

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 11 June 2024
at 6.30pm



Agenda

Chairperson: Cr Hanna El Mouallem

Councillors: Cr Sonia Castelli
Cr Alex del Porto (Deputy Mayor)
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Jo Samuel-King
Cr Fiona Stitfold (Mayor)

Planning and Amenity Delegated Committee Charter

1. To exercise Council's powers, discretions and authorities and to perform Council's functions under the *Planning and Environment Act 1987*, and to do all things necessary or convenient to be done for or in connection with the exercise of those powers, discretions and authorities.
2. To determine upon any application made under clause 21 of the Neighbourhood Amenity Local Law or any like provision of a local law made by Council.
3. To determine any issue or thing or take any action in connection with any traffic or parking matter relating to the municipal district.

Membership and Quorum of the Committee

The membership of the Committee is all 7 Councillors. The quorum for a meeting is a majority of members (4).

Notice

Planning and Amenity Delegated Committee meetings are open to public attendance or are available for live-stream viewing via Council's website:

[Live-stream the Council meeting](#)

There are **limitations on the number of speakers permitted per item** in accordance with Council's Governance Rules. Members of the community may also lodge a **written statement** for consideration (no limits per item apply).

All Requests to be Heard (Registrations to Speak or Written Statements) must be received by 9am the business day before the relevant meeting.

For full procedures or to lodge a Request to be Heard, please visit the link below:

[Request to be heard](#)

For further information, contact the Governance office on 03 9599 4444.

Order of Business

Prayer

Acknowledgement of Country

- 1. Apologies
- 2. Disclosure of Conflict of Interest of any Councillor
- 3. Adoption and Confirmation of the minutes of previous meeting
- 4. Matters of Decision
 - 4.1 36 Seaview Crescent, Black Rock Local Law Tree Removal Application: 2024/71 5
 - 4.2 14 Erowal Street, Beaumaris Local Law Tree Removal Application: 2024/68 11
 - 4.3 275 Beach Road, Black Rock Local Law Tree Removal Application: 2024/77 17
 - 4.4 2 James Avenue, Highett Notice of Decision to Grant a Permit Application: 2024/19/1 Ward: Ivison 23
 - 4.5 2B North Road, Brighton Notice of Decision to Grant an Amendment to a Permit Application: 1997/3159/3 Ward: Dendy 65
 - 4.6 44 Nicol Street, Highett Secondary Consent - Approve Application: 2022/461/1 Ward: Ivison 83
 - 4.7 17 Rooding Street, Brighton Extension of Time - Approve Application: 2017/396/1 Ward: Dendy 149
 - 4.8 228–230 Esplanade, Brighton Extension of Time - Approve Application: 2017/82/2 Ward: Dendy 163
 - 4.9 131–133 Carpenter Street, Brighton Extension of Time - Approve Application: 2016/39/2 Ward: Dendy 181
 - 4.10 Statutory Planning - Monthly Report (April 2024) 229

Next Meetings 2024

Tuesday 16 July 2024
Tuesday 13 August 2024

Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

Acknowledgement of Country

- ◆ Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders, past, present and emerging as well as any Aboriginal or Torres Strait Islander community members with us today.
- ◆ Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.
- ◆ Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island Elders who have guided and continue to guide the work we do.

1. Apologies

2. Disclosure of Conflict of Interest of any Councillor

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 14 May 2024.

4. Matters of Decision

4.1 36 SEAVIEW CRESCENT, BLACK ROCK LOCAL LAW TREE REMOVAL APPLICATION: 2024/71

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/133987

This matter has been reported to the Planning and Amenity Delegated Committee for a decision as a result of a Councillor call-in.

Officers involved in the preparation of this report have no conflict of interest in this matter.

Executive summary

Purpose and background

To consider an application to remove one (1) protected (Norfolk Island Pine) *Araucaria heterophylla* at 36 Seaview Crescent, Black Rock, as required by Council's Local Law. (See Attachment 1 tree location and photograph).

The tree is located within an area of the municipality covered by a Vegetation Protection Overlay Schedule 3 (VPO3) of the Bayside Planning Scheme. However, permission for removal is required under Clause 21 of Council's Local Law as a protected (non-native) tree with a single or combined trunk circumference greater than 155cm when measured at 1m above ground level.

Consideration of removal applications under Council's Local Law are assessed against the provisions of Council's Management of Tree Protection on Private Property Policy 2023 (the policy).

In summary, the tree sought for removal does not meet the guidelines for removal, therefore officers recommend the application is refused.

Key issues

The applicant requested tree removal of a Norfolk Island Pine (*Araucaria heterophylla*) due to the following reason:

- Tree Risk, Damage to Property

Council's Arborist Assessment:

Council's Arborist has assessed the tree and material submitted as part of the application. The tree is in **good health** and **good structure** and provides a **high level of amenity** to the area. The tree can be seen from Bluff Road and further down Seaview Crescent. Norfolk Island Pines are a common example of original garden planting in Black Rock and provide an important contribution to the suburb's character.

The height of the tree is approximately 20 metres high with a canopy width of approximately 10 metres. It is located ~3m from the north boundary and ~3m from the east boundary. See **Attachment 1** for site location and photograph of tree.



1. **Assessment of Considerations** – as per Tree Protection Guidelines 2023

Considerations	Yes/No	Comments
Building Permits Building Permit issued under <i>Building Control Act 1993</i>	No	Not raised by applicant.
Structural Damage Verifiable evidence of structural damage to building, services or infrastructure from licensed and/or qualified person in their field providing evidence. Can be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the amenity of the tree.	No	Strucdesign Consulting engineers report did not conduct excavation or exploration of the root system as part of their assessment. Damaged parts of the front fence can be replaced without the need to remove the tree. The damage appears to be gradual over many years. Greater analysis required including: <ul style="list-style-type: none"> • Details of the history of the site. • Details of the building, its construction method and a determination of the foundation depth and type. • Details of site topography and drainage. • Details of site soil profile from boreholes. Soil moisture levels and any fine root growth should be recorded. Documents on plumbing report are referenced but are not supplied. No details of the damaged pipe. This should include location and construction type. Copies of photographs or drain inspection footage recording the claimed damage. Council is aware that this tree been applied for removal several times. No attempt to fix the front fence appears to have occurred.
Tree Risk Assessment QTRA/ VALID/ TRAQ	No	Supplied by applicant arborist report. Risk is <1/1m: acceptable.
Tree Retention		Assessed by Council's Arborist as being in high retention.

As per Bayside Landscape Guidelines	No	
Useful Life Expectancy As per Bayside Landscape Guidelines	No	Assessed by Council's Arborist as having a ULE 20 years +.
Tree Habitat Value As per Bayside Landscape Guidelines	No	Assessed by Council's Arborist as having high habitat.
Other Considerations Evidence provided by Council staff indicating the tree has a detrimental impact on surrounding environmental and public health.	No	Not relevant to this application.
Special Circumstances Referred to the Manager Community Care Department	No	Not raised by applicant.

Attachment 1 - Subject tree facing South & aerial image of site and subject tree (Nearmaps 2024)



<p>Site</p>	
<p>Subject Tree</p>	

Recommendation

That Council resolves to **Refuse a Local Law Tree Removal Permit** for removal of one (1) (Norfolk Island Pine) *Araucaria heterophylla* at **36 Seaview Crescent, Black Rock**.

Support Attachments

Nil

Considerations and implications of recommendation

Social

Social Equity – a concept that aims to reduce social inequity by providing communities with the same level of benefits and access to services. It is flexible and is inherently different for any one person or community and benefits vary as the inherent goals of equity are to ensure that all are supported.

Natural Environment

Local Law tree removal permits are assessed against the policy which seeks to provide guidance for assessing Local Law permits for Protected Trees on private property to help protect and expand the tree canopy of the municipality.

Climate Emergency

Retention of these trees meet Bayside Planning Scheme- State Planning Policy Framework. Clause 13, 13.01, 13.01-1S, 13.01-2S.

Built Environment

The Built Environment Climate Change Adaptation Action Plan 2022-2026 sets out how the Victorian Government intends to address challenges that climate change has on the built environment. It focuses on key hazards that pose a risk to the built environment – bushfires, extreme heat, drought, coastal inundation and flash flooding.

Human Rights

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

There are no legal issues arising from consideration of this report.

Council policy and strategy

4.2 14 EROWAL STREET, BEAUMARIS LOCAL LAW TREE REMOVAL APPLICATION: 2024/68

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/136729

This matter has been reported to the Planning and Amenity Delegated Committee for a decision as a result of a Councillor call-in.

Officers involved in the preparation of this report have no conflict of interest in this matter.

Executive summary

Purpose and background

To consider an application to remove one (1) protected *Acer negundo* (Box Elder) at 14 Erowal Street, Beaumaris, as required by Council's Local Law. (See Attachment 1 tree location and photograph).

The tree is located within an area of the municipality covered by a Vegetation Protection Overlay Schedule 3 (VPO3) of the Bayside Planning Scheme. However, permission for removal is required under Clause 21 of Council's Local Law as a protected (non-native) tree with a single or combined trunk circumference greater than 155cm when measured at 1m above ground level.

Consideration of removal applications under Council's Local Law are assessed against the provisions of Council's Management of Tree Protection on Private Property Policy 2023 (the policy).

In summary, the tree sought for removal meets the policy for removal, therefore officers recommend the application is approved subject to an acceptable level of replacement planting.

Key issues

The applicant requested tree removal of a *Acer negundo* (Box Elder) due to the following reason:

- Tree Health

Council's Arborist Assessment:

Council's Arborist has assessed the tree and material submitted as part of the application. The tree is in **poor health** and **poor structure** and provides a **medium level of amenity** to the area.



The height of the tree is approximately 9 metres with a canopy width of approximately 11 metres. It is located ~4m from the east boundary and ~18m from the north boundary. See **Attachment 1** for site location and photograph of tree.

1. **Assessment of Considerations** – as per Tree Protection Guidelines 2023

Considerations	Yes/No	Comments
Building Permits Building Permit issued under <i>Building Control Act 1993</i>	No	Not raised by applicant.
Structural Damage Verifiable evidence of structural damage to building, services or infrastructure from licensed and/or qualified person in their field providing evidence. Can be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the amenity of the tree.	No	No report has been submitted by the applicant.
Tree Risk Assessment QTRA/ VALID/ TRAQ	No	Not raised by applicant.
Tree Retention As per Bayside Landscape Guidelines	Yes	Assessed by Council's Arborist as being in low retention.
Useful Life Expectancy As per Bayside Landscape Guidelines	Yes	Assessed by Council's Arborist as having a ULE 0-3 years.
Tree Habitat Value As per Bayside Landscape Guidelines	Yes	Assessed by Council's Arborist as having low habitat.
Other Considerations Evidence provided by Council staff indicating the tree has a detrimental impact on surrounding environmental and public health.	No	Not relevant to this application.
Special Circumstances Referred to the Manager Community Care Department	No	Not raised by applicant.

Attachment 1 - Subject tree facing north & aerial image of site and subject tree (Nearmaps 2024)



<p>Site</p>	
<p>Subject Tree</p>	

Recommendation

That Council resolves to **Issue a Local Law Tree Removal Permit** for removal of one (1) *Acer negundo* (Box Elder) at **14 Erowal Street, Beaumaris** subject to the following:

Replacement Tree Requirements:

Permit has been granted with a condition of additional 200% replacement vegetation within the site. This includes:

- a) the planting of two (2) indigenous and/or native trees within the front and/or back setback of the site which are capable of reaching a mature height of 10 metres and spread of 6 metres
- b) the planting of midstorey and/ or groundcover within the front and/or back setback of the site which are capable of reaching a total mature canopy spread of 6 metres.

Note: the cumulative mature canopy spread of replacement planting should be a minimum of 18 metres to support Council's Urban Forest Strategy.

Support Attachments

Nil

Considerations and implications of recommendation

Social

Social Equity – a concept that aims to reduce social inequity by providing communities with the same level of benefits and access to services. It is flexible and is inherently different for any one person or community and benefits vary as the inherent goals of equity are to ensure that all are supported.

Natural Environment

Local Law tree removal permits are assessed against the policy which seeks to provide guidance for assessing Local Law permits for Protected Trees on private property to help protect and expand the tree canopy of the municipality.

Climate Emergency

Retention of these trees meet Bayside Planning Scheme- State Planning Policy Framework. Clause 13, 13.01, 13.01-1S, 13.01-2S.

Built Environment

The Built Environment Climate Change Adaptation Action Plan 2022–26 sets out how the Victorian Government intends to address challenges that climate change has on the built environment. It focuses on key hazards that pose a risk to the built environment – bushfires, extreme heat, drought, coastal inundation and flash flooding.

Human Rights

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

There are no legal issues arising from consideration of this report.

Council policy and strategy

Management of Tree Protection on Private Property Guideline 2023.

4.3 275 BEACH ROAD, BLACK ROCK LOCAL LAW TREE REMOVAL APPLICATION: 2024/77

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/148869

This matter has been reported to the Planning and Amenity Delegated Committee for a decision as a result of a Councillor call-in.

Officers involved in the preparation of this report have no conflict of interest in this matter.

Executive summary

Purpose and background

The purpose of this report is to consider an application to remove one (1) protected *Morus alba* (Mulberry) at 275 Beach Road, Black Rock as required by Council's Local Law. (See Attachment 1 tree location and photograph).

The tree is located within an area of the municipality covered by a Vegetation Protection Overlay Schedule 3 (VPO3) of the Bayside Planning Scheme. However, permission for removal is required under Clause 21 of Council's Local Law as a protected (non-native) tree with a single or combined trunk circumference greater than 155cm when measured at 1m above ground level.

Consideration of removal applications under Council's Local Law are assessed against the provisions of Council's Management of Tree Protection on Private Property Policy 2023 (the policy).

In summary, the tree sought for removal meets the policy for removal, therefore officers recommend the application is approved subject to an acceptable level of replacement planting.

Key issues

The applicant requested tree removal of a *Morus alba* (Mulberry) at 275 Beach Road, Black Rock due to the following reason:

- Damage to Property

Council's Arborist Assessment:

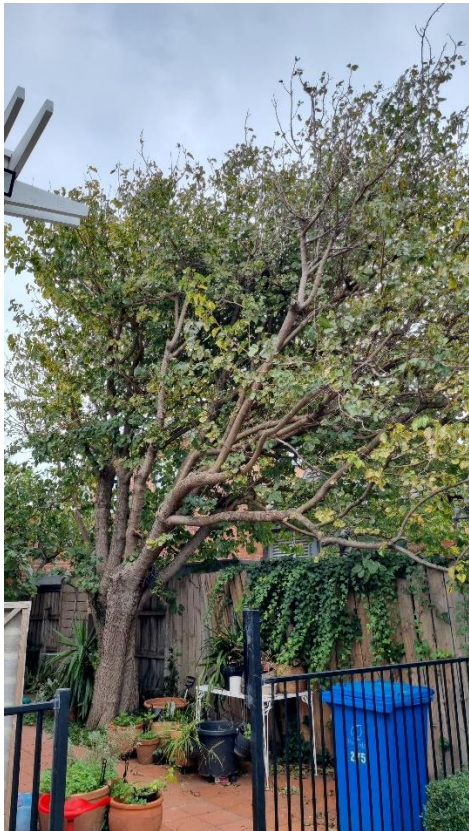
Council's Arborist has assessed the tree and material submitted as part of the application. The tree is in **fair health** and **fair structure** and provides a **low level of amenity** to the area. The tree cannot be seen from Beach Road and is a mature specimen that has been impacted by years of pruning and leaning to reach sunlight.

The height of the tree is approximately 7 metres with a canopy width of approximately 12 metres. It is located ~1m from the north boundary and ~21 from the west boundary. See **Attachment 1** for site location and photograph of tree.

1. **Assessment of Considerations** – as per Tree Protection Guidelines 2023

Considerations	Yes/No	Comments
Building Permits Building Permit issued under <i>Building Control Act 1993</i>	No	Not raised by applicant.
Structural Damage Verifiable evidence of structural damage to building, services or infrastructure from licensed and/or qualified person in their field providing evidence. Can be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the amenity of the tree.	No	No report has been submitted by the applicant.
Tree Risk Assessment QTRA/ VALID/ TRAQ	No	Not raised by applicant.
Tree Retention As per Bayside Landscape Guidelines	Yes	Assessed by Council's Arborist as being in low retention.
Useful Life Expectancy As per Bayside Landscape Guidelines	No	Assessed by Council's Arborist as having a ULE 4-9 years.
Tree Habitat Value As per Bayside Landscape Guidelines	Yes	Assessed by Council's Arborist as having low habitat.
Other Considerations Evidence provided by Council staff indicating the tree has a detrimental impact on surrounding environmental and public health.	No	Not relevant to this application.
Special Circumstances Referred to the Manager Community Care Department	No	Not raised by applicant.

Attachment 1 - Subject tree facing Northwest & aerial image of site and subject tree (Nearmaps 2024)



Site	▼
Subject Tree	○

Recommendation

That Council resolves to **Issue a Local Law Tree Removal Permit** for removal of one (1) *Morus alba* (Mulberry) at **275 Beach Road, Black Rock** subject to the following:

Replacement Tree Requirements:

Permit has been granted with a condition of additional 200% replacement vegetation within the site. This includes:

- a) the planting of at least one (1) indigenous tree within the back setback of the site which is capable of reaching a mature height of 8 metres and spread of 8 metres
- b) the planting of indigenous and/ or native midstorey and/ or groundcover within the front and/or back setback of the site which are capable of reaching a total mature canopy spread of 10 metres.

Note: the cumulative mature canopy spread of replacement planting should be a minimum of 18 metres to support Council's Urban Forest Strategy.

Support Attachments

Nil

Considerations and implications of recommendation

Social

Social Equity – a concept that aims to reduce social inequity by providing communities with the same level of benefits and access to services. It is flexible and is inherently different for any one person or community and benefits vary as the inherent goals of equity are to ensure that all are supported.

Natural Environment

Local Law tree removal permits are assessed against the policy which seeks to provide guidance for assessing Local Law permits for Protected Trees on private property to help protect and expand the tree canopy of the municipality.

Climate Emergency

Retention of these trees meet Bayside Planning Scheme- State Planning Policy Framework. Clause 13, 13.01, 13.01-1S, 13.01-2S.

Built Environment

The Built Environment Climate Change Adaptation Action Plan 2022–26 sets out how the Victorian Government intends to address challenges that climate change has on the built environment. It focuses on key hazards that pose a risk to the built environment – bushfires, extreme heat, drought, coastal inundation and flash flooding.

Human Rights

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

There are no legal issues arising from consideration of this report.

Council policy and strategy

Management of Tree Protection on Private Property Guideline 2023.

**4.4 2 JAMES AVENUE, HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2024/19/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/146946

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Notice of Decision to Grant a Permit
Applicant	Peter Wright & Associates Pty Ltd
Title/Covenant/S173 Agreement	The site is subject to restrictive covenant 1392686. The covenant does not restrict the proposed development.
Date application received	2 February 2024
Current statutory days	29 days (as of 11 June 2024)
Zoning	Neighbourhood Residential Zone (Schedule 3)
Overlays	Design and Development Overlay (Schedule 3) Development Contributions Plan Overlay (Schedule 1)
Site area	670 sqms
Number of outstanding objections	10
Is a Development Contribution Levy applicable?	Yes - \$4,988
Is the site located within an area of cultural heritage sensitivity?	Yes, but is exempt from requiring a CHMP

Proposal

The application seeks to construct three (3) double storey dwellings. Key details of the proposal are as follows:

- Construction of three double storey dwellings with a maximum building height of 7m.
- Site coverage 49.9%.
- Permeability 41%.
- Total car spaces: 6 (complies with statutory requirement).
- The proposal includes the removal of two trees protected by the Local Law which are:
 - Tree 10 (Willow Mrytle) located to the rear of the existing dwelling.

- Tree 19 (Flame Tree) located in the frontage to James Avenue on the eastern boundary.
- Tree 5 (Lemon-scented Gum) with a height of approximately 15 metres which is in the south-west corner of the site is proposed to be retained.
- A 1.2-metre-high vertical timber front fence is proposed to each dwelling.

The application plans are provided at **Attachment 1**.

An aerial image and photographs of the site and surrounds are provided at **Attachment 2**.

History

There is no planning permit history relevant to this application.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-7 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.

Planning scheme Amendments

Amendment VC250

VC250 was gazetted on 2 January 2024, which incorporated Clause 53.03 'Residential Reticulated Gas Service Connection' to the Planning Scheme. This amendment prohibits new gas connections for new dwellings, apartments and residential subdivisions where a planning permit is required. This amendment has incorporated transitional arrangements where the new requirements do not apply to applications lodged prior to 2 January 2024. The application was lodged shortly after this amendment on 2 February 2024. As such it is subject to the requirement of Clause 53.03. A condition has been included within the recommendation requiring the approved dwellings not to be connected to gas.

3. Stakeholder consultation

External referrals

There are no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals

The application was referred to the following Council departments for comment:

Internal Referral	Response
Arborist	No objection subject to conditions.
Drainage Assets Engineer	No objection subject to conditions.
Addressing	No objection.
Sustainability	No objection subject to conditions.

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of *the Planning and Environment Act 1987* and 10 objections were received.

10 objections remain outstanding at the time of this report.

The following concerns were raised:

- Three dwellings being an overdevelopment.
- Combination of several developments in proximity.
- Neighbourhood character.
- Overshadowing.
- Overlooking.
- Setbacks.
- Parking/traffic.
- Potential removal of Tree 5.
- Lack of differentiation and separation between the 3 dwellings.
- Insufficient open space.
- Property values.
- Construction disruptions.

Consultation meeting

A consultation meeting was held on 17 April 2024 attended by the permit applicant and 5 objecting parties.

At this meeting a wide variety of issues were discussed, and the applicant agreed to look into a number of potential amendments. The applicant submitted amended plans through a Section 57a amendment which was lodged to Council on 13 May 2024. These plans included the following alterations:

- Reduction in site coverage from 54.1% to 49.9%.
- Garden area increased from 35.3% to 41%.
- Permeability increased from 35.5% to 41.1%.
- Upper floor feature shrouds reduced in size.
- The ground floor of Dwelling 1 (excluding entry and garage) front setback increased by 1.397 metres from 7.492 metres to 8.888 metres.
- The ground floor eastern setback of Dwelling 1 (excluding garage) increased by 1.397 metres from 6 metres to 6.490 metres.
- The first floor of Dwelling 1 front setback increased 1.397 metres from 7.610 metres to 9.007 metres.
- The porch of Dwelling 2 western setback increased by 0.5 metres from 1.510m to 2.01m.
- Dwelling 2 ground floor eastern setback increased by 0.940 metres from 3 metres to 3.940 metres.
- Ground floor separation between Dwellings 2 and 3 (excluding garage) increased by 2.190 metres from 1.170 metres to 3.360 metres.
- Dwelling 3 ground floor southern setback (excluding garage) increased by 0.143 metres from 4.770 metres to 4.913 metres.
- Dwelling 3 first floor southern setback increased by 1.330 metres from 3.770 metres to 5.1 metres.

The amended plans were circulated to all objecting parties and no objections were withdrawn.

10 objections remain at the time of writing this report.

4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2024/19/1** for the land known and described as **2 James Avenue, Highett to construct three (3) double storey dwellings in a Neighbourhood Residential Zone Schedule 3 (NRZ3)** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans 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 amended prepared by Peter Wright & Associates Pty Ltd referenced Job Number 4920, Sheet TP04, TP05, TP06, TP07 date April 2024 and revision number C but modified to show:
 - a) bedroom 2 of Dwelling 3 to fully comply with the rear setback requirement of Standard B17 of Clause 55.04-1 of the Bayside Planning Scheme
 - b) pedestrian corner spays to be annotated on both sides of each crossover in accordance with Clause 52.06-9 of the Bayside Planning Scheme and modifications to the proposed fencing to facilitate this requirement
 - c) a schedule of construction materials, external finishes and colours
 - d) an amended Sustainable Design Assessment in accordance with Condition 9
 - e) an amended Landscaping Plan in accordance with Condition 10
 - f) a Tree Management and Protection Plan in accordance with Condition 13
 - g) provision of the development contributions fee in accordance with Condition 25all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including

fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.

Sustainable Design Assessment

9. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should be generally in accordance with the one submitted with the application prepared by eco results (reference 2023-3684-SDA) and dated 27 February 2024 but modified to include:
 - a) achieve an individual cooling rate no greater than 21 MJ/m² for each dwelling
 - b) provide double glazing to all new windows, glazed doors and rooflights
 - c) install solar photovoltaic panels to enhance the commitment to provide an all-electric building, or provide detail as to what infrastructure will be provided in each unit to facilitate the future installation of photovoltaic renewable energy systems
 - d) a junction box and power point to accommodate infrastructure for future EV charging in each garage
 - e) provide preliminary NatHERS Energy Rating Certificates for each dwelling for NatHERS Climate Zone 62 Moorabbin, that demonstrate a minimum 6.5 star average NatHERS rating for the dwellings, with no dwelling achieving less than 6.2 stars or exceeding a cooling rate of 21 MJ/m², to support the 100% credit in BESS for Management 2.2 Thermal Performance Modelling
 - f) provide an updated BESS Report that shows the average NatHERS rating for the dwellings as 6.5 starall to the satisfaction of the Responsible Authority.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Faulkner & Chapman Landscape design, reference 2JamesLP, dated 16 February 2024 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) altering the built form to be consistent with the development plans

- b) the Luscious Kanooka planting proposed in the rear setback of Dwellings 2 and 3 to be setback a minimum of 2 metres from a boundary.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

13. Before the development starts, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
14. All actions and measures identified in the Tree Management Report must be implemented.

15. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
16. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained (specify particular tree/s) is to be done by hand by a qualified Arborist.

Protection of trees for services

17. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

Street tree protection

18. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
19. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
20. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

21. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
22. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
23. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the

underground drainage system of the development to the satisfaction of the Responsible Authority.

24. Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

Development Contribution

25. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Reticulated Gas Service Connection

26. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Permit Expiry

27. This permit will expire if one of the following circumstances applies:
- the development is not started within two years of the date of this permit
 - the development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Northern Dwelling – 2 James Avenue HIGHETT 3190

Centre Dwelling – 18 Cloyne Street HIGHETT 3190

Southern Dwelling – 16 Cloyne Street HIGHETT 3190

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is no easement within the property.

5. Council Policy

Council Plan 2021–25

Relevant objectives of the Council plan include:

- Lead and influence change to address the climate emergency and strive to reduce its impact in the health of our community, environment and the planet.
- Land use will enhance Baysides liveability and protect the distinctive heritage and character of our various localities.

Relevant strategies of the Council plan include:

- Enhance vegetation (including through tree canopy) through accelerated tree planting and tree protection on public and private land.
- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.

Bayside Planning Scheme

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks and Amenity
- Clause 15 Built Environment and Heritage
- Clause 15.01-1L Urban Design
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Bayside Preferred Neighbourhood Character
- Clause 15.03 Heritage
- Clause 15.03-2S Aboriginal Cultural Heritage
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 19 Infrastructure
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)

- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct G1. The proposal is considered to demonstrate an appropriate level of compliance with the general objectives and strategies of Bayside preferred neighbourhood character policy as well as the preferred character strategies for the precinct.

General objectives

Under Clause 15.01-5L there are several general objectives. These relate to retaining elements that are valued to the character of the area including maintaining garden settings, built form, visual spaciousness, encouraging change around designated areas and encouraging garden settings.

The proposal complies with the general objectives. The site is in a Neighbourhood Residential Zone where some residential growth is encouraged. The inclusion of two additional dwellings which meets this intention.

The proposal provides generous setbacks to all boundaries allowing for the retention of Tree 5, substantial landscaping to be planted and the appearance of visual separation between buildings. The upper storey of each dwelling incorporates recessed proportions and includes a larger ground floor footprint which reduces visual dominance when viewed from neighbouring properties.

The materiality of the front façades – including face brickwork, James Hardie Axon cladding - ensures the development will not dominate the streetscape or adjacent properties.

Preferred character strategies

Retain large established trees wherever possible and provide for the planting of new trees.

The proposal includes the retention of Tree 5 which is a Lemon-Scented Gum tree with a height of 15 metres located in the north-west corner of the site. This tree is good health and is proposed to be retained through the proposal.

The proposal has also incorporated opportunities for further planting including the planting of an additional 5 canopy trees across the site. This will ensure that a substantive landscaping response is provided.

Site buildings to create the appearance of space between buildings and accommodate substantial vegetation.

The proposal incorporates walls on the eastern boundary and southern boundary. It is not uncommon within the surrounding area for walls to be constructed on boundaries. Despite walls being constructed on boundaries recessed proportions are provided to allow substantive vegetation to be planted to all boundaries to soften the built form and contribute to the vegetated character of the area.

Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing articulation.

The proposed facades to both James Avenue and Cloyne Street incorporate recessed proportions and a combination of materials including brickwork, James Hardie Axon Pannels, and timber cladding. This ensures that the development will integrate into both James Avenue and Cloyne Street as illustrated by the below images.



Figure 1: proposed perspective from James Avenue



Figure 2: proposed perspective from Cloyne Street

Use pitched roof forms with eaves.

The proposal has incorporated flat roof form rather than a pitched roof form with eaves. This is common with more modern developments within the surrounds including the neighbouring property to the east at 4 James Avenue. This ensures that the proposal is consistent with the emerging character of the street.

Avoid high, solid front fencing.

The proposal has incorporated vertical timber fences to a height of 1.2 metres which is consistent with this strategy.

6.2. Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at **Attachment 3**. Those non-compliant standards are discussed below:

Street setback (Standard B6)

	Required	Proposed	Variation
James Avenue	Dwelling 1 - 9m	Dwelling 1 - 7.603m	Dwelling 1 - 1.397m
Cloyne Street	Dwelling 1 – 2m Dwelling 2 – 3m Dwelling 3 - 3m	Dwelling 1 – 2.01m Dwelling 2 – 3.01m Dwelling 3 – 3.01m	No variation

A street setback from James Avenue of 7.603 metres is proposed, when a setback of 9 metres is required to achieve this standard. The extent of this variation is highlighted in the below image.

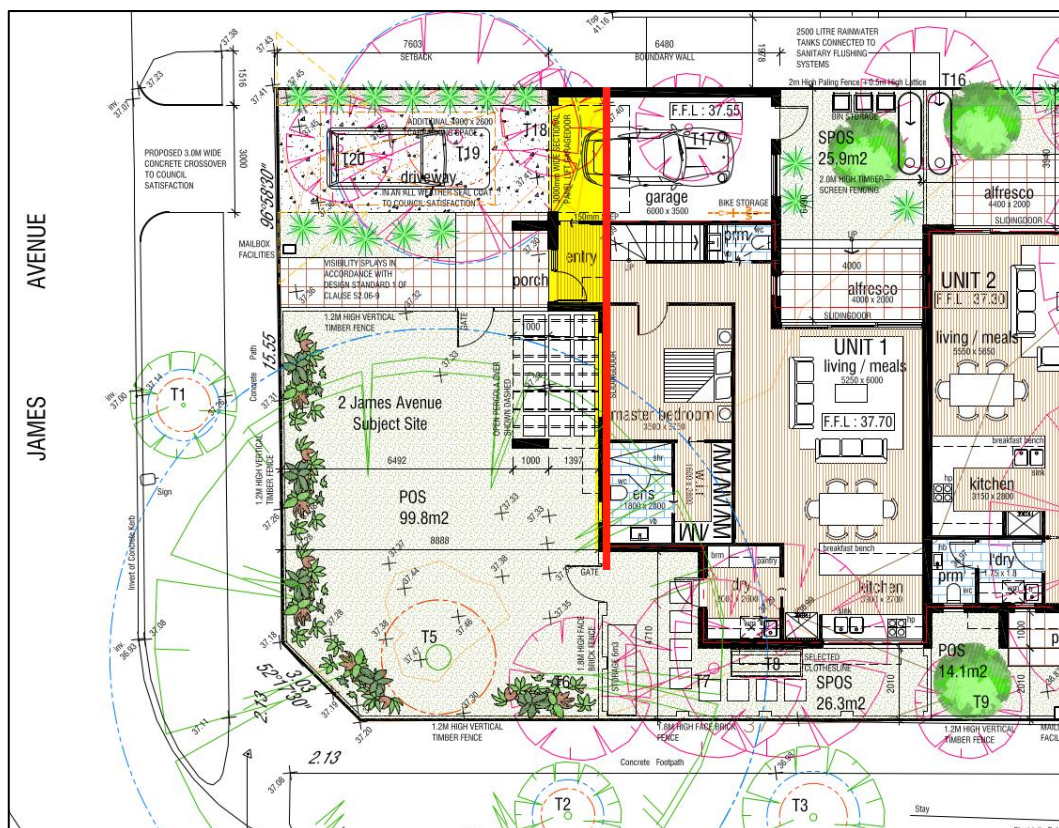


Figure 3: extent of variation to front setback requirement of Standard B6 (front setback)

The objective of the street setback is to ensure the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of a site.

Whilst the maximum extent of the varied setback of 1.397 metres this extent of variation is for a minor proportion of the front facade related to the garage and entry. The remainder of the front facade seeks an inconsequential 0.222 metre variation.

Despite the numerical variations a significant front garden is maintained including the

retention of Tree 5, which has a maximum height of 15 metres. Similarly, the front garden space allows additional vegetation to be planted including an addition canopy tree with a mature height of 10 metres and lower-level planting. The retention of this tree and additional landscaping will assist in softening the front façade of the dwelling when viewed from the streetscape.

The upper storey is recessed from the ground floor and includes a compliant setback. This combined with the use of varied façade materials of brickwork, James Hardie Axon Panels, and timber cladding which ensures the proposal does not dominate the James Avenue streetscape.

It is also considered that the proposal is consistent with the prevailing front setbacks within James Avenue which are consistently less than 9 metres.

The setbacks to the Cloyne Street frontage fully comply with the requirements of this standard.

For these reasons it is considered that the proposal appropriately addresses the objectives of Clause 55.03-1.

Side and rear setbacks (Standard B17)

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
East (side)	0m or 2m	0m, 3.940m, 5.6m and 6.490m	3.725m – 3.977m	3.730m, 4m, 4.495m and 6.150m
South (rear)	0m or 3m	0m, 3.7m and 4.913m	4.92m – 5.3m	5.044m – <u>5.160m</u>

In this instance, the proposal seeks a variation of 0.01m – 0.14m to Bedroom 2 of Dwelling 3 to the southern (rear) boundary. The location of this variation is highlighted in the below image.

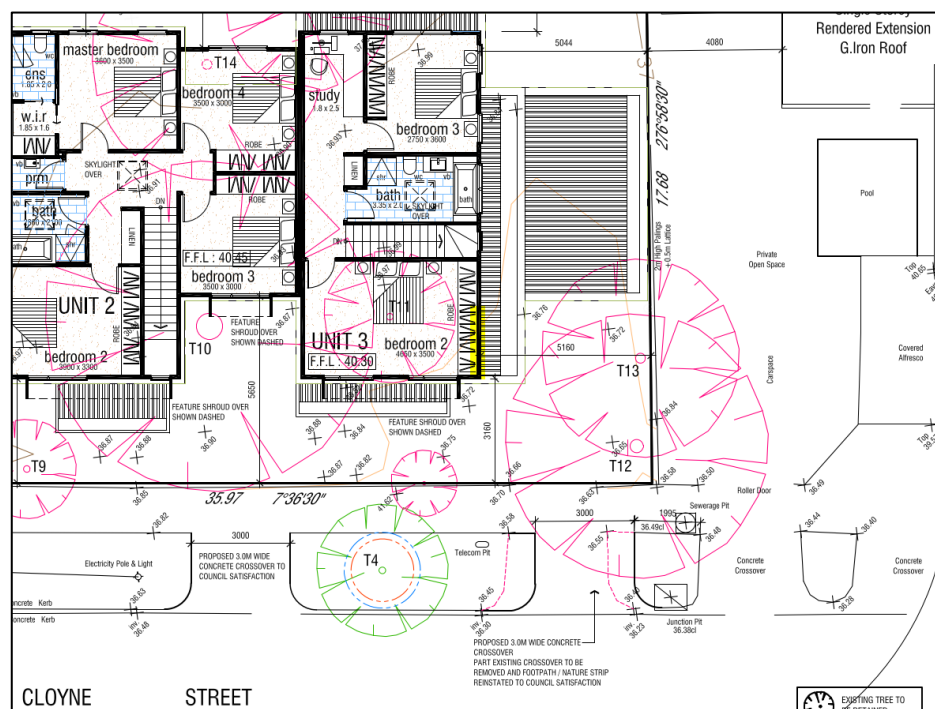


Figure 4: extent of variation to rear setback requirement of Standard B617 (side and rear setback)

The objective of the standard is to ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Whilst the extent of the variation is numerically minor it does adjoin a sensitive interface of the primary open space of 1 Cloyne Street which is located to the south of the wall. At ground level there is no opportunity to plant any substantial vegetation adjoining the varied wall. As a result, a condition has been included for this wall to be compliant with the standard. This could be achieved through reducing the wall height or increasing the setback.

Through the inclusion of this condition the proposal will fully comply with the requirements of Standard B17.

Solar access to open space (Standard B29)

This standard requires:

“The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where ‘h’ is the height of the wall.”

The Secluded Private Open Space (SPOS) of Dwellings 1 and 3 are located to the south of a northern wall. To comply with this standard a setback of 4.7 metres for the SPOS of Dwelling 1 and 4.9 metres for the SPOS of Dwelling 3 from the northern wall.

In this instance the SPOS of Dwelling 1 seeks a 0.7 metre variation to this standard whilst the SPOS of Dwelling 3 complies with the requirements of the standard.

The objective of this standard is to allow solar access into the secluded private open space of new dwellings and residential buildings.

Whilst the Secluded Private Open Space behind the garage of Dwelling 1 does not receive solar access in accordance with this standard the dwelling still provides open space with sufficient solar access. This is due to a secondary SPOS on the western side of the dwelling with an area of 26.3 sqms and a large front yard on the northern side of the dwelling with an area of 99.8 sqms. These areas receive good solar access and are of a size to ensure the future amenity needs of residents is appropriately addressed.

For these reasons it is considered that the proposal appropriately addresses the objectives of Clause 55.05-5.

6.3. Landscaping

The application plans show the removal of 2 trees from the site that are protected by the Local Law. The table below identifies those trees protected by the Local Law. Native trees are marked with a ‘*’.

Local Law protected trees	
Proposed removal	Proposed retention
Tree 10* & 19*	Tree 5*

Tree 5 (proposed to be retained)

Tree 5 (Lemon-scented Gum) with a height of approximately 15 metres which is in the south-west corner of the site is proposed to be retained. The proposed works have been appropriately separated from the tree to ensure the encroachment into the Tree Protection Zone of the tree is less than 10%. This is considered a minor encroachment

under the Australian Standard 4970-2009 where the health of the tree should be maintained through the proposal. Council's Arborist has advised that a Tree Protection Management Plan will be required to be prepared to further ensure this. This has been included as a condition of the recommendation.

It is noted that this tree has been nominated for Council's Significant Tree Register by a member of the community. This nomination is currently under assessment by Council however given the tree is proposed to be retained and protected the proposed development would not prejudice this process.

Tree 10 (proposed to be removed)

Tree 10 (Willow Myrtle) located to the rear of the existing dwelling. The tree has a height of approximately 7 metres. Council's Arborist has reviewed the proposed removal and advised of support for the removal of the Tree. In forming this position, it was noted that the tree has a thinning canopy, a useful life expectancy of 10 to 19 years and is in a position where it would significantly impede on the footprint of the proposed development.

Tree 19 (proposed to be removed)

Tree 19 (Flame Tree) is in the frontage to James Avenue on the eastern boundary. The tree has a height of approximately 7 metres. Council's Arborist has reviewed the proposed removal and advised of support for the removal of the Tree. In forming this position, it was noted that the tree has fair health and structure, a useful life expectancy of 10-19 years and is located within the footprint of the development which would make it difficult to retain without removing more substantial vegetation such as Tree 5.

In addition to the above assessment, Council's Arborist has reviewed the submitted landscape plan and advised that it is considered acceptable. The landscape plan includes the planting of 5 canopy trees (trees with mature heights of 8m or greater) in the front and rear setbacks which exceeds the requirements of the Bayside Landscaping Guidelines. Minor amendments will be required to the plan including:

- A) Altering the built form to be consistent with the development plans.
- B) The Luscious Kanooka planting proposed in the rear setback of Dwellings 2 and 3 to be setback a minimum of 2 metres from a boundary.

Conditions have been included within the recommendation to reflect these changes.

A schedule of proposed canopy trees to be planted is provided as follows, this is in addition to Tree 5 which is being proposed for retention:

Proposed New Canopy Trees	Qty	Mature Height	Mature Width
Black She Oak (<i>Allocasurina littoralis</i>)	2	8m	4-5m
Snow Gum (<i>Eucalyptus pauciflora</i>)	1	8-10m	5-7m
Luscious Kanooka (<i>Tristainiosis laurina</i> 'Luscious')	2	8-9m	5-6m

6.4. Street tree(s)

Trees 1, 2, 3 and 4 are located within the nature strip and is proposed for retention. All proposed crossovers are sufficiently separated from these trees to ensure their health will be maintained. Standard conditions will be included within the recommendation to ensure the health of the trees are maintained during construction.

6.5. Car parking and traffic

Pursuant to the car parking requirements at Clause 52.06, a dwelling requires car parking

to be provided at a rate of 1 car space per one or two bedroom dwellings and 2 car spaces per three or more bedroom dwellings.

Dwelling 1 and 2 comprises 4 bedrooms and Dwelling 2 comprises of 3 bedrooms. Each dwelling is afforded 2 car parking spaces in the form of a single garage and tandem outdoor parking. The proposed on-site car parking meets the requirements of Clause 52.06-5.

The proposal has been assessed against the design standards of Clause 52.06-9 related to vehicle access, driveway gradients, sightlines and internal parking dimensions. The proposal complies with these requirements subject to an inclusion of a condition for pedestrian corner spays to be annotated on both sides of each crossover. This condition has been included within the recommendation. To satisfy this requirement alterations would be required to the proposed front fencing. This is also required by a condition of the recommendation.

Concerns have been raised in relation to increased car parking congestion; however, it is considered that the proposed development will not unreasonably impact on the car parking network in the street through an increase of 2 dwellings on the site.

6.6. Cultural Heritage management plan

The site is located within an area of cultural heritage sensitivity, therefore an assessment as to whether the proposal is considered a high impact activity has been undertaken. Based on the Aboriginal heritage planning tool questionnaire, a cultural heritage management is not required.

6.7. Development contributions levy

The subject site is located within catchment area 15B.

Based on the proposed application and the below recommendation, a payment of \$4,988 is required. The payment of the development contributions levy is included as a condition of permit.

6.8. Objector issues not already addressed

Three dwellings being an overdevelopment

Several objections raised concerns about that the majority of developments in the area on a lot of this size typically have two dwellings rather than three which is proposed in this instance.

The planning scheme does not specifically state the maximum number of dwellings achievable on a site. Instead, an assessment against State and local planning policies and the provisions of Clause 55 to determine if the development achieves an acceptable outcome. Given the development achieves a high level of compliance with this policy it is not considered to be an overdevelopment despite being more intensive than what existed before.

Combination of several developments in proximity

Concern was raised about the number of developments in the area and the proximity to the CSIRO site development. The planning scheme does not restrict the number of units that can be located within a given area. Therefore, each planning permit application must be assessed against the relevant provisions of the Bayside Planning Scheme. The existence of a high number of dwellings in the area would not be sufficient grounds for Council to justify refusal of the application before the Victorian Civil and Administrative Tribunal.

Overshadowing

The overshadowing created by the proposed development is predominately contained to the subject site and any overshadowing impacts to the neighbouring properties is

within the limits of Standard B21 (overshadowing). Standard B21 (overshadowing) is a codified standard which means that were the standard is met the objectives and decision guidelines are deemed to be met. Council cannot require something that goes beyond the requirements of the planning scheme and recent decisions from VCAT suggest that a condition requiring further modification to exceed a compliant codified standard would be unlawful.

Overlooking

Under planning regulation and specifically Standard B22 (overlooking) consideration is required to be given to windows/balconies within 9 metres of neighbouring habitable room windows or secluded private open space. In this instance the proposal fully complies with this standard through a combination of boundary fences, highlight windows and obscure glazing. Standard B22 (overlooking) is a codified standard which means that were the standard is met the objectives and decision guidelines are deemed to be met. Council cannot require something that goes beyond the requirements of the planning scheme and recent decisions from VCAT suggest that a condition requiring further modification to exceed a compliant codified standard would be unlawful.

Potential removal of Tree 5

Several objectors have raised concern about Tree 5 being removed through the proposal. This tree is proposed to be retained through the proposal. As discussed within the report conditions will be included within the recommendation to ensure the health of the tree is maintained during construction.

Lack of differentiation and separation between the 3 dwellings

Each of the three dwellings is of a similar style and do not include any separation at the upper storey. This is not considered fatal to the application. The dwellings include varied heights, recessed proportions, and the use of lighter materials at the upper storey to reduce the potential blk of the building. The proposal also achieves a high degree of compliance with the relevant Planning Policy and specifically the standards of Clause 55 which is the criteria that is required to be assessed against when assessing if an acceptable outcome is provided.

Insufficient open space

Standard B28 (Private Open Space) stipulates minimum areas for open space. This is a minimum of 25sqms of Secluded Private Open Space with a minimum dimension of 3 metres to the side or rear of the dwelling and a total of 40 sqms of total private open space. Each dwelling exceeds these minimum requirements. It is noted that Standard B28 is a codified standard meaning that if the standard is met the objectives and decision guidelines do not apply. As such, Council cannot require additional open space that goes above and beyond the requirement of the standard and recent decisions from VCAT suggest that a condition requiring further modification to exceed a compliant codified standard would be unlawful.

Property values

The Victorian Civil and Administrative Tribunal has consistently found that property values are speculative and not a planning matter. Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the Planning & Environment Act 1987, or the Bayside Planning Scheme.

Construction disruptions

Building work can sometimes affect adjoining properties. An owner who is proposing building work has obligations under the Building Act 1993 to protect adjoining property from potential damage from their work. If building work is close to or adjacent to adjoining property boundaries, then the relevant building surveyor may require the owner to carry out protection work in respect of that adjoining property. This is to ensure that the

adjoining property is not affected or damaged by the proposed building work. Protection work provides protection to adjoining property from damage due to building work. It includes but is not limited to underpinning of adjoining property footings, including vertical support, lateral support, protection against variation in earth pressures, ground anchors, and other means of support for the adjoining property. This process is not controlled or overseen via the planning process and regulations. It is a matter addressed at the building permit stage.

Support Attachments

1. Assessment Plans ↓
2. Subject surrounds and imagery ↓
3. Clause 55 Rescode Assessment ↓

TOWN PLANNING APPLICATION

drawing register		architectural drawings	
4820-TP 01	NEIGHBOURHOOD AND SITE DESCRIPTION PLAN	4820-TP 01	NEIGHBOURHOOD AND SITE DESCRIPTION PLAN
4820-TP 02	DESIGN RESPONSE PLANS AND AREAS	4820-TP 02	DESIGN RESPONSE PLANS AND AREAS
4820-TP 03	PROPOSED SITE / GROUND FLOOR PLAN	4820-TP 03	PROPOSED SITE / GROUND FLOOR PLAN
4820-TP 04	PROPOSED SITE / UPPER FLOOR PLAN	4820-TP 04	PROPOSED SITE / UPPER FLOOR PLAN
4820-TP 05	PROPOSED SITE / ROOF LAYOUT PLAN	4820-TP 05	PROPOSED SITE / ROOF LAYOUT PLAN
4820-TP 06	PROPOSED ELEVATIONS	4820-TP 06	PROPOSED ELEVATIONS
4820-TP 07	PERSPECTIVE IMAGES	4820-TP 07	PERSPECTIVE IMAGES
4820-TP 08	STREETSCAPE ELEVATION	4820-TP 08	STREETSCAPE ELEVATION
4820-TP 09	9AM, 12PM AND 3PM SHADOW DIAGRAMS	4820-TP 09	9AM, 12PM AND 3PM SHADOW DIAGRAMS
4820-TP 10		4820-TP 10	

submissions and revisions	
code	amendment
A	COUNCIL REQUEST FOR FURTHER INFORMATION
B	COUNCIL REQUEST FOR FURTHER INFORMATION
C	VARIOUS PLAN RE-DESIGN CHANGES

code	amendment	date
A	COUNCIL REQUEST FOR FURTHER INFORMATION	29.02.2024
B	COUNCIL REQUEST FOR FURTHER INFORMATION	24.04.2024
C	VARIOUS PLAN RE-DESIGN CHANGES	10.05.2024

ESD SCHEDULE OF COMMITMENTS

- ENERGY**
 - * MINIMUM 6.5 STAR AVERAGE RATERS RATING FOR THE DWELLINGS, WITH NO DWELLING ACHIEVING LESS THAN 6.2 STARS
 - * THE DEVELOPMENT WILL BE ALL ELECTRIC
- LIGHTING**
 - * LED DOWNLIGHTS AND OTHER HIGH EFFICIENCY LIGHT FITTINGS TO BE USED THROUGHOUT
 - * THE DEVELOPMENT WILL ACHIEVE A MAXIMUM ILLUMINATION POWER DENSITY OF 4W/SQM OR LESS
- APPLIANCES**
 - * 3 STAR REVERSE CYCLE HEATING AND COOLING SYSTEMS
 - * BOND T. ELECTRIC HEAT PUMP HOT WATER SYSTEM
 - * PRIVATE OUTDOOR CLOTHESLINE WITHIN PRIVATE SPACE
- WATER**
 - * 5 STAR WELS RATED BASIN TAPS IN KITCHEN AND BATHROOMS
 - * 4 STAR WELS RATED TOILETS, PLUMBED TO BATHROOMS
 - * 4 STAR WELS RATED SHOWER HEADS (FLOW BETWEEN 6.0 AND 7.5L/MIN & WATER EFFICIENT LANDSCAPING WILL BE PROVIDED
 - * WATER EFFICIENT LANDSCAPES DO NOT REQUIRE SUPPLEMENTARY WATERING WITH PORTABLE WATER TO SURVIVE
 - * RAINWATER TANK(S) PER DWELLING WITH A TOTAL CAPACITY OF 2,500 LITRES TO BE DEDICATED TO REUSE
 - * TANK(S) WILL BE CONNECTED TO IRRIGATION SYSTEMS
 - * TANK(S) WILL BE CONNECTED TO THE TOILETS FOR FLUSHING
 - * TANK(S) AND ANY ASSOCIATED FILTRATION TO BE SPECIFIED BY CIVIL SERVICES ENGINEER SO AS TO BE APPROPRIATE FOR THE INTENDED USAGE OF REUSE WATER
 - * SELECTED FITTINGS AND APPLIANCES TO BE SUITABLE FOR THE RIVY FILTRATION SYSTEM SPECIFIED
- WASTE**
 - * FOOD AND GARDEN WASTE BINS PROVIDED FOR EACH DWELLING
 - * AT LEAST 70% OF DEBRIDATION AND CONSTRUCTION WASTE WILL BE REUSED OR RECYCLED

- EQ**
 - * DOUBLE GLAZING OR BETTER WILL BE USED IN ALL HABITABLE ROOMS
 - * THE DWELLINGS HABITABLE ROOMS HAVE BEEN DESIGNED TO ACHIEVE NATURAL CROSS FLOW VENTILATION
 - * NORTH FACING GLAZING
 - * THE INCLUSION OF WINDOW SHROUDS ON THE DEVELOPMENT WILL PROVIDE SHADING TO THE REGULAR USE AREAS
 - * TRANSPORT
 - * 1 SECURE AND UNDERCOVER BIKE PARKING SPACE PER DWELLING
 - URBAN ECOLOGY**
 - * A COMMITMENT TO PROVIDE A TAP AND FLOOR WASTE IN EVERY COURTYARD HAS BEEN MADE
 - * 30% OF THE SITE IS COVERED IN VEGETATION



proposed multi-unit development
at: 2 JAMES AVENUE, HIGHTT 3190

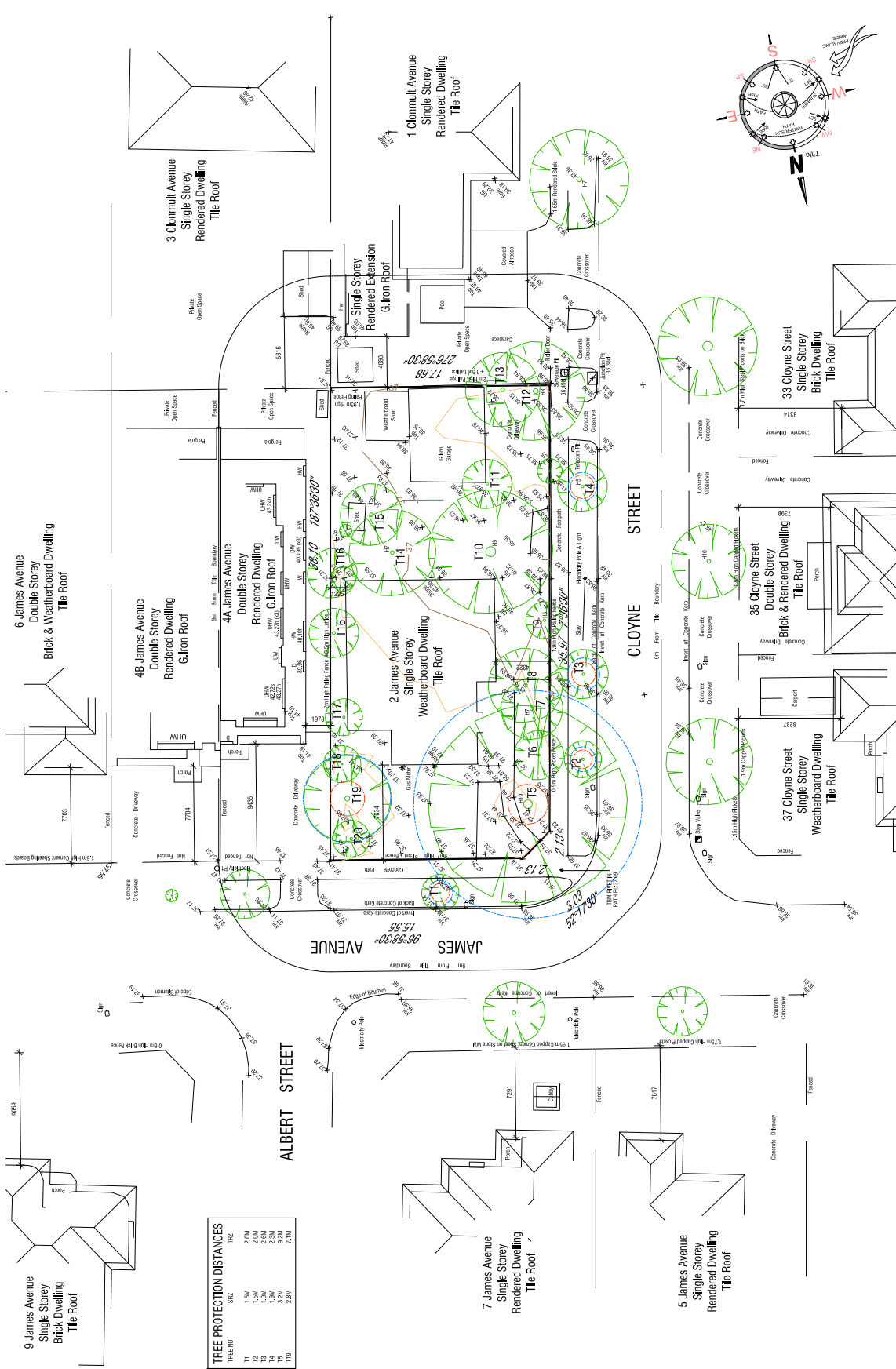
JOB NO.: 4920

APRIL 2024

PETER WRIGHT & ASSOCIATES PTY LTD ARCHITECTS



5-60 BAY ROAD SANDRINGHAM VIC 3191
T 03 9821 9294
F 03 9821 9294
A01 05 007 207 730



TREE PROTECTION DISTANCES

TREE NO	SPEC	HZ
T1	1.5M	2.0M
T2	1.5M	2.0M
T3	1.5M	2.0M
T4	1.5M	2.0M
T5	1.5M	2.0M
T6	1.5M	2.0M
T7	1.5M	2.0M
T8	1.5M	2.0M
T9	1.5M	2.0M
T10	1.5M	2.0M
T11	1.5M	2.0M
T12	1.5M	2.0M
T13	1.5M	2.0M
T14	1.5M	2.0M
T15	1.5M	2.0M
T16	1.5M	2.0M
T17	1.5M	2.0M
T18	1.5M	2.0M
T19	1.5M	2.0M
T20	1.5M	2.0M

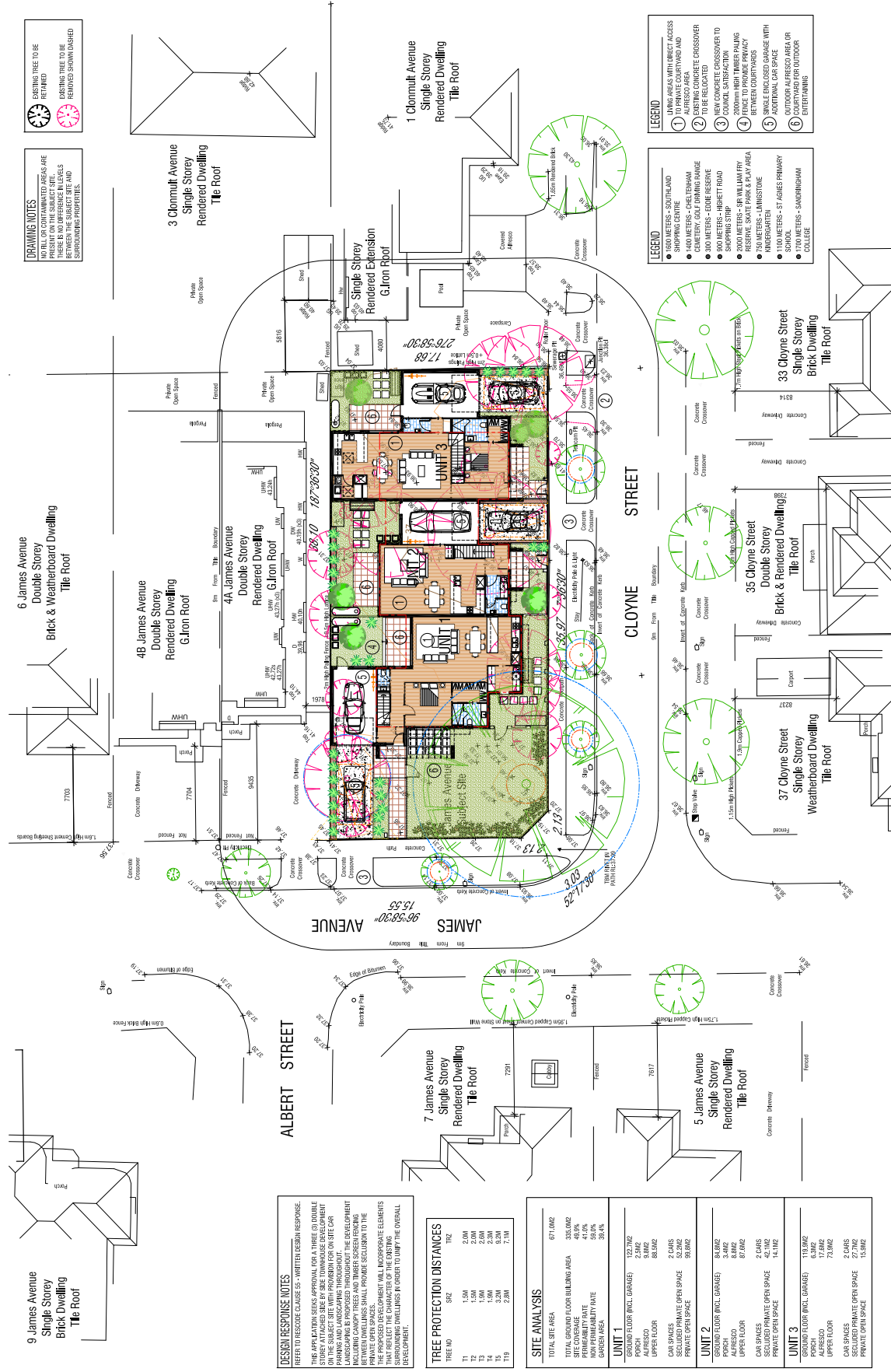
PETER WRIGHT
 ASSOCIATES PTY LTD ARCHITECTS
 140 BAY ROAD (MORNINGTON) VIC 3190
 T: 03 9521 1111 F: 03 9521 3738
 W: www.peterwright.com.au

4920 - TP 01
 TOWN PLANNING APPLICATION
 Date: 12/01/24
 Scale: 1:200 @ A3
 Date: 12/01/24
 Job No.: 24-090

neighbourhood and site description plan

proposed multi-unit development
 at 2, JAMES AVENUE, HIGHETT 3190

DATE: 12/01/24
 DRAWN BY: PETER WRIGHT
 CHECKED BY: PETER WRIGHT
 SCALE: 1:200 @ A3
 PROJECT: 4920 - TP 01



DRAWING NOTES
 ALL LOT OR COVICATED AREAS ARE PRESENT ON THE SUBJECT SITE. THERE IS NO IMPROVEMENTS, BELIEVES ARE NOT SHOWN ON THE SURROUNDING PROPERTIES.
 EXISTING TREE TO BE RETAINED
 EXISTING TREE TO BE REMOVED SHOWN LOADED

DESIGN RESPONSE NOTES
 REFER TO RESCUE CLAUSE 65 - WRITTEN DESIGN RESPONSE. THIS APPLICATION SEEKS APPROVAL FOR A THREE (3) DOUBLE STOREY ATTACHED SIDE BY SIDE TOWNHOUSE DEVELOPMENT WITH PARKING AND LANDSCAPING THROUGHOUT. LANDSCAPING IS PROPOSED THROUGHOUT THE DEVELOPMENT TO PROVIDE VISUAL SCREENING AND BUFFERING BETWEEN DWELLINGS SHALL PROVIDE SCREENING TO THE PRIVATE OPEN SPACES.
 THIS TABLE SETS OUT THE CHARACTERISTICS OF THE ELEMENTS SURROUNDING DWELLINGS IN ORDER TO JUMP TO THE OVERALL DEVELOPMENT.

TREE PROTECTION DISTANCES

TREE ID	SRZ	TRZ
T1	1.5M	2.0M
T2	1.5M	2.0M
T3	1.5M	2.0M
T4	3.2M	9.2M
T5	3.2M	9.2M
T6	2.5M	7.1M

SITE ANALYSIS

TOTAL SITE AREA	67,062
TOTAL GROUND FLOOR BUILDING AREA	35,082
PERMEABILITY RATE	41.0%
NON PERMEABILITY RATE	59.0%
GARDEN AREA	36.5%

UNIT 1

GROUND FLOOR (INCL. GARAGE)	122.762
UPPER FLOOR	88.862
CAR SPACES	2 CARIS
SECLUDED PRIVATE OPEN SPACE	52.882
PRIVATE OPEN SPACE	39.882

UNIT 2

GROUND FLOOR (INCL. GARAGE)	84.862
UPPER FLOOR	87.862
CAR SPACES	2 CARIS
SECLUDED PRIVATE OPEN SPACE	42.862
PRIVATE OPEN SPACE	14.862

UNIT 3

GROUND FLOOR (INCL. GARAGE)	118.862
UPPER FLOOR	73.862
CAR SPACES	2 CARIS
SECLUDED PRIVATE OPEN SPACE	27.862
PRIVATE OPEN SPACE	15.862

LEGEND

- 100 METERS - SOUTH LAND SHIPMENT CENTRE - ESTABLISH
- 50 METERS - COFF FIRMING DANCE
- 100 METERS - EDGE RESERVE
- 100 METERS - HIGHETT ROAD SHOPPING STRIP
- 300 METERS - SR WILLIAMS HUBBERSGARTEN
- 250 METERS - LINDSAY DRIVE
- 100 METERS - ST AGNES PRIMARY
- SCHOOL
- 200 METERS - SANDRINGHAM COLLEGE

LEGEND

- LIVING AREAS WITH DIRECT ACCESS TO PRIVATE COURTYARD AND
- EXISTING CONCRETE CROSSOVER TO BE RELOCATED
- NEW CONCRETE CROSSOVER TO EXISTING CONCRETE CROSSOVER TO PROVIDE PRIVACY BETWEEN COURTYARDS
- SINGLE ENCLOSED GARAGE WITH NATIONAL CAR SPACE OR COURTYARD FOR OUTDOORS ENTER RAINING

9 James Avenue
 Single Storey
 Brick Dwelling
 Tile Roof

6 James Avenue
 Double Storey
 Brick & Weatherboard Dwelling
 Tile Roof

4B James Avenue
 Double Storey
 Rendered Dwelling
 G-Iron Roof

4A James Avenue
 Double Storey
 Rendered Dwelling
 G-Iron Roof

3 Cloyne Street
 Single Storey
 Rendered Dwelling
 Tile Roof

1 Cloyne Street
 Single Storey
 Rendered Dwelling
 Tile Roof

7 James Avenue
 Single Storey
 Rendered Dwelling
 Tile Roof

5 James Avenue
 Single Storey
 Rendered Dwelling
 Tile Roof

33 Cloyne Street
 Single Storey
 Brick Dwelling
 Tile Roof

35 Cloyne Street
 Double Storey
 Brick & Rendered Dwelling
 Tile Roof

37 Cloyne Street
 Single Storey
 Weatherboard Dwelling
 Tile Roof

PETER WRIGHT
 ASSOCIATES PTY LTD ARCHITECTS
 140 BAY ROAD SANDRINGHAM VIC 3190
 T: 03 93 81 1111 F: 03 93 81 07 37 W: www.peterwright.com.au

design response plan

proposed multi-unit development
 at 2 JAMES AVENUE, HIGHETT 3190

4920 - TP 02
 TOWN PLANNING APPLICATION
 Date: 12/09/23
 Scale: 1:200
 Drawn: JRM
 Date: 12/09/23
 Checked: JRM
 Date: 12/09/23
 Job No.: 23-4920

ESD Schedule of Commitments

ENERGY

- LEADERSHIP IN ENERGY EFFICIENCY AS IT TAKES INTO ACCOUNT THE PREVIOUS STANDARDS OF EXISTING BUILDINGS ON ADJACENT LOTS AND THE RECENT DEVELOPMENTS IN THE STREET.
- THE DEVELOPMENT WILL BE APPROPRIATE AS IT TAKES INTO ACCOUNT THE PREVIOUS STANDARDS OF EXISTING BUILDINGS ON ADJACENT LOTS AND THE RECENT DEVELOPMENTS IN THE STREET.
- THE DEVELOPMENT WILL BE APPROPRIATE AS IT TAKES INTO ACCOUNT THE PREVIOUS STANDARDS OF EXISTING BUILDINGS ON ADJACENT LOTS AND THE RECENT DEVELOPMENTS IN THE STREET.
- THE DEVELOPMENT WILL BE APPROPRIATE AS IT TAKES INTO ACCOUNT THE PREVIOUS STANDARDS OF EXISTING BUILDINGS ON ADJACENT LOTS AND THE RECENT DEVELOPMENTS IN THE STREET.

LIGHTING

- LED DOWNLIGHTS AND OTHER HIGH EFFICIENCY LIGHT FITTINGS TO BE USED THROUGHOUT THE DEVELOPMENT.
- THE DEVELOPMENT WILL ACHIEVE A MAXIMUM ILLUMINATION POWER DENSITY OF ANYWHERE OR LESS.

APPLIANCES

- 3 STAR REVERSE CYCLE HEATING AND COOLING SYSTEMS
- 4 STAR REFRIGERATORS
- PRIVATE OUTDOOR CLOSET/DRIBBLE WITHIN PRIVATE SPACE

WATER

- 4 STAR WELS RATED TAPES IN KITCHEN AND BATHROOMS
- 4 STAR WELS RATED TUBERS, PLUMBED TO RAINWATER TANK FOR 7.5L/MIN
- 4 STAR WELS RATED SHOWER HEADS (FLOW BETWEEN 6.0 AND 7.5L/MIN)
- WATER EFFICIENT APPLIANCES WILL BE REQUIRED
- SUPPLEMENTARY WATERING WITH PORTABLE WATER TO SURVIVE 2.500 LITRES (PER 1000 PLANTS) WITH A TOTAL CAPACITY OF 2.500 LITRES (PER 1000 PLANTS)
- TANKS WILL BE CONNECTED TO IRRIGATION SYSTEM
- TANKS WILL BE CONNECTED TO THE TUBES TO THE PLANTING BY GRASS SERVICE ENGINEER SO AS TO BE APPROPRIATE FOR THE INTENDED USAGE OF HARVESTING WATER
- THE TANKS WILL BE SUITABLE FOR THE RAINWATER SYSTEM SPECIFIED

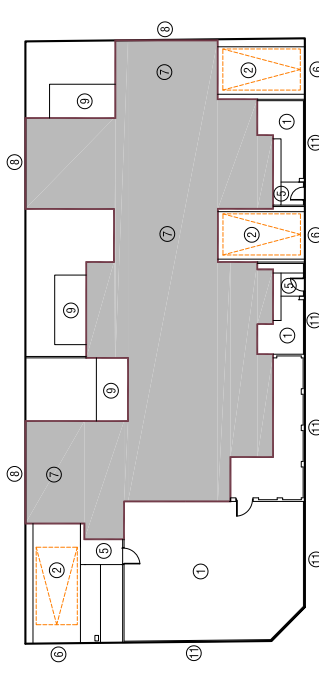
WASTE

- DOUBLE GLAZING OR BETTER WILL BE USED IN ALL HABITABLE ROOMS
- INSULATION: HABITABLE ROOMS HAVE BEEN DESIGNED TO ACHIEVE NATURAL CROSS FLOW VENTILATION
- NORTH FACING GLAZING
- THE INCLUSION OF WINDOW SHROUDS ON THE DEVELOPMENT WILL PROVIDE SHADERS TO THE REGULAR USE AREAS
- TRANSPORT
- 1. SUSINE AND UNDERCOVER BIKE PARKING SPACE PER DWELLING
- URBAN ECOLOGY
- TO PROVIDE A TAP AND FLOOR WASTE IN EVERY COURTYARD HAS BEEN MADE
- 20% OF THE SITE COVERED IN VEGETATION

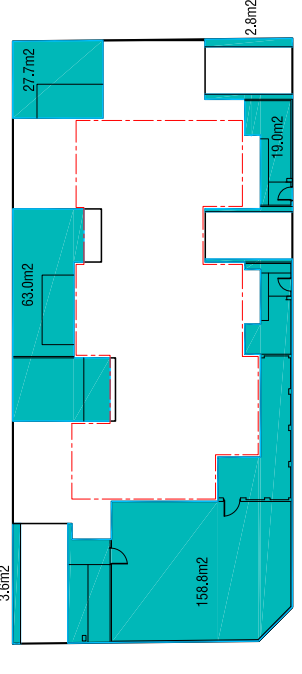
WASTE

- FOOD AND GARDEN WASTE BINS PROVIDED FOR EACH DWELLING
- REUSE AND RECYCLE
- FOOD AND GARDEN WASTE BINS PROVIDED FOR EACH DWELLING
- REUSE AND RECYCLE
- FOOD AND GARDEN WASTE BINS PROVIDED FOR EACH DWELLING
- REUSE AND RECYCLE

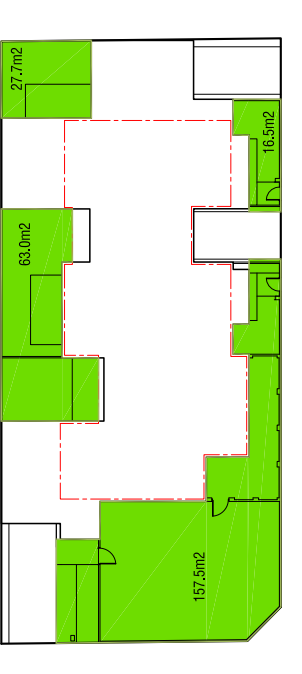
- design response notes
- STANDARD 06 - STREET SETBACK**
BUILDINGS ON ADJACENT LOTS AND THE RECENT DEVELOPMENTS IN THE STREET.
 - STANDARD 07 - BUILDING HEIGHT**
THE MAXIMUM BUILDING HEIGHT OF THE DEVELOPMENT DOES NOT EXCEED 3.0m
 - STANDARD 08 - SITE COVERAGE**
THE SITE AREA COVERED BY BUILDINGS DOES EXCEED 30%
THE SITE COVERAGE IS 54.1% (REFER TO WRITTEN ASSESSMENT)
 - STANDARD 09 - FENESTRATION**
AT LEAST 20% OF SITES NOT COVERED BY IMPERVIOUS SURFACE ARE AREAS OF PERMEABILITY PAVED.
 - STANDARD 10 - ENERGY EFFICIENCY**
THE PROPOSAL HAS BEEN DESIGNED TO ENSURE A 3.0 STAR ENERGY RATING FOR THE DEVELOPMENT.
 - STANDARD 12 - SAFETY OBJECTIVE**
STANDARDS TO ALL WORKINGS ARE CLEAR AND WELL DEFINED.
 - STANDARD 13 - LANDSCAPING OBJECTIVES**
PLANTING ALTERNATIVES HAVE BEEN SHOWN, TREES TO BE REMOVED OR RETAINED HAVE BEEN CLEARLY HIGHLIGHTED.
 - STANDARD 14 - ACCESS OBJECTIVES**
EXISTING CONCRETE CROSSOVER TO BE RELOCATED WITH AN ADDITIONAL 3.0M WIRE CROSSOVERS.
 - STANDARD 15 - PARKING LOCATION**
CAR PARKING FACILITIES ARE LOCATED WITH DIRECT ACCESS TO EACH DWELLING (VALDRIVEWAY).
 - STANDARD 16 - PARKING PROVISION**
EACH DWELLING HAS BEEN PROVIDED WITH ENCLOSED PARKING FOR 1 VEHICLE.
 - STANDARD 17 - SIDE & REAR SETBACKS**
REFER TO FLOOR PLANS FOR ALL BOUNDARY SETBACKS
 - STANDARD 18 - WALLS ON BOUNDARIES**
THE LENGTH OF WALL ON BOUNDARIES IS LESS THAN 10M PLUS 20% OF THE REMAINING LENGTH OF THE BOUNDARY OF AN ADJACENT LOT
TYPICAL SOUTHERN BOUNDARY WALL LENGTH OF 12.0m
UNIT 3 HAS A TOTAL SOUTHERN BOUNDARY WALL LENGTH OF 6.47m
WALLS ON BOUNDARY WILL NOT EXCEED AN AVERAGE HEIGHT OF 3.2m WITH NO PART HIGHER THAN 3.0m
 - STANDARD 19 - DAYLIGHT TO EXISTING WINDOWS**
THE PROPOSAL HAS NO ADVERSE EFFECT ON EXISTING HABITABLE ROOM WINDOWS ON ADJACENT DWELLINGS.
 - STANDARD 20 - NORTH-FACING WINDOWS**
THE PROPOSAL HAS NO ADVERSE EFFECT ON EXISTING NORTH FACING HABITABLE ROOM WINDOWS ON ADJACENT DWELLINGS.
 - STANDARD 21 - OVERSHADING OPEN SPACE OBJECTIVE**
THE PROPOSAL HAS NO ADVERSE EFFECT ON EXISTING OPEN SPACE AREAS WHICH ARE SUBSEQUENTLY OVER SHADOWED.
 - STANDARD 22 - OVERLOOKING**
OVERLOOKING AREAS AT 1.7M ABOVE FFL WITH NO MORE THAN 20% TRANSPARENCY
 - STANDARD 23 - WATER RESOURCES OBJECTIVES**
PRIMARY GLAZING AT 1.7M ABOVE FFL WITH UNDOUBTED TO PREVENT OVERLOOKING INTO ADJACENT P.O.S.
 - STANDARD 24 - ACCESSIBILITY OBJECTIVE**
PLANT AND EQUIPMENT WILL BE LOCATED SO NOT TO AFFECT THE AGILITY OF NEIGHBOURS.
 - STANDARD 25 - ACCESSIBILITY OBJECTIVE**
ALL DWELLINGS WILL HAVE AN INDIVIDUAL SENSE OF IDENTITY WITH INDIVIDUAL PORCH ENTRANCE AND CAR PARKING.
 - STANDARD 27 - DAYLIGHT TO NEW WINDOWS**
THE PROPOSED DEVELOPMENT IS ALLOWED FOR ALL HABITABLE ROOM WINDOWS TO BE PROVIDED WITH ADEQUATE DAYLIGHT ACCESS.
 - STANDARD 28 - OPEN SPACE OBJECTIVE**
ALL DWELLINGS HAVE BEEN PROVIDED WITH OPEN SPACE AND ENCLOSED PRIVATE OPEN SPACE AT THE SIDE OR REAR AND CONVENIENT ACCESS FROM A LIVING ROOM.
 - STANDARD 29 - SOLAR ACCESS TO OPEN SPACE**
PRIVATE OPEN SPACE HAS BEEN LOCATED WITH A SOUTHERN ASPECT FROM THE LIVING ROOM.
 - STANDARD 30 - STORAGE OBJECTIVE**
EACH DWELLING HAS CONVENIENT ACCESS TO 6M² OF SECURE STORAGE SPACE WITHIN ENCLOSED PRIVATE SPACE.
 - STANDARD 31 - DETAIL DESIGN OBJECTIVE**
THE GENERAL APPEARANCE OF THE FACADE IS IN CHARACTER WITH RECENT CONTEMPORARY DEVELOPMENTS IN THE SUBURBAN AREA.
 - STANDARD 32 - FRONT FENESTRATION**
FENESTRATION ALONG STREET BOUNDARY FRONTAGE PROPOSED BEHIND HIGH HORIZONTAL FINESSE ALONG STREET BOUNDARY TO LIMIT OPEN SPACE.
 - STANDARD 33 COMMON PROPERTY OBJECTIVES**
THE DEVELOPMENT WILL CLEARLY DELINEATE PUBLIC, COMMON AND PRIVATE AREAS.
 - STANDARD 34 SITE SERVICES OBJECTIVES**
ALL SERVICES SHALL BE LOCATED FOR EASY SERVICE/MAINT AND RESIDENT ACCESS.
BICYCLE STORAGE WILL BE ALLOCATED TO THE GARAGE OR CAR SPACE.
BICYCLE STORAGE WILL BE LOCATED WITHIN THE FRONT BOUNDARY ADJACENT THE DRIVEWAY.



SITE COVERAGE
335.0m² (49.9%)



PERMEABILITY
274.9m² (41.0%)



GARDEN AREA
264.7m² (39.4%)

design response notes

4920 - TP 03

TOWN PLANNING APPLICATION

DATE: 12/09/2023

SCALE: 1:500

DATE: 12/09/2023

PROJECT NO: 22-050

design response notes and areas

proposed multi-unit development

2, JAMES AVENUE, HIGHTETT 3190

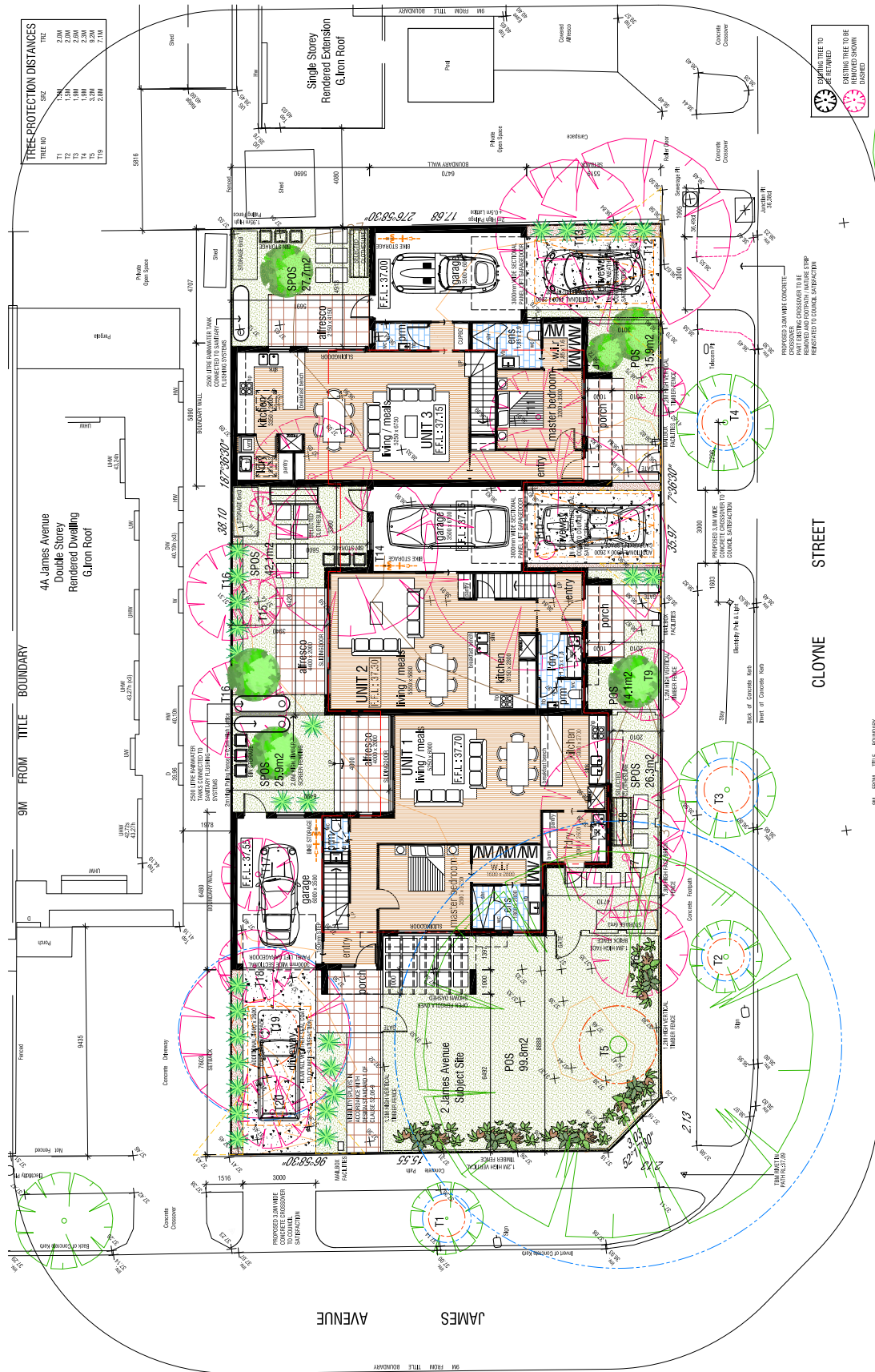
DATE: 12/09/2023

SCALE: 1:500

DATE: 12/09/2023

PROJECT NO: 22-050

design response notes and areas



TREE PROTECTION DISTANCES

Tree No	SRZ	TRZ
T1	2.0M	2.0M
T2	1.5M	2.0M
T3	1.5M	2.0M
T4	1.5M	2.0M
T5	1.5M	2.0M
T6	1.5M	2.0M
T7	1.5M	2.0M
T8	1.5M	2.0M
T9	1.5M	2.0M

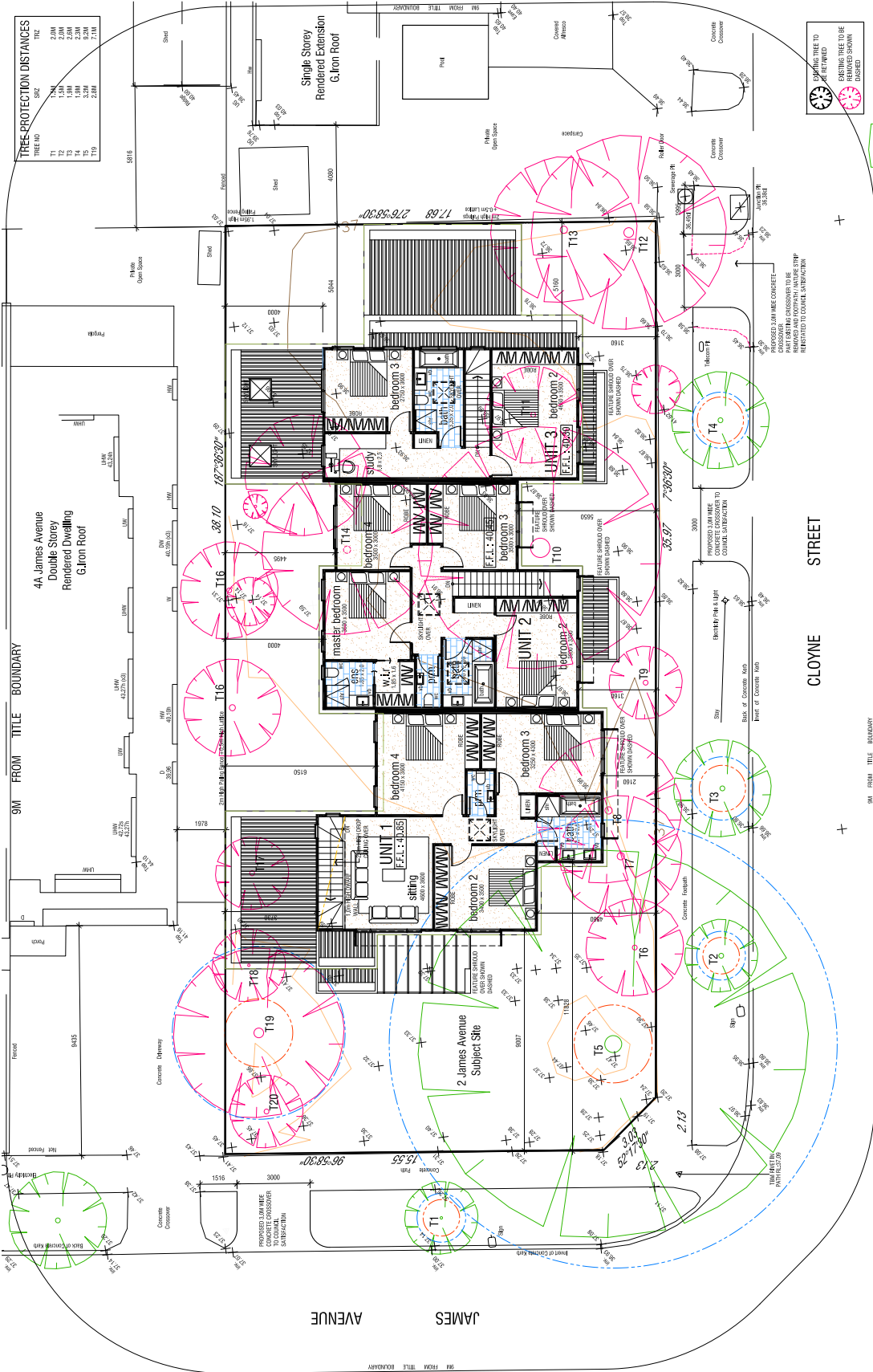
PETER WRIGHT

REGISTERED ARCHITECT

PROPOSED MULTI-UNIT DEVELOPMENT
AT
2 JAMES AVENUE, HEIGHT 3190

PROPOSED SITE / GROUND FLOOR PLAN

4920 - TP 04
1/10/2024
1/10/2024
D/W/L/S/A/V
1/10/2024
1/10/2024
1/10/2024



TREE PROTECTION DISTANCES

TREENO	SIZE	TRC
T1	7.0M	2.0M
T2	1.5M	2.0M
T3	1.8M	2.0M
T4	1.8M	2.0M
T5	1.8M	2.0M
T6	2.0M	2.0M
T7	2.0M	2.0M
T8	2.0M	2.0M
T9	2.0M	2.0M
T10	2.0M	2.0M
T11	2.0M	2.0M
T12	2.0M	2.0M
T13	2.0M	2.0M
T14	2.0M	2.0M
T15	2.0M	2.0M
T16	2.0M	2.0M
T17	2.0M	2.0M
T18	2.0M	2.0M
T19	2.0M	2.0M
T20	2.0M	2.0M

EXISTING TREES TO BE RE-PLANTED
EXISTING TREES TO BE RE-PLANTED SHOWN
EXISTING TREES TO BE DISSED

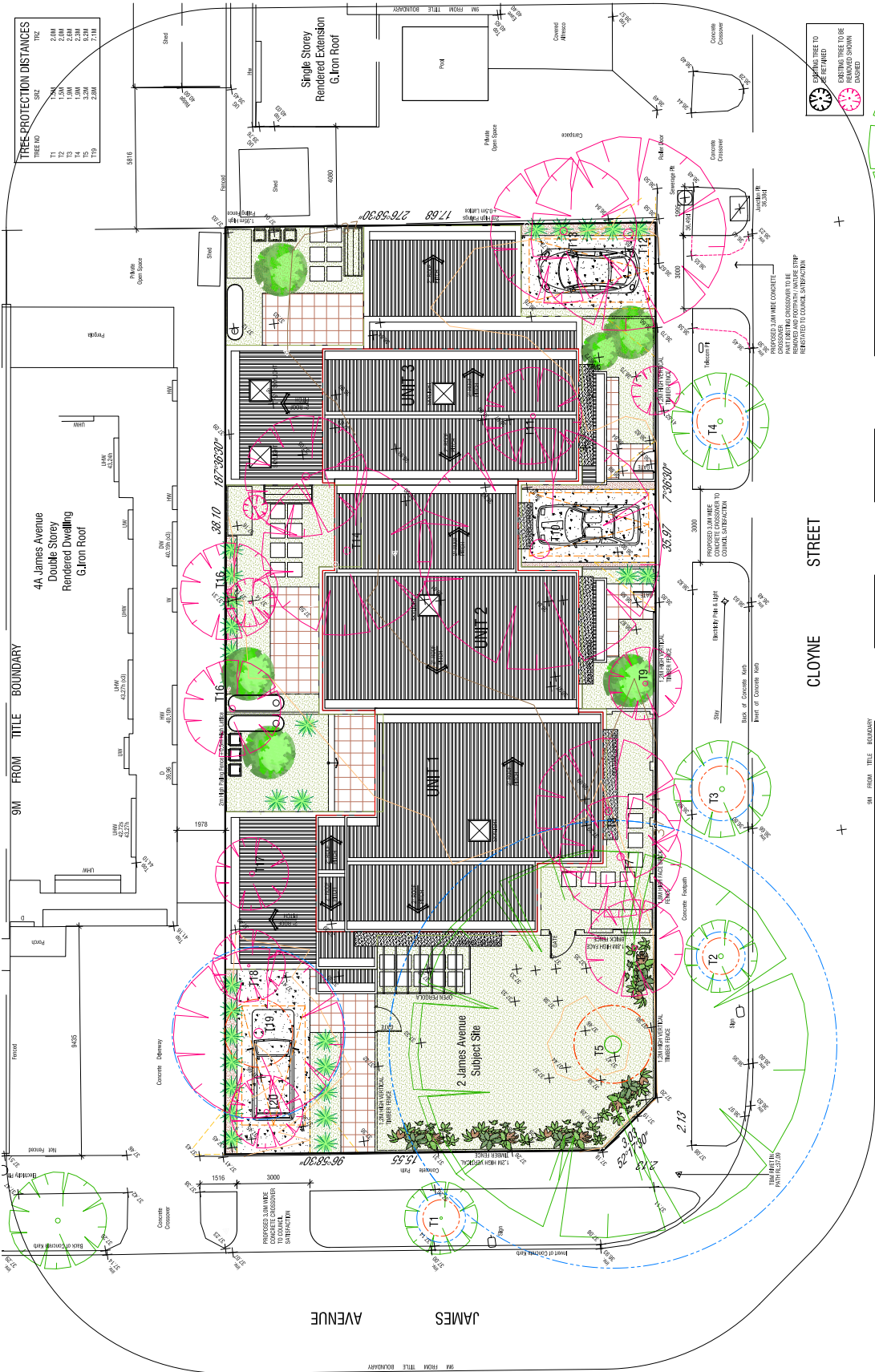
4920 - TP 05
1/10/2024
1/10/2024
1/10/2024
1/10/2024
1/10/2024
1/10/2024
1/10/2024
1/10/2024
1/10/2024
1/10/2024

proposed site / upper floor plan

proposed multi-unit development
at 2 JAMES AVENUE, HIGHSET 3190

- A. ASSOCIATES P.T.Y. LTD ARCHITECTS
- B. CONSULTANT FOR ARCHITECTURAL SERVICES
- C. CONSULTANT FOR ENGINEERING SERVICES
- D. CONSULTANT FOR LANDSCAPE ARCHITECTURE

P E T E R W R I G H T



TREE PROTECTION DISTANCES

TREE ID	SIZE	TTC
T1	2.0M	2.0M
T2	1.5M	2.0M
T3	1.8M	2.3M
T4	1.8M	2.3M
T5	2.0M	2.3M
T6	2.0M	2.3M
T7	2.0M	2.3M
T8	2.0M	2.3M
T9	2.0M	2.3M
T10	2.0M	2.3M

EXISTING TREE TO BE RE-PLANTED

EXISTING TREE TO BE RE-PLANTED SHOWN DESIRED

PROPOSED JAMIRIE CONCRETE TO BE REINSTALLED TO ORIGINAL SATISFACTION

PROPOSED JAMIRIE CONCRETE TO BE REINSTALLED TO ORIGINAL SATISFACTION

PROPOSED JAMIRIE CONCRETE TO BE REINSTALLED TO ORIGINAL SATISFACTION

PROPOSED JAMIRIE CONCRETE TO BE REINSTALLED TO ORIGINAL SATISFACTION

4920 - TP 06

TYPE OF DEVELOPMENT: MULTI-UNIT DEVELOPMENT

DATE: 22/05/2024

DRAWN BY: PETER WRIGHT

CHECKED BY: PETER WRIGHT

DATE: 22/05/2024

PROJECT NO: 4920

CLIENT: BAYSIDE CITY COUNCIL

proposed site / roof layout plan

PETER WRIGHT

ASSOCIATES PTY. LTD. ARCHITECTS

100/102 BAYVIEW AVENUE, BAYVIEW VIC 3185

PH: 03 9495 7700

EMAIL: info@peterwright.com.au

proposed multi-unit development

at **2 JAMES AVENUE, HIGHSET 3190**

9M FROM TITLE BOUNDARY

9M FROM TITLE BOUNDARY

9M FROM TITLE BOUNDARY

9M FROM TITLE BOUNDARY



P E T E R W I G H T
 ASSOCIATES PTY LTD ARCHITECTS
 10/100 MOUNTAIN ROAD
 BAYSWATER VIC 3152
 PH: 03 9520 1233
 WWW.PETERWIGHT.COM.AU

DATE: 28/05/24
 DRAWN: 28/05/24
 CHECKED: 28/05/24
 DESIGNED: 28/05/24
 PROJECT: 20240012

perspective images

proposed multi-unit development
 at 2 JAMES AVENUE - HEIGHT 3190

SCALE: 1:1000

4920 - TP-08
 ISSUE: 1
 DATE: 28/05/24
 DRAWN: J. WIGG
 CHECKED: J. WIGG
 PROJECT: 20240012

ESD Schedule of Commitments

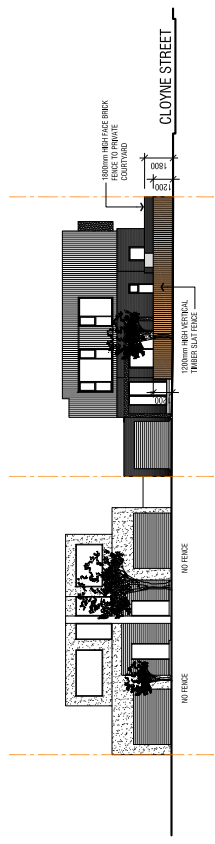
ENERGY
 1. ALL NEW ELECTRICAL AND OTHER HIGH EFFICIENCY LIGHT FIXTURES SHALL BE ENERGY STAR RATED AND ENERGY EFFICIENT FOR THE DWELLINGS, WITH NO DWELLING ACHIEVING LESS THAN A2.
 2. THE DEVELOPMENT WILL BE ALL ELECTRIC.

LANDSCAPE
 1. ALL DOWNLIGHTS AND OTHER HIGH EFFICIENCY LIGHT FIXTURES SHALL BE ENERGY STAR RATED AND ENERGY EFFICIENT FOR THE DWELLINGS, WITH NO DWELLING ACHIEVING LESS THAN A2.
 2. THE DEVELOPMENT WILL BE ALL ELECTRIC.
 3. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.
 4. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.
 5. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.

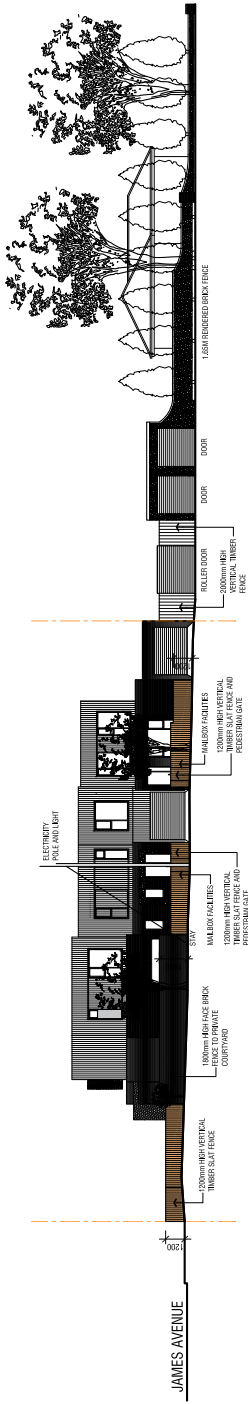
APPLIANCES
 1. ALL NEW ELECTRICAL AND OTHER HIGH EFFICIENCY LIGHT FIXTURES SHALL BE ENERGY STAR RATED AND ENERGY EFFICIENT FOR THE DWELLINGS, WITH NO DWELLING ACHIEVING LESS THAN A2.
 2. THE DEVELOPMENT WILL BE ALL ELECTRIC.
 3. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.
 4. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.
 5. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.

WATER
 1. ALL NEW ELECTRICAL AND OTHER HIGH EFFICIENCY LIGHT FIXTURES SHALL BE ENERGY STAR RATED AND ENERGY EFFICIENT FOR THE DWELLINGS, WITH NO DWELLING ACHIEVING LESS THAN A2.
 2. THE DEVELOPMENT WILL BE ALL ELECTRIC.
 3. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.
 4. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.
 5. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.

WASTE
 1. ALL NEW ELECTRICAL AND OTHER HIGH EFFICIENCY LIGHT FIXTURES SHALL BE ENERGY STAR RATED AND ENERGY EFFICIENT FOR THE DWELLINGS, WITH NO DWELLING ACHIEVING LESS THAN A2.
 2. THE DEVELOPMENT WILL BE ALL ELECTRIC.
 3. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.
 4. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.
 5. THE DEVELOPMENT WILL PROVIDE A MINIMUM OF 10% LANDSCAPING WITH A MINIMUM OF 10% NATIVE PLANT SPECIES.



James Avenue streetscape elevation
SCALE 1:200



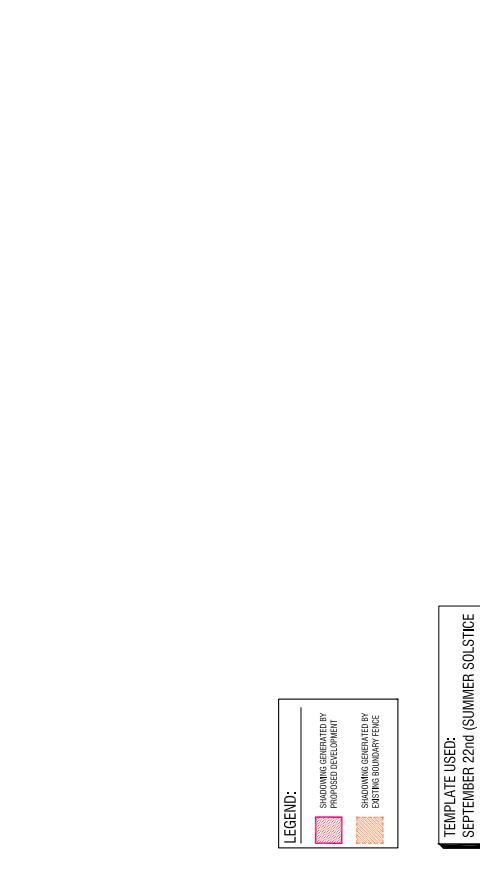
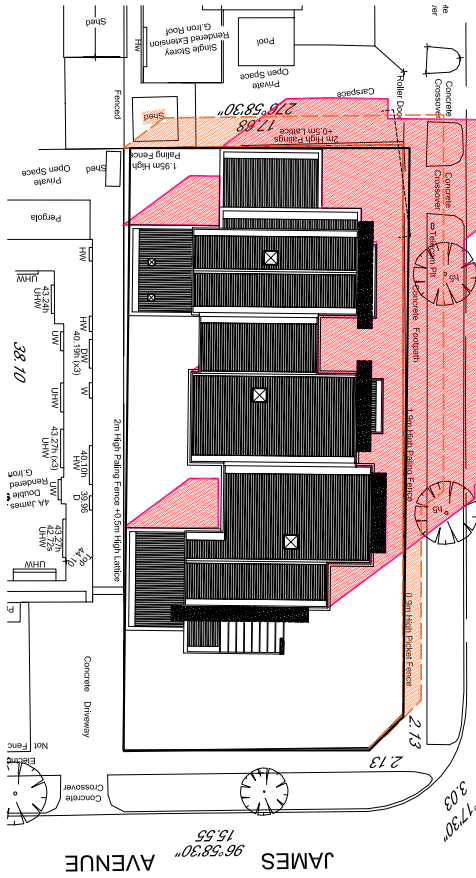
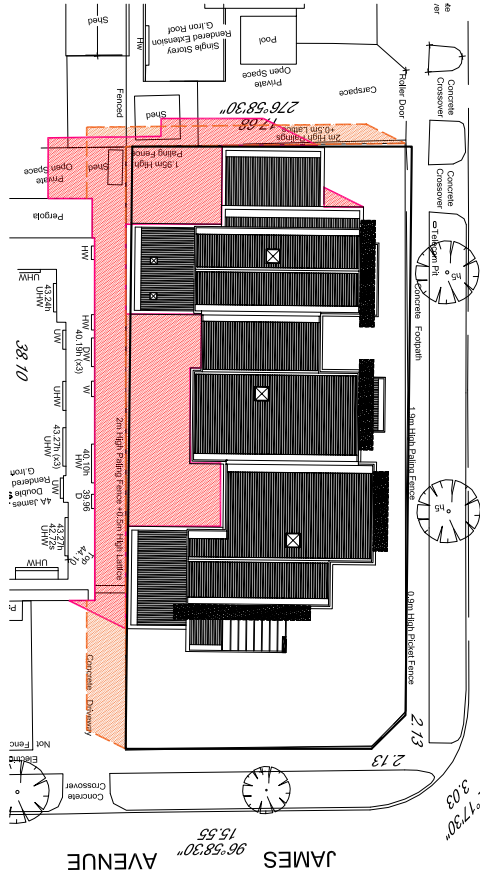
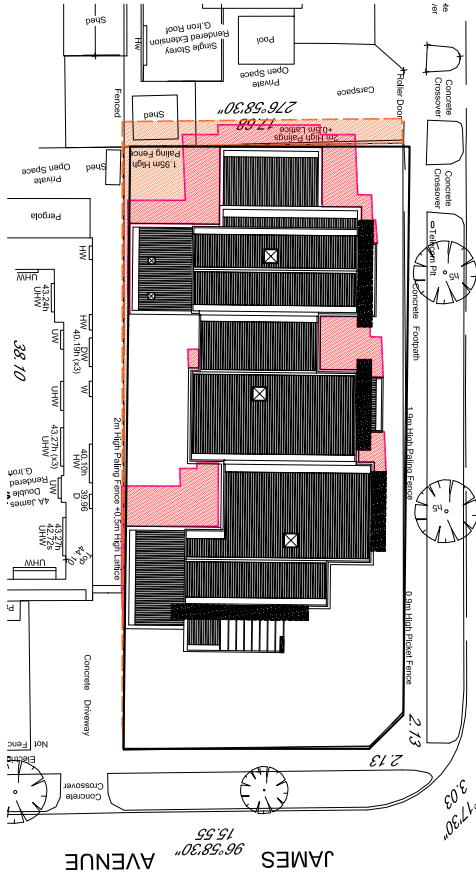
Cloyne Street streetscape elevation
SCALE 1:200

PETER WRIGHT
 ASSOCIATES PTY LTD ARCHITECTS
 140 BAY ROAD SANDHURST VIC 3191
 T: 0853 961 111
 F: 0853 961 3738

PROPOSED MULTI-UNIT DEVELOPMENT
 AT 2, JAMES AVENUE, HIGHETT 3190

4920 - TP 09
 TOWN PLANNING APPLICATION
 SCALE 1:200 @ A2
 DRAWN BY PETER WRIGHT
 DATE 10 JANUARY 2024
 JOB NO. 22-0920

streetscape elevations



TEMPLATE USED:
SEPTEMBER 22nd (SUMMER SOLSTICE EQUINOX)
MELBOURNE (LATITUDE 38° 0' 0" SOUTH)

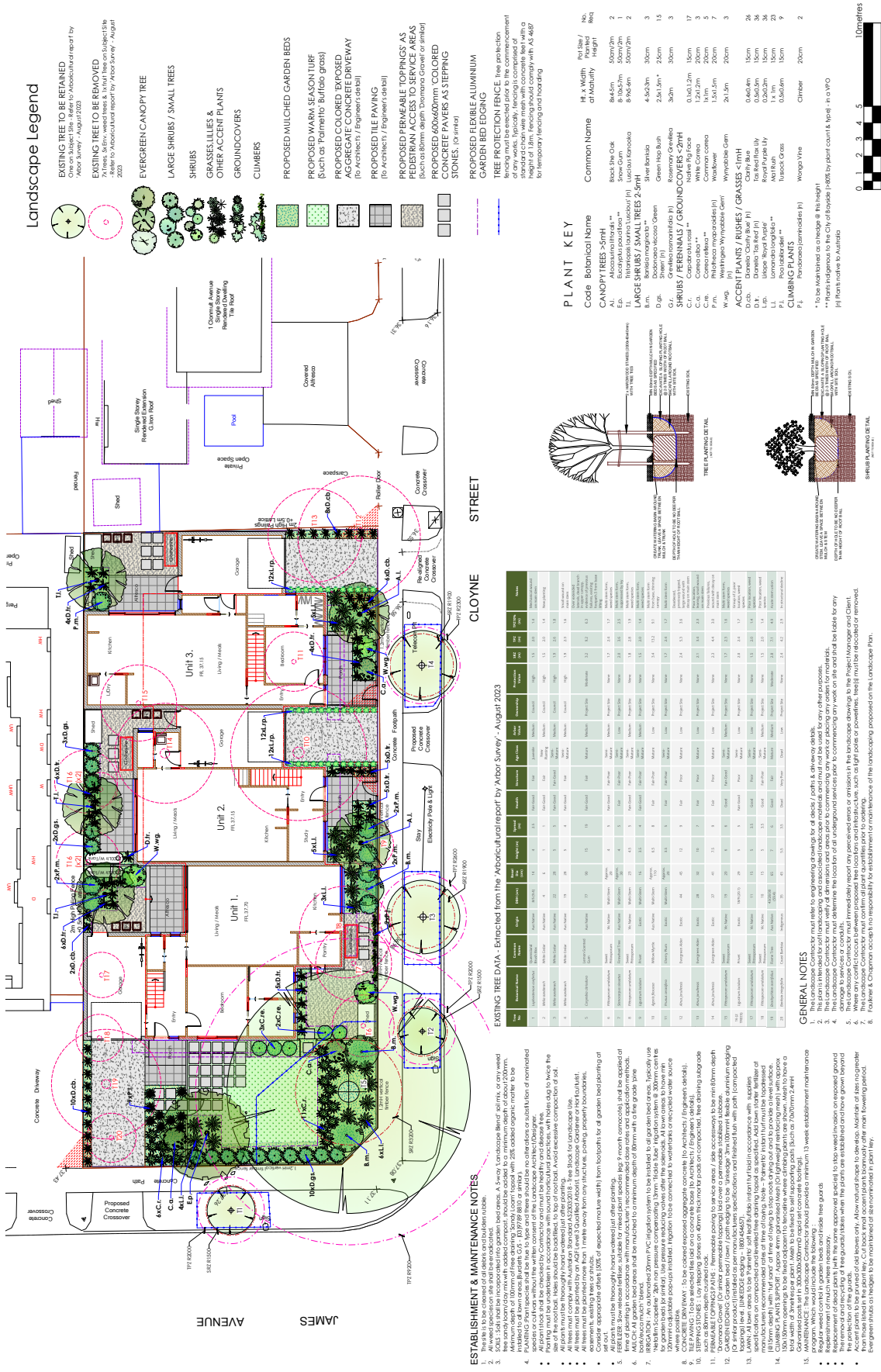
LEGEND:
 SHADOWING GENERATED BY PROPOSED DEVELOPMENT
 SHADOWING GENERATED BY EXISTING BOUNDARY FENCE

4920 - TP 10
TOWN PLANNING APPLICATION
15/06/2024
11/06/2024

9am, 12pm and 3pm shadow diagrams

proposed multi-unit development
2, JAMES AVENUE, HEIGHTS 3150

PETER WRIGHT
ASSOCIATES PTY LTD ARCHITECTS
251 COLLEGE AVENUE, COLLEGE HILLS VIC 3076
TEL: 03 9477 1311
WWW.PETERWRIGHTARCHITECTS.COM.AU



Rev.	Description	Date	By	Appr.
01	Issue for comment			
02	Issue for comment			
03	Issue for comment			
04	Issue for comment			
05	Issue for comment			
06	Issue for comment			
07	Issue for comment			
08	Issue for comment			
09	Issue for comment			
10	Issue for comment			
11	Issue for comment			
12	Issue for comment			
13	Issue for comment			
14	Issue for comment			
15	Issue for comment			
16	Issue for comment			
17	Issue for comment			
18	Issue for comment			
19	Issue for comment			
20	Issue for comment			
21	Issue for comment			
22	Issue for comment			
23	Issue for comment			
24	Issue for comment			
25	Issue for comment			
26	Issue for comment			
27	Issue for comment			
28	Issue for comment			
29	Issue for comment			
30	Issue for comment			
31	Issue for comment			
32	Issue for comment			
33	Issue for comment			
34	Issue for comment			
35	Issue for comment			
36	Issue for comment			
37	Issue for comment			
38	Issue for comment			
39	Issue for comment			
40	Issue for comment			
41	Issue for comment			
42	Issue for comment			
43	Issue for comment			
44	Issue for comment			
45	Issue for comment			
46	Issue for comment			
47	Issue for comment			
48	Issue for comment			
49	Issue for comment			
50	Issue for comment			
51	Issue for comment			
52	Issue for comment			
53	Issue for comment			
54	Issue for comment			
55	Issue for comment			
56	Issue for comment			
57	Issue for comment			
58	Issue for comment			
59	Issue for comment			
60	Issue for comment			
61	Issue for comment			
62	Issue for comment			
63	Issue for comment			
64	Issue for comment			
65	Issue for comment			
66	Issue for comment			
67	Issue for comment			
68	Issue for comment			
69	Issue for comment			
70	Issue for comment			
71	Issue for comment			
72	Issue for comment			
73	Issue for comment			
74	Issue for comment			
75	Issue for comment			
76	Issue for comment			
77	Issue for comment			
78	Issue for comment			
79	Issue for comment			
80	Issue for comment			
81	Issue for comment			
82	Issue for comment			
83	Issue for comment			
84	Issue for comment			
85	Issue for comment			
86	Issue for comment			
87	Issue for comment			
88	Issue for comment			
89	Issue for comment			
90	Issue for comment			
91	Issue for comment			
92	Issue for comment			
93	Issue for comment			
94	Issue for comment			
95	Issue for comment			
96	Issue for comment			
97	Issue for comment			
98	Issue for comment			
99	Issue for comment			
100	Issue for comment			

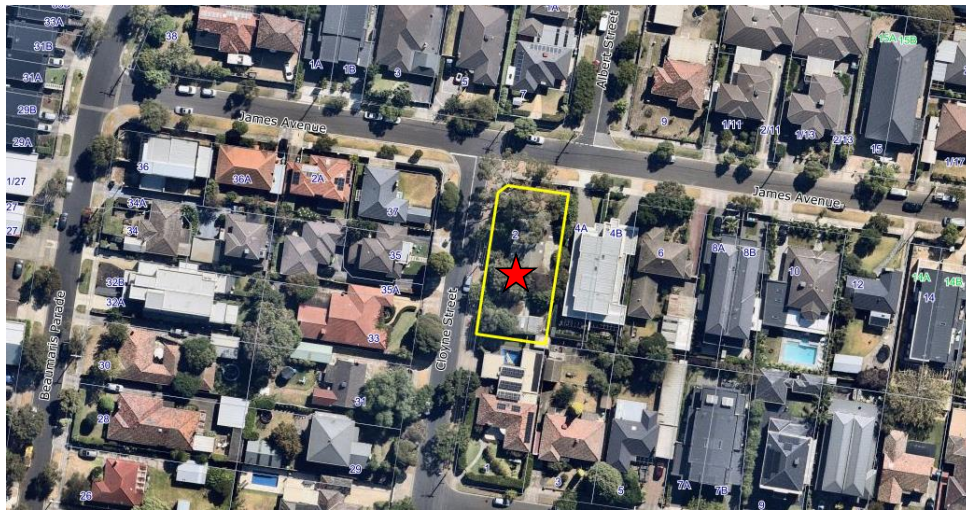


Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★



Figure 2 View towards the site from James Avenue



Figure 3 View towards the site from Cloyne Street



Figure 4 View towards the neighbouring property to the south (1 Clonmult Street)



Figure 5 View towards the neighbouring property to the east (4 James Avenue)

ResCode Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)

Application type	Applicable clauses
<p>To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development);</p> <p>or</p> <p>To construct or extend a residential building.</p>	<p>All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).</p> <p>If a development meets standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32, it is deemed to meet the objective for that standard.</p>

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
Title and Objective	Complies with Standard?	Comments
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Complies	Refer to the report for further discussion.
<p>B2 Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Complies	The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.
<p>B3 Dwelling Diversity</p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p>B4 Infrastructure</p>	Complies	The proposal will make use of existing infrastructure servicing the site. The

<p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>		<p>developer will be responsible for upgrading this infrastructure if necessary to accommodate the development.</p> <p>Council's drainage have reviewed the application and raise no issues with infrastructure capacity in the area.</p> <p>It is noted that the developer will be required to pay a development contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.</p>
<p>B5 Integration with the Street Integrate the layout of development with the street</p>	<p>Complies</p>	<p>The development will integrate appropriately with both James Avenue and Cloyne Street. Each frontage includes staggered front setback providing an appropriate transition to the setbacks of the adjoining properties.</p>

<p>CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING</p>		
<p>Title and Objective</p>	<p>Complies with Standard?</p>	<p>Comments</p>
<p>B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Variation</p>	<p>Requirement:</p> <p><u>Dwelling 1</u> James Avenue – 9m Cloyne Street – 2m</p> <p><u>Dwelling 2</u> Cloyne Street – 3m</p> <p><u>Dwelling 3</u> Cloyne Street – 3m</p> <p>Proposed:</p> <p><u>Dwelling 1</u> James Avenue – <u>7.603m</u> Cloyne Street – 2.01m</p> <p><u>Dwelling 2</u></p>

		<p>Cloyne Street – 3.01m</p> <p><u>Dwelling 3</u></p> <p>Cloyne Street – 3.01m</p> <p>Refer to the report.</p>
<p>B7 Building Height</p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	Deemed to comply	<p>Maximum: 9m.</p> <p>Proposed: 7m.</p>
<p>B8 Site Coverage</p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Deemed to comply	<p>Maximum: 50%</p> <p>Proposed: 49.9%</p>
<p>B9 Permeability and stormwater management</p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Complies	<p>Minimum: >20%</p> <p>Proposed: 41%</p>
<p>B10 Energy Efficiency</p> <p>Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Complies	<p>All habitable areas, including habitable rooms and secluded private open space areas have been located to maximise solar access and no habitable rooms rely on secondary light sources.</p> <p>The primary areas of Secluded Private Open Space and primary living areas are located to the east of the development.</p>
<p>B11 Open Space</p> <p>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	<p>There is no communal open space in or adjacent to the development.</p>
<p>B12 Safety</p> <p>Layout to provide safety and security for residents and property.</p>	Complies	<p>The upper levels allow for the passive surveillance of the street and the entry points are clearly identifiable from the street through covered porch areas and pedestrian paths.</p>

<p>B13 Landscaping</p> <p>To provide appropriate landscaping.</p> <p>To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	<p>Complies</p>	<p>The siting of the development creates sufficient opportunities for the retention of a significant existing tree (Tree 5) and allows for meaningful landscaping to be planted.</p> <p>A Landscape Plan has been submitted with the application that has been reviewed and will require minor modifications prior to endorsement as discussed within the report.</p>
<p>B14 Access</p> <p>Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Complies</p>	<p>Appropriate access has been provided via a single crossover to Dwelling 1 to James Avenue and two crossovers off Cloyne Street to Dwellings 2 and 3.</p> <p>The design of vehicle crossovers complies with the standard with respect to their width of the street frontage as follows:</p> <p>James Avenue</p> <p>Requirement: 40%</p> <p>Proposed: 19.29%</p> <p>James Avenue</p> <p>Requirement: 33%</p> <p>Proposed: 16.68%</p>
<p>B15 Parking Location</p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	<p>Complies</p>	<p>On site car parking is provided in the form of a single garage and tandem space to each dwelling.</p> <p>Standard traffic conditions are included as permit conditions.</p>

CLAUSE 55.04 AMENITY IMPACTS

Title and Objective		Complies with Standard?	Comments	
<p>B17 Side and Rear Setbacks</p> <p>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>		Variation	<p>Refer to the Report.</p> <p>Areas of non-compliance are underlined in the table below.</p>	
	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
East (side)	0m, 2m	0m, 3.940m, 5.6m and 6.490m	3.725m – 3.977m	3.730m, 4m, 4.495m and 6.150m
South (rear)	0m, 3m	0m, 3.7m and 4.913m	4.92m – 5.3m	5.044m – <u>5.160m</u>

<p>B18 Walls on Boundaries</p> <p>Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>Deemed to comply</p>	<p>The proposal includes two walls on boundaries including the garage of Dwelling 1 on the eastern side boundary and the garage of Dwelling 3 on the southern boundary. Details of this are provided below.</p> <p><u>Eastern boundary</u></p> <p>Maximum Height:3.6m</p> <p>Proposed Maximum Height: 3.2m</p> <p>Maximum Average Height: 3.2m</p> <p>Proposed Average Height: 3.04m</p> <p>Maximum Length: 17.025m</p> <p>Proposed Length: 6.480m</p> <p><u>Southern boundary</u></p> <p>Maximum Height:3.6m</p> <p>Proposed Maximum Height: 3.2m</p> <p>Maximum Average Height: 3.2m</p> <p>Proposed Average Height: 3.062m</p> <p>Maximum Length: 11.92m</p> <p>Proposed Length: 6.470m</p>
<p>B19 Daylight to Existing Windows</p> <p>Allow adequate daylight into existing habitable room windows.</p>	<p>Deemed to comply</p>	<p>The development has been sufficiently setback from all habitable room windows to abutting properties. In accordance with the standard.</p>
<p>B20 North Facing Windows</p> <p>Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Deemed to comply</p>	<p>There are no north facing windows within 3 metres of the subject site.</p>

<p>B21 Overshadowing Open Space</p> <p>Ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Deemed to comply</p>	<p>Additional overshadowing will occur over the adjoining properties to the south in the morning period and adjoining property to the east in the late afternoon.</p> <p>The extent of additional overshadowing extends marginally beyond the extent created by the existing fence line.</p> <p>Importantly, the proposal fully complies with the requirements of this standard.</p>
<p>B22 Overlooking</p> <p>Limit views into existing secluded private open space and habitable room windows.</p>	<p>Deemed to comply</p>	<p>All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard.</p> <p>At ground level this is achieved by the boundary fences and at the upper storey this is achieved through a combination of obscure glazing and highlight windows.</p> <p>The proposal fully complies with the requirements of this standard.</p>
<p>B23 Internal Views</p> <p>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	<p>Complies</p>	<p>The proposal complies with this standard through the siting of windows at the upper storey.</p>
<p>B24 Noise Impacts</p> <p>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Complies</p>	<p>It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses.</p>

<p>CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES</p>		
<p>Title and Objective</p>	<p>Complies with Standard?</p>	<p>Comments</p>

<p>B25 Accessibility</p> <p>Consider people with limited mobility in the design of developments.</p>	<p>Complies</p>	<p>Entries are accessible for people with limited mobility. The development could be further retrofitted to accommodate people with limited mobility in the future if required.</p>	
<p>B26 Dwelling Entry</p> <p>Provide a sense of identity to each dwelling/residential building.</p>	<p>Complies</p>	<p>Each dwelling is provided with its own visible and easily identifiable entry, with a well-defined entry and porch which is clearly visible from either James Avenue or Cloyne Street.</p>	
<p>B27 Daylight to New Windows</p> <p>Allow adequate daylight into new habitable room windows.</p>	<p>Deemed to comply</p>	<p>All habitable windows will open out onto a space clear to the sky.</p>	
<p>B28 Private Open Space</p> <p>Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Deemed to comply</p>	<p>Minimum:</p> <p>25m² secluded, 40m² overall with a minimum dimension of 3m;</p> <p>A balcony of 8m² with a minimum width of 1.6m.</p> <p>Proposed:</p> <p>All dwellings meet the requirements of this standard and are provided with adequate private open space for the reasonable recreation and service needs of residents.</p>	
	<p>Total Private Open Space</p>	<p>Secluded Private Open Space (minimum dimensions of 3sqms)</p>	
<p>Dwelling 1</p>	<p>151.2 sqms</p>	<p>38.4 sqms</p>	
<p>Dwelling 2</p>	<p>56.2 sqms</p>	<p>42.1 sqms</p>	
<p>Dwelling 3</p>	<p>43.6 sqms</p>	<p>27.7 sqms</p>	

<p>B29 Solar Access to Open Space</p> <p>Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Variation</p>	<p>The primary area of secluded private open space of each dwelling is located to the east of the development. Having said this the Secluded Private Open Space of Dwellings 1 and 3 are to the south of a wall.</p> <p>To comply with this standard of the Secluded Private Open Space of Dwelling 1 is required to be setback a minimum of 4.7 metres from the northern wall and the Secluded Private Open Space of Dwelling 3 is required to be setback a minimum of 4.9 metres from the northern wall.</p> <p>The proposal seeks a variation of 0.7 metres to the required dimension of the Secluded Private Open Space of Dwelling 1 however complies with the required setback for Dwelling 3.</p> <p>Refer to the report.</p>
<p>B30 Storage</p> <p>Provide adequate storage facilities for each dwelling.</p>	<p>Deemed to comply</p>	<p>A designated storage shed with a capacity of 6 cubic metres is provided in the Secluded Private Open Space of each dwelling.</p>

<p>CLAUSE 55.06 DESIGN DETAIL</p>		
<p>Title and Objective</p>	<p>Complies with Standard?</p>	<p>Comments</p>
<p>B31 Design Detail</p> <p>Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Complies</p>	<p>Refer to the report for further discussion.</p>
<p>B32 Front Fences</p> <p>Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Deemed to comply</p>	<p>Required: 1.2m</p> <p>Proposed:</p> <p>James Avenue – 1.2 metres</p> <p>Cloyne Street – 1.2 metres</p>

<p>B33 Common Property</p> <p>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>n/a</p>	<p>The proposal does not propose any common property.</p>
<p>B34 Site Services</p> <p>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>Complies</p>	<p>All appropriate site services can be easily catered for on-site and as shown on the submitted plans.</p>

**4.5 2B NORTH ROAD, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 1997/3159/3 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/158311

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Notice of Decision to Grant an Amendment to a Permit
Applicant	North Point Cafe
Title/Covenant/S173 Agreement	The title is not subject to any restrictive covenants.
Date application received	2 April 2024
Current statutory days	63 days
Zoning	Public Park and Recreation Zone
Overlays	Design and Development Overlay (Schedule 1) Development Contributions Plan Overlay (Schedule 1) Special Building Overlay
Site area	9,426m ²
Number of outstanding objections	17 Objections (19 letters of support)
Is a Development Contribution Levy applicable?	No
Is the site located within an area of cultural heritage sensitivity?	Yes

Proposal

The application seeks various amendments to planning permit 1997/3159. Key details of the proposal are as follows:

- Red line plan for the area for sale and consumption of liquor to be in line within the current red line area for service of liquor that was afforded to the premises pursuant to Covid 19 exemptions.
- Amalgamation of the relevant conditions of planning permits 1997/3159 (land use), 2006/232 (liquor license) and 2007/609 (buildings and works) and associated amendment to pre-amble as follows:
“The use of the existing facility as a café and leisure hire facility and for the sale and consumption of liquor”

- Amendment to Condition 3 of the permit to allow alterations to the hours of use to read as follows:

“The use may operate between:

- Monday to Thursday and Sundays: 7am to 10pm.
- Friday and Saturday: 7am to 11pm.
- Public holidays and public holiday eve: 7am to 11pm.

Unless the Responsible Authority gives consent in writing. All patrons are to have vacated the premises within 30 minutes after the designated closing time”.

The application plans are provided at **Attachment 1**.

An aerial image and photographs of the site and surrounds are provided at **Attachment 2**.

A copy of the existing planning permit is provided at **Attachment 3**.

History

The site is currently occupied by an existing café building with outdoor seating area located on the north-west corner of the site facing towards North Road and the foreshore reserve.

Planning Permit 1997/3159 allows the use of the existing facility as a café and leisure hire facility.

Planning Permit 2006/232 allows an on-premises liquor licence associated with the North Road Pavilion.

Planning Permit 2007/609 was granted on 19 November 2007 for the Construction of a pergola to the side of an existing café.

The site currently operates in accordance with the permissions granted by these three permits in addition to the exemptions within Clause 52.18-2 (CORONAVIRUS (COVID-19) PANDEMIC AND RECOVERY EXEMPTIONS) of the Bayside Planning Scheme with respect to the use of the outdoor seating area. It is noted that this exemption is due to expire on 24 October 2024.

Pursuant to the Covid-19 exemption at Clause 52.18-5, the sale and consumption of liquor would currently be able to occur on site between the hours of 7 am and 10pm Monday to Sunday.

It noted that at the Ordinary meeting of Council on 23 April 2019, Council determined to provide Landlord Consent for the tenant to apply for a Planning Permit to rebuild the café and to apply for licensed hours. At the Ordinary meeting of Council on 19 November 2019, Council determined to grant permission for a 21-year lease to be executed.

On 11 August 2020, at the Planning and Amenity Committee meeting, Council determined to Issue a Notice of Decision to Grant a Permit (2020/106) for the construction of buildings and works associated with a new building comprising a food and drink premises and public toilets, use of the land for the sale and consumption of liquor, reduction in car parking spaces and display of two business identification signs.

Of note, the sale and consumption of liquor which was proposed to be allowed in accordance with this Notice of Decision was only to occur between the following hours:

- 7am and 9:30pm Monday to Wednesday
- 7am and 10pm Thursday and Sunday

- 7am and 11pm Friday and Saturday.

Various objectors lodged appeals in relation to this application. The Permit Applicant requested to withdraw the application (appeals) due to impacts of the Covid-19 pandemic. The Tribunal issued an order confirming that Council’s decision will be set aside and subsequently no permit was issued.

2. Planning controls

Planning Permit requirements associated with amendments

A planning permit is required pursuant to:

- Clause 52.27– (Licensed Premises) – Sale and Consumption of liquor.

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

Note: the Covid-19 exemptions listed under Clause 52.18 of the Bayside Planning Scheme are due to expire on 12 October 2024.

3. Stakeholder consultation

External referrals

There are no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme

Internal referrals

The application was referred to the following Council departments for comment:

Internal Referral	Response
Community Development Officer	No objection.

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 17 objections were received.

17 objections remain outstanding at the time of this report.

The following concerns were raised:

- Hours too late into the night.
- Noise/ disturbance.
- Antisocial behaviour/ rubbish.
- Parking / traffic.
- Precedent.
- Change of use of site.
- Impact on neighbourhood character.

The number of objections received for this application is consistent across Council’s record management systems.

It is also noted that 19 letters of support were received. The following reasons were listed in support of the application:

- Support for local business / economy.
- Community facility for locals and visitors.

- No unreasonable traffic impacts.
- No unreasonable noise impacts.

Consultation meeting

The applicant declined a consultation meeting but informed Council Officers that they have carried out consultation with neighbours.

4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant an Amendment to a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **1997/3159/3** for the land known and described as **2B North Road, Brighton for the use of the existing facility as a café and leisure hire facility and for the sale and consumption of liquor** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development start/s, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application, or some other specified plans but modified to show:
 - a) the driveway to the staff car parking area to be realigned, to the satisfaction of Council
 - b) the relocation of the bicycle parking facility so that it is located in front of the hire facility, to the satisfaction of Council
 - c) the staff car parking area to be paved with Besser Grass Pavers, to the satisfaction of Council
 - d) the staff car parking area redesigned to accommodate up to 6 number car spaces adjacent to the toilet block
 - e) a landscape plan of the site prepared by a properly qualified and/or experienced landscape architect
2. The staff car park to be closed to the public at all times.
3. **The use may operate between:**
 - **Monday to Thursday and Sundays: 7am to 10pm**
 - **Friday and Saturday: 7am to 11pm**
 - **Public holidays and public holiday eve: 7am to 11pm**

unless the Responsible Authority gives consent in writing. All patrons are to have vacated the premises within 30 minutes after the designated closing time.
4. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Liquor license

5. **The licenced area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**
6. **The sale and consumption of liquor may only occur within the licenced area as shown on the endorsed plan.**

7. The sale and consumption of liquor may only occur between:
 - Monday to Thursday and Sundays: 7am to 10pm.
 - Friday and Saturday: 7am to 11pm.
 - Public holidays and public holiday eve: 7am to 11pm.No amendment to these hours is to occur without the prior written consent of the Responsible Authority.
8. No more than 220 patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.
9. No more than a total of 60 patrons are permitted in the northern and eastern outdoor terrace areas at any one time, without the prior written consent of the Responsible Authority.
10. No patrons are permitted in the outdoor terrace areas after 10pm, without the prior written consent of the Responsible Authority.
11. The rear outdoor service area may not be accessed by patrons.
12. The predominant activity carried out on the premises must be the serving of meals.

Noise

13. Before the use of the site, all measures included within the submitted acoustic assessment dated 26 February 2024 by Clarity Acoustics must be implemented and completed. Where they are recommendations of an ongoing nature, must be implemented and maintained to the satisfaction of the Responsible Authority.
14. All works must be undertaken in accordance with the endorsed Acoustic Engineering Report to the satisfaction of the Responsible Authority. No alterations to the Acoustic Report may occur without the written consent of the Responsible Authority.
15. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the plant and equipment area, service area and outdoor dining areas be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
16. Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the plant and equipment area, service area and outdoor dining areas must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

General

17. The 12 trailer spaces situated adjacent to the bicycle path to be redesignated to car spaces.

18. Warning signs to be erected on the bike path at the pedestrian and vehicle crossings.

Permit expiry

19. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Date of Amendment	Details
16 June 2024	<p>Amendment to the endorsed plans under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> • Approval of red line plan. <p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> • Alteration to permit preamble as follows: The use of the existing facility as a café and leisure hire facility and for the sale and consumption of liquor. • Amendment of condition 3 as follows: The use may operate between: <ul style="list-style-type: none"> • Monday to Thursday and Sundays: 7am to 10pm. • Friday and Saturday: 7am to 11pm. • Public holidays and public holiday eve: 7am to 11pm. <p>Unless the Responsible Authority gives consent in writing. All patrons are to have vacated the premises within 30 minutes after the designated closing time.</p> • Addition of conditions 5 to 16. <p>Renumbering of remaining permit conditions.</p>

5. Council Policy

Council Plan 2021–25

Relevant objectives of the Council plan include:

- Lead and influence change to address the climate emergency and strive to reduce its impact in the health of our community, environment and the planet.
- Land use will enhance Bayside’s liveability and protect the distinctive heritage and character of our various localities.
- Transport planning and infrastructure facilities are well connected, accessible, safe and convenient transport system that contributes to a zero carbon future and wellbeing.

Relevant strategies of the Council plan include:

- Adopt and champion innovative ways of working and evaluate policy against its climate impact to reduce harm.
- Enhance vegetation (including through tree canopy) through accelerated tree planting and tree protection on public and private land.
- Strategic planning and controls protect and reflect the diverse environmental and heritage values of Bayside.
- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.
- Integrate our transport planning and traffic management, and employ smart solutions to address changing demand, transport trends and community needs.

Bayside Planning Scheme

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 13 Environmental Risks and Amenity
- Clause 15.03-2S Aboriginal Cultural Heritage
- Clause 17 Economic Development
- Clause 18 Transport
- Clause 19 Infrastructure
- Clause 36.02 Public Park and Recreation Zone
- Clause 43.02 Design and Development Overlay (Schedule 1)
- Clause 44.05 Special Building Overlay
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.18 Coronavirus (Covid-19 pandemic and recovery exemptions)
- Clause 52.27 Licenced Premises
- Clause 65 Decision Guidelines

6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, all submissions received and the individual merits of the application.

The consideration of the amendments is limited to the proposed changes sought by the applicant. Consideration has not been given to elements already approved as part of the original application but not sought to be amended.

6.1. Proposed Amendments

Liquor Licence

The applicant is seeking a liquor licence and has submitted a red line plan showing the area within which the application seeks to allow for liquor to be sold and consumed

encompassing the café area, external northern and eastern paved, terrace areas and back of house areas.

The hours of operation sought are as follows:

- Monday to Thursday and Sundays 7am to 10pm
- Friday and Saturday 7am to 11pm
- Public holidays and days prior to public holidays 7am to 11pm.

The Applicant seeks to allow up to 220 patrons at the café at one time.

The site currently benefits from the Covid-19 pandemic exemptions within the planning scheme allowing the use, sale and consumption of liquor to be carried out between 7am and 10pm and the use of the external areas.

The application has been referred to Council's Community Development Officer who has carried out a social impact assessment in accordance with the requirements of Bayside's Municipal Public Health and Wellbeing Plan 2021–25.

Council's Community Development Officer has advised that the proposed hours are not associated with increased alcohol related harms.

Council's Community Development Officer has advised that the type of license sought is a restaurant and café licence and this type of premises which offers meals/food alongside alcoholic beverages with ample seating available is unlikely to be associated with alcohol related harms.

Council's Community Wellbeing Officer has also commented that there is no evidence to suggest the introduction of the proposed hours of operation for the restaurant and café licence at the site would result in increased risk of harm due to alcohol consumption.

Subject to the inclusion of amended permit conditions within the Officer recommendation regulating the sale and consumption of liquor, officers are supportive of this amendment.

Noise

Council Officers note that the larger of the outdoor areas is included within the red line plan area closest to the foreshore facing the Bay and on the opposite side of the building from the nearest residential properties to the east of the site. The café building itself, being located east of the deck, will block some the transfer of noise from this outdoor area to the sensitive interfaces further east. The outdoor area is a high quality community facility for use especially during the summer months, which generally achieves the purpose of the zone.

Notwithstanding the above, noise impacts particularly from the eastern outdoor area must be considered. An acoustic report has been submitted with the application. The acoustic report includes an assessment of the proposed use of the site into the evening hours (until 10pm Monday – Sunday and until 11pm Friday and Saturday) and including the use of the external paved terrace areas in accordance with best practice.

The noise assessment includes recommendations to ensure that the proposal will comply with the required noise protocol during extended hours of use as follows:

- The existing mechanical plant at the subject site with the kitchen exhaust fans running at lower speed during the evening and night time periods than the current capacity.
- Up to a total of 60 patrons externally until 2200 hours.
- Music at background music levels within the venue.
- The following noise mitigation and control measures:
 - The windows and doors to the dining pavilion should be fully closed after 2200

hours, Friday and Saturday.

- The outdoor areas should not be used after 2200 hours, Friday and Saturday.
- External speakers should not be used after 2200 hours, Friday and Saturday.
- kitchen exhaust fans be set to operate at 26 Hz (i.e., 52 % of full fan rotational speed) during the evening period (18.00 to 22.00 hours) and at 20 Hz (i.e., 40 % of full fan rotational speed) during the night period (22.00 to 23.00 hours, Friday and Saturday).
- Music within the venue should be limited to those outlined in Table 8 of the noise assessment report and should be controlled by a music noise limiter.

The acoustic report states that subject to these measures, the background café music and associated noise and patron noise at the nearest residential properties would be between 41 and 48 decibels. Whilst there are not specific guidelines around maximum levels of patron noise, 41 to 48 dB is considered an acceptable noise level with consideration of the site's context and surrounding residential properties. Further, conditions 15 & 16 of the Officer recommendation allows for ongoing monitoring of on-site noise in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade).

Subject to the recommendations from the Acoustic Report, Council Officers are satisfied that the proposal will ensure there are no unreasonable noise impacts to nearby sensitive interfaces, specifically residential properties on North Road and Brandon Close.

Other Amenity Impacts

Officers note that concerns have been raised by neighbours in relation to the impact on traffic and parking in the surrounding area. The application does not propose any buildings or works that would increase the existing floor area nor an increase in the existing use to the measure listed in Table C of Clause 52.06-5. Therefore, a permit is not required pursuant to Clause 52.06-2 of the Bayside Planning Scheme and car parking is not a relevant consideration for this application.

The site is within 200 metres of the bus stop on St Kilda Street, and within 1.8km of the nearest train station. Council's Community Wellbeing Officer has commented that there is no evidence of issues relating to the movement of patrons through the area or the frequency or capacity of taxi services.

For the reasons set out above, Officers believe the proposed sale and consumption of liquor and associated hours of operation are satisfactory in accordance with the relevant decision guidelines of Clause 52.27 – Licensed premises.

As mentioned, Officers believe the proposed hours of operation and number of patrons are reasonable based on the site context. These hours are unlikely to cause any undue detriment to the amenity of neighbours subject to the aforementioned conditions being implemented. Conditions have been included in the recommendation requiring the noise assessment to be endorsed and the measures to be implemented and maintained to Council's satisfaction to minimise disturbance to nearby residential properties.

Amendments to permit preamble and conditions

The Application seeks to amend the permit preamble as follows:

“The use of the existing facility as a café and leisure hire facility and for the sale and consumption of liquor”

Given that the proposed sale and consumption of liquor is considered appropriate, the preamble amendment is supported.

The application also seeks to amend condition 3 as follows:

“The use may operate between:

- Monday to Thursday and Sundays: 7am to 10pm.
- Friday and Saturday: 7am to 11pm.
- Public holidays and public holiday eve: 7am to 11pm.

Unless the Responsible Authority gives consent in writing. All patrons are to have vacated the premises within 30 minutes after the designated closing time”.

As noted above, Officers consider the hours of operation suitable subject to other conditions relating to noise which have been included in the recommendation. For this reason, the amendment sought to Condition 3 is supported.

It is noted that the original permit included several other conditions which Officers believe should remain.

6.2. Cultural Heritage management plan

The site is located within an area of cultural heritage sensitivity, therefore an assessment as to whether the proposal is considered a high impact activity has been undertaken. Based on the Aboriginal heritage planning tool questionnaire, a cultural heritage management is not required.

6.3. Development contributions levy

Based on the proposed application and below recommendation, no development contributions levy is applicable.

6.4. Objector issues not already addressed

Precedent

Future planning permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment. The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration.

Antisocial behaviour / rubbish

The application has been reviewed by Council’s Community Development Officer who advised that there are no known issues in relation to the movement of patrons through the area. Further, the proposed hours of operation are not expected to result in any an increased risk of harm due to alcohol consumption.

Change of use of site

The amendments do not seek to alter the use of the site as a food and drink premises. The use of the site complies with the purpose of the Public Park and Recreation Zone (PPRZ) which is for public recreation and open space and commercial uses where appropriate. Recreation is defined as: *activity done for enjoyment when one is not working*. As such, the continued use of the site is appropriate within the Public Park and Recreation Zone.

Impact on neighbourhood character

No changes are proposed to the built form so there will be no impacts on the visual appearance of the site and, for the reasons outlined above, there would be no unreasonable amenity impacts resulting from the amendments. Further, it could be reasonably deduced that these amendments will permit an existing land use operating rather than introducing a new use that might degrade the ‘local character’.

Support Attachments

1. Site and surrounds ↓
2. Red line plan ↓
3. Existing Planning Permits ↓

2B North Road, BRIGHTON

Attachment 1

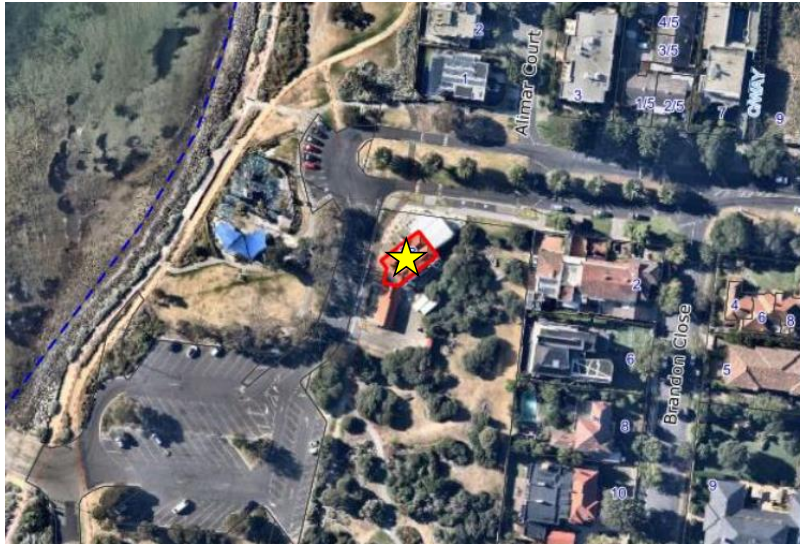
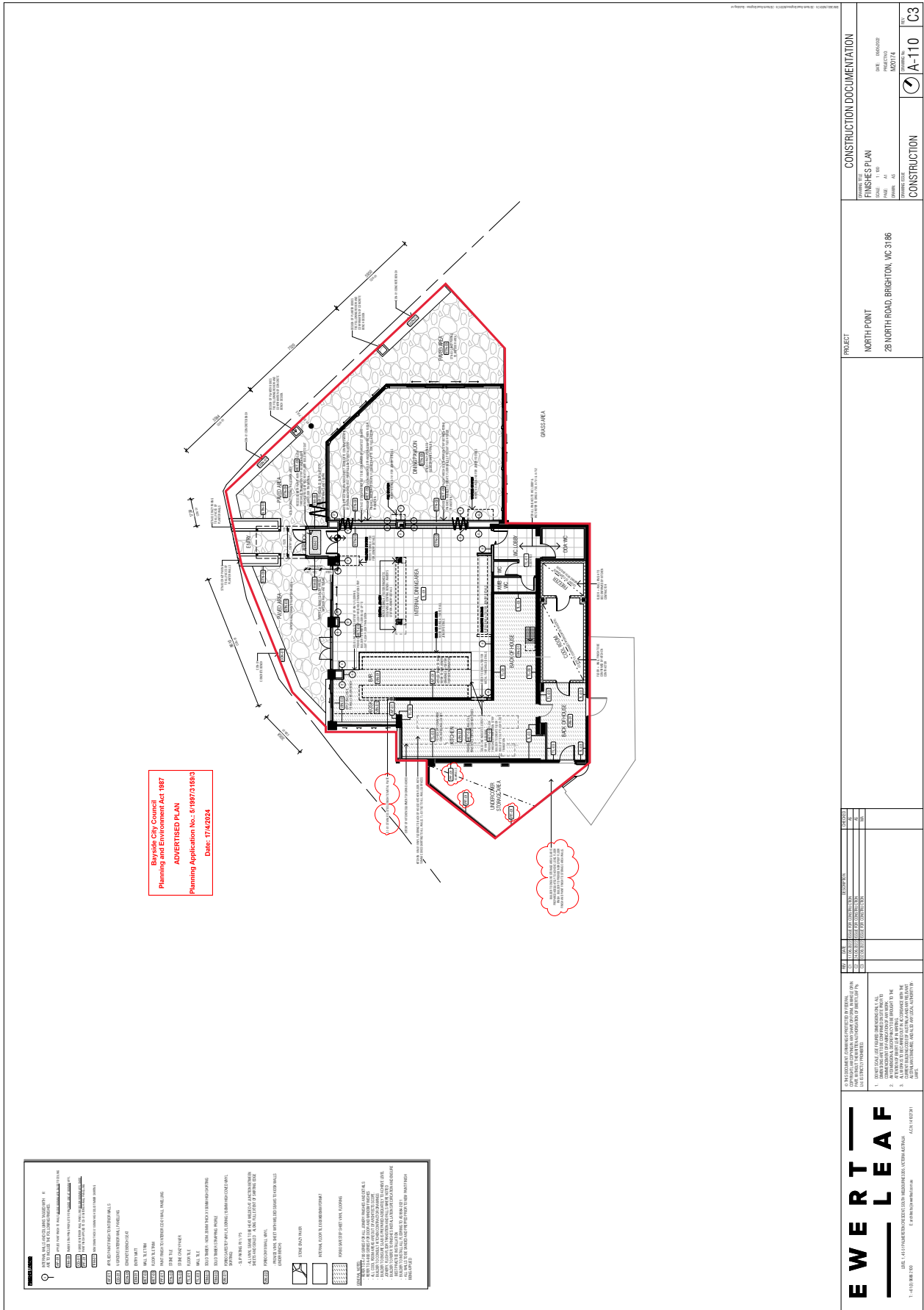


Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★





Municipal Offices, Royal Avenue, Sandringham 3191 Telephone: 9599-4444 FAX: 9598-4474

Planning Permit

Permit Number 97/3159

Address of the Land
Foreshore Reserve, North Road, Brighton

Planning Scheme:
Bayside Planning Scheme

Responsible Authority:
BAYSIDE CITY COUNCIL

The Permit Allows
The use of the existing facility as a café and leisure hire facility in accordance with the endorsed plans.

The Following Conditions Apply to this Permit

- 1 Before the use and/or development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.
The plans must be generally in accordance with the plans submitted with the application, or some other specified plans, but modified to show:
a) The driveway to the staff car parking area to be realigned, to the satisfaction of Council.
b) The relocation of the bicycle parking facility so that it is located in front of the hire facility, to the satisfaction of Council.
c) The staff car parking area to be paved with Besser Grass Pavers, to the satisfaction of Council.
d) The staff car parking area redesigned to accommodate up to 6 number car spaces adjacent to the toilet block.
e) A landscaping plan of the site prepared by a properly qualified and/or experienced landscape architect.
2 The staff car park to be closed to the public at all times.
3 The use may operate only between the hours of 7.00am and 8.30pm each day of the week during daylight savings and 6.00pm at all other times unless the Responsible Authority gives consent in writing. All patrons are to have vacated the premises within 30 minutes after the designated closing time.
4 The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
5 This permit will expire if one of the following circumstances applies:
• The development and use is/are not started within two years of the date of this permit.
• The development is not completed within four years of the date of this permit.
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.
6 The 12 trailer spaces situated adjacent to the bicycle path to be redesignated to car spaces.
7 Warning signs to be erected on the bike path at the pedestrian and vehicle crossings.

Bayside City Council
Planning and Environment Act 1988
ADVERTISED PLAN
Planning Application No.: 5/1997/3159/3
Date: 17/4/2024

Permit Note:

- N3 Building Approval

Date: 15 July 1998

Signature of the Responsible Authority

Planning & Environment Regulations 1988 Form 4.4

City Council Offices, Royal Avenue, Sandringham 3191 Telephone: 9599-4444 FAX: 9598-4474

Planning Permit

Permit Number 5.2006.232.1

Address of the Land
2B North Road BRIGHTON 3186

Planning Scheme:
Bayside Planning Scheme

Responsible Authority:
BAYSIDE CITY COUNCIL

The Permit Allows
On-premises liquor licence associated with the North Road Pavilion, in accordance with the endorsed plans.

The Following Conditions Apply to this Permit

1. The use and/or development as shown on the endorsed plans must not be altered or modified (whether or not in order to comply with any statute, statutory rule or for any other reason) without the prior written consent of the Responsible Authority.
2. This permit will expire if one (1) of the following circumstances applies:
 - The development and use is/are not started within two (2) years of the date of this permit.
 - The development is not completed within two (2) years of the date of the commencement of the works.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.
3. No bar for the sale of alcoholic drinks directly to customers or members of the public is to be established.
4. No alcoholic drinks are to be consumed on the premises unless they are consumed by customers seated at tables on the premises and then only in conjunction with meals.
5. The liquor licence may only operate between the hours of:
7:00am - 8:30pm during daylight savings and 7:00am - 6:00pm at all other times

Bayside City Council
Planning and Environment Act 1987

ADVERTISED PLAN

Date: 24 August 2006

Planning Application No.: 5/1997/3159/3

Signature of the Responsible Authority

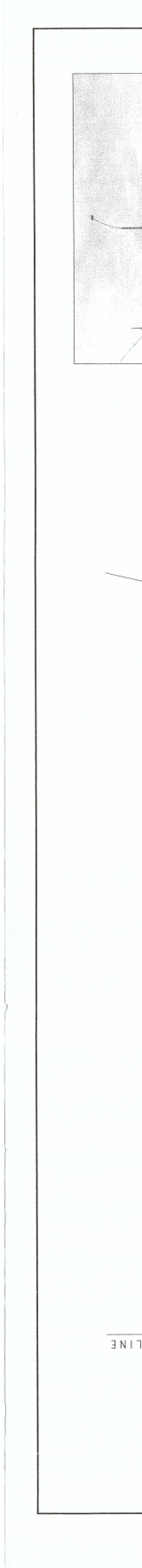
Planning & Environment Regulations 1988 Form 4.4

Date: 17/4/2024

RECEIVED TIME 27.00.14.03

R 24/08/06





**4.6 44 NICOL STREET, HIGHETT
SECONDARY CONSENT - APPROVE
APPLICATION: 2022/461/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/157622

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Approve the Secondary Consent amended plans
Street address	44 Nicol Street, Highett
Application No.	2022/461/1
Applicant	Nick Tzovaras
Title/Covenant	The title is not subject to any restrictive covenants or Section 173 Agreements
Date application received	15/05/2024
Zoning	Neighbourhood Residential Zone (Schedule 3)
Overlays	Design and Development Overlay (Schedule 3) Development Contributions Plan Overlay (Schedule 1)

Proposal

Planning Permit 2022/461/1 allows:

The construction of two (2) dwellings on a lot in accordance with the endorsed plans and subject to conditions.

The application seeks approval to amend the endorsed plans pursuant to condition 2 of Planning Permit 2022/461/1 on a lot with an area of 584 square metres.

The proposed amendments are as follows:

- Ground floor front façade cladding alteration from render to stone cladding.
- Internal alterations.
- Increase in size of rainwater tank to each dwelling.
- Alteration to the dividing fence/wall between the Secluded Private Open Space of Dwelling 1 and 2 from a 2 metre paling fence to a 1.5 metre rendered wall to a height of 1.5 metres and 0.6 metre aluminium screens.
- Retaining walls relocated with the Secluded Open Space of Dwelling 1 and removed within the Secluded Private Open Space of Dwelling 2.
- Decking extended within the Secluded Private Open Space of Dwelling 2.
- Relocation of 6 cubic metre storage shed within the Secluded Private Open Space of Dwelling 2 to the east.

- Skylights added above stairs to both dwellings.
- Bedroom 1 of each dwelling setback 0.2 metre less to the rear eastern boundary.
- Alterations and additions to windows/doors.

An aerial image of the site and surrounds are provided at **Attachment 1**.

History

Planning Permit 2022/461/1 was issued on 15 December 2022 under delegation.

The permit allows:

The construction of two (2) dwellings on a lot in accordance with the endorsed plans and subject to conditions.

The permit was varied by VCAT on 17 May 2023 to delete Condition 11 (a) which required Tree 3 which was a Liquidamber to be retained.

Plans were endorsed by Council on 15 December 2023.

The approved development is yet to commence.

2. Planning controls

Planning Permit requirements

There are no primary permit triggers to consider as part of this application. The application seeks to amend the endorsed plans pursuant to the secondary consent provisions afforded by Condition 2 of Planning Permit 2022/461/1.

3. Stakeholder consultation

External referrals

There are no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals

There are no referrals to Council departments required to be made for this application.

Public notification

Applications made in accordance with the secondary consent provisions are not subject to the notice requirements of Section 52 of the *Planning and Environment Act 1987*.

Therefore, the amended plans have not been advertised.

4. Recommendation

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2022/461/1
2. that plans identified as Sheets 3, 4 and 5 prepared by Hargreaves Design Group, Revision K and dated 8 May 2024 be endorsed. These plans are to be read in conjunction with plans 4, 5 and 6 endorsed on 6 December 2023
3. that plans identified as Sheets 1 to 3 endorsed on 6 December 2023 be superseded.

5. Council Policy

There are no primary Council policy matters to consider as part of the request to amend plans pursuant to the secondary consent provisions.

6. Considerations

The Victorian Civil and Administrative Tribunal has set out, on a number of occasions, the principles, or tests, of Secondary Consent (e.g. Westpoint Corporation P/L v Moreland CC {2005} and Oz Property Group P/L v Moonee Valley CC {2014}).

The tests include the following:

Does the proposed amendment result in a transformation of the proposal?

The amendment does not result in a transformation of the proposal. The amendments would provide for alterations that are generally minor nature as discussed below.

Ground floor front façade cladding alteration from render to stone cladding.

This alteration increases the variety of materials to the front façade which is generally encouraged by the preferred neighbourhood character strategies of the G1 Neighbourhood Character Precinct.

Internal alterations.

The proposed amendments include various internal rearrangements including to the laundry, bathrooms and ensuites of each dwelling and the inclusion of a fireplace to each dwelling. Importantly, these alterations are all internal to the dwelling and are specifically exempt from requiring planning consideration under Clause 62.02-2 of the Bayside Planning Scheme.

Increase in size of rainwater tank to each dwelling.

As part of the proposed amendments the size of the approved rainwater tank to each dwelling is proposed to be increased in size to 5200 litres. This is not significantly larger than the existing approved water tanks and are in similar locations to the original approval. The rainwater tank locations do not alter any of the approved landscaping or existing neighbouring vegetation.

Alteration to the dividing fence/wall between the Secluded Private Open Space of Dwelling 1 and 2 from a 2 metre paling fence to a 1.5 metre rendered wall to a height of 1.5 metres and 0.6 metre aluminium screens.

This is an internal fence between the two properties and will not be visible from neighbouring properties. Internal fences are specifically exempt from requiring planning consideration under Clause 62.02-2 of the Bayside Planning Scheme.

Retaining walls relocated with the Secluded Open Space of Dwelling 1 and removed within the Secluded Private Open Space of Dwelling 2.

The retaining walls to dwelling 1 are being pushed closer to the boundaries to maximise the usable space of the Secluded Private Open Space. Whilst the relocation of the retaining walls pushes the retaining walls closer to the neighbouring vegetation the encroachment into the Tree Protection Zones of neighbouring trees remains under 10%. This ensures that the encroachment is considered minor under Australian Standard 4970-2009 and will not have a significant impact to the health of existing trees.

The removal of the retaining walls to Dwelling 2 is considered satisfactory given the slope within the Secluded Private Open Space is minor and ensures the space remains usable.

Decking extended within the Secluded Private Open Space of Dwelling 2.

The decking to Dwelling 2 is proposed to increase in size from 8.5sqms to 15 sqms. Importantly, sufficient open space continues to be provided to allow for the required canopy tree to be planted within the open space. The floor level of the decking also ensures that there will be no overlooking implications.

Relocation of 6 cubic metre storage shed within the Secluded Private Open Space of Dwelling 2 to the east.

This alteration improves the usability of the primary Secluded Private Open Space of Dwelling 2 by relocating the storage shed to a side service yard. The proposed location remains externally accessible and convenient as required by Standard B30 (storage) of Clause 55.05-6 of the Bayside Planning Scheme.

Skylights added above stairs to both dwellings.

This alteration will not be visible from neighbouring properties and will improve the internal amenity of each dwelling.

Bedroom 1 of each dwelling setback 0.2 metre less to the rear eastern boundary.

This alteration marginally increases the extent of built form to the rear boundary by 0.2 metres. This is an inconsequential change with a significant setback of 6.8 metres provided to the rear boundary which significantly exceeds the minimum of 4.8 metres required by Standard B17 (side and rear setbacks) of Clause 55.04-1 of the Bayside Planning Scheme. The windows to these bedrooms continue to fully comply with overlooking requirements of Standard B22 (Overlooking) of Clause 55.04-6 of the Bayside Planning Scheme. This alteration also does not alter site coverage, permeability or garden area as the wall is located above the ground level.

Alterations and additions to windows/doors.

Various alterations are proposed to windows and doors to each dwelling. Importantly these alterations are generally minor and continue to fully comply with overlooking requirements of Standard B22 (Overlooking) of Clause 55.04-6 of the Bayside Planning Scheme.

The scale of the overall building fabric will not be significantly altered. The proposal does not alter the outcome related to site coverage, permeability, overlooking or overshadowing. From a neighbourhood character perspective, the proposal will still be an appropriate outcome.

The proposed change is considered to be minor in nature and will have no impact to the amenity of adjoining properties and will not cause material detriment to any third parties. The proposed changes do not conflict with any permit conditions, objections raised in the application for which primary consent was granted for; and, does not result in a transformation of the proposal.

Does the proposed amendment authorise something for which primary consent is required under the planning scheme?

The primary consent was issued at the direction of VCAT for the construction of two (2) double storey dwellings. The amendment sought under this application is consistent with the proposal and does not authorise something for which primary consent is required for under the Bayside Planning Scheme.

Is the proposed amendment of consequence having regard to the purpose of a planning control under which the permit was granted?

Having regard to the development and the purpose of the planning controls under which the permit was granted, the proposed amendment is considered inconsequential as there has been no material change to the nature of the planning controls and policies affecting the land. It is considered that the changes are appropriate, will not detrimentally impact on the amenity of adjoining properties nor cause material detriment to any third parties.

Is the proposed amendment contrary to a specific requirement or condition of the permit?

The proposed amendments to the endorsed plans will not contravene any specific requirement or condition of the permit and remains compliant with the relevant objectives and standards of the Bayside Planning Scheme.

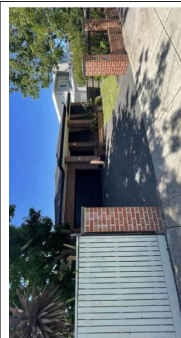
Support Attachments

1. Subject site and surrounds imagery ↓
2. Assessment Plans ↓
3. Existing Endorsed Plans ↓
4. Planning Permit ↓

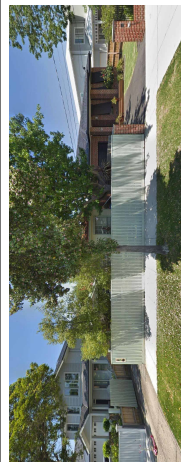


Figure 1 Aerial overview of the site and surrounds

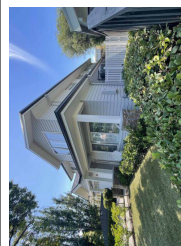
Legend	
Subject site	★



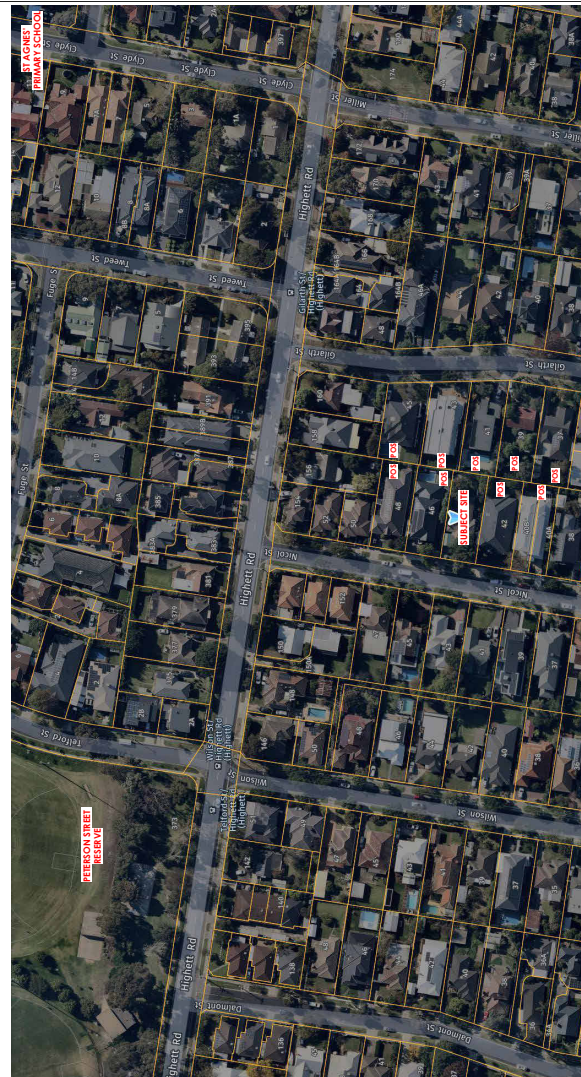
NO.42 NICOL STREET



EXISTING STREETSCAPE



NO.46 NICOL STREET



SUSTAINABLE DESIGN ASSESSMENT

Water

Reuses and fittings: WWS 3 bed (0.24) = 7.5)
 Rainwater: 3.5 for WWS rating
 WC: 4.8 for WWS rating
 WWS: 4.8 for WWS rating
 Water Poles: Connected to local training
 Landscaping: Refer to landscape plans for water efficient design

Energy

Refer to energy modelling to achieve 6.2 stars
 Refer to efficiency energy rating.
 Cooling System: 4.3 for the space
 Heating System: 4.3 for the space
 Internal lighting: Refer to architectural drawing
 Hot Water Heating: 2.5 for the space
 Hot Water Heating: 2.5 for the space

Indoor Climate

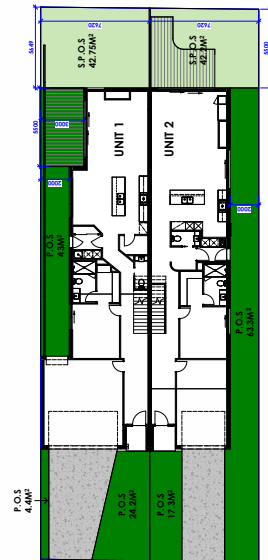
2:00M Rating: 100% Refer to 3:00M rating
 Drawing 1/2: 200% RWT connected to roof space

AC

Refer to mechanical layout for fan to all habitable rooms
 Double Glazing: Double glazing to all habitable areas, please refer to plans
 Orientation: All floor plans of living areas are orientated to the north - Unit 1
 Recycle: Refer to landscape plans for bicycle storage
 Recycle: Refer to landscape plans for bicycle storage

Work

No credits claimed
 Urban Ecology
 Vegetation Area: 35%
 Recreation
 No credits claimed



POS AND SPOS DIAGRAM

UNIT 1

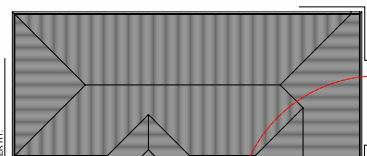
PRIVATE OPEN SPACE : 114.35M²
 SECURED PRIVATE OPEN SPACE : 42.2M²

UNIT 2

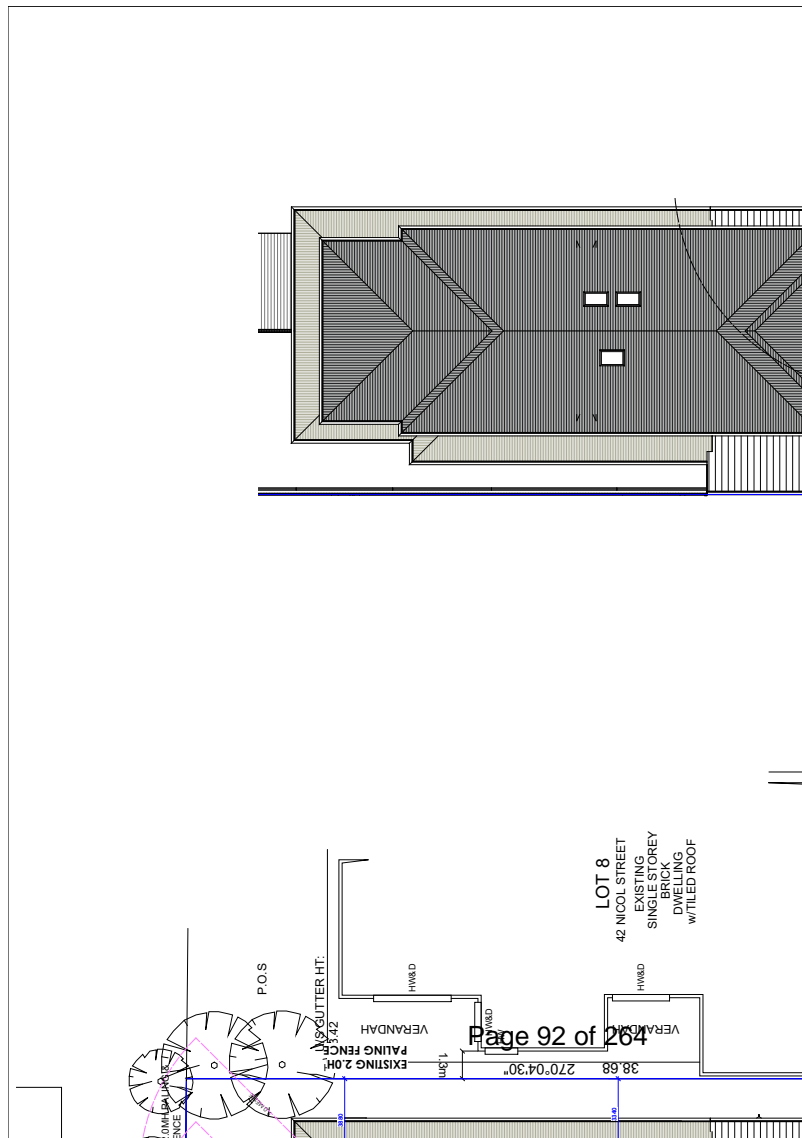
PRIVATE OPEN SPACE : 122.8M²
 SECURED PRIVATE OPEN SPACE : 42.2M²

P.O.S

TER.LIT.



Item 4.6 – Matters of Decision



EXTERNAL MATERIAL AND FINISHES SCHEDULE

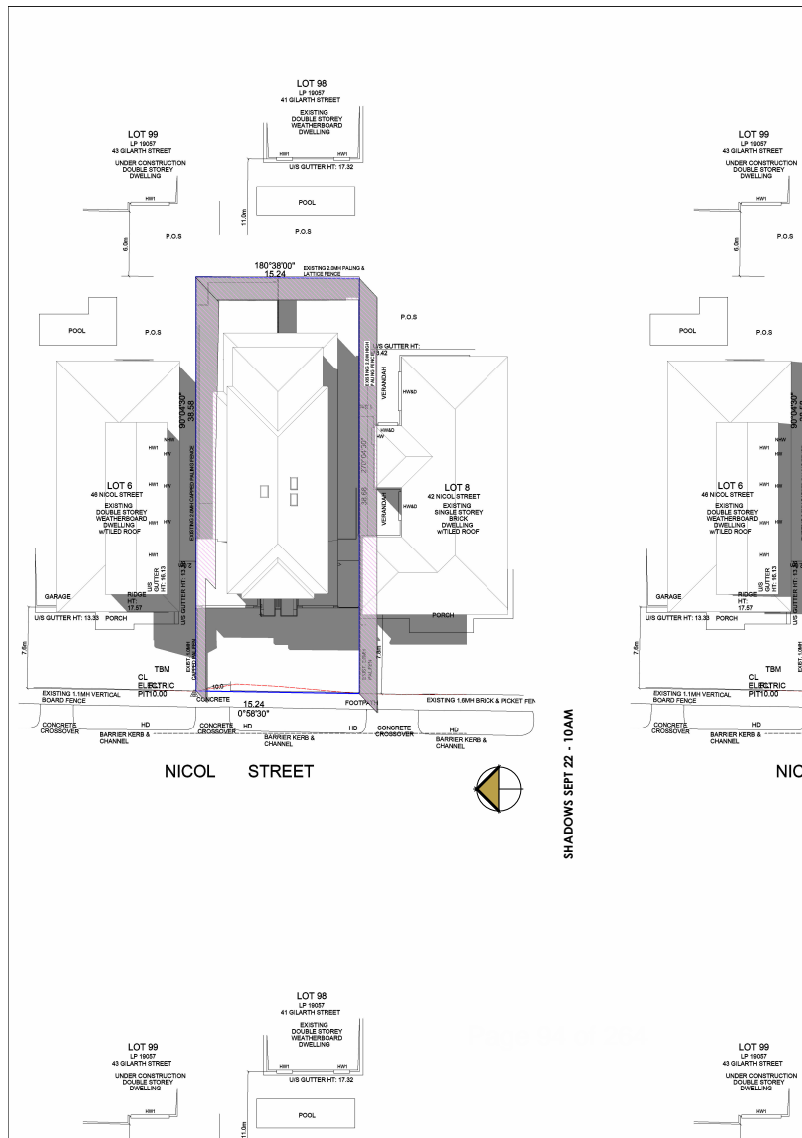
GROUND FLOOR WALLS

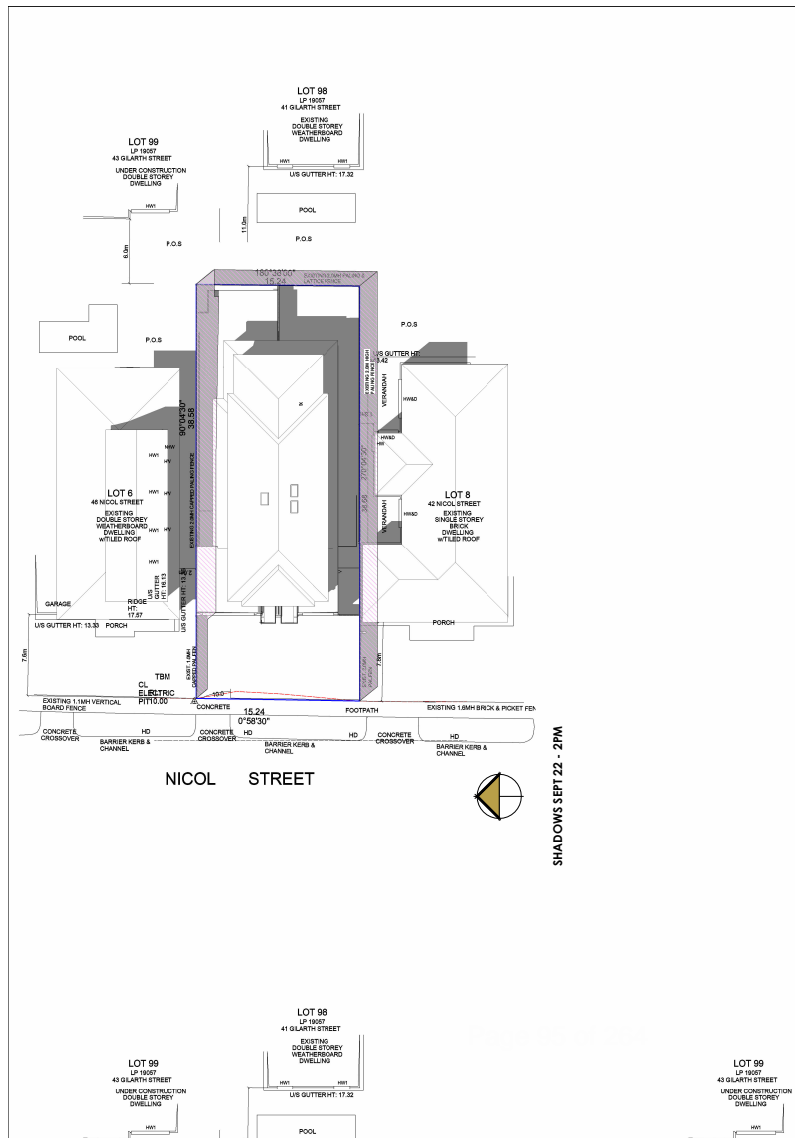
- ROOFER TYPE 1
LIGHT TO MEDIUM TONE COLOUR
- TILE CLADDING
LIGHT TO MEDIUM TONE COLOUR
- SECTIONAL GARAGE DOOR PANELS
- COLORBOND METAL ROOF
COLOUR: WOODLANDS GREY OR SIMILAR
- GUTTERS AND DOWNPIPES
PRODUCT: COLORBOND
COLOUR: SURFSET OR SIMILAR
- WINDOWS
ALUMINIUM FRAMED WINDOW
- DOORS
ALUMINIUM FRAMED SLIDING DOORS

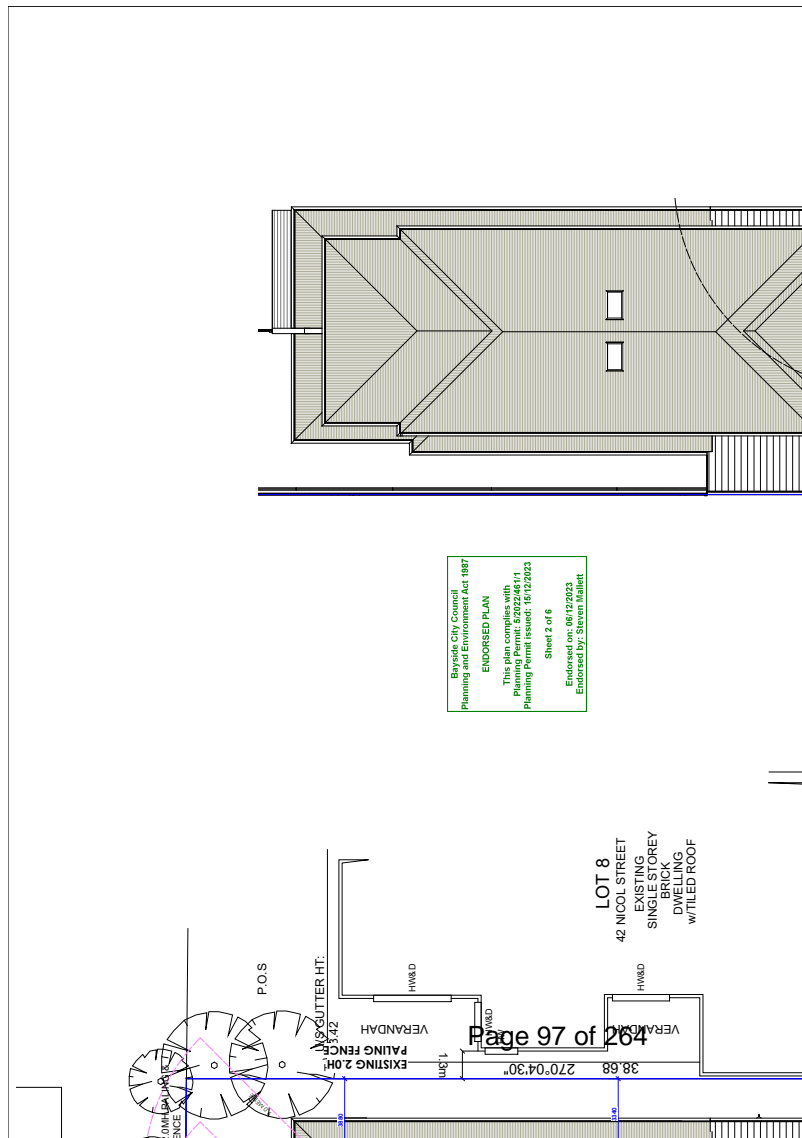
Overlooking Diagram

SECTION EAST

Architectural drawings showing elevation views of the building, including Unit 1 and Unit 2, and a section labeled 'SECTION EAST'. The drawings include dimensions and labels for various components like 'COLORBOND METAL ROOF', 'GUTTERS AND DOWNPIPES', and 'ALUMINIUM FRAMED WINDOW'.







AVATION EAST

Overlooking Diagram

EXTERNAL MATERIAL AND FINISHES SCHEDULE

GROUND FLOOR WALLS

	RENDER TYPE 1 LIGHT TO MEDIUM TONE COLOUR
	RENDER TYPE 2 LIGHT TO MEDIUM TONE COLOUR
	SECTIONAL GARAGE DOOR PANELS
	COLOURED METAL ROOF COLOUR: WOODLANDS GREY OR SIMILAR
	GUTTERS AND DOWNPIPES PRODUCT: COLORBOND COLOUR: SURFSET OR SIMILAR
	WINDOWS ALUMINIUM FRAMED WINDOW
	DOORS ALUMINIUM FRAMED SLIDING DOORS

Bayside City Council
Planning and Environment Act 1987
ENDORSED PLAN
This plan complies with
Planning Permit: S232/245/11

LEGEND

EXISTING TREE TO BE RETAINED

EXISTING TREE TO BE REMOVED

PROPOSED DECIDUOUS / EVERGREEN TREE

PROPOSED SHRUBS

PROPOSED TUFTING PLANTS

PROPOSED GROUND COVERS

GRASSED AREA

GRAVEL SURFACE

SELECTED PAVERS

PLANTING SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	HEIGHT	WIDTH	POT SIZE	QTY
E.1.	<i>Elaeagnus reticulata</i>	Blueberry Ash	8m	4m	2m TALL	2
D.1.	<i>Quercus palustris</i>	Pin Oak	1.5m	8-10m	2m TALL	1
C.L.1.	<i>Callistemon 'Little John'</i>	Bottlebrush 'Little John'	1m	1m	150mm	5
D.V.P.	<i>Dodonaea viscosa 'Purpurea'</i>	Purple Sollya Hop Bush	3m	1.5m	200mm	10
G.M.	<i>Grevillea 'Moonlight'</i>	Moonlight Grevillea	3-4m	3m	200mm	2
L.C.	<i>Leucopodium chinense</i>	'China Plug'	1-1.5m	1-1.5m	150mm	3
S.P.	<i>Saxifraga oppositifolia</i>	Rock Rosemary	3m	2.5m	150mm	19
S.P.	<i>Saxifraga oppositifolia</i>	Nursery Rosemary	1.5m	1.5-2m	200mm	3
C.m.	<i>Chamaecrista 'Orange'</i>	Bush Lily 'Orange'	0.5m	0.6m	150mm	17
D.L.J.	<i>Diarrhea 'Little Joes'</i>	Flex Lily 'Little Joes'	0.4m	0.5m	150mm	24
L.T.	<i>Leucospora terminalis 'Winter'</i>	Winterbush 'Winter'	0.6m	0.7m	150mm	24
M.b.	<i>Myoporum laetifolium</i>	Crested Bonobaba	1.0m	1m	150mm	9

Species height and width at maturity

EXISTING VEGETATION

CODE	BOTANICAL NAME	SIZE (H x W)	STATUS
T1	<i>Agave attenuata</i>	8.0x5.0m	Retain
T2	<i>Phoradendron (S2)</i>	2.0x1.5m	Remove
T3	<i>Liquidambar styraciflua</i>	14.8x14m	Remove
T4	<i>Phibosporium tinctorium (S5)</i>	6.0x5m	Remove
T5	<i>Phytolacca americana</i>	8.0x5m	Remove
T6	<i>Crataegus mollis</i>	8.0x4m	Remove
T7	<i>Crataegus mollis</i>	8.0x4m	Remove
T8	<i>Prostrata (S4)</i>	4.5x4.0m	Remove
T9	<i>Pyrus calleryana (S2)</i>	7.5x5m	Retain
T10	<i>Shorea rostrata (S3)</i>	5.0x5m	Retain
T11	<i>Magnolia grandifolia (S3)</i>	3.5x3.5m	Retain
T12	<i>Walteria floribunda</i>	1.0x1m	Retain

NOTES

EXISTING TREES: Existing trees to remain are to be adequately protected during site works. Tree protection measures are to be in accordance with Australian Standard AS4399:2009 Protection of Trees on Development Sites.

TOPSOIL: Soil, if imported to the site it to be screened and free from perennial weeds. Calcrete sealing site cut to 200mm depth. To garden areas spread lawn areas spread imported topsoil to lightly rolled depth of 100mm. Imported topsoil to be a 70:30 mix of screened topsoil and organic compost. pH range 6-7. Apply gypsum where necessary.

TREES: All canopy trees to be a minimum 2.0 metres tall when planted.

PLANTS AND PLANTING: All plants to be healthy disease-free specimens. Over-saturate all plant holes by at least twice pot volume. Spread a slow release fertiliser (NPK 10:10:10) around the base of all plants. All plants to be 1800x250x250 pot size. All trees to be 2100x320x220 pot size and large shrubs with one 1800x250x250 pot size. All trees to be healthy and free from perennial weeds. All plants to be 1800x250x250 pot size. All plants to be 1800x250x250 pot size. All plants to be 1800x250x250 pot size.

LAND: Soil to be a light, sandy, loam, free from stones, adjacent to the road. For instant turf grass finish top soil as lighty rolled layer flush to adjacent paved areas. Ensure seed bed and instant turf areas are kept moist during the establishment period.

EDGING: Separate garden bed, gravel and lawn areas by a 100x50 C.C.A. treated pine post (see page 14) at 600mm centres, or install iron edging.

MULCH: After planting spread shredded pine wood mulch to a depth of 75mm to all garden beds.

MAINTENANCE: Maintain all garden beds in a neat and tidy condition. Regularly weed and water plants during establishment period and during dry spells. Eradicate any weed growth.

DISCLAIMER: Bradbury Culina shall not be liable for any damage caused to the existing vegetation retained on and surrounding the site, it is the sole responsibility of the owner or builder. It is the Landscape Contractor's responsibility to ensure that the proposed landscaping works are in accordance with various authorities are to be notified. Should any existing services be damaged during construction works, the contractor shall make arrangement for repairs. All costs for this shall be borne by the contractor.

TYPICAL TREE AND SHRUB PLANTING DETAIL

NOT TO SCALE

Diagram 1: Tree planting detail showing 75mm mulch over root ball, 100mm soil depth, and 200mm depth to ground level. Root ball to be 50mm from stem.

Diagram 2: Shrub planting detail showing 75mm mulch over root ball, 100mm soil depth, and 200mm depth to ground level. Root ball to be 50mm from stem.

Scale: 0, 5m, 10m

UNIT 1

UNIT 2

NICOL STREET

bradbury culina

0401 833 403

0413 345 470

www.bradburyculina.com.au

Landscaping Plan

4011-A

CLIENT: Hargreaves

PROJECT ADDRESS: 44 Nicol Street, Highgate

DRAWN BY: [Name]

DATE: 9 October 2023

SCALE (BAY): 1:100

FOR TOWN PLANNING PURPOSES: 1/1

**Job Details**

Date: 13th November 2023
Project: Sustainable Design Assessment for 2 Unit Development
Client: Leneeva Homes
Address: 44 Nicol Street, Highett VIC 3190
Planning No: 5/2022/461/1
Assessor: Proud Kraturerk
Job No: 230907

Revision

A:	9 th November 2023	Preliminary SDA Report
B:	13 th November 2023	SDA Report

**Bayside City Council
Planning and Environment Act 1987**

ENDORSED PLAN

**This plan complies with
Planning Permit: 5/2022/461/1
Planning Permit issued: 15/12/2023**

**Sheet 5 of 6
Report contains 28 pages**

**Endorsed on: 06/12/2023
Endorsed by: Steven Mallett**

w: www.passivenergy.com.au e: info@passivenergy.com.au
p: 1300 248 348 a: Level 2, Office 207, 28 Riddell Parade, Elsternwick 3185

Sustainable Design Assessment – 44 Nicol Street, Highett VIC 3190

Introduction

The Subject site is located at 44 Nicol Street, Highett. The plans prepared by Hargreaves Design Group propose two double storey units. The site has a total area of 588.66m² and is orientated west to east and has minimal wall on boundary construction. The driveways are proposed to the west of the development.

The following report is to be read in conjunction with the following documents.

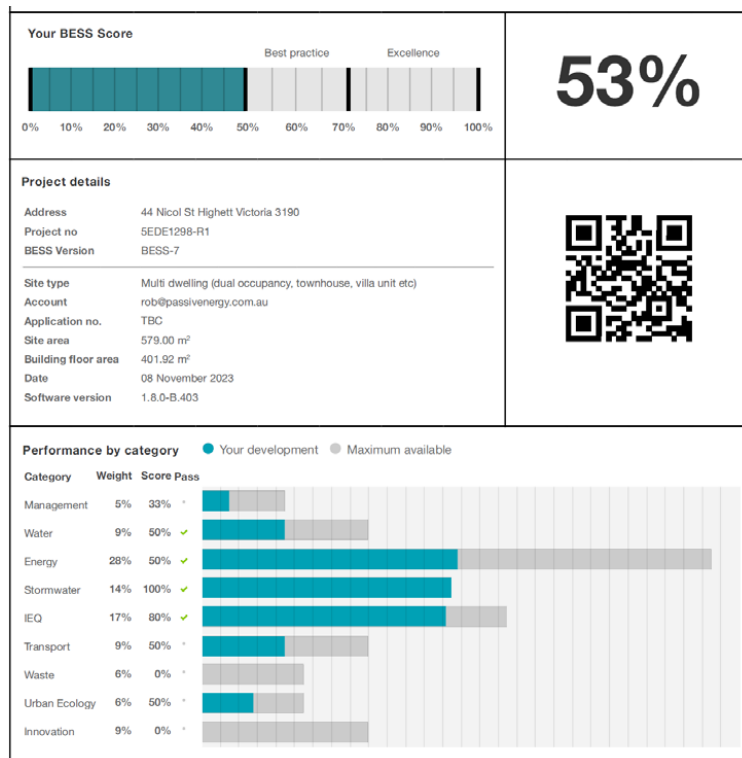
- BESS assessment
- NatHERs ratings
- STORM assessment
- Walk score

BESS Assessment (Project number 5EDE1298)

The BESS (Built Environment Sustainable Scorecard) V3, 1.7 was used to assess

- Water
- Energy
- Stormwater
- Indoor Environment Quality (IEQ)
- Transport
- Waste
- Urban Ecology &
- Innovation

Following is a list of initiatives inputted into the scorecard to achieve a best practice score of 53%



w: www.passivenergy.com.au e: info@passivenergy.com.au
 p: 1300 248 348 a: Level 2, Office 207, 28 Riddell Parade, Elsternwick 3185

Sustainable Design Assessment – 44 Nicol Street, Highett VIC 3190

Water requirements

Objectives

- To improve water efficiency.
- To reduce total operating potable water use.
- To encourage the collection and reuse of stormwater.
- To encourage the appropriate use of alternative water sources (eg. Grey water)

Initiatives

- 3200L water tank connect to each unit roof area.
- Rainwater tanks connected to toilet flushing.
- Water efficient landscaping. A landscape plan prepared by a suitable landscape architect to nominate water efficient vegetation throughout the development.
- For outdoor water reductions, plants, shrubs and lawn which require low amounts of water (drought-resistance) should be chosen. Native plants will be selected as they use less water and are more resistant to local plant diseases. Plant slopes with plants that will retain water and help reduce runoff.
- Group plants according to their watering needs.
- Mulch will slow evaporation of moisture while discouraging weed growth. Adding 2 - 4 inches of organic material such as compost or bark mulch will increase the ability of the soil to retain moisture.
- Shower heads to be 4 Star WELS rating(>6.0L/min but <= 7.5L/min).
- Kitchen taps to be 5 Star WELS rating.
- Bathroom taps to be 5 Star WELS rating.
- Toilets to be 4 Star WELS rating.

Energy

Objectives

- To improve the efficient use of energy, by ensuring development demonstrates design potential for ESD initiatives.

Initiatives

- Each dwelling will achieve a minimum 6.5 star energy rating.
- Internal lighting will achieve a maximum 4watts/m2.
- LED lighting fixtures will be considered for alternatives to fluorescent fittings to reduce energy consumption.
- External lighting will be controlled by motion sensors.
- Nominated heating and cooling systems will be 4 stars or within 1 star of the best relevant system in the market.
- Nominated gas instantaneous hot water system to be at least 5 star rating.

Stormwater

Objectives

- To reduce the impact of stormwater run-off.
- To improve the water quality of the water run-off.
- To achieve best practice stormwater quality outcomes.
- To incorporate the use of water sensitive urban design, including storm water re-use.

w: www.passivenergy.com.au e: info@passivenergy.com.au
p: 1300 248 348 a: Level 2, Office 207, 28 Riddell Parade, Elsternwick 3185

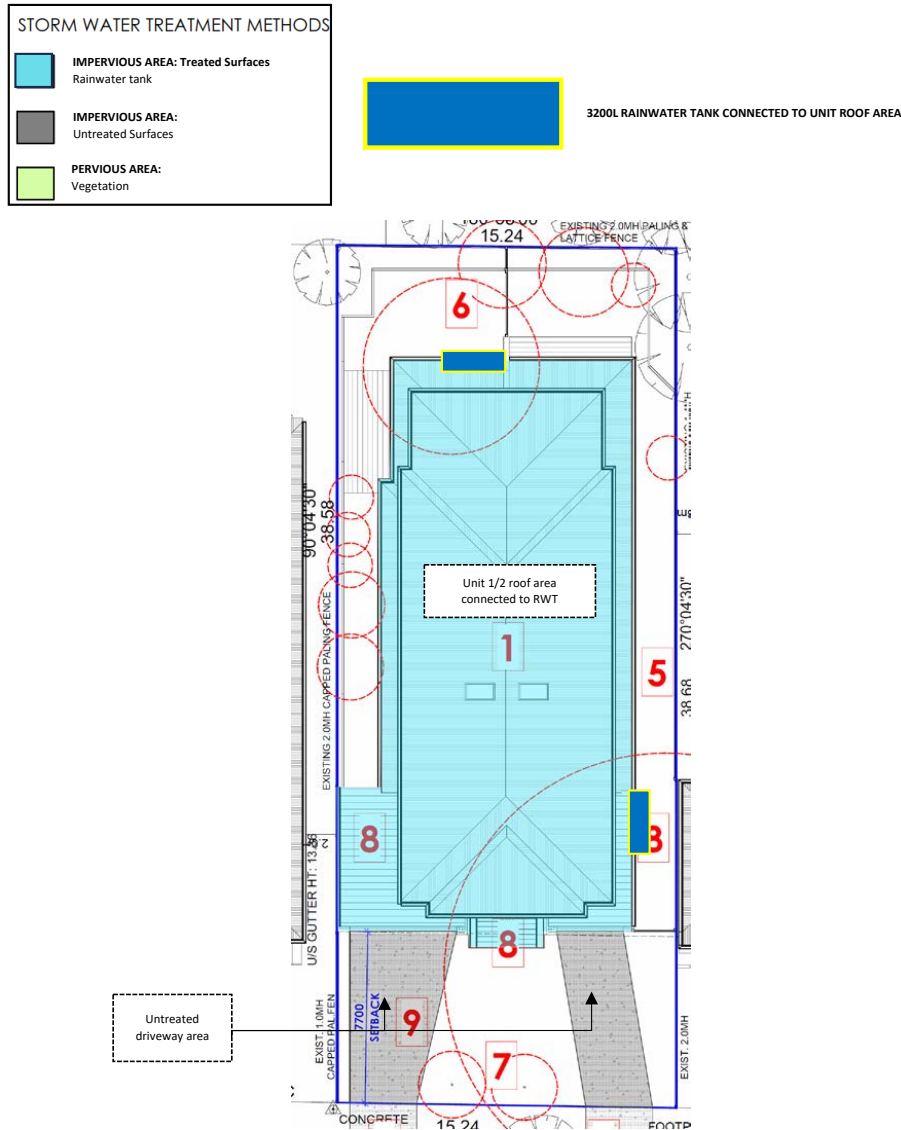
Sustainable Design Assessment – 44 Nicol Street, Highett VIC 3190

Initiatives

A Stormwater Treatment Objective- Relative Measure (STORM) calculator was used to produce a 100% outcome.

- Both driveways will be left untreated.
- Each unit will require:
 - 3200 litre water tanks connected to roof space each.
- Each unit is connected to a 2000 litre rainwater tank, which will be connected to the toilets.

Indicative Stormwater Treatment Plan

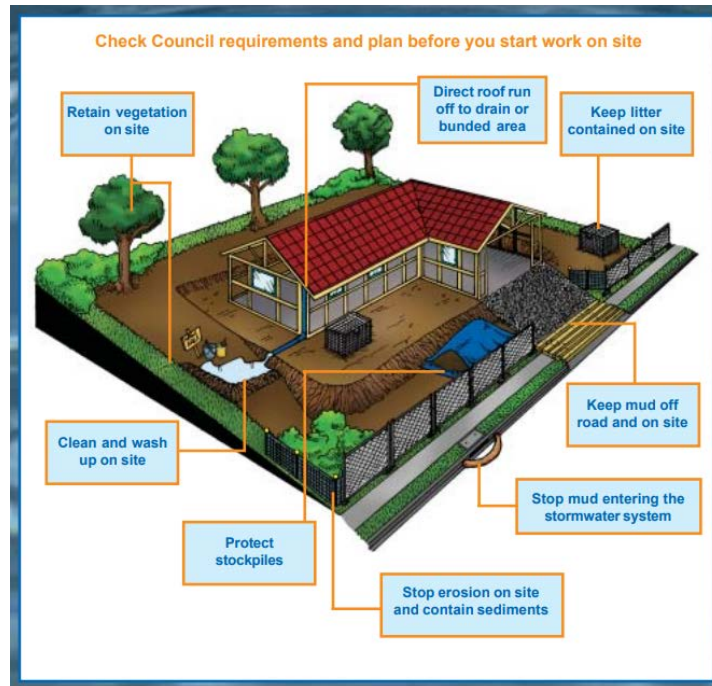


Note: Plan is indicative only and final locations of treatment systems and roof catchment area is subject to civil engineering.

w: www.passivenergy.com.au e: info@passivenergy.com.au
p: 1300 248 348 a: Level 2, Office 207, 28 Riddell Parade, Elsternwick 3185

Sustainable Design Assessment – 44 Nicol Street, Highett VIC 3190

Stormwater Site Management Initiatives



Sourced from: *Keeping our Stormwater Clean – A Builder's Guide*, Melbourne Water.

6 Site Rules To Keep The Stormwater Clean:

1. Check council requirements and plan before you start work on site.
2. Stop erosion onsite and contain sediments.
3. Protect stockpiles.
4. Keep mud off road and on site.
5. Keep litter contained on site.
6. Clean and wash up on site.

The methods and processes specified in “Keeping our Stormwater Clean – A Builder’s Guide, developed by Melbourne Water will be adhered to by the builder/developer for managing the construction site.

w: www.passivenergy.com.au e: info@passivenergy.com.au
p: 1300 248 348 a: Level 2, Office 207, 28 Riddell Parade, Elsternwick 3185

Sustainable Design Assessment – 44 Nicol Street, Highett VIC 3190

Indoor Environment Quality (IEQ)

Objectives

- To achieve a healthy indoor environment quality for the wellbeing of building occupants, including the provision of fresh air intake, cross ventilation, and natural daylight.
- To achieve thermal comfort levels with minimised need for mechanical heating, ventilation and cooling.
- To reduce indoor air pollutants by encouraging use of materials with low toxic chemicals.
- To reduce reliance on mechanical heating, ventilation, cooling and lighting systems.
- To minimise noise levels and noise transfer within and between buildings and associated external areas.

Initiatives

- All habitable rooms will allow for natural cross ventilation.
- Double glazed windows have been nominated to all living areas and bedrooms to assist with the thermal comfort.
- 50% of living areas have been designed to take in northern sunlight – Unit 1.
- All carpets, internal paints and all finishes and flooring will be selected for their low VOC properties.
- Engineered wood products will be E1 – E0 grade.
- Where artificial lighting is required, only sealed energy efficient LED light fixtures should be selected or CFL's for common areas like kitchens.
- All kitchen rangehoods to be externally ducted.

w: www.passivenergy.com.au e: info@passivenergy.com.au
p: 1300 248 348 a: Level 2, Office 207, 28 Riddell Parade, Elsternwick 3185

Sustainable Design Assessment – 44 Nicol Street, Highett VIC 3190

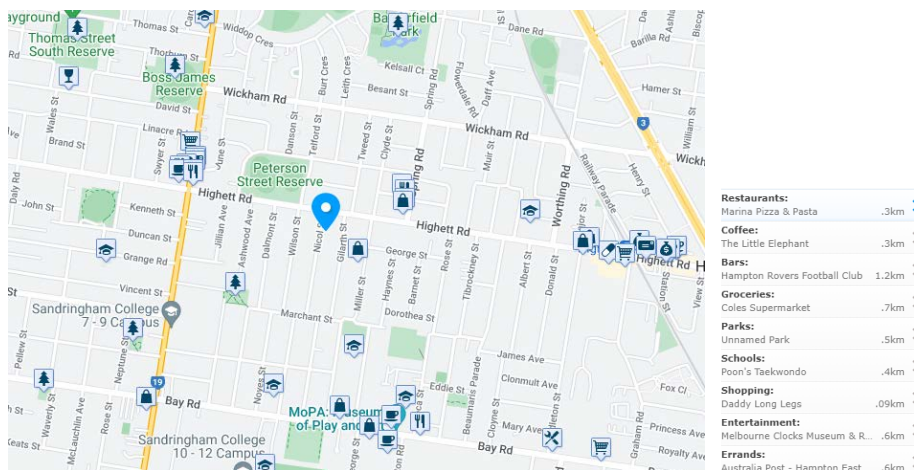
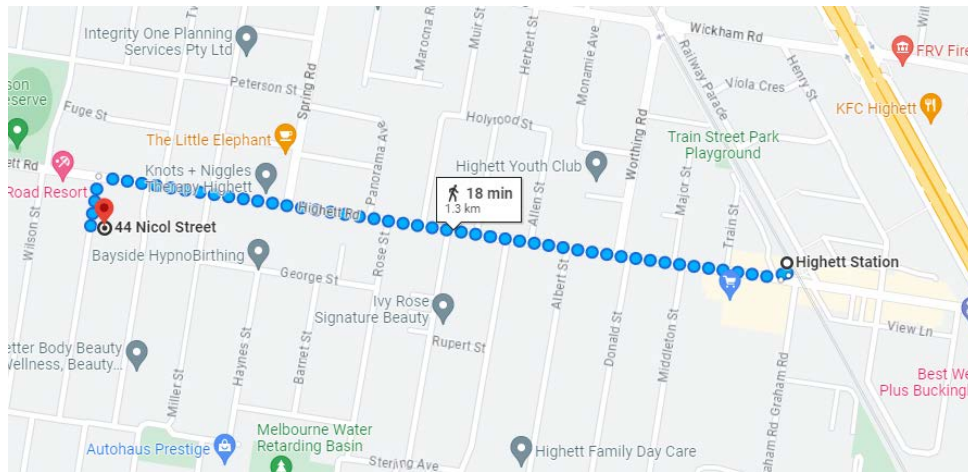
Transport

Objectives

- To ensure that the built environment is designed to promote the use of walking, cycling and public transport, in that order and to minimise car dependency.
- To promote the use of low emissions vehicle technologies and supporting infrastructure.
- The Walk Score is a number between 0 and 100 that measures the walkability of any address to shops, restaurant, parks, entertainment etc.

Initiatives

- There is 1 parking spot for bicycles per unit.
- 44 Nicol Street has a Walk Score of 70 out of 100. This location is Very Walkable so most errands can be accomplished on foot.
- This location is in the Highett neighborhood in Melbourne. Nearby parks include Unnamed Park, GL Basterfield Park and Boss James Reserve.
- The site is situated 1.3km to Highett train station.



w: www.passivenergy.com.au e: info@passivenergy.com.au
 p: 1300 248 348 a: Level 2, Office 207, 28 Riddell Parade, Elsternwick 3185

Sustainable Design Assessment – 44 Nicol Street, Highett VIC 3190

Waste management

Objectives

- To promote waste avoidance, reuse and recycling during the design construction and operation stages of the development.
- To ensure durability and long term reusability of building materials.
- To ensure sufficient space is allocated for future change in waste management needs, including (where possible) composting and green waste facilities.

Initiatives

- Recycling and waste receptacles to be installed in the kitchen cabinetry.
- The development is to recycle or reuse a minimum of 80% of construction demolition waste.
- Re-use of excavated material on-site and disposal of any excess to an approved site;
- Green waste mulched and re-used in landscaping either on-site or off-site;
- Bricks, tiles, concrete recycled off-site and plasterboard returned to supplier for recycling;
- Framing timber to be recycled elsewhere;
- Windows, doors, joinery, plumbing, fittings and metal elements recycled off-site;
- All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Workcover Authority and EPA requirements;
- Locations of on-site storage facilities for material to be reused on-site, or separated for recycling off-site

Materials

Objectives

- To reduce the environmental impact of materials by recycling of existing material or use of environmentally friendly materials and materials with low embodied energy.

Initiatives

- The development will use sustainable timber, where it meets the Australian Forestry Standard(AFS) or Forest Stewardship Council(FSC) standard and will use E1 or E0-grade engineered wood products.
- The development will use 20-35% supplementary cementitious materials(SCM) as a partial cement alternative, subject to the structural engineer's approval.
- Using recyclable and long lifecycle materials, such as steel, concrete and bricks.
- Materials proposed are local and readily available reducing embodied energy from transportation.
- Industry accepted benchmarks and/or third party certified low VOC and non-toxic products will be used for the development.

Urban ecology

Objectives

- To protect and enhance biodiversity with the municipality
- To provide environmentally sustainable landscapes and natural habitats, and minimise the urban heat island effect.
- To encourage the retention of significant trees and the planting of indigenous vegetation,
- To encourage the provision of space for productive gardens.

Initiatives

- The vegetation percentage area to be at least 35%.
- The development will include native/indigenous plants.
- Landscape architect to prepare water efficient landscape design.
- Light/medium coloured roofing and/or paving will be used to minimise UHI effect.

w: www.passivenergy.com.au e: info@passivenergy.com.au
p: 1300 248 348 a: Level 2, Office 207, 28 Riddell Parade, Elsternwick 3185

Sustainable Design Assessment – 44 Nicol Street, Highett VIC 3190

NatHERs Ratings

- Energy ratings were modelled in First Rate 5 software version 5.3.2b (3.21).

	Heating	Cooling	Total	Rating
Unit 1	90MJ/m2	17.9MJ/m2	107.9MJ/m2	6.5 Stars
Unit 2	94MJ/m2	13MJ/m2	107MJ/m2	6.5 Stars

Preliminary Energy Rating Assumptions:

Insulation:	Value	
Floor	R0.0	Timber, no additional insulation required.
External Walls	R2.5	R2.5 insulation installed between all external stud walls with anti-glare foil (excluding garage).
Internal Walls	R2.5	R2.5 insulation installed between all garage, laundry, WC and bathroom internal stud walls.
Roof	R6.0	R6.0 insulation installed between all roof trusses (excluding garage).

Glazing – Unit 1	Type -
	Aluminium framed double-glazed Hinged Door/Awning U-Value: 4.10 SHGC: 0.47 Sliding Door/Fixed U-Value: 4.50 SHGC: 0.61
Location -	All proposed windows and glazed doors (excluding bath, WC and laundry).

Glazing – Unit 2	Type -
	Aluminium framed double-glazed Hinged Door/Awning U-Value: 4.10 SHGC: 0.47 Sliding Door/Fixed U-Value: 4.10 SHGC: 0.52
Location -	All proposed windows and glazed doors (excluding bath, WC and laundry).

Exhaust Fans:	Location – As per working drawings
	Kitchen, ensuite and bathroom. Note: All exhaust fans to be installed with self closing dampers

Weather Protection:	Note -
	Weatherstrip draft protection device to be installed to the bottom of all external doors

w: www.passivenergy.com.au e: info@passivenergy.com.au
p: 1300 248 348 a: Level 2, Office 207, 28 Riddell Parade, Elsternwick 3185

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

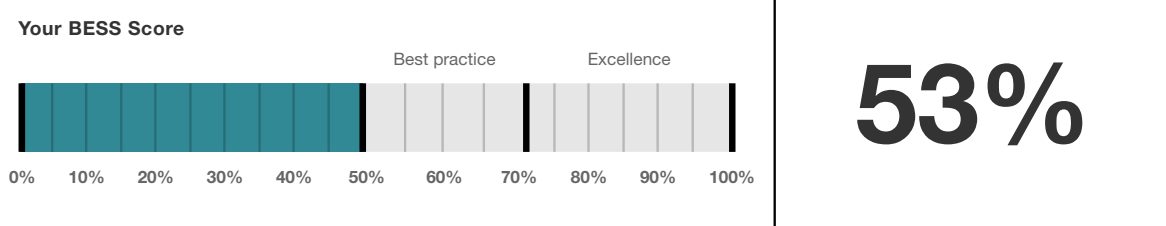
BESS Report

Built Environment Sustainability Scorecard



This BESS report outlines the sustainable design commitments of the proposed development at 44 Nicol St Highett Victoria 3190. The BESS report and accompanying documents and evidence are submitted in response to the requirement for a Sustainable Design Assessment or Sustainability Management Plan at Bayside City Council.

Note that where a Sustainability Management Plan is required, the BESS report must be accompanied by a report that further demonstrates the development's potential to achieve the relevant environmental performance outcomes and documents the means by which the performance outcomes can be achieved.



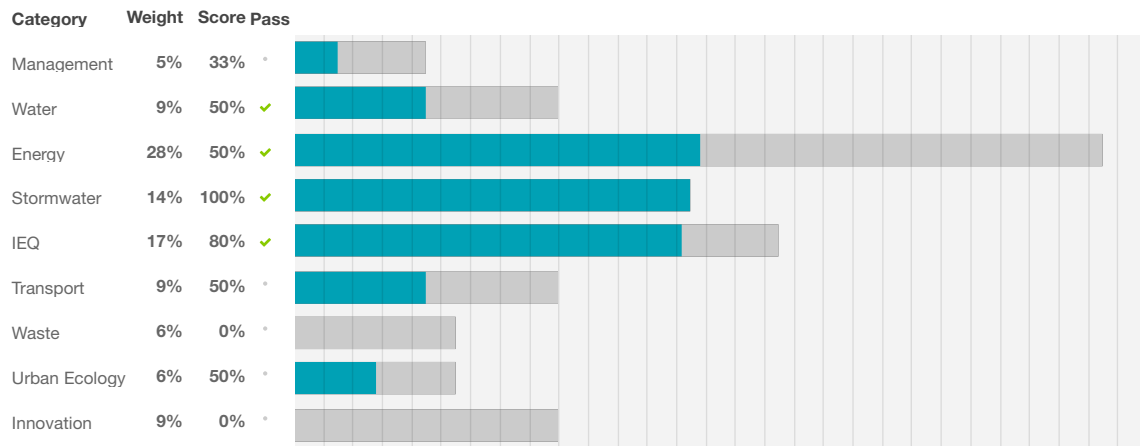
Project details

Address 44 Nicol St Highett Victoria 3190
Project no 5EDE1298-R1
BESS Version BESS-7

Site type Multi dwelling (dual occupancy, townhouse, villa unit etc)
Account rob@passivenergy.com.au
Application no. TBC
Site area 579.00 m²
Building floor area 401.92 m²
Date 08 November 2023
Software version 1.8.0-B.403



Performance by category ● Your development ● Maximum available



The Built Environment Sustainability Scorecard is an initiative of the Council Alliance for a Sustainable Built Environment (CASBE). For more details see www.bess.net.au

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

Dwellings & Non Res Spaces

Dwellings

Name	Quantity	Area	% of total area
Townhouse			
Townhouse 2	1	204 m ²	50%
Townhouse 1	1	198 m ²	49%
Total	2	401 m²	100%

Supporting information

Floorplans & elevation notes

Credit	Requirement	Response	Status
Water 3.1	Annotation: Water efficient garden details		-
Energy 3.3	Annotation: External lighting controlled by motion sensors		-
Energy 3.4	Location of clothes line (if proposed)		-
Stormwater 1.1	Location of any stormwater management systems (rainwater tanks, raingardens, buffer strips)		-
IEQ 2.2	Annotation: Dwellings designed for 'natural cross flow ventilation' (If not all dwellings, include a list of compliant dwellings)		-
IEQ 3.1	Annotation: Glazing specification (U-value, SHGC)		-
IEQ 3.3	North-facing living areas		-
Transport 1.1	Location of residential bicycle parking spaces		-
Urban Ecology 2.1	Location and size of vegetated areas		-

Supporting evidence

Credit	Requirement	Response	Status
Management 2.2	Preliminary NatHERS assessments		-
Energy 3.5	Average lighting power density and lighting type(s) to be used		-
Stormwater 1.1	STORM report or MUSIC model		-
IEQ 2.2	A list of dwellings with natural cross flow ventilation		-
IEQ 3.1	Reference to floor plans or energy modelling showing the glazing specification (U-value and Solar Heat Gain Coefficient, SHGC)		-
IEQ 3.3	Reference to the floor plans showing living areas orientated to the north		-

Credit summary

Management Overall contribution 4.5%

		33%
1.1 Pre-Application Meeting		0%
2.2 Thermal Performance Modelling - Multi-Dwelling Residential		100%
4.1 Building Users Guide		0%

The Built Environment Sustainability Scorecard is an initiative of the Council Alliance for a Sustainable Built Environment (CASBE). For more details see www.bess.net.au

Page 2 of 14

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

Water Overall contribution 9.0%

		Minimum required 50%	50%	✓ Pass
1.1 Potable Water Use Reduction			40%	
3.1 Water Efficient Landscaping			100%	

Energy Overall contribution 27.5%

		Minimum required 50%	50%	✓ Pass
1.2 Thermal Performance Rating - Residential			16%	
2.1 Greenhouse Gas Emissions			100%	
2.2 Peak Demand			0%	
2.3 Electricity Consumption			100%	
2.4 Gas Consumption			100%	
2.5 Wood Consumption			N/A	✦ Scoped Out
No wood heating system present				
2.6 Electrification			0%	⊘ Disabled
Credit is available when project is declared to have no gas connection.				
3.2 Hot Water			100%	
3.3 External Lighting			100%	
3.4 Clothes Drying			100%	
3.5 Internal Lighting - Houses and Townhouses			100%	
4.4 Renewable Energy Systems - Other			0%	⊘ Disabled
No other (non-solar PV) renewable energy is in use.				
4.5 Solar PV - Houses and Townhouses			0%	⊘ Disabled
No solar PV renewable energy is in use.				

Stormwater Overall contribution 13.5%

		Minimum required 100%	100%	✓ Pass
1.1 Stormwater Treatment			100%	

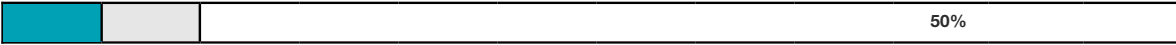


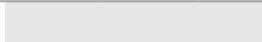
IEQ Overall contribution 16.5%

		Minimum required 50%	80%	✓ Pass
2.2 Cross Flow Ventilation			100%	
3.1 Thermal comfort - Double Glazing			100%	
3.2 Thermal Comfort - External Shading			0%	
3.3 Thermal Comfort - Orientation			100%	

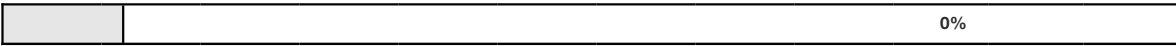

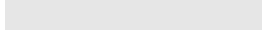
The Built Environment Sustainability Scorecard is an initiative of the Council Alliance for a Sustainable Built Environment (CASBE). For more details see www.bess.net.au

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

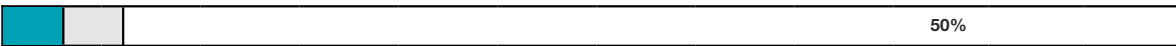




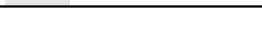
Transport Overall contribution 9.0%

		50%
1.1 Bicycle Parking - Residential		100%
1.2 Bicycle Parking - Residential Visitor		N/A  Scoped Out Not enough dwellings.
2.1 Electric Vehicle Infrastructure		0%

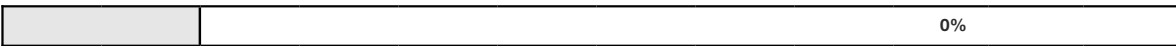

Waste Overall contribution 5.5%

		0%
1.1 - Construction Waste - Building Re-Use		0%
2.1 - Operational Waste - Food & Garden Waste		0%

Urban Ecology Overall contribution 5.5%

		50%
2.1 Vegetation		100%
2.2 Green Roofs		0%
2.3 Green Walls and Facades		0%
2.4 Private Open Space - Balcony / Courtyard Ecology		0%
3.1 Food Production - Residential		0%

Innovation Overall contribution 9.0%

		0%
1.1 Innovation		0%

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

Credit breakdown

Management Overall contribution 1%

1.1 Pre-Application Meeting		0%
Score Contribution	This credit contributes 50.0% towards the category score.	
Criteria	Has an ESD professional been engaged to provide sustainability advice from schematic design to construction? AND Has the ESD professional been involved in a pre-application meeting with Council?	
Question	Criteria Achieved ?	
Project	No	
2.2 Thermal Performance Modelling - Multi-Dwelling Residential		100%
Score Contribution	This credit contributes 33.3% towards the category score.	
Criteria	Have preliminary NatHERS ratings been undertaken for all thermally unique dwellings?	
Question	Criteria Achieved ?	
Townhouse	Yes	
4.1 Building Users Guide		0%
Score Contribution	This credit contributes 16.7% towards the category score.	
Criteria	Will a building users guide be produced and issued to occupants?	
Question	Criteria Achieved ?	
Project	No	

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

Water Overall contribution 4% Minimum required 50%

Water Approach	
What approach do you want to use for Water?:	Use the built in calculation tools
Project Water Profile Question	
Do you have a reticulated third pipe or an on-site water recycling system?:	No
Are you installing a swimming pool?:	No
Are you installing a rainwater tank?:	Yes
Water fixtures, fittings and connections	
Showerhead: All	4 Star WELS (>= 6.0 but <= 7.5)
Bath: All	Medium Sized Contemporary Bath
Kitchen Taps: All	>= 5 Star WELS rating
Bathroom Taps: All	>= 5 Star WELS rating
Dishwashers: All	Default or unrated
WC: All	>= 4 Star WELS rating
Urinals: All	Scope out
Washing Machine Water Efficiency: All	Occupant to Install
Which non-potable water source is the dwelling/space connected to?:	
Townhouse 1	RWT1
Townhouse 2	RWT2
Non-potable water source connected to Toilets: All	Yes
Non-potable water source connected to Laundry (washing machine): All	No
Non-potable water source connected to Hot Water System: All	No
Rainwater Tanks	
What is the total roof area connected to the rainwater tank?:	
RWT1	159 m²
RWT2	152 m²
Tank Size:	
RWT1	3,200 Litres
RWT2	3,200 Litres
Irrigation area connected to tank:	
RWT1	-
RWT2	-
Is connected irrigation area a water efficient garden?:	
RWT1	-
RWT2	-
Other external water demand connected to tank?:	
RWT1	-
RWT2	-

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

1.1 Potable Water Use Reduction		40%
Score Contribution	This credit contributes 83.3% towards the category score.	
Criteria	What is the reduction in total potable water use due to efficient fixtures, appliances, rainwater use and recycled water use? To achieve points in this credit there must be >25% potable water reduction.	
Output	Reference	
Project	465 kL	
Output	Proposed (excluding rainwater and recycled water use)	
Project	389 kL	
Output	Proposed (including rainwater and recycled water use)	
Project	348 kL	
Output	% Reduction in Potable Water Consumption	
Project	25 %	
Output	% of connected demand met by rainwater	
Project	100 %	
Output	How often does the tank overflow?	
Project	Very Often	
Output	Opportunity for additional rainwater connection	
Project	172 kL	
3.1 Water Efficient Landscaping		100%
Score Contribution	This credit contributes 16.7% towards the category score.	
Criteria	Will water efficient landscaping be installed?	
Question	Criteria Achieved ?	
Project	Yes	

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

Energy Overall contribution 14% Minimum required 50%

Dwellings Energy Approach	
What approach do you want to use for Energy?:	Use the built in calculation tools
Project Energy Profile Question	
Are you installing any solar photovoltaic (PV) system(s)?:	No
Are you installing any other renewable energy system(s)?:	No
Energy Supply:	Electricity & Natural Gas
Dwelling Energy Profiles	
Below the floor is: All	Ground or Carpark
Above the ceiling is: All	Outside
Exposed sides: All	3
NatHERS Annual Energy Loads - Heat:	
Townhouse 1	90.0 MJ/sqm
Townhouse 2	94.0 MJ/sqm
NatHERS Annual Energy Loads - Cool:	
Townhouse 1	17.9 MJ/sqm
Townhouse 2	13.0 MJ/sqm
NatHERS star rating: All	6.5
Type of Heating System: All	Reverse cycle space
Heating System Efficiency: All	4 Star
Type of Cooling System: All	Refrigerative space
Cooling System Efficiency: All	4 Stars
Type of Hot Water System: All	Gas Instantaneous 5 star
Clothes Line: All	Private outdoor clothesline
Clothes Dryer: All	Occupant to Install
1.2 Thermal Performance Rating - Residential 16%	
Score Contribution	This credit contributes 27.3% towards the category score.
Criteria	What is the average NatHERS rating?
Output	Average NATHERS Rating (Weighted)
Townhouse	6.5 Stars
2.1 Greenhouse Gas Emissions 100%	
Score Contribution	This credit contributes 9.1% towards the category score.
Criteria	What is the % reduction in annual greenhouse gas emissions against the benchmark?
Output	Reference Building with Reference Services (BCA only)
Townhouse	18,348 kg CO2
Output	Proposed Building with Proposed Services (Actual Building)
Townhouse	6,235 kg CO2
Output	% Reduction in GHG Emissions
Townhouse	66 %

The Built Environment Sustainability Scorecard is an initiative of the Council Alliance for a Sustainable Built Environment (CASBE). For more details see www.bess.net.au

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

2.2 Peak Demand		0%
Score Contribution	This credit contributes 4.5% towards the category score.	
Criteria	What is the % reduction in the instantaneous (peak-hour) demand against the benchmark?	
Output	Peak Thermal Cooling Load - Baseline	
Townhouse	26.7 kW	
Output	Peak Thermal Cooling Load - Proposed	
Townhouse	26.5 kW	
Output	Peak Thermal Cooling Load - % Reduction	
Townhouse	< 1 %	
2.3 Electricity Consumption		100%
Score Contribution	This credit contributes 9.1% towards the category score.	
Criteria	What is the % reduction in annual electricity consumption against the benchmark?	
Output	Reference	
Townhouse	15,918 kWh	
Output	Proposed	
Townhouse	4,378 kWh	
Output	Improvement	
Townhouse	72 %	
2.4 Gas Consumption		100%
Score Contribution	This credit contributes 9.1% towards the category score.	
Criteria	What is the % reduction in annual gas consumption against the benchmark?	
Output	Reference	
Townhouse	41,075 MJ	
Output	Proposed	
Townhouse	34,412 MJ	
Output	Improvement	
Townhouse	16 %	
2.5 Wood Consumption		N/A  Scoped Out
This credit was scoped out	No wood heating system present	
2.6 Electrification		0%  Disabled
This credit is disabled	Credit is available when project is declared to have no gas connection.	

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

3.2 Hot Water		100%
Score Contribution	This credit contributes 4.5% towards the category score.	
Criteria	What is the % reduction in annual energy consumption (gas and electricity) of the hot water system against the benchmark?	
Output	Reference	
Townhouse	41,075 MJ	
Output	Proposed	
Townhouse	34,887 MJ	
Output	Improvement	
Townhouse	15 %	
3.3 External Lighting		100%
Score Contribution	This credit contributes 4.5% towards the category score.	
Criteria	Is the external lighting controlled by a motion detector?	
Question	Criteria Achieved ?	
Townhouse	Yes	
3.4 Clothes Drying		100%
Score Contribution	This credit contributes 4.5% towards the category score.	
Criteria	What is the % reduction in annual energy consumption (gas and electricity) from a combination of clothes lines and efficient driers against the benchmark?	
Output	Reference	
Townhouse	1,517 kWh	
Output	Proposed	
Townhouse	303 kWh	
Output	Improvement	
Townhouse	80 %	
3.5 Internal Lighting - Houses and Townhouses		100%
Score Contribution	This credit contributes 4.5% towards the category score.	
Criteria	Does the development achieve a maximum illumination power density of 4W/sqm or less?	
Question	Criteria Achieved?	
Townhouse	Yes	
4.4 Renewable Energy Systems - Other	0%	⊘ Disabled
This credit is disabled	No other (non-solar PV) renewable energy is in use.	
4.5 Solar PV - Houses and Townhouses	0%	⊘ Disabled
This credit is disabled	No solar PV renewable energy is in use.	

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

Stormwater Overall contribution 14% Minimum required 100%


Which stormwater modelling are you using?:		Melbourne Water STORM tool
1.1 Stormwater Treatment		100%
Score Contribution	This credit contributes 100.0% towards the category score.	
Criteria	Has best practice stormwater management been demonstrated?	
Question	STORM score achieved	
Project	100	
Output	Min STORM Score	
Project	100	

IEQ Overall contribution 13% Minimum required 50%

2.2 Cross Flow Ventilation		100%
Score Contribution	This credit contributes 20.0% towards the category score.	
Criteria	Are all habitable rooms designed to achieve natural cross flow ventilation?	
Question	Criteria Achieved ?	
Townhouse	Yes	
3.1 Thermal comfort - Double Glazing		100%
Score Contribution	This credit contributes 40.0% towards the category score.	
Criteria	Is double glazing (or better) used to all habitable areas?	
Question	Criteria Achieved ?	
Townhouse	Yes	
3.2 Thermal Comfort - External Shading		0%
Score Contribution	This credit contributes 20.0% towards the category score.	
Criteria	Is appropriate external shading provided to east, west and north facing glazing?	
Question	Criteria Achieved ?	
Townhouse	No	
3.3 Thermal Comfort - Orientation		100%
Score Contribution	This credit contributes 20.0% towards the category score.	
Criteria	Are at least 50% of living areas orientated to the north?	
Question	Criteria Achieved ?	
Townhouse	Yes	

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

Transport Overall contribution 4%

1.1 Bicycle Parking - Residential		100%
Score Contribution	This credit contributes 50.0% towards the category score.	
Criteria	How many secure and undercover bicycle spaces are there per dwelling for residents?	
Question	Bicycle Spaces Provided ?	
Townhouse	2	
Output	Min Bicycle Spaces Required	
Townhouse	2	
1.2 Bicycle Parking - Residential Visitor		N/A  Scoped Out
This credit was scoped out	Not enough dwellings.	
2.1 Electric Vehicle Infrastructure		0%
Score Contribution	This credit contributes 50.0% towards the category score.	
Criteria	Are facilities provided for the charging of electric vehicles?	
Question	Criteria Achieved ?	
Project	No	

Waste Overall contribution 0%

1.1 - Construction Waste - Building Re-Use		0%
Score Contribution	This credit contributes 50.0% towards the category score.	
Criteria	If the development is on a site that has been previously developed, has at least 30% of the existing building been re-used?	
Question	Criteria Achieved ?	
Project	No	
2.1 - Operational Waste - Food & Garden Waste		0%
Score Contribution	This credit contributes 50.0% towards the category score.	
Criteria	Are facilities provided for on-site management of food and garden waste?	
Question	Criteria Achieved ?	
Project	No	

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

Urban Ecology Overall contribution 3%

2.1 Vegetation	100%
Score Contribution	This credit contributes 50.0% towards the category score.
Criteria	How much of the site is covered with vegetation, expressed as a percentage of the total site area?
Question	Percentage Achieved ?
Project	35 %
2.2 Green Roofs	0%
Score Contribution	This credit contributes 12.5% towards the category score.
Criteria	Does the development incorporate a green roof?
Question	Criteria Achieved ?
Project	No
2.3 Green Walls and Facades	0%
Score Contribution	This credit contributes 12.5% towards the category score.
Criteria	Does the development incorporate a green wall or green façade?
Question	Criteria Achieved ?
Project	No
2.4 Private Open Space - Balcony / Courtyard Ecology	0%
Score Contribution	This credit contributes 12.5% towards the category score.
Criteria	Is there a tap and floor waste on every balcony / in every courtyard?
Question	Criteria Achieved ?
Townhouse	No
3.1 Food Production - Residential	0%
Score Contribution	This credit contributes 12.5% towards the category score.
Criteria	What area of space per resident is dedicated to food production?
Question	Food Production Area
Townhouse	-
Output	Min Food Production Area
Townhouse	2 m ²

Innovation Overall contribution 0%

1.1 Innovation	0%
Score Contribution	This credit contributes 100.0% towards the category score.
Criteria	What percentage of the Innovation points have been claimed (10 points maximum)?

Disclaimer

The Built Environment Sustainability Scorecard (BESS) has been provided for the purpose of information and communication. While we make every effort to ensure that material is accurate and up to date (except where denoted as 'archival'), this material does in no way constitute the provision of professional or specific advice. You should seek appropriate, independent, professional advice before acting on any of the areas covered by BESS.

The Built Environment Sustainability Scorecard is an initiative of the Council Alliance for a Sustainable Built Environment (CASBE). For more details see www.bess.net.au

BESS, 44 Nicol St, Highett VIC 3190, Australia 44 Nicol St, Highett 3190

The Municipal Association of Victoria (MAV) and CASBE (Council Alliance for a Sustainable Built Environment) member councils do not guarantee, and accept no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency or completeness of BESS, any material contained on this website or any linked sites

The Built Environment Sustainability Scorecard is an initiative of the Council Alliance for a Sustainable Built Environment (CASBE).
For more details see www.bess.net.au

Page 14 of 14

Nationwide House Energy Rating Scheme NatHERS Certificate

Generated on 8 Nov 2023 using FirstRate5: 5.3.2b (3.21)

Property

Address 1, 44 Nicol Street, Highett, VIC, 3190
Lot/DP -
NCC Class* Class 1a
Type New Home

Plans

Main plan 22-04570 / 30/10/23
Prepared by Hargreaves Design Group



107.9 MJ/m²

Predicted annual energy load for heating and cooling based on standard occupancy assumptions.

For more information on your dwelling's rating see:
www.nathers.gov.au

Construction and environment

Assessed floor area (m²)*		Exposure type	
Conditioned*	159.8	suburban	
Unconditioned*	42.7	NatHERS climate zone	
Total	202.5	62 Moorabbin Airport	
Garage	32.4		

Thermal performance

Heating	Cooling
90	17.9
MJ/m²	MJ/m²

About the rating

NatHERS software models the expected thermal energy loads using information about the design and construction, climate and common patterns of household use. The software does not take into account appliances, apart from the airflow impacts from ceiling fans.



Accredited assessor

Name Robert Iacono
Business name PassivEnergy
Email rob@passivenergy.com.au
Phone 0401 248 348
Accreditation No. DMN/41/1259
Assessor Accrediting Organisation Design Matters National
Declaration of interest Declaration completed: no conflicts

Verification

To verify this certificate, scan the QR code or visit When using either link, ensure you are visiting www.FR5.com.au

National Construction Code (NCC) requirements

The NCC's requirements for NatHERS-rated houses are detailed in 3.12.0(a)(i) and 3.12.5 of the NCC Volume Two. For apartments the requirements are detailed in J0.2 and J5 to J8 of the NCC Volume One.

In NCC 2019, these requirements include minimum star ratings and separate heating and cooling load limits that need to be met by buildings and apartments through the NatHERS assessment. Requirements additional to the NatHERS assessment that must also be satisfied include, but are not limited to: insulation installation methods, thermal breaks, building sealing, water heating and pumping, and artificial lighting requirements. The NCC and NatHERS Heating and Cooling Load Limits (Australian Building Codes Board Standard) are available at www.abcb.gov.au.

State and territory variations and additions to the NCC may also apply.

* Refer to glossary.

Nationwide House Energy Rating Scheme NatHERS Certificate

Generated on 8 Nov 2023 using FirstRate5: 5.3.2b (3.21)

Property

Address 2, 44 Nicol Street, Highett, VIC, 3190
Lot/DP -
NCC Class* Class 1a
Type New Home

Plans

Main plan 22-04570 / 30/10/23
Prepared by Hargreaves Design Group



107 MJ/m²

Predicted annual energy load for heating and cooling based on standard occupancy assumptions.

For more information on your dwelling's rating see:
www.nathers.gov.au

Construction and environment

Assessed floor area (m²)*		Exposure type	
Conditioned*	164.6	suburban	
Unconditioned*	30.5	NatHERS climate zone	
Total	195.1	62 Moorabbin Airport	
Garage	20.5		

Thermal performance

Heating	Cooling
94	13
MJ/m²	MJ/m²

About the rating

NatHERS software models the expected thermal energy loads using information about the design and construction, climate and common patterns of household use. The software does not take into account appliances, apart from the airflow impacts from ceiling fans.



Accredited assessor

Name Robert Iacono
Business name PassivEnergy
Email rob@passivenergy.com.au
Phone 0401 248 348
Accreditation No. DMN/11/1259
Assessor Accrediting Organisation Design Matters National
Declaration of interest Declaration completed: no conflicts

Verification

To verify this certificate, scan the QR code or visit [When using either link, ensure you are visiting www.FR5.com.au.](#)

National Construction Code (NCC) requirements

The NCC's requirements for NatHERS-rated houses are detailed in 3.12.0(a)(i) and 3.12.5 of the NCC Volume Two. For apartments the requirements are detailed in J0.2 and J5 to J8 of the NCC Volume One.

In NCC 2019, these requirements include minimum star ratings and separate heating and cooling load limits that need to be met by buildings and apartments through the NatHERS assessment. Requirements additional to the NatHERS assessment that must also be satisfied include, but are not limited to: insulation installation methods, thermal breaks, building sealing, water heating and pumping, and artificial lighting requirements. The NCC and NatHERS Heating and Cooling Load Limits (Australian Building Codes Board Standard) are available at www.abcb.gov.au.

State and territory variations and additions to the NCC may also apply.

* Refer to glossary.



STORM Rating Report

TransactionID: 0
 Municipality: BAYSIDE
 Rainfall Station: BAYSIDE
 Address: 44 Nicol Street,

 Highett
 VIC 3190
 Assessor:
 Development Type: Residential - Multiunit
 Allotment Site (m2): 588.66
 STORM Rating %: 100

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Unit 1 RWT roof area	158.60	Rainwater Tank	3,200.00	4	114.60	93.10
Unit 2 RWT roof area	151.80	Rainwater Tank	3,200.00	4	120.20	92.60
Driveway 1	29.80	None	0.00	0	0.00	0.00
Driveway 2	24.10	None	0.00	0	0.00	0.00

Date Generated: 08-Nov-2023

Program Version: 1.0.0

Rainwater Tanks



Stormwater Sensitive Homes

How does a rainwater tank help protect our local streams?

Most people install a rainwater tank primarily to harvest stormwater from their roof and conserve their mains water use. In addition to conserving water, a rainwater tank also helps treat stormwater and protect local streams from high storm flows by reducing the volume of stormwater and quantity of pollutants coming from a house block that would otherwise be delivered to the local stream.

What do I use my tank water for?

Garden irrigation, laundry and toilet flushing consume much of our home water use. In most cases these uses do not require the water to be of drinking quality standard that is provided by mains water. By plumbing your rainwater tank to your toilet or laundry and substituting these mains water needs with the rainwater harvested from your roof, you can conserve mains water whilst reducing the amount of stormwater that enters our streams.



Melbourne Water 131772
Melbourne Water Corporation, PO Box 4342, Melbourne Victoria 3001

A typical home uses approximately 250,000 litres of water each year.

Rainwater Tanks Stormwater Sensitive Homes



Why can't I use my rainwater tank for my garden alone?

So that your tank is not too full to collect rainwater when it rains, you need to be consistently using your tank water all year round.

If tank water is used for your garden alone, your tank will remain full and unused during the winter months when your garden does not require watering. With a full tank, your capacity to capture and store the regular winter rainfall and thus benefit the local waterway is significantly reduced.

By plumbing your rainwater tank to your toilet or laundry, your tank water is used consistently all year round allowing rainfall to refill the tank more often especially in winter. This ultimately reduces the volume of stormwater that is delivered to the stream and the quantity of pollutants that are washed with it.

The Victorian Government has recognised the importance of plumbing your tank to your toilet and offers a cash rebate for the installation of connected rainwater tanks (www.dse.vic.gov.au). In addition, a 5 star energy standard has been introduced that requires a connected 2000Lt rainwater tank or solar hot water service to be installed in all new houses and apartments (class 1 and 2 buildings). (www.buildingcommission.com.au).

How do I choose a rainwater tank?

The most important thing to consider when choosing a rainwater tank is to first identify what you want from your rainwater tank. The size and type of rainwater tank you choose will vary depending on your homes water needs and the reliability you seek from your rainwater tank supply. There are a number of factors that may influence this and the following questions should be considered when planning your tank installation:

- what is the water demand of your home?
- how many people are living in your home?
- what is your intended use of rainwater?
- what reliability do you want from your tank?
- what is the total area of roof draining into your tank?
- what is average rainfall of your area?
- do you need extras like a pressure pump, the ability to top up your tank with drinking water, a backflow prevention device or a first flush device?
- are the materials used on your roof suitable to collect rainwater?
- are there physical constraints of your property that may influence the type of rainwater tank you need?

Once you know how much water you can collect and how much water you are going to use then a tank size can be selected to provide the reliability of water supply that you need.

Types of rainwater tanks

Rainwater tanks come in a variety of materials, shapes and sizes and can be incorporated into building design so they don't impact on the aesthetics of the development. They can be located above ground, underground, under the house or can even be incorporated into fences or walls.

There are three main tank systems to consider and a variety of materials to choose from. Features of these are outlined below and in the pictures above:

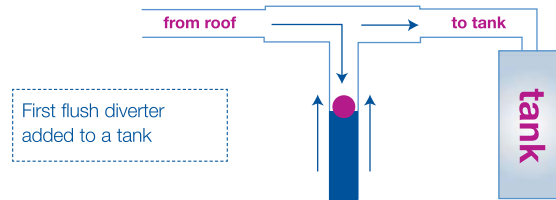
Tank systems:

Gravity Systems - rely on gravity to supply rainwater to the household and the garden by placing the tank on a stand at height.

Dual Supply Systems - top your rainwater tank with mains water when tank level is low ensuring reliable water supply.

Pressure Systems - use a pump to deliver rainwater to household and garden fixtures.

To reduce the amount of sediment and debris entering a tank, mesh screens and 'first flush diverters' can be fitted. A screen will filter large debris such as leaves and sticks while 'first flush diverters' store the 'first flush' of the rainfall that carries the sediment and other pollutants initially washed from your roof (see figure below).



Costs & rebates

Costs of installing a tank vary however a standard 2000Lt tank or bladder will cost around \$1000.

Additional plumbing and/ or.....

- Above ground tanks cost approximately \$250 for a 500 litre tank.
- Below ground tanks cost between \$300-\$600 per 1000 litres of storage
- The costs of pumps start from \$200.

Additional plumbing and/or excavation costs vary on intended use, pipe layout, materials and site accessibility.

The Victorian Government offers a total rebate of \$300 for the installation of a rainwater tank that is plumbed to toilet and connected by a licensed plumber. For further details refer to the Department of Sustainability and Environment website www.dse.vic.gov.au.

For more information:

Melbourne Water's Water Sensitive Urban Design Website: www.wsud.melbournewater.com.au

Municipal Association of Victoria Clearwater Program: www.clearwater.asn.au

Water Sensitive Urban Design in the Sydney Region: www.wsud.org

Urban Stormwater Best Practice Environmental Management Guidelines, Victorian Stormwater Committee, CSIRO publishing, 1999.

WSUD Engineering Procedures: Stormwater, Melbourne Water, 2005.

Delivering Water Sensitive Urban Design: Final Report of Clean Stormwater – a planning framework, ABM, 2004.



Paul Jameson
(Grad. Cert. Arb. (Melb) Ass. Dip. Hort. (Burnley) BA, BSW)
Consultant Arborist
Info@bluegumreports.com.au
0425 879 811



Tree Management & Protection Plan

44 Nicol Street, Highett 3190

**Bayside City Council
Planning and Environment Act 1987**

ENDORSED PLAN

**This plan complies with
Planning Permit: 5/2022/461/1
Planning Permit issued: 15/12/2023**

**Sheet 6 of 6
Report contains 11 pages**

**Endorsed on: 06/12/2023
Endorsed by: Steven Mallett**



Paul Jameson
 (Grad. Cert. Arb. (Melb) Ass. Dip. Hort. (Burnley) BA, BSW)
 Consultant Arborist
 Info@bluegumreports.com.au
 0425 879 811

Client	Hargreaves Design
Client Address	cassie@hargreaves.design
Site Address	44 Nicol Street, Highett 3190
Document Type	Arborist Report – Tree Management Plan
Date	16/10/2023

1. Contents

	Page
1. Introduction	3
2. Purpose	3
3. Methodology	4
4. Recommendations	4
Induction	4
Project arborist	4
Activities restricted within a TPZ	4
Supervision timetable	5
TPZ fencing & ground protection	5
Access to fenced tree protection zones	6
Excavation in TPZ	6
Pruning	7
Design changes	7
Post construction	7
Appendices	
1. Tree information	8
2. Certification Template	9
3. Tree Protection Plan	11



Paul Jameson
 (Grad. Cert. Arb. (Melb) Ass. Dip. Hort. (Burnley) BA, BSW)
 Consultant Arborist
 Info@bluegumreports.com.au
 0425 879 811

1. Introduction

This tree management and protection plan (TMPP) outlines the required tree protection measures for trees to be retained on the site and tree management guidelines during construction at 44 Nicol Street, Highett. This document refers to the Australian Standard AS4970-2009 Protection of trees on development sites.

2. Objectives

A planning permit has been issued for the development of the site, condition 14 of the planning permit (5/2022/461/1) requires that a tree management and protection plan (TMPP) must be submitted to and be endorsed by the Responsible Authority. This TMPP ensures to protect trees to be retained on the site as far as possible given the approved plans.

Table 1 – Relevant permit conditions:

<p><i>14. Before the development starts, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site. The TPMP must include:</i></p> <p><i>a) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site.</i></p> <p><i>b) Protection measures to be utilised and at what stage of development they will be implemented.</i></p> <p><i>c) Appointment of a project arborist detailing their role and responsibilities.</i></p> <p><i>d) Stages of development at which the project arborist will inspect tree protection measures and.</i></p> <p><i>e) Monitoring and certification by the project arborist of implemented protection measures. Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority. Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.</i></p> <p><i>The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites. The TPP must:</i></p> <p><i>a) Be legible, accurate and drawn to scale and.</i></p> <p><i>b) Indicate the location of all tree protection measures to be utilised and.</i></p> <p><i>c) Include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised and.</i></p> <p><i>d) Include a key describing all tree protection measures to be utilised.</i></p>
--

3. Methodology

This TMPP is based on the following documents:

- Proposed Plans (Hargreaves Design, 6/10/2023, Issue F).
- AS-4970 'Protection of Trees on development Sites'.
- Planning permit (5/2022/461/1).
- Arborist report – Bluegum Consultancy, 13/05/2022

This TMPP outlines the required tree protection measures for trees 1 & 9-12.



Paul Jameson
(Grad. Cert. Arb. (Melb) Ass. Dip. Hort. (Burnley) BA, BSW)
Consultant Arborist
Info@bluegumreports.com.au
0425 879 811

4. Tree Protection Requirements

Induction

Prior to the works commencing (including demolition) all workers and contract staff must be made aware of the tree protection requirement for trees 1 & 9-12. They must be made aware of the TMPP, and a copy of the tree protection plan must be clearly displayed and on site.

NOTE: Failure to abide by the TMPP could result in a 'STOP WORK' notice being issued or fine by Responsible Authority.

Project Arborist

Prior to works commencing (including demolition) a Project Arborist must be appointed to ensure that the relevant tree protection requirements as outlined in the TMPP have been implemented.

In accordance with condition 16 the owner/project manager must notify the responsible authority in writing of the appointment of the project arborist, prior to works commencing (including demolition) on site.

The Project Arborist is to be an appropriately experienced and with a minimum AQF Certificate 5 qualification (or equivalent) in arboriculture.

Without the written consent of the Responsible Authority, no changes are to be made that are likely to damage or adversely impact the healthy retention of trees.

The Project Arborist is to oversee any works including demolition within the TPZ of the trees to be retained.

Activities restricted within a TPZ

The following restricted activities must not occur within a TPZ unless authorised by the Responsible Authority or specifically allowed for in this TMPP:

- Machinery operation
- Soil excavation or compaction
- Placement of fill or dumping of waste
- Parking of machinery, equipment, or plant
- Storage of materials or amenities
- Storage, use or preparation of chemicals
- Lighting of fires
- Soil level changes
- Installation of utilities or signs
- Wash down or cleaning of equipment
- Physical damage to trees



Paul Jameson
 (Grad. Cert. Arb. (Melb) Ass. Dip. Hort. (Burnley) BA, BSW)
 Consultant Arborist
 Info@bluegumreports.com.au
 0425 879 811

Supervision Timetable

The Project Arborist will observe and have input into the supervision of the following tasks & decisions as outlined in the following table, in accordance with Condition 15d of the permit.

Table 2 – Project Arborist Inspection Schedule

Task	Timing	Project member
Site meeting to discuss TMPP & Implementation.	Pre - Demolition	Site Manager / Project Arborist
Installation of TPZ fencing for Trees – 1 & 9-11.	Pre-Demolition	Site Manager / Project Arborist
Relocate protective fencing for trees 9-11 to allow for construction.	Pre-construction	Site Manager / Project arborist
8-week interval inspections to evaluate tree condition and TPZ maintenance	Construction	Site Manager / Project arborist
Removal of TPZ fencing for landscaping.	Construction	Site Manager / Project arborist
Final sign off to be submitted to council	Post construction	Site Manager / Project arborist

TPZ Fencing & Ground Protection

TPZ exclusion fencing is to isolate trees to protect their canopy and more importantly roots from damage and compaction. TPZ fencing is identified on the Tree protection Plan.

- Tree 1 is to be isolated within TPZ fencing measuring 2 x 5m
- Trees 9-11 are to be isolated within TPZ fencing measuring 2 x 4 x 12 x 2 x 1.5m

Refer to Tree Protection Plan for fencing dimensions and location.

TPZ fencing is to be constructed of temporary security fencing (or similar) minimum height of 1.8m. It needs to be securely fixed by concrete block bases or star pickets.

Tree protection fencing must remain in place until final stages of development e.g., landscaping.



Paul Jameson
(Grad. Cert. Arb. (Melb) Ass. Dip. Hort. (Burnley) BA, BSW)
Consultant Arborist
Info@bluegumreports.com.au
0425 879 811

At least one A3 weatherproof sign is to be attached to each side of the TPZ fencing. It is too clearly state:

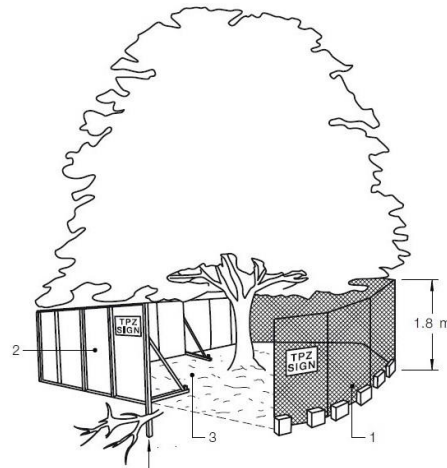


Figure 1 Example of established TPZ (AS4970-2009) and signage to be attached to TPZ fencing

Access to fenced tree protection zones.

There must be no access to the identified tree protection zones without the approval of the responsible authority. The project arborist must be notified of any request to enter the tree protection zone. On site staff and/or contractors must follow the project arborists guidelines for entering any tree protection zone.

Contractors may refer any refusal for entry to the Responsible Authority to be reviewed.

Excavation in TPZ

There must be no excavation or grade changes within the Tree protection zone without the written approval of the responsible authority.

If needed tree roots less than 40mm diameter can be pruned by the project arborist. Tree roots over 40mm must not be damaged, if they must be pruned the responsible authority must be notified. Pruning of tree roots must be in accordance with AS4373/2007.

Where possible tree roots must not be damaged and if uncovered must be recovered with either soil, mulch or hessian sheeting that is kept moist.

All services must be located outside of tree protection zones of trees to be retained, bored under tree protection zone or installed using hydro-excavation under the supervision of the project arborist.



Paul Jameson
(Grad. Cert. Arb. (Melb) Ass. Dip. Hort. (Burnley) BA, BSW)
Consultant Arborist
Info@bluegumreports.com.au
0425 879 811

Pruning

No pruning of street trees is to occur unless approved by the Responsible authority and undertaken by council approved contractors or the council tree crew.

The project arborist must identify if pruning is required for any trees to be retained prior to works recommencing. If pruning is required, this must be done in accordance with AS4373: 2007, and prior to construction work recommencing. Pruning must be approved by the responsible authority.

Design Changes

Any changes to the approved building/landscaping design (above and below ground works) within the tree protection zones must be approved by the responsible authority prior to proceeding.

Any approved design changes within TPZs must be included in the project arborist inspection reports and documentation.

Post Construction

During the landscaping stage the TPZ fencing be removed to allow for landscaping works.

Any remedial works e.g., soil amelioration, pest control etc. must be in the project arborist inspection reports and documentation.



Paul Jameson
 (Grad. Cert. Arb. (Melb) Ass. Dip. Hort. (Burnley) BA, BSW)
 Consultant Arborist
 Info@bluegumreports.com.au
 0425 879 811

Appendix 1 – Tree Data

Tree #	Botanical & common names	Origin	Health	Structure	Height	Canopy spread	Total DBH	DAB	Age	ULE	Amenity value	Retention value	TPZ	SRZ	Comments
1	<i>Lagunaria patersonia</i> (Norfolk Island Hibiscus)	Introduced	Good	Good	8.8	5	0.26	0.31	Mature	Medium (15-40 years)	Moderate	3rd Party Tree	3.12	2.02	ST
9	<i>Pyrus calleryana</i> (Ornamental Pear)	Introduced	Good	Average	7	5	0.22	0.25	Mature	Medium (15-40 years)	Moderate	3rd Party Tree	2.64	1.85	NT 0.8m, TGx2
10	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Introduced	Good	Average	5	3	0.18	0.23	Mature	Medium (15-40 years)	Moderate	3rd Party Tree	2.16	1.79	NT 2m, TGx3
11	<i>Magnolia grandiflora</i> (Southern Magnolia)	Introduced	Good	Good	3.5	3	0.1	0.12	Early mature	Medium (15-40 years)	Moderate	3rd Party Tree	2	1.5	NT 0.5m, TGx3
12	<i>Waterhouisia floribunda</i> (Weeping Lilly Pilly)	Australian native	Good	Average	10	7	0.45	0.56	Mature	Medium (15-40 years)	Moderate	3rd Party Tree	5.4	2.59	NT, 4.8m





Paul Jameson
 (Grad. Cert. Arb. (Melb) Ass. Dip. Hort. (Burnley) BA, BSW)
 Consultant Arborist
 Info@bluegumreports.com.au
 0425 879 811

Appendix 2: Certification Template

Site address:

Project arborist name:

Contact number:

Project manager:

Contact number:

Stage 1 certification	
Date of inspection(s) stage 1	
Implemented tree protection requirements from stage 1	
Tree protection requirements from stage 1 not yet implemented	
Note any damage to tree	
Comments	
Next inspection due	
Signed Project Arborist	
Signed Project Manager	

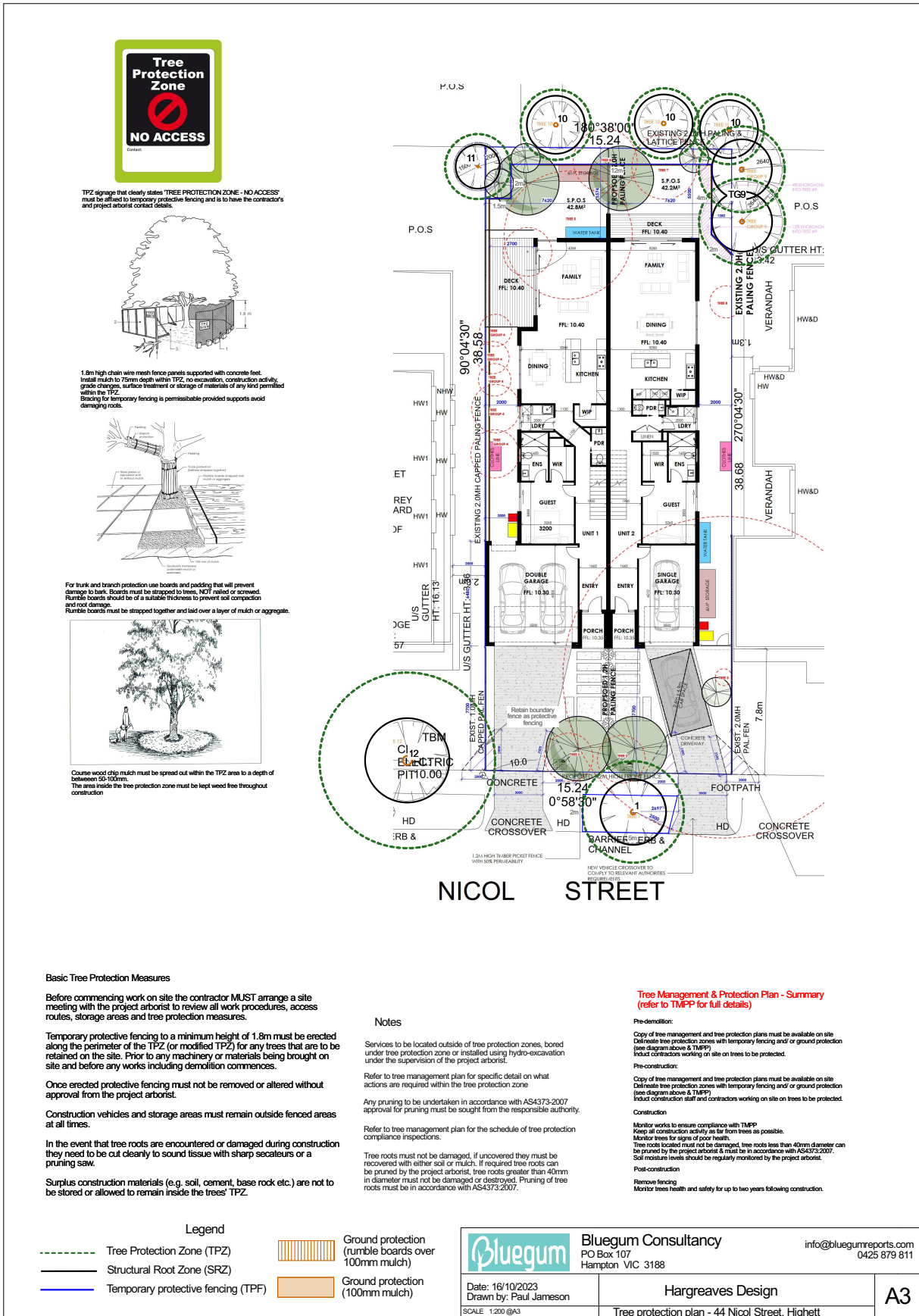
Stage 2 certification	
Date of inspection(s) stage 1	
Implemented tree protection requirements from stage 1	
Tree protection requirements from stage 2 not yet implemented	
Note any damage to tree	
Comments	
Next inspection due	
Signed Project Arborist	
Signed Project Manager	




Paul Jameson
 (Grad. Cert. Arb. (Melb) Ass. Dip. Hort. (Burnley) BA, BSW)
 Consultant Arborist
 Info@bluegumreports.com.au
 0425 879 811

Stage 3 certification	
Date of inspection(s) stage 1	
Implemented tree protection requirements from stage 1	
Tree protection requirements from stage 3 not yet implemented	
Note any damage to tree	
Comments	
Next inspection due	
Signed Project Arborist	
Signed Project Manager	

Stage 4 certification	
Date of inspection(s) stage 1	
Implemented tree protection requirements from stage 1	
Tree protection requirements from stage 4 not yet implemented	
Note any damage to tree	
Comments	
Next inspection due	
Signed Project Arborist	
Signed Project Manager	



PLANNING PERMIT	Application No.:	5/2022/461/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	


ADDRESS OF THE LAND:	44 Nicol Street HIGHETT
THE PERMIT ALLOWS:	Construction of two (2) dwellings on a lot in accordance with the endorsed plans and subject to the following conditions.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans 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 advertised prepared by Hargreaves Design, referenced 22-04570, date 28/10/2022 and revision E but modified to show:
 - a) The vehicle crossover to Dwelling 2 be set back a minimum 2.5 metres from the *Lagunaria patersonii* street tree, measured from the edge of the trunk.
 - b) The minimum area of the external storage of each dwelling to be detailed on the ground floor plan in accordance with Standard B30.
 - c) A Sustainable Design Assessment in accordance with Condition 10.
 - d) A revised Landscaping Plan in accordance with Condition 11.
 - e) A Tree Management and Protection Plan in accordance with Condition 14.
 - f) An Arboricultural impact assessment in accordance with Condition 19.
 - g) Provision of the development contributions fee in accordance with Condition 26.

All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

		Page 1 of 7
Date issued:	15 December 2022	<i>Sarah Collins</i>
Date varied:	17 May 2023	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4		

PLANNING PERMIT	Application No.:	5/2022/461/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) A BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater.
 - b) A commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin.
 - c) Preliminary building energy rating certificates that align with plans
 - d) Provision of double glazing to all new windows
 - e) Appropriate shading to all north, east and west facing windows.
 - f) Maximum internal lighting density of 4W/m².
 - g) Water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC.
 - h) Water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed.
 - i) Provision of external dry lines for each dwelling.
 - j) Bicycle parking space in each garage/ private open space area.
 - k) Provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future.

Page 2 of 7


Date issued: **15 December 2022**

Sarah Collins

Date varied: **17 May 2023**

Signature for the Responsible Authority

Planning and Environment Regulations 2015 Form 4

PLANNING PERMIT	Application No.:	5/2022/461/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	


- l) A STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18.
- m) The type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections.
- n) Rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance.
- o) Provisions for renewable energy systems such as Solar PV.
- p) Commitment to recycle at least 70% of construction and demolition waste.
- q) Measures to reduce urban heat island impact such as light or medium coloured roof and driveway.
- r) Use of sustainable materials such as low VOC paints for the internal walls.
- s) Use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused.

All to the satisfaction of the Responsible Authority.

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Bradbury Culina, reference 4011, dated 07 September 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

		Page 3 of 7
Date issued:	15 December 2022	<i>Sarah Collins</i>
Date varied:	17 May 2023	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4		

PLANNING PERMIT	Application No.:	5/2022/461/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- 13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

- 14. Before the development starts, including any related demolition or removal of vegetation, a **TPMP**, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The **TPMP** must include:

- a) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site;
- b) Protection measures to be utilised and at what stage of the development they will be implemented;
- c) Appointment of a project arborist detailing their role and responsibilities;
- d) Stages of development at which the project arborist will inspect tree protection measures and;
- e) Monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed **TPMP** must be submitted to the Responsible Authority.

Any modification to the **TPMP** must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.


The **TPMP** must include a **Tree Protection Plan (TPP)** in accordance with AS4970-2009 Protection of Trees on Development Sites.

The **TPP** must:

- a) Be legible, accurate and drawn to scale and;
- b) Indicate the location of all tree protection measures to be utilised and;
- c) Include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised and;
- d) Include a key describing all tree protection measures to be utilised.

- 15. All actions and measures identified in the Tree Management Report must be implemented.
- 16. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

		Page 4 of 7
Date issued:	15 December 2022	<i>Sarah Collins</i>
Date varied:	17 May 2023	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4		

PLANNING PERMIT	Application No.:	5/2022/461/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

17. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

Protection of trees for services

18. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.


Arboricultural Impact Assessment Report

19. Before the development starts, including any related demolition or removal of vegetation, an Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites must be submitted to and be endorsed by the Responsible Authority. The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

Street tree protection

- 20. Soil excavation must not occur within 2.5 metres from the edge of the *Lagunaria patersonii* street tree asset's stem at ground level.
- 21. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
- 22. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.

		Page 5 of 7
Date issued:	15 December 2022	<i>Sarah Collins</i>
Date varied:	17 May 2023	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4		

PLANNING PERMIT	Application No.:	5/2022/461/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

23. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

24. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

25. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s City Assets and Projects Department.

Development Contribution

26. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

27. This permit will expire if one of the following circumstances applies:


- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- Council would be supportive of the applicant and/or owner making a tax deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the “Rural and Urban Addressing Standards (4819:2011)”. It is the applicant/property owner’s obligation to comply with the Street address allocations prior to the completion of construction.
 - Southern Dwelling – 44A Nicol Street HIGHETT 3190
 - Northern Dwelling – 44B Nicol Street HIGHETT 3190

		Page 6 of 7
Date issued:	15 December 2022	<i>Sarah Collins</i>
Date varied:	17 May 2023	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4		

PLANNING PERMIT	Application No.:	5/2022/461/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

Permit Notes

Date	Details
17 May 2023	As per VCAT Appeal P197/2023 a Varied Permit is to be issued with the following modification: <ul style="list-style-type: none"> • Condition 11 (a) is deleted. • Conditions in the planning permit are renumbered accordingly.

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.

		Page 7 of 7
Date issued:	15 December 2022	 Signature for the Responsible Authority
Date varied:	17 May 2023	
Planning and Environment Regulations 2015 Form 4		

FORM 4**Sections 63,64,64A and 86****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**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A 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, in which case no right of review 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 application for review 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 an Application for Review 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.
- 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 Regulations 2015



Installation of fixed domestic plant equipment

Operating fixed domestic plant equipment can create a significant amount of noise. It is important to carefully plan their location so any noise generated does not affect your neighbours. Unreasonable noise can disturb people from their normal work, relaxation and sleep.

What is fixed domestic plant equipment?

Items such as air conditioners, swimming pool equipment, spa pumps, ducted internal vacuum systems and ducted heating systems are considered to be fixed domestic plant equipment.

What to consider before installation

- When planning new developments or renovating existing dwellings identify the equipment required to service the dwelling.
- Undertake a site assessment to establish the potential impact of noise created by your equipment on neighbours.
- Plan to locate equipment as far as practicable from neighbouring properties, in particular habitable rooms (e.g. bedrooms, living areas).
- Consider what barriers, fences or vegetation is available to reduce the impact of noise to your neighbours. Also consider surrounding walls or structures that may reflect or amplify noise.
- Seek professional advice from an installer to ensure the equipment is suitable for its proposed application.
- Consult your neighbours to address any concerns that they may have in relation to the location and operation of the equipment before it is installed.

Implications of poorly located equipment

Failure to appropriately plan the location of domestic plant equipment can result in noisy equipment being sited too close to neighbours, which can lead to complaints.

Even though the location of your equipment may have been included in an approved planning permit, Council may still direct you to undertake works or stop using equipment if it impacts your neighbours.

More information

- Environment Protection Authority website www.epa.vic.gov.au
- Council's Environmental Health Unit on 9599 4417

**4.7 17 ROODING STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2017/396/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/133983

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Approve the Extension of Time
Permit No.	2017/396/1
Applicant	Joanne Lim
Date application received	03 April 2024
Zoning	General Residential Zone Schedule 2 (GRZ2)
Overlays	Design and Development Overlay Schedule 10 (DDO10), Development Contribution Plan Overlay Schedule 1 (DCPO1).

Proposal

Planning Permit 2017/396/1 allows:

Construction of ten dwellings on a lot

The application seeks approval for an extension of time of two years to commence and complete the development.

Condition 19 of the Planning Permit states that the development must commence within two years from the date of issue. The condition also allows for an extension of time to be requested, provided the request is lodged with the Responsible Authority in writing either before the permit expires or within six (6) months afterwards.

History

Planning Permit 2017/396/1 was issued at the direction of VCAT on 6 April 2018. The permit allows for the construction of ten dwellings on a lot subject to conditions.

Plans were endorsed by Council on 21 September 2018.

An extension of time for the permit was granted on 5 March 2020. The development must now commence no later than 6 April 2022 and be completed no later than 6 April 2024.

The second extension of time for the permit was granted on 21 March 2022. The development must now commence no later than 6 April 2024 and be completed no later than 6 April 2026.

An amendment application was lodged on 3 May 2022, and ultimately approved by Councillors at the 12 December 2022 committee meeting. The amendment approved

significant changes to the layout and the reduction of one dwelling.

2. Planning controls

Original planning permit requirements

A planning permit was required pursuant to:

- Clause 32.08-6 (General Residential Zone) – Construct two or more dwellings on a lot

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

External referrals

There is no requirement to refer the application for an extension of time to any external referral authorities.

Internal referrals

The proposal was not referred to any internal Council departments.

Public notification

Applications made for an extension of time to the planning permit are not subject to the notice requirements of Section 52 of the *Planning and Environment Act 1987*. Therefore, the extension of time has not been advertised.

4. Recommendation

That Council resolves to **Approve the Extension of Time** of two (2) years to Planning Permit **2017/396/1**, so that the development must now commence no later than 6 April 2026 and be completed no later than 6 April 2028.

5. Council Policy

Council Plan 2021–25

Relevant objectives of the Council plan include:

- where significant development is directed to specified and planned activity centres and strategic locations, providing a transition to surrounding residential areas and incorporating improved infrastructure and open space
- where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place
- where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context
- where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- make discretionary planning controls stronger, by advocating for Council's planning and urban design objectives to state government

- ensure new development responds to preferred neighbourhood character in activity centres.

Bayside Planning Scheme

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 11.03-1S Activity Centres
- Clause 11.03-1L (Bay Street MAC)
- Clause 15 Built Environment and Heritage
- Clause 15.01-1L Urban Design
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Bayside Preferred Neighbourhood Character (B1)
- Clause 16 Housing
- Clause 32.08 General Residential Zone (Schedule 2)
- Clause 43.02 Design and Development Overlay (Schedule 10)
- Clause 45.06 Development Contribution Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

6. Considerations

The Victorian Civil and Administrative Tribunal and Supreme Court decisions set out relevant ‘tests’ to consider. In *Kantor v Murrindindi Shire Council*, 18 AATR 285, Supreme Court Justice Ashley held that a Responsible Authority should consider the following matters when exercising its discretion to extend a permit:

Whether there has been a change of Planning Policy

There are no Planning Scheme Amendments relevant to this application.

Whether the landowner is seeking to “Warehouse” the Permit

There is little evidence that the landowner is seeking to “warehouse” the permit, for the following reasons:

- This is the third request to extend the Planning Permit.
- The scale of the development suggests it may take some time before building works can commence.
- A redesign of the application was approved in December 2022 following a 6 month application process. This had an impact upon commencement dates.
- Plans for endorsement and Section 29A (demolition) request have been sought and issued, in addition to asset management work approvals, indicating that the proposal is intended to be built with the relevant permissions being sought.

Based on the above, it is likely that building works will begin soon.

Intervening circumstances as bearing upon grant or refusal

A number of other similar developments that have been approved in the last two to four years have not yet commenced, as a result of delays and limitations due to the current economic environment. It is possible that this could change in the future and the opportunity should be given to the applicant to develop the land.

The total elapse of time

The application was made within the prescribed time (i.e. prior to the current expiry date, a total of six years from when the permit was issued) and this is the third request to extend the Planning Permit.

Whether the limit originally imposed was adequate

The original time frame is considered reasonable; however, an increased commencement time would also have been appropriate in consideration of the scale of the project and the current global economic environment.

The economic burden imposed on the landowner by the Permit

Given the nature of the proposed development, it would demand reasonably substantial financial resources to carry out.

The probability of a Permit issuing should a fresh application be made

The permit remains fundamentally appropriate in the current policy and physical context. It would be unnecessary in requiring the permit holder to apply for a new permit in the circumstances, especially given planning controls as they stand.

However, should a fresh application be made, the following reasons would support the approval of the proposed development:

- The planning controls that exist on the site are the same as those that existed at the time of the original permit application.

Support Attachments

1. Site and Surrounds ↓
2. Permit ↓

Attachment 1

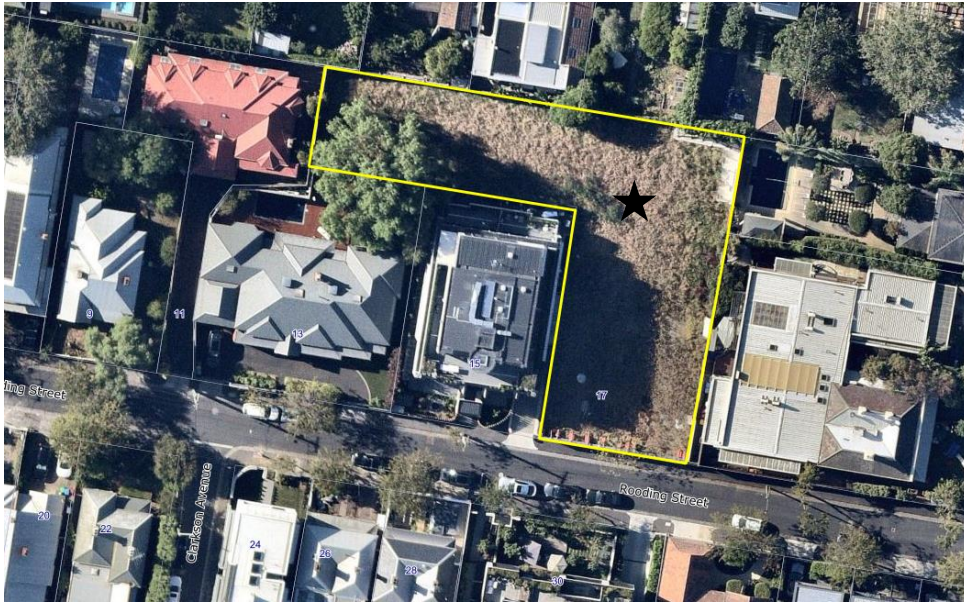



Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★

PLANNING PERMIT 5/2017/396/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	


Address Of The Land:	No. 17 Rooding Street BRIGHTON
The Permit Allows:	Construction of ten dwellings on a lot in accordance with the endorsed plans and subject to the following conditions.


The Following Conditions Apply To This Permit:

- 1 Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Amended Plans prepared by Artisan Architects TP00 to TP08 (inclusive) all Rev C and dated 2 March 2018 but modified to show:
 - a A notation on the plans that the existing boundary fences adjoining numbers 22 Cowper Street and 17-19 Asling Street are to be retained and/or rebuilt to the existing conditions.
 - b The proposed landscaping along the northern boundary is to be altered to replace the two large Fantasy Crepe Myrtle trees adjoining 18 and 22 Cowper Street with an evergreen variety;

And

The replacement of the two Fronzam Frontier Callery Pear trees and Ornamental Pear trees at the boundary with 16 Cowper Street with 4 Express Lilly Pilly trees.
 - c Townhouse 10 to be converted to a single level dwelling within the existing footprint of the dwelling.
 - d Location of all plant and equipment, including hot water services and air conditioners. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - e The construction of a 6.4 metre wide crossover central to the accessway.
 - f The waiting bay to be a minimum length of 5 metres from the southern title boundary increasing to a length of 7.5 metres from the southern title boundary adjacent to the main basement access ramp with the area appropriately splayed. Any consequential

Page 1 of 8	
Date issued: 6 April 2018	
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.	

PLANNING PERMIT 5/2017/396/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	


changes to facilitate the requirements of the waiting bay area are to the satisfaction of the Responsible Authority.

- g The ramp gradients within the splayed area of the waiting bay to match the main driveway ramp gradients.
- h An amended Landscape Plan in accordance with Condition 7.
- i A Tree Protection and Management Plan in accordance with Condition 10. Any consequential changes to facilitate the requirements of the Tree Protection and Management Plan are to the satisfaction of the Responsible Authority.
- j Drainage Contributions Levy Charge in accordance with Condition 16.


All to the satisfaction of the Responsible Authority.


- 2 The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 3 Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
- 4 No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
- 5 All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 6 Before occupation, screening of windows including fixed privacy screens, be designed to limit overlooking as required by Standard B22 and Standard B23 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
- 7 Prior to the endorsement of plans pursuant to condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the Landscape Plan prepared by Urbis ND2134 LA-01 & LA02, dated 2 March 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

Page 2 of 8	
Date issued: 6 April 2018	<i>Michael Henderson</i>
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
<p><small>Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.</small></p>	

<p>PLANNING PERMIT 5/2017/396/1</p>	<p>Responsible Authority: Bayside City Council</p>	
	<p>Planning Scheme: Bayside</p>	

- a The proposed landscaping along the northern boundary is to be altered to replace the two large Fantasy Crepe Myrtle trees adjoining 18 and 22 Cowper Street with an evergreen variety;
And
The replacement of the two Fronzam Frontier Callery Pear trees and Ornamental Pear trees at the boundary with 16 Cowper Street with 4 Express Lilly Pilly trees.
 - b All plants in the landscape plan must be coastal adapted; preferentially indigenous species.
 - c Details of construction methods and Tree Management measures approved pursuant to the requirements of Condition 10 of this permit.
 - d Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e Details of surface finishes of pathways and driveways
- 8 Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 9 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- 10 Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
- The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
- The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:
- a Details of Tree Protection Zones for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
 - b Comment on methods to be utilised and instruction on how to deploy them;

Page 3 of 8	
<p>Date issued: 6 April 2018</p>	
<p>Planning and Environment Regulations 2005 Form 4</p>	<p>Signature for the Responsible Authority</p>
<p><small>Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.</small></p>	

PLANNING PERMIT 5/2017/396/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

- c Comment on when the protection measures are to be deployed;
- d Comment on when the protection measures can be modified;
- e Process that will be followed if any damage occurs to a tree;
- f Process that will be followed if construction works require alteration to protection measures outlined in report;
- g Stages of development at which inspections will occur; and
- h Details of the treatment and construction of the footings to ensure protection of Tree 15 in accordance with the arborist’s recommendations.


Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented.

The Tree Protection Plan must be drawn to scale and show:

- a The location of all tree protection measures to be utilised, specifically Trees 3, Tree 15 and the *Schinus aerea* (Peppercorn Tree) at 13 Rooding Street; and
 - b If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.
- 11 All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
- 12 Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
- 13 Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
- a The type of water sensitive urban design stormwater treatment measures to be used.
 - b The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.

Page 4 of 8	
Date issued: 6 April 2018	<i>Michael Henderson</i>
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
<p><small>Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.</small></p>	

PLANNING PERMIT 5/2017/396/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	


- c Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

- 14 The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
- 15 Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
- 16 Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.
- 17 Before the commencement of works, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
 - a. Dimensions of storage waste areas.
 - b. Storm water drains in storage areas should be fitted with a litter trap.
 - c. The number and size of bins to be provided.
 - d. Facilities for bin cleaning.
 - e. Method of waste and recyclables collection.
 - f. Types of waste for collection, including colour coding and labelling of bins.

Page 5 of 8	
Date issued: 6 April 2018	<i>Michael Henderson</i>
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
<p><small>Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.</small></p>	


PLANNING PERMIT 5/2017/396/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

- g. Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
- h. Method of hard waste collection.
- i. Method of presentation of bins for waste collection.
- j. Sufficient headroom within the basement to accommodate waste collection vehicles.
- k. Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
- l. Strategies for how the generation of waste and recyclables will be minimised.
- m. Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

- 18 Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
 - a A detailed schedule of works including a full project timing.
 - b A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
 - c The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e Proposed traffic management signage indicating any inconvenience generated by construction.
 - f Fully detailed plan indicating where construction hoardings would be located.

Page 6 of 8	
Date issued: 6 April 2018	<i>Michael Henderson</i>
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
<small>Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.</small>	

PLANNING PERMIT 5/2017/396/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	


- g A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i Site security.
 - j Public safety measures.
 - k Construction times, noise and vibration controls.
 - l Restoration of any Council assets removed and/or damaged during construction.
 - m Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - n Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - o An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
 - p Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
 - q All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
 - r Details of crane activities, if any.
- 19 This permit will expire if one of the following circumstances applies:
- a The development is not started within two years of the date of this permit.
 - b The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.

Page 7 of 8	
Date issued: 6 April 2018	<i>Michael Henderson</i>
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
<small>Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.</small>	

PLANNING PERMIT 5/2017/396/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

- Council must be notified of the vehicular crossing and reinstatement works.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

Council records indicate that there is no easement within the property.

- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the vehicle crossing application will be approved, the applicant must pay \$1,635.69 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

		Page 8 of 8
Date issued:	6 April 2018	
	<i>Michael Henderson</i>	
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority	
<small>Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.</small>		



76 Royal Avenue, SANDRINGHAM
PO BOX 27 SANDRINGHAM VIC 3191
T (03) 9599 4444
F (03) 9598 4474
enquiries@bayside.vic.gov.au
www.bayside.vic.gov.au

10 April 2018

Ratio Consultants Pty Ltd
alexandraw@ratio.com.au

Dear Sir/Madam,

Application Number: 5/2017/396/1
Address: 17 Rooding Street BRIGHTON
Proposal: Construction of ten dwellings on a lot

Further to the Victorian Civil & Administrative Tribunal's decision the above permit is now issued subject to the conditions set out.

If you are required to submit plans for endorsement as a result of a condition of the planning permit and the review deems the plans to be unsatisfactory, you will be required to pay a fee for any **subsequent** review of those plans. Council's current fees and charges are available on Council's website:
<https://www.bayside.vic.gov.au/planning-permit-fees>

Amendments to plans not pertaining to the conditions contained in the permit will need to be lodged as a formal amendment.

Should you have any further queries, please contact the Council's Planning Officer:

Patricia Stewart
Email: enquiries@bayside.vic.gov.au
Telephone: 03 9599 4384

Please quote planning application 5/2017/396/1 – 17 Rooding Street BRIGHTON in all correspondence / emails.

Yours faithfully

STATUTORY PLANNING DEPARTMENT

Enc.

\\authorityfile\authority\documents\DD\005\FROM000\00



**4.8 228–230 ESPLANADE, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2017/82/2 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/151098

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Approve the Extension of Time
Permit No.	2017/82/2
Applicant	Mr M Silber
Date application received	16 April 2024
Zoning	Commercial 1 Zone
Overlays	Design and Development Overlay, Schedule 17 Development Contributions Plan Overlay, Schedule 1

Proposal

Planning Permit 2017/82/2 allows:

Construction of a two-storey building with an attic consisting of two ground floor commercial premises and four dwellings and a reduction in the provision of car parking.

The application seeks approval for an extension of time of two years to commence and complete the development.

Condition 23 of the Planning Permit states that the development must commence within two years from the date of issue. The condition also allows for an extension of time to be requested, provided the request is lodged with the Responsible Authority in writing either before the permit expires or within six (6) months afterwards.

History

Planning permit 2017/82/1 was issued at the direction of VCAT on 14 September 2018.

Amended permit 2017/82/2 was issued on 20 November 2019 allowing for changes to the landscaping. Plans were endorsed concurrently.

A two-year extension of time was granted on 19 November 2020 allowing development to commence no later than 14 September 2022 and be completed no later than 14 September 2022.

A further two-year extension of time was granted on 23 August 2022. This allows the development to commence no later than 14 September 2024 and to be completed no later than 14 September 2026.

Demolition works have occurred on the subject site; however, no works have commenced that would have triggered this permit being acted upon.

2. Planning controls

Original planning permit requirements

A planning permit was required pursuant to:

- Clause 34.01-4 (Commercial 1 Zone) – Construct a building.
- Clause 43.02-2 (Design and Development Overlay) – Construct a building.
- Clause 52.06-3 (Car Parking) – Reduce the number of car parking spaces required.

Planning Scheme Amendments

Planning scheme amendment C126 was gazetted on 24 September 2020. This amendment removed the Design and Development Overlay, Schedule 1 from the site and replaced it with Design and Development Overlay, Schedule 17. This overlay allows for slightly more concentrated development, including a third floor, which is not an attic.

3. Stakeholder consultation

External referrals

There is no requirement to refer the application for an extension of time to any external referral authorities.

Internal referrals

The proposal was not referred to any internal Council departments.

Public notification

Applications made for an extension of time to the planning permit are not subject to the notice requirements of Section 52 of the *Planning and Environment Act 1987*. Therefore, the extension of time has not been advertised.

4. Recommendation

That Council resolves to **Approve the Extension of Time** of two (2) years to Planning Permit **2017/82/2**, so that the development must now commence no later than 14 September 2026 and be completed no later than 14 September 2028.

5. Council Policy

Council Plan 2021–25

Relevant objectives of the Council plan include:

- Land use will enhance Bayside's liveability and protect the distinctive heritage and character of our various localities.

Relevant strategies of the Council plan include:

- Strategic planning and controls protect and reflect the diverse environmental and heritage values of Bayside.
- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.

Bayside Planning Scheme

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 15.01-1L Urban Design
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Bayside Preferred Neighbourhood Character
- Clause 15.03 Heritage
- Clause 15.03-2S Aboriginal Cultural Heritage
- Clause 16 Housing
- Clause 34.01 Commercial 1 Zone
- Clause 43.02 Design and Development Overlay (Schedule 17)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines

6. Considerations

The Victorian Civil and Administrative Tribunal and Supreme Court decisions set out relevant 'tests' to consider. In *Kantor v Murrindindi Shire Council*, 18 AATR 285, Supreme Court Justice Ashley held that a Responsible Authority should consider the following matters when exercising its discretion to extend a permit:

Whether there has been a change of Planning Policy

The Design and Development Overlay applicable to the site has changed since the permit was originally granted. Any future proposal might be able to achieve a greater yield (an attic top level is no longer required); however, the existing approval would still be acceptable. This has not changed since the previous extension of time.

Whether the landowner is seeking to 'Warehouse' the Permit

There is little evidence that the landowner is seeking to 'warehouse' the permit, for the following reasons:

- This is the third request to extend the Planning Permit.
- The scale of the development suggests it may take some time before building works can commence.
- Demolition has now occurred on the subject site.

Notwithstanding the above, officers recommend this be the final extension granted to the permit. Any additional request may lead the responsible authority to determine that such a period of time with no commencement would fall under warehousing of the permit.

Intervening circumstances as bearing upon grant or refusal

There are no intervening circumstances bearing upon the grant of this request. The Applicant has cited Covid-19 as a reason for the works not having taken place but given the elapse of time since the construction industry has returned to full capacity and the time prior to the commencement of Covid-19, this is not considered to hold as much weight since the previous extension.

Notwithstanding the above, it is acknowledged that construction costs have increased in recent times, and the two issues combined are such that one last extension is considered reasonable, particularly as demolition has occurred.

The total elapse of time

The application was made within the prescribed time this is the third request to extend the Planning Permit. Given the changes to the planning scheme and the time since the granting of this permit, this should be the final extension of time to be approved. The demolition of the site in preparation for works to commence is the permitting factor here as it is evidence of this project moving forward to commencement and completion. As previously stated, if commenced has not started in the next two years, no further extension should be granted.

Whether the limit originally imposed was adequate

The original time frame is considered reasonable; however, an increased commencement time would also have been appropriate in consideration of the scale of the project. As mentioned above, the granting of this request is due to the recent demolition works, and there will not be a further extension.

The economic burden imposed on the landowner by the Permit

Given the nature of the proposed development, it would demand reasonably substantial financial resources to carry out.

The probability of a Permit issuing should a fresh application be made

The permit remains fundamentally appropriate in the current policy and physical context. It would be unnecessary in requiring the permit holder to apply for a new permit in the circumstances, especially given planning controls as they stand.

However, should a new application be made, the following reasons would support the approval of the proposed development:

- The proposal is generally compliant with the requirements and objectives of the Bayside Planning Scheme.


Support Attachments

1. Site and Surround ↓
2. Planning Permit ↓
3. Approved Plans ↓



Figure 1 Aerial overview of the site and surrounds


Legend	
Subject site	★


PLANNING PERMIT	Application No.:	5/2017/82/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

ADDRESS OF THE LAND:	228 Esplanade BRIGHTON
THE PERMIT ALLOWS:	Construction of a two-storey building with an attic consisting of two ground floor commercial premises and four dwellings and a reduction in the provision of car parking in accordance with the endorsed plans and subject to the following conditions.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the substituted plans prepared by Planet Architecture MPQ Technical Drawings date stamped 17 May 18 and 1 June 2018, but modified to show:
 - a) The southern boundary setback associated with Apartment 2 increased to the distance commensurate with the common boundary first floor setback of 220-226 Esplanade (adjoining south) with the subject site.
 - b) All first and second floor north, south and east facing habitable room windows and balconies associated with dwellings 2 and 3 and 4 design/screened to ensure no unreasonable overlooking of adjoining habitable room windows and secluded private open space.
 - c) The four residential and two commercial car parking spaces to clearly line marked for each land use and dwelling.
 - d) The ground floor residential lobby entrance door to be flush with the property frontage and not be provided with a setback. The door must remain inward swinging.
 - e) At least 50% of the apartments to be compliant with Standard D17 (Accessibility) with all paths, entries, circulation spaces and adaptable bathrooms being dimensioned.
 - f) All air conditioning units to be relocated within the car park area.
 - g) Deleted**
 - h) Removal of the render material from the front façade and provision of face brickwork or other equivalent material to improve the architectural integrity of the building to the satisfaction of the Responsible Authority.
 - i) The shop front windows to be full height, floor to ceiling, joined with the entrances to the shops and made to resemble traditional shop fronts and to improve the architectural integrity of the building to the satisfaction of the Responsible Authority.
 - j) The provision of a verandah on the façade of the building and covering the shops and residential dwelling entry. The verandah must overhang the footpath and be setback 750mm from the kerb and have a minimum height above the footpath level which matches the verandah height of the existing verandah on the site to the satisfaction of the Responsible Authority.
 - k) Modification of the entire façade of the building (ground and first floor) to present as two shop fronts and the finer grain elements of the streetscape to the satisfaction of the Responsible Authority.


Date issued: 14 September 2018	Page 1 of 6
Date amended: 20 November 2019	 Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4	


PLANNING PERMIT	Application No.:	5/2017/82/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- l) Modification of the first floor windows and balcony openings to accommodate for the changes to the façade as noted in Conditions 1(i), (j), (k) and (l) to the satisfaction of the Responsible Authority.
 - m) Any modifications to the plans arising from the Sustainable Design Assessment measures in accordance with Condition 8.
 - n) Any modifications to the plans arising from the Water Sensitive Urban Design (WSUD) measures in accordance with Condition 9 of this permit.
 - o) Any modifications to the plans arising from the swept path analysis in accordance with Condition 11.
 - p) Any modifications to the plans arising from the waste management plan in accordance with Condition 13.
 - q) Any modifications to the plans arising from the construction management plan in accordance with Condition 14.
 - r) Any modifications to the plans arising from the Tree management plan in accordance with Condition 15.
 - s) **Deleted.**
 - t) Payment of the Development contributions levy in accordance with Condition 22.
- 2 The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
 - 3 No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 - 4 All pipes (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 - 5 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 - 6 Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 - 7 The ground floor commercial premises shall be limited to the use of a shop or where applicable, a food and drink premises as defined by Clause 74 of the Bayside Planning Scheme.

Sustainable Design Assessment

- 8 Prior to the endorsement of plans pursuant to Condition 1, a revised Sustainable Design Assessment shall be submitted to demonstrate how the development complies with Standard D6 of Clause 58 of the Bayside Planning Scheme. Any recommendations of that assessment shall be fully implemented to the satisfaction of the Responsible Authority.

Date issued: 14 September 2018	 Signature for the Responsible Authority	Page 2 of 6
Date amended: 20 November 2019		
Planning and Environment Regulations 2015 Form 4		

PLANNING PERMIT	Application No.:	5/2017/82/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

Water Sensitive Urban Design

- 9 Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
- The type of water sensitive urban design stormwater treatment measures to be used.
 - The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

Car Parking

- Commercial parking bays restricted to allow for commercial refuse collection during off-peak times one day a week.
- Prior to the endorsement of plans pursuant to Condition 1, swept paths diagrams must be submitted to ensure vehicles can access and manoeuvre within the site in accordance with AS2890.1.
- Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained to the satisfaction of the Responsible Authority.

Waste Management Plan

- Prior to the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted generally in accordance with the Waste Management Plan prepared by Leigh Design dated 22 August 2016 clearly indicating that commercial waste collection is to be via a private contractor and residential waste via Council, and include:
 - Dimensions of storage waste areas.
 - Storm water drains in storage areas should be fitted with a litter trap.
 - The number and size of bins to be provided.
 - Facilities for bin cleaning.
 - Method of waste and recyclables collection.
 - Types of waste for collection, including colour coding and labelling of bins.
 - Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - Method of hard waste collection.
 - Method of presentation of bins for waste collection.
 - Strategies for how the generation of waste and recyclables will be minimised.
 - Compliance with relevant policy, legislation and guidelines.


Page 3 of 6

Date issued: **14 September 2018**Date amended: **20 November 2019**

Planning and Environment Regulations 2015 Form 4



Signature for the Responsible Authority

PLANNING PERMIT	Application No.:	5/2017/82/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Construction Management Plan

- 14 Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
- a) A detailed schedule of works including a full project timing.
 - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
 - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) Proposed traffic management signage indicating any inconvenience generated by construction.
 - f) Fully detailed plan indicating where construction hoardings would be located.
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i) Site security.


Landscaping

- 15 Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to, and be endorsed by, the Responsible Authority.

The Tree Management Plan (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:

- Details of Tree Protection Zones for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
- Comment on methods to be utilised and instruction on how to deploy them;
- Comment on when the protection measures are to be deployed;
- Comment on when the protection measures can be modified;
- Process that will be followed if any damage occurs to a tree;

Date issued: 14 September 2018	Page 4 of 6
Date amended: 20 November 2019	 Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4	

PLANNING PERMIT	Application No.:	5/2017/82/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- Process that will be followed if construction works require alteration to protection measures outlined in report; and
- Stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must be noted and provided to the Responsible Authority within 28 working days of a written request.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented.

The Tree Protection Plan must be drawn to scale and show the location of all tree protection measures to be utilised.

If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

16 Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management Plan must be submitted to the Responsible Authority.

17 Deleted.

18 Deleted.

19 Deleted.

Drainage

20 Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.

21 Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.


Development contributions

22 Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy of \$2,020 in accordance the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Date issued: 14 September 2018	 Signature for the Responsible Authority	Page 5 of 6
Date amended: 20 November 2019		

Planning and Environment Regulations 2015 Form 4

PLANNING PERMIT	Application No.:	5/2017/82/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

Permit Expiry


- 23 This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.
 - c) The use is not started within five years of the date of this permit.
 - d) The use is discontinued for a period of two years or more.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes

Date	Details
14 September 2018	As per Victorian Civil Administrative Tribunal Order P2984/2017, dated 14 September 2018
20 November 2019	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ul style="list-style-type: none"> • Deletion of Conditions 1g, 1s, 17, 18 and 19 • Endorsement of plans

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.

Date issued: 14 September 2018	 Signature for the Responsible Authority	Page 6 of 6
Date amended: 20 November 2019		
Planning and Environment Regulations 2015 Form 4		

FORM 4

Sections 63,64,64A and 86

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**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A 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, in which case no right of review 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 application for review 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 an Application for Review 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.
- 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 Regulations 2015

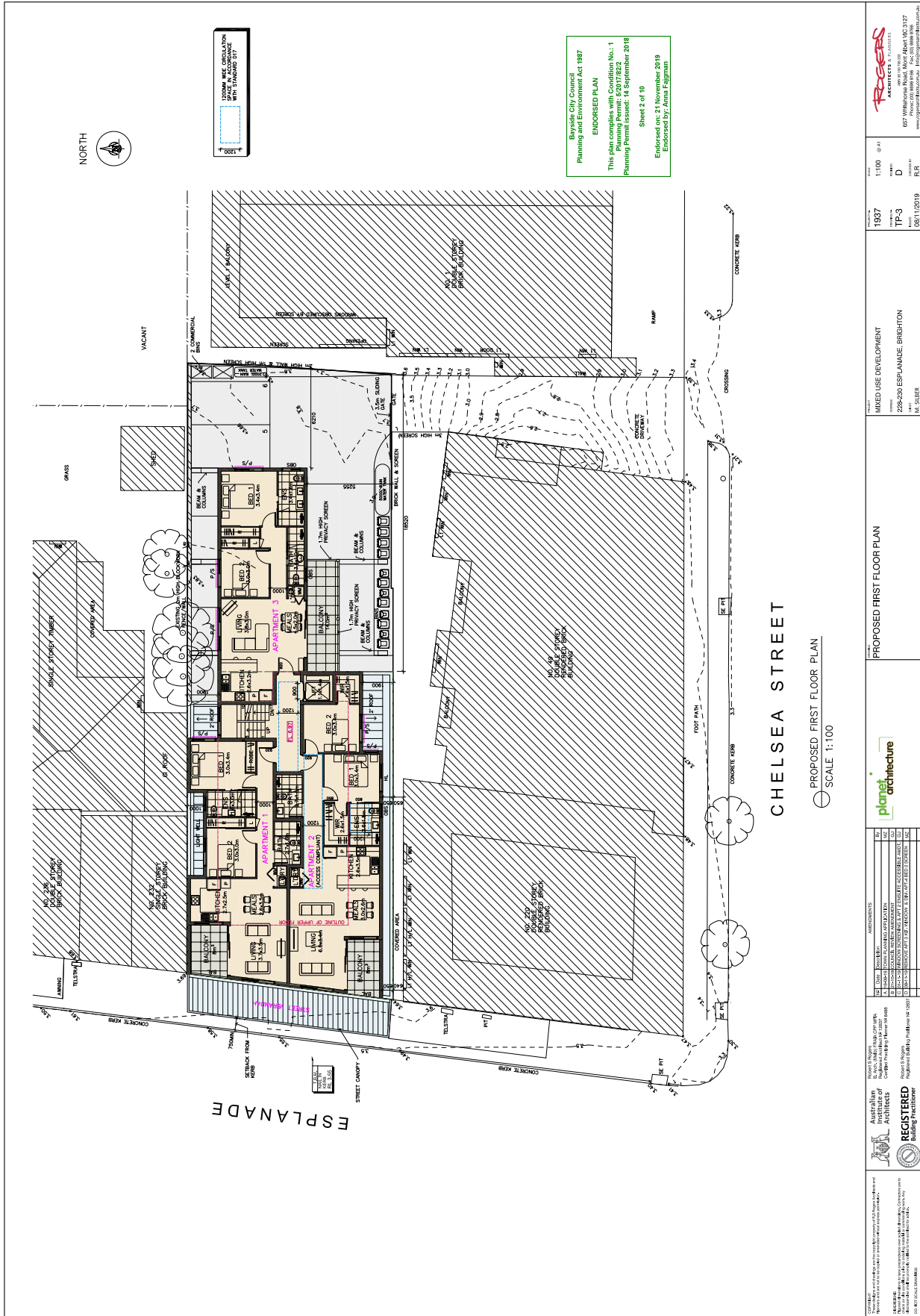


AREAS:	
SITE AREA	492.4 SQM
BUILDING COVERAGE	248.5 SQM
CARPARKING AREA	50.8 SQM
CARPARKING AREA	245.4 SQM
HARD SURFACE AREA	492.4 SQM
PROPOSED BUILDING AREAS:	
GROUND FLOOR	247.9 SQM
FIRST FLOOR	274.9 SQM
SECOND FLOOR	274.9 SQM
TOTAL	847.7 SQM
SHOP 1	74.3 SQM
SHOP 2	86.3 SQM
APARTMENT 1	86.3 SQM
APARTMENT 2	86.3 SQM
APARTMENT 3	86.3 SQM
APARTMENT 4	86.3 SQM
BALCONY 1	10.2 SQM
BALCONY 2	29.6 SQM
SURVEY:	
DATE: 20/06/2019	BY: J. HAYES
DATE: 10/06/2019	BY: J. HAYES
CARPARKING:	
NO. CARPARKING SPACES	10
NO. CARPARKING SPACES	10
COMMENTS:	
NO. CARPARKING SPACES	10
NO. CARPARKING SPACES	10

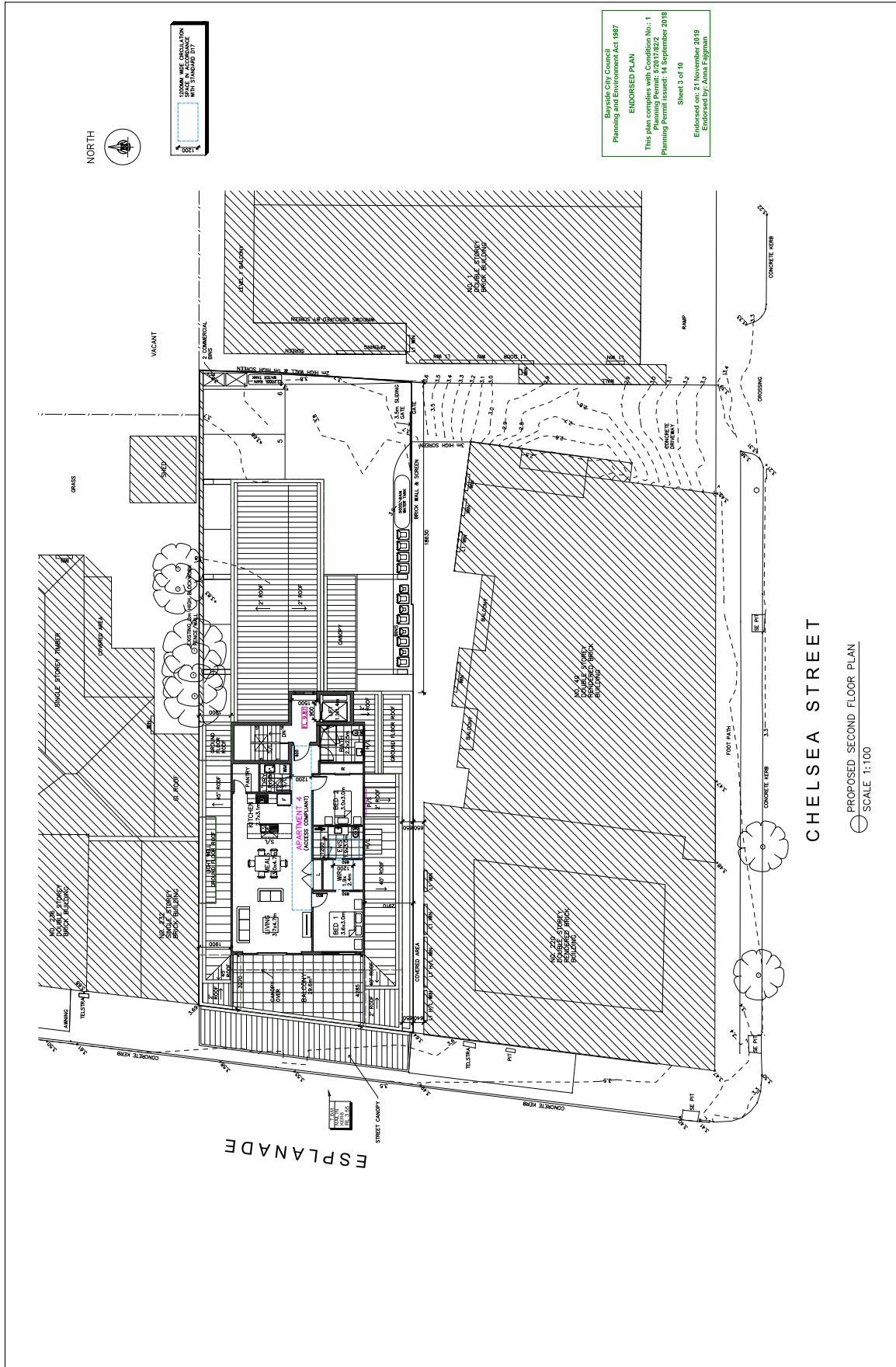
Bayside City Council
 Planning and Environment Act 1987
ENDORSED PLAN
 This plan complies with Condition No. 1
 Planning Permit: 17/022
 Planning Permit Issue: 14 September 2018
 Sheet 1 of 10
 Endorsed on: 21 November 2019
 Endorsed By: Anna Higgins

CHelsea STREET
 PROPOSED GROUND FLOOR PLAN
 SCALE 1:100

	PROJECT NO: 11172019 DATE: 11/12/2019 DRAWN BY: M. SILLER CHECKED BY: M. SILLER	PROJECT NO: 11172019 DATE: 11/12/2019 DRAWN BY: M. SILLER CHECKED BY: M. SILLER	PROJECT NO: 11172019 DATE: 11/12/2019 DRAWN BY: M. SILLER CHECKED BY: M. SILLER
	PROJECT NO: 11172019 DATE: 11/12/2019 DRAWN BY: M. SILLER CHECKED BY: M. SILLER	PROJECT NO: 11172019 DATE: 11/12/2019 DRAWN BY: M. SILLER CHECKED BY: M. SILLER	PROJECT NO: 11172019 DATE: 11/12/2019 DRAWN BY: M. SILLER CHECKED BY: M. SILLER



REGISTERED Building Practitioner		plan@ architecture		PROPOSED FIRST FLOOR PLAN		1837 1:100 D TP-3 UB11/2019		1837 1:100 D TP-3 UB11/2019	
Australian Architects REGISTERED Building Practitioner		plan@ architecture		PROPOSED FIRST FLOOR PLAN		MIXED USE DEVELOPMENT 229-230 ESPLANADE, BRIGHTON DATE: 14/11/2019 DRAWN BY: M. SEIBER		MIXED USE DEVELOPMENT 229-230 ESPLANADE, BRIGHTON DATE: 14/11/2019 DRAWN BY: M. SEIBER	
<small>1. This document is the property of plan@ architecture and is to be used only for the project and site identified herein. It is not to be distributed, copied, or used for any other purpose without the written consent of plan@ architecture.</small> <small>2. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>3. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>4. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>5. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small>		<small>1. This document is the property of plan@ architecture and is to be used only for the project and site identified herein. It is not to be distributed, copied, or used for any other purpose without the written consent of plan@ architecture.</small> <small>2. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>3. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>4. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>5. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small>		<small>1. This document is the property of plan@ architecture and is to be used only for the project and site identified herein. It is not to be distributed, copied, or used for any other purpose without the written consent of plan@ architecture.</small> <small>2. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>3. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>4. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>5. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small>		<small>1. This document is the property of plan@ architecture and is to be used only for the project and site identified herein. It is not to be distributed, copied, or used for any other purpose without the written consent of plan@ architecture.</small> <small>2. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>3. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>4. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>5. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small>		<small>1. This document is the property of plan@ architecture and is to be used only for the project and site identified herein. It is not to be distributed, copied, or used for any other purpose without the written consent of plan@ architecture.</small> <small>2. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>3. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>4. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small> <small>5. The design and construction of this project are subject to the approval of the relevant authorities. The client is responsible for obtaining all necessary permits and approvals.</small>	



CHELSEA STREET

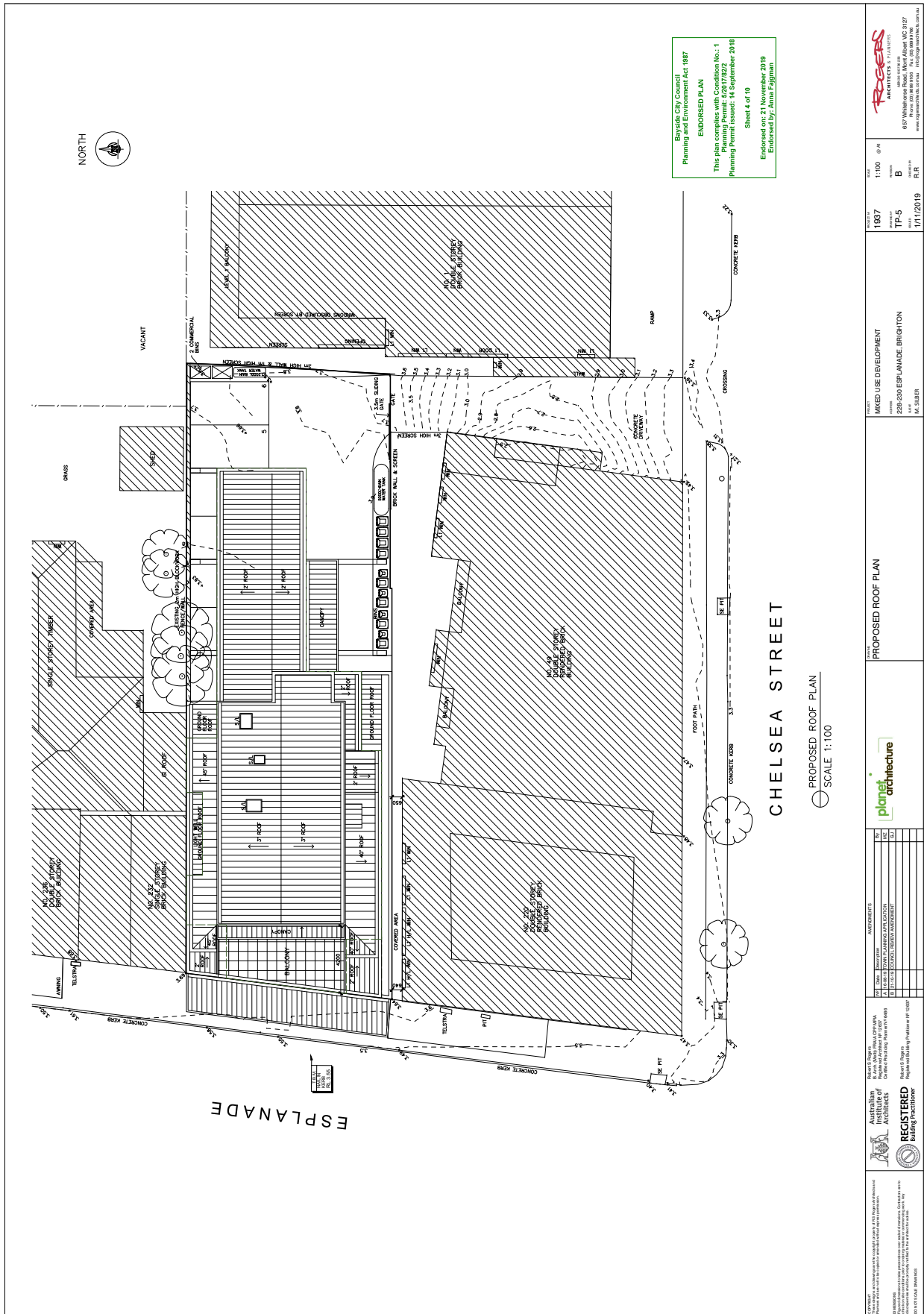
PROPOSED SECOND FLOOR PLAN

SCALE 1:100

Bayside City Council
 Planning and Environment Act 1987
 ENDORSED PLAN
 This plan complies with Condition No. 1
 of the Planning Permit issued on 14 September 2018
 Planning Permit No. 18011/2019
 Sheet 2 of 10
 Endorsed on 21 November 2019
 Endorsed by Janet Pajonon

1:100
 L1000M WIDE CIRCULATION
 WITH STAIRING 0.1%

	<p>REGISTERED Building Practitioner</p>	<p>REGISTERED Building Practitioner</p>	<p>REGISTERED Building Practitioner</p>
	<p>1887 TP-4 01/11/2019</p>	<p>1:100 C R/R</p>	<p>1887 TP-4 01/11/2019</p>
<p>228-230 ESPLANADE BRIGHTON M. SIEBER</p>	<p>228-230 ESPLANADE BRIGHTON M. SIEBER</p>	<p>228-230 ESPLANADE BRIGHTON M. SIEBER</p>	<p>228-230 ESPLANADE BRIGHTON M. SIEBER</p>



Bayside City Council
 Planning and Environment Act 1987
 ENDORSED PLAN
 This plan complies with Condition No. 1
 Planning Permit Issued: 14 September 2018
 Sheet 4 of 10
 Endorsed on: 21 November 2019
 Endorsed by: Anna Pignatelli

CHelsea STREET
 PROPOSED ROOF PLAN
 SCALE 1:100

 Registered Building Practitioner Australian Institute of Architects ARCHITECTS PLANET architecture 637 Albert Street, Melbourne VIC 3007 Phone: (03) 9412 3127 www.planetarchitecture.com.au	PROJECT NO: 1887 PROJECT NAME: 228-230 ESPLANADE BRIGHTON CLIENT: M. SIEBER	DATE: 1/1/2019 DRAWN BY: R.R. CHECKED BY: B	SCALE: 1:100 SHEET NO: 4 of 10

SOUTH ELEVATION
SCALE 1:100

WEST ELEVATION
SCALE 1:100

EAST ELEVATION
SCALE 1:100

NORTH ELEVATION
SCALE 1:100

STREETSCAPE ELEVATION
SCALE 1:100

ESPLANADE, BRIGHTON
NO. 229-230

ESPLANADE, BRIGHTON
SUBJECT SITE

ESPLANADE, BRIGHTON
NO. 229

CHELSEA STREET

ITEM	INDICATIVE SELECTION, SUBJECT TO COUNCIL APPROVAL	COLOR
MATERIAL	COLORING INVADECK	COLOR
ROOFING	COLORING DEEP OCEAN	COLORING DEEP OCEAN
FACIA	COLORING DEEP OCEAN	COLORING DEEP OCEAN
WALLS & DOOR FRAMES	COLORING DEEP OCEAN	COLORING DEEP OCEAN
WALLS	RENDERED	DARK GRAY CALIX SURMET #1726
WALLS	RENDERED	DARK GRAY CALIX SURMET #1726
WALLS	RENDERED	DARK GRAY CALIX SURMET #1726
STREET CANOPY	PAINTED	DARK SURMET #1726
BALUSTRADE	GLASS	OSGORE PROTECTED
FRONT SCREEN	PANORAMIC SCREEN	DARK SURMET #1726
FRONT SCREEN	PANORAMIC SCREEN	DARK SURMET #1726
FRONT SCREEN	PANORAMIC SCREEN	DARK SURMET #1726
FRONT SCREEN	PANORAMIC SCREEN	DARK SURMET #1726
FRONT SCREEN	PANORAMIC SCREEN	DARK SURMET #1726

Bayside City Council
Planning and Use Act 1987
ENDORSED PLAN
This plan complies with Condition No. 1
Planning permit issued: 14 September 2018
Sheet 6 of 10
Endorsed on: 21 November 2019
Endorsed by: *Janet Peggiman*

plonk architecture

PROPOSED ELEVATIONS

MIXED USE DEVELOPMENT

229-230 ESPLANADE, BRIGHTON

1:100 50%

1937

TP-6

057 Mtjoy Rd, Brighton, VIC 3186
Ph: 03 9594 2522
www.plonkarchitecture.com

M. SILBER

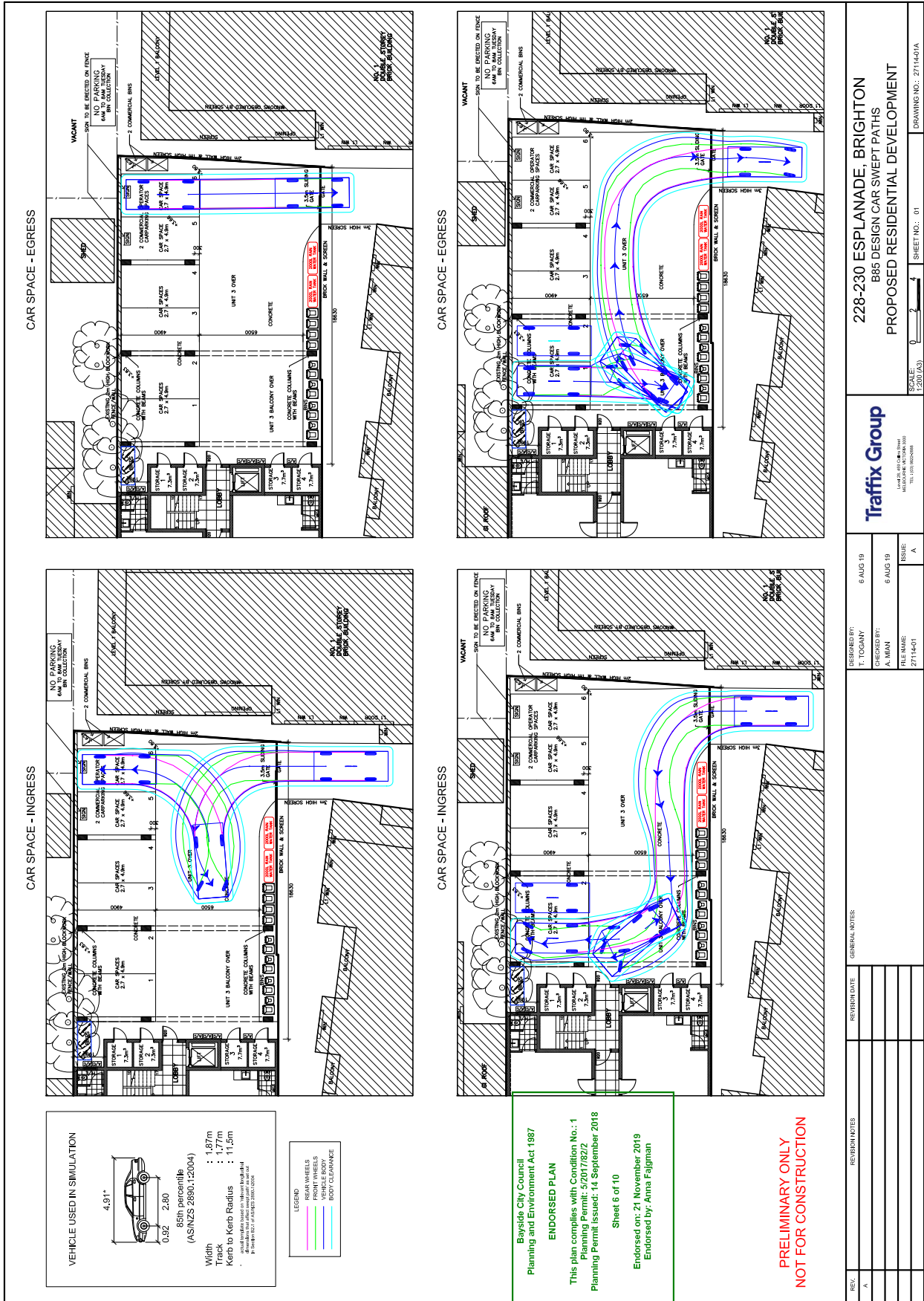
Australian Architects
REGISTERED
BUSINESS INDEPENDENT

Architects
No. 234
Professional ID No. 121771

Australian Architects
REGISTERED
BUSINESS INDEPENDENT

Architects
No. 229
Professional ID No. 121772

Architects
No. 230
Professional ID No. 121773



REV. A	REVISION DATE	REVISION NOTES	DESIGNED BY: A. MUIR	ISSUE: A
			FILE NAME: 2711401	
			DATE: 6 AUG 19	
			SCALE: 1:200 (A3)	
			SHEET NO.: 01	DRAWING NO.: 2711401A
<p>Traffix Group LOCAL OFFICE: 100/101 WILSON STREET MELBOURNE VIC 3000 TEL: 03 9594 9999</p>			<p>228-230 ESPLANADE, BRIGHTON B85 DESIGN CAR SWEEP PATHS PROPOSED RESIDENTIAL DEVELOPMENT</p>	

**4.9 131–133 CARPENTER STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2016/39/2 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/154059

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Application details

Recommendation	Approve the Extension of Time
Permit No.	2016/39/2
Applicant	Urbis Pty Ltd
Date application received	23/04/2024
Zoning	General Residential Zone (Schedule 2)
Overlays	Design and Development Overlay (Schedule 10) Development Contribution Plan Overlay (Schedule 1)

Proposal

Planning Permit 2016/39/2 allows:

- Construction of two or more dwellings on a lot (three storey residential building containing ten dwellings).
- Construction of buildings and works with a Design & Development Overlay.
- Construction of a front fence exceeding 1.5 metres in height

The application seeks approval for an extension of time of one (1) year to commence and complete the development. This is the fourth request for an extension of time.

Condition 24 of the Planning Permit states that the development must commence within two years from the date of issue. The condition also allows for an extension of time to be requested, provided the request is lodged with the Responsible Authority in writing either before the permit expires or within six (6) months afterwards.

History

Planning permit 2016/39/1 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 16 June 2017.

The permit allows for the construction of two or more dwellings on a lot (three storey residential building containing ten dwellings); construction of buildings and works in a Design and Development Overlay; construction of a front fence exceeding 1.5 metres in height; in accordance with the endorsed plans.

Condition 1 plans were endorsed by Council on 10 July 2017.

Amended permit 2016/39/2 was issued by Council on 4 January 2019, to remove the requirements and conditions relating to the basement car parking stackers and assigned visitor car parking, to reflect changed requirements from Planning Scheme Amendment VC148.

Amended Condition 1 plans were endorsed by Council on 21 January 2019.

An extension of time of two (2) years was granted by Council on 27 May 2019. The development was required to commence no later than 16 June 2021 and be completed no later than 16 June 2023.

A second extension of time of two (2) years was granted by Council on 10 February 2021. The development was required to commence no later than 16 June 2023 and be completed no later than 16 June 2025.

A third extension of time of one (1) year was granted by the Planning & Amenity Committee on 14 March 2023. The development must now commence no later than 16 June 2024 and be completed no later than 16 June 2026.

To date no works have begun.

It is noted that the subject site is currently for sale.

2. Planning controls

Original planning permit requirements

A planning permit was required pursuant to:

- Clause 32.08-6 (General Residential Zone 2) - Construction of two or more dwellings on a lot.
- Clause 32.08-6 (General Residential Zone 2) - Construction of a front fence exceeding 1.5 metres in height.
- Clause 43.02-2 (Design and Development Overlay Schedule 10) - Construct a building or construct or carry out works.

Planning Scheme Amendments

Amendment C187bays

Amendment C187bays gazetted on 17 November 2023 introduces an Environmentally Sustainable Development (ESD) policy under Clause 15.01-2L-02 (Environmentally Sustainable Development) of the Bayside Planning Scheme which includes various objectives and strategies related to sustainable development. It also introduces requirements for a Sustainability Management Plan to be prepared for residential developments of 10 or more dwellings. Despite this amendment, Clause 15.01-2L-02 includes transitional arrangements where the new policy does not apply to applications lodged prior to 17 November 2023.

Amendment VC250

VC250 was gazetted on 2 January 2024, which incorporated Clause 53.03 'Residential Reticulated Gas Service Connection' to the Planning Scheme. This amendment prohibits new gas connections for new dwellings, apartments and residential subdivisions where a planning permit is required. This amendment has incorporated transitional arrangements where the new requirements do not apply to applications lodged prior to 2 January 2024.

3. Stakeholder consultation

External referrals

There is no requirement to refer the application for an extension of time to any external referral authorities.

Internal referrals

The proposal was not referred to any internal Council departments.

Public notification

Applications made for an extension of time to the planning permit are not subject to the notice requirements of Section 52 of the *Planning and Environment Act 1987*. Therefore, the extension of time has not been advertised.

4. Recommendation

That Council resolves to **Approve the Extension of Time** of one (1) year to Planning Permit **2016/39/2**, so that the development must now commence no later than 16 June 2025 and be completed no later than 16 June 2027.

A note to be added to the approval, stating that no further extensions of time will be granted for this permit.

5. Council PolicyCouncil Plan 2021–25

Relevant objectives of the Council plan include:

- Land use will enhance Bayside's liveability and protect the distinctive heritage and character of our various localities.

Relevant strategies of the Council plan include:

- Strategic planning and controls protect and reflect the diverse environmental and heritage values of Bayside.
- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.

Bayside Planning Scheme

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 11.03-1S Activity Centres
- Clause 11.03-1L (Bay Street MAC)
- Clause 15 Built Environment and Heritage
- Clause 15.01-1L Urban Design
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Bayside Preferred Neighbourhood Character (B2)
- Clause 16 Housing
- Clause 32.08 General Residential Zone (Schedule 2)
- Clause 43.02 Design and Development Overlay (Schedule 10)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

6. Considerations

The Victorian Civil and Administrative Tribunal and Supreme Court decisions set out relevant 'tests' to consider. In *Kantor v Murrindindi Shire Council*, 18 AATR 285, Supreme Court Justice Ashley held that a Responsible Authority should consider the following matters when exercising its discretion to extend a permit:

Whether there has been a change of Planning Policy

The zoning and overlays of the site are unchanged since the permit was granted, and the site's location and context would still support the proposal in general.

There have been some planning scheme amendments in the intervening time that would have some bearing on a new application (sustainable design and gas connection), or that have been use of in amending the permit already (parking requirements changes).

Whether the landowner is seeking to 'Warehouse' the Permit

There may be some evidence that the landowner is seeking to 'warehouse' the permit, noting:

- This is the fourth request to extend the Planning Permit.
- Whilst the scale of the development would suggest it would require some time before building works can commence, there has been no movement on the site in terms of demolition of the existing property, or approval of building permits.

Noting this, the circumstances of the development industry establish a pattern of delays that would not have been apparent at some of the previous extensions and must be considered specifically to this request.

This being said, Officers believe this should be the final extension request granted.

Intervening circumstances as bearing upon grant or refusal

There are two relevant intervening circumstances:

- The property is currently for sale. A new potential owner would be able to take benefit of the permit should it remain valid, but would otherwise have insufficient time to obtain all relevant approvals to commence construction. Regardless of ownership, the site would sit undeveloped or idle as a result of the need to seek new permissions if the current permit expired.
- Similar developments approved in the last 4–6 years have not yet commenced or sought additional time to complete works. This indicates obstructions to commencing and completing developments are not isolated to any particular site or context. This could change in the future and Officers believe the opportunity should be given to develop the land in accordance with the existing permit.

The total elapse of time

The application was made within the prescribed time (i.e. within six months of the current 16 June 2024 expiry date) and this is the fourth request to extend the Planning Permit. Almost seven years have elapsed since the permit was granted.

Whether the limit originally imposed was adequate

The original time frame is considered reasonable; however, an increased commencement time would also have been appropriate in consideration of the scale of the project. The previous requests for extension have each individually had valid reasons at that particular time why additional time was appropriate.

The economic burden imposed on the landowner by the Permit

Given the nature of the proposed development, it would demand reasonably substantial financial resources to carry out. Changes in market conditions over time are not an insignificant matter regarding the development process, and upheaval within the building industry and financial services in the past years is relevant when considering the economic burden.

That said, Officers believe that open-ended extension of permits waiting on preferable forecasts of financial conditions should not be rewarded, and so Officers recommend this extension includes a note that no further extensions are likely to be supported.

The probability of a Permit issuing should a fresh application be made

The permit remains appropriate in the current policy and physical context. The changes within Planning Policy since its issuing would broadly still support the use and scale of the site, give its location within a Major Activity Centre. It would be mostly unnecessary to require the permit holder to apply for a new permit in the circumstances, especially given the planning controls as they stand. The recent amendments regarding sustainable design and prohibiting uptake of new gas connections would ultimately result in a different final outcome, but the overall form and scale would still be appropriate.

Support Attachments

1. Site and Surrounds ↓
2. Planning Permit ↓
3. Endorsed Plans ↓


131-133 Carpenter Street, BRIGHTON

Attachment 1



Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★


PLANNING PERMIT	Application No.:	5/2016/39/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

ADDRESS OF THE LAND:	131-133 Carpenter Street BRIGHTON
THE PERMIT ALLOWS:	<ul style="list-style-type: none"> • Construction of two or more dwellings on a lot (three storey residential building containing ten dwellings) • Construction of buildings and works with a Design & Development Overlay • Construction of a front fence exceeding 1.5 metres in height in accordance with the endorsed plans and subject to the following conditions.


THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:


1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans prepared by Pink Architecture, all dated 11 January 2017, but modified to show:
 - a) Prevention of overlooking into the secluded private open space areas of adjoining properties to achieve compliance with Standard B22 (Overlooking) at Clause 55.04-6 to the satisfaction of the responsible authority. Design techniques to achieve Standard B22 include appropriately designed planter boxes, obscure glazing treatments to balconies or windows to a height of 1.7 above the finished floor level and windows with a sill height of 1.7 metres above finished floor level.
 - b) The proposed basement ramp incorporating a minimum 2.2m headroom clearance at the entrance, measured perpendicular to the ramp. The headroom clearance must be sufficient to allow a waste vehicle to access the basement.
 - c) Turning circle diagrams demonstrating that waste collection vehicles can enter and exit the site in a forward direction.
 - d) **The proposed basement plan to detail the parking allocation and line marking of car spaces**
 - e) Provision of 6 cubic metres of useable and secure storage space for each dwelling in the basement.
 - f) The front fence reduced to a height of 1.7m.
 - g) The location of plant and equipment on the roof or within the basement. If located on the roof it must be appropriately screened from view.
 - h) Notation that there is to be no excavation within 2.0m of the street tree.

Date issued: 16 June 2017	<i>Arthur Vatzakis</i>	Page 1 of 7
Date amended: 4 January 2019	Signature for the Responsible Authority	
Planning and Environment Regulations 2015 Form 4		

PLANNING PERMIT	Application No.:	5/2016/39/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- i) A notation on the plan that the basement must utilise bored piers along the north-western boundary and that bored piers must not be any closer than 1.8m from the boundary.
 - j) Water sensitive urban design measures in accordance with Condition 7 of this permit.
 - k) A Tree Management Plan in accordance with Condition 15 of this permit.
 - l) All plant and equipment to be located away from habitable room windows of the dwellings and the adjoining properties habitable rooms.
 - m) A detailed landscape plan generally in accordance with the landscape concept plan prepared by John Patrick Pty Ltd dated June 2016, modified to include:
 - i) Details for the maintenance of all planter boxes.
 - ii) A specific annotation for the use of landscaping along the boundary between the review site and 3 Durrant Street to optimise sunlight access to the private open space area of 3 Durrant Street.
 - n) Allow for the replacement of the boundary fencing along the southern boundary of 131 Carpenter Street abutting 129 Carpenter Street and 3 and 5 Durrant Street with a new fence with acoustic properties. The southern side of the fence is to be treated with a colour that is to the satisfaction of the respective owners. Specifically, the inside of the fence will be treated with a smooth finish or rendered with a woodlands grey colour (or another colour to the satisfaction of the respective owners).
- 2 The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 - 3 No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 - 4 All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 - 5 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 - 6 Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 - 7 Detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:


		Page 2 of 7
Date issued:	16 June 2017	 Signature for the Responsible Authority
Date amended:	4 January 2019	
Planning and Environment Regulations 2015 Form 4		


PLANNING PERMIT	Application No.:	5/2016/39/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- a) The type of water sensitive urban design stormwater treatment measures to be used.
- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

- 8 The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
- 9 Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
- 10 Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
- 11 Deleted
- 12 Any security boom, barrier or similar device controlling vehicular access to the basement must be located a minimum of six metres inside the property to allow vehicles to prop clear of Carpenter Street.
- 13 Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 14 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- 15 Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

		Page 3 of 7
Date issued:	16 June 2017	 Signature for the Responsible Authority
Date amended:	4 January 2019	
Planning and Environment Regulations 2015 Form 4		

PLANNING PERMIT	Application No.:	5/2016/39/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	


The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. The Tree Management Plan must include a requirement for the site arborist to undertake an inspection of the area along the south boundary of the existing brick garage for any damage to roots from the Grevillea Robusta and that any necessary remedial actions occur. This inspection must be documented and made available to Council within 28 days of a written request.

Stages of development at which inspections are required to ensure tree protection measures are adhered to for all other trees must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
- 16 All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 - 17 Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970/2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
 - 18 Prior to soil excavation for a Council approved crossover within the tree protection zone of the street tree. A trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected must be correctly pruned.
 - 19 Any installation of services and drainage within the tree protection of the street tree must be undertaken using root sensitive non-destructive techniques.

		Page 4 of 7
Date issued:	16 June 2017	<i>Arthur Vatzakis</i> Signature for the Responsible Authority
Date amended:	4 January 2019	
Planning and Environment Regulations 2015 Form 4		


PLANNING PERMIT	Application No.:	5/2016/39/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- 20 Before the commencement of any works, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
- 21 Before the commencement of any works, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
- 22 Before the commencement of any works, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include details regarding:
 - a) Provision on the land for the storage of garbage and other solid waste.
 - b) Litter traps to be fitted to stormwater drains in storage areas.
 - c) The number and size of bins to be provided including colour coding and labelling of bins.
 - d) Facilities for bin cleaning.
 - e) Method of waste, hard waste and recyclables collection.
 - f) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - g) Method of presentation of bins for waste collection.
 - h) Strategies for how the generation of waste and recyclables will be minimised.
 - i) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.


- 23 Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
 - a) A detailed schedule of works including a full project timing.
 - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or


		Page 5 of 7
Date issued:	16 June 2017	<i>Arthur Vatzakis</i>
Date amended:	4 January 2019	
		Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4		

PLANNING PERMIT	Application No.:	5/2016/39/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.

- c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) Proposed traffic management signage indicating any inconvenience generated by construction.
 - f) Fully detailed plan indicating where construction hoardings would be located.
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i) Site security.
 - j) Public safety measures.
 - k) Construction times, noise and vibration controls.
 - l) Restoration of any Council assets removed and/or damaged during construction.
 - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
 - p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
 - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
 - r) Details of crane activities, if any.
- 24 This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
- a) The development is not started within two (2) years of the issue date of this permit.
 - b) The development is not completed within four (4) years of the issue date of this permit.

		Page 6 of 7
Date issued:	16 June 2017	
Date amended:	4 January 2019	
		Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4		


PLANNING PERMIT	Application No.:	5/2016/39/2	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

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.

Permit Notes

Date	Details
4 January 2019	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ul style="list-style-type: none"> • Condition 11 deleted • Condition 1d amended Plans endorsed to show the following changes: <ul style="list-style-type: none"> • Removal of assigned visitor parking; • Removal of car stackers and reconfiguration of the car parking arrangement; • Reconfiguration of the external storage units; • Relocation of the bins; • Increase in size of plant room.

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.

		Page 7 of 7
Date issued:	16 June 2017	 Signature for the Responsible Authority
Date amended:	4 January 2019	
Planning and Environment Regulations 2015 Form 4		

FORM 4

Sections 63,64,64A and 86

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**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A 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.

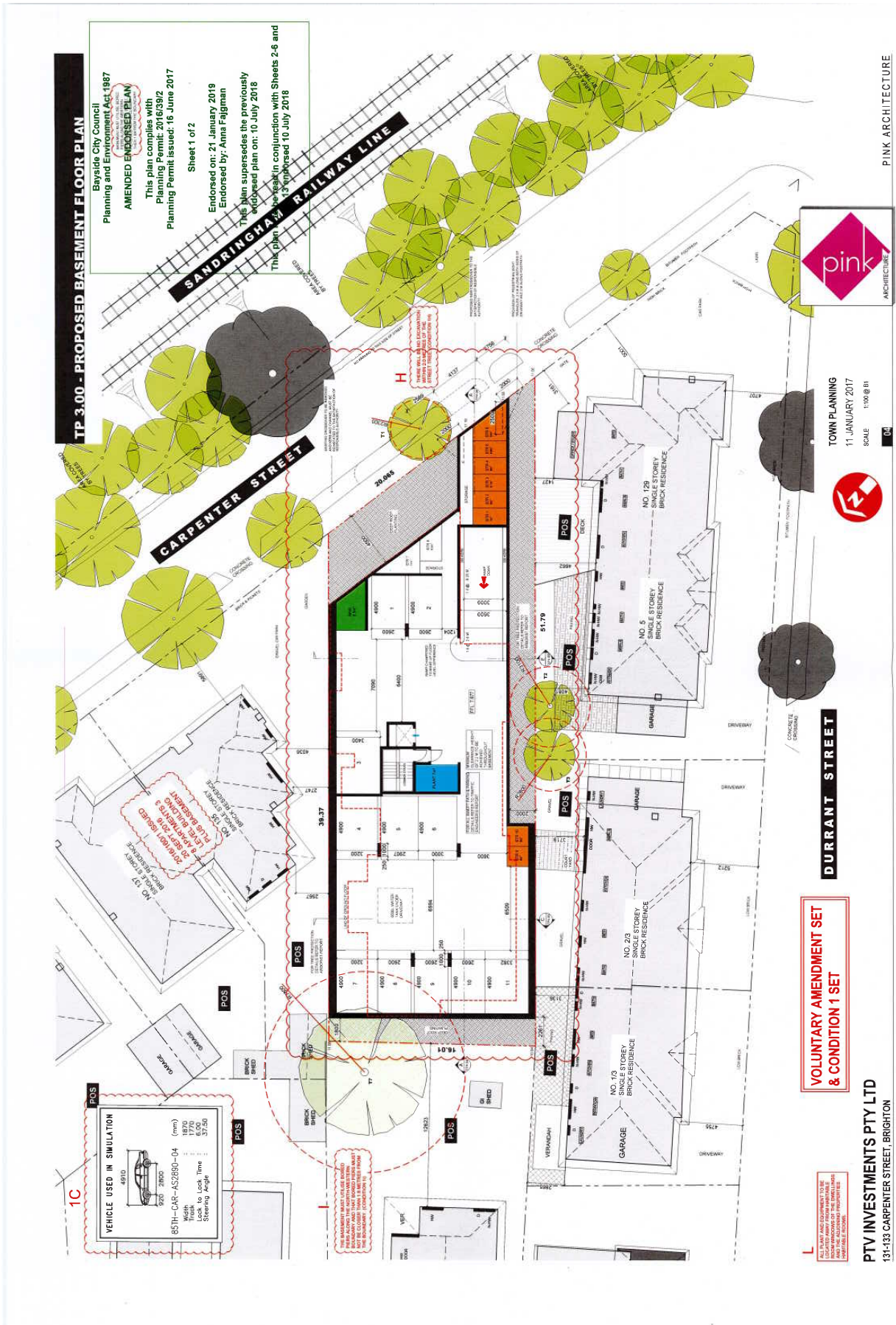
WHEN DOES A PERMIT EXPIRE?

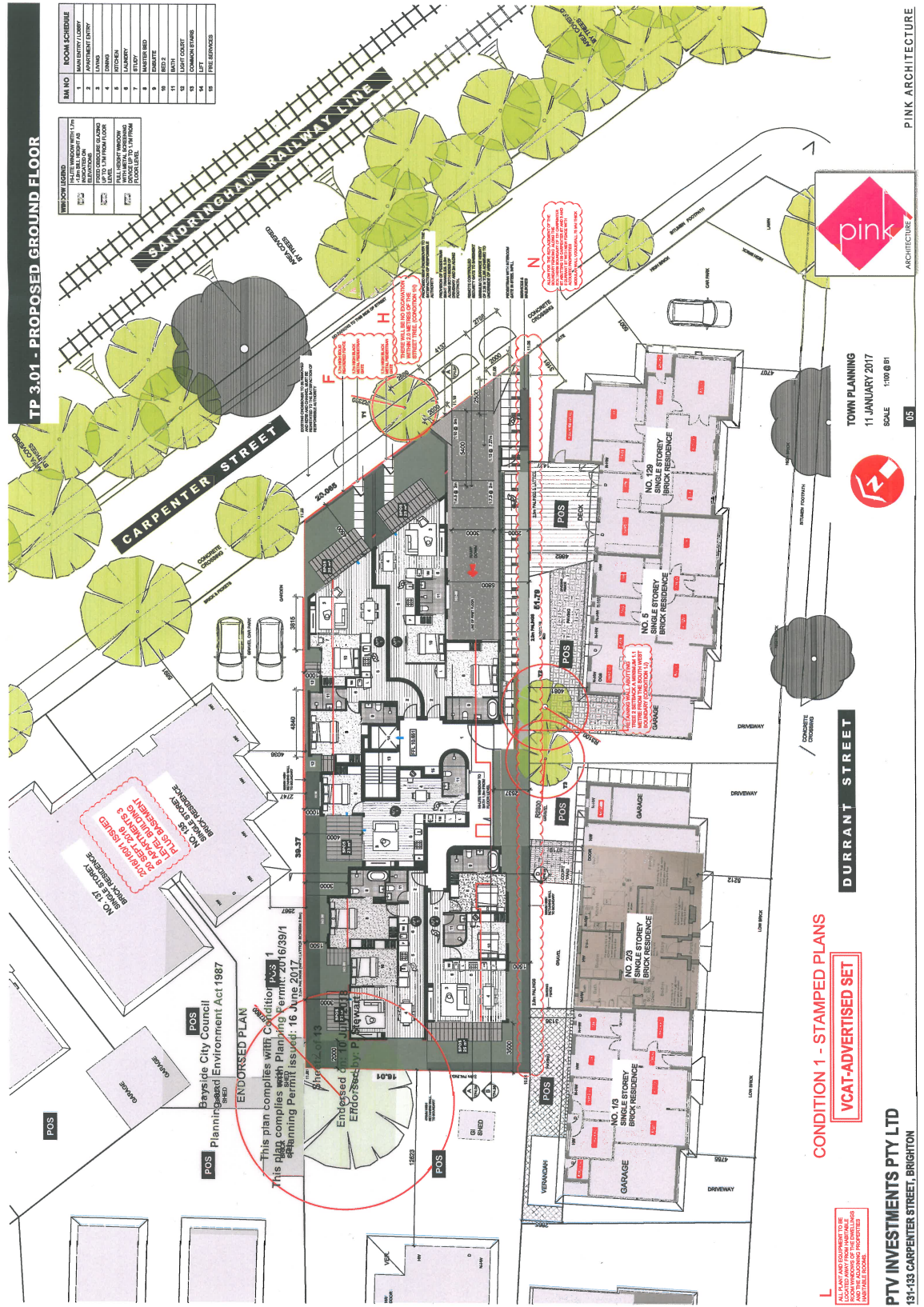
1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within 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.

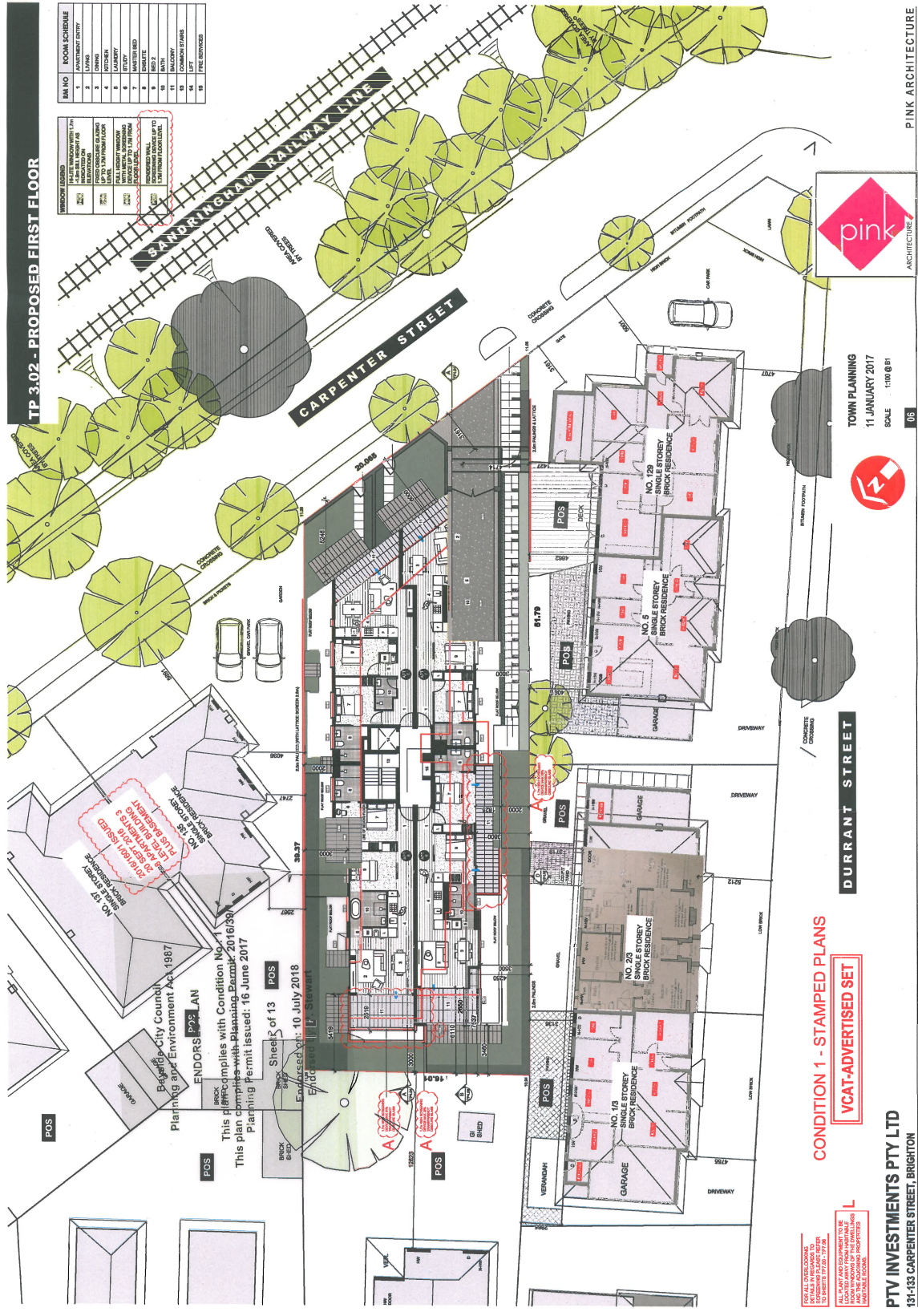
WHAT ABOUT REVIEWS?

- 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, in which case no right of review 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 application for review 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 an Application for Review 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.
- 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 Regulations 2015







RM NO	ROOM SCHEDULE
1	APARTMENT ENTRY
2	LIVING
3	KITCHEN
4	BATH
5	BED
6	BED
7	BED
8	BED
9	BED
10	BED
11	BED
12	BED
13	COMMON STAIRS
14	LIFT
15	FIRE SERVICES

SYMBOL	DESCRIPTION
[Symbol]	WALL
[Symbol]	DOOR
[Symbol]	WINDOW
[Symbol]	GLASS
[Symbol]	SKYLIGHT
[Symbol]	ROOF
[Symbol]	CEILING
[Symbol]	FLOOR
[Symbol]	STAIR
[Symbol]	POSSIBLE TO BE ADJUSTED TO SUIT CLIENT'S REQUIREMENTS
[Symbol]	PROPOSED TO BE ADJUSTED TO SUIT CLIENT'S REQUIREMENTS
[Symbol]	PROPOSED TO BE ADJUSTED TO SUIT CLIENT'S REQUIREMENTS

TP 3.02 - PROPOSED FIRST FLOOR

TOWN PLANNING
11 JANUARY 2017
SCALE 1:100 @ B1



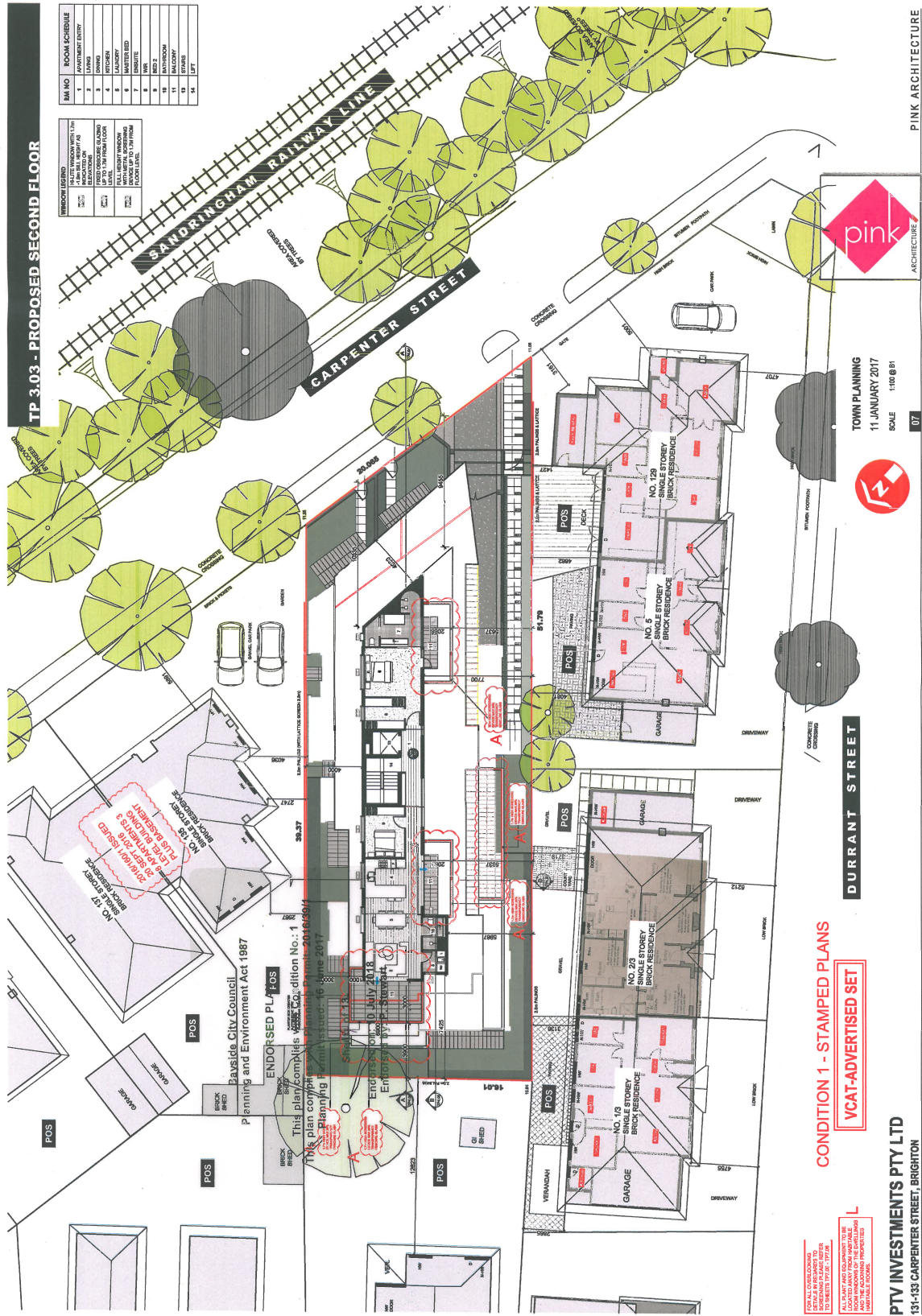
CONDITION 1 - STAMPED PLANS
VCAT-ADVERTISED SET

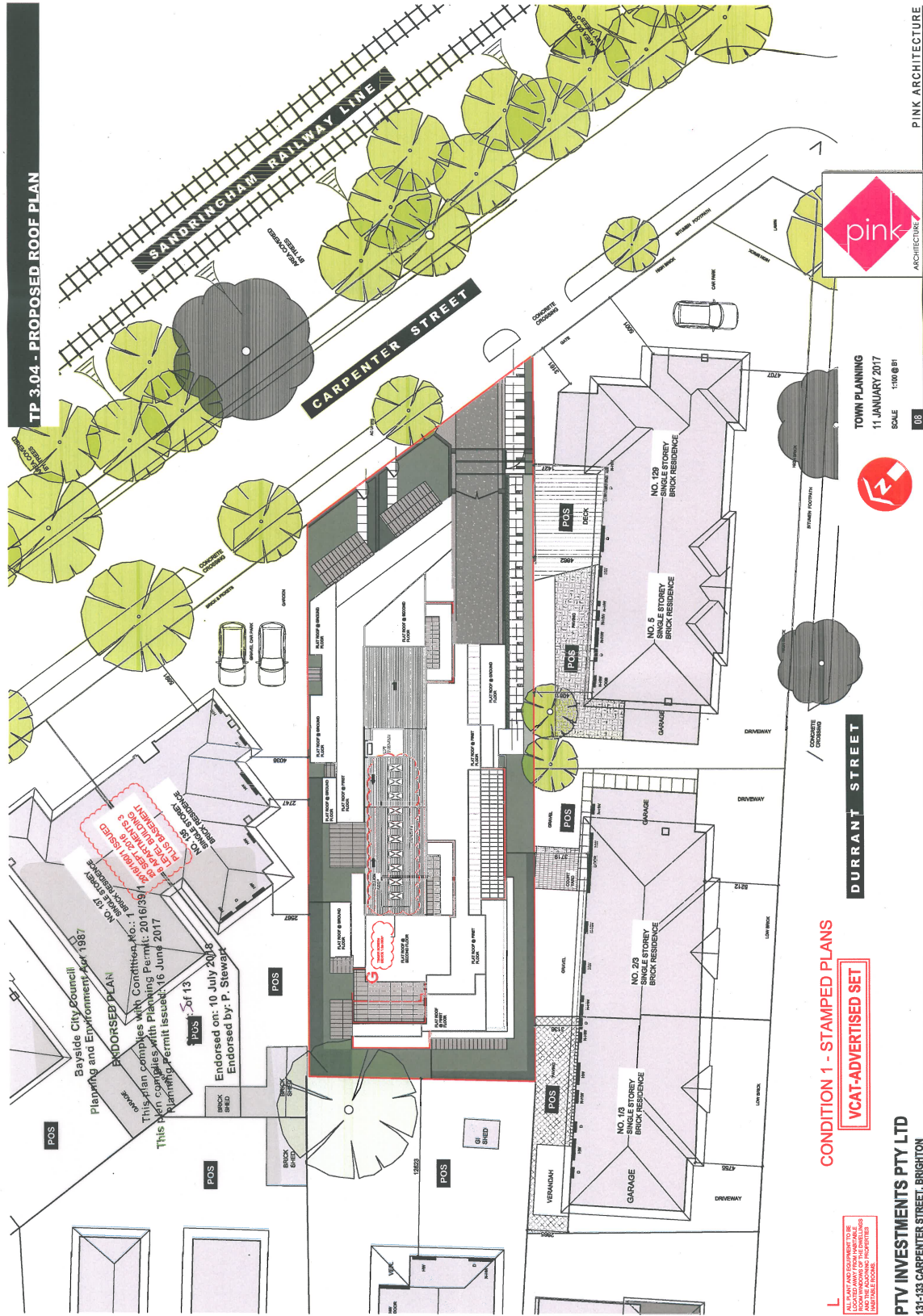
PTV INVESTMENTS PTY LTD
131-133 CARPENTER STREET, BRIGHTON

PINK ARCHITECTURE

FOR ALL OVERLOOKS
PLANNING AND GOVERNMENT TABLE
CONSUMERS PLANNING UNIT
TO SUBMIT BY 17.06.17 (17/06)

ALL PLANNING AND GOVERNMENT TABLE
CONSUMERS PLANNING UNIT
FROM WORKS OF THE DEVELOPER
MANTAINANCE BOOKS





TP 4.01 - PROPOSED ELEVATIONS

WINDOW LEGEND

TYPE 1	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 2	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 3	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 4	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 5	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 6	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 7	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 8	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 9	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 10	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 11	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 12	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 13	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 14	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 15	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 16	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 17	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 18	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 19	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 20	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 21	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 22	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 23	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 24	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 25	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 26	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 27	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 28	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 29	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 30	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 31	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 32	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 33	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 34	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 35	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 36	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 37	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 38	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 39	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 40	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 41	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 42	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 43	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 44	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 45	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 46	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 47	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 48	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 49	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT
TYPE 50	FULL HEIGHT WINDOW WITH 1.8m GLAZING HEIGHT

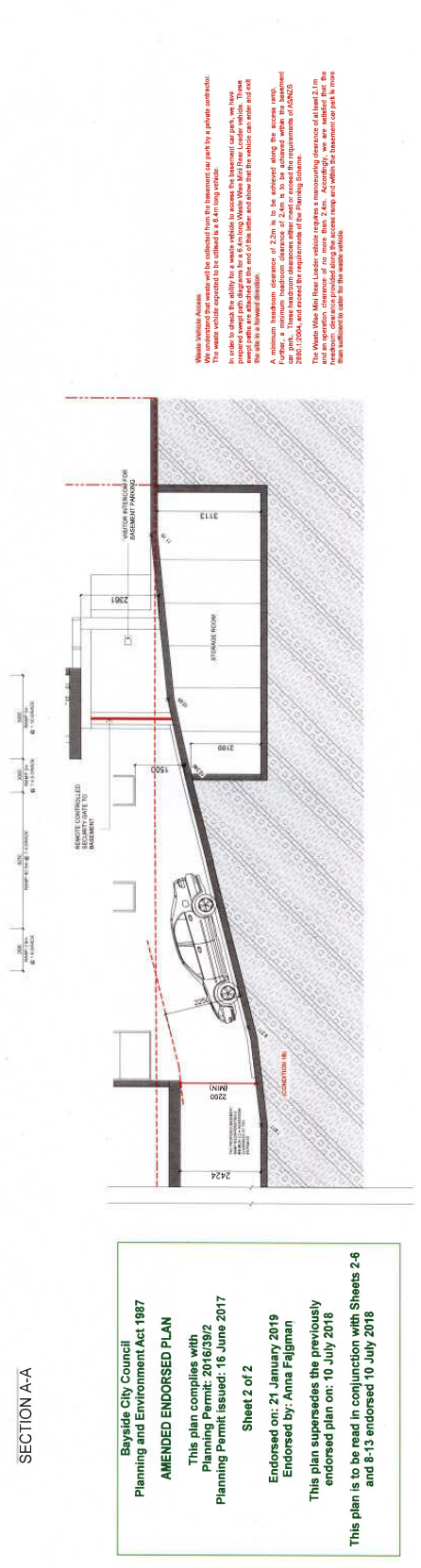
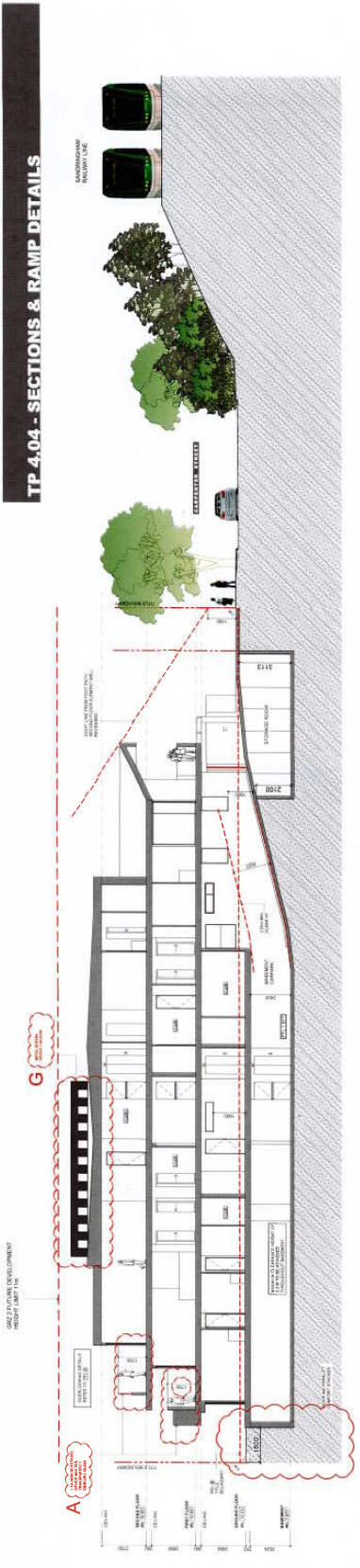
CONDITION 1 - STAMPED PLANS

VCAT-ADVERTISED SET

PTV INVESTMENTS PTY LTD
131-133 CARPENTER STREET, BRIGHTON

TOWN PLANNING
11 JANUARY 2017
SCALE 1:100 @ B1

PINK ARCHITECTURE



Bayside City Council
 Planning and Environment Act 1987
AMENDED ENDORSED PLAN
 This plan complies with
 Planning Permit: 2016/38/2
 Planning Permit issued: 16 June 2017
 Sheet 2 of 2
 Endorsed on: 21 January 2019
 Endorsed by: Anna Fajman
 This plan supersedes the previously
 endorsed plan on: 10 July 2018
 This plan is to be read in conjunction with Sheets 2-6
 and 8-15 endorsed 10 July 2018

Waste Vehicle Access
 The undersigned is to be used as a private car park by a private contractor.
 In order to check the ability for a waste vehicle to access the basement car park, we have prepared swept path diagrams for a 6.4m long Waste Mini Loader. Loader vehicle. These diagrams show the swept path of the loader and show that the vehicle can enter and exit the site in a forward direction.
 A minimum headroom clearance of 2.2m is to be achieved along the access ramp. The Waste Mini Loader requires a minimum headroom clearance of 2.4m to be achieved along the access ramp. These diagrams show the swept path of the loader and show that the vehicle can enter and exit the site in a forward direction. The Waste Mini Loader requires a minimum headroom clearance of 2.4m to be achieved along the access ramp. These diagrams show the swept path of the loader and show that the vehicle can enter and exit the site in a forward direction.

SECTION A-A 1:50
 BASEMENT

L THIS PLAN AND ALL INFORMATION THEREON IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED ABOVE. IT IS NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF PINK ARCHITECTURE.

PTV INVESTMENTS PTY LTD
 131-133 CARPENTER STREET, BRIGHTON

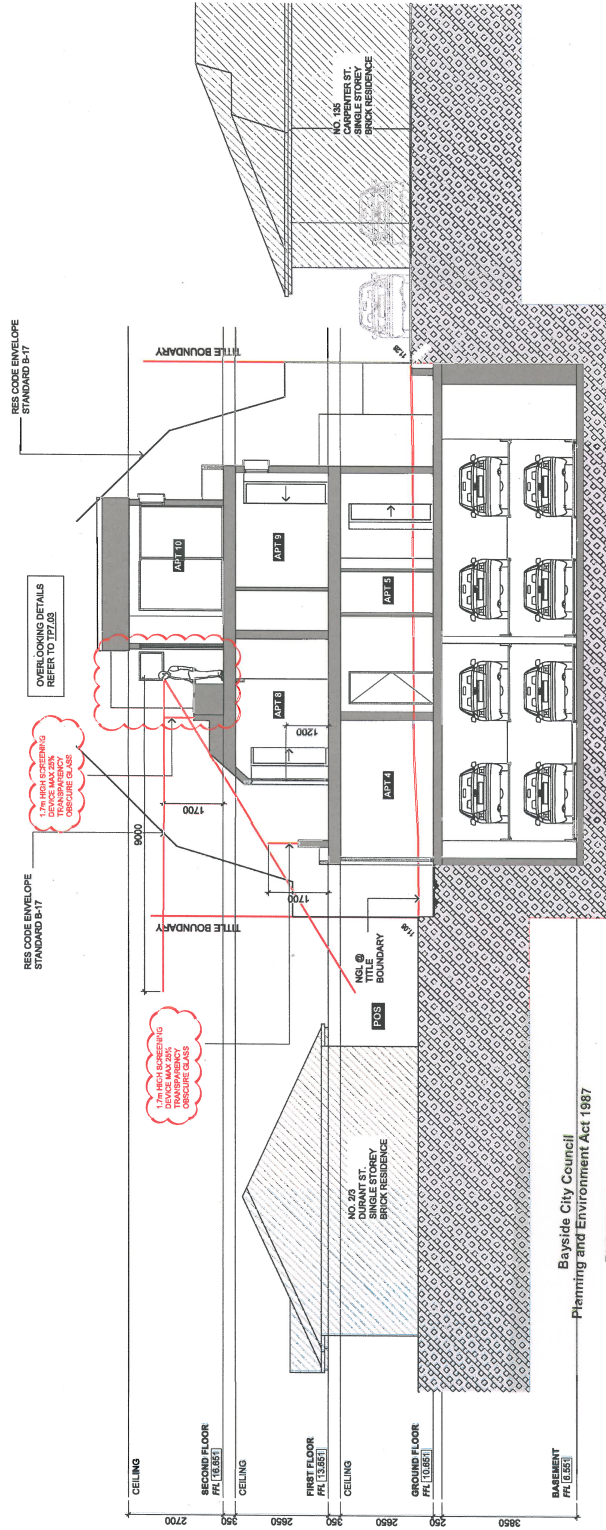
TOWN PLANNING
 11 JANUARY 2017
 SCALE 1:100 @ B1

pink
 ARCHITECTURE

VOLUNTARY AMENDMENT SET
& CONDITION 1 SET

PINK ARCHITECTURE

TP 4.05 - SECTION - BALCONY SCREEN



SECTION D

Bayside City Council
Planning and Environment Act 1987
ENDORSED PLAN

This plan complies with Condition No. 1
This plan complies with Planning Permit: 2016/039/1
Planning Permit issued: 16 June 2017

Sheet 0 of 13

Endorsed on: 10 July, 2018
Endorsed by: P. Stewart

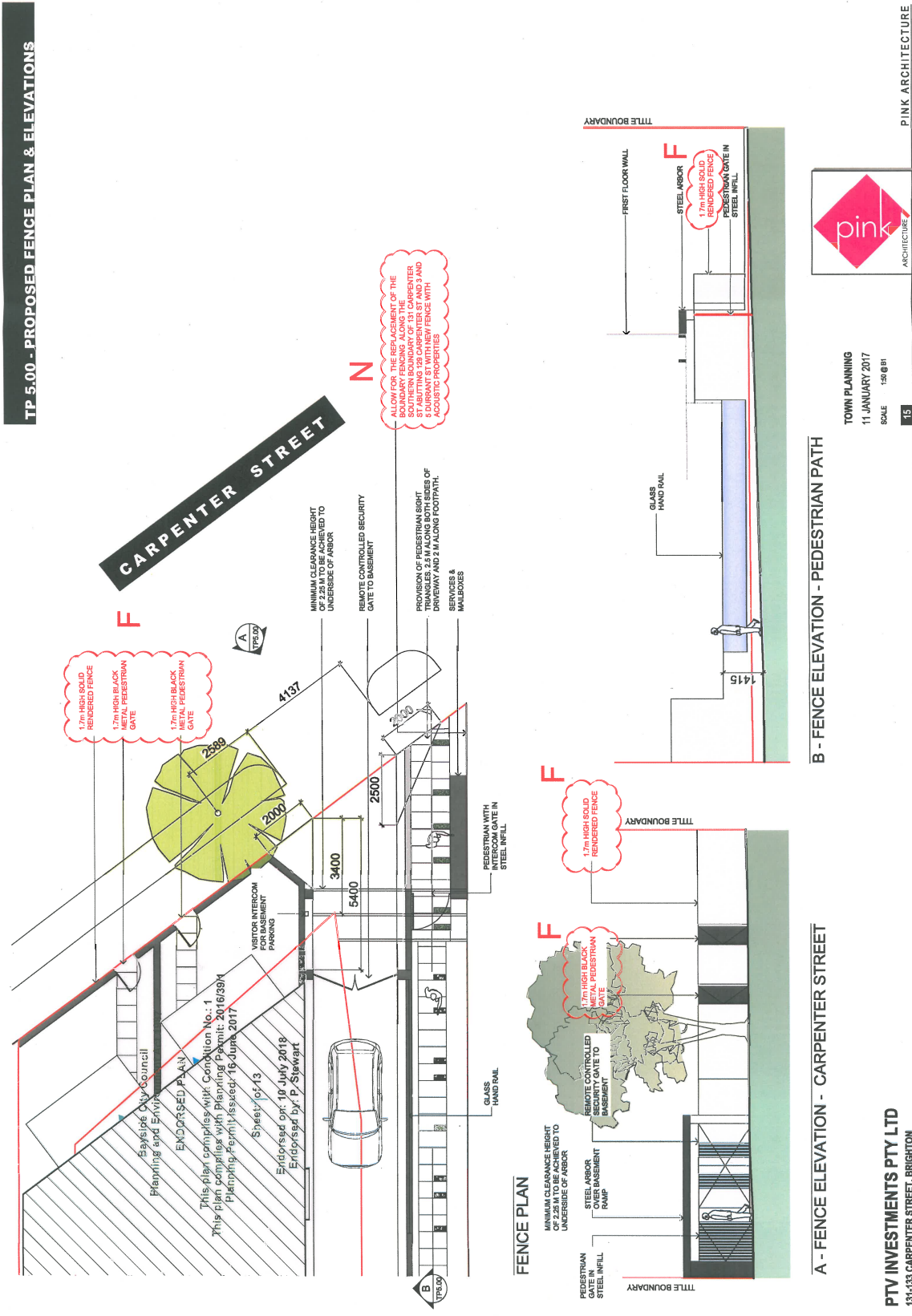
CONDITION 1 - STAMPED PLANS
VCAT-ADVERTISED SET

TOWN PLANNING
11 JANUARY 2017
SCALE 1:50 @ B1

PINK ARCHITECTURE



PTV INVESTMENTS PTY LTD
131-133 CARPENTER STREET, BRIGHTON



TP 5.00 - PROPOSED FENCE PLAN & ELEVATIONS



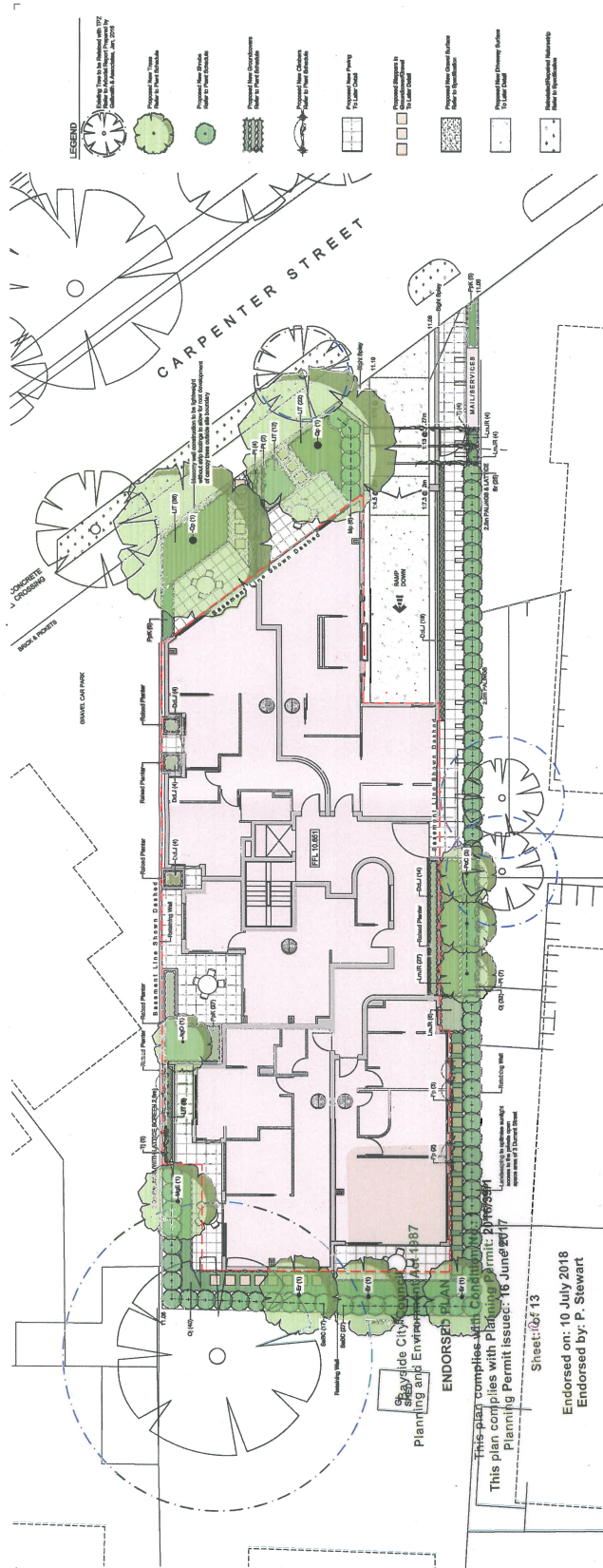
TOWN PLANNING
11 JANUARY 2017
SCALE 1:50 @B1

PINK ARCHITECTURE

B - FENCE ELEVATION - PEDESTRIAN PATH

A - FENCE ELEVATION - CARPENTER STREET

PTV INVESTMENTS PTY LTD
131-133 CARPENTER STREET, BRIGHTON



LEGEND

- Proposed New Tree: 100mm DBH
- Proposed New Tree: 150mm DBH
- Proposed New Tree: 200mm DBH
- Proposed New Tree: 250mm DBH
- Proposed New Tree: 300mm DBH
- Proposed New Tree: 350mm DBH
- Proposed New Tree: 400mm DBH
- Proposed New Tree: 450mm DBH
- Proposed New Tree: 500mm DBH
- Proposed New Tree: 550mm DBH
- Proposed New Tree: 600mm DBH
- Proposed New Tree: 650mm DBH
- Proposed New Tree: 700mm DBH
- Proposed New Tree: 750mm DBH
- Proposed New Tree: 800mm DBH
- Proposed New Tree: 850mm DBH
- Proposed New Tree: 900mm DBH
- Proposed New Tree: 950mm DBH
- Proposed New Tree: 1000mm DBH
- Proposed New Tree: 1050mm DBH
- Proposed New Tree: 1100mm DBH
- Proposed New Tree: 1150mm DBH
- Proposed New Tree: 1200mm DBH
- Proposed New Tree: 1250mm DBH
- Proposed New Tree: 1300mm DBH
- Proposed New Tree: 1350mm DBH
- Proposed New Tree: 1400mm DBH
- Proposed New Tree: 1450mm DBH
- Proposed New Tree: 1500mm DBH
- Proposed New Tree: 1550mm DBH
- Proposed New Tree: 1600mm DBH
- Proposed New Tree: 1650mm DBH
- Proposed New Tree: 1700mm DBH
- Proposed New Tree: 1750mm DBH
- Proposed New Tree: 1800mm DBH
- Proposed New Tree: 1850mm DBH
- Proposed New Tree: 1900mm DBH
- Proposed New Tree: 1950mm DBH
- Proposed New Tree: 2000mm DBH

PLANT SCHEDULE

TREES	COMMON NAME	DBH (mm)	HEIGHT (m)	WIND EXPOSURE	WIND SPEED (km/h)	WIND DIRECTION
1	Almond Maple 'Chalkleaf'	100	5.1-2m	EN	100	100
2	Almond Maple 'Chalkleaf'	150	5.1-2m	EN	100	100
3	Almond Maple 'Chalkleaf'	200	5.1-2m	EN	100	100
4	Almond Maple 'Chalkleaf'	250	5.1-2m	EN	100	100
5	Almond Maple 'Chalkleaf'	300	5.1-2m	EN	100	100
6	Almond Maple 'Chalkleaf'	350	5.1-2m	EN	100	100
7	Almond Maple 'Chalkleaf'	400	5.1-2m	EN	100	100
8	Almond Maple 'Chalkleaf'	450	5.1-2m	EN	100	100
9	Almond Maple 'Chalkleaf'	500	5.1-2m	EN	100	100
10	Almond Maple 'Chalkleaf'	550	5.1-2m	EN	100	100
11	Almond Maple 'Chalkleaf'	600	5.1-2m	EN	100	100
12	Almond Maple 'Chalkleaf'	650	5.1-2m	EN	100	100
13	Almond Maple 'Chalkleaf'	700	5.1-2m	EN	100	100
14	Almond Maple 'Chalkleaf'	750	5.1-2m	EN	100	100
15	Almond Maple 'Chalkleaf'	800	5.1-2m	EN	100	100
16	Almond Maple 'Chalkleaf'	850	5.1-2m	EN	100	100
17	Almond Maple 'Chalkleaf'	900	5.1-2m	EN	100	100
18	Almond Maple 'Chalkleaf'	950	5.1-2m	EN	100	100
19	Almond Maple 'Chalkleaf'	1000	5.1-2m	EN	100	100
20	Almond Maple 'Chalkleaf'	1050	5.1-2m	EN	100	100
21	Almond Maple 'Chalkleaf'	1100	5.1-2m	EN	100	100
22	Almond Maple 'Chalkleaf'	1150	5.1-2m	EN	100	100
23	Almond Maple 'Chalkleaf'	1200	5.1-2m	EN	100	100
24	Almond Maple 'Chalkleaf'	1250	5.1-2m	EN	100	100
25	Almond Maple 'Chalkleaf'	1300	5.1-2m	EN	100	100
26	Almond Maple 'Chalkleaf'	1350	5.1-2m	EN	100	100
27	Almond Maple 'Chalkleaf'	1400	5.1-2m	EN	100	100
28	Almond Maple 'Chalkleaf'	1450	5.1-2m	EN	100	100
29	Almond Maple 'Chalkleaf'	1500	5.1-2m	EN	100	100
30	Almond Maple 'Chalkleaf'	1550	5.1-2m	EN	100	100
31	Almond Maple 'Chalkleaf'	1600	5.1-2m	EN	100	100
32	Almond Maple 'Chalkleaf'	1650	5.1-2m	EN	100	100
33	Almond Maple 'Chalkleaf'	1700	5.1-2m	EN	100	100
34	Almond Maple 'Chalkleaf'	1750	5.1-2m	EN	100	100
35	Almond Maple 'Chalkleaf'	1800	5.1-2m	EN	100	100
36	Almond Maple 'Chalkleaf'	1850	5.1-2m	EN	100	100
37	Almond Maple 'Chalkleaf'	1900	5.1-2m	EN	100	100
38	Almond Maple 'Chalkleaf'	1950	5.1-2m	EN	100	100
39	Almond Maple 'Chalkleaf'	2000	5.1-2m	EN	100	100
40	Almond Maple 'Chalkleaf'	2050	5.1-2m	EN	100	100
41	Almond Maple 'Chalkleaf'	2100	5.1-2m	EN	100	100
42	Almond Maple 'Chalkleaf'	2150	5.1-2m	EN	100	100
43	Almond Maple 'Chalkleaf'	2200	5.1-2m	EN	100	100
44	Almond Maple 'Chalkleaf'	2250	5.1-2m	EN	100	100
45	Almond Maple 'Chalkleaf'	2300	5.1-2m	EN	100	100
46	Almond Maple 'Chalkleaf'	2350	5.1-2m	EN	100	100
47	Almond Maple 'Chalkleaf'	2400	5.1-2m	EN	100	100
48	Almond Maple 'Chalkleaf'	2450	5.1-2m	EN	100	100
49	Almond Maple 'Chalkleaf'	2500	5.1-2m	EN	100	100
50	Almond Maple 'Chalkleaf'	2550	5.1-2m	EN	100	100
51	Almond Maple 'Chalkleaf'	2600	5.1-2m	EN	100	100
52	Almond Maple 'Chalkleaf'	2650	5.1-2m	EN	100	100
53	Almond Maple 'Chalkleaf'	2700	5.1-2m	EN	100	100
54	Almond Maple 'Chalkleaf'	2750	5.1-2m	EN	100	100
55	Almond Maple 'Chalkleaf'	2800	5.1-2m	EN	100	100
56	Almond Maple 'Chalkleaf'	2850	5.1-2m	EN	100	100
57	Almond Maple 'Chalkleaf'	2900	5.1-2m	EN	100	100
58	Almond Maple 'Chalkleaf'	2950	5.1-2m	EN	100	100
59	Almond Maple 'Chalkleaf'	3000	5.1-2m	EN	100	100
60	Almond Maple 'Chalkleaf'	3050	5.1-2m	EN	100	100
61	Almond Maple 'Chalkleaf'	3100	5.1-2m	EN	100	100
62	Almond Maple 'Chalkleaf'	3150	5.1-2m	EN	100	100
63	Almond Maple 'Chalkleaf'	3200	5.1-2m	EN	100	100
64	Almond Maple 'Chalkleaf'	3250	5.1-2m	EN	100	100
65	Almond Maple 'Chalkleaf'	3300	5.1-2m	EN	100	100
66	Almond Maple 'Chalkleaf'	3350	5.1-2m	EN	100	100
67	Almond Maple 'Chalkleaf'	3400	5.1-2m	EN	100	100
68	Almond Maple 'Chalkleaf'	3450	5.1-2m	EN	100	100
69	Almond Maple 'Chalkleaf'	3500	5.1-2m	EN	100	100
70	Almond Maple 'Chalkleaf'	3550	5.1-2m	EN	100	100
71	Almond Maple 'Chalkleaf'	3600	5.1-2m	EN	100	100
72	Almond Maple 'Chalkleaf'	3650	5.1-2m	EN	100	100
73	Almond Maple 'Chalkleaf'	3700	5.1-2m	EN	100	100
74	Almond Maple 'Chalkleaf'	3750	5.1-2m	EN	100	100
75	Almond Maple 'Chalkleaf'	3800	5.1-2m	EN	100	100
76	Almond Maple 'Chalkleaf'	3850	5.1-2m	EN	100	100
77	Almond Maple 'Chalkleaf'	3900	5.1-2m	EN	100	100
78	Almond Maple 'Chalkleaf'	3950	5.1-2m	EN	100	100
79	Almond Maple 'Chalkleaf'	4000	5.1-2m	EN	100	100
80	Almond Maple 'Chalkleaf'	4050	5.1-2m	EN	100	100
81	Almond Maple 'Chalkleaf'	4100	5.1-2m	EN	100	100
82	Almond Maple 'Chalkleaf'	4150	5.1-2m	EN	100	100
83	Almond Maple 'Chalkleaf'	4200	5.1-2m	EN	100	100
84	Almond Maple 'Chalkleaf'	4250	5.1-2m	EN	100	100
85	Almond Maple 'Chalkleaf'	4300	5.1-2m	EN	100	100
86	Almond Maple 'Chalkleaf'	4350	5.1-2m	EN	100	100
87	Almond Maple 'Chalkleaf'	4400	5.1-2m	EN	100	100
88	Almond Maple 'Chalkleaf'	4450	5.1-2m	EN	100	100
89	Almond Maple 'Chalkleaf'	4500	5.1-2m	EN	100	100
90	Almond Maple 'Chalkleaf'	4550	5.1-2m	EN	100	100
91	Almond Maple 'Chalkleaf'	4600	5.1-2m	EN	100	100
92	Almond Maple 'Chalkleaf'	4650	5.1-2m	EN	100	100
93	Almond Maple 'Chalkleaf'	4700	5.1-2m	EN	100	100
94	Almond Maple 'Chalkleaf'	4750	5.1-2m	EN	100	100
95	Almond Maple 'Chalkleaf'	4800	5.1-2m	EN	100	100
96	Almond Maple 'Chalkleaf'	4850	5.1-2m	EN	100	100
97	Almond Maple 'Chalkleaf'	4900	5.1-2m	EN	100	100
98	Almond Maple 'Chalkleaf'	4950	5.1-2m	EN	100	100
99	Almond Maple 'Chalkleaf'	5000	5.1-2m	EN	100	100
100	Almond Maple 'Chalkleaf'	5050	5.1-2m	EN	100	100

TYPICAL PLANTING DETAILS

TYPICAL TREE PLANTING DETAIL

TYPICAL SHRUB PLANTING DETAIL

ENDORSED PLAN

ENDORSED BY: P. Stewart

ENDORSED ON: 10 July 2018

THIS PLAN COMPLIES WITH PLANNING PERMIT PROPOSAL

PLANNING PERMIT ISSUE: 16 JUNE 2017

SHEET 13 OF 13

JOHN PATRICK
 LANDSCAPE ARCHITECTS PTY LTD
 324 NICHOLS STREET
 BRIGHTON VIC 3186
 T 0813 9429 4885
 F 0813 9429 4886
 www.lohpatrick.com.au

CLIENT: PTV INVESTMENTS PTY LTD
INDUSTRY: LANDSCAPE PLAN FOR TOWN PLANNING
DATE:
SCALE: 1:1000 A3
DATE: AUGUST 2017
REVISION: 01
DATE: 08/08/17
REVISION: 02
DATE: 15/08/17
REVISION: 03
DATE: 22/08/17
REVISION: 04
DATE: 29/08/17
REVISION: 05
DATE: 05/09/17
REVISION: 06
DATE: 12/09/17
REVISION: 07
DATE: 19/09/17
REVISION: 08
DATE: 26/09/17
REVISION: 09
DATE: 03/10/17
REVISION: 10
DATE: 10/10/17
REVISION: 11
DATE: 17/10/17
REVISION: 12
DATE: 24/10/17
REVISION: 13
DATE: 31/10/17
REVISION: 14
DATE: 07/11/17
REVISION: 15
DATE: 14/11/17
REVISION: 16
DATE: 21/11/17
REVISION: 17
DATE: 28/11/17
REVISION: 18
DATE: 05/12/17
REVISION: 19
DATE: 12/12/17
REVISION: 20
DATE: 19/12/17
REVISION: 21
DATE: 26/12/17
REVISION: 22
DATE: 02/01/18
REVISION: 23
DATE: 09/01/18
REVISION: 24
DATE: 16/01/18
REVISION: 25
DATE: 23/01/18
REVISION: 26
DATE: 30/01/18
REVISION: 27
DATE: 06/02/18
REVISION: 28
DATE: 13/02/18
REVISION: 29
DATE: 20/02/18
REVISION: 30
DATE: 27/02/18
REVISION: 31
DATE: 06/03/18
REVISION: 32
DATE: 13/03/18
REVISION: 33
DATE: 20/03/18
REVISION: 34
DATE: 27/03/18
REVISION: 35
DATE: 03/04/18
REVISION: 36
DATE: 10/04/18
REVISION: 37
DATE: 17/04/18
REVISION: 38
DATE: 24/04/18
REVISION: 39
DATE: 01/05/18
REVISION: 40
DATE: 08/05/18
REVISION: 41
DATE: 15/05/18
REVISION: 42
DATE: 22/05/18
REVISION: 43
DATE: 29/05/18
REVISION: 44
DATE: 05/06/18
REVISION: 45
DATE: 12/06/18
REVISION: 46
DATE: 19/06/18
REVISION: 47
DATE: 26/06/18
REVISION: 48
DATE: 03/07/18
REVISION: 49
DATE: 10/07/18
REVISION: 50
DATE: 17/07/18
REVISION: 51
DATE: 24/07/18
REVISION: 52
DATE: 31/07/18
REVISION: 53
DATE: 07/08/18
REVISION: 54
DATE: 14/08/18
REVISION: 55
DATE: 21/08/18
REVISION: 56
DATE: 28/08/18
REVISION: 57
DATE: 04/09/18
REVISION: 58
DATE: 11/09/18
REVISION: 59
DATE: 18/09/18
REVISION: 60
DATE: 25/09/18
REVISION: 61
DATE: 02/10/18
REVISION: 62
DATE: 09/10/18
REVISION: 63
DATE: 16/10/18
REVISION: 64
DATE: 23/10/18
REVISION: 65
DATE: 30/10/18
REVISION: 66
DATE: 06/11/18
REVISION: 67
DATE: 13/11/18
REVISION: 68
DATE: 20/11/18
REVISION: 69
DATE: 27/11/18
REVISION: 70
DATE: 04/12/18
REVISION: 71
DATE: 11/12/18
REVISION: 72
DATE: 18/12/18
REVISION: 73
DATE: 25/12/18
REVISION: 74
DATE: 01/01/19
REVISION: 75
DATE: 08/01/19
REVISION: 76
DATE: 15/01/19
REVISION: 77
DATE: 22/01/19
REVISION: 78
DATE: 29/01/19
REVISION: 79
DATE: 05/02/19
REVISION: 80
DATE: 12/02/19
REVISION: 81
DATE: 19/02/19
REVISION: 82
DATE: 26/02/19
REVISION: 83
DATE: 05/03/19
REVISION: 84
DATE: 12/03/19
REVISION: 85
DATE: 19/03/19
REVISION: 86
DATE: 26/03/19
REVISION: 87
DATE: 02/04/19
REVISION: 88
DATE: 09/04/19
REVISION: 89
DATE: 16/04/19
REVISION: 90
DATE: 23/04/19
REVISION: 91
DATE: 30/04/19
REVISION: 92
DATE: 07/05/19
REVISION: 93
DATE: 14/05/19
REVISION: 94
DATE: 21/05/19
REVISION: 95
DATE: 28/05/19
REVISION: 96
DATE: 04/06/19
REVISION: 97
DATE: 11/06/19
REVISION: 98
DATE: 18/06/19
REVISION: 99
DATE: 25/06/19
REVISION: 100

**TREE MANAGEMENT PLAN
131-133 CARPENTER STREET, BRIGHTON**

**Bayside City Council
Planning and Environment Act 1987**

ENDORSED PLAN

**This plan complies with Condition No.: 1
This plan complies with Planning Permit: 2016/39/1
Planning Permit issued: 16 June 2017**

Sheet: 1 of 13

**Endorsed on: 10 July 2018
Endorsed by: P. Stewart**

PREPARED BY

Kylie May

Consultant Arborist
B.AppSci(RurTech) UQ,
GDipUHort MELB

August 2017

Revised February 2018



LANDSCAPE ARCHITECTS
ENVIRONMENTAL HORTICULTURISTS
LANDSCAPE HERITAGE CONSULTANTS
CONSULTANT ARBORISTS

JOHN PATRICK LANDSCAPE ARCHITECTS PTY LTD

324 Victoria Street, Richmond, VIC 3121, Australia
T +61 3 9429 4855 E admin@johnpatrick.com.au
F +61 3 9429 8211 W www.johnpatrick.com.au

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2018

TABLE OF CONTENTS

1 Introduction 1
 Critical Issues 1
 Impacted Trees 2
 Project Arborist 2
 Supervision timetable 3
 Certification 4
 Induction 4
2 Pre-Construction 5
 Crown Pruning 5
 Tree Protection Systems 5
 Fencing 5
 Ground Protection System 6
3 Construction 8
 General Tree Protection Requirements 8
 Design Changes 9
 Specific Tree Protection Measures 9
 Tree 1, Golden Elm 9
 Trees 2, Lilly Pilly and 3, Lemon 9
 Tree 7, Silky Oak 10
4 Post Construction 11
5 Tree Protection Plan 12

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

1 INTRODUCTION

- 1.1 This Tree Management Plan (TMP) has been prepared to direct the implementation of works within 131-133 Carpenter Street, proximal to one tree located in the neighbouring property to the west; two trees located in the neighbouring property to the south and a street tree located in the Carpenter Street road reserve.
- 1.2 This report has been prepared in response to Conditions 15-19 of Bayside City Council Planning Permit No. 5/2016/39/1.
- 1.3 This revised report is in response to the need to reflect the requirements of condition 1(j) in the TMP. Changes to the original report are confined to paragraph 3.13 and a notation on the associated Tree Protection Plan.

Critical Issues

- 1.4 The works prescribed in this TMP are intended to protect the neighbouring trees from undue harm during demolition and construction works. Serious damage may be inflicted on a tree during development in a number of ways, and in the most severe cases this can lead to entire tree death or failure (i.e. falling over). Common ways in which a tree may be damaged are listed in Table 1, below. This does not cover all issues, but the ones that are mostly commonly encountered.

Table 1 – Common Causes of Damage to Trees		
Injury	Causes	Impact
Root loss	<ul style="list-style-type: none"> - Excavation (even shallow depths) - Preparation of ground for paving or road surfacing - Trenching for service installation - Trenching for construction of footings 	<ul style="list-style-type: none"> - Tree decline or in severe cases death - In severe cases complete tree collapse
Lack of water and oxygen to the root zone	<ul style="list-style-type: none"> - Compaction for paving construction (to form a stable sub-base) - Compaction through movement of vehicles and heavy machinery 	<ul style="list-style-type: none"> - tree decline and in severe cases death
Damage to the canopy or trunk	<ul style="list-style-type: none"> - Poor pruning cuts (including access pruning) - Impact from machinery - Attaching of equipment or signage to the tree 	<ul style="list-style-type: none"> - Rot/dieback - Loss of leaves, leading to increased stress - In severe cases, tree requires removal due to safety concerns
Poisoning/scorching	<ul style="list-style-type: none"> - Use of chemicals within the tree root zone 	<ul style="list-style-type: none"> - Tree decline - Dieback or rot as a result of wounding

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

Table 1 - Common Causes of Damage to Trees	
	- Accidental impact as a result of nearby herbicide or other chemical use

- 1.5 This TMP deals with the application of tree protection and management as they relate specifically to this project.

Impacted Trees

- 1.6 The following trees within the neighbouring properties to the west and south of the subject site and within the road reserve are subject to this TMP:

Tree No.	Species Common Name	DBH (CM)	TPZ (M)	SRZ (M)
1	<i>Ulmus glabra</i> 'Lutescens' Golden Elm	15, 11	2.3	1.8
2	<i>Syzygium smithii</i> Lilly Pilly	26	3.1	2.0
3	<i>Citrus limon</i> Lemon	15, 13, 13	2.8	1.7
7	<i>Grevillea robusta</i> Silky Oak	65	7.8	2.8

*Tree Protection Zone, based on Australian Standard AS4970-2009 Protection of Trees on Development Sites

- 1.7 Tree numbering and DBH measurement have been adopted from the previous arboricultural report prepared for the site by Galbraith & Associates, 25 January 2016.
- 1.8 The tree locations are shown on 5 Tree Protection Plan.

Project Arborist

- 1.9 Prior to any works commencing a Project Arborist is to be appointed to oversee all relevant tree works. This shall include, but not be limited to, the works prescribed in this TMP.
- 1.10 The Project Arborist is to be an appropriately experienced and skilled professional with a minimum qualification of Certificate V (or equivalent) in arboriculture.
- 1.11 The Project Arborist may approve minor changes to the works specified in this TMP at their discretion. Approved changes are to be in accordance with accepted, professional

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

arboricultural procedures and may be necessary to smooth the construction process or where alternative tree protection methods, agreed with the builder, can be employed. All changes are to be recorded for inclusion in certification reporting, see below.

- 1.12 No changes are to be made that are likely to damage or adversely impact the health of the tree.

Supervision timetable

- 1.13 The site arborist will undertake or oversee the following tasks as outlined in the following table.

Task	Timing	Liaison
Meet with builder to discuss TMP.	Pre-demolition	Builder and demolition contractor
Installation of TPZ Fencing (Trees 1 and 7) or Ground Protection System (trees 2 and 3)	Pre-construction	
Clearance pruning (if required)	Pre-construction	
Inspection along southern boundary of neighbouring brick garage	Pre-construction	
Replacement of Fencing with Ground Protection System for Tree 7	Immediately prior to construction	Builder
Root pruning of Tree 7 along basement alignment	Construction	Builder
Root pruning of Tree 1 (if required)	Construction	Builder
Verification of post hole locations for fences (if required)	Construction	Builder
Periodic inspections. 4-8 week intervals.	Pre-construction – practical completion	

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

Certification

- 1.14 The Project Arborist is to maintain written and photographic records of all site inspections and tree protection works for the purposes of certification as listed in the following table.

Stage	Works to be certified
Pre-construction	Installation of TPZ fencing or ground protection system. Clearance pruning (if required). Removal of fencing and installation of Ground Protection System for Tree 7. Inspection along southern boundary of neighbouring brick garage.
Construction	Site –establishment, including demolition, bulk earth works, temporary infrastructure, site sheds, stockpile zones.
	Periodic site inspections following installation of services. Root Pruning. Fence post hole locations (if required)
Landscaping	Planting.
Post Construction	Final tree inspection and certification, including tree assessment

- 1.15 Final certification should include completed works that comply with approved plans and specifications, and details of derivations and/or non-compliance from approved tree protection measures as outlined in this TMP.

Induction

- 1.16 Prior to the commencement of works on site, the builder is to meet with the Project Arborist to discuss tree protection requirements and the implementation of this TMP.

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

2 PRE-CONSTRUCTION

Crown Pruning

- 2.1 Any crown pruning is to be at the discretion of the Project Arborist.
- 2.2 All pruning is to be in accordance with sections 5, 6, 7 and 8 of AS4373-2007, Pruning of Amenity Trees. Equipment used is to be maintained appropriately with respect to tree hygiene.
- 2.3 No site worker, other than the Project Arborist, is to prune, lop or otherwise remove any above portion of the subject tree.

Tree Protection Systems

- 2.4 Tree protection systems are to be established prior to works commencing or any heavy machinery entering the site. These protection systems, at a minimum, are to be initially located as shown in 5 Tree Protection Plan.

Fencing

- 2.5 Fencing shall be erected to meet the following criteria:
 - To be constructed of temporary security fencing (or similar) securely fixed to concrete block bases. No holes are to be dug for fence construction unless outside the specified TPZ. Fencing is to be of a minimum height of 1.8m;
 - Fencing is to be secure, so as to deter easy entry;
 - At least one weatherproof sign per side is to be attached to each fenced TPZ and is to clearly state "TREE PROTECTION ZONE, ENTRY RESTRICTIONS APPLY, DO NOT REMOVE FENCE, CONTACT THE CONTRACTOR IF ENTRY IS REQUIRED. NO EXCAVATING OR TRENCHING, NO STORAGE OF MATERIALS OR WASTE" and is to have the Contractor's (or appointed site foreman) and consulting arborist's contact details;
 - The ground within the proposed landscape areas is to be covered with a 50mm layer of coarse woodchips. Woodchips are to be well composted and are to be kept a minimum of 300mm back from the tree's trunks. The soil surface is to be thoroughly wet immediately prior to the installation of the mulch layer;

Fencing is to be in place prior to heavy machinery entering the site

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

- 2.6 Due to the close proximity of the existing dwelling to the southern boundary, fencing for Trees 2 and 3 is impractical. Instead, fencing is to be replaced by a Ground Protection System located between the boundary and existing dwelling.
- 2.7 Likewise, once construction is about to commence, the requirements for scaffolding and access will make fencing of the TPZ for Tree 7 impractical. Fencing for this tree is also to be replaced with a Ground Protection System. This is to be installed immediately after protection fencing has been removed. Fencing is only to be removed once construction is to commence.

Ground Protection System

- 2.8 The ground protection system, at a minimum, is to be located as shown in 5 Tree Protection Plan.
- 2.9 The system is to consist of a permeable layer such as geotextile fabric beneath a layer of mulch or no-fines crushed rock, topped with rumble boards or ground mats, as per Figure 2. If the area is to be used by machinery, a second layer of rumble boards is to be installed over the top in the opposite direction. This system is to remain in place until construction of the driveway is to take place as part of the final stages of construction.

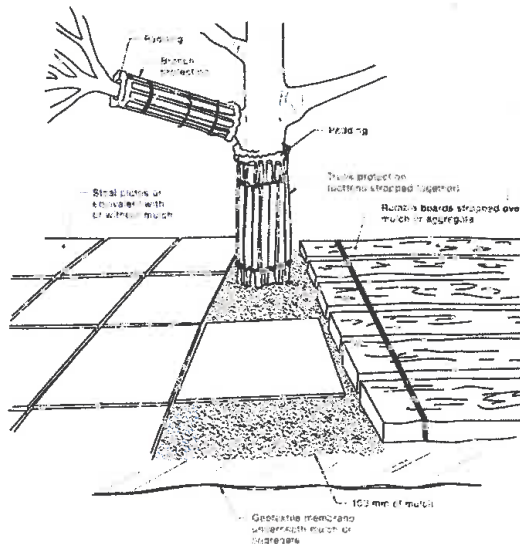


Figure 1 Indicative detail of ground protection - from AS4970-2009 Protection of Trees on Development Sites, p.17

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

2.10 Fencing for Tree 1 is to remain in place until all works are complete. Some minor realignment of the southern end may be required to facilitate construction of the crossover.

2.11 The ground protection system for Trees 2, 3 and 7 is to remain in place until paving and soft landscape works are to commence as the final stages of construction.

Fencing and/or the ground protection system are to be in place prior to heavy machinery entering the site

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

3 CONSTRUCTION

General Tree Protection Requirements

- 3.1 Standard tree protection requirements apply within the tree protection area as follows. Deviations from these requirements are only permitted if specifically articulated in this report or with permission of the Project Arborist.
- 3.2 These protection requirements apply throughout the development process:
- No heavy machinery is to enter the mulched areas of the TPZ without the express permission of the Project Arborist (emergency service vehicles excluded);
 - No trenching or removal of soil is to take place. Existing levels must be maintained. Garden beds must be constructed using existing site soil;
 - No fill to a depth greater than 100mm is to be installed;
 - No trenched services are to pass through the TPZ. If services are required they are to be bored beneath the root zone to a depth approved by the Project Arborist, or non-destructively excavated, such as hydro excavation, to retain significant roots *in situ*;
 - No drainage or subsurface irrigation lines are to be installed;
 - No fuel, oil dumps or chemicals shall be allowed in or stored on the Tree Protection Zone. The servicing and refuelling of equipment and vehicles must be carried out away from the root zone;
 - No storage of materials, equipment or temporary buildings will take place over the root zone;
 - No fixtures of any sort shall be attached to the trees for any reason;
 - The Project Arborist is to be consulted prior to heavy machinery accessing any of the mulched TPZ;
 - All machinery is to be kept clear of the tree canopy to prevent impact damage.
- 3.3 It is the responsibility of the relevant site workers to ensure that adequate notice is given to the Project Arborist so that if necessary they can be present on site to supervise access. Adequate notice is considered to be a minimum of two (2) working days.
- 3.4 If the Project Arborist deems that the requested access poses an unacceptable risk to a tree they have the following options:
- a) stipulate that access be delayed until they can be present to supervise works

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

- b) stipulate additional protection requirements which must be adhered to during access
 - c) stipulated changes to construction/works/processes during the access
- 3.5 Contractors may request that a refusal to grant access be discussed with the architect, project manager or other appropriate party.

Design Changes

- 3.6 Any changes to the building/landscaping design which alter surface or below ground works within the mulched protection zones are to be subject to the approval of the Project Arborist prior to proceeding. If the Project Arborist deems that the design changes pose an unacceptable risk to a tree they are to recommend modifications to the proposed design to alleviate this risk. In certain situations proposed changes may not be able to proceed.
- 3.7 All design changes within TPZs are to be recorded for inclusion in certification reporting by the Project Arborist.

Specific Tree Protection Measures

Tree 1, Golden Elm

Crossover

- 3.8 Condition 18 states that *'A trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected must be correctly pruned.'*
- 3.9 The proposed new crossover is located outside the TPZ of the street tree (see 5 Tree Protection Plan) and therefore its construction is not expected to impact the tree. According to AS4970-2009, no special construction techniques (including root pruning) are therefore required. It is recommended however that any roots that may be exposed during excavation for the crossover be cleanly pruned by the Project Arborist.

Trees 2, Lilly Pilly and 3, Lemon

Fencing and Landscaping

- 3.10 If the boundary fence is to be replaced, this is to be of light-weight construction with post holes hand dug under the supervision of the Project Arborist. Posts are to be relocated if necessary to avoid any roots greater than 40mm in diameter.

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

- 3.11 All landscaped areas within the TPZ of the trees are to be maintained at existing grades.

Tree 7, Silky Oak

Condition 15

- 3.12 As per Condition 15 of the Planning Permit, the Project Arborist is to undertake an inspection of the area along the southern boundary of the existing (neighbouring) brick garage for any damage to the roots of the Silky Oak and undertake any required remedial action. This inspection must be documented and made available to Council within 28 days of a written request.

Basement

- 3.13 Construction of the basement must utilise bored piers along the north-western boundary. These bored piers must be no closer than 1.8m from the boundary.
- 3.14 Excavation within the TPZ of Tree 7 must be limited to the footprint of the proposed basement. Prior to soil excavation, a trench delineating the edge of the proposed basement must be dug non-destructively (by hand, hydro or air spade) under the supervision of the Project Arborist or Responsible Authority. Any affected tree roots must be pruned back beyond the edge of excavation by the Project Arborist in compliance with AS 4373 (2007) *Pruning of Amenity Trees*. **Please note that machinery will rip and pull tree roots, tearing and damaging them well beyond the point of excavation. This must be avoided.**

Paving

- 3.15 An area of paving to the north of Apartment 5, extends beyond the basement.
- 3.16 That portion of paving that is within the TPZ of Tree 7 and outside the footprint of the basement is to be constructed above existing grade on a no dig profile and of a permeable finish.

Fencing and Landscaping

- 3.17 If the boundary fence is to be replaced, this is to be of light-weight construction with post holes hand dug under the supervision of the Project Arborist. Posts are to be relocated if necessary to avoid any roots greater than 40mm in diameter.
- 3.18 All landscaped areas within the TPZ of the trees are to be maintained at existing grades

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

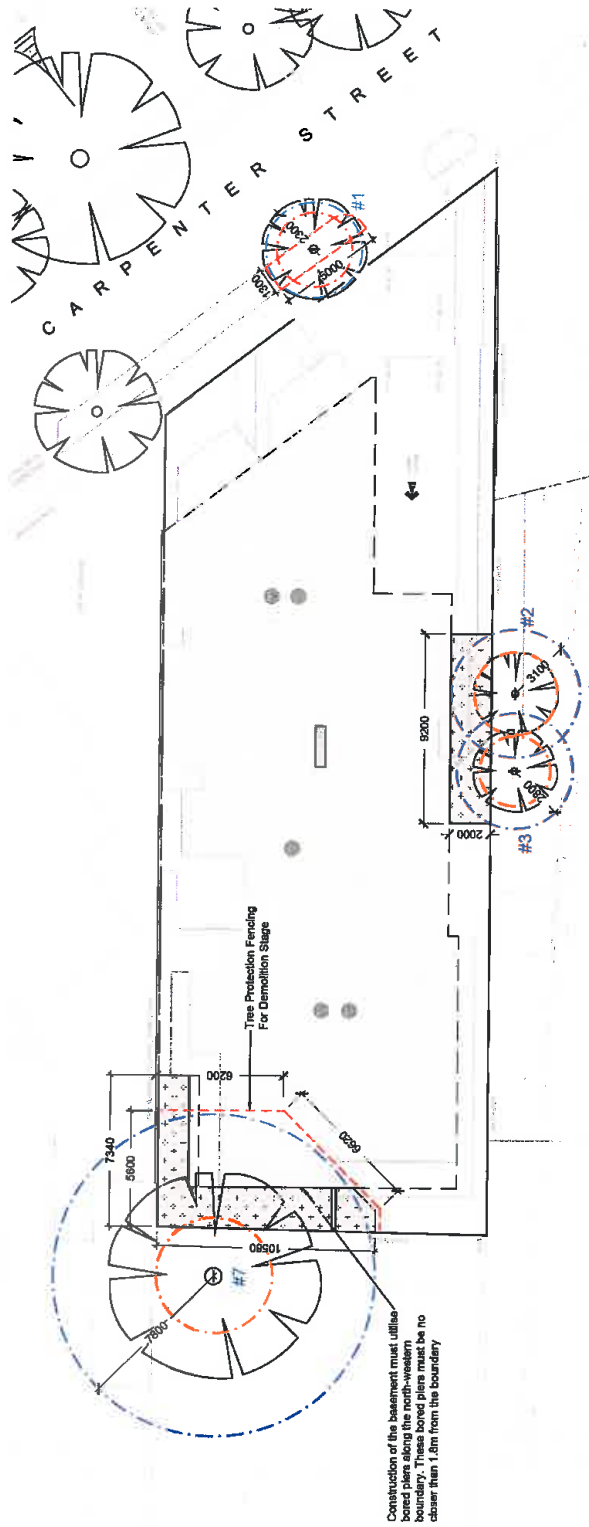
4 POST CONSTRUCTION

- 4.1 At the conclusion of site works the Project Arborist is to carry out a final assessment of the trees.
- 4.2 Once all heavy machinery has left the site and paving and soft landscaping is to take place, tree protection measures may be removed.
- 4.3 A further assessment of the trees is to be carried out 12 months after 'signing off' the project to determine any detrimental impacts from the development and to implement appropriate remedial works.
- 4.4 All remedial pruning, soil amelioration etc is to be recorded for the purposes of certification by the Project Arborist. A final certification report can then be issued.

131-133 Carpenter Street, Brighton
Tree Management Plan

August 2017
Revised February 2108

5 TREE PROTECTION PLAN



NOTE:
 All services and drainage within TPZ of street trees must be undertaken using root sensitive, non-destructive techniques.
 Refer Paragraph 3.2 of Tree Management Plan for further information.

LEGEND

- Existing Trees to be Retained
- Tree Protection Zone (TPZ) Dashed Blue
- Structural Root Zone (SRZ) Dashed Orange
- Tree Protection Fencing
- Ground Protection System (Refer To T1P7)

CLIENT	PTV INVESTMENTS PTY LTD	DRAWING	1:200 @ A3
PROJECT	PROPOSED DEVELOPMENT 131-133 CARPENTER STREET, BRIGHTON	DATE	12/09/2017
REVISION		BY	
CONTRACT	The drawings must not be copied, in whole or in part, without the consent of John Patrick Landscape. Do not scale off drawings.	SCALE	AUGUST 2017
NOT FOR CONSTRUCTION		DATE	1:6R
		CHECKED	104
		JOB NO	17-0602
		DWG NO	TPR-01



Traffic Engineers and Transport Planners

Our Reference: G19878L-01A

Traffic Group Pty Ltd
ABN 32 160 481 570

18 July, 2017

Address

Suite 8, 431 Burke Road
Glen Hills Victoria 3146

PTV Investments Pty Ltd

Bayside City Council
Planning and Environment Act 1987

via email:

vadimtaube@hotmail.com

ENDORSED PLAN

Contact

Telephone: 03 9822 2888

Facsimile: 03 9822 7444

admin@trafficgroup.com.au

www.trafficgroup.com.au

This plan complies with Condition No.: 1
This plan complies with Planning Permit: 2016/39/1
Planning Permit issued: 16 June 2017

Attention: Vadim Taube

Sheet 2 of 13

Dear Vadim,

Endorsed on: 10 July 2018
Endorsed by: P. Stewart

131-133 Carpenter Street, Brighton – Approved Residential Development Waste Vehicle Access Assessment

Introduction

We refer to your request for an assessment of the waste vehicle access arrangements associated with the approved residential development at 131-133 Carpenter Street, Brighton. Our assessment is detailed as follows.

Waste Vehicle Access

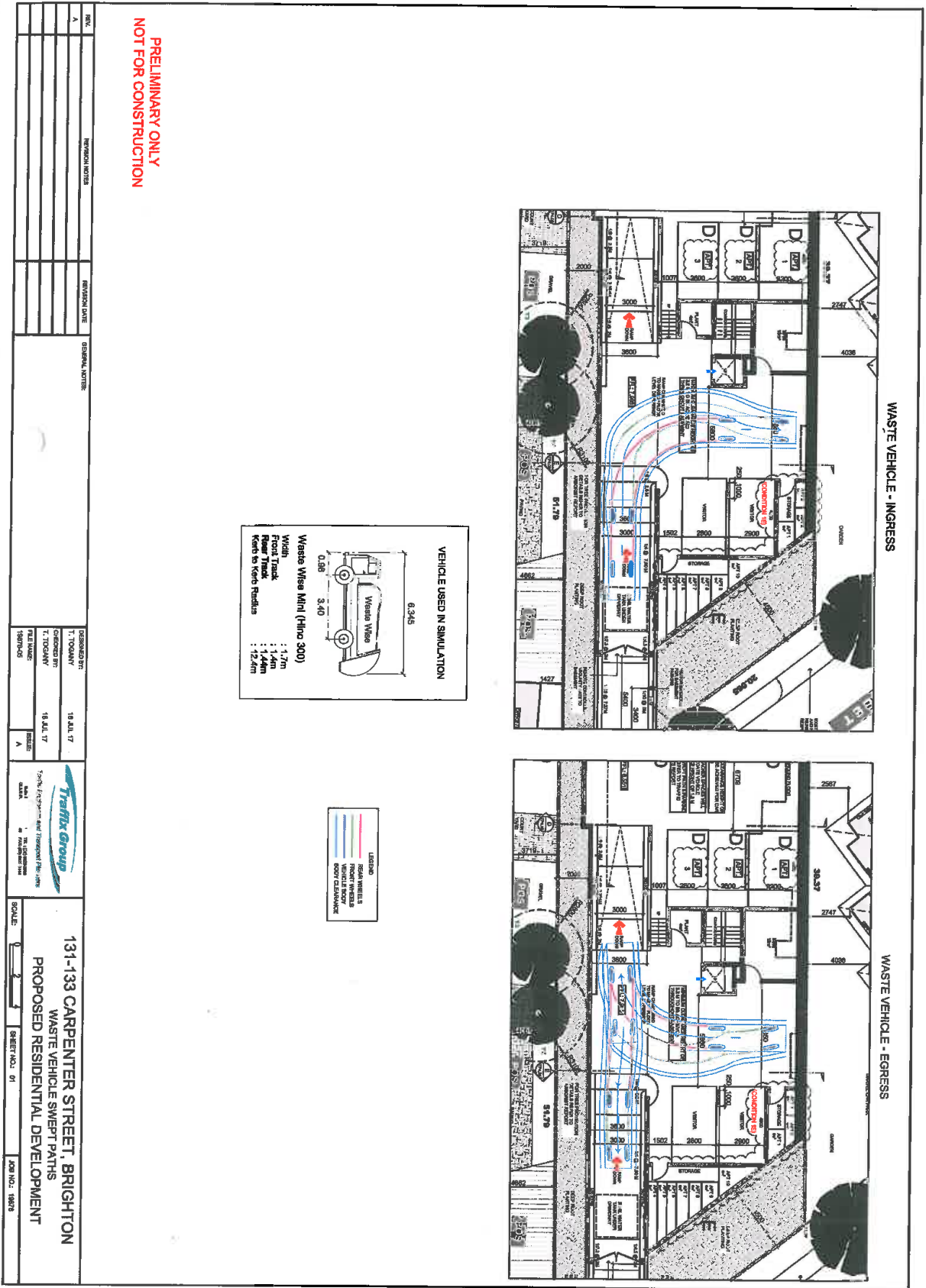
We understand that waste will be collected from the basement car park by a private contractor. The waste vehicle expected to be utilised is a 6.4m long vehicle.

In order to check the ability for a waste vehicle to access the basement car park, we have prepared swept path diagrams for a 6.4m long Waste Wise Mini Rear Loader vehicle. These swept paths are attached at the end of this letter and show that the vehicle can enter and exit the site in a forward direction.

A minimum headroom clearance of 2.2m is to be achieved along the access ramp. Further, a minimum headroom clearance of 2.4m is to be achieved within the basement car park. These headroom clearances either meet or exceed the requirements of AS/NZS 2890.1:2004, and exceed the requirements of the Planning Scheme.

The Waste Wise Mini Rear Loader vehicle requires a manoeuvring clearance of at least 2.1m and an operation clearance of no more than 2.4m. Accordingly, we are satisfied that the headroom clearance provided along the access ramp and within the basement car park is more than sufficient to cater for the waste vehicle.

To ensure that sufficient headroom is achieved along the ramp to cater for the waste vehicle, we have prepared a vehicle template for the Waste Wise Mini Rear Loader vehicle and checked it against a cross-section for the ramp, as prepared by Pink Architecture.





10 Venture Way
Pakenham 3810
T: 1300 063 343
E: admin@energylab.com.au
www.energylab.com.au

Bayside City Council
Planning and Environment Act 1987

ENDORSED PLAN

This plan complies with Condition No.: 1
This plan complies with Planning Permit: 2016/39/1
Planning Permit issued: 16 June 2017

Sheet 2 of 13

Endorsed on: 10 July 2018
Endorsed by: P. Stewart

Water Sensitive Urban Design Site Management Plan

initiatives for Urban Stormwater Protection

131-133 Carpenter Street, Brighton

July 2017

Key Concepts

Although urban development is unavoidable, precious permeable soils become covered with impervious surfaces. This leads to:

- Increased rate and volume of water runoff
- Faster flow rates and volume in watercourses
- Increased risk of downstream flooding and subsequent damage
- Deterioration of water quality

To address these issues, careful consideration must be given to ensure as much water as possible is caught on site and re-used. It is vital to minimise the flow directed to stormwater in order to protect the urban water cycle and conserve this limited resource.

“Post-construction stormwater run-off should be treated to remove 80% suspended solids, 45% total phosphorous, and 45% total nitrogen of typical urban annual load and maintain discharges for the 1.5 year ARI (average recurrence interval) at pre-development levels”.

Source: *Urban Stormwater Best Practice Environmental Guidelines, CSIRO (1999)*

Protection of Bayside’s waterways also extends to the construction phase ensuring procedures are adopted to prevent construction waste travelling to storm. Post-construction maintenance and commissioning will contribute to the overall success of water-saving and treatment initiatives of the development.

Brief Overview

The City of Bayside is predominately residential with various commercial pockets therefore the biggest impact on the area is the residential neighbourhood. The majority of stormwater drains into Bayside’s waterways from hard surfaces including residential sites and then into Port Phillip Bay. The bay is a fundamental characteristic to the area, and attracts residents and visitors.

Being close to the Bay Street retail precinct has contributed to the redevelopment activity ongoing in the area, however protection clauses are in place to retain the locale’s traditional street character including protection from commercial development and preserving local flora and fauna.

The project consists of the redevelopment of the site for medium-density apartment housing. The units are being used for residential purposes therefore the occupants must be made aware on the benefits and purposes of water-saving practices. A project can be highly water-efficient however if not supported by the occupants, then the maximum result will not be achieved.

Impervious surfaces have been limited to the dwellings and driveways, and paved areas therefore the development will be a positive ecological response to the current and future growing housing needs.

This Water Sensitive Urban Design discusses the approach to align with Bayside Council’s Clause 22.08 and supports Urban Stormwater Best Practice Environmental Guidelines (CSIRO 1999).

Clause 22.08 and C108 using Melbourne Water's STORM calculator

Water Catchment and Re-Use:

The development strongly supports a reduction in stormwater run-off and treatment, offering the following strategies:

- Rainwater tank system required for STORM compliance promoting capture and re-use of harvested water onsite noted as a minimum total 6,500L tank storage.
 - 85% of roof areas will collect the rainwater and divert it to the required tanks (refer to landscape plans). The rainwater tank system will initially run through a first-flush filtration process to ensure the water collected is of optimal quality.
 - Harvested water will service all sanitary flushing systems within a minimum 75% of total dwellings (minimum 15 of 20 bedrooms) and external connections for watering the gardens.
- STORM analysis has assumed the following:
 - 85% of total roof area collection including any eaves / porches to tanks = 336 m²
 - 15% of total roof area collection diverted to storm = 59 m²
 - Exposed balconies and paved SPOS diverted to storm = 57 m²
 - Exposed driveway and entry pathway diverted to storm = 76 m²

Total Hard Surface Area = 528 m²
Pervious Area = 201 m²

Water Quality Treatment Measures – Harvesting and Re-Use:

Pre-storage Filtration

- Downpipe leaf guards / filters will be installed to all collection trains.
- Rainwater tank will feature an inlet filter in accordance with Australian Standards.
- The rainwater tank system will initially run through a first-flush filtration process to ensure the water collected is of optimal quality.
- First-flush overflow to be diverted to raingarden for treatment.
- To reduce sediment and particulate build-up within the tank, a suitable filtration system will be installed. Maintenance schedule will be implemented to ensure clean water is continually supplied to the toilets plus to minimise flow reductions due to sediment build up.

Infiltration / Passive Irrigation Measures:

- To reduce the area of hard surfaces, garden beds have been positioned around the development as well as built in planter boxes on balcony areas on the first and second floor. Rainwater will fall through into the soils underneath and will not only filter the water from contaminants but will also reduce the volume of water travelling to the stormwater system.

Construction Site Management:

Bayside's waterways will be protected by committing to site tidiness. The property will be regularly cleaned / cleared to ensure the footpath, gutter and drains are not contaminated with site rubbish. These commitments are:

- Include pollutant traps / grates to prevent site waste from travelling to stormwater drains.
 - Divert / protect stormwater from disturbed or exposed areas (to avoid unfiltered water running to the stormwater system); including sweeping up excess sediment on bordering roads and other impervious surfaces.
 - Keep storage bins covered / well enclosed to ensure that rubbish is contained on site and disposed of properly.
 - Revise cleaning systems during construction to ensure targets are being maintained.
 - Conduct weekly inspections of the site to ensure all measures are being adhered to.
 - Ensure that when washing equipment on site, the wastewater does not enter the stormwater system. This involves creating a barrier between washing areas and the stormwater drains.
-
- Prevent contaminants, spills or leaks from entering the stormwater system. This can be achieved by ensuring equipment is readily available to contain the pollutant (such as absorbents, barriers or brooms);
 - Ensure an emergency spill kit is available on site including shovel / brooms, safety gloves, sorbents, absorbent pads and rolls, drain seals and guards.
 - Ensure each contractor is familiar with procedures for emergency spillage.
 - Ensure spill kit is located in a position easily accessible for urgent use.

Urban Ecology and Sustainable Water Practices

- The project will significantly improve the sustainability and energy efficiency of the site in focus. The current site is occupied by an existing dwelling and will be redeveloped to provide for higher density occupancy. The current site features no water harvesting systems which will be improved upon by the introduction of Water Sensitive Urban Design strategies for the new dwellings.
- Drought tolerant plants will be planted in garden areas, reducing the amount of water required to maintain the landscaped gardens.
- The site will collect and contain rainwater without encroaching on neighbouring properties and streets with the exception of that diverted to underground piping (discharged to an approved legal point of discharge).
 - 85% roofing areas will serve as collection for rainwater tank storage
 - Remainder of roof area to be diverted to storm

Post-Construction Maintenance and Commissioning:

- Each dwelling will feature an easily accessible water meter which ensures the occupants are responsible for their water usage and thus water-saving performance.
- The rainwater tank will include a gauge to enable safe and simple monitoring of water levels.
- A report confirming completion and commissioning of all WSUD initiatives will be submitted within 30 days of construction completion by Sharelle Haines of Energy Lab Pty Ltd and relevant contractors involved in provision of WSUD measures.

WELS Ratings and Continued Use:

Targets have been set for showerheads, basins, taps, toilets being from 3 - 5 Stars. Dishwashers, washing machines and all other appliances using water will commit to no less than 4-star ratings.

- Shower heads (WELS rating at 3-star) flow restrictor
- Toilets (WELS rating at 4-star) dual flush
- Basin Taps (WELS rating at 5-star) flow restrictor
- HWS (WELS rating at 5-star) gas-storage system
 - Minimal hot water piping lengths to minimise energy losses
 - Minimal hot water piping diameter to allow for maximum flow but minimal energy loss
 - Correctly sized water heater
 - Highly insulated piping
 - Heater positioned for easy access for installation and maintenance, resource supply and delivery of hot water to each dwelling
- Dishwashers, washing machines and other builder-supplied appliances will be installed with minimum 4-star ratings.

TO BE READ IN CONJUNCTION WITH STORM RATING REPORTS (Transaction ID: 495943), TOWN PLANNING DRAWINGS AND LANDSCAPE PLANS.



STORM Rating Report

TransactionID: 495941
 Municipality: BAYSIDE
 Rainfall Station: BAYSIDE
 Address: 131-133 Carpenter Street

 Brighton
 VIC 3186
 Assessor: Sharelle Haines - VIC/BDAV/11/2078
 Development Type: Residential - Multiunit
 Allotment Site (m2): 729.00
 STORM Rating %: 100

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Driveway and entry path to storm	76.00	None	0.00	0	0.00	0.00
Exposed paved SPOS to storm	31.00	None	0.00	0	0.00	0.00
85% Roofing area to tanks	336.00	Rainwater Tank	6,500.00	15	156.40	78.00
Exposed balconies to storm	26.00	None	0.00	0	0.00	0.00
15% Roofing area to storm	59.00	None	0.00	0	0.00	0.00

Date Generated: 27-Jul-2017

Program Version: 1.0.0

4.10 STATUTORY PLANNING - MONTHLY REPORT (APRIL 2024)

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/24/162668

In accordance with Chapter 2, Section 61(c) of Council's Governance Rules, a person is not permitted to present to this item as it is a report summarising decisions already made by another body, being VCAT.

Officers involved in the preparation of this report have no conflict of interest in this matter.

1. Executive summary

The purpose of this report is to inform Council of the overall performance of the Statutory Planning team for April 2024. This report includes:

- details of decisions made under delegation by officers and by the Planning and Amenity Committee
- processing times and the types of applications received
- Victorian Civil and Administrative Tribunal (VCAT) determinations
- quarterly tree auditing data.

All councils are required to report to the State Government through two key systems. The first being the Local Government Performance Reporting Framework (LGPRF) and the second being the Planning Permit Activity Reporting System (PPARS). Both these systems provide for Council data to be audited and compared to other local government planning teams in Victoria and is made available to the public.

Information collected from each council area includes:

- what the permit applications are for
- the value of the works proposed
- how long they take to be processed
- how many are advertised
- how many have been referred to other agencies
- how many objections have been received
- trends in the numbers of applications and outcomes.

This data is provided to the State Government to create the PPARS monthly report and the annual LGPRF report. Refer **Attachment 1** for the PPARS report for April 2024.

Decisions

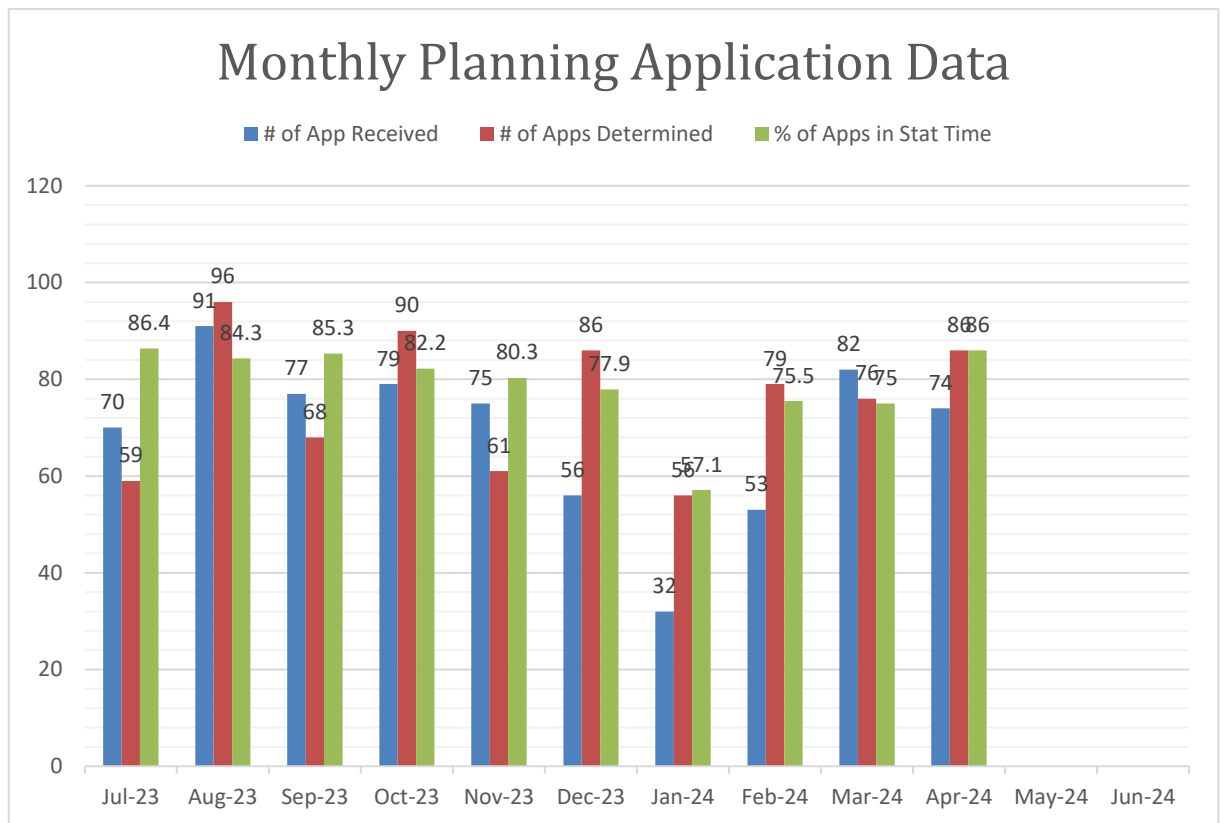
For the month of April, the Responsible Authority received 86 applications and determined 73 applications.

A list of all applications lodged and determined in April 2024 are provided in **Attachment 2 and 3** respectively for information purposes.

Processing times

Council has a target for **2023–24** that 75% of all decisions (VicSmart and planning applications) will be determined within the statutory timeframe.

Of all the applications determined for April 2024, 86% were determined within the statutory timeframe.



Source: PPARS report

To understand Bayside City Council’s Statutory Planning team’s performance, an analysis against both the inner and middle urban councils (IMU councils) and the Metropolitan Councils has been undertaken and shown in the table below. This data analyses the percentage of decisions determined based on the application type (VicSmart and planning applications).

	Planning Applications	VicSmart Applications
Bayside City Council	84.8%	90%
IMU councils	67.3%	90.8%
Metro average	65.2%	79.7%

Based on the above table, Bayside City Council is determining a greater number of planning applications within the statutory timeframe compared with IMU councils (17.5% greater) and the metro average (19.6% greater).

This is also reflective of our year-to-date performance in which 76.5% of planning applications and 87.1% of VicSmart applications have been determined within the statutory timeframe. This demonstrates that the team’s performance continues to exceed expectations and reflects a commitment to organisational priorities.

Further to the above, the median number of days between receipt of a planning application and a decision on the application provides additional information regarding the performance of the Statutory Planning team. The median is calculated on the gross number of days which includes weekends and public holidays. The table below provides a comparison for the month of April 2024, which clearly shows Bayside City Council is performing favourably compared to IMU councils and the metro average (42 days fewer than – or half – the Metro average).

	Median days
Bayside City Council	42
IMU councils	72
Metro average	84

VCAT Decisions

Council manages a considerable number of matters which are referred to VCAT. These matters include merit appeals and compulsory conferences for decisions made by the Council and its delegates.

Attachment 4 includes details of upcoming VCAT hearings, including compulsory conferences.

VCAT outcomes

As a result of Council representation at VCAT, there are various outcomes/determinations. As such, the determinations received for the previous month and year are shown for the financial year to date in the table below.

Council has a target for **2023–24** that **65%** of all Planning and Amenity Delegated Committee and delegated officer decisions should not be set aside by VCAT. This is comparable with other inner urban councils in Melbourne such as Port Phillip and Stonnington.

This measure does not include applications to amend VCAT issued permits (Section 87A applications), consent orders or appeals which are withdrawn by the applicant or objector prior to a hearing.

For the 2023–24 financial year, Council has received 27 decisions, of which:

- 7 have been settled by consent orders
- 3 has been withdrawn
- 0 has been struck out
- 3 have been issued under S87A varied permit.

The total number of LGPRF measured decisions for the 2023–24 financial year is 14.

LGPRF Statutory Planning Measure 4 (SP4) – Decision Quality				
Time period	Decisions where the Council Delegate or Committees decision has been overturned or 'Set Aside'		Decisions where the Council Delegate or Committees decision has been agreed with, either having been entirely 'Affirmed' or the conditions of the permit 'varied'	
	Delegate	Councillors	Delegate	Councillors
July 2023	0	0	0	0
August 2023	0	1	1	1
September 2023	0	0	1	0
October 2023	1	0	2	0
November 2023	1	0	0	0
December 2023	1	0	0	0
January 2024	0	0	1	1
February 2024	0	1	0	0
March 2024	0	1	0	0
April 2024	0	0	0	1
May 2024	0	0	0	0
June 2024	0	0	0	0
Total	3	3	5	3
TOTAL DECISIONS	6		8	
LGPRF Result	43%		57%	

As shown above, Council’s target for 2023–24 that 65% of all Planning and Amenity Delegated Committee and delegated officer decisions should not be set aside. The table above shows that the target has not been met to date, though we do note that quite a few matters have been dealt with through consent prior to the hearing.

In relation to decisions made by the Planning and Amenity Committee, the following table shows a comparison of the VCAT decisions that were a result of a Planning and Amenity Committee decision and whether that decision upheld the officer recommendation or was an overturn.

Time period	Set Aside decisions		Affirmed decisions	
	Officer recommendation supported	Overturn committee decision	Officer recommendation supported	Overturn committee decision
July 2023	0	0	0	0
August 2023	0	1	1	0
Sept 2023	0	0	0	0
Oct 2023	0	0	0	0
Nov 2023	0	0	0	0
Dec 2023	0	0	0	0

Jan 2024	0	0	0	0
Feb 2024	0	1	0	0
March 2024	0	1	0	0
April 2024	0	0	1	0
May 2024	0	0	0	0
June 2024	0	0	0	0
Total	0	3	2	0

As can be seen above, in March there was one decision as a result of a decision made by the Planning and Amenity Committee meeting, with VCAT affirming (varying) a Councillor overturn decision as detailed further below.

Attachment 5 provides a summary of each case identifying the key issues for Council policy and strategy for the March 2024 VCAT outcomes.

VCAT Outcomes relating to Planning and Amenity Delegated Committee meeting decisions

6 Towers Street BEAUMARIS

This matter regarded a proposed development that was a re-application of a proposal that had been ultimately refused by the Tribunal in 2022, primarily on grounds relating to protection of a VPO tree on the site. The applicant had reapplied in early 2023 for a mostly identical design, with additional detail around the tree management.

The proposal included:

- Construction of two, four-bedroom, double storey dwellings, side-by-side.
- The proposal includes the retention of two VPO-protected trees on the site – one of the western boundary, and one in the southeast corner.

Twenty-three objections were received.

The Planning & Amenity Committee issued a Notice of Decision on 8 August 2023 to grant a permit for the construction of two (2) dwellings on a lot, subject to a number of conditions.

An objector to the application (Mr. P Bucovaz) lodged a Section 82 review of the decision to VCAT on 7 September 2023 (P1102/2023). In their statement of grounds, they made reference to a number of concerns, including:

- Resubmission of previous application plans
- Setbacks
- Walls on Boundary
- Impacts to trees
- Tree removal
- Tree retention
- Amenity to adjoining property.

The permit applicant lodged their own application for review of permit conditions on 17 October 2023 (P1235/2023). The appeal was against the inclusion/amendment of Conditions made by the Committee, namely:

- Condition 1b) - Inclusion of the rainwater tank within the rear SPOS of dwelling 2.

- Condition 1j) - the air conditioner unit for dwelling 2 to be relocated at ground level along the western wall of the dining/living rooms of dwelling 2.
- Condition 1k) – the double garage for dwelling 2 to be reduce to a single garage and set back a minimum of 2m from the side boundary.

Two Practice Days were held on 15 December 2023, and 23 February 2024.

- In the first, it was determined to hear both matters simultaneously, and confirm submission of documents from parties.
- The second practice day was set down at the request of Mr. Bucovaz to address a number of outstanding concerns, particularly in regard to accuracy and availability of certain survey and site plans. It was determined that no orders were to be made directing the applicants to produce any documents.

The permit applicant lodged amended plans under PNPE9 on 21 March 2024. These plans did not make any physical changes to the proposed development, but simply included clarification and additional dimensions and measurements, which had formed part of the disputed matters from the Practice Day hearing.

The Compulsory Conference was originally schedule for 19 March, but postponed multiple times on medical grounds submitted by Mr. Bucovaz.

A Compulsory Conference was held by VCAT on 4 April 2024, attended by Council officers, the objectors, and the permit applicant. An agreement was reached between all parties to allow a permit to be issued subject to adjustment of the wording of some of the Notice of Decision conditions.

As the permit applicant had lodged amended plans under PNPE9 however, the agreement had to be made in-principle initially, should any new parties choose to join the appeal based on the amended plans. The Order issued by the Tribunal laid out that the agreement made at the Conference would be enacted as a Tribunal Order, provided no new parties join by the due date for lodgement.

The permit applicant advised the Tribunal and all parties on 22 April 2024 that no lodgements had been made, and therefore the agreement could be enacted.

The final Order was issued by the Tribunal on 23 April 2024, directing that the decision of Council is be varied, and a permit be granted as per the agreed conditions of the Conference, namely:

- Amendment of Condition 1b):
 - inclusion of the rainwater tank along the western side of the garage wall of dwelling 2 and located outside the tree protection zone of Tree 9.
- Amendment of Condition 1j):
 - the air conditioner unit for dwelling 2 to be relocated at ground level along the western wall of the dining/living rooms of dwelling 2.
- Condition 1k) to be retained as written.

A Varied Permit as per the Tribunal directions was issued on 23 April 2024.

The full VCAT Order of the above matter is provided at **Attachment 6**.

Cost of representation for appeal - \$0

Associated VCAT costs for legal/planning advocate representation

Year to date, the cost of legal/planning advocate and expert representation for Council at VCAT is \$179,956.

Quarterly tree auditing data

Local Law tree removals

In approving Local Law tree removals, the approval ordinarily includes a requirement to replant a tree to compensate for the removal.

During the current round of audits, 50 audits of Local Law tree permits issued in 2022-2024 were undertaken and it was found that:

- 45(65%) were compliant and had planted a replacement tree; and
- 25(35%) were non-compliant, not having planted a replacement tree.

The two top reasons for non-compliance were:

1. the property owners were unaware or
2. had forgotten the requirements to replant after tree removal

No fines were issued for permit holder that did not comply with Council's request to replant during this period, however Local Law "compliance notices" were issued. If the owners comply with the notices and plant a tree, the matter is considered finalised. Failure to comply with the "compliance notice" will result in the issuing of a fine.

Of the remaining non-compliant properties, Council will undertake enforcement action in the next quarter 2024 which will involve as a first step a request to plant a tree as required by the approval. If the breach continues, Council will issue a fine.

Of the compliance notices issued during Q1 2024, compliance was achieved in all cases.

Vegetation Protection Overlay (VPO) tree removals

In approving VPO tree removal, conditions are included to require replanting of new vegetation to compensate for the loss of existing vegetation. As part of the planning permit, the Responsible Authority requires landscaping plans to be submitted and endorsed showing such replanting, which will typically include at least one canopy tree.

During the current round of audits, 30 audits of VPO planning permits issued in 2023-2024 for tree removal were undertaken and it was found that all properties had responded to Council's request for a site inspection to be undertaken of the property.

Of those 30 properties that were inspected:

- 30 (100%) were found to comply; and had planted a replacement tree.

Of the notice of contraventions issued during the quarter, compliance was achieved in all cases.

Trends

A significant number of the property owners were unaware of or had forgotten the requirements to replant after tree removal.

Recommendation

That Council resolves to:

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during April 2024.

Support Attachments

1. PPARS April 2024 ↓
2. Applications lodged in April 2024 ↓
3. Applications determined in April 2024 ↓
4. Upcoming VCAT Appeals ↓
5. April 2024 - VCAT determined appeals ↓
6. VCAT Order - 6 Towers Street BEAUMARIS ↓

Activity and Outcomes - 1 April 2024 to 30 April 2024

Region All Group All
Activity & outcomes
Timeframes
Appeals
Classification
Explore

Planning Scheme Bayside
Year FY 2024 Quarter All Month APR

 Calendar Year
 Financial Year
 Data aggregation Monthly

Applications received

73

New application 58

Amended permit application 15

RA outcome

86

Notice of decision issued 10

Permit issued 62

Refusal issued 4

Withdrawn/Lapsed/Not required 10

Permits issued

74

New application 62

Amended permit application 12

No permit issued 15

Estimated cost of works for permits issued

\$34M

Average per permit: \$453K

Dwellings

1

Subdivisions(Lots)

0

Applications received and RA outcome

FY 2024 Apr

Measure	Value
Applications received	73
Application RA outcome	86

Applications Received

Hover over the map to view the relevant measures

© 2024 Mapbox © OpenStreetMap

Estimated cost of works for permits issued

FY 2024

Timeframe	Sum of Estimated Cost of Works	Average ECOW per Permit
Apr	\$34M	\$453K

Planning permit activity and outcomes. Focusing on the volume of applications received and determined along with key outputs. Data for recent months may not be complete as it can take time for Responsible Authorities to report to PPARS

Application type All

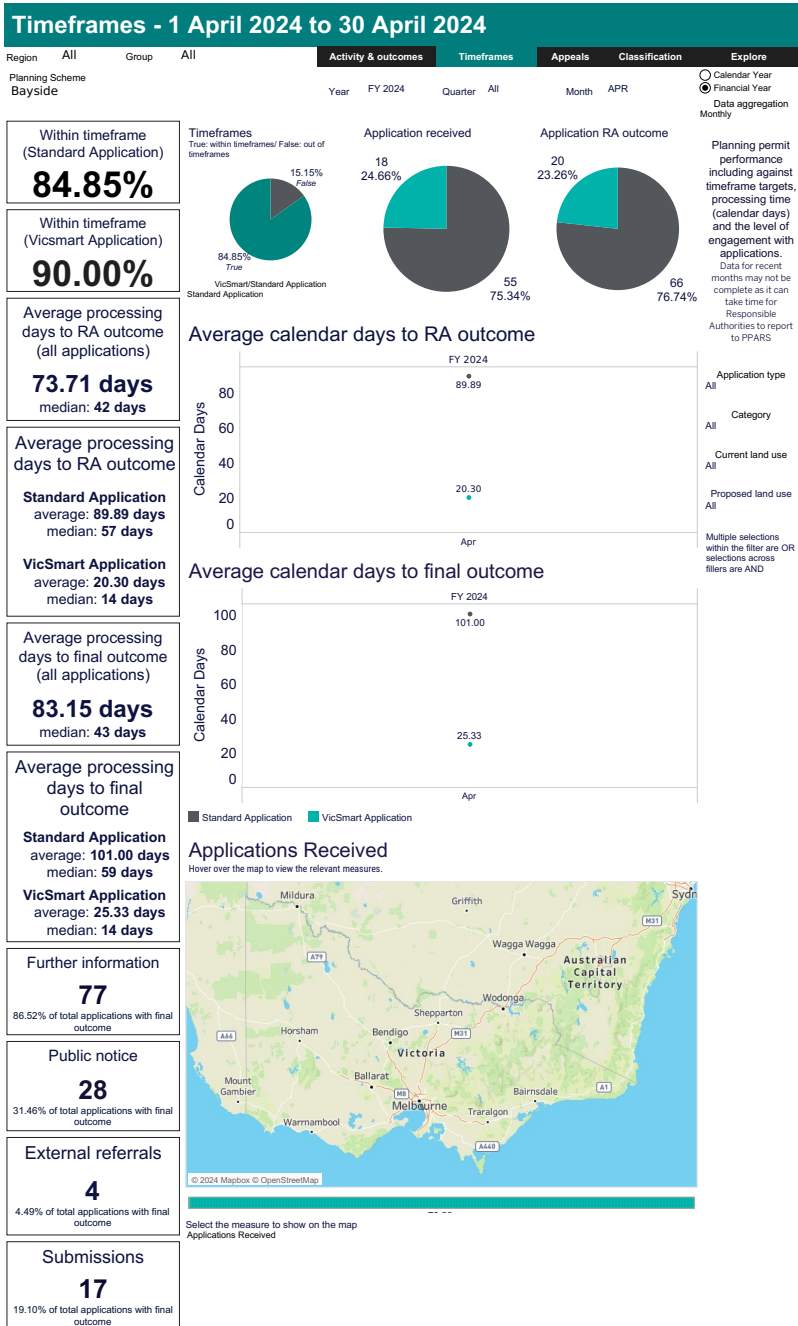
Category All

Current land use All

Proposed land use All

Multiple selections within the filter are OR selections across filters are AND

Last Updated Time: 28-May-2024



Last Updated Time: 28-May-2024

Appeals - 1 April 2024 to 30 April 2024

Region All Group All Activity & outcomes Timeframes Appeals Classification Explores
 Planning Scheme Bayside Year FY 2024 Quarter All Month APR Calendar Year Financial Year Data aggregation Monthly

Appeals lodged

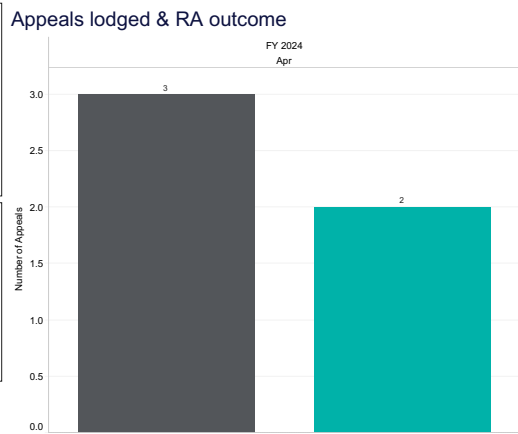
2

Section 77	0
Section 80	0
Section 82	2

Appeal RA outcome

3

Varied	1
Withdrawn/Struck Out	2



Planning Permit appeals through VCAT including the volume, grounds for appeal, outcomes and processing times. Data for recent months may not be complete as it can take time for Responsible Authorities to report to PPARS

Application type All

Category All

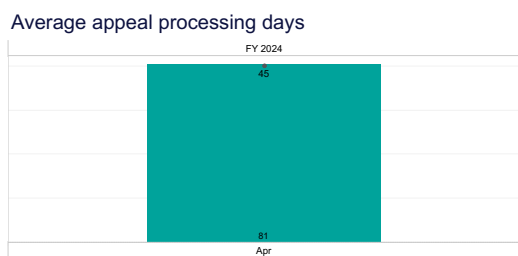
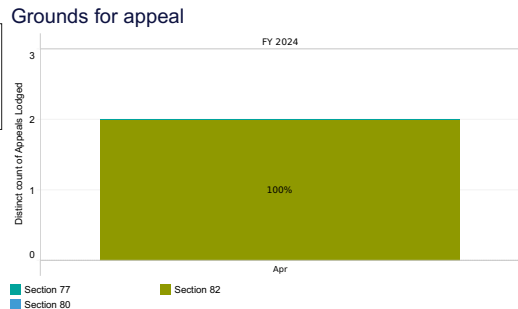
Current land use All

Proposed land use All

Multiple selections within the filter are OR selections across filters are AND

Avg. processing days to appeal outcome

189.0 days
median: 189 days



Last Updated Time: 28-May-2024

Classification - 1 April 2024 to 30 April 2024

Region All Group All Activity & outcomes Timeframes Appeals Classification Explore
 Planning Scheme Bayside Year FY 2024 Quarter All Month APR Calendar Year Financial Year

Applications received
73
 New application 58
 Amended permit application 15

RA outcome
86
 Notice of decision issued 10
 Permit issued 62
 Refusal issued 4
 Withdrawn/Lapsed/Not required 10

Estimated cost of works for permits issued
\$34M
 Average per permit: \$453K

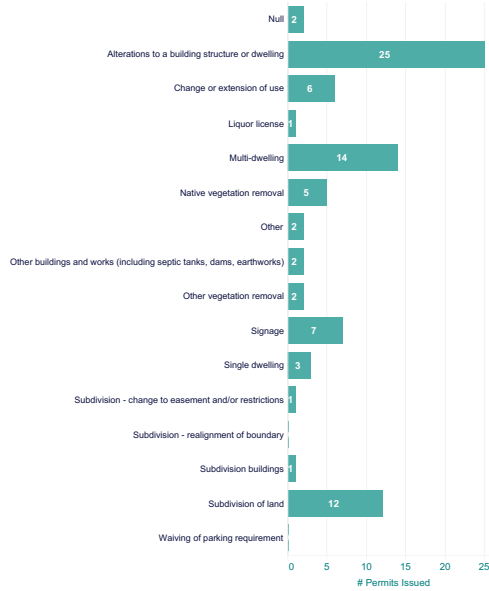
Within timeframe (Standard Application)
84.85%

Average processing days to RA outcome (all applications)
73.71 days
 median: 42 days

Average processing days to final outcome (all applications)
83.15 days
 median: 43 days

Dwellings
1

Permits issued by category



Planning Permit classification, focusing on key stats by category and/or land use. Data for recent months may not be complete as it can take time for Responsible Authorities to report...
 Application type All
 Category All
 Current land use All
 Proposed land use All
 Multiple selections within the filter are OR selections across filters are AND

Change of land use

Showing the proposed land use for permits issued where the land use has changed.



Last Updated Time: 28-May-2024

Explore - 1 April 2024 to 30 April 2024

Region All Group All Activity & outcomes Timeframes Appeals Classification Explore
 Planning Scheme Bayside Year FY 2024 Quarter All Month APR Calendar Year Financial Year

Explore - Activity & Outcomes	Explore - Timeframes	Explore - Appeals	Explore - Classification	Explore data aggregation
	FY 2024 Q4		Apr	Monthly
Applications Received			73	Explore planning permit activity data through custom filters and selections with table based data available for extract.
New application			58	
Amended permit application			15	Please ensure you consider and note the time of extract, filters used and the data accuracy statement.
	FY 2024 Q4		Apr	
Applications RA outcome			86	Data for recent months may not be complete as it can take time for Responsible Authorities to report to PPARS
Permit issued			62	
Notice of decision issued			10	
Refusal issued			4	Application type
Withdrawn/Lapsed/Not required			10	Category
	FY 2024 Q4		Apr	
Final Outcomes			89	Current land use
No permit issued			15	Proposed land use
Permit issued			74	Multiple selections within the filter are OR selections across filters are AND
	FY 2024 Q4		Apr	
Permits Issued			74	
New application			62	
Amended permit application			12	
	FY 2024 Q4		Apr	
New Dwellings			1,000	
New Lots			0,000	
Total Estimated Cost of Work	FY 2024 Q4		Apr	
			\$34M	
			\$453K	

Explore - 1 April 2024 to 30 April 2024

Region	All	Group	All	Activity & outcomes	Timeframes	Appeals	Classification	Explore
Planning Scheme								<input type="radio"/> Calendar Year
Bayside				Year	FY 2024	Quarter	All	Month
							APR	<input checked="" type="radio"/> Financial Year

Explore - Activity & Outcomes	Explore - Timeframes	Explore - Appeals	Explore - Classification
		FY 2024 Q4	
Applications Received & RA outcome			Apr 73 86
Standard Application			55 66
VicSmart Application			18 20
		FY 2024 Q4	
% Within Timeframe			Apr 54.23%
Standard Application			51.33%
VicSmart Application			65.52%
		FY 2024 Q4	
Submissions			Apr 17.00
Public Notice			28.00
RFIs			77.00
Referrals			4.00
Average days to determined / final outcome			
		FY 2024 Q4	
Grand Total			Apr 83.1

Explore data aggregation Monthly

Explore planning permit activity data through custom filters and selections with table based data available for extract.

Please ensure you consider and note the time of extract, filters used and the data accuracy statement.

Data for recent months may not be complete as it can take time for Responsible Authorities to report to PPARS

Application type All

Category All

Current land use Apr

Proposed land use All

Multiple selections within the filter are OR selections across filters are AND

Explore - 1 April 2024 to 30 April 2024

Region All Group All Activity & outcomes Timeframes Appeals Classification Explore

Planning Scheme Bayside Year FY 2024 Quarter All Month APR Calendar Year Financial Year

Explore - Activity & Outcomes Explore - Timeframes Explore - Appeals Explore - Classification

Appeal Lodged

	FY 2024	Q4	Apr
Section 82			2
Section 80			0
Section 77			0

Appeal RA outcome

	FY 2024	Q4	Apr
Varied			1
Withdrawn/Struck Out			2

Average days to appeal outcome

	FY 2024	Q4	Apr
Grand Total			
			189.0
			189.0

Explore data aggregation Monthly

Explore planning permit activity data through custom filters and selections with table based data available for extract.

Please ensure you consider and note the time of extract, filters used and the data accuracy statement.

Data for recent months may not be complete as it can take time for Responsible Authorities to report to PPARS

Application type
All

Category
1 All

Current land use
All

Proposed land use
2 All

Multiple selections within the filter are OR selections across filters are AND

Explore - 1 April 2024 to 30 April 2024

Region All Group All Activity & outcomes Timeframes Appeals Classification Explore
 Planning Scheme Bayside Year FY 2024 Quarter All Month APR Calendar Year Financial Year

Explore - Activity & Outcomes Explore - Timeframes Explore - Appeals Explore - Classification Explore data aggregation Monthly

Applications by Category

	FY 2024			
	Applications received		Permits Issued (Final)	
	Q4	Apr	Q4	Apr
Waiving of parking requirement		1		0
Subdivision of land		6		12
Subdivision buildings		1		1
Subdivision - realignment of boundary		1		0
Subdivision - change to easement and/or restrictio..		0		1
Single dwelling		2		3
Signage		11		7
Other vegetation removal		1		2
Other buildings and works (including septic tanks, da..		2		2
Other		2		2
Null		3		2
Native vegetation removal		9		5
Multi-dwelling		14		14
Liquor license		1		1
Change or extension of use		2		6
Alterations to a building structure or dwelling		22		25

Explore planning permit activity data through custom filters and selections with table based data available for extract. Please ensure you consider and note the time of extract, filters used and the data accuracy statement. Data for recent months may not be complete as it can take time for Responsible Authorities to report to PPARS. Application type All Category Current land use All Proposed land use All Multiple selections within the filter are OR selections across filters are AND

Change land use

		FY 2024	
Proposed Land Use	Current Land Use	Q4	Apr
Residential / accommodation	Vacant		2
Mixed use	Food and drink premises		1
Education centre	Residential / accommodati..		1
Other land use	Residential / accommodati..		0

Councillor Notifications
Planning Applications Summary
Lodged from 1/04/2024 to 30/04/2024



Application	Property Address	Development Details	Received
Central			
5.2024.1234.1	12 Bluff RD, BLACK ROCK	TESTING WORKFLOW ONLY - 11 - 25 New Dwellings	01/04/24
TBA			
5.2024.8757.1	8 John ST, BEAUMARIS	Subdivision of Land (1 to 9 Lots)	02/04/24
5.2024.8759.1	4 Donald ST, HIGHETT	Subdivision of Land (1 to 9 Lots)	02/04/24
5.2021.302.2	7 Exley RD, HAMPTON EAST	3 New Dwellings	03/04/24
5.2023.42.2	27 Bluff RD, BLACK ROCK	Shop - Alts/Adds Bldg & Use	03/04/24
5.2024.119.1	31 Bright ST, BRIGHTON EAST	2 New Dwellings	03/04/24
5.2024.120.1	5 Maiya CRT, CHELTENHAM	VPO3 - Removal x 1	03/04/24
5.2024.124.1	6 Bellaire CRT, BEAUMARIS	VPO3 - Removal x 1 native tree (Ficus benjamina, Weeping Fig)	03/04/24
5.2024.161.1	355 Bluff RD, HAMPTON	Restaurant - Alts & Adds to Bldg Only	03/04/24
5.2024.121.1	4 Valmont AVE, BEAUMARIS	VPO3 - Removal x 1	04/04/24
5.2024.123.1	328 South RD, HAMPTON EAST	Buildings&Works in SBO(Other than Dwell)	04/04/24
5.2024.8762.1	422 New ST, BRIGHTON	Subdivision of Existing Buildings	04/04/24
5.2016.828.8	5A Railway CRES, HAMPTON	2 or More New Shop-top Dwellings and Remove/Destroy or Lop Native Vege	05/04/24
5.2017.285.6	1/15 Centre RD, BRIGHTON EAST	Retirement Village - Alts & Adds	05/04/24
5.2024.122.1	66A Church ST, BRIGHTON	Development and change land use	05/04/24
5.2024.125.1	23 Stanley ST, BLACK ROCK	2 New Dwellings	05/04/24
5.2024.126.1	20 - 22 Willis ST, HAMPTON	Advertising Signs	05/04/24
5.2024.127.1	164 Ludstone ST, HAMPTON	Advertising Signs	05/04/24
5.2024.128.1	69 Ludstone ST, HAMPTON	Advertising Signs	05/04/24
5.2024.129.1	335 New ST, BRIGHTON	Advertising Signs	05/04/24
5.2024.130.1	322 New ST, BRIGHTON	Advertising Signs	05/04/24
5.2024.131.1	40 Rusden ST, BRIGHTON	Advertising Signs	05/04/24
5.2024.132.1	601 Hampton ST, BRIGHTON	Advertising Signs	05/04/24
5.2024.133.1	7 Centre RD, BRIGHTON EAST	Advertising Signs	05/04/24
5.2024.134.1	1/45 Reserve RD, BEAUMARIS	Advertising Signs	05/04/24
5.2024.135.1	138 South RD, BRIGHTON EAST	Advertising Signs	05/04/24
5.2024.136.1	2A Wickham RD, HAMPTON	Advertising Signs	05/04/24
5.2024.137.1	2 Thule CRT, BRIGHTON	2 New Dwellings	05/04/24
5.2024.8760.1	9 Tarwin AVE, HAMPTON EAST	Subdivision of Land (1 to 9 Lots)	08/04/24
5.2022.617.3	87 Male ST, BRIGHTON	1 Dwelling - Alts & Adds - Heritage and 1 Dwelling - Alts & Adds - DDO	09/04/24
5.2024.138.1	58 Arkaringa CRES, BLACK ROCK	VPO3 - Removal x 1	09/04/24
5.2024.8761.1	58 Beach RD, HAMPTON	Subdivision of Land (1 to 9 Lots)	09/04/24
5.2023.136.2	487 Bluff RD, HAMPTON	2 New Dwellings and Alteration to Access to a Main Road	10/04/24
5.2023.208.2	10 Wellington ST, BRIGHTON	1 Dwelling - Alts & Adds - Heritage	10/04/24
5.2024.139.1	3 Thorburn ST, HAMPTON	1 Dwelling - New - SBO	10/04/24
5.2024.140.1	9/47 Wangara RD, CHELTENHAM	Warehouse - Alts/Adds to Building & Use	11/04/24
5.2024.141.1	4 Powys DVE, BEAUMARIS	VPO3 - Removal x 1	11/04/24
5.2024.142.1	26 Lonsdale AVE, HAMPTON EAST	Fence on a Lot < 500m2	11/04/24
5.2024.143.1	1/19 Hemming ST, BRIGHTON EAST	1 Dwelling - Alts & Adds on Lot < 500m2	11/04/24
5.2024.146.1	66 Orlando ST, HAMPTON	1 Dwelling - Alts & Adds - Heritage & SBO	11/04/24
5.2024.8763.1	50 William ST, BRIGHTON	Subdivision of Land (1 to 9 Lots)	11/04/24
5.2022.228.2	24A Munro ST, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2 and 1 Dwelling - Alts & Adds -	12/04/24
5.2024.144.1	2/21 Sussex ST, BRIGHTON	1 Dwelling - Alts & Adds - DDO	12/04/24
5.2020.660.2	1/76 - 78 Beach RD, SANDRINGHAM	26 or More Dwellings and Alteration to Access to a Main Road	15/04/24
5.2024.145.1	15 Gordon CRES, BLACK ROCK	VPO3 - Removal x 1	15/04/24
5.2024.147.1	37 Love ST, BLACK ROCK	VPO3 - Removal x 1	15/04/24
5.2024.148.1	9 Ebden AVE, BLACK ROCK	1 Dwelling - Alts & Adds - DDO	16/04/24
5.2015.169.3	26 Kingston ST, HAMPTON	2 New Dwellings	17/04/24
5.2014.388.2	3 View CRT, BRIGHTON	4 New Dwellings	18/04/24
5.2024.29.2	3/454 Hampton ST, HAMPTON	Liquor Licence - New & Alts	18/04/24
5.2022.443.3	37 Graham RD, HIGHETT	26 or More Dwellings and Reduction/Waiver of Car Park Requirement	19/04/24
5.2024.149.1	21 Cannes GVE, BEAUMARIS	2 New Dwellings	19/04/24
5.2024.150.1	24 Harold ST, SANDRINGHAM	2 New Dwellings	19/04/24

Application	Property Address	Development Details	Received
5.2024.151.1	1 May ST, BRIGHTON	Fence on a lot > 500 m2	21/04/24
5.2021.537.2	9 Black ST, BRIGHTON	1 Dwelling - Alts & Adds - Heritage	22/04/24
5.2021.607.3	195 Bluff RD, SANDRINGHAM	Retirement Village - Alts & Adds	22/04/24
5.2024.152.1	4A Fairleigh AVE, BEAUMARIS	VPO3 - Removal x 1	22/04/24
5.2024.153.1	1/37 Daff AVE, HAMPTON EAST	Multi-Dwelling - Alts & Adds - DDO	22/04/24
5.2024.154.1	9 Sheridan CRT, BRIGHTON	Fence on a Lot < 500m2	22/04/24
5.2024.155.1	4 Gordon ST, HAMPTON	1 Dwelling - Alts & Adds - SBO	23/04/24
5.2024.156.1	12 Wishart ST, HAMPTON EAST	1 Dwelling - Alts & Adds - DDO	23/04/24
5.2024.157.1	1/5 Moon ST, BRIGHTON EAST	Fence on a Lot < 500m2	23/04/24
5.2024.158.1	4 Berwick ST, BRIGHTON	1 Dwelling - Alts & Adds - SBO	24/04/24
5.2024.8766.1	3/269 - 270 Beach RD, BLACK ROCK	Subdivision that Realigns Boundaries	24/04/24
5.2021.576.5	54 - 56 Bamfield ST, SANDRINGHAM	1 Dwelling - Alts & Adds - Heritage	26/04/24
5.2024.159.1	92 Middleton ST, HIGHETT	Multi-dwelling or general development	26/04/24
5.2024.160.1	49 Tibrockney ST, HIGHETT	Construction of two dwellings on a lot	26/04/24
5.2024.162.1	12 Glenmore CRES, BLACK ROCK	Replace existing front fence with new fence over 1.2m high to assist w	28/04/24
5.2024.163.1	6 Hardinge ST, BEAUMARIS	1 Dwelling - Alts & Adds - Heritage	29/04/24
5.2024.164.1	15 Raymond CRT, BRIGHTON EAST	1 Dwelling - Alts & Adds - SBO	29/04/24
5.2024.165.1	63 Martin ST, BRIGHTON	2 New Dwellings	29/04/24
5.2024.8765.1	1/49 Abbott ST, SANDRINGHAM	Subdivision of Land (19 or more lots)	29/04/24
5.2024.166.1	14 Plunket ST, BRIGHTON EAST	Multi-dwelling or general development	30/04/24
5.2024.167.1	230 Dendy ST, BRIGHTON EAST	Swimming Pool on a lot > 500m2 and Removal of Vegetation	30/04/24
Total: 74			

Planning Applications Summary - Councillor Bulletin
Determined from 1/04/2024 to 30/04/2024

Application	Property Address Proposal	Determination	Determined
TBA			
5.2023.392.1	95 Thomas ST, BRIGHTON EAST 3187 2 New Dwellings	Permit Granted - Delegate	02/04/2024
5.2024.50.1	26 Imbros ST, HAMPTON 3188 1 Dwelling - Alts & Adds - Heritage	Permit & Plans Granted - Delegate	02/04/2024
5.2024.8740.1	7 Lonsdale AVE, HAMPTON EAST 3188 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	02/04/2024
5.2024.8741.1	554 New ST, BRIGHTON 3186 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	02/04/2024
5.2024.8749.1	1/95 Thomas ST, HAMPTON 3188 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	02/04/2024
5.2021.639.3	289 Bay ST, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Amended Permit Granted - Delegate	03/04/2024
5.2024.68.1	114 Highett RD, HIGHETT 3190 1 Dwelling - Alts & Adds - DDO	No Permit Required	03/04/2024
5.2024.96.1	18 Lorac AVE, BRIGHTON 3186 1 Dwelling - Alts & Adds - SBO	Permit & Plans Granted - Delegate	03/04/2024
5.2022.45.3	38A Station ST, SANDRINGHAM 3191 1 Dwelling - Alts & Adds - DDO	Amended Permit Granted - Delegate	04/04/2024
5.2023.351.1	17 Berwick ST, BRIGHTON 3186 1 Dwelling - New - SBO & Fence on a Lot < 500m2	Permit & Plans Granted - Delegate	04/04/2024
5.2023.389.1	9 Ocean ST, HAMPTON 3188 Advertising Signs	Application Withdrawn	04/04/2024
5.2023.433.1	352 South RD, HAMPTON EAST 3188 Office - Alts/Adds to Building Only and Carparking and Signs	Notice of Decision Granted - Delegate	04/04/2024
5.2024.31.1	3 - 11 George ST, SANDRINGHAM 3191 Vary/Remove Easements&Other Restrictions	Permit & Plans Granted - Delegate	04/04/2024
5.2023.289.1	3 Spring ST, SANDRINGHAM 3191 2 New Dwellings	Permit Granted - Delegate	05/04/2024
5.2023.395.1	36 Baird ST, BRIGHTON EAST 3187 1 New Dwelling	Application Lapsed	05/04/2024
5.2023.478.1	15 George ST, SANDRINGHAM 3191 Buildings & Works in EAO	Permit & Plans Granted - Delegate	05/04/2024
5.2024.29.1	3/454 Hampton ST, HAMPTON 3188 Change or add land use	Permit Granted - Delegate	05/04/2024
5.2024.59.1	1 Swyer ST, HAMPTON 3188 2 Dwellings, Fence on lot > 500 m2 and Removal of Vegetation	Notice of Decision Granted - Delegate	05/04/2024
5.2020.154.2	6 Frances ST, HIGHETT 3190 3 New Dwellings	Amended Permit Granted - Delegate	08/04/2024
5.2023.511.1	180 Beach RD, SANDRINGHAM 3191 1 Dwelling - Alts & Adds - DDO	Permit Granted - Delegate	08/04/2024
5.2023.313.1	28 Boxshall ST, BRIGHTON 3186 Advertising Signs	Permit Refused - Delegate	09/04/2024
5.2023.486.1	1/5 Arkaringa CRES, BLACK ROCK 3193 Carport on a Lot < 500m2	Permit & Plans Granted - Delegate	09/04/2024
5.2024.8753.1	79 Thomas ST, BRIGHTON EAST 3187 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	09/04/2024
5.2024.8754.1	81 Thomas ST, BRIGHTON EAST 3187 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	09/04/2024
5.2024.92.1	14 Erowal ST, BEAUMARIS 3193 VPO3 - Removal x 1	No Permit Required	10/04/2024
5.2024.8755.1	25 Arranmore AVE, BLACK ROCK 3193 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	10/04/2024
5.2023.42.2	27 Bluff RD, BLACK ROCK 3193 Shop - Alts/Adds Bldg & Use	Amended Permit Granted - Delegate	11/04/2024
5.2023.446.1	42 Lucas ST, BRIGHTON EAST 3187 Build or change one house	Permit Granted - Delegate	11/04/2024
5.2024.78.1	14 Balcombe Park LNE, BEAUMARIS 3193 Remove or lop 2 or more native trees	Permit Granted - Delegate	11/04/2024
5.2024.8757.1	8 John ST, BEAUMARIS 3193 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	11/04/2024
5.2024.8759.1	4 Donald ST, HIGHETT 3190 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	11/04/2024

Application	Property Address Proposal	Determination	Determined
5.2014.394.5	2 Harold ST, SANDRINGHAM 3191 Dwelling(s) Other - Alts/Adds, Bld Only	Amended Permit Granted - Delegate	12/04/2024
5.2020.383.2	63 Asling ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Amended Permit Granted - Delegate	12/04/2024
5.2022.92.2	193 Church ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Amended Permit Granted - Delegate	12/04/2024
5.2023.381.1	20 - 22 Willis ST, HAMPTON 3188 Advertising Signs	Permit Granted - Delegate	12/04/2024
5.2024.4.1	13 Henty ST, BRIGHTON EAST 3187 2 New Dwellings	Notice of Decision Granted - Delegate	12/04/2024
5.2024.22.1	73 Reserve RD, BEAUMARIS 3193 VPO3 - Removal x 1	Application Lapsed	12/04/2024
5.2024.40.1	26 Weatherall RD, CHELTENHAM 3192 Remove or lop 2 or more native trees	Permit Refused - Delegate	12/04/2024
5.2024.49.1	25 Arranmore AVE, BLACK ROCK 3193 Fence on a lot > 500 m2	Permit & Plans Granted - Delegate	12/04/2024
5.2024.70.1	26 Weatherall RD, CHELTENHAM 3192 Remove or lop 2 or more native trees	No Permit Required	12/04/2024
5.2024.110.1	6 Biarritz AVE, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Refused - Delegate	12/04/2024
5.2024.132.1	601 Hampton ST, BRIGHTON 3186 Advertising Signs	Permit Granted - Delegate	12/04/2024
5.2024.138.1	58 Arkaringa CRES, BLACK ROCK 3193 VPO3 - Removal x 1	Permit Granted - Delegate	12/04/2024
5.2024.139.1	3 Thorburn ST, HAMPTON 3188 1 Dwelling - New - SBO	Permit Granted - Delegate	12/04/2024
5.2024.140.1	9/47 Wangara RD, CHELTENHAM 3192 Warehouse - Alts/Adds to Building & Use	Permit & Plans Granted - Delegate	12/04/2024
5.2017.259.6	1/16 St Andrews ST, BRIGHTON 3186 Dwellings and Fence on a lot > 500 m2 and Carparking	Application Withdrawn	15/04/2024
5.2023.286.1	10/7 Keith CRT, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Permit Granted - Delegate	15/04/2024
5.2024.95.1	26 Nepean HWY, BRIGHTON 3186 Carparking	Permit Granted - Delegate	15/04/2024
5.2024.123.1	328 South RD, HAMPTON EAST 3188 Buildings&Works in SBO(Other than Dwell)	Permit Granted - Delegate	15/04/2024
5.2024.129.1	335 New ST, BRIGHTON 3186 Advertising Signs	Permit & Plans Granted - Delegate	15/04/2024
5.2023.479.2	15 Prince ST, HAMPTON 3188 2 New Dwellings	Amended Permit Granted - Delegate	16/04/2024
5.2023.484.1	79 Bluff RD, BLACK ROCK 3193 Change or add land use - Use as Styling Studio - appointments and	Application Withdrawn	16/04/2024
5.2023.530.1	Park RD, CHELTENHAM 3192 Minor Sports & Rec Fac - New Bld & Use Advertising Signs and Removal	Notice of Decision Granted - Council	16/04/2024
5.2024.36.1	60 New ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Notice of Decision Granted - Council	16/04/2024
5.2024.8760.1	9 Tarwin AVE, HAMPTON EAST 3188 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	16/04/2024
5.2023.489.1	640A Hawthorn RD, BRIGHTON EAST 3187 1 Additional Dwelling on a Lot - Construction of a New Dwelling	Notice of Decision Granted - Council	17/04/2024
5.2024.120.1	5 Maiya CRT, CHELTENHAM 3192 VPO3 - Removal x 1	Permit Granted - Delegate	17/04/2024
5.2024.141.1	4 Powys DVE, BEAUMARIS 3193 VPO3 - Removal x 1	No Permit Required	17/04/2024
5.2006.278.4	82 - 122 Marriage RD, BRIGHTON EAST 3187 Education Centre - New Use Only	Application Withdrawn	18/04/2024
5.2024.72.1	2/6 Myrtle RD, HAMPTON 3188 1 Dwelling - Alts & Adds - DDO	No Permit Required	18/04/2024
5.2024.133.1	7 Centre RD, BRIGHTON EAST 3187 Advertising Signs	Permit Granted - Delegate	18/04/2024
5.2023.324.1	3/7 Sylvia CRES, BLACK ROCK 3193 1 Dwelling - Alts & Adds on Lot < 500m2	Permit Granted - Delegate	19/04/2024
5.2023.534.1	11 Stayner ST, BEAUMARIS 3193 1 Dwelling - New - DDO Fence on a lot > 500 m2	Notice of Decision Granted - Delegate	22/04/2024
5.2024.55.1	794 Hampton ST, BRIGHTON 3186 2 New Dwellings	Notice of Decision Granted - Delegate	22/04/2024
5.2024.8748.1	44 Graham RD, HIGHETT 3190 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	22/04/2024

Application	Property Address Proposal	Determination	Determined
5.2024.8750.1	16 Jackson RD, HIGHETT 3190 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	22/04/2024
5.2014.388.2	3 View CRT, BRIGHTON 3186 4 New Dwellings	Amended Permit Granted - Delegate	23/04/2024
5.2021.291.2	1 Cheeseman AVE, BRIGHTON EAST 3187 1 Dwelling - Alts & Adds - Heritage	Application Withdrawn	23/04/2024
5.2024.62.1	2 Snooks CRT, BRIGHTON 3186 Proposed alterations and additions (including front fence) withinSpeci	Permit Granted - Delegate	23/04/2024
5.2024.97.1	5 Te Hongi CRT, BEAUMARIS 3193 Build or change one house	Notice of Decision Granted - Delegate	23/04/2024
5.2024.118.1	88 Reserve RD, BEAUMARIS 3193 Remove/Destroy or Lop Native Vegetation	Permit Granted - Delegate	23/04/2024
5.2024.147.1	37 Love ST, BLACK ROCK 3193 VPO3 - Removal x 1	Permit Granted - Delegate	23/04/2024
5.2024.8752.1	83 Union ST, BRIGHTON EAST 3187 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	23/04/2024
5.2022.48.2	165 - 167 Tramway PDE, BEAUMARIS 3193 4 New Dwellings	Amended Permit Granted - Delegate	24/04/2024
5.2024.155.1	4 Gordon ST, HAMPTON 3188 1 Dwelling - Alts & Adds - SBO	Permit Granted - Delegate	24/04/2024
5.2024.8762.1	422 New ST, BRIGHTON 3186 Subdivision of Existing Buildings	Permit Granted - Delegate	24/04/2024
5.2023.380.1	17 Burwah AVE, BRIGHTON EAST 3187 2 New Dwellings	Permit Granted - Delegate	26/04/2024
5.2021.576.5	54 - 56 Bamfield ST, SANDRINGHAM 3191 1 Dwelling - Alts & Adds - Heritage	Amended Permit Granted - Delegate	29/04/2024
5.2022.228.2	24A Munro ST, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2 and 1 Dwelling - Alts & Adds -	Amended Permit Granted - Delegate	29/04/2024
5.2024.10.1	10 Beenak AVE, BRIGHTON EAST 3187 1 Dwelling - New - SBO	Application Lapsed	29/04/2024
5.2024.44.1	355 - 363 Hampton ST, HAMPTON 3188 Multi-dwelling or general development	Permit & Plans Granted - Delegate	29/04/2024
5.2024.113.1	24 Orchard ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Permit & Plans Granted - Delegate	29/04/2024
5.2023.4.2	5 Leslie GVE, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Amended Permit Refused - Delegate	30/04/2024
5.2024.28.1	23 Rusden ST, BRIGHTON 3186 Multi-dwelling or general development	Notice of Decision Granted - Delegate	30/04/2024
5.2024.66.1	344 Beach RD, BLACK ROCK 3193 1 Dwelling - Alts & Adds - Heritage	Permit Granted - Delegate	30/04/2024
5.2024.126.1	20 - 22 Willis ST, HAMPTON 3188 Advertising Signs	Permit Granted - Delegate	30/04/2024
5.2024.130.1	322 New ST, BRIGHTON 3186 Advertising Signs	Permit Granted - Delegate	30/04/2024
5.2024.157.1	1/5 Moon ST, BRIGHTON EAST 3187 Fence on a Lot < 500m2	Permit Granted - Delegate	30/04/2024
Total: 88			

Upcoming VCAT Appeals - Councillor Bulletin

Date report produced: 11/06/2024



App No.	Property Address Proposal	Bayside Determination	Appeal No.	Appeal Type	Compulsory Conference	Hearing
BECK						
2023.492.1	1 Charman RD, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Refused - Delegate	P165/2024	Refusal to Grant a Permit	8/08/2024	16/10/2024
2024.97.1	5 Te Hongi CRT, BEAUMARIS 3193 Build or change one house	Notice of Decision Granted - Delegate	P516/2024	Notice of Decision to Grant a Permit	1/11/2024	15/01/2025
BOYD						
2023.56.1	267 Bluff RD, SANDRINGHAM 3191 Dwelling(s) Other - New Building & Use	Permit Refused - Delegate	P68/2024	Refusal to Grant a Permit	11/07/2024	12/09/2024
2023.399.1	140 Beach RD, SANDRINGHAM 3191 2 or More Additional Dwellings on a Lot and Fence on a lot > 500 m2	Notice of Decision Granted - Council	P373/2024	Notice of Decision to Grant a Permit	1/10/2024	3/12/2024
CAST						
2023.425.1	47 South RD, BRIGHTON 3186 11 - 25 New Dwellings	Permit Refused - Council	P1597/2023	Refusal to Grant a Permit	2/04/2024	17/06/2024
2019.376.2	3 Holyrood ST, HAMPTON 3188 1 Dwelling - Alts & Adds - DDO and 1 Additional Dwelling on a Lot	Amended Permit Granted - Delegate	P427/2024	Amend a Permit		1/08/2024
2023.522.1	47 South RD, BRIGHTON 3186 1 Display Home and Advertising Signs and Alts&Adds to Bld in HO(Other		P467/2024	Failure to Grant a Permit	23/07/2024	24/09/2024
2022.673.1	32 Raynes Park RD, HAMPTON 3188 2 New Dwellings	Permit Refused - Delegate	P466/2024	Refusal to Grant a Permit	17/10/2024	16/01/2025
DEND						
2016.257.3	176 Esplanade , BRIGHTON 3186 1 Dwelling - New - Lot < 500m2	Permit Refused - Council	P112/2024	Refusal to Grant a Permit	26/07/2024	8/10/2024
EBDN						
2023.220.1	87 Stanley ST, BLACK ROCK 3193 2 New Dwellings	Notice of Decision Granted - Council	P142/2024	Conditions	1/08/2024	4/10/2024
Appeals: 10						

VCAT Determined Appeals from 1/4/2024 to 30/4/2024

Subject land	6 Towers Street, BEAUMARIS
Application no.	2023.1.1
VCAT reference no.	P1102/2023
Applicant	Peter Nando Bucovaz, Eddy Daeman & Other
Referral Authority	N/A
Respondents	William Street & Kate Street
VCAT reference no.	P1235/2023
Applicant	William Street & Kate Street
Referral Authority	N/A
Respondents	Peter Bucovaz, Eddy Daeman & Other
VCAT Member	Member Nick Hadjigeorgiou
Date of hearing	4/04/2024
Date of order	23/04/2024
Proposal	Construction of two dwellings on a lot.

Officer recommendation/ Delegate determination	Notice of Decision
Council determination	Notice of Decision
Appeal type	Objector Appeal (P1102/2023) & Condition Appeal (P1235/2023)
Plans substituted (prior to hearing)	Yes
VCAT determination	Permit Varied
LGPRF outcome	Permit Varied

Summary –

This matter regarded a proposed development that was a re-application of a proposal that had been ultimately refused by the Tribunal in 2022, primarily on grounds relating to protection of a VPO tree on the site. The applicant had reapplied in early 2023 for a mostly identical design, with additional detail around the tree management.

The proposal included:

- Construction of two, four-bedroom, double storey dwellings, side-by-side.
- The proposal includes the retention of two VPO-protected trees on the site – one of the western boundary, and one in the southeast corner.

Twenty-three objections were received.

The Planning & Amenity Committee issued a Notice of Decision on 8 August 2023 to grant a permit for the construction of two (2) dwellings on a lot, subject to a number of conditions.

An objector to the application (Mr. P Bucovaz) lodged a Section 82 review of the decision to VCAT on 7 September 2023 (P1102/2023). In their statement of grounds, they made reference to a number of concerns, including:

- Resubmission of previous application plans
- Setbacks
- Walls on Boundary
- Impacts to trees
- Tree removal
- Tree retention
- Amenity to adjoining property

The permit applicant lodged their own application for review of permit conditions on 17 October 2023 (P1235/2023). The appeal was against the inclusion/amendment of Conditions made by the Committee, namely:

- Condition 1b) - Inclusion of the rainwater tank within the rear SPOS of dwelling 2.
- Condition 1j) - the air conditioner unit for dwelling 2 to be relocated at ground level along the western wall of the dining/living rooms of dwelling 2.
- Condition 1k) – the double garage for dwelling 2 to be reduce to a single garage and set back a minimum of 2m from the side boundary.

Two Practice Days were held on 15 December 2023, and 23 February 2024.

- In the first, it was determined to hear both matters simultaneously, and confirm submission of documents from parties.
- The second practice day was set down at the request of Mr. Bucovaz to address a number of outstanding concerns, particularly in regard to accuracy and availability of certain survey and site plans. It was determined that no orders were to be made directing the applicants to produce any documents

The permit applicant lodged amended plans under PNPE9 on 21 March 2024. These plans did not make any physical changes to the proposed development, but simply included clarification and additional dimensions and measurements, which had formed part of the disputed matters from the Practice Day hearing.

The Compulsory Conference was originally schedule for 19 March, but postponed multiple times on medical grounds submitted by Mr. Bucovaz.

A Compulsory Conference was held by VCAT on 4 April 2024, attended by Council officers, the objectors, and the permit applicant. An agreement was reached between all parties to allow a permit to be issued subject to adjustment of the wording of some of the Notice of Decision conditions.

As the permit applicant had lodged amended plans under PNPE9 however, the agreement had to be made in-principle initially, should any new parties choose to join the appeal based on the amended plans. The Order issued by the Tribunal laid out that the agreement made at the Conference would be enacted as a Tribunal Order, provided no new parties join by the due date for lodgement.

The permit applicant advised the Tribunal and all parties on 22 April 2024 that no lodgements had been made, and therefore the agreement could be enacted.

The final Order was issued by the Tribunal on 23 April 2024, directing that the decision of Council is be varied, and a permit be granted as per the agreed conditions of the Conference, namely:

- Amendment of Condition 1b):
 - inclusion of the rainwater tank along the western side of the garage wall of dwelling 2 and located outside the tree protection zone of Tree 9.
- Amendment of Condition 1j):
 - the air conditioner unit for dwelling 2 to be relocated at ground level along the western wall of the dining/living rooms of dwelling 2.
- Condition 1k) to be retained as written

A Varied Permit as per the Tribunal directions was issued on 23 April 2024.

Subject land	1/38 Highett RD, HAMPTON
Application no.	2023.8.1
VCAT reference no.	P267/2024
Applicant	Ian Brenden McRobinson &
Referral Authority	
Respondents	N Carmeni
VCAT Member	
Date of hearing	12/04/2024
Date of order	12/04/2024
Proposal	Construction of three (3) dwellings on a lot
Officer recommendation/ Delegate determination	Notice of decision
Council determination	Not applicable
Appeal type	Notice of Decision to Grant a Permit
Plans substituted (prior to hearing)	
VCAT determination	Withdrawn
LGPRF outcome	N/A

Comments:

The applicant withdrew the application for review prior to the hearing.

Subject land	21 Mc Donald ST, BEAUMARIS
Application no.	2023.505.1
VCAT reference no.	P180/2024
Applicant	Sean Andrew Murray Philipson & Kylie Louise Knox
Referral Authority	N/A
Respondents	n/a
VCAT Member	Cassandra Rea
Date of hearing	15/04/2024
Date of order	15/04/2024
Proposal	Removal of native vegetation (Syzygium smithii – Lilly Pilly) in Vegetation Protection Overlay Schedule 3
Officer recommendation/ Delegate determination	Refusal
Council determination	Not applicable
Appeal type	Refusal to Grant a Permit
Plans substituted (prior to hearing)	Yes
VCAT determination	WITHDRAWN
LGPRF outcome	N/A

Comments:

The applicant withdrew the application for review prior to the hearing.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1102/2023 &
P1235/2023
PERMIT APPLICATION NO.
5/2023/1/1

APPLICANTS

P1102/2023 Peter Nando Bucovaz, Eddy Daeman
& Other

P1235/2023 William Street & Kate Street

RESPONSIBLE AUTHORITY Bayside City Council

RESPONDENTS

P1102/2023 William Street & Kate Street

P1235/2023 Peter Bucovaz, Eddy Daeman &
Other

SUBJECT LAND 6 Towers Street Beaumaris VIC
3193

**DATE OF COMPULSORY
CONFERENCE** 4 April 2024

DATE OF ORDER 23 April 2024

ORDER

Amend application

- 1 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting the following for the application plans:

Prepared by: Roke Design Studio
Drawing numbers: Revision TP/25B 'TP updates'
Dated: 21 March 2024

Grant permit

- 2 In application no. **P1102/2023 & P 1235/2023** the decision of the responsible authority is **varied**.
- 3 In permit application no. 2023/1/1 a permit is granted and directed to be issued for the land at 6 Towers Street, Beaumaris in accordance with the endorsed plans and on the conditions set out in Appendix A. The permit allows:



- Construction of two dwellings on a lot in accordance with the endorsed plans;

Hearing & compulsory conference vacated

- 4 The hearing scheduled at **10am on 8th & 9th May 2024** is vacated. No attendance is required.
- 5 The compulsory conference scheduled at 9am on 24 April 2024 is vacated. No attendance is required.

Nicholas Hadjigeorgiou
Member

APPEARANCES

For Permit Applicant and applicant in P1235/2023/respondent

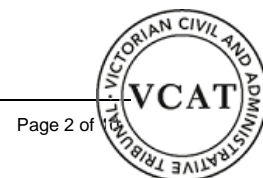
Chris Pippo, Town Planner assisted by William Street

For responsible authority

Joe Connellan & Michael Kelleher, Town Planners

For Applicant for review in P1102/2023 and respondent

Peter Nando Bucovaz & Ed Daeman in person



REMARKS**Full settlement**

- 1 This matter involves two applications for review pursuant to sections s82 and s80 of the *Planning and Environment Act 1987* of a decision by the Bayside City Council to issue a Notice of decision to grant a permit.
- 2 This order is made at the request of the parties and with their consent as an outcome of a compulsory conference.
- 3 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
 - the responsible authority is of the opinion that the permit is appropriate having regard to the matters it is required to consider under section 60 of the *Planning and Environment Act 1987 (Act)*, including the balanced application of the strategies and policies of the Bayside Planning Scheme (**Planning Scheme**) and is otherwise in conformity with the provisions of the Planning Scheme and the Act;
 - the proposed orders will not result in any change to the proposed development which would materially affect any person other than the parties to the proceeding.
- 4 Based on the information available to the Tribunal, I consider it is appropriate to give effect to the settlement reached by the parties pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*.

Nicholas Hadjigeorgiou
Member



APPENDIX A

PERMIT APPLICATION NO:	2023/1/1
LAND:	6 Towers Street Beaumaris VIC 3193
WHAT THE PERMIT ALLOWS:	
<ul style="list-style-type: none"> Construction of two dwellings on a lot in accordance with the endorsed plans 	
in accordance with the endorsed plans.	

CONDITIONS

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans 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 amended plans prepared by Roke Design Studios referred to as Sheets 1–10, Revision TP-25 dated 20/06/2023 but modified to show:
 - a) annotation that the pool equipment housing to Dwelling 2 is to be acoustically treated
 - b) inclusion of the rainwater tank along the western side of the garage wall of dwelling 2 and located outside the tree protection zone of Tree 9.
 - c) annotation of the footing engineering design to be implemented in accordance with the ‘Memorandum – 01’ from Creative Engineering, dated 15 June 2023
 - d) a schedule of construction materials, external finishes and colours
 - e) a Sustainable Design Assessment in accordance with Condition 8
 - f) a Landscaping Plan in accordance with Condition 9
 - g) a Tree Management and Protection Plan in accordance with Condition 12
 - h) an Arboricultural Impact Assessment in accordance with Condition 16
 - i) provision of the development contributions fee in accordance with Condition 25
 - j) the air conditioner unit for dwelling 2 to be relocated at ground level along the western wall of the dining/living rooms of dwelling 2
 - k) the double garage for dwelling 2 to be reduced to a single garage and set back a minimum of 2m from the side boundary
 all to the satisfaction of the Responsible Authority.



2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.

Sustainable Design Assessment

8. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/m²



- g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
 - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
 - i) provision of external dry lines for each dwelling
 - j) bicycle parking space in each garage/ private open space area
 - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
 - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
 - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
 - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
 - o) provisions for renewable energy systems such as Solar PV
 - p) commitment to recycle at least 70% of construction and demolition waste
 - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
 - r) use of sustainable materials such as low VOC paints for the internal walls
 - s) use of timber certified by the Forest Stewardship Council (FSC), or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
 - t) provision of green walls / vertical gardens
- all to the satisfaction of the Responsible Authority.

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan Revision E drawn by Zenith Concepts, dated February 2023, and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) all built form changes required to be consistent with the development plans

- b) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - c) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways
 - g) where practicable, the inclusion of green walls at appropriate locations.
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

12. Before the development starts, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project



arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must:

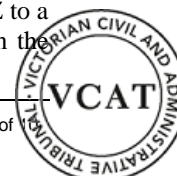
- f) be legible, accurate and drawn to scale
 - g) indicate the location of all tree protection measures to be utilised
 - h) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - i) include a key describing all tree protection measures to be utilised.
13. All actions and measures identified in the Tree Management Report must be implemented.
14. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
15. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained (specify particular tree/s) is to be done by hand by a qualified Arborist.

Arboricultural Impact Assessment

16. Before the development starts, an Arboricultural Impact Assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, must be submitted to and be endorsed by the Responsible Authority. The report must explain the design and construction methods proposed to minimize impacts on trees to be retained (including site trees and neighbouring trees) where there is encroachment into the calculated TPZ. This must include the location, materials, features and engineering of the design and construction methods proposed.
17. Any findings from the Assessment must be annotated on the plans prior to endorsement, and be implemented to the satisfaction of the Responsible Authority.

Protection of Trees for Services

18. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the



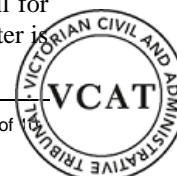
TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

Street Tree Protection

19. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. The fencing is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
20. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There must be no soil excavation within 2.5 metres of the street tree *Melaleuca armillaris*, (asset ID 472711) measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.
21. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
22. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated by hand along the line of the crossover adjacent to the tree. All roots that will be affected by must correctly pruned in accordance with section AS4373-2007 'Pruning of Amenity Trees'. Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.

Drainage

23. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.



24. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

Development Contribution

25. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

26. This permit will expire if one of the following circumstances applies:
- the development is not started within two years of the date of this permit
 - the development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

End of conditions

