

17<sup>th</sup> July 2020

City of Moreland  
90 Bell Street  
COBURG  
VIC 3058

Attention: Vita Galante – Planning Coordinator

Dear Vita,

**Re: Section 72 Application to Amend Planning Permit MPS/2013/979/D. East Brunswick Village, Nicholson Street, East Brunswick. Stage 3 Lot 3 and lot 4 buildings.**

We act for the owner of the land at 127-151 Nicholson Street, East Brunswick being the holder of Planning Permit MPS/2013/979D.

We have been instructed by our client to seek an amendment to the Permit in the manner described in the accompanying documents and plans. In essence, the Application seeks to amend the current Permit, pursuant to Section 72 of the Planning & Environment Act 1987, as follows;

- Amend what the Permit allows (the preamble) to include the use of land for a 'Restriction recreation facility'.
- Amend the plans endorsed under the Permit for Stage 3 as detailed in the accompanying Architectural plans, Urban Context Report and associated documents / reports.

This Application follows a pre-application meeting and subsequent ongoing liaison between our office and senior officers of Council's Statutory Planning and City Development Units. The Application is limited to the Lot 3 and Lot 4 buildings as part of Stage 3 of the EBV development – all other buildings and works approved / endorsed for Stage 3 are unchanged as part of this Application.

As a result of the pre-application discussions with Council it was determined that the Application did not trigger a requirement for the approved Development Plan to be amended. It was deemed that the proposed amendments, including car parking and traffic considerations, fell within the ambit of the current approved Development Plan for the EBV development.

The Amendment is made pursuant to Section 72 of the Planning & Environment Act 1987 as the Application seeks to amend the following;

- What the Permit allows (ie the Permit Preamble)
- Plans endorsed under the Permit
- Associated documents endorsed under the Permit

**Permit Preamble** - Two of the primary amendments sought under this application are the introduction of a 'Restricted recreation facility' (Wellness centre including a Gymnasium and yoga / pilates studios) and a 'Cinema' complex within the Lot 3 and Lot 4 buildings respectively.

The 'Cinema' is a Section 1 – No Permit Required – land use in the Commercial 1 Zone being the applicable Zone for the EBV site. The 'Restricted recreation facility' falls within the broader land use term 'Leisure and recreation' and is a Section 2 – Permit required – land use in the applicable Zone.

As a result of this, this Application seeks to amend the Permit preamble to include the use of land for a 'Restricted recreation facility'.

**Plans** – The changes to endorsed plans for Stage 3 are set out in detail in the Urban Context Report which forms part of the Application package. As outlined above the primary changes to the Lot 3 and Lot 4 buildings relate to the introduction of the new land uses – Cinema & Restricted recreation facility – and the consequential changes that arise from these two additions to the development.

Also, the number of apartments has been reduced by fifteen (15) across the two buildings as a result of the introduction of the Restricted recreation facility to the Lot 3 building and the redesign of apartment levels to increase the number of three bedroom apartments overall.

The overall height, scale and form of the Lot 3 and Lot 4 buildings are predominantly the same. There has been some 'massaging' of the edges of the buildings however for the most part the forms of the buildings and the various separation distances have been maintained.

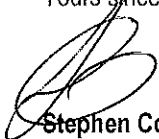
### **Application package**

Accompanying this letter please find the Application package as submitted via Council's Planning Portal. The package is comprised of the following;

- Section 72 Application Form
- Full & recent Title documents
- Architectural submission including Site Context & Design Response, Floor & Elevation Plans etc
- Urban Context Report including MADC Checklists
- Traffic & Parking Report
- Acoustic Report
- Sustainability Management Plan & ESD Advice Note
- Accessibility Report
- Waste Management Plan

We trust the information provided is sufficient for Council's consideration of this request. Please contact our office should you require any further information in regard to this matter.

Yours sincerely,



**Stephen Coleiro – Senior Town Planner**  
**G2 Urban Planning**





Office Use Only Application No.:

Date Lodged:

## Application to AMEND a Planning Permit

If you need help to complete this form, read [How to Complete the Application to Amend a Planning Permit form](#).

Questions marked with an asterisk(\*) are mandatory and must be completed.

**Privacy notice:** Moreland City Council (MCC) is committed to protecting your privacy in accordance with the Privacy and Data Protection Act 2014 (Vic) and the Health Records Act 2001 (Vic). The personal information requested on this form is being collected by Moreland City Council to consider and determine the application made under section 72 of the Planning & Environment Act 1987, it may also be used to update your personal information otherwise held by Council (for example, contact details including email address, phone number). The personal information will be disclosed in the application will be made available for public inspection including on Councils public website whilst the application is being determined, in accordance with the Planning & Environment Act 1987. If a planning permit is granted, the permit and any endorsed plans or documents under the permit continue to be available for public inspection including on Councils website on a permanent and may also be used by Council for related purposes. It will not be disclosed to any other external party without your consent, unless required or authorised by law. If the personal information is not provided in your application may result in the application not being accepted, lapsing or being refused. You can gain access to your personal information you have provided to Moreland City Council and if you wish to alter it, please contact Council's Privacy Officer via telephone on 9240 1111 or e-mail at [Privacyofficer@moreland.vic.gov.au](mailto:Privacyofficer@moreland.vic.gov.au).

### The Land

1. Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address\*

Formal Land Description\*

Complete either A or B.

This information can be found  
on the certificate of title.

Unit No:	Street No: <u>127-151</u>	Street Name <u>NICHOLSON STREET</u>	
Suburb/Location <u>BUNSWICK EAST</u>		Postcode <u>3057</u>	
A Lot No:	<input type="checkbox"/> Lodged Plan	<input type="checkbox"/> Title Plan	<input type="checkbox"/> Plan of Subdivision
No: <u>PC377771E</u>			
Or			
B Crown Allotment No:			Section No:
Parish/Township:			

### Planning Permit Details

2. What permit is being amended?

Planning Permit No: MPS/2013/979/D

### The Amended Proposal

You must give full details of the amendment being applied for. In sufficient or unclear information will delay your application.

3. What is the amendment This application seeks to amend:  
being applied for?

- Indicate the type of changes proposed to the permit.

- List details of the proposed changes.

If the space provided is  
insufficient, attach a separate  
sheet.

☒ what the permit allows☐ current conditions of the permit☒ plans endorsed under the permit☒ other documents endorsed under the permit

Details
<u>REFER TO ACCOMPANYING LETTER &amp;</u>
<u>URBAN CONTEXT REPORT.</u>

Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.

### Development Cost

4. Estimate cost of development

If the permit allows development, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit

Cost of proposed amended development	Cost of the permitted development	Cost Difference: (+ or -)
<u>\$ 202,000,000</u>	<u>\$ 202,000,000</u>	<u>= \$ 0</u>
Insert 'NA' if no development is proposed by the permit (eg. Change of use, subdivision, removal of covenant). I You may be required to verify this estimated.		

## Existing Conditions

5. Describe how the land is used and developed now\*

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Have the conditions of the land changed since the time of the original permit application? ☒ Yes ☐ No  
If yes, please provide details of the existing conditions.

EAST BRUNSWICK VILLAGE STAGE 1 COMPLETED  
INCLUDING BUILDING LOT 1 + LOT 2 AND EASEMENT CAR PARK

§ Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

## Title Information

6. Encumbrances on title\*\*

If you need help about the title, read:  
[How to Complete the Application to Amend a Planning Permit Form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

☐ Yes. (If 'yes' contact council for advice on how to proceed before continuing with this application.)

☒ No

☐ Not applicable (no such encumbrance applies).

§ Provide a full, current copy of the title for each individual parcel of land forming the subject site.  
(The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

## Applicant and Owner Details

⑦ Provide details of the applicant and the owner of the land.

### Applicant\*

The person who wants the permit.

Name:

Title:	First Name:	Surname:
Organisation (if applicable): EAST BRUNSWICK VILLAGE P/L c/- G2 URBAN PLANNING		
Postal Address:		
Unit No.:	St. No.: 670	St. Name: MT ALEXANDER ROAD
Suburb/Locality: MOORE PARKS	State: VIC	Postcode: 3039
Title:	First Name:	Surname:

Business phone: 9372 0401		Email: * gap@gattini.com.au
Mobile phone: 0408 179 455		Fax:

### Owner\*

The person or organisation who owns the land.

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Same as applicant ☒

Title:	First Name:	Surname:
Organisation (if applicable): EAST BRUNSWICK VILLAGE P/L		
Postal Address:		
Unit No.:	St. No.: 4 LEVEL 1/333	St. Name: DRUMMOND STREET
Suburb/Locality: CARLTON	State: VIC	Postcode: 3053
Owner's Signature (Optional):		Date: day / month / year

\* Please note that information associated with this application might be provided electronically, and unless otherwise stated Council takes the completion of this form as consent to use electronic communication. Further, Council may use your electronic details for other Council communication.

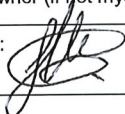
## Declaration

⑧ This form must be signed by the applicant\*.

! Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; that all the information in this application is true and correct; that all changes in the plan have been listed as part of the amendment proposal at Question 3 of this form; and that the owner (if not myself) has been notified of the permit application.

Signature:



Date:

17-07-20  
day / month / year

## Need help with the Application?

If you need help to complete this form read [How to complete the Application to Amend a Planning Permit form](#) or contact Council's planning department. General information about the planning process is available at <http://www.dpcd.vic.gov.au>.

Contact Council's planning department to discuss the specific requirements for this application and obtain a checklist. Insufficient or unclear information may delay your application.

⑨ Has there been a pre-application meeting with a council planning officer?

☐ No ☒ Yes

If yes, with whom?:

VITA GALANTE &  
MEAGAN MERVITT

Date: 17-02-20

day / month / year

## Checklist

● Have you:

☐ Filled in the form completely?

☐ Paid or included the application fee?

! Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

§ Provided all necessary supporting information and documents?

☐ A full, current copy of title information for each individual parcel of land, forming the subject site.

☐ A plan of the existing conditions.

☐ Plans clearly identifying all proposed changes.

☐ Any information required by the planning scheme, requested by council or outlined in a council checklist.

☐ Completed the relevant council planning permit checklist?

☐ Signed the declaration (section 8)?

## Lodgement

Lodge the completed and signed form and all documents with:

Insert Address

Telephone:

Email:

TTY:

DX:

Translation:

