



Minutes of the Planning and Related Matters Meeting

Held on Wednesday 23 February 2022

The Mayor opened the meeting at 6.43 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	Leave of absence	
Cr Lambros Tapinos, Acting Mayor	6.43 pm	8.02 pm
Cr Adam Pulford	Apology	
Cr Angelica Panopoulos	6.43 pm	8.02 pm
Cr Annalivia Carli Hannan	Leave of absence	
Cr Helen Davidson	Leave of absence	
Cr Helen Pavlidis	6.43 pm	8.02 pm
Cr James Conlan	6.43 pm	8.02 pm
Cr Oscar Yildiz JP	6.43 pm	8.02 pm
Cr Sue Bolton	6.43 pm	8.02 pm

APOLOGIES/LEAVE OF ABSENCE

Mayor, Cr Riley was on an approved leave of absence - 15 February 2022 to 5 March 2022 inclusive.

Cr Carli Hannan was on an approved leave of absence - 9 December 2021 to 2 March 2022 inclusive.

Cr Davidson was on an approved leave of absence - 9 February 2022 to 4 March 2022 inclusive.

Apology

Cr Pulford was an apology to the meeting.

OFFICERS

Director Place and Environment – Joseph Tabacco
Group Manager City Development – Phil Priest
Unit Manager Urban Planning – Mark Hughes
Planning Coordinator - Kylie Sullivan
Manager Governance and Strategy – Yvonne Callanan
Team Leader Governance – Naomi Ellis

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Conlan moved, Cr Panopoulos seconded -

The minutes of the Planning and Related Matters Meeting held on 27 January 2022 be confirmed.

Carried

COUNCIL REPORTS

5.1 CITY DEVELOPMENT PLANNING ACTIVITY REPORT DECEMBER QUARTER 2021

Executive Summary

Planning applications lodged with Council witnessed an increase in the December quarter. Decision making improved but could not keep pace with the number of incoming applications resulting in an increase to the caseload of applications awaiting a decision. The data clearly indicates that after a falling of applications over past years, planning activity levels are once again showing signs of some growth with a 13 per cent increase in 2021 compared to 2020.

Timeframes to determine planning applications within 60 statutory days was 57 per cent which is generally consistent with the metropolitan average of 58 per cent. VicSmart applications determined in 10 statutory days has improved from the previous quarter at 77 per cent but remains slightly below the metropolitan average of 82 per cent. With staff vacancy replacement this is expected to turn around quickly in coming months.

Planning compliance has had a new dedicated team focus in 2021 with an additional planning enforcement officer resource. The team is delivering successful results with the outstanding compliance caseload finishing the year 21 per cent lower than in 2020.

VCAT activity remained the same in the December 2021 quarter compared to the previous year and is still well below pre-COVID-19 levels.

City Development services have been challenged in 2021 due to staff turnover resulting in higher than ideal caseloads and some increase in planning application numbers. With planning officer vacancies having been recruited, pleasingly the numbers of planning decisions made increased by 7 per cent in 2021 compared to 2020 and 18 per cent for the December quarter compared to that of 2020. Nevertheless, with increasing applications the overall caseload awaiting determination has risen by 17 per cent and is an area to continue to monitor.

Officer Recommendation

That Council:

- Notes the City Development Planning Activity Report – December Quarter 2021

Resolution

Cr Conlan moved, Cr Tapinos seconded -

That Council:

- Notes the City Development Planning Activity Report – December Quarter 2021.

Carried

5.2 52 HOPE STREET, BRUNSWICK VIC 3056 - PLANNING APPLICATION MPS/2020/530



Property:	52 Hope Street, Brunswick.			
Proposal:	Construction of a three storey building (with roof top terraces) with commercial tenancy and three dwellings and a reduction in the statutory rate of car parking			
Zoning and Overlay/s:	<ul style="list-style-type: none"> Commercial 1 Zone Parking Overlay Schedule 1 Development Contributions Plan Overlay Special Building Overlay (Proposed) 			
Strategic setting:	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Objections:	<ul style="list-style-type: none"> 17 objections Key issues: <ul style="list-style-type: none"> Building height and scale Overshadowing and overlooking Car parking and traffic 			
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> Date: 21 December 2021 Attendees: 11 objectors, the applicant, the land owner, two Council officers, Mayor Mark Riley and Cr Sue Bolton No changes were agreed to, however the meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report 			
ESD:	<ul style="list-style-type: none"> Minimum average NatHERS rating of 6.5 stars. 			

Key reasons for support:	<ul style="list-style-type: none"> • The building height and scale of the proposal is appropriate within a significant change area. • The proposal limits off site amenity impacts. • The car parking and traffic impacts are acceptable in this location.
Recommendation:	That a Notice of Decision to Grant a Planning Permit be issued for the proposal.

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2020/530 be issued for the construction of a three storey building (with roof top terraces) with a commercial tenancy, three dwellings and a reduction in the statutory rate of car parking at 52 Hope Street, Brunswick, subject to the following conditions:

Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans (advertised 20 September 2021) but modified to show:
 - a) An increase in the floor height of the commercial space as required by Condition 24 of this permit.
 - b) The northern boundary correctly illustrated to accord with the Certificate of Title.
 - c) Each car parking space next to a wall modified to provide a minimum width of 2.9 metres clearance pursuant to Clause 52.06-9 Design standards for car parking.
 - d) Screening to the balustrade at the first floor of Dwellings 2 and 3 and the bedroom 3 window of Dwelling 2 to be no more than 25 per cent transparent or designed to meet Standard B22 overlooking at Clause 55.04-6.
 - e) Either offset or screen the windows of bedroom 4 of Dwelling 1 or bedroom 2 of Dwelling 2 at second level to comply with Standard B23 Internal views at Clause 55.04-7.
 - f) Any changes required by the amended Sustainable Design Assessment in accordance with Condition 5 of this permit including façade colours / materials and the location / size of rainwater tanks.
 - g) A Landscape plan in accordance with Condition 3 of this permit.
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.

Landscaping

3. Prior to the endorsement of plans, a landscape plan must be submitted to the Responsible Authority. The landscape plan must show:
 - a) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected.
 - b) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:

- i. Soil volume sufficient for the proposed vegetation;
- ii. Soil mix;
- iii. Drainage design; and
- iv. Details of an automatic irrigation system.

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. 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.

Sustainable Design

5. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and associated plans must be submitted to and approved to the satisfaction of the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA prepared by Frater dated 1 March 2021 but modified to include the following:
 - a) An amended stormwater management plan to detail:
 - i. The STORM report and catchment plan to clearly identify areas that are permeable and include cross-sectional detail showing the different layers, depth and slotted pipes.
 - ii. How anticipated contaminants to water collected from trafficable areas will be filtered to be suitable for the end use.
 - iii. The location and size of rainwater tanks in order to achieve a 100% STORM score.
 - iv. Plan for the ongoing maintenance of the water reuse system (tanks, pumps and filtration system) stating periodic actions, requirements and responsibilities.
 - b) Façade colours with a Solar Reflectivity Index (SRI) greater than 35 to assist to mitigate the Urban Heat Island effect

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.

6. 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 Design Assessment report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

General

7. 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.
8. Unless with the written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not

include external guttering or associated rainwater down pipes.

9. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
10. Prior to the issuing of Statement of Compliance or occupation of each stage of the development, whichever occurs first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
11. All lighting of external areas must be designed not to emit direct light onto adjoining and nearby dwellings to the satisfaction of the Responsible Authority.

Engineering

12. Prior to the issuing of Statement of Compliance or occupation of each stage of the development, whichever occurs first the public footpath is to be reinstated with the standard crossfall slope of 1 in 40 from the top of roadside kerb to the property boundary, with any level difference made up within the site.
13. 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).
14. Prior to the commencement of the development, a legal point of discharge is to be obtained, and where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge, must be submitted to and approved by the Responsible Authority.
15. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.
16. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height 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.

Car Parking

17. The car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separate from the development for any reason without the written consent of the Responsible Authority.
18. Any ramp constructed to access the car park from the laneway must be contained entirely within the site to ensure that the level of the laneway remains as constructed by Responsible Road Authority.
19. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:
 - a) Be completed prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first.
 - b) Be maintained.
 - c) Be properly formed to such levels that it can be used according to the endorsed plan.
 - d) Have the boundaries of all vehicle parking spaces clearly marked on the

ground to accord with the endorsed plan.

- e) Not be used for any other purpose other than the parking of vehicles, unless with the prior written consent of the Responsible Authority.
- f) Be numbered/signed to identify how the car space is allocated.

Tree Protection

20. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the council street tree adjacent to the site's frontage must have a Tree Protection Zone (TPZ) in accordance with *AS4970 Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority. The TPZ must meet the following requirements:

a) Tree Protection Fencing

Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

If works are shown on any endorsed plan of this permit within the confines of the calculated TPZ, then the TPF must be taken in to only the minimum amount necessary to allow the works to be completed.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of mesh panels, chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

b) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating "Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste.". The TPF signage must be complied with at all times.

c) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

d) Protection of Services

All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970.

Development Contribution Levy

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

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

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
- Prior to the issue of a Statement of Compliance for the subdivision;

When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

22. Prior to the commencement of buildings and works approved by this permit, an Environmental Management Plan (EMP) must be prepared by a suitably qualified environmental professional, consistent with the recommendation at section 8.5 of the Preliminary Environmental Site Assessment report prepared by Abacus Environmental dated 28 August 2021 and submitted to the Responsible Authority and detail how the risk of contamination is to be managed at the site including:
- a) Schedule for supervision by a qualified professional;
 - b) Sampling frequency and protocols;
 - c) Materials handling and disposal requirements; and
 - d) Development requirements for capping or clean fill placement.

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

23. Prior to the commencement of the use, and prior to the issue of an Occupancy Permit under the Building Act 1993 or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Environmental Management Plan (EMP) required by condition 22 to the satisfaction of the Responsible Authority. A letter prepared by a competent professional practitioner with relevant experience in the field, must be submitted to the Responsible Authority to verify that the building work required by the endorsed EMP has been completed.

Melbourne Water conditions 24 to 28:

24. Finished floor levels of the proposed front area entry and commercial space must be constructed no lower than 45.63 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level (at this location) of 45.33 metres to AHD.
25. Finished floor levels of the proposed units / dwellings must be constructed no lower than 45.79 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level (at this location) of 45.49 metres to AHD.
26. Prior to Council endorsement, amended plans must be submitted to Council and Melbourne Water for approval that demonstrate that Melbourne Water's finished floor level requirements have been met.
27. Finished floor level of the car parking area at the rear laneway side must be open car ports (with no garage/ roller doors) and must be shown constructed no lower than 350mm lower than the applicable flood level of 45.49 metres to AHD.
28. Prior to the issue of an Occupancy Permit at construction stage, Melbourne Water will require submission of a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Expiry

29. 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;

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

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

Note 1: Further approvals are required from Council's City Infrastructure Department who can be contacted on 8311 4300 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 2: Council charges plan checking (2.5%) and supervision (0.75%) fees on the cost of constructing the drain.

Note 3: There are currently car parking restrictions in this street, the owners and/or occupiers of the dwellings will not be eligible for resident parking permits to park on the street. See Council's website for more information:

<https://www.moreland.vic.gov.au/parking-roads/parking-permits/residential-parking-permits/>.

Note 4: Council may not issue individual bins to new Owners Corporation developments. In the event that shared bins are provided for this development, an amendment to the plans may be required to show the location of a storage area for the shared bins on common land. Please contact Council's City Infrastructure Department on 9240 1111 for more information.

Note 5: 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.

Motion

Cr Conlan moved, Cr Panopoulos seconded -

That a Notice of Decision to Grant a Planning Permit No. MPS/2020/530 be issued for the Construction of a three storey building (with roof top terraces) with commercial tenancy and three dwellings and a reduction in the statutory rate of car parking at 52 Hope Street, Brunswick, subject to the following conditions:

Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans (advertised 20 September 2021) but modified to show:
 - a) An increase in the floor height of the commercial space as required by Condition **25** of this permit.

- b) The northern boundary correctly illustrated to accord with the Certificate of Title.
 - c) Each car parking space next to a wall modified to provide a minimum width of 2.9 metres clearance pursuant to Clause 52.06-9 Design standards for car parking.
 - d) Screening to the balustrade at the first floor of Dwellings 2 and 3 and the bedroom 3 window of Dwelling 2 to be no more than 25 per cent transparent or designed to meet Standard B22 overlooking at Clause 55.04-6.
 - e) Either offset or screen the windows of bedroom 4 of Dwelling 1 or bedroom 2 of Dwelling 2 at second level to comply with Standard B23 Internal views at Clause 55.04-7.
 - f) Any changes required by the amended Sustainable Design Assessment in accordance with Condition 5 of this permit including façade colours / materials and the location / size of rainwater tanks.
 - g) A Landscape plan in accordance with Condition 3 of this permit.
 - h) A Public Works Plan in accordance with Condition 20 of this permit.**
 - i) The second floor and associated roof terrace of dwelling 1 setback a minimum 3 metres from the southern title boundary to Hope Street.**
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.

Landscaping

3. Prior to the endorsement of plans, a landscape plan must be submitted to the Responsible Authority. The landscape plan must show:
- a) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected.
 - b) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - i. Soil volume sufficient for the proposed vegetation;
 - ii. Soil mix;
 - iii. Drainage design; and
 - iv. Details of an automatic irrigation system.

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. 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.

Sustainable Design

5. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and associated plans must be submitted to and approved to the satisfaction of the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design **including achievement of a 7 star NatHers rating** and be generally in accordance with the SDA prepared by Frater dated 1 March 2021 but modified to include the following:

- a) An amended stormwater management plan to detail:
 - i. The STORM report and catchment plan to clearly identify areas that are permeable and include cross-sectional detail showing the different layers, depth and slotted pipes.
 - ii. How anticipated contaminants to water collected from trafficable areas will be filtered to be suitable for the end use.
 - iii. The location and size of rainwater tanks in order to achieve a 100% STORM score.
 - iv. Plan for the ongoing maintenance of the water reuse system (tanks, pumps and filtration system) stating periodic actions, requirements and responsibilities.
- b) Façade colours with a Solar Reflectivity Index (SRI) greater than 35 to assist to mitigate the Urban Heat Island effect

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.

6. 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 Design Assessment report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

General

7. 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.
8. Unless with the written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
9. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
10. Prior to the issuing of Statement of Compliance or occupation of each stage of the development, whichever occurs first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
11. All lighting of external areas must be designed not to emit direct light onto adjoining and nearby dwellings to the satisfaction of the Responsible Authority.

Engineering

12. Prior to the issuing of Statement of Compliance or occupation of each stage of the development, whichever occurs first the public footpath is to be reinstated with the standard crossfall slope of 1 in 40 from the top of roadside kerb to the property

boundary, with any level difference made up within the site.

13. 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).
14. Prior to the commencement of the development, a legal point of discharge is to be obtained, and where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge, must be submitted to and approved by the Responsible Authority.
15. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.
16. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height 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.

Car Parking

17. The car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separate from the development for any reason without the written consent of the Responsible Authority.
18. Any ramp constructed to access the car park from the laneway must be contained entirely within the site to ensure that the level of the laneway remains as constructed by Responsible Road Authority.
19. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:
 - a) Be completed prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first.
 - b) Be maintained.
 - c) Be properly formed to such levels that it can be used according to the endorsed plan.
 - d) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
 - e) Not be used for any other purpose other than the parking of vehicles, unless with the prior written consent of the Responsible Authority.
 - f) Be numbered/signed to identify how the car space is allocated.

Public Works Plan

20. Prior to the commencement of the development hereby permitted, a Public Works Plan and associated construction drawing specifications detailing the works to the road reserve adjacent the land, must be submitted to the satisfaction of the Responsible Authority. The Public Works Plan must include:
 - a) Removal of the existing street tree
 - b) Two new street trees with associated footpath modifications and tree species selection consistent with Council's Landscape Guidelines and Technical notes located in a manner that will not conflict with the proposed building canopy.
 - c) Provision of an on-street bicycle hoop in accordance with Moreland's technical note B130.01.
 - d) The planting of a replacement street tree (as necessary) in the existing street tree pit on the opposite side of Hope Street.

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.

21. 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.

Development Contribution Levy

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

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

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
- Prior to the issue of a Statement of Compliance for the subdivision;

When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

23. Prior to the commencement of buildings and works approved by this permit, an Environmental Management Plan (EMP) must be prepared by a suitably qualified environmental professional, consistent with the recommendation at section 8.5 of the Preliminary Environmental Site Assessment report prepared by Abacus Environmental dated 28 August 2021 and submitted to the Responsible Authority and detail how the risk of contamination is to be managed at the site including:
 - a) Schedule for supervision by a qualified professional;
 - b) Sampling frequency and protocols;
 - c) Materials handling and disposal requirements; and
 - d) Development requirements for capping or clean fill placement.

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

24. Prior to the commencement of the use, and prior to the issue of an Occupancy Permit under the Building Act 1993 or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Environmental Management Plan (EMP) required by condition 22 to the satisfaction of the Responsible Authority. A letter prepared by a competent professional practitioner with relevant experience in the field, must be submitted to the Responsible Authority to verify that the building work required by the endorsed EMP has been completed.

Melbourne Water conditions 25 to 29:

25. Finished floor levels of the proposed front area entry and commercial space must be

constructed no lower than 45.63 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level (at this location) of 45.33 metres to AHD.

26. Finished floor levels of the proposed units / dwellings must be constructed no lower than 45.79 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level (at this location) of 45.49 metres to AHD.
27. Prior to Council endorsement, amended plans must be submitted to Council and Melbourne Water for approval that demonstrate that Melbourne Water's finished floor level requirements have been met.
28. Finished floor level of the car parking area at the rear laneway side must be open car ports (with no garage/ roller doors) and must be shown constructed no lower than 350mm lower than the applicable flood level of 45.49 metres to AHD.
29. Prior to the issue of an Occupancy Permit at construction stage, Melbourne Water will require submission of a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Expiry

30. 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;

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

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

Note 1: Further approvals are required from Council's City Infrastructure Department who can be contacted on 8311 4300 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 2: Council charges plan checking (2.5%) and supervision (0.75%) fees on the cost of constructing the drain.

Note 3: There are currently car parking restrictions in this street, the owners and/or occupiers of the dwellings will not be eligible for resident parking permits to park on the street. See Council's website for more information:

<https://www.moreland.vic.gov.au/parking-roads/parking-permits/residential-parking-permits/>.

Note 4: Council may not issue individual bins to new Owners Corporation developments. In the event that shared bins are provided for this development, an amendment to the plans may be required to show the location of a storage area for the shared bins on common land. Please contact Council's City Infrastructure Department on 9240 1111 for more information.

Note 5: 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.

Amendment

Cr Bolton moved, Cr Pavlidis seconded –

That the following conditions be added to condition 1 of the Motion and numbered accordingly:

- Addition of condition 1 requiring removal of the roof terrace for dwelling 1.

Lost

Resolution

Part A

Cr Conlan moved, Cr Panopoulos seconded -

That a Notice of Decision to Grant a Planning Permit No. MPS/2020/530 be issued for the Construction of a three storey building (with roof top terraces) with commercial tenancy and three dwellings and a reduction in the statutory rate of car parking at 52 Hope Street, Brunswick, subject to the following conditions:

Amended Plans

- 1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans (advertised 20 September 2021) but modified to show:**
 - a) An increase in the floor height of the commercial space as required by Condition 25 of this permit.**
 - b) The northern boundary correctly illustrated to accord with the Certificate of Title.**
 - c) Each car parking space next to a wall modified to provide a minimum width of 2.9 metres clearance pursuant to Clause 52.06-9 Design standards for car parking.**
 - d) Screening to the balustrade at the first floor of Dwellings 2 and 3 and the bedroom 3 window of Dwelling 2 to be no more than 25 per cent transparent or designed to meet Standard B22 overlooking at Clause 55.04-6.**
 - e) Either offset or screen the windows of bedroom 4 of Dwelling 1 or bedroom 2 of Dwelling 2 at second level to comply with Standard B23 Internal views at Clause 55.04-7.**
 - f) Any changes required by the amended Sustainable Design Assessment in accordance with Condition 5 of this permit including façade colours / materials and the location / size of rainwater tanks.**
 - g) A Landscape plan in accordance with Condition 3 of this permit.**
 - h) A Public Works Plan in accordance with Condition 20 of this permit.**
 - i) The second floor and associated roof terrace of dwelling 1 setback a minimum 3 metres from the southern title boundary to Hope Street.**
- 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.

Landscaping

3. Prior to the endorsement of plans, a landscape plan must be submitted to the Responsible Authority. The landscape plan must show:
 - a) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected.
 - b) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - i. Soil volume sufficient for the proposed vegetation;
 - ii. Soil mix;
 - iii. Drainage design; and
 - iv. Details of an automatic irrigation system.

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. 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.

Sustainable Design

5. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and associated plans must be submitted to and approved to the satisfaction of the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design including achievement of a 7 star NatHers rating and be generally in accordance with the SDA prepared by Frater dated 1 March 2021 but modified to include the following:
 - a) An amended stormwater management plan to detail:
 - i. The STORM report and catchment plan to clearly identify areas that are permeable and include cross-sectional detail showing the different layers, depth and slotted pipes.
 - ii. How anticipated contaminants to water collected from trafficable areas will be filtered to be suitable for the end use.
 - iii. The location and size of rainwater tanks in order to achieve a 100% STORM score.
 - iv. Plan for the ongoing maintenance of the water reuse system (tanks, pumps and filtration system) stating periodic actions, requirements and responsibilities.
 - b) Façade colours with a Solar Reflectivity Index (SRI) greater than 35 to assist to mitigate the Urban Heat Island effect

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.

- 6. 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 Design Assessment report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.**

General

- 7. 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.**
- 8. Unless with the written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.**
- 9. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.**
- 10. Prior to the issuing of Statement of Compliance or occupation of each stage of the development, whichever occurs first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.**
- 11. All lighting of external areas must be designed not to emit direct light onto adjoining and nearby dwellings to the satisfaction of the Responsible Authority.**

Engineering

- 12. Prior to the issuing of Statement of Compliance or occupation of each stage of the development, whichever occurs first the public footpath is to be reinstated with the standard crossfall slope of 1 in 40 from the top of roadside kerb to the property boundary, with any level difference made up within the site.**
- 13. 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).**
- 14. Prior to the commencement of the development, a legal point of discharge is to be obtained, and where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge, must be submitted to and approved by the Responsible Authority.**
- 15. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.**
- 16. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height 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.**

Car Parking

- 17. The car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separate from the development for any reason without the written consent of the Responsible Authority.**
- 18. Any ramp constructed to access the car park from the laneway must be contained entirely within the site to ensure that the level of the laneway remains as constructed by Responsible Road Authority.**
- 19. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:**
 - a) Be completed prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first.**
 - b) Be maintained.**
 - c) Be properly formed to such levels that it can be used according to the endorsed plan.**
 - d) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.**
 - e) Not be used for any other purpose other than the parking of vehicles, unless with the prior written consent of the Responsible Authority.**
 - f) Be numbered/signed to identify how the car space is allocated.**

Public Works Plan

- 20. Prior to the commencement of the development hereby permitted, a Public Works Plan and associated construction drawing specifications detailing the works to the road reserve adjacent the land, must be submitted to the satisfaction of the Responsible Authority. The Public Works Plan must include:**
 - a) Removal of the existing street tree**
 - b) Two new street trees with associated footpath modifications and tree species selection consistent with Council's Landscape Guidelines and Technical notes located in a manner that will not conflict with the proposed building canopy.**
 - c) Provision of an on-street bicycle hoop in accordance with Moreland's technical note B130.01.**
 - d) The planting of a replacement street tree (as necessary) in the existing street tree pit on the opposite side of Hope Street.**

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.

- 21. 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.**

Development Contribution Levy

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

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

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

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or**
- Prior to the issue of a Statement of Compliance for the subdivision;**

When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

- 23. Prior to the commencement of buildings and works approved by this permit, an Environmental Management Plan (EMP) must be prepared by a suitably qualified environmental professional, consistent with the recommendation at section 8.5 of the Preliminary Environmental Site Assessment report prepared by Abacus Environmental dated 28 August 2021 and submitted to the Responsible Authority and detail how the risk of contamination is to be managed at the site including:**
- a) Schedule for supervision by a qualified professional;**
 - b) Sampling frequency and protocols;**
 - c) Materials handling and disposal requirements; and**
 - d) Development requirements for capping or clean fill placement.**

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

- 24. Prior to the commencement of the use, and prior to the issue of an Occupancy Permit under the Building Act 1993 or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Environmental Management Plan (EMP) required by condition 22 to the satisfaction of the Responsible Authority. A letter prepared by a competent professional practitioner with relevant experience in the field, must be submitted to the Responsible Authority to verify that the building work required by the endorsed EMP has been completed.**

Melbourne Water conditions 25 to 29:

- 25. Finished floor levels of the proposed front area entry and commercial space must be constructed no lower than 45.63 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level (at this location) of 45.33 metres to AHD.**
- 26. Finished floor levels of the proposed units / dwellings must be constructed no lower than 45.79 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level (at this location) of 45.49 metres to AHD.**
- 27. Prior to Council endorsement, amended plans must be submitted to Council and Melbourne Water for approval that demonstrate that Melbourne Water's finished floor level requirements have been met.**
- 28. Finished floor level of the car parking area at the rear laneway side must be open car ports (with no garage/ roller doors) and must be shown constructed no lower than 350mm lower than the applicable flood level of 45.49 metres to**

AHD.

- 29. Prior to the issue of an Occupancy Permit at construction stage, Melbourne Water will require submission of a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.**

Expiry

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The Motion was put to vote.

Cr Conlan called for a division.

For

Against

Abstain

Cr Panopoulos
Cr Pavlidis
Cr Conlan
Total For (3)

Cr Bolton
Cr Yildiz
Total Against (2)

Cr Tapinos
Total Abstain (1)

The result of the vote was unclear.

Meeting adjournment

7.50 pm Acting Mayor adjourned the meeting for two minutes to seek advice on the vote.

7.57 pm Acting Mayor resumed the meeting.

In accordance with Rule 3.2.4 of the Governance Rules, the Acting Mayor as Chair directed that the vote be recounted to be certain of the result.

For

Cr Panopoulos
Cr Pavlidis
Cr Conlan
Cr Tapinos
Total For (4)

Against

Cr Bolton
Cr Yildiz
Total Against (2)

.Carried

Resolution

Cr Conlan moved, Cr Bolton seconded -

Part B

That Council notes and encourages the discussions occurring between the permit applicant and the immediate neighbour regarding a potential agreement to address the concerns with the overshadowing of solar panels on the neighbouring land.

Carried

URGENT BUSINESS REPORTS

Nil.

The meeting closed at 8.02 pm.

Confirmed

Cr Lambros Tapinos
ACTING MAYOR