

*Cr. Walsh declared an 'interest' in the following item classifying the type of interest as an indirect interest because the architect for this application has previously done work for his family.*

**5.7 APPLICATION FOR APPROVAL OF DEVELOPMENT  
PLAN POD/1/2015  
200 Beavers Road, Northcote**

**AUTHOR: Principal Planner – Gavin Crawford**

**DIRECTOR: Director Assets and Business Services – Steve Hamilton**

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultants
Hansen Partnership	Cod Stream P/L	City Making Collective Cardno Alpha Environmental Collodetti and Partners Galbraith and Associates

**SUMMARY:**

- This report seeks a resolution from the Planning Committee to adopt a development plan.
- No restrictive covenants apply.
- The site is in the Residential Growth Zone, Development Contributions Plan Overlay, Environmental Audit Overlay and Development Plan Overlay DPO12.
- There is no restrictive covenant on the title for the subject land.
- One objection was received against this application.
- The proposal is generally consistent with the Development Plan Overlay.
- It is recommended that the amendment be supported.

**CONSULTATION:**

- Notification comprising letters to the surrounding owners and occupiers and notices on sites fronting Beavers Road.

- The matter was referred internally to Council's Transport Management and Planning Unit, Sustainability Officer, Public Realm Unit, Waste Management Officer, Capital Works Unit.
- This application was not referred externally to the Merri Creek Management Committee, EPA, Director of Public Transport and Melbourne Water.

### RECOMMENDATION

**THAT** development plan POD/1/2015 be adopted subject to the following alterations / requirements:

1. The approved documentation is to comprise plans DPO 03.2, 04.2, 05.2, 06.2, 07.2, 08.2, 09.2, 10.2, 11.2 and 12.2, and interface diagram only.
2. Deletion of the "interface setback to Creek and Golf Course" section view and the notations "building limited to 8 metres in height within 5 metres of the title boundary where interfaced to Merri Creek and Golf Course", "maximum building height within 5 metres of lot boundary abutting parklands (Merri Creek and Golf Course) to be 8 metres" and "area of restricted height, no higher than 8 metres setback 5 metres from rear boundary" on DPO 07.2. Refer DPO 10.2, 11.2 and 12.2.
3. DPO 06.2 to show passive surveillance from the Western Row in an easterly direction and the northern row to show passive surveillance in a southerly direction over the private shared accessway.
4. Dashed lot boundaries on DPO 07.2, DPO 10.2, DPO 11.2 and DPO 12.2 indicative only.
5. The Western Row on the ground and first floor envelope DPO 10.2 and DPO 11.2 setback a minimum 2 metres from the Beavers Road frontage (given the significance that this part of the site has as a transition into the Merri Creek Parkland) with no reduction in other setbacks.
6. The Northern Row on the ground and first floor envelope DPO 10.2 and DPO 11.2 setback a minimum 2 metres from the Merri Creek Parkland to provide a suitable canopy tree landscape buffer with no reduction in other setbacks.
7. Notations that:
  - a) The development plan allows a maximum of three super lots with:
    - Super lots to comprise the Northern Row, Eastern Row and Western Row.
    - Stage one to include the communal accessway.
    - Subdivision of super lots to create individual residential allotments is to only occur once the development of that stage is substantially completed.
  - b) Pedestrian access to dwelling entries from the internal communal accessway and Beavers Road shared where possible or via the driveway to maximise landscaping opportunities in the shared internal accessway and Beavers Road frontage.

- c) Car parking provided on site in accordance with Clause 52.06 for dwelling residents with no additional visitor parking.
- d) Collection of waste by a private contractor.
- e) No vehicle access to the Golf Course / Merri Creek Parkland through the subject site.
- f) A section 173 agreement to be entered into with Council to provide direct pedestrian access from private land to public park.
- g) Earthy muted tones and non-reflective or low reflectivity materials to be used.
- h) A substantial amount of landscaping is to be provided, including buffers, and will include deep rooted canopy trees.
- i) Garages and driveways will not dominate the internal communal accessway or Beavers Road.
- j) Double garages will generally be in a tandem / car stacker layout unless architecturally treated in a manner where passive surveillance and activation of the ground floor of dwellings can be clearly demonstrated.
- k) No fencing provided in the Beavers Road front setback or between dwellings and the communal shared accessway.
- l) Boundary fencing adjacent to Merri Creek Parkland and the Northcote Golf Course a minimum 25% visually permeable.
- m) Architectural treatments to accentuate dwelling entries and to integrate garage doors into the design of the development potentially incorporating windows / glazed panels and materials not typically associated with garage doors.
- n) Setbacks, articulation and built form to the east boundary are to be provided having regard to the future use and development of 198 Beavers Road.
- o) Setbacks, articulation and built form to Beavers Road are to be provided having regard to the sites position as a gateway to Merri Creek Parkland.
- p) Building envelopes do not imply a right to build over the entire envelope and setbacks from boundaries may need to be increased to ensure equitable development opportunities / appropriate amenity of future neighbours and protect the amenity of the public realm.

## REPORT

### INTRODUCTION AND BACKGROUND

On 7 May 2015, the Minister for Planning approved Amendment C122 to the Darebin Planning Scheme. The Amendment rezoned the land at 200 Beavers Road from Industrial 3 Zone to the Residential Growth Zone, and included the site within an Environmental Audit Overlay and Development Plan Overlay (DPO). This process included a 2 month exhibition period and consideration of submissions by an independent planning panel. The Residential Growth Zone in this instance provides for a discretionary height of 4 storeys.

The DPO is a flexible tool that can be used to implement a plan to guide the future use and development of the land. The overlay has two purposes:

- To identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted.
- To exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.

The approval of a development plan is a conceptual point in the process and the development plan sets the broad principles that future use and development of the land needs to satisfy, enabling it to successfully integrate with other developments likely to occur on other land within the DPO.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- Than land is irregularly shaped, measures approximately 92 metres deep by 84 metres wide and has an area of approximately 6265 square metres. The site was formerly located within an Industrial 3 Zone (IN3Z) and is a known landfill site. It has industrial buildings with some remnant vegetation.
- To the south is Beavers Road with 177 Beavers Road beyond and planning permits D/621/2006, D/553/2011 and D/782/2012 have allowed use of premises at 177 Beavers Road as a restricted recreation facility and use of the land for the purpose of a place of worship with a reduction to the car parking requirements, and a multi-level art studio and caretakers dwelling.
- To the west is the Merri Creek.
- To the north is the Northcote public golf course.
- To the east is 198 Beavers Road, a former warehouse and manufacturing business converted into 30 warehouses by planning permit D/102/2008.
- The site has reasonable access to public transport being 500m from St George's Road and 700 metres from Nicholson St (Brunswick).

### Proposal

The development plan sets out a communal shared accessway with landscaping and car spaces providing access to three "rows" being:

- The western row adjacent to the Merri Creek parkland which comprises a maximum 3 storey attached townhouse form with approximately 9 townhouse style allotments. These are approximately 5 metres wide and it is anticipated that there will be a crossover, garage and entry at ground floor with vehicle and pedestrian access via the communal shared driveway and passive surveillance provided to Merri Creek Parkland. There are mixed envelopes proposed with DPO 07.2 allowing building up to 8 metres in height within 5 metres of the title boundary where interfaced to Merri Creek and DPO 10.2, 11.2 and 12.2 specifying greater setbacks.
- The eastern row adjacent to 198 Beavers Road which comprises a maximum 4 storey building envelope (townhouse and / or apartments). This is accessed via

Beavers Road and has passive surveillance provided to communal shared accessway at ground floor.

- The northern row adjacent to the Northcote Public Golf Course which comprises a maximum 3 storey attached townhouse form with approximately 10 townhouse style allotments. These are approximately 5 metres wide and it is anticipated that there will be a crossover, garage and entry at ground floor with vehicle and pedestrian access via the communal shared driveway and passive surveillance provided to the golf course. There are mixed envelopes proposed with DPO 07.2 allowing building up to 8m in height within 5 metres of the title boundary where interfaced to Merri Creek and Golf Course and DPO 10.2, 11.2 and 12.2 specifying greater setbacks.

A maximum building height of 13.5m is specified.

### **Objections summarised**

- Cumulative traffic impacts Beavers Road.
- Density too high adjacent to Merri Creek.
- Insufficient car parking.
- Use of private road / Goldsmith Grove.
- Traffic Calming measures required in Beavers Road.

### **Officer comment on summarised objections**

#### Cumulative traffic impacts Beavers Road

The traffic report submitted by the applicant assesses the impact of up to 35 townhouses generating 245 vehicle movements per day. The report finds that the width of Beavers Road would classify it as an Access Street with a target volume of 1,000 to 2,000 vehicle movements per day. Surveyed rates in Beavers Road are 700 vehicle movements per day. This would also be less impact than the previous industrial activities when in full operation. As such the road has substantial capacity and the proposal will have low traffic volumes in engineering terms. Council's Transport Management and Planning Unit have reviewed the report and have not disputed this assessment or found any traffic issues with the proposal.

#### Density too high adjacent to Merri Creek

This issue was tested and adjudicated by the independent planning panel and found through the balance of evidence to be an appropriate location for medium density residential development. The proposal is for townhouses and potentially apartments of two to four storey height with envelopes sensitively laid out adjacent to the Merri Creek Parkland and the Northcote Public Golf Course. The Merri Creek Management Committee and Council's Urban Designer have reviewed the development plan and having regard to sensitive interfaces there is a need for building envelopes to respond to the Merri Creek Parkland and the Northcote Public Golf Course.

Insufficient car parking

The traffic assessment submitted identifies that car parking will be in accordance with the Clause 52.06 requirements and no reduction in car parking is proposed. Car parking beyond this cannot be required.

Use of private road / Goldsmith Grove

It is beyond the scope of this application to control traffic beyond the site boundaries. If a private road is being illegally used this is a matter for the owners of that land to resolve.

Traffic Calming measures required in Beavers Road

The applicant's traffic engineer and Council's Transport Management and Planning Unit have not identified the need to provide traffic calming measures. The introduction of traffic calming measures will be considered as required by Council's Transport Management and Planning Unit.

**PLANNING ASSESSMENT****Clause Contamination**

Section 60 (1) (e) of the *Planning and Environment Act 1987* directs that before deciding on an application the responsible authority must:

*Consider any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*

It has been identified that the site has historically been used as a quarry and has land fill. And the site is in an Environmental Audit Overlay.

A Statement of Environmental Audit was issued 9 April 2015. An assessment of landfill gas risk associated with historical land filling activities has also been undertaken as part of this and the development plan includes appropriate measures to address gas migration. The application has been referred to the EPA.

**Aboriginal Cultural Heritage**

Given proximity to Merri Creek the site is in an area of area of cultural heritage sensitivity as defined by the Aboriginal Heritage Regulations 2007, however being a former landfill site the land has been subject to significant ground disturbance as such a Cultural Heritage Management Plan is not required. Cultural Heritage is also a matter to properly considered at the planning permit and not development plan stage.

**Clause Merri Creek Environs (ESO1)**

The site is adjacent the Merri Creek and the Northcote Public Golf course and whilst buildings and works are not proposed, an assessment against the requirements of the Development Guidelines for the Merri Creek (Merri Creek Management Committee) is

required. The principal objective of the ESO1 is related to Landscape Character to protect and enhance the natural and visual character of the waterway corridor and to ensure that the scenic qualities and visual character of the waterway corridor are not compromised by the inappropriate siting of buildings, the placement of fill, or lack of screening vegetation. The principal decision guidelines to consider are:

- The effect of the height, bulk, and general appearance of any proposed buildings and works on the environmental values and visual character of the creek.
- The extent that buildings or works are designed to enhance or promote the environmental values of the creek and the visual character of the creek corridor.
- The need for landscaping or vegetation screening.

Subject to conditions including increased setbacks from the Merri Creek Parkland, appropriate materials, landscape buffers, permeable fencing, and the creation of a gateway at Beavers Road through increased setbacks to Beavers Road, the development is considered to respond to the above matters and more favourably than the previous industrial development and use.

**Clause 52.06 Car Parking Provision**

The development plan anticipates car parking to be provided fully in accordance with Clause 52.06 for residents and visitors.

Number of Parking Spaces Required

The traffic assessment outlines that one car parking space is provided for each of the one and two bedroom dwellings, two car parking spaces are provided for each of the three or more bedroom dwellings with one space under cover and one visitor car parking space is provided for every five dwellings. As such no reduction in car parking is sought. Having regard to the need to provide landscaping additional car parking than that required under the planning scheme should not be provided.

Design Standards for Car parking

This is a matter best assessed under the planning permit process.

**Clause 43.04 Development Plan Overlay DPO12 Compliance Summary**

	Compliance
<b>Existing conditions plan</b>	
Information provided.	Y
<b>Relationship between proposed built form and adjoining land</b>	
Information provided.	Y
<b>Details of the proposed land use</b>	
Dwelling use is proposed.	Y
<b>Extent of active frontages at ground level and street frontages</b>	
Information is implied. It is noted that the majority of the ground floor of the Northern and Western Rows as it presents to the communal accessway will be dominated by vehicle access. It is recommended that the plan include a notation that garages not dominate the frontage and that passive surveillance	Y

	Compliance
of the communal accessway be provided from the Western Row and the Northern Row. Double garages should have a tandem arrangement or architectural treatment that reduces the visual impact of garages. Lot widths may need to be increase and as a consequence dotted lot boundaries should be noted as indicative only.	
<b>Design and siting of building that will maximise passive surveillance of public and communal areas and nearby creek environs</b>	
See comments regarding extent of active frontage.	Y
<b>A mix of dwelling sizes to provide for a diversity of housing.</b>	
A diversity of dwellings is indicated by the documentation. This will be assessed at the planning permit stage.	Y
<b>Minimisation of potential conflict (eg. noise, odours, hours of operation) between a proposed use and or development and existing uses and developments on adjoining and nearby land.</b>	
The interface to the east is to warehouses and the use may operate only between the hours of 7 am and 10 pm Monday to Friday and 7 am and 6 pm Saturday without the consent of the Responsible Authority. This is not expected to detrimentally impact upon the amenity of the subject site and there is minimal conflict between uses.	Y
<b>Proposed streetscape treatments including landscaping to complement the existing surrounding streetscapes and to satisfaction of the responsible authority.</b>	
The plans show a 2 metres setback to Beavers Road for the Eastern Row, and a zero setback to Beavers Road for the Western Row. The western Row should be setback 2 metres from the frontage given the significance that this part of the sits has as a transition into the Merri Creek Parkland.	Y
<b>The design and siting of any new development on any site not associated with existing industrial use should increase permeability through the site and surrounding area through the provision of publicly accessible linkages between land north of Beavers Road and Beaconsfield Parade.</b>	
<p>The plan seeks to provide access through the site to the golf course and landscape the Merri Creek Parkland. This is not supported by Melbourne Water and Council's Bushland Unit as it will prevent appropriate maintenance and existing access will need to be maintained.</p> <p>The plan has the intent of improving permeability east - west through the land from 198 Beavers Road to the Merri Creek parkland. The internal accessway design is not sufficient to allow appropriate access as a road and will remain as a body corporate / private road. It is noted that a public right of access cannot be required over the land without a Public Acquisition Overlay and if the accessway is not constructed to Council requirements and specifications (widths etc) this will remain common property / private land. This is the Transport Management and Planning units preferred outcome. A section 173 agreement is typically required to provide access from private land to a public park as proposed and requires the consent from Council. The development plan should note this.</p> <p>The use of the land is not considered to cause detriment to adjoining properties. Some noise is to be expected but it is not considered to be unreasonable. It is noted that the west adjacent land uses are industrial / warehouse, however there have been recent planning approvals and applications within the area that indicate a change in the types of activities</p>	Y

	Compliance
<p>occurring particularly planning permits D/621/2006, D/553/2011 and D/782/2012 that allowed use of premises at 177 Beavers Road as a restricted recreation facility and use of the land for the purpose of a place of worship with a reduction to the car parking requirements, and a multi-level art studio and caretakers dwelling.</p> <p>It is considered that the use will not impact upon the existing industrial / commercial uses.</p>	
<p><b>Development in the northern precinct should seek to reinforce the residential purpose of the land with limited commercial use at the ground level, where appropriate.</b></p>	
<p>Only residential development proposed.</p>	Y
<p><b>Detail regarding amongst other matters, the scale, form, setbacks, height and anticipated materials and colour of buildings and the landscaping.</b></p>	
<p>Having regard to the sensitivity of the north and west interfaces it is recommended that the “interface setback to Creek and Gold Course” section view and the notations “building limited to 8m in height within 5 metres of the title boundary where interfaced to Merri Creek and Golf Course”, “maximum building height within 5m of lot boundary abutting parklands (Merri Creek and golf course) to be 8m” and “area of restricted height, no higher than 8m setback 5m from rear boundary” on DPO 07.2. be deleted with envelopes provided in accordance with DP0 10.2, 11.2 and 12.2.</p> <p>The Western Row setback should be a minimum 2 metres from the Beavers Road frontage (given the significance that this part of the sits has as a transition into the Merri Creek Parkland) with no reduction in setbacks.</p> <p>The Northern Row should be setback a minimum 2 metres from the Merri Creek Parkland to provide a suitable canopy tree landscape buffer with no reduction in other setbacks.</p> <p>The following notations are recommended:</p> <ul style="list-style-type: none"> <li>▪ Earthy muted tones and non-reflective or low reflectivity materials to be used.</li> <li>▪ Garages not to dominate the internal accessway.</li> <li>▪ Double garages to be in a tandem and / or car stacker layout.</li> </ul>	Y
<p><b>The built form should gradually rise and should not be more than 8 metres above existing ground level where within 5 metres of an abutting lot boundary of existing residential land that is outside of the DPO area.</b></p>	
<p>The setbacks from the north and west boundary should be greater as outlined above.</p>	Y
<p><b>The design of the built form towards any access ways should reflect a fine grain pattern of nearby streets, floors should be distinguishable from each other through punctured facades (eg. balconies, windows, façade articulation) and be located to provide a comfortable pedestrian scale.</b></p>	
<p>A suitable notation is provided that complies with this on DPO 09.2. This level of detail is best assessed at the planning permit stage.</p>	Y

<b>Details of design measures to maximise passive surveillance and activation of streetscapes and the public realm.</b>	
The need for adequate passive surveillance should be addressed as outlined above.	Y
<b>Provision of environmental sustainable design principles including maximising opportunities for northern orientation and natural lighting, reduction of impervious surfaces and stormwater reduction and management to the satisfaction of the responsible authority.</b>	
Indicative ESD measures are provided. This level of detail is best assessed at the planning permit stage.	Y
<b>Graduated building heights where the overall height should not exceed 13.5 metres above existing ground level and a maximum of four storeys.</b>	
The setbacks from the north and west boundary should be greater as outlined above.	Y
<b>Limited commercial uses that may be considered under the applicable zone should be located to front Beavers Road.</b>	
Only residential development proposed.	Y
<b>Recognition, enhancement and protection of the integrity of the Merri Creek landscape, environment and recreation functions after consideration of the Merri Creek Development Guidelines 2004 and the Merri Creek and Environs Strategy 2009-2014,</b>	
Subject to the plan including notation related to materials as outlined above the mass, form and scale of buildings and fencing treatments comply with the Merri Creek Development Guidelines 2004 in relation to landscape character and the Merri Creek and Environs Strategy 2009-2014 Chapter 1.3 Visual character having regard to the proximity of development to the parkland, the extent to which buildings address the creek corridor and are of architectural or historic merit, or are screened by vegetation and the presence of indigenous vegetation are all addressed by the development plan.  +The Western Row setback should be a minimum 2 metres from the Beavers Road frontage (given the significance that this part of the sits has as a transition into the Merri Creek Parkland) with no reduction in setbacks.  The ground floor envelope on DPO 10.2 setback a minimum 2 metres from the Merri Creek Parkland with no reduction in setbacks.	Y
<b>Provision of development setbacks from the Merri Creek environs which respond appropriately to topographical conditions and provision of public thoroughfares in the public and private domain adjacent to the creek, as appropriate.</b>	
The proposal responds appropriately to the adjacent creek.	Y
<b>Design and siting of buildings to minimise visual and landscape impacts experienced from the Merri Creek environs and adjoining pedestrian paths, including the transition of building heights to reduce height and mass nearby the Merri Creek environs. The built form should gradually rise and should not be more than 8 metres (above existing ground level) or a maximum two storeys within 5 metres where a lot boundary abuts creek or park environs.</b>	
Building envelopes in excess of this are deemed to be needed. See comments above.	Y

<b>Buildings adjacent and nearby the Merri Creek corridor being constructed of materials and colours that reflect the natural setting of the creek environment and in finished in muted tones.</b>	
This is partly addressed by the development plan but ensuring adequate materials should be a requirement of the development plan.	Y
<b>Appropriate development design and interface treatment to respond to and complement the Merri Creek environs, after consideration of the Merri Creek Development Guidelines 2004 and other land uses nearby.</b>	
Subject to conditions this has been adequately addressed.	Y
<b>Urban design treatment at the western section of the area to address and protect the gateway approach from the west across Merri Creek into Darebin City.</b>	
This is more related to the southern part of the DPO on Arthurton Road. If a pedestrian and cycle bridge is provided at Beavers Road the subject to the changes outlined to address the Merri Creek Parkland interface the proposal will present appropriately to this new gateway.	Y
<b>Environment/landscaping – Appropriate landscaping buffer and treatments along Merri Creek to be provided. Consideration of the provision of appropriate linkages between new developments and areas of existing open space.</b>	
This is best addressed as part of any planning permit application.	Y
<b>Minimisation of light spill into the Merri Creek valley.</b>	
Information provided	Y
<b>An Integrated Transport and Traffic Management Plan</b>	
The assessment addresses existing conditions, the internal road layout, car parking location, the expected traffic generation and management, bicycle and pedestrian movement and their connections to the external movement network including public transport to meet any relevant road standards. No works are required to existing intersections to accommodate traffic increases and safe pedestrian movement.	Y

**Clause 55 Compliance Summary**

Below is a general comment on the matters of Clause 55. There are no sensitive interfaces and as a consequence Clause 55.04 has minimal relevance.

Clause	Std		Compliance	
			Std	Obj
<b>55.02-1</b>	<b>B1</b>	<b>Neighbourhood character</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.02-2</b>	<b>B2</b>	<b>Residential policy</b>		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
<b>55.02-3</b>	<b>B3</b>	<b>Dwelling diversity</b>		
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		Adequate infrastructure exists to support new	Y	Y

Clause	Std		Compliance	
			Std	Obj
		development.		
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		The layout of dwellings generally interfaces well with the street. This will be further assessed at the planning permit stage.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The required setback is 3 metres, the dwellings are set back zero to 2 metres from the Beavers Road street frontage. Setbacks should be increased to 2 metres.	Y	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		See Clause 43.04 compliance summary.	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		See Clause 43.04 compliance summary.	N/A	N/A
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		See Clause 43.04 compliance summary.	Y	Y
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		See Clause 43.04 compliance summary.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient and respects the character of the area.	Y	Y
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		Parking facilities will be proximate to the dwellings they serve. Subject to notations the access is observable and habitable room windows are sufficiently set back from accessways will be assessed at the planning permit stage.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		See Clause 43.04 compliance summary. It is noted that in a residential growth zone with no sensitive interfaces to the east and sensitive interfaces to the	Y	Y

Clause	Std		Compliance	
			Std	Obj
		west and north subject to conditions the design outcomes are acceptable.		
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		There may be walls on the east boundary. It is noted that in a residential growth zone with no sensitive interfaces to the east the design outcomes are acceptable.	Y	Y
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		No dwelling windows affected by the proposal.	N/A	N/A
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		
		No dwelling windows affected by the proposal.	N/A	N/A
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		No dwellings affected by the proposal.	N/A	N/A
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		No dwellings affected by the proposal.	N/A	N/A
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		Council's transport management unit have no issues with access to the site. This will be assessed at the planning permit stage.	N/A	N/A
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.05-3</b>	<b>B27</b>	<b>Daylight to new windows</b>		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
<b>55.05-4</b>	<b>B28</b>	<b>Private open space</b>		
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.05-5</b>	<b>B29</b>	<b>Solar access to open space</b>		
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		

Clause	Std		Compliance	
			Std	Obj
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		No front fence should be allowed given setbacks proposed.	Y	Y
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		This will be assessed at the planning permit stage.	N/A	N/A
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		This will be assessed at the planning permit stage. The traffic report notes that waste collection will be by a private contractor and this should be reflected by the development plan.	N/A	N/A

**Clause 56 Subdivision**

It is recommended that the development plan allow a maximum of three staged super lots with super lots comprising either the Northern Row, the Eastern Row and the Western row and stage one is to include the communal accessway. Subdivision of stages / super lots to create individual residential allotments is to only occur once the development of that stage is substantially completed.

**REFERRAL SUMMARY**

Department/ Authority	Response
Capital Works	No objection. Standard Conditions.
Transport Management and Planning	No objection. - Having regard to amendment C122 permeability relates more to 198 Beavers Road (eg. the connection to Beaconsfield Parade). Regardless, the permeability through to the creek / golf course can still be provided with a hammerhead-type layout.
Darebin Parks	No objection
Urban Designer	<b>Site interfaces</b> - More detail should be provided for site interfaces, particularly to the west and south, showing how the transition of development is treated. Currently the plan does not provide any more information than the general requirements set out in the DDO. - Details such as setback dimensions, location of potential building footprints, types of boundary fences, location and type of landscaping should be provided - The Development Access Plan shows a landscape zone to create a buffer between the private and public realm, but it is shown beyond the subject site on land in public ownership. If a

Department/ Authority	Response
	<p>buffer is required to mediate the impact of development, it should occur on the site itself</p> <ul style="list-style-type: none"> <li>- The side boundary of a lot is proposed at the Beavers Road interface. Whilst it is generally preferable for lots to front the roadway, given that a townhouse of up to 4 storeys would be to the north, the current lot layout would be acceptable provided that the layout and façade of the end townhouse is orientated towards Beavers Road</li> </ul> <p><b>Materials</b></p> <ul style="list-style-type: none"> <li>- The proposed Development Plan notes materials ‘to be constructed of materials coloured to reflect the natural environment’. This should refer to the type of materials and not just the colour of materials.</li> </ul> <p><b>Building form</b></p> <ul style="list-style-type: none"> <li>- An indication of building envelope would be useful, showing how the 4 storey forms could be shaped, as well as how they would relate to each other across a relatively narrow accessway</li> </ul> <p><b>Gateway</b></p> <ul style="list-style-type: none"> <li>- The DPO requires urban design treatment at the western section of the area to address and protect the gateway approach from the west across Merri Creek</li> <li>- The proposed DPO does not appear to address this requirement. The potential dwelling layout shows a side wall with garage door, and what appears to be utility-type rooms adjoining the south-west corner of the site</li> <li>- A better considered response to the gateway approach is sought</li> </ul>
Bushland Management	No Objection subject to no vehicle access through Council land.
Melbourne Water	<p>Merri Creek Corridor Interface</p> <p>The property has a frontage of approximately 100 metres with the Merri Creek corridor. Although the property is outside the flood extent, there is a significant slope between the property and the waterway that can make access and maintenance difficult. Melbourne Water has considered the future maintenance access that may be required from the top of the slope and the positioning of the screening on public land to reduce the visual impact of the proposed development on the waterway corridor.</p> <p>Planting should occur on the title of 200 Beavers Road, as not to restrict current or future access from the top of the slope. Planting within the public domain will limit other potential uses of the space.</p>
Director of Public Transports	No objection
EPA	The development must be in accordance with the Statement of

Department/ Authority	Response
	<p>Environmental Audit and conditions dated 9 April 2015.</p> <p>Measures are to be taken for the residential dwellings in order to minimise the amenity impacts such as noise, smell and other from the existing industrial and commercial activities located in close proximity. These may include noise attenuation, landscaping, design treatments and any other techniques deemed to satisfy the protection of the amenity of the residential areas from the existing industrial and commercial areas.</p>
<p>Merri Creek Management Committee</p>	<p>In many respects the Development Plan is sympathetic to the Merri Creek interface. However in MCMC's view the following aspects of the Plan need reconsideration:</p> <p><u>The sectional envelope illustrated on sheet no. DP07a:</u></p> <p>The diagram of building height reproduces the general requirements within the DP012 BARD Guidelines and shows a hypothetical 8m high wall on the property boundary, with no set back from the Merri Creek parkland. This does not adequately meet the Merri Creek Interface Requirements which are quite specific about the provision of development setbacks, and design and siting to minimise visual and landscape impacts. The Interface Diagram depicts a far more acceptable approach (see discussion in point 2. below). We would be satisfied if the sectional envelope on sheet DP07a were modified to be more along the lines of the Interface Diagram so that it shows an explicit setback of the built form from the western property boundary.</p> <p><u>Interface diagram</u></p> <p>On the whole a stepped interface, of the type shown on the Interface Diagram could work well as an interface treatment, providing the following points are addressed.</p> <ul style="list-style-type: none"> <li>• There is a roughly 1 metre vertical 'wall' on the property boundary (the height above current ground level) and an assumption that screening/softening landscaping of this wall will occur within the public realm.</li> <li>• In our view this landscaping should be undertaken within the subject site, if at all possible, and for two reasons: one the responsibility for mitigation of visual and landscape impacts needs to be borne by the private property holders: and two, the capacity to introduce such landscaping within the public realm is, we believe, very limited (see point 3. below).</li> </ul> <p><u>Landscape Plan sheet no, DP06</u></p> <p>This plan refers to Merri Creek public land and landscaping in the public realm, to integrate with existing vegetation. Although the matter of landscaping of the public realm is noted as not being part of the Development Plan application, it is important to address the assumption that the area immediately adjacent to the property can be landscaped in the manner shown in the Landscape Plan.</p>

Department/ Authority	Response
	<p>The flattish area immediately to the west of 200 Beavers Rd is currently used as maintenance track. In the transport plan it is described as providing access for golf course vehicles but it is more than this - it allows access for Merri Creek parkland maintenance vehicles, both Council and Melbourne Water.</p> <p>Maintenance vehicle access to the top of slopes is extremely useful, especially in the event of any slope failure, and it is MCMC's view that the ability of maintenance vehicles to access the top of the slope should be maintained. The proposed 900mm wide informal path is not wide enough for this purpose. Overall, some of the detail of the built form and design for the Merri Creek interface needs rethinking so it does not rely on public realm landscaping to mitigate amenity and visual impacts.</p>

**PLANNING SCHEME SUMMARY**

**Applicable provisions of the Darebin Planning Scheme**

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 13.03-1, 15.01-1, 15.01-5, 15.02, 16.01, 18.02-2
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	32.07 RGZ1
Overlay	42.01 ESO1, 43.04 DPO12, 45.03, 45.06
Particular provisions	52.06, 55.
General provisions	65.01
Neighbourhood Character Precinct	N/A

**POLICY IMPLICATIONS**

**Environmental Sustainability**

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls.

**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 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Manager authorising this report, having made enquiries with relevant members of staff, reports that 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.

*The following person verbally addressed the meeting and was ultimately thanked for his presentation by the Chairperson, Cr. Fontana:*

- *David Barnes, Applicant*

<b>MOTION</b>
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**MOVED:** Cr. T. Laurence  
**SECONDED:** Cr. S. Tsitas

**THAT** development plan POD/1/2015 be adopted subject to the following alterations / requirements:

1. The approved documentation is to comprise plans DPO 03.2, 04.2, 05.2, 06.2, 07.2, 08.2, 09.2, 10.2, 11.2 and 12.2, and interface diagram only.

2. Deletion of the “interface setback to Creek and Golf Course” section view and the notations “building limited to 8 metres in height within 5 metres of the title boundary where interfaced to Merri Creek and Golf Course”, “maximum building height within 5 metres of lot boundary abutting parklands (Merri Creek and Golf Course) to be 8 metres” and “area of restricted height, no higher than 8 metres setback 5 metres from rear boundary” on DPO 07.2. Refer DPO 10.2, 11.2 and 12.2.
3. DPO 06.2 to show passive surveillance from the Western Row in an easterly direction and the northern row to show passive surveillance in a southerly direction over the private shared accessway. Such surveillance is not limited to the ground floor.
4. Dashed lot boundaries on DPO 07.2, DPO 10.2, DPO 11.2 and DPO 12.2 indicative only.
5. The Western Row on the ground and first floor envelope DPO 10.2 and DPO 11.2 setback a minimum 2 metres from the Beavers Road frontage (given the significance that this part of the site has as a transition into the Merri Creek Parkland) with no reduction in other setbacks or otherwise justified to achieve view lines to the creek.
6. The Northern Row on the ground and first floor envelope DPO 10.2 and DPO 11.2 setback a minimum 2 metres from the Merri Creek Parkland to provide a suitable canopy tree landscape buffer with no reduction in other setbacks.
7. Notations that:
  - a) The development plan allows a maximum of three super lots with:
    - Super lots to comprise the Northern Row, Eastern Row and Western Row.
    - Stage one to include the communal accessway.
    - Subdivision of super lots to create individual residential allotments is to only occur once the development of that stage is substantially completed.
  - b) Pedestrian access to dwelling entries from the internal communal accessway and Beavers Road shared where possible or via the driveway to maximise landscaping opportunities in the shared internal accessway and Beavers Road frontage.
  - c) Car parking provided on site in accordance with Clause 52.06 for dwelling residents with no additional visitor parking.
  - d) Collection of waste by a private contractor.
  - e) No vehicle access to the Golf Course / Merri Creek Parkland through the subject site.
  - f) A section 173 agreement to be entered into with Council if direct pedestrian access from private land to public land is provided.
  - g) Earthy muted tones and non-reflective or low reflectivity materials to be used.
  - h) A substantial amount of landscaping is to be provided, including buffers, and will include deep rooted canopy trees.

- i) Garages and driveways will not dominate the internal communal accessway or Beavers Road.
- j) Fencing between dwelling and Beavers Road and between dwellings and the communal shared accessway should be max 1.2m high, min 25% permeable where within the setbacks stated on the approval plans.
- k) Boundary fencing adjacent to Merri Creek Parkland and the Northcote Golf Course a minimum 25% visually permeable.
- l) Architectural treatments to accentuate dwelling entries and to integrate garage doors into the design of the development potentially incorporating windows / glazed panels and materials not typically associated with garage doors.
- m) Setbacks, articulation and built form to the east boundary are to be provided having regard to the future use and development of 198 Beavers Road.
- n) Setbacks, articulation and built form to Beavers Road are to be provided having regard to the sites position as a gateway to Merri Creek Parkland.
- o) Building envelopes do not imply a right to build over the entire envelope and setbacks from boundaries may need to be increased to ensure equitable development opportunities / appropriate amenity of future neighbours and protect the amenity of the public realm.

THE MOTION WAS PUT AND LOST.

Cr. Laurence called for a division:

<u>For</u>	<u>Against</u>
Cr. O. Walsh	Cr. G. Greco
Cr. S. Tsitas	Cr. A. Villella
Cr. T. Laurence	Cr. B. Li
Cr. V. Fontana	Cr. J. Williams

Cr. McCarthy abstained from voting.

The Chairperson, Cr. Fontana, declared the motion to be lost.

<b>FURTHER MOTION</b>
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**MOVED:** Cr. G. Greco  
**SECONDED:** Cr. T. McCarthy

**THAT** Officers report be deferred to the next Council meeting on 7 December 2015, including an officer report containing recommendations against the changes proposed by the developer.

THE FURTHER MOTION WAS PUT AND CARRIED AND BECAME THE COMMITTEE DECISION AS FOLLOWS:

**COMMITTEE DECISION**

**MOVED:** Cr. G. Greco  
**SECONDED:** Cr. T. McCarthy

**THAT** Officers report be deferred to the next Council meeting on 7 December 2015, including an officer report containing recommendations in relation to the changes proposed by the developer

**CARRIED UNANIMOUSLY**

*Cr. Tsitas left the meeting at the conclusion of the above item at 9.21 pm.*