



Moreland
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 28 September 2022

Commencing 6.30 pm

Council Chamber, Moreland Civic Centre, 90 Bell Street, Coburg

Language Link

This is the Agenda for the Council meeting.
For assistance with any of the agenda items,
please telephone 9240 1111.

這是市政會會議的議程。您若在理解議程中有需要協助的地方，請打電話給“語言連接 (Language Link)”翻譯服務，號碼9280 1910。

Questo è l'ordine del giorno per la Riunione del consiglio Comunale. Se hai bisogno di aiuto sugli argomenti in discussione, sei pregato di telefonare al Language Link al numero 9280 1911.

Αυτή είναι η Ημερήσια Διάταξη για τη Συνεδρίαση του Συμβουλίου (Council Meeting). Για βοήθεια με οποιοδήποτε από τα θέματα της ημερήσιας διάταξης, παρακαλείστε να τηλεφωνήσετε στο Γλωσσικό Σύμβουλο (Language Link), στο 9280 1912.

هذا هو جدول أعمال اجتماع المجلس البلدي. للمساعدة بأي بند من بنود جدول الأعمال الرجاء الاتصال بخط Language Link على الرقم 9280 1913.

Belediye Meclisi Toplantısının gündem maddeleri burada verilmiştir. Bu gündem maddeleri ile ilgili yardıma ihtiyacınız olursa, 9280 1914 numaralı telefondan Language Link tercüme hattını arayınız.

Đây là Nghị Trình cuộc họp của Ủy Ban Quy Hoạch Đô Thị. Nếu muốn biết thêm chi tiết về đề tài thảo luận, xin gọi điện thoại cho Language Link qua số 9280 1915.

यह काँसिल की बैठक का कार्यक्रम है। कार्यक्रम के किसी भी विषय के बारे में सहायता के लिए कृपया 9280 1918 पर फोन कीजिए।

这是市政府例会的议题安排，如果需要协助了解任何议题内容，请拨打9280 0750。

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀ ਕਿਸੇ ਆਈਟਮ ਬਾਰੇ ਮਦਦ ਲਈ, ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੇਲੀਫੋਨ ਕਰੋ।

Acknowledgement of the traditional custodians of the City of Moreland

Moreland City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Custodians of the lands and waterways in the area now known as Moreland, and pays respect to their elders past, present, and emerging, as well as to all First Nations communities who significantly contribute to the life of the area.

- 1. WELCOME**
- 2. APOLOGIES**
- 3. DISCLOSURES OF CONFLICTS OF INTEREST**
- 4. MINUTE CONFIRMATION**

The minutes of the Planning and Related Matters Meeting held on 24 August 2022 be confirmed.

- 5. COUNCIL REPORTS**

5.1 170 SYDNEY ROAD, COBURG - PLANNING APPLICATION NO.
MPS/2021/868

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- 6. URGENT BUSINESS**

5. COUNCIL REPORTS

5.1 170 SYDNEY ROAD, COBURG - PLANNING APPLICATION NO. MPS/2021/868

Director Place and Environment, Joseph Tabacco

City Development

Executive Summary



Property:	170 Sydney Road, Coburg				
Proposal:	Construction of an eight-storey mixed-use development, use of the land for the purposes of dwellings, a reduction to the standard car parking requirement, and alteration of access to a Road in a Transport Zone 2.				
Zoning and Overlay/s:	<ul style="list-style-type: none"> Activity Centre Zone (Precinct 7) Development Contributions Plan Overlay (DCPO1) Parking Overlay (PO1) 				
Strategic setting:	<table border="1"> <tr> <td>Minimal housing growth</td> <td>Incremental housing growth</td> <td>Increased house densities encouraged</td> <td>Significant housing growth</td> </tr> </table>	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth		
Objections:	<ul style="list-style-type: none"> Four (4) objections Key issues: <ul style="list-style-type: none"> Building height and scale Car parking Overshadowing 				
Planning Information and Discussion (PID) Meeting:	No PID held. Direct engagement with each objector has taken place.				
ESD:	<ul style="list-style-type: none"> Minimum average NatHERS rating of 8.1 stars. 71 per cent BESS score Gas-free development 				
Accessibility:	<ul style="list-style-type: none"> Adaptable apartments comprise 50 per cent of the proposal, but subject to recommended permit condition can comprise 74 per cent of the proposal. 				

Key reasons for support	<ul style="list-style-type: none"> • Excellence in building design • Excellence in ESD and accessibility. • Provision of affordable housing. • Suitably mitigated off-site amenity impacts through generous rear setbacks and modest upper-level floorplates. • High level of compliance with Clause 58 and 15.01-2L Apartment Developments in Moreland
Recommendation:	Notice of Decision to Grant a Planning Permit be issued for the proposal.

Officer Recommendation

That a Notice of Decision to Grant Planning Permit No. MPS/2021/868 be issued for the construction of multi-storey mixed-use development, the use of land for dwellings and a reduction to the standard car parking requirement at 170 Sydney Road, Coburg, subject to the following conditions:

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 prepared by Kennedy Nolan (TP000-TP300), dated 12 May 2022 and advertised in June 2022, but modified to show:
 - a) Detailed façade elevations (with dimensions) at a scale of 1:20 for the west-facing podium level to Sydney Road and east-facing lower-level interface with Irrelach Lane. These elevations are to include detail relating to openings, services and external finishes & treatments. Any services on the façade must be highly concealed and treated to integrate with the building architecture.
 - b) The Level 7 pergola in the communal rooftop terrace reduced in area and/or sited further back from the Sydney Road frontage to reduce its visibility from the public realm.
 - c) A schedule of materials, finishes and colours, including physical samples of all external finishes.
 - d) External walls of the light well areas painted in a light colour to assist with reflection of light to habitable rooms.
 - e) Apartment Types A, D and E1 provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to include the following:
 - i. Note confirming the door will be outwards opening or inwards opening and installed with readily removable hinges;
 - ii. Dimensions confirming the door is to have a minimum width of 850mm;
 - iii. Note confirming the shower is to be hobless/step-free.
 - f) Apartment Type E1 provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to show the toilet in the corner of the room.
 - g) Apartment Types G, I and J provided with Clause 58 Standard D18 *Adaptable Bathroom Design Option A* updated to include the following:
 - i. Note confirming the door will be outwards opening or inwards opening and installed with readily removable hinges;
 - ii. Dimensions confirming the door is to have a minimum width of 820mm;

- iii. Note confirming the shower is to be hobless/step-free and be provided with a removable screen.
- h) Apartment Types B and C to comply with Clause 58 Standard D18 (Accessibility) in accordance with concept images and email dated 29 August 2022 which show an increased bathroom width.
- i) All accessible apartment types provided with front door clear opening dimension of at least 850mm.
- j) Four on-site car share parking spaces and one loading space shown within the rear setback, designed to comply with the requirements of Clause 52.06-9 of the Moreland Planning Scheme. Spaces in the southernmost parking area are to exhibit a minimum width of 2.8m and a minimum length of 4.9m. Spaces in the northernmost parking area are to exhibit a minimum width of 3.2m and a minimum length of 4.9m.
- k) The location of any substation required by the relevant power company. 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.
- l) A Landscape Plan in accordance with Condition 3 of this permit, including any modifications required to align with this plan.
- m) An amended Waste Management Plan in accordance with Condition 6 of this permit, including any modifications required to align with this plan.
- n) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within the amended Sustainability Management Plan required by Condition 8 of this permit.
- o) A Public Works Plan in accordance with Condition 12 of this permit, including any modifications required to align with this plan.
- p) An Accessibility Report in accordance with Condition 16 of this permit, including any modifications required to align with this plan.
- q) An amended Acoustic Report in accordance with Condition 36 of this permit, including any modifications required to align with this plan.
- r) An Amended Wind Impact Assessment in accordance with Condition 39 of this permit, including any necessary modifications required to align with his plan.
- s) An Amended Affordable Housing Report in accordance with Condition 41 of this permit.

Compliance with endorsed plans

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.

Landscape plan

3. Prior to the endorsement of plans, a Landscape Plan must be submitted to and approved by the Responsible Authority. To the satisfaction of the Responsible Authority, the landscape plan must show but not be limited to:
 - a) The ground-floor landscaped light well marked as permeable;
 - b) Details of soil depth for the planting of appropriate small and medium trees and shrubs within the first-floor light wells;

- c) A schedule of proposed landscaping works and planting that includes information on vegetation selection, quantities, location, establishment and maintenance in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014. Where located within the landscaped light well areas, this selection must be appropriate for the constrained context of these areas;
- d) Climbers and planters provided to pergolas (where appropriate) and balcony areas;
- e) Notations relating to the suitable irrigation and maintenance of planting throughout the development, including in private balcony spaces;
- f) The rear car park area noted as permeable (where practicable).

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.

- 4. 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.
- 5. 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.

Waste Management Plan

- 6. Prior to the endorsement of plans, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Ratio Consultants and dated February 2022, but be modified to:
 - a) Stipulate that bins will be stored within the site and collected from Irrelach Lane via a private collection service
 - b) Set out the nature and frequency of the private collection service;
 - c) Set out how disruptions to Irrelach Lane will be mitigated to the maximum extent practicable (ie. through the collection of larger bins resulting in shorter collection times etc);
 - d) Confirm that waste must be collected from the site within the following hours only:
 - i. Between 6:30am and 8:00pm, Monday to Saturday; or
 - ii. 9:00am and 8:00pm, Sundays and public holidays.
 - e) Demonstrate that a private waste collection vehicle can achieve safe and convenient access to the waste collection area through swept path analysis and commentary from a suitably qualified professional;
 - f) Reflect modifications made to the proposal in accordance with Condition 1 of this permit.

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.

- 7. 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.

Sustainability Management Plan

8. 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 SMP and plans must demonstrate a best practice standard of environmentally sustainable design, and be generally in accordance with the advertised SMP prepared by Lucid Consulting dated 27 June 2022 but modified to include the following changes:
 - a) Amended SMP to include the changes set out in the discussion SMP received 29 August 2022, including:
 - i. Reference to amended WSUD response providing rainwater tank connection to ground-level toilets;
 - ii. Reference to the updated BESS Scores;
 - b) Amended BESS Report (and any other corresponding documentation) to:
 - i. Reference the changes as per the discussion BESS Report received 29 August 2022.
 - ii. IEQ – Provide evidence that shading meets the NCC fire safety combustion requirements and is metal or a fabric that complies.
 - c) Show the following ESD initiatives on the development plans:
 - i. Add an overhang and external adjustable blind to the level 3 west facing windows and glazed doors to reduce heat gain.
 - ii. WSUD – clearly draw and label the 10,000 litre water tank listed in the MUSIC report (or tank size required to gain an acceptable score in MUSIC) on the ground floor plan.

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 SDA and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA may occur without the written consent of the Responsible Authority.

9. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed Sustainable Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.
10. Prior to the issue of Certificate of Occupancy or 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.

Green Travel Plan

11. Prior to the commencement of the development, the Green Travel Plan prepared by Ratio Consultants dated March 2022 must be endorsed to form part of the permit. The Green Travel Plan endorsed as part of this permit must be complied with at all times. No alterations to the Green Travel Plan may occur without the written consent of the Responsible Authority.

Public Works Plan

12. Prior to the commencement of the development, a Public Works Plan (PWP) and associated construction drawing specifications detailing the works to the land at the front of the site in Sydney Road and to the east of the site in Irrelach Lane must be submitted to the satisfaction of the Responsible Authority. The PWP 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) Longitudinal plans of the road verge commencing 10 metres beyond the site boundary, together with cross-sections between the kerb and the building line at 5 metre intervals, with levels showing the slope of the public footpath and highlighting how the level difference between footpath and floor levels will be made up within the site to the satisfaction of the Responsible Authority.
 - d) The upgrade of the footpath adjacent to the site. 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) Any necessary parking signs.
 - f) Any necessary drainage works.
 - g) The installation of bike hoops provided with graffiti-resistant surfaces.
 - h) Any other works and street furniture including seating (provided with graffiti-resistant surfaces).
 - i) The provision of new street tree planting along Sydney Road in appropriate locations in front of the site (where practicable), with the number of trees maximised based on the space available, in consultation with the Responsible Authority (Open Space Department).
 - j) The existing street tree on Sydney Road retained and protected as per Condition 35.

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.

13. 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.

Retention of Architect

14. Kennedy Nolan Architects 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.

Accessibility

16. Prior to the endorsement of plans an amended Accessibility Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Access Studio dated 20 October 2021 (and associated memo dated 26 May 2022) but modified to:
 - a) Reflect the decision plans, with any changes required under Condition 1 of this permit.

- b) Set out how compliance with Clause 58 Standard D17 (Accessibility) is achieved for Apartment Types B and C.
17. The recommendations of the approved Accessibility Report must be implemented to the satisfaction of the Responsible Authority. No alterations to the plan may occur without the written consent of the Responsible Authority.
 18. 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.

Potentially Contaminated Land

19. Before the construction or carrying out of buildings and works, the owner(s) must provide:
 - a) A Preliminary Risk Screen Assessment statement in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; 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, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or
 - c) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.
20. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.
21. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first). 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).
22. Prior to any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.

23. 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 21, 22 and 23 of this permit are satisfied.
24. Prior to commencement of the use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the *Environment Protection Act 2017*, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
25. Where a preliminary risk screen assessment has satisfied Condition 19 (that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the Responsible Authority.

Civil Engineering and General Amenity

26. 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 (Moreland City Council, City Infrastructure Department).
27. The public road footpath levels must not be altered. The development is to provide ramps or steps within the site to access the adopted floor levels, to the satisfaction of the Responsible Authority.
28. The verandah must not project beyond the street alignment unless it is setback not less than 750mm from the kerb and at a height not 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.
29. All external lighting, other than balcony lighting, must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
30. Lighting on each balcony must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
31. 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.
32. 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.
33. 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).
34. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.

Street Tree

35. Prior to the commencement of works a tree protection zone must be established around the existing street tree with barriers / fencing placed a distance of at least 12 times the trunk diameter (measured 1.4m above the ground) or 2 metres (whichever is greater) in accordance with the Australian Standard for Protection of trees on development sites (AS4970-2009), or in accordance with Council's Arborist direction, to the satisfaction of the Responsible Authority.

Acoustic Attenuation

36. Prior to the endorsement of plans, an amended Acoustic Report must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Marshall Day Acoustics, dated 21 October 2021 but modified to:
 - a) Reference the decision plans and any changes required by Condition 1 of this permit.
 - b) Clearly set out how compliance with the objectives and requirements of Clause 58 Standard D16 is achieved in the approved development configuration.
 - c) Clearly set out how compliance with other noise criteria listed in Section 3.5 of the Acoustic Report is achieved in the approved development configuration.
37. 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.
38. 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.

Wind Impact Assessment

39. Prior to the endorsement of plans, an amended Wind Impact Assessment must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by MEL Consultants, dated 27 May 2022 but modified to:
 - a) Relate to the development as approved by this permit, including any changes required by Condition 1 of this permit;
 - b) Clearly set out the expected mean wind speed for each area type assessed in the report as per the development approved by this permit;
 - c) Clearly set out that compliance with Clause 58 Standard D17 (Wind Impacts) is achieved in relation to unsafe wind conditions (Table D6) as per the development approved by this permit, or provide direction on changes required to achieve compliance.

Redundant Crossover

40. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

3D Model

41. 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.

Affordable Housing

42. Prior to the endorsement of plans, an amended Affordable Housing Report must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Affordable Housing Report prepared by Urbanxchange and dated January 2022, but modified to:
- a) Reference the updated development as approved by this permit;
 - b) Reference the amended Affordable Housing Offer of a minimum of five (5) dwellings or 10 per cent of the total number of dwellings (rounded up) to the nearest whole number transferred to a Registered Housing Agency as 'Affordable Dwellings'. Each dwelling is to be sold at no more than 90 per cent of the 'Market Price' as applicable to the balance of dwellings within the development;
 - c) Define 'Market Price' as the 'at cost' purchase price of dwellings as per the developer's not-for-profit model – i.e. the price at which the dwellings will be sold so as to cover what it costs to procure, design, manage and construct the dwellings;
 - d) Set out a minimum tenure for the 'Affordable Dwellings' of 20 years from first occupation.
43. Prior to the commencement of construction or carrying out of works (other than demolition of existing buildings and structures, removal of vegetation and site investigation works to determine the level of contamination on the land, and remediation works), an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the owner(s) of the land and the Responsible Authority in a form satisfactory to the Responsible Authority providing for the following:
- a) The owner covenants, acknowledges and agrees with Council to:
 - i. Provide ownership of no less than five (5) dwellings or 10 per cent of the total number of dwellings (rounded up to the nearest whole number approved on the site to be transferred as 'Affordable Dwellings' to a Registered Housing Agency. Each dwelling is to be sold at no more than 90 per cent of the 'Market Price' as relevant to the balance of dwellings within the development, and as defined in the endorsed Affordable Housing Report required by Condition 42 of the Permit.
 - ii. Each affordable dwelling is to be subject to a condition on title that it is to be used to deliver either social housing (as defined by the Housing Act 1983) or Affordable Housing (as defined by the Planning & Environment Act 1987) for a minimum period of 20 years after first occupation.
 - iii. All dwellings on site must be delivered, managed, leased and sold in accordance with the endorsed Affordable Housing Report required by Condition 41 of the permit;

- iv. Construct the Affordable Housing on the subject land in a continuous, proper and workmanlike manner, strictly in accordance with:
 - The Plans and Specifications;
 - All applicable laws;
 - The terms of applicable permits and approvals; and
 - Using all due care and skill.
- v. Complete delivery of its Affordable Housing commitments under this Agreement by:
 - Providing good titles to the Registered Housing Agency including all necessary title documents in registerable form pursuant to Clause a); or
 - Fully performing its contractual commitments under Clause a) iii.
- b) The owner must comply with Clause (a)(i) and (a)(ii) within six months of the last to occur of:
 - i. Registration of the plan of subdivision which creates the Affordable Housing Lots; and
 - ii. Completion of construction of the Affordable Housing, as signified by the issuing of an occupancy permit by a licensed building surveyor for each of the lots comprising the Affordable Housing.

The agreement must be registered on title. The owner(s) must pay the costs of the Responsible Authority in relation to the preparation, execution and registration of the agreement on title.

Development Contributions

44. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development 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.

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:

- a) a maximum of 12 months from the date of issue of the Building Permit; or
- b) prior to the issue of a Statement of Compliance for the subdivision.

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

Expiry Conditions

45. 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;
 - c) the use is not commenced 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;

- i. within six months after the permit expires to extend the commencement date.
- ii. 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 planning permit

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 or amend car parking restrictions in this area, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street.

Note 3: Contact needs to be made with Jemena to determine whether Jemena will require the power lines to be relocated away from the dwellings.

Note 4: The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.

Note 5: Environmental Audit Notes

- i. A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 5 business days of issue, in accordance with Section 210 of the *Environment Protection Act 2017* (Vic).
- ii. Where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to the *Environment Protection Act 2017*.
- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the *Sale of Land Act 1962*, a copy of the Certificate or Statement of Environmental Audit including a copy of any cover letter.

1. Background

Subject site

The subject site (the Site) is located on the eastern side of Sydney Road, between Rennie Street and The Grove in the centre of the Coburg Activity Centre. The Site is regular in shape and has an overall area of 950 square metres.

The Site has recently been cleared. Formerly, the Site was occupied by a double storey dwelling converted into a commercial premises with an addition constructed across the Sydney Road frontage. A pylon sign was located above the roof line near the front boundary and vehicle access provided from Sydney Road adjacent to the south boundary. The Site had established trees within its open rear area and has access to Irrelach Lane to the rear

The title is encumbered by Covenant 2673691. The covenant prohibits the site from being used for the 'carrying on of the practice of a medical practitioner' for a 'period of eight years from the day of August One thousand nine hundred and fifty-four'. The application proposed does not breach the restrictive covenant.

Surrounds

The Site is located within the Activity Centre Zone and is separated from residential properties located in the General Residential Zone to the east by Irrelach Lane. The surrounding area is characterised by a mix of one or two-storey commercial buildings fronting Sydney Road, and one or two-storey residential dwellings to the east.

Immediately north is a two-storey commercial building currently occupied by Segafredo (coffee machine suppliers). Further to the north of Rennie Street, planning approval has been granted for an eight-storey mixed-use development at 200-216 Sydney Road, which has yet to commence construction.

Immediately to the south is a single-storey building occupied by Zara Turkish Restaurant. Further south is a row of double storey commercial terraces formerly associated with the Moreland Parks buildings (Australia House) Heritage Precinct. A three-storey mixed-use development is found behind the front façade of one of these terraces at 162 Sydney Road.

To the east on the opposite side of Irrelach Lane is a single-storey residential dwelling at No. 2-4 Rennie Street.

A location plan forms **Attachment 1**.

The proposal

The proposal seeks planning approval for the construction of an eight-storey mixed development, and a reduction to the standard car parking requirement.

The proposed development is summarised below:

No. of dwellings	46 (two studios, 14 one-bed, 30 two-bed)
Building height (not including roof top services)	Sydney Road frontage: Seven-storeys + rooftop, or 24.75m Irrelach Lane frontage: Eight-storeys, or 27m
Street wall height	Three-storeys/11.75m
No. of on-site car parking spaces	Four spaces for car-share vehicles One on-site loading space
No. of bicycle spaces	100 within two bike store rooms
Ground-floor uses	Two retail tenancies totalling 234 square metres

Social & affordable housing offer	10 per cent of dwellings to be offered to a Registered Housing Provider at a 10 per cent discount on the 'Market Rate'.
Average preliminary NatHERS energy rating	8.1 stars
BESS Score	71 per cent
Materials	Brickwork and precast concrete

The development plans form **Attachment 2**.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Clause 37.08 Activity Centre Zone Schedule 1, Precinct 7	<u>Buildings and works</u> Pursuant to Clause 37.08-5, <u>a permit is required</u> to construct a building or construct or carry out works. <u>Use</u> Pursuant to Clause 37.08-2, <u>a permit is required</u> to use the land for the purpose of dwellings in Precinct 7 as the apartment entrance fronting Sydney Road is over 2.0 metres in width. Pursuant to Clause 37.08-2, a permit is <u>not</u> required to use land for the purposes of a shop (including retail).
Clause 52.06 Car Parking	Pursuant to Clause 52.06, <u>a permit is required</u> to reduce the standard car parking requirement from 54 car spaces to 4.
Clause 52.29 Land Adjacent to the Principal Road Network	Pursuant to Clause 52.29-2, <u>a permit is required</u> to create or alter access to a road in a Transport Zone 2.

The following Clauses of the Moreland Planning Scheme do not trigger a requirement for a planning permit but are relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay (Schedule 1). A condition is included in the recommendation requiring the payment of the DCP levy prior to the issue of a Building Permit for the development.
- Clause 45.09: Parking Overlay (Schedule 1). The parking overlay means that the 'Column B' rates in the table to Clause 52.06 apply. As a result, no visitor car parking is required for the development.
- Clause 52.34: Bicycle Parking. The requirements of this Clause have been met.
- Clause 53.18: Stormwater Management in Urban Development
- Clause 58: Apartment Developments

2. Internal/External Consultation

Public notification

Notification of the application has been made pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining land;
- Placing signs on site (Sydney Road and Irrelach Lane frontages).

Council has received four (4) objections to date. The key issues raised by objectors relate to:

- Excessive building height;
- Overshadowing;
- Construction process disrupting access to and safety of Irrelach Lane;
- Waste management and the collection of bins from Irrelach Lane;
- Insufficient on-site car parking and the impact to on-street car parking.

An objector location map forms **Attachment 3**.

External Referrals

External Referral Authority	Comments
Transport for Victoria	Supports the proposal subject to conditions, as set out in the Recommendation.

Internal referrals

Internal Branch/Business Unit	Comments
Urban Design Unit	Supports the proposal subject to conditions. Urban Design Officers note that the rear interface is adequately mitigated and the proposal is acceptable based on design excellence, ESD and affordable housing.
Development Engineering Team	Supports the proposal including car parking reduction subject to conditions, primarily relating to the provision of four on-site car-share spaces.
ESD Team	Supports the proposal subject to conditions ensuring the best practice environmentally sustainable design is delivered.
Principal Advisor, Social & Affordable Housing	Supports the proposed affordable housing offer subject to conditions for a Section 173 Agreement being entered into.
Recommended changes by each internal referral unit are addressed by conditions of the recommendations and or considered further in Section 4 of this report.	

3. Policy Implications

Planning Policy Framework (PPF):

The following policies are of most relevance to the assessment of this planning permit application:

- Municipal Planning Strategy (Clause 2)
- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13):
 - Contaminated and Potentially Contaminated Land (Clause 13.04-1S)
 - Noise Abatement (Clause 13.05-1S & 13.05-1L)
- Built Environment (Clause 15.01), including:
 - Urban Design (Clause 15.01-1S, 15.01-1R & 15.01-1L)
 - Vehicle Access Design in Moreland (Clause 15.01-1L)

- Building Design (Clause 15.01-2S & 15.01-2L)
- Apartment Developments in Moreland (Clause 15.01-2L)
- Healthy Neighbourhoods (Clause 15.01-4S and 15.01-4R)
- Neighbourhood Character (Clause 15.01-5S)
- Energy Efficiency in Moreland (Clause 15.01-2L-04)
- Environmentally Sustainable Development (Clause 15.01-2L-05)
- Residential Development (Clause 16.01), including:
 - Housing Supply (Clause 16.01-1S and 16.01-1R)
 - Homes in Moreland (Clause 16.01-1L)
 - Housing for People with Limited Mobility (Clause 16.01-1L)
 - Housing Affordability (Clauses 16.01-2S & 16.01-2L)
- Transport (Clause 18), including:
 - Principal Public Transport Network (Clause 18.02-3R)
 - Sustainable and Safe Transport (Clause 18.01-3S 18.01-3R, 18.02-2L)
 - Car Parking in Moreland (Clause 18.02-4L)
- Infrastructure (Clause 19.02), including:

Human Rights Consideration

This application has been processed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Moreland Planning Scheme) reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006, including Section 18 (Taking part in public life)*. In addition, the assessment of the application has had particular regard to:

- Section 12: Freedom of movement
- Section 13: Privacy and Reputation
- Section 20: Property rights

The right of the landowner to develop and use their land has been considered in accordance with the Moreland Planning Scheme.

4. Issues

In considering this application, regard has been given to the Planning Policy Framework, the provisions of the Moreland Planning Scheme, objections received and the merits of the application.

Does the proposed development have strategic policy support?

The subject site is located within the Coburg Activity Centre, where the strategic direction at Clause 2.03-1 seeks to accommodate substantial residential/mixed-use growth and change to create a new character of increased density and scale of built form, a strategy that is supported by State planning policy.

Does the proposal meet the requirements of the Activity Centre Zone (ACZ)?

The proposed development is considered suitable for the surrounding area. Excellence in the areas of building design, environmentally sustainable design and accessibility are achieved, while the provision of affordable housing weighs in the favour of approval.

Height and Built Form

Precinct 7 Sydney Road – Moreland Road of Schedule 1 to the Activity Centre Zone (ACZ1). The table below sets out the preferred building envelope and proposed outcomes.

Design Element	Precinct 7 Preferred Control	Proposed
Building height	18 metres (~6 storeys)	24.7m (front) & 26.95m (rear) 7 storeys & 8 storeys
Street wall height	11 metres (~3 storeys)	11.75m
Upper level setback	7 metres	Level 3: 4.8 metres Levels 4 -7: 7 metres

The proposal seeks to exceed the preferred building and street wall heights and reduce the upper level setback at Level 3. Section 4.4 'Design and Development' of the ACZ1 provides guidance in assessing variations from the preferred built form controls.

- *The proposed development supports the vision for the Activity Centre and achieves objectives of this schedule*

The proposed development seeks to revitalise this section of the Coburg Activity Centre through high-quality architecturally designed mixed-use development. The objectives of the ACZ1 are also realised through the increased density, a mid-rise scale, urban design excellence, environmental sustainability, housing diversity, affordability & accessibility, and improved public realm outcomes assisting in the viability of the commercial uses, whilst minimising amenity impacts to residential properties to the east.

- *The development is of an exemplary quality design that makes a positive contribution to the character of the neighbourhood;*

The proposed development represents an acceptable response to the local context and preferred character of the surrounding area.

The development's presentation to Sydney Road contributes to the fine grain architectural expression of the area through high levels of activation, visual interest and architectural detail. Employing brickwork and clear glazing to the frontage of the retail tenancies, the proposal exhibits tactile and suitably contemporary materiality drawn from elsewhere in the Coburg Activity Centre.

The brick podium and street wall exhibits a scale, vertical rhythm and detailed expression drawn from the two storey heritage buildings to the south of the Site (148-164 Sydney Rd), while sufficient upper-level setbacks and building articulation to the balance of the proposed form provides for a well-resolved presentation to Sydney Road, and ensures the street edge is defined by the lower levels.

Vehicle access is to be provided via Irrelach Lane, with five uncovered car parking spaces (including a loading space) sited in the rear setback. This is considered appropriate for the rear interface. This outcome will enable the street frontage to allow the safe passage of pedestrians with any vehicle conflicts from Sydney Road.

- *The additional height or reduced setback:*
 - *results in specific design benefits;*

The minor street wall variation is acceptable as the three-storey podium would define the street edge and retain a pedestrian-friendly human scale to Sydney Road. The street wall responds to the character and scale of the significant heritage buildings to the south at 164 Sydney Road, with a comparable street wall height sitting below the central pediment detail of this important building (see Figures 1 and 2 below).

The additional overall height allows for the provision of generous setbacks to the Site's sensitive eastern (rear) interface, as built form can be sited off the laneway boundary (including at the lower levels). A reduced building height may encourage a built form response sited closer to the rear boundary, resulting in greater off-site amenity impacts (overshadowing/overlooking etc) to residential land to the east.

- *facilitates benefits to the community, such as excellent ESD performance, positive contributions to public open space or the public realm, or the provision of affordable housing;*

Excellence in ESD is achieved through an 8.1 star average NatHERS rating, a 71 per cent Bess Score, a commitment to a gas-free development, and the provision of a rooftop level comprising a communal landscaped area and solar energy facilities. Electric car charging facilities are also provided in the car parking area, while the provision of on-site car-share parking spaces for use by not only the future occupants of this development but also residents in the surrounding area assists in a reduction in the reliance of private vehicles. Further, 100 secure on-site bicycle parking spaces are proposed to provide residents and staff with alternative modes of transportation.

The proposed offer of Affordable Housing, comprises:

- A minimum 10 per cent of the total dwelling yield being offered to a Registered Housing Provider at a discount equivalent to 10 per cent below the 'Market Price' (ie. 10 per cent below the 'at-cost' price of the dwellings, as defined in the Affordable Housing Report submitted with the application). This constitutes an offering of social housing as a form of Affordable Housing. These dwellings will comprise a range of one and two-bed apartments, to be worked through between the developer and Housing Provider as is appropriate.
- 20 per cent of the remaining dwellings to be balloted to 'key community contributors' and 'vulnerable members of the community' as identified by the developer, and as confirmed in the Affordable Housing Report submitted.

This offer has been reviewed by Council's Principal Advisor, Social & Affordable Housing, and is considered to represent excellence in community benefit. The affordable housing offer can be secured through a Section 173 Agreement, A Letter of Support from a Registered Housing Provider forms **Attachment 4**.

Recommended permit conditions can ensure an increase from the standard requirement of 50 per cent to 74 per cent of dwellings complying with Clause 58 Accessibility Standard D17 through minor amendments to the layout of Apartment Types B and C as per discussion plans received 29 August 2022. This is considered to deliver excellence in accessibility, and meets the objectives of the Schedule to the ACZ and Clause 16.01-1L.

A Public Works Plan is also recommended to secure upgrades to the Sydney Road street reserve including bicycle hoops and potential additional street tree planting, noting the existing crossover being reinstated to footpath will maximise the potential of this outcome.

- *does not have an adverse impact on the streetscape, heritage values, the public realm or the amenity of adjoining properties;*

It's noted the surrounding area of Sydney Road to the north of the Site is characterised by commercial sites. The proposed building design and scale respectfully responds to the character of the area and proximate two-storey heritage properties to the south through considered materiality, appropriate articulation, street wall height and suitably sited upper levels. An eight-storey mixed-use development at 200-216 Sydney Road (affected by the same preferred building height control) has been approved, with Council support for a permit to issue via consent through a VCAT Compulsory Conference process.

Notwithstanding the above, it is considered the pergola at rooftop terrace level can be reduced in area or modified in siting so as to have its visibility from the public realm reduced. 3D perspectives demonstrate this structure will be visible from eye level on Sydney Road. Reducing its visibility will assist in mitigating the visual impact of the proposed development.

The proposed built form is expressed in a manner that reduces the impacts of building bulk to an excellent standard. Modest floorplates at the upper levels of the eastern tower suitably reduces the impact of the additional height. A raked rear wall with integrated balconies and planting opportunities avoids a 'wedding cake' presentation, while the mid-block location of the Site will mean the additional height is partially obscured when adjoining sites are developed in an ACZ-compliant manner.

- *does not increase overshadowing of primary pedestrian routes on 21 March / September (Equinox) between 10:30am and 2pm; and*

The additional height does not result in any overshadowing of primary pedestrian routes or key public spaces, nor does it unreasonably overshadow adjoining public realm or private properties.

- *does not cause an unacceptable visual impact on surrounding streets, public spaces or private open space.*

As with any new development within an area identified for significant change (as is the case with the Coburg Activity Centre), the first few buildings will always stand out from the original building stock, until other sites redevelop. Given the Site's midblock location, long-range views to the proposed building may, in time, be partially obscured by development on adjoining properties (see Figure 3 from Rennie Street below). This reduces height impacts from mid and long-range views, and weighs in favour of the proposed variation.

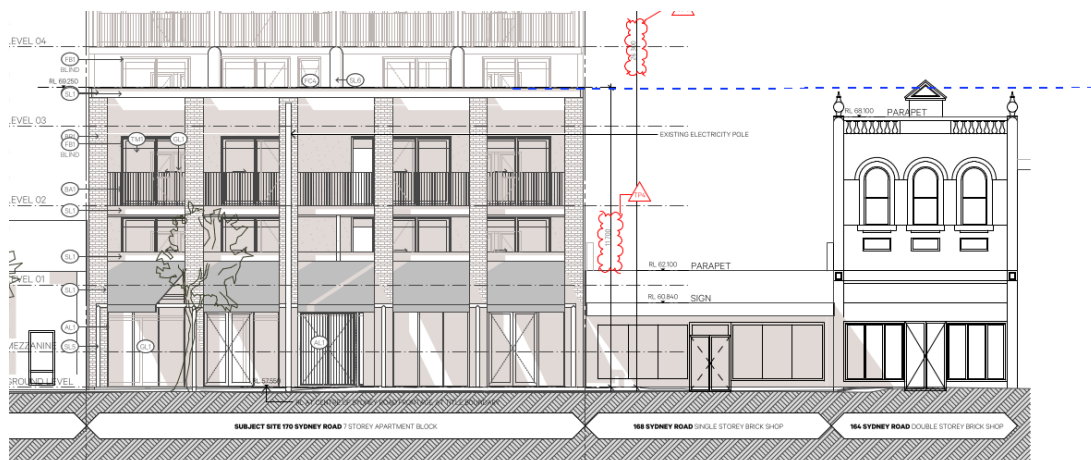


Figure 1 – Sydney Road streetscape elevation showing street wall. Source: Dwg TP200



Figure 2 – Sydney Road streetscape perspective from the south-west (massing of eight-storey approval at 200-216 Sydney Road seen far left). Source: Virtual Moreland 3D Model

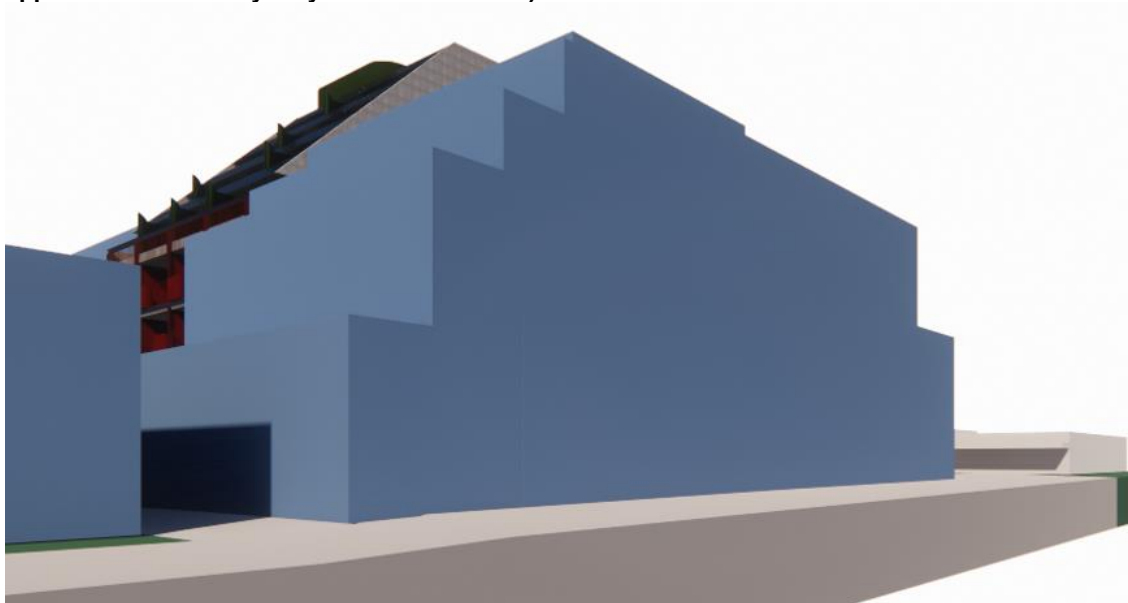


Figure 3 – Perspective view taken from north-east of the Site on Rennie Street, including massing of potential ACZ-compliant future development at No. 182 Sydney Road. Source: Kennedy Nolan

Are the proposed land uses appropriate for the area?

An objective of Precinct 7 to the Schedule of the ACZ is to *support residential uses in the precinct at upper levels, provided they do not impact on the viability of employment generating uses*. It is noted Irrelach Lane is cited as a 'laneway suitable for residential address' as per the precinct map of Precinct 7.

The proposed use of land for the purposes of dwellings is considered appropriate noting the majority of the street frontage will be utilised for commercial purposes

Does the proposal provide appropriate on-site amenity and facilities?

The proposal is considered to offer excellent internal amenity to prospective future occupants through strong compliance with the relevant requirements of Clauses 15.01-2L (Apartment Developments in Moreland) and 58 (Apartment Developments) of the Moreland Planning Scheme.

Clause 58 - Apartment Developments & Internal Amenity

253 square metres of communal space is proposed across three areas – the largest of which is the rooftop terrace at 172 square metres. This comfortably complies with the nominal requirement of Clause 58 Standard D7 (Communal Open Space), of 115 square metres for 46 dwellings.

All dwellings are provided with private open space via balconies that are compliant with the requirements of Clause 58 Standard D19 (Private Open Space).

All living rooms and bedrooms comply with the nominal requirements of Clause 58 Standard D25 (Functional Layout) and are of appropriate size and usability.

80 per cent of dwellings are provided with effective cross ventilation in accordance with Clause 58 Standard D28 (Natural Ventilation), comfortably complying with the minimum 40 per cent requirement.

Clause 15.01-2L - Apartment Developments in Moreland

The proposal is considered to represent an excellent response in relation to Clause 15.01-2L. Habitable rooms will be provided with appropriate outlook, while opportunities are provided for landscaping within the light well areas. The inclusion of generous light wells and substantial setbacks to the rear lane protects the future amenity of the proposed dwellings through access to ventilation and daylight. As such, the proposed development would not rely on amenity borrowed from adjoining developable sites or from Irrelach Lane.

Does the proposal result in any unreasonable off-site amenity impacts?

It is considered the proposal sensitively responds to the context of the site through generous rear setbacks to Irrelach Lane and suitably mitigated impacts related to visual bulk, overlooking and overshadowing.

Rear setbacks to Irrelach Lane and residentially zoned properties

The proposed development is generously setback from the sensitive eastern interface to Irrelach Lane, the residentially zoned properties beyond, and satisfies the objectives of CI58 Standard D14 (Building Setback) & CI55 Standard B17 (Side & Rear Setbacks).

Adopting the nominal setback requirements of Clause 55's Standard B17 to establish a suitable building envelope to the rear interface with residentially zoned land, the proposal ensures adequate clearance to these properties is provided. Graduated setbacks ranging from 5.3m at ground-floor level to 15.3m at Level 7 ensure visual bulk is mitigated and that additional overshadowing to affected properties is limited.

Separation provided by Irrelach Lane itself adds to the clearance afforded by the generous setbacks detailed above.

Overshadowing

As relevant to the residentially zoned properties on the eastern side of Irrelach Lane, overshadowing caused by the proposed development is limited to 2-4 Rennie Street, which would experience an additional 1m² of shadow at 2pm and 64m² at 3pm on 22 September. The rear yard of the affected property would retain 44m² of unshaded private open space at 3pm, with existing levels of solar access retained between 9am to approximately 1.30pm. The proposal complies with Clause 55's Standard B21 (Overshadowing).

No other additional shadows are to be cast to the secluded private open space of other residentially zoned properties between 9am and 3pm at the Equinox.

Overlooking

With the east-facing, upper-level balconies proposed to be sited between 10m (Level 1) and 20m (Level 7) from the western boundary of No. 2-4 Rennie Street, overlooking impacts have been mitigated to a compliant extent. Privacy screening is not required to these spaces, as the proposal complies with Clause 55 Standard B22 (Overlooking).

Is the car and bicycle parking and vehicle access appropriate?

The application proposes four on-site car-share spaces at ground-floor. This results in a shortfall of 42 resident car spaces and 8 retail car spaces, requiring a reduction in the car parking requirements pursuant to Clause 52.06-3.

The table below outlines the car parking requirements for the development based on the provisions of Clause 52.06-5 of the Moreland Planning Scheme.

Use	Total spaces required	Total spaces provided	Reduction sought
Dwellings	46	4 car-share spaces	42
Retail	8	0	8
Total	54	4	50

In considering the matters at Clause 52.06-7, the reduction of 50 car spaces is considered acceptable for the following reasons:

- The site is located in the Coburg Activity Centre with excellent access to a range of public transport options including:
 - Tram Route 19 on Sydney Road (north-south) – 150m.
 - Tram Route 6 on Moreland Road (east-west and north-south) – 550m.
 - Moreland Train Station (to city or Upfield) – 650m.
 - Route 510 Bus on Moreland Road (east-west) – 650m.
- The development will be provided with four on-site car-share spaces available for the use of future occupants (car-share membership will be assisted by the Sustainable Transport Fund, as per the Green Travel Plan submitted). This greatly reduces the effective resident parking demand when employing the industry standard of one car-share space equating to 10 private spaces (Phillip Boyle & Associates, June 2015, for the City of Melbourne). That is, the four car-share spaces will effectively account for 40 car spaces on-site. Based on this approach, it is therefore appropriate to expect that the availability of alternate transport modes - particularly through assisted resident membership to the four car-share vehicles located on-site - will reduce this effective shortfall to six resident cars.
- The surrounding street network is expected to adequately absorb the effective parking shortfall of six resident spaces.
- The parking surveys contained within the Traffic Impact Assessment Report indicates that suitable on-street car parking is available to accommodate the short-term parking demands of staff and customers to the retail premises.
- The reduction in car parking as sought is supported by Council's Development Engineers.
- The development provides 100 on-site bicycle spaces, greatly exceeding the requirements of the Activity Centre Zone (71 resident spaces and one retail employee space). The proposal also provides three publicly-accessible off-site visitor bicycle hoops at the Sydney Road frontage, which are considered appropriate by Council's Development Engineers. End-of-trip facilities are provided at ground-floor level for the convenient use of retail occupants.

- It is policy to support reduced car parking rates in developments within activity centres pursuant to Clause 18.02-4L as it encourages people to walk, cycle and use public transport. The site context and proposed development meets the expectations of that policy.

Are adequate loading/unloading facilities provided?

Clause 65.01 of the Moreland Planning Scheme requires consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

While on-site loading spaces are not expressly required by the Planning Scheme for mixed used apartment development, one on-site loading space is proposed within the rear setback. This will facilitate the loading activities of future residential and retail tenants.

Does the proposal result in any unreasonable traffic impacts?

The proposed development is not expected to generate unreasonable traffic impacts due to the limited number of on-site car parking spaces proposed.

Is the site potentially contaminated?

The Site is not affected by an Environmental Audit Overlay, however historical aerial imagery shows the land has been used to store motor vehicles and associated products. As such, conditions of the recommendation include those that relate to potentially contaminated land, requiring the submission of a Preliminary Risk Screen Assessment or Environmental Audit Statement prior to commencement to ensure that the site is remediated to an appropriate standard.

5. Response to Objector Concerns

The following issues raised by objectors are addressed in section 4 of this report:

- Excessive building height
- Car parking

Other issues raised by objectors are addressed below.

Overshadowing of Irrelach Lane

A modest extent of additional shadow is proposed to be cast to Irrelach Lane at 2pm and 3pm on the equinox. This is considered acceptable given the function of the lane. Further, a comparative shadow analysis provided by the Permit Applicant showing the impact of the same development at an ACZ compliant height demonstrates only a small extent of shadow is cast to Irrelach Lane by the additional height sought (approximately an extra 5m² compared to the ACZ compliant height).

Construction issues

The Environment Protection Authority (EPA) provide guidelines and regulations that specify times for construction, to limit noise impacts. Noise and amenity impacts during the construction process are also regulated through Council's General Local Law, 2018

Concern has been raised in relation to potential closure of roads and footpaths during construction. Closure or occupation of public spaces requires a Public Occupation Permit under Council's General Local Law 2018. Further, Council's Local Law 2018 requires an Asset Protection Permit to be obtained to ensure infrastructure assets within the road reserve are protected or repaired if damaged.

A range of other approvals are required from Council's Transport, Engineering and Asset Protection teams related to construction impacts on public space. Consideration of such closures and public notice, as required, is undertaken through these processes.

Waste collection and associated impacts to Irrelach Lane

Council's Development Engineers are generally satisfied with the nature and frequency of waste collection from Irrelach Lane as proposed, however they have confirmed that Council will not collect waste from the rear lane. As such, an amended Waste Management Plan can be required by a recommended permit condition, and would require that private waste collection from Irrelach Lane is arranged. This would provide an opportunity to revise the waste collection method to reduce disruptions to the rear lane, through larger bin sizes or other methods not generally afforded by Council collection. An amended Waste Management Plan must be to the satisfaction of Council.

6. Officer Declaration of Conflict of Interest

Council Officers involved in the preparation of this report do not have a conflict of interest in this matter.

7. Financial and Resources Implications

There are no financial or resource implications.

8. Conclusion

On the balance of policies and controls within the Moreland Planning Scheme and objections received, it is considered that Notice of Decision to Grant a Planning Permit for MPS/2021/868 should be issued subject to the conditions included in the recommendation of this report.

Attachment/s

1 ↓	Location and Zoning Map - 170 Sydney Road, Coburg	D22/407744
2 ↓	Development Plans and 3D Perspectives - 170 Sydney Road, Coburg	D22/407742
3 ↓	Location of Objectors - 170 Sydney Road, Coburg	D22/407725
4 ↓	Letter of Support from Registered Housing Provider - 170 Sydney Road, Coburg	D22/407701

