

URBAN CONTEXT REPORT

EAST BRUNSWICK VILLAGE (EBV) AMENDMENT TO PERMIT MPS/2013/979/D LOTS 3 & 4



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1. INTRODUCTION

G2 Urban Planning has been instructed by the Banco Group of Companies to prepare this report in support of a planning application to amend Permit MPS/2013/979/D for East Brunswick Village (EBV).

This report is prepared to accompany the Section 72 Application seeking to amend the aforementioned Planning Permit and the plans endorsed under the Permit. The Amendment is limited to the buildings referred to as Lot 3 and Lot 4 as part of Stage 3. No other buildings within Stage 3 are proposed to be amended.

This report addresses the relevant provisions of the Moreland Planning Scheme and the Moreland Apartment Design Code (MADC) and clarifies the changes to Lot 3 and Lot 4 as compared to the current permit MPS/2013/979/D and Stage 3 endorsed plans of 17/10/2019.

As one of the largest inner city redevelopment sites in Moreland, EBV continues to evolve. Across the three stages there will be a total of 10 mixed-use buildings within EBV including a Supermarket (Coles – completed and operational since March 2020 as part of Stage 1), various shops including food and drink premises, offices, medical centre and 755 apartments. The proposed Section 72 Amendment will see the introduction of a cinema complex (6 cinemas with a total of 405 seats) and a wellness centre combining a gymnasium with yoga / pilates studios.

Due to its size and the ongoing evolution of the residential and commercial property market the direction for EBV will continue to be refined over time. This application represents the next step in that refinement process set within the framework of the approved Development Plan for East Brunswick Village.

The purpose of this planning report is to:

- Expand on the diagrammatic explanation of the proposal as shown on the submitted plans prepared by JAM Architects;
- Expand on the supporting technical reports and;
- Address the appropriate planning controls and demonstrate compliance with the approved Development Plan as revised and approved on 25 June 2018.

The application has been prepared with the collective inputs of the project team which span all of the relevant disciplines associated with strategic proposals of this kind. The inputs of the team are expressed through the planning permit plans and supporting reports prepared by:

- Jam Architects - Project Drawings and Landscape Plan
- Leigh Design PL - Waste Management
- Cardno PL - Traffic
- ADP Consulting - ESD
- Phillip Chun - Accessibility
- SLR Consulting - Acoustic Assessment

The Architectural Submission prepared by JAM architects provides a detailed Urban Context Analysis and Design Response and includes the Section 72 Application plans comprising; site and floor plans, elevations, sections and perspective views of the development. The format of the plans and information within them is consistent with earlier planning applications to assist Council's assessment of the Application.

2. BACKGROUND

On the 4th of October 2012 Council approved the East Brunswick Village Development Plan and supporting reports pursuant to Clause 43.04, Schedule 11 of the Moreland Planning Scheme.

The supporting reports included:

- The Development Plan Report prepared by G2 Urban Planning;
- An assessment of compliance with the Activity Centre Design Guidelines (DSE, 2005) prepared by G2 Urban Planning;
- A Community Facilities Assessment prepared by ASR Research;
- A Servicing and Infrastructure Report prepared by DCE (Daltons Consulting Engineers);
- An Adverse Amenity Impacts Assessment (AAIA) prepared by SLR Global Environmental Solutions;
- An Integrated Transport Plan prepared by Cardno;
- An Environmental Management Plan prepared by Hampton Sustainability;
- A Landscape Master Plan prepared by Rush Wright & Associates Landscape Architecture.
- An Urban Design Assessment prepared by David Lock & Associates
- A Disability Assessment by Phillip Chun Accessibility.

Planning Permit MPS2013/979 was issued by Council on April 8 2015. This Permit allowed a two-stage redevelopment of the land at 127 – 137, 139 and part of 149 Nicholson Street, Brunswick East comprising three 5 storey buildings and four 6 storey buildings containing dwellings, a supermarket, retail premises and offices located over two basement levels.

Planning Permit MPS/2013/979 was amended on 2 March 2017 with a further Amendment issued at the direction of VCAT in September 2017. Amended Planning Permit MPS/2013/979/A generally allowed reconfiguration of the Lot 1 and Lot 2 mixed use buildings including:

- Addition of roof gardens to both lots, resulting in a height increase of 2 metres to Lot 1 and 3.6 metres to Lot 2.
- Alteration of the Lot 2 apartment lobby areas.
- An increase in the total retail floor area from 4,007 square metres to 4,254 square metres (an increase of 247 square metres).
- Amalgamation of two shops associated with the Lot 1 building.
- Alterations to the Lot 2 supermarket.
- Reconfiguration of the basement layout, and re-alignment of 'Main Street'.

On 1 August 2018 Amended Planning Permit MPS/2013/979/C was issued subsequent to a Section 72 Application. This amendment Application superceded an earlier Section 72 Application (MPS/2013/979/B) effectively encapsulating both Applications into one. The Amended Permit allowed the following;

- An amendment to the description of land to which the permit applies to refer to 127-151 Nicholson Street;
- Development of the former Pacific Laundry site for 3 new buildings (Lots 8, 9 and 10) with associated vehicle and pedestrian links, to be constructed as part of Stage 3 of the development;
- Modifications to the form and layout of Lots 3 and 4;
- Modifications to the layout of dwellings in Lots 1 and 2;
- Extension and modifications to the basement; and
- Consequential amendments to the plans, what the permit allows and conditions.

On 12 December 2019 Amended Planning Permit MPS/2013/979/D was issued following a Section 72 Application which sought to amend relevant Permit Conditions pertaining to the location of the temporary ground level car park associated with the Coles Supermarket.

Endorsed plans and associated documents for Stage 1 (Lots 1 & 2 and the basement) were issued on the 17 August 2015 with amended endorsed plans issued on the 1st March 2019. Stage 1 has since been completed in accordance with the endorsed plans.

Endorsed plans and associated documents for Stage 3 (Lots 3, 4, 8, 9 & 10) were issued on the 17th October 2019. Stage 3 has yet to commence pending the outcome of this Section 72 Application to Amend the Planning Permit and endorsed plans for the Lot 3 and Lot 4 buildings.

This planning application has been preceded by a pre-application meeting and discussions with Moreland City Council. This included discussions around whether there was any need for an amendment of the approved Development Plan arising out of the proposed amendments to Stage 3. In particular, clarification was sought as to whether the addition of the Cinemas and the Gymnasium (Restricted Recreation Facility) was seen as being within the bounds of the approved Development Plan. In support of the submission made by the Applicant that the Development Plan did not require an amendment a Traffic Impact Assessment report was provided which assessed the revised parking and traffic impacts of the proposed new uses.

On the 6th and 13th February 2020 Council provided a detailed written response to G2 Urban Planning which has provided guidance to the developer / applicant project team going forward. Of particular note, Council confirmed in writing on the 12th March 2020 that the approved Development Plan would not need to be amended giving particular acknowledgment that the amended proposal fell within the bounds of the Integrated Transport Plan which forms part of the approved Development Plan.

The project team has proceeded on the basis of the above in preparing this Application to amend Planning Permit MPS/2015/979/D pursuant to Section 72 of the Act. The details of the proposed amendments are set out in Section 4 of this report.

3. URBAN CONTEXT

The EBV site is located at 127-151 Nicholson Street, Brunswick East. The subject site in its entirety is highlighted in the aerial image provided below at Figure 1. The area of the site that is the subject of this Section 72 Application is highlighted in Figure 2.



Figure 1 – East Brunswick Village – Site Context

The EBV site has an overall area of 2.953 hectares. The site has its primary address and access from Nicholson Street including a recently completed signalised intersection on Nicholson Street with 'Village Way' being the primary internal access road within the site. The site also has frontage to Elm Grove, John Street, Gamble Street and Rickard Street.

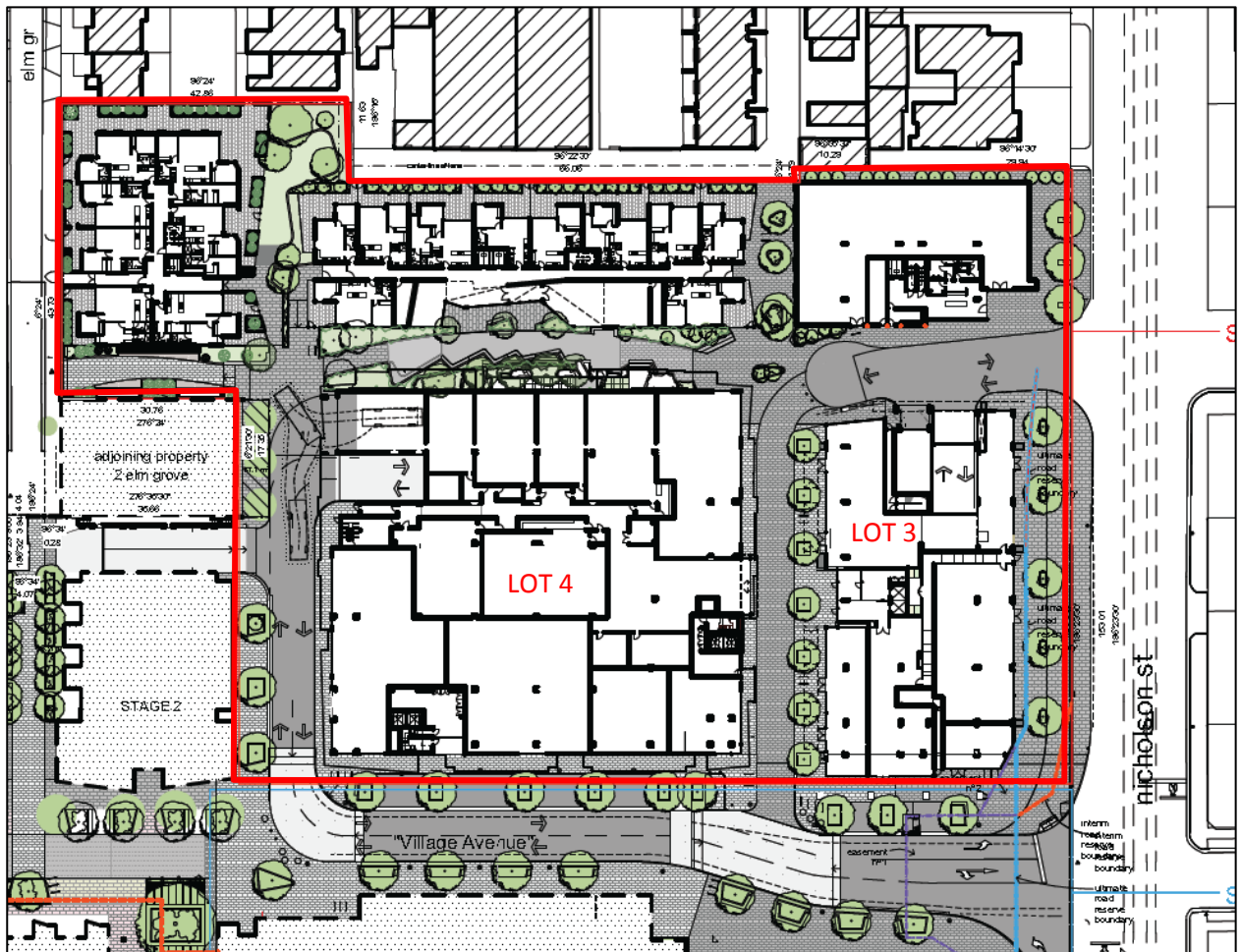


Figure 2 – EBV Stage 3

The site is strategically located on Route 96, one of Melbourne's busiest tram routes. It has access to bus services at Glenlyon Road and has pedestrian connections to Flemming Park and Merri Creek via Albert Street. The site will have access to and from Nicholson Street via both Village Way and Fasteners Way.

On 21st August 2018 the various land holdings that comprised the East Brunswick Village site were consolidated in Plan PC377771E as depicted in Figure 4 below. A copy of the Title, Title Plan and Section 173 Agreement registered on the Title are provided with the Application package.

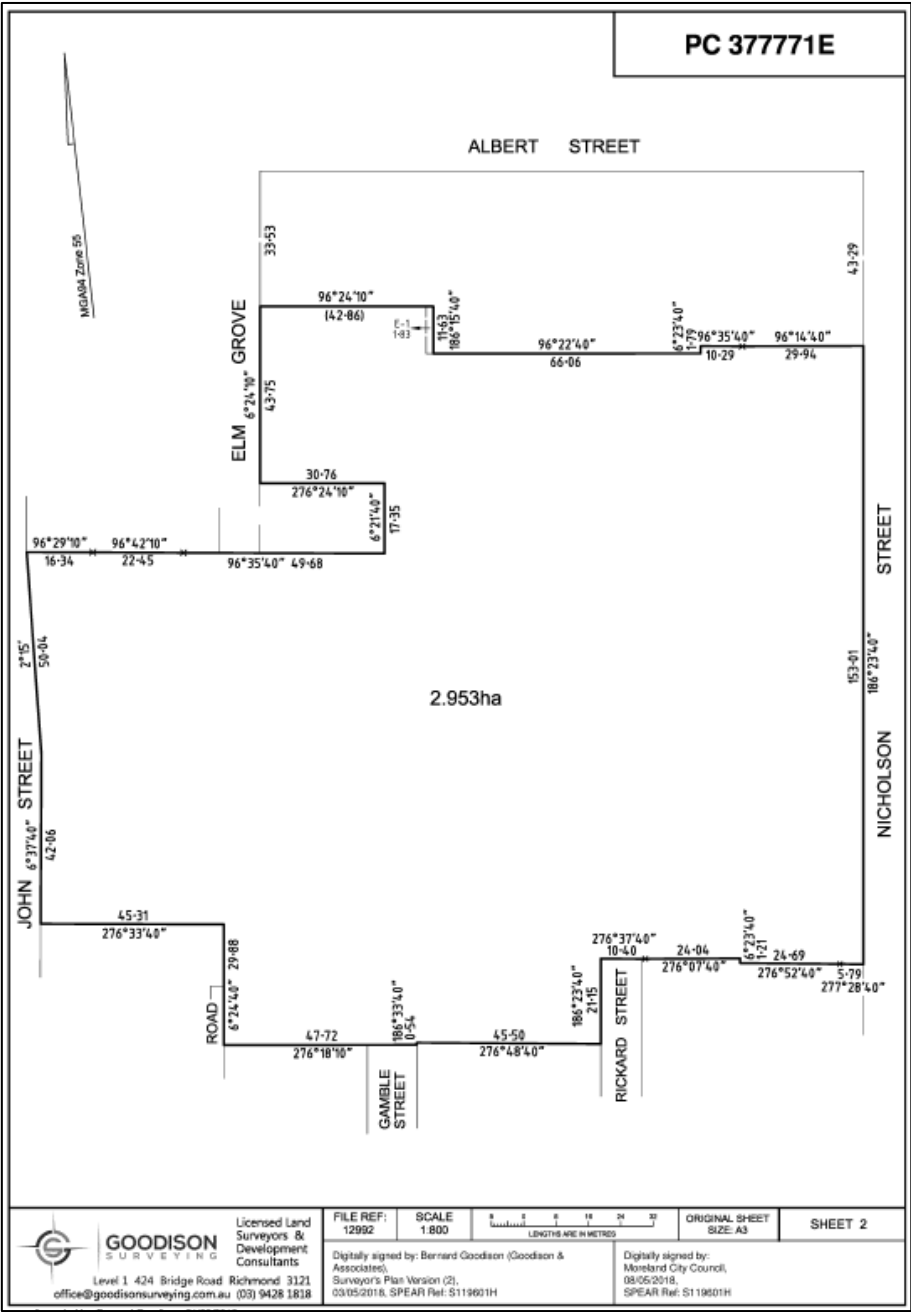


Figure 4 – EBV Title Plan

4. THE PROPOSAL

4.1 Summary of Proposal

This Section 72 Application to amend the Planning Permit and endorsed plans relates only to the Lot 3 and Lot 4 buildings as part of Stage 3. The remainder of Stage 3 – ie; Lot 8, 9 and 10 buildings – are unchanged as part of this Application.

The proposed amendments to Planning Permit MPS/2015/979/D are as follows;

- The Permit preamble is amended to include one additional land use*, with no other changes to the current wording of the preamble. The additional land use is;
- Restricted recreation facility (Gym)
- Any consequential changes to the conditions of the Planning Permit arising out of the proposed amendments to the development / use.
- The introduction of the Cinema complex and the Restricted recreation facility result in variations to retail spaces and apartment numbers in the two buildings (refer to table below).
- The overall height of the buildings has increased marginally (less than 1 metre in each case) whilst there have been various revisions made to the building envelope albeit with the overall shape, size and bulk of the buildings generally retained. This has been emphasised in the architectural plans (TP51 to TP53 & TP56 to TP58) with the inclusion of a redline signifying the endorsed building envelope enabling a ready comparison to be made.

*It is important to note that the other additional land use being introduced as part of this Application – Cinema – is a Section 1, Permit not required land use in the Commercial 1 Zone and does not need to be reflected in the Permit Preamble.

The proposed amendments to the Lot 3 and Lot 4 buildings, as compared to the current Stage 3 endorsed plans, are described as follows:

Lot 3 proposed amendments	Lot 3 as endorsed
Ground floor retail space divided amongst eight (8) shops with the size and configuration of these spaces redesigned.	Ground floor retail space divided into seven (7) shops.
Ground floor retail space increased by 95.5m ² to a total of 1,050.9m ² primarily due to additional space above the basement ramp.	Ground floor retail space totalled 955.4m ² .
Residential and commercial entry lobbies have been paired in a central location on the western face of the building.	Residential and commercial lobbies (3) were separated by retail spaces.
A double lift core has been located central to the building.	Three lift cores associated with the three lobbies.
South-east corner of the ground floor (shop 3 – previously shop 4) extended south by approximately 3 metres remaining within the ‘ultimate road reserve boundary’ line for Nicholson Street.	South face of Shop 4 setback approximately 4 metres from the south face of the balance of the ground level south façade.
Pedestrian access corridor provide to / from Nicholson Street frontage at ground level.	No pedestrian access corridor provided at ground level to Nicholson Street frontage.
First floor medical centre now has an area	First floor medical centre has an area of

of 596.4m ² (an increase of 51.2m ²).	545.2m ² .
Remainder of first floor occupied by a Gym and two Yoga Studios.	Remainder of first floor has 11 dwellings and a central, landscaped courtyard / light court.
Second floor has 18 dwellings (1 additional). The dwelling mix is now 5x1 bed, 9x2 bed, 4x3 bed.	Second floor has 17 dwellings. The dwelling mix being 5x1 bed, 11x2 bed, 1x3 bed.
Third floor – the number of dwellings is unchanged at 14. The dwelling mix is 3x1 bed, 4x2 bed, 7x3 bed.	Third floor - 14 dwellings. 4x1 bed, 10x2 bed.
Fourth floor - the number of dwellings is unchanged at 14. The dwelling mix is 3x1 bed, 4x2 bed, 7x3 bed.	Fourth floor - 14 dwellings. 4x1 bed, 10x2 bed.
Roof – Roof garden located centrally.	Roof – Roof garden located at south end of the roof.
The height of the Lot 3 building to the roof level has increase by 0.3 metres to RL59.30	Rooftop for Lot 3 set at RL59.00.
Changes to elevation design, materials and finishes as shown in the relevant plans.	Elevation design, materials and finishes per endorsed plans.
Lot 4 proposed amendments	Lot 4 as endorsed
Ground level retail space reduced in area by 559.4m ² to 1,363.2m ² . Retail space 5	Ground level retail floor space of 1,922.6m ² .

includes an indicative further division of the retail space suggesting a possible internal 'mall'.	
Cinema complex added (6 cinemas – 405 seats in total).	Previously retail space and one-way access road to back-of-house loading area.
First floor – Twenty eight (28) dwellings (1 less). The dwelling mix is 9x1 bed, 13x2 bed, 6x3 bed.	First floor – Twenty nine dwellings. The dwelling mix is 12x1 bed, 17x2 bed.
Second floor – Thirty (30) dwellings (1 less). The dwelling mix is 13x1 bed, 11x2 bed, 6x3 bed.	Second floor – Thirty-one dwellings. The dwelling mix is 13x1 bed, 18x2 bed.
Third floor – Thirty (30) dwellings (1 less). The dwelling mix is 13x1 bed, 11x2 bed, 6x3 bed.	Third floor – Thirty-one dwellings. The dwelling mix is 13x1 bed, 18x2 bed.
Fourth floor – Thirty (30) dwellings (1 less). The dwelling mix is 13x1 bed, 11x2 bed, 6x3 bed.	Fourth floor – Thirty-one dwellings. The dwelling mix is 13x1 bed, 18x2 bed.
Fifth floor – Thirty (30) dwellings (1 less). The dwelling mix is 13x1 bed, 11x2 bed, 6x3 bed.	Fifth floor – Thirty-one dwellings. The dwelling mix is 13x1 bed, 18x2 bed.
Roof – roof garden redesigned to accord with revised roof envelope.	Roof – roof garden to accord with roof envelope.
The height of the Lot 4 building to the roof level has increase by 0.6 metres to RL63.30	Rooftop for Lot 4 set at RL62.70.

Changes to elevation design, materials and finishes as shown in the relevant plans.	Elevation design, materials and finishes per endorsed plans.
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There is proposed to be a total of 194 apartments within the Lot 3 and Lot 4 buildings. This is 15 fewer dwellings than currently shown in the endorsed Stage 3 plans for the Lot 3 and Lot 4 buildings. With the proposed 194 apartments in the Lot 3 and Lot 4 buildings EBV will have a revised overall total of 755 apartments.

4.1.1 Building Setbacks

4.1.2 Nicholson Street (Eastern interface).

Ground floor setbacks for the Lot 3 building to the Nicholson Street site frontage are unchanged in comparison to the endorsed Stage 3 plans. Setbacks vary between 6.6 metres and 8.4 metres to the face of shops.

First and second floor setbacks are also unchanged in comparison to the endorsed Stage 3 plans. Setbacks are relatively uniform at 6.6 metres to the face of the building.

At the third and fourth floor the setback of 12.0 metres to the Nicholson site frontage is as per the endorsed Stage 3 plans. At the third floor this is adopted as a uniform setback whilst at the fourth floor the setback is punctuated by a series of breaks in the building line with greater setbacks giving a degree of articulation to this uppermost level. Large balconies are located within these setbacks facing Nicholson Street per the endorsed Stage 3 plans.

4.1.3 Northern Interface (Balance of Stage 3).

At their interface with the other Stage 3 buildings to the north the Lot 3 and Lot 4 setbacks are generally consistent with the setbacks in the endorsed Stage 3 plans with the following amendments;

- Lot 3

- Ground floor setback / separation (north-east corner) to the Lot 8 being reduced by 0.45 metres to 17.71 metres. Conversely the central, ground floor setback to the Lot 8 building has been increased by 0.82 metres to 15.21 metres.
- At first floor the endorsed setback has generally been maintained at between 11.15 metres and 12.11 metres. The proposed use of the northern section of the first floor as a gym in place of apartments has resulted in the removal of the residential balconies and the 'squaring off' of the building to the north façade.
- At second floor the separation to Lot 8 has been reduced by 0.63 metres to 10.52 metres. The setback to balcony insets has been reduced by 0.61 metres to 12.56 metres.
- At third floor the separation to Lot 8 has, for the most part, been retained at between 11.15 and 11.85. The setback to the balcony insets has been reduced by 0.81 metres to 13.25 metres.
- At the fourth floor the separation to Lot 8 has, for the most part, been retained at between 11.15 and 13.25 metres. At the north-east corner of the building the separation to Lot 8 has been reduced by 2.8 metres to 11.25 metres.
- Lot 4
 - At ground level the separation between the Lot 4 building and the Lot 9 building are unchanged.
 - At first floor the separation between the two buildings ranges from 6.3 metres to 8.7 metres compared to between 6.4 metres and 9.6 metres in the endorsed Stage 3 plans.
 - At second to fourth floor the separation to the Lot 9 building is generally as per the endorsed Stage 3 plans with setbacks ranging from 6.3 metres to

8.7 metres. Above fourth floor the Lot 3 building exceeds the height of the Lot 9 building and therefore there are no measureable separation distance.

4.1.4 Southern Interface (Village Way & Stage 1)

At their interface with the Stage 1 buildings to the south the Lot 3 and Lot 4 setbacks are generally consistent with the setbacks in the endorsed Stage 3 plans with the following amendments;

- Lot 3
 - At ground level the building setbacks to Village Way and the Lot 1 building to the south are unchanged with the exception of a short section of the ground level retail which has been moved closer to being in alignment with the remainder of the shop fronts.
 - At first floor the separation distances are maintained per the endorsed Stage 3 plans.
 - At second to fourth level the building separations are generally consistent with those within the Stage 3 endorsed plans with some minor reductions in the order of 0.6 of a metre.
- Lot 4
 - At ground level the building setbacks to Village Way and the Lot 2 building to the south are unchanged with the exception of a short section of the ground level retail which has been 'squared off' with the remainder of the shop front alignment.
 - Above ground level the buildings separation to the Lot 2 building are maintained and in some instances marginally increased in comparison to the Stage 3 endorsed plans ensuring that the built form outcome for Village Way is maintained.

4.1.5 The Western Interface (future Stage 2)

The Lot 4 building has a west facing interface to a future Stage 2 building. Whilst the final plans for Stage 2 are yet to be prepared, the indicative setbacks as shown on the Stage 3 endorsed plans have been maintained as part of this Application with marginal variations in the order of 0.1 metres.

4.1.6 Separation between Lot 3 and Lot 4 buildings.

The separation distances between the Lot 3 and Lot 4 buildings has maintained the range of setbacks represented in the Stage 3 endorsed plans. Setbacks vary between 9.88 metres and 13.9 metres between the buildings. An assessment of these setbacks / separation distances under the Moreland Apartment Design Controls (MADC) is provided later in this submission. Suffice to say that the proposal complies with the MADC requirements.

4.1.7 Internal separation distances for Lot 4 building.

Similar to the above, the separation distances between the eastern and western 'wing' of the Lot 4 building are generally consistent with those represented in the endorsed Stage 3 plans. An assessment of these setbacks / separation distances under the Moreland Apartment Design Controls (MADC) is provided later in this submission. Suffice to say that the proposal complies with the MADC requirements.

4.2 Building Presentation

The building exterior treatment is defined on the elevation plans, as well as the perspective images included in the architectural submission. The building materials and elements are varied including:

- Textured render
- Metal cladding with timber lining
- Ribbed natural concrete

- Fluted concrete with oxide finish
- Brick cladding
- Texture render with horizontal grooves
- Metal and timber cladding
- Timber elements of various types
- Metal framed clear balustrade glass
- Clear glazing in metal frame

4.3 Adaptable housing

The plans at TP 83 provide a list of adaptable units. There are a total of 32 apartment units which are adaptable which satisfies the 10% relevant requirements. All units are accessible via lifts and there are no ramps throughout the development that are not disabled compliant.

4.4 Staging of development

Stage 1 of development, comprised of the Lot 1 and Lot 2 buildings along with almost the entire basement area, was completed early in 2020 including the Coles Supermarket.

Pending the Section 72 approval sought being secured, Stage 3 commencement is imminent with arrangement already well underway for the appointment of a builder for the Stage.

4.5 Supporting Reports

4.5.1 ESD

The application is supported by a revised SMP report and a supplementary comparative assessment prepared by ADP Consulting which assesses the proposed amended Stage 3 development against the approved Stage 3 development.

In summary the ESD consultants 'Advice Notice' finds the following;

"An improved environmental performance has been observed due to the redesign, including:

- *Lot 3 NatHERS average improved from 7.5 Star average to 7.7 Star*
- *Lot 4 NatHERS average improved from 6.5 Star to 7.9 Star*
- *The redesign of apartments to generally receive more daylight/ ventilation (in accordance with the required separation distances – for example a 9m separation between Lot 4 Unit 1.18 & Lot 9 Unit 1.10)*
- *Improved daylight in Lot 4 apartments access due to the addition of light courts*
- *The previously approved Ground Floor apartments changed to common area / retail, obtaining a better outcome for daylight as these Ground Floor apartments would have received lower Daylight Factors.”*

The revised ESD report and Advice Note form part of the application package.

4.5.2 Traffic

A traffic report for the site has been prepared by Cardno PL. the report forms part of this application. The report compares the revised proposal with the Stage 3 endorsement and the Integrated Transport Plan as part of the approved Development Plan for EBV. The report finds the following;

“The proposed EBV development, inclusive of gym/yoga studio facilities on Lot Number 3 and a Cinema on Lot Number 4, is comparable to both the ITP and the endorsed development.

The overall parking provision and vehicle access arrangements are unchanged from the endorsed plans and in accordance with the ITP and thus satisfy requirements.

The bicycle parking provisions are unchanged from the ITP and the endorsed plans and thus satisfy requirements.

The development areas are generally comparable with both the ITP and the endorsed plans, with reduced number of residential dwellings and retail space, and the addition of a gym/yoga studio facility and a Cinema.

The increase in additional component uses – gym/yoga studio and Cinema – is offset by the reduction in residential units and retail floor area, and the overall proposed development remains comparable with the ITP development and the endorsed plans development.”

4.5.3 Waste Management

A revised Waste Management strategy for the site has been prepared by Leigh Design and forms part of the application. The recommendations of the Waste Management Plan are summarised as follows;

- *The operator, as defined below, shall be responsible for managing the waste system and for developing and implementing adequate safe operating procedures.*
- *Waste shall be stored within the development (hidden from external view).*
- *Residents and commercial tenants shall sort their waste and dispose garbage and recyclables into their respective collection bins.*
- *Waste shall be collected within the development. The collection contractor shall transfer bins between the storage areas and the waste truck.*
- *A private contractor shall provide waste collection services.*

4.5.4 Landscaping

Ground level landscaping and works remain unchanged per the endorsed Stage 3 Public Works Plan.

A landscape plan for the Lot 3 and Lot 4 communal areas is being prepared by JAM Architects with species selection by Dan Palmer of Very Edible Gardens Pty Ltd and will be submitted as a separate document post the lodgement of this Section 72 Application.

This plan forms part of the application.

4.5.5 Acoustic Report

With the inclusion of the Cinema Complex and wellness centre – in particular the gymnasium – as part of the Lot 3 and Lot 4 buildings an Acoustic assessment and report was commissioned to assess the impact of noise and vibration on the dwellings within the buildings.

The Acoustic Report prepared by SLR Consulting Australia Pty Ltd forms part of the Application package and makes the following findings;

“Potential noise impacts from these uses have been identified and assessment criteria have been nominated. Preliminary advice for noise control to achieve the identified criteria to provide for an appropriate level of acoustic amenity to noise sensitive receivers is provided in this report.

Based on our review, it is SLR’s professional opinion that the proposed uses can be designed to achieve compliance with the relevant limits and guidelines.”

4.5.6 Accessibility report

A revised Accessibility Report has been prepared by Philip Chun consulting. The report forms part of this application.

The report states the following;

- *This report has been further amended to support the Section 72 application changes relevant to Lots 3 and 4 of the project.*
- *This report addresses all aspects of access to and within the site with respect to the Building Code of Australia (BCA), Disability Discrimination Act 1992 (Cth) (DDA), and relevant Australian Standards as applicable to this project and confirms accessibility has been addressed in the associated planning documentation and confirms the Client’s commitment to the development of an equitable and accessible environment for all.*
- *This report confirms that not less than 10% of the project apartments have been appropriately designed as adaptable apartments.*

- The proposed development is capable of achieving access for people with disabilities and meeting relevant standards. The finer details with respect to BCA compliance may be finalised prior to the issue of a Building Permit.

5. MORELAND PLANNING SCHEME CONTROLS

5.1 Zoning

The site is included in the Commercial 1 Zone Schedule 1. The purpose of the zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

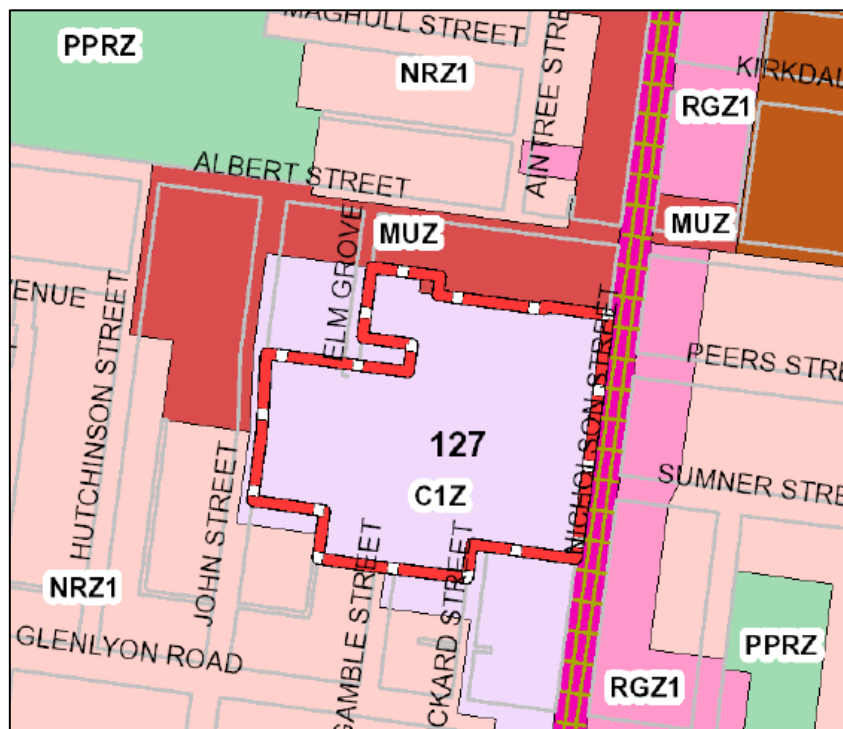


Figure 5 – Zoning plan {Source: Moreland Planning Scheme}

With regard to the Section 72 Application to amend the Planning Permit the use of land for a Cinema is a Section 1 – no permit required – land use. The use of land for a Restricted

Recreation Facility (Gym and Yoga Studio) is a Section 2 – Permit required – land use within the broader land use category of ‘Leisure and recreation facility’.

5.2 Building and Works

A permit is required to construct a building or carry out works pursuant to Clause 34.01-4 of the Zone. Planning Permit MPS/2013/979/D allows for buildings and works in accordance with the plans endorsed under the Permit. The proposed buildings and works associated with the Lot 3 and Lot 4 building in their amended form are sought to be endorsed under the primary consent already obtained for Stage 3 of the EBV development.

5.3 Design and Development Overlay

Schedule 20 to the Design and Development Overlay DDO20 includes the site within the Brunswick Activity Centre – Nicholson Street Local Area. Design objectives include:

- To create a new mid-rise built form character that provides a built form transition from the Nicholson Street Activity Corridor to adjoining low rise residential areas.
- To ensure development does not dominate and obstruct sightlines to existing key churches and iconic sites.
- To establish a consistent street wall along the western side of Nicholson Street between Miller Street and Albert Street.
- To ensure development is designed to respect the form and design of civic buildings and heritage places.
- To protect and enhance the amenity, and maintain solar access to existing public open spaces and key pedestrian streets, and maintain reasonable amenity for residential properties adjacent to and within the activity centre.

The Schedule states that *“building height should not exceed the preferred maximum building heights as shown in the Nicholson Street Local Area Built Form Controls, Map 1A (North) and*

Map 1B (South)". Whilst the Overlay specifies heights varying between 11 metres at the site's northern interface and up to 20 metres at the core of EBV the development form and scale for Stage 3 has already been approved. The Section 72 application to amend the Lot 3 and Lot 4 buildings as part of Stage 3 sees only a very minor (less than 1 metre) increase in the height of the buildings as outlined earlier in this report. Consistent with the Overlay and the current endorsed plans for Stage 3, the higher built form is concentrated at the centre of the site providing a transition in height to the edges of the EBV site.

The guiding document for building heights within EBV is the approved Development Plan (DP). The DP specifies heights in storeys rather than metres. That said, the heights within the DDO20 Overlay are discretionary and are in broad alignment with the heights approved in the DP. The buildings, as proposed in the Section 72 Application, are consistent with the built form outcomes contemplated and approved for East Brunswick Village.

5.4 Development Plan Overlay

In the Development Plan Overlay a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a Plan has been prepared to the satisfaction of the Responsible Authority. This does not apply if a Schedule to this Overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority.

The requirements of Clause 43.04-1 have been satisfied via the approved Development Plan and supporting documents of October 2012 and the revised Development Plan approved on 25 June 2018.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

Clause 43.04-3 sets out the requirement for exemption from notice and review:

“If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.”

This Application is to amend the current Permit and the plans already endorsed for Stage 3 which has already been assessed to be generally in accordance with the approved Development Plan and therefore notice is not required to be given.

5.5 Development Contributions Plan Overlay

EBV is the subject of a negotiated outcome with respect to development contributions.

5.6 Schedule 1 to The Parking Overlay

For all uses listed in Table 1 of Clause 52.06-5, the number of car parking spaces required for a use is calculated using the Rate in Column B of that Table. As outlined earlier in this report, as part of pre-application discussions with Council, including Council’s Development Engineer, it was determined that the proposed amendments to Stage 3 were within the bounds of the approved integrated Transport Plan which forms part of the approved Development Plan for EBV. This assessment is again provided as part of the Section 72 Application package of documents.

5.7 Environmental Audit Overlay

The site is affected by the Environmental Audit Overlay Clause 45.03 requires that before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

A Statement of Environmental Audit was issued on the 11th October 2018 by an Environmental Auditor appointed pursuant to the Environment Protection Act 1970.

5.8 Car Parking

Clause 52.06 requires a planning permit to:

- Reducing (including reducing to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

The parking and loading requirements for the application are detailed in the Traffic and Transport Assessment prepared by Cardno. The assessment provides a review of the Scheme's requirement and the car parking rates generated by the development. The report concludes that the overall provision of approximately 1,200 car spaces is adequate to meet the site's projected parking demand.

5.9 Bicycle Parking

Clause 52.34-3 specifies the requirements for bicycle parking as follows:

- For offices, 1 space per 300m² of net floor area plus 1 space per 1,000m² for visitors is required.
- For a shop the requirement is 1 space per 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm for visitors and shoppers, and 1 space to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sq metres.

- For a retail premises the requirement is 1 space to each 300 sq m of leasable floor area for visitors and shoppers and 1 space to each 500 sq m of leasable floor area.
- For dwelling developments of four or more storeys, 1 to each 5 dwellings for visitors in developments of four or more storeys, 1 to each 10 dwellings.

The development provides for a total of 967 bicycle spaces.

5.10 Clause 65.01 Decision Guidelines

Clause 65.01 states that before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate (as relevant):

- The matter set out in Section 60 of the Act;
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- The purpose of the zone, overlay or other provision;
- Any matter required to be considered in the zone, overlay or other provision;
- The orderly planning of the area;
- The effect on the amenity of the area;
- The proximity of the land to any public land and;
- Whether the proposed development is designed to maintain or improve the quality of stormwater within the existing the site.

5.11 State Planning Policy Framework

State and Planning Policies provide very strong support for more intensive and higher density residential development within and close to Activity Centres. A medium scale residential development on the site is consistent with these Policies.

Policies within the State Planning Policy Framework that are relevant to the proposal are as follows:

- Clause 9 – Plan Melbourne 2017-2050
- Clause 11 - Settlement
- Clause 11.03-1S- Activity Centres
- Clause 15.01-1S - Urban Design
- Clause 15.02-1 - Energy and Resource Efficiency
- Clause 16 – Housing
- Clause 17.02-1S - Business
- Clause 18 - Transport.

‘Plan Melbourne’ sets out the Victorian Government’s vision for the city to 2050. It flags that Melbourne’s population has grown significantly over the last decade and is expected to continue to grow over coming decades to an extent where an additional one million dwellings will be required. New housing will need to address the needs of a diverse community and particularly an ageing population and other smaller household types.

‘Plan Melbourne’ advocates for better use of existing infrastructure and services with particular emphasis on “redeveloping under-utilised and well located urban areas to house more people and create opportunities for new investment in businesses and services”. It also promotes the notion of ‘20 minute neighbourhoods’ where people have access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from their front door.

In regard to affordable housing ‘Plan Melbourne’ acknowledges that affordability “is more than just the price of a house, but includes the cost of living”. It encourages the planning system to allow for the delivery of a flexible supply of new housing in locations that are well served by their proximity to jobs, services and public transport as a means of addressing / reducing the cost of living associated with living in Melbourne.

‘Plan Melbourne’ also advocates for a city that will transition towards being more sustainable through initiatives such as creating more compact cities, making better use of transport infrastructure, greening metropolitan areas and encouraging active forms of transport such as walking and cycling.

State and Local Planning Policies provide very strong support for more intensive and higher density residential development on the land.

5.12 Local Planning Policy

Municipal Strategic Statement

The Municipal Strategic Statement (MSS) at Clause 21.01 “Municipal Profile” lists the key issues facing the municipality as:

- Population growth and associated needs for housing, infrastructure community facilities, employment and services;
- Housing supply, choice and affordability;
- Industry in transition;
- Open space and;
- Climate change and community health and wellbeing.

Moreland’s strategic “Vision” at Clause 21.02 states that the Coburg, Brunswick and Glenroy Activity Centres are identified to accommodate the most significant change of all the activity centres. It states further that:

“Increased housing densities in the form of apartments and townhouses are encouraged in these activity centres. In these locations, neighbourhood character is expected to change over time, commensurate with the role and size of the centre in the overall network of centres.”

“Coburg, Brunswick and Glenroy Activity Centres should accommodate a significant increase in medium and higher density housing in accordance with the relevant zones and overlays.”

This is emphasised at Clause 21.03-1 “Activity Centres” which encourages a mix of uses in activity centres. It has the following complementary strategies:

“Encourage the Coburg, Brunswick and Glenroy Activity Centres to accommodate substantial growth and change.”

“Encourage a mix of retail, office, commercial, entertainment and community uses to be located within activity centres.”

“To support activity centres as important commercial and employment clusters.”

This clause also seeks to contribute to housing affordability and also to increase the supply of housing that is visitable and adaptable to meet the needs of different sectors of the community.

Clause 21.03-3 Housing seeks:

To provide housing diversity to meet community needs encouraging the facilitation of a range of different housing types in different locations with a further emphasis on increased density housing to be located in the three major Activity Centres of Coburg, Brunswick and Glenroy.

Clause 21.03-4 “Urban Design Built Form and Landscape Design” encourages development to respond to its context as well as providing quality living environments and landscape provision.

Clause 21.03-5 “Environmentally Sustainable Development” seeks to encourage development to contribute to environmental sustainability including maximising water conservation and energy efficiency.

Clause 22.01 Neighbourhood Character

This policy seeks to support *“substantial change and create a new character of increased density and scale of built form”*, as defined in the relevant Zone or Overlay, Structure Plan

and/or Place Framework for the Brunswick Activity Centre and, more specifically the East Brunswick Village site.

Clause 22.07 Apartment Developments of Five or More Storeys

This policy complements the “Moreland Apartment Design Code” (MADC) and Clause 58 in the assessment of apartments developments of five or more storeys. The policy carries the following objectives;

- To allow adequate daylight to living rooms and bedrooms.
- To provide opportunities for open space and landscaping areas.
- To ensure buildings are located and designed to reduce overlooking into habitable rooms and private open space areas.
- To provide a reasonable outlook from living areas.
- To ensure the reasonable future development opportunities of adjoining sites.
- To ensure the amenity impacts on adjoining sites are considered.

Clause 22.08 Environmentally Sustainable Development

This policy states that an *“overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.”*

“It is a policy to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.”

6. PLANNING CONSIDERATIONS

State and Local Planning Policy provide very strong support for more intensive mixed use development, incorporating higher density residential accommodation, within or proximate to Activity Centres, on main roads and / or in established urban areas. A medium scale mixed use development on the subject site is consistent with these Policies.

In summary the amendments sought to the Lot 3 and Lot 4 buildings as part of the approved Stage 3 development within the East Brunswick Village are consistent with State and Local Planning Policy as follows:

- The revised proposal will continue to ensure the efficient and effective use of underutilised land within the Nicholson Street Precinct as part of the Brunswick Activity Centre and the services and functions that the Centre provides.
- The site's locality within the Activity Centre with adjacent tram, bus and bicycle routes will help to reduce dependence on private car use.
- The amended proposal will contribute to the efficient use of existing investment in public infrastructure.
- The amended proposal will contribute to the ongoing development of Activity Centres within Moreland as a focus for increased employment, business activity and residential population proximate to existing and proposed community and retail services and public transport.
- The amended proposal will contribute to the provision of diverse housing choice within the City of Moreland through a variation in dwelling types to that found in the surrounding residential hinterland to the Activity Centre including three bedroom apartments.
- The amended proposal will contribute to the ongoing commercial viability of the East Brunswick Village as part of the Brunswick Activity Centre through the introduction of a Cinema Complex comprised of six cinema with a seating capacity of 405, a gymnasium and yoga studio. These uses will make a valuable contribution to the ongoing role this site and nearby higher order Centres serve in supporting the commercial, employment, leisure, health & wellbeing, and housing needs of the local and broader community.

6.1 Consistency with State Policy

At a State Policy level Activity Centres are identified as the preferred sites for further development and intensification. The site benefits from its location within an identified Activity Centre and its proximity to public transport which connects through to the Melbourne CBD, education, health services, local and regional open space.

Clause 9 – Plan Melbourne 2017-2050. ‘Plan Melbourne’ sets out the Victorian Government’s vision for the city to 2050. It flags that Melbourne’s population has grown significantly over the last decade and is expected to continue to grow over coming decades to an extent where an additional one million dwellings will be required. New housing will need to address the needs of a diverse community and particularly an ageing population and other smaller household types.

‘Plan Melbourne’ advocates for better use of existing infrastructure and services with particular emphasis on “redeveloping under-utilised and well located urban areas to house more people and create opportunities for new investment in businesses and services”. It also promotes the notion of ‘20 minute neighbourhoods’ where people have access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from their front door.

In regard to affordable housing ‘Plan Melbourne’ acknowledges that affordability “*is more than just the price of a house, but includes the cost of living*”. It encourages the planning system to allow for the delivery of a flexible supply of new housing in locations that are well served by their proximity to jobs, services and public transport as a means of addressing / reducing the cost of living associated with living in Melbourne.

‘Plan Melbourne’ also advocates for a city that will transition towards being more sustainable through initiatives such as creating more compact cities, making better use of transport

infrastructure, greening metropolitan areas and encouraging active forms of transport such as walking and cycling.

Overview – the amended proposal for Stage 3 of EBV is consistent with the broad initiatives of ‘Plan Melbourne’ in the following ways;

- It will make a significant contribution to the supply and diversity of housing within inner Melbourne with particular emphasis remaining on providing housing suitable for smaller households.
- It will make better use of an under-utilised site through the provision of new leisure, health and wellbeing facilities whilst still allowing for increased and varied housing opportunities in a location that is well served by existing infrastructure, particularly public transport, employment opportunities and services – all within walking distance of the site.
- It will contribute to housing affordability, particularly in regard to cost of living and the advantages the site’s geographically strategic location will afford its residents.
- The site is located walking distance to bus services. The proposal will make a significant contribution to the cities transition to a more sustainable city and will encourage more active forms of transport such as walking and cycling.

The revised proposal is in keeping with the key directions that encourage infill development and consolidation within established urban areas and near public transport. These broad strategic directions are articulated in the State section of the Moreland Planning Scheme. The manner in which the proposal responds to the relevant sections of State Planning Policy are summarised as follows.

Clause 11 – Settlement - The amended proposal will continue to ensure that the EBV site will make a major contribution to optimising housing opportunities within the metropolitan area. EBV achieves this is through urban renewal and infill development in a location that has the

benefit of proximity to employment opportunities, established recreation and open space opportunities, commercial and community facilities and public infrastructure including the metropolitan public transport network.

Clause 15.01-1 & 15.01-2 – Urban Design & Building Design – the amended design continues to meet the very high standard in architectural and urban design outcomes already established in Stage 1 of the EBV development. The proposal will contribute positively to local urban character and enhance the public realm through an active and engaging interface to its various external and internal street frontages while minimising detrimental impacts on neighbouring properties and within the site itself through the use of appropriate setbacks and built form.

Clause 15.01-5 – Neighbourhood Character – the revised proposal in terms of its scale and built form is in essence the same as the current endorsed Stage 3 plans. The amended proposal is therefore consistent with the preferred and emerging built form character envisaged for the Brunswick Activity Centre and specifically the East Brunswick Village.

Clause 15.02-1 – Energy and Resource Efficiency – The proposal has been designed to maximize opportunities for the efficient use of energy. It does this by orienting, where possible, private open space, living areas and bedrooms of the proposed dwellings in order to allow for maximum benefits from solar access to these areas as well as adopting appropriate setbacks and building separations.

The proposal will also contribute to the minimisation of greenhouse gas emissions through the concentration of housing in a location that is well served by public transport and the services and functions within the East Brunswick Village and the Brunswick Activity Centre thereby encouraging a reduced reliance on the use of private cars. The proposal is supported by a Sustainability Management Plan.

Clause 17.02-1S – Business – seeks to “*encourage development that meets the community’s needs for retail, entertainment, office and community services.*” The amended proposal for Stage 3 will ensure that East Brunswick Village meets all of these needs with the inclusion of the cinema complex, gym and yoga studio in addition to the retail spaces and medical centre carried over from the endorsed Stage 3 plans for the Lot 3 and Lot 4 buildings.

6.2 Consistency with Local Policy

At Clause 21 of the Moreland Planning Scheme the Municipal Strategic Statement (MSS) sets down broad directions for Activity Centres. The Brunswick Activity Centre is designated as one of Moreland’s three Major Activity Centres. The amended proposal for Stage 3 is consistent with the MSS objectives and strategies for the Brunswick Activity Centres as follows;

- The proposal will contribute to maintaining the role of the Brunswick Activity Centre in meeting the needs of the local community. The proposal will add to the role that EBV plays within the Brunswick Activity Centre through the provision of additional commercial space, leisure and entertainment facilities (cinema, gym and yoga studio) and diverse housing opportunities within the Centre including one, two and three bedroom apartments.
- The proposal provides active frontages to each of external and internal street frontages.
- The proposal achieves design excellence and is visually attractive and engaging with an appropriate degree of articulation. It will have a positive effect on the site’s visual and streetscape amenity and will not impact negatively on the surrounding area.
- The design promotes social interaction and a safer urban environment through increased passive surveillance and an ongoing commercial and residential presence outside of business hours through the introduction of the cinemas, gym and yoga studio.

- The building is provided with a lift core to all levels ensuring accessibility for people with limited or changing mobility.
- The proposed mix of uses will contribute to the long-term viability and competitiveness of the site and the Activity Centre as a whole.

6.3 Compliance with the approved Development Plan

The revised proposal for the Lot 3 & Lot 4 buildings as part of Stage 3 has been assessed against the five key criteria of the approved Development Plan. It is important to acknowledge that Stage 3 of EBV has already been approved with endorsed plans secured for the entire stage late in 2019. The current Section 72 application relates to only two of the five buildings that comprise Stage 3. For the most part Stage 3 remains much the same albeit with the proposed additional land uses within the Lot 3 and Lot 4 buildings. As per the current endorsed Stage 3 the amended Stage 3 proposal is considered to be in compliance with the approved Development Plan as follows;

- **Road network and access** – The primary road network serving EBV is essentially unchanged as part of the proposed amendment. Access to the Lot 4 retail loading bay will now take place from Village Way with Fasteners Way now truncated at the eastern end of the pedestrian link located north of the Lot 4 building. This will ensure greater separation between dedicated pedestrian and vehicular movements through the EBV site consistent with the intended outcomes in the Development Plan. The majority of vehicle movements entering and exiting the site will be from the signalised intersection of Village Way and Nicholson Street.
- **Car parking and loading** - Car parking numbers and loading areas are as per the approved / endorsed plans for Stage 3. Car parking provision remains at 1,180 car spaces with loading bays considered to be adequate for the loading requirements of the retail spaces.
- **Building Heights** – The building heights of the revised Lot 3 and Lot 4 buildings are less than 1 metre higher at their roof level than the current endorsed plans for Stage 3 with no change to the number of storeys within each building. The

building heights remain consistent with those contemplated under the approved Development Plan.

- **Building setback** – Building setbacks are predominantly unchanged in comparison with the current endorsed plans and therefore remain generally in accordance with the building setbacks contemplated under the approved Development Plan.
- **Shadow impacts** – Shadow analysis has been prepared for each hour between 9.00am and 3.00pm at the September equinox. Given the changes to the Lot 3 & 4 buildings are minimal in regard to their height and shape the shadow impacts from the Stage 3, for the most part, are contained within the EBV site with afternoon shadowing at 3pm falling within the Nicholson Street road reserve with no impact on the residential properties on the opposite side of Nicholson Street. The shadow impacts of Stage 3 have previously been considered acceptable as part of the current endorsement for Stage 3 and therefore as the current shadow analysis represents and almost identical outcome it is considered that the revised proposal is satisfactory in regard to this specific consideration.

In addition to the above it is also worthwhile re-iterating that pre-application discussions with Moreland City Council determined that the proposed inclusion of the Cinema complex and the Restricted Recreation Facility (Gym and Yoga Studio) were consistent with the approved Development Plan – including the Integrated Transport Plan – and that an amendment to the Development Plan is not required.

6.4 Clause 22.07 – Apartments over five storeys and Moreland Apartment Design Code (MADC)

The amended proposal has been assessed against the Moreland Apartment Design Code (MADC) on a voluntary basis. It is important to note that the EBV Planning Permit pre-dates the introduction of MADC. The primary consideration remains the consistency that the proposal achieves with the approved Development Plan.

The proposal satisfies the requirements of the Code as outlined in the MADC Checklists, provided as attachments to this report, prepared for each of the two amended buildings.

7. CONCLUSIONS

This application is in direct alignment with the approved Development Plan and generally consistent with the current Planning Permit and endorsed plans for Stage 3.

This application to amend the planning permit and endorsed plans for Stage 3 is supported by a raft of State and Local Planning Policy.

The plans and reports supporting this application outline a consistent approach to the development of the site to that already endorsed by Council through the approved Development Plan, Planning Permit and endorsed plans.

This application like others before, ought not to be advertised as it does not materially differ from the approved Development Plan but rather augments it.

Giovanni Gattini

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