



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 July 2022

The Mayor opened the meeting at 6.32 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	6.32 pm	8.29 pm
Cr Lambros Tapinos, Deputy Mayor	6.42 pm	8.29 pm
Cr Adam Pulford	6.34 pm	8.29 pm
Cr Angelica Panopoulos	6.32 pm	8.29 pm
Cr Annalivia Carli Hannan	6.32 pm	8.24 pm
Cr Helen Davidson	Apology	
Cr Helen Pavlidis	6.32 pm	8.29 pm
Cr James Conlan	6.32 pm	8.26 pm
Cr Monica Harte	6.32 pm	8.29 pm
Cr Oscar Yildiz JP	6.32 pm	8.29 pm
Cr Sue Bolton	Leave of absence	

OFFICERS

Acting Group Manager City Development – Mark Hughes
Planning Coordinator – Darren Camilleri
Unit Manager Governance – Troy Delia
Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Cr Bolton was on an approved leave of absence from 25 July 2022 to 9 August 2022 inclusive.

Cr Davidson was an apology to the meeting.

DISCLOSURES OF CONFLICTS OF INTEREST

Cr Panopoulos disclosed a general conflict of interest in item 5.1 81A Bell Street, Coburg - Planning Application MPS/2021/685.

Cr Conlan disclosed a material conflict of interest in the Urgent business item, Towards Zero Carbon Planning – Elevating ESD Planning Tool.

MINUTE CONFIRMATION

Resolution

Cr Conlan moved, Cr Panopoulos seconded -

The minutes of the Planning and Related Matters Meeting held on 22 June 2022 be confirmed.

Carried

COUNCIL REPORTS

Cr Panopoulos disclosed a perceived general conflict of interest in item 5.1, 81A Bell Street, Coburg - Planning Application MPS/2021/685 and left the meeting.

6.39 pm Cr Panopoulos left the meeting.

6.42 pm Cr Tapinos entered the meeting.

5.1 81A BELL STREET, COBURG - PLANNING APPLICATION MPS/2021/685



Property:	81A Bell Street, Coburg			
Proposal:	Buildings and works to construct multi storey buildings containing dwellings, use of the land for a food and drink premises, reduction to the statutory car parking rates, alterations and creation of access in a Transport Zone 2			
Zoning and Overlay/s:	<ul style="list-style-type: none"> Activity Centre Zone, Schedule 1 (ACZ1) Parking Overlay (PO1) Development Contributions Plan Overlay (DCPO1) 			
Strategic setting:	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Objections:	<ul style="list-style-type: none"> 45 received with key concerns being: <ul style="list-style-type: none"> Traffic Impacts Car Parking Building Height 			

Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> • Held 28 April 2022 Attendees: 14 objectors and 2 Council officers. The applicant chose not to attend. • The meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.
Accessibility:	<ul style="list-style-type: none"> • Accessible apartments comprise 66 per cent of the proposal.
Key reasons for refusal	<ul style="list-style-type: none"> • Unacceptable height and visual bulk to Bridges Reserve, Bell Street and Rodda Street • Inconsistency with built form requirements and design objectives of ACZ1 with the buildings exceeding the maximum height and street wall heights with inadequate upper-level setbacks. • Poor internal amenity due to inadequate daylight.
Recommendation:	It is recommended that Council's submission to VCAT be that no planning permit should be issued for the proposal, based on the grounds outlined in the recommendation.

Officer Recommendation

That in the event that VCAT determine to list this application for a merits review, Council's submission to Victorian Civil and Administrative Tribunal be one that no planning permit should be issued for the buildings and works to construct a multi storey buildings containing dwellings, use of the land for a food and drink premises, reduction to the statutory car parking rates, alterations and creation of access in a Transport Zone 2 at 81A Bell Street, Coburg, subject to the following grounds:

1. The proposal fails to comply with the purpose and objectives of the Activity Centre Zone, Schedule 1. More specifically, the design response does not adequately respond to the preferred future character for the area, including that:
 - a) The development fails to respond to the transitional nature of the precinct to the residential development adjoining the Activity Centre, particularly to the south and east.
 - b) The development fails to create an east-west pedestrian link between Bridges Reserve and Rodda Street through the southern part of the site connecting the existing laneway network.
 - d) The poor ESD performance, lack of public benefit and unacceptable visual impacts on surrounding streets and public spaces fail to provide sufficient justification for the additional height and reduced upper level setbacks of the Activity Centre Zone.
 - e) The development fails to establish a built form transition of between 2-4 storeys to properties on the west side of Rodda Street.
 - f) The development fails to provide meaningful breaks between buildings, creating a continuous wall of built form along Bridges Reserve.
 - g) The development does not provide sufficient space and deep soil planting conditions for planting new canopy and screening trees.
 - h) The development provides large expanses of blank walls and poor activation along the ground floor frontage of Rodda Street, which fails to contribute to active street frontages that facilitate visual interaction between people on streets and users of the building.

- i) The provision of two crossovers and associated driveway along Bell Street is excessive, will have a negative impact on pedestrian amenity within the Activity Centre and does not accord with the location for vehicle access specified in the Activity Centre Zone or the design objective to provide a pedestrian orientated environment with improved links and an attractive and safe system of streets.
 - j) The excessive hard paving associated with driveways along Bell Street, compromises desired landscaped setback as specified in the Activity Centre Zone.
2. The proposal is not consistent with the following strategies contained at Clause 15.01-1L Urban Design in Moreland:
 - a) The siting, design and lack of physical breaks to the buildings is an inappropriate response to the urban context, siting and built form of the precinct and fails to deliver an appropriate balance of open space to built-form, resulting in unacceptable building scale and bulk when viewed from Bridges Reserve, Bell Street and Rodda Street.
 - b) The proposal fails to ensure that landscaping integrates development with the surrounding environment which includes Bridges Reserve.
 3. The design of the buildings fails to meet the strategies and guidelines of Clause 15.01-2L (Apartment Development in Moreland) with respect to:
 - a) The building separation between Buildings A1 and A2 and Buildings A1 and B does not meet the distances specified in Table 3 and does not allow adequate daylight to living rooms and bedrooms.
 - b) The development provides poor quality internal amenity for buildings, with particular regard to daylight access and natural ventilation.
 4. The proposal does not satisfy the following objectives and standards of Clause 58 Apartment Developments:
 - a) Clause 58.02-1 – Urban Context Objectives - The design fails to contribute to the preferred future development of the area and is not appropriate to the urban context and the site.
 - b) Clause 58.03-5 – Landscaping Objectives – The development fails to provide landscaping that supports the preferred urban context of the area and reduces the visual impact of buildings on the streetscape, particularly in a location that is adjacent to a parkland context.
 - c) Clause 58.04-1 – Building Setback Objectives – The setbacks of the buildings do not contribute to the preferred future development of the area and fail to provide appropriate internal amenity for residents, particularly in regard to daylight and outlook.
 - d) Clause 58.05-2 – Building Entry and Circulation Objectives – The development fails to allow for the efficient movement of residents and does not provide internal communal areas with adequate access to daylight and natural ventilation.
 5. The proposal fails to demonstrate that it achieves best practice environmentally sustainable design with respect to:
 - a) The performance objectives at Clause 15.02-1L (Environmentally Sustainable Development), in particular daylight.
 - b) Activity Centre Zone, Schedule 1 objectives seek to ensure all buildings are designed to meet best practice standards for Environmentally Sustainable Design (ESD).

6. The development contravenes Section 173 Agreement AF306853Y.

6.48 pm Cr Carli Hannan left the meeting.

Resolution

Cr Conlan moved, Cr Pavlidis seconded -

That in the event that VCAT determine to list this application for a merits review, Council's submission to Victorian Civil and Administrative Tribunal be one that no planning permit should be issued for the buildings and works to construct a multi storey buildings containing dwellings, use of the land for a food and drink premises, reduction to the statutory car parking rates, alterations and creation of access in a Transport Zone 2 at 81A Bell Street, Coburg, subject to the following grounds:

- 1. The proposal fails to comply with the purpose and objectives of the Activity Centre Zone, Schedule 1. More specifically, the design response does not adequately respond to the preferred future character for the area, including that:**
 - a) The development fails to respond to the transitional nature of the precinct to the residential development adjoining the Activity Centre, particularly to the south and east.**
 - b) The development fails to create an east-west pedestrian link between Bridges Reserve and Rodda Street through the southern part of the site connecting the existing laneway network.**
 - d) The poor ESD performance, lack of public benefit and unacceptable visual impacts on surrounding streets and public spaces fail to provide sufficient justification for the additional height and reduced upper level setbacks of the Activity Centre Zone.**
 - e) The development fails to establish a built form transition of between 2-4 storeys to properties on the west side of Rodda Street.**
 - f) The development fails to provide meaningful breaks between buildings, creating a continuous wall of built form along Bridges Reserve.**
 - g) The development does not provide sufficient space and deep soil planting conditions for planting new canopy and screening trees.**
 - h) The development provides large expanses of blank walls and poor activation along the ground floor frontage of Rodda Street, which fails to contribute to active street frontages that facilitate visual interaction between people on streets and users of the building.**
 - i) The provision of two crossovers and associated driveway along Bell Street is excessive, will have a negative impact on pedestrian amenity within the Activity Centre and does not accord with the location for vehicle access specified in the Activity Centre Zone or the design objective to provide a pedestrian orientated environment with improved links and an attractive and safe system of streets.**
 - j) The excessive hard paving associated with driveways along Bell Street, compromises desired landscaped setback as specified in the Activity Centre Zone.**

2. **The proposal is not consistent with the following strategies contained at Clause 15.01-1L Urban Design in Moreland:**
 - a) **The siting, design and lack of physical breaks to the buildings is an inappropriate response to the urban context, siting and built form of the precinct and fails to deliver an appropriate balance of open space to built-form, resulting in unacceptable building scale and bulk when viewed from Bridges Reserve, Bell Street and Rodda Street.**
 - b) **The proposal fails to ensure that landscaping integrates development with the surrounding environment which includes Bridges Reserve.**
3. **The design of the buildings fails to meet the strategies and guidelines of Clause 15.01-2L (Apartment Development in Moreland) with respect to:**
 - a) **The building separation between Buildings A1 and A2 and Buildings A1 and B does not meet the distances specified in Table 3 and does not allow adequate daylight to living rooms and bedrooms.**
 - b) **The development provides poor quality internal amenity for buildings, with particular regard to daylight access and natural ventilation.**
4. **The proposal does not satisfy the following objectives and standards of Clause 58 Apartment Developments:**
 - a) **Clause 58.02-1 – Urban Context Objectives - The design fails to contribute to the preferred future development of the area and is not appropriate to the urban context and the site.**
 - b) **Clause 58.03-5 – Landscaping Objectives – The development fails to provide landscaping that supports the preferred urban context of the area and reduces the visual impact of buildings on the streetscape, particularly in a location that is adjacent to a parkland context.**
 - c) **Clause 58.04-1 – Building Setback Objectives – The setbacks of the buildings do not contribute to the preferred future development of the area and fail to provide appropriate internal amenity for residents, particularly in regard to daylight and outlook.**
 - d) **Clause 58.05-2 – Building Entry and Circulation Objectives – The development fails to allow for the efficient movement of residents and does not provide internal communal areas with adequate access to daylight and natural ventilation.**
5. **The proposal fails to demonstrate that it achieves best practice environmentally sustainable design with respect to:**
 - a) **The performance objectives at Clause 15.02-1L (Environmentally Sustainable Development), in particular daylight.**
 - b) **Activity Centre Zone, Schedule 1 objectives seek to ensure all buildings are designed to meet best practice standards for Environmentally Sustainable Design (ESD).**
6. **The development contravenes Section 173 Agreement AF306853Y.**

Carried unanimously

7.14 pm *Cr Panopoulos returned to the meeting.*

5.2 212-214 ALBION STREET, BRUNSWICK - PLANNING PERMIT APPLICATION MPS/2021/805



Property:	212-214 Albion Street, Brunswick				
Proposal:	Display of internally illuminated, high wall, promotion, and business identification signage.				
Zoning and Overlay/s:	<ul style="list-style-type: none"> Commercial 1 Zone Parking Overlay Environmental Audit Overlay Design and Development Overlay – Schedule 18 Development Contributions Plan Overlay 				
Signage category:	<table border="1"> <tr> <td style="background-color: #00AEEF; color: white;">Category 1 - Commercial areas (minimum limitation)</td> <td style="background-color: #A9A9A9;">Category 2 - Office and industrial (low limitation)</td> <td style="background-color: #A9A9A9;">Category 3 - High amenity areas (medium limitation)</td> <td style="background-color: #A9A9A9;">Category 4 - Sensitive areas (maximum limitation)</td> </tr> </table>	Category 1 - Commercial areas (minimum limitation)	Category 2 - Office and industrial (low limitation)	Category 3 - High amenity areas (medium limitation)	Category 4 - Sensitive areas (maximum limitation)
Category 1 - Commercial areas (minimum limitation)	Category 2 - Office and industrial (low limitation)	Category 3 - High amenity areas (medium limitation)	Category 4 - Sensitive areas (maximum limitation)		
Objections:	<ul style="list-style-type: none"> 34 objections Key issues: <ul style="list-style-type: none"> Light pollution Neighbourhood character Excessive signage 				
Planning Information and Discussion (PID) Meeting:	<p>Date: 7 June 2022</p> <ul style="list-style-type: none"> Attendees: 13 objectors, the applicant, Council officers, and Cr Monica Harte <p>The following agreements which form conditions in the recommendation were reached at the PID meeting:</p> <ul style="list-style-type: none"> Reduction to the size of the high wall signs Removal of illumination from the high wall signs 				
Key reasons for support	<ul style="list-style-type: none"> The site is identified in the Moreland Planning Scheme as an area where ‘minimum limitation’ on signage applies. Proposed signage is generally compliant with planning policies Subject to conditions, the signs will not have unreasonable impact on the character and appearance of the area. 				
Recommendation:	Notice of Decision to Grant a Planning Permit be issued for the proposal.				

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2021/805 be issued for the display of internally illuminated, high wall, promotion, and business identification signage at 212-214 Albion Street, Brunswick, subject to the following conditions:

1. Prior to the construction and display of signage, 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 25 January 2022 but modified to show:
 - a) The deletion of the high wall sign on the eastern elevation of the building.
 - b) A reduction to the size of the high wall sign no. 1 on the northern elevation of the building to a maximum display area of 2.25 square metres and removal of illumination from this sign, generally in accordance with discussion plans received on 25 March 2022
2. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.
3. The maximum luminance of all internally illuminated signs must not exceed the levels prescribed by *AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting* or any updated version that is released. Upon request, the applicant must provide the Responsible Authority records of the signs luminance levels to show compliance with this standard.
4. The signs approved by this permit must not be animated or contain any flashing light.
5. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
6. 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.

7.17 pm Cr Carli Hannan returned to the meeting while the item was being introduced.

7.27 pm Cr Carli Hannan left the meeting.

Meeting Adjournment

Resolution

Cr Panopoulos moved, Cr Pavlidis seconded -

That the meeting be adjourned at 7.32 pm for 5 minutes to allow development of an additional condition 7 to restrict the hours of signage illumination.

Carried

Meeting Resumption

Resolution

Cr Pavlidis moved, Cr Panopoulos seconded -

That the meeting be resumed at 7.38 pm.

Carried

7.38 pm The meeting resumed without Cr Pulford and Cr Tapinos.

Resolution

Cr Conlan moved, Cr Harte seconded -

That a Notice of Decision to Grant a Planning Permit No. MPS/2021/805 be issued for the display of internally illuminated, high wall, promotion, and business identification signage at 212-214 Albion Street, Brunswick, subject to the following conditions:

1. Prior to the construction and display of signage, 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 25 January 2022 but modified to show:
 - a) The deletion of the high wall sign on the eastern elevation of the building.
 - b) A reduction to the size of the high wall sign no. 1 on the northern elevation of the building to a maximum display area of 2.25 square metres and removal of illumination from this sign, generally in accordance with discussion plans received on 25 March 2022
2. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.
3. The maximum luminance of all internally illuminated signs must not exceed the levels prescribed by *AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting* or any updated version that is released. Upon request, the applicant must provide the Responsible Authority records of the signs luminance levels to show compliance with this standard.
4. The signs approved by this permit must not be animated or contain any flashing light.
5. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
6. 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.
7. The hours of illumination restricted from 10.00 pm to 6.00 am, or in line business hours unless with the written consent of the Responsible Authority.

7.40 pm Cr Pulford returned to the meeting during the debate.

7.41 pm Cr Tapinos returned to the meeting during the debate.

Carried

7.43 pm Cr Yildiz left the meeting.

5.3 52-56 ESSEX STREET, PASCOE VALE - PLANNING APPLICATION MPS/2018/1015



Property:	52-56 Essex Street, Pascoe Vale				
Proposal:	Construction of five double storey dwellings and a reduction in the standard car parking requirements				
Zoning and Overlay/s:	<ul style="list-style-type: none"> Neighbourhood Residential Zone (NRZ1) Development Contributions Plan Overlay (DCPO) 				
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"> 24 objections Key issues: <ul style="list-style-type: none"> Car Parking Traffic impacts and safety of intersection Noise impacts Overlooking 				
Planning Information and Discussion (PID) Meeting:	<p>First PID: 4 February 2020 Attendees: 9 objectors, the applicant, 2 Council officers, and Cr Oscar Yildiz</p> <p>Following the PID amended plans were submitted to address objector concerns. This included removal of the café, gym and milk bar and replacement with dwellings, along with the deletion of apartments.</p> <p>Second PID: 17 May 2022 Attendees: 6 objectors, the applicant, 2 Council officers, and Cr Oscar Yildiz and Cr Monica Harte</p> <p>No changes were agreed, however the meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.</p>				
ESD:	<ul style="list-style-type: none"> Minimum average NatHERS rating of 6.5 stars. Exceeds best practice stormwater management 				
Key reasons for support	<ul style="list-style-type: none"> Proposal will not unreasonably impact the amenity of the adjoining residential properties. The waiver of one visitor car parking space is acceptable having regard to the availability of on-street car parking spaces in the surrounding area. Three commercial premises are replaced with a residential development that better respects the character of the area. 				
Recommendation:	Notice of Decision to Grant a Planning Permit be issued.				

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2018/1015 be issued for the construction of five double storey dwellings and a reduction in the standard car parking requirements at 52-56 Essex Street, Pascoe Vale, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised on 12 January 2022 but modified to show:
 - a) The ground level secluded private open space of Dwellings 1 and 2 to be entirely permeable.
 - b) The 1.8 metre high fence of Dwelling 2 along the Landells Road frontage modified to be at least 50 per cent transparent.
 - c) A separate permeable pedestrian footpath that has a direct connection between the street and the entrances of each dwelling.
 - d) The levels of the porches and ground floor of each dwelling reduced (or ramped) to match the levels of the pedestrian path to achieve an accessible path from the street to the ground floor of the dwellings.
 - e) The box gutters and parapet walls of the first floor eastern elevation of Dwelling 1 and the first floor south elevation of Dwelling 3 removed and replaced with a hipped roof and eaves.
 - f) The provision of 6 cubic metres of externally accessible, secure storage space for each dwelling in accordance with Standard B30 (Storage).
 - g) The garages of each dwelling annotated as not being single panel tilt doors.
 - h) The power pole on Landells Road relocated to a point in front of the development over 1 metre from the proposed vehicle crossing, including the 1 metre splays on the crossing in accordance with condition 15 of this permit
 - i) The location of the electricity meter boxes. The electricity meter boxes must not be in a standalone location in the front setbacks.
 - j) Gas and water meters shown on all relevant plans. Where meters would be visible from the public realm, they must not be stacked or placed vertically, and must be screened from view using either landscaping or fixed screening.
 - k) The vehicle crossings modified to show 1 metre straight splays, commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.
 - l) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
 - m) Tree protection zone(s) for the street trees in accordance with Condition 6 of this permit.
 - n) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 8 of this permit.
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.
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 advertised on 12 January 2022 but amended to show:

- a) Any changes required to align with the plans for endorsement.
- b) Screen tree planting with a mature height of at least 3 metres along the western boundary of the secluded private open space of Dwellings 3 to 5.
- c) The tree protection zones of the street trees to be retained and protected.
- d) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
- e) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
- f) Details of the location and type of all paved and sealed areas. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with the Sustainability Design Assessment.

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

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works 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
6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all council trees in the nature strip adjacent to the site 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.

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

8. 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 Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA by Frater advertised 12/01/2022 but modified to include the following changes:

a) Amend the BESS report (and any other corresponding documentation) to:

i. Include a commitment to a solar PV system of at least 4kws for each Townhouse

b) Show the following ESD initiatives on the development plans:

i. External operable shading devices to east and west facing glazing of all habitable rooms, to block peak summer sun. A product diagram or section of the proposed device must be provided (must not be roller shutters for any street facing glazing).

ii. Horizontal shading devices to all north facing habitable room glazing. The depth of the device should be equal to 25 per cent of the distance from sill height to the base of the device. The device must also extend horizontally to both sides of the glazing by a distance equal to the depth of the device.

iii. Double glazing to all habitable room glazing (including entryways and stairwells) annotated on each individual glazing unit and specified on the material/colour schedule

iv. 4kW solar photovoltaic (PV) system for each townhouse, including the proposed location, approximate size and number of individual panels, orientation and tilt angle.

v. Infrastructure and cabling (with or without the charger unit) to each garage or carport that can support Level 2 (Mode 3) 32 Amp EV car charging

Where alternative ESD initiatives are proposed to those specified in the conditions 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.

9. 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.

10. 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.
11. All stormwater treatment devices (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.
12. 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) a maximum of 12 months from the date of issue of the Building Permit; or
- b) prior to the issue of a Statement of Compliance for the subdivision;

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

13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, 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).
14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, 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).
15. 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.
16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller doors must be automatic and remote controlled.
17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
18. 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).

19. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
20. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes 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.
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: These notes are for information only and do not constitute part of this notice of decision or conditions of this notice of decision.

Note 1: 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 land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information: <https://www.moreland.vic.gov.au/living-in-moreland/parking-and-roads/changes-to-parking-in-your-area/>

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 per cent of the sale price of your dwelling(s).

7.44 pm Cr Yildiz returned to the meeting while the item was being introduced.

7.58 pm Cr Tapinos left the meeting.

8.11 pm Cr Tapinos returned to the meeting.

Resolution

Cr Panopoulos moved, Cr Pulford seconded -

That a Notice of Decision to Grant a Planning Permit No. MPS/2018/1015 be issued for the construction of five double storey dwellings and a reduction in the standard car parking requirements at 52-56 Essex Street, Pascoe Vale, subject to the following conditions:

- 1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised on 12 January 2022 but modified to show:**
 - a) The ground level secluded private open space of Dwellings 1 and 2 to be entirely permeable.**
 - b) The 1.8 metre high fence of Dwelling 2 along the Landells Road frontage modified to be at least 50 per cent transparent.**
 - c) A separate permeable pedestrian footpath that has a direct connection between the street and the entrances of each dwelling.**
 - d) The levels of the porches and ground floor of each dwelling reduced (or ramped) to match the levels of the pedestrian path to achieve an accessible path from the street to the ground floor of the dwellings.**
 - e) The box gutters and parapet walls of the first floor eastern elevation of Dwelling 1 and the first floor south elevation of Dwelling 3 removed and replaced with a hipped roof and eaves.**
 - f) The provision of 6 cubic metres of externally accessible, secure storage space for each dwelling in accordance with Standard B30 (Storage).**
 - g) The garages of each dwelling annotated as not being single panel tilt doors.**
 - h) The power pole on Landells Road relocated to a point in front of the development over 1 metre from the proposed vehicle crossing, including the 1 metre splays on the crossing in accordance with condition 15 of this permit**
 - i) The location of the electricity meter boxes. The electricity meter boxes must not be in a standalone location in the front setbacks.**
 - j) Gas and water meters shown on all relevant plans. Where meters would be visible from the public realm, they must not be stacked or placed vertically, and must be screened from view using either landscaping or fixed screening.**
 - k) The vehicle crossings modified to show 1 metre straight splays, commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.**
 - l) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.**
 - m) Tree protection zone(s) for the street trees in accordance with Condition 6 of this permit.**
 - n) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 8 of this permit.**

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.
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 advertised on 12 January 2022 but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) Screen tree planting with a mature height of at least 3 metres along the western boundary of the secluded private open space of Dwellings 3 to 5.
 - c) The tree protection zones of the street trees to be retained and protected.
 - d) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
 - e) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
 - f) Details of the location and type of all paved and sealed areas. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with the Sustainability Design Assessment.

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

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works 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
6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all council trees in the nature strip adjacent to the site 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.

7. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Moreland Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.
8. 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 Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA by Frater advertised 12/01/2022 but modified to include the following changes:
 - a) Amend the BESS report (and any other corresponding documentation) to:
 - i. Include a commitment to a solar PV system of at least 4kws for each Townhouse
 - b) Show the following ESD initiatives on the development plans:
 - i. External operable shading devices to east and west facing glazing of all habitable rooms, to block peak summer sun. A product diagram or section of the proposed device must be provided (must not be roller shutters for any street facing glazing).
 - ii. Horizontal shading devices to all north facing habitable room glazing. The depth of the device should be equal to 25 per cent of the distance from sill height to the base of the device. The device must also extend horizontally to both sides of the glazing by a distance equal to the depth of the device.
 - iii. Double glazing to all habitable room glazing (including entryways and stairwells) annotated on each individual glazing unit and specified on the material/colour schedule
 - iv. 4kW solar photovoltaic (PV) system for each townhouse, including the proposed location, approximate size and number of individual panels, orientation and tilt angle.

- v. **Infrastructure and cabling (with or without the charger unit) to each garage or carport that can support Level 2 (Mode 3) 32 Amp EV car charging**

Where alternative ESD initiatives are proposed to those specified in the conditions 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.

- 9. **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.**
- 10. **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.**
- 11. **All stormwater treatment devices (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.**
- 12. **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) **a maximum of 12 months from the date of issue of the Building Permit;**
or
- b) **prior to the issue of a Statement of Compliance for the subdivision;**

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

- 13. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, 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).**
- 14. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, 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).**

15. 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.
16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller doors must be automatic and remote controlled.
17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
18. 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).
19. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
20. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes 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.
22. This permit will expire if one of the following circumstances applies:
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Carried

(Cr Yildiz abstained from voting)

URGENT BUSINESS REPORTS

8.24 pm Cr Carli Hannan left the meeting.

Cr Conlan disclosed a material conflict of interest in the Urgent business item, Towards Zero Carbon Planning – Elevating ESD Planning Tool as he works for an organisation that has involvement with this project.

8.26 pm Cr Conlan left the meeting.

Urgent Business

Resolution

Cr Panopoulos moved, Cr Pavlidis seconded -

That Council admits the matter of *Towards Zero Carbon Planning – Elevating ESD Planning Tool* as Urgent Business for consideration, as it relates to a matter that has arisen since the distribution of the agenda and cannot safely or conveniently be deferred to the next Council meeting.

Carried

6.1 TOWARDS ZERO CARBON PLANNING - ELEVATING ESD PLANNING TOOL

Resolution

Cr Panopoulos moved, Cr Riley seconded -

That Council:

- 1. Using its powers as a planning authority under ss8A and 8B of the Planning and Environment Act 1987, seeks authorisation from the Minister for Planning to prepare Moreland Planning Scheme Amendment C223 as shown in Attachments 1, 2 and 3 to report 7.1 (Towards Zero Carbon Planning – Elevating ESD Planning Tool) to the May 2022 Council Meeting Agenda.**

2. **Following receipt of the Minister’s authorisation, exhibits the Amendment in accordance with Section 19 of the Planning and Environment Act 1987 or as directed by the Minister for Planning.**
3. **Authorises the Director Place and Environment to make changes to the Amendment based on conditions imposed in any authorisation granted or direction by the Minister for Planning.**
4. **Notes that resolution items 5, 6 and 7 for 7.1 (Towards Zero Carbon Planning – Elevating ESD Planning Tool) to the May 2022 Council Meeting are currently being actioned.**

Carried unanimously

The meeting closed at 8.29 pm.

Confirmed

Cr Mark Riley
MAYOR