

Agreed changes:  
Deletions in ~~red strikethrough~~  
Additions in blueDHHS disagree in yellow  
Council disagree in green--/2017  
C157**SCHEDULE 3 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**Shown on the planning scheme map as **DPO3**.**PUBLIC HOUSING RENEWAL - NEW STREET, BRIGHTON**

This Schedule applies to land at Allot 6 Sec. 24 at Elsternwick, Parish of Prahran and Lot 1 on TP298184 on New Street, Elsternwick (referred to in this Schedule as 'the site'). Refer to the boundaries shown on the Development Concept Plan included in this Schedule.

**1.0 Requirement before a permit is granted**--/2017  
C157

~~A permit may be granted for use or to subdivide land or to construct a building or to construct or carry out works that is not in accordance with the development plan.~~

A permit may be granted before a development plan has been approved for the following:

- The removal or demolition of any building that is carried out in accordance with a Construction Management Plan prepared in accordance with this Schedule;
- Earthworks and site preparation works that are carried out in accordance with a Construction Management ~~Plan Strategy~~ and Arboricultural Assessment Report prepared in accordance with this Schedule;
- The construction of minor buildings or works that are carried out in accordance with a Construction Management ~~Plan Strategy~~ prepared in accordance with this Schedule;
- ~~Consolidation or subdivision of land;~~ and
- Removal, variation or creation of easements or restrictions.

Before granting a permit the Responsible Authority must **consult with Bayside City Council and must be** satisfied that the permit will not prejudice the future use and integrated and orderly development of the site in accordance with the development plan requirements specified in this Schedule.

**2.0 Conditions and requirements for permits**--/2017  
C157

The following conditions and/or requirements apply to permits:

- ~~Except for a permit granted before a development plan has been approved in accordance with Clause 1.0 of this Schedule, conditions that give effect to the provisions and requirements of the approved development plan;~~
- Prior to the commencement of any permitted demolition, buildings or works, a detailed Construction Management ~~Plan Strategy as relevant to that demolition or those buildings or works~~ must be prepared to the satisfaction of the Responsible Authority. The plan must include, but not be limited to, the following:
  - Location of construction vehicle access and worker parking;
  - Protection of the amenity, access and safety of adjoining residents; and
  - Protection of trees on or adjacent to the site to be retained in accordance with an Arboricultural Assessment Report and **Tree Management Plan** prepared in accordance with this Schedule.

**This does not apply to a permit which does not authorise removal of vegetation within 7 metres of a title boundary, if the permit is granted before a development plan has been approved in accordance with Clause 1.0 of this Schedule.**

- Any permit for development of a new building on the land must include a condition requiring the preparation and implementation of a Waste Management Plan to the satisfaction of Bayside City Council.

**Comment [BRIGHTON1]:**

**Council:** This is consistent with the last para of clause 1.0 so that permits issued before DP approval do not undermine landscape retention objectives - it is not clear why this would prevent a permit being granted to remove low value trees

**DHHS:** This is onerous and would not allow the department to remove trees of low retention value. The Arboricultural Report will identify what trees need to be retained prior to the removal of any vegetation.

- A condition requiring the development achieve a minimum of 5 star rating, assessed against the Green Building Council of Australia’s Green Star rating system for Design & as Built.

### 3.0 Requirements for development plan

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C157

A development plan must include the following requirements.

#### General

The development plan must be prepared to the satisfaction of the Responsible Authority in consultation with Bayside City Council.

The development plan must describe a design response and land use configuration that seek to achieves the following objectives:

To maximise the social, economic and environmental ‘return’ of public land assets. and ensure the economic viability of the project.

- To facilitate a significant increase in the number of social housing dwellings and the number of social housing bedrooms. The Development Plan must provide for a net increase in the existing number of social housing accommodation of not less than 50% (measured in terms of both dwelling numbers and the total number of bedrooms).
- To facilitate the increase in the number of social housing dwellings.
- To deliver a sustainable and high quality development that contributes to the longevity of housing stock and reduces the cost of living.
- To create safe buildings and spaces throughout the site.
- To respond to the features of the site, such as context, aspect, topography and significant vegetation.
- To integrate with the surrounding area by responding to existing or preferred neighbourhood character, providing effective landscape screening, enhancing the public realm and existing networks and delivering ‘good neighbour’ outcomes.
- To achieve dwelling diversity across the site to meet the current and future needs if the community.
- To balance issues of equity in the successful delivery of social and private housing that is not visually different to ensure that it is ‘tenure blind’.
- To provide retail, commercial or community uses at a scale that to meets an identified local need or stimulate local activity and participation.
- To prioritise pedestrian and bicycle access within the site.
- To establish legible access and address points for the site, buildings and spaces, including defining private, communal and public spaces.
- To foster social connections between residents and the wider community.
- To provide high levels of residential amenity and liveability.
- To provide landscaping and communal open space that is resilient and enhances the sense of place, sustainability and liveability of the site and local area.
- To deliver buildings and spaces that are accessible and practical for people of all abilities and adaptable to respond to the future needs of residents.
- To provide buildings and spaces accessible to people with a disability in accordance with the Disability Discrimination Act (DDA).
- To ensure that Crime Prevention through Environmental Design (CPTED) design principles are used to determine the siting of buildings, access ways and dwelling design.

#### Land Use

The development plan should must only make provision for small scale retail, commercial or community uses to meet the needs of the local community within areas specified on the

#### Comment [BRIGHTON2]:

**DHHS:** This is too specific for an objective.

It is not the role of the Planning Scheme to try to manipulate or engineer social outcomes. The DHHS Developer Agreement will prescribe the required social mix based on its demand profile and waitlist.

**Council:** This is also a requirement. Without any control to retain appropriate levels of social housing on the site the planning scheme amendment lacks strategic justification and cannot reasonably be regarded as being consistent with policy relating to social housing in the planning scheme

BAYSIDE PLANNING SCHEME

Development Concept Plan (i.e. with frontage to New Street and/or Rusden Street or adjacent to the new open space area) . Non-residential uses should be located at ground floor level, be of a scale that does not impact on the retail hierarchy and adequately manage potential amenity impacts on nearby residential properties. ~~provided these uses achieve the following criteria:~~

- ~~• Located at ground floor level;~~
- ~~• Fronting New, Rusden and Brickwood Streets, the new publicly accessible open space corridor or other appropriate locations; and~~
- ~~• Adequately manage potential amenity impacts on nearby residential properties.~~

**Comment [BRIGHTON3]:**

**Council:** Council would like a floor space limitation to be included to avoid dispute regarding what 'small scale' means.

**DHHS:** The above is sufficient to allow the Responsible authority to determine if what is proposed in the Development Plan is appropriate.

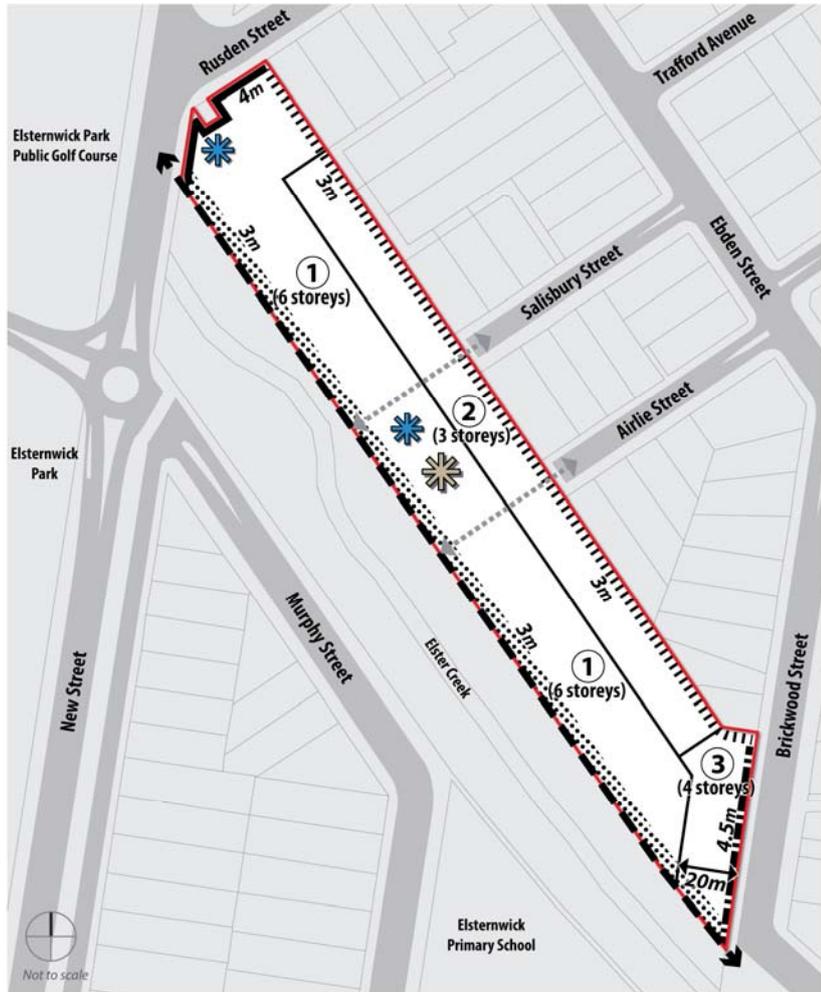
Council has not put forward a floor space cap that it believes is acceptable.

**Built Form**

A development plan must be generally in accordance with the Development Concept Plan forming part of this schedule to the satisfaction of the responsible authority.

A development plan must be prepared in accordance with the Development Concept Plan forming part of this schedule to the satisfaction of the responsible authority, in consultation with Bayside City Council.

**Development Concept Plan**



**LEGEND**

Site	Area (with associated building height)	Interface Treatment A
Internal connections	Potential location of new open space area	Interface Treatment B
Pedestrian path	Potential small scale retail, commercial or community uses	Interface Treatment C
		Interface Treatment D

**Comment [BRIGHTON4]:**

**Council:** The word generally here would allow two layers of general accordance which would result in a lack of certainty/unacceptable ambiguity

**DHHS:** It is unreasonable to expect the development to be exactly as shown on the Concept Plan.

The DPO as written provides for alternatives to be pursued through the Development Plan such as the location of small scale retail, the pedestrian path through the site and the location of open space. Providing the words "generally" allow the Responsible Authority to make a performance based decision to get the best outcome on the site.

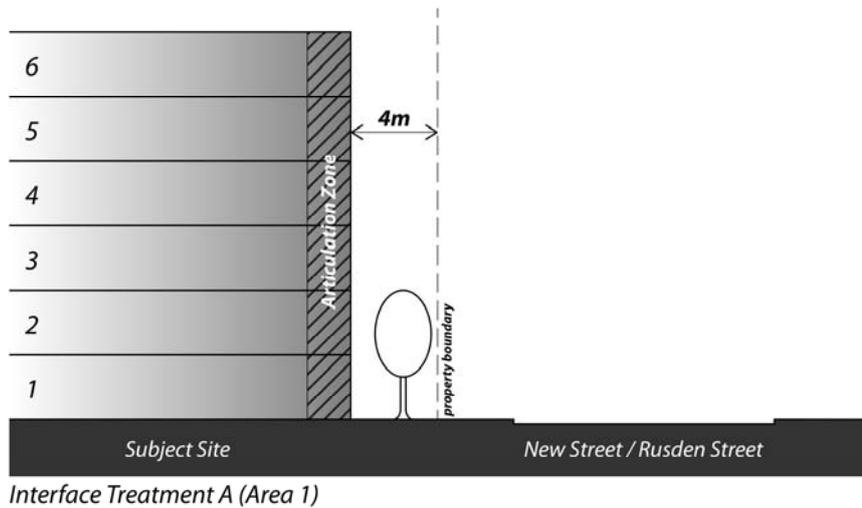
BAYSIDE PLANNING SCHEME

The development plan **should/must** show or make provision for:

- Highest built form **fronting-adjointing** Elster Creek and New Street with a transition downwards towards the north-east boundary and with the lowest **to lower** built forms at residential interfaces.
- Separate building forms at the upper levels to provide a sense of spaciousness.
- Buildings that do not exceed the building heights provided in the table below.

Area (refer to Development Concept Plan)	Building Height
1	6 storeys
2	3 storeys
3	4 storeys

- Buildings that do not encroach within the following building setbacks:
  - **Interface Treatment A (New and Rusden Streets)** – ~~3m~~ a minimum 4m street setback with articulation zone, increased as required to protect existing trees to be retained or accommodate replacement/new canopy trees (as shown in the diagram below);



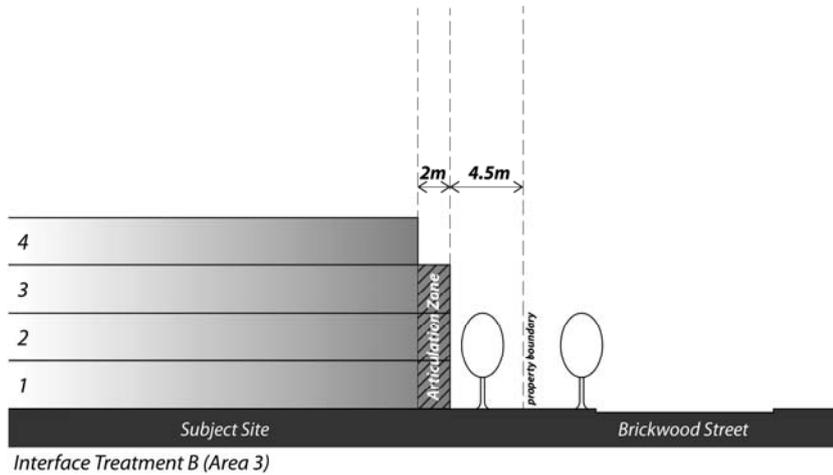
**Comment [BRIGHTON5]:**  
DHHS: Prefer the word "should".

**Council:** Prefer the word "must".

**Comment [BRIGHTON6]:**  
DHHS: The wording has been slightly changed to delete reference to transitioning down towards roads.

**Comment [BRIGHTON7]:**  
DHHS: Moved this from the general objectives to a specific requirement.

- **Interface Treatment B (Brickwood Street)** – a minimum 4.5m street setback up to 3 storeys with articulation zone and an additional 1.5m-2m setback above 3-4 storeys, increased as required to protect existing trees to be retained or accommodate replacement canopy trees (as shown in the diagram below); and

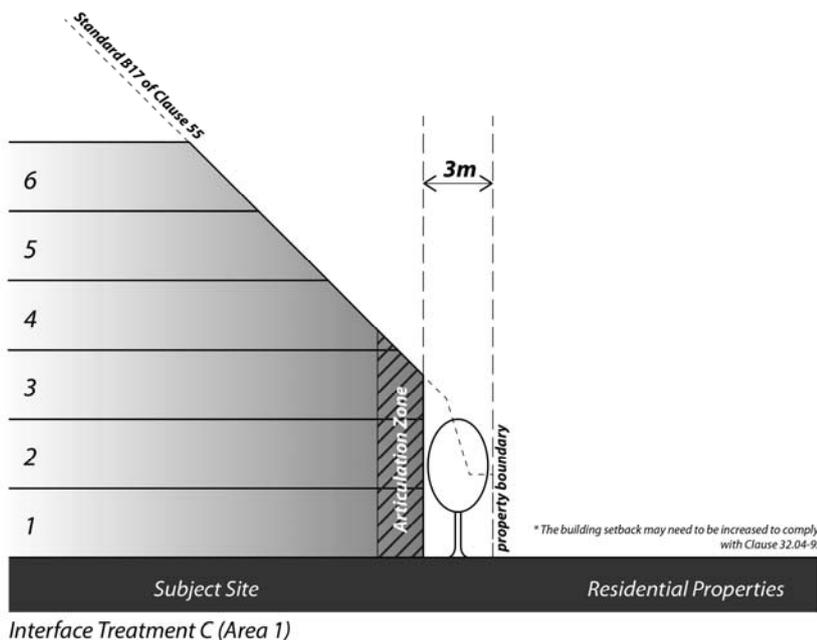


**Comment [BRIGHTON8]:**

**DHHS and COUNCIL:** Agree that the Development Plan is where trees to be retained are to be identified and that this will result in the setback required on Brickwood Street.

**Council:** Council expects that even if reduced, the DP will provide for building modulation to accommodate 7-8m of canopy from title boundary, as per the Apartment Design Guidelines.

- **Interface Treatment C (Direct Residential Interfaces)** – a minimum 3m boundary setback up to 3 storeys and an additional 1.5m setback above 3 storeys, increased as required to protect existing trees to be retained or accommodate replacement/ new canopy trees and upper levels setback to comply with Clause 32.04-9 (as shown in the diagrams below).



**Comment [BRIGHTON9]:**

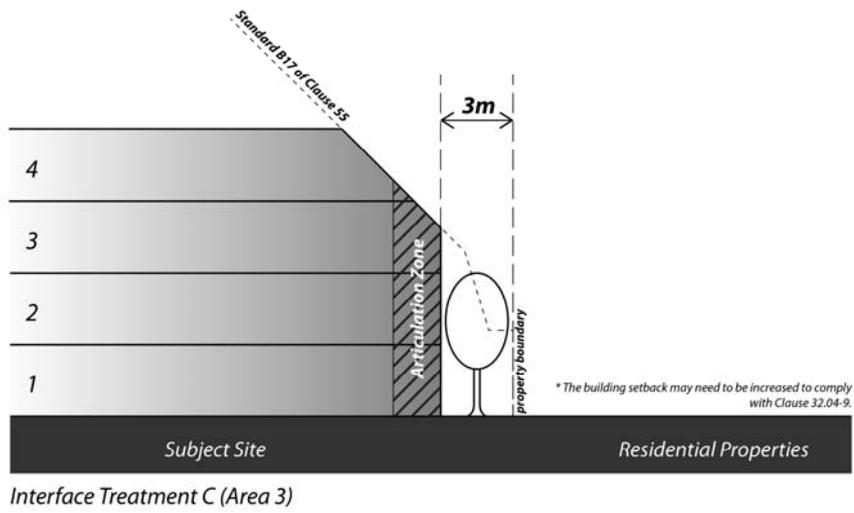
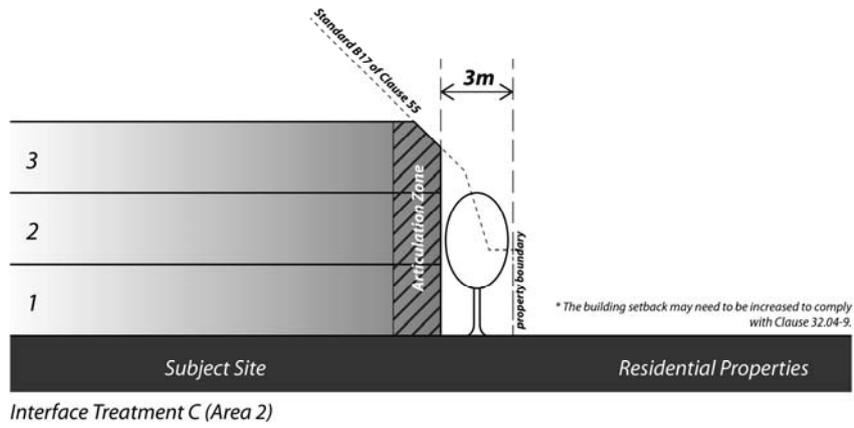
**Council:** Section between Rusden St and Salisbury Street is not characterised by trees – better to reference the potential ability to provide a pedestrian connection here and along Elster Creek, or provide a landscaped interface (canopy trees would not be replacing anything along this interface).

If a pedestrian link is retained, then this minimum setback should be increased as required to accommodate landscaping and canopy trees

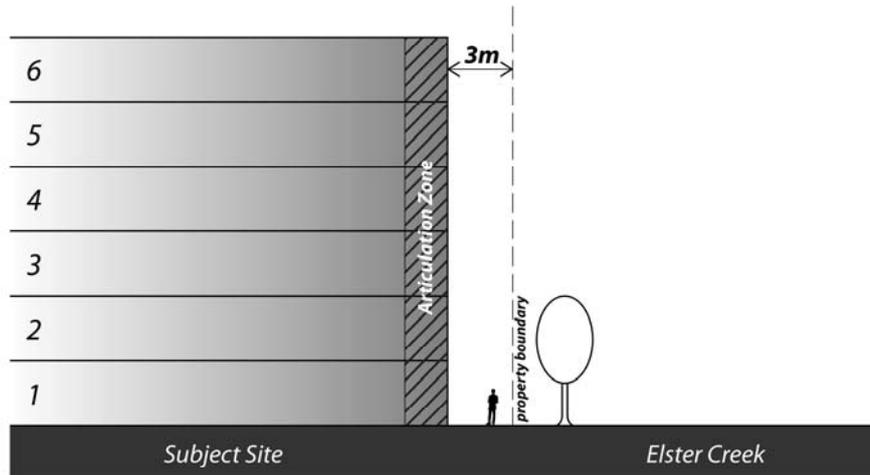
**DHHS:** This requirement is to allow for both the protection of any existing trees or new trees.

The clause as written allows for the setback to be increased to allow for landscaping and canopy trees, there is no need for a change.

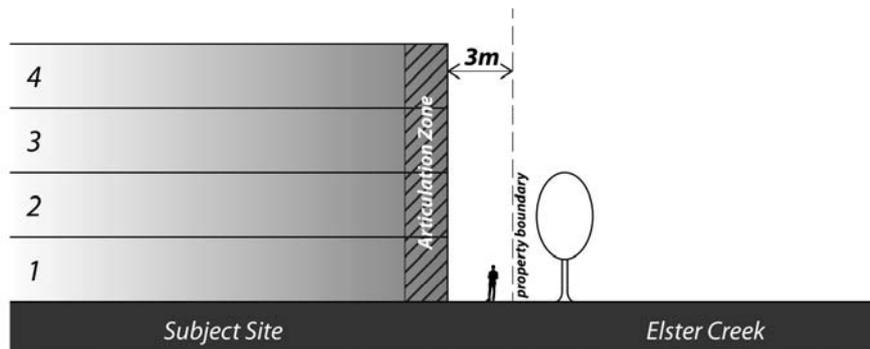
BAYSIDE PLANNING SCHEME



**Interface Treatment D (Elster Creek)** – a minimum 4m 3m boundary setback up to 6 storeys with articulation zone, increased as required to protect existing trees to be retained or accommodate replacement/new canopy trees and provide for landscaping along the boundary (having regard to as shown in the diagrams below)



Interface Treatment D (Area 1)



Interface Treatment D (Area 3)

**Comment [BRIGHTON10]:**

**Council:** The setback is specified as a minimum. Therefore, it should not be 'as shown.' Council wants to see building modulation to accommodate canopy trees, plus a minimum landscape strip between the articulation zone and the pathway. Hence 4m should be the absolute minimum.

**DHHS:** The sections are indicative to give illustration to the above text. The words "as shown" are appropriate.

- Building envelopes that are adapted to protect any existing trees to be retained. ~~and provide reasonable levels of sunlight to internal open space areas on 21 June.~~
- Active frontages to New, Rusden and Brickwood Streets, internal connections and open space areas, through the following:
  - Avoiding large expanses of blank wall, large service areas, garbage storage areas, car parking and co-located or continuous garage doors along ground floor frontages; and
  - Provision of individual entry doors to ground floor dwellings that have frontages to a road or internal connection;
- Where non-residential uses are proposed, provision of the following:
  - A minimum 4m floor to floor height;

- An entrance and/or clear glazed window at the street frontages of each individual non-residential use; and
- Weather protection at the street frontages of the non-residential uses.
- Visual bulk of buildings reduced through **adequate breaks between buildings** the placement of balconies and use of discontinuous forms, articulated facades and varied materials;
- Articulation zones are to be used for the placement of balconies, open space, architectural features, sunshades and artworks to demonstrate a positive contribution to the overall façade composition;
- The location of car parking spaces suitably concealed within buildings or behind features such as active podium frontages or located within basement levels;
- **The design, provision and layout of car-parking should avoid and minimise impacts on medium and high retention value trees along boundaries.**
- Cohesive architectural design throughout the site, ~~with~~ **and** the use of high quality, durable and low maintenance materials;
- Appropriate mitigation measures to minimise the adverse impacts on existing sensitive uses in proximity of the site; **and**
- Appropriate noise attenuation measures to minimise noise impacts on proposed dwellings from New and Rusden Streets and any non-residential uses on or adjoining the site.
- **Waste zones which are not to be visible from residential interfaces and/or the public realm.**

**Landscape and Open Space**

The development plan **should/must** show or make provision for:

- A new **communal open** space area **with a minimum area of approximately 1,500m<sup>2</sup> in size** accessible to all residents, located **generally** as shown on the Development Concept Plan. This area may form part of the communal open space required under Clause 55.07-2 or Clause 58.03-2;
- ~~Retention of trees assessed in an Arboricultural Assessment Report prepared in accordance with this Schedule as having moderate or high retention value, unless it is demonstrated that their retention significantly affects the feasibility of development of the relevant precinct.~~
- ~~Replacement of trees assessed~~ **Where the removal of trees assessed as having moderate or high retention value in the required Arboricultural Assessment Report is proposed, these trees must be replaced on a two for one ratio, as having moderate or high retention value with trees that provide equivalent amenity value to residents and the public realm.**
- Landscaped buffers at residential interfaces, consisting of existing trees to be retained and/or replacement canopy trees;
- Additional street trees along the frontages of New, Rusden and Brickwood Streets, subject to agreement from Bayside City Council; **and**
- New canopy trees along the new open space ~~corridor~~ **area, Elster Creek** and internal connections. ~~and within new open space areas.~~

**Circulation**

The development plan **should/must** show or make provision for:

- ~~A legible vehicle circulation system within the site.~~
- Accessible car parking for residents, workers (if applicable) and visitors;
- Accessible bicycle parking for residents and visitors, and bicycle servicing facilities; **and**
- Publicly accessible pedestrian paths between Elster Creek and Airlie and Salisbury Streets, as shown on the Development Concept Plan. ~~These paths may connect with a~~

**Comment [BRIGHTON11]:**

**DHHS:** Prefer the word “should”.

**Council:** Prefer the word “must”.

**Comment [BRIGHTON12]:**

**Council:** This is to be communal open space.

**DHHS:** This area could form part of the communal open space requirement or could be public open space. This can be resolved at planning permit stage.

There is no need to specify as Better Apartments set the rate of communal open space.

**Comment [BRIGHTON13]:**

**Council:** Reinstate - It is not clear why this has been deleted This is different to the 31 October version.

**DHHS:** The amendments to the paragraph below address this issue. The Arboricultural Report will determine what trees need to be retained at Development Plan stage.

**Comment [BRIGHTON14]:**

**DHHS:** Prefer the word “should”.

**Council:** Prefer the word “must”.

~~new publicly accessible pedestrian path provided along Elster Creek between New and Brickwood Streets.~~

- A publicly accessible pedestrian path between Brickwood Street and New Street/ Rusden Street, located wholly or partly on the subject site, preferably located along the Elster Creek frontage as shown on the Development Concept Plan.

**Required documents, plans and reports**

The following documents, plans and reports must form part of any development plan (as applicable if the development plan is approved in stages):

1. A **Planning Report** that that demonstrates how the proposal meets the requirements of this schedule and the Planning Scheme, including an assessment against clause 55 and clause 58 of the Scheme, as relevant.
2. A **Social Impact Assessment** and **Economic Impact Assessment** prepared by independent suitably qualified consultants, demonstrating whether:
  - a. the proposal meets the requirements of this schedule, as relevant to the assessment of social and economic impacts, and the social and economic return.
  - b. The proposed provision of social housing is in accordance with future projections of supply and demand within the City of Bayside and the south-eastern region of Melbourne;
  - c. The proposal could increase the likelihood that future social housing applicants being re-directed to areas with inferior access to services, jobs and social infrastructure.
3. A **Site Context Analysis** prepared in accordance with Clause 55.01 or Clause 58.01 of the Planning Scheme that includes, but is not limited to, the following:
  - The urban context and existing conditions showing topography, the surrounding and on site land uses, buildings, noise sources, access points, adjoining roads, cycle and pedestrian network and public transport;
  - Views to be protected and enhanced, including views of and from the site; and
  - Key land use and development opportunities and constraints.
  - An assessment of the existing and preferred future character, having regard to clause 22.06 of the Bayside Planning Scheme.
  - Vehicle and pedestrian linkages to existing networks.
4. **Preliminary Architectural Plans** that show the distribution and design of built form on the site to be generally in accordance with the Development Concept Plan included in this Schedule, including, but not limited to, the following:
  - A design response to the Site Context Analysis in accordance with Clause 55.01 or Clause 58.01 of the Planning Scheme;
  - Demolition works;
  - Building envelopes including maximum building heights, building setbacks, and building depths;
  - The relationship between proposed buildings and works and surrounding land uses and development, including the proposed built form edge and interface treatments to adjoining streets and adjoining residential properties;
  - Conceptual elevations and cross-sections, indicating level changes across the site;
  - Shadow diagrams of both existing conditions and proposed shadows to be prepared at the September equinox and June solstice at 9am, 12 noon and 3pm;

**Comment [BRIGHTON15]:**

**DHHS:** It is a 'given' that the Responsible Authority needs to consider all the relevant aspects of the Planning Scheme. Specifying CI 55 and CI 58 is unnecessary.

**Council:** It is not a given that the planning report will include a discrete assessment against these clauses. This will assist in ensuring that the DP is well prepared, and will assist consultation. It is legitimate to specify information requirements

**Comment [BRIGHTON16]:**

**DHHS:** Relies on the evidence of Mr Glossop. The scale and nature of the proposal does not warrant a SIA or EIA.

The DHHS Developer Agreement will prescribe the required social mix based on its demand profile and waitlist. DHHS (and the Director of Housing) is ... [1]

**Comment [BRIGHTON17]:**

**DHHS:** Relies on the evidence of Mr Glossop that Clause 22.06 should be amended to exclude the subject site from Area A2.

**Comment [BRIGHTON18]:**

**Council:** The word generally is not required and introduces ambiguity. It is the permit that can be generally in accordance – not the DP plans.

**DHHS:** It is unreasonable to expect the development to be exactly as shown on the Concept Plan. Detailed ... [2]

- Images which show how the proposed built form will be viewed from the surrounding area, ~~particularly the Bell Street corridor~~, other adjoining streets and adjoining residential properties;
  - An indicative mix of dwelling types and sizes;
  - The mix of land uses, including non-residential uses such as retail, commercial and community facilities;
  - Vehicle access, circulation and parking locations;
  - Waste collection zones to each building and primary points of access of waste vehicles;
  - Pedestrian and bicycle access and circulation. The building footprints and internal connections shown on the Development Concept Plan are indicative only and further connections within the site and through the building envelopes should also be provided to ensure ~~a clear pedestrian and cycling links through the site highly permeable urban structure~~; and
  - Open space area/s ~~surrounding buildings and the proposed use and access of all spaces~~;
5. An **Integrated Transport and Traffic Management Plan** that addresses, but is not limited to, the following:
- The range and scale of uses that will be anticipated on the site;
  - The estimated population of residents, visitors and workers (if applicable);
  - Estimated vehicle trip generation levels resulting from use and development within the site;
  - Vehicle ingress and egress points and estimated levels of usage;
  - The likely impacts of the proposed development on the arterial and local roads and any mitigating works required such as off-site traffic management treatments;
  - An indicative layout of internal roads that:
    - Complements the form and structure of the surrounding network;
    - Recognises the primacy of pedestrian and bicycle access within the site;
    - Provides a high level of amenity and connectivity, whilst managing the movement of vehicles travelling through the site;
    - Are of sufficient width to accommodate footpaths and street trees;
  - **If a new vehicle access point is proposed on Rusden Street, consider**
    - **The location of existing bus stop on Rusden Street**
    - **The impact on bus service provision, and**
    - **Safety of pedestrians, cyclists and vehicles**
  - The location of on-site car parking for residents, visitors and workers (if applicable). The location of car parking spaces should be suitably concealed within buildings or situated at basement level;
  - Provision for loading and unloading of vehicles and means of access to them, including waste, delivery and furniture removalist vehicles; ~~and~~
  - Provision of a safe and accessible pedestrian and bicycle network within the site and connecting to the external network.
  - Green Travel Plan initiatives that can be adopted to reduce private car usage by residents, visitors and workers (if applicable), including a new resident awareness and education program and opportunities for the provision of a car share program;
  - Provision for secure bicycle storage for residents and workers (if applicable), end of bicycle trip facilities for workers (if applicable) and short term bicycle parking for visitors; ~~and~~
  - The views of VicRoads and Bayside City Council.

**Comment [BRIGHTON19]:**

**Council:** This is not consistent with the revised Concept Plan – suggest delete – development near this point could be a focus for lower car ownership.

**DHHS:** The Concept Plan does not show any vehicle access points. Whether an access point on Rusden Street is appropriate will be determined at the Development Plan stage.

6. An **Arboricultural Assessment Report prepared by a suitably qualified person(s), that addresses, but is not limited to, the following:**
  - Assessment of trees on or adjacent to the site, including retention value *having regard to Treetec report dated 8 December 2016;*
  - Recommendations for the protection of trees to be retained to *conform to Australian Standard AS 4970-2009 Protection of Trees on Development Sites* to ensure long-term health, including designation of tree protection zones and structural root zones; and
  - Recommendations for trees *species* to replace *the removal of* any trees of moderate or high retention value. ~~required to be removed where replacement trees provide equivalent amenity value to residents and the public realm.~~
7. A **Tree Management Plan** that addresses, but is not limited to, the following:
  - Identifying trees which are to be retained; and
  - Detailing the methodology for protecting trees identified for retention, including the provision of high visibility tree protection fences at least 1.8 metres tall before construction commences, and measures to protect the trees, including their canopies, during construction.
8. A **Landscape and Open Space Plan** that addresses, but is not limited to, the following:
  - Existing vegetation to be retained as assessed in an Arboricultural Assessment Report prepared in accordance with this Schedule;
  - New canopy trees and landscaping within the public realm, communal areas / open space areas and along internal connections;
  - Landscaping areas within private open spaces;
  - Street trees along New, Rusden and Brickwood Streets;
  - A planting theme that complements existing trees to be retained on the site and the surrounding neighbourhood character;
  - Delineation of communal and private open spaces and the treatment of these interfaces;
  - Hard and soft landscaping treatments of the public realm and communal open spaces;
  - Interface treatments between adjoining streets and residential properties, including boundary fences;
  - Integration of sustainability and water sensitive urban design measures;
  - Opportunities for communal gardens; and
  - Maintenance responsibilities.
9. An **Ecologically Sustainable Development Plan** that demonstrates how development on the site will achieve best practice standards and incorporate innovative initiatives on a precinct-wide scale. The Plan is to address the areas of energy efficiency, water resources, indoor environment quality, stormwater management, transport, waste management, innovation and urban ecology.
10. A **Services and Infrastructure Plan** that addresses, but is not limited to, the following:
  - An assessment of the existing engineering infrastructure servicing the site and its capacity to service the proposed development;
  - A description of the proposed provision of all appropriate utility services to development parcels; and

- ~~A stormwater drainage master plan, including the location of any on-site drainage retention facilities.~~
- ~~The views of Melbourne Water.~~

11. A **Stormwater and Flood Risk Management Plan** that addresses, but it not limited to, the following:

- Flood modelling demonstrating the acceptability of the design response to Melbourne Water and other drainage authorities
- An assessment of the capacity of infrastructure to retard and treat stormwater in accordance with best practice stormwater management principles
- Identification of on-site stormwater retardation and stormwater treatment opportunities.
- The views of Melbourne Water.

12. An **Environmental Site Assessment** that addresses, but is not limited to, the following:

- A site history;
- A Phase 1 assessment of the risk of contamination, with recommendations for any required testing.
- ~~A soil sampling and analysis program;~~
- ~~The extent of any filling that has occurred on the site, including area, depth and fill material;~~
- ~~The depth, quality and flow direction of groundwater at the site;~~
- ~~The contamination status of soil on the site; and~~
- An assessment of risks for the proposed redevelopment of the site and recommendations, if any, for any further analysis, and management of contamination risk. ~~required remediation.~~

13. Where the development will be undertaken in stages, a **Staging Plan** that addresses, but is not limited to, the following:

- The delivery of infrastructure and shared facilities within each stage to ensure the orderly development of the site; and
- Site management, such as resident amenity, vehicle access and parking, pedestrian access and protection of existing buildings, infrastructure and vegetation.
- Timeframes for the commencement and completion of each stage and any management of overlap between stages.

14. An **Acoustic Report** is required to be prepared by a suitably qualified person(s) to the satisfaction of the Responsible Authority. The Report must identify:

- Whether the proposed use and development of the Estate is likely to be affected by noise from nearby uses or abutting roads;
- The likely effect of non-residential uses on the site on the amenity of nearby residential uses; and
- Methods to address the issues identified.

#### 4.0 Procedure for approving or amending the development plan

A development plan must only be lodged for approval with the Responsible Authority after the following has occurred:

- Public notice of the proposed new or amended development plan that satisfies the requirements of the schedule has been given for a minimum of 21 days. The public notice must:

#### Comment [BRIGHTON20]:

**Council:** This approach is similar to that applied within the Incorporated Documents for Melbourne Metro, which required further notice of proposed Early Works Plans and Development Plans.

**DHHS:** This section is not consistent with the Ministerial Direction on Form and Content.

Requiring formal notice of the Development Plan is inconsistent with the Planning Practice Note 23.

This is inconsistent with the evidence of Mr Glossop.

The scale of this project is not comparable to the Melbourne Metro.

DHHS will require the successful developer proponent to engage in Stage 4 consultation with the community and Stakeholders

BAYSIDE PLANNING SCHEME

- Describe the land affected, where the development plan may be inspected and by when and to whom submissions may be made;
  - Be given by publishing a notice in a newspaper generally circulating in the area and by the placement of signage along the external streets in prominent locations;
  - By serving the notice on any relevant public authorities and servicing authorities and to affected owners of land in or adjoining the area of the development plan area.
- Following the completion of the required notice period, the development plan may be lodged with the responsible authority for approval, together with a response to each submission received, and particulars of any changes to the plan responding to particular submissions.

**DHHS:** Relies on the evidence of Mr Glossop. The scale and nature of the proposal does not warrant a SIA or EIA.

The DHHS Developer Agreement will prescribe the required social mix based on its demand profile and waitlist. DHHS (and the Director of Housing) is in the best position to understand the requirements of its tenants. Prescription here will lead to higher rates of underutilisation.

**Council:** The word generally is not required and introduces ambiguity. It is the permit that can be generally in accordance – not the DP plans.

**DHHS:** It is unreasonable to expect the development to be exactly as shown on the Concept Plan. Detailed design and architectural plans will occur at permit stage.