



Moreland City Council

PROPOSED Minutes of the Planning and Related Matters Meeting

Held via video conferencing
on Wednesday 27 January 2021

The Mayor opened the meeting at 6.33 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Present	Time In	Time Out
Cr Annalivia Carli Hannan, Mayor	6.33 pm	8.04 pm
Cr Mark Riley, Deputy Mayor	6.33 pm	8.04 pm
Cr Adam Pulford	6.33 pm	8.04 pm
Cr Angelica Panopoulos	6.33 pm	8.04 pm
Cr Annalivia Carli Hannan	6.33 pm	8.04 pm
Cr Helen Davidson	6.33 pm	8.04 pm
Cr Helen Pavlidis	6.33 pm	8.04 pm
Cr James Conlan	6.33 pm	8.04 pm
Cr Lambros Tapinos	6.33 pm	8.04 pm
Cr Mark Riley	6.33 pm	8.04 pm
Cr Milad El-Halabi	6.33 pm	8.04 pm
Cr Oscar Yildiz JP	6.33 pm	8.04 pm
Cr Sue Bolton	6.33 pm	8.04 pm

APOLOGIES/LEAVE OF ABSENCE

Nil

OFFICERS

Acting Group Manager City Development – Narelle Jennings
Acting Unit Manager Urban Planning – Darren Camilleri
Coordinator Planning – Mark Hughes
Principal Urban Planner - Kylie Sullivan
Unit Manager Governance and Civic Protocols – Sally Curran
Team Leader Governance – Naomi Ellis

DISCLOSURES OF CONFLICTS OF INTEREST

Cr El-Halabi disclosed a conflict of interest in item 5.1, 66 and 72 Austin Crescent, Pascoe Vale - Planning Permit Application No. MPS/2019/459 as he owns a property not far from the site.

MINUTE CONFIRMATION

Resolution

Cr Tapinos moved, Cr Riley seconded -

The minutes of the Planning and Related Matters Meeting held on 16 December 2020 be confirmed.

Carried

COUNCIL REPORTS

5.1 66 AND 72 AUSTIN CRESCENT, PASCOE VALE - PLANNING PERMIT APPLICATION NO. MPS/2019/459

Minute Number DCF 1/21)

Disclosure of Conflict of Interest

6.39 pm Cr El-Halabi restated his conflict of interest in the item and left the meeting.



Property:	66 and 72 Austin Crescent, Pascoe Vale			
Proposal:	Construction of 10 double storey dwellings and a reduction of car parking			
Zoning and Overlay/s:	<ul style="list-style-type: none"> Neighbourhood Residential Zone (NRZ1) Development Contributions Plan Overlay (DCPO1) 			
Strategic setting:	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Objections:	<ul style="list-style-type: none"> 11 objections and a petition signed by 48 people Key issues: <ul style="list-style-type: none"> Overdevelopment Character Traffic Car Parking 			
Planning Information and Discussion Meeting:	<ul style="list-style-type: none"> Date: 8 December 2020 Attendees: 3 objectors, the applicant, 3 Council officers, Cr Panopoulos and Cr El-Halabi The meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparatio of this report. The applicant advised that they would review the plans to see if visitor car parking could be provided for on-site. 			
ESD:	<ul style="list-style-type: none"> A BESS score of 52% A STORM rating of 100% Double glazing to all habitable room windows 			
Key reasons for support	<ul style="list-style-type: none"> Townhouse-style development common in the area Proposal is an efficient use of two adjoining residential properties The proposal respects the neighbourhood character of Austin Crescent A high level of internal amenity is provided for with good opportunities for landscaping and tree planting throughout the site The car parking reduction is acceptable for visitor parking Development will not unreasonably impact the amenity of adjoining residential properties 			
Recommendation	A Notice of Decision to Grant a Planning Permit be issued.			

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2019/459 be issued for the construction of 10 double storey dwellings and a reduction of car parking (visitor parking space) at 66 and 72 Austin Crescent, Pascoe Vale, subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the advertised plans on 05/07/2020 but modified to show:
 - a) Changes to the roof form, window sizing and placement and materiality of facades of Dwellings 1 and 6 in accordance with the amended plans submitted to Council on 8 December 2020.
 - b) The front fence changed in accordance with the amended plans submitted to Council on 8 December 2020.
 - c) At least 25 square metres of secluded private open space provided to each dwelling with a minimum dimension of 3.0 metres. The increase in secluded private open space within the development site must not result in a reduction in the setbacks from the side or rear boundaries.
 - d) The provision of a visitor car parking space located at the eastern end of the central driveway.
 - e) The central driveway reduced to a maximum width of 5.0 metres for a distance of 10.0 metres from the front boundary.
 - f) Deletion of the pedestrian walkway through the site.
 - g) The inclusion of garden beds between the central driveway and the dwellings where achievable whilst maintaining adequate turning areas for vehicles within the driveway area.
 - h) Identification of a dwelling that meets the requirements of Standard B3 for dwelling diversity.
 - i) The annotation 'OG' changed to 'fixed obscure glass (not film)'.
 - j) The garage doors to Dwellings 6 to 10 (inclusive) not to be single panel lift doors.
 - k) The garages doors to be at least 3200mm wide.
 - l) The proposed vehicle crossing with 1.0 metre straight splays on both sides commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.
 - m) The details of the 'roof access hatch' provided, to ensure the dwellings remain two storeys.
 - n) Ground floor windows with a minimum sill height of 1400mm above pavement level to provide for passive surveillance opportunities along the length of the central driveway area.
 - o) Details of the dedicated areas for the garbage, recycling and organics bins, designed to meet the requirements of Clause 55.07-11 of the Planning Scheme.
 - p) Tree protection zone/s nominated around the street trees to be retained within the Austin Crescent road reserve. Tree 1 and 11 will be impacted by the proposed development and may need to be removed triggering a payment for their removal in accordance with Condition 9.

- q) The initiatives contained within the Sustainable Design Assessment along with the proposed changes:
 - i. Details of the permeable paving in the form of a cross sectional drawing as per Moreland WSUD guidelines;
 - ii. The size of rainwater tanks in accordance with the stormwater report and include a clear annotation stating that tanks will be collecting rainwater from roofed areas and will be servicing all the toilets;
 - iii. Double glazing to all habitable room windows on each individual glazing unit and material/colour schedules;
 - iv. External shading devices including a product diagram/section detail of the proposed device to all ground floor north facing living/dining area glazing to block peak summer afternoon sun. Where Horizontal shading devices are specified; the depth of the device should be equal to 25% of the distance from sill height to the base of the device and extending horizontally by the same length to both sides;
 - v. External operable sun shading devices including a product diagram of the proposed device to dwelling 6 ground floor West facing living/dining and kitchen area glazing to block peak summer afternoon sun; and
 - vi. Any other changes as per the SDA.
- r) A landscape plan in accordance with Condition 3 of this permit.

Secondary Consent

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Landscaping

- 3. Prior to the commencement of any development works, a landscape plan to accord with the requirements of Condition 1 herein must be submitted to and approved by the Responsible Authority. The landscape plan must provide the following:
 - a) The deletion of the pedestrian walkway.
 - b) Provision of garden beds between the central driveway and the dwellings where achievable.
 - c) Garden area with low level planting (maximum 900mm high) provided along the edges of the 5.0 metre wide central driveway within the front setback area, including within the pedestrian sightline areas.
 - d) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
 - e) A schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Moreland Landscape Guidelines 2009.
 - f) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
 - g) Tree selection must be in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014 and provide for the following:
 - i. At least two trees within the front setback of Dwelling 1.
 - ii. At least three trees within the front setback of Dwelling 6.

- iii. At least three trees within the rear setback area of Dwellings 5 and 10
 - iv. At least one tree within the secluded private open space of Dwellings 1 to 4 (inclusive) and 6 to 9 (inclusive).
- h) Details of the location and type of all paved and sealed areas. Extensive hard surfaces are not supported. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with any endorsed Sustainability Design Assessment or Sustainability Management Plan.
4. All planting must be maintained in accordance with the endorsed landscape plan with any dead, diseased or damaged plants replaced with a suitable species to the satisfaction of the Responsible Authority.

Environmentally Sustainable Development

5. Prior to the endorsement of plans, a Sustainability Management Plan must be submitted to and approved to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Urban Leaf dated 21/12/2019, but modified to include the following changes:
- i. An improved NatHERS rating for Townhouse 10
 - ii. An average NatHERS rating of 6.5 Stars for the overall development.

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

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

Development Contributions

8. 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.

Street Trees

9. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all council trees and the trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) in accordance with *AS4970 Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority. The TPZ must meet the following requirements:
 - a) Tree Protection Fencing

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

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

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

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

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

All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970.
10. Prior to the issuing of a Statement of Compliance or Certificate of occupancy, whichever occurs first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Moreland Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.

General conditions

11. Prior to the occupation of the development, the garage doors must be automatic and remote controlled.
12. Before the occupation of the development, bollard lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the rear dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
14. 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 occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

Time Limit

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

Note: 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:

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

Note 2:

Should Council impose car parking restrictions in this street, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street. Occupiers are eligible for the resident. A parking permit which only permits parking in limited areas. A parking permit are subject to future reviews and change. See Council's website for more information:

<https://www.moreland.vic.gov.au/parking-roads/parking-permits/residential-parking-permits/>.

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.

Motion

Cr Davidson moved, Cr Bolton seconded –

That a notice of refusal be issued on the following grounds:

1. The development is an overdevelopment, as it :
 - a) Fails to provide sufficient open spaces for future residents in accordance with Standard B28 of the Clause 55 of the Moreland Planning Scheme.
 - b) Fails to provide car parking in accordance with the Moreland Planning Scheme.
2. The building design does not provide an appropriate response to the context of the street and surrounding area as required by Clause 55 of the Moreland Planning Scheme.

Meeting Adjournment

In accordance with the Governance Rules (3.6.7), the Mayor adjourned the meeting for 10 minutes at 7.10pm.

The Mayor resumed the meeting at 7.23 pm with all Councillors except Cr El-Halabi present.

Lost

Resolution

Cr Riley moved, Cr Conlan seconded -

That a Notice of Decision to Grant a Planning Permit No. MPS/2019/459 be issued for the construction of 10 double storey dwellings and a reduction of car parking (visitor parking space) at 66 and 72 Austin Crescent, Pascoe Vale, subject to the following conditions:

Amended Plans

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 - b) **The front fence changed in accordance with the amended plans submitted to Council on 8 December 2020.**
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- d) **The provision of a visitor car parking space located at the eastern end of the central driveway.**
- e) **The central driveway reduced to a maximum width of 5.0 metres for a distance of 10.0 metres from the front boundary.**
- f) **Deletion of the pedestrian walkway through the site.**
- g) **The inclusion of garden beds between the central driveway and the dwellings where achievable whilst maintaining adequate turning areas for vehicles within the driveway area.**
- h) **Identification of a dwelling that meets the requirements of Standard B3 for dwelling diversity.**
- i) **The annotation 'OG' changed to 'fixed obscure glass (not film)'.**
- j) **The garage doors to Dwellings 6 to 10 (inclusive) not to be single panel lift doors.**
- k) **The garages doors to be at least 3200mm wide.**
- l) **The proposed vehicle crossing with 1.0 metre straight splays on both sides commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.**
- m) **The details of the 'roof access hatch' provided, to ensure the dwellings remain two storeys.**
- n) **Ground floor windows with a minimum sill height of 1400mm above pavement level to provide for passive surveillance opportunities along the length of the central driveway area.**
- o) **Details of the dedicated areas for the garbage, recycling and organics bins, designed to meet the requirements of Clause 55.07-11 of the Planning Scheme.**
- p) **Tree protection zone/s nominated around the street trees to be retained within the Austin Crescent road reserve. Tree 1 and 11 will be impacted by the proposed development and may need to be removed triggering a payment for their removal in accordance with Condition 9.**
- q) **The initiatives contained within the Sustainable Design Assessment along with the proposed changes:**
 - i. **Details of the permeable paving in the form of a cross sectional drawing as per Moreland WSUD guidelines;**
 - ii. **The size of rainwater tanks in accordance with the stormwater report and include a clear annotation stating that tanks will be collecting rainwater from roofed areas and will be servicing all the toilets;**
 - iii. **Double glazing to all habitable room windows on each individual glazing unit and material/colour schedules;**
 - iv. **External shading devices including a product diagram/section detail of the proposed device to all ground floor north facing living/dining area glazing to block peak summer afternoon sun. Where Horizontal shading devices are specified; the depth of the device should be equal to 25% of the distance from sill height to the base of the device and extending horizontally by the same length to both sides;**
 - v. **External operable sun shading devices including a product diagram of the proposed device to dwelling 6 ground floor West facing**

living/dining and kitchen area glazing to block peak summer afternoon sun; and

- vi. Any other changes as per the SDA.
- r) A landscape plan in accordance with Condition 3 of this permit.

Secondary Consent

- 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.

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 - e) A schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Moreland Landscape Guidelines 2009.
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- ii. An average NatHERS rating of 6.5 Stars for the overall development.

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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.

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

b) **Signage**

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

c) **Irrigation**

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

d) **Provision of Services**

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

10. Prior to the issuing of a Statement of Compliance or Certificate of occupancy, whichever occurs first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Moreland Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.

General conditions

11. Prior to the occupation of the development, the garage doors must be automatic and remote controlled.
12. Before the occupation of the development, bollard lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the rear dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
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15. Prior to the occupation of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on

the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

Time Limit

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 - b) the development is not completed within four (4) years from the date of issue of this permit.

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

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

Note: 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:

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Note 2:

Should Council impose car parking restrictions in this street, the owners and/or occupiers of the dwellings would not be eligible for resident parking permits to park on the street. Occupiers are eligible for the resident. A parking permit which only permits parking in limited areas. A parking permit are subject to future reviews and change. See Council's website for more information: <https://www.moreland.vic.gov.au/parking-roads/parking-permits/residential-parking-permits/>.

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.

Carried

7.35 pm Cr El-Halabi returned to the meeting.

5.2 65 THE GROVE, COBURG - PLANNING PERMIT APPLICATION NO. MPS/2019/718

Minute Number DCF 2/21



Property:	65 The Grove, Coburg				
Proposal:	Demolition of the existing dwelling and construction of two double storey dwellings				
Zoning and Overlay/s:	<ul style="list-style-type: none"> Neighbourhood Residential Zone (NRZ1) Heritage Overlay (HO172) Development Contributions Plan Overlay (DCPO1) 				
Strategic setting:	<table border="1"> <tr> <td>Minimal housing growth</td> <td>Incremental housing growth</td> <td>Increased house densities encouraged</td> <td>Significant housing growth</td> </tr> </table>	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth		
Objections:	<ul style="list-style-type: none"> Two objections Key objector issues: <ul style="list-style-type: none"> Demolition New development not in keeping with heritage streetscape 64 letters of support (proforma's signed by residents along The Grove) <p>This application is being reported to the Planning and Related Matters Council Meeting at the discretion of the Group Manage City Development.</p>				
Planning Information and Discussion meeting:	No formal consultation meeting has been held between the applicant and objectors. However, contact has been made with the two objectors to explain the reasons that demolition can be supported in this instance and that both the demolition and proposed new development has the support of Council's Heritage Advisor.				
ESD:	<ul style="list-style-type: none"> A BESS score of 71% A STORM rating of 102% Double glazing to all habitable room windows <p>The BESS report needs to be updated to not claim credits for recycled water source and to achieve a NatHERS rating of 6.5 Stars minimum.</p>				
Accessibility	Clause 55.05-1 Accessibility requirements met.				
Key reasons for approval:	<ul style="list-style-type: none"> The applicant has provided sufficient evidence in support of the demolition of the existing dwelling The proposed new development is respectful and responsive to the heritage values of the precinct The proposed new development achieves a high level of compliance with the provisions of Clause 55 and the neighbourhood character policy. 				
Recommendation:	A Notice of Decision to Grant a Planning Permit be issued.				

Officer Recommendation

That a Notice of Decision to Grant Planning Permit No. MPS/2019/718 be issued for the demolition of the existing dwelling and construction of two double storey dwellings at 65 The Grove, Coburg, subject to the following conditions:

Amended Plans

1. Before the demolition and 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 advertised plans but modified to show:
 - a) The location of all plant and equipment including air-conditioning units. The plant and equipment must be designed and located to minimise visibility from the street and adjoining properties.
 - b) Clear delineation between areas under private ownership and those under common property.
 - c) The location of all service meters including gas, water and electricity.
 - d) The electricity meter boxes integrated into the dwellings themselves, not standalone structure/s.
 - e) All supporting columns within the basement to be clearly shown. No additional columns are to be placed in the area set aside for car parking.
 - f) A traffic control system for the basement car parking area to avoid cars meeting at the bend of the ramp. The location of the signals to be clearly shown on the site plan.
 - g) All boundary fencing except within 5.0 metres of the front boundary to The Grove to be designed so that compliance with Standard B22 of ResCode is achieved. The plans must notate the height and type of boundary fencing and whether the fencing is existing or new.
 - h) The initiatives contained within the Sustainable Design Assessment along with the proposed changes:
 - i. A notation indicating that the rainwater tank will be collecting from all roofed area and servicing all toilets and washing machines.
 - ii. The location of the outdoor private clothesline for each dwelling.
 - iii. A stormwater catchment plan showing the different catchment areas with dimensions and the proposed stormwater treatment (or no treatment) measures consistent with the amended STORM Report.
 - iv. External operable sun shading devices including a product diagram of the proposed device to all east and west facing glazing of all bedrooms and living rooms.

Secondary Consent

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Landscaping

3. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy, whichever occurs first, all landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
4. All planting must be maintained in accordance with the endorsed landscape plan

with any dead, diseased or damaged plants replaced with a suitable species to the satisfaction of the Responsible Authority.

Tree Management Plan

5. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites to ensure that the *Ulmus xhallandica* street tree remains healthy and viable during construction. The TMP must include the following to the satisfaction of the Responsible Authority:
 - a) A tree protection plan to scale that shows:
 - i. All Tree Protection Zones and Structural Root Zones
 - ii. All Tree Protection Fencing
 - iii. Areas where ground protection systems will be used
 - iv. The type of footings within any Tree Protection Zone
 - v. The location of services within any Tree Protection Zone
 - b) The location and design of Tree Protection Fencing.
 - c) Details of appropriate footings within the Tree Protection Zone.
 - d) The method of installing and placement of any services through the Tree Protection Zone.
 - e) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
 - f) A timetable outlining works requiring supervision by the Project Arborist.
 - g) Project hold points:
 - i. Prior to demolition to allow inspection of installed tree protection fencing and ground protection by the Project Arborist and council Urban Forest Officer or their delegate
 - ii. Prior to construction commencing to allow inspection of site setup and worker induction by the Project Arborist and council Urban Forest Officer or their delegate
 - h) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10% into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
 - i) All remedial pruning works that are required to be performed on the tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

Environmentally Sustainable Development

6. 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 SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA prepared by Arden Siena dated

15/10/2019, but modified to include the following changes:

- a) If claiming in BESS a Building Users Guide, provide a short description of what information is going to be included.
- b) Provide evidence of reclaimed water system and its intended use or remove reference to this from the BESS report.
- c) Amend BESS report so that the rainwater tank capacity and roof collection area are consistent with the stormwater report and development plans.
- d) Select 4 star WELS rated toilets in the BESS water category or show on plans and within the SDA that the toilets will be 5 star incorporating integrated basins.
- e) Provide completed preliminary energy rating for each thermally unique dwelling including preview energy rating certificates showing that 6.5 star minimum average energy rating will be achieved.
- f) A STORM report and stormwater management response that maintains a minimum STORM score of 100% but is modified so that:
- g) Buffer strips deleted.

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

7. All works must be undertaken in accordance with the endorsed sustainability Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.
8. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed Sustainable Design Assessment report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority

Development Contributions

9. 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.

General

10. Prior to the issue of an Occupancy Permit or issue of Statement of compliance, whichever comes first, the basement door must be automatic and remote controlled.

11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
12. Before the occupation of the development, bollard lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the dwelling(s) and the driveway between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
13. 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).
14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

Archival record

16. Prior to the commencement of the demolition a professionally prepared archival record of existing dwelling must be carried out and submitted to the responsible authority. This record must be carried out in accordance with technical notes prepared by Heritage Victoria.

Time Limit

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

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

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

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

Note 1:

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

Note 2:

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

7.42 pm Cr Davidson left the meeting.

7.42 pm Cr Davidson returned to the meeting.

Resolution

Cr Conlan moved, Cr Bolton seconded -

That a Refusal to Grant Planning Permit No. MPS/2019/718 be issued for the demolition of the existing dwelling and construction of two double storey dwellings at 65 The Grove, COBURG on the following grounds:

1. **The proposed demolition fails to respond to the objective and strategies of Clause 15.03-1S Heritage Conservation of the Planning Policy Framework which seeks to ensure the conservation of places of heritage significance.**
2. **Insufficient evidence has been provided to justify why in this instance, the contributory dwelling should not be repaired and reconstructed in accordance with the Building Condition Report (30 March 2020), having regard to State and Local Policy at Clause 15.03 of the Planning Policy Framework.**
3. **The proposed demolition fails to satisfy the purpose of Clause 43.01 Heritage Overlay, which seeks to:**
 - 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.**
4. **The following decision guidelines of Clause 43.01-8 have not been satisfactorily met:**
 - a) **The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.**
 - b) **Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.**
 - c) **Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.**

Carried

Cr Conlan called for a division.

For

Cr Davidson
Cr Bolton
Cr Riley
Cr Pulford
Cr Panopoulos
Cr Conlan

Total For (6)

Against

Cr Tapinos
Cr Carli Hannan
Cr Yildiz
Cr Pavlidis
Cr El-Halabi

Total Against (5)

URGENT BUSINESS

Nil

The meeting closed to the public at 8.04 pm.

Confirmed

**Cr Annalivia Carli Hannan
MAYOR**