



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

Held on Wednesday 22 September 2021

In the absence of the Mayor, and in accordance with the Governance Rules, the Deputy Mayor took the Chair of the meeting and opened the meeting at 6.33 pm. The Deputy Mayor stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Deputy Mayor paid his respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

<b>Present</b>	<b>Time In</b>	<b>Time Out</b>
Cr Annalivia Carli Hannan, Mayor	Apology	
Cr Mark Riley, Deputy Mayor	6.33 pm	7.21 pm
Cr Adam Pulford	6.33 pm	7.21 pm
Cr Angelica Panopoulos	6.33 pm	7.21 pm
Cr Helen Davidson	6.37 pm	7.21 pm
Cr Helen Pavlidis	6.33 pm	7.21 pm
Cr James Conlan	6.33 pm	7.21 pm
Cr Lambros Tapinos	6.37 pm	7.21 pm
Cr Milad El-Halabi	6.33 pm	7.21 pm
Cr Oscar Yildiz JP	6.33 pm	7.21 pm
Cr Sue Bolton	6.33 pm	7.21 pm

**APOLOGIES/LEAVE OF ABSENCE**

Cr Carli Hannan, Mayor was an apology.

**OFFICERS**

Group Manager City Development – Phil Priest  
Unit Manager Urban Planning – Mark Hughes  
Planning Co-ordinator – Vita Galante  
Senior Urban Planner – Rachel Grounds  
Acting Manager Governance and Strategy – Sapphire Christofilos  
Team Leader Governance – Naomi Ellis

## DISCLOSURES OF CONFLICTS OF INTEREST

Nil

6.37 pm Cr Davidson and Cr Tapinos entered the meeting.

## MINUTE CONFIRMATION

### Resolution

Cr Davidson moved, Cr El-Halabi seconded -

The minutes of the Planning and Related Matters Meeting held on 25 August 2021 be confirmed.

Carried

## COUNCIL REPORTS

### 5.1 9A-9D ANDERSON STREET AND 80 WESTGATE STREET, PASCOE VALE SOUTH VIC 3044 - PLANNING APPLICATION MPS/2021/202



<b>Property:</b>	9A-9D Anderson Street & 80 Westgate Street, Pascoe Vale South VIC 3044			
<b>Proposal:</b>	Construction of 19 dwellings (mix of two and three storey) and three shops above a basement car park, use of the land for dwellings and reduction to the statutory car parking rate			
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>Commercial 1 Zone (C1Z)</li> <li>General Residential Zone Schedule 1 (GRZ1)</li> <li>Development Contributions Plan (DCPO)</li> <li>Parking Overlay Schedule 1 (PO1)</li> </ul>			
<b>Strategic setting:</b>	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
<b>Objections:</b>	<ul style="list-style-type: none"> <li>22 objections</li> <li>Key issues:               <ul style="list-style-type: none"> <li>Commercial land use</li> <li>Car parking and traffic</li> <li>Neighbourhood character</li> <li>Overdevelopment</li> <li>Amenity impacts, including overshadowing and overlooking</li> <li>Property values</li> <li>Increased crime</li> <li>Architectural design</li> <li>Construction issues</li> <li>Impact on infrastructure</li> </ul> </li> </ul>			

<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>• Date: 17 August 2021</li> <li>• Attendees: 9 objectors, the applicant, 2 Council officers, and Cr Panopoulos and Cr El-Halabi</li> <li>• 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.</li> </ul>
<b>ESD:</b>	<ul style="list-style-type: none"> <li>• Minimum average NatHERS rating of 6.5 stars.</li> </ul>
<b>Key reasons for support:</b>	<ul style="list-style-type: none"> <li>• Appropriate building envelope and design response.</li> <li>• Delivery of employment floorspace.</li> <li>• Public realm improvements will be added into the development outcome with additional landscaping.</li> </ul>
<b>Recommendation:</b>	Council's submission to VCAT be one of support for the application, subject to the conditions outlined in the recommendation.

7.04 pm Cr Tapinos left the meeting.

7.10 pm Cr Tapinos returned to the meeting.

## Officer Recommendation

That Council's submission to VCAT be one of support for the construction of 19 dwellings (mix of two and three storey) and three shops above a basement car park, use of the land for dwellings and reduction to the statutory car parking rate at 9A-9D Anderson Street and 80 Westgate Street, subject to the following conditions:

### Amended plans required

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 development plans (advertised 28 June 2021) but modified to show:
  - a) Provision of a lift from the communal area to the basement level.
  - b) The render on the northern boundary wall replaced with a higher quality and durable material.
  - c) Provision of at least three dwellings that meet the Silver Level requirements of the Liveable Housing Design Guidelines.
  - d) Dwelling 1 designed to meet the Gold Level requirements of the Liveable Housing Design Guidelines with respect to the ground floor bedroom and kitchen.
  - e) A minimum 2 metres setback to Dwellings 17-19 from the northern property boundary to improve daylight.
  - f) Reduction to the Dwelling 1 arbor so that a 4.5 x 4.5 metre permeable area is provided for canopy tree planting.
  - g) The street integration improved to Westgate Street, by:
    - i. Larger or multiple ground level windows to Dwelling 10 to both the splayed edge and southern wall; and
    - ii. Lower the height of the hit and miss brick front wall to a maximum of 1.5 metres, or making the hit and miss brick wall 25% permeable for Dwellings 7-9.

- iii. Delete the hit and miss brick wall privacy screens for Dwellings 5 & 6.
- h) Provision of screening to the Dwelling 3 and 4 first floor western bedroom windows in accordance with Clause 55.04-6 (Overlooking).
- i) Re-allocation of the two shop car parking spaces to the dwellings and notation of parking spaces with association apartment number.
- j) A notation to confirm that no additional columns are to be placed in the car park.
- k) Dimension the vehicle crossing width (measured at the footpath), to match the width and location of the accessway.
- l) The removal of the proposed refuge from the vehicle crossing.
- m) A 1 metre straight splay on the eastern side of the vehicle crossing, commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.
- n) Details of the ventilation to the bin storage area for the ground floor shops fronting Anderson Street.
- o) Dimension of the second-floor projections beyond the Anderson and Westgate Street alignment, ensuring the projection is limited to architectural features and no more than 300mm outside the Title boundary.
- p) Canopy to Anderson Street that must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height less than 3 metres above the level of the footpath in accordance with Regulation 103 of the Building Regulations 2018.
- q) Any changes to the plans arising from the amended:
  - i. Sustainability Management Plan in accordance with Condition 3 of this permit.
  - ii. Waste Management Plan in accordance with Condition 6 of this permit.
  - iii. Amended landscape plan in accordance with Condition 7 of this permit.

### **Compliance with endorsed plans**

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

### **Sustainability Management Plan**

3. Prior to the endorsement of plans, an amended Sustainability Management Plan (SMP) and associated plans must be submitted to the satisfaction by the Responsible Authority. The Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Sustainable Design Consultants, revision reference S4372 SMP.V3 but modified to include the following changes:
  - a) A minimum 30kW solar PV system to meet energy demand of the site.
  - b) Amend the BESS report (and any other corresponding documentation) to:
    - i. Include commitment to minimum 30kW solar PV.
  - c) Show the following ESD initiatives on the development plans:
    - i. The size and location of the rainwater tank(s) with at least 37,000L total capacity for reuse. The rainwater tank(s) cannot obstruct glazing or access to private open spaces.
    - ii. External operable shading devices to the dwelling 1, 17, 18 & 19 north

facing ground floor habitable room glazing, to block peak summer sun. A product diagram or section of the proposed device must be provided (must not be roller shutters).

- iii. The solar PV system, including photovoltaic array location, approximate size and number of individual panels, orientation and tilt angle.
  - iv. The location of at least one designated electric vehicle parking bay and location of charging infrastructure.
  - v. Annotate that 32-40 Amps dedicated circuits are provided for the charging of electric vehicles for all car spaces.
4. 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
  5. When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.
  6. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority.
  7. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, a report (or reports) from the author of the Sustainability Management Plan (SMP) 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 SMP report have been implemented in accordance with the approved report.

#### **Waste Management Plan**

8. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. When to the satisfaction of the Responsible Authority, the report will be endorsed and will form part of this permit. The plan must be generally in accordance with the advertised WMP prepared by Ratio dated 7 April 2021 but amended to make reference to the basement lift, provision of a third shop, and any other subsequent design layout changes required at Condition 1.
9. When submitted and approved to the satisfaction of the Responsible Authority, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Responsible Authority.
10. 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.

#### **Landscaping**

11. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Tract dated 22 April 2021 but amended to show:
  - a) Any changes required to align with the plans for endorsement.
  - b) Provision of one canopy tree within the front setback of Dwellings 5 and 6 and rear secluded private open space of Dwelling 1, in accordance with Clause 55.03-8 (Landscaping).

- c) A schedule of all proposed trees, shrubs and ground covers (including numbers, size at planting, size at maturity and botanical names) and notation on the plans to confirm which species is proposed in which location.
12. 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.
  13. 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.

#### **Street Tree Removal**

14. Prior to the commencement of occupation or at a later date with the prior written consent of the Responsible Authority, the owner must pay Council to remove and provide advanced replacement tree(s) in an appropriate location in a nature strip nearby in accordance with the Moreland Street Landscape Strategy for each street tree removed for the vehicle crossing, to the satisfaction of the Responsible Authority.

#### **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 land must be submitted to the satisfaction of the Responsible Authority. The Plan must include:
  - a) All construction details in accordance with the *Moreland City Council Technical Notes July 2019* (or any updated version);
  - b) A detailed level and feature survey of the footpaths and roads.
  - c) The reinstatement of the vehicle crossings on Westgate Street.
  - d) The conversion of indented parking bays to nature strip on Westgate Street.
  - e) Public footpaths are to be reinstated to the previous levels with a maximum cross fall slop of 1 in 40 (2.5 per cent).
  - f) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
  - g) Any necessary drainage works.
  - h) Tree(s) and other landscaping in the street frontages adjacent to or near the development.
  - i) Any other works and street furniture to the public land adjacent to the development.
16. 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
17. 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 Contributions**

18. 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.

19. 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;
20. 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.

### **Baffled Lighting**

21. Lighting on each balcony must be designed to not emit light direct onto adjoining property 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, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
23. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
24. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
25. 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.
26. 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).
27. The surface of all balconies and terraces 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.
28. A letterbox must be provided for each of the premises at the street frontage. The dimensions, placement and numbering must comply with the Australia Post – Letterbox Security and Specification as published on its website to the satisfaction of the Responsible Authority.

### **Time Limit**

29. This permit will expire if one of the following circumstances applies:
  - a) the development is not commenced within two (3) years from the date of issue of this permit;
  - b) the development is not completed within four (5) 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 the conditions of this notice of decision.**

**Note 1:** Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for any Council parking permits to allow for on street parking. See Council's website for more information:

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

**Note 2:** Unless no permit is required under the Moreland Planning Scheme, no sign must be constructed or displayed on the land without a further planning permit.

**Note 3:** Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 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 4:** This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.moreland.vic.gov.au/planning-building/> and click on 'Moreland Development Contributions Plan (DCP)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.

**Note 5:** This permit for the development of the land includes the construction of buildings and works over an easement. It is the responsibility of the owner, through the services of the relevant building surveyor, to determine any necessary consent(s) from all those parties who may have a legal right over the easement and from any other appropriate authority to whom the easement may be vested in.

This planning permit does not provide the consent from Council, service authorities or other persons or bodies for the construction of the building and works over the easement within the property.

## Resolution

**Cr Conlan moved, Cr El-Halabi seconded -**

**That Council's submission to VCAT be one of support for the construction of 19 dwellings (mix of two and three storey) and three shops above a basement car park, use of the land for dwellings and reduction to the statutory car parking rate at 9A-9D Anderson Street and 80 Westgate Street, subject to the following conditions:**

**Amended plans required**

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 development plans (advertised 28 June 2021) but modified to show:**
  - a) **Provision of a lift from the communal area to the basement level.**
  - b) **The render on the northern boundary wall replaced with a higher quality and durable material.**



- c) **Provision of at least three dwellings that meet the Silver Level requirements of the Liveable Housing Design Guidelines.**
- d) **Dwelling 1 designed to meet the Gold Level requirements of the Liveable Housing Design Guidelines with respect to the ground floor bedroom and kitchen.**
- e) **A minimum 2 metres setback to Dwellings 17-19 from the northern property boundary to improve daylight.**
- f) **Reduction to the Dwelling 1 arbor so that a 4.5 x 4.5 metre permeable area is provided for canopy tree planting.**
- g) **The street integration improved to Westgate Street, by:**
  - i. **Larger or multiple ground level windows to Dwelling 10 to both the splayed edge and southern wall; and**
  - ii. **Lower the height of the hit and miss brick front wall to a maximum of 1.5 metres, or making the hit and miss brick wall 25% permeable for Dwellings 7-9.**
  - iii. **Delete the hit and miss brick wall privacy screens for Dwellings 5 & 6.**
- h) **Provision of screening to the Dwelling 3 and 4 first floor western bedroom windows in accordance with Clause 55.04-6 (Overlooking).**
- j) **Re-allocation of the two shop car parking spaces to the dwellings and notation of parking spaces with association apartment number.**
- k) **A notation to confirm that no additional columns are to be placed in the car park.**
- l) **Dimension the vehicle crossing width (measured at the footpath), to match the width and location of the accessway.**
- m) **The removal of the proposed refuge from the vehicle crossing.**
- n) **A 1 metre straight splay on the eastern side of the vehicle crossing, commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.**
- o) **Details of the ventilation to the bin storage area for the ground floor shops fronting Anderson Street.**
- p) **Dimension of the second-floor projections beyond the Anderson and Westgate Street alignment, ensuring the projection is limited to architectural features and no more than 300mm outside the Title boundary.**
- q) **Canopy to Anderson Street that must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height less than 3 metres above the level of the footpath in accordance with Regulation 103 of the Building Regulations 2018.**
- r) **Any changes to the plans arising from the amended:**
  - i. **Sustainability Management Plan in accordance with Condition 3 of this permit.**
  - ii. **Waste Management Plan in accordance with Condition 6 of this permit.**
  - iii. **Amended landscape plan in accordance with Condition 7 of this permit.**

### **Compliance with endorsed plans**

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

### **Sustainability Management Plan**

- 3. Prior to the endorsement of plans, an amended Sustainability Management Plan (SMP) and associated plans must be submitted to the satisfaction by the Responsible Authority. The Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Sustainable Design Consultants, revision reference S4372 SMP.V3 but modified to include the following changes:**
  - a) Maximise the solar PV based on available roofspace and having regard to roof orientation, including a commitment to minimum 30kW solar PV.**
  - b) Amend the BESS report (and any other corresponding documentation) to:**
    - i. Include commitment to minimum 30kW solar PV.**
  - c) Show the following ESD initiatives on the development plans:**
    - i. The size and location of the rainwater tank(s) with at least 37,000L total capacity for reuse. The rainwater tank(s) cannot obstruct glazing or access to private open spaces.**
    - ii. External operable shading devices to the dwelling 1, 17, 18 & 19 north facing ground floor habitable room glazing, to block peak summer sun. A product diagram or section of the proposed device must be provided must not be roller shutters).**
    - iii. The solar PV system, including photovoltaic array location, approximate size and number of individual panels, orientation and tilt angle.**
    - iv. The location of at least one designated electric vehicle parking bay and location of charging infrastructure.**
    - v. Annotate that 32-40 Amps dedicated circuits are provided for the charging of electric vehicles for all car spaces.**
- 4. 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**
- 5. When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.**
- 6. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority.**
- 7. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, a report (or reports) from the author of the Sustainability Management Plan (SMP) 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 SMP report have been implemented in accordance with the approved report.

#### **Waste Management Plan**

- 8. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. When to the satisfaction of the Responsible Authority, the report will be endorsed and will form part of this permit. The plan must be generally in accordance with the advertised WMP prepared by Ratio dated 7 April 2021 but amended to make reference to the basement lift, provision of a third shop, and any other subsequent design layout changes required at Condition 1.**
- 9. When submitted and approved to the satisfaction of the Responsible Authority, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Responsible Authority.**
- 10. 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.**

#### **Landscaping**

- 11. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Tract dated 22 April 2021 but amended to show:
  - a) Any changes required to align with the plans for endorsement.**
  - b) Provision of one canopy tree within the front setback of Dwellings 5 and 6 and rear secluded private open space of Dwelling 1, in accordance with Clause 55.03-8 (Landscaping).**
  - c) A schedule of all proposed trees, shrubs and ground covers (including numbers, size at planting, size at maturity and botanical names) and notation on the plans to confirm which species is proposed in which location.****
- 12. 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.**
- 13. 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.**

#### **Street Tree Removal**

- 14. Prior to the commencement of occupation or at a later date with the prior written consent of the Responsible Authority, the owner must pay Council to remove and provide advanced replacement tree(s) in an appropriate location in a nature strip nearby in accordance with the Moreland Street Landscape Strategy for each street tree removed for the vehicle crossing, to the satisfaction of the Responsible Authority.**

#### **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 land must be submitted to the satisfaction of the Responsible Authority. The Plan**

must include:

- a) All construction details in accordance with the *Moreland City Council Technical Notes July 2019* (or any updated version);
  - b) A detailed level and feature survey of the footpaths and roads.
  - c) The reinstatement of the vehicle crossings on Westgate Street.
  - d) The conversion of indented parking bays to nature strip on Westgate Street.
  - e) Public footpaths are to be reinstated to the previous levels with a maximum cross fall slop of 1 in 40 (2.5 per cent).
  - f) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
  - g) Any necessary drainage works.
  - h) Tree(s) and other landscaping in the street frontages adjacent to or near the development including greening of the Anderson Street and Westgate Street corner footpath extension.
  - i) Any other works and street furniture to the public land adjacent to the development.
16. 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
17. 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 Contributions

18. 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.
19. 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;
20. 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.

#### Baffled Lighting

21. Lighting on each balcony must be designed to not emit light direct onto adjoining property 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, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
23. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
24. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
25. 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.
26. 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).
27. The surface of all balconies and terraces 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.
28. A letterbox must be provided for each of the premises at the street frontage. The dimensions, placement and numbering must comply with the Australia Post – Letterbox Security and Specification as published on its website to the satisfaction of the Responsible Authority.

## Time Limit

29. This permit will expire if one of the following circumstances applies:
  - a) the development is not commenced within two (3) years from the date of issue of this permit;
  - b) the development is not completed within four (5) 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 the conditions of this notice of decision.*

**Note 1: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for any Council parking permits to allow for on street parking. See Council's website for more information:**

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

**Note 2:** Unless no permit is required under the Moreland Planning Scheme, no sign must be constructed or displayed on the land without a further planning permit.

**Note 3:** Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 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 4:** This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.moreland.vic.gov.au/planning-building/> and click on '[Moreland Development Contributions Plan \(DCP\)](#)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.

**Note 5:** This permit for the development of the land includes the construction of buildings and works over an easement. It is the responsibility of the owner, through the services of the relevant building surveyor, to determine any necessary consent(s) from all those parties who may have a legal right over the easement and from any other appropriate authority to whom the easement may be vested in.

This planning permit does not provide the consent from Council, service authorities or other persons or bodies for the construction of the building and works over the easement within the property.

**Carried**

## **URGENT BUSINESS REPORTS**

Nil

The meeting closed at 7.21 pm.

Confirmed

Cr Mark Riley  
**DEPUTY MAYOR**