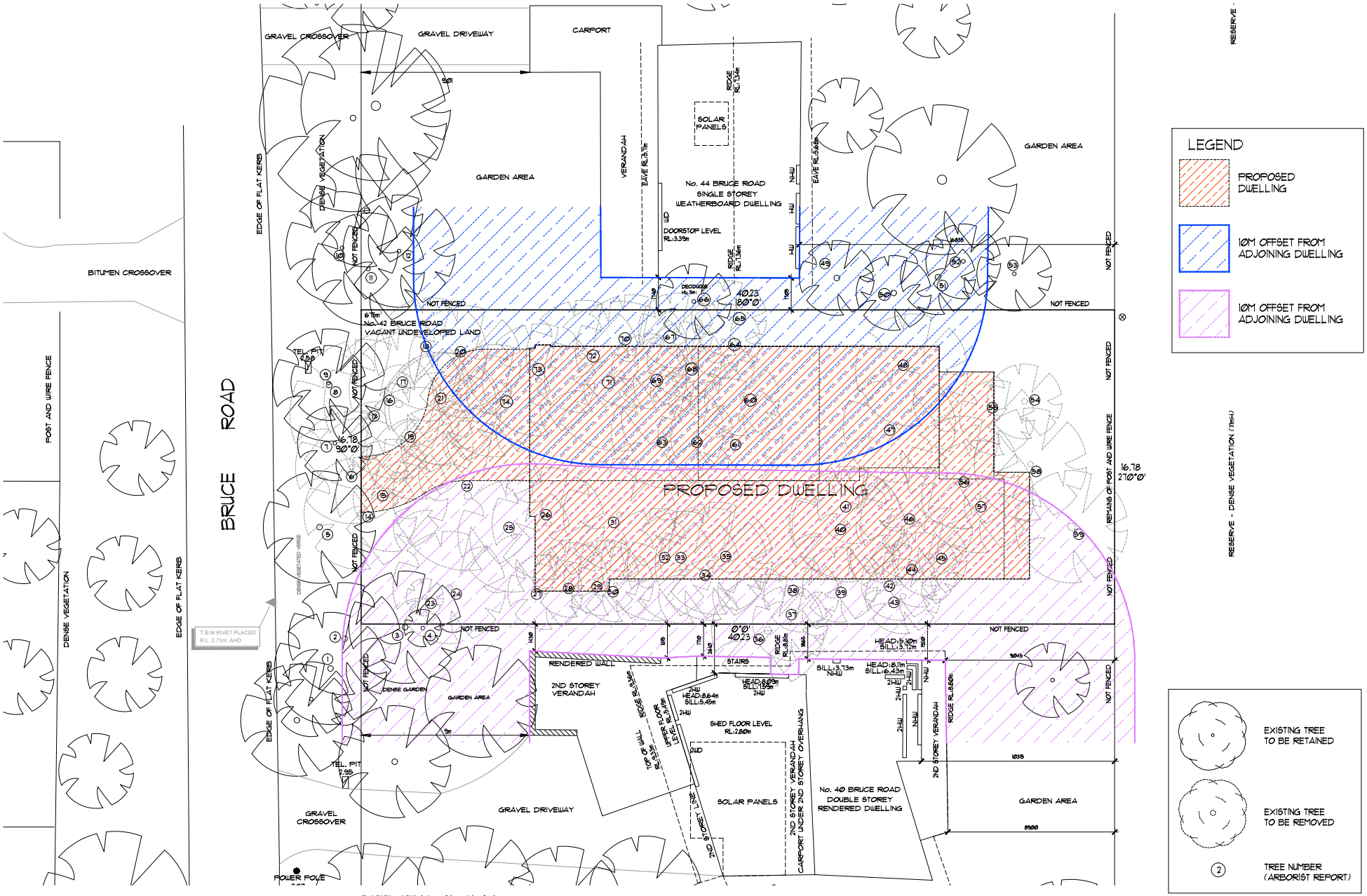


TREE REMOVAL PLAN
SCALE 1:100

LEGEND

- PROPOSED DWELLING
- 10M OFFSET FROM ADJOINING DWELLING
- 10M OFFSET FROM ADJOINING DWELLING
- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
- (2) TREE NUMBER (ARBORIST REPORT)

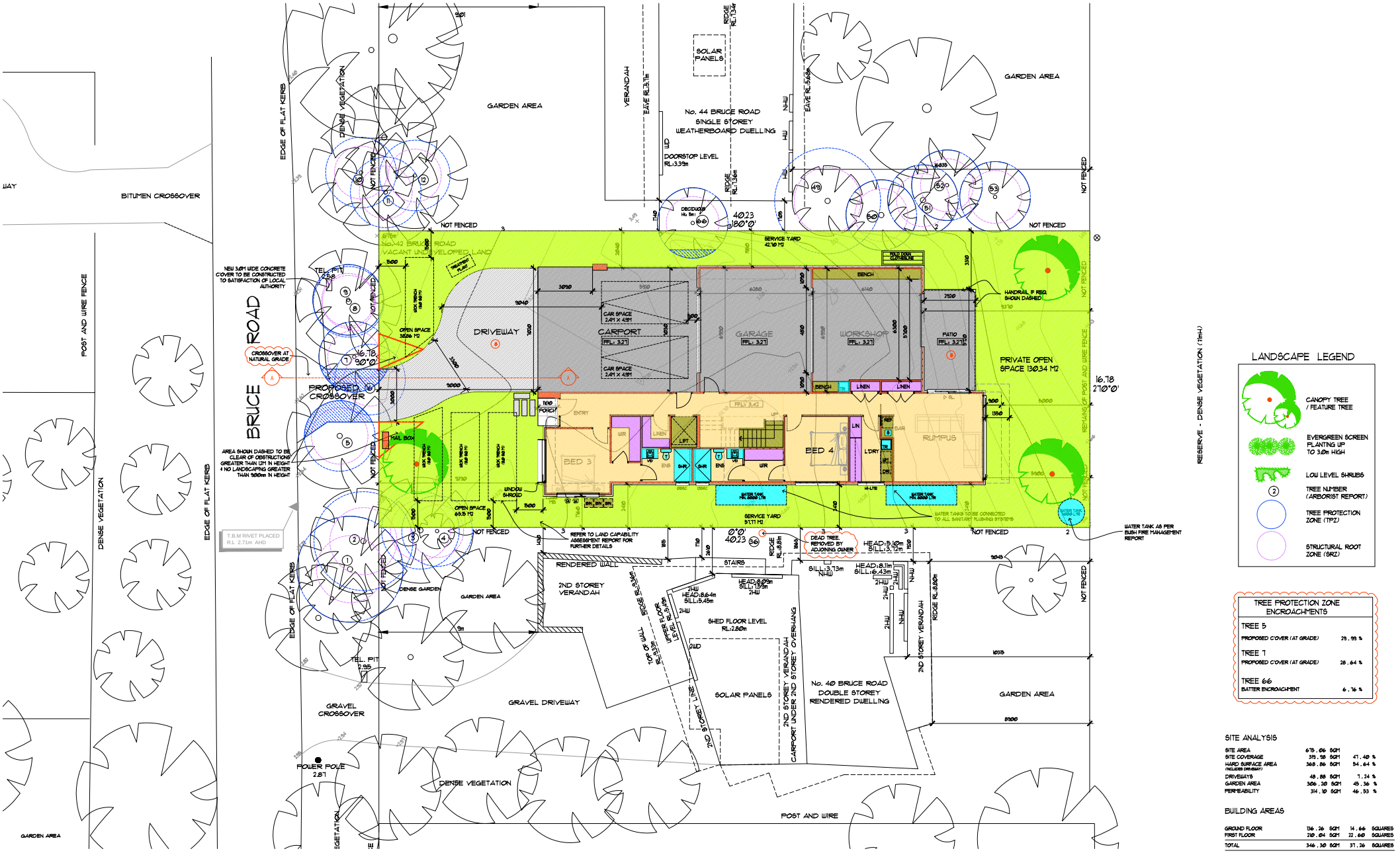
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Issue	Date	Amendment	Drawn
B	03-10-23	COUNCIL REQUEST FOR FURTHER INFORMATION	DO
C	05-02-24	COUNCIL ARBORIST REQUEST FOR FURTHER INFORMATION	DO

Project: PROPOSED DWELLING
Location: 42 BRUCE STREET, SILVERLEAVES
Client: ANDREW & DEBBIE FELLOWS

Drawing No.: 2022-06 - 1/6
Drawing Title: T.P
Issue: C

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GROUND FLOOR PLAN

SCALE 1:100

LANDSCAPE LEGEND

- CANOPY TREE / FEATURE TREE
- EVERGREEN SCREEN PLANTING UP TO 3.0m HIGH
- LOW LEVEL SHRUBS
- (2) TREE NUMBER (ARBORIST REPORT)
- TREE PROTECTION ZONE (TPZ)
- STRUCTURAL ROOT ZONE (SRZ)

TREE PROTECTION ZONE ENCROACHMENTS

TREE 5	
PROPOSED COVER (AT GRADE)	29.99 %
TREE 7	
PROPOSED COVER (AT GRADE)	28.64 %
TREE 66	
BATTER ENCROACHMENT	6.76 %

SITE ANALYSIS

SITE AREA	675.06 SQM	
SITE COVERAGE	319.98 SQM	47.40 %
HARD SURFACE AREA (INCLUDES DRIVEWAY)	368.86 SQM	54.64 %
DRIVEWAYS	48.88 SQM	7.24 %
GARDEN AREA	306.20 SQM	45.36 %
PERMEABILITY	314.10 SQM	46.53 %

BUILDING AREAS

GROUND FLOOR	126.26 SQM	14.66	SQUARES
FIRST FLOOR	210.04 SQM	22.60	SQUARES
TOTAL	346.30 SQM	37.26	SQUARES
CARPORT / WORKSHOP/ GARAGE	153.93 SQM	16.53	SQUARES
PORCH	1.96 SQM		
PATIO	16.70 SQM		
BALCONY (FRONT)	64.54 SQM		
BALCONY (REAR)	16.83 SQM		
P.O.S (SIDE)	98.41 SQM		
P.O.S (REAR)	130.34 SQM		
P.O.S (FRONT)	104.01 SQM		
TOTAL P.O.S	332.82 SQM		

NOTE:
ALL LEVELS TO AUSTRALIAN HEIGHT DATUM (AHD)

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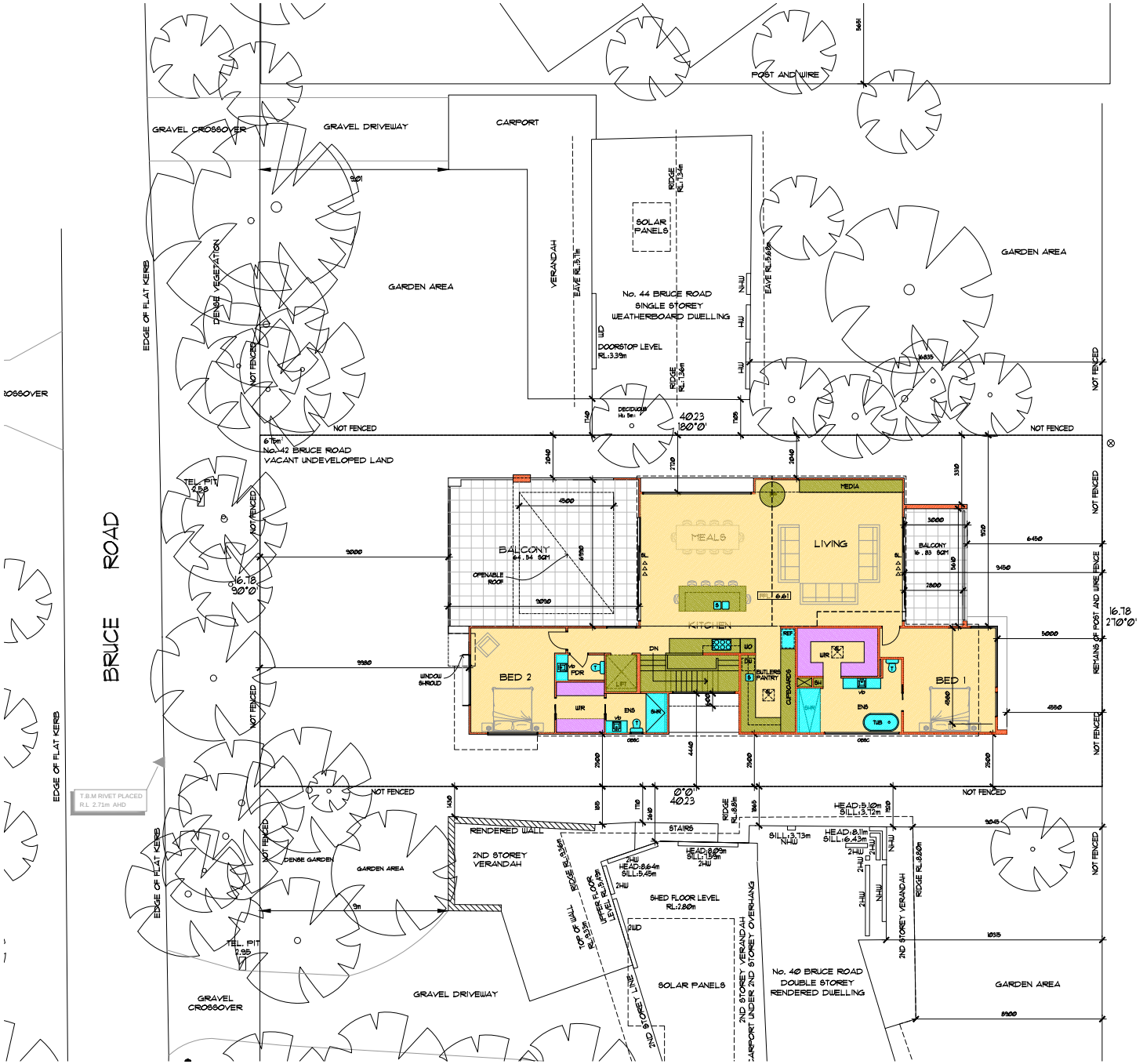
Issue	Date	Amendment	Drawn
B	03-10-23	COUNCIL REQUEST FOR FURTHER INFORMATION	DO
C	05-02-24	COUNCIL ARBORIST REQUEST FOR FURTHER INFORMATION	DO

N

Project: PROPOSED DWELLING
Location: 42 BRUCE STREET, SILVERLEAVES
Client: ANDREW & DEBBIE FELLOWS

Drawing No.: 2022-06 - 2/6
Drawing Title: T.P
Issue: C

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FIRST FLOOR PLAN

SCALE 1:100

NOTE:
ALL LEVELS TO AUSTRALIAN HEIGHT DATUM (AHD)

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B	03-10-23	COUNCIL REQUEST FOR FURTHER INFORMATION	DO
C	05-02-24	COUNCIL ARBORIST REQUEST FOR FURTHER INFORMATION	DO

N

Project: PROPOSED DWELLING

Location: 42 BRUCE STREET, SILVERLEAVES

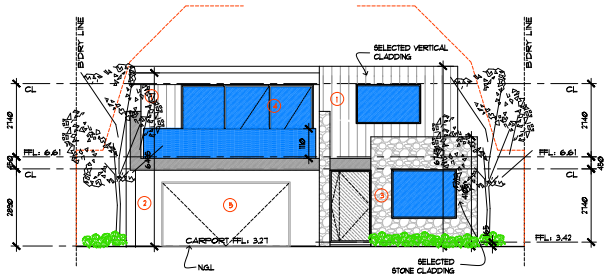
Client: ANDREW & DEBBIE FELLOWS

Drawing No.: 2022-06 - 3/6

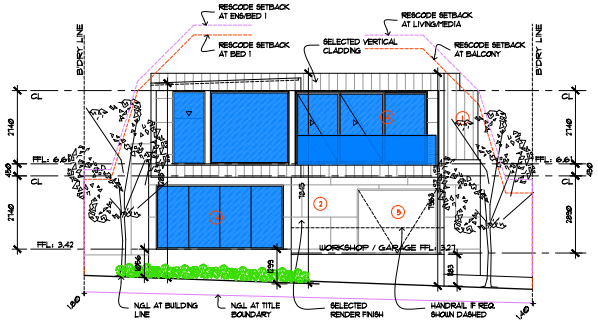
Drawing Title: T.P

Issue: C

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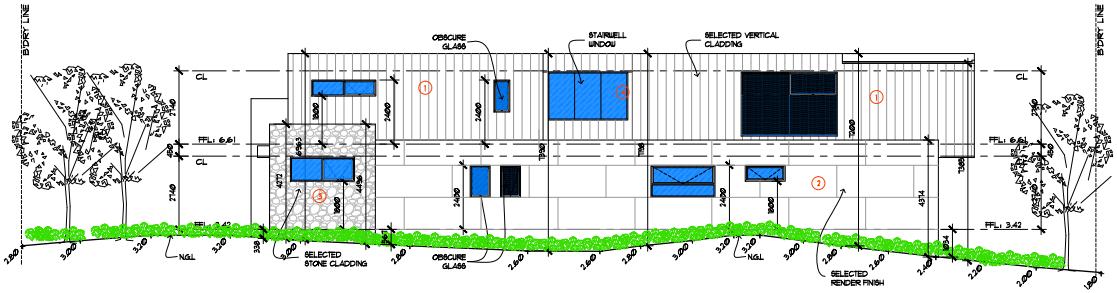
NORTH ELEVATION
SCALE 1:100



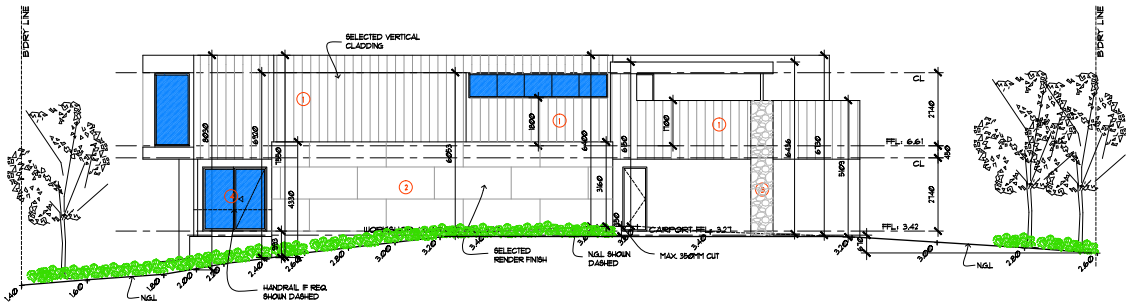
SOUTH ELEVATION
SCALE 1:100

SCHEDULE OF MATERIALS COLOURS & FINISHES

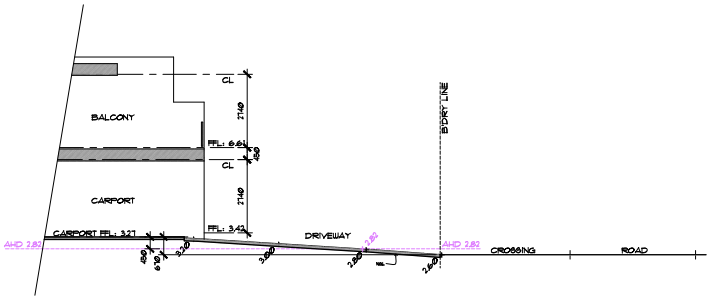
1. VERTICAL CLADDING
   COLOUR: RUST FINISH
2. EXTERNAL WALL
   GREY RENDER
3. EXTERNAL WALL
   NATURAL STONE
4. WINDOW FRAMES
   BLACK
5. GARAGE DOORS
   COLORBOND (MONUMENT/GREY)
6. METAL ROOF SHEETING / METAL FLASHING
   COLORBOND (MONUMENT/GREY)
8. DRIVEWAY & PAVING
   EXPOSED AGGREGATE



WEST ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100



SECTION A-A
SCALE 1:100

NOTE:
ALL LEVELS TO AUSTRALIAN HEIGHT DATUM (AHD)

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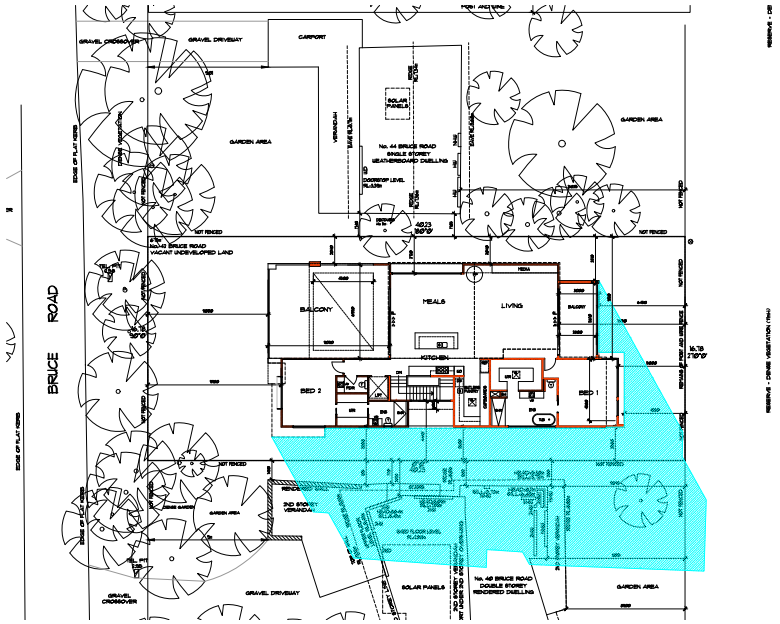
Issue	Date	Amendment	Drawn
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C	05-02-24	COUNCIL ARBORIST REQUEST FOR FURTHER INFORMATION	DO

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Project: PROPOSED DWELLING
Location: 42 BRUCE STREET, SILVERLEAVES
Client: ANDREW & DEBBIE FELLOWS

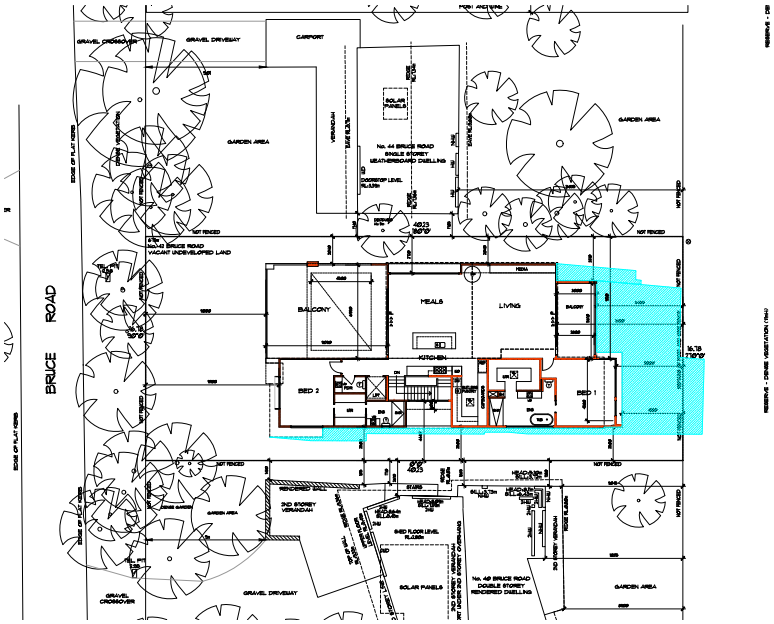
Drawing No.: 2022-06 - 4/6
Drawing Title: T.P
Issue: C

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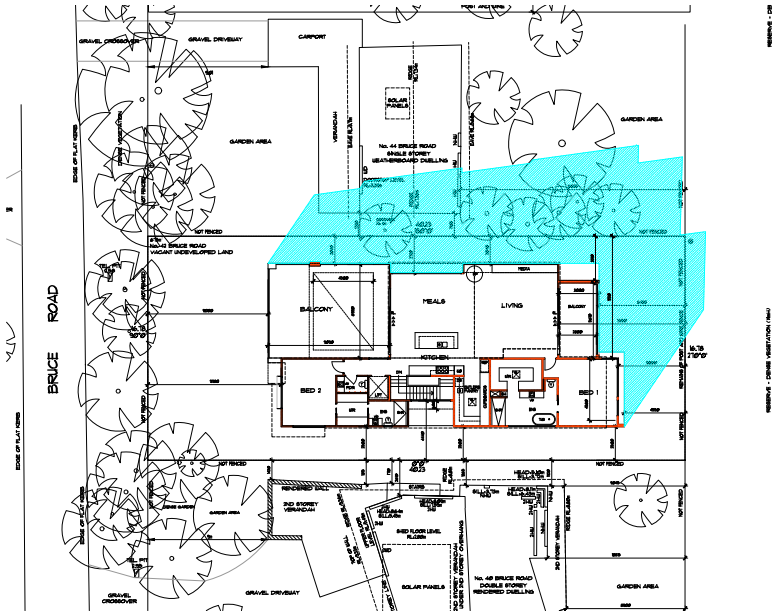
9 AM SHADOW @ 22nd SEPTEMBER

SCALE 1:200



12 PM SHADOW @ 22nd SEPTEMBER

SCALE 1:200



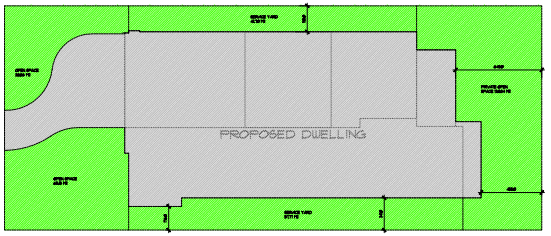
3 PM SHADOW @ 22nd SEPTEMBER

SCALE 1:200

SHADOW LEGEND

SHADOW OF PROPOSED DWELLING

SHADOW OF EXISTING FENCE



GARDEN AREA PLAN

SCALE 1:150

GARDEN AREA LEGEND

GARDEN AREA

BUILDING AREA / DRIVEWAYS

GARDEN AREA ANALYSIS

SITE AREA	675.06 SQM	
GARDEN AREA	306.20 SQM	45.36 %

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Project: PROPOSED DWELLING

Location: 42 BRUCE STREET, SILVERLEAVES

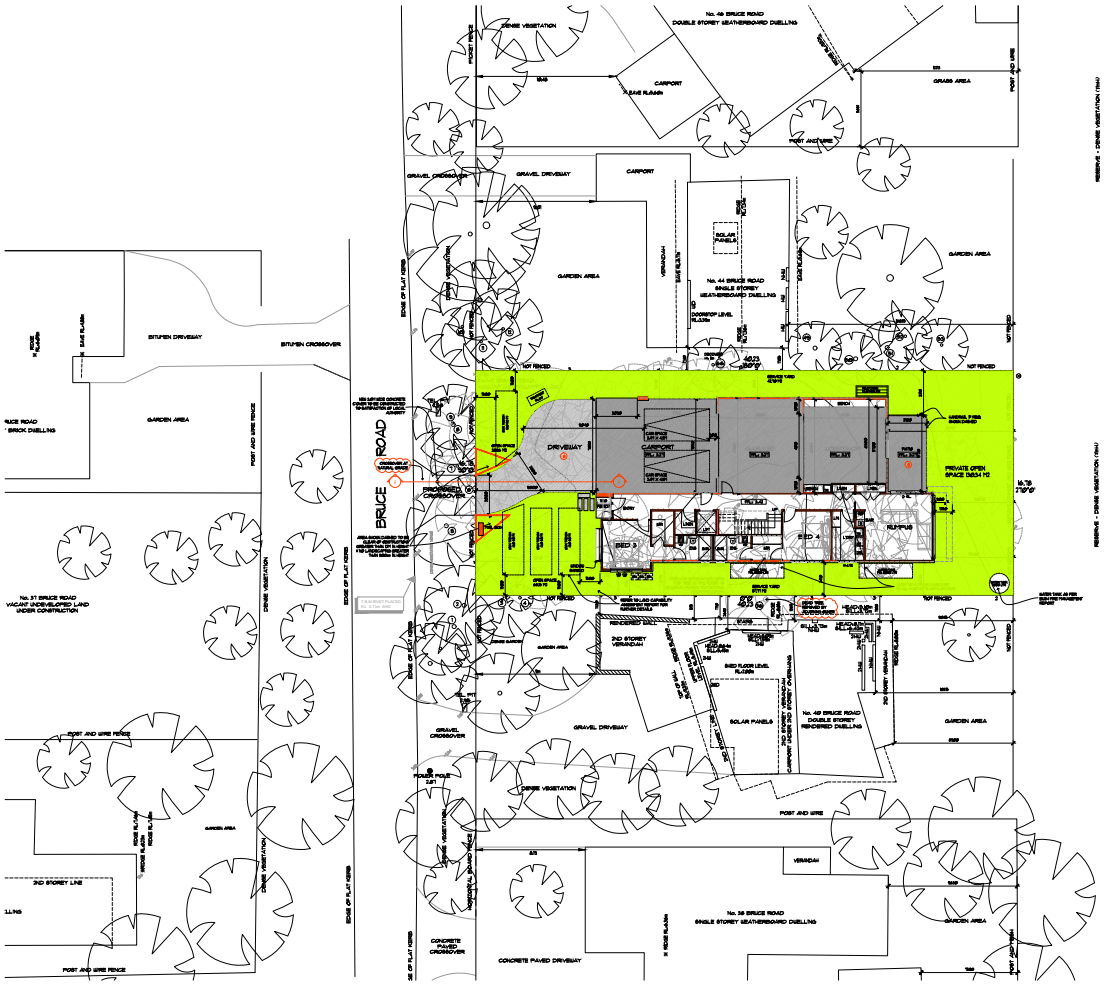
Client: ANDREW & DEBBIE FELLOWS

Drawing No.: 2022-06 - 5/6

Drawing Title: T.P

Issue: C

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DESIGN RESPONSE PLAN

SCALE 1:150

NEIGHBOURHOOD CHARACTER

MIXTURE SINGLE & DOUBLE STOREY DWELLINGS

MIXTURE OF ROOF TYPES

REGULAR SUBDIVISION PATTERN WITH SIMILAR LOT SIZES

VARIOUS FRONT SETBACKS

VARIETY OF FRONT FENCES OR NO FRONT FENCES

SINGLE & DOUBLE VEHICLE CROSSINGS

DWELLINGS SETBACK FROM BOUNDARIES

GARAGES & OUTBUILDINGS ON SIDE BOUNDARIES

MIXTURE OF DWELLING TYPES

SITE FEATURES OPPORTUNITIES & CONSTRAINTS

MEDIUM STREET FRONTAGE

REGULAR SHAPED LOT

NORTH - SOUTH ORIENTATION ON THE SOUTH SIDE OF THE STREET

MINIMAL FALL ON SITE

NO VEHICLE ACCESS TO BRUCE ROAD

LARGE AMOUNT OF VEGETATION ON THE SITE

NO FENCING TO BOUNDARIES

OUTBUILDINGS WITHIN ADJOINING PROPERTIES BUILT ON OR CLOSE TO COMMON BOUNDARIES

LARGE TREES ON ADJOINING PROPERTIES

RESPONSE TO SITE FEATURES OPPORTUNITIES & CONSTRAINTS

DWELLING SETBACK FROM SIDE BOUNDARIES

NO WALLS ON TITLE BOUNDARIES

NEW TREE PLANTING OPPORTUNITIES AVAILABLE WITHIN P.O.S AREAS & FRONTAGE

P.O.S AREAS PROVIDED WITH A NORTHERN ASPECT WHERE POSSIBLE (BALCONY)

MINIMAL EXCAVATION

LIVING ROOMS ON NORTH SIDE WHERE POSSIBLE

BUILDINGS SETBACK FROM TREES ON ADJOINING PROPERTIES

GENEROUS SETBACKS PROVIDED ADJACENT TO NEIGHBOURING PROPERTIES TO ALLOW FOR SCREEN PLANTING

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Project: PROPOSED DWELLING
Location: 42 BRUCE STREET, SILVERLEAVES
Client: ANDREW & DEBBIE FELLOWS

Drawing No.: 2022-06 - 6/6
Drawing Title: T.P
Issue: C

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TOROPLANNING

BASS COAST SHIRE

NO. 42 BRUCE ROAD SILVERLEAVES

JULY 2023 (AMENDED)

INTRODUCTION

Toro Planning had been engaged to assess this development application and prepare a town planning report for submission by Damian Orlando Design for their planning permit application for the development of a single dwelling at No. 42 Bruce Road, Silverleaves.

On balance, having regard to:

- The relevant planning controls and local planning provisions applicable to the subject site;
- The opportunities and constraints of the subject site;
- The character elements and built form of the surrounding area; And
- The design response implemented for the proposed development of this site;

it is our opinion that the proposed development of the land for a single dwelling is appropriate and consistent with the Bass Coast Planning Scheme. Therefore, subject to the inclusion of suitable conditions on any permit issued, the proposed development warrants support in its current format.

SUBJECT SITE

The subject site is located on the south side of Bruce Road, Silverleaves within the Bass Coast Shire. The existing conditions of the subject site are illustrated in the aerial photograph below at figure 1.



Figure 1: Aerial Photograph of No. 42 Bruce Road, Silverleaves.

Further details of the subject site are as follows:

- The subject site is formally known as Lot 159 on Plan of Subdivision 056251.
- The subject site is regular in shape and size with a frontage of 16.78 metres to Bruce Road, a maximum depth of 40.23 metres and an overall area of approximately 675 square metres.
- The subject site currently contains an existing weatherboard shed located adjoining the eastern property boundary of the site and is devoid of any other existing buildings.
- Vehicle access to the subject site is currently provided by an un-made vehicle crossover located in between existing vegetation along the frontage of the subject site.
- The subject site currently contains an extensive amount of vegetation on and immediately adjoining the subject site.
- The subject site has an undulating topography with a slope of approximately 1 metre from the northern property boundary down to the southern property boundary as well as a cross-fall of

approximately 300-400mm from the western boundary to the eastern boundary of the site as illustrated in the extract of the site survey at figure 3 below.

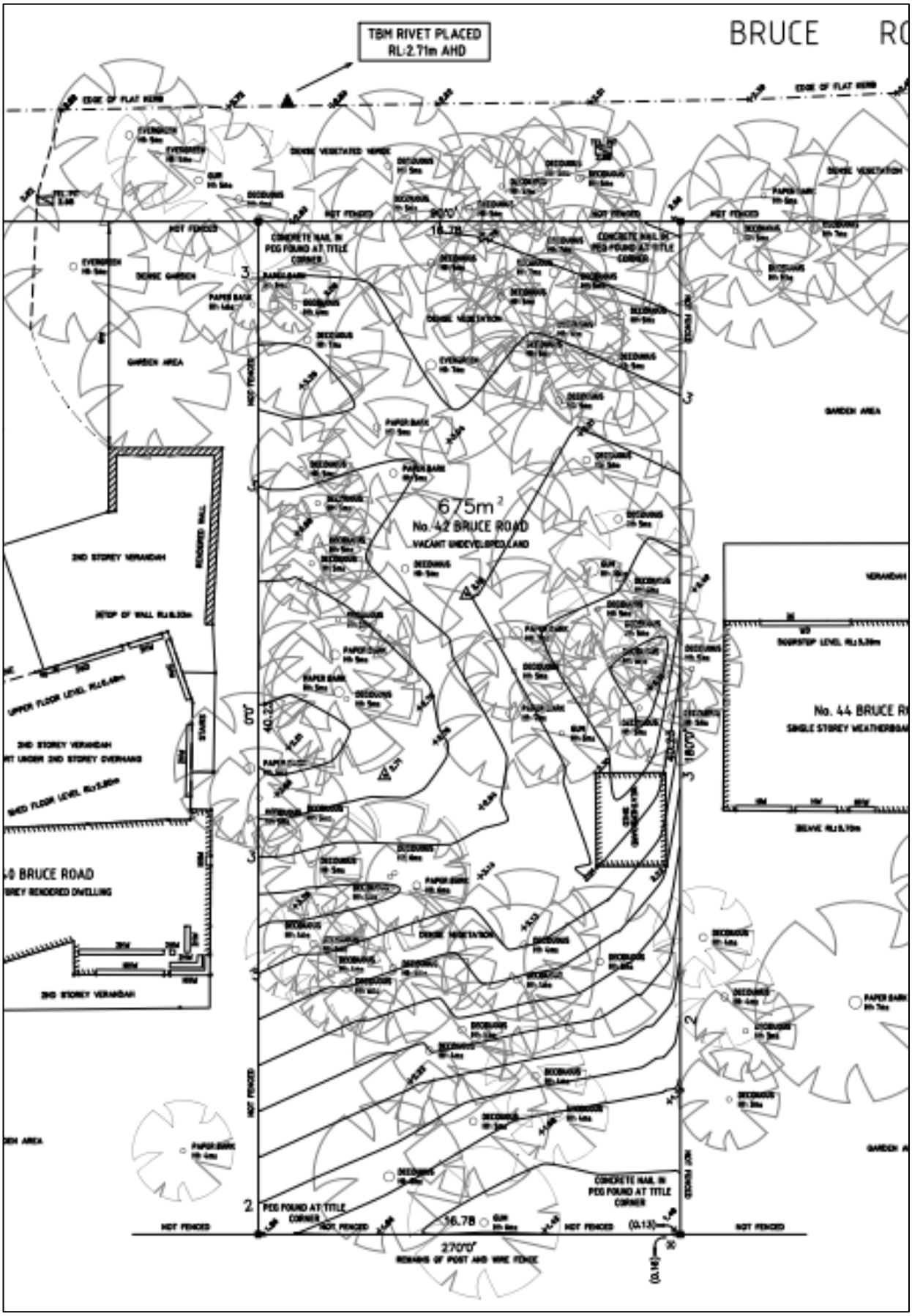


Figure 3: Extract of Site Survey Illustrating Topography of the Land.

A number of the abovementioned elements are illustrated in the images provided below:





















GOLDON
HOMES


















Figures 4-26: Images of Existing Conditions on the Subject Site and Immediate Surrounds.

SURROUNDING ENVIRONS

The subject site is located in an area which can be characterised as varied with the following distinct elements and characteristics:

- The immediate residential area of Bruce Road and the immediate surrounding road network is characterised by larger single dwellings on average sized lots.
- Dwellings are both single storey and double storey in nature and with a range of dwelling types, styles, sizes and arrangements.
- There are a range of older more traditional smaller coastal dwellings as well as more modern newer dwellings with balconies overlooking the beach (to the north) or Rhyll Inlet (to the south).

A number of the abovementioned characteristics are illustrated in the broader aerial photograph below at figure 26:



Figure 26: Broader Aerial Photograph of the Subject Site and Surrounding Area.

As identified above, the subject site is also located in close proximity to a number of community services and infrastructure such as access to the Cowes Town Centre, V-Line Bus transport routes, public open spaces, education facilities, retail and shopping facilities, supermarket facilities, dining and entertainment facilities and employment opportunities as illustrated in the melways image below at figure 27.

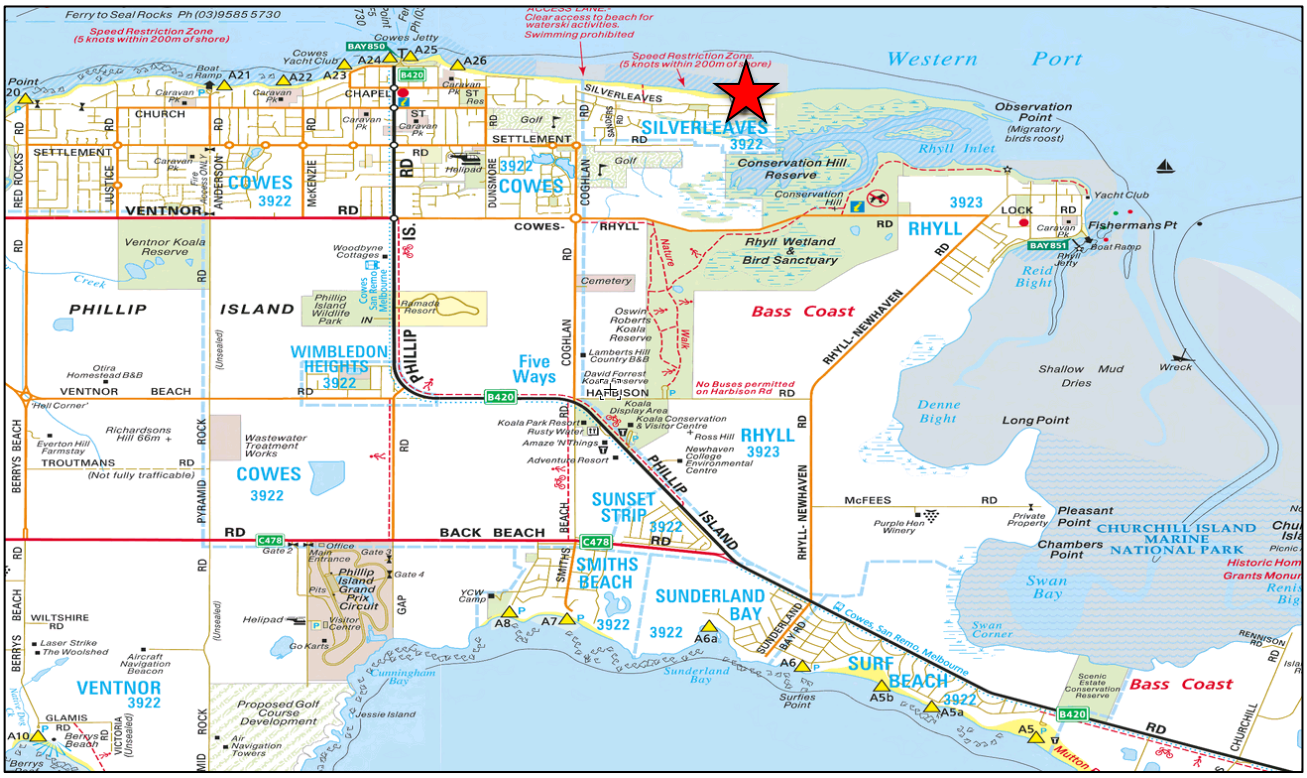


Figure 27: Melway Map of Area Surrounding the Subject Site.

PROPOSAL

It is proposed to construct one (1) new single storey dwelling on this site. The table below provides a snapshot of the proposed development, however, please review the enclosed development plans prepared by Damian Orlando Design for further details and information:

TOTAL SITE AREA	675.06 square metres.
NUMBER OF DWELLINGS	One (1) double storey dwelling.
SITE COVERAGE	319.98 square metres or 47.40%.
PERMEABILITY	314.10 square metres or 46.53%.
GARDEN AREA	306.20 square metres or 45.36%.
DWELLING LAYOUT	The proposed dwelling is double storey and comprises the following elements: • A double garage with double carport in front. • A workshop / storage area leading to a rear ground floor patio. • A total of four (4) bedrooms incorporating: o Two (2) bedrooms at ground floor level each with walk-in-robes and ensuites; o Two (2) bedrooms at first floor level (including master bedroom) each with walk-in-robes and ensuites; • A large rumpus room at ground floor level facing the rear open space area. • A laundry, lift and walk-in-linen is also provided at ground floor level. • A powder room and large open plan kitchen (with butler's pantry), meals and living area is provided at first floor level. The meals area and living room have access to a large front facing balcony as well as a smaller rear facing balcony.
CAR PARKING	• The proposed dwelling is provided with a double car garage at the entrance to the subject site along with a double car port immediately in front of the garage. • The garage is provided with minimum internal dimensions of 6.99 metres in width by 6.28 metres in length clear of internal structural elements. • A separate workshop area to be used for storage is provided to the rear of the proposed double garage. • The driveway immediately in front of the subject site also has an ability to provide additional parking opportunities for visitors to the proposed dwelling.
VEHICLE ACCESS	• The subject site is proposed to be accessed via a new vehicle access point which will require the removal of tree 6 along the frontage of the subject site.

	• The vehicle crossover will be 3 metres in width and constructed to the satisfaction of the Responsible Authority.
PRIVATE OPEN SPACE	• The proposed dwelling is provided with extensive open space in the form of ground and first floor secluded private open space. • At ground floor level, the proposed dwelling is provided with extensive rear pen space accessed via the ground floor rumpus room with additional front open space and large service yards along the eastern and western property boundaries. • At first floor level, the proposed dwelling is provided with a large north facing balcony of 64.54 square metres as well as a smaller rear facing balcony of 21.24 square metres.
LANDSCAPING	• The high level of permeability proposed and the areas of private open space throughout the side and rear of the proposed dwelling allows for excellent landscaping opportunities as part of this development. • The development plans illustrate the indicative location of new landscaping to be provided with a full and detailed landscape plan able to be provided as a condition of permit.
FRONT FENCE	• No front fencing is proposed as part of this application.

PLANNING CONTROLS

The following planning controls trigger the need for a planning permit:

Clause 42.02 – Vegetation Protection Overlay Schedule 2 (Phillip Island)

- Pursuant to Clause 42.02-2, a permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply:
  - If the table to Clause 42.02-3 specifically states that a permit is not required.
  - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.
- Section 3.0 (Permit Requirement) of Schedule 2 to the Vegetation Protection Overlay states that a permit is required to remove, destroy or lop any tree or shrub with a girth greater than 30 centimetres (when measured 30 centimetres above ground level) or a height of at least two metres. This does not apply to introduced species of ornamental shrubs or fruit trees or to species identified as being weeds; or to pruning.
- A permit is not required for:
  - The pruning of vegetation for maintenance.
  - The removal, destruction or lopping of dead vegetation.

Clause 43.02 – Design and Development Overlay Schedule 1 (Residential Areas near the Coast).

- Pursuant to Clause 43.02-2 (Buildings and Works), a permit is required to:
  - Construct a building or construct or carry out works. This does not apply:
    - If a schedule to this overlay specifically states that a permit is not required.
    - To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
  - Construct a fence if specified in a schedule to this overlay.
- Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:
  - Building setbacks.
  - Building height.
  - Plot ratio.
  - Landscaping.
  - Any other requirements relating to the design or built form of new development.
- A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay unless the schedule specifies otherwise.
- Section 2.0 (Buildings and Works) of Schedule 1 of the Design and Development Overlay states:

  <u>Permit not required:</u>
  - Pioneer Bay, Grantville and Coronet Bay. A permit is not required:
    - For a shed, carport or rainwater tank on land below 5 metres Australian Height Datum (AHD).

- On land above 5m AHD for buildings and works that have a height less than 7 metres above ground level.

- All other areas:
  - A permit is not required for buildings and works that have a height less than 7 metres above ground level.

Permit requirements

- All buildings and works must be located and constructed so as to retain as much as possible existing native vegetation on the site. The proponent must justify the removal of any native vegetation.
- An application on land below 5m AHD in Pioneer Bay, Grantville, and Coronet Bay must be accompanied by a Coastal Hazard Vulnerability Assessment.
- Notice of application must be given to the Department of Environment, Land, Water and Planning in accordance with Section 52(1)(c) of the *Planning and Environment Act 1987* where the land adjoins coastal Crown land as defined under the *Coastal Management Act 1995*.

Clause 44.04 – Land Subject to Inundation Overlay and Schedule.

- Pursuant to Clause 44.04-2 (Buildings and Works) a permit is required to construct a building or to construct or carry out works, including:
  - A fence.
  - Roadworks, if the water flow path is redirected or obstructed.
  - Bicycle pathways and trails.
  - Public toilets.
  - A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
  - Rainwater tank with a capacity of not more than 10,000 litres.
  - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
  - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
  - A disabled access ramp.
  - A dependent person's unit.
- This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - To roadworks or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.
  - To flood mitigation works carried out by the responsible authority or floodplain management authority.

  - To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
    - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
    - The erection of telephone or power lines provided they do not involve the construction of towers or poles.
  - To post and wire and post and rail fencing.
- The Schedule to the Land Subject to Inundation Overlay does not provide any exemptions as they relate to the proposed development.

Clause 44.06 – Bushfire Management Overlay.

- Pursuant to Clause 44.06-2 (Permit Requirement), a permit is required to construct a building or construct or carry out works associated with the following uses:
  - Accommodation (including a Dependent person's unit).
  - Education centre.
  - Hospital.
  - Industry.
  - Leisure and recreation.
  - Office.
  - Place of assembly.
  - Retail premises.
  - Service station.
  - Timber production.
  - Warehouse.
- This does not apply to any of the following:
  - If a schedule to this overlay specifically states that a permit is not required.
  - A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5.
  - An alteration or extension to an existing building used for a dwelling or a dependent person's unit that is less than 50 percent of the gross floor area of the existing building.
  - An alteration or extension to an existing building (excluding a dwelling and a dependent person's unit) that is less than 10 percent of the gross floor area of the existing building.
  - A building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling.
  - A building or works associated with Timber production provided the buildings or works are not within 150 metres of Accommodation or land zoned for residential or rural residential purposes.
- There are no exemptions which apply in this instance.

In addition to the above, we confirm that a permit is not triggered under the following clauses:

- **Clause 32.05 – Township Zone** as the subject site is greater than 300 square metres in size. We however note the provisions of Clause 32.05-3 – Use for a Dwelling or a Dependent Person's Unit whereby the provisions state:

  32.05-3 Use for a dwelling or a dependent person's unit

  A lot may be used for a dwelling provided the following requirements are met:

  - *Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*
  - *Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.*
  - *Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.*

  These requirements also apply to a dependent person's unit.

  We confirm the subject site and proposed development meets each of these requirements which are discussed in detail below in this report and therefore, the use of the land for a dwelling does not trigger a permit in this instance.

RELEVANT POLICIES

The following policies are relevant in the assessment of this application.

Municipal Planning Strategy (MPS)

- Clause 02.03 – Strategic Direction.
- Clause 02.04 – Strategic Framework.

Planning Policy Framework (PPF)

- Clause 11 – Settlement.
  - Clause 11.01-1L-03 Cowes and Silverleaves.
- Clause 12 Environmental and Landscape Values.
  - Clause 12.05-2L 01 – Landscapes.
- Clause 13 – Environmental Risks and Amenity.
  - Clause 13.01-2L – Coastal Inundation and Erosion.
  - Clause 13.02-1L – Bushfire Planning.
- Clause 15 – Built Environment and Heritage.
  - Clause 15.01-5L – Neighbourhood Character.
- Clause 16 – Housing.
  - Clause 16.01-1L Residential Development.
- Clause 19 Infrastructure.
  - Clause 19.03-3L Integrated Water Management.

Zoning

- Clause 32.05 – Township Zone and Schedule.

Overlays

- Clause 42.02 – Vegetation Protection Overlay Schedule 2 (Phillip Island).
- Clause 43.02 – Design and Development Overlay Schedule 1 (Residential Areas near the Coast).
- Clause 44.04 – Land Subject to Inundation Overlay and Schedule.
- Clause 44.06 – Bushfire Management Overlay.

Particular Provisions

- Clause 52.06 – Car Parking.
- Clause 52.17 – Native Vegetation.

General Provisions

- Clause 65 (Decision Guidelines)

PLANNING CONSIDERATIONS

MUNICIPAL PLANNING STRATEGY

The following clauses identified within the Planning Policy Framework are applicable in the assessment of this application:

- Clause 02.03 – Strategic Direction.
- Clause 02.04 – Strategic Framework.

The abovementioned strategic policies confirm that Silverleaves is to accommodate limited housing growth from a broad strategic perspective. This is nominated in Clause 02.03-1 Settlement where the following is noted for Silverleaves:

> ***Silverleaves:*** *Silverleaves is a small residential development to the east of Cowes. Development is nestled amongst mature vegetation, the majority of which is classified as vulnerable Ecological Vegetation Class 2 Coast Banksia Woodland. The existing urban area is located below 2.5 meters AHD and vulnerable to anticipated impacts of Climate Change. The scale of Silverleaves is further maintained by the inability to provide reticulated sewerage.*

However, limited growth does not mean 'no growth'. This is confirmed in the Strategic Directions Framework Plan at Clause 02.04 and replicated below:

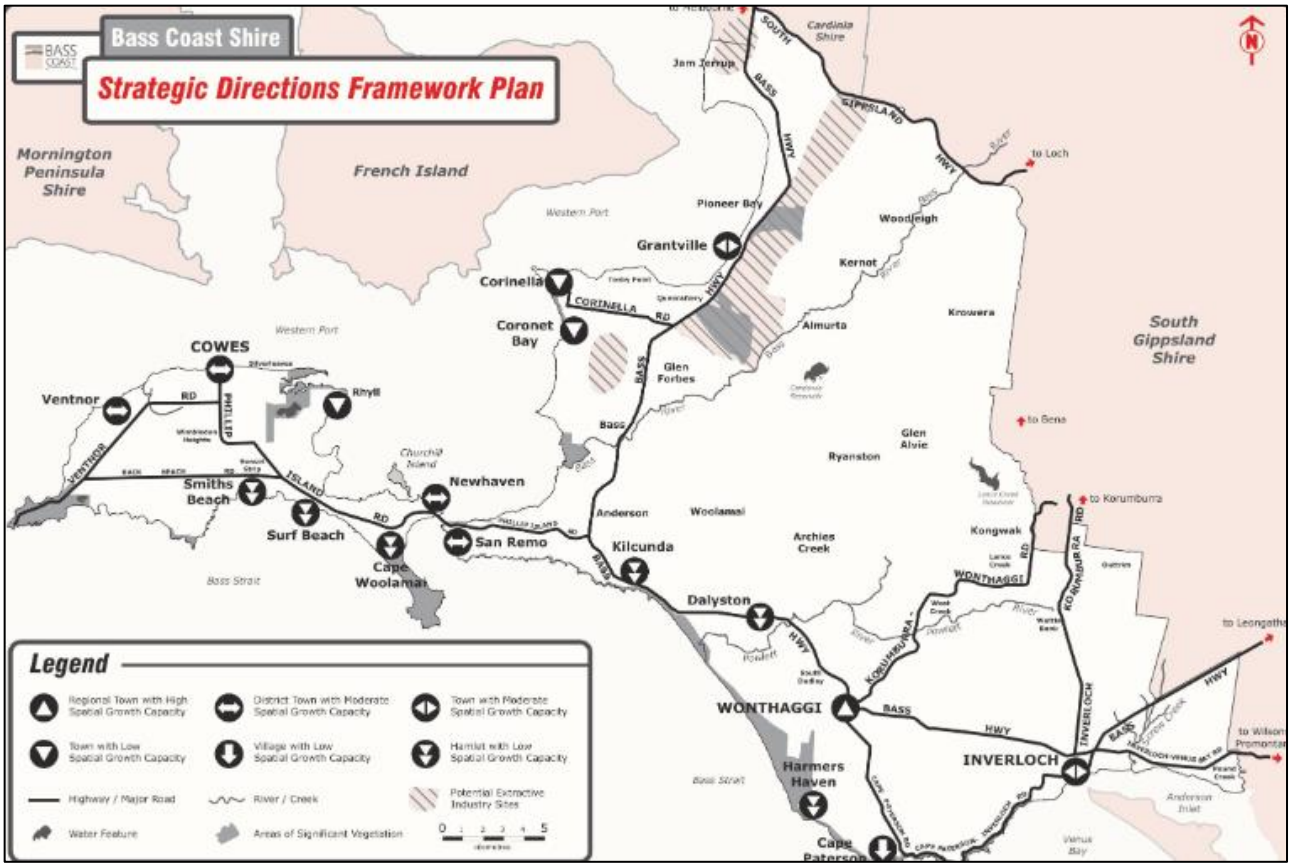


Figure 28: Strategic Directions Framework Plan

The above Bass Coast Strategic Directions Plan clearly anticipates a level of low housing growth which is expected to occur as a result of re-development of existing dwellings which are demolished as well as the construction of new dwelling on vacant lots. This approach is consistent with the permits granted by Council over the last 5 years in Silverleaves and construction of single dwellings occurring in the immediate surrounding road network – namely at properties like 58 Bruce Road to the east, 127 and 131 Silverleaves Avenue to the north-east and 37 Bruce Road to the north which have had single dwellings constructed on vacant lots in the last 5 years (amongst others).

Accordingly, it is submitted that the development of a single dwelling on a vacant parcel of land remains consistent with the expected housing growth in Silverleaves and therefore is consistent with the abovementioned Municipal Planning Strategy of the Bass Coat Planning Scheme.

PLANNING POLICY FRAMEWORK (PPF)

The following clauses identified within the Planning Policy Framework are applicable in the assessment of this application:

- Clause 11 – Settlement.
  - Clause 11.01-1L-03 Cowes and Silverleaves.
- Clause 12 Environmental and Landscape Values.
  - Clause 12.05-2L 01 – Landscapes.
- Clause 13 – Environmental Risks and Amenity.
  - Clause 13.01-2L – Coastal Inundation and Erosion.
  - Clause 13.02-1L – Bushfire Planning.
- Clause 15 – Built Environment and Heritage.
  - Clause 15.01-5L – Neighbourhood Character.
- Clause 16 – Housing.
  - Clause 16.01-1L Residential Development.
- Clause 19 Infrastructure.
  - Clause 19.03-3L Integrated Water Management.

It is submitted that the proposed development of the land for one single storey dwelling on an average sized allotment is entirely consistent with the vision, objectives, strategies and policy directives of the abovementioned Clauses. The abovementioned local policies in general encourage the delivery of lower density developments such as that proposed as part of this application providing a suitable height, scale, amenity, car parking and architectural language expected by these clauses. To this end, the proposed development is submitted to be appropriate as:

- The proposed development is double storey in nature consistent with the built form of adjoining

and surrounding properties.

- The overall height of the dwelling at just above 8 metres is consistent with the double storey built form of the surrounding area and is in part a result of the Melbourne Water flood level and the slope of the land at the rear of the site as the vast majority of the dwelling is between 7-7.5 metres in height excluding the rear portion of the dwelling.
- An appropriate level of car parking is provided for the proposed dwelling with a minimum of five (5) on-site car parking spaces provided for a four (4) bedroom dwelling.
- The proposed materials and finishes of the proposed development are consistent with those found in Bruce Road and are modern and coastal in nature ensuring that the materials utilised will withstand the tough coastal conditions.
- The proposed setbacks will ensure that adjoining properties are not impacted from an amenity perspective and the dwelling will be set within the existing and future landscape setting rather than the built form being the dominant element.
- The proposed development the has been designed to protect (as deemed necessary) existing vegetation and where appropriate, vegetation not worthy of retention is proposed to be removed. Extensive opportunities for new landscaping are available throughout the subject site.
- The proposal is consistent with the provisions of:
    - Clause 11.01-1R (Gippsland) by supporting the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies within larger towns;
    - Clause 16.01-2S (Housing Affordability) which provides further objectives and strategies that are to be considered for residential development. The proposed dwelling on the subject site is considered to be consistent with the intent of these objectives and strategies related to residential development. It is considered that the proposal is consistent with the Bass Coast Planning Scheme where it directs development and growth within existing settlement boundaries to reduce pressure on the settlement boundaries and maintain open breaks between townships.
    - Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) which seeks to ensure that proposed developments present a building design outcome that positively contributes to the local context and is congruent with the existing and/or emerging character of the immediately surrounding area. In this context it is considered that the proposal presents a satisfactory design response through the provision of a modern double-storey built form consistent with surrounding development, and inclusive of sufficient setbacks to property boundaries to reduce adverse built form impacts to the neighbourhood character. The development is therefore considered to further result in a satisfactory design response consistent with the objectives of Clause 15.01-5S (Neighbourhood Character).

Overall, it is submitted that the proposed development is appropriate in the context of its location and the planning scheme controls which apply to the subject site. It is for the abovementioned reasons that the proposal is consistent with the general policy directives and objectives of the

abovementioned Municipal Planning Strategy and Local Planning Policies and therefore, the proposal warrants support.

ZONING:

CLAUSE 32.05: TOWNSHIP ZONE & SCHEDULE

The subject site is located within a Township Zone as illustrated below at figure 29.

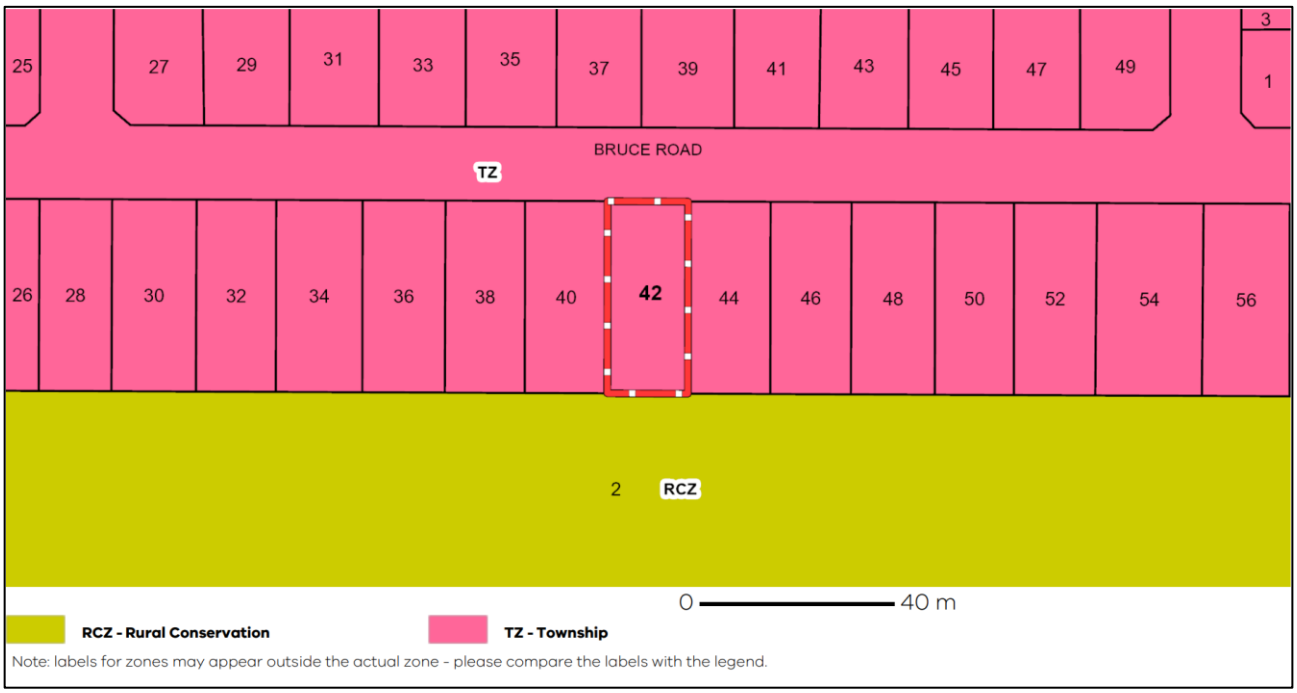


Figure 29: Zoning Map of No. 42 Bruce Road, Silverleaves.

The purpose of the Township Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The use of the land for the purposes of a 'dwelling' is identified as a Section 1 – Permit Not Required Land Use – subject to meeting the condition requirements of Clause 32.05-3 of the zone. Clause 32.05-3 Use for a dwelling or a dependent person's unit states:

A lot may be used for a dwelling provided the following requirements are met:

- *Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection*

Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.

- *Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.*
- *Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.*

These requirements also apply to a dependent person's unit.

With respect to the abovementioned requirements, we note as follows:

- **Connection to Sewerage:** Reticulated sewerage is not available to the subject site or the broader area of Silverleaves. Nevertheless, the application seeks to install a new septic facility as part of the proposed development of the land for a single dwelling. This is consistent with other dwellings in Silverleaves and the application documentation include a Land Capability Assessment prepared by *Eco Vision Australia* which demonstrates suitable wastewater facilities can be provided on site in line with Council and State requirements. The extract below from the submitted Land Capability Assessment illustrates the location of the proposed septic system and wastewater lines.

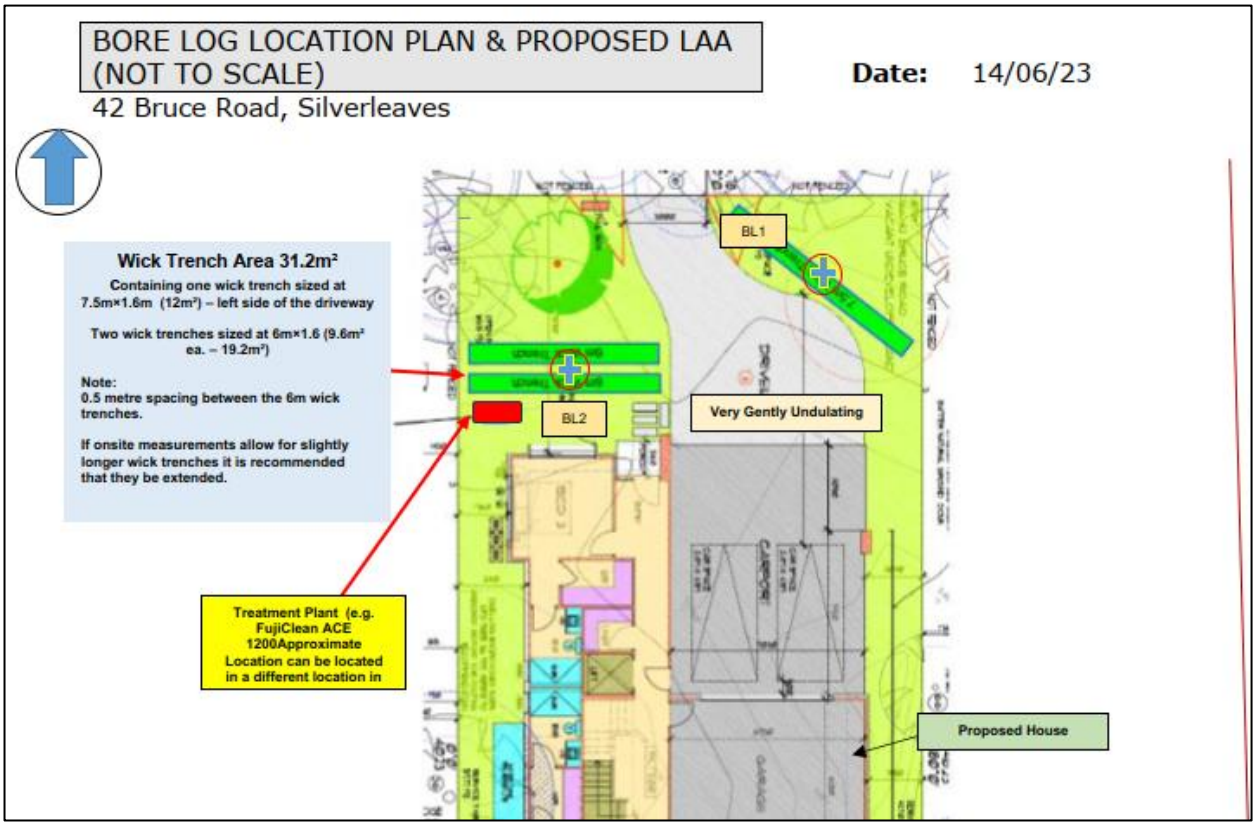


Figure 30: Extract of LCA prepared for the Subject Site.

- **Potable Water:** The subject site has direct access to a reticulated potable water supply with a Westernport Water potable water line located within Bruce Road as illustrated in the image

below. A suitable new water connection will need to be made through a separate application process to Westernport Water as the authority in this instance.

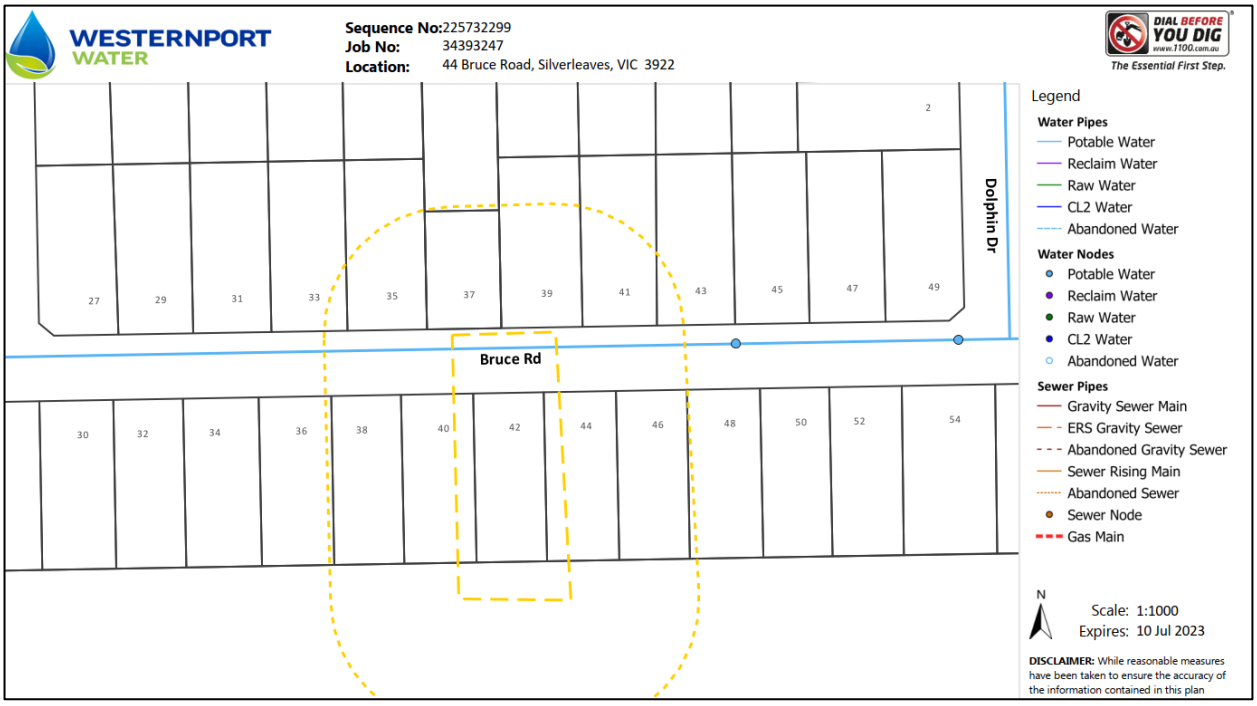


Figure 31: Confirmation of Existing Potable Water Asset in Bruce Road.

- **Electricity Supply:** The subject site has suitable access to a reticulated electricity supply in the form of underground and overhead electricity lines. A suitable application will need to be made to AusNet Services to provide a new connection to supply electricity to the subject site and proposed dwelling which will be undertaken under a separate process with the service authority.

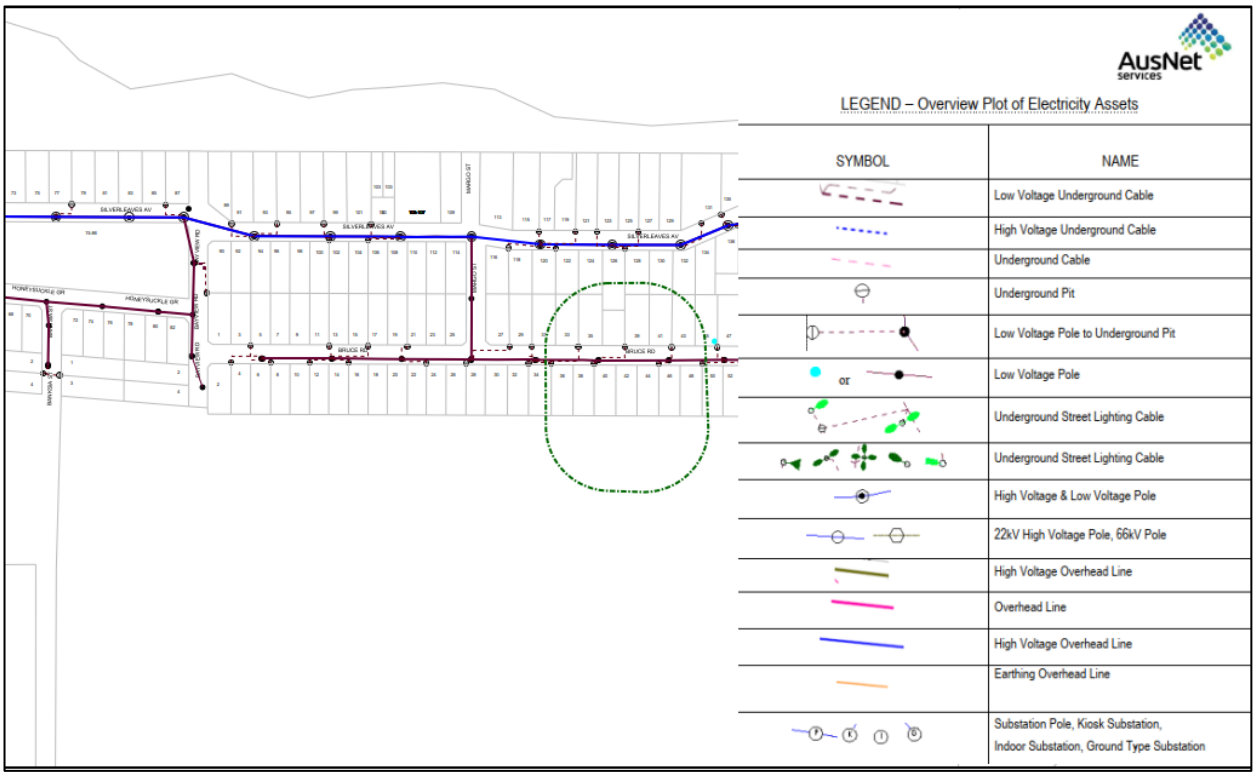


Figure 32: Confirmation of Reticulated Electricity Supply Available in Bruce Road.

Accordingly, it is clear that the proposed use of the land for the purposes of a dwelling does not trigger a permit and therefore, the proposed construction of the dwelling also does not trigger the need for a permit given the size of the land is greater than 300 square metres.

Notwithstanding the above, the proposed residential development is consistent with the purpose of the Township Zone for the following reasons:

- The proposed development complies with the relevant provisions contained within the Municipal Planning Strategy and Planning Policy Framework (as discussed above).
- The development contributes to the provision of a range of dwelling types and densities, catering for the demographic and associated living arrangements within the Bass Coast Shire as a whole.
- The proposal includes elements of the existing and emerging character of the neighbourhood which results in a high standard of site presentation within the surrounding area.
- The proposed development of a single dwelling on an average sized allotment is consistent with the density found in the immediate and broader surrounding area.
- The development provides a high level of amenity to future residents, offering a generously sized dwelling with extensive secluded private open space for the proposed dwelling.
- The proposed development sets aside 45.36% of the subject site for 'Garden Area' noting this is not applicable in the Township Zone.
- The proposal has a maximum site coverage of 47.40% and a minimum site permeability of 46.53% consistent with the character of the area.
- The development provides ample opportunities for future landscaping with large areas of open space within the front and rear yards as well as suitable setbacks to side property boundaries.
- Provides elements of the existing and emerging character of the neighbourhood, utilising a range of building materials, inclusive of those common to the immediate surrounds.
- The proposed overall building height is consistent with that of existing built form surrounding the site and does not exceed the maximum building height allowable under the Township Zone.
- The design detailing provides visual features throughout the development which provide systematic breaks in the development thereby reducing any perceived visual bulk from the proposed development.
- These feature elements (materials / porches / vertical articulation) have their grounding in the existing and emerging characteristics of the area whilst providing future residents with distinctive architecturally designed dwellings.
- The design of the proposed dwelling ensures that where appropriate, existing vegetation on the site and on adjoining properties are retained with significant additional opportunities for new landscaping to further the landscape character of the area.

Accordingly, given the above, it is submitted that the proposal adequately satisfies the provisions of the Township Zone of the Bass Coast Planning Scheme.

OVERLAYS:

The subject site is affected by four (4) Overlay Provisions being:

- Clause 42.02 – Vegetation Protection Overlay Schedule 2 (Phillip Island).
- Clause 43.02 – Design and Development Overlay Schedule 1 (Residential Areas near the Coast).
- Clause 44.04 – Land Subject to Inundation Overlay and Schedule.
- Clause 44.06 – Bushfire Management Overlay.

These are discussed in more detail individually below:

CLAUSE 42.02 – VEGETATION PROTECTION OVERLAY SCHEDULE 2 (PHILLIP ISLAND).

The subject site is affected by a Vegetation Protection Overlay Schedule 2 as illustrated below.

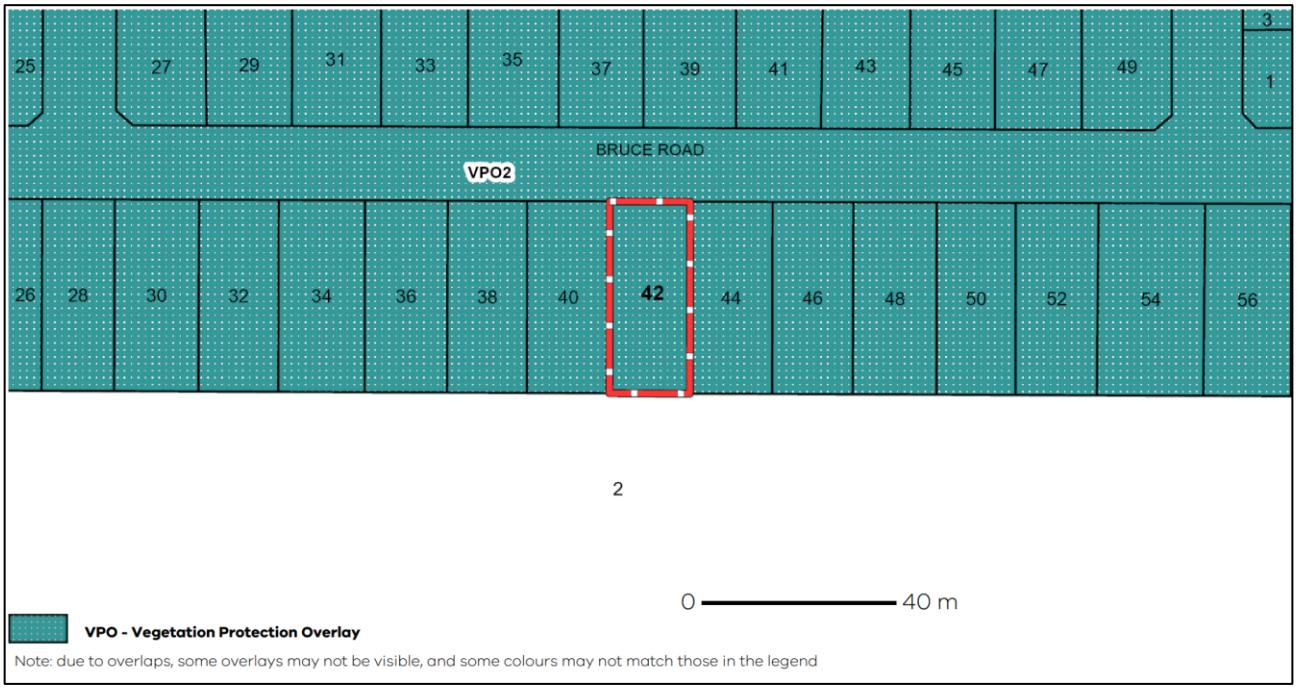


Figure 33: Confirmation that the Subject Site is Affected by a Vegetation Protection Overlay.

Pursuant to Clause 42.02-2, a permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply:

- If the table to Clause 42.02-3 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.
- Section 3.0 (Permit Requirement) of Schedule 2 to the Vegetation Protection Overlay states that a permit is required to remove, destroy or lop any tree or shrub with a girth greater than 30 centimetres (when measured 30 centimetres above ground level) or a height of at least two metres. This does not apply to introduced species of ornamental shrubs or fruit trees or to species identified as being weeds; or to pruning.
- A permit is not required for:

- The pruning of vegetation for maintenance.
- The removal, destruction or lopping of dead vegetation.

We provide the following comments in response to the provisions and decision guidelines of this Clause:

- We rely upon the arboricultural report prepared by Melbourne Arborist Reports with respect to all vegetation proposed to be removed as part of this application. In conclusion, the consultant arborist provides the following advice at Section 4 of their report:

  - *Proposed plans to develop the subject site, as shown in Figures 2 and 3, will require the removal of all trees onsite, and tree 6 from the road reserve. In general, trees onsite were assessed as low retention value and should not be a constraint on the development design. Six trees onsite were assessed as moderate retention value and are unable to be retained within the design scope.*
  - *The removal of all site trees, and tree 6, will be necessary for the construction of the new dwelling, associated driveway and crossover, septic tank (to be placed in the front setback) and to meet bushfire management requirements for defendable space.*
  - *The removal of site trees 13, 14, 15, 16, 17, 19, 21, 54, 55 and 58 will trigger a permit requirement under Schedule 2 to Clause 42.02 Vegetation Protection Overlay.*
  - *The removal of tree 6 is expected to trigger a biodiversity offset requirement under Clause 52.17 Native Vegetation (to be confirmed by the Responsible Authority).*
  - *Tree removal and any offset(s) must be to the satisfaction of the Responsible Authority.*
  - *Nineteen trees were found in proximity to the site. Proposed plans allow for the retention of all third-party trees, with the exception of tree 6.*
  - *No amendments to proposed plans are required for the retention of third-party trees, with the exception of tree 6.*
  - *The proposed crossover inside the TPZs of trees 5 and 7 must be constructed above existing grade.*
  - *Retained trees must be protected during all stages of development in accordance with AS4970-2009 Protection of Trees on Development Sites and to the satisfaction of the Responsible Authority.*
- It is submitted that the proposed development appropriately balances the retention of vegetation which is in good condition, and which makes a valuable contribution to the area with the removal of vegetation which is in poor condition, and which will ultimately facilitate the development of a dwelling on the land. This is consistent with the approach adopted by Council on other properties within Silverleaves to facilitate the construction of single dwellings on average size allotments.
- Furthermore, the significant available open space surrounding the site provides opportunities for extensive new vegetation which will complement the existing retained vegetation on the

subject site. Whilst indicative locations for new vegetation is illustrated on the floor plans, a detailed landscape plan can be provided as part of conditions imposed on any permit issued.

- It is submitted that the proposed development will not detrimentally impact on the landscape character of the site or area with all vegetation worthy of retention on / in close proximity to the site being protected as part of this proposal by ensuring suitable setbacks and tree protection measures are in place.

Accordingly, it is submitted that the proposed development achieves the outcomes sought by the Vegetation Protection Overlay Schedule 2.

CLAUSE 43.02 – DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 1 (RESIDENTIAL AREAS NEAR THE COAST).

The subject site is affected by a Design and Development Overlay Schedule 7 as illustrated below at figure 34.



Figure 34: Confirmation the Subject Site is Affected by a Design and Development Overlay.

Pursuant to Clause 43.02-2 (Buildings and Works), a permit is required to:

- Construct a building or construct or carry out works. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
- Construct a fence if specified in a schedule to this overlay.
- Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:
  - Building setbacks.
  - Building height.

- Plot ratio.
- Landscaping.
- Any other requirements relating to the design or built form of new development.

- A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay unless the schedule specifies otherwise.
- Section 2.0 (Buildings and Works) of Schedule 1 of the Design and Development Overlay states:

  Permit not required:

  - Pioneer Bay, Grantville and Coronet Bay. A permit is not required:
    - For a shed, carport or rainwater tank on land below 5 metres Australian Height Datum (AHD).
    - On land above 5m AHD for buildings and works that have a height less than 7 metres above ground level.
  - All other areas:
    - A permit is not required for buildings and works that have a height less than 7 metres above ground level.

  Permit requirements

  - All buildings and works must be located and constructed so as to retain as much as possible existing native vegetation on the site. The proponent must justify the removal of any native vegetation.
  - An application on land below 5m AHD in Pioneer Bay, Grantville, and Coronet Bay must be accompanied by a Coastal Hazard Vulnerability Assessment.
  - Notice of application must be given to the Department of Environment, Land, Water and Planning in accordance with Section 52(1)(c) of the *Planning and Environment Act 1987* where the land adjoins coastal Crown land as defined under the *Coastal Management Act 1995*.

As noted previously, a permit is triggered for building and work as the proposed development is greater than 7 metres in height and vegetation is proposed to be removed from the site, We provide the following comments in response the provisions of this clause:

- The proposed development is consistent with the Design and Siting Guidelines for Coastal Areas and Rural Hinterland (1999) in that the development aims to minimise any impacts on the streetscape or surrounding area in regard to the overall height of the building.
- The subject site is located within an existing residential settlement and well set back from the coastline despite being located adjoining the foreshore reserve. It is considered that the proposal will not present a visually substantial built form when viewed from the coastline given the similar types of existing built form within the immediate surrounding area.
- The location of the development within an existing settlement will have minimal impact to views from nearby coastal areas and views from the coastline to the site will be distant and consistent

with the general view to this part of Silverleaves which features single dwelling developments.

- The site is within the existing township boundaries and the dwelling is located in an area featuring new and existing dwellings of similar scale to that proposed.
- The visual amenity and landscape character of the coastal area will be retained, as the proposed dwelling will be confined to an existing allotment in an established residential area.
- The proposal complies with the Siting and Design Guidelines for Structures on the Victorian Coast (May 2020) by proposing a new dwelling in a residential setting, therefore 'grouping structures' as encouraged by these guidelines.
- The subject site is located within the Township Zone, whereby the intended purpose is to provide for low-moderate scale residential development on average sized lots.
- The proposal will result in a dwelling which is comparable in size and scale to other double storey built form in the surrounding area.
- Whilst the development presents a large double storey built form, the majority of the development is between 7-7.5 metres in height with the overall height of the development primarily attributed to the Melbourne Water Flood level requirement as well as the slope of the land at the rear of the subject site. Although Schedule 1 to the Design and Development Overlay sets a preferred maximum height of 7 metres, an application can be considered to allow a development in excess of 7 metres. Given the above considerations of the proposed height exceeding 7 metres by 1.1 metres, it is submitted that the improved architectural outcomes associated with the proposal warrant Council support in this instance.
- The proposal will be constructed from a variety of high quality materials, consistent with a modern coastal character with materials to be robust to withstand the tough coastal conditions of the area.
- The proposal presents suitable setbacks to all boundaries consistent with the existing surrounding neighbourhood character of single dwellings on a lot and provides a sufficient amount of secluded private open space to the front and side of the dwelling to accommodate substantial landscape planting.
- Removal of vegetation has been addressed by the submitted arborist report and the previous sections of this report.

Accordingly, it is submitted that the proposal is in line with the outcomes sought by the Design and Development Overlay Schedule 1.

CLAUSE 44.04 – LAND SUBJECT TO INUNDATION OVERLAY AND SCHEDULE.

The subject site is affected by a Land Subject to Inundation Overlay as illustrated in figure 35 below.

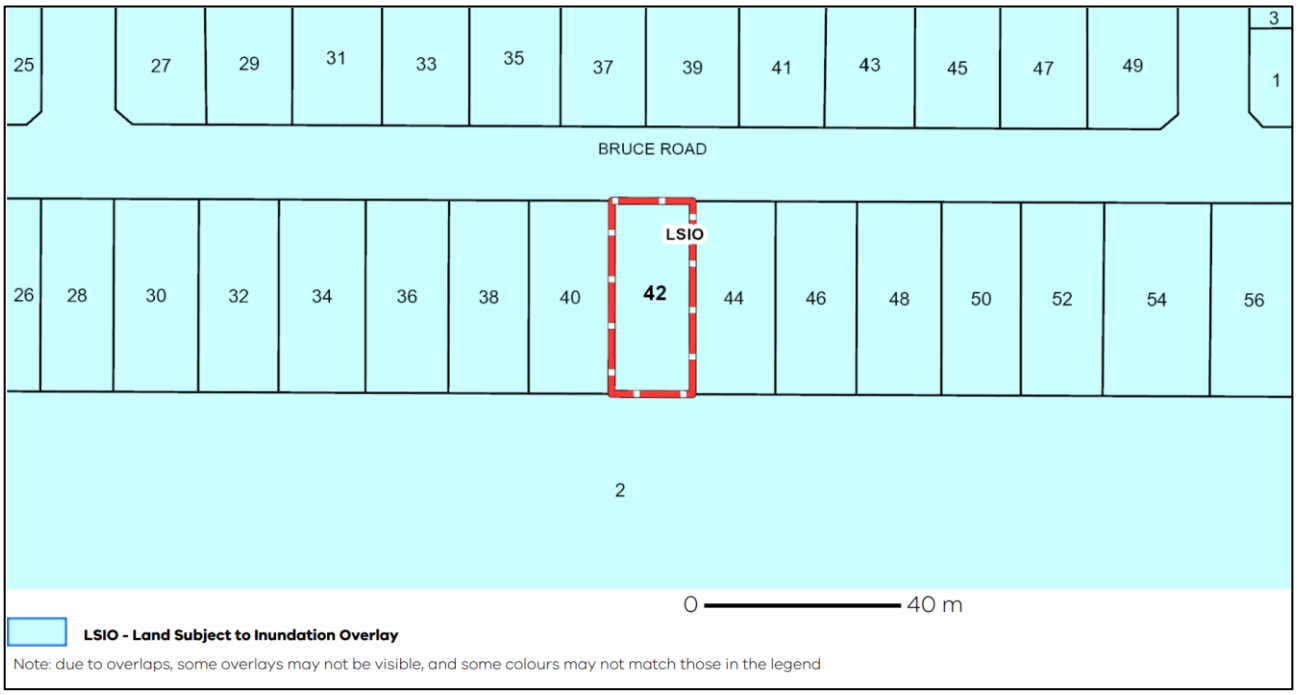


Figure 35: Confirmation that the Subject Site is Affected by a Land Subject to Inundation Overlay.

Pursuant to Clause 44.04-2 (Buildings and Works) a permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A disabled access ramp.
- A dependent person's unit.
- This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - To roadworks or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.
  - To flood mitigation works carried out by the responsible authority or floodplain management authority.
  - To the following works in accordance with plans prepared to the satisfaction of the

responsible authority:

- The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
- The erection of telephone or power lines provided they do not involve the construction of towers or poles.

  - To post and wire and post and rail fencing.

- The Schedule to the Land Subject to Inundation Overlay does not provide any exemptions as they relate to the proposed development.

Prior to commencement of design work on this project, a request for flood level information was made to Melbourne Water being the authority in this instance. Melbourne Water confirmed in November 2022 that the site was subject to inundation and that the flood level was 2.4 metres Australian Height Datum. This is confirmed in the extract of the advice provided below at figure 36:

14 November 2022

Damian Orlando
Damian Orlando Design
PO Box 8075
Oakleigh East VIC 3166

Dear Damian,

Proposal: Flood level certificates
Site location: Lot 159, 42 BRUCE ROAD SILVERLEAVES VIC 3922

Melbourne Water reference: MWA-1271870
Date referred: 02/11/2022

Applicable Flood Level:

The estimated flood level for this property is 2.4 metres to Australian Height Datum (AHD), that has an Annual Exceedance Probability AEP, that is, a 1% probability of being equalled or exceeded in any one year.

A licensed surveyor should be engaged to determine the exact effect of the applicable flood level on the property. Please note that whilst the above level is based on a storm event that has an AEP, that is, a 1% probability of being equalled or exceeded in any one year. The property may be affected by more frequent flooding. To determine whether the property is affected by flooding from the local drainage system, please consult your local Council.

Figure 36: Extract of Melbourne Water Floor Level Advice.

A full copy of the Melbourne Water Flood Level advice is provided at Appendix B for Council's review and consideration.

Accordingly, in line with standard Melbourne Water requirements the floor levels of the proposed dwelling have been set 600mm above the Melbourne Water flood level to create a suitable freeboard level and reduce potential flooding to the dwelling. Accordingly, whilst we note Council

will conduct a formal referral to Melbourne Water as part of this planning permit application, it is expected that Melbourne Water will provide conditions for inclusion on any permit granted consistent with similar development permits granted in the previous 3-5 years.

Accordingly, we will comply with any requirements imposed by Council and Melbourne Water with respect to the proposed development.

CLAUSE 44.06 – BUSHFIRE MANAGEMENT OVERLAY.

The subject site is located within a Bushfire Management Overlay as illustrated by figure 37 below:

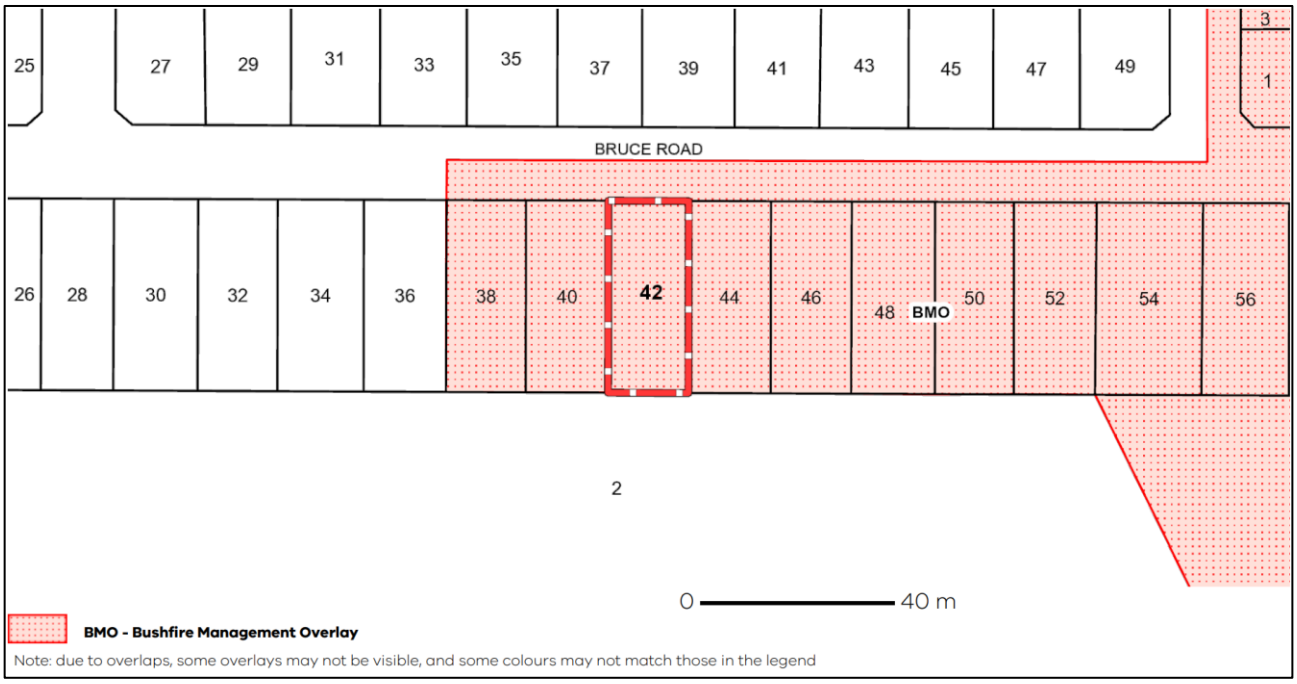


Figure 37: Confirmation the Subject Site is Affected by a Bushfire Management Overlay.

Pursuant to Clause 44.06-2 (Permit Requirement), a permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a Dependent person's unit); Education centre; Hospital; Industry; Leisure and recreation; Office; Place of assembly; Retail premises; Service station; Timber production; Warehouse.
- This does not apply to any of the following:
  - If a schedule to this overlay specifically states that a permit is not required.
  - A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5.
  - An alteration or extension to an existing building used for a dwelling or a dependent person's unit that is less than 50 percent of the gross floor area of the existing building.
  - An alteration or extension to an existing building (excluding a dwelling and a dependent person's unit) that is less than 10 percent of the gross floor area of the existing building.
  - A building or works with a floor area of less than 100 square metres not used for

accommodation and ancillary to a dwelling.

- A building or works associated with Timber production provided the buildings or works are not within 150 metres of Accommodation or land zoned for residential or rural residential purposes.

- There are no exemptions which apply in this instance.

As part of the application, a Bushfire Management Statement has been prepared and submitted for review and consideration. In its conclusions at Section 7, the following is noted:

> The proposed development has been assessed under Clause 53.02 & AS 3959.
>
> An assessment of the site conditions & adjoining property has categorised this site as ***"BAL 29"*** fire risk, with Sections 3, & **7** utilised for the building construction under AS3959 and is subject to the recommendations outlined above.
>
> The proposed development has been sited and designed to avoid on and off-site constraints. AS3959 2009' Construction of buildings in a bushfire prone area' describes ***risk category for***:
>
> - BAL – 12.5 as: "Ember Attack"
> - BAL – 19 as: "Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux between 12.5-19KW"
> - ***BAL – 29 as: "Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux between 19-29KW"***
> - *BAL – 40 as: "Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux with the increased likelihood of exposure to flames.*
> - *BAL – FZ as: Direct exposure to flames from fire front in addition to heat flux and ember attack.*
>
> The final categorization of this site is subject to the relevant fire authority (CFA/MFB) review and approval.
>
> Overall, the proposed development meets the requirements of the BMO and Clause 53.02– Bushfire Protection: Planning requirements.

Figure 38: Extract of Bushfire Management Statement.

Accordingly, we rely upon the submitted Bushfire Management Statement and will comply with any requirements imposed by Council and the CFA with respect to the proposed development.

PARTICULAR PROVISIONS:

CLAUSE 52.06: CAR PARKING:

Clause 52.06 – Car Parking provides the applicable design standards and requirements for car parking associated with new residential development with the following car parking provision applying to the proposed development:

USE	COLUMN A: RATE	COLUMN C: CAR PARKING MEASURE
DWELLING	1	To each one or two bedroom dwelling, plus
	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus
	1	For visitors to every 5 dwellings for developments of 5 or more

		dwellings

Based on the abovementioned provisions, the proposed dwelling is required to be provided with two (2) on-site car parking spaces with at least one (1) space provided undercover. No visitor car parking is required as part of this development application. We provide the following comments with respect the relevant provisions of this Clause:

- The proposed dwelling is provided with a minimum of five (5) on-site car parking spaces in the form of a double garage car garage and double car port along with at least one (1) tandem space in front accessed from the driveway area.
- The proposed garage is provided with minimum internal width of 6.99 metres in width by 6.28 metres in length clear of any structural or other elements.
- The proposed car port is provided with dimensions of 7 metres in width by 9 metres in length.
- There is also an ability to provide a minimum of one (1) tandem car space in the driveway as this driveway has a minimum width of 7 metres immediately adjoining the carport tapering down to the proposed 3 metre wide vehicle crossover.
- A new formalised vehicle crossover is proposed along Bruce Road which will require the removal of an existing street tree.
- Suitable sightlines are provided at the vehicle crossover from Bruce Road and the driveway for the proposed dwelling.

Given the above, it is submitted that the proposed development adequately satisfies the requirements of this Clause.

CLAUSE 52.17: NATIVE VEGETATION

The consultant arborist has advised that Clause 52.17 may be triggered as part of the proposed removal of Tree 6 to facilitate vehicle access to the subject site.

Based on the location of existing vegetation along the nature strip in front of the subject site, we have determined that removal of Tree 6 is the minimum amount of vegetation which is necessary to facilitate vehicle access. Alternative locations for vehicle access along the front of the site would result in increased impacts to additional vegetation and therefore, these have been deemed un-suitable.

We acknowledge that Council will impose off-set requirements as necessary, and we would comply with such required conditions. Accordingly, it is submitted that the proposal considers the implications of removing native vegetation however, the proposal balances the need for a legal point of access and limiting impact to vegetation immediately in front of the subject site.

ABORIGINAL CULTURAL HERITAGE.

The Bass Coast Planning Scheme does not incorporate an Aboriginal Cultural Heritage Policy. Nevertheless, this matter is a relevant consideration given the provisions of the Aboriginal Heritage Act 2006.

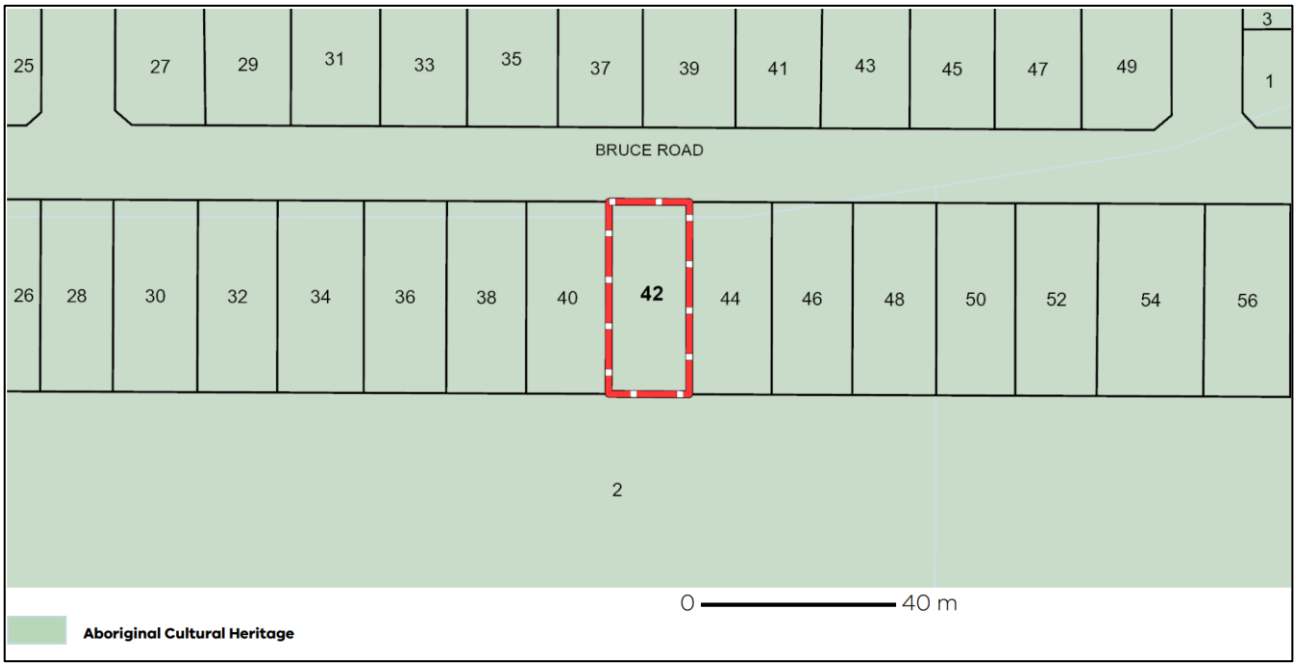


Figure 39: Areas of Aboriginal Cultural Heritage Sensitivity.

The subject site is located within an 'area of cultural heritage sensitivity' as identified in Figure 39 above. Nevertheless, the proposed development of a single dwelling is not identified as a "High Impact Activity" under the Aboriginal Heritage Regulations 2018 and therefore, a Cultural Heritage Management Plan is not required to be prepared for the subject site and proposed development in this instance.

CONCLUSION

It is submitted that there is strong Planning Policy support for the current proposal to redevelop the site for a single dwelling development. The site is serviced by local community services such as schools and local shops and access to other community facilities in the surrounding Phillip Island locality. Furthermore, the site is located within an established residential area inside the Metropolitan Urban Growth Boundary where State and Local Planning Policies support the consolidation of established areas with existing infrastructure and the proposal seeks to provide a single dwelling on land which is currently un-developed and underutilised.

The proposed development has carefully considered a number of issues, including the built form of the area, urban consolidation, accommodation requirements, car parking, potential amenity impacts and the significance of the existing neighbourhood character. The proposal contributes to achieving urban consolidation and its location is clearly encouraged for this type of development under the Bass Coast Planning Scheme. Therefore, it is submitted that the proposed development presents an acceptable planning outcome for the site and area.

TORO PLANNING PTY LTD – JULY, 2023 (AMENDED)

APPENDIX A: MELBOURNE WATER STORM RATING REPORT

Melbourne Water

STORM Rating Report

TransactionID: 1598070
Municipality: BASS COAST
Rainfall Station: BASS COAST
Address: 42 BRUCE ROAD
SILVERLEAVES
VIC 3922
Assessor:
Development Type: Residential - Dwelling
Allotment Site (m2): 675.06
STORM Rating %: 83

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
DWELLING & DRIVEWAY	368.86	Rainwater Tank	8,000.00	4	83.40	100.00

Date Generated: 18-Jun-2023 Program Version: 1.0.0

APPENDIX B: MELBOURNE WATER FLOOD LEVEL ADVICE

Melbourne Water

14 November 2022

Damian Orlando
Damian Orlando Design
PO Box 8075
Oakleigh East VIC 3166

Dear Damian,

Proposal: Flood level certificates
Site location: Lot 159, 42 BRUCE ROAD SILVERLEAVES VIC 3922

Melbourne Water reference: MWA-1271870
Date referred: 02/11/2022

Applicable Flood Level:

The estimated flood level for this property is 2.4 metres to Australian Height Datum (AHD), that has an Annual Exceedance Probability AEP, that is, a 1% probability of being equalled or exceeded in any one year.

A licensed surveyor should be engaged to determine the exact effect of the applicable flood level on the property. Please note that whilst the above level is based on a storm event that has an AEP, that is, a 1% probability of being equalled or exceeded in any one year. The property may be affected by more frequent flooding. To determine whether the property is affected by flooding from the local drainage system, please consult your local Council.

Important to note:

Melbourne Water provides flood advice under Section 202(2) of the Water Act 1989.

This letter does not constitute approval for any proposed development for planning or building.

To obtain flow rate velocity information or Melbourne Water's requirements for any proposed development, please contact our Customer Service Centre on 131 722 or make an application here.

The flood level advice provided is based on the most accurate information currently available. This estimated flood information may change and is valid for 3 months from the date of this letter. If you are proposing to develop this land after such time, it is recommended that new advice be obtained from Melbourne Water.

Disclaimer

This letter does not constitute approval for any proposed development for planning or building. Melbourne Water provides flood advice under Section 202(2) of the Water Act 1989.

This certificate provides information as a general reference source only and has taken all reasonable measures to ensure that the material in this letter is as accurate as possible at the time of publication. However, Melbourne Water makes no representation and gives no warranty about the accuracy, reliability, completeness or suitability for any particular purpose of the information. To the full extent that it is able to do so in law, Melbourne Water disclaims all liability, (including liability in negligence), for losses and damages, (including indirect and consequential loss and damage), caused by or arising from anyone using or relying on the information for any purpose whatsoever.

VICTORIA State Government

Page 1

Melbourne Water ABN 81 945 386 953
990 La Trobe Street Docklands VIC 3008
PO Box 4342 Melbourne VIC 3001 Australia
T 131 722 F +61 3 9679 7099
melbournewater.com.au

Melbourne Water

The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

This estimated flood information may change and is valid for 3 months from the date of this letter. If you are proposing to develop this land after such time, it is recommended that new advice be obtained from Melbourne Water.

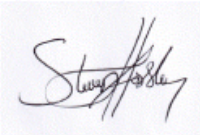
Advice

The Victorian Coastal Strategy 2014 identifies the need to plan for sea level rise of not less than 0.7 metres by 2100 when assessing risks and impacts associated with climate change. Melbourne Water, as the relevant floodplain management authority has identified that this property may be affected by increases to the mean sea level of Port Phillip Bay / Western Port.

For more information in relation to flooding or additional services that Melbourne Water can provide please visit our website.

For general development enquiries contact our Customer Service Centre on 131 722.

Regards,



Steven Horsley
CSR

VICTORIA State Government

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MELBOURNE
ARBORIST REPORTS
ABN: 53 606 501 204
E: info@melbournearboristreports.com.au
M: 0438 082 327

Arboricultural Report

Development Impact Assessment

Site address: 42 Bruce Road, Silverleaves. VIC 3922

Date of assessment: 17 Nov 2022
Date of issue: 26 May 2023
Version: 1

Prepared by: Jack Machar
Graduate Certificate in Arboriculture
Diploma of Horticulture (Arboriculture)

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1 INTRODUCTION

1.1 SCOPE OF REPORT

This report has been prepared to accompany a planning permit application for the construction of a new dwelling at the subject site. The purpose of this report is to provide a detailed assessment of trees onsite and in proximity to the site and to outline the potential impacts proposed development will have on these trees.

The scope of this report includes all trees onsite and adjacent to the subject site that could potentially be impacted by proposed site development.

1.2 ASSESSMENT METHODOLOGIES AND LIMITATIONS

This report has been prepared in accordance with AS4970-2009 *Protection of Trees on Development Sites.*

Tree assessment was conducted by Jack Machar using Visual Tree Assessment (VTA) principals described by Mattheck and Breloer (1994) and is limited to parts of the tree which are easily viewed from within the subject site at ground level. No assessment was made of soil characteristics or below ground tree parts unless otherwise stated. Tree health and structure were assessed to record the condition of the trees and inform useful life expectancy (ULE) and retention value ratings only. The scope of this report does not include any tree risk assessment. The content provided within this report relates to information and observations available at the time of inspection only. All plans supplied by the client or third-party are assumed to be correct and accurate. Melbourne Arborist Reports or it's representatives will not be held responsible for errors resulting from supplied documents or plans.

Diameter at Breast Height (DBH) = 1.4m above ground level, methods shown in appendix A of AS4970-2009 were used for low branching, multi-stemmed and leaning trees.
Diameter Above Base (DAB) = above root flare on main stem.
A diameter tape was used for DBH and DAB measurements, tree heights and canopy spreads are estimates only unless otherwise stated. DBH and DAB measurements of third-party trees or trees with inaccessible stems may have been estimated due to access restrictions. Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) have been calculated using the formulas provided in section 3 of AS4970-2009.

Descriptors were used to define tree health, tree structure, ULE, age class, origin and tree retention values. Descriptors are in the appendix section at the rear of the report and should be referred to for definitions of ratings assigned to trees within this report. All photos were taken by the author unless otherwise stated.

1.3 PLANNING INFORMATION

Responsible Authority: Bass Coast Shire
Planning Zones: Township Zone
Planning Overlays: Bushfire Management Overlay, Design and Development Overlay – Schedule 1, Vegetation Protection Overlay – Schedule 2, Land Subject to Inundation Overlay
(Victoria State Government DTP 2023)

2 FINDINGS

2.1 TREE ASSESSMENT DATA

Table 1 Tree assessment data. Descriptors supplied in the appendix section of this report should be referred to as part of the assessment provided in table 1.

Tree No	Botanical Name Common Name	Origin	DBH cm	DAB m	TPZ Radius m	SRZ Radius m	Height m	Spread Dia. m	Health	Structure	ULE	Age class	Retention value
1	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	25	0.28	3.0	1.9	3	3	Good	Fair	5-15yrs	Mature	Third party
2	*Allocasuarina* verticillata Drooping She-oak	Indigenous	23	0.26	2.8	1.9	6	4	Fair	Fair	5-15yrs	Mature	Third party
3	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	18	0.21	2.2	1.7	4	2	Fair	Fair	15-30yrs	Semi-mature	Third party
4	*Melaleuca* sp. Papperbark	Native	5	0.15	2.0	1.5	2	1.5	Fair	Fair	N/A	Juvenile	Third party
5	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	10	0.18	2.0	1.6	3	3	Good	Fair	5-15yrs	Mature	Third party
6	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	14	0.15	2.0	1.5	3	3	Good	Poor	5-15yrs	Semi-mature	Third party
7	*Allocasuarina* verticillata Drooping She-oak	Indigenous	10	0.15	2.0	1.5	3	3	Good	Fair	15-30yrs	Juvenile	Third party
8	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	12	0.15	2.0	1.5	3	3	Good	Fair	15-30yrs	Semi-mature	Third party
9	*Westringia* sp. Coastal Rosemary	Indigenous	0	0.05	2.0	1.5	1.5	1	Good	Fair	N/A	Semi-mature	Third party
10	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	15	0.15	2.0	1.5	2.5	2	Poor	Fair	5-15yrs	Mature	Third party
11	*Dodonaea viscosa* Wedge-Leaf Hop Bush	Indigenous	5	0.15	2.0	1.5	4	2	Good	Good	15-30yrs	Semi-mature	Third party
12	*Pittosporum undulatum* Sweet Pittosporum	Vic native	10	0.15	2.0	1.5	4	2	Good	Fair	<5yrs	Semi-mature	Third party
13	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	31	0.36	3.7	2.2	5	4	Poor	Poor	<5yrs	Mature	Low
14	*Allocasuarina* verticillata Drooping She-oak	Indigenous	12	0.15	2.0	1.5	6	2.5	Good	Fair	15-30yrs	Semi-mature	Low
15	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	14	0.16	2.0	1.5	3	3	Good	Poor	5-15yrs	Mature	Low
16	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	37	0.40	4.4	2.3	7	5	Poor	Poor	5-15yrs	Mature	Low

Tree No	Botanical Name Common Name	Origin	DBH cm	DAB m	TPZ Radius m	SRZ Radius m	Height m	Spread Dia. m	Health	Structure	ULE	Age class	Retention value
17	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	21	0.22	2.5	1.8	2	2	Dead	Very poor	N/A	Dead	Low
18	*Banksia integrifolia* Coast Banksia	Indigenous	15	0.18	2.0	1.6	5	2	Good	Fair	30+yrs	Semi-mature	Low
19	*Banksia integrifolia* Coast Banksia	Indigenous	19	0.27	2.3	1.9	8	3	Good	Fair	30+yrs	Semi-mature	Moderate
20	*Melaleuca armillaris* Honey Myrtle	Vic native	17	0.19	2.0	1.6	4	4	Fair	Very poor	<5yrs	Mature	Low
21	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	15	0.15	2.0	1.5	3	3	Fair	Fair	5-15yrs	Mature	Low
22	*Bursaria spinosa* Sweet Bursaria	Indigenous	32	0.33	3.8	2.1	8	5	Good	Good	15-30yrs	Mature	Moderate
23	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	16	0.18	2.0	1.6	4	3	Good	Good	15-30yrs	Semi-mature	Low
24	*Allocasuarina* verticillata Drooping She-oak	Indigenous	19	0.23	2.3	1.8	8	3	Good	Fair	30+yrs	Mature	Moderate
25	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	16	0.20	2.0	1.7	4	4	Good	Fair	15-30yrs	Mature	Low
26	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	5	0.09	2.0	1.5	3	1.5	Good	Fair	N/A	Juvenile	Low
27	*Bursaria spinosa* Sweet Bursaria	Indigenous	17	0.10	2.0	1.5	4	3	Good	Fair	15-30yrs	Mature	Low
28	*Acacia baileyana* Cootamundra Wattle	Vic native	8	0.10	2.0	1.5	2.5	2.5	Good	Fair	N/A	Juvenile	Low
29	*Acacia* sp. Wattle	Native	6	0.09	2.0	1.5	3	1.5	Good	Fair	N/A	Juvenile	Low
30	*Bursaria spinosa* Sweet Bursaria	Indigenous	10	0.12	2.0	1.5	2.5	3	Good	Fair	15-30yrs	Semi-mature	Low
31	*Allocasuarina* verticillata Drooping She-oak	Indigenous	13	0.17	2.0	1.6	6	4	Good	Fair	5-15yrs	Semi-mature	Low
32	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	13	0.14	2.0	1.5	4	3	Good	Fair	5-15yrs	Semi-mature	Low
33	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	23	0.32	2.8	2.1	4	3	Poor	Fair	5-15yrs	Mature	Low
34	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	32	0.35	3.8	2.1	5	5	Good	Fair	5-15yrs	Mature	Low

Tree No	Botanical Name Common Name	Origin	DBH cm	DAB m	TPZ Radius m	SRZ Radius m	Height m	Spread Dia. m	Health	Structure	ULE	Age class	Retention value
35	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	18	0.21	2.2	1.7	3.5	3	Good	Fair	5-15yrs	Mature	Low
36	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	32	0.38	3.8	2.2	6	6	Fair	Poor	5-15yrs	Mature	Third party
37	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	17	0.18	2.0	1.6	4.5	4.5	Good	Fair	5-15yrs	Mature	Low
38	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	0	0.10	2.0	1.5	2	2	Fair	Fair	N/A	Juvenile	Low
39	*Correa alba* White Correa	Indigenous	5	0.08	2.0	1.5	2	2	Good	Fair	N/A	Semi-mature	Low
40	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	15	0.15	2.0	1.5	3.5	4	Good	Fair	5-15yrs	Semi-mature	Low
41	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	32	0.26	3.8	1.9	9	2	Good	Fair	5-15yrs	Mature	Low
42	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	12	0.15	2.0	1.5	4	3	Good	Fair	5-15yrs	Semi-mature	Low
43	*Dodonaea viscosa* Wedge-Leaf Hop Bush	Indigenous	27	0.30	3.2	2.0	5.5	4	Good	Poor	5-15yrs	Mature	Low
44	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	19	0.20	2.3	1.7	2	2	Good	Fair	5-15yrs	Semi-mature	Low
45	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	36	0.40	4.3	2.3	5	5	Good	Fair	15-30yrs	Mature	Moderate
46	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	24	0.30	2.9	2.0	2	5	Good	Poor	5-15yrs	Mature	Low
47	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	20	0.20	2.4	1.7	3	3	Good	Fair	5-15yrs	Mature	Low
48	*Dodonaea viscosa* Wedge-Leaf Hop Bush	Indigenous	10	0.15	2.0	1.5	4	4	Good	Fair	15-30yrs	Mature	Low
49	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	25	0.28	3.0	1.9	4	4	Good	Fair	5-15yrs	Mature	Third party
50	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	11	0.12	2.0	1.5	2.5	2.5	Good	Fair	5-15yrs	Semi-mature	Third party
51	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	12	0.15	2.0	1.5	2	3	Fair	Very poor	<5yrs	Semi-mature	Third party
52	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	8	0.10	2.0	1.5	2	2	Good	Fair	N/A	Semi-mature	Third party

Tree No	Botanical Name Common Name	Origin	DBH cm	DAB m	TPZ Radius m	SRZ Radius m	Height m	Spread Dia. m	Health	Structure	ULE	Age class	Retention value
53	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	8	0.10	2.0	1.5	2	2	Good	Fair	N/A	Semi-mature	Third party
54	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	15	0.16	2.0	1.5	3	3	Good	Fair	15-30yrs	Semi-mature	Low
55	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	10	0.10	2.0	1.5	3	2	Fair	Fair	15-30yrs	Juvenile	Low
56	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	15	0.15	2.0	1.5	2	3	Fair	Poor	5-15yrs	Mature	Low
57	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	10	0.15	2.0	1.5	2.5	2	Good	Fair	15-30yrs	Semi-mature	Low
58	*Banksia integrifolia* Coast Banksia	Indigenous	24	0.23	2.9	1.8	2.5	5	Fair	Poor	<5yrs	Semi-mature	Low
59	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	40	0.45	4.8	2.4	6	6	Fair	Poor	5-15yrs	Mature	Low
60	*Pittosporum undulatum* Sweet Pittosporum	Vic native	12	0.15	2.0	1.5	3	3	Good	Good	<5yrs	Semi-mature	Low
61	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	35	0.38	4.2	2.2	8	5	Fair	Fair	15-30yrs	Mature	Low
62	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	19	0.19	2.3	1.6	4	3	Good	Fair	5-15yrs	Mature	Low
63	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	33	0.38	4.0	2.2	7	5	Good	Fair	5-15yrs	Mature	Low
64	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	14	0.22	2.0	1.8	3.5	3	Good	Fair	5-15yrs	Semi-mature	Low
65	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	13	0.15	2.0	1.5	3	3	Good	Fair	5-15yrs	Semi-mature	Low
66	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	13	0.15	2.0	1.5	3	3	Good	Fair	5-15yrs	Semi-mature	Third party
67	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	18	0.25	2.0	1.8	3	3	Good	Fair	5-15yrs	Semi-mature	Low
68	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	13	0.15	2.0	1.5	3	3	Good	Fair	5-15yrs	Semi-mature	Low
69	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	3	0.05	2.0	1.5	1.5	2	Fair	Poor	N/A	Juvenile	Low
70	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	24	0.30	2.9	2.0	3	4	Dead	Poor	<5yrs	Dead	Low

Tree No	Botanical Name Common Name	Origin	DBH cm	DAB m	TPZ Radius m	SRZ Radius m	Height m	Spread Dia. m	Health	Structure	ULE	Age class	Retention value
71	*Eucalyptus viminalis* Manna Gum	Indigenous	47	0.58	5.6	2.6	12	8	Good	Fair	30+yrs	Mature	Moderate
72	*Melaleuca armillaris* Honey Myrtle	Vic native	27	0.32	3.2	2.1	5	6	Fair	Poor	<5yrs	Mature	Low
73	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	25	0.28	3.0	1.9	4	4	Fair	Poor	5-15yrs	Mature	Low
74	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	22	0.25	2.6	1.8	4	4	Fair	Fair	5-15yrs	Mature	Low

2.2 EXISTING SITE PLAN

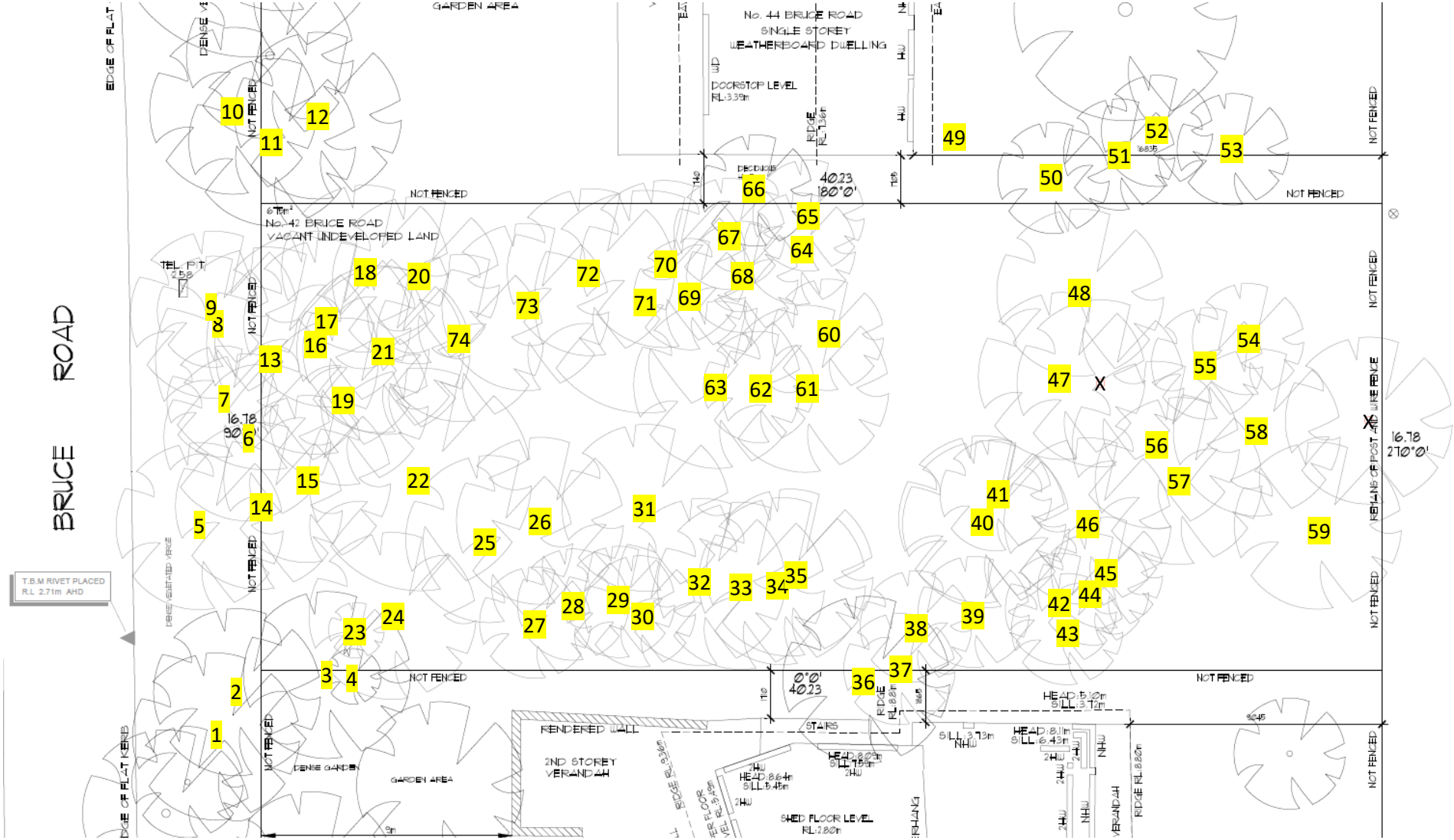


Figure 1 Tree location plan supplied by Damian Orlando Design

2.3 PROPOSED TREE REMOVAL PLAN

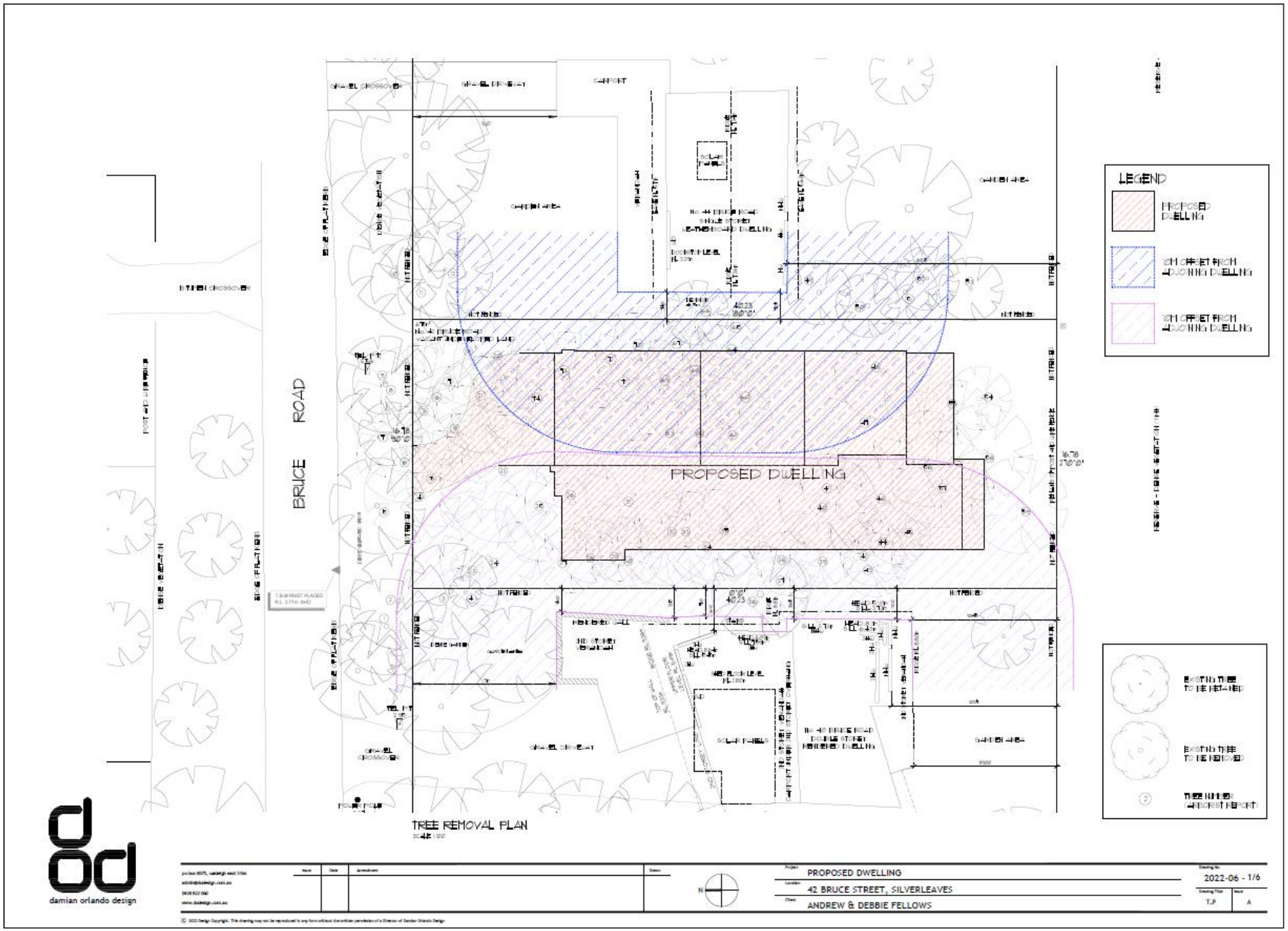


Figure 2 Proposed tree removal plan prepared by Damian Orlando Design

Proposed ground floor plan

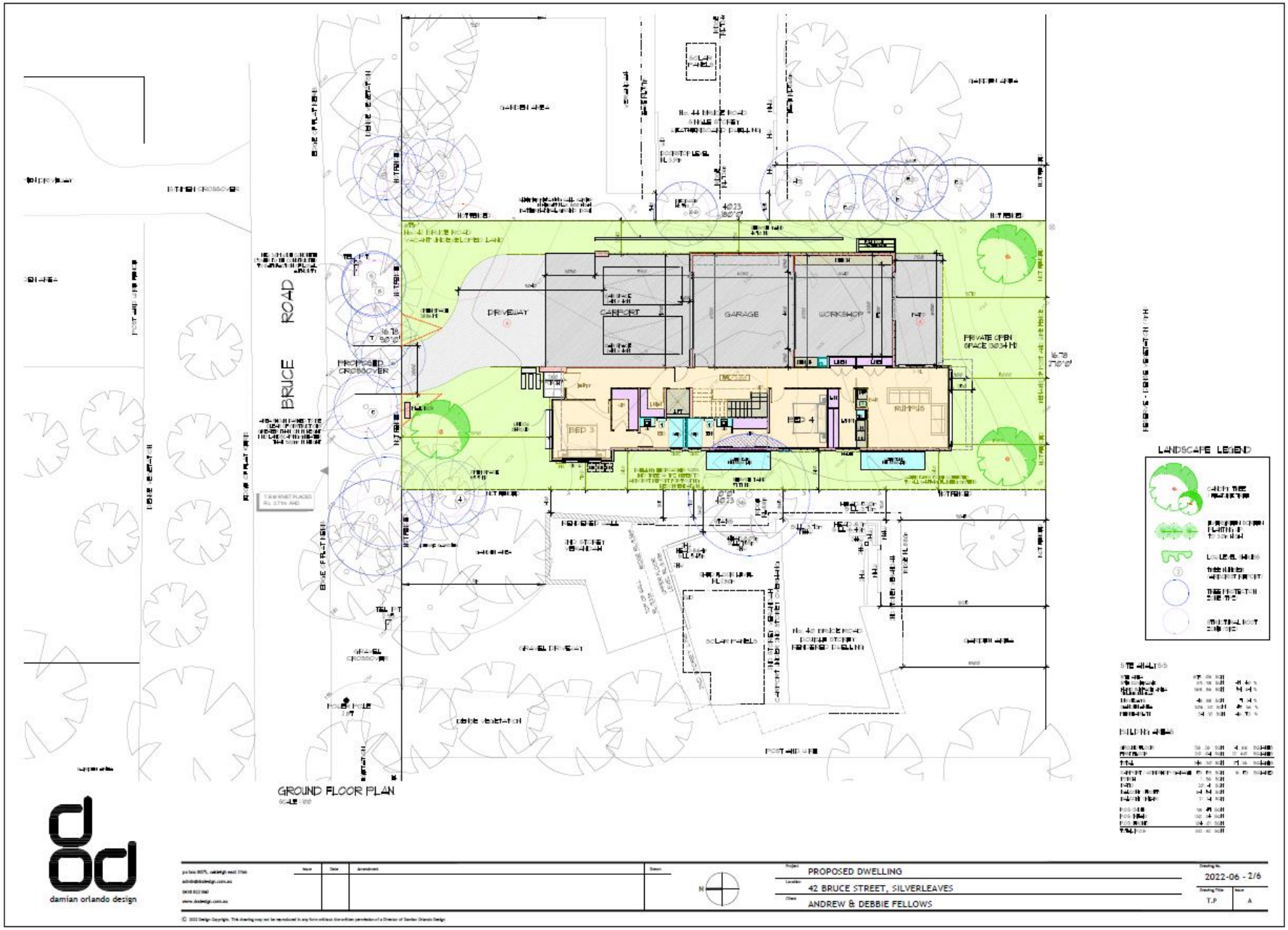


Figure 3 Proposed ground floor plan prepared by Damian Orlando Design

3 DISCUSSION

3.1 TREE PROTECTION ZONES

Each tree is allocated a tree protection zone (TPZ) and structural root zone (SRZ) calculated using formulas provided in AS4970-2009 *Protection of Trees on Development Sites*. These zones are used to gain an understanding of the impact to trees by development activities. Minor encroachments up to 10% of the total TPZ area are generally considered acceptable. Encroachments that exceed 10% of the TPZ or enter the SRZ are considered major and must either be justified by the project arborist, reduced to an acceptable level, or allow for the tree to be removed.

3.2 TREES REQUIRING REMOVAL UNDER PROPOSAL

Proposed plans shown in Figures 2 and 3 will require the removal of all trees onsite to allow for the new building footprint, septic tank, driveway and compliance with bushfire management.

The removal of tree 6 from the road reserve will be necessary for the creation of a formal crossover to access the site. The restricted available location for the septic tank has resulted in the positioning of the crossover at the location of tree 6. Proposed plans positioned the crossover to avoid and minimise impacts to native vegetation growing in the road reserve, in accordance with Clause 52.17 *Native Vegetation*.

3.3 TREES MARKED FOR RETENTION

Proposed plans allow for the successful retention of all third-party trees in proximity to the site, with the exception of tree 6.

3.4 TPZ ENCROACHMENTS FOR TREES BEING RETAINED

Proposed plans show minor and acceptable TPZ encroachments for trees 36, 49 and 66 resulting from the proposed building footprint.

Trees 5 and 7 will be retained on either side of the crossover, which is planned to be constructed above the existing grade to ensure roots from these trees remain undamaged.

No amendments to proposed plans shown in Figure 3 are required for the successful retention of third-party trees, excluding tree 6.

3.5 VEGETATION PROTECTION OVERLAY

Schedule 2 to Clause 42.02 *Vegetation Protection Overlay* (VPO2) seeks to protect and enhance existing indigenous and larger native species within the urban area of Phillip Island.

A permit is required to remove, destroy or lop any living tree or shrub with a girth greater than 30 centimetres (when measured 30 centimetres above ground level) or a height of at least two metres.

Clause 52.12 of the Bass Coast Planning Scheme provides an exemption from all planning controls for the removal of trees, to create a defendable space within 10m of a dwelling constructed before 10 September 2009.

3.5.1 Trees protected under VPO

Trees 13, 14, 15, 16, 17, 19, 21, 54, 55 and 58 were assessed as being protected under VPO2.

3.5.2 Trees exempt from VPO

Trees 18, 20, 22-35, 37-48, 56-65 and 67-74 were found to be within 10m of neighboring dwellings and therefore exempt from planning protection.

4 CONCLUSION AND RECOMMENDATIONS

Proposed plans to develop the subject site, as shown in Figures 2 and 3, will require the removal of all trees onsite, and tree 6 from the road reserve. In general, trees onsite were assessed as low retention value and should not be a constraint on the development design. Six trees onsite were assessed as moderate retention value and are unable to be retained within the design scope.

The removal of all site trees, and tree 6, will be necessary for the construction of the new dwelling, associated driveway and crossover, septic tank (to be placed in the front setback) and to meet bushfire management requirements for defendable space.

The removal of site trees 13, 14, 15, 16, 17, 19, 21, 54, 55 and 58 will trigger a permit requirement under Schedule 2 to Clause 42.02 *Vegetation Protection Overlay*.

The removal of tree 6 is expected to trigger a biodiversity offset requirement under Clause 52.17 *Native Vegetation* (to be confirmed by the Responsible Authority).

Tree removal and any offset(s) must be to the satisfaction of the Responsible Authority.

Nineteen trees were found in proximity to the site. Proposed plans allow for the retention of all third-party trees, with the exception of tree 6.

No amendments to proposed plans are required for the retention of third-party trees, with the exception of tree 6.

The proposed crossover inside the TPZs of trees 5 and 7 must be constructed above existing grade.

Retained trees must be protected during all stages of development in accordance with AS4970-2009 *Protection of Trees on Development Sites* and to the satisfaction of the Responsible Authority.

The following site-specific tree protection requirements must be implemented for retained trees:

A. An AQF level 5 or higher arborist must be engaged as the Project Arborist for the duration of site works.
B. Tree protection zones (TPZ) must be established within the site and nature strip around each retained tree prior to any works commencing. 1.8m high temporary chain mesh fencing held in position with concrete pads must be used to exclude works from within a TPZ. TPZ fence locations must be defined by referring to TPZ dimensions provided in this report, modified only to allow for site access and construction works approved within those zones.
C. Signage in accordance with AS1319 stating the words 'Tree Protection Zone-No Access' must be affixed to TPZ fencing and remain visible from within the development site.
D. Areas of exposed soil within a TPZ radius that cannot be fenced off due to essential site access requirements must be covered by geotextile fabric, 100mm of mulch and be topped by wooden rumble boards or plastic tracker mats.
E. Soil excavation within a TPZ must be supervised and documented by the Project Arborist. Excavation encroachments must be limited to those shown on endorsed plans. Any modification or additional excavation inside a TPZ must first be approved by the Responsible Authority.
F. Underground utilities and services must be routed outside of TPZs or be installed using manual excavation, non-destructive digging (NDD) or directional boring at a depth greater than 1.0m. Boring pits must be positioned outside of TPZs.

G. Roots damaged during site works must be pruned back to undamaged wood using clean sharp tools. Root pruning must be conducted and documented by the project arborist and be in accordance with AS4373-2007 *Pruning of Amenity Trees*.
H. Pruning of roots greater than 50mm in diameter must first be approved by the Responsible Authority.
I. Material storage, waste disposal and site amenities must be located outside of TPZs.
J. Canopy pruning, where required, must be completed in accordance with AS4373-2007 *Pruning of Amenity Trees* and any other relevant law, policy or guidelines enforced by local authority.
K. The project arborist must supply final documentation that all tree protection measures were implemented, comment on the post development health of the trees and make any further recommendations as required.

5 REFERENCES AND APPENDICES

5.1 APPENDIX 1 IMAGE CATALOGUE



Figure 4 Tree 1

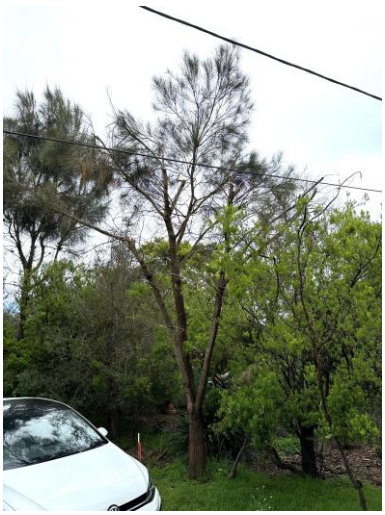


Figure 5 Tree 2



Figure 6 Tree 3



Figure 7 Tree 4



Figure 8 Tree 5



Figure 9 Trees 6 & 7



Figure 10 Trees 8 & 9



Figure 11 Tree 10



Figure 12 Trees 11 & 12


Figure 13 Tree 13


Figure 14 Tree 14


Figure 15 Tree 15

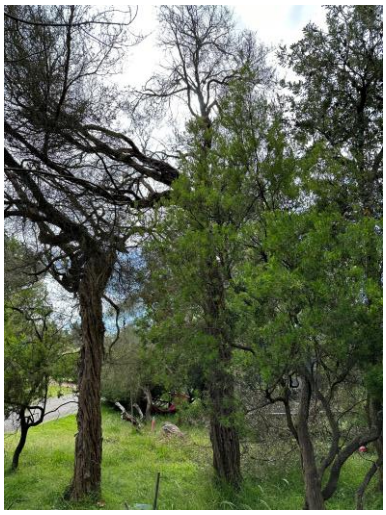

Figure 16 Tree 16


Figure 17 Tree 17


Figure 18 Tree 18


Figure 19 Tree 19


Figure 20 Tree 20


Figure 21 Tree 21



Figure 22 Tree 22



Figure 23 Tree 23



Figure 24 Tree 24



Figure 25 Tree 25



Figure 26 Tree 26



Figure 27 Tree 27



Figure 28 Tree 28



Figure 29 Trees 29 & 30

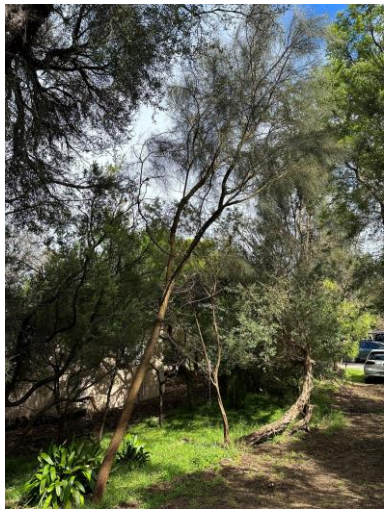


Figure 30 Tree 31



Figure 31 Trees 32-35



Figure 32 Tree 36. NB prop inside subject site

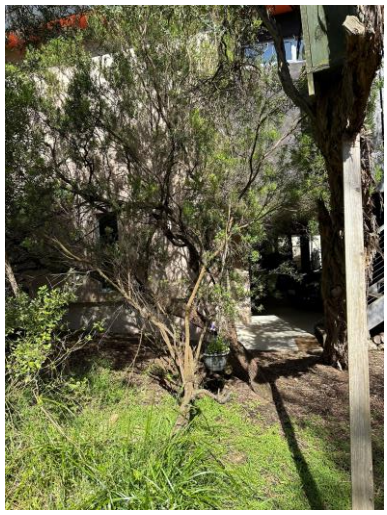


Figure 33 Trees 37 & 38



Figure 34 Tree 39



Figure 35 Trees 40 & 41

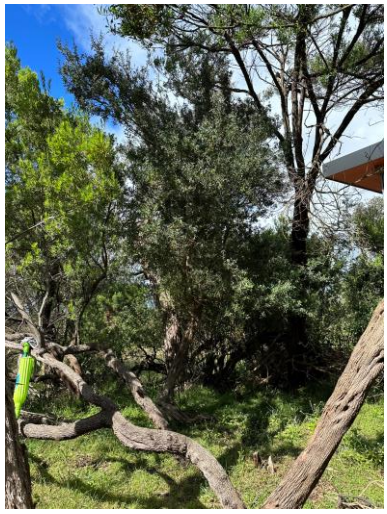


Figure 36 Tree 42



Figure 37 Tree 43



Figure 38 Trees 44 & 45

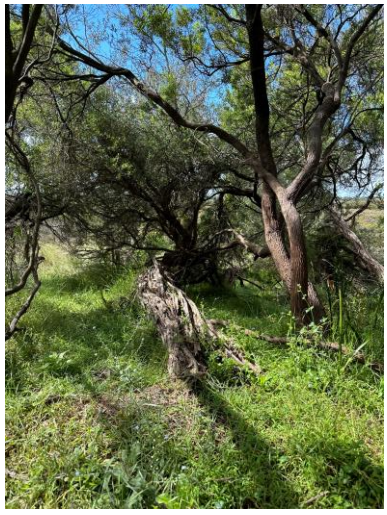


Figure 39 Tree 46


Figure 40 Tree 47


Figure 41 Tree 48


Figure 42 Tree 49


Figure 43 Tree 50


Figure 44 Tree 51


Figure 45 Trees 52 & 53


Figure 46 Trees 54 & 55


Figure 47 Tree 56


Figure 48 Tree 57

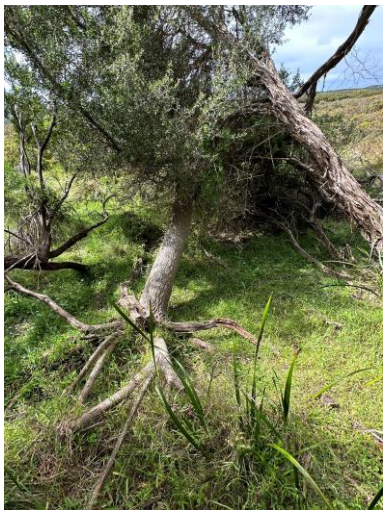

Figure 49 Tree 58


Figure 50 Tree 59


Figure 51 Tree 60


Figure 52 Tree 61


Figure 53 Tree 62


Figure 54 Tree 63


Figure 55 Tree 64


Figure 56 Tree 65


Figure 57 Trees 66 & 67



Figure 58 Trees 67 & 68



Figure 59 Tree 69

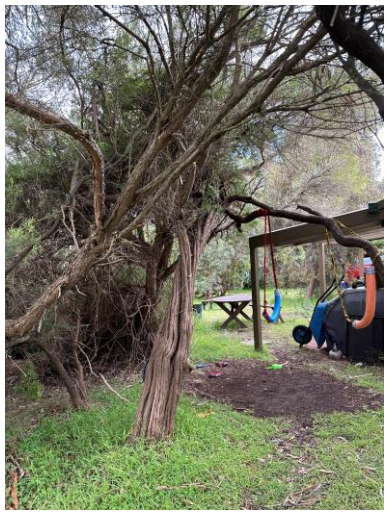


Figure 60 Tree 70



Figure 61 Tree 71



Figure 62 Trees 72-74

5.2 APPENDIX 2 DATA DESCRIPTORS, DEFINITIONS AND CRITERIA

Origin

Indigenous – Known to occur naturally in the local area of the subject site.

Vic native – Species that occur naturally in Victoria (may include the subject site location).

Native – Species that occur naturally in other states of Australia, but not Victoria.

Exotic – Species that do not occur naturally in Australia.

Health ratings

Dead – Tree is completely dead, non-functional crown (no green leaves), stem cambium completely dead, no evidence of root suckers or sprouts.

Poor – Tree is presenting large quantities of crown dieback and/or major crown thinning. Persistent infections of pathogens, insect borers, fungal cankers and root disease may be present. Irreversible condition, any treatments may only be temporary to achieve hazard reduction prior to tree removal.

Fair – Tree is presenting symptoms of stress that may be due to seasonal biotic or abiotic conditions e.g. water stress or seasonal defoliators. The symptoms may include tip dieback, crown thinning, defoliation, leaf discoloration, reduced leaf and/or internode length. The condition may be reversible.

Good – Tree is generally free of pest and disease symptoms; any biotic or abiotic stress is not present over more than 10% of the tree parts concerned. Internode length may be variable but generally consistent in length for the last two annual increments.

Excellent – Tree is completely free from evidence of pest or disease organisms. Tree is exhibiting no signs of abiotic stress such as tip dieback or loss of foliage. Growth is of typical colouration, size and quantity for that species at that location. Internode length is consistent or increasing in length from previous two increments. The tree crown appears complete and balanced.

Structure ratings

Compromised – Tree has suffered mechanical damage and now presents a risk of partial or whole tree collapse.

Hazardous – Tree presents with one or more snapped branches caught in the crown of the tree. Removal of defective branch may then change structure rating.

Very poor – Tree has pronounced structural weakness that may be due to poor growth development, advanced fungal decay, multiple previous failures within crown, and/or mechanical damage. Tree is presenting signs of instability and possible imminent structural failure of major structural component(s).

Poor – Tree has structural weakness that may be due to poor growth development, fungal decay, mechanical damage including past pruning or a combination of these but is not at this time presenting signs of imminent structural failure of major structural components.

Fair – Tree has some structural weakness but failure of which is not a major structural component and does not present any signs of potential imminent failure. Fungal degradation was not observed in any structurally significant component.

Good – Tree does not appear to have any obvious, notable structural defects, signs of structural distress or indicators of fungal decay.

Age classifications

Juvenile – Young trees that are yet to reach one third of their expected size, generally less than 10 years old.
Reformed – Trees which have previously been cut to a stump and allowed to regrow.
Semi-mature – Trees which have reached approximately half of their expected size and are less than one third of the way through their expected lifespan; species and location considered.
Mature – Trees which have reached two thirds of their expected size or more and are approximately two thirds or more of the way through their expected lifespan; species and location considered.
Senescent – Trees which have over matured within the surrounding landscape and present in a state of irreversible health and/or structural decline.
Dead – Trees with a non-functional crown (no green leaves), stem cambium completely dead, no evidence of root suckers or sprouts.

Retention value

Low retention value – Trees that offer little opportunity of contributing to the future site for reasons of health or structural condition, low horticultural value of the species, inaptness in relation to unacceptable growth habit, noxious or invasive weed species or a combination of these characteristics. Juvenile and semi-mature trees which could be readily replaced may also be placed in this category.

Low retention value trees should be considered for removal prior to development works proceeding. Trees of low retention value should place no restraints on proposed designs.

Moderate retention value – Trees offering some beneficial attributes that may enhance the site or local environment in relation to botanical, historical or local significance, but may be limited to some degree by their current health condition, structural condition, species traits or ULE.

Moderate retention value trees should be considered for retention where possible within the development design, but not necessarily to the detriment of the design. Arboricultural works or alternate construction techniques within practical limits may be utilized to allow construction to proceed with the retention of moderate retention value tree/s.

High retention value – Trees with potential to positively contribute to the future site or local environment due to their botanical, historical or local significance in combination with good characteristics of health and structure, ULE of >30 yrs. Significant remnant specimens may also be placed in this category regardless of health and structure.

High retention value trees should be considered for retention and be incorporated into the design layout. All avenues of tree protection and alternative construction techniques that will allow for tree retention should be investigated.

Third-party – Trees located within adjoining properties or Council owned land adjacent to the subject site. Third-party trees must be protected from major physical injury, or where appropriate permission may be sought to alter or replace the tree(s).

Useful Life Expectancy – ULE
(Adapted from Barrell 2001)

30+ years: *Trees that appear to be retainable in the current landscape for more than 30 years.*

1. Structurally sound trees located in positions that can accommodate future growth.
2. Minimally defective trees that could be made suitable for retention in the long term by remedial arboricultural practices and maintenance.
3. Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long-term retention.

15-30 years: *Trees that appear to be retainable in the current landscape for 15 to 30 years.*

1. Trees that may only live between 15 and 30 years.
2. Trees that may live for more than 30 years but would be removed to allow for new plantings.
3. Trees that may live for more than 30 years but would be removed during the course of normal management for safety or nuisance reasons.
4. Minimally defective trees that can be made suitable for retention in the medium term by remedial arboricultural practices and maintenance.

5-15 years: *Trees that appear to be retainable in the current landscape for 5 to 15 years.*

1. Trees that may only live for 5 to 15 years.
2. Trees that may live for more than 15 years but would be removed to allow for new plantings.
3. Trees that may live for more than 15 years but would be removed during the course of normal management for safety or nuisance reasons.
4. Defective trees that require substantial remedial work to make safe and are only suitable for retention in the short term.

<5 years: *Trees requiring immediate removal or trees that should be removed within 5 years.*

1. Dead trees.
2. Declining trees through disease or inhospitable conditions.
3. Dangerous trees through instability or recent loss of adjacent trees.
4. Dangerous trees through advanced structural defects.
5. Damaged trees that are considered unsafe to retain.
6. Trees that are listed as invasive or noxious weeds in the local area.
7. Trees conflicting with structures, underground utilities or hard surfaces that cannot be remedied through arboricultural practices or engineering solutions.

N/A: *Small, young or regularly pruned trees of low retention value.*

1. Trees that can be reliably moved or replaced.
2. Small trees less than 5m in height.
3. Young trees less than 10 years old but over 5m in height.
4. Trees intended for regular pruning to artificially control growth and rated as low retention value.

5.3 References

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Arboricultural Report

Development Impact Assessment

Site address: 42 Bruce Road, Silverleaves. VIC 3922

Date of assessment: 17 Nov 2022
Date of issue: 08 Feb 2024
Version: 2

Prepared by: Jack Machar
Graduate Certificate in Arboriculture
Diploma of Horticulture (Arboriculture)

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1 INTRODUCTION

1.1 SCOPE OF REPORT

This report has been prepared to accompany a planning permit application for the construction of a new dwelling at the subject site. The purpose of this report is to provide a detailed assessment of trees onsite and in proximity to the site and to outline the potential impacts proposed development will have on these trees.

The scope of this report includes all trees onsite and adjacent to the subject site that could potentially be impacted by proposed site development.

1.2 ASSESSMENT METHODOLOGIES AND LIMITATIONS

This report has been prepared in accordance with AS4970-2009 *Protection of Trees on Development Sites.*

Tree assessment was conducted by Jack Machar using Visual Tree Assessment (VTA) principals described by Mattheck and Breloer (1994) and is limited to parts of the tree which are easily viewed from within the subject site at ground level. No assessment was made of soil characteristics or below ground tree parts unless otherwise stated. Tree health and structure were assessed to record the condition of the trees and inform useful life expectancy (ULE) and retention value ratings only. The scope of this report does not include any tree risk assessment. The content provided within this report relates to information and observations available at the time of inspection only. All plans supplied by the client or third-party are assumed to be correct and accurate. Melbourne Arborist Reports or it's representatives will not be held responsible for errors resulting from supplied documents or plans.

Diameter at Breast Height (DBH) = 1.4m above ground level, methods shown in appendix A of AS4970-2009 were used for low branching, multi-stemmed and leaning trees.
Diameter Above Base (DAB) = above root flare on main stem.
A diameter tape was used for DBH and DAB measurements, tree heights and canopy spreads are estimates only unless otherwise stated. DBH and DAB measurements of third-party trees or trees with inaccessible stems may have been estimated due to access restrictions. Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) have been calculated using the formulas provided in section 3 of AS4970-2009.

Descriptors were used to define tree health, tree structure, ULE, age class, origin and tree retention values. Descriptors are in the appendix section at the rear of the report and should be referred to for definitions of ratings assigned to trees within this report. All photos were taken by the author unless otherwise stated.

1.3 PLANNING INFORMATION

Responsible Authority: Bass Coast Shire
Planning Zones: Township Zone
Planning Overlays: Bushfire Management Overlay, Design and Development Overlay – Schedule 1, Vegetation Protection Overlay – Schedule 2, Land Subject to Inundation Overlay
(Victoria State Government DTP 2023)

2 FINDINGS

2.1 TREE ASSESSMENT DATA

Table 1 Tree assessment data. Descriptors supplied in the appendix section of this report should be referred to as part of the assessment provided in table 1.

Tree No	Botanical Name Common Name	Origin	DBH cm	DAB m	TPZ Radius m	SRZ Radius m	Height m	Spread Dia. m	Health	Structure	ULE	Age class	Retention value
1	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	25	0.28	3.0	1.9	3	3	Good	Fair	5-15yrs	Mature	Third party
2	*Allocasuarina* verticillata Drooping She-oak	Indigenous	23	0.26	2.8	1.9	6	4	Fair	Fair	5-15yrs	Mature	Third party
3	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	18	0.21	2.2	1.7	4	2	Fair	Fair	15-30yrs	Semi-mature	Third party
4	*Melaleuca* sp. Papperbark	Native	5	0.15	2.0	1.5	2	1.5	Fair	Fair	N/A	Juvenile	Third party
5	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	10	0.18	2.0	1.6	3	3	Good	Fair	5-15yrs	Mature	Third party
6	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	14	0.15	2.0	1.5	3	3	Good	Poor	5-15yrs	Semi-mature	Third party
7	*Allocasuarina* verticillata Drooping She-oak	Indigenous	10	0.15	2.0	1.5	3	3	Good	Fair	15-30yrs	Juvenile	Third party
8	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	12	0.15	2.0	1.5	3	3	Good	Fair	15-30yrs	Semi-mature	Third party
9	*Westringia* sp. Coastal Rosemary	Indigenous	0	0.05	2.0	1.5	1.5	1	Good	Fair	N/A	Semi-mature	Third party
10	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	15	0.15	2.0	1.5	2.5	2	Poor	Fair	5-15yrs	Mature	Third party
11	*Dodonaea viscosa* Wedge-Leaf Hop Bush	Indigenous	5	0.15	2.0	1.5	4	2	Good	Good	15-30yrs	Semi-mature	Third party
12	*Pittosporum undulatum* Sweet Pittosporum	Vic native	10	0.15	2.0	1.5	4	2	Good	Fair	<5yrs	Semi-mature	Third party
13	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	31	0.36	3.7	2.2	5	4	Poor	Poor	<5yrs	Mature	Low
14	*Allocasuarina* verticillata Drooping She-oak	Indigenous	12	0.15	2.0	1.5	6	2.5	Good	Fair	15-30yrs	Semi-mature	Low
15	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	14	0.16	2.0	1.5	3	3	Good	Poor	5-15yrs	Mature	Low
16	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	37	0.40	4.4	2.3	7	5	Poor	Poor	5-15yrs	Mature	Low

Tree No	Botanical Name Common Name	Origin	DBH cm	DAB m	TPZ Radius m	SRZ Radius m	Height m	Spread Dia. m	Health	Structure	ULE	Age class	Retention value
17	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	21	0.22	2.5	1.8	2	2	Dead	Very poor	N/A	Dead	Low
18	*Banksia integrifolia* Coast Banksia	Indigenous	15	0.18	2.0	1.6	5	2	Good	Fair	30+yrs	Semi-mature	Low
19	*Banksia integrifolia* Coast Banksia	Indigenous	19	0.27	2.3	1.9	8	3	Good	Fair	30+yrs	Semi-mature	Moderate
20	*Melaleuca armillaris* Honey Myrtle	Vic native	17	0.19	2.0	1.6	4	4	Fair	Very poor	<5yrs	Mature	Low
21	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	15	0.15	2.0	1.5	3	3	Fair	Fair	5-15yrs	Mature	Low
22	*Bursaria spinosa* Sweet Bursaria	Indigenous	32	0.33	3.8	2.1	8	5	Good	Good	15-30yrs	Mature	Moderate
23	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	16	0.18	2.0	1.6	4	3	Good	Good	15-30yrs	Semi-mature	Low
24	*Allocasuarina* verticillata Drooping She-oak	Indigenous	19	0.23	2.3	1.8	8	3	Good	Fair	30+yrs	Mature	Moderate
25	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	16	0.20	2.0	1.7	4	4	Good	Fair	15-30yrs	Mature	Low
26	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	5	0.09	2.0	1.5	3	1.5	Good	Fair	N/A	Juvenile	Low
27	*Bursaria spinosa* Sweet Bursaria	Indigenous	17	0.10	2.0	1.5	4	3	Good	Fair	15-30yrs	Mature	Low
28	*Acacia baileyana* Cootamundra Wattle	Vic native	8	0.10	2.0	1.5	2.5	2.5	Good	Fair	N/A	Juvenile	Low
29	*Acacia* sp. Wattle	Native	6	0.09	2.0	1.5	3	1.5	Good	Fair	N/A	Juvenile	Low
30	*Bursaria spinosa* Sweet Bursaria	Indigenous	10	0.12	2.0	1.5	2.5	3	Good	Fair	15-30yrs	Semi-mature	Low
31	*Allocasuarina* verticillata Drooping She-oak	Indigenous	13	0.17	2.0	1.6	6	4	Good	Fair	5-15yrs	Semi-mature	Low
32	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	13	0.14	2.0	1.5	4	3	Good	Fair	5-15yrs	Semi-mature	Low
33	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	23	0.32	2.8	2.1	4	3	Poor	Fair	5-15yrs	Mature	Low
34	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	32	0.35	3.8	2.1	5	5	Good	Fair	5-15yrs	Mature	Low

Tree No	Botanical Name Common Name	Origin	DBH cm	DAB m	TPZ Radius m	SRZ Radius m	Height m	Spread Dia. m	Health	Structure	ULE	Age class	Retention value
35	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	18	0.21	2.2	1.7	3.5	3	Good	Fair	5-15yrs	Mature	Low
36	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	32	0.38	3.8	2.2	6	6	Fair	Poor	5-15yrs	Mature	Third party
37	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	17	0.18	2.0	1.6	4.5	4.5	Good	Fair	5-15yrs	Mature	Low
38	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	0	0.10	2.0	1.5	2	2	Fair	Fair	N/A	Juvenile	Low
39	*Correa alba* White Correa	Indigenous	5	0.08	2.0	1.5	2	2	Good	Fair	N/A	Semi-mature	Low
40	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	15	0.15	2.0	1.5	3.5	4	Good	Fair	5-15yrs	Semi-mature	Low
41	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	32	0.26	3.8	1.9	9	2	Good	Fair	5-15yrs	Mature	Low
42	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	12	0.15	2.0	1.5	4	3	Good	Fair	5-15yrs	Semi-mature	Low
43	*Dodonaea viscosa* Wedge-Leaf Hop Bush	Indigenous	27	0.30	3.2	2.0	5.5	4	Good	Poor	5-15yrs	Mature	Low
44	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	19	0.20	2.3	1.7	2	2	Good	Fair	5-15yrs	Semi-mature	Low
45	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	36	0.40	4.3	2.3	5	5	Good	Fair	15-30yrs	Mature	Moderate
46	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	24	0.30	2.9	2.0	2	5	Good	Poor	5-15yrs	Mature	Low
47	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	20	0.20	2.4	1.7	3	3	Good	Fair	5-15yrs	Mature	Low
48	*Dodonaea viscosa* Wedge-Leaf Hop Bush	Indigenous	10	0.15	2.0	1.5	4	4	Good	Fair	15-30yrs	Mature	Low
49	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	25	0.28	3.0	1.9	4	4	Good	Fair	5-15yrs	Mature	Third party
50	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	11	0.12	2.0	1.5	2.5	2.5	Good	Fair	5-15yrs	Semi-mature	Third party
51	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	12	0.15	2.0	1.5	2	3	Fair	Very poor	<5yrs	Semi-mature	Third party
52	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	8	0.10	2.0	1.5	2	2	Good	Fair	N/A	Semi-mature	Third party

Tree No	Botanical Name Common Name	Origin	DBH cm	DAB m	TPZ Radius m	SRZ Radius m	Height m	Spread Dia. m	Health	Structure	ULE	Age class	Retention value
53	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	8	0.10	2.0	1.5	2	2	Good	Fair	N/A	Semi-mature	Third party
54	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	15	0.16	2.0	1.5	3	3	Good	Fair	15-30yrs	Semi-mature	Low
55	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	10	0.10	2.0	1.5	3	2	Fair	Fair	15-30yrs	Juvenile	Low
56	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	15	0.15	2.0	1.5	2	3	Fair	Poor	5-15yrs	Mature	Low
57	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	10	0.15	2.0	1.5	2.5	2	Good	Fair	15-30yrs	Semi-mature	Low
58	*Banksia integrifolia* Coast Banksia	Indigenous	24	0.23	2.9	1.8	2.5	5	Fair	Poor	<5yrs	Semi-mature	Low
59	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	40	0.45	4.8	2.4	6	6	Fair	Poor	5-15yrs	Mature	Low
60	*Pittosporum undulatum* Sweet Pittosporum	Vic native	12	0.15	2.0	1.5	3	3	Good	Good	<5yrs	Semi-mature	Low
61	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	35	0.38	4.2	2.2	8	5	Fair	Fair	15-30yrs	Mature	Low
62	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	19	0.19	2.3	1.6	4	3	Good	Fair	5-15yrs	Mature	Low
63	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	33	0.38	4.0	2.2	7	5	Good	Fair	5-15yrs	Mature	Low
64	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	14	0.22	2.0	1.8	3.5	3	Good	Fair	5-15yrs	Semi-mature	Low
65	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	13	0.15	2.0	1.5	3	3	Good	Fair	5-15yrs	Semi-mature	Low
66	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	13	0.15	2.0	1.5	3	3	Good	Fair	5-15yrs	Semi-mature	Third party
67	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	18	0.25	2.0	1.8	3	3	Good	Fair	5-15yrs	Semi-mature	Low
68	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	13	0.15	2.0	1.5	3	3	Good	Fair	5-15yrs	Semi-mature	Low
69	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	3	0.05	2.0	1.5	1.5	2	Fair	Poor	N/A	Juvenile	Low
70	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	24	0.30	2.9	2.0	3	4	Dead	Poor	<5yrs	Dead	Low

Tree No	Botanical Name Common Name	Origin	DBH cm	DAB m	TPZ Radius m	SRZ Radius m	Height m	Spread Dia. m	Health	Structure	ULE	Age class	Retention value
71	*Eucalyptus viminalis* Manna Gum	Indigenous	47	0.58	5.6	2.6	12	8	Good	Fair	30+yrs	Mature	Moderate
72	*Melaleuca armillaris* Honey Myrtle	Vic native	27	0.32	3.2	2.1	5	6	Fair	Poor	<5yrs	Mature	Low
73	*Leptospermum laevigatum* Coastal Tea-tree	Indigenous	25	0.28	3.0	1.9	4	4	Fair	Poor	5-15yrs	Mature	Low
74	*Leucopogon parviflorus* Coast Beard-heath	Indigenous	22	0.25	2.6	1.8	4	4	Fair	Fair	5-15yrs	Mature	Low

2.2 EXISTING SITE PLAN

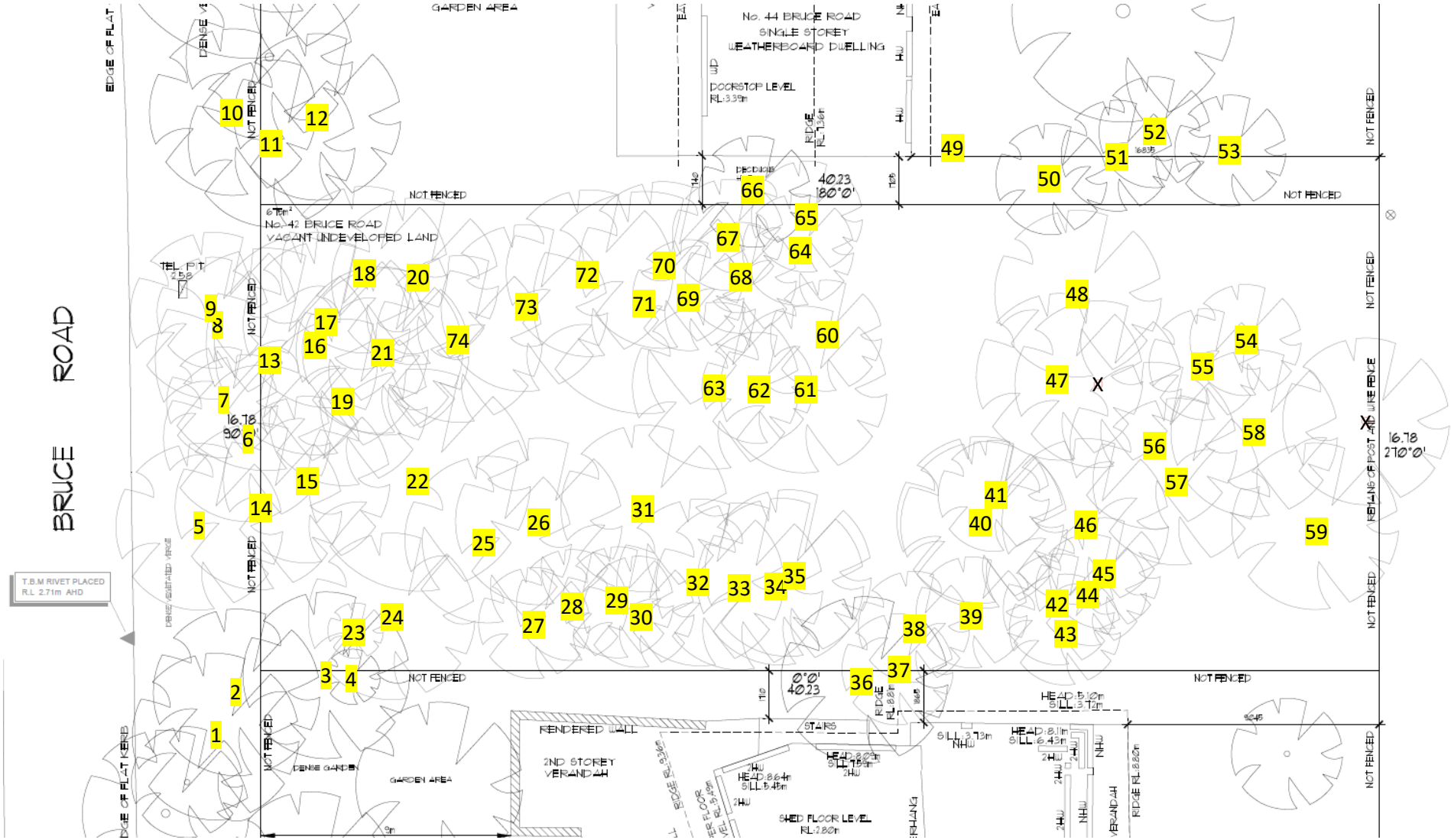


Figure 1 Tree location plan supplied by Damian Orlando Design

2.3 PROPOSED TREE REMOVAL PLAN

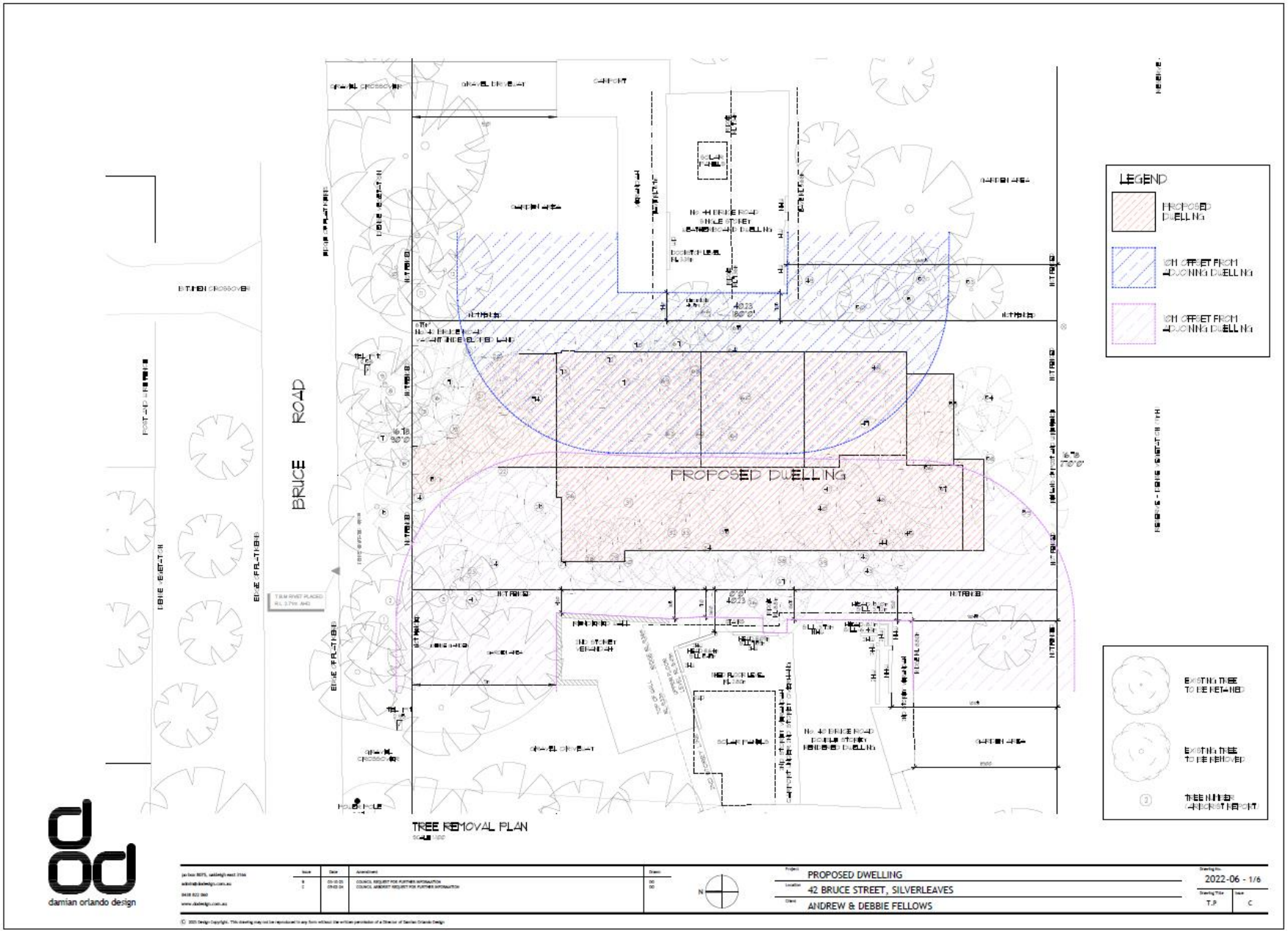


Figure 2 Proposed tree removal plan prepared by Damian Orlando Design

2.4 PROPOSED GROUND FLOOR PLAN

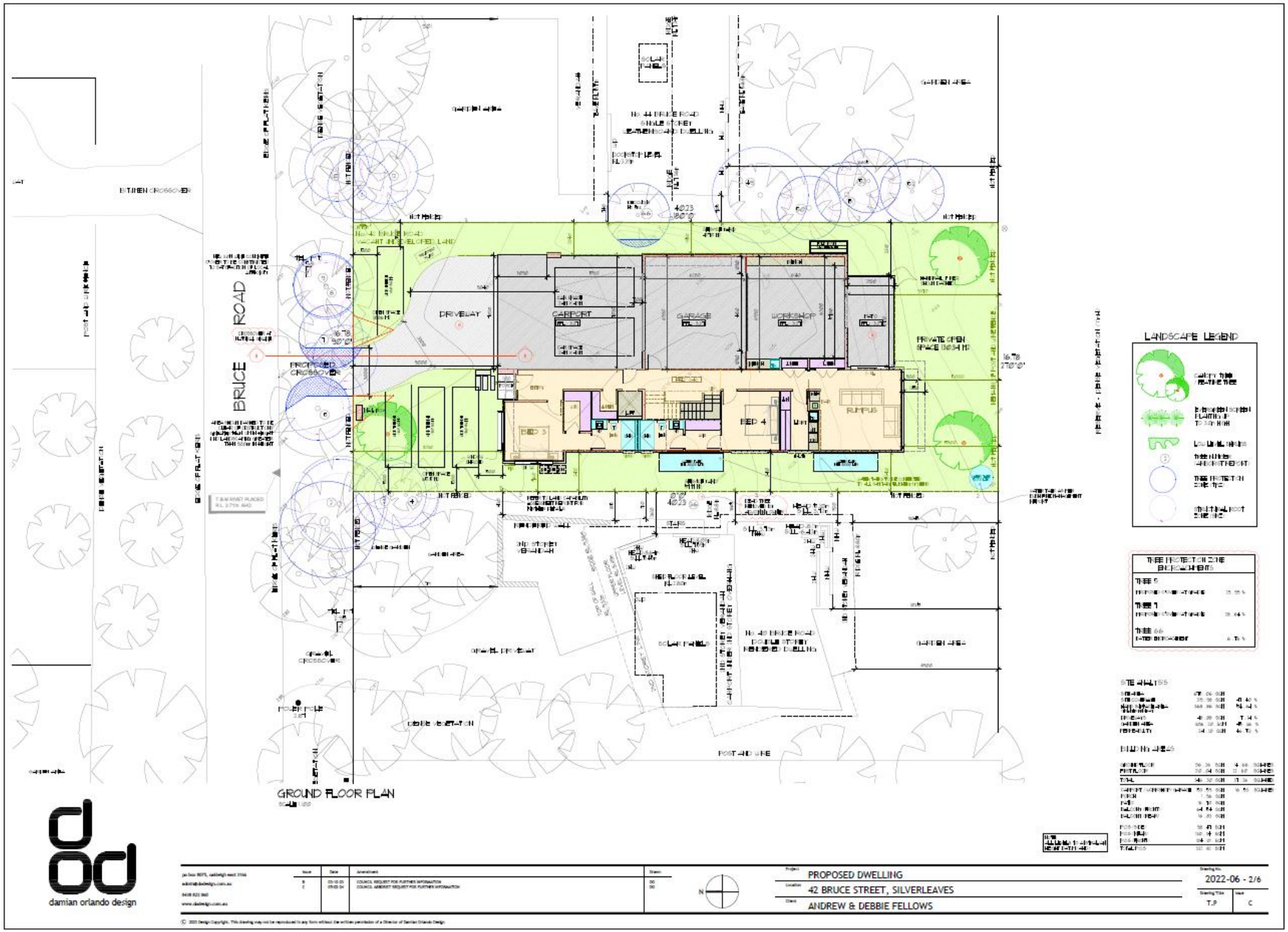


Figure 3 Proposed ground floor plan prepared by Damian Orlando Design

3 DISCUSSION

3.1 TREE PROTECTION ZONES

Each tree is allocated a tree protection zone (TPZ) and structural root zone (SRZ) calculated using formulas provided in AS4970-2009 *Protection of Trees on Development Sites*. These zones are used to gain an understanding of the impact to trees by development activities. Minor encroachments up to 10% of the total TPZ area are generally considered acceptable. Encroachments that exceed 10% of the TPZ or enter the SRZ are considered major and must either be justified by the project arborist, reduced to an acceptable level, or allow for the tree to be removed.

3.2 TREES REQUIRING REMOVAL UNDER PROPOSAL

Proposed plans shown in Figures 2 and 3 will require the removal of all trees onsite to allow for the new building footprint, septic tank, driveway and compliance with bushfire management.

The removal of tree 6 from the road reserve will be necessary for the creation of a formal crossover to access the site. The restricted available location for the septic tank has resulted in the positioning of the crossover at the location of tree 6. Proposed plans positioned the crossover to avoid and minimise impacts to native vegetation growing in the road reserve, in accordance with Clause 52.17 *Native Vegetation*.

Tree 36 was in poor condition at the time of inspection and has since been removed by the neighbouring site owner.

3.3 TREES MARKED FOR RETENTION

Proposed plans allow for the successful retention of all third-party trees in proximity to the site, with the exception of tree 6 from the nature strip.

3.4 TPZ ENCROACHMENTS FOR TREES BEING RETAINED

Proposed plans show a minor 7% TPZ encroachment for tree 66 resulting from a soil batter to create finished levels. This encroachment is not expected to impact the condition or ULE of tree 66.

Trees 5 and 7 will be retained on either side of the crossover, which is planned to be constructed above the existing grade to ensure roots from these trees remain undamaged. While the TPZ encroachments by the crossover are major (30% and 29%) the actual impacts to these trees will be avoided by the above grade design.

No amendments to proposed plans shown in Figure 3 are required for the successful retention of third-party trees, excluding tree 6.

3.5 VEGETATION PROTECTION OVERLAY

Schedule 2 to Clause 42.02 *Vegetation Protection Overlay* (VPO2) seeks to protect and enhance existing indigenous and larger native species within the urban area of Phillip Island.

A permit is required to remove, destroy or lop any living tree or shrub with a girth greater than 30 centimetres (when measured 30 centimetres above ground level) or a height of at least two metres.

Clause 52.12 of the Bass Coast Planning Scheme provides an exemption from all planning controls for the removal of trees, to create a defendable space within 10m of a dwelling constructed before 10 September 2009.

3.5.1 Trees protected under VPO

Trees 13, 14, 15, 16, 17, 19, 21, 54, 55 and 58 were assessed as being protected under VPO2.

3.5.2 Trees exempt from VPO

Trees 18, 20, 22-35, 37-48, 56-65 and 67-74 were found to be within 10m of neighboring dwellings and therefore exempt from planning protection.

4 CONCLUSION AND RECOMMENDATIONS

Proposed plans to develop the subject site, as shown in Figures 2 and 3, will require the removal of all trees onsite, and tree 6 from the road reserve. In general, trees onsite were assessed as low retention value and should not be a constraint on the development design. Six trees onsite were assessed as moderate retention value and are unable to be retained within the design scope.

The removal of all site trees, and tree 6, will be necessary for the construction of the new dwelling, associated driveway and crossover, septic tank (to be placed in the front setback) and to meet bushfire management requirements for defendable space.

The removal of site trees 13, 14, 15, 16, 17, 19, 21, 54, 55 and 58 will trigger a permit requirement under Schedule 2 to Clause 42.02 *Vegetation Protection Overlay*.

The removal of tree 6 is expected to trigger a biodiversity offset requirement under Clause 52.17 *Native Vegetation* (to be confirmed by the Responsible Authority).

Tree removal and any offset(s) must be to the satisfaction of the Responsible Authority.

Nineteen trees were found in proximity to the site. Proposed plans allow for the retention of all third-party trees, with the exception of tree 6.

No amendments to proposed plans are required for the retention of third-party trees, with the exception of tree 6.

The proposed crossover inside the TPZs of trees 5 and 7 must be constructed above existing grade.

Retained trees must be protected during all stages of development in accordance with AS4970-2009 *Protection of Trees on Development Sites* and to the satisfaction of the Responsible Authority.

The following site-specific tree protection requirements must be implemented for retained trees:

A. An AQF level 5 or higher arborist must be engaged as the Project Arborist for the duration of site works.
B. Tree protection zones (TPZ) must be established within the site and nature strip around each retained tree prior to any works commencing. 1.8m high temporary chain mesh fencing held in position with concrete pads must be used to exclude works from within a TPZ. TPZ fence locations must be defined by referring to TPZ dimensions provided in this report, modified only to allow for site access and construction works approved within those zones.
C. Signage in accordance with AS1319 stating the words 'Tree Protection Zone-No Access' must be affixed to TPZ fencing and remain visible from within the development site.
D. Areas of exposed soil within a TPZ radius that cannot be fenced off due to essential site access requirements must be covered by geotextile fabric, 100mm of mulch and be topped by wooden rumble boards or plastic tracker mats.

E. Soil excavation within a TPZ must be supervised and documented by the Project Arborist. Excavation encroachments must be limited to those shown on endorsed plans. Any modification or additional excavation inside a TPZ must first be approved by the Responsible Authority.
F. Underground utilities and services must be routed outside of TPZs or be installed using manual excavation, non-destructive digging (NDD) or directional boring at a depth greater than 1.0m. Boring pits must be positioned outside of TPZs.
G. Roots damaged during site works must be pruned back to undamaged wood using clean sharp tools. Root pruning must be conducted and documented by the project arborist and be in accordance with AS4373-2007 *Pruning of Amenity Trees*.
H. Pruning of roots greater than 50mm in diameter must first be approved by the Responsible Authority.
I. Material storage, waste disposal and site amenities must be located outside of TPZs.
J. Canopy pruning, where required, must be completed in accordance with AS4373-2007 *Pruning of Amenity Trees* and any other relevant law, policy or guidelines enforced by local authority.
K. The project arborist must supply final documentation that all tree protection measures were implemented, comment on the post development health of the trees and make any further recommendations as required.

5 REFERENCES AND APPENDICES

5.1 APPENDIX 1 IMAGE CATALOGUE



Figure 4 Tree 1

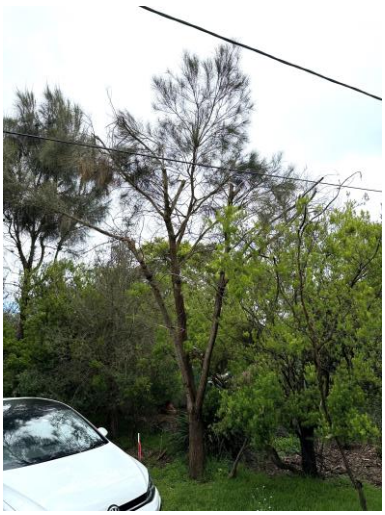


Figure 5 Tree 2



Figure 6 Tree 3



Figure 7 Tree 4



Figure 8 Tree 5



Figure 9 Trees 6 & 7



Figure 10 Trees 8 & 9



Figure 11 Tree 10



Figure 12 Trees 11 & 12


Figure 13 Tree 13


Figure 14 Tree 14


Figure 15 Tree 15

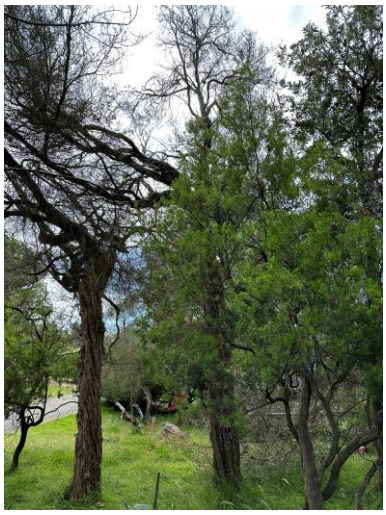

Figure 16 Tree 16


Figure 17 Tree 17


Figure 18 Tree 18


Figure 19 Tree 19


Figure 20 Tree 20


Figure 21 Tree 21



Figure 22 Tree 22



Figure 23 Tree 23



Figure 24 Tree 24



Figure 25 Tree 25



Figure 26 Tree 26



Figure 27 Tree 27



Figure 28 Tree 28



Figure 29 Trees 29 & 30

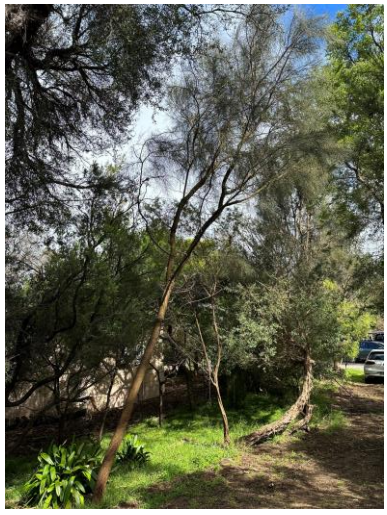


Figure 30 Tree 31

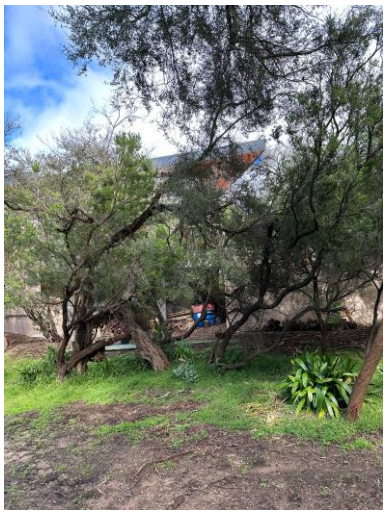


Figure 31 Trees 32-35



Figure 32 Tree 36. NB prop inside subject site

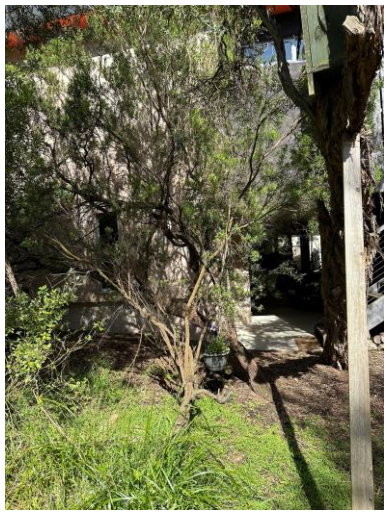


Figure 33 Trees 37 & 38



Figure 34 Tree 39



Figure 35 Trees 40 & 41

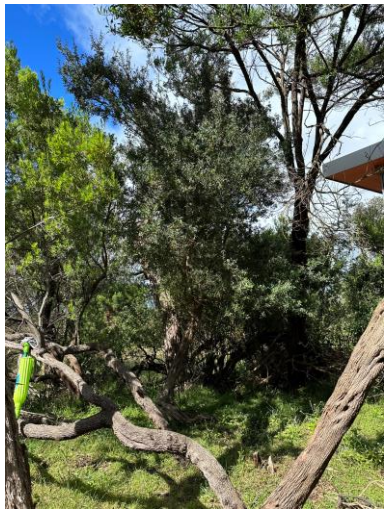


Figure 36 Tree 42



Figure 37 Tree 43



Figure 38 Trees 44 & 45

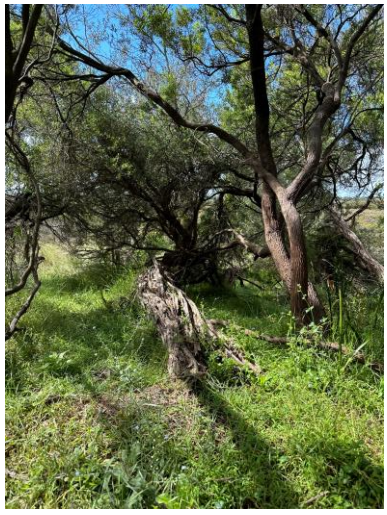


Figure 39 Tree 46


Figure 40 Tree 47


Figure 41 Tree 48


Figure 42 Tree 49


Figure 43 Tree 50


Figure 44 Tree 51


Figure 45 Trees 52 & 53


Figure 46 Trees 54 & 55


Figure 47 Tree 56


Figure 48 Tree 57

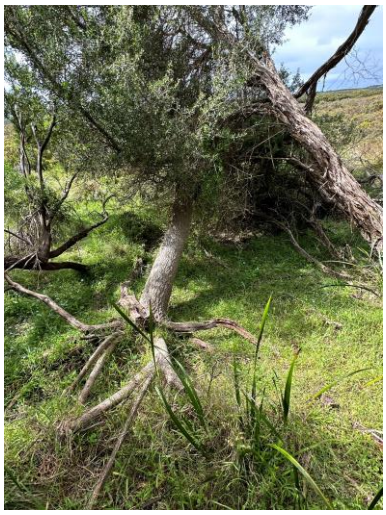

Figure 49 Tree 58


Figure 50 Tree 59


Figure 51 Tree 60


Figure 52 Tree 61


Figure 53 Tree 62


Figure 54 Tree 63


Figure 55 Tree 64


Figure 56 Tree 65


Figure 57 Trees 66 & 67



Figure 58 Trees 67 & 68



Figure 59 Tree 69

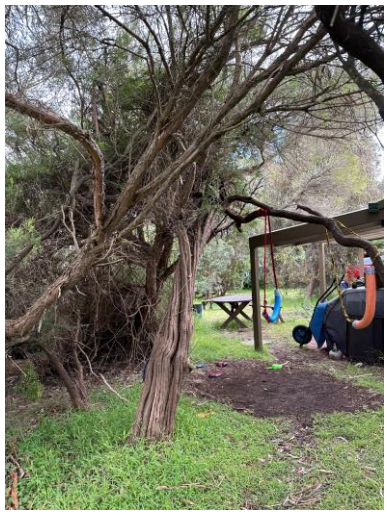


Figure 60 Tree 70



Figure 61 Tree 71



Figure 62 Trees 72-74

5.2 APPENDIX 2 DATA DESCRIPTORS, DEFINITIONS AND CRITERIA

Origin

Indigenous – Known to occur naturally in the local area of the subject site.

Vic native – Species that occur naturally in Victoria (may include the subject site location).

Native – Species that occur naturally in other states of Australia, but not Victoria.

Exotic – Species that do not occur naturally in Australia.

Health ratings

Dead – Tree is completely dead, non-functional crown (no green leaves), stem cambium completely dead, no evidence of root suckers or sprouts.

Poor – Tree is presenting large quantities of crown dieback and/or major crown thinning. Persistent infections of pathogens, insect borers, fungal cankers and root disease may be present. Irreversible condition, any treatments may only be temporary to achieve hazard reduction prior to tree removal.

Fair – Tree is presenting symptoms of stress that may be due to seasonal biotic or abiotic conditions e.g. water stress or seasonal defoliators. The symptoms may include tip dieback, crown thinning, defoliation, leaf discoloration, reduced leaf and/or internode length. The condition may be reversible.

Good – Tree is generally free of pest and disease symptoms; any biotic or abiotic stress is not present over more than 10% of the tree parts concerned. Internode length may be variable but generally consistent in length for the last two annual increments.

Excellent – Tree is completely free from evidence of pest or disease organisms. Tree is exhibiting no signs of abiotic stress such as tip dieback or loss of foliage. Growth is of typical colouration, size and quantity for that species at that location. Internode length is consistent or increasing in length from previous two increments. The tree crown appears complete and balanced.

Structure ratings

Compromised – Tree has suffered mechanical damage and now presents a risk of partial or whole tree collapse.

Hazardous – Tree presents with one or more snapped branches caught in the crown of the tree. Removal of defective branch may then change structure rating.

Very poor – Tree has pronounced structural weakness that may be due to poor growth development, advanced fungal decay, multiple previous failures within crown, and/or mechanical damage. Tree is presenting signs of instability and possible imminent structural failure of major structural component(s).

Poor – Tree has structural weakness that may be due to poor growth development, fungal decay, mechanical damage including past pruning or a combination of these but is not at this time presenting signs of imminent structural failure of major structural components.

Fair – Tree has some structural weakness but failure of which is not a major structural component and does not present any signs of potential imminent failure. Fungal degradation was not observed in any structurally significant component.

Good – Tree does not appear to have any obvious, notable structural defects, signs of structural distress or indicators of fungal decay.

Age classifications

Juvenile – Young trees that are yet to reach one third of their expected size, generally less than 10 years old.
Reformed – Trees which have previously been cut to a stump and allowed to regrow.
Semi-mature – Trees which have reached approximately half of their expected size and are less than one third of the way through their expected lifespan; species and location considered.
Mature – Trees which have reached two thirds of their expected size or more and are approximately two thirds or more of the way through their expected lifespan; species and location considered.
Senescent – Trees which have over matured within the surrounding landscape and present in a state of irreversible health and/or structural decline.
Dead – Trees with a non-functional crown (no green leaves), stem cambium completely dead, no evidence of root suckers or sprouts.

Retention value

Low retention value – Trees that offer little opportunity of contributing to the future site for reasons of health or structural condition, low horticultural value of the species, inaptness in relation to unacceptable growth habit, noxious or invasive weed species or a combination of these characteristics. Juvenile and semi-mature trees which could be readily replaced may also be placed in this category.

Low retention value trees should be considered for removal prior to development works proceeding. Trees of low retention value should place no restraints on proposed designs.

Moderate retention value – Trees offering some beneficial attributes that may enhance the site or local environment in relation to botanical, historical or local significance, but may be limited to some degree by their current health condition, structural condition, species traits or ULE.

Moderate retention value trees should be considered for retention where possible within the development design, but not necessarily to the detriment of the design. Arboricultural works or alternate construction techniques within practical limits may be utilized to allow construction to proceed with the retention of moderate retention value tree/s.

High retention value – Trees with potential to positively contribute to the future site or local environment due to their botanical, historical or local significance in combination with good characteristics of health and structure, ULE of >30 yrs. Significant remnant specimens may also be placed in this category regardless of health and structure.

High retention value trees should be considered for retention and be incorporated into the design layout. All avenues of tree protection and alternative construction techniques that will allow for tree retention should be investigated.

Third-party – Trees located within adjoining properties or Council owned land adjacent to the subject site. Third-party trees must be protected from major physical injury, or where appropriate permission may be sought to alter or replace the tree(s).

Useful Life Expectancy – ULE
(Adapted from Barrell 2001)

30+ years: *Trees that appear to be retainable in the current landscape for more than 30 years.*

1. Structurally sound trees located in positions that can accommodate future growth.
2. Minimally defective trees that could be made suitable for retention in the long term by remedial arboricultural practices and maintenance.
3. Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long-term retention.

15-30 years: *Trees that appear to be retainable in the current landscape for 15 to 30 years.*

1. Trees that may only live between 15 and 30 years.
2. Trees that may live for more than 30 years but would be removed to allow for new plantings.
3. Trees that may live for more than 30 years but would be removed during the course of normal management for safety or nuisance reasons.
4. Minimally defective trees that can be made suitable for retention in the medium term by remedial arboricultural practices and maintenance.

5-15 years: *Trees that appear to be retainable in the current landscape for 5 to 15 years.*

1. Trees that may only live for 5 to 15 years.
2. Trees that may live for more than 15 years but would be removed to allow for new plantings.
3. Trees that may live for more than 15 years but would be removed during the course of normal management for safety or nuisance reasons.
4. Defective trees that require substantial remedial work to make safe and are only suitable for retention in the short term.

<5 years: *Trees requiring immediate removal or trees that should be removed within 5 years.*

1. Dead trees.
2. Declining trees through disease or inhospitable conditions.
3. Dangerous trees through instability or recent loss of adjacent trees.
4. Dangerous trees through advanced structural defects.
5. Damaged trees that are considered unsafe to retain.
6. Trees that are listed as invasive or noxious weeds in the local area.
7. Trees conflicting with structures, underground utilities or hard surfaces that cannot be remedied through arboricultural practices or engineering solutions.

N/A: *Small, young or regularly pruned trees of low retention value.*

1. Trees that can be reliably moved or replaced.
2. Small trees less than 5m in height.
3. Young trees less than 10 years old but over 5m in height.
4. Trees intended for regular pruning to artificially control growth and rated as low retention value.

5.3 References

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Date: 12 Aug 2023

As requested, I have reviewed the vegetation in the adjoining site directly to the rear of 42 Bruce Road, Silverleaves. VIC. 3922.

The dominant vegetation cover appears to be a small coastal plant called Shrubby Glasswort (*Tecticornia arbuscula*). This plant has fleshy leaves which are filled with moisture when crushed. The species is found along the southern and western Victorian coastline. The plant grows in moist to wet saline soils. Beyond this low vegetation was a stand of mangroves as can be seen in one of the supplied images below.

The area directly to the rear of the subject site is best described as a tidal influence zone. Water is abundant across parts of the surface and dryer parts are generally mud and wet underfoot.

Please let me know if you have any questions.

Regards

Jack Machar
Diploma of Horticulture (Arboriculture)
Graduate Certificate in Arboriculture



Figure 1 Dominant plant cover to rear of 42 Bruce Road. Shrubby Glasswort (Tecticornia arbuscula)



Figure 2 Saline water to rear of 40 Bruce Road.



Figure 3 Shrubby Glasswort with Mangroves beyond



Figure 4 Nearmap image shows subject site in relation to tidal zone

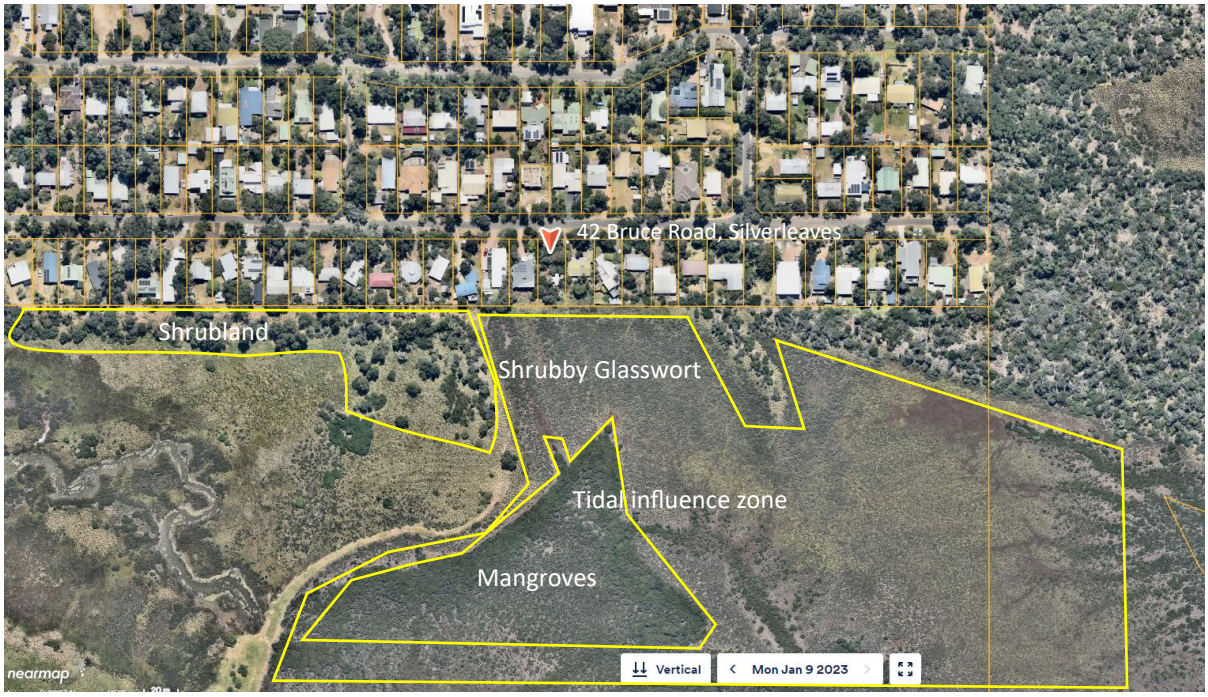


Figure 5 Nearmap image shows different vegetation groups to rear of 42 Bruce Road, Silverleaves



Figure 6 Nearmap image shows different vegetation zones to rear of 42 Bruce Road, Silverleaves