



Merri-bek
City Council

Minutes of the Planning and Related Matters Meeting

Held at the Council Chamber, Merri-bek Civic Centre,
90 Bell Street, Coburg
on Wednesday 28 August 2024

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The Mayor opened the meeting at 6.36 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	6.36 pm	7.20 pm
Cr Lambros Tapinos, Deputy Mayor	6.36 pm	7.20 pm
Cr Angelica Panopoulos	6.36 pm	7.20 pm
Cr Annalivia Carli Hannan	6.36 pm	7.20 pm
Cr Helen Davidson	6.55 pm	7.20 pm
Cr Helen Pavlidis	Apology	
Cr Mark Riley	6.36 pm	7.20 pm
Cr Monica Harte	6.36 pm	7.20 pm
Cr Oscar Yildiz JP	6.36 pm	7.20 pm
Cr Sue Bolton	Apology	

OFFICERS

Director Place and Environment – Pene Winslade
 Group Manager City Development – Phil Priest
 Unit Manager Urban Planning – Mark Hughes
 Planning Coordinator – Ryan Hay
 Planning Coordinator – Esha Rahman
 Senior Urban Planner – Rob Wallis
 Unit Manager Governance – Troy Delia
 Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Cr Bolton and Cr Pavlidis were apologies to the meeting.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Yildiz moved, Cr Harte seconded -

The minutes of the Planning and Related Matters Meeting held on 26 June 2024 be confirmed.

Carried

COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT - JUNE QUARTER 2024

Executive Summary

The City Development Urban Planning Unit is producing positive results with officer caseloads remaining at manageable levels. Having addressed the higher caseloads that resulted from pandemic years the Unit has maintained average decision-making timeframes that continue to be better than the metropolitan average.

It is evident that since the last quarter of 2022 and continuing into 2024, there has been a reduction in the number of planning applications being received by Council. The planning application reduction over a 12 month period is 6 per cent. The caseload of planning applications awaiting determination is now at an ideal level to enable timely decision-making and great customer service.

A reducing planning application caseload will have some implications for public open space contributions that help to fund new public parks guided by Council's Park Close to Home Program as well as enhancements to existing parks. In the past two decades the public open space reserve funds have been increasing in line with a sustained development boom in Merri-bek. A reduction in these contributions, which are realised at the time of subdivision of new apartment buildings or multi-unit developments, is being witnessed with reduced development activity in Merri-bek.

The focus for the Urban Planning Unit is to influence better quality planning and building design outcomes in Merri-bek while maintaining the timeliness of planning permit decisions. The June quarter saw the continuation of decision-making above the current metropolitan average at 65 per cent, with 73 per cent of decisions being made within the 60 statutory days in at Merri-bek. Pleasingly, Vic Smart timeframes, for minor matters, also remains above the metropolitan average at 92 per cent of decisions made within 10 statutory days, compared to the metropolitan average of 84 per cent.

Victorian Civil & Administrative Tribunal (VCAT) activity remains at a lower level when compared to the pre-pandemic case numbers.

In 2023, the Planning Enforcement Unit was impacted by higher than normal staff turnover which had impacted the team's ability to resolve cases. Pleasingly, with the team is now back to full capacity and individual officer caseloads level are now returning to more manageable levels as the outstanding cases continued to drop this quarter.

The proactive enforcement program was on target for the number of developments audited during this fourth quarter.

Officer Recommendation

That Council notes the City Development Activity Report – June Quarter 2024.

Resolution

Cr Riley moved, Cr Yildiz seconded -

That Council notes the City Development Activity Report – June Quarter 2024.

Carried unanimously

5.2 760A-774 SYDNEY ROAD, BRUNSWICK - AMENDED PLANNING PERMIT APPLICATION - MPS/2018/181/A



Property:	760A-774 Sydney Road, Brunswick		
Proposal:	Amend planning permit MPS/2018/181, to include the adjoining land parcel and increase dwellings from 61 to 76, increase commercial floor space and alter the appearance of the building.		
Zoning and Overlay/s:	<ul style="list-style-type: none"> Commercial 1 Zone Development Contributions Plan Overlay (DCPO1) Parking Overlay (PO1) Design and Development Overlay (DDO18) 		
Strategic setting:	Minimal change	Incremental change	Significant change
Objections:	<ul style="list-style-type: none"> Two objections received Key issues: <ul style="list-style-type: none"> Car parking Laneway access Increased Traffic concerns Safety concerns 		
Planning Information and Discussion (PID) Meeting:	A PID was not scheduled due to the limited number of objections received. The objectors were contacted individually.		
ESD:	<ul style="list-style-type: none"> Minimum average NatHERS rating of 7 stars. 70 per cent BESS score 30KW Solar PV System 		
Accessibility:	<ul style="list-style-type: none"> Adaptable apartments comprise 80.6 per cent of the proposal. 		
Key reasons for support	<ul style="list-style-type: none"> High quality architectural response and internal amenity Positive ESD response High proportion of accessible dwellings 		
Recommendation:	It is recommended that a Notice of Decision to Grant an Amended Planning Permit be issued for the proposal subject to conditions.		

Officer Recommendation

That a Notice of Decision to Grant Amended Planning Permit No. MPS/2018/181/A be issued for the construction of a multi storey building containing dwellings, retail and basement car parking, use of the land for dwellings and a reduction of the car parking requirement at 760A-774 Sydney Road, Brunswick, subject to the following conditions:

*(Permit condition amendments in **bold**)*

Amended plans required

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed to supersede the previously endorsed corresponding plans and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans prepared by **Freadman White**, drawing numbers: **TP001, TP004, TP104-TP109, TP201-TP206, TP301-TP303, TP501-TP509, TP601, revisions RFI02, all dated 16 May 2024** and must show:
 - a) **Finished floor levels amended to mitigate overland flows as follows:**
 - i. **The retail tenancy (floor area 155.8 m2): Minimum FFL 53.50 metres to AHD.**
 - ii. **The cafe: Minimum FFL 53.45 metres to AHD.**
 - iii. **The retail tenancy (floor area 169.3 m2): Minimum FFL 53.30 metres to AHD.**
 - iv. **The retail tenancy (floor area 138.0 m2): Minimum FFL 53.35 metres to AHD**
 - b) **Accessible entry from the frontage, which may include a Disability Discrimination Act (DDA) compliant ramps within the building in accordance with an Accessibility Report (Condition 27 of this permit).**
 - c) **Minimise unreasonable overlooking into habitable room windows and balconies at 4 Mitchell Street, from the First Floor – Dwelling 3B and 2D (balconies/bedroom windows), Second Floor - Dwelling 2D and 3B (balconies/bedroom windows), Third Floor - Dwelling 2D.1 and 3C (balconies/bedroom windows) and Fourth Floor - Dwelling 3C (balconies/bedroom windows) through a detailed screening diagram which must include:**
 - i. **Techniques to ensure reasonable outlook from impacted apartments is maintained.**
 - ii. **All dimensions, including the width of slats and the gap between slats.**
 - iii. **All side screens**
 - iv. **Use of the standard of Clause 55.04-6 (overlooking) of the Merri-bek Planning Scheme as a guide for assessment.**
 - d) **Levels 3, 4 and 5 modified so that common areas and corridors have sources of natural light and ventilation**
 - e) **Additional seating within the communal open space which is located to maximise exposure to sunlight on 21 June.**
 - f) **A staff change room and shower to encourage bicycle use.**
 - g) **Amended Landscape Plans in accordance with condition 3 of this Permit.**
 - h) **An Acoustic Report in accordance with condition 8 of this Permit.**
 - i) **Any changes resulting from the amended Waste Management Plan required by condition 22 of this Permit.**
 - j) **Any changes resulting from the amended Sustainability Management Plan in accordance with condition 24 of this Permit.**
 - k) **An Accessibility Report in accordance with condition 27 of this Permit.**

Development not to be altered

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 Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscaping

3. Prior to the endorsement of plans, amended landscape plans must be submitted to and approved by the Responsible Authority. The amended landscape plans must be generally in accordance with the landscape plans prepared by **Simon Ellis Landscape Architects dated 17 April 2024** modified to show:

- 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) Sections of all proposed planters showing sufficient soil depth and volume for the proposed planting, drainage design and soil mix.
- c) Details of an automatic irrigation system(s) for all planters, including the rooftop productive garden, including:
 - i. An analysis of the different irrigation demands for the different planters within the site.
 - ii. Details of the irrigation source(s), supply and connections points.
 - iii. Details of a maintenance program for the irrigation system(s) including flushing, checking systems integrity, monitoring sensors and calibration settings.
 - iv. Details of who is to be responsible for the ongoing maintenance of the irrigation system(s).

Any changes to the layout of the development required by condition 1 of this permit.

4. Prior to the issuing of a Statement of Compliance or occupation of the development, whichever occurs first, all landscaping works must be completed and maintained in accordance with the approved and endorsed landscape drawing to the satisfaction of the Responsible Authority, unless otherwise agreed with prior written consent of the Responsible Authority.

Car parking and access

5. 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.
6. Prior to the occupation of the development the roller door to the car park entrance must be automatic and remote controlled.
7. All parking spaces within the basement car park are to be marked with the associated apartment or shop number to facilitate management of the car park to the satisfaction of the Responsible Authority.

Acoustic Requirements

8. **Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the Responsible Authority. The acoustic report must assess the impact of traffic and tram noise from Sydney Road on the development and make relevant recommendations.**

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.

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.

9. Prior to the occupation of any dwelling approved under this permit, 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.

Site Assessment/Audit

10. **Prior to the commencement of construction or carrying out of works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use a Preliminary Site Investigation must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to pay the cost of an independent review of the Preliminary Site Investigation by a suitably qualified environmental professional. The Preliminary Site Investigation is to be conducted by a competent professional practitioner with relevant experience in the field. The owner must comply with the findings of the site assessment to the satisfaction of the Responsible Authority. The Preliminary Site Investigation must:**
 - a) **Specify the name and qualifications of the person who has conducted the Report;**
 - b) **Provide comment on the potential for offsite contamination to have migrated to the subject land from neighbouring land. Soil sampling and analysis of the subject site may be required where access to definitive information regarding neighbouring land is not obtainable or is inconclusive;**
 - c) **Specify the industrial process or activity, waste or substance in respect of which the Report was conducted;**
 - d) **Specify the segment of the environment in respect of which the Report was conducted;**
 - e) **Include an evaluation of the environmental quality of the relevant segment of the environment;**
 - f) **Include an assessment of any clean up that is necessary, including recommendations relating to the carrying out of the clean up, and any compliance requirements to enable the land owner to ensure that the land is suitable for the proposal;**
 - g) **Include a further recommendation to the Responsible Authority as to whether the condition of the land is such that an environmental audit statement should be conducted taking into consideration the proposed use.**

11. In accordance with condition 10 of this permit and 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
12. 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.
13. 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).
14. 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.
15. 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 10, 11, 12 and 13 are satisfied.

16. 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.
17. Where a Preliminary Site Investigation or preliminary risk screen assessment has satisfied Condition 11(a) (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 Site Investigation or preliminary risk screen assessment to the satisfaction of the Responsible Authority.

Bicycle parking

18. Prior to the occupation of the development all bicycle parking racks must be provided in a manner that accords with the specifications in Bicycle Victoria's Bicycle Parking Handbook to the satisfaction of the Responsible Authority.

Stormwater

19. 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).

Telecommunications and power connections

20. Prior to the occupation of the development all telecommunications and power connections (whereby 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.

Development Contributions Plan

21. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy is charged per 100 square metres of leasable floor space and the Development and Community Infrastructure Levy is charged per dwelling. If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:
 - 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.

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.

Waste Management

22. Prior to the endorsement of plans, a Waste Management Plan generally in accordance with the Waste Management Plan prepared by Ratio dated **20 October 2023** must be submitted and approved to the satisfaction of the Responsible Authority. When submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan and associated notated plans will form part of this permit.
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.

Sustainability Management Plan

24. Prior to the endorsement of plans, an amended Sustainability Management Plan (SMP) must be submitted to and approved to the satisfaction of the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by 'Ark Resources' dated **16 April 2024 but modified to include the following changes:**
 - a) **Any changes required to align with the plans for endorsement.**
 - b) **Include details of the fire system water testing re-use and how the 80 per cent use reduction will be achieved. Provide the tank capacity of any fire water tank and provide a brief description of the fire test water system and its Water Savings Options.**

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 ESD Management Plan and associated notated plans will be endorsed to form part of this permit.

25. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority. No alterations to the Sustainability Management Plan (SMP) may occur without the written consent of the Responsible Authority.
26. **Prior to the occupation of any dwelling/building approved under this permit, a report (or reports) from the author of the Sustainability Management Plan (SMP) report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report(s) must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the approved SMP and WSUD report have been implemented in accordance with the approved plans.**

Accessibility Report

27. **Prior to the endorsement of plans, an Accessibility Report generally in accordance with the report by Architecture and Access dated 17 April 2024 and condition 1 of this permit must be submitted and approved to the satisfaction of the Responsible Authority. When submitted and approved to the satisfaction of the Responsible Authority, the Accessibility Report will form part of this permit.**
28. Prior to the occupation of any dwelling approved under this permit, 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.

Transport Victoria Condition

29. The permit holder must take all reasonable to ensure that disruption to tram operation along Sydney Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to the Public Transport Victoria 35 days prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

Public Works Plan

30. Prior to the commencement of development, a Public Works Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must detail works at the rear of the building between the building line and property boundary at ground floor as well as public realm improvements to Sydney Road. The plan should include:
- a) The upgrade of the footpath adjacent to the site. **Public footpaths are to be reinstated with a crossfall slope of 1 in 33 from top of roadside kerb to property boundary.**
 - b) A detailed feature survey of the footpaths and roads.
 - c) Public realm improvements to Sydney Road including street furniture, **bicycle parking** and tree planting resolved in consultation with Council.
 - d) **Repairs to the bluestone kerb and channel along Sydney Road adjacent to the site.**
 - e) **Any necessary repairs/reinstatement to De Carle Lane.**
 - f) **All construction details in accordance with the Merri-bek City Council Technical Notes July 2019 (or any updated version).**

The approved Public Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the occupation of the development unless otherwise agreed with prior written consent of the Responsible Authority.

3D model

31. **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 on 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.**

Permit Expiry

32. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within 3 years from the date of issue of this permit; or
 - b) The development is not completed within 5 years from the date of issue of this permit.

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

- c) Within 6 months after the permit expires to extend the commencement date.
- d) Within 12 months after 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/o occupiers of the land would not be eligible for any Council parking permits to allow for on street parking.

Note 2: This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.moreland.vic.gov.au/planning-building/> and click on 'Moreland Development Contributions Plan (DCP)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.

Note 3: Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 4: This permit does not authorise the removal of damage to or pruning of any street tree. Further written consent must be obtained from Council's Open Space Unit. The Open Space Unit can be contacted on 8311 4300.

Note 5: The permit holder is advised to contact Council's Property Unit on 9240 2208 for allocation of street numbers associated with the development.

Note 6: Environmental Audit Notes

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

Date of amendment: 28 August 2024
Amendment Number: MPS/2018/181/A
Brief description of amendment: <ul style="list-style-type: none"> • Amended permit address; • Amended permit preamble; • Amended plans including: <ul style="list-style-type: none"> ○ Dwellings increased from 61 to 72; ○ Increase car parking and bicycle parking provisions; ○ Increase retail floor space, divided into four tenancies; ○ Internal rearrangements;

- External alterations;
 - New Conditions 12-17, 28, 30, 31;
 - Amended Conditions 1, 3, 8, 10, 11, 18 (now 24), 21 (now 27), 20 (now 26);
 - Delete Conditions 21 and 23;
- All remaining conditions renumbered accordingly.

Resolution

Cr Yildiz moved, Cr Harte seconded -

That a Notice of Decision to Grant Amended Planning Permit No. MPS/2018/181/A be issued for the construction of a multi storey building containing dwellings, retail and basement car parking, use of the land for dwellings and a reduction of the car parking requirement at 760A-774 Sydney Road, Brunswick, subject to the following conditions:

Amended plans required

1. **Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed to supersede the previously endorsed corresponding plans and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans prepared by Freadman White, drawing numbers: TP001, TP004, TP104-TP109, TP201-TP206, TP301-TP303, TP501-TP509, TP601, revisions RFI02, all dated 16 May 2024 and must show:**
 - a) **Finished floor levels amended to mitigate overland flows as follows:**
 - i. **The retail tenancy (floor area 155.8 m2): Minimum FFL 53.50 metres to AHD.**
 - ii. **The cafe: Minimum FFL 53.45 metres to AHD.**
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 - b) **Accessible entry from the frontage, which may include a Disability Discrimination Act (DDA) compliant ramps within the building in accordance with an Accessibility Report (Condition 27 of this permit).**
 - c) **Minimise unreasonable overlooking into habitable room windows and balconies at 4 Mitchell Street, from the First Floor – Dwelling 3B and 2D (balconies/bedroom windows), Second Floor - Dwelling 2D and 3B (balconies/bedroom windows), Third Floor - Dwelling 2D.1 and 3C (balconies/bedroom windows) and Fourth Floor - Dwelling 3C (balconies/bedroom windows) through a detailed screening diagram which must include:**
 - i. **Techniques to ensure reasonable outlook from impacted apartments is maintained.**
 - ii. **All dimensions, including the width of slats and the gap between slats.**
 - iii. **All side screens**
 - iv. **Use of the standard of Clause 55.04-6 (overlooking) of the Merri-bek Planning Scheme as a guide for assessment.**

- d) Levels 3, 4 and 5 modified so that common areas and corridors have sources of natural light and ventilation
- e) Additional seating within the communal open space which is located to maximise exposure to sunlight on 21 June.
- f) A staff change room and shower to encourage bicycle use.
- g) Amended Landscape Plans in accordance with condition 3 of this Permit.
- h) An Acoustic Report in accordance with condition 8 of this Permit.
- i) Any changes resulting from the amended Waste Management Plan required by condition 22 of this Permit.
- j) Any changes resulting from the amended Sustainability Management Plan in accordance with condition 24 of this Permit.
- k) An Accessibility Report in accordance with condition 27 of this Permit.

Development not to be altered

- 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 Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscaping

- 3. Prior to the endorsement of plans, amended landscape plans must be submitted to and approved by the Responsible Authority. The amended landscape plans must be generally in accordance with the landscape plans prepared by Simon Ellis Landscape Architects dated 17 April 2024 modified to show:
 - 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) Sections of all proposed planters showing sufficient soil depth and volume for the proposed planting, drainage design and soil mix.
 - c) Details of an automatic irrigation system(s) for all planters, including the rooftop productive garden, including:
 - i. An analysis of the different irrigation demands for the different planters within the site.
 - ii. Details of the irrigation source(s), supply and connections points.
 - iii. Details of a maintenance program for the irrigation system(s) including flushing, checking systems integrity, monitoring sensors and calibration settings.
 - iv. Details of who is to be responsible for the ongoing maintenance of the irrigation system(s).

Any changes to the layout of the development required by condition 1 of this permit.

- 4. Prior to the issuing of a Statement of Compliance or occupation of the development, whichever occurs first, all landscaping works must be completed and maintained in accordance with the approved and endorsed landscape drawing to the satisfaction of the Responsible Authority, unless otherwise agreed with prior written consent of the Responsible Authority.

Car parking and access

- 5. 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.**
- 6. Prior to the occupation of the development the roller door to the car park entrance must be automatic and remote controlled.**
- 7. All parking spaces within the basement car park are to be marked with the associated apartment or shop number to facilitate management of the car park to the satisfaction of the Responsible Authority.**

Acoustic Requirements

- 8. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the Responsible Authority. The acoustic report must assess the impact of traffic and tram noise from Sydney Road on the development and make relevant recommendations.**

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.

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.

- 9. Prior to the occupation of any dwelling approved under this permit, 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.**

Site Assessment/Audit

- 10. Prior to the commencement of construction or carrying out of works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use a Preliminary Site Investigation must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to pay the cost of an independent review of the Preliminary Site Investigation by a suitably qualified environmental professional. The Preliminary Site Investigation is to be conducted by a competent professional practitioner with relevant experience in the field. The owner must comply with the findings of the site assessment to the satisfaction of the Responsible Authority. The Preliminary Site Investigation must:**
 - a) Specify the name and qualifications of the person who has conducted the Report;**
 - b) Provide comment on the potential for offsite contamination to have migrated to the subject land from neighbouring land. Soil sampling and analysis of the subject site may be required where access to definitive information regarding neighbouring land is not obtainable or is inconclusive;**
 - c) Specify the industrial process or activity, waste or substance in respect of which the Report was conducted;**

- d) Specify the segment of the environment in respect of which the Report was conducted;
 - e) Include an evaluation of the environmental quality of the relevant segment of the environment;
 - f) Include an assessment of any clean up that is necessary, including recommendations relating to the carrying out of the clean up, and any compliance requirements to enable the land owner to ensure that the land is suitable for the proposal;
 - g) Include a further recommendation to the Responsible Authority as to whether the condition of the land is such that an environmental audit statement should be conducted taking into consideration the proposed use.
11. In accordance with condition 10 of this permit and 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
12. 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.
13. 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).

14. 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.
15. 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 10, 11, 12 and 13 are satisfied.
16. 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.
17. Where a Preliminary Site Investigation or preliminary risk screen assessment has satisfied Condition 11(a) (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 Site Investigation or preliminary risk screen assessment to the satisfaction of the Responsible Authority.

Bicycle parking

18. Prior to the occupation of the development all bicycle parking racks must be provided in a manner that accords with the specifications in Bicycle Victoria's Bicycle Parking Handbook to the satisfaction of the Responsible Authority.

Stormwater

19. 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).

Telecommunications and power connections

20. Prior to the occupation of the development all telecommunications and power connections (whereby 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.

Development Contributions Plan

21. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy is charged per 100 square metres of leasable floor space and the Development and Community Infrastructure Levy is charged per dwelling. If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

- 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.

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.

Waste Management

22. Prior to the endorsement of plans, a Waste Management Plan generally in accordance with the Waste Management Plan prepared by Ratio dated 20 October 2023 must be submitted and approved to the satisfaction of the Responsible Authority. When submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan and associated notated plans will form part of this permit.
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.

Sustainability Management Plan

24. Prior to the endorsement of plans, an amended Sustainability Management Plan (SMP) must be submitted to and approved to the satisfaction of the Responsible Authority. The amended SMP must be generally in accordance with the SMP prepared by 'Ark Resources' dated 16 April 2024 but modified to include the following changes:
- a) Any changes required to align with the plans for endorsement.
 - b) Include details of the fire system water testing re-use and how the 80 per cent use reduction will be achieved. Provide the tank capacity of any fire water tank and provide a brief description of the fire test water system and its Water Savings Options.

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 ESD Management Plan and associated notated plans will be endorsed to form part of this permit.

25. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority. No alterations to the Sustainability Management Plan (SMP) may occur without the written consent of the Responsible Authority.

26. Prior to the occupation of any dwelling/building approved under this permit, a report (or reports) from the author of the Sustainability Management Plan (SMP) report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report(s) must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the approved SMP and WSUD report have been implemented in accordance with the approved plans.

Accessibility Report

27. Prior to the endorsement of plans, an Accessibility Report generally in accordance with the report by Architecture and Access dated 17 April 2024 and condition 1 of this permit must be submitted and approved to the satisfaction of the Responsible Authority. When submitted and approved to the satisfaction of the Responsible Authority, the Accessibility Report will form part of this permit.
28. Prior to the occupation of any dwelling approved under this permit, 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.

Transport Victoria Condition

29. The permit holder must take all reasonable to ensure that disruption to tram operation along Sydney Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to the Public Transport Victoria 35 days prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

Public Works Plan

30. Prior to the commencement of development, a Public Works Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must detail works at the rear of the building between the building line and property boundary at ground floor as well as public realm improvements to Sydney Road. The plan should include:
- a) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated with a crossfall slope of 1 in 33 from top of roadside kerb to property boundary.
 - b) A detailed feature survey of the footpaths and roads.
 - c) Public realm improvements to Sydney Road including street furniture, bicycle parking and tree planting resolved in consultation with Council.
 - d) Repairs to the bluestone kerb and channel along Sydney Road adjacent to the site.
 - e) Any necessary repairs/reinstatement to De Carle Lane.
 - f) All construction details in accordance with the Merri-bek City Council Technical Notes July 2019 (or any updated version).

The approved Public Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the occupation of the development unless otherwise agreed with prior written consent of the Responsible Authority.

3D model

31. 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 on 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.

Permit Expiry

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

- a) The development is not commenced within 3 years from the date of issue of this permit; or
- b) The development is not completed within 5 years from the date of issue of this permit.

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

- c) Within 6 months after the permit expires to extend the commencement date.
- d) Within 12 months after 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/o occupiers of the land would not be eligible for any Council parking permits to allow for on street parking.

Note 2: This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit [**Note 3:** Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.](http://www.moreland.vic.gov.au/planning-building/and click on 'Moreland Development Contributions Plan (DCP)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.</p></div><div data-bbox=)

Note 4: This permit does not authorise the removal of damage to or pruning of any street tree. Further written consent must be obtained from Council's Open Space Unit. The Open Space Unit can be contacted on 8311 4300.

Note 5: The permit holder is advised to contact Council's Property Unit on 9240 2208 for allocation of street numbers associated with the development.

Note 6: Environmental Audit Notes

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

Date of amendment: 28 August 2024

Amendment Number: MPS/2018/181/A

Brief description of amendment:

- Amended permit address;
- Amended permit preamble;
- Amended plans including:
 - Dwellings increased from 61 to 72;
 - Increase car parking and bicycle parking provisions;
 - Increase retail floor space, divided into four tenancies;
 - Internal rearrangements;
 - External alterations;
- New Conditions 12-17, 28, 30, 31;
- Amended Conditions 1, 3, 8, 10, 11, 18 (now 24), 21 (now 27), 20 (now 26);
- Delete Conditions 21 and 23;

All remaining conditions renumbered accordingly.

6.55 pm Cr Davidson entered the meeting during debate.

Carried unanimously

5.3 2-12 WILKINSON STREET, BRUNSWICK - MINISTERIAL APPLICATION - PPE/2024/226



Property:	2-12 Wilkinson Street, Brunswick
Proposal:	To construct a multi-storey building comprising thirty-nine (39) social housing dwellings and associated 'Small Office Home Office' (SOHO) spaces on ground floor and a reduction of statutory car parking requirement to zero.

Zoning and Overlay/s:	<ul style="list-style-type: none"> Commercial Zone – Schedule 1 (C1Z) Design and Development Overlay – Schedule 18 (DDO18) Heritage Overlay – Schedule 149 (HO149) Parking Overlay – Schedule 1 (PO1) Environmental Audit Overlay (EAO) Development Contributions Plan Overlay (DCPO)
Strategic setting:	<div>Minimal change</div> <div>Incremental change</div> <div>Significant change</div>
ESD:	<ul style="list-style-type: none"> Minimum average NatHERS rating of 7.0 stars.
Accessibility:	<ul style="list-style-type: none"> Adaptable apartments comprise 77 per cent of the proposal.
Key reason for support	<ul style="list-style-type: none"> Homes Victoria funding guarantees the development to be 100 per cent social housing dwellings for at least 30 years
Key modifications considered necessary:	<ul style="list-style-type: none"> Changes to street wall to create a solid and consistent street wall appearance. Improved visual recession of upper levels. Improve pedestrian movement by introducing a setback to the Wilkinson Street / Rosser Street corner. Improve landscaping outcomes. Carrying out of public works, including new street tree plantings.
Recommendation:	Council's submission to the Department of Transport and Planning (DTP) be one of support for the application subject to conditions outlined in the recommendation.

Officer Recommendation

That Council's submission to the Department of Transport and Planning (DTP) be that a Planning Permit be issued for the development and use of land for a multi-storey building comprising thirty-nine (39) social housing dwellings and associated 'Small Office Home Office' (SOHO) spaces on ground floor and a reduction of statutory car parking requirement to zero, at 2-12 Wilkinson Street, Brunswick, subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in consultation with Merri-bek City Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the plans prepared by MGS Architects, project no. 23063, revision C, dated 21 June 2024, but modified to show:
 - a) Modifications to the development plans in a manner consistent with Sketch Plans prepared by MGS Architects, dated August 2024 and provided to Merri-bek City Council on 15 August 2024, for the following matters:
 - i. The vertical metal balustrades for the street-facing balconies (including the east facing balconies) modified to be orange powdercoat/paint.

- ii. The external facing edges of the pergolas servicing dwellings 201 - 209 modified to be orange powdercoat/paint.
 - iii. The balcony for apartment 201 extended southwards to join the northern wall of the apartment 202 bedroom.
 - iv. The northern and eastern elevations modified to show the use of face brickwork 'BRK1' for the entire width of the ground, first and second levels.
 - v. Deletion of vertical linear spandrels, in favor of window cut-outs and shrouds.
 - vi. The west facing balconies for levels 4 and 5 modified to be open and adopt a more visually transparent appearance by way of reduced walls to the northern and southern aspect.
 - vii. The use of 'FC2' (Fibre Cement Panel – Green Colour) for the upper levels modified to be fibre Cement Panel – cream/off white or similar.
 - viii. The podium terrace pergola, on level 3, facing Wilkinson Street shown on the western, southern and eastern elevations modified in colour to be cream/off white or similar.
- b) Additional modifications to the external appearance of the building in the following manner:
- i. The proposed 1250mm deep canopy structures shown on the western and southern elevations modified to adopt a darker colour, consistent with the window frames and feature brickwork of the ground floor 'shop' areas (Fern Green Colour and Jadeite Green Colour).
 - ii. The awnings at ground level modified to have a minimum setback of 750mm from the kerb, and a minimum overall height of 3 metres above the street in accordance with Regulation 103 of the Building Regulations 2018.
- c) The ground floor 'T2 Shop' increased in setback from the south-western corner of the site by way of a 2m x 2m 45-degree splay.
- d) The addition of windows, or other visually transparent facades, installed within the ground floor central stairwell and the bike parking area to allow additional visibility of the northern landscaping areas.
- e) The existing street signs and power pole to be relocated, to the satisfaction of the relevant Responsible Authority.
- f) Provision of at least two bicycle parking spaces dimensioned 3000mm long and 800mm wide to allow parents to carry babies and toddlers on bicycles with trailers.
- g) Dimension each bicycle parking device as being 500mm wide, with the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
- h) The inclusion of a plan notation to state that power points are to be provided within the bike room adjacent to the horizontal bike parking, for EB bike charging capability.
- i) An Amended Landscape Plan as required by Condition 3 of this permit, including any modifications required to align with this plan.
- j) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6 of this permit.

- k) An amended Waste Management Plan as required by Condition 11 of this permit, including any modifications required to align with this plan.
- l) An Acoustic Report as required by Condition 13 of this permit, including any modifications required to align with this plan.
- m) An amended Wind Impact Statement as required by Condition 16 of this permit, including any modifications required to align with this plan.
- n) A Public Works Plan as required by Condition 25 of this permit, including any modifications required to align with this plan.
- o) A Facade Strategy as required by Condition 27 of this permit, including any modifications required to align with this plan.

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 62.01, 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscape Plan

- 3. Prior to the commencement of development an amended detailed Landscape Plan must be submitted to and approved by the Responsible Authority, in consultation with Merri-bek City Council. The Landscape Plan must be generally in accordance with the plan advertised prepared by Schored, dated 19 June 2024 but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) The location of bollard lights to building entrances, common pathways and landscape areas, including the ground floor landscape area, level 3 common open space area and level 6 common open space area.
 - c) Irrigation details for Ground Floor, Level 3 & Level 6 plantings.
 - d) Details of soil volumes for planter boxes.
 - e) Details of planter box heights.
 - f) Nominate a specific planter box product.
 - g) A detailed maintenance program, including; soil testing, fertiliser type/frequency, plant replacement process, formative pruning of trees and irrigation resume.
 - h) Annotation that all tree stock must be compliant with AS2303 Tree Stock for Landscape Use.
 - i) The location of root barriers to be installed for canopy trees located within 3m of buildings.
 - j) Replacement of the proposed Native Frangipani on roof garden, for more full sun tolerant alternatives.
 - k) Replacement of the proposed White Correa on the level 3 podium terrace, for more shade tolerant alternatives.
 - l) Replacement of canopy tree plantings at the ground floor for tree species with canopy growth that can be accommodated in deep soil areas without conflicting with the building footprint.
 - m) Any changes to the plan required by the Public Works Plan required by Condition 27 of this permit.

When submitted and approved to the satisfaction of the Responsible Authority, the Landscape Plan will be endorsed to form part of this permit.

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

Environmentally Sustainable Design

6. Prior to the endorsement of plans, an amended Sustainability Management Plan (SMP) and plans must be submitted to the satisfaction of by the Responsible Authority, in consultation with Merri-bek City Council. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Ark Resources dated 26 March 2024, but modified to include the following changes:
 - a) Ensure the report is consistent in commitments regarding NatHERS and Green Star Certification ratings
 - b) Amend the report to demonstrate that a BESS score of 70 per cent is achieved.
 - c) Amend the report to demonstrate that an average NatHERS rating of 7.5 has been achieved.
 - d) Green Star Certification:
 - i. Provide evidence that the project will be registered and approved by the Green Building Council of Australia, including contracts with ESD
 - ii. Details of consultants engaged to perform these tasks i.e., name, credentials etc.
 - iii. Clearly commit to a 4-star Green Star Buildings certification
 - iv. Provide an updated Green Star assessment which confirms all targeted credits and confirms the methodology for achieving a minimum 4 star building.
 - e) An amended WSUD Report, detailing proposed filtration strategy for stormwater collected off trafficable areas.
 - f) Inclusion of a digital MUSIC model in .msf format for Council review by the Responsible Authority, in consultation with Merri-bek City Council.

When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority, in consultation with Merri-bek City Council.

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.

7. When submitted and approved to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority, in consultation with Merri-bek City Council.

8. Prior to the issue of Certificate of Occupancy of any dwelling approved under this permit, a report from the author of the 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. This must include confirmed certification from the GBCA that the 4 Star Green Star rating commitment has either been met or sufficiently progressed to the satisfaction of the Responsible Authority.
9. 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.

Section 173 Agreement – Affordable Housing

10. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance (whichever comes first), the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Merri-bek City Council, and register the agreement on the title for the land in accordance with Section 181 of the Planning and Environment Act 1987 to provide for the following:
 - a) Development of the land must be carried out in accordance with this planning permit.
 - b) Development of the land in accordance with this planning permit must substantially commence within two years of the settlement date.
 - c) Practical Completion of the development must occur within four years of the settlement date.
 - d) At least 85 per cent of the Dwellings constructed on the Subject Land to be used for Affordable Housing or Social Housing at all times (Affordable Housing Dwellings), of which at least 50 per cent must be used as Social Housing.
 - e) The owner of the land must not transfer any of the Affordable Housing Dwellings to a third party except where the third party is a Registered Agency as defined in Section 4 of the *Housing Act 1983* (Registered Agency), and Affordable Housing Dwellings are to be transferred in a single transfer to the same third party.
 - f) Whilst Merri-bek Affordable Housing is the owner of the land, Affordable Housing Dwellings must not be transferred to any third party until after the development has been practically completed.
 - g) Provided the development has been practically completed, up to 90 per cent of the Affordable Housing Dwellings may be transferred to a Registered Agency.
 - h) Selection of residents for the Affordable Housing Dwellings must give preference to persons who can provide satisfactory evidence that the person is ordinarily a resident of Merri-bek City Council or is employed or educated with the City of Merri-bek for a period of at least two years immediately prior to the date of selection.
 - i) The agreement must otherwise be in a form to the satisfaction of the Responsible Authority and Merri-bek City Council. The owner of the land must pay all of the Merri-bek City Council's reasonable legal costs and expenses of this agreement concerning the preparation, execution, and registration on title.

Resolution

Cr Riley moved, Cr Carli Hannan seconded -

That Council's submission to the Department of Transport and Planning (DTP) be that a Planning Permit be issued for the development and use of land for a multi-storey building comprising thirty-nine (39) social housing dwellings and associated 'Small Office Home Office' (SOHO) spaces on ground floor and a reduction of statutory car parking requirement to zero, at 2-12 Wilkinson Street, Brunswick, subject to the following conditions:

Amended Plans

- 1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in consultation with Merri-bek City Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the plans prepared by MGS Architects, project no. 23063, revision C, dated 21 June 2024, but modified to show:**
 - a) Modifications to the development plans in a manner consistent with Sketch Plans prepared by MGS Architects, dated August 2024 and provided to Merri-bek City Council on 15 August 2024, for the following matters:**
 - i. The vertical metal balustrades for the street-facing balconies (including the east facing balconies) modified to be orange powdercoat/paint.**
 - ii. The external facing edges of the pergolas servicing dwellings 201 - 209 modified to be orange powdercoat/paint.**
 - iii. The balcony for apartment 201 extended southwards to join the northern wall of the apartment 202 bedroom.**
 - iv. The northern and eastern elevations modified to show the use of face brickwork 'BRK1' for the entire width of the ground, first and second levels.**
 - v. Deletion of vertical linear spandrels, in favor of window cut-outs and shrouds.**
 - vi. The west facing balconies for levels 4 and 5 modified to be open and adopt a more visually transparent appearance by way of reduced walls to the northern and southern aspect.**
 - vii. The use of 'FC2' (Fibre Cement Panel – Green Colour) for the upper levels modified to be fibre Cement Panel – cream/off white or similar.**
 - viii. The podium terrace pergola, on level 3, facing Wilkinson Street shown on the western, southern and eastern elevations modified in colour to be cream/off white or similar.**
 - b) Additional modifications to the external appearance of the building in the following manner:**
 - i. The proposed 1250mm deep canopy structures shown on the western and southern elevations modified to adopt a darker colour, consistent with the window frames and feature brickwork of the ground floor 'shop' areas (Fern Green Colour and Jadeite Green Colour).**
 - ii. The awnings at ground level modified to have a minimum setback of 750mm from the kerb, and a minimum overall height of 3 metres above the street in accordance with Regulation 103 of the Building Regulations 2018.**

- c) The ground floor 'T2 Shop' increased in setback from the south-western corner of the site by way of a 2m x 2m 45-degree splay.
- d) The addition of windows, or other visually transparent facades, installed within the ground floor central stairwell and the bike parking area to allow additional visibility of the northern landscaping areas.
- e) The existing street signs and power pole to be relocated, to the satisfaction of the relevant Responsible Authority.
- f) Provision of at least two bicycle parking spaces dimensioned 3000mm long and 800mm wide to allow parents to carry babies and toddlers on bicycles with trailers.
- g) Dimension each bicycle parking device as being 500mm wide, with the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
- h) The inclusion of a plan notation to state that power points are to be provided within the bike room adjacent to the horizontal bike parking, for EB bike charging capability.
- i) An Amended Landscape Plan as required by Condition 3 of this permit, including any modifications required to align with this plan.
- j) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6 of this permit.
- k) An amended Waste Management Plan as required by Condition 11 of this permit, including any modifications required to align with this plan.
- l) An Acoustic Report as required by Condition 13 of this permit, including any modifications required to align with this plan.
- m) An amended Wind Impact Statement as required by Condition 16 of this permit, including any modifications required to align with this plan.
- n) A Public Works Plan as required by Condition 25 of this permit, including any modifications required to align with this plan.
- o) A Facade Strategy as required by Condition 27 of this permit, including any modifications required to align with this plan.

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 62.01, 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscape Plan

- 3. Prior to the commencement of development an amended detailed Landscape Plan must be submitted to and approved by the Responsible Authority, in consultation with Merri-bek City Council. The Landscape Plan must be generally in accordance with the plan advertised plan prepared by Schored, dated 19 June 2024 but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) The location of bollard lights to building entrances, common pathways and landscape areas, including the ground floor landscape area, level 3 common open space area and level 6 common open space area.

- c) Irrigation details for Ground Floor, Level 3 & Level 6 plantings.
- d) Details of soil volumes for planter boxes.
- e) Details of planter box heights.
- f) Nominate a specific planter box product.
- g) A detailed maintenance program, including; soil testing, fertiliser type/frequency, plant replacement process, formative pruning of trees and irrigation resume.
- h) Annotation that all tree stock must be compliant with AS2303 Tree Stock for Landscape Use.
- i) The location of root barriers to be installed for canopy trees located within 3m of buildings.
- j) Replacement of the proposed Native Frangipani on roof garden, for more full sun tolerant alternatives.
- k) Replacement of the proposed White Correa on the level 3 podium terrace, for more shade tolerant alternatives.
- l) Replacement of canopy tree plantings at the ground floor for tree species with canopy growth that can be accommodated in deep soil areas without conflicting with the building footprint.
- m) Any changes to the plan required by the Public Works Plan required by Condition 27 of this permit.

When submitted and approved to the satisfaction of the Responsible Authority, the Landscape Plan will be endorsed to form part of this permit.

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

Environmentally Sustainable Design

- 6. Prior to the endorsement of plans, an amended Sustainability Management Plan (SMP) and plans must be submitted to the satisfaction of by the Responsible Authority, in consultation with Merri-bek City Council. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Ark Resources dated 26 March 2024, but modified to include the following changes:
 - a) Ensure the report is consistent in commitments regarding NatHERS and Green Star Certification ratings
 - b) Amend the report to demonstrate that a BESS score of 70 per cent is achieved.
 - c) Amend the report to demonstrate that an average NatHERS rating of 7.5 has been achieved.
 - d) Green Star Certification:

- i. Provide evidence that the project will be registered and approved by the Green Building Council of Australia, including contracts with ESD
 - ii. Details of consultants engaged to perform these tasks i.e., name, credentials etc.
 - iii. Clearly commit to a 4-star Green Star Buildings certification
 - iv. Provide an updated Green Star assessment which confirms all targeted credits and confirms the methodology for achieving a minimum 4 star building.
- e) An amended WSUD Report, detailing proposed filtration strategy for stormwater collected off trafficable areas.
 - f) Inclusion of a digital MUSIC model in .msf format for Council review by the Responsible Authority, in consultation with Merri-bek City Council.

When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority, in consultation with Merri-bek City Council.

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.

- 7. When submitted and approved to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority, in consultation with Merri-bek City Council.
- 8. Prior to the issue of Certificate of Occupancy of any dwelling approved under this permit, a report from the author of the 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. This must include confirmed certification from the GBCA that the 4 Star Green Star rating commitment has either been met or sufficiently progressed to the satisfaction of the Responsible Authority.
- 9. 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.

Section 173 Agreement – Affordable Housing

- 10. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance (whichever comes first), the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Merri-bek City Council, and register the agreement on the title for the land in accordance with Section 181 of the Planning and Environment Act 1987 to provide for the following:
 - a) Development of the land must be carried out in accordance with this planning permit.

- b) Development of the land in accordance with this planning permit must substantially commence within two years of the settlement date.
- c) Practical Completion of the development must occur within four years of the settlement date.
- d) At least 85 per cent of the Dwellings constructed on the Subject Land to be used for Affordable Housing or Social Housing at all times (Affordable Housing Dwellings), of which at least 50 per cent must be used as Social Housing.
- e) The owner of the land must not transfer any of the Affordable Housing Dwellings to a third party except where the third party is a Registered Agency as defined in Section 4 of the Housing Act 1983 (Registered Agency), and Affordable Housing Dwellings are to be transferred in a single transfer to the same third party.
- f) Whilst Merri-bek Affordable Housing is the owner of the land, Affordable Housing Dwellings must not be transferred to any third party until after the development has been practically completed.
- g) Provided the development has been practically completed, up to 90 per cent of the Affordable Housing Dwellings may be transferred to a Registered Agency.
- h) Selection of residents for the Affordable Housing Dwellings must give preference to persons who can provide satisfactory evidence that the person is ordinarily a resident of Merri-bek City Council or is employed or educated with the City of Merri-bek for a period of at least two years immediately prior to the date of selection.
- i) The agreement must otherwise be in a form to the satisfaction of the Responsible Authority and Merri-bek City Council. The owner of the land must pay all of the Merri-bek City Council's reasonable legal costs and expenses of this agreement concerning the preparation, execution, and registration on title.

Carried unanimously

URGENT BUSINESS REPORTS

The Planning and Related Matters Council meeting closed at 7.20 pm.

Confirmed

Cr Adam Pulford
MAYOR