

PLANNING PERMIT

Permit No. MPS/2021/1029

Planning Scheme: Moreland Planning Scheme

Responsible Authority: Moreland City Council

ADDRESS OF LAND: 53-57 Albert Street, BRUNSWICK EAST VIC 3057

WHAT THE PERMIT ALLOWS: Construction of a five storey apartment building and a reduction in the car parking requirement, in accordance with the endorsed plans

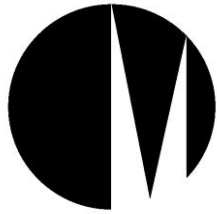
THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

- 1) Before the development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans prepared by Jackson Clements Burrows Architects, dated 21 October 2022, but modified to show:
 - a) Deletion of a storey.
 - b) Reduction of the street wall height in Albert Street to three storeys.
 - c) Increase the setback from Albert Street for the new fourth storey by a minimum of 3 metres and the new fifth storey by a minimum of 5 metres.
 - d) Provide for a setback from Cross Street for the new fifth storey a minimum of 10.47 metres.
 - e) Treatment of the south-east corner of the proposed building to break up the appearance with greater articulation or use of materials.
 - f) An updated materials schedule to include details of the garage door and substation door which should be a durable material that integrates into the overall ground floor level.
 - g) All bicycle parking spaces 500mm wide as required by the Australian Standard for Bicycle Parking (AS2890.3).
 - h) An area within the site for an accessible boundary trap.
 - i) An amended Sustainability Management Plan prepared to include the changes outlined in Condition 7 and plans amended to show the Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7(c) of this permit.
 - j) Any changes to the plans arising from the:
 - i) Landscape Plan in accordance with Condition 3 of this permit.
 - ii) Accessibility Report in accordance with Condition 11 of this permit.

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- iii) Waste Management Plan in accordance with Condition 12 of this permit.
- iv) Public Works Plan in accordance with Condition 14 of this permit.

Compliance with Endorsed Plans

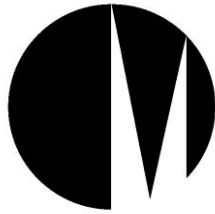
- 2) The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Landscaping

- 3) Prior to the endorsement of plans, an amended landscape plan must be submitted to the responsible authority. The landscape plan must be generally in accordance with the plan prepared by GLAS Landscape Architecture dated 12 December 2021 but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected.
 - c) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
 - d) A schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Moreland Landscape Guidelines 2009.
 - e) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
 - f) Details of the location and type of all paved and sealed areas. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with the Sustainability Design Assessment or Sustainability Management Plan.
 - g) Location and details of landscape lighting.
 - h) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - i) Scale drawings and sections
 - ii) Soil volume sufficient for the proposed vegetation
 - iii) Soil mix
 - iv) Drainage design
 - v) Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.

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

- 4) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the responsible authority.
- 5) All landscaping and irrigation systems must be maintained to the satisfaction of the responsible authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the responsible authority.

Tree Protection

- 6) Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all council trees must have a Tree Protection Zone (TPZ) in accordance with *AS4970 Protection of Trees on Development Sites* to the satisfaction of the responsible authority. The TPZ must meet the following requirements:

Tree Protection Fencing

Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

If works are shown on any endorsed plan of this permit within the confines of the calculated TPZ, then the TPF must be taken in to only the minimum amount necessary to allow the works to be completed.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of mesh panels, chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

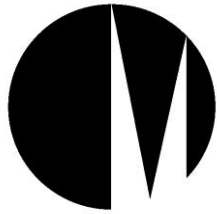
Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating "Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste.". The TPF signage must be complied with at all times.

Irrigation

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The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

Provision of Services

All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970.

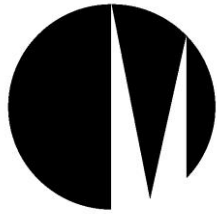
Environmentally Sustainable Design (ESD)

- 7) Prior to the endorsement of plans, an amended Sustainability Management Plan (SMP) and plans must be submitted to the satisfaction by the responsible authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Hip V Hype dated 21 October 2022, but modified to include the following changes:
- a) Amend the BESS report (and any other corresponding documentation) to remove BESS Credit management 3.2.
 - b) A STORM report and stormwater management response that maintains a minimum STORM score of 100% but is modified so that:
 - i) The water tank reliability is a minimum of 80% for all tanks.
 - ii) All plans, WSUD plans, the SMP and BESS reports are updated to reflect any changes to the STORM report.
 - c) Show the following ESD initiatives on the development plans:
 - i) Provide a fixed awning/shading device to the east facing glazed doors on levels 4 and 5 for weather and sun protection.
 - ii) Provide external horizontal shading devices to the north facing level 4 and 5 windows and glazed doors. The depth of the device should be equal to 45% of the distance from sill height to the base of the device and extending horizontally by the same length to both sides. The shading must not sit directly above the glazing and have a gap of approximately 200mm.
 - iii) Add the note for the external adjustable blinds to the community room.
 - iv) Add the following note from the SMP to the carpark plans:
'Load/demand managed electric vehicle infrastructure is being provided as part of the base building offering from Day 1, with the charge points included as an optional purchaser upgrade.'

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.

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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.

- 8) Prior to the issue of a Certificate(s) of Occupancy, or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed SMP to the satisfaction of the responsible authority. No alterations to these plans may occur without the written consent of the responsible authority.
- 9) Prior to the issue of Certificate of Occupancy, or Certificate of Occupancy whichever occurs first, 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.
- 10) All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained to the satisfaction of the responsible authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

Accessibility

- 11) The Accessibility Report submitted with the application will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the responsible authority. The recommendations of the report must be implemented to the satisfaction of the responsible authority prior to the occupation of the development and a report prepared by the author to the satisfaction of the responsible authority must confirm that all measures specified in the Accessibility Report have been implemented.

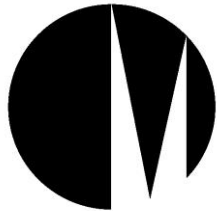
Waste Management

- 12) Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the responsible authority. The plan must be generally in accordance with the report prepared by Hip V Hype and dated 1 March 2022 and any changes from the amended plans but modified to:
 - a) Include the 4 waste streams (general recycling, general rubbish, food/organics, and glass recycling).
 - b) Provide details of how the large bins will be circulated to ensure residents with limited mobility will be able to reach the correct bin.

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

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- 13) The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the responsible authority unless with the further written approval of the responsible authority.

Public Works Plan

- 14) Prior to the commencement of the development, a Public Works Plan and associated construction drawing specifications detailing the works to the land within the verge in front of the site must be submitted to the satisfaction of the responsible authority. The Plan must be in accordance the *Moreland City Council Technical Notes July 2019*, or any updated version, and include the items shown on the main plans, such as:

- a) The visitor bicycle parking;
- b) Street furniture such as seating; and
- c) Street trees;
- d) Any other works to the public land adjacent to the development.

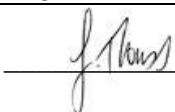
When submitted and approved to the satisfaction of the responsible authority, the Public Works Plan will be endorsed to form part of the permit. No alterations to the Public Works Plan may occur without the written consent of the responsible authority.

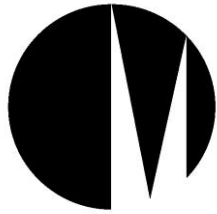
- 15) Prior to the issue of an Occupancy Permit, or Certificate of Occupancy whichever occurs first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the responsible authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the responsible authority.

Environmental Audit Condition

- 16) Before the construction or carrying out of buildings and works (excluding demolition), 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) 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,
 - 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

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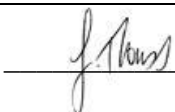
permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with

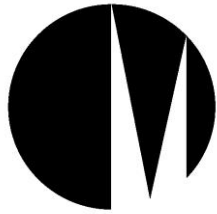
- 17) Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the responsible authority may require the Owner(s) to enter into an Agreement with the responsible authority pursuant to Section 173 of the *Planning and Environment Act 1987* that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.

Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first). All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the responsible authority, must be met by the Owner(s).

- 18) 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.
- 19) 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 20, 21 and 22 are satisfied.
- 20) 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.
- 21) Where a preliminary risk screen assessment has satisfied Condition 20 (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,

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including but not limited to the- layout and design of the development and use of the land without the written consent of the responsible authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the responsible authority.

3D model

- 22) Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Moreland 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 Moreland City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Moreland Project can be found at <https://www.moreland.vic.gov.au/planning-building/3D-Guidelines/>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of the responsible authority.

Development Contributions

- 23) Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy must be paid to Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy is charged per 100 square metres of leasable floor space.

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:

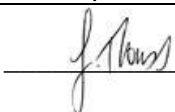
- a) a maximum of 12 months from the date of issue of the Building Permit; or
- b) prior to the issue of a Statement of Compliance for the subdivision;

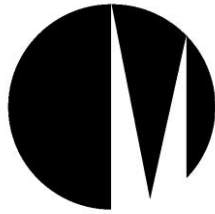
When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

Engineering Matters

- 24) Prior to occupation of the development, the applicant must apply to Council for 2 hour parking restrictions 8am-11pm, every day, along the frontage in the Cross Street.
- 25) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the responsible authority (Merri-bek City Council, City Infrastructure Department).

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- 26) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the responsible authority (Merri-bek City Council, City Infrastructure Department).
- 27) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, access to the site, any vehicle crossover and any ancillary road and road drainage works must be constructed in accordance with any requirement of the responsible authority (Merri-bek City Council, City Infrastructure Department).
- 28) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the responsible authority.
- 29) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the bicycle storage room must have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
- 30) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the responsible authority. Bicycle signage should be at least 0.3 metres wide and 0.45 metres high; display a white bicycle on a blue background on the top half of the sign and display information about the direction of facilities on the bottom half of the sign.

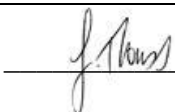
Stormwater

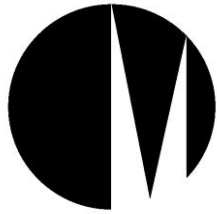
- 31) All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the responsible authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).
- 32) The surface of all balconies are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the responsible authority.

Car Parking

- 33) All parking spaces are to be marked with the associated apartment to facilitate management of the car park to the satisfaction of the responsible authority.

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General

- 34) Unless with the prior written consent of the responsible authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
- 35) All lighting of external areas must be designed not to emit direct light onto adjoining property to the satisfaction of the responsible authority.

Retention of Architect

- 36) Jackson Clements Burrows Architects or an equivalent Architect must be retained to complete and provide architectural oversight during construction of the detailed design as shown on the endorsed plans, to the satisfaction of the responsible authority.

Permit Expiry

- 37) This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
- a) the development is not commenced within three (3) years from the date of issue of this permit;
 - b) the development is not completed within five (5) years from the date of issue of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

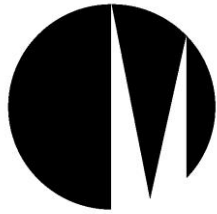
Notes: These notes are for information only and do not constitute part of this permit or conditions of this permit.

Note 1: This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.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 2: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information: <https://www.moreland.vic.gov.au/living-in-moreland/parking-and-roads/parking-permits-and-fines/residential-parking-permits/>

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Note 3: 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.

Note 4: Merri-bek City Council is committed to increasing the amount of affordable housing in the municipality. One way to do this, is through Homes for Homes, a social enterprise founded by the Big Issue that aims to raise new funds via voluntary tax-deductible donations on property transactions and invest those funds in building and managing new social and affordable dwellings. If you would like to help build homes for those in need, visit [Homes for Homes](#) and register your commitment to donate 0.1% of the sale price of your dwelling(s).

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

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PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit at the direction of the Victorian Civil and Administrative Tribunal. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

1. from the date specified in the permit; or
2. if no date is specified, from:
 - a. the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - b. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
 - (a) the development or any stage of it does not start within the time specified in the permit; or
 - (b) the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - (c) the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if:
 - (a) the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - (b) the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - (a) the development or any stage of it does not start within the time specified in the permit; or
 - (b) the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - (c) the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or
 - (d) the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - (a) the use or development of any stage is to be taken to have started when the plan is certified; and
 - (b) the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.