

*Planning and Environment Act 1987*

Social Housing Renewal Standing Advisory Committee  
Gronn Place, Brunswick West

Report No 3

**10 November 2017**

*Planning and Environment Act 1987*

Report pursuant to section 151 of the Act

Report No 3 – Gronn Place, Brunswick West

10 November 2017



Rodger Eade, Chair



Peter Edwards, Member



Debra Butcher, Member

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## List of Abbreviations

ABS	Australian Bureau of Statistics
DELWP	Department of Environment, Land, Water and Planning
DHHS	Department of Health and Human Services
DPO	Development Plan Overlay
km	kilometres
LPPF	Local Planning Policy Framework
The Committee	Social Housing Renewal Standing Advisory Committee
The Common Issues Report	Social Housing Renewal Standing Advisory Committee, Common Issues Report No. 1 dated 10 November 2017
ViF	Victoria in Future

## Executive Summary

It is proposed to redevelop the public housing estate in Gronn Place, Brunswick West by demolishing the existing 73 dwellings in blocks of three and four storey walk up flats and eight duplex units with a frontage to Kitchener Street. These are proposed to be replaced by 91 new social housing dwellings in blocks of up to eight storeys in height. Approximately 171 new private dwelling are proposed to be constructed on the redeveloped estate. The site is approximately 1.4 hectares.

The Design Framework prepared as part of the documentation for this draft Amendment indicates provision for 223 onsite parking spaces in building podia. Provision is made for two areas of public open space to the north and in the central spine of the proposed redevelopment. The existing well maintained community garden is proposed to be provided on a podium top.

A significant constraint on the redevelopment of the site is the existing dwellings to the north, south and east of the site. The eight duplexes to the west of the site are not in a continuous row, with 12 Kitchener Street in the middle of the row, in private ownership.

After the initial notification of the draft Amendment there were 12 submissions. This increased to 30 after re-notification which resulted from some inconsistencies between the Design Framework and the initially exhibited Development Plan Overlay Schedule 12.

Key issues raised in submissions included:

- support in State and local policy for the proposal
- the height of the proposed development, particularly near existing neighbouring dwellings
- setbacks from the abutting residential dwellings
- parking problems in neighbouring streets
- traffic generated by the development
- the application of the Mixed Use Zone to the site.

Based on its assessment of the proposal and the submissions and evidence presented to it, the Committee finds the proposed draft Amendment is broadly supported subject to several amendments to the proposed Schedule 12 to the Development Plan Overlay. The proposal enjoys support in State Policy and in *Homes for Victorians*.

The Committee acknowledges that Moreland Council has appropriately provided for projected population and housing growth, and that the Gronn Place Estate is not in a precinct identified in local policy for more intensive housing development. Proposals for its development were not known at the time local policy was established. Given the support in State policy, the Committee considers the proposed amendments to local policy to ensure consistency are appropriate.

The Committee is of the view that the proposal as notified should have a maximum building height of six storeys, with lower built form towards the periphery of the Estate to ensure that the amenity of neighbouring residents is appropriately protected. The Committee further notes that the retention of some high and moderate value trees to be retained will impact building location and in some instances setbacks from abutting dwellings. The

application of the appropriate ResCode requirements will further influence setbacks from abutting dwellings at both ground and upper levels.

The Committee is broadly satisfied that adequate parking can be provided on-site, with a possible need to formalise on street parking arrangements in Kitchener Street. Parking rates are broadly appropriate.

Open Space is adequately provided for, but clear indication of the approximate location of the proposed open space on the north of the site needs to be indicated in Schedule 12.

The findings and recommendations in this report should be read in conjunction with those included in the Common Issues Report.

The Committee recommends:

- 1. Approve draft Amendment C170 to the Moreland Planning Scheme, subject to the following changes:**
  - a) Amend the additional policy statement added at Clause 22.01-3 to read **“Ensure that new higher density development on public housing sites in the Mixed Use Zone is designed to meet the relevant built form provisions as set out in the applicable zone and overlay controls”**.
  - b) Amend Schedule 2 of the Mixed Use Zone as follows:
    - the second objective to read ***“To provide for housing diversity”***.
    - the third objective to read ***“To provide for limited non-residential uses in appropriate locations where potential amenity impacts as a result of the uses can be appropriately managed”***.
  - c) Amend the Development Plan Overlay Schedule 12 in accordance with the Committee’s recommended version contained in Appendix D of this report.

# 1 Background

This Report should be read in conjunction with the Social Housing Renewal Standing Advisory Committee, Common Issues Report No. 1.

## 1.1 The proposal

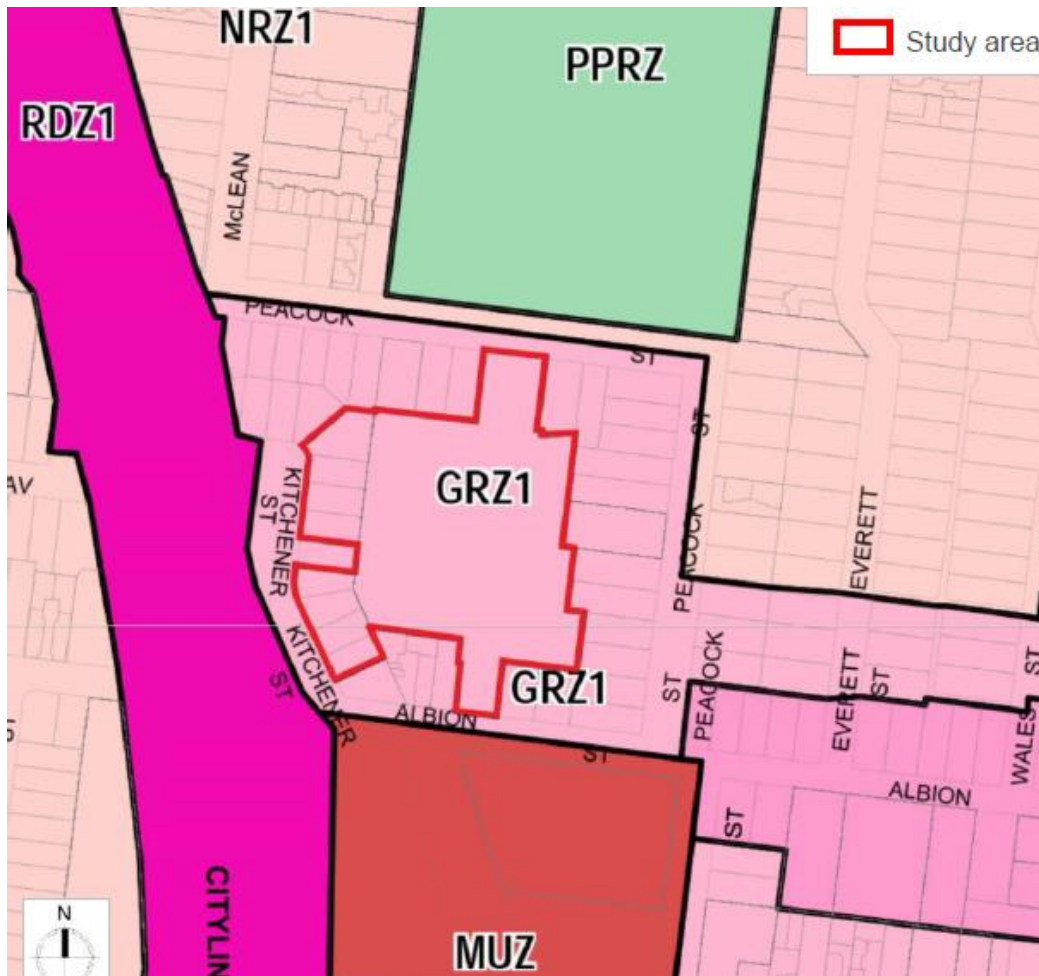
The process for the proposed redevelopment of the Gronn Place Estate, Brunswick West (the Estate) is set out in Tables 1 to 4.

**Table 1: Proposal summary**

Proposal summary	
<b>Site reference</b>	Gronn Place Estate, Brunswick West
<b>Site address</b>	Gronn Place, Brunswick West
<b>Site owner</b>	Director of Housing
<b>Council</b>	Moreland City Council
<b>Notice</b>	2 to 30 August 2017
<b>Submissions</b>	30 Submissions were received (refer Appendix A)

The redevelopment of the Gronn Place Estate will be facilitated by draft Planning Scheme Amendment C170 to the Moreland Planning Scheme. The existing zoning for the site is shown in Figure 1.

Figure 1: Existing zoning<sup>1</sup>



The proposed planning scheme changes are summarised in Table 2.

Table 2: Proposed planning scheme changes

Existing controls	Proposed changes
<b>Gronn Place Estate</b>	
General Residential Zone – Schedule 1	Mixed Use Zone – Schedule 2
	DPO – Schedule 12
Development Contributions Plan Overlay Schedule	Retain in part
	Parking Overlay – Schedule 2
Clauses 21.02-3, 21.02-2 and 22.01-2	Amend to specifically recognise the Gronn Place Estate for higher density residential development
Moreland City Council is Responsible Authority	Minister for Planning is the Responsible Authority

<sup>1</sup> Town Planning Report, Message Consultants, page 11



Existing dwelling numbers and indicative dwelling yields are summarised in Table 3. Final dwelling yields will depend on the final design.

**Table 3: Existing and indicative dwelling yields<sup>2</sup>**

	Existing (public)	Proposed (social)	Proposed (private)	Total proposed
Gronn Place Estate, Brunswick West	81	91	177	268

The process in which the Committee undertook its assessment is summarised in Table 4.

**Table 4: Committee process**

Committee process	
<b>Members</b>	Rodger Eade (Chair), Debra Butcher and Peter Edwards
<b>Briefings</b>	24 May and 9 August 2017
<b>Directions Hearing</b>	7 September 2017
<b>Hearings</b>	2, 4, 5 October 2017
<b>Site inspections</b>	3 May, 17 September and 27 October 2017

## 1.2 Site and surrounds

The Gronn Place Estate is located approximately 6km to the north-west of the Central Business District of Melbourne. It is bounded by dwellings with a frontage to Albion Street to the south, dwellings with frontages to Peacock Street in the north and east, and Kitchener Street to the west. Access to the Estate is via Gronn Place, both north and south, but it is not a through road. It covers an area of approximately 1.4 hectares.

The Estate currently contains 73 dwellings in six three and four storey walk up unit blocks which were constructed in the 1960s and 1970s and are nearing the end of their economic life, with many in poor condition. In addition, there are eight duplexes with a frontage to Kitchener Street, broken by a privately-owned duplex at 12 Kitchener Street. There is at grade car parking for approximately 41 cars, play area and communal open spaces including a community garden. There are several mature trees scattered within the site.

<sup>2</sup> Compiled from *Traffic Engineering Assessment*, Traffix Group, page 6

Figure 2: Site location<sup>3</sup>



To the south of the Estate on the south side of Albion Street is a developing mixed use area with a local retail centre having been recently developed as part of a multistorey complex with a frontage to Albion Street of four storeys and which steps up to eight storeys further to the south. To the west of this site, west of Olive York Way, an approved Incorporated Plan provides for buildings of up to nine storeys, between Olive York Way and CityLink. This land is all former industrial land.

To the east of the Estate there are mainly single storey, weatherboard residential buildings with limited two storey unit development. This area is zoned General Residential Zone and is an area for incremental change, with building of up to 11 metres permitted. The Richard Lynch Senior Citizens Centre is in Peacock Street adjacent to the Estate.

To the north of the Estate is Dunstan Reserve, a significant active recreation facility which is the home of the Brunswick City Soccer Club. Dunstan Reserve includes some passive recreation facilities near Peacock Street.

To the west of Kitchener Street is CityLink.

<sup>3</sup> DELWP Information Sheet, page 1

### **1.3 Notification**

Direct notices were sent by the Department of Environment, Land, Water and Planning (DELWP) during the week commencing 2 August 2017 to:

- 3,869 owners and occupiers within the City of Moreland
- four known stakeholder and community groups
- prescribed Ministers and servicing authorities.

Public notices were placed in the Moreland Leader newspaper on 2 August 2017.

The notification process resulted in 12 submissions being received.

### **1.4 Procedural issues**

#### **(i) Revisions to Development Plan Overlay Schedule 12**

The Department of Health and Human Services (DHHS) acknowledged at the Directions Hearing that there were some discrepancies between the detail of the proposal as presented in the Design Framework Plan prepared by Hayball Architects and the exhibited Development Plan Overlay Schedule 12 (DPO12). As a result of a Direction by the Committee, DHHS prepared an amended version of DPO12. DELWP notified all submitters plus 74 adjacent occupiers and land owners. The Committee directed that further or amended submissions would be received in relation to the revised DPO12 only, by the first day of the Hearing on Monday 2 October 2017. This process resulted in a further 18 submissions and amended submissions being made, an additional three of whom requested to be heard.

#### **(ii) Revised schedule 12 to the DPO**

On Day 2 of the Hearing, Mr O'Connor advised that DHHS had updated the proposed DPO12 based on submissions and evidence, and further review. On Day 3 of the Hearing, Council tabled a further two versions of DPO12, the first of which (Document 23) reflected its preferred position with respect to building heights and setbacks and the second of which (Document 24) was a 'without prejudice' version which reflected its position if the Committee did not accept their position with respect to building height and setbacks.

This occurred at a time in the Hearing where it was not possible to workshop the differences and seek at least some common ground. Thus the Committee issued a post Hearing direction requesting that further comment on the DHHS and Council's version would be received until Friday 13 October 2017. In addition, DHHS and Council were to indicate where they agreed and disagreed with the proposed changes to DPO12. Comments were received, including from DHHS and Council. Discussion of this issue is in Chapter 3 and the Committee's recommended version of DPO12 is at Appendix D.

### **1.5 Planning framework**

DHHS provided an assessment of the proposal against the Local Planning Policy Framework (LPPF) for the Moreland Planning Scheme and identified the following key Clauses as relevant to the planning proposal, subject to several proposed changes.

**Clause 21.02-3: MSS Strategic Directions** – sets out seven strategic directions for the future growth and development of Moreland. Strategic Direction 3 refers to Housing and indicates that Council will facilitate housing development to meet the needs of a growing and diverse population.

**Clause 21.03-3: Housing** – which has an objective of providing housing diversity to meet community needs. It sets out several strategies to achieve this objective, including areas which have been identified for increased housing density. These areas identified are mainly in number of activity centres which are listed. The Gronn Place Estate is not currently listed.

**Clause 22.01-2: Neighbourhood Character - Policy Objectives** – defines and identifies 'substantial change areas', 'incremental change areas', and 'minimal change areas'. By virtue of its current zoning as General Residential Zone, the Estate is currently identified as an incremental change area.

In addition, Council identified the following Clause as relevant:

**Clause 21.03 – 1: Activity Centres** which amongst its strategies encourages housing growth in activity centres in accordance with strategies under Clause 21.03-3 and Clause 22.01.

In her evidence, Ms Jordan for DHHS identified Clause 22.07 Development of five or more storeys and Clause 22.08 Environmentally sustainable design as relevant.

## 2 Planning issues

The key issues to be addressed include:

- planning policy support for the draft Amendment
- appropriateness of proposed changes to the LPPF
- appropriateness of the proposed zone
- 12 Kitchener Street and future planning implications
- properties along Albion Street abutting the site and future planning implications.

### 2.1 Planning policy support for the draft Amendment

#### (i) Evidence and submissions

DHHS submitted that Moreland's future housing growth based on *Victoria in Future* (ViF) forecasts will need to accommodate an increase in population of 62,100 residents between 2016 and 2031 to a total of 216,300. Work undertaken for Council by id Consulting results in a forecast growth some 5,000 below ViF.

Council submitted that its existing approach to planning for future housing growth is supported by *Plan Melbourne*, quoting the same Clauses as DHHS. Council submitted that the State Policy at *Clause 16.01-3 Housing opportunity areas*, requires Council to set out its framework for where growth should occur and that it had done this in a detailed and comprehensive way. The framework does not include the Gronn Place Estate at the densities proposed.

The relevant sections of the LPPF are broadly agreed between DHHS and Council. Council submitted that existing well-developed and considered plans are appropriate to facilitate required growth in population and dwelling numbers, and that there is no local policy support for the housing density proposed at Gronn Place. Council outlined the detailed planning that had proceeded over several years and within the context of State policy to ensure that there was orderly planning for an extra 67,224 dwellings in designated areas.

Council submitted that its policy position on the Gronn Place Estate is reinforced by Amendment C153 to the Moreland Planning Scheme, which implemented the new residential zones in 2015.

#### (ii) Discussion

As discussed in Chapter 2 of the Common Issues Report, the Committee finds that there is broad support for the proposed project in State Policy.

Local policy does not currently provide strong support for increased density on the Gronn Place Estate. Changes to local policy to strengthen support at that level are discussed in Chapter 2.2. In Moreland, the application of the General Residential Zone to the site through Amendment C153 was broadly a translation from the previously existing Residential 1 Zone. The Committee considering that Amendment did not consider the subject site in any detail and as far as this Committee is aware there were no specific submissions relating to it.

The Committee finds that:

- there is State policy support for the draft Amendment
- local policy does not at present provide strong support for the draft Amendment.

## **2.2 The appropriateness of proposed changes to the LPPF**

### **(i) Evidence and submissions**

DHHS proposed several changes to the LPPF which it submitted are consistent with State policy. These changes recognise the subject site as one where increased housing density can be provided. It proposes changes to clauses 21.032-3, 21.03-3 and 22.01-2. In cross examination, Ms Jordan indicated that the changes were minor and that she had no issue with them.

Council submitted that it does not support the proposed LPPF changes to facilitate increases in housing density on the subject site. The basis of this submission was that new dwellings to accommodate increased population can be accommodated within the existing areas identified for increased density in existing policy, that is mainly along arterial roads in Activity Centres. Council saw no need to change local policy to direct growth toward the Gronn Place site.

### **(ii) Discussion**

By proposing changes to the LPPF, DHHS effectively acknowledged that its proposal is not entirely consistent with the existing LPPF, a position recognised by Ms Jordan in her evidence. The Committee understands and acknowledges that Moreland Council has appropriately planned for population growth within the context of State policy. However, in developing its local policy, the proposed redevelopment of public housing sites such as Gronn place would not have been known, and thus may not have been explicitly considered by Council at the time. Accordingly, to implement State policy with respect to the redevelopment of the Gronn Place Estate, changes to local policy are required. The Committee supports the proposed changes which appropriately strengthen local policy, subject to a minor rewording to the additional policy statement proposed at Clause 22.01-3.

### **(iii) Findings**

The Committee finds that:

- the local policy at Clause 22.01-3 should be amended to strengthen its support for the project, subject to a minor change to the proposed wording.

## **2.3 Appropriateness of the proposed zone**

### **(i) Evidence and submissions**

Relying on the evidence of Ms Jordan, DHHS submitted that the Mixed Use Zone is the most suitable zone to facilitate the redevelopment. Under cross examination, Ms Jordan confirmed that she thought the potential for some non-residential uses on the site would be appropriate, referring to uses such as food and drink premises, medical centre, or a community centre. Ms Bell who gave urban design evidence for DHHS supported



community uses on the site and provision for retail uses along Albion Street if those properties are included at some stage.

While Council was supportive of the application of the Mixed Use Zone to the site, this was on the basis that several changes are made to the Schedule including:

- a maximum building height of 13.5 metres
- removing the fourth dot point at Clause 1.0 ('Objectives') *"to minimise the loss of landscaped and open space areas on the site through increased building heights"*
- amending Objective 2 to remove repetition with the head clause with respect to increased density
- making additional changes to Schedule 2 as presented by Council (Document 20).

In addition, Council submitted that some permitted commercial activities should be limited via an alternative planning mechanism such as a section 173 Agreement or through DPO12. The land uses Council had a concern with were gaming and adult content uses.

## **(ii) Discussion**

Discussion in this Chapter needs to be read in conjunction with the discussion in Chapter 2.1 of the Common Issues Report.

The Committee is of the view that on the basis of heights and density of development proposed, the Mixed Use Zone is the most appropriate zone, taking into account the directions of Planning Practice Note 78 in relation to the type of development anticipated in the Mixed Use Zone. In addition, the Mixed Use Zone is consistent with the zoning on the south side of Albion Street.

The Committee acknowledges that the Mixed Use Zone provides greater flexibility than other residential zones in terms of non-residential land uses that might locate on the site.

The Committee is not convinced that there will be any significant demand for, or that the Gronn Place estate is the appropriate location for, commercial and/or community uses, given the:

- lack of frontage available to Albion Street for commercial uses
- existing commercial uses on the south side of Albion Street
- presence of significant existing community facilities to the north as part of Dunstan Reserve, and the adjoining Senior Citizens Centre to the east.

Accordingly, while the Committee supports the application of the Mixed Use Zone for Gronn Place, it considers that greater guidance should be provided in the planning controls in terms of where non-residential land uses should occur.

The Committee believes it would be appropriate to strengthen the third objective in Schedule 2 of the Mixed Use Zone which currently states *"to provide for non-residential uses in appropriate locations"* to require consideration of potential amenity impacts when assessing what is an appropriate location. The Committee supports providing greater guidance in DPO12 to provide a focus on community rather than commercial uses. The DPO is the appropriate mechanism to control these non-residential uses, as some non-residential land uses anticipated by DHHS do not require a planning permit for use in the Mixed Use

Zone. The Committee does not support the application of an alternative planning mechanism such as section 173 Agreement to control permissible non-residential activities.

In relation to Council's suggested changes to the Mixed Use Zone, the Committee does not support these changes, other than the proposed amendment of the second objective to reduce repetition with the head clause objectives. The Committee believes it should be amended, not deleted as proposed by Council. Nor is the Committee supportive of Council's proposed change to the maximum building height.

### **(iii) Findings**

The Committee finds that:

- the application of the Mixed Use Zone is appropriate subject to minor changes to the Objectives of Schedule 2 to provide greater clarity about the location of non-residential land uses and to reduce repetition
- some changes should be made to DPO12 to provide greater clarity about the location of non-residential land uses. Specifically, Development Plan Overlay Schedule 12, clause 3.0 'Land Use' should be amended to read: *"The Development Plan could show or make provision for community facilities in appropriate locations at ground level where they will be accessible to all residents of the Estate and the surrounding community. The Development Plan must demonstrate that potential amenity impacts can be appropriately managed"*.

## **2.4 12 Kitchener Street and future planning implications**

### **(i) Evidence and submissions**

The property at 12 Kitchener Street is not included in the draft Amendment but the four properties to the north and the south, all with a frontage to Kitchener Street, are. DHHS submitted:

*The Minister for Housing cannot propose the rezoning of land that it does not own, however DHHS does not object to the Amendment and rezoning incorporating the land at 12 Kitchener, noting that this position is supported by the evidence of Ms Bell.*

In her evidence, Ms Bell acknowledged that the property is currently in different ownership but that may change in the future. She stated that incorporating 12 Kitchener Street into the development would allow the taller built form to be located further to the west of the site and away from sensitive residential interfaces. Ms Jordan also supported the inclusion of this property as part of the site.

The owner of 12 Kitchener Street submitted and confirmed at the Hearing that he would be surrounded on three sides by built form that would impact his amenity and he would like the property to be rezoned and acquired.

Council opposed rezoning the property as part of this process as it has implications for other properties outside the draft Amendment area.



**(ii) Discussion**

Remaining in its current use, 12 Kitchener Street is a key constraint on the built form on the western side of the site. The Committee is cognisant of Ms Bell's recommendations regarding the siting of the higher built form on the west of the site and the submission by the owner for it to be rezoned and acquired. The Committee notes Council's advice that locating the higher built form on the west of the site has the potential to impact the Albion Street properties outside the draft Amendment area.

The Committee is of the view that to exclude 12 Kitchener Street from consideration is not good planning, and will result in a sub-optimal outcome for the overall site. It appears that if 12 Kitchener Street was rezoned, acquired and included in the proposal, the tallest built form could be located on the western side of the site, which would be more appropriate. Potentially, setbacks at both ground level and at the upper levels at sensitive interfaces could then be increased to protect the amenity of existing residential properties both north and south.

The Committee considers that if 12 Kitchener Street is rezoned, the opportunity should be taken to reduce the amenity impacts of the proposed built form on properties to the north and south, rather than to increase dwelling yield. On that basis, the Committee does not accept the Council's contention that further notice would be required.

The Committee is of the view that the Minister for Planning could consider a proposal from DHHS to rezone 12 Kitchener Street to Mixed Use Zone under the provisions of section 20(4) of the *Planning and Environment Act 1987*. As no specific recommendation is being made to rezone 12 Kitchener Street as part of this draft Amendment, the Committee must form its recommendations on the basis that 12 Kitchener Street remains a residential property outside of the proposal, but it makes comments in Chapter 3 on built form implications if 12 Kitchener Street is rezoned before later stages of the redevelopment process.

In drawing these conclusions, the Committee is aware of the significant uncertainty which these conclusions mean for the owner of 12 Kitchener Street and urges DHHS to advise that property owner of its intentions regarding his property.

**(iii) Findings**

The Committee finds that:

- including 12 Kitchener Street in the proposed redevelopment would result in a more coherent development site and the potential to move more of the higher built form to the west of the site
- the Minister for Planning could consider a proposal to rezone 12 Kitchener Street under section 20(4) of the *Planning and Environment Act 1987* and include it in the proposed redevelopment
- as a matter of urgency DHHS should make its intentions clear to the owner of 12 Kitchener Street.

## 2.5 Albion Street properties abutting the site

### (i) Evidence and submissions

The properties at 509, 511, 517-523 Albion Street and 2 Kitchener Street are not included in the draft Amendment, shown in Figure 3. The last of these properties has frontages to both Kitchener and Albion Streets and it is a duplex with a party wall to 4 Kitchener Street. Ms Bell supported the inclusion of these properties to make for a more coherent development, as did Ms Jordan. Ms Bell noted that the land south of Albion Street was in the Mixed Use Zone and that the properties north of Albion Street would remain as a narrow strip in the General Residential Zone, and that this would not be an appropriate outcome. This differs from the residential interfaces to the east and north of the site which are in the General Residential Zone.

**Figure 3: Properties not subject to the draft Amendment**



### (ii) Discussion

The Committee understands the position put by Ms Bell that including the listed properties makes for a more coherent outcome and a better planning and urban design outcome. Including these properties was not pursued by Council or DHHS.

No submissions were received from owners or occupiers of properties with a frontage to Albion Street and for this reason alone, these properties cannot be considered in the same manner as 12 Kitchener Street. The Committee offers no further comment and considers that the future planning for these properties is a matter for the Council and DHHS.

**(iii) Findings**

The Committee finds that:

- including the properties abutting the site and with a frontage to Albion Street in the redevelopment could result in a good planning outcome, but they cannot be included as part of this process.

The Committee recommends:

- 1. Approve draft Amendment C170 to the Moreland Planning Scheme, subject to the following changes:**
  - a) Amend the additional policy statement added at Clause 22.01-3 to read *“Ensure that new higher density development on public housing sites in the Mixed Use Zone is designed to meet the relevant built form provisions as set out in the applicable zone and overlay controls”*.**
  - b) Amend Schedule 2 of the Mixed Use Zone as follows:**
    - the second objective to read *“To provide for housing diversity”*.
    - the third objective to read *“To provide for limited non-residential uses in appropriate locations where potential amenity impacts as a result of the uses can be appropriately managed”*.
  - c) Amend the Development Plan Overlay Schedule 12 in accordance with the Committee’s recommended version contained in Appendix D of this report.**

### 3 Urban design and built form

The key issue to be addressed include:

- appropriateness of the proposed heights and setbacks

#### 3.1 Appropriateness of heights and setbacks

##### (i) Evidence and submissions

Many submitters, including Council, expressed significant concerns about the heights and setbacks proposed for the Gronn Place redevelopment. Council argued that development on the site should be no higher than three or four storeys on the basis that:

- the site is not specifically identified as being appropriate for increased development density in the LPPF as it does not adjoin a designated major or neighbourhood activity centre
- the site has direct abuttals to existing single and two storey residential development and higher built form will result in unacceptable amenity impacts to those dwellings
- the reliance on the Duggan Street development on the south side of Albion Street to justify increased height at Gronn Place is misplaced as the circumstances of that development are different to the current proposal, and the heights of that proposal have been misrepresented in the evidence.

DHHS's submission on heights and setbacks was supported by evidence from Ms Bell. It was her evidence that the site has the capacity to accommodate development of up to eight storeys, but that the proposed location of the eight-storey built form needed to be reconsidered. Ms Bell considered the proposal in the context of Hayball Architects' Design Framework and DPO12.

Ms Bell's opinion was that the building heights and setbacks shown in the Design Framework were generally acceptable. The main exception to this was the proposal for two eight storey buildings to the south of 31-37 Peacock Street (Area 3). She considered that for the easternmost of these buildings, six storeys rather than eight storeys immediately west of the central spine would be preferable in terms of visual impact on existing dwellings to the north. This would be consistent with the building immediately to the east of the central spine. She stated that eight storeys in this location would limit the feeling of openness to the north-south open space corridor on the site.

Ms Bell stated that given the one-sided nature of Kitchener Street and the proximity to the taller built form to the south along Albion Street, the western side of the development was the appropriate location for the taller built form.

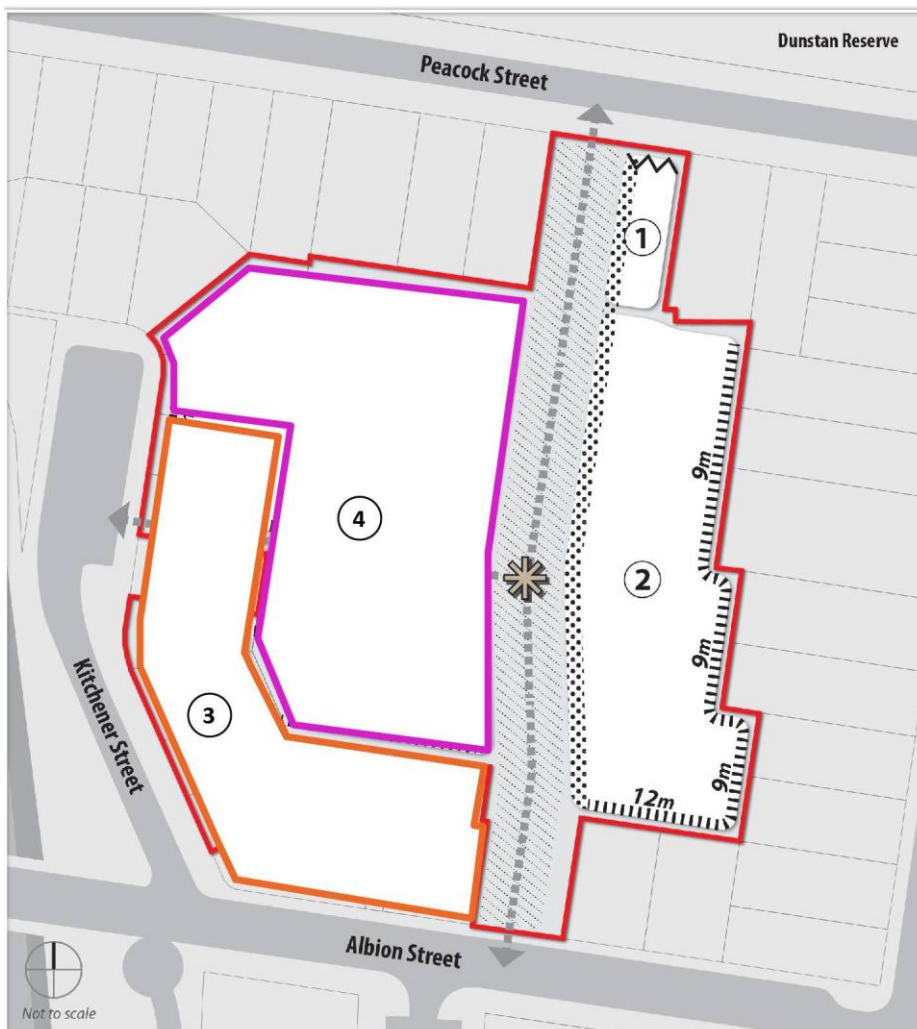
Ms Bell subsequently recommended that the six-storey building form at 4-10 Kitchener Street should be increased in height to eight storeys. She observed that while the development of eight storeys immediately adjacent to the existing single storey dwelling at 2 Kitchener Street would *“create a stark juxtaposition until such time as 2 Kitchener Street is redeveloped (probably through amalgamation with 517 to 523 Albion Street, or indeed, with*

the Gronn Place Estate) I consider this is an acceptable and inevitable result of incremental renewal”.

Ms Bell suggested that consistent with ResCode requirements, the townhouses proposed in the Design Framework along the eastern side of the site, abutting the rear boundaries of the north-south portion of Peacock Street (Area 2), could be higher than two storeys, and that upper level setbacks facing the proposed open space corridor (shown as ‘articulation zones’ in the Design Framework and DPO12) should be reinforced. These two metre wide articulation zones apply to the fourth floor and above (and are discussed in Chapter 5).

Ms Bell stated that DPO12 should be amended to show the greatest height located along the Kitchener Street frontage. To demonstrate this, she included a revised Concept Plan, designed to show the impact of those recommendations (Figure 4).

**Figure 4: Proposed alternative Development Concept Plan**



In this revised Concept Plan, Ms Bell included 12 Kitchener Street as well as 517 -523 Albion Street in the plan, describing them as ‘remnant’ surrounding properties. Under cross examination, Ms Bell confirmed that she had considered the circumstance where 12 Kitchener Street and the Albion Street properties were not included in the redevelopment

(as per the proposal before the Committee). Her opinion was that the eight storeys for Kitchener Street and the six storeys in the centre of the site and extending into the north-west portion of the site, was appropriate - regardless of whether the remnant properties formed part of any rezoning or redevelopment proposal.

East of the proposed central spine, Ms Bell was generally supportive of re-exhibited DPO12 heights and interface treatments. She noted the nine metre setback proposed to the eastern site boundary applied in conjunction with the requirements of Clause 32.04-9 of the Mixed Use Zone would provide an appropriate level of guidance to manage any off-site amenity impacts.

DHHS subsequently submitted a revised DPO12 (Document 9) followed by a revised Concept Plan and accompanying sections showing ResCode setbacks (Document 10) which reflected some of Ms Bell's suggested changes. However, it retained an eight-storey built form in the north-west portion of the site, north of 12 Kitchener Street. These revised elements of DPO12 were consolidated into the further revised DPO12 issued by DHHS on 9 October 2017 at the direction of the Committee.

Council provided an overview of the heights of this development, noting that there is a four storey built form directly fronting Albion Street with higher built form well back from Albion Street.

Council subsequently provided two different versions of DPO12, one amended to include a maximum of three to four storeys (Document 23) and the second, provided on a 'without prejudice' basis, identifying a maximum height of six storeys (Document 24). Council submitted a series of three-dimensional building envelopes which demonstrated a range of built form 'massing' scenarios viewed from different locations and based on an assumed storey height of three metres.

The most useful of these were images that showed the likely built form massing that could result from a combination of the building envelopes based on the re-exhibited DPO12 and the relevant ResCode setbacks. The images demonstrated (amongst a range of matters) that the area of the site to the south of 12 Kitchener Street and fronting Kitchener Street could accommodate a height of three to four storeys, which appeared to be because of relevant ResCode setbacks to existing dwellings outside the site.

The images showed in a three-dimensional form the setbacks that would be required from an eight-storey built form being located within the north-west portion of the site, west of the central spine. In addition, the images demonstrated that in a situation where, for example, the requirements of the DPO12 were ignored and only ResCode setbacks applied, this would result in an eight-storey built form being located centrally on the site.

Peacock Street neighbours expressed concern about the proposed heights and the impact a maximum height of six to eight storeys would have on them, including the outlook from their back yards and loss of privacy. Submitter 6 labelled it a "*lazy design*" and submitted there was an opportunity to redevelop the site to provide an increase in dwelling yield, without the need to construct buildings to a height of eight storeys. Most submitters supported the Council position of maintaining current building heights.



There was general agreement that the boundary setbacks in the Concept Plan (which are to operate in addition to the applicable ResCode requirements), were acceptable except for:

- the three metre setback to the eastern boundary of 12 Kitchener Street shown on the re-exhibited DPO12 (Council's preference was for a six metre setback)
- the 12 metre setback along the southern boundary of Area 2 shown on the re-exhibited DPO12 (Council's preference was for a 15 metre setback)
- The front setback to Peacock Street in Area 1 - the re-exhibited schedule required compliance with Clause 55.03-1, where Council preferred a six metre setback (which Council advised reflected the ResCode requirement)
- The east boundary of Area 1 where the re-exhibited schedule did not specify a setback. However ResCode would apply and Council's preference is for a three metre setback.

## **(ii) Discussion**

There was a clear difference in opinion between DHHS and its experts, and Council and the Gronn Place Estate's neighbours, as to what would be an appropriate height of the built form.

The Committee understands the concerns of both Council and the neighbours about the proposed increase in heights and the potential amenity impacts. However, the Committee is cognisant of the importance of being able to develop this site in a manner that offers improved accommodation for existing and future public housing tenants, as well as providing for private sector development on the site, consistent with the key directions outlined in *Homes for Victorians*. The planning outcome needs to represent an appropriate balance between these different concerns/directions.

In considering an appropriate built form outcome, the Committee is mindful of:

- the location of the site with direct abuttal to existing, primarily single storey, dwellings, located in the General Residential Zone. The Committee notes that, unlike several other Tranche A sites, the Gronn Place Estate has a direct residential interface to the north, east and south. The exception is the Kitchener Street frontage, however the presence of 12 Kitchener Street located centrally within this frontage is a sensitive interface.
- the limitations that result from 12 Kitchener Street not forming part of the site, as well as the sensitive interfaces to 2 Kitchener Street and 517 to 523 Albion Street
- the location of the existing multi storey development to the south of Albion Street, and the location of the various heights and building forms across that site
- the location of the site in proximity to CityLink and the opportunity this presents to develop higher built form with fewer amenity impacts (as evidenced by the approvals for development on the south side of Albion Street).

In coming to conclusions about appropriate maximum building heights on the site, the Committee found the evidence of Ms Bell, and the massing work undertaken by Council particularly useful.

The Committee agrees with the evidence of Ms Bell that an eight-storey built form in the north-west portion of the site will result in an unreasonable visual impact to the

neighbouring properties fronting Peacock Street. Even with the required ResCode setbacks, such a juxtaposition in height will not represent an appropriate urban design outcome.

The Committee agrees with Ms Bell that if eight storeys was to be developed on the site, the most appropriate location for this would be along the central and southern portion of the Kitchener Street frontage. However as 12 Kitchener Street does not form part of the site, such height does not appear to be possible when the relevant ResCode setbacks are applied, as demonstrated in Council's massing drawings.

Therefore, the Committee is of the view that for Areas 3, 4 and 5 (the area located along Kitchener Street and extending east to the open space corridor), a maximum height of eight storeys is not appropriate, as it does not appear to be achievable. The massing drawings suggest that while six storeys is not achievable along the Kitchener Street frontage, it could be achievable more centrally on the site, to the east of 12 Kitchener Street. Accordingly, the Committee supports a maximum height of six storeys.

Should 12 Kitchener Street ultimately form part of the development site, the Committee considers that a height of eight storeys along the central and southern portion of Kitchener Street could be contemplated, provided an appropriate interface treatment and setbacks can be provided to the remaining properties at 2 Kitchener Street and 517 to 523 Albion Street. The Committee has concerns about amenity impacts to these 'remnant' properties and considers that to achieve a height of eight storeys along Kitchener Street, these properties should form part of any revised proposal.

The Committee supports the proposed setback of six metres to the east boundary of 12 Kitchener Street and a 12 metre setback shown on the re-exhibited DPO12 to the south boundary of the site, east of the central spine.

Given the three-storey maximum height proposed for Area 1, the Committee considers that ResCode required setbacks to Peacock Street and the eastern site boundary dwellings are appropriate and reflect the requirements of the abutting General Residential Zone. The Committee notes that the requirements of Clause 55.03-1 (Street Setback Objective) and more generally the requirements of Clause 55.04 should be specifically identified in DPO12 as per the revised DPO12 issued by DHHS (Document 9).

The Committee agrees with Ms Bell that increased upper level setbacks to the central open space spine should be required in DPO12.

### **(iii) Findings**

The Committee finds that:

- a maximum height of six storeys is appropriate for the site, subject to the setbacks proposed in the Development Plan Overlay 12 being implemented in conjunction with ResCode requirements through Clause 32.04-9 of the Mixed Use Zone
- the setbacks shown on the Concept Plan are generally appropriate, subject to Clauses 55.03-1 and 55.04 being applied through the revised Development Plan Overlay 12 and the setback to the east boundary of 12 Kitchener Street being increased to six metres
- the upper level setbacks to either side of the central open space spine as outlined in the Design Framework should be a requirement of Development Plan Overlay 12.



## 4 Traffic and parking

The key issues to be addressed are:

- increase in traffic and its impact on the surrounding road network
- parking rates.

Traffic and parking issues common to all Estates such as differential parking rates, sustainable transport and car park safety and management are discussed in Chapter 4 of the Common Issues Report.

The key access and parking elements of the draft Amendment consist of:

- a permeable road, bicycle and footpath network throughout the site connecting to the existing local road and bicycle network
- 223 parking spaces consisting of:
  - a combination of multi-deck car parks providing 203 spaces
  - approximately 20 spaces on the internal road network.

### 4.1 Increase in traffic generation and impacts

#### (i) Evidence and submissions

The ability of the surrounding road network to absorb the increase in development traffic was a significant issue for the community.

DHHS called Mr Walsh of the Traffix Group to give evidence on traffic and parking issues. He concluded that there are no traffic reasons why the development should not proceed.

The proposed development will generate an additional 748 vehicle movements per day, about 10 per cent of which occurs during the AM and PM peak hour periods. The 748 additional vehicle movements are based on 177 private and 10 new public dwellings generating four vehicles movements per dwelling per day. Mr Walsh noted that his traffic generation was particularly conservative as the rate was applied to all properties, irrespective of whether a car parking space was provided.

Traffic was distributed across the local road network based on existing traffic surveys and dwelling distribution across the site.

Mr Walsh used SIDRA, a computer package which models intersection performance, including delays to motorists and queue lengths, to demonstrate that the nearby intersections would continue to operate satisfactorily and remedial works would not be required.

Mr Walsh investigated resident concerns with localised congestion along Peacock Street during sporting events and identified that short sections of 'No Stopping' could be installed adjacent to Dunstan Reserve to provide passing opportunities for oncoming motorists.

Council generally accepted Mr Walsh's traffic projections.

Council noted that it had been successful in obtaining funding to construct pedestrian operated signals on Albion Road near Gronn Place to improve access to the bus stops and local neighbourhood activity centre.

Several submitters commented that the already congested nature of the nearby arterial and local road network would not be capable of accepting additional traffic from this development. They cited Peacock Street which is often reduced to a single lane, with parking occurring on both sides when sporting functions are held at Dunstan Reserve. This creates congestion and potential safety issues.

## **(ii) Discussion**

The Committee is satisfied that the road network and nearby intersections will continue to perform satisfactorily with the additional traffic (748 vehicle movements per day; 75 vehicle movements during peak hour periods), noting that the proposed development traffic generated is likely to be lower due to Mr Walsh's conservative assumptions.

The Committee acknowledges that many of Melbourne's arterial roads are congested during peak hours. New developments, near and further afield, contribute to an increase in traffic. It is appropriate to consider the traffic implications of the development on the immediate road network and Mr Walsh has demonstrated nearby intersections can comfortably accommodate development traffic.

The Committee accepts that while there will be an increase in traffic, local roads will still operate within desirable capacity levels.

Whilst not related to the draft Amendment, the Committee considers that Mr Walsh's suggestion to install short sections of part time 'No Stopping' parking restrictions along Peacock Street to address localised congestion is sound, and could be taken up by Council.

## **(iii) Findings**

The Committee finds that:

- the existing road network can safely and satisfactorily accommodate the additional traffic likely to be generated by the proposed development
- Council should consider installing part time parking 'No Stopping' restrictions along Peacock Street to tackle localised congestion.

## **4.2 Parking rates**

### **(i) Evidence and submissions**

Parking was a significant issue. Background material is discussed in Chapter 4 of the Common Issues Report.

A summary of Mr Walsh's parking overlay rates are shown in Table 5.

Council generally supports applying the Parking Overlay Schedule 1 to the site, subject to greater uptake of bicycle facilities and other Green Travel Plan initiatives.

### **(ii) Discussion**

The Committee has analysed the anticipated parking demand and proposed supply to understand the likely ramifications. Calculations are based on the indicative dwelling numbers and sizes reflected in the background documents. The demand calculations are

based on the ABS data adopted by Mr Walsh, and the supply is based on the proposed parking overlay rates.

Based on ABS data the Committee believes the site will generate a parking demand for 244 spaces, with 248 spaces proposed to be supplied as shown in Table 5.

**Table 5: Gronn Place Parking supply and demand assessment**

Use	No. <sup>4</sup>	ABS		Proposed	
		Av. car ownership	Av. parking demand	Parking rate	Parking supply
<b>Public</b>					
1 bedroom	55	0.4	22	0.6	33
2 bedroom	31	0.8	25	0.6	19
3 bedroom	5	0.8	4	0.6	3
<b>Total</b>	<b>91</b>		<b>51</b>		<b>55</b>
<b>Private</b>					
1 bedroom	70	0.8	56	0.8	56
2 bedroom	96	1.0	96	1.0	96
3 bedroom	11	1.3	14	1.3	14
<b>Total</b>	<b>177</b>		<b>166</b>		<b>166</b>
<b>Total (Public &amp; Private)</b>	<b>268</b>		<b>217</b>		<b>221</b>
<b>Visitors Dwellings (All)</b>	<b>268</b>		<b>27</b>	0.1	<b>27</b>
<b>TOTAL</b>	<b>268</b>		<b>244</b>		<b>248</b>
<b>Design Framework – indicative site parking supply</b>					<b>223</b>

Notes: For example; Public 1 bedroom parking demand ( $55 \times 0.4$  (ABS ave. car ownership) = 22 spaces), parking supply ( $55 \times 0.6$  (proposed parking overlay rate) = 33 spaces)

The Design Framework plans show around 223 spaces in the podia car parks and along the internal road network. The shortfall of 25 spaces could be addressed in part by formalising (90 degree) parking on Kitchener Street as noted on the Design Framework plans, reducing the number of dwellings or increasing the off-street parking supply. The Committee notes that the Design Framework is indicative.

The Committee considers that these issues can be addressed at the planning permit stage.

### (iii) Findings

The Committee finds that:

- the proposed parking overlay rates are satisfactory.

<sup>4</sup> The proposed parking supply is based on the indicative number of dwellings on each site (social housing and private) shown in the background documents which informed the preparation of the Amendment, and the rates reflected in the proposed Parking Overlay Schedule 1.

## 5 Other issues

### 5.1 Tree retention and replacement

#### (i) Submissions

An arborist report which accompanied the exhibition material for the draft Amendment classified existing trees on the subject site for their retention value as follows:

- high (3)
- moderate (28)
- low (42)
- none (3).

DHHS accepted that tree retention is important from a range of urban design, health and safety perspectives and noted it is committed to the protection of high and moderate value trees where it is viable to do so. DHHS submitted that in the consultation process preceding the draft Amendment, built form was shifted to protect one tree classified as having high retention value.

The importance of the trees to neighbours was highlighted with Submitter 22 relating a story about her mother who had lived next door to the Estate for decades, valuing the trees when she was young.

DHHS submitted that it will ensure that where any high or moderate retention value trees are lost that they will be replaced at a ratio of two to one.

#### (ii) Discussion

Understanding that they are valued assets, the Committee supports the retention of high and moderate value trees.

#### (iii) Findings

The Committee finds that:

- the retention of high and moderate value trees is supported.

### 5.2 Location, elements and orientation of proposed open space

#### (i) Evidence and submissions

The Design Framework proposes two areas of open space, one along the central spine with higher built form either side of it, the second in the setback to the residential properties to the north. However, only one of the two open spaces areas is shown on the Concept Plan in DPO12.

In the revised DPO12, the setback between the built form either side of the central spine was increased to 18 metres, in part to reduce the overshadowing over the central open space. It is understood by the Committee that any balconies provided are likely to be the only private open space provided.

Ms Bell recommended that the built form immediately to the west of the central spine be reduced from a maximum of eight storeys to six storeys, in part to protect the amenity of the central open space, including reducing overshadowing of it. DHHS accepted that recommendation. Ms Bell further recommended that the upper level setbacks shown to either side of the central spine in the Design Framework plans should be translated into the DPO12, to further ensure appropriate amenity in this corridor more generally.

The shadow diagrams in the Design Framework show that on the 22 September equinox, the central spine is largely free of overshadowing between about 11am and 1pm, after which the shadows from the west start to intrude. This is based on an eight-storey built form. It is unclear how much the reduction in the height of built form to the west and the increase in setback will ameliorate the shadow impact.

In answer to a question from the Committee, DHHS indicated that a possible location for the community garden was on the podium on the west side of the central spine and towards the north of the site, as this would have good solar access to the north. Any podium top open space will be communal open space.

Council submitted that sunlight to open space was an integral requirement of useable open space, and provided various examples of this from other public housing Estates in Melbourne. Council submitted that in relation to Gronn Place, the open space should be located in the northern portion of the site, mainly west of the central spine, and the northern section of central spine should not be considered as open space due to its dual purpose for access.

## **(ii) Discussion**

The Committee accepts that the indicative locations of the two areas of open space proposed in the Design Framework are broadly appropriate.

The northern space will have good solar access year around. The open space in the central spine is less well located and will suffer some overshadowing. The extent of this is unclear as the shadow diagrams in the Design Framework were prepared based on a 15-metre building separation and an eight-storey built form immediately abutting the west of the central spine. Both are now proposed to be changed so it is difficult to draw definitive conclusions about the extent of possible overshadowing of this space. The Committee notes that as part of any future planning permit application for the site, the communal open space must be designed to comply with Clause 55.07-3 and/or Clause 58.03-3, both of which specify requirements in relation to Solar Access to Outdoor Communal Open Space.

The Committee agrees with Ms Bell that upper level setbacks to the central open space spine should be required in DPO12. This has been addressed in Chapter 3.

## **(iii) Findings**

The Committee finds that:

- the location of the two open space areas as shown in the Design Framework are broadly appropriate subject to more detailed design work being undertaken in relation to overshadowing

- the upper level setbacks to the open space spine as shown in the Design Framework should be required in DPO12.

### **5.3 Open space requirements included in DPO12**

#### **(i) Submissions and evidence**

DHHS, supported by the evidence of Ms Jordan and Ms Bell, submitted that DPO12 is intended to be flexible in its designation of the location of open space. The detail of the location of open space will be included in the Landscape and Open Space Plan required at the Development Plan stage.

At the Hearing, DHHS tabled a document showing that there is currently 8,800 square metres of open space, but the Design Framework proposes 7,200 square metres of open space, including the community garden and podia top gardens. The proposed open space is slightly more than five per cent of the site area.

Council submitted that the exhibited DPO12 did not effectively translate open space and community garden elements from the Design Framework into DPO12. DHHS responded that DPO12 should not be overly prescriptive with respect to such elements. The Concept Plan includes the indicative location of the open space in the central spine but not the northern open space. There is no reference to the community garden in the text of DPO12, nor any other recreational facilities that might not typically be associated with a 'standard' apartment development but is currently provided at other Tranche A public housing sites (for example a basketball ring and a playground area).

The evidence of Ms Bell and Ms Jordan did not comment in detail, only providing general support to the approach embodied in DPO12.

#### **(ii) Discussion**

The Committee understands the need for flexibility in the DPO12. However, it is concerned that not enough guidance is given to indicative locations for open space in the Concept Plan, and in the text of the Schedule to the amount and elements of the open space. There is insufficient guidance and certainty for developers, the community and residents.

The Committee acknowledges that ultimately when preparing a planning permit application for the site, any developer will be required to comply with Clause 55.07-3 or Clause 58.03-3 in relation to matters of solar access to communal open space which will in turn impact the siting of the open space.

However, the Committee is of the view that DPO12 should provide more direction with respect to:

- the indicative location of at least two open space areas plus the community garden, consistent with the Design Framework
- the requirements for solar access to public open space
- the type of facilities/equipment that the open space areas should contain
- how provided open space incorporates high value trees that are to be retained.

**(iii) Findings**

The Committee finds that:

- DPO12 needs to provide more guidance on the expected amount, location and nature of the open space to be provided on the site.

## Appendix A: List of submitters

No.	Submitter	No.	Submitter
1	Tom Keeble	16	Sean Connell
2	Julia Cirillo	17	Stuart Amos
3	Rebecca Mannix	18	Elma Neale
4	Karen Bayly	19	Yoshi Machida
5	Lucy Derum	20	Kai Machida
6	Philippa Soccio	21	Richard Agar
7	Richard Agar	22	Maria Meoli
8	Mrs Kiri Katsikis	23	Carmela Meoli
9	Joseph Greig	24	Lucille Turner
10	Sandra Tobias & Yoshi Machida	25	Margaret Benincasa
11	Anna Evelyn Cook	26	Sandra Pereira
12	Transport for Victoria	27	Parthenopi Tsolondres
13	Fitzroy Legal Service	28	Deanna Angelico
14	Moreland City Council	29	Matthew Soccio
15	Meghan Bond	30	Sarah Edwards



## Appendix B: List of appearances

DELWP, represented by Cassie Hannam (Senior Planner) and Darcy Daniher (Planner)

DHHS, represented by Rory O'Connor of Norton Rose Fulbright, with Jessica Cutting (Principal Project Manager), and Luke McDonald (Senior Project Manager), with evidence from:

- Julia Bell of David Lock Associates on urban design
- Sophie Jordan of Sophie Jordan Consulting on planning
- Jason Walsh of Traffix Group on traffic

Moreland City Council, represented by Kate Shearer, Unit Manager Strategy and Karen Bayly, Senior Strategic Planner

Richard Agar

Phillipa Soccio

Joseph Grieg represented by Mr Harris

Maria Meoli

Sandra Tobias and Yoshi Machida

## Appendix C: Document list

No.	Date	Description	Presented by
1	09/08/17	Submission – Summary of current and proposed controls	Mr O’Connor for DHHS
2	06/09/17	Report – Notification Report, Gronn Place, Brunswick West	Mr Daniher, DELWP
3	08/09/17	Submission – Correspondence from City of Moreland	Ms Bayly, Moreland City Council (MCC)
4	20/09/17	Submission - Social Impact Assessment Report	Mr McDonald , DHHS
5	21/09/17	Correspondence – Email advising of Committee site visit on 17 September 2017	Ms Harwood, PPV
6	25/09/17	Submission – Part A and Expert Witness Statements from Ms Bell on urban design, Ms Jordan on planning and Mr Walsh on traffic	Mr McCardle for DHHS
CA1	2/10/17	Summary of notification, Group A sites	Ms Hannam for DELWP
CA2	“	Written submission, Fitzroy Legal Service	Mr Ryan for Fitzroy Legal Service
CA3	“	Part B submission – Tranche A	Ms Brezzi for DHHS
CA4	“	DHHS Public Housing Renewal Program Information Sheet	“
7	5/10/17	Part B Submission Brunswick West	Mr O’Connor
8	“	Open Space Comparison Table	Ms Bell for DHHS
9	“	Revised Schedule 12 to the DPO	Mr O’Connor
10	06/10/17	Revised Development Concept Plan for inclusion in DPO Schedule 12 and Sections showing ResCode set backs	Mr O’Connor
11	“	Information request to DHHS from Mr Agar dated 4/10/17	Advisory Committee Chair
12	“	Submission from Moreland City Council (MCC)	Ms Shearer for MCC
13	“	Map showing residential and commercial zones in Moreland	Ms Shearer
14	“	Map 1 from MSS – Strategic Framework Plan	Ms Shearer
15	“	Clause 21.03 of the MSS with Council tracked changes and comments	Ms Shearer
16	“	Moreland Neighbourhood Centre Strategy	Ms Shearer
17	“	Incorporated Plan for Duggan Street West development	Ms Shearer
18	“	Clause 21.02 of the MSS with Council tracked changes and comments	Ms Shearer
19	“	Clause 22.01 of the Local Policies with Council tracked changes and comments	Ms Shearer
20	“	Schedule 2 to the Mixed Use Zone with Council tracked changes and comments	Ms Shearer
21	“	Clause 55.04 Amenity Impacts clause	Ms Bayly
22	“	Various VCAT decisions (five) in relation to Schools and overlooking from residential developments	Ms Bayly
23	“	Revised Schedule 12 of DPO, <b>Council Version 1</b> , tracked changes version and version height with tracked changes accepted, providing for maximum height of 3-4 storeys	Ms Bayly

No.	Date	Description	Presented by
24	"	'Without prejudice' revised Schedule 12 of DPO, <b>Council Version 2</b> , tracked changes version and version with tracked changes accepted, providing for maximum height of 6 storeys	Ms Bayly
25	"	Revised Schedule to Clause 61.0, tracked changes version	Ms Bayly
26	"	Submission by Ms S Tobias and Mr Y Machida	Ms Tobias and Mr Machida
27	"	Submission on behalf of Mr Greig	Mr Harris
28	"	Submission by Mr Agar	Mr Agar
29	"	Ray White valuation of 35 Peacock Street on the basis of existing conditions (ie without the redevelopment)	Mr Agar
30	"	Ray White valuation of 35 Peacock Street based on post redevelopment scenario	Mr Agar
31	"	Submission on behalf of Dr P and Mr M Soccio	Dr Soccio
32	"	Submission by Ms Maree Meoli	Ms Meoli
33	"	Schedule 11 to the DPO from Moreland Planning Scheme	Mr O'Connor
34	"	Consultation Summary Brochure for Gronn Place	Mr O'Connor

## **Appendix D: Recommended DPO Schedule 12**

## **SCHEDULE 12 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

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Shown on the planning scheme map as **DPO12**.

### **SOCIAL HOUSING RENEWAL - GRONN PLACE, BRUNSWICK WEST**

This Schedule applies to land in PC367386 and Lots 2, 3, 4, 5, 7, 8, 9 and 10 LP33369 on Gronn Place and Kitchener Street, Brunswick West (referred to in this Schedule as 'the site'). Refer to the boundaries shown on the Concept Plan included in this Schedule.

#### **1.0 Requirement before a permit is granted**

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A permit may be granted before a Development Plan has been approved for the following:

- The removal or demolition of any building that is carried out in accordance with a Construction Management Plan (CMP) prepared in accordance with this Schedule
- Earthworks and site preparation works that are carried out in accordance with a CMP and Arboricultural Assessment Report prepared and implemented in accordance with Australia Standard AS 4970-2009 Protection of Trees on Development Sites, in accordance with this Schedule
- The construction of minor buildings or works that are carried out in accordance with a CMP prepared in accordance with this Schedule
- Consolidation or subdivision of land
- Removal, variation or creation of easements or restrictions.

Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the future use and integrated and orderly development of the site in accordance with the Development Plan requirements specified in this Schedule.

#### **2.0 Conditions and requirements for permits**

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Prior to the commencement of any permitted demolition, buildings or works, a detailed CMP as relevant to that demolition or those buildings or works must be prepared to the satisfaction of the Responsible Authority. The CMP must be prepared in accordance with the requirements of Clause 3.0 of this schedule.

### 3.0 Requirements for Development Plan

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Prior to the preparation of a Development Plan, a **Resident/Community Engagement Strategy** must be prepared to the satisfaction of the Responsible Authority which establishes the mechanisms by which the residents and the community will be provided with information and opportunities for feedback during the preparation of the Development Plan. The Strategy must include a requirement that the Development Plan be made available for public inspection for 15 business days prior to its consideration by the Responsible Authority.

A Development Plan must include the following requirements.

#### **General**

The Development Plan must be prepared to the satisfaction of the Responsible Authority in consultation with Moreland City Council.

The Development Plan must demonstrate:

- high quality integrated social and private housing that is socially, economically and environmentally sustainable and delivers high levels of residential amenity and liveability
- an increase in the number of social housing dwellings that achieves dwelling diversity across the site with a range of one, two and three or more bedroom dwellings balancing issues of equity in the delivery of social and private housing that is well integrated and is 'tenure blind'
- creation of safe buildings and spaces within the site that adopts Crime Prevention Through Environmental Design (CPTED) design principles to determine the siting of buildings, access ways and dwelling design
- integration with the surrounding area by responding to existing or preferred neighbourhood character, enhancing the public realm and existing networks and delivering 'good neighbour' outcomes
- opportunities for legible access and address points for the site, buildings and spaces, including defining private, communal and public spaces that foster social connections between residents and the wider community and prioritise pedestrian and bicycle access within and external to the site
- landscaping and communal open space (including communal parks, playgrounds and other pocket spaces) that is resilient, well connected and enhances the sense of place, sustainability and liveability of the site and local area and which meets the needs of both social housing and private residents
- delivery of adaptable buildings and spaces that are accessible and practical for people of all abilities that respond to the future needs of residents.

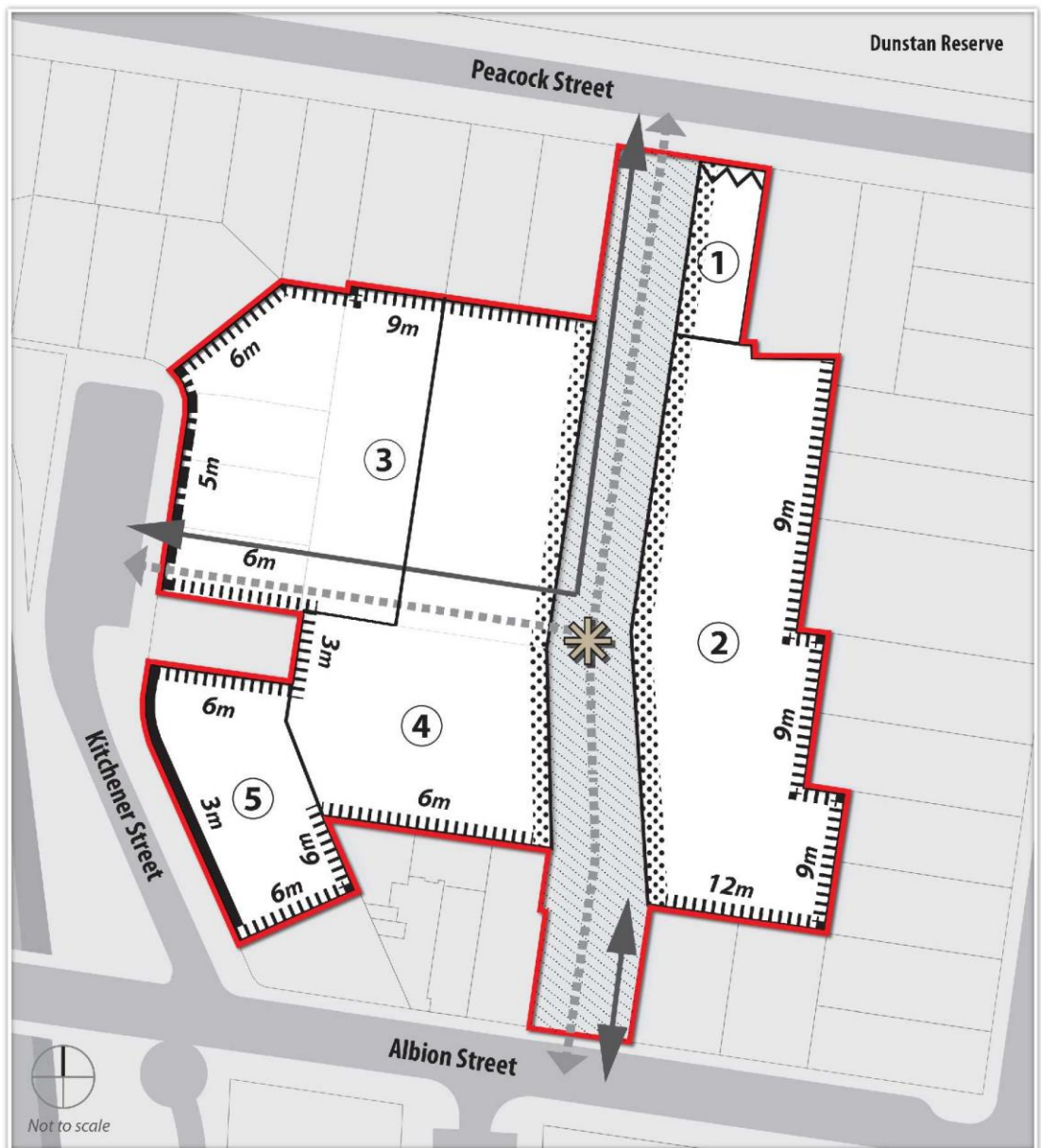
#### **Land Use**

The Development Plan could show or make provision for community facilities in appropriate locations at ground level fronting Peacock Street or Albion Street or the publicly accessible open space corridor, where they will be accessible to all residents of the Estate and the surrounding community. The Development Plan must demonstrate that potential amenity impacts can be appropriately managed.

#### **Built Form (Heights and Setbacks)**

The Development Plan must be generally in accordance with the Concept Plan forming part of this schedule to the satisfaction of the Responsible Authority.

**Concept Plan (Committee Note 1: include Concept Plan, legend and table as an integrated document)**



**LEGEND**

- Site
- Internal pedestrian connections
- Internal vehicle connections

- Potential location of new open space area
- Open space corridor
- Area

**INTERFACE TREATMENTS (with associated boundary setbacks)**

- 6m Interface Treatment A
- 5m Interface Treatment B
- Interface Treatment C
- Interface Treatment D
- 3m Interface Treatment E

**Committee Note 2: The Concept Plan needs to be amended to address the following:**

- the reference to 'Interface Treatments' in the legend needs to be amended to say 'Interface Treatments (with associated minimum ground level boundary setbacks)

- **Interface Treatment A needs to be added to the eastern boundary of the Area 1 and a 3 metres setback specified**
- **Interface Treatment A needs to be shown as 6 metres abutting the east boundary of 12 Kitchener Street**
- **an additional open space area needs to be shown in the northern portion of the site, north of any proposed built form and west of the open space corridor**
- **an indicative location needs to be shown for the replacement community garden.**

The Development Plan must show:

- Highest built form in the western portion of site towards Kitchener Street and the Tullamarine Freeway, and towards Albion Street on the western side of the open space corridor, with a transition down to lower built forms at residential interfaces to the north and south, and to 12 Kitchener Street.
- Building heights that do not exceed the **maximum heights** specified in the table below and buildings that do not encroach within the setbacks and interface treatments included in the table and diagrams below.

<b>Area (refer to Concept Plan)</b>	<b>Maximum Building Height</b>	<b>Interface Treatment</b>
1	3 storeys	Interface Treatments A, C and D
2	2 - 6 storeys	Interface Treatments A and C
3	3 - 6 storeys	Interface Treatments A and B
4	3 - 6 storeys	Interface Treatments A and C
5	3 - 6 storeys	Interface Treatments A and E

**Committee Note 3: The Committee has deleted the interface treatment plans/sections and recommends that the interface treatments be re-drawn to be clearer to the reader.**

- Buildings must not encroach within the following building setbacks:
  - **Interface Treatment A (Direct General Residential Zone Interfaces)** –boundary setbacks as shown on the Concept Plan and increased as required to protect existing trees to be retained or accommodate replacement canopy trees and to comply with Clause 32.04-9 and the requirements of Clause 55.04 as relevant (as shown in the diagrams below);  
*INSERT UPDATED SECTIONS*
  - **Interface Treatment B (Kitchener Street – northern portion)** – 5m street setback with a 2m articulation zone up to 3 storeys and an additional 2m setback above 3 storeys (as shown in the diagram below);  
*INSERT UPDATED SECTION*
  - **Interface Treatment C (New Open Space Corridor Through Site)** –18m wide corridor with a 2m articulation zone up to 3 storeys and an additional 2m setback above 3 storeys to either side of the corridor (as shown in the diagram below);  
*INSERT UPDATED SECTION*
  - **Interface Treatment D (Peacock Street and Albion Street)** – in accordance with Clause 55.03-1;
  - **Interface Treatment E (Kitchener Street – southern portion)** – 3m street setback with articulation zone up to 3 storeys and an additional 2m setback above 3 storeys (as shown in the diagram below).



*INSERT UPDATED SECTION*

**Other Built Form Requirements**

- Visual bulk of buildings reduced through variation in heights within each Area and the placement of balconies and use of discontinuous forms, articulated facades and varied materials, particularly in the articulation zones shown in the sections.
- Buildings and works such as architectural features, sunshades and artworks may be constructed within setback areas, provided they demonstrate a positive contribution to the overall façade composition.
- The location of car parking spaces within basement levels or suitably concealed behind buildings.
- Cohesive architectural design throughout the site, with the use of high quality, durable and low maintenance materials.
- Building envelopes that are adapted to:
  - Protect existing trees to be retained;
  - Provide a minimum of 2 hours of sunlight available to a least 50% of the communal outdoor open space areas between 9.00am and 3.00pm on 21 June;
  - Provide reasonable levels of direct sunlight to the public realm, and surrounding footpaths on 22 September that are commensurate with the proposed use of the spaces and ensure the amenity enjoyed by existing and future residents is not unreasonably compromised;
  - Provide levels of direct sunlight to adjoining residential properties and any adjoining secluded private open space consistent with the requirements (as relevant) of Clause 55.04.
- Active frontages to Albion, Peacock and Kitchener Streets, internal connections and open space areas, through the following:
  - Avoiding large expanses of blank wall, large service areas, garbage storage areas, car parking and co-located or continuous garage doors along ground floor frontages; and
  - Provision of individual entry doors to ground floor dwellings that have frontages to a road or internal connection.
- Where a non-residential use is proposed, provision of the following:
  - A minimum 4m floor to floor height;
  - An entrance and/or clear glazed window at the frontages of the non-residential use; and
  - Weather protection at the frontages of the non-residential uses.
- Appropriate mitigation measures to minimise the adverse impacts on existing or potential future sensitive uses in proximity of the site.
- Appropriate noise attenuation measures to minimise noise impacts on proposed dwellings from the Tullamarine Freeway, Albion Street and any non-residential uses on the site.

**Open Space and Trees**

The Development Plan must show:

- A new publicly accessible open space corridor through the site between Albion and Peacock Streets generally located as shown on the Concept Plan. The corridor is to be a minimum 18m wide and may contain vehicle access to the site from each street.
- A new centrally located open space area accessible to all residents, generally located as shown on the Concept Plan. This area may form part of the communal open space required under Clause 55.07-2 or Clause 58.03-2.

- A second open space area accessible to all residents, generally located as shown on the Concept Plan in the northern portion of the site. This area may also form part of the communal open space required under Clause 55.07-2 or Clause 58.03-2.
- A community garden, generally located as shown on the Concept Plan.
- Recreational facilities designed to meet the needs of both social and private housing residents.
- A tree planting/replacement plan which requires:
  - any high or medium value tree identified in the required Arboricultural Assessment Report on a two for one ratio;
  - replacement trees that provide equivalent amenity value to residents and the public realm;
  - landscaped buffers and setbacks at residential interfaces consisting of existing trees to be retained and/or replacement canopy trees
  - additional street trees along the frontages of Albion, Peacock and Kitchener Streets, subject to agreement from Moreland City Council
  - new canopy trees along the new open space corridor and internal connections and within new open space areas.

### **Circulation**

The Development Plan must show:

- An indicative layout of internal roads that:
  - Complements the form and structure of the surrounding road network
  - Recognises the primacy of pedestrian and bicycle access within the site
  - Provides a high level of amenity and connectivity, whilst managing the movement of vehicles travelling to and from the site;
  - Are of sufficient width to accommodate footpaths and street trees.
- The location of on-site car parking for residents, workers (if applicable) and visitors. Some or all of the existing car parking within Kitchener Street may be used for visitor parking subject to agreement from Moreland City Council
- A pedestrian path along the new open space corridor between Albion and Peacock Streets
- Provision for secure bicycle storage for residents and workers (if applicable), end of bicycle trip facilities for workers (if applicable) and short term bicycle parking for visitors. Bicycle parking to be provided at a minimum of:
  - one space per dwelling without a car space
  - one space per five dwellings with a car space
  - one space per 10 dwellings for visitors.

### **Required documents, plans and reports**

The following documents, plans and reports must form part of any Development Plan (as applicable if the Development Plan is approved in stages) and must be prepared to the satisfaction of the Responsible Authority

1. A **Planning Report** that demonstrates how the recommendations of the other plans required by this Schedule have been incorporated into the proposed development of the land.
2. A **Site Context Analysis** prepared in accordance with Clause 55.01 or Clause 58.01 of the Planning Scheme that includes, but is not limited to:

- The urban context and existing conditions showing topography, the surrounding and on site land uses, buildings, noise sources, access points, adjoining roads, cycle and pedestrian network and public transport
  - Views to be protected and enhanced, including views of and from the site
  - Key land use and development opportunities and constraints.
3. **Preliminary Architectural Plans** that show the distribution and design of built form on the site which must be generally accordance with the Concept Plan included in this Schedule and must comply with the height and setback requirements of this Schedule, including, but not limited to:
- A design response to the Site Context Analysis in accordance with Clause 55.01 or Clause 58.01 of the Moreland Planning Scheme
  - Demonstration of compliance with the requirements of Clause 55 and 58 as relevant
  - Demolition works
  - Building envelopes including maximum building heights, building setbacks to all interfaces, and building depths
  - The proposed built form edge and interface treatments to adjoining streets and adjoining residential properties
  - Conceptual elevations and cross-sections, indicating level changes across the site
  - Shadow diagrams of both the existing conditions and proposed shadows demonstrating that the overshadowing criteria outlined in this Schedule can be met in accordance with the overshadowing criteria outlined in this clause
  - Images which show how the proposed built form will be viewed from the surrounding area, particularly the Albion Street corridor, Dunstan Reserve and adjoining residential properties
  - The mix of dwelling types and sizes for each precinct
  - The location of any non-residential uses within each building or area
  - Vehicle access, circulation and parking locations
  - Pedestrian and bicycle access and circulation
  - Open space area/s surrounding buildings and the proposed use and access of all spaces.
4. An **Integrated Transport and Traffic Management Plan** that addresses, but is not limited to, the following:
- The range and scale of residential and non-residential uses anticipated on the site
  - The estimated population of residents, visitors and workers (if applicable)
  - Estimated vehicle trip generation levels resulting from use and development within the site
  - Estimated levels of vehicle ingress and egress points
  - The likely impacts of the proposed development on the arterial and local roads and any mitigating works required such as off-site traffic management treatments
  - The location of on-site car parking for residents, visitors and staff (if applicable)
  - Areas for loading and unloading of vehicles and access to those areas
  - Green Travel Plan initiatives that can be adopted to reduce private car usage by residents, visitors and workers (if applicable), including a new resident awareness and education program and opportunities for the provision of a car share program
  - Provision for an electric vehicle charging space

- The views of Moreland City Council and Transport for Victoria (VicRoads and Public Transport Victoria).
5. An **Arboricultural Assessment Report** that addresses, but is not limited to:
- Assessment of trees on or adjacent to the site, including retention value;
  - Recommendations for the protection of trees to be retained to conform to *Australian Standard AS 4970-2009 Protection of Trees on Development Sites* to ensure long-term health, including designation of tree protection zones and structural root zones
  - Recommendations for trees to replace any trees of moderate or high retention value required to be removed where replacement trees provide equivalent amenity value to residents and the public realm.
6. A **Landscape and Open Space Plan** that addresses, but is not limited to:
- Existing vegetation to be retained and the appropriate protection zones to allow for their retention
  - A planting theme which complements existing trees to be retained and the surrounding neighbourhood character, and that demonstrates water sensitive urban design outcomes
  - New canopy trees and landscaping within the public realm and communal areas / open space areas;
  - Delineation of communal and private open spaces, including the community garden, and the treatment of these interfaces
  - Hard and soft landscaping treatments of the public realm and communal open spaces
  - Interface treatments between adjoining streets and residential properties, including boundary fences
  - Integration of sustainability and WSUD measures with WSUD measures informed by the Stormwater Drainage Master Plan
  - Opportunities for communal gardens
  - Maintenance responsibilities.
7. A **Dwelling Diversity Report** that must:
- Demonstrate how the development will achieve an appropriate level of dwelling diversity for both the social and the private components across the site
  - This should include the number and extent of one, two and three bedroom plus dwellings for social and private housing
  - Provide for additional initiatives that actively encourage affordable housing opportunities.
8. An **Ecologically Sustainable Development Plan** that demonstrates how development on the site will achieve best practice standards and incorporate innovative initiatives on a precinct-wide scale. The Plan is to address the areas of energy efficiency, on-site renewable energy systems, resilience to climate related impacts water resources, indoor environment quality, stormwater management, transport, waste management, innovation and urban ecology. The Plan must meet the requirements of Clause 22.08 and all buildings must achieve a minimum of 5 star rating against the Green Building Council of Australia's Green Star rating system for design (or achieve an equivalent standard using an equivalent rating tool).
9. A **Services and Infrastructure Plan** that addresses, but is not limited to:
- An assessment of the existing engineering infrastructure servicing the site and its capacity to service the proposed development

- A description of the proposed provision of all appropriate utility services to development parcels
  - Preparation of a Stormwater Drainage Master Plan, including proposed stormwater treatment, capture and reuse (if appropriate), and water sensitive urban design measures as appropriate
  - The identification of the location of the location of any on-site drainage retention facilities.
10. A **Construction Management Plan (CMP)** that details how the development of the land will be managed to ensure the protection of the amenity, access and safety of adjoining residents. The CMP:
- must be prepared prior to any works, including demolition
  - must address (as relevant); demolition, bulk excavation, management of the construction site, hours of construction, noise, control of dust, public safety, construction vehicle road routes and traffic management (including location of construction vehicle access and worker parking), soiling and cleaning of roadways, discharge of any polluted water and stormwater, security fencing, disposal of site waste, location of cranes, location of site offices, storage of plant and equipment, redirection of any above or underground services and the protection of trees on or adjacent to the site to be retained in accordance with an Arboricultural Assessment Report prepared in accordance with this schedule.
11. An **Environmental Site Assessment** prepared by a suitably qualified professional that addresses, but is not limited to:
- Site history and current site uses, including a photographic record of the buildings to be demolished
  - The extent of fill that has occurred on the site, including area, depth and fill material
  - The presence and depth of groundwater at the site
  - The contamination status of soil on the site
  - If intrusive works are likely to occur during redevelopment works, an acid sulphate soil assessment
  - Advice on the need for a Site Remediation Strategy.
12. Where the development will be undertaken in stages, a **Staging Plan** that addresses, but is not limited to:
- The delivery of infrastructure and shared facilities within each stage to ensure the orderly development of the site;
  - Site management, such as resident amenity, vehicle access and parking, pedestrian access and protection of existing buildings, infrastructure and vegetation; and
  - Timeframes for the commencement and completion of each stage and any management of overlap between stages.
13. An **Acoustic Report** that identifies:
- Whether the proposed use and development of the Estate is likely to be affected by noise from nearby uses or abutting roads;
  - The likely effect of non-residential uses on the site on the amenity of nearby residential uses; and
  - Methods to address the issues identified.
14. A **Waste Management Plan** that addresses a cohesive approach to waste and recycling collections for the entire development. The Waste Management Plan must:

- Identify the location of bin storage areas that are sufficient to cater for wats that will be produced
- Specify the type of bins to be used
- Show where bins will be stored
- Provide details of screening and ventilation of bin storage areas
- Identify collection points
- Identify responsibility for taking bins out for collection and returning them to the bin storage area
- Specify how recycling materials will be managed and collected
- Specify bin collection times
- Show access routes for waste collection vehicles that do not rely on reversing movements.

The Waste Management Plan should explore:

- A waste management system that diverts organic waste from landfill
- Centralised and easily accessible areas, located within the development where waste compactors could be stationed for all residents of the development to utilise
- The option of an underground vacuumed waste collection system
- The option of a small onsite waste to energy plant.

15. A **Social Infrastructure Assessment** to inform potential community facilities, programs and services that may be delivered on site.

#### **Decision Guidelines**

Before deciding on a request to approve or amend a Development Plan, the Responsible Authority must consider as appropriate:

Relevant written comments received in response to the display of the Development Pan in accordance with Clause 3.0 of this Schedule

The views of:

- City of Moreland
- Office of the Victorian Government Architect
- Transport for Victoria (including VicRoads and Public Transport Victoria)
- Other relevant agencies as required.