Agenda

for the

Planning & Amenity Committee Meeting

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

on

Tuesday, 16 October, 2018
Following the Special Meeting of Council at 6:30pm

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
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   4.2 29 Dalgetty Road, Beaumaris Nomination For Significant Tree Register ................................................................. 31
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   4.5 72 Iona Street, Black Rock Local Law Tree Removal Appeal Application No: 2018/181 Ward: Southern ......................... 85
   4.6 25I Bolton Street, Beaumaris Grant a Planning Permit Application No: 2018/434/1 Ward: Southern ................................. 91
   4.7 1 Bryson Avenue, Brighton Support the Grant of a Planning Permit (Consent Order) Application No: 2016/814/1 Ward: Northern 123
   4.8 447 Bay Street, Brighton Support the Grant of a Planning Permit (Consent Order) Application No: 2018/139/1 Ward: Northern 169
   4.9 1-5 Reynolds Street, Hampton East Support the Grant of an Amended Planning Permit Application No: 2016/596/2 Ward: Central ........................................................................................................ 217
   4.10 147 Abbott Street, Sandringham Notice of Decision to Amend a Planning Permit Application No: 2015/711/2 Ward: Central .. 271
   4.11 5 Wall Street, Beaumaris Notice of Decision to Grant a Planning Permit Application No: 2018/159/1 Ward: Southern .......... 325
4.12 6 Mock Street, Sandringham Notice of Decision to Grant a Planning Permit Application No: 2017/819/1 Ward: Southern 369

4.13 481 - 485 Highett Road, Highett Notice of Decision to Grant an Amended Planning Permit Application No: 2015/47/5 Ward: Central................................................................. 415

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4.15 VCAT Report - Decisions made in September 2018 ............... 465

5. Confidential Business

Nil

Next Meetings 2018

Tuesday 30 October 2018
Tuesday 13 November 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 11 September 2018.
4. Matters of Decision

4.1 20 MUNRO AVENUE CHELTENHAM
NOMINATION FOR SIGNIFICANT TREE REGISTER

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/216466

1. Purpose and background

To consider a nomination for an *Arbutus unedo* (Irish Strawberry Tree) tree at 20 Munro Avenue, Cheltenham to be included within Council’s Significant Tree Register. The nomination was supported by the owner of the property.

In 1996 Council established a Significant Tree Register that is maintained in accordance with the Bayside Significant Trees Management Policy 2013 (the Policy). There are currently 81 tree sites listed in the Bayside Significant Tree Register, with three *Arbutus unedo* (Irish Strawberry Tree) on the list.

2. Key Issues

*Property Owner’s reason for trees significant listing*

On 17 April 2018 Council received a Significant Tree nomination from Dr Robert E Saunders, which was supported by the owners of 20 Munro Avenue, Cheltenham, to place an *Arbutus unedo* (Irish Strawberry Tree), located in the front yard of the property, on Council’s Significant Tree Register.

The applicant advised that the tree is approximately 70 plus years old. The application is made to ensure its safety from any unauthorised pruning or removal.

*Independent Arboriculture Assessment*

An assessment of the tree was undertaken on 15 August 2018 by Homewood Consulting Pty Ltd. This assessment considered the overall arboriculture characteristics, the growing environment and overall site conditions which resulted in the following findings:

The assessment focused on the 10 criteria within Council’s Policy, which is based upon the National Heritage Trust agreed criteria for assessing significant trees. These criteria were used to assess the tree for significance in the local context within the City of Bayside, needing to meet at least one of the 10 criteria to be considered significant.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree meets criteria 5 – ‘Outstanding size’ given the large canopy spread and trunk diameter for this species, with a ‘Local’ level of significance.

As the tree met one of the Significant Tree Criteria it is recommended that the tree be included in the City of Bayside Register of Significant Trees.

*Council’s Arborist’s Assessment:*

Council’s Senior Investigations Arborist has reviewed the report by Homewood Consulting Pty Ltd. The findings and recommendations in the independent report are supported. The independent arborist report is attached.
3. **Recommendation**

   That Council:

   1. Grants significant status for an *Arbutus unedo* (Irish Strawberry Tree) tree at 20 Munro Avenue, Cheltenham.
   2. Writes to the applicants informing them of Council's decision.

**Support Attachments**

1. Independent Arborist Report - Homewood Consulting Pty Ltd ↓

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Arborist Report

for

Bayside City Council

Assessment of four Significant Tree Nominations for Bayside City Council

Prepared by
Homewood Consulting Pty Ltd
150 Junction Road
Nunawading VIC 3131

Prepared For
Shane Hall
76 Royal Avenue
Sandringham VIC 3191

Consulting Arborists

Emma Barrett
Bachelor of Applied Science (Horticulture)
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12 September 2018
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1. Introduction

Homewood Consulting Pty Ltd has been engaged to provide a report on four trees located within the municipality of Bayside. An arborist report has been requested to determine whether the trees are candidates for inclusion on the Bayside City Council Significant Tree Register.

On Wednesday, 15 August 2018 Emma Barrett conducted a site inspection. Table 1 lists the four trees and their locations. A summary of the assessments can be seen in Section 3.

<table>
<thead>
<tr>
<th>Tree No</th>
<th>Botanical Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 1</td>
<td>Quercus robur</td>
<td>151 Union Street, Brighton East</td>
</tr>
<tr>
<td>Tree 2</td>
<td>Arbucus unedo</td>
<td>20 Munro Street, Cheltenham</td>
</tr>
<tr>
<td>Tree 3</td>
<td>Liquidambar thyaciflua</td>
<td>29 Dalgetty Road, Beaumaris</td>
</tr>
<tr>
<td>Tree 4</td>
<td>Juglans regia</td>
<td>161 Abbott Street, Sandringham</td>
</tr>
</tbody>
</table>

2. Methodology

2.1 Site Inspection

On Wednesday, 15 August 2018 Emma Barrett conducted a site inspection.

Data collected for these trees included:

- Botanical Name
- Canopy Dimensions
- Diameter at Breast Height (DBH)
- Diameter at base
- Health
- Structure
- Useful Life Expectancy (ULE)
- Landscape Contribution
- Individual Significance

A Visual Tree Assessment (VTA) was conducted for each tree. A VTA consists of a detailed visual inspection of a tree and its surrounding site, including a complete walk around the tree, looking at the buttress roots, trunk, branches and leaves. The tree is observed from a distance and close up to consider crown shape, landscape context and surroundings.

Following a VTA assessment the tree was then assessed against the City of Bayside Significant Tree criteria.

For full details of the information collected and significance ratings see Appendices.
2.2 Tree Significance

Each of the four nominated trees was assessed to determine whether they are candidates for inclusion on the Bayside City Council Significant Tree Register.

The registration criteria are outlined in the Bayside City Council Significant Trees Management Policy 2013 (Appendix 2) and are as follows:

- Horticultural value
- Location or context
- Rare or localised
- Particularly old
- Outstanding size
- Aesthetic value
- Curious growth form
- Historical value
- Aboriginal culture
- Outstanding example of species

To be considered a 'Significant Tree' under the Bayside City Council Significant Trees Management Policy, the tree must be accredited against at least one of the registration criteria. If significant, the tree is then given a 'grading of significance' to classify the context of the significance e.g. National, State, Regional, Local or Neighbourhood.
3. Tree Details / Discussion

3.1 Tree 1 - *Arbutus unedo*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th><em>Arbutus unedo</em></th>
<th>Diameter at Root Base</th>
<th>100cm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Irish Strawberry Tree</td>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Health</td>
<td>Good</td>
</tr>
<tr>
<td>Height</td>
<td>8m</td>
<td>Structure</td>
<td>Fair</td>
</tr>
<tr>
<td>Width (E-W)</td>
<td>11m</td>
<td>Useful Life Expectancy (ULE)</td>
<td>10-20 years</td>
</tr>
<tr>
<td>Width (N-S)</td>
<td>10m</td>
<td>Retention Value</td>
<td>High</td>
</tr>
<tr>
<td>Diameter at Breast Height (DBH)</td>
<td>78cm</td>
<td>Landscape Contribution</td>
<td>Medium</td>
</tr>
</tbody>
</table>

Figure 1: *Arbutus unedo* located at 20 Munro Street, Cheltenham

Figure 2: *Arbutus unedo* located in the front yard of 20 Munro Street, Cheltenham
Arbutus unedo is an evergreen exotic from the Mediterranean areas of Europe and the south-west of Ireland. Usually wide spreading, with a deep green and dense foliage canopy, the species can reach a mature height of 8-10 metres and a width of 6 metres (Barnard et al 2004). Clusters of white or flushed pink flowers are borne from March to June, with orange to red, strawberry-like fruit ripening from the previous season’s flowers around the same time (Burnley plant directory 2002).

The subject tree is located within a residential area of Cheltenham, in the front yard of 20 Munro Street. For a tree of this species it is comparatively large, with good health, fair structure, a full canopy and large trunk (Figure 3).

The Significant Tree Register nomination indicates the subject tree is over 70 years old. This is very likely due to its large girth and spreading canopy and height.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree meets criteria 5 – ‘Outstanding size’ given the large canopy spread and trunk diameter for this species, with a ‘Local’ level of significance.

Figure 3: The trunk of Arbutus unedo at 20 Munro Street
3.2 Tree 2 - *Juglans regia*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th><em>Juglans regia</em></th>
<th>Diameter at base</th>
<th>38cm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Walnut</td>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Health</td>
<td>Good</td>
</tr>
<tr>
<td>Height</td>
<td>7m</td>
<td>Structure</td>
<td>Fair</td>
</tr>
<tr>
<td>Width (E-W)</td>
<td>9m</td>
<td>Useful Life</td>
<td>20-40 years</td>
</tr>
<tr>
<td>Width (N-S)</td>
<td>8m</td>
<td>Expectancy (ULE)</td>
<td></td>
</tr>
<tr>
<td>Diameter at Breast Height (DBH)</td>
<td>33cm</td>
<td>Landscape Contribution</td>
<td>Medium</td>
</tr>
</tbody>
</table>

Figure 4: *Juglans Regia* located at 161 Abbott Street, Sandringham

Figure 5: *Juglans Regia* located in the rear yard of 161 Abbott Street, Sandringham
Arborist Report
Bayside City Council
Significant Tree Nomination

_Juglans Regia_ (Walnut) is a large, spreading, deciduous tree native to south-eastern Europe, south-western and central Asia and can grow to 25m in height. It has deeply fissured, dark grey bark and fruit that turns into an edible woody nut (walnuts) (Aas and Riedmiller 2016). It prefers areas with cold winters, and is an important crop in north-east Victoria (Burnley Plant Guide 2012).

The subject tree is located in the rear yard of 161 Abbott Street, Sandringham. It is of good health and fair structure.

The nomination indicates the tree is particularly old and an outstanding example of the species. It also indicates the tree was planted outside a blacksmith in the 1930’s suggesting it may have some ‘Location or context’ values.

With a height of 7 metres and a DBH of 33cm, the subject tree is small for this species and predicted age.

Given the size of the subject tree:

- It is not considered to meet Criteria 10, an ‘Outstanding example of the species’; and
- It is not clear whether the tree meets Criteria 2 ‘Location or context’ or 4 ‘Particularly Old’ of the Bayside City Council Significant Tree Management Policy.

For this tree to be further considered more information on its age is required, i.e., old dated photos or maps with the tree located to verify its age.
### 3.3 Tree 3 - *Liquidambar styraciflua*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th><em>Liquidambar styraciflua</em></th>
<th>Diameter at base</th>
<th>120cm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Liquidamber</td>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Health</td>
<td>Good</td>
</tr>
<tr>
<td>Height</td>
<td>16m</td>
<td>Structure</td>
<td>Poor</td>
</tr>
<tr>
<td>Width (E-W)</td>
<td>10m</td>
<td>Useful Life Expectancy (ULE)</td>
<td>5 to 10 years</td>
</tr>
<tr>
<td>Width (N-S)</td>
<td>10m</td>
<td>Retention Value</td>
<td>Low</td>
</tr>
<tr>
<td>Diameter at Breast Height (DBH)</td>
<td>95cm</td>
<td>Landscape Contribution</td>
<td>High</td>
</tr>
</tbody>
</table>

![Figure 6: *Liquidambar styraciflua* located at 29 Dalgety Road, Beaumains](image1)

![Figure 7: Location of *Liquidambar styraciflua* in front yard of 29 Dalgety Road, Beaumains](image2)
**Arborist Report**

**Bayside City Council**

**Significant Tree Nomination**

*Liquidambar styraciflua* (Liquidamber) is a large, deciduous tree native to North and Central America that can grow to 30m in height. The tree is prized for its straight form and maple-like leaves that provide vibrant autumnal display, ranging from deep purple, red, orange and yellow (Spencer 1997). Bark is grey/brown and fruits are spiny balls during spring that are persistent and the full foliage is very thick and provides heavy shade (Burnley plant directory 2002). It is a commonly cultivated tree and is used in ornamental garden beds and streetscapes.

The subject tree is in the front yard of 29 Dalgetty Road, Beaumaris. It has good health and poor structure. The nomination for this tree indicates it has an unusual structure and is almost 80 years old.

This is a large tree with a High landscape contribution. It can be seen from afar and adds character to the local streetscape.

On assessment, it is evident that the tree has been severely lopped on at least two occasions which is contributing to its unusual structure.

Lopping, as opposed to target pruning, is generally considered poor practice in modern arboriculture. It creates a poor tree structure and can expose the tree to infection, resulting in extensive decay and hazardous epicormic growth (Harris, Clark & Matheny 1999). Epicormic growth is produced from dormant buds that lie beneath the bark of a tree. This growth does not form part of the tree’s natural structure and, once the resultant branches reach a large size, they can be prone to failure (Shigo 1991).

Figure 8 and Figure 9 show lopping points and resulting epicormic growth and associated decay. The canopy of the subject tree is almost entirely epicormic regeneration that has occurred as a response to lopping. These limbs have reached a large size and require management to reduce the risk of failure. Furthermore, most of the stems have decay at their base making them a greater risk of failure.

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*Figure 8: Liquidambar styraciflua with epicormic growth and branch decay as a result of lopping*
This tree has a very high hazard potential and probability of major branch failure in the short term. Works are recommended to reduce the length and weight on some of the epicormic stems.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree meets Criteria 5 – ‘Outstanding Size’ with a ‘Neighbourhood’ level of significance. However due to its poor structure, including multiple large epicormic stems and extensive decay, it is not recommended for inclusion into the significant tree register.

Figure 9: *Liquidambar styraciflua* with branch decay as a result of lopping
3.4 Tree 4 - *Quercus robur*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th><em>Quercus robur</em></th>
<th>Diameter at base</th>
<th>92cm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>English Oak</td>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Health</td>
<td>Good</td>
</tr>
<tr>
<td>Height</td>
<td>13m</td>
<td>Structure</td>
<td>Good</td>
</tr>
<tr>
<td>Width (E-W)</td>
<td>14m</td>
<td>Useful Life Expectancy (ULE)</td>
<td>40+ years</td>
</tr>
<tr>
<td>Width (N-S)</td>
<td>11m</td>
<td>Retention Value</td>
<td>High</td>
</tr>
<tr>
<td>Diameter at Breast Height (DBH)</td>
<td>74cm</td>
<td>Landscape Contribution</td>
<td>Medium</td>
</tr>
</tbody>
</table>

Figure 10: *Quercus robur* located at 151 Union Street, Brighton East

Figure 11: *Quercus robur* located in the rear yard of 151 Union Street, Brighton East
Quercus robur (English Oak) is generally a large, long-lived deciduous tree, native to Europe, western Asia and North Africa. Capable of growing 20m in its native habitat, it is a wide-spreading tree that has massive branches at maturity (Burnley plant directory 2002).

The subject tree is located in the rear yard of a private residential property at 151 Union Street, Brighton East. It can be seen from the road, and is one of the larger trees in the neighbourhood. For a tree of this species it is an average height, with good health, good structure and a full canopy.

The nomination indicates the tree is an old specimen at almost 80 years old. However, given its location this tree is unlikely to be providing significant biodiversity values as the nomination states.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree is borderline for Criteria 5 – ‘Outstanding Size’ with a ‘Neighbourhood’ level of significance. It is a large, well-formed tree with good health and structure and a long useful life expectancy and for this reason it is recommended for inclusion into the significant tree register.

Figure 12: Trunk of Quercus robur  
Figure 13: Looking up through the canopy of the Quercus robur
4. Recommendations

Four nominated trees have been assessed to determine whether they are candidates for inclusion on the Bayside City Council Significant Tree Register.

The subject trees varied in health, structure and significance.

Tree 2 (Juglans regia) and Tree 3 (Liquidambar styraciflua) are not recommended for inclusion on the Bayside Significant Tree Register. Tree 3 has poor structure and a reduced ULE, and more information is required to verify the age of Tree 2 before it can be considered.

It is recommended Tree 1 (Arbutus unedo) and Tree 4 (Quercus robur) are included on the Bayside Significant Tree Register.

Table 2: Overview of Tree Significance Register recommendations

<table>
<thead>
<tr>
<th>Tree #</th>
<th>Botanical Name</th>
<th>Individual Significance</th>
<th>Grading Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 1</td>
<td>Arbutus unedo</td>
<td>Outstanding size</td>
<td>Local</td>
</tr>
<tr>
<td>Tree 2</td>
<td>Juglans regia</td>
<td>Further information required to verify age</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Tree 3</td>
<td>Liquidambar styraciflua</td>
<td>Not recommended</td>
<td>Neighbourhood</td>
</tr>
<tr>
<td>Tree 4</td>
<td>Quercus robur</td>
<td>Outstanding size</td>
<td>Neighbourhood</td>
</tr>
</tbody>
</table>
6. References


Appendix 1. Data Collection Definitions

The information collected on each specimen was based on the assessor’s experience and opinion of each of the trees. Included are the descriptions for each of the listed categories. The following information was collected on each tree.

1.1 Botanical name:
The genus, species and common name.

1.2 Canopy dimensions
Height (approximate) and width (measured) of the canopy in metres.

1.3 DBH
Diameter at breast height (measured at 1.3m above ground level).

1.4 Health

Table 3: Health Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>The tree is demonstrating excellent or exceptional growth. The tree should exhibit a full canopy of foliage and be free of pest and disease problems.</td>
</tr>
<tr>
<td>Good</td>
<td>The tree is demonstrating good or exceptional growth. The tree should exhibit a full canopy of foliage, and have only minor pest or diseases problems.</td>
</tr>
<tr>
<td>Fair</td>
<td>The tree is in reasonable condition and growing well. The tree should exhibit an adequate canopy of foliage. There may be some deadwood present in the crown. Some grazing by insects or possums may be evident.</td>
</tr>
<tr>
<td>Poor</td>
<td>The tree is not growing to its full capacity; extension growth of the laterals is minimal. The canopy may be thinning or sparse. Large amounts of deadwood may be evident throughout the crown. Significant pest and disease problems may be evident or symptoms of stress indicating tree decline.</td>
</tr>
<tr>
<td>Very Poor</td>
<td>The tree appears to be in a state of decline. The tree is not growing to its full capacity. The canopy may be very thin and sparse. A significant volume of deadwood may be present in the canopy or pest and disease problems may be causing a severe decline in tree health.</td>
</tr>
<tr>
<td>Dead</td>
<td>The tree is dead.</td>
</tr>
</tbody>
</table>
1.5 Structure

Table 4. Structure Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>The tree has a well defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunk or the branches. Major limbs are well defined. The tree is considered a good example of the species.</td>
</tr>
<tr>
<td>Fair</td>
<td>The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance, and some branch unions may be exhibiting minor structural faults. If the tree has a single trunk, it may be on a slight lean or exhibiting minor defects.</td>
</tr>
<tr>
<td>Poor</td>
<td>The tree may have a poorly structured crown. The crown may be unbalanced or exhibit large gaps. Major limbs may not be well defined. Branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered root damage.</td>
</tr>
<tr>
<td>Very Poor</td>
<td>The tree has a poorly structured crown. The crown is unbalanced or exhibit large gaps with possibly large sections of deadwood. Major limbs may not be well defined. Branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. Branches may exhibit large cracks that are likely to fail in the future. The tree may have suffered major root damage.</td>
</tr>
<tr>
<td>Failed</td>
<td>The tree has a very poorly structured crown. A section of the tree has failed or is imminent danger of failure.</td>
</tr>
</tbody>
</table>

1.6 Useful Life Expectancy (ULE) Rating

Useful Life Expectancy is approximately how long a tree can be retained safely and usefully in the landscape.

Table 5. ULE Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsafe</td>
<td>The tree is considered dangerous in the location and has no significant amenity value.</td>
</tr>
<tr>
<td>Less than 5 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and have value for up to five years, but will need to be replaced. During this period, normal inspections and maintenance will be required. If possible, replacement trees should be planted.</td>
</tr>
<tr>
<td>5 – 10 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to ten years. During this period, normal inspections and maintenance will be required.</td>
</tr>
<tr>
<td>11 – 20 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to twenty years. During this period, normal inspections and maintenance will be required.</td>
</tr>
<tr>
<td>20 – 40 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to forty years. During this period, normal inspections and maintenance will be required.</td>
</tr>
<tr>
<td>Greater than 40 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for greater than forty years. During this period, normal inspections and maintenance will be required.</td>
</tr>
</tbody>
</table>
1.7 Tree Origin

Table 6. Tree Origin Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exotic</td>
<td>The species originates in a country other than Australia.</td>
</tr>
<tr>
<td>Native</td>
<td>The species originates within Australia.</td>
</tr>
<tr>
<td>Indigenous</td>
<td>The species originates within the local environs.</td>
</tr>
</tbody>
</table>

1.8 Contribution to the Landscape Rating

Table 7. Contribution to the Landscape Rating Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (e.g. Habitat, shade, flowers or fruit).</td>
</tr>
<tr>
<td>Medium</td>
<td>The tree may offer some screening in the landscape or serve a particular function in the location.</td>
</tr>
<tr>
<td>Low</td>
<td>The tree offers very little in the way of screening or amenity.</td>
</tr>
</tbody>
</table>
Appendix 2. Registration Criteria and Significant Ratings

The categories used to define significant trees are:

Criteria 1: Horticultural value
Any tree that is of horticultural or genetic value and could be an important source of propagating stock, including specimens that are particularly resistant to disease or exposure.

Criteria 2: Location or context
Any tree that is in a unique location or context and so provides a contribution to the landscape, including remnant indigenous vegetation, important landmarks, and trees that form part of a historic garden, park or town.

Sub-criteria:
1. Historic garden or park
2. Historic cemetery
3. Important landmark
4. Remnant indigenous vegetation
5. End of natural range
6. Contribution to landscape
7. Historic town
8. Historic planting style.

Criteria 3: Rare or localised
Any tree of a species or variety that is rare or of very localised distribution.

Sub-criteria:
1. Only known specimen
2. 1 to 10 known specimens
3. 10 to 50 known specimens
4. In the wild
5. End of natural range
6. Disjunct community.

Criteria 4: Particularly old
Any tree that is particularly old or venerable.
Criteria 5: Outstanding size
Any tree outstanding for its large height, trunk circumference, or canopy spread.
Sub-criteria:
1. Height
2. Circumference
3. Canopy spread
4. Height x circumference
5. Spread x circumference
6. Height x circumference x spread.

Criteria 6: Aesthetic value
Any tree of outstanding aesthetic significance.

Criteria 7: Curious growth form
Any tree that exhibits a curious growth form or physical feature such as abnormal outgrowths, natural fusion of branches, severe lightning damage, or unusually pruned forms.
Sub-criteria:
1. Abnormal outgrowths
2. Fusion of branches
3. Unusually pruned
4. Unusually damaged.

Criteria 8: Historical value
Any tree commemorating an occasion (including plantings by royalty) or with association to an important historical event.
Sub-criteria:
1. Cultural group
2. Public feature
3. World War I
4. World War II
5. British royalty
6. Non-British royalty
7. Visiting dignitary
8. Australian public figure
9. Victorian public figure.
Criteria 9: Aboriginal culture
Any tree associated with Aboriginal activities.
Sub-criteria:
1. Scarred tree
2. Corroboree tree.

Criteria 10: Outstanding example of species
Any tree that is an outstanding example of the species.

Grading of significance
As well as identifying significant trees and the nature of their significance, Council’s Significant Tree Register documents the level of significance of the trees. Five grades are used to classify the level of significance. The grades are consistent with those used for the classification of heritage buildings and places. The definition of ‘cultural significance’ is consistent with the Burra Charter (article 1.2). The grades are:

1. National significance (N) - Any tree of major significance and essential to the national heritage.
2. State significance(S) - Any tree of major significance and essential to the state heritage.
3. Regional significance (R) - Any tree of significance and contributing to the Melbourne metropolitan region’s heritage.
4. Local significance (L) - Any tree of significance and contributing to the municipality of Bayside City Council.
5. Neighbourhood significance (Nb) - Any tree of significance and contributing to the streetscape or neighbourhood landscape in the municipality of Bayside City Council.
4.2 29 DALGETTY ROAD, BEAUMARIS
NOMINATION FOR SIGNIFICANT TREE REGISTER

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/216590

1. Purpose and background

To consider a nomination for a *Liquidambar styraciflua* (Sweet Gum) tree at 29 Dalgetty Road, Beaumaris to be included within Council’s Significant Tree Register from the owner of the property.

In 1996 Council established a Significant Tree Register that is maintained in accordance with the Bayside Significant Trees Management Policy 2013 (the Policy). There are currently 81 tree sites listed in the Bayside Significant Tree Register, with no *Liquidambar styraciflua* (Sweet Gum) on the list.

2. Key Issues

*Property Owner’s reason for significant tree listing*

On 21 February 2018 Council received a Significant Tree nomination from the owner of 29 Dalgetty Road, Beaumaris, to place a *Liquidambar styraciflua* (Sweet Gum), located in the front yard of the property, on Council’s Significant Tree Register.

The applicant advised that the tree is approximately 70 plus years old and the tree has an unusual structure. The application is made to ensure its safety from any unauthorised pruning or removal.

*Independent Arboriculture Assessment*

An assessment of the tree was undertaken on 15 August 2018 by Homewood Consulting Pty Ltd. This assessment considered the overall arboriculture characteristics, the growing environment and overall site conditions which resulted in the following findings:

The assessment focused on the 10 criteria within Council’s Policy, which is based upon the National Heritage Trust agreed criteria for assessing significant trees. These criterion were used to assess the tree for significance in the local context within the City of Bayside, needing to meet at least one of the 10 criteria to be considered significant.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree meets criteria 5 – ‘Outstanding size’ given the large canopy spread and trunk diameter for this species, with a ‘Neighbourhood’ level of significance.

The arborist report raised concerns regarding the structural integrity of the tree as detailed in the attached report. It should be noted that the tree may require significant management in the short to medium future.

The independent Arborist recommends the tree not be added to the significant tree register; however, as the tree met one of the Significant Tree Criteria, it is recommended that the tree be included in the City of Bayside Register of Significant Trees.

*Council’s Arborist’s Assessment:*

Council’s Senior Investigations Arborist has reviewed the report by Homewood Consulting Pty Ltd. The findings and recommendations in the independent report are supported. The independent arborist report is attached.
3. **Recommendation**

   That Council:

   1. Grants significant status for a *Liquidambar styraciflua* (Sweet Gum) tree at 29 Dalgetty Road, Beaumaris;
   2. Writes to the applicants informing them of Council’s decision.

**Support Attachments**

1. Independent Arborist Report - Homewood Consulting Pty Ltd ↓
Arborist Report

for

Bayside City Council

Assessment of four Significant Tree Nominations for
Bayside City Council

Prepared by
Homewood Consulting Pty Ltd
150 Junction Road
Nunawading VIC 3131

Prepared For
Shane Hall
76 Royal Avenue
Sandringham VIC 3191

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12 September 2018
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1. Introduction

Homewood Consulting Pty Ltd has been engaged to provide a report on four trees located within the municipality of Bayside. An arborist report has been requested to determine whether the trees are candidates for inclusion on the Bayside City Council Significant Tree Register.

On Wednesday, 15 August 2018 Emma Barrett conducted a site inspection. Table 1 lists the four trees and their locations. A summary of the assessments can be seen in Section 3.

Table 1: Trees nominated for inclusion on the Bayside City Council Significant Tree Register

<table>
<thead>
<tr>
<th>Tree No</th>
<th>Botanical Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 1</td>
<td>Quercus robur</td>
<td>151 Union Street, Brighton East</td>
</tr>
<tr>
<td>Tree 2</td>
<td>Abietis unedo</td>
<td>20 Munro Street, Cheltenham</td>
</tr>
<tr>
<td>Tree 3</td>
<td>Liquidambar styraciflua</td>
<td>29 Dalgetty Road, Beaumaris</td>
</tr>
<tr>
<td>Tree 4</td>
<td>Juglans regia</td>
<td>161 Abbott Street, Sandringham</td>
</tr>
</tbody>
</table>

2. Methodology

2.1 Site Inspection

On Wednesday, 15 August 2018 Emma Barrett conducted a site inspection. Data collected for these trees included:

- Botanical Name
- Canopy Dimensions
- Diameter at Breast Height (DBH)
- Diameter at base
- Health
- Structure
- Useful Life Expectancy (ULE)
- Landscape Contribution
- Individual Significance

A Visual Tree Assessment (VTA) was conducted for each tree. A VTA consists of a detailed visual inspection of a tree and its surrounding site, including a complete walk around the tree, looking at the buttress roots, trunk, branches and leaves. The tree is observed from a distance and close up to consider crown shape, landscape context and surroundings.

Following a VTA assessment the tree was then assessed against the City of Bayside Significant Tree criteria.

For full details of the information collected and significance ratings see Appendices.
2.2 Tree Significance

Each of the four nominated trees was assessed to determine whether they are candidates for inclusion on the Bayside City Council Significant Tree Register.

The registration criteria are outlined in the Bayside City Council Significant Trees Management Policy 2013 (Appendix 2) and are as follows:

- Horticultural value
- Location or context
- Rare or localised
- Particularly old
- Outstanding size
- Aesthetic value
- Curious growth form
- Historical value
- Aboriginal culture
- Outstanding example of species

To be considered a 'Significant Tree' under the Bayside City Council Significant Trees Management Policy, the tree must be accredited against at least one of the registration criteria. If significant, the tree is then given a 'grading of significance' to classify the context of the significance e.g. National, State, Regional, Local or Neighbourhood.
3. Tree Details / Discussion

3.1 Tree 1 - *Arbutus unedo*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Diameter at Root Base</th>
<th>Common Name</th>
<th>Age Class</th>
<th>Origin</th>
<th>Health</th>
<th>Height</th>
<th>Structure</th>
<th>Width (E-W)</th>
<th>Useful Life Expectancy (ULE)</th>
<th>Width (N-S)</th>
<th>Retention Value</th>
<th>Diameter at Breast Height (DBH)</th>
<th>Landscape Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Arbutus unedo</em></td>
<td>100cm</td>
<td>Irish Strawberry Tree</td>
<td>Mature</td>
<td>Exotic</td>
<td>Good</td>
<td>8m</td>
<td>Fair</td>
<td>11m</td>
<td>10-20 years</td>
<td>10m</td>
<td>High</td>
<td>78cm</td>
<td>Medium</td>
</tr>
</tbody>
</table>

![Figure 1: *Arbutus unedo* located at 20 Munro Street, Cheltenham](image1)

![Figure 2: *Arbutus unedo* located in the front yard of 20 Munro Street, Cheltenham](image2)
Arbutus unedo is an evergreen exotic from the Mediterranean areas of Europe and the
south-west of Ireland. Usually wide spreading, with a deep green and dense foliage canopy,
the species can reach a mature height of 8-10 metres and a width of 6 metres (Barnard et al
2004). Clusters of white or flushed pink flowers are borne from March to June, with orange to
red, strawberry-like fruit ripening from the previous season’s flowers around the same time
(Burnley plant directory 2002).

The subject tree is located within a residential area of Cheltenham, in the front yard of 20
Munro Street. For a tree of this species it is comparatively large, with good health, fair
structure, a full canopy and large trunk (Figure 3).

The Significant Tree Register nomination indicates the subject tree is over 70 years old. This
is very likely due to its large girth and spreading canopy and height.

In terms of significance against the Bayside City Council Significant Tree Management Policy
2013, the subject tree meets criteria 5 – ‘Outstanding size’ given the large canopy spread
and trunk diameter for this species, with a ‘Local’ level of significance.

Figure 3: The trunk of Arbutus unedo at 20 Munro Street
3.2 Tree 2 - *Juglans regia*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th><em>Juglans regia</em></th>
<th>Diameter at base</th>
<th>38cm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Walnut</td>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Health</td>
<td>Good</td>
</tr>
<tr>
<td>Height</td>
<td>7m</td>
<td>Structure</td>
<td>Fair</td>
</tr>
<tr>
<td>Width (E-W)</td>
<td>9m</td>
<td>Useful Life Expectancy (ULE)</td>
<td>20-40 years</td>
</tr>
<tr>
<td>Width (N-S)</td>
<td>8m</td>
<td>Retention Value</td>
<td>High</td>
</tr>
<tr>
<td>Diameter at Breast Height (DBH)</td>
<td>33cm</td>
<td>Landscape Contribution</td>
<td>Medium</td>
</tr>
</tbody>
</table>

![Figure 4: *Juglans Regia* located at 161 Abbott Street, Sandringham](image1)

![Figure 5: *Juglans Regia* located in the rear yard of 161 Abbott Street, Sandringham](image2)
Juglans Regia (Walnut) is a large, spreading, deciduous tree native to south-eastern Europe, south-western and central Asia and can grow to 25m in height. It has deeply fissured, dark grey bark and fruit that turns into an edible woody nut (walnuts) (Aas and Riedmiller 2016). It prefers areas with cold winters, and is an important crop in north-east Victoria (Burnley Plant Guide 2012).

The subject tree is located in the rear yard of 161 Abbott Street, Sandringham. It is of good health and fair structure.

The nomination indicates the tree is particularly old and an outstanding example of the species. It also indicates the tree was planted outside a blacksmith in the 1930’s suggesting it may have some ‘Location or context’ values.

With a height of 7 metres and a DBH of 33cm, the subject tree is small for this species and predicted age.

Given the size of the subject tree:

- It is not considered to meet Criteria 10, an ‘Outstanding example of the species’; and
- It is not clear whether the tree meets Criteria 2 ‘Location or context’ or 4 ‘Particularly Old’ of the Bayside City Council Significant Tree Management Policy.

For this tree to be further considered more information on its age is required, i.e., old dated photos or maps with the tree located to verify its age.
3.3 Tree 3 - *Liquidambar styraciflua*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th><em>Liquidambar styraciflua</em></th>
<th>Diameter at base</th>
<th>120cm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Liquidambar</td>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Health</td>
<td>Good</td>
</tr>
<tr>
<td>Height</td>
<td>16m</td>
<td>Structure</td>
<td>Poor</td>
</tr>
<tr>
<td>Width (E-W)</td>
<td>16m</td>
<td>Useful Life Expectancy (ULE)</td>
<td>5 to 10 years</td>
</tr>
<tr>
<td>Width (N-S)</td>
<td>19m</td>
<td>Retention Value</td>
<td>Low</td>
</tr>
<tr>
<td>Diameter at Breast Height (DBH)</td>
<td>95cm</td>
<td>Landscape Contribution</td>
<td>High</td>
</tr>
</tbody>
</table>

Figure 6: *Liquidambar styraciflua* located at 20 Dalgetty Road, Beaumaris

Figure 7: Location of *Liquidambar styraciflua* in front yard of 29 Dalgetty Road, Beaumaris

Reference: 3460
Liquidambar styraciflua (Liquidamber) is a large, deciduous tree native to North and Central America that can grow to 30m in height. The tree is prized for its straight form and maple-like leaves that provide vibrant autumnal display, ranging from deep purple, red, orange and yellow (Spencer 1997). Bark is grey/brown and fruits are spiny balls during spring that are persistent and the full foliage is very thick and provides heavy shade (Burnley plant directory 2002). It is a commonly cultivated tree and is used in ornamental garden beds and streetscapes.

The subject tree is in the front yard of 29 Dalgetty Road, Beaumaris. It has good health and poor structure. The nomination for this tree indicates it has an unusual structure and is almost 80 years old.

This is a large tree with a High landscape contribution. It can be seen from afar and adds character to the local streetscape.

On assessment, it is evident that the tree has been severely lopped on at least two occasions which is contributing to its unusual structure.

Lopping, as opposed to target pruning, is generally considered poor practice in modern arboriculture. It creates a poor tree structure and can expose the tree to infection, resulting in extensive decay and hazardous epicormic growth (Harris, Clark & Matheny 1999). Epicormic growth is produced from dormant buds that lie beneath the bark of a tree. This growth does not form part of the tree’s natural structure and, once the resultant branches reach a large size, they can be prone to failure (Shigo 1991).

Figure 8 and Figure 9 show lopping points and resulting epicormic growth and associated decay. The canopy of the subject tree is almost entirely epicormic regeneration that has occurred as a response to lopping. These limbs have reached a large size and require management to reduce the risk of failure. Furthermore, most of the stems have decay at their base making them a greater risk of failure.

Figure 8: Liquidambar styraciflua with epicormic growth and branch decay as a result of lopping
Arborist Report
Bayside City Council
Significant Tree Nomination

This tree has a very high hazard potential and probability of major branch failure in the short term. Works are recommended to reduce the length and weight on some of the epicormic stems.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree meets Criteria 5 – ‘Outstanding Size’ with a ‘Neighbourhood’ level of significance. However due to its poor structure, including multiple large epicormic stems and extensive decay, it is not recommended for inclusion into the significant tree register.

Figure 9: *Liquidambar styraciflua* with branch decay as a result of lopping
3.4 Tree 4 - *Quercus robur*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Diameter at base</th>
<th>Age Class</th>
<th>Origin</th>
<th>Health</th>
<th>Height</th>
<th>Structure</th>
<th>Width (E-W)</th>
<th>Useful Life Expectancy (ULE)</th>
<th>Width (N-S)</th>
<th>Retention Value</th>
<th>Diameter at Breast Height (DBH)</th>
<th>Landscape Contribution</th>
<th>Retention Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Quercus robur</em></td>
<td>English Oak</td>
<td>92cm</td>
<td>Mature</td>
<td>Exotic</td>
<td>Good</td>
<td>13m</td>
<td>Good</td>
<td>14m</td>
<td>40+ years</td>
<td>11m</td>
<td>High</td>
<td>74cm</td>
<td>Medium</td>
<td></td>
</tr>
</tbody>
</table>

Figure 10: *Quercus robur* located at 151 Union Street, Brighton East

Figure 11: *Quercus robur* located in the rear yard of 151 Union Street, Brighton East
Quercus robur (English Oak) is generally a large, long-lived deciduous tree, native to Europe, western Asia and North Africa. Capable of growing 20m in its native habitat, it is a wide-spread tree that has massive branches at maturity (Burnley plant directory 2002).

The subject tree is located in the rear yard of a private residential property at 151 Union Street, Brighton East. It can be seen from the road, and is one of the larger trees in the neighbourhood. For a tree of this species it is an average height, with good health, good structure and a full canopy.

The nomination indicates the tree is an old specimen at almost 80 years old. However, given its location this tree is unlikely to be providing significant biodiversity values as the nomination states.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree is borderline for Criteria 5 – ‘Outstanding Size’ with a ‘Neighbourhood’ level of significance. It is a large, well-formed tree with good health and structure and a long useful life expectancy and for this reason it is recommended for inclusion into the significant tree register.
4. Recommendations

Four nominated trees have been assessed to determine whether they are candidates for inclusion on the Bayside City Council Significant Tree Register.

The subject trees varied in health, structure and significance.

Tree 2 (*Juglans regia*) and Tree 3 (*Liquidambar styraciflua*) are not recommended for inclusion on the Bayside Significant Tree Register. Tree 3 has poor structure and a reduced ULE, and more information is required to verify the age of Tree 2 before it can be considered.

It is recommended Tree 1 (*Arbutus unedo*) and Tree 4 (*Quercus robur*) are included on the Bayside Significant Tree Register.

Table 2: Overview of Tree Significance Register recommendations

<table>
<thead>
<tr>
<th>Tree #</th>
<th>Botanical Name</th>
<th>Individual Significance</th>
<th>Grading Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 1</td>
<td><em>Arbutus unedo</em></td>
<td>Outstanding size</td>
<td>Local</td>
</tr>
<tr>
<td>Tree 2</td>
<td><em>Juglans regia</em></td>
<td>Further information</td>
<td>Not applicable</td>
</tr>
<tr>
<td></td>
<td></td>
<td>required to verify age</td>
<td></td>
</tr>
<tr>
<td>Tree 3</td>
<td><em>Liquidambar styraciflua</em></td>
<td>Not recommended</td>
<td>Neighbourhood</td>
</tr>
<tr>
<td>Tree 4</td>
<td><em>Quercus robur</em></td>
<td>Outstanding size</td>
<td>Neighbourhood</td>
</tr>
</tbody>
</table>
6. References


Appendix 1. Data Collection Definitions

The information collected on each specimen was based on the assessor’s experience and opinion of each of the trees. Included are the descriptions for each of the listed categories. The following information was collected on each tree.

1.1 Botanical name:
The genus, species and common name.

1.2 Canopy dimensions
Height (approximate) and width (measured) of the canopy in metres.

1.3 DBH
Diameter at breast height (measured at 1.3m above ground level).

1.4 Health

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>The tree is demonstrating excellent or exceptional growth. The tree should exhibit a full canopy of foliage and be free of pest and disease problems.</td>
</tr>
<tr>
<td>Good</td>
<td>The tree is demonstrating good or exceptional growth. The tree should exhibit a full canopy of foliage, and have only minor pest or diseases problems.</td>
</tr>
<tr>
<td>Fair</td>
<td>The tree is in reasonable condition and growing well. The tree should exhibit an adequate canopy of foliage. There may be some deadwood present in the crown. Some grazing by insects or possums may be evident.</td>
</tr>
<tr>
<td>Poor</td>
<td>The tree is not growing to its full capacity; extension growth of the laterals is minimal. The canopy may be thinning or sparse. Large amounts of deadwood may be evident throughout the crown. Significant pest and disease problems may be evident or symptoms of stress indicating tree decline.</td>
</tr>
<tr>
<td>Very Poor</td>
<td>The tree appears to be in a state of decline. The tree is not growing to its full capacity. The canopy may be very thin and sparse. A significant volume of deadwood may be present in the canopy or pest and disease problems may be causing a severe decline in tree health.</td>
</tr>
<tr>
<td>Dead</td>
<td>The tree is dead.</td>
</tr>
</tbody>
</table>
1.5 Structure

Table 4. Structure Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>The tree has a well defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunk or the branches. Major limbs are well defined. The tree is considered a good example of the species.</td>
</tr>
<tr>
<td>Fair</td>
<td>The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance, and some branch unions may be exhibiting minor structural faults. If the tree has a single trunk, it may be on a slight lean or exhibiting minor defects.</td>
</tr>
<tr>
<td>Poor</td>
<td>The tree may have a poorly structured crown. The crown may be unbalanced or exhibit large gaps. Major limbs may not be well defined. Branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered root damage.</td>
</tr>
<tr>
<td>Very Poor</td>
<td>The tree has a poorly structured crown. The crown is unbalanced or exhibit large gaps with possibly large sections of deadwood. Major limbs may not be well defined. Branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. Branches may exhibit large cracks that are likely to fail in the future. The tree may have suffered major root damage.</td>
</tr>
<tr>
<td>Failed</td>
<td>The tree has a very poorly structured crown. A section of the tree has failed or is in imminent danger of failure.</td>
</tr>
</tbody>
</table>

1.6 Useful Life Expectancy (ULE) Rating

Useful Life Expectancy is approximately how long a tree can be retained safely and usefully in the landscape.

Table 5. ULE Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsafe</td>
<td>The tree is considered dangerous in the location and has no significant amenity value.</td>
</tr>
<tr>
<td>Less than 5 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and have value for up to five years. But will need to be replaced. During this period, normal inspections and maintenance will be required. If possible, replacement trees should be planted.</td>
</tr>
<tr>
<td>5 – 10 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to ten years. During this period, normal inspections and maintenance will be required.</td>
</tr>
<tr>
<td>11 – 20 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to twenty years. During this period, normal inspections and maintenance will be required.</td>
</tr>
<tr>
<td>20 – 40 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to forty years. During this period, normal inspections and maintenance will be required.</td>
</tr>
<tr>
<td>Greater than 40 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for greater than forty years. During this period, normal inspections and maintenance will be required.</td>
</tr>
</tbody>
</table>
1.7 Tree Origin

Table 6. Tree Origin Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exotic</td>
<td>The species originates in a country other than Australia.</td>
</tr>
<tr>
<td>Native</td>
<td>The species originates within Australia.</td>
</tr>
<tr>
<td>Indigenous</td>
<td>The species originates within the local environs.</td>
</tr>
</tbody>
</table>

1.8 Contribution to the Landscape Rating

Table 7. Contribution to the Landscape Rating Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (E.g. Habitat, shade, flowers or fruit)</td>
</tr>
<tr>
<td>Medium</td>
<td>The tree may offer some screening in the landscape or serve a particular function in the location.</td>
</tr>
<tr>
<td>Low</td>
<td>The tree offers very little in the way of screening or amenity.</td>
</tr>
</tbody>
</table>
Appendix 2. Registration Criteria and Significant Ratings

The categories used to define significant trees are:

Criteria 1: Horticultural value
Any tree that is of horticultural or genetic value and could be an important source of propagating stock, including specimens that are particularly resistant to disease or exposure.

Criteria 2: Location or context
Any tree that is in a unique location or context and so provides a contribution to the landscape, including remnant indigenous vegetation, important landmarks, and trees that form part of a historic garden, park or town.

Sub-criteria:
1. Historic garden or park
2. Historic cemetery
3. Important landmark
4. Remnant indigenous vegetation
5. End of natural range
6. Contribution to landscape
7. Historic town
8. Historic planting style.

Criteria 3: Rare or localised
Any tree of a species or variety that is rare or of very localised distribution.

Sub-criteria:
1. Only known specimen
2. 1 to 10 known specimens
3. 10 to 50 known specimens
4. In the wild
5. End of natural range
6. Disjunct community.

Criteria 4: Particularly old
Any tree that is particularly old or venerable.
Criteria 5: Outstanding size
Any tree outstanding for its large height, trunk circumference, or canopy spread.
Sub-criteria:
1. Height
2. Circumference
3. Canopy spread
4. Height x circumference
5. Spread x circumference
6. Height x circumference x spread.

Criteria 6: Aesthetic value
Any tree of outstanding aesthetic significance.

Criteria 7: Curious growth form
Any tree that exhibits a curious growth form or physical feature such as abnormal outgrowths, natural fusion of branches, severe lightning damage, or unusually pruned forms.
Sub-criteria:
1. Abnormal outgrowths
2. Fusion of branches
3. Unusually pruned
4. Unusually damaged.

Criteria 8: Historical value
Any tree commemorating an occasion (including plantings by royalty) or with association to an important historical event.
Sub-criteria:
1. Cultural group
2. Public feature
3. World War I
4. World War II
5. British royalty
6. Non-British royalty
7. Visiting dignitary
8. Australian public figure
9. Victorian public figure.
Criteria 9: Aboriginal culture

Any tree associated with Aboriginal activities.

Sub-criteria:
1. Scarred tree
2. Corroboree tree.

Criteria 10: Outstanding example of species

Any tree that is an outstanding example of the species.

Grading of significance

As well as identifying significant trees and the nature of their significance, Council's Significant Tree Register documents the level of significance of the trees. Five grades are used to classify the level of significance. The grades are consistent with those used for the classification of heritage buildings and places. The definition of 'cultural significance' is consistent with the Burra Charter (article 1.2). The grades are:

1. National significance (N) - Any tree of major significance and essential to the national heritage.
2. State significance(S) - Any tree of major significance and essential to the state heritage.
3. Regional significance (R) - Any tree of significance and contributing to the Melbourne metropolitan region's heritage.
4. Local significance (L) - Any tree of significance and contributing to the municipality of Bayside City Council.
5. Neighbourhood significance (Nb) - Any tree of significance and contributing to the streetscape or neighbourhood landscape in the municipality of Bayside City Council.
4.3 151 UNION STREET, BRIGHTON EAST
NOMINATION FOR SIGNIFICANT TREE REGISTER

1. Purpose and background
To consider a nomination for a *Quercus robur* (English Oak) tree at 151 Union Street, Brighton East to be included within Council’s Significant Tree Register from the owner of the property.

In 1996 Council established a Significant Tree Register that is maintained in accordance with the Bayside Significant Trees Management Policy 2013 (the Policy). There are currently 81 tree sites listed in the Bayside Significant Tree Register, with five *Quercus robur* (English Oak) on the list.

2. Key Issues

*Property Owner’s reason for significant tree listing*

On 8 May 2018 Council received a Significant Tree nomination from the owner of 151 Union Street, Brighton East, to place a *Quercus robur* (English Oak), located in the front yard of the property, on Council’s Significant Tree Register.

The applicant advised that the tree is approximately 80 years old and was grown by the original owner’s daughter in 1941 and is one of the few remaining large trees on private land. The application is made to ensure its safety from any unauthorised pruning or removal.

*Independent Arboriculture Assessment*

An assessment of the tree was undertaken on 15 August 2018 by Homewood Consulting Pty Ltd. This assessment considered the overall arboriculture characteristics, the growing environment and overall site conditions which resulted in the following findings:

The assessment focused on the 10 criteria within Council’s Policy, which is based upon the National Heritage Trust agreed criteria for assessing significant trees. These criterion were used to assess the tree for significance in the local context within the City of Bayside, needing to meet at least one of the 10 criteria to be considered significant.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree meets criteria 5 – ‘Outstanding size’ given the large canopy spread and trunk diameter for this species, with a ‘Neighbourhood’ level of significance.

As the tree met one of the Significant Tree Criteria it is recommended that the tree be included in the City of Bayside Register of Significant Trees.

*Council’s Arborist’s Assessment:*

Council’s Senior Investigations Arborist has reviewed the report by Homewood Consulting Pty Ltd. The findings and recommendations in the independent report are supported. The independent arborist report is attached.

3. Recommendation

That Council:

1. Grants significant status for a *Quercus robur* (English Oak) at 151 Union Street, Brighton East;

2. Writes to the applicants informing them of Council’s decision.
Support Attachments
1. Independent Arborist Report - Homewood Consulting Pty Ltd ↓
Arborist Report

for

Bayside City Council

Assessment of four Significant Tree Nominations for Bayside City Council

Prepared by
Homewood Consulting Pty Ltd
150 Junction Road
Nunawading VIC 3131

Prepared For
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12 September 2018
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1. Introduction

Homewood Consulting Pty Ltd has been engaged to provide a report on four trees located within the municipality of Bayside. An arborist report has been requested to determine whether the trees are candidates for inclusion on the Bayside City Council Significant Tree Register.

On Wednesday, 15 August 2018 Emma Barrett conducted a site inspection. Table 1 lists the four trees and their locations. A summary of the assessments can be seen in Section 3.

<table>
<thead>
<tr>
<th>Tree No</th>
<th>Botanical Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 1</td>
<td>Quercus robur</td>
<td>151 Union Street, Brighton East</td>
</tr>
<tr>
<td>Tree 2</td>
<td>Abietis unedo</td>
<td>29 Munro Street, Cheltenham</td>
</tr>
<tr>
<td>Tree 3</td>
<td>Liquidambar styraciflua</td>
<td>29 Dalgetty Road, Beaumaris</td>
</tr>
<tr>
<td>Tree 4</td>
<td>Fuythus regia</td>
<td>161 Abbott Street, Sandringham</td>
</tr>
</tbody>
</table>

2. Methodology

2.1 Site Inspection

On Wednesday, 15 August 2018 Emma Barrett conducted a site inspection. Data collected for these trees included:

- Botanical Name
- Canopy Dimensions
- Diameter at Breast Height (DBH)
- Diameter at base
- Health
- Structure
- Useful Life Expectancy (ULE)
- Landscape Contribution
- Individual Significance

A Visual Tree Assessment (VTA) was conducted for each tree. A VTA consists of a detailed visual inspection of a tree and its surrounding site, including a complete walk around the tree, looking at the buttress roots, trunk, branches and leaves. The tree is observed from a distance and close up to consider crown shape, landscape context and surroundings.

Following a VTA assessment the tree was then assessed against the City of Bayside Significant Tree criteria.

For full details of the information collected and significance ratings see Appendices.
2.2 Tree Significance

Each of the four nominated trees was assessed to determine whether they are candidates for inclusion on the Bayside City Council Significant Tree Register.

The registration criteria are outlined in the Bayside City Council Significant Trees Management Policy 2013 (Appendix 2) and are as follows:

- Horticultural value
- Location or context
- Rare or localised
- Particularly old
- Outstanding size
- Aesthetic value
- Curious growth form
- Historical value
- Aboriginal culture
- Outstanding example of species

To be considered a 'Significant Tree' under the Bayside City Council Significant Trees Management Policy, the tree must be accredited against at least one of the registration criteria. If significant, the tree is then given a 'grading of significance' to classify the context of the significance e.g. National, State, Regional, Local or Neighbourhood.
3. Tree Details / Discussion

3.1 Tree 1 - *Arbutus unedo*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th><em>Arbutus unedo</em></th>
<th>Diameter at Root Base</th>
<th>100cm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Irish Strawberry Tree</td>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Health</td>
<td>Good</td>
</tr>
<tr>
<td>Height</td>
<td>8m</td>
<td>Structure</td>
<td>Fair</td>
</tr>
<tr>
<td>Width (E-W)</td>
<td>11m</td>
<td>Useful Life Expectancy (ULE)</td>
<td>10-20 years</td>
</tr>
<tr>
<td>Width (N-S)</td>
<td>10m</td>
<td>Retention Value</td>
<td>High</td>
</tr>
<tr>
<td>Diameter at Breast Height (DBH)</td>
<td>78cm</td>
<td>Landscape Contribution</td>
<td>Medium</td>
</tr>
</tbody>
</table>

Figure 1: *Arbutus unedo* located at 20 Munro Street, Cheltenham

Figure 2: *Arbutus unedo* located in the front yard of 20 Munro Street, Cheltenham

Reference: 3460
Arbutus unedo is an evergreen exotic from the Mediterranean areas of Europe and the south-west of Ireland. Usually wide spreading, with a deep green and dense foliage canopy, the species can reach a mature height of 8-10 metres and a width of 6 metres (Barnard et al 2004). Clusters of white or flushed pink flowers are borne from March to June, with orange to red, strawberry-like fruit ripening from the previous season’s flowers around the same time (Burnley plant directory 2002).

The subject tree is located within a residential area of Cheltenham, in the front yard of 20 Munro Street. For a tree of this species it is comparatively large, with good health, fair structure, a full canopy and large trunk (Figure 3).

The Significant Tree Register nomination indicates the subject tree is over 70 years old. This is very likely due to its large girth and spreading canopy and height.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree meets criteria 5 – ‘Outstanding size’ given the large canopy spread and trunk diameter for this species, with a ‘Local’ level of significance.

Figure 3: The trunk of Arbutus unedo at 20 Munro Street
3.2 Tree 2 - *Juglans regia*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th><em>Juglans regia</em></th>
<th>Diameter at base</th>
<th>38cm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Walnut</td>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Health</td>
<td>Good</td>
</tr>
<tr>
<td>Height</td>
<td>7m</td>
<td>Structure</td>
<td>Fair</td>
</tr>
<tr>
<td>Width (E-W)</td>
<td>9m</td>
<td>Useful Life Expectancy (ULE)</td>
<td>20-40 years</td>
</tr>
<tr>
<td>Width (N-S)</td>
<td>8m</td>
<td>Retention Value</td>
<td>High</td>
</tr>
<tr>
<td>Diameter at Breast Height (DBH)</td>
<td>33cm</td>
<td>Landscape Contribution</td>
<td>Medium</td>
</tr>
</tbody>
</table>

Figure 4: *Juglans Regia* located at 161 Abbott Street, Sandringham

Figure 5: *Juglans Regia* located in the rear yard of 161 Abbott Street, Sandringham
Arborist Report
Bayside City Council
Significant Tree Nomination

*Juglans Regia* (Walnut) is a large, spreading, deciduous tree native to south-eastern Europe, south-western and central Asia and can grow to 25m in height. It has deeply fissured, dark grey bark and fruit that turns into an edible woody nut (walnuts) (Aas and Riedmiller 2016). It prefers areas with cold winters, and is an important crop in north-east Victoria (Burnley Plant Guide 2012).

The subject tree is located in the rear yard of 181 Abbott Street, Sandringham. It is of good health and fair structure.

The nomination indicates the tree is particularly old and an outstanding example of the species. It also indicates the tree was planted outside a blacksmith in the 1930’s suggesting it may have some ‘Location or context’ values.

With a height of 7 metres and a DBH of 33cm, the subject tree is small for this species and predicted age.

Given the size of the subject tree:

- It is not considered to meet Criteria 10, an ‘Outstanding example of the species’; and
- It is not clear whether the tree meets Criteria 2 ‘Location or context’ or 4 ‘Particularly Old’ of the Bayside City Council Significant Tree Management Policy.

For this tree to be further considered more information on its age is required, i.e., old dated photos or maps with the tree located to verify its age.
### 3.3 Tree 3 - *Liquidambar styraciflua*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th><em>Liquidambar styraciflua</em></th>
<th>Diameter at base</th>
<th>120cm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Liquidamber</td>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Health</td>
<td>Good</td>
</tr>
<tr>
<td>Height</td>
<td>16m</td>
<td>Structure</td>
<td>Poor</td>
</tr>
<tr>
<td>Width (E-W)</td>
<td>16m</td>
<td>Useful Life Expectancy (ULE)</td>
<td>5 to 10 years</td>
</tr>
<tr>
<td>Width (N-S)</td>
<td>19m</td>
<td>Retention Value</td>
<td>Low</td>
</tr>
<tr>
<td>Diameter at Breast Height (DBH)</td>
<td>95cm</td>
<td>Landscape Contribution</td>
<td>High</td>
</tr>
</tbody>
</table>

**Figure 6:** *Liquidambar styraciflua* located at 29 Dalgetty Road, Beaumaris

**Figure 7:** Location of *Liquidambar styraciflua* in front yard of 29 Dalgetty Road, Beaumaris
Liquidambar styraciflua (Liquidambar) is a large, deciduous tree native to North and Central America that can grow to 30m in height. The tree is prized for its straight form and maple-like leaves that provide vibrant autumnal display, ranging from deep purple, red, orange and yellow (Spencer 1997). Bark is grey/brown and fruits are spiny balls during spring that are persistent and the full foliage is very thick and provides heavy shade (Burnley plant directory 2002). It is a commonly cultivated tree and is used in ornamental garden beds and streetscapes.

The subject tree is in the front yard of 29 Dalgety Road, Beaumaris. It has good health and poor structure. The nomination for this tree indicates it has an unusual structure and is almost 80 years old.

This is a large tree with a High landscape contribution. It can be seen from afar and adds character to the local streetscape.

On assessment, it is evident that the tree has been severely lopped on at least two occasions which is contributing to its unusual structure.

Lopping, as opposed to target pruning, is generally considered poor practice in modern arboriculture. It creates a poor tree structure and can expose the tree to infection, resulting in extensive decay and hazardous epicormic growth (Harris, Clark & Matheny 1999). Epicormic growth is produced from dormant buds that lie beneath the bark of a tree. This growth does not form part of the tree’s natural structure and, once the resultant branches reach a large size, they can be prone to failure (Shigo 1991).

Figure 8 and Figure 9 show lopping points and resulting epicormic growth and associated decay. The canopy of the subject tree is almost entirely epicormic regeneration that has occurred as a response to lopping. These limbs have reached a large size and require management to reduce the risk of failure. Furthermore, most of the stems have decay at their base making them a greater risk of failure.

Figure 8. Liquidambar styraciflua with epicormic growth and branch decay as a result of lopping.
Arborist Report
Bayside City Council
Significant Tree Nomination

This tree has a very high hazard potential and probability of major branch failure in the short term. Works are recommended to reduce the length and weight on some of the epicormic stems.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree meets Criteria 5 – ‘Outstanding Size’ with a ‘Neighbourhood’ level of significance. However due to its poor structure, including multiple large epicormic stems and extensive decay, it is not recommended for inclusion into the significant tree register.

Figure 9: Liquidambar styraciflua with branch decay as a result of lopping
## 3.4 Tree 4 - *Quercus robur*

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th><em>Quercus robur</em></th>
<th>Diameter at base</th>
<th>92cm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>English Oak</td>
<td>Age Class</td>
<td>Mature</td>
</tr>
<tr>
<td>Origin</td>
<td>Exotic</td>
<td>Health</td>
<td>Good</td>
</tr>
<tr>
<td>Height</td>
<td>13m</td>
<td>Structure</td>
<td>Good</td>
</tr>
<tr>
<td>Width (E-W)</td>
<td>14m</td>
<td>Useful Life Expectancy (ULE)</td>
<td>40+ years</td>
</tr>
<tr>
<td>Width (N-S)</td>
<td>11m</td>
<td>Retention Value</td>
<td>High</td>
</tr>
<tr>
<td>Diameter at Breast Height (DBH)</td>
<td>74cm</td>
<td>Landscape Contribution</td>
<td>Medium</td>
</tr>
</tbody>
</table>

![Tree Image](image1)  
![Aerial Image](image2)  

Figure 10: *Quercus robur* located at 151 Union Street, Brighton East  
Figure 11: *Quercus robur* located in the rear yard of 151 Union Street, Brighton East

Reference: 3460
Quercus robur (English Oak) is generally a large, long-lived deciduous tree, native to Europe, western Asia and North Africa. Capable of growing 20m in its native habitat, it is a wide-spread tree that has massive branches at maturity (Burnley plant directory 2002).

The subject tree is located in the rear yard of a private residential property at 151 Union Street, Brighton East. It can be seen from the road, and is one of the larger trees in the neighbourhood. For a tree of this species it is an average height, with good health, good structure and a full canopy.

The nomination indicates the tree is an old specimen at almost 80 years old. However, given its location this tree is unlikely to be providing significant biodiversity values as the nomination states.

In terms of significance against the Bayside City Council Significant Tree Management Policy 2013, the subject tree is borderline for Criteria 5 – ‘Outstanding Size’ with a ‘Neighbourhood’ level of significance. It is a large, well-formed tree with good health and structure and a long useful life expectancy and for this reason it is recommended for inclusion into the significant tree register.

Figure 12: Trunk of Quercus robur

Figure 13: Looking up through the canopy of the Quercus robur
4. Recommendations

Four nominated trees have been assessed to determine whether they are candidates for inclusion on the Bayside City Council Significant Tree Register.

The subject trees varied in health, structure and significance.

Tree 2 (*Juglans regia*) and Tree 3 (*Liquidambar styraciflua*) are not recommended for inclusion on the Bayside Significant Tree Register. Tree 3 has poor structure and a reduced ULE, and more information is required to verify the age of Tree 2 before it can be considered.

It is recommended Tree 1 (*Arbutus unedo*) and Tree 4 (*Quercus robur*) are included on the Bayside Significant Tree Register.

<table>
<thead>
<tr>
<th>Tree #</th>
<th>Botanical Name</th>
<th>Individual Significance</th>
<th>Grading Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 1</td>
<td><em>Arbutus unedo</em></td>
<td>Outstanding size</td>
<td>Local</td>
</tr>
<tr>
<td>Tree 2</td>
<td><em>Juglans regia</em></td>
<td>Further information required to verify age</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Tree 3</td>
<td><em>Liquidambar styraciflua</em></td>
<td>Not recommended</td>
<td>Neighbourhood</td>
</tr>
<tr>
<td>Tree 4</td>
<td><em>Quercus robur</em></td>
<td>Outstanding size</td>
<td>Neighbourhood</td>
</tr>
</tbody>
</table>
6. References


Appendix 1. Data Collection Definitions

The information collected on each specimen was based on the assessor’s experience and opinion of each of the trees. Included are the descriptions for each of the listed categories. The following information was collected on each tree.

1.1 Botanical name:
The genus, species and common name.

1.2 Canopy dimensions
Height (approximate) and width (measured) of the canopy in metres.

1.3 DBH
Diameter at breast height (measured at 1.3m above ground level).

1.4 Health

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>The tree is demonstrating excellent or exceptional growth. The tree should exhibit a full canopy of foliage and be free of pest and disease problems.</td>
</tr>
<tr>
<td>Good</td>
<td>The tree is demonstrating good or exceptional growth. The tree should exhibit a full canopy of foliage, and have only minor pest or diseases problems.</td>
</tr>
<tr>
<td>Fair</td>
<td>The tree is in reasonable condition and growing well. The tree should exhibit an adequate canopy of foliage. There may be some deadwood present in the crown. Some grazing by insects or possums may be evident.</td>
</tr>
<tr>
<td>Poor</td>
<td>The tree is not growing to its full capacity; extension growth of the laterals is minimal. The canopy may be thinning or sparse. Large amounts of deadwood may be evident throughout the crown. Significant pest and disease problems may be evident or symptoms of stress indicating tree decline.</td>
</tr>
<tr>
<td>Very Poor</td>
<td>The tree appears to be in a state of decline. The tree is not growing to its full capacity. The canopy may be very thin and sparse. A significant volume of deadwood may be present in the canopy or pest and disease problems may be causing a severe decline in tree health.</td>
</tr>
<tr>
<td>Dead</td>
<td>The tree is dead.</td>
</tr>
</tbody>
</table>
1.5 Structure

Table 4. Structure Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>The tree has a well defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunk or the branches. Major limbs are well defined. The tree is considered a good example of the species.</td>
</tr>
<tr>
<td>Fair</td>
<td>The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance, and some branch unions may be exhibiting minor structural faults. If the tree has a single trunk, it may be on a slight lean or exhibiting minor defects.</td>
</tr>
<tr>
<td>Poor</td>
<td>The tree may have a poorly structured crown. The crown may be unbalanced or exhibit large gaps. Major limbs may not be well defined. Branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered root damage.</td>
</tr>
<tr>
<td>Very Poor</td>
<td>The tree has a poorly structured crown. The crown is unbalanced or exhibit large gaps with possibly large sections of deadwood. Major limbs may not be well defined. Branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. Branches may exhibit large cracks that are likely to fail in the future. The tree may have suffered major root damage.</td>
</tr>
<tr>
<td>Failed</td>
<td>The tree has a very poorly structured crown. A section of the tree has failed or is in imminent danger of failure.</td>
</tr>
</tbody>
</table>

1.6 Useful Life Expectancy (ULE) Rating

Useful Life Expectancy is approximately how long a tree can be retained safely and usefully in the landscape.

Table 5. ULE Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsafe</td>
<td>The tree is considered dangerous in the location and has no significant amenity value.</td>
</tr>
<tr>
<td>Less than 5 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and have value for up to five years, but will need to be replaced. During this period, normal inspections and maintenance will be required. If possible, replacement trees should be planted.</td>
</tr>
<tr>
<td>5 – 10 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to ten years. During this period, normal inspections and maintenance will be required.</td>
</tr>
<tr>
<td>11 – 20 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to twenty years. During this period, normal inspections and maintenance will be required.</td>
</tr>
<tr>
<td>20 – 40 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to forty years. During this period, normal inspections and maintenance will be required.</td>
</tr>
<tr>
<td>Greater than 40 years</td>
<td>The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for greater than forty years. During this period, normal inspections and maintenance will be required.</td>
</tr>
</tbody>
</table>
1.7 Tree Origin

Table 6. Tree Origin Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exotic</td>
<td>The species originates in a country other than Australia.</td>
</tr>
<tr>
<td>Native</td>
<td>The species originates within Australia.</td>
</tr>
<tr>
<td>Indigenous</td>
<td>The species originates within the local environs.</td>
</tr>
</tbody>
</table>

1.8 Contribution to the Landscape Rating

Table 7. Contribution to the Landscape Rating Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (E.g. Habitat, shade, flowers or fruit).</td>
</tr>
<tr>
<td>Medium</td>
<td>The tree may offer some screening in the landscape or serve a particular function in the location.</td>
</tr>
<tr>
<td>Low</td>
<td>The tree offers very little in the way of screening or amenity.</td>
</tr>
</tbody>
</table>
Appendix 2. Registration Criteria and Significant Ratings

The categories used to define significant trees are:

**Criteria 1: Horticultural value**
Any tree that is of horticultural or genetic value and could be an important source of propagating stock, including specimens that are particularly resistant to disease or exposure.

**Criteria 2: Location or context**
Any tree that is in a unique location or context and so provides a contribution to the landscape, including remnant indigenous vegetation, important landmarks, and trees that form part of a historic garden, park or town.

Sub-criteria:
1. Historic garden or park
2. Historic cemetery
3. Important landmark
4. Remnant indigenous vegetation
5. End of natural range
6. Contribution to landscape
7. Historic town
8. Historic planting style.

**Criteria 3: Rare or localised**
Any tree of a species or variety that is rare or of very localised distribution.

Sub-criteria:
1. Only known specimen
2. 1 to 10 known specimens
3. 10 to 50 known specimens
4. In the wild
5. End of natural range
6. Disjunct community.

**Criteria 4: Particularly old**
Any tree that is particularly old or venerable.
Criteria 5: Outstanding size
Any tree outstanding for its large height, trunk circumference, or canopy spread.
Sub-criteria:
1. Height
2. Circumference
3. Canopy spread
4. Height x circumference
5. Spread x circumference
6. Height x circumference x spread.

Criteria 6: Aesthetic value
Any tree of outstanding aesthetic significance.

Criteria 7: Curious growth form
Any tree that exhibits a curious growth form or physical feature such as abnormal outgrowths, natural fusion of branches, severe lightning damage, or unusually pruned forms.
Sub-criteria:
1. Abnormal outgrowths
2. Fusion of branches
3. Unusually pruned
4. Unusually damaged.

Criteria 8: Historical value
Any tree commemorating an occasion (including plantings by royalty) or with association to an important historical event.
Sub-criteria:
1. Cultural group
2. Public feature
3. World War I
4. World War II
5. British royalty
6. Non-British royalty
7. Visiting dignitary
8. Australian public figure
9. Victorian public figure.
Criteria 9: Aboriginal culture
Any tree associated with Aboriginal activities.
Sub-criteria:
1. Scarred tree
2. Corroboree tree.

Criteria 10: Outstanding example of species
Any tree that is an outstanding example of the species.

Grading of significance
As well as identifying significant trees and the nature of their significance, Council’s Significant Tree Register documents the level of significance of the trees. Five grades are used to classify the level of significance. The grades are consistent with those used for the classification of heritage buildings and places. The definition of ‘cultural significance’ is consistent with the Burra Charter (article 1.2). The grades are:

1. National significance (N) - Any tree of major significance and essential to the national heritage.
2. State significance(S) - Any tree of major significance and essential to the state heritage.
3. Regional significance (R) - Any tree of significance and contributing to the Melbourne metropolitan region’s heritage.
4. Local significance (L) - Any tree of significance and contributing to the municipality of Bayside City Council.
5. Neighbourhood significance (Nb) - Any tree of significance and contributing to the streetscape or neighbourhood landscape in the municipality of Bayside City Council.
4.4 48 WILLIAM STREET, BRIGHTON
LOCAL LAW TREE REMOVAL APPEAL
APPLICATION NO: 2018/227 WARD: NORTHERN

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/216308

1. Application details

<table>
<thead>
<tr>
<th>Date application received</th>
<th>23 March, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>48 William Street, Brighton (rear yard)</td>
</tr>
<tr>
<td>Tree Species</td>
<td>Spotted Gum (Corymbia maculata)</td>
</tr>
<tr>
<td>Tree protection policy</td>
<td>Local Law No. 2 (Neighbourhood Amenity)</td>
</tr>
<tr>
<td>Does it meet policy criteria for removal</td>
<td>General Criteria: No</td>
</tr>
<tr>
<td></td>
<td>Tree Structure &amp; Health: No</td>
</tr>
<tr>
<td></td>
<td>Social Considerations: No</td>
</tr>
<tr>
<td></td>
<td>Risk: No</td>
</tr>
<tr>
<td>Photographs</td>
<td>Attachment 1</td>
</tr>
</tbody>
</table>

2. Property Owner Reason for Removal

The applicant has two concerns regarding the Spotted Gum (Corymbia maculata) tree at 48 William Street Brighton, which are:

- Risk to residents, neighbours and adjacent primary school attendees from limb failure.
- Building a new two storey home.

3. Assessment of Tree Removal

Assessment of General Criteria

In accordance with Council’s Management of Tree Protection on Private Property Policy 2015, only one criteria from the following list needs to be met to provide a tree removal permit. This application has been assessed as follows:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permits</td>
<td>No</td>
<td>Permit issued. Tree can be retained. Footprint of proposed building not located within the structural root zone of the tree.</td>
</tr>
<tr>
<td>Medical Condition</td>
<td>No</td>
<td>No medical certificate provided.</td>
</tr>
</tbody>
</table>

Item 4.4 – Matters of Decision
### Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tree Location</strong>&lt;br&gt;Report by expert:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) evidence of structural damage to building, services or infrastructure; or</td>
<td>No</td>
<td>Report not received.</td>
</tr>
<tr>
<td>b) risk to people or property, which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree or risk posed by the tree.</td>
<td>No</td>
<td>Council’s Arborist conducted a risk assessment of the tree and found it to be in the 'Broadly Acceptable' range of the risk threshold.</td>
</tr>
<tr>
<td><strong>Quantified Tree Risk Assessment (QTRA) conducted</strong></td>
<td>No</td>
<td>Risk was calculated 1 in 1,000,000 and can be reduced by implementing modern arboriculture tree management techniques.</td>
</tr>
<tr>
<td><strong>Other Considerations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Evidence provided by Council staff indicating the tree has a detrimental impact on surrounding environmental and public health.</td>
<td>No</td>
<td>Evidence not provided.</td>
</tr>
<tr>
<td>b) Qualified arborist report assessing tree as posing an unacceptable risk, with verifiable information for which conclusions are drawn</td>
<td>No</td>
<td>Report not submitted.</td>
</tr>
<tr>
<td>c) Structural engineer report assessing tree as primary cause of damage to the structure, with verifiable information on which conclusions are drawn</td>
<td>No</td>
<td>Report not submitted.</td>
</tr>
</tbody>
</table>

**Assessment of Tree health, structure and sustainable life expectancy (2 Criteria to be met)**

In accordance with Council’s Management of Tree Protection on Private Property Policy 2015, **two criteria** from the following list needs to be met to provide a tree removal permit. This application has been assessed as follows:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Poor health.</td>
<td>No</td>
<td>Spotted Gum was in good health with good structure and high amenity value.</td>
</tr>
<tr>
<td>b) Poor Structure.</td>
<td>No</td>
<td>Assessed as Good structure.</td>
</tr>
</tbody>
</table>
Assessment of Social Considerations (2 Criteria to be met)

In accordance with Council’s Management of Tree Protection on Private Property Policy 2015, **two criteria** from the following list needs to be met to provide a tree removal permit. This application has been assessed as follows:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>The amenity or character is moderate or low.</td>
<td>No</td>
<td>Amenity value was High.</td>
</tr>
<tr>
<td>There are at least two other trees on the property that are protected,</td>
<td>No</td>
<td>The property does not have an additional two trees that are protected by the Local Law.</td>
</tr>
<tr>
<td>have a sustainable life expectancy of more than 10 years and are not</td>
<td></td>
<td></td>
</tr>
<tr>
<td>subject to a current removal permit application or existing permit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Written letters of support provided by property owners/tenants (four)</td>
<td>No</td>
<td>One letter of support submitted with application from neighbour at 46 William Street.</td>
</tr>
<tr>
<td>living adjacent or opposite the property.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demonstrated financial hardship and inability to undertake routine</td>
<td>No</td>
<td>Not raised by the applicant.</td>
</tr>
<tr>
<td>maintenance – no source of income and receiving Centrelink payments.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. Arborist Comments

Council’s Arborist inspected the property in response to the concerns raised by the applicant. The inspection found that:

- The Spotted Gum tree was in good health, good structure and provides a high level of amenity to the neighbourhood.
- The Spotted Gum tree had good callous growth that demonstrates good tree health and vigour.
- The Spotted Gum is an excellent specimen.
- Tree limb failure is not uncommon in all species of trees in the urban environment.
- Council’s Arborist is of the opinion that any perceived risk can be reduced by modern arboricultural tree management techniques.

Accordingly, having regard to this assessment, removal of the tree is not supported.

5. Recommendation

That Council Refuse to Grant a Permit for the removal of one Spotted Gum (*Corymbia maculata*) from 48 William Street, Brighton.
Support Attachments

1. Tree Location and Photos ↓
Looking from the east.
Evidence of previous limb failure (supplied by applicant)
4.5  72 IONA STREET, BLACK ROCK
LOCAL LAW TREE REMOVAL APPEAL
APPLICATION NO: 2018/181  WARD: SOUTHERN

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/237260

1. Application details

<table>
<thead>
<tr>
<th>Date application received</th>
<th>14 June 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>72 Iona Street, Black Rock</td>
</tr>
<tr>
<td>Tree Species</td>
<td>Sweet Gum (<em>Liquidambar styraciflua</em>)</td>
</tr>
<tr>
<td>Tree protection policy</td>
<td>Local Law No. 2 (Neighbourhood Amenity)</td>
</tr>
</tbody>
</table>
| Does it meet policy criteria for removal | General Criteria: No  
Tree Structure & Health: No  
Social Considerations: No  
Risk: No |
| Photographs               | Attachment 1 |

2. Property Owner Reason for Removal

The applicant has requested the removal of the Sweet Gum (*Liquidambar styraciflua*) at 72 Iona Street, Black Rock. The concerns raised were:

- Tree Health
- Damage to property or infrastructure
- Construction of a single family home

3. Assessment of Tree Removal

Assessment of General Criteria

In accordance with Council’s Management of Tree Protection on Private Property Policy 2015, only one criteria from the following list needs to be met to provide a tree removal permit. This application has been assessed as follows:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permits</td>
<td>No</td>
<td>Tree is not inside building envelope. Proposed building is not inside SRZ. Proposed building is not inside more than 40% of TPZ. Applicant has not demonstrated that proposed works cannot be redesigned to incorporate the tree.</td>
</tr>
<tr>
<td>Medical Condition</td>
<td>No</td>
<td>No medical certificate provided.</td>
</tr>
</tbody>
</table>
### Criteria

#### Tree Location
Report by expert:
- **a)** evidence of structural damage to building, services or infrastructure; or
- **b)** Risk to people or property, which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree or risk posed by the tree.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report not received.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Report not received.</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

#### Quantified Tree Risk Assessment (QTRA) conducted
Risk less than 1 in 30,000.

- **No** Risk not raised by applicant.

#### Other Considerations

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence provided by Council staff indicating the tree has a detrimental impact on surrounding environmental and public health.</td>
<td>No</td>
<td>Evidence not provided.</td>
</tr>
<tr>
<td>Qualified arborist report assessing tree as posing an unacceptable risk, with verifiable information for which conclusions are drawn.</td>
<td>No</td>
<td>Arborist report did not assess risk.</td>
</tr>
<tr>
<td>Structural engineer report assessing tree as primary cause of damage to the structure, with verifiable information on which conclusions are drawn.</td>
<td>No</td>
<td>Report not submitted.</td>
</tr>
</tbody>
</table>

Assessment of Tree health, structure and sustainable life expectancy (2 Criteria to be met)

In accordance with Council’s Management of Tree Protection on Private Property Policy 2015, **two criteria** from the following list needs to be met to provide a tree removal permit. This application has been assessed as follows:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poor health.</td>
<td>No</td>
<td>Assessed as good health.</td>
</tr>
<tr>
<td>Poor Structure.</td>
<td>No</td>
<td>Assessed as fair structure.</td>
</tr>
<tr>
<td>Sustainable life expectancy (less than 5 years).</td>
<td>No</td>
<td>Assessed at greater than 10 years</td>
</tr>
</tbody>
</table>
Assessment of Social Considerations (2 Criteria to be met)

In accordance with Council’s Management of Tree Protection on Private Property Policy 2015, **two criteria** from the following list needs to be met to provide a tree removal permit. This application has been assessed as follows:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>The amenity or character is moderate or low.</td>
<td>No</td>
<td>Amenity value was High.</td>
</tr>
<tr>
<td>There are at least two other trees on the property that are protected,</td>
<td>No</td>
<td>The property does not have an additional two trees that are protected by the Local Law.</td>
</tr>
<tr>
<td>have a sustainable life expectancy of more than 10 years and are not</td>
<td></td>
<td></td>
</tr>
<tr>
<td>subject to a current removal permit application or existing permit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Written letters of support provided by property owners/tenants (four)</td>
<td>No</td>
<td>Letters of support were not submitted with application.</td>
</tr>
<tr>
<td>living adjacent or opposite the property.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demonstrated financial hardship and inability to undertake routine</td>
<td>No</td>
<td>Not raised by the applicant.</td>
</tr>
<tr>
<td>maintenance – no source of income and receiving Centrelink payments.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. Arborist Comments

Council’s Arborist inspected the property in response to the concerns raised by the applicant. The inspection found that:

- The Sweet Gum tree was in good health, fair structure and provides a high level of amenity to the neighbourhood.
- Applicant has not demonstrated that proposed works cannot be redesigned to incorporate tree.

Accordingly having regard to this assessment, removal of the tree is not supported.

5. Previous application

It should be noted that this application follows one submitted to remove the same tree on 21 February 2018.

The applicant noted that tree health and tree risk were concerns.

Council’s arborist assessed the tree as being in good health, with fair structure and providing high amenity.

A Quantified tree Risk Assessment was undertaken with the tree posing a Risk of Harm of 1 in 500,000.

Following a thorough assessment of the tree in accordance with the decision making criteria set out in the policy and with consideration to all matters raised by the applicant, the decision to refuse the application was issued 26 February 2018.
6. **Recommendation**

   That Council Refuse to Grant a Permit for the removal of one Sweet Gum (*Liquidambar styraciflua*) at 72 Iona Street Black Rock.

**Support Attachments**

1. Tree location 72 Iona Street Black Rock
Aerial view of subject tree.

Street view of subject tree.
4.6 25I BOLTON STREET, BEAUMARIS
GRANT A PLANNING PERMIT
APPLICATION NO: 2018/434/1 WARD: SOUTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/225493

This matter has been reported to the Planning and Amenity Committee for a decision as a result of Councillor call-in.

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Harwood Architects</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The site is subject to numerous restrictive covenants and agreements. They are:</td>
</tr>
<tr>
<td></td>
<td>- Covenant 0933150</td>
</tr>
<tr>
<td></td>
<td>- Covenant 1331949</td>
</tr>
<tr>
<td></td>
<td>- Section 173 Agreement AM666639D</td>
</tr>
<tr>
<td></td>
<td>- Section 173 Agreement AN936521R</td>
</tr>
<tr>
<td></td>
<td>The proposal does not contravene any of these covenants of S173 Agreements.</td>
</tr>
<tr>
<td>Date application received</td>
<td>12 July 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>64 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>401m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>None</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes</td>
</tr>
<tr>
<td>$2,020 – drainage area 22</td>
<td></td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes. However, the proposal is not a high impact activity</td>
</tr>
</tbody>
</table>

Proposal
The application seeks construction of a double storey dwelling on a lot less than 500m². Key details of the proposal are as follows:

- Maximum building height of 7.55 metres.
- Site coverage of 42.4%.
- Car spaces provided by way of a single garage and driveway car space.
- Garden area of 38.4%.
The application plans are provided at Attachment 1.
An aerial image and photographs of the site and surrounds are provided at Attachment 2.

History
Planning permit 2014/516/1 was granted on 17 March 2015 at the direction of the Victorian Civil and Administrative Tribunal (VCAT) for the subdivision of the former Beaumaris RSL site at 489 Balcombe Road into 20 lots, removal of vegetation, alteration of access to a Category 1 Road Zone and variation and removal of easements.

The permit was amended via Section 72 of the Planning and Environment Act 1987 on 13 October 2015 for minor amendments to the conditions. The permit was amended again via Section 71 of the Planning and Environment Act 1987 on 5 November 2015 to correct a minor clerical error in the original drafting of the conditions.

Individual titles for the 20 lots have been issued. A number of the conditions of the subdivision permit, the endorsed plans and a Section 173 agreement lodged on all titles across the site place restrictions on the development of each site. These are discussed later in the report.

Subdivision plans have been endorsed that direct a number of aspects of the development of individual sites, including the provision of building envelopes and maximum building heights.

A landscape concept plan has also been endorsed for the larger site. All landscape plans for individual lots must be consistent with the landscape concept plan.

The section 173 agreement on each title imparts obligations on the owner in relation to the building envelope, height of development and tree protection fencing, and requires landscape plans to be prepared for each site and arborist reports where trees are to be retained.

It is noted the original Section 173 agreement did not allow works outside of the building envelope. This prohibited all works that would normally be associated with a dwelling including site cuts, driveways and letterboxes from occurring outside the building envelope. It is acknowledged this was over and above the intent of the building envelopes as decided by the VCAT decision and an amended Section 173 agreement was re-drafted that reflects the intent of the VCAT decision and community expectations for the development of the site, while enabling landowners to reasonably develop each site. The amended section 173 was signed by all owners and Council and registered on all titles on the 21 June 2017 (Dealing No. AN936521R).

2. Planning controls

Planning Permit requirements
A planning permit is required pursuant to:

- Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of one dwelling on a lot less than 500 square metres in area.

Planning Scheme Amendments
Planning scheme amendment VC148 was gazetted on 31 July 2018. This amendment introduces changes to the Victoria Planning Provisions (VPP) and all planning schemes arising from the Victorian Government’s Smart Planning program. The program aims to simplify and modernise Victoria’s planning policy and rules to make planning more efficient, accessible and transparent. VC148 is not considered to have direct implications for this planning application.
3. Stakeholder consultation

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

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

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

4. Recommendation

That Council resolve to:

Issue a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/434/1 for the land known and described as 251 Bolton Street, Beaumaris, for the construction of a double storey dwelling on a lot less than 500sqm in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Harwood Architects, referenced HA-201 and dated Aug 2018 but modified to show:
   a) The location of a second car parking space to be notated on the driveway. The space must be in accordance with Design Standard 2 of Clause 52.06 of the Bayside Planning Scheme.
   b) Updated Water Sensitive Urban Design measures in accordance with Condition 7 of this permit.
   c) A Landscape Plan in accordance with Condition 9 of this permit.
   d) A Tree Management Plan and Tree Protection Plan in accordance with Condition 12 of this permit.
   e) Payment of the drainage contribution in accordance with Condition 17 of this permit.

All to the satisfaction of the Responsible Authority.

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

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

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

Water Sensitive Urban Design

7. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
   a) The type of water sensitive urban design stormwater treatment measures to be used.
   b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
   c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.
   These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Harwood Architects, reference PL08, dated August 18 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) The location of all trees on or within 3 metres of the boundary of the subject land that were to be retained under planning permit 2014/516/5.
   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

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

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

**Tree Management and Protection Plan**

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

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

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

a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.

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

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

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

**Drainage**

15. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

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

**Development Contribution**

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

**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.

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.

**Bayside Planning Scheme**

- Clause 10 Planning Policy Framework
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 15.01 Built Environment
- Clause 15.02 Sustainable Development
- Clause 15.03 Heritage
- Clause 16 Housing
- Clause 16.01 Residential Development
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.04 Environmental and Landscape Values
- Clause 21.06 Built Environment and Heritage
- Clause 22.06 Neighbourhood Character Policy (Precinct H3)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 54 One 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 and the individual merits of the application.

6.1. Neighbourhood character

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

The subject site is located within the Beaumaris RSL subdivision site with 20 new residential lots in variation stages of development. As such, greater weight is given to the preferred future character statement for Precinct H3 in that there is no existing character on the site.

The proposed dwelling will be built within the building parcel that was included as a part of the endorsed subdivision plans. Two metres ground floor separation from either side boundary has been afforded by the proposed. As such, it is considered that the dwelling’s location will facilitate an appropriate level of visual separation. The single garage along the western interface is located in-line with the primary ground floor façade. The neutral grey render finish will diminish any intrusiveness of this element.

The dwelling is proposed to be clad primarily in rammed earth at the ground floor and dune colorbond vertical cladding at the first floor. Officers consider that this has sufficiently considered the surrounds. The fenestration at the first floor level will add articulation to oblique views to the dwelling and timber screens will complement the scrubby vicinity. The additional of pitched roof elements and angled walls to the streetscape will break-up the design and deliver an innovative contribution to achieve the side setbacks standard of ResCode.

A landscape plan was submitted with the application documents. This included the planting of several large indigenous trees on the subject site. A palette of shrubs, groundcovers and grasses has been included to complement the larger trees. Broadly, the landscape plan is considered reasonable contingent on an appropriate level of the plantings being indigenous species. This will reflect the emerging and preferred character of this neighbourhood.

Officers consider that the development can successfully reflect the intent for the neighbourhood outlined in local policy. As such, no conditions are added to the permit to this effect and the application is recommended for support.

6.2. Compliance with Clause 54 (ResCode)

An assessment against the requirements of Clause 54 is provided at Attachment 4. Those non-compliant standards are discussed below:

**Side and rear setbacks (Standard A10)**
<table>
<thead>
<tr>
<th></th>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Required</td>
<td>Proposed</td>
</tr>
<tr>
<td><strong>East (side)</strong></td>
<td>0-0.2m or 2-2.18m</td>
<td><strong>2m</strong></td>
</tr>
<tr>
<td><strong>West (side)</strong></td>
<td>2m</td>
<td>2m, 2.04m</td>
</tr>
<tr>
<td><strong>North (rear)</strong></td>
<td>3m</td>
<td>7.18-7.4m</td>
</tr>
</tbody>
</table>

There are a number of minor non-compliances with the Neighbourhood Residential Zone Schedule 3 variations to Standard B17. The non-compliant setbacks are shown in bold above. At the ground floor level, the height of the wall is slightly higher than 3.6 metres above natural ground level, requiring a 0.14 metre variation along a 14 metre stretch of wall. At the first floor level, there is slight non-compliance along the eastern and western outlooks. Along the eastern side, the parapet and apex of the wall extend 0.43 metres into the envelope. To the west, the variation increases toward the rear with a maximum of 0.31 metres at the back of the first floor. 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 variations to Standard B17 are considered to achieve the objective. The dwellings to be built on both 25H and 25J Bolton Street will not use the side interface for their primary private open space. There will be no amenity impact to the rear of these properties. Furthermore, the pitched roof element, vertical cladding and well landscaped surrounds will present an appropriate streetscape addition. As such, the development and its embedded variations is considered to achieve the objective and is recommended for support.

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 has included a landscape plan that allows for the planting of three Black She-Oaks in the front garden. This is in accordance with the previously endorsed landscape plan associated with the wider Beaumaris RSL subdivision. A condition of permit is recommended to allow cross-referencing between the original subdivision permit and the endorsed landscape plan for this application. This is included in section 4 of the report above.

The applicant has also proposed a variety of shrubs, groundcovers, grasses and climbers. No quantities of each planting are proposed at this stage. Conditions of this recommendation are included to address the number and species of plantings in order to ensure that the future low-level landscaping reflects the existing character. In particular, 80% of the plantings must be indigenous by species. The landscaping is supported contingent on the applicant upholding this condition.

There is a large mature canopy tree on 25H Bolton Street (known as T16 on the endorsed subdivision plans) to the west that was protected under the original subdivision permit. Officers note that the applicant has not proposed any measures to ensure this tree is protected during and post-construction. This can be adequately treated through a condition of a planning permit though. As such, a Tree Management Plan and Tree Protection Plan is sought prior to the endorsement of the development. Officers indicate that appropriate treatment to the satisfaction of Council’s Arborist will ensure this tree is viable long into the future.
6.4. Car parking and traffic

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

The dwelling comprises four bedrooms and is afforded a car parking space in the form of a single garage and tandem outdoor parking. Conditions of permit are recommended to ensure that the car parking space is demonstrated on the driveway. This space must be design in accordance with Clause 52.06 of the Bayside Planning Scheme. The applicant is required to address this prior to the endorsement of the plans.

6.5. Cultural Heritage management plan

The site is located within an area of Cultural Heritage significance. That said, the activity of establishing one dwelling on a lot is not considered to be a high impact activity pursuant to the Aboriginal Heritage Regulations 2018. As such, no cultural heritage management plan is required to be prepared prior to a permit being granted.

6.6. Development contributions levy

The subject site is located within catchment area 22.

Based on the proposed application and the below recommendation, a payment of $2,020 is required. The payment of the development contributions is included as a condition of permit.

6.7. Section 173 Agreement AN936521R

Notwithstanding the elements of the proposal addressed in this report, the application has been considered compliant with the provisions of the Section 173 Agreement guiding development on the former Beaumaris RSL site. Specifically, the proposal is within the 8 metre building height registered under this agreement. An Arborist report was submitted with the application. The applicant has submitted plans demonstrating that all buildings and works – outside domestic services normal to a dwelling, including a swimming pool – will be constructed inside the registered building envelope. As such, the application is acceptable in the context of this registered agreement.

Support Attachments

1. Development Plans ⤻
2. Site Surrounds and Imagery ⤻
3. Neighbourhood Character Assessment ⤻
4. Clause 54 Assessment ⤻
Item 4.6 – Matters of Decision
**Bayside City Council**
**Planning & Amenity Committee Meeting**
**16 October 2018**

**Attachment 1**

**Item 4.6 – Matters of Decision**

**PLANT SCHEDULE**

<table>
<thead>
<tr>
<th>SYM</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>COMBINED NAME</th>
<th>GENUS</th>
<th>HEIGHT B2 AT MATURITY</th>
<th>MATURE SIZE</th>
<th>QTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Allium giganteum</td>
<td>Giant Onion</td>
<td>Allium giganteum</td>
<td>Allium</td>
<td>1.5 m x 1 m</td>
<td>200</td>
<td>100</td>
</tr>
<tr>
<td>B</td>
<td>Begonia masoniana</td>
<td>Mason's Begonia</td>
<td>Begonia masoniana</td>
<td>Begonia</td>
<td>0.5 m x 0.5 m</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>C</td>
<td>Brachycome iberica</td>
<td>Bachelor's Buttons</td>
<td>Brachycome iberica</td>
<td>Brachycome</td>
<td>0.5 m x 0.5 m</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>D</td>
<td>Centaurea cyanus</td>
<td>Cornflower</td>
<td>Centaurea cyanus</td>
<td>Centaurea</td>
<td>0.5 m x 0.5 m</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>E</td>
<td>Chrysanthemum x superbum</td>
<td>Shasta Daisy</td>
<td>Chrysanthemum x superbum</td>
<td>Chrysanthemum</td>
<td>0.5 m x 0.5 m</td>
<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

**GROUNDCOVERS & GRASSED**

<table>
<thead>
<tr>
<th>SYM</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>COMBINED NAME</th>
<th>GENUS</th>
<th>HEIGHT B2 AT MATURITY</th>
<th>MATURE SIZE</th>
<th>QTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Carex pendula</td>
<td>Weeping Hairgrass</td>
<td>Carex pendula</td>
<td>Carex</td>
<td>0.5 m x 0.5 m</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>B</td>
<td>Festuca rubra</td>
<td>Red Fescue</td>
<td>Festuca rubra</td>
<td>Festuca</td>
<td>0.5 m x 0.5 m</td>
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<td>100</td>
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</table>

**CLIMBERS**

<table>
<thead>
<tr>
<th>SYM</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>COMBINED NAME</th>
<th>GENUS</th>
<th>HEIGHT B2 AT MATURITY</th>
<th>MATURE SIZE</th>
<th>QTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Clematis armandii</td>
<td>Manchurian Clematis</td>
<td>Clematis armandii</td>
<td>Clematis</td>
<td>0.5 m x 0.5 m</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>B</td>
<td>Parthenocissus quinquefolia</td>
<td>Virginia Creeper</td>
<td>Parthenocissus quinquefolia</td>
<td>Parthenocissus</td>
<td>0.5 m x 0.5 m</td>
<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

**SPECIALIST NOTES**

- **Self-sheltered**
  - **Self-sheltered** plants are to be self-sheltered with a canopy of at least 2m above the plant material.
  - **Self-sheltered** plants are to be self-sheltered with a canopy of at least 2m above the plant material.

**TREE PROTECTION NOTES**

- Trees are to be protected by a canopy of at least 2m above the material.
- Trees are to be protected by a canopy of at least 2m above the material.

**PENDING & AMENITY COMMITTEE MEETING**

**16 October 2018**

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Item 4.6 – Matters of Decision

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ATTACHMENT 2
Site Surrounds and Imagery

Figure 1. Aerial overview of the site and surrounds

<table>
<thead>
<tr>
<th>Legend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
</tr>
</tbody>
</table>
Figure 2. View to 25l Bolton Street looking north from the footpath

Figure 3. View to Bolton Street looking south from 25l Bolton proposed rear garden
Figure 4. View from Bolton Street to T16 just off-site of 251 Bolton
ATTACHMENT 3
Neighbourhood Character (Precinct H3) Assessment

Preferred Future Character Statement

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

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To strengthen the bushy garden character of the area through the planting of appropriate species. | • Retain large established trees and understorey, and provide for the planting of new indigenous trees wherever possible (locate footings outside root zone).  
• Prepare a landscape plan to accompany all applications for new dwellings that utilise 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 | Responds                                                                                     | A landscape plan has been submitted in support of the application. It is considered that the level of landscaping is a positive reflection on the preferred neighbourhood character. A condition of permit requires the level of indigenous species to achieve the 80% threshold required. |
| To maintain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the retention and planting of vegetation. | • Buildings should be sited to allow space for a garden, including trees and shrubs.  
• Buildings should be sited to create the appearance of space between buildings and accommodate vegetation. | Loss of front garden space. | Responds                                                                                     | The dwelling is within the building parcel approved as a part of the subdivision permit (2014/516/4) which allows for an appropriate spread of dwellings within the new residential subdivision site. |
<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 | Responds                                                                                     |                                                                                              |</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>dominate the façade or view of the dwelling.</td>
<td>Although the proposed garage is in line with the primary façade, the single garage will not dominate the streetscape. An acceptable level of canopy tree planting in the front setback has been proposed on the landscape plan. This level of planting is in accordance with the original subdivision permit. Strong landscaping will further reduce any dominance of the garage structure.</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>Responds While minor excavation is proposed on the site, it is considered necessary in order to allow this undulating land to be developed. The design of the dwelling reduces the need for an excessive level of retaining walls on and off-site.</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 Although the first floor is not recessed behind the ground floor façade, the integration of innovative architectural features will result in a positive contribution to the Bolton Street streetscape. Although the vertical cladding at the first floor level will be visually prominent, it will not unreasonably dominate the surrounds. This differentiation between the first and ground floor will allow an organic separation between these spaces. Pitched gable roofing elements will provide additional articulation. Overall, the proposed façade is supported.</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 integration of natural materials into the external cladding is considered a</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To maintain the openness of the front garden to the street | • Provide open style front fences, other than along heavily trafficked roads.  
• Use vegetation as an alternative where possible. | High or solid front fences. | Responds  
No front fencing is proposed. |

The ground floor elements will include rammed earth and render finishes that further complement the surrounds. The vertical cladding at the first floor level will not unreasonably dominate the emerging streetscape.
## ATTACHMENT 4
### Clause 54 (ResCode) Assessment

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer Attachment 3 and section 6.1 of the report.</td>
</tr>
<tr>
<td>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A2 Integration with Street</strong></td>
<td>Yes</td>
<td>The dwelling appropriately addresses the street and the entrance is clearly identifiable from the Bolton Street streetscape.</td>
</tr>
<tr>
<td>Integrate the layout of development with the street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A3 Street Setback</strong></td>
<td>Yes</td>
<td>Minimum: 6m</td>
</tr>
<tr>
<td>Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</td>
<td>Proposed: 6m</td>
<td>Note: The street setback is set by the building parcel approved under the original subdivision permit (2014/515/4).</td>
</tr>
<tr>
<td><strong>A4 Building Height</strong></td>
<td>Yes</td>
<td>Required: 8m</td>
</tr>
<tr>
<td>Building height respects the existing or preferred neighbourhood character.</td>
<td>Proposed: 7.6m</td>
<td>Note: The height limit is specified in sheet 3 of 7 of the previously endorsed plans for the original subdivision permit (2014/515/4).</td>
</tr>
<tr>
<td><strong>A5 Site Coverage</strong></td>
<td>Yes</td>
<td>Maximum: 50%</td>
</tr>
<tr>
<td>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td>Proposed: 42.4%</td>
<td></td>
</tr>
<tr>
<td><strong>A6 Permeability</strong></td>
<td>Yes</td>
<td>Minimum: 20%</td>
</tr>
<tr>
<td>Reduce the impact of stormwater run-off on the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A7 Energy Efficiency</td>
<td>Yes</td>
<td>All habitable areas, including habitable rooms and secluded private open spaces would be appropriately located in relation to the orientation of the site.</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>A8 Significant Trees</td>
<td>Yes, with conditions included.</td>
<td>The adjoining tree protected by the original subdivision permit should be protected by the requirement for a Tree Management Plan and Tree Protection Plan. These are required as a condition of permit.</td>
</tr>
<tr>
<td>A10 Side and Rear Setbacks</td>
<td>No</td>
<td>Refer report and table below. Areas of non-compliance are underlined.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td><strong>East (side)</strong></td>
<td>0-0.2m or 2-2.18m</td>
</tr>
<tr>
<td><strong>West (side)</strong></td>
<td>2m</td>
</tr>
<tr>
<td><strong>North (rear)</strong></td>
<td>3m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A11 Walls on Boundaries</th>
<th>Yes</th>
<th>No walls on boundaries are proposed.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>A12 Daylight to existing windows</th>
<th>Yes</th>
<th>No existing windows on adjoining properties will be impacted.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A13 North Facing Windows</td>
<td>Yes</td>
<td>No north facing windows on adjoining properties are affected.</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>Allow adequate solar access to existing north-facing habitable room windows.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A14 Overshadowing Open Space</td>
<td>Yes</td>
<td>Shadow diagrams submitted with the application demonstrate that at least 75%/40m² of adjoining dwellings secluded private open space receives at least five hours of sunlight between 9am and 3pm on 22 September.</td>
</tr>
<tr>
<td>Ensure buildings do not unreasonably overshadow existing secluded private open space.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A15 Overlooking</td>
<td>Yes</td>
<td>All of the habitable room windows at the first floor level with the potential for overlooking adjoining properties have been appropriately treated with either high sill heights or external screening.</td>
</tr>
<tr>
<td>Limit views into existing secluded private open space and habitable room windows</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A16 Daylight to New Windows</td>
<td>Yes</td>
<td>All habitable windows have direct access to daylight.</td>
</tr>
<tr>
<td>Allows adequate daylight into new habitable room windows.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A17 Private Open Space</td>
<td>Yes</td>
<td>Minimum: 25m² secluded, 40m² overall Proposed: greater than 100m² of SPOS has been provided</td>
</tr>
<tr>
<td>Provide adequate private open space for the recreation and service needs of residents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A18 Solar Access to Open Space</td>
<td>Yes</td>
<td>The SPOS is appropriately located to the north of the dwelling.</td>
</tr>
<tr>
<td>Allow solar access into secluded private open space of a new dwelling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A19 Design Detail</td>
<td>Yes</td>
<td>The dwelling will complement the surrounds.</td>
</tr>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A20 Front Fences</td>
<td>Yes</td>
<td>Required: 1.2m Proposed: No front fence proposed</td>
</tr>
<tr>
<td>Encourage front fence design that respects the exiting or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.7  1 BRYSON AVENUE, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO: 2016/814/1  WARD: NORTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/220359

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>Urbis Pty Ltd</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>12 December 2016</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>N/A</td>
</tr>
<tr>
<td>Zoning</td>
<td>General Residential Zone (Schedule 2)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay 11 (DDO11)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (DCPO)</td>
</tr>
<tr>
<td></td>
<td>Special Building Overlay (SBO)</td>
</tr>
<tr>
<td>Site area</td>
<td>1,504 sqm.</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>13</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes ($8080 – Area 11A)</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Purpose
The purpose of this report is to endorse a consent position reached by all parties at a Compulsory Conference at VCAT on 10 September, 2018.

History
On 30 April 2018, Council (under delegation) determined to refuse the planning application for a three storey building comprising 10 dwellings at the subject site. The grounds of refusal were as follows:

1. The proposal fails to incorporate the required 4 metre setback of the Design and Development Overlay Schedule 11 of the Bayside Planning Scheme and subsequently, will result in an unreasonable level of visual bulk to the street.
2. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct B2) of the Bayside Planning Scheme.
3. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:

   a) Standard B1 – Neighbourhood Character – the proposal fails to respond to the preferred future character for this precinct.
b) **Standard B61 – Street setback – the proposal is insufficiently setback from Bryson Avenue.**

c) **Standard B17 – Side and rear setbacks – The proposal is insufficiently setback from the side boundaries which will result in excessive visual bulk to the streetscape.**

d) **Standard B18 – Walls on Boundaries – The proposed three storey wall on the north west boundary fails to respect the existing neighbourhood character.**

e) **Standard B22 – Overlooking - The proposal fails to adequately demonstrate that views into existing secluded private open space and habitable room windows will be limited.**

f) **Standard B28 – Private Open Space – The proposal fails to provide adequate private open space for the reasonable recreation and service needs of future residents of Apartment G.04.**

g) **Standard B29 – Solar Access to Open Space – The proposal fails to provide adequate solar access into the secluded private open space of Apartments G.03 and G.04 and balconies of Apartments 1.03 and 1.04 and 2.02.**

h) **Standard B31 – Detail design – The design detail of the proposal fails to respect the existing or preferred neighbourhood character.**

4. *The reduction in visitor car parking spaces will impact on the amenity of nearby residential areas.*

**VCAT**

An Application for Review against the decision made by Council was lodged with VCAT pursuant to Section 77 of the Planning and Environment Act 1987.

The application was heard at a Compulsory Conference (mediation) on 10 September, 2018. In attendance was a legal representative for eight objecting parties across four properties (along with two individual members of this group), representatives of the applicant and Council planning officer.

On 4 September 2018, the applicant circulated a set of without prejudice amended plans for discussion at the compulsory conference. The changes included:

- Introduction of two bedroom apartments (x 2).
- Increased Secluded Private Open Space for some dwellings.
- Amended internal layouts.
- Increased second floor front setbacks.
- Changes to the overall design detail of the building in a variety of ways.

Sketch plans of the proposed changes are included at **Attachment 1.**

Throughout this compulsory conference, a number of further changes were proposed to the development. These would generally be described as follows:

- Reconfiguration of the front setbacks to increase in the front setback by 3.0m at first floor and 500mm at second floor from the original decision plans.
- Removal of projecting southern wall from the front façade (opening up the front balcony to reduce bulk).
- Reconfiguration of the parking area to provide for one visitor parking space (no spaces are formally required) and ensure that each dwelling has at least one at-
grade space (additional spaces would occur through stackers). It is noted that parking numbers exceed the formal requirements.

- Additional screening for some south facing windows.

Sketch plans of the proposed changes are included at Attachment 2.

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 hearing on 4 March 2019 for three days.

At this stage, should the matter proceed to a hearing, the above-mentioned changes will be retracted and the appeal will be based on the original advertised plans (Attachment 3).

It is also noted that notwithstanding Council’s position on this application, the applicant must obtain an approved Cultural Heritage Management Plan prior to any decision being made.

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 5/2016/814/1 for the land known and described as 1 Bryson Avenue, Brighton, for the construction of a three storey building comprising no more than 9 dwellings and a front fence in excess of 1.5 metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with plans marked 1613/TP02–TP10 Revision C prepared by CBG Architects dated 03.09.2018 but modified to show:

a) Modifications to front setbacks and basement layout generally in accordance with plans SK01–SK04 prepared by CBG Architects dated 10 September 2018.

b) Reconfiguration / redesign of the southeast side walls bounding the SPOS of the front dwellings at ground and first floor to remove the solid elements and open up the building.

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

d) Demonstration that the required bins are able to be accommodated in the designated storage area. Some form of enclosure must also be provided in this storage area.

e) Balconies to dwellings 1.01 and 1.02 increased to 12sqm.

f) Demonstration of compliance with Standards B35, B41, and B44 of clause 55.

g) Manufacture details of the proposed car stackers.
h) Any changes necessary to reflect the requirements of the Landscaping Plan in accordance with Condition 12 of this permit.

i) Any changes necessary to reflect the requirements of the Tree Management Plan in accordance with Condition 15 of this permit.

j) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit.

k) Any Melbourne Water requirements at conditions 22 to 30.

l) Any changes necessary to reflect the requirements of the Waste Management Plan at condition 48.

m) Any changes necessary to reflect the requirements of the Acoustic report required at condition 11.

n) Notation to show fixed screening to 1800mm on all first floor windows shown on the south-eastern elevation.

o) Notations to reflect the following car parking allocation:
   i. not less than 1 car parking space for each 2 bedroom apartment;
   ii. not less than 2 car parking spaces for each 3 bedroom apartment comprising 1 space at-grade and 1 space within the car stacker system; and
   iii. not less than 1 visitor car parking space.

All to the satisfaction of the Responsible Authority.

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

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

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

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

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

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

8. The mechanical stackers must be kept in good working order to the satisfaction of the Responsible Authority to ensure access to all car spaces is available at all times and to prevent adverse noise emissions.

Water Sensitive Urban Design

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

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

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

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

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

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

Acoustic

11. Prior to the endorsement of plans pursuant to Condition 1, an acoustic report generally in accordance with the Rail Noise Assessment prepared by SLR Consulting Pty Ltd and dated 14 November 2016 must be submitted to and approved by the Responsible Authority to demonstrate how the dwellings will be acoustically treated to reduce noise transmission from the adjacent railway land use to the satisfaction of the Responsible Authority. The acoustic report must show how compliance with Standard B40 of Clause 55 of the Bayside Planning Scheme must be achieved.

Landscaping

12. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan prepared by CDA Design Group Pty Ltd dated August 2018, be drawn to scale with dimensions and three copies must be provided, and be modified to show:

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

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

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

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

e) Details of surface finishes of pathways and driveways.

f) Any Melbourne Water requirements in Conditions 22 to 30.
13. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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

**Tree Management and Protection Plan**

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

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

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

a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.

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

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

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

**Street tree protection**

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

19. A tree protection fence is for the protection of a tree’s canopy and root zone. Conditions for street tree protection fencing during development are as follows:

   a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.

   b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.

   c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.

   d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

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

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

Melbourne Water

22. Finished floor levels of the dwelling must be constructed no lower than 12.75 metres to Australian Height Datum (AHD).

23. The basement carpark entrance/exit must incorporate a flood-proof apex constructed no lower than 12.75 metres to AHD.

24. The layout of the subfloor area including the size, design and location as shown in the submitted plans must not be altered without prior written consent from Melbourne Water.

25. The subfloor screen must be open style, a minimum of 50% or more to allow for flood storage and conveyance. A section/detail of the fence must be submitted to Melbourne Water for further review and approval.

26. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway ramp.

27. Any new fencing must be open style (50%) of construction for the conveyance of overland flow.

28. Any new or modified stormwater connection to Melbourne Water’s drainage system must obtain separate approval from Melbourne Water’s Asset Services Team.

29. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water’s requirements.

30. Prior to the endorsement of plans pursuant to Condition 1, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water’s conditions. Plans must show open style fencing to the rear of the site to the satisfaction of Melbourne Water. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

VicTrack

31. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must ensure that all boundaries abutting the railway land are fenced at the permit holder’s expense.

32. The permit holder must not, at any time:
   a) allow any effluent, waste, soil or other materials to enter or be directed to the railway land;
   b) All stormwater and drainage must be directed to legal discharge points;
   c) store or deposit any waste, soil or other materials on the railway land.
33. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto the railway land or disturbance to the railway operations.

34. Entry onto railway land is at the discretion of the Rail Operator MTM and is subject to any conditions imposed by it.

35. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land.

36. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact VicTrack through the email address external.property@victrack.com.au to obtain the VicTrack's conditions and safety requirements for works on, over or adjacent to the railway land.

37. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements as required by the Rail Operator.

38. During the construction of the development, including demolition and bulk excavation, the permit holder must:
   a) take all reasonable steps to avoid disruptions to rail operations; and
   b) comply with:
      i. the Rail Operator's safety and environmental requirements; and
      ii. the requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.

39. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.

40. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.

41. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.

42. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.

43. Before the commencement of the development, including demolition and bulk excavation, detailed construction engineering plans and computations for any construction or works likely to have an impact on railway operations, railway infrastructure assets or railway land are to be submitted to, and approved by, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor and the setback area and demonstrate that the design of the development complies with the Derailment Loadings as set out in the Australian Standard AS 5100. The construction or works must be carried out in accordance with the plans approved by VicTrack and the Rail Operator.
44. Before the commencement of the development, including demolition and bulk excavation, amended plans must be submitted to, and approved by, the Responsible Authority in consultation with Victrack. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show that the development, including temporary structures, maintains all the clearances required to be maintained from all railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the Electrical Safety Act 2009 (Vic) and the Electrical Safety Regulations (including the Energy Safety (Installation) Regulations 2009 page 75 Table 313 Rows C and D). The development must be constructed in accordance with the plans approved by the Responsible Authority.

**Drainage**

45. 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.

46. 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.

47. 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.
   a) 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.

**Waste Management**

48. Before the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
   a) Dimensions of storage waste areas.
   b) Storm water drains in storage areas should be fitted with a litter trap.
   c) The number and size of bins to be provided.
   d) Facilities for bin cleaning.
   e) Method of waste and recyclables collection.
   f) Types of waste for collection, including colour coding and labelling of bins.
   g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
   h) Method of hard waste collection.
   i) Method of presentation of bins for waste collection.
   j) Sufficient headroom within the basement to accommodate waste collection vehicles.
k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.

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

m) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit.

49. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Construction Management Plan

50. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:

a) A detailed schedule of works including a full project timing.

b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.

c) The location for the parking of all construction vehicles and construction worker vehicles during construction.

d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.

e) Proposed traffic management signage indicating any inconvenience generated by construction.

f) Fully detailed plan indicating where construction hoardings would be located.

g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.

h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.

i) Site security.

j) Public safety measures.

k) Construction times, noise and vibration controls.

l) Restoration of any Council assets removed and/or damaged during construction.

m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).

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


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

r) Details of crane activities, if any.

Permit Expiry

51. 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.

3. Amended Plans Assessment

This report will detail how the amended sketch plans at Attachments 1 and 2 respond to the previous Grounds for Refusal and relevant planning policies.

Ground for Refusal 1

1. The proposal fails to incorporate the required 4.0m setback of the Design and Development Overlay Schedule 11 of the Bayside Planning Scheme and subsequently, will result in an unreasonable level of visual bulk to the street.

The intent behind this reason for refusal has been satisfied.

Rather than provide the additional 4.0m setback at second floor, the applicant (through negotiations with the neighbours) elected to provide the setback in a split form between first floor (3.0m setback from ground floor) and second floor (1.5m setback from first floor).

This achieves a similar (arguably greater) reduction in visual bulk when viewed from the streetscape.
Ground for Refusal 2

2. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct B2) of the Bayside Planning Scheme.

This ground has been satisfied.

Changes to the front setback as discussed above have resulted in a less prominent built form that better integrates with the character of this street. In addition, the design detail of the dwelling has been amended to better reflect the emerging character of the area.

Ground for Refusal 3

3. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:

   a) **Standard B1 – Neighbourhood Character – the proposal fails to respond to the preferred future character for this precinct.**

      Now complies – refer discussion above.

   b) **Standard B61 – Street setback – the proposal is insufficiently setback from Bryson Avenue.**

      Still technical non-compliance (by around 2.0m at its worst); however, setbacks at each floor were increased significantly at the compulsory conference, and the overall outcome is now acceptable – particularly given this site's location at the end of a no through road where impact on continuity of the streetscape is negligible.

   c) **Standard B17 – Side and rear setbacks – The proposal is insufficiently setback from the side boundaries which will result in excessive visual bulk to the streetscape.**

      Still a technical non-compliance (see table below); however, this only occurs adjacent the railway land to the northwest and will not impact upon anyone’s private amenity.

      Given the stated objective ‘to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings’ it is felt that the context of the site (i.e. the railway line) ensures that this standard would be met.

      The ‘excessive visual bulk to the streetscape’ aspect of this ground has been met through an increased front setback (as previously discussed), with the decrease side setbacks not being visible from the streetscape due to the positioning of this site at the end of a no through road.

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
<th>Second Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>Proposed</td>
<td>Required</td>
</tr>
<tr>
<td>North west (side)</td>
<td>0m or 1m</td>
<td>0m – 1.6m</td>
</tr>
<tr>
<td>South east (side)</td>
<td>0m or 1m</td>
<td>5.35m</td>
</tr>
<tr>
<td>North east (rear)</td>
<td>0m or 1m</td>
<td>24.5m</td>
</tr>
</tbody>
</table>
d) Standard B18 – Walls on Boundaries – The proposed three storey wall on the north west boundary fails to respect the existing neighbourhood character.

Still non-compliant and this wall remains, however (and as stated above) this abuts the railways land and does not impact on private amenity. This was not one of Council’s core reasons for refusal.

e) Standard B22 – Overlooking – The proposal fails to adequately demonstrate that views into existing secluded private open space and habitable room windows will be limited.

At the compulsory conference, the applicant made further changes to the screening and windows. The plans now fully comply (and in fact often exceed) the formal screening requirements to ensure no unreasonable overlooking.

f) Standard B28 - Private Open Space – The proposal fails to provide adequate private open space for the reasonable recreation and service needs of future residents of Apartment G.04.

Changes to the plans are such that all dwellings have access to a suitable (and complaint) level of SPOS.

g) Standard B29 – Solar Access to Open Space – The proposal fails to provide adequate solar access into the secluded private open space of Apartments G.03 and G.04 and balconies of Apartments 1.03 and 1.04 and 2.02.

All SPOS areas would now have adequate solar access.

h) Standard B31 – Detail design – The design detail of the proposal fails to respect the existing or preferred neighbourhood character.

Now complies. Refer earlier discussion.

Ground for Refusal 4

4. The reduction in visitor car parking spaces will impact on the amenity of nearby residential areas.

This ground for refusal is now void, as the subject site sits within the principal public transport network area where no visitor car parking spaces are required for the developments of this nature.

Notwithstanding the above, at the compulsory conference, the applicant agreed to provide one visitor car space on site.

The application therefore provides a surplus of visitor parking (through this one space).

4. Conclusion

As described above, the changes to the plans are significant, and address the previous grounds for refusal to an acceptable level.

The overall building shows strong compliance with Council policy, and is a good response to the benefits and constraints of this site.

The overall development is considered to show an appropriate level of compliance with the Bayside Planning Scheme.
Support Attachments

1. Amended Plans ↓
2. Further Changes to Amended Plans ↓
3. Original Advertised Plans ↓
Item 4.7 – Matters of Decision
ISSUED FOR VACAT WITHOUT PREJUDICE

Item 4.7 – Matters of Decision
Bayside City Council
Planning & Amenity Committee Meeting - 16 October 2018
Attachment 3

Item 4.7 – Matters of Decision

DESIGN RESPONSE

1. Development mass heavily articulated to residential interfaces to break up building mass
2. Three (3) level building mass to reflect the urban mass of adjoining properties and respond to the individual character of the adjoining properties and railway
3. Predominantly east and west facing apartments
4. Western elevation to provide a single house residential transition to the existing streetscape
5. Secure basement garage: Access to be provide via a rear crossover of Bryson Avenue
6. Acoustic and privacy consideration to reflect proximity to railway and residential sensitivity
7. Recessed second floor to minimise residential context
8. Gated: secure access to basement driveway
9. Recessed and articulated elevation with large setbacks to external boundary
10. Photovoltaic cells, and solar boosted hot water to roof area
11. Double glazing or acoustic glazing treatment to marine facades for acoustic intervention

SITE PLAN - PROPOSED

INDICATIVE PERSPECTIVE - EAST

INDICATIVE PERSPECTIVE - BRYSON AVENUE

INDICATIVE PERSPECTIVE - WEST

Advertised Plan

Planning Department

21 DEC 2017

Received

TOWN PLANNING
RESIDENTIAL DEVELOPMENT

1 BRYSON AVENUE
BRIGHTON, VIC
1613 / TPR02

This drawing is subject to copyright by CBG Architects Pty Ltd.
Item 4.7 – Matters of Decision
Item 4.7 – Matters of Decision
4.8 447 BAY STREET, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO. 2018/139/1  WARD: NORTHERN

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/231771

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>Wan Hao Group Pty Ltd</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>15 March 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>N/A</td>
</tr>
<tr>
<td>Zoning</td>
<td>Commercial 1 Zone</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 10)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay</td>
</tr>
<tr>
<td>Site area</td>
<td>1,034m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>Six (6)</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Catchment Area: 4A, $20,200</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>No</td>
</tr>
</tbody>
</table>

Purpose
The purpose of this report is to endorse a consent position reached by all parties at a Compulsory Conference at VCAT on 26 September 2018.

History
The application sought the construction of a four storey mixed use development with basement parking, use of land for residential purposes and reduction in visitor and retail parking. The application was refused under delegation, with the grounds of refusal included at Attachment 1. The Delegate Report is provided at Attachment 2.

Key details of the assessed application were as follows:
- Ground floor commercial space (196m²)
- Provision of 17 dwellings (6 x 3 bed and 11 x 2 bed)
- Four storey building with a height of 13.98m
- Provision of basement parking (25 spaces, including stackers) with access from the rear laneway
- Reduction of car parking (eight spaces) for residential visitor and retail.
VCAT

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

The application was heard at a Compulsory Conference (mediation) on 26 September 2018. Two objectors are parties to the appeal. The permit applicant provided ‘without prejudice’ plans in preparation for the compulsory conference, which improved the internal amenity of dwellings, post-construction landscaping and improved equitable development rights for adjoining properties, amongst others. These plans are included at Attachment 3. The key changes of the without prejudice plans are:

- Addition of a canopy to the commercial area to wrap around to Warriston Street.
- Notations added with regard to upgrade of existing crossovers.
- Re-design of apartment G.03 by extending to the western boundary, including the addition of ‘nib walls’ at each end of the apartment and providing the main SPOS area to the north accessible from the living/study and a secondary SPOS area accessible from the master bedroom.
- Corner splay retained north of the new SPOS area for G03.
- Notation that tree T06 will be removed as a result of the changes to G03.
- Re-design of apartment 106 by extending to the boundary and addition of a nib wall abutting the master bedroom.
- Re-design of apartment 205 by extending to the boundary and addition of a nib wall abutting bedroom 2 and the wall for the master bedroom extend along the boundary.
- Apartment 204 balcony increased in size from 11sqm to 13sqm.
- Addition of canopy to southern elevation.
- Change in colours of MDF sheets from white to charcoal.
- Southern elevation, removal of the render to the ground floor façade and replaced with glazing.
- Fourth storey colour changed from a dark grey to light grey.
- Streetscape elevation updated to provide greater detail on neighbouring sites.
- All other changes as a result of the changes to floor plans explained above.

Further to the without prejudice plans, at the Compulsory Conference, the permit applicant agreed to:

- Increase the provision of landscaping within the western and northern setbacks, to assist in softening the built form;
- Internal reconfigurations of dwellings to improve internal amenity;
- Softening of the material palette; and
- Increase the nib walls on the western boundary, to provide for improved equitable development opportunities for the adjoining property.

The permit applicant and all parties to the appeal (two objectors) agreed to a consent position. If the consent order is not endorsed by the Planning and Amenity Committee, the application will proceed to a two day hearing commencing on 27 February 2019.
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 2018/139/1 for the land known and described as No. 447 Bay Street, Brighton for the construction of a four storey mixed use development with basement parking, use of land for residential purposes and reduction in the shop parking requirement in accordance with the endorsed plans and subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Mushan Architects referenced TP00 Rev F, TP05a Rev B, TP05b Rev D, TP06 Rev F, TP07 Rev E, TP08 Rev E, TP09 Rev E, TP10 Rev E, TP11 Rev F, TP12 Rev F and TP13 Rev F but modified to show:

   a) Reconfiguration of APT 101 so that the balcony is relocated adjacent to bedroom 2 without reduction in the west setback.

   b) Nomination of the allocation of the car parking within the Basement 01 (TP05b) plan to the satisfaction of the Responsible Authority.

   c) Provision and nomination of a 2.5 x 2.0 metre splay to the north-eastern corner of the site.

   d) The boundary nib wall adjacent to the balcony to APT 106 to extend to the north by a minimum of 1 metre.

   e) The boundary nib wall adjacent to the master bedroom of APT 205 to extend to north by a minimum of 2 metres.

   f) All walls constructed on the west boundary to present as a patterned finish similar to MD01 ‘panel detail’ shown on TP12 Rev F.

   g) Apply an additional vertical MD01 panel, as shown on TP12 Rev F, to the western rendered walls of APT 101, APT 102 and APT 201.

   h) Details of the fence treatment to the private open space of APT G02 with such fence to have a height of 1.8 metres.

   i) Nomination of the vehicular security door/gate and associated intercom (if applicable).

   j) Nomination of the car space and car stacker dimensions.

   k) Provision of three (3) visitor bicycle parking spaces at ground floor.

   l) Visitor bicycle parking spaces on site are to be horizontal parking.

   m) 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.

   n) Water Sensitive Urban Design measures in accordance with condition 8.

   o) An updated landscape plan in accordance with condition 11.

   p) Sustainability report in accordance with condition 21.
q) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

r) 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.

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

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

7. The loading and unloading of vehicles and the delivery of goods to and from the premise must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

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

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

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

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

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

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

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) Provision of landscaping to a maximum height no greater than 900mm in the splay required under Condition 1 (c).
   b) A survey, including botanical names, of all existing trees to be retained on the site.
   c) A survey, including botanical names, of all existing vegetation to be removed from the site and all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 falls partially within the subject site.
   d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
   e) Provision of 2 small canopy trees within the rear setback of APT G02.
   f) Provision of a small canopy tree within the northern courtyard of APT G03.
   g) Provision of screening vegetation along the western boundary to a height no less than 3 metres at maturity adjacent to the lift lobby area and staircase.
   h) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
   i) Details of surface finishes of pathways and driveways.

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

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

Tree Management Plan

14. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) & Tree Protection Plan (drawing) and Impact Assessment Report to the satisfaction of the Responsible Authority, must be submitted to, and be endorsed by, the Responsible Authority.

15. The Tree Management Plan (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:
   a) Details of Tree Protection Zones 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) Comment on methods to be utilised and instruction on how to deploy them;
   c) Comment on when the protection measures are to be deployed;
   d) Comment on when the protection measures can be modified;
e) Process that will be followed if any damage occurs to a tree;

f) Process that will be followed if construction works require alteration to protection measures outlined in report; and

g) Stages of development at which inspections will occur.

These requirements do not apply to Tree T06 which is to be removed.

16. Any proposed alteration 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.

17. 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.

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

19. 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 AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Tree Impact Assessment Report

20. The report will be in accordance with part 2.3.5 of Australian Standard Protection of Trees on Development Sites 4970 and will identify impacts that may be detrimental to the tree. The report will include design responses required to reduce any identified negative impact. The proposal will be modified to include any recommendations made in the report.

Sustainability

21. Prior to the endorsement of plans pursuant to condition 1, a Sustainability Report to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by Sustainable Development Consultants dated September 2017 but updated to reflect design revisions.

22. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report to the satisfaction of the Responsible Authority.
Construction Management Plan

23. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:

a) A detailed schedule of works including a full project timing.

b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.

c) The location for the parking of all construction vehicles and construction worker vehicles during construction.

d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.

e) Proposed traffic management signage indicating any inconvenience generated by construction.

f) Fully detailed plan indicating where construction hoardings would be located.

g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.

h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.

i) Site security.

j) Public safety measures.

k) Construction times, noise and vibration controls.

l) Restoration of any Council assets removed and/or damaged during construction.

m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).

n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).

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


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

r) Details of crane activities, if any.
Drainage

24. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

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

26. Council records indicate that there is a 3.05 metre wide carriageway easement along the north property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structure of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.

Waste Management

27. Before the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

a) Dimensions of storage waste areas.

b) Storage waste areas for the office and shop use to be in the basement area.

c) Storm water drains in storage areas should be fitted with a litter trap.

d) The number and size of bins to be provided.

e) Facilities for bin cleaning.

f) Method of waste and recyclables collection.

g) All waste (including shops and office waste) to be collected from the basement with no kerbside collection.

h) Types of waste for collection, including colour coding and labelling of bins.

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

j) Method of hard waste collection.

k) Method of presentation of bins for waste collection.

l) Sufficient headroom within the basement to accommodate waste collection vehicles.

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

n) Strategies for how the generation of waste and recyclables will be minimised.

o) Compliance with relevant policy, legislation and guidelines.

p) When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.
Basement Construction
28. Following completion of the construction of the basement and prior to commencement of the next level, a report prepared by a licensed surveyor certifying the overall internal dimensions and levels have been achieved shall be submitted to and approved by the Responsible Authority.

Development Contributions
29. 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.

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

Permit Expiry
31. This permit will expire if one of the following circumstances applies:
   a) The development is not started within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.
   c) The use is not started within five years of the date of this permit.
   d) The use is discontinued for a period of two years or more.

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

3. Amended Plans Assessment
   This report details how the amended plans at Attachment 3 respond to the previous Grounds for Refusal and relevant planning policies.

   1. The proposal fails to meet the decision guidelines of Clause 43.02 (Design and Development Overlay Schedule 10) of the Bayside Planning Scheme, in particular:
      a) The provision of a fourth storey exceeds the preferred height of three storeys and the development does not meet the design objectives of the schedule.

   The first ground for refusal relates to excess height, in particular, the provision of a fourth storey (in an area with a preferred height of three storeys).

   Whilst it could not be said that this ground for refusal has been satisfied in full (the fourth storey is retained), the improvements made to the design ensures vast improvements to the internal amenity of dwellings, provision of landscaping throughout the site and interface to the adjoining properties.

   Further, the finish of the upper level has been amended to a lighter finish. The recessing of the upper level, combined with material alterations and design improvements throughout the facades, results in a combined recessive built form which will acceptably absorb the upper level, which is considered acceptable in this instance.
2. The proposal fails to comply with the Objectives and Standards of Clause 58 of the Bayside Planning Scheme, in particular:

a) Standard D1 – Urban context – the proposal fails to contribute to the preferred future development of the area.

b) Standard D6 – Energy efficiency – the proposal fails to ensure that the dwellings are energy efficient.

c) Standard D10 – Landscaping – the proposal fails to provide appropriate landscaping on the site.

d) D14 – Building setback – the proposal fails to provide adequate daylight for all dwellings.

e) D19 – Private open space – the proposal fails to provide adequate open space for all dwellings.

The amendments sought through the Without Prejudice plans and the agreed amendments at the Compulsory Conference, result in a form which provides an improved design response to the immediate context, including through the use of materiality, provision of glazing at ground floor, a canopy to the footpath and landscaping throughout the open spaces. These alterations, amongst others, contribute to acceptable responding to complying with Standard D1 and D10.

The alterations to the floor plans and internal reconfigurations will allow for improved internal amenity of the proposed dwellings, including reconfigurations of the private open spaces to ensure adequate solar access (Standard D14). This will allow the dwellings to achieve improved access to daylight for the dwellings and improvements to the orientation and size of private open spaces, addressing Standard D19. Further, the improvements to the internal amenity of the dwellings combined with the requirement for an Environmentally Sustainable Design report, nominating how the building will provide ESD initiatives, satisfies the Standard D6 (energy efficiency) Standard.

Consequently, it is considered the amendments will acceptably satisfy the Standards of Clause 58 of the Bayside Planning Scheme.

3. The proposal fails to comply with the decision guidelines of Clause 65 of the Bayside Planning Scheme in that it does not provide for fair and orderly planning or the area.

As described above, the changes to the plans address the previous grounds for refusal to an acceptable level.

Whilst the building would remain at four storeys, the DDO10 that seeks to enforce these height restrictions is specifically worded to allow for consideration of heights over and above this preferred limit.

The overall building shows strong compliance with Council policy, and the additional level (noting its generous recession and low visibility) is not of such consequence that would warrant progression to a full merits hearing – particularly given that changes now proposed may be retracted.

The overall development is considered to show an appropriate level of compliance with the Bayside Planning Scheme and the Decision Guidelines of Clause 65.
Support Attachments

1. Refusal ↓
2. Delegate Report ↓
3. Without Prejudice Plans ↓
NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT

Application No.: 5/2018/139/1
Planning Scheme: Bayside
Responsible Authority: Bayside City Council

ADDRESS OF THE LAND:
447 Bay Street BRIGHTON

WHAT HAS BEEN REFUSED?
Construction of a four storey mixed use development with basement parking, use of land for residential purposes and reduction in visitor and retail parking

GROUNDS OF REFUSAL:

1. The proposal fails to meet the decision guidelines of Clause 43.02 (Design and Development Overlay Schedule 10) of the Bayside Planning Scheme, in particular:
   a) The provision of a fourth storey exceeds the preferred height of three storeys and the development does not meet the design objectives of the schedule.

2. The proposal fails to comply with the Objectives and Standards of Clause 58 of the Bayside Planning Scheme, in particular:
   a) Standard D1 – Urban context – the proposal fails to contribute to the preferred future development of the area.
   b) Standard D6 – Energy efficiency – the proposal fails to ensure that the dwellings are energy efficient.
   c) Standard D10 – Landscaping – the proposal fails to provide appropriate landscaping on the site.
   d) D14 – Building setback – the proposal fails to provide adequate daylight for all dwellings.
   e) D19 – Private open space – the proposal fails to provide adequate open space for all dwellings.

3. The proposal fails to comply with the decision guidelines of Clause 65 of the Bayside Planning Scheme in that it does not provide for fair and orderly planning for the area.

Date of notice: 22 June 2018

Michael Kelleher
Signature for the Responsible Authority

Planning and Environment Regulations 2015 - Form 7
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Refuse to Grant a Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Construction of a four storey mixed use development with basement parking, use of land for residential purposes and reduction in visitor and retail parking</td>
</tr>
<tr>
<td>Application No.</td>
<td>5/2018/139/1</td>
</tr>
<tr>
<td>Address</td>
<td>447 Bay Street BRIGHTON</td>
</tr>
<tr>
<td>Applicant</td>
<td>Wan Hao Group Pty Ltd</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>15/03/2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>89 days (on 19 June 2016)</td>
</tr>
<tr>
<td>Zoning</td>
<td>Commercial 1 Zone</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development overlay Schedule 10 Development Contributions overlay Schedule 1</td>
</tr>
<tr>
<td>Site area</td>
<td>1034m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>6</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>No</td>
</tr>
<tr>
<td>Is a development contribution fee applicable?</td>
<td>Yes, if the application had been supported - $20,000 Catchment area 4A</td>
</tr>
<tr>
<td>Responsible officer</td>
<td>Fiona Farrand</td>
</tr>
<tr>
<td>Signature</td>
<td></td>
</tr>
<tr>
<td>Planning delegate</td>
<td>Michael Kelleher</td>
</tr>
<tr>
<td>Signature and date</td>
<td>22' 6' 18</td>
</tr>
</tbody>
</table>
1. **Application details**

**Proposal**
The application seeks the construction of a four storey mixed use development with basement parking, use of land for residential purposes and reduction in visitor and retail parking.

Key details of the proposal are as follows:
- Ground floor commercial space (~196m²)
- Provision of 17 dwellings (6 x 3 bed and 11 x 2 bed)
- Four storey building with a height of 13.98m
- Provision of basement parking (25 spaces, including stackers) with access from the rear laneway
- Reduction of car parking (eight spaces) for residential visitor and retail

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

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

2. **Planning controls**

**Planning Permit requirements**

A planning permit is required pursuant to:
- Clause 34.01-1 (Commercial 1 Zone) - use of land for accommodation
- Clause 34.01-4 (Commercial 1 Zone) - buildings and works (C1Z)
- Clause 43.02-2 (Design and Development Overlay Schedule 10) - buildings and works
- Clause 52.06-3 reduction in car parking

**Planning Scheme Amendments**

Planning Scheme Amendment C150 outlines the overall policy direction for the commercial areas in the Bayside Municipality. Amendment C150 was adopted by Council at its 16 August 2016 Ordinary Meeting. An independent Planning Panel considered the submissions received in March 2018 and Council is currently awaiting receipt of the Panel's report. Case law confirms that proposed amendments to Planning Schemes are not considered to be 'seriously entertained' and applied in the assessment of permit applications until such time as they have progressed beyond a Panel and Adopted.

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 but would require retention of tree 1 subject to an impact assessment.</td>
</tr>
<tr>
<td>Drainage Assets Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Strategic Planning</td>
<td>Objection, see report below.</td>
</tr>
<tr>
<td>Sustainability Support Officer</td>
<td>Requests clarification on a number of points, which could be dealt with via condition.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>Objection, see report below.</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Waste Management Coordinator</td>
<td>No objection.</td>
</tr>
</tbody>
</table>

**Public notification**

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

Six objections remain outstanding at the time of this report.

The following concerns were raised:

- Height and visual bulk impact on adjacent heritage buildings;
- Overshadowing;
- Preferred height is three storey, proposal is for four storeys;
- No requirement for proposed development (retail and residential);
- Parking / Traffic;
- Impact on shared right of way at rear of building;
- Plans should be amended to allow for equitable development opportunities with the neighbouring property;
- Loss of trees.

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

**Consultation meeting**

A consultation meeting was not considered necessary for this application as the application was recommended for refusal.

4. **Council Policy**

**Council Plan 2017-2021**

Relevant objectives of the Council plan include:

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

Relevant strategies of the Council plan include:

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

**Bayside Planning Scheme**

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
• Clause 16 Housing
• Clause 17 Economic Development
• Clause 21.02 Bayside Key Issues and Strategic Vision
• Clause 21.03 Settlement and Housing
• Clause 21.05 Environmental Risks
• Clause 21.06 Built Environment and Heritage
• Clause 21.07 Economic Development
• Clause 21.11 Local Areas (Bay Street Major Activity Centre)
• Clause 22.06 Water Sensitive Urban Design
• Clause 34.01 Commercial 1 Zone
• Clause 43.02 Design and Development Overlay (Schedule 10)
• Clause 45.06 Development Contributions Overlay Schedule 1
• Clause 52.06 Car Parking
• Clause 52.34 Bicycle Facilities
• Clause 58 Apartment Buildings
• Clause 65 Decision Guidelines

5. Considerations

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

5.1. Strategic Justification

The Planning Policy Framework supports the intensification of development in and around public transport nodes and in activity centres. The Bay Street Centre – Final Structure Plan sets out a list of objectives, which have been continued through to local planning policy, namely Clause 21.11 and Schedule 10 of the Design and Development Overlay. Objectives of the structure plan are to:

• Strengthen the role of Bay Street as a multi-use centre offering retail, office, entertainment and community services to a small-medium sized neighbourhood catchment.
• Ensure that the centre continues to compliment, rather than compete with, the intended role and land use mix of the nearby Church Street activity centre.
• Provide a safe, accessible and attractive pedestrian environment with continuous active frontages on Bay Street between Cochrane Street and the Nepean Highway.
• Facilitate new residential and mixed use developments within the Centre.
• Provide for increased housing densities and diversity of housing types within the Centre.

The local areas policy contains a subsection relating specifically to the Bay Street Major Activity Centre (Clause 21.11-2). The vision for this area includes ‘Housing above the shops and offices will feature strongly throughout the centre to provide residents with convenient access to services and amenities and provide a human presence for informal surveillance in the centre during the day and evening.’

The objective of the Bay Street Major Activity Centre is ‘To strengthen the role of Bay Street, Brighton as a multi-use centre offering retail, office, entertainment and community services.’

The subject site is located within precinct 3 (Medical Centres, Office and Residential), where the strategies to achieve the objective are set out as follows:
• Maintain the mixed use role of this precinct.
• Facilitate a mix of residential, medical centres and small office uses, and active uses at the street frontage where appropriate.
• Discourage activities that may cause detriment to the amenity of the area due to noise, appearance, parking, loading or hours of operation.

The provision of six three bedroom apartments and 11 two bedroom apartments would provide a good diversity of housing and contribute to housing growth in a location with good access to public transport and services. This broadly aligns with the objective to increase high and medium density housing stock in the Bay Street Major Activity Centre, as identified by the Bayside Housing Strategy and the Bay Street Structure Plan.

5.2. Design and Development Overlay (Schedule 10)

The design objectives of this schedule are as follows:

• To ensure that the height of new development is compatible with the preferred future role and character of the Bay Street Major Activity Centre;
• To develop the centre in a way that conserves and enhances its valued urban character and heritage places;
• To ensure that new development contributes to safe and active streets; and,
• To maintain a strong landscape character with residential buildings set within vegetated front gardens and streetscapes in the residential precincts.

On land in a Commercial Zone any new building should be designed to:

• Present a fine grained, human scale to streets.
• Provide active street frontages with shopfronts at street level, particularly in the retail core, where shopfronts should predominate.
• Provide articulated and well designed facades, fenestration, parapet treatments, other detailing and materials to provide interest at street level and reinforce the human scale.
• Maintain the vertical and horizontal design rhythm of buildings in the business precincts.
• Ensure corner sites are designed to address both street frontages with shopfront windows at street level.
• Locate the ground floor at natural ground level.
• Minimise the width of driveway entrances and the impact of garage doors on the building frontages and utilise rear access wherever possible.

The proposal has attempted to provide a fine grained human scale to both street frontages, however this is somewhat marred by the inclusion of a canopy over parts of the frontage which obscures full extent of both frontages. The majority of the building’s external detailing will be render, although it is noted that a varied colour palette will be utilised. The elevations have a reasonable degree of articulation, although it is difficult to see however such a large building can be expected to reinforce the human scale. The sheer size and bulk of the building have resulted in an awkward clunky appearance that does not really maintain either the vertical or horizontal design rhythm of buildings in the business precinct. It is however appreciated that at this end of the commercial area there is no typical design rhythm. Shopfront windows have been provide along both frontage and the ground floor is located at natural ground floor level. Vehicle access is provided from the laneway at the rear of the site.

The site is identified as being located within the Bay Street Major Activity Centre and identified as been within Precinct C of the Schedule.

Precinct C has the following build form provisions:
Refer to Built Form Precinct Map at the end of the schedule.

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Preferred building height</th>
<th>Maximum building height</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>13.5m (4 storeys)</td>
<td>-</td>
</tr>
<tr>
<td>C</td>
<td>11.0m (3 storeys)</td>
<td>+</td>
</tr>
</tbody>
</table>

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

Map 1: Bay Street Major Activity Centre Built Form Precincts

Legend

Subject site ★

As can be seen from above, Precinct C of DDO10 has a preferred height of 3 storeys (11 metres). On land in a Commercial Zone or a Mixed Use Zone:

- A building should not be set back from the front or side boundary except as follows:
  - At third floor or above, buildings should be set back a minimum of 5 metres from the front street boundary and any street boundary adjacent to a Residential Zone.
Where the site abuts a Heritage Overlay containing a heritage building set back from the front or side boundaries, new buildings should be set back to provide a transition in the front or side setbacks.

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

The proposed development has a height of four storeys (13.98m as shown on the plans), which exceeds the preferred height of three storeys (11m) of the Bay Street Major Activity Centre. Furthermore, the front setback of 2.39 metres at the third storey does not comply with the preferences of DDO10 as the height of the development. However, these requirements are discretionary, and a planning permit may be granted to vary these requirements.

The third floor front setback of 2.39m relates to the balcony area which projects forward of the main building. As stated above, minor buildings and works, including balconies can be constructed within the required setback provided they are designed and located to the satisfaction of the Responsible Authority. The proposed balcony will be of glass and as such its impact will not be highly prominent within the streetscape. Furthermore, it only runs across part of the front elevation. The setback to the main building is compliant and the variation for the balcony is, in this instance acceptable.

There is a specific section in the overlay, entitled 'variations to the requirements of this schedule' that allows these requirements to be varied subject to compliance with a set criteria. Specifically, an application that seeks to vary the height requirements should demonstrate whether the following will be achieved:

- **Whether the proposal achieves a high standard of architectural design and an exemplary design response to the site context**

The proposed four storey building is of a modern design with the main external material being various shades of render, interspersed with small areas of timber cladding. The upper floors are recessed, which is to be expected, particularly in this location at the end of the commercial precinct. However, the proposal fails to provide an appropriate integration with the adjoining heritage property at 441 Bay Street due to the height and limited setbacks. Furthermore, the proposal does not given any consideration to equitable development with this property and that one day the ground floor private open space on the western side may be enclosed by development next door. In addition, the development would result in poor amenity for the proposed first floor dwellings on the western side with no outlook. This is not considered to be a great or exemplary architectural design.

- **Innovative environmental design**

The proposal is for a four storey mixed use building. As stated above, the design is typical of existing and approved developments in the Brighton area. The proposal incorporates environmentally sustainable initiatives for the residential apartments and achieves a best practice score (56%) under the Built Environment Sustainability Scorecard (BESS), but falls short of the 70% score required for excellence. Furthermore, the Sustainability Management Plan submitted with the application show 0% for innovation under BESS. The proposal therefore fails to achieve an innovative environmental design.

- **Minimal overshadowing of adjoining streets, public spaces and residential properties**

The site is located on the northern side of Bay Street. As such there will be some overshadowing onto the public realm along this street for most of the day. This is the typically the case for any building on the northern side of a street and in an area where up to three storeys is considered acceptable, the extent of overshadowing of Bay Street is a side effect of this height. Although the proposed development incorporates a fourth floor, this is recessed such that any additional overshadowing over and above a third floor will not occur. The site is also located adjacent to Warriston Street, to the east. This street and pavement
area will be overshadowed later in the day, but generally the level of overshadowing is considered acceptable.

- **Minimal amenity impacts of adjoining residential properties, including limiting visual bulk, overlooking, overshadowing and loss of daylight and solar access to windows of adjoining properties**

There are no immediately adjoining residential properties to the subject site. A laneway separates the site from the residential property to the north at 25 Warriston Street. The private open space for this property is located to the north. The amenity impacts on this property will therefore be limited.

- **Respect for places subject to the Heritage Overlay**

The site to the west, 441 Bay Street is a single storey heritage property with a two storey extension to the rear. This property, which is currently used as a medical clinic, is a large symmetrical Italianate render brick villa with a hipped slate roof penetrated by pedimented chimneys. The heritage citation identifies the property as being of aesthetic and historical significance. It is a good and substantially intact example of an unusual villa form with a verandah to three elevations.

The proposed development is between 23.5-25 metres deep and would occupy the majority of the site. The maximum setback of the upper levels to the shared boundary with 441 Bay Street is 3 metres. The proposed development fails to achieve an appropriate design response to the heritage property in terms of its bulk and mass. Whilst a contemporary approach can be considered to be complimentary to a heritage property, rather than considering a pastiche design, the overall height and proximity to the boundary together with the depth of the proposed development encompass and completely dominate the building such that the heritage detailing will become lost.

- **Transition is scaled to lower building forms.**

Above the ground floor, with the exception of the Bay Street southern elevation, which is set back at the fourth floor, the levels begin to step in. There is a laneway to the north of the site respectively, which creates additional space to the buildings beyond such that the level of transitioning of the building scale is minimised. However, the adjacent property to the west, 441 Bay Street is of a considerably smaller scale (single and two storey) and a lesser footprint. As stated above, the proposal development has a maximum setback at the upper floor levels of 3 metres. This combined with the overall depth of the building at the third and fourth floors fail to achieve an appropriate transition in terms of the scaling of the building. Furthermore, the site is located at the very end of the activity centre on a corner, and an appropriate transition to the residential area beyond to the east needs to be considered.

Based on the submitted information, the proposal has failed to meet the majority of the above criteria. As such the proposed variation to the height to provide an additional storey and 2.96m of height is not acceptable in this instance. It is acknowledged that there is a four storey building currently under construction at 439 Bay Street, which was approved by Council on 1 October 2015. Each application has however to be considered on its own merits and having assessed the application against the above criteria, an increase in height to four storeys in this instance is not considered appropriate.

In summary, the proposal fails to achieve the design objectives of Schedule 10 of the Design and Development Overlay.

5.3. **Compliance with Clause 58 (Apartment Buildings)**

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

- **Urban context (Standard D1)**

Refer to Design and Development Overlay section 5.2 above.
Energy Efficiency (Standard D6)
The objectives of this clause are:

- To achieve and protect energy efficient dwellings and buildings.
- To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
- To ensure dwellings achieve adequate thermal efficiency.

Apartments 102, 104, 105, 204, 205, 301, 302, 303 exceed the maximum cooling load. This equates to 47% of the apartments being non-compliant, which is not considered to be acceptable and does not achieve the objective. Had the application been recommended for approval, then a condition would have been included in the conditions requiring all apartments to comply with the standard.

Landscaping (Standard D10)
Refer to section 5.4 below.

Building Setback (D14)
The objective of this clause are:

- To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
- To allow adequate daylight into new dwellings.
- To limit views into habitable room windows and private open space of new and existing dwellings. To provide a reasonable outlook from new dwellings.
- To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

The proposed setbacks on the rear elevation are considered acceptable, with the setback increasing with each floor above ground level. On the western elevation however at first floor level, the setbacks vary from one metre to three metres (maximum). The private open space areas of apartments 101 and 106 are west facing and in close proximity to the adjacent dwelling at 441, particularly apartment 106. Furthermore, the only natural light that the living areas of these dwellings will receive is via the balcony areas, as there are no habitable room windows on the external elevations of the building. With the balcony screening at a height of 1.7 metres the amount of light to these habitable areas will be very limited. As such, the proposal is not considered to allow adequate daylight to these dwellings.

Private Open Space (Standard D19)
Table D5 of this clause sets out the minimum area and dimensions for balcony areas and which is determined by the number of bedrooms. Apartment 204 has three bedrooms and as such should have a minimum area of 12m². The application is proposing 11m². Whilst a shortfall of 1m² might seem inconsequential, the apartment does have three bedrooms and even 12m² is not particularly large. Had the application been recommended for approval, then a condition would have been included requiring the balcony area to be increased to provide the minimum area.

Additionally however, the west facing ground floor private open space has the potential to be enclosed or overlooked, should the adjacent site at 441 Bay Street be developed.

5.4. Landscaping
The application plans show the removal of nine trees from the site including eight native trees. 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>Proposed for removal</td>
<td>Proposed for removal</td>
</tr>
<tr>
<td>Proposed for retention</td>
<td>Proposed for retention</td>
</tr>
</tbody>
</table>

Item 4.8 – Matters of Decision
Council's Arborist in their referral response advised that trees 1, 9 and 11 should be retained if preferable. These trees are all native. Tree No 1 (Corymbia maculata) is located at the rear of the site close to the laneway, and Tree Nos 9 (Eucalyptus mannifera) and 11 (Eucalyptus sideroxylon) are located along the eastern boundary of the site. These trees are prominent within the streetscape and provide a high level of visual amenity.

Given the location of the site in a commercial zone and the type and level of development expected, it would be difficult to justify retention of trees 9 and 11. Tree 1 is located at the rear of the site in an area proposed for private open space. Had the application been supported, then an Impact Assessment Report would have been requested by way of condition to assess the impact on the tree and see if it could have been retained.

No landscaping plan has been submitted with the application. The town planning report makes reference to landscaping opportunities, however no details or plan have been provided with the application. Council is therefore unable to assess the suitability of any proposed landscaping.

5.5. 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.

<table>
<thead>
<tr>
<th>Use</th>
<th>Required parking spaces</th>
<th>Proposed parking spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>23 spaces (6 x 3 bed, 11 x 2 bed)</td>
<td>23 spaces</td>
</tr>
<tr>
<td>Visitor</td>
<td>4 spaces</td>
<td>0</td>
</tr>
<tr>
<td>Commercial (actual use not specified so taken as shop)</td>
<td>7 spaces (4 spaces per 100m²)</td>
<td>2 spaces (for staff)</td>
</tr>
<tr>
<td>Total</td>
<td>34</td>
<td>25</td>
</tr>
</tbody>
</table>

As can be seen from the table above, the proposal will provide 25 on-site parking spaces. The residential component will fully comply with the parking requirements, however there is a shortfall in the retail and residential visitor parking. It should also be noted that the commercial element of the proposal has not been identified at this stage so it is difficult to calculate the exact requirement. A rate of 4 spaces per 100m² has therefore been taken as a conservative estimate.

Council's traffic engineer has raised concern at the lack of residential visitor parking. The majority of the residential on-site parking spaces are in stacker arrangements within the basement. This type of parking arrangement is not considered to be suitable for visitor parking. Furthermore, access to the basement is provided via an existing single width laneway, at the rear of the site. On-street parking is available within the area and given the type of parking arrangements proposed and the availability of parking in the area as shown on the parking survey, it is not considered reasonable to request the provision of residential visitor parking. Visitors would be highly unlikely to navigate their way to the basement as it is not visible and there are excellent public transport links within the immediate vicinity of the site.

The submitted parking survey was carried out between 11am and 7pm on a Friday and Saturday. The parking surveys found there to be sufficient on-street parking within the immediate areas, with a minimum of 21 spaces being available on the Friday (12pm) and a minimum of 27 spaces being available on the Saturday (1pm).
The site is located within the Bay Street Major Activity Centre, which includes a variety of shops, retail premises and offices. As such there is a strong likelihood that some visitors and customers to the proposed development will visit the site as part of a multi-purpose trip and will therefore not necessarily generate an additional demand for parking. Furthermore, there are excellent public transport links in the immediate vicinity of the site. The reduction of visitor and shop parking is considered in this instance to be acceptable.

Council’s traffic engineer has also requested clarification/additional detail be shown on the plans. Had the application been support then these could have been included as conditions in the recommendation.

Concerns have been raised in relation to an increase in traffic and safety issues. Council’s traffic engineer has raised no concerns in this regard.

5.6. Bicycle parking

Clause 52.34 sets out the bicycle parking requirements. For a residential development of four storeys or more, one space is required to be provided for five dwellings and for visitors, one space per 10 dwellings. This generates a requirement of three spaces for the dwellings and two for visitors (the requirement is rounded up in this instance). There is no requirement for the commercial element of the proposal as the floor area is less than 1000m² (based on a shop use).

The proposal makes provision for five vertical hanging spaces in the basement and therefore complies with this clause.

5.7. Development contributions levy

The subject site is located within catchment area 4A.

Had the application been recommended for approval, based on the proposal, a payment of $20,000 would have been required. This would have been included as a recommended condition.

5.8. Objector issues not already addressed

Impact on shared right of way at rear of building

There is an unnamed laneway to the rear of the site which allows vehicular access to both the subject site and the adjoining property at 441 Bay Street. Any damage to this laneway would be the responsibility of the developer. In terms of the increase in the number of vehicles, this is considered to be acceptable, given the current limited usage of the laneway.

Plans should be amended to allow for equitable development opportunities with the neighbouring property.

The owner of the adjoining land at 441 Bay Street has requested that the plans be amended to allow for equitable development opportunities on this site, which is covered by a Heritage Overlay. Areas of particular concern relate to the private open space at ground floor level adjacent to the western boundary and the setbacks of apartment 106. Council agrees with this concerns that place an unreasonable burden on the owner of the adjoining site and limits the potential development opportunities.

6. Recommendation

That Council resolve to:

Issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 5/2018/139/1 for the land known and described as 447 Bay Street BRIGHTON, for the construction of a four storey mixed use development with basement parking, use of land for residential purposes and reduction in visitor and retail parking for the following reasons:

1. The proposal fails to meet the decision guidelines of Clause 43.02 (Design and Development Overlay Schedule 10) of the Bayside Planning Scheme, in particular:

a) The provision of a fourth storey exceeds the preferred height of three storeys and the development does not meet the design objectives of the schedule.
2. The proposal fails to comply with the Objectives and Standards of Clause 58 of the Bayside Planning Scheme, in particular:
   a) Standard D1 – Urban context – the proposal fails to contribute to the preferred future development of the area.
   b) Standard D6 – Energy efficiency – the proposal fails to ensure that the dwellings are energy efficient.
   c) Standard D10 – Landscaping – the proposal fails to provide appropriate landscaping on the site.
   d) D14 – Building setback – the proposal fails to provide adequate daylight for all dwellings.
   e) D19 – Private open space – the proposal fails to provide adequate open space for all dwellings.

3. The proposal fails to comply with the decision guidelines of Clause 65 of the Bayside Planning Scheme in that it does not provide for fair and orderly planning for the area.
Figure 1 Aerial overview of the site and surrounds

Legend

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

One objector provided a PO Box for Brighton Road, Elwood.
Figure 2 View towards the site from the Warriston Street to the east

Figure 3 View towards the site from Bay Street
Figure 4 View along Bay Street to the west (building under construction is 439 Bay Street)

Figure 5 View of subject site from Bay Street with Warriston Street to the east
Figure 6 View of adjoining heritage property at 441 Bay Street

Figure 7 View of subject site and 441 Bay Street
Figure 8: View along Warriston Street towards Bay Street

Figure 9: View of access laneway at rear of site
Clause 58: Apartment Development

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **Standard D1 Urban context objectives**  
To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.  
To ensure that development responds to the features of the site and the surrounding area. | No | Refer report under DDO section. |
| **Standard D2 Residential policy**  
To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.  
To support higher density residential development where development can take advantage of public and community infrastructure and services. | Yes | The proposed development complies with the overarching strategic policy and local policies which supports higher density residential development within this location well served by a variety of public transport. |
| **Standard D3 Dwelling diversity**  
To encourage a range of dwelling sizes and types in developments of ten or more dwellings. | Yes | The development consists of a total of 17 apartments with a range of apartment sizes and layouts have been provided.  
11 x 2 bed and 6 x 3 bed |
| **Standard D4 Infrastructure**  
To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. | Yes | The development will be connected to appropriate utility service and infrastructure. |
### Standard D5 Integration with the street
To integrate the layout of development with the street.

| Yes | The proposal integrates well with both Bay Street and Warriston Street, with clear pedestrian and links. Low front fencing is provided along Warriston Street. |

### Clause 58.02 Site Layout

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **Standard D6 Energy efficiency**  
To achieve and protect energy efficient dwellings and buildings.  
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.  
To ensure dwellings achieve adequate thermal efficiency | No | Refer report. |
| **Standard D7 Communal open space**  
To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development. | N/A | N/A |
| **Standard D8 Solar access to communal outdoor open space**  
To allow solar access into communal outdoor open space. | N/A | N/A |
| **Standard D9 Safety**  
To ensure the layout of development provides for the safety and security of residents and property. | Yes | The main entrance for the dwellings is located on Warriston Street with a clear and legible ramped access, which will be lit. |
| **Standard D10 Landscaping**  
To encourage development that respects the landscape character of the area.  
To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.  
To provide appropriate landscaping. | No | Refer report. |
To encourage the retention of mature vegetation on the site. To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.

**Standard D11 Access**
To ensure the number and design of vehicle crossovers respects the urban context.

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<tbody>
<tr>
<td>Yes</td>
<td>Vehicle access will be via the existing laneway at the rear of the site.</td>
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</table>

**Standard D12 Parking location**
To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.

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<tbody>
<tr>
<td>Yes</td>
<td>Parking for the dwellings is provided in the basement area. The master bedroom of apartment G03 sits above the accessway with a window. Had the application been supported then a condition could have been included requiring this window to be double glazed.</td>
<td></td>
</tr>
</tbody>
</table>

**Standard D13 Integrated water and stormwater management**
To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

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<tr>
<td>Yes</td>
<td>The proposal includes a 15,000 Litre rainwater tank to facilitate the re-use of rainwater. A STORM rating of 100 is achieved.</td>
<td></td>
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</tbody>
</table>

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**Clause 58.04 Amenity Impacts**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard D14 Building setback</strong></td>
<td>No</td>
<td>Refer report.</td>
</tr>
</tbody>
</table>

To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. To allow adequate daylight into new dwellings. To limit views into habitable room windows and private...
open space of new and existing dwellings. 
To provide a reasonable outlook from new dwellings.
To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

<table>
<thead>
<tr>
<th>Standard D15 Internal views</th>
<th>Yes</th>
<th>There is limited opportunity for overlooking.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To limit views into the private open space and habitable room windows of dwellings within a development.</td>
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</table>

<table>
<thead>
<tr>
<th>Standard D16 Noise impacts</th>
<th>Yes</th>
<th>Had the application been recommended for approval, conditions could have been included to ensure compliance.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources.</td>
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</table>

### Clause 58.05 On-Site Amenity and Facilities

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **Standard D17 Accessibility**
To ensure the design of dwellings meets the needs of people with limited mobility. | Yes | All apartments incorporate either design option A or B in terms of bathroom design. |

| **Standard D18 Building entry and circulation**
To provide each dwelling and building with its own sense of identity.
To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
To ensure internal communal areas provide adequate access to daylight and natural ventilation. | Yes | The residential entry of Warriston Street is clearly identifiable. Within the building itself, each dwelling has its own clear entry and there a spacious communal areas with lifts and stairs. |

| **Standard D19 Private open space**
To provide adequate private open space for the reasonable recreation and service needs of residents. | No | Refer report. |

| **Standard D20 Storage**
To provide adequate storage facilities for each dwelling. | Yes | All apartments are provided with the minimum storage requirement as set out in table D6. |
### Clause 58.06 Detailed Design

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard D21 Common property</strong></td>
<td>Yes</td>
<td>All common property areas including the entry lobbies, car parking areas and site facilities are easily accessible, functional and capable of being efficiently managed.</td>
</tr>
<tr>
<td>To ensure that communal open spaces, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Standard D22 Site services</strong></td>
<td>Yes</td>
<td>Condition of permit ensure all site facilities including letter boxes are conveniently located and are easily accessible by the responsible authorities such as Australia Post.</td>
</tr>
<tr>
<td>To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Standard D23 Waste and recycling</strong></td>
<td>Yes</td>
<td>Council’s Waste Coordinator is satisfied with the submitted Waste Management Plan, which states that waste collection will be via a private waste contractor, not Council, as the site is not suitable for Council service.</td>
</tr>
<tr>
<td>To ensure dwellings are designed to encourage waste recycling. To ensure that waste and recycling facilities are accessible, adequate and attractive. To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</td>
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</tbody>
</table>

### Clause 58.07 Internal Amenity

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard D24 Functional layout</strong></td>
<td>Yes</td>
<td>All dwellings exceed the minimum room requirements.</td>
</tr>
<tr>
<td>To ensure dwellings provide functional areas that meet the needs of residents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Standard D25 Room depth</strong></td>
<td>Yes</td>
<td>All single aspect habitable rooms achieve adequate daylight.</td>
</tr>
<tr>
<td>To allow adequate daylight into single aspect habitable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Item 4.8 – Matters of Decision

- **Standard D26 Windows**
  - To allow adequate daylight into new habitable room windows.
  - **Yes**
  - All habitable room windows comply with the requirements of this standard.

- **Standard D27 Natural Ventilation**
  - To encourage natural ventilation of dwellings.
  - To allow occupants to effectively manage natural ventilation of dwellings.
  - **Yes**
  - At least 40% of the dwellings will have breeze paths providing adequate cross ventilation.
## TOWN PLANNING DRAWING LIST

<table>
<thead>
<tr>
<th>Sheet No.</th>
<th>Drawing Title</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DRAWING REGISTER</td>
<td>A170</td>
</tr>
<tr>
<td>2</td>
<td>LOCALITY MAP</td>
<td>A170</td>
</tr>
<tr>
<td>3</td>
<td>ELEVATION DRAWING</td>
<td>A170</td>
</tr>
<tr>
<td>4</td>
<td>VARIOUS DRAWING - DRAWING COORDINATES</td>
<td>A170</td>
</tr>
<tr>
<td>5</td>
<td>ELEVATION PLAN</td>
<td>A170</td>
</tr>
<tr>
<td>6</td>
<td>ELEVATION PLAN</td>
<td>A170</td>
</tr>
<tr>
<td>7</td>
<td>SITE PLAN</td>
<td>A170</td>
</tr>
<tr>
<td>8</td>
<td>SITE PLAN</td>
<td>A170</td>
</tr>
<tr>
<td>9</td>
<td>SITE PLAN</td>
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<tr>
<td>10</td>
<td>SITE PLAN</td>
<td>A170</td>
</tr>
<tr>
<td>11</td>
<td>SITE PLAN</td>
<td>A170</td>
</tr>
</tbody>
</table>

**Bayside City Council**

**Planning & Amenities Committee Meeting**

**- 16 October 2018**

**Attachment 3**

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**Bay Street Apartments**

**447 Bay Street, Brighton**

**Town Planning Application**

---

**ARCHITECT**

MUSHIAN

---

**ESO CONSULTANT**

WOOD SERVICE ENGINEERS

---

**WASTE MANAGEMENT**

Leigh Design Pty Ltd

---

**TOWN PLANNING**

---

**LAND SURVEYOR**

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**TRAFFIC ENGINEER**

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Item 4.8 – Matters of Decision

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Item 4.8 – Matters of Decision