



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 June 2023

The Mayor opened the meeting at 6.40 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 Angelica Panopoulos, Mayor	6.40 pm	8.45 pm
Cr Helen Davidson, Deputy Mayor	Apology	
Cr Adam Pulford	Leave of absence	
Cr Annalivia Carli Hannan	6.40 pm	7.53 pm
Cr Helen Pavlidis	6.40 pm	8.45 pm
Cr James Conlan	6.40 pm	8.45 pm
Cr Lambros Tapinos	Apology	
Cr Mark Riley	6.40 pm	8.45 pm
Cr Monica Harte	6.40 pm	8.45 pm
Cr Oscar Yildiz JP	Apology	
Cr Sue Bolton	6.40 pm	8.45 pm

OFFICERS

Director Place and Environment - Joseph Tabacco
Group Manager City Development – Phil Priest
Unit Manager Urban Planning – Mark Hughes
Senior Urban Planner – Alex Osborne
Unit Manager Governance – Troy Delia
Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Cr Pulford is on an approved leave of absence - 21 June 2023 to 10 July 2023 inclusive.
Apologies were received from Cr Davidson, Cr Tapinos and Cr Yildiz.

DISCLOSURES OF CONFLICTS OF INTEREST

Cr Carli Hannan disclosed a material conflict of interest in item 5.2 – 477 Sydney Road, Coburg – Planning Application MPS/2022/773 as Merri Health is an objector to the application and Cr Carli Hannan’s husband is a director of Merri Health.

Meeting Adjournment

Resolution

Cr Panopoulos moved, Cr Riley seconded -

That the meeting be adjourned for 5 minutes at 6.45 pm.

Carried

The meeting resumed at 6.48 pm.

MINUTE CONFIRMATION

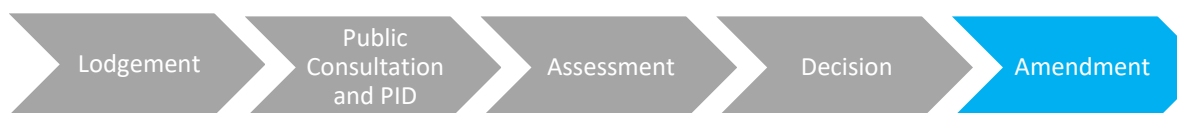
Resolution

Cr Riley moved, Cr Conlan seconded -

The minutes of the Planning and Related Matters Meeting held on 24 May 2023 be confirmed.

Carried

5.1 1A CHAMP STREET, COBURG - PLANNING APPLICATION MPS/2021/257/B



Property	1A Champ Street, COBURG			
Proposal	<p>Amend planning permit MPS/2021/257/A for the for the sale and consumption of liquor (General Licence) associated with a hotel, bar and restaurant to:</p> <ul style="list-style-type: none"> • include the panopticon area and remove the café within the red line plan; • allow earlier hours of operation (i.e. 7:00am commence); • increase patron numbers; and • allow external music. 			
Zoning and Overlay/s	<ul style="list-style-type: none"> • Activity Centre Zone – Schedule 1 • Development Contributions Plan Overlay (DCPO1) • Parking Overlay (PO1) • Heritage Overlay (HO47) • Environmental Audit Overlay 			
Strategic setting	<table border="1"> <tr> <td>Minimal change</td> <td>Incremental change</td> <td>Significant change</td> </tr> </table>	Minimal change	Incremental change	Significant change
Minimal change	Incremental change	Significant change		
Objections	<ul style="list-style-type: none"> • 27 objections • Key issues: <ul style="list-style-type: none"> • Noise • Patron management • Impact on animal habitats • Accidents and crime • Air pollution / campfire • Traffic 			
Planning Information and Discussion (PID) Meeting	<ul style="list-style-type: none"> • Date: 25 May 2023 • Attendees: 9 objectors, the applicant and 2 Council officers. • The following agreement was reached at the PID meeting: <ul style="list-style-type: none"> • Limiting the service of alcohol in the panopticon garden area to between 12pm and 9pm, 7 days a week (reducing the hours from the 1am originally sought). 			
Key reasons for support	<ul style="list-style-type: none"> • Compliance with Clause 53.06 (Live Music and Entertainment Venues) has been demonstrated through submission of an acoustic report. Recommended conditions for acoustic testing post commencement, will ensure compliance. 			
Recommendation	Notice of Decision to Grant an Amended Planning Permit be issued for the proposal.			

Officer Recommendation

That a Notice of Decision to Grant an Amended Planning Permit No. MPS/2021/257/B be issued for the use of Building 16 and B Division and B Division Annex for the sale and consumption of liquor (General Licence) associated with a hotel, bar and restaurant at 1A Champ Street, COBURG subject to the following conditions:

(Permit condition amendments are indicated in bold)

Amended Plans

1. **Before the use commences in the panopticon garden area**, 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 on **20 February 2023** but modified to show:
 - a) **The capacity of the restaurant and bar consistent with Condition 4 of the permit.**
 - b) **The red line area to omit the cafe and it be removed from the plans.**
 - c) **An updated Plan of Management in accordance with Condition 10.**

Compliance with Endorsed Plans

2. The use of land 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 62.01 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

Hours of Operation

3. The use allowed by this permit must operate only between the following hours:

Hotel

- To a resident or guest of a resident of the hotel at any time of the day.

Restaurant, Bar and Conference Rooms

- **Monday to Sunday** 7:00 am to 1:00 am

External Restaurant Area

- **Monday to Sunday** 7:00 am to 10:00 pm

Panopticon Area

- **Monday to Sunday** 12:00 noon to 9:00 pm

All Remaining External Areas

- **Monday to Saturday** 7:00 am to 10:00 pm
- **Sunday** 10:00 am to 10:00 pm

Patron Numbers

4. The maximum number of patrons permitted on the premises must not exceed the following at any one time:
 - a) Hotel and facilities: Residents/Guests of the 112 hotel rooms (Levels 2-9)
 - b) Restaurant:
 - i. 95 patrons indoors and 114 patrons outdoors until 6pm;
 - ii. 95 patrons indoors and 60 patrons outdoors between 6pm and 10pm; and

- iii. 95 patrons indoors after 10pm.
- c) Bar: 155 patrons
- d) Conference Rooms (first floor): 450 patrons indoors and 30 patrons outdoors**
- e) Ground Floor South Wing 'Heritage Interpretation Area': 160 patrons**
- f) Panopticon Area: 300 patrons.**

Acoustic Report

5. The Acoustic Report prepared by Watson Moss Growcott dated 26 July 2021 **and the Acoustic Report prepared by Enfield Acoustics dated 22 December 2022** will be endorsed to form part of this permit. No alterations to the Acoustic Report may occur without the written consent of the Responsible Authority.
6. Prior to the commencement of the use, calibration of the in-house sound system to achieve music noise levels consistent with the Acoustic Report prepared by Watson Moss Growcott dated 26 July 2021 must be carried out by a suitably qualified acoustic engineer. Evidence that this has occurred must be submitted to the Responsible Authority, to its satisfaction, prior to the commencement of the use.

Acoustic Report – post commencement

7. Within 3 months of the commencement of the use shown on the endorsed plans, an acoustic report is to be submitted to and approved by the Responsible Authority. The report must detail the following matters to the satisfaction of the Responsible Authority:
 - a) Testing that has occurred to ascertain whether the use complies with the maximum noise levels prescribed by the:
 - Environment Protection Regulations 2021.
 - EPA Publication 1826.4 *'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues'*.
 - Environmental Reference Standard.
 - EPA Publication 1996 *Noise Guideline – assessing low frequency noise*.
 - b) That the testing demonstrates compliance from the noise sensitive receivers identified in the endorsed Acoustic Report, as well as the residential apartments directly above resulting from the activities within the premises and mechanical services. The testing is to be carried out by an independent acoustician to the satisfaction of the Responsible Authority.
 - c) That if the testing revealed that the use does not meet the specified maximum noise levels that the use or building has been modified to make the use compliant with those levels. After any modifications have been made further acoustic testing must be carried out to ascertain whether the use complies with the prescribed noise levels.
 - d) That all acoustic testing has been carried out during a busy period.

Once submitted to and approved by the Responsible Authority, the report will be endorsed to form part of the permit and will supersede the report prepared by Watson Moss Growcott dated 26 July 2021. The report must not be altered without the prior written consent of the Responsible Authority.

- 7A. Within three (3) months after the commencement of the amended use approved by amendment MPS/2021/257/B to this permit, or as otherwise agreed in writing by the Responsible Authority, a Post Commencement Acoustic Report is to be submitted to the Responsible Authority. The report must detail the following matters to the satisfaction of the Responsible Authority:**
- a) Confirmation that the following recommendations of the endorsed Acoustic Report (Enfield Acoustics dated 22 December 2022) have been implemented:**
 - i. Speakers and stages within the panopticon area must be located within the area marked in the Acoustic Report.**
 - ii. External loudspeakers must be positioned below 2m from ground level and must face west.**
 - b) Further testing that has occurred to ascertain whether the use complies with:**
 - i. The maximum noise levels prescribed by the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021) or any other superseding regulation; and**
 - ii. Any patron noise levels as specified in the endorsed acoustic report.**
 - c) If non-compliance is measured, recommendations for additional acoustic measures to ensure compliance with the endorsed Acoustic Report.**
 - d) Confirmation that all acoustic testing has been carried out during a busy period by a suitably qualified acoustic engineer. A busy period is considered to be at least 75 per cent capacity with live music occurring.**

Once submitted to and approved by the Responsible Authority, the report will be endorsed to form part of the permit. The report must not be altered without the prior written consent of the Responsible Authority.

External Speakers and Live Music

- 8. External Restaurant Area:**
- a) Must not have any live music and external speakers must only be used for background music during the times referred to in Condition 3 and in accordance with Condition 10.**
 - b) Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.**

Panopticon Area:

- c) All forms of music are prohibited within the panopticon area outside the hours of 12noon to 9pm.**
- d) Background and live music must not include drums or heavy percussions and is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not**

background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.

- e) **Speakers must be sited along the eastern bluestone wall only and below a height of 2 metres, as per the Acoustic Report prepared by Enfield Acoustics dated 22 December 2022.**
- f) **There are to be no east facing speakers.**

Compliance with Noise Limits

- 9. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021).

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The permit and endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

Plan of Management

- 10. Prior to the endorsement of plans **and before the use commences in the panopticon garden area**, a revised Plan of Management must be submitted to and approved by the Responsible Authority which must provide for the following to the satisfaction of the Responsible Authority:
 - a) Revised hours of operation and patron capacity to align with Conditions 3 and 4.
 - b) Noise Management updated to:
 - i. ensure the glazed external facades combined with masonry elements and openable door sections to be closed during times when entertainment is occurring except to allow for patron access, in accordance with the recommendations of endorsed Acoustic Report.
 - ii. **Include external music controls.**
 - c) Include Attachment A – House Policy & Code of Conduct.

Once submitted and approved, the Plan of Management will be endorsed to form part of the planning permit. No alterations to the Plan may occur without the written consent of the Responsible Authority.

- 11. The endorsed Plan of Management must be complied with at all times during the operation of the use to the satisfaction of the Responsible Authority.

Quiet and Orderly Exit of Patrons

- 12. Before the use commences, signs must be erected near the entrance/exit and in the toilets requesting that patrons leave the site in a quiet and orderly manner so as not to disturb the peace and quiet of the neighbourhood to the satisfaction of the Responsible Authority.

Bottle Disposal

13. Bottles must be bagged during operation times and must not be emptied into the refuse bins after 9 pm or before 9 am Monday to Sunday, except with further written consent of the Responsible Authority.

Permit Expiry

14. This permit will expire if the use is not commenced within two 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 afterwards.

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

Note 1: All activities within the site including the operation of the fire pit within the panopticon area must accord with relevant Merri-bek General Local Law 2018 (or any amended local law).

Motion

Cr Riley moved, Cr Carli Hannan seconded -

That a Notice of Decision to Grant an Amended Planning Permit No. MPS/2021/257/B be issued for the use of Building 16 and B Division and B Division Annex for the sale and consumption of liquor (General Licence) associated with a hotel, bar and restaurant at 1A Champ Street, COBURG subject to the following conditions:

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External Restaurant Area

- **Monday to Sunday** **7:00 am to 10:00 pm**

Panopticon Area

- **Monday to Sunday** **12:00 noon to 9:00 pm**

All Remaining External Areas

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Patron Numbers

4. The maximum number of patrons permitted on the premises must not exceed the following at any one time:
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for background music during the times referred to in Condition 3 and in accordance with Condition 10.

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Note 1: All activities within the site including the operation of the fire pit within the panopticon area must accord with relevant Merri-bek General Local Law 2018 (or any amended local law).

Meeting Adjournment

Resolution

Cr Panopoulos moved, Cr Harte seconded -

That the meeting be adjourned for 20 minutes at 7.14 pm.

Carried

The meeting resumed at 7.35 pm.

Amendment

Cr Bolton moved, Cr Conlan seconded –

That condition 3 ‘Hours of operation’ be amended to:

Panopticon Area

- **5 days** **12:00 noon to 9:00 pm**

Carried

Cr Panopoulos called for a division.

For	Against
Cr Bolton	Cr Riley
Cr Conlan	Cr Carli Hannan
Cr Harte	Cr Panopoulos
Cr Pavlidis	
Total For (4)	Total Against (3)

Resolution

Cr Riley moved, Cr Carli Hannan seconded -

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External Restaurant Area

- Monday to Sunday 7:00 am to 10:00 pm

Panopticon Area

- 5 days 12:00 noon to 9:00 pm

All Remaining External Areas

- Monday to Saturday 7:00 am to 10:00 pm
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Patron Numbers

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8. External Restaurant Area:
- a) Must not have any live music and external speakers must only be used for background music during the times referred to in Condition 3 and in accordance with Condition 10.
 - b) Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.

Panopticon Area:

- c) All forms of music are prohibited within the panopticon area outside the hours of 12noon to 9pm.
- d) Background and live music must not include drums or heavy percussions and is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.
- e) Speakers must be sited along the eastern bluestone wall only and below a height of 2 metres, as per the Acoustic Report prepared by Enfield Acoustics dated 22 December 2022.
- f) There are to be no east facing speakers.

Compliance with Noise Limits

9. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021).

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The permit and endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

Plan of Management

10. Prior to the endorsement of plans and before the use commences in the panopticon garden area, a revised Plan of Management must be submitted to and approved by the Responsible Authority which must provide for the following to the satisfaction of the Responsible Authority:
- a) Revised hours of operation and patron capacity to align with Conditions 3 and 4.
 - b) Noise Management updated to:
 - i. ensure the glazed external facades combined with masonry elements and openable door sections to be closed during times when entertainment is occurring except to allow for patron access, in accordance with the recommendations of endorsed Acoustic Report.
 - ii. Include external music controls.
 - c) Include Attachment A – House Policy & Code of Conduct.
- Once submitted and approved, the Plan of Management will be endorsed to form part of the planning permit. No alterations to the Plan may occur without the written consent of the Responsible Authority.
11. The endorsed Plan of Management must be complied with at all times during the operation of the use to the satisfaction of the Responsible Authority.

Quiet and Orderly Exit of Patrons

12. Before the use commences, signs must be erected near the entrance/exit and in the toilets requesting that patrons leave the site in a quiet and orderly manner so as not to disturb the peace and quiet of the neighbourhood to the satisfaction of the Responsible Authority.

Bottle Disposal

13. Bottles must be bagged during operation times and must not be emptied into the refuse bins after 9 pm or before 9 am Monday to Sunday, except with further written consent of the Responsible Authority.

Permit Expiry

14. This permit will expire if the use is not commenced within two 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 afterwards.

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

Note 1: All activities within the site including the operation of the fire pit within the panopticon area must accord with relevant Merri-bek General Local Law 2018 (or any amended local law).

Carried unanimously

Conflict of Interest

Cr Carli Hannan disclosed a material conflict of interest in item 5.2 – 477 Sydney Road, Coburg – Planning Application MPS/2022/773 as Merri Health is an objector to the application and Cr Carli Hannan’s husband is a director of Merri Health.

Cr Carli Hannan left the meeting at 7.53 pm.

5.2 477 SYDNEY ROAD, COBURG – PLANNING APPLICATION MPS/2022/773



Property	477 Sydney Road, COBURG VIC 3058		
Proposal	The development of land including: <ul style="list-style-type: none"> Construction of a seven storey mixed-use building comprising 1 food and drink premises and 20 dwellings; Reduction to the car parking requirement. 		
Zoning and Overlay/s	<ul style="list-style-type: none"> Activity Centre Zone (ACZ) Development Contributions Plan Overlay (DCPO1) Parking Overlay Schedule 1 (PO1) 		
Strategic setting	Minimal change	Incremental change	Significant change
Objections	<ul style="list-style-type: none"> Nineteen objections have been received Key issues: <ul style="list-style-type: none"> Building height Car parking 		

Planning information and Discussion Meeting	<ul style="list-style-type: none"> • Held on 2 May 2023 • Attendees: 5 objectors; Councillors Riley, Bolton, Yildiz and Harte; 2 Council planning officers • 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. The applicant later indicated acceptance of conditions regarding car parking and apartment consolidation – see further detail in report.
ESD	<ul style="list-style-type: none"> • 70 per cent BESS score; • 7.5 star average NatHERS rating; • 4500L rainwater tank; • Exceeds best practice stormwater management; and • Bicycle parking spaces and end of trip facilities exceeding requirements.
Accessibility	85 per cent accessible dwellings, exceeding Clause 58 requirement.
Key reasons for support	The design and building height are acceptable. Car parking reduction is acceptable having regard to the bicycle parking spaces provided and excellent access to multiple modes of public transport.
Recommendation	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/2022/773 be issued for the development of land for a seven-storey building and reduction of the standard car parking requirement at 477 Sydney Road, Coburg, subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised on 21 December 2022 but modified to show:
 - a) A car share space (3.5m x 6.0m) accessed via the rear lane in accordance with conditions 24 and 25 (car share) of this permit. This change may result in the reconfiguration of the ground floor level.
 - b) Apartments 7, 10, 13, 16 and 19 consolidated with the respective adjoining apartments to the west and Apartment 6 consolidated with the adjoining apartment to the east to enable a light court for bedrooms only. The light court/s to have a minimum area of 29 square metres at a minimum width of 4.5 metres.
 - c) The planter box structure on Level 3 associated with Apartment 9 setback a minimum of one metre from the eastern building edge.
 - d) The light-coloured render finish amended to either integral coloured or natural finish (raw) light coloured concrete.
 - e) The textured concrete finish EF09 extended up to parapet level on the northern side boundary.
 - f) A minimum of 32 resident/employee bicycle parking spaces.

- g) Each bicycle parking space dimensioned as 500mm wide.
- h) An additional 100mm space for the handlebar at the end of each bicycle parking space located against a side wall.
- i) The lift dimensioned as large enough to easily accommodate two cyclists with bicycles.
- j) A minimum of five electric bicycle charging points spread evenly amongst the bicycle racks.
- k) A minimum of one bicycle parking space, at least 3m long, for a bicycle and trailer.
- l) A minimum of one bicycle parking space, at least 2.55m long, for a cargo bicycle.
- m) A notation on each pedestrian entrance to the development that reads 'slope floor to match existing footpath'.
- n) Provision of a weather protection awning above the shopfront for the width of the Sydney Road frontage that must be setback not less than 750mm from the face of the kerb and at a height no less than 3m above the level of the footpath in accordance with Regulation 103 of the Building Regulations 2018 to the satisfaction of the Responsible Authority
- o) The location of any substation required by the power company for this development. 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.
- p) An area within the site providing access to the sewer boundary trap.
- q) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7 of this permit.
- r) Any changes to the plans arising from the:
 - i. Landscape Plan in accordance with Condition 3 of this permit.
 - ii. Waste Management Plan in accordance with Condition 11 of this permit.
 - iii. Acoustic Report in accordance with Condition 12 of this permit.
 - iv. Public Works Plan in accordance with Condition 15 of this permit.

Compliance with Endorsed Plans

2. The use and/or 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 Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscaping

3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must show:
 - a) A schedule of all planting including species, number of plants, size at planting and maturity.
 - b) Details (including sections) of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - i. Soil depth and volumes sufficient for the proposed vegetation
 - ii. Soil mix
 - iii. Drainage design

- iv. Details of an automatic irrigation system, including location of water source and controller together with maintenance program and responsibility for maintenance.
- 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.
- 6. All landscaping and vegetation to be covered by a minimum 12month defects liability period to ensure the establishment of all landscapes

Environmentally Sustainable Design (ESD)

- 7. 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 must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Frater Consulting Services, dated 19 December 2022 / advertised on 21 December 2022 (Council file D22/580028) but modified to include the following changes:
 - a) Commit to all-electric development including electric/heat pump hot water systems, induction cooktops and reverse cycle heating and cooling systems, as per BESS report.
 - b) Show the following ESD initiatives on the development plans:
 - i. An ESD table on the plans for items that cannot be drawn e.g. bike parking, tap and cooling/heating ratings, etc.
 - ii. Provision of electrical vehicle charging.
 - iii. Annotation committing to no gas connection and gas appliances/systems.
 - c) A WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:
 - i. The entire site.
 - ii. All permeable areas with dimensions.
 - iii. All stormwater catchment areas (impervious areas and roofs) clearly marked and dimensioned and connected to corresponding Water Sensitive Urban Design (WSUD) treatment measures.
 - iv. A WSUD plan that shows where all stormwater will drain, downpipes clearly marked and the direction of flow shown with arrows.
 - v. Draw and label the location of all water tanks and WSUD features on the plans. Provide dimensions, sections, plant types, etc.
 - vi. Ensure consistency between the plans and SMP for all WSUD features.

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/SMP and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA/SMP may occur without the written consent of the Responsible Authority.

8. 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
9. 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 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 (with documented evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.
10. All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained to the satisfaction of the Responsible Authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

Waste Management

11. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Acoustic Report

12. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer must be submitted and approved to the satisfaction of the Responsible Authority. The report must include, but not be limited to the following:
 - a) Measures to ensure the development is designed, constructed and managed to minimize noise impacts from traffic on Sydney Road to the dwellings.

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit. Once approved, the Acoustic Report must not be altered unless with the prior written consent of the Responsible Authority.

13. 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.
14. 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.

Public Works Plan

15. Prior to the commencement of the development, a Public Works Plan and associated construction drawing specifications detailing the works to the laneway adjoining the southern site boundary must be submitted to the satisfaction of the Responsible Authority. The Plan must include:

- a) All construction details in accordance with the *Merri-bek City Council Technical Notes July 2019* (or any updated version).
- b) A detailed level and feature survey of the footpaths and roads.
- c) The upgrade of the laneway surface adjacent the southern boundary of the site. The upgrade must be in accordance with all relevant provisions of Council's Rights of Way Strategy. The right of way must be reconstructed to create a smooth surface is appropriate for primary pedestrian access to the residential door. The pedestrian access from Sydney Road via the right of way must protect pedestrians from waterflow along the surface of the laneway, provide a smooth DDA compliant surface that retains smooth bluestone. These must be constructed to Council standards to be accepted by Council.
- d) External lighting to illuminate the pedestrian access from the main residential entry door to the Sydney Road footpath.
- e) Mural art to the south wall of the development, facing the laneway.
- f) Landscaping within the laneway adjacent the south boundary of the subject site, including:
 - i. Detailed specifications
 - ii. Soil depth and volumes sufficient for the proposed vegetation
 - iii. Soil mix
 - iv. Drainage design
- g) Any necessary drainage works.
- h) Any other works to the public land adjacent to the development, including the relocation of bollards and awning over the residential lobby, generally in accordance with the advertised plans, and visitor bicycle parking.
- i) Any other works and street furniture with graffiti-resistant surfaces.

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.

16. 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.

Green Travel Plan

17. Prior to the endorsement of plans, a Green Travel Plan prepared by a suitably qualified professional must be submitted to the satisfaction of the Responsible. The Green Travel Plan must identify methods to promote travel to the site by means other than private vehicle, to the satisfaction of the Responsible Authority.

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

3D model

18. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Merri-bek 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 Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found at <https://www.merri-bek.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.

Development Contributions

19. 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 Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development 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:

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

If a Community Infrastructure Levy is payable under the approved Development Contributions Plan and under section 46O of the Planning and Environment Act 1987, the Community Infrastructure Levy in respect of each dwelling must be paid to Merri-bek City Council prior to the issue of a building permit.

Stormwater

20. 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 Merri-bek City Council, City Infrastructure Department).
21. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority.

General

22. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
23. The surface of all balconies are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.
24. 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.

Car-share

25. One space must be reserved for car-share operation at all times ('Car Share Space').
26. The Car Share Space must be available to all members of the carshare scheme 24/7 and should be well-lit with safe pedestrian access, to the satisfaction of the Responsible Authority.
27. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance (whichever comes first), the Car Share Space must be contracted to an operator (i.e. a Car-share provider) that has been approved by the Responsible Authority, with evidence of agreement submitted to Council.
28. The agreement must ensure appropriate insurance and vehicle maintenance is in place, including public liability.
29. The car-share operation must be in place within two months of issue of an Occupancy Permit, to the satisfaction of the Responsible Authority.

Permit 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.

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 notice of decision/permit or conditions of this notice of decision/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.merri-bek.vic.gov.au/planning-building/> and click on '[Merri-bek Development Contributions Plan \(DCP\)](#)'. Alternatively, please contact Merri-bek City Council on 9240 1111 and ask to speak to the DCP Officer.

Note 2: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information: <https://www.Merri-bek.vic.gov.au/living-in-Merri-bek/parking-and-roads/changes-to-parking-in-your-area/>

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.

Motion

Cr Riley moved, Cr Panopoulos seconded –

That a Notice of Decision to Grant a Planning Permit No. MPS/2022/773 be issued for the development of land for a seven-storey building and reduction of the standard car parking requirement at 477 Sydney Road, Coburg, subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised on 21 December 2022 but modified to show:
 - a) A car share space (3.5m x 6.0m) accessed via the rear lane in accordance with conditions 24 and 25 (car share) of this permit. This change may result in the reconfiguration of the ground floor level.
 - b) Apartments 7, 10, 13, 16 and 19 consolidated with the respective adjoining apartments to the west and Apartment 6 consolidated with the adjoining apartment to the east to enable a light court for bedrooms only. The light court/s to have a minimum area of 29 square metres at a minimum width of 4.5 metres.
 - c) The planter box structure on Level 3 associated with Apartment 9 setback a minimum of one metre from the eastern building edge.
 - d) The light-coloured render finish amended to either integral coloured or natural finish (raw) light coloured concrete.
 - e) The textured concrete finish EF09 extended up to parapet level on the northern side boundary.
 - f) A minimum of 32 resident/employee bicycle parking spaces.
 - g) Each bicycle parking space dimensioned as 500mm wide.
 - h) An additional 100mm space for the handlebar at the end of each bicycle parking space located against a side wall.
 - i) The lift dimensioned as large enough to easily accommodate two cyclists with bicycles.
 - j) A minimum of five electric bicycle charging points spread evenly amongst the bicycle racks.
 - k) A minimum of one bicycle parking space, at least 3m long, for a bicycle and trailer.
 - l) A minimum of one bicycle parking space, at least 2.55m long, for a cargo bicycle.
 - m) A notation on each pedestrian entrance to the development that reads 'slope floor to match existing footpath'.
 - n) Provision of a weather protection awning above the shopfront for the width of the Sydney Road frontage that must be setback not less than 750mm from the face of the kerb and at a height no less than 3m above the level of the footpath in accordance with Regulation 103 of the Building Regulations 2018 to the satisfaction of the Responsible Authority
 - o) The location of any substation required by the power company for this development. 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.
 - p) An area within the site providing access to the sewer boundary trap.
 - q) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7 of this permit.
 - r) Any changes to the plans arising from the:
 - i. Landscape Plan in accordance with Condition 3 of this permit.

- ii. Waste Management Plan in accordance with Condition 11 of this permit.
- iii. Acoustic Report in accordance with Condition 12 of this permit.
- iv. Public Works Plan in accordance with Condition 15 of this permit.

Compliance with Endorsed Plans

- 2. The use and/or 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 Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscaping

- 3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must show:
 - a) A schedule of all planting including species, number of plants, size at planting and maturity.
 - b) Details (including sections) of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - i. Soil depth and volumes sufficient for the proposed vegetation
 - ii. Soil mix
 - iii. Drainage design
 - iv. Details of an automatic irrigation system, including location of water source and controller together with maintenance program and responsibility for maintenance.
- 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.
- 6. All landscaping and vegetation to be covered by a minimum 12month defects liability period to ensure the establishment of all landscapes

Environmentally Sustainable Design (ESD)

- 7. 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 must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Frater Consulting Services, dated 19 December 2022 / advertised on 21 December 2022 (Council file D22/580028) but modified to include the following changes:
 - a) Commit to all-electric development including electric/heat pump hot water systems, induction cooktops and reverse cycle heating and cooling systems, as per BESS report.
 - b) Show the following ESD initiatives on the development plans:
 - i. An ESD table on the plans for items that cannot be drawn e.g. bike parking, tap and cooling/heating ratings, etc.
 - ii. Provision of electrical vehicle charging.
 - iii. Annotation committing to no gas connection and gas appliances/systems.

- c) A WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:
 - i. The entire site.
 - ii. All permeable areas with dimensions.
 - iii. All stormwater catchment areas (impervious areas and roofs) clearly marked and dimensioned and connected to corresponding Water Sensitive Urban Design (WSUD) treatment measures.
 - iv. A WSUD plan that shows where all stormwater will drain, downpipes clearly marked and the direction of flow shown with arrows.
 - v. Draw and label the location of all water tanks and WSUD features on the plans. Provide dimensions, sections, plant types, etc.
 - vi. Ensure consistency between the plans and SMP for all WSUD features.
- d) the ground commercial tenancy to be noted as gas free.

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/SMP and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA/SMP may occur without the written consent of the Responsible Authority.

- 8. 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
- 9. 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 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 (with documented evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.
- 10. All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained to the satisfaction of the Responsible Authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

Waste Management

- 11. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Acoustic Report

- 12. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer must be submitted and approved to the satisfaction of the Responsible Authority. The report must include, but not be limited to the following:
 - a) Measures to ensure the development is designed, constructed and managed to minimise noise impacts from traffic on Sydney Road to the dwellings.

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit. Once approved, the Acoustic Report must not be altered unless with the prior written consent of the Responsible Authority.

13. 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.
14. 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.

Public Works Plan

15. Prior to the commencement of the development, a Public Works Plan and associated construction drawing specifications detailing the works to the laneway adjoining the southern site boundary must be submitted to the satisfaction of the Responsible Authority. The Plan must include:
 - a) All construction details in accordance with the *Merri-bek City Council Technical Notes July 2019* (or any updated version).
 - b) A detailed level and feature survey of the footpaths and roads.
 - c) The upgrade of the laneway surface adjacent the southern boundary of the site. The upgrade must be in accordance with all relevant provisions of Council's Rights of Way Strategy. The right of way must be reconstructed to create a smooth surface is appropriate for primary pedestrian access to the residential door. The pedestrian access from Sydney Road via the right of way must protect pedestrians from waterflow along the surface of the laneway, provide a smooth DDA compliant surface that retains smooth bluestone. These must be constructed to Council standards to be accepted by Council.
 - d) External lighting to illuminate the pedestrian access from the main residential entry door to the Sydney Road footpath.
 - e) Mural art to the south wall of the development, facing the laneway.
 - f) Landscaping within the laneway adjacent the south boundary of the subject site, including:
 - i. Detailed specifications
 - ii. Soil depth and volumes sufficient for the proposed vegetation
 - iii. Soil mix
 - iv. Drainage design
 - g) Any necessary drainage works.
 - h) Any other works to the public land adjacent to the development, including the relocation of bollards and awning over the residential lobby, generally in accordance with the advertised plans, and visitor bicycle parking.
 - i) Any other works and street furniture with graffiti-resistant surfaces.

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.

16. 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.

Green Travel Plan

17. Prior to the endorsement of plans, a Green Travel Plan prepared by a suitably qualified professional must be submitted to the satisfaction of the Responsible. The Green Travel Plan must identify methods to promote travel to the site by means other than private vehicle, to the satisfaction of the Responsible Authority.

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

3D model

18. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Merri-bek 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 Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found at <https://www.merri-bek.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.

Development Contributions

19. 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 Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development 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:

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

If a Community Infrastructure Levy is payable under the approved Development Contributions Plan and under section 46O of the Planning and Environment Act 1987, the Community Infrastructure Levy in respect of each dwelling must be paid to Merri-bek City Council prior to the issue of a building permit.

Stormwater

20. 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 Merri-bek City Council, City Infrastructure Department).
21. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority.

General

22. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
23. The surface of all balconies are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.
24. 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.

Car-share

25. One space must be reserved for car-share operation at all times ('Car Share Space').
26. The Car Share Space must be available to all members of the carshare scheme 24/7 and should be well-lit with safe pedestrian access, to the satisfaction of the Responsible Authority.
27. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance (whichever comes first), the Car Share Space must be contracted to an operator (i.e. a Car-share provider) that has been approved by the Responsible Authority, with evidence of agreement submitted to Council.
28. The agreement must ensure appropriate insurance and vehicle maintenance is in place, including public liability.
29. The car-share operation must be in place within two months of issue of an Occupancy Permit, to the satisfaction of the Responsible Authority.

Permit 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.

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 notice of decision/permit or conditions of this notice of decision/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.merri-bek.vic.gov.au/planning-building/> and click on '[Merri-bek Development Contributions Plan \(DCP\)](#)'. Alternatively, please contact Merri-bek City Council on 9240 1111 and ask to speak to the DCP Officer.

Note 2: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information: <https://www.Merri-bek.vic.gov.au/living-in-Merri-bek/parking-and-roads/changes-to-parking-in-your-area/>

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.

Lost

Mayor, Cr Panopoulos called for a division.

For	Against
Cr Riley	Cr Bolton
Cr Panopoulos	Cr Conlan
	Cr Harte
	Cr Pavlidis
Total For (2)	Total Against (4)

Resolution

Cr Bolton moved, Cr Conlan seconded -

That a Notice of Decision to Grant a Planning Permit No. MPS/2022/773 be issued for the development of land for a six storey building and reduction of the standard car parking requirement at 477 Sydney Road, Coburg, subject to the following conditions:

Amended Plans

- 1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised on 21 December 2022 but modified to show:**
 - a) A car share space (3.5m x 6.0m) accessed via the rear lane in accordance with conditions 24 and 25 (car share) of this permit. This change may result in the reconfiguration of the ground floor level.**
 - b) Apartments 7, 10, 13, and 16 consolidated with the respective adjoining apartments to the west and Apartment 6 consolidated with the adjoining apartment to the east to enable a light court for bedrooms only. The light court/s to have a minimum area of 29 square metres at a minimum width of 4.5 metres.**
 - c) The planter box structure on Level 3 associated with Apartment 9 setback a minimum of one metre from the eastern building edge.**
 - d) The light-coloured render finish amended to either integral coloured or natural finish (raw) light coloured concrete.**
 - e) The textured concrete finish EF09 extended up to parapet level on the northern side boundary.**
 - f) A minimum of 32 resident/employee bicycle parking spaces.**
 - g) Each bicycle parking space dimensioned as 500mm wide.**
 - h) An additional 100mm space for the handlebar at the end of each bicycle parking space located against a side wall.**
 - i) The lift dimensioned as large enough to easily accommodate two cyclists with bicycles.**
 - j) A minimum of five electric bicycle charging points spread evenly amongst the bicycle racks.**

- k) A minimum of one bicycle parking space, at least 3m long, for a bicycle and trailer.
- l) A minimum of one bicycle parking space, at least 2.55m long, for a cargo bicycle.
- m) A notation on each pedestrian entrance to the development that reads 'slope floor to match existing footpath'.
- n) Provision of a weather protection awning above the shopfront for the width of the Sydney Road frontage that must be setback not less than 750mm from the face of the kerb and at a height no less than 3m above the level of the footpath in accordance with Regulation 103 of the Building Regulations 2018 to the satisfaction of the Responsible Authority
- o) The location of any substation required by the power company for this development. 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.
- p) An area within the site providing access to the sewer boundary trap.
- q) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7 of this permit.
- r) Any changes to the plans arising from the:
 - i. Landscape Plan in accordance with Condition 3 of this permit.
 - ii. Waste Management Plan in accordance with Condition 11 of this permit.
 - iii. Acoustic Report in accordance with Condition 12 of this permit.
 - iv. Public Works Plan in accordance with Condition 15 of this permit.
- s) Deletion of the sixth floor, to create a six-storey building plus roof deck.
- t) A loading bay (3.5m x 6.0m) accessed via the rear lane, that retains the car share space required by condition 1(a). This condition will result in the consequential relocation of 'back of house' facilities associated with the food and drink premises.

Compliance with Endorsed Plans

- 2. The use and/or 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 Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscaping

- 3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must show:
 - a) A schedule of all planting including species, number of plants, size at planting and maturity.
 - b) Details (including sections) of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - i. Soil depth and volumes sufficient for the proposed vegetation
 - ii. Soil mix
 - iii. Drainage design

- iv. **Details of an automatic irrigation system, including location of water source and controller together with maintenance program and responsibility for maintenance.**
- 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.**
- 6. **All landscaping and vegetation to be covered by a minimum 12month defects liability period to ensure the establishment of all landscapes**

Environmentally Sustainable Design (ESD)

- 7. **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 must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Frater Consulting Services, dated 19 December 2022 / advertised on 21 December 2022 (Council file D22/580028) but modified to include the following changes:**
 - a) **Commit to all-electric development including electric/heat pump hot water systems, induction cooktops and reverse cycle heating and cooling systems, as per BESS report.**
 - b) **Show the following ESD initiatives on the development plans:**
 - i. **An ESD table on the plans for items that cannot be drawn e.g. bike parking, tap and cooling/heating ratings, etc.**
 - ii. **Provision of electrical vehicle charging.**
 - iii. **Annotation committing to no gas connection and gas appliances/systems.**
 - c) **A WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:**
 - i. **The entire site.**
 - ii. **All permeable areas with dimensions.**
 - iii. **All stormwater catchment areas (impervious areas and roofs) clearly marked and dimensioned and connected to corresponding Water Sensitive Urban Design (WSUD) treatment measures.**
 - iv. **A WSUD plan that shows where all stormwater will drain, downpipes clearly marked and the direction of flow shown with arrows.**
 - v. **Draw and label the location of all water tanks and WSUD features on the plans. Provide dimensions, sections, plant types, etc.**
 - vi. **Ensure consistency between the plans and SMP for all WSUD features.**

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/SMP and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA/SMP may occur without the written consent of the Responsible Authority.

- 8. 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**
- 9. 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 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 (with documented evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.**
- 10. All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained to the satisfaction of the Responsible Authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.**

Waste Management

- 11. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.**

Acoustic Report

- 12. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer must be submitted and approved to the satisfaction of the Responsible Authority. The report must include, but not be limited to the following:**
 - a) Measures to ensure the development is designed, constructed and managed to minimise noise impacts from traffic on Sydney Road to the dwellings.**

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit. Once approved, the Acoustic Report must not be altered unless with the prior written consent of the Responsible Authority.

- 13. 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.**
- 14. 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.**

Public Works Plan

15. Prior to the commencement of the development, a Public Works Plan and associated construction drawing specifications detailing the works to the laneway adjoining the southern site boundary must be submitted to the satisfaction of the Responsible Authority. The Plan must include:
- a) All construction details in accordance with the Merri-bek City Council Technical Notes July 2019 (or any updated version).
 - b) A detailed level and feature survey of the footpaths and roads.
 - c) The upgrade of the bluestone laneway surface adjacent the southern boundary of the site. The upgrade must continue to use bluestone be in accordance with all relevant provisions of Council's Rights of Way Strategy. The right of way must be reconstructed to create a smooth surface is appropriate for primary pedestrian access to the residential door. The pedestrian access from Sydney Road via the right of way must protect pedestrians from waterflow along the surface of the laneway, provide a smooth DDA compliant surface of smooth bluestone. These must be constructed to Council standards to be accepted by Council.
 - d) External lighting to illuminate the pedestrian access from the main residential entry door to the Sydney Road footpath.
 - e) Mural art to the south wall of the development, facing the laneway.
 - f) Landscaping within the laneway adjacent the south boundary of the subject site, including:
 - i. Detailed specifications
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 - g) Any necessary drainage works.
 - h) Any other works to the public land adjacent to the development, including the relocation of bollards and awning over the residential lobby, generally in accordance with the advertised plans, and visitor bicycle parking.
 - i) Any other works and street furniture with graffiti-resistant surfaces.

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.

16. 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.

Green Travel Plan

17. Prior to the endorsement of plans, a Green Travel Plan prepared by a suitably qualified professional must be submitted to the satisfaction of the Responsible Authority. The Green Travel Plan must identify methods to promote travel to the site by means other than private vehicle, to the satisfaction of the Responsible Authority.

When approved to the satisfaction of the Responsible Authority, the Green Travel Plan will be endorsed to form part of this permit. No alterations to the

Green Travel Plan may occur without the written consent of the Responsible Authority.

3D model

18. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Merri-bek 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 Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found at <https://www.merri-bek.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.

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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 maximum of 12 months from the date of issue of the Building Permit; 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.

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Stormwater

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21. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority.

General

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23. The surface of all balconies are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

24. 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.

Car-share

25. One space must be reserved for car-share operation at all times ('Car Share Space').
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28. The agreement must ensure appropriate insurance and vehicle maintenance is in place, including public liability.
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Permit Expiry

30. This permit will expire if one of the following circumstances applies:
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Note 2: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information: <https://www.Merri-bek.vic.gov.au/living-in-Merri-bek/parking-and-roads/changes-to-parking-in-your-area/>

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.

Carried

Mayor, Cr Panopoulos called for a division.

For	Against	Abstain
Cr Bolton	Cr Riley	Cr Panopoulos
Cr Conlan		
Cr Harte		
Cr Pavlidis		
Total For (4)	Total Against (1)	Total Abstain (1)

URGENT BUSINESS REPORTS

Nil.

The meeting closed at 8.45 pm.