

FORM 9

Section 96J

PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987

Permit No.: PA2101205

Planning scheme: Moreland Planning Scheme

Responsible authority: Minister for Planning

ADDRESS OF THE LAND: 2-6 BALLARAT STREET, 14 OVENS STREET & 16-18 OVENS STREET, BRUNSWICK

- Lot 1 on Title Plan 838517A (2-6 Ballarat Street, Brunswick)
- Lot 1 on Title Plan 6929878U (14 Ovens Street, Brunswick)
- All of land within Plan of Consolidation 158970K (16-18 Ovens Street, Brunswick).

THE PERMIT ALLOWS: Partial demolition and use and development of the land for the construction of a multi-storey building (eight-storeys, with basement and rooftop terrace) comprising dwellings, office and retail, a reduction in car parking requirements and associated works, in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

AMENDED PLANS

1. Prior to the commencement of the development, excluding works to remediate contaminated land, amended development plans must be submitted to, approved, and endorsed by the responsible authority, in consultation with the Moreland City Council. When endorsed, the plans will form part of this permit. The plans must be fully dimensioned and drawn to scale. The plans must be generally in accordance with the plans by Fieldwork, project no. 180019, drawing no's TP1-102(B), TP1-103(B) TP1-104(B), TP2-098(A), TP2-099(A), TP2-100(A), TP2-101(A), TP2-102(A), TP2-103(A), TP2-104(A), TP2-105(A), TP2-106(A), TP2-107(A), TP2-108(A), TP2-109(A), TP3-101(A), TP3-102(A), TP3-103(A), TP3-104(A), TP3-110(A), TP3-111(A), TP3-112(A), TP3-113(A), TP3-114(A), TP5-101(A), TP5-102(A), TP5-103(A), TP5-104(A), TP5-105(A), TP5-106(A), TP5-107(A), TP6-101(A), TP6-110(A), TP6-120(A), TP6-121(A), TP6-122(A), TP6-125(A), TP6-126(A), TP6-130(A), TP6-131(A), TP6-135(A), TP7-101(A) but amended to show:
 - a. Detailed elevation drawings showing the extent of new or changed opening(s) to the heritage façade.
 - b. Plans detailing whether elements such as the existing slab levels are to be retained and how the existing or proposed slab levels sit in relation to the balconies and windows.
 - c. Any changes required by the updated Waste Management Plan required by Condition 18.
 - d. Any changes required by the accessibility report required by Condition 41.
 - e. The following changes including any other changes required by the amended ESD report required by Condition 14:
 - i. Provide typical elevation detail for shading to windows (north and west facing on the floor plans);
 - ii. Identify the approximate size, location and number of individual panels, orientation and tilt angle of photovoltaic array; and
 - iii. The size and location of stormwater storage tanks arising from the STORM or MUSIC report required by Condition 14(d).
 - f. Any changes required by the heritage schedule of conservation works required by Condition 42

- g. Alteration to the form of glazing at the first floor level of the south elevation in accordance with Figure 3 on Page 6 of the Facade Observation Report.

ENDORSED PLANS

- 2. The use and development must be generally in accordance with the plans endorsed in accordance with this permit. The development plans endorsed under Condition 1, and any other plan endorsed under a condition of this permit, must not be altered or modified without the written consent of the responsible authority.

MATERIALS AND FINISHES

- 3. Prior to the commencement of the development, excluding demolition, bulk excavation and works to remediate contaminated land, a schedule and samples of all external glazing reflectivity, materials, colours and finishes, including a colour render and notated plan/elevation must be submitted to, approved and endorsed by the responsible authority, in consultation with the Moreland City Council. When endorsed, the schedule and samples will form part of this permit.

NON-REFLECTIVE GLAZING

- 4. Glazing materials used on all external walls must be of a type that do not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the responsible authority.

MANAGEMENT PLAN FOR ALTERNATIVE HOUSING MODEL

- 5. Prior to the occupation of the development, a Management Plan requiring 70% of the dwellings to be in the form of the Assemble Futures alternative housing model must be submitted to, approved, and endorsed by the responsible authority, in consultation with the Moreland City Council. When endorsed, the plan will form part of this permit. This plan must:
 - a. Provide for regular reporting to the responsible authority for the relevant 70% of dwellings at (for example) years 1, 3 and 5.
 - b. Detail the parameters of rental rate and purchase price (including any associated annual increases in either) during a 5-year lease and purchase arrangement, to be agreed between the prospective renter/owner and the housing provider (Assemble) at the point of sale, including:
 - i. Ensuring the annual cost of the rent, until the point of sale, does not exceed 30% of the gross household income for moderate income households at time of occupation.
 - ii. Ensuring the cost of future mortgage repayments (principal and interest) does not exceed 35% of the gross household income for moderate income households at the time of sale.

S173 AGREEMENT FOR ALTERNATIVE HOUSING MODEL

- 6. Prior to occupation of the development, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Minister for Planning, Moreland City Council and the housing provider (Assemble) and register the agreement on the title for the land in accordance with Section 181 of the *Planning and Environment Act 1987* to provide for the following:
 - a. At least 70% of the dwellings must comply with the meaning of 'affordable housing' at Section 3AA of the *Planning and Environment Act 1987* and must be affordable to households with a 'moderate income range', consistent with Section 3AB of the *Planning and Environment Act 1987*;
 - b. All dwellings on site must be delivered, managed, leased and sold in accordance with the approved 'management plan for alternative housing model' required by Condition 5 of the permit; and
 - c. This restriction, as it applies to each individual dwelling, will expire at the point of sale of each individual dwelling.

The agreement must be in a form to the satisfaction of the Minister for Planning and the Moreland City Council. The owner of the land must pay all of the Minister for Planning's and Moreland City Council's reasonable legal costs and expenses of this agreement concerning the preparation, execution, and registration on title.

CONSTRUCTION MANAGEMENT PLAN

7. Prior to the commencement of the development, excluding works to remediate contaminated land, a detailed Construction Management Plan must be submitted to, approved, and endorsed by the responsible authority, in consultation with the Moreland City Council. When endorsed, the plan will form part of this permit. This plan must consider the following:
 - a. Staging of construction and works timetable.
 - b. Management of public access and linkages around the site during construction.
 - c. Site access and traffic management including:
 - i. Any disruptions to adjoining roads, vehicular and pedestrian accessways;
 - ii. Parking and traffic management of all workers' vehicles and construction vehicles;
 - iii. Access routes for construction vehicles; and
 - iv. Proposed parking and standing locations for construction vehicles.
 - d. Any works within the adjoining street network road reserves, including any temporary fencing works.
 - e. Hours of demolition and construction.
 - f. Control of noise, dust, litter and soiling of roadways.
 - g. Discharge of polluted waters.
 - h. Collection and disposal of building and construction waste.
 - i. Reasonable measures to ensure that disruption to any public transport services are kept to a minimum.
 - j. The name, title and contact details of a liaison officer for contact by residents and the responsible authority and the owners and occupiers of surrounding properties in respect of key stages/events (including their timing and duration) in the construction program of the development.
 - k. A requirement for all excavation, haulage and concrete vehicles to access and exit the site via Hope Street and Ovens Street and exit the site via Ballarat Street and Sydney Road.

The development must be undertaken in accordance with the approved Construction Management Plan to the satisfaction of the responsible authority and Moreland City Council.

CIVIL DESIGN

8. Prior to the commencement of the development, including demolition and bulk excavation, a legal point of discharge is to be obtained, with an on-site detention system to be designed with plans and calculations in accordance with Moreland City Council Drainage Design Criteria for Developments March 2009, where required, and a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge. This must be submitted to, approved, and endorsed by the responsible authority, in consultation with Moreland City Council.
9. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel and/or services reconstructed to the satisfaction of Moreland City Council and at the cost of the applicant/owner of the land.
10. Existing street levels must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining the written approval of the Moreland City Council.
11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance for subdivision whichever comes first, any Moreland City 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 Moreland City Council and/or the relevant service authority.

12. All public street lighting or other asset temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has ceased. Existing public street lighting must not be altered without first obtaining the written approval of Moreland City Council.
13. Unless otherwise approved, the development must provide an area within the site for an accessible boundary trap.

ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

14. Prior to the endorsement of plans, an amended Environmentally Sustainable Development (ESD) Report and plans must be submitted to and approved by the responsible authority and endorsed to form part of the permit, in consultation with the Moreland City Council. The ESD Report must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the ESD report prepared by Atelier Ten, Job Number 1342, dated 01.05.2020 (Rev. 06), but modified to:
 - a. Amend the BESS report (and any other corresponding documents) to:
 - i. Reflect the latest version of BESS and consider equitable development built form;
 - ii. Correctly identify the size of the non-residential spaces;
 - iii. Either remove the claim for the Transport credit 2.1 'Electric Vehicle Infrastructure' or amend the development plans to provide a designated electric vehicle parking bay with charging infrastructure; and
 - iv. Amend the Urban Ecology credit 2.1 'vegetation' and 2.3 'Green Walls and Facades' to be consistent with the percentage of the site to be landscaped as show on the architectural and landscape plans.
 - b. Provide preliminary NatHERS ratings assessments for all dwellings (or all dwellings to be thermally represented) demonstrating the 7.5 star NatHERS average committed to throughout the ESD and BESS report and copies of the modelling (i.e. FirstRate) certificates.
 - c. Provide a preliminary section J glazing modelling detailing the NCC 2019 improvements as per the BESS report.
 - d. A stormwater catchment plan that is consistent with the STORM report / MUSIC model, illustrating:
 - i. The site area, pervious area and area of untreated roofs;
 - ii. Stormwater catchment areas and total size and method of connection to treatment measures;
 - iii. Details of the Water Sensitive Urban Design treatment measures including their location, cross sections and connection and how treatment type can be realistically achieved;
 - iv. That the trafficable terrace runoff will not be directed into the proposed rainwater tanks or alternatively provide detail of water treatment systems;
 - v. If used, proposed planter box raingarden sizes, locations and setbacks from proposed or existing buildings and boundaries;
 - vi. The size of rainwater tanks in accordance with the stormwater report and include a clear annotation stating that tanks will be collecting rainwater from all roofed areas and will be servicing all the toilets and other nominated uses (i.e. washing machines) within each dwelling; and
 - vii. If raingardens form part of the stormwater management response, a section detail as per the Moreland City Council Raingarden Guidelines demonstrating the raingarden feasibility and functionality including but not limited to stormwater overland flow path, run off collection, surface level (RL) at the top of the raingarden, the invert level of the outlet which connects to the stormwater system, the level of the overflow pipe, detention depth, infiltration layers and depth of the raingarden. The raingardens will also require confirmation that the underdrain in the raingarden will connect into the relevant Council

legal point of discharge via gravity and without the need for a pumping system demonstrated by providing a pit schedule.

Where alternative ESD initiatives are proposed to those specified in the conditions above, the responsible authority, in consultation with the Moreland City Council 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.

15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance for subdivision, whichever comes first, all works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Report to the satisfaction of the Responsible Authority
16. Prior to the issue of an Occupancy Permit for any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Report approved pursuant to this permit, or similarly qualified person or company, must be submitted to the responsible authority. The report must be to the satisfaction of the responsible authority and must confirm that all measures specified in the ESD Report have been implemented in accordance with the approved report.
17. 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 Moreland City Council.

WASTE MANAGEMENT

18. Prior to the commencement of the development, an amended Waste Management Plan (WMP) must be submitted to, approved, and endorsed by the responsible authority, in consultation with the Moreland City Council. When endorsed, the plan will form part of this permit. The amended WMP must be generally in accordance with the WMP by Leigh Design, dated 7 May 2020, but amended to:
 - a. Include a separate collection of organics (including all food waste) and glass collection;
 - b. Include a 5 square metre area for the temporary storage of Hard Waste whilst the Building Manager organises its disposal.
 - c. State that residents are not eligible for the Council hard rubbish collection because the property owners are not charged the Council waste service fee for waste collection.
19. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of Moreland City Council.

LANDSCAPING

20. Prior to the endorsement of plans, an amended Landscaping Plan for must be submitted to, approved, and endorsed by the responsible authority, in consultation with the Moreland City Council. When endorsed, the plan will form part of this permit. The amended plan must be generally in accordance with the Landscape Concept Package by Rush/Wright Associates, dated 26.02.2021, but amended to:
 - a. Correctly correspond with the endorsed plans; and
 - b. Include a detailed schedule of planting including any climbers, the species and number of plantings to show the extent of planting required to meet the credits claimed in BESS for the Urban Ecology credit 2.1 'vegetation' and 2.3 'Green Walls and Facades'.

The landscaping works and irrigation systems must be carried out and completed in accordance with the endorsed plan(s) to the satisfaction of the responsible authority prior to the occupation of the development. Once the landscaping is carried out, it must thereafter be maintained in good health, including the replacement of any dead or diseased plants to the satisfaction of Moreland City Council.

ACOUSTICS

21. The acoustical outcomes specified in the Acoustic Specification by Acoustic Logic, project ID 20201371.1, dated 11/12/2020 (Revision 0) must be achieved in the completed development, to the satisfaction of the responsible authority. This includes outcomes that relate to glazing, external walls,

roofs, mechanical plant and equipment (fixed domestic plant and recommended treatment) as well as rooftop communal areas.

3D MODEL

22. Prior to the commencement of the development, a 3D digital model of the approved development must be submitted to, approved and endorsed by the responsible authority, in consultation with the Moreland City Council. 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 are made to the approved development (particularly the building envelope), an amended 3D digital model must be submitted to the satisfaction of the responsible authority.

Digital models provided may be shared with other government organisations for planning purposes.

BUILDING APPURTENANCES AND SERVICES

23. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the responsible authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment to be located away from the heritage façade so that is highly concealed and shall be to the satisfaction of the responsible authority.
24. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development away from the heritage façade to the satisfaction of the responsible authority, unless otherwise approved in writing by the responsible authority.
25. All service pipes, and ducting apart from roof downpipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares, and adjoining properties.
26. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance for subdivision, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the responsible authority.
27. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance for subdivision, 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.

POTENTIALLY CONTAMINATED LAND AND REMEDIATION

28. Prior to the commencement of the development, including demolition and bulk excavation, the applicant/owner of the land must obtain either:
 - a. A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
 - b. A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. This Statement must specifically state that the site is suitable for the intended use(s) hereby permitted.

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 the Minister for Planning and Moreland City 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 any 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 and Moreland City Council, must be met by the Owner(s).

29. Prior to any remediation works (if required) being undertaken in association with an 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.

30. 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 28 and 29 are satisfied.
31. 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.
32. Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, or prior to the issue of any Statement of Compliance under the *Subdivision Act 1988*, or prior to the issue of an Occupancy Permit under the *Building Act 1993*, whichever is earlier, a letter prepared by an Environmental Auditor appointed under the *Environment Protection Act 2021* must be submitted to the responsible authority to verify that the directions and conditions contained within the Statement have been satisfied.

CAR PARKING ALLOCATION

33. Of the 75 car parking spaces permitted, 3 spaces must be allocated to the retail premises staff and 72 spaces must be allocated to owners/occupiers of the dwellings.
34. Prior to the occupation of the development, a Car Park Management Plan must be submitted to, approved, and endorsed by the responsible authority, in consultation with the Moreland City Council. When endorsed, the plan will form part of this permit. The plan must detail the operation of the car parking and provide:
 - a. That leasing of car spaces is prioritised to occupants of the building and only offered for lease to the public if building occupants do not take up the lease;
 - b. Detail as to whether a car share is proposed to operate on-site;
 - c. How the fee will be determined, to ensure that the leasing of car spaces is a viable option for building occupants;
 - d. That no more than one car parking space will be leased to the occupants of each dwelling; and
 - e. A statement confirming whether the car parking is to be retained within common ownership or be separately titled, if occupants elect to purchase dwellings.

No alterations to the plan may occur without the written consent of the responsible authority.

OPERATING HOURS

35. The food and drink premises use hereby permitted must only be operate between the hours of 7am to 11pm on any day.

TRANSPORT FOR VICTORIA

36. Prior to the occupation of the residential use, a Green Travel Plan must be submitted to and approved by the responsible authority in consultation with Moreland City Council and the Head, Transport for Victoria. The Green Travel Plan must include, (but is not limited to), the following:
 - a. objectives for the Plan;
 - b. the objectives must be linked to measurable targets, actions and performance indicators;
 - c. a description of the existing active private and public transport context;

- d. initiatives that would encourage residents, employees and visitors to the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the site including end of trip facilities;
 - e. timescale and costs for each active;
 - f. the funding and management responsibilities, including identifying a person(s) responsible for the implementation of actions;
 - g. a monitoring and review plan requiring annual review for at least five years; and
 - h. A dedicated bike maintenance bay (minimum 2.5m x 1.5m) clearly marked and signed adjacent to bike parking area for the residential building and include:
 - All-In-One bike service rack with tools
 - Air pump suitable for bicycle tyres
 - Water tap, wall mounted and positioned over a grated drain
 - General purpose power outlet
 - Suitable lighting, with timeclocks or sensors set to a minimum of 10 minutes
37. The Green Travel Plan when approved must be implemented and complied with to the satisfaction of the and no cost to the responsible authority.

DEVELOPMENT AND COMMUNITY INFRASTRUCTURE LEVY

38. 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.

PUBLIC WORKS PLAN

39. Prior to the commencement of the development, a Public Works Plan and associated construction drawing specifications detailing the works to Ovens Street and Ballarat Street must be submitted to the satisfaction of the responsible authority, in consultation with Moreland City Council. The Plan must include:
- a. All construction details in accordance with the Moreland City Council Technical Notes July 2019 (or any updated version);
 - b. A detailed level and feature survey of the footpaths and roads;
 - c. 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%);
 - d. Any Council or service authority pole or pit within 1 metre of the proposed vehicle crossing, including the 1 metre splays on the crossings, relocated or modified;
 - e. For any vehicle crossing not being used, the kerb, channel and footpath reinstated;
 - f. Any necessary drainage works;
 - g. The relocation or replacement of existing and installation of new street furniture and infrastructure, such as parking and traffic signs, public seating, bicycle parking and similar;

- h. The provision of new street tree planting or landscaping along Ovens Street and Ballarat Street in appropriate locations in consultation with the Moreland City Council's Open Space Department; and
- i. Any other works to the public land adjacent to the development.

When submitted and approved to the satisfaction of the responsible authority in consultation with the Moreland City Council, 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 in consultation with Moreland City Council.

- 40. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance for subdivision, whichever comes first, all public works shown on the endorsed Public Works Plan must be implemented to the satisfaction of the responsible authority in consultation with the Moreland City Council at the expense of the owner of the land, unless otherwise agreed with prior written consent of the responsible authority in consultation with the Moreland City Council.

ACCESSIBILITY REPORT

- 41. Prior to the endorsement of plans, an Accessibility Report prepared by a suitably qualified person must be submitted to the satisfaction of the responsible authority, in consultation with the Moreland City Council. The report must be prepared by a suitably qualified person and must:
 - a. Detail how the development will incorporate design features in accordance with Standard D17 (Accessibility) of Clause 58 of the Moreland Planning Scheme, including the detailed design of the adaptable bathrooms (e.g. confirmation of hobless showers and removable hinges to doors); and
 - b. Detail how the development will provide housing that can be lived in by people with limited mobility, in accordance with the design features contained in the Liveable Housing Design Guidelines (Liveable Housing Australia, 2017).

When submitted and approved to the satisfaction of the responsible authority, the Accessibility Report will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the responsible authority in consultation with the Moreland City Council. The recommendations of the report must be implemented to the satisfaction of the responsible authority in consultation with the Moreland City Council prior to the occupation of the development.

- 42. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance for subdivision, whichever comes first, a report from the author of the Accessibility 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 in consultation with the Moreland City Council and must confirm that all measures specified in the Accessibility Report have been implemented.

HERITAGE WORKS PLAN

- 43. Prior to the commencement of the development, excluding works to remediate contaminated land, a detailed heritage works plan prepared by a suitably qualified heritage consultant/architect must be submitted to, approved and endorsed by the responsible authority in consultation with Moreland City Council. The heritage works plan must include:
 - a. A report prepared by a suitably qualified structural engineer assessing the structural condition of the shroud, and in particular whether or not it is capable of being repaired having regard to relevant safety and building standards and regulations;
 - b. If capable of being repaired, a detailed schedule of the heritage conservation works including a statement of methodology for carrying out the repairs; and
 - c. If not capable of being repaired, a detailed schedule including a statement of methodology and any necessary amended plans, elevations and detailed specifications, of the works to reconstruct the shroud on a 'like for like' basis.

DEVELOPMENT TIME LIMIT

44. This permit will expire if one of the following circumstances applies:
- The development is not commenced within two years of the date of this permit.
 - The development is not completed within four years of the date of this permit.
 - The use approved by this permit is not commenced within four years of the date of this permit.

The responsible authority may extend the permit if a request is made in writing by the owner or the occupier of the land before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing by the owner or the occupier of the land within 12 months after the permit expires and the development started lawfully before the permit expired.

Date issued:

14/4/22

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:



NOTES

- This permit does not authorise the commencement of any demolition or construction on the land. Before these activities may commence, the applicant/owner of the land must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- The applicant/owner of the land will provide a copy of this permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner of the land and the Building Surveyor to ensure that all works approved by any building permit are consistent with this permit.
- This permit does not represent the approval of other departments of the Moreland City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this permit. All necessary approvals and permits are to be first obtained from those authorities and the works performed to their satisfaction.
- 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. See council's website for more information: <https://www.moreland.vic.gov.au/parking-roads/parking-permits/residential-parking-permits/>
- 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 the *Environment Protection Act 2017*.

6. 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 the *Environment Protection Act 2017*.
7. The landowner 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.

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C216 more to the Moreland Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

