



Merri-bek City Council

Minutes of the Planning and Related Matters Meeting Held at the Council Chamber, Merri-bek Civic Centre, 90 Bell Street, Coburg on Wednesday 28 September 2022

The Mayor opened the meeting at 6.32 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.

| Present | Time In | Time Out |
|----------------------------------|----------------|-----------------|
| Cr Mark Riley, Mayor | 6.32 pm | 7.30 pm |
| Cr Lambros Tapinos, Deputy Mayor | 6.46 pm | 7.30 pm |
| Cr Adam Pulford | 6.32 pm | 7.30 pm |
| Cr Angelica Panopoulos | 6.32 pm | 7.30 pm |
| Cr Annalivia Carli Hannan | 6.32 pm | 7.30 pm |
| Cr Helen Davidson | 6.32 pm | 7.30 pm |
| Cr Helen Pavlidis | 6.32 pm | 7.30 pm |
| Cr James Conlan | 6.32 pm | 7.30 pm |
| Cr Monica Harte | 6.32 pm | 7.30 pm |
| Cr Oscar Yildiz JP | 6.32 pm | 7.30 pm |
| Cr Sue Bolton | 6.32 pm | 7.30 pm |

OFFICERS

Director Place and Environment – Joseph Tabacco
Group Manager City Development – Phil Priest
Unit Manager Urban Planning – Mark Hughes
Jack Poulson - Principal Urban Planner
Unit Manager Governance – Troy Delia
Governance and Council Business Officer – Tracey Classon

APOLOGIES/LEAVE OF ABSENCE

Nil.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Bolton moved, Cr Panopoulos seconded -
The minutes of the Planning and Related Matters Meeting held on 24 August 2022 be confirmed.

Carried

6.46pm Cr Tapinos entered the meeting.

6.50pm Cr Carli Hannan left the meeting.

COUNCIL REPORTS

5.1 170 SYDNEY ROAD, COBURG - PLANNING APPLICATION NO. MPS/2021/868



| | | | | | |
|---|---|--------------------------------------|----------------------------|--------------------------------------|----------------------------|
| Property: | 170 Sydney Road, Coburg | | | | |
| Proposal: | Construction of an eight-storey mixed-use development, use of the land for the purposes of dwellings, a reduction to the standard car parking requirement, and alteration of access to a Road in a Transport Zone 2. | | | | |
| Zoning and Overlay/s: | <ul style="list-style-type: none"> Activity Centre Zone (Precinct 7) Development Contributions Plan Overlay (DCPO1) Parking Overlay (PO1) | | | | |
| Strategic setting: | <table border="1"> <tr> <td>Minimal housing growth</td> <td>Incremental housing growth</td> <td>Increased house densities encouraged</td> <td>Significant housing growth</td> </tr> </table> | Minimal housing growth | Incremental housing growth | Increased house densities encouraged | Significant housing growth |
| Minimal housing growth | Incremental housing growth | Increased house densities encouraged | Significant housing growth | | |
| Objections: | <ul style="list-style-type: none"> Four (4) objections Key issues: <ul style="list-style-type: none"> Building height and scale Car parking Overshadowing | | | | |
| Planning Information and Discussion (PID) Meeting: | No PID held. Direct engagement with each objector has taken place. | | | | |
| ESD: | <ul style="list-style-type: none"> Minimum average NatHERS rating of 8.1 stars. 71 per cent BESS score Gas-free development | | | | |
| Accessibility: | <ul style="list-style-type: none"> Adaptable apartments comprise 50 per cent of the proposal, but subject to recommended permit condition can comprise 74 per cent of the proposal. | | | | |

| | |
|--------------------------------|--|
| Key reasons for support | <ul style="list-style-type: none"> • Excellence in building design • Excellence in ESD and accessibility. • Provision of affordable housing. • Suitably mitigated off-site amenity impacts through generous rear setbacks and modest upper-level floorplates. • High level of compliance with Clause 58 and 15.01-2L Apartment Developments in Moreland |
| Recommendation: | Notice of Decision to Grant a Planning Permit be issued for the proposal. |

Officer Recommendation

That a Notice of Decision to Grant Planning Permit No. MPS/2021/868 be issued for the construction of multi-storey mixed-use development, the use of land for dwellings and a reduction to the standard car parking requirement at 170 Sydney Road, Coburg, 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 prepared by Kennedy Nolan (TP000-TP300), dated 12 May 2022 and advertised in June 2022, but modified to show:
 - a) Detailed façade elevations (with dimensions) at a scale of 1:20 for the west-facing podium level to Sydney Road and east-facing lower-level interface with Irrelach Lane. These elevations are to include detail relating to openings, services and external finishes & treatments. Any services on the façade must be highly concealed and treated to integrate with the building architecture.
 - b) The Level 7 pergola in the communal rooftop terrace reduced in area and/or sited further back from the Sydney Road frontage to reduce its visibility from the public realm.
 - c) A schedule of materials, finishes and colours, including physical samples of all external finishes.
 - d) External walls of the light well areas painted in a light colour to assist with reflection of light to habitable rooms.
 - e) Apartment Types A, D and E1 provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to include the following:
 - i. Note confirming the door will be outwards opening or inwards opening and installed with readily removable hinges;
 - ii. Dimensions confirming the door is to have a minimum width of 850mm;
 - iii. Note confirming the shower is to be hobless/step-free.
 - f) Apartment Type E1 provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to show the toilet in the corner of the room.
 - g) Apartment Types G, I and J provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to include the following:
 - i. Note confirming the door will be outwards opening or inwards opening and installed with readily removable hinges;
 - ii. Dimensions confirming the door is to have a minimum width of 820mm;

- iii. Note confirming the shower is to be hobless/step-free and be provided with a removable screen.
- h) Apartment Types B and C to comply with Clause 58 Standard D18 (Accessibility) in accordance with concept images and email dated 29 August 2022 which show an increased bathroom width.
- i) All accessible apartment types provided with front door clear opening dimension of at least 850mm.
- j) Four on-site car share parking spaces and one loading space shown within the rear setback, designed to comply with the requirements of Clause 52.06-9 of the Moreland Planning Scheme. Spaces in the southernmost parking area are to exhibit a minimum width of 2.8m and a minimum length of 4.9m. Spaces in the northernmost parking area are to exhibit a minimum width of 3.2m and a minimum length of 4.9m.
- k) The location of any substation required by the relevant power company. 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.
- l) A Landscape Plan in accordance with Condition 3 of this permit, including any modifications required to align with this plan.
- m) An amended Waste Management Plan in accordance with Condition 6 of this permit, including any modifications required to align with this plan.
- n) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within the amended Sustainability Management Plan required by Condition 8 of this permit.
- o) A Public Works Plan in accordance with Condition 12 of this permit, including any modifications required to align with this plan.
- p) An Accessibility Report in accordance with Condition 16 of this permit, including any modifications required to align with this plan.
- q) An amended Acoustic Report in accordance with Condition 36 of this permit, including any modifications required to align with this plan.
- r) An Amended Wind Impact Assessment in accordance with Condition 39 of this permit, including any necessary modifications required to align with his plan.
- s) An Amended Affordable Housing Report in accordance with Condition 41 of this permit.

Compliance with endorsed plans

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.

Landscape plan

3. Prior to the endorsement of plans, a Landscape Plan must be submitted to and approved by the Responsible Authority. To the satisfaction of the Responsible Authority, the landscape plan must show but not be limited to:
 - a) The ground-floor landscaped light well marked as permeable;
 - b) Details of soil depth for the planting of appropriate small and medium trees and shrubs within the first-floor light wells;
 - c) A schedule of proposed landscaping works and planting that includes information on vegetation selection, quantities, location, establishment and maintenance in

accordance with the Moreland Tree Planting Manual for Residential Zones, 2014. Where located within the landscaped light well areas, this selection must be appropriate for the constrained context of these areas;

- d) Climbers and planters provided to pergolas (where appropriate) and balcony areas;
- e) Notations relating to the suitable irrigation and maintenance of planting throughout the development, including in private balcony spaces;
- f) The rear car park area noted as permeable (where practicable).

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.

- 4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
- 5. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Waste Management Plan

- 6. Prior to the endorsement of plans, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Ratio Consultants and dated February 2022, but be modified to:
 - a) Stipulate that bins will be stored within the site and collected from Irrelach Lane via a private collection service
 - b) Set out the nature and frequency of the private collection service;
 - c) Set out how disruptions to Irrelach Lane will be mitigated to the maximum extent practicable (ie. through the collection of larger bins resulting in shorter collection times etc);
 - d) Confirm that waste must be collected from the site within the following hours only:
 - i. Between 6:30am and 8:00pm, Monday to Saturday; or
 - ii. 9:00am and 8:00pm, Sundays and public holidays.
 - e) Demonstrate that a private waste collection vehicle can achieve safe and convenient access to the waste collection area through swept path analysis and commentary from a suitably qualified professional;
 - f) Reflect modifications made to the proposal in accordance with Condition 1 of this permit.

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.

- 7. 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.

Sustainability Management Plan

- 8. Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP and plans must demonstrate a best practice standard of environmentally sustainable design, and be generally in accordance with the advertised SMP

prepared by Lucid Consulting dated 27 June 2022 but modified to include the following changes:

- a) Amended SMP to include the changes set out in the discussion SMP received 29 August 2022, including:
 - i. Reference to amended WSUD response providing rainwater tank connection to ground-level toilets;
 - ii. Reference to the updated BESS Scores;
- b) Amended BESS Report (and any other corresponding documentation) to:
 - i. Reference the changes as per the discussion BESS Report received 29 August 2022.
 - ii. IEQ – Provide evidence that shading meets the NCC fire safety combustion requirements and is metal or a fabric that complies.
- c) Show the following ESD initiatives on the development plans:
 - i. Add an overhang and external adjustable blind to the level 3 west facing windows and glazed doors to reduce heat gain.
 - ii. WSUD – clearly draw and label the 10,000 litre water tank listed in the MUSIC report (or tank size required to gain an acceptable score in MUSIC) on the ground floor plan.

Where alternative ESD initiatives are proposed to those specified in this condition, 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 SDA and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA may occur without the written consent of the Responsible Authority.

9. 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 Sustainable 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.
10. Prior to the issue of Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, 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 evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

Green Travel Plan

11. Prior to the commencement of the development, the Green Travel Plan prepared by Ratio Consultants dated March 2022 must be endorsed to form part of the permit. The Green Travel Plan endorsed as part of this permit must be complied with at all times. No alterations to the Green Travel Plan may occur without the written consent of the Responsible Authority.

Public Works Plan

12. Prior to the commencement of the development, a Public Works Plan (PWP) and associated construction drawing specifications detailing the works to the land at the

front of the site in Sydney Road and to the east of the site in Irrelach Lane must be submitted to the satisfaction of the Responsible Authority. The PWP must include:

- a) All construction details in accordance with the *Moreland City Council Technical Notes July 2019* (or any updated version).
- b) A detailed level and feature survey of the footpaths and roads.
- c) Longitudinal plans of the road verge commencing 10 metres beyond the site boundary, together with cross-sections between the kerb and the building line at 5 metre intervals, with levels showing the slope of the public footpath and highlighting how the level difference between footpath and floor levels will be made up within the site to the satisfaction of the Responsible Authority.
- d) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent).
- e) Any necessary parking signs.
- f) Any necessary drainage works.
- g) The installation of bike hoops provided with graffiti-resistant surfaces.
- h) Any other works and street furniture including seating (provided with graffiti-resistant surfaces).
- i) The provision of new street tree planting along Sydney Road in appropriate locations in front of the site (where practicable), with the number of trees maximised based on the space available, in consultation with the Responsible Authority (Open Space Department).
- j) The existing street tree on Sydney Road retained and protected as per Condition 35.

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

13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Retention of Architect

14. Kennedy Nolan Architects must provide architectural oversight of the delivery of the detailed design (as shown in the endorsed plans and endorsed schedule of materials and finishes) during construction, unless with the prior written approval of the Responsible Authority.

Accessibility

16. Prior to the endorsement of plans an amended Accessibility Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Access Studio dated 20 October 2021 (and associated memo dated 26 May 2022) but modified to:
 - a) Reflect the decision plans, with any changes required under Condition 1 of this permit.
 - b) Set out how compliance with Clause 58 Standard D17 (Accessibility) is achieved for Apartment Types B and C.
17. The recommendations of the approved Accessibility Report must be implemented to the satisfaction of the Responsible Authority. No alterations to the plan may occur

without the written consent of the Responsible Authority.

18. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Accessibility 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 Accessibility Report have been implemented in accordance with the approved report.

Potentially Contaminated Land

19. Before the construction or carrying out of buildings and works, the owner(s) must provide:
 - a) A Preliminary Risk Screen Assessment statement in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or
 - b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or
 - c) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.
20. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.
21. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first). 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).
22. 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 an environmental audit statement.
23. 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 21, 22 and 23 of this permit are satisfied.
24. Prior to commencement of the use, the issue of an Occupancy Permit under the

Building Act 1993 or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the *Environment Protection Act 2017*, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.

25. Where a preliminary risk screen assessment has satisfied Condition 19 (that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the Responsible Authority.

Civil Engineering and General Amenity

26. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
27. The public road footpath levels must not be altered. The development is to provide ramps or steps within the site to access the adopted floor levels, to the satisfaction of the Responsible Authority.
28. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height not less than 3m above the level of the footpath in accordance with Clause 507 of the Building Regulations 2006 to the satisfaction of the Responsible Authority.
29. All external lighting, other than balcony lighting, must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
30. Lighting on each balcony must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
31. Prior to the occupation of the development 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.
32. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
33. 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).
34. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.

Street Tree

35. Prior to the commencement of works a tree protection zone must be established around the existing street tree with barriers / fencing placed a distance of at least 12 times the trunk diameter (measured 1.4m above the ground) or 2 metres (whichever is greater) in accordance with the Australian Standard for Protection of trees on

development sites (AS4970-2009), or in accordance with Council's Arborist direction, to the satisfaction of the Responsible Authority.

Acoustic Attenuation

36. Prior to the endorsement of plans, an amended Acoustic Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Marshall Day Acoustics, dated 21 October 2021 but modified to:
 - a) Reference the decision plans and any changes required by Condition 1 of this permit.
 - b) Clearly set out how compliance with the objectives and requirements of Clause 58 Standard D16 is achieved in the approved development configuration.
 - c) Clearly set out how compliance with other noise criteria listed in Section 3.5 of the Acoustic Report is achieved in the approved development configuration.
37. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
38. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Acoustic 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 Acoustic Report have been implemented in accordance with the approved Acoustic Report.

Wind Impact Assessment

39. Prior to the endorsement of plans, an amended Wind Impact Assessment must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by MEL Consultants, dated 27 May 2022 but modified to:
 - a) Relate to the development as approved by this permit, including any changes required by Condition 1 of this permit;
 - b) Clearly set out the expected mean wind speed for each area type assessed in the report as per the development approved by this permit;
 - c) Clearly set out that compliance with Clause 58 Standard D17 (Wind Impacts) is achieved in relation to unsafe wind conditions (Table D6) as per the development approved by this permit, or provide direction on changes required to achieve compliance.

Redundant Crossover

40. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

3D Model

41. 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.

Affordable Housing

42. Prior to the endorsement of plans, an amended Affordable Housing Report must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Affordable Housing Report prepared by Urbanxchange and dated January 2022, but modified to:
- a) Reference the updated development as approved by this permit;
 - b) Reference the amended Affordable Housing Offer of a minimum of five (5) dwellings or 10 per cent of the total number of dwellings (rounded up) to the nearest whole number transferred to a Registered Housing Agency as 'Affordable Dwellings'. Each dwelling is to be sold at no more than 90 per cent of the 'Market Price' as applicable to the balance of dwellings within the development;
 - c) Define 'Market Price' as the 'at cost' purchase price of dwellings as per the developer's not-for-profit model – i.e. the price at which the dwellings will be sold so as to cover what it costs to procure, design, manage and construct the dwellings;
 - d) Set out a minimum tenure for the 'Affordable Dwellings' of 20 years from first occupation.
43. Prior to the commencement of construction or carrying out of works (other than demolition of existing buildings and structures, removal of vegetation and site investigation works to determine the level of contamination on the land, and remediation works), an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner(s) of the land and the Responsible Authority in a form satisfactory to the Responsible Authority providing for the following:
- a) The owner covenants, acknowledges and agrees with Council to:
 - i. Provide ownership of no less than five (5) dwellings or 10 per cent of the total number of dwellings (rounded up to the nearest whole number approved on the site to be transferred as 'Affordable Dwellings' to a Registered Housing Agency. Each dwelling is to be sold at no more than 90 per cent of the 'Market Price' as relevant to the balance of dwellings within the development, and as defined in the endorsed Affordable Housing Report required by Condition 42 of the Permit.
 - ii. Each affordable dwelling is to be subject to a condition on title that it is to be used to deliver either social housing (as defined by the Housing Act 1983) or Affordable Housing (as defined by the Planning & Environment Act 1987) for a minimum period of 20 years after first occupation.
 - iii. All dwellings on site must be delivered, managed, leased and sold in accordance with the endorsed Affordable Housing Report required by Condition 41 of the permit;
 - iv. Construct the Affordable Housing on the subject land in a continuous, proper and workmanlike manner, strictly in accordance with:
 - The Plans and Specifications;
 - All applicable laws;
 - The terms of applicable permits and approvals; and
 - Using all due care and skill.
 - v. Complete delivery of its Affordable Housing commitments under this Agreement by:

- Providing good titles to the Registered Housing Agency including all necessary title documents in registerable form pursuant to Clause a); or
 - Fully performing its contractual commitments under Clause a) iii.
- b) The owner must comply with Clause (a)(i) and (a)(ii) within six months of the last to occur of:
- i. Registration of the plan of subdivision which creates the Affordable Housing Lots; and
 - ii. Completion of construction of the Affordable Housing, as signified by the issuing of an occupancy permit by a licensed building surveyor for each of the lots comprising the Affordable Housing.

The agreement must be registered on title. The owner(s) must pay the costs of the Responsible Authority in relation to the preparation, execution and registration of the agreement on title.

Development Contributions

44. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development 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.

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:

- a) a maximum of 12 months from the date of issue of the Building Permit; or
- b) 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.

Expiry Conditions

45. This permit will expire if one of the following circumstances applies:
- a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit;
 - c) the use is not commenced within four (4) years from the date of issue of this permit.

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

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

Notes: These notes are for information only and do not constitute part of this planning permit

Note 1: 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.

Note 2: Should Council impose or amend car parking restrictions in this area, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street.

Note 3: Contact needs to be made with Jemena to determine whether Jemena will require the power lines to be relocated away from the dwellings.

Note 4: The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.

Note 5: Environmental Audit Notes

- 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 5 business days of issue, in accordance with Section 210 of the *Environment Protection Act 2017* (Vic).
- 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 the *Environment Protection Act 2017*.
- 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.

7.07pm Cr Carli Hannan returned to the meeting during the debate.

Motion

Cr Conlan moved, Cr Panopoulos seconded –

That a Notice of Decision to Grant Planning Permit No. MPS/2021/868 be issued for the construction of multi-storey mixed-use development, the use of land for dwellings, alteration of access to a road in a Transport Zone 2 and reduction to the standard car parking requirement at 170 Sydney Road, Coburg, 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 prepared by Kennedy Nolan (TP000-TP300), dated 12 May 2022 and advertised in June 2022, but modified to show:
 - a) Detailed façade elevations (with dimensions) at a scale of 1:20 for the west-facing podium level to Sydney Road and east-facing lower-level interface with Irrelach Lane. These elevations are to include detail relating to openings, services and external finishes & treatments. Any services on the façade must be highly concealed and treated to integrate with the building architecture.
 - b) The Level 7 pergola in the communal rooftop terrace reduced in area and/or sited further back from the Sydney Road frontage to reduce its visibility from the public realm.
 - c) A schedule of materials, finishes and colours, including physical samples of all external finishes.
 - d) External walls of the light well areas painted in a light colour to assist with reflection of light to habitable rooms.

- e) Apartment Types A, D and E1 provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to include the following:
 - i. Note confirming the door will be outwards opening or inwards opening and installed with readily removable hinges;
 - ii. Dimensions confirming the door is to have a minimum width of 850mm;
 - iii. Note confirming the shower is to be hobless/step-free.
- f) Apartment Type E1 provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to show the toilet in the corner of the room.
- g) Apartment Types G, I and J provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to include the following:
 - i. Note confirming the door will be outwards opening or inwards opening and installed with readily removable hinges;
 - ii. Dimensions confirming the door is to have a minimum width of 820mm;
 - iii. Note confirming the shower is to be hobless/step-free and be provided with a removable screen.
- h) Apartment Types B and C to comply with Clause 58 Standard D18 (Accessibility) in accordance with concept images and email dated 29 August 2022 which show an increased bathroom width.
- i) All accessible apartment types provided with front door clear opening dimension of at least 850mm.
- j) Four on-site car share parking spaces and one loading space shown within the rear setback, designed to comply with the requirements of Clause 52.06-9 of the Moreland Planning Scheme. Spaces in the southernmost parking area are to exhibit a minimum width of 2.8m and a minimum length of 4.9m. Spaces in the northernmost parking area are to exhibit a minimum width of 3.2m and a minimum length of 4.9m.
- k) The location of any substation required by the relevant power company. 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.
- l) A Landscape Plan in accordance with Condition 3 of this permit, including any modifications required to align with this plan.
- m) An amended Waste Management Plan in accordance with Condition 6 of this permit, including any modifications required to align with this plan.
- n) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within the amended Sustainability Management Plan required by Condition 8 of this permit.
- o) A Public Works Plan in accordance with Condition 12 of this permit, including any modifications required to align with this plan.
- p) An Accessibility Report in accordance with Condition 16 of this permit, including any modifications required to align with this plan.
- q) An amended Acoustic Report in accordance with Condition 36 of this permit, including any modifications required to align with this plan.
- r) An Amended Wind Impact Assessment in accordance with Condition 39 of this permit, including any necessary modifications required to align with his plan.
- s) An Amended Affordable Housing Report in accordance with Condition 42 of this permit.

- t) **The deletion of level 8 of the rear (Irrelach Lane) upper level building component (approximately 3.1m of building height).**

Compliance with endorsed plans

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.

Landscape plan

3. Prior to the endorsement of plans, a Landscape Plan must be submitted to and approved by the Responsible Authority. To the satisfaction of the Responsible Authority, the landscape plan must show but not be limited to:
- a) The ground-floor landscaped light well marked as permeable;
 - b) Details of soil depth for the planting of appropriate small and medium trees and shrubs within the first-floor light wells;
 - c) A schedule of proposed landscaping works and planting that includes information on vegetation selection, quantities, location, establishment and maintenance in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014. Where located within the landscaped light well areas, this selection must be appropriate for the constrained context of these areas;
 - d) Climbers and planters provided to pergolas (where appropriate) and balcony areas;
 - e) Notations relating to the suitable irrigation and maintenance of planting throughout the development, including in private balcony spaces;
 - f) The rear car park area noted as permeable (where practicable).

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.

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
5. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Waste Management Plan

6. Prior to the endorsement of plans, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Ratio Consultants and dated February 2022, but be modified to:
- a) Stipulate that bins will be stored within the site and collected from Irrelach Lane via a private collection service
 - b) Set out the nature and frequency of the private collection service;
 - c) Set out how disruptions to Irrelach Lane will be mitigated to the maximum extent practicable (ie. through the collection of larger bins resulting in shorter collection times etc);
 - d) Confirm that waste must be collected from the site within the following hours only:
 - i. Between 6:30am and 8:00pm, Monday to Saturday; or

- ii. 9:00am and 8:00pm, Sundays and public holidays.
- e) Demonstrate that a private waste collection vehicle can achieve safe and convenient access to the waste collection area through swept path analysis and commentary from a suitably qualified professional;
- f) Reflect modifications made to the proposal in accordance with Condition 1 of this permit.

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.

7. 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.

Sustainability Management Plan

8. Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP and plans must demonstrate a best practice standard of environmentally sustainable design, and be generally in accordance with the advertised SMP prepared by Lucid Consulting dated 27 June 2022 but modified to include the following changes:
 - a) Amended SMP to include the changes set out in the discussion SMP received 29 August 2022, including:
 - i. Reference to amended WSUD response providing rainwater tank connection to ground-level toilets;
 - ii. Reference to the updated BESS Scores;
 - b) Amended BESS Report (and any other corresponding documentation) to:
 - i. Reference the changes as per the discussion BESS Report received 29 August 2022.
 - ii. IEQ – Provide evidence that shading meets the NCC fire safety combustion requirements and is metal or a fabric that complies.
 - c) Show the following ESD initiatives on the development plans:
 - i. Add an overhang and external adjustable blind to the level 3 west facing windows and glazed doors to reduce heat gain.
 - ii. WSUD – clearly draw and label the 10,000 litre water tank listed in the MUSIC report (or tank size required to gain an acceptable score in MUSIC) on the ground floor plan.

Where alternative ESD initiatives are proposed to those specified in this condition, 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 SDA and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA may occur without the written consent of the Responsible Authority.

9. 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 Sustainable 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.

10. Prior to the issue of Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, 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 evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

Green Travel Plan

11. Prior to the commencement of the development, the Green Travel Plan prepared by Ratio Consultants dated March 2022 must be endorsed to form part of the permit. The Green Travel Plan endorsed as part of this permit must be complied with at all times. No alterations to the Green Travel Plan may occur without the written consent of the Responsible Authority.

Public Works Plan

12. Prior to the commencement of the development, a Public Works Plan (PWP) and associated construction drawing specifications detailing the works to the land at the front of the site in Sydney Road and to the east of the site in Irrelach Lane must be submitted to the satisfaction of the Responsible Authority. The PWP must include:
 - a) All construction details in accordance with the *Moreland City Council Technical Notes July 2019* (or any updated version).
 - b) A detailed level and feature survey of the footpaths and roads.
 - c) Longitudinal plans of the road verge commencing 10 metres beyond the site boundary, together with cross-sections between the kerb and the building line at 5 metre intervals, with levels showing the slope of the public footpath and highlighting how the level difference between footpath and floor levels will be made up within the site to the satisfaction of the Responsible Authority.
 - d) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent).
 - e) Any necessary parking signs.
 - f) Any necessary drainage works.
 - g) The installation of bike hoops provided with graffiti-resistant surfaces.
 - h) Any other works and street furniture including seating (provided with graffiti-resistant surfaces).
 - i) The provision of new street tree planting along Sydney Road in appropriate locations in front of the site (where practicable), with the number of trees maximised based on the space available, in consultation with the Responsible Authority (Open Space Department).
 - j) The existing street tree on Sydney Road retained and protected as per Condition 35.

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

13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense

of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Retention of Architect

14. Kennedy Nolan Architects must provide architectural oversight of the delivery of the detailed design (as shown in the endorsed plans and endorsed schedule of materials and finishes) during construction, unless with the prior written approval of the Responsible Authority.

Accessibility

16. Prior to the endorsement of plans an amended Accessibility Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Access Studio dated 20 October 2021 (and associated memo dated 26 May 2022) but modified to:
 - a) Reflect the decision plans, with any changes required under Condition 1 of this permit.
 - b) Set out how compliance with Clause 58 Standard D17 (Accessibility) is achieved for Apartment Types B and C.
17. The recommendations of the approved Accessibility Report must be implemented to the satisfaction of the Responsible Authority. No alterations to the plan may occur without the written consent of the Responsible Authority.
18. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Accessibility 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 Accessibility Report have been implemented in accordance with the approved report.

Potentially Contaminated Land

19. Before the construction or carrying out of buildings and works, the owner(s) must provide:
 - a) A Preliminary Risk Screen Assessment statement in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or
 - b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or
 - c) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.
20. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the

environmental audit statement.

21. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first). 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).
22. 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 an environmental audit statement.
23. 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 21, 22 and 23 of this permit are satisfied.
24. Prior to commencement of the use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the *Environment Protection Act 2017*, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
25. Where a preliminary risk screen assessment has satisfied Condition 19 (that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the Responsible Authority.

Civil Engineering and General Amenity

26. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
27. The public road footpath levels must not be altered. The development is to provide ramps or steps within the site to access the adopted floor levels, to the satisfaction of the Responsible Authority.
28. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height not less than 3m above the level of the footpath in accordance with Clause 507 of the Building Regulations 2006 to the satisfaction of the Responsible Authority.
29. All external lighting, other than balcony lighting, must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

30. Lighting on each balcony must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
31. Prior to the occupation of the development 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.
32. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
33. 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).
34. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.

Street Tree

35. Prior to the commencement of works a tree protection zone must be established around the existing street tree with barriers / fencing placed a distance of at least 12 times the trunk diameter (measured 1.4m above the ground) or 2 metres (whichever is greater) in accordance with the Australian Standard for Protection of trees on development sites (AS4970-2009), or in accordance with Council's Arborist direction, to the satisfaction of the Responsible Authority.

Acoustic Attenuation

36. Prior to the endorsement of plans, an amended Acoustic Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Marshall Day Acoustics, dated 21 October 2021 but modified to:
 - a) Reference the decision plans and any changes required by Condition 1 of this permit.
 - b) Clearly set out how compliance with the objectives and requirements of Clause 58 Standard D16 is achieved in the approved development configuration.
 - c) Clearly set out how compliance with other noise criteria listed in Section 3.5 of the Acoustic Report is achieved in the approved development configuration.
37. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
38. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Acoustic 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 Acoustic Report have been implemented in accordance with the approved Acoustic Report.

Wind Impact Assessment

39. Prior to the endorsement of plans, an amended Wind Impact Assessment must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by MEL Consultants, dated 27 May 2022 but modified to:
 - a) Relate to the development as approved by this permit, including any changes required by Condition 1 of this permit;

- b) Clearly set out the expected mean wind speed for each area type assessed in the report as per the development approved by this permit;
- c) Clearly set out that compliance with Clause 58 Standard D17 (Wind Impacts) is achieved in relation to unsafe wind conditions (Table D6) as per the development approved by this permit, or provide direction on changes required to achieve compliance.

Redundant Crossover

- 40. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

3D Model

- 41. 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.

Affordable Housing

- 42. Prior to the endorsement of plans, an amended Affordable Housing Report must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Affordable Housing Report prepared by Urbanxchange and dated January 2022, but modified to:
 - a) Reference the updated development as approved by this permit;
 - b) Reference the amended Affordable Housing Offer of a minimum of five (5) dwellings or 10 per cent of the total number of dwellings (rounded up) to the nearest whole number transferred to a Registered Housing Agency as 'Affordable Dwellings'. Each dwelling is to be sold at no more than 90 per cent of the 'Market Price' as applicable to the balance of dwellings within the development;
 - c) Define 'Market Price' as the 'at cost' purchase price of dwellings as per the developer's not-for-profit model – i.e. the price at which the dwellings will be sold so as to cover what it costs to procure, design, manage and construct the dwellings;
 - d) Set out a minimum tenure for the 'Affordable Dwellings' of 20 years from first occupation.
- 43. Prior to the commencement of construction or carrying out of works (other than demolition of existing buildings and structures, removal of vegetation and site investigation works to determine the level of contamination on the land, and remediation works), an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner(s) of the land and the Responsible Authority in a form satisfactory to the Responsible Authority providing for the following:
 - a) The owner covenants, acknowledges and agrees with Council to:
 - i. Provide ownership of no less than five (5) dwellings or 10 per cent of the total number of dwellings (rounded up to the nearest whole number approved on the site to be transferred as 'Affordable Dwellings' to a Registered Housing Agency. Each dwelling is to be sold at no more than

90 per cent of the 'Market Price' as relevant to the balance of dwellings within the development, and as defined in the endorsed Affordable Housing Report required by Condition 42 of the Permit.

- ii. Each affordable dwelling is to be subject to a condition on title that it is to be used to deliver either social housing (as defined by the Housing Act 1983) or Affordable Housing (as defined by the Planning & Environment Act 1987) for a minimum period of 20 years after first occupation.
 - iii. All dwellings on site must be delivered, managed, leased and sold in accordance with the endorsed Affordable Housing Report required by Condition 42 of the permit;
 - iv. Construct the Affordable Housing on the subject land in a continuous, proper and workmanlike manner, strictly in accordance with:
 - The Plans and Specifications;
 - All applicable laws;
 - The terms of applicable permits and approvals; and
 - Using all due care and skill.
 - v. Complete delivery of its Affordable Housing commitments under this Agreement by:
 - Providing good titles to the Registered Housing Agency including all necessary title documents in registerable form pursuant to Clause a); or
 - Fully performing its contractual commitments under Clause a) iii.
- b) The owner must comply with Clause (a)(i) and (a)(ii) within six months of the last to occur of:
- i. Registration of the plan of subdivision which creates the Affordable Housing Lots; and
 - ii. Completion of construction of the Affordable Housing, as signified by the issuing of an occupancy permit by a licensed building surveyor for each of the lots comprising the Affordable Housing.

The agreement must be registered on title. The owner(s) must pay the costs of the Responsible Authority in relation to the preparation, execution and registration of the agreement on title.

Development Contributions

44. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development 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.

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:

- a) a maximum of 12 months from the date of issue of the Building Permit; or
- b) 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.

Expiry Conditions

45. This permit will expire if one of the following circumstances applies:
- a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit;
 - c) the use is not commenced within four (4) years from the date of issue of this permit.

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

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

Notes: These notes are for information only and do not constitute part of this planning permit

Note 1: 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.

Note 2: Should Council impose or amend car parking restrictions in this area, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street.

Note 3: Contact needs to be made with Jemena to determine whether Jemena will require the power lines to be relocated away from the dwellings.

Note 4: The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.

Note 5: Environmental Audit Notes

- 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 5 business days of issue, in accordance with Section 210 of the *Environment Protection Act 2017* (Vic).
- 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 the *Environment Protection Act 2017*.
- 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.

Lost

Cr Riley called for a division.

For

Cr Pulford
Cr Panopoulos
Cr Conlan
Cr Riley
Cr Yildiz

Against

Cr Davidson
Cr Carli Hannan
Cr Tapinos
Cr Pavlidis
Cr Bolton

Total For (5)**Total Against (6)****Foreshadowed motion**

That a Notice of Decision to Grant Planning Permit No. MPS/2021/868 be issued for the construction of multi-storey mixed-use development, the use of land for dwellings, **alteration of access to a road in a Transport Zone 2**, and a reduction to the standard car parking requirement at 170 Sydney Road, Coburg, 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 prepared by Kennedy Nolan (TP000-TP300), dated 12 May 2022 and advertised in June 2022, but modified to show:
 - a) Detailed façade elevations (with dimensions) at a scale of 1:20 for the west-facing podium level to Sydney Road and east-facing lower-level interface with Irrelach Lane. These elevations are to include detail relating to openings, services and external finishes & treatments. Any services on the façade must be highly concealed and treated to integrate with the building architecture.
 - b) The Level 7 pergola in the communal rooftop terrace reduced in area and/or sited further back from the Sydney Road frontage to reduce its visibility from the public realm.
 - c) A schedule of materials, finishes and colours, including physical samples of all external finishes.
 - d) External walls of the light well areas painted in a light colour to assist with reflection of light to habitable rooms.
 - e) Apartment Types A, D and E1 provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to include the following:
 - i. Note confirming the door will be outwards opening or inwards opening and installed with readily removable hinges;
 - ii. Dimensions confirming the door is to have a minimum width of 850mm;
 - iii. Note confirming the shower is to be hobless/step-free.
 - f) Apartment Type E1 provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to show the toilet in the corner of the room.
 - g) Apartment Types G, I and J provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to include the following:
 - i. Note confirming the door will be outwards opening or inwards opening and installed with readily removable hinges;
 - ii. Dimensions confirming the door is to have a minimum width of 820mm;
 - iii. Note confirming the shower is to be hobless/step-free and be provided with a removable screen.
 - h) Apartment Types B and C to comply with Clause 58 Standard D18 (Accessibility) in accordance with concept images and email dated 29 August 2022 which show an increased bathroom width.
 - i) All accessible apartment types provided with front door clear opening dimension of at least 850mm.
 - j) Four on-site car share parking spaces and one loading space shown within the rear setback, designed to comply with the requirements of Clause 52.06-9 of the Moreland Planning Scheme. Spaces in the southernmost parking area are to

exhibit a minimum width of 2.8m and a minimum length of 4.9m. Spaces in the northernmost parking area are to exhibit a minimum width of 3.2m and a minimum length of 4.9m.

- k) The location of any substation required by the relevant power company. 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.
- l) A Landscape Plan in accordance with Condition 3 of this permit, including any modifications required to align with this plan.
- m) An amended Waste Management Plan in accordance with Condition 6 of this permit, including any modifications required to align with this plan.
- n) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within the amended Sustainability Management Plan required by Condition 8 of this permit.
- o) A Public Works Plan in accordance with Condition 12 of this permit, including any modifications required to align with this plan.
- p) An Accessibility Report in accordance with Condition 16 of this permit, including any modifications required to align with this plan.
- q) An amended Acoustic Report in accordance with Condition 36 of this permit, including any modifications required to align with this plan.
- r) An Amended Wind Impact Assessment in accordance with Condition 39 of this permit, including any necessary modifications required to align with his plan.
- s) An Amended Affordable Housing Report in accordance with Condition **42** of this permit.

Compliance with endorsed plans

- 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.

Landscape plan

- 3. Prior to the endorsement of plans, a Landscape Plan must be submitted to and approved by the Responsible Authority. To the satisfaction of the Responsible Authority, the landscape plan must show but not be limited to:
 - a) The ground-floor landscaped light well marked as permeable;
 - b) Details of soil depth for the planting of appropriate small and medium trees and shrubs within the first-floor light wells;
 - c) A schedule of proposed landscaping works and planting that includes information on vegetation selection, quantities, location, establishment and maintenance in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014. Where located within the landscaped light well areas, this selection must be appropriate for the constrained context of these areas;
 - d) Climbers and planters provided to pergolas (where appropriate) and balcony areas;
 - e) Notations relating to the suitable irrigation and maintenance of planting throughout the development, including in private balcony spaces;
 - f) The rear car park area noted as permeable (where practicable).

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.

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
5. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Waste Management Plan

6. Prior to the endorsement of plans, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Ratio Consultants and dated February 2022, but be modified to:
 - a) Stipulate that bins will be stored within the site and collected from Irrelach Lane via a private collection service
 - b) Set out the nature and frequency of the private collection service;
 - c) Set out how disruptions to Irrelach Lane will be mitigated to the maximum extent practicable (ie. through the collection of larger bins resulting in shorter collection times etc);
 - d) Confirm that waste must be collected from the site within the following hours only:
 - i. Between 6:30am and 8:00pm, Monday to Saturday; or
 - ii. 9:00am and 8:00pm, Sundays and public holidays.
 - e) Demonstrate that a private waste collection vehicle can achieve safe and convenient access to the waste collection area through swept path analysis and commentary from a suitably qualified professional;
 - f) Reflect modifications made to the proposal in accordance with Condition 1 of this permit.

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.

7. 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.

Sustainability Management Plan

8. Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP and plans must demonstrate a best practice standard of environmentally sustainable design, and be generally in accordance with the advertised SMP prepared by Lucid Consulting dated 27 June 2022 but modified to include the following changes:
 - a) Amended SMP to include the changes set out in the discussion SMP received 29 August 2022, including:
 - i. Reference to amended WSUD response providing rainwater tank connection to ground-level toilets;
 - ii. Reference to the updated BESS Scores;
 - b) Amended BESS Report (and any other corresponding documentation) to:

- i. Reference the changes as per the discussion BESS Report received 29 August 2022.
 - ii. IEQ – Provide evidence that shading meets the NCC fire safety combustion requirements and is metal or a fabric that complies.
- c) Show the following ESD initiatives on the development plans:
- i. Add an overhang and external adjustable blind to the level 3 west facing windows and glazed doors to reduce heat gain.
 - ii. WSUD – clearly draw and label the 10,000 litre water tank listed in the MUSIC report (or tank size required to gain an acceptable score in MUSIC) on the ground floor plan.

Where alternative ESD initiatives are proposed to those specified in this condition, 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 SDA and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA may occur without the written consent of the Responsible Authority.

9. 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 Sustainable 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.
10. Prior to the issue of Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, 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 evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

Green Travel Plan

11. Prior to the commencement of the development, the Green Travel Plan prepared by Ratio Consultants dated March 2022 must be endorsed to form part of the permit. The Green Travel Plan endorsed as part of this permit must be complied with at all times. No alterations to the Green Travel Plan may occur without the written consent of the Responsible Authority.

Public Works Plan

12. Prior to the commencement of the development, a Public Works Plan (PWP) and associated construction drawing specifications detailing the works to the land at the front of the site in Sydney Road and to the east of the site in Irrelach Lane must be submitted to the satisfaction of the Responsible Authority. The PWP must include:
 - a) All construction details in accordance with the *Moreland City Council Technical Notes July 2019* (or any updated version).
 - b) A detailed level and feature survey of the footpaths and roads.
 - c) Longitudinal plans of the road verge commencing 10 metres beyond the site boundary, together with cross-sections between the kerb and the building line at 5 metre intervals, with levels showing the slope of the public footpath and highlighting how the level difference between footpath and floor levels will be made up within the site to the satisfaction of the Responsible Authority.

- d) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent).
- e) Any necessary parking signs.
- f) Any necessary drainage works.
- g) The installation of bike hoops provided with graffiti-resistant surfaces.
- h) Any other works and street furniture including seating (provided with graffiti-resistant surfaces).
- i) The provision of new street tree planting along Sydney Road in appropriate locations in front of the site (where practicable), with the number of trees maximised based on the space available, in consultation with the Responsible Authority (Open Space Department).
- j) The existing street tree on Sydney Road retained and protected as per Condition 35.

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

- 13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Retention of Architect

- 14. Kennedy Nolan Architects must provide architectural oversight of the delivery of the detailed design (as shown in the endorsed plans and endorsed schedule of materials and finishes) during construction, unless with the prior written approval of the Responsible Authority.

Accessibility

- 16. Prior to the endorsement of plans an amended Accessibility Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Access Studio dated 20 October 2021 (and associated memo dated 26 May 2022) but modified to:
 - a) Reflect the decision plans, with any changes required under Condition 1 of this permit.
 - b) Set out how compliance with Clause 58 Standard D17 (Accessibility) is achieved for Apartment Types B and C.
- 17. The recommendations of the approved Accessibility Report must be implemented to the satisfaction of the Responsible Authority. No alterations to the plan may occur without the written consent of the Responsible Authority.
- 18. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Accessibility 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 Accessibility Report have been implemented in accordance with the approved report.

Potentially Contaminated Land

- 19. Before the construction or carrying out of buildings and works, the owner(s) must provide:

- a) A Preliminary Risk Screen Assessment statement in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or
 - b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or
 - c) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.
20. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.
 21. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first). 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).
 22. 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 an environmental audit statement.
 23. 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 21, 22 and 23 of this permit are satisfied.
 24. Prior to commencement of the use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the *Environment Protection Act 2017*, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
 25. Where a preliminary risk screen assessment has satisfied Condition 19 (that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and

use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the Responsible Authority.

Civil Engineering and General Amenity

26. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
27. The public road footpath levels must not be altered. The development is to provide ramps or steps within the site to access the adopted floor levels, to the satisfaction of the Responsible Authority.
28. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height not less than 3m above the level of the footpath in accordance with Clause 507 of the Building Regulations 2006 to the satisfaction of the Responsible Authority.
29. All external lighting, other than balcony lighting, must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
30. Lighting on each balcony must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
31. Prior to the occupation of the development 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.
32. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
33. 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).
34. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.

Street Tree

35. Prior to the commencement of works a tree protection zone must be established around the existing street tree with barriers / fencing placed a distance of at least 12 times the trunk diameter (measured 1.4m above the ground) or 2 metres (whichever is greater) in accordance with the Australian Standard for Protection of trees on development sites (AS4970-2009), or in accordance with Council's Arborist direction, to the satisfaction of the Responsible Authority.

Acoustic Attenuation

36. Prior to the endorsement of plans, an amended Acoustic Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Marshall Day Acoustics, dated 21 October 2021 but modified to:
 - a) Reference the decision plans and any changes required by Condition 1 of this permit.
 - b) Clearly set out how compliance with the objectives and requirements of Clause 58 Standard D16 is achieved in the approved development configuration.

- c) Clearly set out how compliance with other noise criteria listed in Section 3.5 of the Acoustic Report is achieved in the approved development configuration.
37. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
38. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Acoustic 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 Acoustic Report have been implemented in accordance with the approved Acoustic Report.

Wind Impact Assessment

39. Prior to the endorsement of plans, an amended Wind Impact Assessment must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by MEL Consultants, dated 27 May 2022 but modified to:
- a) Relate to the development as approved by this permit, including any changes required by Condition 1 of this permit;
 - b) Clearly set out the expected mean wind speed for each area type assessed in the report as per the development approved by this permit;
 - c) Clearly set out that compliance with Clause 58 Standard D17 (Wind Impacts) is achieved in relation to unsafe wind conditions (Table D6) as per the development approved by this permit, or provide direction on changes required to achieve compliance.

Redundant Crossover

40. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

3D Model

41. 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.

Affordable Housing

42. Prior to the endorsement of plans, an amended Affordable Housing Report must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Affordable Housing Report prepared by Urbanxchange and dated January 2022, but modified to:
- a) Reference the updated development as approved by this permit;
 - b) Reference the amended Affordable Housing Offer of a minimum of five (5) dwellings or 10 per cent of the total number of dwellings (rounded up) to the nearest whole number transferred to a Registered Housing Agency as 'Affordable Dwellings'. Each dwelling is to be sold at no more than 90 per cent

- of the 'Market Price' as applicable to the balance of dwellings within the development;
- c) Define 'Market Price' as the 'at cost' purchase price of dwellings as per the developer's not-for-profit model – i.e. the price at which the dwellings will be sold so as to cover what it costs to procure, design, manage and construct the dwellings;
 - d) Set out a minimum tenure for the 'Affordable Dwellings' of 20 years from first occupation.
43. Prior to the commencement of construction or carrying out of works (other than demolition of existing buildings and structures, removal of vegetation and site investigation works to determine the level of contamination on the land, and remediation works), an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner(s) of the land and the Responsible Authority in a form satisfactory to the Responsible Authority providing for the following:
- a) The owner covenants, acknowledges and agrees with Council to:
 - i. Provide ownership of no less than five (5) dwellings or 10 per cent of the total number of dwellings (rounded up to the nearest whole number approved on the site to be transferred as 'Affordable Dwellings' to a Registered Housing Agency. Each dwelling is to be sold at no more than 90 per cent of the 'Market Price' as relevant to the balance of dwellings within the development, and as defined in the endorsed Affordable Housing Report required by Condition 42 of the Permit.
 - ii. Each affordable dwelling is to be subject to a condition on title that it is to be used to deliver either social housing (as defined by the Housing Act 1983) or Affordable Housing (as defined by the Planning & Environment Act 1987) for a minimum period of 20 years after first occupation.
 - iii. All dwellings on site must be delivered, managed, leased and sold in accordance with the endorsed Affordable Housing Report required by Condition **42** of the permit;
 - iv. Construct the Affordable Housing on the subject land in a continuous, proper and workmanlike manner, strictly in accordance with:
 - The Plans and Specifications;
 - All applicable laws;
 - The terms of applicable permits and approvals; and
 - Using all due care and skill.
 - v. Complete delivery of its Affordable Housing commitments under this Agreement by:
 - Providing good titles to the Registered Housing Agency including all necessary title documents in registerable form pursuant to Clause a); or
 - Fully performing its contractual commitments under Clause a) iii.
 - b) The owner must comply with Clause (a)(i) and (a)(ii) within six months of the last to occur of:
 - i. Registration of the plan of subdivision which creates the Affordable Housing Lots; and

- ii. Completion of construction of the Affordable Housing, as signified by the issuing of an occupancy permit by a licensed building surveyor for each of the lots comprising the Affordable Housing.

The agreement must be registered on title. The owner(s) must pay the costs of the Responsible Authority in relation to the preparation, execution and registration of the agreement on title.

Development Contributions

44. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development 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.

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:

- a) a maximum of 12 months from the date of issue of the Building Permit; or
- b) 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.

Expiry Conditions

45. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit;
 - c) the use is not commenced within four (4) years from the date of issue of this permit.

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

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

Notes: These notes are for information only and do not constitute part of this planning permit

Note 1: 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.

Note 2: Should Council impose or amend car parking restrictions in this area, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street.

Note 3: Contact needs to be made with Jemena to determine whether Jemena will require the power lines to be relocated away from the dwellings.

Note 4: The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act 2004* for this activity

may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.

Note 5: Environmental Audit Notes

- 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 5 business days of issue, in accordance with Section 210 of the *Environment Protection Act 2017* (Vic).
- 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 the *Environment Protection Act 2017*.
- 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.

Resolution

Cr Tapinos moved, Cr Carli Hannan seconded -

That a Notice of Decision to Grant Planning Permit No. MPS/2021/868 be issued for the construction of multi-storey mixed-use development, the use of land for dwellings, alteration of access to a road in a Transport Zone 2, and a reduction to the standard car parking requirement at 170 Sydney Road, Coburg, 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 prepared by Kennedy Nolan (TP000-TP300), dated 12 May 2022 and advertised in June 2022, but modified to show:**
 - a) **Detailed façade elevations (with dimensions) at a scale of 1:20 for the west-facing podium level to Sydney Road and east-facing lower-level interface with Irrelach Lane. These elevations are to include detail relating to openings, services and external finishes & treatments. Any services on the façade must be highly concealed and treated to integrate with the building architecture.**
 - b) **The Level 7 pergola in the communal rooftop terrace reduced in area and/or sited further back from the Sydney Road frontage to reduce its visibility from the public realm.**
 - c) **A schedule of materials, finishes and colours, including physical samples of all external finishes.**
 - d) **External walls of the light well areas painted in a light colour to assist with reflection of light to habitable rooms.**
 - e) **Apartment Types A, D and E1 provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to include the following:**
 - i. **Note confirming the door will be outwards opening or inwards opening and installed with readily removable hinges;**
 - ii. **Dimensions confirming the door is to have a minimum width of 850mm;**
 - iii. **Note confirming the shower is to be hobless/step-free.**

- f) **Apartment Type E1 provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to show the toilet in the corner of the room.**
- g) **Apartment Types G, I and J provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to include the following:**
 - i. **Note confirming the door will be outwards opening or inwards opening and installed with readily removable hinges;**
 - ii. **Dimensions confirming the door is to have a minimum width of 820mm;**
 - iii. **Note confirming the shower is to be hobless/step-free and be provided with a removable screen.**
- h) **Apartment Types B and C to comply with Clause 58 Standard D18 (Accessibility) in accordance with concept images and email dated 29 August 2022 which show an increased bathroom width.**
- i) **All accessible apartment types provided with front door clear opening dimension of at least 850mm.**
- j) **Four on-site car share parking spaces and one loading space shown within the rear setback, designed to comply with the requirements of Clause 52.06-9 of the Moreland Planning Scheme. Spaces in the southernmost parking area are to exhibit a minimum width of 2.8m and a minimum length of 4.9m. Spaces in the northernmost parking area are to exhibit a minimum width of 3.2m and a minimum length of 4.9m.**
- k) **The location of any substation required by the relevant power company. 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.**
- l) **A Landscape Plan in accordance with Condition 3 of this permit, including any modifications required to align with this plan.**
- m) **An amended Waste Management Plan in accordance with Condition 6 of this permit, including any modifications required to align with this plan.**
- n) **The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within the amended Sustainability Management Plan required by Condition 8 of this permit.**
- o) **A Public Works Plan in accordance with Condition 12 of this permit, including any modifications required to align with this plan.**
- p) **An Accessibility Report in accordance with Condition 16 of this permit, including any modifications required to align with this plan.**
- q) **An amended Acoustic Report in accordance with Condition 36 of this permit, including any modifications required to align with this plan.**
- r) **An Amended Wind Impact Assessment in accordance with Condition 39 of this permit, including any necessary modifications required to align with his plan.**
- s) **An Amended Affordable Housing Report in accordance with Condition 42 of this permit.**

Compliance with endorsed plans

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.**

Landscape plan

3. **Prior to the endorsement of plans, a Landscape Plan must be submitted to and approved by the Responsible Authority. To the satisfaction of the Responsible Authority, the landscape plan must show but not be limited to:**
 - a) **The ground-floor landscaped light well marked as permeable;**
 - b) **Details of soil depth for the planting of appropriate small and medium trees and shrubs within the first-floor light wells;**
 - c) **A schedule of proposed landscaping works and planting that includes information on vegetation selection, quantities, location, establishment and maintenance in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014. Where located within the landscaped light well areas, this selection must be appropriate for the constrained context of these areas;**
 - d) **Climbers and planters provided to pergolas (where appropriate) and balcony areas;**
 - e) **Notations relating to the suitable irrigation and maintenance of planting throughout the development, including in private balcony spaces;**
 - f) **The rear car park area noted as permeable (where practicable).**

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.

4. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.**
5. **All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.**

Waste Management Plan

6. **Prior to the endorsement of plans, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Ratio Consultants and dated February 2022, but be modified to:**
 - a) **Stipulate that bins will be stored within the site and collected from Irrelach Lane via a private collection service**
 - b) **Set out the nature and frequency of the private collection service;**
 - c) **Set out how disruptions to Irrelach Lane will be mitigated to the maximum extent practicable (ie. through the collection of larger bins resulting in shorter collection times etc);**
 - d) **Confirm that waste must be collected from the site within the following hours only:**
 - i. **Between 6:30am and 8:00pm, Monday to Saturday; or**
 - ii. **9:00am and 8:00pm, Sundays and public holidays.**
 - e) **Demonstrate that a private waste collection vehicle can achieve safe and convenient access to the waste collection area through swept path analysis and commentary from a suitably qualified professional;**

- f) Reflect modifications made to the proposal in accordance with Condition 1 of this permit.

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.

7. 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.

Sustainability Management Plan

8. Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP and plans must demonstrate a best practice standard of environmentally sustainable design, and be generally in accordance with the advertised SMP prepared by Lucid Consulting dated 27 June 2022 but modified to include the following changes:
- a) Amended SMP to include the changes set out in the discussion SMP received 29 August 2022, including:
 - i. Reference to amended WSUD response providing rainwater tank connection to ground-level toilets;
 - ii. Reference to the updated BESS Scores;
 - b) Amended BESS Report (and any other corresponding documentation) to:
 - i. Reference the changes as per the discussion BESS Report received 29 August 2022.
 - ii. IEQ – Provide evidence that shading meets the NCC fire safety combustion requirements and is metal or a fabric that complies.
 - c) Show the following ESD initiatives on the development plans:
 - i. Add an overhang and external adjustable blind to the level 3 west facing windows and glazed doors to reduce heat gain.
 - ii. WSUD – clearly draw and label the 10,000 litre water tank listed in the MUSIC report (or tank size required to gain an acceptable score in MUSIC) on the ground floor plan.

Where alternative ESD initiatives are proposed to those specified in this condition, 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 SDA and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA may occur without the written consent of the Responsible Authority.

9. 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 Sustainable 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.
10. Prior to the issue of Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, 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 evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

Green Travel Plan

11. Prior to the commencement of the development, the Green Travel Plan prepared by Ratio Consultants dated March 2022 must be endorsed to form part of the permit. The Green Travel Plan endorsed as part of this permit must be complied with at all times. No alterations to the Green Travel Plan may occur without the written consent of the Responsible Authority.

Public Works Plan

12. Prior to the commencement of the development, a Public Works Plan (PWP) and associated construction drawing specifications detailing the works to the land at the front of the site in Sydney Road and to the east of the site in Irrelach Lane must be submitted to the satisfaction of the Responsible Authority. The PWP must include:

- a) All construction details in accordance with the *Moreland City Council Technical Notes July 2019* (or any updated version).
- b) A detailed level and feature survey of the footpaths and roads.
- c) Longitudinal plans of the road verge commencing 10 metres beyond the site boundary, together with cross-sections between the kerb and the building line at 5 metre intervals, with levels showing the slope of the public footpath and highlighting how the level difference between footpath and floor levels will be made up within the site to the satisfaction of the Responsible Authority.
- d) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent).
- e) Any necessary parking signs.
- f) Any necessary drainage works.
- g) The installation of bike hoops provided with graffiti-resistant surfaces.
- h) Any other works and street furniture including seating (provided with graffiti-resistant surfaces).
- i) The provision of new street tree planting along Sydney Road in appropriate locations in front of the site (where practicable), with the number of trees maximised based on the space available, in consultation with the Responsible Authority (Open Space Department).
- j) The existing street tree on Sydney Road retained and protected as per Condition 35.

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

13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Retention of Architect

14. Kennedy Nolan Architects must provide architectural oversight of the delivery of the detailed design (as shown in the endorsed plans and endorsed schedule of materials and finishes) during construction, unless with the prior written approval of the Responsible Authority.

Accessibility

16. Prior to the endorsement of plans an amended Accessibility Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Access Studio dated 20 October 2021 (and associated memo dated 26 May 2022) but modified to:
 - a) Reflect the decision plans, with any changes required under Condition 1 of this permit.
 - b) Set out how compliance with Clause 58 Standard D17 (Accessibility) is achieved for Apartment Types B and C.
17. The recommendations of the approved Accessibility Report must be implemented to the satisfaction of the Responsible Authority. No alterations to the plan may occur without the written consent of the Responsible Authority.
18. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Accessibility 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 Accessibility Report have been implemented in accordance with the approved report.

Potentially Contaminated Land

19. Before the construction or carrying out of buildings and works, the owner(s) must provide:
 - a) A Preliminary Risk Screen Assessment statement in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or
 - b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or
 - c) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.
20. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.
21. Where a Section 173 Agreement is required, the Agreement must be executed

prior to the commencement of the permitted use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first). 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).

22. 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 an environmental audit statement.
23. 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 21, 22 and 23 of this permit are satisfied.
24. Prior to commencement of the use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the *Environment Protection Act 2017*, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
25. Where a preliminary risk screen assessment has satisfied Condition 19 (that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the Responsible Authority.

Civil Engineering and General Amenity

26. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
27. The public road footpath levels must not be altered. The development is to provide ramps or steps within the site to access the adopted floor levels, to the satisfaction of the Responsible Authority.
28. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height not less than 3m above the level of the footpath in accordance with Clause 507 of the Building Regulations 2006 to the satisfaction of the Responsible Authority.
29. All external lighting, other than balcony lighting, must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between

dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

30. Lighting on each balcony must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
31. Prior to the occupation of the development 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.
32. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
33. 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).
34. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.

Street Tree

35. Prior to the commencement of works a tree protection zone must be established around the existing street tree with barriers / fencing placed a distance of at least 12 times the trunk diameter (measured 1.4m above the ground) or 2 metres (whichever is greater) in accordance with the Australian Standard for Protection of trees on development sites (AS4970-2009), or in accordance with Council's Arborist direction, to the satisfaction of the Responsible Authority.

Acoustic Attenuation

36. Prior to the endorsement of plans, an amended Acoustic Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Marshall Day Acoustics, dated 21 October 2021 but modified to:
 - a) Reference the decision plans and any changes required by Condition 1 of this permit.
 - b) Clearly set out how compliance with the objectives and requirements of Clause 58 Standard D16 is achieved in the approved development configuration.
 - c) Clearly set out how compliance with other noise criteria listed in Section 3.5 of the Acoustic Report is achieved in the approved development configuration.
37. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
38. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Acoustic 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 Acoustic Report have been implemented in accordance with the approved Acoustic Report.

Wind Impact Assessment

39. Prior to the endorsement of plans, an amended Wind Impact Assessment must

be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by MEL Consultants, dated 27 May 2022 but modified to:

- a) Relate to the development as approved by this permit, including any changes required by Condition 1 of this permit;
- b) Clearly set out the expected mean wind speed for each area type assessed in the report as per the development approved by this permit;
- c) Clearly set out that compliance with Clause 58 Standard D17 (Wind Impacts) is achieved in relation to unsafe wind conditions (Table D6) as per the development approved by this permit, or provide direction on changes required to achieve compliance.

Redundant Crossover

40. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

3D Model

41. 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.

Affordable Housing

42. Prior to the endorsement of plans, an amended Affordable Housing Report must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Affordable Housing Report prepared by Urbanxchange and dated January 2022, but modified to:
 - a) Reference the updated development as approved by this permit;
 - b) Reference the amended Affordable Housing Offer of a minimum of five (5) dwellings or 10 per cent of the total number of dwellings (rounded up) to the nearest whole number transferred to a Registered Housing Agency as 'Affordable Dwellings'. Each dwelling is to be sold at no more than 90 per cent of the 'Market Price' as applicable to the balance of dwellings within the development;
 - c) Define 'Market Price' as the 'at cost' purchase price of dwellings as per the developer's not-for-profit model – i.e. the price at which the dwellings will be sold so as to cover what it costs to procure, design, manage and construct the dwellings;
 - d) Set out a minimum tenure for the 'Affordable Dwellings' of 20 years from first occupation.
43. Prior to the commencement of construction or carrying out of works (other than demolition of existing buildings and structures, removal of vegetation and site investigation works to determine the level of contamination on the land, and remediation works), an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner(s) of the

land and the Responsible Authority in a form satisfactory to the Responsible Authority providing for the following:

- a) The owner covenants, acknowledges and agrees with Council to:
- i. Provide ownership of no less than five (5) dwellings or 10 per cent of the total number of dwellings (rounded up to the nearest whole number approved on the site to be transferred as 'Affordable Dwellings' to a Registered Housing Agency. Each dwelling is to be sold at no more than 90 per cent of the 'Market Price' as relevant to the balance of dwellings within the development, and as defined in the endorsed Affordable Housing Report required by Condition 42 of the Permit.
 - ii. Each affordable dwelling is to be subject to a condition on title that it is to be used to deliver either social housing (as defined by the Housing Act 1983) or Affordable Housing (as defined by the Planning & Environment Act 1987) for a minimum period of 20 years after first occupation.
 - iii. All dwellings on site must be delivered, managed, leased and sold in accordance with the endorsed Affordable Housing Report required by Condition 42 of the permit;
 - iv. Construct the Affordable Housing on the subject land in a continuous, proper and workmanlike manner, strictly in accordance with:
 - The Plans and Specifications;
 - All applicable laws;
 - The terms of applicable permits and approvals; and
 - Using all due care and skill.
 - v. Complete delivery of its Affordable Housing commitments under this Agreement by:
 - Providing good titles to the Registered Housing Agency including all necessary title documents in registerable form pursuant to Clause a); or
 - Fully performing its contractual commitments under Clause a) iii.
- b) The owner must comply with Clause (a)(i) and (a)(ii) within six months of the last to occur of:
- i. Registration of the plan of subdivision which creates the Affordable Housing Lots; and
 - ii. Completion of construction of the Affordable Housing, as signified by the issuing of an occupancy permit by a licensed building surveyor for each of the lots comprising the Affordable Housing.

The agreement must be registered on title. The owner(s) must pay the costs of the Responsible Authority in relation to the preparation, execution and registration of the agreement on title.

Development Contributions

44. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development 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.

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:

- a) a maximum of 12 months from the date of issue of the Building Permit;
or
- b) 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.

Expiry Conditions

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

- a) the development is not commenced within two (2) years from the date of issue of this permit;
- b) the development is not completed within four (4) years from the date of issue of this permit;
- c) the use is not commenced within four (4) years from the date of issue of this permit.

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

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

Notes: These notes are for information only and do not constitute part of this planning permit

Note 1: 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.

Note 2: Should Council impose or amend car parking restrictions in this area, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street.

Note 3: Contact needs to be made with Jemena to determine whether Jemena will require the power lines to be relocated away from the dwellings.

Note 4: The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.

Note 5: Environmental Audit Notes

- 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 5 business days of issue, in accordance with Section 210 of the *Environment Protection Act 2017 (Vic)*.

- 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 the *Environment Protection Act 2017*.**
- 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.**

Carried

Cr Bolton called for a division.

| For | Against |
|----------------------|--------------------------|
| Cr Davidson | Cr Bolton |
| Cr Yildiz | Cr Pavlidis |
| Cr Pulford | Cr Harte |
| Cr Panopoulos | |
| Cr Conlan | |
| Cr Carli Hannan | |
| Cr Riley | |
| Cr Tapinos | |
| Total For (8) | Total Against (3) |

The meeting closed at 7.30 pm.

Confirmed

Cr Mark Riley
MAYOR