

**ASSESSMENT DEVELOPMENT PLAN - POD/3/2015**

**198 Beavers Road, Northcote**

**Subject site and surrounding area**

- Located on the northern side of Beavers Road the land is irregularly shaped and measures approximately 118 metres deep by 80.47 metres wide and has an area of approximately 11,980 square metres. The site was formerly located within an Industrial 3 Zone (IN3Z). An existing building exists on the site with a total floor area of approximately 6,465sqm. Vegetation including canopy trees and 82 car spaces are provided along the north, east and west property boundaries.
- To the south is Beavers Road with commercial properties beyond which were recently rezoned from Industrial 3 Zone to Commercial 1 Zone.
  - The land at 1/177 Beavers Road is used as an art studio and caretakers dwelling under planning permit D/782/2012.
  - The land at 2/177 Beavers Road is used as a place of worship allowed under planning permit D/553/2011 with a maximum 350 patrons (600 patrons for special events).
  - The land at 3 and 4/177 Beavers Road is used as a warehouse.
  - The land at 1/169 Beavers Road appears to be used as a warehouse.
- To the west abutting the site is 200 Beavers Road comprising vacant industrial buildings with a recently approved POD/1/2015 and Planning Permit D.1048/2015 for apartments and townhouses. Also the west abutting the site is the Northcote Golf Course. Beyond this is the Merri Creek.
- To the north are rear yards of residential dwellings facing Beaconsfield Parade.
- To the east in a public use zone, is Croxton Special Education School is located to the east of the site.
- The site has reasonable access to public transport being 400m from St George's Road and 800 metres from Nicholson St (Brunswick).
- On-street parking on Beavers Road is subject to a no standing restriction on the northern side (site frontage) and subject to no stopping restriction on the southern side.

**Proposal**

The development plan outlines that future residential redevelopment of the land will include the following:

- up to 120 dwellings with three (3) or more bedrooms.
- one vehicle access point to Beavers Road to the east of the site,

- three storey development to the north of the site and four storey development in the middle, and to the east, west and south of the site.
- a maximum building height of 13.5m
- car parking provided in accordance with Clause 52.06.

The intent of the building envelopes is to show broadly how the site will be developed. It is not practical or reasonable for the building envelopes to prescribe in fine minutiae the layout of the entire site. This information will be provided at the planning permit stage. Any future permit applications must be generally in accordance with the development plan.

### **Objections summarised**

As a result of public notification 8 submissions were received and are summarised as follows:

- Traffic impacts.
- Safety issues associated with the crossover to the site.
- Impacts during construction.
- Insufficient car parking / overflow parking impacts including evening and weekends / impacts on Beaconsfield Parade.
- Access over private road at 177 Beavers Road.
- Traffic calming measures required in Beavers Road.
- No details of measures to address noise and other impacts associated with surrounding non – residential uses.
- No details of dwelling numbers.
- No details of number of residents.
- No details of power substation.
- No details of future bridge link across Merri Creek.
- No details of changes to on street parking.
- No details of building materials.
- No details of light spill.
- No details of stormwater.
- No details of sustainability.
- Mass / bulk impacts associated with roof terraces / contrary to the Development Plan Overlay DPO12 height limits / heights non-compliant with Standard B17 / over 13.5m as specified by the Development Plan Overlay.
- Noise impacts.
- Overshadowing.
- Overlooking.

- Failure to respond to development approved at 200 Beavers Road / Four storey height at zero setback on the south western corner inappropriate.
- Failure to respond to the Environmental Significance Overlay / Insufficient landscaping opportunities and canopy trees / Extent of tree removal.
- Contrary to the Design Guidelines outlined the Development Plan Overlay
- Lack of graduated building heights / Insufficient variation in form or setbacks / Inadequate setbacks.
- Insufficient site permeability for pedestrians and cyclists / no connection to 200 Beavers Road / no connection from Beaconsfield Parade to Beavers Road. Safety needs to be ensured with any access. Insufficient variation in form or setbacks
- Insufficient diversity of dwellings
- Contamination not addressed
- Passive surveillance not addressed
- Location of access where Beaver Road Narrows / opposite loading bays at 177 Beavers Road inappropriate.
- Improved bike lanes and footpaths should be provided in Beavers Road and surrounding area to access any future Merri Creek foot bridge at the end of Beavers Road.
- Lack of public transport infrastructure.

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

#### Traffic impacts

The traffic report submitted by the applicant concludes that the maximum yield of 120 dwellings with two car spaces per dwelling would generate 840 vehicle movements per day. The assessment also found that a SIDRA analysis would be required in association with any Planning Permit Application and this should be included in the development plan.

The applicants report classifies Beavers Road as an Access Street is capable of catering for a traffic volume of 1,000 to 2,000 vehicle movements per day. Surveyed rates in Beavers Road to the east of Woolhouse Street are at 713 vehicle movements per day. Surveyed rates in Woolhouse Street to the south of Beavers Road are 3215 vehicle movements per day.

The development plan approved for 200 Beavers Road estimated its residential redevelopment would generate 245 vehicle movements per day. The two redevelopments combined will generate approximately 1085 vehicle movements per day.

The Transport Management and Planning Unit has reviewed the report and have not disputed this assessment or found any traffic issues with the proposal. It is noted that, having regard to the size and types of vehicles currently accessing the existing warehouse, the residential redevelopment of the land would likely have a more appropriate impact on the surrounding residential streets.

#### Safety issues associated with the crossover to the site.

The redevelopment will likely have less safety impacts / conflicts associated with entering and exiting the site than the existing warehouse use having regard to the size and type of vehicles accessing the site.

The location of the proposed vehicle entry point in Beavers Road is more proximate to the loading bay entry of the neighbouring commercial use to the south. Provided adequate visibility splays are provided the vehicle access will be not be unsafe and there will be minimal conflict issues.

#### Impacts during construction

Construction impacts – noise, dust, stability of existing foundations and damage to nearby dwellings are not a consideration under the Planning & Environment Act or Darebin Planning Scheme.

#### Insufficient car parking / overflow parking impacts including evening and weekends / impacts on Beaconsfield Parade

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. Additional Car parking above and beyond this level cannot be required. A notation should be provided on the development plan to require resident parking in accordance with the Clause 52.06 requirements.

#### Access over private road at 177 Beavers Road

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.

#### No details of measures to address noise and other impacts associated with surrounding non – residential uses

The recommendation requires that a notation be provided on the development plan that buildings fronting / in proximity to Beavers Road to be designed to minimise noise and other impacts associated with surrounding non – residential uses and that an acoustic, odour and emissions assessment accompany any permit application.

No details of dwelling numbers.

The traffic report details that between 90 and 120 dwellings with 3 or more bedrooms are proposed. The recommendation requires that a notation be provided on the development plan that the upper limit of 120 dwellings be specified in development plan.

No details of number of residents.

The traffic report details that between 90 and 120 dwellings with 3 or more bed rooms are proposed and the upper limit of 120 dwellings must be specified in development plan. Density of habitation of dwellings cannot be controlled beyond this.

No details of power substation.

This level of detail would be provided at the planning permit stage.

No details of future bridge link across Merri Creek.

This is a matter separate from the proposal.

No details of changes to on street parking.

This is an issue beyond the scope of the current application. On street parking is controlled by Council. Council may review parking controls in the future as required.

No details of building materials.

A notation that earthy muted tones and non-reflective or low reflectivity materials to be used is recommended.

No details of light spill.

A notation ensuring light spill impacts do not occur is recommended.

No details of stormwater.

This level of detail would be provided at the planning permit stage.

No details of sustainability.

Sustainability measures would be provided at the planning permit stage. Council's ESD officer has reviewed the layout and has recommended that a building envelope notation that buildings are to be setback sufficiently to allow adequate solar access to other buildings on the land directly to the south be included.

Mass / bulk impacts associated with roof terraces / contrary to the Development Plan Overlay DPO12 height limits / heights non-compliant with Standard B17 / over 13.5m as specified by the Development Plan Overlay.

In principle the roof top terraces are supported as they allow improved on site amenity, efficient uses the site, and, given they are located to the centre of the site well away from sensitive interfaces, raise no off site amenity impact issues.

It is recommended that the plan show the deletion of the proposed rooftop terraces mass from section A and B on plan SK1.8 Rev A and a notation be included that any roof top terrace be designed to have minimal visual mass and bulk.

The application of Standard B17 in a Residential Growth Zone is not an appropriate development outcome. A B17 envelope has been shown and should be deleted from the development plan as this contradicts the building envelopes, particularly from the north boundary where greater setbacks are needed and have been provided.

See assessment below.

#### Noise impacts

The proposed residential use will have noise impacts consistent with those normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area.

#### Overshadowing

See Clause 55 Assessment Below

#### Overlooking

See Clause 55 Assessment Below

#### Failure to respond to development approved at 200 Beavers Road / Four storey height at zero setback on the south western corner inappropriate.

The proposal has generally responded to the approved development plan at 200 Beavers Road and conditions are recommended to ensure fair and equitable development outcomes for both properties. In relation to the south west corner a 3m setback from the boundary of 200 Beavers Road is recommended reflecting the building envelope approved to the west.

#### Failure to respond to the Environmental Significance Overlay / insufficient landscaping opportunities and canopy trees / extent of tree removal

Whilst the removal of all trees from the land is undesirable having regard to the contamination issues on the land it is unavoidable. See Contamination and ESO1 assessment below.

#### Contrary to the BARD Guidelines outlined in the Development Plan Overlay

See BARD Guidelines assessment below.

#### Lack of graduated building heights / Insufficient variation in form or setbacks / Inadequate setbacks.

The development plan provides indicative building envelopes. Subject to conditions the envelopes provide sufficient graduation of heights throughout the site. A notation is recommended to be added to the development plan that:

- building envelopes do not imply a right to build over the entire envelope
- setbacks from boundaries and / or internally between buildings may need to be increased to ensure equitable development opportunities and / or appropriate amenity of future neighbours and protect the amenity of the public realm.
- buildings are to be setback sufficiently to allow adequate solar access to other buildings on the land.

Insufficient site permeability for pedestrians and cyclists / no connection to 200 Beavers Road / no connection from Beaconsfield Parade to Beavers Road. Safety needs to be ensured with any access

Amendments to the plans are recommended to address this issue. See Clause 43.04 Development Plan Overlay DPO12 Compliance Summary

Insufficient diversity of dwellings

See Clause 43.04 Development Plan Overlay DPO12 Compliance Summary

Contamination not addressed.

See assessment under contamination below.

Passive surveillance not addressed

A plan detailing passive surveillance and dwelling orientation has been provided which clearly indicates how this matter is addressed. Subject to conditions seeking to minimise the dominance of garages the development plan layout provides sufficient passive surveillance opportunities. Additional passive surveillance of the Northcote Public Golf Course should be provided and the plan should be amended accordingly.

Location of access where Beaver Road Narrows / opposite loading bays at 177 Beavers Road inappropriate

Council's traffic engineers have reviewed this matter and are satisfied that access is sufficient.

Improved bike lanes and footpaths should be provided in Beavers Road and surrounding area to access any future Merri Creek foot bridge at the end of Beavers Road.

This is an issue beyond the scope of the current application. Shared pedestrian / bike access through the site is recommended which will improve accessibility to any future bridge.

Lack of public transport infrastructure

This is an issue beyond the scope of the current application.

## **PLANNING ASSESSMENT**

### **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.*

The subject site is in an Environmental Audit Overlay as the subject land and adjacent land has historically been used as a quarry and land fill site. The applicant has completed environmental investigations at the site to support the Statutory Environmental Audit. These investigations have identified soil contamination at levels that pose potential risk to ecological and in some areas human receptors.

To render the site suitable for the proposed use and ensure acceptable risk to the future on-site receptors, the investigations have recommended that the risks be mitigated by provision of a separation barrier across the entire site. The barrier may include permanent paving, concrete building slabs or a layer of clean fill at least 0.5 m thick.

The Auditor appointed for the site has agreed with this recommendation and has indicated that this requirement will be reflected in the Statement of Environmental Audit.

As a consequence of the recommended contamination management requirements no trees can be retained on site and the development plan reflects this. The removal of all on site vegetation, providing a barrier and providing planters for vegetation / canopy trees was the same outcome reached at 200 Beavers Road by an independent environmental assessment and supported by Council under POD/1/2015 where potential risks to human safety take precedence over tree retention.

### **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 and as such a Cultural Heritage Management Plan is not required. Cultural Heritage is also a matter that is typically considered at the planning permit and not development plan stage.

### **Clause 42.01 Environmental Significance Overlay (ESO1) Merri Creek Environs**

Whilst buildings and works are not proposed, an assessment against the requirements of the Environmental Significance Overlay is required. The site is proximate to the Merri Creek (45m to 85m) and partly adjacent to the Northcote Public Golf Course.

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The principal objective of the ESO1 is related to Landscape Character, being 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.

The 3m building envelope setback proposed from the Northcote Public Golf Course will provide sufficient area for planting of landscaping. Other boundary setbacks that are less sensitive having regard to their minimal prominence to the Merri Creek also provide sufficient landscaping opportunities responding to the sites context and sensitivities to the north, east and south. A notation is recommended requiring canopy trees be provided along the perimeter of the site adjacent to the Northcote Golf Course, the rear yards of dwellings fronting Beaconsfield Parade, Croxton Special Education School and Beavers Road. The development plans also provides canopy trees throughout the site.

The subject site is not prominent when viewed from the Merri Creek, a fact accentuated by the topography of the land relative to the creek and the orientation of the creek away from the site to the north west. Given the distance of views and the developments lack of prominence setting back of upper levels from the west boundary will have negligible benefits on the matters sought to be protected by the ESO1.

Having regard to the approved development plan and permits issued to 200 Beavers Road which allow three and four storey buildings it is envisaged that once the land to the west is developed that development to the south of the subject site will have no presence to the Merri Creek.

Subject to conditions including appropriate materials and canopy trees the development is considered to respond to the above matters and will present 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 car parking will be provided in accordance with Clause 52.06 as follows:

- one car space provided each of the one and two bedroom dwellings,
- two car parking spaces provided for each of the three or more bedroom dwellings
- one visitor car parking space provided for every five dwellings.

It is recommended that a notation be provided on the development plan to require resident parking in accordance with Clause 52.06 requirements.

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**

	<b>Compliance</b>
<b>Existing conditions plan</b>	
Information provided.	Y
<b>Relationship between proposed uses and built form and existing and proposed development on adjoining land</b>	
<p>Information provided.</p> <p>Overall the development plan has responded well to its context.</p> <p>Having regard to the recently approved development plan POD/1/2015 and planning permit D/1048/2015 at 200 Beavers Road the following changes are recommended:</p> <ul style="list-style-type: none"> <li>• Building envelopes at level 2, 3 and 4 setback a minimum 3m from the east boundary of 200 Beavers Road excepting where the development plan for 200 Beavers Road allows buildings on the common boundary. Where balconies or living areas on the subject site are orientated towards balconies or living areas at 200 Beavers Road these shall be setback 4.5m from the east boundary of 200 Beaver Road.</li> <li>• The building envelope setback a minimum 5m from Beavers Road at level 4.</li> <li>• The building envelope setback a minimum 5m from the golf course to the west at level 4 to minimise mass and bulk impacts to the west.</li> </ul> <p>Having regard to the playground adjacent to the east boundary at Croxton Special Education School the following changes are recommended:</p> <ul style="list-style-type: none"> <li>• The building envelope setback 2m from the east boundary increased to 3m at level 1, 2 and 3 and 5m at level 4.</li> </ul> <p>See comments regarding passive surveillance.</p> <p>Further assessment of interface issues will need to be undertaken at the planning permit stage.</p>	Y
<b>Details of the proposed land use</b>	
Dwelling use is proposed.	Y

	Compliance
<p><b>Extent of active frontages at ground level and street frontages</b></p>	
<p>The location of vehicle access is shown on the submitted plans. Active frontages are indicated to Beavers Road and to the communal access way from the two central buildings. It is noted that the majority of the ground floor of the development on the perimeter of the site as it presents to the communal access way will potentially be dominated by vehicle access. It is recommended that the plan include a notation that garages not dominate the frontage and that passive surveillance of the communal access way be provided for view lines from the perimeter of the development. Double garages for development on the perimeter of the site should have a tandem arrangement or architectural treatment that reduces the visual impact of garages. This outcome is similar to that allowed at 200 Beavers Road.</p>	Y
<p><b>Design and siting of building that will maximise passive surveillance of public and communal areas and nearby creek environs</b></p>	
<p>See comments regarding extent of active frontage.</p> <p>It is recommended that passive surveillance be shown to the west over the Northcote Golf Course. Having regard the way in which the development at 200 Beavers Road has provided low fences with no attempt at privacy from the adjacent park this outcome is consistent with that allowed to the west and will not result in unreasonable overlooking outcomes.</p> <p>Overlooking of the secluded private open spaces of dwellings to the north will be assessed at the planning permit stage. However having regard to the slope of the land it is recommended that fence heights be limited to prevent the use of unreasonably high boundary screening to address overlooking from any first floor north facing windows within the subject site.</p> <p>With regards to the issue of overlooking the school to the east under <i>Pysk v Nillumbik SC [2009] VCAT 1764</i>, the Tribunal stated the following in respect of this issue inter alia:</p> <p><i>The issue in dispute is one which the Tribunal has considered on a number of occasions in recent years. A review of those decisions ... establishes a reasonable set of tests or guidelines which might be used to determine whether restrictions on overlooking of school grounds from an adjoining development are reasonably imposed. In broad terms these tests are:</i></p> <ul style="list-style-type: none"> <li>• <i>Does the overlooking impact on class room windows?</i></li> <li>• <i>Does the overlooking impact on a private or secluded part of the school grounds?</i></li> <li>• <i>Are the school grounds visually exposed to the public domain?</i></li> <li>• <i>Does the form, scale or nature of the proposed development contribute to a need to restrict overlooking?</i></li> <li>• <i>Does the planning scheme include policies or provisions which provide guidance on the consideration of the issue?</i></li> </ul>	Y

	Compliance
<p><i>The Tribunal has commented on a number of occasions that these tests ought to be applied in the context that a level of passive surveillance of public spaces including school grounds, should be regarded as a positive outcome from a security or safety perspective.</i></p> <p>The development plan specifies that there will not be active frontages facing the east however it recommended that a notation be required that balconies and living areas generally not be located facing the east boundary (adjoining the school).</p>	
<p><b>A mix of dwelling sizes to provide for a diversity of housing.</b></p>	
<p>Details of a diversity of dwellings have not been provided. This will be assessed at the planning permit stage.</p>	Y
<p><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></p>	
<p>There are no immediately adjoining uses to the east, west of north that raise such issues and the officers inspection indicated relatively benign uses on the south side of Beavers Road.</p> <p>However having regard to the commercial zoning and uses on the south side of Beavers Road the recommendation requires that a notation be provided on the development plan that buildings fronting / in proximity to Beavers Road be designed to minimise noise and other impacts associated with surrounding non – residential uses and that an acoustic, odour and emissions assessment accompany any permit application.</p>	Y
<p><b>Proposed streetscape treatments including landscaping to complement the existing surrounding streetscapes.</b></p>	
<p>The plans show a 2 metres setback to Beavers Road which is consistent with the Beavers Road Streetscape and the development plan approved at 200 Beavers Road. The landscape concept plan indicates that this will be landscaped. It is recommended that canopy trees be provided in the Beavers Road frontage also.</p>	Y
<p><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>	
<p>No permeability is provided through the site.</p> <p>In the report to Planning Committee for the 200 Beavers Road development plan the following was stated:</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 access-way design is not sufficient to allow appropriate access as a road and will remain as a body corporate / private road.</p>	Y

	Compliance
<p>It is noted that a public right of access cannot be required over the land without a Public Acquisition Overlay and if the access-way 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 the enabling mechanism that is typically required to provide legal access from private land to a public park as proposed and requires the consent from Council. The development plan should note this.”</p> <p>In contrast to the above “intent” the Development Plan Overlay is quite explicit in stating that publicly accessible linkages between Beavers Road (officer’s interpretation) and Beaconsfield Parade should be provided.</p> <p>It is recommended that the development be amended to show the provision of a minimum 3 m wide paved Disability Discrimination Act 1992 compliant public pedestrian and bike access (public access) through the site from Beaconsfield Parade / Leinster Grove to Beavers Road. This is to be facilitated through a Section 173 Agreement. Development adjacent to the public access is to be designed and orientated to maximise passive surveillance of the public pedestrian access. The public access is to incorporate clear sight lines / minimise hiding places where possible. Surface treatments, vehicle access / circulation and signage to ensure appropriate safety for any areas of shared pedestrian and bike / vehicle access along internal roads. The access is to be to the satisfaction of Council.</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>	<p>Y</p>
<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>See comments above regarding relationship between proposed uses and built form and existing and proposed development on adjoining land.</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 access-way.</li> <li>▪ Double garages to be in a tandem and / or car stacker layout.</li> </ul>	<p>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>	
The setbacks from the north boundary comfortably comply with this requirement. See also comments under the ESO1 assessment regarding impacts on Merri Creek.	Y
<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>	
A notation should be provided reflecting this. This level of detail is best assessed at the planning permit stage.	Y
<b>Details of design measures to maximise passive surveillance and activation of streetscapes and the public realm.</b>	
A notation should be provided reflecting this. This level of detail is best assessed at the planning permit stage.	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 boundaries 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.	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 land is not adjacent to the Merri Creek environs or public thoroughfares.	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>	
The land is not adjacent to the Merri Creek environs. The proposed setbacks will minimise the visual and landscape impacts experienced from the Merri Creek environs and adjoining pedestrian paths.	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>	
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 proximate to Beavers Road the 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>	
The site does not abut Merri Creek.	Y
<b>Minimisation of light spill into the Merri Creek valley.</b>	
It is recommended that a notation be required to address this.	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 development.	Y	Y
<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 building envelopes are set back 2 metres from the Beavers Road street frontage. This is consistent with setbacks allowed at 200 Beavers Road, the Residential Growth Zone and surrounding development.	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



Clause	Std		Compliance	
			Std	Obj
<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>		
		The plan indicates that parking facilities will be proximate to the dwellings they serve. This 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 subject to conditions the building envelopes proposed are acceptable.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		There may be walls on the west boundary reflecting the development plan allowed at 200 Beavers Road. It is noted that in a residential growth zone this design outcome is acceptable.	Y	Y
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		No dwelling windows affected by the proposal. It is a fundamental planning principle that this matter is assessed based on existing conditions but this remains true for the permit issued to the land to the west at 200 Beavers Road.	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. It is a fundamental planning principle that this matter is assessed based on existing conditions but this remains true for the permit issued to the land to the west at 200 Beavers Road.	N/A	N/A
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		See Clause 43.05 compliance summary. It is a	N/A	N/A

Clause	Std		Compliance	
			Std	Obj
		fundamental planning principle that this matter is assessed based on existing conditions. This will be further assessed at the planning permit stage.		
<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>		
		See Clause 43.04 compliance summary.	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>		
		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 may be by a private contractor. Private waste collection is required and this should be reflected by the development plan.	N/A	N/A

## Clause 56 Subdivision

It is recommended that the development plan allow the creation of staged super lots with any subdivision to create super lots only be allowed once development is approved and common areas are constructed and with subdivision of individual residential allotments to occur only once the development of the land / individual super lot is substantially completed.

## REFERRAL SUMMARY

Department/ Authority	Response
Assets and Properties	<p>Properties has reviewed the plans for the above application and has no objection to the proposed development on the following basis:</p> <ol style="list-style-type: none"> <li>1. There is no direct access provision from the property to the golf course without any further consideration from Properties.</li> <li>2. That if required, due consideration be given to the type and height of the fencing between the golf course and the property for the prevention of stray golf balls.</li> <li>3. That any proposed public pedestrian / bike linkages from Beavers Road to the unnamed road be formalised.</li> </ol>
Capital Works	No objection. Standard Conditions.
Transport Management and Planning	<p>No objection subject to:</p> <ol style="list-style-type: none"> <li>a. A minimum 3m wide dedicated footpaths are to be accommodated throughout the internal street network, to provide direct connectivity to and between Beavers Road and Leinster Grove.</li> <li>b. Provide a higher rate of resident bicycle parking, ideally at a rate of 0.5 per dwelling, indicated on the plans.</li> </ol>
Darebin Parks	No objection
Urban Designer	<p><b>Site interfaces</b></p> <p>The street interface to Beavers Road has a 2m setback. This provides some semi-private buffer space for future ground floor residential uses. A minimum 3m front setback is preferred as it would able to accommodate modest canopy planting</p> <p>The ground level is on the west boundary which is acceptable given that the adjacent site to the west proposes the same arrangement. At upper levels an 'equitable development outcome' is sought, with overlooking issues to be addressed by providing adequate separation from facing development, rather than reliance on screening (as proposed on the Overlooking and Passive Surveillance Plan). A greater setback is sought from the west boundary at upper levels</p>

Department/ Authority	Response
	<p>The setback to the east side is still proposed at 2m minimum and this should be increased to achieve canopy planting in rear garden spaces</p> <p><b>Site layout</b></p> <p>The Access Plan indicates potential for vehicle access from all the building frontage around the perimeter of the site. Previous advice is reiterated to avoid frontages dominated by garages, however the Overlooking and Passive Surveillance Plan indicates that the 'main outlook' of development adjacent to east and west boundaries will be towards the internal street. This will help to achieve the DPO12 requirement to maximise passive surveillance and activation of streetscapes and the public realm.</p> <p>Passive surveillance to Beavers Road is still not indicated. This should be achieved and the development must not turn its back on the street front.</p> <p><b>Potential building form</b></p> <p>Roof top terraces are indicated on the site cross-sections as potentially extending across the entire roof top level. Structures associated with a roof terrace should have limited visibility from surrounding development, and their arrangement should avoid overlooking without the need for screening which would add to building bulk. The extent of potential roof terrace shown is questioned.</p>
Melbourne Water	No Objection
Director of Public Transports	No Objection
Merri Creek Management Committee	<p>Lack of internal road connectivity between site and 200 Beavers Road.</p> <p>Lack of provision for public movement north-south between the development site and the adjacent special school.</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

<b>Section of Scheme</b>	<b>Relevant Clauses</b>
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.