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AGENDA

Planning Committee Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 11 December 2017
at 6.00 pm.

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Agenda

1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Trent McCarthy

Cr. Lina Messina (Deputy Mayor)

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 6 November 2017 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 ARTHURTON ROW DEVELOPMENT PLAN AMENDMENT 4, 8, 9-13, 16-18 Arthurton Road and 17 Elm Street, Northcote Vic 3070

Author: Principal Planner

Reviewed By: Director Corporate Services

Applicant	Owner	Consultant
MEYDAN GROUP	Luckybay Pty Ltd	Wireframe Architecture Cardno Grogan Richards OneMileGrid WSP Parsons Brinkerhoff Golders and Associates Datum Consulting

SUMMARY

The proponents (Meydan Group) of the Arthurton ROW site (formerly occupied by Australian Horizons) have proposed an amendment to the approved Development Plan.

The revised proposal seeks to amend the approved Development Plan to reflect what was previously approved under the 2011 Plan:

- Remove the provision of a supermarket.
- Number of apartments proposed marginally more than the 2013 plan but less than the 2011 Plan.
- Building layout altered.
- Crossover to Arthurton Road removed.
- Maximum building heights are not to be increased as part of the proposal.

The area affected by the Development Plan is split into two (2) sites; the larger being on the northern side of Arthurton Road (Site 1) and the smaller being on the southern side of Arthurton Road (Site 2). The revised Development Plan does not seek to make any changes to Site 2, which has been constructed under Planning Permit (D783/13) for a four (4) storey building generally in accordance with the approved Development Plan.

The revised Development Plan proposes a redevelopment of the site to accommodate the following for Site 1:

- Up to 400 dwellings (mix of 1, 2 and 3 bedroom apartments) (plus completed Site 2 49 dwellings);
- Approximately 4,300 square metres of retail and commercial floor space (plus completed Site 2 500 square metres);
- Landscaped shared open spaces for residents;
- Residents' amenities;

- Car parking for approximately 510 cars (plus completed Site 2 60 spaces);
- Basement car parking, bicycle parking, bin storage, storage cages, showers and change rooms for cyclists; and
- A publicly accessible pedestrian link between Elm Street and Arthurton Road.

The Arthurton Row Development Plan is a key tool in providing certainty to the ongoing development of the subject site in an appropriately staged manner. It will set out the overall form of future development and guide the assessment of town planning permits.

BACKGROUND

The scope and framework for the mixed use redevelopment of the site was established through the approval of Amendments C81 and C92 to the Darebin Planning Scheme in March 2011.

The controls applied to the site through the Amendments included the Development Plan Overlay (DPO). The DPO ensures the appropriate and coordinated development of the site by requiring the approval of a Development Plan prior to the issue of planning permits.

The Arthurton Row Development Plan 2011 was approved on 2 May 2012 (referred to as the '2011 Development Plan'). Development of the portion to the site to the south of Arthurton Road has been undertaken in accordance with the 2011 Development Plan, subject to planning permit D/783/2013.

The Arthurton Row Development Plan 2013 'A Retail Strategy' was approved by Council on 17 February 2014 subject to conditions, the conditions were never satisfied and the applicant indicates that the supermarket is no longer being pursued for the site.

- The site is zoned Mixed Use Zone (Schedule 1).
- 37 submissions were received at the time of this report. This includes one (1) petition with 13 signatures.
- The proposal is generally consistent with the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice. Formal notification of amendments to development plans is not a requirement under the *Planning and Environmental Act 1987* (as amended); however the community has been sent notification of the proposal. This was given via the erection and display of three (3) signs posted on site (Arthurton Road frontage, Herbert Street and Elm Street and letters sent to surrounding owners and occupiers see image below.
- It is important to note that additional notification has occurred prior to the receipt of the revised Development Plan, during both the C92 Planning Scheme Amendment that led to the changes in zoning and the Development Plan Overlay – Schedule 10 and during the processing of the approved Development Plan and Amendment to the Development Plan.

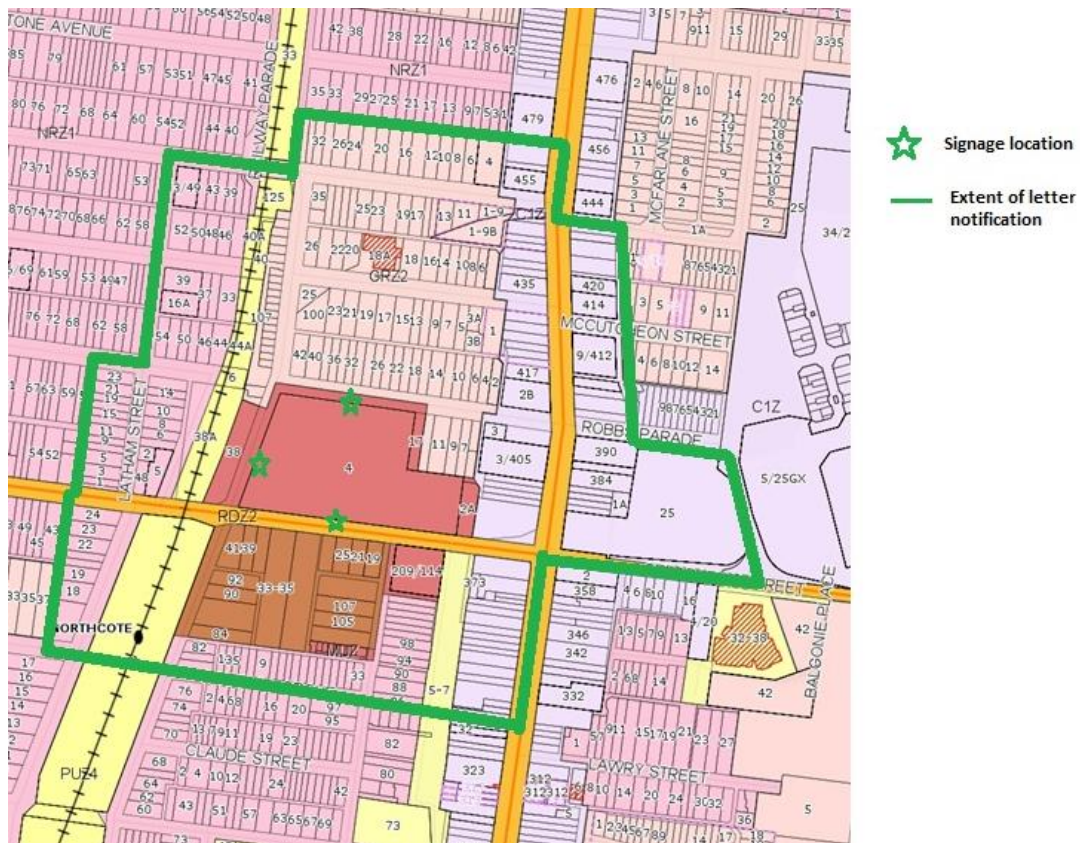


Figure 1. Notification Extent

- This application was referred internally to Capital Works Unit, Economic Development Unit, Environmentally Sustainable Design Officer, Public Realm Unit, Strategic Asset Management Unit, Strategic Planning Unit, Transport Management Unit and Urban Designer.
- This application was referred externally to VicRoads, Melbourne Water and Public Transport Victoria.

Recommendation

That Council approve the development plan subject to the following conditions:

- (1) Submission of an updated acoustic report, generally in accordance with ‘Arthurton ROW Development Plan Acoustic Report, dated 20 June 2011 and prepared by Renzo Tonin and Associates.
- (2) Submission of an updated Sustainability Management Plan, generally in accordance with the ‘Sustainability Management Plan’, dated August 2011 and prepared by Built Ecology, including background documentation (Preliminary Green Star Study and Sustainable Design Scorecard Assessment Report).
- (3) Submission of an updated Construction Management Plan, generally in accordance with the ‘approved Construction Management Plan’ that forms part of the Arthurton ROW Development Plan document approved on 2 May 2012, with further details of construction management measures to be put in place restricting usage and impact of local road network to the satisfaction of the Responsible Authority.
- (4) Submission of an updated Waste Management Plan, generally in accordance with the ‘Waste Management Plan’ dated 17 August 2011 and prepared by Leigh Design.

- (5) Further details of the developer contributions towards construction and installation of any VicRoads approved Pedestrian Operated Signals in the vicinity of the Herbert Street/Arthurton Road intersection, to the satisfaction of the responsible authority.
 - (6) Compliance with VicRoads referral response requirements and conditions dated 4 August 2017 with particular reference to the following requirements:
 - a) Before the development starts, the applicant must submit a Transport and Traffic Management Plan for VicRoads approval. The plan must assess the impact of the development on St George Road, High Street and Arthurton Road and any mitigation works required.
 - b) The works by the Transport and Traffic Management Plan must be completed prior to commencement of use and at no cost to the Roads Corporation (VicRoads).
 - (7) Details of any required traffic management measures to be put in place restricting usage of local road network at the cost of the owner / developer to the satisfaction of the Responsible Authority.
 - (8) Tree Planting and Deep Soil Zones to remove the numerical and percentage value.
 - (9) Vehicle access from the existing Right of Way located adjacent the eastern boundary of the development to be for loading / unloading for Building F.
-

INTRODUCTION AND BACKGROUND

SITE AND SURROUNDS

The site is made up of two (2) distinct properties, known as Site 1 and Site 2 for the purposes of the Development Plan (see figure 1).

Site 1

Site 1 is located on the northern side of Arthurton Road, with frontages to Arthurton Road, Elm Street and Herbert Street and appears as a large industrial compound, characterised by large brick boundary walls and areas of car parking.

Site 2

Site 2 is located on the southern side of Arthurton Road, with frontages to Arthurton Road and Helen Street and is occupied by a completed mixed use development in accordance with the 2011 Development Plan, subject to planning permit D/783/2013.

The subject site is located to the west of High Street and the east of the South Morang Railway Line, and is within the boundaries of the Northcote Major Activity Centre, as set out in the Darebin Planning Scheme.

To the north of the subject site lies a residential area characterised by period style dwellings. To the south of the subject site is an industrial area characterised by large brick buildings and car parking facilities. To the east of the site are commercial and mixed use properties that front High Street and to the west is a large child care centre that abuts the South Morang Railway Line.

BACKGROUND

The subject site has a long planning history, notably planning scheme amendments endorsement and amendments to the Development Plan and planning permits. The chronological history of the site is detailed below:

The original Planning Scheme amendment C92 was prepared by Council at the request of the Meydan Group. The amendment, alongside C81 (the Northcote Structure Plan) received 157 submissions. An independent panel ('the Panel') was appointed to consider the submissions. Council's own submission to the Panel was that Amendment C92 should be changed so that it is consistent with the recommendations of the Northcote Structure Plan. Council decided to further consult the community through a survey distributed in May 2010. The Panel recommended various changes including increasing the heights allowed within the site to be a maximum of eight (8) storeys (in some parts only).

The Minister decided, in accordance with the Panel's recommendations, to allow a maximum building height of eight (8) storeys; to have a Mixed Use Zone for the land and to dismiss specific car parking rates and maximum dwelling numbers (amongst others). The Development Plan Overlay – Schedule 10 and other controls for the subject land were then gazetted by the Minister of Planning on 3 March 2011.

In its meeting of 21 November 2011, Council resolved to approve a Development Plan on the site, subject to conditions. The Development Plan was approved on the site on 2 May 2012, in accordance with Clause 43.04 (Development Plan Overlay – Schedule 10) of the Darebin Planning Scheme.

The Development Plan was approved by Council on the 2 May 2012 and provided for:

- Buildings ranging from two to eight storeys;
- Approximately 550 apartments;
- Approximately 5,500 square metres of commercial and retail floor space;
- A pedestrian link between Elm Street and Arthurton Road; and
- Basement car and bicycle parking.

At its meeting on 17 February 2014, Council considered a proposal to amend the approved Development Plan. The changes related to the portion of the site to the north of Arthurton Road (Arthurton Row North Site 1), and primarily provided for a supermarket within the retail floor space to be provided by the development (See Table 1).

Council resolved to approve the proposed 2014 Development Plan subject to a number of conditions. However, it has since been determined by the applicant to not proceed with the inclusion of the supermarket. The applicant has lodged an amendment to largely revert to the 2011 Development Plan.

Planning Permit (D783/2013) was issued for a mixed use development comprising the construction of a four (4) storey building (plus basement and mezzanine), shop use, a reduction in the car parking and loading/unloading requirements and demolition on land affected by a Public Acquisition Overlay - Schedule 4 in accordance with the endorsed plans. The portion of that site that is benefited by the Planning Permit is identified as Site 2.

Since the consideration of the Development Plan in 2011 the Planning Scheme has been amended several times the amendments are listed below.

There have been a number of planning scheme amendments since the preparation and approval of the 2011 Development Plan.

The relevant amendments are as follows:

- Amendment VC100 (July 2013) changed the Mixed Use Zone in all Victoria planning schemes. Among other things, the Amendment removed the ability for floor space restrictions to be applied to the use of ‘shops’ within the Mixed Use Zone. This had the effect of removing the cap of 6,000 square metres of shop floor area that was applied to the site through Amendment C92.
- Amendment C129 (May 2013) replaced the Schedule to the Special Building Overlay to include permit exemptions and application requirements.
- May 2014 (VC106) Plan Melbourne replaced Melbourne 2030 as the Metropolitan planning strategy.
- Amendment C148 (May 2016) varied the Schedule to the Development Contributions Plan Overlay to provide for the reallocation and expenditure of excess funds.
- Amendment C138 (October 2015) implemented a review of the Darebin Planning Scheme, including updating the Local Planning Policy Framework and rezoning land adjoining the site to the Mixed Use Zone.
- Amendment VC 136 (March 2017) introduced the Better Apartment Design Standards to all Victorian planning schemes.

Arthurton Road approved Development Plans

Table 1: Comparison of the Arthurton Row Development Plans

Item	2011 Development Plan	2014 Development Plan	2017 Development Plan		
			Site 1	Site 2 (Completed)	Total
Retail / Commercial	5,500m ²	5,500m ² (included supermarket)	4,300m ²	500m ²	4,800m ²
Apartments	550	440	400	49	449
Car parking spaces	680	650	510	60	570
Buildings Heights	Maximum 8 storeys	No change Maximum 8 storeys	Maximum 8 storeys	4 storeys	

ISSUES AND DISCUSSION

Proposal

The revised Development Plan proposes a redevelopment of the site to accommodate the following for Site 1 (see figure 2):

- Up to 400 dwellings (mix of 1, 2 and 3 bedroom apartments) (plus completed Site 2 49 dwellings);
- Approximately 4,300 square metres of retail and commercial floor space (plus completed Site 2 500 square metres);

- Landscaped shared open spaces for residents;
- Residents' amenities;
- Car parking for approximately 510 cars (plus completed Site 2 60 spaces);
- Basement car parking, bicycle parking, bin storage, storage cages, showers and change rooms for cyclists; and
- A publicly accessible pedestrian link between Elm Street and Arthurton Road.

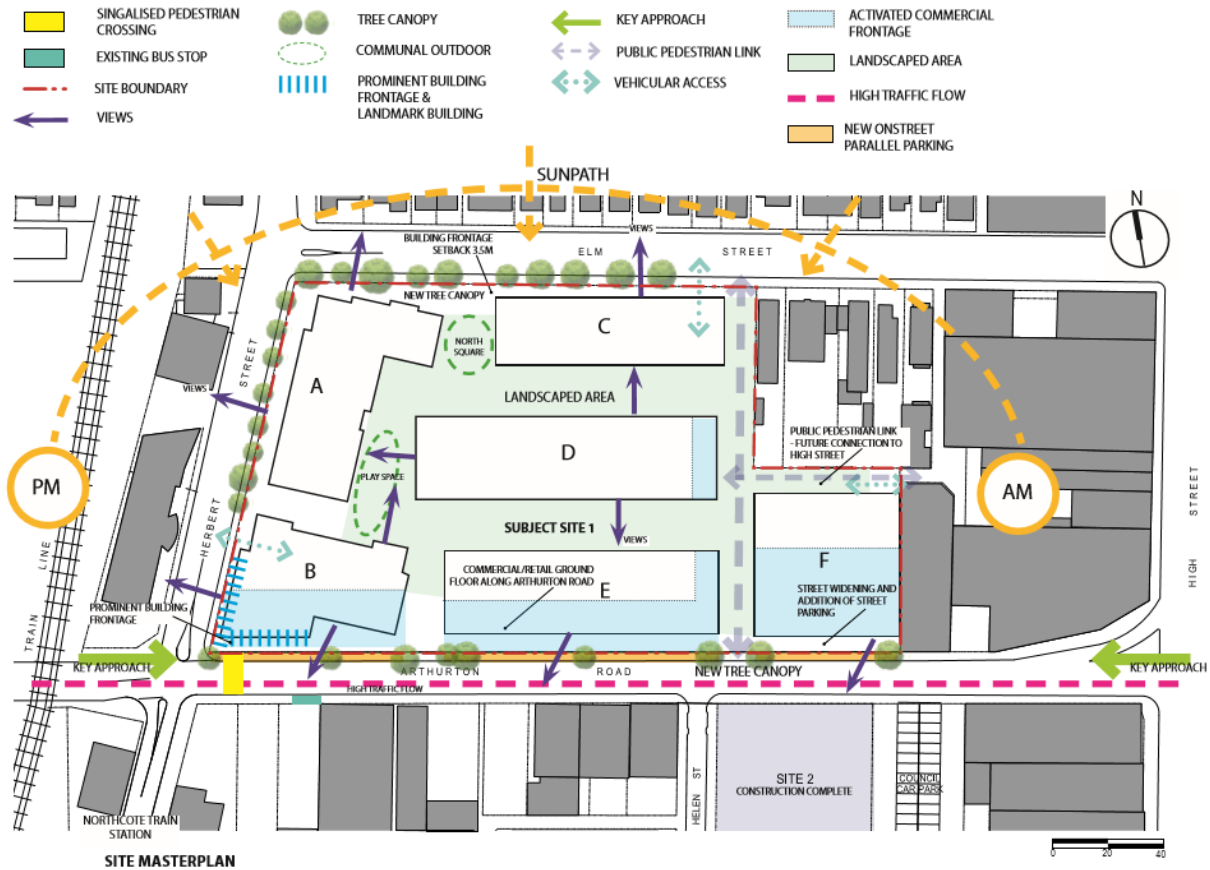


Figure 2. Site Master Plan

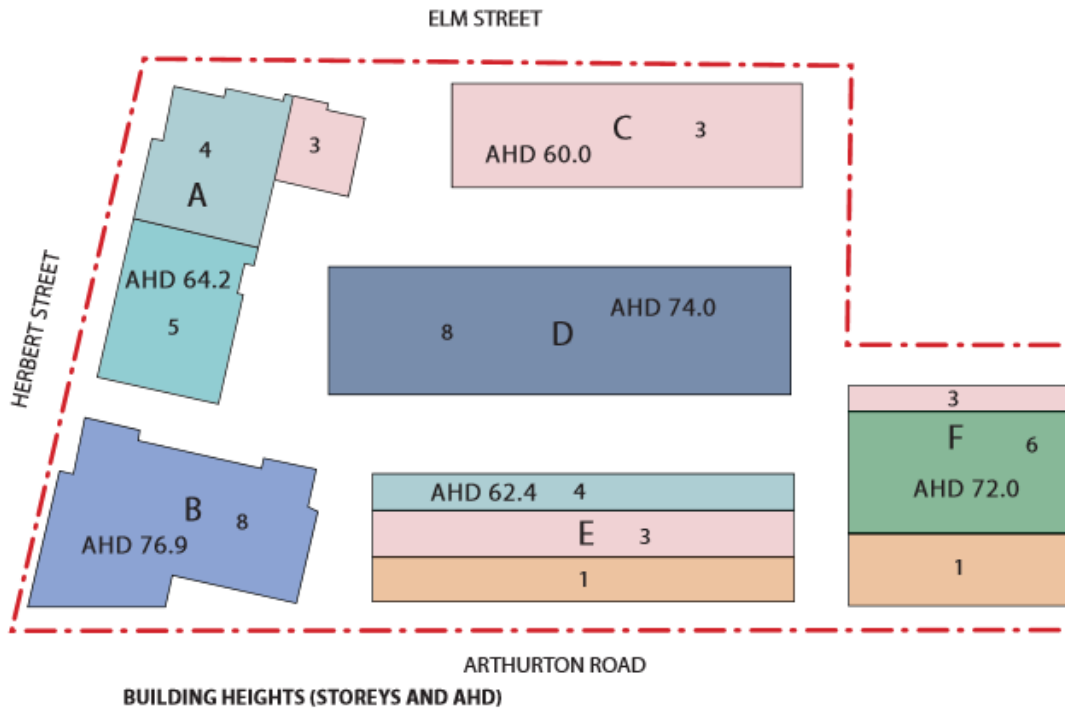


Figure 3. Building Heights (Storeys and AHD)

The design is to include environmental standards at “best practice” using the technical standards that have been developed by the Green Building Council of Australia.

PUBLIC NOTICE

Formal notification of amendments to development plans is not a requirement under the *Planning and Environmental Act 1987* (as amended); however the community has been sent notification of the proposal as was the case during the processing of the approved Development Plan. Approximately 956 notices were sent to the owners and occupiers of adjoining and nearby properties. Three (3) signs were posted at the site (Arthurton Road, Herbert Street, and Elm Street).

Submissions

- 38 submissions were received at the time of this report. This includes one (1) petition with 13 signatures.

Summarised Submissions

- Change in policy not reflected in proposal.
- Poor urban design.
- Excessive car parking / insufficient car parking.
- Traffic concerns - access from Elm Street to be limited to residents only / intersection of Herbert and Arthurton Road is bad / insufficient traffic assessment from applicant.
- Privatisation.
- Privatisation of the Right of Way (ROW).
- Remove pedestrian link to Elm Street.
- Access to light for play space.

- Location of service area will impact residences on Elm Street.
- Amenity impacts / Overshadowing.
- Height at 8 levels excessive / Impact upon All Nations Park / location of land mark building.
- Oversupply of apartments.
- Should be aged care development of 3 storeys.
- Request Parking Overlay for the area.
- Should not include Woolworths/supermarket.
- Pressure on public transport / services and infrastructure.
- Elm Street and Herbert Street community park being removed.
- Insufficient consultation.
- Reduced liveability.
- Roads too narrow.
- Poor quality of construction.
- Disturbance from construction.
- Impact upon late night venue.
- Difficulty in accessing plans.
- Herbert Street should be widened.
- Extend area for deep soil.
- Pedestrian access worse for Herbert and Arthurton Road.
- Failure to provide affordable housing.

Officer comment on summarised Submissions

Change in policy not reflected in proposal

As mentioned in the background of the report policy has changed. The development accords with acknowledged policy for urban consolidation and increased densities. Although it is acknowledged that there will be some impacts due to increased densities (eg. traffic, parking), these are to be managed to a reasonable degree by the imposition of the provisions of the Development Plan Overlay, Clause 52.06 (car parking) of the Darebin Planning Scheme and State and Local Planning Policy Framework. Car parking and traffic are discussed in detail in the assessment section of this report.

Poor urban design

The ultimate design of the developments will not be confirmed until planning permits applications for each stage. The purpose of the Development Plan is to set the rules for future planning permit applications on the site. A high quality urban design is required as part of the application and will be assessed below.

Excessive car parking / insufficient car parking

Concerns have been raised by both insufficient and excessive car parking that is proposed, a detailed assessment of the parking requirements will be found within the body of the report.

It is noted that car parking rates were considered as part of the original Planning Scheme amendment and have been endorsed under POD/1/2011.

Traffic concerns - access from Elm Street to be limited to residents only / intersection of Herbert and Arthurton Road is bad / insufficient traffic assessment from applicant

The analysis of parking and traffic movement undertaken by Cardno Grogan Richards and updated by OneMileGrid concluded that the access and egress to and from the site and the proposed car parking provision rate are appropriate. Council has reviewed the applicant's submission and requires additional measures to limit impact upon the local street network and VicRoads requires a Transport and Traffic Management Plan assessing impacts upon St Georges Road, High Street and Arthurton Road.

Privatisation of the Right of Way (ROW)

Use of the ROW does not constitute privatisation. The site has legal access to ROW, the application can propose to utilise a ROW.

Remove pedestrian link to Elm Street

The pedestrian link is required by policy as outlined in Development Plan Overlay - Schedule 10 there is a mandatory requirement to provide pedestrian linkage/s north-south, between Elm Street and Arthurton Road.

Access to light for play space

The location of the play space is considered to be within an appropriate location, flanked by Buildings A, B and D. The communal resident rooms of Building B and D will activate the play space, while the balconies of Buildings A, B and D will provide opportunities for passive surveillance of the area.

Location of service area will impact residences on Elm Street

Buildings C and F have abutments to properties on Elm Street, vehicle access adjacent Building C and loading bay rear of Building F are proposed. Given the requirements of the Design Development Overlay the layout is considered to be appropriate detailed design will be considered as part of a planning permit application.

Amenity impacts / Overshadowing

The revised Development Plan is orientated and laid out in such a way that it will limit overshadowing of nearby residential properties. Furthermore, the height of the proposed buildings in the centre of the site falls towards Arthurton Road, limiting shadow over the public realm. Overlooking of habitable room windows and secluded private open space will be dealt with as part of the Planning Permit process, in accordance with Standard B22 (Overlooking) at Clause 55.04-6 of the Darebin Planning Scheme.

Height at 8 levels excessive / Impact upon All Nations Park / location of land mark building

The heights, location of landmark buildings and impacts upon All Nations Park are within the limits set out within the Design Development Overlay – Schedule 14 as illustrated below.



Figure 4. Building Heights Storeys

Oversupply of apartments

The number of residential units proposed is approximately 400 (plus completed Stage 2 of 49 dwellings), is considered an appropriate density increase. As outlined by the applicant there is to be a mix of 1, 2 and 3 bedroom dwellings. The number of Dwellings proposed is less than the amount which Council has already supported as part of the 2011 Development Plan (550 dwellings).

Should be aged care development of 3 storeys

Council cannot mandate an aged care development of three storeys, also this scale of development would be considered an underdevelopment of the site.

Request Parking Overlay for the area

Application of a parking Overlay is outside the scope of this amendment.

Should not include Woolworths/supermarket

The supermarket is no longer proposed. The amendment is to remove the Supermarket, Council has previously supported a supermarket in this location.

Pressure on public transport / services and infrastructure

Public Transport Victoria were referred the proposed amendment to the Development Plan and had no submission to make. Any improvements required to existing utilities for reason of the development will be at the responsibility of the developer. Infrastructure outside the site arising from general population growth, be that retail, transport, medical or educational will be for the responsibility of the relevant service provider.

Elm Street and Herbert Street community park being removed

There is no proposed removal of a community park on the corner of Elm and Herbert Street. A play space is proposed to the south east of the site between Building A and Building B.

Insufficient consultation

The site has a long history of consultation as outlined elsewhere in the report:

The amendment, alongside C81 (the Northcote Structure Plan) received 157 submissions... Council decided to further consult the community through a survey distributed in May 2010.

As part of this notice 953 letters were sent to adjoining owners and occupiers and three (3) signs were displayed on site.

Reduced liveability

Respondents have formed the view that development would disrupt the liveability of the area. This view runs against the principles of social inclusion, it is baseless and cannot be given consideration as part of the planning process.

Roads too narrow

Arthurton Road is covered by a Public Acquisition Overlay and as part of the Development Plan the buildings and site will accommodate the widening of Arthurton Road.

Poor quality of construction

General comments were provided relating to the poor level of construction within Northcote, this is not a ground to refuse an amendment to a development plan. Construction quality is managed during the building permit process.

Disturbance from construction

The approved Development Plan includes a Construction Management Plan, which sets out the principles that will operate for each construction stage. It is a requirement of the Construction Management Plan that measures are taken to protect council and private and the amenity of surrounding areas through the construction period. A condition of any approval will require an updated Construction Management Plan that deals specifically with the proposal.

Impact upon late night venue

Any application for development would require a planning permit which would be required to be considered against the relevant planning policies and agent of change principle if applicable.

Difficulty in accessing plans

Plans were made available at Council and emailed to people who requested them.

Herbert Street should be widened

The extension to Herbert Street is outside the scope of the application it is noted that Arthurton Road is to have the capacity to be widened due to the Public Acquisition Overlay and requirements of the Development Plan Overlay – Schedule 10.

Extend area for deep soil

The application references 11.75% of the site to be able to accommodate deep soil planting. A condition will require the reference to this amount to be removed as it is less than the recommended requirement of Clause 55.07-4 Deep soil areas and canopy trees objective of the Darebin Planning Scheme.

Pedestrian access spot worse for Herbert and Arthurton Road

Potential for new pedestrian crossing has been identified on the Development Plan which has the potential to improve pedestrian movements.

Failure to provide affordable housing

A general principle established in *Green v Hobsons Bay CC (Red Dot)* [2013] VCAT 2091 ('Green') in relation to affordable housing is thus:

- That in the absence of specific statutory controls in the Planning Scheme, the provision of smaller dwellings, commanding lower prices on the open market than other comparable housing types, sufficiently achieves the intent of general planning policy which encourages affordable housing.

Local policy guidance with respect to housing is contained in Clause 21.03 of the Scheme. While there is strong policy support for appropriate medium density in-fill in well serviced locations, it is Clause 21.03-3 (Housing Diversity and Equity) that is of particular relevance to the objectors' concerns. The overview sets out (extracted as relevant):

"Housing affordability is a particular housing issue in Darebin. Lack of affordable housing and high rental prices can aggravate housing stress and homelessness. Housing affordability, income levels and demand for social and public housing are highly correlated. An increase in the supply of affordable housing could ease housing stress of low income earners and can decrease the demand for social housing."

Objective 4 of Clause 21.03-3 includes the following strategies:

"Ensure housing in the municipality is sufficiently diverse to provide more affordable and appropriate choices and opportunities."

"Facilitate the provision of affordable housing in terms of purchase price as well as lower ongoing operational costs, by promoting housing growth in areas with good access to services and public transport and encouraging best practice environmentally sustainable housing design to minimise ongoing utility costs"

The proposed development incorporates six (6) buildings and up to 400 dwellings, with a range of 1, 2 and 3 bedrooms and improves the diversity of housing choice on the open market. The proposal therefore accords with the principles established in *Green v Hobsons Bay CC* and the objectives of the relevant local policy.

EXTERNAL REFERRALS

Whilst there is no requirement under Section 55 of the Act to refer the application, letters were sent to Public Transport Victoria and VicRoads seeking their views on the proposal as per the requirements of the Development Plan Overlay – Schedule 10.

Public Transport Victoria

Public Transport Victoria has responded on 30 June, 2017 that it has no submission to make against the Amended Development Plan as submitted.

VicRoads

By letter dated 4 August 2017, VicRoads advised that it had no objection to the amended Development Plan subject to the following conditions:

- Submission of a Transport and Traffic Management Plan assessing the impact of the development on St Georges Road, High Street and Arthurton Road for VicRoads approval; and
- The completion of any works required before the development is required.

Melbourne Water

The site is partially affected by a Special Building Overlay. Whilst there is no requirement under Section 55 of the Act to refer the application, a letter was sent to Melbourne Water seeking their views on the proposal. By letter dated 13 July 2017, Melbourne Water advised that it did not object to the amended proposal and advised that the current applicable floor level was 47.75 metres to Australian Height Datum. The applicant has been made aware of Melbourne Water's requirements.

PLANNING ASSESSMENT

Urban Design

Better Apartment Design Standards

The Better Apartment Design Standards were introduced in March 2017. All planning permit applications for the site will need to be assessed against the Better Apartment Design Standards.

The Design Standards provide an assessment tool for apartments in building of more than four storeys which has not previously been available. In particular, the Design Standards focus on internal residential amenity by providing standards regarding:

1. Building setback;
2. Functional layout;
3. Room depth;
4. Windows;
5. Storage;
6. Noise impacts;
7. Energy efficiency;
8. Solar access to communal open space;
9. Natural ventilation;

- 10. Private open space;
- 11. Communal open space;
- 12. Landscaping;
- 13. Accessibility;
- 14. Building entry and circulation;
- 15. Waste and recycling; and
- 16. Integrated water and storm water management.

The Development Plan will guide the detailed design of the apartments to ensure it meets the objectives of the Apartment Design Standards, which will require assessment at the planning permit application stage.

Development Plan Overlay – Schedule 10

In accordance with Clause 43.04-3 of the Darebin Planning Scheme, the Development Plan may be amended to the satisfaction of the responsible authority.

Schedule 10 of the Development Plan Overlay specifies the requirements for the development plan. The development plan must seek to achieve the objectives of the ‘requirements for development plan’ (section 3.0).

An assessment is provided under all of the ‘requirements for development plan’ (section 3.0) of Schedule 10 as follows:

OBJECTIVE	ASSESSMENT
General objectives	
<i>The development plan must seek to achieve the objectives set out below.</i>	
<i>To ensure that the future use and development of the land takes advantage of this large site situated close to transit services.</i>	The future use and development takes advantage of the location, close to public transport and of a size that can accommodate a large format retail use. Complies
<i>Provide for a mix of uses across the sites.</i>	A mix of uses is provided, including residential and a range of retail uses. Complies
<i>Provide for development in a form which is generally consistent with the Northcote Major Activity Centre Structure Plan April 2007 (in particular with the Arthurton Road Precinct AR) and which achieves a high quality built form and urban environment.</i>	The form and height is consistent with the Northcote Major Activity Centre Structure Plan. See separate assessment. Complies

OBJECTIVE	ASSESSMENT
<i>To require a Sustainability Management Plan as the means of documenting and delivering sustainability objectives set out in the Northcote Major Activity Centre Structure Plan April 2007 for this key strategic redevelopment site.</i>	A Sustainability Management Plan forms part of the approved Development Plan, a condition of any approval will require this document to be updated in accordance with the revised Development Plan. Complies subject to condition
<i>To encourage the development of the site for residential, commercial, retail, service and related uses that will increase the economic and social functions of the centre.</i>	An appropriate range of uses has been encouraged and will be provided on the subject site. Complies
<i>To provide for the addition of employment, residents, new service and retail uses in the core activity area of Northcote.</i>	The addition of employment, residents, service and retail uses is provided for. Complies
<i>To take advantage of the strategic position of the sites by providing for high density development.</i>	The development is high density and therefore takes advantage of the strategic position of the site. Complies
<i>To provide for the extension of a residential interface along Elm Street.</i>	The development provides of the extension of the residential interface along Elm Street through Buildings A and C. Complies
<i>To provide for the sites to be developed in stages.</i>	The site will be developed in stages. See later in this assessment for details. Complies
<i>To ensure that the use of the land for a mix of uses between non-residential uses and residential uses occurs within similar time frames.</i>	A mix of non-residential and residential uses is expected to occur within similar time frames under the staging plan. Complies
Use <i>The development plan must show or make provision for):</i>	
<i>The use of the sites for residential, office, shop, and other uses which will create sustainable, active, mixed use environments.</i>	The intention has been demonstrated to create a sustainable, active, mixed use environment containing a mix of uses. Complies

OBJECTIVE	ASSESSMENT
<i>The arrangement of uses across the site to enable interaction between business and service uses where important (to create active sections), while also creating separation for residential uses from other activities.</i>	The uses have been arranged to enable interaction between business and services. Residential uses are appropriately separated. Complies
<i>The aggregation of uses that takes advantage of the high quality public transport, road access, cycle paths and facilities that are within walking distance of the sites.</i>	The aggregation of uses takes advantage of nearby services and facilities. Complies
<i>The location and approximate uses of proposed buildings, access ways, open space and car parking areas on the sites.</i>	The location and approximate uses of buildings, access ways, open space and car parking is provided. Complies
<i>Residential uses to be located along Elm Street.</i>	Residential uses are to be located along Elm Street (Buildings A and C). Complies
<i>Opportunities for shops, offices, sensitive uses and food and drink premises at street level for the site south of Arthurton Road.</i>	There are sufficient opportunities for shops, sensitive uses and food and drink premises at street level as appropriate (Buildings B, E and F). Complies
Environmental Design and Management: <i>Sustainability management Plan</i>	
<i>The Development Plan must include a Sustainability Management Plan, prepared by a suitably qualified person, for the whole of the site that demonstrates to the responsible authority how the future development of the site will strategically embody best practice Ecologically Sustainable Development (ESD). To do so it must include a sustainability assessment that will form part of the approved development plan and will address the following themes:</i> 1. <i>Energy Efficient Design</i> 2. <i>Integrated Water Management</i> 3. <i>Waste Reduction</i>	As part of the approved Development Plan, WSP Parsons Brinckerhoff (formerly known as Built Ecology) have provided an appropriate Sustainability Management Plan (commonly referred to ESD Management Plan). It generally achieves 'best practice' Ecologically Sustainable Development. A condition of any approval will require this report to be updated to reflect the revised Development Plan. Complies subject to condition

OBJECTIVE	ASSESSMENT
<p>4. <i>Biodiversity</i></p> <p>5. <i>Sustainable Transport</i></p> <p>6. <i>Building Standards</i></p>	
<p>Buildings must be capable of achieving:</p> <p>1. a minimum 5 star GreenStar rating under the Green Building Council of Australia’s GreenStar Building Design Rating Tools or any successor of GreenStar;</p> <p>or</p> <p>2. alternative accreditations of equal or greater standing as may be considered acceptable to the responsible authority at the time of approval.</p>	<p>The Sustainability Management Plan that forms part of the approved Development Plan demonstrates that the buildings are capable of achieving a minimum five (5) star GreenStar rating. Key features creating this include: Building form, orientation and thermal massing; shading and glazing; insulation; colours and finishes; maximising cross ventilation; HVAC system controls reducing heating and cooling energy waste; photovoltaic cells for sunshine energy production; consideration of on-site co-generation energy production; water sensitive urban design. A condition of any approval will require this report to be updated to reflect the revised Development Plan.</p> <p>Complies subject to condition</p>
<p>Permeability and Access</p> <p><i>The development plan must show or make provision for:</i></p>	
<p>Arthurton Road on the north-side to be widened by at least 5 metres to achieve enhanced pedestrian amenity and safety to allow for a wider pedestrian footpath, kerbside car parking and the planting of street trees.</p>	<p>Arthurton Road on the north side is to be widened by 5m as required. The Site Master Plan confirms the provision.</p> <p>Complies</p>
<p>Arthurton Road on the south side to be widened by at least 1.5 metres to achieve enhanced pedestrian amenity and safety between High Street and Herbert Street (railway station).</p>	<p>The South side of Arthurton Road Site 2 has been completed and has a suitable pedestrian amenity between High Street and Herbert Street.</p> <p>Complies</p>
<p>The location of all vehicle access points, vehicle access ways, pedestrian access ways, linkages to the streets and to adjacent lands, recognising that direct access to Arthurton Road should be limited to a maximum of three locations on the northern side and no direct access on the southern side.</p>	<p>The location of vehicle accessways are generally appropriate subject to condition and no objection has been received from VicRoads, subject to condition.</p> <p>Complies subject to condition</p>

OBJECTIVE	ASSESSMENT
<i>Pedestrian linkage/s north-south, between Elm Street and Arthurton Road.</i>	<p>A north-south pedestrian link between Elm Street and Arthurton Road is provided.</p> <p>Passive surveillance is provided to the link, via residential lobbies and shop locations Buildings C, D, E and F.</p> <p>Site Master Plan confirms the commercial frontages adjacent to the link to have active frontages facing the link.</p> <p>Complies</p>
<i>Provision for a future pedestrian connection from the Arthurton Road site (north) to High Street.</i>	<p>Provision is made available for a future pedestrian connection from the subject site to High Street.</p> <p>Complies</p>
<i>Provision of pedestrian operated signals within the vicinity of the Arthurton Road /Herbert Street intersection and details of the developer contributions towards construction and installation, to the satisfaction of the responsible authority.</i>	<p>Provision is made for pedestrian operated signals within the vicinity of the Arthurton Road /Herbert Street intersection. However further details as to the developer contributions towards construction and installation shall be provided as a condition of any approval.</p> <p>Complies subject to condition</p>
<p><i>Design and Built Form:</i></p> <p><i>The development plan must show or make provision for:</i></p>	
<p><i>General:</i></p>	
<i>The overall building heights (to AHD) and the number of storeys of any proposed buildings and structures.</i>	<p>The number of storeys and the overall heights to AHD is provided and accords with acknowledged planning policy.</p> <p>Complies</p>
<i>Take advantage of the long frontages to allow for access and individuality.</i>	<p>The development takes advantage of the long frontages.</p> <p>Complies</p>
<i>Provide solar access by utilising the northern aspects and through creating north-south openings within the sites.</i>	<p>Solar access is provided with north south openings.</p> <p>Complies</p>
<i>Achieve architectural quality and a high degree of articulation.</i>	<p>The layout of the buildings and concept plans provide for architectural quality and a high degree of articulation. Further details will be required as part of the Planning Permit process.</p> <p>Complies</p>

OBJECTIVE	ASSESSMENT
<i>Land north of Arthurton Road:</i>	
<i>Achieve active building interfaces along Arthurton Road particularly along the eastern half of the frontage.</i>	Active building interfaces along Arthurton Road particularly along the eastern half of the frontage are achieved. Building B includes a Commercial frontage that wraps around the corner with Arthurton Road and Herbert Street. Complies
<i>Along the western half of the Arthurton Road frontage, allow the option of reducing the number of building entrances to provide for separation from arterial road activities.</i>	Commercial/Retail fronts face the western half of the Arthurton Road frontage and the number of direct building entrances is limited to one (1) for Building E from Arthurton Road. Additional retail entrances are proposed that enhance the active frontage along Arthurton Road. Complies
<i>Provide for predominantly continuous pedestrian shelter along the eastern section of Arthurton Road.</i>	An almost continuous length of canopy provides shelter along Arthurton Road, this is described in the design response sections for Buildings B, E and F fronting Arthurton Road. Complies
<i>Along Herbert Street, manage the western sun orientation, and provide for medium to higher level building façades.</i>	Buildings A and B are designed so as to present relatively minor facades to the west, sun shading is proposed on western facades, further details of sun shading will be required as part of the Planning Permit process. Complies
<i>Provide for windows and street entries that achieve passive surveillance of the streets.</i>	Passive surveillance is provided. Complies
<i>Allow for buildings to step up in height within the body of the site to achieve high density site utilisation.</i>	Buildings step up in height within the body of the site as required. Complies
<i>Allow for the creation of landmark building/s within the site, particularly towards the Herbert Street section where attractive views can be obtained from upper levels while achieving good separation from adjacent sensitive land uses.</i>	A landmark building of 8 storeys is located at the Herbert Street/Arthurton Road intersection. Complies
<i>Create areas of open space within the site for residents and users.</i>	There are areas of open space within the subject site for residents at ground floor North Square, Play Space and North South Link in addition to communal terraces. Complies

OBJECTIVE	ASSESSMENT
<i>Orientate spaces to achieve solar access.</i>	<p>Solar access is available from the Communal terraces on:</p> <p>Northern rooftop garden Level 3 of Building A;</p> <p>Terrace on Level 2 Building A; and</p> <p>Rooftop terrace Level 8 of Building B.</p> <p>There is opportunity for solar access to North Square and Play Space.</p> <p>Complies</p>
<i>Provide for transitional building heights close to the residential properties which abut the northern site.</i>	<p>Building C provides a transitional height being three (3) storeys high.</p> <p>The Northern portion of Building F provides a transition of three (3) to six (6) storeys.</p> <p>Complies</p>
<i>Land south of Arthurton Road:</i>	
<i>Achieve active building interfaces along Arthurton Road and the Council car park frontages.</i>	<p>Active interfaces have been provided to Arthurton Road and the Council Car Park.</p> <p>Complies</p>
<i>Acknowledge street and site interface to the south by stepping building height along these edges.</i>	<p>The building height along the southern edge is stepped back.</p> <p>Complies</p>
<i>Requirement for a Mix of Uses:</i>	
<i>The development plan must describe arrangements which will ensure that a mix of residential and non-residential uses occurs on the sites through development stages.</i>	<p>Site 2 is complete. Staging of Site 1 will occur so that the development is split into three (3) construction stages.</p> <p>Stage 1 will include the western most portion of the site (frontage to Herbert Street). Buildings A and B, Play area, single level basement, Tree planting along Herbert Street and temporary treatments along Arthurton Road.</p> <p>Stage 2 will include area between Elm Street and Arthurton Road (mid block), Buildings C, D and E, Public North South link, double storey basement beneath central portion of site and final street treatment along Arthurton Road.</p> <p>Stage 3 will include eastern most portion of site Building F and links towards High Street.</p> <p>It is acknowledge that the staging of development is subject to market forces.</p> <p>Complies</p>

OBJECTIVE	ASSESSMENT
<p><i>The responsible authority may refuse a permit for an application to subdivide, use or develop the land if it considers that the granting of a permit would lead to a mix of uses not being achieved.</i></p>	<p>Acknowledged. There is no indication that the granting of a permit would lead to a mix of uses not being achieved.</p> <p>Complies</p>
<p><i>Integrated Transport and Traffic Management:</i></p> <p><i>The development plan must make provision for and address:</i></p>	
<p><i>The range and scale of uses that will be anticipated on the sites.</i></p>	<p>The revised Development Plan makes provision for the range and scale of uses anticipated through provision of adequate areas for services, access and open space.</p> <p>Complies</p>
<p><i>Estimated vehicle trip generation levels.</i></p>	<p>The estimated total vehicle trip generation level (maximum) is 3 300 movements per day, which is less than the maximum suggested by Panel (being 3,402 movements per day) and less than what has been approved with the 2013 amendment to the Development Plan 3,842. The location of the site, with access to excellent public transport infrastructure, approximately 145 bicycle parking spaces to be provided and conditions relating to a Transport Traffic Management (VicRoads) are considered appropriate ways to reduce traffic and the proposal is therefore considered acceptable.</p> <p>Complies subject to condition</p>
<p><i>The expected staging of building occupation.</i></p>	<p>Site 2 has been constructed and is occupied. Staging of Site 1 will occur so that the development is split into three (3) construction stages.</p> <p>Stage 1 will include the western most portion of the site (frontage to Herbert Street). Buildings A and B, Play area, single level basement, Tree planting along Herbert Street and temporary treatments along Arthurton Road.</p> <p>Stage 2 will include area between Elm Street and Arthurton Road (mid block), Buildings C, D and E, Public North South link, double storey basement beneath central portion of site and final street treatment along Arthurton Road.</p> <p>Stage 3 will include eastern most portion of site Building F and links towards High Street.</p> <p>Complies</p>

OBJECTIVE	ASSESSMENT
<p><i>Vehicle ingress and egress points and estimated levels of usage.</i></p>	<p>Vehicle ingress and egress points are located at the Herbert Street, Elm Street and loading bay from Right of way to Building F.</p> <p>Further information is required to confirm measures to be put in place to reduce impact on the local road network to the satisfaction of the Responsible Authority</p> <p>Complies subject to condition</p>
<p><i>Car parking for the uses should be limited in general supply, consistent with the transit oriented nature of the development.</i></p> <p><i>The level, allocation and location of car parking on the lands.</i></p>	<p>Car parking is limited in general supply, consistent with the transit oriented nature of the development.</p> <p>The proposed allocation of car parking is:</p> <ul style="list-style-type: none"> - Retail – 3 spaces per 100 square metres - Office – 2.5 spaces per 100 square metres - Residential – 0.97 spaces per apartment <p>The last endorsed rate for the Development plan in 2014 was:</p> <ul style="list-style-type: none"> - 1 bedroom dwellings – 0.8 spaces per dwelling. - 2 bedroom dwellings – 1 space per dwelling. - Retail – 3 spaces per 100m² floor area. - Office – 3 spaces per 100m² floor area. - Supermarket – 5 spaces per 100m² floor area. <p>The rates proposed are considered acceptable.</p> <p>Complies</p>
<p><i>The location of car parking spaces should be situated at basement level or in structures. Visibility from the street should be limited to small sections of (generally short term) parking.</i></p>	<p>The car parking spaces are generally located within basement structured that are of limited visibility from the street.</p> <p>Complies</p>
<p><i>Impacts on the arterial and local roads and any mitigating works required.</i></p> <p><i>Any proposed off-site traffic management treatments.</i></p>	<p><u>Mitigating works required:</u></p> <p>The Transport Management and Planning Unit have assessed the Development Plan and specified that measures to restrict traffic movements to Elm Street are required. It is therefore recommended that traffic management measures are in place reduce and limit traffic impact upon the local road network to the satisfaction of the Responsible Authority as a condition of any approval.</p> <p>In addition, VicRoads Transport and Traffic Management Plan for VicRoads approval.</p>

OBJECTIVE	ASSESSMENT
	<p>The plan must assess the impact of the development on St George Road, High Street and Arthurton Road and any mitigation works required.</p> <p>Complies subject to condition</p>
<p><i>Any changes identified for public transport stops, pedestrian or bicycle access ways.</i></p>	<p>No identified changes have been highlighted by VicRoads or Public Transport Victoria.</p> <p>Complies, subject to condition</p>
<p><i>Provision for secure bicycle storage for residents, and workers with end of bicycle trip facilities for workers.</i></p> <p><i>Provision for short term bicycle parking for visitors to the sites.</i></p> <p><i>Provision for loading and unloading of vehicles.</i></p>	<p>Secure bicycle storage; short term bicycle parking; and loading/unloading of vehicles has been committed to. The detail of this will need to be assessed at the Planning Permit stage.</p> <p>Complies</p>
<p><i>Measures that can be adopted to reduce private car usage across the development.</i></p>	<p>A Traffic and Traffic Management Plan (Vic Roads) is required as a condition of any approval.</p> <p>Car sharing details are to be provided as a condition of any approval.</p> <p>Various other walking, cycling and public transport encouragement mechanisms as provided in the Traffic and Traffic Management Plan.</p>
<p><i>The responsible authority must consult with the relevant roads authority and relevant public transport authority prior to approving the plan.</i></p>	<p>VicRoads have been consulted.</p> <p>VicRoads advises that its previous comments relating to the approved Development Plan remain valid for the revised Development Plan.</p> <p>Conditions of any approval will require the conditions, as set out on the approved Development Plan, to be included as part of this revised Development Plan.</p> <p>Public Transport Victoria has not objected to, or provided any recommended conditions for the proposed Development Plan.</p> <p>Complies, subject to condition</p>
<p>Landscape Plan:</p>	
<p><i>The development plan must include a schematic landscape plan for the whole of the sites. It must be consistent with all other development plan requirements. This plan is to indicate:</i></p>	<p>A schematic landscape plan has been provided and is generally consistent with all other development plan requirements.</p> <p>The plan indicates:</p> <ol style="list-style-type: none"> 1. An acceptable design philosophy.

OBJECTIVE	ASSESSMENT
<p>1. <i>Design philosophy.</i></p> <p>2. <i>The identification of any sensitive interfaces and proposed treatments.</i></p> <p>3. <i>The treatment of street edge spaces and internal spaces for vehicular and pedestrian access, bicycle parking, recreation and solar access.</i></p> <p>4. <i>The treatment of footpaths in Elm Street, Herbert Street, Arthurton Road and Helen Street as applicable.</i></p>	<p>2. Sensitive interfaces and proposed treatments.</p> <p>3. The treatment of street edge spaces and internal spaces.</p> <p>4. The treatment of footpaths in Elm Street, Herbert Street, Arthurton Road, and Helen Street.</p> <p>Further detailed landscape plans will be required as part of the Planning Permit process.</p> <p>Complies</p>
<p><i>Environmental Management:</i></p>	
<p><i>The development plan is to include an assessment by a suitably qualified environmental professional. The assessment must include:</i></p> <p><i>The nature of the previous uses or activities on the sites.</i></p> <p><i>The length of time the activities took place.</i></p> <p><i>What is known about contamination present on the land.</i></p> <p><i>How the contamination is distributed.</i></p> <p><i>The assessment may deal with the site in stages.</i></p>	<p>A preliminary environmental assessment has been provided by Golder Associates Pty Ltd.</p> <p>The nature of the previous uses is that the site has been used for industrial and commercial purposes including textile operations and clothing manufacturing, offices, warehousing and distributions activities.</p> <p>The activities have generally taken place since the 1940-1950's to the present.</p> <p>What is known about contamination is that following a preliminary site inspection (walk over), no evidence of fill, odorous material, or potential point sources of contamination were identified. However, the previous uses undertaken on the site have a 'high' potential to result in contamination. Therefore further investigations are required to determine the extent of (any) contamination.</p> <p>It is considered that it is acceptable for this process to continue during the Planning Permit process as the site is subject to the provisions of the Environmental Audit Overlay.</p> <p>Complies</p>

OBJECTIVE	ASSESSMENT
<p>Construction Management Plan:</p> <p><i>The development plan must include an outline of a construction management plan which sets out the principal construction issues and how the anticipated processes will be managed.</i></p> <p><i>The construction management plan must include a construction staging program and must outline:</i></p> <ol style="list-style-type: none"> 1. <i>Measures to protect the amenity of surrounding areas through the construction period against dust, noise and stormwater control and security lighting.</i> 2. <i>The management of construction worker vehicles.</i> 3. <i>The delivery and storage of materials on the site.</i> 4. <i>Addressing any site contamination (if relevant).</i> 5. <i>A schedule of hours of work during the normal week.</i> 6. <i>A procedure to seek specific out of hours work to deal with special construction requirements.</i> 7. <i>Construction access to the site.</i> 8. <i>The management of traffic operation that might affect Arthurton Road.</i> 9. <i>Measures to limit construction vehicle activity on Elm Street.</i> 	
<p>A condition of any approval will require the Construction Management Plan to be generally in accordance with that which forms part of the approved Development Plan with further details of construction management measures to be put in place restricting usage and impact of local road network to the satisfaction of the Responsible Authority.</p>	

Design and Development Overlay – Schedule 14

In accordance with the guidelines as set out in Schedule 14 of the Design and Development Overlay, in assessing the development plan the responsible authority should consider the relevant guiding principles under precinct A1 (Arthurton Road):

1. New development should provide an integrated public, pedestrian and street-based continuous retail and commercial edge along Arthurton Road between High Street and Herbert Street – Complies.

The design outcomes; permeability and access; detailed redevelopment fronting Arthurton road (north side); specific Elm and Helen Street interfaces will be considered at planning permit stage.

Strategic Justification

The proposal is consistent with State Planning Policy Framework, in particular Clause 16.01-2 ‘Location of residential development’. The clause emphasises the need to concentrate new housing development in and around:

1. Activity Centres;
2. Employment corridors; and
3. Strategic Redevelopment Sites.

Within a one kilometre radius of *Arthurton Row*, the services and infrastructure available within a walkable catchment includes:

1. Tram route 11
2. Tram route 86
3. Tram route 112
4. South Morang railway line (via Northcote Station)
5. Bus route 508
6. Bus route 510
7. Bus route 552
8. Bus Route 567
9. Bus route 958
10. High Street Retail Spine
11. Northcote Plaza
12. Batman Park
13. All Nations Park

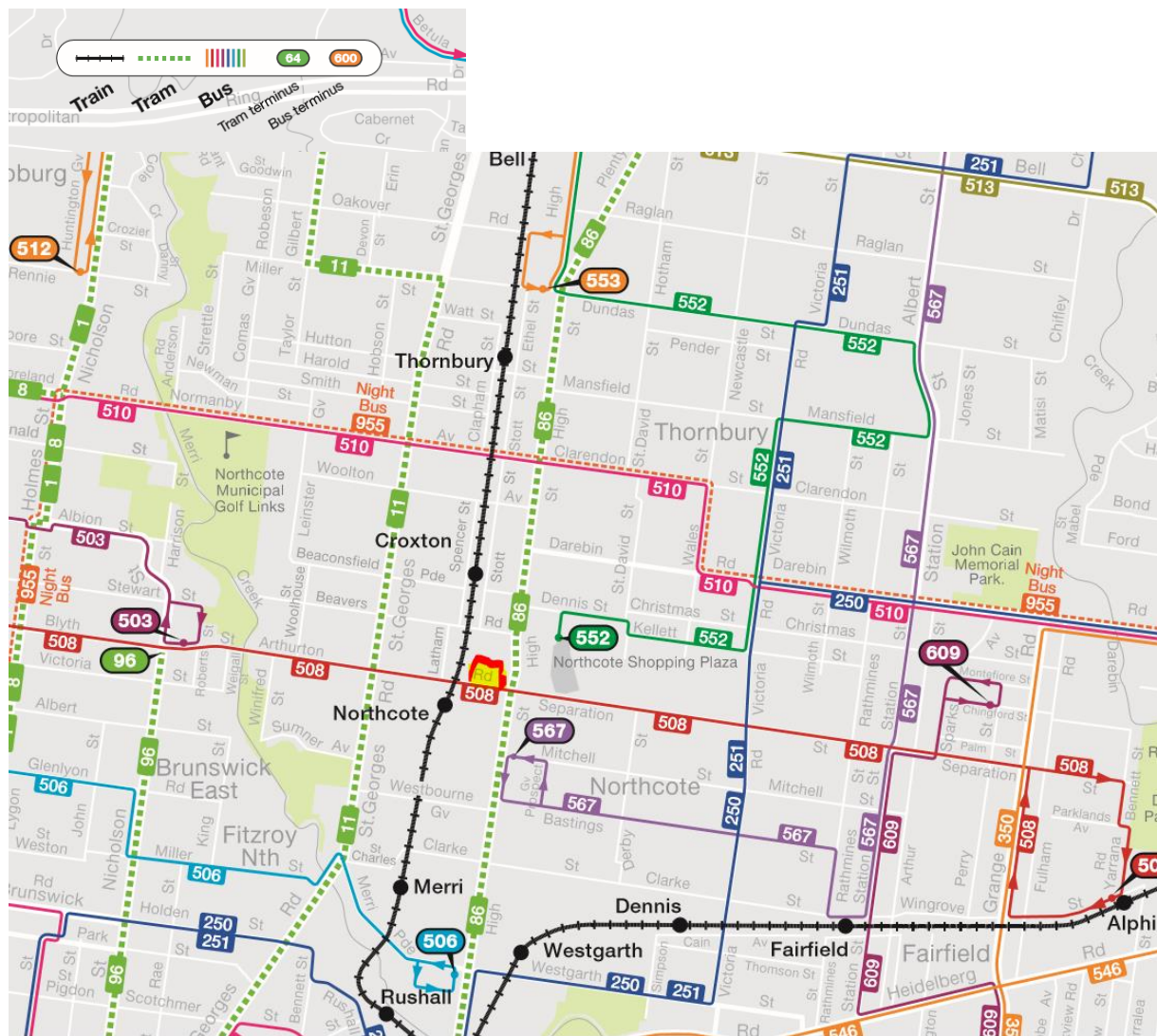


Figure 5. Public Transport Victoria Maps
https://static.ptv.vic.gov.au/siteassets/Maps/Localities/PDFs/12_Darebin_LAM.pdf

The abovementioned services and infrastructure located within the vicinity of the subject site make the area highly serviceable and appropriate for significant redevelopment.

The proposal is consistent and will achieve the objectives identified in the Municipal Strategic Statement (MSS) in particular Clause 21.03 Housing (substantial change), Clause 21.03-3 Housing Diversity and Equity, and Clause 21.04-3 Retail and Commercial Activity. The site is located in the ‘Arthurton Road precinct’, within the Design and Development Plan Overlay and the Northcote Central Structure Plan (2007). The proposal is generally consistent with the preferred future vision of the precinct, including building heights of up to 8 storeys. A mix of commercial uses and a range of 1, 2 and 3 bedroom dwellings are proposed.

The *Darebin Economic Land Use Strategy (2014)* notes that larger format retail opportunities are particularly difficult to accommodate in established centres such as Northcote due to the prevailing subdivision pattern and high level of land fragmentation and states:

“... the Northcote Major Activity Area is the subject of interest from developers and retail operators seeking to expand retail activity.”

The revised Development Plan is in accordance with the purpose of the Mixed Use Zone and the Development Plan Overlay – Schedule 10 in that it provides a range of residential and commercial uses which complement the mixed use function of the locality.

Car Parking

In addition to the assessment under the Development Plan Overlay – Schedule 10 and comments received from VicRoads and Public Transport Victoria, the application has been referred to Council’s Transport Management and Planning Unit.

Car parking on the site is proposed to be provided as follows:

2013 Development Plan Rate		2017 Development Plan Rate	
Use	Rate	Use	Rate
1 bedroom	0.8 per dwelling	1, 2 and 3 bedroom dwellings	0.97 per dwelling
2 and 3 bedroom dwellings	1 per dwelling		
Retail	3 spaces per 100m ² floor area	Retail	3 spaces per 100m ² floor area
Office	3 spaces per 100m ² floor area	Office	2.5 spaces per 100m ² floor area
Supermarket	5 spaces per 100m ² floor area	Supermarket	N/A

While a slight reduction in car parking for the dwellings is proposed when compared against the 2013 development plan rates, Council does not object to the above rates having taken under consideration the following matters:

- Removal of the supermarket will generate less trips than the retail and office space.
- The proximity to public transport, walking and cycling routes and the provision of appropriate end-of-trip facilities that will encourage reduce dependence on private vehicles.

- Proximity to the Northcote Activity Centre, and the convenience access to many services which further diminishes private vehicle use.
- Empirical data that indicates there is a market for dwellings that do not provide car parking spaces, with ABS data identifying 39% of one-bedroom dwellings, 21% of two-bedroom dwellings and 19% of three-bedroom dwellings do not have a vehicle.
- There are limited opportunities for on-street car parking given the majority of the surrounding streets are subject to parking restrictions.

Further detail on the car parking layout and design will be required as part of the Planning Permit process.

Bicycle Parking

It is acknowledged that a definitive development schedule has not yet been determined. However based on the *anticipated* proposed development schedule contained within the 2017 Traffic report, the site is calculated to have a bicycle parking requirement as follows:

Use	Rate		Employee / Resident Requirement	Visitor / Shopper Requirement
	Employee / Resident	Visitor / Shopper		
Dwelling (four or more storeys)	1 resident space to each 5 dwellings	1 visitor space to each 10 dwellings	80	40
Office (if net floor area >1000 square metres)	1 to each 300 square metres	1 to each 1000 square metres	5	2
Retail	1 to each 300 square metres	1 to each 500 square metres	10	6
Total Requirement			95	48

It is noted that the *Off-street Bicycle and Motorcycle Parking Review* (March 2016) prepared by Phillip Boyle and Associates for City of Melbourne found that the current planning scheme provisions were not adequate, that the requirements for bicycle and motorcycle parking should be increased, and that the quality of the spaces and facilities should be better regulated.

The review recommended that in Clause 52.34 Bicycle Facilities (relevant to bicycle parking) the City of Melbourne seek to:

- *Modify the Decision Guidelines to provide clearer guidance for responsible authorities so that that the importance of bicycle parking is emphasised.*
- *Increase the rates for users (Employee/resident and Visitor/shopper/student) especially for dwellings. It is recommended that the current rate of ‘1 for every 5 dwellings’ be changed to ‘1 to each 1 bedroom in a dwelling’ with the option to vary with a permit.*
- *Require a bicycle parking space for each 100m² of Net Floor Area for most uses.*
- *Change the design guidelines to provide clearer guidance for developers and designers to increase the effectiveness, safety, security and access of the parking that is provided.*

Given the proposal is located close to cycle connections and public transport, provides a range of travel choices apart from private vehicles, and that a car parking waiver is being sought as part of the application, the provision of one dedicated bicycle parking space for each apartment is considered appropriate for the apartments. Provision of bicycle of parking for the Office and Retail uses as per the Planning Scheme rates is considered appropriate.

Ideally bicycle parking should be on the ground floor and easily accessible and bicycle parking for visitors or shoppers must be provided near the main entrances to the development.

Showers and Change Rooms

Clause 52.34 of the Darebin Planning Scheme requires 1 shower for the first 5 employee bicycle parking spaces, and 1 shower for each subsequent 10 spaces. As yet no details on the provision of shower facilities has been made.

Traffic

Further information is requested from the applicant in relation to existing and expected traffic volumes to Elm Street. It recommended that access to the development be retained from Herbert Street and further infiltration to Elm Street and the local street network is limited.

Pedestrian Design

While definitive designs has not yet been determined, based on the Development Plan prepared by the applicant the site will provide multiple pedestrian interfaces along all street frontages – Arthurton Road, Herbert Street and Elm Street.

As part of the development, a public pedestrian link is proposed towards the eastern end of the subject site providing a connection between Elm Street and Arthurton Road. In addition, a future pedestrian link to High Street has also been planned for. Further details around how the safety and amenity of residents and members of the public will be maintained as a result of the public pedestrian link, will be confirmed when the Planning Permit applications are lodged.

Schedule 10 to the Development Plan Overlay notes *the provision of pedestrian operated signals within the vicinity of the Arthurton Road/Herbert Street intersection*. The proposed signalised pedestrian crossing has been annotated on the Master Plan but has not been discussed within the Transport Impact Assessment (April, 2017).

Whilst supportive of the provision of the pedestrian operated signals; further consideration around the location of the facility is warranted. Council has recently constructed a pedestrian refuge on Arthurton Road adjacent to the railway lines that provides a safe connection between Northcote Train Station and the north side of Arthurton Road. The operation of the boom gates also acts as a “shadow” providing crossing opportunities for pedestrians. Exact layout of pedestrian crossing will be confirmed as part of a Planning Permit application.

As required under DPO10; further details of the developer contributions towards construction and installation of any VicRoads approved pedestrian operated signals must be provided to the satisfaction of the Responsible Authority.

Vehicle Access

Vehicle Access Management

The current development plan (2017) proposes vehicular access from Herbert Street and from Elm Street via two (2) single access points.

The proposal therefore seeks a reduction in the number of access points from the previous development plan (2011) which in addition to the access to Herbert Street and Elm Street also proposed two (2) crossovers to Arthurton Road.

The proposed access arrangements are not supported at this stage (refer to the section below for further discussion around this issue). Notwithstanding, the removal of the access points from Arthurton Road will provide a safer environment, especially given the proposal seeks to establish a bicycle lane on Arthurton Road. It is also preferable that the number of access points to Arthurton Road, which is within a Road Zone is reduced.

The Development Plan also makes reference to vehicle access from the existing ROW located adjacent the eastern boundary of the development. Further information is requested in terms of how this access will work via condition limiting access from the ROW to Building F.

Traffic Impact

The applicant has undertaken a review of existing and future traffic volumes at the following three intersections;

- Arthurton Road / St Georges Road;
- Arthurton Road / Herbert Street; and
- Arthurton Road / High Street.

In relation to the subject site, future traffic volumes on Herbert Street and Elm Street are expected to be as follows:

	AM Peak Hour	PM Peak Hour
Herbert Street	304	409
Elm Street	271	330

Assuming that peak hour volumes are 10% of average daily volumes, post development Herbert Street is anticipated to carry approximately 3,000 to 4,000 vehicles per day and Elm Street is expected to accommodate 2,700 to 3,300 vehicles per day. These volumes are beyond the carrying capacity of local streets which typically accommodate volumes in the range of 2,000 to 3,000 vehicles per day. As part of any Planning Permit application the layout and access from the proposed basements will confirm usage. The rates generated from the development are less than what the Panel allowed (3,402 trips per day during the consideration of the Planning Scheme Amendment) whereas approximately 3,200 trips will be generated by the proposal.

The development proposes 508 car parking spaces located within two basement level car parks accessed from Herbert Street and Elm Street. On this basis it is expected that Elm Street could accommodate a significant volume of post development traffic. Elm Street is a local road and predominately residential in nature and continues to experience significant growth in traffic from future development in the area.

To adequately manage traffic, it is Councils preference that access to the development is prioritised to Herbert Street and further traffic infiltration to Elm Street and the surrounding local road network is discouraged. To achieve this outcome, traffic should be directed back towards Arthurton Road rather than penetrating the local street network as far as practically possible. A condition will require details of such traffic management measures to be included as part of the Development Plan.

Given the expected post development traffic volumes, Councils would expect the applicant to contribute towards traffic management improvements within the area. There are opportunities to improve the street environment at the Herbert Street / Elm Street and the Herbert Street / Arthurton Road intersections particularly in relation to pedestrian access and permeability. This is particularly relevant given the expected increase in pedestrian volumes post development.

On the basis of the foregoing discussion, the following information is required as part of the amended Development Plan and / or design detail as part of future Planning Permit applications:

- The development must prioritise access to Herbert Street and not Elm Street.
- Further details of how the safety and amenity of residents and members of the public will be maintained as a result of the public pedestrian link.
- Further assessment of locating the pedestrian operated signals midpoint along Arthurton Road, given there are no safe opportunities to cross Arthurton Road between High Street and Herbert Street.
- Further details of the developer contributions towards construction and installation of any VicRoads approved pedestrian operated signals must be provided.
- Consideration of a revised cross-section that removes on-street car parking along the northern kerb and reallocates this space to the footpath and bicycle lane (minimum bicycle lane width of 2m recommended).
- The development to provide bicycle parking at a rate of one dedicated bicycle parking space for each dwelling plus visitor spaces.
- Further information in regard to how the access to the ROW will operate. The applicant is requested to give due consideration to existing and future traffic volumes along the ROW .

Environmental Audit Overlay

The subject site is affected by an Environmental Audit Overlay. The purpose of the Environmental Audit Overlay is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Please see assessment under the Development Plan Overlay earlier in this report.

Special Building Overlay

The site is partially affected by a Special Building Overlay. Whilst there is no requirement under section 55 of the Act to refer the application, a letter was sent to Melbourne Water seeking their views on the proposal. As Melbourne Water's advice is of a more technical nature, it has been passed on to the applicant for future reference and to inform them as part of any future Planning Permit process.

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection
Transport Management and Planning	<p>Following comments:</p> <ul style="list-style-type: none"> - (summarised) The development must prioritise access to Herbert Street and not Elm Street. - Further details of how the safety and amenity of residents and members of the public will be maintained as a result of the public pedestrian link. - Further assessment of locating the pedestrian operated signals midpoint along Arthurton Road, given there are no safe opportunities to cross Arthurton Road between High Street and Herbert Street. - Further details of the developer contributions towards construction and installation of any VicRoads approved pedestrian operated signals must be provided to the satisfaction of the Responsible Authority. - Consideration of a revised cross-section that removes on-street car parking along the northern kerb and reallocates this space to the footpath and bicycle lane (minimum bicycle lane width of 2m recommended). - The development to provide bicycle parking at a rate of one dedicated bicycle parking space for each apartment is considered appropriate for the apartments. - Further information in regard to how the access to the ROW will operate. The applicant is requested to give due consideration to existing and future traffic volumes along the ROW. - Given the size of the development, the car parking waiver and proximity to sustainable transport modes; it is recommended that a Green Travel Plan be prepared for the site. <p>Officer's Comment:</p> <p>Condition will require additional restrictions in place for the layout and vehicle access to Elm Street. No planning permit for development can be issued until this arrangement has been confirmed.</p> <p>Concern over access off the right of way for building F would be managed by the Planning Permit application process and as part of the development plan as condition.</p> <p>Details for pedestrian access would be confirmed under the Planning Permit applications.</p> <p>Treatment of the cross section to the Arthurton Road extension are not endorsed under the Development Plan and would be dealt with as part of a Planning Permit application.</p> <p>Bicycle rates would be confirmed under a Planning Permit application.</p>

Department/Authority	Response
Economic Development Unit	<ul style="list-style-type: none"> - (summarised) No objection to the proposed amendment, commercial properties should be designed to accommodate a large type of uses.
Environmentally Sustainable Development Officer	<ul style="list-style-type: none"> - (summarised) Use separate waste and recycling chutes for all apartments. - Bike parking for residents should be on the ground floor and/ or basement 1. It must be convenient to access, secure and provide a variety of bike holds. - West glazing should be minimised and external adjustable shading installed. - Whole site to meet CSIRO Best practice Stormwater guidelines in MUSIC tool. - The ESD report uses a Green Star tool and the SDS tool that is no longer available. The Green Star Design and As Built or Green Star Communities tool and BESS tool would need to be used as part of the planning submission. - Lighting to be LED, not compact fluorescent. - The water rating of the toilets to be increased to a minimum of 4 stars, 5 stars is preferred. - The location of the clothes lines to the bathroom is not an ideal outcome. The development should be designed so on ground units have access to a POS for clothes lines, vegie gardens, etc. The balconies should be large enough to accommodate an external adjustable clothes line. - The waste area must be easy to access. No bins are to be stored on council land at anytime. Bins need to be collected on-site and the number of collections limited to reduce the noise and pollution impact on surrounding residents. - The ESD report mentions a swimming pool however it appears to have been removed. Provide more details. - The Green Star report and SDS assessment lists many sustainable features however further assessment will be required when plans are submitted. The plans are too general for a thorough analysis. - Borrowed light bedrooms are not allowed. - Battle axe bedrooms should be avoided. Where they must be used the BADS guidelines are applicable. - Unit living/ kitchen areas should be no more than 8m deep and 5m deep for south facing based on the BESS guidelines. - Operable windows to be maximised. - Daylight and natural ventilation to common areas such as corridors and lobbies.

Department/Authority	Response
	<ul style="list-style-type: none"> - The development needs 3 bedroom units for families. - NatHERS cooling loads not to exceed the BADS guidelines. - Ensure a bike can access the whole site. <p>Officer's comment:</p> <p>Planning Permit for mixed use development will be subject to Clause 21.12 Environmentally Sustainable Development. Comments can be dealt with detailed design at time of an application for Planning Permit.</p>
Public Realm Unit	<ul style="list-style-type: none"> - (summarised) Clarification is needed on how the proposed development will interface with Arthurton Road frontage, including: <ul style="list-style-type: none"> o How the proposed will activate this frontage with consideration of high foot traffic. o Proposed planting in consideration of solar access along Arthurton Road. o Consider opportunities to increase medium to large canopy trees as well as consideration of formal streetscape planting for increased amenity and visual aesthetics. o How will the proposed encourage/invite the public into the space through spatial form. - Consider opportunities for passive activity spaces along the main public north/south pedestrian link for residents to gather/socialise and to increase communal open space in the development. - Details on how pocket parks, playspace and communal terraces will provide for all access <i>and</i> mobility impaired. - Details on north square and playspace design and spatial function including the interface between the north square and Elm Street. - Details for exterior lighting to provide a safe environment for residents and increase amenity. - Site permeability details and provision of medium and large tree canopies to suit a development of this size. - There is concern that the outdoor/indoor communal facilities may not be workable solutions given the scale of the development, such as relying on residents to maintain worm farms and composting facilities. A diverse mix of communal facilities including provision of barbecues, outdoor dining facilities, garden plots, seating, multi-function spaces, bicycle workshops and other community facilities is encouraged.

Department/Authority	Response
	Officer’s comment General Comments from the Public Realm Unit will be subject to Planning Permit Application. Condition will require the deletion of the numerical and percentage value of deep soil area.
Strategic Asset Management	- No objection to use of Right of Way
Strategic Planning Unit	- (summarised) Support the proposal - In this regard the proposal meets the objective under ‘requirements for development plan’ in DPO10 “to encourage the development of the sites for residential, commercial, retail, service and related uses that will increase the economic and social functions of the centre.”
Urban Design	- (summarised) Urban Designer provided initial guidance in accordance with Design and Development Overlay – Schedule 14 (Clause 43.02) and Development Plan Overlay – Schedule 10 (Clause 43.04) and the proposal generally complies.
Public Transport Victoria	No objection
Melbourne Water	No objection see body of report for details
VicRoads	No objection, subject to condition included in recommendation see body of report for details

PLANNING SCHEME SUMMARY

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	(Clauses 11, 13.03, 15.01, 15.02, 16, 17.01, 17.03, 18.01, 18.02)
LPPF	(Clauses 21, 21.03, 21.04-3 21.05-1, 21.05-2, 21.05-3, 21.05-5, 22.03, 22.07, 22.10, 22.11)
Zone	Mixed Use Zone (Clause 32.04)
Overlay	Design and Development Overlay – Schedule 14 (Clause 43.02) Development Plan Overlay – Schedule 10 (Clause 43.04) Special Building Overlay (Clause 44.05) Public Acquisition Overlay (Clause 45.01) (Site 2 only) Environmental Audit Overlay (Clause 45.03) Development Contributions Plan Overlay (Clause 45.06 expired)
Particular provisions	(Clauses 52.06, 52.07, 52.34, 52.36)
General provisions	(Clause 65.01)
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS

Environmental Sustainability

In accordance with the requirements of the Development Plan Overlay – Schedule 10, proposed buildings must be capable of achieving a minimum 5 star GreenStar rating under the Green Building Council of Australia's Green Star Building Design Rating Tools or any successor of Green Star.

Social Inclusion and Diversity

Council has advised Meydan Group that a proportion of the proposed dwellings should be made available for social housing. No commitment has yet been provided, other than the developer expressing willingness to explore all/any relevant options. The issue may again be addressed under any planning permit application.

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.
- Municipal Strategic Statement.
- *Planning and Environment Act 1987* (as amended).
- Northcote Activity Centre Structure Plan April 2007.
- Darebin Economic Land Use Strategy 2014.
- Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).
- Amendment C81 and C92 Adoption Council Report 15 March 2010.
- C81 and C92 Proposed Adoption Council Report (post Survey) 16 August 2010.
- Darebin C81 and C 92 Panel Report.

- Approval Arthurton Row Development Plan Council Meeting Approval 21 November 2011.
- Delegate report for 9-13 Arthurton Road (Site 2), Northcote (Planning Permit D783/13).

Attachments

- Arthurton Road Development Plan Amendment Submission location (**Appendix A**) [⇒](#)
- POD-1-2011-B Arthurton ROW Development Plan - Advertised Document Development Plan (**Appendix B**) [⇒](#)

**5.2 APPLICATION FOR PLANNING PERMIT D/347/2017
26-28 Pearl Street, Northcote**

Author: Statutory Planner

Reviewed By: Director Corporate Services

Applicant	Owner	Consultant
Kalliopi Vakras Architects	Bastepe Group Victoria Heywood	Kalliopi Vakras Architects Ask Planning Services Low Impact Development Consulting Glenn Waters Arboriculture Quantum Traffic Acoustical Design Pty. Ltd. Leigh Design

SUMMARY

- It is proposed to demolish the existing dwellings on the site and construct a three (3) storey building above a basement car park, for use of the land as a childcare centre with 26 car parking spaces. The childcare centre is to cater for 130 children in eight (8) children’s rooms.
- The ground floor is to have a reception area and office to the front, with laundry, kitchen and toilets. Five (5) children’s rooms are located on this level, with play areas located primarily to the north and east of the building. Bicycle parking is provided to the front setback.
- The first floor is to have staff areas, toilets and two (2) children’s rooms. Play areas on this level extend to the north and east of the building.
- The second floor is to have a parents retreat, staff area, toilets and one (1) children’s room. A play area is situated to the north and east of the buildings.
- Car parking is provided in form of a basement and is accessible from Pearl Street via a new double crossover, located at the southern end of the site frontage. The car park provides 26 spaces (including 9 tandem spaces for staff), bicycle parking and a pram storage area.
- The maximum height of the building is to be 9.810 metres above natural ground level (NGL).
- The hours of operation are 6:30am to 6:30pm, Monday to Friday.
- The site is zoned General Residential Zone - Schedule 2.
- There are no restrictive covenants on the titles for the subject land.
- 24 objections were received against this application.

- The proposal is generally consistent with the relevant planning policy within the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Transport Management and Planning Unit, Public Realm Unit, Council's Heritage Advisor, Capital Works Unit, Families, Diversity and Community Unit, ESD Officer, City Works Unit and Darebin Parks.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/347/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos. TP.02.1 TP.02.02, TP.02.03, TP.02.04, TP.02.05, TP.04.01, TP.04.02, TP.04.03, dated March 2017, project no. 1620 and prepared by Kalliopi Vakras Architects) but modified to show:
 - (a) Details of low level lighting to external areas in accordance with Condition No. 19 of this Permit.
 - (b) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - (c) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - (d) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted surfaces must be minimised.
 - (e) References on the Southern Elevation (Drawing No. TP.04.02) to translucent balustrading to prevent overlooking replaced with obscured balustrading.
 - (f) Modifications and notations in accordance with the approved acoustic assessment (refer to Condition No. 14 of this Permit).
 - (g) The provision of convex mirror installed on the southern wall of basement car park to improve sight lines between vehicles descending the ramp and vehicles exiting the parking aisle.
 - (h) The width of the crossover and access ramp reduced to 5.5 metres along the western (front) boundary.
 - (i) A Landscape Plan in accordance with Condition No.7 of this Permit.

- (j) Any modifications in accordance with the revised ESD Report (refer to Condition No. 11 of this Permit).
- (k) External operable sun shading devices (excluding roller shutters) to the following east and west facing windows/glazed doors:
- Ground Floor Reception;
 - Ground Floor Children's Room 01;
 - First Floor Children's Room 06;
 - Second Floor Children's Room 08;
 - Second Floor Parent's Retreat; and,
 - Second Floor Staff Room.

Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.

- (l) Fixed external sun shading devices to all second floor north facing windows that are not located underneath upper floor overhangs.

Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the glazing and is not to extend within 1 metre of a property boundary.

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

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

As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 5) The use may operate only between the hours of 6:30am to 6:30pm, Monday to Friday.
 - 6) The number of children on the premises at any one time must not exceed 130.
 - 7) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.

- (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - (d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - (g) Hard paved surfaces at all entry points to dwellings.
 - (h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - (i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - (j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - (m) Provision of a minimum of 10 suitable small canopy trees.
- 8) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- 9) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 10) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees.

- 11) Before the development starts, a revised ESD Report generally in accordance the document identified as LID Consulting ESD Report: 26-28 Pearl Street, Northcote, prepared by Low Impact Development Consulting and dated 31/07/2017 detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be revised as follows:

- (a) Details of proposed skylights to rooms which are deficient in daylight requirements;
- (b) Details of proposed water filtration system to be detailed on plans;
- (c) Details of Low VOC and formaldehyde products to be detailed on plans.

The development must be constructed in accordance with the requirements/recommendations of the ESD Report to the satisfaction of the Responsible Authority.

Prior to the occupation of the development, a report from the author of the ESD Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the ESD Report have been implemented in accordance with the approved Plan.

- 12) Waste storage and collection must be undertaken in accordance with the approved management plan (identified as 'waste management plan' prepared by Leigh Design and dated 31 July 2017) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- 13) Before the use starts the waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.

The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.

- 14) The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment (identified as 'Project: 26-28 Pearl Street Northcote' prepared by Acoustical Design Pty Ltd. and dated 31.7.17) to the satisfaction of the Responsible Authority.

- 15) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.

- 16) The car parking area is to be adequately secured after operating hours.

- 17) The amenity of the area must not be adversely affected by the use or development as a result of the:

- (a) Transport of materials, goods or commodities to or from the land; and/or
- (b) Appearance of any building, works, stored goods or materials; and/or
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or

and/or in any other way, to the satisfaction of the Responsible Authority.

- 18) Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 19) All outdoor lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.
- 20) The land must be drained to the satisfaction of the Responsible Authority.
- 21) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 22) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 23) No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- 24) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all weather sealcoat;
 - (d) Drained;
 - (e) Line-marked to indicate each car space and all access lanes; and
 - (f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
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INTRODUCTION AND BACKGROUND

Council's records indicate that Planning Permit D/224/2016 was issued on 7 November 2016 at No. 26 Pearl Street to allow *a medium density housing development comprising the construction of five (5) dwellings of up to three (3) storeys and a waiver of the visitor car parking requirement in accordance with the endorsed plans.*

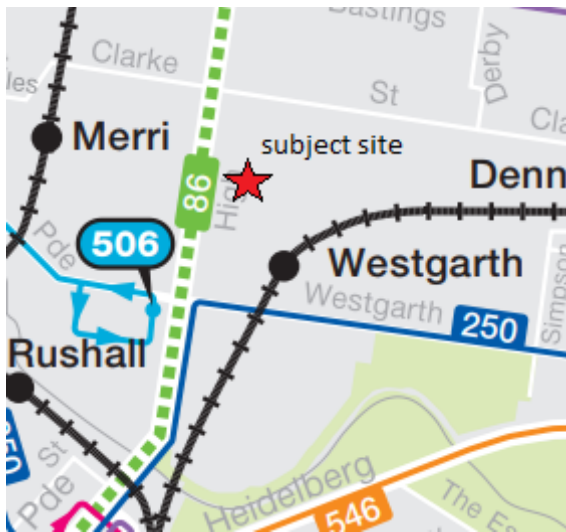
ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is comprised of two (2) allotments and is regular in shape. It has a total frontage of 29.42 metres, a depth of 39.62 metres and an area of approximately 11,165 square metres.
- The land is located within the General Residential Zone - Schedule 2 and is affected by the Development Contributions Plan Overlay.
- The land is located on the eastern side of the street, approximately 130 metres to the north of the intersection with Union Street.
- Each of the allotments contains a single storey weatherboard dwelling. No 26 Pearl Street has a hipped tiled roof and No. 28 Pearl Street has a gable tiled roof.
- To the north of the site is a single storey dwelling, with a hipped tiled roof. The dwelling is set back approximately 6.6 metres from the street and 1 metre from the common boundary.
- To the south is a large double storey building which associated with the use of the land as an aged care facility. The building is setback 3.985 metres from the street and approximately 1.4 metres from the common boundary.
- To the east of the site, over a right of way, are the rear yards and outbuildings of dwellings fronting Jackson Street.
- To the west, located on the opposite side of Pearl Street, is an angled on-street public car parking with High Street beyond.
- On-street car parking within the vicinity of the subject site is available on both sides of Pearl Street, is unrestricted on the western side of the street and is restricted to 1P on the eastern side of the street, save for resident parking permits.
- The site is located within the Westgarth Village Secondary Neighbourhood Activity Centre and has excellent access to public transport, with two (2) train stations (Merri and Westgarth Stations) on two (2) train lines (South Morang and Hurstbridge Lines), the route #86 (Bundoora RMIT-Waterfront City Docklands) tram and bus routes #250, #251, #506, and #567 within walking distance. Figure 1 below illustrates public transport options in the area.

- The site is proximate to the Capital City Bicycle Trail, the Merri Creek Bicycle Trail, the St George’s Road Shared Path and a number of on-road bicycle lanes.

Figure 1 - Access to Public Transport



Source: PTV website

Proposal

- It is proposed to demolish the existing dwellings on the site and construct a three (3) storey building above a basement car park, for use of the land as a childcare centre with 26 car parking spaces. The childcare centre is to cater for 130 children in eight (8) rooms.
- The ground floor is to have a reception area and office to the front, with laundry, kitchen and toilets. Five (5) children’s rooms are located on this level, with play areas located primarily to the north and east of the building.
- The first floor is to have staff areas, toilets and two (2) children’s rooms. Play areas on this level extend to the north and east of the building.
- The second floor is to have a parents retreat, staff area, toilets and one (1) children’s room. A play area is situated to the north and east of the buildings.
- Car parking is provided in form of a basement and is accessible from Pearl Street via a new double crossover, located at the southern end of the site frontage. The car park provides 26 spaces (including 9 tandem spaces for staff).
- The rooms and number of children are as follows:
 1. Ground Floor Children’s Room 01 - 8 Children;
 2. Ground Floor Children’s Room 02 - 12 Children;
 3. Ground Floor Children’s Room 03 - 12 Children;
 4. Ground Floor Children’s Room 04 - 16 Children;
 5. Ground Floor Children’s Room 05 - 16 Children;
 6. First Floor Children’s Room 06 - 22 Children;
 7. First Floor Children’s Room 07 - 22 Children; and,
 8. Second Floor Children’s Room 08 - 22 Children.
- The building is to have a contemporary design, with walls of brick, timber and lightweight cladding and is to have a flat roof.

- The maximum height of the building is to be 9.810 metres.
- The hours of operation are 6:30am to 6:30pm, Monday - Friday.
- The number of staff will be provided in accordance with the relevant State and National regulations for educator to child ratios, as prescribed by the Australian Children's Education and Care Quality Authority (ACECQA).

Objections

- 24 objections have been received.

Objections summarised

- It would seem pertinent for Council to have a policy for the development of childcare centres;
- Three (3) storey height is inappropriate;
- The building is deficient in natural sunlight and easy access to outdoor areas;
- Inappropriate in residential zone;
- Traffic congestion;
- Car parking issues;
- Loss of privacy;
- Noise from children, cars and plant;
- Overdevelopment of site;
- Traffic safety;
- Loss of habitat for the Tawny Frogmouth birds;
- Development could be converted to apartments;
- Pollution from increased traffic;
- Overshadowing;
- The proposal is almost 50% larger than the Annie Dennis Childcare Centre;
- Insufficient setbacks;
- Contrary to neighbourhood character;
- Children's facilities at local park will become overcrowded;
- Trees overhanging laneway will impede vehicular access;
- Insufficient outdoor space for a childcare centre; and
- Negative impact on the adjoining heritage streets.

Officer comment on summarised objections

It would seem pertinent for Council to have a policy for the development of childcare centres

While the Scheme does not have a local planning policy for childcare centres, the Physical and Community Infrastructure objectives of the Municipal Strategic Statement (MSS) at Clause 21.05-3 broadly discusses the need to deliver community services to local catchments.

A childcare centre, catering 130 places in an activity centre, with excellent access to public transport and within a residential area is considered to meet the overarching objective of Council to ensure the delivery community services in appropriate, well-located areas.

Three (3) storey height is inappropriate

While the proposal sits between a single storey and double storey building, it is considered to provide a form and setbacks which provide appropriate transitions to the adjoining buildings. More broadly within Pearl Street to the north and south of the subject site are examples of apartment developments, meaning that the proposed three (3) storey height will not be out of character with the existing streetscape. Moreover, the proposed maximum height of the building is 9.810 metres is below the maximum height of 11 metres which is permitted under the provisions of the General Residential Zone.

The building is deficient in natural sunlight and easy access to outdoor areas

It is noted that the outdoor play areas and classrooms are orientated to the northern, eastern and western sides of the proposed building where possible in order to maximise access to natural light and sunlight. Therefore, it is considered that the proposed design response is appropriate. Furthermore, a condition will require proposed skylights noted in the ESD report to be shown on the plans to ensure that classrooms are provided with sufficient natural light.

Inappropriate in residential zone

Often childcare uses are located in residential areas and (as can be seen below) are contemplated by the zone purpose. In this respect, it is considered that a childcare centre use is appropriate in the zone and area.

Traffic congestion

It is considered that there will be no unreasonable traffic impacts as a result of the proposal and the traffic from the use may be absorbed by the surrounding street network.

Car parking issues

While the proposal seeks a waiver of two (2) car parking spaces, it is considered that the additional generated by the proposed use would unreasonably burden the existing on-street car parking along Pearl Street. Car parking is discussed in the assessment section of this report with particular focus on Clause 52.06 of the Scheme.

Loss of privacy

It is considered that privacy and overlooking may be addressed by appropriate screening or obscure glazing to upper level play areas to a minimum of 1.7 metres above finished floor level.

Noise from children, cars and plant

The proposal includes acoustic measures to the fences and screens, to be secured by way of recommended condition, and it is not considered that noise will impact unreasonably on the amenity of the adjoining dwellings. The use may also be limited to daytime operations (i.e. 6:30am to 6:30pm Monday to Friday), so that there will be no unreasonable afterhours noise.

In addition to the above, the location and screening of plant and equipment may be addressed by appropriate conditions.

Overdevelopment of site

An appropriate test to determine whether the proposal is an overdevelopment of the site is the provisions of Clause 54/55 of the Scheme. As can be seen from the assessment below, despite not being required to meet these provisions as a non-residential use, the proposal would only be deficient in one (1) numerical standard (i.e. street setback objective). It is considered that there is no basis to consider the proposal is an overdevelopment of the site.

Traffic safety

A review of the traffic report and Council traffic records finds that there will be no unreasonable traffic safety issues as a result of the proposal. Pedestrian visibility splays may be subject to recommended condition.

Loss of habitat for the Tawny Frogmouth birds

While the proposal results in the loss of three (3) canopy trees, the indicative landscape accompanying the application indicates that the proposal has a net gain of 12 canopy trees, thus ensuring that habitat for any wildlife is not unreasonably impacted.

Development could be converted to apartments

A concern that this development may be converted into apartments at a later stage is speculative and is beyond the ambit of this planning permit application.

Pollution from increased traffic

It is considered that any potential pollution caused by increased traffic would not exceed a normal level which could otherwise be expected anywhere in metropolitan Melbourne.

Overshadowing

As can be seen from the assessment below, the overshadowing impacts from the development are minimal and would be within the allowable limits if the application was required to be assessed against the requirements of Rescode (i.e. Clause 54/55).

The proposal is almost 50% larger than the Annie Dennis Childcare Centre

All applications are assessed on individual merits. As can be seen from the assessment below, the proposal is generally compliant with the relevant provisions of the Scheme. The scale of an existing childcare centre development should not be to the advantage or detriment of this proposal.

Insufficient setbacks

Using the provisions of Clause 54/55 as a test for what are acceptable setbacks, it is noted that the proposal would be compliant with the requirements of Standard A10/B17 if it were subject to the requirements of Rescode. On that basis, it is considered that the side and rear setbacks are appropriate.

Contrary to neighbourhood character

The test of neighbourhood character under the Scheme is for development to respect the existing character or to contribute to a preferred future character.

This is considered having regard to the relevant policies within the Scheme (including Clause 22.02) and the physical context of the site. It is a long held principle that for a development to be 'respectful' of the neighbourhood character it is not necessary to replicate the existing building forms. Rather, the notion of 'respectful' development must embrace the need for change and diversity in the type of dwellings and an increase in the intensity of development in circumstances where this is encouraged by Planning Policy and the purpose of the zone.

The proposed development has been assessed against Council's Neighbourhood Character Study below. Although it is not a residential development and the application of the neighbourhood character policy is limited, it is considered that the development would be generally consistent with the emerging neighbourhood character. Although the proposal has a contemporary design, this may be contemplated. As can be seen in the assessment below, it is considered that the proposal respects the neighbourhood character and provides appropriate setbacks, scale, landscaping, materials and design.

Children's facilities at local parks will become overcrowded

A concern that the proposed development may result in overcrowding of nearby parks is speculative and is beyond the ambit of this planning permit application. It is noted that children from the childcare centre are most likely to be from within the local catchment and already live in the area.

Trees overhanging laneway will impede vehicular access

Concerns which relate to overhanging tree branches are more suitably dealt with under the relevant local law, and are beyond the ambit of this planning permit application.

Insufficient outdoor space for a childcare centre

Concerns which relate to the provision of open space per child ratio are more suitably dealt with under the relevant state and national regulations for childcare centres and are beyond the ambit of this planning permit application. It is noted that the children will have access to a variety of landscaped outdoor play areas.

Negative impact on the adjoining heritage streets

The site is separated from properties subject to the Heritage Overlay by the right of the way to the rear and so will not adversely impact the heritage streetscape to the east.

PLANNING ASSESSMENT

Neighbourhood Character Precinct Guideline Assessment - Precinct F4

Although the proposal is not for a residential building, the works must be assessed under Clause 22.02 (Neighbourhood Character), as it is in a residential zone. Nevertheless, in addressing the neighbourhood character and built form, it is important to consider that the building is not for residential use and should not necessarily have a residential form. In this respect, the application of Clause 22.02 and the Neighbourhood Character Study must be made in a broad sense.

Existing Buildings

- While it is proposed to demolish two (2) existing buildings which occupy the subject site, the existing streetscape does not possess a strong neighbourhood character, as it possessed a mix of more intensive developments and non-residential uses.

- There is no specific permit trigger for the demolition of existing dwellings (i.e. Heritage Overlay).

Complies

Vegetation

- While the proposal seeks to remove a number of existing trees located within the secluded private open space of No. 28 Pearl Street, the proposal provides 15 replacement canopy trees.
- There are no significant trees on the site and vegetation may be removed without requirement for a planning permit.
- The proposal provides sufficient garden space to maintain appropriate landscaping and strengthen the garden setting of the streetscape.
- There is an accompanying landscape concept plan indicating that the proposal is appropriately sited and designed to incorporate space for the planting of vegetation. A condition of any approval will require a detailed landscape plan to be submitted.
- There are no street trees or trees located on adjoining properties which will be impacted by the proposed development.

Complies subject to condition

Siting

- The building is well set back from the street frontage for planting of vegetation, to enable the continuation of the garden setting in this area.
- The building is set back from the common boundaries, so that adequate separation is maintained in building forms to the street, respecting the rhythm of dwelling spacing.
- There is to be one (1) crossover to the street which is proposed to be widened to accommodate access to the basement car park. The proposed crossover and entrance to the basement car parking is sited so that it does not dominate the front façade.

Complies

Height and building form

- While the proposed development adopts a robust building form and a height of three (3) storeys, it is considered acceptable having regard to the site's physical context, noting that a number of apartment buildings and a large aged car facility are located to the north and south of the subject site.
- The proposal provides an appropriate setback to the eastern boundary interface in order to transition to the single storey character of dwellings in Jackson Street.
- It is noted that the existing streetscape possesses a mix of flat roof and pitched roof development. It is therefore considered that the proposed flat roof form is not out of character with the existing streetscape.

Complies

Materials and design detail

- The proposal provides brick, timber and lightweight cladding materials, which are contemporary and considered to be acceptable and consistent with the more contemporary buildings which are proximate to subject site.

The design is in accordance with the Design Objective which encourages innovative architectural responses and presenting visually interesting facades to the street.

- The proposal provides a flat roof, which complements the contemporary design response.
- The proposal is not proximate to the Merri Creek.
- A condition of any approval will require a detailed materials and colour schedule to be submitted.

Complies subject to condition

Front boundary treatment

- The proposal contains a part 1 metre, part 1.5 metre high, permeable timber front fence and provides a narrow landscaping buffer between the front fence and the site boundary. The proposed design response is considered acceptable and allows for views over and through the fence to front garden.

Complies

Clause 15.01 Urban Environment

In assessing and determining residential development applications not covered by Clause 55, regard must be had to the urban design principles of Clause 15.01. The following is a summary of the assessment against clause 15.01-2:

- The applicant has undertaken a site analysis as part of the design process, which has informed the height, scale and massing of the development. The height of the development is considered to be appropriate to the context of the neighbourhood and responsive to sensitive interfaces.
- The streetscape and public realm interface is acceptable in that the proposal does not dominate the streetscape and provides an appropriate interface, which includes a landscaped front setback and a sense of address.
- The proposal does not adversely affect any views that are protected under local policy. It provides appropriate articulation to the facade through materials, design and varied setbacks.
- The design provides appropriate pedestrian interaction and pedestrian amenity.
- The site is not located within an area covered by a Heritage Overlay, however, has a rear abuttal to Heritage Overlay - Schedule 161. The proposal will not adversely impact the heritage area to the east as the site is separated from these properties by a right of way to the rear.
- Having regard to the site context and the orientation of the land, there is no unreasonable loss of sunlight/daylight to the public realm.
- The proposal is in an appropriate area to take advantage of existing services. It is considered to be generally energy efficient as: children's rooms and outdoor areas have adequate daylight and ventilation; the development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings. Further details of sun shading devices and weather protection are required by condition.
- The proposal has been accompanied by an appropriate ESD report, which details sustainable design features of the building.

- The development will have a contemporary design, with brick, timber and lightweight cladding materials and a flat roof. The materials and their application result in an appropriate architectural response.
- The elevations show articulated façades and an appropriate level of design detail.
- The site is located in an area with varied landscape character. The ability to landscape to the front setback, northern (side) boundary and rear is appropriate in the context of the use and development in the area.

As can be seen above, the proposal provides an appropriate built form and complies with relevant controls.

Clause 32.08 General Residential Zone - Schedule 2

Use

The site is located in a General Residential Zone, where the purpose includes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport*
- *To allow educational, recreational, religious, community and a limited range of other non- residential uses to serve local community needs in appropriate locations.*

In discussing zoning controls, it is important to note that although the site is in a residential zone, the zone purpose allows non-residential, educational and community uses. However, given the zoning, surrounding uses and sensitive rear abuttal to the Neighbourhood Residential Zone (NRZ), a balance must be reached, to respect neighbourhood character and maintain an acceptable level of amenity, if residential amenity is to be protected in these areas. Therefore, although an appropriate non-residential use may be accommodated on a site in this area, the hours of operation, children numbers, intensity of the use and the car parking are important considerations and must be addressed by conditions where appropriate.

Broadly, it is considered important to provide some appropriate non-residential uses in residential areas, to serve the local needs. Such non-residential uses are often evident in established residential areas, such as the aged care facility on the adjoining property to the south, and provide community facilities, so that the local community are not required to travel significant distances to access services. It is considered that the use of a site in a General Residential Zone for a childcare facility is acceptable, as the proposed use can cater to local community needs (rather than a regional need).

This site is within an established residential area and therefore amenity should be protected. This can be achieved by the sensitive operation of the use. Recommended conditions that will assist in the protection of local residential amenity include:

- Restrictions on the numbers of children.
- Restrictions on the hours of operation.
- Limitations on emissions, including noise.
- Waste storage (to be located away from the public realm).

These measures are to ensure that there is an acceptable level of operation that will limit the adverse effects on the amenity of surrounding properties and the area in general.

Clause 32.08-10 provides the decision guidelines that the Responsible Authority must consider in deciding on an application:

- The proposal provides as community use that is compatible with the residential character of the area and in proximity to facilities and complies with the State and Local Planning Policy Framework.
- As noted above, the proposal complies with the zone purpose.
- The proposal is considered to be compatible with nearby residential and non-residential uses, given that it is largely operated during daytime periods on weekdays, so that afterhours impacts on residents are minimised. The building also maintains appropriate residential scale and setbacks.
- The nature of a childcare centre use is that it will predominantly serve local community needs (i.e. residents and local workers).
- The proposal is not considered to be of an unreasonable scale or intensity for the area (see elsewhere in this assessment).
- The site is located in an area with varied landscape character. However, an indicative landscape plan provided with the application indicates that sufficient landscaping opportunities will be provided to the front and rear of the site, and along the northern (side) boundary, to ensure that the landscape character of the area is maintained.
- The provision of car parking is appropriate (see assessment below).
- The provision of waste storage and management facilities are appropriate.
- The traffic generated by the proposal will not be excessive nor will it affect safety, efficiency and amenity.

Given the above, it is considered that the proposal appropriately addresses the context of the site and the treatment to the sensitive residential interfaces is appropriately addressed. In particular, the abuttal to the east is addressed via canopy planting along the site's rear boundary, and a minimum rear setback of 3.157 metres (measured from the first floor terrace area) has been provided.

Buildings and Works

As the proposed use is a section 2 use in the General Residential Zone 2, a permit is required for buildings and works pursuant to Clause 32.08-6 of the Scheme. In looking at the proposed building, it is noteworthy that, although Clause 54/55 does not apply, some elements may be applicable in assessing the appropriate siting and impact on the amenity of adjoining allotments. The assessment is summarised as follows:

- It is noteworthy that the building does not comply with the front setback that would be required under Standard B6 or A3 of Clause 54/55, in that a setback of 4.755 metres is required and a setback of 4.2 metres has been provided. Nevertheless, this is considered to be acceptable, as the front façade is well articulated, and provides a staggered front façade, from the lesser setback to the adjoining property to the south (of 2.88 metres), to the greater setback to the adjoining property to the north (of 6.63 metres). The proposed design response also allows for adequate landscaping to the front and provides ample articulation without unreasonable visual impact to the streetscape. In addition, the Neighbourhood Character Study indicates that building in this area generally have front setbacks in the order of 4-6 metres. The proposal is appropriately within this range.

- The height of the building is 9.810 metres above NGL, i.e. less than the maximum of 11 metres under the zone.
- Ample opportunities are available for landscaping around the site, particularly to the sensitive rear (eastern) interface, noting these properties are located within the Neighbourhood Residential Zone.
- There is only one (1) crossover to the street and car parking areas do not dominate the streetscape.
- The works are set back from the adjoining dwellings, in accordance with the setbacks under Standard A10/B17 and off-site amenity impacts on adjoining residential uses are appropriate. The proposal is set back from the rear property boundary by a minimum distance of 3.157 metres (measured from the first floor terrace area) and the rear property area landscaped to ensure that visual bulk to the sensitive rear interface minimised.
- The setbacks are adequate so that the building does not impact the daylight to adjoining habitable room windows.
- The boundary setbacks the south, where there the existing north-facing habitable windows on the adjoining property within 3 metres of the common boundary, are compliant with Standard A13 or B20 of Clause 54/55, which ensures that sufficient separation has been provided to the existing north-facing windows of the adjoining aged care facility.
- Overshadowing of adjoining open space meets the relevant standard, in that the shadows to neighbouring properties to the east are minimal, with at least 40 square metres of neighbouring dwellings' secluded private open space with a minimum dimension of 3.0 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September.
- The existing boundary fences will obscure overlooking at ground level and 1,700mm screening to all first floor levels will obscure overlooking for the upper floor.

Although the requirements of Clause 54/55 have limited applicability, the proposal has a high level of compliance, so that the proposed building is appropriately sited and will not unreasonably affect the amenity of adjoining dwellings.

Amenity

The main amenity consideration relating to the proposal is noise (aside from buildings and works addressed above). The proposal includes a number of external play areas at ground, first and second floor levels that may impact on the amenity of adjoining dwellings. The applicant has provided an acoustic report that indicates noise from children is likely to exceed appropriate noise levels. As a result, noise mitigation works are required, such as:

- A 1.8 metres high acoustic fence to the north, south and eastern common boundaries.
- A 1.7 metres acoustic balustrade to the perimeter of the first and second floor play areas.

This is seen as acceptable and is subject to recommended permit conditions. In addition, conditions relating to the location of plant and waste storage and all emissions are recommended to ensure all emissions are within reasonable levels.

Clause 52.06 Car Parking

The table at Clause 52.06-5 of the Scheme requires the following car parking requirements as follows:

Use	Rate	Number	Required
Childcare centre	0.22 car spaces to each child	130 children	28 (28.6) spaces

The proposal will include 26 car parking spaces; therefore, the proposal seeks a waiver of two (2) on-site car parking spaces.

A car parking reduction of two (2) spaces is considered suitable for the following reasons:

- The site has excellent access to public transport in the form of trains, trams and busses as set out earlier in this report.
- The site is proximate to a number of shared bicycle paths and on-road bicycle lanes.
- The site is located within an activity centre so the possibility of multi-purpose trips is high.
- On street parking along Pearl Street, is available for visitors to the site.
- A condition of approval will ensure no more than 130 children are on the site at the one time. This will ensure car parking demand in the future does not increase.
- While there is no specific permit trigger for bicycle facilities for a childcare centre at Clause 52.34, the proposed layout indicates that sufficient space has been provided to accommodate bicycle parking areas at street level and within the basement.
- Given the potential for cycling and public transport trips, the proposed development is not anticipated to generate a significant impact on the surrounding road network.

In looking at the parking layout, it is noted that:

- The access is at least 5.5 metres in width.
- Vehicles are able to enter and exit the site in a forward direction.
- An appropriate passing area is provided.
- Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This can be requested via a recommended condition.
- The parking spaces and accessways are acceptable.
- A disabled car space is provided, which is appropriate.
- Tandem car spaces may be used by staff.
- Design standard 5: Urban design requires that ground level car parking and accessways must not visually dominate public space. A condition will require that the width of the crossover and access ramp be reduced from 6.31 metres to 5.5 metres to ensure that the proposed parking area provides appropriate landscaping.
- Lighting can be required by condition, in addition to a condition requiring the parking area to be secured after hours.

REFERRAL SUMMARY

Department/Authority	Response
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Capital Works	No objection, subject to condition included in recommendation
Transport Management and Planning	No objection, subject to condition included in recommendation
Darebin Parks	No objection, subject to condition included in recommendation
City Works	No objection
ESD Officer	No objection, subject to condition included in recommendation
Families, Diversity and Community	No objection
Heritage Advisor	No objection
Public Realm	No objection, subject to condition included in recommendation

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-1 (General Residential Zone - Schedule 2) a permit is required for a childcare centre.
- Clause 32.08-6 (General Residential Zone - Schedule 2) a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1.
- Clause 52.06-3 A permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	15.01, 15.02, 19.02-2, 19.03-1
LPPF	21.05-3, 21.01-5, 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 52.34
General provisions	65.01
Neighbourhood Character Precinct	A4

POLICY IMPLICATIONS

Environmental Sustainability

The proposal includes a Sustainable Management Plan which sets out sustainable design initiatives included in the design.

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

Planning and Environment Act 1987 (as amended)

Attachments

- Aerial (**Appendix A**) [↗](#)
- Plans (**Appendix B**) [↗](#)

**5.3 APPLICATION FOR PLANNING PERMIT D/251/2017
152 Smith Street, Thornbury**

Author: Statutory Planner

Reviewed By: Director Corporate Services

Applicant	Owner	Consultant
Petridis Architects	Antonio and Filomena Di Fabio	Petridis Architects
		Prior and Kelly Pty Ltd

SUMMARY

- The development consists of three (3) double storey dwellings; each comprised of three (3) bedrooms, rumpus room, and combined kitchen/dining/lounge.
- Each dwelling is provided with a double garage, accessed by a single width crossover located at the Smith Street frontage.
- The proposed development incorporates a traditional built form, and incorporates pitched roofs, recessed portions at the ground and first floors, and a brick and render finish.
- The dwellings have a maximum building height of 7.85 metres.
- The site is zoned General Residential Zone Schedule 2.
- The site is covered by the Special Building Overlay.
- The Certificate of Title indicates that a restrictive covenant applies to the land. Covenant 1199495 states that the proprietor/s will not *'use or permit or allow to be used the land hereby transferred or any part or parts thereof for quarrying or brickmaking operations or dig away or carry away or remove or permit or allow to be dug carried away or removed any marl stone – earth clay gravel or sand'*.

It is considered that the proposed development will not breach the terms of the covenant.

- Notice of the application was provided pursuant to section 52(a)(b) and (c) of the *Planning and Environment Act 1987* and 22 objections were received.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, the Transport Management and Planning Unit, Public Realm Unit and Darebin Parks Unit.
- This application was referred externally to Melbourne Water.

Recommendation

That Planning Permit Application D/251/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TPA01 – 1 of 6, TPA02 – 2 of 6, TPA02 – 2A of 6 and TPA03 – 3 of 6 drawn by AKW/JC dated 25 July 2017), but modified to show:
 - (a) The first floor bedroom 2 setback of Dwelling 2 to be increased by 1 metre; this is to be achieved by reducing the first floor footprint and must not result in a reduction to any boundary setbacks.
 - (b) The north elevation balustrade of the Dwelling 3 balcony to be obscured glass and be increased to a height of 1.7m in accordance with Standard B22 of the Darebin Planning Scheme.
 - (c) The first floors of all dwellings to incorporate timber or timber cladding elements with a resulting reduction in the extent of render.
 - (d) Natural light to garages of dwellings 2 and 3 by way of skylights or windows being included to external vehicle and/or pedestrian doors.
 - (e) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows.
 - (f) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors not located directly beneath eaves. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary.
 - (g) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - (h) A landscape strip running along the centre of the driveway.
 - (i) The front fence with a maximum height of 1.2 metres.
 - (j) Street numbers for the rear dwellings to be clearly marked on the front fence elevation.
 - (k) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - (l) The location of letter boxes and receptacles for newspapers. These must be provided to the satisfaction of the Responsible Authority.
 - (m) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 13 of this Permit).
 - (n) A Landscape Plan in accordance with Condition No. 9 of this Permit.
 - (o) Annotations detailing Tree Protection Zones and associated Tree Protection Fences in accordance with the requirements of Condition No. 12 of this Permit.

- (p) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 13 of this Permit).
- (q) Any modifications in accordance with Melbourne Water's conditions (Refer to Condition Nos. 15 to 26).

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

- 2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if either:

- The development does not start within three (3) years from the date of this Permit; or
- The development is not completed, within five (5) years of the date of this Permit.

As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
 - 5) Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 - 6) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 - 7) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 - 8) Boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 - 9) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) An existing vegetation schedule needs to be provided which corresponds to all existing vegetation on the subject site, neighbouring properties and adjacent reserve.
 - (b) Details of all existing trees to be removed on the subject site. The genus, species, height and spread of all trees must be specified.
-

- (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.

Planting schedule to addresses the issue of screening for adjacent park and neighbouring properties. Preference will be for native vegetation that provides adequate screening particularly for the private open space of Dwelling 3, which will reach a minimum of 3m+ at maturity. All proposed screen plants to be planted at advanced sizes (i.e. minimum 2m height at installation) and planted at adequate density for the proposed species and specified accordingly in plant schedule, for example 2 per lineal metre.

Tree and shrub planting details to be provided separately. Plants must be shown in the schedule at a generally accepted size and reflected in the plan accordingly.

- (d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- (e) Two (2) small canopy trees capable of reaching a height of 4-6 metres and width of 4 metres at maturity, and have a minimum height of 1.6 metres in 40 litres containers at the time of installation.
- (f) Two (2) medium canopy trees capable of reaching a height of 6-8 metres and width of 6 metres at maturity, and have a minimum height of 1.6 metres in 40 litre containers at the time of installation. At least one of these to be located within the front setback.
- (g) Cross-sections details of the permeable driveway material in accordance with Condition No. 12 of this Permit.
- (h) Tree Protection Zones and notations in accordance with Condition No. 12 of this Permit.
- (i) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
- (j) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- (k) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- (l) Hard paved surfaces at all entry points to dwellings.
- (m) All ground level non-vehicle paving should be of a permeable type with provision of material specifications and construction detail in final landscape plan. If natural lawn is not achievable then step pavers set into compacted granitic screenings.
- (n) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- (o) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).

- (p) An outline of the approved buildings, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (q) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (r) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - (s) Landscape plan to provide relative levels for ground floor landscape areas, porch and decks for all entry points into dwellings.
 - (t) The provision of rain gardens along the driveway, where appropriate. Cross-sections of the proposed rain gardens to be provided in the landscape plan.
 - (u) Tree Protection Zone locations and notations in accordance with Condition No. 12 of this Permit.
- 10) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- 11) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 12) Before buildings and works (including demolition) start, a tree protection fence must be erected around the following trees to define a 'Tree Protection Zone'.
- A Tree Protection Zone (TPZ) of 7.2 metres from the trunk edge, for Council reserve tree known as Tree 1; *Eucalyptus viminalis* (Manna Gum).
 - A Tree Protection Zone (TPZ) of 3 metres from the trunk edge, for Council reserve tree known as Tree 4; *Melaleuca hypericifolia* (Hillock Bush).
 - A Tree Protection Zone (TPZ) of 3.4 metres from the trunk edge, for Council reserve tree known as Tree 7; *Acacia dealbata* (Silver Wattle).
 - A Tree Protection Zone (TPZ) of 3 metres from the trunk edge, for Council reserve tree known as Tree 8; *Callistemon saligna* (Bottlebrush).
 - A Tree Protection Zone (TPZ) of 2.4 metres from the trunk edge, for the neighbouring tree located to the north of the subject site, tree known as Tree 11; *Ligustrum lucidum* (Privet).

These fences must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fences must remain in place until construction is completed, other than for encroachments required in order to construct the development.

No vehicular or pedestrian thoroughfare, trenching or soil excavation is to occur within the Tree Protection Zones.

No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zones.

The ground surface of the Tree Protection Zones must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered

regularly to the satisfaction of the Responsible Authority.

The driveway is to be constructed at or above existing grade using permeable materials (eg. Permeable pavers).

All existing vegetation shown on the endorsed plan(s) as to be retained must be suitably marked before any development (including demolition) commences on the land and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees, and undertaken by a suitably qualified arborist.

- 13) Before the development starts, a Waste Management Plan, to the satisfaction of the Responsible Authority, demonstrating the operation of the garbage and recyclables storage area must be submitted to the Responsible Authority.

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

If council waste services are proposed to be utilised, a plan is to be submitted illustrating the following:

- (a) The length and width of the footpath/ nature strip directly abutting the site boundary.
- (b) The location of any available on-street car parking, loading zones and/ or bus stops.
- (c) The location of all street furniture, light/ electricity poles, driveways, street trees, bus shelters or similar obstructions.
- (d) The location of the bins, with a minimum gap of 300mm between bins and other obstructions.

The plan may require bin sharing or that collection be undertaken by a private contractor if it cannot be demonstrated to the satisfaction of the Responsible Authority that the kerb-side collection of individual bins will not cause car parking and/ or amenity issues.

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

- 14) The land must be drained to the satisfaction of the Responsible Authority.

Melbourne Water Conditions (No's 15 - 26)

- 15) Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
- 16) The dwellings must be constructed with finished floor levels set no lower than 300mm above the applicable flood level. The minimum floor levels of each dwelling are:
- (a) 46.1 metres to AHD
 - (b) 46.15 metres to AHD
-

- (c) 46.2 metres to AHD
- 17) The garages must be constructed with finished floor levels set no lower than 150mm above the applicable flood level. The minimum floor levels for each garage are:
- (a) Garage 1 and 2 - 45.95 metres to AHD
- (b) Garage 3 - 46.0 metres to AHD
- 18) Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 19) Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.
- 20) The driveway ramps must be minimal and only directly in front on the entrances to allow for storage and conveyance of overland flow.
- 21) The development must maintain a minimum 1.2 metres of open space between the western property boundary set at the existing natural surface level for the passage of overland flows. No structures are permitted within this setback, apart from timber paling fencing.
- 22) The decking must be constructed with unenclosed foundations to allow for the passage of overland flows.
- 23) Any new fence must be of an open style of construction (minimum 50% open or timber paling) to allow for the passage of overland flows.
- 24) The building/structure including footings, eaves etc must be set a minimum 1.5 metres laterally clear of the outside edge of the main drain.
- 25) The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. Refer to the Melbourne Water Web site Standard Drawing: 'Angle of Repose - Footing Design' for details.
- 26) Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses.

Permit Notes:

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without

notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

Melbourne Water Notes:

- The applicable flood level for this property that has a probability of occurrence of 1% in any one year is 45.9 metres to Australian Height Datum (AHD).
 - Upon submission of amended plans, Melbourne Water undertook more detailed hydraulic assessment. This has enabled us to set minimum floor levels for each dwelling and reduce the amount of fill within the driveway, reflecting the change in conditions to our letter dated 20 March 2017 to the applicant.
-

INTRODUCTION AND BACKGROUND

A planning permit application (D/603/98), to construct four (4) attached double storey dwellings, was lodged with Council on 31 August 1998. The proposed dwellings each contained family/meals/kitchen and lounge at the ground level and three (3) bedrooms at the first floor. Each dwelling was allocated with a single enclosed garage and tandem carspace. The proposed development was advertised pursuant to the requirements of Section 52(1)(a), (b) and (d) and 76 submissions were received; 75 opposing the development and one (1) in support. A refusal to grant a permit was issued on 4 February 1999, with the reasons for refusal being as follows:

- 1) The proposed development does not comply with the design elements, objectives and criteria techniques of the Good Design Guide for Medium Density Housing, April 1998.
- 2) The proposed development does not comply with Councils Urban Character Study, December 1998.
- 3) The proposed development does not make a positive contribution to the character of the neighbourhood.
- 4) The development is contrary to the proper and orderly planning of the area.

An application for review was subsequently lodged with the Victorian Civil and Administrative Tribunal (VCAT), under Section 77 of the *Planning and Environment Act 1987*. As a result of the review, the Tribunal determined that the decision of the Responsible Authority be affirmed, and directed that a permit must not be granted.

A subsequent planning permit application (D/34/00), to construct two (2) double storey and two (2) single storey dwellings, was lodged on 20 January 2000. The proposed development was advertised pursuant to the requirements of Section 52(1)(a), (b) and (d) and 141 submissions were received; 28 opposing the development and 113 in support. A refusal to grant a permit was issued on 29 March 2001, with the reasons for refusal being as follows:

- 1) The property is adjacent to the Preston Main Drain and in the event of a storm exceeding the design capacity of the underground drain the entire property will be affected by overland flows.
- 2) The proposal does not meet Melbourne Water safety criteria and is not consistent with sound flood plain management principles, or planning policy.

An application for review was subsequently lodged with the Victorian Civil and Administrative Tribunal (VCAT), under Section 77 of the *Planning and Environment Act 1987*.

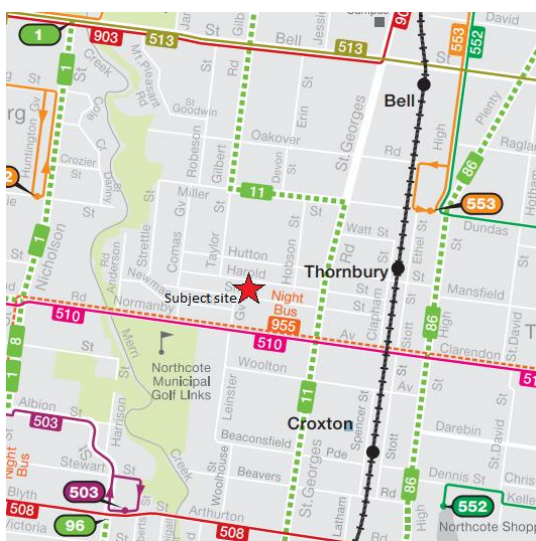
However, as a result of additional investigations undertaken on behalf of the applicant in relation to the primary ground of refusal as set out in Councils notice of refusal, the application for review was withdrawn.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is irregular in shape and is comprised of two allotments which measure 8.90 metres across the Smith Street frontage, approximately 35m across the rear of the site and have a depth of between 37m – 47m along the west and east boundaries respectively. The two allotments have a total site area of 856.30m².
- The land is located within the General Residential Zone (Schedule 2) and is covered by the Special Building Overlay.
- The land is located on the northern side of Smith Street near to the Bracken Avenue/Leinster Grove intersection.
- The site currently contains a single storey weatherboard dwelling, sheds to the rear of the property and is relatively well vegetated, with a number of canopy trees located within the rear setback. The allotment has a north-south orientation and slopes gently from the northeast to the southeast.
- To the east of the site is Turner Reserve.
- To the west of the site is a single storey weatherboard dwelling.
- To the north of the site are one (1) double storey and two (2) single storey weatherboard dwellings on three allotments, facing Harold Street to the north.
- To the south, directly opposite the subject site, is a vacant lot.
- There are no on street parking restrictions within close proximity to the subject site.
- The subject site is located within close proximity to St Georges Road and Normanby Avenue and is relatively close to commercial areas in Miller Street, St Georges Road and High Street.
- The site has good access to public transport, including bus, tram and trains within approximately 1km as illustrated in figure 1 below.

Figure 1 – Public Transport Access



Source: PTV website

Proposal

The proposed development consists of:

- Three (3) double storey dwellings, each containing three (3) bedrooms, rumpus room and combined kitchen/dining/family area.
- Dwellings are provided with double garages accessed via a common single width crossover located along the Smith Street frontage.
- All dwellings have access to private and secluded private open space to the rear and all have balconies at the first floor.
- The dwellings are proposed to have a brick and render finish, with clear glass balustrading for each balcony area.
- The front fence is proposed to be a 1.5 metre high fence comprised of brick pillars with black painted steel infills.

Objections

- 22 objections were received against the application.

Objections summarised

- Neighbourhood character (incl. height/visual bulk; vegetation/landscaping; siting/setbacks; built form incl. material and prominence of garages; and atmosphere).
- Decreased property values.
- Increased traffic and associated parking issues.
- Over supply of on-site car parking and associated excess hardscaping.
- Increased noise.
- Flooding concerns.
- Overdevelopment.
- Overshadowing (existing and proposed) to adjacent dwellings and park.
- Overlooking (of neighbouring dwellings and park).
- Vegetation removal on site, impact to trees in adjacent Turner Reserve and associated biodiversity impacts.
- Precedent for future high density development.
- Inadequate community consultation.
- Insufficient POS to new dwellings.
- Does not reflect planning policy and need for incremental growth.
- Does not comply with garden area requirement.
- Non-compliance with Clause 55.05-1 (Accessibility).
- Demolition of existing residence and requirement for vacant possession of existing dwelling.

Officer comment on summarised objectionsNeighbourhood character (height/visual bulk; vegetation/landscaping; siting/setbacks; built form incl. material and prominence of garages; and atmosphere)

The proposed development predominantly complies with the requirements of the Neighbourhood Character Policy Precinct D2 guidelines. Areas of non-compliance such as vegetation, built form and materials have been addressed via permit conditions.

Decreased property values.

Fluctuations to property prices are not a relevant consideration when assessing a medium density housing development under the provisions of the *Planning and Environment Act 1987*, or the Darebin Planning Scheme.

Increased traffic and associated parking issues

The proposed dwellings each contain three (3) bedrooms and a rumpus room and have been allocated with two (2) off street car parking spaces in the form of double garages. This is consistent with the Clause 52.06 of the Darebin Planning Scheme, which requires each three (3) or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) to be provide with two (2) car parking spaces.

In addition, a development of three (3) dwellings does not raise any concerns regarding traffic impacts. It is important to note that the existing crossover is proposed to be used, and so there will be no reduction in on street car parking.

Over supply of on-site car parking and associated excess hardscaping

As noted above, the allocation of car parking is as per the requirements of Clause 52.06 of the Darebin Planning Scheme. In relation to hardscaping, and what is in effect on site permeability, the ResCode assessment submitted with the application, details a permeability percentage of 31.6% of the site, which complies with Standard B9 (Permeability) of the Darebin Planning Scheme. However, as this has not been detailed on the floor plans, a permit condition is being included to ensure it is provided within the area schedule with permeable surfaces additionally been notated on plans.

Increased noise

The proposed use is residential and not expected to generate noise above that of which is expected in a residential area (speech, laughter, etc.).

Flooding concerns

The application has been referred to Melbourne Water in accordance with section 55 of the *Planning and Environment Act 1987*, who have advised they have no objection to the proposal subject to conditions. These conditions have been included as part of the recommendation.

Overdevelopment

A number of VCAT cases (including *Associated Town Planning Consultants v Yarra Ranges* and *Tenance v Moreland* and *Knights v Greater Dandenong*) have shown that overdevelopment is characterised by multiple areas of non-compliance with the standards of the planning scheme, such as site coverage, overlooking, overshadowing, insufficient private open space etc.

The proposal has been assessed as being generally in compliance with the requirements of Clause 55 of the Darebin Planning Scheme and does not exhibit characteristics of overdevelopment as determined by VCAT.

Overshadowing (existing and proposed) to adjacent dwellings and park

In relation to assessing the impact of overshadowing on secluded private open space, consideration must be given to the extent of the existing shadow and the amount of additional overshadowing. Overshadowing is addressed in the assessment section of this report with particular focus upon Standard B21 (Overshadowing).

Overshadowing of the adjacent park and trees is not a relevant planning consideration.

Overlooking (of neighbouring dwellings and park)

The north and west elevation first floor windows of the proposed dwellings have been screened to comply with Standard B22 of the Darebin Planning Scheme. The north elevation balustrade for Dwelling 3 however, will need to be screened to a height of 1.7m to prevent overlooking. This has been added as a permit condition.

In relation to overlooking of the public park, the orientation of the balconies is designed to provide occupants with a pleasant outlook and allows for passive surveillance of the park. This is consistent with the objectives of Standard B11 (Open space) of the Darebin Planning Scheme, which requires the development be integrated with any public open space adjacent to the development.

Vegetation removal on site, impact to trees in adjacent Turner Reserve and associated biodiversity impacts

As there is no Vegetation Protection Overlay covering the site Council is unable to regulate the removal of trees from the subject site. Nonetheless as Standard B13 (Landscaping) seeks to ensure the retention of mature vegetation on site. The proposal has been designed to retain mature trees where possible and to provide for suitable landscaping. As part of the recommendation, the applicants will be required to provide suitable planting on site, including small and medium canopy plantings. This is in accordance with the requirements of Standard B13 (Landscaping) and Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme.

In relation to trees in neighbouring, Council reserve trees identified as trees 1, 4, 7 and 8 must be retained and have Tree Protection Zones (TPZs) of 7.2m, 3m, 3.4m and 3m respectively, from the trunk edge of the tree. In addition to this, the driveway is to be constructed above grade and be permeable to ensure viability of the trees post construction. Finally, Tree 11, located within the adjoining property to the north, must be retained with a TPZ of 2.4m from the trunk edge. And whilst the construction footprint of Dwelling 3 represents an encroachment into the TPZ of this tree, Council's arborist has determined that given the minor level of encroachment and the robust nature of this species, no adverse health impacts are envisaged for this tree. These requirements have been included in the recommendation.

Precedent for future high density development

State and Local Planning Policy allows for the development of higher density developments, and supports the provision of these within appropriate locations. Particularly, the scope of the planning scheme allows for an increase of housing supply in urban areas and encourages higher density development where appropriate.

The proposed development in this case, is considered medium density, and appropriate in light of the zoning and need for housing growth within this area.

Inadequate community consultation

Notice of the application was given in accordance with the requirements of section 52 of the *Planning and Environment Act 1987*. This was undertaken in the form of letters to neighbouring owners and occupiers and a sign placed at the front of the site.

Insufficient POS to new dwellings

All three (3) dwellings comply with Standard B26 (Private Open Space) of the Darebin Planning Scheme, with all dwellings having private open space in excess of the required and secluded private open space (exclusive of service areas) greater than the required 25m². These have all been located adjacent to living areas and all have a minimum dimension of 3 metres.

The site also has direct access to Turner Reserve.

Does not reflect planning policy and need for incremental growth

The development is located within an incremental housing change area, which are areas considered to have the capacity to accommodate a moderate level of residential development. These areas will generally be characterised by a diversity of housing stock and include some medium density and small apartment development and are generally located within an 800 metre walkable catchment of an activity centre. The proposed development is considered to be consistent with this objective as it allows for moderate housing growth and diversification of the housing stock in an area located within close proximity (approximately 600m) to a designated activity centre (Gilbert Road).

Does not comply with garden area requirement

The minimum garden area requirement of Clause 32.08-4 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110. As the application was received prior to the gazettal of Amendment VC110, the development is not subject to this requirement. The applicants have however, submitted a garden area plan, which demonstrates compliance with the garden area requirement of Clause 32.08-4 of the Darebin Planning Scheme.

Non-compliance with Clause 55.05-1 (Accessibility)

Standard B25 (Accessibility) of the Darebin Planning Scheme seeks to ensure that 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. Council is satisfied that the proposed entrances are able to be adapted should it be required.

Demolition of existing residence and requirement for vacant possession of existing dwelling

As the existing dwelling is not covered by the Heritage Overlay, Council is unable to prevent demolition of the dwelling. Furthermore, whilst the Neighbourhood Character Policy Precinct D2 guidelines seek to retain buildings that are in good condition, it is considered that the existing dwelling is not of sufficient value to warrant retention.

In relation to the eviction of the current tenants Council is unable to consider this under the provisions of the *Planning and Environment Act 1987*, or the Darebin Planning Scheme.

PLANNING ASSESSMENT

Neighbourhood Character Precinct Guideline Assessment - Precinct D2

The subject site is located within Precinct D2, which is predominantly characterised by single storey Californian bungalows interspersed with Edwardian and 1950s weatherboard dwellings. Smith Street includes a mix of housing stock with both single and double storey dwellings present, including recent medium density developments and older walk-up flats. New dwellings within this precinct should primarily be designed to interpret elements of Interwar dwellings and reflect the predominant scale, form and setbacks of their streetscape context whilst enhancing the vegetative character of the area.

Whilst the proposed development primarily complies with precinct guidelines in relation to built form and siting, there are some minor areas of non-compliance that can be addressed via conditions. These are discussed below:

Existing Buildings

The proposal includes the demolition of the existing dwelling. A permit is not required for demolition as the site is not covered by the Heritage Overlay. Furthermore, whilst policy guidelines seek to retain buildings that are in good condition, it is considered that the existing dwelling is not of sufficient value to warrant retention.

Complies

Vegetation

The development has been designed and sited so that it has capacity to accommodate substantial vegetation on site. The applicants will be required to provide suitable landscaping on site, including a number of canopy plantings, as set out in the recommended conditions.

Complies subject to condition

Siting

The dwellings are located within an irregular triangular shaped block with a frontage of 8.90 metres and rear boundary of 37.89 metres. Dwelling 1, located to front Smith Street, has been sited to allow for the planting of substantial vegetation within a front garden area of 50m², whilst Dwellings 2 and 3 have over 50m² of garden space located within the rear setbacks. In addition to this, all dwellings maintain compliant setbacks to side and rear boundaries and have garages located away from the primary frontage, and are thus not visible from the street.

Complies

Height and building form

Whilst the pitch roof design is consistent with precinct guidelines and the predominant built form evident in the street, it is considered that the upper level of Dwelling 1 is inconsistent with the predominant single storey streetscape.

Whilst there are a small number of examples in the street, which incorporate a first floor not set back substantially from the front façade, these are on sites with a wider frontage. As such the bulk of the first floor is somewhat ameliorated and these dwellings do not appear out of scale with adjoining properties.

As the subject site has a width of only 8.90 metres, it is considered that the first floor will overwhelm the streetscape and be inconsistent with the predominant built form character of the street.

It is therefore recommended that the first floor of Dwelling 1 be amended to incorporate a deeper setback from the front façade. This has been included as a recommended condition.

Complies subject to condition

Materials and design detail

The applicants have proposed a brick and render finish, which is not considered to suitably reflect precinct guidelines. As such a recommended condition will require the applicant to incorporate timber elements, which more accurately reflect the Interwar characteristic of neighbouring dwellings.

Complies subject to condition

Front boundary treatment

The area is characterised by low-scale and permeable fencing. A recommended condition requires the fence to be reduced from the proposed 1.5 metres to a maximum height of 1.2 metres, to better reflect the existing fences in the streetscape.

Complies subject to condition

Clause 55 Assessment

The following sections provide discussion on fundamental areas of Clause 55 including variations of standards and matters informing conditions of the recommendation above.

Clause 55.02-1 B1 Neighbourhood Character

As discussed above, notwithstanding some minor areas of non-compliance, which have been addressed via permit recommendations, the development is considered to comply with the objectives of the Neighbourhood Character Policy.

Complies subject to conditions

Clause 55.02-4 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.

Drainage is available to the site subject to recommended condition, which primarily relates to the drainage being connected to the existing stormwater.

Complies subject to conditions

Clause 55.03-4 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 proposed to be 31.6%. However, whilst this complies with the standard, recommended permit conditions have been included to ensure the health of existing trees is maintained, as per referral advice.

These relate primarily to the inclusion of permeable paving within Tree Protection Zones (TPZs) of existing trees.

Complies subject to conditions

Clause 55.03-5 B10 Energy Efficiency

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

- 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.

Recommended permit conditions have been included to ensure greater compliance with the standard, particularly in regard to the cross ventilation and sun shading devices.

Complies subject to conditions

Clause 55.03-6 B11 Open space

The site is adjacent to Turner Reserve and has been designed to integrate with the neighbouring reserve as per the objective.

Complies

Clause 55.03-8 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.

A detailed landscape plan will be required as a condition of any approval.

Complies subject to conditions

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

Overshadowing of the neighbouring property to the west by the proposed dwellings is minimal, with at least 40 square metres of neighbouring dwellings' secluded private open space with a minimum dimension of 3.0 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September. The development does not cast any shadows on the secluded private open space of the dwelling to the north.

Complies

Clause 55.04-6 B22 Overlooking

The development has been designed appropriately to ensure there is no overlooking into neighbouring secluded private open space.

All upper storey habitable room windows have been provided with frosted glazing to 1.7m from finished floor level as per the Standard.

The only area needing to be addressed via a recommended condition is the north elevation balcony balustrade to Dwelling 3. This will be required to be increased to a height of 1.7 metres from finished floor level as per the Standard.

The overlooking requirements do not apply when there is a visual barrier at least 1.8 metres high. In relation to the ground floor, the northern and western boundary fences have been annotated on plans as being an existing 1,900mm timber paling fence with new 600mm timber trellis over the western boundary fence and 300mm new timber trellis over the northern boundary fence. The eastern elevation boundary fence is annotated as being an existing 1,900mm paling fence. As such there are no overlooking permit recommendations required at the ground floor.

Complies subject to condition

Clause 55.04-8 B24 Noise Impacts

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

Complies

Clause 55.05-1 B25 Accessibility

The proposed dwellings can be made accessible for people with limited mobility by construction of a ramp, if required.

Complies

Clause 55.05-2 B26 Dwelling entry

Entries to the dwellings are provided with an adequate area for transition, however clear street numbering will be required, to sufficiently identify the dwellings to the rear, particularly Dwelling 2 which is located in the rear north west corner of the site. A recommended permit condition is included to this effect.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

The development provides ample private and secluded private open space for the recreational and service needs of the residents, and all secluded private open space areas have direct access from the living/dining area.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	95.3 square metres	29.6 square metres	5.3 metres
Dwelling 2	74.4 square metres	52.3 square metres	3 metres
Dwelling 3	96 square metres	77 square metres	4 metres

Complies

Clause 55.06-2 B32 Front Fences

As discussed within neighbourhood character assessment, the proposed front fence does not comply with the requirements of the Darebin Planning Scheme. A permit recommendation has however, been included to address this.

Complies subject to conditionClause 55.06-1 B31 Design Detail

The design detail of the development respects the existing or preferred neighbourhood character through: façade articulation; window and door proportions; roof form; verandah treatment; eave widths and parapets.

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

CompliesClause 55.06-4 B34 Site Services

The development plans do not show the location of site services such as mail boxes, hot water services, air conditioning, and on site facilities such as gas metres. As such recommended permit conditions will require these to be shown as part of the development plans.

Complies subject to conditions**Clause 52.06 Car Parking**Number of Parking Spaces Required

The proposal is comprised of the construction of three (3) dwellings each containing three (3) bedrooms. Each dwelling has been provided with two (2) car parking spaces in accordance with Clause 52.06 of the Darebin Planning Scheme.

Design Standards for Car parking

The layout of the garages and each parking space has been assessed as being accessible. Particularly, accessways are appropriately dimensioned and there is ample room for vehicles to manoeuvre into and out of the garage spaces. Whilst the garage for Dwelling 2 is least accessible, particularly the space located adjacent to the dwelling, the swept path assessment demonstrates that garage 2 is accessible in a satisfactory manner.

The double garages are 6 metres long and 5.5 metres wide and 2.1 metre minimum headroom has been provided internally.

Pedestrian sight triangles are available at the access to/ from Smith Street, generally in accordance with the requirements of the Planning Scheme.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		N/A as development contains less than 10 dwellings.	N/A	N/A
55.02-4	B4	Infrastructure		
		Please see assessment in the body of this report.	Y	Y
55.02-5	B5	Integration with the street		
		Dwelling 1 is oriented to the front of the site and appropriately integrates with the Street. Dwellings 2 and 3 are located toward the rear of the site and are orientated toward the existing public open space to the east.	Y	Y
55.03-1	B6	Street setback		
		The required setback is 6.4 metres. The dwellings are set back 6.4 metres from the street frontage.	Y	Y
55.03-2	B7	Building height		
		7.85m, which is lower than the maximum building height of 8 metres, as per the transitional provision requirements of Clause 32.08 of the Darebin Planning Scheme.	Y	Y
55.03-3	B8	Site coverage		
		44.4%, this is below the maximum site coverage of 60%.	Y	Y
55.03-4	B9	Permeability		
		Please see assessment in the body of this report.	Y	Y
55.03-5	B10	Energy efficiency		
		Please see assessment in the body of this report.	Y	Y
55.03-6	B11	Open space		
		Please see assessment in the body of this report.	Y	Y
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Please see assessment in the body of this report.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area – Proposed: 33%	Y	Y

Clause	Std		Compliance	
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable and habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
55.04-2	B18	Walls on boundaries		
		Length: 6.47m Max height: 3.20m Ave. height: 3.20m Walls on boundaries comply with the requirements of this standard.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight.	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	Y	Y
55.04-5	B21	Overshadowing open space		
		Please see assessment in the body of this report.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		The dwellings have been designed to prevent overlooking into adjacent developments.	Y	Y
55.04-8	B24	Noise impacts		
		Please see assessment in the body of this report.	Y	Y
55.05-1	B25	Accessibility		
		Please see assessment in the body of this report.	Y	Y
55.05-2	B26	Dwelling entry		
		Please see assessment in the body of this report.	N	N
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Please see assessment in the body of this report.	Y	Y

Clause	Std		Compliance	
55.06-2	B32	Front fences		
		Please see assessment in the body of this report.	Y	Y
55.06-3	B33	Common property		
		If the property is subdivided, the common property will be able to be accessed and maintained.	Y	Y
55.06-4	B34	Site services		
		The applicants have not located mailboxes/gas metres/air conditioner units/hot water service etc. on the plans. These are required to be included as a permit condition.	N	N

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to conditions included in recommendation.
Transport Management and Planning	No objection.
Public Realm	No objection, subject to conditions included in recommendation.
Darebin Parks	No objection, subject to conditions included in recommendation.
Melbourne Water	No objection, subject to conditions included in recommendation.
ESD Referral	No objection, subject to conditions included in recommendation.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-6 – Construction and extension of two or more dwellings on a lot.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01
LPPF	21.05-1, 21.05-2, 21.05-3
Zone	32.08
Overlay	44.05, 45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	D2

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

- Nil

Attachments

- Aerial (**Appendix A**) [⇒](#)
- Development Plans (**Appendix B**) [⇒](#)

**5.4 APPLICATION FOR PLANNING PERMIT D/210/2017
4 Elliot Street, Reservoir**

Author: Urban Planner

Reviewed By: Director Corporate Services

Applicant	Owner	Consultant
Frontier Property Developments	Dorina Kailahi	Beyond Design Group
Beyond Design Group		

SUMMARY

- The proposal is for the construction of four double storey dwellings, with Dwellings 1 and 2 attached and located to the front, Dwellings 3 and 4 at the rear.
- The site is zoned General Residential Zone – Schedule 1.
- There is no restrictive covenant on the title for the subject land.
- Eight (8) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Transport Management and Planning Unit and Capital Works Unit.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/210/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP1, TP2, TP3, TP4, Revision A, dated 3 May 2017, ref no. 17-1455 and prepared by Beyond Design Group) but modified to show:
 - (a) The first floor eastern boundary setback of Dwellings 1 and 4 increased in accordance with the plans identified as TP2 and TP3, Revision B, dated 25 October 2017 and prepared by Beyond Design Group.
 - (b) Introduction of a pitched roof form, a front fence, and changes to materials and detailing to Dwellings 1 and 2 in accordance with the plans identified as TP2 and TP3, Revision B, dated 25 October 2017, and prepared by Beyond Design Group.

- (c) Removal of the existing crossover and reinstatement of the kerb, channel and naturestrip.
- (d) The setback of the southern boundary of the secluded private open space of Dwelling 2 from the wall of the garage to comply with Standard B29 at Clause 55.05-5 of the Scheme. This must be achieved by way of reducing the height of the garage and/or increasing the setback and without reducing any other boundary setbacks.
- (e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- (f) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- (g) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors not located directly beneath eaves. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not extend to within 1 metre of a property boundary.
- (h) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows.
- (i) The location of all plant and equipment (including air conditioners, water/gas/electricity metering and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. Water, gas, and electrical metering must not be located within the front setback area of the dwellings fronting Elliot Street.
- (j) A Landscape Plan in accordance with Condition No.5 of this Permit.
- (k) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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

- 2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.

- 5) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- (a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - (b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - (d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - (g) Hard paved surfaces at all entry points to dwellings.
 - (h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - (i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - (j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- 6) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

- 7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 8) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 9) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 10) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

- 11) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 12) The land must be drained to the satisfaction of the Responsible Authority.
- 13) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 14) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 15) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 16) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced; and
 - (d) Drained

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

- 17) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
-

INTRODUCTION AND BACKGROUND

There is no relevant planning history on the subject site.

ISSUES AND DISCUSSION**Subject site and surrounding area**

- The land is irregular in shape and measures 47.22 metres and 34.87 metres in length, with a frontage of 20 metres in width and a site area of 821 square metres.
- The land is located within the General Residential Zone – Schedule 1 and is affected by the Development Contributions Plan Overlay (Council’s ability to request the development contribution expired with the Schedule in June 2014).
- The land is located on the northern side of the street, approximately 30 metres to the west of the intersection with Gellibrand Crescent.
- The land is currently occupied by a single storey brick dwelling, with a pitched and hipped tile roof. The dwelling has vehicle access to a garage in the rear yard area along the eastern common boundary. The site has a fall of approximately 1.1 metres from the rear (north-west) corner to the front (south-east).

- To the east of the site are the rear yard areas and outbuilding of single storey dwellings fronting Gellibrand Crescent.
- To the west of the land is a vacant site.
- To the north of the site are the rear yards and outbuildings of the single storey dwellings fronting Tivey Street and Gellibrand Crescent.
- To the south of the site, across Elliot Street, are single storey dwellings.
- Elliot Street is not subject to any parking restrictions and this arrangement appears to be consistent throughout the surrounding streets.
- The subject site is located approximately 160 metres north of the #558 bus route and approximately 670 metres west of Ruthven Train Station.
- The Broadhurst Avenue / Mc Fadzean Avenue Local Activity Centre is approximately 380 metres to the south-west and the Gellibrand Crescent Local Convenience Activity Centre approximately 550 metres to the north-east.

Proposal

- It is proposed to construct four (4) double storey dwellings, with Dwellings 1 and 2 attached and located to the front, Dwellings 3 and 4 at the rear.
- Dwelling 1 will have a study and kitchen/meals/living area to the ground floor level, with three (3) bedrooms to the first floor. It is to have a single garage and tandem car space to the east, accessed via a proposed crossover.
- Dwelling 2 is to have a kitchen/meals/living area to the ground floor level, with two (2) bedrooms to the first floor. A single garage is located to its rear (north).
- Dwelling 3 is to have a kitchen/meals/living area to the ground floor level, with three (3) bedrooms to the first floor. A single garage and tandem car space are located to its west side.
- Dwelling 4 is to have a kitchen/meals/living area to the ground floor level, with three (3) bedrooms to the first floor. A single garage and tandem car space are located to its south.
- Vehicle access for Dwellings 2, 3 and 4 is via a proposed crossover and driveway along the western common boundary.
- The dwellings will have a contemporary design, with brick walls to the ground level and render and lightweight cladding to the first floor walls and flat roofs.
- The overall height of the development is approximately 7.1 metres.

Objections

- Eight (8) objections were received against the application.

Objections summarised

- Single dwelling properties are important for existing residents and families.
- Increased traffic congestion.
- Increased parking congestion.
- Narrow road width, difficulty accessing sites and impact on garbage collection.
- Traffic safety.
- Excessive noise.
- Community safety – tenants could impact on clean environment and quiet surroundings.

- Contrary to neighbourhood character.
- Privacy.
- Removal of covenant.
- Lack of stormwater drainage and impact on adjoining property.
- Overshadowing.

Officer comment on summarised objectionsSingle dwelling properties are important for existing residents and families

The development accords with acknowledged policy for urban consolidation and increased densities. It provides dwelling diversity and affordability in the area and therefore complies with State and Local Policies.

Increased traffic congestion

It is not considered that the increase in traffic from the subject development would place an unreasonable load on the surrounding street network.

Increased parking congestion

The proposal provides adequate parking for the dwellings, in accordance with Clause 52.06 of the Scheme.

In addition, single garages and tandem car spaces are an appropriate method of providing parking.

Narrow road width, difficulty accessing sites and impact on garbage collection

The width of the road reserve is not a planning consideration in the subject application. In addition, obstruction of driveways and garbage collection vehicles are beyond the consideration of the subject application.

Traffic safety

Subject to a condition requiring pedestrian visibility splays to the site, there is no reason to consider that the proposal will lead to unreasonable traffic safety issues.

Excessive noise

It is considered that the potential for the generation of residential noise is not a reason to refuse a development proposal and the type of the noise (such as children playing and music etc.) associated with residential uses are a part of normal urban life in a suburban context.

The proposal would result in a slightly increased number of people and traffic from the site; however, the additional numbers would not be overly detrimental to the locality and the proposal is unlikely to give rise to noise levels significantly above that already experienced.

Community safety/Tenants' impact on clean environment, quiet surroundings and consideration for neighbours

The proposal provides dwelling diversity and affordability in the area and therefore complies with State and Local Policies. Planning considerations must make no distinction between tenants or owners/occupiers.

Contrary to neighbourhood character

The test of neighbourhood character under the Scheme is for development to respect the existing character or to contribute to a preferred future character. This is to have regard to the relevant policies within the Scheme (including Clause 22.02) relative to the physical context of the site itself. A detailed assessment of the development against the neighbourhood character considerations is provided below. It is considered that the development would be generally consistent with the existing and preferred neighbourhood character.

Although the surrounding dwellings are predominantly single storey, this is not to say that double storey dwellings cannot or should not be introduced into the area. Council should assess the proposal on its merits in the context of the site and area. It is noted that there are other double storey developments in the area and that it is a generally held planning principle that a gradual increase in height is acceptable. It is also noted that a double storey height is considered to be low-scale and that it is reasonable to expect a double storey height in an established residential area. It has long been established that double storey dwellings are part of the urban fabric of Melbourne's suburbs.

Privacy

This matter is addressed under the Clause 55 assessment below. Overlooking may be addressed by appropriate screening.

Removal of covenant

The Certificate of Title does not indicate that there is a restrictive covenant which applies to the land.

Lack of stormwater drainage and impact on adjoining property

The development accords with acknowledged policy for urban consolidation and increased densities, which is to make more efficient use of infrastructure and facilities. Should there be an issue with infrastructure provision, this should be dealt with by the relevant service authority. Appropriate drainage will be subject to condition.

Overshadowing

This matter is addressed under the Clause 55 assessment below. Although shadow diagrams indicate that the development will overshadow a portion of the adjoining private open space areas, the shadows will only marginally exceed existing shadows. Importantly, the extent of overshadowing is within the prescriptive measures of Standard B21.

PLANNING ASSESSMENT**Amended Plans**

As per the recommended permit conditions, a number of design changes to the development are proposed to be addressed via a condition referencing a revised set of plans, as distinct from those plans originally advertised with the application. Broadly speaking, these amended plans address issues relating to the proposed developments compliance with neighbourhood character (noting that Elliot Street and the surrounding area present a consistent existing neighbourhood character). It is considered that the advertised development did not appropriately respond to neighbourhood character.

When comparing the amended plans listed in Condition 1 (a) and 1 (b) with the plans advertised (as listed in preamble to Condition 1), the alterations to the proposed development can be summarised as follows:

- Addition of hipped roof forms to Dwellings 1 and 2 as they present to Elliot Street.
- Provision of a low front fence.
- A revised colours and materials schedule referencing the consistent colour/materials palette evident in Elliot Street and the broader neighbourhood character precinct. Importantly, this includes light coloured brickwork (Selkerk 'Jasper') at the ground floor (Dwellings 1-4), a low brick front fence, and vertical cladding (timber look) at the first floor of Dwellings 1 and 2 (as the development presents to the street).
- Increased first floor side setbacks to Dwelling 1 (eastern boundary, Bedroom 2) and Dwelling 4 (eastern boundary, Bedroom 2).

It is considered that these amendments to the development as advertised are sufficient in achieving a design that, particularly for Dwellings 1 and 2 as they present within the streetscape, appropriately references the consistent existing neighbourhood character of the area.

Minimum Garden Area

Clause 32.08-4 notes that the construction or extension of a dwelling or residential building must provide a minimum of 25% to 35% of garden area. In addition, Clause 32.08-9 sets a maximum height of 11 metres / 3 storeys.

However, Clause 32.08-14 provides transitional provisions, which indicate that the minimum garden area requirement of Clause 32.08-4 and the maximum building height/number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to: *a planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.*

As this application was lodged before the approval date of Amendment VC110, the minimum garden area and maximum building height/number of storey requirements do not apply.

Darebin Housing Strategy and Clause 21.03 (Housing)

The Darebin Housing Strategy 2013-2033 provides a housing change framework plan that indicates *"the appropriate level of change in terms of the intensity and type of residential development that could be accommodated in areas that permit residential use."*

The subject site is identified as an area of minimal change in the Strategic Housing Framework Plan and is defined as:

"Residential areas that have a limited capacity to accommodate future residential development. Minimal Change Areas do not prohibit all residential development, but seek to allow a modest level of development that respects the type, scale and character of the area." (Clause 21.03)

The Strategic Housing Framework Plan builds on the directions for residential land use and development in Darebin as set out by the Darebin Housing Strategy (2013). The policy states that Minimal Change Areas generally display one (1) or more of the following characteristics:

- *Are Heritage Overlay precincts.*
- *Are identified in the Darebin Neighbourhood Character Study (2007) as 'potential Neighbourhood Character Overlay areas'.*

- *Have a highly intact pattern of subdivision in favour of detached dwellings on individual lots, generally evidenced by more than 80 per cent of housing stock having this attribute.*
- *Have a strong neighbourhood character, evidenced by a high degree of consistency in architectural style and streetscape, in particular where 80 per cent or more of the housing stock is consistent with precinct descriptions in the Darebin Neighbourhood Character Study (2007), and where restoration of original housing stock is prevalent.*
- *Have identified environmental or landscape significance, including land with frontage to Creek bodies.*
- *Excluding heritage precincts, are located:*
 - *Outside an 800 metre walkable catchment of an activity centre.*
 - *Generally outside an 800 metre walkable catchment of train, tram or smartbus services.*

In looking at the above, it is noted that the site is not located in a Heritage Overlay or subject to a Neighbourhood Character Overlay or Neighbourhood Residential Zone and is within 800 metres of two (2) activity centres and a train station. Elliot Street and the surrounding area do however feature a consistency in terms of neighbourhood character, with post-war dwelling forms evident. It is noted that the neighbouring lots at 8, 10, 12, and 14 Elliot Street features medium density developments. The subject site is not in an area of environmental or landscape significance. The subject site is a large site, at 821 square metres and is able to accommodate medium density development. Importantly, the proposed development provides the requisite private open space as per Schedule 1 to the General Residential Zone.

The proposed development of four (4) double storey dwellings on the lot is considered to be an appropriate and modest type of development envisaged in this context. The scale and form of proposal is characteristic of the local area (subject to conditions) and is not considered to be a substantial change for the site and surrounding area. Finally, it is noted that the site is located in an established residential area, proximate to services and facilities. It is therefore considered that the proposal is consistent with the level of housing change envisaged for the area and is supported under Clause 21.03 of the Scheme.

Neighbourhood Character Precinct Guideline Assessment - Precinct F7 – Post War

It is noted that the subject land sits within the original Merrilands Estate area. The original single dwellings along Elliot Street and in the broader area present common design features, such as low front fences, large front and rear private open space areas, predominantly single storey dwellings, and a consistent material and colour palette. It is further noted that the wider area features extensive single dwelling covenants; however the subject site is not affected by any such covenant.

Vegetation

There are trees on the subject site, which may be removed without planning permission.

The proposal provides an acceptable amount of garden space to the front and rear of the dwellings, to maintain appropriate landscaping and the garden setting of the dwellings.

There is no accompanying landscape concept plan (to be required as a condition on any approval), however, the proposal is appropriately sited and designed to incorporate space for the planting of vegetation, such as canopy trees.

The use of two crossovers is acceptable (given the wide frontage), so that impervious surfaces are not excessive.

Complies subject to condition

Siting

The front garden is large enough for planting of vegetation, to enable the continuation of the garden setting in this area.

The proposal allows adequate garden space to the side and rear for landscaping.

Although the garage of Dwelling 1 is constructed to the side boundary, the adjacent garage and garage door to the east indicates that garages structures along boundaries are an acceptable element of the neighbourhood character.

There are to be two (2) crossovers provided to the street; however, the site has a wide frontage of 20 metres, so that there is ample space to plant in the front garden. The garages are set back from the façades, so that parking areas are not dominant.

Complies

Height and Building Form

Dwellings in the area are largely single storey; however, there are some multi-unit, double storey dwellings nearby, notably at 8 Elliot Street.

The proposed dwellings are double storey. The first floor setbacks to Dwellings 1 and 2 are considered to be adequate, due to articulation being provided through the use of varied setbacks to the front boundary and a mix of colours and materials.

The dwellings have been largely designed to minimise bulk, with first floor areas smaller than the ground floor building envelope and setbacks in excess of those required under ResCode.

Complies

Materials and design detail

The flat roof design proposed for all dwellings throughout the development is not supported. While this treatment is acceptable for Dwellings 3 and 4 to the rear of the site, a more complementary roofing treatment is required at the interface with Elliot Street. This is due to the consistency in roof forms evident along Elliot Street and in the broader area.

With regard to materials and colours, the development as advertised proposes the use of feature brick (ground floor), lightweight cladding, and render (first floor). Given the consistency evident throughout Elliot Street and the broader area in terms of the materiality and colour palette of dwellings, a more suitable ground and first floor colours and materials schedule to Dwellings 1 and 2 will be required by condition. This should include the use of light coloured brickwork at the ground floor and vertical cladding (timber look) at the first floor.

Notwithstanding the above issues, the proposal is considered to present an appropriate architectural response with a visually interesting facade. Articulation in the façade is achieved through the use of varied setbacks and a mixture of fenestration in windows and door openings.

As has been noted above, Condition 1 (a) and 1 (b) will require amendments to the advertised development in accordance with a revised set of plans. It is considered that the amendments to the dwellings in these plans will result in an appropriate response with regard to Materials and Design detail. The dwellings fronting Elliot Street will incorporate traditional design details, notably pitched roofs and an amended colours and materials schedule (referencing the colours and materials evident in the area), in order to integrate more appropriately with the dwellings in the street and in the broader neighbourhood character precinct. The dwellings to the rear of the subject site will retain a contemporary design, notably the use of flat roof forms. This is considered to be an appropriate response for the dwellings at the rear of the site, given the level of screening provided by the front dwellings and the fact that it will reduce the height of the rear dwellings.

Subject to condition, it is considered the materials and design detail will appropriately respect the character of the existing dwellings in the area.

Complies subject to condition

Front boundary treatment

The dwellings along Elliot Street and the surrounding area feature a consistent front fence style, both in terms of height (low front fences approximately 0.5-0.6 metres in height) and materiality (brick matching the dwellings present on site). A front fence was not proposed with those plans that were advertised; however one is to be provided under the amended plans specified in Condition 1 (b). It is considered that the addition of a front fence will help to better integrate the proposed development within the streetscape.

Complies subject to condition

Clause 55 Assessment

The following sections provide discussion on fundamental areas of Clause 55 including variations of standards and matters informing conditions of the recommendation above.

Clause 55.02-1 B1 Neighbourhood Character

As has been stated in the assessment against above and subject to Conditions 1 (a) and 1 (b), the proposal is considered to comply with Neighbourhood Character objectives.

Complies subject to condition

Clause 55.02-4 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.

Drainage is available to the site, subject to condition.

Complies subject to condition

Clause 55.03-5 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.

Recommended conditions will also require the provision of shading devices to the north, east and west facing habitable room windows/glazed doors.

Complies subject to condition

Clause 55.03-8 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.

A detailed landscape plan will be required as a condition of any approval.

Complies subject to condition

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern – Dwelling 1	3.5 metres	1.0 metres	3.58 metres
Western – Dwelling 2	4.1 metres	1.15 metres	4.1 metres
Eastern – Dwelling 4	3.7 metres	1.03 metres	2.0 metres
Western – Dwelling 3	4.2 metres	1.18 metres	3.58 metres
Northern – Dwelling 3	3.75 metres	1.045 metres	2.46 metres
Northern – Dwelling 4	3.7 metres	1.03 metres	2.75 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern – Dwelling 1	6.4 metres	1.84 metres	2.0 metres
Western – Dwelling 2	6.7 metres	1.93 metres	3.79 metres
Eastern – Dwelling 4	6.5 metres	1.87 metres	3.2 metres
Western – Dwelling 3	6.5 metres	1.87 metres	3.0 metres
Northern – Dwelling 3	6.3 metres	1.81 metres	2.5 metres
Northern – Dwelling 4	6.6 metres	1.9 metres	3.5 metres

The proposed setbacks for the dwellings are all in excess of the requirements of the Standard. In satisfying the objective of Clause 55.04-1, the first floor eastern setbacks for Dwellings 1 and 4 (Bedroom 2 for both dwellings) will be further increased by way of recommended condition, in order to provide greater separation from the adjoining areas of secluded private open space and an improved amenity outcome for the respective dwellings to the east of the subject site.

Complies

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

Overshadowing of neighbouring properties to the east and west by the proposed dwellings is minimal, with at least 40 square metres of neighbouring dwellings’ secluded private open space with a minimum dimension of 3.0 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September.

Complies

Clause 55.04-6 B22 Overlooking

The proposed dwellings are double storey. The ground floor levels of the proposed dwellings have finished floor levels less than 0.8 metres above natural ground level at the boundary. Proposed 1.8 metre (northern and western boundaries) and the existing 2.0 metre (eastern boundary) high boundary fences will sufficiently limit overlooking.

All upper storey windows are appropriately designed and/or screened to prevent unreasonable overlooking into neighbouring properties.

The development is designed to limit views into neighbouring secluded private open space and habitable room windows.

Complies

Clause 55.04-8 B24 Noise Impacts

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

Complies

Clause 55.05-4 B28 Private Open Space

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	81 square metres	40 square metres	3.5 metres
Dwelling 2	82 square metres	40 square metres	5.0 metres
Dwelling 3	59 square metres	55 square metres	3.5 metres
Dwelling 4	63 square metres	59 square metres	3.5 square metres

The site is located in a General Residential Zone – Schedule 1, where the Schedule to the zone varies the standard relating to Private Open Space as follows:

An area of 55 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 3.5 metres and convenient access from a living room.

As per the above table, the development provides adequate private open space (POS) for the reasonable recreation and service needs of residents, in accordance with the requirements of the schedule to the zone.

All secluded private open space areas have direct access to a living room.

Complies

Clause 55.05-5 B29 Solar Access to Open Space

Solar access is provided into the secluded private open space of the new dwellings as follows:

	Wall Height to North	Required Depth	Proposed Depth
Dwelling 1	3.2 metres	4.88 metres	9.4 metres
Dwelling 2	<u>3.5 metres</u>	<u>5.15 metres</u>	<u>5.0 metres</u>
Dwelling 3	N/A as no wall to north		
Dwelling 4	N/A as no wall to north		

The depths outlined above apply to an area of secluded private open space of no less than 25 square metres with a minimum dimension of 3.0 square metres.

A condition on any permit issued will require adequate solar access to the secluded private open space area of Dwelling 2.

Complies subject to condition

Clause 55.06-1 B31 Design Detail

The design detail of the development, as evident in the advertised plans, was not considered to be appropriately respectful of the existing or preferred neighbourhood character, due to the contemporary design employed. The main issues with the design included the flat roof forms to Dwellings 1 and 3 and the façade detailing to the street.

As such, a recommended condition will require amendments to Dwellings 1 and 2 by way of the addition of a hipped roof form, improved articulation at the first floor, and a materials and colours that are respectful of the existing and preferred neighbourhood character.

Window and door proportions; verandah treatment; eave widths and parapets are all considered to be acceptable.

The amendments required under recommended Condition 1 (b) will also ensure the garages proposed are visually compatible with the development and the existing or preferred neighbourhood character.

Complies subject to condition

Clause 55.06-2 B32 Front Fences

The advertised plans did not propose a front fence as part of the development. As noted above in the assessment against neighbourhood character, low front fences are a consistent feature within the street and broader neighbourhood character precinct.

As such, a recommended condition will require the provision of a low front fence that is respectful of those evident in the neighbourhood character precinct (in terms of maximum height and material treatment).

Complies subject to condition

Clause 52.06 Car Parking

Number of Parking Spaces Required

One (1) car parking space is provided for the two (2) bedroom dwelling.

Two (2) car parking spaces are provided for each of the three (3) bedroom dwellings, with one (1) space under cover.

No visitor car parking space is required.

Design Standards for Car parking

The car parking spaces, garaging, and the accessways have appropriate dimension to enable efficient use and management.

The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.

The garage dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard.

Tandem car space dimensions of 4.9 metres length x 2.6 metres width and a setback of 0.5 metres to the garage are provided, to comply with the minimum requirements of the standard.

The width of the accessway is 3.0 metres.

Access dimensions to the car spaces comply with the standard.

Adequate turning areas are provided to allow vehicles to enter and exit the site in a forward direction.

Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This can be requested via conditions.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
		Complies subject to condition.		
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		N/A as development contains less than 10 dwellings.	N/A	N/A
55.02-4	B4	Infrastructure		
		Please see assessment in the body of this report.	Y	Y

Clause	Std		Compliance	
55.02-5	B5	Integration with the street		
		Dwellings 1 and 2 appropriately integrate with the Street subject to conditions.	Y	Y
55.03-1	B6	Street setback		
		The required setback is 4 metres, the dwellings are set back 7 metres from the street frontage.	Y	Y
55.03-2	B7	Building height		
		7.1 metres.	Y	Y
55.03-3	B8	Site coverage		
		Requirement for maximum site coverage of 50%, 39.7% provided.	Y	Y
55.03-4	B9	Permeability		
		Requirement for minimum permeability of 20%, 34.6% provided.	Y	Y
55.03-5	B10	Energy efficiency		
		Please see assessment in the body of this report.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	Y	Y
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Please see assessment in the body of this report.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Please see assessment in the body of this report.	Y	Y
55.04-2	B18	Walls on boundaries		
		Eastern Boundary – 34.87 metres in length Length: 10.4 metres (in two sections of 6.5 metres and 3.9 metres). Height: 3.2 metres Walls on boundaries comply with the requirements of this standard. Western Boundary – 47.22 metres in length Length: 6.5 metres Height: 3.2 metres Walls on boundaries comply with the requirements of this standard.	Y	Y

Clause	Std		Compliance	
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		Please see assessment in the body of this report.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		There are no internal views	Y	Y
55.04-8	B24	Noise impacts		
		Please see assessment in the body of this report.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Please see assessment in the body of this report.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Please see assessment in the body of this report.	Y	Y
55.06-2	B32	Front fences		
		Please see assessment in the body of this report.	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation.
Transport Management and Planning	No objection, subject to condition included in recommendation.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-6 (General Residential Zone – Schedule 1) – construction of two or more dwellings on a lot.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3, 21.03, 21.05-1, 21.05-2, 21.05-3, 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	F7

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.

Attachments

- Aerial Map (**Appendix A**) [⇨](#)
- Condition 1A Plans (**Appendix B**) [⇨](#)
- Advertised Plans (**Appendix C**) [⇨](#)

5.5 APPLICATION FOR PLANNING PERMIT D/12/2017
431 Plenty Road, Preston

Author: Principal Planner

Reviewed By: Director Corporate Services

Applicant	Owner	Consultant
Andrew Clarke Clarke Planning	C Paris 1 Vicarage Way WATSONIA NORTH VIC 3087	Andrew Clarke Clarke Planning

SUMMARY

- Development of a five (5) storey building comprising three (3) dwellings and a shop.
- Five (5) car parking spaces are provided on site (within car stackers).
- The site is zoned Commercial 1 and is affected by the Design and Development Overlay (Schedule17).
- The mandatory height requirement is six (6) storeys (20 metres). The proposal achieves the maximum height restriction.
- There is no restrictive covenant on the title for the subject land.
- Five (5) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 43.02 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Capital Works Unit, Transport Management and Planning Unit, Urban Design officer and ESD officer.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/12/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TP.101, TP.102, TP.103, TP.104, TP.105, TP.106, TP.107, TP.201, TP.202, TP.203, TP.204 and TP.300 Rev B dated 17 October 2017, prepared by Cera Stribley Architects) but modified to show:
 - (a) Modifications in accordance with the Sustainable Management Plan (refer to Condition No. 5 of this Permit).

- (b) Modifications in accordance with the Waste Management Plans (refer to Condition No. 6 of this Permit).
- (c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (d) The colour, texture or finish of the exposed sections of the north and south elevation designed to provide visual interest.
- (e) A single communal antenna for the development. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- (f) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- (g) Apartments allocated at least one (1) car parking space each.
- (h) The west facing balcony of dwelling 1 to be no more than 25% open.
- (i) A canopy over the footpath. The canopy must be set back at least 0.75 metres from the kerb and to have a minimum clearance height of 3m above the level of the public footpath.
- (j) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- (k) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not to extend within 1 metre of a property boundary.
- (l) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows.

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

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

As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) As part of the consultant team Cera Stribley Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.

- 5) Before the development starts, a Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address the 10 key Sustainable Building Categories:

- (a) Management
- (b) Energy
- (c) Water
- (d) Stormwater
- (e) Indoor Environmental Quality (IEQ)
- (f) Transport
- (g) Waste
- (h) Urban Ecology
- (i) Innovation
- (j) Materials

It is recommended that a Built Environment Sustainability Scorecard (BESS) or Green Star rating is included in the SMP.

Prior to the occupation of the development, a report from the author of the SMP, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

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

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

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

- 7) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 8) The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.

- 9) All apartments that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 10) Before the apartments are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

- 11) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 12) The land must be drained to the satisfaction of the Responsible Authority.
- 13) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 14) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 15) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 16) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Drained

to the satisfaction of the Responsible Authority.

Car spaces and access lanes shown on the endorsed plans must not be used for any other purpose.

Council Notations:

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
-

INTRODUCTION AND BACKGROUND

The application was advertising as a five (5) storey development comprising four (4) dwellings and a shop. In response to issues raised by Council following the public notice period the applicant lodged a section 57a Amendment to the application reducing the number of dwelling to three (3) while retaining the five (5) storey height.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is located on the west side of Plenty Road, north of the intersection with Murray Road. The site provides a frontage of 6.10 metres, a depth of 30.48 metres and an area of 181 square metres.
- The site is located on west side of Plenty Road, north of the intersection with Murray Road.
- The site provides a fall of approximately 500mm from north to south.
- A right of way (ROW) is located adjacent the rear west boundary of the site.
- A Commercial 1 Zone and Design and Development Overlay (Schedule 17) apply.
- Plenty Road is a Road Zone (category 1) road.
- To the west beyond the ROW is 1 Beauchamp Street comprising four (4) dwellings within a double storey building. Unit 4 provides a reverse living arrangement incorporating a balcony facing the subject site.
- To the south-west is 184 Murray Road comprising five (5) reverse living dwellings with balconies facing onto the ROW.
- To the east of the site is Plenty Road. The east side of Plenty Road is predominantly residential in character.
- To the north of the site is a double storey commercial building constructed on the common boundary.
- To the south of the site is 425 Plenty Road comprising a single storey commercial building. The site benefits form planning permit D/992/2014 which allows the development of a six (6) storey building comprising 24 dwellings and two (2) shops.

- The site is well serviced by public transport with trams available on Plenty Road and trains within walking distance. Shops and other services are located within directly adjacent the site on Plenty Road to the west within the Preston Activity Centre.
- On-street parking on *Plenty Road* is subject to a *1P (9am-3pm Mon-Fri and 8am - 12:30pm Sat)* restriction on the western side (site frontage). In addition, a *Clearway* restriction is in operation on the western side (*3pm-7pm Mon-Fri*).

Proposal

- Development of a five (5) storey building comprising three (3) dwellings and a shop.
- Each dwelling provides two (2) bedrooms.
- Unit 1 provides two (2) balconies, Unit 2 has one (1) balcony and Unit 3 provides three (3) balconies.
- Five (5) car parking spaces are provided on site (within car stackers). Access to the car parking spaces is via the rear ROW.
- Four (4) bicycle parking spaces are provided.
- The development provides a contemporary form finished in brick to the front and rear façade.

Objections summarised

- Five (5) objections received.

Objections summarised

- Height
- Overshadowing/Loss of light
- Overlooking
- Increased traffic/vehicle access
- Use of the ROW
- Mechanical car parking
- Loading and Unloading
- Noise
- Density
- Storage
- Balconies

Officer comment on summarised objections

The application was advertising as a five (5) storey development comprising four (4) dwellings and a shop. In response to issues raised by Council following the public notice period the applicant lodged a Section 57a Amendment to the application reducing the number of dwelling to three (3) while retaining the five (5) storey height.

Height

The planning scheme actively encourages urban intensification along the Plenty Road corridor and applies a mandatory building height of a six (6)-storeys. The proposal provides a height of five (5) storeys.

The height is appropriate and compliant with the strategic policies and setbacks that apply to protect the amenity and the visual impact of development on this site.

Overshadowing/Loss of light

While the development will result in increased shadows and a reduction to daylight access to adjacent dwellings, this is to be expected in areas where development of up to six (6) storeys is encouraged. In any case the level of impact is not considered unreasonable in this context and complies with Clause 55.

Overlooking

Windows and balconies are appropriately located and screened to reduce overlooking.

Increased traffic

The Traffic Impact assessment estimates that the proposal will generate 30 vehicle movements per day (Residential + Shop) and in the order of three (3) movements during the AM peak period and four (4) movements during the PM peak period.

This assessment has been determined based on a traffic generation rate of five (5) vehicle movements per one (2) and two (2) bedroom dwellings and 10% of the daily traffic generation occurring during the peak periods.

Use of the ROW

Vehicle access to the development site will be via the rear ROW which currently operates in a single lane, two-way arrangement. Reference to Clause 56.06 of the Planning Scheme indicates that an Access Lane has a theoretical volume capacity of 300 vehicles per day. In addition, Clause 3.2.2 under AS 2890.1:2004 states that as a guide, 30 or more vehicle movements along a driveway in a peak hour (in and out combined) would usually require the provision for two vehicles to pass on the driveway.

Traffic surveys undertaken of the rear laneway by the applicant's traffic engineers indicates that the laneway at Murray Road carries a two way volume of 2 and 7 vehicles during the AM and PM peak periods. At the Beauchamp Street entrance, the laneway carries a two way volume of 1 and 7 vehicles during the AM and PM peak periods. The addition of three (3) to four (4) vehicle trips during the peak periods will not exceed the theoretical volume capacity of the ROW and the probability of two (2) vehicles meeting within the laneway is expected to low. The level of additional traffic is not expected to create any adverse impact on traffic operations on the surrounding laneway and road network.

Mechanical Car parking

Mechanical parking may be used to meet the car parking requirement provided:

- *At least 25% of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8m.*
- *Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.*
- *The design and operation is to the satisfaction of the responsible authority.*

The applicant proposes to utilise two car stacker systems to accommodate the five internal parking spaces:

- *Wohr Parklift 413-335/330 – Normal Type*

- Wohn Parklift 462

A review of the technical data for the nominated stacker systems and information provided by the applicant demonstrates that the Parklift 413 system can accommodate a vehicle height clearance of 1.5m, while the Parklift 462 system will be able to accommodate a vehicle height clearance of 2.0m. The above height clearances satisfy the requirement that at least 25% of stacker spaces to be able to accommodate a vehicle clearance height of 1.80m.

Furthermore, the applicants traffic report confirms that the Parklift 413 system will provide a useable platform width of 2.6m, while the Parklift 462 will be provided with a useable platform width of 2.4m. These satisfy the requirements of the Darebin Planning Scheme and Australian Standards.

Accordingly the proposed car stacker systems are considered to be appropriate.

Loading and Unloading

Refer to the Clause 52.07 assessment below.

Waste and recycling

A waste management plan detailing the number and size of bins required to service the development and the times, frequency and means of waste collection is requested as a condition of approval.

Density

The number of dwellings has been reduced from four (4) to three (3) dwellings via a section 57a Amendment. The modest increase in population and density at this site is considered an appropriate response to the underutilised state of the site and the proximity of the site to public transport, shops and other services. While any increase in population density will likely increase the level of activity around the site and area, it is not envisioned that an additional three (3) dwellings would be detrimental or substantially more intensive than what is currently experienced.

Noise

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

Storage

Adequate internal and external storage is provided.

Balconies

The balconies are of adequate size and dimension. Unit 1 provides two (2) balconies, Unit 2 has one (1) balcony and Unit 3 provides three (3) balconies.

PLANNING ASSESSMENT

Clause 22.06 - Multi Residential and Mixed Use Development

This policy applies to the consideration of multi-apartment apartment developments.

Element	Comment	Compliance
Sustainability	A Sustainability Management Plan (SMP) was submitted with the application. The SMP details the sustainability initiatives of the proposal. The attached form of construction also provides scope for an energy efficient design solution.	Complies subject to condition
Design and Materials	<p>The street wall complies with DDO17's four (4) storey requirement, and the faceted brickwork planes at the parapet provide interest with a sculptural element in the streetscape. The projecting windows and recessed balconies provide further, contrasting, articulation to the street wall.</p> <p>Rooftop services, air conditioning, ESD measures and plant are not detailed and are required to be detailed on plan.</p> <p>The height and relationship to adjoining properties is appropriate. By adopting a front and rear facing layout and well-proportioned side facing light wells, equitable development considerations have been appropriately managed.</p>	Complies
Building Height	<p>A consideration of height requires a balanced consideration of all the related policy drivers such as housing diversity, affordability and urban consolidation. Any discussion of height should be balanced against the design and massing of the building and its response to the immediate context, including adjacent apartments.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations proximate to public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive scale and built form.</p> <p>At a local planning level the intent to change this part of Plenty Road has strategic support. Further low rise mixed use development of 4 to 6 storeys development is contemplated as the emerging built form within this section of the Plenty Road corridor..</p> <p>Examples of taller apartment buildings are emerging. A six (6)-storey building is approved on the adjacent site at 425 Plenty Road.</p> <p>The development provides a height of five (5) storeys.</p>	Complies
Apartment diversity	This development provides three (3) two (2) bedroom dwellings in a mix of layouts, including split level and dual aspect arrangements.	Complies
Parking and vehicle access	Refer to the Clause 52.06 assessment below.	Complies
Street address	All apartments face Plenty Road and or the rear ROW. The main entrance to the building is via Plenty Road.	Complies

Element	Comment	Compliance
<p>Amenity Impacts Including Overshadowing and Overlooking</p>	<p>Overshadowing of the open space to the west is greater than current shadows. This is largely a consequence of the additional height sought by policy. In the context of the emerging built form outcomes encouraged by policy the level of overshadowing is deemed appropriate.</p> <p>Upper level windows and balconies are appropriately screened to prevent overlooking.</p>	<p>Complies</p>
<p>On-Site Amenity and Facilities, including Private Open Space</p>	<p>With respect to internal amenity, a key objective of State and Local planning policy is to ensure that apartments in multi storey developments have adequate access to daylight, sunlight and outlook.</p> <p>The Better Apartment Guidelines (Clause 58 of the Planning Scheme) were released subsequent to the lodgement of the application. While these guidelines are not applicable they provide an indication of the importance now placed on this issue.</p> <p>Clause 22.06-3.9 provides the following guidance:</p> <ul style="list-style-type: none"> • <i>Windows to apartments with a single outlook must be clear to the sky, and should not be overhung with balconies or other protruding structure, unless the overhang is designed to provide a shading function and avoid excess heat gain.</i> • <i>Development should make adequate provision for natural light and ventilation to habitable rooms, including bedrooms.</i> • <i>Bedrooms that rely upon borrowed light, including ‘battle axe’ bedrooms, should be avoided.</i> • <i>In larger residential developments, communal open spaces should be provided to allow for recreational uses such as a garden, courtyard, tables and seating, BBQ facilities and utility uses such as open air clothes drying.</i> <p>The apartments face Plenty Road and/or the rear ROW in accordance with policy. This layout reduces potential internal and external amenity impacts arising from future developments to the north and south of the site. It is also a good outcome in regard to equitable development considerations.</p> <p>Although not applicable due to the transitional arrangements, the proposal achieves a good response to Clause 58 (Apartment Developments):</p> <ul style="list-style-type: none"> • The living rooms are over 5.5 metres in width. • Dual aspect and split level apartments. • Multiple balconies facing east and west. The balconies are of adequate size and dimension. Unit 3 provides three (3) balconies, Unit 1 provides two (2) balconies and Unit 2 has one (1) balcony. • Floor to ceiling heights of 2.7m are provided. • A satisfactory provision of storage internal and external to the apartments is provided. 	<p>Complies</p>

Element	Comment	Compliance
	The internal amenity and sense of space within the apartments is regarded as very good.	
Waste Management	A waste management plan detailing the number and size of bins required to service the development and the times, frequency and means of waste collection is requested as a condition of approval.	Complies subject to condition
Equitable Access	All levels are provided with lift access.	Complies

Clause 43.02: Design and Development Overlay (Schedule 17):

This policy applies to the consideration of multi-apartment apartment developments.

Element	Comment	Compliance
Street frontage	The building mass is largely directed towards the Plenty Road frontage. All apartments face Plenty Road and or the rear ROW. The common pedestrian entry is visible from Plenty Road.	Complies
Building Height and setback	<p>Height requires a balanced consideration of all the related policy drivers such as housing diversity, affordability and urban consolidation. Furthermore any discussion of height should be balanced against the design and massing of the building and its response to the immediate context, including adjacent apartments.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations well served by public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive scale and built form.</p> <p>The site is located in an area which is earmarked for substantial change, including development of up to six (6) storeys. Examples of taller apartment buildings are emerging. A six (6) storey building is approved on the adjacent site at 425 Plenty Road.</p> <p>The development provides a height of five (5) storeys and is deemed appropriate.</p> <p>The rear setbacks are 3.0 metres and 5.5 metres at the ground and 1st floor in accordance with the DDO. The 2nd and 3rd floors provide setback at a 45 degree angle measured three (3) metres above the adjacent residential boundary, in accordance with policy.</p>	Complies
Access and parking	The site has rear access via the ROW. Access and parking considerations are assessed in more detail under Clause 52.06.	Complies

Clause 52.06 Car Parking

Number of spaces

Use	Rate	Provision	Requirement
3 dwellings	1 to each 1 and 2 bedroom dwelling and 2 to each 3+ bedroom dwelling	3	3
Shop	3.5 spaces / 100m ²	5	1
Total Requirement			4

The proposal provides five (5) car parking spaces, and is provide one (1) additional car parking space.

Design Standard 1 – Accessways

The accessway has been designed so that cars can exit the site in a forwards direction.

A corner splay or area at least 50% clear of visual obstructions has not been provided around the vehicle crossover due to the proximity of the adjoining building. It is noted that vehicle access to the development will be via the rear ROW. This is consistent with the principals of Design Standard B14 and Councils Vehicle Crossing Policy which seeks to maximise the retention of on-street parking and minimise the number of access points to a Road in a Road Zone. Pedestrian volumes on the ROW are expected to be low. Nevertheless the applicant proposes to provide an amber warning signal within the laneway to alert other motorists that a vehicle will enter/exit the site.

Design Standard 2 – Car Parking Spaces

All car parking spaces will be provided within a mechanical car parking system.

The minimum headroom to be provided above a car parking space is 2.2m as per the AS2890.1:2004. Section plans provided by the applicant demonstrates that a minimum headroom clearance of 4800mm has been provided within the car parking areas.

Design Standard 4 - Mechanical Parking (Car Stackers)

The applicant proposes to utilise two car stacker systems to accommodate the five internal parking spaces:

- Wohr Parklift 413-335/330 – Normal Type
- Wohr Parklift 462

The Parklift 413 system can accommodate a vehicle height clearance of 1.5m, while the Parklift 462 system will be able to accommodate a vehicle height clearance of 2.0m. The above height clearances satisfy the requirement that at least 25% of stacker spaces to be able to accommodate a vehicle clearance height of 1.80m.

The Parklift 413 system will provide a useable platform width of 2.6m, while the Parklift 462 will be provided with a useable platform width of 2.4m. These satisfy the requirements of the Darebin Planning Scheme and Australian Standards.

Accordingly the proposed car stacker systems are considered to be appropriate.

A review of the swept path assessments indicates that some corrective movements may be required in order to ingress and egress from the spaces. Australian Standard 2890.1:2004 provides guidance in terms of the appropriateness of corrective movements. Table 1.1 of AS2890.1:2004 notes that a three-point turn entry and exit is acceptable for Residential, Domestic and Employee parking.

On the basis of the above, access and manoeuvrability is considered to be acceptable.

Clause 52.07 Load and Unloading

Clause 52.07 of the Planning Scheme applies to land uses for the manufacture, servicing, storage or sale of goods or materials. A waiver of this requirement is being sought.

Given the small size (34m²) of the commercial tenancy and the land area of the site, it is expected that loading events would only be minor and therefore more appropriately would occur either on-site or on-street. This requirement can therefore be waived in this instance.

Clause 52.34 Bicycle parking

Four (4) resident bicycle parking spaces are proposed.

As per Clause 52.34, a bicycle space for a resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound. The applicant proposes to provide two bicycle rails (4 bicycles) on the ground floor adjacent to the elevator/lobby area. A ‘Flat Top’ style bicycle rail is proposed. Given all bicycle parking spaces will be provided within the bicycle rail arrangement, the above requirement has been satisfied.

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation.
Transport Management and Planning	No objection, subject to condition included in recommendation.
ESD officer	No objection, subject to condition included in recommendation.
Urban design officer	No objection, subject to condition included in recommendation.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08 (Commercial 1 Zone) – Buildings and works.
- Clause 43.02 (Design and Development Overlay – Schedule 17) - Buildings and works.
- Clause 52.07 (Loading and Unloading) – Waiver of the loading and unloading requirement.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	34.01
Overlay	45.06, 43.02
Particular provisions	52.06, 52.07, 52.34
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

Attachments

- Aerial (**Appendix A**) [⇒](#)
- Plans (**Appendix B**) [⇒](#)

**5.6 APPLICATION FOR PLANNING PERMIT D/438/2017
321 Spring Street, Reservoir**

Author: Urban Planner

Reviewed By: Director Corporate Services

Applicant	Owner	Consultant
Niall McGovern – Whiteman Property and Accounting	Predborn Holdings PTY LTD Love Real Estate	Force Management

SUMMARY

- The application seeks permission for a licensed premises (packaged liquor license for a bottle shop), as per the requirements of Clause 52.27 of the Darebin Planning Scheme (the Scheme).
- The application proposes to locate the bottle shop adjacent and connected to the existing Coles Supermarket.
- The site is zoned Commercial 1 Zone and is affected by the Development Contributions Plan Overlay (currently expired).
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- Four (4) objections were received against this application. This includes two (2) petitions with 11 and 70 signatures respectively. One (1) of the four (4) objections was from within 200 metres of the subject site.
- The proposal is generally consistent with the objectives and standards of Clause 52.27 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was not required to be referred to any internal authorities.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/438/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as Adjoining Buildings and Area Plan 17013-P2, dated 18/06/2017 and received by Council 19/09/2017, prepared by Force Management Consulting Engineers, and 'Red Line Plan' RESE-01, dated April 2017 and received by Council 19/09/2017, and prepared by Liquorland).

- 2) The layout of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if the use is not started within three (3) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

- 4) The use may operate only between the hours of:
 - Monday – Saturday: 9.00am – 11.00pm
 - Sunday: 10.00am – 11.00pm
 - ANZAC Day: 12.00pm – 11.00pm
 - Good Friday and Christmas Day: No trade.
 - 5) The amenity of the area must not be adversely affected by the use or development as a result of the:
 - Transport of materials, goods or commodities to or from the land; and/or
 - Appearance of any building, works, stored goods or materials; and/or
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orin any other way, to the satisfaction of the Responsible Authority.
-

INTRODUCTION AND BACKGROUND

There is no relevant planning history on the subject site.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The broad land within which the subject site (individual retail unit) sits is irregular in shape and has a site area of 1,937 square metres. The retail unit within which the proposed use will operate (321 Spring Street, Reservoir) is regular in shape, with a site width of 6.0 metres and a site depth of 20 metres, creating an overall site area of 120 square metres.
- The land is located within the Commercial 1 Zone and is affected by the Development Contributions Plan Overlay (Council's ability to request the development contribution expired with the Schedule in June 2014).
- The land is located on the western side of Spring Street, at the intersection with Ralph Street.
- The broader subject land features eight (8) retail units fronting Spring Street. The subject site is currently vacant, however was previously occupied by a Charcoal Chicken and Chips shop for more than 15 years.
- To the north of the subject site is the Coles Reservoir Supermarket. The subject site would be modified internally to provide an internal connection with the Coles Supermarket.
- To the south of the subject site is another retail unit (319 Spring Street, Reservoir). This site is currently being used as an office.

- To the east of the subject site is Spring Street and beyond this, the South Morang Railway Line.
- To the west of the subject site is the Coles Reservoir Supermarket car park.
- On street parking restrictions are evident in the surrounding streets, with 1 hour parking provided immediately in front of the subject site and.
- The subject site is located approximately 230 metres north of Reservoir Train Station. The #552, #553, #556, #558, and #561 bus routes operate along Broadway, Edwardes Street, High Street, and Cheddar Road in the immediate vicinity of the subject site.
- The site is located within the Reservoir Civic Centre.

Proposal

- The application seeks permission for a licensed premises (packaged liquor license), as per the requirements of Clause 52.27 of the Darebin Planning Scheme (the Scheme).
- The existing single storey building on the subject site (with multiple shop fronts) is not proposed to be altered externally as part of this application.
- The use to which the planning permit application relates is as a bottle shop. The use does not require a planning permit in the Commercial 1 Zone.

Objections

- Four (4) objections were received against this application. This includes two (2) petitions with 11 and 70 signatures respectively.

Objections summarised

- Social and community concerns (e.g. increased alcoholism and criminal behaviour as a result of the proposed use).
- Existing number of licenced premises in the area.
- No toilet provided with the use.
- Car parking availability.
- Impact of proposed use on small businesses/Darebin Council's support of small businesses.

Officer comment on summarised objections

Social and community concerns (e.g. increased alcoholism and criminal behaviour as a result of the proposed use)

The potential social and community impacts of the proposed use raised consistently in the objections received are considered to be speculative in nature and related to broader social/community issues that are beyond the scope of town planning to control. In *Hunt Club Commercial Pty Ltd v Casey City Council*, the Tribunal noted the following:

“As a matter of general principle, a broad concern about the social harm caused by alcohol, the accessibility of alcohol in the community generally, or the potential for the abuse or misuse of alcohol, will rarely (if ever) be a relevant planning consideration in the exercise of discretion for a particular licensed premises under clause 52.27. These matters are more commonly relevant to the complementary regulatory framework under the Liquor Control Reform Act 1998...”

Expanding on this, the Tribunal noted that:

“Town planning is not a panacea for all perceived social ills, nor is planning decision-making a forum for addressing all issues of social or community concern. At its heart, planning is about the use, development and protection of land. It has a spatial context that is primarily concerned with the fair, orderly, economic and sustainable use and development of land. Town planning does not involve itself in moral judgements nor, subject to this locational or spatial perspective, in the operation of a competitive market economy in which certain goods and services are lawfully made, sold or consumed. Whilst town planning seeks to secure a pleasant, efficient and safe working, living and recreational environment, it is not the role of town planning to address all issues of public health, nor to regulate the pricing or general availability of a product to manage the health and well being of a society.”

In this sense, it is considered that the proposed use is generally acceptable within the zone (being a Section 1 use for which no permit is required) and that the liquor license for which permission is sought (Packaged Liquor License) is provided with sufficient regulation and protection with regards to any potential negative amenity impacts under the *Liquor Control Reform Act 1998*.

Existing number of licensed premises in the area

Concerns have been raised regarding the existing availability of packaged liquor in proximity to the site. Clause 52.27 requires Council to consider the cumulative impact of licenced premises and an assessment of this is provided within this report. Importantly, the test is whether the cumulative impact constitutes one that is in fact negative and will impact the amenity of the area. This is not considered to be the case for the current application.

No toilet provided with the use

This is not a relevant planning consideration under the *Planning and Environment Act 1987* and the Darebin Planning Scheme.

Car parking availability

As is noted in the assessment against Car Parking below, the applicant has established 15 years of continuous use on the site as a shop as per the requirements of Clause 63 of the Scheme. As such, a planning permit is not required for a Car Parking reduction (Clause 52.06-3) for the proposed use (which also does not require a planning permit, being a Section 1 use under Clause 34.01 of the Scheme). Car parking is provided to the rear of the site in the Coles car park.

Impact of proposed use on small businesses/Darebin Council should support small businesses

The potential financial impact as a result of commercial competition between operators is not a relevant planning consideration.

It is further noted that under Section 57 (2A) of the *Planning and Environment Act 1987*, *the responsible authority may reject an objection which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector.*

PLANNING ASSESSMENT

The applicant seeks to sell and consume liquor on the site under a Packaged Liquor Licence. In considering such applications, Council must turn its mind to the decision guidelines contained within Clause 52.27 which are assessed in turn below.

The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies

The State and Local Planning Policy frameworks provide little specific guidance with regards to the preferred location of bottle shops, except to say that such uses should be located within areas of existing commercial activity, as is the case with this application. Council's MSS recognises the economic and employment role of convenience retail within the municipality and in this case the use is appropriately located within an existing commercial precinct.

The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area

The sale and consumption of liquor from the subject site is not expected to adversely impact the amenity of the surrounding area. The sale of liquor is for the consumption off the licenced premises – that is, only the transaction will take place on the subject site. Laws surrounding the nature of liquor sales are managed under the *Liquor Control Reform Act 1998*. Anti-social behaviour associated with off-site consumption are a matter managed by Victoria Police.

In combination with the modest hours proposed (see below), it is considered that the proposed sale of packaged liquor will not unreasonably impact local amenity.

The impact of the hours of operation on the amenity of the surrounding area

The applicant proposed to sell and consume liquor on the site between:

- Monday – Saturday: 9.00am – 11.00pm
- Sunday: 10.00am – 11.00pm
- ANZAC Day: 12.00pm – 11.00pm
- Good Friday and Christmas Day: No trade.

These hours generally accord with the 'ordinary hours' set out in the Liquor Control Reform Act 1998. Moreover the cessation of sales at 11.00pm on any given day generally accords with the activity of nearby restaurant uses within the centre. The proposed hours are considered to be compatible with the surrounding context.

The impact of the number of patrons on the amenity of the surrounding area

The application relates to the sale of packaged liquor for off-site consumption. No patron numbers are applicable to the proposal as there will be no on-site consumption.

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area

The applicant has submitted a Cumulative Impact Assessment surveying other licenced premises within proximity to the site. The survey identifies the locations of a number of venues with various licence categories, within 100 metres and 500 metres of the subject site.

Importantly Practice Note 61 – Assessing Cumulative Impact notes its application to premises that will be open beyond 11.00pm *and* are located within a cluster of licenced premises. In this case the first criterion is not satisfied.

Notwithstanding this, Council's search confirms one (1) venue within 100 metres of the subject site operating under a Packaged Liquor Licence (refer to **Attachment C**):

- 315 Spring Street, Reservoir – The Bottle-O Reservoir (Packaged Liquor).

Within 500 metres of the subject site, there are a further three (3) venues operating under a Packaged Liquor Licence (refer to **Attachment C**):

- 2/38 Edwardes Street, Reservoir – Edwardes Street Liquor (Cellarbrations).
- 26-30 Edwardes Street, Reservoir – Reservoir Festival Supermarket (Supa IGA plus Liquor).
- 257 Broadway, Reservoir – Broadway Cellars.

The proposed sale of liquor does not exceed the extent of hours already permitted under the above licenses; in which all four (4) venues provide liquor sales up to 11.00pm.

The subject site is located within a Commercial 1 Zone, a policy context which lends support to a retail premises such as a shop. The surrounding area features a diversity of commercial uses (such as supermarkets, dine in restaurants, take away food premises, and other service providers), with the broader area beyond this largely residential in nature. In reviewing the remaining licensed venues in the area (i.e. within 100 metres and 500 metres), it is noted that seven (7) of these are Restaurant and Café licenses, three (3) are Limited licenses, with one (1) each a Full Club, On-premises, and Restricted Club license. Based on this breakdown of the license types active in the area, it is evident that the majority of the surrounding uses are low impact in terms of amenity concerns, in that they have limited patron numbers, restricted opening hours, and for the most part relate to on-site consumption of alcohol in venues where food is provided via table service. The likelihood of movement between licensed venues is not a relevant consideration for this application.

The objectors raised concerns relating to anti-social behaviour within the nearby area. This assertion is questionable given the consumption of alcohol purchased from a bottle shop is by nature off premises and unsupported by any evidence.

On the basis of the above, the proposed use is not considered likely to result in a negative cumulative impact of bottle shops in the area.

Clause 52.06 Car Parking

Car parking will be provided to the rear of the subject site in the existing Coles car park. Given the applicant has established 15 years of continuous use on the site as a shop as per the requirements of Clause 63 of the Scheme, a planning permit is not required for a Car Parking reduction (Clause 52.06-3) for the proposed use (which also does not require a planning permit, being a Section 1 use under Clause 34.01 of the Scheme).

REFERRAL SUMMARY

No formal internal or external referrals were required as part of this application.

It is noted that outside of the Planning Permit process being reported herein, Council's Community Wellbeing department prepared a Health and Social Impact Assessment in support of an objection to the planning permit applicants separate application to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for a Packaged Liquor Licence. These considerations sit outside of the relevant matters that can be taken into account for this application within a planning context.

An executive summary of this assessment (i.e. the basis for the objection) is provided below:

Council's objection can be summarised as follows:

- 1) *That the health and social harms associated with package liquor greatly outweigh any economic benefits.*

- 2) *That higher densities of liquor outlets magnifies the health and social harms to those communities in proximity to these outlets.*
- 3) *That the increase in the number and density of liquor outlets disproportionately disadvantages low socio economically and vulnerable communities both in the short term and perpetuates social and health inequalities in the long term.*
- 4) *That the combination of these three factors poses an unnecessary and unacceptable additional risk to this community.*

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 52.27 – A permit is required to use land to sell or consume liquor.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 17, 19.03-1
LPPF	21.04, 21.05, 22.04
Zone	34.01
Overlay	45.06
Particular provisions	52.27
General provisions	65.01
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS

Environmental Sustainability

Nil

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

- Practice Note 61 – Licensed Premises: Assessing cumulative impact.

Attachments

- Aerial Map (**Appendix A**) [⇨](#)
- Advertised Plans (**Appendix B**) [⇨](#)
- Nearby Licensed Premises (**Appendix C**) [⇨](#)

5.7 APPLICATION FOR PLANNING PERMIT D/88/2017
271-273 St Georges Road, Northcote

Author: Principal Planner

Reviewed By: Director Corporate Services

Applicant	Owner	Consultant
A A Paolini	Jing Xiao and Rong Cui Zheng	<ul style="list-style-type: none"> • Ratio Consultants • Sustainable Development Consultants

SUMMARY

- The proposal is to construct a four (4) storey mixed use development across two adjoining sites. It is proposed to locate a shop with an area of 78 square metres, car parking and service areas at ground floor with 10 dwellings over the remaining three levels above. First and second floor levels will accommodate four dwellings each with the upper-most level accommodating two dwellings. The development will provide a mix of one and two bedroom dwellings. Private open space is to be in the form of balconies for each dwelling. A total of 11 car parking spaces are proposed on site, with 10 located in car parking stackers and one at grade parking space for the shop. The development is to have an overall height of 13.8 metres.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- Two objections were received against this application.
- The proposal is generally consistent with the objectives and standards of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Property Officer (Strategic Asset Management), Urban Designer, Environmentally Sustainable Developments Officer, Officer, Capital Works Unit, Waste Services (Environmental Operations) and the Transport Management and Planning Unit. Referral comments are included later in this report.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/88/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Sheet No. 2 to 12 dated 21 June 2017 and 9 April 2017 prepared by A. Paolini Architect and received by Council on 21/6/2017) but modified to show:
 - (a) Provision of four (4) residential and one (1) visitor bicycle parking spaces on the land, in proximity to the main entrance to the development, in accordance with Condition No. 10 of this Permit.
 - (b) The following changes to improve natural daylight access and ventilation to the development:
 - Introduction of operable highlight windows to the ground floor western wall of the car park.
 - Installation of operable windows to the Shop for passive ventilation.
 - Introduction of a highlight window to Unit 3's southern kitchen wall and Unit 4's northern kitchen wall.
 - (c) The provision of and details of the shopfront canopy over the public footpath on the floor plans, with a setback of 0.75 metres from the kerbside on St Georges Road and a minimum head-height clearance of 3 metres above the footpath.
 - (d) The provision of glazing to the north wall of the apartment entry area to improve visibility and safety along the footpath. The mailboxes may be relocated further west on the dividing wall between the shop and apartment entry lobby to accommodate this change.
 - (e) The exposed southern walls of the development visible over the adjoining southern building treated (e.g. textured concrete) to improve the presentation of the development as seen over the adjoining building.
 - (f) The design of the front façade (St Georges Road façade) at first and second floor levels broken down horizontally to express the floor levels and articulated further to provide a high quality finish and finer grain detailing.
 - (g) The location of all plant, equipment and metres (including air conditioners, gas metres, hydrants, boosters and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - (h) The pedestrian ramp providing access to the apartment lobby graded no steeper than 1:14 in accordance with AS1428.1:2009.
 - (i) The storage units shown on the ground floor plan allocated to each of the dwellings.
 - (j) Weather protection incorporated to the main private open space (balcony) areas of Dwellings 3, 4, 5, 6, 7, 8, 9 and 10. Full details must be provided.

- (k) Correction to the North and South Elevations to remove dotted lines under the northern windows to the living area of Dwelling 8 and the southern windows of the living area of Dwelling 7.
- (l) The removal of the planter boxes on the western balconies of Dwellings 3, 4, 7, 8 and 10 to increase the depths of these balconies by the same increment.
- (m) The removal of the 1.7 metre high screen to the western edge of the balcony of Dwelling 10.
- (n) The balconies and windows listed below provided with a fixed louver screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level (as detailed on Sheet No.12), as follows:
 - The northern habitable room windows of Dwellings 9 and 10.
 - The south side of Unit 3's balcony insofar as to prevent overlooking of the secluded private open space area of the dwelling at No.59 Emmaline Street. The views are to be measured from the southern side of the balcony within a 9 metre radius at 45 degrees.
 - The western kitchen windows of Unit 7 and Unit 8
 - The southern side of Unit 7's balcony.
- (o) Full dimensions of the balcony of each dwelling.
- (p) Internal layout and servicing for the shop (e.g. WC, storage, kitchenette etc.)
- (q) A single communal antenna for the development (refer also to Condition No. 8 of this Permit). The location and height of the antenna must be shown on the roof plan and elevations.
- (r) Any modifications in accordance with the Acoustic Report (Refer to Condition 7 of this Permit).
- (s) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 5 of this Permit).
- (t) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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

- 2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.

- 5) Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must 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 recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.

- 6) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 7) Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- (a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
 - (b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise to levels as outlined in Table 1 of AS2107:2000.
 - (c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and any neighbouring sensitive uses.
 - (d) Noise, reverberation and vibration associated with the operation and use of the lift shaft, mechanical car parking stackers and staircase core do not impact adversely on the amenity of the dwellings which share dividing walls with the core and/or are located on the first floor level above the car parking stackers. The following sources of noise must be attenuated:
 - Ride quality e.g. sound and vibration
 - Air-borne noise, e.g. door noise, noise in the elevator shaft and stair shaft walls
 - Structure-borne noise in walls e.g. sound radiation to adjacent rooms
 - Cooling fan noise
 - Drive operation noise
 - Relay switching noise
 - Door operation noise
 - Guide shoe sliding noise
 - Treatment to stair treads and landings to minimise airborne noise

The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.

- 8) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- 9) Waste storage and collection must be undertaken in accordance with the approved management plan (prepared by Ratio Consultants dated 13/4/2017) and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.
- 10) Before the development is occupied bicycle racks must be provided on the land in accordance with Australian Standard 2890.3:2015. Four (4) residential bicycle parking spaces and one (1) visitor bicycle space must be provided on site. Where any of the specified bicycle parking cannot be accommodated on the site, an equivalent contribution must be made to cycling infrastructure within the vicinity of the subject site (where possible) or within the municipality at a rate of \$360/bicycle rail.
- 11) Before the development commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer.

The site assessment must include:

- An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
- Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
- Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the development commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the Environment Protection Act, before the development commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

- 12) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 13) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.

- 14) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 15) The land must be drained to the satisfaction of the Responsible Authority.
- 16) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 17) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 18) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 19) The 11 car parking spaces available on site must be allocated to the dwellings and the Shop tenancy as follows:
 - One (1) car parking space allocated to each dwelling.
 - One (1) car parking space allocated to the Shop.

Car parking spaces for the dwellings are to be numbered to correspond to the same numbers given to the dwellings shown on Drawings Sheet No.3, 4, 5 dated 21/6/017 and received by Council on 21/6/2017.

The car parking space for the Shop must not be used by or made available to customers or the dwellings.

- 20) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;

- (c) Surfaced with an all weather sealcoat;
- (d) Drained;
- (e) Line-marked to indicate each car space and all access lanes;
- (f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

- 21) Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

- N6 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N7 In relation to the requirements of Condition No.10 of this Permit, please contact Council's Bicycle Strategy Co-ordinator (Ph: 8470-8665) for details on how to supply on-street bicycle spaces or to make an equivalent contribution.
-

INTRODUCTION AND BACKGROUND

The following planning files relate to the subject site:

- D/584/2001 – Two (2) unit development refused on 29/10/2002 due to insufficient information provided with the application.
- PD5421 – Construction of a veranda (file could not be retrieved).
- PD4741 – Planning Permit issued on 30/11/1983 for a pressing service at 271 St Georges Road.
- PD3850 – Planning Permit issued on 13/4/1987 for a veranda at 271 St Georges Road.
- PD3598 – Planning Permit issued on 17/9/1980 for the making of an addition for use for furniture repairs (and showroom and residence) at 271 St Georges Road.
- PD57481 – Notice of Refusal issued on 9/10/1970 at 273 St Georges Road to erect and advertising sign.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is irregular in shape and is comprised of two (2) allotments. The consolidated sites have a total frontage of 11.52 metres, a depth of 34.14 metres, with an overall area of approximately 395 square metres.
- The site is adjoined to the west by a Right of Way.
- The land is located within the Commercial 1 Zone and is affected by the Design and Development Overlay (DDO) Schedule 16; and the Development Contributions Plan Overlays (DCPO) Schedule 1 noting that the Contributions Plan expired on 30 June 2014.
- The land is located on the west side of the St Georges Road, approximately 17 metres to the south of the intersection with Emmaline Street.
- The site contains a double storey commercial/retail building at 271 St Georges Road used for the purpose of a dry cleaner at ground floor and for office/storage at the first floor. A single storey commercial/retail building occupies the site at 273 St Georges Road and is used as an office at the front and as a residence at the rear. The buildings are constructed to the front and common boundaries with open paved areas at the rear of the used for car parking.
- To the east is St Georges Road, characterised by two (2) northbound traffic lanes, beyond which is a central median strip containing a tram line and bicycle walking track. The eastern side of St Georges Road is located in the Residential Growth Zone (RGZ1) and contains single-storey dwellings as well two and three storey in-fill development.

- To the west, beyond the Right of Way and fronting Emmaline Street are residential sites located in the Neighbourhood Residential Zone (NRZ1). The subject site's western boundary aligns with the side wall of the adjoining single storey dwelling on the western side of the Right of Way.
- To the north of the site is a three (3) storey building, containing a commercial/retail use at ground level and dwellings to the upper floors. This building is constructed to the front and common boundaries of the site and has light-courts abutting the common boundary.
- To the south is a commercial and residential use in a single storey building constructed to the front and common boundaries. Further to the south are single and double storey commercial buildings, with a recent three (3) storey development on the corner of St Georges Road and Beaconsfield Parade.
- On-street parking on St Georges Road is subject to a 2P (7am-6pm Mon-Fri) restriction on the western side (site frontage). On-street parking on Emmaline Street is unrestricted on the southern side.
- The site is located on St Georges Road with direct doorstep access to No.11 and No.112 tram routes. The site is located 430 metres west of Croxton Train Station on the South Morang Line and within 700 metres of the High Street activity centre with access to tram route 86. Dedicated bicycle lanes are available along the St Georges median strip and along Merri Creek to the west. The site is located in a local commercial strip where a mix of services and retail shops are available.

Proposal

- The proposal is to construct a four (4) storey building, for use as a shop and ten (10) dwellings. The development is proposed to be constructed to the common boundaries with setbacks to the side boundaries to provide light courts to habitable rooms, and gradually stepped back the rear (western) boundary.
- The ground floor level will have a shop to the front with a floor area of 78 square metres. It will also have bin store, storage for the dwellings, bicycle racks, lift and stair access to the upper floors. There will be a mechanical parking area to the rear, accommodating 10 car spaces for the dwellings and an at grade parking space for the shop, accessed from the rear Right of Way. Pedestrian entry to the shop and dwellings will be via separate entries off St Georges Road.
- The first floor is to have four dwellings (two x one-bedroom and two x two-bedroom). Balcony private open space is provided with minimum area of 8.5 square metres.
- The second floor is to have four dwellings (each with one bedroom). Balcony private open space is provided with a minimum area of 8.5 square metres.
- The third floor is to have two dwellings (with two bedrooms each). Balcony areas of 19.2 square metres and 16 square metres are provided.
- The building will have a contemporary design with rendered masonry and lightweight metal cladding.
- The overall height is to be 13.8 metres to the parapet.

Objections summarised

- Excessive traffic to the Right of Way (the lane is narrow and not suitable for two-way traffic).
- Increased noise and damage from vehicles using the Right of Way.
- Inadequate parking.

- Overshadowing of private open space.
- Overshadow north facing habitable windows.
- Upper floor is inappropriate for the area.
- Car stackers are inappropriate and discourage use of on-site parking.
- Use of the Right of Way for access will discourage residents from using on-site parking.
- The proposal should be on a larger consolidated site (the land will still be well below 15 metres in width).
- Does not meet the decision guidelines under Clause 52.06-7 of the Darebin Planning Scheme.
- The heritage of the shopping strip will be adversely affected.
- Excessive height.
- Overdevelopment.
- Overlooking.

Officer comment on summarised objections

Excessive traffic to the Right of Way (the lane is narrow and not suitable for two-way traffic)

The existing Right of Way currently operates in a single lane, two-way arrangement. Clause 3.2.2 under AS/NZS 2890.1:2004 states that as a guide, 30 or more vehicle movements along a driveway in peak hour (in and out combined) would usually require the provision for two vehicles to pass on the driveway.

Taking under consideration the nominal traffic generated by the development during the peak hour, the sites proximity to Emmaline Street and the opportunity for vehicles to wait at the entrance of the Right-of-Way and allow a vehicle to pass on the Right-of-Way, the impact of the proposal on the operation of the Right-of-Way is considered to be negligible.

Increased noise and damage from vehicles using the Right of Way

Given the low traffic movements, it is not considered that the proposal would lead to excessive noise to adjoining properties.

In addition to the above, swept path diagrams have been provided indicating that vehicles may conveniently enter and exit the site with appropriate dimensions provided at the access point between the site and Right of Way. Vehicle access should not cause damage to the adjoining properties. Nevertheless, damage to property is not a relevant planning consideration under the Darebin Planning Scheme given the access is deemed to have appropriate dimensions.

Inadequate parking

The site has excellent access to public transport and alternative transport modes such as the bicycle path along St Georges Road. Although a parking reduction is sought for the development, this is in association with the Shop use and residential visitors only and equates to a reduction of two car parking spaces for the shop and two car parking spaces for visitors. No reduction in the parking rate is sought for the dwellings. This is considered to be acceptable when taking into consideration the relevant decision guidelines of Clause 52.06 (refer to discussion in later sections of this report).

Overshadowing of private open space and Overshadow north facing habitable windows

The adjoining residential land on the western side of the right of way will be subject to some overshadowing during the morning period (9:00am to 10:00am) and will reduce after 10:00am so as not to impact the secluded private open space area of the adjoining property. The extent of overshadowing is not unreasonable. It is important to note that the subject site is in a Commercial 1 zone and in a Substantial Housing Change Area. The Design and Development Overlay allows development of up to five (5) storeys. The policy context indicates that different amenity considerations must be given in this area (than, say a residential area) as this is an area where higher scale and more intense development is encouraged.

Upper floor is inappropriate for the area

Given the location of the site in Design and Development Overlay 16, a height of up to five (5) storeys is allowable. In this instance, given the narrowness of the site, the four (4) storey height is appropriate.

Car stackers are inappropriate and discourage use of on-site parking

Car stackers are an acknowledged form of parking in the Darebin Planning Scheme. In this instance the car parking design and access complies with Clause 52.06 (see discussion in later sections of this report).

Use of the Right of Way for access will discourage residents from using on-site parking

It is confirmed that the right of way adjoining the property is a Council constructed and maintained road which is currently used by the abutting properties and is also in Council's register of public roads. The Right of Way is wide enough to allow vehicle access to the rear of the shops and it is appropriate that it is maintained for vehicle access, rather than vehicles accessing the site from St Georges Road. St Georges Road is in Road Zone Category 1 where it is policy to avoid new openings to a Road Zone and to utilise rear or side road access wherever possible.

The proposal should be on a larger consolidated site (the land will still be well below 15 metres in width)

The application proposes consolidation of two adjoining sites. Whilst the preferred frontage width of 20 metres for an apartment building under the Design and Development Overlay (DDO16) is not achieved, the Planning Scheme indicates that a less intense development may be appropriate on sites that are narrower. The DDO16 allows a height of up to five (5) storeys in this location where a four (4) storey height is proposed by the application. This is considered to be an appropriate design response to the constraints of the site and to planning policy.

Does not meet the decision guidelines under Clause 52.06-7 of the Darebin Planning Scheme

As can be seen in the assessment below, although a parking reduction is required, this is considered to be acceptable when taking into consideration the relevant objectives and decision guidelines of Clause 52.06.

The heritage of the shopping strip will be adversely affected

The site and neighbouring sites along St Georges Road are not located in a heritage overlay and may be demolished without planning permission.

Excessive height

As noted above, Design and Development Overlay 16 allows a height of up to five (5) storeys and, given the narrowness of the site, the four (4) storey height is appropriate.

Overdevelopment

Council must assess the proposal on its merits in the context of the site and area. The proposed development is a four (4) storey development in a commercial zone.

Notwithstanding the above, compliance with the Planning Scheme provisions is an established tool for determining whether a development is of an appropriate scale relative to the site and its specific context and characteristics. As can be seen in the assessment below, the proposal complies with the objectives and policies of the Planning Scheme and is not considered to be an overdevelopment.

Overlooking

Overlooking can be mitigated through screening measures. Any potential for overlooking which is not considered in the design can be addressed via conditions of any approval given.

PLANNING ASSESSMENT

Clause 13.03-1 – Use of contaminated and potentially contaminated land

The objective of the clause is to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely. Council must require the applicant to provide adequate information on the potential for contamination to have adverse effects on the future land use, where the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.

Council records and a site visit have confirmed that the land is being used for the purpose of a drycleaners.

Dry cleaning is identified in Table 1 – Potential for Contamination within the Practice Note for Potentially Contaminated Land June 2005 Department of Sustainability and Environment as having a “high” potential for contamination. Pursuant to Table 2 – Assessment Matrix, the appropriate assessment level for a high contaminating use is to require an environmental audit as required by Ministerial Direction No. 1 when a planning scheme amendment or planning permit application would allow a sensitive use to establish on potentially contaminated land. An environmental audit is also strongly recommended by the State Environment Protection Policy (SEPP) where a planning permit application would allow a sensitive use to be established on land with ‘high potential’ for contamination.

The requirement for either a Statement or Certificate of Environmental Audit will be included as a condition of any approval given.

Clauses 15.01-1 and 15.01-2 – Urban Design

The objectives of the above State policy coincide with and duplicate many of the requirements and objectives of both the Design and Development Overlay Schedule 16 which provide specific requirements for this precinct. Furthermore, Planning must consider, “as relevant”, the Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017). It is considered that the relevant structure and principles of the Guidelines are adequately considered in other sections of this report. The scale of the development and size of the site (approximately 395m²) results in a large proportion of the standards and principles not being of relevance to the application.

Clause 21.03 – Housing

The Strategic Housing Framework Plan illustrates the directions for residential land use and development in Darebin as set by the Darebin Housing Strategy (2013). This framework provides greater certainty as to where growth and change can be expected and the preferred scope of housing change in terms of the intensity and type of residential development to be encouraged in different areas. The framework plan also identifies three (3) Housing Change Areas, which apply to all land in the municipality that currently has a zoning that permits residential uses. These housing change areas are Minimal Housing Change, Incremental Housing Change and Substantial Housing Change. Being situated along a transport corridor, the subject site is located in a Substantial Housing Change area within the Framework plan.

Residential, commercial and designated activity centres that have the capacity to accommodate substantial residential development over time. Substantial Change Areas will support increased residential densities and increased housing diversity. It is expected that the character of these areas will change substantially in the future. The site is therefore considered suitable for a substantial increase in housing density.

The Darebin Housing Strategy 2013-2033 provides a housing change framework plan that indicates *"the appropriate level of change in terms of the intensity and type of residential development that could be accommodated in areas that permit residential use."*

The subject site is located in a Substantial Housing Change area in the Strategic Housing Framework Plan and is defined as:

"Residential, commercial and designated activity centres that have the capacity to accommodate substantial residential development over time. Substantial Change Areas will support increased residential densities and increased housing diversity. It is expected that the character of these areas will change substantially in the future." (Clause 21.03)

The Strategic Housing Framework Plan builds on the directions for residential land use and development in Darebin as set out by the Darebin Housing Strategy (2013). The policy states that Substantial Housing Change areas generally display one (1) or more of the following characteristics:

- *Have an evolving character where there is an eclectic mix of new and old forms of architectural style and housing typologies. This includes more recent apartment developments at higher densities and in mixed-use formats.*
- *Are identified locations for increased residential densities to support economic investment and growth in the La Trobe National Employment Cluster.*
- *Are within or immediately adjacent to activity centres that possess superior access to the Principal Public Transport Network.*
- *Have a frontage to a strategic corridor.*
- *Are generally within 400 metres of a train station or tram route.*

The scale and intensity of residential growth will differ across Substantial Change Areas depending on their strategic capacity to accommodate municipal growth and future housing needs as described at Clause 21.01-6. Generally, residential growth in Darebin adheres to the following hierarchy:

- *Preston Central and Northland East Preston Activity Centres.*
- *Reservoir and Northcote Activity Centres.*
- *Neighbourhood Centres.*

- *Strategic Corridors including Plenty Road and St Georges Road.*
- *Other substantial change areas as identified in the Strategic Housing Framework Plan.*

It is considered that the proposed mixed-use development of a four (4) storey building is appropriate for a Substantial Housing Change area. The proposal is considered to be largely acceptable in this context and is less than five-storeys allowed under the DDO16.

Clause 21.03-2 Housing Development: Objective 1 – Housing Provision

It is policy to ensure that the design of development at interfaces between Substantial Change and Incremental or Minimal Change Areas, or between Incremental and Minimal Change Areas, provides a sensitive transition, with particular consideration given to:

- Design and layout which avoids unreasonable amenity impacts on adjoining sensitive residential interfaces due to overshadowing, loss of privacy and unreasonable visual intrusion.
- Site orientation, layout and topography in determining the appropriate built form envelope and in assessing the impact of proposed development on adjoining amenity.
- Sympathetic response to the identified values of any adjoining heritage overlays.

The proposal, as discussed in elsewhere in this report, provides an appropriate transition in scale and avoids unreasonable amenity impacts on adjoining residential land.

Complies

Clause 21.03-2 Housing Development: Objective 2 – Housing Density

It is policy to achieve higher density housing outcomes in identified locations to accommodate Darebin's projected population growth.

The strategies are to support diversity in housing and support redevelopment at higher overall densities in Substantial Housing Change Areas and discourage underdevelopment in these areas. Other objectives at Clause 21.03-3 also ensure that housing diversity is increased and increase the supply of affordable housing in these areas.

Strategies at Clause 21.03-4 are *'to ensure Darebin's ability to meet its housing needs in activity centres, Substantial Change Areas and on Strategic Opportunity Sites is not compromised by the protection of neighbourhood character'*.

As the site is within a local convenience centre and has direct access to the Principal Public Transport Network there is policy support for these areas to accommodate increased densities and dwelling diversity, so that the character of the area will change over time and that existing character should not limit the ability to provide increased densities.

Complies

Clause 21.03-2 Housing Development: Objective 3 – Residential Amenity

It is policy to facilitate residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents. Mixed use developments are to be designed to provide adequate amenity to residences on the site, minimising the need for screening and limiting unreasonable negative amenity impacts on surrounding residential uses.

The proposed development is considered to meet policy objectives identified above in regard to the extent of impact it will have on surrounding residential land. It provides appropriate articulation and transition in building heights, with no overshadowing or solar access impacts on the adjacent dwellings located in the Neighbourhood Residential Zone (NRZ1).

Complies

Clause 21.04 – Economic Development

This policy is to enhance the viability of retail/activity centres in the municipality and places activity centres in a hierarchy. It generally encourages intensive use and development in and around activity centres and supports the accommodation of residential or mixed-use development. Additionally, retention and development of active frontages in activity centres is encouraged.

The Darebin Retail Activity Centres Strategy (a reference document at Clause 21.04-3 of the Planning Scheme) indicates that the site is in the St Georges Rd precinct (No. 50). The core role/function of the precinct is as follows:

'Local convenience role supported by IGA; retail on both side but primarily on west side; other non-retail uses include laundry, dry clean, tattoo, medical; many vacancies, and both sides have development opportunities.'

Clause 21.04-3 provides a number of policies with which use and development should comply. The proposal is considered to be acceptable in that:

- Mixed use developments development is encouraged in and around activity centres.
- Intensive development (including commercial and residential development) is to be facilitated in and around activity centres.
- Policy is to facilitate a higher intensity of activity in and around neighbourhood centres and local centres.
- There is an active frontage at ground floor, with access to the dwellings from the side. Additionally, a canopy may be incorporated in the design for weather protection, subject to conditions.

It is also noted that the residential entry does not dominate the street frontage and car parking, bicycle parking and waste storage located away from the public realm at the front. With the intensification of development/use on the site, the proposal provides increased use of services and facilities in the area.

It is considered that the proposal complies with the policy requirements of Clause 21.04.

CLAUSE 22.06: Multi Residential and Mixed Use Development

Objectives:

- *To facilitate residential and mixed use development which promotes housing choice, displays a high standard of urban design, limits off-site amenity impacts, and provides appropriate on-site amenity for residents.*
- *To facilitate development that demonstrates the application of environmentally sustainable design principles.*
- *To facilitate a high quality street edge that relates to the public realm.*
- *To encourage efficient design outcomes that consider the development potential of adjoining sites.*

- *To encourage the consolidation of lots to facilitate better design and amenity outcomes for higher density development in locations where substantial housing change is directed.*

This policy applies to mixed-use development (that includes a residential use) and multi-dwelling apartment development in a Residential Growth Zone, Mixed Use Zone, Commercial Zone, Priority Development Zone and a General Residential Zone (excluding land within DDO14 Northcote Major Activity Centre. It provides the following policy direction with regard to development.

The assessment against the policy objectives and design guidelines is as follows:

Element	Comment	Compliance
Sustainability	<p>The development provides shared floors, internal stairs, multi storey construction, all of which contribute to energy efficiency.</p> <p>In general, adequate natural light and ventilation is available to all habitable rooms within the dwellings.</p> <p>Cross-ventilation is available to all dwellings which have windows to a primary street or rear orientation with operable windows to light courts through the dwellings' footprint.</p> <p>Natural daylight access is acceptable subject to conditions as follows:</p> <ul style="list-style-type: none"> • Introduction of operable highlight windows to the ground floor western wall of car park to provide ventilation and daylight access to this area. • Install operable windows to the Shop for passive ventilation. • Introduction of highlight windows to Unit 3's southern kitchen wall and Unit 4's northern kitchen wall. <p>A Sustainable Design Assessment will be required by condition.</p>	Complies subject to condition
Design and Materials	<p>The design does not mimic the existing character of the area and provides an appropriate infill development.</p> <p>The development is proposed to be four (4) storeys and maintains a three (3) storey street wall, with the height stepping down at the rear, to provide a graduated increase in height over adjoining lower scale building forms. This provides an acceptable transition and respects the preferred character of the area.</p> <p>The proposed relationship to adjoining properties is therefore appropriate, given the site context.</p> <p>The development exhibits an acceptable standard of design, materials of construction and external finishes comprised of render and lightweight cladding. It is expected that the palette of materials and finishes be improved to provide a more robust and durable shell. This can be requested via conditions.</p>	Complies subject to conditions

Element	Comment	Compliance
	<p>Subject to conditions, the exposed southern walls on the boundary can be treated to improve the presentation of the development over adjoining buildings.</p> <p>The proposed design provides an active street frontage, awning to the façade (shown on the elevations but not the plans), passive surveillance, articulation through setbacks and articulation. The awning is to be set back at least 0.75 metres from the kerb edge with a minimum height of 3 metres above the level of the footpath. This can be requested via conditions.</p> <p>Further detail of air conditioning and plant may be requested via conditions of any approval.</p>	
Building Height	<p>A consideration of height requires a balanced deliberation of all the related policy drivers such as: urban design; policy direction; housing diversity; affordability; and urban consolidation. Furthermore, the consideration of height should be balanced against the design and massing of the building and its response to the preferred character, including adjacent dwellings.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations well served by public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive scale and built form.</p> <p>At a local planning level, there is a preferred character for higher scale development on this site and in the area.</p> <p>Surrounding development is predominantly single and double storey in scale with an emerging character of three or more storeys with more recent development. The preferred character of higher scale development in the area.</p> <p>A height of up to five (5) storeys is envisaged in the Design and Development Overlay (Schedule 16).</p> <p>The proposed four (4) storey building height is 13.8 metres and is not excessive, having regard to the scale envisaged in an activity centre. Importantly, it also provides an appropriate graduated height increase over the adjoining residential land to the west, as it steps down at the rear.</p> <p>Therefore, the height of the development is considered to be appropriate.</p>	Complies
Dwelling diversity	<p>The development provides a diversity of layouts comprising five one-bedroom and five two-bedroom dwellings with a variety of configurations and offering dwelling diversity in a predominantly detached dwelling area. The layouts are such that adjoining units may, as required in the future, be consolidated to form larger dwellings.</p>	Complies

Element	Comment	Compliance
<p>Parking and vehicle access</p>	<p>Vehicle access is appropriately provided via the Right of Way to the rear.</p> <p>The parking is at the rear and is not a dominant feature. The vehicle access and rear parking are acceptable.</p> <p>The layout and access of the mechanical stackers has been assessed by Council and considered to comply with relevant Australian Standards and Clause 52.06 of the Darebin Planning Scheme.</p> <p>The parking area would benefit from natural daylight and option to naturally ventilate the car park. This can be achieved with the provision of highlight windows/grilles on the western wall.</p> <p>Bicycle parking is provided on site near the apartment entry and will need to be dimensioned to provide appropriate access and space in accordance with Australian Standard 2890.3:2015. A request will be made to provide visitor bike parking to offset the reduced parking rate for visitors. Bicycle parking can either be provided on site; or off site by Council subject to cycling infrastructure fees.</p> <p>(Refer to further discussion under Clause 52.06 and 52.34 assessment in later sections of this report)</p>	<p>Complies</p>
<p>Street address</p>	<p>The proposal meets the policy guidelines in respect to street address in that the retail premises has an active street frontage and the residential addresses are via a smaller side entrance.</p> <p>Weather protection, subject to conditions, can be provided in the design.</p> <p>The proposal provides good pedestrian access directly from the street frontage.</p> <p>The dwellings provide windows and balconies to the street frontages for passive surveillance.</p> <p>The apartment entry recess is greater than 300mm and has the potential to create an unsafe alcove. However, the alcove's visibility and safety can be improved through the provision of glazing to the north-east wall of the entry area and the relocation of the mailboxes further west on the dividing wall between the shop and entry lobby.</p> <p>Mailboxes may be located to the entry area and the entry area may be adequately lit.</p> <p>To ensure that the frontage is not dominated by services, a condition of any approval will request that all services, such as metres, hydrants etc. are appropriately screened from public view.</p>	<p>Complies subject to condition</p>
<p>Amenity Impacts Including Overshadowing and Overlooking</p>	<p>Overlooking of adjoining sites to the north and west are discussed separately in later sections of this report under "Overlooking". Overlooking can be managed subject to conditions.</p>	<p>Complies subject to condition</p>

Element	Comment	Compliance
	<p>With regard to overshadowing, the adjoining site to the south is zoned Commercial 1 with an existing commercial and dwelling uses on the site. Overshadowing of a dwelling in Commercial 1 zoned land is not a relevant consideration as the southern adjoining site is currently undeveloped and any future development is also likely to see the construction of a wall on the common boundary.</p> <p>To the west beyond the Right of Way is the side wall of the adjoining dwelling with its secluded private open space area to the rear. The majority of the proposed development is positioned opposite the side wall of the adjoining dwelling. Overshadowing to the secluded private open space area will occur during the morning period predominantly between 9:00am and 10:00am, after which time shadows will generally fall on the land forming the Right of Way and a narrow section of the adjoining secluded private open space area. For the remainder of day and the afternoon, the proposal will not adversely affect the dwelling to the west. It is considered that the adjoining western dwelling will continue to have an acceptable level of sunlight to its secluded private open space area given the depth and width of the area.</p>	
<p>On-Site Amenity and Facilities, including Private Open Space</p>	<p>Private open spaces are provided in balconies of 8 square metres or greater and are considered to be acceptable, as they are well integrated with principal living areas, have varying aspects and provide sufficient amenity, in compliance with Clause 55.05-4. Private open space allocation is detailed in later sections of this report.</p> <p>The dwellings are located to the upper floors and access is via a lift and stairs to all levels. The proposal will be accessible to people with limited mobility, in compliance with Clause 55.05-1.</p> <p>The dwellings have an appropriate sense of address and entry, in compliance with Clause 55.05-2.</p> <p>Habitable room windows will have access to natural light and ventilation and will face an appropriate outdoor area in compliance with Clause 55.05-3.</p> <p>External storage areas are shown at ground floor. Clause 55.05-6 requires adequate storage facilities be provided for each dwelling. 10 storage units with a capacity of 6 cubic metres are shown. The storage units need to be labelled to show allocation to each dwelling. This can be requested via conditions.</p> <p>The dwellings have good access to daylight and ventilation.</p> <p>Weather protection may be incorporated to the private open space areas via conditions.</p> <p>A single communal antenna may be required by condition.</p> <p>It is noted that the necessary internal facilities for the Shop such as WC, kitchenette, storage etc. are not shown on the plan. These details will be requested via conditions.</p>	<p>Complies subject to conditions</p>

Element	Comment	Compliance
Waste Management	<p>An area to store waste and recyclables is provided at ground level.</p> <p>A Waste Management Plan has been provided which indicates that waste will be collected by a private contractor. The WMP has been assessed by Council and is considered to be acceptable.</p>	Complies
Equitable Access	<p>Lift access is provided to all levels.</p> <p>The ground floor of the development is accessible to persons of limited mobility. Appropriate disabled access may be provided to the commercial premises. The pedestrian ramp providing access to the lobby must be graded no steeper than 1:14 in accordance with AS1428.1:2009. This can be requested via conditions.</p> <p>The upper level is provided with lift access.</p>	Complies subject to conditions

Clause 34.01 – Commercial 1 Zone

The site is located in a Commercial 1 zone where the purpose is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The shop use does not require a permit and the use of the site for accommodation does not require a permit (as the proposed dwellings do not have a frontage at ground floor level that exceeds 2 metres) in a Commercial 1 zone.

A permit is required for buildings and works.

Whilst less weight is placed on amenity considerations in a Commercial 1 Zone than in a Residential Zone, this is generally the case where there is no direct abuttal with residential zoned land. Amenity considerations are expressed via the application of overlay controls such as the DDO in this instance, to protect the amenity of directly adjoining residential zoned land.

Immediately abutting residential uses in a Commercial zone can expect to experience some loss of amenity to allow efficient use of the site, however consideration needs to be given to equitable development on such sites where they are undeveloped.

The zoning controls include decision guidelines when assessing planning permit applications for use and buildings and works. The following is a summary assessment against the decision guidelines:

- As can be seen above, the site is located in a local convenience centre, where policy encourages redevelopment for commercial and more intense residential purposes. The proposal provides additional housing in an area capable of supporting increased densities. It provides appropriate retail and residential uses of the site, with an active façade and an appropriate design. The residential use is appropriate for the site and area, given the site is in an established residential and commercial precinct. In this

respect, the proposal complies with the SPPF and the LPPF, in that the development provides an acceptable retail and residential use.

Although the site is in a Commercial 1 zone, it is adjacent to a residential zone to the west. Nevertheless, it is sensitive to impacts on the adjacent dwellings as the site is separated from the adjacent dwellings by a right of way, so that the development form and scale is appropriate (See discussion under the DDO assessment in earlier sections of this report). In addition, the building provides an appropriate transition to the dwellings to the west.

- The design provides adequate movement for pedestrians as well as vehicle access from the rear, via the Right of Way.
- Car parking provision is considered below and the parking reduction is considered to be acceptable.
- The proposal provides an active façade with a shopfront and awning, subject to conditions. Appropriate access is provided to the street frontage for the shop and the entry for the residential use is to the side. Adequate articulation is provided in the design, with appropriate setbacks and varied materials to the front, sides and rear. Improvements to the side and front facades will be requested via conditions (see discussion in earlier parts of this report).
- The design provides space for storage of garbage and recyclables in the bin store area.
- In looking at the effect on the adjoining residential zone, the following is considered:
 - Overlooking to the west is addressed by screening to 1,700mm in height.
 - Overshadowing to the west will occur in the mornings; however, at midday and in the afternoon, the proposal does not adversely affect the dwellings in the residential zone.
- The site has access to drainage and services.
- The dwellings are provided with appropriate solar access.
- The relevant objectives, standards and decision guidelines of Clause 55 are addressed in later sections of this report.

Clause 43.02 Design and Development Overlay Schedule 16 (DDO16) – St Georges Road Corridor:

The subject site is within the Bent Street to Woolton Avenue Precinct as shown on Map 4 of Schedule 16 to the DDO. The Map shows a height limit of 5 storeys and a rear setback envelope (unless otherwise specified) of 45 degrees for the subject site. The precinct seeks active frontages to St Georges Road. The development is less than the maximum allowable height at four storeys; and satisfies the rear setback envelope of 45 degrees as well as providing an active street frontage.

The design objectives encourage urban redevelopment that achieves higher densities via lot consolidation and encourage high quality development. Design objectives are also to promote active modes of transport, support activating areas along St Georges Road and improve visual amenity, via high quality urban design and architecture. Development is to achieve a balance between intensification and off-site amenity impacts. In addition, the cumulative effect of development is to lead to the creation of high quality design outcomes, including ensuring similar future development potential on adjoining land. A high standard of pedestrian amenity is to be achieved. Other objectives encourage adaptable building layouts, transition in scale along the side streets, dwelling diversity. In addition, rear building setbacks are not to be visually dominant to adjoining residential sites and are to be sympathetic to the topography of the land, stepping up or down with the fall of the land.

Parking and access design objectives are to provide effective bicycle and vehicle parking and access; to maximise the retention of existing on street car parking spaces; and to avoid proliferation of vehicle crossovers.

These objectives are discussed below.

2.1 General Building Envelope Requirements

Clause 2.1.1 this Overlay indicates that land in the Commercial 1 zone should have a minimum frontage width of 20 metres. The subject site does not achieve the frontage width requirements; however, this is not mandatory and further consolidation beyond the already proposed consolidation of two lots cannot be forced to occur. Importantly this Clause notes that:

“Where a development does not achieve the frontage width requirements above, it must demonstrate, to the satisfaction of the Responsible Authority, how the proposal intends to achieve exemplary design outcomes. Such a development may not be eligible to build to the maximum height.”

This indicates that a lesser frontage width may be acceptable. In this instance, the frontage is considered to be acceptable and the development provides an appropriate design outcome, noting that the proposed height is less than the maximum preferred height under the Overlay. The reduced height provides a balance between available site width and development opportunity.

In addressing the Buildings Setbacks at Clause 2.1.3, in a Commercial 1 or Mixed Use Zone 1, the front setback from St Georges Road should be zero for the first four storeys (inclusive). The proposal provides a street wall height of three storeys with a recessed upper level, which is acceptable given the adjoining site to the north is three storeys and the adjoining site to the south is single storey in height.

Where active frontages are required to St Georges Road, the street wall should be constructed boundary to boundary. At ground floor, the street wall is proposed boundary to boundary; at upper levels the balconies provide a recess to the side boundaries. The recess is also required to allow the necessary light courts to the northern adjoining habitable room windows as well as habitable room windows within the development. This is considered to be an appropriate design response given the context.

The site abuts a residential site to the rear. The 3.05 metre wide Right of Way provides appropriate separation at the ground floor level. The first floor of the development must be set back by 5.5 metres (including a laneway). The setback provided is 5.13 metres including the laneway. Whilst the setback at first floor is not met, the 5.13 metre separation is considered acceptable in that:

- The development achieves a 45 degree setback envelope to the rear.
- The deficiency of 0.37 metres is minor.
- The adjoining dwelling's side wall interfaces the Right of Way with the dwelling's primary orientation being toward Emmaline Street and the rear private open space. To enforce a compliant setback would result in reduced internal amenity for the development without significant benefit to the adjoining western property.

The proposed dwellings are appropriately oriented towards front and rear boundaries, to provide a high level of unobstructed daylight access. In addition, upper levels are adequately set back to allow daylight access to dwellings at lower levels, and allow an outlook for dwellings. Light-courts are provided for central bedrooms, which are adequate in area. It is considered that the proposed dwellings will have appropriate levels of amenity, daylight and outlook and have regard to the future development of adjoining sites. It is noted that the windows to the living rooms of Dwellings 7 and 8 are incorrectly represented, showing dotted lines below a boundary wall. There are no boundary walls opposite these windows. A condition of any approval will seek a correction.

The provisions under the DDO require that development is designed and sited so that adjacent lots can be developed in a similar manner, creating a cumulative development patterns (i.e. consistent street edge, mid-lot separation of built form, and/or light court locations and side setbacks as described in this schedule). If the adjoining allotments were to be developed in a manner encouraged by the DDO, the amenity, daylight and outlook of the proposed dwellings would not be significantly impaired.

In looking at the site coverage, permeability and walls on boundaries requirements at Clause 2.1.4, the following is noted:

- Site coverage of 100% is allowed in the Commercial 1 Zone, the proposal provide a site coverage of 100%.
- Permeability of 0% is allowed in the Commercial 1 Zone, the proposal provides 0% permeable surfaces.
- Boundary walls may be constructed along 100% of the side boundary in the Commercial 1 Zone; walls on boundaries are intermittent and correspond to light courts on the adjoining site.

2.2 Building Design requirements

The building mass is directed towards St Georges Road. The proposal allows a commercial space at ground level and the floor to ceiling height at ground level is commercial capable. The proposal also provides a variety of residential layouts that allow for the combination and/or separation of units over time e.g. adjoining units may be at a future date be consolidated, subject to Building and further Planning approvals.

The building design achieves a fine grain streetscape rhythm and the façade is reasonably articulated. Additional articulation of the central street wall at Levels 1 and 2 will be requested via conditions to ensure a finer grain treatment and high quality material present to the street. The building design requirements encourage visual interest to be derived from articulation, with a suitable ratio of solid and void elements; well-considered horizontal and vertical building elements; visual interest through fenestration, balconies and architectural features. However, it is considered that the walls to the side boundaries (above the buildings on adjoining allotments) must be appropriately treated/articulated to address visual bulk.

The proposal maintains an appropriate shopfront and a continuous street edge from boundary to boundary at ground level. The windows and balconies to the upper floor levels also activate the public realm. A street canopy is shown to the front to provide weather protection to pedestrians and users of the development. Conditions will ensure it is set back from the kerb by 0.75 metres. Site services and plant are to be subject to condition. The residential entry does not dominate the frontage. The privacy screening can be designed to integrate into the building and allow distant views (subject to conditions), whilst preventing overlooking and allow for a high level of direct daylight access.

As the site has a frontage to St Georges Road, further measures should be shown to mitigate impacts from noise sources such as the road, trams etc. In addition, noise from the lift to adjacent habitable areas must be addressed.

2.3 Access and parking

The proposal provides appropriate and clear pedestrian access from the front. The common areas are legible and convenient. Bicycle parking is clearly located and convenient to the street and dwellings. The proposal provides appropriate and clear vehicle access, via a rear Right of Way. Bicycle parking is required to meet the design requirements of the relevant Australian Standard.

Decision guidelines

In considering the decision guidelines, it is considered that the objectives and design requirements of the Schedule have been met, in particular:

- The land has been consolidated to create a larger parcel, achieve dwelling density and the proposal achieves an acceptable quality design outcome;
- The development is of acceptable architectural quality and contributes to the quality of the streetscape and pedestrian environment;
- The proposal provides an acceptable design response, with: adaptable floor layouts; front and rear facing dwellings (reducing the reliance on side facing light courts); siting and massing that allows for replication on adjoining sites, with a positive cumulative effect;
- The pedestrian access is logical, with appropriate straight sightlines, light access;
- The objective of the rear setback requirement specified in subclause 6.0 is considered to be satisfied;
- There is no vehicle access directly to St Georges Road; and
- The development achieves a transition in scale at the zoning interface.

Clause 52.06 – Car Parking

Table 1 to Clause 52.06-5 sets out the car parking requirement that applies to a use listed in the Table, as follows:

Use	Rate	Area/Number	Required	Provision
Shop	4 spaces per 100m ²	78m ²	3 spaces	1 spaces
Dwelling	1 space per 1 or 2 bedroom dwelling	10 dwellings	10 spaces	10 spaces
	1 space per 5 dwellings for visitors		2 spaces	0 spaces
Total			15 spaces	11 spaces

The proposal provides a total of eleven (11) car spaces, with ten (10) spaces for the dwellings and one (1) for the shop. Therefore, a reduction of four car spaces is sought.

The reduction of car parking is considered acceptable on the basis of the following:

- The ten parking spaces allocated for the residential use meets the residential parking requirement of the Darebin Planning Scheme.

- The development is expected to generate a demand for one visitor car parking space. Restricted parking on St Georges Road and unrestricted parking on Emmaline Street and Beaconsfield Parade is expected to accommodate the visitor parking demand.
- It is expected that the long term parking demand for the retail use (staff) will be met on site.
- The net leasable floor area of the retail tenancy is less than the existing retail and office use. It is therefore expected that the retail tenancy will generate a lower customer car parking demand than the existing use. The existing land use does not provide on-site customer car parking with customer needs met by available on-street parking. The proposed retail tenancy is not expected to increase the customer car parking demand on the surrounding road network.
- The proposed retail tenancy is not considered to be a 'self-attractor' – rather, servicing nearby residents or visitors, and along with the site's proximity to public transport means that this aspect of the proposal is unlikely to generate significant additional car parking, through either customers or staff.
- The site has excellent access to the metropolitan public transport network and surrounding bicycle network, which is expected to reduce dependence on private motor vehicle.
- The long-term parking demands associated with residents and staff will be accommodated off-street. Any overspill of parking will be generally short term – customers and visitors and this can be accommodated within available on-street parking vacancies.

Overall, it is considered that the reduction of the car parking is generally acceptable, provided conditions ensure allocation of parking remains as shown on the plans, with 10 spaces for the dwellings and one car space for the shop.

Complies

Clause 52.06-9 - Design Standards for Car parking

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2 of Design Standard 2 of the Planning Scheme.

Only one 'standard' parking space is proposed with all remaining parking spaces provided in car stackers. The standard parking space will double as an accessible parking space and the dimensions accord with the requirements of AS2890.6:2006.

Appropriate ingress and egress from the car parking spaces has been reviewed. Access to the car parking spaces has been demonstrated to be satisfactory.

On occasion users may be required to undertake one to two corrective movements or find it easier to reverse into parking bays. This is permitted in Australian Standard 2890.1:2004 for User Class 1A (residential, domestic and employee) parking.

The headroom to be provided above the car parking spaces is 3.7 metres which exceeds the requirements of AS2890.1:2004. The headroom at the entrance to the ground level parking will be 2.6 metres.

The parking aisle has been extended 1.0 metre beyond the last parking space in a parking aisle as per 2.4.2(c) of AS2890.1:2004.

Mechanical parking may be used to meet the car parking requirement provided:

- *At least 25% of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8m.*
- *Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.*
- *The design and operation is to the satisfaction of the responsible authority.*

The applicant has nominated the Car Stackers Australia 2-Park Car Stacker system. This system allows for two independent car parking spaces without the need for a pit, due to a descending upper platform incorporating a turntable that enables vehicles to access the upper spaces at 90 degrees.

A review of the technical data indicates that the system will provide a width of 2.64 metres per bay, equating to a useable platform width of 2.4 metres as per AS2890.1:2004. The maximum vehicle height on the lower platform is 1.5 meters while the upper platform can accommodate vehicle heights of 1.0 metre, exceeding the requirement for 25% of spaces to be capable of accommodating a vehicle of at least 1.8 metres high.

A combined length of 10.55 metres is required to operate the system, and for the descending upper floor to fully descend. A review of the development plans indicates a length of 11.28 metres has been provided within the ground floor.

Complies subject to conditions

CLAUSE 52.07 – LOADING AND UNLOADING OF VEHICLES ASSESSMENT

The purpose of the clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

Clause 52.07 of the Planning Scheme applies to land uses for the manufacture, servicing, storage or sale of goods or materials. For such uses, loading areas are to be provided as per the below table:

FLOOR AREA OF BUILDING	MINIMUM LOADING BAY DIMENSIONS	
2,600 sq m or less in single occupation	Area	27.4 sq m
	Length	7.6 m
	Width	3.6 m
	Height clearance	4.0 m
For every additional 1,800 sq m or part	Additional 18 sq m	

The driveway to a loading zone is to be at least 3.6 metres wide.

This requirement is technically applicable to the shop/retail component of the development, and as a loading bay is not being proposed, a waiver of this requirement is being sought.

Given the size of the tenancy and the land area of the site, it is expected that loading events would only be minor and therefore more appropriately would occur either on-site or on-street. This requirement can therefore be waived in this instance.

Clause 52.34 – Bicycle Facilities

Bicycle parking is required as follows:

Use	Rate	Number	Required
Shop	None if floor area <300m ²	-	-
Dwelling (four or more storeys)	Resident 1 to each 5 dwellings Visitor 1 to each 10 dwellings	10 dwellings	2 spaces 1 spaces
			3 spaces

The plans show four (4) spaces to the ground floor. Dimensions of the bicycle spaces are to be in accordance with Australian Standard 2890.3:2015.

Given the car parking reduction sought to the shop, 1 visitor bicycle parking space (at grade not wall mounted) is to be provided on the site or a contribution made to cycling infrastructure in lieu if the space cannot be provided on site. This is to be included as a condition on any permit issued.

Clause 55.04-6 B22 Overlooking

There is deemed to be potential for overlooking toward the northern and western adjoining properties.

North

Within the adjoining northern development, there are three light courts along the common boundary servicing habitable room windows. The proposed development aligns its light courts for bedroom windows with the existing adjoining light courts to ensure daylight on both properties is not unreasonably compromised. The simultaneous light courts are maintained for the full height of the development.

At the First Floor Level, the development proposes 1.7 metre high screens along the common boundary to prevent overlooking toward the northern habitable room windows. Details as shown on the drawings indicate that screens will be comprised of upward angled louvres.

At the Second Floor Level, the development proposes 1.7 metre high screening to the northern living room and balcony edge of Dwelling 8; the eastern Bedroom 1 window of Dwelling 8 and the similar screening to the northern and eastern windows of Dwelling 5. Details as shown on the drawings indicate that screens will be comprised of upward angled louvres.

At the Third Floor Level, the northern windows of Dwellings 9 and 10 will require screens to prevent downward views of the adjoining habitable room windows. Similar to those shown for the rest of the development, louvered screens to a height of 1.7 metres above finished floor level providing upward views only will be requested to prevent overlooking.

West

To the west, there is potential for overlooking from the first and second levels toward a small section of the secluded private open space area and habitable room window of the adjoining western dwelling. Overlooking from the Third Floor Level is not considered to be applicable as the balcony edge and windows of Dwelling 10 are located more than 9 metres away from the adjoining sensitive windows and private open space area.

Therefore the screening which is shown to the western balcony edge of Dwelling 10 can be removed and improve the outlook and amenity for this dwelling.

At the First Floor Level, the plans should show the location and extent of screening. A return is required at the south-west corner of the balcony to Dwelling 3, to the extent that it can prevent overlooking of the adjoining secluded private open space area. These can be requested via conditions.

At the Second Floor Level, the screen along the western balcony edge of Dwelling 7 is required to return along the southern edge of the balcony and can be requested via conditions.

Clause 55.04-7 B23 Internal Views

There is potential for internal overlooking as follows, and screening is to be requested via conditions.

At Second Floor Level, Dwelling 7 and Dwelling 8, west facing kitchen windows and the southern side of the balcony of Dwelling 10 have the potential to overlook the lower level balcony areas of Dwellings 3 and 4 respectively. Screening can be requested via conditions.

Clause 55.05-4 B28 Private Open Space

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

This is achieved through the provision of a balcony with a minimum area of 8 square metres having a minimum width of 1.6 metres and convenient access from a living room.

	Total POS (square metres)	Secluded POS (square metres)	Minimum dimension of secluded POS
Dwelling 1	13.7	13.7	1.6 – 2.0 metres
Dwelling 2	13.7	13.7	1.6 – 2.0 metres
Dwelling 3	21.5	11.6	2.08 metres
Dwelling 4	21.5	11.6	2.08 metres
Dwelling 5	8.0	8.0	1.6 – 2.0 metres
Dwelling 6	8.0	8.0	1.6 – 2.0 metres
Dwelling 7	9.7	9.7	2.4 metres
Dwelling 8	9.7	9.7	2.4 metres
Dwelling 9	8.6	8.6	2.24 metres
Dwelling 10	18.5	18.5	2.3 metres

All secluded private open space areas have direct access to a living room.

Conditions of approval can request full dimensions of the private open space areas.

The western balconies of Dwellings 3, 4, 7, 8 and 10 show planter boxes along the edge of the balconies. To avoid the sense of enclosure and no views due to narrow balcony width and screening, it is preferable that the balcony depth be increased by removing the planter boxes.

An increase in balcony depths from approximately 2 metres to 2.4 metres would ensure a sense of spaciousness to the balcony area and living areas. This can be requested via conditions. Any planting within the balcony areas can be installed in pots as required by future residents.

Complies subject to conditions

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation that stormwater discharge from the site is to be constructed to Council requirements.
Transport Management and Planning	No objection, subject to condition included in recommendation: a. The pedestrian ramp providing access to the lobby must be graded no steeper than 1:14 in accordance with AS1428.1:2009. b. All bicycle parking is to be installed in line with Australian Standard 2890.3:2015.
Waste Services	No objection, subject to condition included in recommendation that waste collection from the site is to be in accordance with the Waste Management Plan accompanying the application.
Property Officer	No objection. It is confirmed that the right of way adjoining the property is a Council constructed and maintained road which is currently used by the abutting properties and is also in Council's register of public roads.
Urban Designer	No objection, subject to conditions included in recommendation detailing changes to the rear setback, window design to improve daylight access, façade materials, and provision of an acoustic report requesting attenuation measures for habitable rooms adjoining the lift/stair core and mechanical car parks.
ESD Officer	The Sustainable Design Assessment (SDA) submitted with the application is not satisfactory. A fresh SDA will be requested via conditions. Other comments in relation to built form to enhance ESD outcomes are discussed within the body of the report and recommended to be included as conditions of any approval given.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 34.01-4 (Commercial 1 Zone) - A permit is required to construct a building or construct or carry our works.
- Clause 43.02 (Design and Development Overlay - Schedule 16) - A permit is required to construct a building or construct or carry out works.
- Clause 52.06 (Car Parking) – A permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

- Clause 52.07 (Loading and Unloading of Vehicles) – A permit is required to reduce or waive the loading bay requirements.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 11.03, 11.06-2, 11.06-5, 11.06-6, 13.03-1, 15.01-1, 15.01-5, 15.02, 16, 17.01, 19.03-1
LPPF	21.02-3, 21.02-6, 21.03-2, 21.03-3, 21.03-4, 21.04, 21.04-3, 21.05-2, 22.06, 22.12
Zone	34.01
Overlay	43.02, 45.06
Particular provisions	52.06, 52.07, 52.34, 55 (as relevant)
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.

The development is also required to provide a Sustainable Design Assessment.

Social Inclusion and Diversity

Nil

Other

Transitional Arrangements Amendment VC136

Clause 58 and the amended Clause 55 (including Clause 55.07) do not apply to applications lodged before the introduction of Amendment VC136 on 13 April 2017. The application was lodged on 17 February 2017 and is exempt from assessment against these Clauses.

Whilst the above transitional arrangement is Clause 34.01-8 (Commercial 1 Zone) states that the objectives, standards and decision guidelines of Clause 55 do not apply to an apartment development, some of the relevant standards and objectives of Clause 55 are picked up by Clause 22.06 under which the development is to be assessed. See assessment in earlier sections of this report.

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.

Attachments

- Aerial Photo (**Appendix A**) [⇒](#)
- Development Drawings (**Appendix B**) [⇒](#)

**5.8 APPLICATION FOR PLANNING PERMIT D/1015/2016
429 Heidelberg Road, Fairfield**

Author: Principal Planner

Reviewed By: Director Corporate Services

Applicant	Owner	Consultant
Travis Finlayson Ratio Consultants	ELfah Pty Ltd	Travis Finlayson Ratio Consultants

SUMMARY

- Change of use from a hotel to a restricted place of assembly.
- Change to the type of liquor license from a general license to a club license.
- The site is zoned Industrial 3 (south section) and Residential Growth Zone - 3 (north section) and is affected by the Heritage Overlay, Design and Development Overlay (Schedule 20) and the Public Acquisition Overlay.
- There is no restrictive covenant on the title for the subject land.
- One (1) objection was received against this application.
- The proposal is generally consistent with State and Local planning policy and the relevant zone and overlay provisions.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was not required to be referred to other Council units.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/1015/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as TP05 Rev B prepared by the TM Design Group dated July 2016).
- 2) The layout of the uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3) This Permit will expire if the use is not started within three (3) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

- 4) The use may operate only between the hours of 7:00am to 3:00am Monday to Sunday and 7:00am to 11:00pm Sunday.

- 5) The number of patrons on the premises at any one time must not exceed 780.
 - 6) A sign or signs must be displayed at the exit/s to the building requesting that patrons leave the site promptly and in a manner that does not cause disturbance to the amenity of the neighbourhood.
 - 7) At all times during the operation of the use, appropriately trained staff must be provided by the operator of the use to ensure that:
 - (a) Patrons leave the premises and its car park in a quiet and orderly manner so that disturbance is not caused to the amenity of the neighbourhood; and
 - (b) Patrons do not loiter around the premises or its car park.to the satisfaction of the Responsible Authority.
 - 8) Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 - 9) The amenity of the area must not be adversely affected by the use or development as a result of the:
 - (a) Transport of materials, goods or commodities to or from the land; and/or
 - (b) Appearance of any building, works, stored goods or materials; and/or
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orin any other way, to the satisfaction of the Responsible Authority.
 - 10) Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
 - 11) Noise from the premises must not exceed the relevant limits prescribed under State Environment Protection Policy (Control of Music Noise from Public Premises) N-2.
-

INTRODUCTION AND BACKGROUND

The property opened as a hotel in 1888 and has existing use rights for a hotel. Numerous planning applications are on Council's system from the 1960s for signage and buildings and works for alterations and minor additions to the existing hotel. Given the existing use rights enjoyed by the hotel there are no planning permit conditions restricting the use (eg. hour of operation, patron numbers, staff etc).

Late night (general) Liquor Licence No. 31906576 allows a maximum of 780 patrons for the following trading hours:

- For consumption off the licensed premises:
- Sunday Between 10am and 11pm.
- Good Friday and Anzac Day between 12 noon and 11pm.
- On any other day between 7am and 11pm.

From the bottle shop for home delivery of liquor in sealed containers, bottles and cans provided that the bottle shop is not physically accessible to patrons:

- Thursday, Friday and Saturday (excluding Good Friday) between 11pm and 1am the day following.

For consumption on the licensed premises -

- Sunday between 10am and 11pm.
- Good Friday between 12 noon and 11pm.
- Anzac Day between 12 noon and 1am the day following.
- Monday to Wednesday between 7am and 1am. the day following.
- Thursday to Saturday between 7am and 3am the day following except for Good Friday morning.

It is noted that any amendment to this liquor licence would not require a planning permit.

On 16 October 2012 the Victorian Commission for Gambling and Liquor Regulation (VCGLR) decided to grant an application to operate 50 Electronic Gaming Machines (EGM) at the Grandview Hotel. The Commission considered that the proposal would be likely to result in a net social and economic benefit to the community. The Commission noted that while it reduced the weight that it placed on Council's Social and Economic Impact Assessment (SEIA) submissions, due to its inability to question the author of the SEIA, it did refer to the document having "considerable academic and intellectual merit" and did have some regard to this evidence. In the Commission's reasons, Council was also commended for investigating the relevant aspects of the proposal before resolving to oppose the application.

The Commission regarded that there would only be a minimal increase in the risk to problem gambling arising from this proposal. In this regard, the Commission's reasons refer to the existing exposure of residents to EGMs, the operator's responsible service of gambling policies and procedures and its directors' commitment to mitigating the risk of problem gambling. The redevelopment of the Hotel and the additional employment positions created were also considered to be a benefit of the proposal.

The Commission acknowledged that the removal of the upstairs residents at the Hotel is a social dis-benefit, however appeared to be satisfied with the arrangement to relocate the long-term residents elsewhere. The creation of additional jobs and the community contribution offered by the Applicant were both considered to be economic benefits. The Commission also encouraged Council to take an active role in the committee established for the allocation and distribution of these funds.

On 12 November 2012 Council applied to the Victorian Civil and Administrative Tribunal (VCAT) to overturn the Commission's decision.

At the direction of the Victoria Civil and Administrative Tribunal Council in August 2013 Council issued planning permit D/404/2012 for alterations and additions including exterior painting to the Grandview Hotel, 429 Heidelberg Road, Fairfield, together with the installation of 50 electronic gaming machines.

The key findings of the Tribunal were as follows:

- The Hotel was not located in a convenient location.
- The adjoining commercial premises and highway oriented use do not generate significant pedestrian traffic.
- The trade area of the venue is significantly less disadvantaged than Darebin as a whole and is less likely to generate significant problem gambling.
- The evidence does not show any significant presence of sensitive uses.
- The premises are appropriate as it provides a full range of facilities and services to patrons.

- The Tribunal commented that the premises are a prominent social and physical landmark and its retention as a functioning venue will be of general benefit to the community.

In July 2017 VCAT issued an order for Council to extend the expiry date for planning permit D404/2012 following Council's decision to refuse the extension of time request. Council refused the extension of time request on 13 February 2017, citing amongst other things, social research linking problem gambling and family violence and policy changes in its reasons for the permit not being extended. The Tribunal in its decision concluded that it was not convinced there had been sufficient policy change to justify not supporting a continuance of the permit. During this VCAT hearing the applicant signalled the intention to lodge this current application to facilitate a change in use that offers more favourable circumstances for the activation of planning permit D404/2012.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The lot shape is irregular, comprising an L shape allotment. The site is located on the south west corner of Heidelberg Road and Station Street. The site's frontage to Heidelberg Road is approximately 21.5 metres and the frontage to Station Street is approximately 64 metres. The overall site area is approximately 1,907 square metres.
- The southern part of the site is occupied by a by a three storey hotel building. The total floor area of the Hotel is approximately 2,000 square metres. The ground floor of the hotel comprises a drive through bottle shop, TAB, bar, bistro / dining, lounge, kitchen, smoking terrace and beer garden. The second floor comprises two function rooms, outdoor deck, offices and some vacant / disused rooms. The second floor is used for accommodation.
- The northern part of the site is occupied by 42 car parking spaces with access to Station Street.
- A Road Zone (Category 1) applies to Heidelberg Road and Station Street.
- An Industrial 3 Zone applies to the Hotel building.
- A Residential Growth Zone (Schedule 3) applies to the 42 car parking spaces which occupy the northern section of the site.
- To the north is a double storey dwelling fronting Station Street and partially constructed on the common boundary (adjacent the car park).
- To the south on the opposite side of Heidelberg Road are various commercial buildings and uses with a residential area further to the south.
- To the east on the opposite side of Station Street are three (3) double storey dwellings. A single storey medical centre is located to the north east. A small pocket of open space is located at the north east corner of Heidelberg Road and Station Street.
- To the west of the site are the rear yards of dwellings fronting Gillies Street and a motor vehicle sales business which fronts Heidelberg Road.
- No standing restrictions apply on either side of Heidelberg Road and Station Street.
- The site has access to public transport including Train services from Fairfield Station to the north and bus services on Heidelberg Road and Station Street.
- Fairfield Activity centre is located a short distance to the north.

Proposal:

- Change of use from a hotel to a restricted place of assembly.
- Change to the type of liquor license from a general license to a club license.

Objections summarised

- Social impact resulting from electronic gaming machines.
- Impact upon the existing hotel. Current food and entertainment based.

Officer comment on summarised objectionsSocial impact resulting from gaming machines

This application does not involve the use of electronic gaming machines. The provision of electronic gaming machines was considered and determined separately under application D/404/2012. Please refer to the background section of this report for further information on application D/404/2012.

Impact upon the existing hotel. Current food and entertainment based use under threat

The key land use change proposed involves restricting the venue to members of a club or group and by members and guests. This could involve signing into the venue or presenting identification upon entry. Otherwise it is not envisioned that the operation of the venue will alter significantly as a result of the change to the land use classification. While the venue may evolve over time and vary the type of entertainment and food on offer, the applicant has indicated that immediate changes are proposed to the mix of uses at the venue.

PLANNING ASSESSMENT**Change of Use:**

The first part of the application involves a change of use from a hotel to a restricted place of assembly.

A Restricted Place of Assembly' is defined under clause 74 of the Darebin Planning Scheme:

"Land used by members of a club or group, or by a member's guests, for religious or cultural activities, entertainment or meetings. It may include food and drink for consumption on the premises and gaming."

The proposed change of use application has been sought on the basis that there are no hotel gaming machine entitlements available for purchase and use at the premises. However club gaming machine entitlements are available. The change of use to a restricted place of assembly essentially changes the classification of the building to a club which will facilitate and allow the acquisition of the 50 gaming machines licenses which have previously been granted planning permission (D/404/2012). The key change to the land use is that the venue will be restricted to members of a club or group and by members and guests.

In isolation this planning application will have no visual or major operational impact upon the current Hotel business. The building will continue to appear and operate as a hotel serving food and alcoholic beverages with a TAB and associated car parking. From the perspective of pedestrians or regular customers the change to the classification of the building will have no visible impact and nor will it affect their relationship or perception of the business. This could involve signing into the venue or presenting identification upon entry.

Is the change of use appropriate having regard to the State and Local Policy and the provisions of the Industrial 3 Zone and relevant overlay provisions which apply to the site?

The objective of Clause 11.03-1 (Activity centre network) is to *build up activity centres as a focus for high-quality development, activity and living for the whole community*. Strategies to achieve the objective include developing a *network of activity centres that are a focus for business, shopping, working, leisure and community facilities*.

The objective of Clause 17.01-1 (Business) is to *encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities*. Strategies to achieve the objective include *locating commercial facilities in existing or planned activity centres. Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres*.

Clause 21.04 (Economic Development) recognises that increasing economic activity and promoting a diversity in economic inactivity will provide benefits to the community.

Clause 22.04 (Industrial and Commercial Activity) recognises that industrial and commercial development is an integral component of the economic growth and viability of the municipality. Amongst other matters the policy seeks to minimise the impact on the amenity of surrounding residential areas and reduce conflict between land uses.

Strategically the use furthers State and Local policy which encourage commercial uses in or in proximity to activity centres and commercial areas. While the purpose of the Industrial 3 Zone which applies to the affected portion of the site is generally aimed at industrial uses, it not unusual for non-industrial uses to locate on Industrial Zoned land. The site context comprising the existing hotel with retail and other commercial uses located adjacent and the high level of on-site car parking suggests the site is an appropriate location for the proposal.

Liquor License:

The second part of the planning application involves a change to the type of liquor license which applies to the site.

The current liquor license is a late night (general) Liquor Licence (License No. 31906576) which allows a maximum of 780 patrons for the following trading hours:

- For consumption on the licensed premises:
- Sunday between 10am and 11pm.
- Good Friday and Anzac Day between 12 noon and 11pm.
- On any other day between 7am and 11pm.

The proposal seeks approval for a different category of license (a full club license) for the ground and first floor level of the hotel building. No change is proposed to the existing maximum patron numbers or hours of operation.

The existing bottle shop will continue to operate under existing use rights and is proposed to retain its existing general liquor license.

Clause 52.27 (Licensed premises) seeks to ensure that licensed premise are appropriately located and consideration is given to the impact of licensed premises on the amenity of the area.

The decision guidelines require consideration to be given to the impact of the supply and consumption of liquor on the amenity of the area, the impact of the hours of operation and patron’s on the amenity of the area and the cumulative impact of licensed premises.

The venue is currently licensed therefore there is no addition to the number of licensed premise in the area. Furthermore the number of patrons and hours of operation are not proposed to be extended. Whilst the category of license is proposed to be changed, there are no new amenity considerations to consider, noting that the shift from a hotel to a club venue is expected to have a minimal impact on the operation and scope of the business. Arguably the amenity impacts of a club licence are less because club patrons are required to abide by behavioural standards to maintain their membership.

Car Parking

A restricted place of assembly is not listed at Clause 52.06 (Car parking) of the Darebin Planning Scheme. Where a use of land is not specified under Clause 52.06, car parking spaces must be provided to the satisfaction of the responsible authority.

The hotel use currently provides 42 car parking spaces on the northern section of the site. This is deemed an appropriate level of provision for the use, given the scope of the business, the hours of operation and the number of patrons is not proposed to be increased. In terms of any future plans to introduce electronic gaming machines is concerned it is noted that the car parking requirement for a hotel and a gambling venue are identical, at of 0.4 spaces to each patron.

For these reasons it is not envisioned that the change of use to a restricted place of assembly will result in a detrimental increase in car parking demand.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 33.03 (Industrial 3 Zone) – Change of use to a restricted place of assembly.
- Clause 52.27 (Licensed premises) – Change to the type of liquor license.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	10.02, 11.01, 15.03, 17.01
LPPF	21.02-4, 21.04, 21.05, 22.04
Zone	32.07, 33.03
Overlay	43.01, 43.02, 45.01, 45.06
Particular provisions	52.06, 52.27
General provisions	65.01

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**Attachments**

- Aerial (**Appendix A**) [↗](#)
- Plans (**Appendix B**) [↗](#)

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS AD SIGNIFICANT APPLICATIONS

The General Planning Information attached at **Appendix A** contains lists of:

- Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).
- Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text “struck out”.
- Applications with a cost of construction of at least \$3,000,000 currently under consideration.

Recommendation

That the General Planning Information attached as **Appendix A** be noted.

Related Documents

- Nil

Attachments

- General Planning Information - Scheduled VCAT Appeals and Significant Applicaitons (**Appendix A**) [⇒](#)

7. URGENT BUSINESS

8. CLOSE OF MEETING