



Moreland City Council

Minutes of the Planning and Related Matters Meeting

Held at the Council Chamber, Moreland Civic Centre,
90 Bell Street, Coburg
on Wednesday 26 May 2021

The Mayor opened the meeting at 6.30 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Present	Time In	Time Out
Cr Annalivia Carli Hannan, Mayor	6.30 pm	7.40 pm
Cr Mark Riley, Deputy Mayor	6.30 pm	7.40 pm
Cr Adam Pulford	6.30 pm	7.40 pm
Cr Angelica Panopoulos	6.30 pm	7.40 pm
Cr Helen Davidson	6.30 pm	7.40 pm
Cr Helen Pavlidis	6.30 pm	7.40 pm
Cr James Conlan	6.30 pm	7.40 pm
Cr Lambros Tapinos	6.30 pm	7.11 pm
Cr Milad El-Halabi	Apology	
Cr Oscar Yildiz JP	6.30 pm	7.40 pm
Cr Sue Bolton	6.30 pm	7.40 pm

APOLOGIES/LEAVE OF ABSENCE

An apology was received from Cr El-Halabi.

OFFICERS

Unit Manager Urban Planning – Mark Hughes
Planning Coordinator – Vita Galante
Yvonne Callanan – Manager Governance and Strategy
Tracey Classon - Governance and Council Business Officer

DISCLOSURES OF CONFLICTS OF INTEREST

Cr Tapinos disclosed a general conflict of interest in item 5.3 - 429 Albert Street, Brunswick - Planning Application MPS/2020/674 based on amenity.

MINUTE CONFIRMATION

Resolution

Cr Riley moved, Cr Pulford seconded -

The minutes of the Planning and Related Matters Meeting held on 28 April 2021 be confirmed.

Carried

COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT - MARCH QUARTER 2021

Officer Recommendation

That Council:

1. Notes the City Development Activity Report – March Quarter 2021.

Resolution

Cr Riley moved, Cr Panopoulos seconded -

That Council:

1. Notes the City Development Activity Report – March Quarter 2021.

Carried

5.2 57 MELVILLE ROAD, BRUNSWICK WEST, PLANNING PERMIT APPLICATION (MPS/2020/515)



Property:	57 Melville Road, BRUNSWICK WEST VIC 3055
Proposal:	Development of the land for a five storey building, use of the land for dwellings and a reduction in the standard car parking requirement for the dwellings and a ground floor restaurant
Zoning and Overlays:	- Commercial 1 Zone - Fronts a Road Zone Category 1 (Melville Road) - Design and Development Overlay - Schedule 24 - Development Contributions Plan Overlay – Schedule 1 - Parking Overlay - Precinct 1
Strategic setting:	Minimal housing growth Incremental housing growth Increased house densities encouraged Significant housing growth
Objections:	9 objections - Key issues: ➢ Car Parking ➢ Overlooking ➢ Previous VCAT decision on the site
Objector consultation meeting:	- Date: 22 April 2021 - Attendees: 8 objectors, the applicant and 2 Council officers - At this meeting the applicant agreed to increase car parking and provide more screening to reduce overlooking.
ESD:	- Minimum average NatHERS rating of 7.8 stars. - BESS Score of 61% - STORM Rating of 101%
Accessibility:	All but one of the apartments are adaptable, which means the relevant accessibility requirement will be exceeded.
Key reasons for support:	- Adequately responds to previous VCAT decision on the site - High quality materials and building design - High level of compliance with the internal amenity requirements
Recommendation:	Notice of Decision to Grant a Planning Permit be issued for the proposal.

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2020/515 be issued for Development of the land for a five storey building, use of the land for dwellings and a reduction in the standard car parking requirement for the dwellings and a ground floor

restaurant at 57 Melville Road, Brunswick West, subject to the following conditions:

Amended Plans Condition

1. Before the use and 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 the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised 12 February 2021 but modified to show:
 - a) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 3c of this permit.
 - b) The provision of an additional 3 car parking spaces, which will result in:
 - i. The provision of a car stacker system in the basement;
 - ii. Onsite car parking being a minimum of 12 spaces; and
 - iii. 1 car parking space for each dwelling and 3 spaces for the ground floor commercial tenancy.
 - c) The noise attenuation measures recommended in the advertised acoustic report completed by Acoustic Control (Report No. DL1602-1) reflected on the plans.
 - d) Any further acoustic attenuation measures to the proposed car stacker system, if required by the Acoustic Report in accordance with Condition 12 of this permit.
 - e) All west facing balconies with screening in the form of a metal shelf that is 500mm wide and at a height of 1320mm above finished floor level, in accordance with the Sectional Diagrams prepared by Map Architecture, referenced as TP250 Revision B dated 14/5/21.
 - f) The bicycle storage room designed to have either self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3). Two spaces in the storage room are to be allocated to staff of the commercial use.
 - g) Details and notations implementing the Waste Management Plan in accordance with Condition 7 of this permit.
 - h) The verandah dimensioned and not projecting beyond the street alignment, unless it is setback not less than 750mm from the kerb and at a height less than 3m above the level of the footpath, in accordance with Clause 507 of the Building Regulations 2006.
 - i) Detailing of the ramp from the basement to the ROW. Any ramp from the car park to the ROW must be contained entirely within the site leaving the laneway levels unaltered.
 - j) Plans to demonstrate how each dwelling is provided with conveniently accessible, usable and secure storage in accordance with Standard D20 (Storage objective) of Clause 58.05-4.
 - k) The bathroom door design of Apartment 103 and shower designs of the accessible dwellings to meet the design requirements of Standard D17 (Accessibility objective) of Clause 58.05-1.
 - l) A notation on the basement plan that 'no additional columns are to be placed in the car park'.

Compliance with Endorsed Plan Condition

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.01, 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Environmentally Sustainable Design Conditions

3. Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The Sustainable Management Plan must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP advertised 12/02/2021 by M3 Consulting but modified to include the following changes:
 - a) Amend the BESS report (and any other corresponding documentation) to:
 - i. No longer claim that 100% of dwellings are effectively Ventilated; and provide marked up ventilation pathways on plans (showing the length of the breeze path) as per BESS criteria for any dwellings for which natural ventilation has been claimed.
 - b) Provide updated NatHERS rating certificates for apartment 2.03 and 3.03 to demonstrate cooling loads less than 30Mj/m2
 - c) Show the following ESD initiatives on the development plans:
 - i. Location and type of all common area submeters
 - ii. External operable shading devices to west facing glazing of all bedrooms and living rooms, to block peak summer afternoon sun. A product diagram or section detail of the proposed device must be provided.
 - iii. The notation on plans specifying the rainwater re-use which is consistent with the SMP and STORM report
 - iv. The location of the designated electric vehicle parking bay and location of charging infrastructure
 - v. A Landscape plan showing the cross-sectional detail with dimensions of the planter box/raised planters and the proposed plant selection for all the vegetated areas together with substrate materials, drainage, irrigation and structural support required
 - vi. The glazing specifications (U-value/SHGC) in the window schedule as per the glazing specifications in the NatHERS ratings

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

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

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainability Management Plan report to the satisfaction of the Responsible Authority.
5. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

DCP Condition

6. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development

Contributions Plan. 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 permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
- Prior to the issue of a Statement of Compliance for the subdivision;

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

Waste Management Plan Conditions

7. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The WMP must be generally in accordance with the WMP completed by M3 Consulting and advertised 12 February 2021 but modified to include:
 - a) Additional information about the management of hard waste from the site.
 - b) Provision for separate glass collection in preparation for a four-bin waste and recycling system for both the residential and commercial use.

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

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

Landscape Maintenance Condition

9. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.
10. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

Acoustic Attenuation

12. Prior to the endorsement of plans, an amended Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be generally in accordance with the report prepared by Acoustic Control (Report No. DL1602-1 advertised by Council on 12 February 2021) but must detail recommended noise attenuation measures to ensure that:
 - a) Noise emissions from the operation of car stackers, roller doors and the use of the car park do not impact adversely on the amenity of dwellings within the

development and neighbouring residential properties.

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

13. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Acoustic Report approved pursuant to this permit or similarly qualified person or company must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.

Stormwater Conditions

15. 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).
16. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority

Balconies Conditions

17. The surface of all balconies are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.
18. Lighting on each balcony must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.

Expiry Condition

19. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;

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

Notes: These notes are for information only and do not constitute part of this notice of decision or conditions of this notice of decision.

Note 1: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street. Occupiers are eligible for the resident A parking permit which only permits parking in limited areas. The resident parking permits and Resident A parking permit are subject to future reviews and change. See Council's website for more information:

<https://www.moreland.vic.gov.au/parking-roads/parking-permits/residential-parking-permits/>.

Note 2: This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.moreland.vic.gov.au/planning->

building/ and click on 'Moreland Development Contributions Plan (DCP)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.

Amendment

Cr Bolton moved, Cr Tapinos seconded -

The Council resolves:

That a Refusal to Grant Planning Permit No. MPS/2020/515 be issued for the development of the land for a five storey building, use of the land for dwellings and a reduction in the standard car parking requirement for the dwellings and a ground floor restaurant at 57 Melville Road, Brunswick West on the following grounds:

1. The height and setbacks of the development fails to achieve the built form requirements and objectives of the Design and Development Overlay Schedule 24 (Clause 43.02), the Moreland Neighbourhood Centres Strategy (2017) and does not provide a suitable transition to the Neighbourhood Residential Zone at the rear of the site, contrary to the strategy at Clause 15.01-2L (Building design in Neighbourhood and Local Centres) of the Moreland Planning Scheme.
2. The development fails to provide sufficient car parking, including for the restaurant, in accordance with the requirements of Clause 52.06 (car parking) of the Moreland Planning Scheme.
3. The proposal fails to achieve the 'Indoor Environment Quality' strategies of Clause 15.02-1L (Environmentally Sustainable Design) as a result of poor daylight to some habitable rooms.

6.55 pm Cr Yildiz left the meeting.

The amendment was put to the vote.

Lost

6.56 pm Cr Yildiz returned to the meeting

Resolution

Cr Conlan moved, Cr Pulford seconded -

The Council resolves:

That a Notice of Decision to Grant a Planning Permit No. MPS/2020/515 be issued for Development of the land for a multi-level building, use of the land for dwellings and a reduction in the standard car parking requirement for the dwellings and a ground floor restaurant at 57 Melville Road, Brunswick West, subject to the following conditions:

Amended Plans Condition

1. Before the use and 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 the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised 12 February 2021 but modified to show:
 - a) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 3c of this permit.
 - b) The provision of an additional 3 car parking spaces, which will result in:
 - i. The provision of a car stacker system in the basement;
 - ii. Onsite car parking being a minimum of 12 spaces; and

- iii. 1 car parking space for each dwelling and 3 spaces for the ground floor commercial tenancy.
- c) The noise attenuation measures recommended in the advertised acoustic report completed by Acoustic Control (Report No. DL1602-1) reflected on the plans.
- d) Any further acoustic attenuation measures to the proposed car stacker system, if required by the Acoustic Report in accordance with Condition 12 of this permit.
- e) All west facing balconies with screening in the form of a metal shelf that is 500mm wide and at a height of 1320mm above finished floor level, in accordance with the Sectional Diagrams prepared by Map Architecture, referenced as TP250 Revision B dated 14/5/21.
- f) The bicycle storage room designed to have either self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3). Two spaces in the storage room are to be allocated to staff of the commercial use.
- g) Details and notations implementing the Waste Management Plan in accordance with Condition 7 of this permit.
- h) The verandah dimensioned and not projecting beyond the street alignment, unless it is setback not less than 750mm from the kerb and at a height less than 3m above the level of the footpath, in accordance with Clause 507 of the Building Regulations 2006.
- i) Detailing of the ramp from the basement to the ROW. Any ramp from the car park to the ROW must be contained entirely within the site leaving the laneway levels unaltered.
- j) Plans to demonstrate how each dwelling is provided with conveniently accessible, usable and secure storage in accordance with Standard D20 (Storage objective) of Clause 58.05-4.
- k) The bathroom door design of Apartment 103 and shower designs of the accessible dwellings to meet the design requirements of Standard D17 (Accessibility objective) of Clause 58.05-1.
- l) A notation on the basement plan that 'no additional columns are to be placed in the car park'.
- m) The deletion of level 3 (top level), to reduce the overall height of the building to a maximum of four storeys.
- n) The size of the light courts be increased to a dimension of 4.5 metres by 3 metres.

Compliance with Endorsed Plan Condition

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.01, 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Environmentally Sustainable Design Conditions

- 3. Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The Sustainable Management Plan must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP advertised 12/02/2021 by M3 Consulting but modified to include

the following changes:

- a) Amend the BESS report (and any other corresponding documentation) to:
 - i. No longer claim that 100% of dwellings are effectively Ventilated; and provide marked up ventilation pathways on plans (showing the length of the breeze path) as per BESS criteria for any dwellings for which natural ventilation has been claimed.
- b) Provide updated NatHERS rating certificates for apartment 2.03 and 3.03 to demonstrate cooling loads less than 30MJ/m²
- c) Show the following ESD initiatives on the development plans:
 - i. Location and type of all common area submeters
 - ii. External operable shading devices to west facing glazing of all bedrooms and living rooms, to block peak summer afternoon sun. A product diagram or section detail of the proposed device must be provided.
 - iii. The notation on plans specifying the rainwater re-use which is consistent with the SMP and STORM report
 - iv. The location of the designated electric vehicle parking bay and location of charging infrastructure
 - v. A Landscape plan showing the cross-sectional detail with dimensions of the planter box/raised planters and the proposed plant selection for all the vegetated areas together with substrate materials, drainage, irrigation and structural support required
 - vi. The glazing specifications (U-value/SHGC) in the window schedule as per the glazing specifications in the NatHERS ratings

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

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

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainability Management Plan report to the satisfaction of the Responsible Authority.
5. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

DCP Condition

6. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development Contributions Plan. 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 permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

- ☐ **For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or**
- ☐ **Prior to the issue of a Statement of Compliance for the subdivision;**

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

Waste Management Plan Conditions

- 7. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The WMP must be generally in accordance with the WMP completed by M3 Consulting and advertised 12 February 2021 but modified to include:**

- a) Additional information about the management of hard waste from the site.**
- b) Provision for separate glass collection in preparation for a four-bin waste and recycling system for both the residential and commercial use.**

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

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

Landscape Maintenance Condition

- 9. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.**
- 10. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**
- 11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.**

Acoustic Attenuation

- 12. Prior to the endorsement of plans, an amended Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be generally in accordance with the report prepared by Acoustic Control (Report No. DL1602-1 advertised by Council on 12 February 2021) but must detail recommended noise attenuation measures to ensure that:**
- a) Noise emissions from the operation of car stackers, roller doors and the use of the car park do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.**

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

13. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Acoustic Report approved pursuant to this permit or similarly qualified person or company must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.

Stormwater Conditions

15. 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).
16. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority

Balconies Conditions

17. The surface of all balconies are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.
18. Lighting on each balcony must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.

Expiry Condition

19. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;

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

Notes: These notes are for information only and do not constitute part of this notice of decision or conditions of this notice of decision.

Note 1: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street. Occupiers are eligible for the resident A parking permit which only permits parking in limited areas. The resident parking permits and Resident A parking permit are subject to future reviews and change. See Council's website for more information: <https://www.moreland.vic.gov.au/parking-roads/parking-permits/residential-parking-permits/>.

Note 2: This permit contains a condition requiring payment of Development

Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.moreland.vic.gov.au/planning-building/> and click on 'Moreland Development Contributions Plan (DCP)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.

Carried

7.10 pm Cr Bolton left the meeting.

7.11 pm Cr Tapinos left the meeting due to his disclosed conflict of interest in item 5.3 and did not return.

7.11pm Cr Conlan left the meeting.

Motion

Cr Pavlidis moved, Cr Yildiz seconded -

That Council adjourn the meeting.

LOST

Cr Bolton returned to the meeting at 7.14pm.

Cr Pulford left the meeting at 7.20pm and returned at 7.21pm.

Cr Conlan returned to the meeting at 7.22pm.

5.3 429 ALBERT STREET, BRUNSWICK - PLANNING APPLICATION MPS/2020/674



Property:	429 Albert Street, Brunswick
Proposal:	Construction of two 8 storey buildings (with roof top terraces) containing dwellings and food and drink premise and 10 three storey dwellings over two basement levels and a reduction in the standard car parking requirements
Zoning and Overlays:	• Mixed Use Zone (MUZ) • Design and Development Overlay (DDO26) • Environmental Audit Overlay (EAO) • Development Contributions Plan Overlay (DCPO)
Strategic setting:	Minimal housing growth Incremental housing growth Increased house densities encouraged Significant housing growth
Objections:	• 162 objections • Key issues: • Building height and visual bulk • Setbacks to residential land, the park and Albert Street • Parking and traffic

Planning Information and Discussion (PID) Meeting:	• Date: 29 April 2021 • Attendees: 43 objectors, the applicant and representatives, Council officers, and Deputy Mayor Cr Riley and Cr Conlan • No changes were agreed to; however the meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.
ESD:	• Minimum average NatHERS rating of 6.5 stars
Accessibility:	• Adaptable apartments comprise 65% of the proposal
Key reasons for refusal	• Unacceptable visual bulk to Clifton Park and the rear of properties fronting Albert and Pearson Streets • Inconsistency with built form requirements and design objectives of DDO26 • On and off site amenity impacts
Recommendation:	It is recommended that Council's submission to VCAT be that no planning permit should be issued for the proposal, based on the grounds outlined in the recommendation.

Officer Recommendation

That Council's submission to the Victorian Civil and Administrative Tribunal be that no planning permit should be issued for application No. MPS/2020/674 which seeks permission for the construction of two 8 storey buildings (with roof top terraces) containing dwellings and food and drink premise and 10 three storey dwellings over two basement levels and a reduction in the standard car parking requirements at 429 Albert Street, Brunswick, based on the following grounds:

1. The proposal fails to comply with the design objectives, built form requirements and decision guidelines of the Design and Development Overlay (Schedule 26) of the Moreland Planning Scheme and will not adequately respond to the preferred future character for the area, including that:
 - a) The proposal fails to provide meaningful breaks between buildings, creating a continuous wall of built form along Clifton Park and rear of properties fronting Albert and Pearson Streets.
 - b) The siting and setbacks fail to ensure that height above 4 storeys is visually recessive when viewed from Clifton Park and the rear of properties fronting Albert and Pearson Streets.
 - c) The bulk, location and appearance of the western interface of Buildings A and B does not scale down to respond to the lower scale and heritage significance of existing dwellings. This includes siting and setbacks that fail to comply with the Clause 55 standards and objectives of Standards B17 (Side and rear setbacks), B21 (Overshadowing) and B22 (Overlooking).
 - d) The proposal fails to provide a 3 metre landscaped setback and 4 storey (15 metre) height at its interface to Clifton Park. This in combination with the setback of upper levels and lack of landscaping opportunities fails to achieve a pedestrian scale to the precinct edge and a quality landscape design to integrate with the parkland context.
 - e) The proposal fails to ensure that building massing, separation and orientation optimises park views for new dwellings with the inadequate separation distance between Buildings A and B.

- f) The provision of high fencing, booster cabinet and substation to Albert Street fail to provide a quality public realm interface, by limiting activation to Albert Street and opportunities for passive surveillance at the street level.
 - g) The 2.5 metre setback to the eastern boundary fails to create an inviting and quality public realm connection between Albert Street and Clifton Park.
 - h) The single height void space for the east to west pedestrian accessway below Building B does not provide a quality public realm interface of an appropriate scale and proportion to visually strengthen this pedestrian link.
2. The design of buildings fails to meet the strategies and guidelines of Clause 15.01-2L Apartment Development in Moreland with respect to:
 - a) The building separation between Buildings A and B, which does not meet distances specified in Table 3 and does not allow adequate daylight to living rooms or provide a reasonable outlook from living areas.
 - b) The building separation between Building A and the eastern boundary does not meet distances specified in Table 1 and does not enable the reasonable future development opportunity at 427 Albert Street.
 3. The proposal is not consistent with the following strategies contained at Clause 15.01-1L Urban Design in Moreland:
 - a) The siting and design of Building B fails to contribute to a fine grain urban structure reflecting an appropriate balance of open space to built-form which results in unacceptable bulk when viewed from Clifton Park and the rear of properties fronting Albert and Pearson Streets.
 - b) High fencing to ground level dwellings at Albert Street and the location of the booster and substation co-located with the vehicle accessway fails to maximise an active frontage.
 - c) The proposal fails to ensure that landscaping integrates development with the surrounding environment being Clifton Park.
 4. The proposal is not consistent with the following strategies contained at Clause 15.01-2S Building Design and Clause 15.01-2L Building Design in Moreland and results in amenity impacts and unacceptable visual bulk as:
 - a) The design response including the stepped form of Building A does not minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
 - b) The form, scale and appearance of development does not enhance the amenity of the public realm.
 - c) The proposal does not provide sufficient space and conditions for planting new canopy and screening trees.
 5. The proposal results in unacceptable off-site amenity impacts and fails to meet the following requirements of Clause 55 required by the Mixed Use Zone at Clause 32.04-10 Buildings on lots that abut another residential zone, including:
 - a) The proposal unreasonably impacts the energy efficiency of the dwelling 437 Albert Street, Brunswick which does not meet the objective of Clause 55.03-5 - Energy efficiency.
 - b) Side and rear setbacks at levels 1 to 7 of Building A and part of level 7 of Building B are not setback to limit the impact on the amenity of existing dwellings. The objective of Clause 55.04-1- Side and rear setbacks is not met.
 - c) The height of the boundary wall of Building A located on the western boundary fails to limit the impact on the amenity of existing dwellings which does not meet the objective of Clause 55.04-2 - Walls on boundaries.

- d) The siting of walls opposite the habitable room windows at 437 Albert Street fail to allow adequate daylight to this dwelling which does not meet the objective of Clause 55.04-3 - Daylight to existing windows.
 - e) Overshadowing impacts by virtue of shadows cast so that the adjoining residential land at 437 Albert Street, Brunswick would receive unacceptable shadowing at 10am which does not meet the objective of Clause 55.04-5 – Overshadowing.
6. The proposal fails to meet the following standards and objectives of Clause 58 Apartment Developments:
 - a) The high fencing and booster fail to integrate the dwellings with Albert Street which does not meet the objective of Clause 58.02-5 - Integration with the street.
 - b) Building A will impact the daylight access to 437 Albert Street and the layout between Buildings A and B do not make appropriate use of daylight. The objective of Clause 58.03-1- Energy efficiency is not met.
 - c) The proposal provides 10 per cent of deep soil planting where Standard D10 requires 15 per cent (603sqm) deep soil planting to accommodate 6 large trees or 12 medium trees per 90 square metres. This fails to meet Clause 58.03-5 Landscaping objectives, in a location that is adjacent to a parkland context.
 - d) The needs of residents and the objective of Clause 58.07-1 - Functional layout objective, are not met with the following dwelling layouts B2G and B2G-1 which do not achieve the 3.6 metre living area dimension required in both directions.
 7. The proposal fails to demonstrate that it achieves best practice performance objectives for stormwater quality required by Standard D13 of Clause 58.03-8 and Clause 53.18 Stormwater Management in Urban Development.
 8. The design response does not meet Standard D1, Clause 58.02-1 - Urban Context objectives as it fails to respond to the preferred future development of the area and is not appropriate to the urban context and the site.
 9. The proposal fails to adequately demonstrate the car parking demand likely to be generated by the proposal and whether the reduction and allocation of on-site car parking is appropriate and that on street car parking is not unreasonably impacted.
 10. The proposal fails to commit to contribute to public realm upgrades to Clifton Park and Albert Street proportionate to the scale of impact from the development on parkland by virtue of increased use from new residents and shadowing from the proposal, including infrastructure needed to manage conflicts from the 'active use' of the sports grounds in Clifton Park.

Resolution

Cr Riley moved, Cr Conlan seconded -

That Council's submission to the Victorian Civil and Administrative Tribunal be that no planning permit should be issued for application No. MPS/2020/674 which seeks permission for the construction of two 8 storey buildings (with roof top terraces) containing dwellings and food and drink premise and 10 three storey dwellings over two basement levels and a reduction in the standard car parking requirements at 429 Albert Street, Brunswick, based on the following grounds:

1. **The proposal fails to comply with the design objectives, built form requirements and decision guidelines of the Design and Development Overlay (Schedule 26) of the Moreland Planning Scheme and will not adequately respond to the preferred future character for the area, including that:**
 - a) **The proposal fails to provide meaningful breaks between buildings, creating a continuous wall of built form along Clifton Park and rear of**

- properties fronting Albert and Pearson Streets.
- b) The siting and setbacks fail to ensure that height above 4 storeys is visually recessive when viewed from Clifton Park and the rear of properties fronting Albert and Pearson Streets.
 - c) The bulk, location and appearance of the western interface of Buildings A and B does not scale down to respond to the lower scale and heritage significance of existing dwellings. This includes siting and setbacks that fail to comply with the Clause 55 standards and objectives of Standards B17 (Side and rear setbacks), B21 (Overshadowing) and B22 (Overlooking).
 - d) The proposal fails to provide a 3 metre landscaped setback and 4 storey (15 metre) height at its interface to Clifton Park. This in combination with the setback of upper levels and lack of landscaping opportunities fails to achieve a pedestrian scale to the precinct edge and a quality landscape design to integrate with the parkland context.
 - e) The proposal fails to ensure that building massing, separation and orientation optimises park views for new dwellings with the inadequate separation distance between Buildings A and B.
 - f) The provision of high fencing, booster cabinet and substation to Albert Street fail to provide a quality public realm interface, by limiting activation to Albert Street and opportunities for passive surveillance at the street level.
 - g) The 2.5 metre setback to the eastern boundary fails to create an inviting and quality public realm connection between Albert Street and Clifton Park.
 - h) The single height void space for the east to west pedestrian accessway below Building B does not provide a quality public realm interface of an appropriate scale and proportion to visually strengthen this pedestrian link.
2. The design of buildings fails to meet the strategies and guidelines of Clause 15.01-2L Apartment Development in Moreland with respect to:
 - a) The building separation between Buildings A and B, which does not meet distances specified in Table 3 and does not allow adequate daylight to living rooms or provide a reasonable outlook from living areas.
 - b) The building separation between Building A and the eastern boundary does not meet distances specified in Table 1 and does not enable the reasonable future development opportunity at 427 Albert Street.
 3. The proposal is not consistent with the following strategies contained at Clause 15.01-1L Urban Design in Moreland:
 - a) The siting and design of Building B fails to contribute to a fine grain urban structure reflecting an appropriate balance of open space to built-form which results in unacceptable bulk when viewed from Clifton Park and the rear of properties fronting Albert and Pearson Streets.
 - b) High fencing to ground level dwellings at Albert Street and the location of the booster and substation co-located with the vehicle accessway fails to maximise an active frontage.
 - c) The proposal fails to ensure that landscaping integrates development with the surrounding environment being Clifton Park.
 4. The proposal is not consistent with the following strategies contained at Clause 15.01-2S Building Design and Clause 15.01-2L Building Design in Moreland and results in amenity impacts and unacceptable visual bulk as:
 - a) The design response including the stepped form of Building A does not

- minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- b) The form, scale and appearance of development does not enhance the amenity of the public realm.
 - c) The proposal does not provide sufficient space and conditions for planting new canopy and screening trees.
5. The proposal results in unacceptable off-site amenity impacts and fails to meet the following requirements of Clause 55 required by the Mixed Use Zone at Clause 32.04-10 Buildings on lots that abut another residential zone, including:
- a) The proposal unreasonably impacts the energy efficiency of the dwelling 437 Albert Street, Brunswick which does not meet the objective of Clause 55.03-5 - Energy efficiency.
 - b) Side and rear setbacks at levels 1 to 7 of Building A and part of level 7 of Building B are not setback to limit the impact on the amenity of existing dwellings. The objective of Clause 55.04-1- Side and rear setbacks is not met.
 - c) The height of the boundary wall of Building A located on the western boundary fails to limit the impact on the amenity of existing dwellings which does not meet the objective of Clause 55.04-2 - Walls on boundaries.
 - d) The siting of walls opposite the habitable room windows at 437 Albert Street fail to allow adequate daylight to this dwelling which does not meet the objective of Clause 55.04-3 - Daylight to existing windows.
 - e) Overshadowing impacts by virtue of shadows cast so that the adjoining residential land at 437 Albert Street, Brunswick would receive unacceptable shadowing at 10am which does not meet the objective of Clause 55.04-5 – Overshadowing.
6. The proposal fails to meet the following standards and objectives of Clause 58 Apartment Developments:
- a) The high fencing and booster fail to integrate the dwellings with Albert Street which does not meet the objective of Clause 58.02-5 - Integration with the street.
 - b) Building A will impact the daylight access to 437 Albert Street and the layout between Buildings A and B do not make appropriate use of daylight. The objective of Clause 58.03-1- Energy efficiency is not met.
 - c) The proposal provides 10 per cent of deep soil planting where Standard D10 requires 15 per cent (603sqm) deep soil planting to accommodate 6 large trees or 12 medium trees per 90 square metres. This fails to meet Clause 58.03-5 Landscaping objectives, in a location that is adjacent to a parkland context.
 - d) The needs of residents and the objective of Clause 58.07-1 - Functional layout objective, are not met with the following dwelling layouts B2G and B2G-1 which do not achieve the 3.6 metre living area dimension required in both directions.
7. The proposal fails to demonstrate that it achieves best practice performance objectives for stormwater quality required by Standard D13 of Clause 58.03-8 and Clause 53.18 Stormwater Management in Urban Development.
8. The design response does not meet Standard D1, Clause 58.02-1 - Urban Context objectives as it fails to respond to the preferred future development of the area and is not appropriate to the urban context and the site.
9. The proposal fails to adequately demonstrate the car parking demand likely to

be generated by the proposal and whether the reduction and allocation of on-site car parking is appropriate and that on street car parking is not unreasonably impacted.

10. The proposal fails to commit to contribute to public realm upgrades to Clifton Park and Albert Street proportionate to the scale of impact from the development on parkland by virtue of increased use from new residents and shadowing from the proposal, including infrastructure needed to manage conflicts from the 'active use' of the sports grounds in Clifton Park.

Carried unanimously

The Council meeting closed at 7.40 pm.

Confirmed



Cr Helen Davidson
CHAIRPERSON