



Moreland

City Council

Minutes of the Planning and Related Matters Meeting

Held at the Council Chamber, Moreland Civic Centre,
90 Bell Street, Coburg
on Wednesday 24 February 2021

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.

Present	Time In	Time Out
Cr Annalivia Carli Hannan, Mayor	6.31 pm	7.35 pm
Cr Mark Riley	6.31 pm	7.35 pm
Cr Adam Pulford	6.31 pm	7.35 pm
Cr Angelica Panopoulos	6.31 pm	7.35 pm
Cr Helen Davidson	6.31 pm	7.35 pm
Cr Helen Pavlidis	6.31 pm	7.35 pm
Cr James Conlan	6.31 pm	7.35 pm
Cr Lambros Tapinos	6.31 pm	7.35 pm
Cr Mark Riley	6.31 pm	7.35 pm
Cr Milad El-Halabi	Apology	
Cr Oscar Yildiz JP	6.31 pm	7.35 pm
Cr Sue Bolton	6.31 pm	7.35 pm

APOLOGIES/LEAVE OF ABSENCE

Cr El-Halabi was an apology to the meeting, noted at 7.16 pm.

OFFICERS

Acting Group Manager City Development – Narelle Jennings
Unit Manager Urban Planning – Mark Hughes
Planning Coordinator - Vita Galante
Unit Manager Governance and Civic Protocols – Sally Curran
Team Leader Governance – Naomi Ellis

DISCLOSURES OF CONFLICTS OF INTEREST

Cr Riley declared a conflict of interest in item 5.1, 488-490 Victoria Street, Brunswick West - Planning Permit Application (MPS/2020/340), describing a General Conflict of Interest as defined by the *Local Government Act 2020*, as a result of an association with a person who plans to move into the development if it is approved.

Cr Bolton declared a conflict of interest in item 5.1- 488-490 Victoria Street, Brunswick West - Planning Permit Application (MPS/2020/340) describing a General Conflict of Interest as defined by the *Local Government Act 2020* as she has infrequent contact with a potential resident of the proposed development.

Cr Conlan declared a general conflict of interest in item 5.1, 488-490 Victoria Street, Brunswick West - Planning Permit Application (MPS/2020/340) describing a General Conflict of Interest as defined by the *Local Government Act 2020*, as he has relationships with people who would live in the proposed development if approved.

MINUTE CONFIRMATION

Resolution

Cr Bolton moved, Cr Riley seconded -

The minutes of the Planning and Related Matters Meeting held on 27 January 2021 be confirmed.

Carried

Cr Riley, Cr Bolton and Cr Conlan each declared a general conflict of interest in item 5.1, 488-490 Victoria Street, Brunswick West - Planning Permit Application (MPS/2020/340).

6.36 pm Cr Riley, Cr Bolton and Cr Conlan left the Council Chamber.

COUNCIL REPORTS

5.1 488-490 VICTORIA STREET, BRUNSWICK WEST - PLANNING PERMIT APPLICATION (MPS/2020/340)



Property:	488-490 Victoria Street, Brunswick West 3055
Proposal:	Development of the land to construct ten dwellings over two storeys, demolition of non-contributory buildings in a heritage overlay and a reduction in the standard car parking rate.
Zoning and Overlay/s:	• Neighbourhood Residential Zone – Schedule 1 • Heritage Overlay – Schedules 186 & 56 • Environmental Audit Overlay • Development Contributions Plan Overlay – Schedule 1
Strategic setting:	Minimal housing growth Incremental housing growth Increased house densities encouraged Significant housing growth
Objections:	• 13 objections • Key issues: ○ Heritage ○ Car Parking ○ Traffic and use of the Right-of-Way
Objector consultation meeting:	• Date: 17 December 2020 • Attendees: 5 objectors, the applicant and two Council officers.
ESD:	• BESS Score of 83% • STORM Rating of 117% • NatHERS average rating of 8.3 Stars • Design is informed by passive design principles • Photovoltaic solar system with a peak capacity of 19kW
Key reasons for	• The design incorporates excellent ESD features and passive design principles. • The landscape response makes a positive contribution to the landscape character of the surrounds and exceeds policy expectations. • Acceptable response to heritage character. • Off-site amenity impacts are minimised by the proposed building siting and landscaping. • Car parking provision is acceptable. Services and alternative transport options are conveniently accessible.
Recommendation:	A Notice of Decision to Grant a Planning Permit be issued.

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2020/340 be issued for 'Development of the land to construct ten dwellings over two storeys, demolition of non-contributory buildings in a heritage overlay and a reduction in the standard car parking rate' at 488-490 Victoria Street, Brunswick West, subject to the following conditions:

Amended Plans Conditions

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans and reports advertised 21 October 2020 but modified to show:
 - a) Tree Protection Zones for the two street trees in accordance with Condition 6 of this permit.
 - b) Any changes required by the Tree Management Plan for the retained *Grevillea Robusta* in accordance with Condition 7 of this permit.
 - c) All ground level bathroom doors designed in accordance with Standard B41 of Clause 55.07-7.
 - d) Any level difference between the car parking area and the laneway made up using ramps within the site, and a note stating that the levels of the laneway must not be altered.
 - e) Any changes arising from the Green Travel Plan in accordance with Condition 10 of this permit.
 - f) A scaled elevation of the front fence that clearly shows:
 - i. A maximum fence height of 1.5 metres
 - ii. Proposed materials
 - g) A screen diagram drawn at a scale of at least 1:50 which details 'MP - Metal Privacy Screen' on the south elevation. This diagram must include:
 - i. All dimensions, including the width of the openings and the gap between the openings.
 - ii. How compliance is achieved with the standard of Clause 55.04-6 (overlooking) of the Moreland Planning Scheme.
 - iii. Details to show that screening is to be applied to a height of 1700mm from the finished floor level.
 - h) An amended stormwater catchment plan consistent with the 'Site Layout Plan' in the Sustainability Management Plan but amended so that:
 - i. All catchment areas are shown with dimensions and their respective stormwater treatment (or no treatment) measures consistent with the STORM Report.
 - ii. The catchment plan is provided in a format that can be endorsed and will form part of the set of endorsed plans.
 - i) Internal north and south elevation plans, clearly indicating window operation on all elevation plans (e.g. arrows for a sliding window, a V for an awning).

Compliance with Endorsed Plan Condition

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.

ESD Conditions

3. Prior to the endorsement of plans, a Sustainability Management Plan (SMP) 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 Zen Architects advertised on 21/10/2020.

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

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to this plan may occur without the written consent of the Responsible Authority.
5. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

Tree Protection and Landscaping Conditions

6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the council street trees in front of the site 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:

a) 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.

b) 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.

c) Irrigation

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.

d) 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.

7. 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: 2009 - Protection of Trees on Development Sites to ensure that the Grevillea Robusta 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 and landscaping treatments 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) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10% into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
- h) 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. No alterations to the plan may occur without the written consent of the Responsible Authority. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

8. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
9. All planting must be maintained in accordance with the endorsed landscape plan with any dead, diseased or damaged plants replaced with a suitable species to the satisfaction of the Responsible Authority.

Green Travel Plan Condition

10. Prior to the endorsement of plans a Green Travel Plan (GTP) must be prepared by a suitably qualified person and submitted to the satisfaction of the Responsible Authority. The GTP must include the following:
 - a) Describe the site's location in the context of alternative modes of transport and objectives for the GTP.
 - b) Outline GTP measures for the development including:
 - i. Household welcome packs including provision of a Myki for each apartment in the development or other incentives to encourage public transport usage;
 - ii. Outline bicycle parking and facilities available onsite;
 - iii. Provide details on car share/bicycle share schemes in the surrounds;
 - iv. Outline the management of onsite carparking and detail how the allocation of carparking spaces will occur to future residents.

Once approved, the GTP will be endorsed to form part of the permit. The GTP approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority. No alterations to the plan may occur without the written consent of the Responsible Authority

DCP Condition

11. 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.

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:

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
- 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.

Vehicle Access Condition

12. 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 (Moreland City Council, City Infrastructure Department).

Stormwater Conditions

13. 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 Moreland City Council, City Infrastructure Department).
14. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority.

Site Services and Management Conditions

15. Prior to the endorsement of plans, a Waste Management Plan (WMP) must be submitted to the satisfaction by the Responsible Authority. The WMP must be generally in accordance with the WMP prepared by Eco Results advertised on 21/10/2020.

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

16. 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.
17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
18. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
19. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, automatic or sensor-controlled lighting no higher than 1.2 metres 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.
20. Lighting on each balcony must be designed to not emit light direct onto any adjoining property to the satisfaction of the Responsible Authority.
21. 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 (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

Expiry Condition

22. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit.

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

- within six months after the permit expires to extend the commencement date.

- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

Notes

These notes are for information only and do not constitute part of this notice of decision or conditions of this notice of decision.

Note 1: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street. Occupiers are eligible for the resident A parking permit which only permits parking in limited areas. The resident parking permits and Resident A parking permit are subject to future reviews and change. See Council's website for more information: <https://www.moreland.vic.gov.au/parking-roads/parking-permits/residential-parking-permits/>.

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

Minute Number DCF 27/21

Resolution

Cr Panopoulos moved, Cr Tapinos seconded -

That a Notice of Decision to Grant a Planning Permit No. MPS/2020/340 be issued for 'Development of the land to construct ten dwellings over two storeys, demolition of non-contributory buildings in a heritage overlay and a reduction in the standard car parking rate' at 488-490 Victoria Street, Brunswick West, subject to the following conditions:

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 - a) **Tree Protection Zones for the two street trees in accordance with Condition 6 of this permit.**
 - b) **Any changes required by the Tree Management Plan for the retained *Grevillea Robusta* in accordance with Condition 7 of this permit.**
 - c) **All ground level bathroom doors designed in accordance with Standard B41 of Clause 55.07-7.**
 - d) **Any level difference between the car parking area and the laneway made up using ramps within the site, and a note stating that the levels of the laneway must not be altered.**
 - e) **Any changes arising from the Green Travel Plan in accordance with Condition 10 of this permit.**
 - f) **A scaled elevation of the front fence that clearly shows:**
 - i. **A maximum fence height of 1.5 metres**

- ii. **Proposed materials**
- g) **A screen diagram drawn at a scale of at least 1:50 which details 'MP - Metal Privacy Screen' on the south elevation. This diagram must include:**
 - i. **All dimensions, including the width of the openings and the gap between the openings.**
 - ii. **How compliance is achieved with the standard of Clause 55.04-6 (overlooking) of the Moreland Planning Scheme.**
 - iii. **Details to show that screening is to be applied to a height of 1700mm from the finished floor level.**
- h) **An amended stormwater catchment plan consistent with the 'Site Layout Plan' in the Sustainability Management Plan but amended so that:**
 - i. **All catchment areas are shown with dimensions and their respective stormwater treatment (or no treatment) measures consistent with the STORM Report.**
 - ii. **The catchment plan is provided in a format that can be endorsed and will form part of the set of endorsed plans.**
- i) **Internal north and south elevation plans, clearly indicating window operation on all elevation plans (e.g. arrows for a sliding window, a V for an awning).**

Compliance with Endorsed Plan Condition

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.**

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

4. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to this plan may occur without the written consent of the Responsible Authority.**
5. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.**

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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.

b) 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.

c) Irrigation

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.

d) 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.

7. 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: 2009 - Protection of Trees on Development Sites to ensure that the *Grevillea Robusta* remains healthy and viable during construction.

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- 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 and landscaping treatments 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) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10% into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
- h) 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. No alterations to the plan may occur without the written consent of the Responsible Authority. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

- 8. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
- 9. All planting must be maintained in accordance with the endorsed landscape plan with any dead, diseased or damaged plants replaced with a suitable species to the satisfaction of the Responsible Authority.

Green Travel Plan Condition

- 10. Prior to the endorsement of plans a Green Travel Plan (GTP) must be prepared by a suitably qualified person and submitted to the satisfaction of the Responsible Authority. The GTP must include the following:
 - a) Describe the site's location in the context of alternative modes of transport and objectives for the GTP.
 - b) Outline GTP measures for the development including:
 - i. Household welcome packs including provision of a Myki for each apartment in the development or other incentives to encourage public transport usage;
 - ii. Outline bicycle parking and facilities available onsite;
 - iii. Provide details on car share/bicycle share schemes in the surrounds;
 - iv. Outline the management of onsite carparking and detail how the allocation of carparking spaces will occur to future residents.

Once approved, the GTP will be endorsed to form part of the permit. The GTP approved under this permit must be implemented and complied with at all

times to the satisfaction of the Responsible Authority. No alterations to the plan may occur without the written consent of the Responsible Authority

DCP Condition

11. 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.

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:

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
- 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.

Vehicle Access Condition

12. 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 (Moreland City Council, City Infrastructure Department).

Stormwater Conditions

13. 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 Moreland City Council, City Infrastructure Department).
14. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority.

Site Services and Management Conditions

15. Prior to the endorsement of plans, a Waste Management Plan (WMP) must be submitted to the satisfaction by the Responsible Authority. The WMP must be generally in accordance with the WMP prepared by Eco Results advertised on 21/10/2020.

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

16. 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.
17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening

measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

18. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
19. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, automatic or sensor-controlled lighting no higher than 1.2 metres 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.
20. Lighting on each balcony must be designed to not emit light direct onto any adjoining property to the satisfaction of the Responsible Authority.
21. 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 (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

Expiry Condition

22. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit.

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

- within six months after the permit expires to extend the commencement date.
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

Notes

These notes are for information only and do not constitute part of this notice of decision or conditions of this notice of decision.

Note 1: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street. Occupiers are eligible for the resident A parking permit which only permits parking in limited areas. The resident parking permits and Resident A parking permit are subject to future reviews and change. See Council's website for more information:

<https://www.moreland.vic.gov.au/parking-roads/parking-permits/residential-parking-permits/>.

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

Carried

Mayor, Cr Carli Hannan advised at 7.16 pm that Cr El-Halabi had submitted an apology for the meeting.

7.16 pm Cr Riley, Cr Bolton and Cr Conlan returned to the Council Chamber.

5.2 8 LILY STREET, COBURG NORTH - PLANNING PERMIT APPLICATION (MPS/2020/367)



Property:	8 Lily Street, Coburg North
Proposal:	Use of land for a recording studio
Zoning and Overlay/s:	• Mixed Use Zone (MUZ) • Special Building Overlay (SBO) • Environmental Significance Overlay (ESO) • Parking Overlay (PO1) • Environmental Audit Overlay (EAO) • Development Contributions Plan Overlay (DCPO1)
Objections:	• 17 Objections (including 7 pro forma objections) • Key issues: ○ Noise Impacts ○ Hours of Operation ○ Car Parking ○ Interface with Residential Properties
Planning Information and Discussion (PID) Meeting:	• Date: 8 February 2021 • Attendees: 2 objectors, the applicant, 2 Council officers, and Cr Sue Bolton and Cr Adam Pulford. • The following agreements were reached at the PID meeting: ○ The recording of music will only operate between 10 am and 8 pm Monday to Sunday.
Key reasons for support	• The use of the land for a recording studio of the scale proposed is acceptable given the Mixed Use zoning of the site and the immediate context. • Subject to conditions, noise will not unreasonably impact the amenity of the adjoining residential properties.
Recommendation:	A Notice of Decision to Grant a Planning Permit be issued.

Officer Recommendation

Recommendation A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2020/367 be issued for the use of the land for a recording studio at 8 Lily Street, Coburg North, subject to the following conditions:

Amended Plans

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans (advertised 23 September 2020) but modified to show:
 - a) Two car parking spaces in a tandem arrangement, within the parking area between the building and the street boundary (i.e. a total of 2 car spaces on site).
 - b) The provision of low-level landscaping along the western boundary of the car parking area.
 - c) A sign inside the building that reminds people to leave the building in a way that is respectful of their residential neighbours.
 - d) Any changes required by the Waste Management Plan in accordance with Condition 17 of this permit.
 - e) Any changes to the Acoustic Report prepared by Enfield Acoustic dated 31 August 2020, including any response to any other condition of this permit that may impact on the recommendations of the Acoustic Report.

Compliance with Endorsed Plans

2. The use of land 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 Clause 62.01 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Hours of Operation

3. The use allowed by this permit must operate only between the following hours:
 - a) Monday to Sunday 9:00 am to 9:00 pm
4. The playing and recording of live music must occur only between the following hours:
 - a) Monday to Sunday 10:00 am to 8:00 pm

Maximum Number of People

5. The maximum number of people permitted on the premises must not exceed 10 at any one time.

Acoustic Attenuation

6. Prior to the endorsement of plans, the Acoustic Report prepared by Enfield Acoustics dated 31 August 2020, or any amended version of the report as required by Condition 1(e), must be submitted and endorsed to form part of the permit. The recommended changes/additions to the building must be undertaken and maintained in accordance with the requirements and recommendations of the approved Acoustic Report to the satisfaction of the Responsible Authority. No alterations may occur to the building or the acoustic report without the prior written consent of the Responsible Authority.
7. Prior to the commencement of the use permitted by this permit, a report from the author of the Acoustic Report approved pursuant to this permit or similarly qualified person or company must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.
8. Within 2 months of the commencement of the use, acoustic testing is to be carried

out to ascertain whether the use complies with the maximum noise levels prescribed by SEPP N-2. The testing is to be carried out by an independent acoustician approved by the Responsible Authority. If the testing reveals that the use does not meet the specified maximum noise levels the buildings and works must be modified to make the use compliant with those levels. After any modifications have been made further acoustic testing must be carried out to ascertain whether the use complies with the prescribed noise levels. All acoustic testing is to be carried out during a busy period. For the purpose of this condition 'busy period' means when multiple studios are in operation at the same time. The results of testing are to be provided to the Responsible Authority and made available to the public.

9. Noise levels associated with the use must at all times comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority to demonstrate compliance, or which outlines any measures considered necessary to achieve compliance. The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

Environmental Assessment

10. Prior to the commencement of the permitted use, an Environmental Assessment Report must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to contribute financially to an independent review of the environmental site assessment information by a suitably qualified environmental professional. The Environmental Assessment Report is to be conducted by a competent professional practitioner with relevant experience in the field. The owner must comply with the findings of the site assessment to the satisfaction of the Responsible Authority. The Environmental Assessment Report must:
 - a) Specify the name and qualifications of the person who has conducted the Report;
 - b) Provide comment on the potential for offsite contamination to have migrated to the subject land from neighbouring land. Soil sampling and analysis of the subject site may be required where access to definitive information regarding neighbouring land is not obtainable or is inconclusive;
 - c) Specify the industrial process or activity, waste or substance in respect of which the Report was conducted;
 - d) Specify the segment of the environment in respect of which the Report was conducted;
 - e) Include an evaluation of the environmental quality of the relevant segment of the environment;
 - f) Include an assessment of any clean up that is necessary, including recommendations relating to the carrying out of the clean up, and any compliance requirements to enable the land owner to ensure that the land is suitable for the proposal;
 - g) Include a further recommendation to the Responsible Authority as to whether the condition of the land is such that an Environmental Audit should be conducted taking into consideration the proposed use.
11. If pursuant to Condition 10 of this planning permit an environmental audit is required then prior to the commencement of the permitted use 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.
12. 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).
 13. 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 a Certificate or Statement of Environmental Audit.
 14. No works to the building approved shall be carried out on the land and no contract to undertake works to the building hereby approved may be entered into, other than in accordance with a contract that stipulates that works must not be commenced until such time as Conditions 11, 12 and 13 are satisfied.
 15. 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.
 16. 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.

Waste Management Plan

17. 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 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, recycling, glass and green waste (including food waste) expected to be generated;
 - d) A statement of whether the garbage, 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 building;
- 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. 6:00 am - midday, Wednesday).

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.

General Conditions

- 18. Prior to the commencement of the use permitted by this permit, a new kerb is to be constructed within the property boundary where it meets the footpath. The kerb is to start from the western property boundary and finish perpendicular to the western edge of the existing vehicle crossing (measured at the footpath). The kerb is to be 110 millimeters high, and be constructed to Council standards using construction plans approved by Council and the works supervised by Council.
- 19. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must to the satisfaction of the Responsible Authority:
 - a) Be completed prior to the commencement of the use.
 - b) Be maintained.
 - c) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
 - d) Not be used for any other purpose other than the parking of vehicles.
- 20. Prior to the use commencing, lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access from the building to the car parking spaces on-site with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

Permit Expiry

- 21. This permit will expire if the use is not commenced within two years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

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

Note 1: Council charges supervision (2.50%) and plan checking (0.75%) fees on the cost of constructing the laneway as permitted by Sections 5 and 6 of the Subdivision (Permit and Certification Fees) Regulations 2000.

At the subdivision stage public realms works for the laneway must be completed prior to the occupation and use of the development.

Note 2: Notes about environmental audits:

- i. A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 7 days of issue, in accordance with Section 53ZB of the Environment Protection Act 1970.

- ii. Where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to Section 53ZE of the Environment Protection Act 1970.
- 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 Certificate or Statement of Environmental Audit including a copy of any cover letter.
- iv. Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the *Planning and Environment Act 1987*.

Recommendation B:

Pursuant to Clause 52.06-6 (car parking) of the Moreland Planning Scheme, the two (2) on site car parking spaces for a recording studio at 8 Lily Street, Coburg North is to the satisfaction of the Responsible Authority (Council).

Minute Number DCF 28/21

Resolution

Cr Davidson moved, Cr Tapinos seconded -

Recommendation A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2020/367 be issued for the use of the land for a recording studio at 8 Lily Street, Coburg North, subject to the following conditions:

Amended Plans

1. **Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans (advertised 23 September 2020) but modified to show:**
 - a) **Two car parking spaces in a tandem arrangement, within the parking area between the building and the street boundary (i.e. a total on 2 car spaces on site).**
 - b) **The provision of low-level landscaping along the western boundary of the car parking area.**
 - c) **A sign inside the building that reminds people to leave the building in a way that is respectful of their residential neighbours.**
 - d) **Any changes required by the Waste Management Plan in accordance with Condition 17 of this permit.**
 - e) **Any changes to the Acoustic Report prepared by Enfield Acoustic dated 31 August 2020, including any response to any other condition of this permit that may impact on the recommendations of the Acoustic Report.**

Compliance with Endorsed Plans

2. **The use of land as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any**

exemption specified in Clauses 62.01 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Hours of Operation

3. The use allowed by this permit must operate only between the following hours:
 - a) Monday to Sunday 9 am to 9 pm
4. The playing and recording of live music and loading and unloading must occur only between the following hours:
 - a) Monday to Sunday 10 am to 8 pm

Maximum Number of People

5. The maximum number of people permitted on the premises must not exceed 10 at any one time.

Acoustic Attenuation

6. Prior to the endorsement of plans, the Acoustic Report prepared by Enfield Acoustics dated 31 August 2020, or any amended version of the report as required by Condition 1(e), must be submitted and endorsed to form part of the permit. The recommended changes/additions to the building must be undertaken and maintained in accordance with the requirements and recommendations of the approved Acoustic Report to the satisfaction of the Responsible Authority. No alterations may occur to the building or the acoustic report without the prior written consent of the Responsible Authority. The acoustic report should include the operation of the roller doors.
7. Prior to the commencement of the use permitted by this permit, a report from the author of the Acoustic Report approved pursuant to this permit or similarly qualified person or company must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.
8. Within 2 months of the commencement of the use, acoustic testing is to be carried out to ascertain whether the use complies with the maximum noise levels prescribed by SEPP N-2. The testing is to be carried out by an independent acoustician approved by the Responsible Authority. If the testing reveals that the use does not meet the specified maximum noise levels the buildings and works must be modified to make the use compliant with those levels. After any modifications have been made further acoustic testing must be carried out to ascertain whether the use complies with the prescribed noise levels. All acoustic testing is to be carried out during a busy period. For the purpose of this condition 'busy period' means when multiple studios are in operation at the same time. The results of testing are to be provided to the Responsible Authority and made available to the public.
9. Noise levels associated with the use must at all times comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority to demonstrate compliance, or which outlines any measures considered necessary to achieve compliance. The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

Environmental Assessment

10. Prior to the commencement of the permitted use, an Environmental Assessment Report must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to contribute financially to an independent review of the environmental site assessment information by a suitably qualified environmental professional. The Environmental Assessment Report is to be conducted by a competent professional practitioner with relevant experience in the field. The owner must comply with the findings of the site assessment to the satisfaction of the Responsible Authority. The Environmental Assessment Report must:
- a) Specify the name and qualifications of the person who has conducted the Report;
 - b) Provide comment on the potential for offsite contamination to have migrated to the subject land from neighbouring land. Soil sampling and analysis of the subject site may be required where access to definitive information regarding neighbouring land is not obtainable or is inconclusive;
 - c) Specify the industrial process or activity, waste or substance in respect of which the Report was conducted;
 - d) Specify the segment of the environment in respect of which the Report was conducted;
 - e) Include an evaluation of the environmental quality of the relevant segment of the environment;
 - f) Include an assessment of any clean up that is necessary, including recommendations relating to the carrying out of the clean up, and any compliance requirements to enable the land owner to ensure that the land is suitable for the proposal;
 - g) Include a further recommendation to the Responsible Authority as to whether the condition of the land is such that an Environmental Audit should be conducted taking into consideration the proposed use.
11. If pursuant to Condition 10 of this planning permit an environmental audit is required then prior to the commencement of the permitted use 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.
12. 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).
13. 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 a Certificate or Statement of Environmental Audit.

14. No works to the building approved shall be carried out on the land and no contract to undertake works to the building hereby approved may be entered into, other than in accordance with a contract that stipulates that works must not be commenced until such time as Conditions 11, 12 and 13 are satisfied.
15. 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.
16. 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.

Waste Management Plan

17. 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 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, recycling, glass and green waste (including food waste) expected to be generated;
 - d) A statement of whether the garbage, 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 building;
 - 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. 6:00 am - midday, Wednesday).

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.

General Conditions

18. Prior to the commencement of the use permitted by this permit, a new kerb is to be constructed within the property boundary where it meets the footpath. The kerb is to start from the western property boundary and finish perpendicular to the western edge of the existing vehicle crossing (measured at the footpath). The kerb is to be 110 millimeters high, and be constructed to Council standards using construction plans approved by Council and the works supervised by Council.
19. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must to the satisfaction of the Responsible Authority:
 - a) Be completed prior to the commencement of the use.
 - b) Be maintained.
 - c) Have the boundaries of all vehicle parking spaces and the loading bay clearly marked on the ground to accord with the endorsed plan.
 - d) Not be used for any other purpose other than the parking of vehicles.
20. Prior to the use commencing, lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access from the building to the car parking spaces on-site with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

Permit Expiry

21. This permit will expire if the use is not commenced within two years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

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

Note 1: Council charges supervision (2.50%) and plan checking (0.75%) fees on the cost of constructing the laneway as permitted by Sections 5 and 6 of the Subdivision (Permit and Certification Fees) Regulations 2000.

At the subdivision stage public realms works for the laneway must be completed prior to the occupation and use of the development.

Note 2: Notes about environmental audits:

- i. A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 7 days of issue, in accordance with Section 53ZB of the Environment Protection Act 1970.
- ii. Where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to Section 53ZE of the Environment Protection Act 1970.
- 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 Certificate or Statement of Environmental Audit including a copy of any cover letter.

- iv. Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the *Planning and Environment Act 1987*.

Recommendation B:

Pursuant to Clause 52.06-6 (car parking) of the Moreland Planning Scheme, the two (2) on site car parking spaces for a recording studio at 8 Lily Street, Coburg North is to the satisfaction of the Responsible Authority (Council).

Carried

URGENT BUSINESS

Nil

The meeting closed at 7.35 pm.

Confirmed



Cr Annalivia Carli Hannan
MAYOR