



Moreland City Council

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06 November 2009

Property No: 99528

Dear Sir/Madam,

Address: 72-106 Dawson Street, Brunswick (Hoffman Brickworks)

Proposals: Amendment to Development Plan & Planning Application MPS/2008/313 for redevelopment of the Hoffman Brickworks Historic Core Precinct.

I write to inform you that Council's Urban Planning Committee considered the abovementioned proposals at its meeting 28 October 2009. At this meeting the Urban Planning Committee resolved

- to refuse the request to amend the Development Plan; and
- that had it been in a position to determine Planning Application MPS/2008/313 Council would refuse the application.

A copy of the Urban Planning Committee resolution is attached.

The applicant has lodged applications for review in the Victorian Civil Administrative Tribunal (VCAT) in relation to:

- Planning Application MPS/2008/313 (VCAT Proceeding P1212/2009); and
- Council's refusal to amend the Development Plan (VCAT Proceeding P2895/2009).

The VCAT hearing is scheduled for 23 and 24 November 2009.

Any party wishing to be heard at the VCAT proceedings is advised to contact VCAT directly (Tel: 9268 9777, Address: 55 King Street, Melbourne 3000) or seek their own independent advice.

Should you have any other queries please contact me on 9240 1281.

Yours sincerely

Darren Camilleri
Urban Development Team Leader

Enclosed: Public Notice

Urban Planning Committee Determination 28 October 2009

Hoffman Brickworks

72-106 Dawson Street, Brunswick

Proposal: Planning Application MPS/2008/313 to redevelop Historic Core Precinct & Request to Amend Development Plan.

Part A – Amendment to the approved Development Plan

The proposed amendment to the Hoffman Brickworks Development Plan (Sheets 1, 3 and 4 of 4 dated 7 December 2006 and Sheet 2 of 4 dated 22 February 2008) be refused on the following grounds:

1. Approval of the proposed amendment to the Development Plan would result in a Development Plan that is not generally in accordance with the "CONCEPT PLAN HOFFMANS BRICKWORKS REDEVELOPMENT" (dated 06/05/02, Rev 25/09/06 and prepared by Glenvill), contrary to the requirements of Development Plan Overlay Schedule 3 (Hoffman Brickworks) of the Moreland Planning Scheme.
2. The inclusion of 'residential' use for Kilns 2 and 3 will detract from the cultural heritage significance of the site. The required adaptation works of the Kilns to enable residential use will necessitate inappropriate alterations to the historic buildings that are of primary heritage significance. Alterations not in keeping with the heritage character and significance of the site include greater external alterations to make the kilns suitable for residential use, permanent divisions of the kiln spaces and a likelihood of multi-ownership of each dwelling within the kilns, contrary to the objectives of the *Hoffman Brickworks Conservation Management Plan 1999*.
3. The proposed additional car spaces west of Kiln 2 will negatively impact the pedestrian environment and pedestrian connectivity within the site.
4. The proposed additional car spaces west of Kiln 2 will negatively impact the heritage interpretation opportunities of the site.

Part B – Planning Permit application MPS/2008/313

That if Council was in a position to determine Planning Application MPS/2008/313 it would issue a Notice of Refusal to Grant Planning Permit No. MPS/2008/313 for the construction of a four storey building for dwellings and development and use of a food and drink premises (Building E), construction of a 5 storey building for dwellings (Building 6A), adaptive re-use of Building 5 and 6 for dwellings, office and interpretation space, adaptive re-use and restoration of Kilns 2 and 3 for dwellings and car parking including a basement car park at 76-102 Dawson Street, Brunswick on the following grounds:

- The proposal is inconsistent with the approved Development Plan. In particular the proposal includes residential use of the kilns that was not intended by the Development Plan. This has resulted in inappropriate alterations to the kilns and a requirement for additional car parking that is not in accordance with the Development Plan or Concept Plan
- The proposal is inconsistent with the heritage objectives of the *Hoffman Brickworks Conservation Management Plan 1999*. In particular the proposal:

- Includes significant external and internal alterations to the kilns 2 and 3 and will result in multiple-ownership of kilns 2 and 3.
- Results in loss of heritage equipment within Building 5, beyond that permitted in Heritage Victoria Permit P10131.
- The proposed works within Building 5 (small office tenancies and toilets) will negatively impact upon the primary purpose of Building 5 – interpretation of the brick making process.
- The residential use of the kilns necessitates car parking in a location that has been designated for interpretation of the former footprint of Kiln 1.
- The proposal is contrary to the Letters of Agreement 8 April 1998. In particular:
 - The proposal does not ensure the protection of the heritage features of the site by proposing development and use that does not accord with the Hoffman Brickworks Conservation Management Plan 1999.
 - The proposal does not provide for retention of the footprint of Kiln 1.
 - The proposal includes residential parking within the space between Kiln 2 and 3 therefore restricting the intended use of this space for open space and community use.
- The proposed Car Parking Management Plan (CPMP) contained within the TTM Consulting Pty Ltd Report 27 August 2009 lacks detail and fails to adequately address car parking requirements as required by Schedule 3 of the Development Plan Overlay. The CPMP also fails to address parking for the proposed café and bases the proposed number of car spaces upon an incorrect number of proposed dwellings.
- The prominent publicly viewable location of the proposed rubbish bin stores north of Building E is inappropriate and poorly conceived.
- The proportion of habitable rooms that rely on borrowed light in dwellings within Buildings E, 6 and 6a are inappropriately high and will result in an unacceptably poor amenity for future occupants, contrary to Clause 22.11 (Development of Four or More Storeys).
- The proposal does not demonstrate acceptable Environmentally Sustainable Development measures for a major development of its size, contrary to Clause 22.11 (Developments of Four or More Storeys), the State Planning Policy Framework Goal outlined at Clause 11.02 9 for ‘sustainable development’ and the Brunswick Structure Plan.
- The proposal does not demonstrate acceptable accessible design within the publicly accessible areas within the site, within private buildings and dwellings contrary to the objective of Clause 22.11-3.9 (Pedestrian Access) Developments of Four or More Storeys and the Brunswick Structure Plan.
- The proposal fails to incorporated insufficient information or detail to adequately respond to and incorporate the requirements of Section 173 Agreement AC514691P Section 2.7.3.
- In the absence of an environmental audit or satisfactory environmental assessment Council cannot be positively satisfied that the site is suitable for the intended residential use. The proposal therefore fails to address the requirements of Ministerial Direction Number 1 ‘Potentially Contaminated Land’ and Clause 15.06 (Soil Contamination) of the Moreland Planning Scheme.