

**1. APPLICATION FOR PLANNING PERMIT
D/967/2011
25 MADELINE STREET PRESTON VIC 3072**

AUTHOR: Senior Planner – Alex Harrison

DIRECTOR: Director City Works and Development – Michael Ballock

OWNER/APPLICANT/CONSULTANT:

Applicant: K Heathfield-Elliott - Ikonomidis Reid Pty Ltd
713 Plenty Rd
RESERVOIR VIC 3073

Owner: Michael Christopher Mertyn and John Leslie Mertyn
25 Madeline St
PRESTON VIC 3072

SUMMARY:

- Construction of six (6) double storey dwellings.
- Four (4) dwellings will have two (2) bedrooms and two (2) dwellings will have one (1) bedroom each.
- Each dwelling will have access to either (1) car space, garage or a carport.
- There are no restrictive covenants.
- recommendation - support (Notice of Decision to Grant a Planning Permit)

CONSULTATION:

- Notice was given in the form of two (2) signs erected on the land and letters sent to adjoining properties.
- Two hundred and twenty (220) objections have been received.
- The application has been referred internally to Darebin Parks and the Capital Works Unit. Discussions were held with the Transport Management and Planning Department. There were no external referrals.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The 'site' consists of two (2) lots being lot 252 on plan of subdivision 007203 and lot 24 on Title Plan TP020988T.
- The site is located on the corner of Madeline and Donald Streets in Preston.
- It has a frontage to Madeline Street of 23.8m and a maximum depth of 38.10m culminating in a total site area of approximately 860.5sqm.
- The site is located within the Residential 1 Zone (R1Z) and the Development Contributions Plan Overlay (DCPO) applies.
- The site currently contains a single storey, weatherboard dwelling with a tiled roof. A driveway located on the western boundary leads to a carport in the rear yard with several outbuildings. There are no significant trees on site.
- Located to the east and across Donald Street is the W Ruthven VC Reserve which contains an oval, tennis club and play equipment.
- Located to the south is a 3.05m wide discontinued Right of Way (ROW) beyond which is the rear yard of a single storey red brick dwelling with a tiled roof that fronts Malpas Street to the south. Part of this ROW (lot 24 on Title Plan TP020988T) will be occupied by the car space and private open space to dwelling 6.
- Located to the north across Madeline Street is a single storey red brick and weatherboard dwelling with a tiled roof.
- Located to the west is a single storey brick dwelling with a tiled roof.
- Located approximately 265m to the north on Tyler Street is the Route 566 Bus (Lalor to Northland Shopping Centre)
- Located approximately 440m to the east on Albert Street is the Route 567 Tram (Northcote to Regent via Northland Shopping Centre).
- Located at the end of Madeline Street, approximately 608m to the west on Plenty Road is the Route 555 Bus (Epping to Northland Shopping Centre) and number 86 Tram (Bundoora to Waterfront City and Docklands).
- Public Open Space is in the form of the W Ruthven VC Reserve to the immediate east.

Proposal

- Construction of six (6) double storey dwellings.
- Waiver of visitor car space.
- Dwellings 2 and 3 will have one (1) bedroom each whilst dwellings 1, 4, 5, and 6 will have two (2) bedrooms each.
- Dwellings 1 and 2 will front Madeline Street whilst dwellings 3 to 6 will front Donald Street.
- Vehicle access to dwellings 1, 2 and 3 will be via two (2) crossings from Madeline Street whilst access to dwellings 4, 5 and 6 will be via three (3) crossings from Donald Street.
- Each dwelling will have access to either (1) car space, garage or a carport.

- The maximum height of the proposal will be 7.7m

Objections

- Two hundred and twenty (220) objections have been received.

Objections summarisedCar parking and traffic

- Exacerbates lack of on street parking
- Increased traffic volume and congestion which is dangerous, i.e. hazardous to cross road to parkland in a narrow street (Madeline Street) / more accidents
- Lack of on site parking will create problems
- No visitor parking
- The proposal coupled with recreational parking across the road may be hazardous
- Increased parking congestion in streets .i.e. create visibility problems
- Parkland parking area will be over utilised and will not cope
- Cars backing out or driving out close to the Madeline Street and Donald Street corner will be dangerous

Character

- Existing bungalow on subject site should be protected and not demolished
- Does not respect preferred character of neighbourhood
- Not a commercial area
- Contribute to erosion of streetscape
- Design should incorporate more than just 'some' elements of local character
- Does not respect the character of the street. i.e. single blocks & Californian Bungalows
- Poor quality and ugly
- Existing rhythm and spacing of dwellings in street will not be maintained
- Boundary to boundary development
- Car parking spaces and garages dominate the façade
- Number of crossovers – will impede pedestrians, reduce on street parking and increase risk of accidents
- Out of scale with adjoining properties
- Inadequate setbacks at upper levels and lower levels
- 'Non family' development and people / Will change 'family character'
- Will block 'gateway' to Madeline Street
- 'Eye sore' just like recent approvals in street
- Car parking spaces and garages dominate the façade of the proposal
- No front fences
- Development does not adequately address Madeline Street – entries are not prominent or identifiable
- Disrespectful and lack of empathy to residents who have renovated existing dwellings in area

Security

- Detrimental to safety and security of elderly residents.
- Overlooking of children's football club
- Change in the mix of residents will make neighbourhood less safe and diminish security

Density

- Too many residents & visitors
- Will turn suburb into an urban ghetto
- Exacerbates over crowding of Preston area
- High density flats create issues with tenants, rubbish, parking security, congestion
- Will set precedent for high density
- Area not designated for high density
- Not a transport corridor or activity centre
- Unsuitable location for apartments
- One and two bedroom dwellings does not meet projected housing needs for future
- Dwellings are too small to accommodate growing families
- Not enough public facilities nearby
- No extra services as a result of the increase of people

Infrastructure

- Detrimental to infrastructure i.e. drainage
- Construction over easement
- Will create a further strain on public transport

Devaluation of propertiesOverdevelopment

- Over development for size of block
- Will over whelm surrounding homes.

Amenity

- Does not comply with Rescode
- Subject dwellings are small and overcrowded
- Loss of views and visual amenity
- Loss of air circulation which will exacerbate health problems
- Inadequate living space for residents
- Increase pollution in Madeline Street
- Affect mental and physical health
- Lack of disability access given reverse living
- Lack of diverse living stock
- Lack of bicycle parking
- Noise pollution from residents and construction vehicles
- Loss of privacy / Overlooking
- Intrusive
- Overshadowing - Open space of units (clothes lines) will be overshadowed
- Increased pressure on provision of amenities
- Will hinder functionality of street cleaning and rubbish collection
- Excessive vehicle and foot traffic
- Proposed development coupled with use of the reserve will exacerbate the number of people, noise, traffic problems
- Quality of life and community ruined
- Detrimental to peaceful, beautiful and safe environment
- Donald Street and pedestrian walkways very narrow hence visibility for pedestrians is inadequate for both drivers and pedestrians when exiting and entering the development.

- Development is not within close proximity of train lines as claimed
- Building site mess and congestion
- Accommodation for rubbish bins?

Height

- Buildings too high

Landscaping & Environment

- Detrimental to landscape of area
- Lack of landscaping and trees for subject site – no front and rear gardens
- Lack of ESD principles in design
- No protection for vegetation on subject site

Setbacks

- Proximity of car space of dwelling 6 to neighbouring garage wall
- Does not comply with setbacks from boundaries.

Rear right of way

- Rear laneway 'stolen'
- Construction in laneway

Permeability

- Does not comply with required permeable surfaces

Open space

- Inadequate private open space for future inhabitants
- Does not comply with secluded private open space requirements
- Not acceptable for reserve to be taken into consideration for lack of secluded private open space.
- Balconies inadequate

Processes

- Bending of rules to accommodate development
- Does not comply with building regulations 2006
- Does not meet Darebin's commitments for a sustainable lifestyle for its residents
- Grab for money by Council as builders buy, build, profit and move on
- Poor housing planning
- Money to the Council overrules good sense
- If property values decrease as a result of the proposal so should rates

Sustainability

- Does not meet the preferred sustainability characteristics and requirements of the area, .i.e. current housing stock and vegetation being removed

Misleading information

- Do not contain a kitchen at ground floor as stated in submission
- Garage dimensions not clear

Officer comment on summarised objections

Car parking and traffic

- The proposal provides for off street parking in either the form of a garage, car space or carport which meets the requirements of the Darebin Planning Scheme.
- Vehicles to and from the site will be safe, manageable and convenient. Subject to conditions on any approval granted the crossovers fronting Madeline Street will be reduced in width and the crossovers to dwellings 4 and 5 will be merged into one thus reducing the width and the number of crossings. These changes will assist in reducing the impact of vehicle access to Madeline and in particular Donald Streets.
- It is noted that Council's Transport and Management Unit had no objection subject to the changes discussed above.
- Although the proposal does not provide one (1) visitor car space as required by the Darebin Planning Scheme it is deemed that a waiver of this requirement is satisfactory given the availability of non restricted on street parking in surrounding streets. The frontages to Madeline and Donald Streets will still be able to provide on street parking. Furthermore public transport in the form of buses is within proximity of the subject site that may be utilised by visitors - Located to the approximately 265m to the north on Tyler Street is the Route 566 Bus (Lalor to Northland Shopping Centre) and located approximately 440m to the east on Albert Street is the Route 567 Tram (Northcote to Regent via Northland Shopping Centre).
- Officers are of the view that Madeline Street has the parking capacity to absorb a net gain of six dwellings without exacerbating any traffic or parking problems.
- The proposed crossovers are adequately setback from Madeline and Donald Streets.

Character

- Given there is not a heritage overlay a planning permit is not required for demolition of the existing dwelling therefore there are no planning mechanisms compelling an owner to only renovate.
- The subject site is located in a Residential 1 Zone provides for residential development.
- The proposal will respect the existing character of Madeline and Donald Streets for the following reasons;
 - The proposal provides for adequate landscaping opportunities within the front, side and rear setbacks in which to plant canopy trees and other vegetation.
 - An adequate front garden space fronting Madeline Street has been provided. This front garden area mirrors the setback of the adjoining lot to the west.
 - Although the front gardens facing Donald Street will be significantly smaller this is not an uncommon outcome within Donald Street given the existence of similar sized front gardens (2, 4, 5 & 6 Donald Streets), side fences and garages with roller doors which front this Street.
 - The existing rhythm of spacing between dwellings and consistency of frontage widths will be maintained and reinforced via 'breaks' at the ground and first floors of the proposed dwellings. The carport element of dwelling 1 and the car space to dwelling 6 together with these 'breaks' will assist in minimising boundary to boundary style form.
 - The proposed garages facing Donald Street are not an uncommon outcome with this Street where existing roller doors and garages are

- to be found and or being built (corner of Donald and Malpas Streets, 23, 25, 36 Donald Street, 151 Tyler Street).
- It is noted that garages will not be situated forward of their respective facades with timber panelled finishes to the garage doors (subject to conditions on approval granted) with glazing to assist in softening their presentation to Madeline and Donald Streets.
 - Subject to any approval granted the width and number of crossovers will be reduced. The combined width of crossovers to Madeline and Donald Streets complies with clause 55 of the Darebin Planning Scheme.
 - First floors have been adequately setback from their respective ground floors so as to respect the single storey character of dwellings within the area and adjoining lots. It is noted that all setbacks comply with Standard B17 (Side and Rear Setbacks) of the Darebin Planning Scheme.
 - Dwelling 3 which fronts Donald Street should be setback 3m in order to comply with the requirements of this standard. It is setback 2m. However it is noted that the following dwellings have front setbacks of 2m which also face Donald Street;
 - 24 Madeline Street (two double storey dwellings under construction approved under planning permit D799/2009)
 - 23 Madeline Street has a front setback ranging from 1.4m to 2.45m.
 - 25 Madeline Street.
 - Dwelling 2 at 23 Malpas Street (corner of Donald and Malpas Streets approved under Planning Permit D517/2011).
 - Dwellings at 9 and 7 Malpas Street approved under Planning permit D92/2010.
 - It is therefore reasonable to suggest that the front setback of proposed dwelling 3 which has a front setback of 2m respects the existing neighbourhood character.
 - The proposal is not out of scale with adjoining properties. It is noted that there exist several double storey dwellings in Donald Street (numbers 4, 5 & 6). Furthermore double storey dwellings on the corner of Donald and Malpas Streets and 24 Madeline Street are either undergoing construction or have been approved.
 - The form of the proposed dwellings whilst not replicating existing dwellings within Madeline and Donald Streets nevertheless will provide for a contemporary outcome that in effect respects the built form within the immediate area through the use of traditional materials such as face brick, timber weatherboard finishes and hipped roof forms.
 - They are appropriately modulated and provide sufficient material articulation to result in an interesting façade presentation.
 - The site is on a corner block in which all dwellings adequately address their respective outlooks (Donald and Madeline Streets) with individual porch areas and visible entries.
 - Donald Street is under going considerable change resulting in a myriad of styles, dwellings from different eras with varying forms. The proposal is not unlike that which has been approved in the last few years some of which have been constructed or are being constructed.
 - No front fences have been proposed. This will assist in maintaining views to dwellings and will enhance the proposed landscaping. Fence characteristics within Madeline and Donald Street vary in materials

and heights. It is noted that the previously approved development on the corner of Malpas and Donald Street does not have a front fence. In this instance the lack of any front fences for the proposal respects the existing and future characteristics of the area.

- Cities do change and it is not unreasonable to expect that housing character will be part of that change. It is also pertinent to note the existence of double storey within Donald Street.
- The proposal is in line with State Government planning policies in which the development of sites within established urban environments in proximity to existing urban infrastructure is encouraged.

Security

- All driveways and pedestrian entrances are visible from Madeline and Donald Streets. Conditions on any approval granted will require pedestrian visibility splays to be satisfactorily incorporated within the plans.
- A condition on any approval granted will reduce the number of crossovers fronting Donald Street hence reducing the impact of vehicle access to Donald Street.
- Views from the proposal will result in increased surveillance to the reserve across Donald Street. All windows (subject to conditions on any approval granted) will be screened in accordance with clause 55 of the Darebin Planning Scheme. It is noted that there are no mechanisms within the planning process to screen views other than those which impinge on the private open space and habitable room windows of adjoining lots.
- There are no mechanisms within the planning process to dictate who future residents might be.

Density

- The proposal is in line with State Government planning policies in which the development of sites within established urban environments in proximity to existing urban infrastructure is encouraged.
- There are no mechanisms within the planning process to dictate how future residents might behave.
- Adequate bin storage has been provided on site. The proposal will not result in an undue strain on services within this area.
- It is noted that public facilities in the form of a large public reserve with play equipment, etc exists directly opposite the site.
- Each planning application is assessed on its own merits with regard to State and Local Planning policies. The proposal is an appropriate response within the parameters of these policies and within the context of the area.
- The proposal will provide an increase in the diversity of dwellings within the area catering for diverse 'family' units if required.
- Subject to conditions on any approval granted the proposed dwellings comply with clause 55 (Rescode) of the Darebin Planning Scheme.

Infrastructure

- Council's Capital Works unit had no objection to the proposal subject to the site being drained to the satisfaction of Council. Plans will be required detailing how the site will be drained.
- The proposal will not result in an undue strain on infrastructure within this area.
- Consent from the relevant authorities will be required before construction over any easements can commence (this will be conditioned on approval granted).

- The increase of six dwellings will not create a strain on public transport. It is noted adequate car parking on site will be provided for those inhabitants with cars.

Devaluation of properties

- There are no mechanisms within the planning process to address this concern.

Overdevelopment

- The proposal has been satisfactorily setback from side and rear boundaries at the ground and first floor levels.
- Upper levels to the south and west have been setback in order to respect the rear yards of adjoining properties.
- The proposal will not result in any significant overshadowing to adjoining properties.
- Subject to conditions on any approval granted the proposal complies with clause 55 of the Darebin Planning Scheme in terms of setbacks, height and walls on boundaries.
- The proposal is in line with State Government planning policies in which the development of sites within established urban environments in proximity to existing urban infrastructure is encouraged.
- The living spaces are adequate for future residents.

Amenity

- Subject to conditions on any approval granted the proposal complies with clause 55 of the Darebin Planning Scheme.
- There are no mechanisms within the planning process to address concerns regarding the loss of views.
- Although not replicating the existing dwellings within the immediate area the proposal will provide for a contemporary outcome that in effect respects the built form within the immediate area through the use of traditional materials such as face brick, timber weatherboard finishes and hipped roof forms.
- The proposed dwellings are appropriately modulated and provide sufficient material articulation to result in an interesting façade presentation.
- Adequate private open space will be provided for the recreational needs of future inhabitants.
- Subject to conditions on any approval granted many operable windows in the development will be provided hence providing good air circulation.
- The proposal will not result in significant increases of pollution within Madeline Street. Various environmental initiatives such as rain water tanks, and skylights as well as a six star energy rating will be required.
- The proposal will not detrimentally affect the amenity of adjoining properties in terms of overshadowing, overlooking and noise pollution. The proposal complies with clause 55 of the Darebin Planning Scheme where amenity based issues are assessed. It is therefore conjecture and subjective to suggest that the proposal would affect the mental and physical health of adjoining residents and the quality of the community.
- There are no mechanisms within the planning process to address the concerns of the actual construction process. These issues would be addressed within the building permit phase.
- There is no requirement in the planning scheme to provide bicycle facilities. There is however adequate provision for bicycles to be stored in garages and / or private open space areas.

- The proposed dwellings can be made accessible for people with limited mobility by the construction of a ramp, if required. This complies with the requirements of clause 55 of the Darebin Planning Scheme which states that the dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.
- Subject to conditions vehicle access to and from the site will be safe, manageable and convenient. The number and design of the vehicle crossover(s) will respect the neighbourhood character.
- It is noted that in order to further decrease the number of crossovers accessing Donald Street a condition on any approval granted will require the garages and porches to dwellings 4 and 5 to be reconfigured resulting in one (1) crossover. Two resulting crossovers to Madeline and Donald Streets is not an unreasonable outcome given the width of these frontages.
- This will result in these garages being situated side by side with one (1) 'wine glass' shaped 4.5m wide crossover to Donald Street.
- It is also noted that a condition on any approval granted will require the decrease in the width of the crossover for dwellings 2 and 3 to a maximum of 3m. This driveway will also be required to be modified to a 'wine glass' configuration to further reduce impervious areas.
- A condition on any approval granted will also reduce the width of the crossing to dwelling 1 from 3m to 2.8m.
- Conditions on any approval granted will require the provision of pedestrian visibility splays.
- It is also noted the lack of front fencing will render the entrances and driveways 'open' in terms of visibility to pedestrians and drivers alike.
- It is noted that given the existing brick garage adjacent to the car space of dwelling 6 it is not possible to achieve a pedestrian visibility splay to the south. However the existing crossover in front of this garage does alert pedestrians to the possibility of vehicle manoeuvrability prior to conversing over the crossover to dwelling 6.
- Although the proposal may not be located within close proximity of any train lines it is nevertheless located within close proximity of bus services that might otherwise serve the same purpose.

Height

- The height of the proposal complies with clause 55 of the Darebin Planning Scheme (being 7.7m).
- The proposal has been satisfactorily setback from side and rear boundaries at the ground and first floor levels.
- Upper levels to the south and west have been setback in order to respect the rear yards of adjoining properties.

Landscaping & Environment

- It is noted there are no significant trees on site or on adjoining properties that would be affected by the proposal. The site does not contain any tree controls. Council's Arborist had no objection to the proposal subject to the inclusion of nine (9) canopy trees included on a landscape plan.
- Adequate front gardens and rear private open space areas will provide for opportunities for landscaping.
- The proposal, subject to conditions on any approval granted, will incorporate several environmentally sustainable initiatives such as rain water tanks, operable windows and skylights.

- A Sustainable Design Statement detailing sustainable design strategies will be required to be incorporated into the development to the satisfaction of the Responsible Authority. The sustainable design statement will outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection.
- It is further noted that under the building permit process the proposal will be required to achieve a six star energy rating.

Setbacks

- The proposal complies with the side and rear setback requirements of clause 55 of the Darebin Planning Scheme (Standard B17: Side and Rear Setbacks).
- Dwellings 1 and 2 comply with the street setback requirements of clause 55 of the Darebin Planning Scheme (Standard B6: Street Setback).
- Dwellings 4, 5 and 6 which front Donald Street also comply with the requirements of this standard.
- Dwelling 3 which fronts Donald Street should be setback 3m in order to comply with the requirements of this standard. It is setback 2m. However it is noted that the following dwellings have front setbacks of 2m which also face Donald Street;
 - 24 Madeline Street (two double storey dwellings under construction approved under planning permit D799/2009)
 - 23 Madeline Street has a front setback ranging from 1.4m to 2.45m.
 - 25 Madeline Street.
 - Dwelling 2 at 23 Malpas Street approved under planning permit D517/2011 has a front setback of 1.9m.
 - Dwelling 2 and 3 at 23 Malpas Street approved under planning permit D92/2010 have front setbacks of 1.8m

It is therefore reasonable to suggest that the front setback of proposed dwelling 3 which has a front setback of 2m respects the existing neighbourhood character and hence complies with the objective of this standard.

- The car space to dwelling 6 is satisfactorily sited and does not impinge on the requirements of clause 55 of the Darebin Planning Scheme.

Rear right of way

- The process of acquiring the rear right of way (POS and car space of dwelling 6) known as lot 24 on Title Plan TP020988T is of course subject to approval by Council. That process is separate from the planning process outlined in this report. However any approval granted will require that this parcel of land be incorporated into any future lot containing dwelling 6 of any future subdivision.

Permeability

- The proposal complies with clause 55 of the Darebin Planning Scheme where at least 20% of the site should be permeable. Permeability is 35.7%

Open space

- The development provides adequate private open space (pos) for the reasonable recreation and service needs of future residents of these one (1) and two (2) bedroom dwellings.
- Dwelling 1 has a secluded private open space area of at least 40sqm with a minimum dimension of 6m to the rear which complies with the requirements of Standard B28 of the Darebin Planning Scheme (Private Open Space). Additional open space is provided in the form of the front garden facing Madeline Street. The secluded private open space is also conveniently accessed from a living room.
- Dwellings 2, 3, 4 and 5 have balcony spaces of at least 9sqm with minimum widths greater than 1.6m and convenient access from living rooms which complies with the requirements of the standard. These dwellings also have service yards on the ground together with the front garden facing Madeline Street.
- Dwelling 6 has an area of at least 25sqm to the rear with a minimum dimension of at least 4.5m. Coupled with the 10.7sqm of secluded private open space to the south and front garden a total of 40sqm will be provided. Although the front garden is not in effect functional open space, the existence of a reserve opposite the site enables some flexibility to be afforded to the proposed development.
- The use of balconies is not an unreasonable outcome within the context of the area given the large reserve directly to the east across Donald Street (W.C Ruthven Reserve).

Processes

- The proposal has been assessed against the relevant State and Local planning policies. Subject to conditions on any approval granted it is deemed to satisfactorily comply with these policies.
- Any concerns relating to building regulations cannot be addressed within the parameters of this assessment.
- Any concerns regarding rates cannot be addressed under the parameters of this assessment.

Sustainability

- As stated previously there are no significant trees on site nor is the site within a heritage overlay area. As such the demolition of the existing house and any trees on site do not require planning approval.
- The proposal is in line with State Government planning policies in which the development of sites within established urban environments in proximity to existing urban infrastructure is encouraged. This will assist in lessening the need for new infrastructure and services which will in fact create less emissions than say development in new areas on the fringe of Melbourne.
- The dwellings have incorporated environmentally sustainable principles (subject to conditions) such as water tanks, external operable shade devices and solar access to open space.

Misleading information

- With regard to garage dimensions a condition on any approval granted will require the internal dimensions of all garages to be shown on plan.
- The plans and town planning report submitted with the application satisfactorily outlines the proposal.

REQUIREMENT FOR PLANNING PERMIT

Clause 32.01-4 (Residential 1 Zone) – construction of two or more dwellings on a lot.

Clause 52.06 (Car Parking) – a permit is required to reduce the car parking rate shown in the table to Clause 52.06-5.

PLANNING CONTROLS

State Planning Policy Framework

Clause 11.02-1 - Supply of urban land

Clause 15.01-1 - Urban design

Clause 15.01-5 - Cultural identity and neighbourhood character

Clause 15.02 - Sustainable development

Clause 16.01 - Residential development

Clause 19.03-1 - Development contribution plans

Local Planning Policy Framework

Clause 21.05-1 - Sustainability

Clause 21.05-2 - Housing

Clause 21.05-3 - Urban Design

Clause 22.04 - Neighbourhood character

Zones and Overlays

Clause 32.01 - Residential 1 Zone

Clause 45.06 - Development Contributions Plan Overlay

Particular Provisions

Clause 52.06 - Car Parking

Clause 55 - Rescode

General Provisions

Clause 65.01 - Decision Guidelines

PLANNING ASSESSMENT

Neighbourhood Character Precinct Guideline Assessment

Existing Buildings

Objective

To encourage the retention of older dwellings that contribute to the valued character of the area in the design of development proposals.

Comment

The site is not covered by a Heritage Overlay and as such a planning permit is not required for demolition.

Complies

VegetationObjective

To enhance the landscape quality of the area.

Comment

The proposal provides for adequate landscaping opportunities within the front, side and rear setbacks in which to plant canopy trees and other vegetation.

Conditions on any approval granted will provide increased landscaping to the front setback facing Madeline Street via the decrease in the driveway to dwellings 2 and 3.

A landscape plan will be required to be submitted via condition to the satisfaction of the Responsible Authority. Nine (9) suitable low to medium canopy trees to the satisfaction of Council will be required.

Complies subject to conditions

SitingObjective

To provide space for front gardens.

To ensure new development retains substantial space for landscaping.

To maintain and reinforce the existing rhythm of spacing between dwellings.

To minimise the loss of front garden space and the dominance of car parking structures.

Comment

An adequate front garden space fronting Madeline Street has been provided. This front garden area mirrors the setback of the adjoining lot to the west. Conditions on any approval granted will further increase this area via the decrease in the driveway to dwellings 2 and 3. In addition the driveways fronting Madeline Street would also be constructed from exposed aggregate concrete in order to soften this area.

Although the front gardens facing Donald Street will be significantly smaller this is not an uncommon outcome within Donald Street given the existence of similar sized front gardens (2, 4, 5 & 6 Donald Streets), side fences and garages with roller doors which front this Street. Additional landscaping via the creation of a single driveway for dwellings 4 and 5 (via a condition on any approval given) and the construction of the driveways to all dwellings with exposed aggregate screening will assist in softening the Donald Street interface.

As stated above, substantial space for landscaping will be provided to the front setback interface with Madeline Street and to the rear of dwellings 1 and 6.

Landscaping to the front of dwellings 4 and 5 is not an uncommon outcome within Donald Street.

The existing rhythm of spacing between dwellings will be maintained and reinforced via 'breaks' at the ground and first floors of the proposed dwellings. The carport element of dwelling 1 will also assist in this.

The proposed garages facing Donald Street are not an uncommon outcome with this Street where existing roller doors and garages are to be found and or being built (corner of Donald and Malpas Streets, 23, 25, 36 Donald Street, 151 Tyler Street).

It is noted that garages will not be situated forward of their respective facades. A condition on any approval granted will require all garage doors to be of a timber panelled finish with glazing in order to assist in 'softening' their presentation to Madeline and Donald Streets.

Complies subject to conditions

Height and Building Form

Objective

To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.

To maintain, where present, the consistency of frontage widths and building heights and forms.

Comment

First floors have been adequately setback from their respective ground floors so as to respect the single storey character of dwellings within the area and on adjoining lots.

It is noted that there exist several double storey dwellings in Donald Street (numbers 4, 5 & 6). Furthermore double storey dwellings on the corner of Donald and Malpas Streets and 24 Madeline Street are either undergoing construction or have been approved.

The form of the proposed dwellings whilst not replicating existing dwellings within Madeline and Donald Streets nevertheless will incorporate hipped rooves, window and door proportions that respect the form of buildings within these streets albeit in a contemporary manner.

The consistency of frontage widths will be maintained via 'breaks' at the ground and first floors of the proposed dwellings.

Complies

Materials and Design Detail

Objective

To encourage buildings that contribute positively to the streetscape through the use of innovative architectural responses and by presenting visually interesting facades to the street.

Comment

Although not replicating the existing dwellings within the immediate area the proposal will provide for a contemporary outcome that in effect respects the built form within the area through the use of traditional materials such as face brick, timber weatherboard finishes and hipped roof forms.

The dwellings are appropriately modulated and provide sufficient material articulation to result in an interesting façade presentation.

Complies

Front Boundary Treatment

Objective

To maintain the openness of the streetscape and views to established gardens and dwellings.

Comment

No front fences are proposed to Madeline or Donald Street and as such the openness of the streetscape and views to established gardens and dwellings will be maintained.

Complies

Clause 52.06 Assessment – Car Parking:

One car parking space is provided for each of the one and two bedroom dwellings in the form of a garage, car space or carport.

The car space to dwelling 6, carport to dwelling 1, garages to dwellings 2, 3, 4 and 5 and the access ways have appropriate dimensions to enable efficient use and management.

All garages and the carport for dwelling 1 have dimensions of 6m long x 3.5m wide which comply with the minimum requirements of the standard.

The car space to dwelling 6 complies.

A condition on any approval will require that the car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.

Access dimensions to the car spaces comply with the standard.

Visitor Parking

It is noted that the proposal does not comply with the requirements of one (1) visitor space per five (5) dwellings and as such a waiver is sought. Council deems a waiver to be satisfactory given there is adequate provision for on street parking to cater for visitors should the need arise. Furthermore bus services within close proximity of the subject site will provide an alternative means of transport which may be utilised by visitors and indeed inhabitants of the development.

Complies with objective

Clause 55 Assessment:

Standard B1 - Neighbourhood Character:

This element has been considered above in the Neighbourhood Character Guidelines Assessment.

Complies

Standard B2: Residential Policy

The proposal is accompanied by an acceptable written statement and design response. The proposal generally complies with the State Planning Policy Framework, the Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.

Complies

Standard B3: Dwelling Diversity

This standard applies to developments of 10 or more dwellings and is not applicable to the subject application.

Not applicable

Standard B4: Infrastructure

The development is to be located in an established area where there is adequate infrastructure. The proposal will not exceed the capacity of local infrastructure.

Council's Capital Works Unit has commented that drainage is available to the site subject to conditions.

Complies subject to condition

Standard B5: Integration with the Street

The proposal provides adequate vehicle and pedestrian links with separate pedestrian entries. The development fronts the street network. No high front fencing is proposed.

Complies

Standard B6: Street Setback

Dwellings 1 and 2 which front Madeline Street are setback 7.5m. This complies with the requirements of this standard given the dwelling at number 27 Madeline Street has a front setback of 7.52m.

Dwellings 4, 5 and 6 which front Donald Street have front setbacks of 3m which complies with the requirements of this standard where front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.

Dwelling 3 which fronts Donald Street should be setback 3m in order to comply with the requirements of this standard. It is setback 2m. However it is noted that the following dwellings have front setbacks of 2m which also face Donald Street;

- 24 Madeline Street (two double storey dwellings under construction approved under planning permit D799/2009)
- 23 Madeline Street has a front setback ranging from 1.4m to 2.45m.
- 25 Madeline Street.
- Dwelling 2 at 23 Malpas Street approved under planning permit D517/2011 has a front setback of 1.9m.
- Dwelling 2 and 3 at 23 Malpas Street approved under planning permit D92/2010 have front setbacks of 1.8m

It is therefore reasonable to suggest that the front setback of proposed dwelling 3 (2m) respects the existing neighbourhood character and hence complies with the objective of this standard.

A condition on approval granted will ensure that all porches have a maximum height of 3.6m to ensure that they comply with the height requirements of this standard. All porches do not encroach more than 2.5m into the front setback.

Complies with objective and subject to conditions.

Standard B7: Building Height

The proposed dwellings are to have a maximum height of 7.68m which complies with the standard requiring a maximum height not exceeding 9m.

Complies

Standard B8: Site Coverage

The area covered by buildings should not exceed a site coverage of 60%. The site coverage is 51%.

Complies

Standard B9: Permeability

To reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration, at least 20% of the site should be permeable. Permeability is 35.7%

Complies

Standard B10: Energy Efficiency

The proposal is considered to be generally energy efficient due to the following:

- Attached construction.
- Cross ventilation is available in the design.
- The development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.
- Open space and living areas with access to north light.

- Space for outdoor clothes drying facilities.
- The following conditions will be placed on any approval granted in order to further the sustainability of the proposal;
 - A water tank and/or solar hot water unit will be required for each dwelling.
 - A notation on plan indicating the size of each water tank and that it is connected to a toilet (where applicable).
 - Fixed external operable shading devices to all north, east and west facing habitable room windows excluding the ground floor windows to the porch areas of dwellings 3, 4 and 5.
 - Skylight to the kitchen area of dwelling 5 moved to the north facing hip above the meals area.
 - Skylight above the stairwell of dwelling 1.
 - First floor north facing window to bedroom 1 of dwelling 6. This window is to have a sill height of 1.7m above the finished floor level and be operable.
 - Notation on plan stating that all north, east, west and south facing windows are to be operable.
 - A Sustainable Design Statement detailing sustainable design strategies will be required to be incorporated into the development to the satisfaction of the Responsible Authority. The sustainable design statement will outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection.

Complies subject to conditions

Standard B11: Open Space

Although no communal open space is provided on site it is noted the site is located opposite the W Ruthven VC Reserve to the immediate east across Donald Street. The four (4) dwellings that front Donald Street face the reserve and provide adequate surveillance.

Complies

Standard B12: Safety

The entrances to the dwellings are adequately visible from Madeline and Donald streets.

The development is designed to provide good lighting, visibility and surveillance of car parking.

The private open space within the development is protected from inappropriate use as a public thoroughfare.

Complies

Standard B13: Landscaping

The surrounding landscape character is generally semi mature and informal with large open spaces and spacious setbacks.

The open spaces and setbacks are generally large enough to provide sufficient landscaping together with canopy trees.

Conditions on any approval granted will require exposed aggregate screening to all the driveways in order to soften them. In addition the driveway to dwellings 2 and 3 will be decreased in size resulting in more landscaping. It is noted that the front setback to Madeline Street of 7.5m and front setback to Donald Street of 2m to 3m are characteristic of front setbacks in the immediate area and provide adequate room for vegetation.

A detailed landscape plan will be required as a condition of any approval. This landscape plan will require nine (9) suitable low to medium canopy trees. The nature strip tree fronting Madeline Street can be removed subject to a tree replacement fee of \$385 being paid by the applicant.

Complies subject to conditions

Standard B14: Access

Subject to conditions vehicle access to and from the site will be safe, manageable and convenient. The number and design of the vehicle crossover(s) will respect the neighbourhood character.

It is noted that planning approval for D799/2009 at 24 Madeline Street (immediately across Madeline Street to the north of the subject site) will result in two (2) 3m wide crossovers accessing Donald Street. Further south of the subject site on the corner of Malpas and Donald Streets (23 Malpas Street Preston - Planning permits D517/2011 and D92/2010) will result in two (2) crossovers one 10.7m wide and the other 6.3m wide.

A double cross over also exists at 21 and 6 Malpas Street.

In order to further decrease the number of crossovers accessing Donald Street a condition on any approval granted will require the garages and porches to dwellings 4 and 5 to be reconfigured resulting in one (1) crossover. Two resulting crossovers to Madeline and Donald Streets is not an unreasonable outcome given the width of these frontages.

This will result in these garages being situated side by side with one (1) 'wine glass' shaped 4.5m wide crossover to Donald Street.

This will result in 7.5m of crossover to Donald Street (4.5m wide crossover for dwellings 4 and 5 and 3m wide crossover for dwelling 6) which takes up 20% of the frontage. This is deemed to be acceptable given that the standard requires that no more than 33% of the frontage should be taken up by vehicle access ways.

The suggested conditions of approval require a reduction in the width of the crossover for dwellings 2 and 3 to a maximum of 3m. This driveway will thus result in a 'wine glass' configuration with further decreasing to the hard surfacing and more landscaping.

A condition on any approval granted will also reduce the width of the crossing to dwelling 1 from 3m to 2.8m.

Coupled with the 3m wide crossover to dwellings 2 and 3 (as discussed) and the 2.8m wide cross over to dwelling 1 a total of 5.8m of crossings will access Madeline Street (24% of the street frontage). This complies with the requirements of this standard given that no more than 33% of the frontage should be taken up by vehicle access ways.

Conditions on any approval granted will require adequate pedestrian visibility splays to the majority of driveways.

As discussed earlier in this report conditions on any approval granted will require exposed aggregate screening to all of the driveways in order to soften the driveways.

Complies subject to conditions

Standard B15: Parking Location

Parking facilities will be proximate to the dwellings they serve.

The proposed garages are an adequately secure form of parking. The carport to dwelling 1 is well setback from the street.

The driveways are observable.

Complies

Standard B17: Side and Rear Setbacks

All ground floor walls not on boundary are 3.7m in height or less and setback at least 1.03m which complies with the requirements of this standard.

The highest first floor wall not on boundary is 5.7m in height which requires a setback of 1.63m. The majority of first floor walls and balconies not on boundary are setback at least 1.63m which complies with the requirements of this standard. The south facing first floor bedroom 2 wall of dwelling 6 is 5.3m in height and setback 1.5m from the boundary which also complies with the requirements of this standard where a setback of 1.51m is required.

Complies

Standard B18: Walls on Boundaries

The standard requires that a wall be of a length of no more than 10 metres plus 25% of the remaining length of the boundary of an adjoining lot, and a height not exceeding an average of 3.0 metres.

The south facing ground floor on boundary wall of the living area to dwelling 6 is approximately 6.3m long and 2.96m in height which complies with the standard. It is noted that there appears to be a parapet or box gutter to the south western corner of this wall. As such a condition on any approval granted will require that all on boundary walls and carports must not exceed 3m in height.

The west facing section of the carport to dwelling 1 is 6.5m in length and approximately 3m in height. It is noted that there appears to be a parapet or box gutter to the north western corner of this carport. As such a condition on any approval granted will require that all on boundary walls and carports must not exceed 3m in height.

Complies subject to conditions

Standard B19: Daylight to Existing Windows

An area of at least 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky is provided opposite all existing habitable room windows, which complies with the standard.

All first floor walls are setback at least half their height from neighbouring windows.

All ground floor walls are setback at least half their height from neighbouring windows.

The development allows adequate daylight to neighbouring existing habitable room windows.

Complies

Standard B20: North Facing Windows

There are no north-facing habitable room windows on adjoining properties which would be affected by the proposed development in accordance with the requirements of this standard.

Complies

Standard B21: Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

Overshadowing will occur to the south at numbers 26a and 26 Malpas Street. These rear areas are in fact already slightly over shadowed by the existing boundary fences.

It is noted that overshadowing to number 26 is not significant given the existence of a garage in which the shadows will fall onto.

The proposal will result in an additional 2m of overshadowing to number 26a at 9am. By 12pm the proposal will result in an additional 3.9sqm of shadowing to this rear area.

It is noted that approximately 33sqm of this rear secluded private open space will not be overshadowed as a result of the proposal. This is not in accordance with the requirements of the standard where 40sqm should not be overshadowed. However given this rear area has two verandas and a garage including an above ground swimming pool that in effect 'restrict' the amount of 'open' space 'open to the air' and the fact that overshadowing will be minimal (and marginally less than the requirements of the standard) it is reasonable to conclude that the objective of the standard is met and that the proposal will not significantly over shadow this private open space.

Complies with objective

Standard B22: Overlooking

All first floor habitable room windows to dwelling 1 that pose an overlooking concern have been screened with fixed obscure glazing to a height of 1.7m above the finished floor level that meets the requirements of the standard.

Conditions on any approval granted will require that the first floor west facing windows of dwellings 4, 5 and 6 be screened with permanently fixed external screens

to at least 1.7 metres above the finished floor level and be no more than 25 per cent transparent or with fixed obscure glazing to a height of 1.7m above the finished floor level.

All other upper storey windows are appropriately designed and/or screened to ensure no overlooking.

There is an existing 2.1m high Colorbond fence to the western boundary and 3m high and 1.8m high fences to the southern boundary. Given finished floor levels are less than 0.8m and coupled with the above fence heights the west facing ground floor windows and sliding doors of dwellings 1, 5 and 6 will not pose any overlooking concerns and in fact comply with the screening requirements of this standard.

A condition on any approval given will require a notation on plan stating that there will be 1.8m high timber paling fence to the western boundary of the secluded private open space of dwelling 6.

Complies subject to conditions

Standard B23: Internal Views

Any potential for internal views between dwellings is minimised by proposed 1.8 metre high fences separating each dwelling's secluded private open space.

Measures outlined under Standard B22 to screen views of adjoining properties also minimise internal views from upper levels.

The development is designed to limit views into the secluded private open space and habitable room windows of dwellings within the development.

Complies

Standard B24: Noise Impacts

There are no obvious noise sources to or from the development.

Complies

Standard B25: Accessibility

The proposed dwellings can be made accessible for people with limited mobility by the construction of a ramp, if required. This complies with the requirements of this standard which states that the dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

Complies

Standard B26: Dwelling Entry

The entries are visible and easily identifiable. A sense of address and shelter is also provided.

Complies

Standard B27: Daylight to New Windows

Adequate daylight will be available to the windows in the new development.

All new habitable room windows within the development will be located to face an outdoor area of at least 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky.

Complies

Standard B28: Private Open Space

The development provides adequate private open space (pos) for the reasonable recreation and service needs of residents.

Dwelling 1 has a secluded private open space area of at least 40sqm with a minimum dimension of 6m to the rear which complies with the requirements of this standard. It is also noted that extra open space is provided in the form of the front garden facing Madeline Street. The secluded private open space is also conveniently accessed from a living room

Dwelling 6 has an area of at least 25sqm to the rear with a minimum dimension of at least 4.5m. Coupled with the 10.7sqm of secluded private open space to the south and front garden a total of 40sqm will be provided. Although the front garden is not functional open space it is noted that there exists a large reserve directly to the east across Donald Street. Given this it is deemed that adequate private open space for the reasonable recreation and service needs of the residents of this two (2) bedroom dwelling will be provided and complies with the objective of this standard. It is noted that this secluded private open space is conveniently accessed from a living room.

Dwellings 2 and 3 have balcony spaces of at least 9sqm with minimum widths greater than 1.6m and convenient access from living rooms which complies with the requirements of this standard. These dwellings also have service yards on the ground together with the front garden facing Madeline Street.

Dwellings 4 and 5 have balcony spaces of at least 9sqm with minimum widths greater than 1.6m and convenient access from living rooms which complies with the requirements of this standard. These dwellings also have service yards on the ground.

As stated above it is noted that there exists a large reserve directly to the east across Donald Street (W.C Ruthven Reserve).

For the reasons above it is considered that adequate private open space for the reasonable recreation and service needs of future residents of these one (1) and two (2) bedroom dwellings complies with the objective and / or standard of B28.

Standard B29: Solar Access to Open Space

The balconies to dwellings 2, 3, 4 and 5 will receive adequate solar access with no walls impeding sunlight.

The southern boundaries of the secluded private open space to dwellings 1 and 6 are adequately setback from walls to the north so as to comply with the requirements of this standard.

- The south facing ground floor wall of dwelling 1 has a height of 3.2m hence the southern boundaries of the secluded private open space to dwellings 1 and 6 should be setback 4.9m from this wall which they are.
- The south facing first floor wall of dwelling 1 has a height of 5.3 hence the southern boundaries of the secluded private open space to dwellings 1 and 6 should be setback 6.8m from this wall which they are.

Complies with standard and / or objective

Standard B30: Storage

Adequate storage facilities are provided for the majority of dwellings. This is provided in the form of 6 cubic metres of externally accessible secure storage.

However it is noted that the following conditions on any approval will be required;

- A notation on plan stating that the stores to dwellings 2, 4 and 5 are at least 6 cubic metres in volume.

Complies subject to conditions

Standard B31: Design Detail

Although not replicating the existing dwellings within the immediate area the proposal will nevertheless provide for an outcome that is generally respectful of the existing area through the use of materials and built form that are commonplace within this area. This includes using face brick, timber weatherboard finishes, adequate side and rear setbacks and hipped roof forms.

Upper levels have been adequately setback from ground floors in order to respect the single storey character of dwellings within the immediate area.

First floors have been satisfactorily setback from the rear yards of adjoining dwellings in order to minimise visual bulk and visual intrusion.

Adequate 'breaks' at the ground and first floor levels will also assist in providing visual relief and separation in order to respect the character of single dwellings on single blocks. As such the proposal will present more as single entities rather than as an 'apartment building'.

In addition, carports and garages are designed to be visually compatible with the development and the existing neighbourhood character.

As stated earlier in this report Donald Street is under going considerable change resulting in a myriad of styles, eras and form of dwellings. The proposal is not unlike that which has been approved in the last few years some of which have been constructed or are being constructed.

Complies

Standard B32: Front Fences

No front fences have been proposed. This will assist in maintaining views to dwellings and will enhance the proposed landscaping. Fence characteristics within Madeline and Donald Street vary in materials and heights. It is noted that the previously approved development on the crone of Malpas and Donald Street does not have a front fence. In this instance the lack of any front fences for the proposal respects the existing and future characteristics of the area.

Complies

Standard B33: Common Property

The public, communal and private areas within the development are clearly delineated. The common property is functional and capable of efficient management.

Complies

Standard B34: Site Services

Sufficient area is provided to allow for the installation and the maintenance of site services.

Complies

REFERRAL COMMENTS:Internal Referrals:

Darebin Parks

- No objection subject to conditions including a tree replacement fee of \$385 for the street tree fronting Madeline Street and the inclusion of nine (9) suitable low to medium canopy trees on a landscape plan to be submitted.

Capital Works Unit

- No objection subject to standard drainage condition.

Transport Planning and Management Unit

- Discussions were held regarding the design of vehicle crossovers and the decrease in crossovers. No objection subject to conditions enforcing these views.