



**MORNINGTON  
PENINSULA**  
*Shire*

**AGENDA**

**PLANNING SERVICES COMMITTEE MEETING**

**MONDAY, 12 SEPTEMBER 2022**

**5.30PM**

**MUNICIPAL OFFICES  
BESGROVE STREET, ROSEBUD**

## MORNINGTON PENINSULA SHIRE COUNCIL

### WARDS AND COUNCILLORS

<b>Briars</b>	<b>Cr Steve Holland Cr Anthony Marsh Cr Despi O'Connor</b>
<b>Cerberus</b>	<b>Cr Lisa Dixon</b>
<b>Nepean</b>	<b>Cr Susan Bissinger Cr Sarah Race</b>
<b>Red Hill</b>	<b>Cr David Gill</b>
<b>Seawinds</b>	<b>Cr Antonella Celi Cr Kerri McCafferty Cr Debra Mar</b>
<b>Watson</b>	<b>Cr Paul Mercurio</b>

### SENIOR LEADERSHIP TEAM

<b>Mr John Baker Ms Pauline Gordon Ms Sam Stanton Mr Mike McIntosh</b>	<b>Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure</b>
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#### RECORDING

Please note that this Planning Services Committee Meeting will be livestreamed to the Mornington Peninsula Shire's YouTube channel and a recording of the meeting will be available on the Shire's website.

Recording of persons in the public gallery is not intended but may occur incidentally. By attending this meeting you consent to being filmed at the meeting and the possible use of subsequent recordings in a live streaming or published video of the meeting.

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# 1 OPENING AND WELCOME

Appointed Chairperson – Cr Kerri McCafferty

## 1.1 Acknowledgement of Country

To be read by Cr Celi

*Mornington Peninsula Shire acknowledges the Bunurong people, who have been the custodians of this land for many thousands of years; and pays respect to their elders past and present. We acknowledge that the land on which we meet is the place of age-old ceremonies, celebrations, initiation and renewal; and that the Bunurong peoples' living culture continues to have a unique role in the life of this region.*

## **2 PROCEDURAL MATTERS**

2.1 Apologies

2.2 Disclosure of Conflicts of Interest Pursuant to Sections 126 – 131 of the  
*Local Government Act 2020*

2.3 Confirmation of Minutes

### **RECOMMENDATION**

That the Minutes of previous Planning Services Committee Meeting held on 15 August 2022, be confirmed.

## **3 STRATEGIC PLANNING REPORTS**

Nil.

## **4 PLANNING SCHEME AMENDMENT REPORTS**

Nil.

## 5 STATUTORY PLANNING REPORTS

### 5.1 P16/0953.01 - 161 and 189 Old Cape Schanck Road, Boneo

Prepared By	Lachlan Howard, Principal Planner
Authorised By	Director - Planning and Infrastructure
Document ID	A11403440
Attachment(s)	<ol style="list-style-type: none"><li>1. Plans <a href="#">↓</a></li><li>2. Arboricultural Assessment <a href="#">↓</a></li><li>3. Permit <a href="#">↓</a></li><li>4. VCAT Decision <a href="#">↓</a></li><li>5. VCAT Decision Plans <a href="#">↓</a></li><li>6. Planning Scheme Excerpts <a href="#">↓</a></li><li>7. Objections (confidential) <a href="#">↓</a></li></ol>
Application No.	P16/0953.01
Proposal	Amendment to the existing Planning Permit for use and development of the land for a camping and caravan park and a caretaker's house and associated works; tree removal; and works within the Old Cape Schanck Road, road reserve in accordance with the endorsed plans.
Melway Reference	170E8
Zoning	Special Use Zone, Schedule 4 (SUZ4)
Applicant	Long Lane Pty Ltd C/- Fastnet Consulting
Date of Application	9 February 2021
Item Called in?	Yes

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### EXECUTIVE SUMMARY

The purpose of this report is to seek a decision from the Planning Services Committee (the Committee) regarding Planning Permit Amendment Application P16/0953.01 at 161 and 189 Old Cape Schanck Road, Boneo.

The existing planning permit P16/0953 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) and allows use and development of the land for a camping and caravan park and a caretaker's house and associated works; tree removal; and works within the Old Cape Schanck Road, road reserve.

The application is an amendment pursuant to section 72 of the *Planning and Environment Act 1987* (the Act), which seeks to amend the permit as follows:

- Amend the plans required to be endorsed under the Permit generally involving:
  - Removal of all existing buildings including the caretaker's house.
  - Expand pitch sides and associated internal access layout into 189 Old Cape Schanck Road.
  - Deletion of 12 motorhome sites.

5.1 (Cont.)

- Increase of 12 pitch sites.
- Redesign and relocation of the reception centre to the south.
- Movement of recreation facilities to the east.
- Removal of additional trees.
- Make other alterations to comply with Condition 1 of the Permit.
- Amend the conditions of the Permit by:
  - Amending Conditions 1 and 16 to revise references to updated plans.
  - Deleting Conditions 1 (b), (d), (e), (f), (k), (l), (n), (p), (q), (r), (s), (t), (u), (v), and (w) as they are satisfied or made redundant by the proposed amendments.
- Amend the description of what the Permit authorises by:
  - Deleting the words 'and a caretaker's house'.

The proposed amendment has been considered against the zone, relevant overlays and particular provisions, the Municipal Planning Strategy and relevant State, Regional and Local Planning Policies. Subject to new conditions that would prevent intensification of the use, the amendment is an appropriate response to the purpose of the zone, the subject site and its surrounds.

As the Permit has already been issued, consideration is limited to the changes sought to the Permit with reference to what has already been approved. In the context of the layout already approved, the proposed amended layout provides an appropriate response to the surrounding rural landscape character.

It is therefore recommended that the Committee resolves to issue a Notice of Decision to Amend a Permit.

**RECOMMENDATION**

**Part A**

**That the Planning Services Committee resolves to issue a Notice of Decision to Amend a Permit for P16/095.01 at 161 and 189 Old Cape Schanck Road, Boneo to:**

- 1. Amend the plans required to be endorsed under the permit by way of the following:**
  - A. Removal of all existing buildings including the caretaker's house.**
  - B. Expand pitch sides and associated internal access layout into 189 Old Cape Schanck Road.**
  - C. Deletion of 12 motorhome sites.**
  - D. Increase of 12 pitch sites.**
  - E. Redesign and relocation of reception centre to the south.**

5.1 (Cont.)

- F. Movement of recreation facilities to the east.
  - G. Removal of additional trees.
  - H. Make other alterations to comply with Condition 1 of the Permit.
2. Amend the conditions of the permit by way of the following:
- A. Amending Condition 1 to read:
    - 1. Before the development starts, amended plans and documents to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans identified as TP03 Revision M, TP03A Revision K, TP03B Revision C, TP04 Revision I, TP05 Revision H, TP06 Revision I, prepared by Peter L Brown Architects Pty Ltd dated 15/01/2021 but modified to show:
      - A. Deletion of signs in the road reserve.
      - B. Deleted.
      - C. Lighting of the entrance and exit within Old Cape Schanck Road and the left and right turn treatments to the relevant Australian Standard.
      - D. Deleted.
      - E. Deleted.
      - F. Deleted.
      - G. Cross-sections of all access roads, to the satisfaction of the Country Fire Authority (CFA).
      - H. Any modifications required by the approved Operation Management Plan (refer to Condition No. 3 of this permit).
      - I. Any modifications required by the approved Bushfire Management Plan (refer to Condition No. 40 of this permit).
      - J. Any modifications required by the approved Waste Management Plan (refer to Condition No. 12 of this permit).
      - K. Deleted.
      - L. Deleted.
      - M. Lighting along internal roads and footpaths.
      - N. Deleted.
      - O. A landscape plan in accordance with Condition No. 16 of this permit.

5.1 (Cont.)

- P. Deleted.
  - Q. Deleted.
  - R. Deleted.
  - S. Deleted.
  - T. Deleted.
  - U. Deleted.
  - V. Details (including elevations) of all fences.
  - W. Deleted.
  - X. Barriers/bollards/fencing to restrict access to the buffer to Drum Drum Alloc Creek by vehicles other than emergency services or maintenance vehicles.
  - Y. Any infrastructure features to be included in the buffer to Drum Drum Alloc Creek to be a permeable material such as gravel or grass, and constructed or supported with reinforcement to ensure that cars or motorhomes are accommodated without damage to the ground surface.
  - Z. Barriers/bollards/fencing around Tree group 137.
    - AA. Nominated landscape areas within each caravan and camping pitch shown in accordance with Revision J to TP 03 (dated 6 April 2021).
    - BB. The children's play area and barbecue area adjoining the southern property boundary of 189 Old Cape Schanck Road relocated away from the property boundary, with no resultant changes to the setbacks of the reception, community centre and facilities building.
- B. Amending Condition 16 to read:
- 16. Before the development starts, three (3) copies of a landscape plan to the satisfaction of the responsible authority and the CFA must be submitted to, and be approved by, the responsible authority.  
  
When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be generally in accordance with the landscape concept plan dated 21 December 2021 prepared by CDA Design Group Pty Ltd titled 'Illustrative Concept Masterplan' and identified as Revision B. The landscape plan must show:
    - A. The existing vegetation to be retained, including Tree 106.
    - B. Details of surface finishes of pathways and driveways.

5.1 (Cont.)

- C. Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - D. Provision of mulch beneath the canopy of Tree Group 137 to discourage use or occupation of this area.
  - E. Additional tree planting throughout the site, including within the area of the pitch sites and around the recreation facilities. Tree species selection must be appropriate to the use of the land as a camping and caravan park, having regard to the planting of trees adjacent to pitch sites.
  - F. A notation that any excavation or digging (including for planting) within the heritage parks required under the approved Cultural Heritage Management Plan must be undertaken by hand and that there must not be any excavation below 15 centimetres.
- C. Adding new Condition 44 to read:
- 44. No more than one caravan or one motorhome may be placed or parked within each caravan camping pitch site, unless with the further written consent of the Responsible Authority. Caravans or motorhomes must not be placed or parked within nominated landscape areas unless with the further written consent of the Responsible Authority.
3. Amend the description of what the permit authorises by deleting the words ‘and a caretaker’s house’.

**Part B**

That the Committee resolves that Attachment 7 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

**DISCUSSION**

**Purpose**

This application seeks to make several amendments pursuant to section 72 of the *Planning and Environment Act 1987* (the Act) specific to an existing Planning Permit P16/0953 (the Permit) for use and development of the land for a camping and caravan park and a caretaker’s house and associated works; tree removal and works within the Old Cape Schanck Road, road reserve at 161 and 189 Old Cape Schanck Road.

Section 72 of the Act allows a person who is entitled to use or develop land to apply to the Mornington Peninsula Shire (Shire) to amend a permit. Any permit may be amended through any of the following:

- Amendments to the layout of the approved use or development.
- Amendments to the description of the approved use or development.
- Amendments to the conditions of the Permit.

5.1 (Cont.)

- Amendments to the land to which the Permit applies.

Section 72 of the Act does not limit the scope of how amendments can be sought, however as a general principle, consideration of a permit amendment is limited to the amendments themselves. Matters considered originally in granting a permit cannot be reconsidered if they are not affected by the amendment. For example, a section 72 amendment application may seek approval to change the subject land, what the permit allows, the permit conditions or the plans endorsed or considered previously.

<p><b>Proposal</b></p>	<ul style="list-style-type: none"> <li>• Amend the plans required to be endorsed under the Permit generally involving: <ul style="list-style-type: none"> <li>○ Removal of all existing buildings including the caretaker’s house.</li> <li>○ Expand pitch sides and associated internal access layout into 189 Old Cape Schanck Road.</li> <li>○ Deletion of 12 motorhome sites.</li> <li>○ Increase of 12 pitch sites.</li> <li>○ Redesign and relocation of the reception centre to the south.</li> <li>○ Movement of recreation facilities to the east.</li> <li>○ Removal of additional trees.</li> <li>○ Make other alterations in accordance with Condition 1 of the Permit.</li> </ul> </li> <li>• Amend the conditions of the Permit by: <ul style="list-style-type: none"> <li>○ Amending Conditions 1 and 16 to revise references to updated plans.</li> <li>○ Deleting Conditions 1 (b), (d), (e), (f), (k), (l), (n), (p), (q), (r), (s), (t), (u), (v), and (w) as they are satisfied or made redundant by the proposed amendments.</li> </ul> </li> <li>• Amend the description of what the Permit authorises by: <ul style="list-style-type: none"> <li>○ Deleting the words ‘and a caretaker’s house’.</li> </ul> </li> </ul>
<p><b>Zoning and Overlays</b></p>	<ul style="list-style-type: none"> <li>• Special Use Zone, Schedule 4 (SUZ4)</li> <li>• Environmental Significance Overlay Schedule 28 (ESO28)</li> <li>• Vegetation Protection Overlay Schedule 2 (VPO2).</li> </ul>
<p><b>Permit Triggers</b></p>	<p>No new permit triggers.</p>
<p><b>Advertising</b></p>	<p>The application was advertised twice. Both times it was advertised by letters to surrounding properties and by erecting two notice</p>

5.1 (Cont.)

	signs on Old Cape Schanck Road. The second notice period ended on 16 February 2022.
<b>Submissions</b>	25 objections were received.
<b>Consultation</b>	A Planning Application Conference was held virtually between the applicant and objectors on 29 July 2021.
<b>Key Issues</b>	<ul style="list-style-type: none"> <li>• Whether the changes to the layout of the approved camping and caravan park are appropriate.</li> <li>• Whether changes to the siting and design of approved buildings are appropriate.</li> <li>• Whether additional vegetation removal is appropriate.</li> <li>• Whether the landscaping outcome would be acceptable.</li> <li>• Whether the amendments proposed to the Permit conditions are appropriate.</li> </ul>
<b>Recommendation</b>	It is recommended that the application be approved and that Planning Permit P16/0953.01 be amended.

**BACKGROUND**

**Permit History**

The existing Planning Permit P16/0953 was issued at the direction of the VCAT on 22 April 2020 and allows:

- Use and development of the land for a camping and caravan park and a caretaker's house and associated works.
- Tree removal.
- Works within the Old Cape Schanck Road, road reserve.

A copy of the Permit is found in Attachment 3.

Council originally decided to refuse the original application P16/0953 at a Planning Services Committee Meeting on 7 February 2017 on the following grounds:

1. The use and development of the land as proposed fails to adequately respond to the intent of the Mornington Peninsula Localised Planning Statement referred to within the State Planning Policy Framework at Clause 11.14-1, particularly in relation to Strategies 4, 14, 39 and 40.
2. The proposal results in an overdevelopment of the site and detracts from the landscape character of the area, which is inconsistent with Clause 22.07 (Commercial and Industrial Uses in Rural Areas), Clause 57 (Metropolitan Green Wedge Land) and the decision guidelines under the Special Use Zone – Schedule 4.
3. The proposal results in unacceptable traffic risks, particularly regarding the insufficient sight lines for vehicles to egress the site onto Old Cape Schanck Road.

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**5.1 (Cont.)**

4. The proposal results in unacceptable risks associated with the location of large pine trees on the adjacent property (along the south-western boundary of the site) which have previously fallen across the site where the 'pitched tent zone' is located.
5. The setback of the cabins from the northern boundary of the site does not provide sufficient opportunity for a vegetated riparian buffer to the Drum Drum Alloc Creek and does not meet the 30 metre setback required under Clause 14.02-1 (Catchment Planning and Management). The applicant has not provided any valid justification to warrant a reduced setback to the creek.
6. The proposal does not provide sufficient opportunity for meaningful landscape integration since the majority of proposed planting is to occur above the underground services.
7. The promotion signage located within the road reserve to the front of the site is prohibited as it exceeds the maximum two square metres allowable under Clause 52.05 (Advertising Signs).

The Permit Applicant sought a review of the Shire's decision to refuse the original application. In its order dated 9 April 2020, VCAT set aside the Shire's decision and directed that a permit be granted. In its decision, *Long Lane Pty Ltd v Mornington Peninsula Shire Council* [2020] VCAT 401 (9 April 2020), VCAT found that (in summary):

- The proposed use was an integrated residential and recreational use that is consistent with the purpose of the SUZ4.
- The proposal responded to and accords with the Mornington Peninsula Localised Planning Statement.
- Four motel rooms provided within the reception and community centre building would be ancillary to the overall land use.
- Buildings associated with the proposal would not result in unacceptable impacts to Old Cape Schanck Road and Grasslands Road.
- Vegetation removal associated with the proposal was acceptable, however protection should be given to a semi-mature Moreton Bay Fig Tree located on 189 Old Cape Schanck Road.
- Further planting of large and medium evergreen trees would be required to protect and enhance the values of the Green Wedge.
- Amenity impacts resulting from noise or dust could be managed by way of measures adopted by Permit conditions.
- Car parking and vehicle access were acceptable.
- Bushfire risk could be adequately mitigated by way of measures adopted through Permit conditions.

A full copy of VCAT's reasons is found in Attachment 4.

A copy of the plans VCAT used to determine the application is found in Attachment 5.

Since the grant of the Permit, the use and development has not commenced. Plans have not been endorsed in relation to the Permit.

5.1 (Cont.)

An extension of time was granted on 24 March 2022. The Permit will expire if the development does not commence before 22 April 2024, or if the use does not commence and the development is not completed by 22 April 2026.

**Existing Conditions**

The subject site consists of two lots comprising 161 and 189 Old Cape Schanck Road. The site located on the eastern side of Old Cape Schanck Road, Boneo. The site is irregular in shape and has an overall area of approximately 6.11 hectares.

161 Old Cape Schanck Road is currently vacant and contains some scattered sheds and shipping containers throughout. 189 Old Cape Schanck Road contains a single dwelling with several associated outbuildings. The site has a fall of approximately 5.5 metres from the eastern boundary of the site to the Old Cape Schanck Road frontage (western boundary).

Scattered vegetation is located throughout the site. On 161 Old Cape Schanck Road, a row of eucalypts run in a north/south axis in the eastern half of the site. A cluster of native and exotic vegetation is located within the front setback area and the adjacent road reserve. 189 Old Cape Schanck Road features a denser mix of exotic and planted native vegetation, including boundary vegetation consisting of Monterrey pines and grey poplar.



Figure 1: Photograph of the subject site and immediate surrounds.

**Surrounding Land**

The surrounding land is zoned SUZ4 and consists of a mix of agricultural, residential and recreational land uses.

To the north the subject site adjoins 145 Old Cape Schanck Road which is used for the purposes of a camping and caravan park, referred to as the 'Tudor' caravan park. The land is

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**5.1 (Cont.)**

approximately 1.9 hectares in size and contains predominantly cabins, scattered throughout the site. Drum Drum Alloc Creek runs through the southern section of this adjoining property.

To the south is 201 Old Cape Schanck Road. This land operates as an organic farm and market garden and produces organic crops in the eastern section of the land. The land is approximately 7.6 hectares and is accessed via Old Cape Schanck Road.

To the immediate east is the unmade road reserve of Grasslands Road. Across this is 45 Grasslands Road, which is 11.4 hectares in area and contains an operating farm which is referred to as 'Peninsula Growers'. The land is used for productive agriculture and also for an associated dwelling.

To the immediate west is Old Cape Schanck Road. Located across Old Cape Schanck Road are residentially used properties in Cleek Crescent and Westwood Drive. These are smaller lots each used for a single dwelling.

**PROPOSAL**

The application is an amendment pursuant to section 72 of the Act. The application seeks to amend the Permit in the following manner:

- Amend the plans required to be endorsed under the Permit generally involving:
  - Removal of all existing buildings including the caretaker's house.
  - Expand pitch sides and associated internal access layout into 189 Old Cape Schanck Road.
  - Deletion of 12 motorhome sites.
  - Increase of 12 pitch sites.
  - Redesign and relocation of the reception centre to the south.
  - Movement of recreation facilities to the east.
  - Removal of additional trees.
  - Make other alterations in accordance with Condition 1 of the Permit.
- Amend the conditions of the Permit by:
  - Amending Conditions 1 and 16 to revise references to updated plans.
  - Deleting Conditions 1 (b), (d), (e), (f), (k), (l), (n), (p), (q), (r), (s), (t), (u), (v), and (w) as they are satisfied or made redundant by the proposed amendments.
- Amend the description of what the Permit authorises by:
  - Deleting the words 'and a caretaker's house'.

Each component of the amendment is described in detail below.

5.1 (Cont.)

**Changes to Plans**

The proposal, generally, seeks to expand the pitch sites that form the camping and caravan park into 189 Old Cape Schanck Road, which were previously contained solely to 161 Old Cape Schanck Road, with consequent alterations to the layout of internal accessways.

The proposal seeks to increase the total number of pitch sites to 140 (from 128), while removing 12 dedicated motorhome sites. As a result, there is no net increase in the number of available sites. The proposal results in an increase in the spread of pitch sites and their size, but a reduction in their overall density. While the pitch sites vary in size, the 'standard' pitch site would increase from 123.75 square metres to 247.5 square metres, with space for a caravan with annexe, two vehicles and an open landscaping area.

The application also proposes a relocation and redesign of the approved Reception and Community Facilities building, which also contains an approved Manager's Residence and four motel rooms. The building is proposed to be relocated south from 161 Old Cape Schanck Road to 189 Old Cape Schanck Road, adjacent to the site entrance.

The Reception and Community Facilities building is proposed to be setback 24.5 metres from the Old Cape Schanck Road reserve (from 30 metres originally approved), and 16.25 metres from the southern boundary. Its overall height would decrease to 7.05 metres (from 8.61 metres approved), and an additional storey would be added for part of the Manager's Residence. A children's play area and barbecue area would be relocated with the Reception and Communities Facilities building, while two additional swimming pools and a communal kitchen are proposed to be sited to the east of the building.

A collection of recreation facilities located in the north-east of the subject site, consisting of a gymnasium, swimming pool, bowls court, tennis court and laundry are proposed to be reconfigured. The gymnasium and laundry building is proposed to be flipped, with its setback to the unmade Grassland Road reserve reduced to 27 metres (from 30 metres). The tennis court is proposed to be relocated to the eastern side of the gymnasium.

As a result, all buildings located on 189 Old Cape Schanck Road would be demolished and 73 additional trees are nominated to be removed, of which 17 require planning permission, all of which are Monterrey pine. The trees requiring planning permission to be removed are listed in the table below:

Tree Group Number	Species	Permit requirement
Group 138	10 x Monterrey pine ( <i>Pinus radiata</i> )	VPO2 – Only applies to southern four
Group 141	9 x Monterrey pine ( <i>Pinus radiata</i> )	VPO2 – All trees in group.
Group 179	6 x Monterrey pine ( <i>Pinus radiata</i> )	VPO2 – Only applies to southern four

There are no changes to the location of the site access. The number of visitor car parking spaces (located outside of the pitch sites) would increase from 28 to 32.

Figures 2 and 3 below show the layout considered by VCAT and the proposed new layout:



Figure 2: VCAT-determined site plan.



Figure 3: Proposed site plan.

### Amendments to Conditions

Condition 1 is proposed to be amended to update the references to plans, while deleting sub-conditions 1 (b), (d), (e), (f), (k), (l), (n), (p), (q), (r), (s), (t), (u), (v), and (w) as the Applicant states they are satisfied. Condition 1 of the Permit is copied below, with proposed new wording shown in red, and conditions proposed to be deleted struck out:

- 1 Before the development starts, amended plans and documents to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. **The plans must be generally in accordance with the plans identified as TP03 Revision M, TP03A Revision K, TP03B Revision C, TP04 Revision I, TP05 Revision H, TP06 Revision I, prepared by Peter L Brown Architects Pty Ltd dated 15/01/2021 but modified to show:**
  - (a) Deletion of signs in the road reserve.
  - (b) ~~An intersection treatment within Old Cape Schank Road that complies with the Traffic Group Review of Vehicle Access Arrangements for 167-189 Old Cape Schank Road, Boneo, Reference G26755M-01A, dated Tuesday 24th September 2019, and the relevant Austroads Guidelines for the posted speed of~~

5.1 (Cont.)

~~80 Kph to the north of the proposed entry location and for the posted speed of 100 Kph to the south of the proposed entry location.~~

- (c) Lighting of the entrance and exit within Old Cape Schanck Road and the left and right turn treatments to the relevant Australian Standard.
- ~~(d) The access and egress driveways from Old Cape Schanck Road to 189 Old Cape Schanck Road located within the road reserve being asphalt sealed pavements capable of accommodating the vehicles expected to enter and exit the site.~~
- ~~(e) The access driveway within 189 Old Cape Schanck Road being shown as a 6 metre wide two-way and constructed with a resilient permeable surface that will minimise dust, or sealed with an all-weather seal and provided with lateral drainage to the ground either side~~
- ~~(f) a notation to the effect that all other driveways within the site will be constructed with a resilient permeable treatment that will minimise dust.~~
- (g) Cross-sections of all access roads, to the satisfaction of the Country Fire Authority.
- (h) Any modifications required by the approved Operation Management Plan (refer to Condition No. 3 of this permit).
- (i) Any modifications required by the approved Bushfire Management Plan (refer to Condition No. 40 of this permit).
- (j) Any modifications required by the approved Waste Management Plan (refer to Condition No. 12 of this permit).
- ~~(k) A notation stating that there is no access or egress from the site via Grasslands Road other than for Emergency Vehicles or otherwise in accordance with the approved Operation Management Plan.~~
- ~~(l) Internal footpaths being a minimum of 1.5 metres wide and surfaced with:
  - i Concrete or other material to the satisfaction of the responsible authority adjacent to the reception community centre facilities, swimming pool, bowls court, tennis court and gymnasium.
  - ii A resilient permeable surface on other areas.~~
- (m) Lighting along internal roads and footpaths.
- ~~(n) The accurate location of tree rows 139 and 140.~~
- (o) A landscape plan in accordance with Condition No. 16 of this permit.
- ~~(p) Deletion of the overflow car parking area within the 30 metre wide landscape buffer to Drum Drum Alloc Creek, and the provision of any additional visitor car parking within the site in locations satisfactory to the responsible authority.~~
- ~~(q) The location of a waste disposal point/s for disposal of wastewater (grey and black water) cassettes/cartridges/tanks from motorhomes and caravans.~~

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5.1 (Cont.)

- ~~(r) The retention of Tree 106 and the consequential realignment of the internal access driveway within 189 Old Cape Schanck Road.~~
- ~~(s) Removal of Tree 112.~~
- ~~(t) The relocation of the underground service lines to be outside the heritage parks required under the approved Cultural Heritage Management Plan.~~
- ~~(u) The relocation of motorhome site No. 9 so that no part is within the heritage park required under the approved Cultural Heritage Management Plan.~~
- ~~(v) Details (including elevations) of all fences.~~
- ~~(w) Construction materials, external finishes and colours of all buildings.~~
- (x) Barriers/bollards/fencing to restrict access to the buffer to Drum Drum Alloc Creek by vehicles other than emergency services or maintenance vehicles.
- (y) Any infrastructure features to be included in the buffer to Drum Drum Alloc Creek to be a permeable material such as gravel or grass, and constructed or supported with reinforcement to ensure that cars or motorhomes are accommodated without damage to the ground surface.
- (z) Barriers/bollards/fencing around Tree group 137.

In addition, Condition 16, which relates to landscaping, is proposed to be amended to reflect updates to the plans.

#### **Amendments to what the Permit authorises**

As a result of the demolition of the buildings at 189 Old Cape Schanck Road, there would no longer be a caretaker's house distinct from the manager's residence. As a result, the words 'and a caretaker's house' are proposed to be removed from the Permit description.

#### **NOTIFICATION AND CONSULTATION**

##### **Notification**

Two rounds of advertising were undertaken in relation to the application.

The first notice period involved letters to surrounding properties and erecting two notice signs on Old Cape Schanck Road. The first notice period ended on 7 May 2021.

The second notice period occurred following an amendment to the application made in December 2021. Letters were sent to surrounding property owners and occupiers, as well as objectors to the first round of advertising. The second notice period ended on 16 February 2022.

##### **Submissions**

To date, the Shire has received 25 objections against the application.

The concerns raised in the objections are summarised as follows:

- Whether the Shire is able to consider an amendment.
- Cultural heritage impacts.

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5.1 (Cont.)

- Potential for permanent occupation of the camping and caravan park.
- Intensity of the use.
- Inappropriate location relative to services (shops, restaurants, etc.).
- Visual impact of buildings.
- Impacts to adjoining rural properties.
- Vegetation removal.
- Environmental impacts to Drum Drum Alloc Creek.
- Drainage and stormwater management.
- Noise and light impacts.
- Lack of toilets/ablutions facilities.
- Traffic impacts to Old Cape Schanck Road.
- Lack of car parking.
- Lack of pedestrian facilities along Old Cape Schanck Road.
- Potential for access to Grasslands Road.

### Consultation

A Planning Application Conference was held between the applicants and objectors virtually on 29 July 2021.

Following the Planning Application Conference, the Applicant agreed to relocate some of the recreation facilities away from the southern boundary and adjust the layout of other recreational facilities located in the north-eastern portion of the subject site. These alterations were formalised in an amendment to the application submitted to the Shire in December 2021, which also included a redesign of the Reception and Community Facilities building.

### REFERRALS

#### External Referrals

The application was not referred externally.

#### Internal Referrals

##### *Development Engineering*

The application has been referred to Council's Development Engineering Team, who do not object to the proposed amendments.

Council's Development Engineering Team have advised the following with respect to drainage design:

*Further to the above Planning Permit Amendment Application, in accordance with Conditions 24 and 25 of the Planning Permit, Council's Development Engineers will firstly seek to have*

**5.1 (Cont.)**

*all stormwater drainage disposed of within the property by means of underground soakage systems designed by an engineer in accordance with soil percolation rates obtained from on-site geotechnical testing.*

*Should soil conditions be found to be not suitable for on-site soakage systems, Council's Development Engineers will seek to have stormwater run-off directed to on-site stormwater detention system/s to slow the rate of discharge from the property to the pre-development discharge rate.*

*Council's Development Engineers will seek to then have any stormwater discharge from the property directed to Drum Drum Alloc Creek, via a gravity and/or a pumped stormwater drainage system.*

*The drainage system may be a combination of any two or even all three of the above alternatives.*

*Stormwater run-off will not be allowed to discharge into adjoining properties.*

**Environmental Health**

The application has been referred to Council's Environmental Health Team, who did not object subject to the implementation of conditions on the Permit relating to ventilation, noise management, waste management and amenity protection. The Environmental Health Team's recommended conditions are already incorporated as Conditions 20, 21, 22 and 23 of the Permit.

**Senior Vegetation Officer**

The application has been referred to Council's Senior Vegetation Officer, who did not object to the proposed additional vegetation removal. All vegetation which is subject to planning permit requirement is considered an environmental weed.

**PLANNING SCHEME PROVISIONS**

**Permit Triggers**

The permit triggers for the use and development are as follows:

- To use the land for a camping and caravan park pursuant to Clause 37.01-1 (SUZ4).
- To construct a building or construct or carry out works pursuant to Clause 37.01-4 (SUZ4).
- To construct a building or construct or carry out works and to remove native vegetation pursuant to Clause 42.01-2 (ESO28).
- To remove vegetation pursuant to Clause 42.02-2 (VPO2).

There are no additional permit triggers resulting from the proposed amendments.

<b>Municipal Planning Strategy</b>
Clause 02.01 Context
Clause 02.02 Vision

**5.1 (Cont.)**

Clause 02.03 Strategic Directions
Clause 02.04 Strategic Framework Plan
<b>Planning Policy Framework</b>
Clause 11 – Settlement
Clause 12 – Environmental and Landscape Values
Clause 13 – Environmental Risk and Amenity
Clause 15 – Built Environment and Heritage
Clause 17 – Economic Development
Clause 18 – Transport
Clause 19 – Infrastructure
<b>Other</b>
Clause 65 – Decision Guidelines

Attachment 6 provides a summary of the relevant policies, as well as zones and overlays.

**Mornington Peninsula Localised Planning Statement (July 2014)**

The Mornington Peninsula Localised Planning Statement (‘Localised Planning Statement’) is an incorporated document referenced under Clause 11.03-5S (Distinctive areas and landscapes) of the Planning Scheme. The Localised Planning Statement recognises the important role that recreation and tourism play on the Mornington Peninsula but acknowledges that such uses must be balanced against environmental and landscape considerations within rural land. The Localised Planning Statement sets out a number of objectives with various strategies to achieve each objective. Of particular relevance to this proposal are the objectives around integrated planning, conservation of natural systems and provision for recreation and tourism.

**CONSIDERATION**

**Permit amendment**

Section 72 of the Act allows a person who is entitled to use or develop land to apply to the Shire to amend a permit. Section 72 of the Act states that VCAT may direct that a permit issued at VCAT’s direction cannot be amended by the responsible authority, however VCAT did not make such a direction in granting the Permit. As section 72 does not limit the scope of what changes are able to be made to the Permit, the application must be considered on its merits. For example, a section 72 amendment application may seek approval to change the subject land, what the permit allows, the permit conditions or the plans endorsed or considered previously.

The scope of consideration of the amendments is limited by the fact that a Permit has already been issued. The amendments sought to the Permit must be considered with reference to what the Permit currently allows and how the amendments themselves weigh against relevant Planning Policy.

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**5.1 (Cont.)**

While the Shire refused to grant the Permit originally, VCAT ultimately set aside the Shire's decision and directed that the Permit be granted. Matters that VCAT considered in granting the original Permit that would not be materially affected by the amendment cannot be reconsidered, including the Shire's grounds for refusing the original permit application.

Given the scope of the amendment, the fundamental suitability of the use of the land for a camping and caravan park cannot be reconsidered. Issues arising out of the intensity of the land use (e.g. traffic impacts) have not been reconsidered due to recommended additional permit conditions which would restrict how each pitch site could be used, discussed in detail below.

**Are the changes to the layout of the approved camping and caravan park appropriate?**

The proposal seeks to alter the layout of the permitted camping and caravan park so that pitch sites are provided within 189 Old Cape Schanck Road. The permitted use is approved on both lots the Permit applies to, but under the approved layout 189 Old Cape Schanck Road would have been used for access to the land, the provision of a caretaker's dwelling and maintenance/storage facilities associated with the camping and caravan park. 189 Old Cape Schanck Road is not currently used for productive agricultural purposes.

The land and its immediate surrounds are zoned SUZ4. The purpose of the SUZ4 is as follows:

- Provide for integrated recreational and residential development in appropriate locations.

The proposal retains the mix of accommodation and recreational facilities features in the approved development, as envisaged by the SUZ4. In this manner, the use of 189 Old Cape Schanck Road for recreation and accommodation is broadly consistent with the stated purpose of the SUZ4, subject to consideration of broader policy and the decision guidelines of the Zone.

***Intensity of use***

The proposal would not result in an increase in the number of sites available for caravans and motorhomes (though 12 sites previously dedicated for motorhome use would be converted to 12 sites for caravan pitches) and the plans do not show an increase in the number of caravans or motorhomes to be accommodated within each pitch site. While the overall area taken up by the pitch sites and associated accessways would increase, the overall density of the pitch sites across the land would decrease through the expansion into 189 Old Cape Schanck Road.

Under the approved layout, the number of caravans, motorhomes or tents that could be placed on each pitch site was functionally bound by the size of the pitch site. While the number of sites is not proposed to increase, with the enlargement of the pitch sites, this functional limitation is removed.

It is recommended that measures be adopted to ensure that the proposed amendments do not result in potential for the intensification of the land use with the increase in the size of each pitch site.

The plans submitted to Council originally with the amendment application showed each pitch site as having a nominated 'landscape area' where caravan and camping facilities would not be placed within each pitch site. These 'landscape areas' were removed in the application amendment lodged in December 2021.

Figure 4 below shows these landscaping areas.

5.1 (Cont.)



Figure 4: Excerpt of revision J of the Site Plan showing pitch sites with internal landscaping areas.

It is understood that removal of the 'landscape areas' would provide flexibility to the placement of caravans, motorhomes or tents within each pitch site, however such an outcome reduces the means to ensure the land use does not intensify as a result of the amendment. Therefore, it is recommended that these be reinstated by way of amended permit condition to ensure the number of caravans, motorhomes and tents that are able to be placed within each pitch site are limited.

In addition, it is recommended that a new condition be added to the permit which would prohibit the placement of more than one motorhome or caravan on each pitch site. As discussed, the enlargement of the pitch sites removes the functional limitation that their previous size imposed on what could be placed within them. As a result, it is necessary to limit what can be placed within each pitch site by way of permit condition.

**Landscape**

One of the key considerations of the SUZ4, as well as broader policy at Clause 12.05-2S (Landscapes) and the Localised Planning Statement is the impact of the proposal on the landscape qualities of the surrounds. The surrounding area consists of a low density semi-rural landscape that is predominantly characterised by open grasslands, stands of native and exotic vegetation and some market gardens. There are examples of caravan parks within the immediate area (including the abutting site to the north), however they are well screened from all adjoining boundaries and do not visually dominate the surrounding rural landholdings.

The primary issue with respect to the landscape impacts of the proposed changes is whether a layout that takes up a larger area of land outside of the Urban Growth Boundary but would result in a less dense built form outcome is acceptable over a layout which take up less land but is denser.

In considering the proposal against the approved layout, officers consider that the proposed alteration to the layout of the camping and caravan park is broadly acceptable, subject to the limitations on each pitch site discussed previously.

The greater separation between caravans and motorhomes that would be provided by the larger pitch site areas is a more appropriate response to the surrounding landscape character. The proposal would result in the built form resulting from caravans, motorhomes and tents presenting as more scattered across the land and would provide increased opportunities for landscaping to punctuate the built form resulting from caravans, motorhomes and tents being placed on the land.

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**5.1 (Cont.)**

It is acknowledged that the amended layout of the proposal results in additional length of pitch sites along the Old Cape Schanck Road boundary; however, on balance officers consider the reduction in the density of the pitch sites would mitigate the visual impacts and result in an acceptable landscape outcome.

**Environment**

The SUZ4 requires consideration of the protection and enhancement of the natural environment. This is supported by State-level policy at Clause 12.05-1 (Environmentally sensitive areas) and Strategy 14 of the Localised Planning Statement which seeks to maintain and enhance environmental quality and protection against pollution and degradation.

The subject site is located in close proximity to Drum Drum Alloc Creek. Policy at Clause 14.02-1S (Catchment planning and management) stipulates that buffer zones of 30 metres should be maintained from the waterway. In granting the permit, VCAT required the removal of an overflow car parking area from this 30 metre buffer but allowed eight motorhome sites to be located within the buffer. The amended plans now seek to remove these motorhome sites from the buffer area and reduces the overall number of sites immediately adjacent to the buffer. It is considered that removing these motorhome sites would reduce the potential impacts to the adjacent waterway.

Proposed additional vegetation removal is discussed later in this report.

***Impact on surrounding rural land uses***

The decision guidelines of the SUZ4 address the impact of use and development on surrounding rural uses. The subject site is located within close proximity of two properties that are used for productive agriculture, 201 Old Cape Schanck Road to the south and 45 Grasslands Road to the east.

The proposal results in the number of pitch sites immediately adjacent to the southern boundary increasing from 9 to 16, while the number of pitch sites immediately adjacent to the eastern boundary would decrease from 21 to 8. A six metre buffer is maintained to both the southern and eastern boundaries.

It is not considered that the proposal would substantially alter impacts to surrounding rural land uses from the approved layout. With respect to the eastern boundary, the proposal reduces the number of pitch sites directly adjacent to the boundary.

With respect to the southern boundary, while the length and number of pitch sites adjacent to the boundary would increase, it is noted that the approved layout already included pitch sites immediately adjacent to the most actively cropped portions of the adjoining land to the south. The plans also note the construction of boundary fencing (fencing is exempt from permit requirement) which together with the six metre buffer would serve to moderate impacts to adjoining rural land uses.

A children's play area and barbecue area are proposed to be located to the south of the main Reception Building less than six metres from the southern boundary. It is considered that having these more actively used recreation facilities in close proximity to an adjoining property is inappropriate, and they should be relocated to another portion of the site by way of permit condition.

**Are the changes to the siting and design of approved buildings appropriate?**

SUZ4 requires consideration of the location of any buildings with respect to the natural environment, major roads, vistas and water features and the measures undertaken to

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**5.1 (Cont.)**

minimise any adverse impacts. The massing, scale and colour of buildings forms a relevant consideration.

At a policy level, 15.01-6S (Design for rural areas) seeks to protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located. This is supported by Strategy 26 of the Localised Planning Statement which seeks to ensure all development is designed to enhance the natural environment, the rural landscape and scenic values of the Green Wedge. As Old Cape Schanck Road forms an entry to a township, the visual impact of the proposed amended buildings from the public realm forms a key consideration.

***Reception and Community Centre and Facilities Building and associated facilities***

The application seeks to relocate and redesign the Reception and Community Facilities building to the south-western corner of 189 Old Cape Schanck Road. Through this relocation, the front setback to Old Cape Schanck Road would be reduced by 5.5 metres to 24.5 metres which would increase the visual presence of the building on the public realm.

The proposal would result in an overall net reduction in the extent of permanent built form across the subject site through the demolition of existing buildings on 189 Old Cape Schanck Road. While this is beneficial from a broader landscape context, this does not serve to ameliorate the impacts of the proposed building on Old Cape Schanck Road.

Despite this, Shire Officers do not consider that the relocated and redesigned building is incompatible with the surrounding landscape character. The setback proposed remains sufficient to moderate the building's visual prominence to Old Cape Schanck Road. The building retains its single-storey-with-pitch-roof presentation to the roadway, while a row of pines within the road reserve would serve to filter views to the building.

The proposal results in a reduction of the building's overall height by 1.56 metres, which would moderate its visual impact. While the redesign results in the upper storey of the Manager's Residence would now be externally visible, it is considered that the upper storey is appropriately designed and located in a manner to moderate visual impacts on the public realm and adjoining properties. Colour and material selections remain sympathetic to the surrounding rural landscape.

***Gymnasium and associated facilities***

The Gymnasium and Laundry building is proposed to have its setback to the adjoining Grasslands Road reserve reduced by three metres to 27 metres. Officers consider the reduced setback to be sufficient relative to the scape of the building, noting the single storey pitch roof form of the building.

The tennis court is proposed to be relocated to the eastern side of the gymnasium, with a setback of eight metres from the eastern property boundary. While this results in it being placed substantially closer to the boundary, it is considered that fencing associated with the tennis court would not yield substantial visual impacts on the surrounds, with the setback providing sufficient landscaping opportunities to filter views to the tennis court from the road reserve. No lighting is nominated for the tennis court.

**Is the additional vegetation removal appropriate?**

The application seeks approval to removal 17 additional trees located within 189 Old Cape Schanck Road. While 73 trees within 189 Old Cape Schanck Road are nominated for removal, only 17 require planning permission under VPO2. None of the trees nominated for removal are naturally occurring trees and do not trigger permit requirement under Clause

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**5.1 (Cont.)**

52.17 (Native vegetation). 34 trees within 189 Old Cape Schanck Road are nominated to be retained.

The trees that require planning permission to be removed consist of three planted windrows of Monterrey pines (*Pinus radiata*). VPO2 seeks to recognise significant tree lines along road reserves and property boundaries, recognising the cultural values of these three lines to the Mornington Peninsula. Despite this, Monterrey pine is listed on the Shire's Environmental and Noxious Weeds Guide. The removal of vegetation in VPO2 must balance the cultural value of the trees against the environmental value of the trees.

Council's Senior Vegetation Officer has reviewed the trees proposed to be removed and does not object to their removal, noting that none of the Monterrey pines are significant trees with high retention values. Officers do not consider that the cultural value the 17 trees contribute to the broader rural landscape is sufficient to offset Monterrey pine's status as an environmental weed. Subject to appropriate replanting, the removal of these trees is recommended to be appropriate.

It is noted that no additional trees within the more visually significant row of Monterrey pines within the Old Cape Schanck Road reserve are proposed to be removed.

**Protection of Tree 106**

In granting the Permit, VCAT applied conditions requiring the retention and protection of Tree 106, a Moreton Bay Fig (*Ficus macrophylla*) located towards the front boundary of 189 Old Cape Schanck Road, including modifications to the location of the primary accessway, which runs to the east of this tree. Council's Senior Vegetation Officer notes that this tree has significant surface roots which radiate out from the base of the tree. To prevent the destruction of the tree, the application proposes to bridge over the surface roots. Council's Senior Vegetation Officer does not object to this measure.

**Would the landscaping outcome be acceptable?**

In granting the Permit, VCAT was critical of an absence of landscaping within the pitch sites as originally proposed and applied conditions requiring canopy trees to be planted within the areas of the site set aside for pitch sites. The SUZ4 emphasises consideration of enhancement of the natural environment and character of the area. With the extent of (exotic) vegetation to be removed, the ability of compensatory landscaping to preserve and enhance the natural qualities of the surrounds is a relevant consideration.

The Applicant has submitted an Illustrative Landscape Masterplan (by CDA Design Group Pty Ltd, Revision B dated 22 December 2021) showing the planting of additional native vegetation throughout the subject site. Trees are distributed at regular intervals along the boundaries of each pitch site, with denser plantings along the site boundaries within the nominated buffer areas.

Officers consider that the extent of proposed planting, plus the retention of vegetation within 189 Old Cape Schanck Road is sufficient to maintain and enhance the natural landscape character in the manner sought by the SUZ4 and as intended by VCAT. A further detailed landscaping plan is required to be submitted to the Shire by Condition 16 of the Permit.

**Are the amendments proposed to the Permit appropriate?**

The application seeks to amend Conditions 1 and 16 to revise references to the plans which are now the subject of the amendment application. As plans have not yet been endorsed, these are administrative amendments of no consequence.

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**5.1 (Cont.)**

The Applicant seeks the deletion of Conditions 1 (b), (d), (e), (f), (k), (l), (n), (p), (q), (r), (s), (t), (u), (v), and (w) as the changes required by these conditions are shown on the plans.

Officers have assessed the amended plans against the conditions proposed to be deleted and confirm that the requirements are met, with the exception of Condition 1 (v).

Condition 1 (v) requires the submission of fencing details, including elevations. No elevations of any fencing have been provided. As Condition 1(v) is not satisfied, it is recommended that it be retained. Otherwise, the deletion of the other conditions is appropriate to enable the endorsement of the plans against the updated plan references.

Conditions 1 (a), (c), (g), (h), (i), (j), (x), (y) and (z) are proposed to be retained and would necessitate further amendments to the plans to be resubmitted to the Shire prior to endorsement of any plans.

**What additional conditions are necessary?**

It is recommended that two new requirements (aa) and (bb) be added to Condition 1, requiring the nomination of landscape areas to each pitch site and the relocation of the children's play area and barbecue area away from the southern boundary as discussed above.

In addition, it is recommended that a new condition be added to the permit which would prohibit the placement of more than one motorhome or caravan on each pitch site. As discussed previously, the enlargement of the pitch sites removes the functional limitation that their previous size imposed on what could be placed within them. As such, it is necessary to limit what can be placed within each pitch site.

**Response to objections**

The Shire has received 25 objections to the application following two rounds of notice. A response to the key issues raised within the objections not specifically addressed above is outlined below.

***Cultural Heritage impacts***

An amended Cultural Heritage Management Plan (CHMP) for the expansion of the pitch sites into 189 Old Cape Schanck Road was approved by the Bunurong Land Council Aboriginal Corporation on 20 July 2020.

The approved CHMP includes conditions limiting the depth of excavation, mandating a salvage program, establishing two heritage protection areas (which are shown on the development plans), and the custody of any artefacts found during construction. These are obligations on the applicant under the *Aboriginal Heritage Act 2006* and are distinct from any requirements under the Permit.

***Potential for permanent occupation of the camping and caravan park***

The potential for the camping and caravan park to be permanently occupied was a key concern of the Shire in determining to refuse the original application. section 518 of the *Residential Tenancies Act 1997* prevents the Shire from imposing conditions limiting the length of tenancy at caravan parks. The Shire's concern was that the proposal would effectively form a residential village and would result in a de-facto expansion of urban uses outside of the Urban Growth Boundary.

Officers agree that there remains potential for permanent occupation of the site, however as VCAT set aside the Shire's initial refusal and the land has the benefit of the Permit, there is

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**5.1 (Cont.)**

now no lawful means to prevent permanent occupation of site by caravans. The amendments proposed do not alter the land use in a manner that this issue is able to be revisited.

It is noted that installation of cabins would require further planning permission from the Shire.

***Inappropriate location relative to services (shops, restaurants, etc.)***

As the permit has already been issued, matters relating to the fundamental appropriateness of the use are beyond the scope of consideration for this application.

***Drainage and stormwater management***

During the course of the VCAT appeal, Shire Officers advised the Tribunal that, if VCAT were to grant a permit, the permit should contain detailed conditions relating to the design of drainage and stormwater management associated with the use and development.

VCAT instead elected to place Conditions 24 and 25 on the permit, which do not specifically limit the design of drainage.

Condition 25 of the permit requires the subsequent submission of detailed engineering plans to the Shire's Development Engineering Team for review prior to the commencement of works. These plans must detail the management of drainage and stormwater generated by the proposal.

The design of drainage is required to be to the satisfaction of the Shire's Development Engineering Team, who have advised that the following drainage design outcome can be expected:

*Further to the above Planning Permit Amendment Application, in accordance with Conditions 24 and 25 of the Planning Permit, Council's Development Engineers will firstly seek to have all stormwater drainage disposed of within the property by means of underground soakage systems designed by an engineer in accordance with soil percolation rates obtained from on-site geotechnical testing.*

*Should soil conditions be found to be not suitable for on-site soakage systems, Council's Development Engineers will seek to have stormwater run-off directed to on-site stormwater detention system/s to slow the rate of discharge from the property to the pre-development discharge rate.*

*Council's Development Engineers will seek to then have any stormwater discharge from the property directed to Drum Drum Alloc Creek, via a gravity and/or a pumped stormwater drainage system.*

*The drainage system may be a combination of any two or even all three of the above alternatives.*

*Stormwater run-off will not be allowed to discharge into adjoining properties.*

***Noise and light impacts***

In considering impacts relating to noise, VCAT imposed conditions requiring the submission of an Operation Management Plan for Council's further approval. The Operation Management Plan would require details of hours of operation for the facilities, procedures to minimise noise emissions from the site, and the presence of a person who will be responsible for ensuring that the use complies with the requirements of the Operation Management Plan. It is not considered that the scope of the amendment requires further

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**5.1 (Cont.)**

divergence from this condition. In addition, Conditions 21, 22 and 23 impose amenity conditions relating to noise control.

With respect to light impacts, compared to the approved layout officers do not consider that the proposed amendments would increase lighting impacts to sensitive receptors and the surrounding environment significantly. While light impacts would vary with how each pitch site is occupied, Condition 1(m) of the permit requires lighting locations along accessways and footpaths to be nominated, for safety and operational reasons. The location, type and distribution of lights will be subject to further review.

***Lack of toilets/ablutions facilities***

The number of toilets and showers provided complies with the requirements of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020, with one shower and one toilet provided per 10 pitch sites.

***Traffic impacts to Old Cape Schanck Road.***

The amendment would not increase the number of pitch sites available for caravans, motorhomes or tents. As discussed above, additional Permit conditions are recommended to be applied to limit the available space within each pitch site to ensure the increase in pitch site area does not allow for additional accommodation beyond what has already been approved. As such, the amended proposal would not induce additional traffic impacts to Old Cape Schanck Road.

No changes to the access location from the approved layout are proposed, except to comply with Condition 1(b) of the Permit.

***Lack of car parking***

There is no stipulated car parking rate for a camping and caravan park within Clause 52.06 (car parking) of the Planning Scheme. The proposed layout nominates two car parking spaces within each pitch site. In addition, a visitor car parking provision is proposed to increase from the approved layout, from 28 spaces to 32 spaces.

As the extent of available accommodation facilities is not proposed to increase, officers are satisfied that appropriate car parking is provided.

***Lack of pedestrian facilities along Old Cape Schanck Road***

The amendment would not increase the number of pitch sites available for caravans, motorhomes or tents. As the permit has already been issued for the use, it is not considered that this matter can be revisited.

***Potential for access to Grasslands Road***

Condition 35 of the permit prohibits access or egress from the site via Grasslands Road except for 'Emergency Vehicles or otherwise in accordance with the approved Operation Management Plan.'

Condition 35 as written allows for variance if outlined in an Operation Management Plan. Condition 3 of the permit requires the subsequent submission of an Operation Management Plan to the Shire's satisfaction, which is to include an Emergency Management Plan.

Officers agree that Grasslands Road should only be utilised for emergency vehicle access, however if an Emergency Management Plan recommends that it also be made available for emergency egress, this will be considered in conjunction with the CFA's recommendations.

**5.1 (Cont.)**

Officers oppose general access and egress through Grasslands Road, but there is no indication that this is being sought by the Applicant.

**CONFLICTS OF INTEREST**

No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.

**CONCLUSION**

While the Shire originally refused to grant the Permit, as VCAT set aside the Shire's decision, the land benefits from the existing Permit. In considering the proposal against the approved layout, the amended proposal remains an appropriate form of use and development for the subject site.

Subject to conditions, the proposed changes sought within this amendment will not result in an intensification of the land use, while enabling buildings and pitch sites to be distributed across the site with greater provision of landscaping.

It is therefore recommended that the Planning Services Committee supports the proposal and determines that a Notice of Decision to amend a planning permit for Planning Permit Application P16/0953.01, subject to the conditions shown in the Recommendation.

**REVISED LIST OF PROPOSED AMENDMENTS RELATIVE TO THE PLANS  
CONSIDERED BY VCAT TO FURTHER (DECEMBER 2021) AMENDED PLAN SET  
INCLUDING:**

- TP03 REV M MASTER PLAN
- TP03A REV K MASTER PLAN WITH AERIAL OVERLAY
- TP03B REV C MASTER PLAN WITH MELBOURNE WATER FLOOD MAP OVERLAY
- TP04 REV I PLANS OF COMMUNITY CENTRE AND FACILITIES
- TP05 REV H PLANS OF COMMUNAL FACILITIES
- TP06 REV I ELEVATIONS - COMMUNITY CENTRE AND FACILITIES.

1. DELETE SIGNS TO OLD CAPE SCHANCK ROAD RESERVE (AS REQUIRED PER PLANNING PERMIT CONDITION 1 A).
2. INTERSECTION TREATMENT WITHIN OLD CAPE SCHANCK ROAD THAT COMPLIES WITH THE TRAFFIX GROUP REVIEW OF VEHICLE ACCESS ARRANGEMENTS FOR 161 - 189 OLD CAPE SCHANCK ROAD REFERENCE G26755M-01A DATED TUESDAY 24TH SEPTEMBER 2019 AND RELEVANT AUSTRROADS GUIDELINES ETC (AS REQUIRED PER CONDITION 1 B).
3. ACCESS AND EGRESS DRIVEWAYS FROM OLD CAPE SCHANCK ROAD TO 189 OLD CAPE SCHANCK ROAD LOCATED WITHIN THE ROAD RESERVE BEING ASPHALT SEALED PAVEMENTS ETC (AS REQUIRED BY CONDITION 1 D).
4. ACCESS DRIVEWAY WITHIN 189 OLD CAPE SCHANCK ROAD BEING SHOWN AS A 6 - 8 METRES WIDE TWO WAY AND CONSTRUCTED OF A RESILIENT PERMEABLE SURFACE ETC (AS REQUIRED BY CONDITION 1 E).
5. NOTATION THAT ALL OTHER DRIVEWAYS WITHIN THE SITE WILL BE CONSTRUCTED WITH A RESILIENT PERMEABLE TREATMENT (AS REQUIRED BY CONDITION 1 F).
6. NOTATION OF NO ACCESS OR EGRESS FROM THE SITE VIA GRASSLANDS ROAD OTHER THAN FOR EMERGENCY VEHICLES ETC (AS REQUIRED BY CONDITION 1 K).
7. NOTATION OF ALL INTERNAL FOOTPATHS OF MINIMUM 1.5 METRES WIDE, SURFACED WITH:
  - CONCRETE AGGREGATE TO THE SATISFACTION OF THE RA ADJACENT TO THE RECEPTION COMMUNITY CENTRE FACILITIES, SWIMMING POOL, BOWLS COURT, TENNIS COURT, GYMNASIUM AND SPA POOLS; AND
  - RESILIENT PERMEABLE SURFACE ON OTHER AREAS (AS REQUIRED BY CONDITION 1 L).
8. TREE ROWS 139 AND 140 LOCATED WITHIN APPLICATION SITE AS FURTHER SURVEYED (AS REQUIRED BY CONDITION 1 N).
9. DELETION OF THE OVERFLOW CAR PARKING AREA WITHIN THE 30 METRE WIDE LANDSCAPE BUFFER TO DRUM DRUM ALLOC CREEK AND RELOCATION OF VISITOR CAR PARKING WITHIN THE SITE (AS REQUIRED BY CONDITION 1 P).
10. NOTATIONS TO LOCATION OF WASTE DISPOSAL POINTS FOR DISPOSAL OF WASTE WATER (GREY AND BLACK WATER) AND CASSETTES / CARTRIDGES, TANKS FROM MOTORHOMES AND CARAVANS (AS REQUIRED BY CONDITION 1 Q).
11. RETENTION OF TREE 106 AND REALIGNMENT OF INTERNAL ACCESS WAY WITHIN 189 OLD CAPE SCHANCK ROAD (AS REQUIRED BY CONDITION 1 R).
12. REMOVAL OF TREE 112 (AS REQUIRED BY CONDITION 1 S).
13. RELOCATION OF UNDERGROUND SERVICE LINES OUTSIDE THE HERITAGE PARKS REQUIRED UNDER THE APPROVED CHMP (AS REQUIRED BY CONDITION 1 T).
14. REMOVAL OF PRIOR MOTORHOME SITE NO. 9 AND REDESIGN OF LAYOUT TO ENSURE NO IMPACT WITHIN THE HERITAGE PARK REQUIRED UNDER THE APPROVED CHMP (AS REQUIRED BY CONDITION 1 U).
15. DETAILS OF CONSTRUCTION MATERIALS, EXTERNAL FINISHES AND COLOURS OF ALL BUILDINGS (AS REQUIRED BY CONDITION 1 W).
16. REMOVE EXISTING DWELLING PREVIOUSLY PROPOSED AS CARE TAKERS RESIDENCE FROM 189 OLD CAPE SCHANCK ROAD.
17. REMOVE EXISTING SHED AND OUTBUILDING STRUCTURES AS WELL AS THE EXISTING CONCRETE APRON FROM 189 OLD CAPE SCHANCK ROAD.
18. REMOVE ADDITIONAL TREES FROM WITHIN 189 OLD CAPE SCHANCK ROAD AS ASSESSED BY SIMON HOWE ARBORIST SEPTEMBER 2019 AND DECEMBER 2021 AS BEING OF HIGH, MODERATE, LOW AND NO ARBORICULTURAL VALUE INCLUDING:
  - 1) Tree 113 *Populus x canadensis* (1 tree) low value
  - 2) Tree 117 *Populus x canadensis* (1 tree) moderate value
  - 3) Tree Row No. 119 *Populus x canadensis* (19 trees) high value
  - 4) Tree Row No. 138 *Pinus radiata* (10 trees) moderate value
  - 5) Tree Row No. 141 *Pinus radiata* (9 trees) moderate value
  - 6) Tree 148 *Fraxinus augustifolia* (1 tree) of low value
  - 7) Tree 149 *Corymbia ficifolia* (1 tree) no value
  - 8) Tree 150 *Populus nigra* (4 trees) no value
  - 9) Tree 152 *Cinnamomum camphora* (1 tree) moderate value
  - 10) Tree 153 *Aesculus sp* (1 tree) low value
  - 11) Tree 154 *Ulmus glabra* (1 tree) low value

- 12) Tree 156 *Acer palmatum* (1 tree) low value
- 13) Tree 159 *Ulmus procera* (1 tree) moderate value
- 14) Tree 160 *Prunus Sato-Zakura* (2 trees) low value
- 15) Tree 161 *Macadamia integrifolia* (1 tree) low value
- 16) Tree 162 *Eucalyptus leucoxylon* (1 tree planted amenity), low value
- 17) Tree Row No. 170 *Populus x canadensis* (3 of 5 trees) moderate value
- 18) Tree 173 *Cedrus atlantica* (1 tree) moderate value
- 19) Tree 177 Unknown sp (1 tree) low value
- 20) Tree Row 179 *Pinus radiata* (6 trees) low value
- 21) Tree 185 *Malus x domestica* (1 tree) low value
- 22) Tree 186 *Olea europaea* (1 tree) low value
- 23) Tree 187 *Laurus nobilis* (1 tree) no value
- 24) Tree 188 *Araucaria columnaris* (1 tree) moderate value
- 25) Tree 189 *Paulownia tomentosa* (1 tree) low value
- 26) Tree 191 *Pittosporum undulatum* (1 tree) no value

18 A. Retain Tree 109 *Ficus macrophylla* (1 tree) moderate value

19. REDESIGN SITE LAYOUT TO PROVIDE:

- 1) FLEXIBLE CARAVAN, CAMPING AND MOTORHOME PITCHES DISTRIBUTED MORE EVENLY ACROSS BOTH 161 AND 189 OLD CAPE SCHANCK ROAD PROVIDING IMPROVED LANDSCAPING OPPORTUNITIES AND AREAS BETWEEN THE REVISED PITCH SITES.
- 2) A TOTAL OF 140 PITCH SITES (THE SAME NUMBER OF CARAVAN PITCHES AND MOTORHOME SITES PREVIOUSLY APPROVED).
- 3) A TOTAL OF 28 VISITOR CAR PARKING SPACES (THE SAME NUMBER AS PREVIOUSLY APPROVED).
- 4) IMPROVED BUFFER ZONE AND LANDSCAPE OPPORTUNITIES TO DRUM DRUM ALLOC CREEK.
- 5) REDUCED PITCH SITES TO THE INTERFACE OF GRASSLANDS ROAD.
- 6) MORE SPACIOUSLY ARRANGED PITCH SITES TO THE SOUTHERN PROPERTY BOUNDARIES.
- 7) RECEPTION COMMUNITY CENTRE FACILITIES RELOCATED TO PROVIDE MORE FUNCTIONAL RELATIONSHIP WITHIN 189 OLD CAPE SCHANCK ROAD TO THE SITE ACCESS AND EGRESS POINT.
- 8) FLOOR PLAN OF RECEPTION COMMUNITY CENTRE PROVIDED WITH INCREASED SETBACK FROM OLD CAPE SCHANCK ROAD TO FACILITATE ADDITIONAL LANDSCAPING TO SETBACK AND BUILDING REORGANISED TO PROVIDE ACCOMMODATION UNITS (MOTEL AND MANAGER) ON EAST SIDE.
- 9) NORTHERN RECREATION FACILITIES REORGANISED TO PROVIDE TENNIS COURT AS OFFSET TO GRASSLANDS ROAD INTERFACE.
- 10) REDISTRIBUTE VISITOR CAR PARKING WITHIN THE SITE.
- 11) PROVIDE A MORE FUNCTIONAL AND INTERCONNECTED SITE LAYOUT OF INTERNAL ROADS / DRIVEWAYS.
- 12) INCREASE INTERNAL LANDSCAPING OPPORTUNITIES.
- 13) RELOCATE TOILET BLOCK AND COMMUNAL KITCHEN WITH FURTHER ADJUSTMENT TO RELOCATE AWAY FROM SOUTH BOUNDARY.
- 14) NEW FIRE HYDRANT AND HOSE POSITIONS.
- 15) IMPROVED LOCATION OF CHILDREN'S PLAY AREAS.
- 16) PROVISION OF SPA AREAS WITH FURTHER ADJUSTMENT TO RELOCATE AWAY FROM SOUTHERN BOUNDARY.
- 17) 2M HIGH NON-COMBUSTIBLE FENCE NOTED TO SOUTHERN BOUNDARY.
- 18) UPDATED PROVISION OF ILLUSTRATIVE LANDSCAPE MASTER PLAN TO PROVIDE OVERALL LANDSCAPE CONCEPT AND FUTURE PLANTING.

AMENDED PLAN

Project <b>PROPOSED TOURIST RESORT &amp; PARK AT 161 &amp; 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.</b>	
Title <b>COVERSHEET- LIST OF AMENDMENTS</b>	
Drawn SS	Date 20 DEC. 2021
Job No 1615	Scale -
Drawing No TP 00	Revision No A
Peter L. Brown Architects Pty. Ltd. 9 Evans Pl. Hawthorn East Vic.3123 Ph:039882 7966 Fax: 039882 7507 E-mail: p@pbrarch.com.au A.B.N. 85 070 416 287	



PLOT DATE 20.12.2021

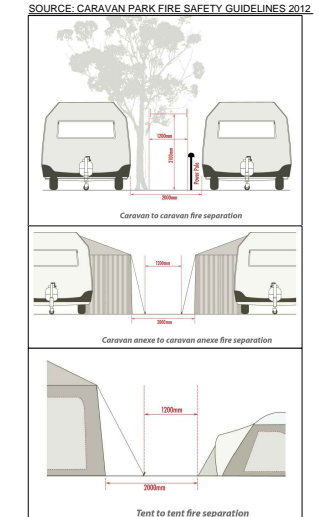
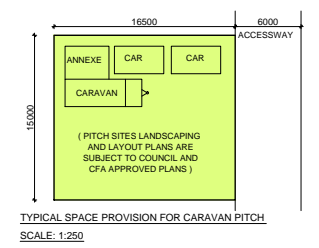


LEGEND AND NOTES:

- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED APPROVED BY VCAT
- PROPOSED ADDITIONAL EXISTING TREES TO BE REMOVED
- LANDSCAPE AREA (REF. LANDSCAPE PLAN FOR PROPOSED LANDSCAPE)
- CARAVAN CAMPING PITCH
- COMMUNAL FACILITIES
- ASPHALT SEALED ROAD WITH LATERAL DRAINAGE TO THE GROUND EITHER SIDE.
- RESILIENT PERMEABLE DRIVEWAY TREATMENT
- ABORIGINAL HERITAGE PARK AREAS AS DELINEATED IN AMENDED CHMP NO. 16545 APPROVED JULY 2020
- NATURE WALK PAVEMENT / INTERNAL FOOTPATHS MIN. 1.5M WIDE
- SERVICE LINES: GAS, ELECTRICITY, WATER, TELEPHONE & INTERNET.
- SERVICE LINES: SEWER
- FIRE HYDRANTS
- FIRE HOSE REELS
- REINFORCED GRASS

- 3 - THE ACCESS AND EGRESS DRIVEWAYS FROM OLD CAPE SCHANCK ROAD LOCATED WITHIN THE ROAD RESERVE BEING ASPHALT SEALED PAVEMENTS CAPABLE OF ACCOMMODATING THE VEHICLES EXPECTED TO ENTER AND EXIT THE SITE.
- 4 - THE ACCESS DRIVEWAY WITHIN 189 OLD CAPE SCHANCK ROAD BEING SHOWN AS A 6-8 METRE WIDE TWO-WAY AND CONSTRUCTED WITH A RESILIENT PERMEABLE SURFACE THAT WILL MINIMISE DUST, OR SEALED WITH AN ALL-WEATHER SEAL AND PROVIDED WITH LATERAL DRAINAGE TO THE GROUND EITHER SIDE.
- 5 - ALL OTHER DRIVEWAYS WITHIN THE SITE WILL BE CONSTRUCTED WITH A RESILIENT PERMEABLE TREATMENT THAT WILL MINIMISE DUST, OR SEALED WITH AN ALL-WEATHER SEAL AND PROVIDED WITH LATERAL DRAINAGE TO THE GROUND EITHER SIDE.
- 6 - NO ACCESS OR, EGRESS FROM THE SITE VIA GRASSLANDS ROAD OTHER THAN FOR EMERGENCY VEHICLES OR OTHERWISE IN ACCORDANCE WITH THE APPROVED OPERATION MANAGEMENT PLAN.
- 7 - INTERNAL FOOTPATHS BEING A MINIMUM OF 1.5M WIDE AND SURFACED WITH:  
I. CONCRETE OR OTHER MATERIAL TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY ADJACENT TO THE RECEPTION COMMUNITY CENTRE FACILITIES, SWIMMING POOL, BOWLS COURT, TENNIS COURT AND GYMNASIUM.  
II. A RESILIENT PERMEABLE SURFACE ON OTHER AREAS.
- 8 - ALL GROUND DISTURBING WORKS ON SITE MUST ACCORD WITH THE REQUIREMENTS OF AMENDED CHMP NO. 16545 APPROVED JULY 2020.
- 9 - FINISHED FLOOR LEVELS OF ALL THE PERMANENT BUILDINGS ARE SET 600MM ABOVE 100 YEAR ESTIMATED FLOOD LEVEL TO AUSTRALIAN HEIGHT DATUM (AHD).
- 10 - PITCH SITES LANDSCAPING AND LAYOUT PLANS ARE SUBJECT TO COUNCIL AND CFA APPROVED PLANS.

TOTAL CARAVAN PITCHES - 140 NOS.  
VISITORS CAR PARK - 32 NOS.



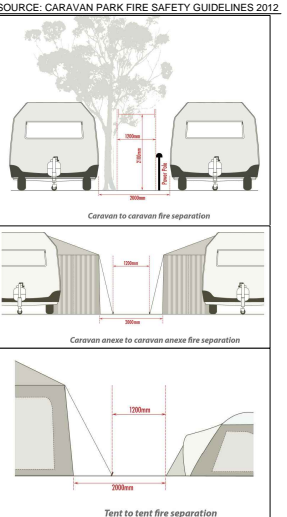
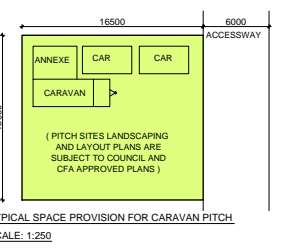
REV	AMENDED PLAN	DATE
M	AMENDED PLAN	20.12.21
L	AMENDED PLAN	14.02.21
K	AMENDED PLAN	25.06.21
J	AMENDED PLAN	06.04.21
I	AMENDED PLAN	02.02.21
H	VCAT SUBSTITUTION DRAWINGS	20.11.19
G	VCAT SUBSTITUTION DRAWINGS	03.09.19
F	AMENDED PLAN SET	30.01.19
E	VCAT FURTHER INFORMATION	19.10.17
D	AMENDED PLAN SET	05.09.17
C	AMENDED PLAN SET	18.08.17
B	WITHOUT PREJUDICE AMENDED PLANS	11.08.17
A	S21 RESPONSE	01.28.16
-	TOWN PLANNING APPLICATION	26.05.16
ISSUE	AMENDMENT	DATE

AMENDED PLAN

Project <b>PROPOSED TOURIST RESORT &amp; PARK AT 161 &amp; 189 OLD CAPE SCHANCK ROAD, BONEY FOR LONG LANE PTY. LTD.</b>	
Title <b>MASTER PLAN</b>	
Drawn HC/SS	Date 20 DEC. 2021
Job No 1615	Scale 1500 & 1:250 @ B1
Drawing No TP 03	Revision No M
Peter L. Brown Architects Pty. Ltd. 9 Evans Pl. Heathorn East Vic.3033 Ph: (03)9882 7866 Fax: (03)9882 7507 E-mail: p.l.brown@pba.com.au A.B.N. 85 070 416 287	



- LEGEND AND NOTES:**
- EXISTING TREES TO BE RETAINED
  - EXISTING TREES TO BE REMOVED APPROVED BY VCAT
  - PROPOSED ADDITIONAL EXISTING TREES TO BE REMOVED
  - LANDSCAPE AREA (REF. LANDSCAPE PLAN FOR PROPOSED LANDSCAPE)
  - CARAVAN CAMPING PITCH
  - COMMUNAL FACILITIES
  - ASPHALT SEALED ROAD WITH LATERAL DRAINAGE TO THE GROUND EITHER SIDE
  - RESILIENT PERMEABLE DRIVEWAY TREATMENT
  - ABORIGINAL HERITAGE PARK AREAS AS DELINEATED IN AMENDED CHMP NO. 16545 APPROVED JULY 2020
  - NATURE WALK PAVEMENT / INTERNAL FOOTPATHS MIN. 1.5M WIDE
  - SERVICE LINES: GAS, ELECTRICITY, WATER, TELEPHONE & INTERNET
  - SERVICE LINES: SEWER
  - FH FIRE HYDRANTS
  - FR FIRE HOSE REELS
  - REINFORCED GRASS
- THE ACCESS AND EGRESS DRIVEWAYS FROM OLD CAPE SCHANCK ROAD LOCATED WITHIN THE ROAD RESERVE BEING ASPHALT SEALED PAVEMENTS CAPABLE OF ACCOMMODATING THE VEHICLES EXPECTED TO ENTER AND EXIT THE SITE.
- THE ACCESS DRIVEWAY WITHIN 189 OLD CAPE SCHANCK ROAD BEING SHOWN AS A 6.9 METRE WIDE TWO-WAY AND CONSTRUCTED WITH A RESILIENT PERMEABLE SURFACE THAT WILL MINIMISE DUST, OR SEALED WITH AN ALL-WEATHER SEAL AND PROVIDED WITH LATERAL DRAINAGE TO THE GROUND EITHER SIDE.
- ALL OTHER DRIVEWAYS WITHIN THE SITE WILL BE CONSTRUCTED WITH A RESILIENT PERMEABLE TREATMENT THAT WILL MINIMISE DUST OR SEALED WITH AN ALL-WEATHER SEAL AND PROVIDED WITH LATERAL DRAINAGE TO THE GROUND EITHER SIDE.
- NO ACCESS OR EGRESS FROM THE SITE VIA GRASSLANDS ROAD OTHER THAN FOR EMERGENCY VEHICLES OR OTHERWISE IN ACCORDANCE WITH THE APPROVED OPERATION MANAGEMENT PLAN.
- INTERNAL FOOTPATHS BEING A MINIMUM OF 1.5M WIDE AND SURFACED WITH CONCRETE OR OTHER MATERIAL TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY ADJACENT TO THE RECEPTION COMMUNITY CENTRE FACILITIES, SWIMMING POOL, BOWLS COURT, TENNIS COURT AND GYMNASIUM. IN A RESILIENT PERMEABLE SURFACE ON OTHER AREAS.
- ALL EXISTING DISTURBING WORKS ON SITE MUST ACCORD WITH THE REQUIREMENTS OF AMENDED CHMP NO. 16545 APPROVED JULY 2020.
- FINISH LEVELS OR LEVELS OF ALL THE PERMANENT BUILDINGS ARE SET 100MM ABOVE 1% YEAR ESTIMATED FLOOD LEVEL TO AUSTRALIAN HEIGHT DATUM (AHD).
- PITCH SITES LANDSCAPING AND LAYOUT PLANS ARE SUBJECT TO COUNCIL AND CFA APPROVED PLANS.
- TOTAL CARAVAN PITCHES = 140 NOS.  
VISITORS CAR PARK = 32 NOS.



K	AMENDED PLAN	20.12.21
J	AMENDED PLAN	06.04.21
I	AMENDED PLAN	02.02.21
H	VCAT SUBSTITUTION DRAWINGS	20.11.19
G	VCAT SUBSTITUTION DRAWINGS	23.09.19
F	AMENDED PLAN SET	30.01.19
E	VCAT FURTHER INFORMATION	19.10.17
D	AMENDED PLAN SET	05.09.17
C	AMENDED PLAN SET	18.08.17
B	WITHOUT PREJUDICE AMENDED PLANS	11.08.17
A	R.F.I. RESPONSE	01.28.16
-	TOWN PLANNING APPLICATION	26.05.16
ISSUE	AMENDMENT	DATE
* AMENDMENT SHOWN CLOUDED		

**AMENDED PLAN**

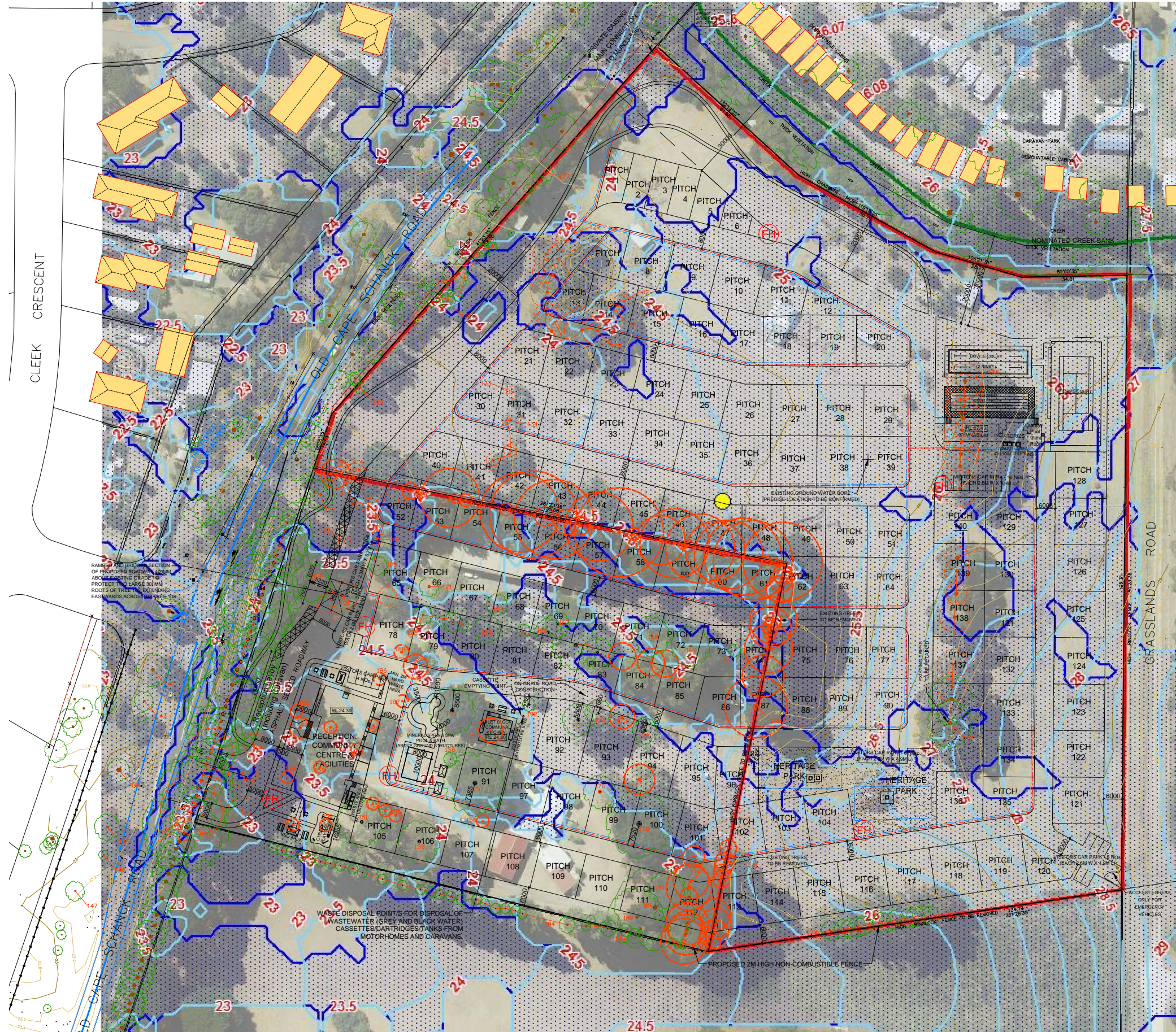
**Project**  
**PROPOSED TOURIST RESORT & PARK AT 161 & 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.**

**Title**  
**MASTER PLAN WITH AERIAL OVERLAY**

Drawn	HC/SS	Date	20 DEC. 2021
Job No	1615	Scale	1500 & 1:250 @ B1
Drawing No	TP 03A	Revision No	K

Peter L. Brown Architects Pty. Ltd.  
9 Evans Pt. Heathorn East Vic.3033  
Ph: 0339882 7866  
Fax: 0339882 7507  
E-mail: p@pbrarch.com.au  
A.B.N. 85 070 416 287



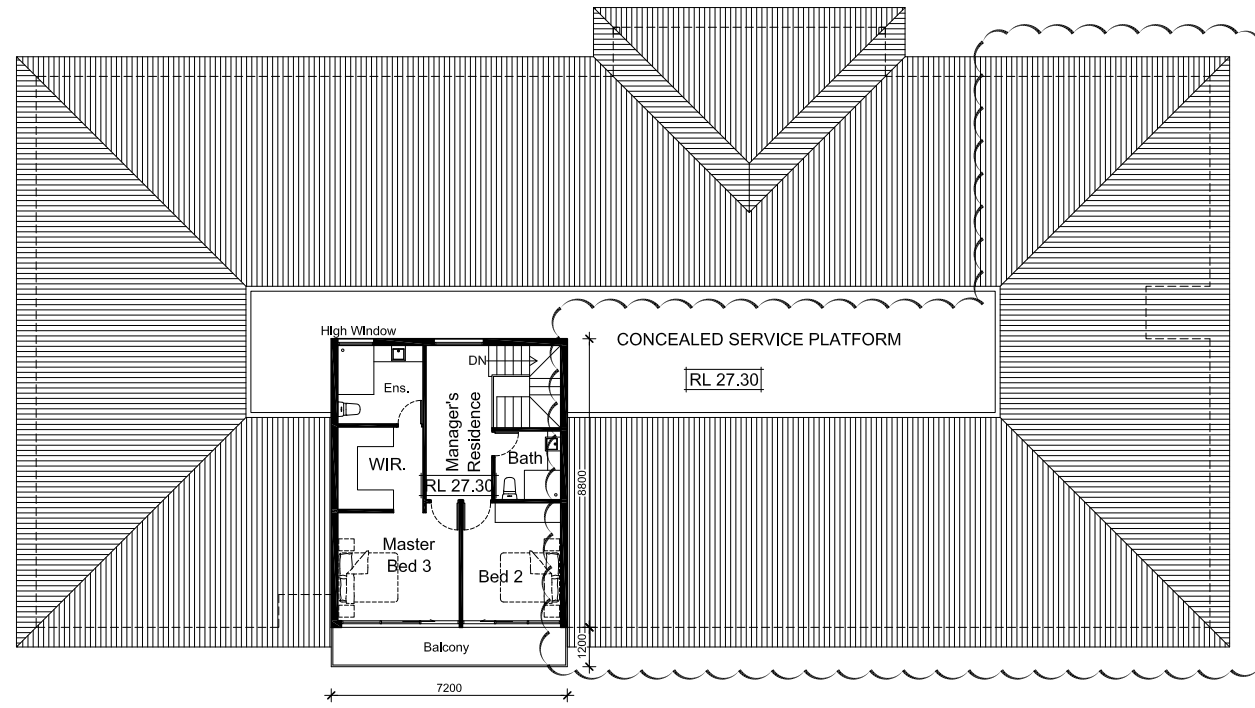


C	AMENDED PLAN	20.12.21
B	AMENDED PLAN	06.04.21
A	AMENDED PLAN	02.03.21
-	VICAT SUBSTITUTION DRAWINGS	23.09.19
ISSUE	AMENDMENT	DATE
* AMENDMENT SHOWN CLOUDED		

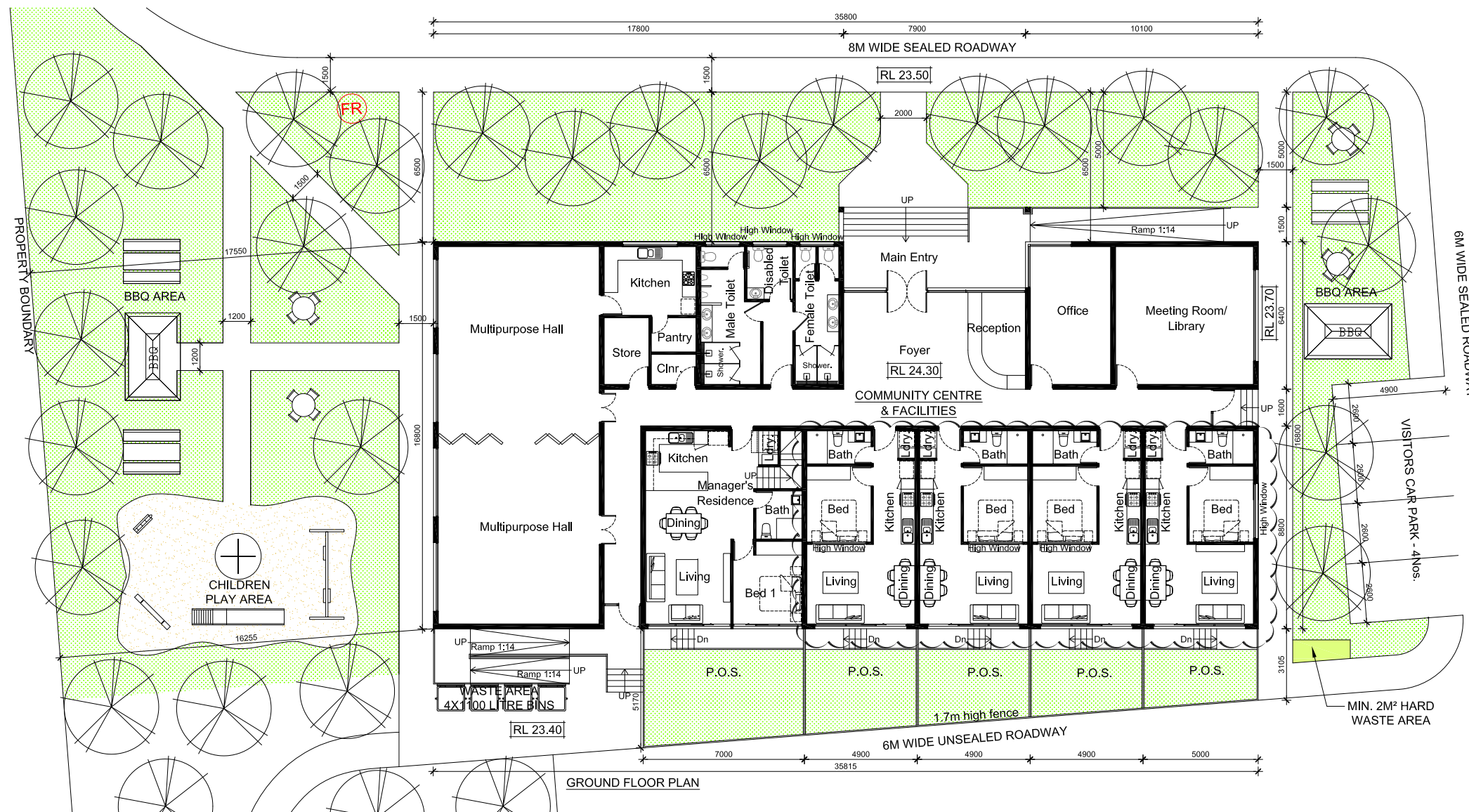
**AMENDED PLAN**

<b>Project</b>	
PROPOSED TOURIST RESORT & PARK AT 161 & 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.	
<b>Title</b>	
MASTER PLAN WITH MELBOURNE WATER FLOOD MAP OVERLAY	
<b>Drawn</b>	<b>Date</b>
SS	20 DEC. 2021
<b>Job No</b>	<b>Scale</b>
1615	1500 @ B1
<b>Drawing No</b>	<b>Revision No</b>
TP 03B	C
Peter L. Brown Architects Pty. Ltd. 9 Evans Pl. Heathorn East Vic 3103 Ph: 0339882 7966 Fax: 0339882 7507 E-mail: pjb@pbrarch.com.au A.B.N. 85 070 416 287	





First Floor Plan



GROUND FLOOR PLAN

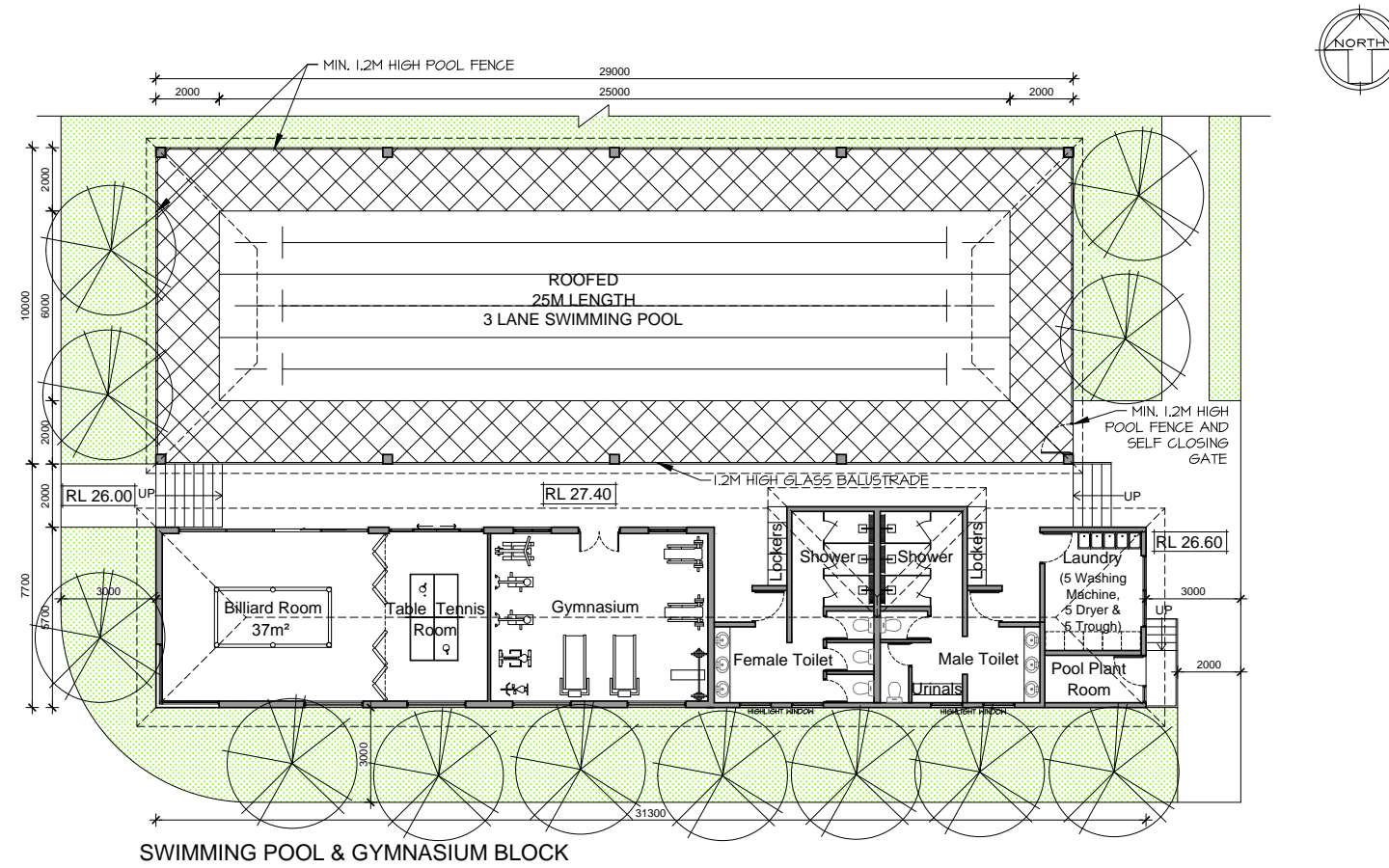
I	AMENDED PLAN	20.12.21
H	AMENDED PLAN	25.06.21
G	AMENDED PLAN	02.02.21
F	VCAT SUBSTITUTION DRAWINGS	23.09.19
E	AMENDED PLAN SET	30.01.19
D	VCAT FURTHER INFORMATION	19.10.17
C	AMENDED PLAN SET	18.08.17
B	WITHOUT PREJUDICE AMENDED PLANS	11.08.17
A	R.F.I RESPONSE	01.08.16
-	TOWN PLANNING APPLICATION	26.05.16
ISSUE	AMENDMENT	DATE

AMENDED PLAN

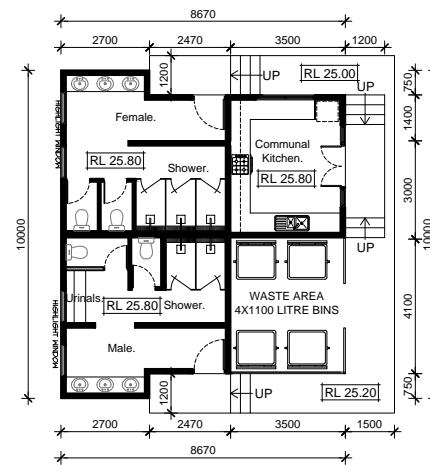
Project	
<b>PROPOSED TOURIST RESORT &amp; PARK AT 161 &amp; 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.</b>	
Title	
<b>PLANS OF COMMUNITY CENTRE &amp; FACILITIES</b>	
Drawn	Date
HC/SS	20 DEC. 2021
Job No	Scale
1615	1:100 @ A1
Drawing No	Revision No
TP 04	I
Peter L. Brown Architects Pty. Ltd.	
9 Evans Pl. Hawthorn East Vic.3123	
Ph:10319882 7856	
Fax: 10319882 7507	
E-mail: plb@pbaroh.com.au	
A.B.N. 65 070 416 287	



PLOT DATE 20.12.2021



SWIMMING POOL & GYMNASIUM BLOCK



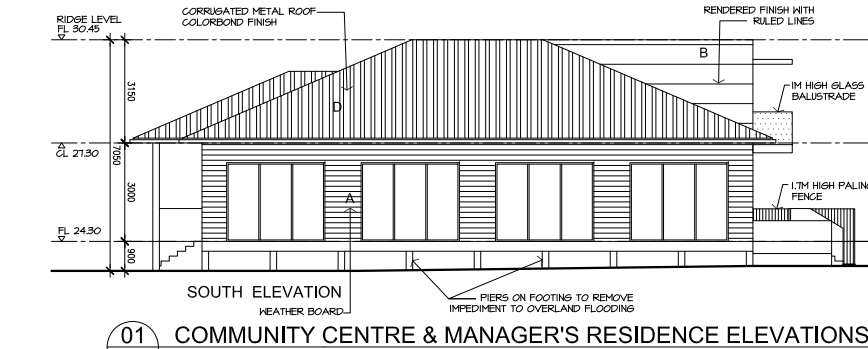
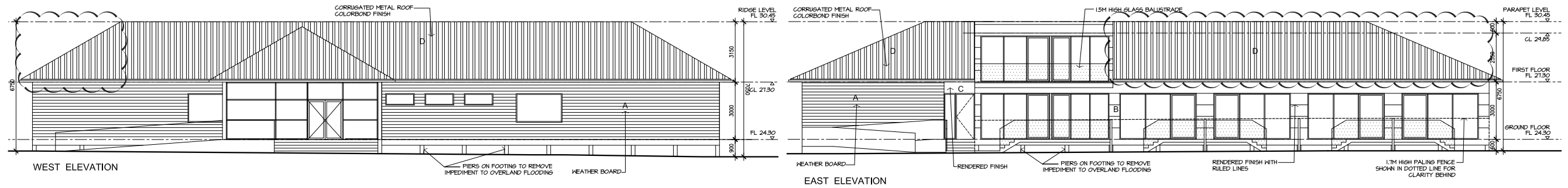
TOILET BLOCK & COMMUNAL KITCHEN

ISSUE	AMENDMENT	DATE
H	AMENDED PLAN	25.06.21
G	AMENDED PLAN	02.02.21
F	VCAT SUBSTITUTION DRAWINGS	23.09.19
E	AMENDED PLAN SET	30.01.19
D	VCAT FURTHER INFORMATION	19.10.17
C	AMENDED PLAN SET	18.08.17
B	WITHOUT PREJUDICE AMENDED PLANS	11.08.17
A	R.F.J RESPONSE	01.08.16
-	TOWN PLANNING APPLICATION	26.05.16

AMENDED PLAN

<b>Project</b> PROPOSED TOURIST RESORT & PARK AT 161 & 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.	
<b>Title</b> PLANS OF COMMUNAL FACILITIES	
<b>Drawn</b> HC/SS	<b>Date</b> 25 JUNE 2021
<b>Job No</b> 1615	<b>Scale</b> 1:100 @ A1
<b>Drawing No</b> TP 05	<b>Revision No</b> H
Peter L. Brown Architects Pty. Ltd. 9 Evans Pl. Hawthorn East Vic.3123 Ph.0319882 7966 Fax. 0319882 7507 E-mail : plb@plbaroh.com.au A.B.N. 85 070 416 287	

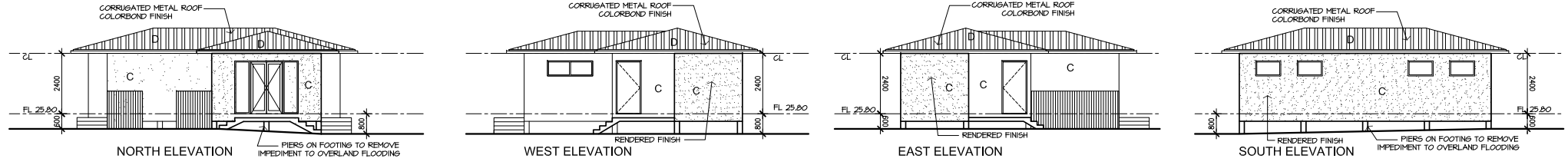
PLOT DATE 20.12.2021



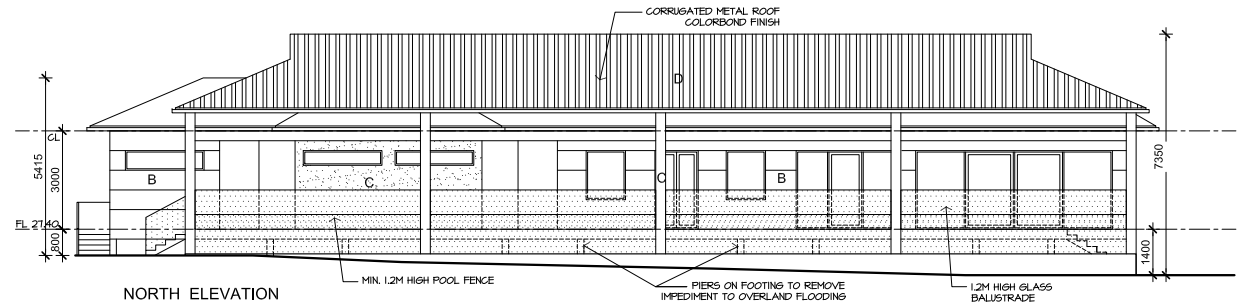
01 COMMUNITY CENTRE & MANAGER'S RESIDENCE ELEVATIONS  
SCALE 1:100

SCHEDULE OF MATERIALS & COLORS	
<b>EXTERNAL WALLS:</b>	
A: WEATHER BOARD: HORIZONTAL CLADDING DULUX_MALLARD GREY_PC2A5 OR, SIMILAR	
B: RENDERED FINISH WITH RULED LINES DULUX_RUSSIAN TOFFEE_P1402 OR, SIMILAR	
C: RENDER FINISH DULUX_SANDSTONE_37536 OR, SIMILAR	
<b>ROOF:</b>	
D: CORRUGATED METAL ROOF DULUX COLORBOND A_BUSHLAND_CB1 OR, SIMILAR	

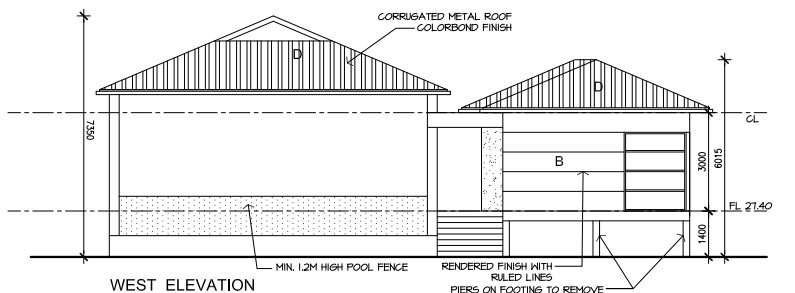
I	AMENDED PLAN	20.12.21
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-	TOWN PLANNING APPLICATION	26.05.16
ISSUE	AMENDMENT	DATE



02 TOILET BLOCK & COMMUNAL KITCHEN  
SCALE 1:100



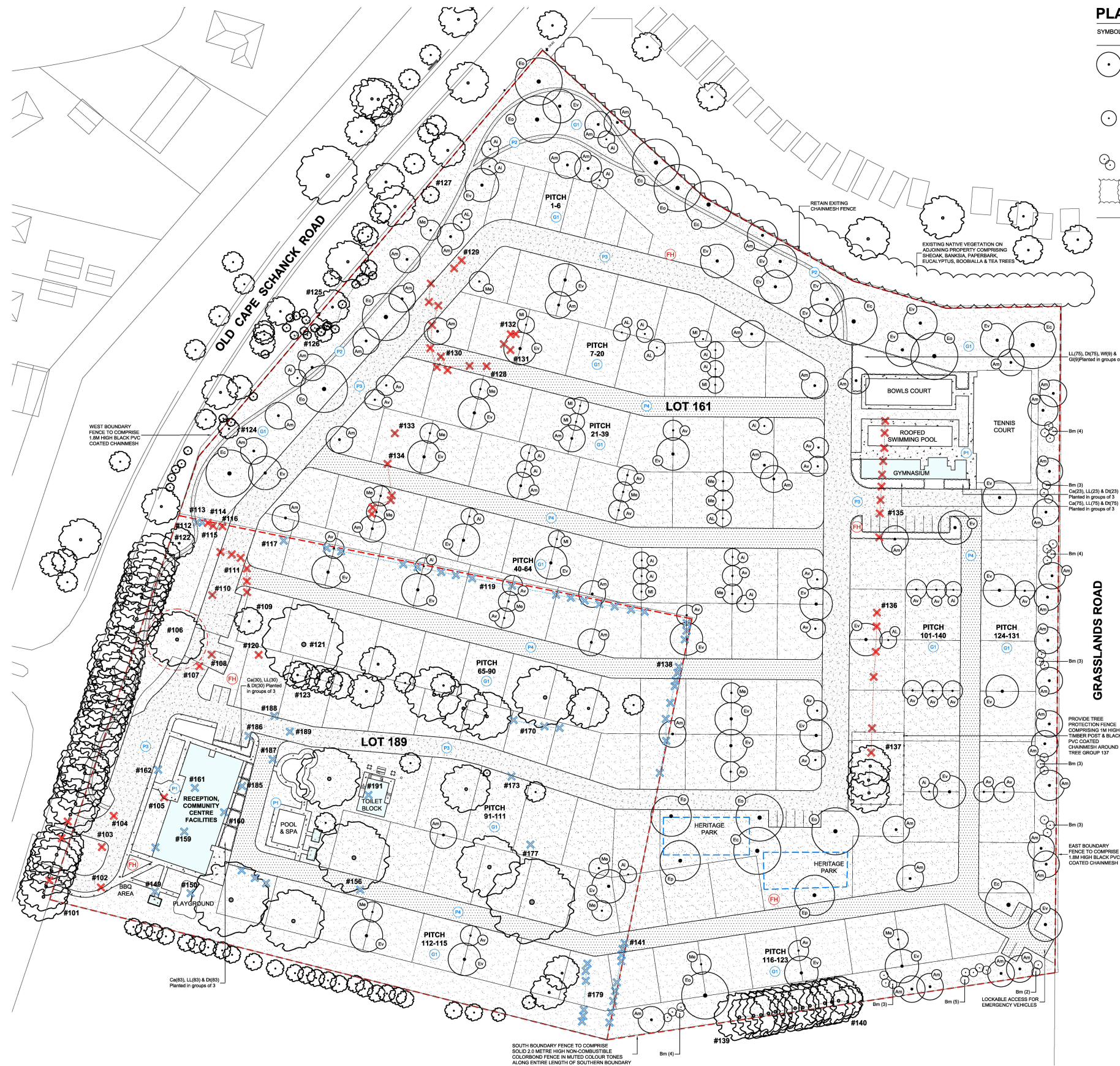
03 SWIMMING POOL & GYMNASIUM BLOCK  
SCALE 1:100



WEST ELEVATION  
EAST ELEVATION

AMENDED PLAN

<b>Project</b>	
PROPOSED TOURIST RESORT & PARK AT 161 & 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.	
<b>Title</b>	
ELEVATIONS - COMMUNITY CENTRE & FACILITIES	
<b>Drawn</b>	<b>Date</b>
HC/SS	20 DEC. 2021
<b>Job No</b>	<b>Scale</b>
1615	1:100 @ A1
<b>Drawing No</b>	<b>Revision No</b>
TP 06	I
<b>Peter L. Brown Architects Pty. Ltd.</b>	
9 Evans Pl. Hawthorn East Vic.3123	
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E-mail: p@pbaroh.com.au	
A.B.N. 85 070 416 287	



**PLANT SCHEDULE**

SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD	INSTALL HEIGHT	POT SIZE	QTY
<b>LARGE EVERGREEN TREES</b>								
Am		<i>Acacia melanoxylon</i>	Blackwood	14.0-15.0m	8.0-9.0m	2.0m	45L/30mm cal.	-
Ec		<i>Eucalyptus cephalocarpa</i>	Silver-leaf Stringybark	18.0-20.0m	12.0-14.0m	2.0m	45L/30mm cal.	-
Ep		<i>Eucalyptus obliqua</i>	Wesmarite Stringybark	20.0-25.0m	12.0-14.0m	2.0m	45L/30mm cal.	-
Ep		<i>Eucalyptus pauciflora</i>	White Sallee	10.0-14.0m	10.0-12.0m	2.0m	45L/30mm cal.	-
Ev		<i>Eucalyptus viminalis</i> subsp. <i>pauciflora</i>	Coast Manna-Gum	10.0-14.0m	8.0-10.0m	2.0m	45L/30mm cal.	-
Ev		<i>Eucalyptus viminalis</i> subsp. <i>pyroidea</i>	Coast Manna-Gum	10.0-14.0m	8.0-10.0m	2.0m	45L/30mm cal.	-
<b>MEDIUM EVERGREEN TREES</b>								
Al		<i>Acacia implexa</i>	Lightwood	7.0-8.0m	4.0-5.0m	2.0m	45L/30mm cal.	-
Ca		<i>Allocasuarina littoralis</i>	Black Sheoak	7.0-8.0m	4.0-5.0m	2.0m	45L/30mm cal.	-
Av		<i>Allocasuarina verticillata</i>	Drooping Sheoak	8.0-9.0m	5.0-6.0m	2.0m	45L/30mm cal.	-
Mf		<i>Melaleuca lanceolata</i>	Moonah	7.0-8.0m	3.0-5.0m	2.0m	45L/30mm cal.	-
Me		<i>Melaleuca ericifolia</i>	Swamp Paperbark	8.0-9.0m	5.0-6.0m	2.0m	45L/30mm cal.	-
<b>NARROW EVERGREEN TREES</b>								
Bm		<i>Banksia marginata</i>	Silver Banksia	5.0m	1.5-2.0m	1.5m	30L/30mm cal.	-
<b>GROUND COVER, TUFTED &amp; STRAP LEAFED PLANTS</b>								
Wf		<i>Westringia fruticosa</i> 'Mundi'	Westringia Mundi	0.4m	1.5m	-	140mm	-
Ca		<i>Chrysosplenium apiculatum</i>	Common Everlasting	0.3m	0.8m	-	140mm	-
LL		<i>Lomandra x Lime Tuft</i>	Lime Tuft Mat-rush	0.4m	0.5m	-	140mm	-
DI		<i>Dianella tasmanica</i>	Tasman Flax Lily	0.6m	0.6m	-	140mm	-
GI		<i>Grewia lanigera</i>	'Mt Tamboritha'	0.3m	1.5m	-	140mm	-

**LEGEND**

- EXISTING TREES TO BE RETAINED  
REFER TO ARBORICULTURAL ASSESSMENT PREPARED BY LANDSCAPE DEPT, DATED NOVEMBER 2021
- EXISTING TREE TO BE REMOVED - PREVIOUSLY APPROVED BY VCAT  
REFER TO ARBORICULTURAL ASSESSMENT PREPARED BY LANDSCAPE DEPT, DATED NOVEMBER 2021
- ADDITIONAL EXISTING TREES TO BE REMOVED
- GRASS  
APPROVED GRASS MIX/TURF  
75mm APPROVED TOPSOIL  
300mm CULTIVATED SUBGRADE
- PEDESTRIAN PAVING  
EG. ASPHALT PAVING
- PEDESTRIAN PAVING  
EG. GRANITIC GRAVEL
- VEHICLE PAVING  
EG. ASPHALT PAVING TO ENGINEERING DETAIL
- VEHICLE PAVING  
EG. RESILIENT PERMEABLE PAVING TO ENGINEERING DETAIL
- HERITAGE PROTECTION AREA  
(SHOWN INDICATIVELY ON THIS PLAN) REFER TO CHMP PREPARED BY JEM ARCHAEOLOGY, DATED 6 DECEMBER 2019. ANY EXCAVATION OR DIGGING (INCLUDING FOR PLANTING) WITHIN THE HERITAGE PARKS REQUIRED UNDER THE APPROVED CULTURAL HERITAGE MANAGEMENT PLAN MUST BE UNDERTAKEN BY HAND AND THAT THERE MUST NOT BE ANY EXCAVATION BELOW 15CM.

**NOTES**

- TREE MANAGEMENT**  
REFER TO TREE MANAGEMENT PLAN & TREE PROTECTION PLAN FOR DETAILS OF EXISTING TREES.
- PASSIVE IRRIGATION NOTE**  
DIRECT ROAD DRAINAGE TO COMMUNAL OPEN SPACE ZONES ALONG THE NORTH EASTERN AND NORTH WESTERN SETBACKS FOR ABSORPTION INTO THE NATURAL GROUND PROFILE.
- FENCE NOTE**  
SOLID 2.0 METRE HIGH NON-COMBUSTIBLE COLORBOND FENCE IN MUTED COLOUR TONES ALONG ENTIRE LENGTH OF SOUTHERN BOUNDARY.
- EAST & WEST BOUNDARY FENCE TO COMPRISE 1.8M HIGH BLACK PVC COATED CHAINMESH.
- BUSHFIRE PLANTING NOTE**  
THE LANDSCAPE TREATMENT ILLUSTRATED ON THIS PLAN IS CONSISTENT WITH THE DEFENDABLE SPACE REQUIREMENTS OF 'LANDSCAPING FOR BUSHFIRE, CFA, 2011'.

**NOT FOR CONSTRUCTION FOR TOWN PLANNING PURPOSES ONLY**

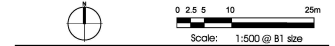


Rev	Date	Description
5	22.12.2021	FOR COUNCIL LODGEMENT

LONG LANE PTY LTD

161 & 189 OLD CAPE SCHANCK ROAD - BONEO

ILLUSTRATIVE LANDSCAPE MASTER PLAN



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Drawing No: TPEO0B

**ARBORICULTURAL ASSESSMENT**  
189 OLD CAPE SCHANCK ROAD, BONEO

**PREPARED BY:**  
SIMON HOWE  
CONSULTANT ARBORIST

**DECEMBER 2021**



**LANDSCAPE DEPT**

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189 OLD CAPE SCHANCK ROAD, BONEO  
ARBORICULTURAL ASSESSMENT

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189 OLD CAPE SCHANCK ROAD, BONEO  
ARBORICULTURAL ASSESSMENT

## 1.0 INTRODUCTION

- 1.1.1 This report has been prepared to provide an assessment of trees within the eastern portion of 189 Old Cape Schanck Road, Boneo, including permit requirements for tree removal and an impact assessment. The study area is shown at Figure 1, below.



FIGURE 1 STUDY AREA INDICATED WITHIN DASHED LINE

## 1.2 CONTEXT OF THIS REPORT

- 1.2.1 This report provides an assessment of additional trees within 189 Old Cape Schanck Road to inform a revised application for amendments to the planning permit for 161 & 189 Old Cape Schanck Road, P16/0953. This report supersedes that previously issued in February 2021.
- 1.2.2 A permit has been granted for the development of a camping and caravan park within 161 & 189 Old Cape Schanck Road, Boneo, including tree removal within the site and within the Old Cape Schanck Road road reserve.

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- 1.2.3 **The 2019 Report.** Landscape DEPT prepared an arboricultural assessment report in 2019 for the balance of land within 161 & 189 Old Cape Schanck Road for the permitted development (the 2019 report – *Arboricultural Assessment* [V2.0 September 2019]).
- 1.2.4 The extent of the 2019 Report study area is shown at Figure 2.
- 1.2.5 A copy of the 2019 report is attached to this report at Attachment 1. The 2019 report formed the basis of arboricultural evidence at the VCAT hearing. The permit, issued at the direction of VCAT, includes the following arboriculture-related conditions:
- 1 (n) the accurate location of tree rows 139 and 140
  - 1 (r) the retention of Tree 106 and the consequential realignment of the internal access driveway within 189 Old Cape Schanck Road
  - 1 (s) removal of Tree 112
  - 1 (z) barriers/bollards/fencing around Tree group 137
- 6 (a) – (e), 7-11 Preparation of a Tree Protection Plan in compliance with AS4970-2009 Protection of trees on development sites, and including specific measures included in the 2019 report and presented as evidence at the VCAT matter.
- 1.2.6 In summary and specifically in relation to trees, permit P16/0953:
- Provides for the removal of four Monterey Pines from Tree (group) 101 (a, b, c and i), subject to protection under VPO2;
  - No tree removals within the site covered by permit P16/0953 trigger any of the environmental overlays that apply to 161 & 189 Old Cape Schanck Road.
  - No tree removals within the site covered by permit P16/0953 trigger 52.17 Native Vegetation provisions, as all native vegetation assessed within the 2019 report is planted and exempt under the provisions of 52.17.
- 1.2.7 Tree numbering used in this report continues the numbering used in the 2019 report. A consolidated list of all trees in the 2019 Report and in this study, is included at Attachment 3.
- 1.2.8 **The 2018 Report.** An arboricultural assessment was undertaken by Glen Waters Arboriculture as part of an evidence statement for 161 Old Cape Schanck Road, Boneo (the 2018 Report).
- 1.2.9 A copy of the 2018 assessment data is attached at Attachment 2.
- 1.2.10 The 2018 report deals solely with roadside trees outside 161 Old Cape Schanck, numbered 1-70, some of which were to be removed for an earlier iteration of the development proposal, before the vehicle entry was moved to 189 Old Cape Schanck Road.

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- 1.2.11 None of the trees assessed as part of the 2018 report are impacted by the permitted development P16/0953 nor by the current, proposed amended scheme.
- 1.2.12 The extent of the 2018 Report study area is also shown at Figure 2.



FIGURE 2 STUDY AREAS OF THE 2019 REPORT (RED) AND THE 2018 REPORT (BLUE)

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## 2.0 DISCUSSION

2.1.1 45 trees or tree groups were assessed as part of this study.

- Five trees were assessed of high arboricultural value;
- 12 trees were assessed of moderate arboricultural value;
- 22 trees were assessed of low arboricultural value;
- 5 trees were assessed of no arboricultural value;
- 1 tree group has been assessed outside the site.

2.1.2 The site contains a diverse mix of predominantly planted exotic (that is not Victorian or indigenous) trees, including a number of substantially scaled specimens close to the dwelling, as well as over-mature Monterey Pines forming a windrow at the rear, eastern side of the property.

## 2.2 SITE TREES

### 2.2.1 High Value Trees

Five trees within the site have been assessed of high arboricultural value. These are mature specimens of substantial scale and with long useful life expectancies. Tree 175 is a mature River Red Gum (*Eucalyptus camaldulensis*) that appears to be a naturally occurring specimen. The other four trees assessed of high arboricultural value include two wide-spreading Moreton Bay Figs (*Ficus macrophylla*), Trees 157 and 178, an Algerian Oak (*Quercus canariensis*) Tree 190, and Tree 151 a Lemon-scented Gum (*Corymbia citriodora*).

FIGURE 3 TREES ASSESSED OF HIGH ARBORICULTURAL VALUE

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
151	1	<i>Corymbia citriodora</i> , Lemon-scented Gum	High
157	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	High
175	1	<i>Eucalyptus camaldulensis</i> , River Red Gum	High
178	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	High
190	1	<i>Quercus canariensis</i> , Algerian Oak	High

### 2.2.2 Moderate Value Trees

12 trees or tree groups within the site have been assessed of moderate arboricultural value. These are predominantly exotic trees with long useful life expectancies but are yet to achieve fully mature proportions.

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- 2.2.3 Tree 155 is a substantial Yellow Box (*Eucalyptus melliodora*) with a reduced health rating and reduced useful life expectancy of 11-20 years. Although indigenous to the greater Melbourne area, this specimen appears to be a planted specimen, forming a pair with Tree 151.

FIGURE 4 TREES ASSESSED OF MODERATE ARBORICULTURAL VALUE

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
152	1	<i>Cinnamomum camphora</i> , Camphor Laurel	Moderate
155	1	<i>Eucalyptus melliodora</i> , Yellow Box	Moderate
159	1	<i>Ulmus procera</i> , English Elm	Moderate
164	1	<i>Syzygium paniculatum</i> , Magenta Cherry	Moderate
166	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
168	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
169	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
170	5	<i>Populus x canadensis</i> , Grey Poplar	Moderate
173	1	<i>Cedrus atlantica 'Glauca Group'</i> , Blue Atlas Cedar	Moderate
180	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
181	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
188	1	<i>Araucaria columnaris</i> , Cook's Pine	Moderate

2.2.4 **Low and No Value Trees**

27 trees or tree groups within the site have been assessed of low or no arboricultural value.

- 2.2.5 Trees of low arboricultural value include trees exhibiting poor health and/or structure that limits their ongoing viability, as well as small trees of limited landscape value.

- 2.2.6 Trees of no value include dead or senescent specimens, as well as weed species.

FIGURE 5 TREES ASSESSED OF LOW AND NO ARBORICULTURAL VALUE

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
148	1	<i>Fraxinus angustifolia subsp. angustifolia</i> , Desert Ash	Low
149	1	<i>Corymbia ficifolia</i> , Red-flowering Gum	None

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ID.	No. of trees	Taxon, Common Name	Arboricultural Value
150	4	<i>Populus nigra var. italica</i> , Lombardy Poplar	None
153	1	<i>Aesculus sp.</i> , Buckeye	Low
154	1	<i>Ulmus glabra</i> , Scotch Elm	Low
156	1	<i>Acer palmatum</i> , Japanese Maple	Low
158	1	<i>Jacaranda mimosifolia</i> , Jacaranda	Low
160	2	<i>Prunus Sato-Zakura Group</i> , Japanese Flowering Cherry	Low
161	1	<i>Macadamia integrifolia</i> , Macadamia	Low
162	1	<i>Eucalyptus leucoxylon</i> , Yellow Gum	Low
163	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Low
165	1	<i>Pittosporum eugenioides 'Variegatum'</i> , Silver Tarata	Low
167	1	<i>Eucalyptus botryoides</i> , Southern Mahogany	Low
171	2	<i>Populus nigra var. italica</i> , Lombardy Poplar	Low
172	1	<i>Fraxinus sp.</i> , Ash	Low
174	1	<i>Washingtonia robusta</i> , Mexican Fan Palm	Low
176	1	<i>Eucalyptus globulus</i> , Blue Gum	Low
177	1	<i>Unknown sp.</i> ,	Low
179	6	<i>Pinus radiata</i> , Monterey Pine	Low
182	1	<i>Pinus radiata</i> , Monterey Pine	None
183	1	<i>Populus nigra var. italica</i> , Lombardy Poplar	None
185	1	<i>Malus x domestica</i> , Apple	Low
186	1	<i>Olea europaea</i> , Olive	Low
187	1	<i>Laurus nobilis</i> , Bay Laurel	Low
189	1	<i>Paulownia tomentosa</i> , Empress Tree	Low

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ID.	No. of trees	Taxon, Common Name	Arboricultural Value
191	1	<i>Pittosporum undulatum</i> , Sweet Pittosporum	None
192	1	<i>Ulmus glabra 'Camperdownii'</i> , Camperdown Elm	Low

## 2.3 TREES OUTSIDE THE SITE

2.3.1 One tree group has been assessed outside the site, a row of Lombardy Poplar (*Populus nigra var italica*) located along the northern boundary of 201 Old Cape Schanck Road, close to the common site boundary.

FIGURE 6 TREES ASSESSED OUTSIDE THE SITE

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
184	38	<i>Populus nigra var. italica</i> , Lombardy Poplar	Moderate

2.3.2 Full data for each assessed tree or tree group is included at Section 3.0. Tree locations are shown on the plan at Section 5.0.

## 2.4 PERMIT REQUIREMENTS

2.4.1 Portions of the site, namely a narrow section of the front setback along Old Cape Schanck Road and most of the rear, eastern boundary, are covered by Schedule 2 to the Vegetation Protection Overlay (VPO2) and Schedule 28 to the Environmental Significance Overlay as part of the Mornington Peninsula Planning Scheme. None of the trees assessed as part of this study are in those locations so are not subject to either overlay.

2.4.2 Trees previously assessed in the 2019 report and impacted by the amended scheme are listed in Section 3.0 Impact Assessment, below.

2.4.3 Clause 52.17 Native Vegetation also applies to the site, and "A permit is required to remove, destroy or lop native vegetation, including dead native vegetation". Planted native vegetation is generally exempt from this provision. One tree, Tree 175, River Red Gum appears to be a naturally occurring specimen, however it is proposed to be retained and protected as part of the amended scheme so would not trigger this provision.

2.4.4 Tree 191, a Sweet Pittosporum (*Pittosporum undulatum*) is listed as an exempt species in the schedule to Clause 52.17 (scheduled weed), and all other trees native to Victoria within the site are planted specimens.

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### 3.0 IMPACT ASSESSMENT

- 3.1.1 An updated scheme for the permitted at 161 and 189 Olde Cape Schanck Road is proposed. The following plan has been reviewed in the preparation of this assessment.

Illustrative Landscape Master Plan P9 20.10.2021

161 & 189 Old Cape Schanck Road - Boneo

Prepared by CDA Design Group Pty Ltd

### 3.2 IMPACT TO ADDITIONAL TREES ASSESSED AT 189 OLD CAPE SCHANCK ROAD

- 3.2.1 The amended proposal seeks to retain all high arboricultural value trees as specimens through the extended caravan pitch area, as well as the majority of trees assessed of moderate arboricultural value.

- 3.2.2 The following trees are proposed to be removed within 189 Old Cape Schanck Road, assessed as part of this study and listed in Figure 7.

FIGURE 7 TREES PROPOSED TO BE REMOVED, ASSESSED AS PART OF THIS REPORT

ID	Taxon	Common Name	No. of trees	Arboricultural value
148	<i>Fraxinus angustifolia</i> <i>subsp. angustifolia</i>	Desert Ash	1	Low
149	<i>Corymbia ficifolia</i>	Red-flowering Gum	1	None
150	<i>Populus nigra</i> var. <i>italica</i>	Lombardy Poplar	4	None
152	<i>Cinnamomum camphora</i>	Camphor Laurel	1	Moderate
153	<i>Aesculus</i> sp.	Buckeye	1	Low
154	<i>Ulmus glabra</i>	Scotch Elm	1	Low
156	<i>Acer palmatum</i>	Japanese Maple	1	Low
159	<i>Ulmus procera</i>	English Elm	1	Moderate
160	<i>Prunus Sato-Zakura</i> Group	Japanese Flowering Cherry	2	Low
161	<i>Macadamia integrifolia</i>	Macadamia	1	Low
162	<i>Eucalyptus leucoxylon</i>	Yellow Gum	1	Low
170	<i>Populus</i> × <i>canadensis</i>	Grey Poplar	3	Moderate
173	<i>Cedrus atlantica</i> 'Glauca Group'	Blue Atlas Cedar	1	Moderate
177	Unknown sp.	Fruit tree	1	Low
179	<i>Pinus radiata</i>	Monterey Pine	6	Low
185	<i>Malus</i> × <i>domestica</i>	Apple	1	Low
186	<i>Olea europaea</i>	Olive	1	Low
187	<i>Laurus nobilis</i>	Bay Laurel	1	Low
188	<i>Araucaria columnaris</i>	Cook's Pine	1	Moderate
189	<i>Paulownia tomentosa</i>	Empress Tree	1	Low
191	<i>Pittosporum undulatum</i>	Sweet Pittosporum	1	None

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### 3.3 IMPACT TO TREES PREVIOUSLY ASSESSED AT 161 & 189 OLD CAPE SCHANCK ROAD

3.3.1 The following trees assessed in the 2019 report are also proposed to be removed as part of the amended proposal:

- Tree 113 & 117, Grey Poplars;
- Tree (group) 119, a row of 19 Grey Poplars;
- Tree 124, Coast Banksia
- Tree (group) 138, a row of 10 Monterey Pines;
- Tree (group) 141, a row of 9 Monterey Pines;

3.3.2 Whilst the southern seven trees in Tree (group) 138 and all nine trees in Tree (group) 141 are included within schedule 2 to the vegetation protection overlay that extends to most of the eastern boundary of 189 Old Cape Schanck Road, I am advised that the ownership of 161 and 189 is such that these trees can be removed pursuant to Clause 52.12-2 Exemption for vegetation removal along a fence line.

**FIGURE 8 ADDITIONAL TREES PROPOSED TO BE REMOVED AND ASSESSED IN THE 2019 REPORT**

ID	Taxon	Common Name	No. of trees	Arboricultural value
113	<i>Populus × canadensis</i>	Grey Poplar	1	Low
117	<i>Populus × canadensis</i>	Grey Poplar	1	Moderate
119	<i>Populus × canadensis</i>	Grey Poplar	19	High
138	<i>Pinus radiata</i>	Monterey Pine	10	Moderate
141	<i>Pinus radiata</i>	Monterey Pine	9	Moderate

3.3.3 One tree previously proposed to be removed is now to be retained as part of the amended proposal:

- Tree 109, a Moreton Bay Fig;


**FIGURE 9 ADDITIONAL TREE PROPOSED TO BE RETAINED AND ASSESSED IN THE 2019 REPORT**


ID	Taxon	Common Name	No. of trees	Arboricultural value
109	<i>Ficus macrophylla</i>	Moreton Bay Fig	1	Moderate


3.3.4 A summary of the retention status of all trees within 161 and 189 Old Cape Schanck Road is included at Attachment 3, including a site-wide tree location plan.

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## 4.0 TREE ASSESSMENT DATA


	<b>TREE: 148</b>	<b><i>Fraxinus angustifolia subsp. angustifolia</i>, Desert Ash</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Poor	<b>FORM:</b> Symmetrical	<b>ULE:</b> 1-5 years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 5	<b>WIDTH (m):</b> 4	<b>DBH (cm):</b> 12 10 <b>DAB (cm):</b> 25	<b>TPZ (m):</b> 2.0 <b>SRZ (m):</b> 1.9
	<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b> Low	


	<b>TREE: 149</b>	<b><i>Corymbia ficifolia</i>, Red-flowering Gum</b>			
	<b>ORIGIN:</b> Australian Native	<b>HEALTH:</b> Dead	<b>STRUCTURE:</b> Poor	<b>FORM:</b> Symmetrical	<b>ULE:</b> 0
	<b>AGE:</b> Dead	<b>HEIGHT (m):</b> 7	<b>WIDTH (m):</b> 5	<b>DBH (cm):</b> 40 Estimate <b>DAB (cm):</b> 50	<b>TPZ (m):</b> 4.8 <b>SRZ (m):</b> 2.5
	<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b> None	

	<b>TREE: 150</b>	<b><i>Populus nigra var. italica</i>, Lombardy Poplar</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 0
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 15	<b>WIDTH (m):</b> 4	<b>DBH (cm):</b> 45 <b>DAB (cm):</b> 50	<b>TPZ (m):</b> 5.4 <b>SRZ (m):</b> 2.5
	<b>NOTES</b> Suckers from row in property to south			<b>ARBORICULTURAL RATING:</b> None	


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	<b>TREE: 151</b>	<b><i>Corymbia citriodora</i></b> , Lemon-scented Gum			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Australian Native	Fair-good	Fair	Symmetrical	20+years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Mature	27	22	73 43 39 DAB (cm): 100	11.2 SRZ (m): 3.4
<b>NOTES</b>				<b>ARBORICULTURAL RATING:</b> High	


	<b>TREE: 152</b>	<b><i>Cinnamomum camphora</i></b> , Camphor Laurel			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Exotic	Fair-good	Fair	Symmetrical	11-20 years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Semi-mature	10	10	50 Estimate Low DAB (cm): 55	6.0 SRZ (m): 2.6
<b>NOTES</b>				<b>ARBORICULTURAL RATING:</b> Moderate	

	<b>TREE: 153</b>	<b><i>Aesculus sp.</i></b> , Buckeye			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Australia	Fair-good	Fair	Symmetrical	11-20 years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Semi-mature	5	5	20 Estimate DAB (cm): 25	2.4 SRZ (m): 1.9
<b>NOTES</b>				<b>ARBORICULTURAL RATING:</b> Low	


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	<b>TREE: 154</b>	<b><i>Ulmus glabra</i>, Scotch Elm</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair	<b>STRUCTURE:</b> Fair-poor	<b>FORM:</b> Symmetrical	<b>ULE:</b> 6-10 years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 6	<b>WIDTH (m):</b> 5	<b>DBH (cm):</b> 18 Estimate <b>DAB (cm):</b> 22	<b>TPZ (m):</b> 2.2 <b>SRZ (m):</b> 1.8
	<b>NOTES</b> Decay in primary structure			<b>ARBORICULTURAL RATING:</b> Low	


	<b>TREE: 155</b>	<b><i>Eucalyptus melliodora</i>, Yellow Box</b>			
	<b>ORIGIN:</b> Indigenous	<b>HEALTH:</b> Fair	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 11-20 years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 25	<b>WIDTH (m):</b> 18	<b>DBH (cm):</b> 85 <b>DAB (cm):</b> 100	<b>TPZ (m):</b> 10.2 <b>SRZ (m):</b> 3.4
	<b>NOTES</b> Sparse crown limits value / ULE			<b>ARBORICULTURAL RATING:</b> Moderate	

	<b>TREE: 156</b>	<b><i>Acer palmatum</i>, Japanese Maple</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair-poor	<b>STRUCTURE:</b> Fair-poor	<b>FORM:</b> Asymmetrical	<b>ULE:</b> 1-5 years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 5	<b>WIDTH (m):</b> 6	<b>DBH (cm):</b> 30 Estimate Low <b>DAB (cm):</b> 35	<b>TPZ (m):</b> 3.6 <b>SRZ (m):</b> 2.2
	<b>NOTES</b> Deep decay			<b>ARBORICULTURAL RATING:</b> Low	


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	<b>TREE: 157</b>	<b><i>Ficus macrophylla</i>, Moreton Bay Fig</b>			
	<b>ORIGIN:</b> Australian Native	<b>HEALTH:</b> Good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 15	<b>WIDTH (m):</b> 20	<b>DBH (cm):</b> 125 <b>DAB (cm):</b> 200	<b>TPZ (m):</b> 15.0 <b>SRZ (m):</b> 4.5
	<b>NOTES</b> Large surface roots beneath much of crown			<b>ARBORICULTURAL RATING:</b> High	


	<b>TREE: 158</b>	<b><i>Jacaranda mimosifolia</i>, Jacaranda</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-poor	<b>FORM:</b> Asymmetrical	<b>ULE:</b> 11-20 years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 8	<b>WIDTH (m):</b> 6	<b>DBH (cm):</b> 25 17 <b>DAB (cm):</b> 35	<b>TPZ (m):</b> 3.7 <b>SRZ (m):</b> 2.2
	<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b> Low	

	<b>TREE: 159</b>	<b><i>Ulmus procera</i>, English Elm</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 15	<b>WIDTH (m):</b> 14	<b>DBH (cm):</b> 60 <b>DAB (cm):</b> 70	<b>TPZ (m):</b> 7.2 <b>SRZ (m):</b> 2.9
	<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b> Moderate	


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	<b>TREE: 160</b>	<b><i>Prunus Sato-Zakura Group</i>, Japanese Flowering Cherry</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair	<b>STRUCTURE:</b> Fair	<b>FORM:</b> Symmetrical	<b>ULE:</b> 6-10 years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 5	<b>WIDTH (m):</b> 7	<b>DBH (cm):</b> 45 Estimate Low <b>DAB (cm):</b> 45	<b>TPZ (m):</b> 5.4 <b>SRZ (m):</b> 2.4
	<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b> Low	


	<b>TREE: 161</b>	<b><i>Macadamia integrifolia</i>, Macadamia</b>			
	<b>ORIGIN:</b> Australia	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 7	<b>WIDTH (m):</b> 7	<b>DBH (cm):</b> 40 Multi-stemmed <b>DAB (cm):</b> 50	<b>TPZ (m):</b> 4.8 <b>SRZ (m):</b> 2.5
	<b>NOTES</b> Macadamia integrifolia			<b>ARBORICULTURAL RATING:</b> Low	

	<b>TREE: 162</b>	<b><i>Eucalyptus leucoxylon</i>, Yellow Gum</b>			
	<b>ORIGIN:</b> Indigenous	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-poor	<b>FORM:</b> Symmetrical	<b>ULE:</b> 11-20 years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 5	<b>WIDTH (m):</b> 6	<b>DBH (cm):</b> 17 Estimate <b>DAB (cm):</b> 25	<b>TPZ (m):</b> 2.1 <b>SRZ (m):</b> 1.9
	<b>NOTES</b> Rangy small tree			<b>ARBORICULTURAL RATING:</b> Low	


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	<b>TREE: 163</b>	<b><i>Ficus macrophylla</i>, Moreton Bay Fig</b>			
	<b>ORIGIN:</b> Australian Native	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 8	<b>WIDTH (m):</b> 10	<b>DBH (cm):</b> 30 Estimate <b>DAB (cm):</b> 40	<b>TPZ (m):</b> 3.6 <b>SRZ (m):</b> 2.3
	<b>NOTES</b> Location suggests self sown. Better tree to retain than poplars			<b>ARBORICULTURAL RATING:</b> Low	


	<b>TREE: 164</b>	<b><i>Syzygium paniculatum</i>, Magenta Cherry</b>			
	<b>ORIGIN:</b> Australian Native	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 10	<b>WIDTH (m):</b> 10	<b>DBH (cm):</b> 25 17 <b>DAB (cm):</b> 50	<b>TPZ (m):</b> 3.7 <b>SRZ (m):</b> 2.5
	<b>NOTES</b> Stake embedded in base			<b>ARBORICULTURAL RATING:</b> Moderate	

	<b>TREE: 165</b>	<b><i>Pittosporum eugenioides 'Variegatum'</i>, Silver Tarata</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 11-20 years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 7	<b>WIDTH (m):</b> 6	<b>DBH (cm):</b> 25 Estimate <b>DAB (cm):</b> 32	<b>TPZ (m):</b> 3.0 <b>SRZ (m):</b> 2.1
	<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b> Low	


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	<b>TREE: 166</b>	<b><i>Ficus macrophylla</i>, Moreton Bay Fig</b>			
	<b>ORIGIN:</b> Australian Native	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 16	<b>WIDTH (m):</b> 16	<b>DBH (cm):</b> 75 Estimate Low <b>DAB (cm):</b> 90	<b>TPZ (m):</b> 9.0 <b>SRZ (m):</b> 3.2
	<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b> Moderate	


	<b>TREE: 167</b>	<b><i>Eucalyptus botryoides</i>, Southern Mahogany</b>			
	<b>ORIGIN:</b> Victoria	<b>HEALTH:</b> Fair-poor	<b>STRUCTURE:</b> Fair-poor	<b>FORM:</b> Symmetrical	<b>ULE:</b> 1-5 years
	<b>AGE:</b> Over-mature	<b>HEIGHT (m):</b> 16	<b>WIDTH (m):</b> 7	<b>DBH (cm):</b> 75 Estimate <b>DAB (cm):</b> 90	<b>TPZ (m):</b> 9.0 <b>SRZ (m):</b> 3.2
	<b>NOTES</b> Poor			<b>ARBORICULTURAL RATING:</b> Low	

	<b>TREE: 168</b>	<b><i>Ficus macrophylla</i>, Moreton Bay Fig</b>			
	<b>ORIGIN:</b> Australian Native	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 16	<b>WIDTH (m):</b> 18	<b>DBH (cm):</b> 60 45 <b>DAB (cm):</b> 100	<b>TPZ (m):</b> 9.0 <b>SRZ (m):</b> 3.4
	<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b> Moderate	


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	<b>TREE: 169</b>	<b><i>Ficus macrophylla</i></b> , Moreton Bay Fig			
	<b>ORIGIN:</b> Australian Native	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 14	<b>WIDTH (m):</b> 12	<b>DBH (cm):</b> 45 45 45 <b>DAB (cm):</b> 100	<b>TPZ (m):</b> 9.4 <b>SRZ (m):</b> 3.4
	<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b> Moderate	


	<b>TREE: 170</b>	<b><i>Populus x canadensis</i></b> , Grey Poplar			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair	<b>FORM:</b> Symmetrical	<b>ULE:</b> 11-20 years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 20	<b>WIDTH (m):</b> 14	<b>DBH (cm):</b> 88 <b>DAB (cm):</b> 95	<b>TPZ (m):</b> 10.6 <b>SRZ (m):</b> 3.3
	<b>NOTES</b> Some medium deadwood throughout. Second from west poor tree			<b>ARBORICULTURAL RATING:</b> Moderate	

	<b>TREE: 171</b>	<b><i>Populus nigra var. italica</i></b> , Lombardy Poplar			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-poor	<b>FORM:</b> Symmetrical	<b>ULE:</b> 1-5 years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 25	<b>WIDTH (m):</b> 6	<b>DBH (cm):</b> 75 Estimate <b>DAB (cm):</b> 85	<b>TPZ (m):</b> 9.0 <b>SRZ (m):</b> 3.1
	<b>NOTES</b> Western tree smaller, poorer			<b>ARBORICULTURAL RATING:</b> Low	


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	<b>TREE: 172</b>	<b><i>Fraxinus sp.</i>, Ash</b>			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Exotic	Fair	Fair-poor	Symmetrical	6-10 years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Semi-mature	7	6	35 Estimate Low	4.2
			<b>DAB (cm):</b>	<b>SRZ (m):</b>	
			45	2.4	
<b>NOTES</b>				<b>ARBORICULTURAL RATING:</b>	
				Low	


	<b>TREE: 173</b>	<b><i>Cedrus atlantica 'Glauca Group'</i>, Blue Atlas Cedar</b>			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Exotic	Fair-good	Fair	Symmetrical	20+years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Semi-mature	8	10	36 31	5.8
			<b>DAB (cm):</b>	<b>SRZ (m):</b>	
			50	2.5	
<b>NOTES</b>				<b>ARBORICULTURAL RATING:</b>	
				Moderate	

	<b>TREE: 174</b>	<b><i>Washingtonia robusta</i>, Mexican Fan Palm</b>			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Exotic	Good	Good	Symmetrical	20+years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Semi-mature	9	2	45 Estimate	5.4
			<b>DAB (cm):</b>	<b>SRZ (m):</b>	
				1.5	
<b>NOTES</b>				<b>ARBORICULTURAL RATING:</b>	
				Low	


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	<b>TREE: 175</b>	<i>Eucalyptus camaldulensis</i> , River Red Gum			
	<b>ORIGIN:</b> Indigenous	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 19	<b>WIDTH (m):</b> 14	<b>DBH (cm):</b> 102 <b>DAB (cm):</b> 115	<b>TPZ (m):</b> 12.3 <b>SRZ (m):</b> 3.6
	<b>NOTES</b> If retained needs a reserve / exclusion zone			<b>ARBORICULTURAL RATING:</b> High	


	<b>TREE: 176</b>	<i>Eucalyptus globulus</i> , Blue Gum			
	<b>ORIGIN:</b> Victoria	<b>HEALTH:</b> Fair	<b>STRUCTURE:</b> Poor	<b>FORM:</b> Asymmetrical	<b>ULE:</b> 1-5 years
	<b>AGE:</b> Over-mature	<b>HEIGHT (m):</b> 22	<b>WIDTH (m):</b> 18	<b>DBH (cm):</b> 125 <b>DAB (cm):</b> 130	<b>TPZ (m):</b> 15.0 <b>SRZ (m):</b> 3.7
	<b>NOTES</b> Lost main stem. Trunk cankers, conks			<b>ARBORICULTURAL RATING:</b> Low	

	<b>TREE: 177</b>	<i>Unknown sp.</i>			
	<b>ORIGIN:</b> Australia	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair	<b>FORM:</b> Symmetrical	<b>ULE:</b> 11-20 years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 7	<b>WIDTH (m):</b> 5	<b>DBH (cm):</b> 25 18Estimate <b>DAB (cm):</b> 30	<b>TPZ (m):</b> 3.7 <b>SRZ (m):</b> 2.0
	<b>NOTES</b> Fruit tree			<b>ARBORICULTURAL RATING:</b> Low	


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	<b>TREE: 178</b>	<b><i>Ficus macrophylla</i>, Moreton Bay Fig</b>			
	<b>ORIGIN:</b> Australian Native	<b>HEALTH:</b> Good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 18	<b>WIDTH (m):</b> 25	<b>DBH (cm):</b> 125 <b>DAB (cm):</b> 180	<b>TPZ (m):</b> 15.0 <b>SRZ (m):</b> 4.3
	<b>NOTES</b> Poor overshadowed Cedrus deodara under crown			<b>ARBORICULTURAL RATING:</b> High	


	<b>TREE: 179</b>	<b><i>Pinus radiata</i>, Monterey Pine</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair-poor	<b>STRUCTURE:</b> Fair-poor	<b>FORM:</b> Symmetrical	<b>ULE:</b> 0
	<b>AGE:</b> Over-mature	<b>HEIGHT (m):</b> 28	<b>WIDTH (m):</b> 20	<b>DBH (cm):</b> 125 <b>DAB (cm):</b> 180	<b>TPZ (m):</b> 15.0 <b>SRZ (m):</b> 4.3
	<b>NOTES</b> Northern tree dead. Parallel to 141. Thicket of Coprosma repens at base			<b>ARBORICULTURAL RATING:</b> Low	

	<b>TREE: 180</b>	<b><i>Ficus macrophylla</i>, Moreton Bay Fig</b>			
	<b>ORIGIN:</b> Australian Native	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair	<b>FORM:</b> Asymmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 12	<b>WIDTH (m):</b> 10	<b>DBH (cm):</b> 50 20 <b>DAB (cm):</b>	<b>TPZ (m):</b> 6.5 <b>SRZ (m):</b> 1.5
	<b>NOTES</b> Developing specimen			<b>ARBORICULTURAL RATING:</b> Moderate	


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	<b>TREE: 181</b>	<b><i>Ficus macrophylla</i>, Moreton Bay Fig</b>			
	<b>ORIGIN:</b> Australian Native	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair	<b>FORM:</b> Asymmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 16	<b>WIDTH (m):</b> 10	<b>DBH (cm):</b> 50 Estimate <b>DAB (cm):</b> 70	<b>TPZ (m):</b> 6.0 <b>SRZ (m):</b> 2.9
	<b>NOTES</b> Developing specimen			<b>ARBORICULTURAL RATING:</b> Moderate	


	<b>TREE: 182</b>	<b><i>Pinus radiata</i>, Monterey Pine</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 0
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 16	<b>WIDTH (m):</b> 8	<b>DBH (cm):</b> 50 <b>DAB (cm):</b> 60	<b>TPZ (m):</b> 6.0 <b>SRZ (m):</b> 2.7
	<b>NOTES</b> Naturalised weed			<b>ARBORICULTURAL RATING:</b> None	

	<b>TREE: 183</b>	<b><i>Populus nigra var. italica</i>, Lombardy Poplar</b>			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair	<b>STRUCTURE:</b> Fair	<b>FORM:</b> Asymmetrical	<b>ULE:</b> 0
	<b>AGE:</b> Semi-mature	<b>HEIGHT (m):</b> 14	<b>WIDTH (m):</b> 4	<b>DBH (cm):</b> 45 <b>DAB (cm):</b> 60	<b>TPZ (m):</b> 5.4 <b>SRZ (m):</b> 2.7
	<b>NOTES</b> Weed sucker within site from adjacent row			<b>ARBORICULTURAL RATING:</b> None	


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	<b>TREE: 184</b>	<i>Populus nigra var. italica</i> , Lombardy Poplar			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Exotic	Fair-good	Fair-good	Symmetrical	20+years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Semi-mature	20	5	60	7.2
				<b>DAB (cm):</b>	<b>SRZ (m):</b>
				70	2.9
<b>NOTES</b> Row planted in property to south				<b>ARBORICULTURAL RATING:</b> Moderate	


	<b>TREE: 185</b>	<i>Malus x domestica</i> , Apple			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Exotic	Fair-good	Fair	Symmetrical	11-20 years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Semi-mature	7	5	25	3.0
				<b>DAB (cm):</b>	<b>SRZ (m):</b>
				30	2.0
<b>NOTES</b>				<b>ARBORICULTURAL RATING:</b> Low	

	<b>TREE: 186</b>	<i>Olea europaea</i> , Olive			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Exotic	Fair-good	Fair-good	Symmetrical	20+years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Semi-mature	5	2	10 10	2.0
				<b>DAB (cm):</b>	<b>SRZ (m):</b>
				27	2.0
<b>NOTES</b>				<b>ARBORICULTURAL RATING:</b> Low	


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	<b>TREE: 187</b>	<b><i>Laurus nobilis</i>, Bay Laurel</b>			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Exotic	Fair-good	Fair-good	Symmetrical	20+years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Semi-mature	5	2	9 8	2.0
			<b>DAB (cm):</b>	<b>SRZ (m):</b>	
			14	1.5	
<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b>		
			Low		


	<b>TREE: 188</b>	<b><i>Araucaria columnaris</i>, Cook's Pine</b>			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Exotic	Good	Fair-poor	Symmetrical	20+years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Semi-mature	12	4	44	5.3
			<b>DAB (cm):</b>	<b>SRZ (m):</b>	
			55	2.6	
<b>NOTES</b> Co-dominant but not necessarily problematic in this taxon			<b>ARBORICULTURAL RATING:</b>		
			Moderate		

	<b>TREE: 189</b>	<b><i>Paulownia tomentosa</i>, Empress Tree</b>			
	<b>ORIGIN:</b>	<b>HEALTH:</b>	<b>STRUCTURE:</b>	<b>FORM:</b>	<b>ULE:</b>
	Exotic	Fair	Fair-poor	Asymmetrical	1-5 years
	<b>AGE:</b>	<b>HEIGHT (m):</b>	<b>WIDTH (m):</b>	<b>DBH (cm):</b>	<b>TPZ (m):</b>
	Over-mature	7	10	Multi-stemmed	2.0
			<b>DAB (cm):</b>	<b>SRZ (m):</b>	
			60	2.7	
<b>NOTES</b> Decaying. Species uncertain			<b>ARBORICULTURAL RATING:</b>		
			Low		

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	<b>TREE: 190</b>	<b><i>Quercus canariensis</i></b> , Algerian Oak			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 20+years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 17	<b>WIDTH (m):</b> 18	<b>DBH (cm):</b> 80 60 47 <b>DAB (cm):</b> 130	<b>TPZ (m):</b> 13.3 <b>SRZ (m):</b> 3.7
	<b>NOTES</b> Low spreading crown			<b>ARBORICULTURAL RATING:</b> High	

	<b>TREE: 191</b>	<b><i>Pittosporum undulatum</i></b> , Sweet Pittosporum			
	<b>ORIGIN:</b> Victorian Native weed	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 0
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 6	<b>WIDTH (m):</b> 9	<b>DBH (cm):</b> Multi-stemmed <b>DAB (cm):</b> 55	<b>TPZ (m):</b> 2.0 <b>SRZ (m):</b> 2.6
	<b>NOTES</b> Mature weed tree. Spindly <i>Ficus macrophylla</i> and <i>Cedrus deodara</i> growing through crown			<b>ARBORICULTURAL RATING:</b> None	

	<b>TREE: 192</b>	<b><i>Ulmus glabra 'Camperdownii'</i></b> , Camperdown Elm			
	<b>ORIGIN:</b> Exotic	<b>HEALTH:</b> Fair-good	<b>STRUCTURE:</b> Fair-good	<b>FORM:</b> Symmetrical	<b>ULE:</b> 11-20 years
	<b>AGE:</b> Mature	<b>HEIGHT (m):</b> 4	<b>WIDTH (m):</b> 5	<b>DBH (cm):</b> 37 <b>DAB (cm):</b> 45	<b>TPZ (m):</b> 4.5 <b>SRZ (m):</b> 2.4
	<b>NOTES</b>			<b>ARBORICULTURAL RATING:</b> Low	

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## 5.0 DESCRIPTORS

### Age

Juvenile:	Young, recently planted tree.
Semi-mature:	Tree is developing and established.
Mature:	Specimen has reached expected size in current situation, limited extension growth.
Over-mature:	Specimen entering stage of decline, declining health.
Senescent	Tree is in advancing decline.

### Health

Good:	Crown full with good density, foliage entire, with good colour, minimal or no pathogen damage. Good growth indicators, e.g. extension growth. No or minimal canopy dieback. Good wound-wood and callus formation.
Fair:	Tree is exhibiting one or more of the following: Tree has <30% deadwood. Or can have minor canopy dieback. Foliage generally with good colour, some discolouration may be present, minor pathogen damage present. Typical growth indicators, e.g. extension growth, leaf size, canopy density for species in location may be slightly abnormal.
Poor:	Tree has >30% deadwood. Canopy dieback present. Discoloured or distorted leaves and/or excessive epicormic re-growth. Pathogen is present and/or stress symptoms that could lead to or are contributing to the decline of tree.
Dead:	Tree is dead.

### Structure

Good:	Sound branch attachment and/or no minor structural defects. Trunk and scaffold branches sound or only minor damage. Good trunk and scaffold branch taper. No branch over extension. No damage to structural roots, good buttressing present. No obvious root pests or diseases.
Fair:	Some minor structural defects and/or minimal damage to trunk. Bark missing. Cavities could be present. Minimal or no damage to structural roots. Typical structure for species.
Poor:	Major structural defects and/or trunk damaged and/or missing bark. Large cavities and/or girdling or damaged roots that are problematic.

### Useful Life Expectancy (ULE)

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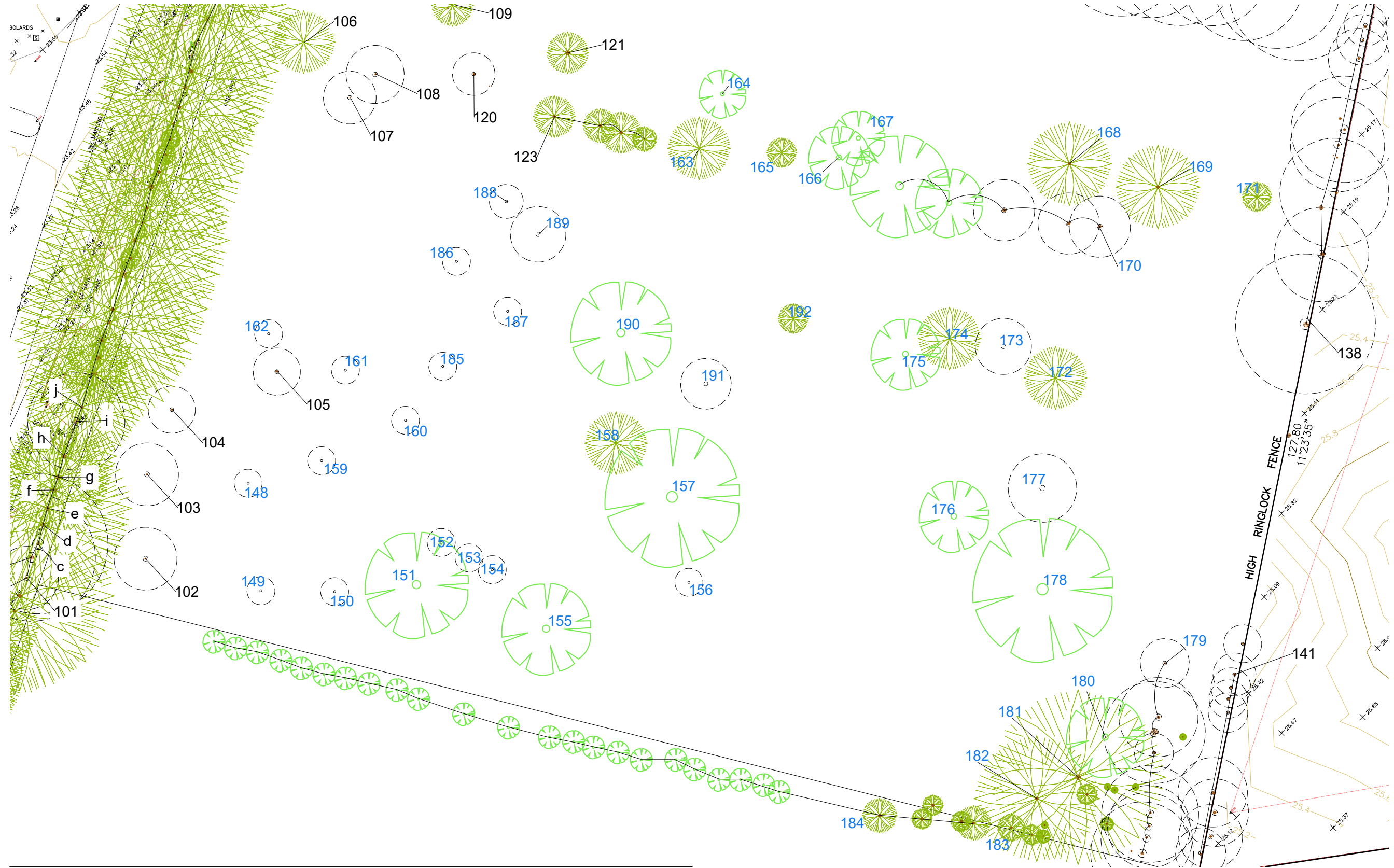
The length of time a tree can be maintained as a useful amenity specimen. Contingent on a number of factors including expected life-span of the taxon, health and structure, pest and diseases, weed status.

**Arboricultural Value**

None	Tree with severe health and/or structural defects that cannot be rectified through reasonably practicable Arboricultural works; Tree may be inter dependent with surrounding trees and will be unable to be retained once adjacent shelter trees are removed; The tree is classed as a noxious or environmental weed species and is detrimental to the environment.
Low	A tree that offers little in terms of contributing to the of the future landscape for reasons of poor health, structural condition, and/or species suitability, including propensity to weediness; A tree that is not significant due to its size and/or age and can be easily replaced; Tree with a ULE of under 10 years; Trees classed as having a low retention value may be able to be retained in the mid to short term if they do not require a disproportionate expenditure of resources (i.e. design modification).
Moderate	A tree with some attributes that may benefit the site in relation to botanical, horticultural, historical or local significance but may be limited to some degree by their current health condition or future growth in relation to existing or future site conditions and/or immediate/future maintenance requirements. The tree is likely to tolerate changes in its environment and will respond to arboricultural treatments. Trees classed as having a moderate retention value should be considered for retention if reasonably practicable. Arboricultural works may be required but should remain within reasonable limits. Tree may have a ULE of over 10 years if managed appropriately.
High	A tree in good overall condition that has the potential to positively contribute to the landscape in the long-term if appropriately managed. Species is suited to its existing site conditions and can tolerate certain changes in its environment. Ideally, trees with a high retention value should be retained and incorporated into any development plans. The tree is worthy of retention wherever possible.

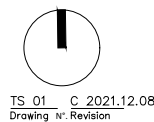
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## 6.0 TREE LOCATION PLAN



189 OLD CAPE SCHANCK ROAD, BONEO  
Address  
TREE LOCATION PLAN  
Drawing  
LANDSCAPE DEPT  
ABN 285 753 365 069  
info@landscapedept.com  
P.O. BOX 283 CLIFTON HILL VIC 3068

19-09-03 1:500 © A3  
Job N°. Scale  
31.08.2020 SH  
Date Drawn



192 Assessed tree  
121 Tree assessed as part of previous study

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## ATTACHMENT 1

LANDSCAPE DEPT *ARBORICULTURAL ASSESSMENT*. SEPTEMBER 2019

TREES 101 - 147

## ARBORICULTURAL ASSESSMENT

161 & 189 OLD CAPE SCHANCK ROAD, BONEO

**PREPARED BY:**

SIMON HOWE  
CONSULTANT ARBORIST

**V2.0 SEPTEMBER 2019**



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161 & 189 OLD CAPE SCHANCK ROAD, BONEO  
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## 1.0 INTRODUCTION

- 1.1.1 This report has been prepared to provide an assessment of trees within 161 and 189 Old Cape Schanck Road, Boneo, subject to a proposal for a tourist resort and park within 161 Old Cape Schanck Road and a proposed access route within the western portion of No. 189. This report provides an assessment of potential impacts to trees by construction of the proposed development.
- 1.1.2 The study area comprises two distinct areas:
- Expansive, grazed land within No. 161, a site previously used as a plant nursery; &
  - The western road frontage of No. 189, a portion of an expansive garden to the west of a dwelling within the same site.
- 1.1.3 Trees within the site and within the road reserve on the east side of Old Cape Schanck Road were assessed on the 24<sup>th</sup> January 2019. Trees on the west side of the road reserve were assessed on the 14<sup>th</sup> September, 2019.

## 2.0 DISCUSSION

- 2.1.1 47 trees or tree groups were assessed as part of the study.
- Two tree groups within the site were assessed of high arboricultural value;
  - 13 trees or tree groups within the site were assessed of moderate arboricultural value;
  - 25 trees or tree groups within the site were assessed of low arboricultural value;
  - 7 trees or tree groups were assessed outside the site
- 2.1.2 The quality of vegetation within the study area varies significantly. The most conspicuous elements are large windrows planted to the boundaries of No. 189, and Tree (group) 101 a row of Monterey Pines (*Pinus radiata*) within the Old Cape Schanck Road road reserve. An extensive plantation of Blue Gums (*Eucalyptus globulus* subsp. *globulus*) aligned in a north-south direction bisects the eastern portion of No. 161.

### 2.2 SITE TREES

#### 2.2.1 High Value Trees

Two tree groups within the site have been assessed of high arboricultural value. Tree (group) 119 is a row of 19 Grey Poplars along the northern boundary of No. 189 forming a prominent visual feature between the two parcels of land (Figure 1).

- 2.2.2 Tree (group) 137 comprises three Blue Gums within the eastern portion of No. 161. This group is part of a more extensive plantation of Blue Gums (Trees 135 and 136) within the site that are in generally poorer condition and in varying states of decline. The three trees comprising Tree 137 are exhibiting superior health

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and structural characteristics to the other Blue Gums and have a commensurately longer useful life expectancy (Figure 2).

TABLE 1 TREES ASSESSED OF HIGH ARBORICULTURAL VALUE

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
119	19	<i>Populus x canadensis</i> , Grey Poplar	High
137	3	<i>Eucalyptus globulus</i> subsp. <i>globulus</i> , Blue Gum	High



FIGURE 1 TREE 119, ROW OF GREY POPLARS ALONG NORTHERN BOUNDARY OF NO. 189



FIGURE 2 TREE 137, GROUP OF THREE HIGH VALUE BLUE GUMS (WHITE ARROW), POORER TREES TO LEFT COMPRISING PART OF TREE (GROUP) 136

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2.2.3 **Moderate Value Trees**

13 trees or tree groups within the site have been assessed of moderate arboricultural value. These vary in size and visual prominence and include individual specimen trees within the western portion of 189 Old Cape Schanck Road, various trees within boundary windrows and plantings associated with the former plant nursery within No. 161. This latter category includes a plantation of Rough Barked Manna Gums (*Eucalyptus viminalis* subsp. *pryoriana*), Tree (group) 128 to the west and south of a disused dam (Figure 3).

TABLE 2 TREES ASSESSED OF MODERATE ARBORICULTURAL VALUE

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
102	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
103	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
106	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
109	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
117	1	<i>Populus x canadensis</i> , Grey Poplar	Moderate
122	2	<i>Pinus radiata</i> , Monterey Pine	Moderate
123	7	<i>Populus nigra var. italica</i> , Lombardy Poplar	Moderate
124	1	<i>Banksia integrifolia</i> , Coast Banksia	Moderate
125	1	<i>Eucalyptus viminalis</i> subsp. <i>pryoriana</i> , Rough Barked Manna Gum	Moderate
128	9	<i>Eucalyptus viminalis</i> subsp. <i>pryoriana</i> , Rough Barked Manna Gum	Moderate
138	10	<i>Pinus radiata</i> , Monterey Pine	Moderate
139	12	<i>Eucalyptus globulus</i> subsp. <i>globulus</i> , Blue Gum	Moderate
141	9	<i>Pinus radiata</i> , Monterey Pine	Moderate

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FIGURE 3 TREE 128, PLANTATION OF ROUGH BARKED MANNA GUMS TO EDGE OF FORMER DAM

2.2.4 **Low and No Value Trees**

25 trees or tree groups within the site have been assessed of low or no arboricultural value. These comprise trees exhibiting poor health and/or structure, small trees of limited landscape value as well as naturalised weeds.

2.2.5

Most conspicuous amongst these are two groups (Trees 137 and 138) of over-mature Blue Gums within the eastern portion of No. 161. These form a near-continuous row and are in varying stages of decline, with most trees within the row exhibiting a history of large limb failures and extensive trunk and branch cankers (Figure 4).

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FIGURE 4 DECLINING BLUE GUMS IN EASTERN PORTION OF NO. 161, TREE 138

TABLE 3 TREES ASSESSED OF LOW AND NO ARBORICULTURAL VALUE

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
104	1	<i>Fraxinus angustifolia subsp. angustifolia</i> , Desert Ash	None
105	1	<i>Eucalyptus leucoxylon</i> , Yellow Gum	Low
107	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Low
108	1	<i>Lophostemon confertus</i> , Brush Box	Low
110	1	<i>Ulmus glabra</i> 'Camperdownii', Camperdown Elm	Low
111	1	<i>Populus nigra var. italica</i> , Lombardy Poplar	Low
112	1	<i>Pinus radiata</i> , Monterey Pine	None
113	1	<i>Populus x canadensis</i> , Grey Poplar	Low
114	1	<i>Pinus radiata</i> , Monterey Pine	None
115	1	<i>Populus x canadensis</i> , Grey Poplar	Low

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ID.	No. of trees	Taxon, Common Name	Arboricultural Value
116	1	<i>Pinus radiata</i> , Monterey Pine	Low
118	1	<i>Pinus radiata</i> , Monterey Pine	Low
120	1	<i>Pinus canariensis</i> , Canary Island Pine	Low
121	1	<i>Eucalyptus globulus subsp. globulus</i> , Blue Gum	Low
126	1	<i>Acacia melanoxylon</i> , Blackwood	Low
127	1	<i>Allocasurina verticillata</i> , Drooping She-oak	Low
129	1	<i>Allocasurina littoralis</i> , Black She-oak	Low
130	2	<i>Allocasurina torulosa</i> , Forest She-oak	Low
131	2	<i>Acacia floribunda</i> , Gossamer Wattle	None
132	1	<i>Allocasurina torulosa</i> , Forest She-oak	Low
133	1	<i>Eucalyptus ovata</i> , Swamp Gum	None
134	6	<i>Acacia melanoxylon</i> , Blackwood	Low
135	9	<i>Eucalyptus globulus subsp. globulus</i> , Blue Gum	Low
136	6	<i>Eucalyptus globulus subsp. globulus</i> , Blue Gum	Low
140	1	<i>Corymbia citriodora</i> , Lemon-scented Gum	Low

## 2.3 TREES OUTSIDE THE SITE

2.3.1 Six individual trees and one tree group have been assessed outside the subject site. Most prominent amongst these is a row of Monterey Pines (*Pinus radiata*) in the Old Cape Schanck Road road reserve, assessed as Tree (group) 101 (Figure 5). The trees are generally over-mature with an observable history of limb failure, including several recent large failures (Figure 6). The trees (as a group) have an estimated useful life expectancy of 10-20 years. The Pine row is a prominent element within this portion of Old Cape Schanck Road and is a high value element within the landscape. The row extends further to the south along the frontage of 201 Old Cape Schanck Road. 37 trees are located outside No. 189, excluding two dead specimens.

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FIGURE 5 MONTEREY PINE ROW (TREE 101) IN THE ROAD RESERVE



FIGURE 6 RECENT LARGE FAILURE FROM MONTEREY PINE ROW

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TABLE 4 TREES ASSESSED OUTSIDE THE SITE

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
101	37	<i>Pinus radiata</i> , Monterey Pine	Outside site (High)
142	1	<i>Corymbia ficifolia</i> Red-flowering Gum	Outside site (Moderate)
143	1	<i>Corymbia ficifolia</i> Red-flowering Gum	Outside site (Moderate)
144	1	<i>Corymbia ficifolia</i> Red-flowering Gum	Outside site (None)
145	1	<i>Corymbia ficifolia</i> Red-flowering Gum	Outside site (Low)
146	1	<i>Leptospermum laevigatum</i> Coast Tea-tree	Outside site (Low)
147	1	<i>Corymbia ficifolia</i> Red-flowering Gum	Outside site (Low)

2.3.2 Six additional trees have been assessed on the west side of Old Cape Schanck Road, Trees 142 - 147. The quality of trees within this portion of the road reserve varies significantly, with a number of trees in notable decline, namely two Red-flowering Gums (Trees 145 and 147) and a third, dead specimen of the same taxon, Tree 144. Tree 142, a Red-flowering Gum immediately south of the intersection of Cleek Crescent is in notably better condition.

2.3.3 Full data for each assessed tree or tree group is included at Section 4.0. Tree locations are shown on the plan at Section 6.0.

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### 3.0 IMPACT ASSESSMENT

3.1.1 Development of the site including a proposed tourist resort and park within 161 Old Cape Schanck Road, Boneo and an entry road in the western portion of No. 189 Old Cape Schanck Road is proposed. The current plans include works within the Old Cape Schanck Road road reserve at the intersection of Cleek Crescent. The following plan has been reviewed in the preparation of this assessment:

*Master Plan TP03 Rev G 23 Sep. 2019*  
*Proposed Tourist Resort & Park at 161 Old Cape Schanck Road, Boneo*  
*Prepared by Peter L. Brown Architects Pty Ltd*

3.1.2 Potential impacts have been assessed against the guidelines of AS4970-2009 *Protection of Trees on Development Sites*.

#### 3.1.3 Site Trees

The following trees are proposed to be removed for the western portion of No. 189 to facilitate construction of a proposed access road into No. 161:

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
102	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
103	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
104	1	<i>Fraxinus angustifolia subsp. angustifolia</i> , Desert Ash	None
106	1	<i>Ficus macrophylla</i> , Moreton Bay Fig	Moderate
110	1	<i>Ulmus glabra 'Camperdownii'</i> , Camperdown Elm	Low
111	3	<i>Populus nigra var. italica</i> , Lombardy Poplar	Low
115	1	<i>Populus x canadensis</i> , Grey Poplar	Low
116	1	<i>Pinus radiata</i> , Monterey Pine	Low

3.1.4 Schedule 28 to the Environmental Significance Overlay (ESO 28) and Schedule 2 to the Vegetation Protection Overlay (VPO2) extend 10 metres into the western portion of No. 189. All trees proposed to be removed in this area are outside both overlays and do not require a permit for removal under the provisions of the Mornington Peninsula Planning Scheme. None of the trees are native to Victoria and so the provisions of 52.17 Native Vegetation do not apply.

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3.1.5 The following trees are proposed to be removed within No. 161 for development of tourist resort facilities, including internal access roads.

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
128	9	<i>Eucalyptus viminalis subsp. pryoriana</i> , Rough Barked Manna Gum	Moderate
129	1	<i>Allocasurina littoralis</i> , Black She-oak	Low
130	2	<i>Allocasurina littoralis</i> , Black She-oak	Low
131	2	<i>Acacia floribunda</i> , Gossamer Wattle	None
132	2	<i>Allocasurina littoralis</i> , Black She-oak	Low
133	1	<i>Eucalyptus ovata</i> , Swamp Gum	None
134	6	<i>Acacia melanoxylon</i> , Blackwood	Low
135	9	<i>Eucalyptus globulus subsp. globulus</i> , Blue Gum	Low
136	6	<i>Eucalyptus globulus subsp. globulus</i> , Blue Gum	Low

3.1.6 None of these trees are within the areas subject to ESO28 nor VPO2. Whilst all trees are native to Victoria, all appear to be planted specimens and are likely to be associated with the previous plant nursery use of the site.

3.1.7 Of the 16 trees and tree groups proposed to be removed, two trees and one group have been assessed of moderate arboricultural value, the balance being assessed of low or no value.

3.1.8 All remaining trees proposed to be retained are well separated from built works and can be readily retained with appropriate management within a Tree Protection Plan prepared in accordance with AS4970-2009 *Protection of Trees on Development Sites*. Ancillary works such as site drainage, electricity etc should be routed outside nominated tree protection zones, and footpaths proposed through the site should be constructed using a no-dig, on-grade construction methodology to prevent potential damage to underlying roots.

3.1.9 **Trees outside the site**

Four trees within Tree (Group) 101, the row of Monterey Pines in the road reserve require removal for the proposed works, specifically to provide sufficient width for the entry and exit points into and out of the site, Trees 101 a, b, c and I, generally as required by the latest road functional layout.

3.1.10 Of these trees, Tree 101a is only recommended for removal as it is a poorly structured specimen with a limited useful life expectancy (ULE) of < 10 years and is not suitable for retention adjacent to a vehicle exit point. Tree 101i is similarly in poor condition and appears to comprise of only a single live branch, with a ULE

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of 1-5 years. Trees 101b and c are individually better specimens with the same useful life expectancy as the balance of the row of 10-20 years.

ID.	No. of trees	Taxon, Common Name	Arboricultural Value
101a	1	<i>Pinus radiata</i> , Monterey Pine	High (Group)
101b	1	<i>Pinus radiata</i> , Monterey Pine	High (Group)
101c	1	<i>Pinus radiata</i> , Monterey Pine	High (Group)
101i	1	<i>Pinus radiata</i> , Monterey Pine	High (Group)



FIGURE 7 TREES REQUIRING REMOVAL FROM TREE (GROUP) 101, FROM RIGHT TO LEFT A, B, C, I.

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**FIGURE 8 RECENTLY FORMED BATTER AT THE BASE OF THE MONTEREY PINES ROW (TREE 101)**

- 3.1.11 The new left turn lane into the site will be built up within the existing shoulder that was formed during recent upgrade works to the Cleek Crescent intersection. Provided no excavation occurs closer to these trees, outside the battered section shown at Figure 7 above, the balance of the trees within the row should not be impacted by the proposed works within the road reserve. The entry/exit for the site will utilise an existing vehicle crossing through the plantation for entry that services 189 Old Cape Schanck Road, with a new exit point further to the south. Both should utilise on-grade construction to mitigate against potential impacts to adjacent trees to be retained within the row.
- 3.1.12 The new portion of the internal access road within No. 189 has been located a minimum 10 metres from any of the trees within the Pine row so that there is no more than a minor encroachment under AS4970-2009 into the TPZ of any one tree. The internal road is proposed to be unsealed and constructed on-grade to further limit any potential impacts on these trees.
- 3.1.13 To the west side of Old Cape Schanck Road, the modified left turn lane into Cleek Crescent will encroach 16% into the TPZ of Tree 142 and 11% into the TPZ of Tree 145 (Red-flowering Gums), major encroachments under AS4970-2009. These encroachments can be readily accommodated by both trees due to their generally overstated tree protection zones because of their stout trunks in relation to the overall limited size of the trees.

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- 3.1.14 Provisions for construction of the entry and exit lanes and management of trees adjacent to road works including internal access roads must be included in the Tree Protection Plan for the development, prepared in accordance with AS4970-2009.

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#### 4.0 TREE ASSESSMENT DATA

ID	Taxon	Common Name	Origin	No. of trees	dbh1	dbh2	dbh3	dbh4	dbh5	Dbh other	TPZ	Height (m)	Width (m)	Age	ULE	Health	Structure	Form	Arboricultural Value	notes	comments
101	<i>Pinus radiata</i>	Monterey Pine	Exotic	35	43-115	0	0	0	0		5.2 – 13.8	30	20	Over-mature	11-20 years	Fair	Fair	Symmetrical	Moderate		Width 14m over road, less to east over site. Brittle, with history of significant and recent failures through row.
102	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	59	0	0	0	0		7.1	10	9	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Moderate		
103	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	77	0	0	0	0	Measured Low	9.3	10	8	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Moderate		2 east stems lopped at 3m
104	<i>Fraxinus angustifolia subsp. angustifolia</i>	Desert Ash	Exotic	1	18	20	0	0	0		3.3	9	8	Semi-mature	0	Fair	Fair	Symmetrical	None	Environmental weed	
105	<i>Eucalyptus leucoxydon</i>	Yellow Gum	Indigenous	1	68	0	0	0	0		8.2	9	11	Mature	11-20 years	Fair-good	Fair-poor	Symmetrical	Low		Significant kink in main stem
106	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	38	34	40	39	0		9.1	12	16	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Moderate		Service wire running through canopy
107	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	20	18	10	11	9		3.9	8	7	Semi-mature	20+years	Fair	Fair	Symmetrical	Low		Possibly self-sown
108	<i>Lophostemon confertus</i>	Brush Box	Australian Native	1	17	12	20	0	0		3.5	12	6	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low		Lopped at 30cm
109	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	27	23	29	32	0		6.8	10	8	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate		
110	<i>Ulmus glabra 'Camperdownii'</i>	Camperdown Elm	Exotic	1	18	0	0	0	0		2.2	3	4	Semi-mature	11-20 years	Fair	Fair-good	Symmetrical	Low		ELB infestation
111	<i>Populus nigra var. italica</i>	Lombardy Poplar	Exotic	6	40	0	0	0	0		4.8	24	6	Mature	6-10 years	Fair	Fair-poor	Symmetrical	Low		Undesirable species
112	<i>Pinus radiata</i>	Monterey Pine	Exotic	1	60	0	0	0	0	Estimate	7.2	18	9	Dead	0	Dead		Symmetrical	None		
113	<i>Populus x canadensis</i>	Grey Poplar	Exotic	1	55	0	0	0	0	Estimate Low	6.6	20	7	Semi-mature	11-20 years	Fair-good	Fair-poor	Symmetrical	Low		Narrow form, poor primary union
114	<i>Pinus radiata</i>	Monterey Pine	Exotic	1	20	0	0	0	0		2.4	13	3	Semi-mature	0	Fair-good	Fair-good	Symmetrical	None		Naturalised weed
115	<i>Populus x canadensis</i>	Grey Poplar	Exotic	1	61	0	0	0	0		7.4	25	7	Mature	11-20 years	Fair	Fair	Symmetrical	Low		Poor tree due to propensity to sucker and become weed
116	<i>Pinus radiata</i>	Monterey Pine	Exotic	1	66	0	0	0	0		8	31	8	Mature	20+years	Fair-good	Fair-good	Symmetrical	Low		Weedy taxon
117	<i>Populus x canadensis</i>	Grey Poplar	Exotic	1	55	0	0	0	0	Estimate	6.6	21	7	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate		
118	<i>Pinus radiata</i>	Monterey Pine	Exotic	1	72	0	0	0	0		8.7	22	12	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low		Weedy taxon
119	<i>Populus x canadensis</i>	Grey Poplar	Exotic	19	100	0	0	0	0	Estimate	12	35	20	Mature	20+years	Fair-good	Fair	Symmetrical	High		Notable row between properties. Naturalised weedy <i>Pinus radiata</i> amidst trees and two smaller Moreton Bay Figs
120	<i>Pinus canariensis</i>	Canary Island Pine	Exotic	1	47	0	0	0	0		5.7	10	13	Semi-mature	6-10 years	Fair-poor	Fair	Symmetrical	Low		Needle dieback throughout. Possible <i>Diplodia</i> infection
121	<i>Eucalyptus globulus subsp. globulus</i>	Blue Gum	Victoria	1	100	0	0	0	0	Estimate	12	23	19	Over-mature	11-20 years	Fair	Fair	Symmetrical	Low		End of ULE. Relatively short lives species as planted amenity tree. Creeper prevented thorough inspection of stem
122	<i>Pinus radiata</i>	Monterey Pine	Exotic	2	70	0	0	0	0	Estimate	8.4	18	9	Semi-mature	20+years	Fair-poor	Fair-poor	Symmetrical	Moderate		
123	<i>Populus nigra var. italica</i>	Lombardy Poplar	Exotic	7	93	0	0	0	0		11	25	8	Mature	11-20 years	Fair	Fair	Symmetrical	Moderate		Interdependent stand. Dimensions for largest specimen
124	<i>Banksia integrifolia</i>	Coast Banksia	Indigenous	1	31	0	0	0	0		3.8	12	6	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate		2 small specimens adjacent
125	<i>Eucalyptus viminalis subsp. pryoriana</i>	Rough Barked Manna Gum	Indigenous	1	83	0	0	0	0		10	22	10	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Moderate		
126	<i>Acacia melanoxylon</i>	Blackwood	Indigenous	1	20	0	0	0	0	Estimate	2.4	8	5	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low		Loose copse extending along fence line from roadside plantation

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ID	Taxon	Common Name	Origin	No. of trees	dbh1	dbh2	dbh3	dbh4	dbh5	Dbh other	TPZ	Height (m)	Width (m)	Age	ULE	Health	Structure	Form	Arboricultural Value	notes	comments
127	<i>Allocasurina verticillata</i>	Drooping She-oak	Indigenous	1	19	0	0	0	0		2.3	7	5	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low		Developing specimen
128	<i>Eucalyptus viminalis subsp. pryoriana</i>	Rough Barked Manna Gum	Indigenous	9	54	0	0	0	0	Estimate	6.5	12	12	Semi-mature	11-20 years	Fair	Fair-poor	Symmetrical	Moderate		Developed as a stand. Dimensions are for largest specimen
129	<i>Allocasurina littoralis</i>	Black She-oak	Indigenous	1	25	18	14	0	0	Estimate	4.1	8	7	Semi-mature	6-10 years	Fair	Fair-poor	Symmetrical	Low		
130	<i>Allocasurina littoralis</i>	Black She-oak	Indigenous	2	25	0	0	0	0	Estimate	3	6	4	Semi-mature	6-10 years	Fair	Fair-poor	Suppressed	Low		
131	<i>Acacia floribunda</i>	Gossamer Wattle	Victoria	2	20	0	0	0	0	Estimate	2.4	6	4	Semi-mature	0	Fair	Fair	Suppressed	None	Environmental weed	
132	<i>Allocasurina littoralis</i>	Black She-oak	Indigenous	1	30	0	0	0	0	Multi-stemmed	3.6	8	6	Semi-mature	11-20 years	Fair	Fair-poor	Suppressed	Low		
133	<i>Eucalyptus ovata</i>	Swamp Gum	Indigenous	1	20	0	0	0	0	Multi-stemmed	2.4	7	5	Semi-mature	0	Fair-good	Poor	Symmetrical	None		Basal regrowth
134	<i>Acacia melanoxylon</i>	Blackwood	Indigenous	6	0	0	0	0	0	Multi-stemmed	3.5	8	5	Semi-mature	6-10 years	Fair-good	Poor	Symmetrical	Low		Loose copse of multi-stemmed regrowth
135	<i>Eucalyptus globulus subsp. globulus</i>	Blue Gum	Victoria	9	96	0	0	0	0		12	23	12	Over-mature	6-10 years	Fair-poor	Fair-poor	Symmetrical	Low		Row uniformly afflicted with cankers, conks evident in many trees, indicators of decay and entirely typical of this taxon
136	<i>Eucalyptus globulus subsp. globulus</i>	Blue Gum	Victoria	6	110	0	0	0	0	Estimate	13	15	12	Over-mature	1-5 years	Fair-poor	Poor	Symmetrical	Low		Major decline, cankers and conks throughout.
137	<i>Eucalyptus globulus subsp. globulus</i>	Blue Gum	Victoria	3	100	0	0	0	0	Estimate	12	23	12	Mature	20	Fair-good	Fair-good	Symmetrical	High		Superior condition than tree groups to the north
138	<i>Pinus radiata</i>	Monterey Pine	Exotic	10	100	0	0	0	0	Estimate	12	24	18	Mature	20+years	Fair-good	Fair	Symmetrical	Moderate		More vigorous than trees to road frontage. Large failure on southern tree
139	<i>Eucalyptus globulus subsp. globulus</i>	Blue Gum	Victoria	12	100	0	0	0	0	Estimate	12	25	14	Mature	11-20 years	Fair	Fair	Symmetrical	Moderate		Windrow. Dimensions for largest specimen.
140	<i>Corymbia citriodora</i>	Lemon-scented Gum	Australian Native	1	30	0	0	0	0	Estimate	3.6	3	9	Semi-mature	11-20 years	Fair-good	Poor	Suppressed	Low		Suppression causing severe lean
141	<i>Pinus radiata</i>	Monterey Pine	Exotic	9	60	0	0	0	0	Estimate	7.2	25	16	Mature	11-20 years	Fair-good	Fair	Symmetrical	Moderate		Neighbours windrow
142	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	76						9.2	11	9	Mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate		
143	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	45						5.4	6	5	Semi-mature	20+years	Fair-good	Fair-good	Asymmetrical	Moderate		
144	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	70					Estimate Low	8.4	9	8	Dead	0	Dead	Poor	Symmetrical	None		
145	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	75					Estimate Low	9	13	9	Over-mature	6-10years	Fair-poor	Fair-poor	Symmetrical	Low	Breaking up, large dieback	
146	<i>Leptospermum laevigatum</i>	Coast Tea-tree	Indigenous	1	35					Estimate Low	4.2	4	6	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Low	Sprawling form	
147	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	60	60					10.2	7	12	Over-mature	1-5years	Fair-poor	Poor	Symmetrical	Low	Breaking up	

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## 5.0 DESCRIPTORS

### Age

Juvenile:	Young, recently planted tree.
Semi-mature:	Tree is developing and established.
Mature:	Specimen has reached expected size in current situation, limited extension growth.
Over-mature:	Specimen entering stage of decline, declining health.
Senescent	Tree is in advancing decline.

### Health

Good:	Crown full with good density, foliage entire, with good colour, minimal or no pathogen damage. Good growth indicators, e.g. extension growth. No or minimal canopy dieback. Good wound-wood and callus formation.
Fair:	Tree is exhibiting one or more of the following: Tree has <30% deadwood. Or can have minor canopy dieback. Foliage generally with good colour, some discolouration may be present, minor pathogen damage present. Typical growth indicators, e.g. extension growth, leaf size, canopy density for species in location may be slightly abnormal.
Poor:	Tree has >30% deadwood. Canopy dieback present. Discoloured or distorted leaves and/or excessive epicormic re-growth. Pathogen is present and/or stress symptoms that could lead to or are contributing to the decline of tree.
Dead:	Tree is dead.

### Structure

Good:	Sound branch attachment and/or no minor structural defects. Trunk and scaffold branches sound or only minor damage. Good trunk and scaffold branch taper. No branch over extension. No damage to structural roots, good buttressing present. No obvious root pests or diseases.
Fair:	Some minor structural defects and/or minimal damage to trunk. Bark missing. Cavities could be present. Minimal or no damage to structural roots. Typical structure for species.
Poor:	Major structural defects and/or trunk damaged and/or missing bark. Large cavities and/or girdling or damaged roots that are problematic.

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#### Useful Life Expectancy (ULE)

The length of time a tree can be maintained as a useful amenity specimen. Contingent on a number of factors including expected life-span of the taxon, health and structure, pest and diseases, weed status.

#### Arboricultural Value

None	Tree with severe health and/or structural defects that cannot be rectified through reasonably practicable Arboricultural works; Tree may be inter dependent with surrounding trees and will be unable to be retained once adjacent shelter trees are removed; The tree is classed as a noxious or environmental weed species and is detrimental to the environment.
Low	A tree that offers little in terms of contributing to the of the future landscape for reasons of poor health, structural condition, and/or species suitability, including propensity to weediness; A tree that is not significant due to its size and/or age and can be easily replaced; Tree with a ULE of under 10 years; Trees classed as having a low retention value may be able to be retained in the mid to short term if they do not require a disproportionate expenditure of resources (i.e. design modification).
Moderate	A tree with some attributes that may benefit the site in relation to botanical, horticultural, historical or local significance but may be limited to some degree by their current health condition or future growth in relation to existing or future site conditions and/or immediate/future maintenance requirements. The tree is likely to tolerate changes in its environment and will respond to arboricultural treatments. Trees classed as having a moderate retention value should be considered for retention if reasonably practicable. Arboricultural works may be required but should remain within reasonable limits. Tree may have a ULE of over 10 years if managed appropriately.
High	A tree in good overall condition that has the potential to positively contribute to the landscape in the long-term if appropriately managed. Species is suited to its existing site conditions and can tolerate certain changes in its environment. Ideally, trees with a high retention value should be retained and incorporated into any development plans. The tree is worthy of retention wherever possible.

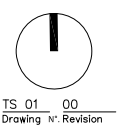
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## 6.0 TREE LOCATION PLAN



161 OLD CAPE SCHANCK ROAD, BONEYO  
Address  
TREE LOCATION/RETENTION PLAN  
Drawing  
LANDSCAPE DEPT  
ABN 285 753 365 069  
info@landscapedept.com  
P.O. BOX 283 CLIFTON HILL VIC 3088

19-09-03 1:1200 @ A3  
Job N°. Scale  
23.09.2019 SH  
Date Drawn



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## ATTACHMENT 2

GLEN WATERS ARBORICULTURE *ARBORICULTURAL ASSESSMENT*. 15.02.2018

TREES 1 – 70

No	Dbh	bdbh	Species	Common Name	Age	Health	Structure	Status	Origin	TPZ m radius	SRZ	Outcome	Comments
1	25	30	<i>Acacia longifolia</i>	Coast Wattle	Mature	Fair-Poor	Very Poor	Regrowth	Local Native	3.0	2.0m	Remove (Sightline)	fallen
2	70/50	100	<i>Eucalyptus viminalis</i>	Manna Gum	Mature	Fair-Poor	Poor	Natural	Local Native	10.3	3.3m	Retain & Protect	bifurcation at base; just on sightline
3	120	130	<i>Pinus radiata</i>	Radiata Pine	Mature	Fair-Poor	Fair-Poor	Planted	Exotic	14.4	3.7m	Retain & Protect	just on sightline
4	38	50	<i>Banksia integrifolia</i>	Coast Banksia	Semi-mature	Fair-Poor	Fair-Poor	Planted*	Aust. Native	4.6	2.5m	Retain & Protect	
5	32	38	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Fair-Poor	Fair-Poor	Regrowth	Local Native	3.8	2.2m	Retain & Protect	
6	35	48	<i>Acacia melanoxylon</i>	Blackwood	Mature	Fair-Poor	Fair-Poor	Regrowth	Local Native	4.2	2.4m	Retain & Protect	
7	50/40/40	170	<i>Salix babylonica</i>	Weeping Willow	Over-mature	Poor	Very Poor	Planted	Exotic	9.1	4.1m	Retain & Protect	part collapsed from multiple bifurcations at base
8	75	90	<i>Pinus radiata</i>	Radiata Pine	Mature	Very Poor	Fair-Poor	Planted	Exotic	9	3.2m	Retain & Protect	90% dead
9	125	138	<i>Pinus radiata</i>	Radiata Pine	Mature	Fair-Poor	Fair	Planted	Exotic	15	3.8m	Retain & Protect	
10	85	90	<i>Salix babylonica</i>	Weeping Willow	Mature	Poor	Fair-Poor	Planted	Exotic	10.2	3.2m	Retain & Protect	
11	65/60	130	<i>Populus deltoides</i>	Cottonwood	Mature	Fair-Poor	Poor	Planted	Exotic	10.6	3.7m	Retain & Protect	major bifurcation at base
12	65	90	<i>Salix babylonica</i>	Weeping Willow	Mature	Poor	Fair-Poor	Planted	Exotic	7.8	3.2m	Retain & Protect	
13	40/25/20	75	<i>Salix babylonica</i>	Weeping Willow	Mature	Poor	Fair-Poor	Planted	Exotic	6.1	2.9m	Retain & Protect	
14	60	80	<i>Populus deltoides</i>	Cottonwood	Mature	Fair-Poor	Fair	Planted	Exotic	7.2	3.0m	Retain & Protect	
15	75	95	<i>Populus deltoides</i>	Cottonwood	Mature	Fair-Poor	Poor	Planted	Exotic	9	3.2m	Retain & Protect	bifurcation at 10m
16	75	90	<i>Pinus radiata</i>	Radiata Pine	Mature	Fair-Poor	Very Poor	Planted	Exotic	9	3.2m	Retain & Protect	
17	90	105	<i>Pinus radiata</i>	Radiata Pine	Mature	Fair-Poor	Fair-Poor	Planted	Exotic	10.8	3.3m	Retain & Protect	
18	80	90	<i>Pinus radiata</i>	Radiata Pine	Semi-mature	Fair-Poor	Poor	Planted	Exotic	9.6	3.2m	Retain & Protect	
19	120	145	<i>Pinus radiata</i>	Radiata Pine	Mature	Fair-Poor	Poor	Planted	Exotic	14.4	3.9m	Retain & Protect	multiple bifurcations
20	60/50	85	<i>Corymbia maculata</i>	Spotted Gum	Mature	Poor	Very Poor	Planted*	Vic. Native	9.4	3.1m	Retain & Protect	bifurcation at base
21	55	68	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Mature	Poor	Fair-Poor	Planted	Exotic	6.6	2.8m	Retain & Protect	extensive deadwood
22	15	20	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Fair-Poor	Fair-Poor	Regrowth	Local Native	2.0	1.7m	Retain & Protect	
23	70	85	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Mature	Fair-Poor	Poor	Planted	Exotic	8.4	3.1m	Retain & Protect	
24	40/40/40	100	<i>Eucalyptus ovata</i>	Swamp Gum	Over-mature	Poor	Very Poor	Natural	Local Native	8.3	3.3m	Retain & Protect	
25	100/60	120	<i>Eucalyptus viminalis</i>	Manna Gum	Mature	Fair-Poor	Poor	Natural	Local Native	14	3.6m	Retain & Protect	
26	35	50	<i>Corymbia maculata</i>	Spotted Gum	Mature	Fair-Poor	Fair	Planted*	Vic. Native	4.2	2.5m	Retain & Protect	
27	40	52	<i>Corymbia maculata</i>	Spotted Gum	Mature	Fair-Poor	Fair	Planted*	Vic. Native	4.8	2.6m	Retain & Protect	
28	30/20	55	<i>Eucalyptus pryoriana</i>	Coast Manna Gum	Semi-mature	Fair-Poor	Poor	Planted*	Vic. Native	4.3	2.6m	Retain & Protect	
29	70	80	<i>Populus deltoides</i>	Cottonwood	Mature	Fair-Poor	Fair	Planted	Exotic	8.4	3.0m	Remove (Sightline)	
30	18	25	<i>Melaleuca ericifolia</i>	Swamp Paperbark	Semi-mature	Poor	Fair-Poor	Regrowth	Vic. Native	2.2	1.6m	Remove (Sightline)	
31	20	28	<i>Melaleuca ericifolia</i>	Swamp Paperbark	Semi-mature	Poor	Fair-Poor	Regrowth	Vic. Native	2.4	1.9m	Remove (Sightline)	
32	25	28	<i>Melaleuca ericifolia</i>	Swamp Paperbark	Semi-mature	Poor	Fair-Poor	Regrowth	Vic. Native	3.0	2.0m	Remove (Sightline)	
33	25	30	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Poor	Very Poor	Regrowth	Local Native	3.0	2.0m	Remove (Sightline)	
34	40	50	<i>Eucalyptus viminalis</i>	Manna Gum	Semi-mature	Fair-Poor	Poor	Natural	Local Native	4.8	2.6m	Remove (Sightline)	
35	70	78	<i>Eucalyptus viminalis</i>	Manna Gum	Semi-mature	Fair-Poor	Poor	Natural	Local Native	8.4	3.0m	Remove (Guard Rail)	
36	25	33	<i>Eucalyptus viminalis</i>	Manna Gum	Semi-mature	Poor	Fair-Poor	Natural	Local Native	3.0	2.1m	Retain & Protect	
37	20	30	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Fair	Fair-Poor	Regrowth	Local Native	2.4	2.0m	Retain & Protect	
38	50	60	<i>Acacia melanoxylon</i>	Blackwood	Mature	Fair	Very Poor	Regrowth	Local Native	6.0	2.7m	Remove (Sightline)	fallen
39	35	45	<i>Acacia melanoxylon</i>	Blackwood	Mature	Fair	Fair-Poor	Regrowth	Local Native	4.2	2.4m	Remove (Sightline)	
40	30	50	<i>Acacia melanoxylon</i>	Blackwood	Mature	Fair-Poor	Fair	Regrowth	Local Native	3.6	2.6m	Remove (Sightline)	
41	25	40	<i>Busaria spinosa</i>	Sweet Bursaria	Mature	Poor	Poor		Local Native	3.0	2.3m	Retain & Protect	
42	45	60	<i>Busaria spinosa</i>	Sweet Bursaria	Mature	Fair-Poor	Poor		Local Native	5.4	2.7m	Retain & Protect	
43	15	18	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Fair	Fair	Regrowth	Local Native	1.8	1.6m	Retain & Protect	
44	15	18	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Fair	Fair	Regrowth	Local Native	1.8	1.6m	Retain & Protect	
45	15	18	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Fair	Fair	Regrowth	Local Native	1.8	1.6m	Retain & Protect	
46	15	18	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Fair	Fair	Regrowth	Local Native	1.8	1.6m	Retain & Protect	
47	15	18	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Fair	Fair	Regrowth	Local Native	1.8	1.6m	Retain & Protect	
48	15	18	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Fair	Fair	Regrowth	Local Native	1.8	1.6m	Retain & Protect	
49	15	18	<i>Acacia melanoxylon</i>	Blackwood	Semi-mature	Fair	Fair	Regrowth	Local Native	1.8	1.6m	Retain & Protect	
50	110	130	<i>Eucalyptus viminalis</i>	Manna Gum	Mature	Fair-Poor	Poor	Natural	Local Native	13.2	3.7m	Retain & Protect	
51	26	30	<i>Eucalyptus viminalis</i>	Manna Gum	Young	Fair-Poor	Poor	Natural	Local Native	3.1	2.0m	Retain & Protect	

52	20	30	<i>Eucalyptus viminalis</i>	Manna Gum	Young	Fair-Poor	Poor	Natural	Local Native	2.4	2.1m	Retain & Protect	
53	25	35	<i>Eucalyptus viminalis</i>	Manna Gum	Young	Fair-Poor	Poor	Natural	Local Native	3.0	2.0m	Retain & Protect	
54	60	75	<i>Eucalyptus viminalis</i>	Manna Gum	Mature	Fair-Poor	Fair-Poor	Natural	Local Native	7.2	2.9m	Retain & Protect	
55	45/30	68	<i>Eucalyptus viminalis</i>	Manna Gum	Mature	Fair-Poor	Poor	Natural	Local Native	6.5	2.8m	Remove (Sightline)	
56	40	55	<i>Eucalyptus viminalis</i>	Manna Gum	Semi-mature	Fair-Poor	Poor	Natural	Local Native	4.8	2.6m	Retain & Protect	just on sightline
57	65*	80*	<i>Eucalyptus viminalis</i>	Manna Gum	Mature	Fair-Poor	Fair-Poor	Natural	Local Native	6.5	3.0m	Retain & Protect	
58	30/30/25	60	<i>Eucalyptus viminalis</i>	Manna Gum	Semi-mature	Fair-Poor	Poor	Natural	Local Native	5.9m	2.7m	Remove (Sightline)	
59	40	60	<i>Acacia dealbata</i>	Silver Wattle	Mature	Fair-Poor	Poor	Moderate	Local Native	4.8	2.7m	Remove (Sightline)	
60	40/40	65	<i>Eucalyptus viminalis</i>	Manna Gum	Semi-mature	Poor	Very Poor	Natural	Local Native	6.8	2.8m	Remove (Roadway)	major bifurcation
61	50/25	65	<i>Populus alba</i>	White Poplar	Mature	Fair-Poor	Poor	Planted	Exotic	6.7	2.8m	Retain & Protect	
62	75	90	<i>Salix babylonica</i>	Weeping Willow	Mature	Fair-Poor	Fair-Poor	Planted	Exotic	9.0	3.3m	Remove (Roadway)	
63	100	110	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Mature	Fair-Poor	Fair-Poor	Planted	Exotic	12.0	3.3m	Remove (Roadway)	
64	70	95	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Mature	Fair-Poor	Fair-Poor	Planted	Exotic	8.4	2.8m	Remove (Roadway)	
65	50	70	<i>Salix babylonica</i>	Weeping Willow	Mature	Poor	Very Poor	Planted	Exotic	6.0	3.2m	Retain & Protect	
66	65	90	<i>Salix babylonica</i>	Weeping Willow	Mature	Poor	Poor	Planted	Exotic	7.8	3.2m	Retain & Protect	
67	80	95	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Mature	Fair-Poor	Poor	Planted	Exotic	9.6	3.2m	Remove (Roadway)	
68	80	100	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Mature	Fair-Poor	Poor	Planted	Exotic	9.6	3.3m	Remove (Guard Rail)	
69	80	100	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Mature	Fair-Poor	Poor	Planted	Exotic	9.6	3.3m	Remove (Guard Rail)	
70	50/50	80	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Mature	Fair-Poor	Poor	Planted	Exotic	8.5	3.0m	Retain & Protect	



189 OLD CAPE SCHANCK ROAD, BONEO  
ARBORICULTURAL ASSESSMENT

## ATTACHMENT 3

CONSOLIDATED LIST AND RETENTION STATUS OF ALL TREES AT 161 AND 189 OLD CAPE  
SCHANCK ROAD

November 2021

161 189 Old Cape Schanck Road Boneo

id	taxon	common_name	origin	no_of_trees	dbh1	dbh2	dbh3	dbh4	dbh5	dbh_other	tpz	height_m	width_m	age	ule	health	structure	form	arboricultural_value	comments	Status P16/0953	Amended Scheme
101	<i>Pinus radiata</i>	Monterey Pine	Exotic	35	120						15	30	14	Over-mature	11-20 years	Fair	Fair	Symmetrical	Moderate	Width 14m over road, less to east over site. Brittle, with history of significant and recent failures through row. Dimensions for largest trees in group.	4 specimens Remove	
102	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	59						7.1	10		Semi-mature	20+years	Fair-good	Fair	Symmetrical	Moderate		Remove	
103	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	77					Measured Low	9.3	10	8	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Moderate	2 east stems lopped at 3m	Remove	
104	<i>Fraxinus angustifolia subsp. angustifolia</i>	Desert Ash	Exotic	1	18	20					3.3	9	8	Semi-mature	0	Fair	Fair	Symmetrical	None	Environmental weed	Remove	
105	<i>Eucalyptus leucoxylon</i>	Yellow Gum	Indigenous - planted amenity tree	1	68						8.2	9	11	Mature		Fair-good	Fair-poor	Symmetrical	Low	Significant kink in main stem	Remove	
106	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	38	34	40	39			9.1	12	16	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Moderate	Service wire running through canopy	Retain as per permit	
107	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	20	18	10	11	9		3.9	8	7	Semi-mature	20+years	Fair	Fair	Symmetrical	Low	Possibly self sown	Remove	
108	<i>Lophostemon confertus</i>	Brush Box	Australian Native	1	17	12	20				3.5	12	6	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low	Lopped at 30cm AGL	Remove	
109	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	27	23	29	32			6.8	10	8	Semi-mature		Fair-good	Fair-good	Symmetrical	Moderate		Remove	Retain
110	<i>Ulmus glabra 'Camperdownii'</i>	Camperdown Elm	Exotic	1	18						2.2	3	4	Semi-mature	11-20 years	Fair	Fair-good	Symmetrical	Low	ELB infestation	Remove	
111	<i>Populus nigra var. italica</i>	Lombardy Poplar	Exotic	1	40						4.8	24	6	Mature	6-10 years	Fair	Fair-poor	Symmetrical	Low	Interdependent stand. Undesirable species	Remove	
112	<i>Pinus radiata</i>	Monterey Pine	Exotic	1	60					Estimate	7.2					Dead	Fair-good	Symmetrical	None		Remove	
113	<i>Populus x canadensis</i>	Grey Poplar	Exotic	1	55					Estimate Low	6.6	20	7	Semi-mature	11-20 years	Fair-good	Fair-poor	Symmetrical	Low	Narrow form, poor primary union	Retain	Remove
114	<i>Pinus radiata</i>	Monterey Pine	Exotic	1	20						2.4	13	3	Semi-mature	0	Fair-good	Fair-good	Symmetrical	None	Naturalised weed	Remove	
115	<i>Populus x canadensis</i>	Grey Poplar	Exotic	1	61						7.4	25	7	Mature	11-20 years	Fair	Fair	Symmetrical	Low	Poor tree due to propensity to sucker and become weed	Remove	
116	<i>Pinus radiata</i>	Monterey Pine	Exotic	1	66						8	31	8	Mature	20+years	Fair-good	Fair-good	Symmetrical	Low	Weedy taxon	Remove	
117	<i>Populus x canadensis</i>	Grey Poplar	Exotic	1	55					Estimate	6.6	21	7	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate		Retain	Remove
118	<i>Pinus radiata</i>	Monterey Pine	Exotic	1	72						8.7	22	12	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low	Weedy taxon	Remove	
119	<i>Populus x canadensis</i>	Grey Poplar	Exotic	19	100						12	35	20	Mature	20+years	Fair-good	Fair	Symmetrical	High	Notable row between properties. Naturalised weedy Pinus radiata amidst trees and two smaller Moreton Bay Figs	Retain	Remove
120	<i>Pinus canariensis</i>	Canary Island Pine	Exotic	1	47						5.7	10	13	Semi-mature	6-10 years	Fair-poor	Fair	Symmetrical	Low	Needle dieback throughout. Possible diplodia infection	Remove	
121	<i>Eucalyptus globulus subsp. globulus</i>	Blue Gum	Victoria - planted amenity tree	1	100					Estimate	12	23	19	Over-mature	11-20 years	Fair	Fair	Symmetrical	Low	End of ULE. Relatively short lived species as planted amenity tree. Creeper prevented thorough inspection of stem	Retain	
122	<i>Pinus radiata</i>	Monterey Pine	Exotic	2	70					Estate	8.4	18	9	Semi-mature	20+years	Fair-poor	Fair-poor	Symmetrical	Moderate		Retain	
123	<i>Populus nigra var. italica</i>	Lombardy Poplar	Exotic	7	93						11.2	25	8	Mature	11-20 years	Fair	Fair	Symmetrical	Moderate	Interdependent stand. Dimensions for largest specimen	Retain	
124	<i>Banksia integrifolia</i>	Coast Banksia	Indigenous - planted amenity tree	1	31						3.8	12	6	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate	2 small specimens adjacent	Retain	
125	<i>Eucalyptus viminalis subsp. pryoriana</i>	Rough Barked Manna Gum	Indigenous - planted amenity tree	1	83						10	22	10	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Moderate		Retain	
126	<i>Acacia melanoxylon</i>	Blackwood	Indigenous - planted amenity tree	1	20						2.4	8	5	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low	Loose copse extending along fence line from roadside plantation	Retain	
127	<i>Allocasurina verticillata</i>	Drooping She-oak	Indigenous - planted amenity tree	1	19						2.3	7	5	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low	Developing specimen	Retain	
128	<i>Eucalyptus viminalis subsp. pryoriana</i>	Rough Barked Manna Gum	Indigenous - planted amenity tree	9	54						6.5	12	12	Semi-mature	11-20 years	Fair	Fair-poor	Symmetrical	Moderate	Developed as a stand. Dimensions are for largest specimen	Remove	
129	<i>Allocasurina littoralis</i>	Black She-oak	Indigenous - planted amenity tree	1	25	18	14				4.1	8	7	Semi-mature	6-10 years	Fair	Fair-poor	Symmetrical	Low		Remove	
130	<i>Allocasurina torulosa</i>	Forest She-oak	Australian Native	2	25						3	6	4	Semi-mature	6-10 years	Fair	Fair-poor	Suppressed	Low		Remove	
131	<i>Acacia floribunda</i>	Gossamer Wattle	Victoria - planted amenity tree	2	20						2.4	6	4	Semi-mature	0	Fair	Fair	Suppressed	None	Environmental weed	Remove	
132	<i>Allocasurina torulosa</i>	Forest She-oak	Australian Native	1	30					Multi-stemmed	3.6	8	6	Semi-mature	11-20 years	Fair	Fair-poor	Suppressed	Low		Remove	
133	<i>Eucalyptus ovata</i>	Swamp Gum	Indigenous - planted amenity tree	1	20					Multi-stemmed	2.4	7	5	Semi-mature	0	Fair-good	Poor	Symmetrical	None	Basal regrowth	Remove	
134	<i>Acacia melanoxylon</i>	Blackwood	Indigenous - planted amenity tree	6	0					Multi-stemmed	2	8	5	Semi-mature	6-10 years	Fair-good	Poor	Symmetrical	Low	Loose copse of multi-stemmed regrowth	Remove	
135	<i>Eucalyptus globulus subsp. globulus</i>	Blue Gum	Victoria - planted amenity tree	9	96						11.6	23	12	Over-mature	6-10 years	Fair-poor	Fair-poor	Symmetrical	Low	Row uniformly afflicted with cankers, conks evident in many trees, indicators of decay and entirely typical of this taxon	Remove	
136	<i>Eucalyptus globulus subsp. globulus</i>	Blue Gum	Victoria - planted amenity tree	6	110						13.2	15	12	Over-mature	1-5 years	Fair-poor	Poor	Symmetrical	Low	Major decline, cankers and conks throughout.	Remove	
137	<i>Eucalyptus globulus subsp. globulus</i>	Blue Gum	Victoria - planted amenity tree	3	100						12	23	12	Mature	20+years	Fair-good	Fair-good	Symmetrical	High	Far superior to other trees further north.	Retain	
138	<i>Pinus radiata</i>	Monterey Pine	Exotic	10	100						12	24	18	Mature	20+years	Fair-good	Fair	Symmetrical	Moderate	More vigorous than trees to road frontage. Large failure on southern tree	Retain	Remove
139	<i>Eucalyptus globulus subsp. globulus</i>	Blue Gum	Victoria - planted amenity tree	12	100					Estimate	12	25	14	Mature	11-20 years	Fair	Fair	Symmetrical	Moderate	Windrow. Dimensions for largest specimen.	Retain	
140	<i>Corymbia citriodora</i>	Lemon-scented Gum	Australian Native	1	30					Estimate	3.6	3	9	Semi-mature	11-20 years	Fair-good	Poor	Suppressed	Low	Suppression causing severe lean	Retain	
141	<i>Pinus radiata</i>	Monterey Pine	Exotic	9	60					Estimate	7.2	25	16	Mature	11-20 years	Fair-good	Fair	Symmetrical	Moderate	Windrow	Retain	Remove
142	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	76						9.2	11	9	Mature	20+years	Fair	Fair-good	Symmetrical	Moderate		Retain	
143	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	45						5.4	6	5	Semi-mature	20+years	Fair-good	Fair-good	Asymmetrical	Moderate		Retain	
144	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	70					Estimate Low	8.4	9	8	Dead	0	Dead	Poor	Symmetrical	None		Retain	
145	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	75					Estimate Low	9	13	9	Over-mature	6-10 years	Fair-poor	Fair-poor	Symmetrical	Low	Breaking up, large dieback	Retain	
146	<i>Leptospermum laevigatum</i>	Coast Tea-tree	Indigenous - outside site	1	35					Estimate Low	4.2	4	6	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Low	Typically sprawling form	Retain	
147	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	60	60					10.2	7	12	Over-mature	1-5 years	Fair-poor	Poor	Symmetrical	Low	Breaking up	Retain	
148	<i>Fraxinus angustifolia subsp. angustifolia</i>	Desert Ash	Exotic	1	12	10					2	5	4	Semi-mature	1-5 years	Fair-good	Poor	Symmetrical	Low		Retain	Remove
149	<i>Corymbia ficifolia</i>	Red-flowering Gum	Australian Native	1	40					Estimate	4.8	7	5	Dead	0	Dead	Poor	Symmetrical	None		Retain	Remove
150	<i>Populus nigra var. italica</i>	Lombardy Poplar	Exotic	4	45						5.4	15	4	Semi-mature	0	Fair	Fair-good	Symmetrical	None	Suckers from row in property to south	Retain	Remove
151	<i>Corymbia citriodora</i>	Lemon-scented Gum	Australian Native	1	73	43	39				11.2	27	22	Mature	20+years	Fair-good	Fair	Symmetrical	High		Retain	
152	<i>Cinnamomum camphora</i>	Camphor Laurel	Exotic	1	50					Estimate Low	6	10	10	Semi-mature	11-20 years	Fair-good	Fair	Symmetrical	Moderate		Retain	Remove

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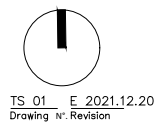
161 189 Old Cape Schanck Road Boneo

id	taxon	common_name	origin	no_of_trees	dbh1	dbh2	dbh3	dbh4	dbh5	dbh_other	tpz	height_m	width_m	age	ule	health	structure	form	arboricultural_value	comments	Status P16/0953	Amended Scheme
153	<i>Aesculus sp.</i>	Buckeye	Exotic	1	20					Estimate	2.4	5	5	Semi-mature	11-20 years	Fair-good	Fair	Symmetrical	Low		Retain	Remove
154	<i>Ulmus glabra</i>	Scotch Elm	Exotic	1	18					Estimate	2.2	6	5	Semi-mature	6-10 years	Fair	Fair-poor	Symmetrical	Low	Decay in primary structure	Retain	Remove
155	<i>Eucalyptus melliodora</i>	Yellow Box	Indigenous - planted amenity tree	1	85						10.2	25	18	Mature	11-20 years	Fair	Fair-good	Symmetrical	Moderate	Sparse crown limits value / ULE	Retain	
156	<i>Acer palmatum</i>	Japanese Maple	Exotic	1	30					Estimate Low	3.6	5	6	Mature	1-5 years	Fair-poor	Fair-poor	Asymmetrical	Low	Deep decay	Retain	Remove
157	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	125						15	15	20	Mature	20+years	Good	Fair-good	Symmetrical	High	Large surface roots beneath much of crown	Retain	
158	<i>Jacaranda mimosifolia</i>	Jacaranda	Exotic	1	25	17					3.7	8	6	Semi-mature	11-20 years	Fair-good	Fair-poor	Asymmetrical	Low		Retain	
159	<i>Ulmus procera</i>	English Elm	Exotic	1	60						7.2	15	14	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate		Retain	Remove
160	<i>Prunus Sato-Zakura Group</i>	Japanese Flowering Cherry	Exotic	2	45					Estimate Low	5.4	5	7	Mature	6-10 years	Fair	Fair	Symmetrical	Low		Retain	Remove
161	<i>Macadamia integrifolia</i>	Macadamia	Australian Native	1	40					Multi-stemmed	4.8	7	7	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Low	Macadamia integrifolia	Retain	Remove
162	<i>Eucalyptus leucoxylon</i>	Yellow Gum	Indigenous - planted amenity tree	1	17					Estimate	2.1	5	6	Semi-mature	11-20 years	Fair-good	Fair-poor	Symmetrical	Low	Rangy small tree	Retain	Remove
163	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	30					Estimate	3.6	8	10	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low	Location suggests self sown. Better tree to retain than poplars	Retain	
164	<i>Syzygium paniculatum</i>	Magenta Cherry	Australian Native	1	25	17					3.7	10	10	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Moderate	Stake embedded in base	Retain	
165	<i>Pittosporum eugenioides 'Variegatum'</i>	Silver Tarata	Exotic	1	25					Estimate	3	7	6	Mature	11-20 years	Fair-good	Fair-good	Symmetrical	Low		Retain	
166	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	75					Estimate Low	9	16	16	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate		Retain	
167	<i>Eucalyptus botryoides</i>	Southern Mahogany	Victoria - planted amenity tree	1	75					Estimate	9	16	7	Over-mature	1-5 years	Fair-poor	Fair-poor	Symmetrical	Low	Poor	Retain	
168	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	60	45					9	16	18	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate		Retain	
169	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	45	45	45				9.4	14	12	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate		Retain	
170	<i>Populus x canadensis</i>	Grey Poplar	Exotic	5	88						10.6	20	14	Mature	11-20 years	Fair-good	Fair	Symmetrical	Moderate	Some Moderate deadwood throughout. Second from west poor tree	Retain	Remove 3 trees of 5
171	<i>Populus nigra var. italica</i>	Lombardy Poplar	Exotic	2	75					Estimate	9	25	6	Mature	1-5 years	Fair-good	Fair-poor	Symmetrical	Low	Western tree smaller, poorer	Retain	
172	<i>Fraxinus sp.</i>	Ash	Exotic	1	35					Estimate Low	4.2	7	6	Semi-mature	6-10 years	Fair	Fair-poor	Symmetrical	Low		Retain	
173	<i>Cedrus atlantica 'Glaucu Group'</i>	Blue Atlas Cedar	Exotic	1	36	31					5.8	8	10	Semi-mature	20+years	Fair-good	Fair	Symmetrical	Moderate		Retain	Remove
174	<i>Washingtonia robusta</i>	Mexican Fan Palm	Exotic	1	45					Estimate	5.4	9	2	Semi-mature	20+years	Good	Good	Symmetrical	Low		Retain	
175	<i>Eucalyptus camaldulensis</i>	River Red Gum	Indigenous - naturally occurring	1	102						12.3	19	14	Mature	20+years	Fair-good	Fair	Symmetrical	High	If retained needs a reserve / exclusion zone	Retain	
176	<i>Eucalyptus globulus</i>	Blue Gum	Victoria - planted amenity tree	1	125						15	22	18	Over-mature	1-5 years	Fair	Poor	Asymmetrical	Low	Lost main stem. Trunk cankers, conks	Retain	
177	<i>Unknown sp.</i>	Fruit tree	Exotic	1	25	18				Estimate	3.7	7	5	Semi-mature	11-20 years	Fair-good	Fair	Symmetrical	Low	Fruit tree	Retain	Remove
178	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	125						15	18	25	Mature	20+years	Good	Fair-good	Symmetrical	High	Poor overshadowed Cedrus deodara under crown	Retain	
179	<i>Pinus radiata</i>	Monterey Pine	Exotic	6	125						15	28	20	Over-mature	0	Fair-poor	Fair-poor	Symmetrical	Low	Northern tree dead. Parallel to 141. Thicket of Coprosma repens at base	Retain	Remove
180	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	50	20					6.5	12	10	Semi-mature	20+years	Fair-good	Fair	Asymmetrical	Moderate		Retain	
181	<i>Ficus macrophylla</i>	Moreton Bay Fig	Australian Native	1	50					Estimate	6	16	10	Semi-mature	20+years	Fair-good	Fair	Asymmetrical	Moderate		Retain	
182	<i>Pinus radiata</i>	Monterey Pine	Exotic	1	50						6	16	8	Semi-mature	0	Fair-good	Fair-good	Symmetrical	None	Naturalised weed	Retain	
183	<i>Populus nigra var. italica</i>	Lombardy Poplar	Exotic	1	45						5.4	14	4	Semi-mature	0	Fair	Fair	Asymmetrical	None	Weed sucker	Retain	
184	<i>Populus nigra var. italica</i>	Lombardy Poplar	Exotic	38	60						7.2	20	5	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Moderate	Row planted in property to south	Retain	
185	<i>Malus x domestica</i>	Apple	Exotic	1	25						3	7	5	Semi-mature	11-20 years	Fair-good	Fair	Symmetrical	Low		Retain	Remove
186	<i>Olea europaea</i>	Olive	Exotic	1	10	10					2	5	2	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low		Retain	Remove
187	<i>Laurus nobilis</i>	Bay Laurel	Exotic	1	9	8					2	5	2	Semi-mature	20+years	Fair-good	Fair-good	Symmetrical	Low		Retain	Remove
188	<i>Araucaria columnaris</i>	Cook's Pine	Exotic	1	44						5.3	12	4	Semi-mature	20+years	Good	Fair-poor	Symmetrical	Moderate	Codominant but not necessarily problematic in this taxon	Retain	Remove
189	<i>Paulownia tomentosa</i>	Empress Tree	Exotic	1						Multi-stemmed	2	7	10	Over-mature	1-5 years	Fair	Fair-poor	Asymmetrical	Low	Decaying. Species uncertain	Retain	Remove
190	<i>Quercus canariensis</i>	Algerian Oak	Exotic	1	80	60	47				13.3	17	18	Mature	20+years	Good	Fair-good	Symmetrical	High	Low spreading crown	Retain	
191	<i>Pittosporum undulatum</i>	Sweet Pittosporum	Victoria - planted amenity tree	1						Multi-stemmed	2	6	9	Mature	0	Fair-good	Fair-good	Symmetrical	None	Mature environmental weed. Spindly Ficus macrophylla and Cedrus deodara growing through crown	Retain	Remove
192	<i>Ulmus glabra 'Camperdownii'</i>	Camperdown Elm	Exotic	1	37						4.5	4	5	Mature	11-20 years	Fair-good	Fair-good	Symmetrical	Low		Retain	



161 & 189 OLD CAPE SCHANCK ROAD, BONEO  
Address  
CONSOLIDATED TREE LOCATION/RETENTION PLAN  
Drawing  
LANDSCAPE DEPT  
ABN 285 753 365 069  
info@landscapedept.com  
P.O. BOX 283 CLIFTON HILL VIC 3068

19-09-03 1:1200 @ A3  
Job N° Scale  
09.12.2020 SH  
Date Drawn



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**ADDRESS OF THE LAND:**

161 AND 189 OLD CAPE SCHANCK ROAD  
AND OLD CAPE SCHANCK ROAD, ROAD RESERVE BONEO  
LOT 2 LP 73748 VOL 8631 FOL 992  
LOT 3 LP 73748 VOL 8631 FOL 993


**THE PERMIT ALLOWS:**

- USE AND DEVELOPMENT OF THE LAND FOR A CAMPING AND CARAVAN PARK AND A CARETAKER'S HOUSE AND ASSOCIATED WORKS;
  - TREE REMOVAL; AND
  - WORKS WITHIN THE OLD CAPE SCHANCK ROAD, ROAD RESERVE
- IN ACCORDANCE WITH THE ENDORSED PLANS.**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

**Conditions Nos. 1 to 43 inclusive**

- 1 Before the development starts, amended plans and documents to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans identified as TP03 Revision G, TP03A Revision G, TP03B, TP04 Revision F, TP05 Revision F, TP06 Revision F, prepared by Peter L Brown Architects Pty Ltd dated 23/09/2019 but modified to show:
  - (a) deletion of signs in the road reserve

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- (b) an intersection treatment within Old Cape Schanck Road that complies with the Traffix Group Review of Vehicle Access Arrangements for 167-189 Old Cape Schanck Road, Boneo, Reference G26755M-01A, dated Tuesday 24th September 2019, and the relevant Austroads Guidelines for the posted speed of 80 Kph to the north of the proposed entry location and for the posted speed of 100 Kph to the south of the proposed entry location
- (c) lighting of the entrance and exit within Old Cape Schanck Road and the left and right turn treatments to the relevant Australian Standard
- (d) the access and egress driveways from Old Cape Schanck Road to 189 Old Cape Schanck Road located within the road reserve being asphalt sealed pavements capable of accommodating the vehicles expected to enter and exit the site
- (e) the access driveway within 189 Old Cape Schanck Road being shown as a 6 metre wide two-way and constructed with a resilient permeable surface that will minimise dust, or sealed with an all-weather seal and provided with lateral drainage to the ground either side
- (f) a notation to the effect that all other driveways within the site will be constructed with a resilient permeable treatment that will minimise dust
- (g) cross-sections of all access roads, to the satisfaction of the Country Fire Authority
- (h) any modifications required by the approved Operation Management Plan (refer to Condition No. 3 of this permit)
- (i) any modifications required by the approved Bushfire Management Plan (refer to Condition No. 40 of this permit)
- (j) any modifications required by the approved Waste Management Plan (refer to Condition No. 12 of this permit)

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- (k) a notation stating that there is no access or egress from the site via Grasslands Road other than for Emergency Vehicles or otherwise in accordance with the approved Operation Management Plan
- (l) internal footpaths being a minimum of 1.5 metres wide and surfaced with:
  - i concrete or other material to the satisfaction of the responsible authority adjacent to the reception community centre facilities, swimming pool, bowls court, tennis court and gymnasium
  - ii a resilient permeable surface on other areas
- (m) lighting along internal roads and footpaths
- (n) the accurate location of tree rows 139 and 140
- (o) a landscape plan in accordance with Condition No. 16 of this permit
- (p) deletion of the overflow car parking area within the 30 metre wide landscape buffer to Drum Drum Alloc Creek, and the provision of any additional visitor car parking within the site in locations satisfactory to the responsible authority
- (q) the location of a waste disposal point/s for disposal of wastewater (grey and black water) cassettes/cartridges/tanks from motorhomes and caravans
- (r) the retention of Tree 106 and the consequential realignment of the internal access driveway within 189 Old Cape Schanck Road
- (s) removal of Tree 112
- (t) the relocation of the underground service lines to be outside the heritage parks required under the approved Cultural Heritage Management Plan
- (u) the relocation of motorhome site No. 9 so that no part is within the heritage park required under the approved Cultural Heritage Management Plan

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- (v) details (including elevations) of all fences
- (w) construction materials, external finishes and colours of all buildings
- (x) barriers/bollards/fencing to restrict access to the buffer to Drum Drum Alloc Creek by vehicles other than emergency services or maintenance vehicles
- (y) any infrastructure features to be included in the buffer to Drum Drum Alloc Creek to be a permeable material such as gravel or grass, and constructed or supported with reinforcement to ensure that cars or motorhomes are accommodated without damage to the ground surface
- (z) barriers/bollards/fencing around Tree group 137.

**Approved use and development not altered**

- 2 The use and development as shown or detailed on the endorsed plans and documents must not be altered or modified without the written consent of the responsible authority.

**Operation Management Plan**

- 3 Before the development starts, three (3) copies of an Operation Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Operation Management Plan will be endorsed and will then form part of the permit. The Operation Management Plan must address the following:
  - (a) an Emergency Management Plan. In addition to all other relevant matters, the Emergency Management Plan must address bushfire and flooding
  - (b) staffing numbers
  - (c) hours of operation for the facilities within the site, including the lawn bowls court/rink, swimming pool, tennis court, gymnasium and communal kitchen

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- (d) the procedures required for patrons to enter and exit the camping and caravan park
- (e) a procedure for recording and responding to any complaints, including the provision of the manager's telephone number of neighbours
- (f) procedures for managing and addressing amenity impacts including noise, music and dust
- (g) no parking or washing-down of vehicles or other equipment of any type within the buffer area to Drum Drum Alloc Creek
- (h) a requirement that at all times during the operation of the use there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises are in accordance with the Operation Management Plan


all to the satisfaction of the responsible authority.

- 4 The Operation Management Plan must be reviewed on an annual basis, or as otherwise agreed to in writing by the responsible authority.
- 5 The use must be conducted in accordance with the approved Operation Management Plan to the satisfaction of the responsible authority.

**Tree Protection Plan**

- 6 Before the development starts, three (3) copies of a Tree Protection Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Tree Protection Plan will be endorsed and will then form part of the permit. The Tree Protection Plan must incorporate the recommendations included in the Arboricultural Assessment (V2.0 September 2019) prepared by Landscape Dept.

The Tree Protection Plan must be prepared in compliance with Australian Standard AS 4970-2009 *Protection of trees on development sites* by a Level 5 (Australian Qualifications Framework) Arborist and demonstrate how the trees to be retained will be protected during all stages of development to the satisfaction of the responsible authority.


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The Tree Protection Plan must:

- (a) show all trees to be retained:
    - i on the development site
    - ii on adjoining land where any works fall within the tree protection zone of any tree
    - iii on the road reserve where the proposed road works of the development of any crossover (on either the east or west side of Old Cape Schanck Road or adjacent to Cleek Crescent) falls within the tree protection zone of any retained tree
  - (b) require the grinding of the stumps of the four Monterey Pines proposed to be removed within the road reserve so that roots from adjacent trees are not impacted by mechanical extraction
  - (c) specify an on-grade pavement system for the entry and exit points and the internal entry road across the west side of 189 Old Cape Schanck Road to mitigate against disturbance to underlying roots of the Monterey Pine trees
  - (d) require the sealing of the widened shoulder on the east side of Old Cape Schanck Road be confined to the existing gravel shoulder to prevent excavation into the batter formed by the previous intersection works at Cleek Crescent
  - (e) require that non-destructive tree root investigation be undertaken for Trees 142 and 145 to allow for root pruning of either tree, if required, prior to construction.
- 7 The approved Tree Protection Plan must be implemented and must be complied with to the satisfaction of the responsible authority.
- 8 Any pruning of trees (including the pruning of roots) on the subject site and adjoining land must be undertaken by a qualified arborist in compliance with the procedures and practices described in Australian Standard AS 4373-2007 *Pruning of amenity trees*.
- 9 The owner and occupier of the site must ensure that, before the commencement of buildings and works, all contractors and

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tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of those trees.

- 10 No trenching or soil excavation may occur within the Tree Protection Zones of retained trees unless shown on the endorsed plans without the prior written consent of the responsible authority.

#### **Tree Management Plan**

- 11 Before the development starts, three (3) copies of a Tree Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Tree Management Plan will be endorsed and will then form part of the permit. The Tree Management Plan must be specific to the trees shown on the endorsed Tree Protection Plan on the land, must:

- (a) be in accordance with Australian Standard AS4970-2009 *Protection of trees on development sites*
- (b) be prepared by a suitably qualified arborist
- (c) provide details of:
  - i tree protection measures that will be used to ensure all trees to be retained remain viable post-construction; and
  - ii stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The approved Tree Management Plan must be implemented, and must be complied with, to the satisfaction of the responsible authority.

#### **Waste Management Plan**

- 12 Before the use starts, three (3) copies of a Waste Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be generally in accordance with the

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Waste Management Plan prepared by Leigh Design dated 8 October, 2019.

- 13 The storage and collection of waste must be undertaken in accordance with the approved Waste Management Plan to the satisfaction of the responsible authority.

**Tree Removal**

- 14 The extent of clearing of vegetation as shown on the endorsed plans must not be altered or modified without the consent of the responsible authority.
- 15 All disturbed surfaces on the land must be revegetated or stabilised to the satisfaction of the responsible authority.

**Landscaping**

- 16 Before the development starts, three (3) copies of a landscape plan to the satisfaction of the responsible authority and the Country Fire Authority must be submitted to, and be approved by, the responsible authority.

When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be generally in accordance with the landscape concept plan dated 24 September 2019 prepared by CDA Design Group Pty Ltd titled 'Illustrative Concept Masterplan' and identified as Revision A. The landscape plan must show:

- (a) the existing vegetation to be retained, including Tree 106
- (b) details of surface finishes of pathways and driveways
- (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
- (d) provision of mulch beneath the canopy of Tree group 137 to discourage use or occupation of this area
- (e) additional tree planting throughout the site, including within the area of the pitch sites and around the recreation facilities. Tree

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species selection must be appropriate to the use of the land as a camping and caravan park, having regard to the planting of trees adjacent to pitch sites

- (f) a notation that any excavation or digging (including for planting) within the heritage parks required under the approved Cultural Heritage Management Plan must be undertaken by hand and that there must not be any excavation below 15cm.
- 17 Before the use starts, or by such later date approved by the responsible authority in writing, the landscaping shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the responsible authority.
- 18 The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants must be replaced.

**Amenity**

- 19 Any external areas used for the storage or cleaning of waste receptacles, equipment or vehicles must be connected to the reticulated sewer system to the satisfaction of the responsible authority.
- 20 Exhaust ventilation systems must comply with Australian Standard 1668:4 – *The Use of Ventilation and Air Conditioning in Buildings*.
- 21 Noise from refuse collection and deliveries to the site must comply with Environment Protection Authority Publication 1254 – *Noise Control Guidelines*.
- 22 Noise levels emanating from the land must not exceed those set out in State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, or equivalent regulatory framework operating under the *Environment Protection Act 2017*.
- 23 The amenity of the area must not be detrimentally affected by the use or development, through the:

- (a) transport of materials, goods or commodities to and from the land

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- (b) appearance of any buildings, works or materials
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - (d) or in any other way
- to the satisfaction of the responsible authority.

**Drainage**

24 The land must be drained to the satisfaction of the responsible authority.

**Infrastructure**

25 Before any works associated with the development start, detailed engineering plans to the satisfaction of the responsible authority must be submitted to, and be approved in writing by, the responsible authority. The plans must be drawn to scale with dimensions and two copies must be provided.

The plans must show details of:

- (a) all drainage
- (b) the intersection treatment adjacent to 189 Old Cape Schanck Road, including levels
- (c) all internal roads, footpaths and parking areas within the site.

The development must be undertaken in accordance with the approved engineering plans to the satisfaction of the responsible authority.

**Environmental Management Plan**

26 No less than fourteen days before the start of any works, a project specific Environmental Management Plan must be submitted to, and be approved by, the responsible authority. When approved the Environmental Management Plan will be endorsed and will then form part of the permit. The approved Environmental Management Plan must be implemented to the satisfaction of the responsible authority prior to,

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and during construction of, the development works. The Environmental Management Plan must provide for, but not be limited to, the following:

- (a) methods to prevent discharge of construction materials into the drainage system
- (b) protection of native vegetation
- (c) hours of operation of all machinery including transportation of any fill to the site
- (d) security fencing and site access details
- (e) measures to control noise, dust and water runoff, including sediment control during construction to prevent any sediment entering the existing drainage system
- (f) arrangements to ensure that no debris is deposited on any road while vehicles are travelling to and from the site
- (g) appropriate arrangements to ensure roads in the locality are not damaged by the movement of construction vehicles to and from the site
- (h) measures to minimise any adverse impact on surrounding property owners
- (i) the maximum number of trucks entering the site per day
- (j) maintenance and repair of any damage to roads or footpaths used to access the site during construction.

- 27 Before the development starts, the owner must pay a \$30,000 bond to the responsible authority to be used if, required, for purposes such as sweeping of roads external to the site, cleaning silt from drainage pipes and for the provision of safety or emergency operations carried out by the responsible authority during the construction of the development. The bond minus the costs of associated maintenance/rectification works is to be refunded by the responsible authority on completion of the works.

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**Traffic Management**

- 28 No less than fourteen days before to the commencement of works a project-specific Traffic Management Plan must be submitted to, and be approved by, the responsible authority. Once approved, the Traffic Management Plan will be endorsed and will then form part of the permit. The approved Traffic Management Plan must be implemented to the satisfaction of the responsible authority prior to and during construction of the development works.
- 29 Before the development starts, a Road Safety Audit of Old Cape Schanck Road in the vicinity of the land, to the satisfaction of the responsible authority, must be submitted to, and be approved in writing by, the responsible authority.

The recommendations and requirements of the approved Road Safety Audit must be implemented to the satisfaction of the responsible authority before the use starts.

**Access and car parking**

- 30 Before the use starts, the following must be completed to the satisfaction of the responsible authority:
- (a) the intersection treatment including lighting within Old Cape Schanck Road adjacent to 189 Old Cape Schanck Road
  - (b) the access driveway within 189 Old Cape Schanck Road
  - (c) all buildings and works, including pathways and driveways
  - (d) all drainage works.
- 31 All access and egress to 161 Old Cape Schanck Road (other than emergency access or egress to Grasslands Road) must be via the constructed access through 189 Old Cape Schanck Road.
- 32 The access through 189 Old Cape Schanck Road must be maintained at all times.
- 33 Before the use starts, the intersection works within Old Cape Schanck Road, the access roadway within 189 Old Cape Schanck Road and the

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areas set aside for the parking of vehicles and access roadways as within 161 Old Cape Schanck Road shown on the endorsed plans must be:

- (a) constructed
  - (b) properly formed to such levels that they can be used in accordance with the plans
  - (c) surfaced in accordance with the endorsed plans to the satisfaction of the responsible authority
  - (d) drained and maintained
  - (e) line marked to indicate each car space and all access lanes
  - (f) clearly marked to show the direction of traffic along access lanes and driveways
  - (g) provided with appropriate signs and lighting
- all to the satisfaction of the responsible authority.

34 Before the development starts, either:

- (a) the land identified in Certificates of Title Volume 08631 Folio 992 (Lot 2 on Plan of Subdivision 073748) and Volume 08631 Folio 993 (Lot 3 on Plan of Subdivision 073748) must be consolidated; or
- (b) the accessway to 161 Old Cape Schanck Road across 189 Old Cape Schanck Road must be secured by creating a carriageway easement in favour of 161 Old Cape Schanck Road which is to remain in place while the use is in operation; or
- (c) the owner of the land must enter into an agreement with the responsible authority pursuant to section 173 *Planning and Environment Act 1987*. The agreement must be registered on title and must provide for the following:
  - i the access through 189 Old Cape Schanck Road must be maintained while the use is operating

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- ii all access and egress to 161 Old Cape Schanck Road (other than emergency access or egress to Grasslands Road) must be taken via the constructed access through 189 Old Cape Schanck Road.

The costs of the preparation and execution of the agreement must be paid by the owner.

**Grasslands Road**

- 35 There must be no access or egress from the site via Grasslands Road except for Emergency Vehicles or otherwise in accordance with the approved Operation Management Plan.

**Completion and implementation of buildings and works**

- 36 Once the approved development has commenced, it must be continued and completed to the satisfaction of the responsible authority.

**Country Fire Authority conditions**

- 37 Before the use starts, a fire hydrant system must be provided in consultation with, and to the satisfaction of, the Country Fire Authority.
- 38 Fire hose reels must be provided to meet the requirements of the Caravan Park Safety Guideline (published 2012) and the Country Fire Authority.
- 39 A water tank with a minimum capacity of 10,000 litres for fire-fighting purposes, with Country Fire Authority fittings, must be provided proximate to the proposed caretaker's house, all to the satisfaction of the Country Fire Authority.
- 40 Before the development starts, a Bushfire Management Plan must be submitted to, and be approved in writing by, the responsible authority. The Bushfire Management Plan must show bushfire mitigation measures to the satisfaction of the Country Fire Authority and responsible authority.

The approved Bushfire Management Plan must be implemented to the satisfaction of the responsible authority.

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- 41 All buildings (including Unregistered Movable Dwellings and cabins, if later approved) must be designed and constructed to a minimum Bushfire Attack Level of BAL-12.5.
- 42 Access for fire-fighting purposes must meet the following requirements:
- (a) be of all-weather construction
  - (b) have a minimum trafficable width of four metres
  - (c) be clear of encroachments for at least 0.5 metre on each side and four metres above the accessway
  - (d) cross-sections of all access roads must be provided to the satisfaction of the Country Fire Authority.

**Permit Expiry**

- 43 This permit will expire if one of the following circumstances applies:
- (a) the development is not started within two years of the issue date of this permit
  - (b) the development is not completed, or the use does not start, within four years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

*Note: Permit issued in accordance with the Victorian Civil and Administrative Tribunal Order dated 9 April 2020 (Reference P604/2017)*

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**THE PERMIT INCORPORATES THE FOLLOWING AMENDMENTS:**

<b>Date of Amendment</b>	<b>Brief Description of Amendment</b>
24 March 2022	Permit extended by two years: <ul style="list-style-type: none"><li>• The latest date for commencement of the development is 22 April 2024.</li><li>• The latest date for completion of the development is 22 April 2026.</li><li>• The latest date for commencement of the use is 22 April 2026.</li></ul>

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**Form 4**  
**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

**WHEN DOES A PERMIT BEGIN?**

A permit operates:

\* from the date specified in the permit, or

\* if no date is specified, from:

- (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
- (ii) the date on which it was issued, in any other case.

**WHEN DOES A PERMIT EXPIRE?**

1. A permit for the development of land expires if-
  - \* the development or any stage of it does not start within the time specified in the permit; or
  - \* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - \* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if-
  - \* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
  - \* the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if-
  - \* the development or any stage of it does not start within the time specified in the permit; or
  - \* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - \* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - \* the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
  - \* the use or development of any stage is to be taken to have started when the plan is certified; and
  - \* the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

**WHAT ABOUT REVIEWS?**

- \* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal exists.
- \* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- \* An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- \* An application for review must state the grounds upon which it is based.
- \* A copy of an application for review must also be served on the responsible authority.
- \* Details about applications for review and the fees payable can be obtained from the:

Victorian Civil and Administrative Tribunal  
Planning and Environment List  
55 King Street,  
Melbourne, 3000.

Phone: 1300 01 8228

Fax: (03) 9628-9789

DX 210576

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**PLANNING AND ENVIRONMENT DIVISION**

**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO. P604/2017  
PERMIT APPLICATION NO. P16/0953

**CATCHWORDS**

Section 77 of the *Planning and Environment Act 1987*; Mornington Peninsula Planning Scheme; Special Use Zone; Camping and caravan park; Land use; Policy; Landscape; Bushfire; Amenity

<b>APPLICANT</b>	Long Lane Pty Ltd
<b>RESPONSIBLE AUTHORITY</b>	Mornington Peninsula Shire Council
<b>RESPONDENTS</b>	J & G Barfoot
<b>SUBJECT LAND</b>	161 and 189 Old Cape Schanck Road, and Old Cape Schanck Road road reserve, Boneo
<b>WHERE HELD</b>	Melbourne
<b>BEFORE</b>	Bill Sibonis, Senior Member Sarah McDonald, Member
<b>HEARING TYPE</b>	Hearing
<b>DATES OF HEARING</b>	11, 12, 13, 14, and 15 November, 9 December, 2019 and 4 March 2020
<b>DATE OF INTERIM ORDER</b>	11 December, 2019
<b>DATE OF ORDER</b>	9 April, 2020
<b>CITATION</b>	Long Lane Pty Ltd v Mornington Peninsula SC [2020] VCAT 401

**ORDER**

- 1 Pursuant to section 127 of the *Victorian Civil and Administrative Tribunal Act 1998* the application is amended by changing the address of the land to:  
161 and 189 Old Cape Schanck Road, and Old Cape Schanck Road  
road reserve, Boneo
- 2 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998* the permit application is amended by changing the description of the land to:  
161 and 189 Old Cape Schanck Road, and Old Cape Schanck Road  
road reserve, Boneo



- 3 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998* the permit application is amended by changing the description of the proposal to:
  - Use and development of the land for a camping and caravan park and a caretaker's house and associated works; tree removal; and works within the Old Cape Schanck Road road reserve
- 4 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:
  - Prepared by: Peter L Brown Architects Pty Ltd
  - Drawing numbers: TP03 Revision G, TP03A Revision G, TP03B, TP04 Revision F, TP05 Revision F, TP06 Revision F
  - Dated: 23/09/2019
- 5 In application P604/2017 the decision of the responsible authority is set aside.
- 6 In planning permit application P16/0953 a permit is granted and directed to be issued for the land at 161 and 189 Old Cape Schanck Road, and Old Cape Schanck Road road reserve, Boneo in accordance with the conditions set out in the Appendix. The permit allows:
  - Use and development of the land for a camping and caravan park and a caretaker's house and associated works;
  - tree removal; and
  - works within the Old Cape Schanck Road road reservein accordance with the endorsed plans.

Bill Sibonis  
Senior Member

Sarah McDonald  
Member



### APPEARANCES

For Long Lane Pty Ltd	Mr P Connor QC and Mr J Kane of Counsel, by direct brief. Evidence was called from: <ul style="list-style-type: none"><li>• Ms C Dunstan, Traffic Engineer of Traffix Group Pty Ltd</li><li>• Mr T Vernon, Landscape Architect of CDA Design Group Pty Ltd</li><li>• Mr S Howe, Arboriculturalist of Landscape DEPT</li><li>• Mr R Kelderman, Town Planner of Contour Consultants Australia Pty Ltd</li><li>• Mr L Kern, Ecological and Bushfire Risk Consultant of Practical Ecology</li></ul>
For Mornington Peninsula Shire Council	Mr L English, Solicitor of Mornington Legal
Mr G and Mrs J Barfoot	In person
For Country Fire Authority	Mr S Foster, Town Planner, and Mr A Mair, Fire Safety Officer



**INFORMATION**

Description of proposal	Use and development of a camping and caravan park and caretaker's house, tree removal and associated works.
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Mornington Peninsula Planning Scheme <b>(Planning Scheme)</b>
Zone and overlays	Special Use Zone – Schedule 4, Recreational Development ( <b>SUZ4</b> )  Environmental Significance Overlay – Schedule 28, Mornington Peninsula Bushland ( <b>ESO28</b> )  Vegetation Protection Overlay – Schedule 2, Significant Treelines ( <b>VPO2</b> )  Significant Landscape Overlay – Schedule 4, Scenic Recreation Sites ( <b>SLO4</b> )
Permit requirements	Cl. 37.01-1 and 71.03-2 (use of land in SUZ4 for camping and caravan park and for a caretaker's house)  Cl. 37.01-4 (the construction of a building and the construction or carrying out of works on land in SUZ4)  Cl. 42.01-2 (the construction of a building and the construction or carrying out of works and the removal of vegetation on land in ESO28)  Cl. 42.02-2 (the removal of vegetation on land in VPO2)
Key scheme policies and provisions	Cl. 11, 12, 13, 15, 17, 21, 22.05, 22.11, 37.01, 42.01, 42.02, 51.02, 52.06, 52.17 and 65
Land description	The review site is located on the east side of Old Cape Schanck Road in Boneo. It comprises two lots. No. 161 is a vacant lot and was formerly used as a native plant nursery. The land supports sheds, a dam and established trees. No. 189 is occupied by a dwelling and outbuildings. It, too, supports established trees. The land has an overall site area of approximately 6.9 hectares.



To the north, the land adjoins Drum Drum Alloc Creek, beyond which is the Tudor Caravan Park. To the east is Grasslands Road, an unconstructed road, further east of which is farming land. To the south, land is used for the purpose of a market garden which produces organic crops. On the opposite (west) side of Old Cape Schanck Road is a residential subdivision comprising predominantly single-storey detached houses.

Tribunal inspection

An accompanied site inspection was undertaken during the hearing.



## REASONS<sup>1</sup>

### WHAT IS THIS PROCEEDING ABOUT?

- 1 This proceeding concerns a proposal to develop and use the review site for a camping and caravan park. The Mornington Peninsula Shire Council (**Council**) has refused a permit on grounds which broadly refer to matters of policy, inconsistency with the zone purpose, bushfire risk, landscape character, internal amenity, off-site amenity impacts and overdevelopment. The respondents support the Council's position.
- 2 This is an application for a review of the Council's decision.
- 3 On the basis of the submissions, the key issues for determination in this proceeding may be expressed as follows:
  - Is the use consistent with the purpose of the SUZ4?
  - Is the development acceptable?
  - Is the tree removal and landscaping acceptable?
  - Will there be any unacceptable amenity impacts?
  - Is sufficient car parking provided and is the vehicle access acceptable?
  - Does the proposal provide an acceptable response to the bushfire risk?
- 4 The Tribunal must decide whether a permit should be granted and, if so, what conditions should be applied. Having considered the submissions and the evidence, with regard to the relevant policies and provisions of the Planning Scheme, assisted by our inspection, we have determined to set aside the Council's decision. Our reasons follow.

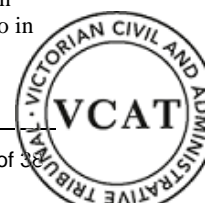
### PRELIMINARY ISSUE – CULTURAL HERITAGE MANAGEMENT PLAN

- 5 At the commencement of the hearing, a preliminary issue arose as to whether a Cultural Heritage Management Plan (**CHMP**), prepared in relation to the proposal which formed part of the planning permit application could be relied upon in respect of the amended proposal as shown on the substituted plans. This was expressed as questions of law. The Tribunal was re-constituted to include Member Whitney<sup>2</sup> solely for the purpose of determining the questions of law. Submissions addressing this issue were made on the second day of the hearing. Member Whitney reserved her opinion on the questions of law.
- 6 On the final day of the hearing, the Tribunal was advised that an amended CHMP had been prepared and approved. A copy of the amended CHMP

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<sup>1</sup> The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

<sup>2</sup> Member Whitney is an Australian Lawyer.



was provided. In respect to its approval, the applicant drew our attention to the following:

- The relevant Registered Aboriginal Party, being the Bunurong Land Council Aboriginal Corporation, approved the amended CHMP on 6 December, 2019.
  - Pursuant to section 64 of the *Aboriginal Heritage Act 2006*:
    - (1) Subject to subsection (2), a cultural heritage management plan takes effect as an approved cultural heritage management plan when—
      - (a) it is approved by each registered Aboriginal party to which an application is required to be made under section 62; and
      - (b) the sponsor lodges the following with the Secretary—
        - (i) a copy of the plan; and
        - (ii) a copy of each notice of approval received by the sponsor under section 63(1)(b).
  - A copy of the plan and of the notice of approval had been lodged with the Secretary to the Department of Premier and Cabinet on 6 December 2019.
- 7 Accordingly, the amended CHMP is now approved and Member Whitney's opinion on the questions of law is not required.

#### IN SUMMARY, WHAT IS PROPOSED?

- 8 In addition to 128 pitch sites, the proposal includes 12 mobile home sites, a 'community centre and facilities building', swimming pool, gymnasium, tennis court, lawn bowls rinks, a communal kitchen building and toilet/shower facilities. Four motel rooms<sup>3</sup> and a manager's residence are within the community and facilities building. The existing dwelling is to be used as a caretaker's house.
- 9 Car parking is to be provided within each of the pitch sites (either one or two spaces) and visitor parking is to be located in three areas accessed via the internal driveway/circulation network. Vehicle access and exit is to be provided via new crossings to Old Cape Schanck Road, with the driveway traversing No. 189. The vehicle crossings will require the removal of four Monterey Pines which form part of a row that extends along the site frontage.
- 10 Within the site, 48 trees in total are proposed to be removed to facilitate the vehicle access across No. 189, and to allow for the construction of the buildings, recreational facilities, pitch sites and internal circulation network.

<sup>3</sup> Due to the limited number of motel rooms and their location within the community centre and facilities building, we consider that they are ancillary to the camping and caravan park use.



## IS THE USE CONSISTENT WITH THE PURPOSE OF THE SUZ4?

### Can the proposal be considered to be an integrated recreational and residential facility?

- 11 One of the grounds on which the Council opposes the grant of the permit is:

The proposal is contrary to the purposes of the Special Use Zone and fails to adequately respond to the intent of the Mornington Peninsula Localised Planning Statement (MPLPS), referred to in the Planning Policy Framework at clause 11.03-5S of the Scheme, particularly in relation to strategies 4, 14, 39 and 40 of the MPLPS.

- 12 The purpose of the SUZ4 is to provide for integrated recreational and residential development in appropriate locations.
- 13 In the Council's submission, the proposal is not an integrated recreational and residential proposal. Rather, the Council argued it is an accommodation proposal with some incidental elements of recreational resort available on-site for occupants/residents of the camping and caravan park or their visitors. In support of this position, the Council submitted that the recreational component is not significant enough to be considered a 'real and substantial' purpose of the proposed use. The Council went on to observe that there is no legal way in a planning context to distinguish between a tourist facility and one that accommodates permanent or long-term residents. Reference was made to the following section of the *Residential Tenancies Act 1997*:

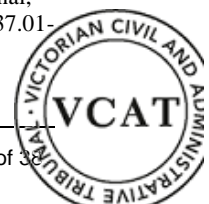
518 A planning scheme or permit under the **Planning and Environment Act 1987** whether made before or after this section cannot limit the duration of residency in a caravan park.

- 14 The Council is concerned that the land could become a 'de-facto Residential Village'.<sup>4</sup> It referred to the Tribunal's decision in the matter of *National Lifestyle Villages Pty Ltd v Wyndham CC*<sup>5</sup> (*National Lifestyle*) where the similarities between a camping and caravan park and a residential village were identified. In that case, what was proposed was described in the following terms by the Tribunal:

1 National Lifestyle Villages Pty Ltd wishes to establish a "Lifestyle Village" on land at Point Cook. The proposal involves the placement of 292 factory built homes in landscaped grounds with communal facilities. The homes are typically of 70 to 90 square metres (or thereabouts) in area and consist of a kitchen, a lounge, one or two bedrooms, a bathroom and a carport.

<sup>4</sup> Pursuant to clause 73.03, a Residential Village is defined as "Land in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation or medical facilities for residents of the village". Pursuant to clauses 71.03-3 and 37.01-1, a Residential Village is a prohibited use in the SUZ4.

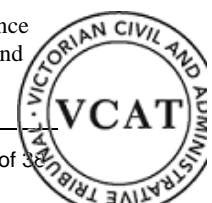
<sup>5</sup> [2006] VCAT 798



- 15 The fact that that proposal was materially different to what is proposed here, as no cabins are proposed but, rather, a series of pitching sites on which caravans may be placed or tents erected, was acknowledged by the Council. However, the Council submitted that, if a permit was granted, then a future proposal might include the provision of cabins, which would only require development (ie ‘buildings and works’) permission, as the use will already be established.
- 16 What is proposed, and what is before us for determination, is a camping and caravan park with no cabins. There are no material similarities between this proposal and that considered by the Tribunal in the *National Lifestyle* case. The proposal cannot be classified as a residential village as no dwellings are included. In the *National Lifestyle* case, the Tribunal found that dwellings must be buildings. It found that a tent or caravan would not normally be regarded as a dwelling, even if equipped with a kitchen sink, shower, toilet and so on.<sup>6</sup>
- 17 We acknowledge that the Council is not saying that this proposal is a residential village, but that it may operate as a de-facto residential village by virtue of the fact that the duration of tenancy cannot be regulated. This gives rise to the Council’s concern that it may be used for permanent or long-term accommodation, which is an outcome it does not support.
- 18 In respect of the Council’s concern that if a permit were granted a future application may seek to install cabins, this possibility cannot be discounted. It is not uncommon for camping and caravan parks to also provide accommodation in cabins. In considering whether such an outcome would mean that the use transforms from a camping and caravan park into a residential village (which is not what the Council is arguing, but which we will address for completeness), we have been assisted by the Tribunal’s assessment in *National Lifestyle*:
- 13 Well, what distinguishes a “camping and caravan park” from a “residential village”? I think there are two types of factors: essential requirements and qualitative differences.
- 14 For a use to be characterised as a “camping and caravan park” it will be essential that land is available for use for accommodating persons in caravans, cabins, tents or the like. For a use to be characterised as a “residential village” it will be essential that:
- (a) the land is in one ownership;
  - (b) the land contains a number of dwellings;
  - (c) the land is used to provide permanent accommodation (although it does not follow that all dwellings on the land

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<sup>6</sup> Pursuant to clause 73.03, a ‘dwelling’ is defined as a building used as a self-contained residence which must include a kitchen sink, food preparation facilities, a bath or shower, and a toilet and wash basin.



must be used for permanent accommodation, as it is the way the land as a whole is used which is relevant); and

- (d) communal, recreation, or medical facilities for residents of the village are provided.

It is to be observed that a camping and caravan park may also consist of land in one ownership. Moreover a camping and caravan park may contain dwellings: for example, cabins may be equipped so as to be self contained and have the necessary attributes of dwellings. Dwellings forming part of a camping and caravan park may also provide permanent accommodation. Finally, a camping and caravan park may contain communal, recreation, or medical facilities for residents. Hence the fact that a use satisfies the four elements essential to a “residential village” – which is the case here – does not necessarily make the use that of a residential village; it may still be a “camping and caravan park”. In order to determine whether or not this will be so it will be necessary to look at qualitative difference.

In my opinion, qualitative differences between the two uses will include the following.

- a *Permanency of residence*: if the accommodation is intended to be occupied on a permanent basis, the more likely it will be that the term “residential village” is appropriate. This is so notwithstanding section 518 of the *Residential Tenancies Act*: that section prohibits a restriction on permanent residency in a caravan park; it does not make permanent residency mandatory. Typically, camping and caravan parks have many residents who are not permanent residents.
- b *Accommodation standard and size*: the higher the standard of the accommodation provided, the more likely the term “residential village” will be appropriate. Although cabins may be dwellings, they tend to be at the lower end of the scale of all dwellings when ranked in terms of accommodation standard. Further tents, caravans, cabins and the like tend to be small when compared with all types of accommodation units.
- c *Moveability of accommodation units*: accommodation units which are permanent and fixed, and not movable, are more likely to be a “residential village” than a “camping and caravan park”. As there will be degrees of physical permanency (or movability), the position on the spectrum will be relevant.
- d *The nature of communal facilities*: Although both a “residential village” and a “camping and caravan park” may have communal facilities, if those facilities are oriented towards ablution and cooking facilities, it will be more likely that the appropriate characterisation is “camping and caravan park”.



- 19 In the context of these findings, we do not consider that, even if cabins were introduced, it would mean that the use would be (or be akin to) a residential village.
- 20 This then leads us to the question of whether the possibility that this proposed camping and caravan park may be used for permanent or long-term accommodation (which is a potential outcome) means that it should not be approved.
- 21 Before turning to this issue, however, we will address the Council's concern that the proposal is contrary to the SUZ4. In summary, the Council does not consider that the development proposal is an integrated recreational and residential development. As outlined earlier, the Council submitted that the proposal is for 'accommodation' with some incidental elements of recreational resort available.
- 22 The applicant does not agree. Its submission sets out the proposed recreational facilities, which were summarised in an earlier section of these reasons, and argued that they are integrated with the accommodation component of the development. It said this on the basis that they form part of the application and will be available for use by the occupants.
- 23 By reference to other land uses defined within the Planning Scheme and which contain the term 'residential',<sup>7</sup> the applicant submitted that these all involve some form of accommodation, whether it be in the nature of permanent residency or accommodating persons away from their usual place of residence. It also referred to the provisions of clause 51.02<sup>8</sup> and observed that a 'camping and caravan park' is one of the accommodation uses that is permissible.
- 24 Mr Kelderman's evidence is that, while not a residential development, a camping and caravan park falls within the definition of 'accommodation' and is not inconsistent with the purpose of the zone. He did not see a distinction between the use proposed and a residential development in terms of assessing the suitability of the use in the zone, stating that if it is suitable for dwellings, it is suitable for a camping and caravan park.
- 25 We were not taken to any part of the Planning Scheme, or to any reference document or other extraneous material to assist us in understanding what is meant by 'integrated recreation and residential development' in the purpose of the SUZ4. In considering whether the proposal can be classified as a residential development for the purpose of the SUZ4, we have taken into account the provisions of the schedule. Specifically, we note that in the Table of Uses, 'accommodation' (with the exception of 'dependent person's unit' and 'dwelling') is a section 2 use for which a permit is required. Pursuant to clause 73.03 the term 'accommodation' is defined as:

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<sup>7</sup> These being residential aged care facility, residential building, residential hotel and residential village.

<sup>8</sup> Metropolitan Green Wedge Land: Core Planning Provisions



Land used to accommodate persons.

- 26 Amongst others, the land use term ‘accommodation’ includes a ‘camping and caravan park’.
- 27 The title of SUZ4 is ‘Recreational development’. The sole purpose of SUZ4 to provide for integrated recreational and residential development is very specific. On the question of whether a camping and caravan park can be considered to be a residential development for the purposes of the schedule, we consider it significant that the Table of Uses does not exclude it from accommodation and does not list it in section 3 as a prohibited use. If the Council did not consider that a camping and caravan park is a residential use (or, alternatively, a use which would not be consistent with the purpose of the SUZ4), then it was open to it to exclude it from section 2 of the Table of Uses and nominate it in section 3. It has not done so.
- 28 More broadly, while clause 51.02 prohibits accommodation, it specifically excludes camping and caravan park from this prohibition, making it a permissible use in the Green Wedge (within which the review site is located).
- 29 On the information available to us, and the minimal guidance in the Planning Scheme in relation to this specific issue, we consider it is open to us to conclude that a camping and caravan park is a use that can be contemplated in the SUZ4 and, of itself, not be contrary to the purpose of the schedule. This is particularly so given the duration of the tenancy cannot be regulated, meaning that occupants cannot be restricted to tourists and the like who would only be present for limited periods of time. It is possible that some of the pitching sites may be used for caravans and annexes which provide for long-term accommodation. This may also be the same for the motorhome sites. Therefore, while not necessarily representing what might be referred to as ‘conventional’ residential use, the proposed camping and caravan park can nonetheless represent a form of residential occupation that is contemplated by the relevant Planning Scheme provisions within the context of this application.
- 30 The next, and related, consideration is whether the proposal provides for recreational facilities that are integrated with the accommodation component. Again, we were not taken to any part of the Planning Scheme or to any reference document or extraneous material to assist us in understanding what is intended by the SUZ4 with respect to recreational development.
- 31 While it may be arguable that the proposed recreational facilities may be ancillary, or incidental to, the accommodation component, we do not consider that this means they do not qualify as a legitimate component of the overall proposal in the assessment of whether it is an integrated recreational and residential development. The recreational facilities are of some substance and have a notable presence as part of the overall scheme for the site. This is particularly the case with respect to the 25 metre

swimming pool, the tennis court and the bowling rinks. The facilities are on the review site and will be available for use by all occupants. They are integral elements of the development. The Council has not suggested that these facilities will form a distinct use separate to the camping and caravan park use or be open for use by the general public. We consider that they are a component of the integrated recreational and accommodation development.

- 32 Beyond this question of whether the proposal is consistent with the purpose of the zone, the Council submitted that it fails to adequately respond to clause 11.03-5S and to the MPLPS, particularly strategies 4, 14, 39 and 40.
- 33 Clause 11.03-5S forms part of the Planning Policy Framework (**PPF**) and has the objective of protecting and enhancing the valued attributes of identified areas and landscapes. A relevant related strategy is to develop a Localised Planning Statement for, amongst others, the Mornington Peninsula.
- 34 The strategies of the MPLPS referred to by the Council are:
  4. The Mornington Peninsula will not accommodate major population growth and the existing Urban Growth Boundary and Green Wedge rural area will be maintained.
  14. Maintenance of environmental quality and protection against pollution and degradation of every description will be primary considerations.
  39. Support for larger scale tourism based development in appropriate locations within the rural Green Wedge area will be considered on the basis of substantial strategic justification, will be subject to comprehensive design and environmental impact assessment, must maintain a low overall development footprint and will need to demonstrate substantial net community benefit.
  40. Use and development, which by its intensity or form would result in defacto urbanisation of the rural or coastal landscape, including large scale caravan park or mobile home based developments, will not be permitted.
- 35 The Council does not view the proposal as being for a larger-scale tourism development. It views it as an accommodation proposal and that it does not benefit from Strategy 39. In respect of Strategy 40, the Council considers that what is proposed is not a small caravan park and should, therefore, be regarded as a 'larger one'. While acknowledging that neither the Planning Scheme nor the MPLPS define 'large scale caravan park', it submitted that the classification can be made by considering the context. It went on to refer to such matters as the overall number of people accommodated or the number of sites; the area of the land, the intensity and density of the development; and the extent to which it would, if every site was permanently occupied, increase the residential population of the area. In



the Council's opinion, when all these factors are considered, the proposal is for a large-scale caravan park.

- 36 The applicant submitted that the proposal is neither a large-scale caravan park nor a larger-scale tourism-based development. Guidance was sought from the Panel Report prepared in respect of proposed Amendment C133 to the Planning Scheme, which was ultimately not pursued by the Council. As part of that Amendment, the Council sought to introduce a policy that the total number of accommodation sites in any caravan park proposal for the Green Wedge Zone should be 100 sites or less. Such a limit was not sought for land in the SUZ4. The applicant commented that the proposed 140 sites is close to the Council's preferred benchmark as expressed in proposed Amendment C133 for locations in the Green Wedge Zone. The applicant concluded that the debate as to whether the proposal is a 'large scale' caravan park is of limited value, and that the focus should be on the proposed design, layout and impacts.
- 37 Mr Kelderman's evidence also referred to the Panel Report for proposed Amendment C133, making note of a submission from Tourism Victoria that most new caravan parks it was aware of had in the order of 300-400 sites, substantially greater than the 100 pursued by Council. In this respect, we note the Council's submission that this is irrelevant to our decision.
- 38 Strategy 40 is related to the objective of recognising and protecting the recreational role of the Mornington Peninsula and making provision for appropriate tourism-based use and development. What appears to underpin the strategy is the desire to avoid large areas of rural land becoming 'urbanised' in the form of a caravan park that may have permanent residents.
- 39 Within the context of caravan parks that can accommodate up to 400 sites, the proposal is relatively modest. While not as small as the adjacent Tudor Caravan Park, which has in the order of 90 sites, it is not of a dissimilar size. We are not persuaded that the proposal would qualify as a large-scale facility, or one that would otherwise give rise to a concern that it would manifest either in its intensity or form as de-facto urbanisation of rural land. In this regard we note that the proposal before us does not include any cabins or moveable dwellings, and includes only a limited number of larger motorhome sites. For all intents and purposes, it will appear and operate as a caravan park within a semi-rural context (noting the exception of the residential subdivision directly opposite, on the western side of Old Cape Schanck Road). It is not of an intensity or form that would, for example, manifest as an eastward extension of urban land use introduced by the subdivision opposite.
- 40 For these reasons we find that the proposal is an integrated recreation and residential use, the use is consistent with the purpose of the SUZ4, and the proposal responds to the MPLPS in an acceptable way.



## IS THE DEVELOPMENT ACCEPTABLE?

### Buildings

- 41 The principal built form on the land will be the two-storey attic-style building situated proximate to the site's frontage and annotated as 'reception, community centre and facilities'. The plans show this structure as accommodating an office, meeting room/library, multi-purpose hall, four motel rooms, and a manager's residence on the ground floor, with two bedrooms in the roof space. These rooms form part of the manager's residence. The building is to be set back in excess of 30 metres from the frontage to Old Cape Schanck Road, with additional separation from the actual road pavement being provided by the vegetated verge. The setback area is proposed to be landscaped with a mix of large evergreen canopy trees. Wall heights of up to 3.9 metres are proposed, with the maximum overall height to the top of the roof ridge being nominated as 8.61 metres.
- 42 The substantial setback from the frontage, together with the proposed landscaping and retained trees means that the building will not have any prominence in the Old Cape Schanck Road streetscape. It will have a recessive presence. Further adding to its recessive profile is the use of an attic-style second storey with hipped pitch roof form which avoids any gable-ends. The highest point of the structure is centrally located, further removing it from the interface with the public realm. The building displays a restrained architecture which reflects residential forms in the locality, including regular proportions, rectangular fenestration, weatherboard cladding, rendered finishes and a pitched Colorbond roof.
- 43 The plans show the gymnasium and lavatories building as accommodating a gymnasium, table tennis room, billiard room, lavatories and laundry. This building is located in the north-eastern corner of No. 161, 43 metres from the northern boundary and 30 metres from the boundary with Grasslands Road. This is an elongated building of narrow width and of a design that emulates that of the reception and community centre building. It is of a slightly lesser height, rising to 8.1 metres, and is sited well within the property. Its substantial setbacks from the property boundaries and planting proposed along the nearest property boundaries will act to screen the appearance of the structure from outside the site and reduce its visual impact.
- 44 The remaining building is the communal toilet block and kitchen. This is a more modest structure with a wall height in the order of 3.2 metres and has a hipped roof with a shallow pitch. Its footprint measures 10.0 metres by 10.0 metres. The overall height to the roof ridge is 4.0 metres. It is located proximate to the site's south-eastern corner, with a 3.0 – 5.0 metre setback from the southern boundary and a 21.0 metre setback from the eastern boundary to Grasslands Road. The structure has a similar architecture to the other buildings. Its modest proportions in conjunction with its siting

mean that there will not be any unacceptable visual impact on the adjoining property or Grasslands Road.

#### Internal circulation

- 45 The internal circulation network is to comprise both sealed and unsealed roads that are intended to be shared by vehicles and pedestrians. While raising no concerns regarding the layout or connectivity of the network, the Council opposes the unsealed nature of part of it. In the Council's submission unacceptable dust emissions will be generated by vehicles, particularly in hot, dry weather conditions, causing detriment to the amenity of occupants.
- 46 The applicant submitted that the unsealed sections of the internal road network will be constructed of crushed gravel which will be compacted. Given the compaction, the applicant argued that the use of these sections will not generate any unreasonable or unacceptable dust. It further submitted that such a treatment is preferable to a sealed surface as it is consistent with sensitive and efficient drainage principles.
- 47 The use of unsealed surfaces in camping and caravan parks is not unusual, as it reflects the informal nature of the occupation by caravans and tents. That said, we acknowledge that, unless it is properly managed, an unsealed surface has the potential to generate dust emissions which will impact adversely on the amenity of occupants.
- 48 This was a matter which was discussed as part of the parties' submissions on the draft 'without prejudice' permit conditions. It was suggested that, rather than prescribe a specific surface (such as asphalt, for example), it could be described as a 'resilient permeable surface' to give the applicant the flexibility of selecting a different material that has an informal appearance, will not generate dust and allows for water percolation.
- 49 The Country Fire Authority's subsequent comments include a requirement that access for fire-fighting purposes must be of 'all-weather construction'. The implications of such a requirement may be of issue with respect to compliance with the requirements of the CHMP in relation to ground disturbance, as well as to the potential impact on trees where access roads pass through the Tree Protection Zones. In this regard, we note in his evidence that Mr Howe commented in relation to the internal access road within No. 189 that this road "... is proposed to be unsealed and constructed on-grade to further limit any potential impacts on these trees"<sup>9</sup>. However, in response to the Tribunal's questions, Mr Howe clarified that it was his 'preference' for this road to be unsealed, but that it could be engineered to be sealed with lateral drainage on to the ground either side. We have included permit conditions to address these matters.

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<sup>9</sup> Arboricultural Assessment 161 & 189 Old Cape Schanck Road, Boneo, prepared by Simon Howe, Consultant Arborist, V2.0 September 2019, at [3.1.12].



### IS THE TREE REMOVAL AND LANDSCAPING ACCEPTABLE?

- 50 Both native and exotic vegetation is proposed to be removed from No. 161 and No. 189, and from within the eastern road reserve of Old Cape Schanck Road. While, overall, some 48 trees are proposed to be removed from the land, the key issues relate to the following vegetation removal:
- Four Monterey Pine trees in the road reserve.<sup>10</sup>
  - Native trees around the dam on No. 161.<sup>11</sup>
  - Row of Blue Gums on No. 161.<sup>12</sup>
- 51 The Council submitted that while a planning permit is being sought for the removal of the vegetation on the road reserve, the applicant has not applied for a permit to remove native vegetation. There is some dispute as to whether the proposed native vegetation removal requires a planning permit.
- 52 The Council's updated grounds of refusal<sup>13</sup> include that the application is piecemeal and does not represent proper and orderly planning regarding the removal of vegetation from the land.
- 53 The Council also takes issue with the impact of the tree removal on the landscape character of the area, particularly the removal of the Monterey Pines from the road reserve.

#### Native vegetation removal

##### Native trees around the dam on No. 161

- 54 The native trees around the dam comprise nine Manna Gums, five Black She-oaks, and two Gossamer Wattles. Mr Kern's evidence notes that the Manna Gums and She-oaks are indigenous, while the Wattles are native to Victoria.
- 55 The Council rejected the applicant's assertion that the removal of the native vegetation on No. 161 is exempt from the need for a permit. It cited the provisions of clause 52.17, which provide that a permit is required to remove, destroy or lop any native vegetation, including dead native vegetation.
- 56 The Council noted Mr Kern's written evidence, which includes:
- 2.5 The small wetland and stand of trees in the western end of 161 Old Cape Schanck Road is relatively species-poor and is very likely planted by the operator of the indigenous nursery that operated on the site for many years. Nonetheless, it meets the criteria for native vegetation under clause 52.17 and needs to be

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<sup>10</sup> Notated as tree ID numbers 101a, b, c, and i on the plans and in Mr Howe's evidence statement.

<sup>11</sup> Notated as tree ID numbers 128, 129, 130, 131, and 132 on the plans and in Mr Howe's evidence statement.

<sup>12</sup> Notated as tree ID numbers 135 and 136 on the plans and in Mr Howe's evidence statement.

<sup>13</sup> Set out in its letter dated 10 April 2019.



described and required offsets calculated because it is proposed to remove it for the proposed development.

- 57 At the hearing Mr Kern corrected his evidence in relation to the requirement for a permit under the provisions of clause 52.17. He stated that, having seen aerial photographs tabled by the applicant, the trees around the dam were “definitely planted”.
- 58 Based on the aerial photographs and the evidence of both Mr Kern and Mr Howe, we are persuaded that these trees were planted. As such we are satisfied that their removal is exempt from the requirement to obtain a permit under clauses 52.17-1 (Permit requirement) and 52.17-7 (Table of exemptions) where the latter states that the requirement to obtain a permit does not apply to:
- Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.
- This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.
- 59 While Council’s cross-examination of Mr Kern queried the possibility of the trees being planted from tube stock, rather than seed, we are not persuaded that even if this were the case it would mean that the vegetation did not benefit from the exemption from the requirement for a permit. The relevant provision at clause 52.17-7 exempts ‘Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.’ We do not interpret the reference to ‘direct seeding’ is intended to apply to vegetation that was ‘planted’ rather than ‘grown’.
- 60 Despite some suggestions by the Council and Mr and Ms Barfoot that these trees may have been planted with the benefit of public funding, which would exclude them from eligibility for the permit exemption under clause 52.17, we have been provided with no evidence or documentation to demonstrate that this is the case.

Row of Blue Gums on No. 161

- 61 The row of Blue Gum trees is oriented in a north-south arrangement generally centrally down the eastern part of No. 161. In total 15 trees are proposed to be removed, with three trees<sup>14</sup> at the southern end of the row to be retained.
- 62 Based on Mr Howe’s evidence that these trees are native to Victoria, rather than indigenous, and their spacing in a row indicates that they have been planted, we are satisfied that a planning permit is not required for their

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<sup>14</sup> Notated as tree ID number 137 on the plans and in Mr Howe’s evidence statement.



removal due to the permit exemptions for planted vegetation under clause 52.17.

- 63 Although we find that this row of Blue Gums makes a valuable contribution to the landscape character of the land and it would be desirable to retain them, we accept Mr Howe's assessment that these trees are in poor/fair-poor health and of low arboricultural value. In this regard we are persuaded by Mr Howe's evidence that many of these trees are in decline as evidenced by the existence of 'cankers'<sup>15</sup> and 'conks'.<sup>16</sup>

### Other tree removal

#### Monterey Pines in the road reserve

- 64 The four Monterey Pines within the road reserve are to be removed to provide the new vehicle access within the southern end of the frontage of No. 189. These trees are part of a row of 37 Monterey Pines along the road reserve in front of the subject land.
- 65 These trees require a planning permit for their removal under the provisions of clause 42.02-2 of the VPO2 and clause 2.0 of the VPO2 schedule.
- 66 Having regard to the statement of nature and significance of the vegetation to be protected,<sup>17</sup> the vegetation protection objectives to be achieved,<sup>18</sup> and the decision guidelines<sup>19</sup> of the VPO2, we find that the removal of these four trees is acceptable.
- 67 We are satisfied that the high landscape quality of the Monterey Pine row will be maintained, despite the loss of these four trees. Overall this row will remain substantially intact, with 33 of the 37 trees to be retained. We also consider that the resultant gaps in the row will not be obvious to a person travelling along the road in car at 80–100 kilometres per hour.
- 68 To the extent that this row of trees may provide a habitat corridor, albeit not comprising indigenous or native vegetation, we are satisfied that the corridor will remain substantially intact, given the small number of trees to be removed. We have no evidence to the contrary.
- 69 We also note that the siting of the vehicle access to provide safe access to and from the land has been a key issue throughout the lengthy history of this planning application. Based on the submissions of the parties and evidence of Ms Dunstan, it is clear to us that the options for the location and alignment of the vehicle access are constrained. When balanced against the need to provide safe vehicle movements to and from the land and within Old Cape Schanck Road we are satisfied that the loss of these four trees provides an acceptable outcome.

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<sup>15</sup> Mr Howe described these as a 'depression' in the tree.

<sup>16</sup> Mr Howe described these as a 'fruiting body' and a 'perennial woody mushroom'.

<sup>17</sup> Clause 1.0 of the VPO2 schedule.

<sup>18</sup> Clause 2.0 of the VPO2 schedule.

<sup>19</sup> Clause 4.0 of the VPO2 schedule.



Moreton Bay Fig on No. 189

- 70 During the inspection of the subject land we observed a semi-mature Moreton Bay Fig tree<sup>20</sup> on No. 189 that is to be removed as it is within the path of the proposed access driveway. From our observations this tree makes a valuable contribution to the planted garden character of No. 189. Although no permit is required to remove this tree under the Planning Scheme provisions, given Mr Howe's assessment of this tree as being in fair-good health, having moderate arboricultural value and a useful life expectancy of 20 plus years, we find that this tree should be retained. While this will necessitate a slight realignment of the access driveway, which may result in the loss of other trees from this land, we consider this acceptable. In this regard we note that two other nearby trees (a Moreton Bay Fig and Brush Box)<sup>21</sup> that are most likely to be impacted by realignment of the access driveway are assessed by Mr Howe as having a low arboricultural value.

**Landscaping and planting**

- 71 Mr Vernon's evidence includes an illustrative landscape masterplan<sup>22</sup> for the land. This plan generally shows new planting of large and medium evergreen shrubs planted in a continuous lineal pattern along the northern, eastern, and western boundaries of No. 161. The plan also shows pockets of new planting along the southern boundaries, the internal accessways, and the eastern side of the heritage park in the south-western corner of No. 161.
- 72 We accept Mr Vernon's evidence that new supplementary vegetation will reinforce a comprehensively vegetated treatment and positive relationship with Old Cape Schanck Road, to the extent that this relates to the boundary interfaces. However, we are not persuaded that this will be achieved across the broader camping and caravan ground area. While the landscape masterplan identifies some areas for planting large evergreen trees, much of the area of the pitch sites is not proposed to have planting, and there is no planting around the recreation facilities.
- 73 We are not satisfied that the limited extent of proposed landscaping across the broader area of No. 161 will be consistent with the objective and supporting strategies of the MPLPS that seeks to protect landscape and cultural values. In particular, we are not persuaded that the proposal will enhance the natural environment, rural landscape and scenic values of this area of the Green Wedge.<sup>23</sup>
- 74 We consider that additional planting of large and medium evergreen trees can be accommodated across the area of the pitch sites and around the recreation facilities. We note that this may require reducing some of the

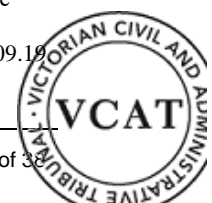
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<sup>20</sup> Notated as tree ID number 106 on the plans and in Mr Howe's evidence statement.

<sup>21</sup> Notated respectively as tree ID numbers 107 and 108 on the plans and in Mr Howe's evidence statement.

<sup>22</sup> Prepared by CDA Design Group Pty Ltd, Drawing No. BCAT\_L01A, Revision A, dated 24.09.19

<sup>23</sup> MPLPS Strategy 26.



larger Type B pitches to smaller Type A pitches, or removing some pitches entirely. We do not consider that this will unreasonably impact the scale or layout of the camping and caravan park.

- 75 We also note that any additional tree planting will need to comply with conditions relating to vegetation management recommended by the Country Fire Authority (CFA), which we address later in these reasons.

#### **Drum Drum Alloc Creek buffer**

- 76 The plans show an area for 'possible overflow car parking' and eight motor home sites within 20 metres of the northern boundary of No. 161 and within 30 metres of the Drum Drum Alloc Creek.

- 77 The landscape masterplan shows a landscaped strip comprising large and medium evergreen trees along the northern boundary, and grass within the remainder of this area.

- 78 We have concluded that this buffer should be set aside for landscaping, as specified in policy,<sup>24</sup> in order to meet the following strategy:

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

- 79 Despite Mr Kern's evidence that there may be little possibility of pollution from the proposed development reaching the creek due to the minimal production of stormwater pollutants in a tourist facility and the filtering capability of soils and vegetation along the creek, we are not persuaded that the proposal in its current form provides an acceptable response to this policy. We are not persuaded the siting of both the overflow parking and motorhome sites on a grassed area is consistent with the intention of a vegetated buffer that provides for 'wildlife corridors and landscape values'.

- 80 We are satisfied that it is possible for the overflow parking area to be removed from the buffer area (for reasons we discuss later), and for this area to be landscaped as part of a vegetated buffer along the creek.

- 81 Although it would be preferable for the motorhome sites not to be located within the creek buffer area, we consider that they are acceptable. The extent of the encroachment of these sites into the buffer area is relatively minor and, subject to the removal of the overflow car parking area, a substantial area of the buffer will remain available for landscaping as part of a vegetated buffer. We also accept Mr Kern's evidence that the infrastructure features to be included in the buffer be a permeable material, such as gravel or grass, and constructed or supported with reinforcement to

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<sup>24</sup> Clause 14.02-1S

ensure that cars or motorhomes are accommodated without damage. We have included a condition accordingly.

#### **WILL THERE BE ANY UNACCEPTABLE AMENITY IMPACTS?**

##### **Noise**

- 82 Concerns were expressed regarding the potential for noise emissions from the site to cause disturbance to the area. This was principally in respect of late-night activities, including the playing of music. The permit conditions include a requirement for an Operation Management Plan. Matters to be addressed by the Operation Management Plan include (but are not limited to) hours of operation for the facilities, procedures to minimise noise emissions from the site, and the presence of a person who will be responsible for ensuring that the use complies with the requirements of the Operation Management Plan.

##### **Dust**

- 83 The concerns relating to dust emissions from the land relate to the proposed use of unsealed roads. As discussed above, this concern can be addressed by a permit condition that requires the roads to be provided with surfaces that are resilient and permeable. A relevant consideration as part of that assessment is whether the surface will be durable and whether it will avoid or minimise dust emissions.

#### **IS SUFFICIENT CAR PARKING PROVIDED AND IS THE VEHICLE ACCESS ACCEPTABLE?**

##### **Car parking**

- 84 Clause 52.06-5 does not nominate a car parking rate for a camping and caravan park. Accordingly, pursuant to clause 52.06-6, car parking is to be provided to the satisfaction of the responsible authority. The Council's referral comments from its traffic engineering consultants<sup>25</sup> are that the provision of one car space in the smaller 'Type A' pitches and two car spaces in tandem in the larger 'Type B' pitches is considered to be reasonable, as is the provision of 28 visitor parking spaces throughout the site. This is supported by Ms Dunstan's evidence, which referred to the *RTA Guide to Traffic Generating Developments (2002)* that sets out a car parking rate of one space to each caravan site for caravan parks. As a minimum of one car space is provided for each site, and a further 28 car spaces are provided for visitors, the evidence is that the on-site car parking is more than sufficient to cater for the likely parking demands. We have no evidence to the contrary and on this basis, in addition to the support expressed in the Council's traffic engineering referral comments, we consider the car parking provision is acceptable.

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<sup>25</sup> Provided by OneMileGrid Pty Ltd



- 85 In relation to the ‘possible overflow car parking’ within the 30.0 metre buffer to Drum Drum Alloc Creek, as discussed above we have concluded that this buffer should be set aside for landscaping.
- 86 Based on Ms Dunstan’s evidence, we are satisfied that this overflow car parking is not needed in order to meet the car parking requirements of the proposed use. In addition, this conclusion is supported by the Council’s assessment. Accordingly, we have included a condition requiring the deletion of this overflow car parking.

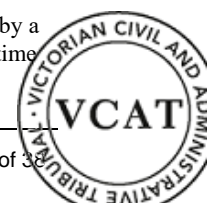
### Vehicle access

- 87 The Council provided the amended plans to its traffic engineering consultants for comment. The comments received can be summarised as follows:
- The provision of separate entry and exit lanes to/from Old Cape Schanck Road allows for simultaneous movements and addresses an earlier concern. Swept path diagrams demonstrating that an 8.8 Medium Rigid Vehicle and B99 car with caravan can enter and exit the site simultaneously are required.
  - The provision of a basic right-turn treatment and an auxiliary left turn at the access is considered appropriate.
  - The sight distance requirement for an access driveway as specified in the Australian Standard for Off-street Parking (AS/NZS 2890.1:2004) appears to be met. These distances are designed to allow for a vehicle exiting the site to pick a sufficient gap in the traffic stream to enter or exit the road. They also account for a safe stopping distance for vehicles approaching on the main road.
  - It is recommended that an independent Road Safety Audit be undertaken for the site access arrangements and consideration should be given to the installation of ‘concealed driveway’ and ‘caravan’ warning signs at the approach.
- 88 The applicant relied upon Ms Dunstan’s evidence, which sets out similar conclusions. The evidence includes a detailed sight distance assessment against AS/NZS 2890.1:2004 and the *Austroads Guide To Road Design Part 4A: Unsignalised and Signalised Intersections (Austroads Guide)*. That assessment showed that the Minimum Gap Sight Distance (MGSD)<sup>26</sup> and the Approach Sight Distance<sup>27</sup> (ASD) are met on both the north and south approach along Old Cape Schanck Road. The assessment, however,

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<sup>26</sup> According to the evidence, the Minimum Gap Sight Distance “is based on distances corresponding to the critical acceptance gap that drivers are prepared to accept when undertaking a crossing or turning manoeuvre at intersections”.

<sup>27</sup> According to the evidence, the Approach Sight Distance “is defined as the distance travelled by a vehicle between the time when a driver receives a stimulus signifying a need to stop and the time the vehicle comes to rest”.



demonstrated that the Safe Intersection Sight Distance (**SISD**) will not be met. The evidence provides the following definition of SISD:

SISD provides sufficient distance for a driver of a vehicle on the major road to observe a vehicle on a minor road approach moving into a collision situation and to decelerate to a stop before reaching the collision point.

SISD allows for a 3 second observation time for a driver on the through leg of the intersection to detect the problem ahead (e.g. car from a minor road stalling in through lane), in addition to the ASD.

- 89 The evidence is that the SISD is a more conservative value than the MGSD and should ideally be provided. The SISD requirement (181 metres) is not achieved to the north for vehicles propped at the proposed access to turn right into Old Cape Schanck Road, as 175 metres is provided. This is also the case for vehicles propped in Old Cape Schanck Road waiting to turn right into the site, as 171 metres is provided, rather than the 181 metres required to meet the SISD.
- 90 According to the evidence, the Austroads Guide includes Extended Design Domain (**EDD**) criteria for sight distance where the ‘normal’ sight distance requirements cannot be met due to tighter road alignments and roadside vegetation. The evidence states:
- The EDD allows for a less conservative value to be substituted for ‘Observation Time’. Based on the type of intersection in this case, the observation time can be reduced to 1.5 seconds because the intersection satisfies the following criteria:
- T-intersections on single carriageway roads (two-lane, two-way roads and one-way roads) that have a traffic volume of < 4000 veh/d*
- 91 The assessment contained in the evidence shows that from the north, a minimum sight distance of 133 metres (for a car) and 165 metres (for a truck) is required to achieve the minimum 1.5 second SISD observation time. The minimum sight distance of 171 metres achieves this requirement. From the south, a minimum sight distance of 183 metres (for a car) and 233 metres (for a truck) is required to achieve the minimum 1.5 second SISD observation time. The site distance from the exit location exceeds 300 metres and the requirement is met.
- 92 Having regard to the evidence, and to the absence of a concern from the Council’s traffic engineering consultants, we have no basis to conclude that the vehicle access to and from the site is unacceptable. That said, we have included a condition requiring a Road Safety Audit, which is sought by the Council and is not opposed by Ms Dunstan.
- 93 Swept path diagrams demonstrating the entry and exit manoeuvres of an 8.8 Medium Rigid Vehicle and B99 car with caravan form part of Ms Dunstan’s evidence.

- 94 No concerns have been raised regarding the traffic generation of the proposal or the ability of Old Cape Schanck Road to absorb the additional vehicle movements. A left-turn lane and right-turn lane are proposed in Old Cape Schanck Road to facilitate movements into the site. This is in accordance with the evidence, which states:

Based on the expected traffic volumes generated by the development and traffic volumes recorded along Old Cape Schanck Road, the assessment identifies that the proposed access points require the provision of a Basic Left Turn Lane (BAL) and a Basic Right Turn Lane (BAR).

Given the types of vehicles likely to access the site (vehicles with trailers/caravans), I recommend an Auxiliary Left Turn (AUL) treatment rather than a basic treatment. I am satisfied an AUL is a more appropriate treatment to manage the traffic impacts of the application on Old Cape Schanck Road based on the expected turn volumes and the types of vehicles accessing the site.

**DOES THE PROPOSAL PROVIDE AN ACCEPTABLE RESPONSE TO THE BUSHFIRE RISK?**

- 95 The land is within a bushfire prone area designated in accordance with the regulations made under the *Building Act 1993*. Pursuant to clause 13.01-1S, bushfire risk should be considered when assessing planning applications for, amongst others, ‘Accommodation’. It is policy that when assessing a planning permit application to:

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

- 96 The objectives of the Mornington Peninsula Fire Protection Policy at clause 22.11 are:

To assist efforts to mitigate the risk to life, property and the environment for m [sic] uncontrolled fire.

To ensure that landuse [sic] and development does not increase the level of fire risk.

To ensure that land use and development includes adequate fire protection measures.

- 97 In rural areas, it is policy that all proposals for land use and development should comply with the following criteria:
- Road access to and within the site should be designed to provide safe access to both fire fighting and other vehicles at all times.

- An adequate supply of water with suitable flow rates and appropriate couplings for Country Fire Authority equipment should be readily available to landowners or emergency services.
  - The design siting and layout of any development should improve protection for life and minimise the level of fire risk.
  - access, fencing and the location of dams should maximise fire-fighting potential and minimise interference with fire fighting measures.
- 98 The applicant called evidence from Mr Kern. In summary, his evidence is:
- The area within a 150 metre distance of the site would be considered low threat vegetation under the bushfire construction standard AS3959, as there is no ‘classified vegetation’ near the site. Any building on the land would therefore only need to be built to the minimum level required, being BAL 12.5
  - More broadly, the ‘vast majority’ of the local area is low threat vegetation of either grazed or farmed paddocks with much urban development. Any small areas of native vegetation which may be a hazard are distant from the site. The area to the north is the most likely source of bushfire in Victoria and, here, as this area is all suburbia or water, fires are very unlikely to come from the north
  - The same minimal risks occur across most of the larger landscape around the site.
- 99 Despite the low risk, Mr Kern’s evidence is that safety measures will need to be implemented. These were identified as a minimum BAL 12.5 construction level for any permanent buildings, adequate fire breaks, and landscaping that prevents bushfire spread. In addition, he recommended an emergency management plan incorporating a response to bushfire events. In Mr Kern’s opinion:
- 3.14 With only moderate bushfire risk on the site, a local landscape with significant cleared areas that are easily accessed, more than adequate room for defendable space and the required emergency management planning during operation the bushfire risk can be adequately mitigated to keep the community safe as is generally required under Clause 13.02.
- 100 The CFA is not a referral authority in this instance. Having considered the submissions and the evidence, we determined that we would be assisted by the views of the CFA. We required the plans to be referred to the CFA for comment.
- 101 In response, the CFA advised that it has no objection to the proposal subject to conditions. A Practice Day hearing was held, with the CFA in attendance, to further consider the CFA’s position and the need or otherwise for a further hearing.

- 102 The CFA advised that the site is within an area of lower to moderate bushfire risk, and the site itself is one of ‘lower risk’. This accords with Mr Kern’s evidence. In the context, the trees on the site do not adjoin an area with significant fuel load, and the CFA submitted that the main issue is the existence of understorey vegetation, which can lead to a ‘laddering effect’ which leads to an ignition of the tree canopy.
- 103 According to the CFA, an acceptable outcome would be achieved if there was little or no vegetation beneath the trees and the lowest branches were more than 2.0 metres above the ground. It confirmed that separation could be required between groups of trees, rather than individual specimens, and that the CFA should have input into the landscape plan for the site. An example given was having a ‘run of trees’ for 10.0 metres and then a 5.0 metre gap. In the CFA’s opinion, if the vegetation management is done well, this is a low risk site – one which has a lower risk than the foreshore reserves which are utilised for camping.
- 104 The CFA’s conditions, which were discussed amongst the parties, address water supply, vegetation management, construction standards and vehicle access. Having heard from the CFA and considered the submissions and evidence, we consider that, subject to the CFA’s conditions, the proposal would not be exposed to an unacceptable bushfire risk. We will also include a requirement that the landscape plan be to the satisfaction of both the CFA and the Council.

#### ARE THERE ANY OTHER ISSUES?

- 105 The plan shows signs located within the road reserve adjacent to the vehicle access. The Council submitted that as the proposed signs are not on the review site, they are a ‘promotion sign’, and that a planning permit is required as they exceed the 3.0 square metre advertisement area.<sup>28</sup> The applicant confirmed that it does not seek permission to display signs and has no objection to the signs being deleted.

#### CONCLUSION

- 106 For the reasons given above, the decision of the responsible authority is set aside. A permit is granted subject to conditions.

Bill Sibonis  
Senior Member

Sarah McDonald  
Member

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<sup>28</sup> Clause 52.05-9



**APPENDIX – PERMIT CONDITIONS**

<b>PERMIT APPLICATION NO</b>	P16/0953
<b>LAND</b>	161 and 189 Old Cape Schanck Road, and Old Cape Schanck Road road reserve, Boneo

**WHAT THE PERMIT ALLOWS**

- Use and development of the land for a camping and caravan park and a caretaker's house and associated works;
- tree removal; and
- works within the Old Cape Schanck Road road reserve in accordance with the endorsed plans.

**CONDITIONS**

- 1 Before the development starts, amended plans and documents to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans identified as TP03 Revision G, TP03A Revision G, TP03B, TP04 Revision F, TP05 Revision F, TP06 Revision F, prepared by Peter L Brown Architects Pty Ltd dated 23/09/2019 but modified to show:
  - (a) deletion of signs in the road reserve
  - (b) an intersection treatment within Old Cape Schanck Road that complies with the Traffix Group Review of Vehicle Access Arrangements for 167-189 Old Cape Schanck Road, Boneo, Reference G26755M-01A, dated Tuesday 24th September 2019, and the relevant Austroads Guidelines for the posted speed of 80 Kph to the north of the proposed entry location and for the posted speed of 100 Kph to the south of the proposed entry location
  - (c) lighting of the entrance and exit within Old Cape Schanck Road and the left and right turn treatments to the relevant Australian Standard
  - (d) the access and egress driveways from Old Cape Schanck Road to 189 Old Cape Schanck Road located within the road reserve being asphalt sealed pavements capable of accommodating the vehicles expected to enter and exit the site



- (e) the access driveway within 189 Old Cape Schanck Road being shown as a 6 metre wide two-way and constructed with a resilient permeable surface that will minimise dust, or sealed with an all-weather seal and provided with lateral drainage to the ground either side
- (f) a notation to the effect that all other driveways within the site will be constructed with a resilient permeable treatment that will minimise dust
- (g) cross-sections of all access roads, to the satisfaction of the Country Fire Authority
- (h) any modifications required by the approved Operation Management Plan (refer to Condition No. 3 of this permit)
- (i) any modifications required by the approved Bushfire Management Plan (refer to Condition No. 40 of this permit)
- (j) any modifications required by the approved Waste Management Plan (refer to Condition No. 12 of this permit)
- (k) a notation stating that there is no access or egress from the site via Grasslands Road other than for Emergency Vehicles or otherwise in accordance with the approved Operation Management Plan
- (l) internal footpaths being a minimum of 1.5 metres wide and surfaced with:
  - i concrete or other material to the satisfaction of the responsible authority adjacent to the reception community centre facilities, swimming pool, bowls court, tennis court and gymnasium
  - ii a resilient permeable surface on other areas
- (m) lighting along internal roads and footpaths
- (n) the accurate location of tree rows 139 and 140
- (o) a landscape plan in accordance with Condition No. 16 of this permit
- (p) deletion of the overflow car parking area within the 30 metre wide landscape buffer to Drum Drum Alloc Creek, and the provision of any additional visitor car parking within the site in locations satisfactory to the responsible authority
- (q) the location of a waste disposal point/s for disposal of wastewater (grey and black water) cassettes/cartridges/tanks from motorhomes and caravans
- (r) the retention of Tree 106 and the consequential realignment of the internal access driveway within 189 Old Cape Schanck Road
- (s) removal of Tree 112



- (t) the relocation of the underground service lines to be outside the heritage parks required under the approved Cultural Heritage Management Plan
- (u) the relocation of motorhome site No. 9 so that no part is within the heritage park required under the approved Cultural Heritage Management Plan
- (v) details (including elevations) of all fences
- (w) construction materials, external finishes and colours of all buildings
- (x) barriers/bollards/fencing to restrict access to the buffer to Drum Drum Alloc Creek by vehicles other than emergency services or maintenance vehicles
- (y) any infrastructure features to be included in the buffer to Drum Drum Alloc Creek to be a permeable material such as gravel or grass, and constructed or supported with reinforcement to ensure that cars or motorhomes are accommodated without damage to the ground surface
- (z) barriers/bollards/fencing around Tree group 137.

**Approved use and development not altered**

- 2 The use and development as shown or detailed on the endorsed plans and documents must not be altered or modified without the written consent of the responsible authority.

**Operation Management Plan**

- 3 Before the development starts, three (3) copies of an Operation Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Operation Management Plan will be endorsed and will then form part of the permit. The Operation Management Plan must address the following:
  - (a) an Emergency Management Plan. In addition to all other relevant matters, the Emergency Management Plan must address bushfire and flooding
  - (b) staffing numbers
  - (c) hours of operation for the facilities within the site, including the lawn bowls court/rink, swimming pool, tennis court, gymnasium and communal kitchen
  - (d) the procedures required for patrons to enter and exit the camping and caravan park
  - (e) a procedure for recording and responding to any complaints, including the provision of the manager's telephone number of neighbours
  - (f) procedures for managing and addressing amenity impacts including noise, music and dust



- (g) no parking or washing-down of vehicles or other equipment of any type within the buffer area to Drum Drum Alloc Creek
- (h) a requirement that at all times during the operation of the use there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises are in accordance with the Operation Management Plan

all to the satisfaction of the responsible authority.

- 4 The Operation Management Plan must be reviewed on an annual basis, or as otherwise agreed to in writing by the responsible authority.
- 5 The use must be conducted in accordance with the approved Operation Management Plan to the satisfaction of the responsible authority.

#### **Tree Protection Plan**

- 6 Before the development starts, three (3) copies of a Tree Protection Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Tree Protection Plan will be endorsed and will then form part of the permit. The Tree Protection Plan must incorporate the recommendations included in the Arboricultural Assessment (V2.0 September 2019) prepared by Landscape Dept.

The Tree Protection Plan must be prepared in compliance with Australian Standard AS 4970-2009 *Protection of trees on development sites* by a Level 5 (Australian Qualifications Framework) Arborist and demonstrate how the trees to be retained will be protected during all stages of development to the satisfaction of the responsible authority.

The Tree Protection Plan must:

- (a) show all trees to be retained:
  - i on the development site
  - ii on adjoining land where any works fall within the tree protection zone of any tree
  - iii on the road reserve where the proposed road works of the development of any crossover (on either the east or west side of Old Cape Schanck Road or adjacent to Cleek Crescent) falls within the tree protection zone of any retained tree
- (b) require the grinding of the stumps of the four Monterey Pines proposed to be removed within the road reserve so that roots from adjacent trees are not impacted by mechanical extraction
- (c) specify an on-grade pavement system for the entry and exit points and the internal entry road across the west side of 189 Old Cape Schanck Road to mitigate against disturbance to underlying roots of the Monterey Pine trees

- (d) require the sealing of the widened shoulder on the east side of Old Cape Schanck Road be confined to the existing gravel shoulder to prevent excavation into the batter formed by the previous intersection works at Cleek Crescent
  - (e) require that non-destructive tree root investigation be undertaken for Trees 142 and 145 to allow for root pruning of either tree, if required, prior to construction.
- 7 The approved Tree Protection Plan must be implemented and must be complied with to the satisfaction of the responsible authority.
- 8 Any pruning of trees (including the pruning of roots) on the subject site and adjoining land must be undertaken by a qualified arborist in compliance with the procedures and practices described in Australian Standard AS 4373-2007 *Pruning of amenity trees*.
- 9 The owner and occupier of the site must ensure that, before the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of those trees.
- 10 No trenching or soil excavation may occur within the Tree Protection Zones of retained trees unless shown on the endorsed plans without the prior written consent of the responsible authority.

#### **Tree Management Plan**

- 11 Before the development starts, three (3) copies of a Tree Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Tree Management Plan will be endorsed and will then form part of the permit. The Tree Management Plan must be specific to the trees shown on the endorsed Tree Protection Plan on the land, must:
- (a) be in accordance with Australian Standard AS4970-2009 *Protection of trees on development sites*
  - (b) be prepared by a suitably qualified arborist
  - (c) provide details of:
    - i tree protection measures that will be used to ensure all trees to be retained remain viable post-construction; and
    - ii stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The approved Tree Management Plan must be implemented, and must be complied with, to the satisfaction of the responsible authority.

#### **Waste Management Plan**

- 12 Before the use starts, three (3) copies of a Waste Management Plan to the satisfaction of the responsible authority must be submitted to, and approved



by, the responsible authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design dated 8 October, 2019.

- 13 The storage and collection of waste must be undertaken in accordance with the approved Waste Management Plan to the satisfaction of the responsible authority.

#### **Tree Removal**

- 14 The extent of clearing of vegetation as shown on the endorsed plans must not be altered or modified without the consent of the responsible authority.
- 15 All disturbed surfaces on the land must be revegetated or stabilised to the satisfaction of the responsible authority.

#### **Landscaping**

- 16 Before the development starts, three (3) copies of a landscape plan to the satisfaction of the responsible authority and the Country Fire Authority must be submitted to, and be approved by, the responsible authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be generally in accordance with the landscape concept plan dated 24 September 2019 prepared by CDA Design Group Pty Ltd titled 'Illustrative Concept Masterplan' and identified as Revision A. The landscape plan must show:
  - (a) the existing vegetation to be retained, including Tree 106
  - (b) details of surface finishes of pathways and driveways
  - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - (d) provision of mulch beneath the canopy of Tree group 137 to discourage use or occupation of this area
  - (e) additional tree planting throughout the site, including within the area of the pitch sites and around the recreation facilities. Tree species selection must be appropriate to the use of the land as a camping and caravan park, having regard to the planting of trees adjacent to pitch sites
  - (f) a notation that any excavation or digging (including for planting) within the heritage parks required under the approved Cultural Heritage Management Plan must be undertaken by hand and that there must not be any excavation below 15cm.
- 17 Before the use starts, or by such later date approved by the responsible authority in writing, the landscaping shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the responsible authority.

- 18 The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants must be replaced.

**Amenity**

- 19 Any external areas used for the storage or cleaning of waste receptacles, equipment or vehicles must be connected to the reticulated sewer system to the satisfaction of the responsible authority.
- 20 Exhaust ventilation systems must comply with Australian Standard 1668:4 – *The Use of Ventilation and Air Conditioning in Buildings*.
- 21 Noise from refuse collection and deliveries to the site must comply with Environment Protection Authority Publication 1254 – *Noise Control Guidelines*.
- 22 Noise levels emanating from the land must not exceed those set out in State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, or equivalent regulatory framework operating under the *Environment Protection Act 2017*.
- 23 The amenity of the area must not be detrimentally affected by the use or development, through the:
- (a) transport of materials, goods or commodities to and from the land
  - (b) appearance of any buildings, works or materials
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - (d) or in any other way
- to the satisfaction of the responsible authority.

**Drainage**

- 24 The land must be drained to the satisfaction of the responsible authority.

**Infrastructure**

- 25 Before any works associated with the development start, detailed engineering plans to the satisfaction of the responsible authority must be submitted to, and be approved in writing by, the responsible authority. The plans must be drawn to scale with dimensions and two copies must be provided.

The plans must show details of:

- (a) all drainage
- (b) the intersection treatment adjacent to 189 Old Cape Schanck Road, including levels
- (c) all internal roads, footpaths and parking areas within the site.



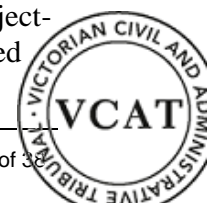
The development must be undertaken in accordance with the approved engineering plans to the satisfaction of the responsible authority.

### **Environmental Management Plan**

- 26 No less than fourteen days before the start of any works, a project specific Environmental Management Plan must be submitted to, and be approved by, the responsible authority. When approved the Environmental Management Plan will be endorsed and will then form part of the permit. The approved Environmental Management Plan must be implemented to the satisfaction of the responsible authority prior to, and during construction of, the development works. The Environmental Management Plan must provide for, but not be limited to, the following:
- (a) methods to prevent discharge of construction materials into the drainage system
  - (b) protection of native vegetation
  - (c) hours of operation of all machinery including transportation of any fill to the site
  - (d) security fencing and site access details
  - (e) measures to control noise, dust and water runoff, including sediment control during construction to prevent any sediment entering the existing drainage system
  - (f) arrangements to ensure that no debris is deposited on any road while vehicles are travelling to and from the site
  - (g) appropriate arrangements to ensure roads in the locality are not damaged by the movement of construction vehicles to and from the site
  - (h) measures to minimise any adverse impact on surrounding property owners
  - (i) the maximum number of trucks entering the site per day
  - (j) maintenance and repair of any damage to roads or footpaths used to access the site during construction.
- 27 Before the development starts, the owner must pay a \$30,000 bond to the responsible authority to be used if, required, for purposes such as sweeping of roads external to the site, cleaning silt from drainage pipes and for the provision of safety or emergency operations carried out by the responsible authority during the construction of the development. The bond minus the costs of associated maintenance/rectification works is to be refunded by the responsible authority on completion of the works.

### **Traffic Management**

- 28 No less than fourteen days before to the commencement of works a project-specific Traffic Management Plan must be submitted to, and be approved



by, the responsible authority. Once approved, the Traffic Management Plan will be endorsed and will then form part of the permit. The approved Traffic Management Plan must be implemented to the satisfaction of the responsible authority prior to and during construction of the development works.

- 29 Before the development starts, a Road Safety Audit of Old Cape Schanck Road in the vicinity of the land, to the satisfaction of the responsible authority, must be submitted to, and be approved in writing by, the responsible authority. The recommendations and requirements of the approved Road Safety Audit must be implemented to the satisfaction of the responsible authority before the use starts.

**Access and car parking**

- 30 Before the use starts, the following must be completed to the satisfaction of the responsible authority:
- (a) the intersection treatment including lighting within Old Cape Schanck Road adjacent to 189 Old Cape Schanck Road
  - (b) the access driveway within 189 Old Cape Schanck Road
  - (c) all buildings and works, including pathways and driveways
  - (d) all drainage works.
- 31 All access and egress to 161 Old Cape Schanck Road (other than emergency access or egress to Grasslands Road) must be via the constructed access through 189 Old Cape Schanck Road.
- 32 The access through 189 Old Cape Schanck Road must be maintained at all times.
- 33 Before the use starts, the intersection works within Old Cape Schanck Road, the access roadway within 189 Old Cape Schanck Road and the areas set aside for the parking of vehicles and access roadways as within 161 Old Cape Schanck Road shown on the endorsed plans must be:
- (a) constructed
  - (b) properly formed to such levels that they can be used in accordance with the plans
  - (c) surfaced in accordance with the endorsed plans to the satisfaction of the responsible authority
  - (d) drained and maintained
  - (e) line marked to indicate each car space and all access lanes
  - (f) clearly marked to show the direction of traffic along access lanes and driveways
  - (g) provided with appropriate signs and lighting
- all to the satisfaction of the responsible authority.

- 34 Before the development starts, either:
- (a) the land identified in Certificates of Title Volume 08631 Folio 992 (Lot 2 on Plan of Subdivision 073748) and Volume 08631 Folio 993 (Lot 3 on Plan of Subdivision 073748) must be consolidated; or
  - (b) the accessway to 161 Old Cape Schanck Road across 189 Old Cape Schanck Road must be secured by creating a carriageway easement in favour of 161 Old Cape Schanck Road which is to remain in place while the use is in operation; or
  - (c) the owner of the land must enter into an agreement with the responsible authority pursuant to section 173 *Planning and Environment Act 1987*. The agreement must be registered on title and must provide for the following:
    - i the access through 189 Old Cape Schanck Road must be maintained while the use is operating
    - ii all access and egress to 161 Old Cape Schanck Road (other than emergency access or egress to Grasslands Road) must be taken via the constructed access through 189 Old Cape Schanck Road.
- The costs of the preparation and execution of the agreement must be paid by the owner.

#### **Grasslands Road**

- 35 There must be no access or egress from the site via Grasslands Road except for Emergency Vehicles or otherwise in accordance with the approved Operation Management Plan.

#### **Completion and implementation of buildings and works**

- 36 Once the approved development has commenced, it must be continued and completed to the satisfaction of the responsible authority.

#### **Country Fire Authority conditions**

- 37 Before the use starts, a fire hydrant system must be provided in consultation with, and to the satisfaction of, the Country Fire Authority.
- 38 Fire hose reels must be provided to meet the requirements of the Caravan Park Safety Guideline (published 2012) and the Country Fire Authority.
- 39 A water tank with a minimum capacity of 10,000 litres for fire-fighting purposes, with Country Fire Authority fittings, must be provided proximate to the proposed caretaker's house, all to the satisfaction of the Country Fire Authority.
- 40 Before the development starts, a Bushfire Management Plan must be submitted to, and be approved in writing by, the responsible authority. The Bushfire Management Plan must show bushfire mitigation measures to the satisfaction of the Country Fire Authority and responsible authority.

The approved Bushfire Management Plan must be implemented to the satisfaction of the responsible authority.

- 41 All buildings (including Unregistered Movable Dwellings and cabins, if later approved) must be designed and constructed to a minimum Bushfire Attack Level of BAL-12.5.
- 42 Access for fire-fighting purposes must meet the following requirements:
  - (a) be of all-weather construction
  - (b) have a minimum trafficable width of four metres
  - (c) be clear of encroachments for at least 0.5 metre on each side and four metres above the accessway
  - (d) cross-sections of all access roads must be provided to the satisfaction of the Country Fire Authority.

**Permit Expiry**

- 43 This permit will expire if one of the following circumstances applies:
  - (a) the development is not started within two years of the issue date of this permit
  - (b) the development is not completed, or the use does not start, within four years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

– End of conditions –

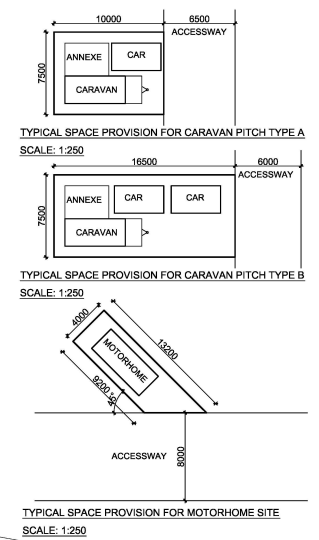




**MELBOURNE WATER REQUIREMENTS:**  
- RETAIN NATURAL DRAINAGE CORRIDOR AND PROVIDE VEGETATED BUFFER ZONE TO 30 M OFFSET FROM SOUTHERN BANK OF DRUM DRUM ALLOC CREEK (EFFECTIVELY A 20M OFFSET FROM THE NORTHERN BOUNDARY OF THE SITE).

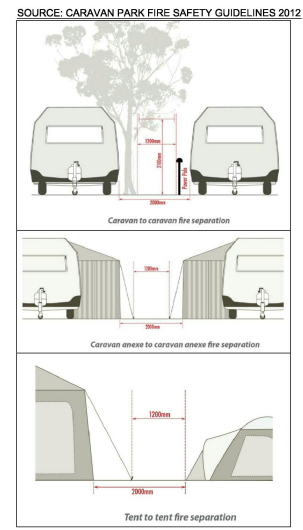
FINISHED FLOOR LEVELS OF ALL THE PERMANENT BUILDINGS ARE SET 600MM ABOVE 100 YEAR ESTIMATED FLOOD LEVEL TO AUSTRALIAN HEIGHT DATUM (AHD). THE FINISHED FLOOR LEVELS TO BE CONFIRMED WITH COUNCIL REPORT & CONSENT.

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CARAVAN PITCHES - 128 NOS.  
MOTOR HOME SITES - 12 NOS.  
TOTAL - 140 NOS.  
VISITORS CAR PARK - 28 NOS.  
(POSSIBLE OVERFLOW CAR PARK - APPROX. 54 NOS.)

- LEGENDS**
- LANDSCAPE AREA (REF. LANDSCAPE PLAN FOR PROPOSED LANDSCAPE)
  - CARAVAN PITCH - TYPE A
  - CARAVAN PITCH - TYPE B
  - MOTOR HOME SITE (MH)
  - COMMUNAL FACILITIES
  - SEALED ROAD
  - UNSEALED ROAD (GRAVEL)
  - ABORIGINAL HERITAGE PRESERVED
  - NATURE WALK
  - SERVICE LINES: GAS, ELECTRICITY, WATER, TELEPHONE & INTERNET.
  - SERVICE LINES: SEWER
  - FIRE HYDRANTS
  - FIRE HOSE REELS
  - EXISTING TREES TO BE RETAINED
  - EXISTING TREES TO BE REMOVED
  - REINFORCED GRASS



D	VCAT SUBSTITUTION DRAWINGS	03.09.19
F	AMENDED PLAN SET	30.01.19
E	VCAT FURTHER INFORMATION	19.10.17
D	AMENDED PLAN SET	05.08.17
C	AMENDED PLAN SET	18.08.17
B	WITHOUT PREJUDICE AMENDED PLANS	11.08.17
A	R.F.I. RESPONSE	01.08.18
-	TOWN PLANNING APPLICATION	26.05.16
ISSUE	AMENDMENT	DATE

**VCAT SUBSTITUTION DRAWINGS**

**Project**  
PROPOSED TOURIST RESORT & PARK AT 161 & 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.

**Title**  
MASTER PLAN

Drawn	HC/SS	Date	23 SEP. 2019
Job No	1615	Scale	1500 & 1:250 @ B1
Drawing No	TP 03	Revision No	G

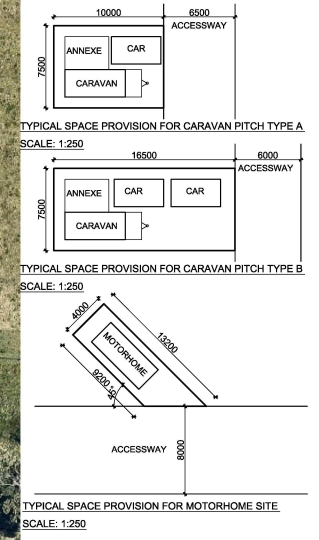
Peter L. Brown Architects Pty. Ltd.  
8 Evans Pl. Hawthorn East Vic.3103  
Ph: (03)9862 7666  
Fax: (03)9862 7607  
E-mail: p.l.b@pbrarch.com.au  
A.B.N. 88 070 416 287



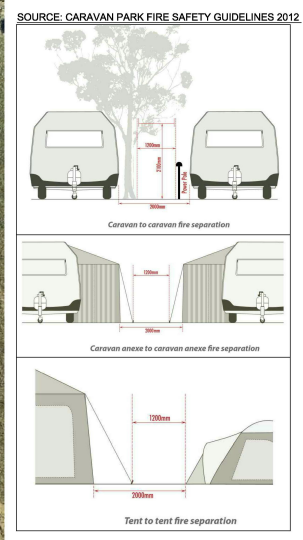
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**DO NOT WATER REQUIREMENTS:**  
A NATURAL DRAINAGE CORRIDOR AND PROVIDE VEGETATED BUFFER ZONE TO 30 M GIPSET FROM EITHER BANK OR DRUM FROM ALLOCATED PITCHES RESPECTIVELY A 20M OFFSET FROM EITHER BOUNDARY OF THE SITE).

**FINISHED FLOOR LEVELS:** ALL THE PERMANENT BUILDINGS ARE SET 600MM ABOVE 100 YEAR ESTIMATED FLOOD LEVEL TO AUSTRALIAN HEIGHT DATUM (AHD). THE FINISHED FLOOR LEVELS TO BE CONFIRMED WITH COUNCIL REPORT & CONSENT.



CARAVAN PITCHES - 128 NOS.  
MOTOR HOME SITES - 12 NOS.  
TOTAL - 140 NOS.  
VISITORS CAR PARK - 28 NOS.  
(POSSIBLE OVERFLOW CAR PARK - APPROX. 54 NOS.)



- LEGENDS**
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  - CARAVAN PITCH - TYPE B
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  - NATURE WALK
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  - SERVICE LINES: SEWER
  - SERVICE TRENCHES WILL BE APPROX. 600MM DEEP AT HERITAGE AREAS.
  - FIRE HYDRANTS
  - FIRE HOSE REELS
  - EXISTING TREES TO BE RETAINED
  - EXISTING TREES TO BE REMOVED
  - REINFORCED GRASS

G	VCAT SUBSTITUTION DRAWINGS	23.09.19
F	AMENDED PLAN SET	30.01.19
E	VCAT FURTHER INFORMATION	18.10.17
D	AMENDED PLAN SET	05.09.17
C	AMENDED PLAN SET	18.08.17
B	WITHOUT PREJUDICE AMENDED PLANS	11.08.17
A	R.F.I. RESPONSE	01.08.18
-	TOWN PLANNING APPLICATION	28.05.16
ISSUE	AMENDMENT	DATE

**VCAT SUBSTITUTION DRAWINGS**

Project  
PROPOSED TOURIST RESORT & PARK AT 161 & 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.

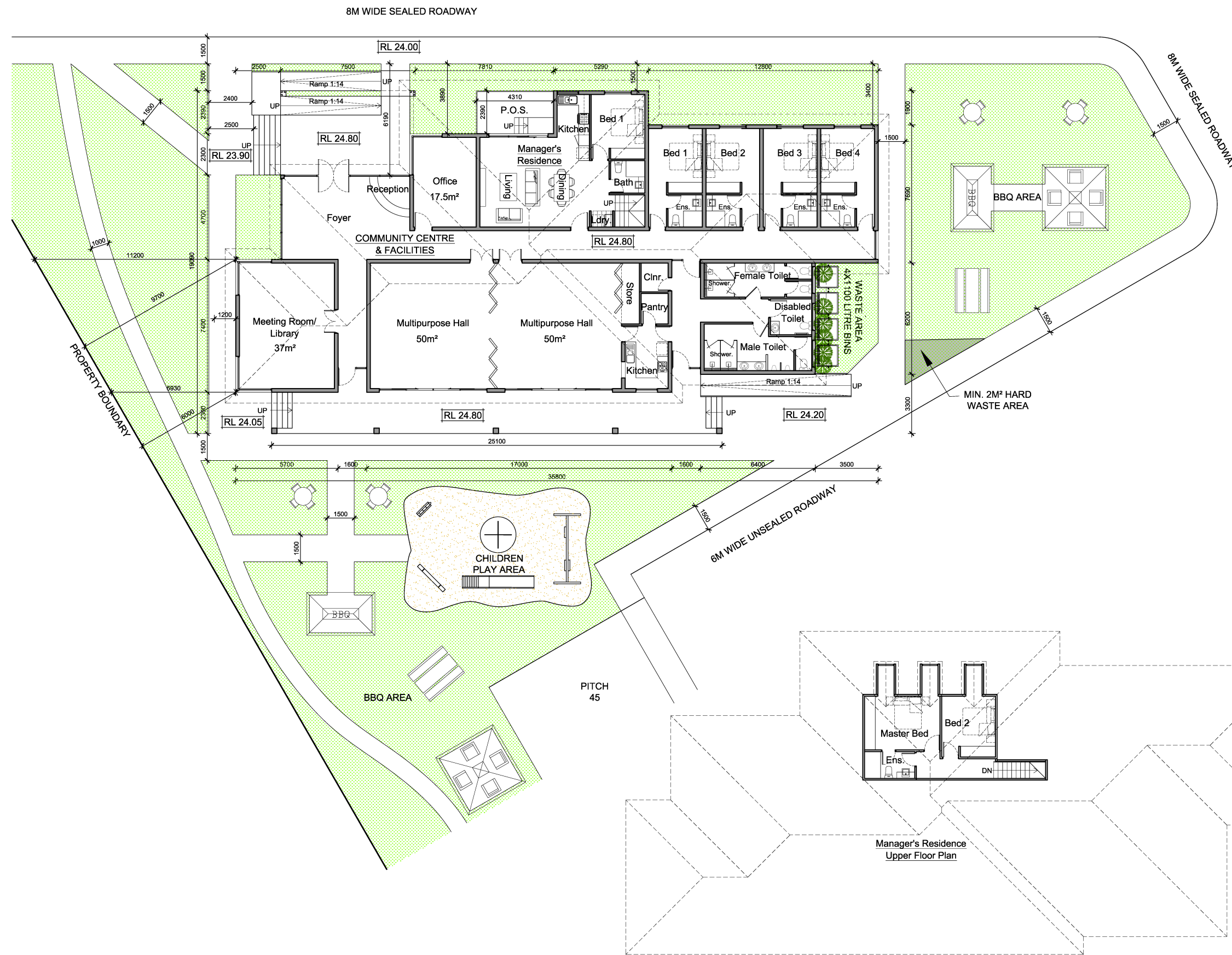
Title  
MASTER PLAN OVERLAYED ON NEARMAP

Drawn HC/SS	Date 23 SEP. 2019
Job No 1615	Scale 1500 & 1:250 @ B1

Drawing No TP 03A	Revision No G
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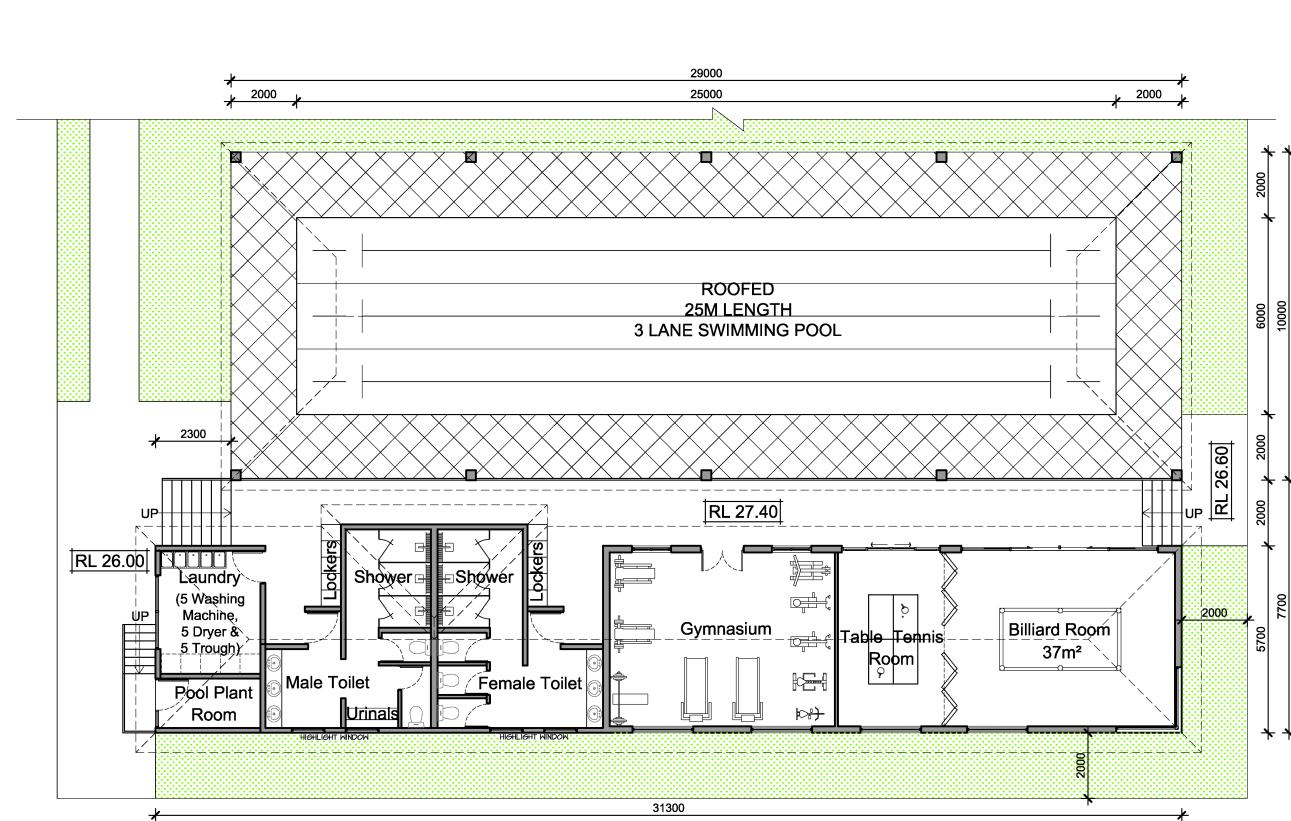
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E	AMENDED PLAN SET	30.01.19
D	VCAT FURTHER INFORMATION	19.10.17
C	AMENDED PLAN SET	18.08.17
B	WITHOUT PREJUDICE AMENDED PLANS	11.08.17
A	R.F.I. RESPONSE	01.08.16
-	TOWN PLANNING APPLICATION	26.05.16
ISSUE	AMENDMENT	DATE

### VCAT SUBSTITUTION DRAWINGS

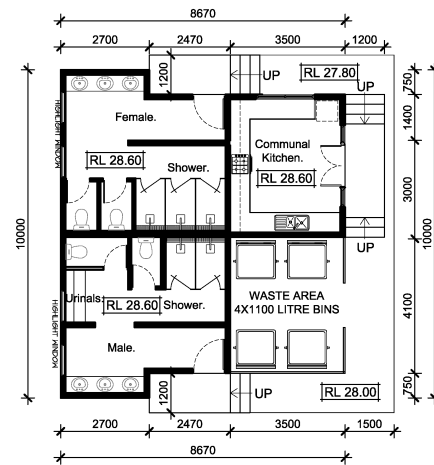
Project	
PROPOSED TOURIST RESORT & PARK AT 161 & 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.	
Title	
PLANS OF COMMUNITY CENTRE & FACILITIES	
Drawn	Date
HC/SS	23 SEP. 2019
Job No	Scale
1615	1:100 @ A1
Drawing No	Revision No
TP 04	F
Peter L. Brown Architects Pty. Ltd. 9 Evans Pl. Hawthorn East Vic. 3123 Ph. (03)9882 7966 Fax (03)9882 7507 E-mail : pb@pbarah.com.au A.B.N. 85 070 416 287	



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SWIMMING POOL & GYMNASIUM BLOCK



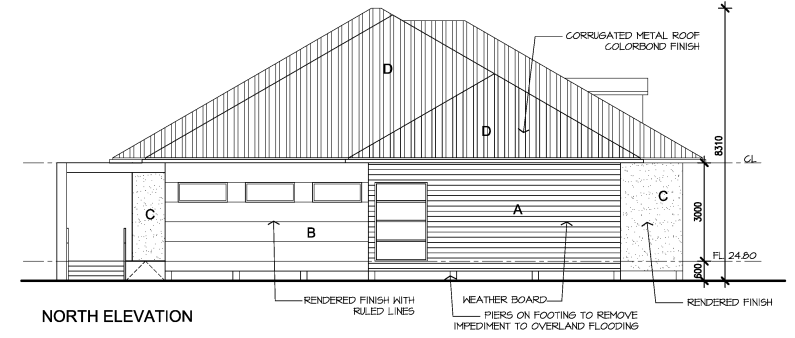
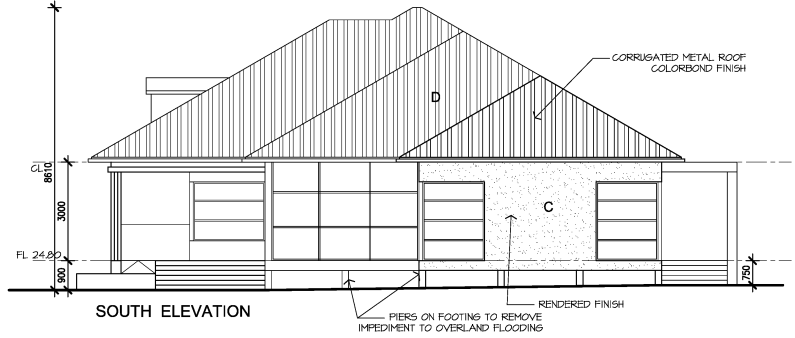
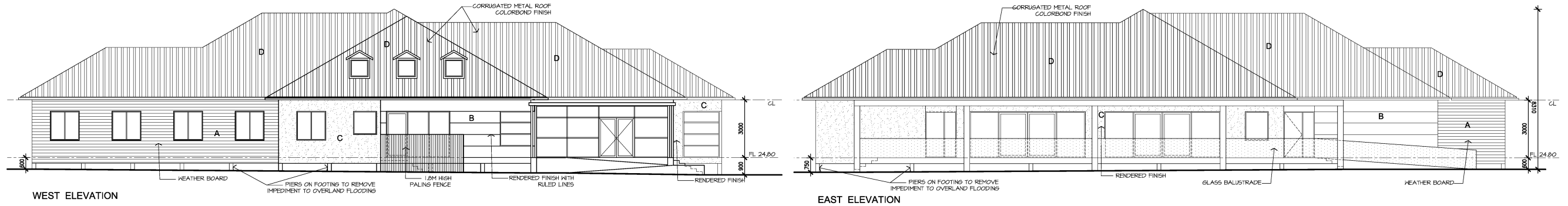
TOILET BLOCK & COMMUNAL KITCHEN

F	VCAT SUBSTITUTION DRAWINGS	23.09.19
E	AMENDED PLAN SET	30.01.19
D	VCAT FURTHER INFORMATION	19.10.17
C	AMENDED PLAN SET	18.08.17
B	WITHOUT PREJUDICE AMENDED PLANS	11.08.17
A	R.F.J. RESPONSE	01.08.16
-	TOWN PLANNING APPLICATION	26.05.16
ISSUE	AMENDMENT	DATE

### VCAT SUBSTITUTION DRAWINGS

Project PROPOSED TOURIST RESORT & PARK AT 161 & 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.	
Title PLANS OF COMMUNAL FACILITIES	
Drawn HC/SS	Date 23 SEP. 2019
Job No 1615	Scale 1:100 @ A1
Drawing No TP 05	Revision No F
Peter L. Brown Architects Pty. Ltd. 9 Evans Pl. Hawthorn East Vic. 3123 Ph. (03)9882 7966 Fax (03)9882 7507 E-mail : pb@pbarch.com.au A.B.N. 85 070 416 287	

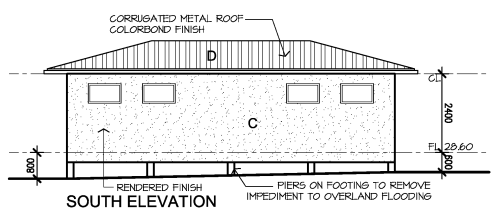
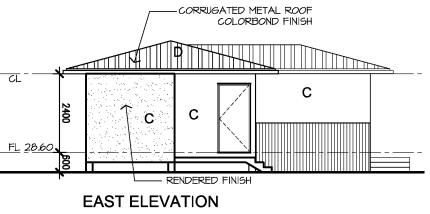
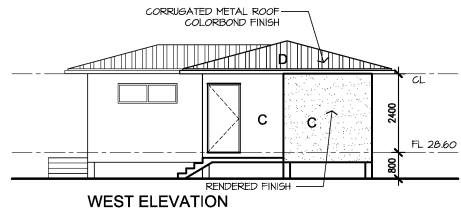
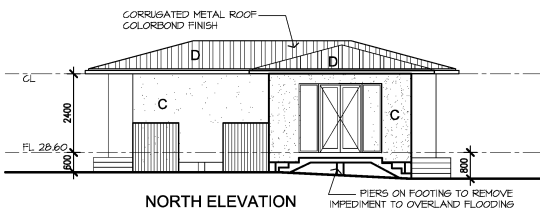
PLOT DATE 23/09/2019



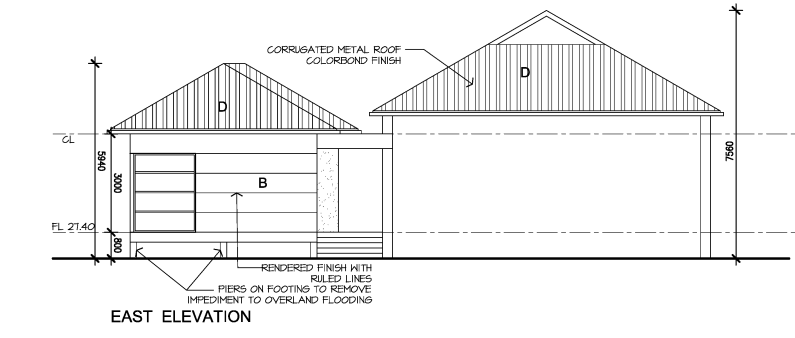
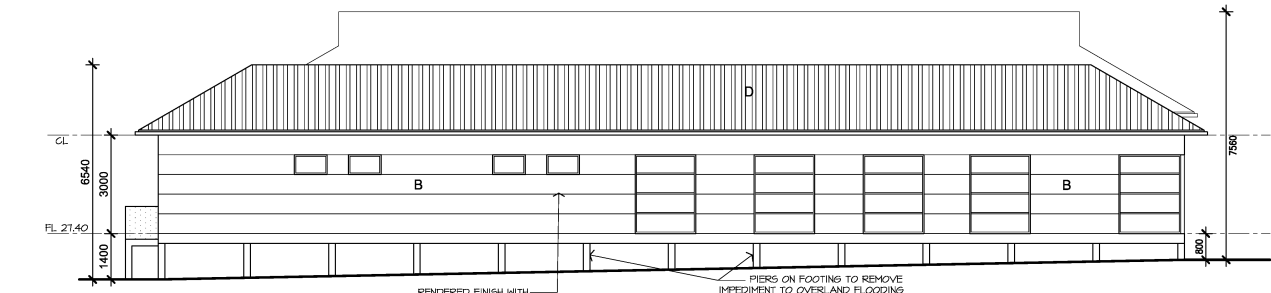
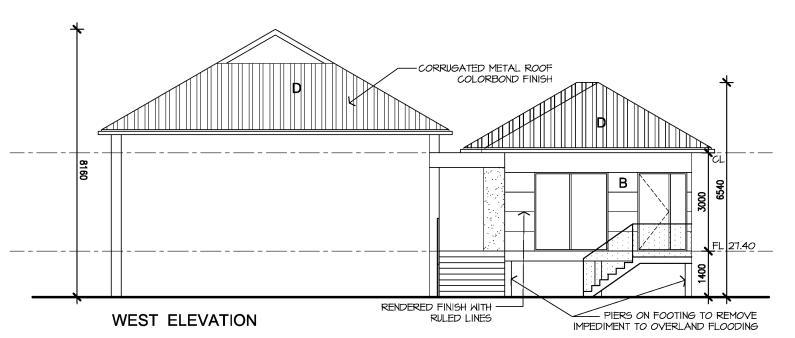
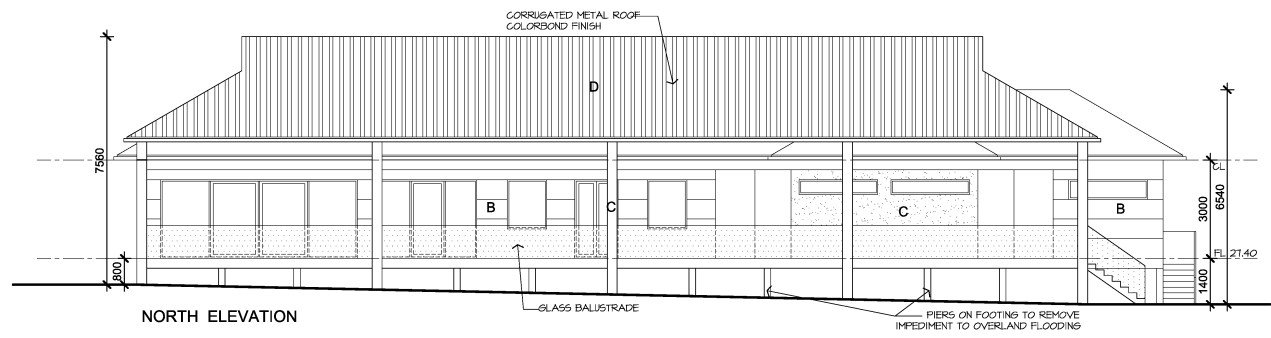
SCHEDULE OF MATERIALS & COLORS	
EXTERNAL WALLS:	
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B: RENDERED FINISH WITH RULED LINES DULUX_RUSSIAN TOFFEE_P14D2 OR, SIMILAR	
C: RENDR FINISH DULUX_SANDSTONE_37526 OR, SIMILAR	
ROOF:	
D: CORRUGATED METAL ROOF DULUX _COLORBOND_A_BUSHLAND_CB1 OR, SIMILAR	

MORNINGTON PENINSULA SHIRE  
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01 COMMUNITY CENTRE & MANAGER'S RESIDENCE ELEVATIONS  
SCALE 1: 100



02 TOILET BLOCK & COMMUNAL KITCHEN  
SCALE 1: 100



03 SWIMMING POOL & GYMNASIUM BLOCK  
SCALE 1: 100

F	VCAT SUBSTITUTION DRAWINGS	23.09.19
E	AMENDED PLAN SET	30.01.19
D	VCAT FURTHER INFORMATION	19.10.17
C	AMENDED PLAN SET	18.08.17
B	WITHOUT PREJUDICE AMENDED PLANS	11.08.17
A	R.F.I RESPONSE	01.08.16
-	TOWN PLANNING APPLICATION	28.05.16
ISSUE	AMENDMENT	DATE

VCAT SUBSTITUTION DRAWINGS

Project PROPOSED TOURIST RESORT & PARK AT 161 & 189 OLD CAPE SCHANCK ROAD, BONEO FOR LONG LANE PTY. LTD.	
Title ELEVATIONS – COMMUNITY CENTRE & FACILITIES	
Drawn HC/SS	Date 23 SEP. 2019
Job No 1615	Scale 1:100 @ A1
Drawing No TP 06	Revision No F
Peter L. Brown Architects Pty. Ltd. 9 Evans Pl. Hawthorn East Vic.3123 Ph.(03)9882 7968 Fax (03)9882 7507 E-mail : pbl@pbarch.com.au A.B.N. 85 070 416 287	





**PLANT SCHEDULE**

SYMBOL	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD
●	<b>LARGE EVERGREEN TREES</b>			
	Eg. <i>Acacia melanoxylon</i>	Blackwood	14.0-18.0m	8.0-12.0m
	<i>Eucalyptus cephalocarpa</i>	Silver-leaf Stringybark	16.0-20.0m	12.0-16.0m
	<i>Eucalyptus obliqua</i>	Messmate Stringybark	20.0-26.0m	12.0-16.0m
	<i>Eucalyptus pauciflora subsp. pauciflora</i>	White Sallee	10.0-14.0m	8.0-12.0m
	<i>Eucalyptus viminalis subsp. pryoriana</i>	Coast Manna-Gum	10.0-14.0m	6.0-10.0m
●	<b>MEDIUM EVERGREEN TREES</b>			
	Eg. <i>Acacia implexa</i>	Lightwood	8.0-10.0m	4.0-6.0m
	<i>Allocasuarina littoralis</i>	Black Sheoak	8.0-8.0m	4.0-4.0m
	<i>Allocasuarina verticillata</i>	Drooping Sheoak	8.0-10.0m	3.0-5.0m
	<i>Metaleuca lanceolata</i>	Moonah	6.0-8.0m	3.0-5.0m
	<i>Metaleuca ericifolia</i>	Swamp Paperbark	7.0-9.0m	3.0-5.0m

**LEGEND**

- EXISTING TREES TO BE RETAINED  
REFER TO ARBORICULTURAL ASSESSMENT  
PREPARE BY LANDSCAPE DEPT, DATED 2019
- EXISTING TREE TO BE REMOVED  
REFER TO ARBORICULTURAL ASSESSMENT  
PREPARE BY LANDSCAPE DEPT, DATED 2019
- GARDEN BED  
75mm APPROVED MULCH  
150mm APPROVED TOPSOIL  
300mm CULTIVATED SUBGRADE
- GRASS  
APPROVED GRASS MIX/TURF  
75mm APPROVED TOPSOIL  
300mm CULTIVATED SUBGRADE
- PEDESTRIAN PAVING  
EG. EXPOSED AGGREGATE CONCRETE
- PEDESTRIAN PAVING  
EG. GRANITIC GRAVEL
- VEHICLE PAVING  
EG. COLOURED CONCRETE
- VEHICLE PAVING  
EG. GRANITIC GRAVEL

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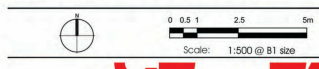
**FOR VCAT**  
NOT FOR CONSTRUCTION

Rev	Date	Description
A	24.09.2019	VCAT ISSUE
-	31.01.2019	VCAT ISSUE

LONG LANE PTY LTD

161 & 189 OLD CAPE SCHANCK ROAD - BONEO

ILLUSTRATIVE LANDSCAPE MASTERPLAN



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Landscape Architecture  
Urban Design  
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Canton Victoria 3003  
T 03 9349 5866  
F 03 9349 5877  
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Project No. 18006  
Date: JAN 2019  
Drawn by: LR  
Checked by: IV  
Drawing No. VCAT\_L01A

PLANNING SCHEME EXCERPTS

## Clause 02.02 VISION

Council's vision, as underpinned by the Mornington Peninsula Localised Planning Statement, is to:

- Value, protect and improve the Peninsula's unique characteristics and its special role that is distinct from and complementary to metropolitan Melbourne.
- Protect the role of the Peninsula as one of Melbourne's greatest assets, characterised by contained townships, a substantial and diverse local economy, and areas of national and international significance.
- Protect the Peninsula's landscapes, coastlines, seascapes and rural area, including the scenic values of the green wedge.
- Protect and enhance the experience and enjoyment of the natural and cultural values of the Peninsula.
- Retain the Peninsula's agricultural role with a focus on sustainable agriculture.
- Protect the important values and resources of Western Port, having regard to existing settlements and the importance of recreation, nature conservation and tourism.

### Strategic objectives

The strategic objectives related to land use and development, as set out in the Council Plan, are:

- To create thriving, accessible and inclusive places to live, work and visit.
- To protect and enhance the Mornington Peninsula's biodiversity and coastal experience.
- To demonstrate leadership in climate change mitigation and adaptation.
- To facilitate improved mobility and connectivity accessible to all within the Mornington Peninsula.
- To support an integrated transport and connectivity network.
- To facilitate opportunities for job creation and an environment for business to succeed.
- To enhance shoulder season and off-peak visitor experiences that are dispersed throughout the region.
- To help grow key strategic industries, such as the food economy, niche manufacturing and health economy, in the Mornington Peninsula.

## Clause 02.02 STRATEGIC DIRECTIONS

### Clause 02.03-2 Environmental and landscape values

The Mornington Peninsula is an area of great environmental and landscape diversity that owes its special conservation value to the following features:

- Natural areas of regional, state, national and international significance located on the Peninsula and adjoining marine areas. These areas combine to form the Peninsula's 'green spine', which includes the parks and coastal reserves on Western Port Bay, Port Phillip Bay, Mornington Peninsula National Park and Arthurs Seat State Park.
- Significant natural reserves on Commonwealth lands at HMAS Cerberus and Point Nepean, as well as the major Devilbend Natural Features Reserve, which incorporates conservation and recreation functions.
- The Western Port Ramsar Wetland, which is protected under the Ramsar Convention on Wetlands and nominated under the international treaties of JAMBA and CAMBA for the protection of migratory bird habitats, and Tootgarook Wetland, which is the largest groundwater-dependent ecosystem and freshwater marsh in the region.
- Strategically important habitat linkages along streamlines, road reserves and the coastal fringe.
- Landscapes that include a combination of natural and cultural elements and support both local native vegetation and introduced species.

Environmental and landscape values are important, considering the Peninsula is a key recreation area that meets both local and metropolitan needs. The significant number of informal recreational visitors, which the Peninsula attracts each year, is a major contributor to the local economy and the basis of a sustainable tourism industry.

PLANNING SCHEME EXCERPTS

While the Port Phillip foreshore is capable of sustaining recreational activities for large numbers of people, the Western Port and Bass Strait are more fragile environments, with greater sensitivity to land use and development.

Council's strategic directions for 'Environmental and landscape values' are to:

- Maintain the Peninsula's 'green spine', which includes Point Nepean National Park, Mornington Peninsula National Park and Arthurs Seat State Park.
- Maintain the rural character of land adjoining main roads and tourist routes, ensuring the ongoing visual amenity and recreational value of the outlook from these roads.
- Protect coastal and foreshore areas as major tourism and recreational resources from overuse to avoid environmental degradation and loss of natural and cultural values.
- Protect and conserve habitat areas and linking corridors to encourage wildlife survival.
- Maintain the integrity of strategic landscapes between and around the Peninsula's townships.
- Support outdoor and unstructured recreation that are associated with rural pursuits of the land or coastal environments in their natural state.
- Support the extension of the regional open space network, including the Two Bays Trail and the Port Phillip Coastal Bay Trail.

### Clause 02.03-3 Environmental risks and amenity

The Peninsula faces a number of environmental issues, such as the loss and degradation of native vegetation, pest plant and animal infestation, lowered habitat capacity, pollution of streams and aquifers, erosion and mass wastage of slopes, and damage to scientific and historic sites.

While most areas of the Peninsula are physically stable, areas west of the Selwyn Fault (the Nepean Peninsula) and some localised areas are prone to erosion and instability. The beach, dune, cliff and intertidal areas are particularly sensitive to human interference.

Of particular concern is the bed and bank erosion of Ballar Creek; the land slopes along the creek are susceptible to instability if disturbed by earthworks, which needs to be carefully managed.

Council's strategic directions for 'Environmental risks and amenity' are to:

- Protect the unique environmental and landscape values of the Peninsula.
- Preserve the stability of land by avoiding development in areas prone to erosion.

### Clause 02.03-4 Natural resource management

A mild climate, high and well-distributed rainfall, good soils and ready access to markets combine to make the Peninsula a major farming area.

Agriculture will continue to play an integral role on the Peninsula, forming part of the economic base, providing for sustainable land management and adding value to recreational experiences. The local agricultural industry relies on maintaining areas with a low population density and providing a separation between incompatible uses, such as townships and port development areas.

The existing pattern of subdivision in the Peninsula's rural areas presents a challenge to continued agricultural land use. Further fragmentation of rural land and increasing population in rural areas would undermine viable farming practices and destabilise the land market. This in turn would reduce confidence of investment in land management and further fuel pressures for the conversion of rural land to hobby farms and rural residential subdivisions. While there are opportunities for value-adding industries to operate in conjunction with agricultural activities, the use of rural land for industry should only occur where the industry is directly related to, or supports, agricultural production in the area.

PLANNING SCHEME EXCERPTS

Broiler farms are a concerning issue on the Peninsula. Although it is an important economic activity, the scale of the buildings, the practices associated with farm operation such as night-time collections, and variations in odour emissions conflict with landscape objectives and the amenity expectations of rural residents.

The development of extractive industries must consider the landscape protection and conservation objectives of this scheme.

Council's strategic directions for 'Natural resource management' are to:

- Ensure the intensity of subdivision, land use and development in rural areas is consistent with sustainable agricultural land use and the protection of the natural attributes of the landscape.
- Consolidate broiler chicken farms in areas where this form of use and development is already well established.
- Ensure the staging of development by extractive industries and subsequent rehabilitation provide maximum protection for every value and significant aspect of the surrounding area.

### Clause 02.03-5 Built environment and heritage

Mornington Peninsula's sense of place is reinforced by the distinctive built-form character of its residential areas. This distinctiveness arises from:

- The relationship between the settlement and its environmental setting.
- The balance between natural features and built form that in many areas has produced a definite local character where the open space, landform and landscape provide a dominant setting for the built form.
- The influence of heritage sites, gardens and precincts such as the Peninsula's rich history of buildings, places and sites of heritage significance contained in many of its townships that include the Ranelagh Estate in Mount Eliza and the Sorrento Historic Precinct.
- The cultural significance of heritage places, heritage buildings, structures and gardens such as places, sites and objects of Aboriginal cultural significance.
- Well-established subdivision and development patterns where the ability to retain a bushland, woodland or coastal setting is often dependent on maintaining larger lot sizes with minimal site coverage.

Council's strategic directions for 'Built environment and heritage' are to:

- Ensure the location, design and construction of buildings and works are compatible with the built form and landscape character of the surrounding area.
- Conserve sites and locations of heritage significance, relating to both Aboriginal and European heritage.

### Clause 02.03-6 Economic development

The Peninsula's economy is very diverse; around 75 per cent of total employment is occupied by the local workforce (ABS 2016 Census). Employment on the Peninsula is dominated by three industry sectors, i.e. construction, health care and social assistance, and retail trade; these three industries together generate over one-third of the Peninsula's total employment. Other important sectors include education and training, manufacturing, and accommodation and food services.

Victoria's largest bulk liquid cargo port is the Port of Hastings. In addition, a number of smaller operations are either engaged in port-related activities or dedicated to servicing other port industries.

Agricultural activities occupy the majority of the Peninsula's rural areas. Activities such as horticulture, viticulture, market gardening and poultry farming are significant rural industries on the Peninsula. In

PLANNING SCHEME EXCERPTS

particular, vineyards and wineries continue to contribute significantly to the marketing of the region as a recreation destination with a range of all-season attractions.

The recreational role of the Peninsula requires the provision of supporting facilities, which add value to the region's natural resources and assets, enriches the experience for visitors and provide benefits to the local economy.

The Peninsula has a substantial supply of industrial land. Nonetheless, there is a shortage of lots larger than 2,000 square metres. It is necessary to prevent the subdivision of remaining industrial land to maintain a supply of larger development sites.

Council's strategic directions for 'Economic development' are to:

- Facilitate the expansion of existing industries and support new industries that provide services to the Peninsula community, contribute to the local employment base and are compatible with the Peninsula's character and environment, and the amenity of the local area.
- Support larger industrial lot sizes to provide opportunities for a wider range of manufacturing activities.
- Maintain the long-term recreational role of the Peninsula, which underpins the tourism sector, to support the local economy.
- Support businesses that improve the ability to experience the Peninsula's natural and cultural recreational values, such as the provision of short-term and home-hosted accommodation, host farms and similar uses.

## Clause 11 SETTLEMENT

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of environmental sustainability, urban design and amenity.
- Climate change adaptation and mitigation.
- Prevention of land, water, air and noise pollution.
- Protecting, conserving and improving biodiversity, waterways and other natural resources.
- Accessibility.
- Land use and transport integration.
- Waste minimisation and resource recovery.

Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

### Clause 11.01-1R Green wedges - Metropolitan Melbourne

PLANNING SCHEME EXCERPTS

**Objective**

To protect the green wedges of Metropolitan Melbourne from inappropriate development.

**Strategies**

Promote and encourage the key features and related values of each green wedge area.

Support development in the green wedge that provides for environmental, economic and social benefits.

Consolidate new residential development in existing settlements and in locations where planned services are available and green wedge values are protected.

Plan and protect major state infrastructure and resource assets, such as airports and ports with their associated access corridors, water supply dams, water catchments and waste management and recycling facilities.

Protect important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.

Support existing and potential agribusiness activities, forestry, food production and tourism.

Protect areas of environmental, landscape and scenic value such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.

Protect significant resources of stone, sand and other mineral resources for extraction purposes.

Provide opportunities for renewable energy generation.

**Clause 11.01-1L-01 Settlement - Mornington Peninsula**

**Strategies**

Maintain the existing transition area of lower density residential development to non-urban areas.

Maintain the existing inter-urban break between settlements and its environmental and landscape values.

**Clause 11.01-1L-02 Green wedges - Mornington Peninsula**

**Policy application**

This policy applies to non-residential zone land outside the Urban Growth Boundary.

**Strategies**

Ensure recreation facilities limit adverse environmental and landscape impacts.

Support group accommodation or commercial use and development as part of a recreation facility only where the recreational elements are of overriding state significance and remain the dominant elements of the use and development.

PLANNING SCHEME EXCERPTS

Ensure a realignment of boundaries does not create any additional subdivision potential.

Ensure any proposed realignment of boundaries does not diminish the existing or potential future rural use of the land due to the fragmentation of larger lots into smaller parcels.

**Policy guidelines**

Consider as relevant:

- A maximum site area covered by buildings and works associated with a recreational use of 10 per cent.
- Limiting the group accommodation component of a recreation facility to:
  - A density of no more than one dwelling for every 8 hectares of the site area.
  - Occupy no more than 10 per cent of the site area.
- Where larger lots exist that are at least the minimum lot area specified in a schedule to the Green Wedge Zone or Farming Zone, a realignment of boundaries should not decrease the area of the larger lot by more than five per cent.

**Clause 11.03-5S Distinctive areas and landscapes**

**Objective**

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

**Strategies**

Recognise the unique features and special characteristics of these areas and landscapes.

Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.

Integrate policy development, implementation and decision-making for declared areas under Statements of Planning policy.

Recognise the important role these areas play in the state as tourist destinations.

Protect the identified key values and activities of these areas.

Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.

Support use and development where it enhances the valued characteristics of these areas.

Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.

Protect areas that are important for food production.

**Policy documents**

Consider as relevant:

- Bellarine Peninsula Localised Planning Statement (Victorian Government, 2015)
- Macedon Ranges Statement of Planning Policy (Victorian Government, 2019)
- Mornington Peninsula Localised Planning Statement (Victorian Government, 2014)

PLANNING SCHEME EXCERPTS

- Yarra Ranges Localised Planning Statement (Victorian Government, 2017)

### Clause 12 ENVIRONMENTAL AND LANDSCAPE VALUES

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, Australia's Strategy for Nature 2019-2030, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

### Clause 12.03-1S River corridors, waterways, lakes and wetlands

#### Objective

To protect and enhance river corridors, waterways, lakes and wetlands.

#### Strategies

Protect the environmental, cultural and landscape values of all water bodies and wetlands.

Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.

Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.

Ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow.

Protect the Yarra, Maribyrnong and Murray River corridors as significant economic, environmental and cultural assets.

Facilitate growth in established settlements where water and wastewater can be managed.

#### Policy documents

Consider as relevant:

- Maribyrnong River – Vision for Recreational and Tourism Development (Melbourne Parks and Waterways, 1996)
- Maribyrnong River Valley Design Guidelines (Department of Planning and Community Development, 2010)
- Melbourne Water's Guidelines for Approval of Jetties (Melbourne Water, 2011)
- Healthy Waterways Strategy (Melbourne Water, 2013)

PLANNING SCHEME EXCERPTS

Clause 12.05-1S Environmentally sensitive areas

**Objective**

To protect and conserve environmentally sensitive areas.

**Strategies**

Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.

Clause 12.05-2S Landscapes

**Objective**

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

**Strategies**

Ensure significant landscape areas such as forests, the bays and coastlines are protected.

Ensure development does not detract from the natural qualities of significant landscape areas.

Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.

Recognise the natural landscape for its aesthetic value and as a fully functioning system.

Ensure important natural features are protected and enhanced.

**Clause 13 ENVIRONMENTAL RISKS AND AMENITY**

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

- Land use and development compatibility.
- Effective controls to prevent or mitigate significant impacts.

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

PLANNING SCHEME EXCERPTS

Planning should prepare for and respond to the impacts of climate change.

### Clause 13.07-1S Land use compatibility

#### Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

#### Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

#### Policy documents

Consider as relevant:

- Recommended separation distances for industrial residual air emissions (Publication 1518, Environment Protection Authority, March 2013).

## Clause 14 NATURAL RESOURCE MANAGEMENT

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.

### Clause 14.01-1S Protection of agricultural land

#### Objective

To protect the state's agricultural base by preserving productive farmland.

#### Strategies

Identify areas of productive agricultural land, including land for primary production and intensive agriculture.

Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.

PLANNING SCHEME EXCERPTS

Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.

Protect productive farmland that is of strategic significance in the local or regional context.

Protect productive agricultural land from unplanned loss due to permanent changes in land use.

Prevent inappropriately dispersed urban activities in rural areas.

Protect strategically important agricultural and primary production land from incompatible uses.

Limit new housing development in rural areas by:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.

Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.

Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

### Clause 14.01-1R Protection of agricultural land - Metropolitan Melbourne

#### **Strategy**

Protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

### Clause 14.01-1L Protection of agricultural land - Mornington Peninsula

#### **Policy application**

This policy applies to land in the Green Wedge Zone or Farming Zone.

PLANNING SCHEME EXCERPTS

**Strategies**

Avoid the encroachment of more sensitive land uses into recommended air or noise buffer distances which are established to insulate potentially offensive activities.

Ensure industrial uses are directly linked with rural activities, such as the processing and packaging of agricultural products grown in the area and the servicing of rural equipment.

Discourage development without an identified use.

Support the utilisation or replacement of existing buildings rather than development of new structures.

Ensure commercial uses are:

- Limited to those that have a direct link to either rural activities, accommodation, outdoor and unstructured recreation, or the Peninsula's natural and cultural heritage values.
- Associated with a need or gap in the tourist industry.
- Not dependent on the development of other residential or commercial activities on the land or in the locality.

Ensure restaurant uses are associated with at least one of the following:

- The production of food or wine on the subject property.
- A significant recreational site.
- An established tourism node.
- The conservation of buildings with heritage value.

Avoid night-time operation of restaurant uses due to the potential impact on rural amenity from additional traffic, noise and light.

Ensure commercial or industrial uses and associated car parking are located to limit amenity impacts on landscape character of the site and surrounding sensitive uses.

**Clause 14.02-1S Catchment planning and management**

**Objective**

To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

**Strategies**

Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.

Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

PLANNING SCHEME EXCERPTS

Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.

Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.

Require appropriate measures to restrict sediment discharges from construction sites.

Ensure planning is coordinated with the activities of catchment management authorities.

Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.

**Policy guidelines**

Consider as relevant:

- Any regional catchment strategy and related plans approved under the Catchment and Land Protection Act 1994 .
- Any applicable implementation strategy approved by a catchment management authority or waterway management authority.
- Any special area or management plan under the Heritage Rivers Act 1992 .
- Any action statement or management plan prepared under the Flora and Fauna Guarantee Act 1988 .

**Policy documents**

Consider as relevant:

- Murray River Regional Environmental Plan No 2 (REP2) of New South Wales
- Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)
- Planning Permit Applications in Open, Potable Water Supply Catchment Areas (Department of Sustainability and Environment, 2012)
- Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)

**Clause 15 BUILT ENVIRONMENT AND HERITAGE**

**Clause 15.01-6S Design for rural areas**

**Objective**

To ensure development respects valued areas of rural character.

**Strategies**

Ensure that the siting, scale and appearance of development protects and enhances rural character.

PLANNING SCHEME EXCERPTS

Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

### Clause 15.01-6L Design for rural areas - Mornington Peninsula

#### **Policy application**

This policy applies to land in the Green Wedge Zone and Farming Zone.

#### **Strategies**

Avoid contributing to linear strip development, particularly along main roads and tourist routes.

## **Clause 17 ECONOMIC DEVELOPMENT**

### **Clause 17.04-1S Facilitating tourism**

#### **Objective**

To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

#### **Strategies**

Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.

Seek to ensure that tourism facilities have access to suitable transport.

Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.

Create innovative tourism experiences.

Encourage investment that meets demand and supports growth in tourism.

#### **Policy guidelines**

Consider as relevant:

- Any applicable regional tourism development strategy.

#### **Policy documents**

Consider as relevant:

- Tourism Investment Guidelines – Your Guide to Tourism Investment in Victoria (Tourism Victoria, 2008)

PLANNING SCHEME EXCERPTS

## Clause 17.04-1R Tourism in Metropolitan Melbourne

### Objective

To maintain and develop Metropolitan Melbourne as a desirable tourist destination.

### Strategies

Maintain Metropolitan Melbourne's position as a global, national and local destination in its own right and as a gateway to regional Victoria by:

- Developing city precincts and promenades.
  - Revitalising the retail core of the Central City.
  - Supporting artistic and cultural life.
  - Improving public facilities, amenities and access.
  - Maintaining city safety.
  - Providing information and leisure services.
  - Improving transport infrastructure.
- 

## ZONE: SCHEDULE 4 TO CLAUSE 37.01 SPECIAL USE ZONE

### *RECREATIONAL DEVELOPMENT*

#### Purpose

To provide for integrated recreational and residential development in appropriate locations.

#### Decision guidelines

Before deciding on an application to use, subdivide land, construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- The likely effect on the natural physical qualities and habitat value of the land.
- The protection and enhancement of the natural environment and the character of the area.
- The retention of vegetation and fauna habitat.
- The need to revegetate land, including, gullies, ridge lines, property boundaries, discharge areas, ground water recharge areas and riparian buffers along waterways.
- The effect of the proposed development on the landscape of the locality.
- The existing and likely pressure of recreational use on reserves and foreshore areas in the locality and their continued maintenance in a condition appropriate to their function.
- The preservation of the recreational amenity of the locality.
- The intensity of development and utilisation proposed.
- The layout and design of access roads, parking spaces and pedestrian routes having regard to pedestrian and vehicular safety and accessibility.
- The impact of the use or development on the existing and surrounding rural uses.
- The location of any building or works with respect to the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

PLANNING SCHEME EXCERPTS

- The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will cause significant traffic generation which will require additional traffic management programs to be initiated.
- The location, design and capacity of all existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.
- The massing, scale, design and colour of buildings and their ancillary works.
- The nature, type, extent and management of the associated recreational facilities.
- The landscaping of the land.
- Any sign, entrances gateways or marketing features proposed.
- Any other matters which the responsible authority considers being in the interest of the conservation and enhancement of the character of the area for its natural scenic beauty scientific interest or cultural importance.

**OVERLAY: SCHEDULE 28 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

*Mornington Peninsula Bushland*

### Statement of environmental significance

The remnant native vegetation of the Mornington Peninsula is significant for its diversity and environmental value, including habitat areas of state, national and international significance. Smaller areas of vegetation act as important components of the remaining habitat, providing movement corridors for both animals and bird life.

Remnant vegetation is also a key feature of the Peninsula's landscapes and their scenic recreational value for local and regional communities.

Retaining vegetation is also critical to catchment management, in terms of maintaining surface and ground water quality, the control of siltation, the management of soil salinity, acidification and waterlogging, and prevention of erosion in hillside and coastal areas. The ability to maintain environmental systems and viable habitat areas on the Peninsula is highly dependent on the retention of existing native vegetation and encouraging revegetation utilising indigenous species.

### Environmental objective to be achieved

To protect and conserve native vegetation and habitat areas, including those of rare, threatened and endangered flora and fauna species, from clearing, degradation or fragmentation.

To protect and conserve habitat corridors, including land with a minimum width of 30 metres on both sides of a streamline.

To arrest and reverse the decline of remanent native vegetation, and to achieve a net increase in native vegetation within the Shire over time.

To promote the maintenance of ecological processes and biodiversity.

To promote the implementation of regional catchment strategies, regional vegetation plans and other natural resource management strategies.

To conserve the Shire's vegetation based landscape assets.

To avoid the loss or detrimental modification of native vegetation through grazing, cropping and other forms of agriculture.

PLANNING SCHEME EXCERPTS

To ensure that trees are cleared from no more than 10 per cent of the land effected by this schedule and understorey from no more than a further 30 per cent of the land effected by this schedule.

### Permit requirement

A permit is not required to remove vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

### Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Applications to locate dwellings within bushland areas must include a site plan indicating the areas for the dwelling, access driveways, fire hazard clearing, areas for effluent disposal and other areas of site development in addition to the plan requirements specified below.
- An application to remove native vegetation must:
  - Indicate the total extent of native vegetation on the property, the extent and purpose of proposed clearing, the location of any watercourse on the property, and, if relevant, the location of areas where the ground slope exceeds 20 per cent.
  - Demonstrate that the proposed removal of native vegetation has been minimised to the maximum extent that is reasonable and practical.
  - Specify measures to protect and improve the condition of native habitat, including proposals for revegetation, indicating proposed species, methods of ground stabilisation and measures to prevent or manage invasion by environmental weeds.
- If the area of proposed clearing exceeds 4000 square metres, a report on the vegetation and habitat significance of the area to be cleared must be provided to the satisfaction of the responsible authority.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The environmental objectives of this schedule.
- Any relevant regional catchment strategy or regional vegetation plan.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.
- The botanical and habitat value of the vegetation in terms of physical condition, rarity or diversity. This includes recognition of the role of dead vegetation and tree hollows in providing habitat.
- The environmental value of the vegetation in terms of protecting stream quality and wetlands.
- Whether there is any reasonable alternative site for proposed buildings and works outside of the overlay area that would better meet the objectives of this schedule.
- The extent of the proposed vegetation removal and the likely effect on the stability of the site and soils, particularly along streamlines or in erosion prone areas.
- The siting and design of buildings and works to avoid the removal of remnant vegetation, including the disturbance of root zones.
- The extent to which the removal of vegetation is necessary to achieve proper fire management.

PLANNING SCHEME EXCERPTS

- The likely effect of any clearing on the habitat value and long term viability of remnant bushland areas.
- Whether the siting of a proposed dwelling is likely to generate demand for future removal of vegetation associated with fire hazard clearing, areas for ancillary uses and the like.
- The extent to which proposed clearing may expose remaining areas to weed invasion.
- The landscape impact of the proposed removal, destruction or lopping of vegetation.
- The purpose of removing native vegetation and whether there are any alternative land management or construction practices that would better meet the objectives of this schedule.
- The comments of any relevant coastal management fire prevention, catchment protection, land management or soil conservation authority.
- The benefit of conditions requiring planting or replanting or other treatment of any part of the land, including the opportunity to achieve a net increase in the area of native vegetation.
- The benefit of requiring locally indigenous species in replanting and the need to exclude environmental weeds.

**OVERLAY: SCHEDULE 2 TO CLAUSE 42.02 VEGETATION PROTECTION OVERLAY**

*SIGNIFICANT TREELINES*

**Statement of nature and significance of vegetation to be protected**

Treelines within roadside reserves, along streamlines and within properties form important habitat and landscape elements on the Mornington Peninsula. Treelines often act as habitat corridors linking other, more substantial, areas of remnant vegetation. These factors are emphasised in the Shire's Road Side Management Strategy. Many treelines, including those composed of non-indigenous trees, such as Monterey or Radiata Pines, are culturally significant elements of the Peninsula landscape.

**Vegetation protection objectives to be achieved**

To protect and conserve native vegetation and habitat areas, including those of rare, threatened and endangered flora and fauna species, along roadsides, streamlines, linear reserves and other treelines.

To maintain the high landscape quality of roadsides and other areas.

To maintain and enhance the habitat value and corridor function of treelines.

To ensure consideration of the cultural and landscape significance of all treelines, including those composed of introduced vegetation species, such as Monterey or Radiata Pines.

To ensure that proposals for replacement planting have regard to both environmental and cultural landscape values.

To encourage strategic replanting programs, using suitable species, to provide for the long term maintenance of landscape values.

**Permit requirement**

A permit is required to remove, destroy or lop any vegetation, except for:

- The removal of vegetation which is to be carried out in conjunction with a development approved under a planning permit and in accordance with an endorsed plan.

PLANNING SCHEME EXCERPTS

- The removal of vegetation necessary for the construction of a dwelling, dwelling extension or outbuilding where no planning permit is required and provided that:
  - A building permit has been granted for the proposed development.
  - Vegetation is only removed from the building footprint or within 2 metres of the proposed building.
  - No tree with a trunk circumference greater than 0.35 metres is removed within 6 metres of a road frontage.
- The removal of vegetation, not within a road reserve, to enable the formation of a single crossing and access driveway with a maximum width of 3.7 metres.
- The removal of vegetation which presents an immediate risk of personal injury or damage to property including the culling of single trees located within 3 metres of a dwelling or outbuilding, or which overhangs a boundary line.
- The removal of any dead timber or branch which has occurred through natural circumstances, fire or the spread of noxious weeds.
- The removal of any tree or branch of a tree which impairs the access of motor vehicles along any existing or approved access track, provided that such access track has a width no greater than 3.7 metres.
- The removal of vegetation specified in the schedule to Clause 52.17.

### Application requirements

The following application requirements apply to an application for a permit under Clause 42.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- An application to remove vegetation must indicate:
  - The total extent of vegetation on the property and the extent of proposed clearing.
  - The location of any watercourse on the property, and, if relevant, the location of areas where the ground slope exceeds 20 percent.
  - The purpose of the proposed clearing and any proposals for revegetation, including proposed species, and ground stabilisation.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.02, in addition to those specified in Clause 42.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The vegetation protection objectives of this schedule.
- Any relevant regional catchment strategy or regional vegetation plan.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.
- The cultural landscape value and visual prominence of the treeline, including the extent to which it remains intact and the condition and health of the trees.
- The botanical and environmental value of the treeline, including the age and condition of the trees and the extent to which the tree line forms part of a habitat area or habitat corridor.
- The need to maintain the connectivity of habitat corridors.
- The extent of the proposed vegetation removal and its likely effect on the stability of the site, particularly along streamlines or in erosion prone areas.
- The effect of retaining the treeline on agricultural pursuits and whether there is any reasonable alternative means of managing the land or siting buildings and works in order to conserve the vegetation of the area and better meet the objectives of this schedule.
- The extent to which the removal of vegetation is necessary to achieve proper fire management
- The benefit of conditions requiring replanting.
- The need for replacement vegetation to be of an appropriate species, having regard to the link between the species and the cultural landscape values of the treeline, the need to

PLANNING SCHEME EXCERPTS

exclude environmental weeds and the proximity of the site to bushland areas. Where a treeline is near to bushland areas it is necessary to consider the potential for invasion of bushland by introduced species and the possibility of replacing introduced species with native species of a similar form.

- The comments of any relevant coastal management, fire prevention, catchment protection, land management or soil conservation authority.

### Clause 65.01 APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

**5.2 Victorian Civil and Administrative Tribunal proceeding ref. P409/22 -  
Proposed Residential Aged Care Facility and Retirement Village at 60-70  
Kunyang Road, Mount Eliza**

Prepared By	Rory MacDonald, VCAT Coordinator
Authorised By	Director - Planning and Infrastructure
Document ID	A11454071
Attachment(s)	TBA
Application No.	P21/1949
Proposal	Use and development of land for a Residential Aged Care Facility and Retirement Village, develop a Place of Worship, demolish existing buildings, erect two business identification signs, remove vegetation and associated works.
Melway Reference	105C3
Zoning	Special Use Zone – Schedule 2
Applicant	Ryman Healthcare
Date of Application	9 August 2021
Item Called in?	No

***Late Report – To be Circulated Separately***

## **6 NOTICES OF MOTION**

Notices of Motion must be received 10 clear business days prior to a meeting.

Nil.

## **7 URGENT BUSINESS**

Under Council's Governance Rules, no business may be admitted as urgent business unless it:

1. Relates to a matter which has arisen since distribution of the Agenda.
2. Cannot because of its urgency, be reasonably listed in the Agenda of the next Council Meeting.
3. Councillors by a majority vote, vote in favour of a matter being dealt with as urgent business.

## **8 CONFIDENTIAL ITEMS**

Nil.