

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 12 September 2023
at 6.30pm



Agenda

Chairperson: Cr Jo Samuel-King MBBS (Deputy Mayor)

Councillors: Cr Sonia Castelli
Cr Alex del Porto
Cr Hanna El Mouallem (Mayor)
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Fiona Stitfold

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 of the Committee

All Councillors

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 9599 4444.

Order of Business

Prayer

Acknowledgement of Country

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- Tuesday 10 October 2023
- Tuesday 14 November 2023
- Monday 11 December 2023

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 8 August 2023.

4. Matters of Decision

4.1 HAILEYBURY COLLEGE TRAFFIC AND PARKING STUDY - COMMUNITY ENGAGEMENT OUTCOMES

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/23/176 – Doc No: DOC/23/233495

Executive summary

Purpose and background

The purpose of this report is to present the outcomes of community engagement on proposed measures to improve traffic and parking in the area surrounding Haileybury College. This engagement process was undertaken in response to the following resolution from the Planning and Amenity Delegated Committee meeting held on 9 May 2023.

The resolution states:

That Council:

1. *notes the report and the Haileybury College Brighton Traffic and Parking Study April 2023 (attachment 1)*
2. *writes to the Minister for Planning, the Minister for Transport and Infrastructure, and relevant Members of Parliament highlighting:*
 - a. *the impacts that traffic and parking will have on the surrounding road network if a permit were to be issued for the development of the Creative Arts and Sports Centre (CASC)*
 - b. *Council's position that the cap on student numbers must not be removed*
 - c. *that there are concerns that the school is currently failing to adhere to and comply with existing planning permit requirements, dating back to 2006, associated with traffic and parking management which must be given due regard in the current deliberations when considering the further intensification of land use and development on the site*
3. *subject to the Creative Arts and Sports Centre (CASC) development proceeding, undertakes community consultation with residents and works with the Department of Transport and Planning on the traffic management and parking changes as recommended in the report*
4. *subject to the Creative Arts and Sports Centre (CASC) development proceeding, undertakes a post-construction review of traffic and parking conditions*
5. *continues to engage with the local community and the school with the objective of improving traffic and parking within the area and a report be presented to the September 2023 Planning and Amenity Delegated Committee meeting on the outcomes.*

In accordance with Item 5, engagement continued with the local community regarding the findings of the Study, and the measures which could be implemented in the local street network to protect residents from parking infiltration.

Key issues

Background

In response to a proposed re-development of Haileybury College, Council commissioned a Traffic and Parking Study to understand the impacts that the development would have on the surrounding street network if a permit were to be issued. The Study was presented to Council in April 2023, and included recommended changes to on-street parking.

Haileybury College has since received planning approval for the two storey Creative Arts and Sports Centre (CASC).

Council undertook community engagement to respond to resident concerns around the impact that the school operations are currently having on parking in the surrounding street network.

It is noted that the changes that are presented within this report are proposed to minimise the impacts of the current activities at the school.

The full impact of the CASC will not be realised until the development is complete. The permit issued allows the permit holder to commence construction within the next 2 years, however construction dates (and completion dates) are not known at this stage. As a consequence, the full suite of parking control measures included in the Study are not required immediately.

Parking Restriction Changes

Through community consultation it was established that the local community had concerns about the behaviour of motorists engaged in the pick-up/drop-off of students, resident access to on street car parking in local streets, and the impact of students and teacher parking in the residential streets. A resident group was formed, and through direct engagement with this group, a series of proposed changes were developed which were deemed reasonable to implement immediately (subject to engagement with the directly affected residents). These changes are shown in Attachment 1.

Further changes can be considered at a time when the CASC is in construction, and in operation.

Engagement with residents commenced in August, with the following proposals:

- Imbros Street – proposal to install 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the north-east side of Imbros Street from #4 to #34.
- Lagnicourt Street – proposal to install 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the south-west side of Lagnicourt Street from Villeroy Street to #7.
- Favril Street - proposal to install 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the west side of Favril Street from Villeroy Street to Ludstone Avenue.
- Villeroy Street - proposal to install 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the north side of Villeroy Street from Hampton Street to #17.
- Villeroy Street - proposal to install 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the south-east side of Villeroy Street from Lagnicourt Street to Imbros Street.
- Villeroy Street - proposal to install 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the north-west side of Villeroy Street from Imbros Street to Avelin Street.

In addition, there were some further changes which were notified to residents. Notification was selected for these changes, rather than consultation, for the reasons listed. The notified changes were:

- Imbros Street – NO STOPPING at all times on the north-east side of Imbros Street from South Road to #2, for safety reasons identified in the Study.
- Villeroy Street – a change of the operating period for the existing NO STOPPING restriction on the south side between Hampton Street and Lagnicourt Street. Currently this NO STOPPING restriction operates 8am to 5pm Monday to Friday, and the resident group suggested a change to 8am to 5pm SCHOOL DAYS, on the basis the restriction is not required when the school is not operating (school holiday periods).
- Villeroy Street – a change on the north side of the street to extend the 2-MINUTE restriction which operates 8am to 9am and 3pm to 4pm SCHOOL DAYS to improve pick-up/drop-off behaviour. This restriction abuts the school, and is provided to enable the safe drop off and pick up of students, only operating over a short time period.

Community Consultation Result

The result of the community consultation gives a clear indication of community support for the proposed 2-HOUR restrictions. The response received is summarised in the table below.

Proposal	No. Consulted	Responses Received	Support	Oppose
Imbros Street – 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the north-east side of Imbros Street from #4 to #34	40	21 (53%)	18 (86%)	3 (14%)
Lagnicourt Street – 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the south-west side of Lagnicourt Street from Villeroy Street to #7	12	7 (58%)	6 (86%)	1 (14%)
Favril Street – 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the west side of Favril Street from Villeroy Street to Ludstone Avenue;	13	10 (77%)	10 (100%)	0 (0%)
Villeroy Street - 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the north side of Villeroy Street from Hampton Street to #17	21	13 (62%)	12 (92%)	1 (8%)
Villeroy Street – 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the south-east side of Villeroy Street from Lagnicourt Street to Imbros Street	5	3 (60%)	3 (100%)	0 (0%)
Villeroy Street - 2-HOUR restrictions operating 8am to 4pm SCHOOL DAYS on the north-west side of Villeroy Street from Imbros Street to Avelin Street	4	3 (75%)	3 (100%)	0 (0%)

For the Lagnicourt Street proposal, there was also feedback from the resident at #9 requesting that the restrictions be extended to include their property frontage. This minor change can be accommodated and is recommended.

The result of the consultation shows there is strong support for the proposed 2-HOUR restrictions. The response received meets the requirements under Council's Managing On-Street Parking Policy for changes, being at least a 50% response rate, with at least 50% support.

In addition to the formal consultation result indicated above, there was also significant response from residents on Villeroy Street in opposition to the extension of the 2-MINUTE restrictions. Residents were concerned that this gave greater priority in the street to the school (noting that it is proposed on the school side of the street), and removed some all-day parking opportunities which are currently available for residents.

The change from Monday to Friday to SCHOOL DAY operation on the south side of Villeroy Street also received strong feedback. Although this was seen as being beneficial to residents and therefore not requiring consultation, there was some opposition received. The primary reason for this appears to be that residents were concerned that during school holidays, the parking will be occupied by tradespeople, and the street would become congested.

A Joint Letter was received from 18 residents of Villeroy Street, Brighton in response to the community engagement. The joint letter states, in part:

“As ratepayers and residents of Villeroy Street, Hampton we strongly object to the proposed changes in parking restrictions in our street which have been determined without any consultation with us, the affected community. We earnestly request that our views are sought and listened to, and that a solution which is much fairer to the residents of our street is identified and implemented.”

Given the timing of the next Council Meeting falling after the 12 September 2023 Planning and Amenity Committee Delegated Meeting (where this report will consider the community engagement outcomes on measures to improve traffic and parking in the area), the joint letter has been addressed in this report.

In light of this community response from residents of Villeroy Street, it is recommended that the extension of the 2-MINUTE parking and the change to the NO STOPPING restrictions from Monday to Friday operation to SCHOOL DAY operation not proceed.

The changes which were notified on Imbros Street (NO STOPPING) did not receive any opposition, and are therefore recommended to proceed.

Summary

In order to reduce the impact of the operations of Haileybury College, residents in streets deemed to be affected have been consulted on the introduction of new parking restrictions.

The 2-HOUR restrictions operating 8am-4pm SCHOOL DAYS proposed on sections of Imbros Street, Lagnicourt Street, Favril Street, and Villeroy Street received at least 50% response rate, and at least 50% support, and are recommended to proceed.

The NO STOPPING restriction operating at all times on the north-east side of Imbros Street from South Road to #2 is recommended to proceed for safety reasons.

The changes proposed to the 2-MINUTE parking and the existing NO STOPPING restriction on Villeroy Street are not recommended to proceed at this time, due to resident feedback received.

Recommendation

That Council:

1. installs 2-HOUR parking restrictions operating 8am to 4pm SCHOOL DAYS on the north-east side of Imbros Street, Hampton from #4 to #34
2. installs 2-HOUR parking restrictions operating 8am to 4pm SCHOOL DAYS on the south-west side of Lagnicourt Street, Hampton from Villeroy Street to #7
3. installs 2-HOUR parking restrictions operating 8am to 4pm SCHOOL DAYS on the west side of Favril Street, Hampton from Villeroy Street to Ludstone Avenue
4. installs 2-HOUR parking restrictions operating 8am to 4pm SCHOOL DAYS on the north side of Villeroy Street, Hampton from Hampton Street to #17
5. installs 2-HOUR parking restrictions operating 8am to 4pm SCHOOL DAYS on the south-east side of Villeroy Street, Hampton from Lagnicourt Street to Imbros Street
6. installs 2-HOUR parking restrictions operating 8am to 4pm SCHOOL DAYS on the north-west side of Villeroy Street, Hampton from Imbros Street to Avelin Street
7. installs NO STOPPING at all times on the north-east side of Imbros Street, Hampton from South Road to #2
8. maintains the 2-MINUTE parking restrictions on the north side of Villeroy Street, Hampton
9. maintains the NO STOPPING restriction on the south side of Villeroy Street, Hampton.

Support Attachments

1. Haileybury College Traffic and Parking Study - Follow-up - Parking Proposal ↓

Considerations and implications of recommendation

Social

Roads surrounding Haileybury College provide many benefits for the community including the ability for traffic circulation, property access, deliveries, on-street parking and social connection. Prior to land use and road access changes, development proposals are reviewed including consideration of impacted road users and the views of abutting property owners.

Any change to parking conditions including the issue of parking permits need to consider existing parking users and ensure various needs are prioritised, with a view to determine the best usage of available public parking by various members of the community. Although parking controls are expected to provide turnover of on-street parking, such parking controls can be inconvenient for residents longer term parking needs.

Natural Environment

There are no impacts on the Natural Environment to consider as part of this report.

Climate Emergency

There are no impacts on the Climate Emergency to consider as part of this report.

Built Environment

There are no impacts on the natural environment to consider as part of this report.

Customer Service and Community Engagement

This report primarily deals with engagement of the community concerning changes to the on-street parking in the streets surrounding Haileybury College. The consultation occurred in accordance with the *Managing On-Street Car Parking Demand Policy*.

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

In accordance with the *Road Management Act*, Council is the responsible road authority for traffic and parking management on local streets, and parking on arterial roads. The recommended changes to parking are within the purview of Council.

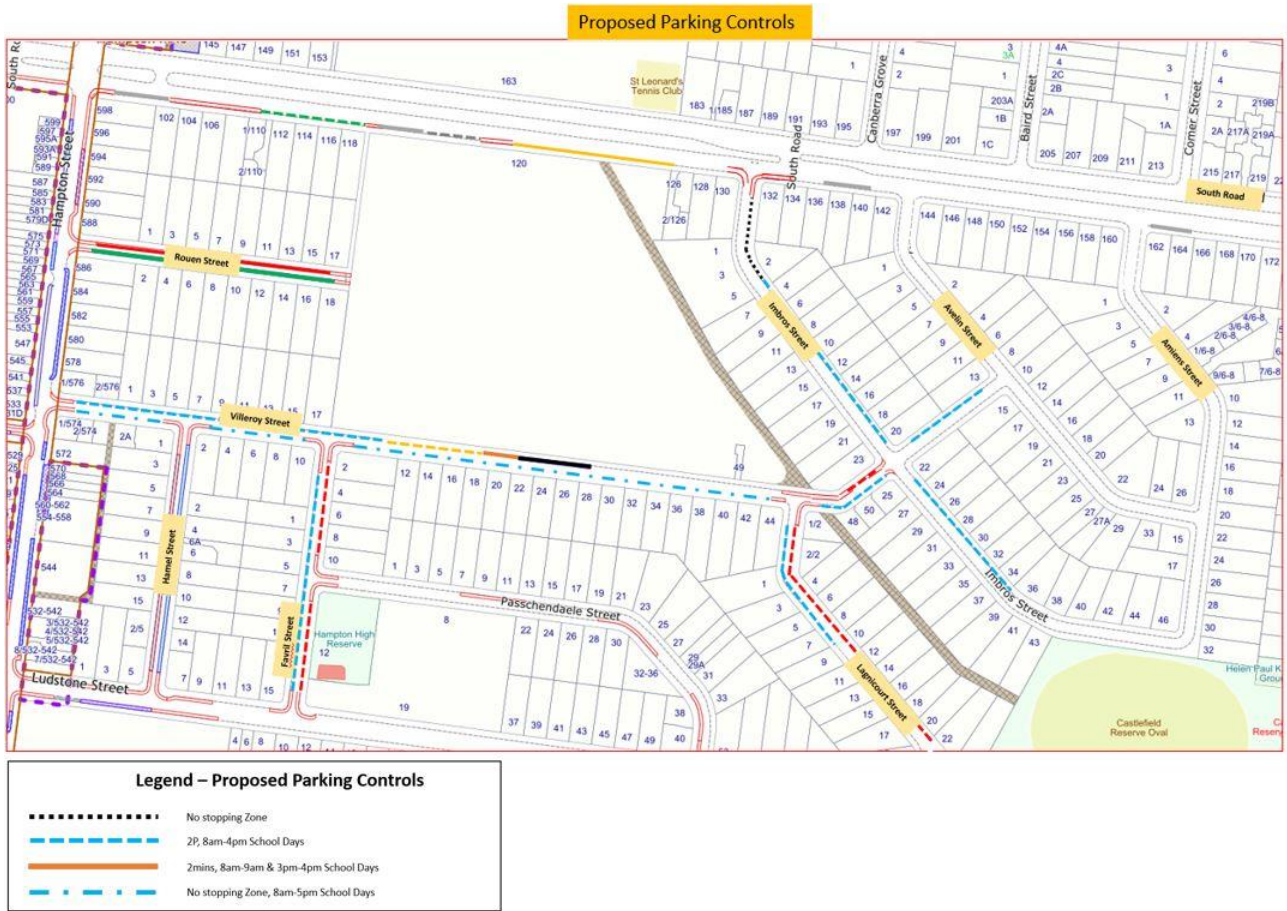
Finance

The cost associated with implementation of parking controls is not considered significant and can be absorbed into the traffic management capital works budget.

Links to Council policy and strategy

The potential proposal to introduce parking restrictions in the streets surrounding Haileybury College are being developed following a review of the key features of the Planning Application for the proposed development.

The community consultation has been undertaken in accordance with Council's *Managing On-street Car Parking Demand Policy* and *Community and Stakeholder Engagement Policy 2021*.



4.2 49–51 ABBOTT STREET, SANDRINGHAM TRAFFIC IMPACT ASSESSMENT

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/23/176 – Doc No: DOC/23/243728

Executive summary

Purpose and background

At its meeting on 14 February 2023, the Planning and Amenity Delegated Committee resolved (in part):

...

B. That Council notes that traffic, parking and pedestrian movement in Abbott Street, Gypsy Way and the surrounding areas is of concern and seeks its Traffic Team to undertake a review of the traffic, parking and pedestrian movement and safety to ensure that the amenity of the area is best protected. The assessment must include public consultation and provide recommended changes to protect road users and pedestrians in the area. The report from the Traffic Team should be presented to the Planning and Amenity Delegated Committee by no later than the September 2023 meeting.

This report presents the findings of the review of the traffic, parking and pedestrian movement and safety around Gypsy Way, Sandringham, which was commissioned in response to Part B of the resolution. The full report can be found at Attachment 1 (in the form of a 'Traffic Engineering Witness Statement').

Key issues

Traffic and Pedestrian Movement

The existing conditions assessment determined that the weekday average vehicle volume using Gypsy Way was 106 vehicles. The 85th percentile speed, which represents the speed at which 85% of vehicles travel, was approximately 25km/h. Pedestrian surveys on a typical weekday in June revealed that between 7am and 7pm, there were 157 pedestrian movements through the laneway. The report notes that the recorded volumes are likely to be lower than would be observed in warmer months.

Regardless, these results show that pedestrians are currently the dominant users by volume.

Observations indicated that pedestrians naturally walk along the centre of the carriageway.

Parking

The existing parking conditions were recorded on three separate days, being a Saturday, Tuesday, and Wednesday in June. The survey area included on-street parking on:

- Abbott Street, between Beaumont Street and Fernhill Road
- Beaumont Street
- Fernhill Road, between Sandringham Road and Abbott Street
- Trentham Street, between Sandringham Road and Abbott Street
- Harston Street.

The on-street parking is a mix of 1-HOUR, 2-HOUR, and unrestricted parking.

The total parking supply was 180 spaces, and the maximum occupancy recorded was 74%, leaving 47 vacant spaces available at the time of peak occupancy (this occurred at 7pm on a Saturday).

Impact of Proposed Development

The Study determined that if the development proceeds with vehicle access via Gipsy Way as currently proposed, that an additional 150 vehicle trips per day would be generated in Gipsy Way. This results in an approximate total of 256 daily vehicle trips. While this does not exceed the target maximum volume for a single lane 'access lane' per the Planning Scheme, the Statement notes that 'it is a significant increase from the existing traffic volumes, and it leaves little scope for future increases'. Further, it would shift the dominant travel mode in the laneway from pedestrians (as is the current condition, based on the June surveys) to vehicles.

The findings around parking indicate that the failure of the development to include visitor parking may generate an additional on-street demand of 4 spaces, which the surveys indicate can be accommodated on street with minimal impact.

Public Consultation

Consultation with pedestrians using Gipsy Way revealed that pedestrians feel safe walking along the laneway due to the bollards midblock, that it provides a good pedestrian crossing to Sandringham Station and the Activity Centre (and nearby rail underpass), and that residents prefer Gipsy Way to Abbott Street or other streets with footpaths.

Status of Proposed Development

The VCAT hearing for the subject site located at 49–51 Abbott Street, Sandringham occurred in early August, but the outcome was unknown at the time of preparing this report. It is understood that as part of the amended application to VCAT that the intensity of the development (the number of dwellings proposed) has been reduced by 2 dwellings (from 27 down to 25), which would have a subsequent small reduction in parking and traffic generation. This change is not reflected in the Study due to the late nature of the change, but regardless is unlikely to significantly impact the recommendations of the Study.

Key Conclusions

The Study concludes that the proposed development, were it to proceed with access via Gipsy Way, would increase vehicle movements from 106 per day to 256 per day, and vehicle volumes will start to exceed pedestrian volumes. This would increase exposure of pedestrians, and hence increase risks to pedestrian safety, as Gipsy Way currently serves primarily as a pedestrian thoroughfare.

The Study recommends that access to the site at 49–51 Abbott Street be taken from Abbott Street, and that regardless of the development outcome, a formal Shared Zone be implemented on Gipsy Way. A Shared Zone has a low speed limit (typically 10km/h), and provides priority to pedestrians at all times. This could be implemented with a pavement surface treatment to clearly differentiate the Shared Zone street from other local streets. The Shared Zone treatment is a Major Traffic Control Item (MTCI) which is not delegated to Council, and therefore would need to be approved by the Department of Transport and Planning.

Recommendation

That Council:

1. notes the outcomes of the traffic, parking and pedestrian movement and safety study
2. seeks approval from the Department of Transport and Planning for the installation of a Shared Zone treatment on Gypsy Way, Sandringham.

Support Attachments

1. Gypsy Way Traffic Study Sandringham - Traffic Engineering Expert Statement ↓

Considerations and implications of recommendation

Social

Roads provide many benefits for the community including the movement of people, on-street parking and enable social connection.

The recommendation to seek approval for a Shared Zone would reinforce the current use of Gipsy Way as primarily a pedestrian access route, and so would have a limited social impact.

Natural Environment

The creation of a Shared Zone would require changes to an existing road pavement only, and therefore has a negligible impact on the natural environment.

Climate Emergency

There are no impacts on the climate emergency to consider as part of this report. Any measures Council can implement to improve pedestrian access and safety will encourage people to utilise more sustainable transport choices and reduce emissions associated with private vehicle use.

Built Environment

There is a negligible impact on the built environment as a result of this report, as the road pavement in Gipsy Way already exists, and any additional treatments to support a Shared Zone would be minor in nature (signage, linemarking and potentially a pavement treatment).

Customer Service and Community Engagement

Community sentiment regarding the development at 49-51 Abbot Street, Sandringham indicates a strong desire to retain the pedestrian dominant nature of Gipsy Way. It is anticipated that community notification of the Shared Zone would be appropriate in this case.

Equity Impact

The implications of this report have been assessed and are compliant with the requirements of the Gender Equality Act 2020.

In development of this report the requirement for Equity Impact pre-assessment has been completed. The pre-assessment concluded that this report a) does not meet the requirement for a comprehensive Equity Impact Assessment (EIA) at this time and it has been approved by the EIA Lead not to progress with the assessment.

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

In accordance with the Road Management Act, Council is the responsible road authority for Gipsy Way. The authority to approve a Shared Zone treatment is not delegated to Council and must be approved by the Department of Transport and Planning.

Finance

If a Shared Zone is approved, the treatments required are anticipated to be minor in nature and can be accommodated in the current capital budget.

Links to Council policy and strategy

The recommendation to install a Shared Zone aligns with several existing Council policies and strategies.

The Road Safety Strategy *KRA 3: Developing and maintaining a safe road network* has an action to ensure road safety for all users, with particular attention provided to the needs of vulnerable users such as pedestrians and cyclists.

The Bayside Walking Strategy through *Strategy 2: Prioritise walking in areas of high people activity* supports the creation of a Shared Zone with pedestrian priority in Gipsy Way, which has a higher pedestrian volume than vehicle volume. *Strategy 2* also supports reduced traffic speeds. *Strategy 3: Create streetscapes that invite people to walk* is also relevant for Shared Zone treatments.

The Bayside Integrated Transport Strategy supports Shared Zone treatments through *Goal 2 – Improving Local Accessibility* which seeks to prioritise walking and cycling as the preferred mode of transport for short trips in Bayside. Strategic Direction 5 seeks to improve the pedestrian environment, and Strategic Direction 14 seeks to give greater priority to sustainable transport modes.

Climate Emergency Action Plan: Theme 3 - *Move to zero carbon transport*.



GIPSY WAY TRAFFIC STUDY SANDRINGHAM

TRAFFIC ENGINEERING EXPERT STATEMENT



GIPSY WAY TRAFFIC STUDY SANDRINGHAM

Client: Bayside City Council

Report Reference: 23294T

File Path: Y:\2023\23294T - Gipsy Way, Sandringham - Traffic Study\08 Reports\23294TREP01F01.docx

Friday, July 28, 2023

Document Control

Version:	Prepared By:	Position:	Date:	Reviewed By:	Position:	Date:
F01	Claudia Goodliffe	Traffic Engineer	25 July 2023	Jarrold Wicks	Director	28 July 2023

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1 STATEMENT OF EVIDENCE

Permit Application No.	2022/495/1
Date of the report	25 July 2023
The address of the property and date of site inspection/s	49-51 Abbott Street, Sandringham & Gipsy Way, Sandringham A site inspection was undertaken on 12 July 2023 around 9:30am.
The party for whom the report has been prepared	This report has been prepared at the request of Bayside City Council.
The person for whom the expert received his/her instructions	James Golub of Bayside City Council.

My name is Jarrod Wicks, and I am a Director with SALT, a consultancy that specialises in traffic and waste engineering. I have practiced as a consulting Traffic Engineer since 2005. SALT is located at Level 3, 51 Queen Street, Melbourne.

My professional qualifications and experience are as follows:

Professional Qualifications

- Bachelor of Engineering (Civil), 2005, Monash University
- DTP-accredited Senior Road Safety Auditor
- RIICWD503E – Prepare traffic management plans and traffic guidance schemes

Professional Experience

- Director – SALT 2023 – Present
- Associate Director – SALT 2019 – 2023
- Associate – SALT 2017 – 2019
- Associate – O'Brien Traffic 2017
- Senior Traffic Engineer – O'Brien Traffic 2010 – 2017
- Traffic Engineer – Glen Eira City Council 2007 – 2009
Secondment from O'Brien Traffic
- Traffic Engineer – O'Brien Traffic 2005 – 2010

Areas of Expertise

I have over 17 years' experience and expertise in traffic engineering, particularly in areas of assessing the parking and traffic impacts of development proposals (residential, commercial, industrial and institutional), local area traffic management studies, intersection design and capacity analysis, the design of car and bicycle facilities, and worksite traffic management.

I am also a DoT accredited Senior Road Safety Auditor and have carried out numerous road safety audits.

I provide traffic advice to planning authorities, government agencies, and corporations.

Expertise to Prepare this Evidence Statement

My training and experience including involvement with numerous forms of development, traffic design and road safety over many years qualifies me to comment on the traffic engineering implications of the development proposal, including implications for Gipsy Way.

Instructions which Define the Scope of this Evidence Statement

I have been requested by Bayside City Council to carry out a traffic and parking study of Gipsy Way and surrounding streets in Sandringham, and to express my expert opinion with regards to vehicular access on Gipsy Way to a proposed residential development at 49-51 Abbott Street.

Documentation

As part of the preparation of this evidence statement, I have inspected the subject site and reviewed the following background material and relevant documents:

- Planning and Amenity Delegated Committee Resolution (dated 14 February 2023);
- Traffic Impact Assessment Report prepared by Ratio (dated 21 September 2022);
- Traffic volume and speed data provided by Bayside City Council (dated from 18 June 2023);
- Pedestrian volume and movement data provided by Bayside City Council (dated 14 June 2023).

Identity of Person/s Undertaking the Work

- Jarrod Wicks (Director) of SALT, assisted by;
- Claudia Goodliffe (Traffic Engineer) of SALT.

I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance, which I regard as relevant, have to the best of my knowledge been withheld.

Signed:



Jarrod Wicks
Director
SALT

2 INTRODUCTION AND BACKGROUND

I have been commissioned to undertake a traffic and parking study of Gypsy Way and neighbouring streets in Sandringham in response to concerns raised by local residents in regard to a proposed residential development at 49-51 Abbott Street, Sandringham.

Specifically, concerns were raised in relation to the proposed vehicular access to occur from Gypsy Way and the impact this would have on pedestrian safety and the traffic environment in the laneway.

It is understood that the planning application was considered by Bayside City Council on 14 February 2023 and was refused, calling for a traffic study to be undertaken:

B. That Council notes that traffic, parking and pedestrian movement in Abbott Street, Gypsy Way and the surrounding areas is of concern and seeks its Traffic Team to undertake a review of the traffic, parking and pedestrian movement and safety to ensure that the amenity of the area is best protected. The assessment must include public consultation and provide recommended changes to protect road users and pedestrians in the area.

Whilst Council's Traffic Engineer supported access to Abbott Street, the applicant deemed this not possible due to the presence of street trees, other site constraints and the objective to provide an interesting front façade.

My scope involves a review of current pedestrian and traffic conditions in Gypsy Way as well as the parking conditions in the area. Subsequently, I will assess the impacts and risks to pedestrians if the development at 49-51 Abbott Street were to proceed and provide recommendations improve the safety for pedestrians and other road users in Gypsy Way and in regard to parking to maintain the local amenity.

In the course of preparing this report, I have:

- Reviewed relevant background information and reports;
- Undertaken an inspection of the subject site and its environs;
- Commissioned parking utilisation surveys in the vicinity; and
- Analysed traffic and pedestrian survey data supplied by Council.

My findings of the study and opinions with respect to the proposal are as follows.

3 EXISTING CONDITIONS

3.1 LOCATION AND SITE DESCRIPTION

The subject site of the development encompasses two lots at 49-51 Abbott Street in Sandringham. The site comprises a total of eight (8) single-storey dwellings with a shared driveway on each lot.

The site includes frontages onto both Abbott Street and Gypsy Way to the rear. Currently, vehicular access occurs via two (2) crossovers to Abbott Street and two (2) crossovers to Gypsy Way.

The study area is situated to the north-east of the Sandringham activity centre and railway station, and to the south of Sandringham Primary School. The surrounding land is otherwise largely residential in nature.

Figure 1 depicts the location of Gypsy Way with respect the surrounding road network and land uses. An aerial view of the study area is provided in **Figure 2**.

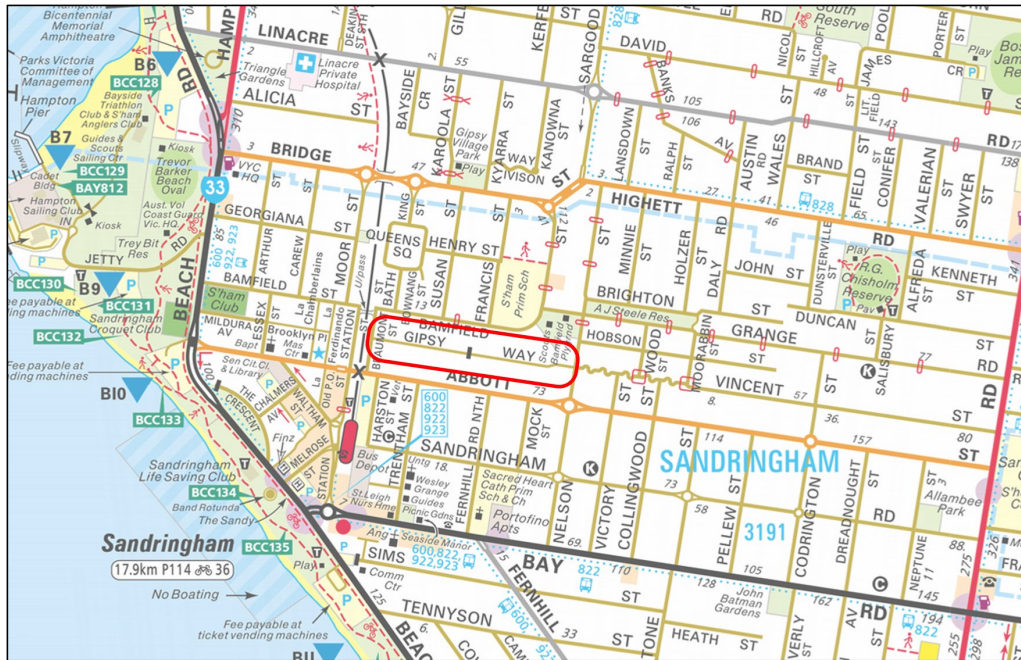


Figure 1 Study area locality



Figure 2 Study area aerial view



3.2 ROAD NETWORK

3.2.1 GIPSY WAY

Gipsy Way is a Right Of Way (ROW) laneway under the care and management of Bayside City Council. It runs in a generally east-west alignment between Beaumont Street and Nelson Street where it continues as Vincent Street.

Outside of Number 53, bollards are provided to prevent through movements on Gipsy Way. It currently provides vehicular rear access to a number of properties, and is accessible from Beaumont Street. A number of pedestrian access points are also provided to properties from Gipsy Way.

In the vicinity of the development site, Gipsy Way has a carriageway width of approximately 5.0m which would only just allow simultaneous two-way vehicular movements.

Kerbside parking is not permitted along either side of Gipsy Way.



Figure 3 View of Gipsy Way (facing east)



Figure 4 View of Gipsy Way (facing west)



3.2.2 ABBOTT STREET

Abbott Street is classified as a Collector Road under the care and management of Bayside City Council. It runs in a generally east-west alignment between Beach Road and Bluff Road.

In the vicinity of the development site, Abbott Street has a carriageway width of approximately 11.5m, providing one traffic lane in each direction. A shared kerbside parking and on-road bike lane is provided along both sides of Abbott Street.

On-street parking is restricted to 2-hour parking between 8:00am-6:00pm on the northern side of Abbott Street. Kerbside parking on the southern side is unrestricted at all times.

A posted speed limit of 50km/hr applies.



Figure 5 View of Abbott Street (facing west)



Figure 6 View of Abbott Street (facing east)



3.23 BEAUMONT STREET

Beaumont Street is classified as a Local Road under the care and management of Bayside City Council. It runs in a generally north-south alignment between Abbott Street and Bamfield Street.

It has a carriageway width of approximately 7.4m, allowing two-way vehicle movement.

Indented 90-degree parking is provided along the western side of Beaumont Street, most of which is unrestricted. Four (4) spaces opposite the Bayside Playhouse and occasional Care are restricted to 1-hour parking between 8:00am-6:00pm. Kerbside parking is provided along the eastern side of the street which is restricted to 2-hour parking between 8:00am-6:00pm Monday to Friday.

The default speed limit of 50km/hr applies.



Figure 7 View of Beaumont Street (facing south)



Figure 8 View of Beaumont Street (facing north)



3.3 SUSTAINABLE TRANSPORT

3.3.1 PUBLIC TRANSPORT

The site and study area are accessible by public transport with Sandringham Railway Station located in close proximity. This is the last stop on the Sandringham railway line extending to Melbourne CBD. The station is accessible by a 350m (4-minute) walk from the development site.

A number of bus routes are also accessible from Sandringham Station including:

- Routes 600, 922 and 923 between Southland Shopping Centre and St Kilda Station; and
- Route 822 between Chadstone Shopping Centre and Sandringham via Murrumbeena and Southland Shopping Centre.

A map of the public transport routes in the vicinity of the study area is provided in **Figure 9**.



Figure 9 Public transport map

3.3.2 WALKING

The study area has good walking facilities in place with pedestrian footpaths provided on both sides on Abbott Street and all surrounding roads. Gipsy Way is shared between vehicles and pedestrians.

The development site achieves a 'Walk Score' of 87 out of a possible 100 at www.walkscore.com.au, indicating that it is 'Very Walkable' and that 'most errands can be accomplished on foot'.

The study area is within a convenient walking distance to Sandringham activity centre which provides a variety of retail, commercial and food and drink tenancies, as well as the train station.

3.3.3 CYCLING

The study area is accessible by bicycle, with on-road bike lanes provided along both sides of Abbott Street. Gipsy Way is shared between vehicles and cyclists.

3.4 CRASH HISTORY

An assessment of the crash history of the study area was undertaken by analysing crash data for the past five calendar years obtained from the Department of Transport and Planning (DTP) Road Crash Information database. The database contains all reported casualty crashes which include the categories of Fatal, Serious Injury and Other Injury crashes. Non-injury or property damage only crashes are not included in this database.

The categories of crash severity are defined as follows:

- Fatal Injury – one or more persons are killed in the crash, or die within 30 days from injuries sustained in the crash;
- Serious Injury – one or more persons are admitted to hospital as a result of injuries sustained in the crash; and
- Other Injury – one or more persons are given medical treatment sustained in the crash.

In the vicinity of Gipsy Street, only one (1) crash has been recorded in the past 5 years. This occurred on Bamfield Street to the north of the development site as seen in **Figure 10**. The crash event occurred on 1 January 2019 at 5:27pm. This was a Serious Injury crash involving the collision of a vehicle with a vehicle parked on the left of the road. The conditions at the time were clear and dry.



Figure 10 Crash statistics map

Based on the above, it can be concluded that there are no identifiable patterns of crash activity in the vicinity of the site.



4 TRAFFIC AND PARKING CONDITIONS

4.1 TRAFFIC VOLUMES

Council commissioned tube count surveys on Gipsy Street to quantify the existing traffic conditions in the laneway. These were placed for 7 days from 18 June 2023, toward the Beaumont Street intersection and approximately at the rear of No 45 Abbott Street, as depicted in **Figure 11**.



Figure 11 Tube count survey locations

The tube count situated near Beaumont Street (#1) captures all vehicles entering and exiting the study section of Gipsy Way, given the bollards preventing through traffic and assuming vehicles cannot access Gipsy Way through property from another frontage road.

By review of the traffic volume data of tube count 1, it is concluded that traffic volumes peak in a westbound direction (exiting Gipsy Way) in the AM peak hour of 8:00am-9:00am and in an eastbound direction (entering Gipsy Way) in the PM peak hour of 5:00pm-6:00pm. This is to be expected for a residential street, with residents leaving and arriving home from work typically in these periods.

The average weekday traffic volumes in Gipsy Way during these peak hours are presented in **Figure 12**, with detailed data provided in **APPENDIX 1**.

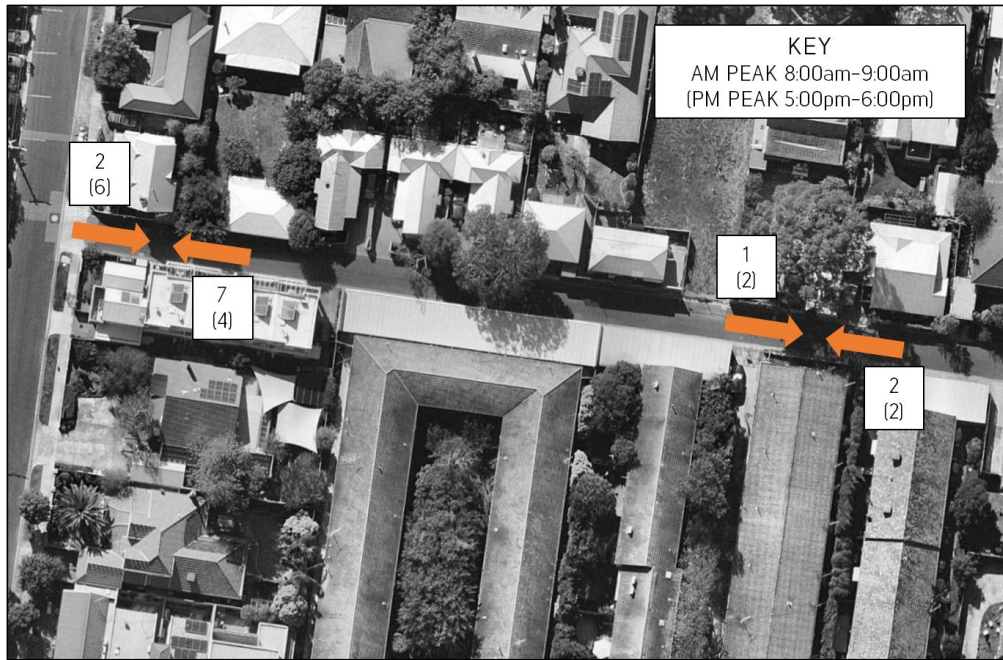


Figure 12 Weekday average peak hour traffic volumes

Further information can be obtained from the tube count data as summarised in Table 1. This is sourced from the data of tube count #1 which provides the maximum traffic volume data of vehicles into and out of Gipsy Way.

Table 1 Traffic volume information summary

TRAFFIC DIRECTION	VOLUME FEATURE	VALUE
EASTBOUND	Weekday average daily traffic	50 vehicles per day
	7-day average daily traffic	47 vehicles per day
	Weekday average heavy vehicles	3.2%
WESTBOUND	Westbound daily traffic	56 vehicles per day
	7-day average daily traffic	53 vehicles per day
	Weekday average heavy vehicles	5.0%
TWO-WAY	Weekday average daily traffic	106 vehicles per day
	7-day average daily traffic	100 vehicles per day
	Weekday average heavy vehicles	4.1%
	7-day average bicycles	8.2%

4.2 TRAFFIC SPEEDS

The tube counters on Gipsy Way as per **Figure 11** also capture the speed of vehicles travelling along the laneway. The tube count located at the rear of No 45 Abbott Street (#2) is expected to capture the peak vehicle speeds along this section of Gipsy Way as it is situated approximately mid-way along this section, where vehicles typically reach peak speeds.

The weekday average 85th percentile traffic speeds in each direction at each count location are presented in **Figure 13**, with detailed data provided in **APPENDIX 2**. 85th percentile speeds are the speed at which 85% of vehicles travel at or below and is commonly assessed in comparison to the speed limit or environment to identify any speeding issues or concerns.



Figure 13 Weekday average traffic speeds

Gipsy Way has no posted speed limit. Given the nature of the laneway having a straight alignment and narrow carriageway, the traffic speeds experienced in **Figure 13** are generally to be expected for such a street. However, as discussed later, these speeds are higher than desirable for a shared vehicle and pedestrian environment.

4.3 PEDESTRIAN MOVEMENTS

Council also commissioned a pedestrian count at the Beaumont Street end of Gipsy Way to quantify the number and demographic of pedestrian movements into and out of the laneway at this location, as shown in **Figure 14**.

The survey was carried out on a typical weekday, Wednesday 14 June 2023, from 7am – 7pm.

Eastbound and westbound pedestrians were counted in 15-minute intervals, separated into the following demographics:

- Adult;
- Accompanied Child;
- Unaccompanied Child;
- Elderly;
- Disabled; and
- Cyclist.





Figure 14 Pedestrian count location

By analysis of the pedestrian count data, it was concluded that the peak hours of pedestrian activity occur between 7:30am-8:30am and 4:30pm-5:30pm. The pedestrian movements during these peak hours are presented in Figure 15 and summarised in Table 2.

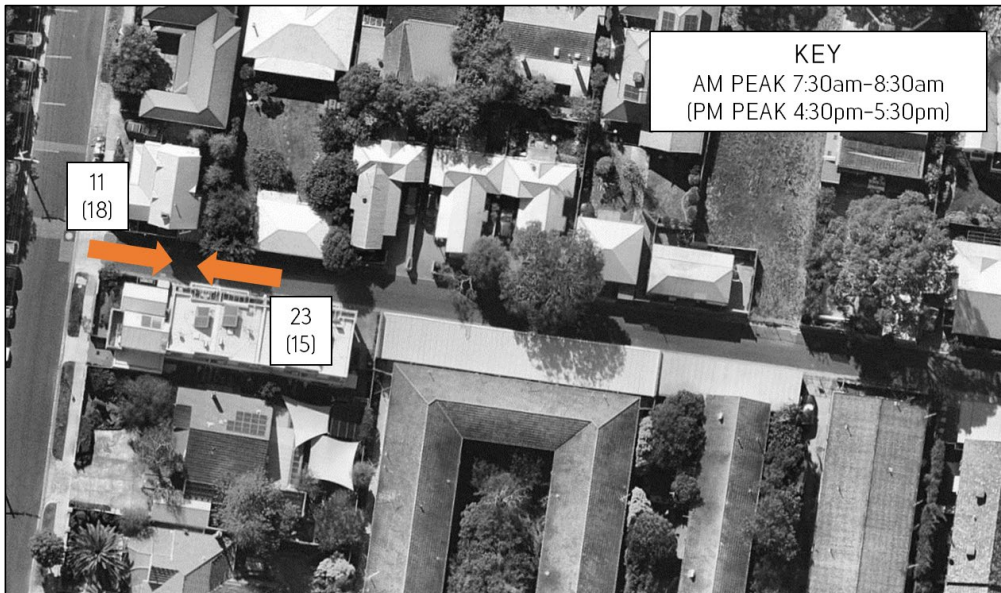


Figure 15 Pedestrian peak hour data

Table 2 Peak hour pedestrian movement summary

Demographic	AM Peak Hour (7:30am-8:30am)		PM Peak Hour (4:30pm-5:30pm)	
	Eastbound	Westbound	Eastbound	Westbound
Adult	10	17	12	12
Accompanied Child	0	0	0	0
Unaccompanied Child	0	2	0	0
Elderly	0	0	0	0
Disabled	0	0	0	0
Cyclist	1	4	6	3
TOTAL	11	23	18	15

The majority of the pedestrian movements were undertaken by adults; however, some vulnerable people were observed to walk along Gipsy Way. This includes unaccompanied children, of which two (2) were observed to walk westbound between 8:00am-8:15am.

Few vulnerable people were observed to walk along Gipsy Way including a total of:

- Five (5) accompanied children;
- Three (3) unaccompanied children;
- Two (2) elderly people; and
- Zero (0) people with visible disability.

It is noted that the peak hour pedestrian periods partially overlap with the peak hour for vehicle movements which increases the risk to pedestrians sharing the laneway with vehicles.

This data shows that the peak hour pedestrian volumes are greater than the peak hour vehicle volumes. For example, there are a total of 34 pedestrians present in the AM peak hour, compared to only 9 vehicles. In the PM peak period, there are 33 pedestrians present, compared to only 10 vehicles. This shows that Gipsy Way is currently used primarily as a pedestrian accessway.

Across the full 12-hour survey period (7am – 7pm), a total of 157 pedestrian movements and 29 cyclist movements were observed. This is likely to be lower than in the warmer months of the year.

4.4 CAR PARKING UTILISATION

In order to ascertain existing conditions and utilisation of on-street parking in the vicinity of Gipsy Way, car parking occupancy surveys were commissioned to occur over a series of typical days. The surveys were conducted on the following days and times which were prior to the school holidays and not affected by any public holidays:

- Saturday 17 June 2023 between 8:00am-8:00pm;
- Tuesday 20 June 2023 between 8:00am-8:00pm; and
- Wednesday 21 June 2023 between 8:00am-8:00pm.

The areas surveyed included on-street parking on Abbott Street, Beaumont Street, Harston Street Trentham Street and Fernhill Road in the vicinity of the study area, as depicted in **Figure 16**.





Figure 16 Parking survey areas

The results of the parking survey are presented in the following diagrams, with detailed data provided in APPENDIX 4. This included all on-street parking that could potentially be utilised by visitors to the area including 1-hour, 2-hour and unrestricted parking. It does not include any areas where parking is not permitted.

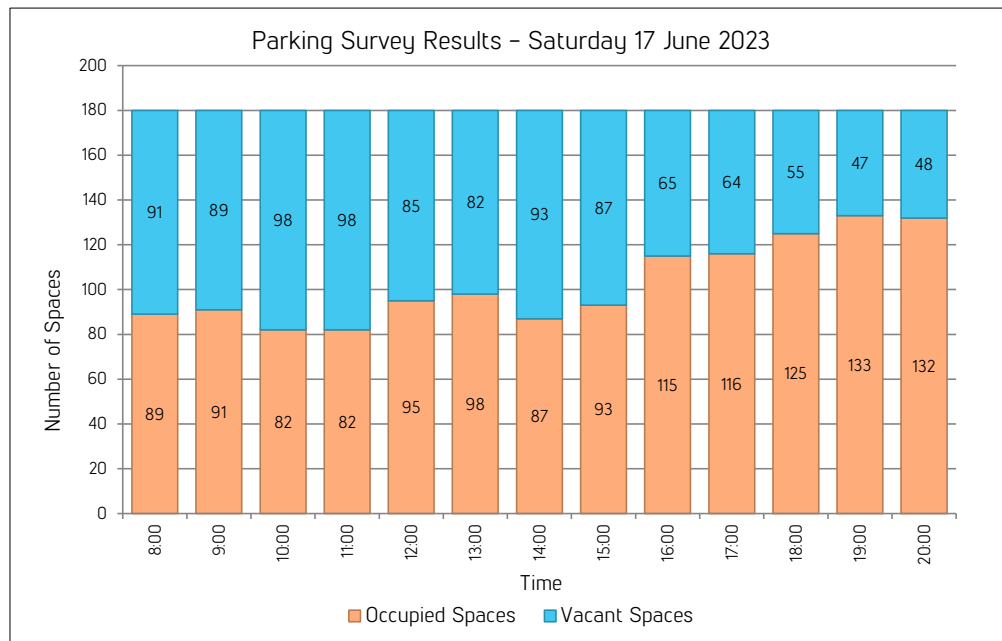


Figure 17 Parking survey results – Saturday 17 June 2023



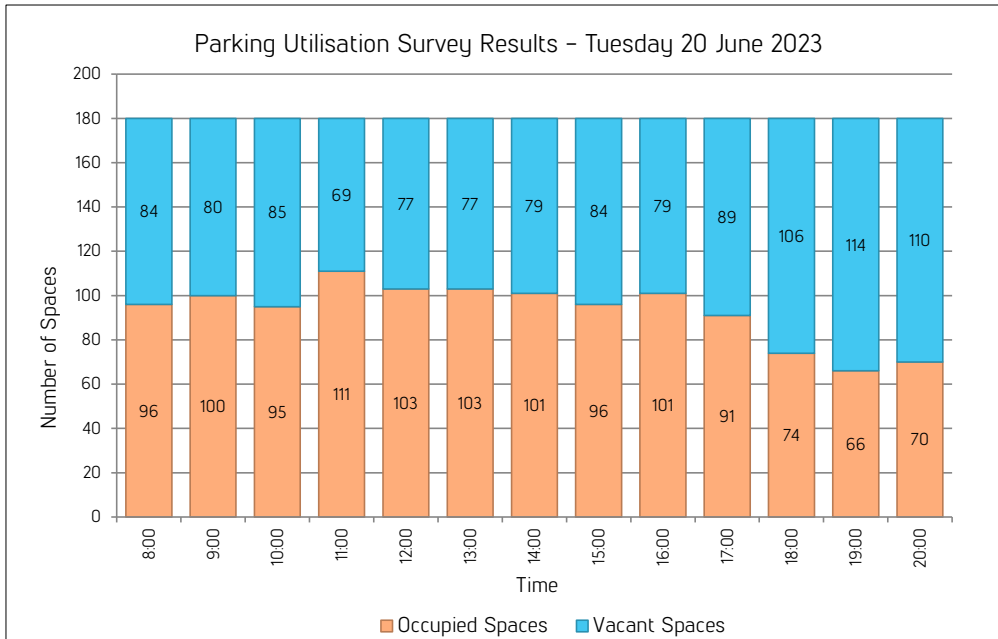


Figure 18 Parking survey results – Tuesday 20 June 2023

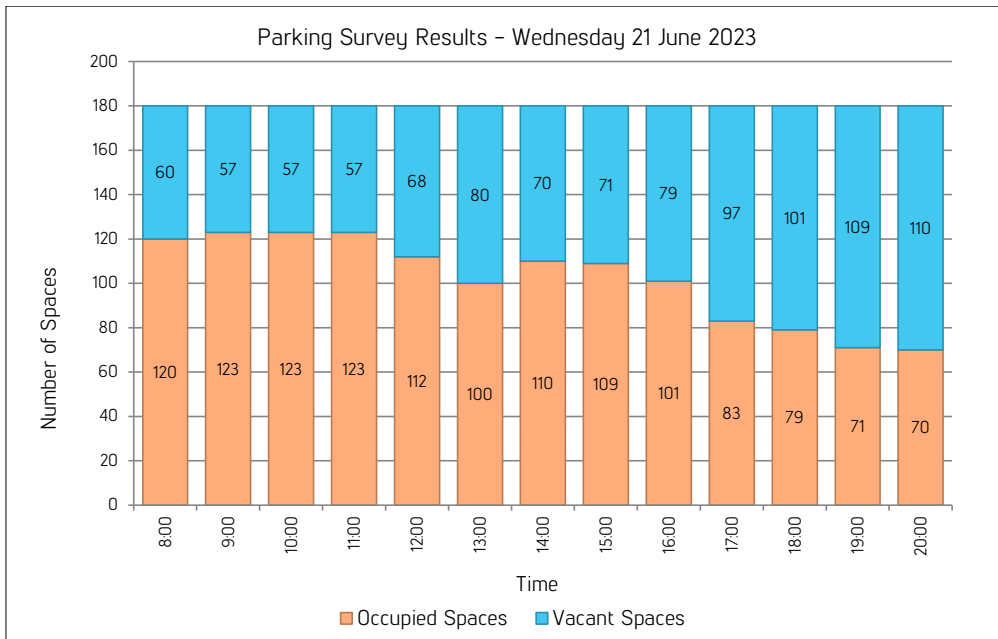


Figure 19 Parking survey results – Wednesday 21 June 2023

Based on the above, it can be concluded that parking is moderately utilised in the vicinity of the development site. the peak parking demand occurred on the Saturday evening with 133 spaces utilised at 7:00pm. This represents an occupancy of 74%, leaving 47 spaces vacant.



At no time on the days surveyed did on-street parking become fully utilised. Parking occupancy decreases slightly over the weekday afternoon / evening period and increases over the weekend afternoon / evening period.

From these results, there is adequate on-street parking in the vicinity to accommodate any additional visitor parking demands associated with the residential development.

4.5 SITE OBSERVATIONS

A site inspection was undertaken on Wednesday 12 July 2023 between 9:30am-10:30am to further understand the existing conditions and environment of Gipsy Way and the surrounding streets. The following information was noted:

- Many pedestrians (approximately 5 people or groups) were observed to walk along Gipsy Way, including children and people with pets (see **Figure 20**);
- People tend to naturally walk along the centre of the Gipsy Way carriageway;
- A Council service vehicle (weed control) was observed to drive along Gipsy Way, removing the bollards to allow through movement;
- Some residences have pedestrian access (typically secondary access, but also primary access) from Gipsy Way (see **Figure 21**);
- By speaking with some local residents:
 - People currently feel safe walking along Gipsy Way with the low traffic volumes and bollard preventing through movements and high speeds;
 - Gipsy Way provides a good pedestrian connection to Sandringham Station and Activity Centre, with a railway underpass nearby;
 - Residents further east tend to choose to walk along Gipsy Way rather than Abbott Street or other street with footpaths;
- Many properties are provided with carports along Gipsy Way that would require vehicles to reverse out directly onto Gipsy Way, posing a risk to oncoming pedestrians or vehicles (see **Figure 22**);
- Some carports and garages have limited sight distances when exiting onto Gipsy Way, situated next to walls (see **Figure 23** and **Figure 24**); and
- The site frontage on Abbott Street shows potential for vehicle access, with further investigations into the trees and potential flood levels.



Figure 20 Example of pedestrians on Gipsy Way





Figure 21 Example of pedestrian access from Gipsy Way



Figure 22 Carport access from Gipsy Way



Figure 23 Carport restricted sight lines



Figure 24 Garage restricted sight lines

5 PROPOSED DEVELOPMENT IMPACTS

5.1 PROPOSAL

The proposal involves the development of a new residential development at 49-51 Abbot Street, Sandringham. This is to be a three-storey building with a basement car park, comprising:

- 27 apartments, including:
 - 10 x two-bedroom dwellings; and
 - 17 x three-bedroom dwellings.
- 54 car parking spaces; and
- 11 bicycle parking spaces (secure within the basement).

Vehicular access is proposed to occur via a new 3m wide crossover to Gipsy Way with a ramp to the basement car park. Pedestrian access is to occur via the main entrance on Abbott Street. Waste collection is to occur via a private contractor from the basement car park.

5.2 TRAFFIC CONSIDERATIONS

5.2.1 TRAFFIC GENERATION

Traffic generation has been estimated within the Traffic Impact Assessment report prepared by Ratio Consultants (21 September 2022) for the development application. This assumed:

- Each dwelling generates six (6) trips per day for a total of 162 trips per day;
- 10% of the total trips (16 trips) occur in each of the AM and PM peak hours.
- In the AM peak hour, trips are distributed as 20% arrivals / 80% departures, equating to 3 in / 13 out;
- In the PM peak hour, trips are distributed as 60% arrivals / 40% departures, equating to 10 in / 6 out.

These assumptions are reasonable for a development of this scale and nature.

All trips will be generated to/from the west on Gipsy Way considering the bollards preventing through movements to the east. The resulting estimated traffic distribution is depicted in **Figure 25**.



Figure 25 Estimated peak hour traffic distribution

It is noted that the existing lots provide two (2) dwellings accessed from Gipsy Way. Applying the same assumptions, these dwellings currently generate 12 trips per day and 1 trip during each peak hour.

Therefore, the proposal results in a net increase of 150 trips per day and 15 trips during each peak hour which equates to 1 vehicle every 4 minutes on average.

Currently, Gipsy Way is utilised by a weekday average of 106 vehicles per day. The addition of 150 vehicles associated with the proposal is a significant increase of approximately 140%.

5.2.2 ONE-LANE PROBABILITY ASSESSMENT

The proposed vehicle access comprises a one-lane ramp from Gipsy Way to the basement car park. Vehicles cannot pass when entering and exiting the site and must give-way to any oncoming vehicles.

This results in the potential of queuing occurring on Gipsy Way whilst vehicles give-way to existing vehicles. The probability of this occurring is calculated as follows:

- The critical period is the PM peak hour with 10 vehicles arriving and 6 vehicles departing; and
- The ramp has a length of 18.7m and vehicle speeds are assumed at 10km/hr along the ramp.

Therefore, during the critical PM peak hour:

- Inbound vehicles occupy the one lane access for 2.4% of the PM peak hour, therefore there is a 2.4% chance of the access being occupied as an outbound vehicle arrives to the ramp;
- Outbound vehicles occupy the one lane access for 1.4% of the PM peak hour, therefore there is a 1.4% chance of the access being occupied as an inbound vehicle arrives to the access on Gipsy Way.

There is therefore a low risk of queuing expected to occur on Gipsy Way.

5.2.3 TRAFFIC IMPACTS

Based on the above, the proposal is expected to generate relatively low levels of traffic during the weekday peak hours, with minimal risk of queues and delays at the site entrance.

However, the proposal is expected to generate an additional 150 trips per day on Gipsy Way, in comparison to the existing weekday average traffic volume of 106 vehicles per day. This results in 256 daily trips (two-way).

Under Clause 56.06 of the Planning Scheme, an 'Access Lane' has a target maximum volume of 300 vehicles per day. Therefore, the proposed additional traffic is not expected to exceed the target volume for the laneway; however, it is a significant increase from the existing traffic volumes, and it leaves little scope for future increases.

5.3 PARKING CONSIDERATIONS

As per the Traffic Impact Assessment report prepared by Ratio Consultants (21 September 2022) for the development application, the proposal generates a statutory parking requirement of 44 spaces to residents which is exceeded by the proposed basement car park of 54 spaces. The proposal does not generate a requirement to provide visitor parking as it is located within the Principal Public Transport Network (PPTN).

Whilst not required to provide visitor parking, the development may have some visitors arrive by vehicle and park on-street in the vicinity. It is estimated that the development may generate a visitor parking demand of up to one (1) vehicle per 5 dwellings, equating to 5 spaces.

It is noted that the existing lots provide a total of 8 dwellings which, when applying the same assumptions, may currently be generating a visitor parking demand of 1 space. Therefore, the proposed development results in a net increase of up to four (4) visitor vehicles parking on-street in the vicinity.

The parking utilisation surveys undertaken in the vicinity of the site found adequate parking availability at all times on weekday and weekends to accommodate an additional four (4) vehicles. The existing peak parking demand was found to occur on a Saturday at 7:00pm when 133 vehicles were parked on-street. The addition of up to four (4) vehicles on-street at this time would still leave 43 spaces vacant.

6 CONCLUSIONS AND RECOMMENDATIONS

Based on the preceding assessment, it can be concluded that Gipsy Way currently serves primarily as a pedestrian thoroughfare with few vehicle movements during peak hours and across each day.

The proposed residential development would significantly increase the number of vehicles utilising Gipsy Way each day, from 106 to 256 daily movements (on average). The vehicle volumes will therefore start to exceed the pedestrian volumes, which is currently not the case.

Increasing the number of vehicles on Gipsy Way increases the exposure, and hence risk, to pedestrians who utilise the carriageway as no footpaths are provided. It also increases the level of risk to drivers exiting from garages and carports that have limited or no visibility.

In order to reduce these risks, I recommend the following:

6.1 ABBOTT STREET ACCESS

Firstly, it is recommended that vehicle access to the residential development be provided from Abbott Street. It is understood that this was previously explored by the applicant and was not deemed feasible as it would result in the following:

- *The need for Tree 11 to be removed which Council's Arborist has advised would not be supported to be removed;*
- *The need for the removal of existing street trees;*
- *A reduction in front garden space which is not encouraged by neighbourhood character policy; and*
- *Going against Neighbourhood Character Policy which encourages access to car parking facilities to be accessed from rear boundaries where possible.*

Whilst we acknowledge these issues, a number of alternative solutions could be explored to provide vehicular access from Abbott Street, including:

- There is seemingly opportunity to provide access to Abbott Street whilst avoiding Tree 11 and street trees. For example, at the existing crossovers near the boundary between number 49 and 51 – refer **Figure 26**.
- Separate entry and exit crossovers and ramps could be provided, at narrower widths (3.6m between walls, these could utilise the existing crossovers on Abbott Street, for example, the easternmost crossover on each property.
- A car lift (or ramp) could be provided and accessed via the existing western crossover of number 49. This could be set back into the site to allow a passing area to be provided on-site whilst avoiding Tree 11 – refer to **Figure 27** for a sketch of this arrangement.

It is noted that a passing area at the property boundary is not required in this case under Clause 52.06 of the Planning Scheme; hence, a single width crossover is acceptable.

Putting the above options aside, in my view the safety impacts of providing vehicle access to Gipsy Lane would mean that removing Tree 11 (or other trees) is a preferable outcome if it means a ramp can be provided beginning at the Abbott Street property boundary.



Figure 26 Abbott Street existing crossovers

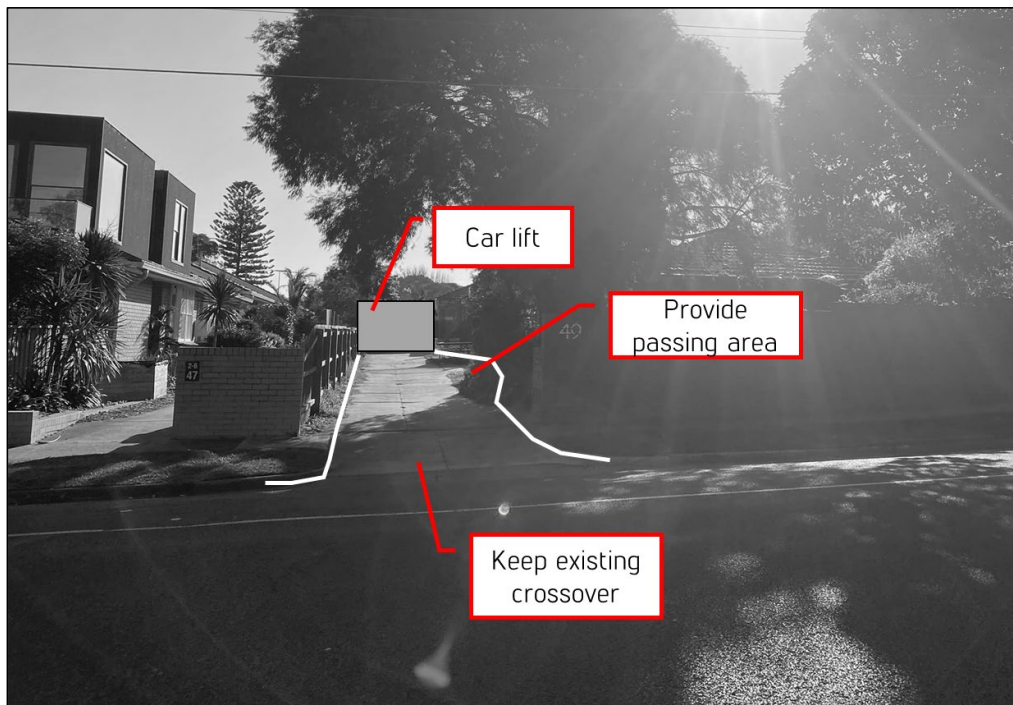


Figure 27 Car lift arrangement sketch

6.2 SHARED ZONE TREATMENT

Regardless of whether the proposed residential development goes ahead or not with access from either frontage, it is recommended that measures be implemented to improve pedestrian safety on Gipsy Way.

Gipsy Way is an Access Lane that currently acts as an informal Shared Zone between vehicles, pedestrians and cyclists. Under Clause 56.06 of the Bayside Planning Scheme, an Access Lane has the following design criteria:

Access Lane	
A side or rear lane principally providing access to parking on lots with another street frontage.	
Traffic volume ¹	300vpd
Target speed ²	10kph
Carriageway width ³ & parking provision within street reservation	5.5m ⁶ wide with no parking spaces to be provided. Appropriately signed.
Verge width ⁴	No verge required.
Kerbing ⁵	
Footpath provision	None Carriageway designed as a shared zone and appropriately signed.
Cycle path provision	None

Figure 28 Access Lane – Clause 56.06 Design Criteria

It can be seen that an Access Lane should be designed as a Shared Zone that is appropriately signed.

AustRoads Guide to Traffic Management Part 8: Local Area Traffic Management provides the following description of a Shared Zone:

A shared zone is an area utilised by both pedestrians and vehicular traffic in which drivers must give way to pedestrians at all times, and where the street environment has been adapted for very low-speed vehicles. Shared zones should aim to change the image and character of a street so that drivers are made aware that they are entering a street environment with driving conditions that are quite different to other more common situations. This can be achieved by the use of different coloured and/or textured pavement surfaces, by the use of full width flush paving between property lines and through landscaping. Shared zones must be designed in such a way that the low speed environment is reinforced through the physical layout and treatment. A speed limit of 10 km/h is considered appropriate in shared zones to compliment these speed environment changes.

The VicRoads (now DTP) supplement to the above AustRoads guide gives the following recommended locations:

- *Low volume streets where pedestrians outnumber motor vehicles and where the pedestrian needs are best met by walking on the roadway; and*
- *Where the street has been constructed or reconstructed to a sufficient degree to ensure significant visual interruption and where speed is physically restrained; and*
- *Where there is no cross motor traffic.*

Having regard to all the above, together with my observations and the available data, I recommend formalising a Shared Zone to properly give priority to pedestrians and alert drivers to the likely presence of pedestrians along the carriageway.

A Shared Zone can be achieved with appropriate signage at the entry to Gipsy Way (refer **Figure 29**) and line marking including symbols (refer **Figure 30**) and decorative pavement marking (refer **Figure 31**) to alert drivers. It is recommended that this extends for the full length of Gipsy Way (Beaumont Street to Nelson Street) for consistency.

The resulting Gipsy Way Shared Zone is depicted indicatively in **Figure 32** for the Beaumont Street entrance.



Figure 29 Shared zone signage example



Figure 30 Shared zone pavement marking example



Figure 31 Shared zone line marking example



Figure 32 Gipsy Way shared zone indicative sketch

The above treatments are in line with best practice for Shared Zones, and will also contribute to lower vehicle speeds – noting that the speed data indicates that vehicles are currently travelling at approximately 25km/h, exceeding the target 10km/h speed.

I further note that providing a Shared Zone does not mean that vehicle access from the development site to Gipsy Way would become acceptable. One of the key principles of a shared zone is that pedestrian volumes should outweigh vehicle volumes, which would cease to be the case if the proposal was to go ahead. This is presented in Table 3.

Table 3 Pedestrian vs vehicle volumes in Gipsy Way

Period	Existing Volumes in Gipsy Way		Volumes in Gipsy Way with Development Traffic	
	Vehicles	Pedestrians	Vehicles	Pedestrians
Weekdays 7am – 7pm	92 (weekday average)	157	222 ¹	157

¹ Development volume btw 7am-7pm estimated at 87% of 24-hour volume based on the collected data

It is therefore my advice that vehicle access from the development to Abbott Street should be pursued.

6.3 OTHER OPTIONS EXPLORED

In the preparation of the above recommendations, a number of alternative solutions were explored. This included:

- Providing a pedestrian path along one side of the carriageway. This was not feasible given the narrow width of Gipsy Way. Further, it is deemed safer for pedestrians to walk along the centre of the carriageway to maximise their visibility to drivers, especially as some garages and carports have very limited sight lines adjacent walls;
- Providing vertical deflection devices (such as speed humps) to help control vehicle speeds along Gipsy Way. This was deemed not ideal as they would be tripping hazards for pedestrians; and
- Providing horizontal deflection devices such as lane narrowings and kerb extensions; however, there is little scope for this given the prevalence of driveways along the length of Gipsy Way.



6.4 PARKING AMENITY

The preceding analysis found no major existing issue with parking in the vicinity. The peak demand for on-street parking was found to occur on the Saturday evening with 133 spaces utilised at 7:00pm. This represents an occupancy of 74%, leaving 47 spaces vacant.

The proposed residential development provides more than sufficient parking on-site to accommodate resident parking, however it may add some visitor vehicles parked on-street at times. It is estimated that the proposal may result in a visitor parking demand of up to four (4) spaces. There is adequate capacity among the surrounding road network to accommodate these vehicles at any time, with no changes to parking restrictions necessary.

Therefore, I advise that no changes to, or further introduction of parking restrictions would be necessary if the proposed residential development were to go ahead.



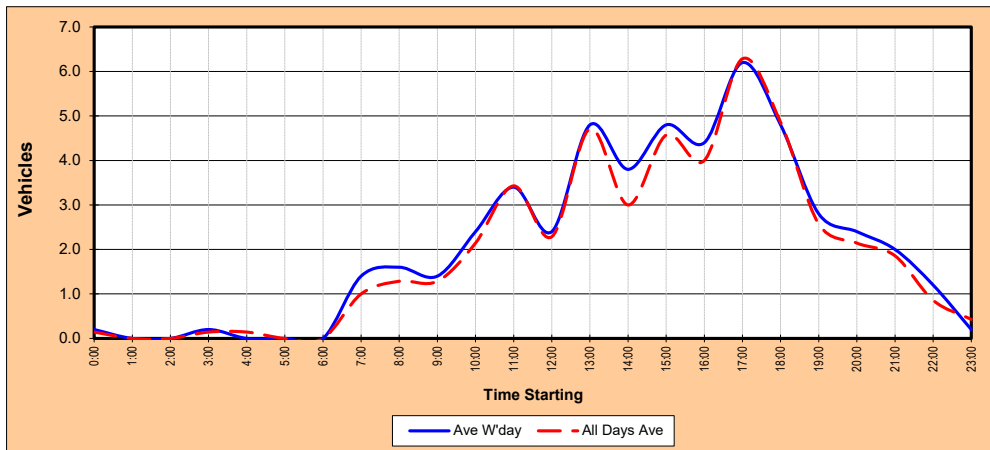
APPENDIX 1 TRAFFIC VOLUME DATA





Road	Gipsy Way	Average Weekday	50
Location	Beaumont St Entrance	All Day Average	47
Suburb	Sandringham	Weekday Heavy's	3.2%
Site No.	738801	All Day Heavy's	3.3%
Start Date	Sunday 18/06/2023		
Direction	Eastbound		

Starting Time	Day of Week							Ave W'day	All Days Ave
	Mon 19-Jun	Tue 20-Jun	Wed 21-Jun	Thu 22-Jun	Fri 23-Jun	Sat 24-Jun	Sun 18-Jun		
AM Peak	3	3	4	4	5	3	6		
PM Peak	6	9	6	9	6	5	9		
0:00	0	0	0	1	0	0	0	0	0
1:00	0	0	0	0	0	0	0	0	0
2:00	0	0	0	0	0	0	0	0	0
3:00	0	0	1	0	0	0	0	0	0
4:00	0	0	0	0	0	1	0	0	0
5:00	0	0	0	0	0	0	0	0	0
6:00	0	0	0	0	0	0	0	0	0
7:00	1	2	1	1	2	0	0	1	1
8:00	2	0	3	1	2	1	0	2	1
9:00	0	2	2	2	1	1	1	1	1
10:00	3	2	1	4	2	3	0	2	2
11:00	3	3	4	2	5	1	6	3	3
12:00	3	2	2	1	4	1	3	2	2
13:00	6	4	5	4	5	4	5	5	5
14:00	3	2	4	6	4	1	1	4	3
15:00	6	4	6	5	3	5	3	5	5
16:00	3	4	5	7	3	2	4	4	4
17:00	5	5	6	9	6	4	9	6	6
18:00	5	9	5	4	1	2	8	5	5
19:00	4	5	0	2	3	3	1	3	3
20:00	1	0	3	4	4	0	3	2	2
21:00	1	0	4	3	2	2	1	2	2
22:00	1	1	1	1	2	0	0	1	1
23:00	0	0	0	1	0	2	0	0	0
Total	47	45	53	58	49	33	45	50	47
% Heavies	10.6%	2.2%	1.9%	0.0%	2.0%	9.1%	0.0%	3.2%	3.3%



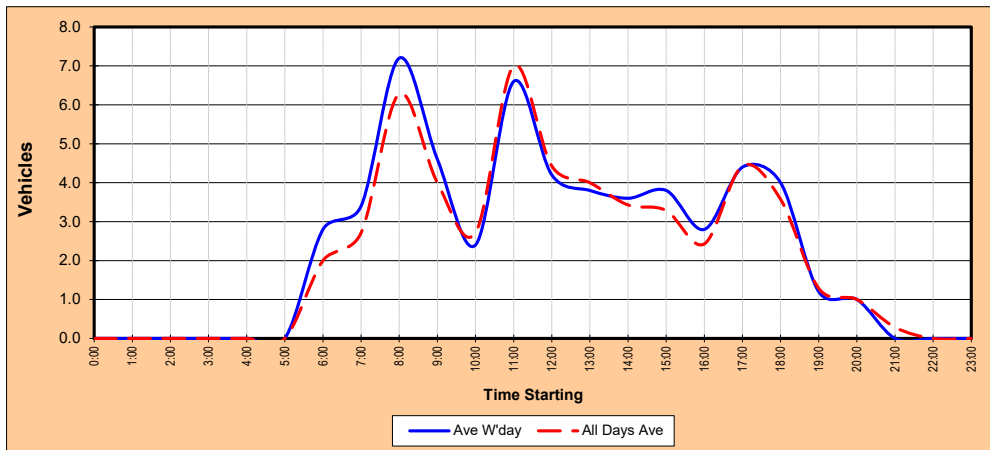
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Volume Summary



Road	Gipsy Way	Average Weekday	56
Location	Beaumont St Entrance	All Day Average	53
Suburb	Sandringham	Weekday Heavy's	5.0%
Site No.	738801	All Day Heavy's	5.4%
Start Date	Sunday 18/06/2023		
Direction	Westbound		

Starting Time	Day of Week							Ave W'day	All Days Ave
	Mon 19-Jun	Tue 20-Jun	Wed 21-Jun	Thu 22-Jun	Fri 23-Jun	Sat 24-Jun	Sun 18-Jun		
AM Peak	5	11	8	9	10	12	5		
PM Peak	5	6	5	6	7	5	8		
0:00	0	0	0	0	0	0	0	0	0
1:00	0	0	0	0	0	0	0	0	0
2:00	0	0	0	0	0	0	0	0	0
3:00	0	0	0	0	0	0	0	0	0
4:00	0	0	0	0	0	0	0	0	0
5:00	0	0	0	0	0	0	0	0	0
6:00	2	6	2	1	3	0	0	3	2
7:00	0	5	8	2	2	2	0	3	3
8:00	4	11	8	9	4	5	3	7	6
9:00	4	1	4	4	10	2	3	5	4
10:00	2	2	3	4	1	2	5	2	3
11:00	5	4	8	9	7	12	4	7	7
12:00	4	3	5	5	4	2	8	4	4
13:00	5	6	0	6	2	5	4	4	4
14:00	2	3	4	6	3	1	5	4	3
15:00	4	4	2	6	3	1	3	4	3
16:00	1	2	4	3	4	1	2	3	2
17:00	3	3	4	5	7	3	6	4	4
18:00	5	2	4	5	4	2	3	4	4
19:00	2	2	0	1	1	1	2	1	1
20:00	0	0	3	1	1	1	1	1	1
21:00	0	0	0	0	0	1	1	0	0
22:00	0	0	0	0	0	0	0	0	0
23:00	0	0	0	0	0	0	0	0	0
Total	43	54	59	67	56	41	50	56	53
% Heavies	7.0%	1.9%	3.4%	9.0%	3.6%	4.9%	8.0%	5.0%	5.4%



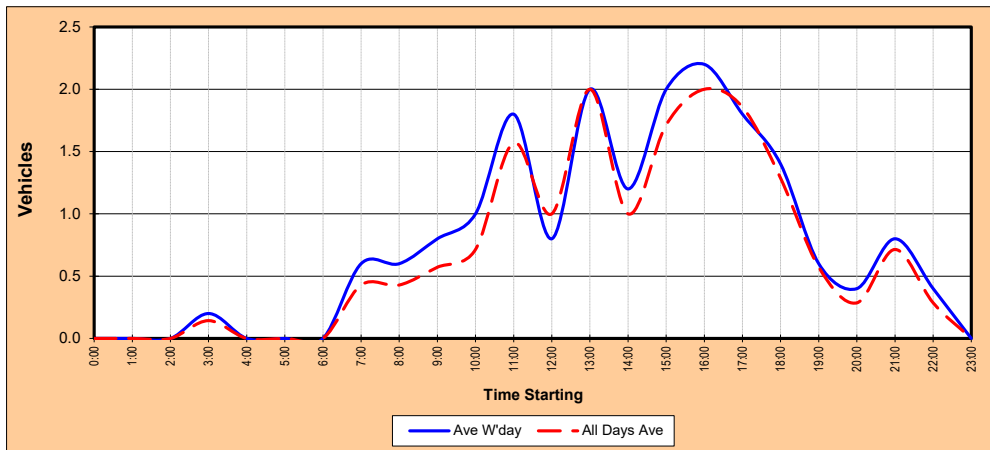
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Volume Summary



Road	Gipsy Way	Average Weekday	19
Location	At Rear Of 45 Abbott St	All Day Average	17
Suburb	Sandringham	Weekday Heavy's	5.4%
Site No.	738802	All Day Heavy's	5.2%
Start Date	Sunday 18/06/2023		
Direction	Eastbound		

Starting Time	Day of Week							Ave W'day	All Days Ave
	Mon 19-Jun	Tue 20-Jun	Wed 21-Jun	Thu 22-Jun	Fri 23-Jun	Sat 24-Jun	Sun 18-Jun		
AM Peak	2	1	2	2	3	0	2		
PM Peak	3	3	4	5	3	2	2		
0:00	0	0	0	0	0	0	0	0	0
1:00	0	0	0	0	0	0	0	0	0
2:00	0	0	0	0	0	0	0	0	0
3:00	0	0	1	0	0	0	0	0	0
4:00	0	0	0	0	0	0	0	0	0
5:00	0	0	0	0	0	0	0	0	0
6:00	0	0	0	0	0	0	0	0	0
7:00	0	1	1	0	1	0	0	1	0
8:00	0	0	0	2	1	0	0	1	0
9:00	0	0	1	2	1	0	0	1	1
10:00	1	0	1	1	2	0	0	1	1
11:00	2	1	2	1	3	0	2	2	2
12:00	1	1	1	0	1	1	2	1	1
13:00	3	2	2	2	1	2	2	2	2
14:00	1	2	1	2	0	0	1	1	1
15:00	1	2	2	2	3	1	1	2	2
16:00	0	2	4	5	0	2	1	2	2
17:00	1	0	3	3	2	2	2	2	2
18:00	1	3	0	2	1	0	2	1	1
19:00	1	1	0	1	0	1	0	1	1
20:00	1	0	1	0	0	0	0	0	0
21:00	1	0	1	1	1	0	1	1	1
22:00	0	0	0	0	2	0	0	0	0
23:00	0	0	0	0	0	0	0	0	0
Total	14	15	21	24	19	9	14	19	17
% Heavies	0.0%	13.3%	0.0%	8.3%	5.3%	0.0%	7.1%	5.4%	5.2%



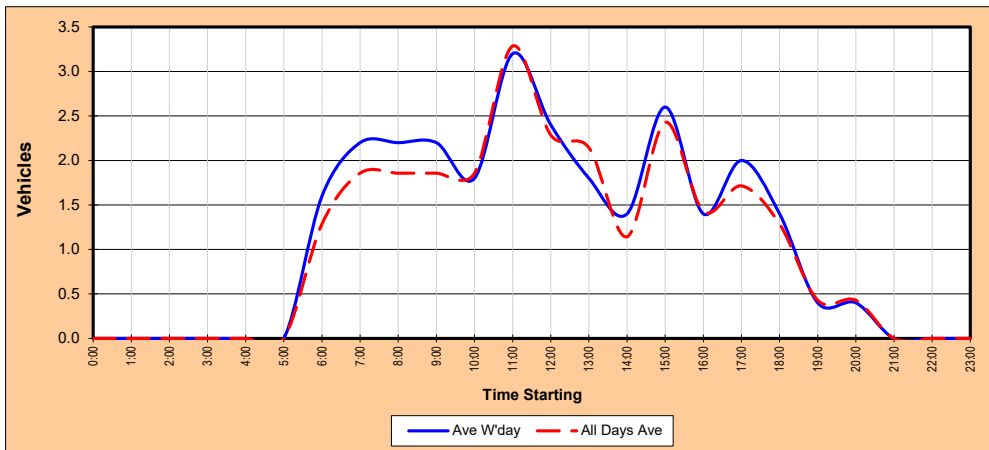
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Volume Summary



Road	Gipsy Way	Average Weekday	27
Location	At Rear Of 45 Abbott St	All Day Average	25
Suburb	Sandringham	Weekday Heavy's	5.9%
Site No.	738802	All Day Heavy's	6.8%
Start Date	Sunday 18/06/2023		
Direction	Westbound		

Starting Time	Day of Week							Ave W'day	All Days Ave
	Mon 19-Jun	Tue 20-Jun	Wed 21-Jun	Thu 22-Jun	Fri 23-Jun	Sat 24-Jun	Sun 18-Jun		
AM Peak	4	4	5	5	4	4	3		
PM Peak	4	4	4	5	2	2	4		
0:00	0	0	0	0	0	0	0	0	0
1:00	0	0	0	0	0	0	0	0	0
2:00	0	0	0	0	0	0	0	0	0
3:00	0	0	0	0	0	0	0	0	0
4:00	0	0	0	0	0	0	0	0	0
5:00	0	0	0	0	0	0	0	0	0
6:00	1	3	1	1	2	1	0	2	1
7:00	1	3	5	1	1	2	0	2	2
8:00	0	4	1	5	1	2	0	2	2
9:00	2	0	3	2	4	1	1	2	2
10:00	1	1	3	4	0	1	3	2	2
11:00	4	1	4	3	4	4	3	3	3
12:00	1	1	4	4	2	1	3	2	2
13:00	4	3	0	2	0	2	4	2	2
14:00	1	1	1	4	0	0	1	1	1
15:00	1	4	1	5	2	1	3	3	2
16:00	0	1	2	2	2	2	1	1	1
17:00	1	1	2	4	2	0	2	2	2
18:00	2	1	2	0	2	2	0	1	1
19:00	0	0	0	1	1	0	1	0	0
20:00	0	0	2	0	0	0	1	0	0
21:00	0	0	0	0	0	0	0	0	0
22:00	0	0	0	0	0	0	0	0	0
23:00	0	0	0	0	0	0	0	0	0
Total	19	24	31	38	23	19	23	27	25
% Heavies	5.3%	4.2%	3.2%	7.9%	8.7%	5.3%	13.0%	5.9%	6.8%



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Volume Summary

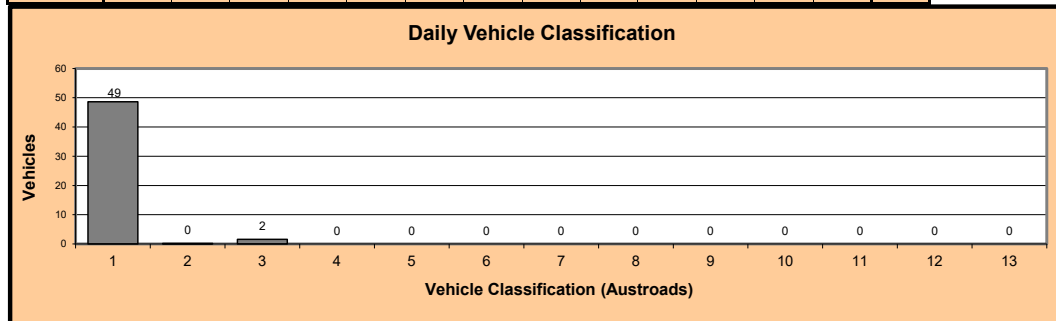
APPENDIX 2 TRAFFIC SPEED DATA





Road	Gipsy Way	ADT	50		
Location	Beaumont St Entrance	Ave Speed	19.6		
Suburb	Sandringham	85%ile	25.5		
Site No.	738801	% Heavy's	3.2%	Peak	Time
Start Date	Sunday 18/06/2023			AM	11:00
Displayed	WeekDay Avg Eastbound			PM	17:00
				Vol	3
					6

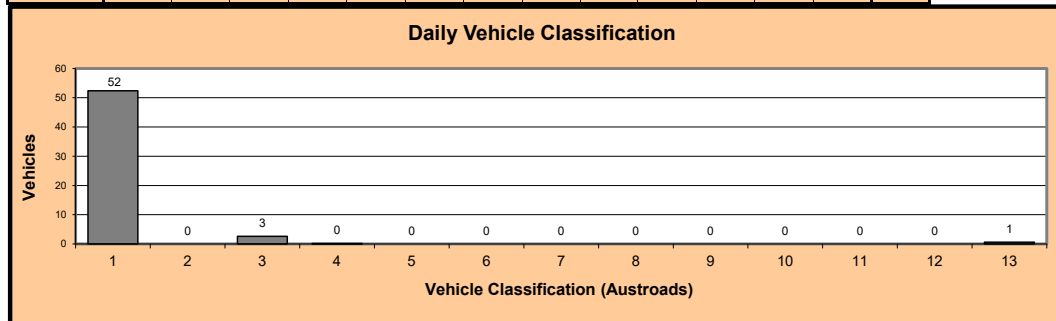
Time Starting	Vehicle Classification													Total	Speed	
	1	2	3	4	5	6	7	8	9	10	11	12	13		Ave.	85%ile
0:00	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	22.6	22.0
1:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
2:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
3:00	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	14.8	14.0
4:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
5:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
6:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
7:00	1.2	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.4	18.5	20.1
8:00	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.6	17.9	19.7
9:00	1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.4	21.5	23.3
10:00	2.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.4	21.1	23.9
11:00	3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.4	21.3	23.4
12:00	2.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.4	20.1	21.1
13:00	4.4	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.8	20.4	23.9
14:00	3.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.8	19.5	22.3
15:00	4.6	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.8	20.6	23.4
16:00	4.2	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.4	20.6	23.2
17:00	5.8	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6.2	17.7	20.7
18:00	4.6	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.8	19.5	23.2
19:00	2.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.8	19.5	21.4
20:00	2.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.4	16.2	18.7
21:00	1.8	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0	18.8	21.2
22:00	1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.2	20.9	20.7
23:00	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	23.1	23.0
Total	49	0	2	0	0	0	0	0	0	0	0	0	0	50	19.6	25.5
	96.4%	0.4%	3.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			





Road	Gipsy Way	ADT	56		
Location	Beaumont St Entrance	Ave Speed	18.5		
Suburb	Sandringham	85%ile	24.6		
Site No.	738801	% Heavy's	5.0%	Peak	Time
Start Date	Sunday 18/06/2023			AM	8:00
Displayed	WeekDay Avg Westbound			PM	17:00
					Vol
					7
					4

Time Starting	Vehicle Classification													Total	Speed	
	1	2	3	4	5	6	7	8	9	10	11	12	13		Ave.	85%ile
0:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
1:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
2:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
3:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
4:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
5:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
6:00	2.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.8	18.7	21.4
7:00	3.0	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.4	15.9	19.4
8:00	6.8	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	7.2	15.9	19.6
9:00	4.4	0.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.6	18.3	21.3
10:00	2.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.4	21.0	22.9
11:00	6.0	0.0	0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6.6	19.2	23.0
12:00	4.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	4.2	19.3	23.0
13:00	3.6	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.8	18.6	22.4
14:00	3.2	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.6	19.4	22.0
15:00	3.2	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	3.8	19.0	21.1
16:00	2.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.8	20.5	22.9
17:00	4.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.4	16.6	17.8
18:00	3.8	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0	19.5	22.5
19:00	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	1.2	21.5	22.8
20:00	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	20.8	22.3
21:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
22:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
23:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
Total	52	0	3	0	0	0	0	0	0	0	0	0	1	56	18.5	24.6
	93.9%	0.0%	4.7%	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.1%			



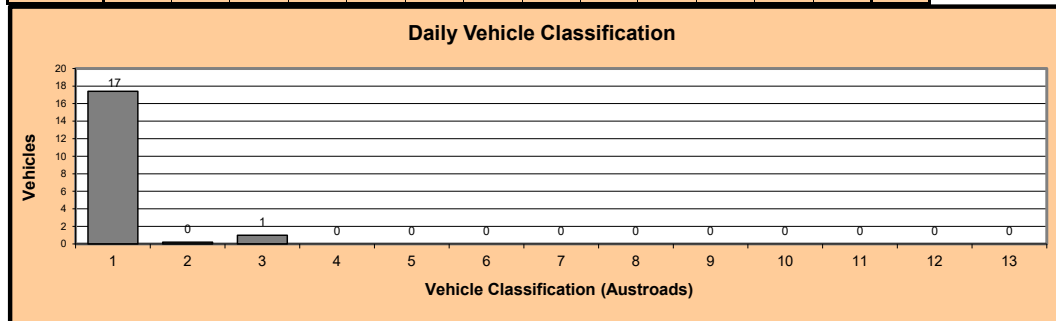
Copyright Austraffic, 1983-2016 (DatXL 3.1.31; 2.39)

Classified Summary



Road	Gipsy Way	ADT	19		
Location	At Rear Of 45 Abbott St	Ave Speed	19.3		
Suburb	Sandringham	85%ile	24.1		
Site No.	738802	% Heavy's	5.4%	Peak	Time
Start Date	Sunday 18/06/2023			AM	11:00
Displayed	WeekDay Avg Eastbound			PM	16:00
					Vol
					2
					2

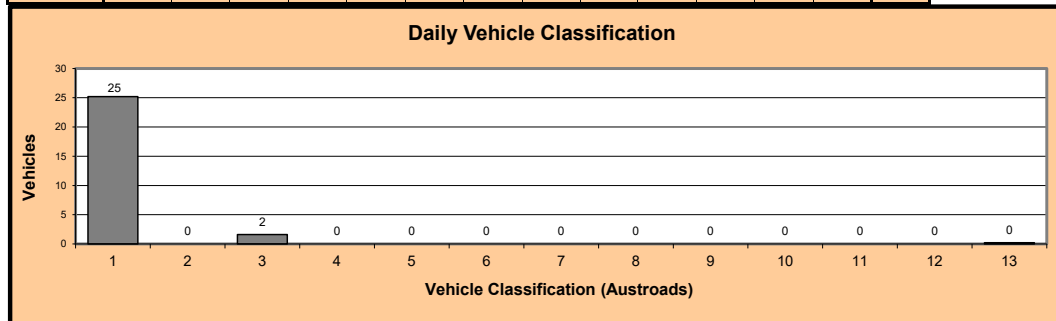
Time Starting	Vehicle Classification													Total	Speed	
	1	2	3	4	5	6	7	8	9	10	11	12	13		Ave.	85%ile
0:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
1:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
2:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
3:00	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	9.0	9.0
4:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
5:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
6:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
7:00	0.4	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.6	20.3	19.7
8:00	0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.6	18.2	18.7
9:00	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.8	19.9	21.4
10:00	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	22.7	22.5
11:00	1.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.8	19.1	20.8
12:00	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.8	19.8	19.3
13:00	1.8	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0	19.3	21.2
14:00	1.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.2	21.2	23.9
15:00	2.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0	20.1	22.8
16:00	2.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.2	19.7	20.3
17:00	1.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.8	17.3	20.6
18:00	1.0	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.4	17.4	18.3
19:00	0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.6	20.4	20.0
20:00	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.4	21.4	21.0
21:00	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.8	18.1	17.8
22:00	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.4	19.9	22.7
23:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
Total	17	0	1	0	0	0	0	0	0	0	0	0	0	19	19.3	24.1
	93.5%	1.1%	5.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			





Road	Gipsy Way	ADT	27		
Location	At Rear Of 45 Abbott St	Ave Speed	20.1		
Suburb	Sandringham	85%ile	25.5		
Site No.	738802	% Heavy's	5.9%	Peak	Time
Start Date	Sunday 18/06/2023			AM	11:00
Displayed	WeekDay Avg Westbound			PM	15:00
				Vol	3
					3

Time Starting	Vehicle Classification													Total	Speed	
	1	2	3	4	5	6	7	8	9	10	11	12	13		Ave.	85%ile
0:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
1:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
2:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
3:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
4:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
5:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
6:00	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.6	21.1	22.6
7:00	1.8	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.2	19.3	21.4
8:00	2.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.2	23.1	24.4
9:00	2.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.2	20.0	21.9
10:00	1.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.8	20.6	22.5
11:00	3.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.2	19.2	21.7
12:00	2.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	2.4	20.4	22.8
13:00	1.6	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.8	21.0	22.1
14:00	1.2	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.4	22.3	23.8
15:00	2.4	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.6	18.6	20.6
16:00	1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.4	21.0	22.1
17:00	1.8	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.0	16.8	18.5
18:00	1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.4	18.1	21.5
19:00	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.4	25.4	24.5
20:00	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.4	20.1	22.0
21:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
22:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
23:00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
Total	25	0	2	0	0	0	0	0	0	0	0	0	0	27	20.1	25.5
	93.3%	0.0%	5.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.7%			



APPENDIX 3 PARKING SURVEY DATA

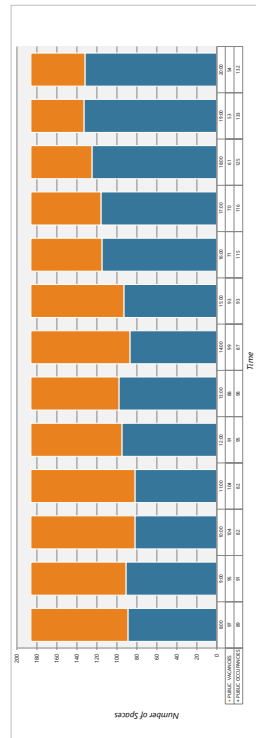


Parking Sandringham



Public Review (Y/N)	Map Ref / Street	Section	Side	Restriction	Clear Way	Capacity	Parking Occupancy											
							8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00
1	Beaumont St	Abbott St to Slippy Way	W	Unrestricted		7	2	2	3	4	6	3	3	4	4	4		
1				1P Beam-Em		4	1	1	1	1	2	2	2	2	2	3		
1				2P Beam-Em Mon-Fri		5	0	0	0	1	2	0	0	2	4	5		
0				No Stopping		2	0	0	0	0	0	0	0	0	0	0		
1		Slippy Way to Heathfield St	W	Unrestricted		21	4	4	4	3	5	3	2	4	3	4		
1				2P Beam-Em Mon-Fri		2	2	2	1	1	1	1	1	1	1	2		
0	Abbott St	Beaumont St to Trenham St	N	No Stopping		2	0	0	0	0	0	0	0	0	0	0		
0				No Stopping		2	0	0	0	0	0	0	0	0	0	0		
1		Trenham St to Trenham St	N	2P Beam-Em		12	8	7	6	5	4	5	5	7	12	8		
1				Unrestricted		6	4	2	3	6	6	6	6	6	6	6		
1		Trenham St to Ferrill Rd	N	2P Beam-Em		22	16	15	13	11	10	12	12	15	16	16		
1				Unrestricted		13	3	5	6	5	6	5	6	5	6	11		
1		Abbott St to Sandringham Rd	W	Unrestricted		16	4	5	4	4	12	14	13	10	17	16		
1				2P Beam-Em		12	4	4	5	5	5	4	5	6	10	11		
1				2P Beam-Em Mon-Fri		3	1	0	0	0	3	2	2	2	3	3		
1		Abbott St to Sandringham Rd	N	2P Beam-Em Mon-Fri, Beam-Em Sat		17	10	11	7	12	13	12	12	11	13	14		
1				Unrestricted		15	10	9	8	5	6	4	5	6	7	5		
1		Ferrill Rd	W	2P Beam-Em Mon-Fri		15	10	12	10	8	7	9	7	6	9	7		
1				2P Beam-Em		3	2	2	2	2	2	2	3	1	2	3		
1				Unrestricted		11	8	7	5	8	6	5	5	5	4	5		
PUBLIC CAPACITY							188	186	188	186	186	186	186	186	186	188	186	
PUBLIC OCCUPANCIES							89	91	82	82	85	88	87	83	115	116	125	133
PUBLIC VACANCIES							97	95	104	104	91	88	99	93	71	70	61	53
PUBLIC % OCCUPANCIES							48%	49%	44%	44%	47%	48%	47%	45%	62%	62%	67%	72%

not available for public parking



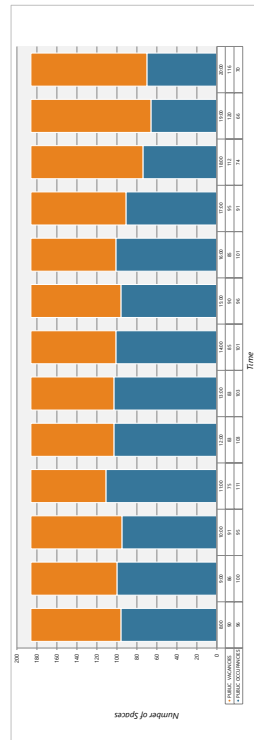
Parking Sandringham



Parking Occupancy Survey
 Date: 15/09/2023
 Location: Sandringham
 Surveyor: [Name]
 Client: [Name]

Public Reserve (PA)	Map Ref / Street	Section	Side	Restriction	Clear Way	Capacity	Parking Occupancy												
							20:00	19:00	18:00	17:00	16:00	15:00	14:00	13:00	12:00	11:00	10:00	9:00	8:00
1	Beaumont St	Abbot St to Slippy Way	W	Unrestricted		7	4	4	4	5	5	4	5	6	3	1	1	2	
1				1P Beam-Em		4	1	2	1	2	2	2	1	1	1	2	2	2	
1				2P Beam-Em Mon-Fri		5	0	2	1	2	3	3	0	0	1	1	1	1	
0				No Stopping		2	0	0	0	0	0	0	0	0	0	0	0	0	
1		Slippy Way to Trenchard St	W	Unrestricted		21	3	3	4	5	4	4	3	4	4	3	3	3	
1				2P Beam-Em Mon-Fri		2	2	2	2	2	2	2	2	2	2	2	2	2	
0	Abbot St	Beaumont St to Trenchard St	N	No Stopping		2	0	0	0	0	0	0	0	0	0	0	0	0	
0				No Stopping		2	0	0	0	0	0	0	0	0	0	0	0	0	
1		Trenchard St to Trenchard St	N	2P Beam-Em		12	6	7	8	8	11	11	9	10	11	12	7	7	
1				Unrestricted		6	6	6	6	6	6	6	6	6	6	4	3	5	
1		Trenchard St to Ferrill Rd	N	2P Beam-Em		22	15	14	15	16	16	15	15	17	14	11	10	10	
1				Unrestricted		13	7	6	8	7	9	8	7	8	4	4	4	4	
1	Hendon St	Abbot St to Sandringham Rd	W	Unrestricted		18	10	10	13	14	9	7	8	6	4	3	2	2	
1				2P Beam-Em		12	6	7	6	9	6	4	1	4	5	4	5	5	
1				2P Beam-Em Mon-Fri		3	2	2	2	3	1	0	1	2	1	2	2	2	
1	Trenchard St	Abbot St to Sandringham Rd	N	2P Beam-Em Mon-Fri, Beam-Em Mon-Fri		17	8	8	9	11	13	12	11	11	9	11	9	10	
1				Unrestricted		15	4	5	5	5	5	5	7	6	6	4	4	4	
1	Ferrill Rd	Abbot St to Sandringham Rd	W	2P Beam-Em Mon-Fri		15	8	6	5	5	6	6	10	7	11	10	6	5	
1				2P Beam-Em		3	2	3	3	3	3	2	3	2	3	2	2	2	
1				Unrestricted		11	6	6	5	5	7	7	8	7	7	6	4	4	
PUBLIC CAPACITY							188	188	188	188	188	188	188	188	188	188	188	188	
PUBLIC OCCUPANCIES							96	100	95	111	103	101	96	101	91	74	66	70	70
PUBLIC VACANCIES							90	88	91	77	83	83	85	90	85	95	112	120	118
PUBLIC % OCCUPANCIES							51%	54%	51%	60%	55%	54%	51%	53%	48%	35%	35%	38%	

not available for public parking



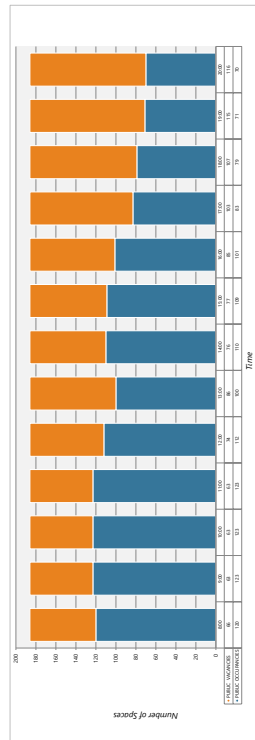
Parking Sandringham



Parking Occupancy Survey
 Date: 21/09/2023
 Location: 151 Parkside, 151-155/157
 Method: 151-155/157
 Surveyor: SNT

Public Reserve (PA)	Map Ref / Street	Section	Side	Restriction	Clear Way	Capacity	Parking Occupancy												
							8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00
1	Beaumont St	Abbot St to Slippy Way	W	Unrestricted		7	5	6	6	6	7	6	4	3	3	2			
1				1P Beam-Em		4	2	3	3	4	2	4	3	3	2	2	1	1	
0				2P Beam-Em Mon-Fri		5	2	2	2	2	3	2	1	3	0	0	0	0	
1				No Stopping		2	0	0	0	0	0	0	0	0	0	0	0	0	
1		Slippy Way to Trenchard St	W	Unrestricted		21	5	7	6	4	5	4	3	3	3	2	2		
1				2P Beam-Em Mon-Fri		2	2	2	2	1	1	2	2	2	1	1	2		
0	Abbot St	Beaumont St to Trenchard St	N	No Stopping		2	0	0	0	0	0	0	0	0	0	0	0	0	
0				No Stopping		2	0	0	0	0	0	0	0	0	0	0	0	0	
1		Trenchard St to Trenchard St	N	2P Beam-Em		12	11	8	9	7	7	9	9	6	5	5	5	5	
1				Unrestricted		6	6	6	6	6	6	6	6	6	6	6	6	6	
1		Trenchard St to Ferrill Rd	N	2P Beam-Em		22	17	15	15	15	17	17	16	16	14	13	14	14	
1				Unrestricted		13	9	10	10	9	8	9	8	7	6	5	4	4	
1		Abbot St to Sandringham Rd	W	Unrestricted		16	15	14	14	15	7	8	10	9	6	6	3	2	
1				2P Beam-Em		12	11	10	7	12	9	3	5	4	5	3	5	5	
1				2P Beam-Em Mon-Fri		3	2	2	2	3	2	1	2	2	1	2	2	2	
1	Trenchard St	Abbot St to Sandringham Rd	N	2P Beam-Em Mon-Fri, Beam-Em Sat		17	9	10	13	11	11	9	11	10	9	8	11	11	
1				Unrestricted		15	5	6	5	5	4	6	5	4	5	3	2		
1	Ferrill Rd	Abbot St to Sandringham Rd	W	2P Beam-Em Mon-Fri		15	10	11	13	10	10	9	9	11	12	10	7	6	
1				2P Beam-Em		3	2	2	2	2	2	2	3	3	2	2	2	2	
1				Unrestricted		11	7	7	8	7	5	7	6	5	7	7	5	4	
PUBLIC CAPACITY							186	186	186	186	186	186	186	186	186	186	186	186	
PUBLIC OCCUPANCIES							120	123	123	123	110	110	100	101	83	79	71	70	
PUBLIC VACANCIES							66	63	63	63	74	86	76	77	85	103	107	115	
PUBLIC % OCCUPANCIES							65%	66%	66%	66%	59%	59%	54%	54%	43%	39%	38%	38%	

not available for public parking





Map and Surveyed Area



APPENDIX 4 PEDESTRIAN VOLUME DATA



Child - Accompanied Children
UnAcc - Unaccompanied Children

nationwide
Client: Bayside City Council
Name: City Way Traffic and Pedestrian Count
Job No.: 6594
City Way
Date: Wed 14/09/2023
Time: 7am to 7pm
Weather: Fine

Table with columns for Vehicle Movements and Pedestrian Movements, including sub-columns for direction (East/West) and mode (Car, Truck, etc.). Rows list time intervals from 7:00 to 19:00.

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4.3 2 ST JAMES MEWS, BRIGHTON NOMINATION FOR SIGNIFICANT TREE REGISTER

City Planning and Amenity - Amenity Protection
File No: PSF/23/179 – Doc No: DOC/23/251378

The powers and functions of the Planning and Amenity Delegated Committee provide for the Committee to determine upon any application made under clause 21 of Council's Neighbourhood Amenity Local Law specifically relating to the nomination of significant trees.

Executive summary

Purpose and background

The purpose of this report is to consider including a nomination for a Pin Oak (*Quercus palustris*) at 2 St James Mews, Brighton (the property), for inclusion on to Council's Significant Tree Register (the register).

In 1996, Council established a Significant Tree Register which is maintained in accordance with the Bayside Significant Tree Management Policy (the policy). There are currently three Pin Oak (*Quercus palustris*) on the register.

Officers recommend inclusion of the nominated tree onto the register following assessment against the policy's criteria.

Key issues

Council received a nomination from the owner of the property for inclusion onto Council's Significant Tree Register, of a Pin Oak (*Quercus palustris*), located approximately 2m from the east boundary and approximately 2m from the north boundary at 2 St James Mews, Brighton.

The nominator of the tree seeks significant status under the following criteria:

- Social – Contribution to Landscape

Independent Arboriculture Assessment

An assessment of the tree was undertaken in July 2023 by Arbor Survey who determined the tree met the following policy criteria:

- Scientific – Particularly old or venerable
Tree was likely planted in approximately the 1950s which would make the tree almost 80 years old. This is consistent with tree size.
- Scientific – Outstanding for its height, trunk circumference or canopy spread
One of the larger trees in the area providing a high visual amenity.
- Scientific – An outstanding example of the species
Tree is of good structure with no major structural defects.
- Social – Unique location or context
Likely part of the original planting within the old school site.
- Social – Contribution to landscape
Highly visible at the end of St James Mews and located in the front setback of the property.

- Aesthetic – A really great looking tree
The tree has good form with a symmetrical canopy.

Recommendation

That Council:

1. grants significant tree status for a Pin Oak (*Quercus palustris*), located approximately 2m from the east boundary and approximately 2m from the north boundary at 2 St James Mews, Brighton
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

Support Attachments

1. Independent arborist report dated 6 July 2023 ↓

Considerations and implications of recommendation

Social

Increased protection of trees identified as Significant supports a broad range of environmental outcomes and enhances the health, wellbeing and amenity of the community of life in Bayside.

Natural Environment

Significant trees, through their age, size, and rarity of planting or association with historical events directly contribute to Bayside's natural environment including significant environmental benefits.

Climate Emergency

Significant trees support the goals and objectives of Council's Climate Emergency Action Plan by helping to protect and enhance our natural environment.

Built Environment

Significant trees can help combat the urban heat island effect; however, there is often tension caused by the maintenance and upkeep requirements of Significant trees on surrounding buildings and landowners' desires to develop their land.

Customer Service and Community Engagement

There are no customer service or community engagement issues associated with this report. The tree owner has been made aware of the nomination. Both the tree owner and the nominator have been notified of the date of the meeting and how to make submissions.

Trees listed on the Significant Tree Register are displayed on Council's website.

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 implications arising from consideration of this report.

Council's Local Law provides protection for trees recorded on Council's Significant Tree Register.

Finance

This report has been developed through existing operating budget provisions.

Links to Council policy and strategy

Is in line with Council's Significant Tree Management Policy 2020 and supports relevant plans and policies: <https://www.bayside.vic.gov.au/council/plans-strategies-and-policies>



37 Arbor Way
 Carrum Downs VIC 3201
 T: 03 8521 4966
 E: office@arborsurvey.com.au
 W: www.arborsurvey.com.au
 ABN: 59611545101

Independent Significant Tree Register Review
Assessment of tree condition and inclusion of 1 tree into Bayside Council's Significant Tree Register

Site address: 2 St James Mews, Brighton
Tree assessment conducted: 6 July 2023 (12:30pm)
Assessed by: Mark Reynolds (Principal Consulting Arborist)

Assessment Methodology

The subject tree of this review has been inspected from ground level only at the time as noted above. The tree's condition has been assessed based on the industry standards. The review of the application has been undertaken in accordance with the eligibility framework of Bayside Council's Significant Tree Register. The eligibility framework is based upon the National Heritage Trust Significant Tree Register.

Background

Arbor Survey has been engaged by Bayside City Council to provide an independent review of the significance and condition of 1 *Quercus palustris* (Pin Oak) located within the front setback of the property. The subject tree is located close to the northern boundary line as shown in Figure 1.





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Tree Assessment Details

Botanical Name:	<i>Quercus palustris</i>
Common Name:	Pin Oak
Trunk DBH (cm):	81
Basal Dia (cm):	104
Height (m):	16
Canopy Spread (m):	13
Age Class:	Mature
Origin:	Exotic
Amenity Value:	High
Health:	Good
Structure:	Good
Useful Life Expectancy:	25+ Years

Reasoning/ Comments: The tree provides a high level of amenity and is visually significant to the surrounding streetscape. The Pin Oak is likely part of the original planting within the old school site. The tree is in good health and good structure with good wound wood development. The tree has a codominant stem union with no included bark or visible swelling at 1.5 metres high (Figure 2).



Figure 2: Codominant stem union



Significant Tree Assessment Framework		
Scientific	Yes/No	Comments
Important source of seed or propagating stock	No	The trees are not considered to be an important source of propagation stock
Particularly resistant to disease or exposure	No	Tree is not of any specific resistance to disease
Species or variety that is rare or of a very localised distribution	No	Commonly planted
Particularly old or venerable	Yes	Tree was likely planted around the middle of the last century (1950's) which would make the tree almost 80 years old. This is consistent with tree size
Remnant native vegetation	No	Exotic species
Outstanding for its height, trunk circumference or canopy spread	Yes	One of the larger trees in the area providing a high visual amenity
An outstanding example of the species	Yes	Tree is of good structure with no major structural defects
Social		
Unique location or context	Yes	Likely part of the original planting within the old school site
Contribution to landscape	Yes	Highly visible at the end of St James Mews
Associated with Aboriginal activities	No	Exotic tree
Important landmark	No	No evidence to suggest
Spiritual and religious associations	No	No evidence to suggest
Contemporary association with the community	No	No evidence to suggest
Historic		
Forms part of an historic park, garden or town	No	Not part of a recognised historic park or garden
Commemorates an occasion e.g. memorial or ceremonial plantings such as Avenue of Honour	No	Not listed on Trust Trees
Associated with an important event	Unknown	Not known
Associated with an important person, group or institution	Unknown	Not known



Aesthetic		
A really great looking tree	Yes	The tree has good form with a symmetrical canopy
Exhibits curious growth form or unusual physical features whether naturally occurring, resulting from natural events or human intervention	No	Tree's form is typical for the species
Is a better than an average example of its species, or in its particular location	Yes	A tree of this species and age can present with significant structural defects, however, as previously stated, this specimen does not have any major structural defects and generally has good form

Summary conclusions

As this tree is considered of high visual amenity to the local landscape with no major health or structural issues, Council should consider the tree for inclusion on the register based on the trees' good form, good health and good structural condition and the benefits the tree provides to the local landscape.



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Photographic References



**4.4 2 CHURCH STREET, BEAUMARIS
LOCAL LAW TREE REMOVAL
APPLICATION: 2023/142**

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/203207

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 an exotic protected tree, *Ulmus glabra* 'Lutescens' (Golden elm) at 2 Church 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 (VPO) of the Bayside Planning Scheme in Beaumaris; however, permission for removal is considered under Clause 21 of Council's Local Law as a protected 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 2015 (the policy).

Key issues

The applicant requested tree removal due to the following reasons:

- Tree health and risk

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 structure and provides a high level of amenity to the area. The tree has a Useful Life Expectancy greater than 20 years with a high retention value.

The height of the tree is approximately 7m height with a canopy width of approximately 10m. It is located approximately 2.5m from the dwelling in the front setback.

The applicant reasons for removal are not grounds for removal within the policy. There are no other reasons for tree removal.

1. Assessment of General Criteria (1 criteria to be met)Assessment of General Criteria

In accordance with the Policy, only **one criteria** from the following list needs to be met to provide a tree removal permit. This application has been assessed as follows:

General Criteria (1 criterion to be met)

Criteria	Meets Criteria Yes/No	Comments
Building Permits Building permit issued and tree cannot be retained.	No	Not raised by applicant.
Medical Condition Certificate from medical doctor/specialist indicating tree is causing a specific allergenic problem that is reducing the quality of life and there is no other way to manage the problem.	No	Not raised by applicant.
Tree location Report from licensed and/or qualified person in their field providing evidence of structural damage to building, services or infrastructure or is a risk to people or property, which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree or the risk posed by the tree (assessed by QTRA).	No	No report has been submitted by the applicant.
Tree location (table 2)	No No No	Not within 2 metres of the applicant's or the neighbour's dwelling. Not within 1 metre of garage/carport. No crossover approved within structural root zone.
Quantified Tree Risk Assessment (QTRA) Risk calculated as 1 in 30,000 or less.	No	Not raised by applicant.
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.

Assessment of tree health, structure (2 Criteria to be met)

In accordance with Council's Management of Tree Protection on Private Property Policy 2015, two **criteria** from the following list needs to be met to provide a tree removal permit.

Criteria	Meets Criteria Yes/No	Comments
Poor Health	No	Assessed by Council's Arborist as being in fair health.
Poor Structure	No	Assessed by Council's Arborist as having fair structure.
Sustainable life expectancy (less than 5 years)	No	Assessed by Council's Arborist as having a sustainable life expectancy less than 10 years.
The amenity value of the tree is moderate or low	No	Amenity value assessed by Council's Arborist as high.
There are at least two other trees on the property that are protected by Local Law, have a sustainable life expectancy of more than 10 years and are not subject to a current removal permit application or existing permit.	No	There are no other trees on property that meet the Local Law protection criteria.
Written letters of support provided by property owners/tenants (four) living adjacent or opposite the property	No	Not raised by applicant.
Demonstrated financial hardship and inability to undertake routine maintenance – no source of income and receiving Centrelink payments	No	Not raised by the applicant.

Recommendation

That Council resolve to **Refuse to Issue a Local Law Tree Removal Permit** for removal of one *Ulmus glabra* 'Lutescens' (Golden elm) tree, as a protected tree at **2 Church Street, Beaumaris**.

Considerations and implications of recommendation

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

The replacement tree will help offset the impacts the loss of the tree will have in the longer term.

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 Policy 2015.

Support Attachments

1. Tree location and photograph ↓

Attachment 1



Figure 1 Aerial overview of the site and tree location

Legend	
Subject site	★
Subject tree	○



View of the subject tree from the northwest.

4.5 17 CAVELL COURT, BEAUMARIS LOCAL LAW TREE REMOVAL APPLICATION: TP2023/166

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/235297

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 an exotic protected tree, *Liquidambar styraciflua* (Sweet gum) at 17 Cavell Court, 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 (VPO) of the Bayside Panning Scheme in Beaumaris; however, permission for removal is considered under Clause 21 of Council's Local Law as a protected 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 2015 (the policy).

Key issues

The applicant requested tree removal due to the following reasons.

- Poor health
- Landscaping

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 fair structure and provides high amenity to the area. The tree has a Useful Life Expectancy greater than 20 years with a high retention value. The height of the tree is approximately 14m height with a canopy width of approximately 9m.

The applicant reasons for removal are not grounds for removal within the policy. There are no other reasons for tree removal.

1. Assessment of General Criteria (1 criteria to be met)

Assessment of General Criteria

In accordance with the Policy, only **one** criteria from the following list needs to be met to provide a tree removal permit. This application has been assessed as follows:

General Criteria (1 criterion to be met)

Criteria	Meets Criteria Yes/No	Comments
Building Permits Building permit issued and tree cannot be retained.	No	Not raised by applicant.
Medical Condition Certificate from medical doctor/specialist indicating tree is causing a specific allergenic problem that is reducing the quality of life and there is no other way to manage the problem.	No	Not raised by applicant.
Tree location Report from licensed and/or qualified person in their field providing evidence of structural damage to building, services or infrastructure or is a risk to people or property, which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree or the risk posed by the tree (assessed by QTRA).	No	No report has been submitted by the applicant.
Tree location (table 2)	No No No	Not within 2 metres of the applicant's or the neighbour's dwelling. Not within 1 metre of garage/carport. No crossover approved within structural root zone.
Quantified Tree Risk Assessment (QTRA) Risk calculated as 1 in 30,000 or less.	No	Not raised by applicant.
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.

Assessment of tree health, structure (2 Criteria to be met)

In accordance with Council's Management of Tree Protection on Private Property Policy 2015, **two** criteria from the following list needs to be met to provide a tree removal permit.

Criteria	Meets Criteria Yes/No	Comments
Poor Health	No	Assessed by Council's Arborist as being in good health.
Poor Structure	No	Assessed by Council's Arborist as having fair structure.
Sustainable life expectancy (less than 5 years)	No	Assessed by Council's Arborist as having a sustainable life expectancy greater than 20 years.
The amenity value of the tree is moderate or low	No	Amenity value assessed by Council's Arborist as high.
There are at least two other trees on the property that are protected by Local Law, have a sustainable life expectancy of more than 10 years and are not subject to a current removal permit application or existing permit.	Yes	There are two other trees on property that meet the Local Law protection criteria.
Written letters of support provided by property owners/tenants (four) living adjacent or opposite the property	No	Not raised by applicant.
Demonstrated financial hardship and inability to undertake routine maintenance – no source of income and receiving Centrelink payments	No	Not raised by the applicant.

In accordance with the policy, if Council were to resolve to grant a permit for the trees removal a condition of the permit would require planting of one indigenous tree capable of reaching a minimum height of 7m and minimum canopy width of 4m at maturity.

Recommendation

That Council resolves to **Refuse to Issue a Local Law Tree Removal Permit** for removal of one Liquidambar styraciflua (Sweet gum) at **17 Cavell court, Beaumaris**.

Considerations and implications of recommendation

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

The replacement tree will help offset the impacts the loss of the tree will have in the longer term.

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 Policy 2015.

Support Attachments

1. Tree Location & Photograph ↓

Attachment 1



Figure 1 - Aerial overview of the site and tree location

Legend	
Subject site	★
Subject tree	○



Figure 2 - View of the subject tree from the east

**4.6 2A RUXTON RISE, BEAUMARIS
LOCAL LAW TREE REMOVAL
APPLICATION: TP2023/184**

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/266130

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 an exotic protected tree, *Hesperocyparis macrocarpa* (Monterey cypress) at 2A Ruxton Rise, 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 (VPO) of the Bayside Planning Scheme in Beaumaris; however, permission for removal is considered under Clause 21 of Council's Local Law as a protected 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 2015 (the policy).

It is noteworthy that the tree was subject to a refusal by Councillors on officer recommendations at the 11 Jul 2023 Planning and Amenity Committee Meeting. However, new evidence has come to light where Council officers are now recommending removal.

Key issues

The applicant requested tree removal due to the following reasons with officer's response in bold italics:

- Tree risk and safety.

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 fair structure and provides a high level of amenity to the area. The tree has a Useful Life Expectancy of less than 5 years with a low retention value. The height of the tree is approximately 24m height with a canopy width of approximately 14m.

Council's arborist applied a QTRA risk assessment to the tree. The risk was 1/3,000 which is under the threshold of 1/30,000 as set out in Council's Management of Tree Protection on Private Property Policy.

Recommendation

That Council resolves to **Issue a Local Law Tree Removal Permit** for removal of one *Hesperocyparis macrocarpa* (Monterey cypress) tree, as a protected tree at **2A Ruxton Rise, Beaumaris**.

1. Assessment of General Criteria (1 criteria to be met)Assessment of General Criteria

In accordance with the Policy, only **one criteria** from the following list needs to be met to provide a tree removal permit. This application has been assessed as follows:

General Criteria (1 criterion to be met)

Criteria	Meets Criteria Yes/No	Comments
Building Permits Building permit issued and tree cannot be retained	No	Not raised by applicant.
Medical Condition Certificate from medical doctor/specialist indicating tree is causing a specific allergenic problem that is reducing the quality of life and there is no other way to manage the problem	No	Not raised by applicant.
Tree location Report from licensed and/or qualified person in their field providing evidence of structural damage to building, services or infrastructure or is a risk to people or property, which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree or the risk posed by the tree (assessed by QTRA).	No	No report has been submitted by the applicant.
Tree location (table 2)	No No No	Not within 2 metres of the applicant's or the neighbour's dwelling. Not within 1 metre of garage/carport. No crossover approved within structural root zone.
Quantified Tree Risk Assessment (QTRA) Risk calculated as 1 in 30,000 or less	Yes	Risk was raised by applicant. A risk assessment was undertaken by Council's arborist and calculated as being (1 in 3,000 and thus described as Unacceptable.

<p>Other Considerations</p> <p>Evidence provided by Council staff indicating the tree has a detrimental impact on surrounding environmental and public health.</p>	<p>No</p>	<p>Not relevant to this application.</p>
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Assessment of tree health, structure (2 Criteria to be met)

In accordance with Council’s Management of Tree Protection on Private Property Policy 2015, two **criteria** from the following list needs to be met to provide a tree removal permit.

Criteria	Meets Criteria Yes/No	Comments
Poor Health	No	Assessed by Council’s Arborist as being in good health.
Poor Structure	No	Assessed by Council’s Arborist as having fair structure.
Sustainable life expectancy (less than 5 years)	Yes	Assessed by Council’s Arborist as having a sustainable life expectancy of less than 5 years. This is directly informed by the QTRA result.
The amenity value of the tree is moderate or low	No	Amenity value assessed by Council’s Arborist as high.
There are at least two other trees on the property that are protected by Local Law, have a sustainable life expectancy of more than 10 years and are not subject to a current removal permit application or existing permit.	No	There are no other trees on property that meet the Local Law protection criteria.
Written letters of support provided by property owners/tenants (four) living adjacent or opposite the property	No	Not raised by applicant.
Demonstrated financial hardship and inability to undertake routine maintenance – no source of income and receiving Centrelink payments	No	Not raised by the applicant.

In accordance with the policy, if Council was to resolve to grant a permit for the trees removal a condition of the permit would require planting of one indigenous tree capable of reaching a minimum 75% of the height and width (of the subject tree) at maturity.

Considerations and implications of recommendation

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

The replacement tree will help offset the impacts the loss of the tree will have in the longer term.

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 Policy 2015.

Support Attachments

1. Tree Location and Photograph ↓

Attachment 1



Figure 1 Aerial overview of the site and tree location

Legend	
Subject site	★
Subject tree	○



View of the subject tree from the northeast.

**4.7 117 WICKHAM ROAD, HAMPTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/288/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/260555

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	Mr G Plummer
Title/Covenant/S173 Agreement	The title is not subject to any restrictive covenants.
Date application received	14 June 2022
Current statutory days	79 days
Zoning	Neighbourhood Residential Zone (Schedule 3)
Overlays	Design and Development Overlay (Schedule 3) Development Contributions Plan Overlay (Schedule 1)
Site area	1087 square metres
Number of outstanding objections	4
Is a Development Contribution Levy applicable?	Yes, catchment area 15B - \$2,949
Is the site located within an area of cultural heritage sensitivity?	Yes, however a cultural heritage management is not required.

Proposal

The application seeks the construction of two dwellings on a lot. Key details of the proposal are as follows:

- Construction of two dwellings, situated one behind the other, with a maximum building height of 6.58m.
- No front fence proposed.
- Site coverage: 40.61%.
- Permeability: 41.65%.
- Garden area: 40.71%.
- A double garage per dwelling accessed from Wickham Road.

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 controlsPlanning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-6 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.

Garden Area

Pursuant to Clause 32.09-4, the construction of a dwelling or residential building on a lot over 650 square metres, requires the provision of a minimum of 35% garden area. The development plans confirm that the development has a garden area of 442.15 square metres which equates to 40.71% and exceeds the minimum of 35% garden area required.

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultationExternal 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.
Open Space Arborist	No objection, subject to conditions.
Addressing	No objection.

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of *the Planning and Environment Act 1987* and four (4) objections were received.

Four objections remain outstanding at the time of this report.

The following concerns were raised:

- Overlooking.
- Overshadowing.
- Wall on boundary heights.
- Landscaping near driveway.
- Previous tree on site was poisoned.
- Boundary fencing.
- Structural impacts to adjoining properties.

Consultation meeting

A consultation meeting was held on 17 November 2022 attended by the permit applicant and objectors. As a result of this meeting the applicant attempted to address objections through the provision of amended plans as outlined below.

Section 57a Amendment

The applicant formally amended the plans on 15 June 2023 in response to the objections received.

The amendments include the following:

- Dwelling 1 BBQ area deleted.
- Dwelling 2 garage width extended from 4.6m to 5m.
- Reduction in height of Garage 1 (wall on boundary) to an average maximum height of 3.15 metres (in compliance with Standard B18).
- Reduction in overshadowing impacts so there is now no additional overshadowing as a result of the proposed development.
- The canopy tree to rear of Dwelling 1 has been shifted further west to minimise shadow to 2/119 Wickham Road.
- Vegetation on the western boundary has been set further from the front setback to increase visibility for vehicles entering and exiting the site.
- Updated Elevations to ensure existing boundary fence to 1/3 Evans Street is accurately nominated.
- Updated Elevations to clearly demonstrate existing and proposed walls on boundary.

The amended plans were circulated to the objectors; however, no objections were withdrawn.

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 **2022/288/1** for the land known and described as **117 Wickham Road, Hampton East**, for the **construction of two dwellings on a lot** 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 Section 57a Amended Plans prepared by Crowhurst Building Design, referenced Ground Floor, First Floor, Roof Plan, Elevations, date April 2023 but modified to show:
 - a) the western driveway to Dwelling 2 to be at least 3m wide
 - b) screening of the ground floor gallery, dining and bed 4 windows associated with Dwelling 2 complying with Standard B22, alternatively the provision of a 1.8 metre high visual barrier in accordance with Clause 55.04-6
 - c) a Sustainable Design Assessment in accordance with Condition 10
 - d) a Landscaping Plan in accordance with Condition 11
 - e) a Tree Management and Protection Plan in accordance with Condition 14
 - f) provision of the development contributions fee in accordance with Condition 25

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. 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
 - 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

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 plan drawn by Bayview Landscaping, reference TP LS, dated April 2023 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
 - f) where practicable, the inclusion of green walls at appropriate locations
 - g) planting schedule to be a minimum of 80% indigenous species
 - h) any new canopy tree to be located at least 1m away from any property boundary
 - i) existing tree to be retained on the eastern side within Dwellings 2's private open space to be identified on the plans.
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.
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 (TPMP) for Private & Public Open Space Trees

14. Prior to the endorsement of plans pursuant to Condition, 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 stage (demolition, construction, landscaping) of all tree protection measures to be utilised
 - i) 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.

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. 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.
19. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 3.0 metres of the street tree *Platanus orientalis Digitata*, asset Id 436760 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.
20. Root pruning within the TPZ (Tree Protection Zone)
- a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - b) All roots that will be affected must be correctly pruned in accordance with AS4373-2007 'Pruning of Amenity Trees'.
 - c) Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.

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. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the western property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.
24. 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.

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:
 - 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.

Rear (Northern) Dwelling – 117A Wickham Road HAMPTON EAST 3188

Front (Southern) Dwelling – 117B Wickham Road HAMPTON EAST 3188

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.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

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.

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.

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 16 Housing

- 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 53.18 Stormwater Management in Urban Development
- 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 acceptable level of compliance with the general objectives and strategies of Bayside preferred neighbourhood character policy as well as the preferred character policy guidelines and/ preferred character strategies for the precinct.

The site is located on the northern side of Wickham Road, east of Nepean Highway. The surrounding properties include predominantly an older stock of single storey brick dwellings with an emerging presence of contemporary double storey dwellings. There is also a mixed character of fencing within the street, ranging from low brick fencing to high permeable fencing.

The proposal includes the construction of two double storey dwellings, each with a flat roof form. The dwellings are situated one behind the other with two driveways, one on the eastern side accessing Dwelling 1 and one on the western side accessing Dwelling 2 to the rear of the site. The battle axe layout will allow the development to sit comfortably within the existing streetscape as it presents as one dwelling on a lot to the street.

The proposal retains one tree along the eastern side property boundary, maintaining some of the landscaping characteristics of the site and providing a buffer to the adjoining property (3/1 Evans Street) along the eastern boundary. The proposal also seeks to include an addition of four new canopy trees on the site, further enhancing the overall vegetation of the area and contribute to habitat values.

The development includes compliant ground floor side and rear setbacks and adequate ground floor street setbacks, allowing for suitable spacing for landscaping. The generous side setbacks along the development will also allow for substantial spacing between buildings.

The proposed development incorporates design elements into the front façade such as recessed and projecting elements. The front façade also includes a mix of interesting materials, such as render, aluminium and timber cladding, further incorporating design elements that provide greater articulation. Although the proposal does not include a pitched roof form, the flat roof form will allow for a more minimal and contemporary-styled dwelling. The addition of a pitched roof form will create additional visual bulk and shadowing to adjoining properties.

The development does not include any front fencing, further enhancing the openness and informality of the streetscape, maintaining views into a landscape front garden.

Overall, the proposal is acceptable having regards to the existing streetscape character and the emerging contemporary style built form within the area.

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
Wickham Road	9m	8.08m, 7.96m, 9.12m, <u>8.95m</u> - Ground Floor 10.17m, 10.02m at first floor	920mm, 1.04m, 50mm – Ground floor

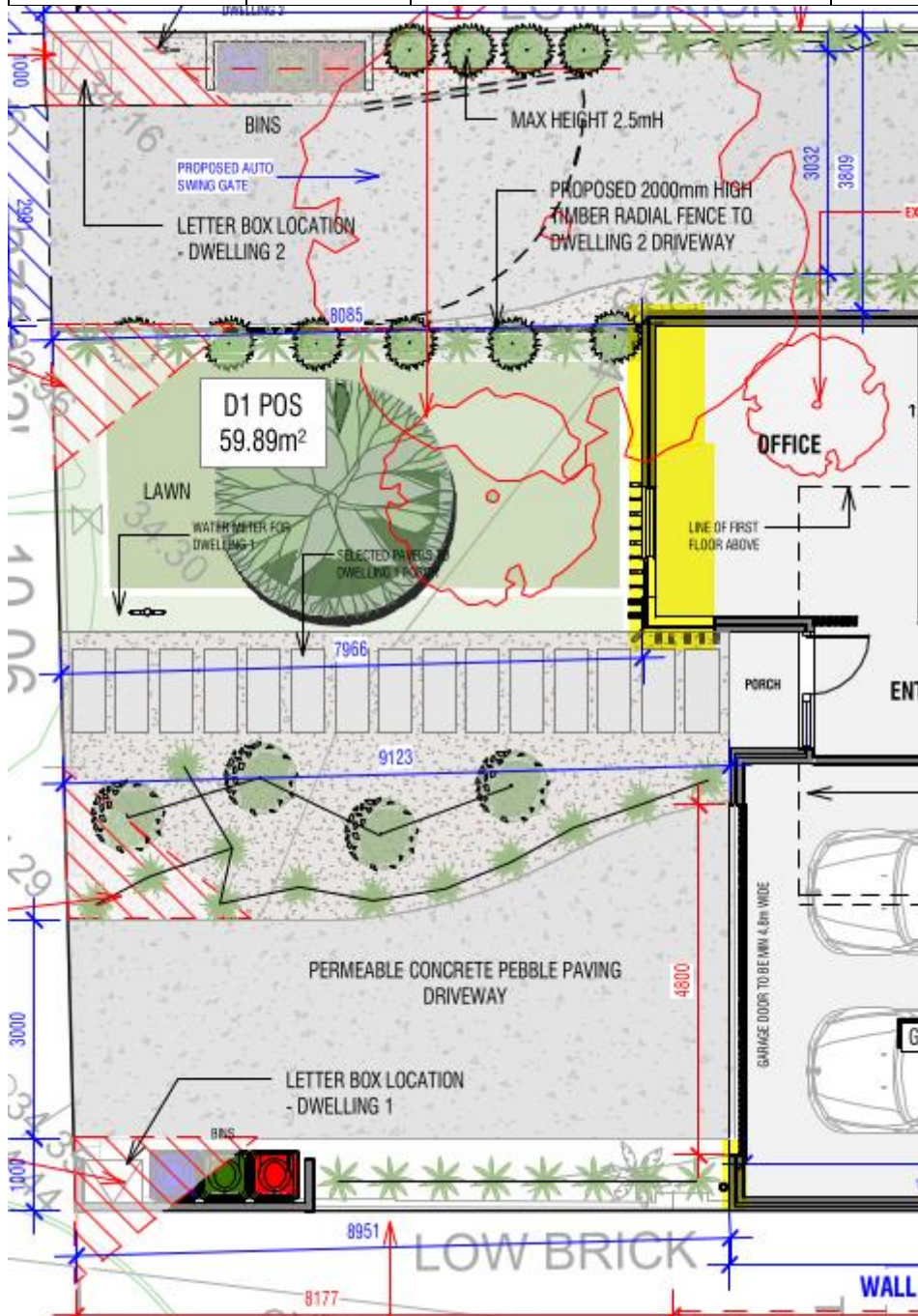


Figure 1: Street setback non-compliances highlighted

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.

Using the table above, the ground floor street setback associated with Dwelling 1 includes areas that are non-compliant. The ground floor street setback is required to be 9m to comply; however, setbacks of 7.96 – 8.08m have been proposed for the office space and 8.95m – 9.12m for the garage.

The 50mm – 1.04m variations are considered to be acceptable as they provide the front façade with articulation. Without these portions, the front façade would have a flat monotonous presentation to the street. It is also noted that the first floor is well setback and fully compliant. The office and garage include materials that also well articulate the facade, eliminating visual bulk. The setbacks are also generous enough to allow for substantial vegetation, including a 15m high Coast Banksia.

Side and rear setbacks (Standard B17)

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
West (side)	0m or 2m	3.80, 5.56m, 6.20m, 5.56m D1 2m D2	3.78m, 3.63m D1 3.53m, 3.44m, 3.40m D2	6.2m, 5.56m D1 <u>3.41m D2</u>
East (side)	0m or 2m	2m D1 2m, 7.51m, 3.41m D2	3.74m, 3.70m D1 3.47m D2	4.32m D1 <u>3.41m</u> , 4.56m, 7.51m, 4.56m D2
North (rear)	0m or 3m	3.40m, 3.67m D2	4.5m	5.02m, 5.21m D2

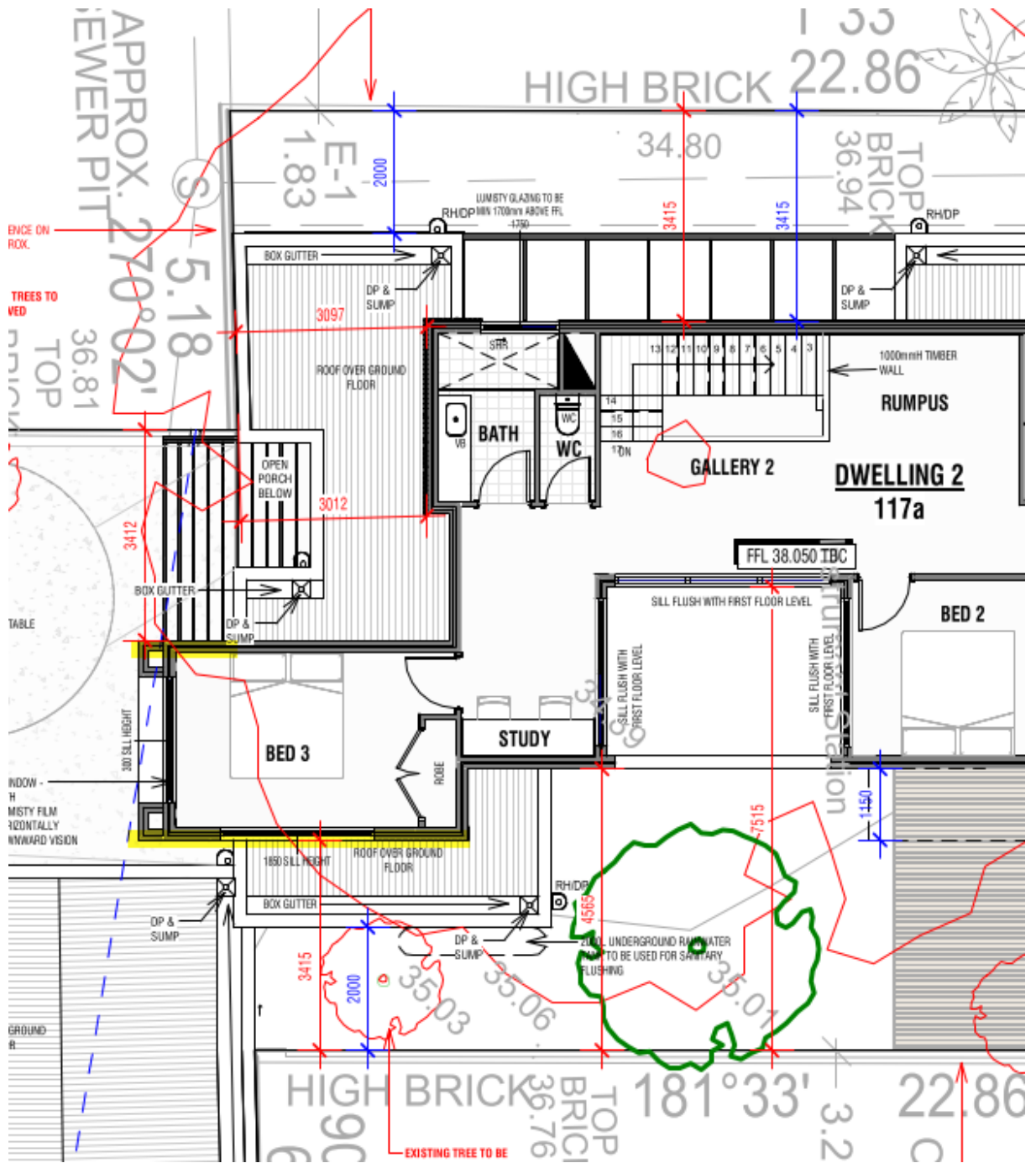


Figure 2: Side setback non-compliances highlighted

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.

Using the table above, there are a couple of non-compliances associated with Dwelling 2's first floor. The portions that do not comply are the eastern and western sides of bedroom 3, the remainder of the setbacks comply. The western side setback is proposed to be 3.41m, where the setback is required to be 3.53m. A variation of 120mm is acceptable as the non-compliance is very minor in length (as shown on figure 3) and is adjacent to the corner of private open space on the adjoining property. This corner is not considered to cause a level of visual bulk that is unreasonable. There is also no additional overshadowing to the adjoining property to the west.

The eastern side setback is proposed to be 3.41m, where the setback is required to be 3.47m. A variation of 60mm is acceptable as it is a very minor non-compliance and would not cause any unreasonable visual bulk as a 6cm variation on first floor would not cause any noticeable change. The first floor eastern side is also well articulated, lessening visual bulk concerns.

Overlooking (Standard B22)

The objective is to limit views into existing secluded private open space and habitable room windows.

The first floor windows have all been screened and/or sited in accordance with the standard. However, the ground floor eastern side of Dwelling 2, does not have a visual barrier of at least 1.8m high between properties, therefore there is the potential for ground floor overlooking. A condition has been included requiring the windows to be screened or a barrier to be included to prevent overlooking.

It is noted that all windows comply, with the exception of the ground floor eastern windows associated with dwelling 2. A condition therefore has been included requiring a barrier of a least 1.8m high to block views from the ground floor to the adjoining property.

6.3. Landscaping

The application plans show the removal of no protected trees from the site. Removal of all site trees is supported as they can be removed as of right given there is no municipal or statutory mechanisms for protection.

One tree located in the rear, along the eastern boundary is proposed for retention. As such, consideration must be given to the impact of the development upon this tree. Council's Arborist has advised that a Tree Protection Plan and Tree Management Plan will be required to be submitted to ensure this tree remains viable both during and post construction. A condition to this effect is included in the recommendation.

In addition to the above assessment, the submitted landscape plan is considered acceptable subject to conditions. The landscape plan includes the planting of 4 new canopy trees and one retained canopy tree (trees with mature heights of 8m or greater) in the front and rear setbacks.

The landscape plan complies with the Bayside Landscape Guidelines by including the following:

- One tree to grow to 12 metres tall or greater or two trees to grow to 8 metres or greater in the front setback.
- One large 10-15 metre tree or two 6 to 8 metre tall trees to the rear of each dwelling.

A Coast Bankia (15m x 12m) located in the front setback of Dwelling 1, two Drooping Sheoak (9m x 5m) in the rear of Dwelling 1 and a Coast Banksia (15m x 12m) in the rear of Dwelling 2. Dwelling 2 is also seeking the retention of a tree on the eastern property boundary. A condition has been included to identify this tree on the plans.

Common Name	Mature H x W	Qty	Deep Soil Volume
<i>Drooping She-Oak</i>	9m x 5m	2	Yes
<i>Coast Banksia</i>	15m x 12m	2	Yes

A condition has also been included requiring any new canopy tree to be located at least 1m away from any property boundary.

6.4. Street tree(s)

One street tree (*Platanus Orientalis Digitata*, asset Id 436760) is located within the nature strip and is proposed for retention. Standard tree protection conditions have been included to ensure the tree remains protected during demolition and 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 comprises 4 bedrooms and is afforded 2 car parking spaces in the form of a double garage accessed via a driveway on the eastern side. Dwelling 2 comprises 4 bedrooms and has a double garage accessed via a driveway on the western side of the site. The proposed on site car parking meets the requirements of Clause 52.06-5.

The application has been assessed against the design standards of Clause 52.06-9 relating to vehicle access and is considered compliant. A condition however has been included to the recommendation requiring the western driveway to Dwelling 2 to be at least 3m wide.

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 \$2,494 is required. The payment of the development contributions levy is included as a condition of permit.

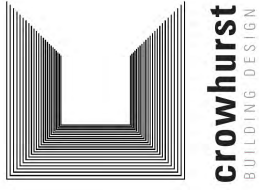
6.8. Objector issues not already addressed

An objector has raised concerns with potential structural impacts to adjoining properties. Structural impacts and engineering of the proposal is not considered through the planning process and will be considered through the building permit process.

An objection has raised concerns that the English Oak tree in the rear setback was poisoned. The tree has already been removed and had a tree removal permit granted by Bayside Council on 23/3/2021, therefore was lawful.

Support Attachments

1. Application Plans ↓
2. Site and Surrounds Imagery ↓
3. ResCode Assessment ↓



Sheet Number	TP Sheet List	Sheet Name
DP-201-11	Ground Floor	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-12	First Floor	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-13	Second Floor	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-14	Roof Deck	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-15	Site Plan	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-16	Section A-A	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-17	Section B-B	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-18	Section C-C	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-19	Section D-D	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-20	Section E-E	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-21	Section F-F	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-22	Section G-G	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-23	Section H-H	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-24	Section I-I	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-25	Section J-J	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-26	Section K-K	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-27	Section L-L	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-28	Section M-M	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-29	Section N-N	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-30	Section O-O	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-31	Section P-P	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-32	Section Q-Q	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-33	Section R-R	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-34	Section S-S	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-35	Section T-T	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-36	Section U-U	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-37	Section V-V	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-38	Section W-W	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-39	Section X-X	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-40	Section Y-Y	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-41	Section Z-Z	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-42	Section AA-AA	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-43	Section BB-BB	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-44	Section CC-CC	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-45	Section DD-DD	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-46	Section EE-EE	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-47	Section FF-FF	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-48	Section GG-GG	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-49	Section HH-HH	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-50	Section II-II	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-51	Section JJ-JJ	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-52	Section KK-KK	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-53	Section LL-LL	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-54	Section MM-MM	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-55	Section NN-NN	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-56	Section OO-OO	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-57	Section PP-PP	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-58	Section QQ-QQ	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-59	Section RR-RR	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-60	Section SS-SS	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-61	Section TT-TT	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-62	Section UU-UU	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-63	Section VV-VV	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-64	Section WW-WW	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-65	Section XX-XX	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-66	Section YY-YY	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-67	Section ZZ-ZZ	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-68	Section AA-AA	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-69	Section BB-BB	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-70	Section CC-CC	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-71	Section DD-DD	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-72	Section EE-EE	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-73	Section FF-FF	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-74	Section GG-GG	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-75	Section HH-HH	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-76	Section II-II	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-77	Section JJ-JJ	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-78	Section KK-KK	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-79	Section LL-LL	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-80	Section MM-MM	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-81	Section NN-NN	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-82	Section OO-OO	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-83	Section PP-PP	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-84	Section QQ-QQ	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-85	Section RR-RR	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-86	Section SS-SS	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-87	Section TT-TT	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-88	Section UU-UU	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-89	Section VV-VV	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-90	Section WW-WW	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-91	Section XX-XX	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-92	Section YY-YY	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-93	Section ZZ-ZZ	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-94	Section AA-AA	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
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DP-201-97	Section DD-DD	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-98	Section EE-EE	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-99	Section FF-FF	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188
DP-201-100	Section GG-GG	117 WICKHAM ROAD, HAMPTON EAST, VIC 3188



CROWHURST BUILDING DESIGN
 A/125 DUNDAS STREET WEST, SUITE 1010
 MELBOURNE, VIC 3000
 P: (03) 9412 3400
 F: (03) 9412 3401
 E: INFO@CROWHURSTD.COM.AU

Proposed Townhouses

No. 117 Wickham Road,
Hampton East, 3188
Glen Plummer

April 2023 709

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 WITHOUT THE WRITTEN PERMISSION OF CROWHURST BUILDING DESIGN



1	NO. 117 WICKHAM ROAD, BAYSIDE VIC 3188
2	NO. 115 WICKHAM ROAD, BAYSIDE VIC 3188
3	NO. 119 WICKHAM ROAD, BAYSIDE VIC 3188
4	NO. 121 WICKHAM ROAD, BAYSIDE VIC 3188
5	NO. 123 WICKHAM ROAD, BAYSIDE VIC 3188
6	NO. 125 WICKHAM ROAD, BAYSIDE VIC 3188
7	NO. 127 WICKHAM ROAD, BAYSIDE VIC 3188
8	NO. 129 WICKHAM ROAD, BAYSIDE VIC 3188
9	NO. 131 WICKHAM ROAD, BAYSIDE VIC 3188
10	NO. 133 WICKHAM ROAD, BAYSIDE VIC 3188
11	NO. 135 WICKHAM ROAD, BAYSIDE VIC 3188
12	NO. 137 WICKHAM ROAD, BAYSIDE VIC 3188
13	NO. 139 WICKHAM ROAD, BAYSIDE VIC 3188
14	NO. 141 WICKHAM ROAD, BAYSIDE VIC 3188
15	NO. 143 WICKHAM ROAD, BAYSIDE VIC 3188
16	NO. 145 WICKHAM ROAD, BAYSIDE VIC 3188
17	NO. 147 WICKHAM ROAD, BAYSIDE VIC 3188
18	NO. 149 WICKHAM ROAD, BAYSIDE VIC 3188
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27	NO. 167 WICKHAM ROAD, BAYSIDE VIC 3188
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37	NO. 187 WICKHAM ROAD, BAYSIDE VIC 3188
38	NO. 189 WICKHAM ROAD, BAYSIDE VIC 3188
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97	NO. 307 WICKHAM ROAD, BAYSIDE VIC 3188
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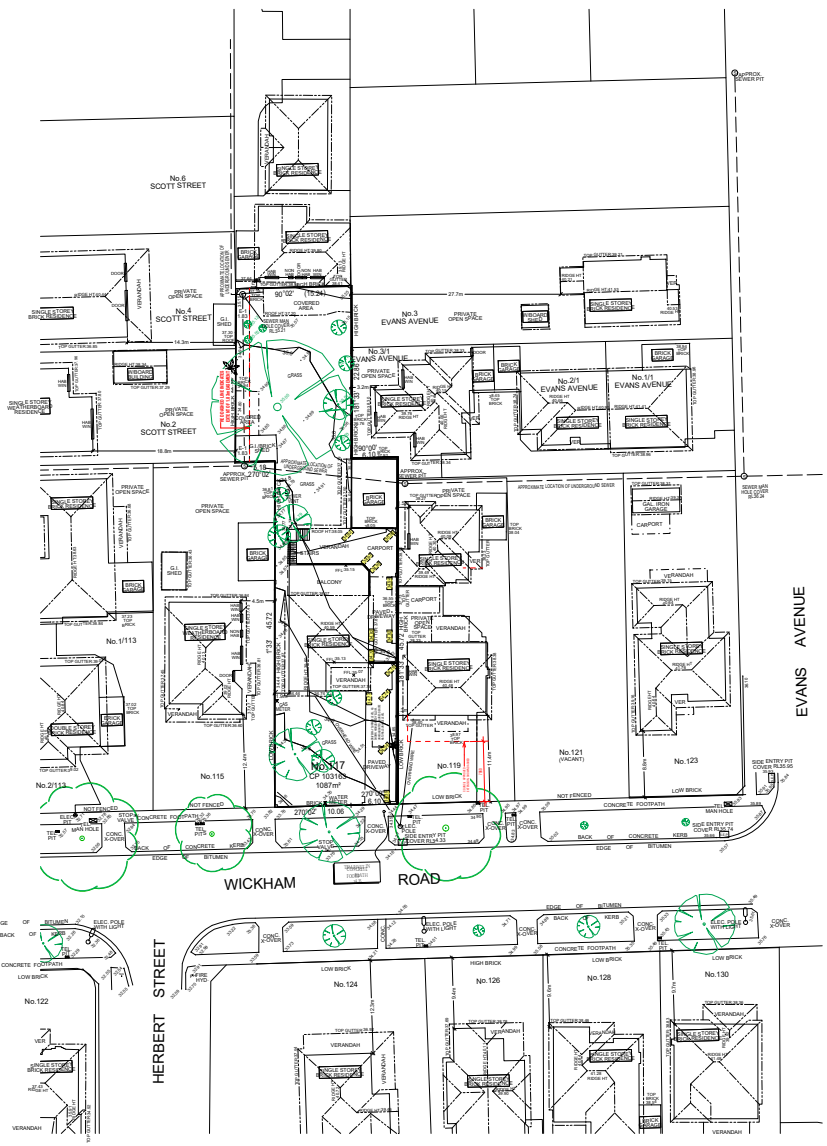


CROWHURST BUILDING DESIGN
 A 20 AVENUE ROAD, MYRTLE SPRING
 SA 5091 SOUTH AUSTRALIA
 T 08 8353 1000
 F 08 8353 1001
 INFO@CROWHURSTDESIGN.COM.AU
 WWW.CROWHURSTDESIGN.COM.AU

Proposed Townhouses
 No. 117 Wickham Road,
 Hampton East, 3188
 Gina Plummer

SCALE: 1:200
 DATE: April 2023
 DRAWING NO: TP 1 of 11
 SHEET NO: 709

ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED
 TO BE CONSIDERED AS APPROXIMATE



Site and Neighbourhood Description Plan
 1:200

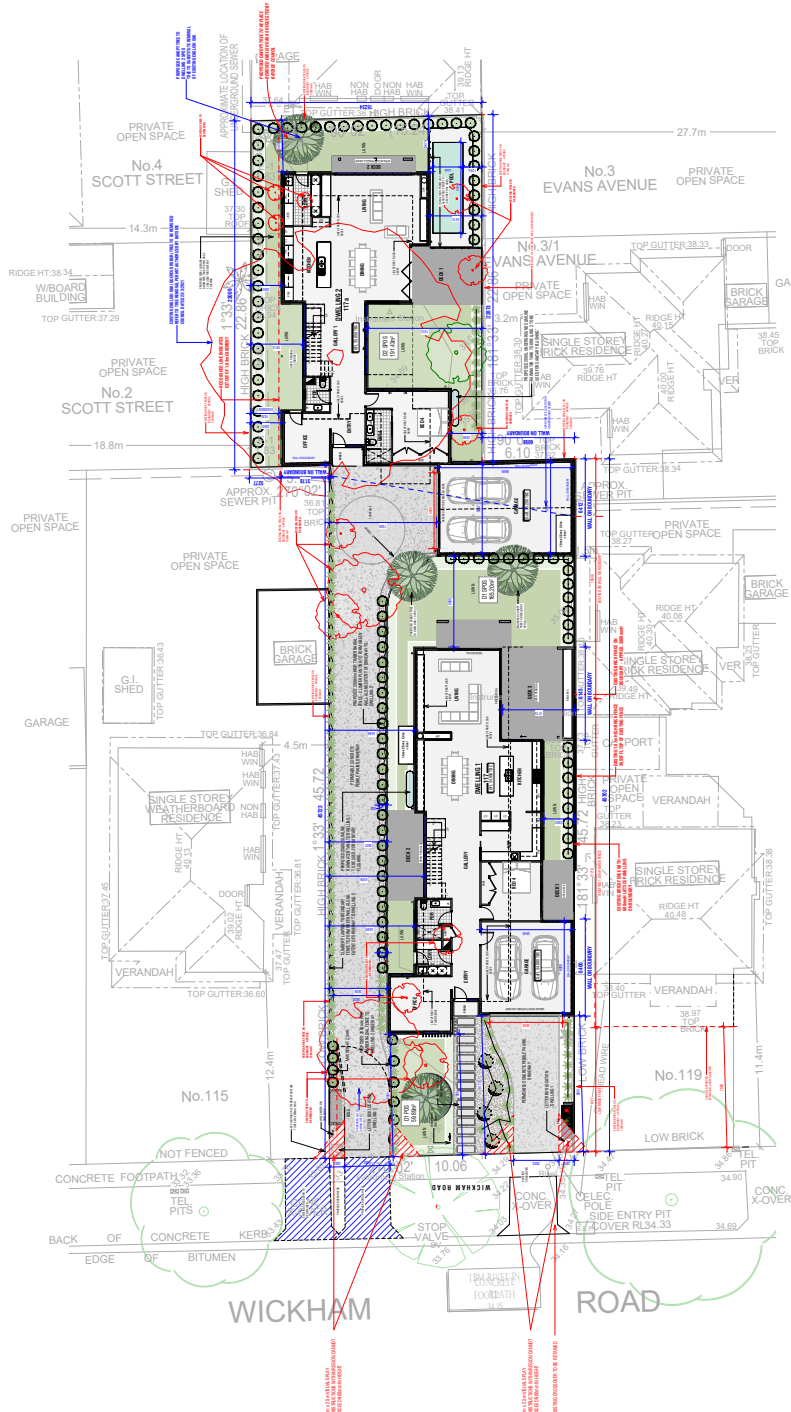
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- 2. ELEVATIONS
- 3. SECTION
- 4. LAYOUT
- 5. ELEVATIONS
- 6. SECTION
- 7. LAYOUT
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- 93. SECTION
- 94. LAYOUT
- 95. ELEVATIONS
- 96. SECTION
- 97. LAYOUT
- 98. ELEVATIONS
- 99. SECTION
- 100. LAYOUT



CROWHURST BUILDING DESIGN
 28 Adelaide Road, Level 2/10
 A. TEL: 0800 474 848
 B. TEL: 09 524 3700
 C. TEL: 09 524 3700
 D. TEL: 09 524 3700
 E. TEL: 09 524 3700

Proposed Townhouses
 No. 117 Wickham Road,
 Hampton East, 3188
 Gina Plummer

DATE: 02/04/2023
 W.C.
 D.C.
 1:100
 April 2023
 TP 3 of 11
 709



Site Development Plan - Ground Floor Level

Site Areas

Overall Area	171.00m ²	100%
Site Area	150.00m ²	88%
Garage Area	30.00m ²	18%
Total Internal	34.00m ²	20%
Driveway Area	15.00m ²	9%
Other	0.00m ²	0%
Open Space	0.00m ²	0%
Carport	0.00m ²	0%

Legend

- Green: Grass
- Light Blue: Water
- Light Green: Softscape
- Light Yellow: Hardscape
- Dark Green: Existing Trees
- Light Grey: Concrete
- Dark Grey: Asphalt
- White: Bitumen
- Blue: Water
- Red: Boundary
- Black: Building Footprint
- Blue Dashed: Proposed Footprint
- Black Dashed: Proposed Boundary
- Blue Solid: Proposed Path
- Red Solid: Proposed Boundary
- Black Solid: Proposed Building
- Green Solid: Proposed Softscape
- Light Green Solid: Proposed Hardscape
- Light Blue Solid: Proposed Water
- Light Yellow Solid: Proposed Driveway

NO.	REVISION	DATE
1	ISSUE FOR TENDER	11/08/2023
2	ISSUE FOR TENDER	11/08/2023
3	ISSUE FOR TENDER	11/08/2023
4	ISSUE FOR TENDER	11/08/2023
5	ISSUE FOR TENDER	11/08/2023
6	ISSUE FOR TENDER	11/08/2023
7	ISSUE FOR TENDER	11/08/2023
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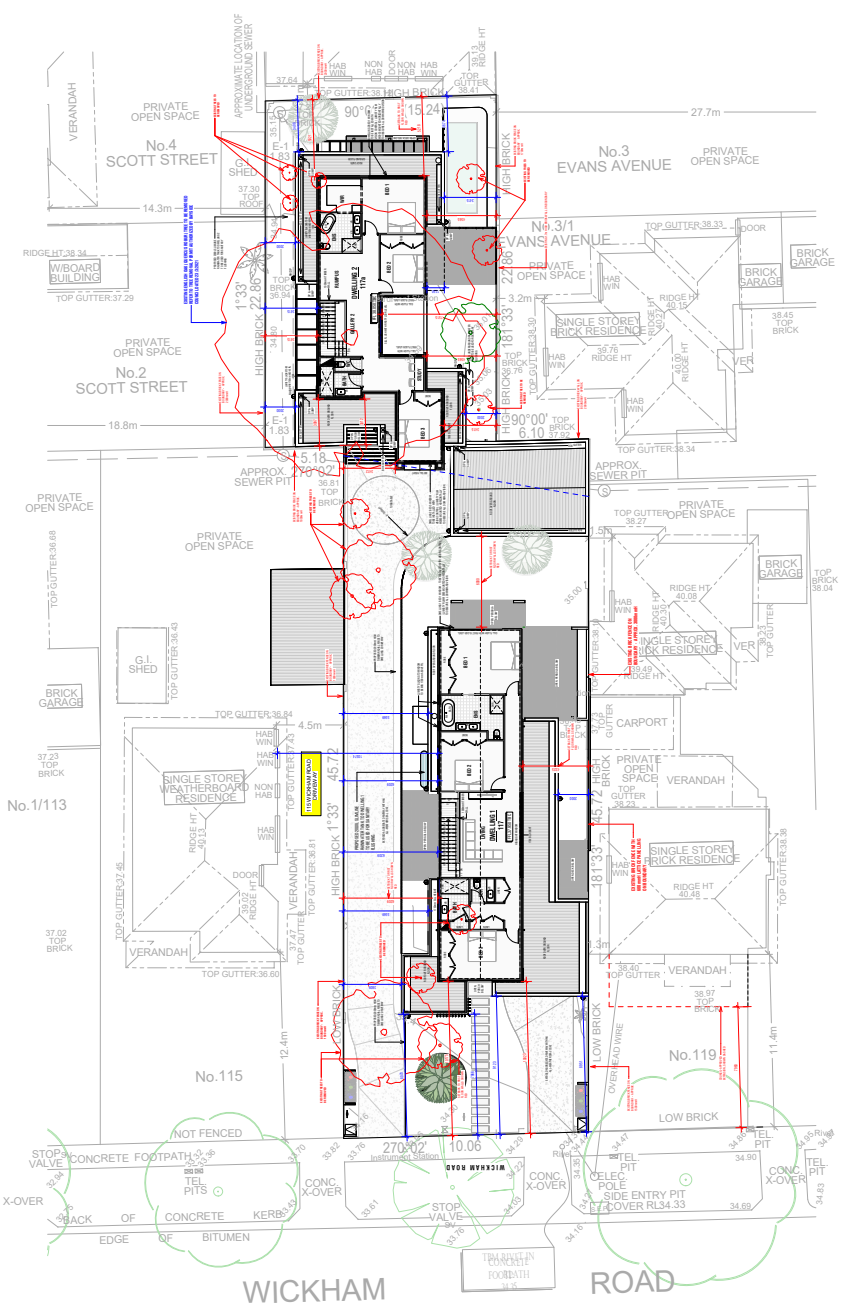


CROWHURST BUILDING DESIGN
 A 20 AVENUE, NORTON HURST, HANTS RG27 2AB
 01235 533656
 E info@crowhurstbuildingdesign.co.uk

Proposed Townhouses
 No. 117 Wickham Road,
 Hampton East, 3188

Site No. 709

DATE: 04/04/2023
 W.C: 1:100
 D.C: 1:100
 TYPED: 04/04/2023
 DRAWN: 04/04/2023
 CHECKED: 04/04/2023
 PROJECT: 709



SITE AREAS	
Site	1000m ²
Total (net)	4017m ²
Primary	4109m ²
Carpet Area	4074m ²
Carpet Area	4074m ²

Ground floor	1st floor	2nd floor	3rd floor	4th floor	5th floor	6th floor	7th floor
117	118	119	120	121	122	123	124
1500sqm	1500sqm	1500sqm	1500sqm	1500sqm	1500sqm	1500sqm	1500sqm
1500sqm	1500sqm	1500sqm	1500sqm	1500sqm	1500sqm	1500sqm	1500sqm

Site Development Plan - First Floor Level
 1:300

NO. 119
NO. 115
NO. 113
NO. 111
NO. 109
NO. 107
NO. 105
NO. 103
NO. 101
NO. 99
NO. 97
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NO. 13
NO. 11
NO. 9
NO. 7
NO. 5
NO. 3
NO. 1

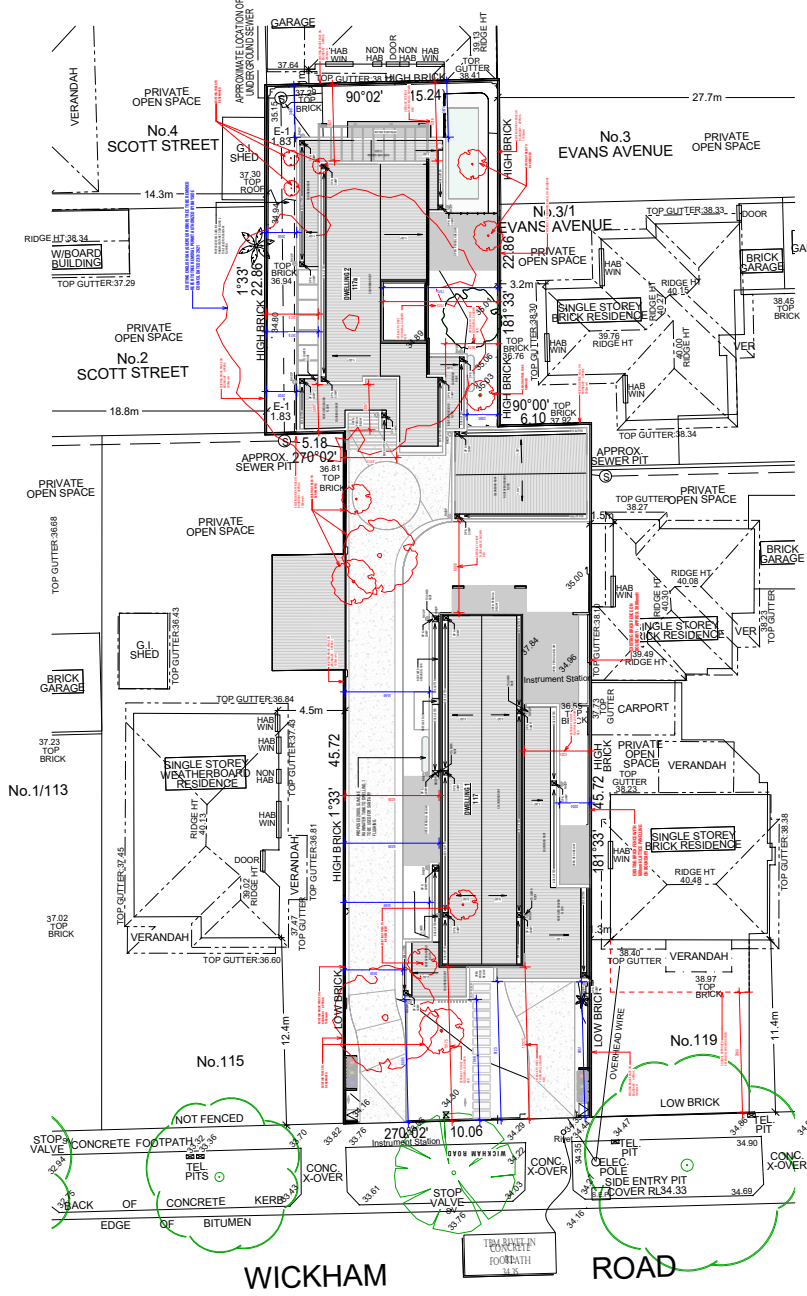


crowhurst
architectural

CROWHURST BUILDING DESIGN
A 20 Avenue Road, Level 5190
B 1025508
C 1025509
D 1025510
E 1025511
F 1025512

Proposed Townhouses
No. 117 Wickham Road,
Hampden East, 3188
Gina Plummer
Architect

W.C
D.C
1:100
April 2023
TP 5 of 11
709



SITE AREA					
Overall Area	121.09m ²	103.25m ²	17.84m ²	103.25m ²	17.84m ²
Site	1089m ²	37.29m ²	384.28m ²	37.29m ²	384.28m ²
Roof Area	1089m ²	37.29m ²	384.28m ²	37.29m ²	384.28m ²
Roof Volume	0.01%	0.01%	0.01%	0.01%	0.01%
Roof Density	-0.00%	-0.00%	-0.00%	-0.00%	-0.00%
Roof Weight	-0.17%	-0.17%	-0.17%	-0.17%	-0.17%

Roof Plan
1:100

MATERIALS SCHEDULE	
1411	Dark Grey Gable End (Paint)
1412	Dark Grey Gable End (Brick)
1413	Dark Grey Gable End (Timber)
1414	Dark Grey Gable End (Slate)
1415	Dark Grey Gable End (Clay Tiles)
1416	Dark Grey Gable End (Shingles)
1417	Dark Grey Gable End (Shakes)
1418	Dark Grey Gable End (Slate Tiles)
1419	Dark Grey Gable End (Clay Tiles)
1420	Dark Grey Gable End (Shingles)
1421	Dark Grey Gable End (Shakes)
1422	Dark Grey Gable End (Slate Tiles)
1423	Dark Grey Gable End (Clay Tiles)
1424	Dark Grey Gable End (Shingles)
1425	Dark Grey Gable End (Shakes)
1426	Dark Grey Gable End (Slate Tiles)
1427	Dark Grey Gable End (Clay Tiles)
1428	Dark Grey Gable End (Shingles)
1429	Dark Grey Gable End (Shakes)
1430	Dark Grey Gable End (Slate Tiles)

MATERIALS SCHEDULE	
1431	Dark Grey Gable End (Paint)
1432	Dark Grey Gable End (Brick)
1433	Dark Grey Gable End (Timber)
1434	Dark Grey Gable End (Slate)
1435	Dark Grey Gable End (Clay Tiles)
1436	Dark Grey Gable End (Shingles)
1437	Dark Grey Gable End (Shakes)
1438	Dark Grey Gable End (Slate Tiles)
1439	Dark Grey Gable End (Clay Tiles)
1440	Dark Grey Gable End (Shingles)
1441	Dark Grey Gable End (Shakes)
1442	Dark Grey Gable End (Slate Tiles)
1443	Dark Grey Gable End (Clay Tiles)
1444	Dark Grey Gable End (Shingles)
1445	Dark Grey Gable End (Shakes)
1446	Dark Grey Gable End (Slate Tiles)
1447	Dark Grey Gable End (Clay Tiles)
1448	Dark Grey Gable End (Shingles)
1449	Dark Grey Gable End (Shakes)
1450	Dark Grey Gable End (Slate Tiles)



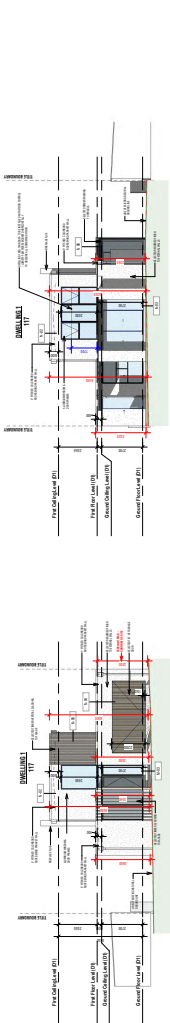
CROWTHURST BUILDING DESIGN
 A 20 Avenue Road, Unit 210B
 B 2000 Kingsway
 C 2000 Kingsway
 D 2000 Kingsway
 E 2000 Kingsway
 F 2000 Kingsway

Proposed Townhouses
 No. 117 Wickham Road,
 Hampden East, 3188
 Gina Plummer
 Project Manager

W/C
 D/C
 1:100
 April 2023

TP 6 of 11
709

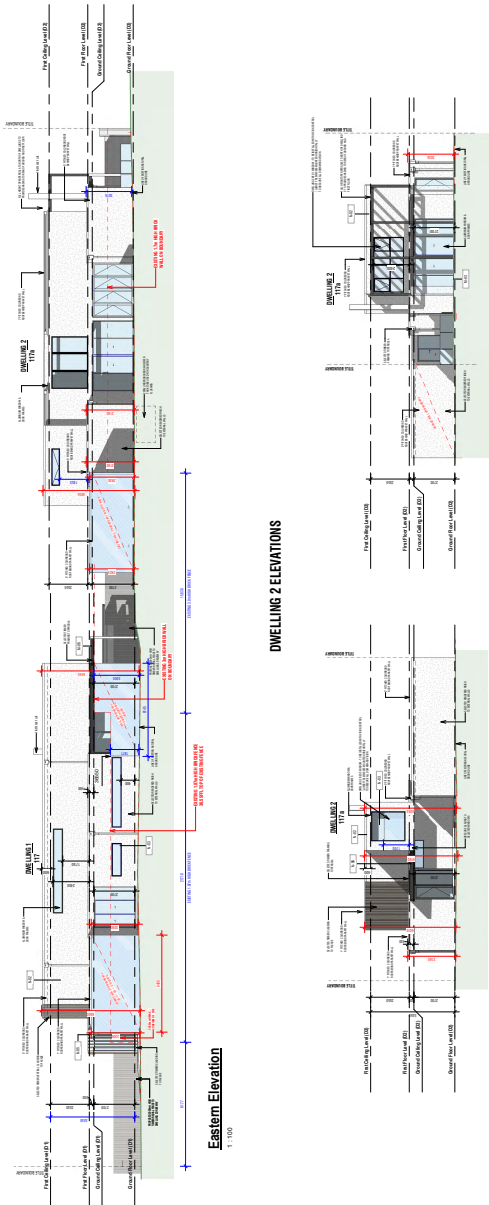
DWELLING 1 ELEVATIONS



Southern Elevation 1:100

Northern Elevation 1:100

DWELLING 2 ELEVATIONS



Southern Elevation 1:100

Eastern Elevation 1:100

Southern Elevation 1:100

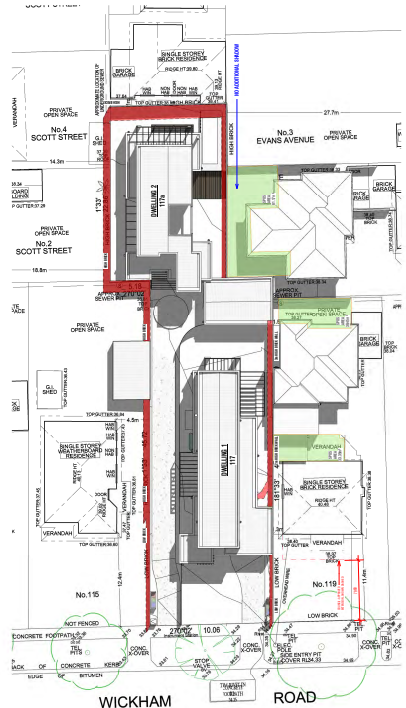
Northern Elevation 1:100

Western Elevation 1:100

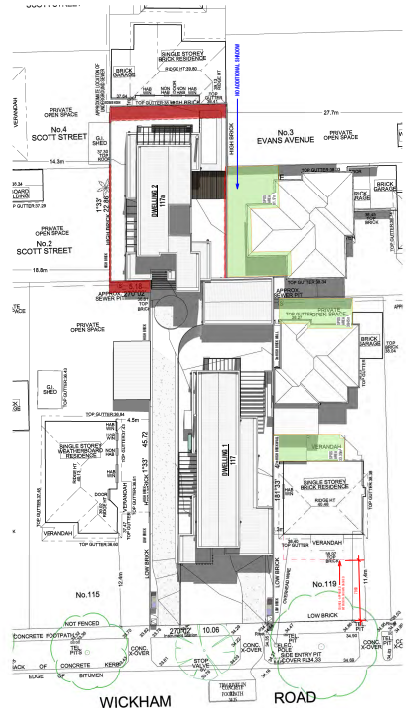


CROWHURST BUILDING DESIGN
 A 20 AVENUE ROAD, HAYT 5110
 B 167 WICKHAM ROAD, HAMPDEN EAST, 3158
 C 136 BOND STREET, HAYT 5101
 D 136 BOND STREET, HAYT 5101
 E 136 BOND STREET, HAYT 5101
 F 136 BOND STREET, HAYT 5101

Proposed Townhouses
 No. 117 Wickham Road,
 Hampden East, 3158
 Gina Plummer
 D.C. 1:100
 W.C. 1:100
 D.C. 1:200
 1:200
 April 2023
 PP 9 of 11
709



Shadow Diagram - 11am
 T: 1:200



Shadow Diagram - 12pm
 T: 1:200

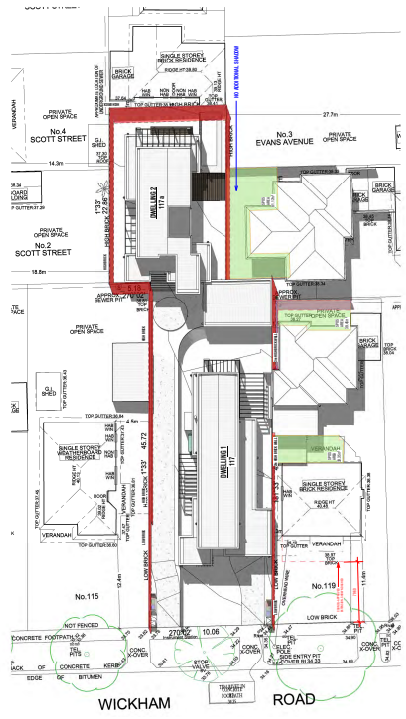
SHADOW DIAGRAMS - 22ND SEPTEMBER

- INDICATES SHADOW CAST BY EXISTING BRICKS & WALLS ON BUSHES SITE
- INDICATES SHADOW CAST BY EXISTING ELEMENTS AND EXISTING PORCELAIN SITE
- INDICATES SHADOW CAST BY PROPOSED DWELLINGS WITH SHADING PROPERTIES 50%

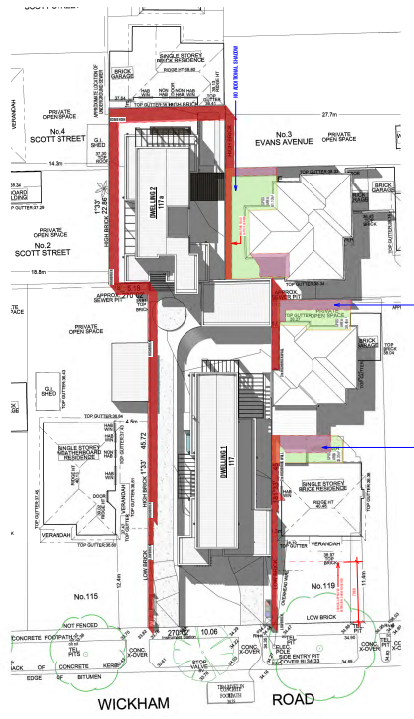
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98	NO. 115	NO. 115
99	NO. 115	NO. 115
100	NO. 115	NO. 115



CROWHURST BUILDING DESIGN
 28 AVONDALE AVENUE, HAYWARD 3188
 (08) 9333 1099
 www.crowhurstbuildingdesign.com.au
 Proposed Townhouses
 No. 117 Wickham Road,
 Hampton East, 3188
 Gina Plummer
 W.C.
 D.C.
 1:200
 April 2023
 TP 10 of 11
709



Shadow Diagram - 1pm
 1:200



Shadow Diagram - 2pm
 1:200

SHADOW DIAGRAMS - 22ND SEPTEMBER

- INDICATES SHADOW CAST BY EXISTING TREES & WALLS IN SUBJECT SITE
- INDICATES SHADOW CAST BY EXISTING ELEMENTS ON ADJOINING PROPER SITE
- INDICATES SHADOW CAST BY PROPOSED DWELLING WITHIN ADJOINING PROPER SITE

1	PROPOSED TOWNHOUSE
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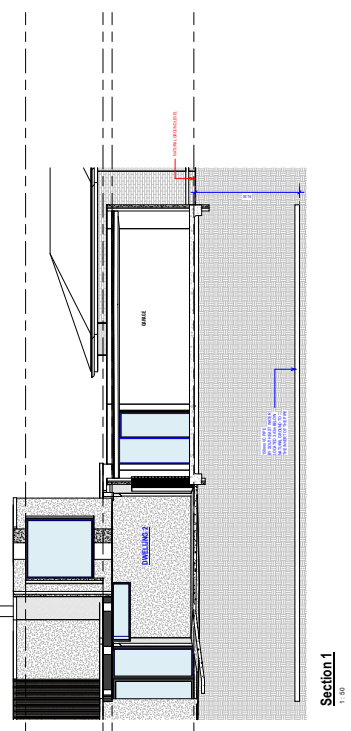
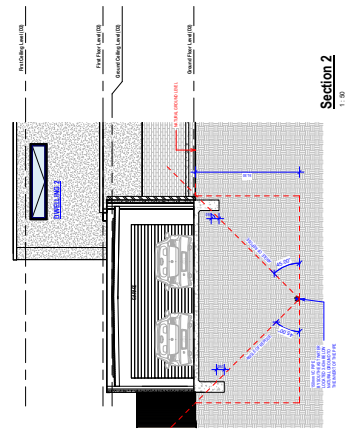
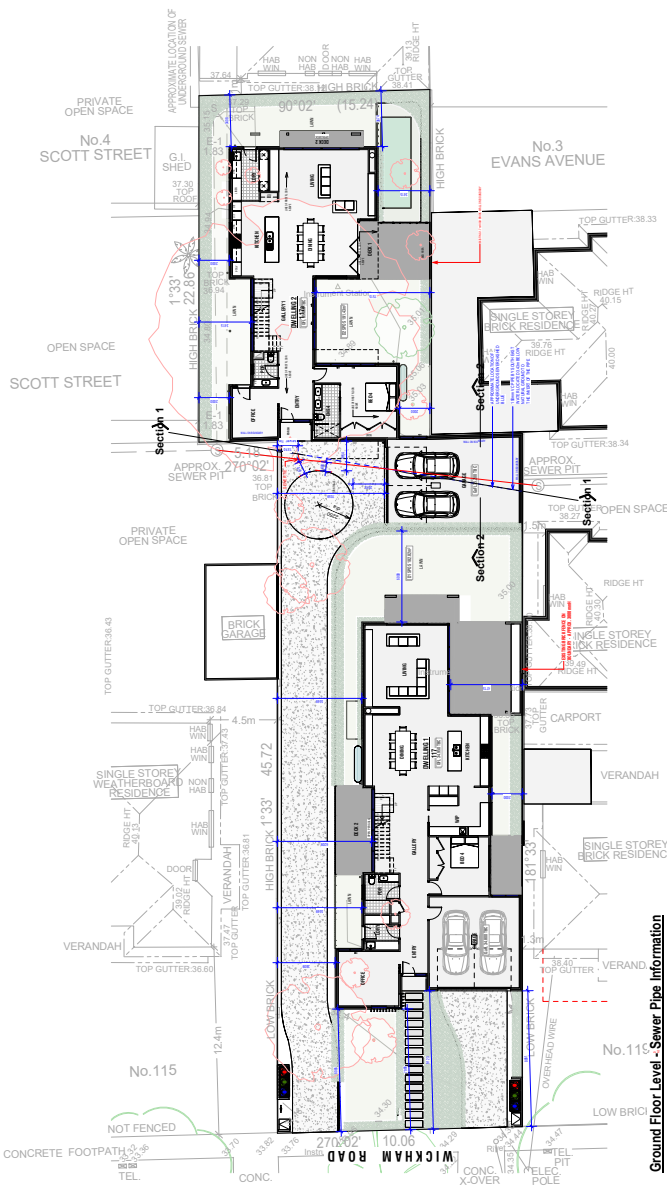


CROWHURST BUILDING DESIGN
 ARCHITECTS
 28 AVONDALE ROAD, HAYWARD PARK
 HAYWARD PARK, VIC 3042
 PH: 08 9439 1000
 WWW.CROWHURSTDESIGN.COM.AU

Proposed Townhouses
 No. 117 Wickham Road,
 Hampton East, 3188
 Gina Plummer
 G.P. 08 9439 1000
 GINA@CROWHURSTDESIGN.COM.AU

DATE: 15/08/2023
 DRAWN BY: GINA PLUMMER
 CHECKED BY: W.C.
 DATE: 15/08/2023
 D.C.
 AS INDICATED
 DATE: 15/08/2023
 TP: Appendix C
709

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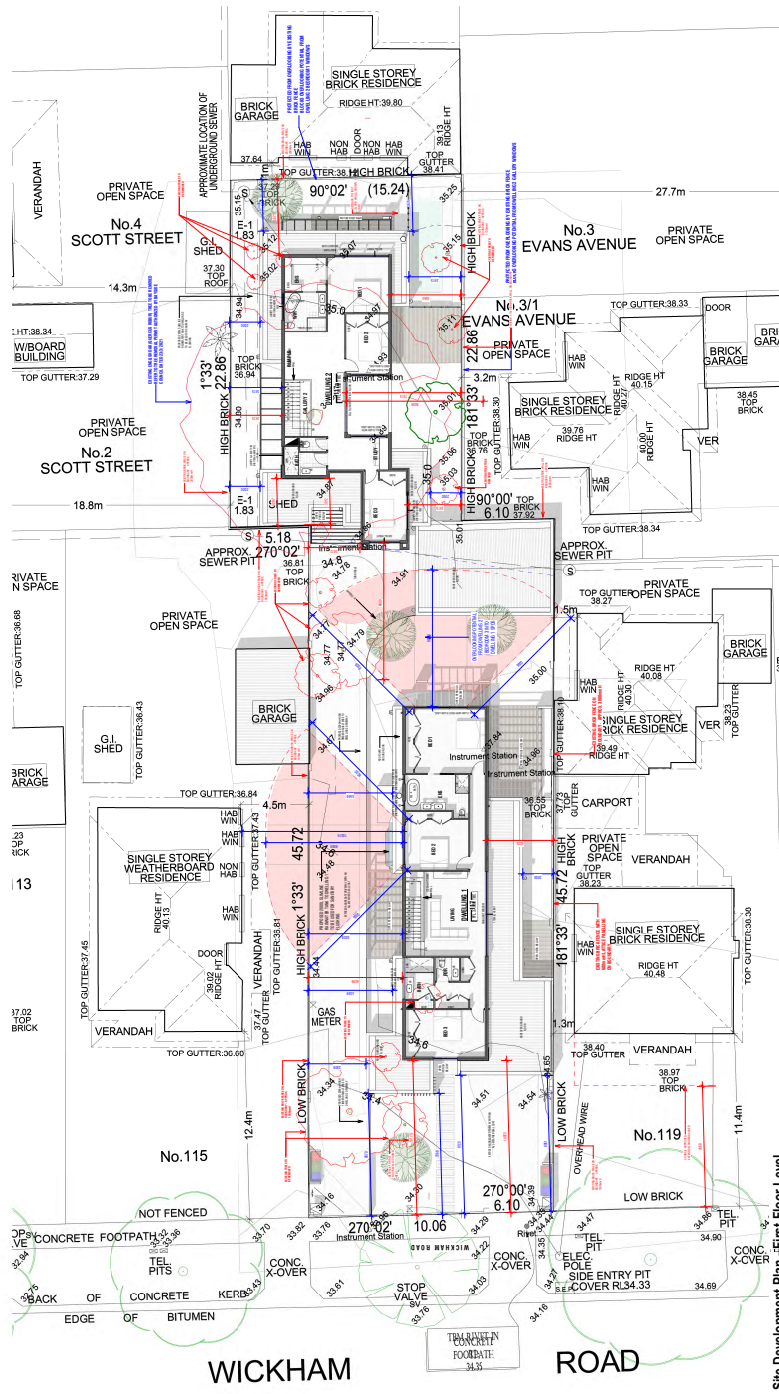


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(Symbol)	1.13T-38.34 PRIVATE OPEN SPACE
(Symbol)	1.14T-38.34 BRICK GARAGE
(Symbol)	1.15T-38.34 BRICK GARAGE
(Symbol)	1.16T-38.34 BRICK GARAGE
(Symbol)	1.17T-38.34 BRICK GARAGE
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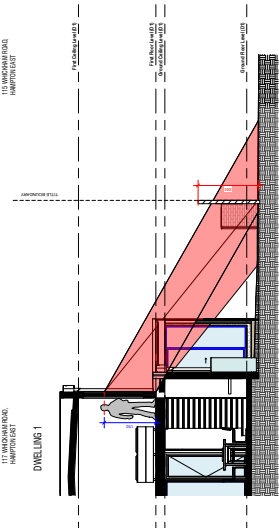


CROWHURST BUILDING DESIGN
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 B 1000 1000 1000 1000 1000
 C 1000 1000 1000 1000 1000
 D 1000 1000 1000 1000 1000
 E 1000 1000 1000 1000 1000
 F 1000 1000 1000 1000 1000

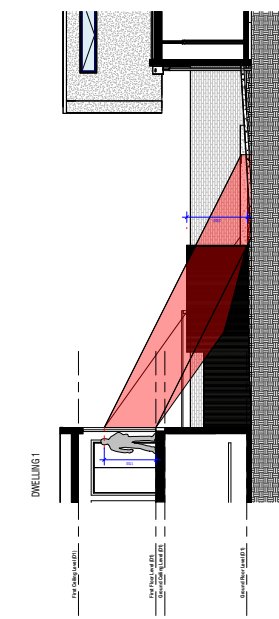
Proposed Townhouses
 No. 117 Wickham Road,
 Hampstead East, 3188
 Gina Plummer
 Author
 As indicated April 2023
 TP Appendix D
709



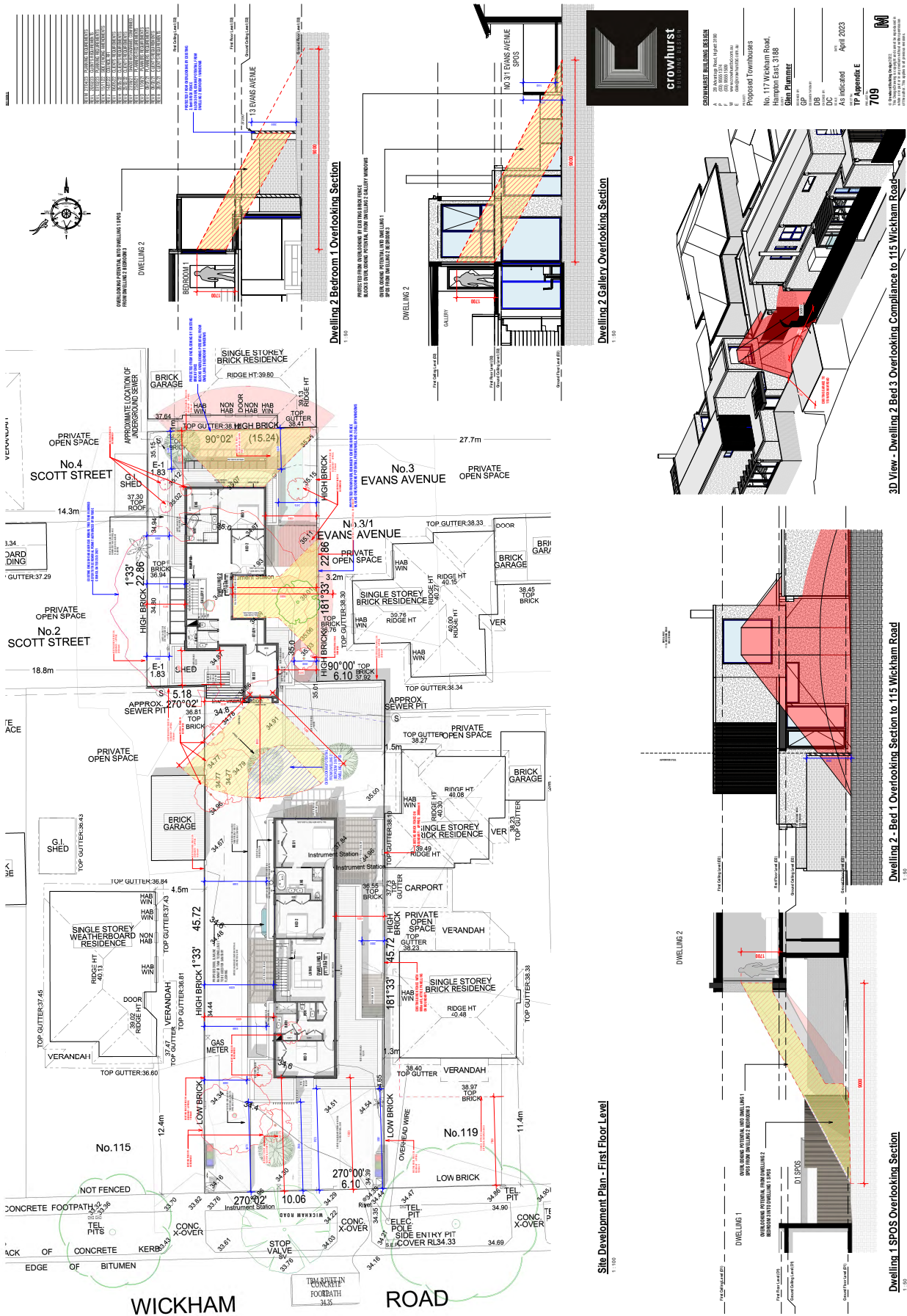
Site Development Plan - First Floor Level
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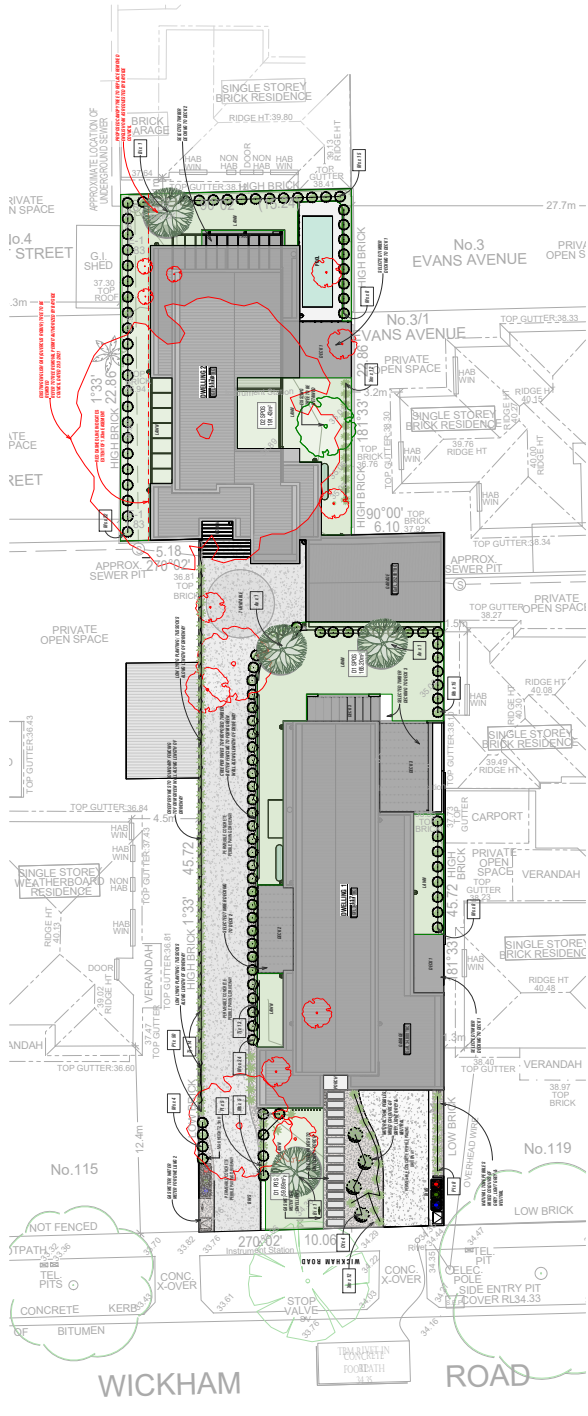


D1 - Bed 2 - Overlooking Section
 1:100



D1 - Bed 1 - Overlooking Section
 1:100

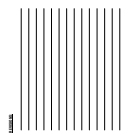




Landscape Legend

- EXISTING TREES
- PROPOSED TREES
- PROPOSED SHRUBS
- PROPOSED GROUND COVER
- PROPOSED FENCES
- PROPOSED PAVING
- PROPOSED WALLS
- PROPOSED STRUCTURES
- PROPOSED LIGHTING
- PROPOSED SIGNAGE
- PROPOSED WATER FEATURES
- PROPOSED RETAINING WALLS
- PROPOSED RAMP
- PROPOSED STAIRS
- PROPOSED PATHS
- PROPOSED BOUNDARIES
- PROPOSED EASEMENTS
- PROPOSED SETBACKS
- APPROXIMATE LOCATION OF EASEMENT LOCATIONS

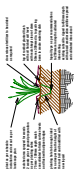
Landscape Concept Plan
1:500



BAYVIEW
LANDSCAPE
2/16 Waverley Street
P.O. Box 10024
Bayside NSW 1518
Tel: 02 9333 2222
Email: bayviewlandscape.com.au

Proposed Tomhouses
No. 117 Wickham Road,
Lions Point East, 3108
Client: Bayside City Council
G.P.: W.C.
D.C.: W.C.
A.S.: W.C.
Date: April 2023
Drawn By: T.J.S 1/41

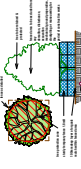
Planting in Mulchbed



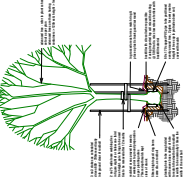
Existing Tree Protection



Fence Protection



Advanced Tree Planting



Landscape Notes

1. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4373 - Pruning of Trees, Shrubs and Climbers.
2. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4386 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
3. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4387 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
4. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4388 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
5. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4389 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
6. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4390 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
7. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4391 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
8. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4392 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
9. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4393 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
10. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4394 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
11. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4395 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
12. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4396 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
13. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4397 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
14. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4398 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
15. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4399 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.
16. All proposed trees and shrubs are to be planted in accordance with the Australian Standard AS 4400 - Planting, Establishment and Maintenance of Trees, Shrubs and Climbers.

Plant Schedule

Item	Description	Quantity	Plant Size	Plant Source	Planting Date	Planting Location
1	Planting in Mulchbed	10	2.0m	Local	2023-10-01	Along Wickham Road
2	Existing Tree Protection	1	10.0m	Local	2023-10-01	Adjacent to No. 117
3	Fence Protection	10	1.0m	Local	2023-10-01	Along Wickham Road
4	Advanced Tree Planting	10	2.0m	Local	2023-10-01	Along Wickham Road
5	Planting in Mulchbed	10	2.0m	Local	2023-10-01	Along Wickham Road
6	Existing Tree Protection	1	10.0m	Local	2023-10-01	Adjacent to No. 117
7	Fence Protection	10	1.0m	Local	2023-10-01	Along Wickham Road
8	Advanced Tree Planting	10	2.0m	Local	2023-10-01	Along Wickham Road
9	Planting in Mulchbed	10	2.0m	Local	2023-10-01	Along Wickham Road
10	Existing Tree Protection	1	10.0m	Local	2023-10-01	Adjacent to No. 117
11	Fence Protection	10	1.0m	Local	2023-10-01	Along Wickham Road
12	Advanced Tree Planting	10	2.0m	Local	2023-10-01	Along Wickham Road

Site and Surrounds Imagery



Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★



Figure 1: view towards the front of the subject site from Wickham Road



Figure 2: view towards the adjoining properties to the east (1-2/119 Wickham Road)



Figure 3: view towards the property across the road (124 Wickham Road)



Figure 4: view towards the adjoining property to the west (115 Wickham Road)

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

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
Title and Objective	Complies with Standard?	Comments
<p>B1 Neighbourhood Character</p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p> <p>Standard B1</p> <p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Complies	Refer to Section 6.1 of the report.
<p>B2 Residential Policy</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p> <p>Standard B2</p> <p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the</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>Municipal Planning Strategy and the Planning Policy Framework.</p>		
<p>B3 Dwelling Diversity</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p> <p>Standard B3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>N/A</p>	
<p>B4 Infrastructure</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p> <p>Standard B4</p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Connection to a reticulated gas service is optional.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>Complies</p>	<p>The proposal will make use of existing infrastructure servicing the site. The developer will be responsible for upgrading this infrastructure if necessary to accommodate the development. Council’s drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area. 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</p> <p>To integrate the layout of development with the street.</p> <p>Standard B5</p> <p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies</p>	<p>The development will integrate appropriately with the street with a clear pedestrian entry to Wickham Road.</p>
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<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</p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p> <p>Standard B6</p> <p>Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, the distance specified in Table B1. <p>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>	<p>Does not comply</p>	<p>Refer to section 6.2 of the report.</p> <p>Required: 9m</p> <p>Proposed: 8.08m, 7.96m, 9.12m, 8.95m - Ground Floor. 10.17m, 10.02m at first floor</p>

<p>B7 Building Height</p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p> <p>Standard B7</p> <p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated</p>	<p>Complies</p>	<p>Maximum: 9m</p> <p>Proposed: 6.58m</p>
<p>B8 Site Coverage</p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p> <p>Standard B8</p> <p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> • The maximum site coverage specified in a schedule to the zone, or • If no maximum site coverage is specified in a schedule to the zone, 60 per cent. 	<p>Does not comply</p>	<p>Maximum: 50%</p> <p>Proposed: 40.61%</p>
<p>B9 Permeability and stormwater management</p> <p>To reduce the impact of increased stormwater run-off on the drainage system.</p>	<p>Complies</p>	<p>Minimum: >20%</p> <p>Proposed: 41.65%</p>

<p>To facilitate on-site stormwater infiltration.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>Standard B9</p> <p>The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone, or • If no minimum is specified in a schedule to the zone, 20 percent of the site. <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> • Meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999). • Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. 		
<p>B10 Energy Efficiency</p> <p>To achieve and protect energy efficient dwellings and residential buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>Standard B10</p> <p>Buildings should be:</p> <ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. 	<p>Complies</p>	<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>

<ul style="list-style-type: none"> Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>		
<p>B11 Open Space</p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p> <p>Standard B11</p> <p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> Be substantially fronted by dwellings, where appropriate. Provide outlook for as many dwellings as practicable. Be designed to protect any natural features on the site. Be accessible and useable. 	<p>N/A</p>	<p>There is no communal open space in or adjacent to the development.</p>
<p>B12 Safety</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p> <p>Standard B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p>	<p>Complies</p>	<p>The pedestrian entry points are clearly recognisable and are open to the streetscape.</p>

<p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>		
<p>B13 Landscaping</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p> <p>Standard B13</p> <p>The landscape layout and design should:</p> <ul style="list-style-type: none"> • Protect any predominant landscape features of the neighbourhood. • and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12</p>	<p>Complies</p>	<p>The siting of the development creates sufficient opportunities for meaningful landscaping subject to conditions. A condition of permit will require an amended landscape plan to be submitted to the satisfaction of the Responsible Authority.</p>

<p>months prior to the application being made. The landscape design should specify landscape themes, vegetation (location and species), paving and lighting. Development should meet any additional landscape requirements specified in a schedule to the zone.</p>		
<p>B14 Access</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p> <p>Standard B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>Complies</p>	<p>Appropriate access off Wickham Road to parking has been provided.</p>
<p>B15 Parking Location</p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p> <p>Standard B15</p> <p>Car parking facilities should:</p>	<p>Complies</p>	<p>On site car parking is provided in the form of a double garages.</p>

<ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>		
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<p>CLAUSE 55.04 AMENITY IMPACTS</p>		
<p>Title and Objective</p>	<p>Complies with Standard?</p>	<p>Comments</p>
<p>B17 Side and Rear Setbacks</p> <p>To ensure that 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.</p> <p>Standard B17</p> <p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may</p>	<p>Does not comply</p>	<p>Refer to section 6.2 of the report.</p>

<p>encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>				
	<p>Ground floor</p>		<p>First Floor</p>	
	<p>Requirement</p>	<p>Proposed</p>	<p>Requirement</p>	<p>Proposed</p>
<p>West (side)</p>	<p>0m or 2m</p>	<p>3.80, 5.56m, 6.20m, 5.56m D1 2m D2</p>	<p>3.78m, 3.63m D1 3.53m, 3.44m, 3.40m D2</p>	<p>6.2m, 5.56m D1 <u>3.41m D2</u></p>
<p>East (side)</p>	<p>0m or 2m</p>	<p>2m D1 2m, 7.51m, 3.41m D2</p>	<p>3.74m, 3.70m D1 3.47m D2</p>	<p>4.32m D1 <u>3.41m</u>, 4.56m, 7.51m, 4.56m D2</p>
<p>South (rear)</p>	<p>0m or 3m</p>	<p>3.40m, 3.67m D2</p>	<p>4.5m</p>	<p>5.02m, 5.21m D2</p>

<p>B18 Walls on Boundaries</p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p> <p>Standard B18</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> • For a length of more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> ○ 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or ○ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater. <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear</p>	<p>Complies</p>	<p>D1 –</p> <p><u>East Garage</u></p> <p>Length – 6.4m</p> <p>Height – 3.2m</p> <p>Avg – 3.15m</p> <p><u>East BBQ area</u></p> <p>Length – 6.14m</p> <p>Height – 1.87m, 1.91m, 2.7m, 3m</p> <p>Avg – 3m</p> <p>D2 –</p> <p><u>South Office</u></p> <p>Length – 3.17m</p> <p>Height – 3.16m</p> <p><u>North Garage</u></p> <p>Length – 6.09m</p> <p>Height – 2.7m</p> <p><u>East Garage (existing)</u></p> <p>Length – 6.41m</p> <p>Height – 2.93m (existing wall)</p>
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<p>boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>		
<p>B19 Daylight to Existing Windows</p> <p>Allow adequate daylight into existing habitable room windows.</p> <p>Standard B19</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies</p>	<p>The development has been sufficiently setback from all habitable room windows to abutting properties.</p>

<p>B20 North Facing Windows</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p> <p>Standard B20</p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>N/A</p>	<p>There are no north facing windows within 3m of the shared boundary.</p>
<p>B21 Overshadowing Open Space</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p> <p>Standard B21</p> <p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies</p>	<p>The overshadowing diagrams indicate that there are no additional shadowing to the private open space areas adjoining the subject site.</p>

<p>B22 Overlooking</p> <p>To limit views into existing secluded private open space and habitable room windows.</p> <p>Standard B22</p> <p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. • Have sill heights of at least 1.7 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p>	<p>Does not comply</p>	<p>Refer to section 6.2 of the report.</p> <p>Ground floor –</p> <p>D1 –</p> <p>Western side – there is a 1.5m high boundary fence adjoining the driveway and a 2m high fence blocking views from D1 to the adjoining property.</p> <p>Eastern side – existing 1.87m high boundary fence.</p> <p>D2 –</p> <p>Western side – existing 2m high boundary fence retained.</p> <p>Eastern side – existing 1.7m high boundary fence. A condition has been included requiring a barrier of a least 1.8m high to block views from the ground floor to the adjoining property.</p> <p>Northern rear – existing 2m high boundary fence retained.</p> <p>First floor -</p> <p>D1 –</p> <p><u>Northern:</u></p> <p>Bedroom 1 – screened to 1.7m with vision control film to obscure downward vision – views intercepted by fence, 9m arc also does not hit private open space or habitable room windows.</p> <p><u>Southern:</u></p> <p>Bedroom 3 – not screened (not required to be screened)</p> <p><u>Eastern:</u></p> <p>Living – sill 1.75m</p> <p><u>Western:</u></p> <p>Bathroom - sill 1.75m (not required to be screened)</p> <p>Bed 2 - not screened – diagram shows it complies – views intercepted by fence, 9m arc also does not hit private open space or habitable room windows.</p>
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<p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>		<p>2 ensuite – obscure glazing to 1.7m</p> <p>D2 -</p> <p><u>Eastern:</u></p> <p>Bedroom 3 - sill 1.85m</p> <p>Gallery – not screened – diagram shows it complies – views intercepted by fence.</p> <p><u>Northern:</u></p> <p>Bedroom 1 – screened with vision control film to obscure downward vision – diagram shows it complies - – views intercepted by fence.</p> <p><u>Southern:</u></p> <p>Bedroom 3 – screened to 1.7m with vision control film to obscure downward vision – diagram shows it complies - – views intercepted by fence.</p> <p><u>Western:</u></p> <p>Bathroom – obscured glazing (not required to be screened)</p> <p>Ensuite – obscured glazing (not required to be screened)</p>
<p>B23 Internal Views</p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p> <p>Standard B23</p> <p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>Complies</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. Pergola screening balcony views. At ground floor level internal fencing to a height of 2m to limits views between adjoining areas within the development is required.</p>

<p>B24 Noise Impacts</p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p> <p>Standard B24</p> <p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</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>
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<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>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p> <p>Standard B25</p> <p>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</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>To provide each dwelling or residential building with its own sense of identity.</p> <p>Standard B26</p> <p>Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> • Be visible and easily identifiable from streets and other public areas. • Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>Complies</p>	<p>The development fronts Wickham Road and includes a clearly identifiable pedestrian entry paths. The entry provides shelter, a sense of personal address and a transitional space around the building entry.</p>
<p>B27 Daylight to new windows</p> <p>To allow adequate daylight into new habitable room windows.</p> <p>Standard B27</p> <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah provided it is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>Complies</p>	<p>All habitable windows will open out onto a space clear to the sky.</p>

<p>B28 Private Open Space</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p>Standard B28</p> <p>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> • An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or • A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. <p>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</p>	<p>Complies</p>	<p>Minimum:</p> <p>25m² secluded, 40m² overall with a minimum dimension of 3 m;</p> <p>Proposed:</p>
	<p>Private Open Space</p>	
<p>Dwelling 1</p>	<p>225m²</p>	
<p>Dwelling 2</p>	<p>191.43m²</p>	

<p>B29 Solar Access to Open Space</p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p> <p>Standard B29</p> <p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>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.</p>	<p>Complies</p>	
<p>B30 Storage</p> <p>To provide adequate storage facilities for each dwelling.</p> <p>Standard B30</p> <p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Complies</p>	<p>6 cubic metres of storage to 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>To encourage design detail that respects the existing or preferred neighbourhood character.</p> <p>Standard B31</p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"> • Facade articulation and detailing, • Window and door proportions, • Roof form, and • Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Complies</p>	<p>Refer to Section 6.1 of the report for further discussion.</p>
<p>B32 Front Fences</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p> <p>Standard B32</p> <p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> • The maximum height specified in a schedule to the zone, or • If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. 	<p>N/A</p>	<p>No front fence proposed.</p>

<p>B33 Common Property</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p> <p>Standard B33</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>N/A</p>	<p>There is no common property.</p>
<p>B34 Site Services</p> <p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p> <p>Standard B34</p> <p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>Complies</p>	<p>All appropriate site services can be easily catered for on-site. Mails boxes and bins are shown to adjoin the driveways.</p>

**4.8 18 MARRIAGE ROAD, BRIGHTON EAST
SECONDARY CONSENT - APPROVE
APPLICATION: 2018/335/2 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/243053

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	18 Marriage Road, BRIGHTON EAST
Application No.	5/2018/335/2
Applicant	Kirsten Kerr
Title/Covenant	The title is not subject to any restrictive covenants.
Date application received	13/7/2023
Zoning	Neighbourhood Residential Zone (Schedule 3)
Overlays	Design and Development Overlay (Schedule 3)

Proposal

Planning Permit 2018/335/1 allows:

Construction of two double storey attached dwellings and basement.

The application seeks approval to amend the endorsed plans pursuant to condition 2 of Planning Permit 2018/335/1.

The proposed amendments are as follows:

- Construction of a swimming pool in the courtyard of Townhouse 2.

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

History

Planning Permit 2018/335/1 was issued by Council on 2 January 2019.

The permit allows the *Construction of two double storey attached dwellings and basement.*

An amendment to this permit (Permit Number 2018/335/2) was approved by VCAT on 8 May 2019 following a compulsory conference. This amendment approved the reworking of conditions 1d and 1e.

Plans were endorsed by Council on 18/10/2019.

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 52018/335/1.

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 2018/335/2
2. that the updated Ground Floor Plan prepared by Franklin Design Studio and dated 18/8/2023 be endorsed
3. that the updated Landscape Plan prepared by Franklin Design Studio and dated 18/8/2023 be endorsed
4. that these plans are to be read in conjunction with sheets 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15 of 15 endorsed on 18/10/2019
5. that sheets 2 and 13 of 15 of the plans previously endorsed on 18/10/2019 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 amendment would provide for alterations to the landscaping of a generally minor nature. Importantly, the proposal still retains large tree species within the front and rear yard, consistent with Council's landscaping guidelines. The proposed swimming pool will replace an existing area of paving as shown on the endorsed plans and will not require the removal of any vegetation.

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 with basement. The amendment sought under this application consistent with the proposal and does not authorise something for which primary consent is required 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. Site and Surrounds ↓
2. Decision Plans ↓
3. Current Planning Permit and Endorsed Plans ↓

Site and Surrounds

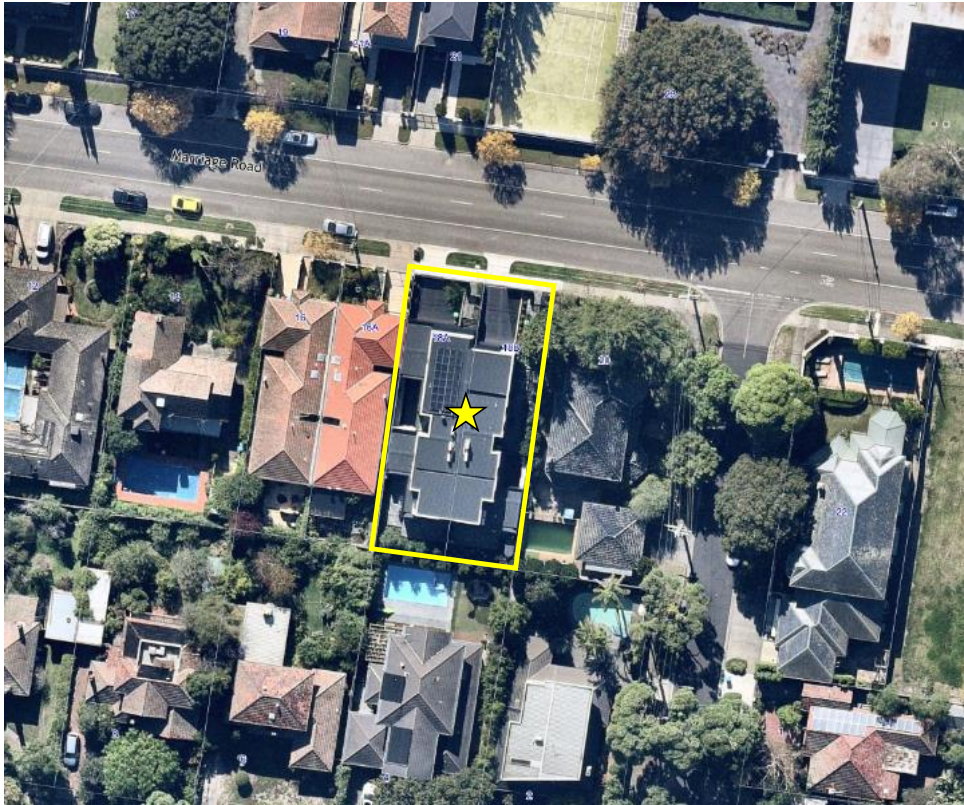
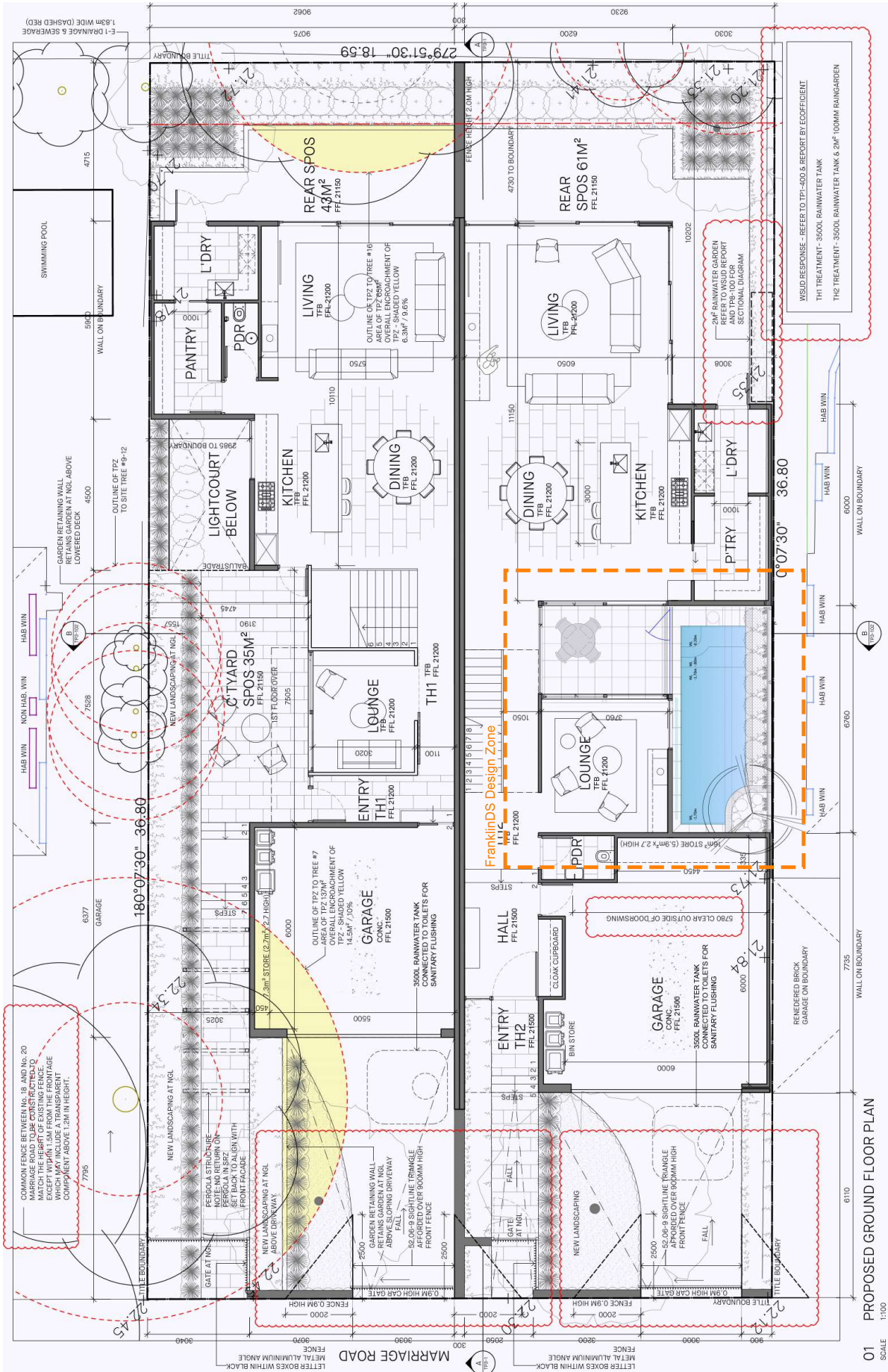


Figure 1 Aerial overview of the site and surrounds.

Legend	
Subject site	★



01 PROPOSED GROUND FLOOR PLAN
SCALE: 1:100

GENERAL NOTES:
 A This drawing is to be used in conjunction with the information provided on the site plan.
 B All dimensions are in millimeters unless otherwise stated.
 C Copyright 2017 all rights reserved. No drawings are to be reproduced without written consent.
 D and levels are in meters to AHD.

REVISIONS:
 G POOL COURTYARD EDITED DATE 15.08.2023 BY SE
 F REVISION DATE 15.08.2023 BY SE

PROJECT NAME: Marriage Road Townhouses
PROJECT ADDRESS: 18 Marriage Road, Brighton East VIC 3187

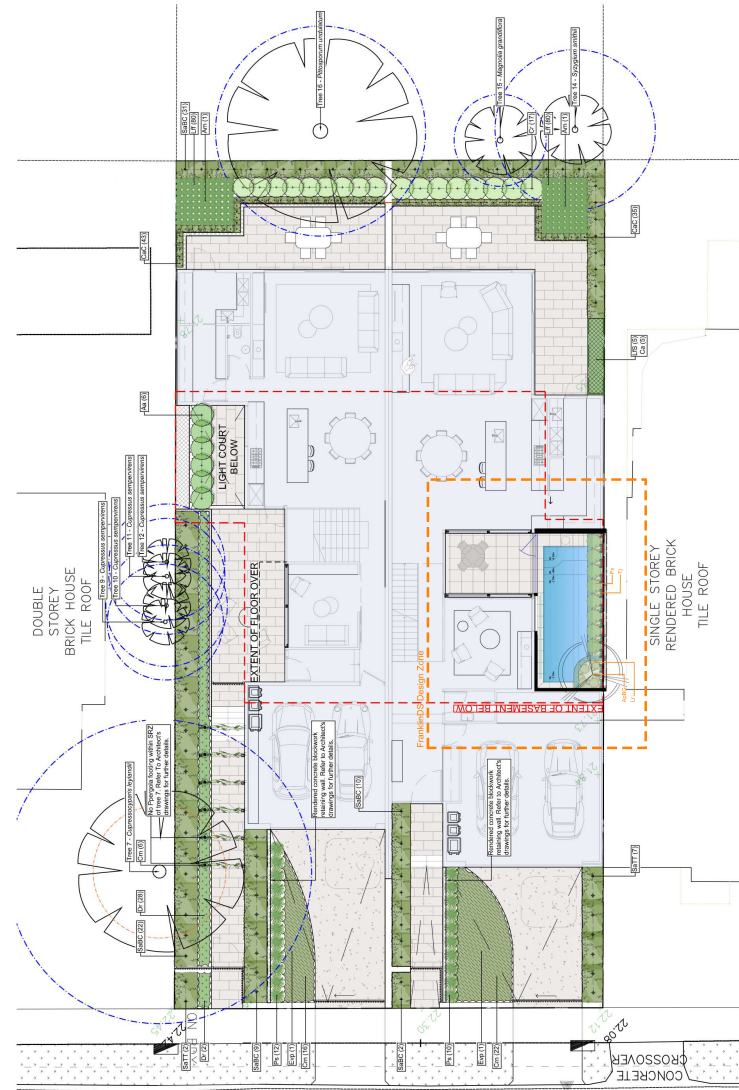
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SCALE # A2: 1:200
SCALE # A1: 1:500
SCALE # A0: 1:1000

DATE: 01.11.2017
APPROVED: RF AA
DATE: 01.11.2017

PROJECT PHASE: Town Planning
CLIENT: TPI-101
ARCHITECT: FRANKLIN ARCHITECTURE P/L

FRANKLIN ARCHITECTURE P/L
 180 MARRIAGE ROAD, BRIGHTON EAST VIC 3187
 PH: 03 9594 3300
 WWW.FRANKLINARCHITECTURE.COM.AU
 Telephone: 483 384293 3200

NOT FOR CONSTRUCTION

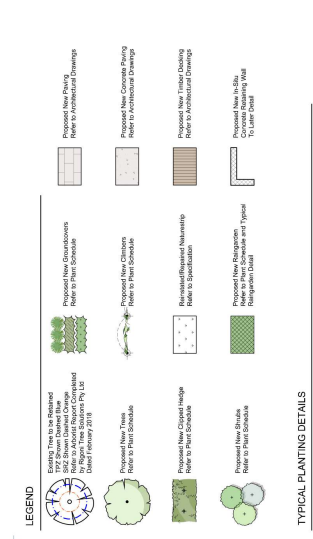


TREE PROTECTION NOTES

- 1. The Protection measures are to be in accordance with Australian Standard AS 4773:2007 Pruning of Ornamental Trees... 2. All trees to be retained... 3. No heavy machinery to be used within the TPC...

SPECIFICATION NOTES

Soil Preparation: Excavate and replace topsoil with a 100mm layer of topsoil... 1. No imported top soil to be used within the TPC... 2. Weeds removal: All weeds, including any grasses, to be removed...




LEGEND and TYPICAL TREE PLANTING DETAIL

Table with columns: SYN, BOTANICAL NAME, COMMON NAME, DBE, HEIGHT AT MATURITY, MIN. SPREAD, QTY. Lists various tree species like Blackwood, White Correa, and Prunus Correa.

PLANT SCHEDULE



TYPICAL RAIN GARDEN IN GROUND DETAIL - Refer to Civil Documentation

PLANNING PERMIT	Application No.:	5/2018/335/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	


ADDRESS OF THE LAND:	18 Marriage Road BRIGHTON EAST
THE PERMIT ALLOWS:	Construction of two double storey attached dwellings and basement 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 plans prepared by NTF referenced as Project No. 17-020 Drawing Nos. TP0-002, TP1-100, TP1-101, TP1-102, TP1-103, TP2-100, TP2-101, TP2-102, TP2-103, TP3-101, TP3-102 & TP7-100 (all Rev.D) and dated 14 August 2018 + Landscape Plan prepared by John Patrick Job No. 18-0176 Drawing No. L-TP01 and dated August 2018 but modified to show:
 - a) Sightlines to be in accordance with the Design Standards at Clause 52.06-9 of the Bayside Planning Scheme and dimensioned on the plans.
 - b) Internal pedestrian doors within each garage to swing outwards or modified (eg. sliding doors) to achieve minimum internal garage dimensions in accordance with the requirements of Design Standard 2 at Clause 52.06-9 of the Bayside Planning Scheme.
 - c) A sectional diagram demonstrating that storage within each garage will achieve minimum internal garage dimensions in accordance with the requirements of Design Standard 2 at Clause 52.06-9 of the Bayside Planning Scheme.
 - d) Changes shown on the first floor plan tabled at the VCAT Compulsory Conference dated 7 May 2019 and referenced Drawing Number VCAT-TP1-102.
 - e) Screening to the east facing stairwell window of Dwelling 1 to prevent a downward view to the habitable room windows of 20 Marriage Road.
 - f) The 1.7m measured above finished floor level dimension added to the screening notations of first floor habitable room windows on the east, west and south elevations.
 - g) East and West elevations correctly labelled to their respective orientation.
 - h) Water Sensitive Urban Design measures in accordance with Condition 8.
 - i) Provision of the development contributions fee in accordance with Condition 11.
 - j) A Landscaping Plan in accordance with Condition 12.
 - k) A Tree Management and Protection Plan in accordance with Condition 15.

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

Date issued:	2 January 2019		Page 1 of 5
Date varied:	8 May 2019		
Planning and Environment Regulations 2015 Form 4		Signature for the Responsible Authority	

PLANNING PERMIT	Application No.:	5/2018/335/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

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 obscure glazing or 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.


Water Sensitive Urban Design

8. 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:
 - 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.

9. 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.

Date issued: 2 January 2019			Page 2 of 5
Date varied: 8 May 2019			
Planning and Environment Regulations 2015 Form 4		Signature for the Responsible Authority	

PLANNING PERMIT	Application No.:	5/2018/335/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

Traffic

- 10. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed and drained to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times. 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.


Development Contribution


- 11. 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.

Landscaping

- 12. Before the development starts, 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 John Patrick Job No. 18-0176 Drawing No. L-TP01 and Council date stamped August 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show/include:
 - a) One (1) large canopy tree species within the front setback of each dwelling which will grow to a minimum height of 12m at maturity or two (2) small canopy tree species which will grow to a minimum height of 8m at maturity in accordance with the Bayside Landscape Design Guidelines (2016).
 - 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 with 80% of them being indigenous by species type and count;
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces and;

Date issued:	2 January 2019		Page 3 of 5
Date varied:	8 May 2019		
Planning and Environment Regulations 2015 Form 4		Signature for the Responsible Authority	

PLANNING PERMIT	Application No.:	5/2018/335/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- e) Details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes of pathways and driveways including:
 - Retaining walls adjacent to basement ramps within the front setback of both dwellings to ensure planting zones within this area will be maintained at natural ground level
 - The removal of pergola footings from within the Structural Root Zone of Tree #7 as per the site plans and arborist recommendations.
 - The proposed rainwater garden within the rear setback of Unit 2
- 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.


Tree Management and Protection Plan


- 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.

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) 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) Protection Zone falls within the subject site.
 - c) 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, 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.

Date issued: 2 January 2019			Page 4 of 5
Date varied: 8 May 2019			
Planning and Environment Regulations 2015 Form 4		Signature for the Responsible Authority	

PLANNING PERMIT	Application No.:	5/2018/335/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

Street tree protection

18. Before the development starts tree protection fencing is to be established around the street tree 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 naturestrip under the drip line of the tree. The Tree Protection Zone (TPZ) 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.

Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City authorised tree care contractors. There is to be no soil excavation within 1m of the street tree asset 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.

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.

Permit Notes

Date	Details
08/05/2019	As per Victorian Civil Administrative Tribunal Order P124/2019, dated 08 May 2019

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.

Date issued: 2 January 2019		Page 5 of 5
Date varied: 8 May 2019		<i>Fiona Farrand</i>
Planning and Environment Regulations 2015 Form 4		Signature for the Responsible Authority

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.

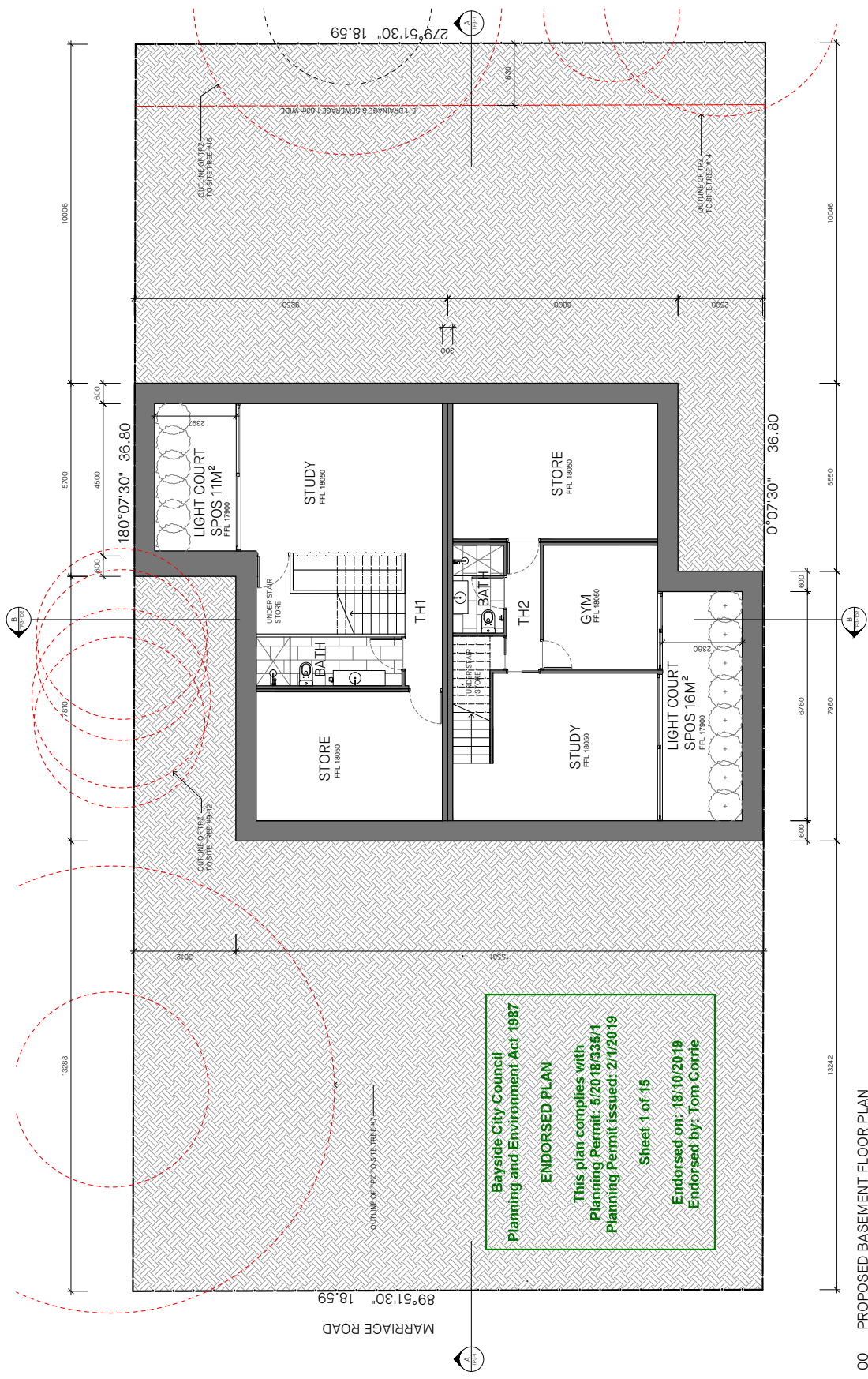
WHEN DOES A PERMIT EXPIRE?

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



Bayside City Council
Planning and Environment Act 1987
ENDORSED PLAN
 This plan complies with
Planning Permit: 5/20/18/338/1
Planning Permit issued: 2/1/2019
 Sheet 1 of 15
Endorsed on: 18/10/2019
Endorsed by: Tom Corrie

00 PROPOSED BASEMENT FLOOR PLAN

SCALE: 1:100

DATE: 18/10/2019

PROJECT NAME: Marriage Road Townhouses

PROJECT ADDRESS: 18 Marriage Road, Brighton East VIC 3187

DESIGNER: Newton Luxon Ferry Architects Pty. Ltd.
Level 11, 50 South Street, Melbourne VIC 3021
Telephone: +61 (0)3 9493 3300

APPROVED BY: Tom Corrie

DATE: 18/10/2019

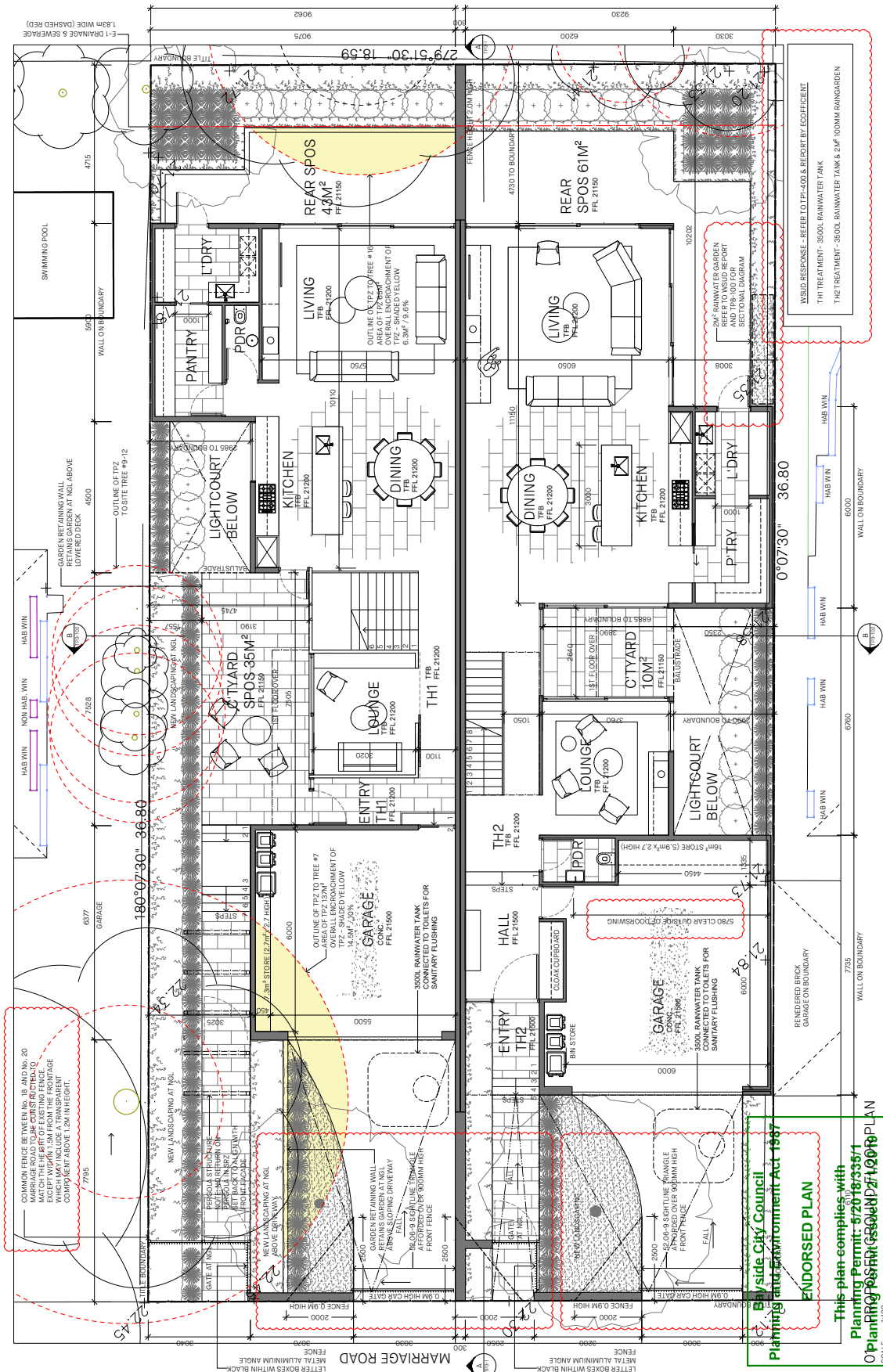
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Telephone: +61 (0)3 9493 3300

APPROVED BY: Tom Corrie



PROJECT NAME
Town Planning
Revision
F

PROPOSED PLAN
Proposed Ground Floor Plan
DATE
17/02/20

SCALE
1:100

DATE
01/11/2017

PROJECT NAME
Marriage Road Townhouses
18 Marriage Road,
Brighton East VIC 3187

DATE
13/04/18
15/02/19

SCALE
1:100

DATE
01/11/2017

PROJECT NAME
Marriage Road Townhouses
18 Marriage Road,
Brighton East VIC 3187

DATE
13/04/18
15/02/19

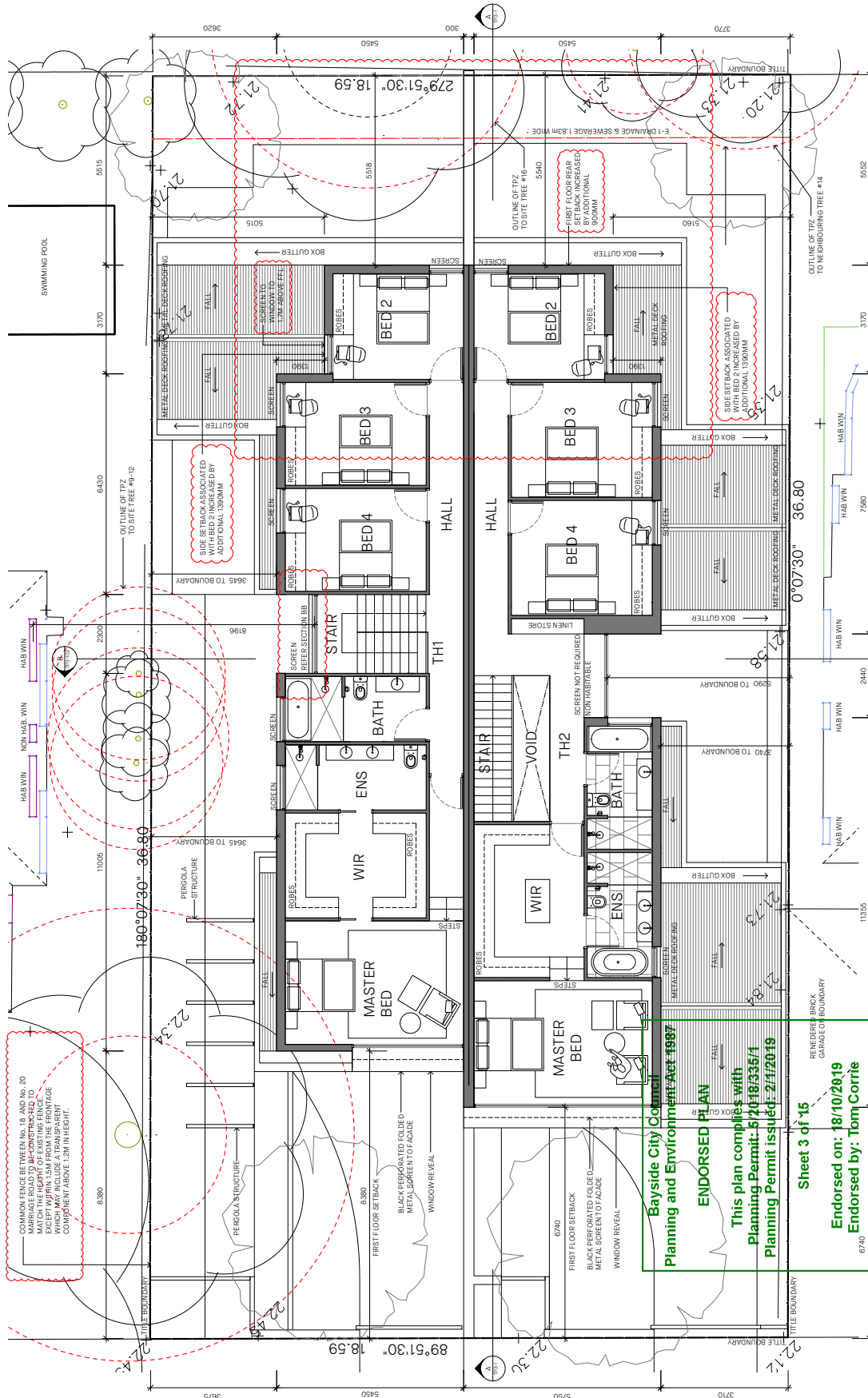
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DATE
01/11/2017

Bayside City Council
Planning and Environment Act 1987
ENDORSED PLAN

This plan complies with
Planning Permit: **6/2018/535/1**
Planning Permit: **65044D/210018**

Sheet 2 of 15
Endorsed on: **18/10/2019**
Endorsed by: **Tom Corrie**



PROJECT NAME
TPI-102

PROPOSED WORK
Town Planning

PROPOSED WORK
Proposed First Floor Plan

SCALE
1:100

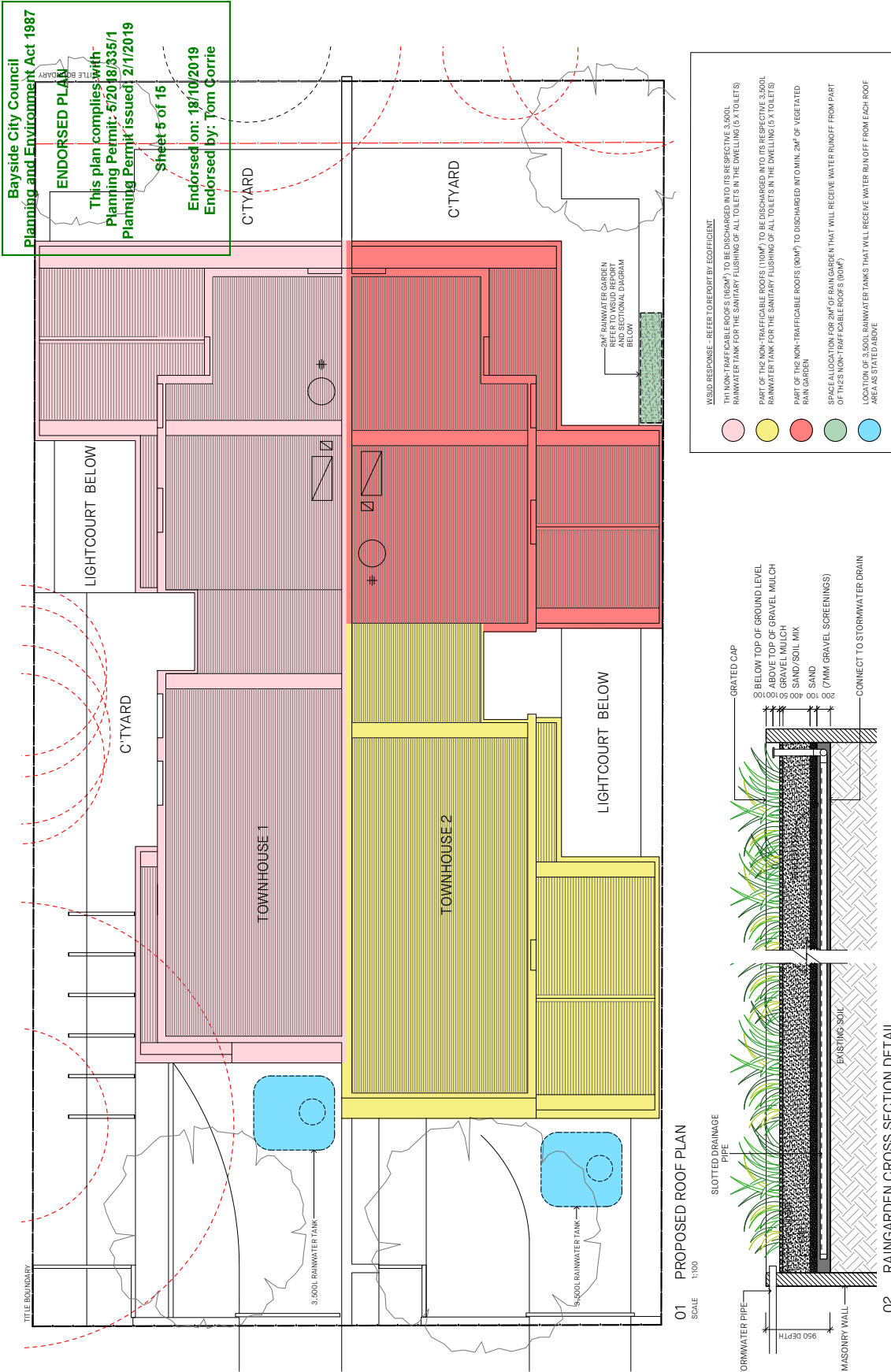
PROJECT ADDRESS
Marriage Road Townhouses
18 Marriage Road,
Brighton East VIC 3187

DATE
17/10/19
30/04/19
15/02/19
13/03/19

REVISIONS
This drawings to be read in conjunction with all relevant plans, specifications and drawings. Dimensions are to be reproduced with a 1:100 scale. Dimensions are in millimeters and are as indicated on the drawing.

CONTRACTOR
Newon Trencher Architecture Pty
Level 1, 3 South Street, Glenview VIC 3121
Tel: 03 9499 3300
www.newon.com.au

02 PROPOSED FIRST FLOOR PLAN



PROJECT NAME: TOWN PLANNING
PROJECT LOCATION: 18 MARRIAGE ROAD, BRIGHTON EAST VIC 3187

DATE: 01/11/2017
SCALE: 1:100
DRAWN BY: RF
CHECKED BY: AA

PROJECT NO: WSUD PLAN
DATE: 17/02/20

PROJECT NAME: Marriage Road Townhouses
PROJECT LOCATION: 18 Marriage Road, Brighton East VIC 3187

DATE: 13/04/18
DATE: 30/04/18
DATE: 15/02/19

DATE: 13/04/18
DATE: 30/04/18
DATE: 15/02/19

DATE: 13/04/18
DATE: 30/04/18
DATE: 15/02/19

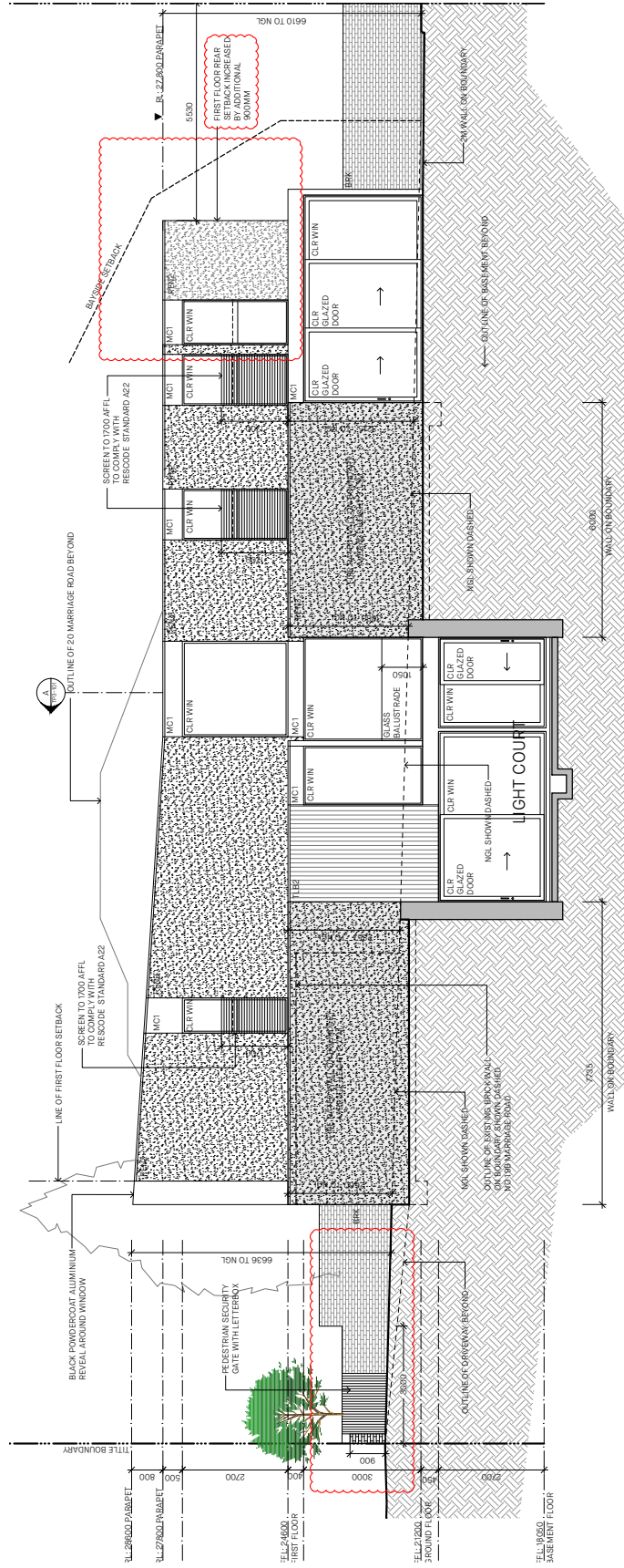
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DATE: 15/02/19

DATE: 13/04/18
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DATE: 15/02/19

DATE: 13/04/18
DATE: 30/04/18
DATE: 15/02/19

DATE: 13/04/18
DATE: 30/04/18
DATE: 15/02/19

**Bayside City Council
Planning and Environment Act 1987**
ENDORSED PLAN
This plan complies with
Planning Permit: 5/2018/335/1
Planning Permit issued: 2/1/2019
Sheet 6 of 15
Endorsed on: 18/10/2019
Endorsed by: Tom Corrie

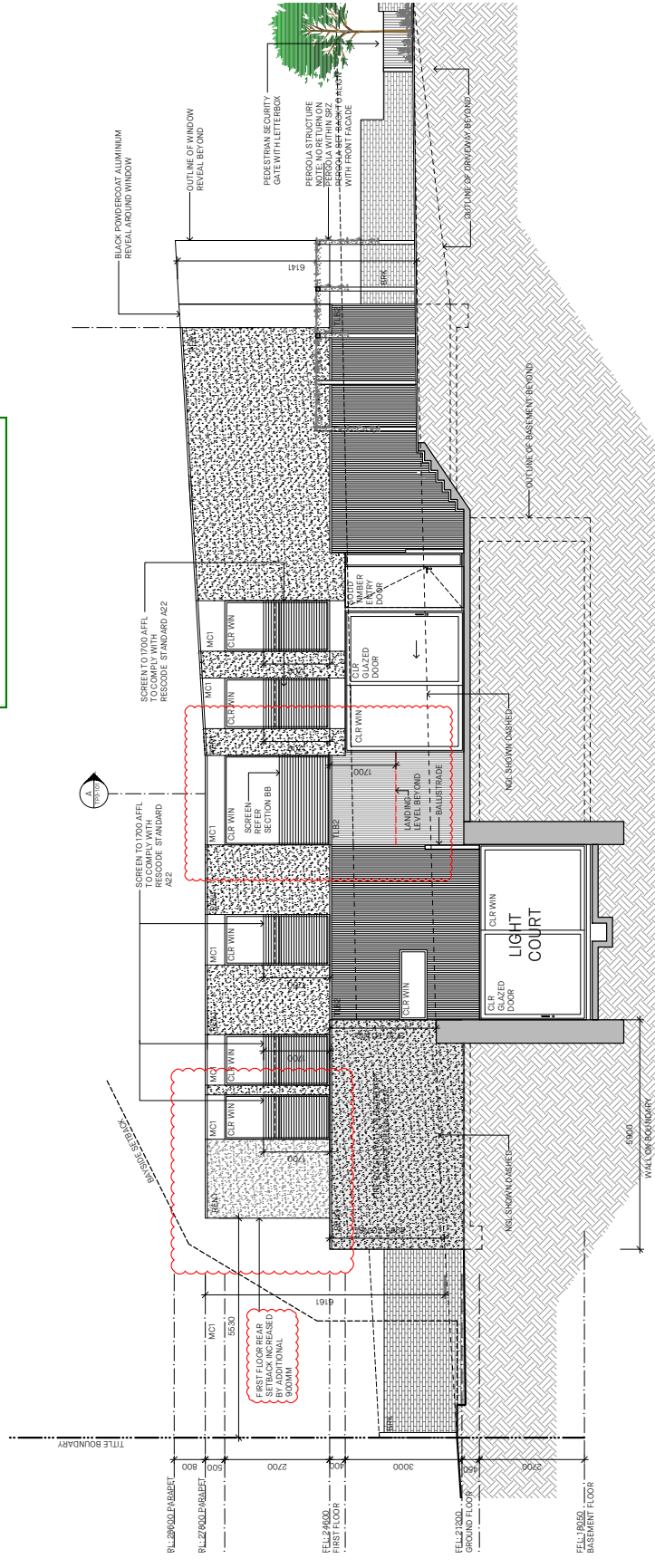


SUBJECT PROPERTY - 18 MARRIAGE ROAD - TOWNHOUSE 2

01 PROPOSED WEST ELEVATION

<p>CLIENT Tulach Property Architecture Pty Ltd 1/3 Coalm Street, Cammerie VIC 3121 Tel: 03 9429 3200 Fax: 03 9429 3200</p>	<p>DATE A: 13.04.18 Issued for Planning Application, Clash B: 30.04.18 Issued for Planning Application P: 02.07.19 Issued for Endorsement</p>	<p>PROJECT NAME Marriage Road Townhouses 18 Marriage Road, Brighton East VIC 3187</p>	<p>SCALE 1:100</p> <p>DATE 20.02.2017</p> <p>REVISED AA</p>	<p>PROPOSED Proposed West Elevation 17-020</p>	<p>PROJ NUMBER TP2-101</p> <p>REVISION F</p>	
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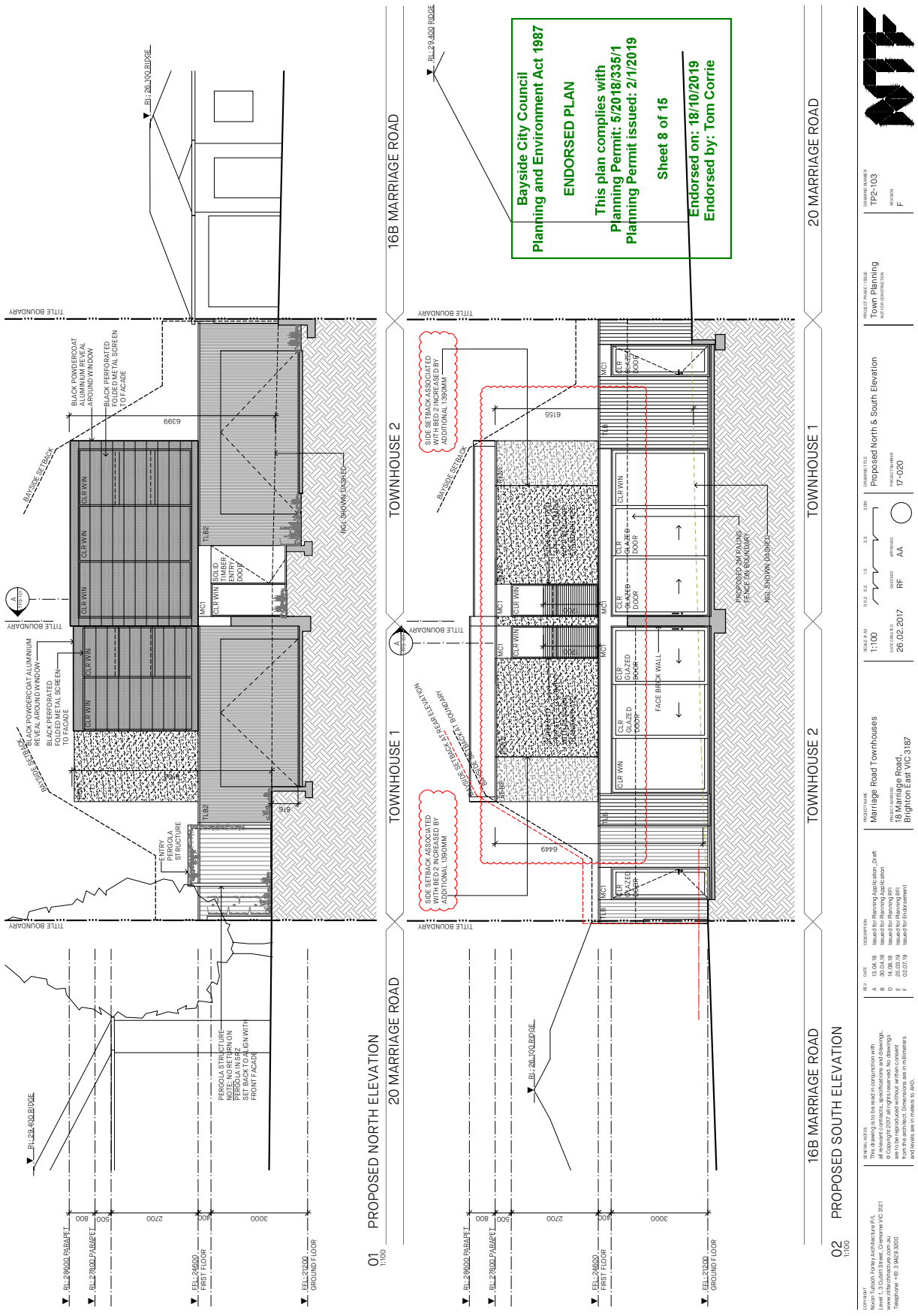
Bayside City Council
Planning and Environment Act 1987
ENDORSED PLAN
This plan complies with
Planning Permit: 5/20/18/335/1
Planning Permit issued: 2/1/2019
Sheet 7 of 15
Endorsed on: 18/10/2019
Endorsed by: Tom Corrie



SUBJECT PROPERTY - 18 MARRIAGE ROAD - TOWNHOUSE 1

01 PROPOSED EAST ELEVATION
1:100

<p>PROJECT NO: 18/10/2019 DRAWN BY: J. F. J. ARCHITECTS DATE: 18/10/2019 SCALE: 1:100 SHEET: 7 OF 15</p>	<p>DATE: 18/10/2019 SCALE: 1:100 SHEET: 7 OF 15</p>	<p>PROJECT NAME: Marriage Road Townhouses 18 Marriage Road, Brighton East VIC 3187</p>	<p>PROJECT NO: 5/20/18/335/1 DATE: 2/1/2019</p>	<p>PROJECT NO: TP2-102 DATE: G</p>	<p>PROJECT NO: TP2-102 DATE: G</p>	
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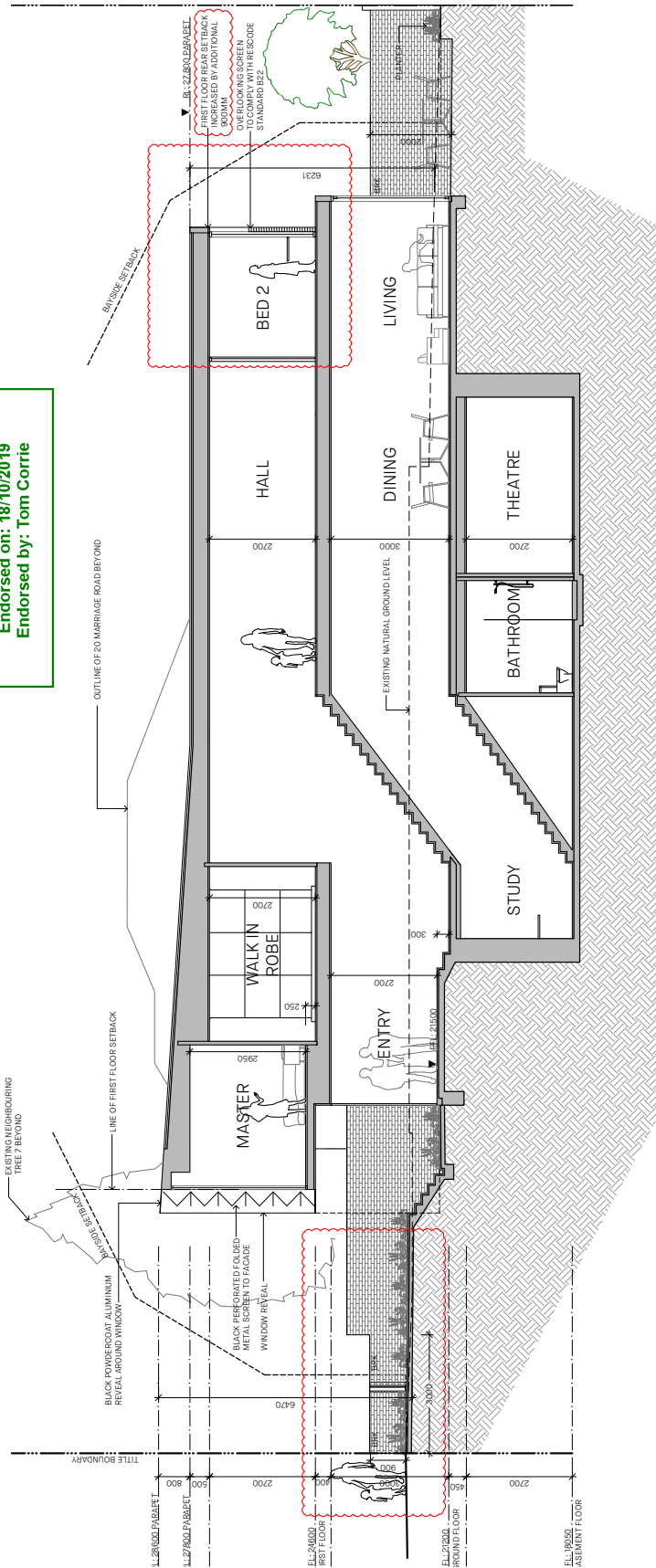


**Bayside City Council
Planning and Environment Act 1987
ENDORSED PLAN**

**This plan complies with
Planning Permit: 5/2018/335/1
Planning Permit issued: 2/1/2019**

Sheet 9 of 15

**Endorsed on: 18/10/2019
Endorsed by: Tom Corrie**



SUBJECT PROPERTY - 18 MARRIAGE ROAD - TOWNHOUSE 2

01 PROPOSED SECTION AA
1:100

PROJECT
 18 Marriage Road
 18 Marriage Road,
 Brighton East VIC 3187

DATE
 A 13.04.18 Issued for Planning Application, Draft
 B 30.04.18 Issued for Planning Application
 F 02.07.19 Issued for Endorsement

REVISIONS
 This drawing is to be read in conjunction with all relevant contracts, specifications and drawings. Any amendments to this drawing are to be reproduced with an action comment from the architect. Dimensions are in millimetres and are as shown unless stated to the contrary.

SCALE
 1:100
 DATE: 02.07.2019
 DRAWN: RF
 CHECKED: AA

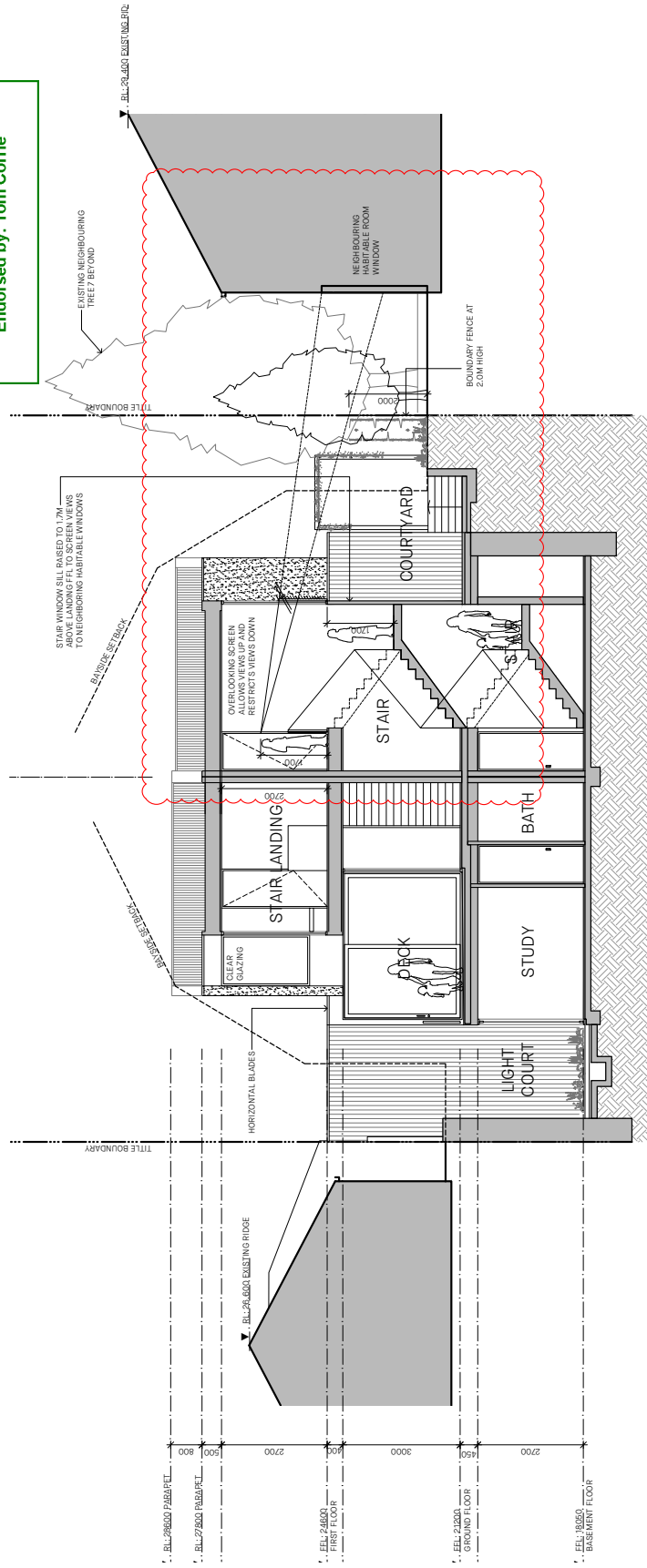
PROPOSED SECTION AA

PROPERTY
 Town Planning
 187 MARRIAGE ROAD
 BRIGHTON EAST VIC 3187

PROJECT NUMBER
 TP8-101

REVISION
 F

Bayside City Council
 Planning and Environment Act 1987
ENDORSED PLAN
 This plan complies with
 Planning Permit: 5/2018/336/1
 Planning Permit issued: 2/1/2019
 Sheet 10 of 15
 Endorsed on: 18/10/2019
 Endorsed by: Tom Corrie

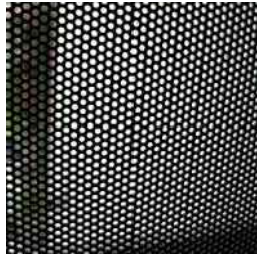


16B MARRIAGE ROAD | 18 MARRIAGE ROAD | 20 MARRIAGE ROAD

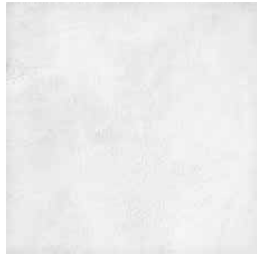
TOWNHOUSE 2 | TOWNHOUSE 1

02 PROPOSED SECTION BB
 1:100

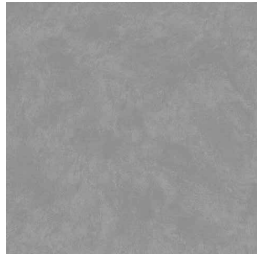
<p>PROJECT NO: 2023.02.017 DATE: 20/02/2017 DRAWN: RF CHECKED: AA</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>	
<p>PROJECT NAME: Marriage Road Townhouses 18 Marringa Road, Brighton East VIC 3187</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>
<p>SCALE: 1:100 DATE: 20/02/2017 DRAWN: RF CHECKED: AA</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>
<p>PROJECT NO: 2023.02.017 DATE: 20/02/2017 DRAWN: RF CHECKED: AA</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>	<p>PROPOSED SECTION BB PROPOSED SECTION BB 17-020</p>



10 BLACK PERFORATED FOLDED METAL SCREEN



03 WHITE RENDER



02 GREY RENDER



01 BRK GREY PRESSED BRICK



06 VEGETATION



05 MC1 BLACK METAL



09 TH1 PERGOLA & VEGETATION



08 BLACK METAL SCREENING



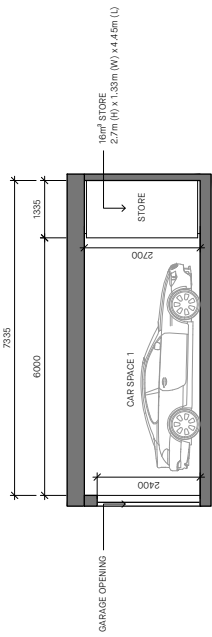
04 TLB1 TIMBER LINING BOARDS

07 TLB2 TIMBER BATTENS

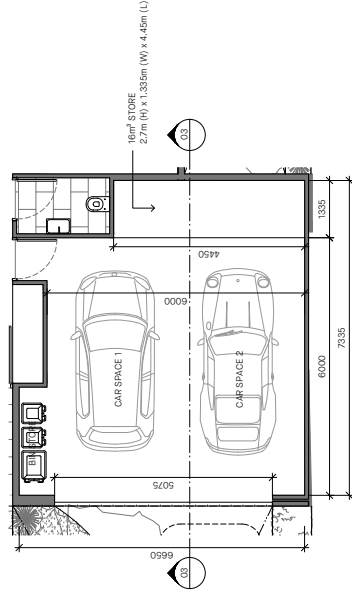
Bayside City Council
Planning and Environment Act 1987
ENDORSED PLAN
This plan complies with
Planning Permit: 5/2018/335/1
Planning Permit issued: 2/1/2019
Sheet 11 of 15
Endorsed on: 18/10/2019
Endorsed by: Tom Corrie

<p>Country: Nevon (Ulrich Forby Architecture P/L) Level: 1, 3, Collins Street, Melbourne VIC 3021 Telephone: +61 3 9493 3300</p>	<p>DATE: 13.09.18 ISSUED FOR: Planning Application - Draft DATE: 30.04.18 ISSUED FOR: Planning Application DATE: 02.07.19 ISSUED FOR: Final Product</p>	<p>PROJECT NAME: Marriage Road Townhouses 18 Marriage Road, Brighton East VIC 3187</p>	<p>DATE: 20.02.2017 DRAWN: RF CHECKED: AA APPROVED: AA</p>	<p>PROJECT TYPE: External Materials Schedule PROJECT NUMBER: TP-022</p>	<p>PROJECT PREPARED BY: Town Planning FOR THE CONSTRUCTION</p>	<p>PROJECT NUMBER: TP7-100 REVISION: F</p>	
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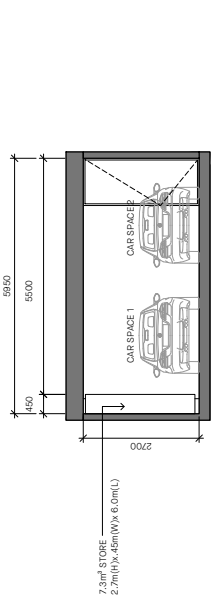
Bayside City Council
Planning and Environment Act 1987
ENDORSED PLAN
 This plan complies with
Planning Permit: 5/2018/336/1
Planning Permit issued: 2/1/2019
 Sheet 12 of 15
Endorsed on: 18/10/2019
Endorsed by: Tom Corrie



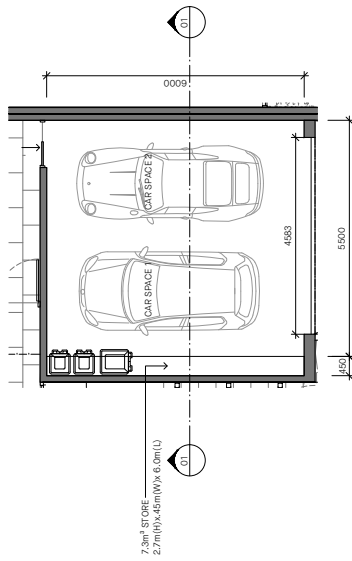
03 SECTIONAL DIAGRAM THROUGH TH2 GARAGE
 SCALE 1:100



04 PLAN - TH2 GARAGE
 SCALE 1:100



01 SECTIONAL DIAGRAM THROUGH TH1 GARAGE
 SCALE 1:100



02 PLAN - TH1 GARAGE
 SCALE 1:100



PROJECT NUMBER
TP8-100
 REVISION
F

PROJECT NAME / TITLE
Town Planning
 NAME OF CONSULTANT

SECTIONAL DIAGRAMS
 DRAWN BY
17-020

DATE OF ISSUE
20.02.2017

DATE OF ISSUE
20.02.2017

PROJECT NAME
Marriage Road Townhouses
 PROJECT ADDRESS
**18 Marriage Road,
 Brighton East VIC 3187**

REV. DATE. DESCRIPTION
F 15.07.19 Issued for Endorsement

NOTES
 This drawing is to be read in conjunction with all relevant contracts, specifications and drawings. It is to be used for construction purposes only and is not to be reproduced without written consent from the architect. Dimensions are in millimeters and unless otherwise indicated to the contrary.

CONTRACTOR
 Nevon Litchford Architecture Pty Ltd
 Level 1, 50 Collins Street, Melbourne VIC 3021
 Telephone +61 3 9429 3300

**4.9 135 BEACH ROAD, SANDRINGHAM
SECONDARY CONSENT - APPROVE
APPLICATION: 2014/55/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/260389

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	135 Beach Road, Sandringham
Application No.	2014/55/1
Applicant	Mr B Trifunovski
Title/Covenant	The title is not subject to any restrictive covenants.
Date application received	3 August 2023
Zoning	Neighbourhood Residential Zone (Schedule 3)
Overlays	Design and Development Overlay (Schedule 1) Development Contribution Plan Overlay (Schedule 1)

Proposal

Planning Permit 2014/55/1 allows:

Construction of a double storey dwelling on a lot less than 500 square metres in the Neighbourhood Residential Zone - Schedule 3 and creation of access onto a Road Zone Category 1

The application seeks approval to amend the endorsed plans pursuant to Condition 2 of Planning Permit 2014/55/1 on a lot with an area of 389 square metres.

The proposed amendments are as follows:

- Reconfiguration of the letterbox and bin storage in the front setback.
- Stepping-stone entry paving within the front setback replaced with permeable paved path.
- Rear terrace altered from paving to combination of paving a timber decking.
- Deletion of 3000L water tank on southern boundary, and provision of updated STORM Report.
- Minor alterations to the rear pergola, and change of material from aluminium to timber.

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

History

Planning Permit 2014/55/1 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 15 April 2015. The Permit allows for the construction of a double storey dwelling on a lot less than 500 square metres in the Neighbourhood Residential Zone – Schedule 3 and creation of access onto a Road Zone Category 1, subject to conditions.

Plans were endorsed on 21 November 2016.

An application for an extension of time of one year was submitted on 3 March 2017, and was granted by Council on 22 May 2017. The development was required to commence by 15 April 2018, and be completed by 15 April 2020.

An application to amend plans under secondary consent was submitted on 12 June 2018, and granted by Council on 25 June 2018.

A further application to amend plans under secondary consent was submitted on 27 September 2018, and granted by the Planning and Amenity Committee on 13 November 2018.

Development commenced, and a second application for an extension of time was submitted on 5 March 2020, and was granted by Council on 12 March 2020. The development is now required to complete by 15 April 2022.

A further application to amend plans under secondary consent was submitted on 30 May 2020, and granted by the Planning and Amenity Committee on 21 July 2020.

A further application for an extension of time was submitted on 30 November 2021, and was granted by Council on 7 December 2021. The development is now required to complete by 15 April 2024.

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 2014/55/1.

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 2014/55/1**
2. that plans identified as P04-07 & P09 Rev.H, P10 Rev.G, P20, Landscape Plan L01 and LO2 dated 1/09/2023 & STORM Report dated 3/08/2023 and drawing P20 prepared by APA Architecture and be endorsed
3. that plans 1 to 6 endorsed on 23/07/2020, Landscape plan endorsed on 21 November 2016, and STORM Report endorsed on 21/11/2016 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 amendment would provide for minor alterations to the features in the front and rear open spaces of a generally minor nature, including alterations that would not require specific planning permission in isolation. There are no changes to the built form, setbacks or scale of the dwelling itself.

The scale of the overall building fabric will not change. The proposal does not alter the outcome related to site coverage, overlooking or overshadowing. The permeability does increase slightly due to the changes to groundcover in the front and rear setbacks. The updated STORM Report provided also still demonstrates a minimum of 100% rating for stormwater treatment. 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 a double storey dwelling on a lot less than 500 square metres in the Neighbourhood Residential Zone – Schedule 3 and creation of access onto a Road Zone Category 1. The amendment sought under this application is considered to be 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. Site and Surrounds ↓
- 2. Current Permit ↓
- 3. Current Endorsed Plans ↓
- 4. Proposed Plans & Cover Letter ↓


135 Beach Road, SANDRINGHAM

Attachment 1



Figure 1 Aerial overview of the site and surrounds


Legend	
Subject site	★

PLANNING PERMIT 5/2014/55/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

Address Of The Land:	No. 135 Beach Road SANDRINGHAM
The Permit Allows:	Construction of a double storey dwelling on a lot less than 500 square metres in the Neighbourhood Residential Zone - Schedule 3 and creation of access onto a Road Zone Category 1 in accordance with the endorsed plans and subject to the following conditions.

The Following Conditions Apply To This Permit:

1. Before the development start(s), 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 plans submitted with the application but modified to show:
 - a) The transparency of all privacy screens marked as being a maximum of 25%.
 - b) All perimeter side and rear fencing provided at a minimum height of 1.8m.
 - c) All habitable room windows and balconies screened in accordance with Standard A15 of ResCode.
 - d) The dimensions of the garage clearly indicated as being a minimum 6m long by 5.5m wide with a 4.8m wide doorway.
 - e) A visibility splay provided to the east of the accessway in accordance with Design Standard 1 of Clause 52.06-8.
 - f) A revised crossover in accordance with Condition No. 19.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Before the development starts, a schedule of construction materials, external finishes and colours to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit. The slats proposed to be used for the privacy screens at first floor level must be non-reflective in nature.
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.

Page 1 of 5	
Date issued: 15 April 2015	
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
<p>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.</p>	

PLANNING PERMIT
5/2014/55/1

Responsible Authority: Bayside City Council

Planning Scheme: Bayside



- 5. 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.
- 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.
- 7. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the responsible authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the responsible authority.
- 8. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.
- 9. Before the development starts, a landscape plan 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. The plan must be drawn to scale with dimensions and three copies must be provided.

The plan must show:

- a) Buildings and trees, including botanical names, on neighbouring properties within three metres of the boundary
- b) Details of surface finishes of pathways and driveways
- c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
- d) Landscaping and planting within all open areas of the site

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.


- 10. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, 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.

Date issued: 15 April 2015

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 5/2014/55/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

12. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and 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 landscaping 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.

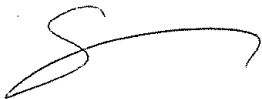
The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater.- Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.


13. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.

14. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.

15. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.

16. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.

Page 3 of 5	
Date issued: 15 April 2015 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 5/2014/55/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

17. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

VicRoads Conditions (Nos. 18-20)

18. Before the development starts, amended plans must be submitted to and approved by VicRoads. When approved by VicRoads and endorsed by the Responsible Authority the plans will then form part of the permit. The plans must be generally in accordance with the Plan (Proposed Ground Floor Plan, Drawing No TP 04, Rev No. 4, dated 8/4/14) but modified to show:

a) The crossover at least 3.5m wide at the property boundary, flared at 60 degrees and with 1.0 metre clearance from any fixed object at the entrance to the property.

19. Provision for vehicles to enter and exit the site in a forward direction must be available at all times to the satisfaction of the VicRoads.

20. Before the use of the permitted development, access to Beach Road and the turntable must be constructed in accordance with the approved plan to the satisfaction of the Responsible Authority.

21. 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.


The Responsible Authority may extend the periods referred to above if a request is made in writing:-

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

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.
- Building approval must be obtained prior to the commencement of the above approved works.

Page 4 of 5	
Date issued: 15 April 2015	
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
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PLANNING PERMIT 5/2014/55/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	


- Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.

The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees.

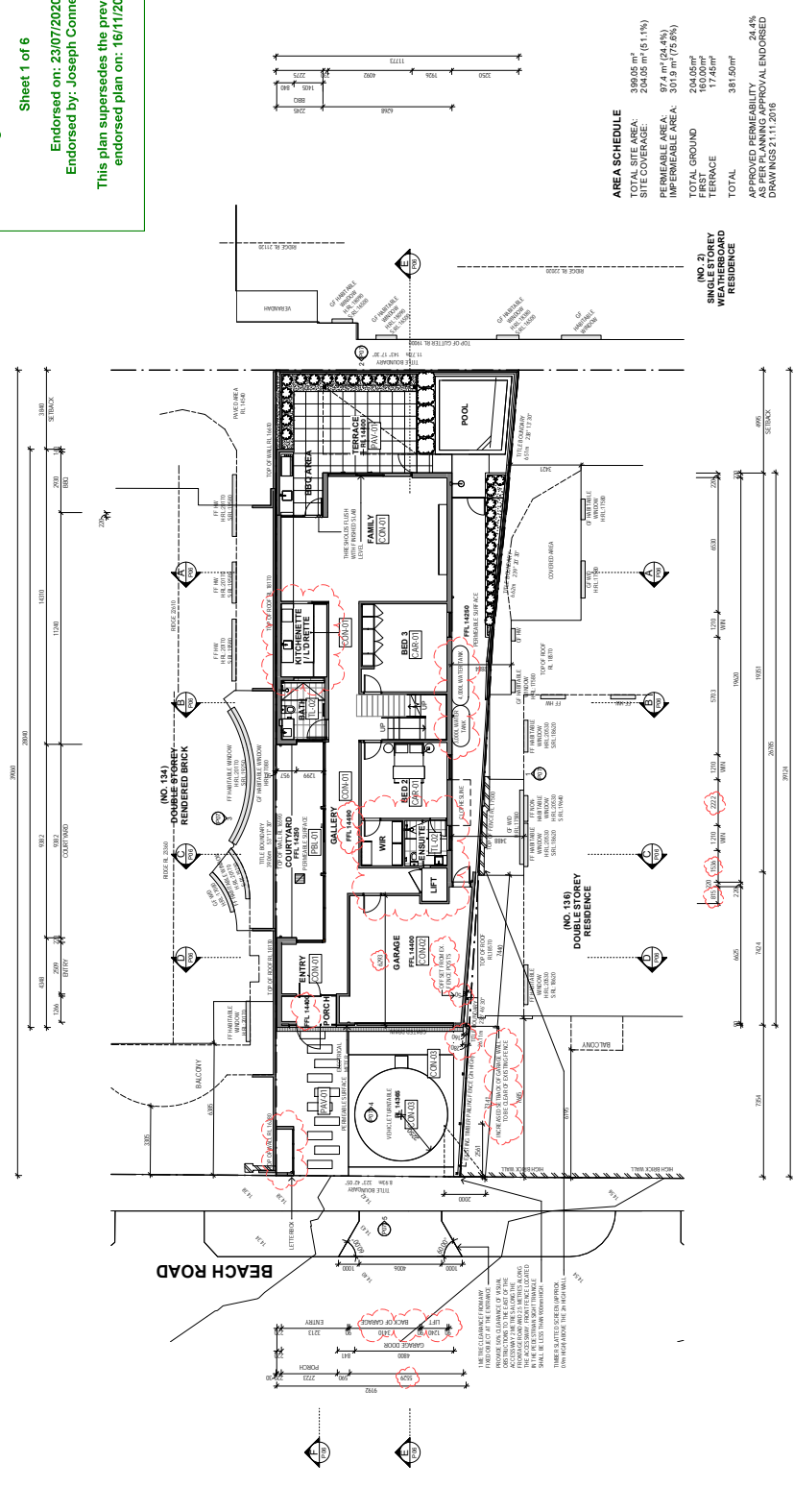
The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.

- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.



Page 5 of 5	
Date issued: 15 April 2015	
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>	

Bayside City Council
 Planning and Environment Act 1987
 AMENDED ENDORSED PLAN
 This plan complies with
 Planning Permit: 5/2014/55/1
 Planning Permit issued: 15/04/2015
 Sheet 1 of 6
 Endorsed on: 23/07/2020
 Endorsed by: Joseph Connellan
 This plan supersedes the previously
 endorsed plan on: 16/11/2018



AREA SCHEDULE

TOTAL SITE AREA:	398.05 m ²
SITE COVERAGE:	204.05 m ² (51.1%)
PERMEABLE AREA:	87.4 m ² (24.4%)
IMPERMEABLE AREA:	303.9 m ² (75.6%)
TOTAL GROUND	204.05 m ²
TERRACE	17.45 m ²
TOTAL	381.50 m ²

APPROVED PERMEABILITY: 24.4%
 ORIGINAL ENDORSED DRAWINGS 21.11.2016

(NO. 2) SINGLE STOREY WEATHERBOARD RESIDENCE

GROUND FLOOR PLAN
 SCALE 1:100

APA architecture
 + interiors
 100 WILSON ROAD, SUITE 101 TORONTO, ONTARIO M6K 3K7
 TEL: 416-291-0000 FAX: 416-291-0001
 DRAWING NO. P04
 REVISION G

TITLE PROPOSED GROUND FLOOR PLAN
 SCALE 1:100 @ A1
 1:200 @ A3
 DRAWN MA
 CHECKED AP
 DATE 28.05.20

PROJECT 1715 - 135 BEACH ROAD SANDRINGHAM
 SCALE 1:100 @ A1
 1:200 @ A3
 DRAWN MA
 CHECKED AP
 DATE 28.05.20

PLANNING PERMIT ISSUE - 28.05.20
 NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	PLANNING PERMIT AND AMENDMENT - SECONDARY	27.08.19
2	PLANNING PERMIT AND AMENDMENT - SECONDARY	24.08.19
3	PLANNING PERMIT AND AMENDMENT - SECONDARY	24.08.19
4	PLANNING PERMIT AND AMENDMENT - SECONDARY	24.08.19
5	CONCRETE FLOORING (AS NOTED)	24.08.19



Bayside City Council
 Planning and Environment Act 1987
AMENDED ENDORSED PLAN
 This plan complies with
 Planning Permit: 5/2014/MS/1
 Planning Permit issued: 15/04/2015
 Sheet 3 of 6
 Endorsed on: 23/07/2020
 Endorsed by: Joseph Connellan
 This plan supersedes the previously
 endorsed plan on: 16/11/2018

ADA architecture
 135 BEACH ROAD, SUITE 101, SANDRINGHAM VIC 3208
 PH: 03 9498 1000
 WWW.ADAARCHITECTURE.COM.AU
 DRAWING NO. P06
 REVISION G

TITLE PROPOSED SECTIONS
 SCALE 1:100 @ A1
 1:200 @ A3
 DRAWN MA
 CHECKED AP
 DATE 28.05.20

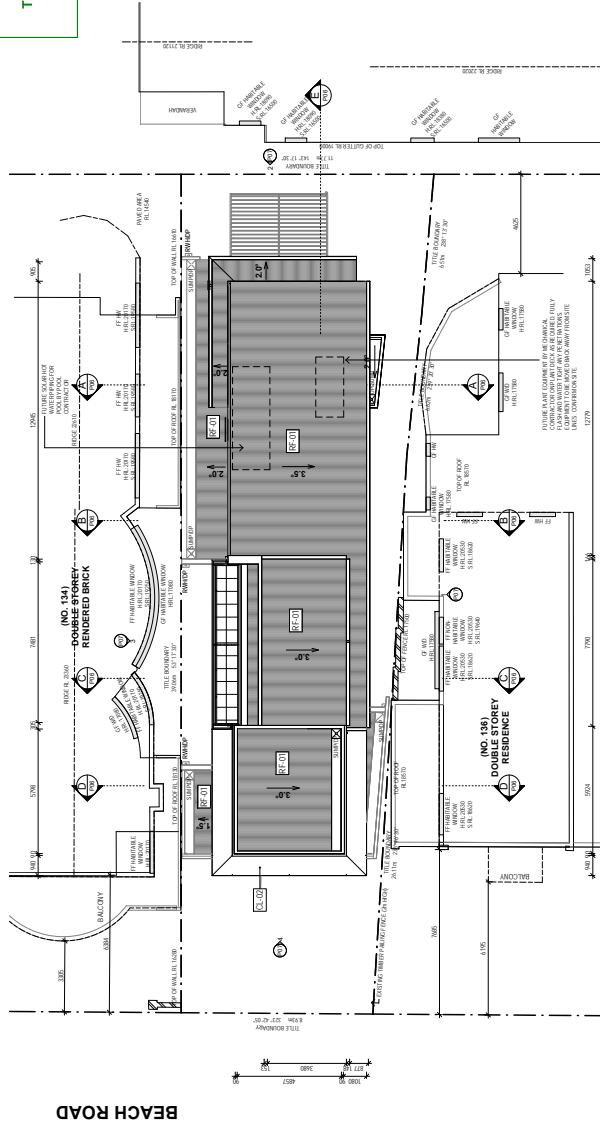
PROJECT 1715 - 135 BEACH ROAD SANDRINGHAM
 SCALE 1:100 @ A1
 1:200 @ A3
 COUNTY SCALE OFF DRAWINGS
 DRAWING NO. 1715-135 BEACH ROAD SANDRINGHAM
 DATE 28.05.20
 DRAWN MA
 CHECKED AP
 DATE 28.05.20

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**PLANNING PERMIT ISSUE - 28.05.20
 NOT FOR CONSTRUCTION**

REV	DESCRIPTION	DATE
1	PLANNING PERMIT AND AMENDMENT 1 - SECONDARY	27 JUN 18
2	PLANNING PERMIT AND AMENDMENT 2 - SECONDARY	24 FEB 19
3	PLANNING PERMIT AND AMENDMENT 3 - SECONDARY	21 FEB 20
4	CONSENT PERFORMANCE CONDITIONS	

Bayside City Council
 Planning and Environment Act 1987
AMENDED ENDORSED PLAN
 This plan complies with
 Planning Permit: 5/2014/55/1
 Planning Permit issued: 15/04/2015
 Sheet 5 of 6
 Endorsed on: 23/07/2020
 Endorsed by: Joseph Connellan
 This plan supersedes the previously
 endorsed plan on: 16/11/2018



(NO. 2)
 SANITARY
 WASTEWATER
 RESIDENCE

APA architecture
 + interiors
 100-104 BIRRI LANE, 3RD FLOOR, 100-104 BIRRI LANE, MELBOURNE VIC 3000
 TEL: 03 9594 1000
 WWW.APAARCHITECTURE.COM.AU
 DRAWING NO. P09
 REVISION G

TITLE PROPOSED ROOF PLAN
 SCALE 1:100 @ A1
 1:200 @ A3
 DRAWN MA
 CHECKED AP
 DATE 28.05.20

PROJECT 1715 - 135 BEACH ROAD SANDRINGHAM
 SCALE 1:100 @ A1
 1:200 @ A3
 DRAWN MA
 CHECKED AP
 DATE 28.05.20

PLANNING PERMIT AND ENVIRONMENTAL SERVICES
 1715 - 135 BEACH ROAD SANDRINGHAM
 SCALE 1:100 @ A1
 1:200 @ A3
 DRAWN MA
 CHECKED AP
 DATE 28.05.20

PLANNING PERMIT AND ENVIRONMENTAL SERVICES
 1715 - 135 BEACH ROAD SANDRINGHAM
 SCALE 1:100 @ A1
 1:200 @ A3
 DRAWN MA
 CHECKED AP
 DATE 28.05.20

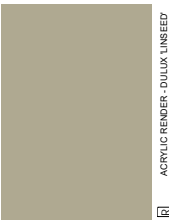
PLANNING PERMIT AND ENVIRONMENTAL SERVICES
 1715 - 135 BEACH ROAD SANDRINGHAM
 SCALE 1:100 @ A1
 1:200 @ A3
 DRAWN MA
 CHECKED AP
 DATE 28.05.20

NO.	DESCRIPTION	DATE
1	PLANNING PERMIT AND ENVIRONMENTAL SERVICES - SECONDARY	27 JAN 18
2	PLANNING PERMIT AND ENVIRONMENTAL SERVICES - SECONDARY	24 FEB 18
3	PLANNING PERMIT AND ENVIRONMENTAL SERVICES - SECONDARY	24 FEB 18
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100	PLANNING PERMIT AND ENVIRONMENTAL SERVICES - SECONDARY	24 FEB 18

PLANNING PERMIT ISSUE - 28.05.20
NOT FOR CONSTRUCTION

Bayside City Council
 Planning and Environment Act 1987
AMENDED ENDORSED PLAN
 This plan complies with
 Planning Permit: 5/2014/55/1
 Planning Permit issued: 15/04/2015
 Sheet 6 of 6
 Endorsed on: 23/07/2020
 Endorsed by: Joseph Connellan
 This plan supersedes the previously
 endorsed plan on: 16/11/2016

EXTERNAL FINISHES



R ACRYLIC RENDER - DULUX LINSEED
 CHARCOAL COLOUR



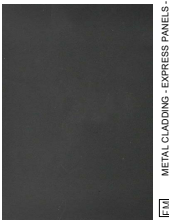
TP TEXTURED PAINT FINISH
 COLOUR TO MATCH RENDER



AW ALUMINIUM WINDOW FRAMES
 COLOURBOND MONUMENT MATTE



CON DRIVEWAY - EXPOSED AGGREGATE
 CONCRETE



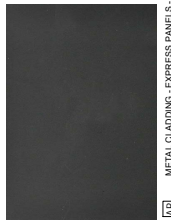
EM METAL CLADDING - EXPRESS PANELS -
 CHARCOAL COLOUR



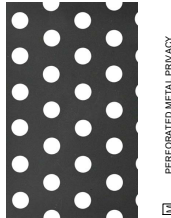
RF-01 METAL ROOF - COLOURBOND
 RIPECK - COLOURBOND MONUMENT



PAV01 STONE STEPPERS



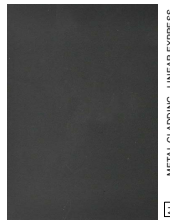
ALB METAL CLADDING - LINEAR EXPRESS
 PANELS - CHARCOAL COLOUR



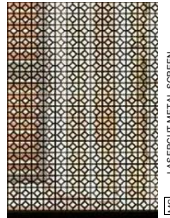
M PERFORATED METAL PRIVACY
 SCREEN - TRANSPARENT -
 CHARCOAL COLOUR



L02 PAVERS ON PEDESTALS



AL METAL CLADDING - LINEAR EXPRESS
 PANELS - CHARCOAL COLOUR



MS LASER-CUT METAL SCREEN -
 CHARCOAL COLOUR

REV	DESCRIPTION	DATE
1	PLANNING PERMIT AND ENVIRONMENT - SECONDARY	24.09.23
2	PLANNING PERMIT AND ENVIRONMENT - SECONDARY	24.09.23
3	CONCRETE FINISHES (AS CLASSED)	

PLANNING PERMIT ISSUE - 28.05.20
NOT FOR CONSTRUCTION

PROJECT
 1715 - 135 BEACH ROAD SANDRINGHAM

SCALE: N/A

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 Dimensions shown on drawings are for information only and are not to be used for construction. All dimensions shall be as shown on drawings unless otherwise stated. All dimensions shall be in millimetres unless otherwise stated.

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TITLE
PROPOSED MATERIALS & COLOURS

DRAWN
 MA

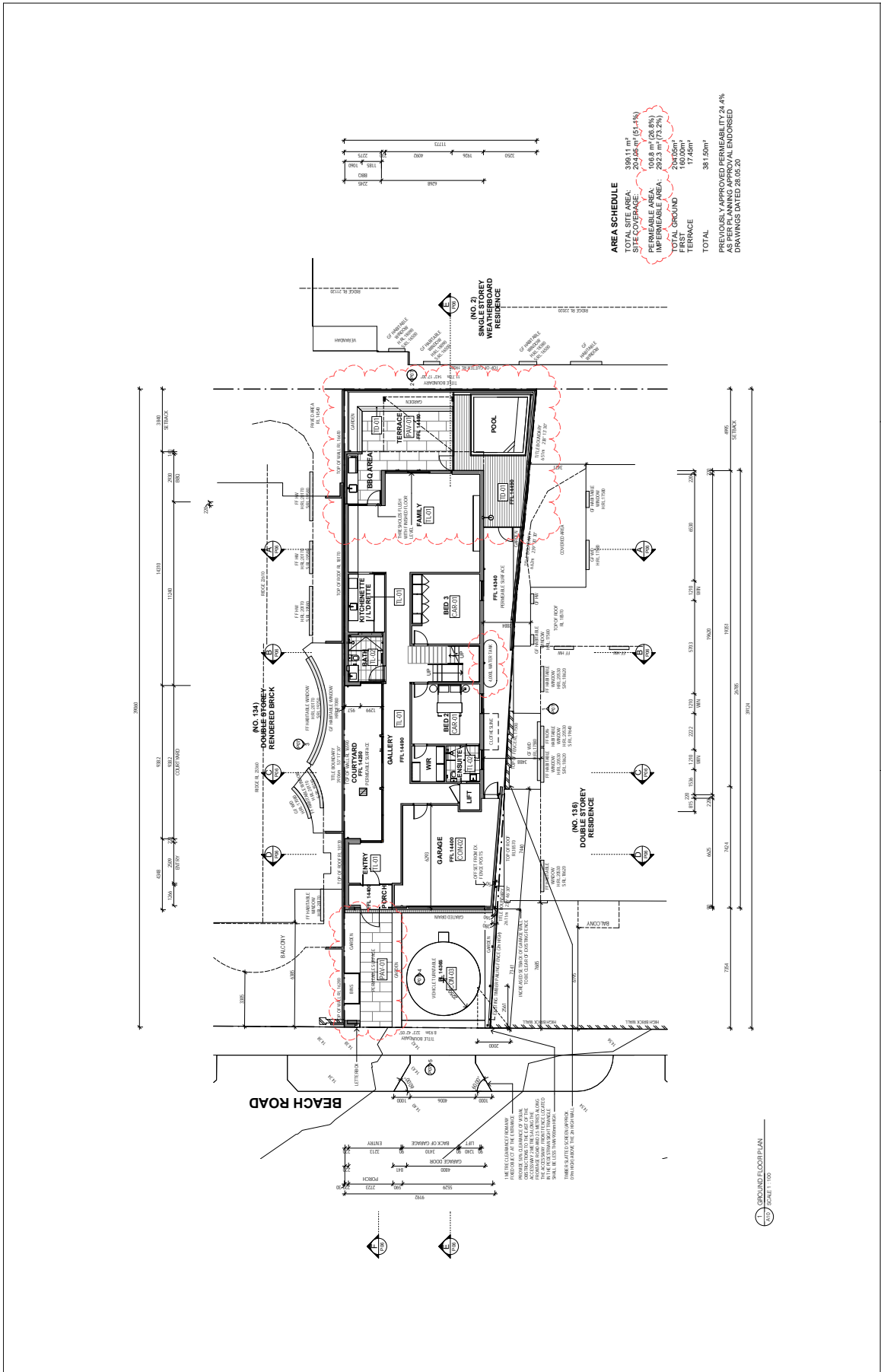
CHECKED
 AP

DATE
 28.05.20

ADA architecture
 + interiors
 110/12-18 BIRRI ST, CLACKAMARAN VIC 3102
 PH: 03 9594 0000
 WWW.ADAARCHITECTURE.COM.AU

DRAWING NO.
P10

REVISION
G



**PLANNING PERMIT ISSUE - 01.09.23
 NOT FOR CONSTRUCTION**

PROJECT: 1715-135 BEACH ROAD SANDRINGHAM
 SCALE: 1:100 @ A1
 1:200 @ A3

TITLE: PROPOSED GROUND FLOOR PLAN

DRAWN: MA
 CHECKED: AP
 DATE: 01.09.23

REVISION: H

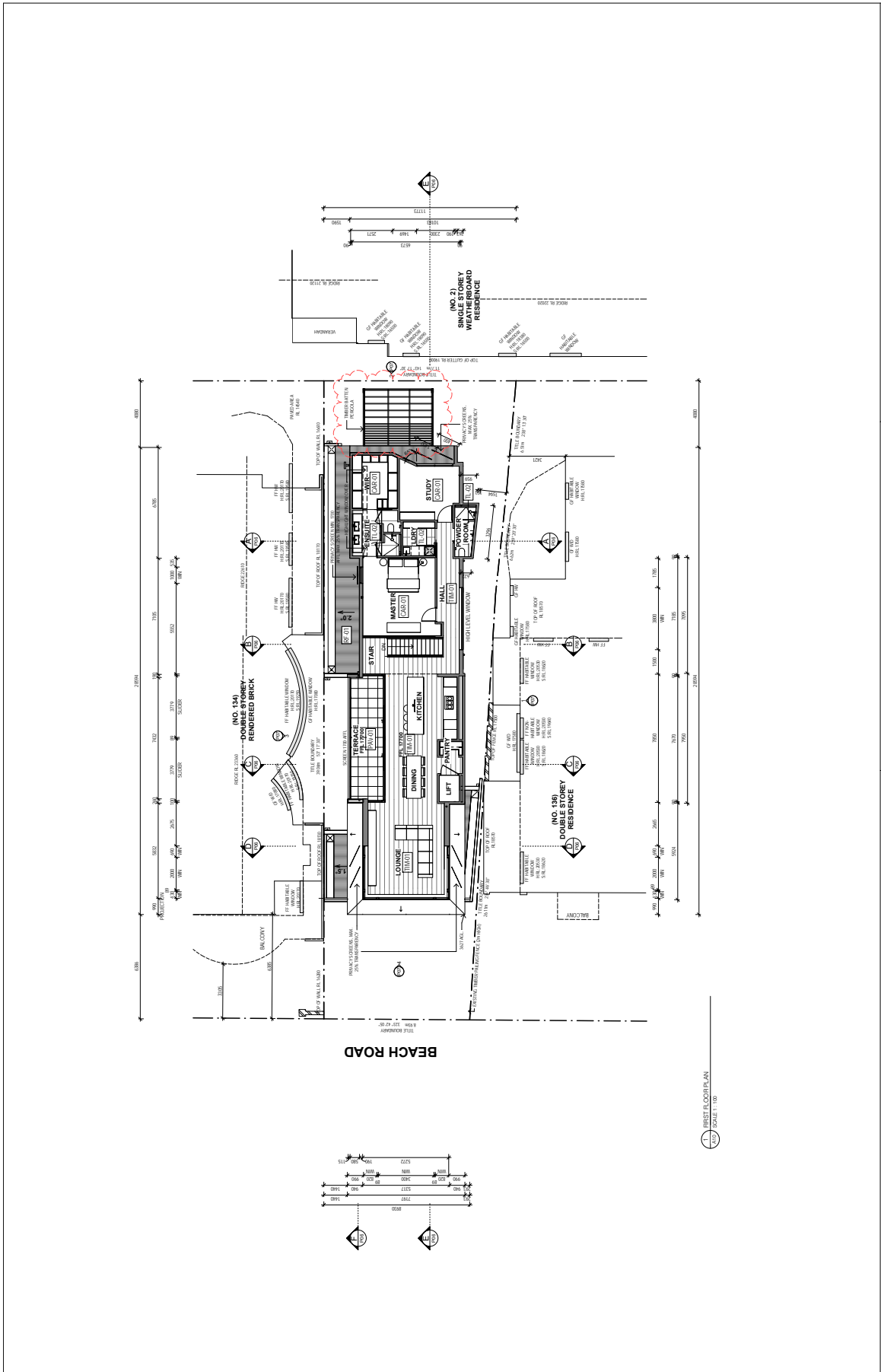
REV	DESCRIPTION	DATE
1	PLANNING PERMIT AND AMENDMENTS - SECONDARY	27.08.23
2	PLANNING PERMIT AND AMENDMENTS - SECONDARY	24.08.23
3	PLANNING PERMIT AND AMENDMENTS - SECONDARY	24.08.23
4	PLANNING PERMIT AND AMENDMENTS - SECONDARY	24.08.23
5	PLANNING PERMIT AND AMENDMENTS - SECONDARY	24.08.23
6	CONSENT PERFORMING CONDITIONS	24.08.23

PROJECT: 1715-135 BEACH ROAD SANDRINGHAM
 SCALE: 1:100 @ A1
 1:200 @ A3

PROJECT SCALE SHEET DRAWINGS
 DRAWN: MA
 CHECKED: AP
 DATE: 01.09.23

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APA architecture
 1715-135 BEACH ROAD SANDRINGHAM
 3108
 08 9498 1000
 08 9498 1001
 DRAWING NO. P04



BEACH ROAD

(A) FIRST FLOOR PLAN
SCALE 1:100

NO.	REVISION	DATE
1	PLANNING PERMIT AND AMENITY - SECONDARY	27 JAN 19
2	PLANNING PERMIT AND AMENITY - SECONDARY	24 JUN 19
3	PLANNING PERMIT AND AMENITY - SECONDARY	24 JUN 19
4	PLANNING PERMIT AND AMENITY - SECONDARY	24 JUN 19
5	PLANNING PERMIT AND AMENITY - SECONDARY	24 JUN 19
6	PLANNING PERMIT AND AMENITY - SECONDARY	24 JUN 19
7	PLANNING PERMIT AND AMENITY - SECONDARY	24 JUN 19
8	CONCRETE FLOORING - CLOSED	24 JUN 19

PROJECT
1715 - 135 BEACH ROAD SANDRINGHAM

TITLE
PROPOSED FIRST FLOOR PLAN

SCALE
1:100 @ A1
1:200 @ A3

DRAWN
MA

CHECKED
AP

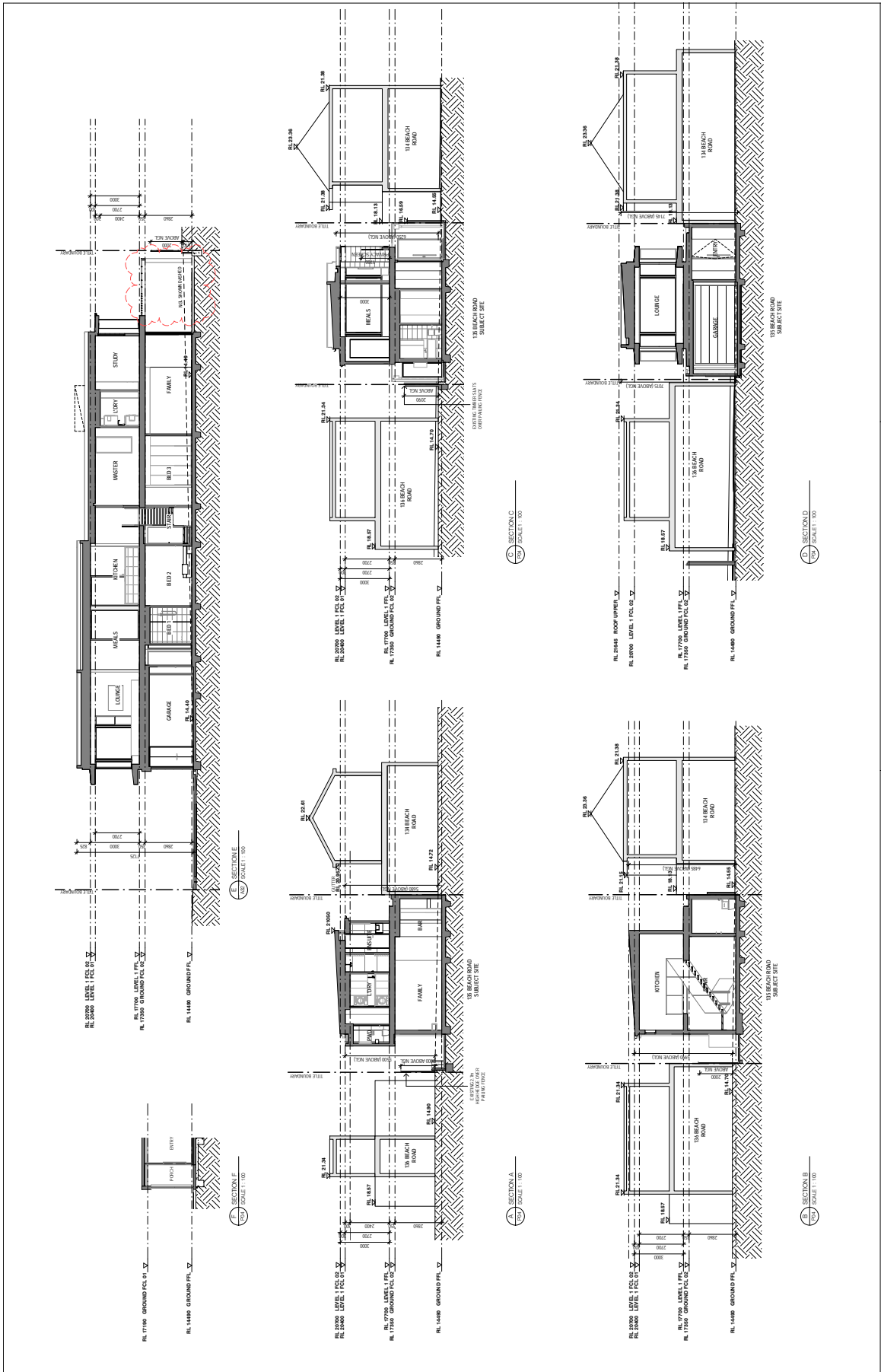
DATE
01.09.23

DRAWING NO.
P05

REVISION
H

PLANNING PERMIT ISSUE - 01.09.23
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ADA architecture + interiors
135 BEACH ROAD SANDRINGHAM
NORFOLK NR33 0JG
TEL: 01263 818181
WWW.ADA-ARCHITECTURE.CO.UK

PROJECT
1715 - 135 BEACH ROAD SANDRINGHAM

TITLE
PROPOSED SECTIONS

SCALE
1:100 @ A1
1:200 @ A3

DATE
01.09.23

DRAWN
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REVISION
H


DRAWING NO.
P06

PLANNING PERMIT ISSUE - 01.09.23
NOT FOR CONSTRUCTION


REV	DESCRIPTION	DATE
01	PLANNING PERMIT AND AMENDMENT 1 - SECONDARY	27.08.23
02	PLANNING PERMIT AND AMENDMENT 2 - SECONDARY	24.09.23
03	PLANNING PERMIT AND AMENDMENT 3 - SECONDARY	24.09.23
04	PLANNING PERMIT AND AMENDMENT 4 - SECONDARY	24.09.23
05	PLANNING PERMIT AND AMENDMENT 5 - SECONDARY	24.09.23
06	PLANNING PERMIT AND AMENDMENT 6 - SECONDARY	24.09.23
07	CONSENT PERIODIC AMENDMENTS	21.09.23

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EXTERNAL FINISHES




[R] ACRYLIC RENDER - DULUX LINSEED



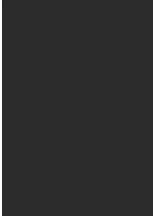
[TP] TECHURED PAINT FINISH - COLOUR TO MATCH RENDER



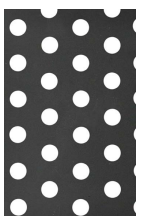
[AW] ALUMINIUM WINDOW FRAMES - COLOURSOUND MONUMENT MATTE




[CONC] DRIVEWAY - EXPOSED AGGREGATE CONCRETE




[RF-01] METAL ROOF - COLOURSOUND RUFPECK - COLOURSOUND MONUMENT




[M] PERFORMED METAL PRIVACY SCREEN - CHARCOAL COLOUR




[MS] LASERCUT METAL SCREEN - CHARCOAL COLOUR




[EM] METAL CLADDING - EXPRESS PANELS - CHARCOAL COLOUR



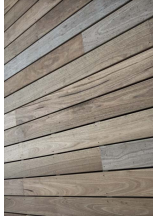
[AB] METAL CLADDING - EXPRESS PANELS - CHARCOAL COLOUR



[AL] METAL CLADDING - LINEAR EXPRESS PANELS - CHARCOAL COLOUR



[PAV01] PAVERS ON POOLS - POLISHED PAVING SLAB (WHERE NOTED)



[D.01] TIMBER DECKING

PLANNING PERMIT AND ENVIRONMENT - SECONDARY 24.09.23

PLANNING PERMIT AND ENVIRONMENT - SECONDARY 24.09.23

PLANNING PERMIT AND ENVIRONMENT - SECONDARY 24.09.23

PLANNING PERMIT AND ENVIRONMENT - SECONDARY 24.09.23

CONSENT REFUSAL - UNCLASSIFIED 31.08.23

ADA architecture + interiors

110 WILSON STREET, SUITE 101 TORONTO, ONTARIO M5V 1B7
416-593-8888

DRAWING NO. P10

REVISION G

PROJECT 1715 - 135 BEACH ROAD SANDRINGHAM

SCALE N/A

DATE 01.09.23

CHECKED AP

DRAWN MA

TITLE PROPOSED MATERIALS & COLOURS

PLANNING PERMIT ISSUE - 01.09.23

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CONTRACTOR TO VERIFY ALL DIMENSIONS AND MATERIALS WITH THE ARCHITECT

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STORM Rating Report

TransactionID: 1624258
 Municipality: BAYSIDE
 Rainfall Station: BAYSIDE
 Address: 135 Beach Rd

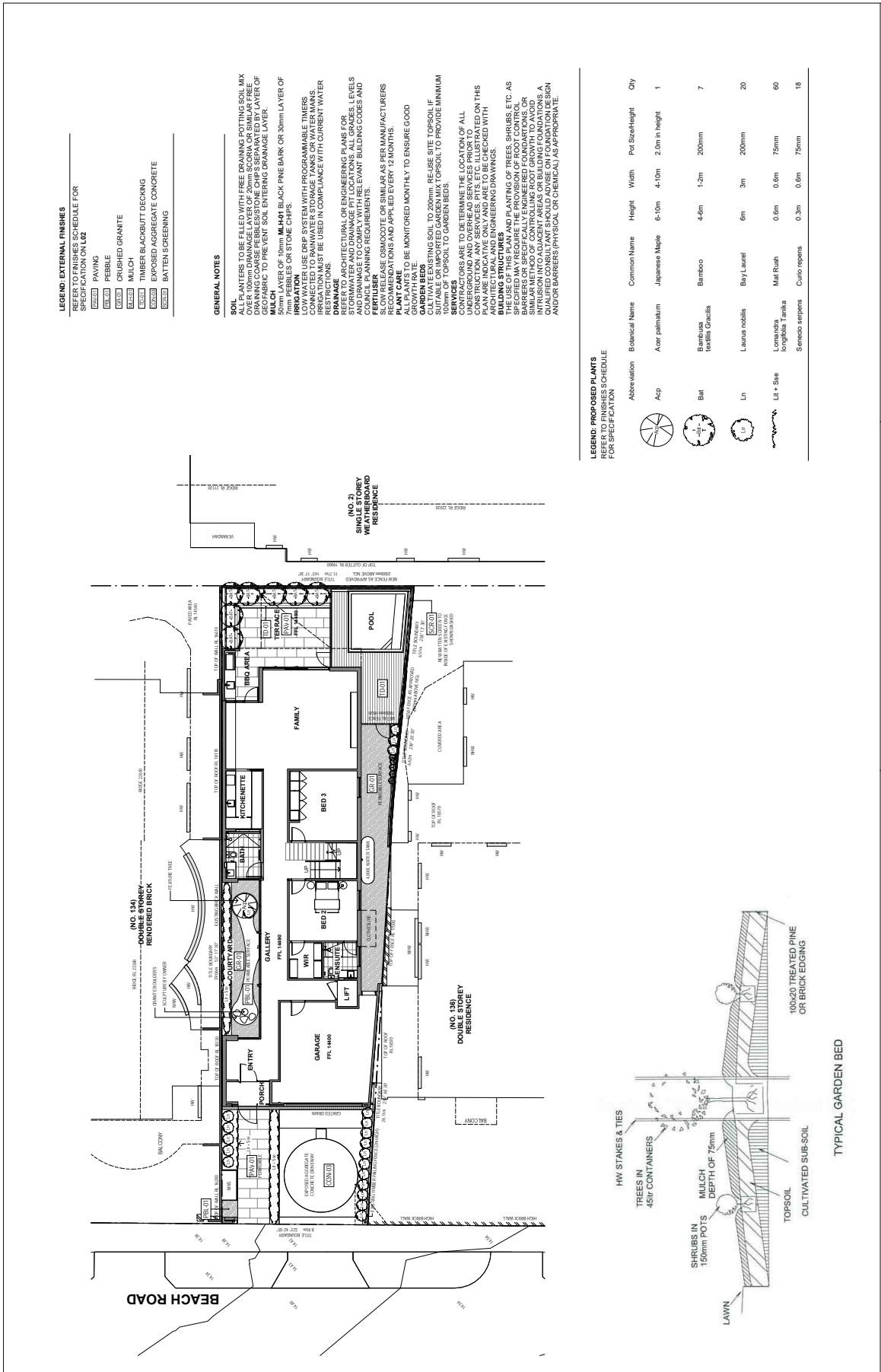
 Sandringham
 VIC 3191

Assessor:
 Development Type: Residential - Dwelling
 Allotment Site (m2): 399.11
 STORM Rating %: 100

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Upper Roof	158.60	Rainwater Tank	3,000.00	4	113.20	93.00
Lower Roof	85.30	Rainwater Tank	1,000.00	4	131.80	64.00
Hard Paving / Driveway	48.70	None	0.00	0	0.00	0.00

Date Generated: 03-Aug-2023

Program Version: 1.0.0



LEGEND: EXTERNAL FINISHES
REFER TO FINISHES SCHEDULE FOR SPECIFICATION ON L102

[Symbol]	PAVING
[Symbol]	PEBBLE
[Symbol]	CRUSHED GRANITE
[Symbol]	MULCH
[Symbol]	TIMBER BLACKBUTT DECKING
[Symbol]	EXPOSED AGGREGATE CONCRETE
[Symbol]	BATTEN SCREENING

GENERAL NOTES

SOIL
ALL PLANTERS TO BE FILLED WITH FREE DRAINING POTTING SOIL MIX. DRAINING COARSE PEBBLES OR CHIPS SPACED BY LAYER OF GEOTEXTILE TO PREVENT SOIL ENTERING DRAINAGE LAYER. 50mm LAYER OF 10mm M401 BLACK PINE BARK OR 30mm LAYER OF 7mm PEBBLES OR STONE CHIPS.

LOW WATER USE DRIP SYSTEM WITH PROGRAMMABLE TIMERS
CONNECTED TO MAIN WATER STORAGE TANKS OR WATER MAINS. ALL PLANTERS TO BE USED IN COMPLIANCE WITH CURRENT WATER RESTRICTIONS.

DRAINAGE
ARCHITECTURAL OR ENGINEERING PLANS FOR STORAGE WATER AND DRAINAGE PIT LOCATIONS, ALL GRADES, LEVELS AND DRAINAGE TO COMPLY WITH RELEVANT BUILDING CODES AND PLANNING REQUIREMENTS.

FERTILISER
SLOW RELEASE OSMOCOTE OR SIMILAR AS PER MANUFACTURERS INSTRUCTIONS TO BE APPLIED EVERY 12 MONTHS.

PLANT CARE
ALL PLANTS TO BE MONITORED MONTHLY TO ENSURE GOOD GROWTH AND HEALTH.

GARDEN BEDS
CONTRACTORS TO DETERMINE THE LOCATION OF ALL UNDERGROUND AND OVERHEAD SERVICES PRIOR TO THE USE OF THIS PLAN AND PLANTING OF TREES, SHRUBS, ETC. AS SPECIFIED MAY REQUIRE THE PROVISION OF ROOT CONTROL BARRIERS TO PREVENT ROOT GROWTH INTO ADJACENT AREAS OR BUILDING FOUNDATIONS. A SIMILAR METHOD OF CONTROLLING ROOT GROWTH TO AVOID INFILTRATION INTO ADJACENT AREAS OR BUILDING FOUNDATIONS AND/OR BARRIERS (PHYSICAL OR CHEMICAL) AS APPROPRIATE.

LEGEND: PROPOSED PLANTS
REFER TO FINISHES SCHEDULE FOR SPECIFICATION

Abbreviation	Botanical Name	Common Name	Height	Width	Pod Size/Height	Qty
Asp	Asar palmatum	Japanese Maple	6-10m	4-10m	2.0m in height	1
Bat	Bambusa textilis Gracilis	Bamboo	4-6m	1-2m	200mm	7
Ln	Laurus nobilis	Bay Laurel	6m	3m	200mm	20
Li + See	Lomandra longicalva Tanaka	Matt Rush	0.6m	0.6m	75mm	60
	Sesuvio porteri	Curio reopens	0.3m	0.6m	75mm	18

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REVISION

DRAWING NO.
L01

TITLE
LANDSCAPE PLAN

DRAWN
MA

CHECKED
AP

DATE
01.09.23

PROJECT
1715 - 135 BEACH ROAD SANDRINGHAM

SCALE
1:100 @ A1
1:200 @ A3

DATE
01.09.23

PLANNING PERMIT ISSUE - 01.09.23
NOT FOR CONSTRUCTION

NO.	REVISION	DATE

EXTERNAL FINISHES



CON-03 DRIVEWAY - EXPOSED AGGREGATE CONCRETE



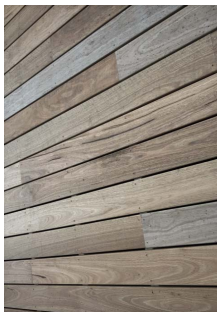
SCR-01 TIMBER SCREENING FENCE



PAV-01 PAVERS ON PODS (OVER PERMEABLE PAVING SLAB WHERE NOTED)



MUL-01 BLACK MULCH



TD-01 TIMBER BLACKBUTT DECKING



PBL-01 PEBBLE



CR-01 CRUSHED GRANITE

PROPOSED LANDSCAPING



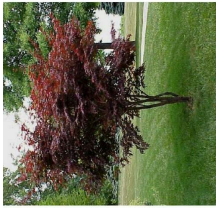
LN- LAURIS NOBILIS - BAY LAUREL



LR- LOMANDRA LONGIFOLIA - MAT RUSH



BR- BAMBUZA TEXTILIS GRACILIS - BAMBOO



AP- ACER PALMATUM - JAPANESE MAPLE



SR- SENECIO SERPENS - CURIO REPENS



GB- MOSSY GRANITE BOULDERS

REV	DESCRIPTION	DATE

**PLANNING PERMIT ISSUE - 01.09.23
NOT FOR CONSTRUCTION**

PROJECT
1715 - 135 BEACH ROAD SANDRINGHAM

SCALE: N/A

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TITLE
LANDSCAPE FINISHES & PLANT SELECTIONS

DRAWN: MA
CHECKED: AP
DATE: 01.09.23

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DRAWING NO. L02
REVISION



Member Level 1
Australian Institute of Architects

Andrew Prodromou Architect RAlA

**Bayside City Council
Planning Department
76 Royal Avenue
Sandringham VIC 3191
(submitted electronically)**

Date: 3 August 2023

RE: Planning Permit number 5/2014/55/1 - Submission of amended plans under secondary consent:

Proposed new development at 135 Beach Rd, Sandringham, comprising of a single, two-storey dwelling on a lot. Previously amended under secondary consent 23 July 2020. Extension of time approved 7 December 2021.

Dear Sir / Madam,

On behalf of the owner and applicant, Bill Trifunovski, please find attached information for the above property for your assessment for approval under secondary consent:

- Amended plans, elevations and sections, drawing numbers P04-07, P09-P10, and P20, revision H dated 03.08.23
- Amended STORM Rating Report
- Current copy of title

Our client, the owner, has requested the following additional amendments to the previously endorsed plans, as indicated on the accompanying amended plans:

1. Minor re-configuration of the letterbox and bin store within the front setback
2. Entry paving within the front setback revised from stone steppers to a permeable paved path.
3. Rear terrace revised to a combination of paving and permeable timber decking, resulting in an increase to the extent of permeability across the site.
4. 3000L rainwater tank deleted, allowing for 4000L total rainwater storage to meet the requirements of the updated STORM rating report, which is a result of the increased area of permeability.
5. Rear pergola revised from aluminium to timber, with a minor adjustment to the extent of the pergola.

The owner has met with the duty planner over the counter on 03.08.23 to discuss the changes.

The above changes impose no new overlooking concerns, overshadowing, or other impacts to the amenities of the adjoining properties, nor do they have notable impact to the previously approved building envelope or external materials. The changes have been clearly highlighted on the attached drawings submitted for approval.

We look forward to your prompt feedback to avoid any possible delays.

If you have any questions or comments or require further information, do not hesitate to contact our office.

Regards,
Andrew Prodromou
Director

**4.10 695–707 HAWTHORN ROAD, BRIGHTON EAST
EXTENSION OF TIME - APPROVE
APPLICATION: 2017/523/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/229092

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.	2017/523/1
Applicant	Levande C/- Urbis Pty Ltd
Date application received	16 June 2023
Zoning	Neighbourhood Residential Zone Schedule 3
Overlays	Development Contribution Plan Overlay Schedule 1 Design and Development Overlay Schedule 3

Proposal

Planning Permit 2017/523/1 allows:

- Use and development of land for a retirement village, buildings and works in the Design and Development Overlay Schedule 3 and the Special Building Overlay and alteration to an access in a Road Zone Category 1.

The application seeks approval for an extension of time of one year to commence the development and an additional three years to complete the development.

Condition 42 of the Planning Permit states that the development must commence within two years from the date of issue and the use must commence within six years of the date of the permit. 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 2017/523 was issued at the direction of VCAT on 1 February 2019.

A previous extension of time was granted on 1 March 2021, moving the commencement expiry date to 1 February 2023 and completion date to 1 February 2025. As such, the use was required to commence no later than 1 February 2027.

A second extension of time was granted on 29 April 2022, moving the commencement expiry date to 1 February 2024 and completion date to 1 February 2026. The use must commence no later than 1 February 2028.

There have been a number of amendments sought since the Permit was approved, including the most recent one on 18 June 2020, following a Supreme Court Decision in relation to the Development Contributions Levy, which the Supreme Court determined was applicable to the application. Condition 43 requiring the levy to be paid was included on the permit.

2. Planning controls

Original planning permit requirements

A planning permit was required pursuant to:

- Clause 32.09-2 (Neighbourhood Residential Zone) – use of land as a retirement village
- Clause 32.09-8 (Neighbourhood Residential Zone) – buildings and works associated with a section 2 use
- Clause 43.02-2 (Design and Development Overlay Schedule 3) – buildings and works
- Clause 44.05-1 (Special Building Overlay) – buildings and works
- Clause 52.29 – Alteration to an access in a Road Zone Category 1.

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 one (1) year to Planning Permit **2017/523/1** for commencement and three (3) years for completion, so that the development must now commence no later than 1 February 2025 and be completed no later than 1 February 2029. The use must now commence no later than 1 February 2029.

5. Council Policy

Council Plan 2017– 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

Bayside Planning Scheme

- Clause 11 Settlement
- Clause 13 Environmental Risks
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 18 Transport
- Clause 19 Infrastructure
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 44.05 Special Building Overlay
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Parking
- Clause 53.18 Stormwater Management in Urban Development
- Clause 52.27 Land adjacent to a Road Zone Category 1
- 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, the Supreme Court, Ashley J, 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 have been no changes with regard to the zone or overlays applicable to the site, nor have there been any planning scheme amendments relevant to the proposal.

Whether the landowner is seeking to "Warehouse" the Permit

There is no 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.

- Change of ownership since the approval of previous extension of time which has resulted in delays to the commencement of development on site.

Intervening circumstances as bearing upon grant or refusal

The Applicant has advised that the site is currently an occupied retirement village, new accommodation is required to be arranged for the existing residents for each stage of the proposed development which is a significant challenge. The applicant has also advised that it has taken some time to prepare the logistics of these arrangements for the staged process of the development and this has resulted in delays around the commencement of the development. It is therefore considered that 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 from when the permit was previously extended.

The original time frame is considered reasonable; however, an increased commencement time would also have been appropriate considering the complexities of the development.

Whether the limit originally imposed was adequate

The original time frame is considered to be reasonable, however an increased commencement time would also have been appropriate in consideration of the scale of the project and the staged development proposed.

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:

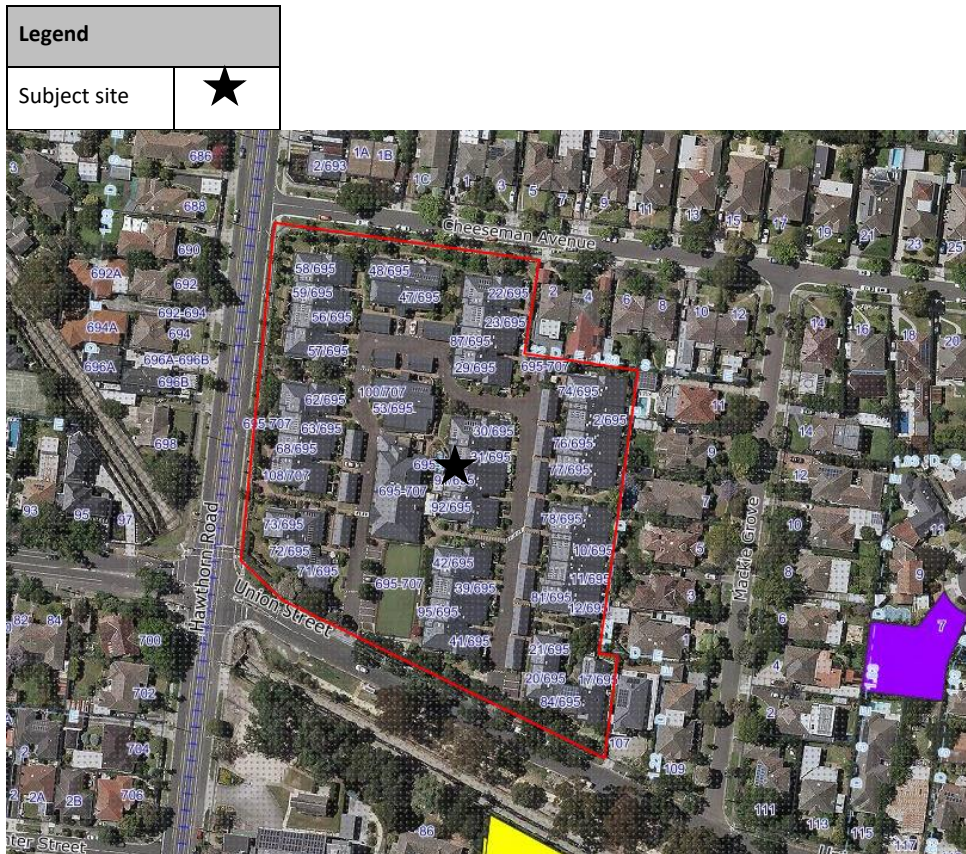
- The proposal remains consistent with the relevant planning controls on the site.


Support Attachments

1. Site and Surrounds ↓
2. Permit ↓

Attachment 1

Figure 1 Aerial overview of the site and surrounds




PLANNING PERMIT	Application No.:	5/2017/523/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

ADDRESS OF THE LAND:	695-707 Hawthorn Road BRIGHTON EAST
THE PERMIT ALLOWS:	Use and development of land for a retirement village, buildings and works in the Design and Development Overlay Schedule 3 and the Special Building Overlay and alteration to an access in a Road Zone Category 1 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 generally be in accordance with the plans prepared by Bates Smart Pty Ltd submitted with the permit application, but modified in accordance with the plans prepared by Bates Smart Pty Ltd drawing nos. A07 000 Rev C dated 21 November 2018, A07 001 Rev C dated 21 November 2018, A07 010 Rev A dated 27 November 2018, A07 011 Rev A dated 27 November 2018, A07 012 Rev A dated 27 November 2018, A07 013 Rev A dated 27 November 2018, A07 014 Rev A dated 27 November 2018, A07 015 Rev A dated 27 November 2018 & A08 000 Rev B dated 27 November 2018, and further modified to show:
 - a) An increase in the basement setback to Cheeseman Avenue to 2.5 metres and 4.5 metres to enable planting in natural ground conditions in the front setback as shown on plans prepared by Bates Smart Pty Ltd drawing A02 000 Rev D dated 25 October 2018 & drawing A02 B01 Rev D dated 19 October 2018.
 - b) The relocation of the gas kiosk located on Cheeseman Avenue to 4 metres to the east of the accessway with a setback of 1 metre from the property boundary, generally in accordance with the plans prepared by Bates Smart Pty Ltd drawing A02 000 Rev D dated 25 October 2018 to allow for the installation of a canopy tree (west side of the kiosk) and hedge planting (along the street edge).
 - c) An amendment to the layout of the bicycle racks to allow for more planting opportunities to the Cheeseman Avenue frontage.
 - d) A change to the design of the accessway off Cheeseman Avenue and/or the installation of signage so that egress from the basement is a left hand only turn.
 - e) The deletion of the two northernmost units at level 4 (fifth storey) in Building D with both the consequential internal re-organisation and enlargement to three-bedrooms of the two two-bedroom units to the immediate south of the deleted units.
 - f) Horizontal or upward-angled balcony upstand projections for the balconies for all east-facing units at level 2 (third storey) in Buildings E & F other than the southernmost unit in Building F and for the balconies for all east-facing units at level 1 (second storey) in Building F other than the southernmost unit in Building F. The projections must be either solid in form or no more than 25% transparent.
 - g) Screening of the north-facing habitable room windows at levels 2 & 3 (second and third storeys) in Building E. The windows must have a sill height of no less than 1.7 metres above floor or have fixed, obscure glazing in any part of the window below 1.7 metre above floor level or have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

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	Responsible Authority:	Bayside City Council	

- h) Building materials and finishes generally in accordance with the drawings prepared by Bates Smart Pty Ltd tendered as part of exhibit A57 in VCAT proceeding no. P1256/2018 on 16 November 2018.
- i) A detailed staging plan that ensures access to all relevant basement car spaces in each stage.
- j) Window detail generally in accordance with the window detail plans prepared by Bates Smart Pty Ltd tendered as exhibit A63 and part of exhibit A57 in VCAT proceeding no. P1256/2018 on, respectively, 16 November 2018 and 12 December 2018.
- k) Detail of building wall recesses, generally in accordance with the sketch 'Typical Balcony Elevation Recess, Detail 03' prepared by Bates Smart Pty Ltd tendered as part of exhibit A57 in VCAT proceeding no. P1256/2018 on 16 November 2018.
- l) No street boundary fence greater than 1.5 metres in height.
- m) Screening of the east-facing living room window of the unit at level 2 in the north-eastern corner of Building E in accordance with standard B22 in clause 55.04-6 of the Bayside Planning Scheme.

Layout not altered

- 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.

Completion before occupation

- 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.

Plant etc above roof level

- 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.

Pipes etc must be concealed


- 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.

Water Sensitive Urban Design

- 6. 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.
 - 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*.

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7. 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.


Landscaping

8. Before the development starts, 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 Landscape Design Partnership drawing nos. TP02 Rev F, TP03 Rev A & TP04 (2 sheets) all dated 19 February 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must be modified to show access to additional deep soil for planting along Hawthorn Road between the port cochere entry and exit, generally in accordance with the sketch details prepared by CDA Design Group Pty Ltd in drawing no. SK01 P3 dated 3 December 2018. The plan must include replacement of the four orchard trees along the boundary interface with 107 Union Street in accordance with paragraph 33 of Mr Tim Vernon's statement of evidence dated 26 October 2018 in Victorian Civil and Administrative Tribunal Proceeding no. P1256/2018. The plan must show the planting of a canopy tree on the west side of the gas kiosk off Cheeseman Avenue. The plan must show that at least 50% of tree species selection are to be indigenous to the satisfaction of the Responsible Authority.

The plan must also include:

- 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 land.
- 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. Planting should meet the requirements of Standard D10 of the Bayside Planning Scheme in relation to deep soil areas.
- d) The landscaping and/or planting that is proposed within the areas of the site not covered by buildings or hard surfaces.
- e) Details of surface finishes of pathways and driveways.
- f) Any increase or change to landscaping areas resulting from condition 1 changes.
- g) The raised planters intended to sustain canopy trees should be a minimum of 1m deep and contain soil volumes commensurate to support the size of trees generally at a volume of 0.6 m³ of growing medium per 1 m² tree canopy.
- h) The raised planters intended to support hedge planting to be of a size and soil volume that is appropriate to support the plantings proposed therein, and be generally a minimum of 0.8 m high and 1 m wide.
- i) The raised planters intended to support low shrub and ground cover planting appropriate to support the plantings proposed therein, and be generally to a minimum of 0.6 m high and 0.8 m wide.
- j) The natural grass planters should be 0.3 m profile including soil medium and drainage.
- k) An irrigation management plan in accordance with condition 9.

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9. An Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
 - a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
 - b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
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 management and protection

12. 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.
13. 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 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, including all Bayside City Council street trees to be retained;
 - 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;
 - 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.

14. 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.

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15. 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.
16. Any pruning that is required to be done to the canopy of any tree retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Tree AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
17. Before the development starts, including any related demolition or removal of vegetation, a Tree Impact Assessment Report must be submitted to and be endorsed by the Responsible Authority.

The report will be in accordance with part 2.3.5 of Australian Standard Protection of Trees on Development Sites 4970 and will identify impacts that may be detrimental to the tree. The report will include design responses required to reduce any identified negative impact. The proposal will be modified to include any recommendations made in the report.

Street trees

18. 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 crossover approved by Bayside City Council to facilitate the construction of the crossover.
19. Unless otherwise agreed by Bayside City Council, there is to be no soil excavation within 3 metres of any street tree asset measured from the edge of the trunk.

Sustainability


20. Before development starts, an updated Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The plan must demonstrate that the development will achieve a Green Building Council Australia 4 Star Green Star *Design and As-Built* rating to the satisfaction of the Responsible Authority.


Drainage

21. Before the development starts, the permit holder must apply to Bayside City Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Bayside City Council network.
22. 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 Bayside City Council.
23. Unless otherwise agreed by Bayside City Council, there is to be no encroachment into the 1.2 metres wide drainage and sewerage easement in the north-west corner of the land with any buildings or structures of note.

Wastes

24. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly

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indicate that waste collection is to be via a private contractor, not Bayside City 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.
- g) Hours of waste and recyclables collection (to correspond with Bayside City 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.

Construction management

- 25. Before the commencement of works for each stage of development, 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.
 - 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.

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- i) Site security.
- j) Public safety measures.
- k) Construction times, noise and vibration controls.
- l) Restoration of any Bayside City 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.

Porte-cochere

- 28. Before the development starts, a Functional Layout Plan (FLP) for the porte-cochere must be submitted to and approved by the Roads Corporation (VicRoads). When approved by VicRoads, the FLP may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the submitted plans and annotated as but modified to show:
 - a) The ingress and egress points for the porte-cochere increased in width to accommodate the turning path of an ambulance vehicle as it enters and exits the site to and from the kerbside southbound lane without interfering with the path of a tram. This is to be justified with the appropriate swept path diagrams.
 - b) Additional swept path analysis to demonstrate that an ambulance vehicle can achieve a safe and efficient right turn into the porte-cochere.
 - c) Details of appropriate signage/line marking etc reinforcing the oneway operation of the porte-cochere.
- 29. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, any required access crossovers and any associated works must be constructed and available for use in accordance with the approved Functional Layout Plans, to the satisfaction of the Responsible Authority and at no cost to VicRoads or the Responsible Authority.
- 30. Vehicles must enter and exit the land in a forwards direction at all times.


Vehicle access off Cheeseman Avenue

- 31. By no later than the date the Responsible Authority is satisfied that the development is complete, vehicle egress from the basement to Cheeseman Avenue must be left turn only into Cheeseman Avenue, to the satisfaction of the Responsible Authority.

Flooding protection

- 32. Finished floor level of the proposed development must be set no lower than 300mm above the applicable flood level at the location.

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Planning and Environment Regulations 2015 Form 4	Signature for the Responsible Authority

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- 33. Setbacks shown from all property boundaries must be maintained as per plans submitted.
- 34. Entry apex to the basement must be set no lower than 300mm above the applicable flood level at the location.
- 35. Proposed basement must be tanked.
- 36. All open spaces must be set at natural surface level except minimal ramping to the basement and main entrance which is on the western property boundary (on Hawthorn Road).
- 37. Any proposed fencing within the property must be paling or of a 50% open style design.

Public transport

- 38. No track, tram and overhead infrastructure must be damaged during the construction of the development. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the owner.
- 39. All reasonable steps must be taken to ensure that disruption to tram operation Long Hawthorn Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria no less than eight (8) weeks prior.
- 40. All reasonable steps must be taken to ensure that disruption to bus operation along both Hawthorn Road and Union Street are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria no less than eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au.
- 41. The existing tram and bus stops, and associated infrastructure, on Union Street and Hawthorn Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the owner.

Permit expiry


- 42. This permit will expire if any 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 six years of the date of this permit.
 - c) The use does not commence within six 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.

Drainage Contribution

- 43. Prior to the occupation of the development, the permit holder must pay the levy imposed on the development by Clause 45.06 of the Bayside Planning Scheme and the Bayside Drainage Development Contributions Plan (December 2014).

Permit Notes

Date	Details
6 March 2019	Pursuant to Section 119 of the <i>Victorian Civil and Administrative Tribunal Act</i>
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Date issued: 1 February 2019	 Signature for the Responsible Authority
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	1998, the Tribunal's order in Application P1256/2018 dated 1 February 2019 is corrected as follows: <ul style="list-style-type: none"> • condition 1(f) substitute • condition 1(1) insert 1 (m)
18 June 2020	As per the Supreme Court Order S ECI 2019 00847 please note the following: <ul style="list-style-type: none"> • Condition 43 added.
21 January 2021	Correction to the planning permit pursuant to Section 71 of the <i>Planning and Environment Act 1987</i> by amending the date of issue to 1 February 2019.

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.

Date issued: 1 February 2019	Page 9 of 9
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Planning and Environment Regulations 2015 Form 4	Signature for the Responsible Authority

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

**4.11 604–608 HAMPTON STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2015/148/2 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/243363

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.	2015/148/2
Applicant	Sasha Sivanas
Date application received	6 July 2023
Zoning	Commercial 1 Zone (C1Z)
Overlays	Design and Development Overlay (Schedule 12) Development Contribution Plan Overlay (Schedule 1)

Proposal

Planning Permit 2015/148/2 allows:

Use of the land for accommodation; Construct a building and construct or carry out works; Reduction of the standard car parking requirement; Waiver of the requirement for a loading bay

The application seeks approval for an extension of time of two (2) years to commence and complete the development and use.

Condition 21 of the Planning Permit states that the development and use 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 2015/148/1 was refused by Council on 9 February 2016.

Planning permit 2015/148/1 was issued on 11 August 2016 at the direction of the Victorian Civil and Administrative Tribunal (VCAT).

Minor amendments to the permit 2015/148/2 were granted on 10 March 2017 and plans were endorsed on 14 August 2017.

An extension of time was granted in 2019 so that the development/use had to commence no later than 11 August 2021 and be completed no later than 11 August 2023.

A second extension of time was approved by Council on 16 July 2021. This means that the development/use must commence no later than 11 August 2023 and must be completed no later than 11 August 2025.

2. Planning controls

Original planning permit requirements

A planning permit was required pursuant to:

- Clause 34.01 Commercial 1 Zone - A planning permit is required pursuant to Clause

34.01-1 for use of the land for the purpose of accommodation and pursuant to Clause 34.01-4 to construct a building and carry out works.

- Clause 43.02 Design and Development Overlay Schedule 12 - A planning permit is required pursuant to Clause 43.02-2 to construct a building and carry out works.
- Clause 52.06 Car Parking - A planning permit is required pursuant to Clause 52.06-3 to reduce the number of car parking spaces required.
- Clause 52.07 Loading and Unloading of Vehicles - A planning permit is required pursuant to Clause 52.07 to waive the requirement to provide a loading/ unloading bay.

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 **2015/148/2**, so that the development and use must now commence no later than 11 August 2025 and must be completed no later than 11 August 2027.

5. Council Policy

Council Plan 2017–25

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
- with village-style activity centres, combining retail at ground floor with increased opportunities for apartment-style living above
- 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 Strategy
- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 34.01 Commercial 1 Zone
- Clause 43.02 Design and Development Overlay (Schedule 12)
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- 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

Since the original permit has been issued, Clause 52.07 (Loading and Unloading of Vehicles) no longer applies. This means that a planning permit is no longer required to waive loading bay requirements.

Whether the landowner is seeking to 'Warehouse' the Permit

There is no evidence that the landowner is seeking to 'warehouse' the permit, for the following reasons:

- The scale of the development suggests it may take some time before building works can commence.
- The proposal has been set back due to financial implications of Covid 19 and the current interest rate hikes.
- The applicant has engaged building surveyors, services engineers and other specialist consultants which indicates the development is progressing.

Intervening circumstances as bearing upon grant or refusal

There are two relevant intervening circumstances:

- The impact of Covid 19 and associated lockdowns on the construction industry.
- The economic impacts of the recent rising interest rates have caused additional financial strain on the project.

The total elapse of time

The application was made within the prescribed time.

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 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.

As previously noted, the removal of Clause 52.07 from the planning scheme means that in a way this application is more appropriate and more likely to be approved than when the original application was lodged.

Support Attachments


1. Site and Surrounds ↓
2. Existing Planning Permit ↓

Site and Surrounds



Figure 1 Aerial overview of the site and surrounds.


Legend	
Subject site	★


PLANNING PERMIT NO: 5/2015/148/2	Responsible Authority: Bayside City Council Planning Scheme: Bayside	
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Address of the Land:	604-608 Hampton Street BRIGHTON
The Permit Allows:	Use of the land for accommodation; Construct a building and construct or carry out works; Reduction of the standard car parking requirement; Waiver of the requirement for a loading bay in accordance with the endorsed plans and subject 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 plans submitted with the application but modified to show:
 - a. A visible 'joint' be provided in the side elevations through a change in tone or use of lightweight cladding to ensure the form reads in the round with a 2 + 2 massing relationship.
 - b. The inclusion of piers or similar along the shop frontages to divide the frontage into 3 bays of equal width.
 - c. All bedroom windows facing the internal light courts to be full height with an operable component.
 - d. The two retail tenancies located at ground floor nominated as shops.
 - e. Projecting angled screens which prevent direct overlooking into the neighbouring property to the north in accordance with Standard B22 provided to the Dwelling A11 west facing bedroom window and the Dwelling A12 and A19 east and west facing bedroom windows.
 - f. Fixed obscure glazing provided to a height of 1.7m above finished floor level provided along the northern boundary of the western most terrace for Dwelling A05.
 - g. The internal light court expanded at first floor level to enclose the entire bedroom window of Dwelling A03.
 - h. Convex mirrors provided at either side of the car park exit internal to the site which provide for views towards the north and south along the rear laneway.
 - i. A minimum headroom clearance of 2.5m above the disabled car space and associated share area in accordance with AS2890.6-2009.
 - j. The allocation of car parking on site in the following manner; 22 spaces for residents of the dwellings and four spaces for staff of the shops.

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Signature for the Responsible Authority	
Planning and Environment Regulations 2005 Form 4	
<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 NO: 5/2015/148/2	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

- k. Reduction of the bicycle parking to accommodate 9 spaces and redesign of the bicycle storage area to provide for some ground level rails in the manner set out in the evidence of Ms Dunstan dated 21 July 2016.
 - l. Provision of a continuous canopy providing weather protection to the footpath across the entire width of the front of the site, and to within 750mm of the edge of kerb in Hampton Street.
 - m. Reduction in the width of the first floor planter boxes to the eastern edge of the building to 1.0 metre in width, and consequential increase in the width of the terraces to Apartments A05, A06, A07 and A08.
 - n. A schedule of external finishes and materials in accordance with Condition 3 of this planning permit.
 - o. An acoustic report in accordance with Condition 8 of this planning permit.
 - p. A sustainability management plan in accordance with Condition 10 of this planning permit.
 - q. A landscape plan in accordance with Condition 12 of this planning permit.
 - r. **Deleted.**
 - s. A waste management plan in accordance with Condition 16 of this planning permit.
- 2 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 - 3 Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
 - 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 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 - 6 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 and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
 - 7 The car stacker to be installed is a 20 space Wohn Combilift 543 unless with the written consent of the Responsible Authority.
 - 8 Prior to the commencement of any works, an Acoustic Report must be submitted to and approved by the Responsible Authority. The Acoustic Report must address, but is not limited to:

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Date issued: 11 August 2016


Date amended: 10 March 2017

Arthur Vatzalis

Signature for the Responsible Authority

Planning and Environment Regulations 2005 Form 4

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 NO: 5/2015/148/2	Responsible Authority: Bayside City Council	
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- a. Protect all dwelling occupants from external noise sources associated with the abutting Hampton Street to achieve an internal noise level of 50dBA Lmax in bedrooms and living rooms.
- b. Protect all dwelling occupants at 310 Hampton Street from noise associated with the operation of the mechanical car stacker to achieve an internal noise level of 50dBA Lmax in bedrooms and living rooms.
- c. Protect all dwelling occupants from noise reverberation within the internal lightwells and noise generated from the communal corridors to achieve an internal noise level of 50dBA Lmax in bedrooms and living rooms.
- d. Protect all dwelling occupants from noise associated with the operation of the internal lifts to achieve an internal noise level of 50dBA Lmax in bedrooms and living rooms.

The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority.


The Responsible Authority may request at the sole cost of the permit holder that a further acoustic report be submitted demonstrating that the required level of noise attenuation outlined within the initial acoustic report has been achieved, or, if not, what works must be undertaken to achieve the required levels of noise attenuation.


- 9 At least 80% of the building façade at ground floor level must be maintained as an entry or window with clear glazing.
- 10 Before the development starts, an amended Sustainability Management Plan 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. Three copies of the plan must be submitted. The plan must be generally in accordance with the Sustainability Management Plan submitted by EcoResults, Report No: 2015-377-SMP, dated 4 September 2015 but amended to include:
 - a. The additional sustainability measures outlined as part of the amended application received by Council on 16 November 2015.
 - b. Details of how all sustainability measures are to be implemented and maintained in good working condition for the life of the development.
- 11 The amenity of the area must not be detrimentally affected by the use or development, by the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

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PLANNING PERMIT NO: 5/2015/148/2	Responsible Authority: Bayside City Council	
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- d. Presence of vermin;
 - e. By other circumstances.
- 12 Before the development starts, a landscape plan 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. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
- a. Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - b. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority.
- 13 Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, 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, 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.

Date issued: 11 August 2016 Date amended: 10 March 2017	Page 4 of 6  Signature for the Responsible Authority
<p>Planning and Environment Regulations 2005 Form 4</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 NO: 5/2015/148/2	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.
- 16 Before the development starts, an amended Waste Management Plan 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. Three copies of the plan must be submitted. The plan must be generally in accordance with the Waste Management Plan submitted by EcoResults, Report No: 2014-377-WMP, dated 27 February 2015 but amended to include:
- a. Collection to be undertaken entirely within the ground floor carpark and not within the rear laneway.
 - b. Details of the proposed times for collection.
 - c. A vehicle swept path demonstrating that the waste collection vehicle can reverse into the carpark and exit in a forwards motion.
 - d. Compliance with the guidelines in Schedule 1 of Local Law No. 2 Environment, Section 15 and EPA Noise Control Guidelines, Industrial Waste Collection, Section 6.

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PLANNING PERMIT NO: 5/2015/148/2	Responsible Authority: Bayside City Council	
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The Waste Management Plan must be implemented to the satisfaction of the Responsible Authority. The Waste Management Plan must not be modified unless with the written consent of the Responsible Authority.


- 17 Before the occupation of the development starts, the area(s) 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.
- 18 Before the occupation of the development starts, new or altered vehicle crossing(s) 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.
- 19 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.
- 20 The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
- 21 This permit will expire if one of the following circumstances applies:
 - a. The development is not started within three years of the issued date of this permit.
 - b. The development is not completed within five years of the issued date of this permit.

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

Permit Notes

Date	Amendment
10 March 2017	Amendment pursuant to Section 72 of the Planning and Environment Act 1984 to the endorsed plans: Amendments to permit: <ul style="list-style-type: none"> • Deletion of Condition 1(r).

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.

Date issued: 11 August 2016	Page 6 of 6
Date amended: 10 March 2017	
Signature for the Responsible Authority	
Planning and Environment Regulations 2005 Form 4	
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.	

FORM 4

Sections 63 and 86

PLANNING PERMIT**IMPORTANT INFORMATION ABOUT THIS PERMIT****WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from:

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal;

or

(ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if:

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if:

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision:

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* 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.

**4.12 108–110 WERE STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2016/99/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/251864

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.	2016/99/1
Applicant	Contour Town Planning
Date application received	22 May 2023
Zoning	Commercial 1 Zone
Overlays	Design and Development Overlay – Schedule 14 Development Contribution Plan Overlay – Schedule 1 Environmental Audit Overlay

Proposal

Planning Permit 2016/99/1 allows for buildings and works associated with an existing supermarket and a reduction in the required car parking rate.

The application seeks approval for an extension of time of two (2) years to commence and two (2) years to complete the development.

Condition 37 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 2016/99/1 was issued by Council on 12 October 2016 and allows for the buildings and works associated with an existing supermarket and a reduction in the required car parking rate. Plans have not been submitted for endorsement.

An extension of time was granted by Council on 12 April 2019 for 2.5 years to both commence and complete the development. This extension required the development to commence no later than 12 April 2021 and be completed no later than 12 April 2023.

A second extension of time was granted on 10 May 2021 for two (2) years to both commence and complete the development. This extension required the development to commence no later than 12 April 2023 and be completed no later than 12 April 2025.

As it stands development in accordance with Planning Permit 2016/99/1 has not yet commenced and plans have not yet been submitted for endorsement.

2. Planning controls

Original planning permit requirements

A planning permit was required pursuant to:

- Clause 34.01-4 (Commercial 1 Zone) – Construct a building or construct or carry out works.

- Clause 52.05-7 (Signs) – Construction of business identification signs.
- Clause 52.06-3 (Car parking) – Reduction in the car parking requirements.

Planning Scheme Amendments

Planning Scheme Amendment C180

Planning Scheme Amendment C180 was gazetted on 18 June 2021 and forms part of the reforms and restructuring of Victoria’s planning systems to make planning schemes more efficient, accessible and transparent. The amendment replaces the Local Planning Policy Framework at Clauses 21 and 22 of the Bayside Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays, particular provisions and operational provisions.

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 **2016/99/1** so that the development must now commence no later than 12 April 2025 and be completed no later than 12 April 2027.

5. Council Policy

Council Plan 2021–25

Relevant objectives of the Council plan include:

- Land use will enhance Baysides liveability and protect the distinctive heritage and character of our various localities.

Relevant strategies of the Council plan include:

- 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 15 Built Environment and Heritage
- Clause 17 Economic Development
- Clause 34.01 Commercial 1 Zone

- Clause 45.03 Environmental Audit Overlay
- Clause 45.06 Development Contribution Plan Overlay
- Clause 52.05 Signs
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle facilities
- 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 has been no significant change in planning policy that would adversely affect the redevelopment of the subject site since the last extension of time was granted.

Whether the landowner is seeking to 'Warehouse' the Permit

There is no evidence that the landowner is seeking to 'warehouse' the permit. The Permit Applicant has stated their intention to proceed with the proposed works within the extension of time application form. Furthermore, the Permit Applicant had a pre-application meeting with Council Officers on 08 June 2023 to discuss design amendments prior to commencing construction.

Intervening circumstances as bearing upon grant or refusal

As a result of delays to the commencement of construction due to the Covid-19 global pandemic, the Permit Applicant has reconsidered the proposal and its design response. During this time the Permit Applicant has engaged with Council to discuss these proposed amendments.

The total elapse of time

The application was made within the prescribed time, six (6) months following the expiry date of the 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 ongoing impacts and delays from the Covid-19 pandemic as well as the Permit Applicants consideration of amendments to the planning permit.

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.

Support Attachments


1. Site and Surrounds ↓
2. Existing Planning Permit ↓


PLANNING PERMIT 2016/99/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

Address Of The Land:	No. 108 - 110 Were Street BRIGHTON
The Permit Allows:	Buildings and works associated with an existing supermarket and a reduction in the required car parking rate 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 advertised plans dated 29 March 2016 but modified to show:
 - a) The basement access amended to include a minimum of 1 in 10 grade over 2 metres at the top of the ramp.
 - b) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - c) Deletion of the internally illuminated business identification sign facing Cavendish Place.
 - d) A detailed landscape plan generally in accordance with the landscape concept plan and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - ii. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - iii. Details of surface finishes of pathways and driveways.
2. The development as shown on the endorsed plans must not be altered 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, 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. The external walls of the development hereby approved shall be well maintained, cleaned and finished to the satisfaction of the Responsible Authority.

Page 1 of 6	
Date issued: 12 October 2016	
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 2016/99/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

7. 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
8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
9. Deliveries to and from the site (including waste collection) must only take place between 7.30 am and 8.30pm any day of the week unless otherwise agreed in writing by the Responsible Authority.
10. 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 and loading bay) 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.
11. Noise associated with the delivery or collection of goods from the premises or staff activity on the site must be kept at a level satisfactory to the EPA and the Responsible Authority.
12. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
13. 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
14. Signs to the satisfaction of the Responsible Authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.
15. Before the occupation of the development starts, new or altered vehicle crossings 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.
16. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

Page 2 of 6	
Date issued: 12 October 2016	
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 2016/99/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	


17. Before the endorsement of plans under Condition 1 of this permit, a Traffic and Parking Management Report / Plan 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. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must set out the Traffic and Parking Management methods as set out in the O'Brien Traffic Impact Assessment dated February 2016 and must include but not be limited to:

- a) DELETED.
- b) Details of Staff Parking Management including how up to (but not more than) eight (8) staff car parking permits are going to be allocated for the development and appropriately managed by the owner / operator. Additional Staff beyond 8 staff members must not be permitted to park in customer car parking spaces on Were Street or the basement.
- c) Details of the installation of 2-hour parking for the 90-degree car park at the front and the off-street car park to the east of the building.
- d) Details of a parking enforcement agreement between the owner and Council or private contractor to enable Council or private contractor to enforce the provisions of the Road Safety Road Rules (Victoria) 2009 in respect to the parking of vehicles on the premises.
- e) Details of how traffic, delivery and other traffic servicing matters will comply with the requirements of this permit at all times.


Plans will not be endorsed until the parking enforcement agreement has been approved to the satisfaction of the Responsible Authority.


- 18. 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.
- 19. 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 replace.
- 20. Before the development starts the applicant must pay \$2604.00 to the Responsible Authority for the removal and replacement of an existing street tree (Elaeocarpus reticulatus - Blueberry Ash) located in the location of the proposed crossover to Cavendish Place. This amount has been determined in accordance with Councils current policy for the removal of street tree(s). 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 3 of 6	
Date issued: 12 October 2016	
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 2016/99/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

21. Before the development starts tree protection fencing is to be established around the remaining street trees along the Were Street and Cavendish Place frontages 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.
22. 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.
23. 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.
24. 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 and screened from public view to the satisfaction of the Responsible Authority.
25. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
26. Bottles and rubbish must not be removed from the rear of the site between the hours of 11pm and 7am the following day.
27. 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.


Page 4 of 6	
Date issued: 12 October 2016	
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
<p>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.</p>	


PLANNING PERMIT 2016/99/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

- 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.
28. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
29. All signs must be located wholly within the boundaries of the land.
30. The signs must not contain any flashing light.
31. The sign/s must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
32. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.

Correction of Titles

33. Before the development starts, the owner must obtain ownership to the land between Lot 1 on LP76585 and Lot 1 on TP 164121H.
34. *Before the operation of the additional supermarket area hereby approved starts, the owners of all affected Lots pursuant to this permit must consolidate the titles and register those titles with the Titles Office, or enter into a Section 173 agreement demonstrating that Lot 1 on LP5685, Lot 1 on TP 164121H, Lot 1 on TP 119197C and the land between Lot 1 on LP75685 and Lot 1 on TP 164121H (or as amended or amalgamated) will operate as a single entity for the point of the operation of a supermarket and supporting car parking, to ensure that sufficient car parking is available for staff and customers of the whole of the new supermarket.*

Page 5 of 6	
Date issued: 12 October 2016	
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
<p>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.</p>	

PLANNING PERMIT 2016/99/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

The Agreement must ensure that the additional retail space hereby approved cannot operate independently of the existing floor space and will remain for the life of the development, to the satisfaction of the Responsible Authority

- 35. The certified plan of consolidation referred to in Condition 34 of this permit must be lodged with the Titles Office within six months of the issued of the statement of Compliance.
- 36. All cost to install disabled ramps, signs and line-marking are to be met by the applicant.

Permit Expiry

- 37. 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.

Page 6 of 6	
Date issued: 12 October 2016	<i>Arthur Vatzakis</i>
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
<p>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.</p>	

FORM 4

PLANNING PERMIT

Sections 63 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.)

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 APPEALS?

* 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.

**4.13 28 CROMER ROAD, BEAUMARIS
EXTENSION OF TIME - APPROVE
APPLICATION: 2014/304/3 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/254407

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.	2014/304/3
Applicant	Watson Young Architects Pty Ltd
Date application received	1 August 2023
Zoning	Neighbourhood Residential Zone (Schedule 3)
Overlays	Heritage Overlay (HO474) Design and Development Overlay (Schedule 1) Vegetation Protection Overlay (Schedule 3) Development Contribution Plan Overlay (Schedule 1)

Proposal

Planning Permit 2014/304/3 allows:

Partial demolition and buildings and works on land in a Heritage Overlay. the construction of a building over 6 metres in height on land covered by Design and Development Overlay, Schedule 1 and the removal of native vegetation on land covered by Vegetation Protection Overlay, Schedule 3

The application seeks approval for an extension of time of two (2) years to complete the development.

Condition 13 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 application 2014/304/1 was initially refused by Council on 16 April 2015. The decision was reviewed by the Victorian Civil and Administrative Tribunal (VCAT) on 20 and 21 May 2015, and a permit was subsequently issued by VCAT on 7 July 2015.

The permit allows for partial demolition and buildings and works on land in a Heritage Overlay, the construction of a building over 6 metres in height on land covered by Design and Development Overlay, Schedule 1 and the removal of native vegetation on land covered by Vegetation Protection Overlay, Schedule 3 subject to conditions.

Plans were endorsed by Council on 23 November 2015.

An extension of time of two years was granted for completion on 23 July 2019. The development was required to be completed no later 7 July 2021.

Amendment to the permit 2014/304/2 was granted by Council on 30 November 2020. The amendment allowed for changes to the 'Barn' addition at the south of property,

consisting of internal layout changes to ground and first floor, additions and changes to the southern elevation windows, additions of windows to the first floor western elevation, and reduction in size of the stairway link from the existing dwelling.

Amended plans were endorsed by Council on 2 December 2020.

A second extension of time of two years was granted for completion on 9 February 2021. the development is now required to be completed no later than 7 July 2023.

Amendment to the permit 5/2014/304/3 was issued by Council on 12 October 2022. The amendment allowed for built form changes to the development, including:

- reduction of windows extent along North Elevation of 'The Barn'
- change in window type/break-up to West Elevation of 'The Barn'
- changed window to door for East Elevation of 'The Barn'
- addition of a verandah to North Elevation of 'The Cottage'.

Amended plans were endorsed by Council on 12 October 2022.

2. Planning controls

Original planning permit requirements

A planning permit was required pursuant to:

- Clause 42.02 (Vegetation Protection Overlay) - Remove, destroy, or lop native vegetation
- Clause 43.01 (Heritage Overlay) - Demolish or remove a building, construct a building or construct or carry out works
- Clause 43.02 (Design and Development Overlay) - Construct a building more than 6 metres in height.

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 **2014/304/3**, so that the development must now be completed no later than 7 July 2025.

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.

Bayside Planning Scheme

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 15.03 Heritage
- Clause 15.03-1L Heritage Conservation
- Clause 16 Housing
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.01 Heritage Overlay (HO474)
- Clause 43.02 Design and Development Overlay (Schedule 1)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- 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

Discuss any change in policy here, having regard to zones, overlays and planning scheme amendments.

Whether the landowner is seeking to ‘Warehouse’ the Permit

There is no evidence that the landowner is seeking to ‘warehouse’ the permit, for the following reasons:

- The works are a substantial redevelopment of a single dwelling, that is underway but uncompleted.
- The development project has been broken into a number of stages, with Stage 1 completed, Stage 2 nearing completion, and Stage 3 to begin shortly.
- The scale of the development and the staged works suggests it may take some time before building works can be completed.

Intervening circumstances as bearing upon grant or refusal

There are two relevant intervening circumstances:

- The subject site's dwelling is the Client's current residence. Whilst Covid-19 restrictions were in place, works were therefore unable to continue with builders unable to work onsite. This naturally delayed the construction program significantly, an understandable and common cause of seeking an expiry extension.
- Further, as the site was shut down mid-build, certain works and steps had to be re-constructed to maintain building code compliance. This, along with material supply issues and labour shortage has caused ongoing delays on site once Covid restrictions were lifted, and has resulted in the need for additional time beyond what was originally estimated.

The total elapse of time

The application was made within the prescribed time (less than twelve months after the current completion expiry date).

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 changing circumstances in the interim.

The economic burden imposed on the landowner by the Permit

Given the large-scale and multi-staged 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 primary permit trigger for the built works under construction is the Heritage Overlay on the site, and does not directly consider or decide based on the potential amenity impacts of adjoining properties. This Heritage Overlay is still in place on the property, and so consideration of the appropriateness of the works would still primarily be bound to that Heritage consideration.

Support Attachments

1. Site and Surrounds ↓
2. Planning Permit ↓
3. Endorsed Plans ↓

28 Cromer Road, BEAUMARIS

Attachment 1

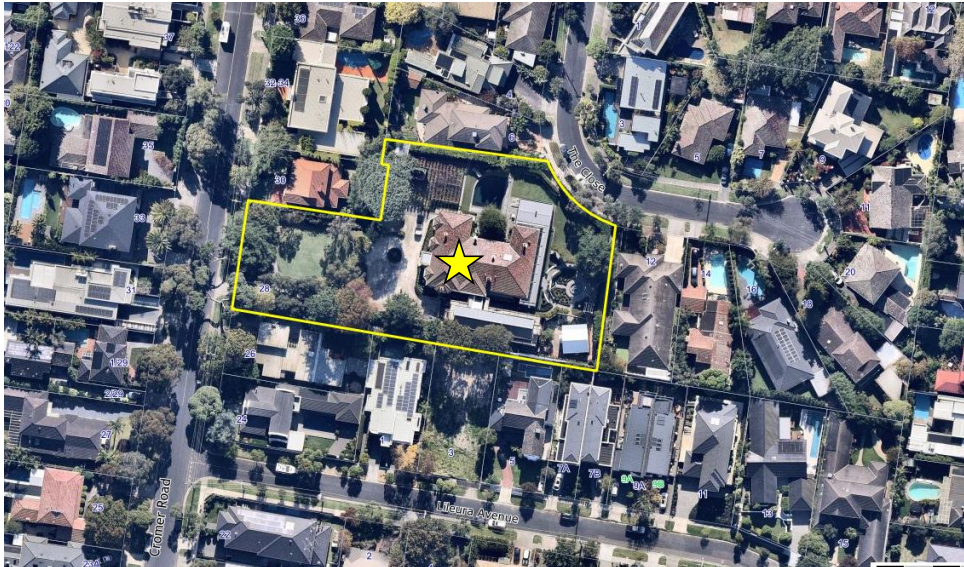



Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★


PLANNING PERMIT	Application No.:	5/2014/304/3	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

ADDRESS OF THE LAND:	28 Cromer Road BEAUMARIS
THE PERMIT ALLOWS:	Partial demolition and buildings and works on land in a Heritage Overlay, the construction of a building over 6 metres in height on land covered by Design and Development Overlay, Schedule 1 and the removal of native vegetation on land covered by Vegetation Protection Overlay, Schedule 3 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 plans substituted by the Tribunal at the hearing of Application for Review P2207/2014, but modified to show:
 - a) A schedule of construction materials, external finishes and colours (incorporating two paint samples) of all building additions, including the use of solid cladding, rather than glass, on the western elevation of the addition to the roof of the heritage dwelling;
 - b) The deletion of the verandah for the heritage dwelling;
 - c) The maximum height of the 'Barn' not to exceed 8 metres from Natural Ground Level;
 - d) The 'Barn' shifted 976mm to the north and a landscaping strip of that width included to its south;
 - e) The height of the rear loggia lowered to sit under the eaves of the heritage dwelling;
 - f) The garage entry and crossover relocated so as to not impact on the health and viability of Trees 32 and 33. (An amended Arboricultural report that includes a tree root map identifying that excavations/works will not negatively impact on the root system of Trees 32 and 33 must also be submitted);
 - g) Elevations of the shed constructed towards the northwest corner of the site showing its overall height and finishes; and
 - h) Details of all building service including any screening devices.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. All pipes, fixtures, fittings and vents servicing the dwelling and additions must be concealed in service ducts or otherwise hidden from view 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. The 'Cottage' at the rear of the site must not comprise kitchen facilities.

Page 1 of 4	
Date issued: 7 July 2015	<i>Felicity Barobag</i>
Date amended: 12 October 2022	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4	

PLANNING PERMIT	Application No.:	5/2014/304/3	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	


- 6 Before the development starts, a landscape plan 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. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the plans prepared by Franklin Landscape and Design, as amended by John Patrick Pty Ltd (as shown on a plan dated May 2015 and annotated as 'Landscape Plan for VCAT'), but modified to show:
 - a) A landscaping strip to the south of the 'Barn', as required by Condition 1(d);
 - b) The hedge within the southern boundary clipped at two metres; and
 - c) An in-ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the Responsible Authority.
- 7 Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 8 Tree Protection Fencing is to be established around all street trees (Cromer Road and The Close) prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - b) The fencing is to encompass the entire nature strip under the drip line of the tree.
 - c) The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009 *Protection of Trees on Development Sites*.
 - d) 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.
- 9 Root pruning within the TPZ (Tree Protection Zone).
 - a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - b) All affected roots must be correctly pruned according to AS 4373-2007.
- 10 Before the development begins (including demolition), the applicant is to provide a Tree Protection Plan (drawing) and Tree Management Plan (report) for trees to be retained on the subject land and on neighbouring properties which have Tree Protection Zones (TPZs) that project into the subject land. This is to ensure that trees to be retained remain viable post-construction. The following information is to be provided:
 - a) The Tree Protection Plan must be drawn to scale and provide details of the TPZ for trees to be retained on the subject land and neighbouring properties.
 - b) Where encroachment of the TPZ is greater than 10%, the Structural Root Zone (SRZ) must also be shown on the Tree Protection Plan.
 - c) The location of tree protection fencing must be specified on the Tree Protection Plan.
 - d) There must be a notation on the Tree Protection Plan referencing the Tree Management Plan document.

The Tree Management Plan must be prepared by a suitably qualified and experienced arborist in accordance with AS 4970-2009 *Protection of Trees on Development Sites*. This

Page 2 of 4

Date issued: 7 July 2015	<i>Felicity Barobag</i>
Date amended: 12 October 2022	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4	

PLANNING PERMIT	Application No.:	5/2014/304/3	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

document must provide details of the activities required during the development process to protect trees to be retained on the subject land and neighbouring properties. The applicant must demonstrate to the satisfaction of the Responsible Authority that trees to be retained will remain viable post-construction.

- 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.
- 12 Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in clause 22.08 of the Bayside Planning Scheme and 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 landscaping 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*.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.


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

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

Permit Notes

Date	Details
30 November 2020	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ul style="list-style-type: none"> • Changes to the 'Barn' addition at the south of property, consisting of: <ul style="list-style-type: none"> - Internal layout changes to ground and first floor; - Additions and changes to the southern elevation windows; - Additions of windows to the first floor western elevation; - Reduction in size of the stairway link from the existing dwelling to the

Date issued: 7 July 2015	<i>Felicity Barobag</i>
Date amended: 12 October 2022	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4	

PLANNING PERMIT	Application No.:	5/2014/304/3	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

	'Barn'.
12 October 2022	Amendment to the permit under Section 72 of the Planning and Environment Act 1987 to: <ul style="list-style-type: none"> • Built form changes to the development to include: <ul style="list-style-type: none"> ○ Reduction of windows extent along North Elevation of 'The Barn' ○ Change in window type/break-up to West Elevation of 'The Barn' ○ Changed window to door for East Elevation of 'The Barn' ○ Addition of a verandah to North Elevation of 'The Cottage'

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.

Page 4 of 4	
Date issued: 7 July 2015	<i>Felicity Barobag</i>
Date amended: 12 October 2022	Signature for the Responsible Authority
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.

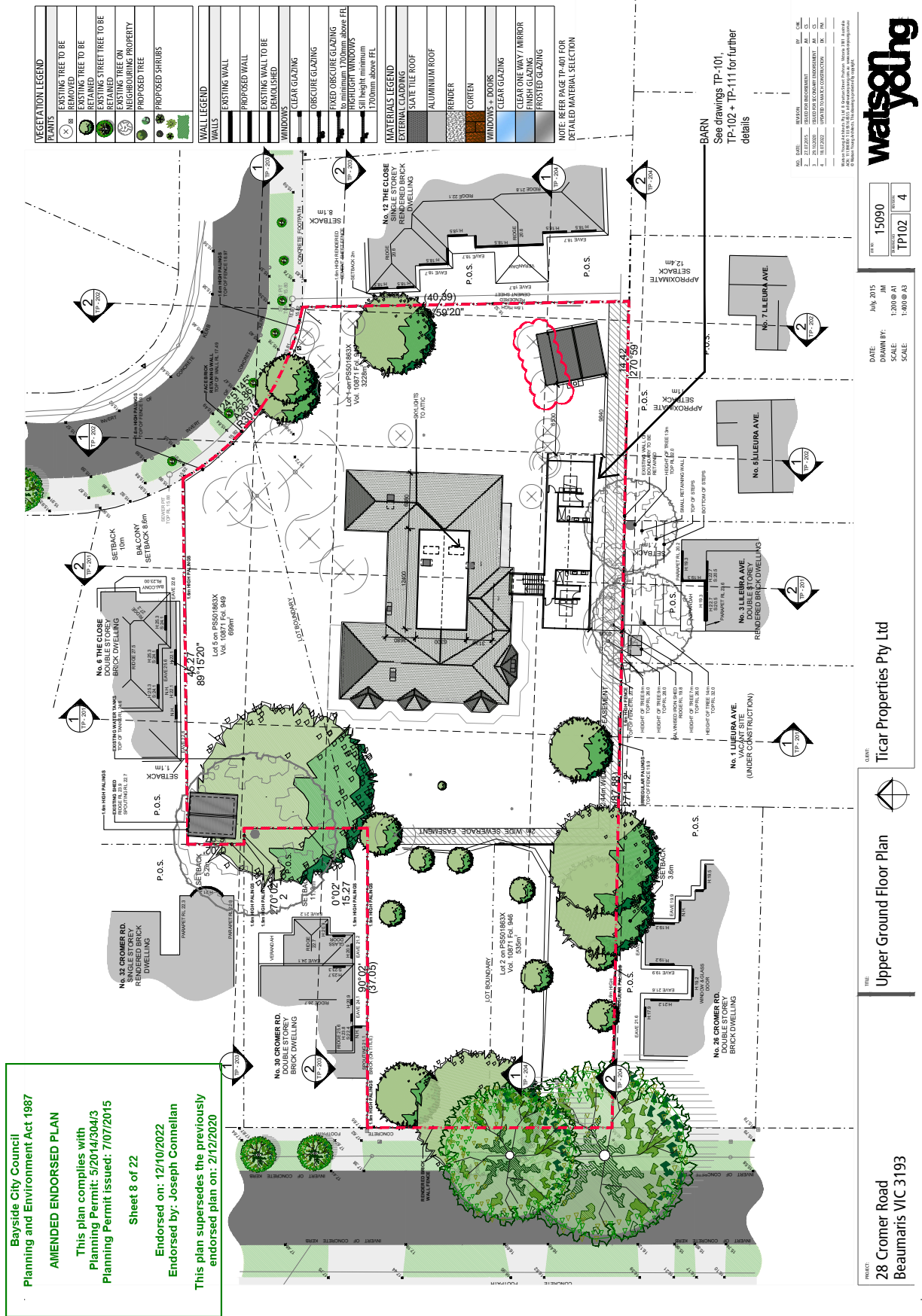
Even though the location of your equipment may have been included in an approved planning permit, Council may still direct you to undertake works or stop using equipment if it impacts your neighbours.

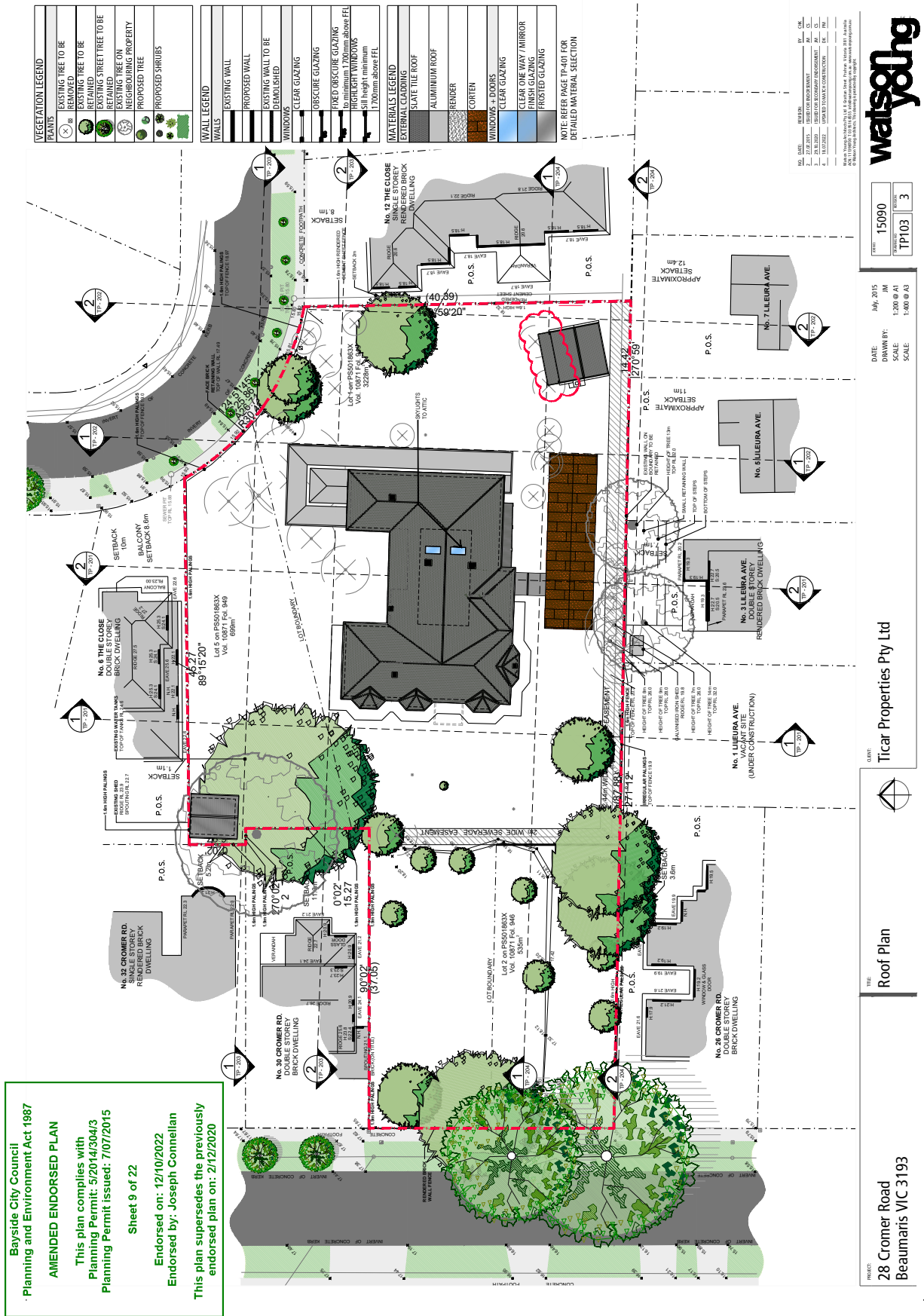
More information

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



Bayside City Council
 Planning and Environment Act 1987
AMENDED ENDORSED PLAN
 This plan complies with
 Planning Permit: 5/2014/304/3
 Planning Permit issued: 7/07/2015
 Sheet 7 of 22
 Endorsed on: 12/10/2022
 Endorsed by: Joseph Connellan
 This plan supersedes the previously
 endorsed plan on: 2/14/2020





Bayside City Council
 Planning and Environment Act 1987
AMENDED ENDORSED PLAN
 This plan complies with
 Planning Permit: 5/2014/304/3
 Planning Permit Issued: 7/07/2015
 Sheet 9 of 22
 Endorsed on: 12/10/2022
 Endorsed by: Joseph Connellan
 This plan supersedes the previously
 endorsed plan on: 2/12/2020

VEGETATION LEGEND

PLANTS	EXISTING TREE TO BE REMOVED	EXISTING TREE TO BE RETAINED	EXISTING TREE TO BE RETAINED	EXISTING TREE ON ADJACENT PROPERTY	PROPOSED TREE	PROPOSED SHRUBS
(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)

WALL LEGEND

WALLS	EXISTING WALL	PROPOSED WALL	EXISTING WALL TO BE DEMOLISHED	CLEAR GLAZING	OBSCURE GLAZING	FIXED OBSCURE GLAZING	ALUMINUM ROOF	SLATE TILE ROOF	RENDER	CORTEX	WINDOWS - DOORS	CLEAR GLAZING	CLEAR ONE WAY MIRROR	FINISH GLAZING	FROSTED GLAZING
(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)

MATERIALS LEGEND

EXTERNALS	SLATE TILE ROOF	ALUMINUM ROOF	RENDER	CORTEX	WINDOWS - DOORS	CLEAR GLAZING	CLEAR ONE WAY MIRROR	FINISH GLAZING	FROSTED GLAZING
(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)	(Symbol)

NOTE REFER PAGE TP-401 FOR DETAILED MATERIAL SELECTION



DATE:	JUN, 2015
DRAWN BY:	IM
SCALE:	1:200 @ A1
SCALE:	1:600 @ A3

PROJECT:	15090
TITLE:	TP103
SHEET:	3

CLIENT: Ticar Properties Pty Ltd



TITLE: Roof Plan

PROJECT: 28 Cromer Road
 Beaumaris VIC 3193

WALL LEGEND

EXISTING WALL
PROPOSED WALL
EXISTING WALL TO BE DEMOLISHED
CLEAR GLAZING
OBSCURE GLAZING
FIXED OBSCURE GLAZING to minimum 1700mm above FFL
HIGHLIGHT WINDOWS Sill height minimum 1700mm above FFL

MATERIALS LEGEND

EXTERNAL CLADDING
SLATE TILE ROOF
ALUMINIUM ROOF
RENDER
CORTEN
CLEAR GLAZING
CLEAR ONE WAY / MIRROR FINISH GLAZING
FROSTED GLAZING

NOTE: REFER PAGE TP-401 FOR DETAILED MATERIAL SELECTION

GROUND FLOOR PLAN 1:100 BARN

FIRST FLOOR PLAN 1:100 BARN

ROOF PLAN 1:100 BARN

SOUTH ELEVATION 1:100 BARN

NORTH ELEVATION 1:100 BARN

WEST ELEVATION 1:100 BARN

EAST ELEVATION 1:100 BARN

AMENDED ENDORSED PLAN

Bayside City Council Planning and Environment Act 1987

This plan complies with Planning Permit: 5/2014/304/3

Planning Permit issued: 7/07/2015

Sheet 10 of 22

Endorsed on: 12/10/2022

Endorsed by: Joseph Connellan

This plan supersedes the previously submitted plan.

DATE: JULY 2015

DRAWN BY: 1:200 @ A1

SCALE: 1:800 @ A3

PROJECT: 28 Cromer Road Beaumaris VIC 3193

TITLE: Barn Plans and Elevations

CLIENT: Ticar Properties Pty Ltd

PROJECT NO: 15090

PLAN NO: TP111

SHEET NO: 4

**Bayside City Council
Planning and Environment Act 1987
AMENDED ENDORSED PLAN**

This plan complies with
Planning Permit: 5/2014/304/3
Planning Permit issued: 7/07/2015
Sheet 11 of 22

Endorsed on: 12/10/2022
Endorsed by: Joseph Connellan

This plan supersedes the previously endorsed plan on: 23/11/2015

WALL LEGEND	
█	EXISTING WALL
█	PROPOSED WALL
█	EXISTING WALL TO BE DEMOLISHED

WINDOWS	
█	CLEAR GLAZING
█	OBSOLETE GLAZING
█	FIXED OBSOLETE GLAZING to minimum 1700mm above FFL
█	HIGHLIGHT WINDOWS Sill height minimum 1700mm above FFL

MATERIALS LEGEND	
█	EXTERNAL CLADDING
█	SLATE TILE ROOF
█	ALUMINIUM ROOF
█	RENDER
█	CORTEN

WINDOWS + DOORS	
█	CLEAR GLAZING
█	CLEAR ONE WAY / MIRROR FINISH GLAZING
█	FROSTED GLAZING

NOTE: REFER PAGE TP-401 FOR DETAILED MATERIAL SELECTION

GROUND FLOOR PLAN 1:100
COTTAGE

NORTH ELEVATION 1:100
COTTAGE

SOUTH ELEVATION 1:100
COTTAGE

WEST ELEVATION 1:100
COTTAGE

EAST ELEVATION 1:100
COTTAGE

ROOF PLAN 1:100
COTTAGE

PROJECT: 28 Cromer Road
Beaumaris VIC 3193

TITLE: Cottage Plans and Elevations

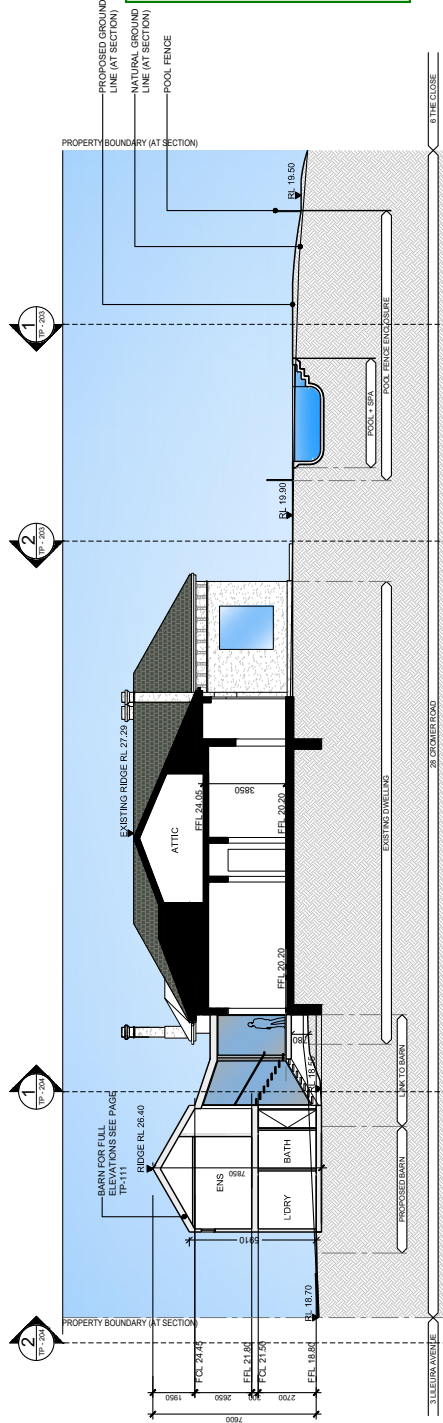
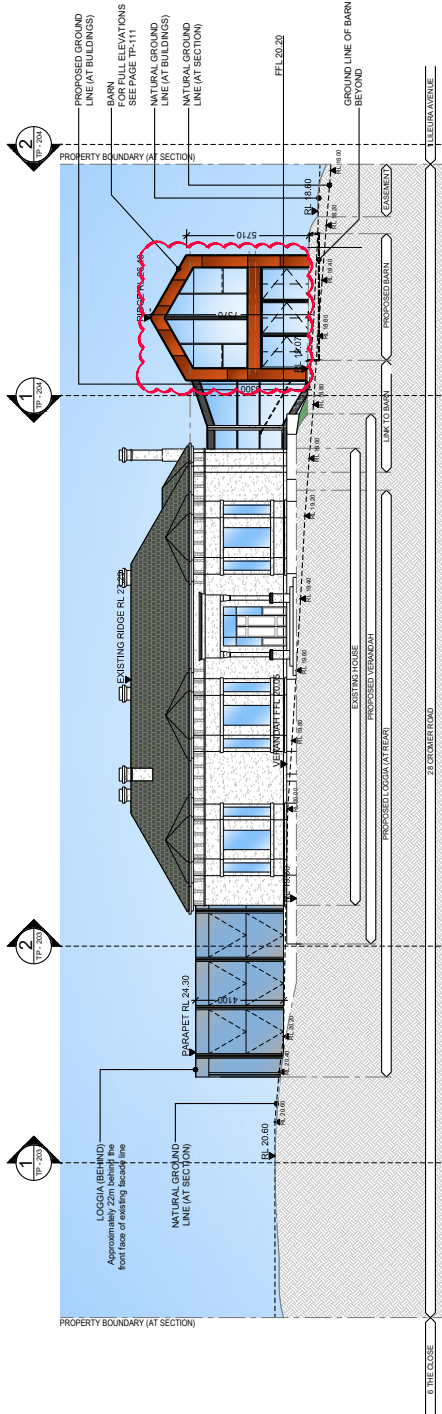
DATE: JUN, 2015
DRAWN BY: JM
SCALE: 1:200 @ A1
SCALE: 1:800 @ A3

15090
TP112
3

Ticar Properties Pty Ltd

MATERIALS LEGEND	
	EXTERNAL CLADDING
	ALUMINIUM ROOF
	RENDER
	CORTEN
	WINDOWS & DOORS
	CLEAR GLAZING
	CLEAR ONE-WAY / MIRROR
	FROSTED GLAZING

NOTE: REFER PAGE TP-401 FOR DETAILED MATERIAL SELECTION



Bayside City Council
 Planning and Environment Act 1987

AMENDED ENDORSED PLAN

This plan complies with
 Planning Permit: 5/2014/304/3
 Planning Permit issued: 7/07/2015
 Sheet 13 of 22

Endorsed on: 12/10/2022
 Endorsed by: Joseph Connellan

This plan supersedes the previously endorsed plan on: 2/12/2020

NO.	DATE	BY	FOR
1	27/07/2015	PLANNING	PLANNING PERMIT
2	21/10/2022	PLANNING	PLANNING PERMIT
3	11/07/2023	PLANNING	PLANNING PERMIT

Notes: 1. This plan is a copy of the original plan. 2. This plan is a copy of the original plan. 3. This plan is a copy of the original plan.



PROJECT	15090
DATE	JUN 2015
DRAWN BY	JM
SCALE	1:200 @ A1
DATE	1/8/20 @ A3
SCALE	
PROJECT	TP201
DATE	4

DATE: JUN 2015
 DRAWN BY: JM
 SCALE: 1:200 @ A1
 SCALE: 1/8/20 @ A3

Ticar Properties Pty Ltd



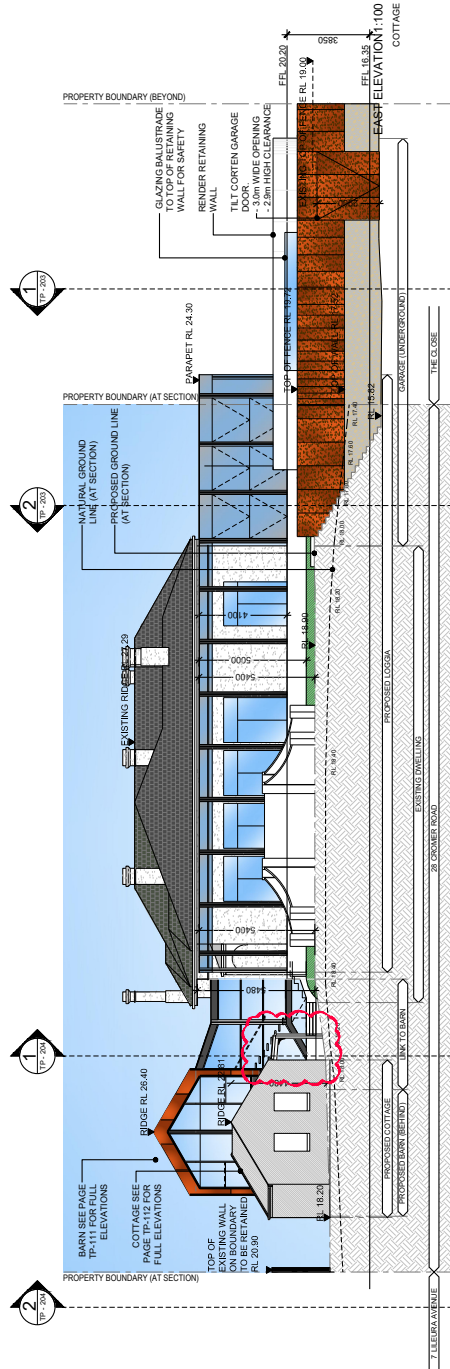
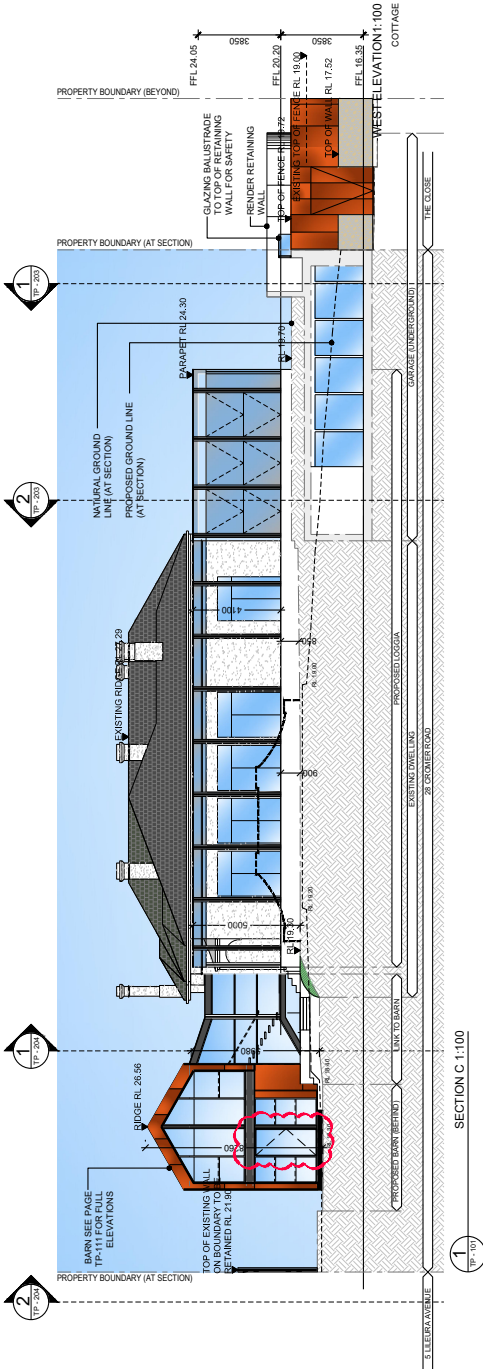
Sections 1

28 Cromer Road
 Beaumaris VIC 3193

MATERIALS LEGEND

EXTERNAL CLADDING	SLATE TILE ROOF
ALUMINIUM ROOF	RENDER
CURTEN	WINDOWS + DOORS
CLEAR GLAZING	CLEAR ONE WAY / MIRROR FINISH GLAZING
FROSTED GLAZING	

NOTE: REFER PAGE TP-401 FOR DETAILED MATERIAL SELECTION



Bayside City Council
 Planning and Environment Act 1987
AMENDED ENDORSED PLAN
 This plan complies with
 Planning Permit: 5/2014/304/3
 Planning Permit Issued: 7/07/2015
 Sheet 14 of 22
 Endorsed on: 12/10/2022
 Endorsed by: Joseph Connellan
 This plan supersedes the previously endorsed plan on: 2/12/2020

NO.	DATE	BY	FOR
1	27/07/2015	ML	FOR ENDORSEMENT
2	21/10/2022	ML	FOR ENDORSEMENT
3	11/07/2020	ML	FOR ENDORSEMENT

WATSON YOUNG
 100 BROADWAY, SUITE 101, MELBOURNE VIC 3000
 PH: (03) 9493 9000
 WWW.WATSONYOUNG.COM.AU



PROJECT	15090
DATE	TP202
SCALE	4

DATE	MAY 2015
DRAWN BY	JM
SCALE	1:200 @ A1
SCALE	1:600 @ A3

Ticar Properties Pty Ltd



Sections 2

28 Cromer Road
 Beaumaris VIC 3193

**4.14 3–5 THISTLE GROVE, HIGHETT
EXTENSION OF TIME - APPROVE
APPLICATION: 2016/679/1 WARD:IVISON**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/255065

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.	2016/679/1
Applicant	Meidan Chen
Date application received	28 June 2023
Zoning	General Residential Zone Schedule 13
Overlays	Development Contribution Plan Overlay Schedule 1

Proposal

Planning Permit 2016/679/1 allows:

Construction of a three storey residential building and a basement on two lots

The application seeks approval for an extension of time of two years for both commencement and completion of the development.

Condition 32 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

2. Planning Permit 2016/679/1 was approved by VCAT on 21 June 2017 for construction of a three storey residential building and a basement on two lots in accordance with the endorsed plans.

A previous extension of time was granted on 15 November 2019, moving the commencement expiry date to 21 June 2021 and completion date to 21 June 2023.

A second extension of time was granted on 11 August 2021, moving the commencement expiry date to 21 June 2023 and completion date to 23 June 2025.

3. Planning controls

Original planning permit requirements

A planning permit was required pursuant to:

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

Planning Scheme Amendments

Planning Scheme Amendment C160bays was gazetted on 21 September 2022 which has rezoned the subject site from General Residential Zone Schedule 1 to General Residential Zone Schedule 13. The subject site is also being removed from Design and Development Overlay Schedule 5.

4. 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.

5. Recommendation

That Council resolves to **Approve the Extension of Time** of two (2) years to Planning Permit **2017/156/1**, so that the development must now commence no later than 21 June 2025 and be completed no later than 21 June 2027.

6. 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
- with village-style activity centres, combining retail at ground floor with increased opportunities for apartment-style living above
- 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 9 Plan Melbourne
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 18 Transport
- Clause 19 Infrastructure
- Clause 32.08 General Residential Zone (Schedule 13)
- 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

7. 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 a number of planning scheme amendments apply to the subject site and the most relevant ones are:

- Amendment C160bays – to introduce General Residential Zone Schedule 13 to the subject site and remove the previous Design and Development Overlay Schedule 5. The approved Planning Scheme Amendment C160bays encourages the subject site to be developed with a maximum height of 4 storey however with a minimum 3m landscape setbacks along Graham Road and Thistle Grove. The approved development provides a varied landscape setback (from 2m to 7m approximately) along Thistle Grove which does not fully comply with the required 3m landscape setbacks as encouraged by Amendment C160bays, however the non-compliance section only relates to the western part of the development and the eastern part exceeds the required 3m setback. It is also important to acknowledge that the proposed development is one storey lower than the encouraged four storey height. On balance, the existing design would still meet the objective of the revised control.

Whether the landowner is seeking to 'Warehouse' the Permit

There is no evidence that the landowner is seeking to 'warehouse' the permit, for the following reasons:

- The scale of the development suggests it may take some time before building works can commence.

Intervening circumstances as bearing upon grant or refusal

- The applicant suggested that they have appointed a new architect since April 2023 and the transition from the previous architect and preparing documents for endorsements may have delayed the project commencement.

- A number of other similar developments that have been approved in 2017 have not yet commenced. This is an indication that there is reduced demand for this type of development at the current time. 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 from when the permit was previously extended.

The original time frame is considered reasonable; however, an increased commencement time would also have been appropriate considering the complexities of the development.

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 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. Although the approved development does not fully comply with the encouraged minimum 3m landscape setback, it is also important to acknowledge the approved development is one storey lower than the encouraged height. If a new application is received, different built form requirements and considerations are relevant to the current development which might will result the development into a different design outcome. Whilst there would likely be some change to the design if a new application was lodged, that is not to say that the existing design is inappropriate and there would be both pro's and con's in having the applicant commence with a fresh application (for example there may be some minor increase in landscape space though the built form would likely be one storey higher)

Support Attachments

1. Site and Surrounds ↓
2. Permit ↓

Attachment 1

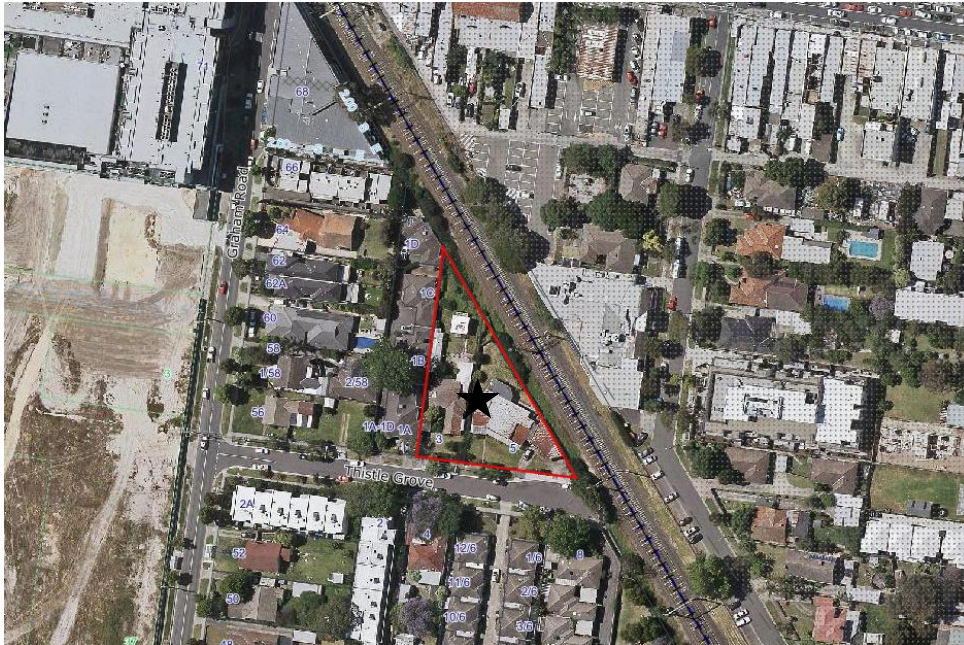



Figure 1 Aerial overview of the site and surrounds


Legend	
Subject site	★

PLANNING PERMIT 2016/679/1	Responsible Authority: Bayside City Council	 Bayside <small>CITY COUNCIL</small>
	Planning Scheme: Bayside	

Address Of The Land:	No. 3 - 5 Thistle Grove HIGHETT
The Permit Allows:	Construction of a three storey residential building and a basement on two lots 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 advertised plans (Moull Murray Architects, Dwg no TP.03.01 to TP.09.07, dated 30 November 2016) but modified to show:
 - a) A reduction in the number of dwellings and the dwelling mix through the combination of proposed units 201 & 209 to form one x three bedroom dwelling and dwellings 101 & 109 altered so that they each form one bedroom dwellings. The floor layouts shall be generally re-aligned to provide a greater area for a greater floorplate for Dwelling 109 and a lesser floorplate for Dwelling 101. All dwellings renumbered and the car parking spaces for each lot accordingly shown as per the renumbering.
 - b) The dwellings Private Open Space must be shown to meet the Private Open Space standards of B28 for both secluded private open space and total open space per dwelling.
 - c) The deletion of the front fence to the front communal yard and all ground floor communal boundary fences between dwellings to have a height of 1.8 metres.
 - d) All upper level bathrooms, ensuites, toilets and study/nooks to have provisions for a skylight (or similar) where direct daylight access is not provided. High light windows to the bathrooms of Dwellings 102, 107, 202 & 207. This does not apply where rooftop plant equipment inhibits this ability.
 - e) The window widths associated with all habitable room windows to have a minimum dimension of 1.2 metres.
 - f) The sides of the balconies to Dwellings 107 & 207 made open to the air above 1m from finished floor level. The openings shall be of the ratio 2h:1w (where *h* = height and *w* = width).
 - g) Each dwelling to have provisions for 6 cubic metres of externally accessible storage to comply with Standard B30 – Storage.
 - h) Clotheslines for each ground floor dwelling in accordance with Standard B34.
 - i) Adequate sight lines shown where the driveway intersects with the front footpath as per the diagram shown in AS2890.1. All structures within the sight triangle must be limited to a maximum height of 0.9m or kept clear.

Page 1 of 8	
Date issued: 21 June 2017	
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.	

FORM 4

Sections 63 and 86

PLANNING PERMIT**IMPORTANT INFORMATION ABOUT THIS PERMIT****WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal;

or

(ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use,

development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* 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 PERMIT 2016/679/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

- j) Columns along the northern side of the basement designed in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme.
- k) A schedule of construction materials, external finishes and colours (incorporating for example paint samples), including for screens provided on the balconies and roof of the building.
- l) Location of all plant and equipment, including hot water services and air conditioners etc. shown as being hidden from all street views. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms. The plant screen on the roof shall be reduced so that it is no higher than 1200mm above roof level, unless a higher screen is required to screen a particular item of plant.
- m) Any other changes required to the plans to comply with all conditions of this permit.
- n) Compliance to be achieved with Standard B6 of Clause 55.05-4 of the Bayside Planning Scheme.
- o) Compliance to be achieved with Standard B17 of Clause 55.05-4 of the Bayside Planning Scheme.

All to the satisfaction of the Responsible Authority.

2. Prior to the endorsement of plans pursuant to Condition 1, 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.
 - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines). Waste collection must not take place between 6am-10am and 3pm-7pm on weekdays.
 - 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. Waste collection shall be by a 6.4m rear mini loader.
 - l) Strategies for how the generation of waste and recyclables will be minimised.
 - m) Compliance with relevant policy, legislation and guidelines.

Page 2 of 8	
Date issued: 21 June 2017	<i>Arthur Vatzalis</i>
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
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FORM 4

Sections 63 and 86

PLANNING PERMIT**IMPORTANT INFORMATION ABOUT THIS PERMIT****WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal;

or

(ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances

mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* 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 PERMIT 2016/679/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

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.

3. Prior to the endorsement of plans pursuant to Condition 1, detailed WSUD 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 (WSUD) 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.

4. Prior to the endorsement of plans pursuant to Condition 1, a revised 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 advertised plan prepared by Wallbrink Architecture, dwg no 1875TP1, Issue B, drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) 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.
 - b) A planting schedule of any proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. The plan shall include provision of a tree capable of reaching 10m in height at maturity in the general vicinity and in place of the four manna gums shown on the advertised landscape plan. It shall also include dense screen planting along rail corridor interface to assist in noise mitigation.
 - c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - d) Details of surface finishes of pathways and driveways.
5. 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.

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Date issued: 21 June 2017	<i>Arthur Vatzalis</i>
Planning and Environment Regulations 2005 Form 4	Signature for the Responsible Authority
<p>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.</p>	

FORM 4

Sections 63 and 86

PLANNING PERMIT**IMPORTANT INFORMATION ABOUT THIS PERMIT****WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal;

or

(ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* 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 PERMIT 2016/679/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

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) 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.
6. Prior to the endorsement of plans pursuant to Condition 1, a parking management plan 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. Parking operations on the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must include:
- a) Allocation of parking to individual properties and to visitors.
 - b) Signing of parking spaces.
 - c) Line marking of parking spaces.
 - d) Proposed access control measures such as gates, roller doors, intercoms, etc.
7. Prior to the endorsement of plans pursuant to Condition 1, an acoustic report must be submitted to and approved by the Responsible Authority to demonstrate how the dwellings will be acoustically treated to minimise noise transmission from the adjacent land uses to the satisfaction of the Responsible Authority. This shall address, amongst other items, treatment to secluded private open space areas (at all levels), windows to habitable rooms and acoustic fencing.
8. 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.
9. 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.
10. 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.
11. 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.

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Date issued: 21 June 2017	<i>Arthur Vatzakis</i>
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<p>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.</p>	

FORM 4

Sections 63 and 86

PLANNING PERMIT**IMPORTANT INFORMATION ABOUT THIS PERMIT****WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal;

or

(ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances

mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* 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.

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PLANNING PERMIT 2016/679/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

12. Before the development starts, 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.
 - 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.

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FORM 4

Sections 63 and 86

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* 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.

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PLANNING PERMIT 2016/679/1	Responsible Authority: Bayside City Council	 Bayside <small>CITY COUNCIL</small>
	Planning Scheme: Bayside	

13. Before the occupation of the development starts, new or altered vehicle crossing(s) 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. The area(s) 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.
14. Before a Certificate of Occupancy is issued by a Building Surveyor, or by any other date as is approved in writing by the Responsible Authority, all buildings and works including all landscaping must be carried out and completed to the satisfaction of the Responsible Authority.
15. Once completed, the layout of the site and the size, levels, design and location of buildings and works, screens, boundaries, fixtures and services 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.
16. 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.
17. 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.
18. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including any dead, diseased or damaged plants are to be replaced.

VicTrack Conditions – not to be altered

19. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land.
20. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land.
21. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements as required by the Rail Operator.

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FORM 4

Sections 63 and 86

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The Responsible Authority has issued a permit.

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WHEN DOES A PERMIT BEGIN?

A permit operates:

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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—

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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—

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PLANNING PERMIT 2016/679/1	Responsible Authority: Bayside City Council	 Bayside <small>CITY COUNCIL</small>
	Planning Scheme: Bayside	

22. The permit holder must not, at any time, interfere with or damage any railway infrastructure (including without limitation overhead power and supporting infrastructure for trains and trams, and underground telecommunication cables). The permit holder must, at its own cost, rectify any damage to railway infrastructure, or disruption to the rail operations, arising out of or in connection with the development to the satisfaction of VicTrack and the Rail Operator within fourteen (14) days of such damage or disruption occurring or such other time agreed by VicTrack and the Rail Operator.
23. During the construction of the development, including demolition and bulk excavation, the permit holder must:
 - a) take all reasonable steps to avoid disruptions to rail operations; and
 - b) comply with:
 - i. the Rail Operator's safety and environmental requirements; and
 - ii. the requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.
24. The permit holder must, at all times, ensure that the common boundary with the railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.
25. The permit holder must not, at any time:
 - a) allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - b) store or deposit any waste, soil or other materials on the railway land.
26. Any wall to be built on the common boundary between the subject land and the VicTrack land must be cleaned and finished using a graffiti proof finish at the cost of the permit holder. VicTrack, in consultation with the Rail Operator, may nominate alternative measures to be implemented, at the cost of the permit holder, to prevent or reduce the potential for graffiti. Any graffiti that appears on the wall must be cleaned or removed as soon as practicable to the satisfaction of the Responsible Authority. The cost of any clean-up or removal of the graffiti from the wall must be borne by the permit holder and/or the future owners of the land.
27. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
28. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
29. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
30. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto the railway land or disturbance to the railway operations.

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Sections 63 and 86

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PLANNING PERMIT 2016/679/1	Responsible Authority: Bayside City Council	
	Planning Scheme: Bayside	

31. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.

Permit Expiry

32. 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; or
- 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

- This permit provides planning consent only and does not provide any other consent for building, asset protections, engineering, Referral Authority easement or any other type of consent not otherwise expressly granted.
- Occupants and their visitors will not be eligible for Council on-street parking permits.
- Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Any walls constructed on or near the railway boundary will need to comply with the necessary Australian Standards, including the requirements for crash protection measures under AS5100.
- Building Design and Construction works are to comply with Victorian Safety (Installations) Regulations 2009 Part 3 Division 2.

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FORM 4

PLANNING PERMIT

Sections 63 and 86

IMPORTANT INFORMATION ABOUT THIS PERMIT

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**4.15 20 NORTH ROAD, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2016/338/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/263677

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.	2016/338/1
Applicant	S T Architects
Date application received	19 June 2023
Zoning	Neighbourhood Residential Zone Schedule 3
Overlays	Design and Development Overlay Schedule 1

Proposal

Planning Permit 2016/338/1 allows:

Construction of two dwellings; Alterations of access to a Road Zone Category 1; and Buildings and works under the Special Building Overlay

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

Condition 36 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 5/2016/338 was issued at the direction of VCAT on 28 August 2017.

A previous extension of time was granted on 6 March 2019, moving the commencement expiry date to 28 August 2021 and completion date to 28 August 2023.

A second extension of time was granted on 11 Oct 2021, moving the commencement expiry date to 28 August 2023 and completion date to 28 August 2025.

2. Planning controls

Original planning permit requirements

A planning permit was required pursuant to:

- Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of two dwellings on a lot
- Clause 44.05-3 (Special Building Overlay) – Construction of buildings and works
- Clause 52.29-2 (Land Adjacent to a Road Zone, Category 1) – Construction of an access to a road in a Road Zone, Category 1.

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultationExternal 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 **2016/338/1**, so that the development must now commence no later than 28 August 2025 and be completed no later than 28 August 2027.

5. Council PolicyCouncil Plan 2021–25

Relevant objectives of the Council plan include:

- 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 15.01-5S Neighbourhood Character
- Clause 15.01-5L Bayside Preferred Neighbourhood Character

- Clause 16 Housing
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- 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 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 have been no changes to the relevant planning policies that affect this application.

Whether the landowner is seeking to "Warehouse" the Permit

There is no 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 requirement to request an extension of time was due to the post Covid situation, the owner is actively working with a builder to find a financially viable solution to build the development.

Intervening circumstances as bearing upon grant or refusal

A number of other similar developments that have been approved in 2017 have not yet commenced. This is an indication that there is a significant delay in the building and construction industry. 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 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.

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 proposed development is generally compliant with the objectives and policies of the Bayside Planning Scheme.

Support Attachments


1. Site and Surrounds ↓
2. Permit ↓

Attachment 1



Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★

PLANNING PERMIT	Application No.:	5/2016/338/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

ADDRESS OF THE LAND:	20 North Road BRIGHTON
THE PERMIT ALLOWS:	Construction of two dwellings; Alterations of access to a Road Zone Category 1; and Buildings and works under the Special Building Overlay in accordance with the endorsed plans and subject to the following conditions.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

- 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 plans prepared by S T Architects (Sheets TP01 – TP07) dated 26 June 2017, but modified to show:
 - (a) The maximum height of the front fence in North Road at 1.2 metres. (b) Design details of metal fences on North Road and St. Kilda Street.
 - (c) The setback of the first floor of both dwellings from the western boundary at a minimum of 3.6 metres or to meet standard B17 as varied in the Bayside Planning Scheme.
 - (d) All first floor windows to meet standard B22 of clause 55.
 - (e) The shared driveway/vehicle turning area treated with coloured concrete decorative brick banding or the like.
 - (f) A revised schedule of colours and materials, incorporating a greater range of colours and materials in the external treatment of the dwellings, to the satisfaction of Council. In particular, a reduced reliance on the use of render is required.
 - (g) A landscape plan in accordance with Condition 11, to the satisfaction of the Responsible Authority.


Public Transport Victoria Conditions (h) – (i))

- (h) Details of the existing bus stop and associated infrastructure (seat, flag pole, sleeve and concrete hardstand pad) in the context of the proposal.
- (i) Details of the relocated bus stop and associated infrastructure in an alternative location.

VicRoads Conditions (j) – l))

- (j) The existing features within the road reserve of St Kilda Street.

Page 1 of 5	
<i>Michael Kelleher</i>	
Date issued: 28 August 2017	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4	

PLANNING PERMIT	Application No.:	5/2016/338/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- (k) Details of relocation of signs within the road reserve along St Kilda Street, maintaining a minimum of 1 metre clearance from the crossover.
- (l) The edges of the vehicular crossover angled at 60 degrees to the road reserve boundary.
- 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, 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 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 - 7 Before the development starts, a schedule of construction materials, external finishes and colours (incorporating for example paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
 - 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 area(s) 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(s) 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.


Page 2 of 5

Michael Kelleher

Date issued: **28 August 2017**

Signature for the Responsible Authority


Planning and Environment Regulations 2015 Form 4

PLANNING PERMIT	Application No.:	5/2016/338/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- 11 Before the development starts, 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 drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (a) 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.
 - (b) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. When in VPO include: Plantings must be 80% indigenous by species type and count.
 - (c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - (d) Details of surface finishes of pathways and driveways.
 - (e) The plan must include one indigenous coastal tree capable of reaching a mature height of 14 metres, which means either a *Banksia integrifolia* or *Eucalyptus pryoriana*.
 - (f) Two other trees capable of reaching a height of 10 metres at maturity must be included.
- 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.
- 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.
- 14 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.
- 15 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.

		Page 3 of 5
		<i>Michael Kelleher</i>
Date issued:	28 August 2017	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4		


PLANNING PERMIT	Application No.:	5/2016/338/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- 16 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. NB: This applies particularly to the Gingko (Gingko biloba) tree on the neighbouring property to the south, 371 St Kilda Street. (b) The location of tree protection measures to be utilised.
- Notes: Additional indigenous coastal plantings of smaller trees, which means *Allocasuarina verticillata*, should be considered. Shrubs and ground covers should be included.
- 17 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.
- 18 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.
- 19 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.
- 20 Before the development commences, 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.

VicRoads Conditions (21 – 27)

- 21 Unless otherwise agreed in writing by VicRoads, prior to the start of the development, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit.
- 22 The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
- 23 All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings or works hereby approved.
- 24 Prior to the occupation of the buildings the driveways, crossovers and associated works must be provided and available for use and be:

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		<i>Michael Kelleher</i>
Date issued:	28 August 2017	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4		

PLANNING PERMIT	Application No.:	5/2016/338/1	
	Planning Scheme:	Bayside	
	Responsible Authority:	Bayside City Council	

- 25 Formed to such levels and drained so that they can be used in accordance with the plan.
- 26 Treated with an all-weather seal or some other durable surface.
- 27 Vehicles must enter and exit the land in a forward direction.

Public Transport Victoria Conditions (28 - 34)

- 28 Unless otherwise agreed in writing with PTV, before the development starts, or such other time agreed in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria 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.
- 29 All works must comply with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
- 30 All works must be to the satisfaction of Public Transport Victoria.
- 31 If the relocated bus stop will not be located at the subject site, Public Transport Victoria requires the written consent from the property owners of the site accommodating the relocated bus stop.
- 32 Before the commencement of the access works along St Kilda Street, the bus stop and all associated infrastructure must be relocated, with the cost borne by the permit holder, to the satisfaction of Public Transport Victoria.
- 33 The permit holder must ensure that public transport infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost to the permit holder.
- 34 Public Transport Victoria requires notice of the relocation of the existing bus stop and all associated infrastructure two (2) weeks prior to relocation.

Time limits

- 35 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.

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		<i>Michael Kelleher</i>
Date issued:	28 August 2017	Signature for the Responsible Authority
Planning and Environment Regulations 2015 Form 4		



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

6 March 2019

S T Architects Pty Ltd
thian@st-architects.com.au

Dear Applicant

Application Number: 5/2016/338/1
Address: 20 North Road BRIGHTON

Further to the Tribunal's decision and pursuant to the *Planning & Environment Act 1987*, the above planning permit is issued subject to the conditions set out.

I understand this Permit is being issued well after the Order to date. Apologies for this. In light of the lengthy delay, should you wish to have the permit extended, Council will waive the usual fee.

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

Ziqi Xi
Email: enquiries@bayside.vic.gov.au
Telephone: 9599 4408

Please quote planning application 5/2016/338/1 – 20 North Road BRIGHTON in all correspondence / emails.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Michael Kelleher".

Michael Kelleher
STATUTORY PLANNING DEPARTMENT

Enc :
c.c.VicRoads
c.c.Melbourne Water



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

4.16 STATUTORY PLANNING - MONTHLY REPORT (JULY 2023)

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/260722

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 July 2023. 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 July 2023.

Decisions

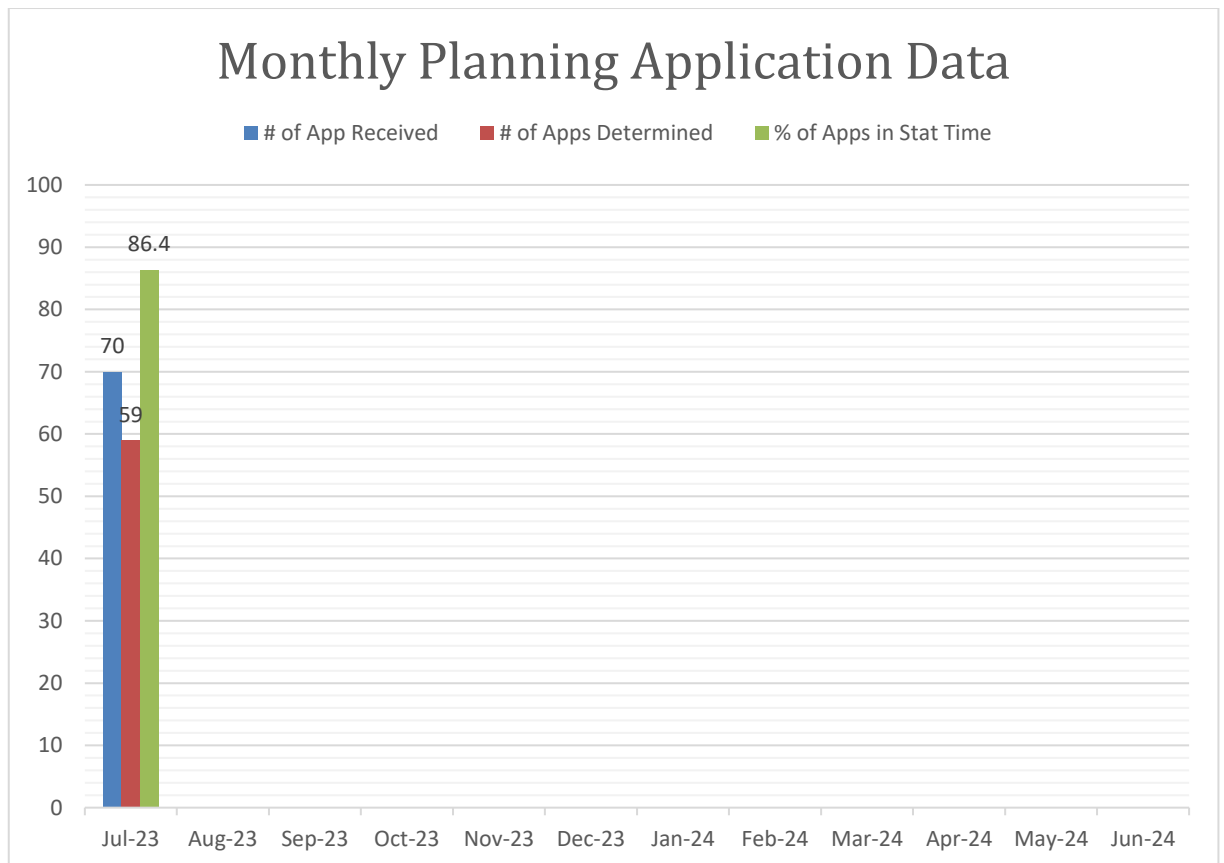
For the month of July, the Responsible Authority received 70 applications and determined 59 applications.

A list of all applications lodged and determined in July 2023 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 July 2023, 86.4% 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	83.3%	100%
IMU councils	67.8%	88.4%
Metro average	64.3%	80.1%

Based on the above table, Bayside City Council is determining a greater number of planning applications within the statutory timeframe compared with IMU councils and the metro average.

This is also reflective of our year-to-date performance in which 86.4% of planning applications and 100% of VicSmart applications have been determined within the statutory timeframe. This demonstrates that the team’s performance continues to be delivered at a high level.

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 July 2023, which clearly shows Bayside City Council is performing favourably compared to IMU councils and the metro average.

	Median days
Bayside City Council	36
IMU councils	88
Metro average	80

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 yet to receive a decision.

- 0 have been settled by consent orders
- 0 have been withdrawn
- 0 has been struck out
- 0 have been issued under S87A varied permit.

The total number of LGPRF measured decisions for the 2023–24 financial year is zero.

LGPRF Statutory Planning Measure 4 (SP4) – Decision Quality				
Time period	Decisions where the Council Delegate or Committees decision has been overturned or ' <u>Set Aside</u> '		Decisions where the Council Delegate or Committees decision has been agreed with, either having been entirely ' <u>Affirmed</u> ' or the conditions of the permit 'varied'	
	Delegate	Councillors	Delegate	Councillors
July 2023	0	0	0	0
August 2023	0	0	0	0
September 2023	0	0	0	0
October 2023	0	0	0	0
November 2023	0	0	0	0
December 2023	0	0	0	0
January 2024	0	0	0	0

February 2024	0	0	0	0
March 2024	0	0	0	0
April 2024	0	0	0	0
May 2024	0	0	0	0
June 2024	0	0	0	0
Total	0	0	0	0
TOTAL DECISIONS	0		0	
LGPRF Result	N/A		N/A	

As shown above, Council’s target for 2022–23 that 65% of all Planning and Amenity Delegated Committee and delegated officer decisions should not be set aside. As there were no decisions in July, there is yet to be any movement in this space to assess.

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 2021	0	0	0	0
August 2021	0	0	0	0
Sept 2021	0	0	0	0
Oct 2021	0	0	0	0
Nov 2021	0	0	0	0
Dec 2021	0	0	0	0
Jan 2022	0	0	0	0
Feb 2022	0	0	0	0
March 2022	0	0	0	0
April 2022	0	0	0	0
May 2022	0	0	0	0
June 2022	0	0	0	0
Total	0	0	0	0

As can be seen above, in July there were no decisions as a result of a decision made by the Planning and Amenity Committee meeting.

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 \$32,801.

Quarterly tree auditing data (1 April 2023 to 30 June 2023)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 Q2 2023, 50 audits were undertaken of Local Law tree permits issued in 2020-2023 and it was found that:

- 45 (90%) were compliant; and
- 5 (10%) were non-compliant.

Local Law compliance notices were issued to permit holders who did not comply with Council's request to replant during this period. If the owners comply with these notices and plant the required tree/s, the matter is considered finalised. Council will undertake enforcement action in Q3 2023 which will initially involve requesting a tree to be planted as required by the permit. Ongoing failure to comply will result in the issuance of a fine.

All properties identified as non-compliant in Q1 2023 (five) have since been brought into compliance.

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 landscape plans to be submitted and endorsed showing the replacement trees required to be planted, which will typically include at least one canopy tree.

During Q2 2023, 73 audits were undertaken of VPO planning permits issued in 2018-2023 for tree removal and it was found that:

Of those 73, access has been obtained to inspect 61 properties to date. The findings were as follows:

- 47 (77%) were compliant
- 0 (0%) were non-compliant; and
- 14 (23%) were either under development or not yet complete.

Notices of contravention were issued to land owners who did not comply with their planning permit. If the owners comply with these notices and plant the required tree/s, the matter is considered finalised. Council will undertake enforcement action in Q3 2023 which will initially involve requesting a tree to be planted as required by the planning permit. Ongoing failure to comply will result in the issuance of a fine. In the year to date, no fines have been issued for failure to replant due to compliance being achieved.

The four properties identified as non-compliant in Q1 2023 have all since been brought into compliance.

Trends

A significant number of the property owners were unaware of or had forgotten the requirements to plant a replacement tree following tree removal.

2. Recommendation

That Council resolves to:

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during July 2023

Support Attachments

1. PPARS July 2023 ↓
2. Applications Lodged in July 2023 ↓
3. Applications determined in July 2023 ↓
4. Upcoming VCAT appeals ↓

Activity and Outcomes - 1 July 2023 to 31 July 2023

Region All Group All Activity & outcomes Timeframes Appeals Classification Explores
 Bayside Municipality Year FY 2024 Quarter All Month July

Applications received

70

New application	51
Amended permit application	19

Determinations

58

Notice of decision issued	7
Permit issued	44
Refusal issued	3
Withdrawn/Lapsed/Not required	4

Permits issued

51

New application	37
Amended permit application	14
No permit issued	7

Estimated cost of works for permits issued

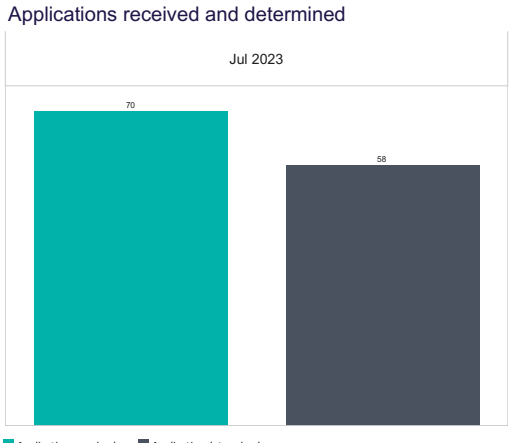
\$15M
Average per permit: \$295K

Dwellings

0

Subdivisions(Lots)

0



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

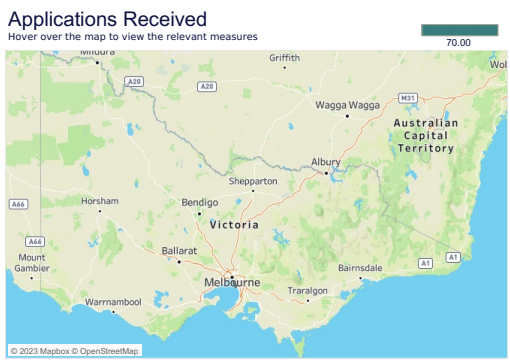
Application type All

Category All

Current land use All

Proposed land use All

Multiple selections within the filter are OR selections across filters are AND



Data update time: 8/25/2023 1:48:08 AM

Timeframes - 1 July 2023 to 31 July 2023

Region All Group All
Activity & outcomes Timeframes Appeals Classification Explore

Municipality Bayside

Year FY 2024 Quarter All Month July

Within timeframe (Standard Application)

82.98%

Within timeframe (VicSmart Application)

100.00%

Average processing days to determination (all applications)

65.24 days

median: 36 days

Average processing days to determination

Standard Application average: 78.15 days
median: 68 days

VicSmart Application average: 10.09 days
median: 10 days

Average processing days to final outcome (all applications)

65.24 days

median: 36 days

Average processing days to final outcome

Standard Application average: 78.15 days
median: 68 days

VicSmart Application average: 10.09 days
median: 10 days

Further information

48

82.76% of total applications with final outcome

Public notice

22

37.93% of total applications with final outcome

External referrals

1

1.72% of total applications with final outcome

Submissions

10

17.24% of total applications with final outcome

Timeframes
True: within timeframes/ False: out of timeframes

Application received

17
24.29%

Application determined

11
18.97%

Average calendar days to determination

Average calendar days to final outcome

Applications Received

Hover over the map to view the relevant measures.

Select the measure to show on the map

Applications Received

Planning permit performance including against timeframe targets, processing time (calendar days) and the level of engagement with applications. 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

Data update time: 8/25/2023 1:48:08 AM

Appeals - 1 July 2023 to 31 July 2023

Region All Group All Activity & outcomes Timeframes Appeals Classification Explores
 Municipality Bayside Year None Quarter All Month None

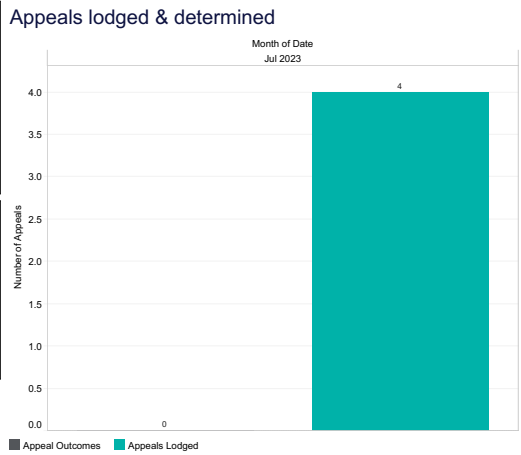
Appeals lodged

4

Section 77	1
Section 82	2

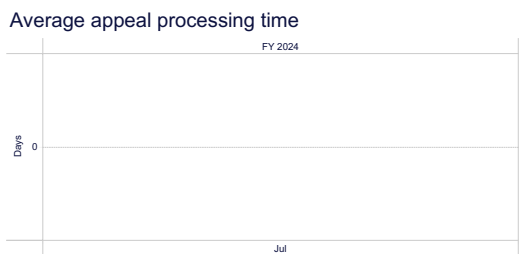
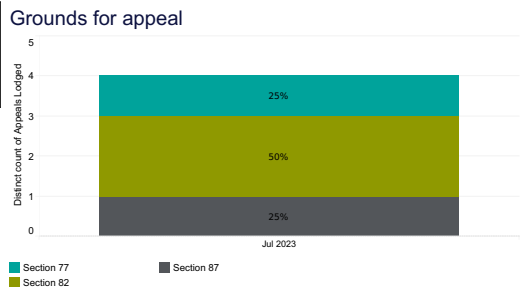
Appeal determinations

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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



Data update time: 8/25/2023 1:48:08 AM

Classification - 1 July 2023 to 31 July 2023

Region All Group All Activity & outcomes Timeframes Appeals Classification Explores
 Municipality Bayside Year FY 2024 Quarter All Month July

Applications received
70
 New application 51
 Amended permit app.. 19

Determinations
58
 Notice of decision issued 7
 Permit issued 44
 Refusal issued 3
 Withdrawn/Lapsed/Not required 4

Estimated cost of works for permits issued
\$15M
 Average per permit: \$295K

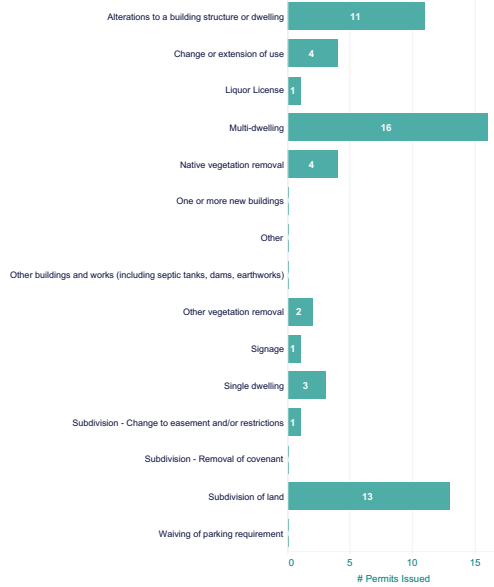
Within timeframe (Standard Application)
82.98%

Average processing days to determination (all applications)
65.24 days
 median: 36 days

Average processing days to final outcome (all applications)
65.24 days
 median: 36 days

Dwellings
0

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

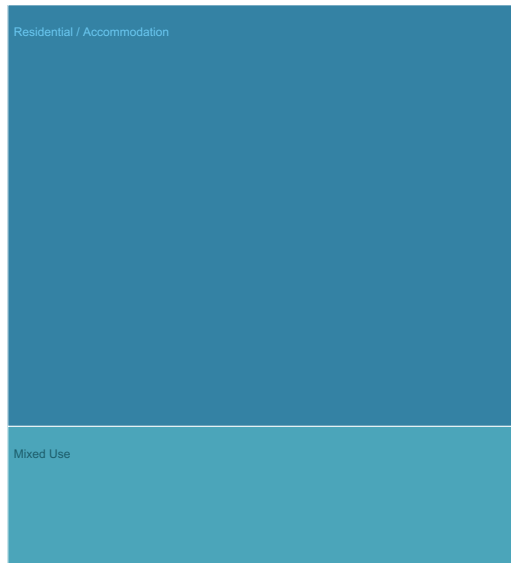
Current land use All

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.



Data update time 8/25/2023 1:48:08 AM

Explore - 1 July 2023 to 31 July 2023

Region	All	Group	All	Activity & outcomes	Timeframes	Appeals	Classification	Explore	
Municipality				Year	FY 2024	Quarter	All	Month	July

Explore - Activity & Outcomes	Explore - Timeframes	Explore - Appeals	Explore - Classification
	FY 2024 Q1		
Applications Received			Jul 70
New application			51
Amended permit application			19
	FY 2024 Q1		
Applications Determined			Jul 58
Permit issued			44
Notice of decision issued			7
Refusal issued			3
Withdrawn/Lapsed/Not required			4
	FY 2024 Q1		
Final Outcomes			Jul 58
No permit issued			7
Permit issued			51
	FY 2024 Q1		
Permits Issued			Jul 51
New application			37
Amended permit application			14
	FY 2024 Q1		
New Dwellings			Jul 0
New Lots			0
Total Estimated Cost of Work	FY 2024 Q1		Jul \$15M \$295K

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

Application Category
All

Current Land Use
All

Proposed Land Use
All

Multiple selections within the filter are OR selections across filters are AND

Explore - 1 July 2023 to 31 July 2023

Region All Group All Activity & outcomes Timeframes Appeals Classification Explore
 Municipality Bayside Year FY 2024 Quarter All Month July

Explore - Activity & Outcomes	Explore - Timeframes	Explore - Appeals	Explore - Classification
		FY 2024 Q1	Jul
Applications Received & Determined			70 58
Standard Application			53 47
VicSmart Application			17 11
		FY 2024 Q1	Jul
% Within Timeframe			44.44%
Standard Application			42.71%
VicSmart Application			52.38%
		FY 2024 Q1	Jul
Submissions			10.00
Public Notice			22.00
RFIs			48.00
Referrals			1.00
Average days to determined / final outcome			
	Total	FY 2024 Q1	Jul
	65.2		65.2

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.

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

Explore - 1 July 2023 to 31 July 2023

Region Group Activity & outcomes Timeframes Appeals Classification Explore
 Municipality Bayside Year FY 2024 Quarter Month

Explore - Activity & Outcomes Explore - Timeframes Explore - Appeals Explore - Classification

Appeal Lodged

	FY 2024	Jul
Section 82	2	
Section 77	1	

Appeal Determinations

Average days to appeal outcome

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

Category

Current land use

Proposed land use

Multiple selections within the filter are OR selections across filters are AND

Explore - 1 July 2023 to 31 July 2023

Region All Group All Activity & outcomes Timeframes Appeals Classification Explore
 Municipality Bayside Year FY 2024 Quarter All Month July

Explore - Activity & Outcomes Explore - Timeframes Explore - Appeals Explore - Classification

Applications by Category

	FY 2024 Q1		Permits Issued (Final)
	Applications received		
Alterations to a building structure or dwelling	20.00		11.00
Change or extension of use	7.00		4.00
Liquor License	1.00		1.00
Multi-dwelling	17.00		16.00
Native vegetation removal	9.00		4.00
One or more new buildings	1.00		0.00
Other	2.00		0.00
Other buildings and works (including septic tanks, dams, earthworks)	0.00		0.00
Other vegetation removal	2.00		2.00
Signage	1.00		1.00
Single dwelling	1.00		3.00
Subdivision - Change to easement and/or restrictions	1.00		1.00
Subdivision - Removal of covenant	1.00		0.00
Subdivision of land	16.00		13.00
Waiving of parking requirement	1.00		0.00

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 All

Proposed land use All

Multiple selections within the filter are OR selections across filters are AND

Change land use

Proposed Land Use	Current Land Use	FY 2024 Q1 Jul
Residential / Accommodation	Vacant	3
Mixed Use	Food and drink premises	1
	Residential / Accommodation	0
Leisure & recreation	Vacant	0
	Industry and warehouse	0

Councillor Notifications
 Planning Applications Summary
 Lodged from 1/07/2023 to 31/07/2023



Application	Property Address	Development Details	Received
TBA			
5.2023.8633.1	310 South RD, HAMPTON EAST	Subdivision of Land (1 to 9 Lots)	03/07/23
5.2018.784.4	33 Male ST, BRIGHTON	11 - 25 New Dwellings	04/07/23
5.2023.273.1	18 George ST, SANDRINGHAM	Other Indus/Comm-Alts & Adds to Bld Only	04/07/23
5.2023.274.1	411S Hampton ST, HAMPTON	Office - Alts/Adds to Building & Use	04/07/23
5.2023.275.1	59 St Andrews ST, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2	04/07/23
5.2023.276.1	44 Littlewood ST, HAMPTON	1 Dwelling - Alts & Adds on Lot < 500m2	05/07/23
5.2023.8635.1	2 Stuart AVE, CHELTENHAM	Subdivision of Land (1 to 9 Lots)	05/07/23
5.1992.6125.2	2/28 Alfred ST, BEAUMARIS	2 New Dwellings	06/07/23
5.2018.454.2	303 - 307 Reserve RD, CHELTENHAM	and Office - New Building & Use and Reduction/Waiver of Car Park Requ	06/07/23
5.2019.219.3	56 Wilson ST, BRIGHTON	6 - 10 New Dwellings	06/07/23
5.2021.212.2	58 Cromer RD, BEAUMARIS	2 New Dwellings and Remove/Destroy or Lop Native Vegetation	06/07/23
5.2023.277.1	1 Chateau GVE, BEAUMARIS	1 Dwelling - Alts & Adds - DDO	06/07/23
5.2023.278.1	141 Pellatt ST, BEAUMARIS	VPO3 - Removal x 1	06/07/23
5.2023.8636.1	2 Enfield RD, BRIGHTON	Subdivision of Land (1 to 9 Lots)	06/07/23
5.2021.401.3	174 Reserve RD, BEAUMARIS	1 Additional Dwelling on a Lot	07/07/23
5.2023.279.1	3/3 Orchard ST, BRIGHTON	Fence on a Lot < 500m2	07/07/23
5.2023.280.1	293 St Kilda ST, BRIGHTON	Alteration to Access to a Main Road	07/07/23
5.2023.8637.1	54 Clinton ST, BRIGHTON EAST	Subdivision of Land (1 to 9 Lots)	07/07/23
5.2023.281.1	9 Brown ST, BRIGHTON EAST	Fence on a lot > 500 m2	08/07/23
5.2022.649.2	28 Deakin ST, HAMPTON	Carport on a Lot < 500m2	10/07/23
5.2023.282.1	135 Thomas ST, BRIGHTON EAST	Dwelling(s) Other - Alts/Adds, Bld Only	11/07/23
5.2023.283.1	3 Tramway PDE, BEAUMARIS	1 Dwelling - Alts & Adds - DDO	11/07/23
5.2023.286.1	10/7 Keith CRT, BRIGHTON	1 Dwelling - Alts & Adds - Heritage	12/07/23
5.2023.284.1	1/18 Jack RD, CHELTENHAM	Carport on a Lot < 500m2	13/07/23
5.2023.285.1	43 Ambrose AVE, CHELTENHAM	Warehouse - Alts/Adds to Building & Use	13/07/23
5.2023.287.1	108 South RD, BRIGHTON EAST	1 Dwelling - Alts & Adds - Heritage & Fence on a lot > 500 m2	13/07/23
5.2021.574.5	1 Charles ST, HAMPTON	2 New Dwellings	14/07/23
5.2022.619.2	312 Balcombe RD, BEAUMARIS	Community Facility - New Use Only and VPO3 - Removal x 1 and Vary/Remo	14/07/23
5.2023.288.1	1/14 Palmer AVE, BRIGHTON EAST	3 New Dwellings	14/07/23
5.2023.289.1	3 Spring ST, SANDRINGHAM	2 New Dwellings	14/07/23
5.2023.290.1	16 Louise ST, BRIGHTON EAST	2 New Dwellings	14/07/23
5.2023.8640.1	1 Balmoral AVE, SANDRINGHAM	Subdivision of Land (1 to 9 Lots)	14/07/23
5.2023.8641.1	19 - 25 Donald ST, HIGHETT	Subdivision of Land (19 or more lots)	14/07/23
5.2021.212.3	58 Cromer RD, BEAUMARIS	2 New Dwellings and Remove/Destroy or Lop Native Vegetation	17/07/23
5.2023.291.1	7 Coreen AVE, BEAUMARIS	1 Dwelling - Alts & Adds - Heritage	17/07/23
5.2023.293.1	601 Hawthorn RD, BRIGHTON EAST	Advertising Signs	17/07/23
5.2023.8635.2	2 Stuart AVE, CHELTENHAM	Subdivision of Land (1 to 9 Lots)	17/07/23
5.2000.6091.3	6 Hamlet ST, CHELTENHAM	Miscellaneous	18/07/23
5.2011.357.11	212 - 216 Bay RD, SANDRINGHAM	Residential Bldg - New Use & Building	18/07/23
5.2023.292.1	23 Sunlight CRES, BRIGHTON EAST	VPO3 - Removal x 1	18/07/23
5.2023.294.1	14/196 - 200 North RD, BRIGHTON EAST	1 Dwelling - Alts & Adds - SBO	18/07/23
5.2023.8642.1	14 Agnes ST, BEAUMARIS	Subdivision of Land (1 to 9 Lots)	18/07/23
5.2007.656.2	26 Foote ST, BRIGHTON	1 Additional Dwelling on a Lot	19/07/23
5.2023.297.1	121A Church ST, BRIGHTON	Alts&Adds to Bld in HO(Other than Dwell)	19/07/23
5.2023.8645.1	85 Wickham RD, HAMPTON EAST	Subdivision of Land (1 to 9 Lots)	19/07/23
5.2023.295.1	15 Tramway PDE, BEAUMARIS	2 New Dwellings, Removal of Vegetation & Variation/Removal of Covenant	20/07/23
5.2023.296.1	10 James CRES, HAMPTON	2 New Dwellings, Fence on a lot > 500 m2 & Removal of Vegetation	20/07/23
5.2023.8644.1	21 Arthur ST, SANDRINGHAM	Subdivision of Land (1 to 9 Lots)	20/07/23
5.2021.379.2	46 Glencairn AVE, BRIGHTON EAST	2 New Dwellings	21/07/23
5.2023.298.1	27 Hanby ST, BRIGHTON	1 Dwelling - New - SBO	21/07/23
5.2023.8646.1	2 Rose ST, SANDRINGHAM	Subdivision of Land (1 to 9 Lots)	21/07/23
5.2016.748.3	131 Linacre RD, HAMPTON	2 New Dwellings	24/07/23
5.2023.8647.1	33 - 37 Male ST, BRIGHTON	Subdivision of Land (19 or more lots)	24/07/23
5.2023.8648.1	15 Monamie AVE, HIGHETT	Subdivision of Land (1 to 9 Lots)	24/07/23

Application	Property Address	Development Details	Received
5.2021.590.2	1 Gillard ST, BRIGHTON EAST	2 New Dwellings	25/07/23
5.2022.182.2	4 Trafford AVE, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2	25/07/23
5.2023.299.1	140 Oak ST, BEAUMARIS	1 Dwelling - Alts & Adds - SBO	25/07/23
5.2023.300.1	13 Balcombe Park LNE, BEAUMARIS	VPO3 - Removal x 1	25/07/23
5.2023.301.1	70 Dendy ST, BRIGHTON	2 New Dwellings	25/07/23
5.2023.8649.1	36 Male ST, BRIGHTON	Subdivision of Land (1 to 9 Lots)	25/07/23
5.2023.8650.1	6A Acheron CRT, HAMPTON EAST	Subdivision of Land (1 to 9 Lots)	26/07/23
5.2018.269.3	59 Outer CRES, BRIGHTON	1 Dwelling - Alts & Adds - DDO	27/07/23
5.2023.302.1	53 Arkaringa CRES, BLACK ROCK	VPO3 - Removal x 1	27/07/23
5.2023.303.1	5 Cheltenham RD, BLACK ROCK	VPO3 - Removal x 1	27/07/23
5.2023.304.1	34 South CNC, BEAUMARIS	Liquor Licence - New & Alts	27/07/23
5.2023.305.1	70 Edward ST, SANDRINGHAM	VPO3 - Removal x 1	28/07/23
5.2023.306.1	302 Bay ST, BRIGHTON	Medical Centre - Alts/Adds to Bld & Use	28/07/23
5.2023.307.1	132 - 134 Marriage RD, BRIGHTON EAST	Education Centre - New Use Only	28/07/23
5.2023.308.1	7/39 Holyrood ST, HAMPTON	Extension of a an existing dwelling on a lot less than 500 sq.m. and w	31/07/23
5.2023.8651.1	77 Wickham RD, HAMPTON EAST	Subdivision of Land (1 to 9 Lots)	31/07/23
Total: 70			

Planning Applications Summary - Councillor Bulletin
Determined from 1/07/2023 to 31/07/2023

Application	Property Address Proposal	Determination	Determined
TBA			
5.2018.386.4	60 Lynch CRES, BRIGHTON 3186 2 New Dwellings	Amended Permit Granted - Delegate	04/07/2023
5.2022.690.1	1C Cheeseman AVE, BRIGHTON EAST 3187 2 New Dwellings	Notice of Decision Granted - Delegate	04/07/2023
5.2023.264.1	55 Tramway PDE, BEAUMARIS 3193 VPO3 - Removal x 1	No Permit Required	04/07/2023
5.2017.247.6	63 Beach RD, HAMPTON 3188 1 Dwelling - Alts & Adds on Lot < 500m2 and Fence on a Lot < 500m2	Amended Permit Granted - Delegate	05/07/2023
5.2020.587.2	31 Normanby ST, BRIGHTON 3186 Medical Centre - Alts/Adds to Bld Only	Amended Permit Refused - Delegate	05/07/2023
5.2023.42.1	27 Bluff RD, BLACK ROCK 3193 Shop - Alts/Adds Bldg & Use	Permit & Plans Granted - Delegate	05/07/2023
5.2021.698.2	281 Dendy ST, BRIGHTON EAST 3187 2 New Dwellings	Amended Permit Granted - Delegate	06/07/2023
5.2023.211.1	34 Imbros ST, HAMPTON 3188 1 Dwelling - Alts & Adds - Heritage	Permit Granted - Delegate	06/07/2023
5.2023.8632.1	67 David ST, HAMPTON 3188 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	06/07/2023
5.2023.72.2	32 Gareth AVE, BEAUMARIS 3193 VPO3 - Removal x 1	Amended Permit Granted - Delegate	07/07/2023
5.2023.246.1	4/2 - 4 Miller ST, SANDRINGHAM 3191 Fence on a Lot < 500m2	Permit & Plans Granted - Delegate	07/07/2023
5.2023.8601.1	37 Graham RD, HIGHETT 3190 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	07/07/2023
5.2019.232.2	24 Burrows ST, BRIGHTON 3186 6 - 10 New Dwellings	Amended Permit Granted - Delegate	10/07/2023
5.2023.260.1	7 Rosemary RD, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Granted - Delegate	10/07/2023
5.2023.38.1	148 Were ST, BRIGHTON 3186 3 New Dwellings	Notice of Decision Granted - Council	11/07/2023
5.2023.123.1	32 Haldane ST, BEAUMARIS 3193 Removal of Vegetation	Permit Granted - Council	11/07/2023
5.2021.212.2	58 Cromer RD, BEAUMARIS 3193 2 New Dwellings and Remove/Destroy or Lop Native Vegetation	Amended Permit Granted - Delegate	12/07/2023
5.2023.147.1	23 Reserve RD, BEAUMARIS 3193 VPO3 - Removal x 2	Permit Refused - Delegate	12/07/2023
5.2023.175.1	3 Lileura AVE, BEAUMARIS 3193 2 New Dwellings	Notice of Decision Granted - Delegate	12/07/2023
5.2023.272.1	15 Raynes Park RD, HAMPTON 3188 1 Dwelling - New - SBO	Permit & Plans Granted - Delegate	12/07/2023
5.2023.273.1	18 George ST, SANDRINGHAM 3191 Other Indus/Comm-Alts & Adds to Bld Only	Permit Granted - Delegate	12/07/2023
5.2023.8482.1	3 - 11 George ST, SANDRINGHAM 3191 Certification	Permit Granted - Delegate	12/07/2023
5.2023.8622.1	82 Sandringham RD, SANDRINGHAM 3191 Vary/Remove Easements&Other Restrictions	Permit Granted - Delegate	12/07/2023
5.2023.8633.1	310 South RD, HAMPTON EAST 3188 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	12/07/2023
5.2023.8635.1	2 Stuart AVE, CHELTENHAM 3192 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	12/07/2023
5.2023.8636.1	2 Enfield RD, BRIGHTON 3186 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	12/07/2023
5.2023.8637.1	54 Clinton ST, BRIGHTON EAST 3187 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	12/07/2023
5.2023.265.1	12 Gray CRT, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Granted - Delegate	13/07/2023
5.2023.8626.1	23 - 25 Linacre RD, HAMPTON 3188 Subdivision of Land (19 or more lots)	Permit Granted - Delegate	14/07/2023
5.2023.8634.1	19 St Ninians RD, BRIGHTON 3186 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	14/07/2023
5.2023.8640.1	1 Balmoral AVE, SANDRINGHAM 3191 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	17/07/2023

Application	Property Address Proposal	Determination	Determined
5.2022.542.1	675 Nepean HWY, BRIGHTON EAST 3187 Advertising Signs	Permit Refused - Delegate	18/07/2023
5.2018.555.4	229 South RD, BRIGHTON EAST 3187 2 New Dwellings	Amended Permit Granted - Delegate	19/07/2023
5.2021.763.2	27 Bright ST, BRIGHTON EAST 3187 1 Dwelling - New - SBO	Amended Permit Granted - Delegate	19/07/2023
5.2023.110.2	41 Warleigh GVE, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Amended Permit Granted - Delegate	19/07/2023
5.2023.177.1	17 Orchard ST, BRIGHTON 3186 Partial demolition and construction of alterations and additions to th	Notice of Decision Granted - Delegate	19/07/2023
5.2023.199.1	1/29 Seacombe GVE, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Permit & Plans Granted - Delegate	19/07/2023
5.2023.292.1	23 Sunlight CRES, BRIGHTON EAST 3187 VPO3 - Removal x 1	No Permit Required	19/07/2023
5.2022.680.1	1 Scott ST, BEAUMARIS 3193 2 New Dwellings	Permit Granted - Delegate	20/07/2023
5.2023.166.1	23 - 27 Small ST, HAMPTON 3188 Liquor Licence - New & Alts	Withdrawal application letter	20/07/2023
5.2023.279.1	3/3 Orchard ST, BRIGHTON 3186 Fence on a Lot < 500m2	Application Withdrawn	20/07/2023
5.2021.574.5	1 Charles ST, HAMPTON 3188 2 New Dwellings	Amended Permit Granted - Delegate	24/07/2023
5.2022.662.1	1 Alfreda ST, HAMPTON 3188 2 New Dwellings	Permit Granted - Delegate	24/07/2023
5.2023.89.1	24 Flowerdale RD, HAMPTON EAST 3188 2 New Dwellings;	Permit Granted - Delegate	25/07/2023
5.2023.117.1	1/4 O'Connor ST, BLACK ROCK 3193 1 Dwelling - Alts & Adds on Lot < 500m2	Notice of Decision Granted - Delegate	25/07/2023
5.2023.245.1	99 Church ST, BRIGHTON 3186 Advertising Signs	Permit Granted - Delegate	25/07/2023
5.2023.269.1	14 Marriage RD, BRIGHTON EAST 3187 2 New Dwellings	Notice of Decision Granted - Delegate	25/07/2023
5.2023.8635.2	2 Stuart AVE, CHELTENHAM 3192 Subdivision of Land (1 to 9 Lots)	Amended Permit Granted - Delegate	25/07/2023
5.2023.291.1	7 Coreen AVE, BEAUMARIS 3193 1 Dwelling - Alts & Adds - Heritage	Permit Granted - Delegate	27/07/2023
5.1999.4538.2	25A Spring ST, SANDRINGHAM 3191 1 Additional Dwelling on a Lot	Amended Permit Granted - Delegate	28/07/2023
5.2014.908.2	1/30 Black ST, BRIGHTON 3186 6 - 10 New Dwellings	Amended Permit Granted - Delegate	28/07/2023
5.2021.379.2	46 Glencairn AVE, BRIGHTON EAST 3187 2 New Dwellings	Amended Permit Granted - Delegate	28/07/2023
5.2023.99.1	28 Loller ST, BRIGHTON 3186 1 Dwelling - New - DDO	Permit Granted - Delegate	28/07/2023
5.2023.8644.1	21 Arthur ST, SANDRINGHAM 3191 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	28/07/2023
5.2023.8648.1	15 Monamie AVE, HIGHETT 3190 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	28/07/2023
5.2023.152.1	26 Moore ST, BRIGHTON EAST 3187 1 Dwelling - Alts & Adds on Lot < 500m2	Notice of Decision Granted - Delegate	31/07/2023
5.2023.186.1	324 North RD, BRIGHTON EAST 3187 Fence on a Lot < 500m2	Permit Granted - Delegate	31/07/2023
5.2023.224.1	5 Waltham ST, SANDRINGHAM 3191 Liquor Licence - New & Alts	Permit Granted - Delegate	31/07/2023
Total: 58			

Upcoming VCAT Appeals - Councillor Bulletin

Date report produced: 12/09/2023



App No.	Property Address Proposal	Bayside Determination	Appeal No.	Appeal Type	Compulsory Conference	Hearing
2006.988.2	5 Imbros ST, HAMPTON 3188 Education Centre-Alts/Adds to Bld Only and Demolition of Building in H	Amended Permit Granted - Delegate	P842/2023	Cancel a Permit	19/09/2023	25/10/2023
2023.79.1	12 Glenmore CRES, BLACK ROCK 3193 VPO3 - Removal x 1	Permit Refused - Delegate	P583/2023	Refusal to Grant a Permit		12/09/2023
BECK						
2023.123.1	32 Haldane ST, BEAUMARIS 3193 Removal of Vegetation	Permit Granted - Council	P1007/2023	Conditions		10/11/2023
2022.573.1	109 Dalgetty RD, BEAUMARIS 3193 2 New Dwellings and Removal of Vegetation	Notice of Decision Granted - Delegate	p477/2023	Notice of Decision to Grant a Permit	6/09/2023	24/11/2023
2022.579.1	20 Hilton ST, BEAUMARIS 3193 2 New Dwellings	Notice of Decision Granted - Council	P872/2023	Notice of Decision to Grant a Permit	13/11/2023	14/02/2024
BLEA						
2022.321.1	9 Landcox ST, BRIGHTON EAST 3187 2 New Dwellings	Permit Refused - Delegate	P990/2023	Refusal to Grant a Permit		24/11/2023
2022.542.1	675 Nepean HWY, BRIGHTON EAST 3187 Advertising Signs	Permit Refused - Delegate	P950/2023	Failure to Grant a Permit		20/11/2023
BOYD						
2009.207.3	69 Orlando ST, HAMPTON 3188 1 Dwelling - New - Lot < 500m2	Notice of Decision Granted - Delegate	P267/2023	Notice of Decision to Grant a Permit	10/07/2023	22/09/2023
2014.394.4	2 Harold ST, SANDRINGHAM 3191 Dwelling(s) Other - Alts/Adds, Bld Only	Notice of Decision Granted - Delegate	P 720/2023	Notice of Decision to Grant a Permit	18/10/2023	23/01/2024
CAST						
2013.343.5	43 Willis ST, HAMPTON 3188 11 - 25 New Dwellings	Amended Permit Refused - Delegate	P741/2023	Refusal Amended Permit		9/10/2023
2022.504.1	5 Melosa AVE, BRIGHTON EAST 3187 2 New Dwellings	Permit Refused - Delegate	P808/2023	Refusal to Grant a Permit		27/02/2024
Central						
2011.105.2	19 Villeroy ST, HAMPTON 3188 Education Centre-Alts/Adds to Bld & Use	Amended Permit Granted - Delegate	P843/2023	Cancel a Permit	19/09/2023	25/10/2023
DEND						
2022.110.1	11 Black ST, BRIGHTON 3186 11 - 25 New Dwellings	Permit Refused - Council	P379/2023	Refusal to Grant a Permit	6/07/2023	2/10/2023
2023.191.1	6 Miller ST, BRIGHTON 3186 Variation/Removal of Covenants	Permit Granted - Delegate	P745/2023	Section 149	23/08/2023	24/10/2023
2019.75.2	1 Dawson AVE, BRIGHTON 3186 Residential Bldg - New Use & Building	Notice of Decision Granted - Council	P897/2023	Notice of Decision to Grant a Permit	28/11/2023	5/02/2024
EBDN						
2023.80.1	15 Third ST, BLACK ROCK 3193 2 New Dwellings	Notice of Decision Granted - Delegate	P559/2023	Notice of Decision to Grant a Permit	22/09/2023	28/11/2023
SW						
2005.686.1	120 South RD, BRIGHTON EAST 3187 Education Centre-Alts/Adds to Bld & Use	Permit Refused - Council	P820/2006	Refusal to Grant a Permit	19/09/2023	25/10/2023
Appeals: 17						