



# Moreland City Council

## **PROPOSED Minutes of the Planning and Related Matters Meeting**

Held at the Council Chamber, Moreland Civic Centre,  
90 Bell Street, Coburg

on Wednesday 24 March 2021

The Mayor opened the meeting at 6.34 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

<b>Present</b>	<b>Time In</b>	<b>Time Out</b>
Cr Annalivia Carli Hannan, Mayor	6.34 pm	7.38 pm
Cr Mark Riley, Deputy Mayor	Apology	
Cr Adam Pulford	6.34 pm	7.38 pm
Cr Angelica Panopoulos	6.34 pm	7.38 pm
Cr Helen Davidson	6.34 pm	7.38 pm
Cr Helen Pavlidis	6.34 pm	7.38 pm
Cr James Conlan	6.34 pm	7.38 pm
Cr Lambros Tapinos	6.34 pm	7.38 pm
Cr Milad El-Halabi	6.34 pm	7.38 pm
Cr Oscar Yildiz JP	6.34 pm	7.38 pm
Cr Sue Bolton	6.34 pm	7.38 pm

### **APOLOGIES/LEAVE OF ABSENCE**

Cr Riley was an apology.

## OFFICERS

Group Manager City Development – Narelle Jennings  
 Acting Unit Manager Urban Planning – Mark Hughes  
 Acting Planning Coordinator - Kylie Sullivan  
 Manager Governance and Strategy - Yvonne Callanan  
 Acting Unit Manager Governance and Civic Protocols – Naomi Ellis

## DISCLOSURES OF CONFLICTS OF INTEREST

Nil

## MINUTE CONFIRMATION

Minute confirmation was considered after the first item, Report 5.2 9-21 Wilson Avenue, Brunswick – Planning Application MPS/2020/213.

## COUNCIL REPORTS

Report 5.2 was considered first.

### 5.2 9-21 WILSON AVENUE, BRUNSWICK - PLANNING APPLICATION MPS/2020/213



<b>Property:</b>	9–21 Wilson Avenue, Brunswick			
<b>Proposal:</b>	Buildings and works in association with the staged construction of a multi-storey development plus roof terrace and basement car park. Use of the land for dwellings Reduction in the car parking requirement under clause 52.06 Removal of easements			
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>Commercial 1 Zone</li> <li>Development Contributions Plan Overlay (DCPO)</li> <li>Parking Overlay (PO1)</li> <li>Design and Development Overlay (DDO18)</li> <li>Environmental Audit Overlay</li> </ul>			
<b>Strategic setting:</b>	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
<b>VCAT Appeal:</b>	<ul style="list-style-type: none"> <li>Applicant has lodged an appeal against Council’s refusal to grant a permit.</li> <li>This report details assessment of the ‘without prejudice’ amended plans and an agreement reached as a result of the compulsory conference.</li> <li>The ‘without prejudice’ amended plans increase the setback at level 6 by 2.2 metres and level 7 by 0.8 metres.</li> <li>The parties to the Appeal have signed a Heads of Agreement outlining the terms of settlement which include a new condition to have the rear lane upgraded</li> </ul>			

	<p>and the condition relating to the Wilson Avenue public works requirements reworded.</p> <ul style="list-style-type: none"> <li>• Settlement of the matter is now subject to Council approval.</li> </ul>
<b>Objections:</b>	<ul style="list-style-type: none"> <li>• 15 objections to the original application</li> <li>• Key issues: <ul style="list-style-type: none"> <li>• Neighbourhood character and height</li> <li>• Amenity impacts to neighbouring dwellings</li> <li>• Impact on traffic flow in laneway</li> </ul> </li> </ul>
<b>Parties to the Appeal</b>	<ul style="list-style-type: none"> <li>• Four objectors submitted Statement of Grounds to the Victorian Civil and Administrative Tribunal (VCAT) appeal.</li> <li>• Three of those parties attended the Compulsory Conference (or were represented), the fourth party did not attend and is not joined as a party to the proceeding.</li> </ul>
<b>ESD:</b>	<ul style="list-style-type: none"> <li>• Commitment to average NatHERS rating of 7.5 stars.</li> </ul>
<b>Accessibility:</b>	<ul style="list-style-type: none"> <li>• 83% meet the Silver Level Liveable Housing Design Guidelines</li> <li>• 55% will achieve compliance with Standard D17 (Accessibility)</li> </ul>
<b>Key reasons for support:</b>	<ul style="list-style-type: none"> <li>• Appropriate building envelope which subject to conditions achieves the objectives of DDO18</li> <li>• Good level of compliance with Clause 58</li> <li>• Deliver of new employment floorspace</li> <li>• Delivery of at least one affordable apartment</li> <li>• The 'without prejudice' amended plans reduce overshadowing to the properties to the south-west.</li> <li>• Public realm improvements will be added into the development outcome with the upgrading of the rear laneway.</li> </ul>
<b>Recommendation:</b>	It is recommended that Council consents to the agreement reached, based on the conditions of this recommendation.

The officer recommendation set out below is the same as the conditions contained in the Planning and Related Matters report that was presented to Council on 21 October 2020, with the changes agreed to at the Compulsory Conference highlighted in **bold** font.

## Officer Recommendation

That Council advises the Victorian Civil and Administrative Tribunal (VCAT) and all parties to the appeal that it consents to the issue of Planning Permit No. MPS/2020/213 in accordance with the terms of settlement reached at the Compulsory Conference on 26 February 2021 for the buildings and works in association with the staged construction of a multi-storey apartment development, use of the land for the purpose of dwellings, reduction in the car parking requirement and removal of easements at 9-13 and 15-21 Wilson Avenue, Brunswick, subject to the following conditions:

1. Before the development commences, 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 must be generally in accordance with the plans advertised 20 August 2020 but modified to show:
  - a) **Level 6 setback generally in accordance with the plan prepared by MA Architects TP905C dated 26 February 2021 (i.e. an additional setback of**

**2.2 metres from the southern boundary at the south western corner and associated reconfiguration to apartment layouts).**

- b) Level 7 setback generally in accordance with the plan prepared by MA Architects TP906C dated 26 February 2021 (i.e. an additional setback of 800mm from the southern boundary at the south western corner and associated reconfiguration to apartment layouts).**
- c) Modifications to Level 6 and 7 of the building in accordance with the discussion plans received by Council on 1 October 2020, but further modified to:
  - i. Delete the roof projection over the level 7 balconies facing Wilson Avenue.
  - ii. Include a window on the east facing wall of Apartment 702.
- d) A south facing window to the eastern bedroom of Apartments 310, 409, 507, 607 and 706. The east facing bedroom window of each dwelling may be retained if it is fixed shut and obscure glazed, or the east facing wall must show alternative detailing that suitably breaks down the mass of this wall.
- e) Canvas awnings between the columns facing Wilson Avenue, that project at least 1.5 metres beyond the title boundary, or another suitable awning or verandah projection to provide weather protection for pedestrians on Wilson Avenue. Any awning or verandah must be setback not less than 750mm from the kerb and at a height of not less than 3 metres above the level of the footpath.
- f) Textured or patterned pre-cast concrete to the east and west elevations of the northern building.
- g) Wire trellis to the east elevation of the northern building, to support climbing plants. Details of the wire pattern and fixing points should be shown.
- h) An amended schedule of all proposed exterior decorations, materials, finishes and colours, including colour sample images. The schedule must include:
  - i. Any sustainable materials committed to in the endorsed Sustainable Management Plan, which could be present in the external building envelope; and
  - ii. Details of the concrete finish required by Condition 1d.
- i) Each material labelled on the elevations, clearly showing the material selection for all parts of the building.
- j) The privacy shelves depicted on “Screen Detail Plan” noted on the relevant floor plans.
- k) The three ‘live/work units’ at ground floor converted to ‘office’ or ‘retail’.
- l) The balconies to dwelling types A, B, E and M modified to comply with Standard D19 of Clause 58.05-3 of Moreland Planning Scheme, with all measurements taken from the internal edge of the balcony balustrade.
- m) Type B dwellings modified to provide access to the balcony directly from the living room, rather than via the bedroom.
- n) Type F dwellings amended to comply with Standard D24 ‘Functional Layout’ of Clause 58.07-1 of Moreland Planning Scheme.
- o) Type B, D and L dwellings modified to provide additional storage, to comply with Standard D20 of Clause 58.05-4 of Moreland Planning Scheme.
- p) A plan showing the removal of party wall easements (the land marked B and C on Lot 3 and marked C on Lot 2 on Plan of Subdivision 125486).

- q) Modifications as follows to comply with Standard D17 'Accessibility' of Clause 58.05-1 of the Moreland Planning Scheme:
- i. Type A dwellings modified to show an 850mm wide bathroom door that either opens outwards or is sliding; and a clear circulation area in front of the shower that is 1.2 by 1.2 metres.
  - ii. Type F dwellings modified to show the toilet located closest to the bathroom door and a bathroom door that opens outwards or is sliding.
  - iii. Type L dwellings modified to show bathroom doors with readily removable hinges; a clear circulation area in front of the shower that is 1.2 by 1.2 metres; and a 1.2 metre wide clear path of travel to the main bedroom (i.e. the larger bedroom).
  - iv. The bathroom of Type N dwellings modified to show the shower located opposite the door and the toilet closest to the door, or other suitable modification to comply with 'Table D4: Bathroom Design' of Standard D17.
- r) Bicycle Parking arrangements amended as follows:
- i. Each bicycle parking device in the basements dimensioned, with all spaces 500mm wide and the horizontal and vertical bicycle spaces 1800mm and 1200mm long respectively, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
  - ii. The double tier bicycle parking racks dimensioned to provide bicycle parking spaces 1800mm long, 500mm wide and 1200mm high on both levels as required by the Australian Standard for Bicycle Parking (AS2890.3).
  - iii. A notation that the bicycle storage room on the ground floor is to have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
  - iv. Demonstration that the lifts can accommodate two cyclists with standard sized bicycles.
  - v. Ensure the number bicycle spaces shown on the development plans matches the development schedule and Sustainability Management Plan.
- s) Any modifications required to align with the landscape plan required by Condition **13** of this permit.
- t) The Environmentally Sustainable Design initiatives as contained within the Sustainable Design Assessment required by Condition **21** of this permit, which should include:
- i. Size and location of the rainwater tank/s as per the amended stormwater management response; and
  - ii. Any other ESD initiatives as per Condition **21**.
- u) Acoustic attenuation measures as recommended in the acoustic report required by Condition **28** of this permit.

### **Development not to be altered**

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

## **Public Works**

3. **If, prior to the commencement of the development, Council has resolved not to pursue the 'Wilson Avenue Stage 2 Streetscape Improvements', then a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted prior to commencement and be to the satisfaction of the Responsible Authority. The Plan must be in accordance the Moreland City Council Technical Notes July 2019 or any updated version and detail works in front of the approved building and include:**
  - a) **A detailed level and feature survey of the footpaths and roads, immediately in front of the site.**
  - b) **The existing crossovers at the site removed and the kerb and channel and footpath reinstated.**
  - c) **The public footpath is to be reinstated with the standard crossfall slope of 1 in 40 from the top of roadside kerb to the property boundary, with any level difference made up within the site.**
  - d) **The provision of street tree planting (3no. street trees) and street furniture (5no. bicycle hoops).**

**When submitted and approved to the satisfaction of the Responsible Authority, the Public Works Plan will be endorsed to form part of the permit.**

**If the 'Wilson Avenue Stage 2 Streetscape Improvements' are not pursued by Council, the endorsed Public Works Plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, unless otherwise agreed with the prior written consent of the Responsible Authority.**

4. **If the 'Wilson Avenue Stage 2 Streetscape Improvements' have been substantially completed by Council prior to the occupation of each stage of the development, then prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, the owner of the land must:**
  - a) **Reinstate any public works damaged during construction of the development to the satisfaction of the Responsible Authority; and**
  - b) **Remove any redundant vehicle crossovers that remain and construct any remaining road works and landscaping in this location in accordance with the Functional Layout Plan identified as drawing number M1094 prepared by CRE Consulting Engineers dated September 2020,**

**at the expense of the owner to the satisfaction of the responsible authority, unless otherwise agreed to with prior written consent of the responsible authority.**

5. **If the 'Wilson Avenue Stage 2 Streetscape Improvements' proposed by Council have not commenced by the time each stage of the development has been completed, then prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, the owner of the land must:**
  - a) **Remove any existing vehicle crossings at the site and reinstate the kerb, channel and footpath; and**
  - b) **Undertake any works to reinstate all public assets to their previous condition, or better**

**to the satisfaction of the responsible authority.**

6. **Prior to works commencing, engineering construction plans are to be submitted to the Road Authority for approval, for the construction of the northern portion of the rear laneway along its entire length, including widening of the vehicle crossing in Black Street. The plans are to show the northern edge of the existing constructed laneway saw-cut to a straight edge for the length of works, and show longitudinal and cross-sectional levels of the laneway, the abutting private property and the proposed matching ground levels inside the site, with the new pavement dowelled to the existing pavement.**
7. **Prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, the northern portion of the rear laneway is to be constructed in accordance with engineering construction plans approved by, and under the supervision of, the Road Authority.**

### **Engineering**

8. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Moreland City Council, City Infrastructure Department).
9. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.
10. Prior to the commencement of the development, a legal point of discharge is to be obtained, and where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge, must be submitted to and approved by the Responsible Authority.
11. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
12. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, all car parking spaces must be marked with the associated apartment or shop number to facilitate management of the car park to the satisfaction of the Responsible Authority.

### **Landscape plan**

13. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by MUD Office Landscape Design and dated 12 June 2020, but amended to show:
  - a) The addition of two open-form evergreen trees within the central courtyard;
  - b) Landscaping to the eastern terrace of Apartment 210 (level 2), including climbers that run up the eastern wall of the building;
  - c) Details of how the climbers required by Condition 9b will be supported, including details of wires affixed to the eastern wall, automated irrigation and soil depths;
  - d) Details of any landscaping to the eastern terrace of Apartment 602, as shown in the discussion plans dated 1 October 2020;
  - e) Sectional diagrams of all planters, ensuring a minimum 700mm soil depth is achieved to any areas with canopy trees;
  - f) The landscape maintenance period extended from 2 weeks to 13 weeks, including a defects liability period to ensure the plants successfully establish,

with any dead plants to be replaced;

- g) Details of a maintenance program of the landscaping and irrigation, including responsibility for maintenance; and
- h) Any stormwater management details on the STORM report (which forms part of the endorsed Sustainable Management Plan) including rainwater harvesting tank size and location.

When submitted and approved to the satisfaction of the Responsible Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

- 14. Prior to the issuing of a Statement of Compliance or occupation of each stage of the development, whichever occurs first, all landscaping works for that stage must be completed in accordance with the approved and endorsed landscape drawing to the satisfaction of the Responsible Authority.
- 15. All landscaping and associated infrastructure shown on plans endorsed under this permit must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged vegetation must be replaced to the satisfaction of the Responsible Authority.

#### **Affordable Housing Contribution**

- 16. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy for the Stage 1 of the development, whichever occurs first, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the Owners of the land and the Responsible Authority in a form satisfactory to the Responsible Authority requiring:
  - a) An affordable housing contribution of \$415,000, which is to be put towards the purchase of at least one dwelling within the approved development by a registered affordable housing provider, within the timeframe specified in Condition 12(c);
  - b) The affordable housing contribution of \$415,000 shall be indexed on 1 July each year in accordance with CPI;
  - c) Within 12 months of the issuing of a Statement of Compliance or Certificate of Occupancy for the development of Stage 1, the affordable housing dwelling(s) must be transferred to a registered housing agency as defined in the *Housing Act (1983)* unless with the prior written consent of the Responsible Authority;
  - d) The affordable housing dwellings must be used for the purpose of providing affordable housing for a period of at least 10 years;
  - e) If an affordable housing provider cannot be obtained, an alternative affordable housing contribution of the same value may be made to the Moreland Housing Reserve, only following a reasonable attempt to provide the affordable housing contribution set out in Condition 1(a);
  - f) A mechanism that requires the Owner to provide evidence of compliance with the Section 173 Agreement at the request of the Responsible Authority.

The Owner must do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Act and pay to the Responsible Authority its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

#### **Development Contributions**

- 17. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development



Contributions Plan. The Development Infrastructure Levy is charged per 100 square metres of leasable floor space and the Development and Community Infrastructure Levy is charged per dwelling.

If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
  - Prior to the issue of a Statement of Compliance for the subdivision;
- When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

### **Potential Contamination**

18. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use, either:
- a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or,
  - b) An Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the *Planning and Environment Act 1987*. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the *Subdivision Act 1988*. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

19. Prior to any remediation works (if required) being undertaken in association with the Environmental Audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.

20. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 14 and 15 are satisfied.

### **Environmentally Sustainable Design**

21. Prior to the endorsement of plans, a Sustainability Management Plan (SMP) must be submitted to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Urban Digestor dated 08/04/2020, but modified to include the following changes:
- a) No longer claim Management credit 1.1 'Pre-application meeting'.
  - b) Provide completed preliminary energy rating for all thermally unique dwellings including complete preview energy rating certificates that demonstrate that a 7.5-star average energy rating will be achieved across the development. The preliminary energy ratings must demonstrate that the maximum cooling load as specified in Table D1 of Clause 58.03 (30MJ/sqm) has not been exceeded.
  - c) Provide evidence to support the Energy Deemed-to-satisfy Method in the form of either:
    - i. A copy of the NCC glazing calculator showing glazing performance characteristics (U-value, SHGC) of the commercial space that achieve 10 per cent improvement above NCC; or
    - ii. If the JV3 method is chosen as the compliance pathway; then a modelling report demonstrating that the proposed building fabric as modelled with the reference building services achieves a 10 per cent improvement above the reference buildings heating and cooling energy consumption. The 10 per cent improvement cannot be offset by solar PV.
  - d) Demonstration of best practice stormwater management as per clause 22.08 by amending the on-site stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:
    - i. Stormwater collection from balconies is excluded, or (should balconies need to be collected from) provide more details on the potential water contaminants resulting from the expected use of the areas of collection, the relevant water treatment measures proposed upstream and downstream the tanks, and their effectiveness in achieving the required water quality suitable for the end use. If stormwater from balconies is collected, a maintenance plan, stating periodic actions, requirements and responsibilities must be provided.
    - ii. Planter boxes are categorised as an impervious area in STORM and are not listed as 'buffer strip' treatment or categorized as permeable area if supporting evidence is provided in the landscape plans demonstrating that planter boxes consist of deep soil/substrate planting (e.g. Soil depth greater than 500mm).
    - iii. The 'tank water supply reliability' for the rainwater tank treatment type to be 100 per cent, which may require a larger rainwater tank.
  - e) Provide marked up natural ventilation pathways for all dwellings (bedrooms and living areas) to demonstrate how the 100 per cent was achieved or amend the percentage of dwellings that are effectively naturally ventilated in accordance with BESS definitions.
  - f) No longer claim innovation points for Biophilic design of public space and

operations waste to landfill reduction.

Where alternative ESD initiatives are proposed to those specified in conditions above, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

22. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed Sustainability Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.
23. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, for each stage of the development, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include appropriate evidence such as photos and receipts) that all measures specified in the SMP have been implemented in accordance with the approved plan.

#### **Accessibility**

24. Prior to the endorsement of plans, an Accessibility Report prepared by a suitably qualified person must be submitted to and approved to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Access Consultants dated 3 July 2020 (Project Number 11182) but updated to refer to the plans required by Condition 1 of this permit. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development. No alterations to the plan may occur without the written consent of the Responsible Authority.
25. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, for each stage of the development, a report from the author of the Access Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Access Plan have been implemented in accordance with the approved Plan.

#### **Waste Management**

26. Prior to the endorsement of plans, a Waste Management Plan (WMP) generally in accordance with the WMP prepared by Ratio dated 9 April 2020, must be submitted to the satisfaction of the Responsible Authority. When submitted and approved to the satisfaction of the Responsible Authority, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Responsible Authority.
27. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

#### **Acoustic Report**

28. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer generally in accordance with the Acoustic Report prepared by Acoustic Logic 8 April 2020 must be submitted to and approved by the Responsible

Authority.

29. The building must be constructed and maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority. The Acoustic Report endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the written approval of the Responsible Authority.
30. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, for each stage of the development, a report from the author of the Acoustic Report approved pursuant to this permit or a similarly qualified person or company must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.

#### **Removal of easements**

31. Prior to the commencement of the development, the permit holder must make application to Council under the *Subdivision Act 1988* to remove the party wall easements (the land marked B and C on Lot 3 and marked C on Lot 2 on Plan of Subdivision 125486).
32. Prior to the issue of a Statement of Compliance for the removal of easement, the boundary wall at 1-7 Wilson Avenue must be demolished, to the satisfaction of the Responsible Authority.

#### **Boundary walls**

33. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance of each stage of the development, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

#### **3D model**

34. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Moreland tools and software for Council and community must be submitted to the satisfaction of the Responsible Authority. The model should be prepared in accordance with Moreland City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Moreland Project can be found at <https://www.moreland.vic.gov.au/planning-building/3D-Guidelines/>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.

#### **Privacy screens to be installed and maintained**

35. Prior to the issuing of Statement of Compliance or occupation of each stage of the development, whichever occurs first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

#### **Baffled Lighting**

36. All lighting of external areas must be designed not to emit direct light onto adjoining property or properties on the south side of the Right of Way to the satisfaction of the Responsible Authority.

#### **Retention of Architect**

37. MAA or an equivalent Architect must be retained to complete and provide architectural oversight during construction of the detailed design as shown on the

endorsed plans, to the satisfaction of the responsible authority.

### **Time**

38. This permit will expire if one of the following circumstances applies:
- a) The development of Stage 1 is not commenced within three (3) years from the date of issue of this permit;
  - b) The development Stage 1 is not completed within five (5) years from the date of issue of this permit.
  - c) The development of Stage 2 is not commenced within five (5) years from the date of issue of this permit;
  - d) The development Stage 2 is not completed within seven (7) years from the date of issue of this permit.
  - e) The use is not commenced within five (5) years from the date of issue of this permit.
  - f) The plan of removal of easement is not commenced within two (2) years of the date of issue of this permit as evidenced by a plan of removal of easement being certified by the Council within that time.
  - g) The Certified plan of removal of easement is not registered within five years from the date of the Certification of the Plan.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;

- within six months after the permit expires to extend the commencement date.
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

### **Notes**

- No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would not be eligible for any Council parking permits to allow for on street parking.
- The City of Moreland is committed to creating an environmentally sustainable city. A critical component in achieving this commitment is to encourage new development to meet appropriate environmental standards. Applicants are encouraged to include environmentally sustainable design principles within new developments via the online BESS tool.
- The BESS tool is a sustainability assessment tool designed for planning assessments of all development types and sizes. Using the BESS tool involves entering data about the proposed design into the BESS assessment tool found at <http://www.bess.net.au>. BESS will produce a report for submission to Council and is free for applicants to use. This allows applicants to design more environmentally sustainable developments. For more information or help on ESD or BESS please contact Council's Sustainable Development Department on 9240 1188.
- This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.moreland.vic.gov.au/planning-building/> and click on '[Moreland Development Contributions Plan \(DCP\)](#)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.

### **Notes about environmental audits**

- A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 7 days of issue, in accordance with Section 53ZB of the *Environment Protection Act 1970*.
- Where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to Section 53ZE of the *Environment Protection Act 1970*.
- The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the *Sale of Land Act 1962*, a copy of the Certificate or Statement of Environmental Audit including a copy of any cover letter.
- Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the *Planning and Environment Act 1987*.

## **Resolution**

**Cr Bolton moved, Cr Tapinos seconded -**

**That Council advises the Victorian Civil and Administrative Tribunal (VCAT) and all parties to the appeal that it consents to the issue of Planning Permit No. MPS/2020/213 in accordance with the terms of settlement reached at the Compulsory Conference on 26 February 2021 for the buildings and works in association with the staged construction of a multi-storey apartment development, use of the land for the purpose of dwellings, reduction in the car parking requirement and removal of easements at 9-13 and 15-21 Wilson Avenue, Brunswick, subject to the following conditions:**

- 1. Before the development commences, 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 must be generally in accordance with the plans advertised 20 August 2020 but modified to show:**
  - a) Level 6 setback generally in accordance with the plan prepared by MA Architects TP905C dated 26 February 2021 (i.e. an additional setback of 2.2 metres from the southern boundary at the south western corner and associated reconfiguration to apartment layouts).**
  - b) Level 7 setback generally in accordance with the plan prepared by MA Architects TP906C dated 26 February 2021 (i.e. an additional setback of 800mm from the southern boundary at the south western corner and associated reconfiguration to apartment layouts).**
  - c) Modifications to Level 6 and 7 of the building in accordance with the discussion plans received by Council on 1 October 2020, but further modified to:**
    - i. Delete the roof projection over the level 7 balconies facing Wilson Avenue.**
    - ii. Include a window on the east facing wall of Apartment 702.**
  - d) A south facing window to the eastern bedroom of Apartments 310, 409, 507, 607 and 706. The east facing bedroom window of each dwelling may be retained if it is fixed shut and obscure glazed, or the east facing wall must show alternative detailing that suitably breaks down the mass of this wall.**

- e) **Canvas awnings between the columns facing Wilson Avenue, that project at least 1.5 metres beyond the title boundary, or another suitable awning or verandah projection to provide weather protection for pedestrians on Wilson Avenue. Any awning or verandah must be setback not less than 750mm from the kerb and at a height of not less than 3 metres above the level of the footpath.**
- f) **Textured or patterned pre-cast concrete to the east and west elevations of the northern building.**
- g) **Wire trellis to the east elevation of the northern building, to support climbing plants. Details of the wire pattern and fixing points should be shown.**
- h) **An amended schedule of all proposed exterior decorations, materials, finishes and colours, including colour sample images. The schedule must include:**
  - i. **Any sustainable materials committed to in the endorsed Sustainable Management Plan, which could be present in the external building envelope; and**
  - ii. **Details of the concrete finish required by Condition 1d.**
- i) **Each material labelled on the elevations, clearly showing the material selection for all parts of the building.**
- j) **The privacy shelves depicted on “Screen Detail Plan” noted on the relevant floor plans.**
- k) **The three ‘live/work units’ at ground floor converted to ‘office’ or ‘retail’.**
- l) **The balconies to dwelling types A, B, E and M modified to comply with Standard D19 of Clause 58.05-3 of Moreland Planning Scheme, with all measurements taken from the internal edge of the balcony balustrade.**
- m) **Type B dwellings modified to provide access to the balcony directly from the living room, rather than via the bedroom.**
- n) **Type F dwellings amended to comply with Standard D24 ‘Functional Layout’ of Clause 58.07-1 of Moreland Planning Scheme.**
- o) **Type B, D and L dwellings modified to provide additional storage, to comply with Standard D20 of Clause 58.05-4 of Moreland Planning Scheme.**
- p) **A plan showing the removal of party wall easements (the land marked B and C on Lot 3 and marked C on Lot 2 on Plan of Subdivision 125486).**
- q) **Modifications as follows to comply with Standard D17 ‘Accessibility’ of Clause 58.05-1 of the Moreland Planning Scheme:**
  - i. **Type A dwellings modified to show an 850mm wide bathroom door that either opens outwards or is sliding; and a clear circulation area in front of the shower that is 1.2 by 1.2 metres.**
  - ii. **Type F dwellings modified to show the toilet located closest to the bathroom door and a bathroom door that opens outwards or is sliding.**
  - iii. **Type L dwellings modified to show bathroom doors with readily removable hinges; a clear circulation area in front of the shower that is 1.2 by 1.2 metres; and a 1.2 metre wide clear path of travel to**

the main bedroom (i.e. the larger bedroom).

- iv. The bathroom of Type N dwellings modified to show the shower located opposite the door and the toilet closest to the door, or other suitable modification to comply with 'Table D4: Bathroom Design' of Standard D17.
- r) **Bicycle Parking arrangements amended as follows:**
  - i. Each bicycle parking device in the basements dimensioned, with all spaces 500mm wide and the horizontal and vertical bicycle spaces 1800mm and 1200mm long respectively, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
  - ii. The double tier bicycle parking racks dimensioned to provide bicycle parking spaces 1800mm long, 500mm wide and 1200mm high on both levels as required by the Australian Standard for Bicycle Parking (AS2890.3).
  - iii. A notation that the bicycle storage room on the ground floor is to have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
  - iv. Demonstration that the lifts can accommodate two cyclists with standard sized bicycles.
  - v. Ensure the number bicycle spaces shown on the development plans matches the development schedule and Sustainability Management Plan.
- s) Any modifications required to align with the landscape plan required by Condition 13 of this permit.
- t) The Environmentally Sustainable Design initiatives as contained within the Sustainable Design Assessment required by Condition 21 of this permit, which should include:
  - i. Size and location of the rainwater tank/s as per the amended stormwater management response; and
  - ii. Any other ESD initiatives as per Condition 21.
- u) Acoustic attenuation measures as recommended in the acoustic report required by Condition 28 of this permit.

#### **Development not to be altered**

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

#### **Public Works**

- 3. If, prior to the commencement of the development, Council has resolved not to pursue the 'Wilson Avenue Stage 2 Streetscape Improvements', then a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted prior to commencement and be to the satisfaction of the Responsible Authority. The Plan must be in accordance the Moreland City Council Technical Notes July 2019 or any updated version and detail works in front of the approved building and include:
  - a) A detailed level and feature survey of the footpaths and roads, immediately in front of the site.



- b) The existing crossovers at the site removed and the kerb and channel and footpath reinstated.
- c) The public footpath is to be reinstated with the standard crossfall slope of 1 in 40 from the top of roadside kerb to the property boundary, with any level difference made up within the site.
- d) The provision of street tree planting (3no. street trees) and street furniture (5no. bicycle hoops).

When submitted and approved to the satisfaction of the Responsible Authority, the Public Works Plan will be endorsed to form part of the permit.

If the 'Wilson Avenue Stage 2 Streetscape Improvements' are not pursued by Council, the endorsed Public Works Plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, unless otherwise agreed with the prior written consent of the Responsible Authority.

4. If the 'Wilson Avenue Stage 2 Streetscape Improvements' have been substantially completed by Council prior to the occupation of each stage of the development, then prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, the owner of the land must:
  - a) Reinstate any public works damaged during construction of the development to the satisfaction of the Responsible Authority; and
  - b) Remove any redundant vehicle crossovers that remain and construct any remaining road works and landscaping in this location in accordance with the Functional Layout Plan identified as drawing number M1094 prepared by CRE Consulting Engineers dated September 2020,

at the expense of the owner to the satisfaction of the responsible authority, unless otherwise agreed to with prior written consent of the responsible authority.

5. If the 'Wilson Avenue Stage 2 Streetscape Improvements' proposed by Council have not commenced by the time each stage of the development has been completed, then prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, the owner of the land must:
  - a) Remove any existing vehicle crossings at the site and reinstate the kerb, channel and footpath; and
  - b) Undertake any works to reinstate all public assets to their previous condition, or better

to the satisfaction of the responsible authority.

6. Prior to works commencing, engineering construction plans are to be submitted to the Road Authority for approval, for the construction of the northern portion of the rear laneway along its entire length, including widening of the vehicle crossing in Black Street. The plans are to show the northern edge of the existing constructed laneway saw-cut to a straight edge for the length of works, and show longitudinal and cross-sectional levels of the laneway, the abutting private property and the proposed matching ground levels inside the site, with the new pavement dowelled to the existing pavement.
7. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, the northern

portion of the rear laneway is to be constructed in accordance with engineering construction plans approved by, and under the supervision of, the Road Authority.

#### Engineering

8. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Moreland City Council, City Infrastructure Department).
9. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.
10. Prior to the commencement of the development, a legal point of discharge is to be obtained, and where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge, must be submitted to and approved by the Responsible Authority.
11. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
12. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy for each stage of the development, whichever occurs first, all car parking spaces must be marked with the associated apartment or shop number to facilitate management of the car park to the satisfaction of the Responsible Authority.

#### Landscape plan

13. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by MUD Office Landscape Design and dated 12 June 2020, but amended to show:
  - a) The addition of two open-form evergreen trees within the central courtyard;
  - b) Landscaping to the eastern terrace of Apartment 210 (level 2), including climbers that run up the eastern wall of the building;
  - c) Details of how the climbers required by Condition 9b will be supported, including details of wires affixed to the eastern wall, automated irrigation and soil depths;
  - d) Details of any landscaping to the eastern terrace of Apartment 602, as shown in the discussion plans dated 1 October 2020;
  - e) Sectional diagrams of all planters, ensuring a minimum 700mm soil depth is achieved to any areas with canopy trees;
  - f) The landscape maintenance period extended from 2 weeks to 13 weeks, including a defects liability period to ensure the plants successfully establish, with any dead plants to be replaced;
  - g) Details of a maintenance program of the landscaping and irrigation, including responsibility for maintenance; and
  - h) Any stormwater management details on the STORM report (which forms part of the endorsed Sustainable Management Plan) including rainwater harvesting tank size and location.

When submitted and approved to the satisfaction of the Responsible

Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

14. Prior to the issuing of a Statement of Compliance or occupation of each stage of the development, whichever occurs first, all landscaping works for that stage must be completed in accordance with the approved and endorsed landscape drawing to the satisfaction of the Responsible Authority.
15. All landscaping and associated infrastructure shown on plans endorsed under this permit must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged vegetation must be replaced to the satisfaction of the Responsible Authority.

#### **Affordable Housing Contribution**

16. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy for the Stage 1 of the development, whichever occurs first, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the Owners of the land and the Responsible Authority in a form satisfactory to the Responsible Authority requiring:
  - a) An affordable housing contribution of \$415,000, which is to be put towards the purchase of at least one dwelling within the approved development by a registered affordable housing provider, within the timeframe specified in Condition 12(c);
  - b) The affordable housing contribution of \$415,000 shall be indexed on 1 July each year in accordance with CPI;
  - c) Within 12 months of the issuing of a Statement of Compliance or Certificate of Occupancy for the development of Stage 1, the affordable housing dwelling(s) must be transferred to a registered housing agency as defined in the *Housing Act (1983)* unless with the prior written consent of the Responsible Authority;
  - d) The affordable housing dwellings must be used for the purpose of providing affordable housing for a period of at least 10 years;
  - e) If an affordable housing provider cannot be obtained, an alternative affordable housing contribution of the same value may be made to the Moreland Housing Reserve, only following a reasonable attempt to provide the affordable housing contribution set out in Condition 1(a);
  - f) A mechanism that requires the Owner to provide evidence of compliance with the Section 173 Agreement at the request of the Responsible Authority.

The Owner must do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Act and pay to the Responsible Authority its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

#### **Development Contributions**

17. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy is charged per 100 square metres of leasable floor space and the Development and Community Infrastructure Levy is charged per

dwelling.

If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
- Prior to the issue of a Statement of Compliance for the subdivision; When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

#### Potential Contamination

18. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use, either:
- a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or,
  - b) An Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the *Planning and Environment Act 1987*. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the *Subdivision Act 1988*. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

19. Prior to any remediation works (if required) being undertaken in association with the Environmental Audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of a Certificate or

#### Statement of Environmental Audit.

20. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 14 and 15 are satisfied.

#### Environmentally Sustainable Design

21. Prior to the endorsement of plans, a Sustainability Management Plan (SMP) must be submitted to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Urban Digester dated 08/04/2020, but modified to include the following changes:
- a) No longer claim Management credit 1.1 'Pre-application meeting'.
  - b) Provide completed preliminary energy rating for all thermally unique dwellings including complete preview energy rating certificates that demonstrate that a 7.5-star average energy rating will be achieved across the development. The preliminary energy ratings must demonstrate that the maximum cooling load as specified in Table D1 of Clause 58.03 (30MJ/sqm) has not been exceeded.
  - c) Provide evidence to support the Energy Deemed-to-satisfy Method in the form of either:
    - i. A copy of the NCC glazing calculator showing glazing performance characteristics (U-value, SHGC) of the commercial space that achieve 10 per cent improvement above NCC; or
    - ii. If the JV3 method is chosen as the compliance pathway; then a modelling report demonstrating that the proposed building fabric as modelled with the reference building services achieves a 10 per cent improvement above the reference buildings heating and cooling energy consumption. The 10 per cent improvement cannot be offset by solar PV.
  - d) Demonstration of best practice stormwater management as per clause 22.08 by amending the on-site stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:
    - i. Stormwater collection from balconies is excluded, or (should balconies need to be collected from) provide more details on the potential water contaminants resulting from the expected use of the areas of collection, the relevant water treatment measures proposed upstream and downstream the tanks, and their effectiveness in achieving the required water quality suitable for the end use. If stormwater from balconies is collected, a maintenance plan, stating periodic actions, requirements and responsibilities must be provided.
    - ii. Planter boxes are categorised as an impervious area in STORM and are not listed as 'buffer strip' treatment or categorized as permeable area if supporting evidence is provided in the landscape plans demonstrating that planter boxes consist of deep soil/substrate planting (e.g. Soil depth greater than 500mm).
    - iii. The 'tank water supply reliability' for the rainwater tank treatment type to be 100 per cent, which may require a larger rainwater tank.
  - e) Provide marked up natural ventilation pathways for all dwellings

(bedrooms and living areas) to demonstrate how the 100 per cent was achieved or amend the percentage of dwellings that are effectively naturally ventilated in accordance with BESS definitions.

- f) No longer claim innovation points for Biophilic design of public space and operations waste to landfill reduction.

Where alternative ESD initiatives are proposed to those specified in conditions above, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

22. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed Sustainability Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.
23. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, for each stage of the development, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include appropriate evidence such as photos and receipts) that all measures specified in the SMP have been implemented in accordance with the approved plan.

#### Accessibility

24. Prior to the endorsement of plans, an Accessibility Report prepared by a suitably qualified person must be submitted to and approved to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Access Consultants dated 3 July 2020 (Project Number 11182) but updated to refer to the plans required by Condition 1 of this permit. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development. No alterations to the plan may occur without the written consent of the Responsible Authority.
25. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, for each stage of the development, a report from the author of the Access Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Access Plan have been implemented in accordance with the approved Plan.

#### Waste Management

26. Prior to the endorsement of plans, a Waste Management Plan (WMP) generally in accordance with the WMP prepared by Ratio dated 9 April 2020, must be submitted to the satisfaction of the Responsible Authority. When submitted and approved to the satisfaction of the Responsible Authority, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Responsible Authority.
27. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the

**Responsible Authority unless with the further written approval of the Responsible Authority.**

#### **Acoustic Report**

- 28. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer generally in accordance with the Acoustic Report prepared by Acoustic Logic 8 April 2020 must be submitted to and approved by the Responsible Authority.**
- 29. The building must be constructed and maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority. The Acoustic Report endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the written approval of the Responsible Authority.**
- 30. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, for each stage of the development, a report from the author of the Acoustic Report approved pursuant to this permit or a similarly qualified person or company must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.**

#### **Removal of easements**

- 31. Prior to the commencement of the development, the permit holder must make application to Council under the *Subdivision Act 1988* to remove the party wall easements (the land marked B and C on Lot 3 and marked C on Lot 2 on Plan of Subdivision 125486).**
- 32. Prior to the issue of a Statement of Compliance for the removal of easement, the boundary wall at 1-7 Wilson Avenue must be demolished, to the satisfaction of the Responsible Authority.**

#### **Boundary walls**

- 33. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance of each stage of the development, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**

#### **3D model**

- 34. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Moreland tools and software for Council and community must be submitted to the satisfaction of the Responsible Authority. The model should be prepared in accordance with Moreland City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Moreland Project can be found at <https://www.moreland.vic.gov.au/planning-building/3D-Guidelines/>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.**

#### **Privacy screens to be installed and maintained**

- 35. Prior to the issuing of Statement of Compliance or occupation of each stage of the development, whichever occurs first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be**

**maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.**

#### **Baffled Lighting**

- 36. All lighting of external areas must be designed not to emit direct light onto adjoining property or properties on the south side of the Right of Way to the satisfaction of the Responsible Authority.**

#### **Retention of Architect**

- 37. MAA or an equivalent Architect must be retained to complete and provide architectural oversight during construction of the detailed design as shown on the endorsed plans, to the satisfaction of the responsible authority.**

#### **Time**

- 38. This permit will expire if one of the following circumstances applies:**
- a) The development of Stage 1 is not commenced within three (3) years from the date of issue of this permit;**
  - b) The development Stage 1 is not completed within five (5) years from the date of issue of this permit.**
  - c) The development of Stage 2 is not commenced within five (5) years from the date of issue of this permit;**
  - d) The development Stage 2 is not completed within seven (7) years from the date of issue of this permit.**
  - e) The use is not commenced within five (5) years from the date of issue of this permit.**
  - f) The plan of removal of easement is not commenced within two (2) years of the date of issue of this permit as evidenced by a plan of removal of easement being certified by the Council within that time.**
  - g) The Certified plan of removal of easement is not registered within five years from the date of the Certification of the Plan.**

**The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;**

- within six months after the permit expires to extend the commencement date.**
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.**

#### **Notes**

- No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.**
- Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would not be eligible for any Council parking permits to allow for on street parking.**
- The City of Moreland is committed to creating an environmentally sustainable city. A critical component in achieving this commitment is to encourage new development to meet appropriate environmental standards. Applicants are encouraged to include environmentally sustainable design principles within new developments via the online BESS tool.**



- The BESS tool is a sustainability assessment tool designed for planning assessments of all development types and sizes. Using the BESS tool involves entering data about the proposed design into the BESS assessment tool found at <http://www.bess.net.au>. BESS will produce a report for submission to Council and is free for applicants to use. This allows applicants to design more environmentally sustainable developments. For more information or help on ESD or BESS please contact Council's Sustainable Development Department on 9240 1188.
- This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.moreland.vic.gov.au/planning-building/> and click on 'Moreland Development Contributions Plan (DCP)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.

#### Notes about environmental audits

- A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 7 days of issue, in accordance with Section 53ZB of the *Environment Protection Act 1970*.
- Where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to Section 53ZE of the *Environment Protection Act 1970*.
- The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the *Sale of Land Act 1962*, a copy of the Certificate or Statement of Environmental Audit including a copy of any cover letter.
- Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the *Planning and Environment Act 1987*.

Carried

## MINUTE CONFIRMATION


### Resolution

Cr Tapinos moved, Cr Pavlidis seconded -

The minutes of the Planning and Related Matters Meeting held on 24 February 2021 be confirmed.

Carried

### 5.1 6 HOPE STREET, BRUNSWICK - PLANNING APPLICATION MPS/2010/427/B

<b>Property:</b>	6 Hope Street, Brunswick
<b>Proposed Amendments:</b>	Change of use to a residential village and associated reduction of car parking requirements. The request is being reported to Council at the request of Councillors.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>Commercial 1 Zone (C1Z)</li> <li>Design and Development Overlay (DDO18)</li> <li>Parking Overlay (PO1)</li> <li>Development Contributions Plan Overlay (DCPO1)</li> </ul>
<b>Strategic setting:</b>	
<b>Objections:</b>	<ul style="list-style-type: none"> <li>5 Objections</li> <li>Key issues: <ul style="list-style-type: none"> <li>Car Parking</li> <li>Traffic Impacts</li> </ul> </li> </ul>
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>Date: 9 March 2021</li> <li>Attendees: the applicant, the owner, 2 Council officers, and Cr James Conlan, Cr Helen Pavlidis-Mihalakos and Cr Oscar Yildiz. No objectors were in attendance.</li> <li>No changes were agreed to however the meeting provided an opportunity for the objectors concerns to be discussed with the Councillors in attendance and helped inform the preparation of this report.</li> </ul>
<b>Key reasons for support</b>	The use of the land for a residential village will be limited by a sunset clause condition, which will provide flexibility for the use of the building, while retaining the original use of the building as student accommodation.
<b>Recommendation:</b>	A Notice of Decision to Grant an Amended Planning Permit be issued for the proposal.

## Officer Recommendation

That a Notice of Decision to Grant an Amended Planning Permit No. MPS/2010/427/B be issued for the construction and use of a five-storey building that contains a residential building (student accommodation), residential village, a shop, associated floodlit signage and waiver of the standard car-parking requirements at 6 Hope Street, Brunswick, subject to the following conditions (**new condition bolded**):

- 1A Before the use commences, 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 must be generally in accordance with the plans (advertised 10 July 2020) but modified to show:**
- a) Any changes required by the Green Travel Plan in accordance with Condition 15 of this permit.**
  - b) Any changes required by the Acoustic Report in accordance with Condition 19 of this permit.**
  - c) Any changes required by the Waste Management Plan in accordance with Condition 21 of this permit.**
1. Before the use and development commences, 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 advertised but modified to show:
- a) The bicycle storage area to be increased in size to accommodate the 22 bicycle spaces.
  - b) The bicycle store room also accessible from the adjacent right-of-way through an external door at least 850mm wide and any internal door between this entry and the bicycle room is to be automatic.
  - c) Balconies of 5-7,10-12,15-17,19-21 all to adopt the "Typical balcony plan alternative."
  - d) Modification of the apartments to comply with condition 3 of this permit and an accompanying statement from the author of the Equal Access P/L "Accessibility Report for 6 Hope Street Brunswick for Peter L Brown Architects P/L 28 April 2010" report or other suitably qualified professional confirming that the requirements of condition 3 have been satisfied.
  - e) Balcony of dwelling 4,9,14 to not extend beyond the southern title boundary.
  - f) Amend the ESD management plan as required by condition 10.
  - g) Location of clothes drying facilities indicated.
  - h) Waste bin storage room, with dimensions, increased in size to accommodate seven 240 litre garbage bins and seven 240 litre recycling bins in a manner where a resident does not have to reach over one bin to access another bin.
  - i) The location of any air-conditioning units and other plant equipment, including any screening.
  - j) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples (3 copies in a form that can be endorsed and filed).
2. The use and development as shown on the endorsed plan(s) must not be altered or modified unless with the further written approval of the Responsible Authority.

3. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.
4. In association with the recommendations on Page 3 "Accessibility Report for 6 Hope Street Brunswick for Peter L Brown Architects P/L 28 April 2010" 10 per cent of apartments are adaptable in accordance with the applicable Australian Standard and apartments 100 per cent visitable.
5. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
6. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or prior to the commencement of the permitted use, an Environmental Assessment Report must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to contribute financially to an independent review of the environmental site assessment information by a suitably qualified environmental professional. The Environmental Assessment Report is to be conducted by a competent professional practitioner with relevant experience in the field. The owner must comply with the findings of the site assessment to the satisfaction of the Responsible Authority. The Environmental Assessment Report must:
  - a) Specify the name and qualifications of the person who has conducted the Report;
  - b) Provide comment on the potential for off site contamination to have migrated to the subject land from neighbouring land. Soil sampling and analysis of the subject site may be required where access to definitive information regarding neighbouring land is not obtainable or is inconclusive;
  - c) Specify the industrial process or activity, waste or substance in respect of which the Report was conducted;
  - d) Specify the segment of the environment in respect of which the Report was conducted;
  - e) Include an evaluation of the environmental quality of the relevant segment of the environment;
  - f) Include an assessment of any clean up that is necessary, including recommendations relating to the carrying out of the clean up, and any compliance requirements to enable the land owner to ensure that the land is suitable for the proposal;
  - g) Include a further recommendation to the Responsible Authority as to whether the condition of the land is such that an Environmental Audit should be conducted taking into consideration the proposed use.
7. If in accordance with condition 6 of this permit, an Environmental Audit is required, prior to the commencement of construction or carrying out works pursuant to this permit, either:
  - a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or,
  - b) An Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

8. Prior to any remediation works being undertaken in association with the Environmental Audit, a 'remediation works' plan must be submitted to and approved by the responsible authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.
9. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
10. Before the development commences, an amended report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Environmentally Sustainable Development (ESD) Management Plan must be in accordance with Sustainability Statement submitted 16 July 2010, but modified to show:
  - a) All initiatives are to be annotated on plans.
  - b) Further details of ESD initiatives:
    - i. Information about natural cross ventilation;
    - ii. Information about low VOC paints;
    - iii. A full STEPS report;
    - iv. Information about initiatives in commercial areas.
  - c) Building management, maintenance and monitoring schedule.
11. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the responsible authority. No alterations to the ESD Management Plan may occur without written consent of the responsible authority.
12. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the responsible authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Environmentally Sustainable Development (ESD) Management Plan have been implemented in accordance with the approved Plan.
13. The amended plans are to show the bicycle room increased in size to hold the required 22 parking racks and show the dimensions of the room, dimensions of the bicycle parking areas and dimensions of the accessways in a manner that accords with the specifications in Bicycle Victoria's Bicycle Parking Handbook, to the satisfaction of the Responsible Authority.
14. Bicycle signage at least 300mm wide and 450mm high showing a white bicycle on a blue background must be erected directing cyclists to the location of the bicycle

parking as required by Clause 52.34-5 of the Moreland Planning Scheme.

15. **Prior to the endorsement of plans under Condition 1A, a Green Travel Plan in relation to the residential village use, prepared by a suitably qualified person outlining site-specific initiatives and actions to encourage the use of more sustainable transport options, must be submitted to the satisfaction of the responsible authority. At the commencement of the residential village use, the Green Travel Plan approved as part of this permit must be implemented until such time as the residential village use ceases. Ongoing implementation, management and monitoring of the Plan must be undertaken to the satisfaction of the Responsible Authority to ensure ongoing commitments to alternative modes of transport are met.**
16. Any substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm.
17. **Within 6 months of the date of issue of this amendment permit, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner and the responsible authority in a form satisfactory to the responsible authority including:**
  - a) **That the building can be used for a residential village for 3 years from the date of issue of the amended permit.**
  - b) **That tenants of the residential village must vacate the building within 2 months of the end of the three-year expiry for the residential village.**
  - c) **That the building only be used for Student Accommodation after the three-year expiry of the residential village.**
  - d) **A requirement that the owner pay the costs of the responsible authority in relation to the agreement.**
18. Prior to the commencement of the development approved by this permit, a report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the responsible authority outlining specific noise attenuation measures to ensure residents are not unreasonably affected by external noise sources from the adjoining business at 8 Hope Street. Construction and maintenance of the buildings must be in accordance with the recommendations contained in this report to the satisfaction of the Responsible Authority.
19. **Prior to the endorsement of plans under Condition 1A of this permit, a report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the responsible authority that assesses the noise levels experienced from various sensitive locations within the building including spaces most likely to be exposed. The report must outline whether the noise impacts from the adjoining business at 8 Hope Street have been adequately attenuated as required by Condition 18 of this permit and in accordance with SEPP N-1 (Control of Noise from Commerce, Industry and Trade). In the event the noise levels experienced within the building do not meet SEPP N-1 criteria, recommendations are to be outlined to retrofit the building to bring it into compliance to the satisfaction of the responsible authority.**
20. Prior to the commencement of the development a stormwater drainage plan and calculations showing a detention system and how the site will be drained to the point of discharge stated in LPOD/2010/274 previously issued to the applicant, must be submitted to and approved by and constructed under the supervision of, the responsible authority.
21. **Prior to the endorsement of plans, a Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The WMP must include, but not limited to the following:**

- a) **A description of ease of disposal for residents that does not disadvantage recycling;**
- b) **Confirmation that educational material will be displayed in the waste bin storage area explaining what material can be recycled;**
- c) **Calculations showing the amount of garbage and recycling expected to be generated;**
- d) **A statement of whether the garbage, hard waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;**
- e) **Include a plan showing the location of the bin storage area on the site and details of screening from public view;**
- f) **Include a dimensioned plan showing the storage area is sufficient to store the required number of bins in a manner that allows easy access to every bin;**
- g) **Detail the ventilation to prevent garbage odours entering the car park and/or dwellings;**
- h) **Detail the ease of taking the fully loaded waste bins to the point of waste collection;**
- i) **State where and when the bins will be placed for waste collection;**
- j) **Confirm that the bins will be removed from the street promptly after collection; and**
- k) **Include a plan showing where the waste trucks will stop to service the waste bins and state whether No Parking restrictions will be required for the waste trucks to access that space (eg 6am-midday, Wed).**

**When submitted and approved to the satisfaction of the Responsible Authority, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Responsible Authority.**

- 22. A mailbox, with separate aperture for newspapers and other non-mail articles must be provided for each of the premises at the street frontage. The mailbox dimensions, placement and numbering must comply with the Australia Post – General Post Guide 2004 (Point G4.3) as published on its website to the satisfaction of the responsible authority.
- 23. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
- 24. Unless with the written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
- 25. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
- 26. In the event that the adjacent land to the east is developed, the sign on the eastern boundary wall must be removed and the wall cleaned and finished to the satisfaction of the Responsible Authority.
- 27. **This permit will expire if one of the following applies:**
  - a) **The residential village use is not commenced within two years from the date of issue of this amended permit.**
  - b) **The residential building and shop uses are not commenced within four**

**years from the date of issue of this amended permit.**

**The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.**

28. The approval of the sign will expire fifteen years from the date of issue of the permit, prior to which time the sign and any supporting structure must be removed and the building surface or land made good to the satisfaction of the Responsible Authority.

Notes: These notes are for information only and do not constitute part of this notice of decision or conditions of this notice of decision.

**Notes:** Notes about Environmental Audits:

- i. A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 7 days of issue, in accordance with Section 53ZB of the Environment Protection Act 1970.
- ii. Where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to Section 53ZE of the Environment Protection Act 1970.
- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Certificate or Statement of Environmental Audit including a copy of any cover letter.
- iv. Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the *Planning and Environment Act 1987*.

## **Motion**

Cr Conlan moved, Cr Bolton seconded –

That a Refusal to Grant an Amended Planning Permit No. MPS/2010/427/B be issued for the construction and use of a five-storey building that contains a residential building (student accommodation), residential village, a shop, associated floodlit signage and waiver of the standard car-parking requirements at 6 Hope Street, Brunswick on the following grounds:

1. The proposed residential village use is contrary to Clause 65 of the Moreland Planning Scheme in regard to the orderly planning of the area as the existing building is not suitable for permanent accommodation or on-going dwelling use due of the following short-comings:
  - a) Insufficient internal amenity and access to daylight.
  - b) Insufficient secluded private open space.
  - c) Insufficient provision of storage.
  - d) Insufficient protection of residents from external noise sources associated with the nearby commercial uses.
  - e) Insufficient provision of communal, recreation, or medical facilities on site for resident use.
  - f) Insufficient car parking provision, having regard to the purpose and decision guidelines of Clause 52.06 of the Moreland Planning Scheme.

Lost



## Motion

Cr Tapinos moved, Cr Yildiz seconded -

That a Notice of Decision to Grant an Amended Planning Permit No. MPS/2010/427/B be issued for the construction and use of a five-storey building that contains a residential building (student accommodation), residential village, a shop, associated floodlit signage and waiver of the standard car-parking requirements at 6 Hope Street, Brunswick, subject to the following conditions (**new condition bolded**):

- 1A Before the use commences, 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 must be generally in accordance with the plans (advertised 10 July 2020) but modified to show:**
- a) **Any changes required by the Green Travel Plan in accordance with Condition 15 of this permit.**
  - b) **Any changes required by the Acoustic Report in accordance with Condition 19 of this permit.**
  - c) **Any changes required by the Waste Management Plan in accordance with Condition 21 of this permit.**
1. Before the use and development commences, 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 advertised but modified to show:
- a) The bicycle storage area to be increased in size to accommodate the 22 bicycle spaces.
  - b) The bicycle store room also accessible from the adjacent right-of-way through an external door at least 850mm wide and any internal door between this entry and the bicycle room is to be automatic.
  - c) Balconies of 5-7,10-12,15-17,19-21 all to adopt the "Typical balcony plan alternative."
  - d) Modification of the apartments to comply with condition 3 of this permit and an accompanying statement from the author of the Equal Access P/L "Accessibility Report for 6 Hope Street Brunswick for Peter L Brown Architects P/L 28 April 2010" report or other suitably qualified professional confirming that the requirements of condition 3 have been satisfied.
  - e) Balcony of dwelling 4,9,14 to not extend beyond the southern title boundary.
  - f) Amend the ESD management plan as required by condition 10.
  - g) Location of clothes drying facilities indicated.
  - h) Waste bin storage room, with dimensions, increased in size to accommodate seven 240 litre garbage bins and seven 240 litre recycling bins in a manner where a resident does not have to reach over one bin to access another bin.
  - i) The location of any air-conditioning units and other plant equipment, including any screening.
  - j) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples (3 copies in a form that can be endorsed and filed).
2. The use and development as shown on the endorsed plan(s) must not be altered or

modified unless with the further written approval of the Responsible Authority.

3. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.
4. In association with the recommendations on Page 3 "Accessibility Report for 6 Hope Street Brunswick for Peter L Brown Architects P/L 28 April 2010" 10 per cent of apartments are adaptable in accordance with the applicable Australian Standard and apartments 100 per cent visitable.
5. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
6. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or prior to the commencement of the permitted use, an Environmental Assessment Report must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to contribute financially to an independent review of the environmental site assessment information by a suitably qualified environmental professional. The Environmental Assessment Report is to be conducted by a competent professional practitioner with relevant experience in the field. The owner must comply with the findings of the site assessment to the satisfaction of the Responsible Authority. The Environmental Assessment Report must:
  - a) Specify the name and qualifications of the person who has conducted the Report;
  - b) Provide comment on the potential for off site contamination to have migrated to the subject land from neighbouring land. Soil sampling and analysis of the subject site may be required where access to definitive information regarding neighbouring land is not obtainable or is inconclusive;
  - c) Specify the industrial process or activity, waste or substance in respect of which the Report was conducted;
  - d) Specify the segment of the environment in respect of which the Report was conducted;
  - e) Include an evaluation of the environmental quality of the relevant segment of the environment;
  - f) Include an assessment of any clean up that is necessary, including recommendations relating to the carrying out of the clean up, and any compliance requirements to enable the land owner to ensure that the land is suitable for the proposal;
  - g) Include a further recommendation to the Responsible Authority as to whether the condition of the land is such that an Environmental Audit should be conducted taking into consideration the proposed use.
7. If in accordance with condition 6 of this permit, an Environmental Audit is required, prior to the commencement of construction or carrying out works pursuant to this permit, either:
  - a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or,
  - b) An Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

8. Prior to any remediation works being undertaken in association with the Environmental Audit, a 'remediation works' plan must be submitted to and approved by the responsible authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.
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10. Before the development commences, an amended report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Environmentally Sustainable Development (ESD) Management Plan must be in accordance with Sustainability Statement submitted 16 July 2010, but modified to show:
  - a) All initiatives are to be annotated on plans.
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    - i. Information about natural cross ventilation;
    - ii. Information about low VOC paints;
    - iii. A full STEPS report;
    - iv. Information about initiatives in commercial areas.
  - c) Building management, maintenance and monitoring schedule.
11. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the responsible authority. No alterations to the ESD Management Plan may occur without written consent of the responsible authority.
12. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the responsible authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Environmentally Sustainable Development (ESD) Management Plan have been implemented in accordance with the approved Plan.
13. The amended plans are to show the bicycle room increased in size to hold the required 22 parking racks and show the dimensions of the room, dimensions of the bicycle parking areas and dimensions of the accessways in a manner that accords with the specifications in Bicycle Victoria's Bicycle Parking Handbook, to the satisfaction of the Responsible Authority.
14. Bicycle signage at least 300mm wide and 450mm high showing a white bicycle on a blue background must be erected directing cyclists to the location of the bicycle

parking as required by Clause 52.34-5 of the Moreland Planning Scheme.

15. **Prior to the endorsement of plans under Condition 1A, a Green Travel Plan in relation to the residential village use, prepared by a suitably qualified person outlining site-specific initiatives and actions to encourage the use of more sustainable transport options, must be submitted to the satisfaction of the responsible authority. At the commencement of the residential village use, the Green Travel Plan approved as part of this permit must be implemented until such time as the residential village use ceases. Ongoing implementation, management and monitoring of the Plan must be undertaken to the satisfaction of the Responsible Authority to ensure ongoing commitments to alternative modes of transport are met.**
16. Any substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm.
17. **Within 6 months of the date of issue of this amendment permit, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner and the responsible authority in a form satisfactory to the responsible authority including:**
  - a) **That the building can be used for a residential village for 3 years from the date of issue of the amended permit.**
  - b) **That tenants of the residential village must vacate the building within 2 months of the end of the three-year expiry for the residential village.**
  - c) **That the building only be used for Student Accommodation after the three-year expiry of the residential village.**
  - d) **A requirement that the owner pay the costs of the responsible authority in relation to the agreement.**
18. Prior to the commencement of the development approved by this permit, a report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the responsible authority outlining specific noise attenuation measures to ensure residents are not unreasonably affected by external noise sources from the adjoining business at 8 Hope Street. Construction and maintenance of the buildings must be in accordance with the recommendations contained in this report to the satisfaction of the Responsible Authority.
19. **Prior to the endorsement of plans under Condition 1A of this permit, a report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the responsible authority that assesses the noise levels experienced from various sensitive locations within the building including spaces most likely to be exposed. The report must outline whether the noise impacts from the adjoining business at 8 Hope Street have been adequately attenuated as required by Condition 18 of this permit and in accordance with SEPP N-1 (Control of Noise from Commerce, Industry and Trade). In the event the noise levels experienced within the building do not meet SEPP N-1 criteria, recommendations are to be outlined to retrofit the building to bring it into compliance to the satisfaction of the responsible authority.**
20. Prior to the commencement of the development a stormwater drainage plan and calculations showing a detention system and how the site will be drained to the point of discharge stated in LPOD/2010/274 previously issued to the applicant, must be submitted to and approved by and constructed under the supervision of, the responsible authority.
21. **Prior to the endorsement of plans, a Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The WMP must include, but not limited to the following:**

- a) **A description of ease of disposal for residents that does not disadvantage recycling;**
- b) **Confirmation that educational material will be displayed in the waste bin storage area explaining what material can be recycled;**
- c) **Calculations showing the amount of garbage and recycling expected to be generated;**
- d) **A statement of whether the garbage, hard waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;**
- e) **Include a plan showing the location of the bin storage area on the site and details of screening from public view;**
- f) **Include a dimensioned plan showing the storage area is sufficient to store the required number of bins in a manner that allows easy access to every bin;**
- g) **Detail the ventilation to prevent garbage odours entering the car park and/or dwellings;**
- h) **Detail the ease of taking the fully loaded waste bins to the point of waste collection;**
- i) **State where and when the bins will be placed for waste collection;**
- j) **Confirm that the bins will be removed from the street promptly after collection; and**
- k) **Include a plan showing where the waste trucks will stop to service the waste bins and state whether No Parking restrictions will be required for the waste trucks to access that space (eg 6am-midday, Wed).**

**When submitted and approved to the satisfaction of the Responsible Authority, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Responsible Authority.**

- 22. A mailbox, with separate aperture for newspapers and other non-mail articles must be provided for each of the premises at the street frontage. The mailbox dimensions, placement and numbering must comply with the Australia Post – General Post Guide 2004 (Point G4.3) as published on its website to the satisfaction of the responsible authority.
- 23. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
- 24. Unless with the written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
- 25. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
- 26. In the event that the adjacent land to the east is developed, the sign on the eastern boundary wall must be removed and the wall cleaned and finished to the satisfaction of the Responsible Authority.
- 27. **This permit will expire if one of the following applies:**
  - a) **The residential village use is not commenced within two years from the date of issue of this amended permit.**
  - b) **The residential building and shop uses are not commenced within four**

**years from the date of issue of this amended permit.**

**The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.**

28. The approval of the sign will expire fifteen years from the date of issue of the permit, prior to which time the sign and any supporting structure must be removed and the building surface or land made good to the satisfaction of the Responsible Authority.

Notes: These notes are for information only and do not constitute part of this notice of decision or conditions of this notice of decision.

**Notes:** Notes about Environmental Audits:

- i. A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 7 days of issue, in accordance with Section 53ZB of the Environment Protection Act 1970.
- ii. Where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to Section 53ZE of the Environment Protection Act 1970.
- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Certificate or Statement of Environmental Audit including a copy of any cover letter.
- iv. Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the *Planning and Environment Act 1987*.

## **Amendment**

**Cr Conlan moved, Cr Panopoulos seconded -**

**That Condition 17 a) be amended as follows:**

17. **Within 6 months of the date of issue of this amendment permit, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner and the responsible authority in a form satisfactory to the responsible authority including:**
- a) **That the building can be used for a residential village for 3 years from the date of issue of the amended permit and that all the dwellings be used for affordable housing as defined by the Planning and Environment Act during this period.**

**Carried**

*The Amendment was carried and became part of the substantive motion.*

## **Resolution**

**That a Notice of Decision to Grant an Amended Planning Permit No. MPS/2010/427/B be issued for the construction and use of a five-storey building that contains a residential building (student accommodation), residential village, a shop, associated floodlit signage and waiver of the standard car-parking requirements at 6 Hope Street, Brunswick, subject to the following conditions (new condition bolded):**

- 1A Before the use commences, 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 must be generally in accordance with the plans (advertised 10 July 2020) but modified to show:**

- a) **Any changes required by the Green Travel Plan in accordance with Condition 15 of this permit.**
  - b) **Any changes required by the Acoustic Report in accordance with Condition 19 of this permit.**
  - c) **Any changes required by the Waste Management Plan in accordance with Condition 21 of this permit.**
- 1. Before the use and development commences, 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 advertised but modified to show:**
- a) **The bicycle storage area to be increased in size to accommodate the 22 bicycle spaces.**
  - b) **The bicycle store room also accessible from the adjacent right-of-way through an external door at least 850mm wide and any internal door between this entry and the bicycle room is to be automatic.**
  - c) **Balconies of 5-7,10-12,15-17,19-21 all to adopt the “Typical balcony plan alternative.”**
  - d) **Modification of the apartments to comply with condition 3 of this permit and an accompanying statement from the author of the Equal Access P/L “Accessibility Report for 6 Hope Street Brunswick for Peter L Brown Architects P/L 28 April 2010” report or other suitably qualified professional confirming that the requirements of condition 3 have been satisfied.**
  - e) **Balcony of dwelling 4,9,14 to not extend beyond the southern title boundary.**
  - f) **Amend the ESD management plan as required by condition 10.**
  - g) **Location of clothes drying facilities indicated.**
  - h) **Waste bin storage room, with dimensions, increased in size to accommodate seven 240 litre garbage bins and seven 240 litre recycling bins in a manner where a resident does not have to reach over one bin to access another bin.**
  - i) **The location of any air-conditioning units and other plant equipment, including any screening.**
  - j) **A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples (3 copies in a form that can be endorsed and filed).**
- 2. The use and development as shown on the endorsed plan(s) must not be altered or modified unless with the further written approval of the Responsible Authority.**
- 3. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.**
- 4. In association with the recommendations on Page 3 “Accessibility Report for 6**

Hope Street Brunswick for Peter L Brown Architects P/L 28 April 2010” 10 per cent of apartments are adaptable in accordance with the applicable Australian Standard and apartments 100 per cent visitable.

5. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
6. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or prior to the commencement of the permitted use, an Environmental Assessment Report must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to contribute financially to an independent review of the environmental site assessment information by a suitably qualified environmental professional. The Environmental Assessment Report is to be conducted by a competent professional practitioner with relevant experience in the field. The owner must comply with the findings of the site assessment to the satisfaction of the Responsible Authority. The Environmental Assessment Report must:
  - a) Specify the name and qualifications of the person who has conducted the Report;
  - b) Provide comment on the potential for off site contamination to have migrated to the subject land from neighbouring land. Soil sampling and analysis of the subject site may be required where access to definitive information regarding neighbouring land is not obtainable or is inconclusive;
  - c) Specify the industrial process or activity, waste or substance in respect of which the Report was conducted;
  - d) Specify the segment of the environment in respect of which the Report was conducted;
  - e) Include an evaluation of the environmental quality of the relevant segment of the environment;
  - f) Include an assessment of any clean up that is necessary, including recommendations relating to the carrying out of the clean up, and any compliance requirements to enable the land owner to ensure that the land is suitable for the proposal;
  - g) Include a further recommendation to the Responsible Authority as to whether the condition of the land is such that an Environmental Audit should be conducted taking into consideration the proposed use.
7. If in accordance with condition 6 of this permit, an Environmental Audit is required, prior to the commencement of construction or carrying out works pursuant to this permit, either:
  - a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or,
  - b) An Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must



comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

8. Prior to any remediation works being undertaken in association with the Environmental Audit, a 'remediation works' plan must be submitted to and approved by the responsible authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.
9. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
10. Before the development commences, an amended report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Environmentally Sustainable Development (ESD) Management Plan must be in accordance with Sustainability Statement submitted 16 July 2010, but modified to show:
  - a) All initiatives are to be annotated on plans.
  - b) Further details of ESD initiatives:
    - i. Information about natural cross ventilation;
    - ii. Information about low VOC paints;
    - iii. A full STEPS report;
    - iv. Information about initiatives in commercial areas.
  - c) Building management, maintenance and monitoring schedule.
11. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the responsible authority. No alterations to the ESD Management Plan may occur without written consent of the responsible authority.
12. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the responsible authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Environmentally Sustainable Development (ESD) Management Plan have been implemented in accordance with the approved Plan.
13. The amended plans are to show the bicycle room increased in size to hold the required 22 parking racks and show the dimensions of the room, dimensions of the bicycle parking areas and dimensions of the accessways in a manner that accords with the specifications in Bicycle Victoria's Bicycle Parking Handbook, to the satisfaction of the Responsible Authority.

14. **Bicycle signage at least 300mm wide and 450mm high showing a white bicycle on a blue background must be erected directing cyclists to the location of the bicycle parking as required by Clause 52.34-5 of the Moreland Planning Scheme.**
15. **Prior to the endorsement of plans under Condition 1A, a Green Travel Plan in relation to the residential village use, prepared by a suitably qualified person outlining site-specific initiatives and actions to encourage the use of more sustainable transport options, must be submitted to the satisfaction of the responsible authority. At the commencement of the residential village use, the Green Travel Plan approved as part of this permit must be implemented until such time as the residential village use ceases. Ongoing implementation, management and monitoring of the Plan must be undertaken to the satisfaction of the Responsible Authority to ensure ongoing commitments to alternative modes of transport are met.**
16. **Any substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm.**
17. **Within 6 months of the date of issue of this amendment permit, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner and the responsible authority in a form satisfactory to the responsible authority including:**
  - a) **That the building can be used for a residential village for 3 years from the date of issue of the amended permit and that all the dwellings be used for affordable housing as defined by the Planning and Environment Act during this period.**
  - b) **That tenants of the residential village must vacate the building within 2 months of the end of the three-year expiry for the residential village.**
  - c) **That the building only be used for Student Accommodation after the three-year expiry of the residential village.**
  - d) **A requirement that the owner pay the costs of the responsible authority in relation to the agreement.**
18. **Prior to the commencement of the development approved by this permit, a report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the responsible authority outlining specific noise attenuation measures to ensure residents are not unreasonably affected by external noise sources from the adjoining business at 8 Hope Street. Construction and maintenance of the buildings must be in accordance with the recommendations contained in this report to the satisfaction of the Responsible Authority.**
19. **Prior to the endorsement of plans under Condition 1A of this permit, a report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the responsible authority that assesses the noise levels experienced from various sensitive locations within the building including spaces most likely to be exposed. The report must outline whether the noise impacts from the adjoining business at 8 Hope Street have been adequately attenuated as required by Condition 18 of this permit and in accordance with SEPP N-1 (Control of Noise from Commerce, Industry and Trade). In the event the noise levels experienced within the building do not meet SEPP N-1 criteria, recommendations are to be outlined to retrofit the building to bring it into compliance to the satisfaction of the responsible authority.**
20. **Prior to the commencement of the development a stormwater drainage plan and calculations showing a detention system and how the site will be drained to the point of discharge stated in LPOD/2010/274 previously issued to the**

applicant, must be submitted to and approved by and constructed under the supervision of, the responsible authority.

21. Prior to the endorsement of plans, a Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The WMP must include, but not limited to the following:
- a) A description of ease of disposal for residents that does not disadvantage recycling;
  - b) Confirmation that educational material will be displayed in the waste bin storage area explaining what material can be recycled;
  - c) Calculations showing the amount of garbage and recycling expected to be generated;
  - d) A statement of whether the garbage, hard waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;
  - e) Include a plan showing the location of the bin storage area on the site and details of screening from public view;
  - f) Include a dimensioned plan showing the storage area is sufficient to store the required number of bins in a manner that allows easy access to every bin;
  - g) Detail the ventilation to prevent garbage odours entering the car park and/or dwellings;
  - h) Detail the ease of taking the fully loaded waste bins to the point of waste collection;
  - i) State where and when the bins will be placed for waste collection;
  - j) Confirm that the bins will be removed from the street promptly after collection; and
  - k) Include a plan showing where the waste trucks will stop to service the waste bins and state whether No Parking restrictions will be required for the waste trucks to access that space (eg 6am-midday, Wed).

When submitted and approved to the satisfaction of the Responsible Authority, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Responsible Authority.

22. A mailbox, with separate aperture for newspapers and other non-mail articles must be provided for each of the premises at the street frontage. The mailbox dimensions, placement and numbering must comply with the Australia Post – General Post Guide 2004 (Point G4.3) as published on its website to the satisfaction of the responsible authority.
23. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
24. Unless with the written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
25. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
26. In the event that the adjacent land to the east is developed, the sign on the eastern boundary wall must be removed and the wall cleaned and finished to

the satisfaction of the Responsible Authority.

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

- a) The residential village use is not commenced within two years from the date of issue of this amended permit.
- b) The residential building and shop uses are not commenced within four years from the date of issue of this amended permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

28. The approval of the sign will expire fifteen years from the date of issue of the permit, prior to which time the sign and any supporting structure must be removed and the building surface or land made good to the satisfaction of the Responsible Authority.

Notes: These notes are for information only and do not constitute part of this notice of decision or conditions of this notice of decision.

Notes: Notes about Environmental Audits:

- i. A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 7 days of issue, in accordance with Section 53ZB of the Environment Protection Act 1970.
- ii. where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to Section 53ZE of the Environment Protection Act 1970.
- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Certificate or Statement of Environmental Audit including a copy of any cover letter.
- iv. Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the *Planning and Environment Act 1987*.

Carried

## URGENT BUSINESS

Nil

The meeting closed at 7.38 pm.

Confirmed

Cr Annalivia Carli Hannan  
**MAYOR**