

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

Permit No.: PA2201559

Planning Scheme: Merri-bek

Responsible authority: Minister for Planning

ADDRESS OF THE LAND: 699-703 PARK STREET, 182-192 BRUNSWICK ROAD AND 2-4 SYDNEY ROAD, BRUNSWICK

- Crown Allotment 1 Section 5 City of Brunswick Parish of Jika Jika (2 Sydney Road)
- Lot 1 on Title Plan 533579B (4 Sydney Road)
- Lot 1 on Title Plan 116765G (182 Brunswick Road)
- Lots 1 and 2 on Title Plan 374187D and Lot 2 on Title Plan TP389578D (184-186 Brunswick Road)
- Lot 1 on Title Plan 535297B and Lot 1 on Title Plan 761587D (188 Brunswick Road)
- Lot 2 on Plan of Subdivision 039359 (190-192 Brunswick Road)
- Lot 1 on Title Plan 531751C (699 Park Street)
- Lot 1 and 2 on Title Plan 907793R (701 Park Street)
- Lots 1 on Title Plan 389578D (703 Park Street)

THE PERMIT ALLOWS: Demolition and alterations to a heritage building and construction of a multi-storey mixed use development comprising dwellings, the use of the land for a food and drink premises and office, reduction in the car parking requirement and alteration of access to a road in a Transport Zone 2.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

In these conditions, any reference to a matter that must be done before development commences does not apply to demolition, bulk excavation, in ground work, tree removal, remediation or any other matter required to conduct or respond to the environmental audit of the land.

AMENDED PLANS

- 1) Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with Day 1 Hearing Plans (TP00.000, TP01.00, TP01.02, TP01.04, TP03.00 to TP03.10, TP03.B1, TP03.B2, TP09.00 to TP09.03, TP09.10, TP10.00, TP10.01, TP10.11, TP20.00 to TP20.013, TP30.00, TP30.01, TP31.00 to TP31.05, TP40.00 to TP40.02) by Bates Smart, dated 1 August 2022, but modified to show:

Heritage

- (a) The substation relocated within the existing heritage building in accordance with the discussion plans circulated on 14 March 2023.

Park Street frontage

- (b) The Park Street elevation be redesigned to better mark the corner with Park Street and Sydney Road, improve the perception of the separation between

façade elements and increased modulation of the façade. Modifications must include:

- i) An enhancement of the visual prominence of corner section of the Park Street, Sydney Road corner extending to the Gridline 1S. This is to be achieved without increasing the height or overshadowing outcomes.
- ii) Increase the depth and width of the separating elements to the elevation of Park Street to improve visual separation of façade between these elements. These vertical elements are located at gridlines 1S, 5S and adjacent to gridline 3S.
- iii) Setback the southern walls as indicated on the plan TP03.04 for apartments 4.14 and 4.15 at level 4 between gridlines 5S and 7S to the depth of the balconies indicated for these apartments on drawing TP03.04 rev D dated 01.08.22.
- iv) Lower the street wall and level of the southern ground floor balcony of apartments 1.24, 1.25, 1.26, 1.27, by 650mm to RL 45.850. Stair access to the ground floor balcony and internal ground floor stairs to be amended accordingly.

Eastern interface

- (c) All fourth level balustrades facing the eastern boundary of the site amended to comply with the Design and Development Overlay Schedule 18 'Setbacks to residential land'.
- (d) Measures to prevent unreasonable overlooking to 180 Brunswick Road and 697 Park Street in accordance with Standard B22 of Clause 55.04-6 (Overlooking objective) of the Moreland Planning Scheme.
- (e) Widening of the pedestrian path to 2.5 metres at the north and south entry points for a minimum of 5 metres length.

Car and bicycle parking and access

- (f) Appropriate signage for drivers to regulate left in/left out only vehicular movements on Park Street.
- (g) At least three car spaces to be re-allocated from residential to the office use and marked on the plans.
- (h) At least one car space allocated to the food and drink premise and marked on the plans.
- (i) The vehicle entry gate dimensioned as 6.6 metres from the Park Street frontage
- (j) The car entry ramp from Park Street to Basement level 01 dimensioned to have a minimum height clearance of 3.5 metres along its full length
- (k) A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of the exit lane of the driveway and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road from the driveway exit lane.
- (l) Each bicycle parking device (apart from the double stacked facilities) 500mm wide and the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
- (m) The double stacked bicycle facility as 2000mm long and accessed from a 1700mm wide accessway as required by the manufacturer's specifications. The bike parking space widths must be dimensioned as per manufacturer's requirements and accord with AS2890.3:2015.
- (n) Provision of a convex mirror at the top of vehicle entry ramp leading to loading bay level.
- (o) Provision for a pathway from the waste storage area servicing the café into the car parking aisle of Basement Level 01 suitable for the movement of waste bins to the loading dock, by the deletion of a car parking space or other design change.

- (p) The ramp to B2 dimensioned to have a width of at least 6.0 metres at its entry on Basement Level 01.

Apartment amenity

- (q) Any amendments necessary to ensure that the development meets Standard D29 of clause 58.07, and the functional layout objective of Clause 58.07-1 of the Moreland Planning Scheme.

Noise

- (r) Notations to reference the recommendations of the acoustic report by Acoustic Logic 1 August 2022

Other

- (s) Any level difference between the development and the public footpath made up using ramps or steps within the site, and a note that the levels of the footpath must not be altered.
- (t) The canopies modified so that it is setback not less than 750mm from the kerb and at a height of not less than 3m above the level of the footpath.
- (u) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 8 of this permit.
- (v) Any changes to the plans arising from the:
 - i) Landscape Plan in accordance with Condition 3 of this permit.
 - ii) Accessibility Report in accordance with Condition 12 of this permit.
 - iii) Acoustic Report in accordance with Condition 14 of this permit.
 - iv) Waste Management Plan in accordance with Condition 17 of this permit.
 - v) Park Street façade changes under Condition 1(d).

ENDORSED PLANS

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

LANDSCAPING

- 3) Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the Day 1 Hearing Plan prepared by Jack Merlo dated 1 August 2022, but amended to show:
 - (a) Any changes required to align with the plans for endorsement.
 - (b) A detailed irrigation plan with water sources, controller and maintenance schedule for all garden beds, lawn areas and containers.
 - (c) Sections for containerised planters. Planters with trees must contain at least 1 metre depth of soil and sufficient volume to ensure the trees remain healthy and stable.
 - (d) drainage specifications
 - (e) lighting in accordance with a lighting plan to the satisfaction of the responsible authority to be endorsed as part of the landscape plan.
 - (f) A pergola on the roof terrace
 - (g) Street tree planting in front of the site on Park Street and Brunswick Road with a 24 months maintenance and establishment plan in accordance with the Public Works Plan
 - (g) Within the north-south public pedestrian link:
 - i) Garden bed understorey vegetation below 1.2 metres to provide good CPTED sightlines

- ii) Provision of security lighting along the full length
 - iii) Design of landscaping and architectural treatments to ensure no opportunities for concealment of persons.
- (h) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected.
 - (i) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
 - (j) A schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Moreland Landscape Guidelines 2009.
 - (k) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
 - (l) Details of the location and type of all paved and sealed areas. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with the Sustainability Design Assessment or Sustainability Management Plan.
 - (m) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - i) Soil volume sufficient for the proposed vegetation
 - ii) Soil mix
 - iii) Drainage design
 - iv) Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.

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

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

TREE PROTECTION

- 6) Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all council trees and the trees marked on the endorsed plans as being retained, must have a Tree Protection Zone (TPZ) in accordance with AS4970 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority. The TPZ must meet the following requirements:
 - (a) Tree Protection Fencing
Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured

at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

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

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

(b) Signage

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

(c) Irrigation

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

(d) Provision of Services

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

TREE REMOVAL

- 7) Prior to the issue of an Occupancy Permit, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Moreland Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of Merri-bek City Council.

ENVIRONMENTALLY SUSTAINABLE DESIGN (ESD)

- 8) Prior to the endorsement of plans, an amended Sustainability Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design through a minimum BESS score of 70% and an average 7 star NatHERS rating. The amended SMP must be generally in accordance with the SMP prepared by Cundall dated 1 August 2022 and include:
- (a) A full MUSIC assessment and review
 - (b) Optimisation of the roof spaces for rooftop PV with provision for a minimum of 60 kW
 - (c) Removal of BESS credits associated with areas not complied with.
 - i) Where alternative ESD initiatives are proposed to those specified in the conditions above, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.
 - ii) 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.

- 9) Prior to the issue of an Occupancy Permit, the development must be constructed in accordance with the Sustainable Design Assessment (including any BESS and STORM reports and NatHERS Ratings) to the satisfaction of the Responsible Authority.
- 10) Prior to the issue of an Occupancy Permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (with documented evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.
- 11) All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained to the satisfaction of the Responsible Authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

ACCESSIBILITY

- 12) 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. The report must be modified to include but not be limited to:
 - (a) Align with the plans for endorsement
 - (b) Detail of how the development will incorporate design features in accordance with Standard D18 (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).
 - (c) Detail how all publicly accessible and common areas incorporate best practice accessible design features. This must include DDA accessible entry from the main pedestrian entrance on Park Street.

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. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development.

- 13) Prior to the issue of an Occupancy Permit, 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 and must confirm that all measures specified in the Accessibility Report have been implemented in accordance with the approved report.

ACOUSTIC ATTENUATION

- 14) Prior to the endorsement of plans, an amended Acoustic Report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the Responsible Authority. The Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic dated 1 August 2022.

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

- 15) 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, unless with the further written approval of the Responsible Authority.
- 16) Prior to the issue of an Occupancy Permit, a report from the author of the Acoustic Report approved pursuant to this permit or similarly qualified person or company must be submitted to the

Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.

WASTE MANAGEMENT

- 17) Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the report prepared by Ratio and dated 1 August 2022, but modified to:
- (a) Align with the plans for endorsement.

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

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

PUBLIC WORKS PLAN

- 19) Prior to the commencement of the development, a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted to the satisfaction of the Responsible Authority. The Public Works Plan relates to the following works, which, subject to the provision of land access by the relevant public authority, must be implemented by, and at the cost of, the person acting on this permit. The Public Works Plan must include:

- (a) All construction details generally 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 narrow form street tree planting in the Brunswick Road footpath in front of the site to the satisfaction of Merri-bek City Council.
- (i) The provision of new street trees and in road trees on Park Street in front of the site linked with structural soils integrated with water sensitive urban design and connected to stormwater drainage to the satisfaction of Merri-bek City Council.
- (j) Any other works to the public land adjacent to the development.

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

- 20) Prior to the issue of an Occupancy Permit and subject to land access being provided by the relevant public authority all public works shown on the endorsed Public Works Plan as to be implemented by, or to be at the expense of the owner of the land must be implemented to the satisfaction of the Responsible Authority, unless otherwise agreed with prior written consent of the Responsible Authority.

ENVIRONMENTAL AUDIT

- 21) Before the commencement of construction of the permitted buildings above ground level or the issue of a statement of compliance under the Subdivision Act 1988 (whichever is earlier), the owner(s) must provide:
- (a) an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or
 - (b) an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.
- 22) Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, such maintenance and/or monitoring must be secured to the satisfaction of the Responsible Authority
- 23) Prior to commencement of the use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
- 24) Public access must be permitted at all times other than any closures necessary for maintenance and emergency works, along the north – south wide pedestrian link adjacent the eastern boundary and indemnity for Merri-bek City Council in relation to public use of the link

SECTION 173 AGREEMENT

- 25) Prior to the commencement of the development, an agreement under Section 173 of the Planning and Environment Act 1987 between the Owners of the land and the Responsible Authority must be prepared to the satisfaction of to the Responsible Authority, providing for:

Affordable Housing

- (c) Sale of 10% of the total number of residential dwellings within the development to Eligible Households or to a registered housing agency
- (d) The provision of Affordable Housing Dwellings comprising a mix of 1 and 2 bedroom dwellings
- (e) The Affordable Housing Dwellings that are sold to Eligible Households must be sold subject to a condition requiring the Eligible Household to participate in an established shared equity affordable home ownership program, or such other alternative proposal acceptable to the Responsible Authority.
- (f) Subject to (e), the owner(s) who is the owner upon the first sale of the newly constructed Affordable Housing Dwelling must ensure that a purchaser of an Affordable Housing Dwelling does not have to pay or personally secure finance for the full Sale Price, by providing (directly or indirectly) an average contribution of 35% of the Sale Price (Affordable Housing Contribution).
- (g) The amount or value of the Affordable Housing Contribution provided in relation to each Affordable Housing Dwelling may vary depending on the financial and borrowing capacity of the relevant Eligible Household, provided that the aggregate Affordable Housing Contribution provided across all of the Affordable Housing Dwellings is 35% of the Sale Price of the Affordable Housing Dwellings.

- (h) Any subsequent sale of an Affordable Housing Dwelling by the Eligible Household or a registered housing agency must only be to another Eligible Household or to a registered housing agency.
- (i) 'Eligible Household' means a purchaser that, at the time of entering the contract of sale, is a low- income household, moderate income household or very low-income household, as those terms are defined in section 3AA(4) of the Planning and Environment Act 1987.
- (j) 'Sale Price' means the purchase price as stated in the contract of sale for each Affordable Housing Dwelling.
- (k) The entering into the 'Homes for Homes' program, with the contribution payable on the future sale of lots, equating to 0.1% of the contract price, with a right to register a caveat, if necessary, on titles at or after settlement to bind subsequent purchasers and otherwise on terms agreed between the owner and Homes for Homes. No contribution is payable under this condition in respect of the sale of lots by the owner who undertakes the development hereby permitted and who makes the Affordable Housing Contribution otherwise required by this permit condition.

26) Once the Section 173 Agreement has been prepared to the satisfaction of the Responsible Authority, prior to the development commencing the owner must:

- (a) do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and
- (b) pay to the Responsible Authority its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

3D MODEL

27) 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 Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Moreland Project can be found at <https://www.moreland.vic.gov.au/planning-building/3D-Guidelines/>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.

DEVELOPMENT CONTRIBUTIONS

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

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

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

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

ENGINEERING MATTERS

- 29) Prior to the issue of an Occupancy Permit, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority.
- 30) Prior to the issue of an Occupancy Permit, 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.
- 31) Prior to the issue of an Occupancy Permit, access to the site, including any vehicle crossover and any ancillary road and road drainage works must be constructed in accordance with any requirement of the Responsible Authority.
- 32) Prior to the issue of an Occupancy Permit, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground or otherwise suitably located, to the satisfaction of the Responsible Authority.
- 33) Prior to the issue of an Occupancy Permit, the car park access must be automatic and remote controlled.
- 34) Prior to the issue of an Occupancy Permit, the bicycle storage room must have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
- 35) Prior to the issue of an Occupancy Permit, bicycle signage that directs the cyclists to the visitor bicycle facilities must be provided to the satisfaction of the Responsible Authority. Bicycle signage should be at least 0.3 metres wide and 0.45 metres high; display a white bicycle on a blue background on the top half of the sign and display information about the direction of facilities on the bottom half of the sign.

STORMWATER

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

CAR PARKING

- 38) The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:
 - (a) Be completed prior to issue of an Occupancy Permit
 - (b) Be maintained.
 - (c) Be properly formed to such levels that it can be used according to the endorsed plan.
 - (d) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
 - (e) Not be used for any other purpose other than the parking of vehicles, unless with the prior written consent of the Responsible Authority.
 - (f) Be numbered to facilitate management of the car park.

GENERAL

- 39) Prior to the issue of an Occupancy Permit, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

- 40) 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.
- 41) The shopfront/retail window must not be painted or blocked out in any way to the satisfaction of the Responsible Authority.
- 42) All lighting of external areas must be designed not to emit direct light onto adjoining property to the satisfaction of the Responsible Authority.

PRIVACY SCREENS TO BE INSTALLED AND MAINTANED

- 43) Prior to the issue of an Occupancy Permit, 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.

NOISE ABATEMENT

- 44) Prior to the commencement of works, the Acoustic Report by Acoustic Logic dated 1 August 2022, or any updated version, must be endorsed and will form part of this permit.
- 45) 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, unless with the further written approval of the Responsible Authority
- 46) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes 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.

GLAZING REFLECTIVITY

- 47) Prior to the endorsement of the plans, a Reflectivity Assessment of external glazing and any other visibly reflective material must be submitted to the Responsible Authority. The assessment must ensure that materials, including glazing, used on 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 surface. The Assessment must be to the satisfaction of the Responsible Authority and when approved will form part of this permit.

REFERRAL AUTHORITY CONDITIONS

- 48) Prior to the occupation permitted by this permit, all disused or redundant vehicle crossings along Brunswick Road and Royal Parade, must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.
- 49) The permit holder must take all reasonable steps to ensure that disruption to tram operation along Sydney Road and bus operation along Brunswick Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram and bus operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria eight (8) weeks prior by emailing customerservice@transport.vic.gov.au.

PERMIT EXPIRY

50) This permit will expire if one of the following circumstances applies:

- (a) the development is not commenced within two (2) years from the date of issue of this permit.
- (b) the development is not completed within five (5) years from the date of issue of this permit.
- (c) the use is not commenced 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;

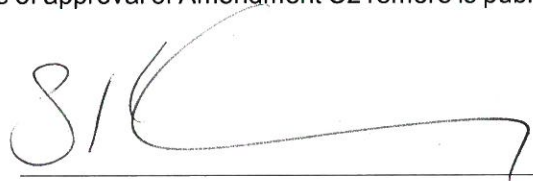
- within six months after the permit expires to extend the commencement date.
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

Date issued:

9/5/23

Date permit comes into operation: the date that notice of approval of Amendment C218more is published in the *Victoria Government Gazette*.

Signature of the responsible authority:



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. C218more 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.

