



**Merri-bek**  
City Council

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

Held in Bunjil (Council Chamber), Merri-bek Civic Centre,  
90 Bell Street, Coburg  
on Wednesday 28 January 2026

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The Mayor opened the meeting at 6.31 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.

<b>Present</b>	<b>Time In</b>	<b>Time Out</b>
Cr Nat Abboud, Mayor	6.31 pm	7.25 pm
Cr Dr Jay Iwasaki, Deputy Mayor	6.31 pm	7.25 pm
Cr Sue Bolton	6.33 pm	7.25 pm
Cr Helen Davidson	6.33 pm	7.25 pm
Cr Liz Irvin	6.31 pm	7.25 pm
Cr Chris Miles	6.31 pm	7.25 pm
Cr Helen Politis	6.31 pm	7.12 pm
Cr Adam Pulford	6.31 pm	7.25 pm
Cr Ella Svensson	6.31 pm	7.25 pm
Cr Katerine Theodosis	6.31 pm	7.25 pm
Cr Oscar Yildiz JP	6.31 pm	7.25 pm

## **OFFICERS**

Director Place and Environment – Pene Winslade  
Group Manager City Development – Phil Priest  
Unit Manager Urban Planning – Mark Hughes  
Planning Coordinator – Ryan Hay  
Senior Urban Planner - Ariadne Hasiotis  
Manager Governance and Strategy – Yvonne Callanan  
Unit Manager Governance and Risk – Sophie Barison  
Team Leader Governance – Naomi Ellis

## **APOLOGIES/LEAVE OF ABSENCE**

Nil.

## **DISCLOSURES OF CONFLICTS OF INTEREST**

Nil.

## **MINUTE CONFIRMATION**

### **Resolution**

**Cr Irvin moved, Cr Miles seconded -**

**The minutes of the Planning and Related Matters Meeting held on 17 December 2025 be confirmed.**

**Carried**

## COUNCIL REPORTS

### 5.1 194 GLENROY ROAD, GLENROY - PLANNING APPLICATION MPS/2025/554



<b>Property:</b>	194 Glenroy Road, Glenroy
<b>Proposal:</b>	Use and development of the land as a convenience restaurant and construct and display of business identification signs, internally illuminated signs and promotion signs.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>Commercial 2 Zone</li> <li>Special Building Overlay</li> <li>Parking Overlay</li> <li>Development Contributions Plan Overlay</li> </ul>
<b>Strategic setting:</b>	<ul style="list-style-type: none"> <li>Glenroy Activity Centre</li> <li>Moreland Industrial Land Strategy – Employment Priority Areas</li> </ul>
<b>Objections:</b>	<ul style="list-style-type: none"> <li>188 (77 proforma) objections</li> <li>Key issues: <ul style="list-style-type: none"> <li>Traffic congestion and car parking</li> <li>Pedestrian and cyclist safety (impacts to shared path)</li> <li>Noise and disturbance (patrons, deliveries)</li> <li>Litter and waste management</li> <li>Odour</li> <li>Viability of local small business</li> <li>Anti-social behaviour</li> <li>Impact on the suburb's overall appeal</li> <li>Neighbourhood character</li> <li>Visual amenity (signage)</li> <li>Underdevelopment / Poor use for the site</li> <li>Conflict with Council's vision for Glenroy (Glenroy Structure Plan)</li> <li>Health and wellbeing impacts</li> </ul> </li> </ul>
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>Date held: Thursday 20 November 2025</li> <li>Attendees: 22 objectors, the applicant, Council officers, Cr Abboud (Mayor), Cr Miles and Cr Irvin.</li> <li>Following discussions at the PID meeting, the applicant provided 'without prejudice' discussion plans (received 28 November 2025) to address some of the concerns raised by objectors including: <ul style="list-style-type: none"> <li>Safety improvements to the Glenroy Road shared user path through line marking, signage and lighting.</li> <li>Operation Management Plan including regular litter patrols within 100 metres of the site; noise-management obligations and store manager presence to handle any noise, safety or litter complaints.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Public realm improvements through landscaping within reinstated Blenheim Street crossovers and upgrades to the Glenroy Road frontage.</li> </ul> <p>The discussion plans partially address objector and Council concerns; however, significant issues relating to built form siting and traffic remain unresolved and are detailed in Section 4.</p>
<b>Key reasons for refusal</b>	<ul style="list-style-type: none"> <li>• The traffic generation from a car dominant land use will make the shared user path along Glenroy Road less safe for pedestrians and cyclists.</li> <li>• The building setback with car parking at the front does not create a pedestrian-friendly environment or positive respond to the preferred built form guidance for the Glenroy Activity Centre.</li> <li>• The amount of signage proposed fails to respond to the character of the area.</li> </ul>
<b>Recommendation:</b>	<p>It is recommended that Council's submission to VCAT be that no planning permit should be issued for the proposal, based on the grounds outlined in the recommendation.</p>

## Officer Recommendation

That Council's submission to Victorian Civil and Administrative Tribunal be one that no planning permit should be issued for application No. MPS/2025/554 which seeks permission for the use and development of the land as a convenience restaurant and the construction and display of business identification signs, internally illuminated signs and promotion signs at 194 Glenroy Road, Glenroy, based on the following grounds:

<b>Planning Scheme Clause</b>	<b>Matters for which permit is required</b>
Clause 34.02-1	To use the land for a Food and drink premises (convenience restaurant) where the leasable floor area exceeds 100 square metres.
Clause 34.02-4	To construct a building or construct or carry out works in the Commercial 2 Zone.
Clause 44.04-5	To construct a building or construct or carry out works in the Special Building Overlay.
Clause 52.05-2	To construct or put up for display business identification, internally illuminated and promotion signs.

### Grounds of refusal:

1. The proposal will adversely affect the safety and amenity of the neighbourhood through the vehicle access design, delivery of goods and the effect of traffic to be generated on roads which is contrary to:
  - a) Clause 18.01-1S (Land use and transport planning) which requires that:
    - i. land uses and developments will demonstrate a minimal adverse impact on existing transport networks and the amenity of surrounding areas; and
    - ii. land use and transport integration will protect existing walking and cycling access to public transport.
  - b) Clause 02.03-7 (MSS Strategic Directions) which encourages a safe transport system and well-designed streets which encourage physical activity for the local community.

- c) Clause 15.01-1L (Vehicle access design in Merri-bek) which encourages vehicle access to contribute to an improved urban environment for pedestrians and cyclists.
- d) Clause 15.01-1S (Urban design) which requires development to support safe access to walking and cycling environments and public transport; and to minimise detrimental impacts on amenity and on the safety and efficiency of roads.
- e) Clause 34.02-7 (Use of land) of the Commercial 2 Zone which directs consideration of the effect of traffic to be generated on roads.
- f) Clause 65.01 (Approval of An Application or Plan) which requires consideration of the effect on the amenity of the area.

2. The built form and siting of the development does not provide adequate street activation or a pedestrian-focused environment and fails to positively contribute to the preferred character of the area, which is contrary to:

- a) Clause 15.01-1L (Urban Design in Merri-bek) which requires site design and building frontages to achieve a good interface with and surveillance of the public realm, including maximising opportunities for active frontages.
- b) Clause 15.01-2S (Building design) which requires the form, scale, and appearance of development to enhance the function and amenity of the public realm.
- c) Clause 02.03-1 (MSS Strategic Directions) which directs that the role and function of the Glenroy Activity Centre is intended to accommodate substantial residential/mixed-use growth and change to create a new character of increased density and scale of built form.
- d) Clause 02.03-4 (MSS Strategic Directions) which directs that development should respond to and contribute to its context.

3. The number and scale of signs are excessive and fails to respect the character of the street, which is contrary to:

- a) Clause 15.01-1L (Signs), which seeks to ensure signs strike a reasonable balance between identification of a business and being complementary to the building and streetscapes.
- b) Clause 52.05 (Signs), which seeks to ensure signs are proportionate to the scale and form of the streetscape and host building.

4. The proposal is contrary to the purpose of the Commercial 2 Zone and Clause 17.01-1L-02 (employment areas) of the Merri-bek Planning Scheme, in particular a convenience restaurant does not:

- a) Support appropriate manufacturing and industry, bulky goods retailing and other commercial services;
- b) Provide flexible floor plates to facilitate a variety of employment uses over time; and
- c) Minimise the amenity impacts on nearby residentially zone land due to the extended operating hours, noise, traffic and potential anti-social behaviour in a location with a limited number of other late night activities.

## Resolution

Cr Miles moved, Cr Bolton seconded -

That Council's submission to Victorian Civil and Administrative Tribunal be one that no planning permit should be issued for application No. MPS/2025/554 which seeks permission for the use and development of the land as a convenience restaurant and the construction and display of business identification signs, internally illuminated signs and promotion signs at 194 Glenroy Road, Glenroy, based on the following grounds:

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### Grounds of refusal:

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    - i. land uses and developments will demonstrate a minimal adverse impact on existing transport networks and the amenity of surrounding areas; and
    - ii. land use and transport integration will protect existing walking and cycling access to public transport.
  - b) Clause 02.03-7 (MSS Strategic Directions) which encourages a safe transport system and well-designed streets which encourage physical activity for the local community.
  - c) Clause 15.01-1L (Vehicle access design in Merri-bek) which encourages vehicle access to contribute to an improved urban environment for pedestrians and cyclists.
  - d) Clause 15.01-1S (Urban design) which requires development to support safe access to walking and cycling environments and public transport; and to minimise detrimental impacts on amenity and on the safety and efficiency of roads.
  - e) Clause 34.02-7 (Use of land) of the Commercial 2 Zone which directs consideration of the effect of traffic to be generated on roads.
  - f) Clause 65.01 (Approval of An Application or Plan) which requires consideration of the effect on the amenity of the area.
2. The built form and siting of the development does not provide adequate street activation or a pedestrian-focused environment and fails to positively contribute to the preferred character of the area, which is contrary to:
  - a) Clause 15.01-1L (Urban Design in Merri-bek) which requires site design and building frontages to achieve a good interface with and surveillance

of the public realm, including maximising opportunities for active frontages.

- b) Clause 15.01-2S (Building design) which requires the form, scale, and appearance of development to enhance the function and amenity of the public realm.
- c) Clause 02.03-1 (MSS Strategic Directions) which directs that the role and function of the Glenroy Activity Centre is intended to accommodate substantial residential/mixed-use growth and change to create a new character of increased density and scale of built form.
- d) Clause 02.03-4 (MSS Strategic Directions) which directs that development should respond to and contribute to its context.

3. The number and scale of signs are excessive and fails to respect the character of the street, which is contrary to:

- a) Clause 15.01-1L (Signs), which seeks to ensure signs strike a reasonable balance between identification of a business and being complementary to the building and streetscapes.
- b) Clause 52.05 (Signs), which seeks to ensure signs are proportionate to the scale and form of the streetscape and host building.

4. The proposal is contrary to the purpose of the Commercial 2 Zone and Clause 17.01-1L-02 (employment areas) of the Merri-bek Planning Scheme, in particular a convenience restaurant does not:

- a) Support appropriate manufacturing and industry, bulky goods retailing and other commercial services;
- b) Provide flexible floor plates to facilitate a variety of employment uses over time; and
- c) Minimise the amenity impacts on nearby residentially zone land due to the extended operating hours, noise, traffic and potential anti-social behaviour in a location with a limited number of other late night activities.

Carried unanimously

**5.2 31-37 STEWART STREET & 12-20 HARDY STREET & 22 HARDY STREET, BRUNSWICK VIC 3056 - AMENDED PLANNING PERMIT APPLICATION - MPS/2015/269/G**



<b>Property:</b>	31-37 Stewart Street & 12-20 Hardy Street & 22 Hardy Street, Brunswick		
<b>Approved development:</b>	The partial demolition of existing buildings and the construction of 58 two and three storey dwellings, with a reduction of the car parking requirement		
<b>Proposal:</b>	Amend the development plans to increase the total number of dwellings from 58 to 59 by altering the layout of the retained building on Hardy Street.		
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>Neighbourhood Residential Zone, Schedule 1</li> <li>Heritage Overlay, noting that the building relevant to this amendment is not located within the Heritage Overlay area.</li> <li>Development Contributions Plan Overlay, Schedule 1</li> </ul>		
<b>Strategic setting:</b>	Minimal change	Incremental change	Significant change
<b>Objections:</b>	20 objections received who raised the following key issues: <ul style="list-style-type: none"> <li>Car parking and traffic impacts</li> <li>Building height</li> <li>Roof decks</li> <li>Overlooking</li> </ul>		
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>Date held: 30 September</li> <li>Attendees: Cr Liz Irvin and Deputy Mayor Cr Helen Politis, two Council Planning Officers, the applicant, six objectors and two residents who did not object.</li> <li>No changes were agreed to, however the meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.</li> </ul>		
<b>ESD:</b>	<ul style="list-style-type: none"> <li>7.2kW solar PV system (2.4kW for each dwelling)</li> <li>6,000 litre rainwater harvesting and reuse system</li> <li>EV charging car space per dwelling</li> <li>3 residential bicycle parking spaces (one per dwelling)</li> </ul>		

<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>The development complies with Merri-bek Planning Scheme rules related to townhouse development, including setbacks, open space provision, etc.</li> <li>Overlooking impacts can be addressed by permit conditions.</li> <li>The proposal meets the on-site car parking requirements, and the number of on-street parking spaces between the northern-most proposed crossover and the next closest vehicle crossover on Hardy Street (approximately 66 metres north) remains unchanged from the existing approval (11 on-street parking spaces).</li> </ul>
<b>Recommendation:</b>	Notice of Decision to Grant an Amended Planning Permit be issued for the proposal.

## Officer Recommendation

That a Notice of Decision to Grant an Amended Planning Permit No. MPS/2015/269/G be issued for the land at 31-37 Stewart Street & 12-20 Hardy Street & 22 Hardy Street, Brunswick.

### The Permit would allow:

The partial demolition of existing buildings and the construction of dwellings.

Planning Scheme Clause	Matters for which permit is required
32.09	A permit is required to construct more than one dwelling on a lot.
43.01	A permit is required to demolish or remove a building, construct a building or construct or carry out works.  (Note: The Heritage Overlay applies to the front portion of the site (to Stewart Street). The building/site that is to be changed by the amendment MPS/2015/269/G is not located within the Heritage Overlay).
52.06	A permit is required to reduce the statutory car parking requirement.

The following conditions would apply to this Amended Permit (**changes bolded**):

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans described as TP01.01-01.05, TP02.01-02.08, TP03.01-03.03 and TP04.01-04.07 prepared by Rothe Lowman, Project No 215462 REV J but modified to show:
  - a) Each façade to comprise no more than 20% concrete and coloured render.
  - b) Reconfigure Lots 7 & 8 into a single lot/dwelling and relocate the 3 visitor car spaces to the south side of the roadway to part of the area previously occupied by Lots 7 & 8.
  - c) Extend the communal open space southward to align with the northern edge of the garage to Lot 42 and adjust the alignment of the roadway to accommodate the enlarged communal open space. The additional communal open space area is to include an additional large evergreen canopy tree.

- d) The provision of outdoor furniture such as BBQ, tables or play equipment in the communal open space.
- e) The southern visitor bicycle area with a frontage to Stewart Street to dimension the four bicycle spaces at least 2.4 metres long and 1.7 metres deep.
- f) The internal dimensions of the garages at least 6 metres long by 3.5 metres wide, in accordance with Clause 52.06-8 of the Moreland Planning Scheme.
- g) The visitor car parking spaces 4.9 metres by 2.6 metres adjacent to a 6.4 metre wide accessway.
- h) Deleted.**
- i) The single and double garage doors at least 2.8 metres and 5 metres wide, respectively, as required by the Australian Standard for Off-Street Parking (AS2890.1).
- j) The vehicle crossing from Hardy Street (providing access to dwellings H Lot 51 to H Lot 59) 3.2 metres in width.
- k) The vehicle crossing providing the main access from Stewart Street 5.8 metres wide.
- l) One bicycle parking rack be provided in each garage on the end wall or a side wall near either end in a manner that accords with the specifications in Bicycle Victoria's Bicycle Parking Handbook.
- m) At least 6m<sup>3</sup> of storage to each dwelling.
- n) Provision of a new 2 metre high paling fence along the boundary with 39 Stewart Street and 26 Hardy Street.
- o) The colours and materials of the electricity substation to the satisfaction of the Responsible Authority.
- p) The location of letterboxes for dwellings on Lots 3-24 at either public road frontage for all dwellings that do not have frontages to Stewart Street or Hardy Street.
- q) The planter boxes on the terraces of Lots 53, 54, 57 and 58 are to be provided with a 160mm extension to 1410mm above terrace level, as proposed on Lots 55 and 56.
- r) A screen diagram drawn at a scale of 1:50 which details the screen associated with first floor windows of dwellings on Lots 3-26. This diagram must include:
  - i. All dimensions, including the width of slats and the gap between slats.
  - ii. All side screens.
  - iii. How compliance is achieved with the standard of Clause 55.04-05 (overlooking) of the Moreland Planning Scheme.
- s) Initiatives contained within the amended ESD report (condition 6) including:
  - i. Outdoor clothes lines.
  - ii. Bicycle racks or spaces.
  - iii. Solar Hot Water systems as per SMP and BESS report.
  - iv. Location and capacity of photovoltaic system as per BESS report.
  - v. Location and capacity of rainwater tanks as per SMP and STORM report.
  - vi. Raingardens as per STORM report.

- vii. Double glazing for living areas and bedrooms to be annotated on plans/elevations.
- viii. Adjustable shading for East, North and West facing glazing to be shown on plans as per SMP.
- t) Any amendments required by condition 13 (Waste Management Plan).
- u) Any amendments required by condition 15 (Access Plan).

**1A. Prior to the commencement of any works approved by amendment MPS/2015/269/G, 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 corresponding previously endorsed plans and will then form part of the permit. The plans must be generally in accordance with the plans described as TP06 to TP13 prepared by Caulfield Krivanek Architecture, advertised 24 November 2025 and must show:**

- a) The 0.65-metre-wide blade screen/shroud on the eastern edge of the southern balcony and the second-floor bedroom 1 window of Unit 1, and the fixed metal vertical blades on the first and second floor south and east-facing habitable room windows of Unit 1, shown on scaled (1:50) screening diagrams, including:
  - i. Techniques to maintain reasonable outlook from the affected balcony.
  - ii. All dimensions, including:
    - the width of the blade screen/shroud
    - the width of the fixed vertical blade screens and gaps between the blades.
  - iii. All side screens.
  - iv. How compliance with Clause 55.04-6 (overlooking) of the Merri-bek Planning Scheme is achieved (pre-VC267).
- b) Any changes to the plans arising from the Amended Sustainable Design Assessment in accordance with Condition 10A.
- c) Any changes to the plans arising from the Amended Waste Management Plan in accordance with Condition 13A.
- d) Any changes to the plans arising from the Tree Management Plan required by Condition 32.

2. The development as shown on the endorsed plans must not be altered or modified unless with the further written approval of the Responsible Authority.

### **Roof Decks**

- 3. There will be no roof decks anywhere within the approved development (**except for the three dwellings at 22 Hardy Street**).
- 4. The roof from of the approved townhouses must not, once constructed, be altered in any manner so as to create a roof deck, entertainment area or any other manner of habitable area (**except for the three dwellings at 22 Hardy Street**).

## **Development Contribution**

5. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy amount for the development is \$319.33 per 100 square metres of leasable floor space and the Development and Community Infrastructure Levy amount for the development is \$283.18 per dwelling. In accordance with the approved Development Contributions Plan, these amounts will be indexed annually on 1 July.

If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

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

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.

## **Landscaping**

6. Prior to the commencement of any development works, an amended landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must provide the following:
  - a) Any amendments required by condition 1 of this permit.
  - b) Identification of any existing tree(s) and vegetation proposed to be removed and retained. Vegetation retainment must include strategies for the retainment (i.e. barriers and signage during the construction process).
  - c) The provision of canopy trees within the front setback(s) to assist in the integration of the development within the existing streetscape.
  - d) Details of the location and type of all paved and sealed areas. Extensive hard surfaces are not supported. The adoption of porous/permeable paving is encouraged.
  - e) Integration of water sensitive urban design (WSUD) features (e.g. raingardens, bio-swales etc) if contained within a Sustainable Design Assessment.
  - f) Following completion of the development the areas designated as garden areas on the endorsed landscape plan must be maintained and used as garden areas.
7. The landscape plan will be endorsed to form part of this permit. Prior to the issuing of a Statement of Compliance or occupation of the development, whichever occurs first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the approved and endorsed Landscape Design Report to the satisfaction of the Responsible Authority. The areas designated as landscaped areas on the endorsed Landscape Design Report must thereafter be maintained and used for that purpose.
8. Prior to commencing works, an Arborist must be engaged to review trees on adjoining sites and provide recommendations in regard to undertaking tree protection works on trees likely to be affected by the approved development.

9. The developer must undertake tree protection works in accordance with the recommendations made by the project Arborist.

### **Environmentally Sustainable Development**

10. Prior to the endorsement of plans, an amended Sustainable Design Assessment must be submitted to and approved by the Responsible Authority. The amended SDA must demonstrate best practice environmentally sustainable design and address the following:

- a) BESS Energy inputs with amended Solar PV system size.

When submitted and approved to the satisfaction of the Responsible Authority, the amended ESD Report and associated notated plans will be endorsed to form part of this permit.

- 10A. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA prepared by Sustainable Development Consultants, received 11/03/2025 but modified to include the following changes:**

- a) Submit a preliminary NatHERS report achieving a minimum of 7 stars and a Whole of Home assessment achieving a minimum of 60%, for each dwelling. Demonstrate any energy efficiency initiatives within the plans and BESS assessment (e.g., solar panels).

- b) Amend BESS Report (and any other corresponding documentation) to:

- i. At 'Dwelling Energy Profiles: Energy Performance', reflect the heating and cooling loads of the preliminary NatHERS ratings certificates.

- ii. Reference to gas connection deleted.

- c) Show the following ESD initiatives on the development plans:

- i. An ESD table for items that cannot be drawn that is consistent with the BESS assessment and Whole of Home assessment e.g.:

- (1) WELS ratings of the showers toilets and taps
      - (2) star rating of whitegoods if not selected as default;
      - (3) NatHERS star ratings;
      - (4) that rainwater tanks are connected to laundry (washing machines);
      - (5) type and star rating of the heating and cooling systems;
      - (6) type and star rating of the hot water system;
      - (7) motion sensor lights;
      - (8) that internal lights are to have a maximum illumination density of 4W/m<sup>2</sup>;
      - (9) EV charging infrastructure;
      - (10) 'no gas connection'.

- ii. For the rainwater tanks,

- (1) Provide annotation for water filtration treatment measures (e.g. floor drain, leaf strainer, gutter guards, debris screens, first flush diverters, etc.) and

- (2) Information signage to be installed on balconies stating that "Rainwater on this terrace drains to a rainwater tank".
- iii. Double glazing 'DG' to all habitable room windows and glazed doors annotated on each individual glazing unit on the floor plans and elevations.
- iv. Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an eave or overhang. Draw and label all shading on the plans and elevations. Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 25% of the distance from sill height to the base of the device. The device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device.
- v. External operable shading devices to all east and west facing windows and glazed doors to habitable rooms drawn and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. Include a product diagram or section of the proposed device (must not be roller shutters for any street facing glazing). The devices must be operable from within the dwelling. Ensure windows that have external adjustable shading can open when using the blind. Amend head height of windows accordingly.
- vi. Annotate '32A-40A electric vehicle charging infrastructure' in each garage.

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

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

- 11. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment report to the satisfaction of the Responsible Authority. No alterations to the Sustainable Design Assessment report may occur without the written consent of the Responsible Authority.
- 12. Prior to the commencement of occupation or issue of a Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report from the author of the ESD 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 ESD Report have been implemented in accordance with the approved plan. The report must include the final NatHERS certificates for the dwellings issued for building permit.
- 13. Prior to the endorsement of plans, a Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must include, but not limited to the following:
  - a) A description of ease of disposal for residents that does not disadvantage recycling;
  - b) Confirmation that educational material will be displayed in the waste bin storage area explaining what material can be recycled;

- c) Calculations showing the amount of garbage and recycling expected to be generated;
- d) A statement of whether the garbage, medical waste, hard waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;
- e) Include a plan showing the location of the bin storage area on the site and details of screening from public view;
- f) Include a dimensioned plan showing the storage area is sufficient to store the required number of bins in a manner that allows easy access to every bin;
- g) Detail the ventilation to prevent garbage odours entering the car park and/or dwellings;
- h) Detail the ease of taking the fully loaded waste bins to the point of waste collection;
- i) State where and when the bins will be placed for waste collection;
- j) Confirm that the bins will be removed from the street promptly after collection; and
- k) Include a plan showing where the waste trucks will stop to service the waste bins and state whether No Parking restrictions will be required for the waste trucks to access that space (e.g. 6am-midday, Wed).

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.

**13A. An amended Waste Management Plan, generally in accordance with the endorsed waste management plan (prepared by Leigh Design dated 2 March 2018) must be submitted in accordance with condition 13 of this permit but modified to include an additional dwelling, detailing how waste collection will work and other necessary updates to reflect the development approved by amendment MPS/2015/269/G.**

- 14. All works must be undertaken in accordance with the recommendations contained in the endorsed Waste Management Plan to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.
- 15. Prior to the endorsement of plans, an Access Plan must be prepared by a suitably qualified access auditor to assess any plans and provide advice/recommendations on access and mobility issues to the satisfaction of the Responsible Authority. The Plan must be submitted to and approved by the Responsible Authority. The Plan must provide for, but not be limited to, the following:
  - a) All dwellings marked type J (18 in total) to be accessible.
  - b) The provision of tactile indicators.
  - c) The use of contrasting paving or surface materials to assist the vision impaired.
  - d) At least 10% of the total number of dwellings to be specifically adapted to provide access for all, including bathrooms and toilets.
  - e) Emergency exits, particularly above the ground floor.
  - f) Car parking.

When submitted and approved to the satisfaction of the Responsible Authority, the Disability Access Plan and associated notated plans will form part of this permit.

16. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Access Plan, 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 Access Plan have been implemented in accordance with the approved Plan.

### **Environmental Assessment and Auditing Requirements**

17. Prior to the commencement of construction or carrying out works pursuant to this permit either:
  - a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or
  - b) An Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the *Planning and Environment Act 1987*. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the *Subdivision Act 1988*. 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).

Prior to any remediation works being undertaken in association with an Environmental Audit, a Remediation Works Plan, prepared in consultation with the appointed Environmental Auditor, must be submitted to and approved by the Responsible Authority. The plan must detail only those remediation works, excavation works as well as any proposed structures such as retaining walls, necessary to facilitate the completion of the environment audit. Only the works detailed in the Remediation Works Plan, approved by the Responsible Authority, are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.

### **General**

18. Prior to the occupation of the development, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

19. Prior to the occupation of the development, the garage doors must be automatic and remote controlled.
20. Prior to the occupation of the development, any vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
21. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
22. Before the occupation of the development, lighting above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the rear dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
23. Prior to the occupation of the development all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
24. Prior to the occupation of the development all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
25. The stormwater run-off from the accessway must not flow out of the property over the public footpath to the satisfaction of the Responsible Authority.
26. **All stormwater from the land at 22 Hardy Street, 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).**
27. The level of the footpath must not be raised to improve vehicle access to the garages unless with the prior written consent of the Responsible Authority.
28. The owner must provide an advanced replacement street tree in an appropriate location in a nature strip nearby in accordance with the Moreland Street Landscape Strategy for each street tree removed for the vehicle crossing to the satisfaction of the Responsible Authority.
29. The dimensions, placement and numbering of the letterboxes must comply with the Australia Post – Letterbox Security and Specification as published on its website to the satisfaction of the Responsible Authority.
30. **Prior to the occupation of the development at 22 Hardy Street, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.**
31. **Lighting on each balcony and roof decks must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.**

#### **Tree Protection**

32. **Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2025 - Protection of Trees on Development Sites to ensure that the street tree adjacent to 22 Hardy Street remains healthy and viable during construction.**

**The TMP must include the following to the satisfaction of the Responsible Authority:**

- a) A tree protection plan to scale that shows:**
  - i. All Tree Protection Zones and Structural Root Zones**
  - ii. All Tree Protection Fencing**
  - iii. Areas where ground protection systems will be used**
  - iv. The type of footings within any Tree Protection Zone**
  - v. The location of services within any Tree Protection Zone**
- b) The location and design of Tree Protection Fencing.**
- c) Details of appropriate footings within the Tree Protection Zone.**
- d) The method of installing any services through the Tree Protection Zone.**
- e) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.**
- f) A timetable outlining works requiring supervision by the Project Arborist.**
- g) All remedial pruning works that are required to be performed on the tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.**

**When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.**

### **Section 173 Agreement**

33. Prior to the commencement of the development hereby permitted, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the Owners of the land and the Responsible Authority in a form satisfactory to the Responsible Authority providing for:

- a) Unrestricted public pedestrian and bicycle access through the pedestrian link from Stewart Street to Hardy Street along the eastern site boundary for 24 hours a day (364 days of the year).**
- b) The owners of the land to indemnify the Moreland City Council against any claims associated with the use of the pedestrian link between Stewart and Hardy Streets within the site.**

The agreement must be registered on title. The owner must pay the reasonable costs of the Responsible Authority in relation to the preparation, execution and registration of the agreement on title.

### **Permit Expiry**

34. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:

- a) The development is not started within two (2) years of the issue date of this permit.**
- b) The development is not completed within four (4) years of the issue date 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 has been issued in accordance with the Victorian Civil and Administrative Tribunal's Order P458/2016 dated 2 May 2017.

**Note 2:** Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved, in accordance with Merri-bek City Council's General Local Law.

#### **CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?**

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

Date of amendment: 13-May-2020

Amendment Number: MPS/2015/269/A

**Brief description of amendment:**

Amendment to plans to show:

- Demolition of part of the boundary wall on the southern boundary
- Alterations to the fencing materials and height on the east and west boundaries
- Relocation of the substation to the south-eastern corner of the site adjoining Stewart Street.

Amendment to wording of Condition 1o

Date of amendment: 26-Oct-2022

Amendment Number: MPS/2015/269/B

**Brief description of amendment:**

Amendment to plans to show:

- Construction of a first floor terrace to Lots 3 and 6 (Units 1 and 4 at 35 Stewart Street)

Amendment to wording of Condition 4

Date of amendment: 26-Oct-2022

Amendment Number: MPS/2015/269/C

**Brief description of amendment:**

Amendment to plans to show:

- Enclosed balcony to Lot 25 (12 Hardy Street, Brunswick). Plans that show changes to be read in conjunction with previously endorsed plans.

Date of amendment: 04-Nov-2022

Amendment Number: MPS/2015/269/D

**Brief description of amendment:**

Endorsed plans to be read in conjunction with previously endorsed plans which shows the roof to the balcony at (Lot 26) 12A Hardy Street, Brunswick

Date of amendment: 27-Mar-2023
Amendment Number: MPS/2015/269/E
<b>Brief description of amendment:</b> Endorsed plans to be read in conjunction with previously endorsed plans which shows a glass door to first floor southern elevation and two skylights to Lot 22 (19/35 Stewart Street, Brunswick)

7.12 pm Cr Miles left the meeting.  
 7.12 pm Cr Politis left the meeting and did not return.  
 7.13 pm Cr Miles returned to the meeting.  
 7.21 pm Cr Yildiz left the meeting.

## Resolution

Cr Irvin moved, Cr Miles seconded -

**That a Notice of Decision to Grant an Amended Planning Permit No. MPS/2015/269/G be issued for the land at 31-37 Stewart Street & 12-20 Hardy Street & 22 Hardy Street, Brunswick.**

**The Permit would allow:**

**The partial demolition of existing buildings and the construction of dwellings.**

Planning Scheme Clause	Matters for which permit is required
32.09	A permit is required to construct more than one dwelling on a lot.
43.01	A permit is required to demolish or remove a building, construct a building or construct or carry out works.  (Note: The Heritage Overlay applies to the front portion of the site (to Stewart Street). The building/site that is to be changed by the amendment MPS/2015/269/G is not located within the Heritage Overlay).
52.06	A permit is required to reduce the statutory car parking requirement.

**The following conditions would apply to this Amended Permit (changes bolded):**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans described as TP01.01-01.05, TP02.01-02.08, TP03.01-03.03 and TP04.01-04.07 prepared by Rothe Lowman, Project No 215462 REV J but modified to show:
  - a) Each façade to comprise no more than 20% concrete and coloured render.
  - b) Reconfigure Lots 7 & 8 into a single lot/dwelling and relocate the 3 visitor car spaces to the south side of the roadway to part of the area previously occupied by Lots 7 & 8.
  - c) Extend the communal open space southward to align with the northern edge of the garage to Lot 42 and adjust the alignment of the roadway to accommodate the enlarged communal open space. The additional

communal open space area is to include an additional large evergreen canopy tree.

- d) The provision of outdoor furniture such as BBQ, tables or play equipment in the communal open space.
- e) The southern visitor bicycle area with a frontage to Stewart Street to dimension the four bicycle spaces at least 2.4 metres long and 1.7 metres deep.
- f) The internal dimensions of the garages at least 6 metres long by 3.5 metres wide, in accordance with Clause 52.06-8 of the Moreland Planning Scheme.
- g) The visitor car parking spaces 4.9 metres by 2.6 metres adjacent to a 6.4 metre wide accessway.
- h) Deleted.
- i) The single and double garage doors at least 2.8 metres and 5 metres wide, respectively, as required by the Australian Standard for Off-Street Parking (AS2890.1).
- j) The vehicle crossing from Hardy Street (providing access to dwellings H Lot 51 to H Lot 59) 3.2 metres in width.
- k) The vehicle crossing providing the main access from Stewart Street 5.8 metres wide.
- l) One bicycle parking rack be provided in each garage on the end wall or a side wall near either end in a manner that accords with the specifications in Bicycle Victoria's Bicycle Parking Handbook.
- m) At least 6m<sup>3</sup> of storage to each dwelling.
- n) Provision of a new 2 metre high paling fence along the boundary with 39 Stewart Street and 26 Hardy Street.
- o) The colours and materials of the electricity substation to the satisfaction of the Responsible Authority.
- p) The location of letterboxes for dwellings on Lots 3-24 at either public road frontage for all dwellings that do not have frontages to Stewart Street or Hardy Street.
- q) The planter boxes on the terraces of Lots 53, 54, 57 and 58 are to be provided with a 160mm extension to 1410mm above terrace level, as proposed on Lots 55 and 56.
- r) A screen diagram drawn at a scale of 1:50 which details the screen associated with first floor windows of dwellings on Lots 3-26. This diagram must include:
  - i. All dimensions, including the width of slats and the gap between slats.
  - ii. All side screens.
  - iii. How compliance is achieved with the standard of Clause 55.04-05 (overlooking) of the Moreland Planning Scheme.
- s) Initiatives contained within the amended ESD report (condition 6) including:
  - i. Outdoor clothes lines.
  - ii. Bicycle racks or spaces.
  - iii. Solar Hot Water systems as per SMP and BESS report.

- iv. Location and capacity of photovoltaic system as per BESS report.
- v. Location and capacity of rainwater tanks as per SMP and STORM report.
- vi. Raingardens as per STORM report.
- vii. Double glazing for living areas and bedrooms to be annotated on plans/elevations.
- viii. Adjustable shading for East, North and West facing glazing to be shown on plans as per SMP.
- t) Any amendments required by condition 13 (Waste Management Plan).
- u) Any amendments required by condition 15 (Access Plan).

1A. Prior to the commencement of any works approved by amendment MPS/2015/269/G, 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 corresponding previously endorsed plans and will then form part of the permit. The plans must be generally in accordance with the plans described as TP06 to TP13 prepared by Caulfield Krivanek Architecture, advertised 24 November 2025 and must show:

- a) The 0.65-metre-wide blade screen/shroud on the eastern edge of the southern balcony and the second-floor bedroom 1 window of Unit 1, and the fixed metal vertical blades on the first and second floor south and east-facing habitable room windows of Unit 1, shown on scaled (1:50) screening diagrams, including:
  - i. Techniques to maintain reasonable outlook from the affected balcony.
  - ii. All dimensions, including:
    - the width of the blade screen/shroud
    - the width of the fixed vertical blade screens and gaps between the blades.
  - iii. All side screens.
  - iv. How compliance with Clause 55.04-6 (overlooking) of the Merri-bek Planning Scheme is achieved (pre-VC267).
- b) Any changes to the plans arising from the Amended Sustainable Design Assessment in accordance with Condition 10A.
- c) Any changes to the plans arising from the Amended Waste Management Plan in accordance with Condition 13A.
- d) Any changes to the plans arising from the Tree Management Plan required by Condition 32.

2. The development as shown on the endorsed plans must not be altered or modified unless with the further written approval of the Responsible Authority.

#### Roof Decks

- 3. There will be no roof decks anywhere within the approved development (except for the three dwellings at 22 Hardy Street).
- 4. The roof from of the approved townhouses must not, once constructed, be altered in any manner so as to create a roof deck, entertainment area or any other manner of habitable area (except for the three dwellings at 22 Hardy Street).

## Development Contribution

5. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy amount for the development is \$319.33 per 100 square metres of leasable floor space and the Development and Community Infrastructure Levy amount for the development is \$283.18 per dwelling. In accordance with the approved Development Contributions Plan, these amounts will be indexed annually on 1 July.

If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

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

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.

## Landscaping

6. Prior to the commencement of any development works, an amended landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must provide the following:
  - a) Any amendments required by condition 1 of this permit.
  - b) Identification of any existing tree(s) and vegetation proposed to be removed and retained. Vegetation retainment must include strategies for the retainment (i.e. barriers and signage during the construction process).
  - c) The provision of canopy trees within the front setback(s) to assist in the integration of the development within the existing streetscape.
  - d) Details of the location and type of all paved and sealed areas. Extensive hard surfaces are not supported. The adoption of porous/permeable paving is encouraged.
  - e) Integration of water sensitive urban design (WSUD) features (e.g. raingardens, bio-swales etc) if contained within a Sustainable Design Assessment.
  - f) Following completion of the development the areas designated as garden areas on the endorsed landscape plan must be maintained and used as garden areas.
7. The landscape plan will be endorsed to form part of this permit. Prior to the issuing of a Statement of Compliance or occupation of the development, whichever occurs first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the approved and endorsed Landscape Design Report to the satisfaction of the Responsible Authority. The areas designated as landscaped areas on the endorsed Landscape Design Report must thereafter be maintained and used for that purpose.
8. Prior to commencing works, an Arborist must be engaged to review trees on

adjoining sites and provide recommendations in regard to undertaking tree protection works on trees likely to be affected by the approved development.

9. The developer must undertake tree protection works in accordance with the recommendations made by the project Arborist.

#### Environmentally Sustainable Development

10. Prior to the endorsement of plans, an amended Sustainable Design Assessment must be submitted to and approved by the Responsible Authority. The amended SDA must demonstrate best practice environmentally sustainable design and address the following:

a) BESS Energy inputs with amended Solar PV system size.

When submitted and approved to the satisfaction of the Responsible Authority, the amended ESD Report and associated notated plans will be endorsed to form part of this permit.

10A. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA prepared by Sustainable Development Consultants, received 11/03/2025 but modified to include the following changes:

a) Submit a preliminary NatHERS report achieving a minimum of 7 stars and a Whole of Home assessment achieving a minimum of 60%, for each dwelling. Demonstrate any energy efficiency initiatives within the plans and BESS assessment (e.g., solar panels).

b) Amend BESS Report (and any other corresponding documentation) to:

i. At 'Dwelling Energy Profiles: Energy Performance', reflect the heating and cooling loads of the preliminary NatHERS ratings certificates.

ii. Reference to gas connection deleted.

c) Show the following ESD initiatives on the development plans:

i. An ESD table for items that cannot be drawn that is consistent with the BESS assessment and Whole of Home assessment e.g.:

(1) WELS ratings of the showers toilets and taps

(2) star rating of whitegoods if not selected as default;

(3) NatHERS star ratings;

(4) that rainwater tanks are connected to laundry (washing machines);

(5) type and star rating of the heating and cooling systems;

(6) type and star rating of the hot water system;

(7) motion sensor lights;

(8) that internal lights are to have a maximum illumination density of 4W/m<sup>2</sup>;

(9) EV charging infrastructure;

(10) 'no gas connection'.

ii. For the rainwater tanks,

- (1) Provide annotation for water filtration treatment measures (e.g. floor drain, leaf strainer, gutter guards, debris screens, first flush diverters, etc.) and
- (2) Information signage to be installed on balconies stating that "Rainwater on this terrace drains to a rainwater tank".
- iii. Double glazing 'DG' to all habitable room windows and glazed doors annotated on each individual glazing unit on the floor plans and elevations.
- iv. Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an eave or overhang. Draw and label all shading on the plans and elevations. Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 25% of the distance from sill height to the base of the device. The device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device.
- v. External operable shading devices to all east and west facing windows and glazed doors to habitable rooms drawn and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. Include a product diagram or section of the proposed device (must not be roller shutters for any street facing glazing). The devices must be operable from within the dwelling. Ensure windows that have external adjustable shading can open when using the blind. Amend head height of windows accordingly.
- vi. Annotate '32A-40A electric vehicle charging infrastructure' in each garage.

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

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

- 11. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment report to the satisfaction of the Responsible Authority. No alterations to the Sustainable Design Assessment report may occur without the written consent of the Responsible Authority.
- 12. Prior to the commencement of occupation or issue of a Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report from the author of the ESD 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 ESD Report have been implemented in accordance with the approved plan. The report must include the final NatHERS certificates for the dwellings issued for building permit.
- 13. Prior to the endorsement of plans, a Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must include, but not limited to the following:
  - a) A description of ease of disposal for residents that does not

disadvantage recycling;

- b) Confirmation that educational material will be displayed in the waste bin storage area explaining what material can be recycled;
- c) Calculations showing the amount of garbage and recycling expected to be generated;
- d) A statement of whether the garbage, medical waste, hard waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;
- e) Include a plan showing the location of the bin storage area on the site and details of screening from public view;
- f) Include a dimensioned plan showing the storage area is sufficient to store the required number of bins in a manner that allows easy access to every bin;
- g) Detail the ventilation to prevent garbage odours entering the car park and/or dwellings;
- h) Detail the ease of taking the fully loaded waste bins to the point of waste collection;
- i) State where and when the bins will be placed for waste collection;
- j) Confirm that the bins will be removed from the street promptly after collection; and
- k) Include a plan showing where the waste trucks will stop to service the waste bins and state whether No Parking restrictions will be required for the waste trucks to access that space (e.g. 6am-midday, Wed).

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.

- 13A. An amended Waste Management Plan, generally in accordance with the endorsed waste management plan (prepared by Leigh Design dated 2 March 2018) must be submitted in accordance with condition 13 of this permit but modified to include an additional dwelling, detailing how waste collection will work and other necessary updates to reflect the development approved by amendment MPS/2015/269/G.
- 14. All works must be undertaken in accordance with the recommendations contained in the endorsed Waste Management Plan to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.
- 15. Prior to the endorsement of plans, an Access Plan must be prepared by a suitably qualified access auditor to assess any plans and provide advice/recommendations on access and mobility issues to the satisfaction of the Responsible Authority. The Plan must be submitted to and approved by the Responsible Authority. The Plan must provide for, but not be limited to, the following:
  - a) All dwellings marked type J (18 in total) to be accessible.
  - b) The provision of tactile indicators.
  - c) The use of contrasting paving or surface materials to assist the vision impaired.
  - d) At least 10% of the total number of dwellings to be specifically adapted to provide access for all, including bathrooms and toilets.

- e) Emergency exits, particularly above the ground floor.
- f) Car parking.

When submitted and approved to the satisfaction of the Responsible Authority, the Disability Access Plan and associated notated plans will form part of this permit.

16. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Access Plan, 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 Access Plan have been implemented in accordance with the approved Plan.

#### **Environmental Assessment and Auditing Requirements**

17. Prior to the commencement of construction or carrying out works pursuant to this permit either:
  - a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970 and provided to the Responsible Authority; or
  - b) An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the Subdivision Act 1988, and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the Planning and Environment Act 1987. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the Subdivision Act 1988. 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).

Prior to any remediation works being undertaken in association with an Environmental Audit, a Remediation Works Plan, prepared in consultation with the appointed Environmental Auditor, must be submitted to and approved by the Responsible Authority. The plan must detail only those remediation works, excavation works as well as any proposed structures such as retaining walls, necessary to facilitate the completion of the environment audit. Only the works detailed in the Remediation Works Plan, approved by the Responsible

Authority, are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.

#### General

18. Prior to the occupation of the development, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
19. Prior to the occupation of the development, the garage doors must be automatic and remote controlled.
20. Prior to the occupation of the development, any vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
21. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
22. Before the occupation of the development, lighting above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the rear dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
23. Prior to the occupation of the development all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
24. Prior to the occupation of the development all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
25. The stormwater run-off from the accessway must not flow out of the property over the public footpath to the satisfaction of the Responsible Authority.
26. All stormwater from the land at 22 Hardy Street, 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).
27. The level of the footpath must not be raised to improve vehicle access to the garages unless with the prior written consent of the Responsible Authority.
28. The owner must provide an advanced replacement street tree in an appropriate location in a nature strip nearby in accordance with the Moreland Street Landscape Strategy for each street tree removed for the vehicle crossing to the satisfaction of the Responsible Authority.
29. The dimensions, placement and numbering of the letterboxes must comply with the Australia Post – Letterbox Security and Specification as published on its website to the satisfaction of the Responsible Authority.
30. Prior to the occupation of the development at 22 Hardy Street, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.

31. Lighting on each balcony and roof decks must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.

#### Tree Protection

32. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2025 - Protection of Trees on Development Sites to ensure that the street tree adjacent to 22 Hardy Street remains healthy and viable during construction.

The TMP must include the following to the satisfaction of the Responsible Authority:

- a) A tree protection plan to scale that shows:
  - i. All Tree Protection Zones and Structural Root Zones
  - ii. All Tree Protection Fencing
  - iii. Areas where ground protection systems will be used
  - iv. The type of footings within any Tree Protection Zone
  - v. The location of services within any Tree Protection Zone
- b) The location and design of Tree Protection Fencing.
- c) Details of appropriate footings within the Tree Protection Zone.
- d) The method of installing any services through the Tree Protection Zone.
- e) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
- f) A timetable outlining works requiring supervision by the Project Arborist.
- g) All remedial pruning works that are required to be performed on the tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

#### Section 173 Agreement

33. Prior to the commencement of the development hereby permitted, an agreement under Section 173 of the Planning and Environment Act 1987 must be entered into between the Owners of the land and the Responsible Authority in a form satisfactory to the Responsible Authority providing for:

- a) Unrestricted public pedestrian and bicycle access through the pedestrian link from Stewart Street to Hardy Street along the eastern site boundary for 24 hours a day (364 days of the year).
- b) The owners of the land to indemnify the Moreland City Council against any claims associated with the use of the pedestrian link between Stewart and Hardy Streets within the site.

The agreement must be registered on title. The owner must pay the reasonable costs of the Responsible Authority in relation to the preparation, execution and registration of the agreement on title.

#### Permit Expiry

34. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:

- The development is not started within two (2) years of the issue date of this permit.
- The development is not completed within four (4) years of the issue date 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 has been issued in accordance with the Victorian Civil and Administrative Tribunal's Order P458/2016 dated 2 May 2017.

**Note 2:** Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved, in accordance with Merri-bek City Council's General Local Law.

**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.

<b>Date of amendment:</b> 13-May-2020
<b>Amendment Number:</b> MPS/2015/269/A
<b>Brief description of amendment:</b>
<b>Amendment to plans to show:</b>
<ul style="list-style-type: none"> <li>• Demolition of part of the boundary wall on the southern boundary</li> <li>• Alterations to the fencing materials and height on the east and west boundaries</li> <li>• Relocation of the substation to the south-eastern corner of the site adjoining Stewart Street.</li> </ul>
<b>Amendment to wording of Condition 1o</b>

<b>Date of amendment:</b> 26-Oct-2022
<b>Amendment Number:</b> MPS/2015/269/B
<b>Brief description of amendment:</b>
<b>Amendment to plans to show:</b>
<ul style="list-style-type: none"> <li>• Construction of a first floor terrace to Lots 3 and 6 (Units 1 and 4 at 35 Stewart Street)</li> </ul>
<b>Amendment to wording of Condition 4</b>

<b>Date of amendment:</b> 26-Oct-2022
<b>Amendment Number:</b> MPS/2015/269/C
<b>Brief description of amendment:</b>
<b>Amendment to plans to show:</b>
<ul style="list-style-type: none"> <li>• Enclosed balcony to Lot 25 (12 Hardy Street, Brunswick). Plans that show changes to be read in conjunction with previously endorsed plans.</li> </ul>

**Date of amendment:** 04-Nov-2022

**Amendment Number: MPS/2015/269/D**

**Brief description of amendment:**

**Endorsed plans to be read in conjunction with previously endorsed plans which shows the roof to the balcony at (Lot 26) 12A Hardy Street, Brunswick**

**Date of amendment: 27-Mar-2023**

**Amendment Number: MPS/2015/269/E**

**Brief description of amendment:**

**Endorsed plans to be read in conjunction with previously endorsed plans which shows a glass door to first floor southern elevation and two skylights to Lot 22 (19/35 Stewart Street, Brunswick)**

7.23 pm      Cr Yildiz returned to the meeting.  
7.23 pm      Cr Yildiz left the meeting.  
7.25 pm      Cr Yildiz returned to the meeting.

**Carried**

## **URGENT BUSINESS REPORTS**

Nil.

The Council meeting closed at 7.26 pm.

**Confirmed**

**Cr Nat Abboud  
MAYOR**