City of Greater Geelong, Statutory Planning - Date Received 28/09/2026

Our Reference 331119
Your Reference PP-1233-2023

28 September 2026

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Submitted via email

Dear Keelen

S57A AMENDMENT AND TOWN PLANNING ADDENDUM – PP-1233-2023
10-20 BATH STREET, LARA

Spiire Australia Ltd acts on behalf of L Bisinella Developments Pty Ltd in relation to the land at 10-20 Bath Street, Lara ('the site').

Following a review of referral responses, please find enclosed a request to amend the application pursuant to s57A of the Planning and Environment Act 1987 to clarify:

- In addition to the creation of easements, creation of restrictions on title pursuant to Clause 52.02
- Removal of additional canopy trees pursuant to Clause 52.37

In addition to this covering letter and Town Planning Report Addendum, please find attached the following documentation for Council's consideration:

- An updated Plan of Subdivision, including restriction, building envelopes and garden area calculation by Swanson Surveying, referenced version 10
- An Arboricultural Impact Assessment prepared by Tree Care Consulting dated 14 September 2026
- A Tree Protection Specification and Tree Protection Plan by Tree Care Consulting dated 14 September 2026
- Water Balance Modelling Addendum Report and supporting MUSIC file by Venant Solutions, dated 9 September 2026

A summary of the amendments to the application and subsequent planning assessment is provided below.

1. UPDATED SITE CONTEXT

The applicant notes that the dwelling on 20 Bath Street has recently been demolished.

2. PLAN OF SUBDIVISION

The enclosed Plan of Subdivision (version 10) maintains the proposed lot layout, road layout, and easements as previously submitted.

The following changes have been made in response to referral comments and further refinements to the design:

- The building envelope plan has been updated to reflect the proposed restriction plan and to avoid conflicts with proposed easements.
- The garden area plan has been updated to reflect the above changes to the building envelope plan.
- An updated building envelope for Lot 10. The previously submitted Plan of Subdivision (version 8) conflicted with proposed Easement E-3 for sewerage. This building envelope was not accurate as the portion of the building envelope that overlapped the sewerage easement could not be occupied by built form.

The relevant objective at Clause 56.04-2 states:

> *To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.*

Standard C8 states:

> *Lots of between 300 square metres and 500 square metres should:*
>
> - *Contain a building envelope that is consistent with a development of the lot approved under this scheme, or*
> - *If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.*

The updated building envelope complies with the standard save for Lot 10 which depicts a 9.5m x 17m building envelope. The Lot 10 building envelope includes a 2.5m setback to the southern boundary due to easement E-3, a 6m setback to the eastern boundary showing clearance from easement E-1.

While these dimensions do not comply with Standard C8, it is considered that the objective continues to be met for the following reasons:

The proposed building envelope of Lot 10 allows for a 161m² dwelling on a 338m² lot, including:

- A 1m setback to the northern boundary to allow appropriate solar access to the future dwelling.
- Clearance from the proposed sewerage easement E-3 and drainage and sewerage easement E-1.
- Sufficient private open space to the rear of the future dwelling of at least 6 x 13m (78m²).

On balance it is considered this provides an appropriate design outcome for Lot 10 which meets the objective of Clause 56.04-2.

It is noted that the building envelope is not proposed as a restriction on title and so a building envelope of 10x15m can be demonstrated if required.

3. PROPOSED RESTRICTION

3.1 Proposal

A proposed Restriction (Restriction A) has been provided with the Plan of Subdivision to allow buildings to be constructed to within 3m of the road boundary within the estate. The Restriction Plan would enable the appropriate siting of dwellings on the lots without requiring Council report and consent under Part 5 of the *Building Regulations 2018* for any applications to construct a dwelling

between 3-4m of the road. Council report and consent is required where a building is not set back from the road boundary in accordance with Regulation 74 of the *Building Regulations 2018.* These regulations correspond with the relevant ResCode provisions, which for the subject site would require a dwelling setback of at least 4m. Restriction A seeks to vary this requirement to 3m.

The creation of a restriction under section 23 of the *Subdivision Act 1988* requires a planning permit.

3.2 Assessment

If the subdivision is approved no planning permit would be required for a dwelling on a lot between 300-500m². A restriction on title will enable dwellings to be constructed efficiently without requiring Council report and consent for a dwelling in the estate if they seek to site the building between 3-4m from the road.

The Street setback objective of Clause 54.02-1 seeks to ensure that the setbacks of buildings from a street "*respond to the existing or preferred neighbourhood character and make efficient use of the site*".

Reducing the building setback will enable a more efficient use of the land by maintaining sufficient room for landscaping in the front setback while enabling standard building envelopes and prioritising higher amenity private outdoor space for each lot.

As the subdivision layout creates a new loop road onto Bath Street, the character of the new street will be influenced by the subdivision layout, rather than the existing subdivision pattern in the area.

Restriction A is consistent with the purpose of the zone and Planning Policy Framework through:

- No conflict with any neighbourhood character objectives in the Greater Geelong Planning Scheme.
- A design response which promotes good engagement with the street and highly useable private open spaces.
- The layout is designed to separate future dwellings from the prevailing setbacks on nearby lots, so there will not be any incongruity in the neighbourhood character of the area.
- The restriction will enable a consistent character throughout the new subdivision, so that there will be no negative visual impacts of the site layout when viewed from either the new road or Bath Street.
- Retaining a sufficient road boundary setback to plant canopy trees within the front boundary and improving the outdoor living dimensions at the rear to encourage further planting of canopy trees without adversely impacting the useability of each dwellings' primary outdoor living space.

4. NEW ARBORICULTURAL IMPACT ASSESSMENT

In response to the most recent referral responses and correspondence in relation to existing vegetation, the proponent has engaged Tree Care Consulting to prepare an Arboricultural Impact Assessment (AIA) and Tree Protection Specification (TPS) with Tree Protection Plan (TPP). It is intended that these assessments replace previous arboricultural assessments in relation to the application, and that the AIA and TPS/TPP from Treecare Consulting should form part of any public notification material with respect to assessment regarding the removal and protection of trees.

The AIA has assessed all trees on the site and directly adjoining. The AIA provides advice that recommends:

- The clearing of Trees 1-84 to enable the development of the site for residential dwellings.
- The proposed works include a minor encroachment on Tree 85 (row of trees on adjoining lot) due to the maintenance track requiring cut/fill of approximately ±50 mm along a portion of the eastern boundary. The actual impact on the trees is expected to be significantly less due to

minor-level scraping. Measures to protect these trees during works are included in the TPP/TPS.

- The proposed works include an encroachment on Tree 86 due to proposed fill and retaining wall. A post-and-pier construction system with separate footing holes for posts (instead of open-trench footings) for the retaining wall will enable installation with minimal disturbance to this tree. Specific recommendations relating to the fill methodology within the NRZ of Tree 86 will ensure the required ground levels can be achieved while allowing the tree to carry out its normal functions and remain a viable specimen.

The provided TPS and TPP includes recommendations for arborist supervision for works adjacent to tree 85 and 86 to ensure the tree protection recommendations are implemented, among other recommendations. These recommendations should ensure no adverse impacts to neighbouring trees.

5. UPDATED WATER BALANCE MODELLING

Venant Solutions have provided an Addendum Memorandum with a supporting MUSIC file showing the development is able to meet the EPA target for stormwater volume reduction. The performance objective for the site is a 32% reduction in the mean annual impervious runoff.

The updated mitigation measures listed in the Addendum and modelled include 2kL rainwater tanks for each of the 32 lots that are able to be used for garden irrigation and toilet re-use. The modelling scenario for the updated mitigation measures shows a Mean Annual Runoff reduction of 35.6%, which meets the EPA stormwater volumetric reduction required.

Mitigation measures within the modelling scenario should be considered part of the development proposal.

6. NEXT STEPS

Spiire requests that the application be put on notice pursuant to section 52 of the *Planning and Environment Act 1987*. Noting that the application has been amended on multiple occasions, the proponent requests the following documents be advertised:

- Feature Survey by Swanson Surveying, reference version 2
- Plan of Subdivision and restrictions by Swanson Surveying, reference version 10
- An Arboricultural Impact Assessment prepared by Tree Care Consulting dated 14 September 2026
- A Tree Protection Specification and Tree Protection Plan by Tree Care Consulting dated 14 September 2026
- Vegetation Assessment and Native Vegetation Removal Report by Mark Trengrove Ecological Services, dated March 2026
- Planning Report by Stantec, Ref No: 3044 01934
- S57 Amendment and Town Planning Addendum by Spiire, dated 28 September 2026.

Should you wish to discuss any aspect of the above, please contact me directly on 0403848342, or alternatively via email at ewan.wymer@spiire.com.au.

Yours sincerely

[redacted]

Senior Planner