



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 28 July 2021

The Group Manager City Development, Narelle Jennings opened the meeting at 6.33 pm and, in the absence of the Acting Mayor, called for a nomination for a temporary Chair of the meeting.

Motion

Cr Yildiz moved, Cr Pavlidis seconded –

That Cr Davidson be nominated temporary Chair of the Planning and Related Matters meeting.

Carried

Cr Davidson assumed the Chair.

Cr Davidson, Chair welcomed people to the meeting 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	Leave of absence	
Cr Mark Riley, Deputy Mayor	Apology	
Cr Adam Pulford	6.33 pm	8.30 pm
Cr Angelica Panopoulos	6.33 pm	8.30 pm
Cr Helen Davidson, Chair	6.33 pm	8.30 pm
Cr Helen Pavlidis	6.33 pm	8.30 pm
Cr James Conlan	6.33 pm	8.30 pm
Cr Lambros Tapinos	Leave of absence	
Cr Milad El-Halabi	Apology	
Cr Oscar Yildiz JP	6.33 pm	8.30 pm
Cr Sue Bolton	6.30 pm	8.30 pm

OFFICERS

Group Manager City Development – Narelle Jennings
Planning Coordinator – Darren Camilleri
Planning Coordinator – Vita Galante
Manager Governance and Strategy – Yvonne Callanan
Unit Manager Governance and Civic Protocols – Sapphire Christofilos
Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Leaves of absence have been granted to:

- Cr Carli Hannan - 5 July 2021 to 25 August 2021 inclusive
- Cr Tapinos - 14 July 2021 to 14 August 2021 inclusive.

Apologies were received from Cr Riley, Acting Mayor, and Cr El-Halabi.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil

MINUTE CONFIRMATION

Resolution

Cr Yildiz moved, Cr Panopoulos seconded -

The minutes of the Planning and Related Matters Meeting held on 26 May 2021 be confirmed.

Carried

COUNCIL REPORTS

5.1 541 SYDNEY ROAD, COBURG 3058 - PLANNING APPLICATION MPS/2020/793



Property:	541 Sydney Road, Coburg			
Proposal:	Development of the land with a 12 storey building and roof terrace containing dwellings, offices, use of the land for retail premises reduction to the statutory car parking and bicycle facilities requirements and alterations to access in a Road Zone, Category 1			
Zoning and Overlay/s:	• Activity Centre Zone • Environmental Audit Overlay • Development Contribution Plan Overlay • Parking Overlay Schedule 1			
Strategic setting:	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth

Objections:	• 13 objections • Key issues: • Building height • Parking and traffic impacts • Amenity impacts including overshadowing and overlooking
Planning Information and Discussion (PID) Meeting:	• Date: 7 June 2021 • Attendees: 7 objectors, the applicant, 3 Council officers, and Deputy Mayor Cr Mark Riley, Cr Milad El Halabi, Cr Adam Pulford, Cr James Conlan and Cr Sue Bolton No changes have been made following the meeting and no consensus was reached.
ESD:	• Minimum average NatHERS rating of 7.5 stars.
Accessibility:	• 100 per cent of the apartments are adaptable.
Key reasons for support	• Community benefit via provision of affordable housing. • High quality architectural response. • Appropriate built form. • External amenity impacts adequately managed. • Good level of amenity for future occupants.
Recommendation:	Council's submission to VCAT be one of support for the application generally in accordance with the plans advertised on 12/04/2021, subject to the conditions outlined in the recommendation.

Officer Recommendation

That Council's submission to VCAT be one of support for the development of the land for a multi-storey building and roof terrace containing dwellings, use of the land for retail premises (other than food and drink premises, shop and market), reduction to the statutory car parking and bicycle facilities requirements and alterations to access in a Road Zone, Category 1, subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will 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 on 12/04/2021 but modified to show:
 - a) Internal reconfiguration of the internal layout to achieve compliance with the living area dimensions of Standard D24 at Clause 58.07-1 as it applies to Apartment 3BR Type C03 generally in accordance with the discussion plans titled 'Apartment Type 3BR C03' dated 23/03/2021 received by Council on 24 June 2021.
 - b) A window on the eastern elevation of the following rooms:
 - i. Second bedroom adjacent to the kitchen of Apartment 907.
 - ii. Second bedrooms adjacent to the bathroom of Apartments 1006 and 1106 on Levels 10 and 11.
 - c) A window on the western elevation of the rear bedroom of apartments 302 to 1102 on levels 3 to 11.
 - d) Details of materials and finishes of the services cupboards and the garage

door which must be durable, waterproof and blend in with the development.

- e) The word 'commercial' replaced with 'food and drink premises/shop' on the ground floor plans.
- f) Levels 1 and 2 floor plans updated to reference correct apartment numbers.
- g) The location of the five car spaces for the retail tenancies.
- h) Any changes to the plans arising from the amended:
 - i. Sustainability Management Plan in accordance with Condition 4 of this permit.
 - ii. Waste Management Plan in accordance with Condition 9 of this permit.
 - iii. Amended landscape plan in accordance with Condition 11.
 - iv. Acoustic Report in accordance with Condition 18 of this permit.
 - v. Reflectivity Assessment in accordance with Condition 22 of this permit.

Development not to be altered

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

Carriageway rights

- 3. Prior to the commencement of the development carriageway rights over the land identified as 539 Sydney Road, Coburg must be registered at Land Use Victoria to the satisfaction of the Responsible Authority.

Sustainability Management plan

- 4. Prior to the endorsement of plans, a Sustainability Management Plan (SMP) and associated plans must be submitted to and approved to the satisfaction by the Responsible Authority. The Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by GIW dated 10 February 2021 but modified to include the following changes:
 - a) Additional Results section for the commercial glazing in Appendix C.
 - b) Show the following ESD initiatives on the development plans:
 - i. Space provision for the organic and green waste within the ground floor bin room as per the amended Waste Management Plan.
 - ii. The rainwater harvesting tank and STORM report catchments plans as an additional architectural plan (or plans).
 - iii. Green wall / façade details.

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

- 5. Where alternative ESD initiatives are proposed to those specified in Condition 4, 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.
- 6. 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 to the satisfaction of the Responsible

Authority.

7. Prior to the issue of Statement of Compliance or an occupancy permit for any part of the building approved under this permit, whichever occurs first, a report (or reports) from the author of the Sustainability Management Plan (SMP) 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 SMP report have been implemented in accordance with the approved report.

Section 173 Agreement

8. Prior to the commencement of the development, the Owner of the Land must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* that provides for the following:
 - a) The owner to make available at least 64 dwellings within the development for the purpose of affordable or social housing.
 - b) Details of the eligibility and allocation of the Affordable Housing Dwellings.
 - c) The allocation and pricing of Affordable Housing Dwellings validated and reported on by a Registered Housing Agency.
 - d) Within one year of the Statement of Compliance or Certificate of Occupancy, whichever occurs first, evidence that the requirements of the subclauses 8a to 8c have been complied with. The evidence can be de-identified to protect the privacy of affordable housing purchasers but will set out how the transactions meet the requirement of subclauses 8b and 8c.

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

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

Waste Management Plan

9. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted and approved to the satisfaction of the Responsible Authority. When to the satisfaction of the Responsible Authority, the report will be endorsed and will form part of this permit. The plan must be generally in accordance with the advertised WMP prepared by One mile grid dated 2 February 2021 but amended to align with the Sustainability Management Plan required in Condition 4 which has the ground floor bin room catering for green and organic food waste and separated glass recycling when introduced (in additional to general waste and recycling waste).
10. 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.

Landscaping

11. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by John Patrick Landscape Architects Pty Ltd dated 24.11.2020 and 02/12/2020 but amended to show:
 - a) Any changes required to align with the plans for endorsement.

- b) Identification of the existing street trees on Sydney Road to be retained and protected including the tree protection zone as required in Condition 15.

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

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

Tree Management Plan

- 14. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2009 – Protection of Trees on Development Sites to ensure that the Lemon Scented Gum Tree located to the rear of the subject land and the existing street trees on Sydney Road remain healthy and viable during and after construction.

The TMP must include the following to the satisfaction of the Responsible Authority:

- a) A tree protection plan to scale that shows:
 - i. All Tree Protection Zones and Structural Root Zones
 - ii. All Tree Protection Fencing
 - iii. Areas where ground protection systems will be used
 - iv. The type of footings within any Tree Protection Zone
 - v. The location of services within any Tree Protection Zone
- b) The location and design of Tree Protection Fencing.
- c) Details of appropriate footings within the Tree Protection Zone.
- d) The method of installing any services through the Tree Protection Zone.
- e) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
- f) A timetable outlining works requiring supervision by the Project Arborist.
- g) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10 per cent into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 – Protection of Trees on Development Sites) of the Lemon Scented Gum tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
- h) All remedial pruning works that are required to be performed on the Lemon Scented Gum tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- i) Measures to ensure the long-term health of the Lemon Scented Gum tree and the existing street trees on Sydney Road.

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Moreland Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, or replace the trees, to the satisfaction of the Responsible Authority.

Accessibility Report

16. Prior to the commencement of the development, the accessibility report prepared by Before Compliance Pty Ltd dated 30 March 2021 must be amended to reflect the changes required by Condition 1a of this permit. The amended accessibility report must be submitted to and approved by the responsible authority prior to the commencement of the development.
17. 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 Accessibility Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Accessibility Report have been implemented in accordance with the approved report.

Acoustic Report

18. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the acoustic report prepared by Enfield Acoustic Noise Vibration dated 3 February 2021 but modified to include, but not limited to the following:
 - a) Recommendations of any acoustic attenuations measures to be incorporated into the proposed development to ensure that the noise generated from the car park on ground floor, levels 1 and 2 will not unreasonably impact the immediate adjoining 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.

19. The building must be constructed and maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority. The Acoustic Report endorsed 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.
20. Prior to the issue of a Statement of Compliance or occupancy permit for any part of the building approved under this permit, whichever occurs 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.
21. Noise levels associated with the retail uses must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues*, Environmental Protection authority, March 2021).

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority to demonstrate compliance, or which outlines any measures considered necessary to achieve compliance. The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

Glazing Reflectivity

22. Prior to the endorsement of the plans, a Reflectivity Assessment of external glazing and any other visibly reflective material must be submitted to the Responsible Authority. The assessment must ensure that materials, including glazing, used on external walls must be of a type that do not reflect more than 15 per cent of visible light when measured at an angle of 90 degrees to the surface. The Assessment must be to the satisfaction of the Responsible Authority and when approved will form part of this permit.

Environmental Audit Condition

23. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use, either:
- a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use.
24. Where an environmental audit statement is issued for the land, and any condition of that statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the *Planning and Environment Act 1987*. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the *Subdivision Act 1988*. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).
25. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 22 and 23 of this permit are satisfied.
26. Where an environmental audit statement is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.
27. Where an environmental audit statement is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Public works plan

28. Prior to the commencement of the development, a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted to the satisfaction of the Responsible Authority. The Plan must include:
- a) All construction details in accordance with the *Moreland City Council Technical Notes July 2019* (or any updated version);
 - b) A detailed level and feature survey of the footpaths and roads.
 - c) The upgrade of the footpath including new or reconstructed footpaths adjacent to the site on Ross Street, Sydney Road, the land labelled as 'Road' on the Title (which abuts the eastern side boundary), and on the site to the immediate south at 539 Sydney Road including, but not limited to, water sensitive urban design treatments, seating, bicycle hoops, nature strips and other associated street furniture/infrastructure.
 - d) Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent).
 - e) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
 - f) Any necessary drainage works.
 - g) Tree(s) and other landscaping in the street frontages adjacent to or near the development.
 - h) Any other works to the public land adjacent to the development.

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

29. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Development Contributions

30. 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.

3D model

31. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Moreland tools and software for Council and community must be submitted to the satisfaction of the Responsible Authority. The model should be prepared in accordance with Moreland City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Moreland Project can be found at <https://www.moreland.vic.gov.au/planning-building/3D-Guidelines/>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.

Retention of architect

32. Fender Katsalidis must provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and endorsed schedule of materials and finishes, during construction unless with the prior written approval of the Responsible Authority

Baffled Lighting

33. All lighting must be designed not to emit direct light onto adjoining and nearby dwellings to the satisfaction of the Responsible Authority.

Hours of operation

34. The retail tenancy (unless operated as a food and drink premises or shop) to the rear of the site fronting Ross street must only operate between the hours of:
- a) 6.00am to 7.00pm Monday to Friday.
 - b) 8.00am to 7.00pm Saturday and Sunday.

General

35. All resident and employee bicycle parking areas are to have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
36. Prior to the occupation of the development, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
37. Prior to the occupation of the development, the vehicle crossing must be constructed as shown on the endorsed plans to a standard satisfactory to the Responsible Authority.
38. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.
39. The verandah must not project 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 to the satisfaction of the Responsible Authority.
40. Any lighting is to be installed and maintained with no direct light emitted onto adjoining properties to the satisfaction of the Responsible Authority.
41. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
42. Any substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm.

43. Prior to the commencement of the development, a legal point of discharge is to be obtained, and where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge, must be submitted to and approved by the Responsible Authority.
44. 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).
45. Stormwater from the land must not be directed to the surface of the proposed walkway to the satisfaction of the Responsible Authority.

Department of Transport conditions

46. The permit holder must avoid disruption to tram operation along Sydney Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.
47. Prior to the occupation of the building all disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.
48. Prior to the occupation of the buildings hereby approved, the redundant crossover and driveway is to be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.

Time limit Use and Development

49. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (3) years from the date of issue of this permit;
 - b) the development is not completed within four (5) years from the date of issue of this permit.
 - c) The use is not commenced within two (2) 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 the conditions of this notice of decision.

Note 1: 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.

Note 2: 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 3: Department of Transport note: This planning permit allows for works that may be subject to separate consent under the *Road Management Act 2004*. Please contact the Department prior to commencing any work.

Resolution

Cr Bolton moved, Cr Pulford seconded -

That Council's submission to VCAT be one of support for the application MPS/2020/793 at 541 Sydney Road, Coburg allowing the development of the land for a multi-storey building and roof terrace containing dwellings, use of the land for retail premises (other than food and drink premises, shop and market), reduction to the statutory car parking and bicycle facilities requirements and alterations to access in a Road Zone, Category 1, subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will 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 on 12/04/2021 but modified to show:
 - a) The overall height of the building reduced by the removal of levels 8 and 9.
 - b) Internal reconfiguration of the internal layout to achieve compliance with the living area dimensions of Standard D24 at Clause 58.07-1 as it applies to Apartment 3BR Type C03 generally in accordance with the discussion plans titled 'Apartment Type 3BR C03' dated 23/03/2021 received by Council on 24 June 2021.
 - c) A window on the eastern elevation of the second bedroom adjacent to the kitchen of apartment 907.
 - d) A window on the western elevation of the rear bedroom of apartments 302 to 902 on levels 3 to 9.
 - e) Details of materials and finishes of the services cupboards and the garage door which must be durable, waterproof and blend in with the development.
 - f) The word 'commercial' replaced with 'food and drink premises/shop' on the ground floor plans.
 - g) Levels 1 and 2 floor plans updated to reference correct apartment numbers.
 - h) The location of the five car spaces for the retail tenancies.
 - i) Any changes to the plans arising from the amended:
 - i. Sustainability Management Plan in accordance with Condition 4 of this permit.
 - ii. Waste Management Plan in accordance with Condition 9 of this permit.

- iii. Amended landscape plan in accordance with Condition 11.
- iv. Acoustic Report in accordance with Condition 18 of this permit.
- v. Reflectivity Assessment in accordance with Condition 22 of this permit.
- j) A notation that signage will be installed on the southern wall of the vehicle entry/exit area which reminds drivers to enter Ross Street slowly and be mindful of other users of Ross Street.

Development not to be altered

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

Carriageway rights

- 3. Prior to the commencement of the development carriageway rights over the land identified as 539 Sydney Road, Coburg must be registered at Land Use Victoria to the satisfaction of the Responsible Authority.

Sustainability Management plan

- 4. Prior to the endorsement of plans, a Sustainability Management Plan (SMP) and associated plans must be submitted to and approved to the satisfaction by the Responsible Authority. The Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by GIW dated 10 February 2021 but modified to include the following changes:
 - a) Additional Results section for the commercial glazing in Appendix C.
 - b) Show the following ESD initiatives on the development plans:
 - i. Space provision for the organic and green waste within the ground floor bin room as per the amended Waste Management Plan.
 - ii. The rainwater harvesting tank and STORM report catchments plans as an additional architectural plan (or plans).
 - iii. Green wall / façade details.
 - iv. Shading devices to the west facing habitable room windows for the top two levels of the building and north facing habitable room windows at all levels where shading is not already provided.

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

- 5. Where alternative ESD initiatives are proposed to those specified in Condition 4, 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.
- 6. 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 to the satisfaction of the Responsible Authority.
- 7. Prior to the issue of Statement of Compliance or an occupancy permit for any part of the building approved under this permit, whichever occurs first, a report (or reports) from the author of the Sustainability Management Plan (SMP) 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 SMP report have been implemented in accordance with the approved report.

Section 173 Agreement

8. Prior to the commencement of the development, the Owner of the Land must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* that provides for the following:
 - a) The owner to make available at least 50 dwellings within the development for the purpose of affordable or social housing.
 - b) Details of the eligibility and allocation of the Affordable Housing Dwellings.
 - c) The allocation and pricing of Affordable Housing Dwellings validated and reported on by a Registered Housing Agency.
 - d) Within one year of the Statement of Compliance or Certificate of Occupancy, whichever occurs first, evidence that the requirements of the subclauses 8a to 8c have been complied with. The evidence can be de-identified to protect the privacy of affordable housing purchasers but will set out how the transactions meet the requirement of subclauses 8b and 8c.

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

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

Waste Management Plan

9. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted and approved to the satisfaction of the Responsible Authority. When to the satisfaction of the Responsible Authority, the report will be endorsed and will form part of this permit. The plan must be generally in accordance with the advertised WMP prepared by One mile grid dated 2 February 2021 but amended to align with the Sustainability Management Plan required in Condition 4 which has the ground floor bin room catering for green and organic food waste and separated glass recycling when introduced (in addition to general waste and recycling waste).
10. 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.

Landscaping

11. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by John Patrick Landscape Architects Pty Ltd dated 24.11.2020 and 02/12/2020 but amended to show:
 - a) Any changes required to align with the plans for endorsement.

- b) Identification of the existing street trees on Sydney Road to be retained and protected including the tree protection zone as required in Condition 14.

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

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

Tree Management Plan

- 14. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2009 – Protection of Trees on Development Sites to ensure that the Lemon Scented Gum Tree located to the rear of the subject land and the existing street trees on Sydney Road remain healthy and viable during and after construction.

The TMP must include the following to the satisfaction of the Responsible Authority:

- a) A tree protection plan to scale that shows:
 - i. All Tree Protection Zones and Structural Root Zones
 - ii. All Tree Protection Fencing
 - iii. Areas where ground protection systems will be used
 - iv. The type of footings within any Tree Protection Zone
 - v. The location of services within any Tree Protection Zone
- b) The location and design of Tree Protection Fencing.
- c) Details of appropriate footings within the Tree Protection Zone.
- d) The method of installing any services through the Tree Protection Zone.
- e) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
- f) A timetable outlining works requiring supervision by the Project Arborist.
- g) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10 per cent into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 – Protection of Trees on Development Sites) of the Lemon Scented Gum tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
- h) All remedial pruning works that are required to be performed on the Lemon Scented Gum tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram

specifying what pruning will occur.

- i) Measures to ensure the long-term health of the Lemon Scented Gum tree and the existing street trees on Sydney Road.

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Moreland Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, or replace the trees, to the satisfaction of the Responsible Authority.

Accessibility Report

16. Prior to the commencement of the development, the accessibility report prepared by Before Compliance Pty Ltd dated 30 March 2021 must be amended to reflect the changes required by Condition 1b of this permit. The amended accessibility report must be submitted to and approved by the responsible authority prior to the commencement of the development.
17. 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 Accessibility Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Accessibility Report have been implemented in accordance with the approved report.

Acoustic Report

18. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the acoustic report prepared by Enfield Acoustic Noise Vibration dated 3 February 2021 but modified to include, but not limited to the following:
 - a) Recommendations of any acoustic attenuations measures to be incorporated into the proposed development to ensure that the noise generated from the car park on ground floor, levels 1 and 2 will not unreasonably impact the immediate adjoining 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.

19. The building must be constructed and maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority. The Acoustic Report endorsed 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.
20. Prior to the issue of a Statement of Compliance or occupancy permit for any part of the building approved under this permit, whichever occurs 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.

21. Noise levels associated with the retail uses must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues*, Environmental Protection authority, March 2021). Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority to demonstrate compliance, or which outlines any measures considered necessary to achieve compliance. The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

Glazing Reflectivity

22. Prior to the endorsement of the plans, a Reflectivity Assessment of external glazing and any other visibly reflective material must be submitted to the Responsible Authority. The assessment must ensure that materials, including glazing, used on external walls must be of a type that do not reflect more than 15 per cent of visible light when measured at an angle of 90 degrees to the surface. The Assessment must be to the satisfaction of the Responsible Authority and when approved will form part of this permit.

Environmental Audit Condition

23. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use, either:
- a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use.
24. Where an environmental audit statement is issued for the land, and any condition of that statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the *Planning and Environment Act 1987*. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the *Subdivision Act 1988*. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).
25. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 22 and 23 of this permit are satisfied.
26. Where an environmental audit statement is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

27. Where an environmental audit statement is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Public works plan

28. Prior to the commencement of the development, a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted to the satisfaction of the Responsible Authority. The Plan must include:
- a) All construction details in accordance with the *Moreland City Council Technical Notes July 2019* (or any updated version);
 - b) A detailed level and feature survey of the footpaths and roads.
 - c) The upgrade of the footpath including new or reconstructed footpaths adjacent to the site on Ross Street, Sydney Road, the land labelled as 'Road' on the Title (which abuts the eastern side boundary), and on the site to the immediate south at 539 Sydney Road including, but not limited to, water sensitive urban design treatments, seating, bicycle hoops, nature strips and other associated street furniture/infrastructure.
 - d) Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent).
 - e) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
 - f) Any necessary drainage works.
 - g) Tree(s) and other landscaping in the street frontages adjacent to or near the development.
 - h) Any other works to the public land adjacent to the development.

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

29. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Development Contributions

30. 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.

3D model

31. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Moreland tools and software for Council and community must be submitted to the satisfaction of the Responsible Authority. The model should be prepared in accordance with Moreland City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Moreland Project can be found at <https://www.moreland.vic.gov.au/planning-building/3D-Guidelines/>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.

Retention of architect

32. Fender Katsalidis must provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and endorsed schedule of materials and finishes, during construction unless with the prior written approval of the Responsible Authority

Baffled Lighting

33. All lighting must be designed not to emit direct light onto adjoining and nearby dwellings to the satisfaction of the Responsible Authority.

Hours of operation

34. The retail tenancy (unless operated as a food and drink premises or shop) to the rear of the site fronting Ross street must only operate between the hours of:

6.00am to 7.00pm Monday to Friday.

8.00am to 7.00pm Saturday and Sunday.

General

35. All resident and employee bicycle parking areas are to have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
36. Prior to the occupation of the development, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
37. Prior to the occupation of the development, the vehicle crossing must be constructed as shown on the endorsed plans to a standard satisfactory to the Responsible Authority.
38. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.

39. The verandah must not project 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 to the satisfaction of the Responsible Authority.
40. Any lighting is to be installed and maintained with no direct light emitted onto adjoining properties to the satisfaction of the Responsible Authority.
41. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
42. Any substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm.
43. Prior to the commencement of the development, a legal point of discharge is to be obtained, and where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge, must be submitted to and approved by the Responsible Authority.
44. 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).
45. Stormwater from the land must not be directed to the surface of the proposed walkway to the satisfaction of the Responsible Authority.

Department of Transport conditions

46. The permit holder must avoid disruption to tram operation along Sydney Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.
47. Prior to the occupation of the building all disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.
48. Prior to the occupation of the buildings hereby approved, the redundant crossover and driveway is to be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.

Time limit Use and Development

49. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (3) years from the date of issue of this permit;
 - b) the development is not completed within four (5) years from the date of issue of this permit.
 - c) The use is not commenced within two (2) 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 the conditions of this notice of decision.

Note 1: 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.

Note 2: 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 3: Department of Transport note: This planning permit allows for works that may be subject to separate consent under the *Road Management Act 2004*. Please contact the Department prior to commencing any work.

Carried

7.34 pm Cr Bolton left the meeting.

7.34 pm Cr Bolton returned to the meeting.

5.2 395-411 ALBERT STREET, BRUNSWICK - PLANNING APPLICATION MPS/2020/737



Property:	395-411 Albert Street, Brunswick
Proposal:	Construction of two 10 storey buildings and one single storey building (with roof top terrace) over two levels of basement, consisting of dwellings, office and communal amenity areas (including a wellness centre), use of the land for shops, food and drink premises 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:	• 221 objections • Key issues: • Building height, scale and visual bulk • Setbacks to the park and Albert Street • Parking and traffic
Planning Information and Discussion (PID) Meeting:	• Date: 31 May 2021 • Attendees: 21 objectors, the applicant, Council officers, Deputy Mayor Cr Mark Riley, Cr Sue Bolton and Cr Oscar Yildiz. • 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 7.0 stars.
Accessibility:	• Adaptable apartments comprise 85% of the proposal.
Key reasons for refusal:	• Unacceptable height and visual bulk to Clifton Park and Albert Street • Inconsistency with built form requirements and design objectives of DDO26 • Unreasonable impact on the development potential of adjacent sites in the precinct • Car parking reduction will unreasonably impact on street car parking
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/2020/737 which seeks permission for the construction of two 10 storey buildings and one single storey building (with roof top terrace) over two levels of basement, consisting of dwellings, office and communal amenity areas (including a wellness centre), use of the land for shops, food and drink premises and a reduction in the standard car parking requirements at 395-411 Albert Street, Brunswick, subject to 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) and the strategies contained at Clause 15.01-2S Building Design and Clause 15.01-2L Building Design in Moreland. The design response does 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 Albert Street.
 - b) The siting and setbacks fail to ensure that height above 4 storeys is visually recessive when viewed from Clifton Park and Albert Street.
 - c) The proposal fails to provide an appropriate pedestrian scale to Albert Street and Clifton Park, due to the height of the street wall in combination with limited

upper level setbacks.

- d) The proposal fails to provide a 3 metre landscaped setback 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 provide an adequately landscaped setback to dwellings at ground level fronting Albert Street.
 - f) The provision of a substation and loading bay to Albert Street fails to provide a quality public realm interface, by limiting activation to Albert Street and opportunities for passive surveillance at the street level.
 - g) The form, scale and appearance of development does not enhance the amenity of the public realm.
 - h) The proposal does not provide sufficient space and conditions for planting new canopy and screening trees.
2. The design of buildings fails to meet the strategies and guidelines of Clause 15.01-2L Apartment Development in Moreland and the built form requirements of the Design and Development Overlay (Schedule 26) with respect to:
- a) The building separation between Buildings 1 and 2, which does not meet distances specified in Table 3 and does not allow adequate daylight to living rooms or bedrooms; and
 - b) The design response, siting and building separation unreasonably impacts the reasonable future development potential of adjoining sites, including daylight access and outlooks to future development at adjoining sites (413, 417 and 423 Albert Street, Brunswick).
3. The proposal is not consistent with the following strategies contained at Clause 15.01-1L Urban Design in Moreland:
- a) The siting, design and lack of physical breaks to Buildings 1 and 2 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 Albert Street.
 - b) The location of the substation and loading bay co-located with the vehicle accessway fails to maximise an active frontage to Albert Street.
 - c) The proposal fails to ensure that landscaping integrates development with the surrounding environment being Clifton Park.
 - d) The design of the proposal results in unreasonable shadowing impact to the public open space at Gilpin Park and Clifton Park.
4. The proposal is an overdevelopment contributing to a failure to meet the following standards and objectives of Clause 58 Apartment Developments:
- a) 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.
 - b) The design does not meet Standard D8, Clause 58.03-3 – Solar access to communal outdoor open space objective which requires that 125 square metres of primary communal outdoor open space receive a minimum of two hours of sunlight on 21 June with the communal open space enclosed by Building 2 in shadow throughout the day.
 - c) The proposal provides 7 per cent of deep soil planting where Standard D10 requires 15 per cent (1573sqm) 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 proposal provides dwellings where the room depth exceeds 9 metres pursuant to Clause 58.07-2 Room depth objective - Standard D25. This fails to provide for dwellings that allow adequate daylight into single aspect habitable rooms.
 - e) The needs of residents and the objective of Clause 58.07-1 - Functional layout objective Standard D24, are not met. Specifically, dwelling layouts STA, STD, STJ, 2H, 2M, 2N, 2T, 2U, and 2Q do not achieve the respective 3.3 or 3.6 metre living area dimension required in both directions or includes dining areas within the living room space or inadequate circulation space, thereby limiting usability for occupants.
 - f) The proposal achieves 16% of dwellings with natural ventilation. This fails to meet Clause 58.07-4 - Natural ventilation Standard D27 which requires 40% of dwellings meet this standard.
 - g) The proposal fails to provide windows to all lift areas and common area corridors required for adequate natural daylight and ventilation required by Clause 58.05-2 Standard D18.
5. The proposal fails to demonstrate that it achieves best practice environmentally sustainable design with respect to:
- a) The performance objectives at Clause 15.02-1L Environmentally sustainable development relating to indoor environment quality.
 - b) The performance objectives for stormwater quality required by Standard D13 of Clause 58.03-8, objective at Clause 53.18 Stormwater Management in Urban Development and Clause 15.02-1L Environmentally sustainable development are not met.
6. The proposal fails to satisfy Clause 52.06 Car Parking as the provision of onsite car parking does not meet demand and fails to ensure that on-street car parking will not be unreasonably impacted.
7. The proposal fails to commit to contribute to public realm upgrades contemplated in DDO26 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 Conlan moved, Cr Bolton seconded -

That Council's submission to the Victorian Civil and Administrative Tribunal be that no planning permit should be issued for application No. MPS/2020/737 which seeks permission for the construction of two 10 storey buildings and one single storey building (with roof top terrace) over two levels of basement, consisting of dwellings, office and communal amenity areas (including a wellness centre), use of the land for shops, food and drink premises and a reduction in the standard car parking requirements at 395-411 Albert Street, Brunswick, subject to 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) and the strategies contained at Clause 15.01-2S Building Design**

and Clause 15.01-2L Building Design in Moreland. The design response does 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 Albert Street.
 - b) The siting and setbacks fail to ensure that height above 4 storeys is visually recessive when viewed from Clifton Park and Albert Street.
 - c) The proposal fails to provide an appropriate pedestrian scale to Albert Street and Clifton Park, due to the height of the street wall in combination with limited upper level setbacks.
 - d) The proposal fails to provide a 3 metre landscaped setback 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 provide an adequately landscaped setback to dwellings at ground level fronting Albert Street.
 - f) The provision of a substation and loading bay to Albert Street fails to provide a quality public realm interface, by limiting activation to Albert Street and opportunities for passive surveillance at the street level.
 - g) The form, scale and appearance of development does not enhance the amenity of the public realm.
 - h) The proposal does not provide sufficient space and conditions for planting new canopy and screening trees.
2. The design of buildings fails to meet the strategies and guidelines of Clause 15.01-2L Apartment Development in Moreland and the built form requirements of the Design and Development Overlay (Schedule 26) with respect to:
- a) The building separation between Buildings 1 and 2, which does not meet distances specified in Table 3 and does not allow adequate daylight to living rooms or bedrooms; and
 - b) The design response, siting and building separation unreasonably impacts the reasonable future development potential of adjoining sites, including daylight access and outlooks to future development at adjoining sites (413, 417 and 423 Albert Street, Brunswick).
3. The proposal is not consistent with the following strategies contained at Clause 15.01-1L Urban Design in Moreland:
- a) The siting, design and lack of physical breaks to Buildings 1 and 2 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 Albert Street.
 - b) The location of the substation and loading bay co-located with the vehicle accessway fails to maximise an active frontage to Albert Street.
 - c) The proposal fails to ensure that landscaping integrates development with the surrounding environment being Clifton Park.
 - d) The design of the proposal results in unreasonable shadowing impact to the public open space at Gilpin Park and Clifton Park.
4. The proposal is an overdevelopment contributing to a failure to meet the following standards and objectives of Clause 58 Apartment Developments:

- a) 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.
 - b) The design does not meet Standard D8, Clause 58.03-3 – Solar access to communal outdoor open space objective which requires that 125 square metres of primary communal outdoor open space receive a minimum of two hours of sunlight on 21 June with the communal open space enclosed by Building 2 in shadow throughout the day.
 - c) The proposal provides 7 per cent of deep soil planting where Standard D10 requires 15 per cent (1573sqm) 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 proposal provides dwellings where the room depth exceeds 9 metres pursuant to Clause 58.07-2 Room depth objective - Standard D25. This fails to provide for dwellings that allow adequate daylight into single aspect habitable rooms.
 - e) The needs of residents and the objective of Clause 58.07-1 - Functional layout objective Standard D24, are not met. Specifically, dwelling layouts STA, STD, STJ, 2H, 2M, 2N, 2T, 2U, and 2Q do not achieve the respective 3.3 or 3.6 metre living area dimension required in both directions or includes dining areas within the living room space or inadequate circulation space, thereby limiting usability for occupants.
 - f) The proposal achieves 16% of dwellings with natural ventilation. This fails to meet Clause 58.07-4 - Natural ventilation Standard D27 which requires 40% of dwellings meet this standard.
 - g) The proposal fails to provide windows to all lift areas and common area corridors required for adequate natural daylight and ventilation required by Clause 58.05-2 Standard D18.
5. The proposal fails to demonstrate that it achieves best practice environmentally sustainable design with respect to:
- a) The performance objectives at Clause 15.02-1L Environmentally sustainable development relating to indoor environment quality.
 - b) The performance objectives for stormwater quality required by Standard D13 of Clause 58.03-8, objective at Clause 53.18 Stormwater Management in Urban Development and Clause 15.02-1L Environmentally sustainable development are not met.
6. The proposal fails to satisfy Clause 52.06 Car Parking as the provision of onsite car parking does not meet demand and fails to ensure that on-street car parking will not be unreasonably impacted.
7. The proposal fails to commit to contribute to public realm upgrades contemplated in DDO26 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

URGENT BUSINESS REPORTS

In accordance with Sections 66(2) and 3(a) of the *Local Government Act 2020* this Council meeting be closed to the public to consider this/these report(s):

The Council meeting for Planning and Related Matters was closed to the public at # pm.

OPENING THE MEETING TO THE PUBLIC

The Council meeting for Planning and Related Matters be open to the public.

The Council meeting was opened to the public at 8.30 pm.

The meeting closed at 8.30 pm.

Confirmed



Cr Mark Riley
DEPUTY MAYOR