



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 27 April 2022

The Mayor opened the meeting at 7.08 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Present	Time In	Time Out
Cr Mark Riley, Mayor	7.08 pm	8.12 pm
Cr Lambros Tapinos, Deputy Mayor	7.08 pm	8.12 pm
Cr Adam Pulford	7.08 pm	8.12 pm
Cr Angelica Panopoulos	7.08 pm	8.12 pm
Cr Annalivia Carli Hannan	Apology	
Cr Helen Davidson	7.08 pm	8.12 pm
Cr Helen Pavlidis	7.08 pm	8.12 pm
Cr James Conlan	7.08 pm	8.12 pm
Cr Monica Harte	7.08 pm	8.12 pm
Cr Oscar Yildiz JP	7.08 pm	8.12 pm
Cr Sue Bolton	Leave of absence	

OFFICERS

Director Place and Environment – Joseph Tabacco
Group Manager City Development – Phil Priest
Planning Coordinator – Esha Rahman
Senior Urban Planner – Alex Osborne
Manager Governance and Strategy - Yvonne Callanan
Unit Manager Governance – Troy Delia
Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Cr Bolton has sought a leave of absence from 1pm on 18 April until 6pm on 21 May 2022 inclusive. The request will be received at the Council meeting on 11 May 2022.

Cr Carli Hannan was an apology to the meeting.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil

MINUTE CONFIRMATION

Resolution

Cr Panopoulos moved, Cr Conlan seconded -

The minutes of the Planning and Related Matters Meeting held on 23 March 2022 be confirmed.

Carried

COUNCIL REPORTS

5.1 392-394 MORELAND ROAD, BRUNSWICK WEST VIC 3055 - PLANNING APPLICATION MPS/2021/197



Property:	392-394 Moreland Road, BRUNSWICK WEST				
Proposal:	Construction of 12 dwellings (9 x four storey dwellings and 3 x three storey dwellings) and to alter access to a road in a Transport Zone 2				
Zoning and Overlay/s:	<ul style="list-style-type: none">Residential Growth Zone – Schedule 2Development Contributions Plan OverlayParking Overlay – Schedule 1Design and Development Overlay – Schedule 24				
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">Fourteen (14)Key issues:<ul style="list-style-type: none">OvershadowingNeighbourhood character, bulk and scaleCar parkingLaneway impactsImpacts on treesOverlookingRescode complianceLandscapingProperty pricesConstruction disturbance				

Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> • Date: 18 October 2021 • Attendees: Four objectors, the applicant, two Council officers, Cr Mark Riley, Cr Sue Bolton, Cr James Conlan, Cr Oscar Yildiz, and former Cr El Halabi. • The applicant was agreeable to removal of an arbour due to concerns of one of the objectors. In addition, draft revised plans were submitted showing reduction in built form to improve shadow impacts. These built form reductions form part of the recommendation.
ESD:	<ul style="list-style-type: none"> • Minimum average NatHERS rating of 6.5 stars.
Accessibility	<ul style="list-style-type: none"> • A ramp will be provided to Moreland Road in accordance with DDA requirements. This is secured by a condition on the recommendation.
Key reasons for support	<ul style="list-style-type: none"> • The building height and scale of the proposal is appropriate within a residential growth zone. • The proposal limits off site amenity impacts. • The car parking and traffic impacts are acceptable in this location. • Proposal almost identical to the proposal previously supported as a mediated outcome with objector parties as part of a VCAT process.
Recommendation:	Notice of Decision to Grant a Planning Permit

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit MPS/2021/197 be issued for the construction of 12 dwellings with roof terraces (9 x four storey dwellings and 3 x three storey dwellings) and to alter access to a road in a Transport Zone 2 at 392-394 Moreland Road, Brunswick West, 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 29 July 2021 but modified to show:
 - a) A ramped access from Moreland Road generally in accordance with sketch plan received 14 April 2022 and any alterations required to ensure compliance with DDA standards.
 - b) Deletion of Unit 6 and 7 roof terraces.
 - c) The second-floor eastern setback of Unit 2's ensuite and bathroom to comply with Standard A12 of Clause 55.04-3 (Daylight to existing windows). This could be achieved by increasing the east setback to a minimum of 4.41 metres.
 - d) The third-floor eastern setback of Unit 2's alfresco room to comply with Standard A12 of Clause 55.04-3 (Daylight to existing windows). This could be achieved by increasing the east setback to a minimum of 5.78 metres.
 - e) The second-floor western setback of Unit 12's Bed 4 to comply with Standard A12 of Clause 55.04-3 (Daylight to existing windows). This could be achieved by increasing the west setback to a minimum of 4.42 metres.

- f) Deletion of the Dwelling 2 arbour.
- g) All elevations of the ground floor clad with stacked brick, except for architectural features such as porch elements
- h) The garage doors of all double garages to be 5.2m wide.
- i) The garage doors of all single garages to be 3.2m wide.
- j) The length, width and height of all storage areas to ensure 6m³ is achieved for each dwelling.
- k) A landscape plan in accordance with condition 3 of this permit.
- l) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6 of this permit.
- m) Tree protection zone(s) in accordance with Condition 8 of this permit, to the Council street tree.
- n) Any modifications that may be required to address noise impacts, as identified in the Acoustic Report required by condition 9 of this permit.

Secondary Consent

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.

Landscaping

3. 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 Planning and Design advertised 29 July 2021 but amended to show:

- a) Any changes required to align with the plans for endorsement as required by Condition 1 of this permit.

Once submitted to and approved by the Responsible Authority, the landscape plan will be endorsed to form part of the permit. The endorsed landscape plan must not be modified 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 must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
5. All landscaping 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.

Environmentally Sustainable Development

6. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA 24 June 2021, prepared by Ayden Frigerio, received 1/7/2021 but modified to include the following changes:
 - a) The SDA amended:
 - i. So that Page 1 refers to the correct address.
 - b) Include a commitment to a solar PV system of at least 4kW for dwellings 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 (or justify a smaller system). Show the following ESD initiatives on the development plans:

- i. The raingardens relocated to within the future title boundaries of the dwellings they are serving (not within common property areas). Place the raingardens close to the downpipes draining the catchment areas. The raingardens dimensioned as being at least 300mm from building footings.
 - ii. Double glazing annotated on each individual glazing unit (windows and sliding glazed doors) on elevations and included in the Materials and Finishes Schedule.
 - iii. Adjustable shading devices (ASD) to east- and west-facing habitable room glazing. To be illustrated with a product diagram on Elevation plans, and 'ASD' annotations to each glazing unit on Elevation plans.
 - iv. Fixed shading devices (FSD) to north-facing habitable room glazing (windows and glazed doors), with a depth of at least 25% of the height of the glazing. All North facing horizontal shading devices extending to both sides of the window by a distance equal to the depth of the device. To be illustrated with representative diagrams including the depth of the shading device on Elevation plans, and 'FSD' annotations to each glazing unit on Elevation plans.
- c) An amended stormwater catchment plan that is consistent with the STORM report, clearly showing:
- i. How water captured for treatment by raingardens tanks will reach the raingardens. Illustrate the connection from the downpipes to the raingardens.
- d) Amend the plans to show a minimum 4kW solar photovoltaic (PV) system, individual panels minimum 400W for dwellings 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 (or justify a smaller system). Include the proposed location, size and number of individual panels, orientation and tilt angle.

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.

7. 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 Design Assessment report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Tree Protection

8. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all Council trees and trees 3, 4, 6, 7, 9 and 10 of the Arborist report by treemap arboriculture must have a Tree Protection Zone (TPZ) in accordance with *AS4970 Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority. The TPZ must meet the following requirements:

a) Tree Protection Fencing

Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH –

measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

If works are shown on any endorsed plan of this permit within the confines of the calculated TPZ, then the TPF must be taken in to only the minimum amount necessary to allow the works to be completed.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of mesh panels, chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

b) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating "Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste.". The TPF signage must be complied with at all times.

c) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

d) Provision of Services

All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970.

Noise attenuation

9. Prior to the endorsement of plans, an acoustic report prepared by a qualified Acoustic Engineer must be submitted and approved to the satisfaction of the Responsible Authority. The report must include recommendations of acoustic attenuation measures to ensure that the amenity of future residents is protected from noise generated by traffic on Moreland Road.

When submitted and approved to the satisfaction of the Responsible Authority, the acoustic report will be endorsed to form part of this permit.

Development Contributions

10. 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.

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) For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; 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.

Public Works Plan

11. Prior to the commencement of development, a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must detail works in front of the approved building along Moreland Road and 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 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).
 - d) For any vehicle crossing not being used, the kerb, channel and footpath reinstated in accordance with condition 14 of this permit
 - e) Any necessary parking signs, in consultation with the Responsible Authority.
 - f) Any necessary drainage works.
 - g) Any other works to the public land adjacent to the development.
 - h) The provision of at least two additional street trees along Moreland Road to the satisfaction of the Responsible Authority. Street trees are to be planted in tree pits, per Council's technote 'Tree Pit with Grate Cover C100.06'.

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.

12. 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

General Conditions

13. Prior to the issuing of a Statement of Compliance or occupation of the development, whichever occurs first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
14. 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.
15. Any ramp from common accessway to the laneway must be contained entirely within the site leaving the laneway levels unaltered.
16. 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).
17. Before the occupation of the development, automatic or sensor-controlled lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the rear dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction

of the Responsible Authority.

18. Lighting on each balcony and terrace must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
19. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
20. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.
21. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
22. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years from the date of issue of this permit;
 - b) The development is not completed within four (4) years from the date of issue of this permit.

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

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

Notes

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: Further approvals are required from Council's City Infrastructure Department who can be contacted on 8311 4300 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 4: Moreland City Council is committed to increasing the amount of affordable housing in the municipality. One way to do this, is through Homes for Homes, a social enterprise founded by the Big Issue that aims to raise new funds via voluntary tax-deductible donations on property transactions and invest those funds in building and managing new social and affordable dwellings. If you would like to help build homes for those in need, visit Homes for Homes and register your commitment to donate 0.1% of the sale price of your dwelling(s).

Department of Transport Notes

Note 1: 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.

Resolution

Cr Conlan moved, Cr Panopoulos seconded -

That a Notice of Decision to Grant Planning Permit No. MPS/2021/197 be issued for the Construction of 12 dwellings (9 x four storey dwellings and 3 x three storey dwellings) and to alter access to a road in a Transport Zone 2 at 392-394 Moreland Road, BRUNSWICK WEST 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 29 July 2021 but modified to show:**
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 - c) The second-floor eastern setback of Unit 2's ensuite and bathroom to comply with Standard A12 of Clause 55.04-3 (Daylight to existing windows). This could be achieved by increasing the east setback to a minimum of 4.41 metres.**
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 - f) Deletion of the Dwelling 2 arbour.**
 - g) All elevations of the ground floor clad with stacked brick, except for architectural features such as porch elements**
 - h) The garage doors of all double garages to be 5.2m wide.**
 - i) The garage doors of all single garages to be 3.2m wide.**
 - j) The length, width and height of all storage areas to ensure 6m³ is achieved for each dwelling.**
 - k) A landscape plan in accordance with condition 3 of this permit.**
 - l) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6 of this permit.**
 - m) Tree protection zone(s) in accordance with Condition 8 of this permit, to the Council street tree.**
 - n) Any modifications that may be required to address noise impacts, as identified in the Acoustic Report required by condition 9 of this permit.**

Secondary Consent

- 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.

Landscaping

3. 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 Planning and Design advertised 29 July 2021 but amended to show:
 - a) Any changes required to align with the plans for endorsement as required by Condition 1 of this permit.Once submitted to and approved by the Responsible Authority, the landscape plan will be endorsed to form part of the permit. The endorsed landscape plan must not be modified 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 must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
5. All landscaping 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.

Environmentally Sustainable Development

6. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA 24 June 2021, prepared by Ayden Frigerio, received 1/7/2021 but modified to include the following changes:
 - a) The SDA amended:
 - i. So that Page 1 refers to the correct address.
 - b) Include a commitment to a solar PV system of at least 4kW for dwellings 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 (or justify a smaller system). Show the following ESD initiatives on the development plans:
 - i. The raingardens relocated to within the future title boundaries of the dwellings they are serving (not within common property areas). Place the raingardens close to the downpipes draining the catchment areas. The raingardens dimensioned as being at least 300mm from building footings.
 - ii. Double glazing annotated on each individual glazing unit (windows and sliding glazed doors) on elevations and included in the Materials and Finishes Schedule.
 - iii. Adjustable shading devices (ASD) to east- and west-facing habitable room glazing. To be illustrated with a product diagram on Elevation plans, and 'ASD' annotations to each glazing unit on Elevation plans.
 - iv. Fixed shading devices (FSD) to north-facing habitable room glazing (windows and glazed doors), with a depth of at least 25% of the height of the glazing. All North facing horizontal shading devices extending to both sides of the window by a distance equal to the

depth of the device. To be illustrated with representative diagrams including the depth of the shading device on Elevation plans, and 'FSD' annotations to each glazing unit on Elevation plans.

- c) An amended stormwater catchment plan that is consistent with the STORM report, clearly showing:
 - i. How water captured for treatment by raingardens tanks will reach the raingardens. Illustrate the connection from the downpipes to the raingardens.
- d) Amend the plans to show a minimum 4kW solar photovoltaic (PV) system, individual panels minimum 400W for dwellings 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 (or justify a smaller system). Include the proposed location, size and number of individual panels, orientation and tilt angle.
- e) Provide updated preliminary NatHERS ratings assessments for all dwellings demonstrating a minimum 7 NatHERS star rating average.

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.

7. 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 Design Assessment report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Tree Protection

8. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all Council trees and trees 3, 4, 6, 7, 9 and 10 of the Arborist report by treemap arboriculture must have a Tree Protection Zone (TPZ) in accordance with *AS4970 Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority. The TPZ must meet the following requirements:

- a) Tree Protection Fencing

Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

If works are shown on any endorsed plan of this permit within the confines of the calculated TPZ, then the TPF must be taken in to only the minimum amount necessary to allow the works to be completed.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of mesh panels, chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

- b) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating “Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste.”. The TPF signage must be complied with at all times.

c) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

d) Provision of Services

All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970.

Noise attenuation

9. Prior to the endorsement of plans, an acoustic report prepared by a qualified Acoustic Engineer must be submitted and approved to the satisfaction of the Responsible Authority. The report must include recommendations of acoustic attenuation measures to ensure that the amenity of future residents is protected from noise generated by traffic on Moreland Road.

When submitted and approved to the satisfaction of the Responsible Authority, the acoustic report will be endorsed to form part of this permit.

Development Contributions

10. 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.

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) For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; 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.

Public Works Plan

11. Prior to the commencement of development, a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must detail works in front of the approved building along Moreland Road and 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 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).

- d) For any vehicle crossing not being used, the kerb, channel and footpath reinstated in accordance with condition 14 of this permit
- e) Any necessary parking signs, in consultation with the Responsible Authority.
- f) Any necessary drainage works.
- g) Any other works to the public land adjacent to the development.
- h) The provision of at least two additional street trees along Moreland Road to the satisfaction of the Responsible Authority. Street trees are to be planted in tree pits, per Council's technote 'Tree Pit with Grate Cover C100.06'.

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.

- 12. 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

General Conditions

- 13. Prior to the issuing of a Statement of Compliance or occupation of the development, whichever occurs first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
- 14. 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.
- 15. Any ramp from common accessway to the laneway must be contained entirely within the site leaving the laneway levels unaltered.
- 16. 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).
- 17. Before the occupation of the development, automatic or sensor-controlled lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the rear dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
- 18. Lighting on each balcony and terrace must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
- 19. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
- 20. Stormwater from the land must not be directed to the surface of the laneway to

the satisfaction of the Responsible Authority.

21. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
22. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years from the date of issue of this permit;
 - b) The development is not completed within four (4) years from the date of issue of this permit.

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

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

Notes

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: Further approvals are required from Council's City Infrastructure Department who can be contacted on 8311 4300 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 4: Moreland City Council is committed to increasing the amount of affordable housing in the municipality. One way to do this, is through Homes for Homes, a social enterprise founded by the Big Issue that aims to raise new funds via voluntary tax-deductible donations on property transactions and invest those funds in building and managing new social and affordable dwellings. If you would like to help build homes for those in need, visit Homes for Homes and register your commitment to donate 0.1% of the sale price of your dwelling(s).

Department of Transport Notes

Note 1: 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.

Carried unanimously

5.2 699-701 PARK STREET, 182-192 BRUNSWICK ROAD AND 2-4 SYDNEY ROAD, BRUNSWICK - NOTICE OF MINISTERIAL PLANNING SCHEME AMENDMENT C218MORE AND PERMIT APPLICATION NO. PA2201559

The Minister for Planning is considering whether to prepare, adopt and approve Moreland Planning Scheme Amendment C218more and grant a planning permit. The draft amendment proposes to make the Minister for Planning the responsible authority for administering the planning permit, which allows a mixed-use multi-storey development, use of the land for a food and drink premises and office, partial demolition and alterations to the heritage building, a reduction to the standard car parking requirement and to alter access to a Road in a Transport Zone Category 2.

To inform the Ministers decision, consultation is being undertaken under section 20(5) of the Planning and Environment Act 1987 (the 'Act') about the draft amendment and the draft planning permit.

This report recommends that Council's submission to the Minister should be that the amendment to the planning scheme should only proceed subject to changes to the plans reflected in the officers recommended draft planning permit conditions. Key changes sought include:

- Ensuring ESD targets are achieved
- Improved affordable housing offer
- Gaps introduced into the Park Street built form with height reduced to the east, allowing a better 'marking' of the Park Street/Sydney Road corner and reduced shadowing to Princes Park
- Front setbacks and deep soil planting introduced for townhouses facing Park Street
- The sheer walls flanking the heritage substation avoided with recessed upper levels
- Daylight to apartments improved
- Shadow impacts to 180 Brunswick Road reduced
- The ground floor interface to Brunswick Road improved by relocating building services
- The material palette to incorporate greater use of high-quality fine grain materials

Property:	699- 701 Park Street, 182 – 192 Brunswick Road and 2 – 4 Sydney Road, Brunswick			
Proposal:	Mixed-use multi-storey development, use of the land for a food and drink premises and office, partial demolition and alterations to the heritage building and reduction to the standard car parking requirement and to alter access to a Road in a Transport Zone Category 2.			
Zoning and Overlay/s:	<ul style="list-style-type: none"> • Mixed Use Zone • Heritage Overlay (part of site) • Design and Development Overlay Schedule 18 • Environmental Audit Overlay • Development Contribution Plan Overlay 			
Strategic setting:	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth

Objections:	State Government consultation concludes 2 May 2022
ESD:	Application is targeting minimum average NatHERS rating of 7 stars and BESS score of 73%
Affordable Housing	10% of dwellings (17) subsidised at 35% of market value and the entering into the Homes for Homes scheme (0.1% of sale price gifted to affordable housing schemes).
Accessibility:	120 of the 168 (72%) apartments meet accessibility standards of Clause 58 of the Moreland Planning Scheme.
Key reasons for support	<ul style="list-style-type: none"> • Maintains most of the positive aspects of previous proposal. • Addresses most of the key concerns of previous VCAT decision. • Conditions of permit can address remaining areas of concern.

Officer Recommendation

1. That Council's submission to the Minister for Planning be that:
 - a. The planning permit contained at **Attachment 5** be adopted in place of the draft planning permit PA2201559 exhibited as part of the amendment package.
 - b. The matter proceed to a Standing Advisory Committee to enable Council and any submitters the opportunity to present their views.

That the Group Manager City Development be provided with delegated authority to amend the recommended planning permit conditions as appropriate, including as a result of any Standing Advisory Committee process, the consideration of expert witness recommendations or any further variations to plans.

- 7.46 pm Cr Yildiz left the meeting.
7.47 pm Cr Conlan left the meeting.
7.47 pm Cr Conlan returned to the meeting.
7.48 pm Cr Yildiz returned to the meeting.

Resolution

Cr Conlan moved, Cr Panopoulos seconded -

1. That Council's submission to the Minister for Planning be that:
 - a) This matter proceed to a Standing Advisory Committee to enable Council and any submitters the opportunity to present their views.
 - b) Amendment C218More should be abandoned and does not warrant Ministerial intervention for the following reasons:
 - i. The proposed design will visually dominate, overwhelm and fails to respect the existing siting of contributory and significant elements being detrimental to the significance of the heritage substation.
 - ii. The proposal fails to respect the existing scale, massing and form of heritage substation and the extent of alterations proposed to the substation will also detrimentally impacts its heritage significance.
 - iii. The proposal results in an unacceptable shadow impact upon Princes Park, including the running track being a substantial increase to that previously refused by VCAT.

- iv. The proposal fails to follow the direction provided in the previous VCAT decision for a scaling down in building height along Park St to provide a more appropriate response to the requirements, objectives and design guidelines of DDO18. If supported the Minister would be approving a lesser outcome to that previously refused by VCAT.
 - v. The building form, visual bulk, massing and setback to Park Street in failing to appropriately step down in height, provide design differentiation, and visual breaks provides an unacceptable visual bulk and mass, contrary to the requirements, objectives and design guidelines of DDO18.
 - vi. The proposal provides for an unacceptable overshadowing impact to the solar panels and private open space of residential property at 180 Brunswick Road.
 - vii. The proposed reduced size of communal open space and utilisation of rooftop open space provides a reduced internal amenity to the development in comparison to that previously refused by VCAT
 - viii. The provision of 11 apartments that fail to meet the internal amenity requirements of Standard D26 (Room depth) '*To allow adequate daylight into single aspect habitable rooms*, provides an unacceptable planning outcome for this large unconstrained site.
 - ix. The proposed offer only 10% affordable housing at a discounts sale price provides insufficient public benefit to warrant Ministerial Intervention. The proposal will also only cater to purchasers on the highest income bracket of the moderate income category rather than those of greater need in the Moreland in the low and very low income category. Council also reiterates its preference for public housing, suggesting the state government can and should be delivering a fixed proportion of public housing as part of all new, major developments.
 - x. The design resolution inclusive of extensive service cabinets to the Brunswick Road ground floor frontage fails to satisfy the concerns previously highlighted in the VCAT interim order that the extent of services on Brunswick Road was not acceptable and failed to satisfy the detailed design direction in DDO18 for service cabinets to be located away from the front façade, wherever possible.
 - xi. The proposal is unacceptable in that it makes inadequate provision of canopy trees and deep soil planting in accordance with Clause 58.03-5, Standard 10 Landscaping and in this respect is also a lesser planning outcome to that previously refused by VCAT.
- c) To express disappointment that the Minister for Planning is considering removing Council decision-making capacity and local resident participation for this application under the guise of Covid-19 recovery
 - d) To express concern that the Government Development Facilitation Program appears to be designed to streamline major developments to the benefit of developers and at the expense of due process and meaningful community consultation.
 - e) To note the long history of community campaigning and activism against successive proposals at this site, which the community have emphatically rejected.
 - f) That the Group Manager City Development be provided with delegated authority to settle any 'without prejudice planning permit conditions as

appropriate, including as a result of any Standing Advisory Committee process, the consideration of expert witness recommendations or any further variations to plans.

Carried

Cr Conlan called for a division.

For

Cr Davidson
Cr Yildiz
Cr Pulford
Cr Panopoulos
Cr Pavlidis
Cr Conlan
Cr Harte
Cr Riley

Against

Abstained

Cr Tapinos

Total For (8)

Total Against (0)

Total Abstained (1)

URGENT BUSINESS REPORTS

Nil

The meeting closed at 8.12 pm.

Confirmed

Cr Mark Riley
MAYOR