



Moreland City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

WEDNESDAY 24 JULY 2019

COMMENCING 6.30 PM

**COUNCIL CHAMBER, MORELAND CIVIC CENTRE,
90 BELL STREET, COBURG**

Language Link

This is the Agenda for the Council meeting.
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ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ।
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ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।



1. WELCOME

2. APOLOGIES

Leave of absence has been granted to:

- Cr Carli Hannan - 11 April 2019 to 12 August 2019
- Cr Davidson - 19 June 2019 to 31 July 2019
- Cr Tapinos - 17 June 2019 to 30 July 2019

3. DECLARATION OF INTERESTS AND/OR CONFLICTS OF INTERESTS

4. CONFIRMATION OF MINUTES

The minutes of the Council meeting for Planning and Related Matters held on 26 June 2019 be confirmed.

5. COMMITTEE REPORTS

CITY FUTURES

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6. URGENT BUSINESS REPORTS

**DCF58/19 47 PARK STREET, PASCOE VALE - PLANNING PERMIT
APPLICATION NUMBER MPS/2018/897 (D19/236617)**

Director City Futures

City Development

Executive Summary



Property:	47 Park Street, Pascoe Vale
Proposal:	Construction of 4 double storey dwellings
Zoning and Overlay/s:	<ul style="list-style-type: none"> General Residential Zone Schedule 1 (GRZ1) Development Contributions Plan Overlay (DCPO1)
Strategic setting:	<div>Minimal housing growth</div> <div>Incremental housing growth</div> <div>Increased house densities encouraged</div> <div>Significant housing growth</div>
Objections:	<ul style="list-style-type: none"> Eleven objections (11 from the same address) Key issues: <ul style="list-style-type: none"> Overdevelopment Car parking and traffic Amenity impacts to adjoining community care facility
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> Date: 2 July 2019 Attendees: One objector, the applicant, the property owner and 2 Council officers The following agreements were reached at the PID meeting: <ul style="list-style-type: none"> Various first floor window changes to dwelling 4. The western boundary fence increased to 2 metres in height with a 400 millimetres high trellis above.
ESD:	<ul style="list-style-type: none"> Subject to compliance with standard conditions, the proposal will satisfy the objectives of Clause 22.08 (Environmentally Sustainable Development).
Key reasons for support:	<ul style="list-style-type: none"> Full compliance with Clause 55 (subject to conditions) of the Moreland Planning Scheme. Respectful to the prevailing neighbourhood character.
Recommendation:	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 Number MPS/2018/897 be issued for the construction of 4 double storey dwellings at 47 Park 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 prepared by Planning and Design and advertised 19 March 2019 but modified to show:
 - a) Amendments to the plans reflected through the sketch plans prepared by Planning and Design, Revision F and submitted to Council on 5 July 2019 which comprise of the following changes:
 - i. Alterations to the vehicle accessway and garages to ensure that all vehicles can enter/exit the site in a forward direction in 3 or less manoeuvres.
 - ii. The dwelling 4 first-floor ensuite windows oriented to the north and south.
 - iii. The highlight window to bedroom 3 of dwelling 4 changed to a larger window with an external privacy screen fitted to 1.7 metres above finished floor level.
 - iv. The western boundary fence increased to 2 metres in height with a 400 millimetres high trellis above.
 - b) The internal fence separating the dwelling 1 SPOS from the front setback (north of the living room) shifted 0.5 metres west, behind the front building line.
 - c) Elevations of the shared bins and meter storage areas along the shared driveway, demonstrating that the bins and meters will be sufficiently screened from the public realm. The shared waste storage area must be able to accommodate 2 x 240 litre garbage bins and 2 x 240 recycling bins.
 - d) The dwelling 4 tandem car parking space dimensioned as being 5.4 metres in length in accordance with Clause 52.06-9 of the Moreland Planning Scheme.
 - e) The existing vehicle crossing to be reconstructed to match the location and width of the proposed vehicle accessway.
 - f) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples.
 - g) The elevations annotated to show that all proposed privacy screens are no more than 25% transparent. This must be annotated on every screened window and clearly associated with the timber screening diagram shown on Sheet 4 of the advertised plans.
 - h) An amended landscape plan in accordance with condition 3 of this permit.
 - i) All initiatives contained within the Sustainable Design Assessment (SDA) required by condition 5 of this permit, including:
 - i. On-site stormwater treatments as per the amended STORM report (including rainwater harvesting tanks, above ground planter box raingardens etc.) to be identified on the architectural plans, the landscape plan and the WSUD plan.

- ii. Rainwater tanks must be specified as being the capacity (in litres) as per the amended STORM report, and this capacity must be annotated as being for only reuse within the dwellings, and that they are completely independent of any detention requirements (through the Legal Point of Discharge process).
 - iii. A section detail of the raingardens that is consistent with Moreland City Council raingarden guidelines. The raingarden must have a submerged zone, an underdrain and overflow pipe connected to the stormwater drainage system, and if appropriate full lining.
 - iv. Double glazing (or better) provided for all habitable room windows, indicated on each individual window on the floor plans and elevations.
 - v. External shading for the exposed ground floor north facing living/dining/kitchen area windows and first floor north facing bedroom windows and ground floor west facing unit 4 dining area glazed sliding doors which demonstrates the glazing will be protected from sun during peak heat temperatures whilst not detracting from desired winter heat gain. Eaves are considered suitable for north-facing windows provided they extend for approximately 45% of the windows height. West facing shading is recommended to be adjustable. Shading devices to be illustrated with a product diagram on the elevation plans.
 - vi. Location of area/s dedicated to organic waste management (if claimed).
 - vii. Any other changes as per the amended SDA.
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 and approved by the Responsible Authority. The landscape plan must be generally in accordance with the landscape plan advertised 19 March 2019, but modified to show:
 - a) Either the *Acacia implexia* or the *Pyrus calleryana* located in the front setback replaced with a large canopy tree in accordance with the Moreland Tree Planting Manual for Residential Zones 2014 and the Moreland Tree Finder tool - <https://www.moreland.vic.gov.au/environment-bins/trees/tree-finder/>.
 - b) Any stormwater management details on the amended STORM report, including raingardens, rainwater harvesting tanks size and locations, etc. in accordance with the development plans and SDA..
 - c) A section detail of the above ground raingarden that is consistent with Moreland City Council raingarden guidelines. The raingarden must have a submerged zone and an underdrain and overflow pipe connected to the stormwater drainage system and if appropriate, full lining
 - i. Permeable paving to driveways.
 - ii. A section detail of permeable paving.
 4. 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.

5. Prior to the endorsement of plans, a Sustainable Design Assessment (SDA) must be submitted to and approved 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 advertised 19 March 2019 including BESS report (Project Number 20015) and STORM (Transaction ID:723460) but modified to include the following changes:
- a) Update the SDA and BESS Report as outlined below:
 - i. BESS dwelling areas updated to reflect the development plans;
 - ii. Update 'Water' category to include 3-star dishwashers; and,
 - iii. Update site vegetated area in accordance with the landscape plan, excluding permeable toppings that do not have plants.
 - b) An amended STORM report and stormwater management response that maintains a minimum STORM score of 100% but is modified so that:
 - i. The pervious and impervious areas are consistent with the areas identified on the development plans. Specific impervious areas in the STORM report (such as a roof area) must also be consistent with the development plans.
 - ii. All stormwater treatments can be achieved, based on the roof areas and the location of WSUD initiatives.
 - iii. Increase the roof catchment area draining to the rainwater tanks to be a minimum 50 square metres each or provide an additional solar water heater system.
 - iv. Identify the location of the downpipes and indicate whether they are charged, or gravity fed downpipes to explain how the nominated roof catchment areas within the STORM report will practically drain to the nominated tanks without the need for charged piping systems underneath dwellings footings or slabs.
 - v. The raingarden treating the roof catchments should be specified as above ground planter box raingardens.
 - vi. Specify permeable paving to sections of the driveway to remove dependence on an inground raingarden to treat driveway runoff.
 - vii. All stormwater treatments can be achieved and are practical, based on the roof areas and the location of rainwater tanks and other treatments such as raingardens.
 - viii. Where in-ground raingardens are used, the following information must be shown:
 - Confirmation of the raingarden feasibility including surface level (RL) at the top of the raingarden, the invert level of the outlet which connects to the stormwater system, the level of the overflow pipe, and depths of the raingarden as per Moreland raingarden guidelines.
 - A section detail demonstrating the above details.
 - The raingarden location demonstrating that it will not create unreasonable impact on adjoining properties during a blockage or storm event.
 - Confirmation that the raingarden is realistically able to connect back into the Council LPOD (including the RL of the invert of this drainage connection) without the need for a pump.

The amended SDA must achieve an overall score of 50% or higher, and have 'pass' rates of 50% for the 'Energy', 'Water' and 'IEQ' categories and 100% for the 'Stormwater' category. 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 SDA Report and associated notated plans will be endorsed to form part of this permit.

6. All works must be undertaken in accordance with the endorsed Sustainability Design Assessment (SDA) to the satisfaction of the Responsible Authority. No alterations to the SDA may occur without the prior written consent of the Responsible Authority.
7. 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.

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.

8. Prior to the issuing of Statement of Compliance or occupation of the development, whichever occurs 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.
9. Before the occupation of the development, lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access from the building to the car parking spaces on-site between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the development, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
11. Prior to the occupation of the development, any Council 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.
12. Prior to the occupation of the development, the garage roller doors must be automatic and remote controlled.
13. The stormwater run-off from the accessway must not flow out of the property over the public footpath to the satisfaction of the Responsible Authority.

14. 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).
15. Prior to the commencement of the development, a legal point of discharge is to be obtained, and, where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge must be submitted to and approved by the Responsible Authority.
16. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
17. Prior to the commencement of works a tree protection zone must be established around the existing street tree with barriers / fencing in accordance with the Australian Standard for Protection of trees on development sites (AS4970-2009) or in accordance with Council's Arborist direction to the satisfaction of the Responsible Authority.
18. 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 6 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: Council charges supervision (2.50%) and plan checking (0.75%) fees on the cost of constructing the drain along the easement or street as permitted by sections 5&6 of the Subdivision (Permit and Certification Fees) Regulations 2000.

Note 2: 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 3: Council may not issue individual bins to new Owners Corporation developments. In the event that shared bins are provided for this development, an amendment to the plans may be required to show the location of a storage area for the shared bins on common land. Please contact Council's City Infrastructure Department on 9240 1111 for more information.

Note 4: This permit contains a condition requiring payment of Development Contributions. The applicable development contribution levies are indexed annually. To calculate the approximate once off levy amount, please visit <http://www.moreland.vic.gov.au/planning-building/> and click on 'Moreland Development Contributions Plan (DCP)'. Alternatively, please contact Moreland City Council on 9240 1111 and ask to speak to the DCP Officer.

1. Background

Subject site

The site is located on the south-eastern side of Park Street, Pascoe Vale. The site is regularly dimensioned with a frontage of 18.29 metres to Park Street, a depth of 45.72 metres and a total site area of 836.2 square metres. The site is relatively flat and is located within the General Residential Zone (Schedule 1).

The site is currently occupied with a large single storey detached dwelling constructed of weatherboards with a tiled roof. Surrounding the dwelling is landscaping within the front boundary bordered by a low brick fence. A single width crossover provides vehicle access that leads to a driveway and garage running along the site's southern boundary.

Various trees were removed from the subject site five days before the planning application was received by Council. Due to the size of the trees and the applicable overlays of the subject site, the removal did not require a Planning Permit or Local Law Permit from Council.

The site is approximately 750 metres from Pascoe Vale Train Station and 500 metres from Bus Route 542 which runs along Devon Road.

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

Surrounds

The site is located within a residential area that is characterised by a mix of old and new housing stock.

The older housing is in the form of single storey detached dwellings constructed in a traditional form with large front yards and single vehicle crossovers leading to a driveway that runs along one side boundary.

The newer housing is in the form of multi dwelling infill development. These sites generally display a double storey dwelling fronting the street and double or single storey dwellings to the rear in tandem. Vehicle access to most of these sites is via a single width crossover that leads to a common accessway, however there are some examples of infill developments that are accessed by 2 crossovers.

To the immediate south of the site at 45 Park Street are 4 townhouses constructed in a tandem arrangement and accessed by a common driveway.

To the immediate north of the site at 49 Park Street is a single storey brick building and carport used by the Department of Health and Human Services for community care and accommodation.

To the immediate east (rear) of the subject site at 546 Pascoe Vale Road is a single storey dwelling situated within a large front and rear yard.

A location plan forms **Attachment 1**.

The proposal

The application proposes four double storey dwellings in a tandem arrangement. Vehicle access to the dwellings is via a shared driveway and crossover that runs along the southern boundary of the site. Dwelling 1 contains four bedrooms, dwellings 2 and 3 contain 2 bedrooms and dwelling 4 contains 3 bedrooms. All the dwellings are provided with areas of secluded private open space (SPOS) ranging in size from 33.7 square metres to 49.6 square metres.

The advertised plans form **Attachment 2**.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
General Residential Zone	Clause 32.08-6: Construction of two or more dwellings on a lot.

The following Clauses of the Moreland Planning Scheme do not trigger a requirement for a planning permit but are relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay (Schedule 1). A condition is included in the recommendation requiring the payment of the DCP levy prior to the issue of a Building Permit for the development.
- Clause 52.06: Car Parking.
- Clause 55: Two or more dwellings and residential buildings.

2. Internal/External Consultation

Public notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land.
- By placing a sign on the Park Street frontage of the site.

Following notice of the application, 11 objections were received with two objections from the same address. A map identifying the location of objectors forms

Attachment 1.

The concerns raised in the objections can be summarised as follows:

- Overdevelopment
- Non-compliance with Clause 55
- Neighbourhood character
- Car parking and traffic impacts
- Amenity impacts to the community care facility at 49 Park Street
- Tree removal
- Sustainability
- Accessibility
- Lack of infrastructure to support increased population density
- Excessive amounts of paved surfaces
- Loss of 'family homes'
- Located far from employment and shopping centres
- Undesirable social consequences resulting from people renting the dwellings
- Construction issues
- Backyard safety
- Inadequate external storage.

A Planning Information and Discussion meeting was held on 2 July 2019 and attended by two Council Planning Officers, the applicant, the property owner and one objector. The meeting provided an opportunity to explain the application, for the objector to elaborate on their concerns, and for the applicant to respond.

The following agreements were reached between the applicant and the objector:

- The dwelling 4 first-floor ensuite windows oriented to the north and south (instead of the west).
- The highlight window to bedroom 3 of dwelling 4 changed to a larger window with an external privacy screen covering the entire window.
- The western boundary fence increased to 2 metres in height with a 400 millimetres high trellis above.

Sketch plans were submitted by the applicant on 5 July 2019 showing the above changes. However, further assessment of the proposal by Council officers has identified that screening the window to bedroom 3 of dwelling 4 for its entirety will result in a poor amenity and daylight outcome for the future residents of this dwelling. As such, it is recommended that this window only be screened to 1.7 metres above finished floor level, demonstrating compliance with Standard B22 (Overlooking) of the Moreland Planning Scheme.

A condition to this effect has been included in the recommendation.

Internal/external referrals

The proposal was referred to the following internal departments:

Internal Branch/Business Unit	Comments
Urban Design Unit	No objections were offered to the proposal.
Development Advice Engineer	Council's Development Advice Engineer identified issues with the entry/egress of cars from the garages/car spaces of the development. Sketch plans were prepared by the applicant which address these concerns. A condition has been included in the recommendation requiring the changes to the vehicle accessway and car parking arrangement as shown on the sketch plans.
ESD Unit	No objections were offered to the proposal subject to the conditions outlined in the recommendation.
Open Space Unit	No objections were offered to the proposal subject to the conditions outlined in the recommendation.

3. Policy Implications

Planning Policy Framework (PPF)

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

- Clause 11 – Settlement
- Metropolitan Melbourne (Clause 11.01-1R1)
- Clause 15 Built Environment and Heritage including:
 - Built Environment (Clause 15.01)
 - Healthy neighbourhoods (Clause 15.01-4S and 15.01-4R)
 - 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)

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 22.08 Environmentally Sustainable Design

While not located within an Activity Centre, the site is in an established urban area with good access to a range of infrastructure and services. In these areas, the MSS envisages incremental change to accommodate a mix of single dwellings and infill multi-dwelling developments. In areas outside of Activity Centres, it is Council's policy objective that any proposal respects the existing character of the area. The proposal is an acceptable response to the existing character of the area, as detailed in Section 4 of this report.

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 State and Local Planning Policy frameworks, the provisions of the Moreland Planning Scheme, objections received and the merits of the application.

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

The proposal provides an acceptable response to Clause 22.01 (Neighbourhood Character) and Clause 55.02 (Neighbourhood Character and Infrastructure) of the Moreland Planning Scheme, in particular:

- The proposed construction of 4 dwellings in a tandem arrangement is an acceptable response to the multi-dwelling character of Park Street and mirrors the nearby developments at 32, 36, 42, 43, 45 and 53 Park Street (amongst others) and 544 Pascoe Vale Road (rear diagonal).
- The subject site is located within an area that has undergone a substantial amount of infill development and open rear yards are no longer considered to reflect the dominant pattern of development in this area. As such, the double storey built form proposed to the rear of the site is considered to be an acceptable response to the character of Park Street.
- The proposed face brickwork, axon cladding and render finishes are in keeping with the materiality of the existing streetscape.
- Ground level Secluded Private Open Space (SPOS) has been provided to all dwellings ranging between 30 square metres and 49 square metres in excess of the Clause 55 requirements.
- All car parking facilities (garages) have been located behind the front line of the dwellings as not to dominate the streetscape, a characteristic that is consistent with recent infill developments.
- Only one vehicle crossover is proposed to access all 4 dwellings. This ensures crossovers and hard surface within the front setback is not a dominant feature.
- Front setbacks reflect the setbacks of development to the north and south of the site.
- The dwelling 1 east-facing first floor bedroom window and balcony have been located to allow for passive surveillance of the front setback. There are also various south facing habitable room windows that provide passive surveillance of the shared driveway, without overlooking adjoining habitable room windows or secluded private open space.

- A condition has been included in the recommendation requiring the fence to the dwelling 1 SPOS to be setback 0.5m behind the front building line. This will create a visual break between the dwellings in the street and reduce the appearance of a continuous built form.
- Subject to conditions, the proposed tree planting will meet the requirements of Clause 55 and the *Moreland Tree Planting Manual for Residential Zones 2014*.

Has adequate car parking been provided?

The development provides six on-site car spaces, satisfying the parking requirements of Clause 52.06 (Car Parking) of the Moreland Planning Scheme.

The application was referred to Council's Development Advice Engineer who identified that the garages of Dwellings 2, 3 and 4 were unable to be accessed in a forward direction in less than three manoeuvres. As such, Sketch Plans were prepared by the applicant showing the following changes:

- Dwelling 1, 2 and 3 garage doors widened.
- Dwelling 1 garage shifted 440 millimetres north.
- Dwelling 2 garage shifted 100 millimetres north.
- Dwelling 3 garage widened by 200 millimetres.

A condition has been included in the recommendation requiring the changes to the vehicle accessway and car parking arrangement as shown on the Sketch Plans.

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 within the recommendation.

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

In relation to traffic impacts, Council's Strategic Transport and Compliance Branch have assessed the proposal and consider that the development will result in 24 additional vehicle movements per day on Park Street. This remains within the street's design capacity and is not expected to cause traffic problems.

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

Subject to conditions, the ESD features of the development are adequate and include:

- 2000 litre rainwater tanks to each dwelling.
- Raingardens.
- Double glazing.
- Northern orientation to living areas.
- 7-star average NatHERS energy rating.

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. The development provides a mix of dwelling sizes ranging from 2-bedroom dwellings to 4-bedroom dwellings. All dwellings have ground floor living/kitchen/dining areas whilst Dwellings 1 and 4 have bedrooms at ground floor to cater for people with limited mobility.

Does the proposal satisfy the requirements of Clause 55?

A detailed assessment of the proposal against the objectives and standards at Clause 55 has been undertaken. Subject to conditions, the development demonstrates full compliance with the standards and objectives of Clause 55. The key issue arising from the Clause 55 assessment is discussed below.

Landscaping

The Landscaping Objective of Clause 55 requires consideration to be given to (amongst other things):

- The retention of existing trees and protection of any predominant landscape features of the neighbourhood.
- The replacement of any significant trees that have been removed in the 12-months prior to the application being made.

The application does not propose to remove any significant trees from the site.

Various trees were removed from the site on 3 November 2018, the biggest tree being a *Callistemon* (Bottlebrush). Due to the size of the trees and the applicable overlays of the subject site, the removal of these trees did not require a Planning Permit or Local Law Permit from Council. Nevertheless, Clause 55.03-8 requires consideration to be given to the replacement of trees removed from the site within 12-months of the application being received.

The plans illustrate the planting of seven trees across the subject site. This exceeds the requirement of the standard. Subject to conditions, the proposed tree planting will meet the requirements of the *Moreland Tree Planting Manual for Residential Zones, 2014* and is supported.

5. Response to Objector Concerns

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

- Neighbourhood character
- Compliance with Clause 55
- Car parking and traffic
- Tree removal
- Accessibility.

Other issues raised by objectors are addressed below.

Overdevelopment

The proposal satisfies the requirements of Clause 55 in respect to site coverage, front, side and rear setbacks, permeability, car parking, building height and open space provision and 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 with good access to public transport and other services. Council's assessment of the application has demonstrated that the proposal is not an overdevelopment despite being more intensive than what existed before.

Amenity impacts to 49 Park Street

Many objections to the application raised concerns regarding the potential amenity impacts of the development on the neighbouring community care facility at 49 Park Street. No objections to the proposal were received from the facility itself and a further approach to the operator of the facility confirmed that they had no objection.

The proposed residential use of the site will have noise impacts consistent with those normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area. The noise levels generated by the development will not be significantly above that of the surrounding area. Residents of the proposed development are no more or less likely to generate excessive noise than the occupiers of the surrounding dwellings and businesses. Further, a planning permit is not required to use the land as accommodation in the General Residential Zone. Therefore, issues resulting from the use of the land are beyond the scope of this application.

Noise and truck movements during the construction phase of development are a temporary and unavoidable consequence of development and not justification to withhold development of the site.

Excessive amounts of paved surfaces

The application seeks planning permission for the construction of a paved driveway along the southern boundary of the subject site. The amount of paved surfaces proposed is consistent with many other developments along Park Street (e.g. 32, 36, 42, 43, 45 and 53 Park Street). The proposal has a site coverage of 45.2% and permeability of 37%, demonstrating compliance with Clause 55 of the Moreland Planning Scheme. Subject to conditions, the proposal will also satisfy the objectives of Clause 22.08 (Environmentally Sustainable Development) of the Moreland Planning Scheme.

Sustainability

The proposed dwellings will be provided with raingardens, rainwater tanks, double glazing and north-facing living areas to promote a more sustainable design. These matters are included as permit conditions in the recommendation to ensure the proposal satisfies the objectives of Clause 22.08 (Environmentally Sustainable Development) of the Moreland Planning Scheme.

Lack of infrastructure to support increased population density

A concern in a number of objections was the impact of development on infrastructure. The site owner will be required to address infrastructure servicing demands of the additional dwellings as stipulated by the various service agencies at the time of either subdivision or connection of the development including any service authority requirements to contribute to the cost of upgrading trunk infrastructure.

Loss of 'family homes'

A concern in a number of objections was the loss of a 'family home'. The application seeks planning permission to construct a mixture of 2, 3 and 4-bedroom dwellings. Each dwelling satisfies the car parking requirements and exceeds the private open space requirements of the Moreland Planning Scheme. It is considered that the proposal provides a sufficient mix of dwelling sizes to accommodate the needs of a variety of different family sizes.

Located far from employment and shopping centres

The subject site is located 750 metres (approximately 10 minute walk) from the Pascoe Vale Train Station (on the Upfield Train Line) and nearby shops. It is considered the site is adequately connected to public transport options enabling future residents to have access to everyday shopping and employment centres.

Undesirable social consequences resulting from people renting the dwellings

Concerns about the tenure of the dwellings including neighbourly relations, general safety and the tidiness of dwellings/unit developments is not a relevant consideration in assessing an application under the provisions of the *Planning and Environment Act 1987*, or the Moreland Planning Scheme.

Construction issues

Noise and amenity impacts during the construction process are not generally a planning matter. The *Environmental Protection Act 1970* (s.48A(3)), provides noise control guidelines for commercial construction sites which set working hours and noise management expectations. Council's General Local Law 2018 also includes provisions regarding control of noise associated with commercial and industrial building work.

Backyard safety

A concern raised in one objection was the lack of backyard escape routes from Dwelling 2 and Dwelling 3 in the event of an emergency. This is not a relevant consideration in assessing an application under the provisions of the *Planning and Environment Act 1987*, or the Moreland Planning Scheme.

Inadequate external storage resulting in traffic issues

A concern in a number of objections was the potential for future residents of the dwellings to use their garages for storage and park their vehicles on the street. Each dwelling has been provided with a 6 cubic metres storage shed that meets the requirements of Clause 55. Further, the dwellings will not be eligible for parking permits in the event that parking restrictions are imposed by Council on the street.

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

It is considered that the proposed construction of 4 dwellings in a tandem arrangement is in keeping with the neighbourhood character of Park Street.

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/2018/897 should be issued for construction of 4 double storey dwellings subject to the conditions included in the recommendation of this report.

Attachment/s

- | | | |
|--------------------------|------------------|------------|
| <u>1</u> | Location Map | D19/262845 |
| <u>2</u> | Advertised Plans | D19/97571 |

**DCF59/19 1 CHAMP STREET, 21 PENTRIDGE BOULEVARD AND 4/302
MOONERING DRIVE, COBURG - PLANNING PERMIT
MPS/2018/268 (D19/195589)**

Director City Futures

City Development

Executive Summary



Property:	1 Champ Street, 21 Pentridge Boulevard and 4/302 Moonering Drive, Coburg			
Proposal:	Display business identification signs, pole signs, direction signs and internally illuminated signs			
Zoning and Overlays:	<ul style="list-style-type: none"> • Activity Centre Zone (ACZ) • Heritage Overlay Schedule 47 – H.M. Prison Pentridge (HO47) • Environmental Audit Overlay (EAO) • Parking Overlay (PO1) • Development Contributions Plan Overlay (DCPO1) 			
Strategic setting:	Minimal growth	Incremental growth	Increased densities encouraged	Significant growth
Objections:	Eleven Key issues: <ul style="list-style-type: none"> • Impacts on road users, residents and wildlife. • Consistency of signs with Council's local signage policy. • Number and size of signs inconsistent with heritage character. 			
Planning Information and Discussion Meeting:	5 June 2019 <ul style="list-style-type: none"> • Attendees: 6 objectors, the applicant, 2 Council officers and Cr Riley. 			
Key reasons for support:	With conditions the number type and location signs will have: <ul style="list-style-type: none"> • An appropriate response to Council's local signage policy. • An appropriate interface with the residential properties including on the opposite side of Champ Street. 			
Recommendation:	That a Notice of Decision to grant a planning permit be issued subject to the conditions included in the recommendation.			

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2018/268 be issued for the display of business identification signs and internally illuminated signs at 1 Champ Street, 21 Pentridge Boulevard and 4/502 Moonering Drive, Coburg 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 3 April 2019 but modified to show:
 - a) The sign labelled F1 in the corner of Champ Street and Murray Road as a 2-sided plinth (i.e. the same design as the sign on the corner of Champ Street and Pentridge Boulevard).
 - b) Each vehicle entry point on Champ Street provided with not more than one sign labelled F3, resulting in a deletion of 4 signs labelled F3.
 - c) All F1 type signs along Champ Street, the F1 type sign on the corner of Murray Road and Stockade Avenue and the F2 type sign on the corner of Pentridge Boulevard and Stockade Avenue to have a maximum height of 5 metres.
 - d) The sign labelled F3 on Stockade Avenue replaced with a sign labelled V2.
 - e) All reference to the signs labelled B2, W3, W6, W7, R1, R2 and R3 removed.
 - f) The sign labelled W1 to the east of the former administration building relocated approximately two meters to the north to be outside the principle viewlines through the parade ground.
 - g) The sign labelled W1 to the north of B Division building relocated to the east of the final location of Building 18 and outside of the principle viewlines within the former parade ground.
 - h) The sign labelled W2 within the former parade ground relocated generally to the north between Division E building and the west side of Shared Road D.
 - i) The signs labelled B1 forward of Division E building and B Division building relocated to the sides of these buildings so as not to obscure views to the principle facades of these buildings.
 - j) A note to confirm that the names of all commercial tenants will be displayed in white text on a dark blue background with the exception of associated logos.
 - k) The wayfinding signs labelled W1, W2, W4 and W5 coloured in a neutral colour such as a grey and not a dark blue to distinguish it from the commercial colours applied to the business identification signs.
 - l) All signs located so as to avoid conflict with the heritage interpretation signs as described in the Heritage Interpretation Masterplan (2013) prepared by Sue Hodges Productions.
 - m) The wayfinding strategy with guidelines for achieving consistency of wayfinding signage across the northern and southern portions of Pentridge, in consultation with the owners of the southern portion of Pentridge (Pentridge Village).
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. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.

4. The signs approved by this permit must not be animated or contain any flashing light.
5. Any externally illuminated sign must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse amenity impact on any nearby property.
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 subject site is comprised of three parcels of land known as Lot S2, S6 and S12 on plan of subdivision 501198H, located at 1 Champ Street, 21 Pentridge Boulevard and 4/302 Moonering Drive, Coburg. The land is bounded by Champ Street to the west, Murray Road to the North, Stockade Avenue to the east and Pentridge Boulevard to the south.

The Pentridge Coburg site is currently undergoing significant change. Building 9, a 4-storey shopping centre to the north, is currently under construction. A permit has also been issued for Building 16 to the south west and Building 15 to the west.

The titles are affected by a number of covenants and agreements as outlined in the table below:

Covenant/Agreement	Owners obligation	Status
Covenant PS430271T	Specifies details for fencing, finishes, colours, signs and notices. However, this covenant does not apply to the land where the signs are proposed.	Not applicable to this application
Covenant PS438597S	Requires the protection of bluestone walls from demolition, damage or excavation without a permit issued by the Executive Director of Heritage Victoria.	Ongoing
Covenant AD889374X (Section 91(2) Heritage Act 1995)	Requires care for the heritage fabric in accordance with the <i>Heritage Act 2006</i> .	Ongoing
Section 173 Agreement AB176451A	Requires, amongst other things: <ul style="list-style-type: none"> • A whole of site Road Design Framework which makes provision for the development of Pentridge Boulevard. • A whole of site Heritage Interpretation Strategy. • A whole of site drainage strategy. 	Completed
Section 173 Agreement AD750703G	Requires the creation and maintenance of a publicly accessible open space network through the site.	Completed and ongoing
Section 173 Agreement AD835266F	Requires the provision of 19 car parking spaces on the Sentinel Precinct for use of residents of the Industry Lane owners.	Yet to be provided
Section 173 Agreement AG206798D	Relates to the provision of car parking for residential lots and for the QM building.	Yet to be provided
Section 173 Agreement AK945671V	Requirement for a special charge scheme to complete the works involved in extending Pentridge Boulevard.	Completed
Section 173 Agreement AN666726A	Requirement to implement the conditions of the statement of environmental audit.	Ongoing

A separate Heritage Interpretation Strategy was also prepared at the requirement of Heritage Victoria. This provides detail about heritage interpretation features to be installed in various locations around the Pentridge Coburg site and specific detail of heritage interpretation within the former rock breaking yard.

A Heritage Interpretation Masterplan was also prepared in 2013 which provides a whole of site approach to heritage interpretation. This document is referred to in the Pentridge Coburg Design Guidelines and Masterplan (2014) which is an incorporated document within the Moreland Planning Scheme. It has also been used to set the framework for more detailed heritage interpretation work that has been required as a condition of approval of permits issued by Heritage Victoria for individual buildings within the Pentridge Coburg site.

Surrounds

The land has a variety of interfaces described in turn below.

East

Stockade Avenue is developed with a range of detached and attached dwellings of 2-3 storeys in height included within the General Residential zone.

West

The southern end of Champ Street is characterised by the rear of commercial premises that address Sydney Road. At the northern end of Champ Street, the character transitions to residential land use defined by single storey Edwardian and interwar dwellings interspersed with some 2-3 storey infill developments. This land is included within the General Residential Zone.

North

On the northern side of Murray Road is Coburg Lake Reserve.

South

The southern side of Pentridge Boulevard includes St Paul's Catholic Church, 3-storey attached dwellings on Wardens Walk, and a vacant parcel of land. All of this land is included within the Activity Centre Zone.

A location plan forms **Attachment 1**.

Heritage Permit history

Heritage Victoria issued a heritage permit for the signage on 6 June 2018.

Prior to the issue of the heritage permit, officers made a submission to Heritage Victoria noting:

- Council would prefer no signs to be attached to historic bluestone walls.
- Sign locations should be carefully considered to ensure they do not obscure architectural detail on the principal facades of buildings and do not obscure key viewlines through the site.
- The extent of signage within Champ Street is excessive and should be reduced to the minimum extent necessary and not be internally illuminated.

Heritage Victoria included a condition on the heritage permit that seeks to avoid signs being attached to the significant building fabric. Where no reasonable alternative is available, details of such fixing to the heritage fabric must be approved by Heritage Victoria.

The plans endorsed by Heritage Victoria are included at **Attachment 2**.

The proposal

A total of 71 signs are proposed throughout the Pentridge Coburg site including 58 business identification signs, 1 pole sign and 12 direction signs. Fifty of these will include elements of internal illumination. Thirteen of the signs are proposed to be located outside the walls of the site with the remaining signs behind the walls.

The package of signs is proposed to include:

Perimeter signage

To provide external identification of the site with the branding 'Pentridge est 1851' and the Pentridge marketing logo. The signs will also include the marketing logos of up to 5 anchor tenants. The signs are to be predominantly dark blue and white.

Vehicle directional signage

Signage that directs vehicles to car parking locations.

Wayfinding signage

Directional signage, some with maps to identify location of features. The colours and 'Pentridge' marketing will be consistent with the perimeter signage.

Identification signage

Business identification signage attached to business within the main shopping centre (Building 9) and building identification signs for historic buildings. The signs are very dark blue with white text. The business identification signs provide space for the logo of individual tenants.

Regulatory signage

Signage to regulate activities such as skating and smoking through the precinct. The location and number of these signs has not been confirmed. The colours include very dark blue with white text and red highlights.

The signs labelled B2, W3, W6, W7, R1, R2 and R3 are all described in the application however, their location is not shown on the site plan. Some signs are defined as 'wall mounted'. The applicant has confirmed that none of these signs form part of this application and a condition is included in the recommendation to remove them from the plans for endorsement.

The table below describes each sign type and the number in more detail:

Sign number	Dimensions in metres (m) (Height x Width x Depth)	Description	Includes illumination	Number of signs
Perimeter Signage (located outside the former prison walls)				
F1	6m x 2m x 0.3m 2 sided	Advertisement area 4.2m x 2m mounted on a solid base. 'Pentridge' branding. 5 x tenant logos.	Yes. Top panel only	3
F2	6m x 1.8m x 0.3m 2 sided	Advertisement area 3.3m x 1.8m mounted on poles. 'Pentridge' branding. 5 x tenant logos.	Yes. Top panel only	1
F3	3.5m x 1m x 0.2m 4-sided	Advertisement area of 1.2m x 1m x 0.2m 'Pentridge' branding. 4 sided sign with 'Pentridge' Branding on narrow edge as well. Road name and directional signage to car parking.	Yes. Top panel only	7
V1	3m x 0.4m 2 sided	Signage Area 0.7m x 0.4m. Directional signage to car parking.	No.	1
Vehicle Directional signs				
V1	3m x 0.4m 2 sided	Signage Area 0.7m x 0.4m. Directional signage to car parking.	No.	4
V2	2.1m x 0.6m x 0.12m 2 sided	Directional signage to car parking (3 entry, 3 exit).	Yes. Top panel only	6
Wayfinding signage				
W1	2.2m x 0.42m x 0.8m 2 sided	Directional sign. With map.	No.	6
W2	1.9m x 0.25m x 0.08m 2 sided	Secondary directional sign. Without map.	No.	3
W4	1.2m x 0.2m x 0.04m 2-4 sided	Directional bollard.	No.	1
W5	0.09m x 1m 2 sided	Fingerboard directional sign. Pole mounted 2.5m above ground level.	No.	6
Identification Signage				
B1	1.7m x 0.4m x 0.1m 1 sided	Building Identification signage.	Yes.	15
B3	1.3m x 0.25m x 0.150m 1 sided	Residential Building identification signage.	Yes. Number only.	14
B4	0.3m x 1m x 0.03m 2 sided	Under awning Commercial identity signage. 2.7m above ground level.	Yes.	4
Total				71

The plans form **Attachment 3**.

Statutory Controls – why is a planning permit required?

Control	Permit requirement
Particular Provisions	Clause 52.05 (Signs). The land is included in Category 3 – High Amenity areas. A permit is required to develop land for business identification signage and internally illuminated signage under this clause as the size of the signs exceeds the minimum dimensions allowed without a permit.

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

- Clause 37.08-10 Activity Centre Zone (ACZ) Sets out that sign requirements are at Clause 52.05 (Signs). The Schedule to the ACZ sets out that land in Pentridge is in Category 3 of Signs.
- Clause 43.01-1 Heritage Overlay Schedule 47 (H.M. Prison Pentridge) - Pursuant to Clause 43.01-2, a planning permit is not required to develop a heritage place which is included on the Victorian Heritage Register.
- Clause 62.01 – Uses not requiring a planning permit, confirms that a permit is not required to use the land to display a sign.

Aboriginal Heritage

The *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007* provide for the protection of Aboriginal places, objects and human remains in Victoria.

While the site is close to a waterway, the permit applicant has supplied evidence that the land has been subject to significant ground disturbance and is therefore not an area of Cultural Heritage Sensitivity. No cultural heritage management plan was therefore required. The *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007* provide for the protection of Aboriginal places, objects and human remains in Victoria.

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.
- By placing 4 signs on the four main corners of the site (intersection of Champ Street and Pentridge Boulevard; intersection of Pentridge Boulevard and Stockade Avenue; and the intersection of Stockade Avenue and Murray Road.

Council has received 11 objections to date. A map identifying the location of objectors forms **Attachment 1**.

The key issues raised in objections are:

- Too many signs.
- The large signs in the corners of the site are too large and dominant.
- The signs will detract from the sombre appearance of the walls, especially on Champ Street.
- The signs are inconsistent with the heritage character of the former prison structures.
- The size of the signs will obstruct the view of cyclists and drivers along Champ Street.
- The commercial advertising should not be allowed to obscure views to the walls.
- Needs to be a consistent approach to signage across the whole former prison land – both north and south.
- Illumination of signs impact on wildlife and resident's ability to sleep.
- The signs are inconsistent with the decision guidelines of Clause 43.01-8 (heritage overlay) and Clause 52.05 (Signs).
- The application materials suggests that the colours of the commercial signage would be restricted to blue only but future commercial tenants of the site will not be content to display their signage on blue.
- The signage does not include wayfinding to key heritage interpretation sites across Pentridge in accordance with the Heritage Interpretation document within the masterplan.
- The signs should distinguish between commercial identity and heritage interpretation/wayfinding by utilising the colour brown to make it consistent with other heritage signs across the State.

A Planning Information and Discussion meeting was held on 5 June 2019 and attended by Cr Riley, 2 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 to the plans following the meeting.

Internal/external referrals

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

Internal Branch/Business Unit	Comments
Urban Design Unit	No objections were offered to the proposal subject to conditions included in the recommendation.
Heritage Advisor	No objections were offered to the proposal subject to conditions included in the recommendation.

3. Policy Implications

Planning Policy Framework (PPF)

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

- Settlement (Clause 11)
- Metropolitan Melbourne (Clause 11.06), including:
- Built Environment and Heritage (Clause 15), including:
 - Built Environment (Clause 15.01-1S)
- Economic Development (Clause 17), including:
 - Employment (Clause 17.01)
 - Commercial (Clause 17.02)

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement:

- Municipal Profile (Clause 21.01)
- Vision (Clause 21.02)
 - MSS Vision – Sustainable Neighbourhoods (Clause 21.02-2)
 - MSS Strategic Directions (Clause 21.02-3)
- Strategic Framework (Clause 21.03)
 - Activity Centres (Clause 21.03-1)
 - Urban Design, Built Form and Landscape Design (Clause 21.03-4)

Local policies:

- Advertising Signs (Clause 22.04)

The planning policy framework recognises the importance of signs to provide information to direct people to businesses and locations of interest. It also recognises that poorly designed signs can detract from the appearance of buildings and character of an area. The proposed signage scale and locations is considered to be generally appropriate although conditions should be included to reduce the number of signs on Champ Street as detailed in section 4 of this report.

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 State and Local Planning Policy frameworks, the provisions of the Moreland Planning Scheme, objections received and the merits of the application.

Do the proposed signs result in an acceptable outcome with regards to the character of the locality?

Clause 22.04 (Advertising signs) of the Moreland Planning Scheme includes the following objectives, relevant when considering the appropriateness of the signs in the surrounding context:

- To encourage signs that display simple, concise messages in appropriate locations.
- To encourage signage that increases the attractiveness of commercial and industrial areas.
- To ensure signs are sensitive to the style, scale and character of the host buildings, nearby buildings, and streetscapes.
- To ensure that signs in residential areas do not detract from the appearance or character of the area.
- To ensure that signs on heritage properties do not detract from the significance of the heritage place.
- To strike a balance between the reasonable identification of businesses and the need to ensure that advertising signs are complementary to built form and streetscapes.
- To ensure that existing and proposed signage is rationalised, to improve the streetscape character over time.

The subject site is included within Category 3 (High Amenity areas) of Clause 52.05, the purpose of which is to ensure that signs are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area. The relevant decision guidelines of this policy include:

- The space sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The ability to reduce the number of signs by rationalising or simplifying signs.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The potential to control illumination temporally or in terms of intensity.

A total of 58 of the 71 signs are proposed to be located within the walls of the former Pentridge prison. The remaining 13 signs sit outside the walls and will be seen within the public realm. These signs are comprised of large perimeter signs and some smaller directional signs.

Nine signs are proposed on Champ Street between Pentridge Boulevard to the south and Murray Road to the North. This includes 2 large F1 perimeter signs (2 x 6 metres) at each end, 6 x F3 signs (1 x 3.5 metres) directing traffic to parking spaces on each side of the three entry points and one W1 sign (250 millimetres x 1.9 metres) which displays a map and directions.

The number of signs proposed is excessive and will result in visual clutter on Champ Street and an inappropriate response to the residential land opposite. It is considered that the signs along Champ Street can be rationalised. To achieve an appropriate outcome, the number of F3 signs should be reduced to one for each vehicle entry point on Champ Street. This will provide for sufficient directional signage while respecting the heritage and residential character of Champ Street. A condition is included in the recommendation requiring this change.

In addition, the F3 sign on Stockade Avenue should be changed to a V2 sign to reduce the extent of signage close to the Murray road intersection. Although some of the perimeter signs will interrupt views to the walls of the former prison, the provision of signage external to the site is appropriate given the site's location within an Activity Centre Zone and the need to help identify the commercial tenancies within the site. Subject to conditions in the recommendation, it is considered that an appropriate balance will be achieved by providing sufficient business identification signage as well as respecting the heritage character of the site.

The remaining signs are consistent with the objectives and policy of Council's local advertising signage policy (Clause 22.04) and the decision guidelines of Clause 55.05 (Signs) for the following reasons:

- The signs are simple and concise in their messaging being predominantly dark blue and white with a streamlined display of commercial tenant marketing.
- The extent of internal illumination is limited and will not compromise the character of the heritage place.
- The proposed colours and materials are sufficiently subdued to respect the heritage context.
- The use of commercial tenant branding on the perimeter signs is rationalised and will not detract from the significance of the heritage place.

Are the signs within and around the site designed to limit the impact to the heritage significance of the site?

As the site is included on the Victorian Heritage Register, a planning permit is not required for the signs under the Heritage Overlay and therefore, an assessment of the proposal against the objectives and policy of the Heritage Overlay is not required.

However, Council's local advertising signs policy (Clause 22.04) is of relevance and includes the following policy for signs in heritage areas:

- Encourage advertising signs to adopt traditional locations on heritage buildings.
- Discourage above-verandah, animated, bunting, electronic advertising, high wall, illuminated, major promotion, panel, pole, promotion, reflective and sky signs.
- Ensure that the original architectural character of the building remains dominant.
- Ensure that signs in heritage areas do not visually dominate, interrupt views to significant features or detract from the heritage significance.
- Minimise the number of signs on a building.
- Encourage signs that are proportional to the architectural features of the heritage place.
- Discourage signs that detract from, or obscure, important features of the heritage place.
- Discourage the use of reflective, polished or metallic finishes on heritage places.
- Discourage signs that project from the verandah or building.
- Discourage buntings, banners, flashing lights and flags on heritage places.

The large F1 sign in the corner of Champ Street and Murray Road will have an unreasonable impact on the heritage significance of Champ Street and is not proximate to a vehicle entry. This should be reduced in size so as to be a single 2-sided plinth rather than 2 signs in a V shape or 4 signs in a cube. A condition is included in the recommendation to require this change.

Furthermore, the three F1 signs should be no higher than the perimeter walls they sit forward of. A condition is included in the recommendation to require the signs to be a maximum height of 5 metres. This requirement will also apply to the signs on the corner of Murray Road and Stockade Avenue and Pentridge Boulevard and Stockade Avenue.

Within the site, 3 of the wayfinding signs (2 x W1 and 1 x W2) have been positioned in a way that will intersect with key views within the former parade ground, as shown in figure 1 below. These signs should be relocated away from these key viewlines.

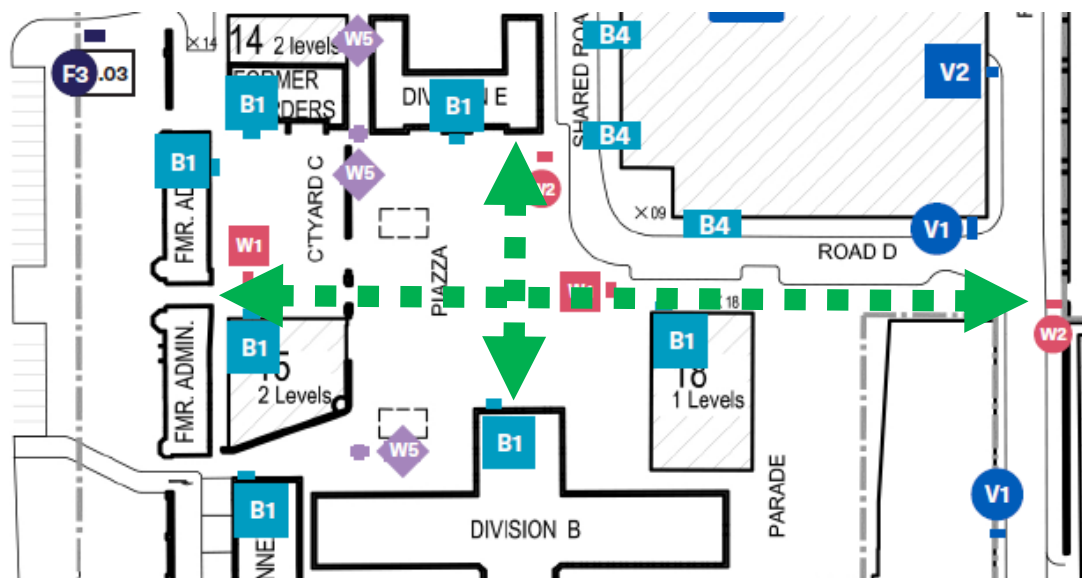


Figure 1

Further, the signs identifying historic buildings B Division, and E division are located in a way that will visually detract from the principle facades of these buildings. These signs should be relocated to the sides of these buildings to protect the principal facades of these buildings. Conditions are included in the recommendation to require these changes.

Is the proposal consistent with the Pentridge Coburg Design Guidelines and Masterplan (February 2014)?

The Pentridge Coburg Design Guidelines and Masterplan, February 2014 (the Masterplan) is an incorporated document in the Moreland Planning Scheme. The Masterplan does not give specific guidance regarding the size and location of signage however, it does require the preparation of a wayfinding strategy in consultation within Moreland City Council and Pentridge Village (the portion of Pentridge south of Pentridge Boulevard).

The Masterplan also provides design guidelines for achieving this. Of relevance to this application is to:

Provide legible linkages, through the public realm, between the various public spaces on the site and investigate the opportunity to provide wayfinding linkages with Pentridge Village.

and

Prepare 'Design Guidelines' for the provision of Advertising Signage to Pentridge and investigate opportunity to provide a co-ordinated and consistent approach with Pentridge Village, recognising that the proposed signage will not be exactly the same.

The document submitted in support of this application is intended to satisfy the requirements of the Masterplan and achieve linkages through the public realm and between various spaces on the site.

However, it does not investigate the opportunity to provide wayfinding linkages with Pentridge Village. This is an important element of the strategy to ensure there is a level of consistency of wayfinding through the wider Pentridge precinct. The wayfinding signage proposed uses the same commercial branding and colours as the commercial signage. A more neutral colour is considered appropriate so that future wayfinding signage provided in the southern part of Pentridge can adopt the same colours.

Furthermore, the Heritage Interpretation Masterplan (2013) identifies locations for heritage interpretation signage that appear to be in close proximity to the proposed wayfinding and business identification signage within as proposed in this application.

To this end, conditions are included in the recommendation to require the wayfinding signage to be of a neutral grey colour, that the signs are located with consideration given to the heritage interpretation signs as shown in the Heritage Interpretation Masterplan and that the wayfinding strategy is to include guidelines for achieving consistency of wayfinding signage across the two sites, in consultation with the owners of the southern portion of Pentridge (Pentridge Village).

5. Response to Objector Concerns

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

- Too many signs.
- The large signs in the corners of the site are too large and dominant.
- The signs will detract from the sombre appearance of the walls, especially on Champ Street.
- The signs are inconsistent with the heritage character of the former prison structures.
- Needs to be a consistent approach to signage across the whole former prison land – both north and south.
- The commercial advertising should not be allowed to obscure views to the walls.
- The signs are inconsistent with the decision guidelines of Clause 43.01-8 (heritage overlay) and Clause 52.05 (Advertising signage).
- The signage does not include wayfinding to key heritage interpretation sites across Pentridge in accordance with the Heritage Interpretation document with the masterplan.

Other issues raised by objectors are addressed below.

The size of the signs will obstruct the view of cyclists and drivers along Champ Street

The location and size of the proposed signs are not expected to result in any obstruction of vision to drivers or cyclists given the location of the signs setback from the street.

Illumination of signs will have a negative impact on wildlife that use the trees on Champ Street

The extent of illumination is appropriate noting the site's location within the Coburg Activity Centre. The additional light contributed by the signs will largely be unnoticed within this street which is already lit by street lights during night time hours.

The application material suggests that the colours of the commercial signage would be restricted to blue only but future commercial tenants of the site will not be content to display their signage on blue

The application material shows the F1 and F2 signs with a dark blue background and white text. The 3D visualisations also suggest that the commercial tenants would adopt the same colour palate. However, the applicant has confirmed that the logos of individual commercial tenants will be displayed using their corporate colours but that the name of the tenant will remain in white with a dark blue background. This is considered to be an acceptable outcome as the logos will constitute a small component of the overall signs. A condition is included in the recommendation to require the plans to include a note that the names of commercial tenants will be displayed in white text on a dark blue background with the exception of associated logos.

The signs should distinguish between commercial identity and heritage interpretation/wayfinding by utilising the colour brown to make it consistent with other heritage signs across the State

As discussed above, Heritage Victoria have approved heritage interpretation strategies for the site. The strategies include signage. The application considered in this report deals only with commercial signage and wayfinding signage.

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

It is considered that subject to conditions, the proposed business identification signage and internally illuminated signage is appropriate in the context of the Activity Centre and will result in an appropriate response to the heritage character of the former Pentridge prison and will not result in unreasonable impacts to nearby residential properties.

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 be issued subject to the conditions included in the recommendation of this report.

Attachment/s

<u>1</u>	Locality Plan and Objector Location	D19/272841
<u>2</u>	Heritage Permit and Plans	D19/273171
<u>3</u>	Application Plans	D18/271687

**DCF60/19 151 MELBOURNE AVENUE, GLENROY - PLANNING PERMIT
MPS/2018/676 (D19/241802)**

Director City Futures

City Development

Executive Summary



Property:	151 Melbourne Avenue, Glenroy
Proposal:	Relocation and restoration of the existing heritage dwelling (into 2 dwellings) and construction of 5 double storey dwellings to the rear.
Zoning and Overlay/s:	<ul style="list-style-type: none"> General Residential Zone (GRZ) Heritage Overlay (HO325) Development Contributions Plan Overlay (DCPO1)
Strategic setting:	<div>Minimal housing growth</div> <div>Incremental housing growth</div> <div>Increased house densities encouraged</div> <div>Significant housing growth</div>
Objections:	<ul style="list-style-type: none"> Four objections. Key issues: <ul style="list-style-type: none"> Heritage Car parking
Planning Information and Discussion meeting:	<ul style="list-style-type: none"> No meeting held between residents and the permit applicant.
ESD:	<ul style="list-style-type: none"> The application does not meet Council's Environmental Sustainable Design Standards with shortcomings in the BESS and STORM Report.
Accessibility:	<ul style="list-style-type: none"> Clause 55.05-1 Accessibility requirements met.
Key reasons for Refusal:	<ul style="list-style-type: none"> Contrary to State and Local Heritage Policy. Loss of heritage significant built form.
Recommendation:	It is recommended that a Notice of Refusal be issued for the proposal.

Officer Recommendation

That a Notice of Refusal to Grant Planning Permit No. MPS/2018/676 be issued for the relocation and restoration of the existing heritage dwelling (into 2 dwellings) and construction of 5-double storey dwellings to the rear at 151 Melbourne Avenue, Glenroy, subject to the following grounds of refusal:

1. Clause 15.03-1 Heritage Conservation.
The proposed dwelling relocation fails to ensure the conservation of places of heritage significance and does not:
 - a) Retain those elements that contribute to the importance of the heritage place.
 - b) Encourage the conservation and restoration of contributory elements of a heritage place.
 - c) Ensure an appropriate setting and context for heritage places is maintained or enhanced.
2. Clause 22.06 Heritage Policy.
 - a) The proposal fails to appropriately respond to the following Policy objectives:
 - i. To ensure the conservation and enhancement of all heritage places.
 - ii. To protect Moreland's heritage places from inappropriate demolition, development or subdivision.
 - iii. To ensure that buildings and works respect the significance of the heritage place as identified in the Statement of Significance.
 - b) The proposal does not satisfy the Policy objectives of Clause 22.06-3.2 (Demolition) including:
 - i. Encourage retention of a contributory or significant heritage fabric required to maintain the original streetscape appearance.
 - ii. Relocation of a contributory or individually significant heritage building as total demolition.
 - iii. Discourage total demolition of a contributory or significant heritage place where it cannot be demonstrated that the building is structurally unsound.
3. Clause 43.01 Heritage Overlay. The proposal fails to satisfy the purpose and decision guidelines of the Heritage Overlay, in particular:
 - a) To conserve and enhance heritage places of natural or cultural significance.
 - b) To conserve and enhance those elements which contribute to the significance of heritage places.
 - c) To ensure that development does not adversely affect the significance of heritage places.
 - d) That the demolition/relocation and external alteration will adversely affect the significance of the heritage place.
4. Clause 22.03-3 Car and Bike Parking and Vehicle Access. The alignment of the crossover fails to meet the Policy objective of ensuring vehicle crossing provision limits the removal of street trees.
5. The proposal is contrary to the following standards and objectives of Clause 55 of the Moreland Planning Scheme:
 - a) Clause 55.03-9 Access. The location of the vehicle access point necessitates removal of roadside vegetation.

1. Background

Subject site

The subject site is located on the south side of Melbourne Avenue, Glenroy, approximately 100 metres east of Blenheim Street. The site has a frontage to Melbourne Avenue of 24.4 metres and a depth of 74.3 metres, with a total site area of 1879 square metres. The site has a gentle slope, falling approximately two metres from the front (north) boundary to the rear (south) boundary.

The site is developed with a detached single storey dwelling of circa 1914, set approximately 25 metres from the street. The dwelling is clad in a rough cast render in light green tones with a dark green weatherboard plinth. The dwelling has a prominent low pitched gable spanning the width of the dwelling. The verandah is enclosed to the street providing a main entrance point on the east side of the dwelling. Three chimneys sit proudly upon the roof of the dwelling.

The dwelling has individual heritage significance within the Moreland Planning Scheme, featuring extensive leadlight windows, three open fire places, traditional fret work and deep cornices.

The dwelling has fallen into a state of disrepair since 2015 and is currently inhabitable. A low wire and timber fence previously located along the front property boundary was removed from the site in 2017. At the frontage of the site is an existing crossover to Melbourne Avenue, a bus stop, electricity pole and two mature street trees. To the rear and side of the dwelling are spacious setbacks with no landscaping distinguishing the character of the site.

Figure 1 – Site photos illustrate the deterioration of the dwelling over time.

Figure 1: Site photos - 2010 to 2019



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

Surrounds

The surrounding area is characterised by a mix of detached single storey dwellings and multi-unit developments of between 4 and 10 dwellings. Development in the area is of a later period to the subject dwelling and prevailing front setbacks are considerably less than that of the subject site. No nearby properties are covered by the Heritage Overlay.

To the south (rear) is Murrell Street Kindergarten, which is located within the Glenroy Activity Centre. Single storey detached dwellings directly abut the subject site to the east and opposite the site to the north. To the west is a development currently under construction at 153 Melbourne Avenue (MPS/2017/449) to allow for the construction of three dwellings.

Melbourne Avenue is a local access street feeding traffic from West Street and three local schools through to the Glenroy Activity centre to the west of the site.

A location plan forms **Attachment 1**.

The proposal

The application seeks approval for the following:

- Relocation and restoration of the existing heritage dwelling. This includes lifting and relocating the dwelling forward on the site to a front setback of 9 metres.
- Restoration of the dwelling as close as possible to its original appearance.
- Splitting the dwelling to create 2 separate side-by side dwellings, each containing 2-bedrooms with a car parking space at the rear. Dwelling entrances will be to the side of the building, consistent with the current features and characteristics of the dwelling.
- Construction of 5 additional dwellings to the rear of the site, each 2-storey with ground floor living and first floor bedrooms. Two of the 5 dwellings contain 3-bedroom, the remaining 3 contain 2-bedroom.
- Visitor car parking located central to the site.
- Vehicular access to the site is gained from a new central common access way, curved to align with the existing crossover to Melbourne Avenue. The existing crossover is to be widened to a total of 3 metres. The curve in the access way is in response to the existing bus stop, street tree and electricity pole which are located to the front of the site.
- Site coverage of 37.12% and permeability of 42.97%.

The development plans form **Attachment 2**.

Planning Permit and site history

The site has been the subject to four previous planning permit applications.

In 2011, application MPS/2011/622 sought the demolition of outbuildings, alterations and additions to the existing dwelling to convert the dwelling into two dwellings, and the construction of 6 additional 2-storey dwellings to the rear of the site. A permit was issued on 6 March 2013. This permit included the retention of the existing dwelling and front fence, allowing the demolition of the shedding at the rear of the dwelling. This permit expired on 6 March 2017. The shedding referred to for demolition has since been removed from the site.

Figure 2: Aerial imagery – January 2014



In 2015, a further application was lodged (MPS/2015/526) which sought approval for the demolition of the existing dwelling, outbuilding and a front fence in a Heritage Overlay. No replacement building was proposed as part of this application. This application was refused by Council. The applicant appealed Council's decision to VCAT, however later withdrew their appeal prior to the hearing.

In 2017, application MPS/2017/133 was lodged with Council seeking approval for the demolition of an existing dwelling and fence in a heritage overlay. This application lapsed prior to a determination being made.

A later application in 2017 (MPS/2017/589) sought approval for the demolition of the existing dwelling and fence and construction of 8-double storey dwellings. This application was refused by Council's Urban Planning Committee. The applicant did not appeal Council's decision.

The site is also subject of a current VCAT Enforcement Order proceeding initiated by Council. The application by Council seeks reinstatement of heritage elements of the dwelling that have been removed without the required planning permit approval. The VCAT Enforcement Order hearing is scheduled to take place in September 2019.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
General Residential Zone	A permit is required to construct more than one dwelling on a lot. Pursuant to Clause 32.08-1 (GRZ) no permit is required to use land as a dwelling.
Heritage Overlay	Clause 43-01-1 (Heritage) - A permit is required to demolish or remove a building, construct a building or construct or carry out works

The following Clauses of the Moreland Planning Scheme do not trigger a requirement for a planning permit but are relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay (Schedule 1). If a permit were to be issued a condition would be included requiring the payment of the DCP levy prior to the issue of a Building Permit for the development.

2. Internal/External Consultation

Public notification

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

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

Council has received four objections to date. A map identifying the location of objectors forms **Attachment 1**.

The key issues raised in objections are:

- Heritage value of the dwelling, internal features and chimneys and the impact of its relocation on the heritage significance of the site.
- Car parking.

Whilst a Planning Information and Discussion meeting was not held, conversations were held with objectors including a meeting on-site with one resident. No objections have been withdrawn.

Internal referrals

The proposal was referred to the following internal business units of Council.

Internal Business Unit	Comments
Heritage Advisor	Objects to the grant of a permit in its current state. A suitable relocation process that will not damage the heritage building has not been demonstrated.
Urban Design	Objects to the grant of a permit in its current state. Recommendation that any decision to grant a planning permit include conditions that respect the interface with the heritage dwelling.
Strategic Transport and Compliance Branch	No objections to the proposed development subject to conditions being included in any permit that may issue.
Open Space	No objections to the proposal subject to conditions being included in any permit that may issue.
ESD Unit	Objects to the grant of a permit in its current state. Recommendation that any decision to grant a planning permit include a requirement to demonstrate best practice environmentally sustainable design in accordance with Clause 22.08 of the Moreland Planning Scheme through amended BESS and STORM reports.

3. Policy Implications

Planning Policy Framework (PPF)

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

- Clause 11 - Settlement
- Clause 15 Built Environment and Heritage including:
 - Built Environment (Clause 15.01)
 - Healthy neighbourhoods (Clause 15.01-4S and 15.01-4R)
 - Sustainable Development (Clause 15.02)
 - Heritage (Clause 15.03)
- 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)

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 22.06 Heritage
- Clause 22.08 Environmentally Sustainable Design

While not located within an Activity Centre, the subject land is located in an established urban area with good access to a range of infrastructure and services. In these areas, the MSS envisages incremental change to accommodate a mix of single dwellings and infill multi-dwelling developments. In areas outside of Activity Centres, it is Council's policy objective that any proposal respects the existing character of the area. Whilst the increase in residential density is supported, the design's response to the features and characteristics of the site, including the retention and conservation of historical and cultural elements fail to achieve the objectives of the State and Local Planning Policy, namely the Heritage policy.

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 State and Local Planning Policy frameworks, the provisions of the Moreland Planning Scheme, objections received and the merits of the application.

Does the proposal respond to State and Local Heritage policies?

The Statement of Significance for the site addresses the site as follows:

Of aesthetic significance for its unusual single-ridged form and bold detailing and for its reasonably intact exterior. The fence and entry gate is an early form of fencing and if not original, then near contemporary with the house. It is also of note as an unusual and early surviving example of a pre World War One bungalow residence in an outlying area of Melbourne which would not see substantial development until after World War Two. At the time of its construction this house was on a pocket of farmland and was surrounded by just a scattering of houses from the Victorian period.



Figure 3: Subject site – extracted from Statement of Significance

The aerial imagery from 1951 is also helpful in illustrating the siting of the dwelling on what was at the time, farmland slowly developing into new residential estates on Melbourne's northern fringe. As evident in Figure 4: Aerial photo 1951, existing older housing stock maintained generous front setbacks commensurate with the rural character of having dwellings setback from unsealed roads to protect residents from dust during a time of growth in car ownership. The existing front setback is 25 metres. The uniqueness of this individually significant site is evident in its front setback and reflects the historical development of the area. This is proposed to be reduced through the dwelling's relocation to 9 metres.

Figure 4: Aerial photo – 1951



Clause 15.03-1 Heritage Conservation seeks, amongst other matters, to

- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

By virtue of lifting the dwelling and relocating it forward of its existing setback, the setting of the dwelling and context will be detrimentally compromised. The site, located within a General Residential Zone, is not one where achieving extra yield outweighs the negative impacts associated with a significantly altered heritage context. Therefore, the relocation of the dwelling and the subsequent new front setback is not supported.

Is the dwelling physically able to be lifted and relocated, based on the evidence provided by the applicant's Structural Engineer and Heritage Consultant reports?

Through Clause 22.06-3.2 (Heritage Demolition) of the Moreland Planning Scheme it is policy to consider the proposed relocation of a contributory or individually significant heritage building as total demolition.

In the previous application before Council (MPS/2017/589), the demolition of the residence was argued on the premise of engineering structural reports which accompanied the application. Through the assessment of that application, it was concluded that there was insufficient justification to support demolition of the dwelling and front fence.

An updated structural report accompanied the current planning application. This report details how the dwelling will be picked up and relocated to ensure the house remains intact. Comprehensive details about how the relocation will be carried out were not provided and remain outstanding despite requests for this information. The report does not conclude that the structural condition of the dwelling is such that it cannot be repaired, and the dwelling brought back to its original state. Perhaps most significant is that the letter from the applicant's structural engineer dated 30 October 2018 confirms that the condition of the heritage building has deteriorated since April 2017 and that:

after consideration of the size and current condition of the building, we do not believe it is practical or possible to pick the building up and reposition it intact, in a single lift.

In other words, the permit applicant's own structural engineer does not support the applicant's own proposal to relocate the dwelling forward on the site.

Separate to the structural report was a requirement to submit a schedule of conservation works that addresses the appropriate relocation of the building within the site and the restoration works that will return the dwelling to its original and valued character and appearance. The conservation report does not speak to the need to preserve the prevailing setback.

Relocation of heritage buildings is considered in the same context as demolition under Council's local planning policy. Relocation should not therefore be supported except as a matter of last resort. For the purpose of explaining 'last resort' in the context of this application, it is a situation where there is no possible way that the existing building could be retained in its current position and needs to be relocated. The conservation report suggests that because the building is in such a dilapidated condition, that relocation and restoration should be considered a last resort to full demolition. If the dwelling can be restored without relocation, it stands to reason that restoration is possible without the need to relocate the dwelling on the site.

Interestingly also, the conservation works report recognises that repair, restoration and partial reconstruction of the external fabric of the dwelling can be carried out, negating any need to fall upon a 'last resort' scenario.

The 3 chimneys standing proudly on the roof of the existing dwelling and a feature of the character of the home are proposed to be removed, with no reference to preservation or restoration. This is not supported.

Insufficient justification to demonstrate adherence to the objectives of State and local heritage planning policy form grounds of the recommendation.

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

The proposal is considered, subject to conditions, to offer an acceptable response to Clause 22.01 (Neighbourhood Character) and Clause 55.02 (Neighbourhood Character and Infrastructure) of the Moreland Planning Scheme.

The subject site is located within a General Residential Zone (GRZ) with the Residential Growth Zone (RGZ) abutting the property to the south. The immediate context of the site includes multi-dwelling developments extending deep into the rear of the lots. Glenroy Kindergarten and Maternal Child and Health Centre share an abuttal to the site's southern boundary, with play spaces along the common boundary. Whilst the two sites to the east have open rear yards, the open rear yard character is considered to be eroded by infill development beyond and to the west of the site.

The proposal is considered to adequately respond to the character of the area and to the General Residential Zone intent for the following reasons:

- Dwellings 1 and 2 (within the original building) are oriented to front Melbourne Avenue, with the remaining dwellings located behind and accessed off a centralised vehicle access way.
- Whilst the existing dwelling is proposed to be split into 2, from the street, the dwelling continues to present as a single dwelling with individual entrances set to the side elevations.
- Dwellings 3–8 adopt a low-scale form with pitched roofs and a maximum height of 7.4 metres to ensure they are not highly visible from Melbourne Avenue, minimising the visual impact in the streetscape and on the heritage dwelling.
- By virtue of the 24-metre-wide lot, there are no new walls on boundaries providing space for screen trees along both side boundaries.
- Material use across the dwellings include face brickwork, weatherboard, render and horizontal timber cladding, which is generally reflective of traditional housing in the area. Further work is required to better integrate the new dwellings with the existing heritage listed dwelling including removal of proposed rendered treatments on both the existing dwelling and the new dwellings. In particular, it is recommended to remove the rendered columns and pediment on dwelling 7 in lieu of a recessed entry area that is covered by extending the ground floor eave structure, and simplification of the façade due to its visibility from the street.
- The dwellings are appropriately separated at first floor to reduce the perception of a continuous built form mass when viewed from adjoining land.

If the application were to be supported, amended plans would be required to increase the setback between the existing dwelling and new dwellings and modify the sheltered car parking spaces of dwellings 1 and 2 to uncovered spaces.

Has adequate car parking and site access been provided?

A total of 10 on-site spaces are required for the dwellings plus one visitor space. The proposal achieves this.

If a planning permit were to issue, occupants of the dwellings will not be eligible for parking permits in the event that parking restrictions are imposed by Council on the street.

Pursuant to Clause 22.03-3 it is policy to ensure vehicle crossing provision limits the removal of on street public parking spaces, removal of street trees, encroachment into landscaped front setbacks and maximises pedestrian safety and sight lines.

In relation to Neighbourhood Character at Clause 22.01-3, it is policy to ensure the layout and design of new development makes a positive contribution to the public realm, including maximising opportunities for active frontages and casual surveillance.

Due to the existing facilities within the frontage of the site (electricity pole, 2 street trees and crossover) the options for locating the crossover are limited. In this instance, it is proposed to widen the existing crossover towards the street tree, leading it to a driveway which leads along the western side of the resited dwelling before curving and running down the centre of the site, with dwellings off to either side. The widening of the crossover, which is required to satisfy Council requirements and the proposed traffic load, encroaches into the 3-metre zone of the street tree and is not supported by Council's open space unit.

The Urban Forestry Strategy adopted by Council specifies that all new crossovers must be located a minimum of 3 metres from street trees. The loss of any street tree to accommodate vehicle crossovers does not meet the policy requirement of Clause 22.03-3 - Car and Bike Parking and Vehicle Access.

This forms a ground 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 Strategic Transport and Compliance Branch consider that the development will generate an additional 64 vehicle movements per day along Melbourne Avenue. This remains within the street's design capacity and is not expected to cause traffic problems.

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

The design response as submitted, fails to provide a satisfactory response to the requirements of Clause 22.08 Environmentally Sustainable Design policy. Shortcomings with the design response include:

- No shading provided on east, west and north facing habitable room windows, despite being claimed in the BESS report;
- Thermal comfort (double glazing) is claimed as a credit in the BESS report but not annotated on the plans.
- No STORM report has been provided.
- NatHERS rating of 6.5 stars

If a permit were to issue, amendments would be required to the development plans, and thereafter the BESS Report and STORM Report to demonstrate best practice environmentally sustainable design.

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. Each dwelling provides for ground floor living with dwelling 1 and 2 also consisting of bedrooms at ground level. Modifications to the internal layout of dwelling 1 and 2 would be required to make the toilets accessible.

Does the proposal satisfy the requirements of Clause 55?

A detailed assessment of the proposal against the objectives and standards at Clause 55 has been undertaken. The proposed development complies with most standards and objectives of Clause 55. The primary variation to the standard relates to Clause 55.03-9 – Access whereby the location of the vehicle crossover necessitates removal of roadside vegetation. This has been discussed under car parking and site access above.

5. Response to Objector Concerns

Heritage and car parking issues raised by objectors are addressed in section 4 of this report.

6. Officer Declaration of Conflict of Interest

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

7. Financial and Resources Implications

There are no financial or resource implications.

8. Conclusion

The application and accompanying expert reports fail to demonstrate that the design response achieves an acceptable approach in managing the site's heritage values, delivering an outcome that complements the overall intention of State and local heritage policies and the heritage values behind the dwelling.

On the balance of policies and controls within the Moreland Planning Scheme and objections received, it is considered that application MPS/2018/676 for the relocation and restoration of the existing heritage dwelling (into 2 dwellings) and construction of 5 double storey dwellings to the rear should be refused on the grounds included in the recommendation of this report.

Attachment/s

- | | | |
|--|-----------------------|------------|
| <u>1</u>  | Objector Location Map | D19/254896 |
| <u>2</u>  | Advertised Plans | D19/169069 |

**DCF61/19 737-757 SYDNEY ROAD, COBURG NORTH - PLANNING
APPLICATION MPS/2018/393 (D19/205360)**

Director City Futures

City Development

Executive Summary



Property:	737-757 Sydney Road, Coburg
Proposal:	Use and development of the land with a 6-storey building comprising a residential hotel and child care centre, and alteration of access to a road in a Road Zone, Category 1
Zoning and Overlay/s:	<ul style="list-style-type: none"> • Activity Centre Zone (ACZ) • Environmental Audit Overlay (EAO) • Parking Overlay (PO1) • Development Contributions Plan Overlay (DCPO1)
Strategic setting:	<div>Minimal growth</div> <div>Incremental growth</div> <div>Increased densities encouraged</div> <div>Significant growth</div>
Objections:	<ul style="list-style-type: none"> • One • Key issues: <ul style="list-style-type: none"> – Impact upon use and future development of 14-22 Gaffney Street. – Car parking provision. – Access to the site by over-size vehicles.
Planning Information and Discussion Meeting:	<ul style="list-style-type: none"> • No meeting held between the objector and the permit applicant.
ESD:	<ul style="list-style-type: none"> • The proposal will meet Council's Environmental Sustainable Design Standards.
Accessibility:	<ul style="list-style-type: none"> • Proposal will be accessible to those with limited mobility
Key reasons for officer recommendation:	<p>The amended proposal will provide:</p> <ul style="list-style-type: none"> • High quality architecture. • Built form which is compatible with the desired future development of abutting land. • An appropriate interface with the adjoining residential property. • Streetscape works including footpath upgrades and street tree planting.

Recommendation:	It is recommended that Council advises the Victorian Civil and Administrative Tribunal (VCAT) and the permit applicant that it consents to the issue of a planning permit based upon the discussion plans.
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Officer Recommendation

That Council advises the Victorian Civil and Administrative Tribunal (VCAT) and the applicant for review that it consents to the issue of Planning Permit No. MPS/2018/393 for the use and development of the land with a 6-storey building comprising a residential hotel and child care centre, and alteration of access to a road in a Road Zone, Category 1 at 737-757 Sydney Road, Coburg North, subject to the following conditions:

Amended plans and documentation for approval

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 drawn by Hachem and denoted TP01-TP11 and TP13-TP17 (all Revision F and supplied to the Responsible Authority on 3 June 2019) but modified to show:
 - a) Dimensions to clarify that the entrance lobby to the child care centre does not exceed 2.0 metres in width.
 - b) The allocation of 23 parking spaces, including all ground level spaces not located within the Porte Cochere, to the child care centre and the remainder to the residential hotel.
 - c) Additional detail in relation to the ramp slopes and levels of the vehicle access and car park to demonstrate compliance with Clause 52.06 of the Moreland Planning Scheme with:
 - i. Slopes no greater than 1 in 4.
 - ii. Changes of grade of more than 1 in 8 (12.5%) for a summit grade change or more than 1 in 6.7 (15%) for a sag grade change, to be provided with a transition of at least 2 metres to prevent vehicles scraping or bottoming.
 - d) At ground level, relocation of parking space 11 such that it abuts parking space 10. The relocated space 11 is to be 5.4 metres in length plus a 45° splay to its eastern end (similar to the western end of space 10), with an associated increase in area of the garden bed provided between parking spaces 11 and 12.
 - e) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples. This shall include details of the paving of the driveway, which is to be designed to prioritise pedestrian using high-quality paving.
 - f) A landscape plan in accordance with condition 2 of this permit.
 - g) Any modifications detailed within the Acoustic report approved pursuant to Condition 4, including details of the boundary fence required by condition 4(b).
 - h) Initiatives contained within the BESS report and the STORM report, required by condition 9 including:
 - i. A clear statement indicating that the stormwater harvesting system (rainwater tanks) must be completely independent of any detention requirements (through the Legal Point of Discharge process).
 - ii. An annotation on the plans to indicate the irrigation area/s proposed to be connected to the tank.

- iii. The provision of the maximum number of solar PV panels possible, having regard to the available roofspace and the need to accommodate other plant and equipment. The capacity of the PV system must be noted in the plans.
 - iv. The location of electric vehicle charging points.
 - v. A statement that the provisions of the endorsed Sustainability Management Plan are to be applied in full.
- 2. Prior to the commencement of any development works, a landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must provide the following:
 - a) Landscaping on site generally in accordance with the plan prepared by Hansen Partnership and advertised for the proposal, but including:
 - i. The provision of planting and associated planter boxes to the section of the north-eastern corner of the site indicated on the Level 1 Floor Plan as being a 'Potential Structure (floor plate only with columns under)'. The planting is to be designed to soften view of the building from the north, unless this conflicts with the requirements of the service provider.
 - ii. Planting to the outdoor play area for the Child Care Centre. The planting is to be designed to improve the amenity of this space for users.
 - iii. Planting of a mixture of broader evergreen and deciduous trees (such as upright forms of *Magnolia grandiflora* and *Liriodendron tulipifera* 'Fastigiata' respectively) along the northern boundary.
 - b) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s). Vegetation retainment must include strategies for the retainment (i.e. barriers and signage during the construction process).
 - c) A schedule of all proposed trees, shrubs and ground covers (including numbers, size at planting, size at maturity and botanical names), as well as sealed and paved surfaces. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Moreland Landscape Guidelines 2009.
 - d) Details of the location and type of all paved and sealed areas. The adoption of porous/permeable paving, rain gardens and other water sensitive urban design features is encouraged.
 - e) Details of proposed irrigation, including the preferential reuse of rainwater collected on site.
- 3. Prior to the commencement of development, a Public Works Plan and associated construction drawing specifications detailing the works to the adjoining road reserve must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must detail works in front of the approved building along Sydney Road and Gaffney Street and to the right of way abutting the western boundary of the site and include:
 - a) The provision of street trees and landscape works within the road reservation generally in accordance with the landscape plans prepared by Hansen Partnership and advertised for the proposal, but incorporating:
 - i. The provision of *Pyrus* species to match existing street trees along Gaffney Street.
 - ii. Medium-large trees, such as *Quercus* sp. or larger *Acer* species within Sydney Road.

- b) Details of the proposed planting, seating and signage within the road reservation at the south-eastern corner of the property. This shall include a simplification of the footpath treatment indicated on the Hansen Partnership plan and modifications to seating to ensure maintenance of the footpath as a pedestrian thoroughfare.
- c) The bundling or relocation underground of the powerlines and tram lines within the adjoining roadways so as to provide for the growth to maturity of the street trees proposed.
- d) The upgrade of the footpaths adjacent to the site, including the reinstatement of footpaths with a crossfall slope of 1 in 40 (2.5%).
- e) A detailed level and feature survey of the footpaths and roads.
- f) The existing crossovers at the site removed and the kerb and channel, footpath and nature strip reinstated to Council's standards using construction plans approved by Moreland City Council, City Infrastructure Department.
- g) The other works to the public land adjacent to the development including new or reconstructed footpaths, nature strips and other associated street furniture/infrastructure.

The approved Public Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the occupation of the development unless otherwise agreed with prior written consent of the Responsible Authority.

4. Prior to the endorsement of plans, the Acoustic Report prepared by Thomas Lee of Wood and Grieve Engineers and dated 3 April 2018 must be amended by a suitably qualified acoustic engineer or equivalent to the satisfaction of the Responsible Authority to include the following:
 - a) Specific noise attenuation measures to minimise the noise from the adjacent arterial road and tram route.
 - b) Details of the acoustic fence to be provided along the northern property boundary.

Construction and maintenance of the buildings must be in accordance with the recommendations contained in this report to the satisfaction of the Responsible Authority.

Compliance with endorsed plans and documents

5. 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.
6. The sections of the Sydney Road and Gaffney Street road reserve depicted on the Public Works Plan are to be maintained by the owners of the land to the satisfaction of the Responsible Authority for a period of two year commencing from the occupation of the development.
7. 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.
8. All works must be undertaken in accordance with the endorsed:
 - a) Sustainability Management Plan (SMP).
 - b) Acoustic Report.

to the satisfaction of the Responsible Authority. No alterations to these endorsed documents may occur without the prior written consent of the Responsible Authority.

Prior to commencement

9. Prior to the commencement of development, the Sustainability Management Plan prepared by Paul O'Brien of Wood and Grieve Engineers and dated 11 May 2018 must be amended by a suitably qualified environmental engineer or equivalent to the satisfaction of the Responsible Authority to include the following:
- a) A specification of the capacity of the solar photovoltaic system to be installed.
 - b) Information as to how the claim that the development will address thermal comfort will be verified, including preliminary JV3 modelling report to demonstrate the commitment of an 11% improvement on minimum NCC compliance; include the reference glazing spreadsheet as part of this assessment.
 - c) Consistent information in relation to catchment areas for stormwater. The storm assessment provided is to clearly highlight the roof and other areas draining to the rainwater tank and impervious areas not being treated.
 - d) The provision of daylight modelling for the proposed child care centre with modifications as required to provide an appropriate level of daylight to the proposed playrooms and office/staff amenities area.
 - e) The provision of at least two fast charge electric vehicle charging points.
 - f) Maintenance of the proposed low VOC paints, sealants, adhesives and flooring, best practice PVC materials and sourcing of environmentally responsible structural steel, but removal of reference to this provision as Innovation.
 - g) Advice as to the building systems and services which are to be included in the building user's guide and how the building occupants are to be informed on how to operate the development efficiently.
 - h) Details of the metering strategy including what common area energy/water uses will be sub-metered. The meters, including common area sub-meters should be shown on plans.
 - i) Details of the fire test water system (including tank capacity), its water saving measures, and the water efficiency principles to be used in the design and maintenance of any cooling towers.
 - j) Information in relation to how the car park ventilation system (the VSD drive fans and CO monitoring) will work and who is responsible for their implementation throughout the design, procurement and operational phases of the buildings life.
 - k) Details of the lighting scheme and luminaire schedule which describes the selection, type and placement of luminaires which demonstrates that the proposed development complies with Australian Standard AS4282-1997 'Control of the Obtrusive Effects of Outdoor Lighting'.
 - l) A statement that commits to waste contractors and waste processing facilities providing services to the project complying with the current version of the Green Star 'Construction and Demolition Waste Reporting Criteria to demonstrate that 80% of construction and demolition waste has been diverted from landfill.
 - m) The inclusion of organic waste management strategies and highlight on plans the potential location of organic waste management methods such as compost bins/worm farms etc.
 - n) Confirmation that no washing machines will be installed as part of the childcare centre. Alternatively, the BESS report and SMP are to be modified to include them.

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 will be endorsed to form part of this permit.

10. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy must be paid to 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.

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.
- 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.

11. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use, 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, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the *Building Act 1993*, 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).

Notes about environmental audits

- 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*.
- 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*.
- 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.
- 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*.

Remediation Works plan required

Prior to any remediation works being undertaken in association with the Environmental Audit, a 'remediation works' plan to the satisfaction of the Responsible Authority 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.

Prior to occupation

12. Prior to occupation of the development, a Car Park Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must detail how the car parking area is to be managed, including:
 - a) The provision of a valet parking service to hotel patrons, including exclusive use of the tandem parking spaces within the basement for patrons utilizing this service.
 - b) Specified delivery hours for the Child Care Centre, which are to be outside of peak drop-off and pick-up times as well as staff shift changeovers.
 - c) The size of vehicles to be utilized in deliveries to the Child Care Centre.
 - d) Signage associated with the reservation of specific parking space/s within close proximity to the Child Care Centre foyer for loading associated with that use at specific days and times of the week.
13. Unless otherwise agreed in writing by the Responsible Authority, prior to the occupation of the development a height-limited Road is to be created and vested in Council over the land shaded beige and marked '*new land proposed by developer to create 2-way road*' on the plan prepared by Hachem, reference TP02 and endorsed to form part of this permit.
14. Prior to occupation of the development, the Waste Management Plan prepared by Frater Consulting Services and dated 30 April 2018 must be amended to include an allowance for the replacement of general waste bin/s with food and organic waste bin/s at a point when a separate food and organic waste collection service becomes available.

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

15. Prior to the occupation of the development:
- a) The right of way abutting the western boundary of the site and the area to be created as a Road as required by condition 13 of this permit are to be constructed to Council's standards using construction plans approved by Council and the works supervised by Council.
 - b) Lighting is to be installed and maintained on the land to automatically illuminate pedestrian access to the building entrances between dusk and dawn with no direct light emitted onto the adjoining property or road pavements to the satisfaction of the Responsible Authority.
 - c) The bicycle parking rails must be installed in a secure manner that accords with the specifications in Australian Standard for Bicycle Parking (AS2890.3), to the satisfaction of the Responsible Authority.
 - d) 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).
 - e) All telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
16. Prior to the issuing of a Statement of Compliance or occupation of the development, whichever occurs first:
- a) All landscaping works must be completed and maintained in accordance with the approved and endorsed landscape drawing to the satisfaction of the Responsible Authority.
 - b) 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.

Ongoing requirements

- 17. The car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separate from the development for any reason without the written consent of the Responsible Authority.
- 18. The area marked as a loading bay on the endorsed plan must not be used for any other purpose.
- 19. Unless otherwise agreed in writing by the Responsible Authority the Child Care Centre hereby approved must only operate between the hours of 6 am and 6 pm Monday to Friday.
- 20. The maximum number of children cared for in the Child Care Centre must not exceed 108 at any one time, unless otherwise agreed to in writing by the Responsible Authority.
- 21. Unless otherwise agreed in writing by the Responsible Authority deliveries to and waste collection from the site must only occur between the following hours:
 - 6.30 am and 8 pm Monday to Saturday.
 - 9 am and 8 pm Sundays and public holidays.
- 22. All parking spaces are to be marked clearly to show whether the space(s) are allocated to the hotel or the childcare centre to facilitate management of the car park to the satisfaction of the Responsible Authority.

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 stormwater run-off from the accessways must not flow out of the property over the public footpath to the satisfaction of the Responsible Authority.

VicRoads requirements

26. Prior to the commencement of the use of the development hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.
27. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.
28. Vehicles must enter and exit the land in a forward direction at all times.

Note: No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts.

Transport for Victoria requirements

29. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Sydney Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and the Head, Transport for Victoria 35 days prior.
30. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.
31. Unless otherwise agreed in writing with the Head, Transport for Victoria, the existing Metropolitan Train Melbourne replacement bus stop located on Sydney Road must not be altered or removed.

Time limit

32. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within 2 years from the date of issue of this permit;
 - b) The development is not completed within 4 years from the date of issue of this permit;
 - c) The use is not commenced within 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 6 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.

1. Background

Subject site

The subject site, known as 737-757 Sydney Road, Coburg North, is located on the north-western corner of Sydney Road and Gaffney Street. It is irregular in shape and has a combined frontage of 74.2 metres to Sydney Road and 39.5 metres to Gaffney Street, with a site area of 2,812 square metres. The site is relatively flat and is currently vacant except for a small building adjacent to the northern boundary which houses an electricity substation.

The site is provided with access to a 3-metre wide laneway along its western boundary. This lane also provides access to 14-22 Gaffney Street the residential properties to the north. There are no restrictive covenants indicated on the Certificate of Title.

Surrounds

The surrounding area is mixed with respect to both land use and development. The site forms part of a small commercial strip centred around the intersection of Sydney Road and Gaffney Street. Uses include a steel fabrication plant opposite in Sydney Road, as well as the Batman Market and Function Centre directly to the west at 14-22 Gaffney Street. Smaller commercial premises are located on Sydney Road to the south of Gaffney Street and on the north-eastern corner of the intersection. This commercial and industrial development continues to the south with properties including car sales and peripheral sales businesses. To the north on the eastern side of Sydney Road a permit has been issued for the construction of a pair of 6 storey buildings at 718-724 Sydney Road, and the industrial building previously occupying the land has recently been demolished.

The Batman Station is located approximately 160 metres west of the site, whilst bus and tram services are also available directly abutting the site.

A location plan forms **Attachment 1**.

The proposal

Advertised plans

The proposal incorporates the construction of a 6-storey mixed use development with associated car parking.

Residential hotel

The lower 5-floors (ground floor – Level 4 on the plans) would accommodate a 150 room residential hotel with associated dining and function facilities located on the ground floor. This aspect of the proposal would enjoy significant street frontage to both Sydney Road and Gaffney Street.

Child Care Centre

The sixth floor (level 5) would accommodate a child care centre for 120 children with associated outdoor play areas. Access to this portion of the building would be from the rear of the building adjacent to the driveway proposed along the northern side of the site, with no street interface proposed. Proposed hours of operation are 6 am-6 pm Monday to Friday.

Built form

The proposal incorporates a highly articulated built form to the lower levels, with a multi-faceted and highly glazed façade to both street frontages. The sixth floor would be provided with 3.4 metre and 4.0 metre setbacks to Sydney Road and Gaffney Street respectively for the proposed play areas. Setbacks of 7 metres – 11.3 metres and 8.3 metres – 18.3 metres respectively would be provided for the building proper. The result is a street wall height of 17.5 metres, and an overall height of 20.9 metres (22.4 metres including plant and equipment).

Parking and access

Vehicular access would be available from both Sydney Road and Gaffney Street, with three crossovers proposed. One double-width crossover is provided to Sydney Road at the northern end of the site, with two-way access. On Gaffney Street, one crossover is provided directly adjacent to the right of way along the western boundary of the site, essentially providing for two-way vehicle movement along the right of way to the rear of the site. A second (double width) crossover would be retained immediately to the east of this, providing access to three parking spaces within a Porte cochere.

These access points would service a loading dock, thirteen car parking and eight bike parking spaces (in addition to the Porte Cochere) at ground floor level and 67 car spaces (including five accessible spaces) and 26 bike spaces within a basement, with a further four bicycle parking spaces provided in the setback to Gaffney Street. It is proposed that 26 parking spaces would be allocated to the Child Care Centre, with the remaining 57 parking spaces allocated to the hotel.

The advertised plans form **Attachment 2**.

Delegate decision

On 15 April 2019 Council officers issued a Notice of Refusal for the application, with the grounds of refusal relating to:

- The overall and street wall heights of the building.
- Setbacks from the northern boundary for Levels 3-5.
- A lack of detailed information with respect to ESD.
- A failure to provide appropriate street presence for, and pedestrian and cyclist access to, the child care centre.
- Inadequate landscaping.
- The need for modification to ensure that the proposal meets the bicycle facilities and car parking requirements of the Moreland Planning Scheme as claimed.

VCAT process

The permit applicant has lodged a VCAT review against Council's refusal. A hearing is scheduled for 26 September 2019. However, Council officers have met with the permit applicant and their representatives and this has resulted in the submission of discussion plans for consideration.

The discussion plans

The discussion plans include the following changes:

- A reduction in the street wall height of the northern section of the building, facing Sydney Road.
- Increases in setbacks from the residential property to the north on Levels 3-5.
- The provision of direct access to the child care centre foyer from Sydney Road, with bicycle and pram parking to be provided in the foyer area.
- A reduction in the number of hotel rooms from 150 to 146, and in the size of the function space from 161 square metres to 127 square metres.
- A reduction in the number of children proposed to be accommodated, from 120 to 108.
- Provision of setbacks to the northern boundary at the basement level, to allow deep soil planting at this interface, with a resultant reduction in parking spaces from 83 to 79.
- The provision of end of trip facilities for cyclists.

The amended plans form **Attachment 3**.

Planning Permit and site history

Portions of the site have been utilised for a service station since 1934, with the whole of the site was used and developed as a service station and car wash from 1972 to 1999. Whilst a number of planning permits have been issued, none are relevant to the current application.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Activity Centre Zone	Clause 37.08-2: A planning permit is required to use land for a Residential Hotel. No planning permit is required to utilise land as a Child Care Centre where (as in this case) the frontage at ground level does not exceed 2 metres. Clause 37.08-5: A planning permit is required for buildings and works
Particular Provisions	Clause 52.29: A permit is required to alter access to both Sydney Road and Gaffney Street, which are located in the Road Zone Category 1

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

- Clause 45.03: Environmental Audit Overlay.
- Clause 45.06: Development Contributions Plan Overlay (Schedule 1).
- Clause 45.09: Parking Overlay (Schedule 1).
- Clause 52.06: Car parking.
- Clause 52.34: Bicycle Facilities.

Aboriginal Heritage

The *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007* provide for the protection of Aboriginal places, objects and human remains in Victoria.

While the site is close to a waterway, the permit applicant has supplied evidence that the land has been subject to significant ground disturbance and is therefore not an area of Cultural Heritage Sensitivity. This evidence is confirmed by an inspection of the site and an understanding of its prior use and development based upon Council aerial photography and the detailed history contained within the submitted Statement of Environmental Audit. No cultural heritage management plan was therefore required.

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 surrounding land; and
- Placing two signs on site.

Council received one objection. A map identifying the location of the objector forms **Attachment 1**.

The key issues raised in the objection are:

- Lack of consideration of the provisions of Design and Development Overlay Schedule 16.
- Excessive traffic within laneway, to the detriment of future development of adjoining land.
- The upper level location of the child care centre will result in greater demand for car parking for this use than is ordinarily the case (due to longer parental stays).
- No provision is made for bus access to the hotel – stopping on either street will result in traffic congestion.
- The application fails to have regard to the impact of the proposal upon the existing car park at 14-22 Gaffney Street.
- Subdividing or consolidating occupancies within the hotel would have significant impacts on assessment of the application.
- The application should provide information on the accessibility of the building to fire trucks.
- Contamination of the site and potential pollution from the proposal needs to be dealt with appropriately.
- The adjoining land owner should be consulted in relation to any works on shared infrastructure, and recent alleged unauthorised access to and works on the adjoining property should not be repeated.

Discussion was held with the objector in relation to the proposal, including an explanation of the proposed laneway access arrangements. The objector has not joined as a party to the appeal.

The discussion plans include a reduction in the size of the building and the intensity of the hotel and child care centre. On this basis, it is considered that further public notification of the plans is not required.

Internal/external referrals

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

External Agency	Objection/No objection
VicRoads	No objection subject to conditions included in the recommendation in respect to the reconstruction of vehicular crossings and a requirement that vehicles enter and exit the site in a forward direction only.
Transport for Victoria	No objection subject to conditions included in the recommendation in respect to maintenance of existing bus stops and tram infrastructure.

Internal Branch/Business Unit	Comments
Urban Design Unit	No objections were offered to the proposal subject to a number of modifications which have been included within the discussion plans.
Development Advice Engineer	No objections to the proposed access arrangements and parking rationale. Concern that six of the parking spaces allocated to the hotel are not suited for use by staff or customers is discussed below and will be addressed by a requirement of the recommendation for the applicant to submit a Car Park Management Plan reflecting the proposed provision of valet parking.
ESD Unit	Council's ESD unit has identified several deficiencies in the information supplied, which is discussed below and is addressed by a condition of the recommendation.
Open Space Design and Development Unit	No objections subject to modifications to the proposed landscaping. Whilst retention of some existing vegetation is preferred, this is not practical based upon the plans supplied and the purpose and objectives of the zoning applying to the land.

3. Policy Implications

Planning Policy Framework (PPF)

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

- Settlement (Clause 11.01S)
- Metropolitan Melbourne (Clause 11.01-1R1)
- Soil Degradation (Clause 13.04)
- Noise (Clause 13.05)
- Water Conservation (Clause 14.02-3S)
- Built Environment and Heritage (Clause 15), including:
 - Built Environment (Clause 15.01)
 - Healthy neighbourhoods (Clause 15.01-4S and 15.01-4R)
 - Sustainable Development (Clause 15.02)
- Economic Development (Clause 17)
- Transport (Clause 18), including:
 - Principal Public Transport Network (Clause 18.02-2R)

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:

- Municipal Profile (Clause 21.01)
- Vision (Clause 21.02)
 - MSS Vision – Sustainable Neighbourhoods (Clause 21.02-3)
 - MSS Strategic Directions (Clause 21.02-3)
- Strategic Framework (Clause 21.03)
 - Activity Centres (Clause 21.03-1)
 - Urban Design, Built Form and Landscape Design (Clause 21.03-4)
 - Environmentally Sustainable Development (Clause 21.03-5)

Local Planning Policies:

- Neighbourhood Character (Clause 22.01)
- Car and Bike Parking and Vehicle Access (Clause 22.03)
- Environmentally Sustainable Development (Clause 22.08)

Council through its MSS, identifies the Coburg Activity Centre as a location for the most significant change in built form, with the Activity Centre Zone's vision being that it would develop as Moreland's prime shopping, living, employment and activity precinct. Development of the Centre will 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 employment generating uses and active spaces at ground level to create and reinforce an active and pedestrian friendly street environment. 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 Major 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 State and Local Planning Policy frameworks, the provisions of the Moreland Planning Scheme, objections received and the merits of the application.

What does the planning strategy support in this location?

The subject site is located within the Precinct 8 of the Coburg Activity Centre, where a substantial increase in intensity of use and development is supported by Council's MSS. Development of this land for commercial purposes has strong strategic policy support, with the Schedule to the Activity Centre Zone seeking to encourage commercial and other employment generating uses in this area whilst ensuring that any retail space does not detract from the core of the centre.

Within the precinct specifically, objectives and guidelines relevant to the site include strengthening the mixed-use nature of the precinct and encouraging restricted retail premises, commercial or complementary light industrial uses and limited office and residential uses. Development should improve the contribution of buildings to the streetscape and amenity of Sydney Road and ensure that a transition is provided from large scale development to the south and lower-scale buildings to the north, west and east. Buildings should be designed as part of the streetscape rather than as stand-alone buildings to create a cohesive character and consistent built form.

Are the proposed land uses appropriate?

The proposed land uses are considered to be appropriate in this location, where no permit is required for the proposed child care centre use, but a permit is required for the residential hotel. The proposal will continue the mixed-use nature of the precinct and provide both employment and services without detracting from the primary retail core of the Activity Centre.

The provision of an entrance lobby with direct access to Sydney Road for the child care centre is considered to be a significant improvement within the discussion plans, as it facilitates access to this service by pedestrians and cyclists. This is further assisted by the proposed bicycle and pram parking adjacent to the lift.

The hotel use, including the proposed restaurant and small function room, is unlikely to result in a significant impact upon the operation of existing commercial and industrial premises in the vicinity or of the amenity of the residential land to the north.

Is the built form appropriate?

Height and street interface

The Activity Centre Zone seeks the following for the site:

- A building height of 14.4 metres comprising of a street wall of 11 metres, with the upper levels set back 3 metres from the street.
- Setbacks to the adjoining residential land to the north which meet Standards B17, B21 and B22 of Clause 55.
- Vehicular access from the laneway along the western boundary.

The Zone does not provide guidance with respect to any setback which might be appropriate from adjoining non-residential properties.

The discussion plans seek a street wall height of 17 metres and an overall height of 20.5 metres, largely complies with the Standard B17 setbacks and includes vehicular access along the western boundary which continues along the north to Sydney Road.

The Zone states that where a proposal seeks to exceed the maximum preferred building height or provide smaller street setbacks than detailed in the Schedule, the applicant should demonstrate that the proposed development:

- Supports the vision for the Activity Centre and achieves objectives of this schedule.
- Is of an exemplary quality design that makes a positive contribution to the character of the neighbourhood.
- Results in other benefits to the community.
- Will not result in unacceptable shadowing to the street or visual impact on surrounding streets, public spaces or private open space.

It is considered that the proposal supports the vision for the activity centre as outlined in the schedule. It seeks to provide a building which has an overall height which matches that preferred for the adjoining property at 14-22 Gaffney Street, with a street wall height marginally taller than preferred for that site. In doing so it achieves the built form objective of the Zone to design buildings:

as part of the streetscape rather than as stand-alone buildings to create a cohesive character and consistent built form.

It is considered that the plans demonstrate exemplary quality design, and that the proposed building will make a positive contribution to the character of the surrounding area. The concentration of the articulation to the built form to the south, the 2 metre setback to the façade from the street, recession of the upper levels from the northern boundary, and the potential for the adjoining property to be developed up to three storeys in height in the future, all mean that the façade and overall heights of the northern half of the development are acceptable.

Community benefits of the proposal include the provision of improvements to the footpaths in Gaffney Street and Sydney Road, and widening of the laneway to the west of the site. The proposal does not result in any shading of the footpath on the southern side of Gaffney Street, or excessive shadow to either Sydney Road or 14-22 Gaffney Street. No shadow is cast to the adjoining property at 759 Sydney Road.

Interface with 14-22 Gaffney Street

The proposal is set back 5.0 metres – 5.8 metres from the adjoining property (taking into account the ROW). These setbacks are considered to be appropriate and will ensure that the proposal will not have a detrimental impact upon the future development potential of the adjoining property.

Interface with 759 Sydney Road

The discussion plans address previous concerns in relation to the interface with 759 Sydney Road by increasing boundary setbacks so that, with the exception of small areas of Level 3 and 4, it meets Standard B17, as depicted in Figure 1 below:

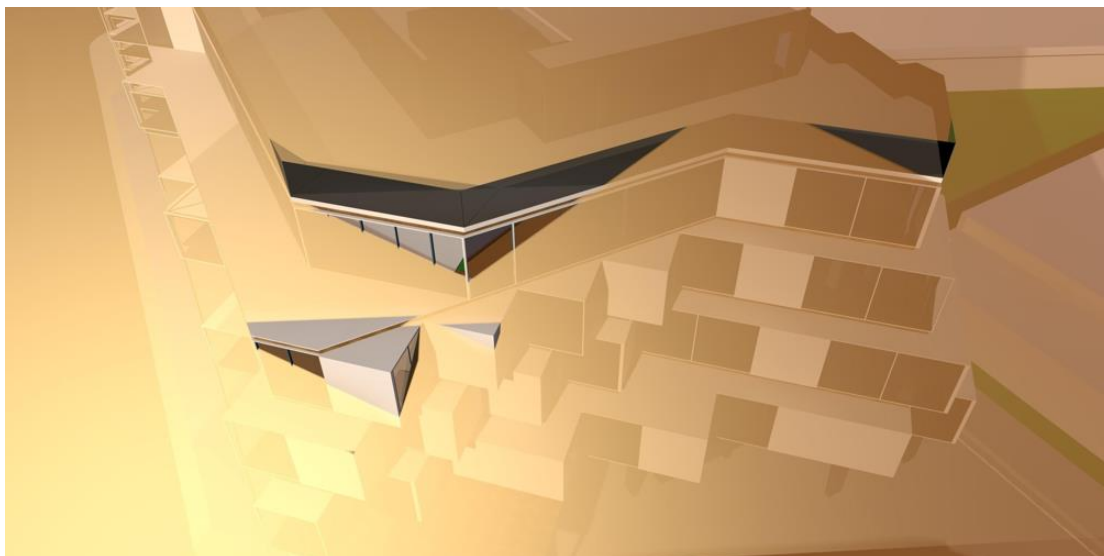


Figure 1: Discussion plans – extent of non-compliance with Standard B17

The minor intrusions proposed are considered to have limited impact upon either the neighbouring residential property or the streetscape.

As the subject site is located to the south of the adjoining residential property, it will not impede sunlight access to the open space or north facing windows of the existing dwelling, ensuring compliance with Standards B21 and B22.

Safety

The inclusion of a streetscape presence for the child care centre, which provides a safe and convenient point of pedestrian access from Sydney Road is an appropriate response to previous safety concerns with the advertised plans. The proposal now encourages and supports alternative means of transport in preference to the private motor vehicle, and provides safe access to walking, cycling and public transport.

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

The Sustainable Management Plan supplied with the application advises that the ESD features of the proposal include:

- Provision of a rooftop solar PV system, which Council's ESD Unit advises could be in the order of 25kW.
- Water efficient landscaping which is to be irrigated with rainwater.
- An 11% reduction in energy consumption, when compared with a National Construction Code compliant building.
- An appropriate Indoor Environmental Quality for the development, including appropriate levels of daylight to hotel and child care centre rooms.
- Commitment to STORM rating of 100% or greater.
- Car park ventilation to be linked to carbon monoxide sensors and only run when required.

Conditions of the recommendation include requirements for additional detail in relation to these measures. This will address the concerns raised by the ESD officer about the lack of information.

Does the proposal provide an appropriate public realm?

The proposal incorporates significant upgrades of the footpaths in both Sydney Road and Gaffney Street, including use of upgraded paving, seating and street trees. The planting of medium-large trees within the road reservation is appropriate in this location, and viable street tree planting is supported by Zone objectives which seek to create tree lined streets and reduce the urban heat island effect. The proposed footpath works are considered to be broadly appropriate, however some simplification of the footpath treatment and modification to the proposed seating is sought by permit condition.

Is the proposed landscaping and tree removal appropriate?

The proposal incorporates the removal of all vegetation from the site, with the proposed basement to take up the majority of the site area. Council's Open Space Unit has recommended trees 6 and 18 (high retention value) and tree 1 (moderate retention value) should be maintained given their condition and a perception that the proposal could be modified simply to keep them. However, their retention would in fact require a significant reduction in the size of the building and would prevent the reconstruction and widening of the laneway.

The primary purpose of the Activity Centre Zone is to develop Coburg as the prime shopping, living and employment precinct of the municipality, and the desire to retain vegetation needs to be balanced against the extensive redevelopment that such a purpose anticipates and a lack of specific requirements for deep soil planting for commercial developments. In this case whilst tree removal is necessary to provide an appropriate built form, appropriate replacement planting is proposed.

The discussion plans incorporate setbacks of up to 4.3 metres between the northern boundary and piers for the proposed basement. With some modification of the configuration of parking at the ground level, as required by conditions of the recommendation, this allows for approximately nine square metres of deep soil planting area plus additional shallower planting areas along the most sensitive interface of the site with 759 Sydney Road. This is considered to be adequate space to address the need for landscaping to soften this interface and to provide cooling to the northern elevation of the proposed building.

Supplementary planting on site comprises of planter boxes at the south-eastern corner, under the Porte cochere, and in a central courtyard located on level 2 of the hotel. In addition:

- Planting to the outdoor play area for the child care centre should be utilised to further improve the landscaping on site and to improve the amenity of this space.
- Additional planting can be provided above the proposed electricity substation adjacent to the north-eastern corner of the property and would assist in further softening view of the development from the north.

These are required by conditions of the recommendation.

Traffic and parking

Does the proposal result in any unreasonable traffic impacts?

The proposal would generate in the order of 500 vehicles movements per day, and VicRoads have not advised of any objection in relation to the impacts on Sydney Road and Gaffney Street. The provision of two way access from both the south and the east is appropriate and the separate Porte cochere to the hotel entrance is considered to be a practical response to the need for propping space for patrons.

Council's Development Advice Engineer has advised that the traffic generated by the proposal would require the reconstruction of the existing laneway and this is included as a condition in the recommendation. The proposal appropriately recognises the impact of the additional traffic movements upon the functionality of the laneway to the west of the site and provides space for this roadway to be widened. As a result, the proposal would not result in a loss of access to the adjoining property at 14-22 Gaffney Street.

Has adequate car and bicycle parking been provided?

Car parking

The proposal provides 23 parking spaces for the child care centre, as is required by Clause 52.06. The clause does not contain a statutory rate for a Residential Hotel, however Council's Development Advice Engineer has advised that 56 parking spaces is acceptable given the availability of public and alternative forms of transport and public parking spaces nearby, and previous VCAT decisions for hotels in Melbourne and North Melbourne. In order to achieve this number of parking spaces on the site in practice, it is necessary to ensure that the proposed valet parking is utilised so that tandem spaces are all usable. The conditions in the recommendation include a requirement for a Car Park Management Plan to provide for this as well as other matters.

It is noted that whilst the objector has raised concern in relation to the accessibility of the site by buses, and the proposed Porte cochere clearance height of just below 3.8 metres would not allow access by larger buses, the likely need for access by such vehicles is unclear. Smaller buses (eg. 12-25 seat capacity) can be accommodated which is acceptable.

The objector also expressed concern that the application fails to have regard to the impact of the proposal upon the existing car park at 14-22 Gaffney Street in an ongoing sense. It is noted however that the proposal will not impede access to the existing car park but provide improved access to it by means of a widening of the laneway. Any need to occupy the laneway during construction will be managed through asset protection and road occupation permits.

Bicycle facilities

The amended proposal includes 36 horizontal floor level bicycle parking spaces spread across the basement and ground floor. This provision exceeds the standard scheme requirement of 30 spaces for the hotel and none for the child care centre. Spaces are appropriately located and distributed to allow access and use by staff and patrons of both the hotel and the child care centre. Importantly, two large spaces are provided within the child care centre foyer at ground level, addressing previous concern about the lack of such facilities for parents and carers. There is also potential to provide two bicycle rails within Sydney Road in proximity to the child care centre entrance, and this is included as a condition in the recommendation.

The amended proposal also indicates the provision of twice as many showers and change rooms for spaces within the basement as Clause 52.34 requires, which will assist in encouraging employees to cycle to work.

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:

- Restricts vehicle access to the western and northern edges of the site to allow the street frontage to prioritise pedestrian movement and safety and to create an active frontage.
- Includes pedestrian and bicycle access for the child care centre from Sydney Road.
- Provides 32 bicycle spaces.
- Provides a verandah over the majority of the Sydney Road footpath for weather protection.

Are adequate loading/unloading facilities provided?

Clause 65.01 of the Moreland Planning Scheme requires consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. The proposal incorporates both a loading bay and the provision for shorter-term propping of loading vehicles within the Porte cochere. This is appropriate for the anticipated loading requirements of the hotel. The low anticipated usage of parking associated with the child care centre during the middle of the day would allow use of some parking spaces for food deliveries and the like. A condition of the recommendation includes a requirement for a Car Park Management plan which would require deliveries to the child care centre to be conducted outside of peak pickup and drop-off times and staff shift changeovers.

Is the proposal accessible to people with limited mobility?

It is a requirement of the National Construction Code that commercial developments of this nature are designed to provide access for those with limited mobility.

Is the site potentially contaminated?

The site is affected by an Environmental Audit Overlay. The applicant has submitted a Statement of Environmental Audit which contains general requirements which are met by the proposal however an updated Statement is required prior to commencement of works and is sought by condition.

5. Response to Objector Concerns

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

- Lack of consideration of the provisions of Design and Development Overlay Schedule 16.
- Excessive traffic within laneway, to the detriment of future development of adjoining land.
- The upper level location of the child care centre will result in greater demand for car parking for this use than is ordinarily the case (due to longer parental stays).
- No provision is made for bus access to the hotel – stopping on either street will result in traffic congestion.
- The application fails to have regard to the impact of the proposal upon the existing car park at 14-22 Gaffney Street.
- Contamination of the site and potential pollution from the proposal needs to be dealt with appropriately.

Other issues raised by objectors are addressed below.

Subdividing or consolidating occupancies within the hotel would have significant impacts on assessment of the application

The proposal is for use and development of the building for a residential hotel and child care centre. No subdivision of the site is proposed as part of this application, and assessment of any future proposed subdivision would be made at the time an application was lodged, with the number of lots and the amenities provided within each to be considered at that time.

The application should provide information on the accessibility of the building to fire trucks

Fire protection matters are assessed by the relevant building surveyor prior to the issue of any building permit.

The adjoining land owner should be consulted in relation to any works on shared infrastructure, and recent alleged unauthorised access to and works on the adjoining property should not be repeated

Matters of possible trespass or negotiations in relation to works to or upgrading of any shared infrastructure (as opposed to public infrastructure such as the right of way) is a matter between property owners.

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

It is considered that the discussion plans respond appropriately to the objectives of the Activity Centre Zone, including those which seek to provide employment-generating land uses and improvements to the public realm. The proposal now presents appropriately to both Sydney Road and Gaffney Street, and incorporates only minor variations to the Standard B17 setbacks preferred to the adjoining residential property. Modifications to the child care centre entrance and provision of bicycle parking for it will allow parents and carers to access the site on foot or by bike. The proposal is considered to display high quality architecture, and conditions of the recommendation ensure an acceptable ESD outcome is also achieved.

On the balance of policies and controls within the Moreland Planning Scheme, it is considered that Council should inform VCAT that it consents to the issue of Planning Permit No. MPS/2018/393 for the use and development of the land with a 6-storey building comprising a residential hotel and child care centre, and alteration of access to a road in a Road Zone, Category 1 subject to the conditions included in the recommendation of this report.

Attachment/s

1 	Objector Locations	D19/219019
2 	Advertised Plans	D19/219802
3 	Discussion Plans	D19/224252