and other vegetation, recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance, maintain and enhance habitat and habitat corridors for indigenous fauna and encourage the regeneration of native vegetation.

The overlay does this via decision guidelines that, as relevant, consider what effect, if any, the proposed removal of native vegetation will have on vegetation to be retained on the land, the role of native vegetation in conserving on-site flora and fauna, the need to retain native vegetation that is rare or supports rare species of flora or fauna or forms part of a wildlife corridor or where provision is proposed to establish and maintain vegetation elsewhere on the land.

The proposal acknowledges the importance and significance of the existing native vegetation planted throughout the Victoria Golf Club grounds. As a result, the applicant only seeks to remove six (6) native trees, out of thousands of existing native, indigenous and exotic trees planted within the subject site.

<table>
<thead>
<tr>
<th><strong>VPO3 protected trees</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed for removal</td>
</tr>
<tr>
<td>Tree #1, #3, #4, #5, #6 and #7</td>
</tr>
</tbody>
</table>

Arborist evidence submitted by the applicant prepared by Glenn Waters dated 7 June 2018 indicate Trees #1, #3, #4, #5, #6 and #7 demonstrate poor health or a limited useful life expectancy, a low amenity impact for the subject site and/or a risk to persons or property due to the tree’s location or proximity to a public path or the like. As a result, the applicant’s arborist recommends that a better outcome for the subject site would be to
remove these trees and replace them with more appropriate canopy tree planting, by way of twenty-one (21) replacement trees.

Four (4) of the trees to be removed (i.e. Trees #1, #5, #6 & #7) are located 20 metres and 40 metres away from either the Park Road and Reserve Road frontages, respectively and are generally obscured behind an existing bank of trees abutting these boundaries to the north and west. Whilst the remaining two (2) trees (i.e. Trees #3 & #4) are centrally located within the subject site and in excess of 200 metres from any street boundary, thus having a minimal visible impact on these streetscapes or adjoining residential properties to the north facing Park Road.

Further, the applicant’s submission to plant twenty-one (21) replacement trees throughout the golf course grounds is considered to be a generous and an appropriate response to negate the net loss of the six (6) native trees to be removed from the land. A condition of permit requiring these replacement tree plantings to be a native or indigenous species in accordance with the Bayside Landscape Design Guidelines (2016) that respects and enhances the native vegetative character of the Beaumaris and Black Rock area is strongly recommended.

Council’s Arborist has no objection to the removal of Tree #1 an over-mature Cedar Wattle as this tree has a ‘useful life expectancy of less than 3 years’ and recommends the replacement planting of an indigenous tree capable of reaching 16 metres in height and 10 metres in width at maturity. Similarly, the removal of Tree #7 a semi-mature Marri is also supported as it also has a ‘useful life expectancy of less than 3 years’ and should be replaced by an indigenous tree capable of reaching 16 metres in height and 10 metres in width at maturity.

The above recommendation is considered acceptable and is recommended to be included as a condition of approval for this application.

However, Council’s Arborist does not favour the removal of Trees #3 and #4 a mature and semi-mature Spotted Gum nor Tree #5 a mature Silky Oak or Tree #6 a mature Red Flowering Gum on the basis that these trees are Australian native species, that contribute to the visual amenity and interest of the area, particularly where this vegetation is contiguous between private lands and adjoining public lands within the Beaumaris and Black Rock area.

Council’s Arborist recommendation to retain Trees #3, #4, #5 and #6, however it is considered that given there are numerous other examples of Spotted Gums, Silky Oaks and/or Red Flowering Gum trees within the subject site that are proposed to be retained to which the removal of four (4) native trees will have little impact. Further, conditions of approval can ensure a portion of the proposed twenty-one (21) replacement trees to be planted by the applicant include Spotted Gum, Silky Oak and Red Flowering Gum species.

When considered on balance with the replacement of twenty-one (21) trees throughout the site, the removal of six (6) trees is considered acceptable.

**Support Attachments**

1. Vegetation Removal Plan
2. Site and Surrounds
3. VPO3 Assessment
Attachment 2

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>
Attachment 3

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

<table>
<thead>
<tr>
<th>Decision Guideline</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The impact the vegetation removal would have on the character of the area</td>
<td>The removal of the six (6) trees on site, with replacement planting of twenty-one (21) trees, will not have a detrimental impact on the vegetated character of the area. The trees will not be discernible from the public realm nor have a detrimental impact to the character of the area.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>All trees for removal are Australian or Victorian, with only Tree no. 7 nominated as Indigenous. On balance with the replacement planting of 21 Indigenous trees throughout the site, it is considered that the proposal will not have an unreasonable impact on the indigenous species in the locality.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development.</td>
<td>The trees for removal are predominantly centrally located within the Golf Course and their removal will have a negligible impact when viewed from the public realm.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</td>
<td>When considered on balance with the 21 replacement trees, there is no evidence to suggest that the removal of the six (6) trees within the golf course would impact on local fauna. The replacement planting throughout the site would improve the existing conditions, given a net benefit of canopy trees will contribute to the wildlife corridor.</td>
</tr>
<tr>
<td>Any proposal to regenerate or plant indigenous vegetation on the site.</td>
<td>As a condition of approval, a Landscape Plan nominating replacement planting throughout the site will be required for endorsement. At a minimum, twenty-one (21) replacement canopy trees will be planted throughout the site and all to be Indigenous species to Council’s satisfaction.</td>
</tr>
</tbody>
</table>

**Tree profiles**

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Height / Canopy</th>
<th>Trunk Circ.@1m</th>
<th>Location 1</th>
<th>Location 2</th>
<th>Origin</th>
<th>Age</th>
<th>Health</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acacia elata</td>
<td>Cedar wattle</td>
<td>16M X 10m</td>
<td>469cm</td>
<td>n/a</td>
<td>n/a</td>
<td>Indigenous</td>
<td>Young</td>
<td>Good</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Victorian</th>
<th>Australian</th>
<th>Exotic</th>
<th>Semi-mature</th>
<th>Mature</th>
<th>Over-mature</th>
<th>Over-mature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Young</td>
<td>Semi-mature</td>
<td>Mature</td>
<td>Over-mature</td>
<td>Over-mature</td>
<td>Over-mature</td>
<td>Over-mature</td>
</tr>
<tr>
<td>Health</td>
<td>Good</td>
<td>Fair</td>
<td>Poor</td>
<td>Dead</td>
<td>Dead</td>
<td>Dead</td>
<td>Dead</td>
</tr>
</tbody>
</table>
### Tree No. 3
- **Botanical Name:** *Corymbia maculata*
- **Common Name:** Spotted gum
- **Height / Canopy:** 23m X 12M
- **Trunk Circ @1m:** 275cm
- **Location 1:** n/a
- **Location 2:** n/a
- **Origin:** Indigenous, Victorian, Australian, Exotic
- **Age:** Young, Semi-mature, Mature, Over-mature
- **Health:** Good, Fair, Poor, Dead
- **Structure:** Good, Fair, Poor, Hazardous
- **Life Expectancy:** 20 years +, 10-19 years, 4-9 years, 0-3 years
- **Retention Value:** High, Medium, Low, None
- **Habitat value:** High, Moderate, Low

### Tree No. 4
- **Botanical Name:** *Corymbia maculata*
- **Common Name:** Spotted gum
- **Height / Canopy:** 10M X 6M
- **Trunk Circ @1m:** 115cm
- **Location 1:** n/a
- **Location 2:** n/a
- **Origin:** Indigenous, Victorian, Australian, Exotic
- **Age:** Young, Semi-mature, Mature, Over-mature
<table>
<thead>
<tr>
<th>Health:</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
<th>Dead</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure:</td>
<td>Good</td>
<td>Fair</td>
<td>Poor</td>
<td>Hazardous</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>
</tbody>
</table>

| Tree No. | 5 |
| Botanical Name: | Grevillea robusta |
| Common Name: | Silky oak |
| Height / Canopy: | 13m X 10m |
| Trunk Circ.@1m: | 190cm |
| Location 1 | n/a |
| Location 2 | n/a |
| Origin: | Indigenous | Victorian | Australian | Exotic |
| Age: | Young | Semi-mature | Mature | Over-mature |
| Health: | Good | Fair | Poor | Dead |
| Structure: | Good | Fair | Poor | Hazardous |
| Life Expectancy: | 20 years + | 10-19 years | 4-9 years | 0 - 3 years |
| Retention Value: | High | Medium | Low | None |
| Habitat value: | High | Moderate | Low |

| Tree No. | 6 |
| Botanical Name: | Corymbia ficifolia |
| Common Name: | Red flowering gum |
| Height / Canopy: | 17m X 14m |
| Trunk Circ.@1m: | 225cm |
| Location 1 | n/a |
| Location 2 | n/a |
| Origin: | Indigenous | Victorian | Australian | Exotic |
### 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
This matter has been reported to the Planning and Amenity Committee for a decision because there are 2 or more trees to be removed in the Vegetation Protection Overlay Schedule 3 (VPO3).

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Golf Victoria c/- Waypoint</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>12 July, 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>46 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>Public Park and Recreation Zone (PPRZ)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 2)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>55.16 ha (approx.)</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>One (1) objection and two (2) submissions</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 works are exempt and a CHMP is not required.</td>
</tr>
</tbody>
</table>

Proposal

The application seeks approval for the redevelopment of the Sandringham Golf Course. Key details of the proposal are as follows:

Built Form

Demolition of all existing buildings and structures, excluding the maintenance shed and car park (Refer Demolition Plan). This includes the existing dwelling, pro shop, café, amenities and pavilion.

- Buildings and works associated with the new two storey facility, comprising:
  - Course operations and café. The new café and Pro shop will replace the existing facilities, being the point of sale within the main building. The café will continue to be a licensed premises with the licensed area to be as shown in the accompanying application plans. The café is located at ground floor with views across the course. Figure 7 illustrates the existing licensed area.
  - Golf training facilities. High performance training facilities including a strength and conditioning zone and simulators; treatment rooms; change rooms; and
a lecture room at ground floor.
- Golf museum store, display area and meeting rooms at ground floor.
- Administration areas - Office administration, including meeting rooms and education spaces for Golf Victoria / Golf Australia. There is expected to be approximately 30 staff, operating during normal business hours.

- The building is to be double storey in height, with an overall height of 10.0 metres above natural ground level.
- Redevelopment of the golf course, involving a reconfiguration and upgrade of the existing 18-hole course.
- Provision of a driving range, creating a 350 metre long driving range available for public use.
- Construction of an on-course public toilet located along the northern boundary of the subject site, close to Tulip Street.
- All mechanical services would be internalised within the building to leave the roof free of equipment and to allow for an elegant and simple building profile.
- The siting of the new building is within the location of existing buildings, setback 86 metres from the Cheltenham Road frontage.
- The overall maximum height of the clubhouse building would be 10 metres, with the main volume of the building being approximately 8 metres in height from natural ground level.
- Materials and finishes include timber cladding; deco-wood power-coated aluminium battens; standing steam wall cladding, concrete and clear glazing.

Uses
- The proposed built form will include the following uses on site:
  - Café, with 60 seats and 3 staff at any one time.
  - Course operations:
    - (point of sale and management) located near the café area acting as the main ‘check in’ point for those wanting to use the golf course, public driving range and Himalayan Green. Course Management also has a dedicated office space that will house staff. There will be a maximum of 4 staff working in this zone at any one time.
    - Maintenance team, responsible for maintaining the golf course, driving range, Himalayan green and all golf course associated infrastructure and vegetation. There is a total of 4 staff on the maintenance team at any one time.
  - Indoor High Performance Training Facilities, available for use by up to 20 athletes at any one time, with 1-2 staff in attendance, for strength and conditioning zone, labs, putting lab, treatment room, associated offices and store room.
  - High performance offices at ground floor, provides 6-8 seats for Golf Australia Staff linked to the High-Performance Program.
  - A Driving Range with a maximum of 30 bays.
  - Museum Store dedicated to storing and displaying golf memorabilia.
  - Education Space, being a dedicated lecture theatre style room that will be used to deliver educational programs for the High-Performance Program,
Professional Development/Forums for the Golf Bodies.

- The facility is to operate seven (7) days a week.
- The outdoor course facilities will be open to the public from 6:00am-9:00pm (in Daylight Savings time) with the administration and high-performance facilities open from 6:30am-11pm all year round.
- An ‘on-premises’ liquor licence associated with the café, able to sell and consume liquor between the following hours:
  - Good Friday and ANZAC Day Between 12 noon and 8pm
  - On any other day Between 10am and 11pm

Car Parking

- Retention of the existing car park, providing 209 car parking spaces. This includes the reallocation of the delivery spaces for general use, and a new loading area.
- Car parking is not proposed to be allocated.
- The existing access point and access road from Cheltenham Road is to be retained.
- Whilst Tulip Street and Reserve Road (both Road Zone, Category 1) are adjacent to the site, access to these roads is not proposed. Access will continue to be provided from Cheltenham Road, which is a Council nominated road.

Vegetation Removal

- Removal of vegetation (including canopy trees) within the Vegetation Protection Overlay, Schedule 3. A total of 210 trees are proposed to be removed (of 410 trees which were surveyed).
- A revegetation and planting program, including a targeted revegetation program to enhance the existing ecological zones and extensive new planting of native indigenous flora on the basis of 3:1 for any removal.

Dam Expansion

- Expansion of the capacity of the dam to increase the water storage from 16.2 ML to 30ML and allow for increased irrigation of the course.
- The proposed dam extension is of approximately 31m x 100m and will be setback from the northern title boundary by approximately 90 metres.

Consolidation of the Lots

- Four lots that are sought to be consolidated, being those lots that the new building and associated car parking and access are to be located on. These lots are 1/TP 368792; 1/TP409689; 1/TP384114; and 1/TP247397.

The development plans are provided at Attachment 1.

The vegetation plans (including removal and replacement planting) are provided at Attachment 2.

An aerial image and photographs of the site and surrounds are provided at Attachment 3.

History

The subject site is owned by Bayside City Council. Consultation on options for the Project has been undertaken with Council, a range of stakeholders, including golfing members and associations, local environmental groups, and the surrounding community. As the public land manager, Council resolved to provide consent, as the landowner, for the
lodgement of the planning permit application at its Council meeting on 20 February 2018.

The decision arising from the Meeting was that Council:

1. Provides consent as land owner for a Planning Permit Application to be submitted based on Option B - an 18 hole golf course as set out in Attachment No. 2 of the report subject to;

2. Detailed plans being provided to Council of all proposed works prior to the planning application being lodged;
   a) Project implementation plans being developed identifying the timing and impact of works on the course and patrons once detailed designs have been completed;
   b) Commissions a detailed vegetation report on the area proposed for the additional water storage area and consults with local environmental groups on the proposed location to determine any impacts prior to undertaking detailed design; and

3. Considers funding of the additional water-harvesting infrastructure as part of its Capital Works Program.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 36.02-1 (Public Park and Recreation Zone) - Use of the land as an office associated with the public land use of the land for a golf course.

- Clause 36.02-2 (Public Park and Recreation Zone) - For the construction of buildings and works (including the main building and works encompassing the redevelopment of the golf course; extension to the dam) and consolidation of the lots.

- Clause 43.02-2 (Vegetation Protection Overlay, Schedule 3) - Removal of vegetation.

- Clause 43.02-2 (Design and Development Overlay, Schedule 2) - To construct a building exceeding 9.0 metres in height.

- Clause 52.17 (Native Vegetation) - Removal of native vegetation, including dead native vegetation.

- Clause 52.17 (Licensed Premises) - Use land to sell or consume liquor (on-premises licence) associated with the café.

Planning Scheme Amendments

There are no Planning Scheme Amendments specifically relevant to this application.

3. Stakeholder consultation

External referrals

The application was referred to the following authorities:

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melbourne Water</td>
<td>No objection.</td>
</tr>
<tr>
<td>South-East Water</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>
Department of Environment, Land, Water and Planning (DELWP)
The application was referred to DELWP as a Recommending Authority. No response had been received at the time of this report being written.
Given DELWP are a Recommending Authority (and not Determining Authority), the application has proceeded.

**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>Traffic Engineers</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Drainage Assets Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Open Space Arborist</td>
<td>Raised concerns in regards to the proposed tree removal. The comments will be discussed within this report and at Attachment 4.</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 by way of notices to all adjoining and adjacent properties owners and occupiers, with nine (9) signs placed throughout the street frontages to Cheltenham Road, Reserve Road and Tulip Street.

Three (3) submissions have been received, with one (1) objection and two (2) submissions.

Both remain outstanding at the time of this report.

The ‘submission’ of behalf of Bayside Community Nursery supported the redevelopment of the golf course, however raised following questions:

- *Will the future maintenance of the course be adequate to protect and manage the new plantings, the proposed burn sites and the areas which will not be altered. The course is now so weed infested that there will have to be intense management and weed control into the future.*

- *Where will the offset plantings be? Is there an opportunity to intensively plant the perimeters of the course with large indigenous tree species particularly the eastern boundary?*

- *Will the very altered and cleared area near the water storage and holes 13, 15, and 16 be densely replanted to re-provide habitat for the small birds and insects etc which will be displaced by the works together with consultation with the Friends of Native Wildlife and others?*

- *Could the most sensitive sites such as the wet area and the sites which could be burned for instance, be considered to be Conservation Areas even though the primary purpose is PPRZ and would these sites be included in Bayside’s Biodiversity Action Plan?*

- *Would the site have to be included in Bayside’s planning amendment or would there have to be a new amendment applied for, to allow removal of native vegetation to permit ecological burning, or could that be done as part of the Management Plan or on an ad hoc permit basis?*
Mention is made on p38 of the planning application 139 of a ‘very rare’ Acacia… Acacia Uncifolia  Coast Wirilda. It is not clear whether this is thought to be indigenous or planted and could that be established? I’m not sure if it is mentioned in any of the old Field Naturalists lists for instance.

I support planting Indigenous species from the Bayside Community Nursery and the list provided, but there is scope for many more diverse species from the Nursery to be included.

It is extremely important to retain as many of the old habitat trees identified as possible.

There is a now rare in Bayside colony of sugar ants on the edge of the fairway of the 14th hole. Protection of those sugar ants during construction is essential.’

The following secondary comment was added as an addendum to the above submission:

‘Last night (9/10/18) FoNW Inc. observed a ringtail possum in the earlier mentioned bushland where fairway 14 is proposed for the first time in ages and think that is where they possibly have their drey. Ringtails are not high on the endangered list although they well may be in the near future with loss of habitat and through being picked off by the large predator birds moving in to the suburbs. As previously mentioned, before removal of any bushland, provision should be made towards the survival and safety of any wildlife using the area to roost, sleep or breed’

These questions are addressed throughout the report and in further detail in Section 6.10.

The one (1) objection raised issue with:

• Additional traffic congestion.

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

Consultation meeting

Due to the extent of pre-application consultation undertaken by the Golf Course, the suggestions raised in the submission and the sole point of objection raised, a consultation meeting was not considered necessary.

4. Recommendation

That Council resolve to issue a Notice of Decision to Grant a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application 2018/432/1 for the land known and described as Sandringham Golf Course (Cheltenham Road, Black Rock), for the construction of buildings and works (including extension of the dam) within the Public Park and Recreation Zone (PPRZ) and works that exceed 9 metres in height within the Design and Development Overlay, Schedule 2 (DDO2); Partial use of the building as an office; removal of native vegetation within the Vegetation Protection Overlay, Schedule 3 (VPO3) and pursuant to Clause 52.17; the sale and consumption of liquor (on-premises licence) associated with the food and drink premises (café); and consolidation of the lots within the PPRZ in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or 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 material but modified to show:

a) Any changes to the plans as result of the conditions of this permit.
b) A schedule of construction materials, external finishes and colours (material samples).
c) Water Sensitive Urban Design measures in accordance with Condition 6 of this permit.
d) Updated Landscaping (Replacement Planting) Plans in accordance with Condition 8 of this permit.
e) A Tree Management Report or Plan in accordance with Condition 11 of this permit.
f) A Fauna Management Plan in accordance with Condition 15 of this permit.
g) A Waste Management Plan in accordance with Condition 27 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.

Car Parking

5. Prior to the occupation of the buildings hereby permitted, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must to the satisfaction of the Responsible Authority be:

a) Constructed.
b) Properly formed to such levels that they can be used in accordance with the plans.
c) Surfaced with an all-weather seal coat.
d) Drained and maintained.

Parking areas and access lanes must be kept available for these purposes at all times.

Water Sensitive Urban Design

6. 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.

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.

Replacement Planting/Landscaping Plans

8. Concurrently with the submission of amended plans in accordance with Condition 1, detailed landscape plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plans drawn by Memla (references 1-9) dated 6 July 2018 and be drawn to scale with dimensions and three copies must be provided. The plans must show:

a) A survey, including botanical names of all existing trees, to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

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

d) Species of replacement plantings must be a minimum of 80% indigenous species to the satisfaction of the Responsible Authority.

e) Replacement canopy tree planting must be general in accordance with the Replacement Planting Plan prepared by Memla (Drawing No. 6) dated 6 July 2018, showing canopy tree planting at a (minimum) ratio of 3:1.

f) The Planting Schedule to nominate the height of canopy trees at the time of planting, with all canopy trees to be in excess of 2 metres at the time of planting.

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

h) Details of surface finishes of pathways and driveways

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.
Tree Management and Protection Plan

11. 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 in relation to the protection of trees within proximity of proposed works or tree removal during construction.

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 (within proximity of proposed works) 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.

12. 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.

13. 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.

14. 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.

Fauna Management Plan

15. Prior to the removal of any of the vegetation on the site, a fauna management plan prepared by a qualified Ecologist for the relocation and humane management of fauna to be affected and displaced by the removal of trees and impact of the development must submitted to and be the satisfaction of the Responsible Authority. Hollows are to be identified and assessed with fauna relocated and hollows closed off prior to commencement of any site works.

Offsets

16. Prior to removal of any of the vegetation on the site, confirmation that the third party offset credits have been obtained must be provided and be to the satisfaction of the Responsible Authority.

Hours of operation (office)

17. The office use allowed under this permit may operate only during the hours of operation of the associated Golf Course, except with the further written consent of the Responsible Authority.
Hours of operation (on-premises liquor licence)
18. The use allowed under this permit must operate only during the following
   hours, except with the further written consent of the Responsible Authority:
   
   Good Friday and ANZAC Day – 10am to 11pm
   Any other day – 10:00am to 11:00pm
19. Not more than 300 persons/patrons/patients/staff, etc. (associated with the
   sale and consumption of liquor) may be present on the premises at any one
   time without the prior written consent of the Responsible Authority.

General Amenity
20. The use and development must be managed so that the amenity of the area
    is not detrimentally affected, through the:
    a) Transport of materials, goods or commodities to or from the land.
    b) Appearance of any building, works or materials.
    c) Emission of noise, artificial light, vibration, smell, fumes, smoke,
       vapour, steam, soot, ash, dust, waste water, waste products, grit or
       oil.
    d) Presence of vermin.

Drainage
21. Before the development starts, the permit holder must apply to Council for the
    Legal Point of Discharge for the development from where stormwater is
    drained under gravity to the Council network.
22. Council records indicate that there is no easement within the property.
23. Before the development, detailed plans indicating, but not limited to, the
    method of stormwater discharge to the nominated Legal Point of Discharge
    (and On-Site Detention System where applicable) must be submitted to and
    approved by Council’s City Assets and Projects Department.
24. Subsurface water must be treated in accordance with Council’s Policy for
    “Works on Assets within the Road Reserve Policy 2018”.

South-East Water Conditions
25. The owner of the subject land must enter into an agreement with South East
    Water for the provision of potable water supply and fulfil all requirements to its
    satisfaction.
26. The owner of the subject land must enter into an agreement with South East
    Water for the provision of sewerage and fulfil all requirements to its
    satisfaction.

Waste Management Plan
27. An updated waste management plan must be prepared to the satisfaction of
    the Responsible Authority. Once satisfactory, such plan will be endorsed and
    must be implemented to the satisfaction of the Responsible Authority. The
    plan must provide the following details of a regular private waste (including
    recyclables) collection service for the subject land including:
    a) Dimensions of storage waste areas.
    b) Storm water drains in storage areas should be fitted with a litter trap.
    c) The number and size of bins to be provided.
d) Facilities for bin cleaning.
e) Method of waste and recyclables collection.
f) Types of waste for collection, including colour coding and labelling of bins.
g) Hours of waste and recyclables collection.
h) Method of presentation of bins for waste collection.
i) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
j) Strategies for how the generation of waste and recyclables will be minimised.
k) Compliance with relevant policy, legislation and guidelines.

To the satisfaction of the Responsible Authority.

**Permit Expiry**

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

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

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

**Permit Notes:**

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

**South-East Water Notes:**

- The owner of the subject land is required to obtain a ‘Notice of Agreement’ from South East Water.
- All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

**Liquor Licence**

- This permit shall have no force or effect until such time as an On-Premises Licence is issued by Liquor Licensing Victoria.
5. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

- Where significant development is directed to specified and planned activity centres and strategic locations, providing a transition to surrounding residential areas and incorporating improved infrastructure and open space.
- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

Relevant strategies of the Council plan include:

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

Bayside Planning Scheme

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 12.01 Protection of Biodiversity
- Clause 15 Built Environment and Heritage
- Clause 15.01-2S Building Design
- Clause 17 Economic Development
- Clause 17.04-1R Tourism in Metropolitan Melbourne
- Clause 19 Infrastructure
- Clause 19.02-4S Social and cultural infrastructure
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.04 Environmental and Landscape Values
- Clause 21.06 Built Environment and Heritage
- Clause 21.07 Economic Development
- Clause 21.08 Open Space
- Clause 21.09 Transport and Access
- Clause 21.10 Infrastructure
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Public Park and Recreation Zone
- Clause 43.02 Design and Development Overlay (Schedule 2)
- Clause 52.06 Car Parking
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

The proposal includes the demolition (no permit required) and redevelopment of the golf course Clubhouse and construction of a toilet facility adjacent to the northern boundary. The new building is proposed to be sited in the same location of the existing, located approximately 86.0 metres north of Cheltenham Road, approximately 450 metres west of Reserve Road and 290 metres south of Tulip Street. The built form will be located approximately 620 metres from the nearest residential properties and will have minimal (to no) visibility from external to the site.

The massing of the proposal has been designed to respond to the large site and respond to the vegetated nature of the golf course. The built form will be double storey in height with an overall height of 10.0 metres above natural ground level. The proposed building height and massing is considered to be appropriate in the context of the golf course, and in consideration of the Design and Development Overlay, Schedule 2, for the following reasons:

- In the context of the golf course, the site area is able to comfortably facilitate the proposed height and built form;
- The design of the new building is site responsive and will provide an attractive and functional replacement to the existing facilities on the subject site;
- The proposed built form maintains a human scale and will contribute to a positive pedestrian experience when entering the site. This will be enhanced by the active retail uses proposed at the ground floor level and the use of tactile materials which draw the eye to the lower floors and create a visually appealing response;
- The materiality of the proposal, including the use of timber cladding, Decowood Powdercoated Aluminium batters and board-formed concrete, will contribute to a materiality palette which will seek to respond to the vegetated character of the golf course and blend the built form.

The construction of the toilet building will an overall height of 2.9 metres with standing steam cladding to the walls and deco-wood powder coated aluminium detail. This facility will be sited to sit within the existing trees adjacent to Tulip Street and integrate into the site. It is considered that this small facility will not have a detrimental impact externally to the site and provide for improved on-site facility for golfers. As such, it is considered acceptable.

The works associated with the dam will not be discernible from external to the site. However, the extension of the dam will likely provide for ecological improvements including enhancement of artificial wetlands which will support a diversity of habitats such as waterbirds and frogs; planting of trees; rehabilitation of remnant patches; improvement of water quality and implementation of WSUD principals through a chain of parks and wetlands. As such, the works associated with the dam extension is considered acceptable and will provide for benefits to the site and surrounds.
6.2. Uses

The subject site is currently used as the existing Sandringham golf course, run as an integrated facility with the cafe, pro-shop and clubroom supporting the players of the golf course, rather than individual uses operating on the land. The new facility is proposed to continue the existing uses and continue to operate as an integrated golf course facility.

The continuation of the use as a golf course will entirely accords with the purpose of the Public Park and Recreation Zone. The driving range and high-performance training facilities are ancillary to the primary use as a golf course, and will complement the primary use of the land. These uses will continue to provide for ‘areas for public recreation and open space’ as sought by the purpose of the PPRZ.

The food and drink premises (café) and office uses will provide for appropriate ‘commercial uses where appropriate’, which will be subsidiary yet compliment the primary use of the land as a golf course. Parts of the facility are being sought to be subleased to Golf Victoria, including the office space for administrative purposes, and the treatment rooms, labs, strength and conditioning zones. However no other uses on site, including the café, are proposed for external hire. As such, it is considered that the uses will not result in any unreasonable amenity or detrimental impacts external to the site and considered acceptable.

6.3. Liquor Licence

The existing café on the land operates with Restaurant and Café Liquor Licence No. 32263167. The licensee is ‘Sandringham Golf Links Management Pty Ltd’, and the type of licence is described as:

‘This licence is a restaurant and café licence and authorises the licensee to supply liquor on the licensed premises for consultation on the licensed premises during the trading hours specified below.’

The new café is to operate in a similar manner, with an ‘On Premises Licence’. It is an application for a new license, however is essentially varying the existing licence on the land.

The maximum number of patrons is to be 300 and the hours of operation are to be:

- Good Friday and ANZAC Day between 12 noon and 8pm
- On any other day between 10am and 11pm

Having regard to the Decision Guidelines of Clause 52.27 (Licensed Premises) of the Bayside Planning Scheme, the licensed premises is considered acceptable in this instance, given:

- The premise is separated (in excess of 600 metres) from surrounding sensitive use and development, with the closest residence being approximately 600 metres away.
- The hours of operation are outside noise sensitive times (after 7am and before 11pm) and will not have any unreasonable impact on the amenity of the surrounding area. This is particularly considered reasonable given the distance of the facility from sensitive uses.
- The capacity of the café is commensurate with the capacity of the golf course and associated facilities and will not have any unreasonable impact in the amenity of the surrounding area.
- There are no other licensed premises proximate to the clubhouse or immediately near the site that would lead to a cumulative impact or potentially negative impact upon the amenity of the surrounding area.
For these reasons, the liquor licence associated with the café is considered reasonable in this instance.

6.4. Car Parking and Traffic

The existing car park on the subject site, associated with the existing Golf Course, will predominantly be retained. Similarly, the use of the site as an 18-hole course will also be retained and redeveloped.

Car Parking Provision

The existing 18-hole golf course provides for 209 car parking spaces which will be retained as part of the proposal.

Clause 52.06-5 of the Bayside Planning Scheme requires, for a golf course, 4 car parking spaces provided for each hole plus 50 per cent of the relevant requirement of any ancillary uses. As such, the proposal results in the following statutory requirements:

<table>
<thead>
<tr>
<th>USE</th>
<th>SIZE</th>
<th>PLANNING SCHEME PARKING RATE</th>
<th>CAR PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golf course</td>
<td>18 holes</td>
<td>4 to each hole plus 50% of the relevant requirement of any ancillary uses.</td>
<td>72 spaces</td>
</tr>
<tr>
<td>Café (food and drink premises)</td>
<td>200 m²</td>
<td>50% of 4 to each 100 m² of leasable floor area (Determined to be 50% rate, as the café is considered an ancillary use of the golf course)</td>
<td>4 spaces</td>
</tr>
<tr>
<td>Office</td>
<td>621 m²</td>
<td>3.5 to each 100 m² of net floor area</td>
<td>21 spaces</td>
</tr>
<tr>
<td>High-performance facility</td>
<td>676 m²</td>
<td>To the satisfaction of the responsible authority</td>
<td>-</td>
</tr>
<tr>
<td>Driving range</td>
<td>30 bays</td>
<td>To the satisfaction of the responsible authority</td>
<td>-</td>
</tr>
</tbody>
</table>

The retention of the 209 car parking spaces continues to meet, and exceed, the Clause 52.06-5 statutory requirement and as such, no reduction of parking is required or sought as part of this application.

Traffic Generation

The existing vehicular access from Cheltenham Road will be retained and utilised as part of this application. The Traffic Engineering advice prepared by O’Brien Traffic submitted with the application assessed the traffic generation rates assumed for this development.

It was found that the proposed development would generate an extra 35 trips in the AM peak (totalling 76) and an extra 77 trips in the PM peak (totalling 123).

O’Brien Traffic concluded that the amount of traffic generated would have no significant adverse impact on the safety and operation of the surrounding road network, noting “a traffic impact analysis using SIDRA Intersection 7 was performed on the current traffic volume and the estimated after development traffic volume scenarios. The analysis found that the increase in traffic volumes generated by the proposal would be able to be accommodated on the existing road network, and as such would have no significant adverse impact on the safety and operation of the surrounding road network”.
Council’s Traffic Engineers questioned the impact to the Reserve Road/Cheltenham Road intersection, in which O’Brien Traffic Engineers noted that in the PM peak (which was expected to have greater trip generation than the AM peak), the facility is expected to increase the number of vehicles entering Reserve Road from Cheltenham Road by 20 vehicles/hour and increase the number of vehicles entering Cheltenham Road from Reserve Road by 30 vehicles/hour over current volumes.

It would be expected that there would not be a significant negative impact on the performance of the Reserve Road/Cheltenham Road intersection, as, in the past 5 years, there has only been two casualty crashes (both classified as ‘other injury’) at that intersection and the increased traffic would not be expected to result in this rate significantly changing.

Council’s Traffic Engineers have not disagreed with this finding and therefore it is considered that the traffic generation can be readily accommodated within the existing road network.

6.5. Vegetation Removal

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.

Due to the redevelopment and updating of the existing golf course, of the existing 1000 (approx.) trees on site, it is proposed to remove 210 trees throughout the site to enable the upgrade.

Council’s Open Space Arborist has raised concerns in regards to the proposal having considered Council’s Street and Park Tree Management Policy, broadly are as follows:

- Removal of trees because they fall within redeveloped ‘fairway zones’;
- Removal of trees for driving range, with (potential) replacement of synthetic grass.

The above concerns are noted, however it is also noted that Council’s Street and Park Tree Management Policy is not incorporated within the Planning Scheme nor a consideration under the Planning and Environment Act, 1987. As such, consideration on balance of both the Vegetation Protection Overlay, Schedule 3 (VPO3) and Clause 52.17 (Native Vegetation) of the Bayside Planning Scheme will form the basis for this assessment and discussed within this section.

The intent of VPO3 is to be considered on balance with competing applicable objectives and strategies within the Bayside Planning Scheme. The purpose of the VPO3 is to protect areas of significant vegetation, ensure minimal losses of vegetation, preserve existing trees and other vegetation, recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance, maintain and enhance habitat and habitat corridors for indigenous fauna and encourage the regeneration of native vegetation.

The overlay does this via decision guidelines that, as relevant, consider what effect, if any, the proposed removal of native vegetation will have on vegetation to be retained on the land, the role of native vegetation in conserving on-site flora and fauna, the need to retain native vegetation that is rare or supports rare species of flora or fauna or forms part of a wildlife corridor or where provision is proposed to establish and maintain vegetation elsewhere on the land.

Further to the VPO3, Clause 52.17 (Native Vegetation) of the Bayside Planning Scheme seeks to:

1. ‘Avoid the removal, destruction or lopping of native vegetation.'
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.

3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.’

The proposal surveyed 410 trees throughout the site, and have a resultant request for the removal of 210 trees to enable for the redevelopment of the golf course. This is not the total number of trees throughout the site, with significantly more trees (approximately 1000) on site that will not be impacted and will be retained.

The trees proposed for removal are triggered as follows:

<table>
<thead>
<tr>
<th>Number of Trees triggered</th>
<th>VPO3</th>
<th>Clause 52.17 (Native Vegetation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>205 trees</td>
<td>207 trees</td>
<td></td>
</tr>
</tbody>
</table>

The proposal acknowledges the importance and significance of the existing native vegetation planted throughout the Sandringham Golf Club grounds. Existing native, indigenous and exotic trees within the subject site are sought to be retained where possible on balance with upgrading the existing golf course to cater for the needs of patrons.

It is acknowledged the number of trees for removal, triggered by both/or the VPO3 or Clause 52.17, are numerous throughout the site. The trees are relatively consistently triggered by both planning controls however will be assessed as a collective.

Given the Decision Guidelines speak to consideration of potential biodiversity impacts, the permit applicant submitted a Biodiversity Assessment report prepared by Ecology and Heritage Partners, having regard to the requirements of Clause 52.17 of the Bayside Planning Scheme (Native Vegetation) and the habitat corridors consideration of the VPO3. The assessment included site and desktop research of the flora and fauna within the site to determine the presence of significant species and/or ecological communities. The field assessment confirmed the presence of remnant vegetation within the study area, including Heathly Woodland and Sand Heathland and parts of the site has a strong affinity to Sedgy Swamp Woodland. The remainder of the study area comprises introduced and planted vegetation, within the fairways, putting greens, landscaped gardens and planted trees. Thirteen scattered trees (ten large and three small) and 23 large trees in patches were found, including River Red-gum and Coast Manna-gum.

Whilst potential ecological impacts of the proposal include removal of and disturbance to vegetation and foraging habitat, there are also several ecological gains that will be achieved by the proposal including enhancement of artificial wetlands and storage dams. These will essentially support a diversity of habitats such as waterbirds and frogs, planting of trees, rehabilitation of remnant patches, improvement of water quality and implementation of WSUD principals through a chain of parks and wetlands.

In consideration of the purposes and decision guidelines of both the VPO3 and Clause 52.17 (Native Vegetation) when weighed on balance with the remainder of the planning considerations, it is considered that the tree removal is acceptable in this instance, given:

- Where possible, the redevelopment of the golf course has sought to minimise the removal and lopping of native vegetation. The construction of the proposed building in the same location as the existing will avoid unnecessary tree removal elsewhere on the subject site.

- The Sandringham Golf Course will remain as a well planted area of open space, that links with other open space areas such as Royal Melbourne Golf Clubs Course and continues to maintain its role as a wildlife corridor.
• The large majority of trees (over 1000 trees) will not be impacted by the proposal and will be retained on site.

• There is also a commitment to replace any native ingenious flora at a rate of 3:1 on the subject site. For those trees to be removed, they will be replaced by the replanting of 3 trees to every 1 removed which can be enforced via Condition of permit.

• New planting required will be indigenous to the Bayside area and has specifically been chosen to further enhance biodiversity and maintain the character of the site.

When removing such native vegetation, offsets are required to compensate for the permitted removal of native vegetation. The offset requirement for native vegetation removal is 0.072 General Habitat Units (GHU) no Specific units. However, there is a commitment from the permit applicant to replant native vegetation on the subject site at a rate of 3 trees to every 1 tree removed, exceeding the offset requirement.

It is understood that extensive redesigning and siting of the Golf Course has been undertaken in an effort to retain vegetation where possible, minimise loss and offset removal. The overall aim of the replacement planting has been to minimise the impact on flora and fauna at the course, while also trying to achieve an upgraded facility including delivering the course lengths and design requirements for an 18 hole golf course.

The original concept drawings that were prepared and presented to Council in order to obtain land-owners consent, identified the removal of approximately 50% more trees. The proposed revegetation schedule and ongoing management practices aim to improve the overall biodiversity on the site. The submitted Biodiversity Report identifies merits of the course redesign including proposed planting and works associated with the dam extension as having a positive influence upon the habitat values of the site. Notwithstanding this, a Fauna Management Plan is recommended to be included as part of any permit issued to ensure the humane management and relocation of fauna prior to any works commencing.

As such, when considered on balance with the remaining planning controls and viability of the site as an on-going golf course, the proposal is considered to respond acceptably to the purposes and decision guidelines of the VPO3 and Clause 52.17 of the Bayside Planning Scheme when in consideration with the proposed replacement planting.

6.6. Replacement Landscaping

The course is currently referred to as both the ‘Sandringham Golf Course’ and the ‘Sandringham Golf Links’. The commonly used name is the Sandringham Golf Links, and the existing lease from Council to the operators of the course, is for the ‘Sandringham Golf Links, Cheltenham, Victoria 3192’.

The term ‘links course’ is used by a range of golf courses, having adopted the traditional term associated with links courses in the UK. The traditional UK courses were constructed on the ‘links’ ground which joins the arable farming land to the ocean. This term is still used by a range of golf courses, whether or not they bear any resemblance to the UK links courses or not.

Despite the ‘Links’ connotation, the vegetation characteristics of the course are considered to remain generally consistent with what is currently on site, including locally indigenous plants, trees and grasses. The provision of the required replacement planting will include all plants which are indigenous to the Bayside area and have assist to remediate sites; spread/increase/diversify local seedbank, and provide habitat for local fauna. The replacement planting will assist in providing replacement planting of the vegetation being removed.

As outlined in the previous section of this report, the offset requirement and replacement planting will contribute to replenishing and re-establishing the vegetated characteristic of
the existing golf course. It is recommended that the replacement planting be of Indigenous species to Council’s satisfaction.

6.7. Cultural Heritage Management Plan

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

6.8. Development Contributions Levy

The use of the site as a public golf course will continue, therefore Council’s Urban Strategy Department determined that the Development Contributions Levy is exempt.

6.9. Objector issues not already addressed

Increase in traffic

Whilst it is acknowledged that the development may generate some additional vehicle movements on the local road network, it is not considered that such additional movements would necessarily be concentrated or conflict substantially with existing traffic, as identified within this report.

A traffic report accompanied the application and whilst aspects of parking demand and supply may be questioned, these concerns can be addressed through conditions of any permit that may issue. The applicant’s report and Council’s Traffic Engineer are satisfied that the site can accommodate the traffic numbers generated by the development in a safe manner without leading to unreasonable congestion across the site.

6.10. Submission questions (summarised) not already addressed

Location of replacement/offset planting

As discussed within this report, the removal of trees on site, when considered on balance with the State and Local provisions of the Planning Scheme and purpose of the Zone, are considered acceptable in this instance. When considered on balance with the replacement planting proposed, the tree removal will not detrimentally or irreversibly affect the wildlife corridor. A condition on the planning permit will require detailed landscape plans to be submitted and endorsed as part of any planning permit issued, specifically nominating the replacement planting of indigenous species at a rate of 3:1.

Support of planting Indigenous species from the list provided, but there is scope for many more diverse species from the Bayside Community Nursery to be included

In the event of approval, the replacement planting will be required to be Indigenous planting (without controlling where the plants are sought from) to the satisfaction of the Responsible Authority. This allows Council’s Arborists to oversee the species proposed for replanting.

Can these sites be included in Bayside’s Biodiversity Action Plan

This is not a relevant consideration in assessing an application under the provisions of the Planning & Environment Act, 1987 or the Bayside Planning Scheme. However, the suggestion can be put forth by the submitter to the relevant Council Department.

Question of weed infestation and weed control into the future

Given the consideration for the longevity of the replacement planting, a condition of approval will be included in the event of approval requiring the Golf Course to appropriately control weed infestation.

Before removal of any bushland, provision should be made towards the survival and safety of any wildlife using the area to roost, sleep or breed, including Ringtail Possums and sugar ants
It is recommended to include a condition of permit that a Fauna Management Plan, prepared by a qualified Ecologist, will ensure the relocation and humane management of fauna to be affected and displaced by the removal of trees and impact of the development. This is to be developed in conjunction with the replacement planting proposed. Hollows are to be identified and assessed with fauna relocated and hollows closed off prior to commencement of any site works. This report will be required to be Council’s satisfaction and endorsed prior to works commencing.

Support Attachments

1. Development Plans
2. Vegetation Plans
3. Site and Surrounds
4. VPO3 Assessment
# Contents

01 - Design Response  
  Introduction  3  
  Design Statement  3  
  Design Diagrams  4  

02 - Existing Site  
  Site Context Plan  5  
  Site Plan - Existing  8  

03 - Drawings  
  Proposed Site Context  7  
  Site Plan  8  
  Plan - Ground Floor  9  
  Plan - First Floor  10  
  Roof Plan  11  
  Setback Elevation/Section  12  

04 - Return Brief  
  Building Area Schedules  13  
  Ground Floor Room Schedules  14  
  First Floor Room Schedules  15  

05 - Materiality  16  

06 - Elevations  17  

07 - Axonometric  19  

08 - Perspective Views  20  

09 - On-Course Toilet Detail  22
01 - Design Response

Introduction

The Sandringham Golf Links Project is a joint initiative between Golf Victoria, Golf Australia, PGA Australia and Sandringham Golf Links Management to create a home for golf in Victoria, and a national high performance centre.

Once completed, the project will also provide a range of improvements to complement the proposed development of Sandringham Golf Links which includes the following enhancements:

- Driving Range
- Short Game Practice Area
- Reconfiguration of the 18 hole course
- Additional water storage
- Cafe/Course Operations
- Administration Areas
- Indoor High Performance Training Facilities

Design Statement

The proposed design for the Sandringham Golf Links Training Facility is focused on minimising physical impact upon the site, whilst maximising visual and programmatic engagement with the building’s context.

The building has been positioned to retain several significant trees and has minimal effect on the existing traffic and parking conditions of the site. Additionally, the building has been kept under a 10m height, giving it enough visual impact within the landscape without exceeding the height of the surrounding trees.

The 86m setback from the nearest roadway helps isolate the building from the surrounding built environment, helping to further enhance the unique visual impact of the building within the landscape. This setback also provides the opportunity for 360 degree views out of the building and allows every elevation of the building to have an active engagement with the site. As such, there is not necessarily a ‘front’ or ‘back’ to the building but instead a series of approaches from different directions.

The material choices are intended to be robust and appropriately hard wearing for the natural landscape and internalised mechanical services leave the roof free of equipment allowing for an elegant and simple building profile in elevation.
01 - Design Response

Design Diagrams

- 360 degree views out of the building.
- Multiple approaches from different directions.
- Building integrated within golf course design.
- Location of the building to minimise impact on existing trees.
- Diagonal connection between front nine and back nine to leverage usage of building facilities for players.
- Visual impact within the landscape without exceeding the height of the surrounding trees.
- Elegant and simple pavilion style building.
- Building profile is sweeping and draws reference from survey tree locations and horizontal aspect of environment.
- This is a 360 degree viewed building. The roof profile has been designed to be clean to address the requirement.
## 04 - Return Brief

### Building Area Schedules

The following schedule reflects the proposed areas and functions of the Sandringham Golf Links Training Facility.

The building combines high performance training, administrative, and community/public facilities under one roof, achieved through flexible/adaptable multi-use spaces.

### Overall Building

<table>
<thead>
<tr>
<th>Function (Space)</th>
<th>Description</th>
<th>Current Schematic Design (m²)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Floor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf and Officers' Front Office</td>
<td></td>
<td>282</td>
<td></td>
</tr>
<tr>
<td>Board Meeting and Function Rooms</td>
<td></td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>Golf Course</td>
<td></td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Golf Administration Operations</td>
<td></td>
<td>76</td>
<td></td>
</tr>
<tr>
<td>High Performance Education/Training</td>
<td></td>
<td>664</td>
<td></td>
</tr>
<tr>
<td>Amenity/Circulation</td>
<td></td>
<td>85</td>
<td>15% of total</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>1,902</strong></td>
<td></td>
</tr>
<tr>
<td>First Floor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Victoria Offices</td>
<td></td>
<td>495</td>
<td></td>
</tr>
<tr>
<td>Amenity/Circulation</td>
<td></td>
<td>109</td>
<td>5% of total</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>604</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Area Totals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground Floor</td>
<td></td>
<td>1,392</td>
<td></td>
</tr>
</tbody>
</table>
| First Floor                      |             | 603                           | 603 (for amenity/circula-
tion) |
| **TOTAL**                        |             | **1,995**                     |          |
# 04 - Return Brief

## Ground Floor Room Schedules

<table>
<thead>
<tr>
<th>Function (Space)</th>
<th>Description</th>
<th>Current Schematic Design (Area)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Golf and Office Front of House</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foyer</td>
<td>60 Floor material suitable for porter spaces.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Café</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pro Shop Course Management and Retail</td>
<td>200 Accommodated into Café. Non-space priority. Shopping, Gifts, tests.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pro Shop Store</td>
<td>Required for testing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pro Shop Office</td>
<td>Course Manager</td>
<td>12 View to first hole course.</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>282</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Function (Space)</th>
<th>Description</th>
<th>Current Schematic Design (Area)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shared Meeting and Function Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeting Room</td>
<td>Large meeting room with partition through the middle. 40 Av/req.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breakout Room</td>
<td>15 Breakout room with partition to cater to several meeting rooms, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>55</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Function (Space)</th>
<th>Description</th>
<th>Current Schematic Design (Area)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Self Administration Operations</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Records, Storage</td>
<td>20 Shelving</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant Room</td>
<td>For mechanical services, etc.</td>
<td>16 Moved to ground floor to keep roof free of mechanical services</td>
<td></td>
</tr>
<tr>
<td>Meeting 1</td>
<td>Additional Break out area</td>
<td>20 Av/TV req.</td>
<td></td>
</tr>
<tr>
<td>Meeting 2</td>
<td>Additional Break out area</td>
<td>20 Av/TV req.</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>16</td>
<td></td>
</tr>
</tbody>
</table>

## Ground Floor

<table>
<thead>
<tr>
<th>Position (Space)</th>
<th>Description</th>
<th>Current Schematic Design (Area)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High Performance Education/Training</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lecture Theatre</td>
<td>Theatre for 50 students</td>
<td>83</td>
<td></td>
</tr>
<tr>
<td>Strength and Conditioning Zone</td>
<td>Cardio and free weights.</td>
<td>175 Access to outside, solid wall for training</td>
<td></td>
</tr>
<tr>
<td>Putting Green</td>
<td>24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L1</td>
<td>53  4.0m high clearance</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>L2</td>
<td>53  4.0m high clearance</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>L3</td>
<td>53  4.0m high clearance</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>Treatment Room 1</td>
<td>Permanent Set up</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Treatment Room 2</td>
<td>Temporary Set up</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td>Central Store for high performance areas</td>
<td>20</td>
<td>Access to Labs</td>
</tr>
<tr>
<td>Lockers/Change Rooms and Facilities</td>
<td>Change/Ramen</td>
<td>90</td>
<td></td>
</tr>
<tr>
<td>Accessible WC/Shower</td>
<td></td>
<td>9</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>194</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Position (Space)</th>
<th>Description</th>
<th>Current Schematic Design (Area)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Storage/Amenity</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cleaners</td>
<td>Cleaning product/equipment storage</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Accessible WC</td>
<td></td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Circulation</td>
<td></td>
<td>79</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>95</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Position (Space)</th>
<th>Description</th>
<th>Current Schematic Design (Area)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Golf Museums</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public exhibition wall</td>
<td>- incorporated into Foyer, memorabilia inc. cabinets</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Golf Museum Storage</td>
<td>Store for artefacts not on display</td>
<td>Room for art, aren...</td>
<td>40</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>40</td>
<td></td>
</tr>
</tbody>
</table>
04 - Return Brief
First Floor Room Schedules

<table>
<thead>
<tr>
<th>Function (Space)</th>
<th>Description</th>
<th>Current Schematic Design (Area)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golf Victoria Offices</td>
<td>Reception</td>
<td>7</td>
<td>Linked to boardroom</td>
</tr>
<tr>
<td>CEO Office</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEO Office</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff Room</td>
<td>Shared Area for 25 plus Staff</td>
<td>25</td>
<td>Kitchen area</td>
</tr>
<tr>
<td>Board Room</td>
<td>Board Room Capacity for 25</td>
<td>66</td>
<td>Kitchenette located close by</td>
</tr>
<tr>
<td>Alcove</td>
<td>39</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Print/Copy</td>
<td>20</td>
<td>Print station and work area</td>
<td></td>
</tr>
<tr>
<td>Comm/IT</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>495</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Function (Space)</th>
<th>Description</th>
<th>Current Schematic Design (Area)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amenity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male WC</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female WC</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessible WC</td>
<td>8</td>
<td></td>
<td></td>
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<tr>
<td>Deck</td>
<td>80</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discussion</td>
<td>40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>164</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
05 - Materiality

Exterior Materials

PCI - Dark Grey Powdercoated Aluminium (for flashing and select face treatments)

SSI - Timber Cladding to structural steel members and eaves lining

SA - Standing Seam Wall Cladding in Colorbond Monument

DTM - Decowood Powdercoated Aluminium Battens for facade structure on existing deck

KCI - Kingspan T120 Roof Sheeting in Colorbond Monument

CDI - Board-formed Concrete (cast facia with steel reinforcement and through louver)
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>Submissions (x2)</td>
<td>▲</td>
</tr>
</tbody>
</table>
Figure 2 The site as viewed from Cheltenham Road

Figure 3 The site as viewed from Cheltenham Road/Reserve Road intersection

Figure 4 Looking south to the site (centrally) from Tulip Street
## Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)

<table>
<thead>
<tr>
<th>Decision Guideline</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The impact the vegetation removal would have on the character of the area</td>
<td>The removal of trees on site, with replacement planting at a ratio of 3:1 for each tree removed, will not have a detrimental impact on the vegetated character of the area. The trees will not be discernible from the public realm nor have a detrimental impact to the character of the area.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>On balance with the replacement planting of indigenous trees throughout the site, it is considered that the proposal will not have an unreasonable impact on the indigenous species in the locality. The proposal acknowledges the importance and significance of the existing native vegetation planted throughout the Sandringham Golf Club grounds. Existing native, indigenous and exotic trees within the subject site are sought to be retained where possible on balance with upgrading the existing golf course to cater for the needs of patrons.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development.</td>
<td>The trees for removal are predominantly centrally located within the Golf Course and their removal will have a negligible impact when viewed from the public realm. This is also considered on balance with the proposed replacement planting throughout the site, which will maintain the site's vegetated characteristics within the locality.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</td>
<td>When considered on balance with the replacement planting, which will include in excess of 582 canopy trees throughout the site, there is no evidence to suggest that the removal of the trees within the golf course would impact on local fauna. The original concept drawings that were prepared and presented to Council in order to obtain land-owners consent, identified the removal of approximately 50% more trees. The proposed revegetation schedule and ongoing management practices aim to improve the overall biodiversity on the site. The submitted Biodiversity Report identifies merits of the course redesign including proposed planting and works associated with the dam extension as having a positive influence upon the habitat values of the site. Notwithstanding this, a Fauna Management Plan is recommended to be included as part of any permit issued to ensure the humane management and relocation of fauna prior to any works commencing. The replacement planting throughout the site would improve the existing conditions, given a net benefit of canopy trees will contribute to the wildlife corridor as outlined within the attached report.</td>
</tr>
<tr>
<td>Any proposal to regenerate or plant indigenous vegetation on the site.</td>
<td>As a condition of approval, updated replacement planting plans, nominating replacement planting throughout the site, will be required for endorsement prior to any works commencing on the site. At a minimum, a ratio of 3:1 replacement canopy trees (equating to in excess of 582 canopy trees) are to be planted throughout the site and all to be Indigenous species to Council’s satisfaction. This will enable the site to maintain its natural beauty, interest and importance, maintain and enhance this habitat corridor for indigenous fauna and encourage the regeneration of native vegetation throughout the site.</td>
</tr>
</tbody>
</table>

**Arborist Response:**

“I have reviewed the provided plans, arborist report and conducted a site inspection. There are multiple trees that have been identified for removal on the plans and on the Arboricultural report provided by the applicant. An inspection of the site identified significant native and indigenous trees, many with occupied hollows. Where trees were on the edge of greens, between fairways or where fairways were not yet designed, the applicant was requested to reconsider tree retention.

The applicant responses were:

1. Cannot be retained - trees cannot be retained because they fall into the ‘fairway zone’, causing ‘shading’ or drop ‘nuts and debris’.

Council’s Street and Park Tree Management Policy section 6.2(ii) states ‘the seasonal dropping of leaves, flowers, fruit, seeds or small elements of deadwood by urban trees is considered normal and does not provide the basis for Council to prune or remove a tree’. Therefore under policy trees E01, 02, 03, 04, 200 and 202 do not meet the criteria for removal.

2. Cannot be retained – falls in the fairway zone.

Under Council’s Street and Park Tree Management Policy section 6.5.1 point 3 states evidence that ‘the tree cannot reasonably be expected to be implemented into the design of the development’.

Trees E225A, 225C, 225D, 208A, 200 and 190 located on the edge fairway zones were identified as significant habitat trees with existing occupied hollows. In 2016 Bayside City Council endorsed the Bayside Biodiversity Action Plan which identified private and public golf courses as areas of Indigenous vegetation that provide habitat and wildlife corridors through the municipality. One of the aims of the study is to increase the amount and range of habitat across Bayside City Council and to identify opportunities to establish habitat corridors to link important conservation areas, Action 7.

To support retention of these trees, they were assessed using MATHS (Method for Assessing Trees for Habitat Status) developed for Bayside City Council to assess trees for habitat retention.

A ‘High’ rating was attained for all assessed trees due to their maturity and size and having suitable habitable or in-use hollows.

Therefore trees E225A, 225C, 225D, 208A, 200, 190 located on the edge fairway zones do not meet the criteria for removal under the Biodiversity Action Plan or the Street and Park Tree Management Policy section 6.5, ‘the tree cannot reasonably be expected to be implemented into the design of the development’.

3. Flagged for removal, not sure of the exact location of the synthetic and grass trees that will make up the driving range and High Performance Lab.
The synthetic and grass trees that make up the driving range and the high performance labs placement has not yet been designed. This area contains several habitat and indigenous trees.

_Bayside City Council Plan 2017-2018_ recommends that mature trees are protected and enhanced to make Bayside a better place.

Therefore it is recommended that trees E206,207, 207A, 208,208A, 209, 209A, 209B, 209C, 210, 212, 213, 215, 216, 217, 218, 219, 220, 221, 222, 223, 225, 225 should not be considered for removal until further information as to the placement of the driving range and high performance labs are determined. Habitat trees E206, 208A, 209, 213, 214 & 218 are located in this group of trees, therefore the design should consider the retention of these trees.

_Bayside’s Tree Amenity Valuation Method_: This method requires a payment for the removal of trees that meet the criteria for removal under the Street and Park Tree Management Policy. The amenity value for trees recommended for removal has been calculated with the overall value amounting to $2,000,000. The habitat trees value amounts to $354,500 or 18% of the overall value. The Amenity Valuation should be applied to all trees requiring removal prior to or during these construction works.

**Response:**

The Open Space Arborist does not support this design in its present form. Trees that do not meet the criteria for removal under Council Policy should be retained and the design amended to reflect tree retention.

_The amended design should be referred to the Open Space Arborist for review._

**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 (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 (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 (L) Low**

## 4.3 4 BOLTON STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT
APPLICATION NO: 2017/692/2 WARD: SOUTHERN

City Planning & Community Services - Development Services
File No: PSF/17/5962 – Doc No: DOC/18/260351

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant an Amended Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Leonid Sivinski</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The site is subject to restrictive covenant 1394059. The covenant does not restrict the proposed development.</td>
</tr>
<tr>
<td>Date application received</td>
<td>28 May, 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>63 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>836m²</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>No</td>
</tr>
</tbody>
</table>

### Proposal

The application seeks approval to amend the permit pursuant to Section 72 of the *Planning and Environment Act 1987* by amending the plans to show:

- The removal of Tree #12 (Coast Banksia) within the front setback
- The removal of a retaining wall within Unit 1’s front setback
- Change the materials of Unit 1’s garage wall from timber cladding to render colour 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

Planning Permit 2017/692/1 was issued by Council on 13 February 2018.

The permit allows the construction of two double storey attached dwellings and the removal of native vegetation on land affected by the Vegetation Protection Overlay in accordance with the endorsed plans.
Plans Sheets 1 – 8 were endorsed by Council on 18 April 2018. Development on site of the subject dwellings has commenced.

2. Planning controls

Pursuant to Section 72 of the Planning and Environment Act 1987, the ambit of discretion is limited to the proposed changes sought by the applicant. Consideration cannot be given to elements already approved as part of the original application but not sought to be amended.

Planning permit requirements associated with amendments

- Clause 42.02-2 (Vegetation Protection Overlay Schedule 3) – Remove, destroy or lop any vegetation native to Australia.

Original planning permit requirements

- Clause 32.09-6 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.
- Clause 42.02-2 (Vegetation Protection Overlay Schedule 3) – 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 permit condition requiring the retention of tree #12.</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 3 objections were received.

3 objection remains outstanding at the time of this report.

The following concerns were raised:

- Removal of Tree #12.

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

Consultation meeting

A consultation meeting was not considered necessary for this application because the objections related solely to the tree and the recommendation of the officers is to retain the tree.
4. **Recommendation**

That Council resolve to issue a **Notice of Decision to Grant an Amend a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application No. 2017/692/1** for the land known and described as **4 Bolton Street Beaumaris**, for the **Construction of two double-storey, attached dwellings and removal of native vegetation (8 trees)** on land affected by the **Vegetation Protection Overlay** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) Council date stamped 30 July 2018 but modified to show:
   a) An elevation of the proposed fence at the entrance to Dwelling 1 to the satisfaction of the responsible authority.
   b) Location of all plant and equipment, including hot water services and air conditioners etc.
   c) Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
   d) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
   e) Water sensitive urban design measures in accordance with condition 8.
   f) **An updated ground floor plan showing the retention of Tree #12.**
   g) **Within 4 weeks of any amended permit being issued, an updated Tree Management Plan and Tree Protection Plan (condition 13), detailing specific methods required to ensure the ongoing protection, and ongoing survival of Tree 12 throughout the remainder of construction, and also post construction. This must include ongoing supervision from a qualified arborist. Conditions 14, 15 and 16 must then be complied with.**

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

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

7. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating for example paint samples) to the
satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.

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. Before the occupation of the development starts, the areas 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.

10. Before the occupation of the development starts, new or altered vehicle crossings 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.

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.

13. 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.

14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

16. 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 stormwater is drained under gravity to the Council network.

18. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s Infrastructure Assets Department.

19. 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 Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

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

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

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

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

Permit Notes

- Should tree 12 fail to survive the works, separate enforcement action will be undertaken associated with the builders failure to adequately protect the tree in accordance with the permit requirements.

- 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.

• 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.

• Before the vehicle crossing application will be approved, the applicant must pay $7,885.39 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.

  Amenity value of street tree asset #429765: $6,177.48
  (as determined under the Street Tree Management Strategy 2008)

  Removal of subject tree: $517.00
  Replanting of 2 trees @ $236.85 each: $473.70
  (as replacement trees for the removal of the subject tree)
  Subtotal: $7,168.54
  GST: $716.85
  TOTAL: $7,885.39

THE PERMIT INCORPORATES THE FOLLOWING AMENDMENTS:

<table>
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<tr>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>13/11/2018</td>
<td>Amendment pursuant to Section 72 of the Planning and Environment Act 1987, involving:</td>
</tr>
<tr>
<td></td>
<td>Addition of conditions 1(f) and 1(g)</td>
</tr>
<tr>
<td></td>
<td>Addition of a permit note</td>
</tr>
<tr>
<td></td>
<td>Amendment to the plans endorsed under the permit:</td>
</tr>
<tr>
<td></td>
<td>• Remove the retaining wall located within the front setback of Unit 1.</td>
</tr>
<tr>
<td></td>
<td>• Modify the materials of Unit 1’s garage wall from timber cladding to render colour 3.</td>
</tr>
</tbody>
</table>

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED

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.

Relevant strategies of the Council plan include:
- Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.
- Ensure new development responds to preferred neighbourhood character in activity centres.

**Bayside Planning Scheme**

- Clause 10 Planning Policy Framework
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks and Amenity
- Clause 14 Natural Resource Environment
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.04 Environmental and Landscape Values
- Clause 21.06 Built Environment and Heritage
- Clause 22.06 Neighbourhood Character Policy (Precinct H3)
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

6. Consideration of amendments

In considering the amendments proposed, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, any 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 H3.

Tree #12 is a mature Coast Banksia located within the front setback of the subject site and makes a significant contribution to the Bolton Street streetscape. Its proposed removal will have a negative impact on the prevailing garden setting and preferred
streetscapes character and wider neighbourhood character of Precinct H3.

Council’s Arborist objects to the removal of Tree #12 and require an updated Tree Management and Protection Plan required by Conditions 13. This revised Plan must then be implemented and the project arborist must supervise and manage the protection of this tree for the duration of the approved build on the subject site. These recommendations are supported.

The proposed removal of the associated retaining wall and change to material of Unit 1’s garage wall from timber cladding to render colour 3 will make a minimal, if any, impact on the streetscape character and/or wider neighbourhood character of Precinct H3 and are therefore considered acceptable and supported, as proposed.

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 1 tree (Tree #12) from the site and is protected by the VPO3.

Council’s Arborist has reviewed the application and advises that Tree #12 is considered to be of poor health and fair structure. Council’s Arborist notes that the decline of this tree can likely be attributed to lack of protection during the development of the neighbouring property and also during the current development of the subject site.

The removal of this tree is not supported due to its significance in the landscape, and also the cause of its decline being attributed to inappropriate protection measures throughout construction. Tree #12 is a mature tree that makes a significant contribution to the garden setting and general streetscape character of Bolton Street. Council’s Arborist does not support the removal of this tree. While Tree #12 currently has a poor health rating, remaining foliage is in good condition ensuring that it can recover and remain viable for greater than 5 - 10 years. Tree #12 must be retained and protected.

Should the tree ultimately fail, separate enforcement would be undertaken, as this would likely indicate a breach of the permit conditions that required this tree to be retained and protected.

6.3 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.

Support Attachments

1. Development Plans
2. Site & Surrounds
3. Neighbourhood Character Assessment Precinct H3
Site Area - 836 Sq m
Site Coverage including El Fresco - 49.9%
Garden Area - 37.4%

GROUND FLOOR PLAN scale 1:100 at A1

PROPOSED NEW DEVELOPMENT
4 BOLTON STREET, BEAUMARIS 3193
ATTACHMENT 2
SITE AND SURROUNDS IMAGERY

Figure 1 Aerial overview of the site and surrounds.

Legend

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
<td>⭐</td>
</tr>
<tr>
<td>Objector(s)</td>
<td>⬤</td>
</tr>
</tbody>
</table>

*Third Objector: Has sought details to remain private.*
Figure 2 View south towards the subject site.

Figure 3 View south-west towards the subject site.
Figure 4 View south-east towards the subject site from the corner of Keating Street and Bolton Street.

Figure 5 View east along Bolton Street from the subject sites frontage.
Figure 6 View north from the subject sites frontage.

Figure 7 View west along Bolton Street from the subject sites frontage.
Figure 10 View north towards 7 Bolton Street.

Figure 11 Views north towards 5 and 3 Bolton Street.
ATTACHMENT 1

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 understory, and provide for the planting of new indigenous trees wherever possible (locate footings outside root zone).  
- Prepare a landscape plan to accompany all applications for new dwellings that 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  
The proposal involves the removal of Tree #12 from the site. The application has been reviewed by Council’s Arborist and removal of the tree is not supported due to its significance in the landscape. It is recommended that the Tree Management and Protection Plan be implemented in accordance with Condition 14 of the planning permit, and request that the project arborist supervise the application of mulch, installation of tree protection fencing, a drip irrigation system within the Tree Protection Zone (TPZ), and monitor tree health for the duration of the development. |

| 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 |

<p>| To minimise the loss of front garden spaces and the | - Locate garages and carports behind the line of the dwelling | Car parking structures that dominate | N/A |</p>
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>dominance of car parking structures.</td>
<td>• Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints; the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space.</td>
<td>the façade or view of the dwelling.</td>
<td></td>
</tr>
<tr>
<td>To minimise site disturbance and impact of the building on the landscape.</td>
<td>• Buildings should be designed to follow the contours of the site on sloping sites. • 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.</td>
<td>Major excavation works and site levelling. Buildings that protrude above the tree canopy height.</td>
<td>N/A</td>
</tr>
<tr>
<td>To ensure that new buildings provide an articulated and interesting façade to the street.</td>
<td>• Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation. • Recess upper levels from the front façade.</td>
<td>Large, bulky buildings Poorly articulated front and side wall surfaces.</td>
<td>Responds The proposed changes to the materials of Unit 1’s garage wall from timber cladding to render colour 3 will have a minimal, if any, impact on the streetscape character and/or wider neighbourhood character.</td>
</tr>
<tr>
<td>To use building materials and finishes that complement the natural setting.</td>
<td>• Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick.</td>
<td>Period reproduction styles and detailing.</td>
<td>Responds The proposed changes to the materials of Unit 1’s garage wall are considered to be appropriate and will complement the approved dwelling and surrounding area.</td>
</tr>
<tr>
<td>To maintain the openness of the front garden to the street.</td>
<td>• Provide open style front fences, other than along heavily trafficked roads. • Use vegetation as an alternative where possible.</td>
<td>High or solid front fences.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
4.4 63 ARDOYNE STREET, BLACK ROCK
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/478/1 WARD: SOUTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/261620

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Song Bowden Planning</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>17 August 2017 (Amended 17 September 2018)</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>49</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay</td>
</tr>
<tr>
<td></td>
<td>(Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td>Site area</td>
<td>771.43m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>6</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes. $2,020 – Catchment Area 20</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Proposal
The application seeks the construction of two double storey attached dwellings with basement car park and removal of vegetation within the Vegetation Protection Overlay (VPO3).

Key details of the proposal are as follows:
- Number of dwellings: 2
- Maximum building height in metres and storeys: 7.3m, 2 storeys with basement car park
- Site coverage: 50%
- Permeability: 35.32%
- Garden Area: 36.66%
- Car spaces total number 4 spaces with two spaces allocated to both Dwelling 1 and 2 within the basement.

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.
  
  Note: Clause 32.09-4 requires that for the construction of a dwelling or residential building on a lot above 650 square metres, a lot must provide a minimum of 35% garden area at ground floor level.

  The development plans confirm that the development has a garden area of 282.52m² which equates to 36.66% and exceeds the minimum 35% garden area required by the Clause.
- Clause 42.02-2 (Vegetation Protection Overlay) – Remove, destroy or lop any vegetation specified in Schedule 3.

Planning Scheme Amendments
There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

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

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

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

Public notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 6 objections were received.

6 objections remain outstanding at the time of this report.
The following concerns were raised:
- Neighbourhood character/streetscape
- Variations to setback requirements
- Minimal landscaping
- Overlooking
- Overshadowing
- Reduced on-street car parking due to additional crossover
• Damage due to proposed excavation
• Impact to boundary fencing

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

Consultation meeting
A consultation meeting was held on 2 May 2018 attended by the permit applicant and 5 objectors. As a result of this meeting no objections were withdrawn.

The applicant did however amend the application on 17 September 2018 to seek to satisfy objector concerns. In this, the following changes have been made to the proposed development:

• Deletion of first floor balconies from the rear elevation of each dwelling;
• An increase in floor area of the first floor retreat of each dwelling and the consequential decrease in first floor rear setback from 9.435m to 7.035m;
• Reconfiguration of the first floor plan of each dwelling; and
• Increase in first floor side setbacks to 3 metres or more.

These plans were sent to the objectors on 19 September 2018. There have been no withdrawals of objections as a result of these amended plans.

4. Recommendation

That Council resolve to issue a Notice of Decision to Grant a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 5/2017/478/1 for the land known and described as 63 Ardoyne Street Black Rock for the construction of two double storey attached dwellings with basement car park and removal of vegetation within the Vegetation Protection Overlay (VPO3) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Point Architects referenced as Job No. 823 Drawing Nos. 100B, 101B, 102B, 103B, 200B & 300B dated 04/17 and Landscape Concept Plan prepared by Memla Pty Ltd Project# 2098 Drawing No. LC dated 23/11/17 but modified to show:

   a) Unit 1’s and 2 crossovers and basement ramps to have a 3.6m width, dimensioned on the plans.
   b) Screening between the secluded private open space of Units 1 & 2 to be in accordance with of Clause 55.04-7 (Standard B23) of the Bayside Planning Scheme.
   c) A schedule of construction materials, external finishes and colours (incorporating for example paint samples/colour swatches) to the satisfaction of the Responsible Authority.
   d) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
e) Water Sensitive Urban Design measures in accordance with Condition 8.
f) A Landscaping Plan in accordance with Conditions 10.
g) A Tree Impact assessment Report and Tree Management and Protection Plan associated with trees on neighbouring properties in accordance with Conditions 13.
h) Street tree protection measures as required by Condition 13.

All to the satisfaction of the Responsible Authority.

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

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

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

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

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. Any 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. Before the development starts, 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 Memla Pty Ltd Project # 2098 Drawing No. LC dated 23/11/17 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

   a) A full planting schedule and replacement canopy tree species in accordance with Table 3 within the Bayside City Council Landscape Guidelines (2016).

   b) A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

   c) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

   d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.

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

   f) Details of surface finishes of pathways and driveways.

11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

**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 in accordance with the Tree Management Plan and Protection Plan dated July 2018 prepared by Kylie May, Consultant Arborist, John Patrick Landscape Architects Ltd submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the site, be in accordance with AS4970-2009, prepared by a suitably qualified arborist and include:

- Details of Tree Protection Zones for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.

- Comment on the methods to be utilised and instruction on how to deploy them.

- Comment on when the protection measures are to be deployed.
• Comment on when the protection measures can be modified.
• Processes that will be followed if any damage occurs to a tree.
• Processes that will be followed if construction works require alteration to the protection measures outlined in report and;
• Stages of development at which inspections will occur.

Any proposed alterations to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must be noted and provided to the Responsible Authority within 28 working days of a written request.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented.

The tree protection plan must be drawn to scale and show the location of all tree protection measures to be utilised.

If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

Street Tree Protection

16. Before the development starts, tree protection fencing is to be established around the existing Corymbia ficifolia (Red Flowering Gum) street tree asset 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. Soil excavation must not occur within 2 metres from the edge of the Corymbia ficifolia (Red Flowering Gum) street tree assets stem at ground level.

Development Contribution

18. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy of $2020 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.

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

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

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

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

Permit Notes:
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours’ notice is required.
- The 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.
- The applicant is to bear the cost to reinstate/relocate the Council assets if any, to provide the required access to the proposed development.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council’s Policy for “Works on Assets within the Road Reserve Policy 2018”.

5. Council Policy
Council Plan 2017-2021

Relevant objectives of the Council plan include:
Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.

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

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

Relevant strategies of the Council plan include:

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

Bayside Planning Scheme

- Clause 10 Planning Policy Framework
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- 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 21.09 Transport and Access
- Clause 21.10 Infrastructure
- Clause 22.06 Neighbourhood Character Policy (Precinct H1)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines
6. Considerations

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

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct H1. The proposal is considered to demonstrate an appropriate level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The area is characterised by a tree lined streetscape and a variety of single and double storey dwellings, consisting of single storey facebrick original housing stock with pitched tiled roofs and contemporary double storey infill development. Basement car parking is uncommon with Ardoyne Street, yet is evident within the immediate wider neighbourhood. Front gardens are established and typical of the bushy coastal setting of the area and are set behind a variety of mostly high front fencing constructed in a mix of materials ranging from brick, render and timber.

The contemporary design response featuring a flat roof form and generous fenestration facing the street responds to the preferred residential character, scale and built form. The choice of light-weight render with timber battens and zinc cladding at first floor suitably respect and complement the coastal neighbourhood character evident within the street and preferred within Neighbourhood Character Precinct H1.

The extent of the basement envelope is considered acceptable and retains space for suitable future landscaping opportunities, as shown on the submitted concept landscape plan which is also supported by Council’s Arborist. As recommended by Council’s Arborist a condition of permit will require the submission of a Tree Impact Assessment Report and Tree Management Plan to protect existing trees located on neighbouring properties.

In addition, basement ramps have been carefully designed to minimise the extent of hard paving and their visual impact to the streetscape by promoting appropriate landscaping opportunities within the front setback. Finally, a 1.2m high semi-transparent front fence is proposed, resulting in views of future landscaping within the front setback.

Overall, the proposed development will make a positive contribution to the Ardoyne Street streetscape and wider H1 Neighbourhood Character Precinct.

6.2. Compliance with Clause 55 (ResCode)

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

Standard B17- (Side and Rear Setbacks)

<table>
<thead>
<tr>
<th></th>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>East (side)</td>
<td>0m – 2m</td>
<td>1.24m – 3.23m</td>
</tr>
<tr>
<td>West (side)</td>
<td>0m – 2m</td>
<td>1.24m – 3.23m</td>
</tr>
<tr>
<td>North (rear)</td>
<td>3m</td>
<td>7.12m</td>
</tr>
</tbody>
</table>

The objective of the standard is to ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.
The proposed 1.24m ground floor side setbacks to the east and west boundaries fail to comply with Council’s varied numerical side setback requirement set-out by the schedule to the zone. However, they are considered reasonable in this instance as the proposed ground floor built form will be largely obscured by the existing 2m high boundary fencing along the east and west boundaries which will limit perceived visual bulk to adjoining neighbours.

On these considerations, the transgressions are considered acceptable and no changes to the setbacks are warranted.

**Standard B23 – (Internal Views)**

The submitted planning drawings do not clearly indicate how inter-visibility between the secluded private open space areas of each dwelling will be limited. A condition of permit can resolve this concern and is included as part of the recommendation.

### 6.3. Landscaping

The objectives of the Vegetation Protection Overlay (Schedule 3) 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.

Existing on-site trees, identified as Trees 2, 3, 7, 8, 9, 10, 11 & 12 within the applicant’s submitted Arborist report prepared by Kylie May dated December 2017 are protected by Council’s VPO3 (refer **Attachment 7**).

In addition, existing on-site Tree 4 is also protected by Council’s Local Law.

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

<table>
<thead>
<tr>
<th>VPO3 protected trees</th>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed for removal</td>
<td>Proposed for retention</td>
<td>Proposed for removal</td>
</tr>
<tr>
<td>Trees 2, 3, 7, 8, 9, 10, 11 &amp; 12</td>
<td>Tree 4</td>
<td>Trees 13, 14, 15 &amp; 16</td>
</tr>
</tbody>
</table>

The applicant seeks approval to remove all on-site vegetation, including existing trees and provided a concept Landscape Plan prepared by Memla Pty Ltd dated 23 November 2017.

Council’s Arborist supports the recommendations outlined within the submitted Arborist Report and removal of the existing on-site vegetation as proposed, including proposed future landscape planting as shown on the submitted concept landscape plan. As such, no additional canopy tree planting is required on the subject site. The Arborist report identifies that the trees are of low amenity value, low arboriculture value. The life expectancy of the trees protected by the VPO are less than 10 years and in some cases significantly less than that.

Further, Council’s Arborist advises that the development will impact existing trees located on neighbouring properties.

In response to Arborist comments, the applicant submitted a Tree Management Report and Tree Protection Plan prepared by John Patrick Landscape Architects dated July 2018. Council’s Arborist is satisfied that the development will not impact on those
neighbouring trees provided the recommendations of the Tree Management Report and Tree Protection Plan are followed.
These matters can competently be included as conditions of permit and form part of the recommendation.

6.4. Street tree(s)
Council’s Street Tree Arborist advises that the proposal will pose no detriment to the existing *Corymbia ficifolia* (Red Flowering Gum) street tree asset fronting Ardoyne Street, subject to appropriate tree protection during construction and no soil excavation within 2m from the trunk of the street tree asset.
These matters can competently be included as conditions of permit and form part of the recommendation.

6.5. Car parking and traffic
Pursuant to the car parking requirements at Clause 52.06, a dwelling requires car parking to be provided at a rate of 1 car space per one or two bedroom dwellings and 2 car spaces per three or more bedroom dwellings.
Units 1 & 2 will comprise four (4) bedrooms with an allocation of two (2) car spaces located within the basement for each unit.
The proposed on- site car parking satisfies the requirements of Clause 52.06-5 of the Bayside Planning Scheme.
The application was also referred to Council’s Traffic Engineer who supports the proposal, subject to conditions requiring ramps to show all intermediate levels and new 3.6m wide crossovers and ramps to Council’s satisfaction. The submitted plans and sectional drawings (Drawing No. 300B) demonstrate these requirements. Therefore, only standard traffic permit conditions are required.
It is considered that the proposed development will not unreasonably impact on the existing car parking network conditions within the street.

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 20.
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.

6.8. Objector issues not already addressed

**Overshadowing**
The submitted shadow diagrams indicate that a small section of the existing private open space of the adjoining neighbouring residential property of 61 Ardoyne Street will experience additional overshadowing in the morning. Afternoon shadows will be cast over an existing driveway to the east of 65 Ardoyne Street. The additional shadowing is considered minimal and satisfies the tests contained within Standard B21 of Rescode to ensure no unreasonable shadow amenity impacts to these properties.
Overlooking

Concerns were raised by objectors in relation to unreasonable overlooking from first floor east and west facing windows. The submitted plans indicate habitable room windows will have obscure glazing to a minimum height 1.7 metres above finished floor level to limit unreasonable overlooking to neighbours. It is also noted that north facing retreat windows have not been screened due to their interface with a neighbouring golf course. The proposed screening as shown on the elevations accords with the standard.

As the development is compliant with the standard there is no planning justification to insist that all east and west facing first floor windows be modified to highlight windows.

In addition, existing 2m high boundary fencing will limit overlooking to/from ground floor windows in accordance with this Standard.

Damage due to proposed excavation

Any damage incurred to property as a result of construction works is a civil matter to be resolved by the respective parties. It is not a material planning consideration in the determination of an application for a planning permit.

Impact to boundary fencing

Any damage to boundary fencing is controlled through legislation separate to planning legislation and is governed under the Fences Act 1968 as amended by the Fences Amendment Act 2014.

Support Attachments

1. Development Plans ↓
2. Site & Surrounds ↓
3. Neighbourhood Character Precinct H1 ↓
4. Clause 55 Assessment ↓
5. VPO Assessment ↓
6. Tree Protection and Location Plan ↓
7. Arborist Report ↓
## SITE CONTEXT
- A-000: Cover Sheet
- A-001: Neighbourhood and Site Description
- A-002: Design Response

## PROPOSED FLOOR PLANS
- A-100: Basement Floor Plan
- A-101: Ground Floor Plan
- A-102: First Floor Plan
- A-103: Roof Plan

## ELEVATIONS & STREETSCAPE
- A-200: Elevations 1, 2, 3 & 4
- A-201: Colour Schedule

## SECTIONS & DETAILS
- A-300: Sections A & B

## SHADOW DIAGRAMS
- A-400: Shadow Details - Sheet 1
- A-401: Shadow Details - Sheet 2
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>
Figure 2 View towards the site from the south.

Figure 3 View towards 65 Ardowne Street to the east of the subject site.
Figure 4 View towards 51 Ardoyne Street to west of subject site.

Figure 5 64 Ardoyne Street to the south of the subject site.
Figure 6 View towards 60A & B Ardoyne Street.

Figure 7 View towards 68 Ardoyne Street.
Figure 8 View towards 66 Ardoyne Street to south of subject site.
Neighbourhood Character Precinct H1

Preferred Future Character Statement

The diverse dwelling styles are set within well-vegetated streetscapes dominated by large native and exotic canopy trees within the public and private domains. Tree and other vegetation species reflect the coastal location of the area. The dwellings are set within spacious gardens to accommodate the trees. Streetscapes appear as a mixture of single and double storey dwellings; however individual buildings respect adjoining dwellings and do not dominate the streetscape. Low or open style front fences are usually provided, in order to retain the openness of the front garden to the street.

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>To maintain and enhance the garden settings of the dwellings.</td>
</tr>
<tr>
<td>To enhance the bayside vegetation character of the area through the retention and planting of appropriate coastal species.</td>
</tr>
<tr>
<td>To retain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the retention and planting of vegetation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Prepare a landscape plan to accompany all applications for new dwellings that utilise appropriate traditional coastal and native species.</td>
<td>Lack of landscaping and substantial vegetation.</td>
<td>Responds The proposed 9.6m ground floor and cantilevered 8.8m – 8.9m first floor setbacks respect the generous front setbacks and provides a reasonable area for landscaping opportunities to maintain the preferred garden setting evident within Ardyne Street.</td>
</tr>
<tr>
<td>• Retain established large trees and native and traditional coastal vegetation and provide for the planting of new native coastal trees (locate footings outside root zone).</td>
<td>Removal of large trees. Planting of environmental weeds.</td>
<td>Responds Council’s Arborist supports the submitted concept landscape plan and removal of all on-site vegetation, as proposed. Therefore, no additional landscaping is required via conditions of permit. Further, the overall size and siting of the proposed basement and building footprints allow space for reasonable landscaping opportunities throughout the site to respect the coastal garden setting.</td>
</tr>
<tr>
<td>• Buildings should be sited to allow space for the planting of significant trees and shrubs. • Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation.</td>
<td>Loss of front garden space.</td>
<td>Responds The development maintains and appropriately responds to the rhythm of visual separation between existing and new buildings within the streetscape by carefully offsetting basement ramps from side boundaries to retain space for reasonable landscaping.</td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Minimise impervious surfaces particularly in front garden areas.</td>
<td>• Locate garages and carports behind the line of the dwelling.</td>
<td>Car parking structures that dominate the façade or view of the dwelling.</td>
</tr>
<tr>
<td>To minimise the loss of front garden spaces and the dominance of car parking structures.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To ensure that new dwellings and extensions do not dominate the streetscape.</td>
<td>• Recess upper level elements from the front façade.</td>
<td></td>
</tr>
<tr>
<td>To use building materials and finishes that complement the natural setting.</td>
<td>• Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick.</td>
<td>Period reproduction styles and detailing.</td>
</tr>
<tr>
<td>To maintain the openness of the front garden to the street.</td>
<td>• Provide open style front fences, other than along heavily trafficked roads.</td>
<td>High, solid front fences.</td>
</tr>
</tbody>
</table>
Attachment 4

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

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

**CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Complies</td>
<td>Refer to Attachment 3.</td>
</tr>
<tr>
<td>Design respects existing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>neighbourhood character or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of the site and surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Complies</td>
<td>The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.</td>
</tr>
<tr>
<td>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B3 Dwelling Diversity</strong></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong></td>
<td>Complies</td>
<td>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</td>
</tr>
</tbody>
</table>
### B5 Integration with the Street

Integrate the layout of development with the street

Complies

The development will integrate appropriately with the Ardoyne Street streetscape, subject to modifications to the façade treatment to create diversity between units. In addition, pedestrian and vehicular ramps are well designed and clearly identifiable from the street. Refer to Neighbourhood Character at Attachment 3 and the report for further discussion.

---

### CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B6 Street Setback</strong>&lt;br&gt;The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td>Complies</td>
<td>Requirement: 8.8m&lt;br&gt;Proposed: 9.6m at ground floor and 8.8m – 8.8m at first floor.</td>
</tr>
<tr>
<td><strong>B7 Building Height</strong>&lt;br&gt;Building height should respect the existing or preferred neighbourhood character.</td>
<td>Complies</td>
<td>Maximum: 9m&lt;br&gt;Proposed: 7.18m</td>
</tr>
<tr>
<td><strong>B8 Site Coverage</strong>&lt;br&gt;Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td>Complies</td>
<td>Maximum: 50%&lt;br&gt;Proposed: 50%</td>
</tr>
<tr>
<td><strong>B9 Permeability</strong>&lt;br&gt;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%&lt;br&gt;Proposed: 35.32%</td>
</tr>
<tr>
<td><strong>B10 Energy Efficiency</strong>&lt;br&gt;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>
</tr>
<tr>
<td><strong>B11 Open Space</strong>&lt;br&gt;Integrate layout of development with any public and communal open space</td>
<td>N/A</td>
<td>There is no communal open space in or adjacent to the development.</td>
</tr>
<tr>
<td>Provided in or adjacent to the development.</td>
<td>B12 Safety</td>
<td>Complies</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>B13 Landscaping</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>B14 Access</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>B15 Parking Location</td>
<td>Complies</td>
<td></td>
</tr>
</tbody>
</table>

**CLAUSE 55.04 AMENITY IMPACTS**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>B17 Side and Rear Setbacks</td>
<td>Does Not Comply</td>
<td>A new building not on or within 200mm of a boundary should be set back 2m from the side boundary, and 3m from the rear boundary, plus 0.6 for every metre of height over 3.6m up to 6.9m, plus 2m for every metre of height over 6.9m.</td>
</tr>
</tbody>
</table>
the amenity impacts on existing dwellings. Areas of non-compliance are underlined. Refer to the report for further discussion.

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>East (side)</strong></td>
<td><strong>West (side)</strong></td>
</tr>
<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>0m – 2m</td>
<td>1.24m – 3.23m</td>
</tr>
</tbody>
</table>

**B18 Walls on Boundaries**
Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.

Complies
A pergola structure would be built onto the east and west boundaries of Dwellings 1 and 2 respectively. They would be constructed to a height of 3.2 metres, with an overall average height of 3.2 metres.

**B19 Daylight to Existing Windows**
Allow adequate daylight into existing habitable room windows.

Complies
The development has been sufficiently setback from all existing habitable room windows of properties to the east and west at 61 & 65 Ardoyne Street.

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

N/A

**B21 Overshadowing Open Space**
Ensure buildings do not significantly overshadow existing secluded private open space.

Complies
The submitted shadow drawings indicate that a small section of existing private open space at the west adjoining property at 61 Ardoyne Street will experience additional overshadowing in the morning. Afternoon shadows will be cast over an existing driveway to the east at 65 Ardoyne Street. The additional shadowing is considered minimal and satisfies the tests contained within the standard to ensure no unreasonable shadow amenity impacts to these properties.
### B22 Overlooking
Limit views into existing secluded private open space and habitable room windows.

| Complies | The submitted plans indicate habitable room windows will have obscure glazing to a minimum height 1.7 metres above finished floor level to limit unreasonable overlooking to neighbours. It is also noted that north facing retreat windows have not been screened due to their interface with a neighbouring golf course. The proposed screening as shown on the elevations accords with the standard. As the development is compliant with the standard there is no planning justification to insist that all east and west facing first floor windows be modified to highlight windows. In addition, existing 2m high boundary fencing will limit overlooking to/from ground floor windows in accordance with this Standard. |

### B23 Internal Views
Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.

| Does Not Comply | The submitted plans do not clearly indicate how views between Unit 1 & 2’s private open space areas will be limited. A condition of permit can address this anomaly. |

### B24 Noise Impacts
Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.

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

---

### CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **B25 Accessibility**  
Consider people with limited mobility in the design of developments. | Complies | Entries are considered accessible for people with limited mobility, as a lift will be provided from Unit 1 & 2’s basement to the ground and first floors. In addition, a guest bedroom will be located at ground floor for each unit. |
| **B26 Dwelling Entry**  
Provide a sense of identity to each dwelling/residential building. | Complies | Entries are clearly identifiable from the Ardoyne Street frontage and will have a dedicated stepping stone pedestrian pathway to each porch/entry. Porches also provide shelter, a sense of personal address and articulation to the street. |
<table>
<thead>
<tr>
<th>B27 Daylight to New Windows</th>
<th>Complies</th>
<th>All habitable windows will open out onto a space clear to the sky.</th>
</tr>
</thead>
</table>
| Provide reasonable recreation and service needs of residents by adequate private open space. | Complies | Required Minimum:  
25m² secluded, 40m² overall with a minimum dimension of 3m  
A balcony of 8m² with a minimum width of 1.6m  
Proposed:  
Each dwelling meets the requirements of this standard and is provided with adequate private open space for the reasonable recreation and service needs of future residents.  
It is noted that Clause 32.09-4 of the Bayside Planning Scheme requires a minimum garden area at ground floor level of 35% of the site area. This equates to 270m². The development plans confirm that the development will have garden area of 282.52m² which equates to 36.66% and exceeds the minimum 35% garden area required by the Clause. |

<table>
<thead>
<tr>
<th>Total Private Open Space</th>
<th>Secluded Private Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1</td>
<td>160.8m²</td>
</tr>
<tr>
<td>Unit 2</td>
<td>161.5m²</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B29 Solar Access to Open Space</th>
<th>Complies</th>
<th>Units 1 &amp; 2 will have access to north facing SPOS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow solar access into the secluded private open space of new dwellings/buildings.</td>
<td>Complies</td>
<td>The submitted plans show that in excess of 6m³ storage will be conveniently located within each basement for Units 1 &amp; 2. Whilst the storage is not externally accessible it is conveniently located to suit the needs of future residents and will not encroach upon minimum car space dimensions as required by Clause 52.06-9.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B30 Storage</th>
<th>Complies</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide adequate storage facilities for each dwelling.</td>
<td>Complies</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLAUSE 55.06 DESIGN DETAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title and Objective</td>
</tr>
</tbody>
</table>

Item 4.4 – Matters of Decision
<table>
<thead>
<tr>
<th><strong>B31 Design Detail</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
</tr>
<tr>
<td>Complies subject to conditions</td>
</tr>
<tr>
<td>Refer to Attachment 3 and the report for further discussion.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B32 Front Fences</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>A 1.2m high front fence is proposed.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th><strong>B34 Site Services</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
</tr>
<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>All appropriate site services can be easily catered for on-site with sufficient space for storage of rubbish bins and provision of mailboxes. A condition will be included requiring the location of solar hot water systems and air conditioning units to be located away from adjoining habitable room windows.</td>
</tr>
</tbody>
</table>
### Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)

<table>
<thead>
<tr>
<th>Decision Guideline</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The impact the vegetation removal would have on the character of the area</td>
<td>The native vegetation to be removed from the site to facilitate the development are considered to be of low amenity and arboricultural value. Mitigation planting would enhance the character and appearance of the area.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>As above. Further landscaping to enhance the development would include 80% indigenous plantings.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development.</td>
<td>Proposed planting will enhance the streetscape of the development.</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>It is not anticipated that there would be an impact on local fauna.</td>
</tr>
<tr>
<td>Any proposal to regenerate or plant indigenous vegetation on the site.</td>
<td>Council’s Arborist is satisfied that the landscape plan will include a schedule of 80% indigenous by species type and count providing an appropriate setting to the native and indigenous tree to be retained on the site.</td>
</tr>
</tbody>
</table>
ARBORICULTURAL REPORT
63 ARDOYNE STREET, BLACK ROCK

December 2017

PREPARED BY
Kylie May
Consultant Arborist
B.AppSci(Hort) UQ
CDyplhort MEU
TABLE OF CONTENTS

1 Introduction .................................................................................................................. 3
2 Objectives ..................................................................................................................... 3
3 Methodology ................................................................................................................ 3
4 Observations ................................................................................................................ 4
   Existing Conditions ................................................................................................. 4
   Vegetation Controls ............................................................................................... 4
5 Tree Information ......................................................................................................... 5
   Tree Data ................................................................................................................ 6
   Tree Images ............................................................................................................ 9
   Tree Location Plan ................................................................................................. 14
6 Discussion .................................................................................................................... 15
   Site Trees ............................................................................................................... 15
   Neighbouring Trees .............................................................................................. 15
   TPZ Impact Assessment Plan .............................................................................. 16
7 Conclusion ................................................................................................................. 17
8 Recommendations ..................................................................................................... 17
 Appendix 1: Descriptors ............................................................................................. 18
1 Introduction

1.1 John Patrick, consulting arborists, have been engaged by Mosses Swan & L Ardyne Pty Ltd to prepare an arboricultural report for 63 Ardyne Street, Black Rock to accompany planning application documents for the site.

2 Objectives

2.1 The intent of this report is to:

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

2.2 The report will include the following:

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

3 Methodology

3.1 The site was visited on the 21st November 2017 and a visual assessment of the subject trees was undertaken from ground level. Each tree was assigned an identification number for reference purposes, denoted on the attached Tree Location Plan (Section 5) which is based on the Plan of Feature Survey prepared for the site by JCA Land Consultants, Dwg: 2181811F1D, 16/2/17.
3.2 Trees identified with a DBH of 150mm or less were not assessed in this report unless rare or of unusual attributes.

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

3.4 The DBH of trees was measured using a diameter tape measure at 1.4m above ground level in accordance with AS-4970.

3.5 Heights and widths of canopies were estimated.

3.6 Where access directly to the trees was not possible DBH was estimated.

4 Observations

EXISTING CONDITIONS

4.1 The subject site is located on the northern side of Ardoyne Street. Currently it exists as a residential site with a single storey brick dwelling. The existing garden consists of a mix of natives and exotics.

4.2 There appears to be a discrepancy between the location of the western boundary fence and the surveyed title shown on the Plan of Feature Survey. This report regards the existing fence to be the boundary.

VEGETATION CONTROLS

4.3 An Internet search of 'Planning Maps Online' reveals that the site and surrounds are covered by VPO3 of the Bayside Planning Scheme.

4.4 Under this overlay a permit is required to remove, destroy or lop any vegetation native to Australia. Trees less than 2m high or with a single trunk circumference of less than 0.5m at a height of 1m above ground level are exempt.

4.5 Bayside City Council Consolidated Local Law No. 2 'Neighbourhood Amenity' also applies to the site. Under this law a permit is required to destroy, damage, remove, cut, trim, lop or prune a tree with a trunk circumference greater than 155cm measured at one meter above ground level.

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

5.1 A total of 17 trees or tree groups were assessed including 12 trees within the subject site and 5 trees or tree groups within the road reserve and neighbouring properties to the east and west. Trees within a reserve located at the rear of the site were not assessed as they are highly unlikely to be impacted by any proposed development due to their size and distance from the boundary.

5.2 Site trees consisted of a Queen Palm, Silver Tansy and number of Tree Ferns, all of which contributed little amenity to the site or surrounds; a Silver Birch with signs of decay in its main stem; a second dead Silver Birch; a Magenta Cherry which appears to be basal regrowth from a rotted stump; and two weedy Sweet Pittosporum. These were all assessed as having a low arboricultural value.

<table>
<thead>
<tr>
<th>No.</th>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Cyathea sp.</td>
<td>Tree Fern</td>
</tr>
<tr>
<td>3</td>
<td>Cyathea sp.</td>
<td>Tree Fern</td>
</tr>
<tr>
<td>4</td>
<td>Betula pendula</td>
<td>Silver Birch</td>
</tr>
<tr>
<td>7</td>
<td>Syzygium paniculatum</td>
<td>Magenta Cherry</td>
</tr>
<tr>
<td>8</td>
<td>Pittosporum undulatum</td>
<td>Sweet Pittosporum</td>
</tr>
<tr>
<td>9</td>
<td>Pittosporum undulatum</td>
<td>Sweet Pittosporum</td>
</tr>
<tr>
<td>10</td>
<td>Cyathea sp.</td>
<td>Tree Fern</td>
</tr>
<tr>
<td>11</td>
<td>Cyathea sp.</td>
<td>Tree Fern</td>
</tr>
<tr>
<td>12</td>
<td>Cyathea sp.</td>
<td>Tree Fern</td>
</tr>
<tr>
<td>13</td>
<td>Syagrus romancolliflora</td>
<td>Queen Palm</td>
</tr>
<tr>
<td>14</td>
<td>Pittosporum eugenioides &quot;Variegatum&quot;</td>
<td>Silver Tansy</td>
</tr>
<tr>
<td>15</td>
<td>Betula pendula</td>
<td>Silver Birch</td>
</tr>
</tbody>
</table>

5.3 Five trees or tree groups were assessed outside the site including two within the neighbouring property to the east; two within the neighbouring property to the west; and single street tree in the Ardyne Street road reserve.

<table>
<thead>
<tr>
<th>No.</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>TPZ (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Corymbia ficifolia</td>
<td>Red-flowering Gum</td>
<td>2.0</td>
</tr>
<tr>
<td>5</td>
<td>Chamaecyparis lawsoniana</td>
<td>Lawsonia Cypress</td>
<td>2.0</td>
</tr>
<tr>
<td>6</td>
<td>Callistemon sp.</td>
<td>Bottlebrush</td>
<td>2.4</td>
</tr>
<tr>
<td>16</td>
<td>Cupressus sempervirens</td>
<td>Italian Cypress</td>
<td>2.0</td>
</tr>
<tr>
<td>17</td>
<td>Photinia serrulifolia</td>
<td>Christmas Berry</td>
<td>4.2</td>
</tr>
</tbody>
</table>
## TREE DATA

<table>
<thead>
<tr>
<th>Tree-1</th>
<th>Corymbia ficifolia, Red-flowering Gum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin: Australian Native</td>
<td>Type: Evergreen Broadleaf</td>
</tr>
<tr>
<td>DBH (cm): &lt;15</td>
<td>Height: 2m Width: 1m</td>
</tr>
<tr>
<td>Crown class: Symmetrical</td>
<td>Health: Good Structure: Good</td>
</tr>
<tr>
<td>Amenity value: Low</td>
<td>Comments: Developing street tree. Suckering at base.</td>
</tr>
<tr>
<td>Arboricultural Value: Outside property</td>
<td>Reason: Outside ownership</td>
</tr>
<tr>
<td>Impact of Development: Retain</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tree-2</th>
<th>Cyathea sp., Tree Fern</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin: Australian native</td>
<td>Type:</td>
</tr>
<tr>
<td>DBH (cm): 34</td>
<td>Height: 3m Width: 2m</td>
</tr>
<tr>
<td>Crown class: Symmetrical</td>
<td>Health: Good Structure: Good</td>
</tr>
<tr>
<td>Amenity value: Low</td>
<td>Comments: Cyathea sp.</td>
</tr>
<tr>
<td>Arboricultural Value: Low</td>
<td>Reason: Low amenity value</td>
</tr>
<tr>
<td>Impact of Development: Remove</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tree-3</th>
<th>Cyathea sp., Tree Fern,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin: Australian native</td>
<td>Type:</td>
</tr>
<tr>
<td>DBH (cm): 29</td>
<td>Height: 3m Width: 2m</td>
</tr>
<tr>
<td>Crown class: Symmetrical</td>
<td>Health: Good Structure: Good</td>
</tr>
<tr>
<td>Amenity value: Low</td>
<td>Comments: Cyathea sp.</td>
</tr>
<tr>
<td>Arboricultural Value: Low</td>
<td>Reason: Not worth retaining</td>
</tr>
<tr>
<td>Impact of Development: Remove</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tree-4</th>
<th>Betula pendula, Silver Birch</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin: Exotic</td>
<td>Type: Deciduous Broadleaf</td>
</tr>
<tr>
<td>DBH (cm): 52</td>
<td>Height: 7m Width: 9m</td>
</tr>
<tr>
<td>Crown class: Symmetrical</td>
<td>Health: Fair Structure: Poor</td>
</tr>
<tr>
<td>Amenity value: Low</td>
<td>Comments: Lopped at 7m with tip dieback and decay in main stem.</td>
</tr>
<tr>
<td>Arboricultural Value: Low</td>
<td>Reason: Poor condition</td>
</tr>
<tr>
<td>Impact of Development: Remove</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tree-5</th>
<th>Chamaecyparis lawsoniana, Lawson Cypress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin: Exotic</td>
<td>Type: Evergreen Conifer</td>
</tr>
<tr>
<td>DBH (cm): 15</td>
<td>Height: 2m Width: 1m</td>
</tr>
<tr>
<td>Crown class: Trained</td>
<td>Health: Good Structure: Poor</td>
</tr>
<tr>
<td>Amenity value: Medium</td>
<td>Comments: Hedged row of trees in neighbouring yard.</td>
</tr>
<tr>
<td>Arboricultural Value: Outside property</td>
<td>Reason: Outside ownership</td>
</tr>
<tr>
<td>Impact of Development: Retain</td>
<td></td>
</tr>
<tr>
<td>Tree</td>
<td>Callistemon sp., Bottlebrush</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td><strong>Origin:</strong> Australian native</td>
<td><strong>Type:</strong> Evergreen Broadleaf</td>
</tr>
<tr>
<td><strong>DBH (cm):</strong> 20</td>
<td><strong>Height:</strong> 4m</td>
</tr>
<tr>
<td><strong>Crown class:</strong> Symmetrical</td>
<td><strong>Health:</strong> Fair</td>
</tr>
<tr>
<td><strong>Amenity value:</strong> Low</td>
<td><strong>Comments:</strong> Possum browsed. Codominant from low. Rightful ownership unclear. Low</td>
</tr>
<tr>
<td><strong>Arboricultural Value:</strong> Outside property</td>
<td><strong>Reason:</strong> Outside ownership</td>
</tr>
</tbody>
</table>

**Impact of Development:** This tree has been removed since assessment.

<table>
<thead>
<tr>
<th>Tree</th>
<th>Syzygium paniculatum, Magneta Cherry</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Origin:</strong> Australian Native</td>
<td><strong>Type:</strong> Evergreen Broadleaf</td>
</tr>
<tr>
<td><strong>DBH (cm):</strong> Multi-stemmed</td>
<td><strong>Height:</strong> 3m</td>
</tr>
<tr>
<td><strong>Crown class:</strong> Regrowth</td>
<td><strong>Health:</strong> Good</td>
</tr>
<tr>
<td><strong>Amenity value:</strong> Very Low</td>
<td><strong>Comments:</strong> Regrowth from rotted stump.</td>
</tr>
</tbody>
</table>

**Arboricultural Value:** Low |
| **Reason:** Not worth retaining |

**Impact of Development:** Remove

<table>
<thead>
<tr>
<th>Tree</th>
<th>Pittosporum undulatum, Sweet Pittosporum</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Origin:</strong> Native weed</td>
<td><strong>Type:</strong> Evergreen Broadleaf</td>
</tr>
<tr>
<td><strong>DBH (cm):</strong> Multi-stemmed</td>
<td><strong>Height:</strong> 3m</td>
</tr>
<tr>
<td><strong>Crown class:</strong> Symmetrical</td>
<td><strong>Health:</strong> Good</td>
</tr>
<tr>
<td><strong>Amenity value:</strong> Very Low</td>
<td><strong>Comments:</strong> Multi-stemmed from base - most likely self sown.</td>
</tr>
</tbody>
</table>

**Arboricultural Value:** Low |
| **Reason:** Weed species |

**Impact of Development:** Remove

<table>
<thead>
<tr>
<th>Tree</th>
<th>Pittosporum undulatum, Sweet Pittosporum</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Origin:</strong> Native weed</td>
<td><strong>Type:</strong> Evergreen Broadleaf</td>
</tr>
<tr>
<td><strong>DBH (cm):</strong> 13Estimate</td>
<td><strong>Height:</strong> 5m</td>
</tr>
<tr>
<td><strong>Crown class:</strong> Symmetrical</td>
<td><strong>Health:</strong> Good</td>
</tr>
<tr>
<td><strong>Amenity value:</strong> Very Low</td>
<td><strong>Comments:</strong> Likely self-sown weed.</td>
</tr>
</tbody>
</table>

**Arboricultural Value:** Low |
| **Reason:** Weed species |

**Impact of Development:** Remove

<table>
<thead>
<tr>
<th>Tree</th>
<th>Cyathea sp., Tree Fern</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Origin:</strong> Australian native</td>
<td><strong>Type:</strong></td>
</tr>
<tr>
<td><strong>DBH (cm):</strong> 27</td>
<td><strong>Height:</strong> 2m</td>
</tr>
<tr>
<td><strong>Crown class:</strong> Symmetrical</td>
<td><strong>Health:</strong> Fair</td>
</tr>
<tr>
<td><strong>Amenity value:</strong> Low</td>
<td><strong>Comments:</strong> Cyathea sp.</td>
</tr>
</tbody>
</table>

**Arboricultural Value:** Low |
| **Reason:** Not worth retaining |

**Impact of Development:** Remove
<table>
<thead>
<tr>
<th>Tree ID</th>
<th>Species</th>
<th>Type:</th>
<th>Age:</th>
<th>DBH (cm):</th>
<th>Height:</th>
<th>Width:</th>
<th>TPZ:</th>
<th>Comments:</th>
<th>Impact of Development:</th>
<th>Reason:</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Cytisus sp., Tree Fern</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Remove</td>
<td>Poor condition</td>
</tr>
<tr>
<td></td>
<td>Origin: Australian native</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>DBH (cm): 22</td>
<td>Height: 2m</td>
<td>Width: 1m</td>
<td>TPZ: 2.6m</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Crown class: Symmetrical</td>
<td>Health: Poor</td>
<td>Structure: Good</td>
<td>SULE: 6 years</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Amenity value: Very Low</td>
<td>Comments: Cytisus sp., Very little live growth.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Arboricultural Value: Low</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Impact of Development: Remove</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Cytisus sp., Tree Fern</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Remove</td>
<td>Not worth retaining</td>
</tr>
<tr>
<td></td>
<td>Origin: Australian native</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>DBH (cm): 25</td>
<td>Height: 2m</td>
<td>Width: 1m</td>
<td>TPZ: 3m</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Crown class: Symmetrical</td>
<td>Health: Fair</td>
<td>Structure: Good</td>
<td>SULE: 0-10 years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amenity value: Low</td>
<td>Comments: Cytisus sp.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Syagrus romanzoffiana, Queen Palm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Remove</td>
<td>Low amenity value</td>
</tr>
<tr>
<td></td>
<td>Origin: Exotic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>DBH (cm): 34</td>
<td>Height: 6m</td>
<td>Width: 4m</td>
<td>TPZ: 4.1m</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Crown class: Symmetrical</td>
<td>Health: Fair</td>
<td>Structure: Good</td>
<td>SULE: 0-10 years</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amenity value: Low</td>
<td>Comments: Low amenity palm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Pittosporum eugenioides &quot;Variegatum&quot;, Silver Tarata</td>
<td>Type: Evergreen Broadleaf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Remove</td>
<td>Low amenity value</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>DBH (cm): 26</td>
<td>Height: 5m</td>
<td>Width: 7m</td>
<td>TPZ: 3.4m</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Crown class: Symmetrical</td>
<td>Health: Fair-Good</td>
<td>Structure: Fair-Poor</td>
<td>SULE: 0-10 years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amenity value: Low</td>
<td>Comments: Cotenant from 1.7m, Canopy opening up.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Betula pendula, Silver Birch</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Remove</td>
<td>Dead</td>
</tr>
<tr>
<td></td>
<td>Origin: Exotic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>DBH (cm): 16</td>
<td>Height: 3m</td>
<td>Width: 2m</td>
<td>TPZ: 2.2m</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Crown class:</td>
<td>Health:</td>
<td>Structure:</td>
<td>SULE: years</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Amenity value:</td>
<td>Comments: Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Arboricultural Value: Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Impact of Development: Remove</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Tree-16

**Cupressus sempervirens, Italian Cypress**

<table>
<thead>
<tr>
<th>Origin: Exotic</th>
<th>Type: Evergreen Conifer</th>
<th>Age: Semi-mature</th>
</tr>
</thead>
<tbody>
<tr>
<td>DBH (cm): &lt;15</td>
<td>Height: 3m</td>
<td>TPZ: 2.0m</td>
</tr>
<tr>
<td>Crown class: Symmetrical</td>
<td>Width: 1m</td>
<td>SULE: 10-20 years</td>
</tr>
<tr>
<td>Amenity value: Low</td>
<td>Health: Good</td>
<td>Comments: Row of four developing trees along fence line in neighbouring property to east.</td>
</tr>
<tr>
<td>Arboricultural Value: Outside property</td>
<td>Structure: Good</td>
<td>Reason: Outside ownership</td>
</tr>
<tr>
<td>Impact of Development: Retain</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Tree-17

**Phoeinia serratifolia, Christmas Berry**

<table>
<thead>
<tr>
<th>Origin: Exotic</th>
<th>Type: Evergreen Broadleaf</th>
<th>Age: Mature</th>
</tr>
</thead>
<tbody>
<tr>
<td>DBH (cm): 35</td>
<td>Height: 4m</td>
<td>TPZ: 4.2m</td>
</tr>
<tr>
<td>Crown class: Symmetrical</td>
<td>Width: 4m</td>
<td>SULE: 5-10 years</td>
</tr>
<tr>
<td>Amenity value: Low</td>
<td>Health: Good</td>
<td>Comments: In neighbouring property to east. Multiple attachments at 1.2m.</td>
</tr>
<tr>
<td>Arboricultural Value: Outside property</td>
<td>Structure: Fair-Poor</td>
<td>Reason: Outside ownership</td>
</tr>
<tr>
<td>Impact of Development: Retain</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TREE IMAGES

![Tree Image](image-url)

**Figure 1: Tree 1, Red-towering Gum located in the road reserve**
Figure 2: Trees 2, Tree Fern; 3, Tree Fern; and 4, Silver Birch located in the front setback.

Figure 3: Tree 5, a row of Wedge Parasol Cypresses located in the neighbouring property to the west.
Figure 4: Tree 6, a neighbouring Bottlebrush

Figure 5: Trees 7, Magnolia Glauca (foreground) and 8, Illicium floridanum (background).

John Patrick Landscape Architects Pty Ltd | Office Ref: 17-0941(A)(9)
Figure 6: Trees 9, 10 and 11, Ficus; Trees 12 and 13, Queen Palms, located in the rear yard.

Figure 7: Tree 14, Silver Toetoe in the rear yard.
Figure 8: Tree 16, a dead Silver Birch

Figure 9: Tree Group 10, a row of Italian Cypress and Tree 17, Christmas Berry located in the neighbouring property to the east.
6 Discussion

6.1 Two townhouses over basement carparking and theatre is proposed for the site. The following plans have been reviewed and form the basis of the following impact assessment:

63 Ardoyne Street, Black Rock
Basement Plan, Dwg: 100 RevA
Ground Floor Plan, Dwg: 101 RevA
Prepared by Point Architects, April 2017

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

SITE TREES

6.3 All site trees are proposed to be removed. Tree 13, a low amenity Queen Palm is the only tree that can be retained under the current proposal.

6.4 All site trees are of low arboricultural value and can be removed as required. A number of these should be removed regardless of any proposed development.

6.5 Trees 2, 3, 7, 8, 9, 10, 11 and 12 are all Australian natives greater than 2m tall and with a circumference greater than 0.5m at 1m. All these trees will require a permit for their removal under VPD3.

6.6 Tree 4, Silver Birch will require a permit for its removal under Bayside City Council's Consolidated Local Law No. 2 'Neighbourhood Amenity'.

NEIGHBOURING TREES

6.7 I have been informed that Tree 6, Bottlebrush, has been removed since my site visit.

6.8 Encroachment into the TPZ of Tree 17, Christmas Berry is approximately 12.1%. This is a little higher than the 10% defined as a minor encroachment under AS4970-2009. This taxon is tolerant of root disturbance and I do not believe that this level of encroachment will negatively impact the tree provided the tree is correctly managed throughout construction. This would include, but not be limited to, digging a trench along the proposed alignment of the basement prior to excavation and cleanly pruning any exposed roots by a qualified arborist.

6.9 It is recommended that paving proposed within the TPZs of Tree Groups 5 and 16 be constructed above existing grade and of a permeable finish.

6.10 If any boundary fences are to be replaced, it is recommended that any section of the new fences that pass through the TPZ of trees to be retained be of light-weight construction with post holes hand dug and relocated if necessary to avoid major roots. It is also recommended that all landscape areas within the TPZ of trees to be retained be maintained at existing grades.
7 Conclusion

7.1 A total of 17 trees or tree groups were assessed, comprising 12 within the subject site and 5 within the road reserve or neighbouring properties.

7.2 All site trees apart from Tree 13 will require removal to accommodate the proposed development. These have all been assessed as having a low arboricultural value.

7.3 Tree 13 is a Queen Palm of low arboricultural value and is proposed to be removed.

7.4 Trees 2, 3, 7, 8, 9, 10, 11 and 12 will require a permit for their removal under VP03 whereas Tree 4 will require a permit for its removal under Bayside City Council’s Consolidated Local Law No. 2 ‘Neighbourhood Amenity’.

7.5 Tree 6 has been removed since the site visit and tree assessment.

7.6 No other neighbouring trees are expected to be impacted.

8 Recommendations

8.1 A Tree Management Plan be prepared to direct works around neighbouring trees to be retained.
Appendix 1: Descriptors

Tree Number: Refers to location of tree as per the plan at Appendix 1.

Botanical Name: Botanical name of species, based on nomenclature and spelling used by Spencer in *Horticultural Flora of South Eastern Australia* (vols 1-6). Where *Eucalyptus* spp. are not found in this source, nomenclature is based on *Euclid: Eucalypts of Australia* (2006). *Eucalyptus* subspecies information is also based on this source.

While accurate tree identification is attempted, and uncertainties are indicated, some inaccuracies in tree identification may still be present – especially in certain, difficult to determine, genera (e.g. *Cotoneaster* and *Ulmus*) and with cultivars which can have similar characteristics.

Where a doubt as to exact species is indicated, the common name and origin are based on the listed species, and would change if the species were found to be incorrect.

From time to time taxonomists revise plant classification, and name changes are assigned. If it is known names have been revised post the publication of the relevant above listed source, the new nomenclature has been used.

Common Name: Common names are based primarily on names and spelling used by Spencer in *Horticultural Flora of South Eastern Australia* (vols 1-6). The source of common names is taken in the following order:

1. Single name supplied in *Horticultural Flora of South Eastern Australia*;
2. First in list of names supplied in *Horticultural Flora of South Eastern Australia*, unless another name in the list is deemed more appropriate;
3. As per name supplied in *Trees of Victoria and Adjoining Areas*;
4. Then by best known common name if not available in either source. Common names are provided for thoroughness; the botanical name should be used when referring to the tree taxon.

Origin:

- Exotic: Tree origin is from outside the Australian mainland, Tasmania or near islands.
- *Australian Native*: Origin is from within the Australian mainland or near islands, but outside Victoria.
- *Victorian Native*: Origin is from within Victoria but outside the Melbourne region. This includes trees whose native range extends beyond Victoria into other states.
Melbourne: Origin is from within Melbourne, as defined by plants listed in the Flora of Melbourne. This includes trees also found outside Melbourne, and those only within the area at the far extent of their range.

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

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

Type:

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

Deciduous: Tree seasonally loses its leaves in Victoria.
Evergreen: Tree maintains its leaves throughout the year.
Semi-deciduous: Tree may or may not lose its leaves, or may only partially lose them.

Age:

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

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

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

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

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

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

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

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

Ratings generally meet the following descriptions:

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

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

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

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

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

Structure: The tree's structure is rated as Good, Fair and Poor. Tree ratings of Fair-Good and Fair-Poor indicate that the tree falls between the two categories.
As a general rule, the structure rating is based on the tree's likelihood of failure. However, it must be noted that this is not a full hazard or failure assessment of the tree.

**Good:** Tree has no obvious structural defects and is therefore not considered likely to fail.

**Fair:** Tree has at least one obvious structural defect, but this is considered to be manageable and of only moderate failure risk or the piece likely to fail may be small. Structural defects that may contribute to a fair rating are as follows:
- Poor branch attachment (including deadwood and large epicormics);
- Bifurcated, but with a join that is considered to be solid;
- Moderate trunk lean but without other defects;
- Minor damage to the trunk base;
- Rot or other damage starting to compromise the structure;
- History of shedding minor branches.

**Poor:** Tree has at least one structural defect that is severe and considered to have a relatively high risk of failure. If targets are present then defect(s) require treatment, or alternatively the tree should be removed. In some cases removal may be the only option for these trees. Structural defects that may contribute to a poor rating are as follows:
- Poor branch attachment (including deadwood and large epicormics);
- Bifurcated with swelling and/or included bark;
- Severe trunk lean associated with other defects such as injury in the plane of lean of root plate lift;
- Major damage to the trunk base or root system;
- Rot or other damage severely compromising the structure;
- History of shedding large branches.

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

**Crown class:** Symmetrical: For the most part canopy received light from all four sides and has to potential for even foliage distribution. Canopy may or may not be symmetrical, but is not suppressed.
Asymmetrical: Canopy is shaded or suppressed with one or more sides and dominant when compared to the remainder of the tree. Also includes crowns damaged by previous shading.

Intermediate: Canopy is only receiving light from top, and while shape may be even the upper portions of the canopy dominate over the lower.

Suppressed: Canopy is completely shaded by surrounding vegetation, buildings etc.

Regrowth: Canopy comprised of regrowth. This can be from the base, but also includes branches covered with small, stress related epicormics.

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

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

Amenity value:

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

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

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

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

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

Comments:

Any additional comments in relation to the above categories.

SULE:

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

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

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

10-20: Estimated SULE of 10 to 20 years.

20: Estimated SULE of 20 years or greater.

Recommendation:

Remove: Tree is either not worthy of retention or requires removal (e.g. weed species).

Retain or Remove: Tree does not require removal, but is of low retention value.

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

Notes:

Dead: Tree is dead and should therefore be removed.

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

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

Hazardous: Tree should be removed as it is hazardous.

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

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

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

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

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

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

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

It is assumed that the owner of the tree wishes to retain it, and the trees are listed as retain for that reason. The owner should be contacted for discussions if the removal of the tree is wanted. Recommendation of retention of any of these trees is based solely on the above mentioned reason, and is no indication of the tree’s general worthiness for retention.

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

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

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

Senescence: Tree should be removed as it is dying.

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

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

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

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

TPZs are not listed for trees that are recommended for removal.
4.5 135 BEACH ROAD, SANDRINGHAM
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/55/1  WARD: SOUTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/261877

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Approve the secondary consent amended plans</th>
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<tr>
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<td>135 Beach Road, Sandringham</td>
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<tr>
<td>Application No.</td>
<td>2014/55/1</td>
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<tr>
<td>Applicant</td>
<td>B. Trifunovski</td>
</tr>
<tr>
<td>Title/Covenant</td>
<td>The title is not subject to any restrictive covenants</td>
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<tr>
<td>Date application received</td>
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<td>Zoning</td>
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<td>Design and Development Overlay (Schedule 1)</td>
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<td>Development Plan Contributions Overlay</td>
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<td></td>
<td>(Schedule 1)</td>
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<td>Application plans and documents TRIM Ref No</td>
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Proposal

Planning Permit 5/2014/55/1 allows:

Construction of a double storey dwelling on a lot less than 500 square metres in the Neighbourhood Residential Zone - Schedule 3 and creation of access onto a Road Zone Category 1.

The application seeks approval to amend the endorsed plans pursuant to condition 2 of Planning Permit 5/2014/55/1 on a lot with an area of 381.5 square metres.

The proposed amendments are as follows:

- Introduction of render to part of wall on the South West elevation.
- Wall separating security screen and garage door adjusted to line up with entry gate and subsequent repositioning of the meter box (accessed internally from garage).
- Change to finish over the front entry from galvanised metal fence and gate to a perforated metal screen with a 25% transparency in charcoal colour.
- Addition of a window at ground floor level on the north east elevation.
- Garage door height increased by 100mm, to match line of front entry.
- Powder room and laundry at the ground floor level internally reconfigured with no subsequent changes to any elevation.
- The first floor lounge window located on the south west elevation increased in height by 150mm and subsequent change to the upper and lower ‘ledge’ features on the elevations.
- Master bedroom window located on the North West elevation relocated 500mm.
- Pergola and glazed ‘fence’, increased in height by 300mm and addition of a small
eave over terrace. Overall height is no greater than 3 metres when measured from
the ground line and approximately 2 metres above the natural ground line, due to
the substantial excavation already approved at the subject site.

- Linea weatherboard replaced with horizontal metal cladding on all elevations.
- Matrix cladding replaced with vertical expressed metal cladding.
- Timber fascia replaced with a Colourbond metal fascia.

The development plans are provided at Attachment 1.

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

History
Planning Permit 2014/55/1 was issued on 15 April 2015 under at the direction of the
Victorian Civil and Administrative Tribunal (VCAT) (refer Attachment 3).

Plans were endorsed by Council on 21 November 2016 (refer Attachment 4).

An extension of time was granted on 22 May 2017 to allow construction to commence
by 15 April 2018. An inspection of the property confirms construction has commenced.

Minor changes were subsequently approved under secondary consent on 25 June 2018
and plans were endorsed on 28 June 2018.

2. Planning controls
Planning Permit requirements

There are no primary permit triggers to consider as part of this application. The
application seeks to amend the endorsed plans pursuant to the secondary consent
provisions afforded by Condition 2 of Planning Permit 2014/55/1.

3. Stakeholder consultation
External referrals

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

Internal referrals

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

Public notification

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

Therefore, the amended plans have not been advertised.

4. Recommendation

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions
   of Planning Permit 5/2014/55/1.

2. Plans identified as P04, P05, P06, P07, P09 and P10, prepared by APA
   Architects and Interiors and dated 27/9/2018 be endorsed. These plans are to
   be read in conjunction with Condition 1 plans endorsed on 21/11/2016.

3. Plans VCAT04, VCAT05, VCAT06, VCAT07 and VCAT09 endorsed on
   21/11/2016 be superseded.
5. Council Policy

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

6. Considerations

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

The tests include the following:

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

The amendment does not result in a transformation of the proposal. The amendments will provide for alterations of a generally minor nature. Importantly, the proposed changes will not result in any change which would increase material detriment in terms of overlooking, overshadowing and visual bulk. The changes sought largely relate to minor design changes which will improve the amenity outcome for the future occupants of the dwelling.

The scale of the overall building fabric will not change. The proposal does not alter the outcome related to site coverage, permeability, overlooking or overshadowing. From a neighbourhood character perspective, the proposal will still be an appropriate outcome.

The proposed changes are considered to be minor in nature and will have no impact to the amenity of adjoining properties and will not cause material detriment to any third parties. The proposed changes do not conflict with any permit conditions, objections raised in the application for which primary consent was granted for; and, does not result in a transformation of the proposal. It is noted that the reason why the amendment is sought for is simply to improve the overall design of the building and in large part, relates to the colours, materials and finishes schedule. It is not proposed to alter the approved building envelope. The adjustments to the lounge window (overlooking the beach) and the master bedroom window, will not increase the overlooking ability into any adjoining private open space area nor habitable room window. It should be noted that the 150mm increase to the height of the lounge window will simply improve the internal ambiance for the future occupants, without impinging on neighbourhood character nor amenity impacts.

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

The primary consent was issued at the direction of VCAT for the construction of a double storey dwelling on a lot less than 500 square meters and creation of access onto a Road Zone Category 1. The amendment sought under this application is considered to be consistent with the proposal and does not authorise something for which primary consent is required for under the Bayside Planning Scheme.

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

Having regard to the development and the purpose of the planning controls under which the permit was granted, the proposed amendment is considered inconsequential as there has been no material change to the nature of the planning controls and policies affecting the land. It is considered that the changes are appropriate, will not detrimentally impact on the amenity of adjoining properties nor cause material detriment to any third parties. The changes proposed are minor in nature and will not be discernible to any adjoining neighbour nor minimise the level of amenity they would have enjoyed, if the development was realised as per the originally approved plans.
Is the proposed amendment contrary to a specific requirement or condition of the permit?

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

Support Attachments

1. Development Plans
2. Site and Surrounds
3. Planning Permit 2014/55/1
4. Endorsed Plans
ATTACHMENT 2
SITE AND SURroundS IMAGERY

Figure 1 Aerial overview of the site and surrounds

Figure 2 View of subject site as seen from Beach Road
PLANNING PERMIT
2014/55/1

Responsible Authority: Bayside City Council
Planning Scheme: Bayside

Address Of The Land: No. 135 Beach Road SANDRINGHAM

Construction of a double storey dwelling on a lot less than 500 square metres in the Neighbourhood Residential Zone - Schedule 3 and creation of access onto a Road Zone Category 1 in accordance with the endorsed plans and subject to the following conditions.

The Following Conditions Apply To This Permit:

1. Before the 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 submitted with the application but modified to show:
   a) The transparency of all privacy screens marked as being a maximum of 25%.
   b) All permitter side and rear fencing provided at a minimum height of 1.8m.
   c) All habitable room windows and balconies screened in accordance with Standard A15 of ResCode.
   d) The dimensions of the garage clearly indicated as being a minimum 6m long by 5.5m wide with a 4.8m wide doorway.
   e) A visibility splay provided to the east of the accessway in accordance with Design Standard 1 of Clause 52.06-8.
   f) A revised crossover in accordance with Condition No. 19.

2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

3. Before the development starts, a schedule of construction materials, external finishes and colours to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit. The slats proposed to be used for the privacy screens at first floor level must be non-reflective in nature.

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.

Date issued: 15 April 2015

Michael Kelleher
Signature for the Responsible Authority

Planning and Environment Regulations 2006 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.
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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.

7. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the responsible authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the responsible authority.

8. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.

9. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

   The plan must show:
   
   a) Buildings and trees, including botanical names, on neighbouring properties within three metres of the boundary
   b) Details of surface finishes of pathways and driveways
   c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
   d) Landscaping and planting within all open areas of the site

All species selected must be to the satisfaction of the responsible authority. The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

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

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.

Date issued: 15 April 2015
Signature for the Responsible Authority

Michael Kallias

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.
PLANNING PERMIT
2014/55/1

Responsible Authority: Bayside City Council
Planning Scheme: Bayside

12. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:
   a) The type of water-sensitive urban design stormwater treatment measures to be used;
   b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
   c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

13. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.

14. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.

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

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

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

Date issued: 15 April 2015
Signature for the Responsible Authority

Michael Kelleher

Planning and Environment Regulations 2006 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.
PLANNING PERMIT
2014/55/1

Responsible Authority: Bayside City Council
Planning Scheme: Bayside

VicRoads Conditions (Nos. 18-20)

18. Before the development starts, amended plans must be submitted to and approved by VicRoads. When approved by VicRoads and endorsed by the Responsible Authority the plans will then form part of the permit. The plans must be generally in accordance with the Plan (Proposed Ground Floor Plan, Drawing No TP 04, Rev No. 4, dated 8/4/14) but modified to show:
   a) The crossover at least 3.5m wide at the property boundary, flared at 60 degrees and with 1.0 metre clearance from any fixed object at the entrance to the property.

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

20. Before the use of the permitted development, access to Beach Road and the turntable must be constructed in accordance with the approved plan to the satisfaction of the Responsible Authority.

21. 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.

The Responsible Authority may extend the periods referred to above if a request is made in writing:
   ➔ Before the permit expires; or
   ➔ Within 6 months afterwards if development has not commenced; or
   ➔ Within 12 months afterwards if the development has lawfully commenced.

Permit Notes

• 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.

• Building approval must be obtained prior to the commencement of the above approved works.

• Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.

Date issued: 15 April 2015

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 applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees.

The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.

* Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.

Permit Notes

<table>
<thead>
<tr>
<th>Date</th>
<th>Amendment Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 May 2017</td>
<td>Extension of time under Section 69 of the Planning and Environment Act 1987 to allow:</td>
</tr>
<tr>
<td></td>
<td>• The development is to commence by 15 April 2018; and</td>
</tr>
<tr>
<td></td>
<td>• The development is to be completed by 15 April 2020.</td>
</tr>
</tbody>
</table>

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.
FORM 4
PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?
The Responsible Authority has issued a permit.
(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

WHEN DOES A PERMIT BEGIN?
A permit operates:
* from the date specified in the permit; or
* if no date is specified, from—
  (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the
direction of the Tribunal;
or
  (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?
1. A permit for the development of land expires if—
   * the development or any stage of it does not start within the time specified in the permit; or
   * the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act
     1986 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 1986.
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 1986,
   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 also be served on the Responsible Authority.
* Details about applications for review and the fees payable can be obtained from the Victorian Civil and
  Administrative Tribunal.
4.6 2 BURGESS STREET, BEAUMARIS
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO: 2017/509/1 WARD: SOUTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/259806

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Support the Grant of a Planning Permit (VCAT Consent Order)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Song Bowden Planning</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>18 August, 2017</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>41 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>Design and Development Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>2,272 sqm</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>9</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 the requirement of a CHMP is not required.</td>
</tr>
</tbody>
</table>

Purpose

The purpose of this report is to endorse a consent position reached by all parties at Compulsory Conference at the Victorian Civil and Administrative Tribunal (VCAT) on 24 October 2018.

History

Council officer’s recommendation to approve the planning permit for the removal of six (6) native trees and the construction, use and illumination of a private tennis court was reported at the planning and Amenity Meeting held on 17 July 2018.

The original application plans are provided at Attachment 1.

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

Council determined to refuse the application on the following grounds;

1. The proposal does not comply with the purpose of Clause 52.21 – Tennis Courts of the Bayside Planning Scheme, specifically;
   a) The proposal fails to ensure that the court is appropriately sited and constructed to minimise the effects of the development on nearby properties.
b) The proposal fails to ensure that the use of the court does not cause unreasonable disturbance to adjoining residents or adversely affect the residential amenity of adjoining areas.

2. The proposal does not comply with the following relevant objectives, considerations and performance requirements of the Code of Practice - Private Tennis Court Development as required by Clause 52.21 – Tennis Courts of the Bayside Planning Scheme, specifically;
   a) E1.3.1 - The court fails to provide a minimum 3 metre setback from the street frontage.
   b) E3.3.1, E3.3.2, E3.3.3 - The proposed location, extent of excavation and fill of the court will create off site amenity impacts to the immediately adjoining properties and structures contained within the lots.
   c) E5 - The application has not provided sufficient details of court lighting to prevent excessive light spillage and other effects from detrimentally affecting the amenity of dwellings on adjoining properties.

3. The proposal does not comply with the following relevant purposes and objectives of Clause 42.02 - Vegetation Protection Overlay, Schedule 3 of the Bayside Planning Scheme, specifically;
   a) The proposal fails to minimise the loss of native vegetation on site and preserve existing trees and vegetation.
   b) The removal of native vegetation as a result of the proposed tennis court will detrimentally impact on the amenity, character and habitat value of the site.
   c) The proposal fails to maintain the habitat quality of remaining native vegetation and will fragment habitat corridors for wildlife.
   d) The proposed removal of native trees will impact upon the role of native vegetation in conserving flora and fauna.

4. The proposed landscaping fails to provide any indigenous or native replacement canopy trees and does not fulfil the 80% indigenous planting.

5. The proposal does not respect the existing or preferred neighbourhood character as outlined within Precinct H4 of Clause 22.06 of the Bayside Planning Scheme due to;
   a) The proposal fails to enhance or respect the vegetated character of the neighbourhood due to the removal of three Monterey Pines from the front setback of the subject site.

VCAT

The applicant lodged an appeal under Section 77 of the Planning and Environment Act 1987 with the Victorian Civil and Administrative Tribunal (VCAT) against Council’s refusal to grant a permit on 17 July 2018.

VCAT set down a Compulsory Conference for 24 October 2018. In attendance were representatives for the three objecting parties to the appeal, the applicant’s representative and a Council officer.

All parties in attendance agreed to a consent position that resulted in the retention of an additional four trees that were previously assigned for removal, two of which are native.
As indicated on the plan tabled at the compulsory conference and the accompanying table provided at Attachment 3, the following additional trees were agreed to be retained:

- B, 8, 2 and 3.

Accordingly, the number of native trees being removed has reduced from six (6) to four (4) and the Planning Permit preamble has been amended to reflect this.

The revised tree removal table would read:

<table>
<thead>
<tr>
<th>VPO3 protected trees</th>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed for removal</td>
<td>Proposed for removal</td>
<td>Proposed for retention</td>
</tr>
<tr>
<td>Tree 4, 5, 6, A</td>
<td>Tree 1, 7, 8, B</td>
<td>Trees 10 2, 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

Whilst the application now proposes to retain an additional two native trees, a total of 9 replacement native and/or indigenous trees as originally requested via a proposed permit condition, continue to be required and form a condition of permit.

No other changes are proposed and the planning permit conditions require the tennis court to be brought into full compliance in accordance with Code of Practice – Private Tennis Court Developments.

All parties in attendance agreed to a consent position. If the consent order is not endorsed by the Planning and Amenity Committee, the application will proceed to a full VCAT hearing on 10 December 2018.

At this stage, should the matter proceed to the hearing, the above-mentioned changes will be retracted.

2. Recommendation

That Council resolve to Support the Grant of a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 5/2017/509/1 for the land known and described as 2 Burgess Street, Beaumaris for the removal of four (4) native trees and the construction, use and illumination of a private tennis court in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and 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 advertised plans but modified to show:

   a) The retention of Trees 1, 2, 3, 7, 8, 9 and B (as shown on the plan tabled at the VCAT compulsory conference on 24 October 2018).

   b) The setback of the edge of the tennis court fencing increased to a minimum of 3 metres from the street frontage to accord with performance requirement E1.3.1 of the Code of Practice – Private Tennis Court Developments Revision 1.
c) Full details of the lighting poles and fencing, including elevation drawings in the context of the overall site. These must comply with performance requirement E5 of the Code of Practice – Private Tennis Court Developments Revision 1.

d) Demonstration of full compliance with performance requirements E3.3.1, E3.3.2 and E3.3.3 of the Code of Practice – Private Tennis Court Developments Revision 1.

e) An updated Landscaping Plan in accordance with Condition 4 of this permit.

f) A Construction Impact Report in accordance with Condition 7 of this permit.

g) A Tree Management Plan and Protection Plan in accordance with Condition 8 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 landscape concept plan drawn by CX Landscape, dated 24/11/2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

b) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.

d) The provision of three (3) Red flowering gums (Corymbia ficifolia) with a minimum height of 1.8 metres at planting.

e) The provision of three (3) replacement canopy trees of indigenous origin with a mature height equal or greater than 10 metres and with a minimum height of 1.8 metres at planting.

f) The provision of three (3) replacement canopy trees of native or indigenous origin with a mature height equal or greater than 8m and with a minimum height of 1.8 metres at planting.
g) Landscaping and/or planting within all areas of the site not covered by 
buildings or hard surfaces.

h) Details of surface finishes of pathways and driveways.

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.

Construction Impact Report

7. Prior to the endorsement of plans pursuant to Condition 1, a Construction 
Impact Report prepared by a suitably qualified arborist in accordance with 
AS4970 Protection of Trees on Development Sites (2009) for all retained 
trees on site and on neighbouring which properties which have TPZs which 
extend into the subject site, to the satisfaction of the Responsible Authority 
shall be submitted to and be endorsed by the Responsible Authority.

The report should demonstrate the construction methods and materials 
proposed to ensure trees to be retained will remain viable post development 
and include the extent of pruning proposed to facilitate works around trees 
retained on site.

Tree Management and Protection Plan

8. 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.

9. 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.

10. 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.

Tennis court

11. The following must be complied with at all times:
a) Drainage resulting from the court must be intercepted to avoid any overflow and must be connected to an approved point of discharge.

b) Any lighting system must not exceed an illumination level of 12 lux and an average illumination of 10 lux when measured at the nearest habitable room window of an adjoining dwelling or at a point 3 metres outside the property boundary, whichever is the nearest to the light source.

c) Any lighting system must:
   - Comply with the ‘Residential Tennis Court Lighting Code’ produced by the Tennis Court Builders Association of Australia;
   - Be baffled to ensure that a light source is not directly visible from a habitable room window of an adjoining dwelling;
   - use light poles which are not more than 8 metres above the court surface; and
   - be certified after installation by a qualified lighting engineer.

d) The court must not be used for commercial purposes such as professional tennis coaching or court hire.

e) The court must not be used between 10.30pm and 7.30 am.

f) No mechanical equipment such as ball-throwing machines may be operated between 7pm and 8am.

g) The method of construction must comply with the ‘Guide Specifications for Tennis Court Construction’ produced by the Tennis Court builders Association of Australia.

Permit Expiry

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

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

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

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

3. Considerations

This assessment is based on the retention of the additional four trees, as agreed at the VCAT compulsory conference.

Justification in respect of the Strategic Considerations are detailed in the original Delegate Report as provided in Attachment 4.

3.1 Amended Plans Assessment

Grounds of Refusal 1 and 2

In addition to the specific conditions proposed on the planning permit, the retention of the four additional trees on the subject site will diffuse third party and offsite amenity impacts as a result of the tennis court to the streetscape and adjoining properties.

These changes satisfactorily respond to the grounds of refusal and has sufficiently addressed all Council and planning related objector concerns.
Grounds of Refusal 3
The retention of an additional two native trees (b and 8) and two exotic trees (2 and 3) on the subject site, minimise the loss of native vegetation and preserve existing trees, satisfactorily complying with the relevant purposes of the Vegetation Protection Overlay, Schedule 3.

It is considered that the fragmentation of any wildlife corridors will be inconsequential and although the proposed replanting of three Red flowering gums to replace trees 4, 5 and 6 will take time to mature to a comparable size, the consented retention of the four additional trees will subsidise any biodiversity and wildlife impacts.

On balance, the consented position is a positive outcome on a large site with significant development potential.

Grounds of Refusal 4
A landscape plan is required to be submitted prior to the endorsement of plans pursuant to Condition 1 and necessitates that 80% of plantings must be indigenous by species type and count.

Furthermore, the provision of nine canopy trees of native or indigenous origin with a minimum height of 8 metres at maturity, will substantially increase the amenity, aesthetic character and habitat value of the Beaumaris landscape.

These conditions adequately respond to the grounds of refusal and has addressed planning related objector concerns.

Grounds of Refusal 5
The retention of all three Monterey Pines in the front setback of the subject site will negate any perceived impacts to the existing neighbourhood character of the streetscape as a result of the development.

This ground of refusal has been adequately addressed and the requirement of a landscaping plan will provide protection of these significant trees in the future.

4. Conclusion

The development is considered to show a high level of compliance with the Bayside Planning Scheme.

For the reasons outlined in this report it is concluded that the proposed changes appropriately respond to Council’s Grounds for Refusal and have been mediated to reach an agreed position with the objecting parties to the appeal by addressing all planning related objector concerns.

For the reasons set out in the report it is recommended that Council supports the Grant of a Permit.

4. Support Attachments
1. Original Development Plans ↓
2. Sites and Surrounds Imagery ↓
3. VCAT Plan & Tree Summary Table ↓
4. Original Delegate Report ↓
ATTACHMENT 2
SITE AND SURROUNDS IMAGERY

Figure 1 Aerial overview of the site and surrounds
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.
<table>
<thead>
<tr>
<th>TREE</th>
<th>SPECIES</th>
<th>NATIVE/EXOTIC</th>
<th>REMOVAL/RETENTION</th>
<th>TREE COUNT REMOVAL FOR PERMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Monterey Pine (Pinus radiata)</td>
<td>Exotic</td>
<td>RETENTION Planning Permit not required for removal</td>
<td>Retention</td>
</tr>
<tr>
<td>2</td>
<td>Monterey Pine (Pinus radiata)</td>
<td>Exotic</td>
<td>RETENTION Planning Permit not required for removal</td>
<td>*Consent for retention at VCAT CC</td>
</tr>
<tr>
<td>3</td>
<td>Monterey Pine (Pinus radiata)</td>
<td>Exotic</td>
<td>RETENTION Planning Permit not required for removal</td>
<td>*Consent for retention at VCAT CC</td>
</tr>
<tr>
<td>4</td>
<td>Paperbark (Melaleuca armillaris)</td>
<td>Native</td>
<td>REMOVAL Major conflicts with construction Planning Permit required for removal</td>
<td>1 removal</td>
</tr>
<tr>
<td>5</td>
<td>Red Flowering Gum (Corymbia ficifolia)</td>
<td>Native</td>
<td>REMOVAL Major conflicts with construction Planning Permit required for removal</td>
<td>2 removal</td>
</tr>
<tr>
<td>6</td>
<td>Red Flowering Gum (Corymbia ficifolia)</td>
<td>Native</td>
<td>REMOVAL Major conflicts with construction Planning Permit required for removal</td>
<td>3 removal</td>
</tr>
<tr>
<td>7</td>
<td>Red Flowering Gum (Corymbia ficifolia)</td>
<td>Native</td>
<td>RETENTION Planning Permit required for removal</td>
<td>Retention</td>
</tr>
<tr>
<td>8</td>
<td>Red Flowering Gum (Corymbia ficifolia)</td>
<td>Native</td>
<td>RETENTION Planning Permit required for removal</td>
<td>*Consent for retention at VCAT CC</td>
</tr>
<tr>
<td>9</td>
<td>Pin Oak (Quercus palustris)</td>
<td>Exotic</td>
<td>RETENTION Planning Permit not required for removal</td>
<td>Retention</td>
</tr>
<tr>
<td>10</td>
<td>White Poplar (Populus alba)</td>
<td>Exotic</td>
<td>REMOVAL Planning Permit not required for removal</td>
<td>Removal</td>
</tr>
<tr>
<td>A</td>
<td>Willow Myrtle (Agonis flexuosa)</td>
<td>Native</td>
<td>REMOVAL Almost dead Planning Permit required for removal</td>
<td>4 removal</td>
</tr>
<tr>
<td>B</td>
<td>Brush Box (Lophostemon confertus)</td>
<td>Native</td>
<td>RETENTION Planning Permit required for removal</td>
<td>*Consent for retention at VCAT CC</td>
</tr>
</tbody>
</table>

Total Trees (including native & exotic): 12
Total native trees proposed to be removed: 4
2 BURGESS STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/509 WARD: SOUTHERN

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/151500

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Song Bowden Planning</td>
</tr>
<tr>
<td>Title/Covenant</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>18 August 2017</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>134 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Number of objections</td>
<td>6</td>
</tr>
</tbody>
</table>

Proposal
The application seeks approval for the removal of six (6) native trees and the construction, use and illumination of a private tennis court on a lot with an area of 2,272 square metres.

Note: The submitted plans also show the construction of a new dwelling. This does not require a planning permit and as such is not considered under the assessment of the application. The dwelling has been shown on the plans for clarity and to give context to the location of the proposed tennis court and tree removal.

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

Background
2016/81 - Removal of native vegetation protected by a Vegetation Protection Overlay – Approved (VicSmart Permit) – 16 February 2016

2. Planning controls
Planning Permit requirements
A planning permit is required pursuant to:

- Clause 42.02-2 (Vegetation Protection Overlay Schedule 3) – Removal of native vegetation
- Clause 52.21-2 - construction, use and illumination of a private tennis court and associated native vegetation removal in a Vegetation Protection Overlay

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 six objections were received. The following concerns were raised:

- Loss of trees and subsequent impact on birdlife;
- Does not respond to the VPO;
- Swimming pool will be elevated;
- Illumination from tennis court;
- Noise from use of tennis court and swimming pool;
- Proposed dwelling is large and out of keeping; and
- Overshadowing from proposed dwelling.

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

It should be noted that the original application that was advertised proposed the removal of five native trees. It was subsequently identified that two additional native trees were to be removed which had been omitted. As a result, the application was re-advertised for the removal of seven native trees. Following comments from Council’s Arborist, one of the native trees (Tree 7) was proposed to be retained and so only six native trees are now proposed for removal.

**Consultation meeting**
A consultation meeting was not held because the application exceeds the statutory time frame (opening up a failure appeal being lodged with VCAT) and the extensive public notification has not resulted in an outcome acceptable to either party.

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 2017/509 for the land known and described as 2 Burgess Street, Beaumaris, for the removal of six (6) native trees and the construction, use and illumination of a private tennis court in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and 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 advertised plans but modified to show:

a) The setback of the edge of the tennis court fencing increased to a minimum of 3 metres from the street frontage.

b) Full details of the lighting poles and fencing, including elevation drawings in the context of the overall site. These must comply with performance requirement E5 of the Code of Practice – Private Tennis Court Developments Revision 1.

c) Demonstration of full compliance with performance requirements E3.3.1, E3.3.2 and E3.3.3 of the Code of Practice – Private Tennis Court Developments Revision 1.

d) An updated Landscaping Plan in accordance with Condition 4 of this permit.

e) A Construction Impact Report in accordance with Condition 7 of this permit.

f) A Tree Management Plan and Protection Plan in accordance with Condition 8 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 landscape concept plan drawn by CX Landscape, dated 24/11/2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.

d) The provision of three (3) replacement canopy trees of native or indigenous origin with a mature height equal or greater than 12m.

e) The provision of three (3) replacement canopy trees of native or indigenous origin with a mature height equal or greater than 10m.
f) The provision of three (3) replacement canopy trees of native or indigenous origin with a mature height equal or greater than 8m.

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

h) Details of surface finishes of pathways and driveways

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.

Construction Impact Report

7. Prior to the endorsement of plans pursuant to Condition 1, a Construction Impact Report prepared by a suitably qualified arborist in accordance with AS4970 Protection of Trees on Development Sites (2009) for trees 7 and 9 and all trees on neighbouring which properties which have TPZs which extend into the subject site, to the satisfaction of the Responsible Authority shall be submitted to and be endorsed by the Responsible Authority.

The report should demonstrate the construction methods and materials proposed to ensure trees to be retained will remain viable post development and include the extent of pruning proposed to facilitate works around trees retained on site.

Tree Management and Protection Plan

8. 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.

9. 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.

10. 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.
Tennis court

11. The following must be complied with at all times:
   a) Drainage resulting from the court must be intercepted to avoid any overflow and must be connected to an approved point of discharge.
   b) Any lighting system must not exceed an illumination level of 12 lux and an average illumination of 10 lux when measured at the nearest habitable room window of an adjoining dwelling or at a point 3 metres outside the property boundary, whichever is the nearest to the light source.
   c) Any lighting system must:
      • Comply with the ‘Residential Tennis Court Lighting Code’ produced by the Tennis Court Builders Association of Australia;
      • Be baffled to ensure that a light source is not directly visible from a habitable room window of an adjoining dwelling;
      • use light poles which are not more than 8 metres above the court surface; and
      • be certified after installation by a qualified lighting engineer
   d) The court must not be used for commercial purposes such as professional tennis coaching or court hire.
   e) The court must not be used between 10.30pm and 7.30 am.
   f) No mechanical equipment such as ball-throwing machines may be operated between 7pm and 8am.
   g) The method of construction must comply with the ‘Guide Specifications for Tennis Court Construction’ produced by the Tennis Court builders Association of Australia.

Permit Expiry

12. 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.

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 15 Built Environment and Heritage
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.04 Environmental and Landscape Values
- Clause 21.06 Built Environment and Heritage
- Clause 22.06 Neighbourhood Character Policy (Precinct H4)
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 1)
- Clause 52.21 Private Tennis Court
- Clause 65 Decision Guidelines

6. **Considerations**

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

6.1. **Neighbourhood character**

The site is located within Neighbourhood Character Precinct H4. The proposal is considered to demonstrate an acceptable level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The character of this precinct is typified by dwellings within the topography and informal landscaped surrounding, including remnant and indigenous coastal trees. The removal of six native trees is offset by a condition included in the recommendation requiring the planting of nine canopy trees of native or indigenous origin that are capable of reaching mature heights of between 8-12 metres. This planting is considered acceptable. The provision of a tennis court is not considered to detract from the objectives of the precinct, as set out in the Attachment 3.

6.2. **Tennis Court**

Clause 52.21 relates to private tennis courts and seeks to ensure that tennis courts used in conjunction with a dwelling are sited and constructed to minimise the effects of the development on nearby properties and that there is no unreasonable disturbance or loss of amenity to adjoining residential areas.

A permit is required under this clause because the site is within a Vegetation Protection Overlay and the removal of native vegetation is also proposed.

The decision guidelines of this clause require an application to be considered against the relevant objectives and consideration, including the Code of Practice - Private Tennis Court Development Revision 1 March 1999. These are set out below:

**Court location**

The court must be at least:
- 3 metres from a street frontage
- 3 metres from an adjoining dwelling if the court if to be illuminated; and
- 20 metres from a Melbourne Water declared main drain.

The proposed tennis court is shown as being set back 1.5m from the street frontage. A condition is therefore included in the recommendation requiring the setback to be increased to 3m. The tennis court will be illuminated but will be in excess of 3m from the adjoining property and there is no Melbourne Water declared main drain in the vicinity of the site.

Fencing and enclosures
If less than 1 metre from a property boundary, the court fencing or other enclosure:
- Must not be more than 3 metres above the court surface;
- Must be of a maintenance-free material and use non-intrusive colours; and
- Must not be solid or enclosed for a height of more than 2 metres above the court surface.

The proposed tennis court would be located 1.5 metres away from the neighbouring property boundary. As such the above criteria are not applicable. The submitted plans show however that the proposed fencing would be 3 metres high, of a mesh style coloured dark green.

Site works
- The site on which the court is to be constructed must not have a slope of more than 20 percent overall.
- Excavation or filling must not exceed 1 metre in depth within 1 metre of a property boundary.
- Filling must not exceed 2.5 metres in depth at any point on the court site.
- Drainage resulting from the court must be intercepted to avoid any overflow and must be connected to an approved point of discharge.

Limited information has been provided with the application in relation to the above criteria, though compliance appears to have been achieved based on scale of drawings. For certainty, conditions are included in the recommendation requiring that the proposal demonstrate full compliance with the first three standards (E3.3.1, E3.3.2 and E3.3.4). The final point will be covered under the drainage requirements through the building process.

Landscaping
- No vegetation may be removed
  - In an urban zone, within 3 metres of a street frontage or adjoining public land
- If a permit is required, replanting must occur in excess of the number of trees removed and should comprise indigenous or species similar to those removed.
- Temporary barriers must be provided to protect areas of vegetation which are outside the works site.
- Landscaping must be maintained over fill batters.

Although two trees are being removed which are within 3 metres of the street frontage, these trees (2 and 3) do not require a planning permit for their removal. All trees which are protected by the VPO and are proposed for removal under this application are more than three metres from the site frontage. Six native trees are proposed to be removed;
a condition is included in the recommendation requiring the replanting of nine canopy trees of indigenous or native origin. The last two requirements will be secured through recommended conditions.

It is also noted that the tennis court will be further recessed from the site frontage (to 3.0m) through condition, and this setback area will be landscaped with hedge screening.

**Illumination**

- Any lighting system must not exceed an illumination level of 12 lux and an average illumination of 10 lux when measured at the nearest habitable room window of an adjoining dwelling or at a point 3 metres outside the property boundary, whichever is the nearest to the light source.

- Any lighting system must:
  - Comply with the ‘Residential Tennis Court Lighting Code’ produced by the Tennis Court Builder Association of Australia;
  - Be baffled to ensure that a light source is not directly visible from a habitable room window of an adjoining dwelling;
  - Use light poles which are not more than 8 metres above the court surface; and
  - Be certified after installation by a qualified lighting engineer.

Limited information has been provided by the applicant, in relation to this performance requirement, only stating that compliance can be achieved. Details have been nominated on the plans, but no specifics have been provided. This is therefore included in the recommended conditions to ensure compliance with the standard.

**Privacy**

- The court must not be used for commercial purposes such as professional tennis coaching or court hire.
- The court must not be used between 10.30pm and 7.30am.
- No mechanical equipment such as ball-throwing machines may be operated between 7pm and 8am.

Conditions are included in the recommendation to ensure that the above requirements are secured and adhered to.

**Construction methods**

- Adjoining residential properties shall be notified before any works are undertaken within 2 metres of the boundary.
- Temporary barriers must be provided to protect areas of vegetation which are outside the works site.
- The method of construction must comply with the ‘Guide Specifications for Tennis Court Builders Construction’ produced by the Tennis Court Builders Association of Australia.

These requirements are included as a recommended condition.

Subject to the above requirements being included as recommended conditions, the proposed tennis court will demonstrate compliance with the Code of Practice – Private Tennis Court Development Revision 1 March 1999 as required by Clause 52.21 of the Bayside Planning Scheme.

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

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

<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>Tree 4, 5, 6, 8, A, B</td>
<td>Tree 1, 7</td>
<td>Trees 2, 3, 10, 9</td>
</tr>
</tbody>
</table>

**Exotic Trees**

From an arboriculture perspective Council’s Arborist has reviewed the application and advises that trees 2 and 3 (large Monterey Pines) are of fair/poor health and exotic origin, which reduces their amenity value. Whilst they are prominent due to their size, the fair/poor health status is worrying for trees of this size and scale, and in general such species are not ideal for residential blocks in urban areas. Their removal and replacement with indigenous canopy trees would be a superior outcome over time.

Tree 10, whilst being of good health with a high amenity structure has significant decay pockets. Furthermore, this species (Populus alba) has an extensive root system which is prone to spreading and becoming a nuisance.

The above-mentioned trees are not protected by the VPO and as such do not technically form part of this application. Each would have required a local law permit if lodged independently, and Council’s Arborist has confirmed that approval would likely have been given.

**VPO Trees**

Tree 4 (Melaleuca amillari), whilst of native origin, has low amenity and no objection is raised to its removal. Tree 6 (Corymbia ficifolia) has good health, fair structure and high amenity value. However, its location centrally within the site would place an unreasonable burden on any future development of the site. No objection is therefore raised to its removal subject to indigenous canopy tree replacement planting.

Tree 5 (Corymbia ficifolia) is also located centrally within the site. This tree has good health and structure and a high amenity value. Much like tree 4, the tree is located within the middle region of the site and hence retention becomes extremely difficult without placing a significant burden / restriction on the site. Had this tree been more suitably located, retention would have been required, though in its current position this is considered to be an unreasonable request. As such, and subject to a high standard of replacement planting, including indigenous canopy trees, its removal is considered acceptable.

No objection is raised to the removal of tree 8 (Corymbia ficifolia) which is located adjacent to tree 7, subject to the retention of tree 7 (see below). This tree has good health and structure and a moderate amenity value. It would not be missed if the adjacent tree #7 was retained and so there is no objection to its removal if replaced with...
new indigenous canopy tree plantings in accordance with Bayside City Council Landscape VP03 Guidelines (2016). The retention of tree No.7 was negatived with the applicant throughout the application and is now being retained.

Tree A (Agonis flexuosa) and tree B (Lophostemon confertus) are both native trees but have low retention value. No objection is made to their removal subject to replacement indigenous canopy tree planting.

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 (and in fact improved on) once replacement plantings mature. The proposed vegetation removal will also not impact on the overall quality of habitat within the broader area and the extent of removal is justified when considered against the level of development proposed. Therefore the proposed vegetation removal is considered to comply with the objectives of the VPO3.

Retained trees

Tree 7 (Corymbia ficifolia) is located within the front setback of the subject property on the southern side of the existing carport. This tree has good health and structure and a high amenity value. Its prominent position means it can be viewed from the street and neighbouring properties. This tree was originally proposed to be removed but Council’s Arborist advised that this would not be supported. As such the plans were amended to show retention of the tree.

Tree 9 (Quercus palustris) is also proposed to be retained. Conditions are included in the recommendation to ensure appropriate protection measures are utilised during construction.

In addition to the above assessment, Council’s Arborist has reviewed the submitted landscape plan and advised that it needs to include 80% indigenous planting as required in the VPO. In addition the landscaping needs to include provision of nine replacement canopy trees or native or indigenous origin at heights greater or equal to 8m (3 no trees), 10m (3 no trees) and 12m (3 no trees). Over time, this would provide a net benefit to the site to compensate for those tree being removed.

6.4. Cultural Heritage Management Plan

The majority of the site is located within an Area of Cultural Heritage Sensitivity. However, the proposed works, which are in relation to a single dwelling on a lot are exempt from the requirements of the Aboriginal Heritage Act 2006.

6.5 Objector issues not already addressed

Loss of trees and subsequent impact on birdlife

Conditions are included within the recommendation requiring the planting of replacement canopy trees, nine in total. These are considered appropriate to mitigate for the loss of the existing trees and will provide additional habitats for birdlife and flora and fauna.

Illumination from tennis court

The Code of Practice for Private Tennis Court Development sets out levels of illumination that must not be exceed both within the tennis court and when measured from the nearest habitable window of an adjoining property. A condition is included in the recommendation to ensure the development complies with these requirements as per Clause 52.2.1 of the Bayside Planning Scheme, which relates to tennis courts.

Noise from use of tennis court and swimming pool
This application is for a tennis court and native vegetation removal. Subject to conditions controlling the hours of use of the tennis court, the use of it is consistent with those normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area.

Objections relating to the proposed new dwelling and swimming pool

As stated earlier in the report, the construction of a single new dwelling and swimming pool on the lot does not trigger the requirement for a planning permit. As such, they cannot be considered under this application.

Support Attachments
1. Development Plans and Arb Report
2. Site and Surrounds Imagery
3. Neighbourhood Character Assessment
4. VPO Assessment
4.7 49 SARGOOD STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/821/1 WARD: CENTRAL

Notice of Decision to Grant a Planning Permit

Applicant
Sketch Building Design

Title/Covenant/S173 Agreement
The title is not subject to any restrictive covenants.

Date application received
28 December 2017 (Amended on 30 October 2018)

Current statutory days
14 Days

Zoning
Neighbourhood Residential Zone (Schedule 3)

Overlays
Design and Development Overlay (Schedule 3)
Development Contribution Plan Overlay (Schedule 1)

Site area
744m²

Number of outstanding objections
12

Is a Development Contribution Levy applicable?
Yes - $2020

Is the site located within an area of cultural heritage sensitivity?
No

Proposal

The application seeks approval for the construction of two dwellings including basement car park and a front fence over 1.2m in height on a lot with an area of 744 square metres. Key details of the proposal are as follows:

- Two dwellings are proposed.
- Two storey including roof terraces over a basement car park with a maximum building height of 9.2 metres.
- Site coverage 49.9%
- Permeability 38.3%
- Garden Area: 42.5%
- A total of four car spaces are provided with two car spaces allocated to each dwelling in the basement.

The application plans are provided at Attachment 1.

An aerial image and photographs of the site and surrounds are provided at Attachment 2.
History
There is no planning permit history relevant to this application.

2. Planning controls

Planning Permit requirements
A planning permit is required pursuant to:

- Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot 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 12 objections were received.

12 objections remain outstanding at the time of this report.

The following concerns were raised:

- Neighbourhood character
- Tree removal
- Traffic issue
- Overlooking
- Fence height
- Demolition and asbestos issue
- Potential impact when excavation
- Stormwater and flooding issue

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

Consultation meeting
A consultation meeting was held on 9 August 2018 attended by the permit applicant and seven objectors. As a result of this meeting no objections were withdrawn.

Amended Plans
The applicant formally lodged amended plans on 30 October 2018 to address some of
the concerns raised by Council and the objectors. The following changes were included:

- Retention of Tree 5, 11, 12 and 13.
- North side setbacks have been increased between 300mm to 600mm in part.
- South side setbacks have been increased in between 300mm to 600mm in part.
- Alterations to rear first floor windows.
- Increase in screening measures along the side of the roof decks.
- Overall building height has been decreased by 200mm.

The amended plans do not increase any material detriment to adjoining properties or the neighbourhood, and therefore were not re-advertised.

4. Recommendation

That Council resolve to issue a Notice of Decision to Grant a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/821/1 for the land known and described as 49 Sargood Street, Hampton, for the Construction of two dwellings and a front fence exceeding 1.2m in height in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (submitted with the application amended on 30 October 2018) prepared by Sketch Building Design referenced 17-015, date Oct 2018 and revision number C but modified to show:

   a) Deletion of any proposed north wall on boundary of Dwelling 1 and a 2m side setback is to be provided for the entire length.
   b) Diagrams indicating compliance with Standard B22 for the ground floor decks.
   c) Modification to the existing splitter island (which is currently located in front of 49 Sargood Street) further to the north and restrict all turning movements to/from the property as ‘left in’ and ‘left out’ to the satisfaction of Responsible Authority.
   d) An engineer drawing including splitter island specification to Council’s satisfaction.
   e) A notation on the plan confirming that the construction cost of the proposed splitter island will be at developer’s cost.
   f) Section plan showing the proposed ramp grade in accordance with Clause 52.06 of the Bayside Planning Scheme.
   g) The proposed swimming pool of Dwelling 1 to be relocated/reduced with a minimum of 2m from the west property boundary.
   h) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples). A lighter colour scheme to replace C1 and C2 which currently proposed on the façade.

j) An updated Landscaping Plan including above mentioned changes in accordance with Condition 10 of this permit.

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

l) Drainage contribution in accordance with Condition 15.

1. 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 (including road works) must be carried out and completed to the satisfaction of the Responsible Authority.

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

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

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

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

**Water Sensitive Urban Design**

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:

a) The type of water sensitive urban design stormwater treatment measures to be used.

b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.

c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

**Landscaping**

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Justin Hutchison, reference Project number 2218, Revision C and be drawn to scale with dimensions and three copies must be provided. The plan must show:

   a) A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

   b) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

   c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All the species must be appropriate selected from indigenous coastal vegetation as mentioned in the Neighbourhood Character Precinct F1.

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

   e) Details of surface finishes of pathways and driveways

11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

**Drainage**

13. 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.

14. 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.

**Development Contribution**

15. 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.

16. 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.
Splitter Island

17. Prior to the occupation of the dwellings, the proposed modification to the existing splitter island as requested by Condition 1d) must be constructed, inspected and approved, to the satisfaction of the Responsible Authority.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours’ notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a ‘Road Opening Permit’ must be obtained to facilitate such work.
- A ‘Road Opening / Stormwater Tapping Permit’ is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is a 1.22 m wide drainage and sewerage easement along the west property boundary as indicated on the drawings provided.
- Subsurface water must be treated in accordance with Council’s Policy for “Works on Assets within the Road Reserve Policy 2018”.

5. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

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

Relevant strategies of the Council plan include:
• Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.

• Ensure new development responds to preferred neighbourhood character in activity centres.

**Bayside Planning Scheme**

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.06 Built Environment and Heritage
- Clause 21.09 Transport and Access
- 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 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

2. The site is located within Neighbourhood Character Precinct F1. The proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in **Attachment 3**.

The area is characterised by a variety of built form, consisting of a mix of single storey face brick/render original housing stock and contemporary single and double storey dwellings incorporating flat roof. Front fencing varies in style, materials and height, with landscaped front setbacks.

The design response is contemporary and its general form, scale and building massing (with appropriate ground floor north side setback condition imposed) responds to the varied residential feel of the streetscape and wider neighbourhood precinct. The side setbacks allow for a visual break with the adjoining properties to the north and south.

The proposed architectural framed elements to the front façade is an acceptable response to the existing neighbourhood character. The architectural elements assist in breaking up the visual bulk to the streetscape. Ancillary to this, the proposed window elements of both units offer a recessed front façade which further assists in breaking up the building mass. Furthermore, the proposed front setback at approximately 9 metres (excluding cut out along the frontage) allows sufficient landscaping spaces to soften built form impacts on the streetscape.
Whilst the abutting properties feature pitched roof forms, the wider area, including developments at 43 Sargood Street, 81 Bridge Street and 11 and 13 Kanowna Street all feature flat roof profiles. Therefore the proposal is considered to be acceptable against the wider character of the area.

Having said that, the proposed colour scheme, in particular to the front façade, neither respect the existing neighbourhood character nor comply with the Precinct Guidelines call for. A condition requiring a lighter colour scheme to replace C1 and C2 which currently proposed on the façade will be imposed.

On balance and subject to conditions as described above, the proposal is generally supported and will contribute favourably to the preferred neighbourhood character objectives envisioned for this precinct.

6.2. Compliance with Clause 55 (ResCode)

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

Street setback (Standard B6)

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sargood Street</td>
<td>9m</td>
<td>5.9m – 8.9m at ground floor 3.1m at ground floor</td>
</tr>
</tbody>
</table>

A minimum street setback from Sargood Street of 5.9 metres is proposed, with the non-compliance due largely to the angled cut out to the south of the frontage. 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 subject site is not one of the traditional lot with both adjoining properties are facing the same street. It better resembles a corner block which Sargood Street is a front street and Bridge Street is a side street. If applying front setback standard on a corner lot, the requirement for Bridge Street is only 3m and the proposal well exceeds the requirement.

The front setback is assessed by the standard front setback standard as required by the varied Standard B6, however the main focus of the streetscape impact is on the Sargood Street area. For Sargood Street front setback assessment, the proposed dwelling only seeks to 0.1m variation which is marginal and inconsequential.

For the non-complying element, a number of large trees exist in this area, along with a much wider road reserve which reduces the visual impact of the built form. All things considered, the resulting outcome is acceptable, and responds well to the character of the streetscape(s).

Energy Efficiency (Standard B10)

The proposed dwelling 2 has been designed without any north facing windows. It is due to the layout of the proposal and site orientation. The proposed dining and family room will have direct access to the large west and south facing windows which ensure appropriate use of daylight and solar energy. Ultimately, the proposed dwelling has to comply with 6 start energy rating through the building permit process.

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>North (side)</td>
<td>0m - 2m – 2.3m</td>
</tr>
</tbody>
</table>
The topography of the subject site is difficult with a site fall of approximately 2.7m from the Sargood Street frontage to rear of subject site. This creates issues for compliance, particularly towards the rear where walls are naturally higher due to the natural slope of the land.

On the north side, the proposed 1.7m ground floor setback does not fully comply with the standard and a condition will request this to be increased to 2.0m to better respect the neighbourhood character and protect neighbouring amenity.

The proposed first floor setbacks seek variations between 500mm and 1.0m. The proposed varied sections are directly opposite an existing garage and its associated driveway at 47 Sargood Street, which results in limited amenity impacts to the adjoining property. It is noted that the proposed leisure/bedroom 5 is opposite an existing habitable room window, however this window is setback approximately 6.4m from the wall, which would ensure no unreasonable impact.

On the south side, the proposed first floor setbacks seek variations between 700mm and 1500mm. The proposed bathroom of Bedroom 3 seeks a variation of 800mm and given it is opposite to the front yard of adjoining property, the amenity impact is considered limited and acceptable. It is further noted the existing 10m high tree in the front yard at the 83 Bridge Street will soften the built form impact to the streetscape and it is supported.

The proposed Bedroom 1 including its ENS and WIR are required to be setback 5.2m from the boundary and the proposed 3.7m seeks a variation of 1.5m. Whilst this figure sounds excessive, the neighbouring interfaced comprises a wall on boundary at ground floor, and a first floor neighbouring wall that is setback even less than that proposed through this application (i.e. the neighbouring wall would also be non-complaint). All things considered, the outcome is equitable and does not result in any unreasonable amenity impacts.

**Overlooking (Standard B22)**

The proposal includes a number of first floor windows serving habitable rooms that are within 9 metres of the secluded private open space (SPOS) and habitable room windows at adjoining properties. All are screening in accordance with the standard.

Clarification will be required to ensure ground floor decks are complaint with this standard, as they are raised above natural ground level.

Roof terrace has been appropriately located to comply with the standard.

**Front Fences (Standard B32)**

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sargood Street</td>
<td>1.2m</td>
<td>2.0m</td>
<td>800 mm</td>
</tr>
</tbody>
</table>

Front fences within this section of Sargood Street vary in height, style and materials. The proposed 2.0m high transparent metal batten front fence and transparent gate respects the streetscape character and will allow oblique views to landscaping within the front setback.

**6.3. Landscaping**

The application plans show the removal of 17 trees from the site including 2 trees that are protected by local laws. The table below identifies those trees protected by the Local
Law and those which are not protected by any statutory mechanism. Native trees are marked with a ‘*’:

<table>
<thead>
<tr>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed for removal</td>
<td>Proposed for retention</td>
</tr>
<tr>
<td>Tree 20* &amp; 21*</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Council’s Arborist in their initial referral response advised that the proposed trees 1, 2, 4, 5, 11, 20 and 21 should be retained given the Design Response for Neighbourhood Character Precinct F1, which aims to retain established trees and vegetation.

The application was amended to include the retention of Tree 5, 11, 12 and 13 to maintain the existing character and the proposal is now supported by Council’s arborist. Officers consider this is a good response to the state policy which encourage for infill development whilst protecting the existing neighbourhood character. It is noted, all the trees can be removed without any permit, apart from the Tree 20 and 21.

The applicant’s Arborist report submitted with the application demonstrates trees 20 and 21 are of good health, fair/poor structure and form, low retention value with a life expectancy of less than 5 years and less than 10 years respectively. On this basis, it is preferred to replace these trees with semi mature canopy trees which will improve the landscape character of the neighbourhood in the longer term.

Tree No. 22 is located on an adjoining site with its Tree Protection Zone (TPZ) extending into the subject site. As such consideration must be given to the impact of the development upon these trees. Council’s Arborist has advised that a Tree Protection Plan and Tree Management Plan will not be required to be submitted given the encroachment is less than 10% which complies with the Australian Standard.

In addition to the above assessment, Council’s Arborist has reviewed the submitted landscape plan and advised that it is considered acceptable, however all the tree species selected are not indigenous coastal vegetation as mentioned in the Neighbourhood Character Precinct F1. This will be imposed as a condition in the recommendation.

6.4. Street tree

No street trees are planted in the road reserve fronting the property.

6.5. Car parking and traffic

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

Each unit will comprise four bedrooms with each afforded two car parking spaces within the basement. Therefore, the proposed on-site car parking provision satisfies the requirements of Clause 52.06-5.

The submitted plans were referred to Council’s Traffic Engineer who supports the proposal subject to standard traffic conditions that seek modifications to crossovers, basement ramp grades and garage doors. The submitted plans have been amended to address these requirements.

Another concern was raised by Council’s traffic engineer, as well as a few residents,
related to potential issues around the access point location given that is in the close proximity to an intersection and existing Splitter Island.

Council’s traffic engineer suggested to amend / extend the existing splitter island further to the north and restrict all turning movements to/from the property as ‘left in’ and ‘left out’. This will require the applicant to extend the island 5m to the north from its current position. An engineering drawing will be conditioned in the permit to confirm the specification to Council’s satisfaction and the construction cost will be at developer’s cost. This has been discussed with the applicant who has accepted it.

In addition, it is considered that the proposed development will have no significant impact on traffic congestion and/or the existing on-street car parking network within Were Street or surrounding streets. This was not raised as a concern by Council’s Traffic Engineer.

6.6. Cultural Heritage management plan
4. 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
5. The subject site is located within catchment area F1.
6. Based on the proposed application and the below recommendation, a payment of $2,020 is required. The payment of the development contributions is included as a condition of permit.

6.8. Objector issues not already addressed

Stormwater and flooding issue
The application has been referred to Council’s Drainage Engineer who has required that specific drainage conditions be included on any planning permit that is issued. It is further noted the subject site is not located in a Special Building Overlay or any other overlays which may raise concerns of flooding.

Noise, disturbance and damage to property during construction / Asset protection

Building work can sometimes affect adjoining properties. An owner who is proposing building work has obligations under the Building Act 1993 to protect adjoining property from potential damage from their work. If building work is close to or adjacent to adjoining property boundaries, then the relevant building surveyor may require the owner to carry out protection work in respect of that adjoining property. This is to ensure that the adjoining property is not affected or damaged by the proposed building work. Protection work provides protection to adjoining property from damage due to building work. It includes but is not limited to underpinning of adjoining property footings, including vertical support, lateral support, protection against variation in earth pressures, ground anchors, and other means of support for the adjoining property. This process is not controlled or overseen via the planning process and regulations. It is a matter addressed at the building permit stage.

The potential for damage arising to the property during construction are outside the scope of the planning process and are not sufficient to warrant the refusal of the application. These matters are dealt with by the building surveyor.

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

1. Development Plans
2. Site and Surrounds
3. Neighbourhood Character Assessment
4. ResCode (Clause 55) Assessment
TOWN PLANNING SUBMISSION
REV C: OCTOBER 2018
PROPOSED TWO DWELLING DEVELOPMENT

AT:

NO.49 SARGOOD STREET
HAMPTON VIC 3188

SHEET 00: COVER SHEET AND PROPOSED STREETScape ELEVATION
SHEET 01: SITE ANALYSIS AND NEIGHBOURHOOD DESCRIPTION
SHEET 02: DESIGN RESPONSE
SHEET 03: BASEMENT SITE LAYOUT
SHEET 04: GROUND FLOOR SITE LAYOUT
SHEET 05: FIRST FLOOR SITE LAYOUT
SHEET 06: TERRACE LEVEL SITE LAYOUT
SHEET 06A: ROOF PLAN
SHEET 07: ELEVATIONS, COLOURS & MATERIALS SCHEDULE
SHEET 08: SHADOW DIAGRAMS-9AM (SEPTEMBER EQUINOX)
SHEET 09: SHADOW DIAGRAMS-12NOON (SEPTEMBER EQUINOX)
SHEET 10: SHADOW DIAGRAMS-3PM (SEPTEMBER EQUINOX)
ATTACHMENT 2
Site and Surrounds Imagery

Figure 1. Aerial Overview of subject site and objector map.

Legend

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

Objectors are not shown on the above map: 24 Sargood Street
PO Box 161 Hampton
54A Ella Grove, Chelsea
Figure 2: Looking from north to 49 Sargood Street (subject site).
Figure 3: Looking towards the subject site.
Figure 4: Looking towards the subject site from Bridge Street.
ATTACHMENT 3
Neighbourhood Character Policy (Precinct F1)

Preferred Future Character Statement
The dwellings, including a continued frequent presence of pre WWII dwellings, sit within garden settings. Buildings are occasionally built to the side boundary, however the impression of the streetscape is of informality and openness due to the open front fencing, and well articulated building designs. Buildings and gardens are clearly visible from the street despite the presence of front fences, and these are appropriate to the building era. Buildings fronting the foreshore reflect their setting and provide a visually attractive built form interface with the reserve.

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals. | • Attempt to retain wherever possible intact and good condition dwellings that contribute to the valued character of the Precinct in designing new development.  
• Alterations and extensions should retain the front of these dwellings and be appropriate to the building era. | Demolition of dwellings that contribute to the valued character of the Precinct. | Responds  
Comments  
The existing dwelling is not considered to hold such significance that retention would be warranted, particularly given the planning controls applicable to the site that encourage redevelopment. |
| To maintain and enhance the garden settings of the dwellings, and enhance the bayside vegetation character. | • Retain established trees and vegetation.  
• Replace any trees removed with species that will grow to a similar height.  
• Encourage replanting of indigenous sandbelt vegetation.  
• Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs, and indigenous coastal vegetation. | Lack of landscaping and substantial vegetation.  
Removal of trees.  
Planting of environmental weeds. | Responds  
Comments  
The proposed garden setting is acceptable for a development of this type, with sufficient open space at ground floor to provide for various planting, including canopy trees and screen vegetation.  
Noted, a permit condition will request for the deletion of any north wall on boundary and replace the area with access and landscaping.  
A landscape plan has been prepared, and been reviewed by Council’s Arborist who |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To ensure the building setbacks reflect the existing spacious visual separation of buildings and contribute to the informality of the dwelling setting. | • Buildings should be sited to allow space for the planting of trees and shrubs.  
• Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation. | Loss of front garden space.                                                                      | Responds  
Comments  
As discussed above, the proposed garden setting is acceptable for a development of this type, with sufficient open space at ground floor to provide for various planting, including canopy trees and screen vegetation.  
A permit condition will be imposed to sit north side setback by 2m off the boundary to create the appearance of space between buildings. |
| To minimise the loss of front garden spaces and the dominance of car parking structures. | • Locate garages and carports behind the line of the dwelling.  
• Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space. | Car parking structures that dominate the façade or view of the dwelling.                         | Responds  
Comments  
All parking would be located at basement level and hence would be hidden from the public realm.  
Only one single width crossover is proposed and other access options are not possible. |
| To ensure that new buildings and extensions do not dominate the streetscape. | • Recess second storey elements from the front façade.                                                                                                                                                    | High pitched or mansard roof forms with dormer windows.                                        | Responds  
Comments  
The proposed front façade is well articulated by recessed architecture elements. The proposed flat roof ensures the building is not dominated in height, it is further noticed that, given the typography of the site, the proposed first floor ridge height at RL20 is similar with the adjoining |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<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, in the new building design.</td>
<td>Large bulky buildings with flat, poorly articulated front wall surfaces.</td>
<td>N/A Comments No heritage properties are identified in this neighbourhood.</td>
</tr>
<tr>
<td>To reflect the lightness of the streetscape created through the use of a mix of appropriate building materials and finishes.</td>
<td>• Incorporate a variety of timber or other non-masonry wall materials where possible.</td>
<td>Heavy materials and design detailing (eg. Large masonry columns and piers).</td>
<td>Does not respond The proposed façade is dark in tones given the proposed dark grey colour for C1 and C2. This colour is largely applied to the front façade which has no regard to the existing neighbourhood character. It is suggested a condition that to change this colour to be a lighter colour which more respectful to the neighbourhood colour scheme.</td>
</tr>
<tr>
<td>To maintain the openness of the streetscape and views to the dwellings.</td>
<td>• Provide open style front fences, other than along heavily trafficked roads.</td>
<td>High, solid front fencing.</td>
<td>Responds Comments The proposed front fence at 2m with an appropriate level of transparency is considered as appropriate given the majority fences on the Sargeon Street are 2m high solid front fences.</td>
</tr>
<tr>
<td>To create a visually interesting and attractive built form interface with the foreshore reserve.</td>
<td>• Articulate the form buildings and elements, particularly front facades, and include elements that lighten the building form such as balconies, verandahs, non-reflective glazing and light-transparent balustrading. • Use a mix of contemporary and traditional coastal materials, textures and finishes, including render, timber, non-masonry sheeting, glazing, stone and brick.</td>
<td>Buildings that have no relationship to the foreshore setting. Poorly articulated roof and building forms. Highly reflective materials or glazing.</td>
<td>N/A Comments The subject site is not located where interfaces with the foreshore reserve.</td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Planning Officer Assessment</td>
</tr>
<tr>
<td>------------</td>
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<td>-----------------------------</td>
</tr>
<tr>
<td>• Provide articulated roof forms to create an interesting skyline when viewed from the beach.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### ATTACHMENT 4

**ResCode (Clause 55) Assessment**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer to Attachment 3 and report for further discussion.</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. Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>responds to features of the site and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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 in an established suburban area and is able to take advantage of public transport and community infrastructure services.</td>
</tr>
<tr>
<td>Residential development is consistent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>with housing policies in the SPPF,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LPPF including the MSS and 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 site. The developer will be responsible for upgrading this infrastructure if necessary to accommodate the development. Council’s drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area. It is noted that the developer will be required to pay a development contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.</td>
</tr>
<tr>
<td>Provides appropriate utility services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and infrastructure without overloading</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the capacity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B5 Integration with the Street</strong></td>
<td>Yes</td>
<td>The development will integrate appropriately with the street and features a staggered front setback at ground floor level, providing an appropriate transition to the setbacks of the adjoining properties. See Neighbourhood Character at Attachment 3 for further discussion.</td>
</tr>
<tr>
<td>Integrate the layout of development with</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the street</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B6 Street Setback</strong></td>
<td>No</td>
<td>Requirement: 9m.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B7 Building Height</strong></td>
<td><strong>Proposed:</strong> 5.9m – 9.9m at ground floor and 9.1m – 9.5m at first floor.</td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td>---------------------------------------------------------------------</td>
<td></td>
</tr>
</tbody>
</table>
| **B8 Site Coverage**   | **Yes**  
**Maximum:** 50%  
**Proposed:** 49.9% |
| **B9 Permeability**    | **Yes**  
**Minimum:** >20%  
**Proposed:** 38.3% |
| **B10 Energy Efficiency** | **No**  
Refer to report. |
| **B11 Open Space**     | **N/A**  
There is no communal open space in or adjacent to the development. |
| **B12 Safety**         | **Yes**  
The pedestrian entry points are clearly recognisable from Sargood Street, while the upper level allows for the passive surveillance of the street. |
| **B13 Landscaping**    | **No**  
The proposed landscape opportunities are generally satisfactory.  
Refer to Attachment 3 and Section 6.3 of the report for further discussion. |
B14 Access
Ensure the safe, manageable and convenient vehicle access to and from the development.
Ensure the number and design of vehicle crossovers respects neighbourhood character.

Yes
The proposed access to/from Sargood Street to the basement car parking is generally acceptable, however conditions requiring modifications to island splitter will ensure the safe access to the Sargood Street which will be recommended.
Refer to Section 6.4 of the report for further discussion.

B15 Parking Location
Provide resident and visitor vehicles with convenient parking.
Avoid parking and traffic difficulties in the development and the neighbourhood.
Protect residents from vehicular noise within developments.

Yes
On site car parking is provided in the form of a basement car park. Standard traffic permit conditions are recommended to clarify ramp widths and garage door width.
Refer to Section 6.4 of the report for further discussion.

B17 Side and Rear Setbacks
Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.

No
Refer to the report for further discussion.

<table>
<thead>
<tr>
<th></th>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>North (side)</td>
<td>0m - 2m - 2.27m</td>
<td>0m - 1.95m - 2.1m</td>
</tr>
<tr>
<td>South (side)</td>
<td>0m - 2.21m - 2.39m</td>
<td>0m - 2.04m - 2.78m</td>
</tr>
<tr>
<td>West (rear)</td>
<td>0m or 3m</td>
<td>9.45m - 9.47m</td>
</tr>
<tr>
<td></td>
<td>B16 Walls on Boundaries</td>
<td>B19 Daylight to Existing Windows</td>
</tr>
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</tr>
<tr>
<td></td>
<td>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.</td>
<td>Allow adequate daylight into existing habitable room windows.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Dwelling 1’s entry and dining room walls are proposed to be constructed to the north boundary. <strong>North boundary</strong> Maximum Height: 3.6m Proposed: 3.35m Maximum Length: 18.9m Proposed: 17.3m The proposed wall height and length accords with the standard. Unit 2’s porch is proposed to be constructed to the south boundary. <strong>South boundary</strong> Maximum Height: 3.6m Proposed: 3.3m Maximum Length: 17.8m Proposed: 3.2m The proposed wall height and length accords with the standard.</td>
<td>The development has been sufficiently setback from all habitable room windows to abutting properties.</td>
</tr>
<tr>
<td><strong>B22 Overlooking</strong></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
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<td></td>
</tr>
<tr>
<td>Limit views into existing secluded private open space and habitable room windows.</td>
<td>The proposed decking is over 800mm above ground level at south, west and north boundary which fails to comply with the standard requirement. It will be conditioned in the permit to drop the finished floor level of the proposed decks with a finished floor level no more than 800mm higher than the natural ground level at north, south and west boundaries. The proposed family room of each dwelling fails to demonstrate it complies with the standard given the natural ground level along the boundary is not clearly identified on the plan, it will be required to be conditioned that the proposed finished floor level of each family room is not higher than the natural ground level at south and north boundary respectively by 800mm. All habitable room windows at first floor have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard. Roof terrace has been appropriately located which complies with the standard.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B23 Internal Views</strong></th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</td>
<td>A 3m high rendered fence tapered to 2.0m at the rear boundary will be provided between the secluded private open space of each dwelling which complies with the standard.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B24 Noise Impacts</strong></th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</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>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B25 Accessibility</strong></th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider people with limited mobility in the design of developments.</td>
<td>Entries are accessible for people with limited mobility with a lift provided from the basement car park to all floors. In addition, the development could be further retrofitted to accommodate people with limited mobility in the future if required.</td>
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<tr>
<td><strong>B26 Dwelling Entry</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>B27 Daylight to New Windows</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>B28 Private Open Space</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>B29 Solar Access to Open Space</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>B30 Storage</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>B31 Design Detail</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>B32 Front Fences</strong></td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Private Open Space</th>
<th>Secluded Private Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1</td>
<td>Approx. 110m²</td>
<td>Approx. 77m²</td>
</tr>
<tr>
<td>Unit 2</td>
<td>Approx. 118m²</td>
<td>Approx. 77m²</td>
</tr>
<tr>
<td><strong>B33 Common Property</strong></td>
<td>N/a</td>
<td>No proposed common property.</td>
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<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</td>
<td></td>
<td></td>
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<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
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<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 with sufficient space for storage of rubbish bins and provision of mailboxes etc.</td>
</tr>
<tr>
<td>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
<td></td>
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<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
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</tr>
</tbody>
</table>