

MORELAND CITY COUNCIL PLANNING SCHEME
Incorporated Document

10 Dawson Street, Brunswick – February 2021

This document is an incorporated document in the Moreland Planning Scheme pursuant to the Section 6(2)(j) of the *Planning and Environment Act 1987*

1.0 INTRODUCTION

The document is an Incorporated Document in the schedule to Clause 45.12 of the Moreland Scheme (planning scheme).

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls and sub-clauses contained in Clause 6.0 of this document.

The controls in this document prevail over any contrary or inconsistent provision in the planning scheme.

2.0 PURPOSE

The purpose of this incorporated document is to permit and facilitate the demolition of existing buildings and development of an eight storey mixed-use building comprising retail, office floorspace, dwellings, rooftop garden and a reduction in the standard car parking requirement generally in accordance with the plans approved consistent with Clause 6.0 of this incorporated document.

3.0 ADDRESS OF THE LAND

This document applies to the land at 10 Dawson Street, Brunswick (Lot 2 on Title Plan PS421306) that is affected by the SCO5 and as identified in Figure 1 below.

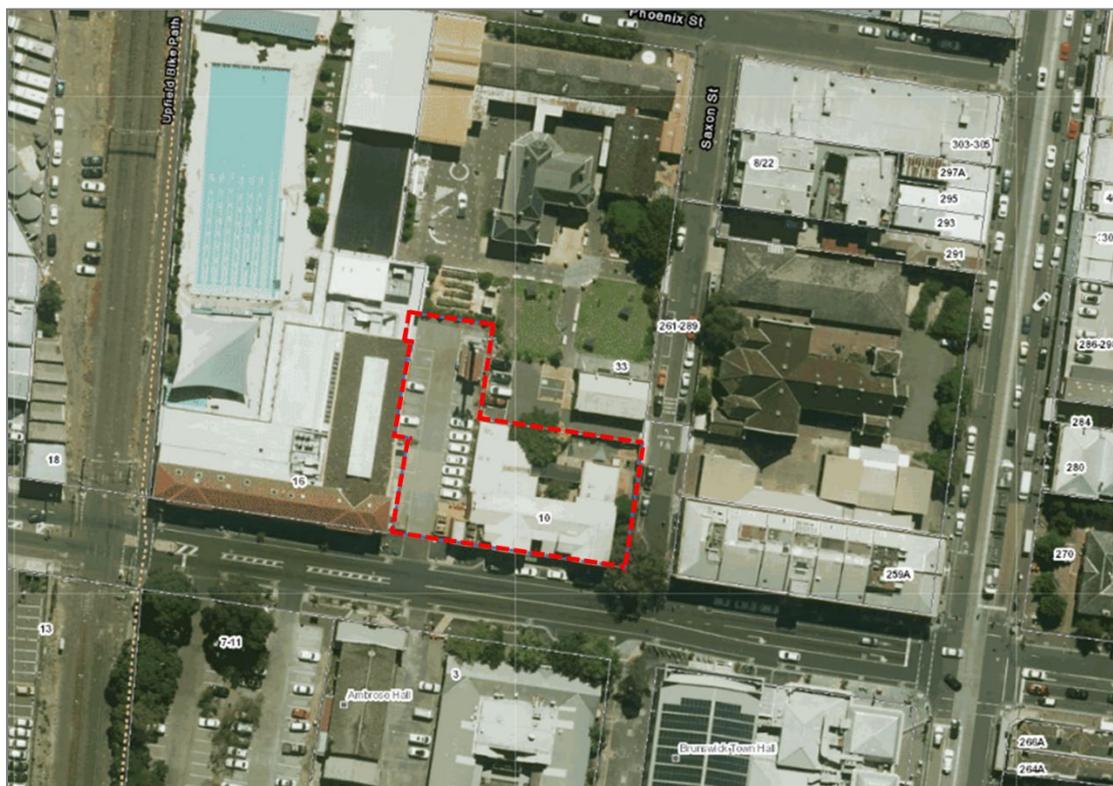


Figure 1 – Land subject to this incorporated document highlighted in red

4.0 WHAT THIS DOCUMENT ALLOWS

This document allows the demolition of existing buildings and development of an eight storey mixed-use building comprising retail, office floorspace, dwellings, rooftop garden and a reduction in the standard car parking requirement, generally in accordance with the following plans prepared by

Fender Katsalidis, dated 22 October 2019 but modified to include changes required by the clauses of this Incorporated Document:

TP001 A – Site Plan

TP098 A – Basement 2 Floor Plan

TP099 A – Basement 1 Floor Plan

TP100 A – Ground Floor Plan

TP101 A – Level 1 Floor Plan

TP102 A – Level 2 Floor Plan

TP103 A – Level 3 Floor Plan

TP104 A – Level 4 Floor Plan

TP105 A – Level 5 Floor Plan

TP106 A – Level 6 Floor Plan

TP107 A – Level 7 Floor Plan

TP108 A – Level 8 Floor Plan

TP109 A – Roof Plan

TP200 A – South Elevation

TP201 A – East Elevation

TP202 A – North Elevation

TP203 A – West Elevation

TP250 A – Section AA

TP251 A – Section BB

TP252 A – Section CC

TP300 A – Apartment Types

TP301 A – Apartment Types

TP302 A – Apartment Types

TP303 A – Apartment Types

TP304 A – Apartment Types

TP400 A – Shadow Diagrams

TP401 A – Shadow Plan & Section

TP420 A – Perspective View

TP421 A – Perspective View

TP422 A – Perspective View

TP423 A – Perspective View

TP424 A – Perspective View

TP425 A – Perspective View

TP500 A – Development Summary

and including any amendment of the plans that may be approved from time to time under the clauses of this document. Once approved, these plans will be the Incorporated Plans.

5.0 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no planning provision in the planning scheme operates to prohibit, restrict or regulate the use and development of the land for the purposes allowed in Clause 4.0 with the exception of the provisions of Clause 52.05 Signs which continue to apply.

6.0 THE FOLLOWING SUB CLAUSES APPLY TO THIS DOCUMENT

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 this incorporated document. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally accord with the plans dated 22 October 2019 but modified to show:
 - a) Deletion of one of Levels 3, 4, 5 or 6 with the commensurate reduction in building height in response to built form and heritage concerns.
 - b) The blades on the eastern (Saxon Street) podium elevation angled to prevent overlooking directly into habitable room windows at the rear of the building at 259 Sydney Road, Brunswick.
 - c) A direct pedestrian entry to the residential lobby from Dawson Street, or a pedestrian zone from Dawson Street to the residential lobby clearly identified with a different surface treatment, signage, lighting including lighting and material treatment to the underside of the cantilever.
 - d) A maximum clearance height of 4.1 metres provided along the length of the carriageway easement in accordance with sub-clause 4 of this Incorporated Document, with an associated reduction in the floor to ceiling height of the ground floor level.
 - e) On Levels 2 to 6 inclusive, the three-bedroom apartments at the north-eastern corner of the building (adjacent Saxon Street) internally reconfigured to provide an outlook from the living area to Saxon Street generally in accordance with the plan titled Level 3-6 North East Apartments Study, prepared by Fender Katsalidis, dated 6 February 2020 and received by Moreland City Council on 7 February 2020.
 - f) One car parking space allocated to the shop and 37 car parking spaces allocated to the office.
 - g) Bicycle parking devices, including both horizontal and vertical bicycle parking devices installed in accordance with AS2890.3.
 - h) Bicycle signage at least 300mm wide and 450mm high showing a white bicycle on a blue background, directing cyclists to the location of the bicycle parking.
 - i) Any substation required by the power company for this development. Any substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm.
 - j) Any changes to the plans arising from the amended:
 - i. Sustainability Management Plan in accordance with sub-clause 9 of this Incorporated Document.
 - ii. Landscape Plan in accordance with sub-clause 13 of this Incorporated Document.
 - iii. Waste Management Plan in accordance with sub-clause 17 of this Incorporated Document.
 - iv. Accessibility Report in accordance with sub-clause 19 of this Incorporated Document.
 - v. Acoustic Report in accordance with sub-clause 21 of this Incorporated Document.
 - vi. Wind impact assessment in accordance with sub-clause 24 of this Incorporated Document.
 - k) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples.
 - l) Further details of the awning to Dawson Street including an extension of the length of the awning along Dawson Street to the extent possible without impacting on the street tree on the corner of Dawson Street and Saxon Street. The awning must be setback a

minimum of 750mm from the kerb and at a height of not less than 3 metres above the level of the footpath and 2.7 metres from any proposed signage below the awning.

- m) A sign erected on the building facing either or both of Dawson Street and Saxon Street identifying the building as the 'John Curtin building'.
2. The development and use as shown on the Incorporated 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 in this Incorporated Document.

Affordable Housing Contribution

3. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, the Owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 that provides for the following:
- a) The Owner to make available at least 20% of all dwellings within the development for the purpose of affordable or social housing.
 - b) The mechanism by which the dwellings will be provided is to be accordance with the document titled "Affordable Housing at 10 Dawson St, Brunswick" prepared by Jesuit Social Services and The Barnett Foundation which was submitted to the Priority Projects SAC on 8 October 2020.
 - c) Provision for an alternative mechanism to be used to deliver affordable or social housing provided that the alternative mechanism delivers the equivalent value (subsidy) as that proposed under sub-clauses 3(a) and (b).
 - d) Evidence be provided to the Responsible Authority that the requirements of this sub-clause have been complied with. The evidence can be de-identified to protect the privacy of affordable housing purchasers but will set out how the transactions meet the requirements of sub-clauses 3(b) or (c).
 - e) The Owner must 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.
 - f) The Owner must pay to the Responsible Authority, or its legal representative, all costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

Easement to be created

4. Prior to the commencement of the development, excluding demolition and bulk excavation, a Creation of Easement Plan must be prepared by a suitably qualified land surveyor detailing a new carriageway Easement E-2 partially along the site's north-western boundary but within the extent of the existing Easement E-1, created in favour of the Brunswick Baths (No.16 Dawson Street, Brunswick), to allow right of carriage to No.33 Saxon Street, Brunswick. A height limitation of 4.1 metres (maximum) above natural ground level must be applied. The plan must be prepared to the satisfaction of the Responsible Authority in consultation with relevant parties with all costs to be shared equally between the developer and the landowner of No.33 Saxon Street, Brunswick.
5. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, application must be made to the Registrar of Titles to register the proposed Easement E-2 on the title of the development in favour of No.33 Saxon Street, Brunswick. All costs associated with the preparation and registration of the future easement must be shared equally between the developer and the landowner of No.33 Saxon Street, Brunswick.

6. Prior to the issue of Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, the proposed Easement E-2 must be fully constructed to the satisfaction of the Responsible Authority at the cost of the developer.

Construction over easement

7. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, the Owner of the land must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (the Act) in a form satisfactory to the Responsible Authority in which requires the owner to do the following:
 - a) Construct the development in accordance with the Incorporated Plan and to a standard satisfactory to the Responsible Authority.
 - b) Maintain the building to a standard satisfactory to the Responsible Authority.
 - c) Maintain appropriate insurance to the satisfaction of the Responsible Authority.
 - d) Indemnify Moreland City Council for any loss suffered if the terms of the s173 agreement are breached by the landowner.
 - e) Release Council from any claims the landowner may have against Council associated with the parts of the building within the easement.
 - f) 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.
 - g) Pay to the Responsible Authority, or its legal representative, all costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

Heritage record

8. Prior to the commencement of any demolition, a professionally prepared archival record of the substation on the land must be carried out and submitted to the satisfaction of the Responsible Authority. This record must be carried out in accordance with Heritage Victoria's technical note 'Specification for the submission of Archival', undated, which can be found at <https://www.heritage.vic.gov.au/research-and-publications/technical-guidance>

Sustainability Management Plan

9. The Sustainability Management Plan (SMP) by GIW, Reference GIW18075 Revision B dated 30/01/2019 must be amended by a suitably qualified environmental engineer or equivalent to the satisfaction of the Responsible Authority prior to endorsement. When amended to the satisfaction of the Responsible Authority, the SMP will be endorsed and will form part of this Incorporated Document. The amended SMP must include the following:
 - a) Provide first rate energy models and individual modelling reports for all apartment types, except where the dwellings are thermally equivalent.
 - b) Provide a daylight modelling report, ensuring that the VLT of the glazing modelled match the glazing specifications used in all energy modelling reports.
 - c) Where spandrel panels are being specified to reduce glazed areas to west facing apartments (i.e. to meet thermal and daylight requirements of BESS and Clause 22.08), show the size and extent of the spandrel panel on plans with a section detail included.
 - d) Provide preliminary energy performance modelling for the ground and first floor office spaces confirming that they will meet Moreland City Council's building envelope performance expectations of a 10% NCC improvement, and that this will be achieved via

- the building glazing, insulation (or other fabric), services and lighting being improved (not offset by the solar PV).
- e) Provide details of the stormwater treatment proposed for the balcony areas and demonstrate that adequate plant room space is provided for water treatment and pumps.
 - f) Add the stormwater treatment system and pumps to the 'Maintenance Program' on page 37 of the SMP.
 - g) Electric car charging points rather than the 'future provision of car charge points'.
 - h) Secure bicycle parking spaces i.e. a caged section without public access.
 - i) An improved response to the Clause 22.08-2 of the Moreland Planning Scheme, including:
 - i. Adequate space within the combined commercial and residential bin store room for 3 bin types: organics, commingled recycling and garbage (as per the Sustainability Victoria 'Better Practice Guide for Waste Management and Recycling in Multi-Unit Developments').
 - ii. Waste storage to accord with the recommendations of Sustainability Victoria (as per the Sustainability Victoria 'Multi-unit and Commercial Development Waste and Recycling Generation Rates Calculator').
10. Where alternative ESD initiatives are proposed to those specified in sub-clause 9, the Responsible Authority may vary the requirements of sub-clause 9 at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.
11. All works must be undertaken in accordance with the endorsed SMP to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.
12. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the building approved under this Incorporated Document, whichever occurs first, a report (or reports) from the author of the SMP 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 have been implemented in accordance with the report.

Landscape Plan

13. Prior to the commencement of any development works, amended landscape plans must be submitted to and approved by the Responsible Authority. When amended to the satisfaction of the Responsible Authority, the plans will be endorsed and will form part of this Incorporated Document. The landscape plans must be generally in accordance with the landscape plans prepared by John Patrick Landscape Architect Pty Ltd submitted to Moreland City Council on 22 October 2019 but amended to show:
- a) The development layout updated to reflect the changes required by sub-clause 1 of this Incorporated Document.
 - b) Any changes to the tree protection notes and the extent of the Tree Protection Zone for the existing *Eucalyptus sideroxylon* street tree or any other street tree required to accord with the Tree Protection Plan required by sub-clause 15 of this Incorporated Document.
 - c) A schedule that identifies the size of the canopy cover of proposed trees, climbers, planters, green roofs or green facades to satisfy Standard D10 of Clause 58.03-5.
 - d) Automatic irrigation of any façade planting.

14. Prior to the issuing of a Statement of Compliance or occupancy permit for any part of the development, whichever occurs first, all landscaping works must be completed and maintained in accordance with the approved and endorsed landscape plans to the satisfaction of the Responsible Authority.

Tree Protection Plan

15. Prior to the commencement of the development, including demolition and bulk excavation, A Tree Protection Plan (TPP) prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. When the TPP is to the satisfaction of the Responsible Authority, the TPP will be endorsed and will form part of this Incorporated Document. The TPP must include an assessment of the mature *Eucalyptus sideroxylon* on the corner of Dawson Street and Saxon Street and any other public trees that may be affected by the development, and include:
- a) Details of whether the development, irrespective of mitigation measures, will have impact on the long term viability of the public tree(s).
 - b) Site specific details of the temporary tree protection fencing to be used to protect publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate.
 - c) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
 - d) Full specifications of any pruning required to publicly owned trees.
 - e) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - f) Name and contact details of the project arborist who will monitor the implementation of the TPP for the duration of the development (including demolition).

All works, including demolition and bulk excavation, within the Tree Protection Zones of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified Arborist where identified in the TPP, except with the further written consent of the Responsible Authority.

Removal of street tree(s)

16. In the event that public tree(s) are proposed for removal at any stage of the development, or Moreland City Council determines that impacts from the development will result in any of the public street trees being no longer viable, the applicant must:
- a) Pay Moreland City Council the reasonable amenity value for the tree(s) in accordance with Moreland City Council's Urban Forest Strategy 2017-2027 Supporting Reference Documents, 4 – Amenity Value Formula (City of Melbourne Method) and the costs for removing the tree(s) prior to the issue of a Statement of Compliance or occupancy permit for any part of the building, whichever occurs first.
 - b) Submit plans for the approval of Moreland City Council that shows:
 - i. Replacement tree(s) and other landscaping in the street frontages adjacent to or near the development.
 - ii. Passively irrigated engineered tree-pits

Waste Management Plan

17. An amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. When amended to the satisfaction of the Responsible Authority, the WMP will be endorsed and will form part of this Incorporated Document. The WMP must be generally in accordance with the WMP prepared by Leigh Design dated 21 December 2018 but amended to show the development layout updated to reflect the changes required by sub-clause 1 of this Incorporated Document and the requirements of sub-clause 9(i) of this Incorporated Document related to the Sustainability Management Plan.
18. The endorsed WMP 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.

Accessibility Report

19. An amended accessibility report must be submitted to and approved by the Responsible Authority. When amended to the satisfaction of the Responsible Authority, the accessibility report will be endorsed and will form part of this Incorporated Document. The accessibility report must be generally in accordance with the accessibility report prepared by Before Compliance dated 22 July 2019 but it must be amended to show the development layout updated to reflect the changes required by sub-clause 1 of this Incorporated Document.
20. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the building approved under this Incorporated Document, whichever occurs first, a report from the author of the endorsed accessibility report, 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 endorsed report.

Acoustic Report

21. An amended Acoustic Report must be submitted to and approved by the Responsible Authority. When amended to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed and will form part of this Incorporated Document. The Acoustic Report must be generally in accordance with the acoustic report prepared by Cundall dated 1 August 2019 but amended to include:
 - a) The development layout updated to reflect the changes required by sub-clause 1 of this Incorporated Document.
 - b) Measures to ensure the design of dwellings comply with Standard D16 of Clause 58.04-3 (Noise impacts objective) of the Moreland Planning Scheme.
 - c) Measures to ensure the design and construction of the dwellings within 50 metres of the function centre use at 33 Saxon Street, Brunswick comply with Clause 53.06-3 (Live Music and Entertainment Noise) of the Moreland Planning Scheme. The dwellings must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from the:
 - i. Indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).
 - ii. Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply).

22. Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the building approved under this Incorporated Document, whichever occurs first, a report (or reports) from a qualified acoustic expert 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 endorsed Acoustic Report have been implemented in accordance with the endorsed Acoustic Report.
23. The building must be constructed and maintained in accordance with the recommendations contained within the endorsed Acoustic Report to the satisfaction of the Responsible Authority. The endorsed Acoustic Report 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.

Wind impact assessment

24. An amended wind impact assessment must be submitted to and approved by the Responsible Authority. When amended to the satisfaction of the Responsible Authority, the wind impact assessment will be endorsed and will form part of this Incorporated Document. The wind impact assessment must be generally in accordance with the pedestrian wind environment statement prepared by Windtech dated 18 July 2019 but it must be amended as required, to show the development layout updated to reflect the changes required by sub-clause 1 of this Incorporated Document.
25. The endorsed wind impact assessment 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.

Transport for Victoria condition

26. The developer must avoid disruption to bus operation along Dawson Street during the construction of the development. Foreseen disruptions to bus operations during construction and mitigation measures must be communicated to and approved by Public Transport Victoria and the Bus Operator a minimum of eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au.

Development Contributions

27. Prior to the issue of a Building Permit in relation to the development approved by this Incorporated Document, 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 Incorporated Document 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.

Environmental Audit

28. Prior to the commencement of construction or carrying out works pursuant to this Incorporated Document, or any works associated with a sensitive use, other than works for the purpose of obtaining a Certificate of Environmental Audit or Statement of Environmental Audit, either:

- a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or,
- b) An Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this Incorporated Document and that statement must be provided to the Responsible Authority.

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

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

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with 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 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 landowner.

29. Prior to any remediation works (if required) being undertaken in association with the Environmental Audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.

Public Works Plan

30. Prior to the commencement of development, a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted to and approved by the Responsible Authority. When the Public Works Plan is to the satisfaction of the Responsible Authority, the Public Works Plan will be endorsed and will form part of this Incorporated Document. The Plan must be in accordance the *Moreland City Council Technical Notes July 2019* or any updated version and detail works in front of the approved building along Dawson Street and Saxon Street including:

- a) The upgrade of the public realm adjacent to the site including new or reconstructed footpaths, street trees, water sensitive urban design treatments, seating, bicycle hoops, nature strips and other associated street furniture/infrastructure.
- b) The footpaths are to be reinstated with the standard crossfall slope of 1 in 40 from the top of roadside kerb to the property boundary, with any level difference made up within the site.
- c) A detailed level and feature survey of the footpaths and roads.
- d) Any crossovers not required 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.
- e) The location, method and number of bicycle parking to be accommodated within the road reserve.
- f) Tree(s) and other landscaping in the street frontages adjacent to or near the development and passively irrigated engineered tree-pits in the event that any street tree is required to be removed as per sub-clause 16 of this Incorporated Document.

The endorsed Public Works Plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the issue of a Statement of Compliance or occupancy permit for any part of the development, whichever occurs first, unless otherwise agreed with prior written consent of the Responsible Authority.

Naming of Building as 'John Curtin Building'

31. To ensure the development does not breach sub-clause 3a of the section 173 agreement titled 'The John Curtin Building 10 Dawson Street, Brunswick' dated 24 February 2000 (W660930P), prior to the commencement of development the applicant must obtain written consent from Moreland City Council for the removal of any existing signage identifying the building as the John Curtin Building.
32. Prior to the issue of a Statement of Compliance or occupancy permit for any part of the building, whichever occurs first, a sign identifying the building as the 'John Curtin Building' must be erected on the building on either or both of Dawson Street or Saxon Street to the satisfaction of the Responsible Authority.

General

33. Prior to the issue of an occupancy permit for any part of the building, the tilt-up carpark entry door must be automatic and remote controlled.
34. Prior to the issue of an occupancy permit for any part of the building, all parking spaces are to be marked with the associated apartment or shop number to facilitate management of the car park to the satisfaction of the Responsible Authority.
35. The area set aside for the parking of vehicles and access lanes shown on the endorsed Incorporated Plans must to the satisfaction of the Responsible Authority:
 - a) Be completed prior to the issue of an occupancy permit for any part of the building
 - b) Be maintained.
 - c) Be properly formed to such levels that it can be used according to the endorsed Incorporated Plans.
 - d) Be drained and surfaced.
 - e) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed Incorporated Plans.
 - f) Not be used for any other purpose other than the parking of vehicles.
36. Prior to the issue of an occupancy permit for the development, all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
37. 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).
38. The stormwater run-off from the accessway must not flow out of the property over the public footpath to the satisfaction of the Responsible Authority.
39. Prior to the commencement of the development, a legal point of discharge is to be obtained, and where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge, must be submitted to and approved by the Responsible Authority.
40. The surface of all balconies and terraces 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.

7.0 DEVELOPMENT TIME LIMIT

Notwithstanding other provisions of these clauses, this Incorporated Document will expire if one of the following circumstances applies:

- The development is not commenced within 15 months of the date of the gazettal of amendment C210more.

The Responsible Authority may extend the periods referred to if a request is made in writing before these controls expire or within 6 months afterwards.

End of Document