



Merri-bek
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 26 October 2022

Commencing 6.30 pm

Council Chamber, Merri-bek Civic Centre, 90 Bell Street, Coburg

Language Link

This is the Agenda for the Council meeting.
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ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ।
ਏਜੰਡੇ ਦੀ ਕਿਸੇ ਆਈਟਮ ਬਾਰੇ ਮਦਦ ਲਈ,
ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

Acknowledgement of the traditional custodians of the City of Merri-bek

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

1. WELCOME

2. APOLOGIES/LEAVE OF ABSENCE

Leave of absence has been granted to:

- Cr Panopoulos - 1 October 2022 to 26 November 2022 inclusive.

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. MINUTE CONFIRMATION

The minutes of the Planning and Related Matters Meeting held on 28 September 2022 be confirmed.

5. COUNCIL REPORTS

5.1 9-13 & 15 BARROW STREET, COBURG - PLANNING PERMIT APPLICATION MPS/2021/1017 4

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6. URGENT BUSINESS

5. COUNCIL REPORTS

5.1 9-13 & 15 BARROW STREET, COBURG - PLANNING PERMIT APPLICATION MPS/2021/1017

Director Place and Environment Joseph Tabacco
City Development

Executive Summary



Property:	9-13 Barrow Street and 15 Barrow Street, Coburg
Proposal:	Use and development of a child care centre and display of business identification signage
Zoning and Overlay/s:	<ul style="list-style-type: none"> • Neighbourhood Residential Zone, Schedule 1 • Development Contributions Plan Overlay
Objections:	<ul style="list-style-type: none"> • 27 objections • Key issues: <ul style="list-style-type: none"> • Car parking and traffic • Non-residential use and development in a residential area
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> • Date: 27 September 2022 • Attendees: 3 objectors, the applicant, 2 Council officers, and Cr Harte • The permit applicant tabled mediations plans at the PID meeting which sought to address concerns related to architectural expression and landscaping. Further following the meeting there was agreement to provide one additional car parking space.
ESD:	<ul style="list-style-type: none"> • 15kW solar panels • 10,000 Litre rainwater tank • 57 per cent BESS Rating
Key reasons for support	<ul style="list-style-type: none"> • An expanded child care centre will serve the local community which is consistent with Neighbourhood Residential Zone. • Part of the site will continue to provide accommodation. • The built form impacts are minimised through re-purposing of the dwelling. • Minimisation of off-site amenity impacts through the siting of built form and play areas, provision of acoustic fencing, and provision of all required parking spaces on site.
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/2021/1017 be issued for the use and development of a child care centre and display of business identification signage at 9-13 and 15 Barrow Street, Coburg 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 20 June 2022 but modified to show:
 - a) Changes generally in accordance with the discussion plans dated and received on 4 October 2022, including:
 - i. Alterations to façade colours, materials and glazing, and the design of the feature shapes with all materials on the material schedule and clearly linked to the elevation plans.
 - ii. Reduction in the length of the wall on the northern boundary and realignment of the southern wall of the Toilets, Room 2 and Room 3/Multi-Purpose Room.
 - iii. Internal reconfiguration and wall realignments to the ground floor of 9-13 Barrow Street, without reducing any setbacks to the western boundary.
 - iv. Deletion of the skillion roof and clerestory windows to 15 Barrow Street to accommodate increased solar panels.
 - v. Reconfiguration of the landscape beds adjacent 9-13 Barrow Street to accommodate six bicycle spaces.
 - vi. The addition of a landscape bed to the south of the southernmost car park spaces.
 - vii. An additional car space within the “pram store room/storage” and the space in front indicated on the plans. These spaces are to be marked for staff use only and must be shown to comply with the requirements of Clause 52.06-9 of the Moreland Planning Scheme.
 - viii. The southernmost car park spaces relocated approximately 2 metres west to accommodate a landscape bed between the spaces and the Barrow Street boundary, with any changes necessary to the landscaping and other infrastructure adjacent the building to ensure appropriate turning space is provided.
 - ix. The addition of a 0.3 metre wide landscape bed to the south of the southernmost car park spaces.
 - b) Internal north and south elevations.
 - c) Details of the business identification signage, including the materials, colours, dimensions, height above natural ground level and how it will be attached to the wall/how far it will project from the wall.
 - d) The bicycle parking spaces relocated out of the 0.3 metre wide “clearance required” area of the adjacent car spaces.
 - e) Any changes in accordance with the Tree Management Plan (TMP) required under condition 6 to ensure the retention of the cedar tree.
 - f) The provision of a canopy tree within the front setback of 15 Barrow Street, that is located within a permeable area within the site of at least 4.5 metres x 4.5 metres. The canopy tree must be a species that can:

- i. Reach a height of 8-15 metres at maturity.
 - ii. Achieve a canopy width of at least 7 metres at maturity.
- g) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7c) of this permit.
- h) Any changes to the plans arising from the:
- i. Landscape Plan in accordance with Condition 3 of this permit.
 - ii. Acoustic Report in accordance with Condition 11 of this permit.

Compliance with Endorsed Plans

2. The use and development as shown on the endorsed plans, including the location, dimensions, shape and associated structures of signage, 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.

Landscaping

3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Etched, advertised 20 June 2022 but amended to show:
- a) Any changes required to align with the plans for endorsement required by Condition 1.
 - b) Landscaping species within the landscape bed between the eastern car space of the southernmost car park spaces and the Barrow Street boundary that is visible to the street above the boundary fence.
 - c) The Structural Root Zone and Tree Protection Zone of the Cedar Tree and details of any construction measures recommended in the Tree Management Plan in accordance with Condition 6 of this permit for the protection of this tree.
 - d) A canopy tree as required by Condition 1(f) of this permit

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

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

Tree Protection

6. 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 the Cedar Tree at the front of the site can be retained and the Council street trees are protected 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) Any recommendations to relocate hard paving or car parking spaces to ensure the Cedar Tree at the front of the site can be retained.
 - c) The location and design of Tree Protection Fencing.
 - d) Details of appropriate footings within the Tree Protection Zone.
 - e) The method of installing any services through the Tree Protection Zone.
 - f) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
 - g) A timetable outlining works requiring supervision by the Project Arborist.
 - h) 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.
 - i) All remedial pruning works that are required to be performed on the tree during the development of the site and for the proposed car parking immediately adjacent to tree. 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.

Sustainable Design Assessment

- 7. 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 EcoHarmony, advertised on 20 June 2022 but modified to include the following changes:
 - a) Updated SDA to:
 - i. Have the correct address, consistent with the other planning documents.
 - ii. Reflect any changes to the plans and ESD initiatives in accordance with the discussion plans dated 4 October 2022, and any further changes in accordance with Condition 1 of this permit.
 - b) Updated ventilation section to include breeze paths overlayed onto floor plans showing effective natural ventilation has been achieved.
 - c) Show the following ESD initiatives on the development plans:
 - i. The solar PV panels tilt angle, being the angle between the horizontal plane and the panel, must be at least 10 degrees to allow for self-cleaning.
 - ii. A cross section or product detail of the permeable shading over the play area. Include details about the operability and adjustability of the shading device.
 - iii. Lawn areas annotated as 'not synthetic'.

- iv. Double glazing 'DG' to all windows and glazed doors annotated on each individual glazing unit and specified on the material/colour schedule.
 - v. How the windows will operate (e.g. arrows for sliding and V for awning).
- d) Provide a comprehensive daylight model report to outline how the development achieves the daylight requirements of BESS. Modelling must consider all existing and proposed development as well as shading and architectural features to account for all overshadowing. Skylights are to be double glazed and the Visible Light Transmittance (VLT) to be consistent with preliminary section J façade calculator. A comprehensive daylight modelling report must be provided showing the following at a minimum:
- i. Overlay daylight maps on to floor plans such that it is easy to ascertain that the modelling accurately depicts the dimensions and design of the space.
 - ii. Clear scale to accompany daylight maps.
 - iii. Produce a summary table showing the daylight value for each space with their floor area and the compliant area as both a percentage and as a sqm area.
 - iv. An image of the development as modelled in the software which demonstrates that all external architectural features, overhangs, lightwells, screening, adjacent buildings and structures and other daylight obstructions have been accurately modelled and incorporated.
 - v. All surrounding future equitable (including proposed) development modelled where relevant.
 - vi. VLT of all windows ensuring that the VLT and glazing specifications match the glazing specifications used in the Section J façade calculator.
 - vii. Internal reflectance of walls, floor and ceilings.
 - viii. The sky conditions.
 - ix. Description of the software used to produce the model.
- e) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly detailing:
- i. Information about the permeable paving including a cross section drawing and evidence supporting how it will perform with heavy vehicles driving on it. Alternatively limit the permeable paved areas to the individual car parks and introduce permeability to other areas that won't be subject to as intense use, such as the service areas and the front entrance near the pram storage.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

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

8. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the development must be constructed in accordance with the SDA (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.

9. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the SDA 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 (with documented evidence) that all measures specified in the SDA have been implemented in accordance with the approved plan.
10. All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained to the satisfaction of the Responsible Authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

Acoustic Report

11. Prior to the endorsement of plans, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Cogent Acoustics, advertised 20 June 2022, but modified to include:
 - a) Correct identification of the hours of operation in accordance with this permit.
 - b) Any changes to the assessment and recommendations for acoustic measures in association with the increased hours of operation.

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit. Once approved, the Acoustic Report must not be altered unless with the prior written consent of the Responsible Authority.

12. Prior to the commencement of the use and at all times during the operation of the use, the provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

13. 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.

Hours of Operation

14. The use allowed by this permit must operate only between the following hours:
 - a) Monday to Friday 7:00 a.m. to 6:30 p.m.

Maximum Number of Children

15. The maximum number of children cared for in the centre must not exceed 75 at any one time.

Development Contributions

16. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy must be paid to Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy is charged per 100 square metres of leasable floor space.

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

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

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

Boundary Walls

17. 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.

Site Services

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 Merri-bek City Council, City Infrastructure Department).

Vehicle Crossings

19. Prior to the issue of an Occupancy Permit 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 (Merri-bek City Council, City Infrastructure Department).
20. 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 (Merri-bek City Council, City Infrastructure Department).
21. 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, including the 1 metre splays on the 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.

Street trees

22. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, at least one new street tree must be planted at the frontage and be undertaken and conducted solely by the Council. The owner must also submit the appropriate fees for this cost to the satisfaction of the Responsible Authority.

Signs

23. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
24. This permit as it pertains to signage 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.

Permit Expiry

25. 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.

REPORT

1. Background

Subject site

The subject site is located on a corner to the west of Barrow Street and north of Blair Street in Coburg. The land is contained within two separate titles and is irregular in shape. The site has a frontage of 50.9 metres along the south, 53.64 metres along the east, and an overall site area of approximately 2,887.3 square metres.

9-13 Barrow Street contains a double storey brick building that is used for the Antonine Sisters Child Care Centre which currently accommodates 50 children. At first floor there is Sisters' accommodation and chapel. The site has a circular driveway accessed from Barrow Street and provides five on-site car parking spaces.

The southern portion of the land was previously on a separate title as 9 Barrow Street and has been vacant since the dwelling was demolished in 2015.

15 Barrow Street at the northern portion of the site has historically been used for residential purposes and currently contains a single storey rendered dwelling with two crossovers.

There are no restrictive covenants indicated on the Certificate of Title.

Surrounds

The surrounding land is predominantly used for residential dwellings. Much is original housing stock although multi-unit infill development is also evident. Nearby houses are predominantly single-storey, with the notable exception being the three-storey dwelling at 53 Blair Street.

15 Barrow Street abuts the entire length of 17 Barrow Street to the north. This property contains a single-storey dwelling setback 2.1 metres from the common boundary with a carport at the front located against the boundary. Its secluded private open space (SPOS) is located to the rear of the dwelling with some planting along the boundary. The site has 4 other abuttals, all to residential properties containing single storey dwellings. The interfaces are generally to backyards and outbuildings.

There are examples of non-residential uses nearby, including Moreland Primary School located approximately 200 metres west of the site on the southern side of Blair Street, a kindergarten located approximately 110 metres north of the site on the corner of Barrow and Glengyle Streets (36-40 Barrow Street), a service station and motor repairs shop approximately 60 metres south of the site, as well as a child care centre and the Brunswick Private Hospital nearby on the southern side of Moreland Road.

The site is located 450 metres west from Nicholson Street, 500 metres east from Sydney Road, and 100 metres north of Moreland Road - all of which contain tram routes. Moreland Station is approximately 730 metres to the west.

A location and zoning plan forms **Attachment 1**.

The proposal

As advertised, the proposal is summarised as follows:

- Change in use for the building at 15 Barrow Street from a dwelling to child care.

- Partial demolition of the ground floor of both existing buildings. Buildings and works to alter/extend the buildings, including connecting the buildings, and alterations to the façade. No internal alterations to the first floor.
- Business identification signage attached to the first floor front façade.
- Number of children accommodated by the use increased from 50 to 75.
- Existing hours of operation of Monday – Friday, 7:00am – 6:00pm extended by half an hour to 6:30pm.
- Available car parking onsite increased from 5 spaces to 11 spaces. It's noted discussion plans considered in this report foreshadow the provision of 12 spaces total.

The advertised plans form **Attachment 2**.

Planning Permit and site history

- Planning Permit Cg.2255 was granted on 10 September 1984 and allowed a child care centre and residential units at 11-13 Barrow Street.
- Various alterations and additions to the building approved under the above permit:
 - Planning Permit CPS 3616 granted on 28 December 1989
 - Planning Permit CPS 4378 granted on 23 December 1992
 - Planning Permit MPS/2004/428 granted on 10 December 2004
- Planning permit SP/2013/138 was granted on 20 August 2013 for the removal of the carriageway and overhanging eaves easements at 13 Barrow Street.
- Planning permit MPS/2013/265 was granted on 17 March 2014 for the use and development of the land for a double storey building containing a child care centre and residential building (Sisters' accommodation), alterations to the existing building and a reduction in car parking at 9-13 Barrow Street, Coburg. The permit was considered by the then Urban Planning Committee (UPC) who resolved to issue a Notice of Decision. The permit has since lapsed.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Neighbourhood Residential Zone Schedule 1	Clause 32.09-2 – A permit is required for the use of the land as a child care centre Clause 32.09-9 – A permit is required for buildings and works associated with a Section 2 Use (child care centre).
Particular Provisions	Clause 52.05 – A permit is required for the display of a business identification sign

The following Particular Provisions of the Moreland Planning Scheme are also relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay
- Clause 52.06: Car Parking (Note, the application initially sought, and was advertised as requiring, a reduction in the statutory parking requirement of 1 space. A condition will require one additional space provided on site, hence a car parking reduction is no longer required).
- Clause 53.18: Stormwater Management in Urban Development

2. Internal/External Consultation

Public notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land; and
- Placing 4 signs across the 2 frontages of the site.

Council has received 27 objections from 22 properties to date. A total of 34 letters of support have also been received, several of a pro forma nature. A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are:

- Exacerbation of existing parking and traffic problems
- The non-residential use in a residential area and the associated design response of the built form to the neighbourhood character
- Noise associated with children and with increased traffic

A Planning Information and Discussion meeting was held on 27 September 2022 and attended by Cr Harte, two Council Planning Officers, the applicant and three objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

In preparation of the meeting, the applicant prepared “mediation plans” to demonstrate how concerns may be addressed, with further changes foreshadowed following discussions during the meeting. These plans are referred to in this report as “discussion plans” and form **Attachment 4**. They depict the following changes which can be required by recommended permit conditions:

- Car space added to the “pram store room/storage” and car space in front shown on plan, resulting in a compliant provision of on-site car parking.
- Shape elements on front façade altered in size and configuration, changed from solid material to a transparent perforated metal.
- Front façade colour changed from ‘natural white’ to ‘terrace white’ across 9-13 Barrow and 15 Barrow Street.
- Reduced glazing to staff entry.
- The length of wall on the northern boundary reduced to extend no further than the shed on the adjoining property, and the southern wall of the Toilets, Room 2 and Room 3/Multi-Purpose Room relocated south to align with the southern wall of Room 1
- Internal reconfiguration and wall realignments to the ground floor of the building at 9-13 Barrow Street (no reductions in setback to the western boundary)
- Reconfiguration of the garden beds adjacent the building at 9-13 Barrow Street to accommodate six additional bicycle spaces.
- The eastern portion of the vegetation garden replaced with landscaping.
- The southernmost car spaces shifted 2 metres west to accommodate a landscape bed with a 0.3 metre wide landscape bed to the south of the spaces.
- Deletion of the skillion roof and clerestory windows to the building at 15 Barrow Street to accommodate increased solar panels.

Internal/external referrals

Internal Branch/Business Unit	Comments
Urban Design Unit	Supports the proposal. It was initially recommended that the colours used for the shapes on the façade be softened but the discussion plans show these features to be transparent which will suitably tone down their appearance.
Development Engineer	Supports the proposal, including the advertised reduction of 1 car space. It's noted discussion plans considered in this report meet the statutory parking requirement.
ESD Team	Supports the proposal and the additional measures volunteered as part of the discussion plans.

3. Policy Implications

Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
 - Vision (Clause 2.02)
 - Settlement (Clause 2.03-1)
 - Environmental and Landscape Values (Clause 2.03-2)
 - Environmental Risks and Amenity (Clause 2.03-3)
 - Built Environment and Heritage (Clause 2.03-4)
 - Economic Development (Clause 2.03-6)
 - Transport (Clause 2.03-7)
 - Infrastructure (Clause 2.03-8)
- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13):
 - Discretionary Uses in Residential Zones (Clause 13.07-1L)
- Built Environment (Clause 15.01), including:
 - Urban Design (Clause 15.01-1S, 15.01-1R & 15.01-1L)
 - Vehicle Access Design in Moreland (Clause 15.01-1L)
 - Signs (Clause 15.01-1L)
 - Building Design (Clause 15.01-2S & 15.01-2L)
 - Healthy Neighbourhoods (Clause 15.01-4S and 15.01-4R)
 - Neighbourhood Character (Clause 15.01-5S)
 - Minimal and Incremental Change Areas (Clause 15.01-5L)
- Sustainable Development (Clause 15.02), including:
 - Energy and resource efficiency (Clause 15.02-1S)
 - Environmentally Sustainable Development (Clause 15.02-1L)
 - Energy efficiency in Moreland (Clause 15.02-1L)

- Economic Development (Clause 17), including:
 - Diversified economy (Clause 17.01-1S & 17.01-1R)
 - Business (Clause 17.02-1S)
 - Out-of-centre development (Clause 17.02-2S)
- Transport (Clause 18), including:
 - Sustainable and Safe Transport (Clause 18.01-3S)
 - Cycling in Moreland (Clause 18.02-1L)
 - Car parking (18.02-4L)
- Infrastructure (Clause 19.02), including:
 - Energy supply (Clause 19.01-1S & 19.01-1L)
 - Education facilities (Clause 19.02-2S)
 - Development infrastructure (Clause 19.03)

Human Rights Consideration

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

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

An assessment of whether there is any potential for unreasonable overlooking has been undertaken in section 4 of this report. The proposed redevelopment of private land does not present any physical barrier preventing freedom of movement. The right of the landowner to develop and use their land has been considered in accordance with the Moreland Planning Scheme.

4. Issues

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

Does the proposal have strategic policy support?

The Neighbourhood Residential Zone at Clause 32.09 includes as a purpose:

“To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.”

The zone also sets out a series of decision guidelines specifically for non-residential use and development. Having regard to these guidelines, the proposal is considered appropriate for the following reasons:

- The existing centre has been successfully operating in this location since 1986, demonstrating its compatibility with the surrounding residential uses.
- The child care use provides a service to the local community.

- The increase from 50 to 75 children is an acceptable intensification of an existing facility. The development is not of an unreasonable scale given it is retaining and modifying the existing buildings and can provide for sufficient on-site car parking (subject to conditions).
- Existing height and setbacks are generally retained as per existing conditions. The length of the wall on the northern boundary will be reduced as per the discussion plans.
- A suitable waste area is provided, away from residential interfaces.
- Landscaping, the design and appearance of the building, bicycle and car parking provision, and traffic impacts are considered acceptable, as detailed further below.

Does the proposal respond to neighbourhood character, positively contribute to the local context and enhance the public realm?

Both buildings at 9-13 and 15 Barrow Street are to be retained, thereby restraining the design opportunities of the proposal. This retention and re-purposing of buildings is encouraged by policy at Clause 13.07-1L Discretionary Uses in Residential Zones. The built form of 15 Barrow Street will be extended into its existing SPOS which is an increase in the building footprint but in a location away from all external boundaries, thereby minimising any offsite impacts. It will retain its general residential presentation to the street, including its hipped roof form. Similarly, the façade of the child care centre is largely retained.

Both buildings will have a light grey finish applied over the existing brick walls. The render colour has also changed from a stark white to 'terrace white' which has greyer undertones. As such, the building is less dominant or visually distracting. Whilst brick has traditionally been used in older housing stock, lighter finishes are evident nearby, particularly in weatherboard and rendered dwellings. The proposed finish is appropriate in this regard.

The existing front fence is partially retained/partially modified. It will retain most of the brick elements which will be painted light grey and the wrought iron will be replaced with white loop-end metal fencing. These proposed arrangements are considered acceptable within this context.

The existing front façade of the child care centre includes a vertical glass block wall on the southern-eastern corner, a high pitched roof over the central balcony, and a square-shaped extrusion to the northern end of the wall. The proposal builds upon these existing architectural features of the building, transforming them into a yellow rectangle, a blue triangle and a red square along the first floor. The shape motif is carried through to the ground floor and 15 Barrow Street with a green circle to the extension between the two buildings. The same colours are also used across the service cupboards on the front boundary. Initially proposed as a quite bold and dominant feature, the discussion plans have lessened the dominance of the shapes, more suitably incorporating them into the existing features and amending the solid material to a transparent perforated metal. The use of colour in a restrained manner through the transparent material is appropriate for a child care use. Given the non-residential use proposed and the fact that the existing buildings are being retained, it is acceptable that the development will have these distinctive elements rather than seek to replicate the residential forms that are typical of the area.

New landscaping will be provided adjacent to the existing child care building and along the rear boundaries of the ground floor play area, which has interfaces to residential properties. The existing cedar tree at the front of the site is shown to be retained. It has a smaller landscape bed, but the driveway and car parks nearby are permeable and at grade. The recommended permit conditions require a tree management plan to support its retention.

There are opportunities to improve landscaping at 15 Barrow Street, by altering the vegetable garden to include a canopy tree within the front setback. Furthermore, the vehicle crossing removal should allow an additional street tree to be planted. Permit conditions requiring the additional tree planting are included in the recommendation.

The discussion plans incorporate additional landscaping which will be required via conditions. This includes the relocation of the southernmost car park spaces to accommodate an approximately 1.7 metre wide landscape bed and a 0.3 metre wide landscape strip to the south of these spaces.

The northern residential interface 15 Barrow Street has a mixture of boundary wall construction and a 1 metre setback from the boundary. It is not feasible to provide a landscaping buffer within this setback however, given the proposed siting of the building is similar to the existing conditions and the play area is removed from this boundary, the lack of landscaping opportunities is acceptable.

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

The existing child care centre caters for 50 children and operates from 7.00am to 6.00pm Monday to Friday. The impacts of an additional 25 children and an extra half hour of operation in the evening are not considered to be significant given the outdoor play area remains in the same location, and that the hours of operation are largely unchanged. The acoustic report submitted with the application determined that the existing 3 metre high acoustic fence along the western boundary was suitable to limit noise and should be retained, but that it should be extended along the northern boundary interface to 56 Moore Street. The plans also show a 3 metre high acoustic fence to the south of the building. It is noted that the acoustic report incorrectly lists the hours of operation as 7.00am to 5.00pm. A permit condition will require the report be updated to reflect the correct hours, and confirmation as to whether any additional acoustic measures are required.

There will be no increase in overshadowing and no overlooking opportunities afforded by the proposed development. Noise from the children will be appropriately limited by existing or proposed acoustic fencing.

Is the proposed signage appropriate?

The proposal includes one business identification sign to the first floor of the front façade - "*Antonine Sisters Early Education Centre*" with a decorative motif above. Limited details of the signage are provided and a condition will require these details. Nevertheless, the proposed signage is consistent with policy at Clause 15.01-1L Signs and Clause 52.02 Signs. It is attached to the wall of 9-13 Barrow Street and does not conflict with any architectural features or extend above the parapet. Its location and size are similar to the existing signage currently on site and ensure it is visible to the street but it is still modest, relative to the size of the building, and will not dominate the appearance. It is not illuminated and is confined to just one sign. As such, it is appropriate for its residential location.

Has adequate car and bicycle parking been provided?

Clause 52.06 outlines that the car parking requirement applies only to the increase in the number of children, provided the existing number of car spaces currently provided for the use is not reduced, which it will not be.

The extended childcare centre will have an additional 25 children which generates a car parking requirement of an additional 5 car spaces (i.e. 0.22 spaces per child). Relevantly Clause 52.06 directs that parking rate calculation be rounded down to the nearest whole number.

The proposal provides via the discussion plans an additional 7 car spaces, which exceeds the parking requirement. Five additional car parking spaces are located at the front of 9-13 Barrow Street, as per the current location, and will be partially screened from the street via the existing high front fence. Two additional spaces are provided at No. 15 Barrow Street - one in the existing garage and one tandem space in front.

Notwithstanding that Clause 52.34 does not require any bicycle parking for the proposal, a total of 10 spaces are provided on the discussion plans, including 2 spaces for cargo bikes or bikes with trailers.

Are adequate loading/unloading facilities provided?

Clause 65.01 requires consideration of the adequacy of loading and unloading facilities. The car park provides an adequate loading facility for laundry and food trucks who can utilise the car park outside of peak drop-off and pick-up times.

What impact does the proposal have on car congestion and traffic in the local area?

Clause 13.07-1L encourages discretionary uses to be located along major roads in the Transport Zone or on Collector Roads, to reduce generation of extra traffic on the local street network. Neither Barrow nor Blair Streets are collector roads or in the Transport Zone. However, they do both have wide carriageways and therefore a greater capacity than other local access streets where travel in both directions might be impeded when vehicles are parked on both side of the street. Whilst the policy encourages non-residential uses to locate along major roads, it does not prohibit them from being located elsewhere. Council's Development Engineers have assessed the proposal and consider that the expanded child care centre will result in 50 additional vehicle movements per day on Barrow Street. This remains within the street's design capacity and is not expected to cause traffic problems or unacceptable congestion at the nearby intersections.

Does the proposal incorporate adequate Environmental Sustainable Design (ESD) features?

The development will comply with Clause 15.02-1L (Environmentally Sustainable Design), subject to the recommended conditions. A Sustainable Design Assessment has been submitted with the application and a compliant BESS rating of 57 per cent has been achieved. Water Sensitive Urban Design will be addressed via a 10,000 Litre rainwater tank which will collect and treat runoff from the additional roof area. Additional ESD measures were included in the discussion plans (15kW solar panels, 6 additional bike spaces) and these initiatives can be required via conditions of the permit.

5. Response to Objector Concerns

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

- Parking and traffic
- Overshadowing
- Neighbourhood character
- Site coverage
- Noise from children
- Non-residential use in a residential area
- Status of previous permit
- Basis for existing use
- Potential for increased run off
- Inconsistent hours between planning report and acoustic report

Other issues raised by objectors are addressed below:

Boundary construction

The existing wall on the boundary shared with 56 Moore Street is proposed to be retained, although the west elevation notes it as “*retained or re-instated subject to engineering advice*”. Such advice is not necessary for the planning permit stage and will be addressed at the building permit stage. Nevertheless, any development will be required to be contained within the title boundaries. This will not impede the development potential of the adjoining property.

Noise associated with increased traffic

Noise associated with vehicles is an existing condition. It is not considered that noise emissions associated with the additional vehicles associated with the increase used will be so unreasonable so as to detrimentally disturb the amenity of neighbours.

Noise from clerestory windows at 15 Barrow Street

The discussion plans show these windows as removed to accommodate increased solar panels. This change will be required via a condition of the permit. This will negate the concern about noise from the windows.

Building used for additional uses

No evidence has been provided to support this claim and no additional uses have been outlined in the application.

Setting a precedent

Future planning permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment. The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration.

Use of corner parcel

There is no requirement for a development to utilise the entirety of a land parcel. Any future use or development proposed for the vacant section of the land will be subject to a permit application and will be assessed on its merits.

Saturation of child care centres in the area

The number of existing child care centres in the surrounding area is a market consideration and is not pertinent to the planning assessment.

Blocking of driveways

As detailed earlier, the proposal will provide 7 additional onsite spaces for the use, as well as 2 on-street spaces, which should assist in reducing the on street parking issues. The blocking of driveways by vehicles can be reported to Council for parking enforcement.

Safety for pedestrians due to increased vehicles

Both Barrow and Blair Streets are wide streets, allowing separation between pedestrians, vehicles and bicycles. They are also local access streets with give way signs at the intersection and a roundabout to the north at the intersection between Barrow and Moore Streets, serving to slow traffic.

The existing one-way vehicle exit will be widened to 4 metres, improving sightlines between vehicles and pedestrians/bicycles and the front fence is also partially transparent, maintaining views through to the footpath and street.

One vehicle crossing will be removed which will reduce the points of potential conflict between vehicles and pedestrian/bicycles.

Entire land not shown on plans

Given the constraints of portraying a development in sufficient detail it is not uncommon for plans to concentrate on the main location of the development, rather than covering the whole planning site. This does not impede appropriate assessment of the proposal.

6. Officer Declaration of Conflict of Interest

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

7. Financial and Resources Implications

There are no financial or resource implications.

8. Conclusion

The proposed use and development is an appropriate outcome for the site and surrounds that utilises the existing buildings to expand upon an existing community service. Subject to conditions in the recommendation, the proposal will provide a suitable integration to the area and appropriately limit off-site amenity impacts.

On the balance of policies and controls within the Moreland Planning Scheme and objections received, it is considered that a Notice of Decision to Grant a Planning Permit No MPS/2021/1017 should be issued subject to the conditions included in the recommendation of this report.

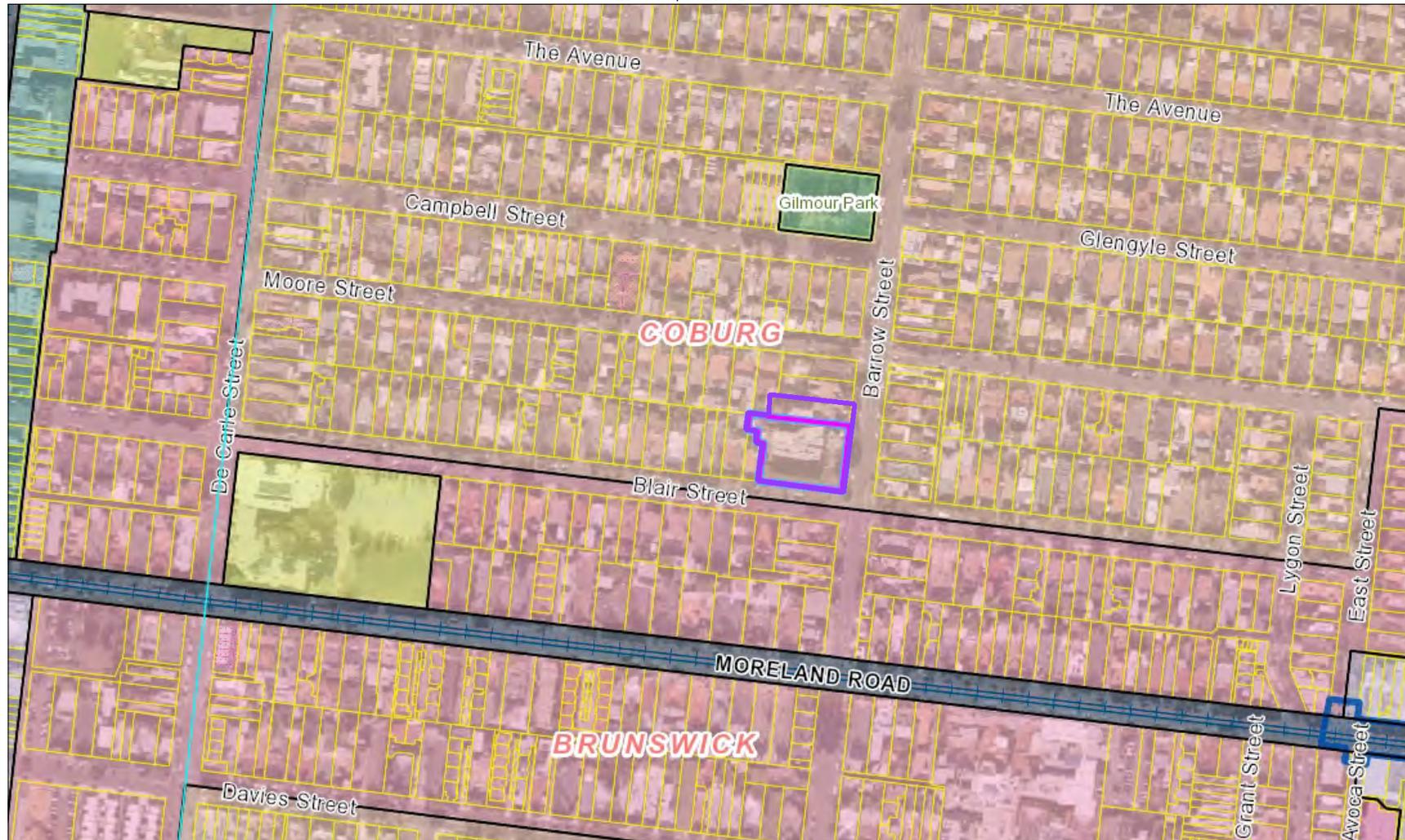
Attachment/s

1	9-13 & 15 Barrow Street, COBURG VIC 3058 - Location and Zoning Map	D22/441626
2	9-13 & 15 Barrow Street, COBURG VIC 3058 - Advertised Plans	D22/441052
3	9-13 & 15 Barrow Street, COBURG VIC 3058 - Objector Map	D22/441068
4	9-13 & 15 Barrow Street, COBURG VIC 3058 - Discussion Plans	D22/454090

9-13 & 15 Barrow Street, Coburg

Location and Zoning Map

- NRZ1 - Neighbourhood Residential Zone 1
- GRZ1 - General Residential Zone 1
- PUZ2 - Public Use Zone 2: Education
- PPRZ - Public Park and Recreation Zone
- C1Z - Commercial 1 Zone
- ACZ1 - Activity Centre Zone 1
- T2Z - Transport Zone 2
- Subject Site



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Meters

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PLANNING ENVIRONMENT ACT 1987
 MORELAND PLANNING SCHEME
 Advertised Document
 Advertised Plan Sheet 1 of 15
 Application No: MPS/2021/1017
 Date: 20/05/2022

Project:

CHILDCARE EXTENSION
 9-15 BARROW STREET, COBURG

Stage:

PRELIM BP ISSUE - PHASE 1

Client:

ANTONINE SISTERS

Municipality:

20.05.2022

Rev TP1

DEVELOPMENT SUMMARY:

SITE AREA: 2887m²
 SITE COVERAGE: 995m² (34%)
 PERMEABILITY: 1892m² (65%)
 GARDEN AREA: 1490m² (51%)
 TOTAL NO. CAR SPACES: 10
 CURRENT CAPACITY: 50 Children
 PROPOSED CAPACITY: 75 Children

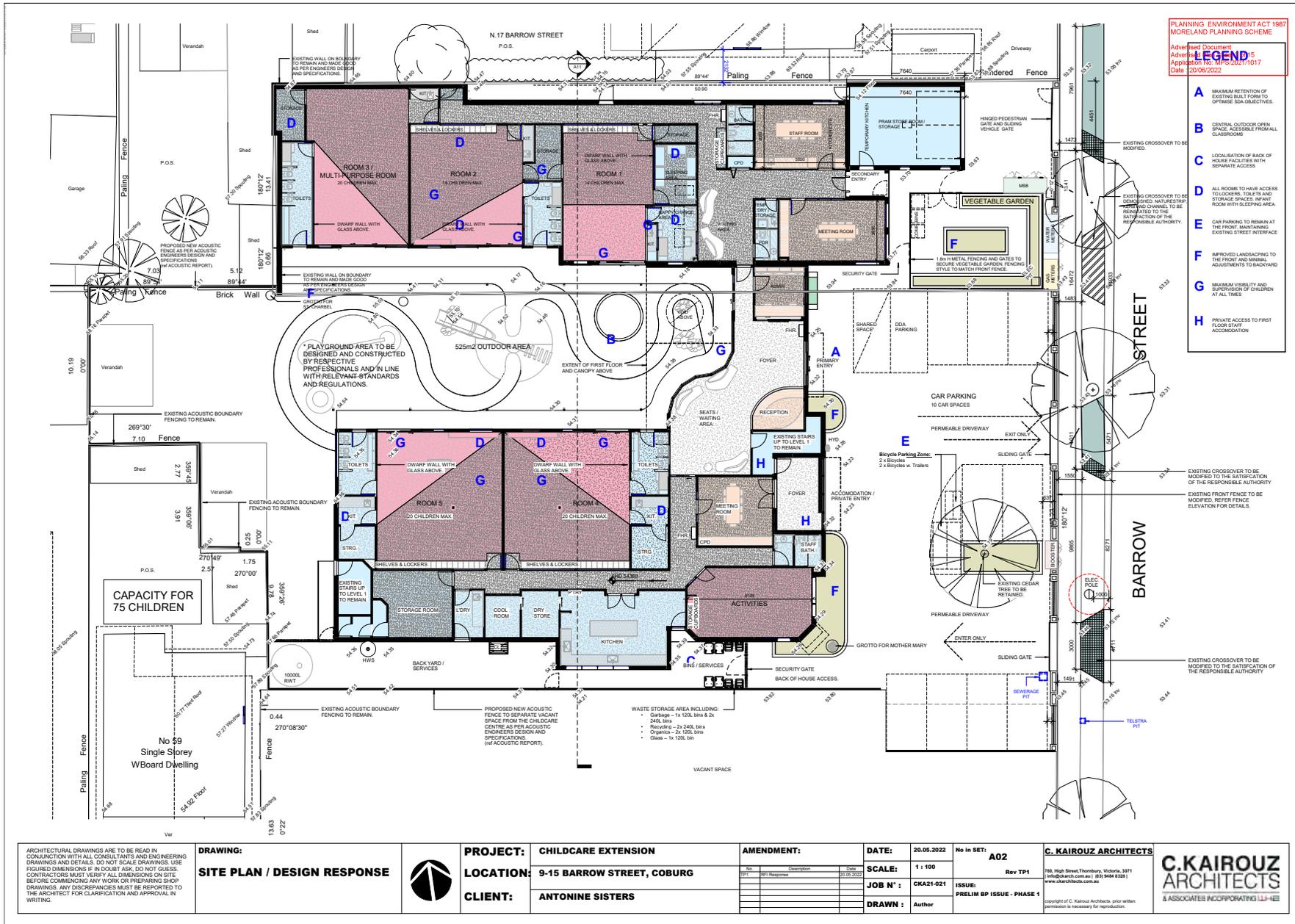
BREAKDOWN OF EXTENSION SCOPE:

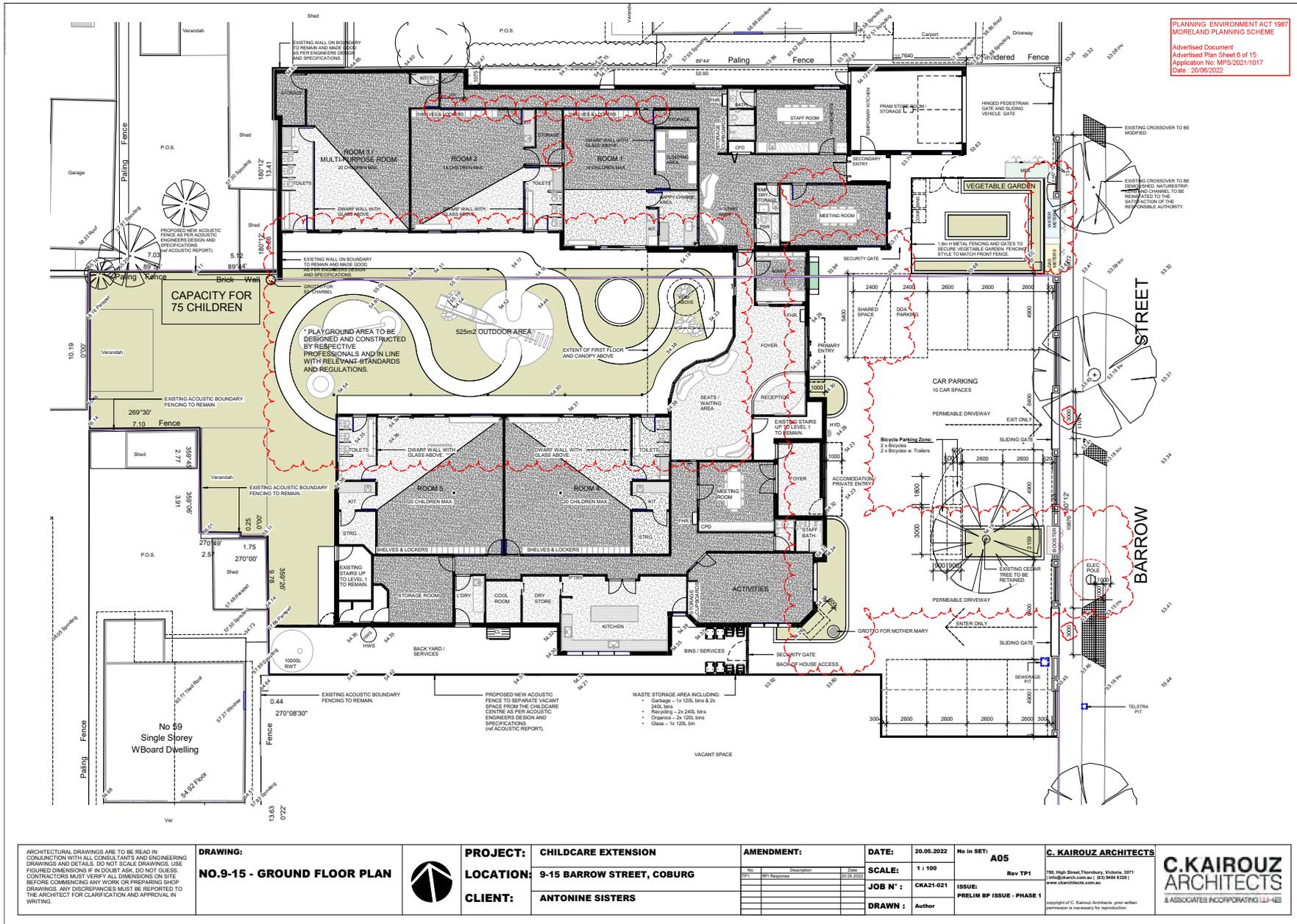
GROUND FLOOR AREA	EXISTING	PROPOSED
NO.11-13 BARROW ST	457m ²	N/A
NO.15 BARROW ST	398m ²	N/A
(TOTAL)	855m ²	958m ²

9-15 BARROW STREET, COBURG

C.KAIROUZ
 ARCHITECTS
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PLANNING ENVIRONMENT ACT 1987
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DRAWING:
NO.9-15 - GROUND FLOOR PLAN



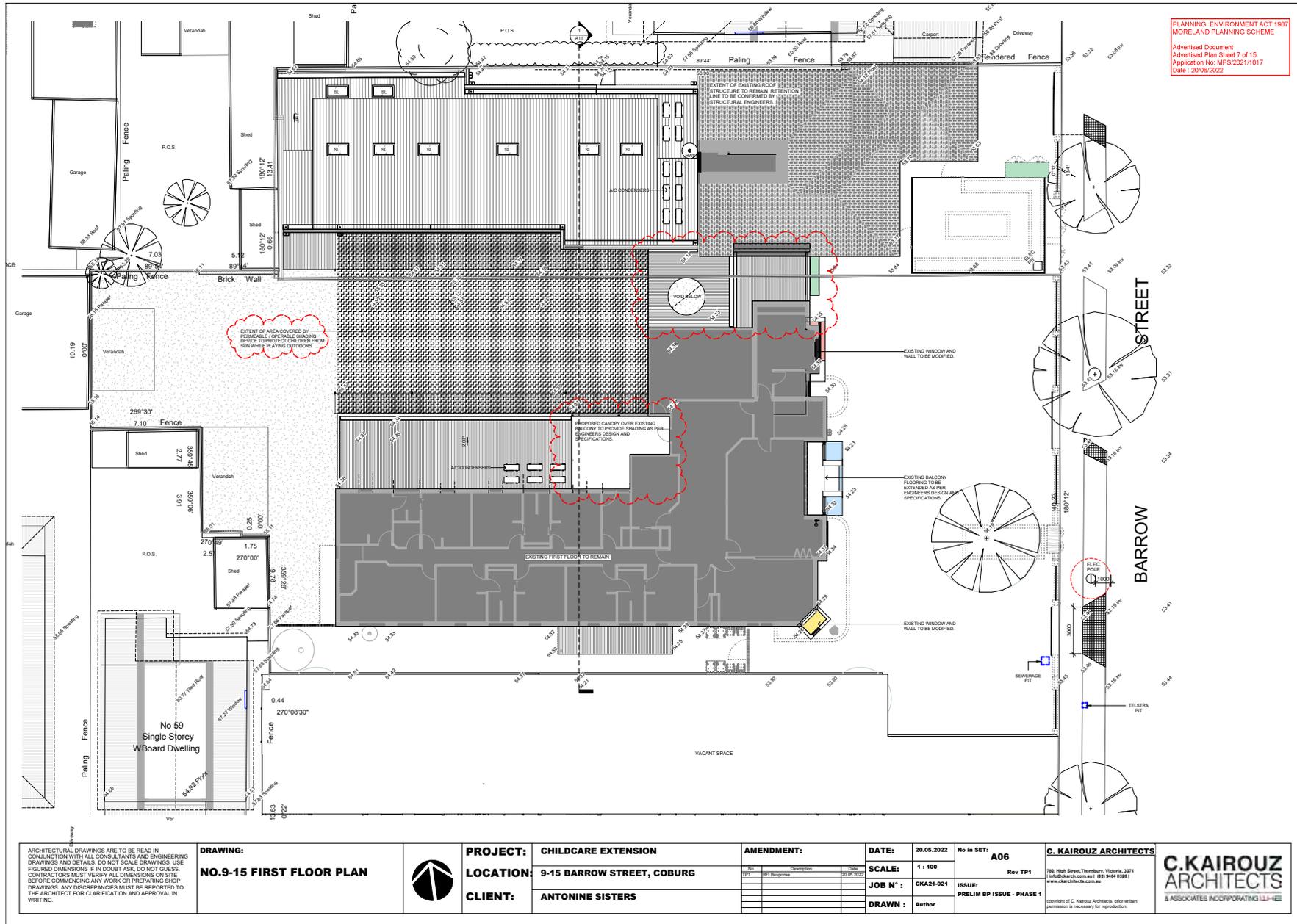
PROJECT: CHILDCARE EXTENSION
LOCATION: 9-15 BARROW STREET, COBURG
CLIENT: ANTONINE SISTERS

AMENDMENT:		
No.	Description	Date
001	RT Stage 1	20/06/2022

DATE: 20.06.2022
SCALE: 1 : 100
JOB N°: CKA21-021
DRAWN: Author

No in SET: A05
Rev TP1
ISSUE: PRELIM BP ISSUE - PHASE 1

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DRAWING:
NO.9-15 FIRST FLOOR PLAN



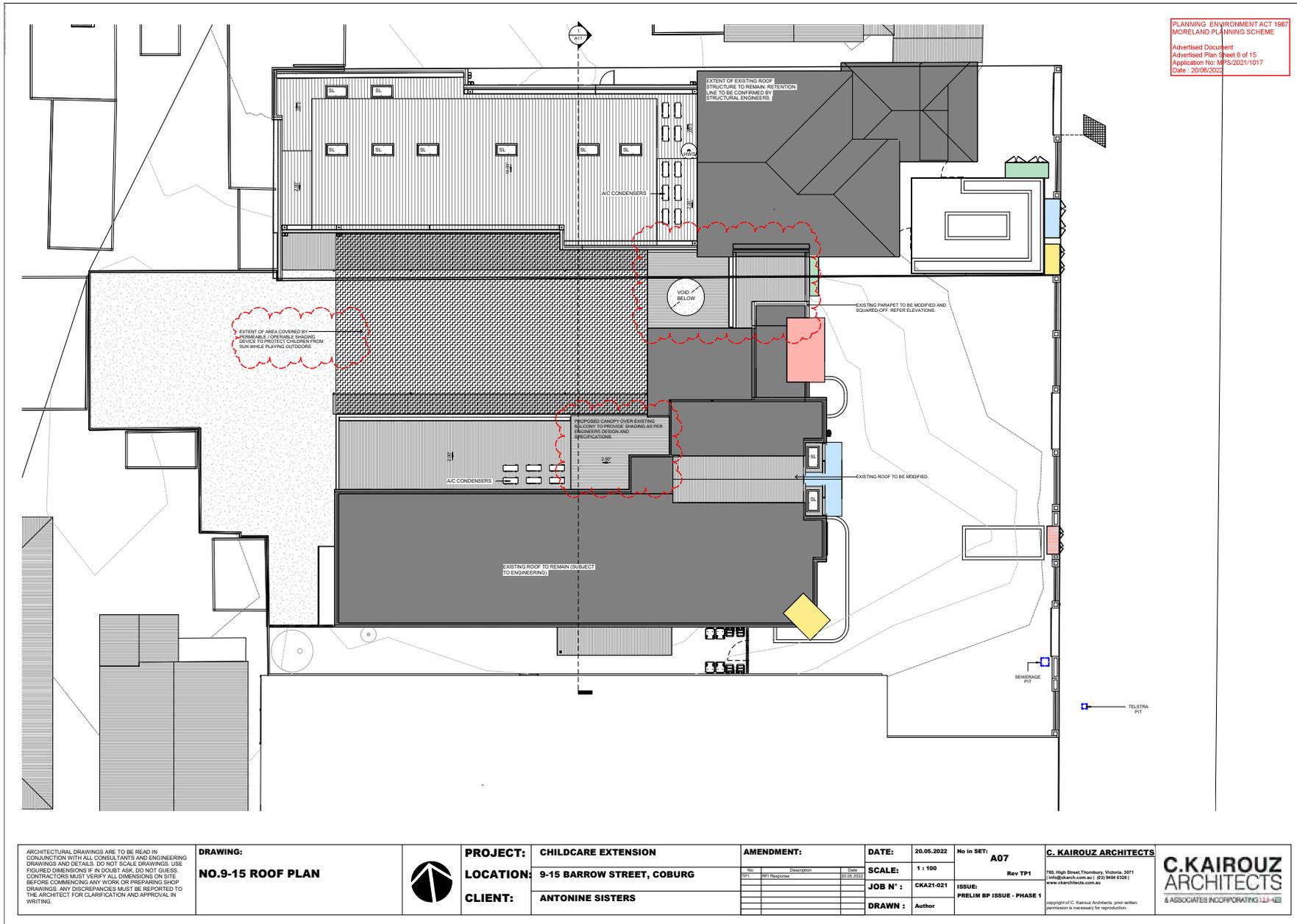
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LOCATION: 9-15 BARROW STREET, COBURG
CLIENT: ANTONINE SISTERS

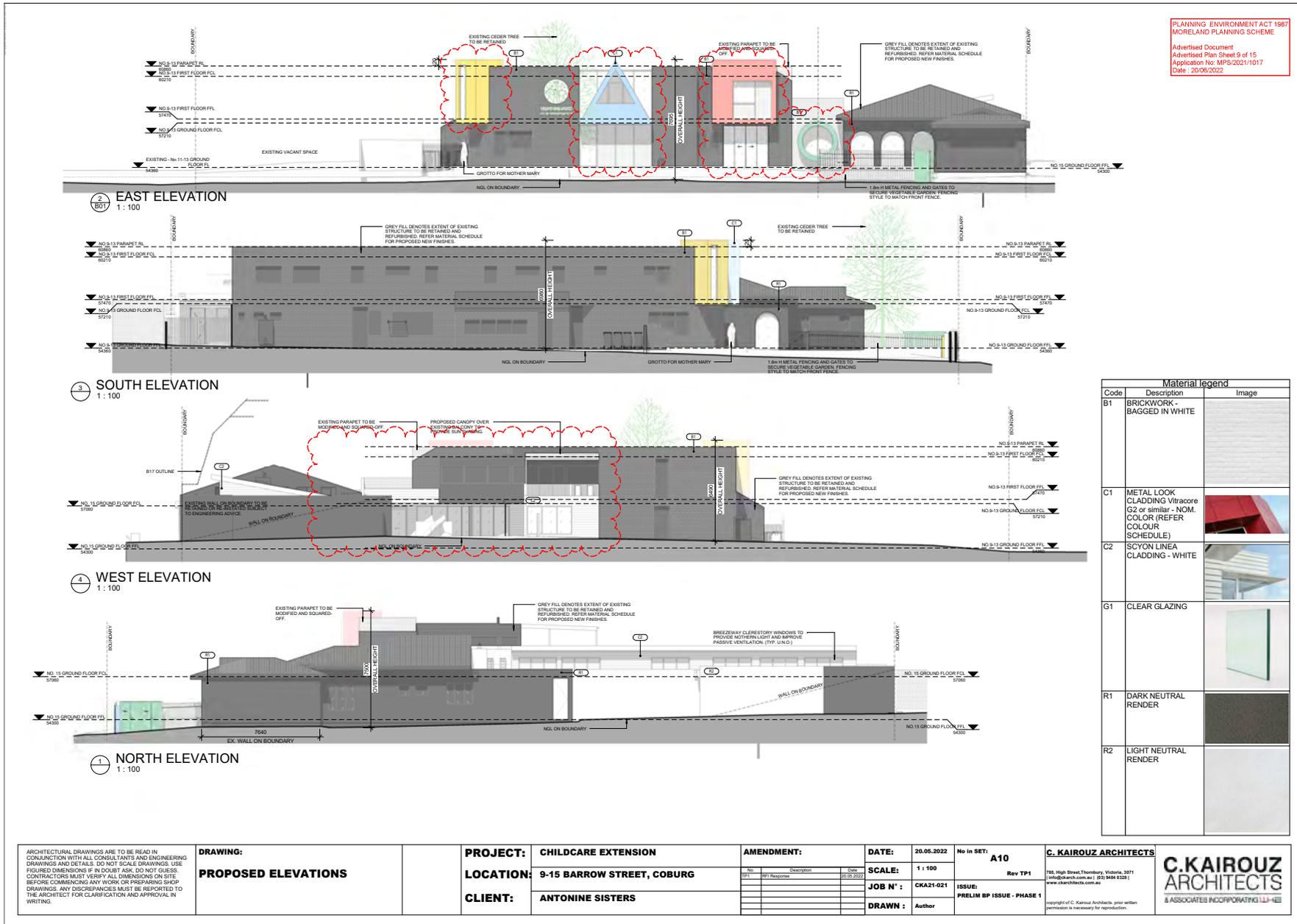
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DRAWN: Author

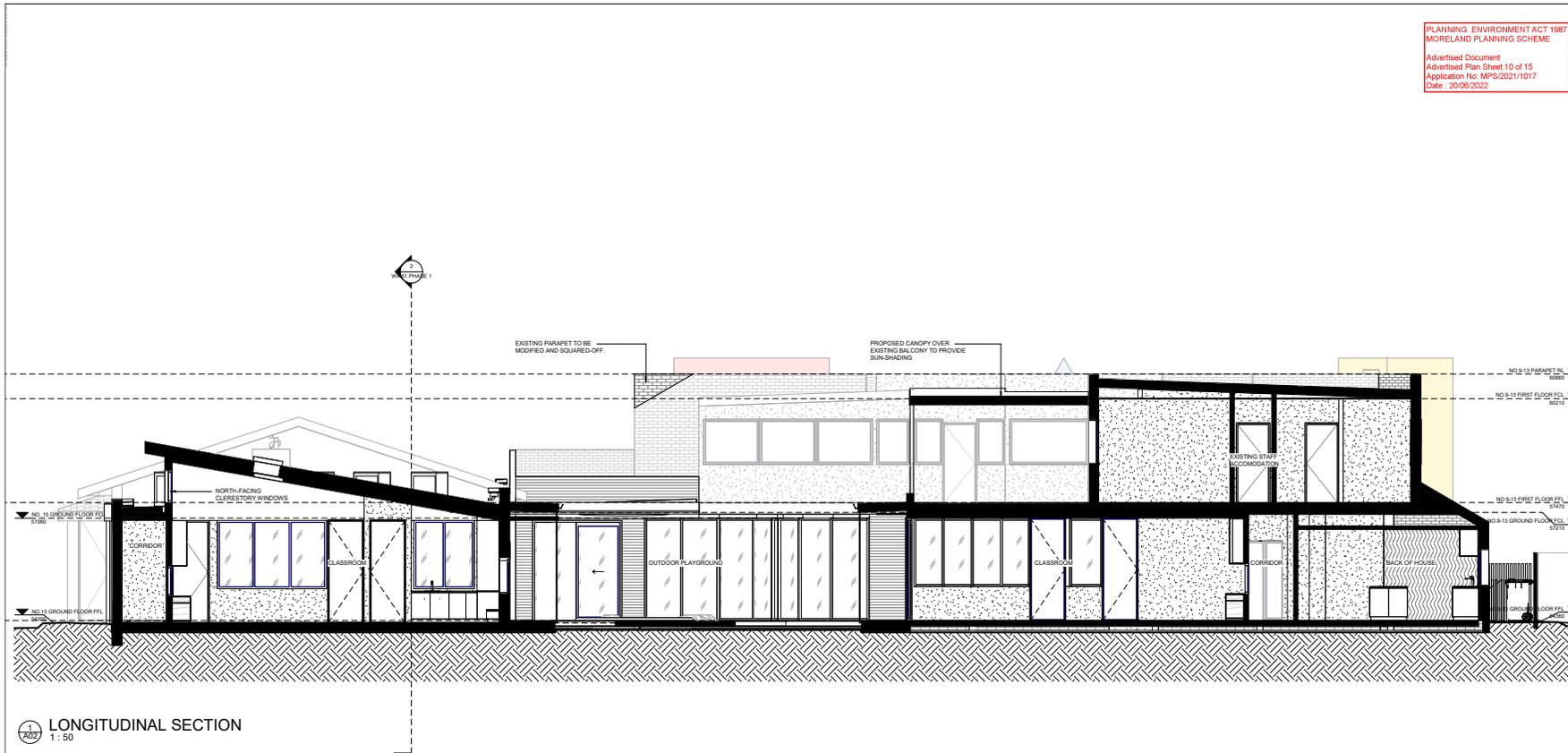
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DRAWING:
SECTIONS

PROJECT: CHILDCARE EXTENSION
LOCATION: 9-15 BARROW STREET, COBURG
CLIENT: ANTONINE SISTERS

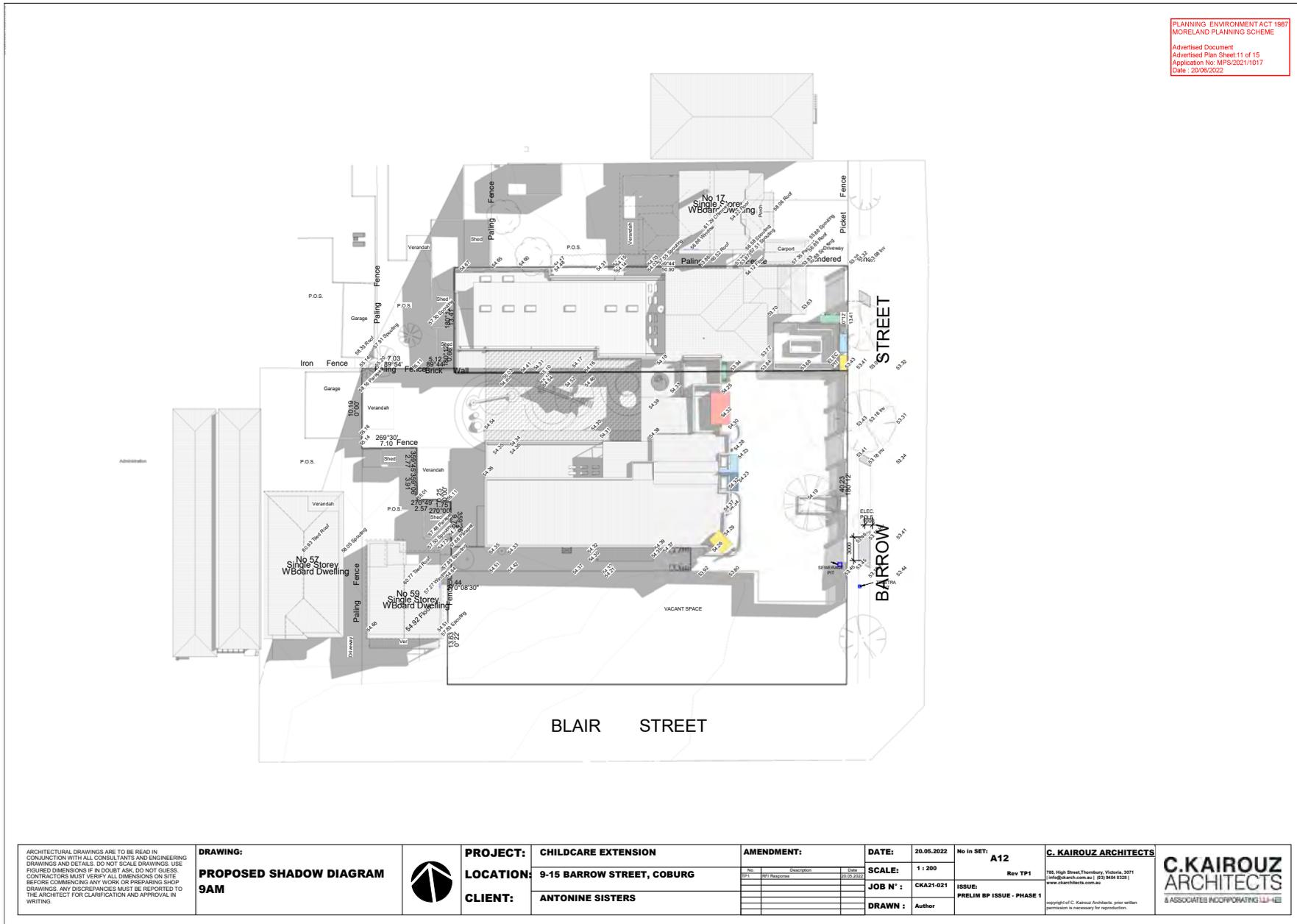
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DATE: 20.06.2022
SCALE: 1 : 50
JOB N° : CKA21-021
DRAWN : Author

No In SET: A11
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DRAWING:
PROPOSED SHADOW DIAGRAM
9AM



PROJECT: CHILDCARE EXTENSION
LOCATION: 9-15 BARROW STREET, COBURG
CLIENT: ANTONINE SISTERS

AMENDMENT:		
No.	Description	Date
01	RT Approved	20/06/2022

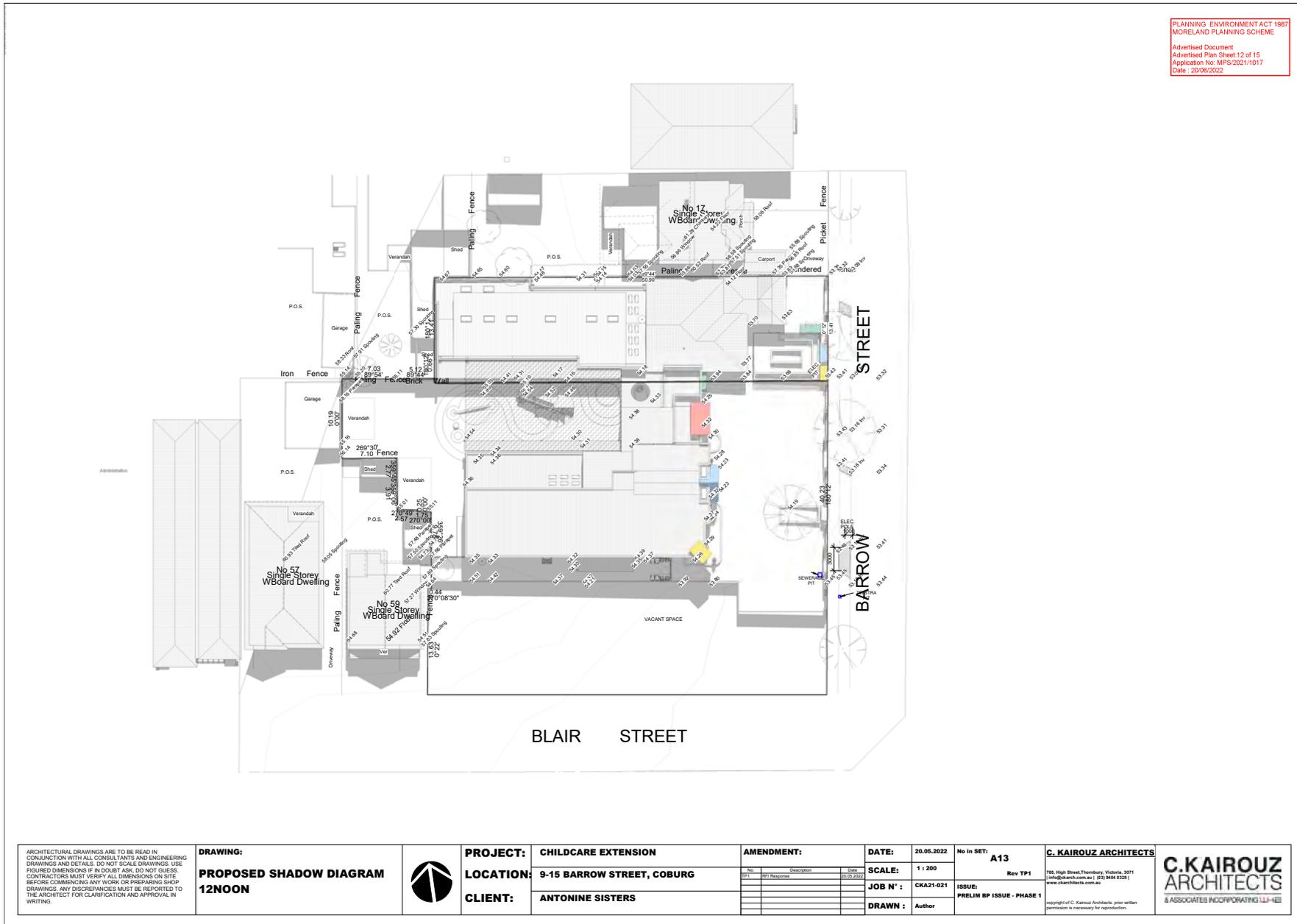
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No In SET: **A12**
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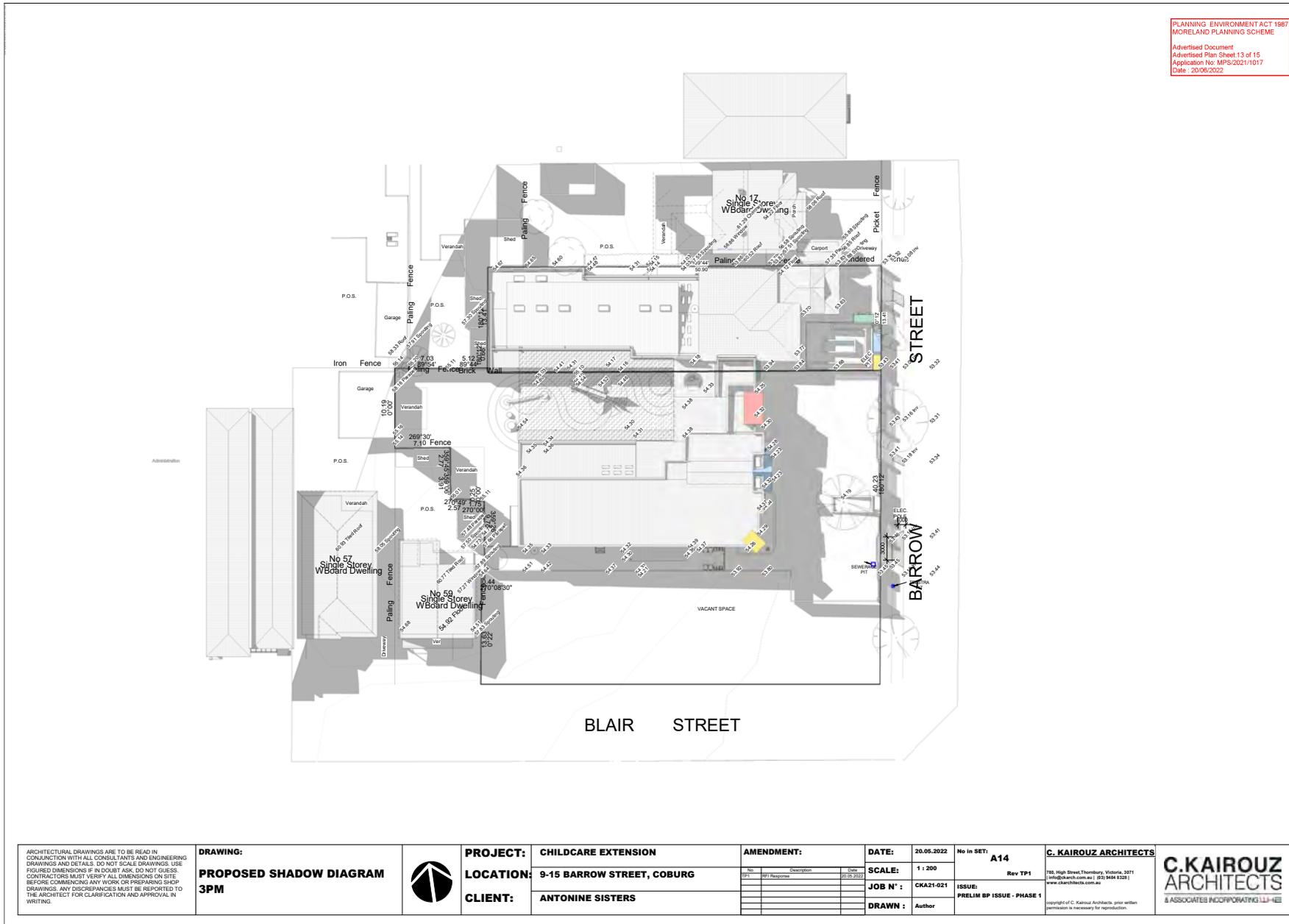
PROJECT: CHILDCARE EXTENSION
LOCATION: 9-15 BARROW STREET, COBURG
CLIENT: ANTONINE SISTERS

AMENDMENT:		
No.	Description	Date
01	RT1 Approved	20/06/2022

DATE: 20.06.2022
SCALE: 1 : 200
JOB N°: CKA21-021
DRAWN: Author

No in SET: **A13**
 Rev TP1
ISSUE:
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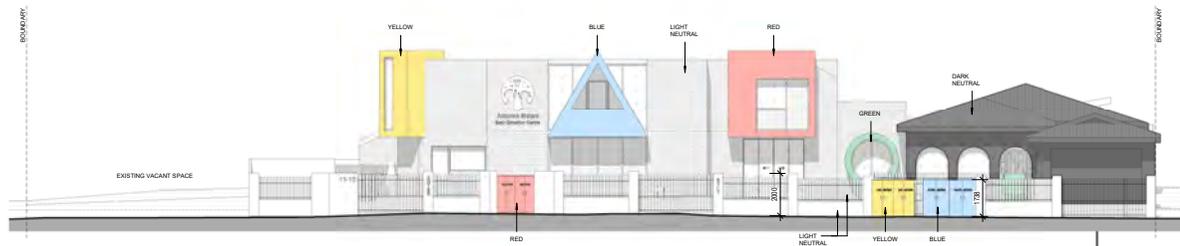


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			LOCATION: 9-15 BARROW STREET, COBURG	<table border="1"> <thead> <tr> <th>No</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>01/1/2022</td> <td>20/05/2022</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No	Description		Date	01	01/1/2022	20/05/2022										
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01	01/1/2022	20/05/2022																			
CLIENT: ANTONINE SISTERS	JOB N°: CKA21-021	DRAWN: Author	ISSUE: PRELIM BP ISSUE - PHASE 1	© ASSOCIATES INCORPORATING LLI-EE																	



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COLOURS SCHEDULE ELEVATION

PLANNING ENVIRONMENT ACT 1987
 MORELAND PLANNING SCHEME
 Advertiser: Antonine Sisters
 Advertiser Reference: 15/2021/0101
 Application No: MPS/2021/0101
 Date: 10/10/2021

COLOURS SCHEDULE:

YELLOW
 (RAL 1018)
 VITRACORE G2
 'BRIGHT YELLOW' OR
 SIMILAR APPROVED.



BLUE
 (RAL 5022)
 VITRACORE G2
 'MARINE BLUE' OR
 SIMILAR APPROVED.



RED
 (RAL 3028)
 VITRACORE G2
 'POPPY RED' OR
 SIMILAR APPROVED.



GREEN
 (RAL 6032)
 VITRACORE G2
 'ENERGY GREEN' OR
 SIMILAR APPROVED.



LIGHT NEUTRAL
 (RAL 9003)
 DULUX
 'NATURAL WHITE' OR
 SIMILAR APPROVED.



DARK NEUTRAL
 (RAL 7021)
 DULUX
 'BLACK CAVIAR' OR
 SIMILAR APPROVED.



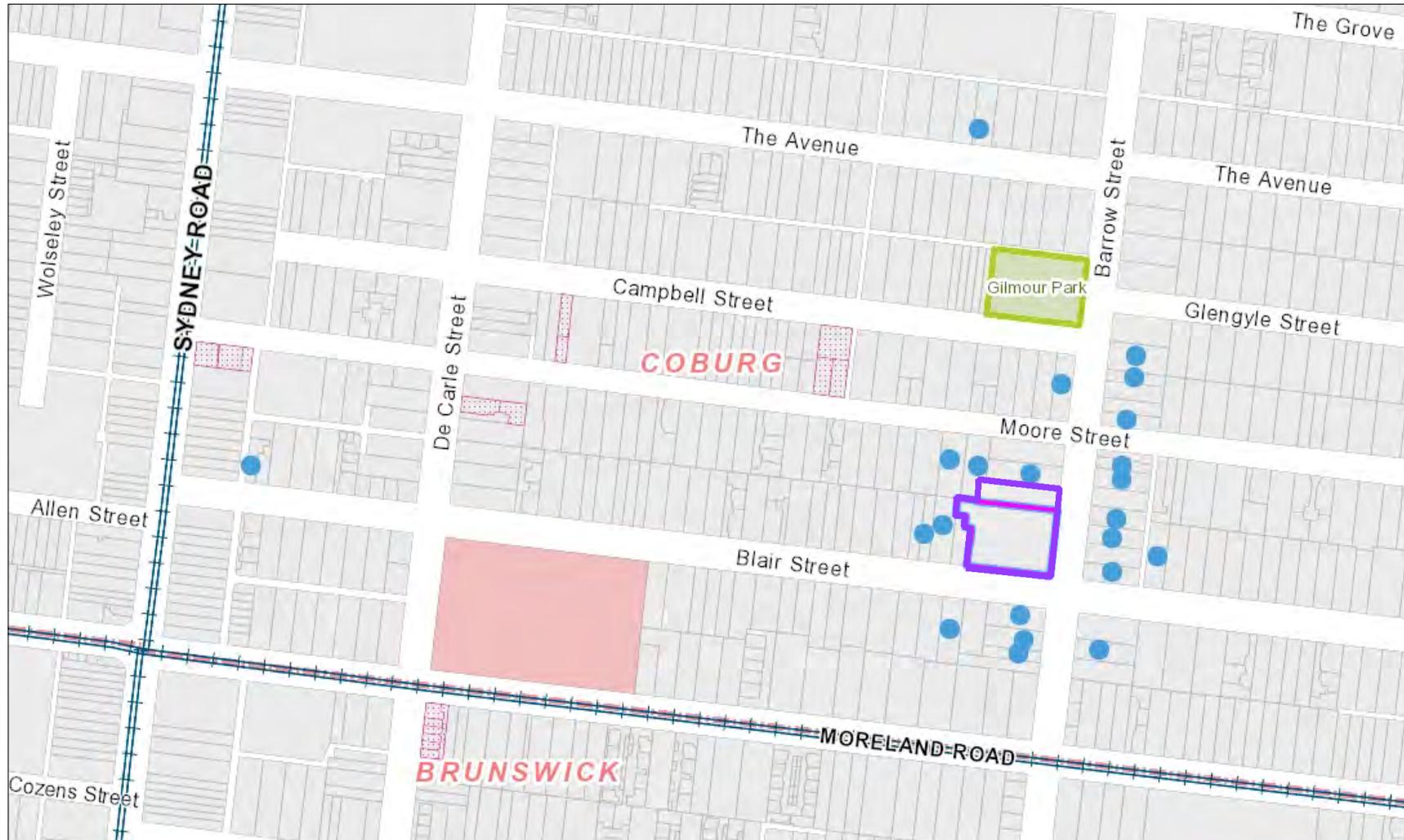
ARCHITECTURAL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL CONSULTANTS AND ENGINEERING DRAWINGS AND DETAILS. DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS IF IN DOUBT ASK, DO NOT GUESS. CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT FOR CLARIFICATION AND APPROVAL IN WRITING.	DRAWING: 3D IMAGERY & COLOURS SCHEDULE	PROJECT: CHILDCARE EXTENSION	AMENDMENT: <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>001</td> <td>001 Response</td> <td>20/10/2021</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Description	Date	001	001 Response	20/10/2021													DATE: 20.09.2022	No in SET: A15	C. KAIROUZ ARCHITECTS 785, High Street, Thornbury, Victoria, 3071 [info@kairouz.com.au] (03) 9494 9320 www.kairouzarchitects.com.au copyright of C. Kairouz Architects, prior written permission is necessary for reproduction.
		No.	Description	Date																				
001	001 Response	20/10/2021																						
LOCATION: 9-15 BARROW STREET, COBURG	SCALE: 1 : 100	Rev TP1	ISSUE: PRELIM BP ISSUE - PHASE 1																					
CLIENT: ANTONINE SISTERS	JOB N°: CKA21-021	DRAWN: Author		C.KAIROUZ ARCHITECTS AN ASSOCIATES INCORPORATING LLJ-HEE																				

9-13 & 15 Barrow Street, Coburg

-  Subject site
-  Objector location



Objector Map



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152.4 0 76.20 152.4
Meters
Date Map Generated: 20/9/2022 Map Scale: 3,000.00

ARTIST'S IMPRESSION



Project:

ALTERATION AND EXTENSION
15 BARROW STREET, COBURG

Stage:

MEDIATION PLANS
WITHOUT PREJUDICE

Client:

ANTONINE SISTERS

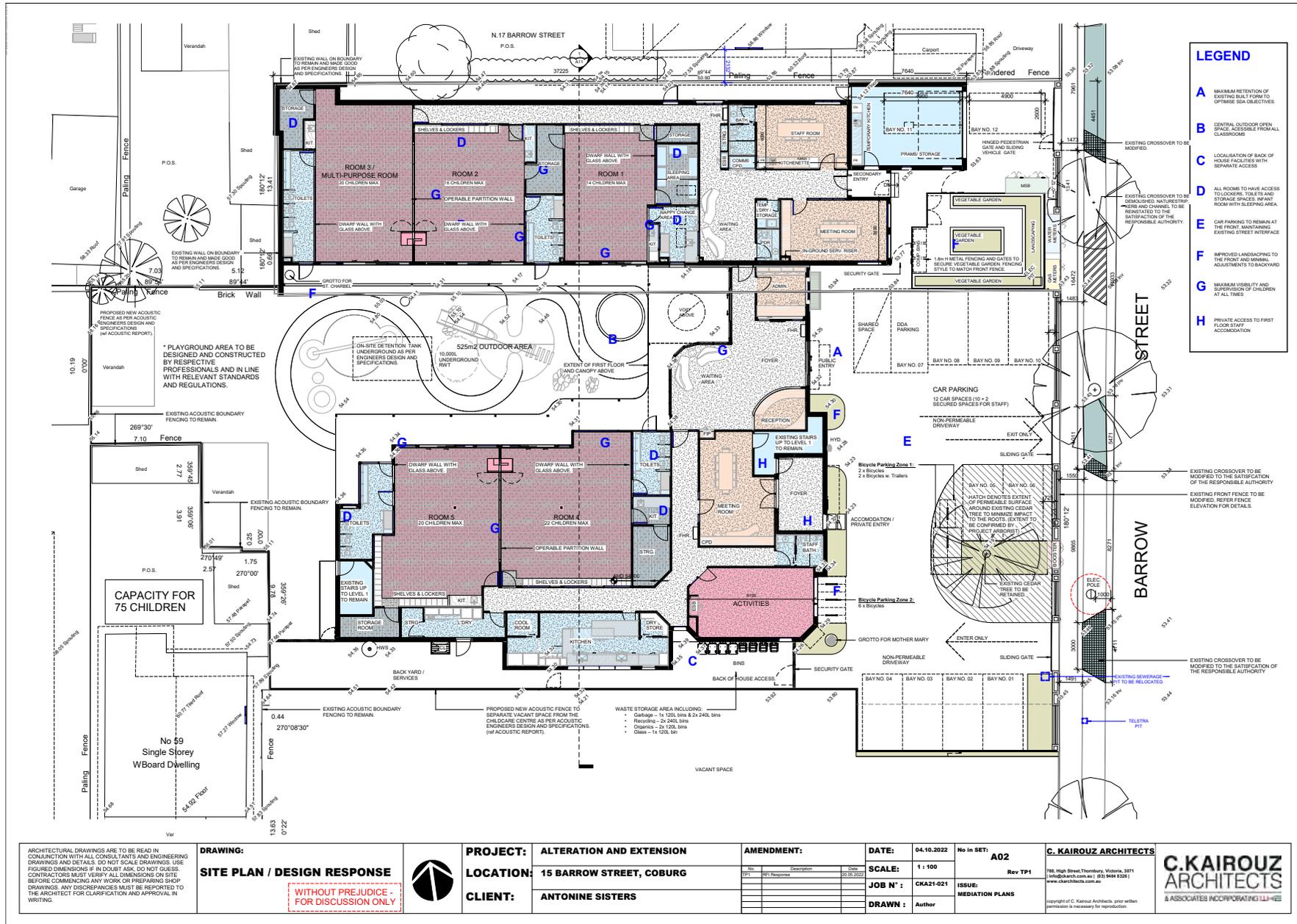
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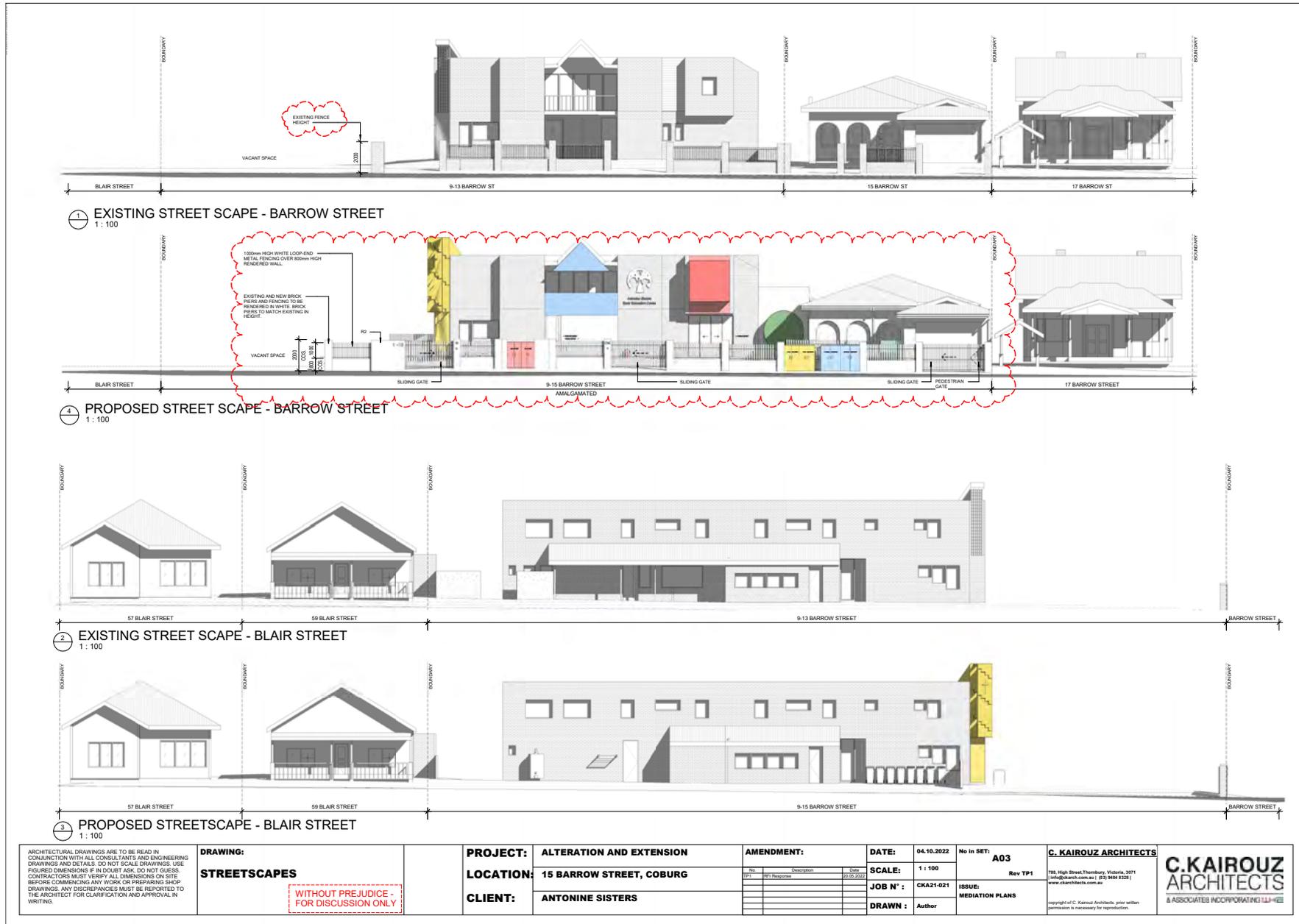
04.10.2022

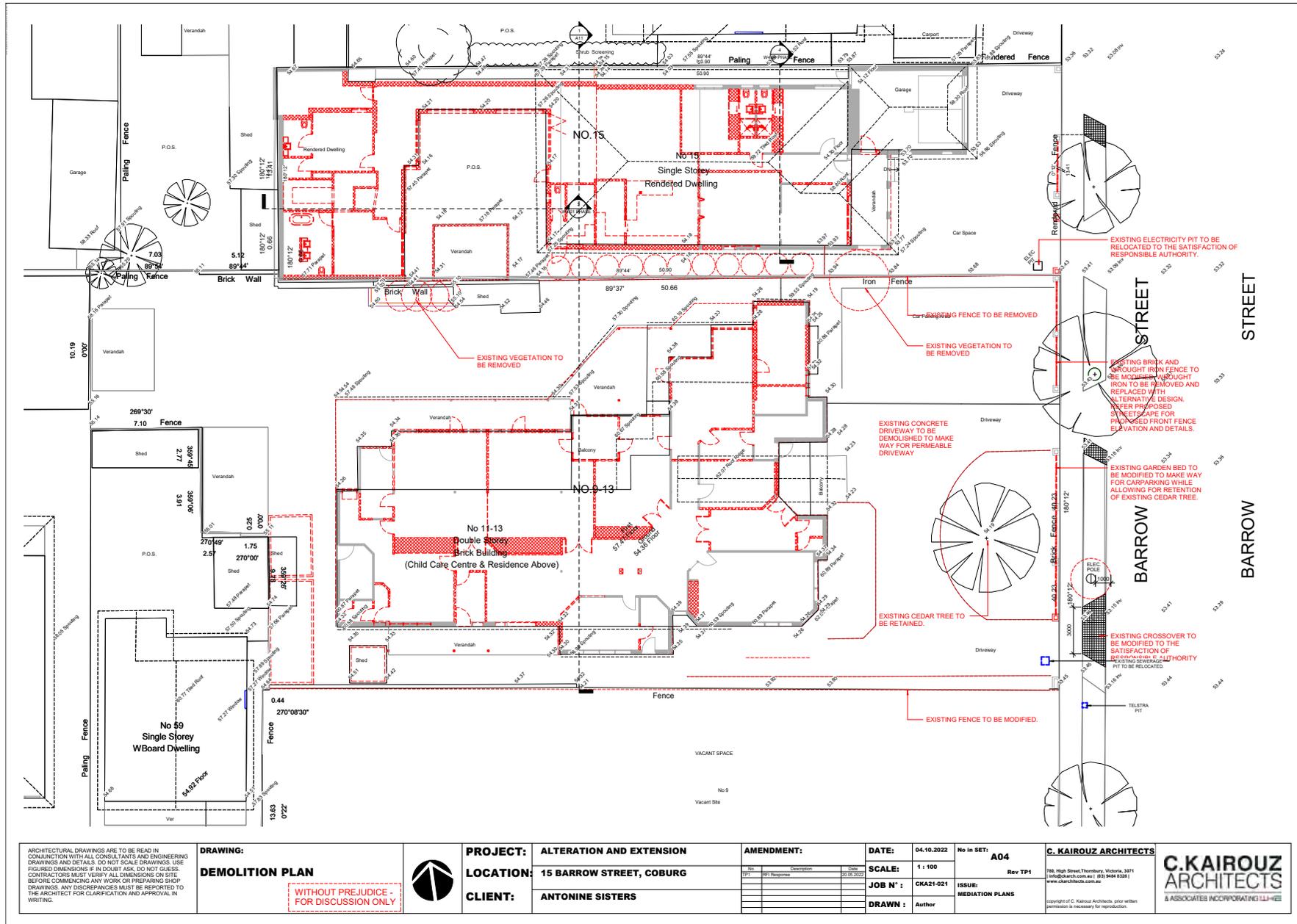
WITHOUT PREJUDICE -
FOR DISCUSSION ONLY

15 BARROW STREET, COBURG

C.KAIROUZ
ARCHITECTS
& ASSOCIATES INCORPORATING **UJHE**







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DRAWING:
DEMOLITION PLAN
WITHOUT PREJUDICE - FOR DISCUSSION ONLY



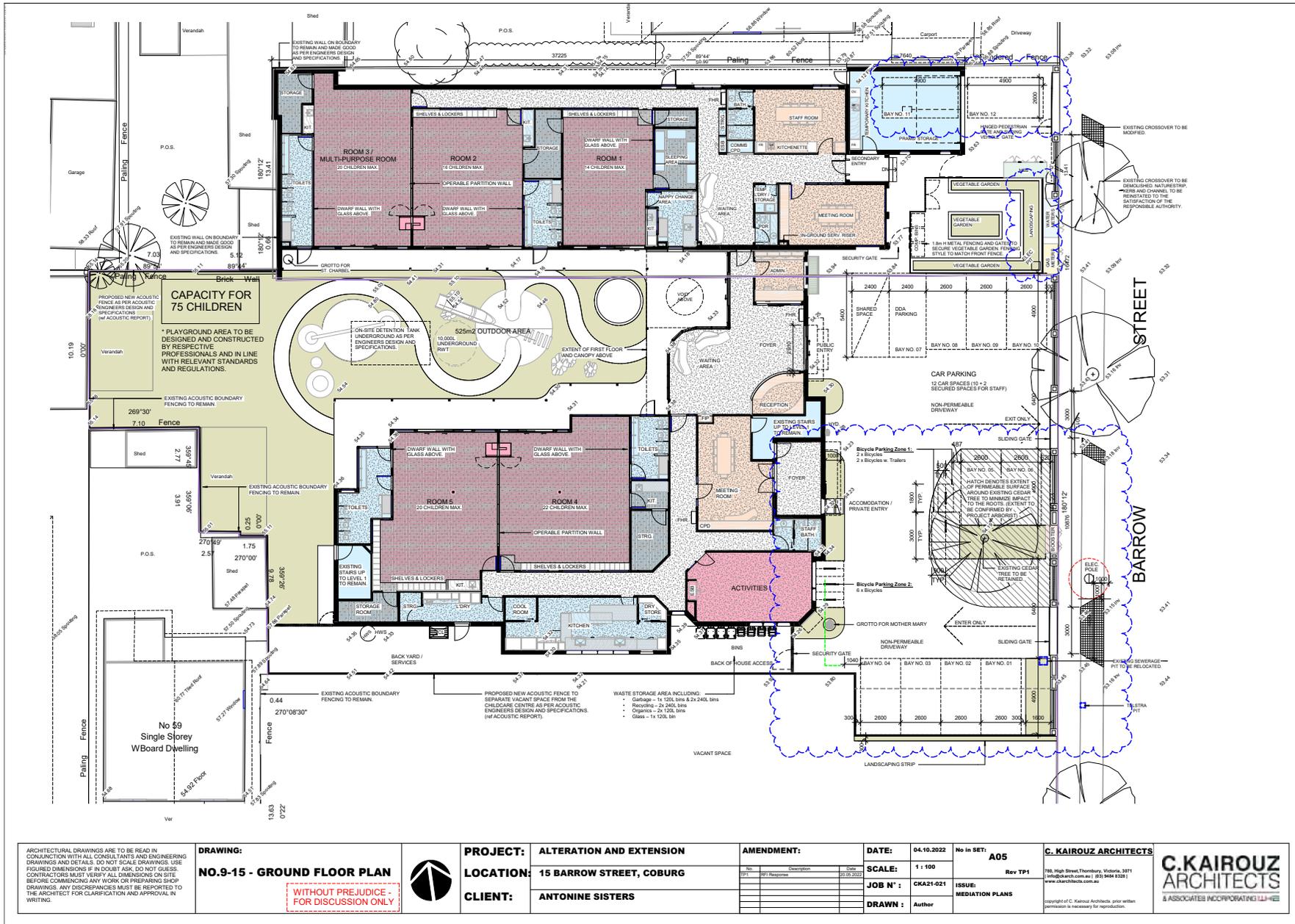
PROJECT: ALTERATION AND EXTENSION
LOCATION: 15 BARROW STREET, COBURG
CLIENT: ANTONINE SISTERS

AMENDMENT:		
No.	Description	Date
001	RTI Response	20.02.2022

DATE: 04.10.2022
SCALE: 1 : 100
JOB N°: CKA21-021
DRAWN: Author

No in SET: A04
Rev TP1
ISSUE: MEDIATION PLANS

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DRAWING:
NO.9-15 - GROUND FLOOR PLAN
WITHOUT PREJUDICE - FOR DISCUSSION ONLY



PROJECT: ALTERATION AND EXTENSION
LOCATION: 15 BARROW STREET, COBURG
CLIENT: ANTONINE SISTERS

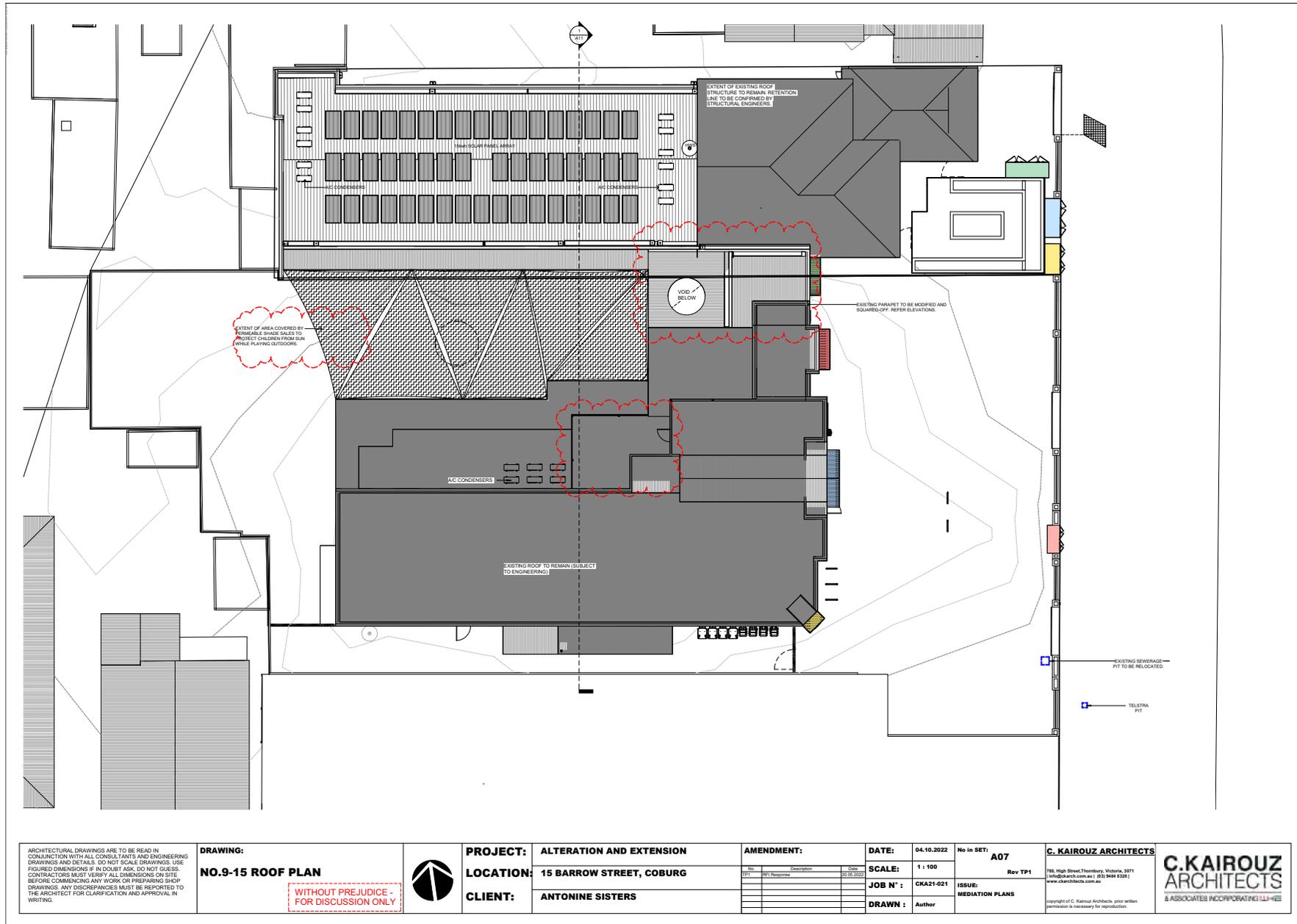
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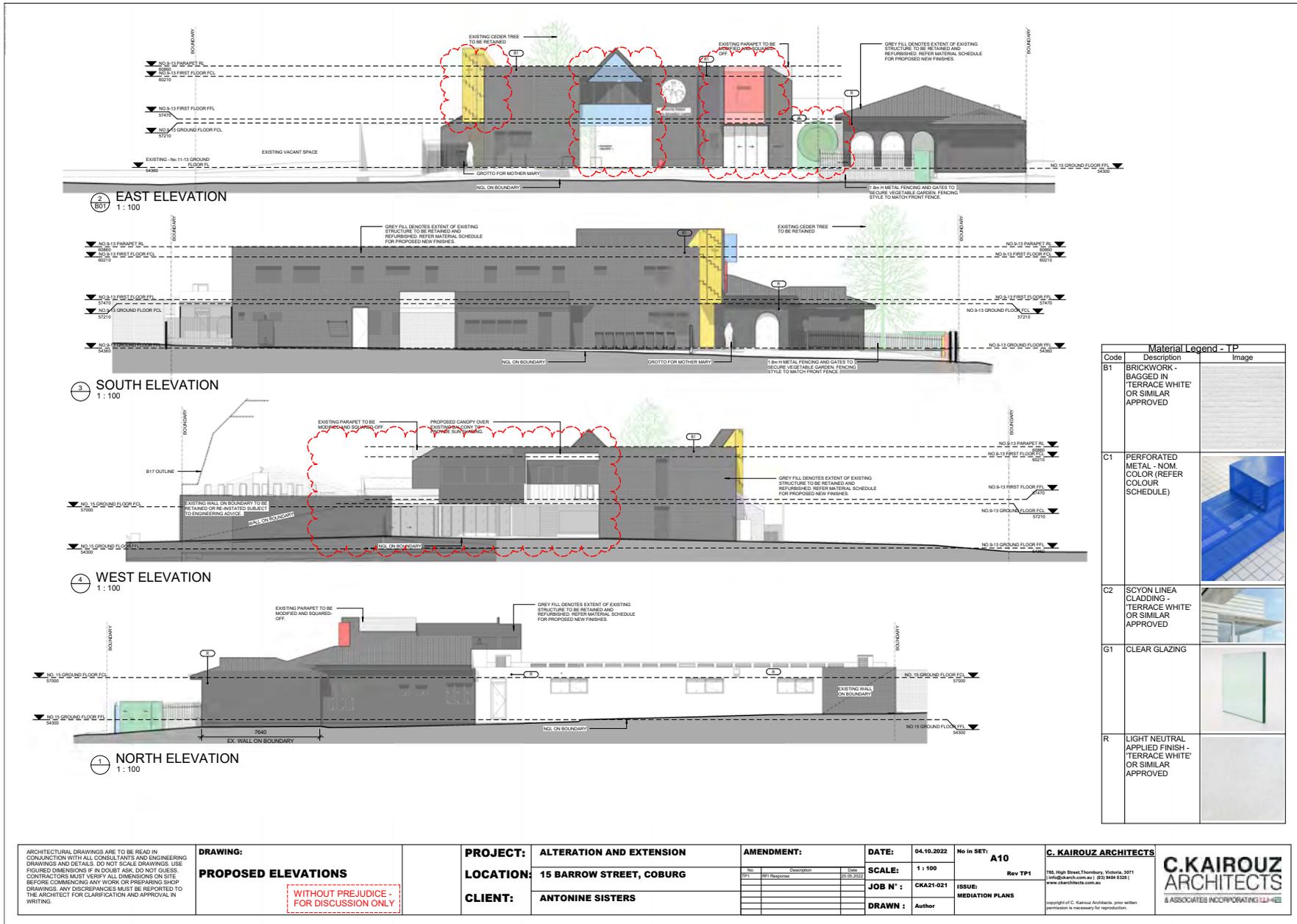
DATE: 04.10.2022
SCALE: 1 : 100
JOB N°: CK421-021
DRAWN BY: Author

No in SET: A05
Rev TP1
ISSUE: MEDIATION PLANS

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DRAWING:
PROPOSED ELEVATIONS
WITHOUT PREJUDICE - FOR DISCUSSION ONLY

PROJECT: ALTERATION AND EXTENSION
LOCATION: 15 BARROW STREET, COBURG
CLIENT: ANTONINE SISTERS

No.	Description	Date
001	RFT Response	20/10/2022

DATE: 04.10.2022
SCALE: 1 : 100
JOB N°: CKA21-021
DRAWN BY: Author

No In SET: **A10**
Rev TP1
ISSUE: MEDIATION PLANS

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LONGITUDINAL SECTION
1:50

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DRAWING:
SECTIONS
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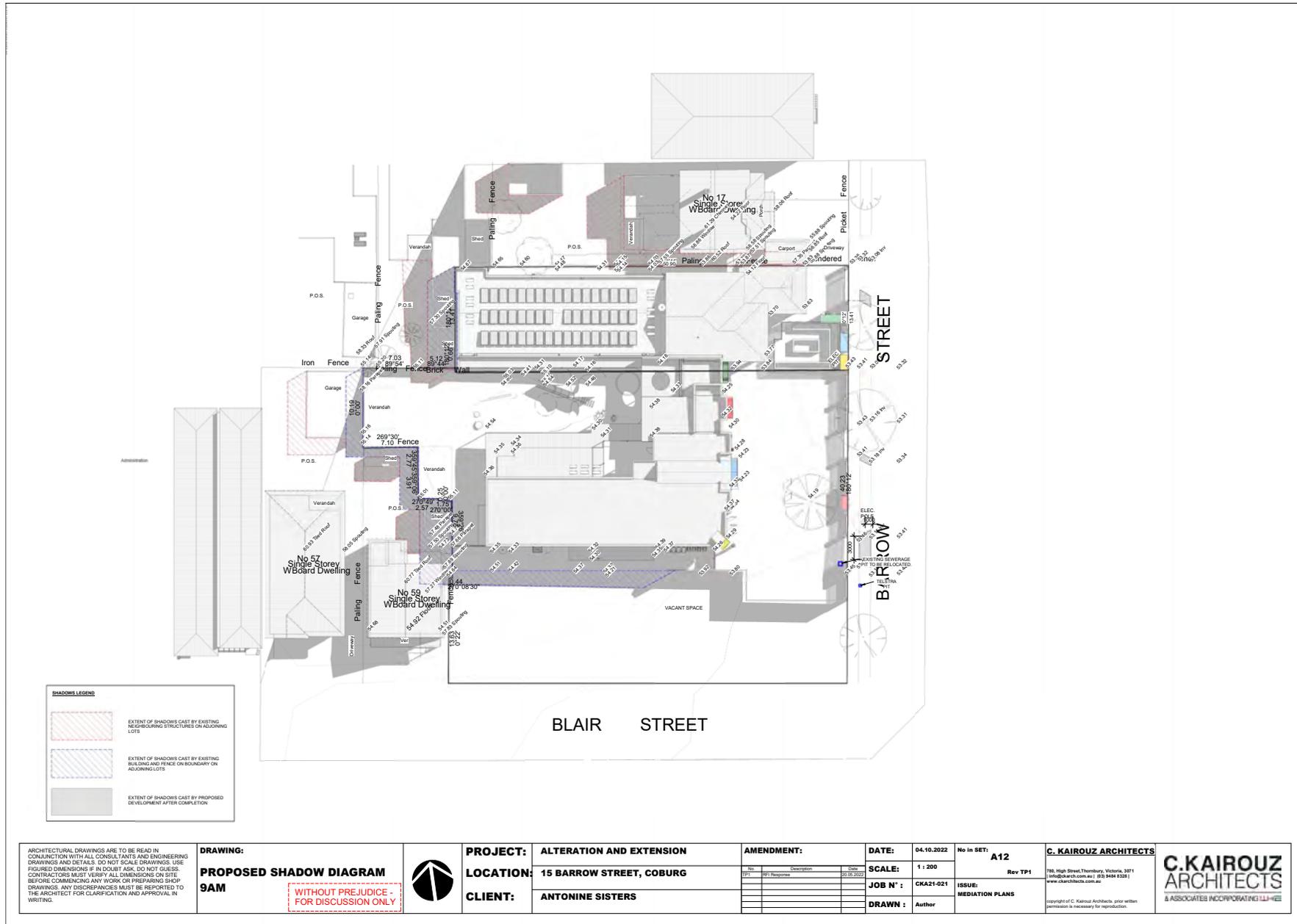
PROJECT: ALTERATION AND EXTENSION
LOCATION: 15 BARROW STREET, COBURG
CLIENT: ANTONINE SISTERS

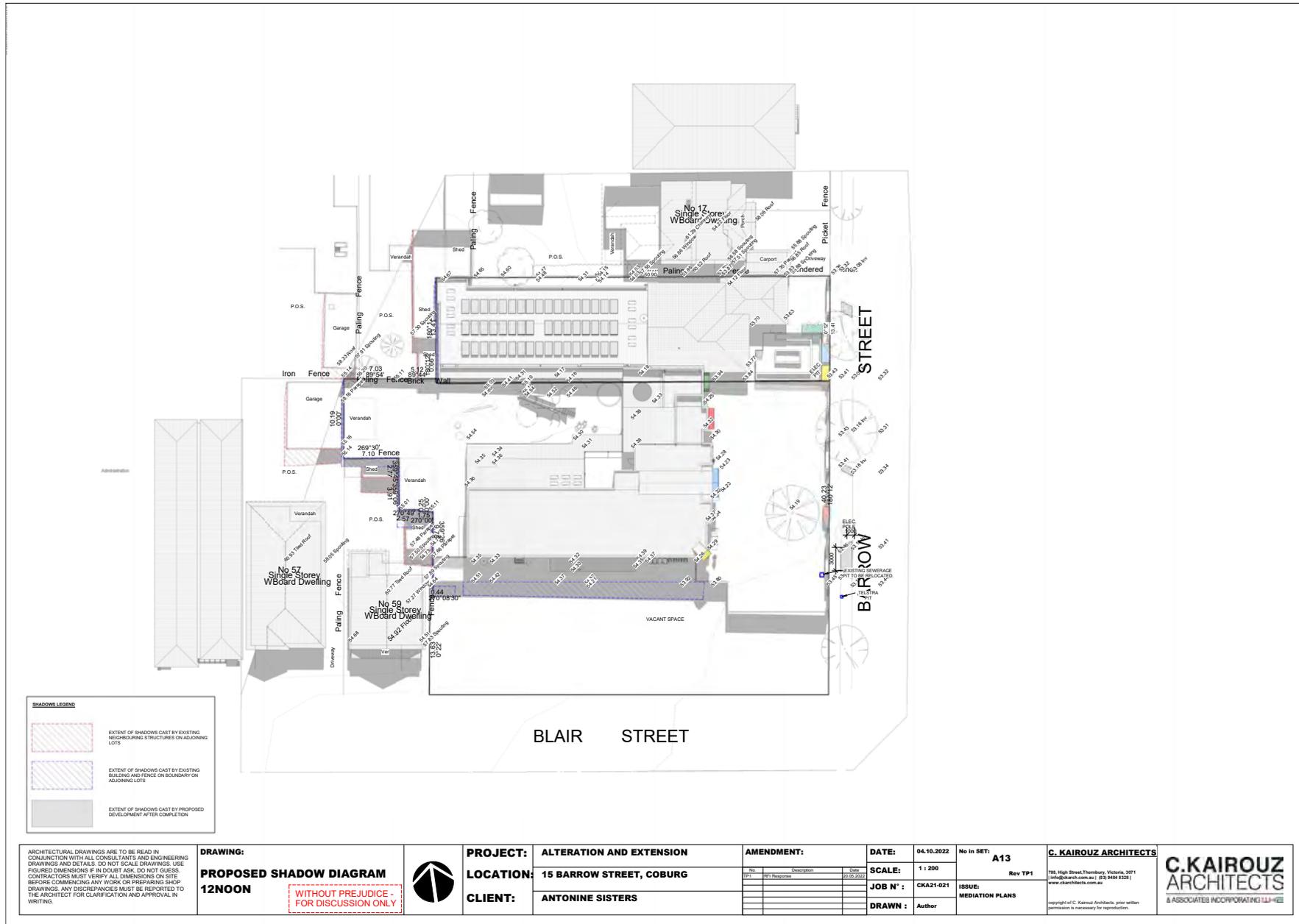
AMENDMENT:		
No.	Description	Date
01	SET Response	20/10/2022

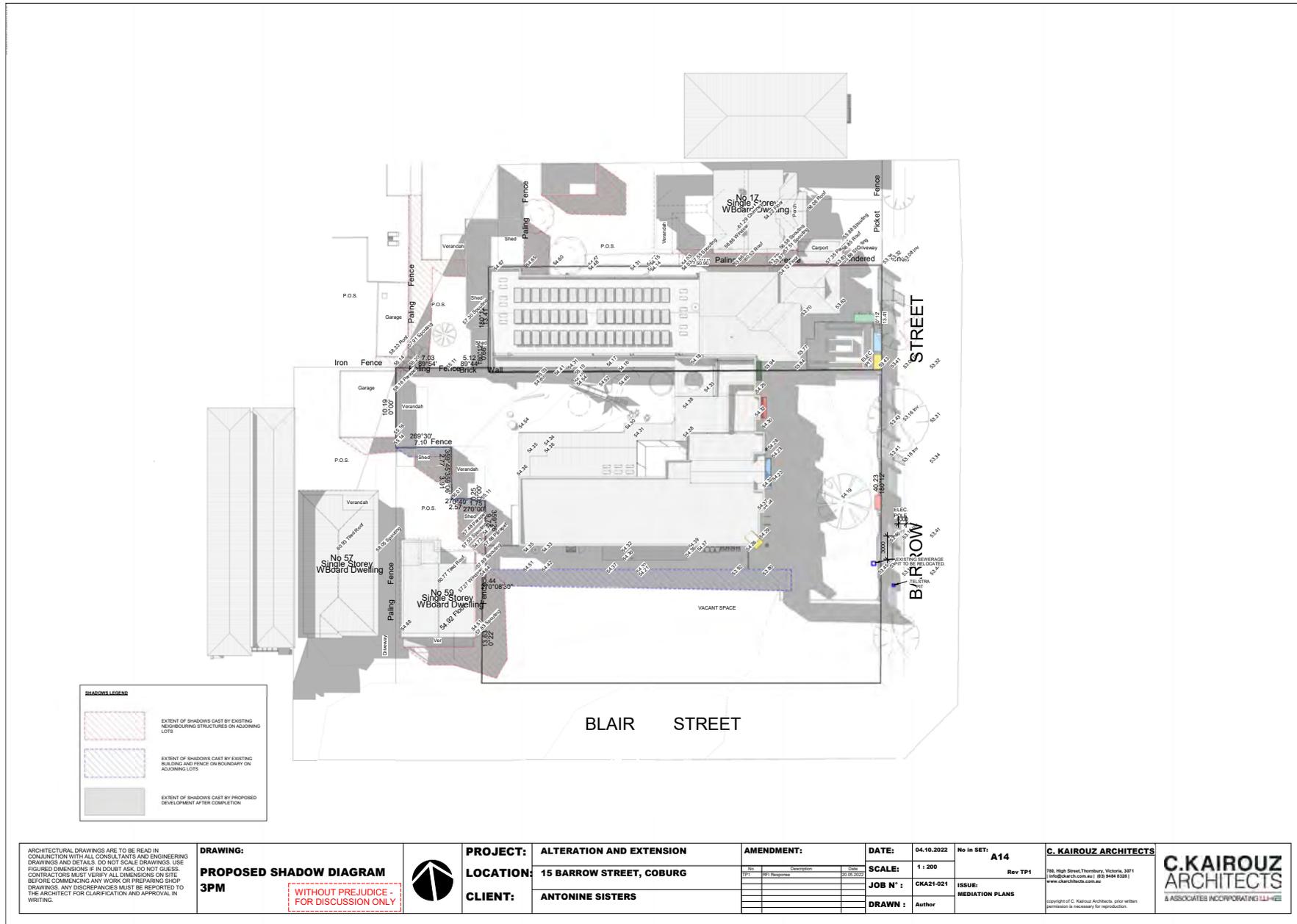
DATE: 04.10.2022
SCALE: 1:50
JOB N°: CKA21-021
DRAWN: Author

No in SET: A11
Rev TP1
ISSUE: MEDIATION PLANS

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COLOURS SCHEDULE ELEVATION

COLOURS SCHEDULE:

<p>YELLOW (RAL 1018)</p> <p>POWDER COATED PERFORATED METAL</p>	
<p>BLUE (RAL 5022)</p> <p>POWDER COATED PERFORATED METAL</p>	
<p>RED (RAL 3028)</p> <p>POWDER COATED PERFORATED METAL</p>	
<p>GREEN (RAL 6032)</p> <p>POWDER COATED PERFORATED METAL</p>	
<p>LIGHT NEUTRAL (RAL 9003)</p> <p>DULUX 'TERRACE WHITE' OR SIMILAR APPROVED.</p>	
<p>DARK NEUTRAL (RAL 7021)</p> <p>DULUX 'BLACK CAVIAR' OR SIMILAR APPROVED.</p>	

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DRAWING:
3D IMAGERY & COLOURS SCHEDULE

WITHOUT PREJUDICE - FOR DISCUSSION ONLY

PROJECT: ALTERATION AND EXTENSION

LOCATION: 15 BARROW STREET, COBURG

CLIENT: ANTONINE SISTERS

AMENDMENT:

No.	Description	Date
001	RT Response	20/10/2022

DATE: 04.10.2022

SCALE: 1 : 100

JOB N° : CKA21-021

DRAWN : Author

No in SET: **A15**

Rev TP1

ISSUE:
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5.2 12 VALDOONE COURT, OAK PARK - PLANNING PERMIT APPLICATION MPS/2021/996

Director Place and Environment Joseph Tabacco

City Development

Executive Summary



Property:	12 Valdoone Court, OAK PARK				
Proposal:	Construct five dwellings on a lot				
Zoning and Overlay/s:	<ul style="list-style-type: none"> Neighbourhood Residential Zone (NRZ1) Development Contributions Plan Overlay (DCPO1) 				
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:	<p>A total of 17 objections with key issues being:</p> <ul style="list-style-type: none"> Tree removal Overdevelopment Emergency and waste service access Car parking 				
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> Date: 20 September 2022 Attendees: 2 objectors, the applicant, 2 Council officers, and Cr Harte and Cr Yildiz. The meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report. The applicant offered the retention of a further two trees in the frontage. 				
ESD:	<ul style="list-style-type: none"> Increased NatHERS rating of 7 stars through conditions of the recommendation (6.5 stars proposed). Provision of 19kW of solar PV through conditions of the recommendation. 				
Key reasons for support	<ul style="list-style-type: none"> Appropriate built form No unreasonable off-site amenity impacts. Tree retention achieved through conditions of the recommendation. Acceptable car parking and traffic impacts 				
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 MPS/2021/996 be issued for the construction of five dwellings on a lot at 12 Valdoone Court, OAK PARK, 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 June 2022 but modified to show:
 - a) The following changes to materials:
 - i. The rendered finish on the façade of Dwelling 1 replaced with horizontal cladding.
 - ii. The porch to Dwelling 1 to be masonry.
 - iii. The charcoal concrete surfaces replaced with a light colour.
 - iv. Introduction of permeable paving around the garages and dwelling entries.
 - v. The 'selected horizontal cladding' to be shown on the materials schedule.
 - b) The kitchen windows to Dwelling 2 and Dwelling 3 to be increased in size, to improve passive surveillance of the driveway
 - c) The landscaping strip to the south side of the driveway to have a minimum width of 600mm along the length of the site.
 - d) The bin storage area increased to accommodate 9 bins, in accordance with condition 7 d) iv.
 - e) The vehicle crossing 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.
 - f) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
 - g) The ground floor plan to show all trees proposed for removal and retention, including:
 - i. Tree nos. 1, 2, 3, 5, 9, 10, 11, 12, 15 and 17 (as identified in the arborist report prepared by Urban Forestry Victoria P/L dated 30 May 2022) clearly identified as to be retained and protected in accordance with Condition 6.
 - ii. Tree protection zones of trees to be retained in accordance with Condition 6.
 - iii. Any necessary changes to building envelopes, retaining walls and finished surface levels required to retain trees in accordance with Condition 6.
 - h) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7d) 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.

Landscaping

3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Zenith Concepts, dated 7 March 2022, but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) The retention and protection of Tree 1, 2, 3, 5, 9, 10, 11, 12, 15 and 17.
 - c) Identification of any existing trees and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zones of trees to be retained and protected.
 - d) The provision of at least one tree within the secluded private open space of Dwellings 1, 2 and 5, with tree species to be indigenous and selected according to the available space, in accordance with the Moreland Tree Planting Manual for Residential Zones, 2019.
 - e) 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.

Tree Protection

6. 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 Nos. 1, 2, 3, 5, 9, 10, 11, 12, 15 and 17 (as identified in the arborist report prepared by Urban Forestry Victoria P/L dated 30 May 2022) are retained and protected 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) Any recommendation to reduce the building footprint, relocate retaining walls or modify finished surface levels.
 - c) The location and design of Tree Protection Fencing.
 - d) Details of appropriate footings within the Tree Protection Zone.
 - e) The method of installing any services through the Tree Protection Zone.

- f) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
- g) A timetable outlining works requiring supervision by the Project Arborist.
- h) 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.
- i) 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)

- 7. 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 Beyond Design Group dated March 2022, but modified to include the following changes:
 - a) Amend the BESS report (and any other corresponding documentation) to:
 - i. 'Publish' the BESS report (so it is no longer in 'draft' format).
 - ii. Remove credit IEQ 3.3 Thermal Comfort orientation as the living areas face north-west.
 - b) Provide preliminary NatHERS ratings assessments for Dwelling D1, D4 and D5 and achieve a minimum average of 7 stars.
 - c) A WSUD and STORM report and stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:
 - i. The extra raingardens are deleted from the WSUD and ground floor plans to match the STORM report.
 - d) Show the following ESD initiatives on the development plans:
 - i. 19 kW of solar PV to be provided across the site.
 - ii. External operable shading devices to North-West and South-West facing glazing of all bedrooms and living rooms, to block peak summer afternoon sun. A product diagram or section of the proposed device must be provided (must not be roller shutters for any street facing glazing).
 - iii. Add an operable window or daylight tube to D2 bath and daylight tube to D3 bath.
 - iv. Add 240L individual recycling bins to each townhouse.
 - v. Window operation on all elevation plans.

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.

8. 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.
9. Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a Sustainable Design Assessment Post Construction 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.
10. 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

11. 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 Merri-bek City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy and Community Infrastructure Levy is charged per dwelling.
12. 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.

Car Parking and Vehicle Access

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 (Merri-bek 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 (Merri-bek 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.

Undergrounding cables

16. 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.

Lighting

17. All external 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.

Stormwater

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 Merri-bek City Council, City Infrastructure Department).

General Amenity

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.

Permit Expiry

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

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

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

Notes:

Note 1: This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.merri-bek.vic.gov.au/planning-building/> and click on 'Moreland Development Contributions Plan (DCP)'. Alternatively, please contact Merri-bek 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.merri-bek.vic.gov.au/living-in-merri-bek/parking-and-roads/parking-permits-and-fines/residential-parking-permits/>

Note 3: Further approvals are required from Council's City Infrastructure Department who can be contacted on 8311 4300 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 4: Merri-bek 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).

REPORT

1. Background

Subject site

The subject site is located at the north-eastern head of Valdoone Court, Oak Park. Irregular in shape, the site has a total area of 1215 square metres, with a frontage to Valdoone Court of 12.67 metres.

The site is currently occupied by a double storey brick and weatherboard dwelling with tiled hipped roof. The dwelling is setback 10.4 metres from the street edge and features vehicular access via a single width crossing on the southern side of the site.

There are no restrictive covenants indicated on the Certificate of Title.

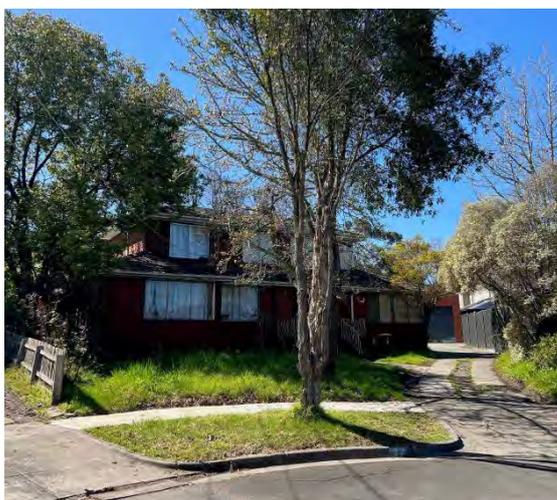


Image 1: Photo of subject site from Valdoone Court (Photo by K Murphy 14/9/22)

Surrounds

The subject site is located within an established residential area where single storey dwellings and multi-unit developments are the principal form of housing. The defining characteristic is the significant amount of canopy cover and high quality trees throughout the court.

To the north, the subject site shares property boundary with several properties fronting Devereaux Streets (No. 51 to 57) which are occupied by single storey dwellings with open rear yards.

To the south is 10 Valdoone Court which is developed with four dwellings, two double-storey and two single-storey. This development was approved at the direction of VCAT following an initial refusal for a six-dwelling development. Units 1 - 3 share a boundary with the subject site. Units 1 and 2 are double storey in scale, while Unit 3 is single storey. The secluded private open space for these dwellings is along the shared boundary with the subject site. There is a mature scented lemon gum tree located within the front of the site.

To the west is 14 Valdoone Court which is occupied by a single storey brick dwelling with tiled hipped roof. A garage is constructed against the shared property boundary.

A location plan forms **Attachment 1**.

The proposal

The proposal can be summarised as follows:

- Five dwellings in a tandem arrangement, of which four are double-storey and one is single storey
- The four double storey dwellings will each be provided with one covered car space, with one tandem space behind.
- The single storey dwelling at the rear will be provided with one covered car space
- Vehicle access will be via the existing crossover.
- Maximum building height is 7.9 metres

The development plans form **Attachment 2**.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Neighbourhood Residential Zone	A permit is required to construct more than one dwelling on a lot.

The following Particular Provisions of the Moreland Planning Scheme are also relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay
- Clause 53.18: Stormwater Management in Urban Development
- Clause 55: Two or more dwellings on a lot and residential buildings

2. Internal/External Consultation

Public notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land.
- Placing a sign on the frontage of the site.

Council has received 17 objections from 16 properties. A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are:

- Overdevelopment.

- Tree Removal.
- Emergency and waste service access.
- Car parking.

Consultation

A Planning Information and Discussion (PID) meeting was held on 20 September 2022 and attended by Cr Yildiz and Cr Harte, two Council planning officers, the applicant and two objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

The following changes were proposed at the PID:

- The applicant offered to retain Tree 2 and Tree 3.

This will be covered by a condition within the recommendation.

Referrals

No external referrals were required for the application. The proposal was referred to the following internal branches/business units:

Internal Branch/Business Unit	Comments
Urban Design Unit	Supports the proposal subject to modifications to the presentation which are addressed by conditions of the recommendation and outlined in Section 4 of this report.
Open Space Design and Development Unit	Supports the proposal, subject to the retention of a further five trees, meaning that overall, the following trees will be retained: Tree 1, 2, 3, 5, 9, 10, 11, 12, 15 and 17 (10 trees in total). Recommended changes are addressed by conditions of the recommended and outlined in Section 4 of this report.
Transport - Development Engineering	Supports the proposal with standard conditions recommended.
Sustainable Built Environment - ESD Team	Supports the proposal subject to minor clarifications which are addressed by conditions of the recommendation.

3. Policy Implications

Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
 - Vision (Clause 2.02)
 - Settlement (Clause 2.03-1)
 - Environmental and Landscape Values (Clause 2.03-2)
 - Built Environment and Heritage (Clause 2.03-4)
 - Housing (Clause 2.03-5)
 - Transport (Clause 2.03-7)
 - Infrastructure (Clause 2.03-8)
- Settlement (Clause 11)

- Built Environment (Clause 15.01), including:
 - Urban Design (Clause 15.01-1S, 15.01-1R & 15.01-1L)
 - Vehicle Access Design in Moreland (Clause 15.01-1L)
 - Building Design (Clause 15.01-2S & 15.01-2L)
 - Healthy Neighbourhoods (Clause 15.01-4S and 15.01-4R)
 - Neighbourhood Character (Clause 15.01-5S)
 - Minimal and Incremental Change Areas (Clause 15.01-5L)
- Residential Development (Clause 16.01), including:
 - Housing Supply (Clause 16.01-1S and 16.01-1R)
 - Homes in Moreland (Clause 16.01-2L)
 - Housing for People with Limited Mobility (Clause 16.01-1L)
 - Housing Affordability (Clause 16.01-2S & 16.01-2L)
- Transport (Clause 18), including:
 - Car parking (Clause 18.02-4S & 18.02-4L)
- Infrastructure (Clause 19.02), including:
 - Energy supply (Clause 19.01-1S & 19.01-1L)
 - Development infrastructure (Clause 19.03)

Human Rights Consideration

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

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

The proposed redevelopment of private land does not present any physical barrier preventing freedom of movement. The right of the landowner to develop and use their land has been considered in accordance with the Moreland Planning Scheme. The privacy of nearby residents has also been considered as part of the application process.

4. Issues

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

Does the proposed development have strategic policy support?

The subject site is located within the Neighbourhood Residential Zone. Council's Housing Framework Plan at Clause 2.04 designates this location for minimal housing growth. In these areas, Clause 16.01-1R seeks to balance the need to protect valued areas with the need to ensure choice and growth in housing.

The proposal for five dwellings represents an appropriate level of density, given the size of the subject site. The proposal is highly compliant with the relevant standards of Clause 55. The proposal provides permeability, private open space and garden areas which exceeds the requirements of Clause 55 of the Moreland Planning Scheme. Additionally, a site coverage of 37.5 per cent is proposed which is less than the maximum 60 per cent stipulated in Standard B8 of Clause 55.03-3 (Site coverage)

The proposal therefore has strategic policy support and is not considered to be an overdevelopment of the site.

Does the proposal respond to neighbourhood character and positively contribute to its local context?

Built form and design

Clause 15.01-5L (Minimal and incremental change areas) seeks to encourage development within the rear of lots to be single storey. The proposed dwelling to the rear is single storey and additionally, the first floor of the four dwellings have generous side setbacks from the neighbouring secluded private open spaces to the north and south. Visual breaks have also been provided at the upper levels which assists in reducing visual bulk when viewed from neighbouring properties.

The proposal is responsive to the neighbourhood character, drawing upon the typical architectural features from Valdoone Court in its design. All dwellings will have brick at ground floor level and hipped roof forms. Dwelling 1 fronting the street has articulation provided through setbacks, a clear entry defined by a porch and traditional window proportions to conform to the characteristics of the court.

Conditions of the recommendation will also require improvements to elevate the design from an acceptable response to an outcome that contributes positively to the streetscape. These include:

- Render to the first floor and porch of Dwelling 1 to be replaced with horizontal timber cladding and masonry.
- Introduction of permeable paving around the dwelling entries to improve the pedestrian experience of the accessway.
- Charcoal concrete replaced with a lighter colour to reduce the urban heat effect.
- Increasing the size of the windows overlooking the driveway to improve passive surveillance.

Landscaping

This pocket of Oak Park is typical of the 'garden court' style in that the defining characteristic is the significant amount of canopy cover and high quality trees throughout the road reserves and on private land.

The Landscaping Objective at Clause 55.03-8 requires consideration to be given to the retention of existing trees and protection of any predominant landscape features of the neighbourhood. There are no specific vegetation protection overlays applicable to the site.

The proposal provides good opportunities for landscaping and new planting in the front setback and throughout the private open space areas of the dwellings. The higher standard for landscaping (Standard B13) set by the Moreland Planning Scheme, contained within the schedule to the Neighbourhood Residential Zone, is also met. A permeable area for each dwelling of more than 4.5 metres by 4.5 metres have been provided for canopy trees. The development provides dedicated landscaped areas outside of the areas designated for recreational purposes, which is a good outcome and above the minimum requirements of the standard. Additionally, a condition of the recommendation will increase the width of the planting along the driveway, softening the appearance of the hard paving when viewed from the streetscape.

Is the proposed tree removal appropriate?

Concerns are raised by objectors in relation to the loss of vegetation. There are eleven trees on the subject site, all of which are proposed to be removed. Of the eleven trees to be removed, none are protected by planning overlays or on Council's Significant Tree Register. However, given that landscaping is an important feature of the neighbourhood character, trees that are medium/high value and not within the building envelope, should be retained. The conditions contained in the recommendation will require the retention of four trees onsite, thereby reducing the number to be removed from 11 to 7. In addition to the retained trees, the recommendation also requires the planting of additional canopy trees where there are opportunities in the secluded private open spaces of Dwellings 1, 2 and 5. The applicant has confirmed they are accepting of conditions to retain more trees on site.

With respect to specific trees, it is noted that:

- The submitted arborist report states that Tree 2 cannot be retained, however, a review by Council's Open Space Unit has found that this tree can be retained with no changes to the built form. The applicant confirmed at the PID that they are accepting of the retention of this tree.
- The retention of Tree 13 was considered, however it would require significant changes to the building envelope of Dwelling 4. This tree is not a native nor a 'high value' tree, and therefore its removal can be accepted.
- The retention of Tree 14 was considered, given it is the only mature, native tree on site that will be removed. Its retention would require significant built form changes to Dwelling 5, and place an unreasonable limitation on the rear portion of the site. The tree is showing signs of physiological decline, and is noted as having inferior canopy density. The landscape plan proposes indigenous canopy tree planting to compensate for the loss of this tree, which is a good outcome for the site. The planted trees will be able to establish within larger landscape areas, and therefore will have more room for the root structure as compared to this tree, which is within a small garden bed. As such, its removal can be accepted, noting that neighbourhood character policy forms the basis for tree retention on this site rather than any specific planning controls protecting trees.



Image 2: Tree 14

(Source: Arborist Report by Urban Forestry P/L)

Overall, the level of vegetation removal balances tree retention against the zoning of the land, which allows for residential development, and is acceptable given the absence of any specific planning controls protecting these trees. The proposed building envelope can be achieved alongside the retention of the recommended trees.

Does the proposal satisfy the requirements of Clause 55?

The proposal is highly compliant with the standards of Clause 55 for both on-site and off-site amenity impacts. There is one technical non-compliance which relates to Standard B6 of Clause 55.03-1, Dwelling 1 porch is 3.7 metres in height, which exceeds the standard by 100mm. Given the minor nature of this non-compliance, this is supported.

Has adequate car parking been provided?

The application complies with the requirements at Clause 52.06 of the Moreland Planning Scheme. Dwellings 1-4 each have two spaces, Dwelling 5 has one car space, and one visitor space is provided. No reduction in the car parking requirement is proposed.

The dwellings will not be eligible for parking permits in the event that parking restrictions are imposed by Council on the street. This is included as a note in the recommendation.

What impact does the proposal have on car congestion and traffic in the local area?

In relation to traffic impacts, Council's Development Engineers have assessed the proposal and consider that the development will result in 32 additional vehicle movements per day on Valdoone Court. This remains within the street's design capacity and is not expected to cause traffic problems.

Does the proposal incorporate adequate Environmental Sustainable Design (ESD) features?

ESD features of the development are considered to be adequate and include:

- Five rainwater tanks that total 11,000 litres in capacity.
- Passive solar design, with living areas oriented north.
- Double glazing to all habitable room windows.

Conditions of the recommendation will require a minimum average NatHERS rating of 7 stars (6.5 stars proposed) and provision of 19kW of solar PV across the development in accordance with the Merri-bek 'Zero Carbon' guidelines.

Is the proposal accessible to people with limited mobility?

Clause 16.01-3L (Housing diversity in Moreland) encourages the provision of housing that can be lived in by people with limited mobility, or easily adapted for this purpose.

Dwelling 5 to the rear is single storey. This provides an accessible housing option within the development, noting that Clause 55.02-3 of the Moreland Planning Scheme only requires accessible dwelling to be provided in developments of ten or more dwellings. Entrances to all other dwellings are also at the ground floor, and flush with the finished surface level surrounding the development.

5. Response to Objector Concerns

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

- Tree removal.
- Overdevelopment.
- Car parking.

Other issues raised by objectors are addressed below.

Access to emergency services

Any vehicles parked within the street will be subject to existing road rules, which require cars parked on opposite sides of the court to be at least 3m apart. This is to allow for vehicles access, including emergency vehicles. Any additional vehicle movements associated with the proposed development are not anticipated to result in unreasonable congestion levels in the surrounding area that would impede emergency services.

6. Officer Declaration of Conflict of Interest

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

7. Financial and Resources Implications

There are no financial or resource implications.

8. Conclusion

On the balance of policies and controls within the Moreland Planning Scheme and objections received, it is considered that Notice of Decision to Grant a Planning Permit No MPS/2021/996 should be issued subject to the conditions included in the recommendation of this report.

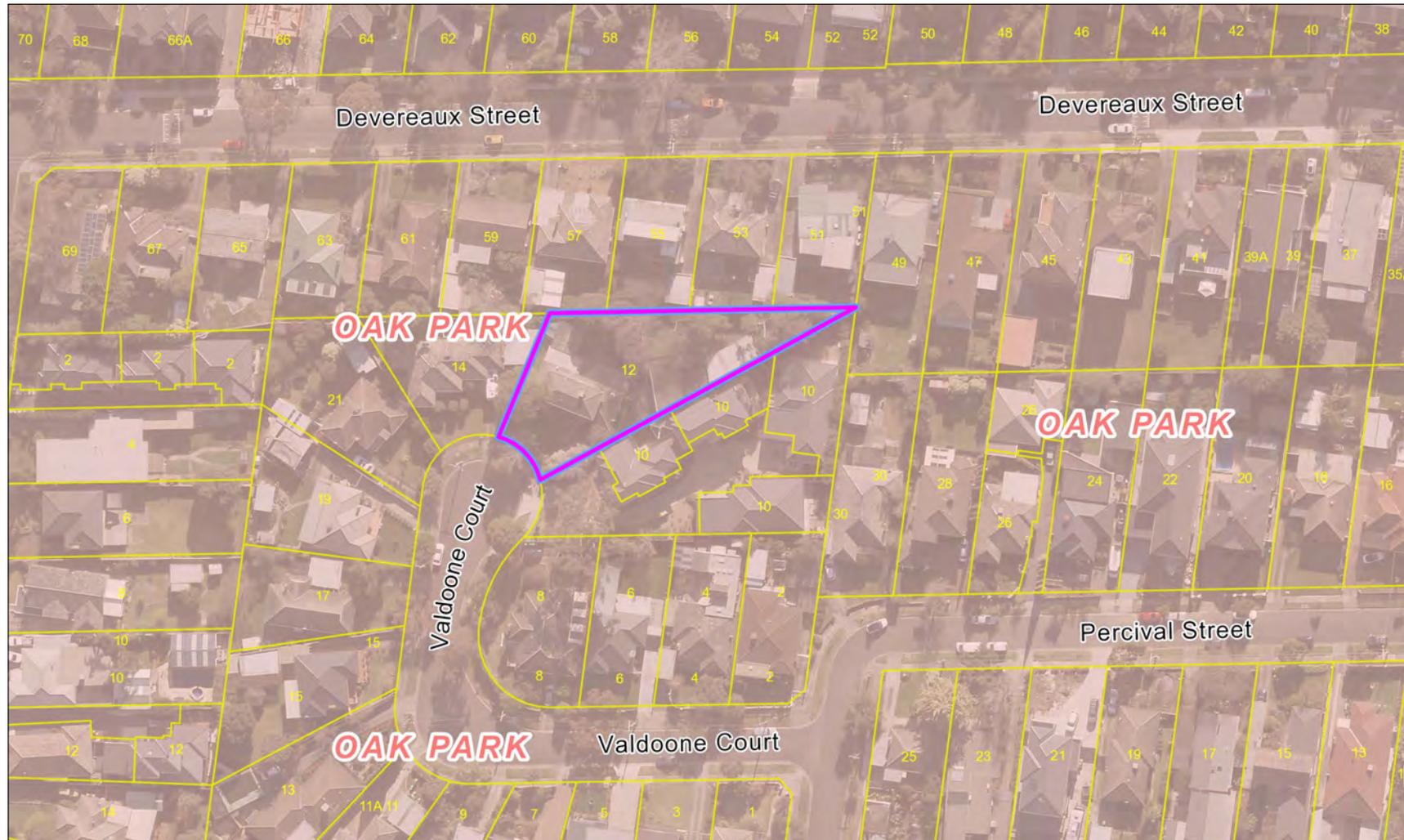
Attachment/s

1	Location and Zoning Map - 12 Valdoone Court, Oak Park	D22/416786
2	Development Plans- 12 Valdoone Court, Oak Park	D22/416808
3	Objection Map - 12 Valdoone Court, Oak Park	D22/396253

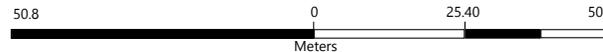
Attachment 1 - Location and Zoning Map

12 Valdoone Court, Oak Park

-  Neighbourhood Residential Zone (NRZ1)
-  Subject Site



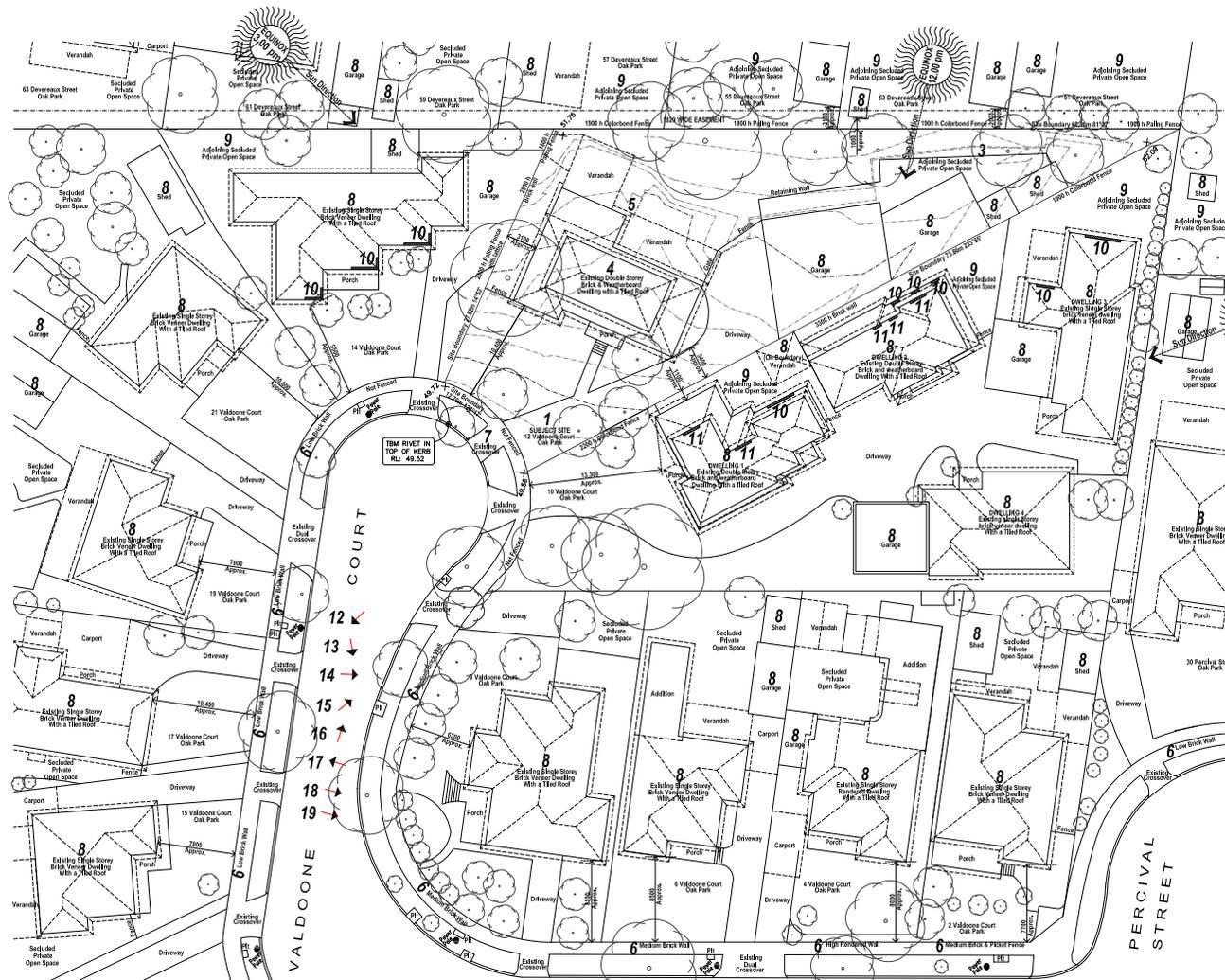
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Analysis

- 1 The Subject Site has a North-South orientation, from the rear to the front. Best access to direct sunlight is from the North and the side boundaries of the property.
- 2 The Subject Site has a moderate fall from the rear to the front of the property.
- 3 The site contains only a few trees. The proposed design will incorporate areas with the capacity for new trees with spreading crowns.
- 4 The existing dwelling on the Subject Site is in a fair condition and is proposed to be removed.
- 5 The site has access to all services. (Sewer water, electricity, gas & telephone).
- 6 Surrounding properties have mixed types of front & rear fencing styles: Brick and picket, rendered & brick fences.
- 7 Access to the site is currently from an existing crossover located in the middle of the front boundary.
- 8 Dwellings surrounding the Subject Site, consist of single and double storey, brick veneer, weatherboard and rendered. Adjoining excluded private open spaces contain single storey outbuildings. (Metal, woodboard, brick).
- 9 Adjoining secluded private open space of surrounding properties.
- 10 Habitable room windows facing the subject site within 9 metres.
- 11 Habitable first floor room windows facing the subject site within 9 metres.
- 12 Bryant Family Reserve, 200 metres.
- 13 North Essendon Athletics, 300 metres.
- 14 Oak Park Primary School, 700 metres.
- 15 Glenroy Secondary College, 2 km's.
- 16 Convenience stores located on Glenroy Road, 1.3 km's.
- 17 Westfield Airport West, 1.8 km's.
- 18 Bus service located on Kerr Avenue, 300 metres.
- 19 Oak Park Railway Station, 1.2 km's.

The Neighbourhood Site Description is produced in accordance with our on site assessment & Scanned Aerial Photographs. Due to confrontations regarding invasions of privacy issues, we endeavour to respect neighbours privacy as much as is possible, to limit confrontation. Therefore all dimensioning is based on approximation, estimation & in some cases, assumption.
Beyond Design Group Pty. Ltd.

Neighbourhood Site Plan

Denotes existing significant trees and major vegetation



Project
Multi-Dwelling Development

Rev.	Date	Description	Initial

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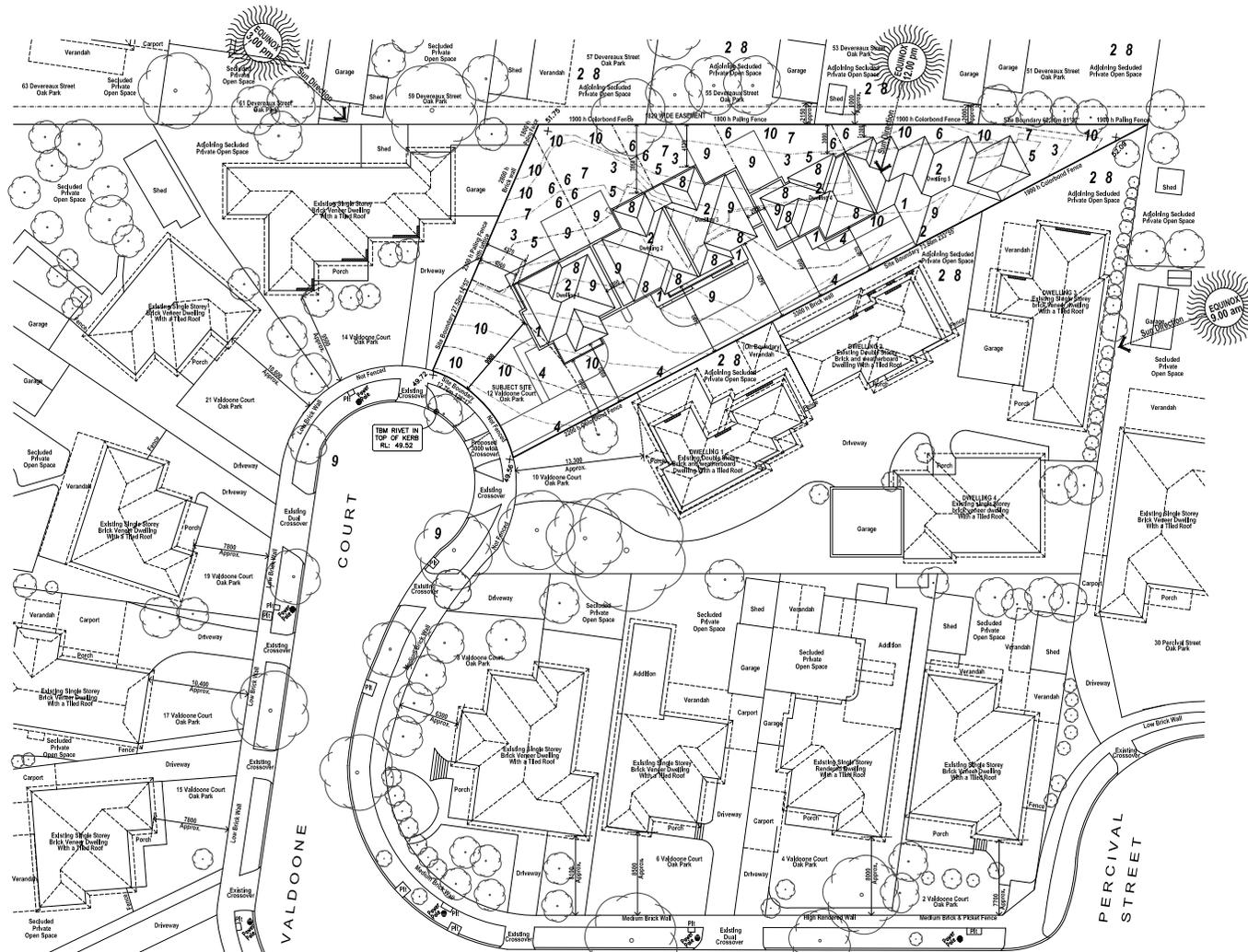
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 Drawn J.S.

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Neighbourhood Site Description & Analysis
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 At 12 Valdoone Court, Oak Park
 Ref No. 21-1799 Sheet No. SD1

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Design Response

The proposed development has responded to the site context in the following ways:

- 1 The proposed dwellings have a clear sense of identity, a sheltered area and transitional space is provided around the entry point of both of the proposed dwellings, which will provide secure access.
- 2 The articulated and graduated double storey construction with single storey behind, provides for an elevational treatment that is articulated and pleasant to view from adjoining secluded private open spaces and upon entry to the site. Only a small amount of walls are proposed on the boundary, which helps maintain existing views from adjoining secluded private open spaces.
- 3 The private open space areas have been positioned to minimise any adverse impact on adjoining properties with respect to access to natural light and overlooking.
- 4 On site infiltration has been maximised through the introduction of landscaped area and stormwater run-off will be directed into garden areas to reduce watering and the demand on drainage infrastructure.
- 5 The principal open space areas of each dwelling will be accessed directly from main living areas. Secluded open space areas within the development will achieve total privacy.
- 6 Each dwelling will have sufficient room for storage and outdoor clothes drying facilities.
- 7 The varied dimensions (a minimum of 3.0m and a maximum of 7.4m) of secluded private open space areas proposed for the dwellings will allow for the planting of small canopy trees and screen vegetation and provide a reasonable recreation area for each of the dwellings.
- 8 No direct overlooking will occur into surrounding properties given that all first floor habitable windows that overlook adjoining properties will have fixed obscured glazing or a sill height to 1700mm above the finished floor level.
- 9 The proposed dwellings will each be provided with a single garage. Dwellings 1-4 will also be provided with the provision for a second tandem car space. The proposal also provides for one on-site visitors car space with further parking available in Valdoone Court.
- 10 Canopy vegetation and extensive landscaping is proposed throughout the site to enhance the appearance of the site and to soften hard surfaces areas.

The Design Response has been prepared taking into account the opportunities and constraints of the subject site and the Standards of Res Code. The Design Response has been derived from the Neighbourhood Site Description ensuring that a coherent design outcome has been achieved.

Design Response Plan

Denotes existing significant trees and major vegetation



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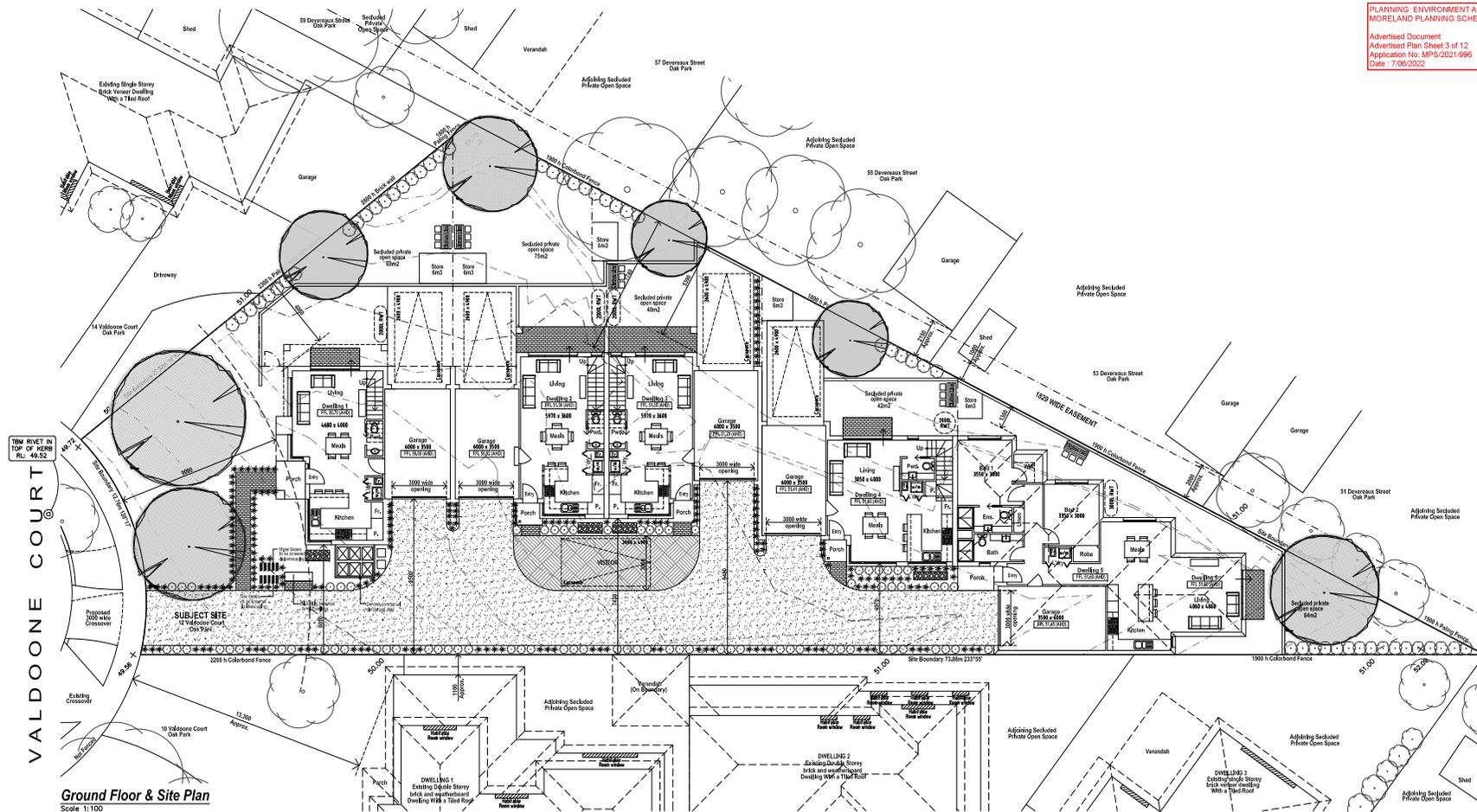
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Design Response Plan
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 At 12 Valdoone Court, Oak Park
 Ref No. 21-1799 Sheet No. DR1

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Ground Floor & Site Plan
 Scale 1:100

AREA ANALYSIS

Dwelling	GROUND FLOOR	FIRST FLOOR	PORCH/VERANDAH	GARAGE	TOTAL
Dwelling 1	49 m ²	59 m ²	7 m ²	23 m ²	138 m ²
Dwelling 2	43 m ²	63 m ²	9 m ²	24 m ²	139 m ²
Dwelling 3	43 m ²	63 m ²	9 m ²	24 m ²	139 m ²
Dwelling 4	50 m ²	62 m ²	1 m ²	24 m ²	137 m ²
Dwelling 5	102 m ²	N/A	1 m ²	24 m ²	127 m ²

Dwelling	PRIVATE OPEN SPACE	SECLUDED OPEN SPACE	TOTAL
Dwelling 1	126 m ²	69 m ²	195 m ²
Dwelling 2	4 m ²	75 m ²	79 m ²
Dwelling 3	4 m ²	40 m ²	44 m ²
Dwelling 4	11 m ²	42 m ²	53 m ²
Dwelling 5	2 m ²	84 m ²	86 m ²

SITE AREA	SITE COVERAGE		GARDEN AREA
	Building Area	Total Impervious Surfaces	
1215m ²	456 m ² 37.5%	707 m ² 58.2%	425 m ² 35.0%

SITE LEGEND

- DENOTES EXISTING TREES & SHRUBS ON ADJOINING PROPERTY
- DENOTES PROPOSED CANOPY TREE
- DENOTES NARROW EVERGREEN SCREEN VEGETATION TO 3m HIGH
- DENOTES SHRUBS & GROUNDCOVERS
- DENOTES SELECTED SKYLIGHT
- DENOTES SELECTED CONCRETE PAVING
- DENOTES 1800 HIGH PALING FENCE (UJ40)
- DENOTES PERMEABLE PAVING

NOTE:
 ALL PROPOSED LANDSCAPING TO BE FULLY SPECIFIED ON A LANDSCAPE PLAN



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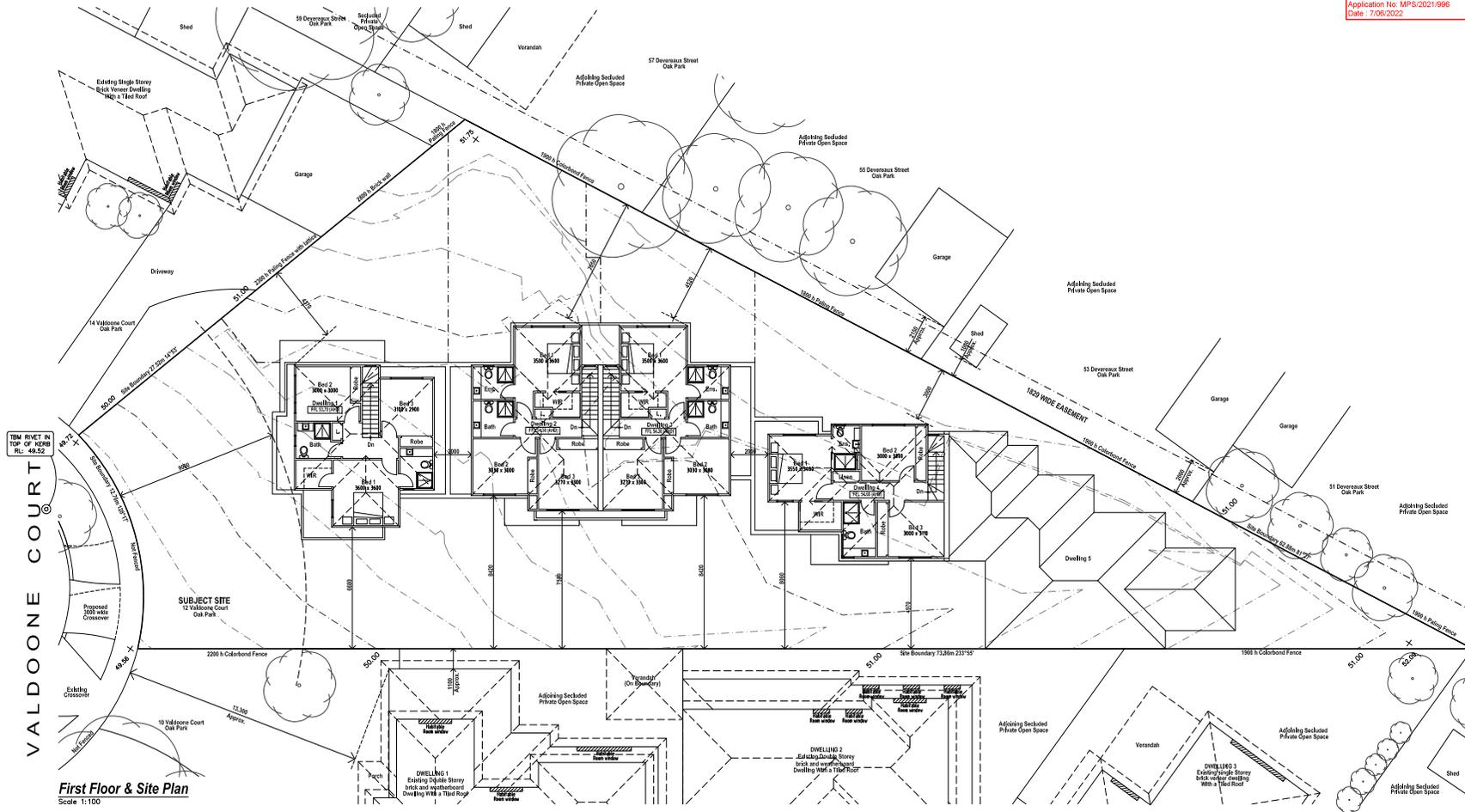
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Ground Floor & Site Plan
 Address
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 Ref No. 21-1799 Sheet No. TP1

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First Floor & Site Plan
 Scale 1:100



Project
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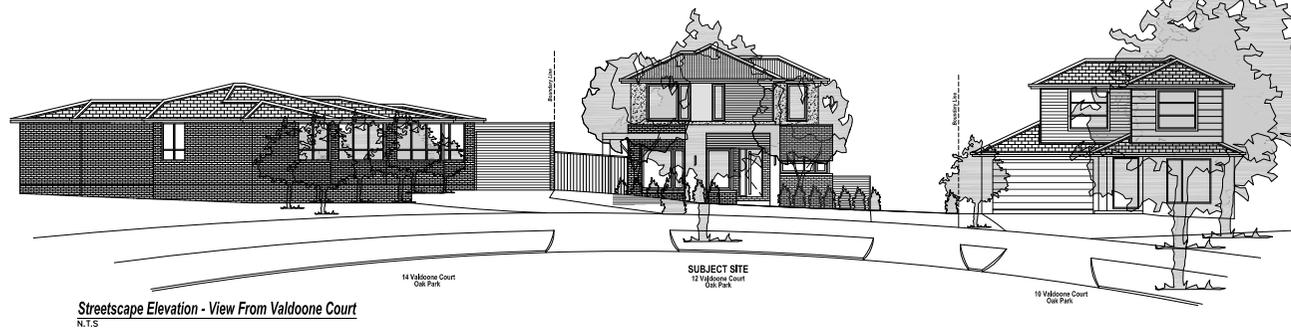
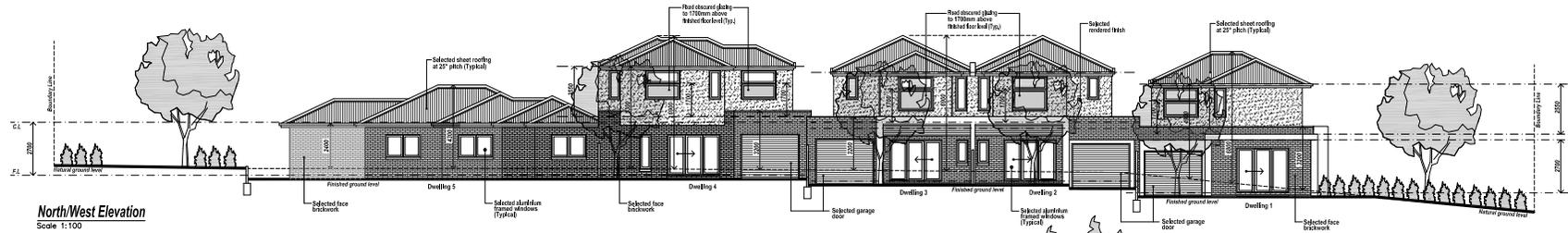
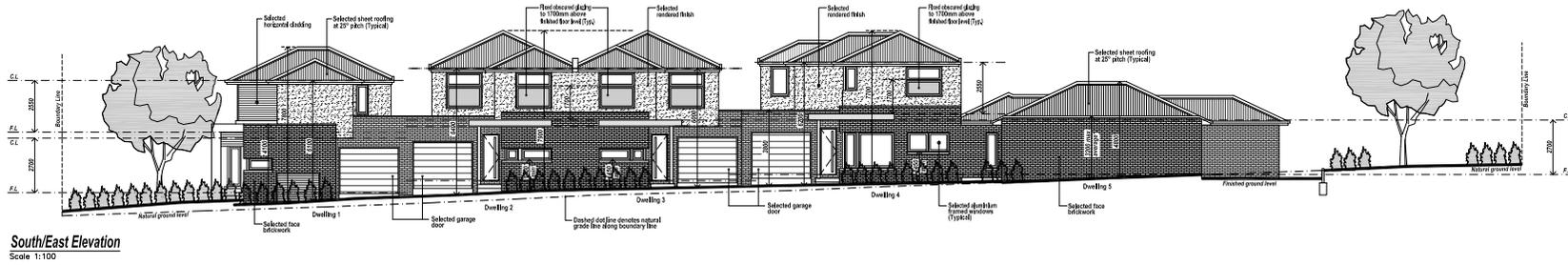
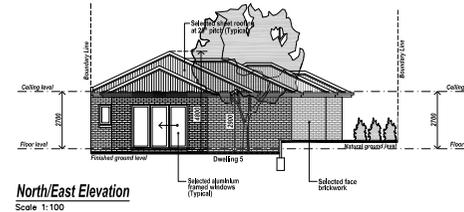
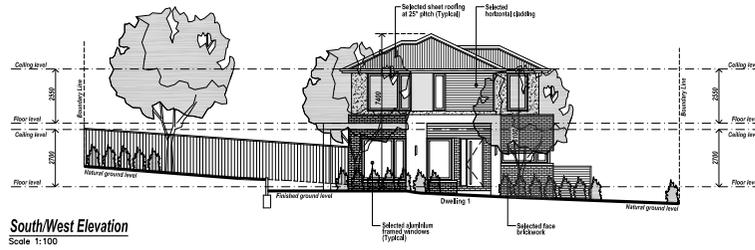
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First Floor & Site Plan
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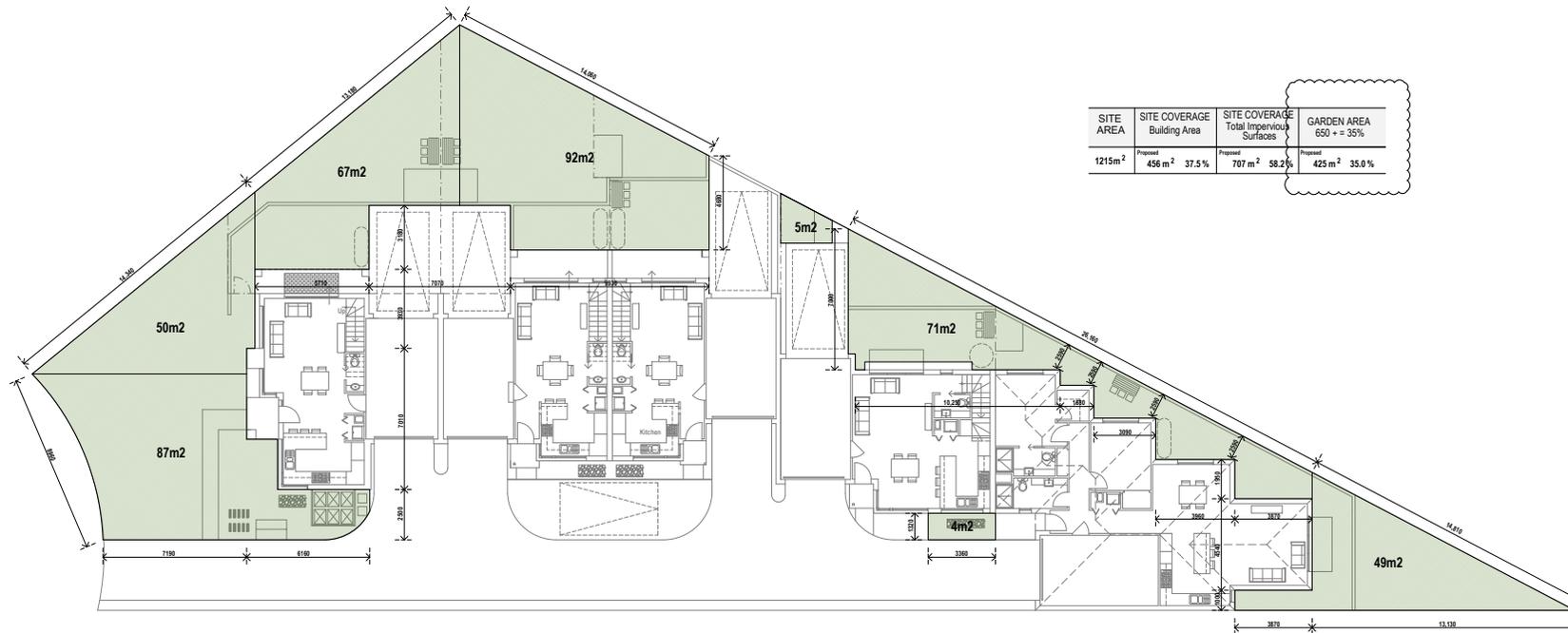
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		Date	22.11.21
		Drawn	J.S

Rev.	Date	Description	Initial
A	07.02.22	Council Queries	P.S

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Drawing Elevations Address At 12 Valdoone Court, Oak Park Ref No. 21-1799 Sheet No. TP3	Designer Beyond Design Group Pty Ltd 42 Chancellor Ave, Bundoora Melbourne Victoria Australia Ph: (03) 9470 1144 Fax: (03) 9470 3399 www.beyondesign.com.au A.B.N. 75 095 127 307	
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PLANNING ENVIRONMENT ACT 1987
 MORELAND PLANNING SCHEME
 Advertisable Document
 Advertisable Plan Sheet 6 of 12
 Application No: MPS/2021/996
 Date: 7/06/2022



Project
Multi-Dwelling Development

Rev.	Date	Description	Initial
A	07.02.22	Council Queries	PS

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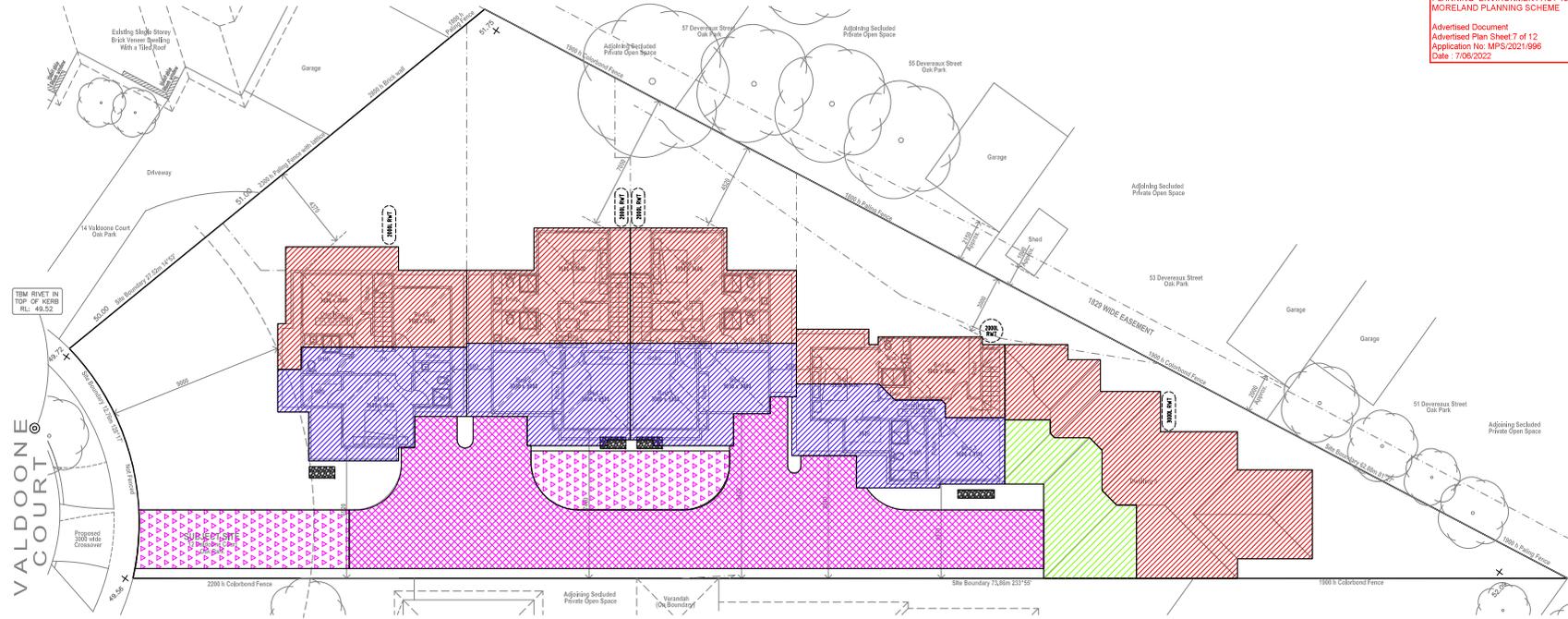
Scale 1:100
 Checked S.A
 Date 22.11.21
 Drawn J.S

Drawing
Garden Area Plan
 Address
 At 12 Valdoone Court, Oak Park
 Ref No. 21-1799 Sheet No. TP4

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PLANNING ENVIRONMENT ACT 1987
 MORELAND PLANNING SCHEME
 Advertised Document
 Advertised Plan Sheet 7 of 12
 Application No: MPS/2021/996
 Date: 7/06/2022



Melbourne Water STORM Rating Report

Transaction ID: 1529029
 Municipality: MORELAND
 Parcel Number: MORELAND
 Address: 12 Valdoone Court
 Oak Park VIC 3048
 Room: Beyond Design Group
 Development Type: Residential - Medium Density
 Addressed Site (m²): 1,315.00
 STORM Rating %: 100

Description	Impervious Area (m ²)	Treatment Type	Treatment Area/Volume (m ² or L)	Occupants/ Number Of Residents	Treatment %	Tank Water Storage Volatility (%)
D1- Roof to Tank	44.00	Rainwater Tank	2,000.00	0	170.00	62.00
D2- Roof to Tank	80.00	Rainwater Tank	2,000.00	0	146.30	47.00
D3- Roof to Tank	70.00	Rainwater Tank	2,000.00	3	144.30	86.00
D4- Roof to Tank	43.00	Rainwater Tank	2,000.00	3	170.00	82.00
D5- Roof to Tank	124.00	Rainwater Tank	3,000.00	2	180.00	90.00
D6- Concrete Driveway	165.00	None	0.00	0	0.00	0.00
D7- Raingarden	50.00	Raingarden 300mm	1.00	0	130.00	0.00
D8- Raingarden	25.00	Raingarden 100mm	1.00	0	131.00	0.00

WATERMARK PERFORATED PLANK CROSS SECTION

SITE LEGEND

- ROOF AREA DIRECTED TO RAINWATER TANK
- SURFACE AREA DIRECTED TO ABOVE GROUND RAINGARDEN
- UNTREATED AREA SURFACE AREA
- PERMEABLE PAVING
- UNTREATED ROOF
- DENOTES PROPOSED RAINGARDEN AREA TO THE SPECIFICATIONS OF MELBOURNE WATER.

Above ground Raingarden Detail (Typical)
 N.T.S.

Rainwater tanks

See address Planning permit number:

Residential tank installation

The purpose of this permit is to ensure that the installation of a rainwater tank does not impact the structural integrity of the building or the safety of the public.

Application fee: \$100

Processing fee: \$100

Inspection fee: \$100

Final fee: \$100

Total fee: \$400

Project

Multi-Dwelling Development

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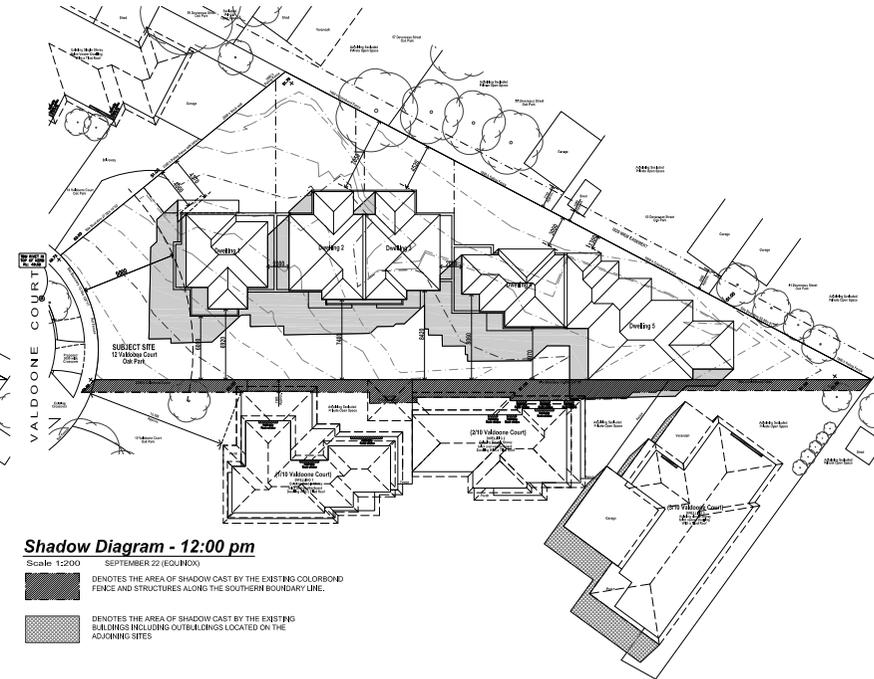
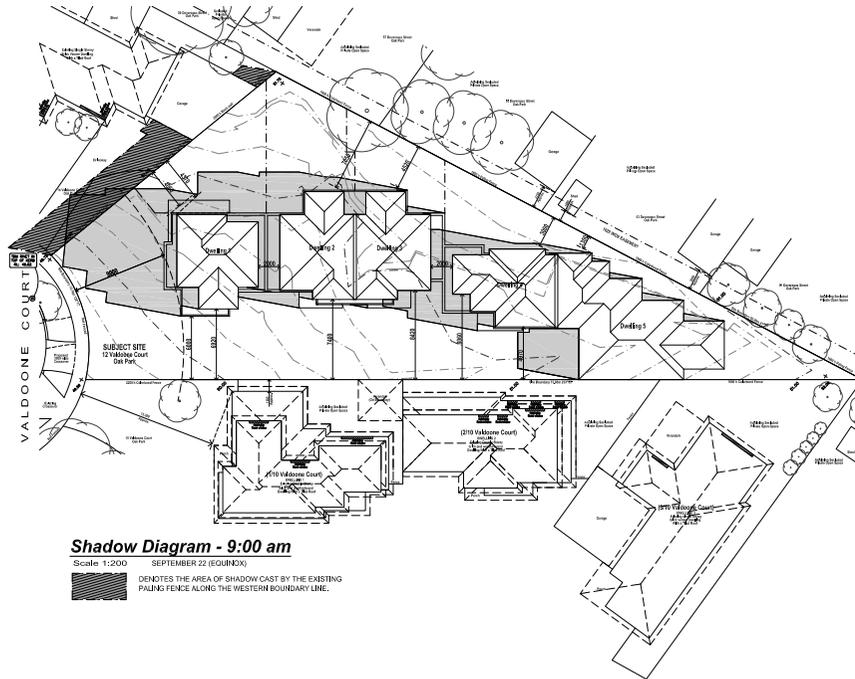


Scale: 1:100
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 Date: 25.02.22
 Drawn: J.S.

Drawing
 WSUD Plan
 Address: At 12 Valdoone Court, Oak Park
 Ref No. 21-1799 Sheet No. WSUD

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PLANNING ENVIRONMENT ACT 1987
 MORELAND PLANNING SCHEME
 Advertiser Document
 Advertised Plan Sheet 8 of 12
 Application No: MPS/2021/996
 Date: 7/06/2022



Project
Multi-Dwelling Development

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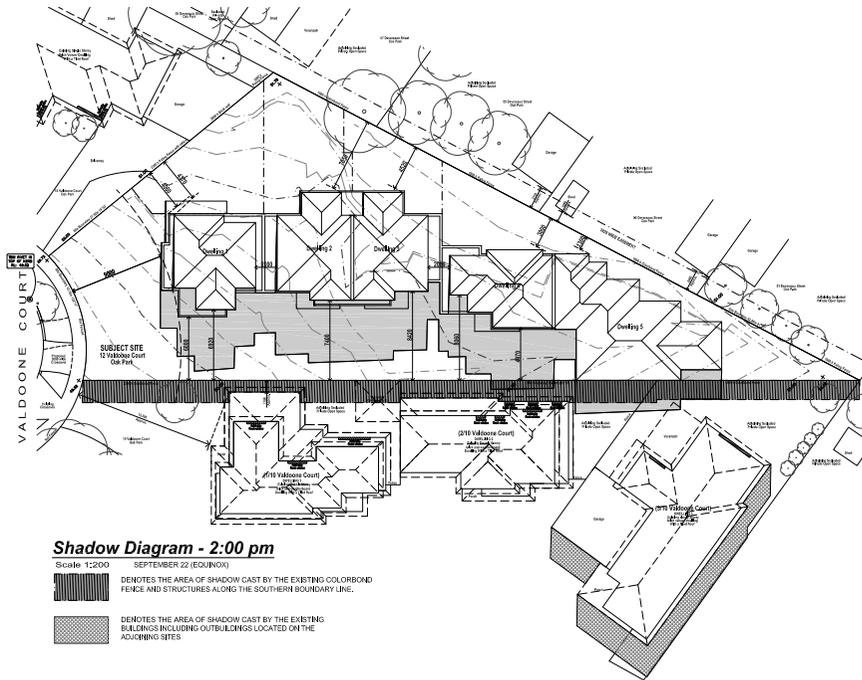
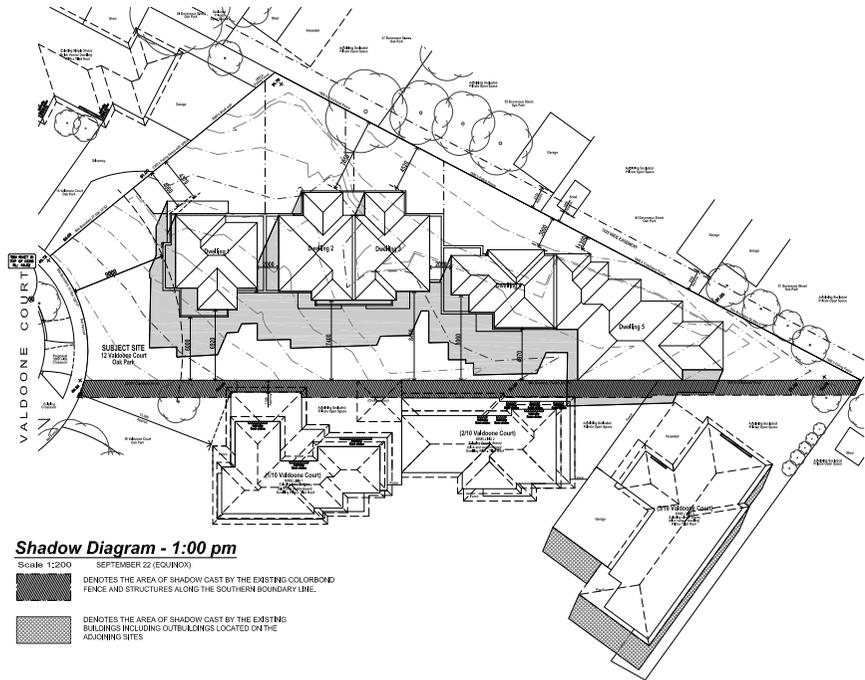
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 Date 22.11.21
 Drawn J.S.

Drawing
Shadow Diagrams
 Address
 At 12 Valdoone Court, Oak Park
 Ref No. 21-1799 Sheet No. SH1

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PLANNING ENVIRONMENT ACT 1987
 MORELAND PLANNING SCHEME
 Advertiser Document
 Advertised Plan Sheet 9 of 12
 Application No: MPS/2021/996
 Date: 7/06/2022



Project
Multi-Dwelling Development

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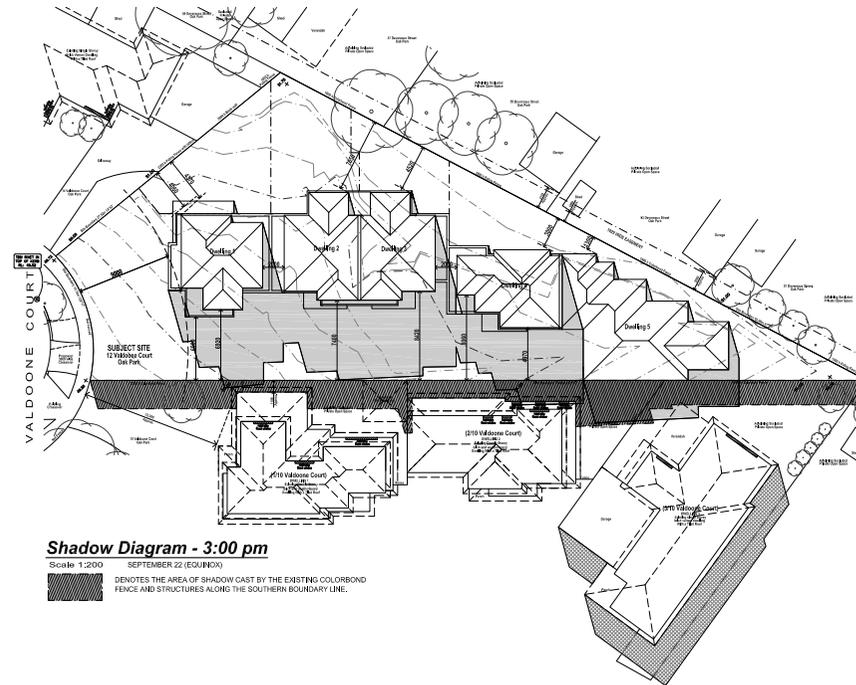
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 Checked S.A
 Date 22.11.21
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Drawing
Shadow Diagrams
 Address
 At 12 Valdoone Court, Oak Park
 Ref No. 21-1799 Sheet No. SH2

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PLANNING ENVIRONMENT ACT 1987
 MORELAND PLANNING SCHEME
 Adversely Affected Document
 Adversely Affected Plan Sheet 10 of 12
 Application No: MPS/2021/096
 Date: 7/06/2022



Project
Multi-Dwelling Development

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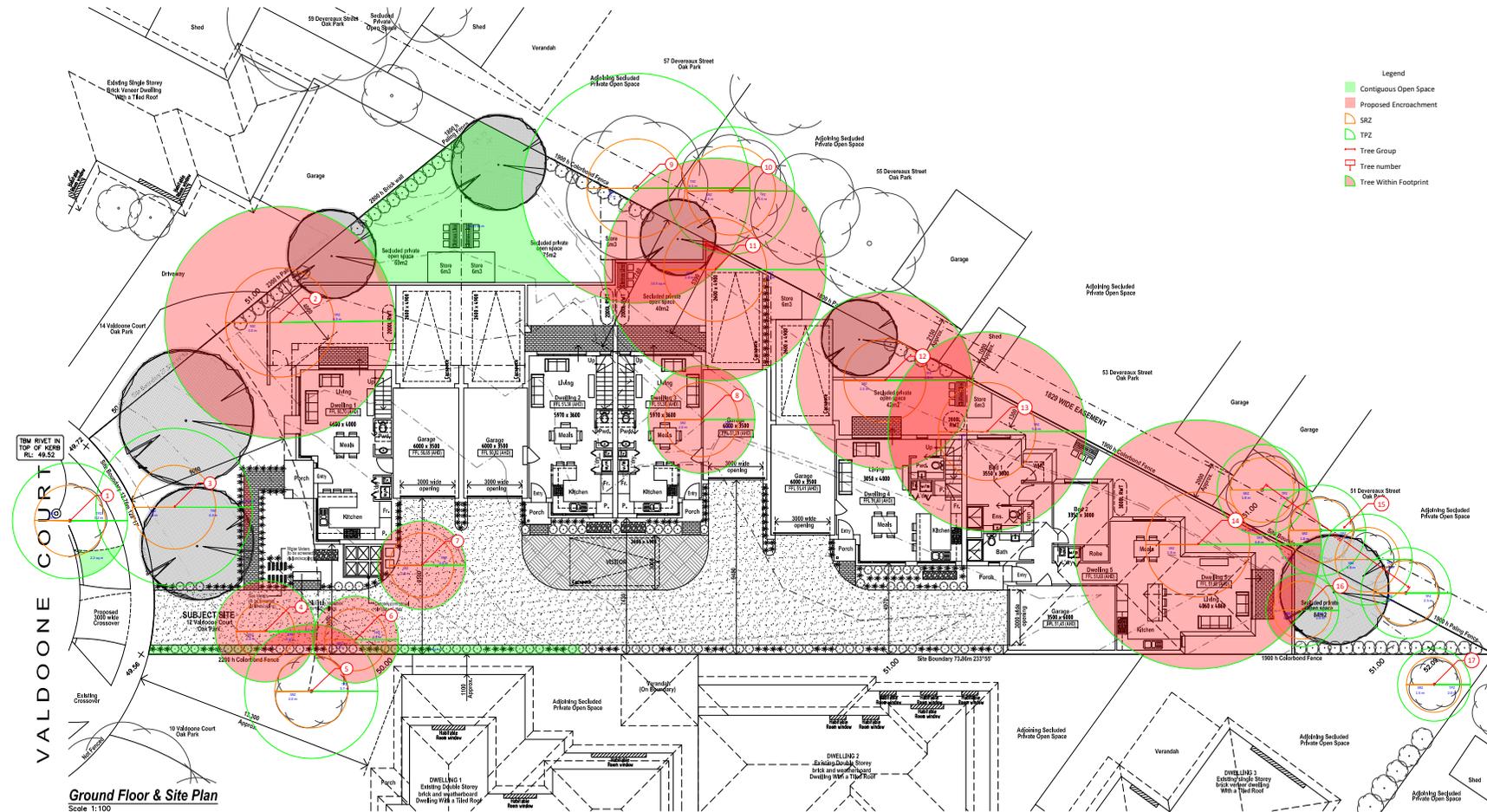


Scale 1:200
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 Date 22.11.21
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Drawing
Shadow Diagrams
 Address
 At 12 Valdoone Court, Oak Park
 Ref No. 21-1799 Sheet No. SH3

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Ground Floor & Site Plan
Scale 1:100

AREA ANALYSIS

Dwelling	GROUND FLOOR	FIRST FLOOR	PORCH/PALFRESCO	GARAGE	TOTAL
Dwelling 1	49 m ²	59 m ²	7 m ²	23 m ²	138 m ²
Dwelling 2	43 m ²	63 m ²	9 m ²	24 m ²	139 m ²
Dwelling 3	43 m ²	63 m ²	9 m ²	24 m ²	139 m ²
Dwelling 4	50 m ²	62 m ²	1 m ²	24 m ²	137 m ²
Dwelling 5	102 m ²	N/A	1 m ²	24 m ²	127 m ²

Dwelling	PRIVATE OPEN SPACE	SECLUDED OPEN SPACE	TOTAL
Dwelling 1	126 m ²	69 m ²	195 m ²
Dwelling 2	4 m ²	75 m ²	79 m ²
Dwelling 3	4 m ²	40 m ²	44 m ²
Dwelling 4	11 m ²	42 m ²	53 m ²
Dwelling 5	2 m ²	84 m ²	86 m ²

SITE AREA	SITE COVERAGE		SITE COVERAGE		GARDEN AREA
	Building Area	Proposed	Total Impervious Surfaces	Proposed	
1215m ²	456 m ²	37.5%	707 m ²	58.2%	425 m ² 35.0%

SITE LEGEND

- DENOTES EXISTING TREES & SHRUBS ON ADJOINING PROPERTY
- DENOTES SHRUBS & GROUNDCOVERS
- DENOTES SELECTED CONCRETE PAVING
- DENOTES PROPOSED CANOPY TREE
- DENOTES SELECTED SKYLIGHT
- DENOTES 1800 HIGH PALING FENCE (UJ40)
- DENOTES NARROW EVERGREEN SCREEN VEGETATION TO 3m HIGH
- DENOTES SELECTED CONCRETE TO DRIVE WAY & CARSPACES
- DENOTES PERMEABLE PAVING

NOTE:
ALL PROPOSED LANDSCAPING TO BE FULLY SPECIFIED ON A LANDSCAPE PLAN



Project
Multi-Dwelling Development

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Drawing
Ground Floor & Site Plan
Address
At 12 Valdoone Court, Oak Park
Ref No. **21-1799** Sheet No. **TP1**

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PLANNING ENVIRONMENT ACT 1987
MORELAND PLANNING SCHEME

Advertised Document
Advertised Plan Sheet: 12 of 12
Application No: MPS/2021/996
Date : 7/06/2022

DETAILED COLOUR SCHEDULE FOR FIVE DWELLINGS AT 12 VALDOONE COURT, OAK PARK			
LOCATION	MATERIAL	MANUFACTURER / FINISH	COLOUR
Roof	Colorbond	Colorbond (Or Similar)	Timeless Grey (Or similar)
Fascia's, Guttering, Flashing & Downpipes	Steel	Colorbond	Timeless Grey (Or similar)
Brickwork	Bricks	PGH "Pewter" (Or similar)	
Render	Rendered finish	Dulux (Or Similar)	
Render	Rendered finish	Dulux (Or Similar)	White (Or similar)
Garage Doors	Steel	Colorbond	Timeless Grey (Or similar)
Front Entry Door	Timber	Stained look (Or similar)	
Windows	Aluminium Framed	Dowel Windows (Or similar)	Timeless Grey (Or similar)
Driveway	Coloured Concrete	-	Charcoal (Or similar)

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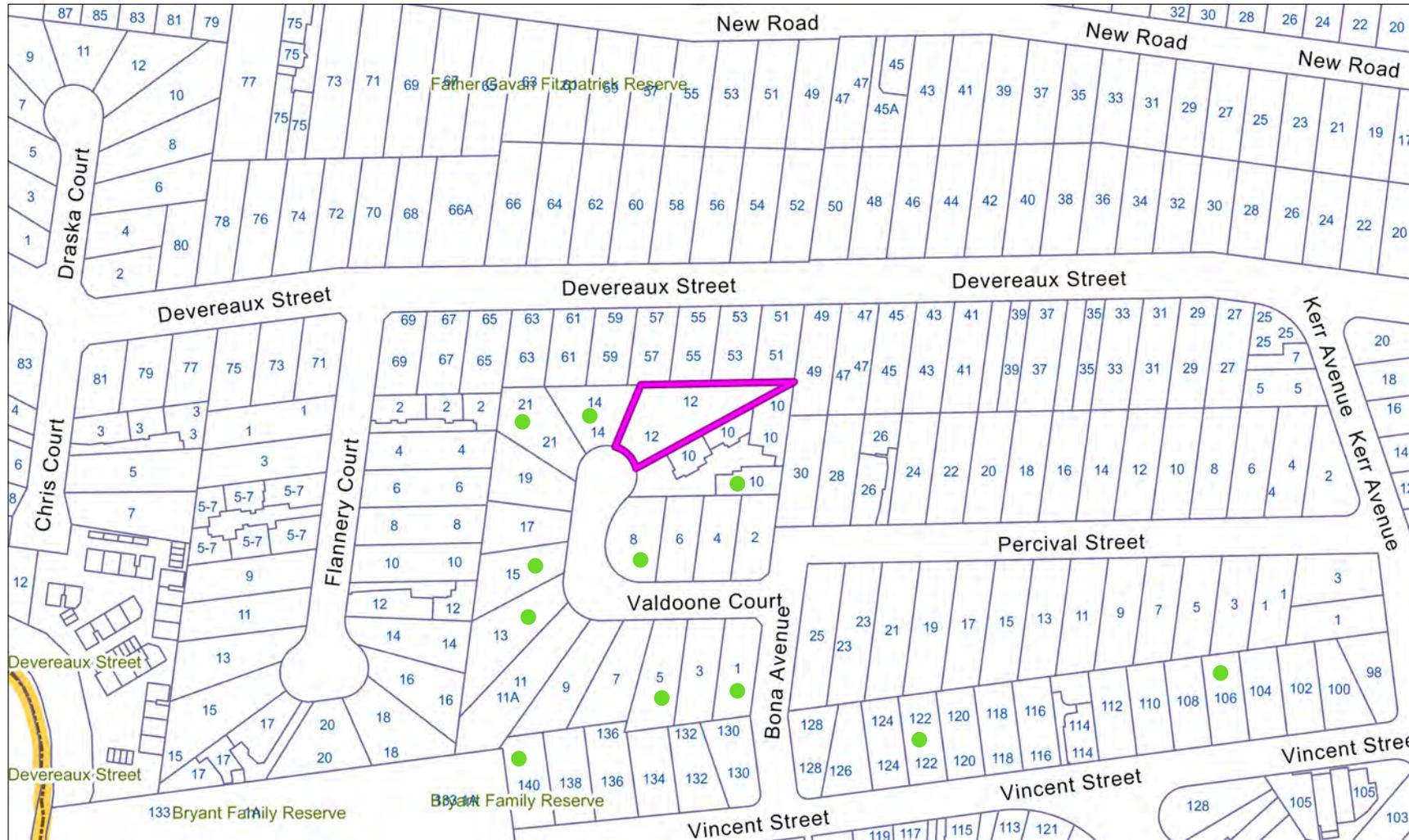
21-1799-12Valdoone-Colour

12 Valdoone Court, Oak Park

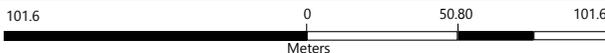
Objector Map

- Location of objectors
- Subject site

Note: 5 properties were outside of the radius of the objector map.



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Date Map Generated: 5/9/2022 Map Scale: 2,000.00

