



Minutes of the Planning and Related Matters Meeting

Held Wednesday 24 November 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 Mark Riley, Mayor	6.31 pm	7.54 pm
Cr Lambros Tapinos, Deputy Mayor	Apology	
Cr Adam Pulford	6.31 pm	7.54 pm
Cr Annalivia Carli Hannan	6.31 pm	7.16 pm
Cr Angelica Panopoulos	6.31 pm	7.54 pm
Cr Helen Davidson	Apology	
Cr Helen Pavlidis	Apology	
Cr James Conlan	6.31 pm	7.54 pm
Cr Milad El-Halabi	Apology	
Cr Oscar Yildiz JP	6.31 pm	7.54 pm
Cr Sue Bolton	6.31 pm	7.54 pm

The meeting was interrupted at 6.35 pm due to technical problems.

It resumed again at 6.48 pm.

APOLOGIES/LEAVE OF ABSENCE

Cr Davidson, Cr Pavlidis, Cr Tapinos and Cr El-Halabi were apologies for the meeting.

OFFICERS

Acting Director City Futures - Phil Priest
Acting Group Manager City Development – Mark Hughes
Planning Co-ordinator – Darren Camilleri
Planning Co-ordinator – Kylie Sullivan
Principal Urban Planner – Esha Rahman
Team Leader Governance – Naomi Ellis
Governance Officer – Tracey Classon

DISCLOSURES OF CONFLICTS OF INTEREST

Nil

MINUTE CONFIRMATION

Resolution

Cr Panopoulos moved, Cr Conlan seconded -

The minutes of the Planning and Related Matters Meeting held on 22 September 2021 be confirmed.

Carried

COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT SEPTEMBER QUARTER 2021

Executive Summary

The City Development Urban Planning and Planning Enforcement teams are managing to produce reasonably good results but will face challenges in the coming months due to very high numbers of incoming planning applications. The planning application outstanding caseload, and the planning compliance caseloads are areas to continue to monitor closely.

Planning applications lodged with Council increased again in the September quarter with the highest number of applications lodged for some years. Decision making again improved but could not keep pace with the number of incoming applications resulting in an increased backlog of applications awaiting a decision. The backlog is now steadily rising, and the data clearly indicates that planning activity levels are once again increasing after remaining steady throughout the majority of the COVID 19 pandemic.

Timeframes to determine most planning applications were below the metropolitan average largely due to staff vacancies and very high application numbers. Even VicSmart applications which had improved last quarter once again fell below the metropolitan average as high numbers of new applications were received.

Planning compliance case numbers were lower than expected for the quarter and the team took advantage of this to close a very high number of cases with 104 closed in the quarter. This follows a huge June quarter with 125 cases closed the largest number of cases closed in a quarter for many years. The success of these 2 quarters has had a very positive impact on the outstanding caseload which is again dropping but is still not at a manageable level. Around 100 outstanding cases is considered a manageable level and with 150 outstanding this goal is getting closer.

VCAT activity was slightly higher in the September 2021 quarter compared to the previous year but is still not back to pre-COVID-19 levels.

Officer Recommendation

That Council:

1. Notes the City Development Activity Report – September Quarter 2021.

Resolution

Cr Carli Hannan moved, Cr Panopoulos seconded -

That Council:

1. Notes the City Development Activity Report – September Quarter 2021.

Carried unanimously

5.2 29 SYDNEY ROAD BRUNSWICK VIC 3056 - PLANNING APPLICATION MPS/2017/112/B



Property:	29 Sydney Road, Brunswick			
Proposal:	Amendment to the endorsed plans to allow for partial demolition of the existing roof located to the north-east section of the existing hotel and installation of a retractable fabric roof to allow for an outdoor area			
Zoning and Overlay/s:	- Commercial 1 Zone - Heritage Overlay Schedule 149 - Design and Development Overlay Schedule 18 - Parking Overlay Schedule 1 - Development Contribution Plan Overlay Schedule 1			
Strategic setting:	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Objections:	14 objections received. Key issues include: - Contrary to agreement reached at the Victorian Civil and Administrative Tribunal (VCAT) requiring deletion of outdoor roof deck - Noise impacts			
Planning Information and Discussion (PID) Meeting:	Date: 19 July 2021 - Attendees: 6 objectors, the applicant, 2 Council officers, Deputy Mayor Cr Mark Riley and Cr James Conlan - No changes made, however the meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.			
Key reasons for support:	- Noise impacts are not unreasonable and can be adequately managed. - Removal of the roof does not result in unacceptable heritage impacts.			
Recommendation:	Notice of Decision to Grant a Planning Permit be issued subject to conditions.			

Officer Recommendation

That a Notice of Decision to Grant an Amended Planning Permit be issued for the partial demolition of the exiting building; construction of a multi-storey building above 3 levels of basement car parking; use of the land for dwellings, new licensed area associated with a tavern and inclusion of a new general licence area associated with a restaurant and a retail food store; construction and display of illuminated signage including LED lighting; reduction of the standard car parking; including alteration of an access in a Road Zone Category 1 at 29 Sydney Road, Brunswick, subject to the following conditions (**new conditions 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 prepared by Jackson Clements Burrows Architects dated 22 March 2018 and described as ground floor plan, typical podium level and typical tower level but modified to show:
 - (a) At least 50 per cent of the dwellings must be designed to achieve the accessibility features specified in Standard D17 of Clause 58.05-1 of the Moreland Planning Scheme.
 - (b) Public realm improvements in Brunswick Road forward of the site including street tree planting.
 - (c) An alternative design for the entry to the retail premises to remove alcoves.
 - (d) External screening measures for north facing windows and balconies of apartments on levels 2 and 3.
 - (e) Windows added to the east wall of bedrooms in south eastern apartments on levels 4-6.
 - (f) Living room dimensions to all apartments to achieve the minimum area as specified in Standard D24 of Clause 58.07-1 (Functional Layout) of the Moreland Planning Scheme.
 - (g) All bedroom dimensions that are less than 3 metres x 3 metres to be increased in size to at least 3 metres x 3 metres.
 - (h) Reconfiguration of apartments, where required, to achieve the maximum room depth as required by standard D25 of Clause 58.07-2. If an alternative design solution cannot be found, a daylight analysis report must be provided to demonstrate how adequate daylight will be provided to these apartments.
 - (i) Any changes to the plans recommended by an updated Sustainability Management Plan assessing the 22 March plans and if required, making recommendations for modifications to achieve compliance with Clause 22.08 of the Moreland Planning Scheme.
 - (j) The height of the building reduced by an additional one storey.
 - (k) The deletion of the rooftop deck to the existing hotel building
 - (l) Any changes to the plans recommended by an updated Waste Management Plan assessing the 22 March plans.
 - (m) Details of the restoration and repair of the existing heritage hotel external walls and the original hipped metal roof based upon the findings of an expert Heritage Report.
 - (n) On-street improvements to Black Street, Brunswick Road and Sydney Road which may include footpath improvements, street tree planting and street furniture.

- (o) A detailed landscaping plan, including details of the green walls.
- (p) A detailed colour and material schedule.
- (q) Reduce the podium to Black Street and its return to Brunswick Road by one storey
- (r) Add 4 storeys behind the existing 3 storey portion of the Brunswick Road frontage, setback not less than 5 m from Brunswick Road and eastern façade to align with the eastern edge of the 3 storey Brunswick Road façade
- (s) Plant screen at roof top level to be setback from the external facades by not less than 1.9 m, except for any transition to the lift core.

1A. Prior to the commencement of the use of the outdoor area associated with the hotel 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 prepared by Jackson Clements Burrows Architects, dated 30/03/2021, 27/07/2021 revision Set 02, 03, 05 and 07 and must show:

- (a) The acoustic treatments within Section 4.1 of the Acoustic Report prepared by Enfield Acoustics dated 22 July 2021.**

Secondary Consent

- 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.

Development Contribution

- 3. 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:

- 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

- 4. 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 Plan to the satisfaction of the Responsible Authority. The areas designated as landscaped areas on the endorsed Landscape Plan must thereafter be maintained and used for that purpose.

Environmental Sustainable Development

- 5. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainable Management 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 Sustainable Management Plan have been implemented in accordance with the approved Plan. The report must include final NatHERS certificates for the dwellings issued for the building permit.

Waste Management

6. The Waste Management Plan referred to in Condition 1 (L) will be endorsed to form part of this permit. The recommendations must be implemented and complied with at all times to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.

General

7. 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 (Moreland City Council, City Infrastructure Department).
8. 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.
9. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the development 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.
11. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
12. Prior to the occupation of the development, a 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).
13. 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).
14. Prior to the occupation of the development, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing, including the 1 metre splays on the 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.
15. The restaurant and retail food store must only be open to the public between the following hours:
 - (a) Monday to Thursday 7:00am to 11:00pm
 - (b) Friday to Saturday 7:00am to Midnight
 - (c) Sunday 8:00am to 11:00pm
16. **The outdoor area (area with retractable roof on first floor) associated with the hotel must only operate between the following hours:**

- (a) Monday to Saturday: 7:00am to 1:00 am the following day**
- (b) Sunday: 10.00am to 12 midnight (1:00 am if the eve of the public holiday)**
- 17. The maximum number of patrons in the hotel must not exceed 500 patrons at any one time.
- 18. **The maximum number of patrons in the outdoor area associated with the hotel must not exceed 30 at any time.**
- 19. Seating in the restaurant and retail food store shall be provided for not less than 75% of patrons.
- 20. The maximum number of patrons in the restaurant and retail food store must not exceed 110 at any one time.

Noise

- 21. **The Acoustic Report prepared by Enfield Acoustics dated 22 July 2021 will be endorsed to form part of this permit. The recommendations contained within this report must be implemented, maintained and complied with at all times to the satisfaction of the Responsible Authority.**
- 22. **Prior to the commencement of the use of the outdoor area associated with the hotel and no less than 3 months after the works associated with the outdoor area have been completed 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.**
- 21. **Noise levels associated with the hotel must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues).**

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an updated Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the updated 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 updated Acoustic Report to the satisfaction of the Responsible Authority.
- 22. **The outdoor area must not be used for live music and no music other than of a type and volume appropriate to background music may be emitted from external speakers in the courtyard. Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.**

Noise and Amenity Action

- 23. **Prior to the commencement of the use of the outdoor area, a Noise and Amenity Action Plan for the outdoor area must be submitted to the satisfaction of the Responsible Authority. The Noise and Amenity Action Plan shall be endorsed to form part of the Permit. The Noise and Amenity Action Plan must be generally in accordance with the Draft Noise and Amenity Action**

Plan prepared by Australian Venue Co dated October 2021 but modified to include the following:

- a) **Measures to ensure music noise levels do not exceed time and noise level limitations set out in the Endorsed Acoustic Report, nor noise limits set out by the Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues), to all surrounding sensitive uses, including 17 and 29 Sydney Road, 34A Sydney Road and 6 Black Street.**
- b) **Measures by management and staff to ensure patrons do not cause nuisance or annoyance beyond the site.**
- c) **Detail the hours of operation of the outdoor area and the maximum number of patrons permitted in the outdoor area as outlined in Conditions 16 and 18 of the planning permit MPS/2017/112/B.**
- d) **Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Commission for Gambling and Liquor Regulation**
- e) **How the movement and exit of patrons in the outdoor area is to be managed including details of how doors are to be kept closed to control noise transfer.**

Signage

24. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
25. The content of the signs must not be inappropriate to the satisfaction of the Responsible Authority.
26. The lighting output must be no greater than 0.25cd/m² throughout the driver's approach and installed and maintained accordingly.
27. The sign(s) approved by this permit must not be animated or contain any flashing light.
28. Illumination levels must be adjustable, to the satisfaction of the Responsible Authority.

Signage expiry

29. This permit expires 15 years from the date of issue, at which time the signs and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

Development expiry

30. This permit will expire if one of the following circumstances applies:
The development is not commenced within 2 years from the date of issue of this permit.
 - The development is not completed within 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.

Resolution

Cr Conlan moved, Cr Pulford seconded –

That a Notice of Decision to Grant an Amended Planning Permit be issued for the partial demolition of the exiting building; construction of a multi-storey building above 3 levels of basement car parking; use of the land for dwellings, new licensed area associated with a tavern and inclusion of a new general licence area associated with a restaurant and a retail food store; construction and display of illuminated signage including LED lighting; reduction of the standard car parking; including alteration of an access in a Road Zone Category 1 at 29 Sydney Road, Brunswick, subject to the following 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 three copies must be provided. The plans must be generally in accordance with the plans prepared by Jackson Clements Burrows Architects dated 22 March 2018 and described as ground floor plan, typical podium level and typical tower level but modified to show:**
 - a) At least 50 per cent of the dwellings must be designed to achieve the accessibility features specified in Standard D17 of Clause 58.05-1 of the Moreland Planning Scheme.**
 - b) Public realm improvements in Brunswick Road forward of the site including street tree planting.**
 - c) An alternative design for the entry to the retail premises to remove alcoves.**
 - d) External screening measures for north facing windows and balconies of apartments on levels 2 and 3.**
 - e) Windows added to the east wall of bedrooms in south eastern apartments on levels 4-6.**
 - f) Living room dimensions to all apartments to achieve the minimum area as specified in Standard D24 of Clause 58.07-1 (Functional Layout) of the Moreland Planning Scheme.**
 - g) All bedroom dimensions that are less than 3 metres x 3 metres to be increased in size to at least 3 metres x 3 metres.**
 - h) Reconfiguration of apartments, where required, to achieve the maximum room depth as required by standard D25 of Clause 58.07-2. If an alternative design solution cannot be found, a daylight analysis report must be provided to demonstrate how adequate daylight will be provided to these apartments.**
 - i) Any changes to the plans recommended by an updated Sustainability Management Plan assessing the 22 March plans and if required, making recommendations for modifications to achieve compliance with Clause 22.08 of the Moreland Planning Scheme.**
 - j) The height of the building reduced by an additional one storey.**
 - k) The deletion of the rooftop deck to the existing hotel building**
 - l) Any changes to the plans recommended by an updated Waste Management Plan assessing the 22 March plans.**

- m) Details of the restoration and repair of the existing heritage hotel external walls and the original hipped metal roof based upon the findings of an expert Heritage Report.
 - n) On-street improvements to Black Street, Brunswick Road and Sydney Road which may include footpath improvements, street tree planting and street furniture.
 - o) A detailed landscaping plan, including details of the green walls.
 - p) A detailed colour and material schedule.
 - q) Reduce the podium to Black Street and its return to Brunswick Road by one storey
 - r) Add 4 storeys behind the existing 3 storey portion of the Brunswick Road frontage, setback not less than 5 m from Brunswick Road and eastern façade to align with the eastern edge of the 3 storey Brunswick Road façade
 - s) Plant screen at roof top level to be setback from the external facades by not less than 1.9 metres, except for any transition to the lift core.
- 1A. Prior to the commencement of the use of the outdoor area associated with the hotel 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 prepared by Jackson Clements Burrows Architects, dated 30/03/2021, 27/07/2021 revision Set 02, 03, 05 and 07 and must show:
- a) The acoustic treatments within Section 4.1 of the Acoustic Report prepared by Enfield Acoustics dated 22 July 2021.

Secondary Consent

- 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.

Development Contribution

- 3. 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:

- 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

4. 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 Plan to the satisfaction of the Responsible Authority. The areas designated as landscaped areas on the endorsed Landscape Plan must thereafter be maintained and used for that purpose.

Environmental Sustainable Development

5. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainable Management 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 Sustainable Management Plan have been implemented in accordance with the approved Plan. The report must include final NatHERS certificates for the dwellings issued for the building permit.

Waste Management

6. The Waste Management Plan referred to in Condition 1 (L) will be endorsed to form part of this permit. The recommendations must be implemented and complied with at all times to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.

General

7. 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 (Moreland City Council, City Infrastructure Department).
8. 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.
9. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the development 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.
11. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
12. Prior to the occupation of the development, a 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).
13. 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).

- 14. Prior to the occupation of the development, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing, including the 1 metre splays on the 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.**
- 15. The restaurant and retail food store must only be open to the public between the following hours:**
 - a) Monday to Thursday 7:00am to 11:00pm**
 - b) Friday to Saturday 7:00am to Midnight**
 - c) Sunday 8:00am to 11:00pm**
- 16. The outdoor area (area with retractable roof on first floor) associated with the hotel must only operate between the following hours:**
 - a) Monday to Thursday: 7:00am to 11:00 pm**
 - b) Friday and Saturday: 7:00am to 12:00 midnight**
 - c) Sunday: 10:00am to 12:00 midnight**
- 17. The maximum number of patrons in the hotel must not exceed 500 patrons at any one time.**
- 18. The maximum number of patrons in the outdoor area associated with the hotel must not exceed 30 at any time.**
- 19. Seating in the restaurant and retail food store shall be provided for not less than 75 per cent of patrons.**
- 20. The maximum number of patrons in the restaurant and retail food store must not exceed 110 at any one time.**

Noise

- 21. The Acoustic Report prepared by Enfield Acoustics dated 22 July 2021 will be endorsed to form part of this permit. The recommendations contained within this report must be implemented, maintained and complied with at all times to the satisfaction of the Responsible Authority.**
- 22. Prior to the commencement of the use of the outdoor area associated with the hotel and no less than 3 months after the works associated with the outdoor area have been completed 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.**
- 21. Noise levels associated with the hotel must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues).**

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an updated Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the updated 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 updated Acoustic Report to the satisfaction of the Responsible Authority.

22. The outdoor area must not be used for live music and no music other than of a type and volume appropriate to background music may be emitted from external speakers in the courtyard. Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.

Noise and Amenity Action

23. Prior to the commencement of the use of the outdoor area, a Noise and Amenity Action Plan for the outdoor area must be submitted to the satisfaction of the Responsible Authority. The Noise and Amenity Action Plan shall be endorsed to form part of the Permit. The Noise and Amenity Action Plan must be generally in accordance with the Draft Noise and Amenity Action Plan prepared by Australian Venue Co dated October 2021 but modified to include the following:
- a) Measures to ensure music noise levels do not exceed time and noise level limitations set out in the Endorsed Acoustic Report, nor noise limits set out by the Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues), to all surrounding sensitive uses, including 17 and 29 Sydney Road, 34A Sydney Road and 6 Black Street.
 - b) Measures by management and staff to ensure patrons do not cause nuisance or annoyance beyond the site.
 - c) Detail the hours of operation of the outdoor area and the maximum number of patrons permitted in the outdoor area as outlined in Conditions 16 and 18 of the planning permit MPS/2017/112/B.
 - d) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Commission for Gambling and Liquor Regulation
 - e) How the movement and exit of patrons in the outdoor area is to be managed including details of how doors are to be kept closed to control noise transfer.

Signage

24. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
25. The content of the signs must not be inappropriate to the satisfaction of the Responsible Authority.
26. The lighting output must be no greater than 0.25cd/m² throughout the driver's approach and installed and maintained accordingly.
27. The sign(s) approved by this permit must not be animated or contain any flashing light.
28. Illumination levels must be adjustable, to the satisfaction of the Responsible Authority.

Signage expiry

29. This permit expires 15 years from the date of issue, at which time the signs and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

Development expiry

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

- The development is not commenced within 2 years from the date of issue of this permit.
- The development is not completed within 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.

Carried

Cr Bolton voted against

7.16 pm *Cr Carli Hannan left the meeting and did not return.*

5.3 300 - 302 LYGON STREET, BRUNSWICK EAST 3057- PLANNING APPLICATION MPS/2021/138



Property:	300 – 302 Lygon Street, Brunswick East			
Proposal:	Construction of an 8 storey building containing offices and retail and a reduction in the statutory car parking rate			
Zoning and Overlay/s:	• Commercial 1 Zone • Design and Development Overlay Schedule 19			
Strategic setting:	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Objections:	• Eight (8) objections • Key issues: • Building height • Overshadowing • Overlooking • Traffic impacts			

Planning Information and Discussion (PID) Meeting:	• Date: 4 October 2021 • Attendees: 3 objectors, the applicant, a Council officer, Deputy Mayor Cr Mark Riley and Cr James Conlan. The applicant agreed to a condition requiring screening of rear tenancies to further minimise overlooking.
ESD:	• BESS score of 52%. • 10Kw solar system
Key reasons for support:	• Appropriate built form. • High quality architectural response. • Solely commercial use which is encouraged by the Commercial 1 Zone and facilitates employment growth. • No unreasonable impacts to adjacent residents.
Recommendation:	Notice of Decision to Grant a Planning Permit

Officer Recommendation

Amended plans

That a Notice of Decision to Grant a Planning Permit No. MPS/2021/138 be issued for the construction of a multi-storey building, a reduction in the statutory car parking rate associated with offices and retail at 300 – 302 Lygon Street, Brunswick East, subject to the following 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 advertised on 5/08/2021 but modified to show:
 - a) 44 bicycle spaces on the Development Summary.
 - b) Provision of obscure glazing to a height of 1700mm to the rear east facing windows of the tenancies from Level 5 to Level 7.
 - c) The depth of the awning to Lygon Street clearly annotated as being 1.5 metres.
 - d) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 3 of this permit.
 - e) Any changes to the plans arising from the Public Works Plan in accordance with Condition 13 of this permit.

Development not to be altered

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

Sustainability Management plan

3. Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP by NJM Design dated 5 July 2021 but modified to include the following changes:

- a) Details of onsite organic waste management
- b) Show the following ESD initiatives on the development plans:
 - i. Proposed location of electric heat pump hot water systems.
 - ii. Double glazing to all air conditioned areas annotated on elevation plans and specified on the material/colour schedule.
 - iii. External operable shading devices to west facing glazing; including details of the type/section detail of the proposed shading and its operability.

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

- 4. Where alternative ESD initiatives are proposed to those specified in Condition 3, 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.
- 5. 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.
- 6. Prior to the issue of Statement of Compliance or an occupancy permit for any part of the building approved under this permit, whichever occurs first, a report (or reports) from the author of the Sustainability Management Plan (SMP) report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP report have been implemented in accordance with the approved report.

Waste Management Plan

- 7. Prior to the commencement of the development, a report that is generally in accordance with the Waste Management Plan prepared by NJM Design dated 7 May 2021 must be endorsed to form part of the permit. No changes to the Waste Management Plan may occur without the prior written consent of the Responsible Authority.
- 8. 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.

Acoustic Report

- 9. Prior to the commencement of the development, a report that is generally in accordance with the Acoustic Planning Report by SLR dated April 2021 must be endorsed to form part of the permit. No changes to the Acoustic Planning Report may occur without the prior written consent of the Responsible Authority.
- 10. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority. The Acoustic Report endorsed 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.
- 11. Prior to the issue of a Statement of Compliance or occupancy permit for any part of the building approved under this permit, whichever occurs first, 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.

Development Contributions

12. 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 is charged per 100 square metres of leasable floor space and the Development and Community Infrastructure Levy is charged per dwelling.

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

- 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.

Public works plan

13. Prior to the commencement of development, a Public Works Plan and associated construction drawing specifications detailing the works to the Lygon Street footpath must be submitted to the satisfaction of the Responsible Authority. The Plan must detail works in front of the approved building and include:

- a) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5%).
- b) A detailed level and feature survey of the footpaths and roads.
- c) The existing crossovers at the front of the site removed and the kerb and channel, footpath and nature strip reinstated to Council's standards using construction plans approved by Moreland City Council, City Infrastructure Department.
- d) Any necessary drainage works.
- e) The other works to the public land adjacent to the development including new or reconstructed footpaths, nature strips and other associated street furniture/infrastructure.

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

14. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy, whichever occurs first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Environmental audit

15. Prior to the commencement of the use of buildings and works associated with the

use, either:

- a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use and development allowed by this permit; or
 - b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use and development allowed by this permit,
16. Where an environmental audit statement 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).
 17. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 15 and 16 of this permit are satisfied.
 18. Where an environmental audit statement 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.
 19. Where an environmental audit statement 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 the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

3D model

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

Retention of architect

21. Miceli Oldfield Sinton Architects must provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and endorsed schedule of materials and finishes, during construction unless with the prior written approval of the Responsible Authority

General

22. Prior to the occupation of the development, the on-street car parking spaces created by the removal of the vehicle crossing must be line-marked in a material and in a manner acceptable to the Responsible Authority.

23. The ramp from the garage floor to the laneway must be contained entirely within the site leaving the laneway levels unaltered.
24. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height less than 3m above the level of the footpath in accordance with Clause 507 of the Building Regulations 2018 to the satisfaction of the Responsible Authority.
25. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
26. 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).
27. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.

Time limit

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

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: 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 <https://www.moreland.vic.gov.au/building-and-business/planning-and-building/planning/development-contributions/> 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.

Resolution

Cr Panopoulos moved, Cr Bolton seconded -

Amended plans

That a Notice of Decision to Grant a Planning Permit No. MPS/2021/138 be issued for the construction of a multi-storey building, a reduction in the statutory car parking rate associated with offices and retail at 300 – 302 Lygon Street, Brunswick East, subject to the following 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 advertised on 5/08/2021 but modified to**

show:

- a) The overall height of the building reduced by the removal of Level 7.
- b) 44 bicycle spaces on the Development Summary.
- c) Provision of obscure glazing to a height of 1700mm to the rear east facing windows of the tenancies from Level 5 to Level 6.
- d) The depth of the awning to Lygon Street clearly annotated as being 1.5 metres.
- e) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 3 of this permit.
- f) Any changes to the plans arising from the Public Works Plan in accordance with Condition 13 of this permit.

Development not to be altered

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

Sustainability Management plan

- 3. Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP by NJM Design dated 5 July 2021 but modified to include the following changes:
 - a) Details of onsite organic waste management
 - b) Show the following ESD initiatives on the development plans:
 - i. Proposed location of electric heat pump hot water systems.
 - ii. Double glazing to all air conditioned areas annotated on elevation plans and specified on the material/colour schedule.
 - iii. External operable shading devices to west facing glazing; including details of the type/section detail of the proposed shading and its operability.

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

- 4. Where alternative ESD initiatives are proposed to those specified in Condition 3, 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.
- 5. 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.
- 6. Prior to the issue of Statement of Compliance or an occupancy permit for any part of the building approved under this permit, whichever occurs first, a report (or reports) from the author of the Sustainability Management Plan (SMP) report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all

measures specified in the SMP report have been implemented in accordance with the approved report.

Waste Management Plan

7. Prior to the commencement of the development, a report that is generally in accordance with the Waste Management Plan prepared by NJM Design dated 7 May 2021 must be endorsed to form part of the permit. No changes to the Waste Management Plan may occur without the prior written consent of the Responsible Authority.
8. 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.

Acoustic Report

9. Prior to the commencement of the development, a report that is generally in accordance with the Acoustic Planning Report by SLR dated April 2021 must be endorsed to form part of the permit. No changes to the Acoustic Planning Report may occur without the prior written consent of the Responsible Authority.
10. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority. The Acoustic Report endorsed 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.
11. Prior to the issue of a Statement of Compliance or occupancy permit for any part of the building approved under this permit, whichever occurs first, 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.

Development Contributions

12. 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 is charged per 100 square metres of leasable floor space and the Development and Community Infrastructure Levy is charged per dwelling.

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

- 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.

Public works plan

13. Prior to the commencement of development, a Public Works Plan and associated construction drawing specifications detailing the works to the Lygon Street footpath must be submitted to the satisfaction of the Responsible Authority. The Plan must detail works in front of the approved building and include:
- a) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent).
 - b) A detailed level and feature survey of the footpaths and roads.
 - c) The existing crossovers at the front of the site removed and the kerb and channel, footpath and nature strip reinstated to Council's standards using construction plans approved by Moreland City Council, City Infrastructure Department.
 - d) Any necessary drainage works.
 - e) The other works to the public land adjacent to the development including new or reconstructed footpaths, nature strips and other associated street furniture/infrastructure.

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

14. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy, whichever occurs first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Environmental audit

15. Prior to the commencement of the use or buildings and works associated with the use, either:
- a) A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use and development allowed by this permit; or
 - b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use and development allowed by this permit,
16. Where an environmental audit statement 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).
17. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 15 and 16 of this permit are satisfied.

18. Where an environmental audit statement 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.
19. Where an environmental audit statement 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 the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

3D model

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

Retention of architect

21. Miceli Oldfield Sinton Architects must provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and endorsed schedule of materials and finishes, during construction unless with the prior written approval of the Responsible Authority

General

22. Prior to the occupation of the development, the on-street car parking spaces created by the removal of the vehicle crossing must be line-marked in a material and in a manner acceptable to the Responsible Authority.
23. The ramp from the garage floor to the laneway must be contained entirely within the site leaving the laneway levels unaltered.
24. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height less than 3m above the level of the footpath in accordance with Clause 507 of the Building Regulations 2018 to the satisfaction of the Responsible Authority.
25. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
26. 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).
27. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.

Time limit

29. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within three (3) years from the date of issue of this permit;

- b) the development is not completed within five (5) years from the date of issue of this permit.

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: 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 <https://www.moreland.vic.gov.au/building-and-business/planning-and-building/planning/development-contributions/> 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

5.4 18 ALBERT STREET, BRUNSWICK EAST - DEVELOPMENT PLAN AND AMENDMENT TO PLANNING PERMIT APPLICATION MPS/2016/44/A



Property:	18 Albert Street, Brunswick East
Proposal:	Consideration of the <i>18 Albert Street, Brunswick East Development Plan</i> (the Development Plan) that will create a building envelope for a three storey, residential building with a roof top terrace and a maximum building height of 12.76m.
Zoning and Overlay/s:	• Mixed Use Zone (MUZ) • Development Plan Overlay (DPO11) • Design and Development Overlay (DDO20) • Development Contributions Plan Overlay (DCPO1) • Parking Overlay (PO1)
Strategic setting:	Minimal housing growth Incremental housing growth Increased house densities encouraged Significant housing growth

Submissions:	• 5 submissions were received. • Key issues: • Off-site amenity impacts. • Building height. • Building setbacks. • Vehicle access.
Consultation	Council officers have contacted each of the submitters to better understand their concerns. Further the submissions were shared with the applicant who prepared a written response that was shared with all submitters. A corrected set of shadow diagrams was shared with all submitters impacted by overshadowing.
ESD:	Best Practice ESD will be achieved subject to conditions of the recommendation.
Accessibility:	Specific accessible features will be the subject of any future planning permit application for the development of the site. Conditions of the recommendation will ensure that: • All future dwellings are visitable. • At least one dwelling on site will be liveable (LHA Design Guidelines).
Key reasons for support	• Development envelope is appropriate to the strategic context and requirements of the DPO11. • Façade articulation and materiality break-up massing and provide an appropriate transition to single dwelling development to the east. • Overshadowing, overlooking and visual amenity impacts are within reasonable limits.
Recommendation:	That Council approves the issue of Development Plan MPS/2021/453, subject to conditions of the recommendation.

Officer Recommendation

That Council approves the issue of Development Plan MPS/2021/453 at 18 Albert Street, Brunswick East, subject to the following modifications:

1. The Development Plan and all supporting documents altered to:
 - a) Include a statement that confirms compliance with Standard B22 at Clause 55.04-6 'Overlooking Objective' of the planning scheme.
 - b) Confirm that the window shrouds on the north and west elevations will not project more than 300mm beyond the title boundary.
 - c) Indicate the location and width of the vehicular crossing.
 - d) Specify the number of on-site car parking spaces to be provided.
 - e) Include a notation stating that a bicycle space will be provided onsite on a 1:1 ratio per reduction of car parking space sought under any future planning permit application.
 - f) Include a notation to provide a ramped (not stepped) pedestrian entry to all ground level dwellings entries.
 - g) Include an annotation stating: "Activation and passive surveillance provided to Albert Street and ROW".
 - h) Delete lots boundaries and numbering shown on the Landscape Master Plan,

with only the built form outline/footprint shown.

2. The Development Plan Report prepared by Eco Vision Australia (dated 8 June 2021) modified as follows:
 - a) Replace reference to the proposed planning permit and any specific reference to the number of Dwellings with a statement that the building is to be wholly residential at Section 3.
 - b) Modify Figure 10 'View depicting elevations and 3D schematic' with only the proposed material and color schedule.
 - c) Replace reference to Drawing Number TP1 to TP05 prepared by Wardle Designs with reference to the proposed Development Plan, where appropriate.
 - d) Amend Section 2.14.2 of the report with respect to Clause 22.11 Overlooking by replacing references to the specific measures for overlooking with a statement that confirms compliance with Standard B22 at Clause 55.04-6 'Overlooking Objective' of the planning scheme.
 - e) Section 5 ('Affordable, Accessible and Adaptable Housing') amended to state that future planning applications will:
 - i. Provide for a ramped (step free) path to each ground level dwelling entry from Albert Street.
 - ii. Ensure all dwellings are designed to be visitable by those with limited mobility.
 - iii. Ensure at least one of the dwellings will be liveable (achieve Silver level or higher when assessed against the Livable Housing Guidelines).
 - iv. Consider making a voluntary contribution to Affordable Housing through the Homes for Homes scheme by the Big Issue or other similar initiatives to compensate for not providing affordable housing on site.
3. The Environmental Management Plan prepared by Eco Vision Australia (dated 17 June 2021) modified to include clear, confirmed and committed ESD aspects, principles and technologies including:
 - a) Inclusion of the text 'Best practice performance standards are to be utilized, and will include the following measures as a minimum', beneath each of the following headings:
 - 3 Energy
 - 4 Water
 - 5 Material
 - 6 Transport
 - 7 Indoor environment Quality (IEQ)
 - b) An undertaking that all ESD best practice performance standards will be consistent with the best practice standards at the relevant time of planning assessment, that this may result in a modification to the undertakings outlined.

7.41 pm Cr Panopoulos left the meeting.

7.42 pm Cr Panopoulos returned to the meeting.

7.42 pm Cr Yildiz left the meeting.

7.43 pm Cr Yildiz returned to the meeting.

Resolution

Cr Panopoulos moved, Cr Pulford seconded -

That Council approves the issue of Development Plan MPS/2021/453 at 18 Albert

Street, Brunswick East, subject to the following modifications:

- 1. The Development Plan and all supporting documents altered to:**
 - a) Include a statement that confirms compliance with Standard B22 at Clause 55.04-6 'Overlooking Objective' of the planning scheme.**
 - b) Confirm that the window shrouds on the north and west elevations will not project more than 300mm beyond the title boundary.**
 - c) Indicate the location and width of the vehicular crossing.**
 - d) Specify the number of on-site car parking spaces to be provided.**
 - e) Include a notation stating that a bicycle space will be provided onsite on a 1:1 ratio per reduction of car parking space sought under any future planning permit application.**
 - f) Include a notation to provide a ramped (not stepped) pedestrian entry to all ground level dwellings entries.**
 - g) Include an annotation stating: "Activation and passive surveillance provided to Albert Street and ROW".**
 - h) Delete lots boundaries and numbering shown on the Landscape Master Plan, with only the built form outline/footprint shown.**
- 2. The Development Plan Report prepared by Eco Vision Australia (dated 8 June 2021) modified as follows:**
 - a) Replace reference to the proposed planning permit and any specific reference to the number of Dwellings with a statement that the building is to be wholly residential at Section 3.**
 - b) Modify Figure 10 'View depicting elevations and 3D schematic' with only the proposed material and color schedule.**
 - c) Replace reference to Drawing Number TP1 to TP05 prepared by Wardle Designs with reference to the proposed Development Plan, where appropriate.**
 - d) Amend Section 2.14.2 of the report with respect to Clause 22.11 Overlooking by replacing references to the specific measures for overlooking with a statement that confirms compliance with Standard B22 at Clause 55.04-6 'Overlooking Objective' of the planning scheme.**
 - e) Section 5 ('Affordable, Accessible and Adaptable Housing') amended to state that future planning applications will:**
 - i. Provide for a ramped (step free) path to each ground level dwelling entry from Albert Street.**
 - ii. Ensure all dwellings are designed to be visitable by those with limited mobility.**
 - iii. Ensure at least one of the dwellings will be liveable (achieve Silver level or higher when assessed against the Livable Housing Guidelines).**
 - iv. Consider making a voluntary contribution to Affordable Housing through the Homes for Homes scheme by the Big Issue or other similar initiatives to compensate for not providing affordable housing on site.**
- 3. The Environmental Management Plan prepared by Eco Vision Australia (dated 17 June 2021) modified to include clear, confirmed and committed ESD aspects, principles and technologies including:**

- a) Inclusion of the text 'Best practice performance standards are to be utilized, and will include the following measures as a minimum', beneath each of the following headings:
- 3 Energy
 - 4 Water
 - 5 Material
 - 6 Transport
 - 7 Indoor environment Quality (IEQ)
- b) An undertaking that all ESD best practice performance standards will be consistent with the best practice standards at the relevant time of planning assessment, that this may result in a modification to the undertakings outlined.

Carried

URGENT BUSINESS REPORTS

Nil

The meeting closed at 7.54 pm.

Confirmed



Cr Mark Riley
MAYOR