



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 26 June 2024

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URGENT BUSINESS	50

The Mayor opened the meeting at 7.05 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 Adam Pulford, Mayor	7.05 pm	8.27 pm
Cr Lambros Tapinos, Deputy Mayor	7.10 pm	8.05 pm
Cr Angelica Panopoulos	7.05 pm	8.27 pm
Cr Annalivia Carli Hannan	7.29 pm	8.07 pm
Cr Helen Davidson	7.05 pm	8.27 pm
Cr Helen Pavlidis	7.05 pm	8.27 pm
Cr James Conlan	Apology	
Cr Mark Riley	7.05 pm	8.27 pm
Cr Monica Harte	7.05 pm	8.27 pm
Cr Oscar Yildiz JP	7.05 pm	8.27 pm
Cr Sue Bolton	7.05 pm	8.27 pm

OFFICERS

Acting Director Place and Environment – Narelle Jennings
 Acting Group Manager City Development – Lachlan McGowan
 Unit Manager Urban Planning – Mark Hughes
 Planning Coordinator – Ryan Hay
 Acting Planning Coordinator – Alex Osbourne
 Acting Planning Coordinator - Jack Poulson
 Manager Governance and Strategy – Yvonne Callanan
 Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Cr Conlan was an apology to the meeting.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Yildiz moved, Cr Panopoulos seconded -

The minutes of the Planning and Related Matters Meeting held on 22 May 2024 be confirmed.

Carried

7.09 pm Cr Pavlidis left the meeting.

COUNCIL REPORTS

5.1 81A BELL STREET, COBURG - PLANNING PERMIT APPLICATION - MPS/2023/774



Property:	81A Bell Street, Coburg		
Proposal:	Development of the land for the purposes of a multi-storey mixed-use development comprising dwellings, shop tenancy and food and drink premises across multiple buildings; use of the land for a food and drink premises; a reduction to the standard car parking requirement; and alteration to access to a road in a Transport Zone 2		
Zoning and Overlays:	<ul style="list-style-type: none"> Activity Centre Zone, Schedule 1 (ACZ1) Parking Overlay (PO1) Development Contributions Plan Overlay (DCPO1) 		
Strategic setting:	Minimal change	Incremental change	Significant change
Objections:	<ul style="list-style-type: none"> 30 with key concerns being: <ul style="list-style-type: none"> Traffic Impacts Car Parking Building Height 		
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> A PID meeting was not held given the Council officer recommendation for refusal and the applicant's prompt lodgement of an appeal to the Victorian Civil and Administrative Tribunal (VCAT) following the public notice period. 		
Accessibility:	<ul style="list-style-type: none"> Adaptable apartments comprise 58 per cent of the proposal. 		
Key reasons for refusal:	<ul style="list-style-type: none"> Unacceptable height and visual bulk to Bridges Reserve Inconsistency with built form requirements and design objectives of ACZ1 with the buildings exceeding the maximum height and street wall heights with inadequate upper-level setbacks. Inadequate ESD response. 		
Recommendation:	It is recommended that Council's submission to VCAT be that no planning permit should be issued for the proposal, based on the grounds outlined in the recommendation.		

Officer Recommendation

Council's submission to Victorian Civil and Administrative Tribunal be that no planning permit should be issued for the development of the land for the purposes of a multi-storey mixed-use development comprising dwellings, shop tenancy and food and drink premises across multiple buildings; use of the land for a food and drink premises; a reduction to the standard car parking requirement; and alteration to access to a road in a Transport Zone 2 at 81A Bell Street, Coburg, subject to the following grounds:

1. The proposal fails to comply with the purpose and objectives of the Activity Centre Zone, Schedule 1. More specifically, the design response does not adequately respond to the preferred future character for the area, including that:
 - a) The reduced upper-level setback from podium level and building design has an unacceptable visual impact on Bridges Reserve.
 - b) The poor ESD performance, lack of public benefit and unacceptable visual impacts on surrounding streets and public spaces fail to provide sufficient justification for the additional height and reduced upper level setbacks of the Activity Centre Zone.
 - c) The development does not provide appropriate new canopy trees.
 - d) The excessive hard paving associated with pathways in the Bell Street setback compromises the desired landscaped setback and the appearance of buildings with landscaped grounds sought by the Activity Centre Zone.
2. The proposal is not consistent with the following strategies contained at Clause 15.01-1L Urban Design in Merri-bek:
 - a) The siting and design of the buildings is an inappropriate response to the urban context, siting and built form of the precinct and fails to deliver an appropriate balance of open space to built-form, resulting in unacceptable building scale and bulk when viewed from Bridges Reserve.
 - b) The proposal fails to ensure that landscaping integrates development with the surrounding environment which includes Bridges Reserve.
 - c) The proposal provides an inappropriate detailed design response to Rodda Street, with solid terrace balustrading/fencing at ground-floor leading to visual bulk at the pedestrian scale.
3. The design of the buildings fails to meet the strategies and guidelines of Clause 15.01-2L (Apartment Development in Merri-bek) with respect to:
 - a) The building separation between Buildings A1 and A2 and Buildings A2 and C does not meet the distances specified in Table 3 and does not allow adequate daylight to living rooms and bedrooms.
4. The proposal does not satisfy the following objectives and standards of Clause 58 Apartment Developments:
 - a) Clause 58.02-1 – Urban Context Objectives - The design fails to contribute to the preferred future development of the area and is not appropriate to the urban context and the site.
 - b) Clause 58.02-5 – Integration with the Street Objective - The design fails to provide an appropriate interface with Bridges Reserve, Bell Street and Rodda Street.
 - c) Clause 58.03-1: Energy Efficiency Objective – The proposal fails to provide maximum cooling loads and preliminary energy ratings required to assess this standard.
 - d) Clause 58.03-8 - Integrated Water and Stormwater Management Objectives – The proposal fails to provide the information required to assess this standard.
 - e) Clause 58.03-5 – Landscaping Objectives – The development fails to provide tree species that will remain viable and support the preferred urban context of the area as well as provide adequate shade to communal areas.
 - f) Clause 58.04-1 – Building Setback Objectives – The setbacks of the buildings do not contribute to the preferred future development of the area and fail to provide appropriate internal amenity for residents, particularly in regard to daylight and outlook.

- g) Clause 58.07-4 – Natural Ventilation Objective – The proposal fails to demonstrate that the cross-ventilation requirements are met.
- 5. The proposal fails to demonstrate that it achieves best practice environmentally sustainable design with respect to:
 - a) The performance objectives at Clause 15.01-2L-05 (Environmentally Sustainable Development), in particular daylight, thermal performance, Water Sensitive Urban Design and natural ventilation.
 - b) The performance objectives at Clause 15.01-2L-04 (Energy efficiency in Merri-bek) which seeks to create quality living environments with particular regard to daylight access and natural ventilation.
 - c) Activity Centre Zone, Schedule 1 objectives seek to ensure all buildings are designed to meet best practice standards for Environmentally Sustainable Design (ESD).
 - d) Stormwater Management in Urban Development objectives at Clause 53.18 as the proposal fails to provide the information required to assess this requirement.
- 6. The development contravenes Section 173 Agreement AF306853Y.

7.10 pm Cr Pavlidis returned to the meeting before the motion was put.
 7.10 pm Cr Tapinos entered the meeting before the motion was put.
 7.14 pm Cr Bolton left the meeting before the motion was put.
 7.14 pm Cr Bolton returned to the meeting before the motion was put.

Resolution

Cr Bolton moved, Cr Panopoulos seconded -

Council's submission to Victorian Civil and Administrative Tribunal be that no planning permit should be issued for the development of the land for the purposes of a multi-storey mixed-use development comprising dwellings, shop tenancy and food and drink premises across multiple buildings; use of the land for a food and drink premises; a reduction to the standard car parking requirement; and alteration to access to a road in a Transport Zone 2 at 81A Bell Street, Coburg, subject to the following grounds:

- 1. **The proposal fails to comply with the purpose and objectives of the Activity Centre Zone, Schedule 1. More specifically, the design response does not adequately respond to the preferred future character for the area, including that:**
 - a) **The reduced upper-level setback from podium level and building design has an unacceptable visual impact on Bridges Reserve.**
 - b) **The poor ESD performance, lack of public benefit and unacceptable visual impacts on surrounding streets and public spaces fail to provide sufficient justification for the additional height and reduced upper level setbacks of the Activity Centre Zone.**
 - c) **The development does not provide appropriate new canopy trees.**
 - d) **The excessive hard paving associated with pathways in the Bell Street setback compromises the desired landscaped setback and the appearance of buildings with landscaped grounds sought by the Activity Centre Zone.**

2. The proposal is not consistent with the following strategies contained at Clause 15.01-1L Urban Design in Merri-bek:
 - a) The siting and design of the buildings is an inappropriate response to the urban context, siting and built form of the precinct and fails to deliver an appropriate balance of open space to built-form, resulting in unacceptable building scale and bulk when viewed from Bridges Reserve.
 - b) The proposal fails to ensure that landscaping integrates development with the surrounding environment which includes Bridges Reserve.
 - c) The proposal provides an inappropriate detailed design response to Rodda Street, with solid terrace balustrading/fencing at ground-floor leading to visual bulk at the pedestrian scale.
3. The design of the buildings fails to meet the strategies and guidelines of Clause 15.01-2L (Apartment Development in Merri-bek) with respect to:
 - a) The building separation between Buildings A1 and A2 and Buildings A2 and C does not meet the distances specified in Table 3 and does not allow adequate daylight to living rooms and bedrooms.
4. The proposal does not satisfy the following objectives and standards of Clause 58 Apartment Developments:
 - a) Clause 58.02-1 – Urban Context Objectives - The design fails to contribute to the preferred future development of the area and is not appropriate to the urban context and the site.
 - b) Clause 58.02-5 – Integration with the Street Objective - The design fails to provide an appropriate interface with Bridges Reserve, Bell Street and Rodda Street.
 - c) Clause 58.03-1: Energy Efficiency Objective – The proposal fails to provide maximum cooling loads and preliminary energy ratings required to assess this standard.
 - d) Clause 58.03-8 - Integrated Water and Stormwater Management Objectives – The proposal fails to provide the information required to assess this standard.
 - e) Clause 58.03-5 – Landscaping Objectives – The development fails to provide tree species that will remain viable and support the preferred urban context of the area as well as provide adequate shade to communal areas.
 - f) Clause 58.04-1 – Building Setback Objectives – The setbacks of the buildings do not contribute to the preferred future development of the area and fail to provide appropriate internal amenity for residents, particularly in regard to daylight and outlook.
 - g) Clause 58.07-4 – Natural Ventilation Objective – The proposal fails to demonstrate that the cross-ventilation requirements are met.
5. The proposal fails to demonstrate that it achieves best practice environmentally sustainable design with respect to:
 - a) The performance objectives at Clause 15.01-2L-05 (Environmentally Sustainable Development), in particular daylight, thermal performance, Water Sensitive Urban Design and natural ventilation.
 - b) The performance objectives at Clause 15.01-2L-04 (Energy efficiency in Merri-bek) which seeks to create quality living environments with particular regard to daylight access and natural ventilation.

- c) **Activity Centre Zone, Schedule 1 objectives seek to ensure all buildings are designed to meet best practice standards for Environmentally Sustainable Design (ESD).**
- d) **Stormwater Management in Urban Development objectives at Clause 53.18 as the proposal fails to provide the information required to assess this requirement.**

6. The development contravenes Section 173 Agreement AF306853Y.

7.29 pm Cr Carli Hannan entered the meeting during the debate.

7.33 pm Cr Carli Hannan left the meeting before the vote.

Carried unanimously

7.39 pm Cr Carli Hannan returned to the meeting after the vote on item 5.1.

5.2 448-450 & 452-456 LYGON STREET, BRUNSWICK EAST - MPS/2015/949/B



Property:	448-450 & 452-456 Lygon Street, BRUNSWICK EAST		
Permitted Development:	Development of the land for the purposes of a five storey building comprising retail tenancies and dwellings, use of the land for dwellings and a reduction to the standard car parking requirement		
Proposed Amendments:	<ul style="list-style-type: none"> • An extension of the approved development to include the land at 452-456 Lygon Street. • The addition of 8 new dwellings and 1 new shop. • The addition of a basement level, containing all car parking and storage areas, including the relocation of vehicle access from Bladen Street to Eddy Street. • An increase from 10 to 20 on-site car parking spaces, resulting in a reduction of 23 spaces from the standard car parking requirement. • Minor internal layout changes. • External consequential changes. 		
Zoning and Overlays:	<ul style="list-style-type: none"> • Commercial 1 Zone • Design and Development Overlay (Schedule 19) • Parking Overlay (Schedule 1) • Development Contributions Plan Overlay 		
Strategic setting:	Minimal change	Incremental change	Significant change
Objections:	<ul style="list-style-type: none"> • Nine (9) objections received • Key issues: <ul style="list-style-type: none"> • The impact of the height and reduced setback of the building to the existing apartments to the north. • Vehicle access design and the impact on Street Trees. • Amenity impacts to residential properties to the east. 		

Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> 30 May 2024 Attendees: 2 objectors, the applicant, 2 Council officers, Cr Bolton and Cr Riley At the completion of the meeting the permit applicant committed to exploring options to ameliorate overshadowing and overlooking concerns. These measures are outlined in this recommendation.
ESD:	<ul style="list-style-type: none"> Minimum average NatHERS rating of 7 stars. BESS Score of 59 per cent
Accessibility:	<ul style="list-style-type: none"> Adaptable apartments comprise 50 per cent of the proposal.
Key reasons for support:	<ul style="list-style-type: none"> The amended development represents an appropriate response to the existing character of the surrounding area, including height of nearby buildings. The amended development results in acceptable off-site amenity impacts. The amended development provides additional retail opportunity and streetscape activation.
Recommendation:	Notice of Decision to Grant an Amended Planning Permit be issued for the proposal.

Officer Recommendation

That a Notice of Decision to Amend Planning Permit No. MPS/2015/949/B be issued for the development of the land for the purposes of a five storey building with a basement comprising shops and dwellings, use of the land for dwellings and a reduction to the standard car parking requirement at 448-450 and 452-456 Lygon Street, Brunswick East, subject to the following conditions (**new and amended conditions are bolded**):

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 to supersede the previously endorsed plans and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Shouman Pty Ltd being Drawing Nos. TP101 – TP108, TP201-TP203, (marked Revision E, and advertised 27 March 2024) but modified to show:**
 - a) **The finished floor levels (FFLs) for the development modified in the following manner:**
 - i. **The ‘Retail Shop 1’ FFL increased to 46.68AHD.**
 - ii. **The ‘Retail Shop 2’ FFL increased to 46.64AHD.**
 - iii. **The residential ‘Entry’ FFL increased to 46.38AHD.**
 - iv. **The basement entry apex height increased to 46.20AHD.**
 - b) **The colour palette of External Finishes 2 (concrete), 5 (staggered stack brickwork), 8 (steel balustrade), 9 (steel flat panel awning) and 10 (steel mesh cladding) modified in tone to adopt a warmer appearance.**
 - c) **The western elevation corrected to show the south-facing facade of the three-storey street wall built to the southern title boundary.**
 - d) **The four on-site visitor bike parks and the adjoining planter bed to be deleted and replaced with a shopfront window constructed on the boundary, to provide additional commercial space and street activation.**

- e) **The addition of angled blades to the balconies of apartments 103, 203, 303 and 403 to assist with minimizing downwards views to the adjoining residential property to the east.**
 - f) **The north-eastern section of the rooftop parapet adjacent to the solar panels increased in setback from the eastern site boundary by a minimum of 1.15m.**
 - g) **The north-facing bedroom windows provided with obscure glazing to a height of 1700mm above the finished floor level.**
 - h) **Changes in the basement ramp grades to not exceed 12.5 per cent for each summit grade change or 15 per cent for each sag grade change.**
 - i) **Show the tap and sewer point required for washing the bins.**
 - j) **Any modifications arising from the Landscape Plan required by Condition 4 of this permit.**
 - k) **Any modifications arising from the amended Sustainable Management Plan (SMP) required by Condition 7 of this permit.**
 - l) **Any modifications arising from the amended Acoustic Report required by Condition 24 of this permit.**
 - m) **Any modifications arising from the amended Waste Management Plan (WMP) required by Condition 27 of this permit.**
 - n) **A Public Works Plan (PWP) as required by Condition 29 of this permit.**
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Title Ownership

3. Prior to the commencement of any development works, the owner/permit holder must demonstrate to the satisfaction of the Responsible Authority that it is the registered proprietor of the land identified as 'A' and 'B' on Plan of Survey, Reference No. 12181, prepared by Peter Richards Surveying and dated 9 February 2017.

Landscape Plan

4. Prior to the commencement of any development works, a landscape plan must be submitted to the satisfaction of the Responsible Authority. The landscape plan must provide the following:
- a) A schedule of all proposed trees, shrubs and ground covers (including numbers, size at planting, size at maturity and botanical names), as well as sealed and paved surfaces. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Moreland Landscape Guidelines 2009.
 - b) Details as to the plant selection, installation and maintenance of vegetation at rooftop level and climbing facade vegetation provided to the south-eastern corner of the development, to the satisfaction of the Responsible Authority.
 - c) **Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.**
 - d) **Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:**
 - i. **Soil volume sufficient for the proposed vegetation**
 - ii. **Soil mix**

- iii. **Drainage design**
- iv. **Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.**

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

- 5. **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.**
- 6. **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.**

Environmentally Sustainable Design

- 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, received 08/12/2023 but modified to include the following changes:**
 - a) **Provide preliminary NatHERS ratings assessments for all thermally unique dwellings and achieve an average of at least 7 Stars.**
 - b) **The Solar PV System to be a 10-kW system.**
 - c) **Provide additional detail on proposed building systems water use reduction, demonstrating compliance to BESS Credit 4.1 - Building Systems Water Use Reduction.**
 - d) **Provide a preliminary NCC Part J facade calculator, demonstrating compliance to NCC Part J and the BESS DtS Energy compliance criteria.**
 - e) **Provide a winter sunlight markup, clearly demonstrating that the development complies with BESS Credit IEQ 1.3 – Winter Sunlight.**
 - f) **Show the following ESD initiatives on the development plans:**
 - i. **An ESD table on the plans for items that cannot be drawn e.g. NatHERS, tap and cooling/heating ratings, etc.**
 - ii. **External operable shading devices to all east/west facing windows and glazed doors to habitable rooms drawn and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. Include a product diagram or section of the proposed device (must not be roller shutters for any street facing glazing). Ensure windows that have external adjustable shading can open when using the blind.**
 - iii. **The proposed solar PV system, including location, spatial size and system output size.**
 - iv. **Location of proposed EV charging infrastructure.**
 - v. **Proposed roof and hardscape materials and their related Solar Reflectance Index (SRI) values**

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 Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report from the author of the Sustainable Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.**

Development Contributions

10. 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 Levy amount for the development is \$347.26 per dwelling. In accordance with the approved Development Contributions Plan, these amounts will be indexed annually on 1 July.

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

General Conditions

11. Prior to the issuing of Statement of Compliance or occupation of the development, whichever occurs first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
12. Prior to the occupation of the development, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority **(Merri-bek City Council, City Infrastructure Department).**

13. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (**Merri-bek City Council, City Infrastructure Department**).
14. **At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (ie 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3) to the satisfaction of the Responsible Authority.**
15. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the bicycle storage room must have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3) to the satisfaction of the Responsible Authority.**
16. 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**).
17. **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.**
18. **DELETED**
19. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
20. Prior to the occupation of the development, the garage door must be automatic and remote controlled.
21. The car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separate from the development for any reason without the written consent of the Responsible Authority.
22. No additional columns are to be placed in the car park.
23. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height not less than 3m above the level of the footpath to the satisfaction of the Responsible Authority.

Acoustic Report

24. **Prior to the endorsement of plans, an amended Acoustic Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the Acoustic Report prepared by DDEG Acoustic Engineering (advertised April 2024), and must:**
 - a) **Reflect the development hereby approved and the changes required by Condition 1 of this permit; and**
 - b) **Detail how construction methods and materials will mitigate noise impacts from the tram line.**

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report 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.

25. The building must be constructed and maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority. The Acoustic Report endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.
26. 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.

Waste Management

27. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the WMP prepared by Frater Consulting Services (advertised in April 2024) and must:
 - a) Reflect the development hereby approved and the changes required by Condition 1 of this permit.
 - b) Show the 'Refuse' room with the number and size of bins, colour coded.
 - c) Confirm whether ventilation is required in the refuse room.

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

28. 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.

Public Works Plan

29. Prior to the endorsement of plans, a Public Works Plan (PWP) and associated construction drawing specifications detailing public works at the northern, eastern western interfaces of the property must be submitted to the satisfaction of the Merri-bek City Council. The PWP 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) Longitudinal plans of the road verge commencing 10 metres beyond the site boundary, together with cross-sections between the kerb and the building line at 5 metre intervals, with levels showing the slope of the public footpath and highlighting how the level difference between footpath and floor levels will be made up within the site to the satisfaction of the Responsible Authority.
 - d) The upgrade of the Lygon Street footpath adjacent to the site's western boundary. Public asphalt footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 33.
 - e) The upgrade of the Bladen Avenue and Eddy Street footpaths adjacent to the site's southern and eastern boundaries. Public concrete footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40.

- f) The vehicle crossing to have a slope of 1 in 40 over a 1 metre width along the public footpath.
- g) Any necessary parking signs.
- h) Any necessary drainage works.
- i) The installation of bike hoops, provided with graffiti-resistant surfaces, including at least two hoops on Bladen Avenue.
- j) The provision of other works and street furniture including seating (where practicable), which is to be provided with graffiti-resistant surfaces.
- k) The provision of new street tree planting in Lygon Street, Bladen Avenue and Eddy Street in appropriate locations in front of the site (where practicable), with the number of trees maximised based on the space available, to the satisfaction of Merri-bek City Council (Open Space and Environment Branch).
- l) The undergrounding of powerlines and power poles adjacent to the site's Lygon Street frontage (where practicable), to the satisfaction of the relevant authorities.
- m) New street lighting supported by a Lighting Plan with LUX levels tested against CPTED principles to the satisfaction of Merri-bek City Council (City Infrastructure Department).
- n) Public footpath areas abutting the site annotated in the following manner:
 - i. Label the Lygon Street public footpath with a prominent Note stating "Reinstate public footpath with a crossfall slope of 1 in 33 from top of roadside kerb to property boundary"; and
 - ii. Label the Bladen Avenue and Eddy Street public footpaths with a prominent Note stating "Reinstate public footpath with a crossfall slope of 1 in 40 from top of roadside kerb to property boundary"; and
 - iii. Label each pedestrian entrance with a prominent Note stating, "Floor to be ramped down to match the level of the public footpath that will be reinstated from top of roadside kerb".

When submitted and approved to the satisfaction of the Merri-bek City Council, 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.

- 30. 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 Merri-bek City Council at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Use of Rooftop Terrace

- 31. The communal rooftop area is to be utilised by residents (and their guests) between the hours of 8am and 9pm only, Monday to Sunday. This requirement is to be managed and enforced by the relevant Owners Corporation.

3D Model

32. 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/building-and-business/planning-and-building/planning/virtual-merri-bek>. 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.

Expiry

33. 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 permit or conditions of this permit.

This permit has been issued in accordance with the Victorian Civil and Administrative Tribunal's Order P2373/2016, dated 18 July 2017.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987.

Date of amendment: 01-Aug-2022

Amendment Number: MPS/2015/949/A

Brief description of amendment:

- Amended permit preamble;
- Amended plans including:
 - Dwellings reduced from 13 to 8.
 - Construction of communal open space and associated structures at rooftop level;
 - Internal rearrangements;
 - External alterations;
- New Condition 1A;
- Amended Condition 4;
- Amended Condition 21;
- New Condition 23.

All remaining conditions renumbered accordingly.

Amendment Number: MPS/2015/949/B

Brief description of amendment:

- Amended permit preamble.
- Inclusion of 452-456 Lygon Street as part of the subject site.
- Amended plans including:
 - Dwellings increased from 8 to 16.
 - Shops increased from 1 to 2.
 - The addition of a basement level.
 - An increase from 10 to 20 on-site car parking spaces, resulting in a reduction of 23 spaces from the standard car parking requirement.
 - Minor internal layout changes.
 - External consequential changes.
- New Conditions 5, 6, 14, 15, 17, 25, 26, 29, 30, 32
- Deletion of Condition 18
- Amended Conditions 1, 4, 7, 24, 27;

All remaining conditions renumbered accordingly.

Resolution

Cr Riley moved, Cr Panopoulos seconded -

That a Notice of Decision to Amend Planning Permit No. MPS/2015/949/B be issued for the development of the land for the purposes of a five storey building with a basement comprising shops and dwellings, use of the land for dwellings and a reduction to the standard car parking requirement at 448-450 and 452-456 Lygon Street, Brunswick East, subject to the following conditions (new and amended conditions are bolded):

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 to supersede the previously endorsed plans and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Shouman Pty Ltd being Drawing Nos. TP101 – TP108, TP201-TP203, (marked Revision E, and advertised 27 March 2024) but modified to show:**
 - a) **The finished floor levels (FFLs) for the development modified in the following manner:**
 - i. **The ‘Retail Shop 1’ FFL increased to 46.68AHD.**
 - ii. **The ‘Retail Shop 2’ FFL increased to 46.64AHD.**
 - iii. **The residential ‘Entry’ FFL increased to 46.38AHD.**
 - iv. **The basement entry apex height increased to 46.20AHD.**
 - b) **The colour palette of External Finishes 2 (concrete), 5 (staggered stack brickwork), 8 (steel balustrade), 9 (steel flat panel awning) and 10 (steel mesh cladding) modified in tone to adopt a warmer appearance.**
 - c) **The western elevation corrected to show the south-facing facade of the three-storey street wall built to the southern title boundary.**

- d) The four on-site visitor bike parks and the adjoining planter bed to be deleted and replaced with a shopfront window constructed on the boundary, to provide additional commercial space and street activation.
 - e) The addition of angled blades to the balconies of apartments 103, 203, 303 and 403 to assist with minimizing downwards views to the adjoining residential property to the east.
 - f) The north-eastern section of the rooftop parapet adjacent to the solar panels increased in setback from the eastern site boundary by a minimum of 1.15m.
 - g) The north-facing bedroom windows provided with obscure glazing to a height of 1700mm above the finished floor level.
 - h) Changes in the basement ramp grades to not exceed 12.5 per cent for each summit grade change or 15 per cent for each sag grade change.
 - i) Show the tap and sewer point required for washing the bins.
 - j) Any modifications arising from the Landscape Plan required by Condition 4 of this permit.
 - k) Any modifications arising from the amended Sustainable Management Plan (SMP) required by Condition 7 of this permit.
 - l) Any modifications arising from the amended Acoustic Report required by Condition 24 of this permit.
 - m) Any modifications arising from the amended Waste Management Plan (WMP) required by Condition 27 of this permit.
 - n) A Public Works Plan (PWP) as required by Condition 29 of this permit.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Title Ownership

3. Prior to the commencement of any development works, the owner/permit holder must demonstrate to the satisfaction of the Responsible Authority that it is the registered proprietor of the land identified as 'A' and 'B' on Plan of Survey, Reference No. 12181, prepared by Peter Richards Surveying and dated 9 February 2017.

Landscape Plan

4. Prior to the commencement of any development works, a landscape plan must be submitted to the satisfaction of the Responsible Authority. The landscape plan must provide the following:
- a) A schedule of all proposed trees, shrubs and ground covers (including numbers, size at planting, size at maturity and botanical names), as well as sealed and paved surfaces. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Moreland Landscape Guidelines 2009.
 - b) Details as to the plant selection, installation and maintenance of vegetation at rooftop level and climbing facade vegetation provided to the south-eastern corner of the development, to the satisfaction of the Responsible Authority.
 - c) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.

- d) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - i. Soil volume sufficient for the proposed vegetation
 - ii. Soil mix
 - iii. Drainage design
 - iv. Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.

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

- 5. 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.
- 6. 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.

Environmentally Sustainable Design

- 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, received 08/12/2023 but modified to include the following changes:
 - a) Provide preliminary NatHERS ratings assessments for all thermally unique dwellings and achieve an average of at least 7 Stars.
 - b) The Solar PV System to be a 10-kW system.
 - c) Provide additional detail on proposed building systems water use reduction, demonstrating compliance to BESS Credit 4.1 - Building Systems Water Use Reduction.
 - d) Provide a preliminary NCC Part J facade calculator, demonstrating compliance to NCC Part J and the BESS DtS Energy compliance criteria.
 - e) Provide a winter sunlight markup, clearly demonstrating that the development complies with BESS Credit IEQ 1.3 – Winter Sunlight.
 - f) Show the following ESD initiatives on the development plans:
 - i. An ESD table on the plans for items that cannot be drawn e.g. NatHERS, tap and cooling/heating ratings, etc.
 - ii. External operable shading devices to all east/west facing windows and glazed doors to habitable rooms drawn and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. Include a product diagram or section of the proposed device (must not be roller shutters for any street facing glazing). Ensure windows that have external adjustable shading can open when using the blind.
 - iii. The proposed solar PV system, including location, spatial size and system output size.

- iv. Location of proposed EV charging infrastructure.
- v. Proposed roof and hardscape materials and their related Solar Reflectance Index (SRI) values

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 Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report from the author of the Sustainable Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

Development Contributions

- 10. 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 Levy amount for the development is \$347.26 per dwelling. In accordance with the approved Development Contributions Plan, these amounts will be indexed annually on 1 July.

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

General Conditions

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

12. Prior to the occupation of the development, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
13. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
14. At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (ie 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3) to the satisfaction of the Responsible Authority.
15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the bicycle storage room must have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3) to the satisfaction of the Responsible Authority.
16. 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).
17. 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.
18. DELETED
19. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
20. Prior to the occupation of the development, the garage door must be automatic and remote controlled.
21. The car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separate from the development for any reason without the written consent of the Responsible Authority.
22. No additional columns are to be placed in the car park.
23. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height not less than 3m above the level of the footpath to the satisfaction of the Responsible Authority.

Acoustic Report

24. Prior to the endorsement of plans, an amended Acoustic Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the Acoustic Report prepared by DDEG Acoustic Engineering (advertised April 2024), and must:
 - a) Reflect the development hereby approved and the changes required by Condition 1 of this permit; and
 - b) Detail how construction methods and materials will mitigate noise impacts from the tram line.

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report 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.

25. The building must be constructed and maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority. The Acoustic Report endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.
26. 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.

Waste Management

27. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the WMP prepared by Frater Consulting Services (advertised in April 2024) and must:
 - a) Reflect the development hereby approved and the changes required by Condition 1 of this permit.
 - b) Show the 'Refuse' room with the number and size of bins, colour coded.
 - c) Confirm whether ventilation is required in the refuse room.

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

28. 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.

Public Works Plan

29. Prior to the endorsement of plans, a Public Works Plan (PWP) and associated construction drawing specifications detailing public works at the northern, eastern western interfaces of the property must be submitted to the satisfaction of the Merri-bek City Council. The PWP 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) Longitudinal plans of the road verge commencing 10 metres beyond the site boundary, together with cross-sections between the kerb and the building line at 5 metre intervals, with levels showing the slope of the public footpath and highlighting how the level difference between footpath and floor levels will be made up within the site to the satisfaction of the Responsible Authority.

- d) The upgrade of the Lygon Street footpath adjacent to the site's western boundary. Public asphalt footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 33.
- e) The upgrade of the Bladen Avenue and Eddy Street footpaths adjacent to the site's southern and eastern boundaries. Public concrete footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40.
- f) The vehicle crossing to have a slope of 1 in 40 over a 1 metre width along the public footpath.
- g) Any necessary parking signs.
- h) Any necessary drainage works.
- i) The installation of bike hoops, provided with graffiti-resistant surfaces, including at least two hoops on Bladen Avenue.
- j) The provision of other works and street furniture including seating (where practicable), which is to be provided with graffiti-resistant surfaces.
- k) The provision of new street tree planting in Lygon Street, Bladen Avenue and Eddy Street in appropriate locations in front of the site (where practicable), with the number of trees maximised based on the space available, to the satisfaction of Merri-bek City Council (Open Space and Environment Branch).
- l) The undergrounding of powerlines and power poles adjacent to the site's Lygon Street frontage (where practicable), to the satisfaction of the relevant authorities.
- m) New street lighting supported by a Lighting Plan with LUX levels tested against CPTED principles to the satisfaction of Merri-bek City Council (City Infrastructure Department).
- n) Public footpath areas abutting the site annotated in the following manner:
 - i. Label the Lygon Street public footpath with a prominent Note stating "Reinstate public footpath with a crossfall slope of 1 in 33 from top of roadside kerb to property boundary"; and
 - ii. Label the Bladen Avenue and Eddy Street public footpaths with a prominent Note stating "Reinstate public footpath with a crossfall slope of 1 in 40 from top of roadside kerb to property boundary"; and
 - iii. Label each pedestrian entrance with a prominent Note stating, "Floor to be ramped down to match the level of the public footpath that will be reinstated from top of roadside kerb".

When submitted and approved to the satisfaction of the Merri-bek City Council, 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.

- 30. 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 Merri-bek City Council at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Use of Rooftop Terrace

31. The communal rooftop area is to be utilised by residents (and their guests) between the hours of 8am and 9pm only, Monday to Sunday. This requirement is to be managed and enforced by the relevant Owners Corporation.

3D Model

32. 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/building-and-business/planning-and-building/planning/virtual-merri-bek>. 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.

Expiry

33. 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 permit or conditions of this permit.

This permit has been issued in accordance with the Victorian Civil and Administrative Tribunal's Order P2373/2016, dated 18 July 2017.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987.

Date of amendment: 01-Aug-2022

Amendment Number: MPS/2015/949/A

Brief description of amendment:

- Amended permit preamble;
- Amended plans including:
 - Dwellings reduced from 13 to 8.
 - Construction of communal open space and associated structures at rooftop level;
 - Internal rearrangements;

- External alterations;
- New Condition 1A;
- Amended Condition 4;
- Amended Condition 21;
- New Condition 23.

All remaining conditions renumbered accordingly.

Amendment Number: MPS/2015/949/B

Brief description of amendment:

- Amended permit preamble.
- Inclusion of 452-456 Lygon Street as part of the subject site.
- Amended plans including:
 - Dwellings increased from 8 to 16.
 - Shops increased from 1 to 2.
 - The addition of a basement level.
 - An increase from 10 to 20 on-site car parking spaces, resulting in a reduction of 23 spaces from the standard car parking requirement.
 - Minor internal layout changes.
 - External consequential changes.
- New Conditions 5, 6, 14, 15, 17, 25, 26, 29, 30, 32
- Deletion of Condition 18
- Amended Conditions 1, 4, 7, 24, 27;

All remaining conditions renumbered accordingly.

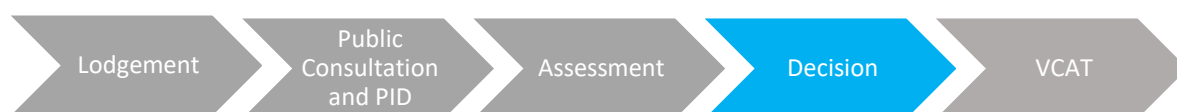
Carried unanimously

8.03 pm Cr Riley left the meeting after the vote.

8.03 pm Cr Bolton left the meeting after the vote.

8.04 pm Cr Riley returned to the meeting.

5.3 10 DAWSON STREET, BRUNSWICK - PLANNING PERMIT APPLICATION - MPS/2023/637



Property:	10 Dawson Street, Brunswick
Proposal:	Demolition of existing buildings and construction of a multi storey mixed-use building, use of the land for dwellings, to vary an easement and a reduction of the standard car parking requirement
Zoning and Overlays:	<ul style="list-style-type: none"> • Commercial 1 Zone • Heritage Overlay Schedule 61 & Schedule 600 • Design and Development Overlay Schedule 18 • Specific Controls Overlay – Schedule 5 • Development Contributions Plan Overlay • Parking Overlay Schedule 1 • Environmental Audit Overlay

Strategic setting:	<div>Minimal change</div> <div>Incremental change</div> <div>Significant change</div>
Objections:	<ul style="list-style-type: none"> • Five • Key issues: <ul style="list-style-type: none"> – Building height – Overshadowing – Impacts to nearby civic buildings and residences – Car parking reduction
Planning Information and Discussion (PID) Meeting:	No PID held, as the applicant has lodged an appeal to the Victorian Civil and Administrative Tribunal (VCAT).
ESD:	<ul style="list-style-type: none"> • Minimum average NatHERS rating of 7.5 stars • BESS Score of 70 per cent
Accessibility:	<ul style="list-style-type: none"> • Adaptable apartments comprise 60 per cent of the proposal
Key reasons for support	<ul style="list-style-type: none"> • The building height and setbacks are acceptable, subject to conditions, including deletion of a level. • Complies with the objectives of Clause 58 (Apartment developments). • Exceeds accessibility / ESD requirements. • High quality architectural response that provides a good standard of amenity for future residents. • Community benefits of varied carriageway easement providing access to Council land to the north (33 Saxon Street); footpath improvements; and retention of street tree in Saxon Street.
Recommendation:	That Council advises the Victorian and Civil and Administrative Tribunal and all parties that the proposed development is supported, subject to the conditions outlined below.

Officer Recommendation

That Council writes to the Victorian Civil and Administrative Tribunal (VCAT) and all parties to the VCAT review advising that Council supports planning application MPS/2023/637 at 10 Dawson Street, Brunswick for the demolition of existing buildings and construction of a multi storey mixed-use building, use of the land for dwellings, to vary an easement and a reduction of the standard car parking requirement, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised 9 February 2024 but modified to show:
 - a) Deletion of one of levels 3, 4, 5 or 6 with the commensurate reduction in building height.
 - b) An additional 1 metre setback from the eastern title boundary to Levels 5 and 6.

- c) Additional employment generating and/or creative industries floor area of approximately 700sqm to be provided at first floor level, along the Dawson Street and Saxon Street frontages. This may result in the deletion of apartments, 1.05 to 1.10.
- d) The upper level front (southern) setbacks to Dawson Street to be dimensioned to the front wall instead of the dashed lines beyond the front wall.
- e) The Main Switch Room fronting Dawson Street, set back an additional 1 metre from the Dawson Street (southern) boundary (excluding the column), with low planting and improved bike access provided.
- f) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (i.e. 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
- g) Dimension the accessway grades of the car basement ramps to comply with Clause 52.06-9 of the Merri-bek Planning Scheme with:
 - i. Slopes no greater than 1 in 4;
 - ii. Slopes within 5 metres of the street boundary to be no greater than 1 in 10;
 - iii. Changes of grade of more than 1 in 8 for a summit grade change or more than 1 in 6.7 for a sag grade change, to be provided with a transition of at least 2 metres to prevent vehicles scraping or bottoming.
- h) The access aisle in blind (dead-end) aisles in the car park extended 1 metre past the last parking space to improve access and egress to and from end spaces in accordance with Clause 2.4.2 of the Australian Standard for Off-Street Parking (AS2890.1).
- i) Dimensions of the tandem car parking spaces.
- j) Each pedestrian entrance with a ramp shown and labelled with the statement "Slope floor to match existing footpath level".
- k) A sign erected on the building facing either or both of Dawson Street and Saxon Street identifying the building as the 'John Curtin building'.
- l) Any changes to the plans arising from the:
 - i. Landscape Plan in accordance with Condition 6 of this permit.
 - ii. Tree Protection Plan in accordance with Condition 9 of this permit.
 - iii. Heritage Interpretation Strategy in accordance with Condition 12 of this permit.
 - iv. Sustainability Management Plan in accordance with Condition 13 of this permit.
 - v. Accessibility Report in accordance with Condition 17 of this permit.
 - vi. Acoustic Report in accordance with Condition 19 of this permit.
 - vii. Waste Management Plan in accordance with Condition 22 of this permit.
 - viii. Wind impact assessment in accordance with Condition 24 of this permit.

Compliance with Endorsed Plans

2. The use and 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.

Carriageway Easement

3. Within 6 months of the permit being issued, the permit holder must provide evidence to the Responsible Authority that a carriageway easement (Easement E-2) has been registered on the title of 10 Dawson Street, Brunswick in favour of 33 Saxon Street /15 Phoenix Street, generally in accordance with the advertised Plan of Creation and Removal of Easement. All costs associated with the preparation and registration of the easement must be shared equally between the permit holder and the landowner of 33 Saxon Street, Brunswick.
4. Prior to the issue of Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, the proposed Easement E-2 must be fully constructed to the satisfaction of the Responsible Authority at the cost of the permit holder.

Construction Over Easement

5. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, the owner of the land must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (the Act) in a form satisfactory to the Responsible Authority which provides for the following:
 - a) Maintenance of access to carriageway easement;
 - b) Appropriate insurance be maintained to the satisfaction of the Responsible Authority;
 - c) Indemnification of Council for any loss suffered if the terms of the s173 agreement are breached by the landowner;
 - d) Releases Council from any claims the landowner may have against Council associated with the parts of the building within the easement;
 - e) Do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and
 - f) Pay to the Responsible Authority, or its legal representative, all costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

Landscaping

6. 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 Oculus dated 01 December 2023 but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) The tree species proposed for the ground level rain garden annotated.
 - c) The mature size of proposed trees (e.g. *Waterhousea/Syzygium floribunda*) updated.
 - d) Use of 50cm or smaller stock for rooftop trees.
 - e) Placement of ferns and other shade-loving plants reviewed (e.g. sufficient shading from creepers and nearby structures).
 - f) Confirmation of lawn species and demonstrate consideration of suitable solar exposure between different lawn areas.
 - g) Details of planter box design including:
 - i. Media product name
 - ii. Construction/section diagrams

- iii. Irrigation (e.g. location of controllers, irrigation volumes/frequency, connection points)
- iv. Drainage design (including discharge points)
- v. Consideration of water collection, water recycling and water tanks

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

- 7. 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.
- 8. 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.

Tree Protection Plan

- 9. Prior to the endorsement of plans, an updated Tree Protection and Management Plan (TPMP) must be submitted to the satisfaction of the Responsible Authority. The TPMP must be compliant with section 5 of AS4970-2009 Protection of Trees on Development Sites, to ensure that the street tree on the Dawson Street and Saxon Street corner (Tree 1) remains healthy and viable during construction. The TPMP must be prepared by a suitably qualified and experienced arborist (AQF Level 5+ plus a minimum 5 year demonstrated industry experience). The TPMP must be generally in accordance with the Tree Management Report and Protection Plan prepared by Arbor Survey Revision 3 dated 19/01/2024 and include the following updates to the satisfaction of the Responsible Authority:
 - a) Name, qualifications and experience of the author to be included.
 - b) A Tree Protection Plan to scale that shows:
 - i. All Tree Protection Zones and Structural Root Zones
 - ii. All Tree Protection Fencing
 - iii. Areas where ground protection systems will be used
 - iv. The type of footings within any Tree Protection Zone
 - v. The location of services within any Tree Protection Zone
 - c) The location and design of Tree Protection Fencing.
 - d) Details of appropriate footings within the Tree Protection Zone.
 - e) The method of installing any services through the Tree Protection Zone.
 - f) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
 - g) A timetable outlining works requiring supervision by the Project Arborist.
 - h) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10 per cent into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.

- i) All remedial pruning works that are required to be performed on the tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- j) Results of non-destructive root investigation (NDRI) (e.g. hydro excavation) where the TPZ of Tree 1 is encroached by the proposed basement (e.g. on subject side of fence where the TPZ extends, to a depth of 1000mm+. Project arborist (AQF Level 5+) to supervise and document works and provide the applicant with advice regarding impacts of proposed basement works. Advice must be made to assure the long-term viability (including structural integrity) of Tree 1 is not compromised by development works.

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit and must not be altered without the prior written consent of the Responsible Authority. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

Tree Removal

- 10. In the event that public tree(s) are proposed for removal at any stage of the development, or Merri-bek City Council determine that impacts from the development will result in any of the public street trees to be no longer viable, the applicant must, prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, pay Council the amenity value, removal, replacement and establishment costs in accordance with the Merri-bek Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.

Heritage Record and Interpretation Strategy

- 11. Prior to the commencement of any demolition, a professionally prepared archival record of the substation on the land must be carried out and submitted to the satisfaction of the Responsible Authority. This record must be carried out in accordance with Heritage Victoria's technical note 'Specification for the submission of Archival' undated.
- 12. Prior to the commencement of any demolition, an interpretation strategy, prepared by appropriately qualified consultant, must be developed that explores the historical significance of Brunswick's electrical supply and distribution network, which 'played a critical role in the residential, commercial and industrial expansion of the municipality during the interwar period' (Statement of Significance), to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design (ESD)

- 13. Prior to the endorsement of plans, an amended Sustainability 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 GIW Environmental Solutions Dated 23 January 2024 but modified to include the following changes:
 - a) A summary of re-use options for the >80 per cent of fire test water proposed to be collected and re-used on site.
 - b) Solar Reflectance Index (SRI) values of all hard surfaces clearly annotated on the development plans, aligned with endorsed SMP commitments.
 - c) Provide a preliminary NCC Part J facade calculator, demonstrating compliance to NCC Part J and the BESS DtS Energy compliance criteria.
 - d) Show the following ESD initiatives on the development plans:

- i. An ESD table on the plans for items that cannot be drawn e.g. NatHERS, tap and cooling/heating ratings, etc.

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

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

14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the development must be constructed in accordance with the Sustainable Design Assessment (including any BESS and STORM reports and NatHERS Ratings) to the satisfaction of the Responsible Authority.
15. 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.
16. 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.

Accessibility

17. Prior to the endorsement of plans, an Accessibility Report prepared by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority. The report must include the following, to the satisfaction of the Responsible Authority:
 - a) Detail how the development will incorporate design features in accordance with Standard D17 (Accessibility) of Clause 58 of the Merri-bek Planning Scheme, including the detailed design of the adaptable bathrooms (e.g. confirmation of hobless showers and removable hinges to doors).

When submitted and approved to the satisfaction of the Responsible Authority, the Accessibility Report will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development.

18. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Accessibility Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Accessibility Report have been implemented in accordance with the approved report.

Acoustic Attenuation

19. Prior to the endorsement of plans, an amended Acoustic Report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the Responsible Authority. The Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic advertised on 9/02/2024 but modified to:
- a) Reflect the changes required by Condition 1 of this permit.
 - b) Include measures to ensure the design of dwellings comply with Standard D16 of Clause 58.04-3 (Noise impacts objective) of the Merri-bek Planning Scheme.
 - c) Include measures to ensure the design and construction of the dwellings within 50 metres of the function centre use at 33 Saxon Street, Brunswick comply with Clause 53.06-3 (Live Music and Entertainment Noise) of the Merri-bek Planning Scheme. The dwellings must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from the:
 - i. Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020)
 - ii. Outdoor live music entertainment venue to below 45dB(A), assessed as an L_{eq} over 15 minutes.

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826).

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report 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.

20. 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.
21. 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.

Waste Management

22. Prior to the endorsement of plans, a Waste Management Plan (WMP) generally in accordance with the Waste Management Plan prepared by Leigh Design dated 19 October 2023 must be submitted to, and approved by, the Responsible Authority.

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

23. 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.

Wind impact assessment

24. Prior to the endorsement of plans, an amended wind impact assessment must be submitted and approved 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 environmental wind assessment prepared by MEL Consultants advertised 9/02/2024 but it must be amended as required, to show the development layout updated to reflect the changes required by Condition 1 of this permit.

25. The wind impact assessment 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.

Public Works Plan

26. Prior to the commencement of development, a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must be in accordance with the Merri-bek City Council Technical Notes July 2019, or any updated version and detail works in front of the approved building along Dawson Street and Saxon Street including:
 - a) Provision of a kerb outstand to Saxon Street to continue the width of the footpath at the southern end of Saxon Street for the length of the Saxon Street frontage or unless otherwise agreed with the Responsible Authority.
 - b) A new street tree provided to the Saxon Street kerb outstand extension, on the edge of the footpath.
 - c) Underground powerlines in Saxon Street.
 - d) Relocation of the side entry pit on Saxon Street to where the kerb extension finishes, and the underground drain to be extended along with the kerb extension, to the relocated pit.
 - e) A detailed feature survey of the footpaths and roads.
 - f) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent) from the top of the roadside kerb to the property boundary, with any level difference made up within the site.
 - g) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
 - h) The relocation or replacement of existing and installation of new street furniture and infrastructure (in a graffiti-proof finish), such as parking and traffic signs, public seating, bicycle parking and similar.
 - i) Any other works to the public land adjacent to the development.

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.

27. 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.

Environmental Audit

28. Before the construction or carrying out of buildings and works, or where no buildings and works are proposed, prior to the commencement of the permitted use or the issue of a statement of compliance under the Subdivision Act 1988 (whichever is earlier), the owner(s) must provide:

- a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or,
 - b) An environmental audit statement under Part 8.3 of the Environment Protection Act stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or.
 - c) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.
29. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.
- Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first). All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).
30. Prior to any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.
31. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 28, 29, and 30 are satisfied.
32. Prior to commencement of the use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
33. Where a preliminary risk screen assessment has satisfied Condition 28(that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk

screen assessment to the satisfaction of the Responsible Authority.

Naming of Building as 'John Curtin Building'

34. To ensure the development does not breach clause 3) a of Section 173 agreement titled 'The John Curtin Building 10 Dawson Street, Brunswick' dated 24 February 2000 (W660930P), prior to the commencement of development the applicant must obtain written consent from Council for the removal of any existing signage identifying the building as the John Curtin Building.
35. Prior to the issue of a Statement of Compliance or occupancy permit for any part of the building, whichever occurs first, a sign identifying the building as the 'John Curtin Building' must be erected on the building on either or both of Dawson Street or Saxon Street to the satisfaction of the Responsible Authority.

3D model

36. 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 Council's website. 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.

Engineering Matters

37. 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.
38. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the bicycle storage room must have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
39. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the Responsible Authority. Bicycle signage should be at least 0.3 metres wide and 0.45 metres high; display a white bicycle on a blue background on the top half of the sign and display information about the direction of facilities on the bottom half of the sign.

Stormwater

40. 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).
41. The surface of all balconies is 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.
42. The stormwater run-off from the accessway must not flow out of the property over the public footpath to the satisfaction of the Responsible Authority.

Car Parking

43. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:
 - a) Be completed prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first.
 - b) Be maintained.
 - c) Be properly formed to such levels that it can be used according to the endorsed plan.
 - d) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
 - e) Not be used for any other purpose other than the parking of vehicles, unless with the prior written consent of the Responsible Authority.
 - f) Be numbered to facilitate management of the car park.
44. All parking spaces are to be marked with the associated apartment or shop (commercial business) number to facilitate management of the car park to the satisfaction of the Responsible Authority, with at least one car parking space provided on site for each commercial business.
45. The vehicular traffic on the basement ramp is to be controlled by traffic signals to avoid cars meeting at the bend on the ramp.
46. No additional columns are to be placed in the car park.

General

47. 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.
48. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
49. The shopfront windows must not be painted or blocked out in any way to the satisfaction of the Responsible Authority.
50. Bicycle signage at least 300mm wide and 450mm high showing a white bicycle on a blue background, directing cyclists to the location of the bicycle parking.
51. The lifts must be large enough to easily accommodate two cyclists with bikes plus other passengers to avoid congestion generating opposition to cyclists using the lifts.
52. All lighting of external areas must be designed not to emit direct light onto adjoining property to the satisfaction of the Responsible Authority.
53. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

Permit Expiry

54. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within three (3) years from the date of issue of this permit;

- b) the development is not completed within five (5) years from the date of issue of this permit.
- c) the use is not commenced within five (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 this permit or conditions of this permit.

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 residential or visitor parking permits to allow for on street parking. See Council's website for more information.

Note 2: Environmental Audit Notes

A copy of the Environmental Audit Statement, including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the *Environment Protection Act 2017*.

The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.

The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Environmental Statement including a copy of any cover letter.

Note 3: Merri-bek City Council is committed to increasing the amount of affordable housing in the municipality. One way to do this, is through Homes for Homes, a social enterprise founded by the Big Issue that aims to raise new funds via voluntary tax-deductible donations on property transactions and invest those funds in building and managing new social and affordable dwellings. If you would like to help build homes for those in need, visit [Homes for Homes](#) and register your commitment to donate 0.1 per cent of the sale price of your dwelling(s).

Note 4: Council allocates new street addressing to the street that the frontage/main access faces. Should a development abut a suburb boundary, the street addressing will reflect the suburb of that street. In some instances a suburb boundary realignment may be required, should the land be at the suburb boundary.

8.05 pm Cr Tapinos left the meeting and did not return.
 8.05 pm Cr Bolton returned to the meeting before the motion was put.
 8.07 pm Cr Carli Hannan left the meeting and did not return.
 8.11 pm Cr Yildiz left the meeting.
 8.13 pm Cr Yildiz returned to the meeting before the motion was put.

Resolution

Cr Riley moved, Cr Bolton seconded -

That Council writes to the Victorian Civil and Administrative Tribunal (VCAT) and all parties to the VCAT review advising that Council supports planning application MPS/2023/637 at 10 Dawson Street, Brunswick for the demolition of existing buildings and construction of a multi storey mixed-use building, use of the land for dwellings, to vary an easement and a reduction of the standard car parking requirement, subject to the following conditions:

- 1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised 9 February 2024 but modified to show:**
 - a) Deletion of one of levels 3, 4, 5 or 6 with the commensurate reduction in building height.**
 - b) An additional 1 metre setback from the eastern title boundary to Levels 5 and 6.**
 - c) Additional employment generating and/or creative industries floor area of approximately 700sqm to be provided at first floor level, along the Dawson Street and Saxon Street frontages. This may result in the deletion of apartments, 1.05 to 1.10.**
 - d) The upper level front (southern) setbacks to Dawson Street to be dimensioned to the front wall instead of the dashed lines beyond the front wall.**
 - e) The Main Switch Room fronting Dawson Street, set back an additional 1 metre from the Dawson Street (southern) boundary (excluding the column), with low planting and improved bike access provided.**
 - f) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (i.e. 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).**
 - g) Dimension the accessway grades of the car basement ramps to comply with Clause 52.06-9 of the Merri-bek Planning Scheme with:**
 - i. Slopes no greater than 1 in 4;**
 - ii. Slopes within 5 metres of the street boundary to be no greater than 1 in 10;**
 - iii. Changes of grade of more than 1 in 8 for a summit grade change or more than 1 in 6.7 for a sag grade change, to be provided with a transition of at least 2 metres to prevent vehicles scraping or bottoming.**
 - h) The access aisle in blind (dead-end) aisles in the car park extended 1 metre past the last parking space to improve access and egress to and from end spaces in accordance with Clause 2.4.2 of the Australian Standard for Off-Street Parking (AS2890.1).**
 - i) Dimensions of the tandem car parking spaces.**
 - j) Each pedestrian entrance with a ramp shown and labelled with the statement "Slope floor to match existing footpath level".**

- k) A sign erected on the building facing either or both of Dawson Street and Saxon Street identifying the building as the 'John Curtin building'.**
- l) Any changes to the plans arising from the:**
 - i. Landscape Plan in accordance with Condition 6 of this permit.**
 - ii. Tree Protection Plan in accordance with Condition 9 of this permit.**
 - iii. Heritage Interpretation Strategy in accordance with Condition 12 of this permit.**
 - iv. Sustainability Management Plan in accordance with Condition 13 of this permit.**
 - v. Accessibility Report in accordance with Condition 17 of this permit.**
 - vi. Acoustic Report in accordance with Condition 19 of this permit.**
 - vii. Waste Management Plan in accordance with Condition 22 of this permit.**
 - viii. Wind impact assessment in accordance with Condition 24 of this permit.**

Compliance with Endorsed Plans

- 2. The use and 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.**

Carriageway Easement

- 3. Within 6 months of the permit being issued, the permit holder must provide evidence to the Responsible Authority that a carriageway easement (Easement E-2) has been registered on the title of 10 Dawson Street, Brunswick in favour of 33 Saxon Street /15 Phoenix Street, generally in accordance with the advertised Plan of Creation and Removal of Easement. All costs associated with the preparation and registration of the easement must be shared equally between the permit holder and the landowner of 33 Saxon Street, Brunswick.**
- 4. Prior to the issue of Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, the proposed Easement E-2 must be fully constructed to the satisfaction of the Responsible Authority at the cost of the permit holder.**

Construction Over Easement

- 5. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, the owner of the land must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (the Act) in a form satisfactory to the Responsible Authority which provides for the following:**
 - a) Maintenance of access to carriageway easement;**
 - b) Appropriate insurance be maintained to the satisfaction of the Responsible Authority;**
 - c) Indemnification of Council for any loss suffered if the terms of the s173 agreement are breached by the landowner;**
 - d) Releases Council from any claims the landowner may have against Council associated with the parts of the building within the easement;**

- e) Do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and
- f) Pay to the Responsible Authority, or its legal representative, all costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

Landscaping

6. 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 Oculus dated 01 December 2023 but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) The tree species proposed for the ground level rain garden annotated.
 - c) The mature size of proposed trees (e.g. Waterhousea/Syzygium floribunda) updated.
 - d) Use of 50cm or smaller stock for rooftop trees.
 - e) Placement of ferns and other shade-loving plants reviewed (e.g. sufficient shading from creepers and nearby structures).
 - f) Confirmation of lawn species and demonstrate consideration of suitable solar exposure between different lawn areas.
 - g) Details of planter box design including:
 - i. Media product name
 - ii. Construction/section diagrams
 - iii. Irrigation (e.g. location of controllers, irrigation volumes/frequency, connection points)
 - iv. Drainage design (including discharge points)
 - v. Consideration of water collection, water recycling and water tanks

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

7. 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.
8. 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.

Tree Protection Plan

9. Prior to the endorsement of plans, an updated Tree Protection and Management Plan (TPMP) must be submitted to the satisfaction of the Responsible Authority. The TPMP must be compliant with section 5 of AS4970-2009 Protection of Trees on Development Sites, to ensure that the street tree on the Dawson Street and Saxon Street corner (Tree 1) remains healthy and viable during construction. The TPMP must be prepared by a suitably qualified and experienced arborist (AQF Level 5+ plus a minimum 5 year demonstrated

industry experience). The TPMP must be generally in accordance with the Tree Management Report and Protection Plan prepared by Arbor Survey Revision 3 dated 19/01/2024 and include the following updates to the satisfaction of the Responsible Authority:

- a) Name, qualifications and experience of the author to be included.
- b) A Tree Protection Plan to scale that shows:
 - i. All Tree Protection Zones and Structural Root Zones
 - ii. All Tree Protection Fencing
 - iii. Areas where ground protection systems will be used
 - iv. The type of footings within any Tree Protection Zone
 - v. The location of services within any Tree Protection Zone
- c) The location and design of Tree Protection Fencing.
- d) Details of appropriate footings within the Tree Protection Zone.
- e) The method of installing any services through the Tree Protection Zone.
- f) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
- g) A timetable outlining works requiring supervision by the Project Arborist.
- h) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10 per cent into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
- i) All remedial pruning works that are required to be performed on the tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- j) Results of non-destructive root investigation (NDRI) (e.g. hydro excavation) where the TPZ of Tree 1 is encroached by the proposed basement (e.g. on subject side of fence where the TPZ extends, to a depth of 1000mm+. Project arborist (AQF Level 5+) to supervise and document works and provide the applicant with advice regarding impacts of proposed basement works. Advice must be made to assure the long-term viability (including structural integrity) of Tree 1 is not compromised by development works.

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit and must not be altered without the prior written consent of the Responsible Authority. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

Tree Removal

- 10. In the event that public tree(s) are proposed for removal at any stage of the development, or Merri-bek City Council determine that impacts from the development will result in any of the public street trees to be no longer viable, the applicant must, prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, pay Council the amenity value, removal, replacement and establishment costs in accordance with the Merri-bek Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.**

Heritage Record and Interpretation Strategy

- 11. Prior to the commencement of any demolition, a professionally prepared archival record of the substation on the land must be carried out and submitted to the satisfaction of the Responsible Authority. This record must be carried out in accordance with Heritage Victoria's technical note 'Specification for the submission of Archival' undated.**
- 12. Prior to the commencement of any demolition, an interpretation strategy, prepared by appropriately qualified consultant, must be developed that explores the historical significance of Brunswick's electrical supply and distribution network, which 'played a critical role in the residential, commercial and industrial expansion of the municipality during the interwar period' (Statement of Significance), to the satisfaction of the Responsible Authority.**

Environmentally Sustainable Design (ESD)

- 13. Prior to the endorsement of plans, an amended Sustainability 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 GIW Environmental Solutions Dated 23 January 2024 but modified to include the following changes:**
 - a) A summary of re-use options for the >80 per cent of fire test water proposed to be collected and re-used on site.**
 - b) Solar Reflectance Index (SRI) values of all hard surfaces clearly annotated on the development plans, aligned with endorsed SMP commitments.**
 - c) Provide a preliminary NCC Part J facade calculator, demonstrating compliance to NCC Part J and the BESS DtS Energy compliance criteria.**
 - d) Show the following ESD initiatives on the development plans:**
 - i. An ESD table on the plans for items that cannot be drawn e.g. NatHERS, tap and cooling/heating ratings, etc.**

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

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

- 14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the development must be constructed in accordance with the Sustainable Design Assessment (including any BESS and**

STORM reports and NatHERS Ratings) to the satisfaction of the Responsible Authority.

- 15. 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.**
- 16. 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.**

Accessibility

- 17. Prior to the endorsement of plans, an Accessibility Report prepared by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority. The report must include the following, to the satisfaction of the Responsible Authority:**
 - a) Detail how the development will incorporate design features in accordance with Standard D17 (Accessibility) of Clause 58 of the Merri-bek Planning Scheme, including the detailed design of the adaptable bathrooms (e.g. confirmation of hobless showers and removable hinges to doors).**

When submitted and approved to the satisfaction of the Responsible Authority, the Accessibility Report will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development.

- 18. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Accessibility Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Accessibility Report have been implemented in accordance with the approved report.**

Acoustic Attenuation

- 19. Prior to the endorsement of plans, an amended Acoustic Report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the Responsible Authority. The Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic advertised on 9/02/2024 but modified to:**
 - a) Reflect the changes required by Condition 1 of this permit.**
 - b) Include measures to ensure the design of dwellings comply with Standard D16 of Clause 58.04-3 (Noise impacts objective) of the Merri-bek Planning Scheme.**
 - c) Include measures to ensure the design and construction of the dwellings within 50 metres of the function centre use at 33 Saxon Street, Brunswick comply with Clause 53.06-3 (Live Music and Entertainment Noise) of the Merri-bek Planning Scheme. The dwellings must be designed and constructed to include acoustic attenuation measures that**

will reduce noise levels from the:

- i. Indoor live music entertainment venue to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020)
- ii. Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826).

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report 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.

20. 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.
21. 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.

Waste Management

22. Prior to the endorsement of plans, a Waste Management Plan (WMP) generally in accordance with the Waste Management Plan prepared by Leigh Design dated 19 October 2023 must be submitted to, and approved by, the Responsible Authority.

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

23. 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.

Wind impact assessment

24. Prior to the endorsement of plans, an amended wind impact assessment must be submitted and approved 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 environmental wind assessment prepared by MEL Consultants advertised 9/02/2024 but it must be amended as required, to show the development layout updated to reflect the changes required by Condition 1 of this permit.

25. The wind impact assessment 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.

Public Works Plan

26. Prior to the commencement of development, a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must be in accordance with the Merri-bek City Council Technical Notes July 2019, or any updated version and detail works in front of the approved building along Dawson Street and Saxon Street including:
- a) Provision of a kerb outstand to Saxon Street to continue the width of the footpath at the southern end of Saxon Street for the length of the Saxon Street frontage or unless otherwise agreed with the Responsible Authority.
 - b) A new street tree provided to the Saxon Street kerb outstand extension, on the edge of the footpath.
 - c) Underground powerlines in Saxon Street.
 - d) Relocation of the side entry pit on Saxon Street to where the kerb extension finishes, and the underground drain to be extended along with the kerb extension, to the relocated pit.
 - e) A detailed feature survey of the footpaths and roads.
 - f) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent) from the top of the roadside kerb to the property boundary, with any level difference made up within the site.
 - g) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
 - h) The relocation or replacement of existing and installation of new street furniture and infrastructure (in a graffiti-proof finish), such as parking and traffic signs, public seating, bicycle parking and similar.
 - i) Any other works to the public land adjacent to the development.

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.

27. 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.

Environmental Audit

28. Before the construction or carrying out of buildings and works, or where no buildings and works are proposed, prior to the commencement of the permitted use or the issue of a statement of compliance under the Subdivision Act 1988 (whichever is earlier), the owner(s) must provide:

- a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or,
 - b) An environmental audit statement under Part 8.3 of the Environment Protection Act stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or.
 - c) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.
29. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.
- Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first). All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).
30. Prior to any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.
31. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 28, 29, and 30 are satisfied.
32. Prior to commencement of the use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.

33. Where a preliminary risk screen assessment has satisfied Condition 28(that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the Responsible Authority.

Naming of Building as 'John Curtin Building'

34. To ensure the development does not breach clause 3) a of Section 173 agreement titled 'The John Curtin Building 10 Dawson Street, Brunswick' dated 24 February 2000 (W660930P), prior to the commencement of development the applicant must obtain written consent from Council for the removal of any existing signage identifying the building as the John Curtin Building.
35. Prior to the issue of a Statement of Compliance or occupancy permit for any part of the building, whichever occurs first, a sign identifying the building as the 'John Curtin Building' must be erected on the building on either or both of Dawson Street or Saxon Street to the satisfaction of the Responsible Authority.

3D model

36. 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 Council's website. 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.

Engineering Matters

37. 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.
38. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the bicycle storage room must have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
39. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the Responsible Authority. Bicycle signage should be at least 0.3 metres wide and 0.45 metres high; display a white bicycle on a blue background on the top half of the sign and display information about the direction of facilities on the bottom half of the sign.

Stormwater

- 40. 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).**
- 41. The surface of all balconies is 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.**
- 42. The stormwater run-off from the accessway must not flow out of the property over the public footpath to the satisfaction of the Responsible Authority.**

Car Parking

- 43. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:**
 - a) Be completed prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first.**
 - b) Be maintained.**
 - c) Be properly formed to such levels that it can be used according to the endorsed plan.**
 - d) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.**
 - e) Not be used for any other purpose other than the parking of vehicles, unless with the prior written consent of the Responsible Authority.**
 - f) Be numbered to facilitate management of the car park.**
- 44. All parking spaces are to be marked with the associated apartment or shop (commercial business) number to facilitate management of the car park to the satisfaction of the Responsible Authority, with at least one car parking space provided on site for each commercial business.**
- 45. The vehicular traffic on the basement ramp is to be controlled by traffic signals to avoid cars meeting at the bend on the ramp.**
- 46. No additional columns are to be placed in the car park.**

General

- 47. 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.**
- 48. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.**
- 49. The shopfront windows must not be painted or blocked out in any way to the satisfaction of the Responsible Authority.**
- 50. Bicycle signage at least 300mm wide and 450mm high showing a white bicycle on a blue background, directing cyclists to the location of the bicycle parking.**
- 51. The lifts must be large enough to easily accommodate two cyclists with bikes plus other passengers to avoid congestion generating opposition to cyclists using the lifts.**
- 52. All lighting of external areas must be designed not to emit direct light onto adjoining property to the satisfaction of the Responsible Authority.**

53. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

Permit Expiry

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

- a) the development is not commenced within three (3) years from the date of issue of this permit;
- b) the development is not completed within five (5) years from the date of issue of this permit.
- c) the use is not commenced within five (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 this permit or conditions of this permit.

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 residential or visitor parking permits to allow for on street parking. See Council's website for more information.

Note 2: Environmental Audit Notes

A copy of the Environmental Audit Statement, including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the Environment Protection Act 2017.

The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.

The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Environmental Statement including a copy of any cover letter.

Note 3: Merri-bek City Council is committed to increasing the amount of affordable housing in the municipality. One way to do this, is through Homes for Homes, a social enterprise founded by the Big Issue that aims to raise new funds via voluntary tax-deductible donations on property transactions and invest those funds in building and managing new social and affordable dwellings. If you would like to help build homes for those in need, visit [Homes for Homes](#) and register your commitment to donate 0.1 per cent of the sale price of your dwelling(s).

Note 4: Council allocates new street addressing to the street that the frontage/main access faces. Should a development abut a suburb boundary, the street addressing will reflect the suburb of that street. In some instances a suburb boundary realignment may be required, should the land be at the suburb boundary.

Carried unanimously

URGENT BUSINESS REPORTS

Nil.

The Council meeting closed at 8.27 pm.

Confirmed

Cr Adam Pulford
MAYOR