

S57 FORM - OBJECTION TO GRANT A PLANNING PERMIT

Planning and Environment Act 1987

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To submit an objection complete this form and lodge it with the Responsible Authority – forward to: enquiries@bayside.vic.gov.au or at the address above.

Details – (please use BLOCK letters) *Please refer to privacy statement below*

I/We: Beaumaris Conservation Society Inc.	
Address: PO Box 7016 Beaumaris	Postcode: 3193
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Details of Application:

Application Reference Number: 838/2016	Permit application No:
Address of Land: 15 Wattle Avenue, Beaumaris, 3193	

Reasons for Objection:

1. The proposal to construct two (2) double storey dwellings and removal of vegetation within the Vegetation Protection Overlay - Schedule 3 (VPO3).
<ul style="list-style-type: none"> • is an over-development of the site having regard to planning policy, Bayside Planning Scheme provisions and sound land use planning principles, and • is incompatible with the low residential density and landscaped garden character of the site and adjoining land as well as the wider context where bushy gardens surrounding the dwellings dominate the streetscapes.
2. In particular the proposed development is inappropriate and unacceptable to Beaumaris Conservation Society Inc. members as neighbours because it:
<ul style="list-style-type: none"> • is inconsistent with and does not support the State Planning Policy Framework including Clause 11.02-1 <i>Supply of Urban Land</i>, Clause 15 <i>Built Environment and Heritage</i> • is inconsistent with and does not support Bayside Planning Scheme Local Planning Policy Framework, specifically <i>Clause 21.02 Bayside Key Issues and Strategic Vision</i>, <i>Clause 21.04 Environmental and Landscape Values</i>, <i>Clause 21.06 Built Environment and Heritage 21.06-1 Character and Identity</i> and <i>Clause 22.06 Neighbourhood Character Policy</i>.

3. The proposal does not comply with the requirements of Clause 55 of the Bayside Planning Scheme, most significantly:
- i. Standard B1 Neighbourhood Character – The development fails to respond to the existing and preferred neighbourhood character for this precinct distinguished by treed character.
 - ii. Standard B2 Residential policy
 - iii. Standard B6 Walls of buildings should be set back from streets
 - iv. Standard B17 Side and rear setbacks
 - v. Standard B13 Landscaping – The proposal fails to provide appropriate landscaping areas, contrary to the preferred neighbourhood character
 - vi. Standard B32 Front fences.

4. The extent of proposed vegetation removal and replacement does not comply with the objectives of Clause 42.02 (Vegetation Protection Overlay, Schedule 3) as:
- i. By failing to integrate sufficient areas for planting medium to large trees across and within the boundaries of the site, the proposal fails to promote the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area, and
 - ii. It fails to provide both an assessment and management plan for the wildlife that depend on the site's vegetation for habitat.

5. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct H3) of the Bayside Planning Scheme, on the following grounds:
- i. The proposal fails to maintain and enhance the garden settings of the dwellings owing to the lack of space provided around the dwellings for the planting of replacement vegetation.
 - ii. The proposal fails to strengthen the bushy garden character because it proposes a lack of landscaping and a lack of substantial vegetation.
 - iii. The proposal fails to provide adequate space around dwellings for the retention and planting of vegetation, particularly indigenous canopy trees.
 - iv. The proposal fails to avoid the removal of large established trees.
 - v. The proposal fails to avoid the loss of front garden space.
 - vi. The proposal fails to strengthen the garden setting of the area due to the lack of adequate space provided for the unimpeded growth of large native and indigenous vegetation.

This proposed development is on a generous site area of 763 m² with large and valued vegetation protected under the VPO. The vegetation represents a planning constraint that must be carefully integrated into a development to ensure trees are retained and their health is not compromised.

The proposal to remove large and valued vegetation represents a grossly inadequate response to the purpose and objectives of VPO3.

Of particular significance to this application is the VCAT decision in [Chao v Bayside CC \[2011\] VCAT 2147](#), which proposed the removal of a *Syzigium paniculatum* (Magenta Lilly Pilly) because it was in the way of the development. The basis for Member Keaney ordering that no permit was to issue in Chao v Bayside CC is equally applicable to the proposal for 15 Wattle Avenue.

The arborist report for 15 Wattle Avenue states that Trees 9 and 10 on the site and Tree 11 on the neighbouring site are the most significant trees in terms of their mass and provide a moderate to high level of significance to the site and local area. Tree 9 is rated as low retention value and Tree 10 as medium retention value. However, Tree 11 is assessed as high retention value because it is on the neighbouring site.

In *Chao v Bayside*, Member Keaney noted that despite the Lilly Pilly having a “high” significance, its retention value was devalued to “low” seemingly because it would get in the way of construction. Analogous to *Chao v Bayside CC*, this proposal for 15 Wattle Avenue fails the Bayside Planning Scheme by not recognising that the trees on the site are a *constraint* rather than a mere hindrance to the proposal. Vegetation is so important in Beaumaris that, after sustained lobbying by and with the support of residents, Bayside City Council introduced the statutory protection and permit requirements of the VPO.

The proposal does not provide substantive evidence that the contribution of Tree 10 to the landscape amenity could be readily replaced with new plantings within the next 5 to 10 years. The removal of Trees 9 and 10 will cause an immediate and permanent loss of vegetation to this site and surrounding area based on the inadequate space for replacement planting shown in the landscape plan.

The landscape plan shows the planting of two *Acacia implexa* at the extreme north-west boundary and along the northern boundary. The mature canopy of these trees will be compromised by a lack of space and potential conflict with the neighbouring property, the use of private open space, a clothes line and the two proposed dwellings. The other four replacement trees are marginalised to the extreme edge of the front boundary, and their mature canopy will likely be compromised by conflict with the neighbouring property and front dwelling. There is a dearth of medium to large vegetation proposed for the remainder of the site, contrary to the Bayside Landscaping Guidelines, with vegetation character largely borrowed from neighbouring properties.

The Design Response provides no evidence to support the erroneous (and clearly misleading) statement that the proposal maintains the character of dominant vegetation and recessive built form through generous setbacks to all boundaries and planting across the site. The non-complying setbacks only reinforce the inadequacy of planting across the site.

With regard to fauna, the Arborist’s Report makes reference to possums impacting trees on the site. The impact of possums reflects how native animals and birdlife are dependent on the trees on site and the proposal makes no reference to how the impact of tree removal and inadequate replacement vegetation on legally-protected native fauna will be managed. Once again in Beaumaris, development resulting in the net loss of habitat will unsustainably concentrate native fauna to the vegetation in surrounding sites, and will thus cause deaths of such fauna and stress and damage to that vegetation. Naturally, this also damages the amenity of surrounding neighbours’ properties.

This proposal to remove large native trees and a wholly inadequate provision for their replacement fails to satisfy the VPO objectives of both protecting and promoting indigenous and native vegetation in Beaumaris and Black Rock. The Arborist’s Report presents an overly pessimistic assessment of the significant and valued vegetation on this site.

The unjustified removal of these trees in combination with a grossly inadequate provision of space for replacement planting in the front, side and rear setbacks will unreasonably destroy the significant contribution this site makes to the strength and integrity of the vegetation character along Wattle Avenue, the nearby Gramatan Avenue Heathland Sanctuary, the Donald MacDonald Reserve, and the wider areas of Black Rock and Beaumaris.

Photographs in the submission of medium density near 15 Wattle Avenue highlight the negative impact dominant built form and a lack of substantial vegetation can have on neighbourhood character. The proposal for 15 Wattle Avenue will only compound that loss, and that damage. Good planning, not copycat bad planning, is the appropriate test to be applied to this site.

This proposal is not an acceptable response to the environmental aspects of the Bayside Planning Scheme. Rather than respecting and responding to the surrounding neighbourhood character, this proposal comprises the unjustified removal of large and valued vegetation, excessive built form, and a lack of space to support proposed vegetation reaching its mature potential.

This proposal replicates an uncompromising style of built form indistinguishable from the style of medium density development replicated in areas across the Melbourne Metropolitan Area where vegetation, unlike in Beaumaris, is *not* the dominant and protected feature of neighbourhood character.

The design does not meet the Bayside Planning Scheme objectives for Beaumaris, where vegetation is the existing and preferred dominant feature of neighbourhood character, not excessive built form, and it should be rejected.

(Please attach additional pages to this form)

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