



Moreland City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

WEDNESDAY 27 MARCH 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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Đây là Nghị Trình cuộc họp của Ủy Ban Quy Hoạch Đô Thị. Nếu muốn biết thêm chi tiết về đề tài thảo luận, xin gọi điện thoại cho Language Link qua số 9280 1915.

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1. WELCOME

2. APOLOGIES

3. DECLARATION OF INTERESTS AND/OR CONFLICTS OF INTERESTS

4. CONFIRMATION OF MINUTES

The minutes of the Council Meeting - Planning and Related Matters held on 27 February 2019 be confirmed.

5. COMMITTEE REPORTS

CITY FUTURES

**DCF18/19 99 HARDING STREET, COBURG - PLANNING PERMIT
APPLICATION MPS/2018/24 (D19/79660)**

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6. URGENT BUSINESS REPORTS

DCF18/19 99 HARDING STREET, COBURG - PLANNING PERMIT APPLICATION MPS/2018/24 (D19/79660)

Director City Futures

City Development

Executive Summary

The application seeks approval for the construction of a 4-storey building plus basement containing 13 dwellings, 2 retail premises and a reduction in the required car parking. The application was advertised, and 24 objections were received, including 9 objections received from 4 properties. The main issues raised in objections include loss of sunlight, overshadowing, lack of car parking and traffic congestion, and the scale of the proposal in the commercial zone.

The report details the assessment of the application against the policies and provisions of the Moreland Planning Scheme.

The key planning considerations include:

- Is the scale/height of the proposal acceptable in the Commercial 1 Zone?
- Are there any unreasonable off-site amenity impacts?
- Is the parking provision acceptable?

The proposal is considered an acceptable response to the Commercial 1 Zone and meets the Neighbourhood Character Policy requirements in regard to building height.

The proposal has a high level of compliance with Clause 58 Better Apartment Design Standards concerning amenity impacts and where there are minor non-compliances or variations, these are addressed by conditions of recommendation. The car parking provision is considered acceptable subject to condition.

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 No. MPS/2018/24 be issued for the construction of a 4-storey building plus basement containing dwellings and 2 retail premises and a reduction in the car parking requirements at 99 Harding Street, 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 advertised plans prepared by Hot Black dated 30/07/2018, TP100 - TP903 but modified to show:
 - a) Those changes shown on Sketch Plans dated 19 November 2018 consisting of:
 - i. First-floor: the western setback increased from between 1-1.8 metres to 2.9 metres from the western boundary.
 - ii. Second-floor: the western setback increased from 1.8 metres to 2.9 metres from the western boundary.
 - iii. Third-floor: the western setback of Bedroom 2 increased from 4.6 metres to 4.9 metres from the western boundary.
 - iv. Any internal rearrangements as a result in the increased setbacks above.

- v. All first and second-floor western habitable room windows to be screened, to a minimum height of 1.8m from finished floor level.
 - vi. The allocation of one visitor car space to each retail premise.
 - vii. The replacement of the two wall-hung bicycle spaces with towel rail devices.
 - viii. All parking spaces marked with the associated apartment or retail premise number.
 - ix. The vehicular traffic on the basement ramp to be controlled by traffic signals.
 - x. The existing vehicle crossover to match the location and width of the basement ramp.
- b) The verandah not projecting beyond the street boundary alignment unless it is setback not less than 750 millimetres from the kerb and at a height greater than 3 metres above the level of the footpath.
 - c) The location of any substation required by the power company for this development. Any substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm.
 - d) The recommendations contained in the Acoustic Report by Watson Moss Growcott Acoustics to be detailed on plans.
 - e) The provision of a 2 square metre hard rubbish area. The Waste Management Plan must also be updated to provide reference to the management and operation of the hard waste area.
 - f) Operable shading devices specified for east-facing habitable room glazing. The plans must include a section detail demonstrating shade operation and window coverage.
 - g) Reduction of the area of smooth render at upper levels to a maximum of 20 percent of the upper level facade, and its replacement with an alternative material (from the materials schedule – not a new additional material).
 - h) Provision of screening to the habitable room windows of the 2 internal light courts with cross-sections to demonstrate limited overlooking.
 - i) Apartments A204 and A205 combined, retaining the light-court, with the balcony setback a minimum of 4.5 metres from the northern boundary, with no change to the 2.9 metres western setback and with two allocated car spaces.
 - j) The underside of the balcony soffits to each apartment to be in a different colour (not timber).
 - k) The notation that showers to be step-free in bathrooms, in accordance with the requirements of table 4 of Clause 58.05-1 Accessibility Objective Standard D17.
 - l) The underside of the retail awning/canopy not to be lined in timber.
 - m) The pedestrian entry on Gladstone Street to have a frame in a contrasting colour to the remainder of the façade, with a clear street number and lighting.
 - n) The location of the Tree Protection Zone (TPZ) around the two trees on the Gladstone Street frontage.

- o) A screen diagram drawn at a scale of 1:50 which details the screen associated with west-facing habitable room windows. This diagram must include:
 - i. All dimensions, including the width of slats and the gap between slats.
 - ii. All side screens.
 - iii. How compliance is achieved with the standard of Clause 55.04-6 (overlooking) of the Moreland Planning Scheme.
- 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 occupation of either the dwellings or commercial premises which forms part of the development approved under this permit, a report from the author of the Sustainability Management Plan (SMP), approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan. Specific details confirming the Environmentally Sustainable Development (ESD) measures have been implemented.
- 4. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment report to the satisfaction of the Responsible Authority. No alterations to the Sustainable Design Assessment report may occur without the written consent of the Responsible Authority.
- 5. 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:

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

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

- 6. Prior to the occupation of the development, 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.
- 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 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.

9. Prior to the commencement of works, a Tree Management Plan (TMP) prepared by a suitably qualified arborist, to be submitted to and approved by the Responsible Authority.

The TMP to include, but not be limited to:

- a) Construction methods that reduce the impact of development encroachment into the 2 trees at the side of the development (Gladstone Street).
 - b) Tree Protection Zone (TPZ) as shown on the endorsed plans fenced in accordance with AS 4970-2009 erected and signed off by the Project Arborist before any works (including demolition) are undertaken.
 - c) Branch protectors (foam padding) installed on branches that are at risk of impact from large vehicles entering and exiting the property during the redevelopment works.
 - d) Any recommended canopy pruning to allow for construction of the upper levels of the development. Pruning must conform to AS 4373-2007:
 - e) Pruning of amenity trees. Pruning of Council-owned trees must only be undertaken by Council arborists.
 - f) Prohibited works and activities within the TPZ.
 - g) Promoted activities within the TPZ of protected trees to ensure their ongoing health throughout the redevelopment works i.e. irrigation and mulching.
 - h) Hold points between the developer, construction team and Project Arborist on site:
 - i. Prior to demolition.
 - ii. Prior to excavation and substrate preparation works within the TPZ for crossover construction.
 - iii. Prior to the erection of any scaffolding within the TPZ for construction of the upper levels.
 - iv. Periodically during summer to ensure the trees are being adequately irrigated.
10. 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.
 11. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
 12. 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.
 13. Prior to the occupation of the development, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing, including the 1 metre splays on the crossing, must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
 14. 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; or
 - b) The development is not completed 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.

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

1. Background

Subject site

The subject site is located at 99 Harding Street, Coburg. It is a corner site with a frontage to Harding Street of 20.27 metres and a frontage to Gladstone Street of 31.37 metres. The site yields an area of 630 square metres.

The site is currently developed with a single-storey building containing a supermarket and a dwelling. The existing site coverage is approximately 96 percent. There is little to no vegetation on the subject site. The current building extends the whole depth of the site along both street frontages, with a 1 metre setback along the western boundary for the shop front and dwelling. There is a roller door and cross-over to the site's north-eastern corner.

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

Surrounds

There are 4 pockets of Commercial 1 Zone located along Harding Street, Coburg, at the intersections of Nicholson Street, Gladstone Street, Belgrave Street and Salisbury Street. These pockets contain a range of single, double and triple storey commercial buildings with commercial uses at ground-floor and residential above.

The surrounding areas are zoned General Residential and Neighbourhood Residential. These contain predominately single and double-storey dwellings on individual lots. There are several examples of multi-unit development in the form of single-storey units, double-storey blocks of flats, triple-storey blocks of flats, as well as contemporary triple-storey townhouse development.

A location plan forms **Attachment 1**.

The proposal

The proposal is summarised as follows:

- Construction of a 4-storey building;
- Two retail premises at ground floor with residential lobby and back of house storage/delivery/bin storage area with toilet facilities;
- Basement car park accessed via a ramp Gladstone Street containing 11 cars in a stacker and 3 at grade car spaces and 2 visitor car spaces and 8 bicycle spaces; and
- 13 dwellings located over first, second and third-floors.

The development plans form **Attachment 2**.

Planning Permit and site history

Planning Application MPS/2014/51 for the construction of a 4-storey building with two shops, 14 dwellings and a reduction in car parking lapsed on 2 December 2014 as not all the requested further information was provided within the designated timeframe. The current application is similar to the earlier request.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Commercial 1 Zone	<ul style="list-style-type: none">• Pursuant to Clause 34.01-1. A permit is required for accommodation as the frontage at ground floor exceeds 2 metres.• Pursuant to Clause 34.01-1 Table of uses a retail premise does not require a planning permit.• Pursuant to Clause 34.01-4 a permit is required to construct a building.
Clause 52.06 – Car Parking	Pursuant to Clause 52.06, a permit is required to reduce the car parking requirement for the retail component from 13 spaces to zero spaces.

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

- Clause 45.06: Development Contributions Plan Overlay; and
- Clause 58: Apartment Developments.

2. Internal/External Consultation

Public notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land; and
- By placing signs on the Harding Street and Gladstone Street frontages of the site.

Council has received 24 objections including multiple objections (9) received from 4 properties.

A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are:

- Overlooking/loss of privacy;
- Overshadowing/loss of sunlight;
- Lack of consideration to neighbourhood character/bulk/scale;
- Lack of car parking/traffic congestion;
- Loss of views;
- Lack of affordable housing; and
- Lack of green open space.

The applicant submitted sketch plans on 19 November 2018 attempting to address these issues. These plans contain the following changes:

- First-floor: the western setback increased from between 1-1.8 metres to 2.9 metres.
- Second-floor: the western setback increased from 1.8 metres to 2.9 metres.
- Third-floor: the western setback increased from 4.6 metres to 4.9 metres.
- Internal rearrangements arising as a result in the increased setbacks above.
- All western habitable room windows to be screened.
- The removal of 2 visitor car spaces and the allocation of one car space to each retail premises.
- The replacement of the wall hung bicycle spaces with towel rail devices.

Sketch plans form **Attachment 4.**

These plans have not been formally substituted, however a copy of the sketch plans has been circulated to each objector.

Attempts were made to coordinator a meeting with the residents of 95-97 Harding Street via a representative of the Body Corporate, but due to travel commitments this was not achieved. No Planning and Information meeting was held.

Referrals

The proposal was not required to be referred to any external agencies.

The proposal was referred to the following internal departments:

Internal Branch/Business Unit	Comments
Urban Design Unit	<p>The Urban Design Unit recommended changes to gain support, specifically regarding:</p> <ul style="list-style-type: none"> • Increased setback to the west and north at upper levels; • Reduced use of flat rendered walls; • Introduction of timber to the underside of the street canopy; • Pop out window frames could aid shading; and • Northern dwellings should face Gladstone Street to the east. <p>The updated Sketch Plans were referred back to Urban Design who were satisfied with the changes proposed, which address the main concerns listed above with remaining items addressed via condition.</p> <p>However, it should be noted that the request in (c) above cannot be accommodated due to new building code regulations regarding flammable cladding. A condition will remove this requirement from the sketch plans.</p>
Strategic Transport and Compliance Branch	<p>No objections were offered to the proposal subject to modifications, specifically regarding:</p> <ul style="list-style-type: none"> • One visitor car space to be allocated to each retail premise; and • 20 percent of bicycle racks to be horizontal devices located at ground-floor. <p>These are addressed by conditions detailed in the recommendation.</p>
ESD Unit	<p>No objections were offered to the proposal subject to modification, specifically regarding:</p> <ul style="list-style-type: none"> • Operable shading devices to east and west-facing habitable room windows; and • Commitments in the BESS to be shown on plans. <p>These are addressed in the conditions detailed in the recommendation.</p>
Open Space Unit	<p>No objections were offered to the proposal subject to the submission and approval of a Tree Management Plan in accordance with Australian Standard AS-4970-2009</p> <p>This will be addressed via a condition detailed in the recommendation.</p>

3. Policy Implications

Planning Policy Framework (PPF)

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

- Clause 11 – Settlement;
- Clause 15 Built Environment and Heritage including:
 - Built Environment (Clause 15.01);
 - Healthy neighbourhoods (Clause 15.01-4S and 15.01-4R); and
 - 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); and
 - Housing Opportunity Areas (Clause 16.01-2R).
- Clause 17.01-1S: Diversified Economy; and
- Clause 18.01-1S: Land Use and Transport Planning.

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; and
- 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; and
- 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, public transport and community services.

The site is located within a Commercial 1 Zone and is 1 of 4 designated 'Local Centres not designated for growth' along Harding Street. The purpose of the zone is to create vibrant mixed use commercial centres for retail, and to provide for residential use at densities complementary to the role and the scale of the commercial centre. The proposal will provide for 375 square metres of commercial space in two retail premises and dwellings above within a four-storey building.

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 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 is an acceptable response to Clause 22.01 (Neighbourhood Character) and Clause 58.02-1 (Urban Context) of the Moreland Planning Scheme.

Clause 22.01 contains specific reference to sites located within a Commercial 1 Zone that are not within a designated activity centre. The site is designated as an incremental change area in a commercial zone area in local centres at Clause 22.01-3 of the Scheme.

This policy states:

Ensure building height does not exceed three storeys unless it can be demonstrated that the site is large enough to allow the visual impacts of the development to be mitigated through the design response. In such cases, the building height at the interface with adjoining properties and at street frontages should be no more than three storeys.

The subject site is 630 square metres in area and is located at the junction of 2 streets.

The proposal is four storeys in height with a 3-storey street wall to both Harding and Gladstone Streets, with the third-floor being setback 4.25 metres from both street frontages and 4.6 metres from the western boundary and 9.33 metres from the northern boundary. This ensures that from street level the upper floor is visually recessive. It is no greater than 3-storeys at the interface with adjoining properties or at either street frontage other than the lift/staircase core along Gladstone Street, and this is in accordance with the above policy.

The adjoining building to the west is a 16 dwelling 3-storey 1960s block of flats. The three-storey street wall of the proposal is commensurate in scale and number of dwellings. In addition, the street wall is of a similar scale to the 3-storey mixed use development at number 109 Harding Street, located 27 metres to the east.

The Clause 22.01-3 policy also recommends:

All areas

- *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.*
- *Ensure car parking facilities (crossovers, access ways, garages and carports) do not dominate the streetscape.*
- *Ensure vehicle crossing provision limits the removal of on street public parking spaces, removal of street trees, and encroachment into landscaped front setbacks, and maximises pedestrian safety and sight lines.*
- *Ensure waste storage areas are screened from view of the street.*

The proposal will provide 2 glass-fronted retail premises, with greater street activation than the current retail use, which presents a blank wall to Gladstone Street to the east. The 2 retail premises will have entries from Harding Street to the south. The residential lobby will be off Gladstone Street. This ensures that both street frontages are activated.

At the upper levels there will be habitable room windows and balconies to both street frontages providing for passive surveillance of the streets.

The existing cross-over will be re-used (subject to minor modification) and will ensure that no on-street car spaces are removed. The parking entry does not dominate the streetscape as it is commensurate to the existing condition.

All waste storage areas will be accommodated within the building and be screened from street view.

The proposal provides a well-reasoned response to the Neighbourhood Character policy.

Has adequate car and bicycle parking been provided?

A total of 14 spaces are required for the dwellings and being located in a Parking Overlay, no visitor spaces are required.

The development provides 16 on-site spaces (14 residential and 2 visitor). The proposed development satisfies the Moreland Planning Scheme with respect to the provision of residential car parking. The dwellings will not be eligible for parking permits in the event that parking restrictions are imposed by Council on the street. This is included as a note on the planning permit in the recommendation.

In regard to the retail component, the Parking Overlay at Clause 45.09 of the Scheme requires parking rates in column B of Table 1 of Clause 52.06-5 to apply. 13 car spaces are required for the proposed 375 square metres of retail floor space. None have been provided for the retail premises.

The existing supermarket has a floor area of 430 square metres of retail space and provides no car parking on site. With a reduction in retail area of 55 square metres, and no car spaces provided, the proposed retail floor space represents a similar situation to existing conditions.

Council's Strategic Transport and Compliance Branch commented that the Scheme does not require the provision of visitor car parking as the site is subject to the Parking Overlay. They recommend that one visitor space be assigned to each retail premises. The Sketch Plans provided illustrate this reallocation. This will be addressed via a condition in the recommendation.

This would result in a shortfall of 11 car spaces for the retail premises.

Council's Strategic Transport and Compliance Branch are satisfied that the reduction is acceptable given that the subject site is:

- a 140 metre walk to the bus stop (travel to the west);
- a 170 metre walk to the furthest of a pair of tram stops (travel to the south);
- a 600 metre walk to the furthest of a pair of bus stops (3 east-west bus routes);
- close to good bicycle routes; and
- the existing customers of the current retail premises park on-street.

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

A total of 8 bicycle spaces have been provided in the basement car park, including 2 horizontal spaces. This is in excess of the 3 spaces required under Clause 52.34 of the Scheme.

However, Council's Strategic Transport and Compliance Branch states that the bicycle parking devices proposed do not meet the requirements of Australian Standards for Parking Facilities – Bicycle Parking (AS2890.3) in regard to the dimensions required and that the 2 'wall hung bike racks' be replaced by 'towel rail' type, to ensure that 20 percent are designed to park bicycles at ground-level (horizontal). The sketch plans submitted already show these. This will be addressed via conditions in the recommendation.

Council's Strategic Transport and Compliance Branch expressed concern regarding the use of the vehicle ramp to the basement car park as the curve would limit visibility of on-coming vehicles. They recommend a traffic control system. The sketch plans show this in the form of a traffic light system. This will be addressed via condition within the recommendation. In addition, a condition will require the existing vehicle crossing to be modified to match the location and width of the basement ramp.

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 use and development will result in approximately 58 additional vehicle movements per day on Harding Street.

This remains within the street's design capacity and is not expected to cause traffic problems as it will not exceed the maximum volumes permitted under the Moreland Integrated Transport Strategy (a reference document at Clause 21.04 of the Scheme).

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

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

- High NatHERS target (7.5-star average);
- High water efficient fixtures and appliances (4/5-star toilets/taps, etc);
- Materials: low VOC, formaldehyde, AFS/FSC timber;
- Good daylight modelling to support Sustainable Management Plan; and
- A 7,500-litre rainwater tank.

The development will have a good energy rating with an apartment average of 7.5-star NatHERS and a STORM rating of 102 percent. However, shading to west and east-facing habitable room windows has not been addressed. The Sketch Plans show 1.8m high aluminium louvre overlooking screens to all west-facing habitable rooms which will address shading concerns, therefore a condition will only require the east-facing windows to be addressed via shading devices.

Is the proposal accessible to people with limited mobility?

Objective 9 of Clause 21.03-3 (Housing) is to increase the supply of housing that is visitable and adaptable to meet the needs of different sectors of the community.

All the dwellings will be accessible and visitable via the lift from the ground-floor lobby and all dwellings meet the numerical requirements for doorway and corridor width and accessible paths of travel required by Objective 9, as well as meeting the requirements of Table 4 of Clause 58.05-1 Standard D17 Accessibility objective by providing for accessible bathrooms to 7 of the 13 dwellings, subject to a condition requiring the notation of "step-free showers" to the bathrooms.

Does the proposal satisfy the requirements of Clause 58?

The purpose of Clause 58 is to:

- Encourage apartment development that provides reasonable standards of amenity for existing and new residents.
- Encourage apartment development that is responsive to the site and the surrounding area.

Clause 58 contains a number of objectives and associated standards to ensure the above purpose is met. Below outlines an assessment against the key issues of Clause 58 that have not been addressed.

Clause 58.04-1 Building Setback Objectives – Standard D14

The western façade on the advertised plans has a setback to habitable bedrooms of between 1 metre and 1.8 metres from the western boundary. This is insufficient to allow for adequate daylight into new dwellings and does not respond to the context of the site and the three-storey apartment building to the west.

The building at 95-97 Harding Street has a setback from the common (western) boundary of 2.9 metres. The sketch plans propose to mirror this setback and provide a 2.9 metre setback (an increase of between 1 metre and 1.8 metres), increasing to 4.9 metres at the third floor.

If the daylight to existing windows calculation from Clause 55.04-3 (Daylight to Existing Window Objective) were to be applied as a guideline the following would result:

Standard B19	Height	Setback required (50% of wall height)	Setback (to western building's habitable room windows) provided by sketch plans	Compliant
First and second floor	10.19 metres	5.09 metres	5.8 metres	Yes
Third floor	13.3 metres	6.65 metres	7.8 metres	Yes

This is considered an acceptable separation, and a positive response to the site context. A condition of the recommendation will require the setbacks of the Sketch Plans.

Standard D14 also aims to limit views into new and existing habitable room windows. Objectors expressed concern of loss of privacy from west-facing bedroom windows. The sketch plans address this by providing 150 millimetres thick horizontal aluminium louvres, angled towards the sky and extending to a height of 1.8 metres above finished floor level to habitable rooms along the western facade. This can be addressed via a condition of recommendation.

There is concern regarding the north-facing balconies of the first-floor apartments A104 and A105. With 1.7-metre-high screening to prevent views over the adjoining northern lot and overhanging balconies of apartments A204 and A205 at second-floor, there will be poor outlook and amenity to A104 and A105.

To address this, the two apartments above A204 and A205 could be combined to form a single apartment with an increased setback of 4.5 metres to the northern edge of the balcony from the northern boundary. This can be addressed via a condition of recommendation.

This results in the lower apartment balconies being unencumbered and having an increased northern solar access.

Clause 58.05-2 – Internal Views Objective – Standard B15

There will be habitable room windows facing into the 2 internal courtyards. No screening is shown on the advertised plans or the sketch plans to limit views between dwellings within the site. This can be addressed via a condition of the recommendation.

Clause 58.05-2 – Building entry and circulation objective – Standard D18

The entry to Gladstone Street lobby is visually weak and does not present a clear defined sense of address. The pedestrian entry on Gladstone Street to have a frame in a contrasting colour to the remainder of the façade, with a clear street number and lighting. This can be addressed via a condition of recommendation.

In addition, to add visual interest to the facades, the underside of the balcony soffits to each apartment should be in a different colour. This can be addressed via a condition of recommendation.

Clause 58.06-3 Waste and Recycling Objective - Standard D23

A Waste Management Plan was provided by the applicant. Council's Strategic Transport and Compliance Branch require it to be amended and the ground floor plans to be updated to show a 2 square metre hard rubbish storage area. This will be addressed via a condition in the recommendation.

All other standards of Clause 58 of the Scheme have been met.

5. Response to Objector Concerns

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

- Lack of consideration to neighbourhood character/bulk/scale
- Lack of car parking/traffic congestion

Other issues raised by objectors are addressed below.

Overlooking/loss of privacy

Overlooking between proposed habitable room windows and 95-97 Harding Street (to the west) have been addressed via the sketch plan and in a condition of recommendation. This is achieved by way of 150 millimetres thick horizontal aluminium louvres, angled towards the sky and extending to a height of 1.8 metres above finished floor level.

Overshadowing/loss of sunlight

The shadow diagrams provided for the sketch plans showing the additional upper level setback show that some of the private open space (POS) of the ground-floor units to the west at 95-97 Harding Street will be in shadow between 9 am and 11 am, after which they are unaffected. This will result in their POS receiving 4 hours of sunlight. There is also a large tree (double-storey canopy) within the eastern setback that already restricts sunlight to this area.

The dwellings at 95-97 Harding Street within the block adjacent to the subject site are dual aspect and many have west-facing balconies as POS which will be unaffected by the proposal.

The site is located in a Commercial 1 Zone in a Local Centre not designated for growth. Clause 58 of the Scheme does not require a shadow impact assessment, unlike Clause 55 of the Scheme which would have required that a minimum of 5 hours of sunlight be provided.

The proposal is considered an acceptable outcome given that:

- the Neighbourhood Character Policy at Clause 22.01 of the Scheme states that commercial zones allow for a building of 3-storeys;
- the proposed fourth floor does not result in any overshadowing to the adjoining site;
- that the dwellings immediately abutting the subject site are dual aspect and have western balconies which are unaffected by the proposal; and
- the provision of 4 hours of sunlight to the adjoining POS.

An assessment regarding daylight access has been provided in section 4 above.

Loss of views

The Victorian Civil and Administrative Tribunal has consistently found that although impact upon views can be considered amongst the amenity impacts of a proposal, there cannot be considered a right to any particular view. In the absence of particular planning controls which might require the protection of, or sharing of views, loss of views is usually afforded very limited weight. This is especially the case where a view is obtained across adjoining land and the views are not afforded any special consideration in a planning control.

Lack of affordable housing

With a variety of housing types proposed (1, 2 and 3 bedroom) the one-bedroom apartments are likely to be of a price point for a first-time home buyer and provide housing choice.

Given that the proposal is only for 12 dwellings (as conditioned), it is considered that the provision of a social housing component in a development of this scale is inappropriate.

Lack of green open space

The existing site conditions represent a site coverage of 96 percent and little or no vegetation. This will be replicated. The Commercial 1 Zoning of the site allows for a high site coverage to be achieved with priority on built form over landscaping. With a site area of less than 750 square metres, no deep soil planting is required under Clause 58.03-5 Standard D10.

6. Officer Declaration of Conflict of Interest

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

7. Financial and Resources Implications

There are no financial or resource implications.

8. Conclusion

On the balance of policies and controls within the Moreland Planning Scheme and objections received, it is considered that Notice of Decision to Grant a Planning Permit No MPS/2018/24 should be issued for the development of the site through the construction of a 4-storey building plus basement containing dwellings and 2 retail premises and a reduction in car parking, subject to the conditions included in the recommendation of this report.

Attachment/s

1	Location Map - 99 Harding Street, Coburg - MPS/2018/24	D19/85643
2	Advertised Plans - 99 Harding Street, Coburg - MPS/2018/24	D19/85644
3	Objector Map - 99 Harding Street, Coburg - MPS/2018/24	D19/85646
4	Sketch Plans - 99 Harding Street, Coburg - MPS/2018/24	D19/85647