

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987. If you have any questions, please contact Council planning department.

⚠ Questions marked with an asterisk (*) must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet

i Click for further information.

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No:	St. No.: 23	St. Name: Lae Street
Suburb/Locality: WEST FOOTSCRAY		Post Code: 3012

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Vol.: 6953	Folio.: 461	Suburb.: West Footscray
OR			
	Lot No.: 25	Type.: Lot/Lodged Plan	
B	Crown Allotment No.:	Section No.:	
	Parish/Township Name:		

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application

i For what use, development or other matter do you require a permit? *

Construction of 4 x double storey dwellings on an allotment.

i Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

i Estimated cost of any development for which the permit is required *


1250000.00	⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.
If the application is for land within metropolitan Melbourne (as defined in section 3 of the Planning and Environment Act 1987) and the estimated cost of the development exceeds \$1.093 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.	

Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwelling on an allotment.


 Provide a plan of the existing conditions. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☐ No
- ☐ Not applicable (no such encumbrance applies).
- ☒ Not Sure

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:

Title: MRS First Name: Jenny Surname: Mai

Organization (if applicable):

Unit No: SE 306 St. No: 838 St. Name: Collins Street

Suburb: DOCKLANDS State: VIC Postcode: 3008

Business phone: 0403563815 Email: info@arczero.com.au

Mobile phone: 03 9492 3891 Home:

Contact person's details*

Name:

Same as applicant ☒

Title: MRS First Name: Jenny Surname: Mai

Organization (if applicable):

Unit No: SE 306 St. No: 838 St. Name: Collins Street

Suburb: DOCKLANDS State: VIC Postcode: 3008

Business phone: 0403563815 Email: info@arczero.com.au

Mobile phone: 03 9492 3891 Home:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organization.

Name:

Same as applicant ☐

Title: CO First Name: Surname:

Organization (if applicable): HVC DEVELOPMENT PTY LTD

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No: St. No: 12 St. Name: Utzon Road


Suburb: CABRAMATTA WEST State: NSW Postcode: 2166

Business Phone: Email:

Mobile phone: 0403563815 Home:

Declaration

This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Jenny Mai Arc Zero Pty Ltd

Date

28 / 04 / 2025

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for his application and obtain a planning permit checklist. Insufficient or unclear information may delay your application

Has there been a pre-application meeting with a council planning officer

☒ No

☐ Yes

Officer Name:

Date:

day / month / year

Checklist

Have you:



Filled in the form completely?



Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?



A full, current copy of title information for each individual parcel of land forming the subject site



A plan of existing conditions.



Plans showing the layout and details of the proposal.



Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.



If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts)



If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void



Completed the relevant council planning permit checklist?



Signed the declaration?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Maribyrnong City Council
PO Box 58
Footscray VIC 3011
Cnr Napier and Hyde Streets
Footscray VIC 3011

Contact information:

Phone: (03) 9688 0200
Email: email@maribyrnong.vic.gov.au
DX: 81112

Deliver application in person, by post or by electronic lodgement.

The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

How is land identified


Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description - the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

 Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting Planning Schemes Online at planning-schemes.delwp.vic.gov.au

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au Contact your local Council to obtain a planning certificate in Central Goulburn, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.


Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee. Fees are exempt from GST.

 Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook

 Contact the Council to determine the appropriate fee. Go to planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

Metropolitan Planning Levy refer Division 5A of Part 4 of the Planning and Environment Act 1987 (the Act). A planning permit application under section 47 or 96A of the Act for a development of land in metropolitan Melbourne as defined in section 3 of the Act may be a leviable application. If the cost of the development exceeds the threshold of \$1 million (adjusted annually by consumer price index) a levy certificate must be obtained from the State Revenue Office after payment of the levy. A valid levy certificate must be submitted to the responsible planning authority (usually council) with a leviable planning permit application. Refer to the State Revenue Office website at www.sro.vic.gov.au for more information. A leviable application submitted without a levy certificate is void

Existing Conditions

How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block)

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

Title Information

What is an encumbrance?

An encumbrance is a formal obligation on the land, with the most common type being a mortgage. Other common examples of encumbrances include:

- **Restrictive Covenants:** A restrictive covenant is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A section 173 agreement is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- **Easements:** An easement gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A building envelope defines the development boundaries for the land.
- signed the declaration on the last page of the application form

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

What documents should I check to find encumbrances

Encumbrances are identified on the title (register search statement) under the header encumbrances, caveats and notices. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

What about caveats and notices?

A caveat is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of notices. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 06953 FOLIO 461

Security no : 124123954708A
Produced 28/04/2025 10:36 AM

LAND DESCRIPTION

Lot 25 on Plan of Subdivision 009445.
PARENT TITLE Volume 06114 Folio 770
Created by instrument 2050901 13/01/1947

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
HVC DEVELOPMENT PTY LTD of 12 UTZON ROAD CABRAMATTA WEST NSW 2166
AZ073402E 22/04/2025

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT 1634825

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP009445 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AZ073401G (E)	DISCHARGE OF MORTGAGE	Registered	22/04/2025
AZ073402E (E)	TRANSFER	Registered	22/04/2025

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 23 LAE STREET WEST FOOTSCRAY VIC 3012

ADMINISTRATIVE NOTICES

NIL

eCT Control 18557V LANHAM LAWYERS PTY LTD
Effective from 22/04/2025

DOCUMENT END

Imaged Document Cover Sheet

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Document Type	Instrument
Document Identification	1634825
Number of Pages (excluding this cover sheet)	4
Document Assembled	28/04/2025 10:36

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3544633

D. BRUCE TUNNOCK

1634825

Victoria

TRANSFER OF LAND.

O.O.T.
18 DEC 1936

WE EMMA ELIZABETH LE CROISSETTE THOMSON of Orrong Road, Widow, and CECIL PERCY THOMSON of Lynedoch Avenue, Land Valuer, both of East St Kilda, and THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of 412 Collins Street, Melbourne, being registered or entitled to be registered as the proprietors of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of ONE HUNDRED AND FIFTY POUNDS paid to us by KEITH FORBES COURT of 312 Glen Eira Road, Elsternwick, Agent DO HEREBY TRANSFER to the said Keith Forbes Court All our estate and interest in ALL THOSE pieces of land being Lots 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 24, 25, 27, 28, 29, 30, 32, 33, 34, 35, 36, 40, 41, and 57 on Plan of Subdivision Number 9445 lodged in the Office of Titles being parts of Crown Allotments 1, 2, 3 and 4 Portion Two Section 13 Parish of Cut Paw Paw County of Bourke and being part of the land comprised in Certificate of Title entered in the Register Book Volume 5436 folio 1087112 AND I the said Keith Forbes Court for myself my heirs executors administrators and transferees registered proprietor or proprietors for the time being of the said land hereby transferred do hereby covenant with the said Emma Elizabeth Le Croisette Thomson, Cecil Percy Thomson and their and each of their heirs executors administrators and transferees and with the said The Trustees Executors and Agency Company Limited the registered proprietor or proprietors for the time being of the land comprised in the said Certificate of Title Volume 5436 folio 1087112 that I the said Keith Forbes Court my heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land hereby transferred will not at anytime quarry for stone or carry on any noxious trade upon the said land hereby transferred or any part thereof or allow any stone to be excavated therefrom below a depth of two feet from the surface thereof or allow any noxious trade to be carried on or upon the said land hereby trans-

IMAGED

72332

For Red blue

5436 Part

Area not given

Enter the Court

herein

As to blue the

covenant

Sec 212

As to green any

covenant affecting

the

17/2/37

Sk. J.R.I.

19/2/37

Extra deal

201

2/3/37

11/1/37

ferred or any part thereof or in any buildings erected thereon and I the said Keith Forbes Court hereby consent to the foregoing covenant appearing as an encumbrance on the Certificate of Title to issue for the said land hereby transferred pursuant to this transfer and to run with the said land.

Dated this Tenth day of July One thousand nine hundred and thirtysix.

SIGNED by the said EMMA ELIZABETH
LE CROISSETTE THOMSON in Victoria
in the presence of

D. K. Thomson
Real Estate Agent
423 Lit. Collins St. C.S.

E. E. L. Thomson

SIGNED by the said CECIL PERCY
THOMSON in Victoria in the pre-
sence of

D. K. Thomson

Cecil P. Thomson

TS *08/1*
The Common Seal of THE TRUSTEES
EXECUTORS AND AGENCY COMPANY
LIMITED was hereto affixed by -
authority of the Board of Directors

W. Hewitt Director
E. G. Drugg Assistant Manager.

SIGNED by the said KEITH FORBES
COURT in Victoria in the presence
of

W. B. Bannister
John W. Bannister
M. Bannister

Keith Forbes Court

ENCUMBRANCES REFERRED TO:

that part of
As to the land colored green - Any easements implied under Act No. 3791
on the map on sheet annexed to
the said Certificate of Title
as to that part of the said land colored blue on Hazard Certificate
of title - any easements affecting the same.

5/10/37
7/2/37
17/4/37

Appeared before me at Melbourne the *tenth* day of *July* One thousand nine hundred and thirty-six DONALD KINGSLEY THOMSON the attesting witness to this instrument and declared that he personally knew EMMA ELIZABETH LE CROISSETTE THOMSON and CECIL PERCY THOMSON the persons signing the same, and whose signatures the said Donald Kingsley Thomson attested; and that the names purporting to be the signatures of the said Emma Elizabeth Le Croissette Thomson and Cecil Percy Thomson are their own hand-writing and that they were of sound mind and freely and voluntarily signed such instrument.

Donald - P

[Large blue ink scribble]

DATED _____

1936.

MRS. E.L. THOMSON & ANOR
and THE TRUSTEES EXECUTORS
AND AGENCY COMPANY LIMITED

MR. K.F. COURT

TO

TRANSFER
OF
LAND

D. BRUCE TUNNOCK,
Solicitor,
87 Queen Street,
Melbourne.

MEMORIAL OF INSTRUMENT

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OF SYMBOL THEREON
TRANSFER AS TO PART	THE 18 th DAY OF December 1936	TO Keith Forbes Court	1634825

[Signature]
ASSISTANT REGISTRAR OF TITLES

I CERTIFY THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED AT THE TIME LAST MENTIONED IN THE REGISTER BOOK VOL. 436 FOL. 1087/12

[Signature]
ASSISTANT REGISTRAR OF TITLES

Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	LP009445
Number of Pages (excluding this cover sheet)	3
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PLAN OF SUBDIVISION OF
PARTS OF CROWN ALLOTMENTS 1, 2, 3 & 4
PORTION 2 SECTION 13
PARISH OF CUT PAW PAW
COUNTY OF BOURKE

VOL.2280 FOL.826

Measurements are in Feet & Inches

Conversion Factor

FEET x 0.3048 = METRES

LP 9445

EDITION 1

PLAN MAY BE LODGED

31/07/23

3 SHEETS
SHEET 1.

COLOUR CODE

E-1 = BLUE

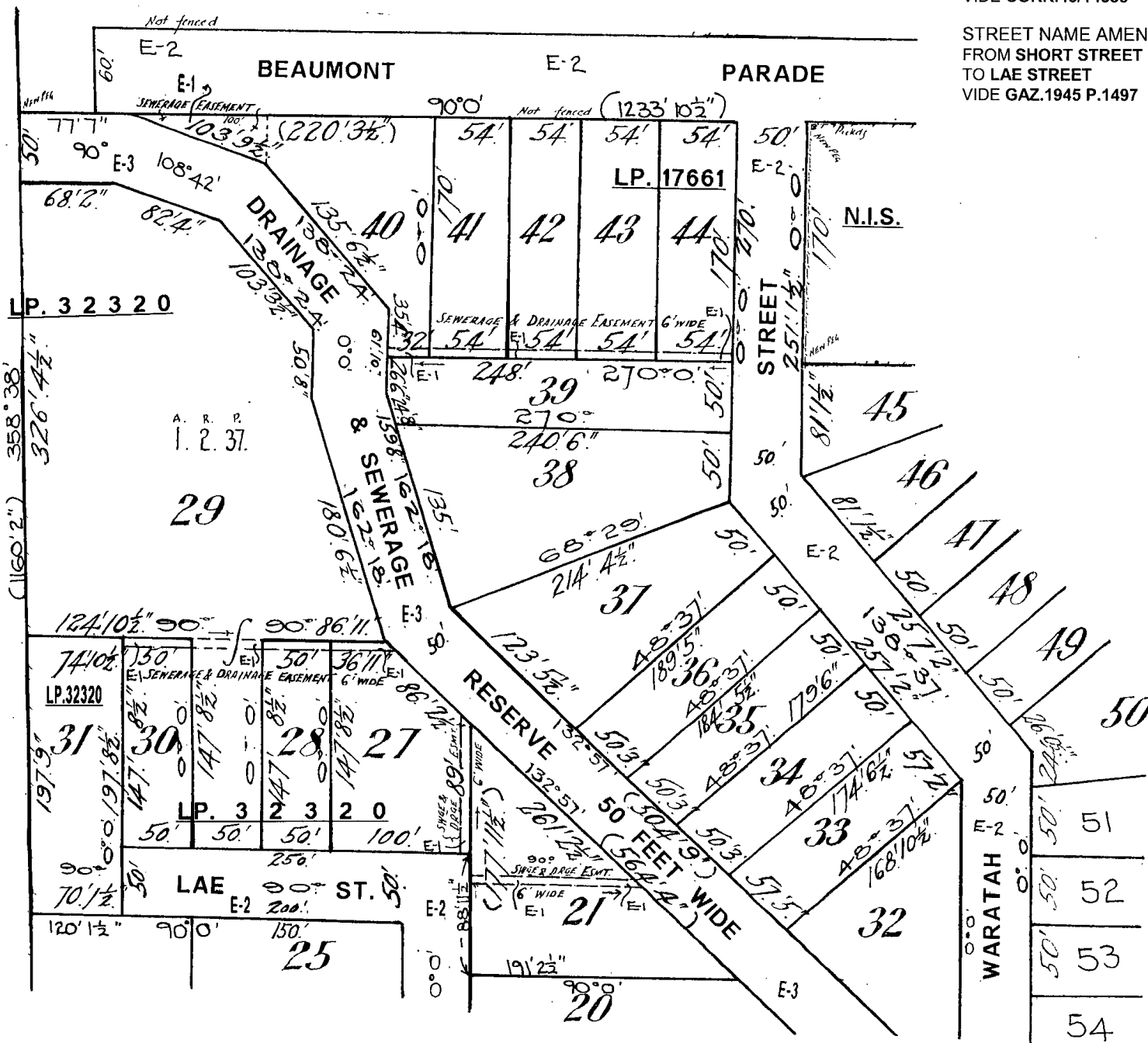
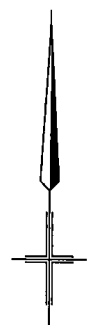
E-2 = BROWN

E-3 = GREEN

ROADS COLOURED BROWN

STREET NAME AMENDED
FROM CENTRAL AVENUE
TO WARATAH STREET
VIDE CORR.45/14838

STREET NAME AMENDED
FROM SHORT STREET
TO LAE STREET
VIDE GAZ.1945 P.1497



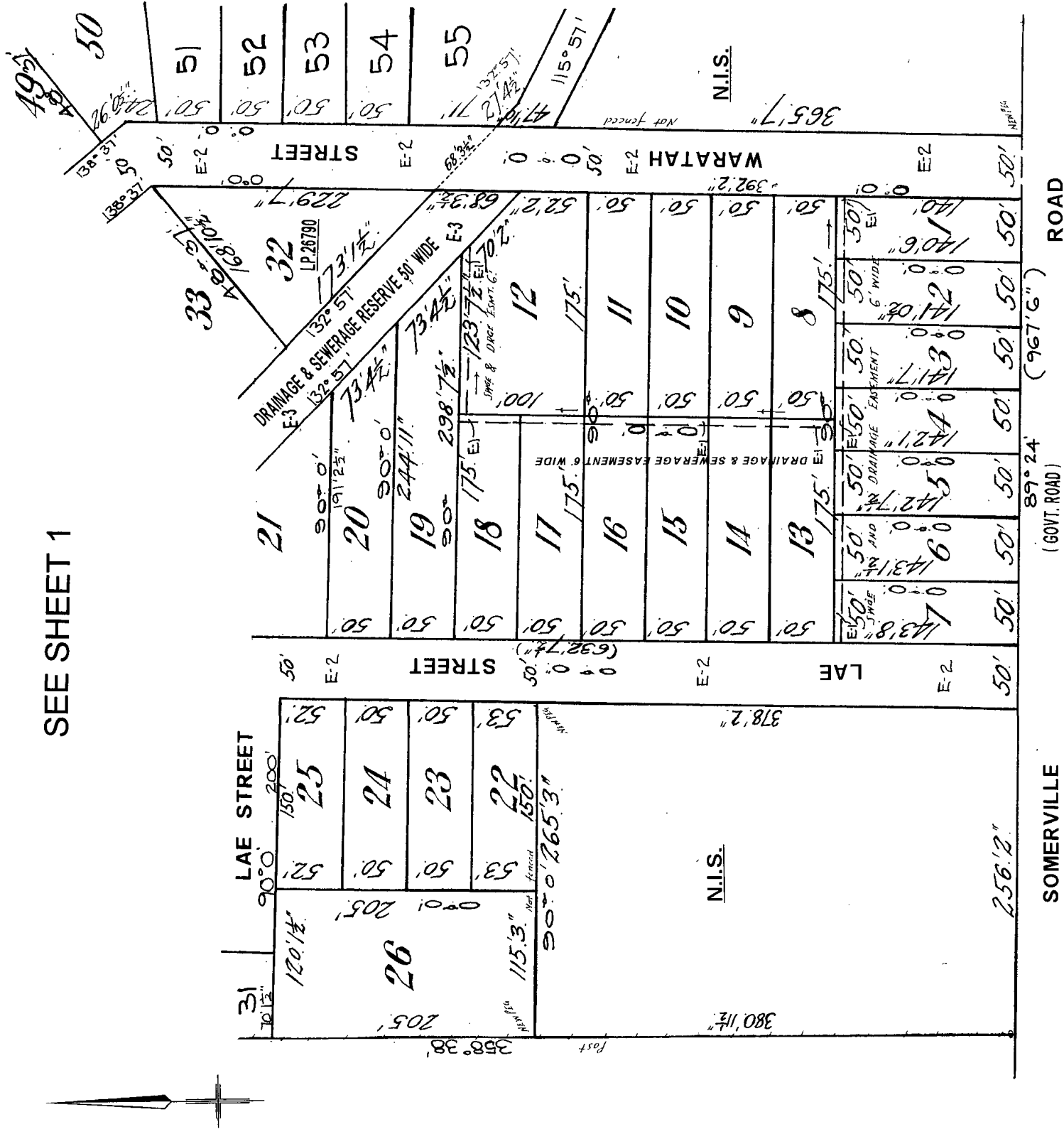
SEE SHEET 2

SEE SHEET 3




SEE SHEET 1

SEE SHEET 2



NOTES

1. TREE TRUNK DIAMETERS AND SPREADS SHOWN THUS  ARE SHOWN APPROXIMATELY TO SCALE.
2. THIS FEATURE AND LEVEL SURVEY HAS BEEN UNDERTAKEN FOR PLANNING AND DISCUSSION PURPOSES ONLY.
3. LAND IN SURVEY IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES.
4. COORDINATES ARE ON A LOCAL PLANE DATUM BASED UPON TITLE BEARINGS.
5. ONLY VISIBLE SERVICES AT SURFACE LEVEL HAVE BEEN LOCATED.
6. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE THE RELEVANT AUTHORITY SHOULD BE CONTACTED TO ASCERTAIN THE POSSIBLE LOCATIONS OF UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.
7. ONLY WINDOWS DIRECTLY FACING THE SITE HAVE BEEN SHOWN ON THIS PLAN.
8. TBMS WERE PLACED ON 11/02/2025 AND WERE VERIFIED AT THE TIME OF PLACEMENT, VERIFICATION SHOULD BE CARRIED OUT BY SUITABLY QUALIFIED PERSONS BEFORE USE FOR CONSTRUCTION PURPOSES.
9. THIS PLAN IS ONLY TO BE USED FOR THE PURPOSE FOR WHICH IT HAS COMMISSIONED.

DISCLAIMER

This plan was produced for the exclusive use of and their authorized agents for the purpose of planning and design only and should not be used for any other purpose or by any other person or corporation without direct consent of MetroSurveyGroup.



PHOTO 5



PHOTO 6

LEGEND

- EDGE OF BUILDING
TITLE BOUNDARY
TITLE CONNECTION
FENCE
MINOR BUILDING
ROOF
- CONCRETE FOOTPATH
BACK OF KERB
MINOR CONTOUR
MAJOR CONTOUR
DIGITAL CADASTRAL MAP BASE
BRICK WALL
VERANDAH
DRIVEWAY
HABITABLE WINDOW
NON-HABITABLE WINDOW
WINDOW HEAD HEIGHT
WINDOW SILL HEIGHT
GROUND FLOOR WINDOW
DOOR
HEDGING TREES
SIDE ENTRY PIT
WATER METER
UNCLASSIFIED PIT
ELECTRICITY AND LIGHT POLE
LIGHT POLE
TELECOMMUNICATIONS PIT
GATE
TEMPORARY BENCH MARK
PRIVATE OPEN SPACE
PHOTOS AND ORIGIN
WATER UNDERGROUND (DATA BY DBYD)
TELECOM UNDERGROUND (DATA BY DBYD)



PHOTO 1



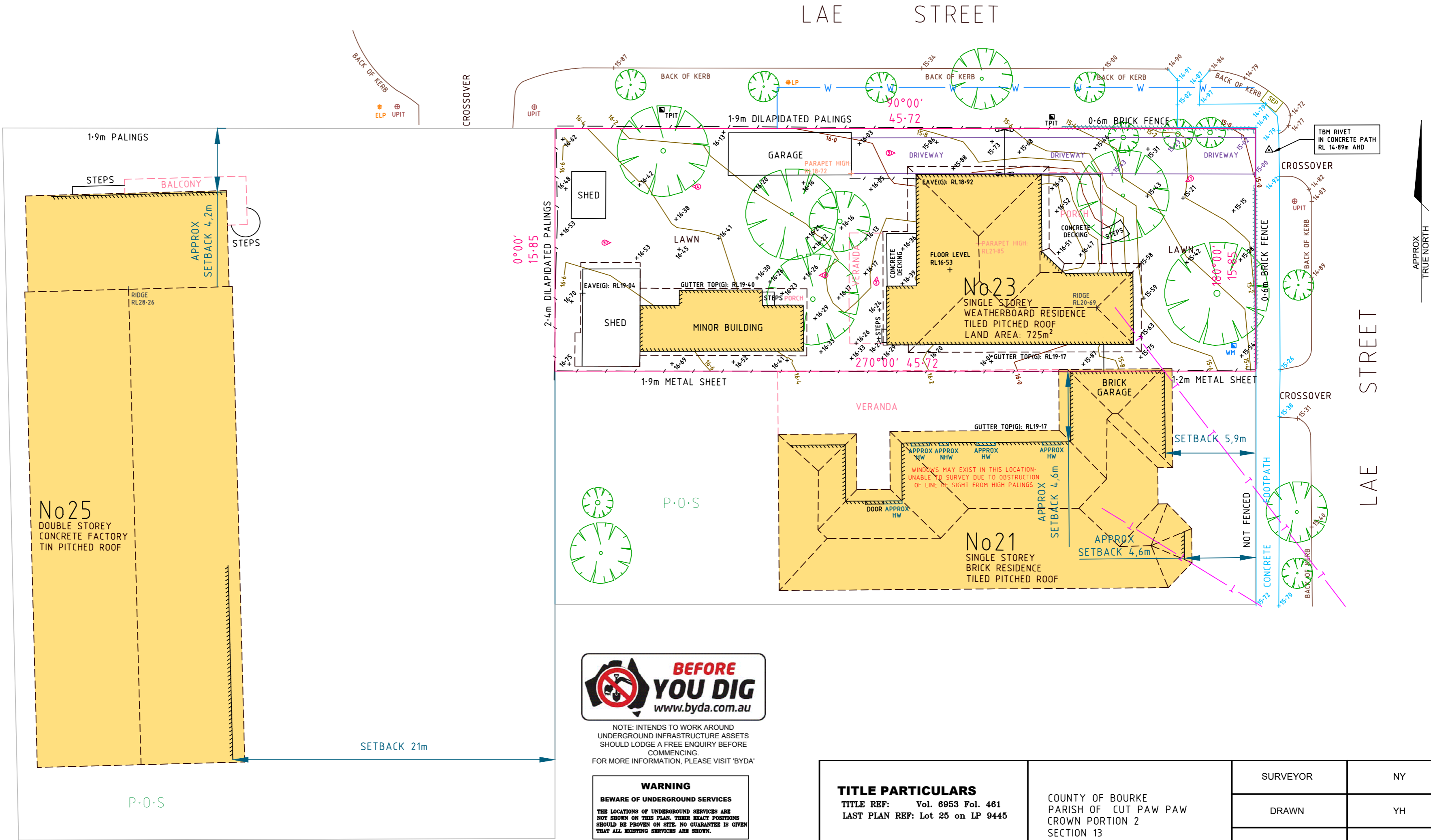
PHOTO 2



PHOTO 3



PHOTO 4



NOTE: INTENDS TO WORK AROUND UNDERGROUND INFRASTRUCTURE ASSETS SHOULD LODGE A FREE ENQUIRY BEFORE COMMENCING. FOR MORE INFORMATION, PLEASE VISIT 'BYDA'

WARNING
BEWARE OF UNDERGROUND SERVICES
THE LOCATIONS OF UNDERGROUND SERVICES ARE NOT SHOWN ON THIS PLAN. THEIR EXACT POSITIONS SHOULD BE PROVEN ON SITE. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN.

TITLE PARTICULARS
TITLE REF: Vol. 6953 Pol. 461
LAST PLAN REF: Lot 25 on LP 9445

COUNTY OF BOURKE
PARISH OF CUT PAW PAW
CROWN PORTION 2
SECTION 13
CROWN ALLOTMENT 1,2,3&4 (PART)

SURVEYOR NY
DRAWN YH
SHEET 1 OF 1 OFFICE USE ONLY

DRAWING NO.	REVISION NO.	DATE.	AMENDMENTS.

MELWAYS REF: 41 F7
JOB REFERENCE 204261
VERSION A
DATE OF SURVEY: 11/02/2025

ORIGINAL SHEET SIZE: A2
SCALE: 1:200
0 2 4 8
LENGTHS ARE IN METRES

GEOMATICS ENGINEERS MELBOURNE PTY LTD



2B/39 RAILWAY Road, BLACKBURN VIC3130 PHONE: 0425 019 435 EMAIL: INFO@GEMELBOURNE.COM.AU

DATUM NOTES:
LEVELS ARE TO THE AUSTRALIAN HEIGHT DATUM VIDE CUT-PAW-PAW PM 435 RL18.4 (SMES 11/02/2025)
CONTOURS INTERVAL IS 0.2m

CLIENT:
PROJECT:
FEATURE AND LEVEL SURVEY
23 LAE STREET
WEST FOOTSCARY
VIC 3012



179-185 Peel Street
North Melbourne VIC 3051
0490 931 074
info@arczero.com.au

CLAUSE 55 ASSESSMENT (RESCODE REPORT)

23 Lae Street
West Footscray VIC 3012

16 JUL
2025

**The proposal is for the construction of
multiple dwellings on an allotment.**

THE PROPOSAL

The proposal is to construct FOUR (4) double-storey dwellings associated with garages on an allotment of approximately 725 m² with a 15.85 m frontage and a length of 45.72 m.

PLANNING SCHEME PROVISIONS

Under the Maribyrnong Planning Scheme, the proposed site and surrounding land are zoned GENERAL RESIDENTIAL ZONE_GRZ1. Development Contributions Plan Overlay (DCPO2).

The purpose of the zone is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies

To provide residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

To encourage residential development that respects the neighbourhood's character.

In suitable locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

STATE PLANNING POLICY FRAMEWORK

Clause 15 Built Environment and Heritage

15.01 Urban Environment

Objectives

- ✓ To create urban environments that are safe and functional to provide good quality environments with a sense of place and cultural identity.
- ✓ To achieve architectural and urban design outcomes that contribute positively to the local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Responses

- ✓ The proposed site is well-serviced, with numerous amenities within walking distance, including a main bus route, central shopping hub, local restaurants, shops, schools, and parks.
- ✓ This proposal supports urban consolidation within an established metropolitan area and enhances the utilization of existing services and facilities.
- ✓ The design maintains a scale and built form that correspond with the adjoining dwelling. It also incorporates ample landscaping to foster a green, organic ambiance throughout the development.
- ✓ The proposal minimizes the visual impact of car parking and reduces the dominance of garages along the streetscape.
- ✓ The form and height are in harmony with other developments in the neighborhood. The proposed styling and design will complement new developments while enhancing the character of the streetscape.

Clause 16 Housing

16.01 Residential development

Objectives

- ✓ To promote a housing market that meets community needs.
- ✓ To locate new housing in or close to activity centres, employment corridors, and other strategic redevelopment sites that offer good access to services and transport.
- ✓ To provide for a range of housing types to meet increasingly diverse needs.
- ✓ To deliver more affordable housing closer to jobs, transport, and services.

Responses

- ✓ The proposed double-storey dwellings are designed to respect the existing neighborhood character while incorporating contemporary elements. The design layout and features contribute to housing diversity within the area.
- ✓ Existing infrastructure will be utilised.
- ✓ The development promotes energy efficiency through its thoughtfully scaled design, encouraging a more compact and sustainable living environment.
- ✓ The inclusion of three double-storey dwellings on the lot represents a balanced approach to development, addressing projected population growth and the increasing demand for housing suited to smaller households and families.

Clause 18 Transport

Objective

- ✓ To create a safe and sustainable transport system by integrating land use and transport.

Responses

- ✓ The proposal has convenient access to bus transportation.
- ✓ The proposal is within walking distance of public amenities including shopping centre, schools, and parks.
- ✓ Each dwelling includes the required on-site car spaces, reducing reliance on street parking.

52.06 Car Parking

Objectives: To ensure that car parking is provided under the State Planning Policy Framework and Local Planning Policy Framework. To ensure the provision of an appropriate number of car parking spaces regarding the demand likely to be generated, the activities on the land and the nature of the locality. To support sustainable transport alternatives to the motor car. To promote the efficient use of car parking spaces through the consolidation of car parking facilities. To ensure that car parking does not adversely affect the amenity of the locality. To ensure that the design and location of car parking are of a high standard of a safe environment for users and enables easy and efficient use.

Response: Each dwelling is allocated car space, ensuring adequate on-site parking. Additionally, the proposal will not affect the existing on-street parking capacity for visitors.

55.01 APPLICATION REQUIREMENTS**55.01 -1 Site description**

- ✓ The proposed development is situated on a quiet suburban street, conveniently close to reserves, schools, public transport, local shops, and restaurants. The neighborhood features a typical grid street pattern with flat topography. Street setbacks range from 4m up to 9m, but the average and common setbacks is approximately 6.0m. The area comprises a mix of housing types, including single- and double-storey houses, and townhouses. Conventional hip roof forms dominate the streetscape, constructed from various materials such as tiles and metal sheets. A diverse range of exterior finishes and colors is present in the neighborhood, including brick, rendered brick, and weatherboard.

55.01 -2 Design response

- ✓ The proposal aligns with housing consolidation, diversity, affordability, and good design policies. It performs well against Clause 55 in assessing developments comprising two or more dwellings on a lot. The form and height are in keeping with other developments in the neighborhood, while the styling and design complement new projects and enhance the street's character. The dwellings offer a compact yet comfortable living environment, balancing indoor and outdoor amenities in a well-connected location near public transport and community services. Privacy is carefully considered, with measures such as privacy screens, obscured glazing, and highlight windows minimizing overlooking of adjoining properties. The design maximizes northern sunlight in private open spaces and living areas, enhancing natural light and energy efficiency. Ample landscaping opportunities will contribute positively to the neighborhood's character over the long term. Overshadowing is minimized through appropriate setbacks, while upper floors are carefully designed to maintain distance from property boundaries. The proposed development density is well-suited to its location, benefiting from proximity to public transport, shopping, and schools, and further enhancing the existing neighborhood character. Setbacks align with those of neighboring dwellings, ensuring cohesion within the streetscape. Boundary walls are designed to minimize impact on adjoining properties, and functional design elements such as concealed clotheslines and ample storage space contribute to a high standard of living.

55.02 NEIGHBOURHOOD CHARACTER

Standard	Is standard fully met?	Note
Standard B2-1 Street setback (Clause 55.02-1)	YES	4.6m as per adjoining neighbour
Standard B2-2 Building height (Clause 55.02-2)	YES	Less than 9m
Standard B2-3 Side and rear setbacks (Clause 55.02-3)	YES	Refer to plans
Standard B2-4 Walls on boundaries (Clause 55.02-4)	YES	Maximum of 3.2m average and 3.6m in heights. Wall length comply with standard
Standard B2-5 Site coverage (Clause 55.02-5)	YES	Less than 65%

Standard B2-6 Access (Clause 55.02-6)	YES	Less than 40% of the street frontage
Standard B2-7 Tree canopy (Clause 55.02-7)	YES	More than 10% of canopy cover area provided. Refer to landscape plan
Standard B2-8 Front fences (Clause 55.02-8)	YES	1.5m max in height
Standard B3-1 Dwelling diversity (Clause 55.03-1)	N/A	Less than 10 dwellings
Standard B3-2 Parking location (Clause 55.03-2)	YES	The car parking space is used exclusively by each residence
Standard B3-3 Street integration (Clause 55.03-3)	YES	Passive surveillance is provided by direct view from habitable windows. External lighting provided. Service provided (including mail box) within 3m of the site and take up less than 20% of the frontage.
Standard B3-4 Entry (Clause 55.03-4)	YES	Entry has direct line of sight from a street. External cover of 1.44m ² with 1.2m minimum.
Standard B3-5 Private open space (Clause 55.03-5)	YES	An area of 25m ² of secluded private open space, with a minimum dimension of 3m width
Standard B3-6 Solar access to open space (Clause 55.03-6)	YES	Allow solar access into the secluded private open space. The height of the garage roof complies with the standard <ul style="list-style-type: none"> Ground (2.956m x 0.9) + 2 = 4.66m (4.850m provided) First (6.088m x 0.9) + 2 = 7.479m (7.520m provided)
Standard B3-7 Functional layout (Clause 55.03-7)	YES	Bedroom with min 3m x 3m. Main bedroom with min. 3m x 3.4m. BIR minimum of 0.8m ²
Standard B3-8 Room depth (Clause 55.03-8)	YES	Room depth that is no exceeding 2.5 times the ceiling heights (2.7m).
Standard B3-9 Daylight to new windows (Clause 55.03-9)	YES	All habitable room provided with a window that has 3m ² minimum open to the sky.
Standard B3-10 Natural ventilation (Clause 55.03-10)	YES	Maximum breeze path through the dwelling is less than 18m
Standard B3-11 Storage (Clause 55.03-11)	YES	6m ³ of storage provided via combination of shed and storage in the garage.
Standard B3-12 Accessibility for apartment developments (Clause 55.03-12)	N/A	Entry and Bedroom/Garage/Laundry/Pwd/WIR/Ensuite on ground floor provided with 850mm clear opening doors. Step ramp provided in the garage
Standard B4-1 Daylight to existing windows (Clause 55.04-1)	YES	Adjoining windows are under cover and 4.6m setback from Southern boundary
Standard B4-2 Existing north facing windows (Clause 55.04-2)	YES	Adjoining windows are under cover and 4.6m setback from Southern boundary
Standard B4-3 Overshadowing secluded open space (Clause 55.04-3)	YES	Minimum impact (refer to shadow diagrams)
Standard B4-4 Overlooking (Clause 55.04-4)	YES	Fix obscured glazing applies to windows

Standard B4-5 Internal views (Clause 55.04-5)	YES	Internal view between dwelling 2 & 3 have been minimised through design and with obscured glazing.
Standard B5-1 Permeability and stormwater management (Clause 55.05-1)	YES	Achieve 100% in STORM rating
Standard B5-2 Overshadowing domestic solar energy systems (Clause 55.05-2)	YES	Sunlight to adjoining solar panels maintained.
Standard B5-3 Rooftop solar energy generation area (Clause 55.05-3)	YES	34m2 minimum of rooftop solar energy generation provided
Standard B5-4 Solar protection to new north-facing windows (Clause 55.05-4)	YES	Eave and window shroud (450mm deep min.) to all north facing habitable windows
Standard B5-5 Waste and recycling (Clause 55.05-5)	YES	1.8m2 of bin storage area provided
Standard B5-6 Noise impacts (Clause 55.05-6)	YES	Aircondition unit located on first floor roof and away from the bedrooms
Standard B5-7 Energy efficiency for apartment developments (Clause 55.05-7)	NA	

ARBORICULTURAL IMPACT ASSESSMENT

23 LAE STREET, WEST FOOTSCRAY

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4 JULY 2025



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1.0 INTRODUCTION

- 1.1.1 Arc Zero has engaged Treespace Solutions to provide an Arboricultural Impact Assessment for trees located within, and adjacent to, 23 Lae Street, West Footscray.
- 1.1.2 The tree data was collected by Treespace Solutions on 27 June 2025 using a Spencer 5m Diameter Tape.
- 1.1.3 Direct access was not available to off-site trees located on private property, and these DBH and DAB (Diameter above Buttress) measurements were estimated.
- 1.1.4 Tree locations have been aligned to the feature survey or site plans.
- 1.1.5 The inspection was carried out in accordance with steps one and two of the internationally recognised Visual Tree Assessment (VTA). This method for assessing trees was developed by Mattheck and Breloer (1994) and is included in standard arboricultural texts by Harris, Clarke, and Matheny (2004) and Lonsdale (1999).
- 1.1.6 This assessment has been prepared with a site survey prepared by Geomatics Engineers Melbourne Pty Ltd and proposed development plans prepared by Arc Zero, and measured against AS4970-2025 *Protection of trees on development sites*.

2.0 PLANNING & ZONING

Local Government Authority	City of Maribynong
Planning Zone	General Residential Zone – Schedule 1 (GRZ1)
Vegetation, Significant Landscape Overlays	None

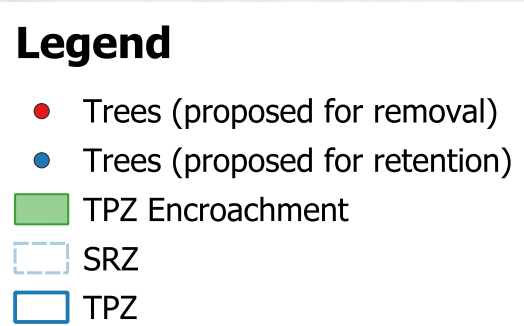
3.0 SITE DETAILS

- 3.1.1 The subject site is a residential corner lot located in a largely residential and industrial area.
- 3.1.2 The property is bordered by another residential site to the south and an industrial property to the west, while public reserves are located to the west along Stony Creek.
- 3.1.3 There is minimal variation in topography across the site.
- 3.1.4 An existing single-storey weatherboard dwelling is positioned within the eastern section of the property and a granny flat, garage and sheds are sited within the western section.
- 3.1.5 Access to the property is via a concrete crossover and driveway along the northern boundary.

4.0 TREE ASSESSMENTS

- 4.1.1 A total of 16 individual trees have been assessed. Trees 1-10 are located on-site, and Trees 11-16 are street trees.
- 4.1.2 All street trees are recently planted *Tristaniopsis laurina*. Tree 14 is in poor condition while all other trees have established well.

- 4.1.3 All on-site trees are small specimens which have negligible landscape value. Tree 2 is an environmental weed, and Trees 3 and 6 are dead.
- 4.1.4 Refer to Section 8.0 (Tree Data Table) for further details.



6.0 IMPACT ASSESSMENT

6.1.1 The following documents have been reviewed and referenced in the preparation of this report.

- Town Planning Drawing Set prepared by Arc Zero (dated 30 June 2025).
- Feature Survey prepared by Geomatics Engineers Melbourne (dated 11 February 2025).

6.1.2 The proposal consists of demolition of the existing dwelling, driveway and other built features, and construction of four double-storey units. The design also includes construction of three crossovers, driveway and a public footpath along the northern boundary.

6.1.3 Trees proposed for removal – Trees 1-10 & 14

6.1.4 Tree 1-10 are on-site trees proposed for removal.

6.1.5 Tree 14 is a Council-owned asset and permission for its removal would need to be granted by the Responsible Authority.

6.1.6 Major TPZ encroachment – Trees 12, 13, 15 & 16

6.1.7 Trees 12, 13, 15 and 16 will incur over 20% TPZ encroachment and/or SRZ incursion, respectively, under the current design. With reference to AS4970 (2025) *Protection of trees on development sites*, this level of encroachment is considered 'major'.

6.1.8 The trees would be expected to tolerate this encroachment as they would be anticipated to have a particularly confined root system, they are in fair-good/good health, and there are substantial areas contiguous to the TPZ for compensatory root growth.

6.1.9 Minor TPZ encroachment – Tree 11

6.1.10 Tree 11 will incur less than 10% TPZ encroachment under the current design. With reference to AS4970 (2025) *Protection of trees on development sites*, this level of encroachment is considered 'minor' and the tree would be expected to tolerate the proposed works.

7.0 RECOMMENDATIONS

7.1.1 Assuming removal of Tree 14 is permitted Trees 11-13, 15 and 16 are shown on all Site Plans as 'To be retained' with TPZs and SRZs depicted to scale, and Trees 1-10 are removed prior to commencement of demolition.

7.1.2 Tree protection fencing is utilised to protect retained trees.

8.0 TREE ASSESSMENT DATA

Tree	Taxon	Common Name	Origin	DSH (cm)	NRZ (m)	DAB (cm)	SRZ (m)	Height x Width (m)	Age	ULE	Health	Structure	Arboricultural Value	Comments	NRZ Encroachment (%)	Encroachment (AS4970)
1	<i>Acer palmatum</i>	Japanese Maple	Exotic	18,15,14,12,9	3.8	39	2.3	5 x 7	Mature	11-20 years	Good	Fair	Low	Pruned for service line clearance	Proposed for removal	
2	<i>Pittosporum undulatum</i>	Sweet Pittosporum	Victorian Native weed	15	2	20	1.7	6 x 4	Mature	1-5 years	Good	Fair	None	Environmental weed, Abutting wall, Small ornamental shrubs at base		
3	<i>Photinia x fraseri</i>	Chinese Hawthorn	Exotic	7,7,7,7,6	2	35	2.2	4 x 2	Mature	0	Dead	Poor	None	Fungal fruiting body at base		
4	<i>Photinia x fraseri</i>	Chinese Hawthorn	Exotic	7,7,7,6,5	2	30	2	4 x 2	Mature	11-20 years	Fair	Fair	Low			
5	<i>Photinia x fraseri</i>	Chinese Hawthorn	Exotic	5,3,3,3	2	19	1.7	3 x 2	Mature	11-20 years	Fair	Fair	Low			
6	<i>Photinia x fraseri</i>	Chinese Hawthorn	Exotic	7,6,6,6,5	2	33	2.1	4 x 2	Mature	0	Dead	Poor	None			
7	<i>Washingtonia filifera</i>	American Cotton Palm	Exotic	35	4.2	50	2.5	4 x 4	Semi-mature	20+years	Good	Good	Low			
8	<i>Ficus carica</i>	Common Fig	Exotic	12,12,10,10,10	3	35	2.2	6 x 5	Mature	1-5 years	Good	Fair-poor	None	Abutting building		
9	<i>Citrus limon</i>	Lemon	Exotic	15,12,9,9,8	3	27	2	4 x 6	Mature	11-20 years	Good	Fair	Low			
10	<i>Prunus persica</i>	Peach	Exotic	15,15,10,7,7	3.1	65	2.8	6 x 6	Mature	11-20 years	Good	Fair	Low			
11	<i>Tristanopsis laurina</i>	Water Gum	Victorian Native	4,4,3	2	11	1.5	2 x 1	Juvenile	20+years	Fair-good	Fair-good	Low	Off-site tree (Street tree)	0.2	Minor
12	<i>Tristanopsis laurina</i>	Water Gum	Victorian Native	7	2	12	1.5	3 x 2	Semi-mature	20+years	Fair-good	Fair-good	Low	Off-site tree (Street tree)	16.2	Major
13	<i>Tristanopsis laurina</i>	Water Gum	Victorian Native	11	2	19	1.7	5 x 4	Semi-mature	20+years	Good	Fair-good	Low	Off-site tree (Street tree)	3.9	Major
14	<i>Tristanopsis laurina</i>	Water Gum	Victorian Native	5	2	8	1.5	3 x 1	Semi-mature	0	Poor	Poor	None	Off-site tree (Street tree), Trunk damage, Unstable	Proposed for removal	
15	<i>Tristanopsis laurina</i>	Water Gum	Victorian Native	6,5,4,4,4	2	12	1.5	3 x 3	Semi-mature	20+years	Fair-good	Fair-good	Low	Off-site tree (Street tree)	15.4	Major
16	<i>Tristanopsis laurina</i>	Water Gum	Victorian Native	11	2	16	1.6	4 x 3	Semi-mature	20+years	Good	Fair-good	Low	Off-site tree (Street tree)	13.8	Major

9.0 DESCRIPTORS

Notional Root Zone (NRZ)	Zone enclosed by a radius of 12 times DSH that is a primary trigger for arboricultural input on a development site. The radius of the NRZ is measured from the centre of the stem.
Structural Root Zone (SRZ)	The area required for tree stability. The SRZ is typically calculated when a major encroachment into a TPZ is proposed.
Tree Protection Zone (TPZ)	Specified zone above and below ground at given offsets from the trunk set aside to protect a tree's roots and crown where these might be damaged by development.
Taxon:	Botanical name of tree.
Common Name:	Accepted common name of taxon Sources for Taxon and Common Names: Flora of Victoria online (https://vicflora.rbg.vic.gov.au/) <i>Horticultural Flora of South-Eastern Australia</i> (Vols. 1-5)
Origin:	
Indigenous	Naturally occurring taxon within locale. Considered Native under planning scheme provisions
Victoria	Naturally occurring taxon within Victoria. Considered Native under planning scheme provisions
Australia	Australian native. Occurs naturally within Australia, but outside Victoria.
Exotic.	Introduced taxon to Australia.
DSH:	Diameter at standard height (1.4m), in centimetres.
DAB:	Diameter of trunk immediately above root buttress, in centimetres.
Height:	Estimated height of tree, in metres.
Width:	Estimated width of tree, in metres.
NRZ:	Notional Root Zone calculated in accordance with AS4970-2025 <i>Protection of Trees on Development Sites</i> .
SRZ:	Structural Root Zone calculated in accordance with AS4970-2025 <i>Protection of Trees on Development Sites</i> .
Form	Shape of tree crown
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:	Optimal vigour for this taxon. 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:	Optimal structure for this taxon. 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)

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).
Medium	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.

*Note irrespective of the assigned Arboricultural Value, off-site trees require retention and protection unless their removal is negotiated with the tree's owner.

10.0 PHOTOGRAPHS

