



Moreland City Council

# **SPECIAL COUNCIL AGENDA**

## **PLANNING AND RELATED MATTERS**

**WEDNESDAY 11 SEPTEMBER 2019**

**COMMENCING 6.30PM**

**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,  
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這是市政會會議的議程。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 Σύνδεσμο (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।



**1. WELCOME**

**2. APOLOGIES**

Leave of absence has been granted to Cr Irfanli - 26 August 2019 to 13 September 2019.

**3. DECLARATION OF INTERESTS AND/OR CONFLICTS OF INTERESTS**

**4. CONFIRMATION OF MINUTES**

Nil

**5. COMMITTEE REPORTS**

**CITY FUTURES**

**DCF75/19      843-851 SYDNEY ROAD, BRUNSWICK - PLANNING  
PERMIT APPLICATION - MPS/2018/941 (D19/350800)**

**3**

**6. URGENT BUSINESS REPORTS**

# DCF75/19 843-851 SYDNEY ROAD, BRUNSWICK - PLANNING PERMIT APPLICATION - MPS/2018/941 (D19/350800)

Director City Futures

City Development

## Executive Summary

*This matter was presented to the Council Meeting designated for Planning and Related Matters on 28 August 2019 for decision. Due to a procedural anomaly, this matter was not properly determined in accordance with the requirements of the Local Government Act 1989. This matter is being presented to Council at this Special Council Meeting designated for Planning and Related Matters, to ensure a timely decision by Council on this matter. The decision will be informed by review of the submitter who addressed Council at the Planning and Related Matters meeting on 26 June 2019 – by video replay.*



<b>Property:</b>	843-851 Sydney Road, Brunswick			
<b>Proposal:</b>	Development of the land for an 8-storey building comprising dwellings and a restricted retail premises, with rooftop terrace and basement parking, use of the land for dwellings, a reduction of the car parking requirement and the removal of easements.			
<b>Zoning and Overlays:</b>	<ul style="list-style-type: none"><li>• Commercial 1 Zone</li><li>• Design and Development Overlay, Schedule 18</li><li>• Development Contributions Plan Overlay, Schedule 1</li><li>• Parking Overlay, Schedule 1</li></ul>			
<b>Strategic setting:</b>	Minimal housing growth	Incremental housing growth	Increased housing densities encouraged	Significant housing growth
<b>Objections:</b>	<ul style="list-style-type: none"><li>• Two</li><li>• Key issues:<ul style="list-style-type: none"><li>– Building height</li><li>– Car parking</li><li>– Amenity</li></ul></li></ul>			
<b>Planning Information and Discussion (PID) Meeting:</b>	A PID meeting has not been held though the objectors have been contacted.			
<b>ESD:</b>	Minimum average NatHERS rating of 6.5 stars.			
<b>Accessibility:</b>	Adaptable apartments comprise 52% of the proposal.			

<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>• Appropriate internal amenity (subject to conditions)</li> <li>• Minimal off-site amenity impacts</li> <li>• Responds to preferred built form and neighbourhood character (subject to conditions).</li> <li>• Positive ESD and access outcomes.</li> </ul>
<b>Recommendation:</b>	It is recommended that a 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/2018/941 be issued for the development of the land for a building comprising dwellings and a restricted retail premises with rooftop terrace and basement park, use of the land for dwellings, a reduction of the car parking requirement and the removal of easements at 843-851 Sydney Road, Brunswick, 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. The plans must be generally in accordance with the plans advertised on 20 December 2018 (prepared by Ascui and Co Revision A 1557 19/10/2018), but modified to show:
  - a) Deletion of level 7 (containing 6 dwellings), reducing the overall building height by a minimum of 3 metres.
  - b) The relocation of air conditioning away from habitable room windows.
  - c) Relocation of air conditioning units outside the areas of private open space (balconies or terraces) or increase the size of the private open space area by a minimum of 1.5 metres.
  - d) Portions of the face brick work façade extended to the ground plane, to reinforce the fine grain character of Sydney Road.
  - e) Additional visual cues such (as the property number) at the residential entry.
  - f) A glazed window on the northern wall of the stairwell.
  - g) Lighting to the under-croft area and ROW entry.
  - h) A minimum of one bicycle parking space per dwelling.
  - i) A notation indicating that the bicycle storage room will have a self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
  - j) The entry door alcoves to dwellings 303, 403, 503, 603 and 703 with a minimum width of 1.2 metres.
  - k) The adaptable bathrooms in dwellings 302, 402, 502, 602, 605, 702 and 705 to have a 1.02 metre sliding door with a clear width of 0.85 metres.
  - l) Initiatives contained within the amended Sustainability Management Plan (SMP), including:
    - i. On-site stormwater treatments as per the amended STORM report; including the size and location of the rainwater harvesting tank/s;
    - ii. Rainwater harvesting tank/s must be noted to be used only for reuse within the development, and that it is completely independent of any detention requirements (through the Legal Point of Discharge process);

- iii. External shading for the exposed west facing habitable room glazing which demonstrates the glazing will be protected from sun during peak heat temperatures whilst not detracting from desired winter heat gain. Shading devices to be illustrated with a product diagram/section detail on Elevation plans.
- iv. A notation that all glazing to living areas achieves at least a 60% Visible Light Transmittance (VLT).
- v. Proposed location of electric vehicle charging infrastructure and confirmation they can charge the next generation electric vehicles;
- vi. Location of area/s dedicated to on-site management of food and green waste;
- vii. A schedule of materials detailing all sustainable materials committed to in the Sustainability Management Plan.
- viii. Any other changes as per the amended Sustainability Management Plan.
- m) The verandah must not project beyond the street alignment unless it is setback not less than 750 millimetres from the kerb and at a height less than 3 metres above the level of the footpath.
- n) An amended Acoustic Report in accordance with condition 4 of this Permit.
- o) An amended Sustainability Management Plan in accordance with condition 7 of this Permit.
- p) An amended Waste Management Plan in accordance with condition 10 of this Permit.
- q) An amended Landscape plans in accordance with condition 11 of this Permit.
- r) An amended Accessibility Report in accordance with condition 13 of this Permit.
- s) A Drainage Report in accordance with condition 27 of this Permit.
- t) Any practical changes to the plans required by the additional reports and plans required by conditions of this Permit.

#### **Development not to be altered**

- 2. The development and removal of easement 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.

#### **Environmental Assessment and Auditing Requirements**

- 3. Prior to the commencement of construction or carrying out of works pursuant to this permit, or any works associated with a sensitive use (other than buildings and works required to be undertaken in association with the Environmental Audit and testing, as detailed in the remediation plan under condition 5) either:
  - a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or
  - b) An Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, or prior to the issue of an Occupancy Permit under the *Building Act 1993* (whichever is the earliest), a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the *Planning and Environment Act 1987*. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the *Subdivision Act 1988*. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

Prior to any remediation works being undertaken in association with the Environmental Audit, a 'remediation works' plan must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.

#### **Acoustic Requirements**

4. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer generally in accordance with the report prepared by Acoustical Design Pty Ltd dated 3 October 2018 must be submitted and approved to the satisfaction of the Responsible Authority reflecting the amended plans required by condition 1. When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit.
5. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority. The Acoustic Report endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.
6. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Acoustic Report approved pursuant to this permit or similarly qualified person or company must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.

#### **Sustainability Management Plan**

7. Prior to the endorsement of plans, the Sustainability Management Plan prepared by Ark Resources dated 1 November 2018 must be amended by a suitably qualified environmental engineer or equivalent to the satisfaction of the Responsible Authority to include the following:
  - a) Provide NatHERS certificates including the NatHERS diagnostic reports for all ratings of thermally unique dwellings undertaken.

- b) For the retail space provide preliminary JV3 modelling report to demonstrate that the proposed building as modelled with proposed building fabric reduces annual heating and cooling energy consumption by 10% as compared when the proposed building is modelled with NCC reference fabric; include the reference glazing calculator spreadsheet and proposed glazing calculator spreadsheets as part of this assessment. The JV3 report should be prepared at a minimum as per the example energy analysis report format provided in the ABCB Protocol for Building Energy Analysis Software. Alternatively, provide indicative insulation specifications being proposed for the walls, ceiling/roof, floor of applicable conditioned spaces and provide a copy of the NCC glazing calculator showing glazing performance characteristics (U-value, SHGC) that achieve 10% improvement above NCC.
- c) Change washing machine selection from 'scope out' to '3 star' to account for the worst option that future residents will install.
- d) Include the recommendations of the new Sustainability Victoria Guidelines (Sustainability Victoria 'Better Practice Guide for the Waste Management and Recycling in Multi-Unit Developments' released in November 2018) for the inclusion of on-site organics capacity.
- e) Increased bicycle parking to be at least one bicycle parking space per dwelling.
- f) An improved response to the 'IEQ response' objectives of Clause 22.08, including:
  - i. BESS report to be amended to realistically reflect the number of apartments that meet the Natural ventilation requirements or justify how the 100% (100% of apartments being naturally ventilated) was arrived at.

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

When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit.

- 8. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP). No alterations to the SMP may occur without the prior written consent of the Responsible Authority.
- 9. Prior to the commencement of occupation or issue of a Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved plan.

### **Waste Management**

- 10. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

## **Landscaping**

11. Prior to the commencement of any development works, amended landscape plans must be submitted to and approved by the Responsible Authority. The landscape plans must be generally in accordance with the plans prepared by Memla Pty Ltd dated August 2018 but modified to show:
  - a) The proposed plant selection for the planter boxes, deep planting and green façade (planters and climbing frames) together with substrate materials, drainage and structural support required.
  - b) Information about the maintenance of landscaped areas.
  - c) Details of proposed watering methods and maintenance of the plants, including an automatic irrigation system for all planter boxes and landscaped areas including the roof and facades.
  - d) Any storm water management details on the STORM report, including rainwater harvesting, tank size and location as shown in the Sustainability Management Plan.
12. Prior to the issuing of a Statement of Compliance or occupation of the development, whichever occurs first, all landscaping works must be completed and maintained in accordance with the approved and endorsed landscape drawing to the satisfaction of the Responsible Authority.

## **Access Plan**

13. Prior to the endorsement of plans, an Accessibility Report prepared by a suitably qualified person must be submitted and approved to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Think Access dated 10 October 2018 but updated to refer to the plans required by condition 1 of this permit and detail how the development complies with Standard D17 (Accessibility) of Clause 58 of the Moreland Planning Scheme, including the detailed design of the adaptable bathrooms. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development. No alterations to the plan may occur without the written consent of the Responsible Authority.
14. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Accessibility Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Accessibility Report have been implemented in accordance with the approved report.

## **Development Contributions Levy**

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

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
- Prior to the issue of a Statement of Compliance for the subdivision.



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

### **General**

16. Prior to the occupation of the development, the bicycle parking racks must be installed in a secure manner that accords with the specifications in Bicycle Victoria's Bicycle Parking Handbook, to the satisfaction of the Responsible Authority.
17. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
18. 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.
19. Prior to the occupation of the development, any air-conditioning and other plant and generator equipment must be screened from the view of adjoining properties and the street to the satisfaction of the Responsible Authority.
20. Prior to the occupation of the development, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
21. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
22. Prior to the occupation of the development the public footpath is to be reinstated with the standard cross-fall slope of 1 in 40 from the top of roadside kerb to the property boundary, with any level difference made up within the site.
23. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Moreland City Council, City Infrastructure Department).
24. Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority
25. The verandah must not project beyond the street alignment unless it is setback not less than 750 millimetres from the kerb and at a height less than 3m above the level of the footpath in accordance with Clause 507 of the Building Regulations 2006 to the satisfaction of the Responsible Authority.
26. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
27. Prior to the commencement of any development works a drainage report, must be submitted to and approved by the Responsible Authority. The drainage report must be prepared by an appropriately qualified and experienced drainage engineer and respond to the flooding context demonstrating how the development will mitigate a 1 in 100 year inundation event arising from the overloading of the underground urban drainage system.

## Easement Removal

28. Prior to the commencement of works the easement must be removed and a plan of removal registered.
29. This permit will expire if one of the following circumstances applies:
  - a) The easement removal is not commenced within two years of the date of issue of this permit as evidenced by a Plan of Removal of Easement being certified by the Council within that time.
  - b) The Certified Plan of Removal of Easement is not registered within five years from the date of the Certification of the Plan.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or; within 6 months after the permit expires to extend the commencement date (as referred to in point (a) above). Section 7 of the *Subdivision Act 1988* does not allow for any extension of time for the registration of the certified Plan of Removal of Easement as outlined in point (b) above.

## Permit Expiry

30. The use and development approved by this permit will expire if one of the following circumstances applies:
  - a) The development is not commenced within 3 years from the date of issue of this permit.
  - b) The development is not completed within 5 years from the date of issue of this permit.

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

- Within 6 months after the permit expires to extend the commencement date of the development and use;
- Within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

## These notes are for information only and do not constitute part of this Permit.

**Note 1** Should Council impose car parking restrictions in this street, the owners and / or occupiers of the land would not be eligible for any Council parking permits to allow for on street parking

**Note 2** Contact needs to be made with CitiPower to determine whether CitiPower will require the power lines to be relocated away from the dwellings.

**Note 3** 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 4

- i. A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 7 days of issue, in accordance with Section 53ZB of the *Environment Protection Act 1970*.
- ii. Where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to Section 53ZE of the *Environment Protection Act 1970*.

- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the *Sale of Land Act 1962*, a copy of the Certificate or Statement of Environmental Audit including a copy of any cover letter.
- iv. Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the *Planning and Environment Act 1987*.

## **1. Background**

### **Subject site**

The subject site is located at 843-851 Sydney Road, Brunswick, on the south-western corner of Sydney Road and Cozens Street.

The site is regular in shape, with a width of 25.3 metres to Sydney Road and a depth of 40.2 metres to the Cozens Street frontage. The total site area is approximately 1020 square metres.

The site is currently occupied by a double storey electrical store (restricted retail premises). Off street car parking is accessed from Cozens Street.

The site comprises 2 lots. The northern lot includes a sewerage easement in its south-west corner (shown as E-1 on the survey plan). The southern lot includes 2 easements along the southern boundary, E-2 relating to Light and Air, and E-3 relating to overhanging eaves.

### **Surrounds**

The surrounding area is characterised by a mix of commercial; industrial and residential uses. Buildings in the area are of a predominantly single and double storey scale.

The site has only one direct abuttal, being the single storey commercial building to the south at 841 Sydney Road. This site is occupied by a single storey restaurant.

A double storey medical centre is located on the northern side of Cozens Street at 853 Sydney Road. Further north and south along Sydney Road are single and double storey buildings containing a variety of shops, offices and other commercial activities. Some accommodation may be located at the upper levels of buildings. Buildings are built to the Sydney Road frontage and present as a low scale shopping strip with a relatively fine grain. This section of the Sydney Road corridor, however, does not exhibit the “predominantly intact 19th and early 20th century retail and commercial strip” streetscape character of the Sydney Road heritage precinct situated further to the south (HO149).

To the west immediately adjoining the subject site a right-of-way (ROW) runs between Cozens Street and Peveril Street. The laneway is a single carriageway. To the west, on the other side of the ROW, is a double storey building at 7 Cozens Street, which is currently occupied by an acting studio. Further west along Cozens Street are a variety of local service industries such as vehicle repair workshops.

To the east, on the opposite side of Sydney Road, are single storey shops.

A location plan forms **Attachment 1**.

### **Planning Permit and site history**

There are no existing planning permits or relevant history for this site.

### ***The proposal***

The proposal is summarised as follows:

- It is proposed to construct an 8-storey building comprising 51 dwellings, a ground floor restricted retail premises, a partially covered rooftop terrace and two levels of basement car parking.
- The proposal will have a maximum building height of 29.45 metres measured from the natural ground level at the centre of the site frontage to the top of the lift overrun.
- The development is proposed to contain the following dwelling types: 17 one-bedroom dwellings; 32 two-bedroom dwellings; and 2 three-bedroom apartments.
- The dwellings have private open space areas ranging in size from 10 square metres to 126 square metres and a communal open space area of 129 square metres.
- The proposed development will provide a total of 46 on-site car parking spaces which will be accommodated within a two-level basement.
- A total of 42 bicycle spaces are provided at ground floor level directly accessible from Cozens Street.
- The materials include face-brickwork, concrete and metal detailing at the street-wall levels. The upper levels comprise of various smooth and ceramic tiles with an open frame to accommodate planting.
- It is proposed to remove all 3 easements applicable to the land.

The advertised plans form **Attachment 2**.

### **Statutory Controls – why is a planning permit required?**

<b>Control</b>	<b>Permit Requirement</b>
Commercial 1 Zone Schedule 1	Clause 34.01: A permit is required for the use of the land for dwellings. A permit is required to construct a building or construct or carry out works.  A retail premises is a Section 1 land use and a permit is not required for the use of the ground floor.
Design and Development Overlay Schedule 18	Clause 43.02-2: A permit is required to construct a building and carry out buildings and works.
Particular Provisions	Clause 52.02: A permit is required to create, vary or remove an easement.  Clause 52.06: A permit is required to reduce the car parking provision.

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

- Clause 45.06 – Development Contributions Plan Overlay (Schedule 1)
- Clause 45.09 – Parking Overlay (Schedule 1)
- Clause 58 – Apartment Developments.

## **2. Internal/External Consultation**

### **Public Notification**

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

- Sending notices to the owners and occupiers of adjoining and nearby land.
- Placing signs on the Sydney Road and Cozens Street frontages of the site.
- Sending notices to persons that benefit from the easements.

Council received two objections to the planning application.

The location of the objectors is as follows:

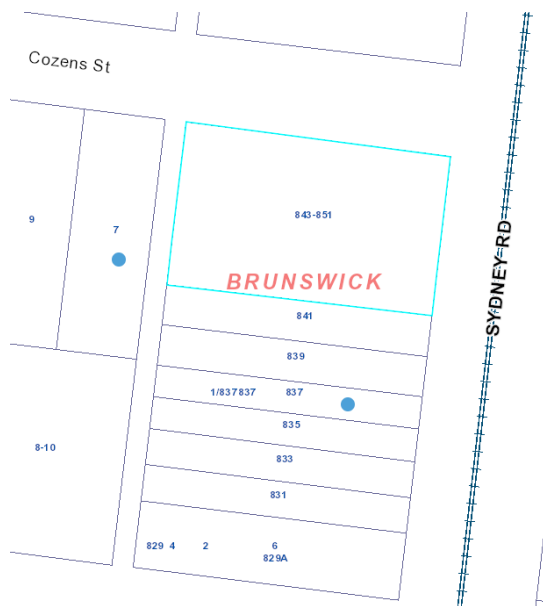


Figure 1 - Objectors marked in blue.

The key issues raised are:

- Overshadowing
- Loss of daylight
- Impact upon ventilation
- Car parking
- Noise
- Impact upon services
- Overdevelopment
- Size of the living areas within the dwellings
- Height of the building
- Neighbourhood Character
- Removal of easements

A planning and discussion meeting was not held. However, the applicant discussed the proposal with both objectors. Council has consulted with both objectors via phone call. There were no changes made to the plans as a result of these conversations.

#### Internal referrals

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

Internal Branch/Business Unit	Comments
Urban Design Unit	The key issue identified by Urban Design was the height and setbacks to Sydney Road. This is addressed in Section 4 of the report. The proposal was otherwise supported, subject to modifications, which are addressed by conditions detailed in the recommendation.
Development Advice Unit	No objections were offered to the proposal subject to modifications, which are addressed by conditions detailed in the recommendation.
ESD Unit	No objections were offered to the proposal subject to modification, which are addressed in the conditions detailed in the recommendation.

### **3. Policy Implications**

#### **Planning Policy Framework (PPF)**

The following Planning Policies are of most relevance to this application:

- Clause 11 Settlement
- Clause 15 Built Environment and Heritage including:
  - Built Environment (Clause 15.01)
  - Sustainable Development (Clause 15.02)
- Clause 16.02 Housing including:
  - Integrated Housing (Clause 16.01-1S and 16.01-1R)
  - Location of Residential Development (Clause 16.01-2S)
  - Housing Opportunity Areas (Clause 16.01-2R)
- Clause 17 Economic Development
- Clause 18 Transport

#### **Local Planning Policy Framework (LPPF)**

The following Key Strategic Statements of the Municipal Strategic Statement (MSS) and the following Local Planning Policies are of most relevance to this application:

Municipal Strategic Statement:

- Clause 21.01 Municipal Profile
- Clause 21.02 Vision
- Clause 21.03-3 Housing
- Clause 21.03-4 Urban Design, Built Form and Landscape Design
- Clause 21.03-5 Environmentally Sustainable Design (Water, Waste and Energy)

Local Planning Policies:

- Clause 22.01 Neighbourhood Character
- Clause 22.03 Car and Bike Parking and Vehicle Access
- Clause 22.07 Apartment Development of 5 or More Storeys
- Clause 22.08 Environmentally Sustainable Design

Council through its MSS, seeks increased residential densities in the Brunswick Activity Centre to take advantage of the excellent access to public transport and other services within this location. The proposal meets the objectives and strategies of the LPPF by incorporating a mix of uses, including a retail space, offering increased housing within an activity centre and increased dwelling diversity. The proximity of the site to a variety of public transport options and the provision of bicycle facilities on the site encourages less reliance on cars as a means of travel.

Council's Neighbourhood Character Policy supports substantial change and creation of a new character of increased scale associated with increased density in this designated Activity Centre. The proposal enjoys strong strategic support at both State and Local level.

#### **Human Rights Consideration**

This application has been assessed 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*.

## 4. Issues

In considering this application, regard has been given to the Planning Policy Frameworks, the provisions of the Moreland Planning Scheme and the merits of the application.

### **Does the proposal respond to the preferred character of the area?**

The proposal is considered against Clause 22.01 (Neighbourhood Character) and Clause 43.02 (Design and Development Overlay Schedule 18 – DDO18) of the Moreland Planning Scheme. The site is within an area the policy marks for substantial change and has the following objective for the Brunswick Activity Centre:

*To support substantial change and create a new character of increased density and scale of built form as defined in the relevant zone or overlay, Structure Plan and/or Place Framework.*

#### Height and setbacks

The DDO18 establishes the following building envelope relevant to the subject site:

- A preferred overall building height of 19 metres.
- A mandatory street wall height requirement for the Sydney Road frontage of 8 to 11 metres.
- Any part of the building above the street wall height in Sydney Road should:
  - Be set back at least 5 metres from the street boundary.
  - Be designed to ensure that it occupies no more than one quarter of the vertical angle defined by the whole building in the view from an eye-level of 1.7 metres on the opposite side of the street (see figure 2).
  - Adopt the same street setback for at least 75% of the height of the upper levels to avoid ‘wedding cake’ built form outcomes.
  - Materials at the upper levels of the building should be distinct from materials of the lower levels of the building.
  - The architectural expression of the upper and lower building components should be complementary and upper levels should be visually recessive.

At 10.7 metres, the proposed street wall complies with the mandatory street wall height for Sydney Road.

In Cozens Street, the DDO18 specifies a preferred street wall height of 8 to 11 metres. The DDO18 also says that upper levels on streets other than Sydney Road should be setback at a 1:1 ratio of building height to distance from the opposite side of the street boundary. The objective of this provision is to achieve an appropriate balance between a sense of enclosure and openness. Given that land to the west of the subject site is within a core industrial area and not subject to substantial redevelopment. The industrial nature of the majority of Cozens Street is likely to remain open negating the enclosure created by the upper levels of the development. As such, the 5 metre upper level setback to Cozens Street is acceptable. Variations are sought regarding the overall building height and upper level setbacks to Sydney Road, as follows:

#### *Building Height*

The proposal seeks a maximum building height of 29.45 metres (taken from the Sydney Road frontage). The lift overrun is not an allowable encroachment into the DDO18 height control in this instance as it exceeds 3.6 metres above the building height (at a height of 4.2 metres). The total variation to the DDO18 sought is therefore 9.7 metres. However, the lift overrun comprises a small proportion of the overall building bulk and supports a roof deck which provides positive internal amenity. The key consideration regarding height is Levels 6 and 7, which are both above the preferred 19 metre height.

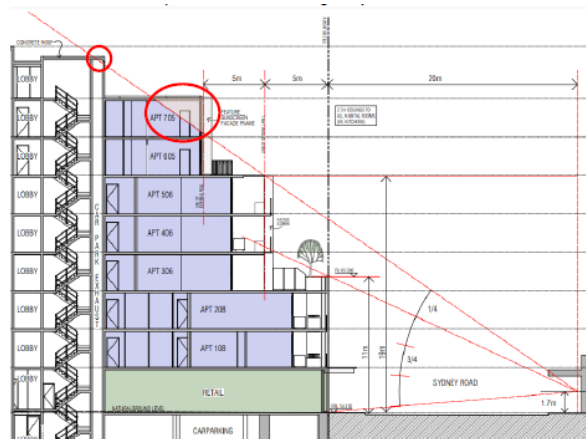


### *Upper level setback to Sydney Road*

The development provides a 5 metre upper level setback to the Sydney Road boundary to Levels 3-5, which increases to 10 metres at Levels 6 and 7.

The DDO18 states that the upper levels should occupy no more than one quarter of the vertical angle defined by the whole building in the view from an eye-level of 1.7 metres on the opposite side of Sydney Road.

The proposal in its current form does not achieve this (as demonstrated in the circled area below).



*Figure 2 – Cross-section*

The proposal also fails to adopt the same street setback for at least 75% of the height of the upper levels to avoid 'wedding cake' built form outcomes. Furthermore, while the materials at the upper level are distinct from the lower levels and are supported by Urban Design, the upper level does not present as 'visually recessive'.

In considering the height and setback variations, the following objectives of DDO18 are relevant:

- To encourage a new mid-rise built form character with buildings generally ranging from 4-10 storeys with lower built form at the interfaces with the adjoining low rise residential areas.
- To complement the valued built form and heritage character along Sydney Road.
- To ensure the street wall remains the visually dominant element of all development in Sydney Road and that any height above the street wall is visually recessive, subservient and does not dominate the streetscape appearance.
- To reinforce the fine grain character of Sydney Road.

At 8-storeys (plus the centralised roof deck) the height sits within the 4-10 storey range sought by the first objective of the DDO18. The size and locational attributes enable this site to accommodate a building at the taller end of this scale. Contextual features of the site that are relevant to the proposal include the wide frontage; long depth; setback from residential properties to the west afforded by the commercial and industrial sites and train line; and the emerging character of taller buildings within the vicinity. All these factors together with the supportive policy context contribute to this site being able to accommodate a taller building.

However, the DDO18 specifically seeks that the street wall remains the visually dominant element and that upper levels are recessive which this proposal fails to achieve. While this section of Sydney Road is not covered by a heritage overlay, there is still a valued low scale and fine grain character that should be respected.

It is therefore recommended that Level 7 be deleted. This will achieve compliance with the preferred upper level setback provisions of DDO18 and mean that the proposal will be only one storey (plus the roof deck) above the preferred overall height. This is considered to be an acceptable outcome that achieves the overarching objectives of the control. A secondary consequence of deleting one storey, is a reduction in the variation to the 1:1 ratio thus reducing the sense of enclosure to Cozens Street.

#### Architectural Detail and Materials

The DDO includes the following relevant objectives:

- To reinforce the fine grain character of Sydney Road
- To create an inviting, safe and vibrant public realm.

Through the provision and retention of a large ground floor commercial area along Sydney Road, the proposal provides an active frontage. Council's Urban Designer noted:

*Ground level with retail frontage to Sydney Road and turning the corner on Cozens Street is supported. The frontages are transparent to ensure optimal interest and will effectively contribute to an inviting, safe and vibrant streetscape.*

The street wall is also broken into sections, to reinforce the fine grain character of Sydney Road. However, Council's Urban Designer recommended reinforcing the street wall character by extending portions of the face brick work façade to the ground plane. This forms a condition of the recommendation.

The proposal also provides a safe and inviting entry to the dwellings from Cozens Street and restricts vehicle access to the rear of the site, protecting the pedestrian realm.

The simple rectilinear form and expression of a modern façade above the podium is generally supported. While retaining the sense of a simple overall form, the design of upper levels has enough detail and articulation to provide interest. Overall the building will present as an interesting addition to the streetscape.

The following additional recommendations regarding design detail from Council's Urban Designer are incorporated within the conditions of the recommendation:

- Glazing to the stairwell to allow for natural light from the court yard to enter the stairwell and promote a sense of safety.
- Additional visual cues such (as the property number) to enhance legibility of the residential entry.

The Urban Designer recommended the installation of a panel lift door to carpark along the western boundary to address security in the under-croft entry. The proposed location of the door is considered a better outcome as it allows for the bins to be easily taken in and out of the site, allows an adequate turning circle for vehicles, manages vehicle queuing and for pedestrian access. A condition will require this area be appropriately lighting to improve visibility and enhance security.

#### Landscape design

The proposed landscaping ensures that the proposed development will sit comfortably within the streetscape and future residents are provided with an attractive and functional communal open space.

Clause 58.03-5 (Landscaping) seeks to provide appropriate landscaping with climate responsive design and water management. The standard requires:

- 7.5% of site area (min dimension of 3 metres) and;
- 1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil.

The current site coverage is 100% with no vegetation on site. Given the site constraints and proposed layout, the development cannot achieve the deep soil areas sought by the standard. However, the proposal will provide vegetated planters; landscaped terraces at level 3; vegetated roof top communal space; and planters and climbing frames integrated into the facade composition. The proposed various forms of vegetation at all levels will soften the built form and create visually attractive facades to Sydney Road and Cozens Street. This is considered to be sufficient to satisfy the objective of the landscaping Clause.

**Does the proposal result in any unreasonable impacts on neighbouring properties?**

Given the neighbouring uses are mostly commercial or industrial there are limited impacts upon the existing properties in terms of residential amenity. The shadow cast by the proposal is acceptable as it falls mostly upon existing shadows and roofs.

**Does the proposal provide an acceptable level of amenity for future residents?**

The proposal was assessed against Clause 58 (Apartments) and deemed satisfactory. The proposal offers a high level of onsite amenity for future occupants; notable features include:

- The building offers dwelling diversity with three dwelling types of varying sizes (17 one bedroom, 32 two bedrooms and 2 three bedroom dwellings).
- A 129 square metre north facing communal roof terrace, which is partly covered for weather protection and year-round use.
- All rooms have direct access to natural light, with no borrowed light arrangements.
- Each dwelling has adequate storage.
- All the dwellings have at least one area of open space that is of a practical size for usability.
- The car parking is located within the basement levels which are secure, convenient to access and ventilated.
- All bedrooms are a minimum of 3 metres by 3 metres and the main bedrooms are 3.4 metres by 3 metres.
- The living areas are all a minimum of 12 square metres for the two-bedroom dwellings and 10m<sup>2</sup> for the one bedroom dwellings with a minimum width of 3.6 metres.
- Floor to ceiling heights of 2.7 metres are proposed for all levels.

Key internal amenity considerations are assessed below.

Building Separation

Clause 58.04-1 seeks to provide building separation in order to:

- Ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
- Allow adequate daylight into new dwellings.
- Limit views into habitable room windows and private open space of new and existing dwellings.
- Provide a reasonable outlook from new dwellings.
- Ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

However, the standard does not specify metrics for achieving this. Clause 22.07 is a local policy which addresses this gap, by specifying preferred setbacks dependent on the interface and type of outlook.

The rear (west facing) dwellings along the laneway (level 2 and above) do not comply with the building setback to lane standard outlined in Clause 22.07. The living areas should be setback 6 metres from the centre of the laneway to the balcony edge, whereas they are setback 3 metres.

A variation is appropriate in this instance because the land to the west is located within a core industrial area. This means that this land is unlikely to redevelop to a significant height. As such, the west facing dwellings will enjoy appropriate internal amenity into the future.

Otherwise the proposal generally provides adequate daylight to living rooms, bedrooms, provides opportunities for open space and landscaping areas and ensures dwellings are located and designed to reduce overlooking into habitable rooms and private open space areas. The dwellings are primarily oriented to the three street frontages and the southern lightwell exceeds the minimum dimensions sought by Clause 22.07.

#### Room Depth

The floor to ceiling heights are 2.7 metres. Standard D25 (Room Depth) requires single aspect rooms to not exceed a depth of more than 2.5 times the floor to ceiling height. On this basis the depth of the living area should not exceed 6.75 metres. There are 23 dwellings where the living area depth exceeds 6.75 metres by between 0.05 metres and 1.85 metres. These dwellings are appropriate given the depth does not exceed 9 metres, the floor to ceiling height is 2.7 metres and the rooms combine the living areas, kitchen and dining area.

#### Windows

The proposed building incorporates eight dwellings where the second bedrooms light source (window) is via a smaller secondary area (saddleback arrangement). Standard D26 requires that the window be clear to sky and the secondary area be a minimum width of 1.2 metres and a maximum depth of 1.5 metres.

Dwellings 104, 105, 106, 204, 205 and 206 comply with this standard. Dwellings 108 and 208 meet the minimum width requirement but not the minimum depth requirement, with a proposed depth of 1.8 metres (0.3 metre variation). The variation sought for these two dwellings is negligible and appropriate given the width and floor to ceiling height both comply with the standard.

A condition of the recommendation requires the air-conditioning units to be relocated away from the windows to prevent any obstruction of daylight.

#### Natural Ventilation

40% of dwellings should provide for effective cross ventilation that has a maximum breeze path through the dwelling of 18 metres and a minimum breeze path through the dwelling of 5 metres. Ventilation openings should be approximately the same area. The breeze path is measured between the ventilation openings on different orientations of the dwelling. The SMP commits to 100% of dwellings with natural ventilation whilst the plans show 47%. This provision is compliant with the standard a condition of the recommendation will require a revision to the SMP.

#### Noise

The proposal was accompanied by an Acoustic Report demonstrating that the site will be adequately sound attenuated from neighbouring industrial land uses and road noise. Concerns have been raised regarding the potential noise generated from the dwellings after occupancy. 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.

### Balconies

As described above the dwellings each have an area of private open space compliant with the planning scheme requirement of at least 8 square metres. However, Standard D9 (Private Open Space) requires that if a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres. 26 of the 51 dwellings have air conditioning units with the balcony space, this compromises the useability, functionality and amenity of this space. A permit condition will require that these balconies be increased by 1.5 metres or that the units be relocated outside the private open space area.

### **Has adequate car and bicycle parking been provided?**

#### Car parking

Clause 52.06 requires 53 spaces for the dwellings. A total of 46 spaces are proposed, therefore a reduction of 7 spaces is sought. The existing retail tenancy has no existing on site car parking and the use and size of the retail is not proposed to change. Therefore, there is no car parking requirement for this component of the proposal.

Clause 22.02-3 (Car and Bike Parking and Vehicle Access) that it is policy to:

*“Support reduced car parking rates in developments within and close proximity to activity centres with excellent access to a range of public transport options and with increased provision of bicycle parking above the rates specified in Clause 52.34.”*

The site is within:

- A 150 metres walk of the furthest of the closest pair of tram stops (north-south travel);
- A 130 metres walk of the furthest of the closest pair of bus stops (east-west travel);
- A 350 metres walk of the (from city) entrance of Moreland station (north-south travel);
- A 270 metres walk to the closest car share vehicles of the same company; and
- Close to good bicycle routes.

Council's Development Advice Engineer advised given the site has good access to alternative transport modes the reduction of seven car spaces is appropriate.

#### Bicycle Parking

This application provides 42 bicycle parking spaces for the 51 apartments (containing 85 bedrooms). Clause 52.34-5 requires the provision of 15 spaces. Clause 22.03-3 supports reduced car parking rates in developments where the provision of bicycle parking exceeds the rates specified in Clause 52.34. The proposal offers less than one bicycle parking space per dwelling in an area where bicycle usage is particularly high and encouraged. Provision of one space per dwelling will be required as a condition of the recommendation.

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

In relation to traffic impacts, Council's Development Advice Engineer assessed the advertised plans and considered that the development would result in 310 vehicle movements per day along Cozens Street. This remains within the capacity of the street network and is not expected to cause traffic problems.

### **What impact does the proposal have on cycling, bike paths and pedestrian safety, amenity and access in the surrounding area?**

The proposal provides an acceptable response to Council's Local Planning Policy Clause 22.03 (Car and Bike Parking and Vehicle Access) as it:

- Utilises the laneway from Cozens Street for vehicle access to allow street frontages to prioritise pedestrian movement and safety and to create active frontages.
- Provides one bicycle spaces per dwelling (required by condition) in a convenient bicycle storage room.
- Removes two crossovers from the Cozens Street frontage and maintains no crossovers to Sydney Road.

### **Does the proposal incorporate adequate ESD features?**

The advertised plans were not supported by the ESD Unit on the basis that the development and associated documentation does not adequately demonstrate best practice ESD in accordance with Clause 22.08 of the Moreland Planning Scheme.

The positive aspects of the proposal include:

- 6.5-star NatHERS average
- 7.5kW solar PV system
- Improved materials, such as lower toxicity paints.
- 80% construction and demolition waste recycling.

Further information is required to confirm the development achieves best practice, including detail regarding the stormwater response, additional energy modelling for apartments and commercial areas, details regarding the efficiency of the western external shading devices and the proposed glazing. The SMP commits to an electric vehicle charging station and on site green/food waste; these initiatives are required to be shown on the plans prior to endorsement (this is required by the recommendation).

The recommendation includes a condition requiring the submission of an amended Sustainability Management Plan that achieves best practice to Council's satisfaction.

### **Removal of Easements**

Clause 52.02 relates to Easements and seeks:

*To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

A permit is required to create, vary or remove an easement. Easements E1, E2 and E3 apply to the land and are proposed to be removed. E1 is a sewerage easement providing connection to a drain within the ROW to 8431 Sydney Road, this site is now within the subject site so upon the redevelopment of this proposal E1 will be redundant.

E-2 and E-3 easements relate to eaves and light and air and sit between the subject site and the southern adjoining lot (841 Sydney Road). The existing conditions consist of a wall built on the south boundary where easements E-2 and E-3 are located. There are no longer windows on the adjoining site to the south which benefit from the light and air easements.

The proposal was advertised and the beneficiary did not object. An objection was received from the western adjoining property regarding the easements however they do not benefit that property. Therefore, these easements are no longer serving their original purpose and their removal will be in accordance with the purpose of Clause 52.02. Conditions contained within the recommendation will ensure the easements are removed prior to the commencement of works.

**Is the proposal accessible to people with limited mobility?**

Objective 9 of Clause 23.03-3 (Housing) is to increase the supply of housing that is visitable and adaptable to meet the needs of different sectors of the community. Standard D17 (Accessibility) of Clause 58 requires at least 50% of apartments to meet certain design criteria, including clear paths of travel and adaptable bathrooms. The proposal achieves this with 27 of the 51 dwellings meet this requirement (52%). Some conditions, included in the recommendation, are required to ensure these dwellings fully comply with Standard D17.

**Is the site potentially contaminated?**

The applicant has submitted an Environmental Site Assessment report detailing the extent of site contamination and confirming that the site would be appropriate for the intended land uses subject to the completion of an Environmental Audit. A condition is therefore contained in the recommendation requiring an Environmental Audit to be undertaken before the development commences. This will ensure that the site is remediated to an appropriate standard to ensure the land use is safe for the proposed uses.

**Are there potential flooding requirements?**

The site is not subject to a Special Building Overlay or Land Subject to Inundation Overlay or any other flooding relating control contained within the Moreland Planning Scheme. However, Council's City Infrastructure Department advised that the north-eastern corner of the site is potentially subject to a 1 in 100-year flooding event. The applicant has been made aware of this information and has agreed to a condition requiring a drainage report to be prepared addressing and mitigating any potential flooding threat.

**5. Response to Objector Concerns**

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

- Overshadowing
- Loss of daylight
- Impact upon ventilation
- Car parking
- Size of the living areas within the dwellings
- Height of the building
- Neighbourhood Character
- Noise
- Removal of easements

Other issues raised by objectors are addressed below.

**Overdevelopment**

The proposal satisfies the requirements of the Planning Scheme, including Clause 58, therefore the proposal is not considered to be an over development of the site. State Government Policy, particularly Plan Melbourne, as well as Council Policy supports higher densities in areas that are within Activity Centres, or within areas with good access to public transport and other services. Given the sites location in an Activity Centre and its proximity to public transport the level of development proposed is appropriate and consistent with the Planning Policy Frameworks.

### Impact on infrastructure

An objector concern was the impact of the dwellings on infrastructure, particularly sewer, drainage and rubbish collection. The site owner will be required to address infrastructure servicing demands of the additional dwellings as required by the various service agencies at the time of subdivision or connection of the development, including any service authority's requirements to contribute to the cost of upgrading trunk infrastructure. It is noted that private garbage collection where loading occurs on site is proposed.

## **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 Planning Permit No MPS/2019/941 should be issued for the development of the land for a building comprising dwellings and a restricted retail premises, with rooftop terrace and basement park, use of the land as dwellings, a reduction of the car parking requirement and the removal of easements subject to the conditions included in the recommendation of this report.

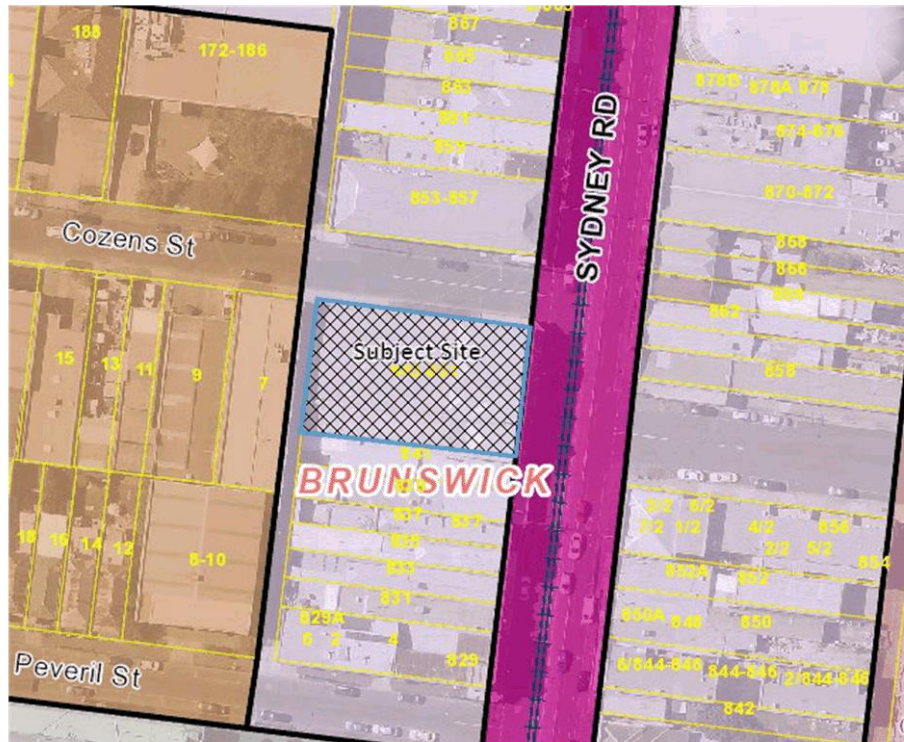
### **Attachment/s**

- |   |  |            |
|---|--|------------|
| <a href="#">1</a>  | MPS/2018/941 Attachment 1 – Locality Plan    | D19/302922 |
| <a href="#">2</a>  | MPS/2018/941 Attachment 2 - Advertised plans | D19/302907 |



## Attachment 1 – Locality Plan

MPS/2018/941 – 841-851 Sydney Road Brunswick



PLANNING ENVIRONMENT ACT 1967  
MORELAND PLANNING SCHEME  
Advised Document  
Advised Plan Sheet 9 of 37  
Application No: MP5/2018/941  
Date: 20/12/2018



## UPPER LEVELS



UPPER LEVELS DEFINED BY A HORIZONTAL AND VERTICAL OPEN FRAME WITH A RANDOM MATRIX OF BALCONY WINDOWS AND WALL PANELS



UPPER LEVEL FACADE DETAIL

REV. No.	DATE / AMENDMENT	DATE
1	2008.08.28, 2008.09.01	2008.09.01

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**MIXED USE DEVELOPMENT**  
843-851 SYDNEY ROAD  
BRUNSWICK

## DESIGN RESPONSE 4

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SCALE	DATE
	10/10/2010
DRAWN	JOB No.
SMS & T	1007
	CHECKING No.
	820 No.
TOWN PLANNING	TP-08 A

PLANNING ENVIRONMENT ACT 1987  
MORLAND PLANNING SCHEME  
Advertised Document  
Advertised Plan (MPS/2018/941)  
Application for MPS/2018/941  
Date: 20/12/2018



ALTERNATING PAINTED AND  
UNPAINTED CONCRETE PANELS  
CONTINUE WINDOW PATTERN  
RHYTHM ADOPTED IN  
NORTHERN UPPER FACADE



ROOF TOP COURTYARD AREA  
WITH ROOF SLATING, COVERED  
PINE JOINTED AREAS  
ALLOW RESIDENTS TO ENJOY  
VIEW TO NORTH AND  
CITY VIEW TO THE SOUTH

WESTERN SUN SCREENING  
TO ROOF TOP COURTYARD

PLANTER BOXES  
TO TERRACE  
FRONTIER WITH  
POTENTIAL FOR KITCHEN  
GARDEN PLANTING

WESTERN BALCONIES  
WITH FRAMES TO  
SUPPORT OPTIMALE  
SURROUNDING OF  
BALCONY EDGE



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PROJECT  
MIXED USE DEVELOPMENT  
843-851 SYDNEY ROAD  
BRUNSWICK

DESIGN RESPONSE 5

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NAME: Ascui & Co. Architects  
DATE: 18/12/2018  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
TOWN PLANNING TP-09 A





































PLANNING ENVIRONMENT ACT 1987  
MORLAND PLANNING SCHEME  
Advertised Document  
Advertised Plan Sheet 28 of 37  
Application No: MPS/2018/941  
Date: 29/12/2018

## MATERIAL SCHEDULE

(EXTERNAL MATERIAL CODES - REFER TO ELEVATION DRAWINGS)



**CT** 'TERRACADE' 600 X 300 CERAMIC TILE RANDOM COMBINATION OF SMOOTH AND TEXTURED CERAMIC TILE



**BW** FACE BRICKWORK AUSTRAL BRICKS SAN SELMO SMOKED COLOUR - CLOUDY SILVER



**CS** SKIMCOAT FINISH CONCRETE



**CP** NATURAL CONCRETE PANEL WITH 20mm PAINTED RECESS PANEL - DULUX BLACK



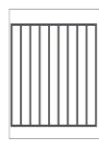
**AL-1** ALUMINUM POWDERCOATED COLOUR - 1



**FR** HORIZONTAL & VERTICAL ALUMINUM FRAME 'ALPOLIC' ENIGMA BLACK



**SF** STEEL FASCIA WITH MACACEOUS OXIDE FINISH NATURAL GREY



**B-1** 8mm X 40mm PICKET METAL BALUSTRADE POWDERCOAT COLOUR 1



**B-2** PERFORATED METAL BALUSTRADE PANEL POWDERCOAT COLOUR 1



**1.** WINDOW AND BALUSTRADE POWDERCOAT COLOUR INTERPON D2015 ULTRIVA SABLE BASS YY397A (CHARCOAL)



**PSG** FRAMED OPAQUE GLASS PRIVACY SCREEN FRAME POWDERCOAT COLOUR 1



ALL WINDOWS TO BE DOUBLE GLAZED



EXTERNAL USER OPERATED ROLLER AWNING SUNSCREEN

4. TYPICAL SECTION  
5. TYPICAL

## Ascui & Co. Architects

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PROJECT  
MIXED USE DEVELOPMENT  
843-851 SYDNEY ROAD  
BRUNSWICK

## MATERIAL SCHEDULE

NOTES  
1. Do not scale from these drawings.  
2. All dimensions are in millimetres.  
3. All dimensions are to the centreline of the structure.  
4. All dimensions are to the face of the structure.  
5. All dimensions are to the face of the structure.  
6. All dimensions are to the face of the structure.  
7. All dimensions are to the face of the structure.  
8. All dimensions are to the face of the structure.  
9. All dimensions are to the face of the structure.  
10. All dimensions are to the face of the structure.

SCALE	DATE
1:50	28/12/2018
1:10	28/12/2018
1:20	28/12/2018
1:50	28/12/2018

Delivered by LANDATA®, Land Use Victoria timestamp 26/10/2018 10:00 Page 1 of 1

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TITLE PLAN		EDITION 1	TP 592404F						
<b>Location of Land</b> Parish: JIKA JIKA Township: Section: Crown Allotment: Crown Portion: 126 (PT) Last Plan Reference: Derived From: VOL 8264 FOL 751 Depth Limitation: NIL		<b>Notations</b> ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
<b>Description of Land / Easement Information</b> <p>ALL THAT piece of land delineated and coloured red - - blue and green on the map in the margin being part of Crown Portion 126 - - Parish of Jika Jika - Together with a right of carriage way over the roads - - coloured brown on the said map - - - - -</p> <p><b>Encumbrances Referred To.</b>          As to the land coloured blue and green -          THE EASEMENT relating to Light and Air reserved by Instrument Of Transfer No.A417629 in the Register-Book - - - - -          As to the land coloured green -          THE EASEMENT relating to overhanging eaves - - - reserved by the aforesaid Instrument of Transfer</p>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 04/08/2000 VERIFIED: MP <b>COLOUR CODE</b> BL=BLUE R=RED G = GREEN BR = BROWN							
<table border="1"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CP 126 (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CP 126 (PT)	
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PARCEL 1 = CP 126 (PT)									
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets							

