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## AGENDA

Planning Committee Meeting to be held  
at Darebin Civic Centre,  
350 High Street Preston  
on Monday, 19 November 2018  
at 6.00pm.

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# Agenda

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## 1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Trent McCarthy

Cr. Lina Messina (Deputy Mayor)

Cr. Susan Rennie

Cr. Julie Williams

## 2. APOLOGIES

Cr. Tim Laurence, Cr. Gaetano Greco and Cr. Susanne Newton are on an approved leave of absence.

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

## 4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

<b>Recommendation</b>
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**That** the Minutes of the Planning Committee Meeting held on 20 August 2018 be confirmed as a correct record of business transacted.

**5. CONSIDERATION OF REPORTS**

**5.1 APPLICATION FOR PLANNING PERMIT D/225/2018  
33 Joffre Street, Reservoir**

**Author:** Principal Planner

**Reviewed By:** General Manager City Sustainability and Strategy

<p><b>Applicant</b> Ikonomidis Reid</p>	<p><b>Owner</b> Anthony John Nuzzo</p>	<p><b>Consultant</b> Keystone Alliance Treespace Solutions</p>
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**SUMMARY**

- Proposal:
  - Four (4) double storey dwellings and two (2) single storey dwellings.
  - Height: 9.106 metres.
  - Vehicular access is via two (2) crossovers from Joffre Street.
  - 10 car parking spaces are provided on-site within three (3) double garages and two (2) single garages.
- The site is zoned General Residential Zone and is affected by the Development Contributions Plan Overlay.
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 35.14%.
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- 14 objections were received against this application.
- 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 sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Arboricultural Planning Unit, Infrastructure and Capital Delivery Unit and Transport Engineering and Strategy Unit.
- This application was not required to be referred to other Council units.

<b>Recommendation</b>
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**That** Planning Permit Application D/225/2018 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-03, Ground Floor Plan; TP-04, Ground Floor Plan; TP-05, Elevations; and TP-06, Elevations; all Revision B, dated 31.07.18 and prepared by Ikonomidis Reid) but modified to show:
  - a) Plan TP-04 correctly labelled as 'First Floor Plan'.
  - b) The first floor of Unit 2, correctly labelled as 'Unit 2'.
  - c) Compliance with Standard B21 of the Darebin Planning Scheme with regard to the private open space of the west adjoining property (known as 34 Foch Street, Reservoir) taking into account the extension to the dwelling located on the property. This must be achieved without reducing any boundary setbacks.
  - d) The removal of the visitor car space from the driveway of Unit 1.
  - e) The Dwelling 2 first floor set back from the northern boundary in accordance with Standard B17 of the Darebin Planning Scheme. This may be achieved by reducing the height and/or increasing the setback. This must be achieved without reducing any boundary setbacks.
  - 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. 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.
  - h) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows. The use of casement, sliding and sash windows must be utilised to maximise ventilation.
  - i) Ventilation grills and/ or garage doors with openings to the car park.
  - j) The volumes of the rain water tanks in accordance with the Sustainable Design Assessment (refer to Condition No. 4 of this Permit).
  - k) The front fence altered to satisfy the requirements of the pedestrian visibility splay to the south of the Unit 1 driveway.
  - l) Finished floor levels of each dwelling (where relevant) shown on the First Floor Plan.
  - m) Remove outline of Gazebo on Dwelling 4 on the First Floor Plan.
  - n) 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.

- o) All environmentally sustainable design features referred to within the Sustainable Design Assessment (SDA) listed in table form (refer to Condition No. 4 of this Permit).
- p) A landscape plan in accordance with Condition No. 5 of this Permit.
- q) Annotations detailing any Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 8 of this Permit.

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) The development must incorporate the sustainable design initiatives in accordance with the Sustainable Design Assessment (SDA) (identified as SDA Report, Ref No. 14332, dated May 2018 and prepared by Keystone Alliance Sustainability Solutions Pty Ltd) to the satisfaction of the Responsible Authority.

Prior to the occupation of the development, a report from the author of the SDA, 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 SDA have been implemented in accordance with the approved Plan.

- (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) A minimum of two (2) medium sized canopy trees within the street setback and six (6) small sized canopy trees within the secluded private opens spaces (1 per dwelling), 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) Canopy trees to be located outside the drainage easement on the Ground Floor Plan.
  - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - g) 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.
  - h) Hard paved surfaces at all entry points to dwellings.
  - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - k) 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.
  - l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - m) 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) Before buildings and works (including demolition) start, an arboricultural assessment, prepared by a suitably qualified person, detailing all trees on and adjacent to the site that are affected by the proposed development to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The report must list all species names and recommend either removal or retention with protection measures necessary for those retained.

Before buildings and works (including demolition) start any tree protection fencing must be erected in accordance with the approved arboricultural assessment and endorsed plans.

Tree protection measures are to be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

Tree protection fencing must be constructed of star pickets and chain mesh (or similar) and remain in place until construction is complete, to the satisfaction of the Responsible Authority.

The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

No storage or dumping of tools, equipment or waste is to occur within a TPZ.

Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the subject site.

- (9) No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and any relevant authority.
- (10) 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.
- (11) All dwellings 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.
- (12) 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.
- (13) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (14) The land must be drained to the satisfaction of the Responsible Authority.
- (15) 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.
- (16) 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.
- (17) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (18) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;



- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all weather sealcoat; and
- d) 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.

- (19) 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 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.

**INTRODUCTION AND BACKGROUND**

Council refused Application for Planning Permit D/770/2015 on 31 August 2016 for eight double storey dwellings on the following grounds:

1. The proposed building design is contrary to the character of the area and is non-compliant with Clause 22.02 Neighbourhood Character and Clause 55.02-1 Neighbourhood Character.
2. The proposal is contrary to Clause 21.03 Housing and the Darebin Housing Strategy which identifies the land being included within a low change area.
3. The proposal provides insufficient landscaping opportunities to integrate the development with its surrounds and is non-compliant with Clause 22.02 Neighbourhood Character and Clause 55.03-8 Landscaping Clause 55.03-3 Site Coverage, Clause 55.04-1 Side and rear setbacks and Clause 55.04-2 walls on boundaries.
4. The proposed heights and setbacks will result in visual bulk impacts and will be detrimental to the amenity of adjacent properties and are non-compliant with Clause 22.02 Neighbourhood Character and Clause 55.03-3 Site Coverage, Clause 55.04-1 Side and rear setbacks and Clause 55.04-2 walls on boundaries.

VCAT affirmed Council's refusal on the following Neighbourhood Character based grounds:

- Built form, particularly upper levels, within the rear portions of the site.
- Limited secluded private open space.
- Limited landscaping opportunities.

The VCAT Order stated as the proposal did not respect the neighbourhood character a detailed analysis of the proposal's compliance with Clause 55 was not warranted.

The proposal development has resolved the above grounds in the following ways:

- The upper levels are reduced in area, with improved articulation and spacing between dwellings.
- The rear two dwellings are single storey.
- Significant landscaping opportunities have been provided within the front, rear and side setbacks and along the common vehicular access-way, including sufficient opportunities for landscaping.
- Each dwelling is provided sufficient private open space for the expected service and recreational needs of the occupants of the dwellings.
- Whilst the site coverage has nominally increased by 0.29%, the location of the built form is more centralised to allow for significantly increased side and rear boundary setbacks.
- The side and rear are setback so of the dwellings have significantly increased at ground and first floor levels.
- The extent of walls on boundaries has been reduced to a total of 6.23 metres (isolated to a section of garage).

**Subject site and surrounding area**

- The land is regular in shape and measures 56.6 metres in length and 25.82 metres in width with a site area consistent with a double lot 1520.42 square metres.
- The land is located within the General Residential Zone – Schedule 2.

- The subject site is located on the west side of Joffre Street approximately 40 metres south of the intersection of Queen Street and Joffre Street.
- The subject site contains a two storey detached dwelling with a circular driveway within the front setback and a driveway adjacent to the northern boundary with a single car garage adjacent to the northwest corner of the site and a swimming pool to the south of the dwelling.
- There are several small canopy trees located on the site including within the front setback and a row of established canopy trees adjacent to the southern title boundary. There are also two large canopy trees adjacent to the eastern title boundary within the rear setback of the dwelling fronting Foch Street.
- The surrounding area is predominantly residential and characterised by single and double storey detached dwellings.
- To the north are the rear secluded private open spaces of dwellings fronting Queens Street. These dwellings are located within a Heritage Overlay. These properties include small-medium sized outbuildings located within their respective rear secluded private open spaces, proximate the common boundary with the subject site.
- To the south is a single storey brick dwelling with a hipped tiled roof. The property includes a large outbuilding located in the rear secluded private open space proximate the common boundary with the subject site. A crossover and associated driveway is adjoining the common boundary with the subject site.
- To the east, opposite Joffre Street, are single storey brick dwellings with hipped tiled roofs.
- To the west are single storey brick dwellings with hipped tiled roofs that front Foch Street. It is noted the dwelling on the property known as 34 Foch Street has an extension to the rear which is not shown on the submitted plans.
- There are no on-street parking restrictions on Joffre Street proximate the site.
- The site has access to public transport including trams along Plenty Road approximately 400 metres to the southeast.
- The site is located within the Principal Public Transport Network Area.
- The site is located within 400 metres from the nearest activity centre located along Plenty Road.

### **Proposal**

- It is proposed to construct four (4) double storey dwellings and two (2) single storey dwellings (6 dwellings in total).
- 10 car parking spaces are provided in the development accessible via two (2) single width crossovers from Joffre Street.
- Each dwelling is provided with in excess of 40 square metres of private open space located at ground level.
- The proposal has a maximum building height of 9.106 metres.

### **Objections summarised**

- Impacts arising during the construction phase
- Visual bulk
- Overlooking
- Construction over easement

- Neighbourhood character
- Devaluation of property
- Will result in traffic and car parking congestion
- Number of cars utilising common driveway is unsafe
- Reduction of visitor car parking
- Insufficient landscaping
- Removal of trees
- Noise
- Vehicles parked on the nature strip
- Overdevelopment
- Plans do not show the extension to 34 Foch Street
- Negative social effect
- Will not add net value to the community
- Demolition of existing building
- Existing dwelling contributes to the heritage significance of Oakhill Estate
- Does not provide any social or affordable housing
- Proposal is not significantly different to previous application that was refused
- Will affect the liveability of the street and community

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

##### Construction Impacts

The amenity and disruption impacts resulting from construction of a development of this scale does not warrant a construction management plan. Amenity impacts will be managed through the building process and developers will be required to comply with Council's Local Laws pertaining to amenity and EPA's relevant noise controls.

##### Visual Bulk

The proposal is suitably design, located, articulated and set back from property boundaries to minimise the amenity impacts arising from visual bulk. This is assessed in more detail under 'Planning Assessment'.

##### Overlooking

The proposal is suitably designed to minimise overlooking. This is assessed in more detail under 'Planning Assessment'.

##### Easement

The drainage easement will not be constructed over and will be accessible for maintenance and service.

### Neighbourhood Character

The proposal responds to and respects the preferred character of the area. This is assessed in more detail under 'Planning Assessment'.

### Devaluation of property

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

### Car parking and traffic

The tandem car parking to Dwelling 1 is indicatively where a visitor could park and is not provided as a result of any requirement in the Planning Scheme. Permit conditions are included for the diagram to be removed from the plans.

Council's Transport Engineering and Strategy Unit have no raised concerns in relation to addition traffic and the surrounding street network is considered sufficient to accommodate the expected increase in traffic.

The common vehicular access-way is considered suitable for the proposed development.

### Reduction in the visitor car parking

Amendment VC148 to the Darebin Planning Scheme altered the car parking requirements for properties located within the Principal Public Transport Network to remove the requirement to provide visitor car parking for dwelling developments, therefore the application does not include a reduction of the visitor car parking requirements.

### Insufficient landscaping

The proposal includes sufficient opportunities within the front, rear and side setbacks and along the common vehicular access way.

### Removal of trees

A planning permit is not required to remove trees on the property. A condition of approval will require suitable replacement trees to be provided.

### Noise

Noise from trucks etc. during the construction phase of development is a temporary and unavoidable consequence of development and not a reason to refuse development.

The proposed use is residential and will have noise impacts consistent with those normal to a residential zone, unlike a commercial or an industrial use which would create noise impacts that are not normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area.

### Vehicles parking on the nature strip

Vehicles parking on the nature strip is not a relevant planning consideration. It is noted the application has provided car parking in accordance with the requirements of the Darebin Planning Scheme.

Overdevelopment

The consideration of a medium density development is based on its compliance with a set of criteria outlined in the Darebin Planning Scheme and not based on a subjective concern of 'too many units'. In fact, the Victorian State Government has a clear policy on urban consolidation which is heavily dependent on medium density housing development.

Accuracy of Plans

The proposal has been assessed taking into account the extension to 34 Foch Street.

Negative Social Effect

The use of the land for residential uses does not require a planning permit in the General Residential Zone because the type of land use proposal is appropriately located in an area designated primarily for that use. Additionally Council's Local Policy does not include any policy which indicates there are any social issues persisting in this area.

Net Community Benefit

The proposal provides a net value to the community because it assists to achieve the purpose of the General Residential Zone which is to encourage a diversity of housing types and housing growth.

Demolition of the existing dwelling

As the property is not affected by a Heritage Overlay or Public Acquisition Overlay a planning permit is not required for the demolition of the existing building.

This application cannot consider the question of whether the subject site should or should not be heritage listed or within a heritage overlay. The application must be considered on the basis of the planning scheme controls that presently apply to the site as well as any applicable policies.

Existing dwelling contributes to the heritage significance of Oakhill Estate

The subject site has not been identified in any Council heritage study as having heritage significant even though a portion of the Oakhill Estate immediately to the north of the subject site has been included in a heritage overlay. The dwelling is a mock Federation style dwelling constructed in the 1990's.

Social or Affordable Housing

The State Planning Policy Framework and the Local Planning Policy Framework do not currently contain any provisions which require social or affordable housing to be included in development unless on a voluntary basis.

Previous Application

The previous proposal contained eight dwellings on the lot and the new proposal contains six dwellings on the lot. Much of the consideration of the VCAT decision pertained to the appropriateness of the density. This proposal is therefore significantly different as there is now a net increase of five dwellings as opposed to a net increase in seven dwelling with a high level of compliance with the minimum requirements of Clause 55. The planning assessment also demonstrates the heights and setbacks of the proposal will not result in unreasonable visual bulk and amenity impacts. The setbacks are also sufficient to enable vegetation.

Will affect the liveability of the street and community

The proposal is unlikely to have a significant or unreasonable impact on the liveability of the street.

**PLANNING ASSESSMENT****Neighbourhood Character Precinct Guideline Assessment - Precinct D5.**Existing Buildings

The proposal includes demolition of the existing dwelling which is a mansion type dwelling on a lot approximately two to three times as large as the other dwellings in the street.

Several objectors have objected to the proposal on the basis that the dwelling has local heritage significance to the Oakhill Estate. The Oakhill Estate was the subject of Council's City of Darebin Heritage Review in 1999 which resulted in application of HO172.

In the course of that study the subject site and dwelling was not identified as having heritage significance as a part of that precinct and it was not identified as having individual significance to warrant a site specific Heritage Overlay.

The dwelling in isolation does not contribute to the character of the street and its demolition on balance will enable the objective of the zone for increase densities to be achieved.

**Complies**Vegetation

The proposal includes sufficient landscaping opportunities in the front, side and rear setbacks and along the common vehicular access-way.

A condition of approval will require the submission of landscape plan including the provision of canopy trees. This will strengthen and maintained the landscaping character of the area.

**Complies subject to conditions**Siting

The front setback is sufficient to enable landscaping at densities currently seen in the street. The proposal while significantly increasing the density of the site provides generous side and rear setbacks and front setbacks.

The landscape concept on the ground floor plan also shows landscaping within the buffers adjacent to all the dwellings and the driveway.

The dwellings are sufficiently spaced to maintain the preferred rhythm of spacing between dwellings.

The car parking facilities are suitably located and designed to minimise their visual dominance within the streetscape.

**Complies**

### Height and building form

The street and surrounding streets are characterised by hipped and gabled tile roofs with eaves with some examples of corrugated iron roofs.

The proposal incorporates a modern gabled end roof form with a steep slope with no roof eaves. The first floors of the dwellings fronting the street are sufficiently setback from the ground floor facades to minimise their visual impact.

While the proposed design is contemporary and visually different from many other dwellings in the street, the envelope of the dwellings with a frontage to Joffre Street are similar to that of other two storey dwellings in the area and a pitched style respects the predominate roof style in the area.

The proposed frontage widths of the dwellings fronting Joffre Street are both approximately 10 metres at the ground floor and 9 metres at the first floor. This is similar to the frontages of the predominantly single storey detached dwellings in the street which are approximately 10-12 metres in width.

### **Complies**

#### Materials and design detail

The dwellings in the street are predominately constructed of face brick, timber or weatherboard with some examples of render.

The diversity of materials in the immediate area is evident. The proposal utilises contrasting materials to reduce visual bulk to negate the need for architectural detailing, eaves or fins encroaching into side or rear setbacks.

While the materials are acceptable the high volume of metal cladding has the potential to create amenity impacts if there is any reflective material. Permit Conditions are included for materials to be non-reflective.

### **Complies**

#### Front boundary treatment

The proposal includes a 1.5 metre high front fence with rendered brick piers and pine infill. The height of the fence will result in the front garden area not being visible from the street and should be reduced to a maximum of 1.2 metres.

### **Complies subject to conditions**

#### **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 55.03-8 B13 Landscaping

Adequate landscaping opportunities are provided, including space for canopy trees. A landscape plan will be required as a condition of approval.



The proposed trees to be removed are considered to have low-medium retention value. The two (2) large trees located within the front setback, contribute to the landscape character of the street, however do not have a high retention value and are not native to the area, therefore their removal is considered suitable subject to replacement canopy trees being provided.

Whilst an arboricultural Assessment has been submitted with the application it is considered out of date. A condition of approval will require the submission of an updated arboricultural assessment.

**Complies subject to conditions**

Clause 55.04-1 B17 Side and Rear Setbacks

**Ground floor**

Boundary	Wall height	Required Setback	Proposed setback
North - Dwelling 1	3.96 metres	1.1	4.0 metres
North - Dwelling 2	3.92 metres	1.01 metres	1.8 metres
North - Dwelling 3	3.75 metres	1.04 metres	1.8 metres
West - Dwelling 3	3.82 metres	1.06 metres	1.2 metres
West - Dwelling 4	3.94 metres	1.1 metres	1.2 metres
South - Dwelling 4	3.82 metres	1.06 metres	1.83 metres
South - Dwelling 5	3.92 metres	1.09 metres	1.8 metres
South - Dwelling 6	3.65 metres	1.01 metres	1.8 metres

**First Floor**

Boundary	Wall height	Required Setback	Proposed setback
North - Dwelling 1	9.05 metres max	1.9 metres	2.0 metres
North - Dwelling 2	9.106 metres max	4.206 metres	4.15 metres
West - Dwelling 3 (raked ceiling)	7.0 metres max	2.09 metres	4.48 metres
West - Dwelling 4 (raked ceiling)	7.11 metres max	2.2 metres	4.48 metres
South - Dwelling 5	9.003 metres max	4.103 metres	4.15 metres
South - Dwelling 6	6.1 metres	1.75 metres	2.9 metres

A condition of approval will require the height/setback of the Dwelling 2 first floor to comply with the requirements of this Standard.

**Complies subject to conditions**

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

Due to the orientation of the land and the extensive setbacks from the southern boundary the extent of the shadow impacting the adjoining lots is minimal.

The additional shadow to the southern adjacent property at 9am, 12pm and 3pm do not fall on any secluded private open space as there are garages and a driveway adjacent to the southern title boundary.

There are two dwellings to the west of the lot at 34 Foch Street and 36 Foch Street which have secluded private open space abutting the western title boundary which will have additional shadowing due to the proposal, as follows:

- Additional shadow at 36 Foch Street is approximately 3.7 square metres in area at 9:00am. As the secluded private open space at the rear of the dwelling is over 100 square metres in area and the standard is able to be met.
- Additional shadow at 34 Foch Street is approximately 3.0 square metres in area at 9:00am. It is noted an extension to the rear of this dwelling has been constructed that is not shown on the plans. Based on imagery the extension which is not reflected on the plans appears to have close to 40 square metres in secluded private open space. Because this assessment cannot be determined with the submitted plans, a condition of approval will require compliance with this Standard based on the current conditions.

**Complies subject to conditions**

Clause 55.04-6 B22 Overlooking

The ground floors of the dwellings have finished floor levels less than 0.8 metres above natural ground level at the boundary. The 1.9 metre high boundary fences on the northern, southern and western boundaries will sufficiently limit overlooking from the ground floors.

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

**Complies**

Clause 55.05-4 B28 Private Open Space

	<b>Total POS</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>
Dwelling 1	78.04 square metres (approximately 40 square metres within the front setback)	38.04 square metres	4.0 metres
Dwelling 2	68.17 square metres	68.17 square metres	3.5 metres
Dwelling 3	64.86 square metres	64.86 square metres	3.5 metres
Dwelling 4	64.86 square metres	64.86 square metres	3.5 metres
Dwelling 5	67.94 square metres	67.94 square metres	3.5 metres
Dwelling 6	123.73 square metres (approximately 70 square metres within the front setback)	53.73 square metres	5.0 metres

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

**Complies**

Standard B32: Front Fences

The proposed 1.5 metre high front fence does not maintain the openness of the front garden area or respect the front boundary treatment of the area. A condition of approval will require the front fence to be reduced to a maximum of 1.2 metres to maximise surveillance and openness of the streetscape.

**Complies subject to conditions**

**Clause 52.06 Car Parking**

Number of Parking Spaces Required

One car parking space is provided for each of the one and two bedroom dwellings.

Two car parking spaces are provided for each of the three or more bedroom dwellings with both spaces under cover.

The proposal does not include any visitor car parking spaces.

The site is located within the Principal Public Transport Network and therefore does not require any visitor car parking to be provided on site.

Design Standards for Car parking

The garages and the access-ways have appropriate dimensions 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.

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

Double garage dimensions of 6.0 metres length x 5.5 metres width comply with the minimum requirements of the standard.

Access dimensions to the car spaces comply with the standard.

Visibility splays are provided at the access-way interface with the footpath to protect pedestrians. The front fence needs to be revised to ensure compliance with the visibility splays.

**CLAUSE 55 COMPLIANCE SUMMARY**

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

Clause	Std		Compliance	
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		Adequate infrastructure exists to support new development.	Y	Y
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		Dwellings 1 and 6 appropriately integrate with the Street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The required setback is 7.5 metres, the dwellings are set back 7.5 metres from the street frontage.	Y	Y
		The porches encroach the street setback by less than 2.5 metres, which is allowed.		
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		9.106 metres which is less than the 11 metres allowed by the Zone.	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		45.29%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		38.59%	Y	Y
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
		The submitted Sustainable Design Assessment is considered to be suitable.		
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		N/A as the site does not abut public open space.	N/A	N/A
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient and respects the character of the area.	Y	Y
		The two (2) single width crossovers account for 26.4% of the site frontage, which is less than the 33% allowed.		
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from access-ways.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		Please see assessment in the body of this report.	Y	Y

Clause	Std		Compliance	
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		Length: 3.62 metres	Y	Y
		Height: 3.2 metres average		
		Walls on boundaries comply with the requirements of this standard.		
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		Sufficient setbacks exist to allow adequate daylight.	Y	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	Y	Y
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		There are no internal views.	Y	Y
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		Noise impacts are consistent with those in a residential zone.	Y	Y
		Mechanical plant are suitably located to minimise their impacts on the adjoining properties.		
<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
<b>55.05-3</b>	<b>B27</b>	<b>Daylight to new windows</b>		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
<b>55.05-4</b>	<b>B28</b>	<b>Private open space</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.05-5</b>	<b>B29</b>	<b>Solar access to open space</b>		
		Sufficient depth is provided for adequate solar access.	Y	Y
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		Sufficient storage areas are provided.	Y	Y
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		Please see assessment in the body of this report.	Y	Y

Clause	Std		Compliance	
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		Common property areas are appropriate and manageable.	Y	Y
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		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
Darebin Parks	No objection, subject to condition included in recommendation.

**PLANNING SCHEME SUMMARY**

**Darebin Planning Scheme clauses under which a permit is required**

- Clause 32.08 (General Residential Zone – Schedule 2) – 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	21.05-1, 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	D5

**POLICY IMPLICATIONS**

**Environmental Sustainability**

The condition of approval will require compliance with the submitted Sustainable Design Assessment.

**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

**RELATED DOCUMENTS**

- Darebin Planning Scheme

**Attachments**

- AERIAL MAP - 33 Joffre Street, Reservoir - D/225/2018 (**Appendix A**)
- ADVERTISED PLANS - 33 Joffre Street, Reservoir - D/225/2018 (**Appendix B**)

**DISCLOSURE OF INTEREST**

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 Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**5.2 AMENDMENT OF A DEVELOPMENT PLAN  
198 BEAVERS ROAD NORTHCOTE**

**Author:** Principal Planner

**Reviewed By:** General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Ratio Consultants 9 Clifton Street RICHMOND VIC	First Stone Pty Ltd	Ratio Consultants 9 Clifton Street RICHMOND VIC

**SUMMARY**

Council approved a Development Plan at the Planning Committee Meeting of 16 April 2018. The approved Development Plan allows the development of 3 and 4 storey residential development comprising 95 dwellings and one (1) commercial tenancy, together with car parking and pedestrian access through the site.

This report seeks approval to amend the Development Plan. The Development Plan includes a condition 1 (h) which limits the number of dwellings forming part of any related planning application to no more than 95. The amendment seeks to remove this requirement increasing the maximum dwelling yield to 140 in addition to providing greater dwelling diversity, reducing the visual dominance of garages and increasing the landscaping opportunities on the site. No changes are proposed to the height of the development or the setback of the built form from adjacent boundaries. The changes also result in traffic impacts assessed as well within the tolerances identified in the proponents' traffic impact assessment.

**CONSULTATION:**

- Public notice was given via signs on site and letters sent to surrounding owners and occupiers.
- Three (3) submissions were received.
- The application was previously referred internally to the Capital Works Unit, Transport Management and Planning Unit, ESD officer and Urban Design officer.
- The application was previously referred externally to Melbourne Water, Transport for Victoria, SP Powernet and the EPA.

<b>Recommendation</b>
-----------------------

**That** Council adopt the amended Development Plan POD/1/2017 subject to the following alterations/requirements. The following conditions are consistent with the approved Development Plan, except for condition 11 h) which has been deleted.



The approved documentation is to comprise plans: TP1.1 Rev D, TP1.2 Rev D, TP1.3A Rev D, TP1.3 Rev D, TP1.4 Rev D, TP1.5 Rev D, TP1.6 Rev D, TP1.7 Rev D, TP1.8 Rev D, TP1.9 Rev D, TP1.10 Rev D, TP1.11 Rev D, TP1.12 Rev D and TP1.13 Rev D, modified as follows:

- (1) Provision of a minimum 3 m wide paved *Disability Discrimination Act 1992* compliant public pedestrian and bike access (public access) through the site from Beaconsfield Parade / Leinster Grove to Beavers Road. This is to be achieved by a section 173 Agreement that will be required prior to the completion of the development. The public access is to be appropriately illuminated. Development adjacent to the public access is to be designed and orientated to maximise passive surveillance of the public pedestrian access. The public access is to incorporate clear sight lines / minimise hiding places where possible. Surface treatments, vehicle access / circulation and signage to ensure appropriate safety for any areas of shared pedestrian and bike / vehicle access along internal roads. The access is to be to the satisfaction of Council.
- (2) Building envelope set back a minimum of 9 metres at level 2, 3 and 4 from directly interfacing windows and balconies associated with the dwellings located at 200 Beavers Road.
- (3) The building envelope setback of a minimum of 3 metres from the east boundary at level 1, 2 and 3 and setback 4 metres at level 4.
- (4) The building envelope setback a minimum 3 metres from Beavers Road at levels 1, 2 and 3.
- (5) The building envelope setback an adequate distance to create a separation between the lower and upper parts of a building at level 4 from Beavers Road.
- (6) Passive surveillance provided to the west over the Northcote Golf Course.
- (7) No garages are to front or side onto Beavers Road.
- (8) Site services to be integrated into the design of the development, with appropriate design treatments to ensure their visibility is minimised.
- (9) Site services to be located away from the Beavers Road frontage except unless required by the service provider in writing.
- (10) The development plan to show any proposed super lots (maximum of 5) and staging.
- (11) A basement level car park plan detailing the following:
  - Access;
  - Setback from boundaries;
  - Interface treatment to the entry and an exposed section;
  - Capacity of the basement to accommodate a minimum of 40 car parking spaces, including a minimum of 10 resident car parking spaces, bike parking, storage and services.
- (12) Include the following notations:
  - a) Buildings fronting Beavers Road to be designed to minimise noise and other impacts associated with surrounding non – residential uses and that an acoustic, odour and emissions assessment accompany any permit application as appropriate.
  - b) Landscaping and canopy trees are to be provided along the perimeter of the site adjacent to:
    - The entire west boundary;

- The rear yards of dwellings fronting Beaconsfield Parade;
- Croxton Special Education School; and
- Beavers Road.

Details of indicative landscaping and canopy trees to be provided.

- c) Subdivision to create super lots only will be allowed once development is approved and common areas constructed. Subdivision of individual residential allotments to occur only once the development of the land / individual super lot is substantially completed.
- d) Pedestrian access to dwelling entries from the internal communal access way to maximise landscaping opportunities in the shared internal access way.
- e) Crossovers to the street 5.5 metres wide with visibility splays.
- f) Car parking provided on site in accordance with Clause 52.06 for dwelling residents.
- g) Car parking to be provided for residents within a garage or within the basement.
- h) The maximum number of dwellings allowed on site is 140.
- i) Collection of waste by a private contractor.
- j) No direct vehicle access to Beaconsfield Parade / Leinster Grove.
- k) Earthy muted tones and non-reflective or low reflectivity materials to be used.
- l) Garages and driveways will not dominate the ground level facades to the internal communal access way.
- m) Two car space garages will generally be in a tandem / car stacker layout unless architecturally treated in a manner where passive surveillance and activation of the ground floor of dwellings can be clearly demonstrated.
- n) No fencing provided in the Beavers Road front setback or between dwellings and the communal shared access way.
- o) Boundary fencing adjacent to the Northcote Golf Course to be durable high quality design and a minimum 25% visually permeable.
- p) Architectural treatments to accentuate dwelling entries and to integrate garage doors into the design of the development potentially incorporating windows / glazed panels and materials not typically associated with garage doors.
- q) Building envelopes do not imply a right to build over the entire envelope.
- r) Setbacks from boundaries and / or internally between buildings to ensure equitable development opportunities and / or appropriate amenity of future neighbours and to protect the amenity of the public realm.
- s) Buildings are to be setback sufficiently to allow adequate solar access to dwellings within the site.
- t) Environmental Audit process and building design to address gas migration issues.
- u) Internal road paving to reinforce pedestrian / shared access requirements (not asphalted).
- v) Fencing on the north boundary as existing or a maximum 2 metres in height.
- w) SIDRA analysis must be undertaken as part of the Town Planning Application.

- x) All outdoor lighting to 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.
- y) The design of the built form towards any access ways is to reflect the fine grain pattern of nearby streets, floors to be distinguishable from each other through punctured facades (eg. balconies, windows, façade articulation) and located to provide a comfortable pedestrian scale.
- z) Site services to be integrated into the design of the development, with appropriate design treatments to ensure their visibility is minimised.
- aa) Site services to be located away from the Beavers Road frontage except unless required by the service provider in writing.
- bb) A minimum of one (1) bicycle parking space to be provided to each dwelling.
- cc) A Site Environmental Management Plan (SEMP) or equivalent to be developed and implemented to ensure that waterway values are protected during the construction process. This will include sediment controls to avoid direct or indirect sediment discharge to any waterways.
- dd) Privacy screening designed so it is integrated into the buildings. Screening should allow for distant views whilst preventing overlooking and allow for a high level of direct daylight access such as built in planter boxes with higher outer edges or horizontal louvres.
- ee) Level 4 setback from Beavers Road to be at an adequate distance to create a separation between the lower and upper parts of a building.
- ff) Minimal use of render to external walls.
- gg) Use of brick or similar to the external walls of the development in combination with other secondary materials.
- hh) Facilitate a high quality street edge that relates to the public realm.
- ii) Facades of new development should be modulated by porticos, balconies, verandahs, sun shade devices and the like and not be overly reliant on a mix of materials and colours and overt levels of articulation.
- jj) Design and building materials used should be low maintenance, durable and of high quality.

## INTRODUCTION AND BACKGROUND

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

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

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

Council approved a Development Plan at the Planning Committee Meeting of 16 April 2018 for the subject site. The approved Development Plan allows the development of 3 and 4 storey residential development comprising 95 dwellings and one (1) commercial tenancy, together with car parking and pedestrian access through the site.

In addition to the amended Development Plan submission under consideration the applicant has submitted a planning application which acts upon the conditions and principals of the approved Development Plan. The planning application (D/854/2017) comprises:

- 95 dwellings, comprising:
  - 35 townhouses;
  - 20 apartments within the Duplex Complex;
  - 40 apartments within the Apartment Complex; and
  - A Café tenancy with a floor area of 95 square metres.
- 179 on-site car parking spaces; comprising:
  - 157 resident car parking spaces;
  - 19 visitor car parking spaces; and
  - 3 café car parking spaces.

Council officers have formed an opinion on the merits of planning application D/854/2017. The key issues relate to internal amenity, the presentation of the garages, surveillance and design detail. The applicant is currently working towards a revised planning application submission to address the key issues raised in Council's assessment. In addition to addressing Council's concerns the applicant is seeking to modify the mix of housing types to include a greater proportion of apartments, inclusive of basement as opposed to at grade car parking. This has the effect of increasing the total number of dwellings beyond the current restriction of 95 dwellings under the approved Development Plan. The additional apartments would be accommodated in lieu of selected townhouses maintaining previously approved building heights and setbacks.

The total number of dwellings is to be revised to a maximum of 140 provided which approximates the densities envisaged when the property was rezoned in 2015. The increase in dwelling numbers from 95 to 140 results in an increase from 600 vehicles per day (VPD) to 820 VPD. This remains within the tolerances of the immediate street network, whilst accounting for the cumulative increase in traffic resulting from development in surrounding sites. As detailed in the previous development plan assessment and required under the conditions of approval, works will be required to prevent through access to Beaconsfield Parade east of Leinster Grove, addressing concerns raised about traffic impacts.

## ISSUES AND DISCUSSION

- **Subject site and surrounding area**
- Located on the northern side of Beavers Road the land is irregularly shaped and measures approximately 118 metres deep by 80.47 metres wide and has an area of approximately 11,980 square metres.
- A Residential Growth Zone (Schedule 1), Development Plan Overlay (Schedule 12), Environmental Audit Overlay and Environmental Significance Overlay apply.
- The site was formerly located within an Industrial 3 Zone (IN3Z).
- From the 1880s until 1928, parts of the site and surrounding areas were used for quarrying for bluestone and basaltic clay. In approximately 1930, the on-site quarry pit was filled (likely with waste materials, based on field observations during drilling).

- An environmental audit in accordance with section 53X of the *Environment Protection Act 1970* was completed in 2016, concluding the site is suitable for sensitive use (high density), commercial and industrial land uses subject to numerous conditions (EPA Reference: 73358-1). The main issue with the audit recommendation is the limitation it provides over landscaping with any new landscaping to be avoid disturbance of existing soils, limiting the potential for larger tree canopies.
- An existing building provides a total floor area of approximately 6,465sqm. Vegetation including canopy trees and 82 car spaces are provided along the north, east and west property boundaries.
- To the south is Beavers Road with commercial properties beyond which were recently rezoned from Industrial 3 Zone to Commercial 1 Zone.
  - The land at 1/177 Beavers Road is used as an art studio and caretakers dwelling under planning permit D/782/2012.
  - The land at 2/177 Beavers Road is used as a place of worship allowed under planning permit D/553/2011 with a maximum 350 patrons (600 patrons for special events).
  - The land at 3 and 4/177 Beavers Road is used as a warehouse.
  - The land at 1/169 Beavers Road appears to be used as a warehouse.
- To the west abutting the site is 200 Beavers Road. The site is currently being developed in accordance with the recently approved POD/1/2015 and Planning Permit D/1048/2015 for 20 3-storey townhouses and a 4-storey building comprising 22 apartments.
- Also to the west abutting the site is the Northcote Golf Course.
- Beyond the golf course is the Merri Creek environs.
- To the north are rear yards of residential dwellings facing Beaconsfield Parade.
- To the east in a Public Use Zone, is Croxton Special Education School.
- Planning application D/6/2018 proposes a pedestrian/cycle path across Merri Creek into the City of Moreland linking to existing pedestrian / cycling paths located in the west side of the creek.
- The site has reasonable access to public transport being 400m from tram services and a cycle path on St George's Road and 800 metres from tram services on Nicholson Street (Brunswick).

On-street parking on Beavers Road is subject to a no standing restriction on the northern side (site frontage) and subject to no stopping restriction on the southern side

### **Proposal**

Council approved a Development Plan at the Planning Committee Meeting of 16 April 2018. The approved Development Plan allows the development of 3 and 4 storey residential development comprising 95 dwellings and one (1) commercial tenancy, together with car parking and pedestrian access through the site.

Permission is sought to amend the Development Plan. The Development Plan includes a condition 1 (h) which limits the number of dwellings forming part of any related planning application to no more than 95. The amendment seeks to remove this requirement to enable proposed townhouses to be replaced with apartments (not exceeding 140 dwellings in total). This will provide greater dwelling diversity, overcome the design flaw of garages dominating the frontage of the internal streets and improve landscaping opportunities. The proposed

apartment configuration will not result in any changes to the height of the development or the setback of the built form from adjacent boundaries.

## **SUBMISSIONS**

Three (3) submissions were received. Submissions summarised.

- Number of dwellings
- Traffic
- Infrastructure
- Safety (crossing the creek)
- Loss of vegetation

### **Response to objections**

#### Number of dwellings

Refer to the Planning Assessment below.

#### Traffic

Refer to the Planning Assessment below.

#### Infrastructure

The planning application has been referred to Council's Public Works Unit who have confirmed that adequate infrastructure exists to the service the development.

#### Safety (crossing the creek)

Darebin Council and Moreland Council are currently considering a planning application to development a pedestrian/cyclist bridge across Merri Creek linking Beavers Road to the existing path located on the west side of the creek.

#### Loss of vegetation

Vegetation removal does not form part of this application. The applicant is proposing to remove vegetation as part of the related planning application (D/854/2017). Council has not made a decision of the planning application at this stage.

## **PLANNING ASSESSMENT**

### **Background:**

Council currently has before it a planning application (D/854/2017) to develop 95 dwellings, comprising 60 apartments (including 20 2-storey apartments) and 35 townhouses, a café and car parking on the subject site. The 60 apartments comprises a mix of nine 1-bedroom, 24 2-bedroom, 14 3-bedroom and 14 4-bedroom dwellings. The 35 townhouses comprise a mix of 3 and 4 bedroom, 3 and 4 storey dwellings.

Council officers have formed an opinion that the siting and internal amenity of selected apartments, including the presentation of the garages, surveillance and design detail, as key issues. The applicant is currently working towards a revised planning application submission to address the key issues raised in Council's assessment. In addition to addressing Council's concerns the applicant is seeking to modify the mix of housing types to include a greater proportion of apartments, together with a greater proportion of car parking located at basement level.

The option of car parking at basement level, overcomes many of the design deficiencies identified in the planning application assessment. The change from a townhouse building typology to apartments facilitates an increased dwelling yield, beyond the current restriction of 95 dwellings under the approved Development Plan.

The additional apartments would be accommodated in lieu of selected townhouses and without any impact or changes to the height and setback requirements of the approved Development Plan. Condition 1 (h) is proposed to be varied increasing the maximum number of dwellings on site from 95 to 140. No other changes are proposed to other conditions of the Development Plan including conditions restricting the height and built form and setback of the proposal from adjacent boundaries and the provision of car parking.

### **Use**

Putting aside issues relating to car parking and traffic which are dealt with separately, what are the relevant amenity implications of a potential intensification of the use and are there any consequential changes in this regard?

Because the amendment does not seek to alter the built form and setback requirements of the Development Plan, the proposal to increase the number of dwellings will have no effect in relation to issues such as overshadowing, overlooking, daylight access, building height and setbacks.

In this case the current plans before Council provided as part of the Planning Application include a total of 95 dwellings including 35 townhouses and 60 apartments. A high proportion of the townhouses and apartments provide spacious accommodation with a high proportion of 3 and 4 bedroom accommodation. Currently only nine (9) single bedroom dwellings are proposed.

Permission is sought to amend Condition 1 (h) from the Development Plan to allow a greater number of dwellings to be provided as part of the associated planning application, but within the same building volume and setbacks.

While an increase to the number dwellings would appear to have a corresponding increase in residents and traffic, these increases remain within the levels anticipated when this site was rezoned to accommodate for residential development. It is important to point out that the previously approved development plan proposed a dwelling yield below the levels that were envisaged when the site was rezoned for residential development. Any impacts relating to the use of the land for residential purposes such as noise, car parking and traffic will be dealt with at the planning application stage, ensuring legitimate concerns raised by residents are addressed. It is considered that there will be minimal impacts arising from the intensification of the use of the land for dwellings.

### **Car Parking and Traffic**

A car parking and traffic report has been provided in support of the planning application (D/854/2017) has been revised to support the increase in dwelling numbers. The report has been prepared to address the parking and traffic matters of the proposed mixed-use

development and is generally consistent with the Traffic Impact Assessment Report prepared as part of the Development Plan application submitted to Darebin City Council in December 2016. The revised report confirms that the increase in dwellings will not impinge on the safety and functionality of the local road network. The revised assessment shows an increase in traffic generation from the site from 600 to 820 VPD, inclusive of an hourly peak demand of 82 VPH. This analysis is based on methods for parking and traffic assessments in the vicinity of the site, and is consistent with findings of other comparable developments elsewhere in Melbourne.

The report assessment addresses existing conditions, the internal road layout, car parking location, the expected traffic generation and management, bicycle and pedestrian movement and their connections to the external movement network including public transport to meet any relevant road standards.

In terms of car parking provision the Development Plan includes a notation requiring resident car parking in accordance with Clause 52.06 (Car parking) of the Darebin Planning Scheme. Therefore any increase to the number of dwellings will require additional car parking in accordance with Clause 52.06 to service all dwellings.

**REFERRAL SUMMARY**

<b>Department/Authority</b>	<b>Response</b>
Capital Works	No objection
Transport Management and Planning	No objection, subject to conditions.
Property	No objection
EPA	No objection
AusNet	No objection
Transport for Victoria	No objection

**PLANNING SCHEME SUMMARY**

**Darebin Planning Scheme clauses under which a permit is required**

- Clause 43.04-3 (Development Plan) – A Development Plan must be prepared and approved by Council prior to granting a planning permit to develop the land.

**Applicable provisions of the Darebin Planning Scheme**

<b>Section of Scheme</b>	<b>Relevant Clauses</b>
SPPF	11.02-1, 13.03-1, 15.01-1, 15.01-5, 15.02, 16.01, 18.02-2
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	32.07
Overlay	42.01 ESO1, 43.04 DPO12, 45.03, 45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	D5



## **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

## **RELATED DOCUMENTS**

- Darebin Planning Scheme

### **Attachments**

- Aerial (**Appendix A**)
- Plans (**Appendix B**)

## **DISCLOSURE OF INTEREST**

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 Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## 6. OTHER BUSINESS

### 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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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).

<b>Recommendation</b>
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**That** the General Planning Information attached as **Appendix A** be noted.

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#### Related Documents

- Nil

#### Attachments

- General Planning Information (**Appendix A**)

**7. URGENT BUSINESS**

**8. CLOSE OF MEETING**