

S57 FORM - OBJECTION TO GRANT A PLANNING PERMIT

Planning and Environment Act 1987

Email: enquiries@bayside.vic.gov.au
 PO Box 27
 SANDRINGHAM VIC 3191
 T (03) 9599 4444 F (03) 9598 4474
www.bayside.vic.gov.au

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
Email: info@bcs.asn.au	
Telephone: 9589 1802	Telephone: 04281 76725

Details of Application:

Application Reference Number: 393/2017	Permit application No:
Address of Land: 117 Oak Street, Beaumaris, 3193	

Reasons for Objection:

<p>1. The proposal for development of the land for the construction of two, two-storey dwellings and the removal of vegetation in a Vegetation Protection Overlay (VPO3):</p> <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.
<p>2. In particular the proposed development is inappropriate and unacceptable to Beaumaris Conservation Society Inc. members as neighbours because it:</p> <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> and Clause 16.01-2 <i>Location of Residential Development</i>, and is inconsistent with and does not support Bayside Planning Scheme Local Planning Policy Framework, specifically Clause 21.02 <i>Bayside Key Issues and Strategic Vision</i>, Clause 21.04 <i>Environmental and Landscape Values</i>, Clause 21.06 <i>Built Environment and Heritage</i> 21.06-1 <i>Character and Identity</i> and Clause 22.06 <i>Neighbourhood Character Policy</i>.
<p>3. The proposal does not comply with the requirements of Clause 55 of the Bayside Planning Scheme, most significantly:</p> <ol style="list-style-type: none"> Standard B1 Neighbourhood Character – The development fails to respond to the existing and preferred neighbourhood character for this precinct distinguished by treed character. Standard B2 Residential policy Standard B13 Landscaping – The proposal fails to provide appropriate landscaping areas, contrary to the preferred neighbourhood character.
<p>4. The extent of proposed vegetation removal and replacement does not comply with the</p>

nature and significance of vegetation to be protected, vegetation objectives and decision guidelines of Clause 42.02 (Vegetation Protection Overlay, [Schedule 3](#)).

The proposal fails to respond to the nature and significance of vegetation to be protected under VPO3, specifically:

- The VPO3 details that significant vegetation characteristics form a major element of a distinctive urban character in Beaumaris. This character comes from remnant indigenous vegetation, complemented by plantings of Australian native species that contribute to the visual amenity and interest of the area. The use of Australian natives and canopy trees is a feature of many private gardens. The Australian native, and particularly indigenous, vegetation provides fauna habitat and corridors, especially for native bird life. The continued viability of the significant vegetation character and its habitat value is under threat from continuing clearance associated with urban development and from loss of aging vegetation.

The site at 117 Oak Street includes a number of large indigenous and native trees that make a valued contribution to the visual amenity of Charlotte and Oak Streets and the wider Beaumaris area. The informal planting of canopy trees of varying size, species and age at 117 Oak Street is both a typical and highly valued representation of the distinctive urban character described in VPO3.

The proposal to remove mature and aging indigenous and native trees to accommodate two large dwellings with inadequate space for replacement vegetation will unacceptably damage the valued vegetation character of 117 Oak Street. Moreover, the loss of these trees will further diminish the contracting, but essential, fauna habitat and corridors for native animals and birds.

The proposal fails to meet the three VPO3 objectives, specifically:

- The first of the three VPO3 objectives is to prevent the loss of native and particularly indigenous vegetation incurred by development. The proposal requires the removal of eleven (11) trees that are within or close to the building envelope. The design of the building envelope must take account of the trees as a planning constraint, not a hindrance.

The proposal must be redesigned to prevent, not minimise, the loss of existing native and indigenous trees due to the development. The removal of the trees to accommodate the building envelope cannot be justified simply owing to the trees' being less than exemplary in health or life expectancy.

- The second VPO3 objective is to retain the amenity, aesthetic character and habitat value of Australian native vegetation and indigenous vegetation in particular within the Beaumaris and Black Rock area.

The reliance on the arborist report assessment of individual trees to assess compliance with VPO3 is misconceived. The vegetation protection in urban areas VPP Practice Note, August 1999, provides guidance on how to assess the significance of vegetation in urban areas, and how to protect significant vegetation through the planning scheme. The Practice Note defines vegetation as 'plants collectively; the plant life of a particular region considered as a whole' (*Macquarie Dictionary*, Third Edition).

The VPO3 Statement of nature and significance of vegetation to be protected identifies remnant indigenous vegetation complemented by natives contribute to the visual amenity and interest of the area. The VPO3 reflects a collective assessment of vegetation, and it is not meant to be, and should not be assessed as, individual show-piece trees worthy of a 'Botanical Garden'.

The contribution of 117 Oak Street to the visual amenity and interest of the area comes from the spread of native and indigenous trees of varying size, maturity and canopy structure.

As with many gardens in Beaumaris, the vegetation on this site is of varying genus, health and life expectancy, and would be expected to provide ongoing and highly valued amenity to the residing and surrounding residents, and habitat for wildlife, for many years.

The typical bush and natural setting of Beaumaris vegetation is not necessarily maintained or expected to exhibit good, or even fair health, in order to be worthy of retention, or considered to make a valued and ongoing contribution to vegetation character, the valued amenity to the residing and surrounding residents, and habitat for wildlife, for many years.

The arborist's report health assessment of trees proposed for removal as being in fair to good health is not dissimilar to the health of similar vegetation immediate and close to this site, and more widely across Beaumaris.

The VPO3 permit requirements and decision guidelines for removing native tree makes no reference to the health of a native or indigenous tree. Even a dead tree can provide valuable habitat for birds and wildlife, and Bayside City Council has recognised that.

Bayside City Council Open Space Coordinator, Simon Finlay, was recently quoted saying Council is creating hollows from mature and dead trees that are common in natural forests. "In urban areas, where removing old or dead trees is necessary for safety, we can retain the trunk and some branches rather than removing the whole tree and create a hollow to protect local wildlife such as Rainbow Lorikeets, Galahs, Australian Wood Ducks and Brushland Possums." All of those species live in Beaumaris.

Individually the removal of one tree from this site with the planting of a suitable medium to large indigenous tree might, over time, have limited impact on the vegetation character of the site and the surrounding private and public spaces.

However, this development proposes the removal of eleven (11) of the sixteen (16), equivalent to two-thirds of the trees on the site owing to the uncompromising built form, the excessive and profligate use of dual driveways to double garages, and limited rear setback space dominated by decking. Apart from the boundary fronting Oak Street, only two trees, one on the northern boundary, and one in the south-west corner, are proposed for retention. The removal of trees across the site unsupported by adequate replacement planting will cause an immediate and permanent loss of vegetation character from this site. The existing bushy character in the front setback will be lost by removing a total of five (5) native and indigenous trees of varying height and maturity.

The removal of Tree 20 identified as *Eucalyptus robusta* (Swamp Mahogany) with a height of 14 metres, assessed to be in good health and moderate protection value is wholly unsupported by the VPO3 Objectives and Decision Guidelines. This valued and protected tree is a site constraint, not a hindrance as expressed by VCAT member John Keaney in [Chao v Bayside CC \[2011\] VCAT 2147](#). In his decision Mr Keaney stated:

“Once again, it seems that the tree is viewed as an irritant rather than as a planning constraint (or an opportunity) that might help properly frame the design response. Such a response might have included a smaller side by side pair of dwellings that celebrated the tree by having it as a feature in one (or both) of the rear open space areas. Instead it is viewed simply as something that has to be removed so that a pre-determined design can take its place.”

Overall, the proposed removal of trees without adequate replacement trees will have an immediate and long-lasting negative impact on Beaumaris vegetation character and residential amenity, and on the wildlife that calls it home.

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.

- The third VPO3 objective is to promote the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area. Where the poor health of a tree may support its immediate removal, the proposal fails to meet this third VPO objective and Bayside’s 2016 [Landscape Guidelines](#) owing to the lack of space provided for replacement vegetation.

The proposal does not provide adequate space for a selection of medium to large native and indigenous trees essential to restore the positive contribution this site makes to the protected vegetation character in Beaumaris. The selection of small to medium trees in the front, side and rear setbacks provides a grossly inadequate vegetation response necessary to balance the considerable increase in built form, and to compensate for the unacceptable loss of medium to large native and indigenous vegetation.

No less than a considerably smaller pair of dwellings with physical separation at ground floor level can provide the requisite space for a meaningful spread of vegetation.

For the reasons detailed above the proposal fails the VPO3 decision guidelines, specifically:

Before deciding on an application, the responsible authority must consider:

- The impact the proposed vegetation removal would have on:
 - The character of the area.
 - The presence of indigenous species in the locality.
 - The appearance of development.
 - The habitat quality of any remaining vegetation and the fragmentation of

wildlife corridors.

- Any proposal to regenerate or plant indigenous vegetation on the site.

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, as it entails a lack of landscaping and 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 garden space.
- vi. The proposal fails to avoid car parking facilities that dominate the façade.
- vii. The proposal fails to avoid a large bulky building.
- viii. The proposal fails to strengthen the garden setting of the area, as the amount of impervious surfaces has not been minimised in the front and rear setbacks.

The proposal fails to avoid an excessive loss of medium to large vegetation, and fails to strengthen the bushy garden character by not providing adequate space around the dwellings for the growth and canopy spread of medium to large trees.

This proposal is not an acceptable response to the environmental aspects of the Bayside Planning Scheme. Rather than respect and respond to the surrounding neighbourhood character, this proposal comprises the unjustified removal of large and valued vegetation, excessive built form, side setbacks dominated by car parking facilities, and a rear setback lacking adequate space to balance recreation space with space for medium to large vegetation.

This proposal replicates an uncompromising style of built form indistinguishable from the style of medium density development replicated in areas across Melbourne where vegetation, unlike in Beaumaris, is *not* the dominant 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 driveways.

(Please attach additional pages to this form)

Privacy Statement: Please be aware that copies of objections may be made available to any person for the purpose of consideration as part of the planning purpose.