



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 22 June 2022
and resumed on Tuesday 28 June 2022

The Mayor opened the meeting at 6.37 pm on Wednesday 22 June 2022 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	Wednesday 22 June	
	Time In	Time Out
Cr Mark Riley, Mayor	6.37 pm	8.28 pm
Cr Lambros Tapinos, Deputy Mayor	Leave of absence	
Cr Adam Pulford	Apology	
Cr Angelica Panopoulos	6.37 pm	8.28 pm
Cr Annalivia Carli Hannan	6.37 pm	8.27 pm
Cr Helen Davidson	Apology	
Cr Helen Pavlidis	Apology	
Cr James Conlan	6.37 pm	8.28 pm
Cr Monica Harte	6.37 pm	8.28 pm
Cr Oscar Yildiz JP	Apology	
Cr Sue Bolton	6.37 pm	8.28 pm

OFFICERS

Director Place and Environment – Joseph Tabacco
Group Manager City Development – Phil Priest
Unit Manager Urban Planning – Mark Hughes
Planning Coordinator - Darren Camilleri
Planning Coordinator - Esha Rahman
Unit Manager Governance – Troy Delia
Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Cr Tapinos was on an approved leave of absence from 23 May 2022 to 25 June 2022 inclusive.

Cr Pulford, Cr Davidson, Cr Pavlidis and Cr Yildiz were apologies to the meeting on Wednesday 22 June 2022.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil

MINUTE CONFIRMATION

Resolution

Cr Conlan moved, Cr Panopoulos seconded -

The minutes of the Planning and Related Matters Meeting held on 25 May 2022 be confirmed.

Carried

COUNCIL REPORTS

5.1 38 HARRISON STREET, BRUNSWICK EAST VIC 3057 - PLANNING APPLICATION MPS/2020/799



Property:	38 Harrison Street, BRUNSWICK EAST VIC 3057			
Proposal:	Partial demolition and external alteration to the existing dwelling, construction of seven dwellings, reduction to the car parking requirement and removal of vegetation			
Zoning and Overlay/s:	<ul style="list-style-type: none">• Neighbourhood Residential Zone Schedule 1 (NRZ1)• Environmental Significance Overlay Schedule 1 (ESO1)• Heritage Overlay Schedule 90 (HO90)• Design and Development Overlay Schedule 1 (DDO1)• Land Subject to Inundation Overlay (LSIO)• Development Contributions Plan Overlay (DCPO)			
Strategic setting:	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth

Objections:	<ul style="list-style-type: none"> • 135 objections • Key issues: <ul style="list-style-type: none"> • Amenity impacts including walls on boundary, overshadowing, overlooking and daylight access to existing windows. • Parking and traffic impacts. • Loss of vegetation and impact of development on Merri Creek environs. • Impact on heritage dwelling and demolition of outbuildings.
Planning Information and Discussion (PID) Meeting:	<p>First PID - 16 August 2021</p> <ul style="list-style-type: none"> • Attendees: 12 objectors, the applicant, Council officers, Deputy Mayor Cr Mark Riley and Cr James Conlan <p>Following the PID, amended plans were lodged to address some of the concerns including increased setbacks and landscaping.</p> <p>Second PID - 28 February 2022</p> <ul style="list-style-type: none"> • Attendees: 18 objectors, the applicant, Council officers, Cr Sue Bolton and Cr James Conlan. <p>Following the second PID, the applicant agreed to retain an additional tree on site.</p>
ESD:	<ul style="list-style-type: none"> • Minimum average NatHERS rating of 6.8 stars. • 22.8kW PV panel capacity. • Environmentally friendly material choices.
Key reasons for support	<ul style="list-style-type: none"> • Restoration and retention of the heritage dwelling on site, and retention of two of the four outbuildings. • No unreasonable off-site amenity impacts. • Acceptable response to the Merri Creek corridor and retention of indigenous tree species on site. • Bicycle parking provision in excess of planning scheme requirements. • Trees to be removed are not considered to be of heritage significance
Recommendation:	Notice of Decision to Grant a Planning Permit

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2020/799 be issued for the partial demolition and external alteration to the existing dwelling, construction of seven multi storey dwellings, reduction to the car parking requirement and removal of vegetation at 38 Harrison Street, Brunswick East, 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 7 December 2021 but modified to show:
 - a) The garage doors of the six rear dwellings as 4 metres wide.
 - b) The rear boundary fencing to be shown on elevations plans at a scale of 1:50 and modified as follows:

- i. be set atop the driveway brickwork wall commencing at 34.4m to AHD;
 - ii. be an open style of construction (50 per cent open style) for the passage of overland flows;
 - iii. be a maximum height of 1.2 metres from a level of 34.4m AHD; and
 - iv. be black palisade fence.
- c) A full set of demolition plans.
 - d) The heritage outbuilding (kitchen) to be shown on elevations plans at a scale of 1:50 and detail:
 - i. a schedule of repairs;
 - ii. all conservation and interpretation works; and
 - iii. a small permanent plaque to be incorporated into the Kitchen to record the date of the alterations.
 - e) Any changes to the layout and elevation plans, arising from the re-construction plan (cool room) in accordance with condition 4 of this permit.
 - f) The location of a small permanent plaque to be incorporated into the relocated Cool Room to record the date of its reconstruction.
 - g) Notation on the plans to confirm that the proposed landscaped buffer along the eastern boundary will provide an internal soil dimension of at least 1.1 metres.
 - h) Any changes to Townhouse 1 arising from the Landscape Plan and Tree Management Plan in accordance with Condition 7 and 10 of this permit.
 - i) The tree protection zones of Trees 4 and 7, and any tree located off-site within 3 metres of the boundary.
 - j) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 11 of this permit.
 - k) Any practical changes as required by conditions 24 to 36 (Melbourne Water) 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.

Heritage

- 3. Prior to the commencement of the development a comprehensive photographic record is to be made of the cool room. The record is to be undertaken and documented according to the Heritage Victoria technical note for Photographic Recording for Heritage Places and Objects. The output is to be three copies of all material including:
 - a) Archival quality disc/s of all images in high resolution JPG format as well as either TIFF or RAW format,
 - b) A brief descriptive catalogue of all images,
 - c) A photographic plan (such as existing conditions plans provided by the architect) showing the view points of all images,
 - d) Referenced contact sheets and referenced printed black and white images of selected viewpoints printed on proper archival quality photographic paper.

All contained in appropriately labelled archival folders or boxes and all to the satisfaction of the Responsible Authority. The record is to be lodged with the Responsible Authority and approved prior to commencement of development.

4. Prior to the endorsement of plans a detailed set of plans must be submitted to and approved by the Responsible Authority showing the reconstruction of the cool room to its original heritage specifications.
5. All reconstruction works referred to in Condition 4 must be undertaken under the supervision of an expert heritage consultant.
6. Prior to the occupation of the development hereby approved, a report from a suitably qualified heritage consultant must be submitted to the satisfaction of the Responsible Authority confirming that the reconstruction works referred to in condition 4 and the repair, conservation and interpretation works to the kitchen have been satisfactorily completed to the original design, specification and standards of the original building.

Landscaping

7. 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 The Sustainable Landscape Company dated 5 October 2021 but amended to clearly show:
 - a) Any changes required to align with the plans for endorsement.
 - b) Rear landscaping buffer amended to reflect the location and size as shown on the ground floor plan.
 - c) Retention of Tree No.4 and Tree No. 7 (as per the Arboricultural Assessment dated 16 November 2020).
 - d) An irrigation plan with notes on landscape and irrigation maintenance to ensure all plants are established and remain healthy.
 - e) Landscape Legend updated to reflect 6 plants per square metres as noted in the Plant Schedule.

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.

8. 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.
9. 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.

Tree Protection

10. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to the satisfaction of the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites to ensure that Tree No. 4 and 7 (as per the arboricultural assessment dated 16 November 2020) and the trees located within 3 metres of the site remain healthy and viable during construction. The TMP must include the following to the satisfaction of the Responsible Authority:
 - a) A tree protection plan to scale that shows:
 - i. All Tree Protection Zones and Structural Root Zones

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

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

Environmentally Sustainable Design (ESD)

11. 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 prepared by Low Impact Development Consulting advertised 22 June 2021, but modified to include the following changes:
- a) Show the following ESD initiatives on the development plans:
 - i. Double glazing annotated on each window on both the floor plans and elevations.
 - ii. A stormwater catchment plan.
 - iii. Details of the permeable paving.
 - iv. Details of the proposed operable shutters.
 - v. An amended material and colours schedule with reference to materials within the SDA (as per pages 10-13), including:
 - Cement to contain supplementary materials such as geopolymers.
 - All timber to be Forest Stewardship Council (FSC) or Programme Endorsement of Forest Certification ((PEFC) /Australian Forestry Standard (AFS) & no use of tropical hardwoods such as Merbau, Teak, etc.
 - Glasswool insulation (if used) with 50 per cent recycled glass and no formaldehyde.
 - Polyester (if used) with recycled content.

- Carpet (if installed) to contain recycled content / be a Good Environmental Choice Australia (GECA) certified product.

Where alternative ESD initiatives are proposed to those specified in the condition above, 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 Sustainable Design Assessment and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

12. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainable Design Assessment (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.
13. Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report/checklist must be submitted to the Responsible Authority. The report/checklist must be to the satisfaction of the Responsible Authority and must confirm (with suitable evidence) that measures specified in the endorsed Sustainable Design Assessment have been implemented in accordance with the approved plans.
14. All stormwater treatment devices (e.g. raingardens, rainwater tanks etc.) must be maintained, to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainable Design Assessment.

Development Contributions

15. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy and Community Infrastructure Levy is charged per dwelling.

If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

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

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

Car Parking and Vehicle Access

16. Prior to the occupation of the development, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
17. 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).

18. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.

Underground Cables

19. 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.

Lighting

20. 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.
21. Lighting on each balcony must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
22. A letterbox must be provided for each of the premises at the street frontage. The dimensions, placement and numbering must comply with the Australia Post – Letterbox Security and Specification as published on its website to the satisfaction of the Responsible Authority.

Stormwater

23. 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).

Melbourne Water

24. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
 - a) All dwellings individually shown to have finished floor levels no lower than 35.35m to AHD.
 - b) All garages individually shown to have finished floor levels no lower than 34.75m to AHD.
 - c) The levels within the rear (eastern) driveway shown to be consistent with the report prepared by Rain Consulting at 34.45m to 34.75m to AHD for the safe egress of vehicles.
25. The dwellings must be constructed with finished floor levels set no lower than 35.35 metres to Australian Height Datum (AHD), which is 600mm above the applicable flood level of 34.75m to AHD.
26. The garages must be constructed with finished floor levels set no lower than the applicable flood level of 34.75m to AHD.
27. The 5-metre-wide driveway at the eastern property boundary must be constructed with finished surface levels of between 34.45 metres to Australian Height Datum (AHD), to 34.75m to AHD to allow for safe egress for vehicles entering and exiting the property.

28. Cut and fill undertaken within the site, must be in accordance with Rain Consulting letter and 'Site Masterplan Concept' prepared by Walter&Walter both dated 16.09.2020, to ensure the safety of pedestrian and vehicular users of the site.
29. The 3 metre setback/driveway at the southern boundary must be maintained in accordance with the 'Site Masterplan Concept 16.09.2020' and must not be altered unless with the prior written consent of Melbourne Water, for conveyance of local catchment overland flows.
30. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor and driveway/fill levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water to demonstrate that the floor and surface fill levels have been constructed in accordance with Melbourne Water's requirements.
31. The boundary fence abutting the reserve at the eastern boundary must be set atop the driveway brickwork wall commencing at 34.4m to AHD, in an open style of construction (50 per cent open style) for the passage of overland flows.
32. Any new boundary fencing or gates at the northern or southern boundaries must be constructed in an open style of construction (50 per cent open style) or timber paling style for the passage of overland flows.
33. All internal and new western boundary fences and gates must be constructed in an open style of construction (50 per cent open style) for the passage of overland flows.
34. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) detailing pollution and sediment control measures, must be submitted to Melbourne Water for approval. The SEMP must include a detailed plan showing the location of sediment fencing at the shared waterway boundary and must be adopted on site for the duration of the construction phase of the development.
35. Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
36. No access for machinery or storage of materials is permitted through the waterway reserve unless with the prior written consent of Melbourne Water. A separate application must be made via the Melbourne Water website prior to the commencement of works.

Permit Expiry

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

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

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

Notes: These notes are for information only and do not constitute part of this Notice of Decision.

Note 1: This permit does not authorise the removal of, damage to or pruning of any Council tree. Further written consent must be obtained from Council's Open Space Unit. The Open Space Unit can be contacted on 8311 4300.

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 are subject to future reviews and change.

Note 3: A Cultural Heritage Management Plan has been approved in relation to the permitted high impact activity on the land in accordance with the requirements of the Aboriginal Heritage Act 2006. Activity on the land must comply with the approved Cultural Heritage Management Plan. The Aboriginal Heritage Act 2006 details offences and penalties that apply when a person knowingly does an act that harms or is likely to harm Aboriginal cultural heritage which is not in accordance with an approved cultural heritage management plan or other listed exemptions. Aboriginal cultural heritage is defined as Aboriginal places, Aboriginal objects and Aboriginal human remains.

Note 4: 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 5: 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 per cent of the sale price of your dwelling(s).

7.17 pm Cr Carli Hannan left the meeting.

Meeting Adjournment

Mayor, Cr Riley adjourned the meeting at 7.18 pm until Cr Carli Hannan returned as a quorum could not be maintained in her absence.

7.41 pm Cr Carli Hannan returned to the meeting.

Meeting Resumption

Mayor, Cr Riley resumed the meeting at 7.41 pm.

Resolution

Cr Bolton moved, Cr Conlan seconded -

That a Refusal to Grant Planning Permit No. MPS/2020/799 be issued for the partial demolition and external alteration to the existing dwelling, construction of seven dwellings, reduction to the car parking requirement and removal of vegetation at 38 Harrison Street, Brunswick East on the following grounds:

- 1. The proposal fails to meet the strategies of Clause 15.01-5L (Minimal and Incremental Change Areas) which seeks to 'create or enhance a landscape character by designing and siting new development to integrate generous landscaping through the retention of existing canopy trees (where practical) and the planting of new canopy trees and vegetation'. In particular, the proposal will not integrate generous landscaping through the retention of canopy trees with several mature trees to be removed.**
- 2. The proposal fails to meet the Objective of Clause 32.09-1 (Neighbourhood Residential Zone) which seeks to 'promote a preferred neighbourhood character where the design and siting of new dwellings include generous landscaping through the retention of canopy trees'. In particular, the proposal will unreasonably impact the character of the area by way of vegetation removal.**

3. The proposed development fails to meet the Environmental Objectives of Clause 42.01-2 (Environmental Significance Overlay) which seek to 'ensure the suitability of the riparian, escarpment and plains vegetation habitat and in-stream habitats for local native animals'. In particular, the proposal will unreasonably disrupt and destroy the habitats of local native animals by way of vegetation removal.
4. The proposed development fails to meet the Environmental Objectives of Clause 42.01-2 (Environmental Significance Overlay) which seek to 'ensure that the scenic qualities and visual character of the waterway corridor are not compromised by the inappropriate siting of buildings, the placement of fill or lack of screening vegetation'. In particular, the proposal will unreasonably impact the character of the Merri Creek corridor by way of minimal built form setbacks from the eastern property boundary and lack of appropriate screening vegetation.

Carried unanimously

8.22 pm Cr Carli Hannan advised she needed to leave the meeting.

8.26 pm Cr Bolton left the meeting.

8.27 pm Cr Conlan left the meeting.

8.28 pm Cr Conlan returned to the meeting.

8.28 pm Cr Carli Hannan left the meeting.

Meeting Adjournment

Mayor, Cr Riley adjourned the meeting at 8.28 pm for a period not exceeding 7 days as a quorum could not be maintained.

Resumption of the Planning and Related Matters Meeting

Held at the Council Chamber, Moreland Civic Centre,
90 Bell Street, Coburg on Tuesday 28 June 2022

The Mayor opened the resumption of the 22 June 2022 Council meeting for Planning Related Matters at 6.34 pm on Tuesday 28 June 2022 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	Tuesday 28 June 2022	
	Time In	Time Out
Cr Mark Riley, Mayor	6.34 pm	8.04 pm
Cr Lambros Tapinos, Deputy Mayor	Absent	
Cr Adam Pulford	6.34 pm	8.04 pm
Cr Angelica Panopoulos	6.34 pm	8.04 pm
Cr Annalivia Carli Hannan	6.34 pm	8.04 pm
Cr Helen Davidson	6.34 pm	8.04 pm
Cr Helen Pavlidis	6.34 pm	8.04 pm
Cr James Conlan	6.34 pm	8.04 pm
Cr Monica Harte	6.34 pm	8.04 pm
Cr Oscar Yildiz JP	6.34 pm	8.04 pm
Cr Sue Bolton	6.37 pm	8.04 pm

OFFICERS

Director Place and Environment – Joseph Tabacco
Group Manager City Development – Phil Priest
Unit Manager Urban Planning – Mark Hughes
Planning Coordinator - Darren Camilleri
Unit Manager Governance – Troy Delia
Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Nil

DISCLOSURES OF CONFLICTS OF INTEREST

Nil

COUNCIL REPORTS

5.2 105-107 HARDING STREET, COBURG - AMENDED PLANNING PERMIT APPLICATION - MPS/1994/4651/C



Property:	105-107 Harding Street, COBURG
Proposal:	Amendment to the permit to allow for buildings and works to construct an extension to the existing restaurant and changes to the approved licenced area.
Zoning and Overlay/s:	<ul style="list-style-type: none"> Commercial 1 Zone, with a strip of land 2.5m deep along the rear (northern) elevation zoned Neighbourhood Residential Zone – Schedule 1. Parking Overlay – Schedule 1 Development Contributions Plan Overlay
Strategic setting:	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="background-color: #cccccc; padding: 5px; border: 1px solid black;">Activity Centre</div> <div style="background-color: #cccccc; padding: 5px; border: 1px solid black;">Neighbourhood Centre</div> <div style="background-color: #00a0e3; color: white; padding: 5px; border: 1px solid black;">Local Centre</div> </div>
Objections:	<p>28 objections received which raises the following key issues:</p> <ul style="list-style-type: none"> Acoustic treatment Car parking Waste management Neighbourhood character Incompatible with adjoining residential uses Hours of operation Patron numbers Street trading Non-compliance with existing permit conditions
Planning Information and Discussion (PID) Meeting:	<p>Date: 22 December 2021</p> <p>Attendees: 7 objectors, the applicant, two Council officers, Mayor Riley and Councillor Bolton.</p> <p>The following agreements were reached at the PID meeting:</p> <ul style="list-style-type: none"> Submission of an acoustic report prepared by a suitably qualified engineer, and amended plans to incorporate any recommendations of the report; Provision of a Waste Management Plan and Venue Patron Management Plan via permit conditions
ESD:	The proposal will incorporate measures (via conditions) to mitigate the impacts of stormwater on the environment

Key reasons for support	<ul style="list-style-type: none"> • There are no changes to hours or patron numbers, with the internalising of the existing outdoor dining area reducing the amenity impacts. • Buildings and works improve the existing building. • Appropriate noise attenuation measures to be incorporated • Changes to the licenced area are inconsequential to the operation of the business
Recommendation:	Notice of Decision to Grant an amended Planning Permit be issued for the proposal

Officer Recommendation

That a Notice of Decision to Grant an Amended Planning Permit No. MPS/1994/4651/C be issued for the use of the land for the sale and consumption of liquor, a reduction of the standard car parking requirement, buildings and works associated with a restaurant at 105-107 Harding Street, COBURG, subject to the following conditions (new conditions in bold):

- 1A. **Before the development approved by Amendment C to this permit 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 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 Urban Workroom (advertised 28 March 2022) but modified to show:**
 - a) **The bicycle parking shown as located undercover or relocated into an easily accessible indoor area, with parking spaces dimensioned in accordance with Clause 52.34 of the Moreland Planning Scheme.**
 - b) **Details of any patron management measures shown on the plans, in accordance with the Venue and Patron Management Plan required by Condition 12 of this permit.**
 - c) **Details of waste storage and collection measures shown on the plans, in accordance with the Waste Management Plan required by Condition 18 of this permit.**
 - d) **The stormwater initiatives that are required to be shown on plans, as contained within Condition 21 of this permit.**
2. Prior to the commencement of the development hereby permitted, three copies of plans drawn to scale and dimensioned shall be submitted to and approved by the Responsible Authority. Such plan shall be generally in accordance with the plan submitted with the application but modified to show:
 - a) The removal of the red line area from the tables and chairs located outside of the building along Harding Street.

An endorsed copy of the plans shall form part of this permit.
3. This permit shall have no force or effect until Public Liability Insurance has been provided by the applicant to the satisfaction of the Responsible Authority.
4. All umbrellas used at approved tables shall have a minimum clearance above the footway of two metres from the lowest point of the extended arms (spokes) of the umbrella.

5. All fixtures and umbrellas shall be securely anchored so that they will not be displaced by wind otherwise, to satisfaction of the Responsible Authority.
6. All tables and chairs shall be located:
 - a) at least 5 metres from kerbing;
 - b) at least 3 metres from any street fixture or fitting;
 - c) at least 9 metres from any intersection or pedestrian crossing unless safety aspects warrant a reduced distance;
 - d) allowing a minimum clearance of 1.5m pavement with
All to the satisfaction of the Responsible Authority.
7. The proprietor shall at all times be responsible for the cleanliness of the footpath area and immediate surrounds used for the placing of tables and chairs.
8. Tables and chairs be kept clean and tidy at all times and must be removed from the footpath whilst the premises are closed.
9. Adequate fly proofing provided for the restaurant doors.
10. Siting, dimensions, appearance and design of all buildings and works and the use of all buildings and areas must accord with the endorsed plans and must not be changed without the written consent of the Responsible Authority.
11. The loading and unloading of vehicles in association with the use of the land must only be carried out within the boundaries of the land.
12. The operation must not adversely affect the amenity of the surrounding area by way of noise, smell, dust, fumes, litter or untidy appearance.
13. Prior to the endorsement of plans under Amendment C to this permit, a Venue Patron Management Plan (VPMP) must be submitted to the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must include details of:
 - a) Hours of operation of all parts of the premises (i.e. including the closing times of the new covered dining area)
 - b) Patron capacity limits within each dining area
 - c) How the venue will manage patrons entering and leaving the venue, including security and queuing
 - d) Complaint handling processes, including a contact number available to nearby residents and a process for immediate issue rectification.
 - e) Staff training for patron management
 - f) Patron smoking areas

When submitted and approved to the satisfaction of the Responsible Authority, the VPMP will be endorsed to form part of this permit. No alterations to the VPMP may occur without the written consent of the Responsible Authority.
14. The Venue and Patron Management Plan endorsed under this permit must be implemented and complied with at all times, to the satisfaction of the Responsible Authority.
15. The Acoustic Report prepared by Clarity Acoustics (advertised 28 March 2022) will be endorsed to form part of this permit. The building and works, approved under Amendment C to this permit, must be constructed and thereafter maintained in accordance with the recommendations contained within this report to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

16. The venue must not be used for live music and no music other than of a type and volume appropriate to background music may be emitted from external speakers in these areas. Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.
17. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, 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.
18. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021), or any other superseding regulation.

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an amended Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the amended Acoustic Report must be implemented no later than three (3) months after the date that the Responsible Authority advises in writing that it is satisfied with the report, or as otherwise agreed in writing by the Responsible Authority. The endorsed plans must also be amended within three (3) months, or as otherwise agreed in writing by the Responsible Authority, to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

19. Prior to the endorsement of plans under Amendment C to this permit, a Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The WMP must include, but not limited to the following:
 - a) A description of ease of disposal for occupier that does not disadvantage recycling;
 - b) Confirmation that educational material will be displayed in the waste bin storage area explaining what material can be recycled;
 - c) Calculations showing the amount of garbage, recycling, food organics and garden organics expected to be generated;
 - d) A statement of whether the garbage, hard waste, recycling (glass and general recycling), food organics and garden organics will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;
 - e) Include a plan showing the location of the bin storage area on the site and details of screening from public view;
 - f) Include a dimensioned plan showing the storage area is sufficient to store the required number of bins in a manner that allows easy access to every bin;
 - g) Detail the ventilation to prevent garbage odours impacting nearby dwellings;
 - h) Detail the ease of taking the fully loaded waste bins to the point of waste collection;

- i) State where and when the bins will be placed for waste collection;
- j) Waste collection must only occur during the following hours:
 - i. 6.30 am and 8.00 pm Monday to Saturday; or
 - ii. 9.00 am and 8.00 pm Sundays and Public Holidays.
- k) Confirm that the bins will be removed from the street promptly after collection; and
- l) Include a plan showing where the waste trucks will stop to service the waste bins and state whether No Parking restrictions will be required for the waste trucks to access that space (e.g. 6am-midday, Wed).

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.

- 20. 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.
- 21. The operator of the premises must make satisfactory arrangements for all litter including food wrappings and containers to be cleared away from the land on a regular basis to the satisfaction of the Responsible Authority.
- 22. Prior to the endorsement of plans, a Stormwater Management System Report must be submitted to the Responsible Authority. The report must describe how the stormwater management system is designed to meet Clause 53.18 of the Moreland Planning Scheme and the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). The report must be to the satisfaction of the Responsible Authority and include:
 - a) A STORM report that maintains a minimum score of 100 per cent. It must not use proprietary products, buffer strips, swales or large areas of hard surface draining to in-ground raingardens. It must include the following details:
 - i. The site area associated with the proposed extension, including all pervious and impervious area.
 - ii. The size of rainwater tanks proposed, and their reliability details as being a minimum of 80 per cent.
 - b) A confirmation that the overflow system for any rainwater tanks are to be gravity fed to the legal point of discharge (LPOD). Pumps are not acceptable.
 - c) A stormwater catchment plan. It must not use proprietary products, buffer strips, swales or large areas of hard surface draining to in-ground raingardens. It must not include charged pipes that run under building slabs. It must show:
 - i. All pervious and impervious areas (dimensioned in square metres).
 - ii. The proposed stormwater treatment measures, consistent with the STORM report.
 - iii. Where all stormwater will drain, with downpipes marked and the direction of water flow shown with arrows.
 - iv. All water tanks and WSUD features, including dimensions, sections, etc.
 - v. Any proposed permeable paving for the treatment of any driveways. A section and details of any permeable paving must be provided.

Where alternative stormwater 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) stormwater outcomes in association with the development.

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

23. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection whichever comes first, the development must be constructed in accordance with the endorsed Stormwater Management System Report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.
24. The area set aside for the parking of vehicles together with the access lanes shown on the endorsed plan must:
 - Be completed prior to the commencement of the use to the satisfaction of the Responsible Authority.
 - Be maintained to the satisfaction of the Responsible Authority.
 - Be properly formed to such levels that it can be used according to the plan.
 - Be drained and surfaced with an all weather seal coat to the satisfaction of the Responsible Authority.
 - Have the boundaries of all vehicle spaces clearly marked on the ground to accord with the endorsed plan.
 - Not be used without the permission of the Responsible Authority for any purpose other than the parking of vehicles.
25. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
26. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, 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. Front windows may only be used for promotion and display of goods and must not be painted in or blocked out in any way.
28. All external light fittings must be provided with suitable baffles so that direct light is not emitted outside the site.
29. The use permitted must only operate during the following hours:
 - Monday – Thursday 5.00pm to 11.00pm
 - Friday, Saturday, Sunday 10.00am to 11.00pm
30. No more than 120 patrons shall be on the premises at any one time.
31. All signs on the site must be maintained in good condition to the satisfaction of the Responsible Authority.
32. Flashing; running or intermittent lights must not be displayed on the land.
33. This permit expires if development is not commenced within 12 months from the date of issue or the buildings and works are not completed within 24 months of the date of issue unless either of these dates are extended by the Responsible Authority in writing. An application for extension of time may be made in writing within 3 months after the expiry date.

34. The use and development approved by Amendment C to this permit will expire if one of the following circumstances applies:

- the use and development is not commenced within two (2) years from the date of issue of Amendment C;
- the development is not completed within four (4) years from the date of issue of Amendment C;

The responsible authority may extend the periods 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.

NOTE 1:

This permit is issued under the provisions of the *Planning and Environment Act 1987*. The Health Act, Victoria Building Regulations and all other relevant legislation must be complied with.

NOTE 2:

This permit has been amended to correct the address of land under the provision of Section 71 of the *Planning and Environment Act 1987*.

Resolution

Cr Riley moved, Cr Davidson seconded -

That a Notice of Decision to Grant an Amended Planning Permit No. MPS/1994/4651/C be issued for the use of the land for the sale and consumption of liquor, a reduction of the standard car parking requirement, buildings and works associated with a restaurant at 105-107 Harding Street, COBURG, subject to the following conditions (new conditions in bold):

- 1A. Before the development approved by Amendment C to this permit 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 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 Urban Workroom (advertised 28 March 2022) but modified to show:**
- a) The bicycle parking shown as located undercover or relocated into an easily accessible indoor area, with parking spaces dimensioned in accordance with Clause 52.34 of the Moreland Planning Scheme.**
 - b) A notation on the plans detailing a preferred location to be used for takeaway food pickup including provision of signage.**
 - c) Details of any patron management measures shown on the plans, in accordance with the Venue and Patron Management Plan required by Condition 12 of this permit.**
 - d) Details of waste storage and collection measures shown on the plans, in accordance with the Waste Management Plan required by Condition 18 of this permit.**
 - e) The stormwater initiatives that are required to be shown on plans, as contained within Condition 21 of this permit.**

2. **Prior to the commencement of the development hereby permitted, three copies of plans drawn to scale and dimensioned shall be submitted to and approved by the Responsible Authority. Such plan shall be generally in accordance with the plan submitted with the application but modified to show:**
 - a) **The removal of the red line area from the tables and chairs located outside of the building along Harding Street.**

An endorsed copy of the plans shall form part of this permit.
3. **This permit shall have no force or effect until Public Liability Insurance has been provided by the applicant to the satisfaction of the Responsible Authority.**
4. **All umbrellas used at approved tables shall have a minimum clearance above the footway of two metres from the lowest point of the extended arms (spokes) of the umbrella.**
5. **All fixtures and umbrellas shall be securely anchored so that they will not be displaced by wind otherwise, to satisfaction of the Responsible Authority.**
6. **All tables and chairs shall be located:**
 - a) **at least 5 metres from kerbing;**
 - b) **at least 3 metres from any street fixture or fitting;**
 - c) **at least 9 metres from any intersection or pedestrian crossing unless safety aspects warrant a reduced distance;**
 - d) **allowing a minimum clearance of 1.5m pavement with**

All to the satisfaction of the Responsible Authority.
7. **The proprietor shall at all times be responsible for the cleanliness of the footpath area and immediate surrounds used for the placing of tables and chairs.**
8. **Tables and chairs be kept clean and tidy at all times and must be removed from the footpath whilst the premises are closed.**
9. **Adequate fly proofing provided for the restaurant doors.**
10. **Siting, dimensions, appearance and design of all buildings and works and the use of all buildings and areas must accord with the endorsed plans and must not be changed without the written consent of the Responsible Authority.**
11. **The loading and unloading of vehicles in association with the use of the land must only be carried out within the boundaries of the land.**
12. **The operation must not adversely affect the amenity of the surrounding area by way of noise, smell, dust, fumes, litter or untidy appearance.**
13. **Prior to the endorsement of plans under Amendment C to this permit, a Venue Patron Management Plan (VPMP) must be submitted to the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must include details of:**
 - a) **Hours of operation of all parts of the premises (i.e. including the closing times of the new covered dining area)**
 - b) **Patron capacity limits within each dining area**
 - c) **How the venue will manage patrons entering and leaving the venue, including security and queuing**
 - d) **Complaint handling processes, including a contact number available to nearby residents and a process for immediate issue rectification.**

- e) Staff training for patron management
- f) Patron smoking areas

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

14. **The Venue and Patron Management Plan endorsed under this permit must be implemented and complied with at all times, to the satisfaction of the Responsible Authority.**
15. **The Acoustic Report prepared by Clarity Acoustics (advertised 28 March 2022) will be endorsed to form part of this permit. The building and works, approved under Amendment C to this permit, must be constructed and thereafter maintained in accordance with the recommendations contained within this report to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.**
16. **The venue must not be used for live music and no music other than of a type and volume appropriate to background music may be emitted from external speakers in these areas. Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.**
17. **Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, 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.**
18. **Within three (3) to six (6) months of issuing of an Occupancy Permit or Certificate of Final Inspection of the buildings and works approved under Amendment C to this permit, or as otherwise agreed in writing by the Responsible Authority, a Post Commencement Acoustic Report is to be submitted to the Responsible Authority. The report must detail further testing from within and surrounding the site (this may include adjoining residential properties) be to the satisfaction of the Responsible Authority, and ascertain whether the buildings and works comply with:**
 - a) **The maximum noise levels prescribed by the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021) or any other superseding regulation; and**
 - b) **Patron noise levels detailed within the endorsed acoustic report in accordance with Condition 15 of this permit.**

19. **Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021), or any other superseding regulation.**

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an amended Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the amended Acoustic Report must be implemented no later than three (3) months after the date that the Responsible Authority advises in writing that it is satisfied with the report, or as otherwise agreed in writing by the Responsible Authority. The endorsed plans must also be amended within three (3) months, or as otherwise agreed in writing by the Responsible Authority, to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

20. **Prior to the endorsement of plans under Amendment C to this permit, a Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The WMP must include, but not limited to the following:**
- a) **A description of ease of disposal for occupier that does not disadvantage recycling;**
 - b) **Confirmation that educational material will be displayed in the waste bin storage area explaining what material can be recycled;**
 - c) **Calculations showing the amount of garbage, recycling, food organics and garden organics expected to be generated;**
 - d) **A statement of whether the garbage, hard waste, recycling (glass and general recycling), food organics and garden organics will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;**
 - e) **Include a plan showing the location of the bin storage area on the site and details of screening from public view;**
 - f) **Include a dimensioned plan showing the storage area is sufficient to store the required number of bins in a manner that allows easy access to every bin;**
 - g) **Detail the ventilation to prevent garbage odours impacting nearby dwellings;**
 - h) **Detail the ease of taking the fully loaded waste bins to the point of waste collection;**
 - i) **State where and when the bins will be placed for waste collection;**
 - j) **Waste collection must only occur during the following hours:**
 - i. **6.30 am and 8.00 pm Monday to Saturday; or**
 - ii. **9.00 am and 8.00 pm Sundays and Public Holidays.**
 - k) **Confirm that the bins will be removed from the street promptly after collection; and**
 - l) **Include a plan showing where the waste trucks will stop to service the waste bins and state whether No Parking restrictions will be required for the waste trucks to access that space (e.g. 6am-midday, Wed).**

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.

- 21. 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.**
- 22. The operator of the premises must make satisfactory arrangements for all litter including food wrappings and containers to be cleared away from the land on a regular basis to the satisfaction of the Responsible Authority.**
- 23. Prior to the endorsement of plans, a Stormwater Management System Report must be submitted to the Responsible Authority. The report must describe how the stormwater management system is designed to meet Clause 53.18 of the Moreland Planning Scheme and the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). The report must be to the satisfaction of the Responsible Authority and include:**
 - a) A STORM report that maintains a minimum score of 100 per cent. It must not use proprietary products, buffer strips, swales or large areas of hard surface draining to in-ground raingardens. It must include the following details:**
 - i. The site area associated with the proposed extension, including all pervious and impervious area.**
 - ii. The size of rainwater tanks proposed, and their reliability details as being a minimum of 80 per cent.**
 - b) A confirmation that the overflow system for any rainwater tanks are to be gravity fed to the legal point of discharge (LPOD). Pumps are not acceptable.**
 - c) A stormwater catchment plan. It must not use proprietary products, buffer strips, swales or large areas of hard surface draining to in-ground raingardens. It must not include charged pipes that run under building slabs. It must show:**
 - i. All pervious and impervious areas (dimensioned in square metres).**
 - ii. The proposed stormwater treatment measures, consistent with the STORM report.**
 - iii. Where all stormwater will drain, with downpipes marked and the direction of water flow shown with arrows.**
 - iv. All water tanks and WSUD features, including dimensions, sections, etc.**
 - v. Any proposed permeable paving for the treatment of any driveways. A section and details of any permeable paving must be provided.**

Where alternative stormwater 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) stormwater outcomes in association with the development.

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

- 24. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection whichever comes first, the development must be constructed in accordance with the endorsed Stormwater Management System Report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.**
- 25. The area set aside for the parking of vehicles together with the access lanes shown on the endorsed plan must:**
 - Be completed prior to the commencement of the use to the satisfaction of the Responsible Authority.**
 - Be maintained to the satisfaction of the Responsible Authority.**
 - Be properly formed to such levels that it can be used according to the plan.**
 - Be drained and surfaced with an all weather seal coat to the satisfaction of the Responsible Authority.**
 - Have the boundaries of all vehicle spaces clearly marked on the ground to accord with the endorsed plan.**
 - Not be used without the permission of the Responsible Authority for any purpose other than the parking of vehicles.**
- 26. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).**
- 27. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, 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).**
- 28. Front windows may only be used for promotion and display of goods and must not be painted in or blocked out in any way.**
- 29. All external light fittings must be provided with suitable baffles so that direct light is not emitted outside the site.**
- 30. The use permitted must only operate during the following hours:**
 - Monday – Thursday 5.00pm to 11.00pm**
 - Friday, Saturday, Sunday 10.00am to 11.00pm**
- 31. No more than 120 patrons shall be on the premises at any one time.**
- 32. All signs on the site must be maintained in good condition to the satisfaction of the Responsible Authority.**
- 33. Flashing; running or intermittent lights must not be displayed on the land.**

34. This permit expires if development is not commenced within 12 months from the date of issue or the buildings and works are not completed within 24 months of the date of issue unless either of these dates are extended by the Responsible Authority in writing. An application for extension of time may be made in writing within 3 months after the expiry date.
35. The use and development approved by Amendment C to this permit will expire if one of the following circumstances applies:
- the use and development is not commenced within two (2) years from the date of issue of Amendment C;
 - the development is not completed within four (4) years from the date of issue of Amendment C;

The responsible authority may extend the periods 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.

NOTE 1:

This permit is issued under the provisions of the *Planning and Environment Act 1987*. The Health Act, Victoria Building Regulations and all other relevant legislation must be complied with.

NOTE 2:

This permit has been amended to correct the address of land under the provision of Section 71 of the *Planning and Environment Act 1987*.

7.10 pm Cr Pulford left the meeting.

7.12 pm Cr Pulford returned to the meeting.

Standing Orders Suspension

Resolution

Cr Bolton moved, Cr Harte seconded -

That Standing Orders be suspended at 7.18 pm.

Carried

Standing Orders Resumption

Resolution

Cr Pavlidis moved, Cr Bolton seconded -

That Standing Orders be resumed at 7.30 pm.

Carried

7.30 pm Cr Panopoulos returned to the meeting.

The Motion was put to the vote.

Carried unanimously

7.36 pm Cr Bolton left the meeting.

5.3 942-944 SYDNEY ROAD, COBURG NORTH - MPS/2021/661



Property:	942-944 Sydney Road, COBURG NORTH
Proposal:	Use of the existing building for an indoor recreation facility (Music Studio and Rehearsal Rooms), signage and alterations of access to a Transport Zone
Zoning and Overlay/s:	<ul style="list-style-type: none"> • General Residential Zone (GRZ1) • Development Contributions Plan Overlay (DCPO1) • Public Acquisition Overlay (PAO1)
Strategic setting:	A purpose of the GRZ is to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.
Objections:	<ul style="list-style-type: none"> • Ten objections • Key issues: <ul style="list-style-type: none"> • Amenity impact of noise emissions • Hours of operation • Anti-social behaviour
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> • Date: Thursday 5 May 2022 • Attendees: The applicant, the business owner, 2 Council officers. No objectors or councillors attended.
Key reasons for support.	<ul style="list-style-type: none"> • The inclusion of a venue to foster music and artistic expression will provide economic, social and cultural benefits to the community. • Noise impacts to the surrounding dwellings has been demonstrated to be reasonable and can be further mitigated through the adoption of recommendations included in the acoustic report • The proposed signage is modest and does not face residential properties. The signage illumination can be limited by a condition of the planning permit. • The provision of 11 car parking spaces and one loading bay will adequately service the proposed use.
Recommendation:	Notice of Decision to Grant a Planning Permit.

Officer Recommendation

Recommendation A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2021/661 be issued for the use of the existing building for an indoor recreation facility (Music Studio and Rehearsal Rooms), business identification signage and alterations of access to a Transport Zone at 942-944 Sydney Road, COBURG NORTH, subject to the following conditions:

Amended Plans

1. Within two months of the date of this permit, 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 10 February 2022) and Acoustic Report (dated 1 June 2022) but modified to show:
 - a) The provision of secure parking for at least two bicycles in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
 - b) Details of proposed signage illumination that does not exceed the levels prescribed by AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting or any updated version that is released.
 - c) The southern vehicle crossing to Sydney Road removed, with the kerb and footpath reinstated.
 - d) The existing vehicle crossings modified to match the location and width of the accessway.

Secondary Consent

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

Acoustics

3. Within two months of the date of this permit the provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority. This includes:
 - a) The works as described at section 7.1.1 of the acoustic report must be completed and maintained.
 - b) Source noise level for each room must not exceed 95dB L10,T.
 - c) All rehearsal room doors must be closed while any music is played.
 - d) External doors to the building must remain closed at all times other than when entering/exiting the building.
 - e) Noise limiters for each rehearsal room. All equipment must operate with limiter controls.
 - f) Prominent signage at all entry/exit points instructing patrons to be conscious and respectful of the neighbouring residents when arriving and leaving.
 - g) Prominent signage at all entry/exit points instructing patrons to keep the external door closed at all times.
 - h) The telephone contact details of the venue manager to be made available to neighbouring residents and Council officers to enable potential resolution of noise of other amenity concerns at the time of a complaint is raised;
4. Within three (3) months of the date of this permit, or as otherwise agreed in writing by the Responsible Authority, a Post Commencement Acoustic Report is to be submitted to the Responsible Authority. The report must detail the following matters to the satisfaction of the Responsible Authority:
 - a) Confirmation that all of the recommendations of the endorsed Acoustic Report have been implemented.
 - b) Further testing to ascertain whether the use complies with:

- i. The maximum noise levels prescribed by the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021) or any other superseding regulation.
 - c) If non-compliance is measured, recommendations for additional acoustic measures to ensure compliance with the endorsed Acoustic Report must be submitted to and approved by the Responsible Authority. The report and additional acoustic measures will then be endorsed to form part of the permit.
 - d) Confirmation that all acoustic testing has been carried out during a busy period with all four rehearsal rooms being used and by a suitably qualified acoustic engineer.
5. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021), or any other superseding regulation.

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

Use

6. The use allowed by this permit must operate only between the following hours;
 - Monday to Sunday 10:00 a.m. to 11:00 p.m.
7. The maximum number of patrons permitted on the premises must not exceed 35 at any one time.

Signage

8. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
9. The approval of the business identification signage forming part of this permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

Engineering

10. All parking spaces and accessway must be delineated from the concrete footpath by kerbing at the property boundary, to ensure that vehicles are not driving over the footpath unless at the vehicle crossing.
11. 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 and footpath reinstated to the satisfaction of the relevant authority.

Permit expiry

12. 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;

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

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

Note 1: It may be necessary to obtain a building permit prior to the commencement of any demolition, building works or occupation of the building. It is strongly recommended that you consult with a registered building surveyor to advise on any requirements under the Building Act, the Building Regulations and any other subordinate legislation. Further information can be sought from the Victorian Building Authority, Phone 1300 815 127 or www.vba.vic.gov.au. Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.moreland.vic.gov.au/planning-building/building-renovations-and-extensions/>.

- 7.36 pm Cr Carli Hannan left the meeting while the report was being introduced.
- 7.38 pm Cr Bolton returned to the meeting while the report was being introduced.
- 7.40 pm Cr Pulford left the meeting while the report was being introduced.
- 7.41 pm Cr Pulford returned to the meeting the report was being introduced.
- 7.41 pm Cr Panopoulos left the meeting while the report was being introduced.
- 7.42 pm Cr Panopoulos returned to the meeting while the report was being introduced.
- 7.58 pm Cr Carli Hannan returned to the meeting before the motion was put.

Resolution

Cr Yildiz moved, Cr Bolton seconded -

Recommendation A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2021/661 be issued for the use of the existing building for an indoor recreation facility (Music Studio and Rehearsal Rooms), business identification signage and alterations of access to a Transport Zone at 942-944 Sydney Road, COBURG NORTH, subject to the following conditions:

Amended Plans

1. **Within two months of the date of this permit, 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 10 February 2022) and Acoustic Report (dated 1 June 2022) but modified to show:**
 - a) **The provision of secure parking for at least two bicycles in accordance with the Australian Standard for Bicycle Parking (AS2890.3).**
 - b) **Details of proposed signage illumination that does not exceed the levels prescribed by AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting or any updated version that is released.**
 - c) **The southern vehicle crossing to Sydney Road removed, with the kerb and footpath reinstated.**

- d) **The existing vehicle crossings modified to match the location and width of the accessway.**

Secondary Consent

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

Acoustics

- 3. **Within two months of the date of this permit the provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority. This includes:**
 - a) **The works as described at section 7.1.1 of the acoustic report must be completed and maintained.**
 - b) **Source noise level for each room must not exceed 95dB L10,T.**
 - c) **All rehearsal room doors must be closed while any music is played.**
 - d) **External doors to the building must remain closed at all times other than when entering/exiting the building.**
 - e) **Noise limiters for each rehearsal room. All equipment must operate with limiter controls.**
 - f) **Prominent signage at all entry/exit points instructing patrons to be conscious and respectful of the neighbouring residents when arriving and leaving.**
 - g) **Prominent signage at all entry/exit points instructing patrons to keep the external door closed at all times.**
 - h) **The telephone contact details of the venue manager to be made available to neighbouring residents and Council officers to enable potential resolution of noise of other amenity concerns at the time of a complaint is raised;**
- 4. **Within three (3) months of the date of this permit, or as otherwise agreed in writing by the Responsible Authority, a Post Commencement Acoustic Report is to be submitted to the Responsible Authority. The report must detail the following matters to the satisfaction of the Responsible Authority:**
 - a) **Confirmation that all of the recommendations of the endorsed Acoustic Report have been implemented.**
 - b) **Further testing to ascertain whether the use complies with:**
 - i. **The maximum noise levels prescribed by the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021) or any other superseding regulation.**
 - c) **If non-compliance is measured, recommendations for additional acoustic measures to ensure compliance with the endorsed Acoustic Report must be submitted to and approved by the Responsible Authority. The report and additional acoustic measures will then be endorsed to form part of the permit.**

- d) Confirmation that all acoustic testing has been carried out during a busy period with all four rehearsal rooms being used and by a suitably qualified acoustic engineer.
5. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021), or any other superseding regulation.

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

Use

6. The use allowed by this permit must operate only between the following hours;
- Monday to Sunday 10:00 a.m. to 11:00 p.m.
7. The maximum number of patrons permitted on the premises must not exceed 35 at any one time.

Signage

8. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
9. The approval of the business identification signage forming part of this permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

Engineering

10. All parking spaces and accessway must be delineated from the concrete footpath by kerbing at the property boundary, to ensure that vehicles are not driving over the footpath unless at the vehicle crossing.
11. 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 and footpath reinstated to the satisfaction of the relevant authority.

Permit expiry

12. 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;
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Note 1: It may be necessary to obtain a building permit prior to the commencement of any demolition, building works or occupation of the building. It is strongly recommended that you consult with a registered building surveyor to advise on any requirements under the Building Act, the Building Regulations and any other subordinate legislation. Further information can be sought from the Victorian Building Authority, Phone 1300 815 127 or www.vba.vic.gov.au. Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.moreland.vic.gov.au/planning-building/building-renovations-and-extensions/>.

Carried unanimously

URGENT BUSINESS REPORTS

Nil

The meeting closed at 8.04 pm.

Confirmed

Cr Mark Riley
MAYOR