Planning and Environment
Regulations 2015

Form 4 Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit No.:	PA2604262
Planning scheme:	Bayside Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	10-16A Alverna Grove & 85-93 Wilson Street, Brighton

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
32.09-9	Construct a building or construct or carry out works for a residential aged care facility.
52.05-2	Construct or put up for display a sign in Section 2.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Approved and endorsed plans

3. Before the development starts, excluding demolition, bulk excavation and site preparation works, detailed development plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and be generally in accordance with the Architectural Plans, prepared by Studio McCue, various revisions, all dated 12 November 2025 and the Signage Plans, prepare by Knowles Group, dated 13 November 2025, but amended to show the following details:

   a) Any necessary built form alterations required to ensure that no additional overshadowing of the timber deck on the northwestern side of the adjoining dwelling at 16B Alverna Grove occurs at 2.00pm on the September Equinox.

Date issued: 4 June 2026 **Signature for the responsible authority:** [redacted]

b) Section drawings (Sections 6-12) updated to show dimensioned maximum wall heights to Level 3/the roof parapet, with any necessary alterations to demonstrate the side and rear setback requirement of Clause 53.17 is met.

c) The height of the canopy on Level 3 measured from the natural ground level dimensioned on Section 4, in compliance with the maximum height requirement of Clause 53.17.

d) The Wilson Street elevation updated to include details of the substation, ensuring it is integrated into the overall design of the development.

e) A detailed materials and finishes schedule which details the solid or maximum 25% transparent balustrades required for overlooking to relevant north, east and west facing windows and terraces.

f) Dimension a selection of the 1.2m high solid or maximum 25% transparent balustrades required to mitigate overlooking on the western, eastern and northern elevations.

g) The GL02 balustrades associated with the west facing terrace on Level 2 with an outlook to 8 Alverna Grove and the north-facing and east facing terrace on Level 2 with an outlook to 16B Alverna Grove, altered to 1.2m high (above the FFL) obscure glass or another proposed screening method in accordance with the requirements of Clause 53.17.

h) A final consolidated schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. The schedule must be generally in accordance with the detailed contained in the Design Report, prepared by Studio McCue, dated 13 October 2025, and must include:

   i. The different proposed glazing types consistent with the details on the elevation plans.

   ii. The solid and/or maximum 25% transparent material/finish proposed for the balcony and terrace balustrades required to mitigate overlooking in accordance with Clause 53.17.

i) Material notations on the elevation plans which correspond with the final schedule of colours, materials and finishes.

j) Details of an accessible pedestrian route to the building entry, which may be shared with the porte cochere, including any line marking or surface treatments.

k) Dimensioned accessway widths and a sample of car parking spaces on the basement plan in accordance with the details contained in the Traffic Engineering Assessment, prepared by OneMile Grid, dated 23 February 2026.

l) Any changes required by the Landscape Plan.

m) Any changes required by the Sustainability Management Plan.

n) Any changes required by the Tree Protection Management Plan.

o) Any changes required by the Car Parking and Traffic Management Plan.

p) Any changes required by the Waste Management Plan.

Layout not altered

Date issued: 4 June 2026 **Signature for the responsible authority:** [redacted]

4. The use and development as shown on the endorsed plans must not be altered (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

5. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

Landscape plan

6. Concurrent with the endorsement of plans, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Landscape Plans, prepared by John Patrick Landscape Architects, dated February 2026, but amended to show the following details:

   a) Any changes required to ensure consistency with the architectural plans.

   b) The planting schedule to incorporate a proportion of proposed species in accordance with the Species Palette set out in the Brighton Urban Forest Precinct Plan (2024).

   c) Replacement planting nominated to account for trees removed from the site which were protected under Bayside City Council's Local Law.

   d) Details of the stormwater re-use response contained with the sustainability management plan and BESS report that rainwater collected in the 20,000 litre tank will be connected to irrigation for re-use.

   e) A maintenance plan which includes ongoing maintenance schedule during the establishment period and after the initial 52-week period (including weed, pest management, succession planting, re-mulching, plant nutrition, hygiene, and replacement timeframes for poorly performing vegetation.

Completion of landscaping

7. Before the development is occupied, the landscaping shown on the approved landscape plans must be carried out and completed.

Landscaping maintenance

8. At all times the landscaping shown on the approved landscape plans must be maintained (including the of any dead, diseased or damaged plants) to the satisfaction of Bayside City Council.

Environmentally Sustainable Design

9. Concurrent with the endorsement of plans, a Sustainability Management Plan (SMP) must be approved and endorsed by the responsible authority. The SMP must be prepared to the satisfaction of the responsible authority and be generally in accordance with the SMP, prepared by Lincoln Pearce, dated 20 November 2025, but amended to show the following details:

   a) Any changes required to ensure consistency with the architectural plans.

Implementation of ESD Initiatives

10. Within six months of the occupation of the development, a report from the author of the endorsed SMP (or an equivalent qualified ESD consultant) must be approved and endorsed by the responsible authority. The report must outline how the design initiatives implemented

within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.

Traffic and parking management plan

11. Concurrent with the endorsement of plans, a traffic and parking management plan must be approved and endorsed by the responsible authority in consultation with Bayside City Council. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Traffic and Transport Assessment prepared Traffic Engineering Assessment, prepared by OneMile Grid, dated 23 February 2026 and must include:

    a) Any changes to ensure consistency with the architectural plans.

    b) Details of the line marking of all parking and loading areas, distinguishing between parking, pick-up/drop-off zones, loading bays and associated manoeuvring areas.

    c) Details of an accessible pedestrian route to the building entry, which can be shared with the porte cochere, including line marking or surface treatments.

12. Before the development is occupied, the areas set aside for the parking of vehicles and access lanes shown on the endorsed plans must be:

    a) Constructed.

    b) Properly formed to such levels that they can be used in accordance with the plans.

    c) Sealed with a concrete or asphalt surface.

    d) Drained.

    e) Line marked to indicate each car parking space, all access lanes and pedestrian paths.

    f) Clearly marked to the show the direction of traffic along access lanes and driveways.

    Car spaces, access lanes and driveways must be kept available for these purposes.

    Once constructed, these areas must be maintained to the satisfaction of Bayside City Council.

Waste Management Plan

13. Concurrent with the endorsement of plans, a Waste Management Plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Waste Management Plan, prepared by OneMileGrid, dated 11 November 2025, but amended to show the following details:

    a) The swept path diagrams demonstrating movements to and from the loading bay consistent with that contained in Transport Impact Assessment, prepared by OneMileGrid, 23 February 2026.

14. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of Bayside City Council.

Tree Protection Management Plan

15. Concurrent with the endorsement of plans, a tree protection management plan must be approved and endorsed by the responsible authority in consultation with Bayside City Council. The TPMP must be prepared by a suitably qualified arborist in accordance with AS4970-2009 Protection of trees on development sites, must be generally in accordance with the Arboricultural Impact Assessment, prepared by Sustainable Tree Management, Version 2, dated 12 November 2025, and must include:

    a) A tree protection plan (scale drawing) with a notation referring to the tree management plan that provides details of:

        i. The tree protection zone and structural root zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the tree protection zone falls partially within the subject site.

        ii. The location of tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.

    b) Specifications for tree protection fencing and/or ground protection.

    c) Appointment of a project arborist detailing their role and responsibilities.

    d) Monitoring and certification by the project arborist of implemented tree protection measures.

    e) How excavation impacts, including soil level changes, on trees to be retained will be managed.

    f) Proposed footings and construction methods for any buildings or structures within the tree protection zone nominated on the tree protection plan.

    g) Maintenance of the area(s) within the tree protection zone in accordance with AS4970-2009.

    h) Any pruning to be undertaken being in accordance with AS4373-2007; and

    i) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the tree protection plan.

Erection of tree protection fencing in accordance with the Tree Protection Management Plan

16. Before the development starts, tree protection fencing must be erected around any trees identified for retention on the approved and endorsed plans in accordance with the approved vegetation management plan and *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*, to the satisfaction of Bayside City Council.

Maintenance of tree protection fencing and exclusion of activities within fencing

17. At all times during the carrying out of the development:

    a) the tree protection fencing must remain in place and be maintained around any trees identified for retention on the approved and endorsed plans, in accordance with the approved vegetation management plan and Australian Standard AS4970-2009 - Protection of Trees on Development Sites to the satisfaction of the responsible authority and Bayside City Council.

    b) development, excavation, construction works or activities, grade changes, surface treatments, storage and movement of construction materials and vehicles of any kind

must not occur on or over and must be excluded from any areas inside the tree protection fencing

to the satisfaction of the responsible authority and Bayside City Council.

Street tree protection

18. Soil excavation must not occur within 2 metres from the edge of any of the street trees' asset's stems (to be retained) at ground level, except for works associated with a Bayside City Council approved crossover.

19. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:

    a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.

    b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.

    c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.

    d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.

    e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.

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

Stormwater Management Plan

22. Before the development starts, excluding demolition, bulk excavation and site preparation works, a stormwater management plan must be approved and endorsed by Bayside City Council. The stormwater management plan must be prepared to the satisfaction of Bayside City Council and must be generally in accordance with the Stormwater Management Plans, prepared by Lanigan Civil, Rev A, dated 8 April 2026, but amended to show the following details:

    a) Connection to the Council nominated Legal Point of Discharge.

    b) Stormwater management strategies to mitigate the impacts of pollutants at risk of entering the stormwater system during construction.

23. The stormwater management system approved by Bayside City Council and included in the stormwater management plan must be constructed, managed and maintained to the satisfaction of Bayside City Council.

24. Before the development is occupied, a stormwater drainage system, incorporating water sensitive urban design, must be constructed for the development and provisions made to connect this system to Bayside City Council's underground stormwater drainage system and,

where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by Bayside City Council.

Drainage

25. 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.

26. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of Bayside City Council.

27. 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 Bayside City Council.

Construction management plan (CMP)

28. Before the development starts, including bulk excavation and site preparation works, a Construction Management Plan must be approved and endorsed by Bayside City Council. The CMP must be prepared to the satisfaction of Bayside City Council and must address the following:

    a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.

    b) Works necessary to protect road and other infrastructure.

    c) Remediation of any damage to road and other infrastructure.

    d) Containment of dust, direct and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land. This must include the employment of a street sweeper device, with details of machinery and frequency of clean to be detailed within the report.

    e) Facilities for vehicle washing, which must be located on the land.

    f) The location of load zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.

    g) Site security

    h) Management of any relevant environmental hazards, including but not limited to:

        i. Contaminated soil and ground water
        ii. Materials and waste
        iii. Dust
        iv. Stormwater contamination from run-off and wash-waters
        v. Sediment from the land on roads
        vi. Washing of concrete trucks and other vehicle and machinery
        vii. Spillage from refuelling cranes and other vehicles and machinery

    i) Measures to manage noise and vibration impacts on nearby properties.

    j) The construction program.

k) Preferred arrangements for trucks delivery to the land, including delivery and unloading points and expected duration and frequency.

l) Parking facilities for construction workers.

Legal agreement – Affordable Housing

29. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsibility authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing affordable housing contribution by way of either of the following options:

    a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority.

    b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority

    The land owner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

Loading / unloading

30. The loading and unloading of goods from vehicles must only be carried out on the land within the designated basement loading bay and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority.

Vehicle crossovers and infrastructure

31. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of Bayside City Council.

32. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of Bayside City Council.

33. Any relocation of pits or power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the responsible authority, at the cost of the owner/developer

34. Any signage and line marking in front of the property affected by works are to be reinstated by and at the cost of the applicant.

35. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line.

36. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the

owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.

Signs not to be altered

37. The location and details of the signs, and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.

No moving or flashing light

38. The signs must not be animated or contain any flashing or intermittent light.

Light emissions

39. The sign lighting must be designed, baffled and located to prevent any adverse effect of light spill on adjoining land to the satisfaction of the responsible authority.

Sign maintenance

40. The signs, including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.

Sign expiry

41. This planning permit, as it relates to signage, shall expire on the cessation of the use associated with the signage hereby permitted.

42. Upon expiry of this planning permit, as it relates to signage, the sign and structures built specifically to support it must be removed.

Noise control

43. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of Bayside City Council.

General amenity

44. The amenity of the area must not be detrimentally affected by the development, including through:

    a) The 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

    to the satisfaction of the responsible authority and Bayside City Council.

Expiry – use and development

45. 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.

Date issued: 4 June 2026 **Signature for the responsible authority:** [redacted]

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

USEFUL INFORMATION:

(the following information does not form part of this permit)

The permitted use or development may need to comply with, or obtain the following further approvals:

- The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
- A building permit under the *Building Act 1993*.

Bayside City Council Notes

- 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.
- Before the vehicle crossing application will be approved, the applicant must pay $ 4,586.25 to the Responsible Authority for the removal and replacement of Ulmus parvifolia asset Id 768398. Applicant must pay $2377.49 to the Responsible Authority for the removal and replacement of the existing street tree Quercus rubra Forestree ID 3724234. This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the responsible authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The responsible authority, or a contractor or agent engaged by the responsible authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.
- Please note that this does not constitute any authority to undertake any work for which other permits, approvals or registrations may be required prior to commencement. This may include building or local law permits. For more information, please visit www.bayside.vic.gov.au or call 9599 4444.

Date issued: 4 June 2026 **Signature for the responsible authority:** [redacted]

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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 five 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 the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date issued: 4 June 2026 **Signature for the responsible authority:** [redacted]