

Condition 18: Comparison of Existing Permit, Council's Recommendation and Notice of Decision

Existing Permit	Council's Recommendation	Notice of Decision	Comments
<p>18 Within 12 months of the commencement of construction, including demolition, bulk excavation and site preparation works (but excluding any clean up works) the owner must:</p> <p>(a) enter into an agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority;</p> <p>(b) register the agreement on the title(s) for the land in accordance with Section 181 of the Planning and Environment Act 1987; and</p> <p>(c) provide the Responsible Authority with the dealing number confirming the registration of the title.</p> <p>The agreement must be in a form to the satisfaction of the Responsible Authority, and the owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:</p>	<p>18. Before the occupation of the development the owner must:</p> <p>(a) enter into an agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority;</p> <p>(b) register the agreement on the title(s) for the land, in accordance with Section 181 of the Planning and Environment Act 1987; and</p> <p>(c) provide the Responsible Authority with the dealing number confirming the registration of the title.</p> <p>The agreement must be in a form to the satisfaction of the Responsible Authority, and the owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with</p>	<p>18. Within 24 months of the commencement of construction, including demolition, bulk excavation and site preparation works (but excluding any clean up works), the owner must:</p> <p>(a) enter into an agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority;</p> <p>(b) register the agreement on the title(s) for any lot(s) that contain Affordable Housing in accordance with Section 181 of the Planning and Environment Act 1987; and</p> <p>(c) provide the Responsible Authority with the dealing number confirming the registration of the title.</p> <p>The agreement must be in a form to the satisfaction of the Responsible Authority, and the owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:</p>	<p><i>The registration of titles for the lot(s) contradicts the applicant's statement that the development is to be held on one entity.</i></p> <p><i>The applicant advised this is to accommodate the subdivision of the commercial tenancies.</i></p> <p><i>Increase to timeframes from 1 year to 2 years for the registration of any S173 Agreement is considered acceptable.</i></p>

	the land, and must provide for the following:		
i. the provision of 6% of the total number of dwellings (rounded down to the nearest whole number) as affordable housing 1 bedroom dwellings within the building;	i. The provision of 6% of the total number of dwellings (rounded down to the nearest whole number) as Affordable Housing one (1) bedroom dwellings within the building;	i. the provision of 6% of the total number of dwellings (rounded down to the nearest whole number) as Affordable Housing one (1) bedroom dwellings within the building;	<i>Unchanged</i>
ii. the dwellings to be tenure blind;	ii. All of the Affordable Housing dwellings are made available for rent at rates affordable for people on very low, low or moderate incomes in accordance with Section 3AA and 3AB the Planning and Environment Act (1987) (Vic.) definition of affordable housing.	ii. the dwellings to be tenure blind;	<i>Unchanged. Corresponds with Council's recommended Condition (v).</i>
iii. title to the dwellings to be transferred to a Housing Trust approved by the Responsible Authority and the City of Port Phillip	iii. Unless otherwise agreed by the Responsible Authority, utilise one or more of the following mechanisms for the delivery of the affordable housing: <ul style="list-style-type: none"> • Transfer of the dwellings to a registered housing agency or other housing provider or trust approved by the Responsible Authority. • Leasing of the dwellings as affordable housing under the management of a registered housing agency or housing provider or trust approved by 	iii. utilise one or more of the following mechanisms for the delivery of the Affordable Housing (unless otherwise agreed by the Responsible Authority): <ul style="list-style-type: none"> a) Transfer of the dwellings to a registered housing agency or other housing provider or trust approved by the Responsible Authority. b) Leasing of the dwellings as Affordable Housing under the management of a registered housing agency or housing provider or trust approved by the Responsible 	<i>A leasing period, managed by the Housing Association for a period of 30 years aligns with Council's recommendation if an amendment is to be granted.</i> <i>An additional leasing option is available to the owner whereby they manage the lease for a period of 20 years.</i> <i>Rents must be targeted at very low, low or moderate incomes. The existing permit targets low incomes.</i>

	<p>the Responsible Authority for a period of not less than 30 years.</p>	<p>Authority for a period of not less than 30 years.</p> <p>c) Leasing of the dwellings as Affordable Housing to eligible persons by the owner to the satisfaction of the Responsible Authority for a period of not less than 20 years. In this event, the agreement must also detail a mechanism requiring the owner of the Affordable Housing dwellings to maintain documentation demonstrating the basis for:</p> <ol style="list-style-type: none"> i. calculating affordable rents; ii. the amount of rent charged to tenants; iii. the assessment of tenants and their income showing that the meet relevant tests to be eligible to rent the affordable housing dwellings as very low, low or moderate income residents in accordance with the Planning and Environment Act 1987 (Vic.) definition of Affordable Housing; and iv. how rent increases are to be calculated and applied. <p>The owner of the Affordable Housing dwellings to be responsible for:</p> <ul style="list-style-type: none"> • All Owners Corporation costs. • The ongoing management and maintenance of the building, 	<p><i>Responsibilities of the owner of the Affordable Housing aligns with Council's recommended Condition (viii)</i></p>
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		<p>including communal areas and facilities and resident amenity areas.</p> <ul style="list-style-type: none"> The ongoing management and maintenance and individual apartments, including kitchens, other joinery, fixings, carpet and paint (except where damage is due to the occupant's negligent activity). 	
iv. dwellings must be managed as social housing in perpetuity in accordance with the Trust Deed by a registered Housing Association or Housing Provider approved by the Responsible Authority and the City of Port Phillip.	iv. The Affordable housing dwellings must be made available for rent within six (6) months of the issue of a Certificate of Occupation for the development;	iv. Affordable Housing dwellings must be made available for rent within six (6) months of the issue of a Certificate of Occupation for the development;	<i>Unchanged</i>
v. the dwellings be set aside for occupation by low income residents to the satisfaction of the Responsible Authority and the City of Port Phillip; and	v. The dwellings to be tenure blind.	v. the dwellings be set aside for occupation by Affordable Housing residents to the satisfaction of the Responsible Authority and the City of Port Phillip;	<i>Unchanged</i>
vi. one bicycle space must be allocated to each affordable housing dwelling.	vi. Captured under 30-year timeframe condition outlined above	vi. one bicycle space must be allocated to each affordable housing dwelling.	<i>Unchanged Corresponds with Council's recommended Condition (vii).</i>
vii. in the event the permit holder is unable to achieve an arrangement in accordance with this condition, to Council's satisfaction, the City of Port Phillip would be responsible for locating a Housing Association or Housing Provider.	vii. One bicycle space must be allocated to each affordable housing dwelling	vii. in the event the permit holder is unable to achieve an arrangement in accordance with this condition, to Council's satisfaction, the City of Port Phillip will be responsible for locating a Housing Association or Housing Provider.	<i>Unchanged Corresponds with Council's recommended Condition (ix).</i>

	<p>viii. The owner of the Affordable Housing dwellings to be responsible for:</p> <ul style="list-style-type: none"> • All Owners Corporation costs. • The on-going management and maintenance of the building, including communal areas and facilities, resident amenity areas. • The on-going management and maintenance and individual apartments, including kitchens, other joinery, fixings, carpet and paint (except where damage is due to the occupants negligent activity) 	<p>viii. all of the Affordable Housing dwellings are made available for rent at rates affordable for people on very low, low or moderate incomes in accordance with Section 3AA and 3AB the Planning and Environment Act (1987) (Vic.) definition of Affordable Housing.</p>	<p><i>Unchanged Corresponds with Council's recommended Condition (ii).</i></p>
	<p>ix. In the event the permit holder is unable to achieve an arrangement in accordance with this condition, to Council's satisfaction, the City of Port Phillip will be responsible for locating a Housing Association or Housing Provider.</p>		<p><i>As per point (vii) above</i></p>