

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.	
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Details of Application:

Application Reference Number: 398/2017	Permit application No:
Address of Land: Unit 1, 3 Banksia Avenue, Beaumaris	

Reasons for Objection:

<p>1. The proposal for development of the land for the construction of four, two-storey dwellings and the removal of vegetation in a Vegetation Protection Overlay (VPO3):</p> <ul style="list-style-type: none"> • does not demonstrate how the proposal responds to 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"> • does not demonstrate how the proposal supports the objectives, strategies and principles of State Planning Policy Framework at Clause 15 <i>Built Environment and Heritage</i>, and • 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>.
<p>3. The proposal does not demonstrate compliance with the requirements of Clause 55 of the Bayside Planning Scheme, most significantly:</p> <ol style="list-style-type: none"> Standard B1 Neighbourhood Character – how the proposal responds to the existing and preferred neighbourhood character for this precinct distinguished by treed character. Standard B13 Landscaping – how the proposed landscaping areas and vegetation are consistent with the preferred neighbourhood character.
<p>The proposal does not demonstrate how the proposed vegetation removal and replacement complies with Schedule 3 of Clause 42.02 (Vegetation Protection Overlay (VPO3)),</p>

specifically by way of:

- Statement of nature and significance of vegetation to be protected
- Vegetation protection objectives to be achieved
- Decision guidelines.

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, and the health of residents.

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 ageing vegetation. The site at 3 Banksia Avenue includes a number of large indigenous and native trees complemented by exotics that make a valued contribution to the visual amenity of the street and the wider Beaumaris area.

The current proposal to remove mature and aging native trees to accommodate four dwellings will unacceptably damage the valued vegetation character of 3 Banksia Avenue. Moreover, the loss of these trees will further diminish the seemingly ever-contracting, but essential, fauna habitat and corridors for native animals and birds.

Given the proposal comprises 40.6% site coverage and 40.5% permeability it potentially provides reasonable areas for the retention and planting of indigenous and native vegetation to replace any removal of native and exotic trees.

The Galbraith & Associates arborist report's site plan of existing trees shows the double garage for Dwelling One being located behind the dwelling with no separate driveway to this dwelling. This layout plan is inconsistent with the application layout plans. Due to this inconsistency it is difficult to assess the validity of proposed native vegetation removal, particularly the *Agonis flexuosa* (Tree 14), *Callistemon salignus* (Tree 15), *Brachychiton acerifolius* (Tree 16) and the single *Corymbia ficifolia* (Tree 34).

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

- The first of the three (3) VPO3 objectives is to prevent the loss of native and particularly indigenous vegetation incurred by development. The proposal requires the removal of fifteen (15) native trees that are within or close to the building envelope and driveways. The design of the building envelope must take account of the trees as a planning constraint, not merely a hindrance.

The proposal must be redesigned to prevent the loss of all existing native 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 or within a predetermined development footprint. One must start with the constraints imposed by VPO3, and THEN determine what space is left to build in an intelligent and empathetic manner. Lazy, poorly-built "cookie cutter" designs that are plonked onto a property without consideration of the law, or constraints represented by the applicable VPO, are no longer justifiable, or acceptable.

- 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 the nature and significance of vegetation to be protected identifies remnant indigenous vegetation complemented by natives as contributing 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 an arboretum, or a 'Botanical Garden'.

Individually the removal of one tree from this site with the planting of a suitable medium to large indigenous canopy 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 nearly **all** trees on the site including fifteen (15) native trees and twenty-two (22) exotic trees owing to the siting of the built form and unnecessary [duplication of driveways](#) to double garages. In particular the removal of the 2 *Agonis flexuosa* (Trees 7 & 14), *Callistemon salignus* (Tree 15), *Brachychiton acerifolius* (Tree 16), the single *Corymbia ficifolia* (Tree 34) and *Waterhousea floribunda* (Tree 48) is not supported, and is strongly opposed.

Overall, the proposed removal of considerable native and exotic vegetation will have an immediate and long-lasting negative impact on Beaumaris's vegetation character, residential amenity, the health of adjacent residents, and on the wildlife that calls it home.

- 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 (usually for health-risk reasons), the proposal fails to meet this third VPO objective and Bayside's 2016 [Landscape Guidelines](#) owing to the lack of a landscape plan. The proposal must provide an adequately detailed landscape plan demonstrating the following:
 - the provision of replacement vegetation that is at least 70% indigenous
 - an adequate selection of medium to large indigenous canopy trees planted across the site and between buildings consistent with preferred neighbourhood character
 - meeting the Bayside Landscape Guideline requirements, including the provision of sufficient replacement planting area for each new tree to allow for the spread of roots and a mature canopy that will not conflict with, or be constrained by, on-site and neighbouring buildings, paved areas or outdoor entertaining areas.

The duplication of a driveway to Dwelling One is inconsistent with Neighbourhood Character Policy for Precinct H4 that seeks to:

- minimise paving in front garden areas including driveways and crossovers
- avoid the creation of new crossovers and driveways
- avoid front setbacks dominated by impervious surfaces.

To succeed, the proposal must remove the crossover to Dwelling One and relocate the garage for Dwelling One behind the dwelling accessed by the common driveway to Dwellings Two, Three and Four. The VPO3 and the Bayside Planning Scheme policies clearly articulate the importance of vegetation character and this critical requirement is not to be overridden or

subverted by the extravagance of individual driveways in a medium density development. Vehicles sharing a driveway is not unreasonable, given that we all share much busier carriageways as soon as we enter the public road network, which accounts for virtually all of residents' driving in the metropolitan area. This minor change to the design will achieve a significantly enhanced opportunity to create a well-vegetated area in the front open space consistent with existing and preferred neighbourhood character.

Based solely on the numerical site coverage and permeability results, the proposal has the potential to provide a medium density development consistent with the stringent vegetation requirements of VPO3 and the Bayside Planning Scheme. However, the 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 and lacks evidence that appropriate space has been provided for medium to large replacement vegetation.

Success for this proposal is dependent on:

- redesigning the layout of Dwellings Two, Three and Four to minimise or avoid the loss of protected native vegetation. This may require the reduction in garages from double to single or provision of tandem parking arrangements.
- removing the separate driveway to Dwelling One and relocating the garage to the rear.

(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.