

APPLICATION FOR PLANNING PERMIT**D/989/2011****231 ST GEORGES ROAD NORTHCOTE VIC 3070****AUTHOR: Principal Planner – Jolyon Boyle****DIRECTOR: Director City Works and Development – Michael Ballock****SUMMARY:**

- Construction of a six (6) storey building (plus basement) comprising 52 dwellings, one (1) take away food premises, a supermarket and a reduction to the car parking requirement. The 52 dwellings comprise 23 one-bedroom, 29 two-bedroom dwellings. The existing supermarket use is proposed to remain with the existing building to be demolished and supermarket to be relocated within new floor space. Vehicle access to the site will be provided via Gladstone Avenue to ground and basement level car parking areas. Two lift cores are provided in the lobby providing access to the dwellings above. Each dwelling is served by a balcony of between 5m² – 73m².
- The proposal provides a total of 55 off-street car spaces comprising 45 off-street residential car spaces, two (2) retail employee car spaces and eight (8) shared visitor and customer car parking spaces.
- A planning permit is not required to use land as a take away food premises within the Business 1 Zone. However, the Council would need to be satisfied that adequate car parking is provided to aspect of the development.
- The Certificate of Title does not indicate that there is a restrictive covenant which applies to the land.
- Recommendation – Notice of Decision to Grant a Planning Permit subject to Conditions.

CONSULTATION:

- Notice of the application was given by posting a sign on the land and mailing of notices to affected properties.
- 309 objections were received against the application.
- A consultative meeting was held on 28 June 2012. Following the consultation meeting and in response to issues raised the applicant submitted revised plans dated 2 August 2012. The key amendments are listed in the planning background section of the report.
- The application has been referred internally to the Transport Management and Planning Unit, the Capital Works Unit and the ESD officer. The application was referred externally to VicRoads. Referral comments to be included in separate section later in report.

RECOMMENDATION

THAT the application be approved and a Notice of Decision to Grant a Planning Permit be issued, subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP2.00 Rev A, TP2.01 Rev B dated 27/02/12, TP2.02 Rev B, TP2.03 Rev B, TP2.04 Rev B, TP2.05 Rev B, TP2.06 Rev B, TP2.07 Rev B, TP4.00 Rev B, TP4.01 Rev B, TP4.02 Rev B, TP4.03 Rev B dated 02/08/12, prepared by HBO+EMBT Architects – job No. 002525) by modified to show:
 - a) Any modifications in accordance with the Sustainability Management Plan (Refer to Condition No. 7 of this Permit).
 - b) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.
 - c) Details of the type and model of car stackers.
 - d) Provision of a textured finish to the south elevation.
 - e) Details of the location and type of extract fan associated with the take-away food premises.
 - f) Location and design of all advertising signage
 - g) External retractable shading devices to all east and west facing habitable room windows.
 - h) Deletion of any reference to visitor parking on the plans the provision of eight (8) customer parking spaces solely for that use.
 - i) Details of a construction and demolition management plan.
 - j) Finished floor levels and overall building heights to AHD.
 - k) The canopy over the public footpath setback at least 0.75 metres from the kerb and to have a minimum clearance height of 3m above the level of the public footpath.
 - l) All redundant crossing(s) or crossing opening(s) adjacent the St Georges Road frontage removed and replaced with footpath, naturestrip and kerb and channel (Refer to Condition No. 11 of this Permit).
 - m) Provision of 1.7m high screen and/or balustrade (maximum 25% open) to all west facing windows and balconies located within 9m of existing habitable room windows and secluded private open space areas, designed to prevent overlooking in accordance with standard B22 of Clause 55.
 - n) A single communal antenna for the development (refer also to Condition No. 15 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
 - o) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to not to be visible from the

public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.

When approved, the plans will be endorsed and form part of this Permit.

- (2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (3) This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed or the use is not started within five (5) years of the date of this Permit.

The Responsible Authority may extend the times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.

- (4) As part of the consultant team HBO+EMBT Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
- (5) Before the construction or carrying out of buildings and works either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use

In the event that a statement is issued in accordance with Part IXD of the Environment Protection Act, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:

- all conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

- (6) Prior to the issue of a building permit for any building or any works authorised by this permit, a development levy must be paid to Darebin City Council. The amount of the development levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.

- (7) Before the development starts, a Sustainability Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.
- a) The SMP must address:
- Energy Management;
 - Water Conservation and Re-use; and
 - Demolition and Construction Waste Management.
- b) Where appropriate, the SMP should:
- Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards;
 - Document the means by which the appropriate target or performance will be achieved;
 - Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring; and
 - Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.

A schedule for implementing and monitoring the SMP must be included.

The approved SMP must be implemented to the satisfaction of the Responsible Authority.

- (8) Before the development starts, a waste management plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must clearly detail: what waste services will be provided (i.e. cardboard paper plastic and metals recycling or comingled waste, general waste and even organic waste), types of bins, types of collection vehicles, frequency of collection, times of collection, location of collection point for vehicles and any other relevant matter. The plan must require that collection be undertaken by a private contractor.

Waste storage and collection must undertaken in accordance with the approved management plan and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- (9) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (10) The land must be drained to the satisfaction of the Responsible Authority.

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- (11) Before the development is occupied, all redundant crossing(s) adjacent the St Georges Road frontage must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
 - (12) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 - (13) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 - (14) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
 - (15) Only one (1) communal television antenna may be allocated to the development. Individual antennae for individual tenancies must not be erected.
 - (16) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all weather sealcoat; and
 - (d) Drainedto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 - (17) All dwellings that share dividing walls and floors must be constructed to limit noise transmission to 45 STC (Sound Transmission Class) in accordance with Part F(5) of the Building Code of Australia.
 - (18) The owner must ensure that the materials and finishes as approved under this permit are incorporated into the construction of the building to the satisfaction of the Responsible Authority.
 - (19) The delivery of goods to the land, and the loading and unloading of goods from vehicles, including waste collection must only be undertaken during the following times: 7:30am – 8:00pm Monday to Saturday and 9:00am to 7:00pm Sundays and Public Holidays.
 - (20) No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
 - (21) Odour filters shall be installed and maintained to control cooking, odours, fumes and smoke to the satisfaction of the Responsible Authority so as to prevent the emission of odours outside the premises.
 - (22) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

NOTATIONS:

(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)

- Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- Please note the Development Contribution Plan levy will be invoiced separately.
- To complete a satisfactory Sustainability Management Plan (SMP) the Responsible Authority recommends the use of the Green Star design tool.

REPORT

INTRODUCTION AND BACKGROUND

Following the public notification process and the consultation meeting of 28 June 2012, the applicant lodged amended plans dated 2 August 2012. The amended plans dated 2 August 2012 include the following amendments:

- Provision of two (2) additional dwellings, taking the total number of dwellings to 52.
- Alterations to the composition of the dwellings – increasing the number of one-bedroom dwellings to 23 and reducing the two-bedroom dwellings to 29 from a previous composition of 13 one-bedroom and 37 two-bedroom dwellings
- A reduction to the total number of bedrooms within the development from - 87 to 81.
- Provision of 55 car parking spaces, increased from 53 spaces.
- Increased number of shared customer and visitor parking spaces – 5 to 8.
- Increased setbacks from the west boundary.

Overall the amendments are satisfactory and avoid the need for a formal re-advertising process for the following reasons. With the exception of the increased setbacks from the west boundary all the modifications are internal. While the number of dwellings is increased, the number of bedrooms is decreased from 87 to 81. The increase to the setback from the west boundary and the increased number of customer parking spaces are considered improvements to the development and a response to issues raised in the consultation process.

Previous Planning permits and decisions issued are listed below:

D16/2010 – Signage – Permit issued – 22 July 2010
D261/2002 – Signage - Permit refused – 8 July 2002
D796/2001 – Signage – Permit refused – 15 February 2002
D781/2000 - Additions and alterations to an existing shop – Permit issued: 15 June 2001
D178/1991 – Erection of a pole sign – Permit issued – 9 September 1991
D198/1980 – Construction of a building – Permit refused – 20 May 1981
D74/1980 – Manufacture of clothing – Permit issued – 11 November 1980
D141/1973 – Construction of a warehouse – Permit issued – 29 October 1973

ISSUES AND DISCUSSION

Subject site and surrounding area:

- The site has the following dimensions and area:
 - Frontage (St Georges Road) 34m
 - Depth (Gladstone Avenue) 36m
 - Area 1225m²
- The site is located on the south-west corner of St Georges Road and Gladstone Avenue Northcote. The site forms part of a small shopping strip, located within a Business 1 Zone.
- The site is located within a Business 1 Zone. A Development Contribution Plan Overlay also applies. The adjacent and nearby properties to the north and south (fronting St Georges Road) are located within a Business 1 Zone. It is noted that several of the properties within the Business 1 Zone, have either been converted into residential accommodation or provide residential accommodation in addition to a commercial use.
- St Georges Road is a Road Category 1 Road.
- The site comprises a single storey supermarket constructed on the larger part of the southern boundary.
- 18 car parking spaces are provided in front of the supermarket. Vehicle access to/from the site is provided from St Georges Road and Gladstone Avenue.
- North of the site on the opposite side of Gladstone Avenue is a single storey building fronting St Georges Road. An Osteopathic Clinic operates from this building.
- North of the site on the opposite side of Gladstone Avenue and fronting Gladstone Avenue is a single storey café.

- South of the site and fronting St Georges Road is a double storey building constructed on a section of the common boundary. A commercial use operates at ground level with residential accommodation provided above. An area of secluded private open space is located at the rear of the property at ground level.
- West of the site is a right of way (ROW).
- West of the ROW is a single storey dwelling fronting Gladstone Avenue, which is sited on the boundary of the ROW. One (1) non habitable room window is provided on the boundary. An area of secluded private open space is located at the rear of the property at ground level.
- East of site on the opposite side of St Georges Road is a mix of commercial uses located within the Mixed Use Zone.
- The site well served by public transport, with trams operating on St Georges Road. Croxton Train Station is located 650 north east of the site.
- The Retail Activity Centre Study (2005) recognises this section of St Georges Road as a local convenience centre. It is recognised as a candidate for mixed use redevelopment.

Proposal:

- Construction of a six (6) storey building (plus basement) comprising 52 dwellings, a takeaway food premises, a supermarket and a reduction to the car parking requirement. The 52 dwellings comprise 23 one-bedroom, 29 two-bedroom dwellings. Each dwelling is served by a balcony of between 5m² – 73m².
- The existing supermarket is to be replaced with a new supermarket of a similar floor area.
- Vehicle access is provided from Gladstone Avenue to the ground and basement level car parking areas. The existing vehicle access to St Georges Road is to be removed.
- Two lift cores are provided in the lobby providing access to the dwellings above.
- The proposal provides a total of 55 off-street car spaces comprising 45 off-street residential car spaces, two (2) retail employee car spaces and eight (8) shared visitor and customer car parking spaces.
- Loading and unloading activities associated with the supermarket will be facilitated on site within the at-grade car park or along the site's road frontage.
- The applicant has indicated that some de-contamination works have been undertaken previously. However the scope etc of these works is unknown. In the event that planning permission is issued Council will need to impose a condition on any permit requiring an environmental audit and all related remediation works to be undertaken prior to the commencement of the construction phase. The environmental audit process is overseen by an EPA approved site assessor.

Requirement for a planning permit and planning scheme controls

- Clause 32.01-4 (Business 1 Zone) – Construction of buildings and works.

- Clause 52.06 (Car Parking) – A reduction to the parking requirement.
- Clause 52.07 (Loading and Unloading) - A reduction to the Loading and Unloading requirement.
- Clause 52.29 (Land Adjacent to a Road Category 1) - Create or alter access to a road in a Road Zone, Category 1.
- A development contribution applies.

PLANNING CONTROLS

List all relevant planning scheme controls

State Planning Policy Framework: Supply of urban land (Clause 11.02-1); Urban design (Clause 15.01-1); Cultural identity and neighbourhood character (Clause 15.01-5); Sustainable development (Clause 15.02); Residential development (Clause 16.01); Development contribution plans (Clause 19.03-1)

Local Planning Policy Framework: Sustainability (Clause 21.05-1); Housing (Clause 21.05-2); Urban Design (Clause 21.05-3); Neighbourhood character (Clause 22.04)

Zone: Business 1 (Clause 34.01)

Overlay: Development Contributions Plan (Clause 45.06)

Particular Provisions: Car parking (Clause 52.06), Bicycle Facilities (Clause 52.34) and Loading and Unloading (Clause 52.07); Land Adjacent to a Road Category 1 (Clause 52.29)

General Provisions: Decision Guidelines (Clause 65.01)

Neighbourhood Character Study: Not applicable.

INTERNAL REFERRALS

- Transport Planning and Management Unit: No objection subject to conditions.
- Capital Works Unit: No objection subject to conditions.
- ESD Officer: No objection subject to conditions.

EXTERNAL REFERRALS

- VicRoads: No comment.

OBJECTIONS

- The application received 309 objections.

Objections summarised

- Height, Scale and Character
- Overshadowing
- Overlooking
- Impact on family area
- Noise
- Car Parking and traffic

- Conflict with traffic associated with the school
- Waste management
- Landscaping
- Disruption and Damage of adjacent properties during construction phase
- Noise during construction phase
- Population increase/ Density
- Property value
- Construction adjacent the right of way
- Contamination

Officer comment on summarised objections:

- The height, scale and character of the development is discussed and assessed under the Clause 22.10 assessment below.
- During morning periods a shadow will be cast on the adjacent ROW and 123 Gladstone Avenue and 118 Beavers Road. The submitted shadow diagrams comply with the requirements of Clause 55. At least 75 per cent, or 40sqm with a minimum dimension of 3m, whichever is the lesser area, of the secluded private open space located on adjacent land, including 123 Gladstone Avenue and 118 Beavers Road will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September. The remaining morning to late afternoon shadow will fall on adjacent properties within the Business 1 Zone along St Georges Road. It is important to point as this was one of the key concerns raised by objectors at the consultation meeting and they are not satisfied with the fact that overshadowing requirements of Clause 55 do not apply to the residential properties in St Georges Road that are located in the Business 1 Zone. These provisions only apply to the residential zones.
- Windows and/or balconies within 9m of existing adjacent habitable room windows and secluded private open space areas are required to be screened to prevent overlooking. A condition is attached to the recommendation to address this.
- Respondents have formed the view that future residents of this building would disrupt a "family area". It is considered that these views have no basis as people who live in dwellings would be no more or less likely to participate in local community events than people living in detached dwellings.
- The noise levels generated by the development will not be significantly above that of the surrounding area. Occupants of this type of development are no more or less likely to generate excessive noise than the occupiers of the surrounding dwellings and business'.
- Car parking and traffic is discussed and assessed in the body of the report under the section titled Car Parking.
- Respondents have formed the view that the development would conflict with existing traffic on Gladstone Avenue. Whilst it is acknowledged that the development will generate some additional vehicle movements on the local road network, it is not considered that such additional movements would necessarily be concentrated or conflict substantially with existing traffic. Furthermore some residents may choose to walk, use bicycles or public transport rather than drive a car, given the excellent access to public transport and bike lanes on St Georges Road.
- Should permission be granted the applicant will be required to submit a waste management plan detailing the means by which garbage and recyclables will be stored on the site and the time and frequency of collection and location of the collection point. A condition of any approval will require the submission of a waste management plan.

- The site is largely devoid of landscaping resulting from the site coverage of the existing buildings and car parking areas. This will not change as a result of the development.
- Building work can sometimes affect adjoining properties. An owner who is proposing building work has obligations under the Building Act 1993 to protect adjoining property from potential damage from their work. If building work is close to or adjacent to adjoining property boundaries, then an owner may be required to carry out protection work in respect of that adjoining property. This is to ensure that the adjoining property is not affected or damaged by the proposed building work. Protection work provides protection to adjoining property from damage due to building work. It includes but is not limited to underpinning of adjoining property footings, including vertical support, lateral support, protection against variation in earth pressures, ground anchors, and other means of support for the adjoining property. Council should note that this process is not controlled or overseen via planning process and regulations.
- The EPA controls construction noise and hours of construction. Normal work hours for large residential developments in residential areas are: 7am – 6pm Weekdays and 9am – 1pm Saturday. No construction is permitted on Sunday's.
- In terms of population and density increase *Melbourne @ 5 million* sets a target for established areas to absorb approximately 53% of Melbourne's expected growth whilst the urban fringe is expected to accommodate the remaining 47%. State and Local Planning Policy envisage an increase in housing density in well serviced areas such as this. Indeed clause 16.01 State Planning Framework of the Darebin Planning Scheme (the scheme) encourages *higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport*. The increase population and density at this site is considered an appropriate response to the underutilised state of the site and the proximity of the site to public transport, shops and other services. While any increase in population density will likely increase the level of activity around the site and area, it is not envisioned that such an increase would be detrimental or substantially more intensive than what is currently experienced in and around St Georges Road and Gladstone Avenue.
- Objections and submissions put forward the proposition the development would devalue nearby properties. The possible effect on land values is not a matter given any weight in planning law.
- It is likely that the right of way will be temporarily closed while work is undertaken to the west elevation (facing the right of way) of the building. As a condition of any permit that may issue, the applicant is required to submit a construction management plan, outlining the key events of the construction phase, including the expected length of construction and the hours of construction.
- The applicant has indicated that some de-contamination works had been undertaken previously. However the scope etc of these works is unknown. In the event that planning permission is issued Council would impose a condition on any permit requiring an environmental audit and all related remediation works to be undertaken prior to the commencement of the construction phase. The environmental audit process is overseen by an EPA approved site assessor.

PLANNING ASSESSMENT

CLAUSE 15.01 - URBAN ENVIRONMENT – ASSESSMENT

In assessing and determining residential development applications not covered by Clause 55, regard must be had to the urban design principles of Clause 15.01.

Context:

The proposal considers the context of the location, in that it takes into account the strategic direction for the land and area. The design is considered to be acceptable in the context of the neighbourhood.

Complies

The Public Realm:

The public realm is maintained with an appropriate pedestrian and vehicle entrance and a glazed commercial frontage at ground level.

Complies

Safety:

The various entrances are visible from St Georges Road and Gladstone Avenue and provide an appropriate sense of address and level of security.

Complies

Landmarks, Views and Vistas

There are no recognised landmark views or vistas in an around the site.

N/A

Pedestrian Spaces:

The design provides appropriate pedestrian interaction and pedestrian amenity. The design is considered appropriate in that the upper floors will not dominate the pedestrian spaces to St Georges Road and Gladstone Avenue. The public realm is maintained with an appropriate pedestrian and vehicle entrance and a glazed commercial frontage at ground level.

Complies

Heritage:

The site and surrounding area is not located within a heritage overlay.

N/A

Consolidation of Empty Sites

The scale of the development is consistent with the local and state planning policy framework for the area, including clause 21.05 of the scheme, which encourages development of four or more storeys on sites fronting a Road Zone category 1 or 2.

Complies

Light and Shade:

These matters are addressed in detail under the Clause 22.10 assessment below.

Complies

Energy Resource and Efficiency:

Ensuring developments provide for environmentally sustainable design principles and techniques is an important component of Clause 22.10 of the scheme. Having particular regard to the scale of the development, the proposal should achieve a high standard of environmentally sustainable design. The proposal provides 52 dwellings in an appropriate

area to take advantage of existing services, with adequate energy efficiency to the dwellings having regard to solar access, shared walls, multi storey construction and internal stairs. Solar panels are proposed on the roof of the development.

Complies

Architectural Quality:

The development exhibits an acceptable standard of design, materials of construction and external finishes, with adequate articulation through setbacks and materials. The design avoids the “wedding cake” effect, providing a strong architectural design with a clear podium and recessed upper levels. The form and modulation of the building comprising recessed, vertical and horizontal elements, provides sufficient articulation to each street frontage. The form and scale of the development represents a logical planning response to the strategic direction of the site and surrounding area as set out under Clauses 16.01 and 21.05 of the scheme and the current appearance of the site. A comprehensive materials schedule should be provided to ensure that the design intent of the plans is executed. A condition requiring that the development be overseen by an architect is also recommended.

Complies subject to conditions

Landscape Architecture:

The site is largely devoid of landscaping resulting from the site coverage of the existing building and the car parking. This is unchanged as a result of the development.

Complies

CLAUSE 22.10: RESIDENTIAL AND MIXED USE DEVELOPMENT OF FOUR (4) OR MORE STOREYS – ASSESSMENT

Clause 22.10 of the scheme provides 12 assessment criteria for residential or mixed use development of four (4) or more storeys. It is also noteworthy that this policy requires the consideration of a number of objectives and standards of Clause 55 of the scheme. The following table is a summary of the assessment of the proposal against the provisions contained in the Policy.

Element	Comment	Compliance
Sustainability	<ul style="list-style-type: none"> • Conditions of any approval will require a Sustainability Management Plan (SMP) assessment and any modifications in accordance with these assessments. 	Complies subject to condition.
Design and Materials	<ul style="list-style-type: none"> ▪ The development exhibits a satisfactory standard of design, materials of construction and external finishes, with adequate articulation provided through setbacks and materials. • The provision of a varied materials palette provides articulation and helps to break up the mass of the building. • A comprehensive materials schedule is required to ensure that the design intent of the plans is executed in an appropriate manner. A condition requiring that the development be overseen by an architect is also 	Complies.

	recommended.	
Building Height	<p>A consideration of height requires a balanced consideration of all the related policy drivers such as housing diversity, affordability and urban consolidation. Furthermore any discussion of height should be balanced against the design and massing of the building and its response to the immediate context.</p> <p>The intent to change this part of St Georges Road has strategic support and thus development that is different to the single and double storey dwellings fronting streets such as Gladstone Avenue can be expected. However the extent of development will vary having regard to constraints such as the size of the site and its interface with other sensitive uses.</p> <p>The subject site is located within an identified Local Convenience Centre. The Council's Planning Strategy encourages development opportunities such as high or medium density residential development for this centre.</p> <p>The site also benefits from its abuttal to two roads and a lane. The property to the south is commercial and is not sensitive. The dwelling to the west of the lane is single storey.</p> <p>The site is located reasonably conveniently to higher order facilities and services. High Street major activity centre is within walking distance to the east. Croxton Train Station is located approximately 650m north east of the site. Trams services and bike lane are available on St Georges Road. Batman Park is located to the south on St Georges Road.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating approximately half of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations well served by public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive scale and built form. Local policy strongly encourages the provision of a more diverse and affordable housing stock to meet the needs of all households, particularly younger and older people. New housing is to be located in proximity to community facilities, services and public transport.</p> <p>Taller buildings are encouraged, but should be located in higher order activity centres, particularly in and around the Preston Market area and sections of High Street. Examples of seven (7) storey mixed use buildings are now seen in High Street. An 11-storey building recently gained</p>	Complies

	<p>planning permission on High Street Preston. Under Clause 21.05-2 (Housing) taller buildings of four or more storeys are supported outside these centres on sites that comprise the following characteristics:</p> <ul style="list-style-type: none"> • sites that contain existing buildings with height and bulk substantially greater than the prevailing height and bulk in the locality • sites of a shape, size, location and orientation where the potential for overshadowing and overlooking of neighbouring residential property is minimised • sites located on a road category 1 or 2 • sites with potential to provide a high level of amenity to residents of the development by virtue of the availability of attractive views or outlook • sites within comfortable walking distance (400 metres) of a railway station or a major or principal activity centre <p>The development complies with most of the criteria where taller buildings can be supported, particularly the provision of views from upper levels and capacity to minimise unreasonable amenity impacts, as the site benefits from its corner location with a ROW separating it from one existing residential property within the Residential 1 Zone. Whilst the site is not within 400 metres of an activity centre or a Train Station it is within comfortable walking and cycling distances to Croxton Train station (650m) and the various shops and other services located on High Street. Tram services are also available on St Georges Road.</p> <p>Clause 21.05-2 also identifies four criteria where buildings of four storeys or more would not be supported. None of these criteria apply to this site.</p> <p>In terms of presentation to the street Clause 22.10 recommends that buildings extend across the full width of the street frontage with no front or side setback required for up to 3.5 metres higher than the prevailing building height in the street, to a maximum height without setback of ten (10) metres, with a setback of 1.5m to each level above 10m.</p> <p>The ground level is setback 1.5m and 500mm from the St Georges Road and Gladstone Avenue frontage respectively. The 1st and 2nd floors are sited on the St Georges Road and Gladstone Avenue frontage, with maximum height of 11m. The 3rd, 4th and 5th floors are progressively setback at least 2m per floor, with a large setback of 8.2m and 12m from the St Georges Road and Gladstone Avenue frontages respectively. The provision of an 11m street wall punctuated with various balconies and other openings is broadly compliant with the 10m street</p>	
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	<p>wall requirement. The upper floors provide setbacks in excess of 1.5m per level with the 5th floor providing a setback order of 8.2m to 12m from each street frontage.</p> <p>The south elevation provides a sheer six (6)-storey wall with no setback from the south boundary. Providing the south elevation wall is treated with a textured or similar finish, this is acceptable, given the planning scheme anticipates the same or a similar scale of development to the south.</p> <p>It is considered that the level of articulation, provided to the lower three (3) floors, comprising vertical and horizontal elements and recessed sections reduces the perceived mass and scale of these levels as viewed from St Georges Road and Gladstone Avenue. These three (3) floors pose no issues in terms of height and visual bulk.</p> <p>Therefore it must be determined if the upper three (3) floors comprise a level of visual bulk and scale that would be discordant and unduly imposing when viewed from the public realm and the residential abuttal to the west. The 3rd and 4th floors are setback 2m and 3.5 from the Gladstone Avenue frontage and 3m and 4.6m from the St Georges Road frontage. These setbacks are adequate and exceed the setback stipulated under Clause 22.10-3.4 of the Scheme– 1.5m setback per floor level above 10m.</p> <p>The 5th floor is setback 8.2m and 12m from the St Georges Road and Gladstone Avenue frontage respectively. With these setbacks the upper floor would not be readily seen by people walking past the site on the west side of St Georges Road and either side of Gladstone Avenue. Only once sufficiently distant from the building, could the proposal would be viewed as a six (6) storey building. The transition of the building into the Gladstone Avenue Streetscape is also appropriate.</p> <p>The dwelling to the west, no. 123 Gladstone Avenue provides one (1) opaque non habitable room window to its side (east) elevation and an area of secluded open space to the rear of the site. The view of the development from this side window is given little weight given it serves a non habitable room and visibility is limited. The development would be visible from the secluded open space of this dwelling. It would be a new and different view. However it would not be discordant with the future direction of this area as set out in the planning scheme. Furthermore the section of the development adjacent the secluded open space is setback in accordance with Clause 55, save for the translucent balustrades). In addition the ROW separating this dwelling from the site affords this dwelling an advantage over most and ensures that a more than reasonable level of daylight and outlook to/from the rear</p>	
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	<p>garden will be maintained.</p> <p>The view of the development from the adjacent property directly south is given less weight given that property is itself located within the Business 1 Zone and could be re-developed to the same or a similar scale to the proposal.</p> <p>It is considered that the building as viewed from St Georges Road and Gladstone Avenue would be an appropriate insertion given the land is located on a corner, is relatively large, is within a Business 1 Zone and is relatively isolated from adjacent sensitive interfaces. The proposal responds to the different character contexts of St Georges Road, involving the much wider road and some commercial style buildings and the lower scale dwellings in Gladstone Avenue. In general a relatively large built form would not be unexpected or discordant on land in a Business 1 Zone. Critically the adopted massing and setbacks ensure a suitable graduation in height from adjacent buildings to the proposed building is achieved. Further the development complies with the relevant overshadowing requirement.</p>	
Setbacks	<ul style="list-style-type: none"> • Side and rear setbacks are considered under the Clause 55.04-1 assessment below. • Setbacks from St Georges Road and Gladstone Avenue were considered above under the assessment of height. 	Complies.
Dwelling diversity	<ul style="list-style-type: none"> • The development provides a satisfactory mix of dwelling types including 23 one-bedroom and 29 two-bedroom dwellings. 	Complies
Car Parking and Vehicle Access	<ul style="list-style-type: none"> • Vehicle access and manoeuvrability is generally acceptable. • Car parking demand is addressed further below. 	Complies
Street Address	<p>The proposal meets all the policy guidelines in respect to street address by the following:</p> <ul style="list-style-type: none"> • Appropriate pedestrian access is available for future residents. • The pedestrian entry is visible from St Georges Road. 	Complies.
Amenity Impacts Including Overshadowing and Overlooking	<ul style="list-style-type: none"> ▪ The submitted shadow diagrams illustrate that at least 75 per cent, or 40sqm with a minimum dimension of 3m, whichever is the lesser area, of the secluded private open space located adjacent the site and within the Residential 1 Zone will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September. ▪ Windows and/or balconies within 9m of adjacent habitable room windows and secluded private open space areas are required to be screened. 	Complies subject to a condition.

	<ul style="list-style-type: none"> ▪ Note: these provisions do not apply to residential properties located within the Business 1 Zone. 	
On-Site Amenity and Facilities, Including Private Open Space	The balconies areas serving each dwelling comply with the requirements of Clause 55, with the exception of three (3) dwellings which provide 5m ² of balcony space where Clause 55 requires 8m ² . This considered reasonable given the overall development provides a range of different balconies sizes of up to 73m ² .	Complies with objective.
Waste management	<ul style="list-style-type: none"> • The development provides areas for bin storage. • A waste management plans is required as a condition of any approval that may issue. The waste management plan will detail the times and frequencies of waste collection. 	Complies subject to condition.
Equitable Access	<ul style="list-style-type: none"> • All levels are provided with lift access. 	Complies.
Utility Services	<ul style="list-style-type: none"> • The site is located in an established part of the municipality where all utility services are available. The development, if approved, will need to be serviced to the satisfaction of the relevant water, gas and electricity authorities. Sufficient area exists on site for the location of services such as utility metres and the like. 	Complies.

Under Clause 22.10 is policy to consider the following:

Side and Rear Setbacks - Clause 55.04-1 (only in relation to adjoining dwellings in a Residential Zone).

The site adjoins one Residential 1 Zoned property to the west on the opposite side of the ROW. It is therefore relevant to consider the setback of the west elevation.

Floor	Wall height	Required Setback	Proposed setback
Ground	4.0m	1.12m	0m
1 st	7.0m	2.1m	0m – 1.95m
2 nd	10.0m	5.1m	3m – 5.4m
3 rd	13.0m	8.1m	7.1m – 8.53m
4 th	16.0m	11.1m	7.1m – 11.4m
5 th	19.2m	14.3m	14.3m- 14.6m

Respondents expressed concern about the interface of the proposed development with adjacent properties, particularly No. 123 Gladstone Avenue, 225 St Georges Road, 118 Beavers Road and 225 St Georges Road, with respect to overlooking, overshadowing and visual bulk.

While the siting of sections of the west elevation are contrary to the setback recommended under Clause 55.04-1 of the scheme, this is largely limited to the northern most section of the

west elevation which is located directly adjacent a blank wall (save for one (1) non habitable room window) and therefore it does not raise any issues relating to visual bulk, overshadowing and overlooking. The remaining section of the west elevation located further south and adjacent the secluded private open space serving 123 Gladstone Avenue provides a setback which is largely compliant with Clause 55.04-1 of the scheme, save for the translucent screens provided to each balcony on this elevation. Furthermore the 3m wide ROW provides an additional setback and ensures the development would not present a level of visual bulk which would be discordant with the future direction of the site and area as set out in the planning scheme. Further the shadow cast by the development over the secluded private open space serving 123 Gladstone Avenue, 118 Beavers Road and other adjacent properties within the Residential 1 Zone is within the limits of clause 55.

The adjacent property to the south at 225 St Georges Road is located within the Business 1 Zone and the standards relating to overlooking, overshadowing and visual bulk do apply to adjacent properties within the Business 1 Zone. As 225 St Georges Road is zoned Business 1 it cannot be treated the same way as the land to the west of the site which is zoned Residential 1. The zone objectives and the mix of potential uses are quite different in a Business 1 Zone, as are the development objectives as expressed in the planning scheme. VCAT APPEAL P46/2006 Equity Alliance Group v Melbourne CC 2006 found that:

“Various divisions of the Tribunal have commented that residents living within, or closely abutting non-residential or mixed use zones cannot expect the same level of residential amenity as residents living in the middle of pristine residential areas. This does not mean that issues of amenity such as noise, overshadowing or overlooking should be ignored but rather that lower standards are both acceptable and realistic in such locations.”

Complies with objective

Daylight to existing windows – Clause 55.04-3

Existing habitable room windows within a Residential 1 Zone will receive adequate daylight, with an area of 3m² with a minimum dimension of 1m maintained adjacent each window, in accordance with this requirement.

Complies

North-facing windows - Clause 55.04-4

There are no north facing windows within three (3) metres of the development within a residential zone.

Not applicable

Overshadowing - Clause 55.04-5

The submitted shadow diagrams illustrate that at least 75 per cent, or 40sqm with a minimum dimension of 3m, whichever is the lesser area, of the secluded private open space located adjacent the site will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

Complies

Overlooking - Clause 55.04-6

Windows and balconies within 9m of adjacent habitable room windows and secluded private open space areas are required to be screened.

Complies subject to a condition.

Noise - Clause 55.04-8

The noise levels generated by the development will not be significantly above that of the surrounding area. Occupants of this type of development are no more or less likely to generate excessive noise than the occupiers of the surrounding dwellings and business'.

GUIDELINES FOR HIGHER DENSITY RESIDENTIAL DEVELOPMENT ASSESSMENT:

Element	Comment	Compliance
Urban context	<p>The Design Response provided with the application is satisfactory. Indeed the design response illustrates how the development responds to the context of the site and its surroundings.</p> <p>The development furthers the scope of this policy which encourages the provision of more intensive development in proximity to public transport and other facilities. It is also furthers the scope of Clause 16.01 of the state planning policy framework which encourages higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.</p>	Complies
Height and Massing	Height and massing is discussed under the Clause 22.10 sections of the report above.	Complies
Street setbacks	Street setbacks are considered under the Clause 22.10 sections of the report above.	Complies.
Setbacks	Side and rear setbacks are assessed under Clause 55 above.	Complies with objective.
Relationships to adjoining buildings	<p>The site relatively isolated from adjacent sensitive interfaces. The sites western interface comprises an existing ROW. The building is stepped away from the west boundary to mitigate the effects of building bulk.</p> <p>The proposal will cast a shadow on 2 adjoining properties to the west and south west during the early morning. The shadow cast over the secluded private open space areas of these dwellings is in accordance with Clause 55.</p>	Complies.
Car Parking and Vehicle Access	<ul style="list-style-type: none"> Vehicle access is provided from the re-positioned crossover to Gladstone Avenue. Car parking provision is addressed further below. 	Complies.
Street Address	The proposal meets all the policy guidelines in respect to	Complies.

	<p>street address by the following:</p> <ul style="list-style-type: none"> • An active frontage to St Georges Road and Gladstone Avenue is provided. • Appropriate pedestrian access is available for future residents. • Mailboxes are located to the street frontage and the entry area may be adequately lit. 	
Amenity Impacts Including Overshadowing and Overlooking	<ul style="list-style-type: none"> • Refer to the assessment under Clause 55 above 	Complies
On-Site Amenity and Facilities, Including Private Open Space	<ul style="list-style-type: none"> • Refer to the assessment under Clause 22.10 above. • Adequate balcony areas in excess of the requirements of Clause 55 are provided. 	Complies.
Waste management	<ul style="list-style-type: none"> • A condition of any approval will require a waste management strategy be submitted. 	Complies subject to condition.
Equitable Access	<ul style="list-style-type: none"> • All levels of the development have access to a lift. 	Complies.
Utility Services	<ul style="list-style-type: none"> • The site is in an established part of the municipality where all utility services are available. The development, if approved, will need to be serviced to the satisfaction of the relevant authorities. Sufficient area exists on site for the location of services such as utility metres and the like. 	Complies.

CAR PARKING:

The development comprises 52 dwellings, a supermarket and one (1) take away food premises. The 52 dwellings comprise 23 one-bedroom, 29 two-bedroom dwellings. The proposal makes provision for a total of 55 off-street car parking spaces comprising 45 residential car spaces, two (2) retail employee car spaces and eight (8) shared visitor and customer car parking spaces. A breakdown of the car parking required under Clause 52.06 of the scheme is set out below:

Use	Required Rate	Parking Provided	Requirement
52 dwellings	1 space to each one or two bedroom dwelling, plus 2 spaces to each three or more bedroom dwelling	45	52
Visitor parking	1 visitor space / 5 dwellings	8 (shared with the 8 customer parking spaces)	10

Supermarket	5 spaces / 100m ² of leasable floor area.	10 (inclusive of two staff spaces)	15
Take away food	3.5 spaces / 100m ² of leasable floor area.	0	0
		Total: 55	Total: 67

The objectors have formed the view that the car parking would be inadequate to meet the likely number of cars owned by residents, staff and visitors. They have submitted there is insufficient on-street car parking available to cater for over flow parking that is located in proximity to the site. It is likely that if the maximum statutory number of resident spaces were provided, not all spaces would be used.

Under Clause 52.06 a permit may be granted to reduce the car parking requirement, having regard to the car parking demand likely to be generated by the use and whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the use.

In terms of resident parking ABS census data for Northcote indicates parking rates in the order of 0.7 car spaces per single bedroom dwelling, 1 car space per 2 bedroom dwelling and 1.3 spaces / 3 bedroom dwelling. Based on this data it is likely that if the maximum statutory number of resident spaces were provided, not all spaces would be used.

Expected number of vehicles based on ABS data shown in table below:

Use	Required Rate	Parking Provided	Requirement
52 Dwellings	0.7 spaces / 1-bed dwelling	-	16
	1 space / 2-bed dwelling	-	29
		Total: 45	Total 45

Eight (8) visitor parking spaces (shared with the eight (8) customer parking spaces) are proposed within the ground level parking area. It is considered that all visitor parking spaces should be removed and the customer parking be used solely for that purpose. Demand for visitor parking could be accommodated on street. Furthermore the site benefits from good access to public transport which will aid in reducing the number of visitors trips to the site by private vehicle.

The supermarket provides a total of 10 parking spaces, inclusive of two (2) dedicated staff car parking spaces, where the planning scheme recommends a total of 15 spaces. The number of spaces is considered satisfactory for the following reasons. The supermarket is relatively small and would compete with larger supermarkets located nearby to the east on High Street Northcote and to the south on St Georges Road North Fitzroy. The relatively small floor area of the proposal will reduce the number of customers and the length of their stay at the supermarket, compared with other larger supermarkets such as those to the east and the south.

The 20m² takeaway food premises generates a demand for less than one (1) parking space.

Whilst the development would generate some additional vehicle movements on the local road network, it is not considered that such additional movements would result in traffic levels beyond the reasonable operating capacity of the adjacent roads. Furthermore some residents

may choose to use sustainable means of transport such as walking, using bicycles or public transport.

BICYCLE PARKING:

Clause 52.34 of the scheme requires the provision of 15 bicycle parking spaces. The development provides 25 cycle parking spaces.

LOADING AND UNLOADING:

Clause 52.07 (Loading and Unloading of Vehicles) states that no building or works may be constructed for the manufacture, servicing, storage or sale of goods and materials unless space is provided on the land for loading and unloading vehicles, comprising a loading bay 7.6 metres long, 3.6 metre wide and a height clearance of 4 metres. A permit may be granted to reduce or waive these requirements if the land area is insufficient or adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

Given the size of the tenancy, the supermarket will generate a less intensive schedule of deliveries. Loading and unloading activities associated with the supermarket will be facilitated on site within the at-grade car park or along the site's road frontage. As such, a waiver of the statutory loading/unloading requirement pursuant to Clause 52.07 is required. The 20m² takeaway food premises will generate negligible loading and unloading activities.

CONTAMINATION:

The applicant indicated that some de-contamination works had been undertaken previously. However the scope etc of these works is unknown. In the event that planning permission is issued Council would impose a condition on any permit requiring an environmental audit and all related remediation works to be undertaken prior to the commencement of the construction phase. The environmental audit process is overseen by an EPA approved site assessor.

POLICY IMPLICATIONS**Environmental Sustainability**

A Sustainability Management Plan (SMP) has been required as a condition of approval. The SDS will outline sustainable design initiatives required to be incorporated into the development.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications as a result of the determination of this application.

FUTURE ACTIONS

Nil.

DISCLOSURE OF INTERESTS

Section 80B of the Local Government Act 1989 requires members of Council staff to disclose any direct or indirect interest.

No disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

Darebin Planning Scheme and the Planning and Environment Act (1987) as amended.
