



Moreland
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 27 July 2022

Commencing 6.30 pm

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

Language Link

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

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

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

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

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

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

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

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

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

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

Acknowledgement of the traditional custodians of the City of Moreland

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

1. WELCOME

2. APOLOGIES

Leave of absence has been granted to:

Cr Bolton - 25 July 2022 to 9 August 2022 inclusive.

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. MINUTE CONFIRMATION

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

5. COUNCIL REPORTS

5.1	81A BELL STREET, COBURG - PLANNING APPLICATION MPS/2021/685	4
5.2	212-214 ALBION STREET, BRUNSWICK - PLANNING PERMIT APPLICATION MPS/2021/805	26
5.3	52-56 ESSEX STREET, PASCOE VALE - PLANNING APPLICATION MPS/2018/1015	47

6. URGENT BUSINESS

5. COUNCIL REPORTS

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

Director Place and Environment, Joseph Tabacco

City Development

Executive Summary



Property:	81A Bell Street, Coburg			
Proposal:	Buildings and works to construct multi storey buildings containing dwellings, use of the land for a food and drink premises, reduction to the statutory car parking rates, alterations and creation of access in a Transport Zone 2			
Zoning and Overlay/s:	<ul style="list-style-type: none">Activity Centre Zone, Schedule 1 (ACZ1)Parking Overlay (PO1)Development Contributions Plan Overlay (DCPO1)			
Strategic setting:	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Objections:	<ul style="list-style-type: none">45 received with key concerns being:<ul style="list-style-type: none">Traffic ImpactsCar ParkingBuilding Height			
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none">Held 28 April 2022 Attendees: 14 objectors and 2 Council officers. The applicant chose not to attend.The meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.			
Accessibility:	<ul style="list-style-type: none">Accessible apartments comprise 66 per cent of the proposal.			
Key reasons for refusal	<ul style="list-style-type: none">Unacceptable height and visual bulk to Bridges Reserve, Bell Street and Rodda StreetInconsistency with built form requirements and design objectives of ACZ1 with the buildings exceeding the maximum height and street wall heights with inadequate upper-level setbacks.Poor internal amenity due to inadequate daylight.			
Recommendation:	It is recommended that Council's submission to VCAT be that no planning permit should be issued for the proposal, based on the grounds outlined in the recommendation.			

Officer Recommendation

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

1. The proposal fails to comply with the purpose and objectives of the Activity Centre Zone, Schedule 1. More specifically, the design response does not adequately respond to the preferred future character for the area, including that:
 - a) The development fails to respond to the transitional nature of the precinct to the residential development adjoining the Activity Centre, particularly to the south and east.
 - b) The development fails to create an east-west pedestrian link between Bridges Reserve and Rodda Street through the southern part of the site connecting the existing laneway network.
 - d) The poor ESD performance, lack of public benefit and unacceptable visual impacts on surrounding streets and public spaces fail to provide sufficient justification for the additional height and reduced upper level setbacks of the Activity Centre Zone.
 - e) The development fails to establish a built form transition of between 2-4 storeys to properties on the west side of Rodda Street.
 - f) The development fails to provide meaningful breaks between buildings, creating a continuous wall of built form along Bridges Reserve.
 - g) The development does not provide sufficient space and deep soil planting conditions for planting new canopy and screening trees.
 - h) The development provides large expanses of blank walls and poor activation along the ground floor frontage of Rodda Street, which fails to contribute to active street frontages that facilitate visual interaction between people on streets and users of the building.
 - i) The provision of two crossovers and associated driveway along Bell Street is excessive, will have a negative impact on pedestrian amenity within the Activity Centre and does not accord with the location for vehicle access specified in the Activity Centre Zone or the design objective to provide a pedestrian orientated environment with improved links and an attractive and safe system of streets.
 - j) The excessive hard paving associated with driveways along Bell Street, compromises desired landscaped setback as specified in the Activity Centre Zone.
2. The proposal is not consistent with the following strategies contained at Clause 15.01-1L Urban Design in Moreland:
 - a) The siting, design and lack of physical breaks to the buildings is an inappropriate response to the urban context, siting and built form of the precinct and fails to deliver an appropriate balance of open space to built-form, resulting in unacceptable building scale and bulk when viewed from Bridges Reserve, Bell Street and Rodda Street.
 - b) The proposal fails to ensure that landscaping integrates development with the surrounding environment which includes Bridges Reserve.
3. The design of the buildings fails to meet the strategies and guidelines of Clause 15.01-2L (Apartment Development in Moreland) with respect to:

- a) The building separation between Buildings A1 and A2 and Buildings A1 and B does not meet the distances specified in Table 3 and does not allow adequate daylight to living rooms and bedrooms.
 - b) The development provides poor quality internal amenity for buildings, with particular regard to daylight access and natural ventilation.
- 4. The proposal does not satisfy the following objectives and standards of Clause 58 Apartment Developments:
 - a) Clause 58.02-1 – Urban Context Objectives - The design fails to contribute to the preferred future development of the area and is not appropriate to the urban context and the site.
 - b) Clause 58.03-5 – Landscaping Objectives – The development fails to provide landscaping that supports the preferred urban context of the area and reduces the visual impact of buildings on the streetscape, particularly in a location that is adjacent to a parkland context.
 - c) Clause 58.04-1 – Building Setback Objectives – The setbacks of the buildings do not contribute to the preferred future development of the area and fail to provide appropriate internal amenity for residents, particularly in regard to daylight and outlook.
 - d) Clause 58.05-2 – Building Entry and Circulation Objectives – The development fails to allow for the efficient movement of residents and does not provide internal communal areas with adequate access to daylight and natural ventilation.
- 5. The proposal fails to demonstrate that it achieves best practice environmentally sustainable design with respect to:
 - a) The performance objectives at Clause 15.02-1L (Environmentally Sustainable Development), in particular daylight.
 - b) Activity Centre Zone, Schedule 1 objectives seek to ensure all buildings are designed to meet best practice standards for Environmentally Sustainable Design (ESD).
- 6. The development contravenes Section 173 Agreement AF306853Y.

1. Background

Subject Site

The site is located to the south-west of Bell and Rodda Streets and is approximately 1.1 hectares in area. The site has a frontage of 82 metres to Bell Street, a frontage of 154 metres to Rodda Street and shares a common boundary of approximately 100 metres with Bridges Reserve along its western boundary.

The site contained the former Coburg High School and is currently vacant. It has a fall of approximately 2.2 metres from the north-west to the south-east corners and does not contain any vegetation.

The land is burdened by a Section 173 Agreement which requires provision of appropriately constructed public open space to be transferred to Council, the provision of a public art piece, sculpture or statue as an interpretation measure of the former Coburg High School and a heritage interpretation board including a photographic record.

Surrounds

Land to the south and east is residential comprising single and double-storey dwellings. Land to the immediate west is public open space (Bridges Reserve and Coburg City Oval) and land to the north is the Council offices and Coburg Town Hall.

A location plan forms **Attachment 1** and a zoning map forms **Attachment 2**.

The Proposal

The proposal is summarised as follows:

- Construction in two stages. Stage 1 being the southern portion of the site adjoining the residential properties and Coburg City Oval. Stage 2 being the northern portion of the site fronting Bell Street.
- Construction of a mixed-use development comprising:
 - Three towers ranging in height from 8 storeys (26 metres) to 11 storeys (34 metres).
 - Three commercial tenancies at ground floor facing Bridges Reserve with a total floor area of 386 square metres.
 - A total of 468 dwellings comprising:
 - 177 one-bedroom dwellings
 - 266 two-bedroom dwellings
 - 25 three-bedroom dwellings
 - Two basement levels containing 515 car parking spaces.
 - Provision of 775 bicycle parking spaces.
 - Communal open space areas at ground and first floor.
 - A co-working space and a gym/wellness space at ground floor.
- A one metre wide 'paper road' between the dwellings and Bridges Reserve.
- A pedestrian link from Rodda Street to Bridges Reserve through the middle of the site.

The development plans form **Attachment 3** (available as a separate attachment due to the large file size).

Planning Permit and Site History

Many planning permits to carry out buildings and works have been determined at a Council Meeting and many permits have been issued for the site following the school's closure in 1993. The most relevant Planning Permit MPS/2013/859 was issued on 8 May 2015 by VCAT following an appeal to review conditions of the permit, and allowed for the use and development of the land for multi-storey buildings containing dwellings and retail premises. This permit was amended on 7 February 2018 allowing the use to be changed to a residential aged care facility. The planning permit was not acted upon within the prescribed time and has now expired.

Planning Permit SP/2018/285 was issued on 4 April 2019 and allowed the subdivision of a land creating 1 lot, 1 reserve, 2 roads and the removal of various easements. The Plan of Subdivision has not been certified by Council to date and an extension of time was approved on 8 June 2021 that allowed the subdivision plan to be certified no later than 4 April 2023. The Plan of Subdivision vests a southern portion of the site and pathway along the western boundary with Council.

Process

An appeal has been lodged with VCAT against Council's failure to determine the application within the statutory timeframe. As discussed below, a Practice Day Hearing has been scheduled by VCAT on 15 July 2022 and the hearing is set to commence on 20 October 2022. There are three objectors who have lodged statements of grounds with VCAT.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Activity Centre Zone	Dwelling and shop are Section 1 uses in the zone, meaning that a permit is not required for the uses. A permit is required for the use of the land for a food and drink premises. A permit is required to construct a building or construct or carry out works.
Particular Provisions	A permit is required to reduce the car parking requirement from 531 spaces to 511 spaces. A permit is required to create/alter access to a Road in a Transport Zone 2. (Bell Street)

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 45.09: Parking Overlay
- Clause 53.18: Stormwater Management in Urban Development
- Clause 58: Apartment Developments

2. Internal/External Consultation

Public notification

Notification of the application has been partly 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 including all properties on Rodda Street, Budds Street and Richards Street as well as all properties with a frontage to Russell Street
- By placing six signs on the site, two facing Bell Street, two facing Rodda Street and two facing Bridges Reserve.

Council directed the Applicant to place a copy of the public notice for three consecutive weeks in the Age and Herald Sun newspapers. The Applicant did not carry out this notice in accordance with Council's instructions. A Practice Day Hearing has been scheduled by VCAT on 15 July 2022 to determine whether public notice has been carried out in accordance with the *Planning and Environment Act 1987*.

Council has received 45 objections to date. A map identifying the location of objectors forms **Attachment 4**.

The key issues raised in objections are:

- Car parking
- Impact on laneway from Rodda Street to Bridges Reserve
- Traffic
- Building height
- Overshadowing to Bridges Reserve and adjoining dwellings
- Visual bulk
- Vehicle access via Rodda Street
- Construction impacts
- Poor ESD
- Insufficient communal facilities for residents
- Noise impacts
- No demand for high density
- Overdevelopment
- No affordable housing as part of the development

A Planning Information and Discussion meeting was held on 28 April 2022 and attended by two Council Planning Officers and approximately 14 objectors. The Applicant chose not to attend the PID. The meeting provided an opportunity to explain the application and for the objectors to elaborate on their concerns.

Internal/external referrals

The proposal was referred to the following external agencies or internal branches/business units:

External Agency	Objection/No objection
Transport for Victoria. This application was referred due to the Transport Zone and given more than 60 dwellings are proposed.	No objection subject to conditions which will be included in the without prejudice conditions that form part of the VCAT process.

Internal Branch/Business Unit	Comments
Urban Design Unit	Concerns were raised with the proposal which are addressed in detail in Section 4 of this report.
Development Engineering Team	Supports the proposal. Recommended changes could be addressed by conditions of the recommendation were a permit to issue and/or are considered further in Section 4 of this report.
Sustainable Built Environment	Concerns were raised with the proposal which are addressed in detail in Section 4 of this report.
Open Space Design and Development Unit	Concerns were raised with the proposal which are addressed in detail in Section 4 of this report.

3. Policy Implications

Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2)
- Settlement (Clause 11)
- Environmental and Landscape Values (Clause 12)
- Environmental Risks and Amenity (Clause 13)
- Built Environment (Clause 15.01), including:
 - Urban Design (Clause 15.01-1S, 15.01-1R & 15.01-1L)
 - Vehicle Access Design in Moreland (Clause 15.01-1L)
 - Building Design (Clause 15.01-2S & 15.01-2L)
 - Apartment developments in Moreland (Clause 15.01-2L)
- 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)
- 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)
- Economic Development (Clause 17)
- Transport (Clause 18)
- Infrastructure (Clause 19.02)

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 proposal have strategic policy support?

Both State and local planning policies support increased residential densities and a mix of retail/commercial uses in locations that can take advantage of excellent access to public transport and other services within and in proximity to Activity Centres.

The site has policy support to accommodate increased residential densities, the commercial uses and a change from the existing character. However, the built form design response does not respond appropriately to its interfaces and the objectives of the Activity Centre Zone, as set out in this report.

Does the built form respond to the preferred character of the area?

ACZ1 which affects the site, outlines the preferred built form outcomes and objectives that are to be achieved on the site. Design objectives of Precinct 4 of ACZ1 include:

- *'To ensure development responds to the transitional nature of the precinct from large scale development closer to the core of the Activity Centre to the residential development adjoining the Activity Centre, particularly to the south and east.'*

ACZ1 sets out preferred built form outcomes that are to be achieved on the site.

Built Form

An assessment of the proposal against the built form requirements of ACZ1 is provided in the table below:

	<i>Requirement</i>	<i>Proposed</i>
<i>Building Height</i>	28.8m	34m
<i>Streetwall Height – Rodda Street</i>	Between 7.5m to 14.5m (Corner of Bell Street and Rodda Street)	Between 8m to 16m
<i>Streetwall Height – Bridges Reserve</i>	7.5m	8m
<i>Streetwall Height – Bell Street</i>	14.5m	18m - 20m
<i>Upper level setback</i>	5m	0.5m-11.5m

The proposed variations to height and setback are not supported when considered against the ACZ, which lists a number of matters to consider when exercising discretion including:

- Does the proposal support the vision for the Activity Centre and achieve the objectives of precinct 4?

- Is the development of an exemplary quality design that makes a positive contribution to the character of the neighbourhood?
- Does the development facilitate benefits to the community, such as excellent ESD performance, positive contributions to public open space or the public realm, or the provision of affordable housing?

The table above demonstrates a large departure from the built form requirements of the ACZ. Based on the above guidelines, the variations to height and setback cannot be supported as:

- The development does not assist in transforming the area into an attractive system of streets and spaces due to the inadequate integration of the development with surrounding streets and Bridges Reserve, which fails to support the vision for the Activity Centre.
- The height and minimal upper level setbacks at each interface fails to achieve the objectives for Precinct 4 relating to a clear separation between Bridges Reserve and the development and providing a transition in height to respond to the lower scale development to the south and east.
- The development fails to make a positive contribution to the character of the neighbourhood as the proposal fails to mitigate the visual impacts of the development on the streets, surrounding properties and Bridges Reserve.
- As discussed later in this report, the development does not deliver excellent ESD performance, provides no affordable housing and detracts from the contribution to public open space agreed to in the previous planning permit.

At paragraphs 34 to 45 of *Double LZ Development Pty Ltd v Moreland CC [2018] VCAT 1111 (1 October 2015)* (“the previous VCAT decision”), the Tribunal determined that the overall height of the building at 34.08 metres was acceptable. When the previous development was considered in totality, VCAT found:

- The height above 28.8 metres was only associated with the north-west corner of the site and the development still achieved the transition to lower scale where it abutted residential development.
- At paragraph 43, the part of the building that exceeded the height was a ‘*strong curved, art-deco-styled element that would be weakened by lowering it by two storeys*’ and ‘*provides some variation across the site that adds interest rather than a singular more uniform response.*’
- The sensitive edge, being Bridges Reserve, was well resolved.

The height of Building A and C do not exceed the building heights specified in ACZ1. While the height on the north-west corner of Building B is similar to that approved in the previous application, however the height is not acceptable as:

- The development has intensified other parts of the buildings, resulting in a design response that no longer achieves an appropriate transition in scale to the nearby dwellings.
- The overall height of the development in combination with the street wall height and minimal upper-level setbacks results in a highly dominant built form that fails to respond to Bridges Reserve.
- The benefits to the community delivered in the previous planning application have been reduced as part of this proposal.

A key consideration in this matter is not solely the appropriateness of the eleven-storey height, but whether the siting and design of the development responds to the transitional nature of the precinct having regard to its interfaces. An assessment of the proposal from each key interface is provided below.

Bridges Reserve

The length of the buildings combined with the height, lack of visual breaks and limited setbacks of the upper levels results in unacceptable mass and bulk as viewed from Bridges Reserve. Figure 1 below illustrates that Buildings A and B have approximately 120 metres of built form along the Bridges Reserve interface and provide only one visual break between the buildings. Given the height of Buildings A and B at 9 storeys and 11 storeys respectively, the provision of only one visual break fails to mitigate the visual bulk impacts of the development as viewed from the park, whereas a series of smaller breaks and increased upper level setback would better assist to break up the continuous wall of built form.

While the upper levels of Building A are setback around 6.5 metres from the western boundary, there is limited variation to these setbacks and the upper levels are only setback 2.7 metres from the podium level, resulting in a lack of depth to the street wall and poor articulation of the building. This is exacerbated by the lack of variation in materials of Building A, which provides little distinction between the lower and upper levels and results in a monotonous architectural expression that contributes to its overall mass and bulk.

The western elevation of Building B contains minimal upper level setbacks ranging from 1.35 metres to 4.2 metres from the lower levels. This interface does not present a distinct two storey podium to Bridges Reserve and as shown in Figure 2, the street wall to Bridges Reserve is not the dominant element as the podium expression extends to the sixth floor for the majority of the buildings length. The height, lack of consistent street wall and minimal upper level setbacks to Bridges Reserve results in a highly dominant built form that fails to appropriately respond to the park interface.



Figure 1: Bridges Reserve View to Building A (right) and B (left)

Bell Street

The proposed 20 metre (6 storey) street wall height of Building B and the proposed 18 metre (5 storey) street wall height of Building C exceeds the 14.5 metre street wall height specified in ACZ1. The overall design response has sought to mitigate the height and massing through the use of different materials and treatments. Despite the high-quality materials, the proposal fails to mitigate the visual impacts of the development on Bridges Reserve. In particular, the 20-metre-high street wall is not supported at the north-west corner where it interfaces with Bridges Reserve, as it is dominant and fails to transition to a consistent 7.5-metre-high street wall along the park edge, as envisaged by ACZ1.

The five and six storey street wall heights along Bell Street fail to provide an appropriate transition in height between the Activity Centre and the lower density dwellings outside of the Activity Centre to the immediate east of the site. A 4-storey street wall would achieve a more sympathetic transition in scale within this precinct, whilst still providing a strong built form response to the edge of the Reserve.



Figure 2: Bell Street and Bridges Reserve Corner



Figure 3: Bell Street - Building B (right) & C(left) View

Rodda Street

An 8-metre street wall height has been proposed to Rodda Street for the portico elements. The street wall to Rodda Street is recessive as the portico does not create a solid street edge and is recessive due to the podium expression extending to the fifth floor of Building A and C. The minimal upper level setbacks ranging from 0.54 metres to 1.8 metres from the lower levels result in the upper levels being dominant within the streetscape. This is exacerbated by the bassalt columns accentuating the height of the building. The porticos provide for visual interest to the street wall but the street wall height in combination with the minimal upper level setbacks fails to *'establish a built form transition of between 2-4 storeys on the west side of Rodda Street'*, as envisaged by ACZ1.



Figure 4: Rodda Street

Southern Elevation

Despite there being a 19 metre separation between the proposed building and the dwellings to the south, a sheer five storey wall is proposed to the southern side of Building A, which fails to provide the two-storey podium with a setback mid-rise tower above, as outlined in the ACZ1. This is considered a poor response to the dwellings to the south of the site and fails to achieve the intended transition to lower density built form.

Public Benefit

Design objectives of Precinct 4 of ACZ1 include:

- *‘To encourage passive surveillance and increase activity and safety around Bridges Reserve and City Oval.*
- *To reinforce the existing east-west link between Bridges Reserve and Rodda Street.’*

The development responds positively to the above design objectives in the following ways:

- *The provision of a ‘paper road’ on the site’s western boundary adjacent to Bridges Reserve.*
- *Locating* retail uses, communal facilities and balconies adjacent to the pedestrian links as well as Bell and Rodda Streets, thus allowing for surveillance and activation.
- *Providing* separate entries to the townhouses from Rodda Street.
- Provision of a central plaza with direct access from Bell Street.

However, the following aspects of the development fail to facilitate benefits to the community as sought by the ACZ:

Public Open Space

The proposed development does not deliver the level of public benefit achieved in the previous permit where a public infrastructure plan (PIP) was proposed and showed that the north-west corner of the site as well as a portion of the southern part of the site as set aside for public space, which increased the size of Bridges Reserve. The Applicant has indicated that they will be seeking to remove the existing S173 agreement. The previous development sought a balanced planning decision which justified additional building in recognition of the public benefit commitments to improved public open space and pedestrian, laneway connections, being considerations within the ACZ in the exercise of discretion for higher built form. The current proposal seeks an even greater yield through maximising a building envelope to the detriment of building interfaces and seeks to remove previous public benefit commitments. The potential delivery of the 'off-road bike path' sought by the ACZ along the western boundary of the site is also a lost opportunity for an improved ground level interface and delivery of public benefit sought by the ACZ.

Activation and Pedestrian Amenity

While the provision of separate entries to Rodda Street is a positive aspect of the proposal, the ground floor level results in high blank walls facing Rodda Street, as shown in Figure 4 above. This results in a poor pedestrian experience and creates a blank, inactive frontage for the majority of the Rodda Street residential interface.

The ACZ1 requires a 10-metre landscaped front setback to Bell Street, characteristic of a precinct character of buildings within grounds. Although the proposed development provides a setback between 6.2 metres and 17 metres from Bell Street, the development also provides two crossovers to Bell Street and an associated 'porte cochere', which compromises the pedestrian amenity and detracts from the intended landscaped front setback outcome that is sought. While this was accepted for an aged care facility, it is considered excessive for an apartment development and will adversely impact the movement and safety of pedestrians along Bell Street. As discussed below, the development fails to comply with Standard D10 (Landscaping). The replacement of the vehicle access on Bell Street with landscaping would be a more appropriate response to the area.

Overshadowing of Public Space

The ACZ1 states that no more than 1/3 of Bridges Reserve is to be in shadow at anytime between 10:30am and 2:30pm (4 hours) on 21 June (Winter Solstice). Bridges Reserve (on title) includes all the land occupied by the heritage reserve (Bridges Reserve), City Oval football ground and the Coburg Leisure Centre (building only). For the purpose of this assessment, it will include the area excluding City Oval and the Coburg Leisure Centre (building only). This area equates to 11,037 square metres.

On review of the submitted diagrams for 21 June (Winter Solstice) the proposal creates the largest shadow at 10:30am, which equates to 3,093 square metres. This is less than 1/3 of Bridges Reserve and is compliant with the overshadowing provisions of the Activity Centre Zone.

Does the proposal respond to Clause 15.01-2L (Apartment Developments in Moreland)?

Clause 15.01-2L sets out building setback standards for apartment developments of five or more storeys. The objectives of the clause relate to daylight and outlook, future development opportunities of adjoining site and amenity impacts.

Building Separation

The proposed development is compliant with the setbacks set out in this clause except for the following:

Height	Required	Proposed
Building A1 to A2		
Up to 4 storeys	12 metres (Living Room to Living Room)	9.6 metres to 33.4 metres
5-8 storeys	13.5 metres (Main Balcony to Bedroom)	11.4 metres to 33.4 metres
	18 metres (Main Balcony to Main Balcony)	16 metres to 33.4 metres
Building A1 to B		
5-8 storeys	13.5 metres (Main Balcony to Bedroom)	6 metres to 8 metres
	9 metres (Bedroom to Bedroom)	6 metres
	18 metres (Main Balcony to Main Balcony)	7.9 metres to 15.5 metres

The daylight modelling illustrates that the dwellings achieve poor daylight where the building separation required by Table 3 is not met, as detailed above. While it is acknowledged that some non-compliant apartments are dual aspect, Council's ESD Unit are not supportive of the level of daylight proposed, particularly at the lower levels. Specifically, many living areas at ground and first floor do not pass the daylight standard. The reduced separation between buildings will therefore have an unreasonable impact on the level of daylight into the apartments and on the outlook for the apartments. This is not supported for a site of this size, that is not unreasonably constrained. The proposal therefore falls well short of the exemplary design objective of the ACZ.

Does the proposal provide appropriate onsite amenity and facilities?

The following standards of Clause 58 relating to onsite amenity are met, noting that:

- Communal open space of approximately 1,192 square metres, which exceeds the 250 square metres of communal open spaces required.
- 60 per cent of dwellings are accessible, exceeding the 50 per cent requirement.

The design response does not achieve compliance with a number of standards of Clause 58 relating to site layout, amenity impacts and onsite amenity. These are outlined below. Given the size of this unconstrained site and the ability of an alternative design response to achieve compliance, the variations to these standards and objectives are reflective of the design excellence sought by the ACZ and are not accepted for the reasons set out below:

Clause 58.03-5 – Landscaping

For sites with areas greater than 2500 square metres, Standard D10 (Landscaping) states that development should provide for deep soil area and canopy trees equating 15 per cent of the site area. The site has an area of 1.1 hectares, therefore 1650 square metres of deep soil planting should be provided. If development cannot provide deep soil areas, an equivalent canopy cover could be provided through vegetated planters, green roofs or green facades.

The development provides 1480 square metres (12.5 per cent) of deep soil area which does not meet Standard D10 (Landscaping). Council's Open Space Unit do not support the variation to Standard D10. The landscape plans do not clearly detail how equivalent canopy cover is provided. The submitted landscape plans show the planting of trees and planter boxes within the communal open spaces, green roof and apartment balconies to provide adequate landscaping, however, non-compliance with Standard D10 impacts the ability of the development to respect the landscape character of the area given its park abuttal. The lack of landscaping across the site also fails to assist in mitigating the visual bulk impacts previously discussed in this report, or integrating the development within the surround urban context of larger floorplate buildings set within landscaped surrounds.

Clause 58.05-2 – Building Entry and Circulation

For the entire length of the Building A common corridor (approximately 149 metres), only three windows have been provided at each level. This fails to provide clear sight lines, does not allow for the efficient movement of residents and does not provide adequate access to daylight and natural ventilation to the corridors.

Is the proposed food and drink premises use appropriate for the location?

The site is located within Precinct 4 of the ACZ1, which includes objectives to '*allow retail and office uses that support residential activity*'. The proposed use of the land for a food and drink premises is therefore expressly encouraged in this location and would contribute to the mix of businesses and employment opportunities within the area, were a permit to issue.

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

Council's ESD Unit are not supportive of the development and do not consider the ESD features of the development as adequate. Specifically:

- The Built Environment Sustainability Scorecard (BESS) daylight credit for living areas and the 3 hours of sunlight in winter credit have not been achieved.
- Daylight modelling shows daylight to many ground floor and first floor living areas does not meet minimum standard and in some cases the living areas receive no daylight.
- There are several bedrooms that have an extremely poor access to daylight that do not meet the minimum standard.

The development therefore fails to deliver adequate ESD features which is not supported for a site of this size that is not unreasonably constrained and falls well short of achieving the ESD excellence consideration of the ACZ to warrant the exercise of discretion for additional building height.

Has adequate car parking been provided?

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

Use	Total spaces required	Total spaces provided	Reduction sought
Dwellings	493	493	0
Shop	6	0	6
Food and Drink Premises	6	0	6
Total	505	493	12

Clause 18.02-4L (Car parking in Moreland) supports reduced car parking rates in developments:

- within and close to activity centres
- with excellent access based on frequency and location to a range of public transport options
- with increased provision of bicycle parking above the rates specified in Clause 52.34.

The proposal is located within the Coburg Activity Centre and has excellent access to public transport including Coburg train station, a north-south tram connection on Sydney Road and east-west bus connections. The site is within at least a 480 metre walk to the nearest car share vehicle, for the occasions when residents require a car. The development provides 775 bicycle parking spaces which is above the requirements specified in ACZ (requiring 760 spaces).

Council's Development Engineers are satisfied that car parking requirement can be reduced for this application.

Vehicles, whether related to this or other developments in the street, can only park on the street in accordance with any parking regulations. The number of vehicles that can park on the street and at what time will be dictated by the parking restrictions and the availability of on-street car spaces.

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

Council's Development Engineers have assessed the proposal and accept the calculations contained within the Traffic Report lodged with the application, which estimate that the development will generate 236 vehicle movements during peak hour. This remains within the street's design capacity and is not expected to cause traffic problems.

How does the development respond to the existing Section 173 Agreement?

The Applicant has indicated that they will be seeking to remove the existing S173 agreement. The Section 173 agreement requires provision of appropriately constructed public open space to be transferred to Council, the provision of a public art piece, sculpture or statue as interpretation measure of the former Coburg High School and a heritage interpretation board including a photographic record. The S173 agreement was an agreed outcome arising from an earlier planning decision to demolish the heritage school building on the site.

The development contravenes the existing Section 173 Agreement by not committing to the transfer of public open space to Council through a PIP, not providing the art piece or heritage interpretation board, as part of the development.

5. Response to Objector Concerns

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

- Car parking
- Impact on laneway from Rodda Street to Bridges Reserve
- Traffic
- Building height
- Overshadowing to Bridges Reserve
- Visual bulk
- Poor ESD

Other issues raised by objectors are addressed below.

Overshadowing to dwellings

The ACZ seeks to *'to protect the amenity of properties adjoining the ACZ that are in a residential zone, including from the impact of unacceptable overshadowing and overlooking'* and utilises the Clause 55 standard relating to overshadowing to determine whether the height and setbacks are acceptable.

The submitted shadow diagrams demonstrate that no additional shadowing will be generated to the secluded private open space of the nearby dwellings between 9am and 2pm at the September Equinox (22 September). While concerns have been raised by objectors about the shadowing impacts varying throughout the year, Clause 55 uses the September Equinox as the standard for measuring whether the overshadowing impacts are reasonable. The development complies with the overshadowing standard at Clause 55 and the development will therefore not result in unacceptable overshadowing to the nearby dwellings.

Vehicle access via Rodda Street

The location of the entrance to the basement along Rodda Street is supported as Rodda Street is identified as the preferred street for vehicle access from the site in the ACZ1.

Construction Impacts

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

Protection of adjoining properties during construction is not a matter that can be addressed through the planning permit process, however the owners of the land proposing to build have obligations under the *Building Act 1993* to protect adjoining property from potential damage. It is the responsibility of the relevant Building Surveyor to require protection work as appropriate.

Insufficient communal facilities for residents

Communal facilities include communal open space areas at ground and first floor, a co-working space and a gym/wellness space at ground floor. The amount of communal facilities is deemed acceptable as the development complies with Standard D7 (Communal Open Space).

Noise associated with dwellings

Concerns have been raised regarding the potential noise generated from the dwellings after occupancy. The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the dwellings does not require a planning permit. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of noise disturbance, if they arise, should be pursued as a civil matter.

No demand for high density

The Victorian planning system does not enable Council to determine a planning permit application based on an assessment of demand. Whether or not a demand exists is not a relevant consideration on which Council can base a decision to either approve or refuse an application.

No affordable housing as part of the development

While it is acknowledged that there is strategic support for affordable housing at Clause 16.01-2S (Housing Affordability), there is no requirement within the planning scheme for the Applicant to include affordable housing as part of this application. As previously discussed, the development fails to deliver an acceptable level of public benefit. The provision of affordable housing would be one way to deliver public benefit and could aid in justifying the variations to height and setback in the ACZ.

Oversupply of dwellings

Given the policy support for increased residential density on the site, the number of dwellings is not an issue in of itself, however as discussed in the report, the design and built form is not an acceptable outcome for the site.

Overdevelopment

The extent of non-compliance with the relevant provisions of the PPF, the exceedance of the height and setbacks in the ACZ and Clause 58 do indicate that the proposal may be an overdevelopment of the site.

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 Council's submission to VCAT be to not support the application No MPS/2021/685 for the reasons detailed in the recommendation.

Attachment/s

1	81A Bell Street, Coburg - Location Map	D22/286087
2	81A Bell Street, Coburg - Zoning Map	D22/286088
3	81A Bell Street, Coburg - Advertised Plans - this attachment is available separately due to its file size.	D22/286090
4	81A Bell Street, Coburg- Objector Map	D22/286240

81A Bell Street, Coburg

Location Map



Moreland City Council



Copyright (c) Moreland City Council. VicMap base data (eg. cadastral, property, topographic, planning, etc) sourced from the State of Victoria. The State of Victoria and Moreland City Council do not warrant the accuracy or completeness of information shown on this publication. Any person using or relying upon this information, does so on the basis that the State of Victoria and Moreland City Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Melway map imagery - if depicted - is Copyright (c) Melway Publishing Pty Ltd (<http://www.austray.com>).







101.6 0 50.80 101.6
Meters

Date Map Generated: 4/7/2022 Map Scale: 2,000.00



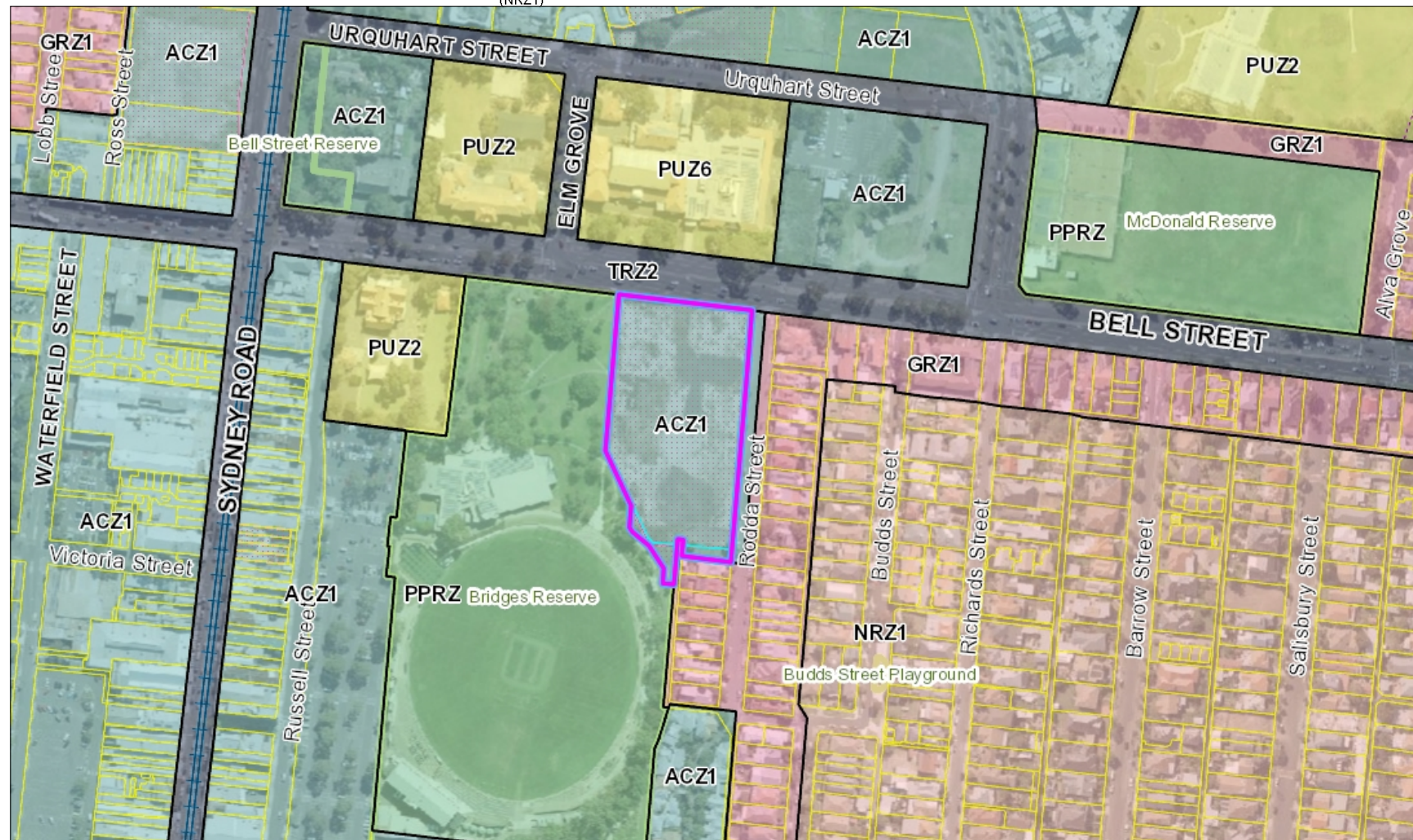
81A Bell Street, Coburg

Zoning Map

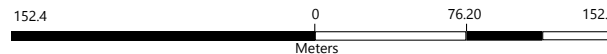
- | | |
|---|--|
|  Activity Centre Zone (ACZ1) |  Public Use Zone |
|  General Residential Zone (GRZ1) |  Public Park and Recreation Zone (PPRZ) |
|  Neighbourhood Residential Zone (NRZ1) |  Transport Zone (TRZ2) |



Moreland City Council



Copyright (c) Moreland City Council. VicMap base data (eg. cadastral, property, topographic, planning, etc) sourced from the State of Victoria. The State of Victoria and Moreland City Council do not warrant the accuracy or completeness of information shown on this publication. Any person using or relying upon such information, does so on the basis that the State of Victoria and Moreland City Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Melway map imagery - if depicted - is Copyright (c) Melway Publishing Pty Ltd (<http://www.austray.com>).




Date Map Generated: 4/7/2022 Map Scale: 3,000.00




Attachment 3

ITEM 1/22 81A Bell Street, Coburg - Planning
Application MPS/2021/685

**81A Bell Street, Coburg - Advertised Plans -
this attachment is available separately due
to its file size**

81A Bell Street, Coburg
 Subject Site

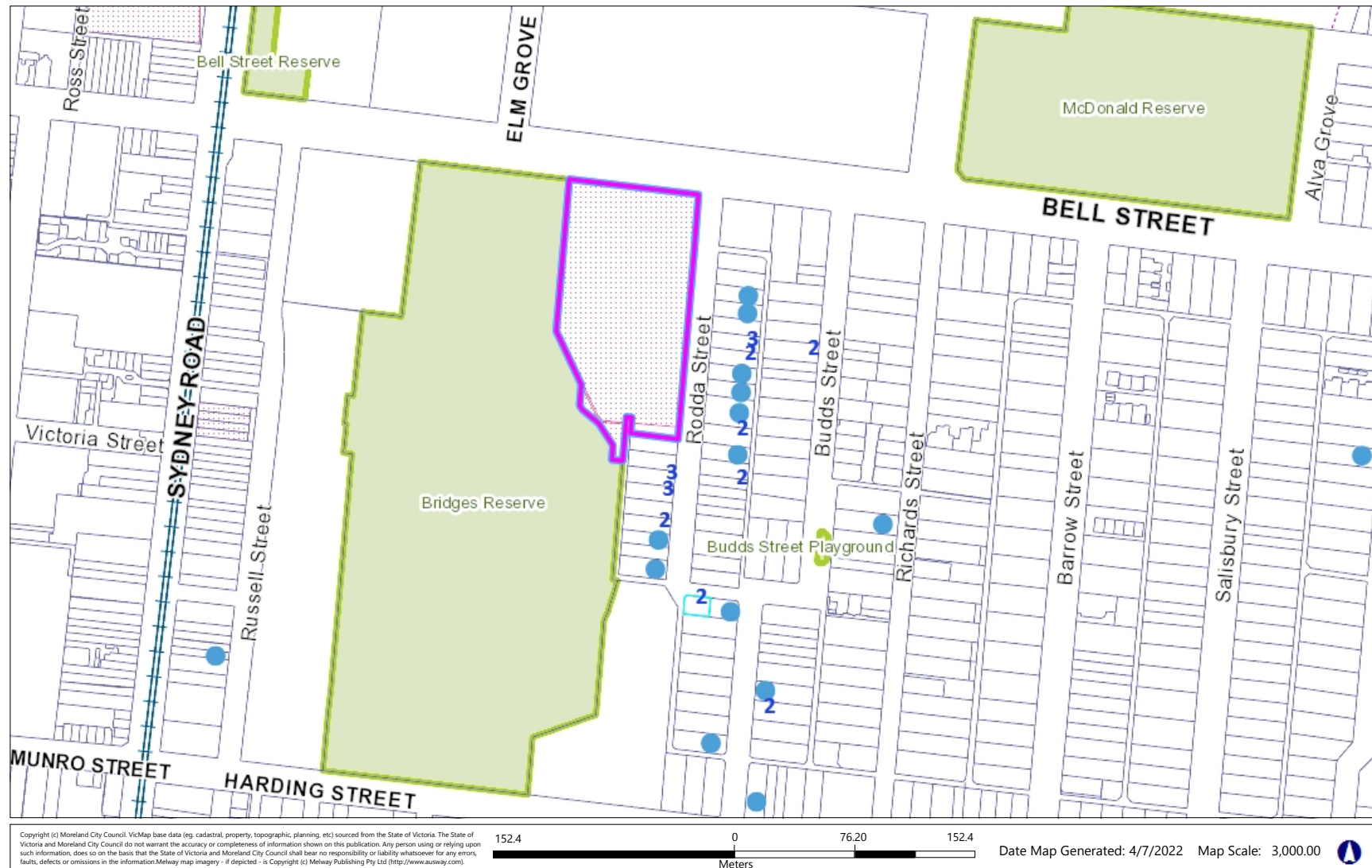
 Objector Location

Objector Map

Note: 3 Objectors are located
outside map boundaries



Moreland City Council



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

Director Place and Environment, Joseph Tabacco

City Development

Executive Summary



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

Officer Recommendation

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

1. Prior to the construction and display of signage, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised 25 January 2022 but modified to show:
 - a) The deletion of the high wall sign on the eastern elevation of the building.
 - b) A reduction to the size of the high wall sign no. 1 on the northern elevation of the building to a maximum display area of 2.25 square metres and removal of illumination from this sign, generally in accordance with discussion plans received on 25 March 2022
2. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.
3. The maximum luminance of all internally illuminated signs must not exceed the levels prescribed by *AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting* or any updated version that is released. Upon request, the applicant must provide the Responsible Authority records of the signs luminance levels to show compliance with this standard.
4. The signs approved by this permit must not be animated or contain any flashing light.
5. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
6. This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

REPORT

1. Background

Subject site

The site is located on the southern side of Albion Street, west of Breese Street, Brunswick. The site is currently under construction for an eight-storey residential building approved under planning permit MPS/2018/451 issued in accordance with the VCAT order on 5 July 2019. The building will contain dwellings provided under the 'build to rent' model and several commercial tenancies.

The site is rectangular in shape and comprises a single allotment, equating to a total site area of approximately 1500 square metres.

Surrounds

The surrounding area is characterised by a mixture of residential uses with commercial and industrial uses along Albion Street. The industrial zoned land to the northern side of Albion Street has a number of dwellings with existing use rights, as well as several businesses with land uses including animal shelter, industry, and motor repairs.

Land located to the east, south and west of Albion Street is zoned commercial and has a range of residential and mixed-use buildings with commercial tenancies located at the ground floor.

There are no high wall signs constructed in the immediate surrounding area. There are various types and sizes of business identification signs, including internally illuminated signs, constructed on the ground level shop fronts on building frontages.

A location plan forms **Attachment 1**.

A land use zoning plan forms **Attachment 2**.

The proposal

The proposal includes:

- Display of the following six (6) business identification signs on the ground floor displaying future commercial tenancy details:

Sign no:	Type:	Size:
Sign 2.1	Internally Illuminated	1200mm x 200 (0.24 square metres)
Sign 2.2	Not Illuminated	796mm x 400mm (0.318 square metres)
Sign 3	Internally Illuminated	2700mm x 1050mm (2.84 square metres)
Sign 4	Internally Illuminated	600mm x 600mm (0.36 square metres)
Sign 5 and 6	Internally Illuminated	1200mm x 350mm (0.42 square metres)

- Display of the following two (2) high-wall internally illuminated business identification signs displaying the business name of the build to rent provider 'Pellicano Living':

Sign no:	Type:	Size
Sign 1 (Northern elevation)	High-wall internally illuminated and business identification	2020mm x 1160mm (2.34 square metres)
Sign 7 (Eastern elevation)	High-wall internally illuminated and business identification	3000mm x 1400mm (4.2 square metres)

Number of signs	Type:	Overall area
7	Internally Illuminated	10.4 square metres
1	Not illuminated	0.318 square metres

The development plans form **Attachment 4**.

Planning Permit and site history

Planning permit MPS/2018/451 was issued in accordance with the VCAT order on 5 July 2019 and allowed for the construction of an eight-storey building including two basements, a rooftop terrace, commercial tenancies and dwellings with a reduction of the standard car parking requirement.

Statutory Controls – why is a planning permit required?

Commercial 1 Zone	Clause 34.01-9 outlines that sign requirements are at Clause 52.05, Category 1.
Particular Provisions	<p>Clause 52.05-11, Category 1 outlines that a permit is required to display:</p> <ul style="list-style-type: none"> - Business identification and promotion signs exceeding 8 square metres in total display area - Internally illuminated sign exceeding 1.5 square metres in total display area - High wall signage <p>The proposed signs therefore need a permit.</p>

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 a sign on the Albion Street frontage of the site.

Council has received 34 objections to date. A map identifying the location of objector's forms **Attachment 3**.

The key issues raised in objections are:

- Light pollution
- Amenity impact to adjoining residential dwellings
- Unnecessary signage, not in keeping with the character

A Planning Information and Discussion meeting was held on 7 June 2022 and attended by Cr Monica Harte, two (2) Council Planning Officers, the applicant and 13 objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

Prior to the meeting the applicant submitted discussion plans in March 2022 showing a reduction to the size of the high wall signs and removing the illumination from these signs. These plans were shared at the Planning Information and Discussion meeting.

The discussion plans were circulated to all objectors who were given an additional 7 days to provide any further comments, as a result one objector has withdrawn their objection.

A copy of discussion plans forms **Attachment 5**.

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)
 - Built Environment and Heritage (Clause 2.03-4)
 - Economic Development (Clause 2.03-6)
- Built Environment (Clause 15.01), including:
 - Urban Design (Clause 15.01-1S, 15.01-1R & 15.01-1L)
 - Building Design (Clause 15.01-2S & 15.01-2L)
 - Signs (Clause 15.01-1L)
 - Neighbourhood Character (Clause 15.01-5S)

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*. In addition, the assessment of the application has had particular regard to:

- Section 18 – Right to take part in public life. The opportunity has been provided for the public to engage with Council as part of the planning permit application process, including attendance at the Planning and Related Matters Meeting being held to determine this application
- Section 20: Property rights. The right of the landowner to develop and use their land has been considered against and is generally 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. The following assessment considers whether the display of proposed signage at the site is an acceptable outcome.

Do the proposed signs respond to neighbourhood character, positively contribute to the local context and enhance the public realm?

The site is located in the Commercial Zone where minimum limitation in relation to signage applies with the purpose as outlined in Clause 52.05-11 (Advertising Signs) being; *to provide for identification and promotion signs and signs that add vitality and colour to commercial area*. With regards to appearance and character of signs, the following policies at Clause 15.01-1L (Signs) are relevant:

- *Ensure an integrated approach is taken to the provision of signage on buildings with more than one business, including the provision of adequate space for all occupancies to display signage.*
- *Design and locate signs so they do not obscure architectural features of buildings, including windows.*
- *Integrate or conceal sign illumination*
- *Ensure that the size and type of sign in commercial and industrial areas is appropriate to the location, the primary business activity, the nature of business and the character of the area.*

Ground Floor Signage

The provision of signage at the ground floor is appropriate for the four (4) future commercial tenancies located at the ground floor of the building located in commercially zoned land. The signs will provide for the reasonable identification of the commercial tenancies on ground level and are typical of the type of business identification signs that are found in the surrounding area. The proposed signs are of a modest size and have been appropriately located to minimise visual clutter. The signs are positioned not to obscure architectural features or windows of the building. The proposed illumination is concealed through internal light measures such as lightboxes and neon lighting.

Highwall Signage

Concerns are raised with the provision of two high wall signs on the northern and eastern elevations of the building. As mentioned, there are no high wall signage constructed within the immediate surrounding context.

The proposed highwall signs are at odds with a number of state and local policy, including Clause 15.01-1L which requires signs in commercial areas to be appropriate to the location, the primary business activity, the nature of the business and the character of the area. Additionally, the decision guidelines in Clause 52.05-8 requires giving consideration to the impact of illumination on the amenity of nearby residents and the amenity of the area, and the cumulative impact of signs on the character of an area. It is considered that the provision of two (2) internally illuminated highwall signs, in an area where there are no other examples of highwall signage, and notably the residential dwellings to the east of the site, is unreasonable and not supportable.

In response to concerns raised by Council's planning officers and objectors, the applicant submitted discussion plans, received by Council on 25 March 2022, showing a reduction to the size of these signs to a maximum display area of 2.25 square metres and removing the internal illumination from these signs. Whilst these changes are an improvement, concerns remain with the provision of two (2) high wall signs.

Clause 15.01-2L (Signs) requires above verandah signs be limited to one per occupancy. Therefore, a condition of the recommendation requires the provision of only one high wall sign on the northern elevation which is the primary frontage of the building. Additionally, conditions are recommended requiring a reduction to the size of the sign and removal of the illumination generally as shown on the discussion plans (received by Council on 25 March 2022). Subject to these changes, the proposed high wall sign which displays the name of the business managing the 'build to rent' model on the site (also responsible for the maintenance and servicing of the building), will be generally compliant with the relevant policies in the Planning Scheme, be well integrated with the design and appearance of the building and will not result in unreasonable impact on the character and appearance of the surrounding area particularly, adjoining residences. Notably the proposed high wall sign has not been designed or located as to obscure architectural features of the building and is not a sky, panel or major promotional sign.

Does the proposal result in any unreasonable amenity impacts?

Before deciding on an application, the responsible authority must consider the decision guidelines at Clause 52.05-8, including but not limited to the character of the area, impacts on views and vistas and the relationship to the streetscape, setting or landscape. The signs are proposed on the northern and eastern elevations of the building.

North

The interface to the north of Albion Street is not considered to be sensitive as it is located in an Industrial or Commercial Zone, noting that there are dwellings with existing use rights. Northwest of the site at 215-219 has the approval of a nine storey building (including roof top terrace) comprising retail and office tenancies and dwellings, use of the land for dwelling and a reduction of the standard car parking requirements.

Ground floor signage

As mentioned above, the internally illuminated signs proposed on ground level are typical of standard business identification signs and is not considered to be unreasonable. These internally illuminated signs are located approximately 12 metres from the dwellings across the site and therefore, is not considered to have unreasonable impact on the amenity of these dwellings.

High wall signage

A condition of the recommendation requiring a reduction to the size and removal of the illumination from the high wall sign proposed on the northern elevation will ensure that there is no unreasonable impact on the amenity of the adjoining dwellings, located approximately 12 metres to the north of the site.

For reasons mentioned above, a condition of the recommendation requires the deletion of the high wall sign proposed on this eastern elevation.

5. Response to Objector Concerns

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

- Light pollution and loss of internal amenity
- Not in keeping with the character of the area

Other issues raised by objectors are addressed below.

Unnecessary energy use

Whilst it is acknowledged that the provision of internally illuminated signage will result in additional energy consumption, there is no local or state policy which is specific to the consumption of energy and emission output for signage.

Impact to natural habitat

The site is located within a Commercial 1 Zone and abuts industrial zoned land on the north-eastern and commercially zoned land to the north-western side of Albion Street. The closest public open space is approximately 270 metres east of the site. Pursuant to Clause 12.01-1S (protection of biodiversity) seeks to protect and enhance Victoria's biodiversity. Notably, the site is not located in an area considered to be one of key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites identified in the Moreland Planning Scheme.

Creating a precedent

It is acknowledged that in the prevailing context there are no examples of internally illuminated high wall signage. Whilst there are no other examples of high wall signage, this does not mean that the provision of such signs are unacceptable within the area. As highlighted within the report, the site is located in an area of minimum limitation, where these types of signs may occur. For reasons mentioned above, a condition of the recommendation requires the display of one non-illuminated high wall sign.

Loss of views

While the Victorian Civil and Administrative Tribunal has recognised that views can be a relevant amenity consideration, it has also held that there is no right to a view and that the weight to be given to the amenity impact of loss of views is diminished where no planning control applies encouraging retention or sharing of views. There is no specific policy or provision regarding views within the Moreland Planning Scheme. In this context, it is considered that the extent of loss of view in this case does not warrant a variation to, or refusal 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

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 MPS/2021/805 should be issued subject to the conditions included in the recommendation of this report.

Attachment/s

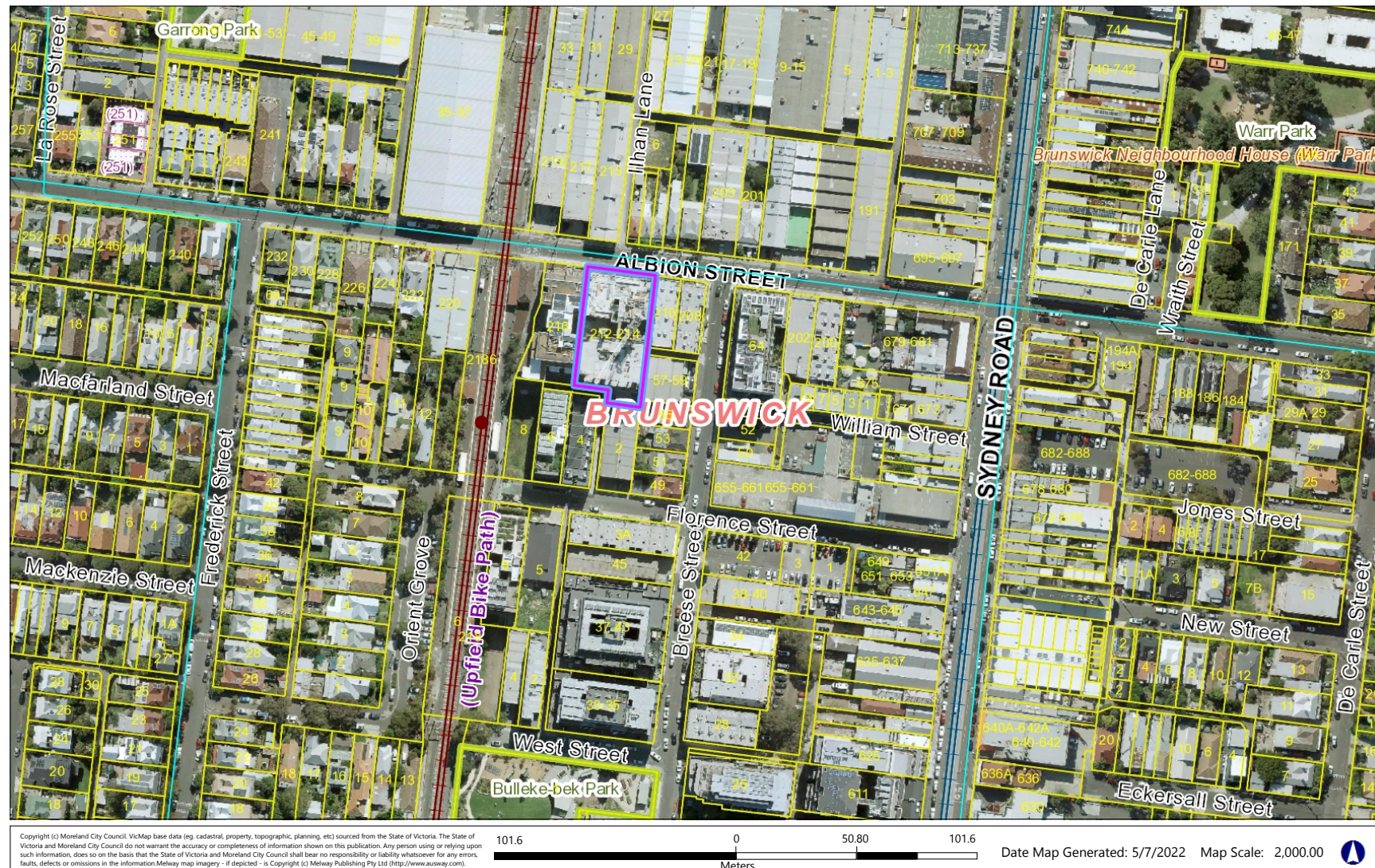
1	212-214 Albion Street, Brunswick - Location Map	D22/289271
2	212-214 Albion Street, Brunswick - Land controls map	D22/289145
3	212-214 Albion Street, Brunswick - Objector map	D22/289242
4	212-214 Albion Street, Brunswick - Development Plans	D22/276148
5	212-214 Albion Street, Brunswick - Discussion Plans	D22/276098

212-214 Albion Street, Brunswick

Location Map









Moreland City Council



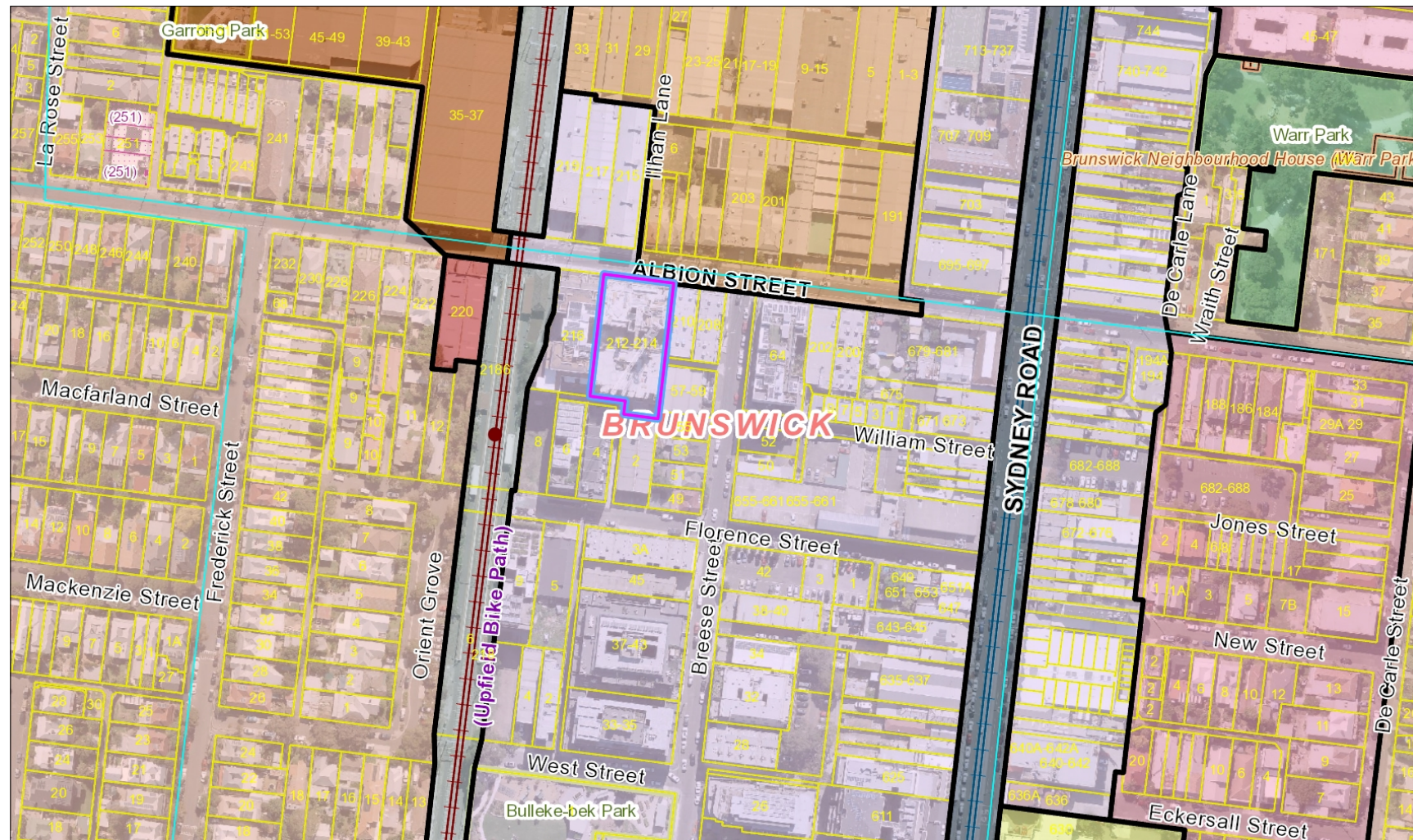
212-214 Albion Street, Brunswick

Zoning Map

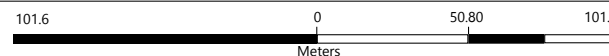
- | | | | |
|--|--------------------------|---|--|
|  | Commercial 1 Zone (C1Z) |  | General Residential Zone (GRZ) |
|  | Industrial 1 Zone (IN1Z) |  | Neighbourhood Residential Zone (NRZ) |
|  | Industrial 3 Zone (IN3Z) |  | Public Park and Recreation Zone (PPRZ) |
|  | Mixed Use Zone (MUZ) |  | Transport Zone (TRZ2) |



Moreland City Council



Copyright (c) Moreland City Council. VicMap base data (eg. cadastral, property, topographic, planning, etc) sourced from the State of Victoria. The State of Victoria and Moreland City Council do not warrant the accuracy or completeness of information shown on this publication. Any person using or relying upon such information, does so on the basis that the State of Victoria and Moreland City Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Melway map imagery - if depicted - is Copyright (c) Melway Publishing Pty Ltd (<http://www.austray.com>).



Date Map Generated: 5/7/2022 Map Scale: 2,000.00



212-214 Albion Street, Brunswick

Objector Map

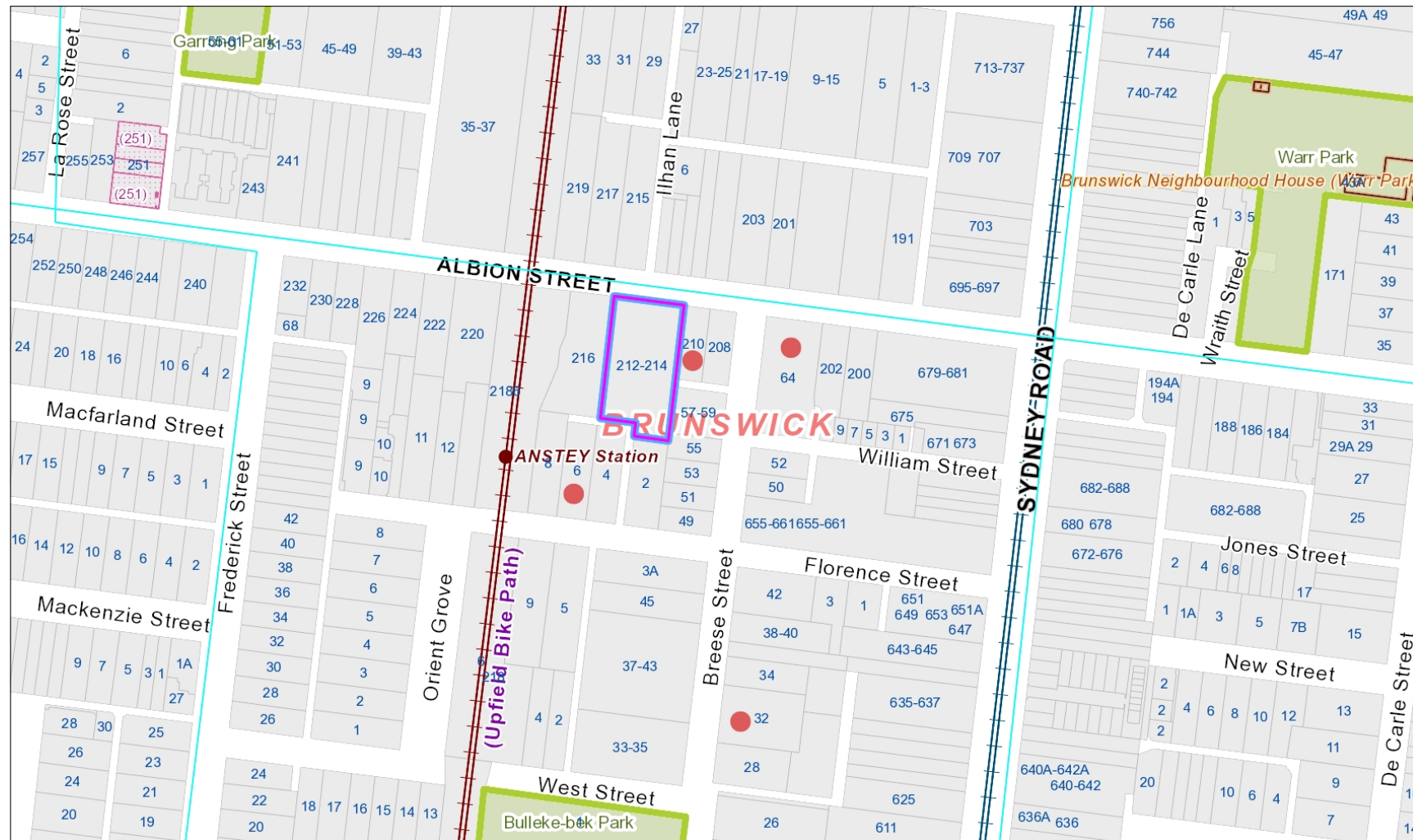
● Objector Location

□ Subject Site

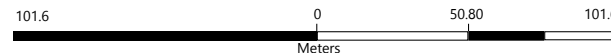
Note: 3 objections were located outside
Note: 28 individual objections were
received from 60-64 Breese Street,
Brunswick



Moreland City Council



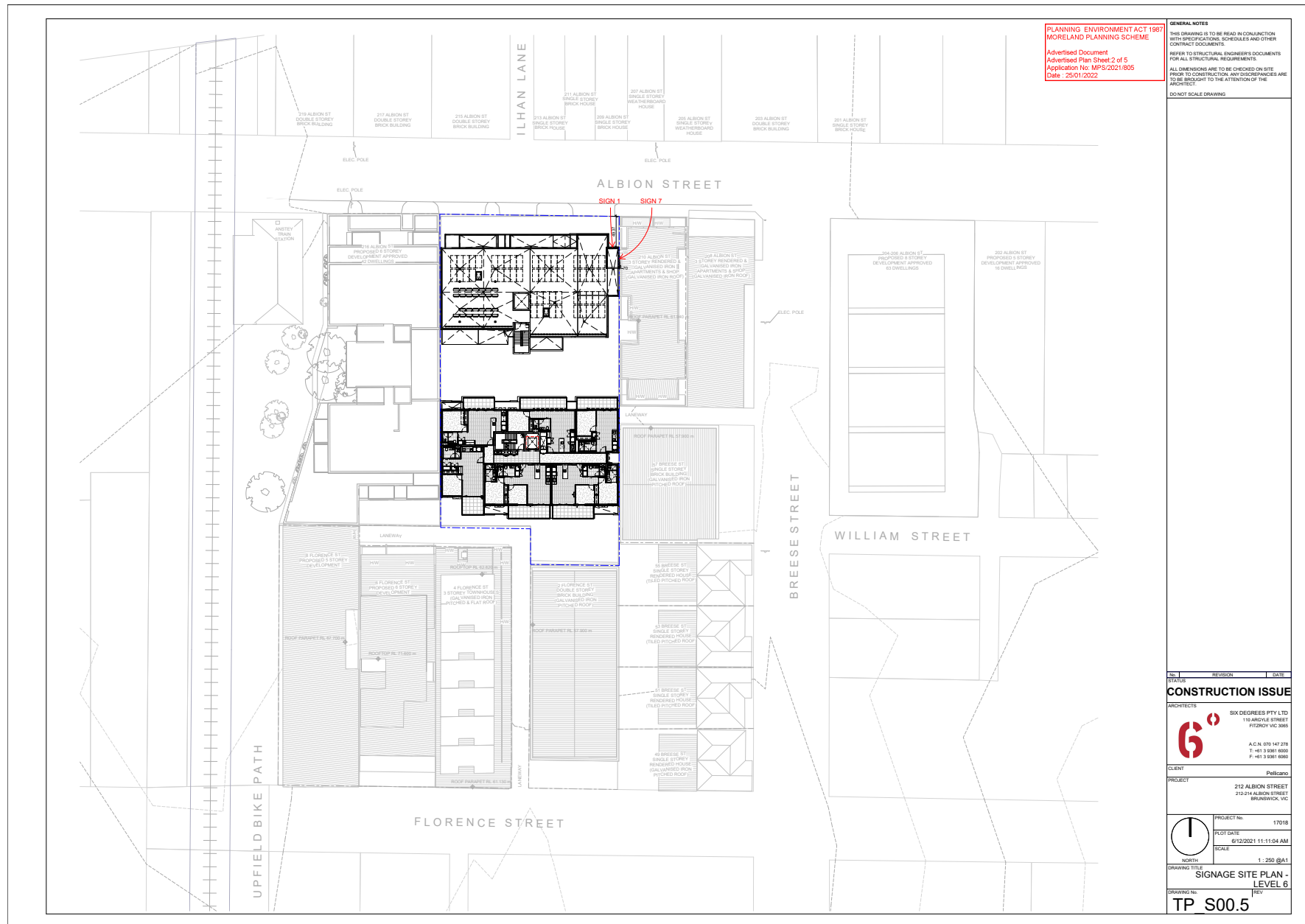
Copyright (c) Moreland City Council. VicMap base data (eg. cadastral, property, topographic, planning, etc) sourced from the State of Victoria. The State of Victoria and Moreland City Council do not warrant the accuracy or completeness of information shown on this publication. Any person using or relying upon this information, does so on the basis that the State of Victoria and Moreland City Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Melway map imagery - if depicted - is Copyright (c) Melway Publishing Pty Ltd (<http://www.australia.com>).

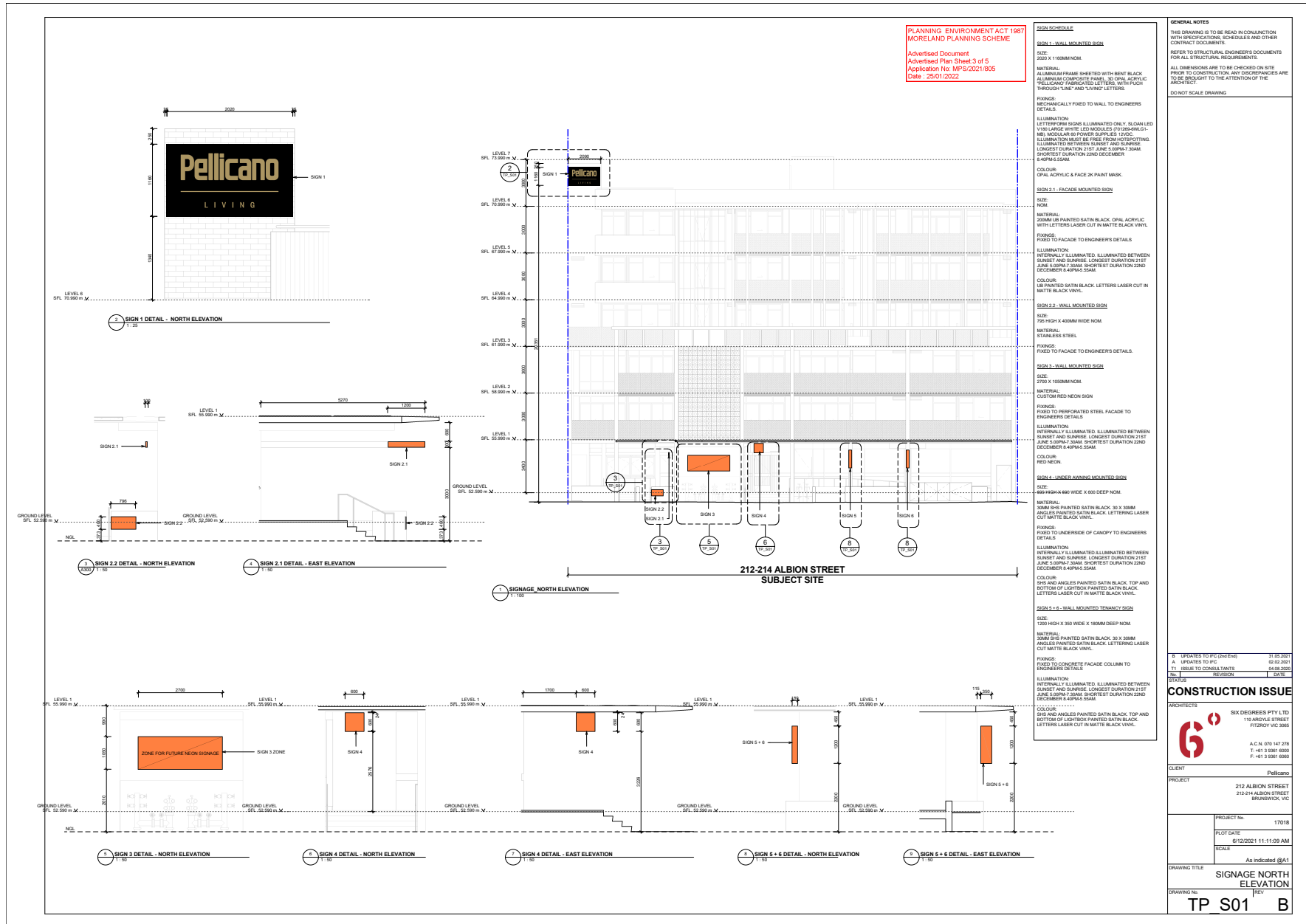


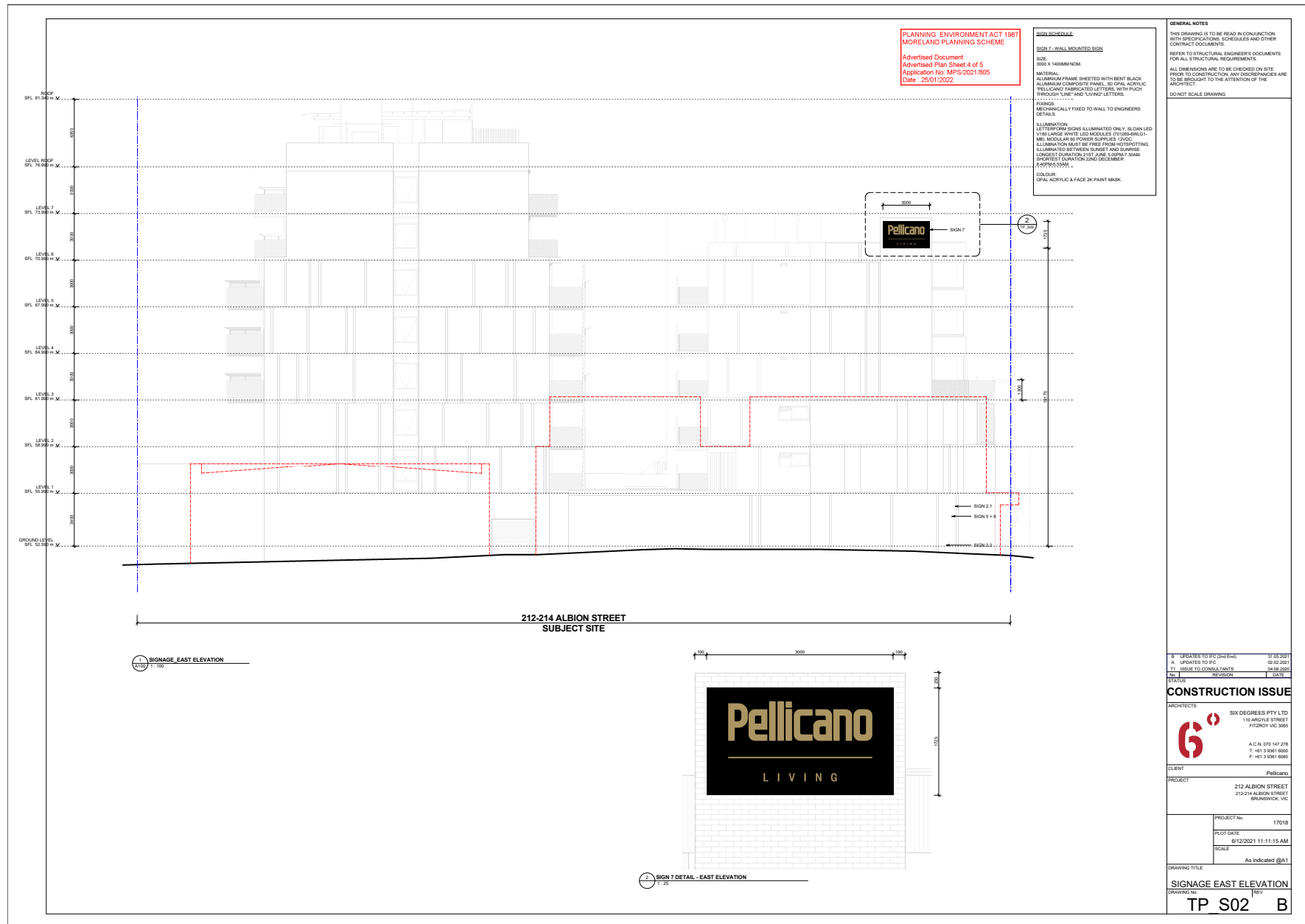
Date Map Generated: 5/7/2022 Map Scale: 2,000.00













INDICATIVE SIGNAGE VISUALISATION: NORTH FACADE



INDICATIVE SIGNAGE VISUALISATION: NORTH FACADE STREET LEVEL



INDICATIVE SIGNAGE VISUALISATION: RESIDENTIAL ENTRANCE

PLANNING ENVIRONMENT ACT 1987
MORELAND PLANNING SCHEME

Advised Document
Advised Plan Sheet 5 of 5
Application No: MPS/2021/805
Date: 25/01/2022


GENERAL NOTES

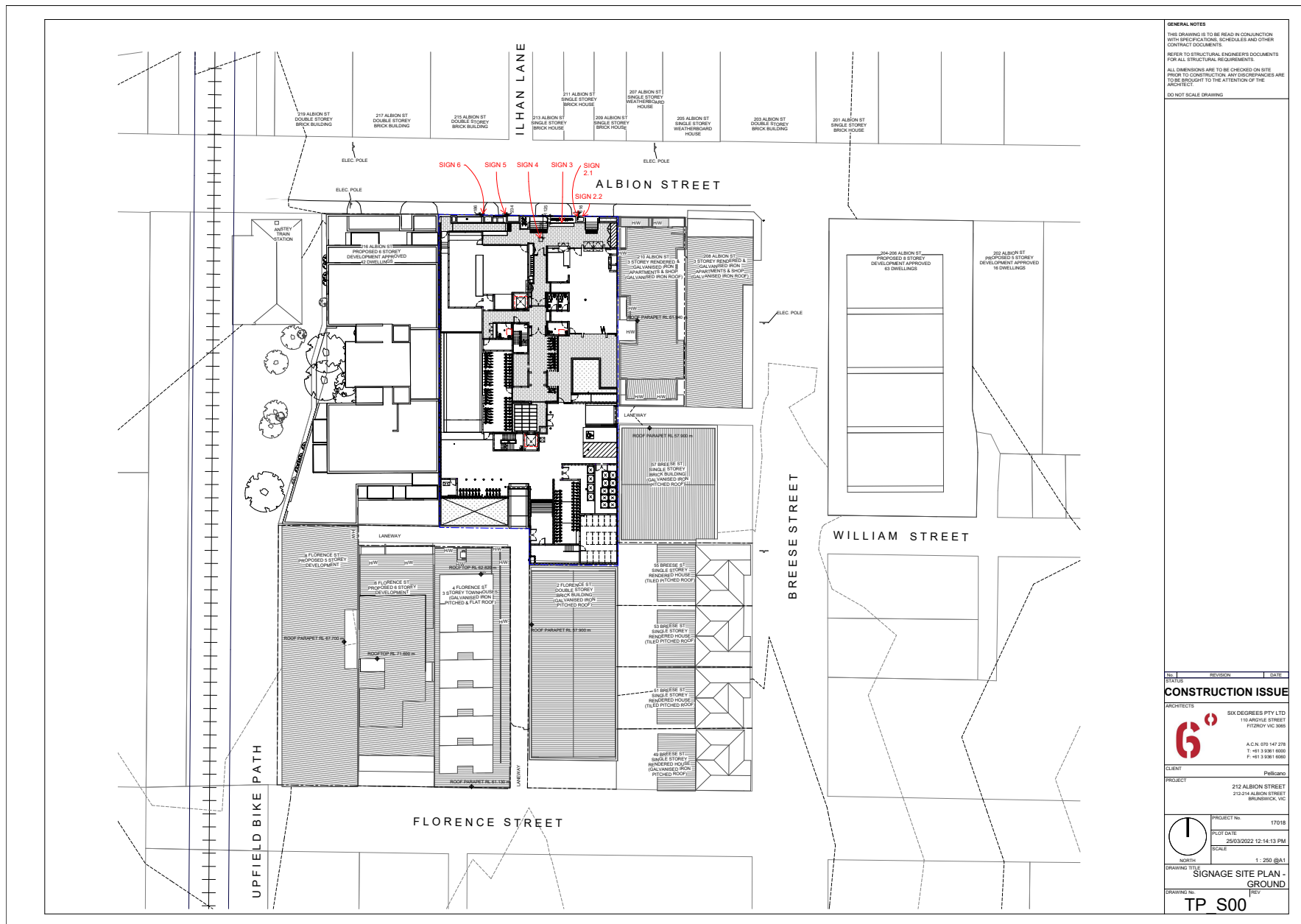
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, SCHEDULES AND OTHER CONTRACT DOCUMENTS.

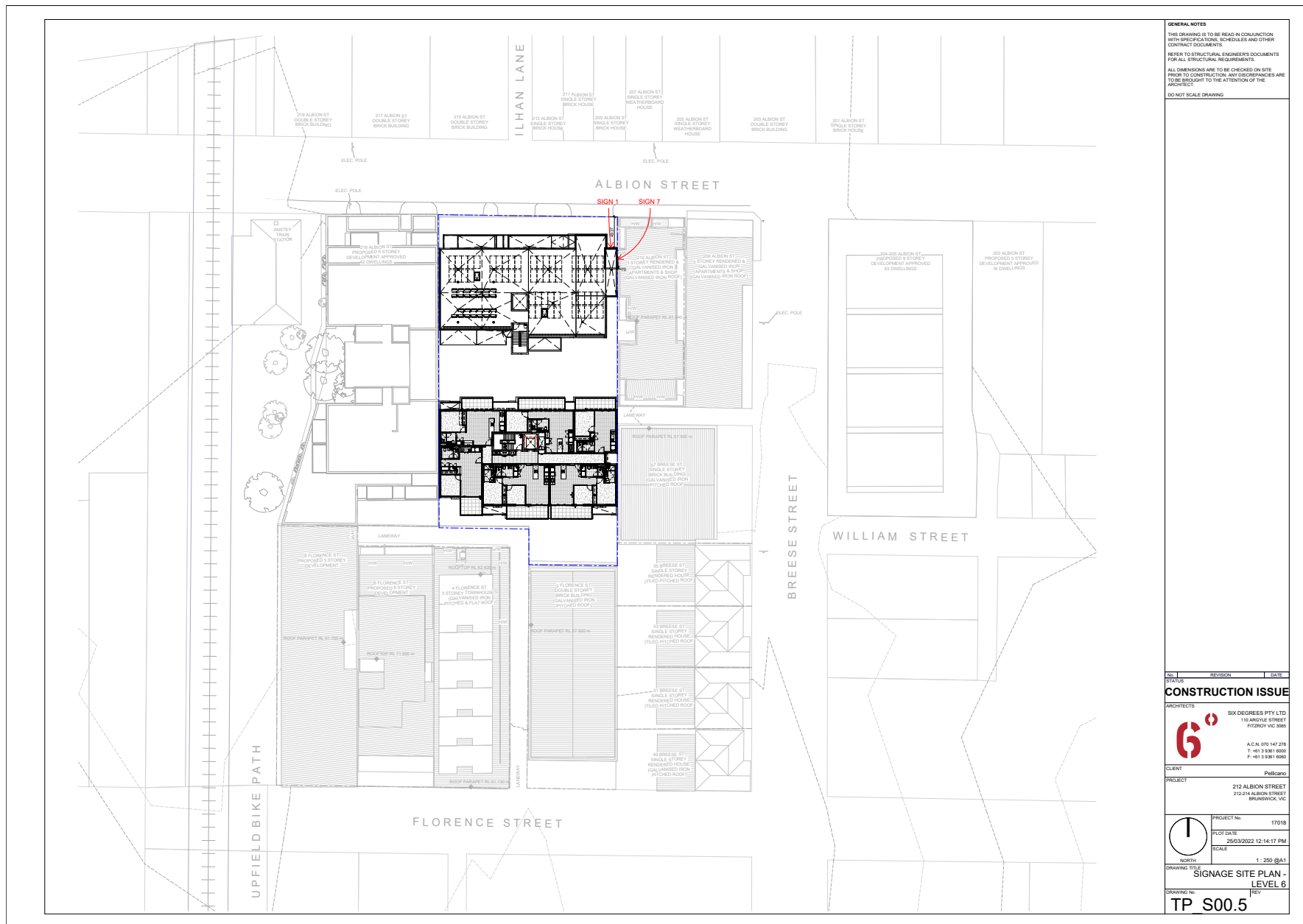
REFER TO STRUCTURAL ENGINEER'S DOCUMENTS FOR ALL STRUCTURAL REQUIREMENTS.

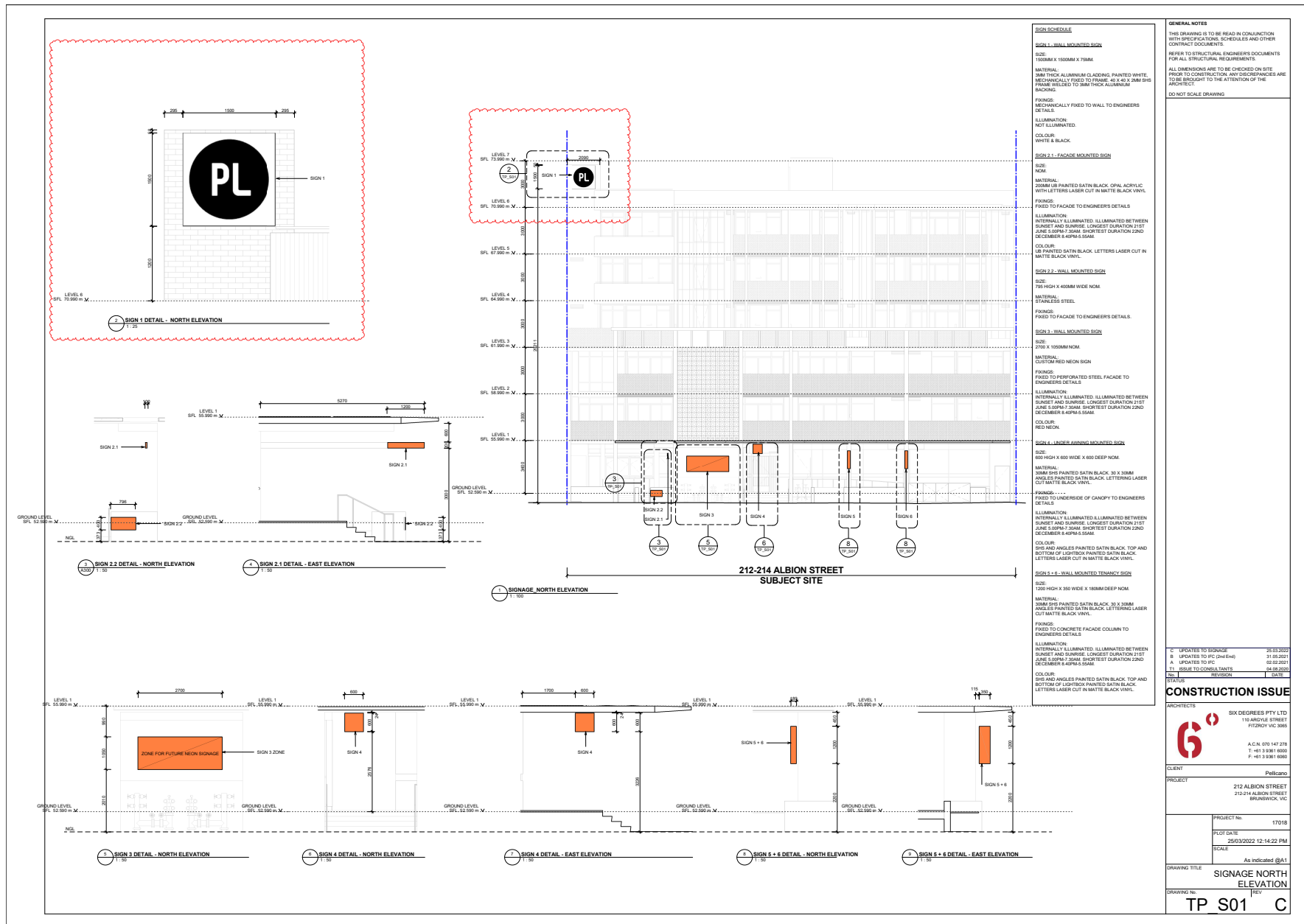
ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.

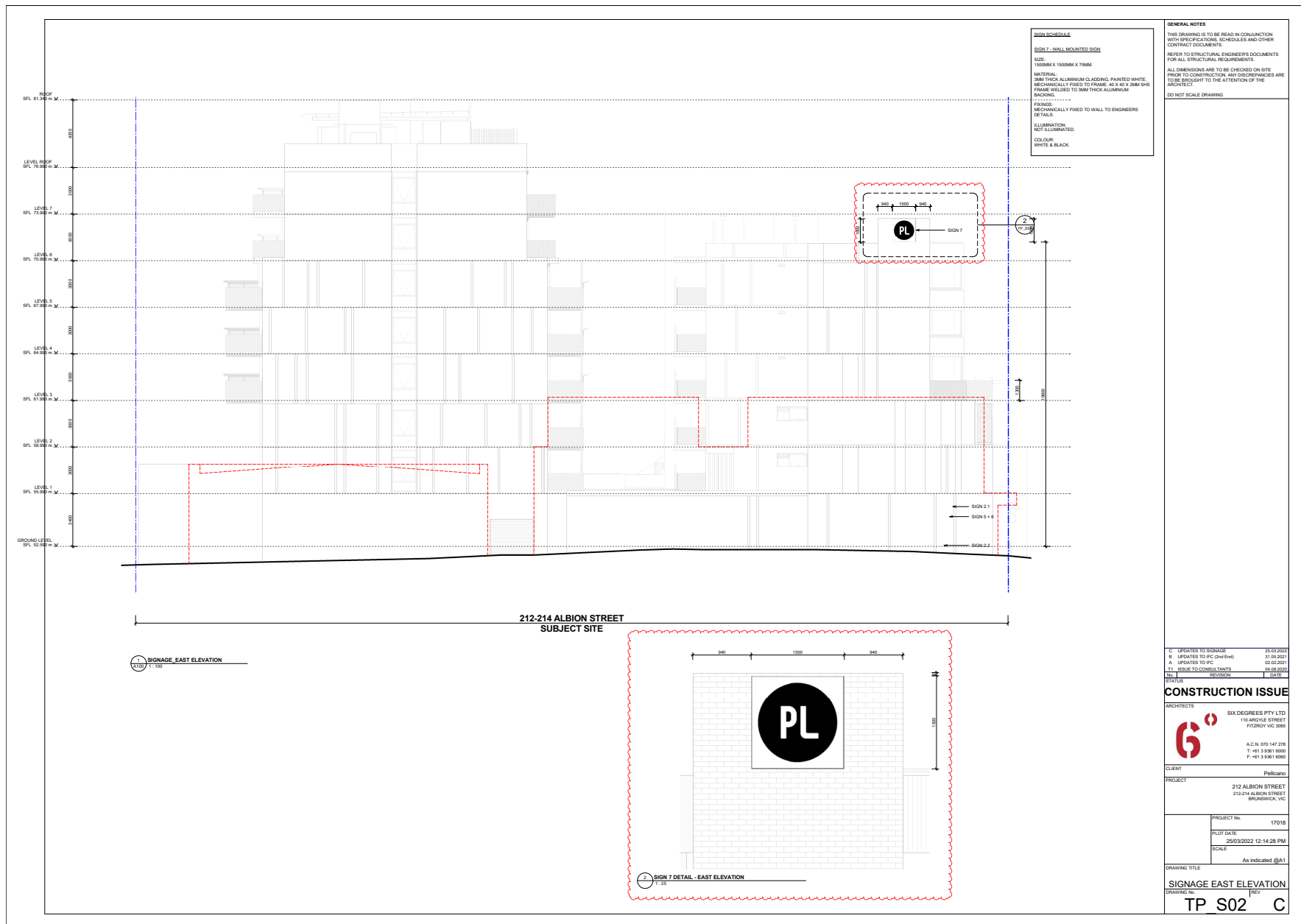
DO NOT SCALE DRAWING

NO.	REVISION	DATE
STATUS		
CONSTRUCTION ISSUE		
ARCHITECTS		
		
SIX DEGREES PTY LTD 110 ARDYLE STREET FITZROY VIC 3065 A.C.N. 070 147 278 T: +61 3 9381 6000 F: +61 3 9381 6000		
CLIENT		
Pellicano		
PROJECT		
212 ALBION STREET 212-214 ALBION STREET BRUNSWICK, VIC		
PROJECT NO.		
17018		
PLOT DATE		
6/10/2021 11:11:23 AM		
SCALE		
@A1		
DRAWING TITLE		
INDICATIVE RENDERERS		
DRAWING NO.		
TP_S03		











INDICATIVE SIGNAGE VISUALISATION: NORTH FACADE



INDICATIVE SIGNAGE VISUALISATION: NORTH FACADE STREET LEVEL



INDICATIVE SIGNAGE VISUALISATION: RESIDENTIAL ENTRANCE


GENERAL NOTES

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, SCHEDULES AND OTHER CONTRACT DOCUMENTS.

REFER TO STRUCTURAL ENGINEER'S DOCUMENTS FOR ALL STRUCTURAL REQUIREMENTS.

ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.

DO NOT SCALE DRAWING

NO.	REVISION	DATE
STATUS		
CONSTRUCTION ISSUE		
ARCHITECTS		
		
SIX DEGREES PTY LTD 110 ARDYLE STREET FITZROY VIC 3065 A.C.N. 670 147 278 T: +61 3 9361 6000 F: +61 3 9361 6000		
CLIENT		
Pellicano		
PROJECT		
212 ALBION STREET 212-214 ALBION STREET BRUNSWICK, VIC		
PROJECT No.		
17018		
PLOT DATE		
25/03/2022 12:14:29 PM		
SCALE		
@A1		
DRAWING TITLE		
INDICATIVE RENDERERS		
DRAWING No.		
TP_S03		

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

Director Place and Environment, Joseph Tabacco

City Development

Executive Summary



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

Officer Recommendation

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

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans advertised on 12 January 2022 but modified to show:
 - a) The ground level secluded private open space of Dwellings 1 and 2 to be entirely permeable.
 - b) The 1.8 metre high fence of Dwelling 2 along the Landells Road frontage modified to be at least 50 per cent transparent.
 - c) A separate permeable pedestrian footpath that has a direct connection between the street and the entrances of each dwelling.
 - d) The levels of the porches and ground floor of each dwelling reduced (or ramped) to match the levels of the pedestrian path to achieve an accessible path from the street to the ground floor of the dwellings.
 - e) The box gutters and parapet walls of the first floor eastern elevation of Dwelling 1 and the first floor south elevation of Dwelling 3 removed and replaced with a hipped roof and eaves.
 - f) The provision of 6 cubic metres of externally accessible, secure storage space for each dwelling in accordance with Standard B30 (Storage).
 - g) The garages of each dwelling annotated as not being single panel tilt doors.
 - h) The power pole on Landells Road relocated to a point in front of the development over 1 metre from the proposed vehicle crossing, including the 1 metre splays on the crossing in accordance with condition 15 of this permit
 - i) The location of the electricity meter boxes. The electricity meter boxes must not be in a standalone location in the front setbacks.
 - j) Gas and water meters shown on all relevant plans. Where meters would be visible from the public realm, they must not be stacked or placed vertically, and must be screened from view using either landscaping or fixed screening.
 - k) The vehicle crossings modified to show 1 metre straight splays, commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.
 - l) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
 - m) Tree protection zone(s) for the street trees in accordance with Condition 6 of this permit.
 - n) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 8 of this permit.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

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

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

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
5. All landscaping must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority
6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all council trees in the nature strip adjacent to the site must have a Tree Protection Zone (TPZ) in accordance with *AS4970 Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority. The TPZ must meet the following requirements:

a) Tree Protection Fencing

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

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

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

b) Signage

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

c) Irrigation

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

d) Provision of Services

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

7. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Moreland Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.
8. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA by Frater advertised 12/01/2022 but modified to include the following changes:
 - a) Amend the BESS report (and any other corresponding documentation) to:
 - i. Include a commitment to a solar PV system of at least 4kws for each Townhouse
 - b) Show the following ESD initiatives on the development plans:
 - i. External operable shading devices to east and west facing glazing of all habitable rooms, to block peak summer sun. A product diagram or section of the proposed device must be provided (must not be roller shutters for any street facing glazing).
 - ii. Horizontal shading devices to all north facing habitable room glazing. The depth of the device should be equal to 25 per cent of the distance from sill height to the base of the device. The device must also extend horizontally to both sides of the glazing by a distance equal to the depth of the device.
 - iii. Double glazing to all habitable room glazing (including entryways and stairwells) annotated on each individual glazing unit and specified on the material/colour schedule
 - iv. 4kW solar photovoltaic (PV) system for each townhouse, including the proposed location, approximate size and number of individual panels, orientation and tilt angle.
 - v. Infrastructure and cabling (with or without the charger unit) to each garage or carport that can support Level 2 (Mode 3) 32 Amp EV car charging

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

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

9. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainable Design Assessment (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.
10. Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report/checklist must be submitted to the Responsible Authority. The report/checklist must be to the satisfaction of the Responsible Authority and must confirm (with suitable evidence) that measures specified in the endorsed Sustainable Design Assessment have been implemented in accordance with the approved plans.
11. All stormwater treatment devices (raingardens, rainwater tanks etc.) must be maintained, to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainable Design Assessment.
12. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy and Community Infrastructure Levy is charged per dwelling.

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

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

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

13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller doors must be automatic and remote controlled.
17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.

18. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Moreland City Council, City Infrastructure Department).
19. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
20. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
22. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit.

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

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

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

Note 1: This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.moreland.vic.gov.au/planning-building/> and click on 'Moreland Development Contributions Plan (DCP)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.

Note 2: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information: <https://www.moreland.vic.gov.au/living-in-moreland/parking-and-roads/changes-to-parking-in-your-area/>

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

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

1. Background

Subject Site

The subject site is located at 52-56 Essex Street, Pascoe Vale, approximately 280 metres east of Cumberland Road. The site is located on a corner lot, with a frontage of 21.3 metres to Essex Street, a frontage of 42.6 metres to Landells Road and a total area of approximately 1008 square metres.

The site contains three single storey shops built to the Essex Street frontage and a single storey dwelling to the Landells Road frontage. The three shops were previously used as a café, gym, and milk bar, but have ceased operations and are currently vacant. Vehicle access is provided via a crossover to Landells Road on the north-east corner of the site.

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

Surrounds

The site is located within an established residential area that is characterised by a mix of single and double storey dwellings as well as contemporary, double storey multi-unit developments. The rear yards within the surrounding area are predominately open and often contain outbuildings.

A location plan forms **Attachment 1** and a zoning map forms **Attachments 2**.

The Proposal

The proposal for five double storey dwellings is summarised as follows:

- Each dwelling will have three bedrooms
- Dwellings 1 and 2 have bedrooms at ground floor and an open living area and balcony at first floor.
- Dwellings 3 to 5 have a traditional layout with an open living area and secluded private open space at ground floor and bedrooms at first floor.
- Each dwelling will be provided with a single car garage and tandem car space in front of the garage. A waiver of one visitor car space is sought.
- A maximum building height of 8 metres.
- Materials include brick and weatherboard

The development plans form **Attachment 3**.

Amendment to Planning Application

Amended plans were submitted pursuant to Section 57A of the *Planning and Environment Act 1987* on 30 November 2020 and included the following changes:

- Removal of the café, gym and milk bar
- Deletion of the apartments
- Increase the number of dwellings to 8
- Include a reduction in visitor car parking requirements

To address Council's and objector's concerns, amended plans were submitted pursuant to Section 57A of the *Planning and Environment Act 1987* on 20 August 2021. The amended plans reduced the number of dwellings to 5.

Planning Permit and Site History

Planning Permit MPS/2015/168 was issued on 27 October 2015 via an Urban Planning Committee Meeting, for the change of use to a medical centre (acupuncture), an indoor recreation facility (gym/yoga) and a restaurant (café), amongst other things. The Planning Permit was amended on 18 July 2016 (MPS/2015/168/A) to remove the medical centre component from the development. The Planning Permit was never acted upon and therefore the permit has expired.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Neighbourhood Residential Zone (NRZ)	A permit is required to construct more than one dwelling on a lot. Pursuant to Clause 32.09-1 (NRZ) no permit is required to use land as a dwelling.
Clause 52.06	A permit is required to waive the one visitor car parking requirement.

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 and residential buildings

2. Internal/External Consultation

Public Notification

Notification of the original application and the amended application was 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 signs on the Essex Street and Landells Road frontages of the site

Council has received a total of 24 objections, including 8 proforma objections to date. A map identifying the location of objectors forms **Attachment 4**.

The key issues raised in objections are:

- Car parking
- Traffic impacts and safety of intersection
- Noise impacts
- Overdevelopment
- Insufficient garden area
- Impacts of construction
- Overlooking
- Overshadowing
- Neighbourhood character
- Use of shops

A Planning Information and Discussion (PID) meeting was held on 4 February 2020 and attended by Cr Oscar Yildiz, two Council Planning Officers, the applicant and 9 objectors. As a result of the PID meeting, the plans were amended to remove the commercial element of the proposal and make the development entirely residential.

A second PID meeting was held on 17 May 2022 to discuss the amended proposal. This meeting was attended by Cr Oscar Yildiz, Cr Monica Harte, two Council Planning Officers, the applicant and 6 objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond. No changes were made following the second PID.

Internal Referrals

The proposal was referred to the following internal branches/business units:

Internal Branch/Business Unit	Comments
Urban Design Unit	Supports the proposal. Recommended changes include providing a 50 per cent transparent fence on the eastern side of Dwelling 2, providing permeable footpaths to the entrances of each dwelling, deletion of box gutters and removal of excessive screening. All recommendations are addressed by conditions, apart from the removal of screening, which is considered necessary to avoid unreasonable overlooking.
Development Engineering Team	Supports the proposal, although concern was raised that the distance between crossovers on Essex Street was less than 8 metres as per Council's Vehicle Crossing policy. This is discussed at Section 4 of this report.
ESD Team	Supports the proposal subject to modifications including the provision of external shading, double glazing and solar PV. Recommended changes are addressed by conditions of the recommendation and/or are considered further in Section 4 of this report.
Open Space Design and Development Unit	Supports the removal of one street tree on Landells Road. Recommended changes are addressed by conditions of the recommendation and/or are considered further in Section 4 of this report.

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)
 - Housing (Clause 2.03-5)
 - Transport (Clause 2.03-7)
 - Infrastructure (Clause 2.03-8)
- Settlement (Clause 11)
- Environmental and Landscape Values (Clause 12):

- 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)
- 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)
- Residential Development (Clause 16.01), including:
 - Housing Supply (Clause 16.01-1S and 16.01-1R)
 - Homes in Moreland (Clause 16.01-2L)
- Transport (Clause 18), including:
 - Sustainable Personal Transport (Clause 18.02-1S & 18.08-1R)
 - Sustainable Transport in Moreland (Clause 18.02-1L)
 - Car parking (Clause 18.02-4S & 18.02-4L)
- Development Infrastructure (Clause 19.03), including:
 - Development infrastructure (Clause 19.03)
 - Integrated Water Management (Clause 19.03-3S)

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 subject site is located within the Neighbourhood Residential Zone (NRZ). The purposes of this zone include recognising areas of single and double storey residential development and ensuring that development respects the identified neighbourhood character.

Clause 16.01-1R allows for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing. Council's Housing Framework Plan at Clause 2.04 designates this location for minimal housing growth. In these areas, Clause 16.01-2L encourages a mix of single dwellings and lower density multi-dwelling developments that contribute to a low density, open and landscaped character.

The development is an acceptable level of change having regard to the size of the lot and the character of the area, which consists of a mix of single dwellings and multi-unit developments. 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, positively contribute to the local context and enhance the public realm?

The proposal is an acceptable response to Clause 15.01-1L (Vehicle Access Design in Moreland), Clause 15.01-5L (Minimal and Incremental Change Areas), and Clause 55.02 (Neighbourhood Character and Infrastructure) of the Moreland Planning Scheme. Subject to the conditions detailed in the recommendation, the proposal would respond to the NRZ, the PPF and the context of the site in the following ways.

Built Form

The proposal has a maximum height of 8 metres and is double storey. This does not exceed the maximum building height and maximum number of storeys permitted in the NRZ. The height of the development will respect the prevailing character of single and double storey dwellings within the surrounding area.

Clause 15.01-5L (Minimal and Incremental Change Areas) recommends:

- Designing development in rear yards to be single storey unless either:
 - *The prevailing context is not one of open rear yards and garden outlooks.*
 - *The building envelope respects the existing character of open rear yards and garden outlooks though provision of:*
 - *Generous side and rear setbacks.*
 - *Private open space at ground floor that provides space for screen tree planting around the development.*
 - *Sensitive design of the upper levels with adequate articulation, setbacks and materials to minimise visual bulk impacts as seen from neighbouring rear secluded open spaces.'*

The double storey form of Dwellings 3 to 5 is acceptable as the development will provide articulation and generous setbacks from the adjoining open rear yard at 58-60 Essex Street. In particular, the ground floors of Dwellings 3 to 5 are setback 5.5 metres from the western boundary to provide an area of secluded private open space. A condition to provide screen vegetation in the private open spaces areas will further soften the development and forms part of the recommendation. The first floors of Dwellings 3 to 5 are setback at least 5.7 metres from the western boundary, well in excess of the requirements of Standard B17 (Side and Rear Setbacks).

Two of the five dwellings have a 'reverse living' arrangement, with bedrooms at ground floor and living areas at first floor. This is considered acceptable given that this layout provides activation at ground and first floor and provides a landscaped front setback to Essex Street. This is an improvement over the existing site conditions.

Car Parking Facilities

Clause 15.01-1L (Vehicle Access Design in Moreland) contains the following relevant strategies:

- *'Support new vehicle crossovers where:*
 - *The number of crossovers is minimised to support pedestrian safety and sight lines.*
 - *Existing on street parking spaces and street trees are retained.*
 - *Hard surfaces of accessways (including crossover) are minimised to provide opportunities for increased landscaping in front setbacks and streetscape planting.'*

The number of crossovers is supported for the following reasons:

- The site is on a corner lot. This allows for additional space for both landscaping and habitable rooms fronting both streets, to ensure that the objectives of Council's Neighbourhood Character Policy, regarding active frontages and landscaping can be achieved.
- Moreland's Vehicle Crossing Policy 2014 specifies a distance of 8 metres between crossings to allow an on-street car parking space between the crossings. Council's Development Engineers raised concern that the distance of the two crossovers on Essex Street was less than 8 metres apart. However, it is not possible to increase the crossovers on Essex Street due to the Landells Road intersection. There is benefit in having two crossovers on Essex Street that can provide on-site car parking spaces in accordance with Clause 52.06 (Car Parking). Car parking facilities will not dominate the streetscape as the garages are well setback from the main building line of the dwellings.
- The provision of ten off-street parking spaces on the site offsets the loss of parking spaces as a result of the additional crossovers.
- The crossovers will result in the removal of one street tree on Landells Road. Council's Open Space and Design Development Unit support the removal of the street tree and confirm that the location of the crossovers will not impact the health of the remaining street trees.
- Concern was raised by objectors that the location of the crossover for Dwelling 2 was an unsafe distance from the intersection with Landells Road. Further details were received 7 June 2022 which confirm that the distance between the crossover and the intersection is 9.3 metres. This complies with Moreland's Vehicle Crossing Policy 2014. Council's Development Engineers have confirmed that the distance of the crossover from the intersection is satisfactory.

Does the proposal satisfy the Clause 55 Objectives?

The particular provisions relating to multi dwellings at Clause 55 are of relevance to this application. An assessment against each Clause 55 provision is detailed at Appendix 1 attached to this report. The key considerations of Clause 55 are discussed below.

Clause 55.03-1 - Street Setback Objective - Standard B6

Pursuant to Standard B6, a front setback of 9 metres to Essex Street is required to match the front setback of 58-60 Essex Street, Pascoe Vale. The development proposes a 3-metre front setback to Dwellings 1 and 2. Dwellings 3 to 5 provide a setback of 3 metres to Landells Road, which complies with the Standard.

This variation to Essex Street is considered to be acceptable given the site context. The northern side of Essex Street contains a variety of setbacks, ranging from 1.5 metres to 9 metres. The proposed variation is supported in this instance due to the sites corner location, the inconsistent street setbacks along Essex Street and given the proposed 3 metre setback will provide an area for landscaping. This is an improvement over the existing buildings that are built to the Essex Street boundary.

Clause 55.03-8 - Landscaping Objectives - Standard B13

The proposal includes a landscape plan that details shrub and canopy tree planting throughout the site. The application was lodged prior to the gazettal of Amendment C189more, which introduced changes to Standard B13. The submitted landscape plan shows canopy trees within the front setbacks of each dwelling and the secluded private open space of Dwellings 3 to 5 that reach a mature height and canopy width of 8 metres respectively. This complies with Standard B13.

The primary private open space for Dwellings 1 and 2 is the balconies. The rear ground floor secluded private open spaces provides a service function and is not suited to large canopy trees that would be required to meet Standard B13. Subject to a condition requiring the ground level secluded private open space of Dwellings 1 and 2 to be entirely permeable, these areas will be adequate for the planting of landscaping and result in an improved landscape outcome over existing conditions. This is considered acceptable given Dwellings 1 and 2 will be provided with adequate canopy trees within their respective frontages.

Has adequate car parking been provided?

A total of 10 spaces are required for the dwellings plus 1 visitor space to satisfy Clause 52.06 (car parking). The development provides the required on-site spaces for each dwelling however the visitor parking space is not provided.

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 on the planning permit in the recommendation.

Council's Development Engineers are satisfied that car parking requirement can be reduced for this application given that on-street parking exists directly outside the site and the roads are not collector or arterial roads.

Objectors raised concern that the Traffic Report lodged with the original application did not include parking surveys when sporting events were on at the nearby reserve. Sporting events are not the prevailing condition on the street. It would be unreasonable for a proposal to cater for such events. The reduction of one visitor car space would not have an appreciable impact on car parking at these times.

Vehicles, whether related to this or other developments in the street, can only park on the street in accordance with any parking regulations. The number of vehicles that can park on the street and at what time will be dictated by the parking restrictions and the availability of on-street spaces. It is expected that the level of parking provided will cater for car ownership levels of the occupiers.

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

Council's Development Engineers have assessed the proposal and consider that the development will result in 40 additional vehicle movements per day. This remains within the street's design capacity and is not expected to cause traffic problems.

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 to be lived in). Clause 55.02-3 also seeks to ensure that in developments of ten or more dwellings, at least one dwelling contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

Subject to a condition relating to a reduction in the level of the ground floor and porches to match the levels of the pedestrian path, each dwelling will provide a level entry to the dwellings to improve accessibility. Subject to a condition, the proposal will also provide a clear path for pedestrian access to the entrance of each dwelling from Essex Street and Landells Road.. This is considered to be an acceptable outcome for a development of only 5 dwellings.

5. Response to Objector Concerns

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

- Car Parking
- Traffic impacts and safety of intersection
- Neighbourhood character

Other issues raised by objectors are addressed below.

Noise Impacts

Concerns have been raised regarding the potential noise generated from the dwellings after occupancy. The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the dwellings does not require a planning permit. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of noise disturbance, if they arise, should be pursued as a civil matter.

Overdevelopment

The proposal satisfies the requirements of Clause 55 in respect to site coverage, setbacks, permeability, garden area, and open space provision and therefore the proposal is not considered to be an overdevelopment of the site.

Insufficient garden area

As the lot is 1008 square metres, 35 per cent minimum garden area is required. The plans show a garden area of 364sqm, which equates to 36 per cent of the site area. The plans have been checked and accurately meets the definition of garden area specified at Clause 73.01 of the Moreland Planning Scheme.

Construction issues

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

Overlooking

Standard B22 (Overlooking) at Clause 55.04-6 requires a new habitable room window or balcony to avoid direct views into habitable room windows and secluded private open space of an existing dwelling within a distance of 9 metres. The neighbouring dwellings at 58-60 Essex Street and 1-3/59 Landells Road have windows and/or secluded areas within 9 metres of the subject site. The proposal has been designed to ensure that all first-floor habitable room windows with a view into these adjoining windows and secluded private open space are screened. Concern was expressed about overlooking from the balconies for Dwellings 1 and 2 across roads into dwellings on the opposite side of the street. The distances are from the balconies to these dwellings is approximately 23m, well in excess of the Standard.

Overshadowing

The submitted shadow diagrams comply with the requirements of Clause 55. At least 40 square metres with a minimum dimension of 3 metres of the secluded private open space located on adjacent land will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

Use of shops

The shops have been deleted as part of the latest amendment to the plans, therefore this concern is considered to have been addressed.

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/2018/1015 should be issued subject to the conditions included in the recommendation of this report.

Attachment/s

<u>1</u>	52-56 Essex Street, Pascoe Vale - Location Map	D22/220281
<u>2</u>	52-56 Essex Street. Pascoe Vale - Zoning Map	D22/220345
<u>3</u>	52-56 Essex Street, Pascoe Vale - Advertised Plans	D22/220360
<u>4</u>	52-56 Essex Street, Pascoe Vale - Objector Map	D22/220465

52-56 Essex Street, Pascoe Vale

Subject Site

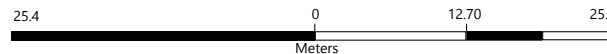
Location Map



Moreland City Council



Copyright (c) Moreland City Council: VicMap base data (eg. cadastral, property, topographic, planning, etc) sourced from the State of Victoria. The State of Victoria and Moreland City Council do not warrant the accuracy or completeness of information shown on this publication. Any person using or relying upon such information, does so on the basis that the State of Victoria and Moreland City Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Melway map imagery - if depicted - is Copyright (c) Melway Publishing Pty Ltd (<http://www.austrway.com>).



Date Map Generated: 26/5/2022 Map Scale: 500.00



52-56 Essex Street, Pascoe Vale

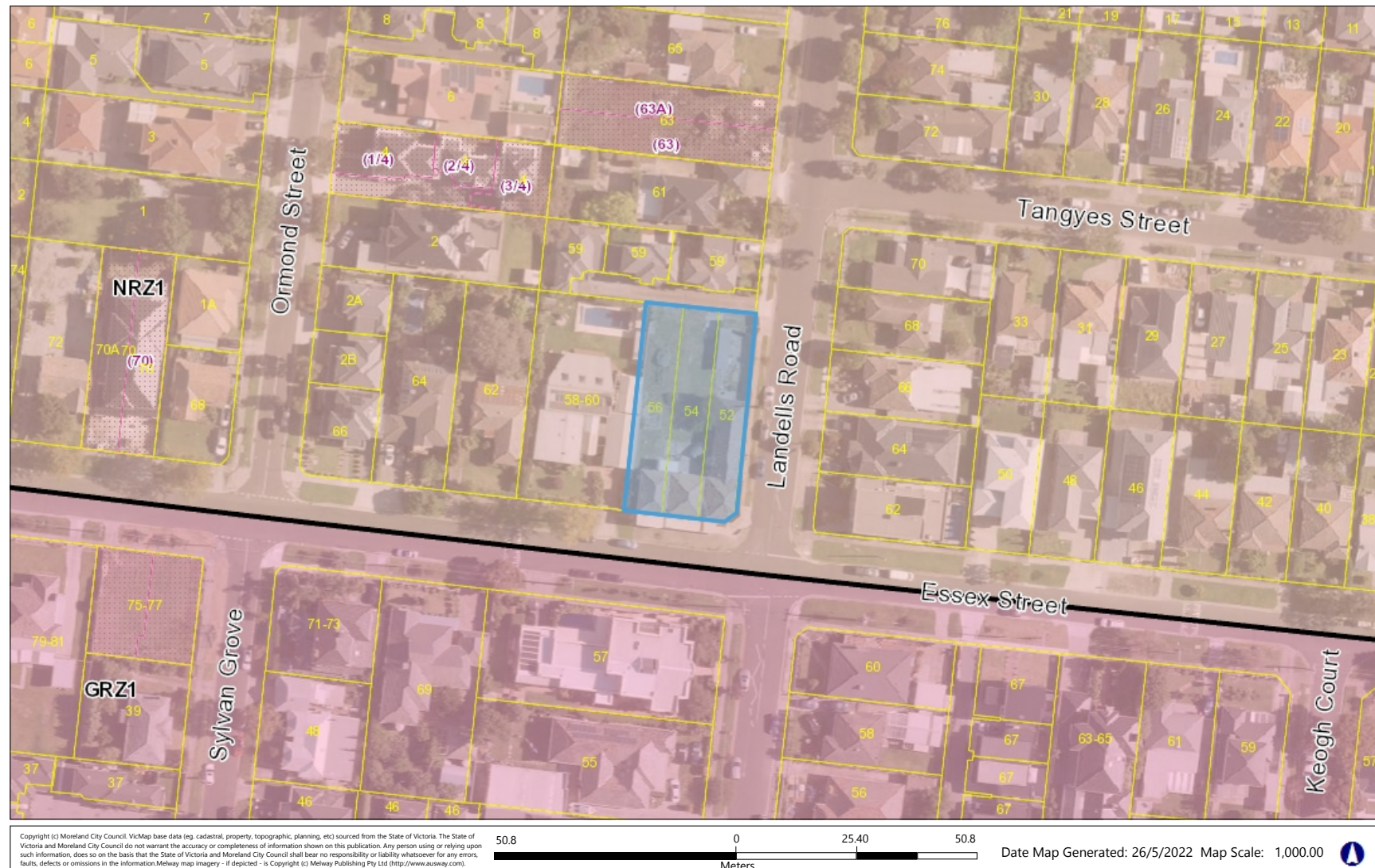
Zoning Map

Neighbourhood
Residential
Zone (NRZ1)

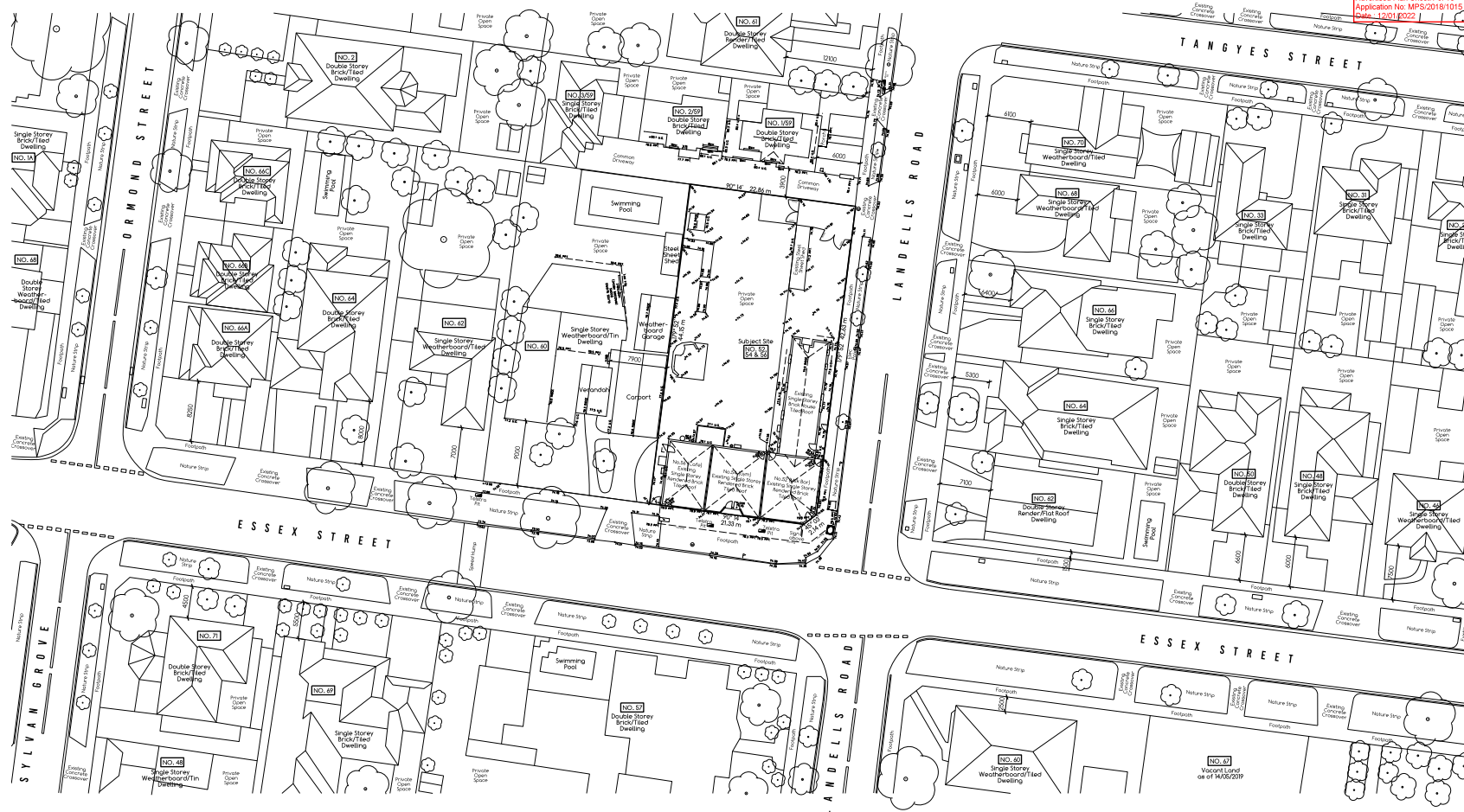
General
Residential Zone
(GRZ1)



Moreland City Council



PLANNING ENVIRONMENT ACT 1987
MORELAND PLANNING SCHEME
Advertised Document
Advertised Plan Sheet 1 of 13
Application No. MPS/2018/1015
Date: 12/01/2022



SUITE 19, 86-90 PIPE ROAD
(ON ROAD) LAVERTON NORTH VIC 3026

P: 8360 9333 F: 8360 8388

ADMIN@LASCARSURATDESIGNS.COM.AU
WWW.LASCARSURATDESIGNS.COM.AU

INDUSTRIAL - COMMERCIAL - RESIDENTIAL

CLIENT:
STAVROS & ARGYROULA STAVRAKOULIS

PROJECT:
PROPOSED 5 DWELLING DEVELOPMENT

ADDRESS:
NO. 52, 54 & 56 ESSEX STREET PASCOE VALE, VIC 3044



REV	DATE	AMENDMENT

DESIGN:
M. MURAT

SCALE:
1:250 @ A1

DRAWN:
M. MURAT

DATE:
13/08/2021

SHEET:
1 OF 13

THIS DRAWING IS COPYRIGHT AND ALL WORK HEREIN IS SUPPLIED
ON THE UNDERSTANDING THAT IT IS NOT TO BE REPRODUCED
OR COPIED OR OTHERWISE USED IN ANY MANNER WITHOUT THE
PRIOR CONSENT OF LASCARS MURAT DESIGNS.

SITE CONTEXT PLAN
1:250 @ A1

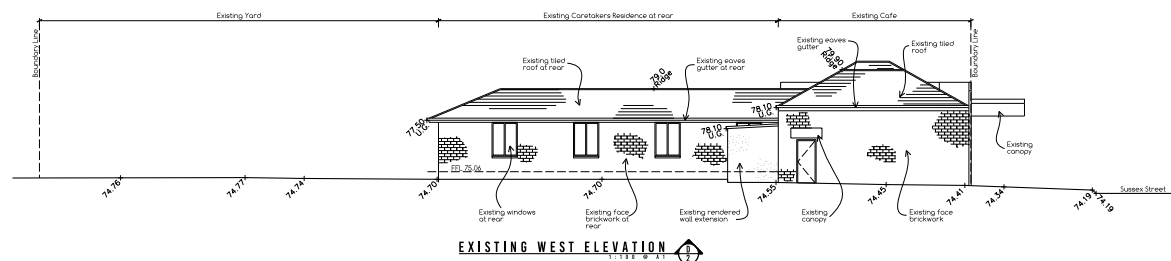
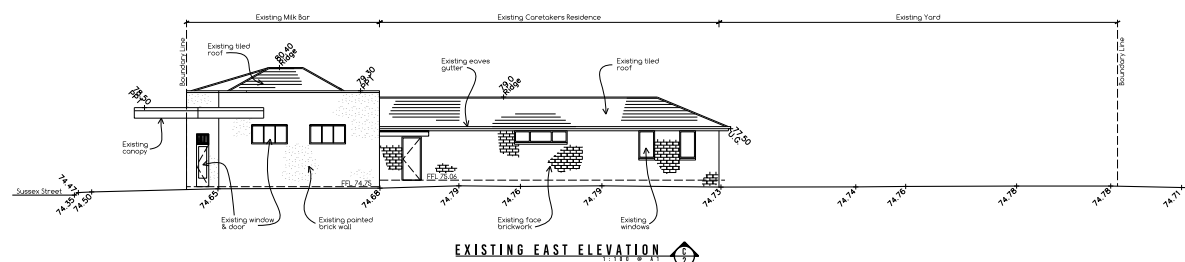
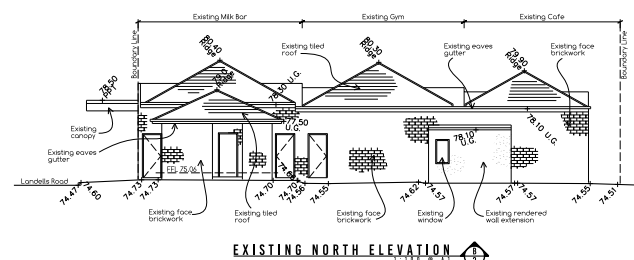
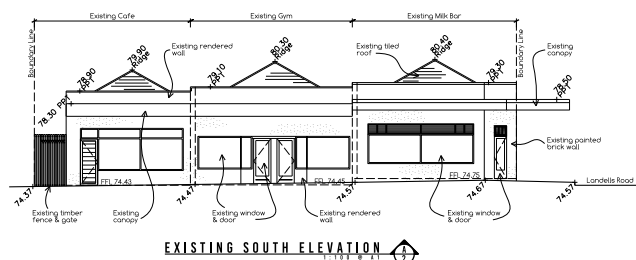
JOB NO:
2017-77

PLANNING ENVIRONMENT ACT 1987
MORELAND PLANNING SCHEME

Advertised Document
Advertised Plan Sheet:2 of 13
Application No: MPS/2018/1015
Date : 12/01/2022



PLANNING ENVIRONMENT ACT 1987
MORELAND PLANNING SCHEME
Advertised Document
Advertised Plan Sheet 3 of 13
Application No: MPS/2018/1015
Date: 12/01/2022



SUITE 19, 86-90 PIPE ROAD
(OFF MURDO ROAD)
LAVERTON NORTH VIC 3026

P: 8360 9333 F: 8360 8388

ADMIN@LASCARMURATDESIGNS.COM.AU
WWW.LASCARMURATDESIGNS.COM.AU

INDUSTRIAL - COMMERCIAL - RESIDENTIAL

CLIENT:
STAVROS & ARGYROULA STAVRAKOULIS

PROJECT:
PROPOSED 5 DWELLING DEVELOPMENT

ADDRESS:
NO. 52, 54 & 56 ESSEX STREET PASCOE VALE, VIC 3044

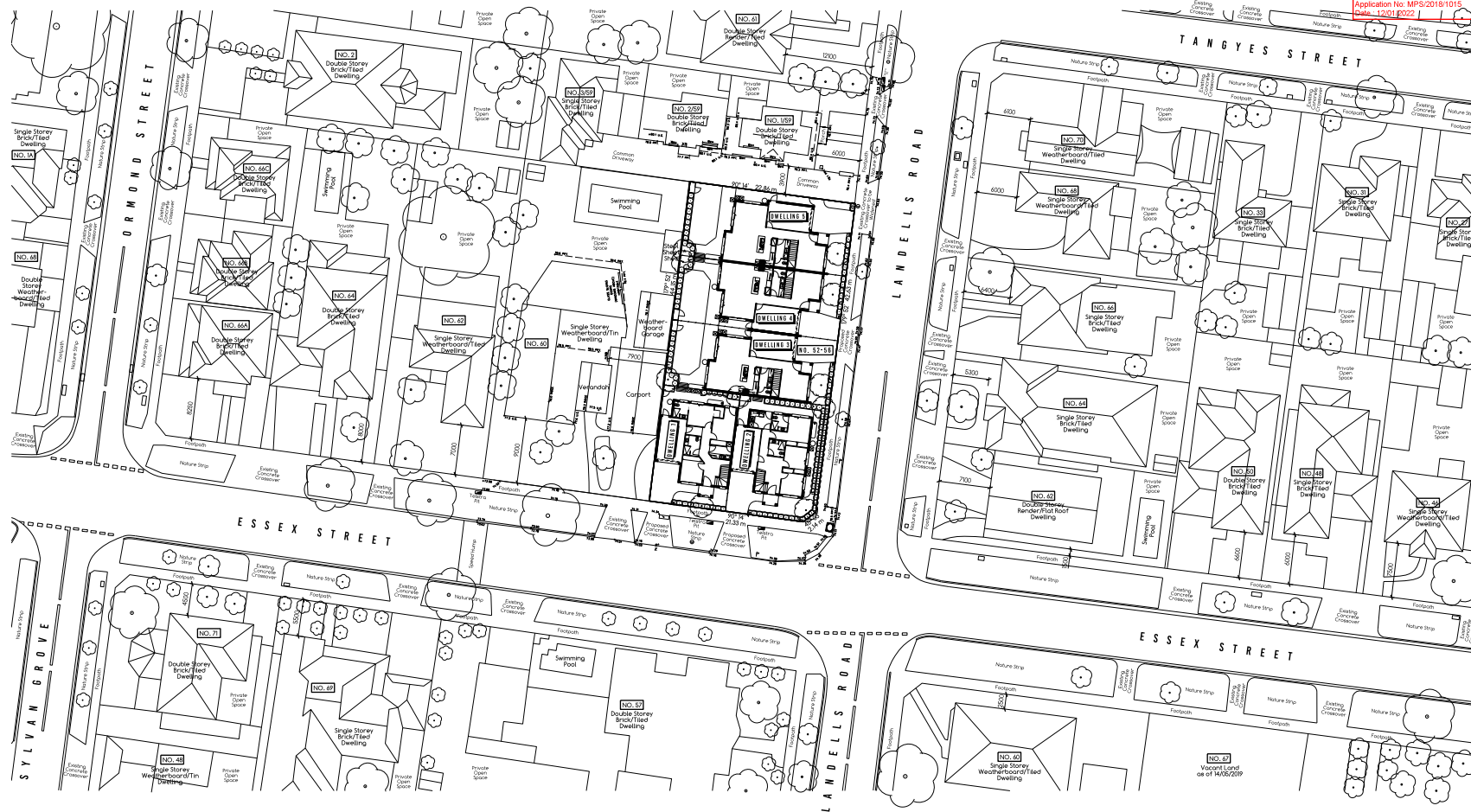


REV	DATE	AMENDMENT

DESIGNER: M. MURAT
SCALE: 1:100 @ A1
DRAWING: DATE: 13/08/2021 SHEET: 3 OF 13
THIS DRAWING IS COPYRIGHT AND ALL WORK HEREIN IS SUPPLIED
© THE PROPERTY OF LASCARIS MURAT DESIGNS. IT IS TO BE USED FOR THE PROJECT AND NOT FOR ANY OTHER PURPOSE.
THE CONTENT OF THIS DRAWING IS TO BE USED FOR THE PROJECT AND NOT FOR ANY OTHER PURPOSE.

JOB NO:
2017-77

PLANNING ENVIRONMENT ACT 1987
MORELAND PLANNING SCHEME
Advertised Document
Advertised Plan Sheet 4 of 13
Application No. MPS/2018/1015
Date: 12/01/2022



SUITE 19, 86-90 PIPE ROAD
(ON M202) LAVERTON NORTH VIC 3026
P: 8360 9333 F: 8360 8388
ADMIN@LASCARSURATDESIGNS.COM.AU
WWW.LASCARSURATDESIGNS.COM.AU
INDUSTRIAL - COMMERCIAL - RESIDENTIAL

CLIENT:
STAVROS & ARGYROULA STAVRAKOULIS
PROJECT:
PROPOSED 5 DWELLING DEVELOPMENT
ADDRESS:
NO. 52, 54 & 56 ESSEX STREET PASCOE VALE, VIC 3044



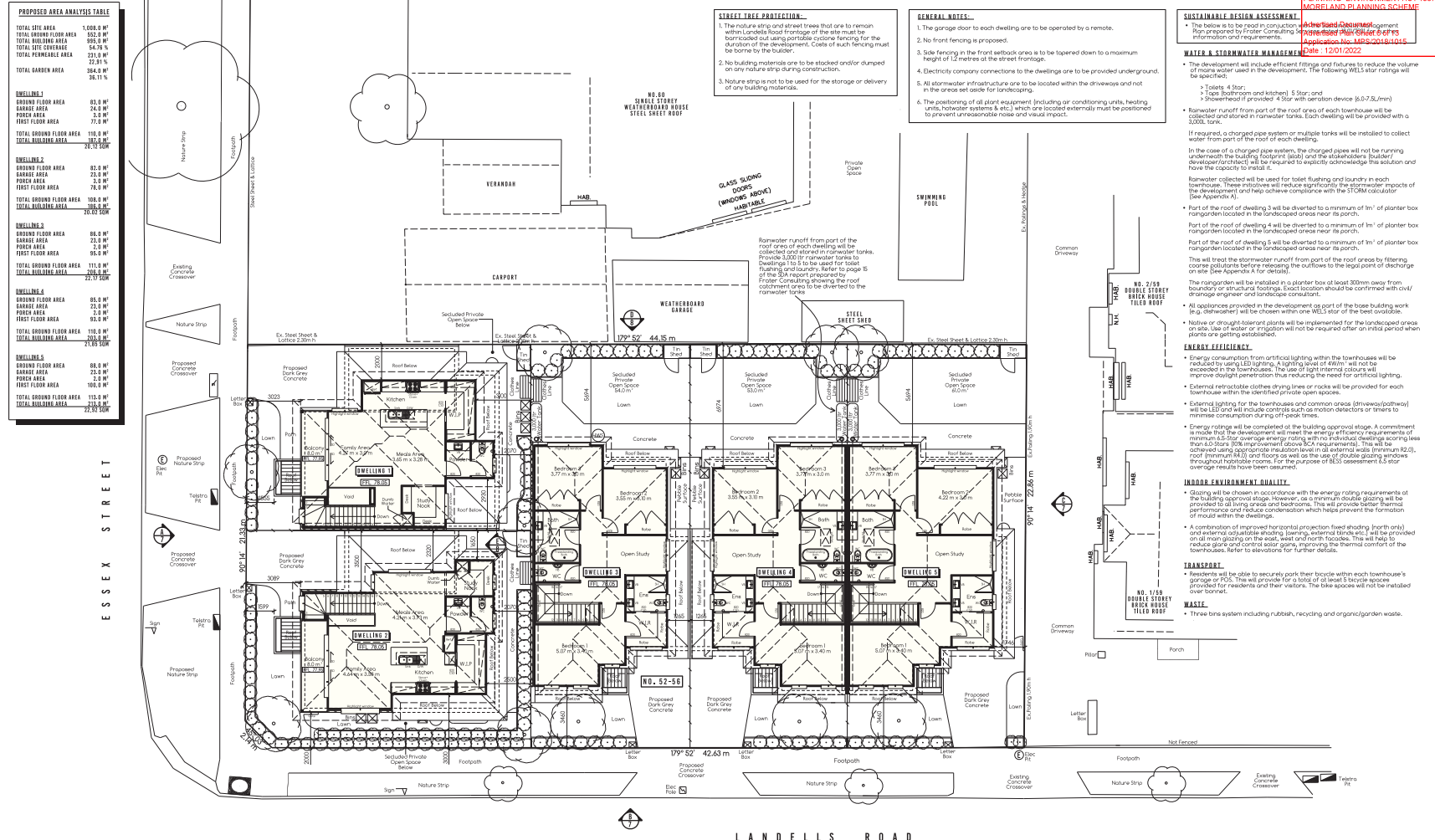
REV	DATE	AMENDMENT
C	25/11/2021	SDA INITIATIVES PROVIDED.

DESIGNER:
M. MURAT
SCALE:
1:250 @ A1
DRAWN:
M. MURAT
DATE:
25/11/2021
SHEET:
4 OF 13
THIS DRAWING IS COPYRIGHT AND ALL WORK HEREIN IS SUPPLIED
ON THE UNDERSTANDING THAT THE USER SHALL BE RESPONSIBLE
FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE
RELEVANT AUTHORITIES AND FOR OBTAINING ALL NECESSARY INSURANCE
AND COVER FOR THE USER'S OWN PERSONAL AND BUSINESS USE.

DESIGN RESPONSE PLAN
11/11/2021

JOB NO:
2017-77





SUITE 19, 86-90 PIPE ROAD
(OFF ARDENT ROAD)
LAVERTON NORTH VIC 3026

P: 8360 9333 F: 8360 8388

ADMIN@LASCARSDESIGNS.COM.AU
WWW.LASCARSDESIGNS.COM.AU

INDUSTRIAL - COMMERCIAL - RESIDENTIAL

CLIENT: STAVROS & ARGYROULA STAVRAKOULIS

PROJECT: PROPOSED DWELLING DEVELOPMENT

ADDRESS: NO. 52, 54 & 56 ESSEX STREET PASCOE VALE, VIC 3044



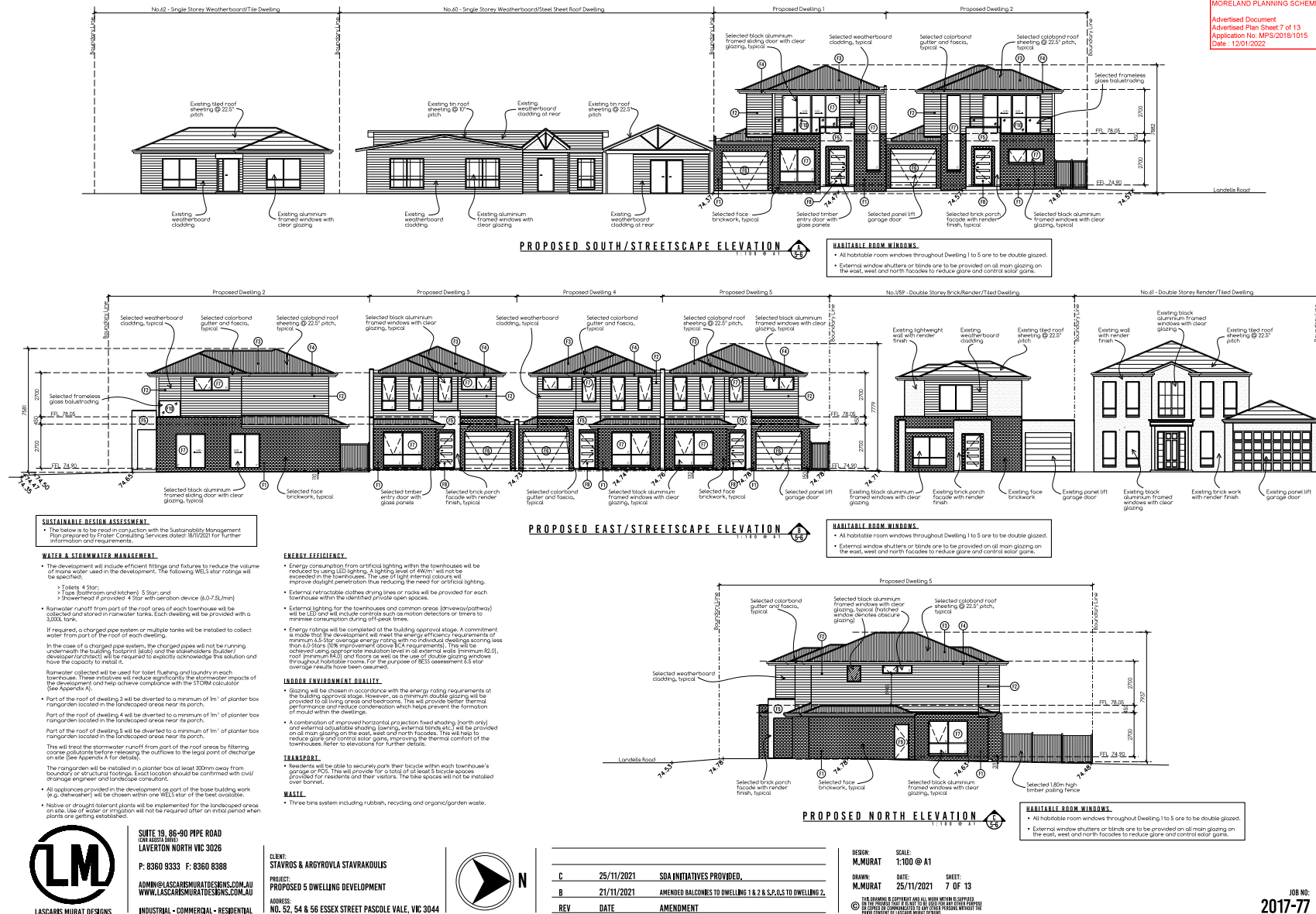
REV	DATE	AMENDMENT
C	25/11/2021	SDA INITIATIVES PROVIDED.
B	21/11/2021	AMENDED BALCONIES TO DWELLING 1 & 2 & S.P.A.S TO DWELLING 2.
REV	DATE	AMENDMENT

DESIGN: M. MURAT
SCALE: 1:100 @ A1
DRAWN: M. MURAT
DATE: 25/11/2021
SHEET: 6 OF 13

PROPOSED SITE & FIRST FLOOR PLAN

JOB NO:
2017-77

PLANNING ENVIRONMENT ACT 1987
MORELAND PLANNING SCHEME
Advertised Document
Advertised Plan Sheet 7 of 13
Application No: MPS/2018/1015
Date: 12/01/2022



PLANNING ENVIRONMENT ACT 1987
MORELAND PLANNING SCHEME
Advertised Document
Advertised Plan Sheet 8 of 13
Application No: MPS/2018/1015
Date: 12/01/2022

SUSTAINABLE DESIGN ASSESSMENT.
• The design is to be based in conjunction with the Sustainability Management Plan prepared by Frater Consulting Services dated: 18/1/2021 for further information and requirements.

WATER & STORMWATER MANAGEMENT.

- The development will include efficient fittings and fixtures to reduce the volume of mains water used in the development. The following WELS star ratings will be specified:
 - > Toilets: 4 Star
 - > Taps (bathroom and kitchen): 5 Star and
 - > Showerhead if provided: 4 Star with aeration device (6.0-7.5L/min)

- Rainwater runoff from part of the roof area of each townhouse will be collected and stored in rainwater tanks. Each dwelling will be provided with a 5000L tank.
- If required, a charged pipe system or multiple tanks will be installed to collect water from part of the roof of each dwelling.

In the case of a charged pipe system, the charged pipes will not be running underneath the building footprint (BIF) and the stakeholders (Builder/Developer/Architect) will be required to explicitly acknowledge this solution and how the capacity to install it.

Rainwater collected will be used for toilet flushing and laundry in each townhouse. These initiatives will reduce significantly the stormwater impacts of the development and help achieve compliance with the STORM calculator (See Appendix A).

- Part of the roof of dwelling 3 will be diverted to a minimum of 1m² of planter box rain garden located in the landscaped areas near its porch.

Part of the roof of dwelling 5 will be diverted to a minimum of 1m² of planter box rain garden located in the landscaped areas near its porch.

This will treat the stormwater runoff from part of the roof areas by filtering coarse pollutants before discharging the outflow to the legal point of discharge on site (See Appendix A for details).

- The rain garden will be installed in a planter box at least 300mm away from boundary or structural footings. Exact location should be confirmed with civil drainage engineer and landscape consultant.

- All appliances provided in the development as part of the base building work (e.g. dishwasher) will be chosen within one WELS star of the best available.

- Native or drought-tolerant plants will be implemented for the landscaped areas on site. Use of water or irrigation will not be required after an initial period when plants are getting established.

ENERGY EFFICIENCY.

- Energy consumption from artificial lighting within the townhouses will be reduced by using LED lighting. A lighting level of 400lm/m² will not be exceeded in the townhouses. The use of light internal colours will improve daylight penetration thus reducing the need for artificial lighting.

- External retractable clothes drying lines or racks will be provided for each townhouse within the identified private open spaces.

- External lighting for the townhouses and common areas (driveway/pathway) will be LED and will include controls such as motion detectors or timers to minimise consumption during off-peak times.

- Energy ratings will be completed at the building approval stage. A commitment is made that the development will meet the energy efficiency requirements of minimum 4.5-star average energy rating with no individual dwellings scoring less than 4.0 stars (10% improvement above BCA requirements). This will be achieved using appropriate insulation level in all external walls (minimum R2.0), roof (minimum R3.0) or floor (2 or less) as the use of double glazing windows throughout townhouses and/or floor for the purpose of BESS assessment. 4.5 star average results have been assumed.

INDOOR ENVIRONMENT QUALITY.

- Glazing will be chosen in accordance with the energy rating requirements of the building approval stage. However, as a minimum double glazing will be provided to all living areas and bedrooms. This will provide better thermal performance and reduce condensation which helps prevent the formation of mould within the dwellings.

- A combination of improved horizontal projection fixed shading (north only) and external adjustable shading (awning, external blinds etc.) will be provided on all main glazing on the east, west and north facades. This will help to reduce glare and control solar gains, improving the thermal comfort of the townhouses. Refer to elevations for further details.

TRANSPORT.

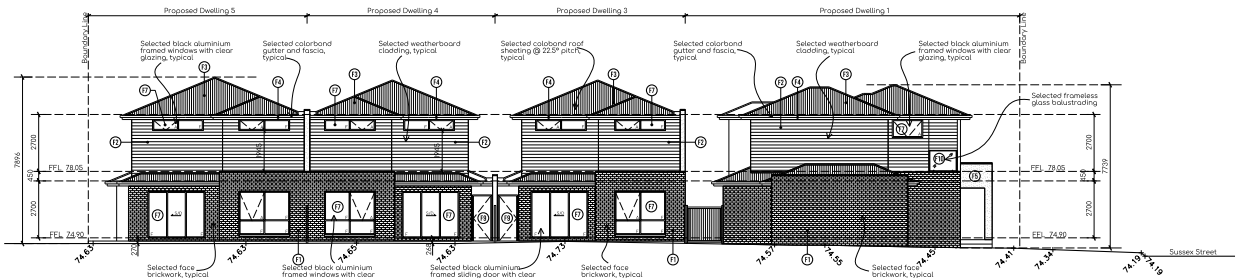
- Residents will be able to securely park their bicycle within each townhouse's garage or POD. This will provide for a total of at least 5 bicycle spaces provided for residents and their visitors. The bike spaces will not be installed over corner.

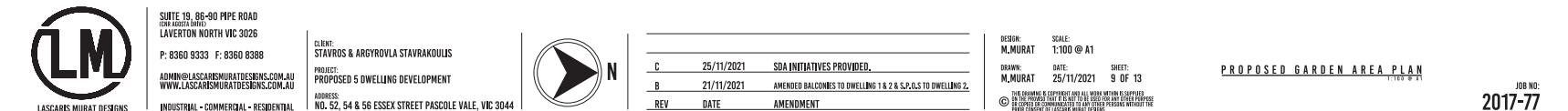
WASTE.

- Three bins system including rubbish, recycling and organic/garden waste.

HABITABLE ROOM WINDOWS.
• All habitable room windows throughout Dwellings 1 to 5 are to be double glazed.
• External window shutters or blinds are to be provided on all main glazing on the east, west and north facades to reduce glare and control solar gains.

PROPOSED WEST ELEVATION





PROPOSED AREA ANALYSIS TABLE			
TOTAL SITE AREA	1,088.0 M ²		
TOTAL GROUND FLOOR AREA	952.0 M ²		
TOTAL BUILDING AREA	952.0 M ²		
TOTAL SITE COVERAGE	24.0 %		
TOTAL PERMEABLE AREA	231.9 M ²		
TOTAL GARDEN AREA	384.0 M ²		
	38.1 %		
DWELLING 1			
GROUND FLOOR AREA	95.0 M ²		
GARAGE AREA	24.0 M ²		
FLOOR AREA	72.0 M ²		
FIRST FLOOR AREA	72.0 M ²		
TOTAL GROUND FLOOR AREA	119.0 M ²		
TOTAL BUILDING AREA	119.0 M ²		
	26.0 %		
DWELLING 2			
GROUND FLOOR AREA	92.0 M ²		
GARAGE AREA	22.0 M ²		
FLOOR AREA	70.0 M ²		
FIRST FLOOR AREA	70.0 M ²		
TOTAL GROUND FLOOR AREA	114.0 M ²		
TOTAL BUILDING AREA	114.0 M ²		
	25.0 %		
DWELLING 3			
GROUND FLOOR AREA	96.0 M ²		
GARAGE AREA	23.0 M ²		
FLOOR AREA	73.0 M ²		
FIRST FLOOR AREA	73.0 M ²		
TOTAL GROUND FLOOR AREA	119.0 M ²		
TOTAL BUILDING AREA	119.0 M ²		
	26.0 %		
DWELLING 4			
GROUND FLOOR AREA	96.0 M ²		
GARAGE AREA	23.0 M ²		
FLOOR AREA	73.0 M ²		
FIRST FLOOR AREA	73.0 M ²		
TOTAL GROUND FLOOR AREA	119.0 M ²		
TOTAL BUILDING AREA	119.0 M ²		
	26.0 %		
DWELLING 5			
GROUND FLOOR AREA	96.0 M ²		
GARAGE AREA	23.0 M ²		
FLOOR AREA	73.0 M ²		
FIRST FLOOR AREA	73.0 M ²		
TOTAL GROUND FLOOR AREA	119.0 M ²		
TOTAL BUILDING AREA	119.0 M ²		
	26.0 %		

PLANT SCHEDULE			
CODE	BOTANICAL NAME	COMMON NAME	
CA	CAREX TESTACEA	ORANGE SEDGE	
PH	PHLOMUM FRONZES BABY	BONNIE BABY NZ FLAX	
AF	AGONIS FLEXUOSA	LEMON & LIME	

PLANT SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	MATURE SIZE		POT	NO.
			HEIGHT	WIDTH		
CA	CAREX TESTACEA	ORANGE SEDGE	600	800	150	74
PH	PHORMIUM BRONZE BABY	BRONZE BABY NZ FLAX	750	750	150	62
AF	AGONIS FLEXUOSA	LEMON & LIME	8000	8000	400	10



SUITE 19, 86-90 PIPE ROAD
LAVERTON NORTH VIC 3026

P: 8360 9333 F: 8360 8388

ADMIN@LASCARSURATDESIGNS.COM.AU
WWW.LASCARSURATDESIGNS.COM.AU

INDUSTRIAL - COMMERCIAL - RESIDENTIAL

CLIENT: STAVROS & ARGYROLIA STAVRAKOULIS

PROJECT: PROPOSED 5 DWELLING DEVELOPMENT

ADDRESS: NO. 52, 54 & 56 ESSEX STREET PASCOE VALE, VIC 3044



REV	DATE	AMENDMENT
C	25/11/2021	SDA INITIATIVES PROVIDED.
B	21/11/2021	AMENDED DRAINAGE TO DWELLING 1 & 2 & S.P.A.S TO DWELLING 2.
A	05/11/2021	AMENDED AS PER COUNCIL RFL.

STEEL TREE PROTECTION:

- The mature trees and street trees that are to remain within Landells Road frontage of the site must be protected using portable option fencing for the duration of the development. Costs of such fencing must be borne by the builder.
- No building materials are to be stacked and/or dumped in any mature tree during construction.
- Nature strip is not to be used for the storage or delivery of any building materials.

PEDESTRIAN VISIBILITY SPALLS (PVS):

- A hatchered glass denoted pedestrian visibility spall at least 50% clear of visual obstructions extending at least 2m along the frontage road from the edge of the footpath and 2.5m along the side line from the footpath of the frontage road.
- The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided or adjacent or adjacent areas, provided the landscaping in those areas is less than 900mm in height.

PLANTING PROCEDURE

- Holes for the trees and shrubs to be no less than 100mm deep.
- Soil to be amended with 10% compost or equivalent.
- Water to be applied to the plants immediately after planting.
- Plants to be watered regularly during the first year.

IRRIGATION

- APPLICATION TYPE: GARDEN AREA - SURFACE DRIP SYSTEM
- STATIONS: AS DEFINED BY MAINS PRESSURE & AREAS
- OPERATION MODE: AUTO MANS CONTROL
- OPERATIONAL CYCLE (SEASONAL VARIATION):
SUMMER - TWICE WEEKLY
WINTER - WEEKLY

SUSTAINABLE DESIGN ASSESSMENT

- The below is to be read in conjunction with the Sustainable Design Assessment Report prepared by Fraser Consulting for the project.
- Application No. MPS/2018/0416
- Date: 12/01/2022

WATER & STORMWATER MANAGEMENT

- The development will include efficient fittings and fixtures to reduce the volume of water used in the development. The following WELS star ratings will be specified:
 - Toilet (bathroom and kitchen): 5 Star and
 - Refrigerator if provided: 4 Star with energy saving device (6.0-7.5 kWh)
- Rainwater runoff from part of the roof area of each townhouse will be collected and stored in rainwater tanks. Each dwelling will be provided with a 3,000 litre tank.
- If required, a charged pipe system or multiple tanks will be installed to collect water from part of the roof of each dwelling.
- In the case of a charged pipe system, the charged pipes will not be running underneath the building footprint (slab) and the slabholders (builder/developer/contractor) will be required to explicitly acknowledge this solution and have the capacity to install.
- Rainwater collected will be used for toilet flushing and laundry in each townhouse. These initiatives will reduce significantly the stormwater impacts of the development and help achieve compliance with the STCM calculator (See Appendix A).
- Part of the roof of dwelling 3 will be diverted to a minimum of 1m² of planter box rain garden located in the landscaped area near its porch.
- Part of the roof of dwelling 4 will be diverted to a minimum of 1m² of planter box rain garden located in the landscaped area near its porch.
- Part of the roof of dwelling 5 will be diverted to a minimum of 1m² of planter box rain garden located in the landscaped area near its porch.
- The will treat the stormwater runoff from part of the roof area by filtering coarse pollutants before releasing the outflows to the legal point of discharge on site (See Appendix A for details).
- The rain garden will be installed in a planter box at least 300mm away from boundary or structural footings. Exact location should be confirmed with civil/drainage engineer and landscape consultant.
- All appliances provided in the development as part of the base building work (e.g. dishwasher) will be chosen with one WELS star of the best available.
- Native or drought-tolerant plants will be implemented for the landscaped areas on site. Use of water or irrigation will not be required after an initial period when plants are getting established.

ENERGY EFFICIENCY

- Energy consumption from artificial lighting within the townhouses will be reduced by using LED lighting. A lighting level of 40W/m² will not be exceeded in the townhouses. The use of light internal colours will improve daylight penetration thus reducing the need for artificial lighting.
- External retractable clothes drying lines or racks will be provided for each townhouse within the identified private open spaces.
- External lighting for the townhouses and common areas (driveway/poolhouse) will be LED and will include controls such as motion detectors or timers to minimise consumption during off-peak times.
- Energy ratings will be completed at the building approval stage. A commitment is made that the development will meet the energy efficiency requirements of minimum 6.5 star average energy rating with no individual dwellings scoring less than 4.0 stars (B6 implemented above R2 requirements). This will be achieved using appropriate insulation level in all external walls (minimum R2.0), roof (minimum R4.0) and floors as well as the use of double glazing windows throughout habitable rooms. For the purpose of BESS assessment 6.5 star average results have been assumed.

INDOOR ENVIRONMENT QUALITY

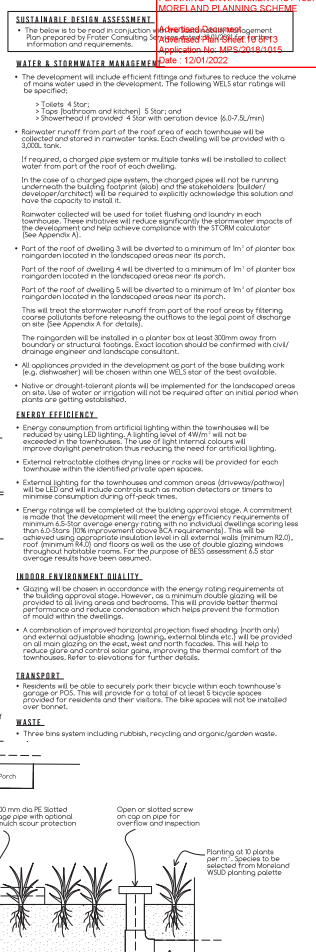
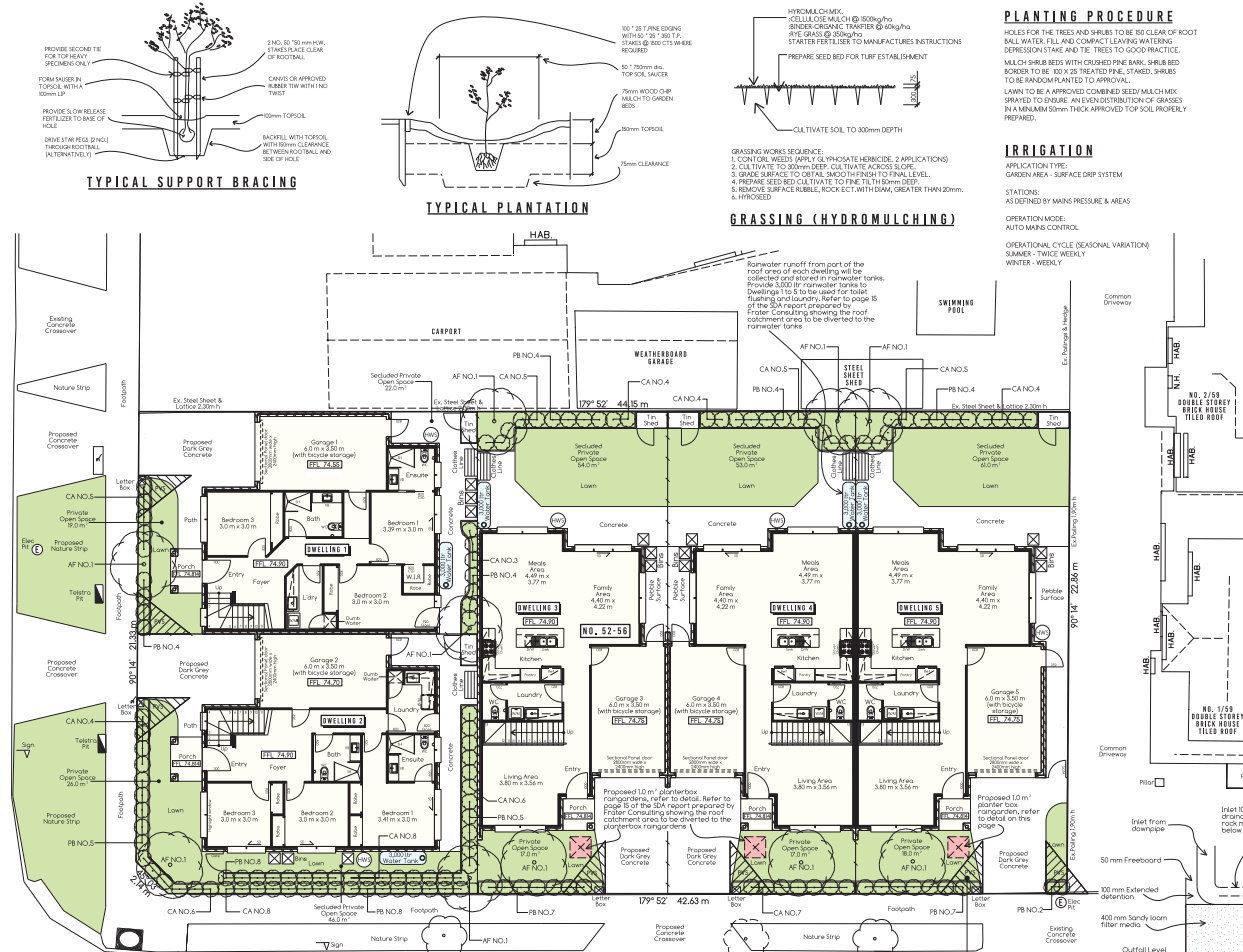
- Glazing will be chosen in accordance with the energy rating requirements of the building approval stage. However, as a minimum double glazing will be provided to all living areas and bedrooms. This will provide better thermal performance and reduce condensation which helps prevent the formation of mould within the dwellings.
- A combination of improved horizontal projection fixed shading (roof overhangs) and external adjustable shading (awning, external blinds etc.) will be provided on all windows facing the east and west facades. This will help to reduce glare and control solar gain, improving the thermal comfort of the townhouses. Refer to elevations for further details.

TRANSPORT

- Residents will be able to securely park their vehicle within each townhouse's garage or RFL. This will provide for a total of at least 12 secure spaces provided for residents and their visitors. The bike spaces will not be installed over terrain.

WASTE

- Three bins system including rubbish, recycling and organic/garden waste.



PLANTERBOX RAINGARDEN DETAIL

- Planting of 10 plants per m². Species to be selected from Monitored WJSD planting palette.
- Planterbox to be located at least 300mm away from the building edge.
- Planterbox to be located on crushed gravel or other compacted subgrade.
- 100mm dia PE connection drainage pipe.

PROPOSED LANDSCAPE DESIGN PLAN

DATE: 25/11/2021 SHEET: 10 OF 13

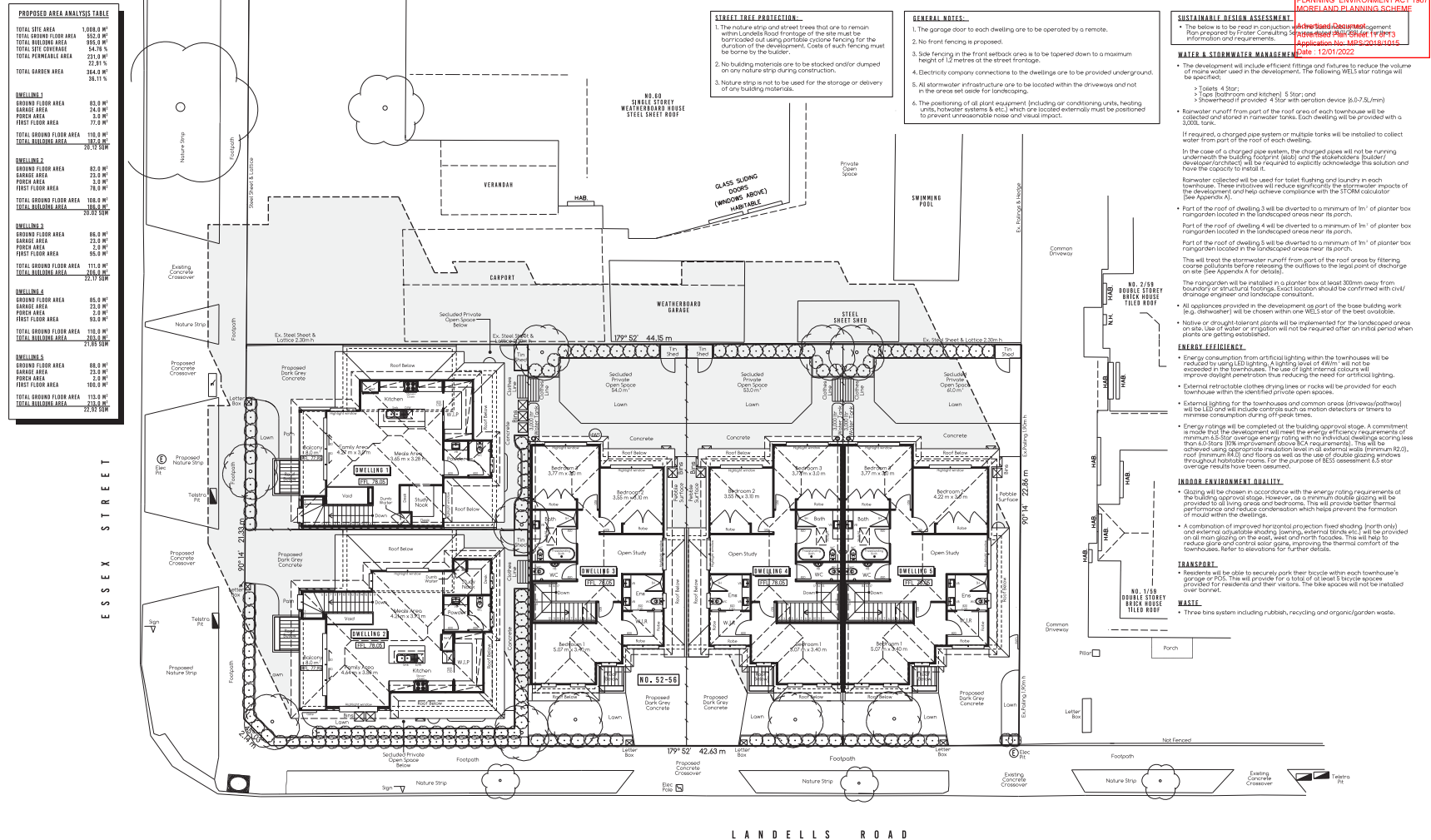
DESIGN: M. MURAT SCALE: AS SHOWN

DRAWN: M. MURAT

DATE: 25/11/2021 SHEET: 10 OF 13

THE DRAWING IS COPYRIGHT AND ALL WORK HEREIN IS RESERVED BY THE DESIGNER. NO PART OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

2017-77



SUITE 19, 86-90 PIPE ROAD
(OFF ABERNETHY)
LAVERTON NORTH VIC 3026

P: 0360 9333 F: 0360 8388

ADMIN@LASCARSDESIGNS.COM.AU
WWW.LASCARSDESIGNS.COM.AU

INDUSTRIAL - COMMERCIAL - RESIDENTIAL

CLIENT:
STAVROS & ARGYROULA STAVRAKOULIS

PROJECT:
PROPOSED DWELLING DEVELOPMENT

ADDRESS:
NO. 52, 54 & 56 ESSEX STREET PASCOE VALE, VIC 3044



REV	DATE	AMENDMENT
C	25/11/2021	SDA INITIATIVES PROVIDED.
B	21/11/2021	AMENDED BALCONIES TO DWELLING 1 & 2 & S.P.O.S TO DWELLING 2.
REV	DATE	AMENDMENT

DESIGN:
M. MURAT

SCALE:
1:100 @ A1

DRAWN:
M. MURAT

DATE:
25/11/2021

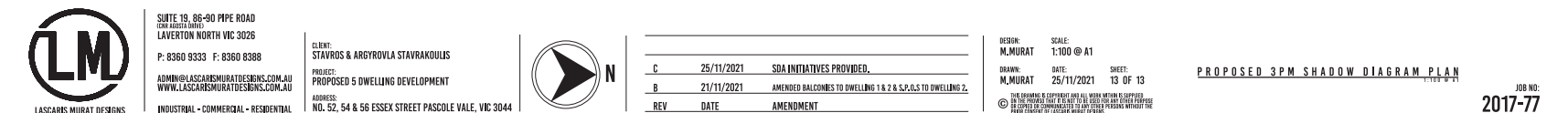
SHEET:
11 OF 13

THIS DRAWING IS COPYRIGHT AND ALL RIGHTS ARE RESERVED. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF LASCARS MURAT DESIGNS.

PROPOSED 9AM SHADOW DIAGRAM PLAN

JOB NO:
2017-77





52-56 Essex Street, Pascoe Vale

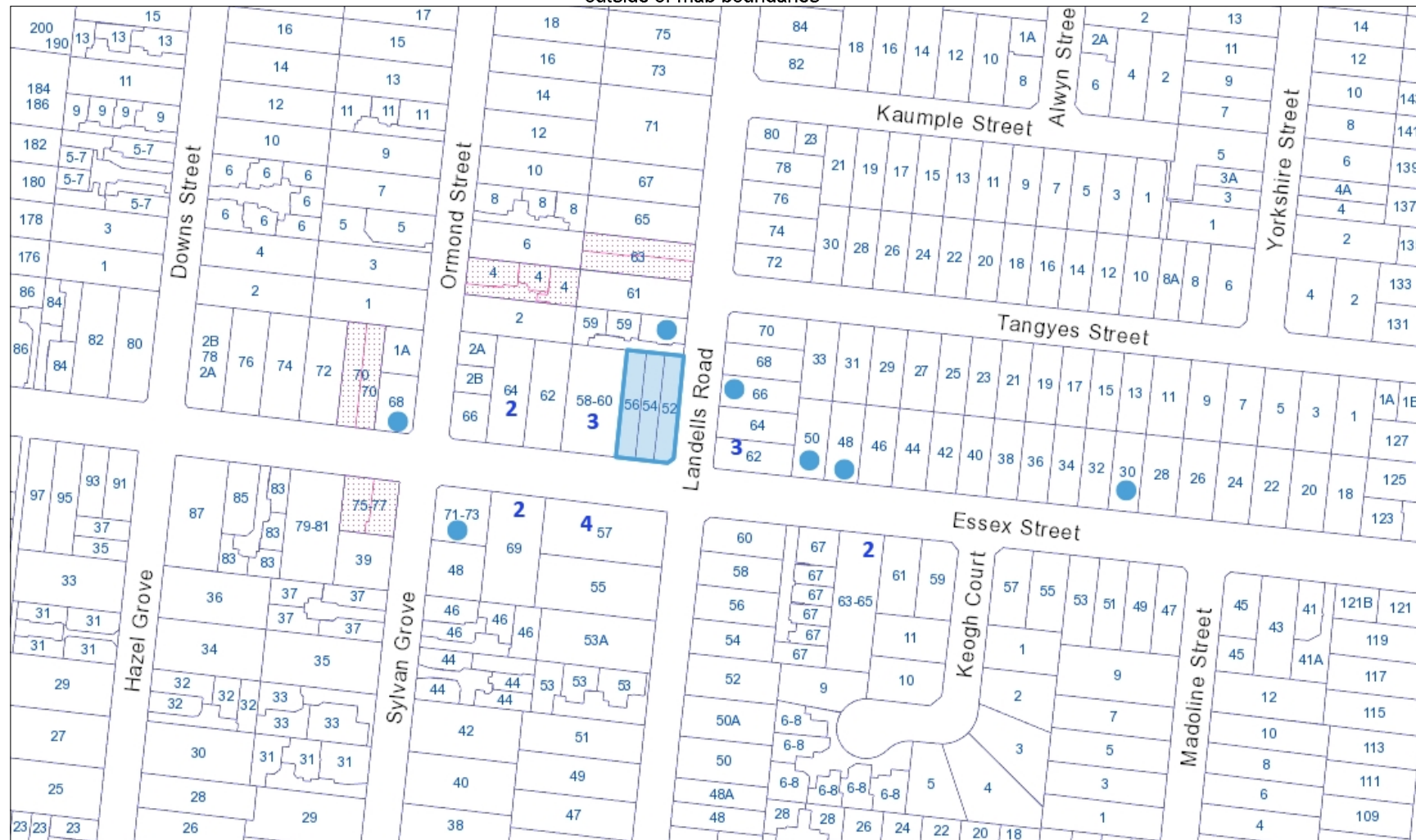
● Objector Location

 Subject Site


Moreland City Council

Objector Map

Note: 2 Objectors are located
outside of map boundaries



Copyright (c) Moreland City Council. ViMap base data (eg. cadastral, property, topographic, planning, etc) sourced from the State of Victoria. The State of Victoria and Moreland City Council do not warrant the accuracy or completeness of information shown on this publication. Any person using or relying upon such information, does so on the basis that the State of Victoria and Moreland City Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Melway map imagery - if depicted - is Copyright (c) Melway Publishing Pty Ltd (<http://www.australia.com>).

101.6 0 50.80 101.6
Meters

Date Map Generated: 26/5/2022 Map Scale: 2,000.00

