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AGENDA

Planning Committee Meeting to be held at
Darebin Civic Centre,
350 High Street Preston
on Monday 12 August 2024 at 6.30pm.

This meeting will be livestreamed and may be accessed
from Councils website www.darebin.vic.gov.au.

Persons wishing to observe the meeting in person are
required to register by 12pm on the day of the meeting.




ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



English

This is the Agenda for the Council Meeting. For assistance with any of the agenda items, please telephone 8470 8888.

Arabic

هذا هو جدول أعمال اجتماع المجلس. للحصول على المساعدة في أي من بنود جدول الأعمال، يرجى الاتصال بالهاتف 8470 8888.

Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

Αυτή είναι η Ημερήσια Διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα της ημερήσιας διάταξης, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

यह काउंसिल की बैठक के लिए एजेंडा है। एजेंडा के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è l'ordine del giorno della riunione del Comune. Per assistenza con qualsiasi punto all'ordine del giorno, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Дневниот ред за состанокот на Општинскиот одбор. За помош во врска со која и да било точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

Nepali

यो परिषद्को बैठकको एजेन्डा हो। एजेन्डाका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫ਼ੋਨ ਕਰੋ।

Somali

Kani waa Ajandaha Kulanka Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

Spanish

Este es el Orden del día de la Reunión del Concejo. Para recibir ayuda acerca de algún tema del orden del día, llame al teléfono 8470 8888.

Urdu

یہ کاؤنسل کی میٹنگ کا ایجنڈا ہے۔ ایجنڈے کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là Chương trình Nghị sự phiên họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong chương trình nghị sự, xin quý vị gọi điện thoại số 8470 8888.

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Agenda

1. MEMBERSHIP

Cr. Susanne Newton (Mayor) (Chairperson)

Cr. Tim Laurence (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Gaetano Greco

Cr. Julie Williams

Cr. Lina Messina

Cr. Susan Rennie

Cr. Tom Hannan

Cr. Trent McCarthy

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 8 April 2024 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/631/2023 154 MITCHELL STREET NORTHCOTE

Author: Senior Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Address	Consultant
C.Kairouz Architects	154 Mitchell St Pty Ltd	Stantec EcoHarmony

EXECUTIVE SUMMARY

Property Address:	154 Mitchell Street Northcote
Proposal:	Construction of three triple storey dwellings on a lot, as shown on the plans accompanying the application.
Zoning and Overlay/s:	<ul style="list-style-type: none">General Residential Zone – Schedule 2 (GRZ2)Development Contribution Plan Overlay (DCPO)
Car Parking:	Two (2) car parking spaces are provided to each dwelling. The required statutory rate of car parking is met for all dwellings.
Is a Developer Contribution required?	Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme. A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.
Consultation:	<ul style="list-style-type: none">A public notice sign to the front of the property.Letters sent to surrounding owners and occupiers.
Objections:	<p>Eighteen (18) objections were received against this application.</p> <p>The key objection grounds raised include:</p> <ul style="list-style-type: none">Reduced front setback not appropriateCar parking reductionImpact of proposal on available on-street parkingVisual bulk and overdevelopment concerns related to three storey formRoof form not in keeping with area

	<ul style="list-style-type: none"> • Overlooking/privacy concerns • Overshadowing impacts
Key reasons for support:	<ul style="list-style-type: none"> • This is an unrestricted site, with no heritage or flood overlays affecting it, has good access to services and transport and is zoned to provide diverse housing types and housing growth. • The development accords with Council's Incremental Change strategic policy direction. • A quality contemporary design which provides a positive response to the Council adopted Good Design Guide for Medium Density Development, and a high level of compliance with Clause 55 (ResCode) of the Planning Scheme. • The car parking provision for each dwelling is fully compliant with the requirements of Clause 52.06 (Car Parking) of the Darebin Planning Scheme. • The proposal comfortably fits within the height requirement of the General Residential Zone and appropriately manages change by providing reasonable standards of amenity for existing and new residents. • The three storey form is akin to a two storey outcome with attic conversion at the upper level, ensuring it fits into the context. • The site context, particularly the nature of the building to the west, the laneway to the east and the location in proximity to services and public transport support the proposed three storey form of the development.
Recommendation:	Notice of Decision to Grant a Planning Permit, subject to conditions.

Recommendation

RECOMMENDATION PART A:

That Planning Permit Application D/631/2023 be supported and a Notice of Decision to Grant a Permit be issued for the Construction of three triple storey dwellings on a lot, in accordance with the endorsed plans at 154 Mitchell Street Northcote, 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. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as *A08 to A12, produced by C. Kairouz Architects, dated 05/06/2024*) but modified to show:
 - (a) The second floor east facing retreat windows of Dwellings 2 and 3 provided with a sill with a minimum height of 1.7 metres above Finished Floor Level.
 - (b) Annotations on the plans amended to confirm that all obscured glazing is fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

- (c) Dwelling 3 first floor Bedroom 2 and second floor Retreat amended to comply with the requirements of Standard B20 at Clause 55.04-4 of the Darebin Planning Scheme. No other setbacks are to be reduced in order to achieve compliance with the requirements of the Standard.
- (d) Provide permeable paving to the pedestrian pathway abutting the laneway, and paved areas of the secluded private open spaces.
- (e) A tap provided to each second floor retreat balcony.
- (f) Double glazing indicated on plans in accordance with the submitted BESS report.
- (g) Dwelling 1 first and second floor north facing windows to be openable.
- (h) External operable sun shading devices (excluding roller shutters to windows that face the street or common areas at Ground Floor) to all east and west facing habitable room windows and glazed doors. A dimensioned section diagram or photograph of the device must be provided on the plans. The first and second floor window shading devices must be operable from within the dwellings. Windows that have external adjustable shading must be able to be opened when using the shading device.
- (i) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (j) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern side of the existing crossover to Mitchell Street. Where within the site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- (k) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.
- (l) The location of water and electricity metres. Where metres would be visible from the public realm, these are to be:
 - (i) co-located where possible;
 - (ii) positioned on a side boundary or adjacent to the accessway; and
 - (iii) screened from view using either landscaping or durable screening that integrates with the development.
- (m) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- (n) Any modifications required as a result of the approved Landscape Plan required by Condition No. 4 of this Permit.
- (o) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 5 and 6 of this Permit.

- (p) Any modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 7 of this Permit.
- (q) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.
- (r) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 9 of this Permit.
- (s) Waste storage and management for the development, in accordance with Condition No. 10 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. Any new dwellings allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the Darebin planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
4. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) Tree protection measures in accordance with Condition No. 5 and 6 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Sustainable Design Assessment required by Condition No. 7 of this Permit.
 - (c) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Report required by Condition No. 8 of this Permit.
 - (d) 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. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
 - (e) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (f) A diversity of plant species and forms.
 - (g) 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 must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (h) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- (i) 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.
- (j) Hard paved surfaces at all entry points to dwellings.
- (k) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
- (l) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (m) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (n) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (o) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (p) Scale, north point and appropriate legend.
- (q) Landscape specification notes including general establishment and maintenance requirements.

The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

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.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

5. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 1	Naturestrip	2.0 metres
Tree 2	Adjoining property (south)	2.0 metres
*as defined by Council's arborist		

6. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
- (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (c) 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.
 - (d) Except with the written consent of the Responsible Authority:
 - (i) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (ii) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
 - (e) 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.
 - (f) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
 - (g) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (h) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (i) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
7. Before plans are endorsed under Condition No.1 of this Permit, a Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SDA will be endorsed and will then form part of this Permit. The SDA must be prepared by a suitably qualified professional and must:
- (a) Provide details of how water efficient landscaping is achieved by the development.
 - (b) Provide a full preliminary energy rating for each thermally unique dwelling that achieves a minimum average 6.5 star NatHERS across all dwellings.
 - (c) Provide details of the permeable paving with a cross sectional drawing showing the different layers and their depth, the slotted pipes and the connection to stormwater pits.
 - (d) All ESD items must be drawn and labelled or listed on the plans to ensure greater compliance in the final built development. Where items cannot be drawn, they are to be included in a table summary on the plans.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended SDA and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA may occur without the written consent of the Responsible Authority.

8. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
 - (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - (i) An assessment using an industry recognised stormwater tool;
 - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
 - (v) A construction and maintenance schedule;
 - (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
 - (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

9. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean – A Builder's Guide* (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:
 - (a) Erosion and sediment.
 - (b) Stormwater.
 - (c) Litter, concrete and other construction wastes.
 - (d) Chemical contamination.

The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

10. Before the development is occupied, a waste storage and collection area must be provided for each dwelling in accordance with the endorsed plans.

The waste storage and collection area must have dimensions suitable to accommodate and conveniently access:

- (a) 80 litre General Waste/week
- (b) 240 litre Recyclable Waste/fortnight
- (c) 120 litre FOGO Waste/fortnight
- (d) 120 litre Glass Waste/fortnightly or monthly (TBA by Council), and

Provision of a to-scale bin layout plan of the naturestrip is to be provided showing minimum 300mm separation between bins and from street furniture, light poles, trees, etc. Where the site's frontage is not wide enough to accommodate the number of waste bins individually for each dwelling, a shared waste arrangement must be nominated.

If located outside a building, the waste storage and collection area must be surrounded by a screen so that it is not visible from any public road, thoroughfare or common property to the satisfaction of the Responsible Authority.

The waste storage and 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.

*FOGO: Food Organics and Garden Organics

11. 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/or any relevant authority with vested interest in the easement
12. Before the use starts, 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
13. The walls on the boundary of the 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. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:
 - (a) concealed in service ducts or otherwise hidden from view; or
 - (b) located and designed to integrate with the development,to the satisfaction of the Responsible Authority.
16. No plant, equipment, services or structures 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. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.
18. A clothesline must be provided to each dwelling. Clotheslines must not be visible from Mitchell Street.
19. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.

20. Before occupation of the development, the 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;
- to the satisfaction of the Responsible Authority.
21. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
22. Before the occupation of the development all 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.
23. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.
24. This Permit will expire if either:
- (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) 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:
- (a) Before this Permit expires;
 - (b) Within six (6) months after the expiry date; or
 - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

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 planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.

- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- 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.
- N6. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N7. This planning permit is to 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.
- N8. Please note the Development Contribution Plan levy will be invoiced separately.

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

1. BACKGROUND

Overview of Subject Site

- The land is regular in shape and measures 36.58 metres in length and 13.79 metres in width with a total site area of 504 square metres.
- The subject site is located on the southern side of Mitchell Street and is located 160 metres west of Victoria Road, 950 metres east of High Street, and 300 metres south of Separation Street, within 1km of Northcote Plaza.
- The subject site is currently occupied by a single storey Victorian weatherboard dwelling with a metal roof. Car parking access is provided via a single crossover at the western side of the Mitchell Street frontage.
- The site abuts a 3.27 metre wide laneway to the east, which runs north-south for approximately 200 metres between Mitchell Street and Bastings Street.
- There are no restrictive covenants indicated on the Certificate of Title.

Overview of Surrounding area

- To the east, across the laneway (156 Mitchell Street), is a single storey brick dwelling with front veranda. The front setback is 5.0 metres, however the veranda projects into the front setback and is provided with a 2.82 metre setback from the street.
- To the west (152 Mitchell Street) is a corner lot featuring a building with a front setback of 7.7 metres. Notably this site is almost fully constructed and roofed over, with a 1.7 metre height brick fence to the street and continuous built form along all boundaries. The site appears to be used as a combined dwelling, workshop and store.

- The immediate site context to the east and west along Mitchell Street (#152, #156, 158, #160 and #162) includes lots showing high site coverage with built form extending through the majority of the rear garden areas.
- To the south is a single storey weatherboard dwelling with a frontage to Alphington Street and rear garden towards the laneway.
- Contemporary double storey flat roof design is found 157 Mitchell Street on the opposite side of the road, with more traditional double storey pitched roof form found at 149 Mitchell Street.
- The surrounding area is generally developed with a mixture of single Victorian/Edwardian/Inter-war detached dwellings (both single and double storey). The local area contains some medium density infill in the form of 1960s blocks of flats and more recent unit developments.
- Approximately 300m to the southeast at 84 – 96 Bastings Street and within the same zone, is a multi-unit development of two and three storey townhouses which is about to commence construction and which was recently supported by Council.
- The site is proximate to schools, libraries and public reserves within walking distance.
- On-street car parking is generally unrestricted in this section of Mitchell Street and within the immediately surrounding streets.
- The site is located within the 400 metre Principal Public Transport Network Area (PPTNA) being proximate to the High Street tram, Dennis railway station, and numerous bus routes.

A location plan forms **Appendix A** and a zoning map forms **Appendix B**.

2. PROPOSAL

- The application is for the construction of three (3) triple storey dwellings on the lot, each with car parking facilities for two (2) cars. The dwellings have a maximum overall height of 10.2 metres – only 3.6 metres taller than the existing dwelling on the lot.
- Each dwelling would feature three (3) bedrooms and is designed in a traditional living layout with open plan living/dining/kitchen areas on the ground floor. Bedrooms would be provided at the first floor and a retreat area is proposed for each dwelling on the second floor opening to a small balcony.
- The existing crossover to Mitchell Street is to be retained and will provide access to Dwelling 1's uncovered car space within the front setback. Dwelling 1's garage and the garages and open car spaces of Dwellings 2 and 3 would be accessed by the right of way abutting the eastern site boundary.
- Dwelling 1 has a front entry facing Mitchell Street, while Dwellings 2 and 3 propose front doors facing the laneway. These laneway entries would be accessed via a 1.2 metre wide pedestrian pathway within the subject site (partially separated from the laneway by feature arbours and landscaping).
- The development proposes a contemporary design, featuring a part hipped and part flat roof and an articulated sculptural form, clad in a combination of brick and raised-seam metal in light neutral tones.

The development plans form **Appendix C**.



Figure 1: Applicant Artist impression of the proposed development fronting the street

Planning Permit History

- Council’s records do not show any recent planning permit history for the subject site.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
General Residential Zone – Schedule 2 (Clause 32.08-7)	A permit is required to construct two or more dwellings on a lot.

It is noted that when the application was originally advertised, a car parking reduction of one (1) space was proposed. Following advertising of the original application, the Permit Applicant amended the application, in order to provide the required rate of car parking for the proposed dwellings. While a permit was originally required for the reduction of the car parking requirement, the development as amended is now fully compliant with Clause 52.06 (Car Parking) of the Planning Scheme.

The following additional clauses of the Darebin Planning Scheme are also relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay
- Clause 53.18: Stormwater Management in Urban Development
- Clause 15.01-2L-01 Environmentally Sustainable Development.

3. CONSULTATION

Public Notification

Notification of the application has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending notices to the owners and occupiers of adjoining and nearby land
- Placing a sign on the frontage of the site.

Council has received eighteen (18) objections from 18 properties. A map identifying the general location of objector's forms **Appendix D**.

Section 57A Amendment Notification

The proposal was not readvertised following receipt of the Section 57A Amendment, as this resulted in a fully compliant car parking provision and the dwellings otherwise remained as originally advertised.

Objections Summarised

The issues raised in the objections received are:

- Reduced front setback not appropriate
- Car parking reduction
- Impact of proposal on available on-street parking
- Visual bulk and overdevelopment concerns related to three storey form
- Roof form not in keeping with area
- Proposal does not properly respect surrounding forms
- Overlooking/privacy concerns
- Overshadowing impacts
- Use of the laneway for vehicle access
- Property devaluation
- Lack of space on site for landscaping
- Insufficient space for bins on street for collection
- Noise from vehicles using the laneway.

4. REFERRALS

The proposal was referred to the following internal branches/business units:

Internal Business Unit	Comments
Assets and Capital Delivery Unit	Support the proposal subject to drainage being provided to the satisfaction of the Responsible Authority. Officer Comment: Conditions of the recommendation have been included to this effect.
City Designer	Supports the proposed design of the development. The proposal is an appropriate contemporary form that is consistent with the recommendations of the Darebin Good Design guidelines. Officer Comment: Amended plans were submitted by the applicant throughout the assessment that satisfactorily addressed the main comments of the City Designer.
Climate Emergency and Sustainable Transport Unit	Supports the proposal as the swept paths, garage/car space arrangements, and car parking are compliant with the requirements of Clause 52.06. Visibility splays to be requested via condition of approval.

Internal Business Unit	Comments
	Officer Comment: Conditions of the recommendation have been included.
ESD Officer	No objection, subject to conditions included in recommendation. Officer Comment: Conditions of the recommendation have been included.
Planning Arborist	Supports the proposal subject to appropriate tree protection measures being provided to the street tree and the tree on the adjoining lot to the south. Officer Comment: Conditions of the recommendation have been included.

The proposal was not required to be referred to any external Authorities.

5. PLANNING POLICY

Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2):
 - Settlement (Clause 02.03-1)
 - Housing (Clause 02.03-5)
 - Transport (Clause 02.03-7)
- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13):
 - Noise (Clause 13.05)
- Built Environment (Clause 15.01)
 - Urban Design (Clause 15.01-1S, 15.01-1R & 15.01-1L-01)
 - Building Design (Clause 15.01-2S & 15.01-2L)
 - Environmentally sustainable development (Clause 15.01-2L-01)
 - Healthy Neighbourhoods (Clause 15.01-4S & 15.01-4R)
 - Neighbourhood Character (Clause 15.01-5S & 15.01-5L)
- Residential Development (Clause 16.01):
 - Housing Supply (Clause 16.01-1S & 16.01-1R)
 - Housing growth (Clause 16.01-1L-01)
 - Housing diversity (Clause 16.01-1L-02)
 - Dwelling diversity (Clause 16.01-1L-03)
- Transport (Clause 18):
 - Car parking (Clause 18.02-4L)
- Infrastructure (Clause 19)

- Renewable energy (Clause 19.01-2S & 19.01-2R)
- Development Infrastructure (Clause 19.03)

Zone:

- General Residential Zone – Schedule 2 (Clause 32.08)

Overlays:

- Development Contributions Plan Overlay (Clause 45.06)

Particular Provisions:

- Car Parking (Clause 52.06)
- Stormwater Management in Urban Development (Clause 53.18)
- Two or More Dwellings on a Lot (Clause 55)

Planning Scheme Amendments

Amendment VC243 gazetted on 22 September 2023 made changes to the Victoria Planning Provisions (VPP) and all planning schemes to codify residential development standards, implement the Future Homes project across Victoria, remove permit requirements for single dwellings on lots of 300 square metres or more and introduce VicSmart permits for single dwellings on lots less than 300 square metres. These changes support the delivery of housing in Victoria.

The amendment ‘codified’ specified residential development standards at Clauses 54 and 55 of the VPP in all planning schemes, to facilitate assessment of these standards. The operation of the provisions is modified to state that where the standard is met, the objective is deemed to have been met, and the associated decision guidelines for the standard are not required to be considered.

As the development complies with many of the Clause 55 Standards, it is deemed to comply with the objectives of Clause 55 in these instances. While there are some Clause 55 Standards that the development does not directly comply with, as the assessment in Section 7 of the report outlines, due to the locational attributes of the subject site and the proposed design of the dwellings, the proposal is, on balance, acceptable. Refer to Section 7 of this report and **Appendix E and F** for further details on Neighbourhood Character and ResCode compliance.

6. RESPONSE TO OBJECTORS CONCERNS

The following key issues raised by objectors are addressed in Section 7 of this report:

- Reduced front setback not appropriate
- Car parking reduction
- Impact of proposal on available on-street parking
- Visual bulk and overdevelopment concerns related to three storey form
- Roof form not in keeping with area
- Overlooking/privacy concerns
- Overshadowing impacts

Responses to the other grounds raised in the objections received are provided below:

Proposal does not properly respect surrounding forms

The proposal broadly addresses Council's Good Design Guide for Medium Density Development and is supported by Council's City Designer. The development is consistent with the requirements of the applicable Neighbourhood Character policy, in providing a contemporary design that respects surrounding built-form and siting through similar or front, side and rear setbacks and dedicated landscaping areas.

The three (3) storey height has been designed to integrate with the existing character through use of hipped roof form, recessed upper level setbacks and incorporation of the upper level into the roof, meaning it is only 3.6 metres taller than the existing dwelling on the site and approximately 2.8 metres taller than the double storey dwelling opposite at 149 Mitchell Street.

The material palette of the development features high quality, robust materials that are consistent with the cladding and brick materials evident in surrounding dwellings.

The roof form and overall design language of the development compliments the existing character, by incorporating a pitched roof element and integrating the upper-level form into the attic.

The front setback remains open to the street, does not propose high front fencing and is not dominated by car parking facilities. It will result in a very similar area dedicated to landscaping as that existing.

Use of the laneway for vehicle access

The proposed use of the laneway for vehicle access aligns with Council policy to minimise the demand for on-street car parking through the use of rear access where available and reduces impacts to pedestrians along Mitchell Street. The use of the laneway will also help to reduce the dominance of car parking structures (garages and the like) within the streetscape.

The laneway is a made road on Council's road register and can be used to access private garages. Ingress and egress from the garages have been reviewed by Council's Transport Unit and is compliant with the relevant requirements of the Darebin Planning Scheme.

Noise from vehicles using the laneway.

The laneway is a public roadway and may be used for the purposes of vehicle ingress and egress to garages. Noise generated by vehicles manoeuvring within the laneway is an expected and acceptable outcome associated with the use of a public road.

Property devaluation

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

Lack of space for landscaping

The proposal provides suitable space for meaningful landscaping in the front setback and within secluded private open spaces of each dwelling. It allows for landscaping throughout the site that will soften the interfaces of the development with surrounding lots, particularly the dwelling to the south and the fully developed site to the west. The proposal will result in an improved landscaping outcome than that existing on adjacent lots along Mitchell Street (#152, #156, 158, #160 and #162) which have high site coverage with built form extending through the majority of the rear garden, areas as seen in the aerial photograph below.



Figure 2: Aerial photo showing the site and adjacent existing built-form / landscaping outcomes

The proposed level of landscaping and canopy tree planting within the front setback is typical of the streetscape.

Insufficient space for bins on street for collection

A suitable waste management plan has been submitted with the application, which alongside the waste areas shown on the advertised plans, demonstrates that sufficient space is available at the front of the site for bin collection purposes. Each dwelling is also provided with sufficient space to store bins within the site boundaries.

7. PLANNING ASSESSMENT

In assessing this application, regard has been given to the Planning Policy Framework (PPF), the provisions of the Darebin Planning Scheme, key objections received and the merits of the application.

Does the development require a Cultural Heritage Management Plan?

The subject site is not located within an Area of Cultural Heritage Sensitivity. Therefore, a Cultural Heritage Management Plan (under the Aboriginal Heritage Act 2006) is not required.

Does the proposal have strategic policy support?

The proposed development is supported by State and Local policy, in particular:

- Clause 11.02-1S seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Clause 15.01-1S sets out urban design guidance to achieve a high-quality built environment and public realm.
- Clause 15.01-4S seeks to create neighbourhoods that foster healthy and active living and community wellbeing.
- Clause 16.01-1S seeks to encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Clause 16.01-1R seeks to identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne.
- Clause 16.01-1L-01 seeks to facilitate housing development that meets the needs of Darebin's projected population at an appropriate scale and intensity.
- Clause 16.01-1L-02 seeks to ensure that housing diversity is increased to meet the needs of the local community and reflects demographic changes.
- Clause 16.01-1L-03 seeks to provide a range of dwelling sizes and types, including 3 bedroom units.
- Clause 18.01-1S seeks to design neighbourhoods to better support active living and increase the share of trips made using sustainable transport modes.

Overall, the site is well-located and suitable for redevelopment for the purpose of two (2) additional dwellings (net).

The local provisions of the Planning Policy Framework provide further guidance on the expected form, scale and intensity of development appropriate for this site.

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 Incremental Change in the Strategic Housing Framework Plan. Clauses 02.03-5, 02.04-2 and Clause 16.01 outline Incremental Housing Change Areas as those that allow for a moderate change in residential development over time. In Incremental Housing Change areas, the Darebin Planning Scheme generally seeks to:

- *Encourage housing development and diversity in Incremental Housing Change Areas that is generally consistent with the character of the area and responsive to varying local conditions, allowing for moderate housing growth and diversification over time.*
- *Support low scale medium density housing development that respects existing neighbourhood character in Incremental Housing Change Areas, particularly in areas that are in proximity to shops, facilities, services and transport.*
- *Ensure new housing is located to facilitate pedestrian access to local services and employment.*

The proposed development complies with these strategic directions, as a change in housing density that is expected and encouraged through policy. The proposal provides a contemporary form, with high quality materials, that satisfactorily responds to the applicable neighbourhood character policy, while also allowing for increased housing density in a well-serviced area close to local amenities.

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 objective of this policy is to respond to increasing demand for additional housing and requirement for different types and sizes of housing through the intensification of existing urban areas.

Strategies to achieve this objective include encouraging *“housing development in Minimal Housing Change Areas, Incremental Housing Change Areas and Substantial Housing Change Areas as identified in the Strategic Housing Framework Plan to Clause 02.04-2 and in Strategic Opportunity Sites identified in the Darebin Housing Strategy 2013 Darebin City Council (Revised 2015)”*.

The proposed development of three (3) triple storey dwellings is an acceptable level of development envisaged in this context. The site context, particularly the nature of the building to the west, the laneway to the east and the location in proximity to services and public transport support the proposed three storey form of the development. The proposal addresses broader planning policy goals to increase housing density sought through Council's Housing Strategy under Clause 02.03-5 of the Darebin Planning Scheme. The site is within a walkable 900 metres to the Northcote Plaza redevelopment and the High Street activity centre. The Johnson Park is readily accessible 250 metres to the south. The site is also within the 400 metre PPTNA buffer area and has reasonable access to public transport including proximate bus routes and the Route 86 tram which runs along High Street to the west.

The surrounding area shows evidence of the housing change envisaged by policy, with different building typologies present. This includes the multi-storey apartment development at the corner of Mitchell Street and Victoria Road, the three (3) storey multi-unit development to the south along Bastings Street, as well as more recent contemporary and reproduction style dwellings in the area. As anticipated within Incremental Housing Change areas, the proposal broadly responds to the local character by incorporating hipped roof forms and neutral material/colour palette, whilst promoting an increased density and providing for a greater variety of housing stock. The proposed three (3) storey dwellings are a reasonable response to local conditions and are reflective of the expected housing change within this area of the municipality.

The development proposes a medium density development which aligns with the Council-adopted goals contained in the Darebin Good Design Guide for Medium Density. Overall, the proposed development would be representative of an emerging character for the broader area and municipality. The building presents as a bold, contemporary form with good connectivity to the street and activation to the laneway interface. The overall design is simple in presentation, with acceptable articulation and materiality. The first floor mirrors the ground floor below to maximise available space as is promoted in the Good Design Guide.

General Residential Zone – Clause 32.08

The proposal positively responds to the purpose of the zone which encourages development that respects the neighbourhood character, encourages a diversity of housing types and housing growth, particularly in areas such as this with good access to transport and services. The proposal is three (3) storeys and a maximum of 10.2 metres in height and therefore complies with the zoning requirements of a maximum of 11 metres.

The application complies with the minimum garden area requirement of the zone, with 30.3% (153 square metres) of the site provided as garden area, in accordance with the minimum mandatory requirement being 30% of the site area.

As sought by the zone, the design response provides acceptable standards of amenity for existing and new residents, demonstrated through a high level of compliance with Clause 55 (ResCode) requirements of the Darebin Planning Scheme.

Does the proposal respond to neighbourhood character and to Council's preferred future character?

Council's Neighbourhood Character policy is included at Clause 15.01-5L and the Darebin Neighbourhood Character Study Precinct Guidelines (Planisphere, 2007) are to be considered, as relevant, in decision making.

The guidance provided in Council's Neighbourhood Character Guidelines is to be considered alongside all applicable policy, including the direction of policy included in the Planning Scheme since the guidelines were adopted. In addition, Council considers the Good Design Guidelines formally adopted by Council in September 2020.

Neighbourhood Character Precinct Guidelines

Policy directs new development to contribute to the preferred future character of the precinct, while retaining and enhancing existing elements that contribute to local character.

Clause 16.01 broadly acknowledges that the challenge is accommodating the required increase in dwellings in locations with good public transport access, while conserving and enhancing the valued character and heritage qualities of residential areas.

The subject site is located in Precinct B3 (Victorian/Edwardian/Inter-war) of the Darebin Neighbourhood Character Study. The preferred character statement for Precinct B3 states there are opportunities to introduce well-designed, contemporary architectural styles that adopt the established form, scale, siting and materials, whilst re-interpreting existing period architecture of the area. The proposal will maintain the separation between dwellings typical within the street, while also allowing for a more efficient use of the site in terms of dwelling density.

The three (3) storey form of the proposal is a change to that existing nearby, however the design ensures the scale is in keeping with the area by integrating the second storey into the roof form and ensuring maximum height is generally in the range of 9 – 10 metres.

The proposed development seeks to reduce overall visual bulk and create a sense of spacing between the dwellings through the creation of breaks in form between the upper storeys of each dwelling.

The generous western side setback, combined with the setbacks and laneway to the east, increase the sense of openness and articulation of the development when viewed from the street. The rhythm between buildings along Mitchell Street is maintained with no walls on boundary and one (1) dwelling fronting the street, incorporating complementary design features such as landscaping, outlook from ground floor habitable rooms and an open car space.

Dwellings in this Neighbourhood Character Precinct area have a mixture of pitched and flat roof forms, which this development reinterprets in a contemporary manner. The upper most storeys use a chamfered design to the street and laneway facing frontages, to lessen the visual impact, acting as a reference to the pitched forms of existing housing stock.

The materials and colour palette of the development is robust and neutral, offering a contemporary interpretation of existing local materiality.

The development responds satisfactorily to key elements of the neighbourhood character, as outlined in the Precinct Guidelines. The design guidelines relating to neighbourhood character, design, form, and materials are provided in full within **Appendix E**.

Darebin Good Design Guide

The proposal is responsive to the Council adopted Darebin's Good Design Guide for Medium Density Development, which correlates with the proposal satisfactorily meeting neighbourhood character objectives and gaining the support of Council's City Designer.

Specifically, the proposal responds to the Darebin Good Design Guide in the following ways:

- The development provides high-quality architectural design that responds to the local character in a contemporary and innovative way, using an attached typology.
- Car parking is recessive, being provided largely to the rear of the site along the laneway. While Dwelling 1 is provided with one (1) open car space within the front setback to Mitchell Street, this utilises the existing vehicle crossover and does not dominate the presentation of the dwelling within the streetscape.
- The existing pattern of landscaping is maintained within the street.
- There are limited offsite amenity impacts in terms of overshadowing.
- The proposal provides suitably articulated dwelling entries for shelter and sense of address.
- The street interface fenestration provides a balance between modern design, passive surveillance and privacy.
- The development maintains the rhythm of dwellings fronting the street by providing a front setback that creates a garden setting and is consistent with the rhythm of side setbacks evident between buildings in the street.
- A minimal palette of materials is used to reduce visual clutter and the architectural expression is consistent across the development.

The proposed built form is typical of the emerging contemporary character across the municipality. The Council-adopted Good Design Guidelines seek to encourage innovative and high-quality architecture. These design responses often include built form outcomes that can differ to some of the design objectives of the older neighbourhood character guidelines.

The proposed dwellings are representative of contemporary dwelling design and functionality and subject to conditions (detailed within the recommendation), suitably comply with the relevant requirements of policy.

Does the proposal provide an acceptable response to Clause 55?

The assessment below addresses key Clause 55 standards with respect to amenity impacts, objector concerns and any areas of direct non-compliance with Clause 55 standards that are being supported as compliant with the relevant Clause 55 objective, either as presented or through conditions of approval.

The table at **Appendix F** of this report provides an overview of compliance with all Clause 55 standards and objectives. All objectives of Clause 55 are met through the current design.

Clause 55.03-1 – Standard B6 – Street Setback

The front setbacks of the adjoining dwellings are 7.7 metres and 5.0 metres. The standard therefore requires a street setback of 6.35 metres.

The development seeks to vary the Standard, as the proposed street setback of 3.27 metres does not meet the suggested dimension.

The design response is acceptable and complies with the Objective for the following reasons:

- The street contains significant variation in terms of front setback depth. The design of the development is responsive to the dwelling across the laneway to the east, by generally aligning the proposed porch with the existing porch at No. 156 Mitchell Street.
- The site to the west is not sensitive in terms of front setback requirements, given the site is fully constructed and features a high, impervious front fence.
- Overall, the proposed development responds to the Good Design Guide for Medium Density Dwellings, by providing a well-articulated yet simplified form within the streetscape.
- The front setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate area for the provision of landscaping and does not include garaging within the streetscape presentation.
- The reduced front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.

Clause 55.03-2 – Standard B7 – Building Height

The proposed dwellings have a maximum height of 10.2 metres from the natural ground level and three storeys but generally within the range of 9 – 10 metres. This complies with the standard and the zone, requiring a maximum height not exceeding 11.0 metres or three storeys at any point.

Clause 55.03-3 – Standard B8 – Site Coverage

The site coverage is 58% and therefore complies with the requirements of the Standard (60%) and meets the Objective.

Clause 55.03-8 – Standard B13 – Landscaping

The surrounding landscape character is generally semi mature and informal. Selected sites provide larger open spaces to the rear; a small proportion of which are well-vegetated. Many dwellings in the local area exhibit a high level of built form extending through the site and high site coverage, with minimal landscaping as a result. Typically, smaller areas of landscaping are provided within the existing modest front and side setbacks.

The proposed open spaces and setbacks within the development are large enough to provide sufficient landscaping throughout the development, particularly along the western boundary.

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

Clause 55.04-1 – Standard B17 – Side and Rear Setbacks

Side setbacks of the proposed development to the eastern boundary beside the laneway are marginally non-compliant with the requirements of the Standard. There are minor encroachments of the eastern façade at the first and second floor into the required setback envelope which expects the boundary to be with another dwelling and not a 3 metre wide laneway. Given the additional 3 metre setback provided by the laneway, the proposal is setback substantially more from the dwelling at 156 Mitchell Street than typically expected by the standard, ensuring unreasonable amenity impacts are limited.

The development is fully compliant with the setback requirements of the Standard to the west and south.

The upper levels, where opposite the secluded private open space of the adjoining properties, are sufficiently articulated and set back and chamfered away from the boundaries to minimise amenity impacts arising from visual bulk. The proposed articulated form is suitably responsive to the site and specific interfaces.

Clause 55.04-4 – Standard B20 – North facing windows

There is a north facing habitable room window located within three (3) metres of the southern property boundary. The carport and upper two storeys for Dwelling 3 do not meet the requirements of the Standard at this interface.

At ground level, the non-compliance with the Standard is minor and acceptable, as the proposed carport is located to the east of the window edge and therefore adequate solar access will be maintained for the full width neighbouring window, despite the carport not being set back from the boundary the required dimension.

The non-compliance at first and second floor relates to the Bedroom 2 and Retreat walls. The potential amenity impacts to the neighbouring window from the first and second floor walls are unacceptable and therefore a condition of approval will require compliance with Standard B20 through increased setbacks and/or a reduction in overall wall height.

Clause 55.04-5 – Standard B21 – Overshadowing

Overshadowing of adjoining open space meets the Standard and Objective.

The development does not cast any additional overshadowing on the adjoining properties to the east or west.

Overshadowing of neighbouring properties to the south 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, receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September.

This extent of additional overshadowing complies fully with Standard B21 of the Darebin Planning Scheme and therefore complies with the Objective.

Clause 55.04-6 – Standard B22 – Overlooking

The finished ground floor levels of the proposed dwellings do not exceed 0.8 metres above natural ground level at the boundary and proposed boundary fencing will minimise the potential for overlooking from the ground floor.

The upper storey habitable rooms and balconies of the development are generally designed, located, and/or screened to limit views into neighbouring secluded private open space and habitable room windows.

Given the extent of built form constructed across the site to the west (152 Mitchell Street), there is no potential for overlooking in this direction and screening measures are not required.

Similarly, as there are no habitable room windows within the proposed development facing south (towards 22 Alphington Street), there is also no requirement for overlooking screening to be provided on the southern elevation of Dwelling 3.

For the east facing habitable room windows within the development, a condition of approval will require confirmation that the obscure glazing is treated in accordance with the requirements of Standard B22. A condition of approval will also require compliance with the overlooking requirements of Standard B22 for the upper storey east facing retreat windows of Dwellings 2 and 3.

Clause 55.05-4 – Standard B28 – Private Open Space

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

For dwellings with ground floor living areas, the standard normally requires the provision of 40 square metres of private open space with a minimum area of 25 square metres of secluded private open space (SPOS) located at the side or rear of the dwelling and with a minimum dimension of 3 metres and convenient access from a living room.

Private Open Space for the proposed dwellings is provided as follows:

Dwelling	Total area of POS	Area of SPOS	Minimum dimension of SPOS
1	67.8 square metres	35.3 square metres	3.5 metres
2	31.3 square metres	26.3 square metres	3.5 metres
3	34.1 square metres	26.1 square metres	3.5 metres

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

Although for Dwellings 2 and 3 the proposal does not meet the overall private open space requirements, this is acceptable given the dwellings each have compliant areas of secluded private open space, as well as upper level 5 square metre balconies to the retreat areas. In addition to this, there is public open space available proximate to the site (approximately 200 metres to the south).

Each dwelling will have similar or greater POS areas as the existing dwellings on adjacent lots along Mitchell Street (#152, #156, 158, #160 and #162).

Subject to conditions addressing Standards B6, B13, B20, and B22 Standards, the application appropriately responds to the requirements of Clause 55 of the Darebin Planning Scheme.

Has adequate car parking been provided?

A total of 6 spaces are required for the development (2 car spaces to each dwelling). The development provides the required rate of car parking (6 spaces in total) and therefore complies with the statutory requirements in Clause 52.06 of the Planning Scheme.

No waiver or reduction is sought and there is no requirement for visitor car parking spaces as part of this development. It is noted that the permit applicant amended their application following initial notice of the proposal. This amendment to the application resulted in the full rate of car parking being provided. The proposed development therefore fully satisfies the Darebin Planning Scheme with respect to the provision of car parking.

While on-street car parking is currently unrestricted along Mitchell Street, it is noted that per Council's Car Parking Policy, the proposed dwellings would not be eligible for on-street parking permits in the event that parking restrictions were imposed by Council on the street. This would encourage use of the provided garages, rather than on-street parking spaces.

What impact would the proposal have on vehicle congestion and road safety in the local area?

Council's Transport Unit have assessed the proposal and confirmed that the development will not result in any unreasonable additional vehicle movements per day on Mitchell Street, the laneway adjoining the site, or the broader local area. Vehicle movements would remain within the street's design capacity and are not expected to cause traffic or congestion problems inconsistent with the expectations of a residential area.

As noted above, all dwellings are provided with the required car parking facilities and no additional crossovers to the primary road network are proposed (the existing crossover to Mitchell Street is to be retained for one of Dwelling 1's car spaces).

Council policy is to utilise laneways where available and to locate parking away from the street in order to maximise the amount of on-street car parking available for existing residents and improve the pedestrian environment along streets. The laneway abutting the site is a constructed road and is on Council's register of roads, so can be used for vehicle access to the new dwellings. The use of the laneway is supported and will not result in any unacceptable pedestrian or vehicle safety risks.

Additionally, a separate pedestrian pathway has been provided along the laneway within the site to ensure ease of access for pedestrians from Mitchell Street.

Vehicle swept paths for the proposed garages along the laneway have been reviewed and approved by Council's Sustainable Transport Unit.

The application has been assessed against the Car Parking Design Guidelines of Clause 52.06 and meets the relevant requirements for accessway length, width and car parking space dimensions.

Does the proposal provide a suitable response to environmental and sustainability requirements?

The proposal satisfactorily responds to guidelines at Clause 15.01-2L-01 (Environmentally Sustainable Design) and Clause 52.18 (Stormwater Management in Urban Development).

A Sustainable Design Assessment has been provided in accordance with the requirements of the Clause. A Water Sensitive Urban Design (WSUD) report, including a STORM assessment and WSUD plan, have also been provided in accordance with the requirements of Clause 53.18.

Both reports have been reviewed by Council's ESD officer and are supported.

ESD and WSUD features of the development are adequate and include:

- The development has been designed so that solar access to north-facing windows is maximised, however Dwelling 2 and 3 have their primary living areas west facing due to the north-south orientation of the site. These areas will nonetheless have suitable solar access to both indirect north light and good afternoon solar access.
- Space for outdoor clothes drying facilities.
- No gas is proposed to be connected to the development.

- In accordance with ESD officer's recommendations, the SDA submitted with the application will be subject to revisions to ensure ESD outcomes for the development align with the objectives of Clause 15.01-2L-01.
- Solar panels and EV cabling are provided to each dwelling.
- There are no existing rooftop solar energy systems on dwellings on adjoining sites. A condition of approval would require the submitted Water Sensitive Urban Design plan be corrected to show the water-tanks and raingarden to correspond to the report submitted.

A condition of approval would also require a Site Environmental Management Plan to ensure stormwater run-off is managed during the construction phase.

8 POLICY IMPLICATIONS

Environmental Sustainability

All new dwellings are required to achieve a minimum average 6.5 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

N/A

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that one disclosable interest has been raised in relation to this report. The Manager City Development has considered the nature of the application, considered their professional duties and personal interests and concluded that an actual, potential or perceived conflict of interest risk exists.

Actions to manage this matter include the following:

- Disclosing this interest to the Chief Executive Officer.
- The Manager City Development has not been involved in any part of the assessment of the application and removed themselves from any meetings or discussion regarding the application, or any of the issues raised, and instead the Assistant Manager has overseen this assessment.

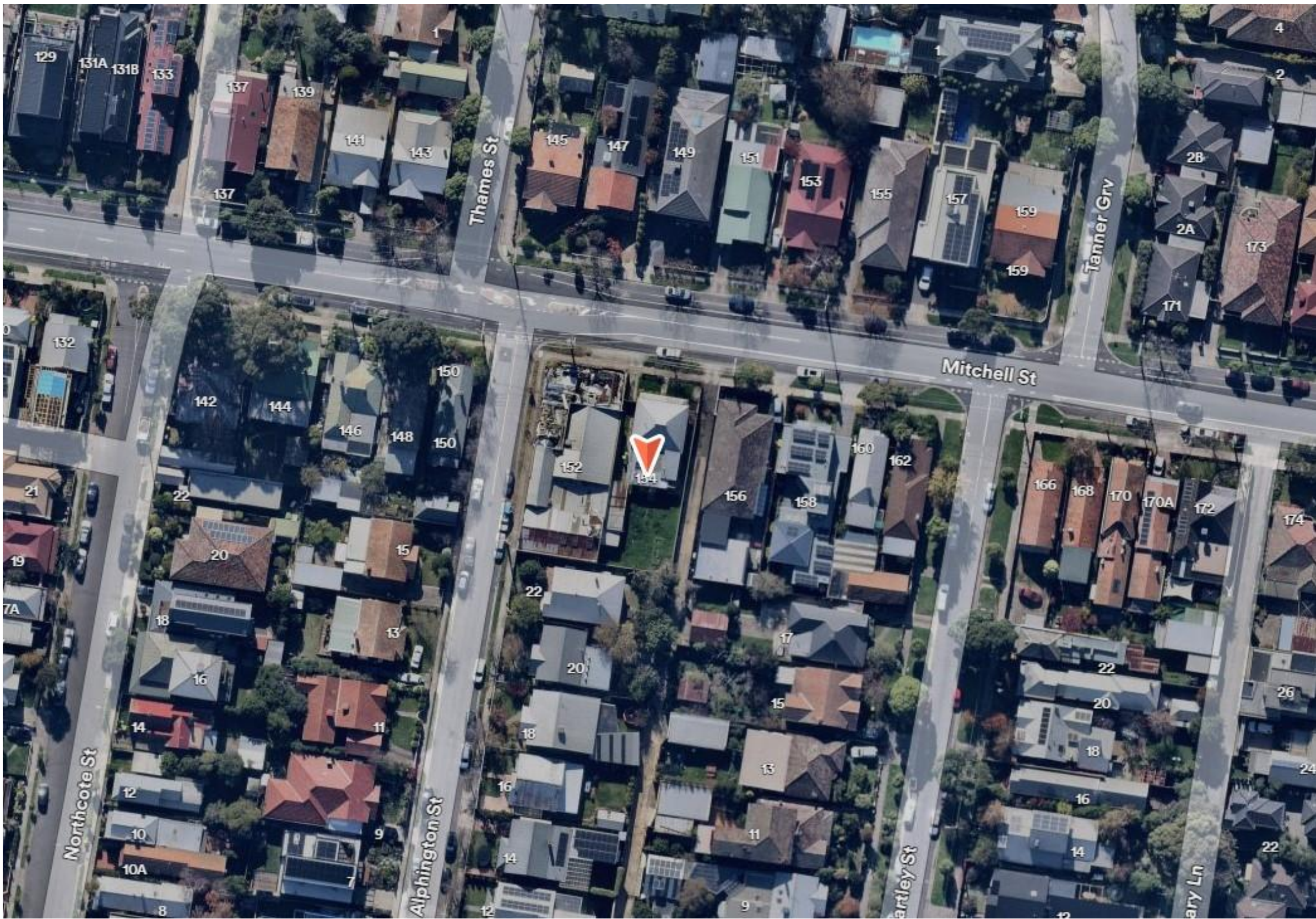
Attachments

- Location Map - 154 Mitchell Street Northcote D-631-2023 (**Appendix A**) [↓](#) 
- Zoning Definition Map - 154 Mitchell Street Northcote D-631-2023 (**Appendix B**) [↓](#) 
- Development Plans - 154 Mitchell Street Northcote D/631/2023 (**Appendix C**) [↓](#) 
- Objector Radius Map - 154 Mitchell Street Northcote D/631/2023 (**Appendix D**) [↓](#) 
- Neighbourhood Character Reference Table - 154 Mitchell Street Northcote D/631/2023 (**Appendix E**) [↓](#) 
- Clause 55 Reference Table - 154 Mitchell Street Northcote D/631/2023 (**Appendix F**) [↓](#) 

154 MITCHELL STREET NORTHCOTE VIC 3070

Appendix A – Location Map

Source: Nearmap 2024
09/07/2024



Zoning Definition Map
154 MITCHELL STREET NORTHCOTE VIC 3070 *(Approved property)*
Darebin City Council



Whilst every endeavour has been made to ensure that the information in this product is accurate, the City of Darebin does not accept responsibility or liability whatsoever for the content, or any errors or omissions contained therein



Project:

TH (Three) Development
154 Mitchell Street,
Northcote

Stage:

TOWN
PLANNING

Client:

E.L

Municipality:

City of Darebin

05.06.24

Rev 1



154 Mitchell Street, Northcote

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NORTHCOTE SHOPPING PLAZA
1.1KM

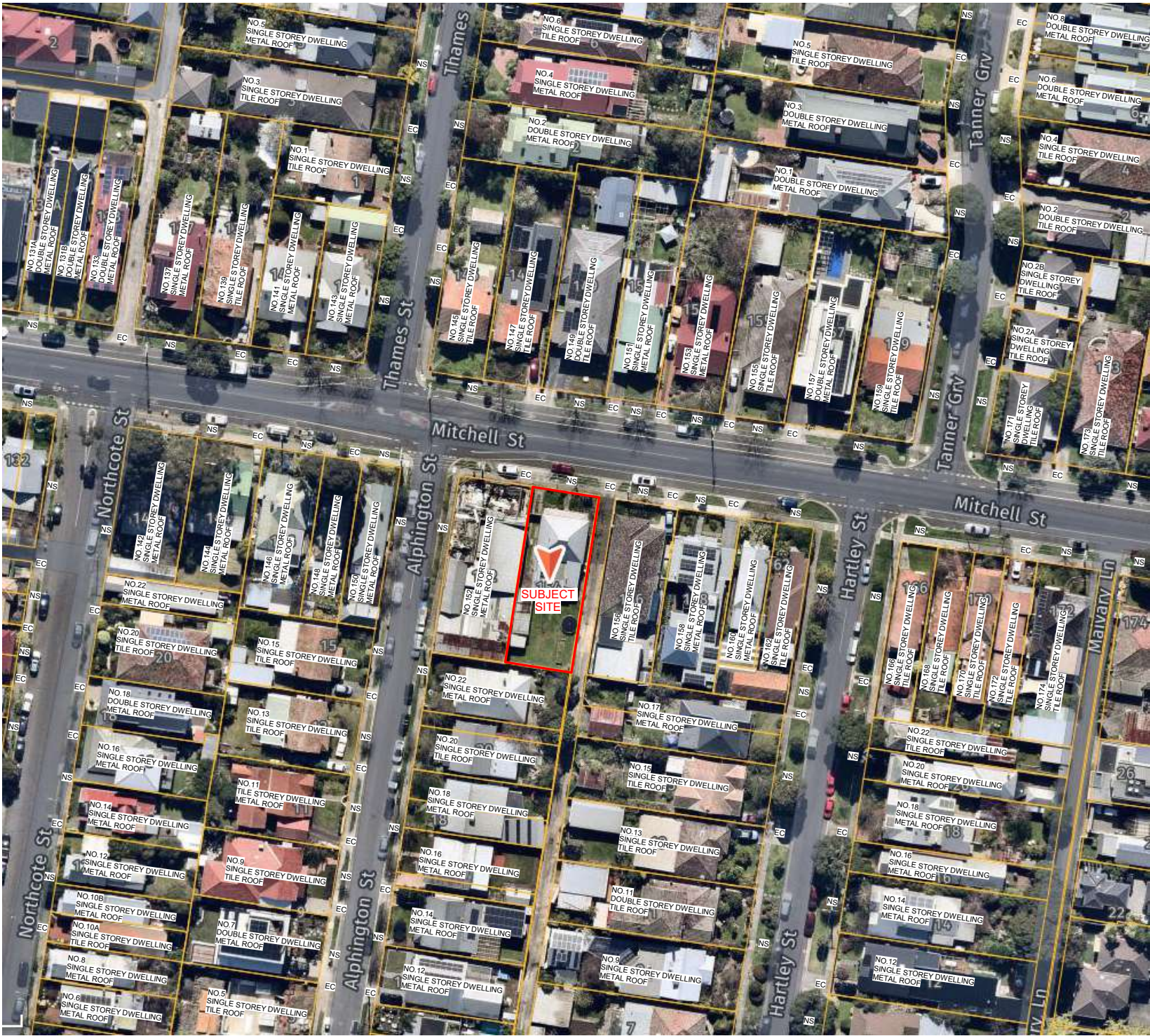
NORTHCOTE TRAIN STATION
1.4KM

NORTHCOTE THEATRE
1.1KM

MERRY PARK
1.9KM

WESTGARTH PRIMARY SCHOOL
0.6KM

DENNIS TRAIN STATION
0.7KM



FAIRFIELD AQUATIC AND RECREATION CENTRE
0.7KM

MCDONELL PARK
1KM

BUNNINGS FAIRFIELD
2.1KM

FAIRFIELD BOWLING CLUB
0.8KM


M3 HIGHWAY
1.7KM

THOMAS EMBLING HOSPITAL
2.1KM

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DRAWING:

NEIGHBOURHOOD CHARACTER STUDY



PROJECT:

LOCATION:

CLIENT:

TH (Three) Development

154 Mitchell Street, Northcote

E.I

AMENDMENT:

No.	Description	Date
1	Amended for Section 57A	05/06/2024

DATE:

SCALE:

JOB N° :

DRAWN :

05.06.24

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CKA23-037

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No in SET:

ISSUE:

TOWN PLANNING

A01

Rev 1

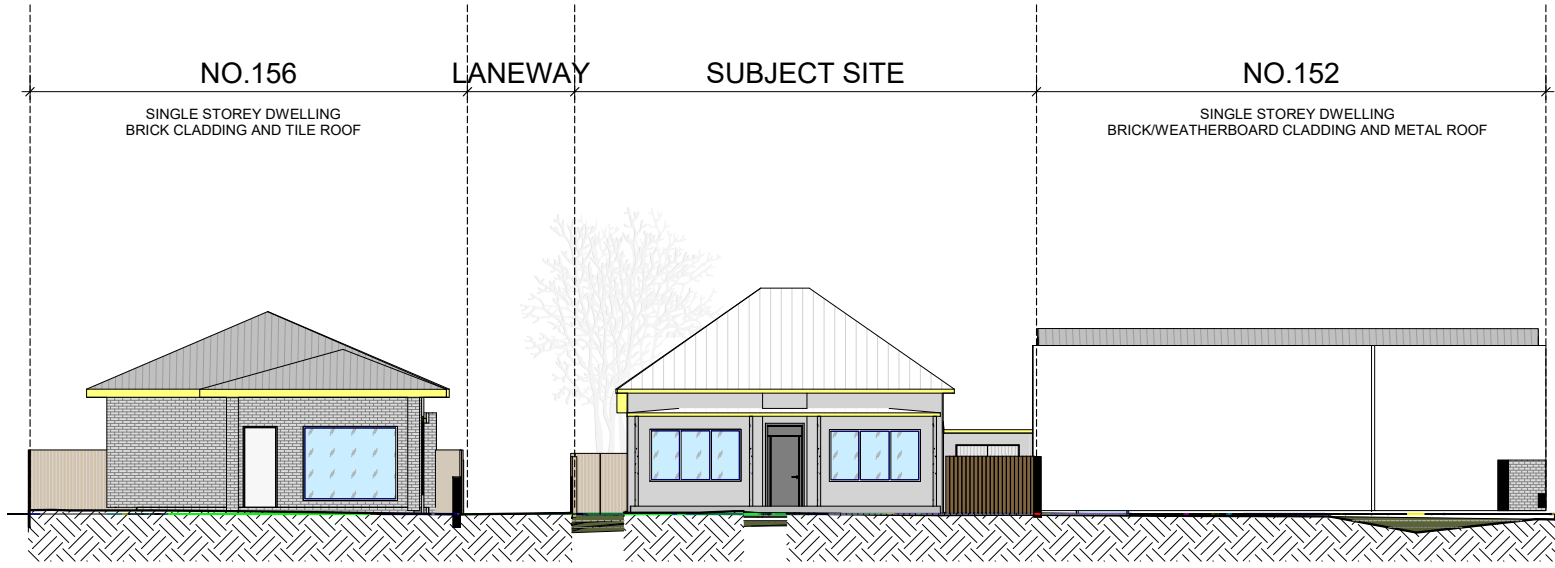
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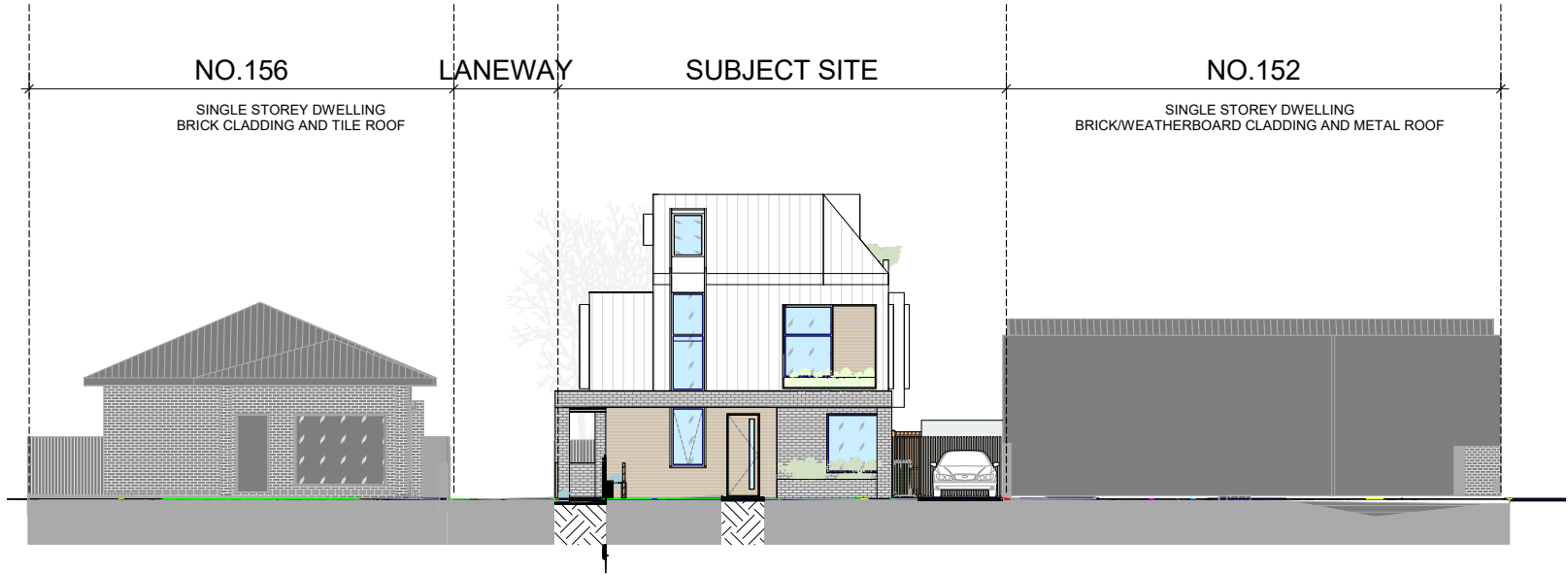
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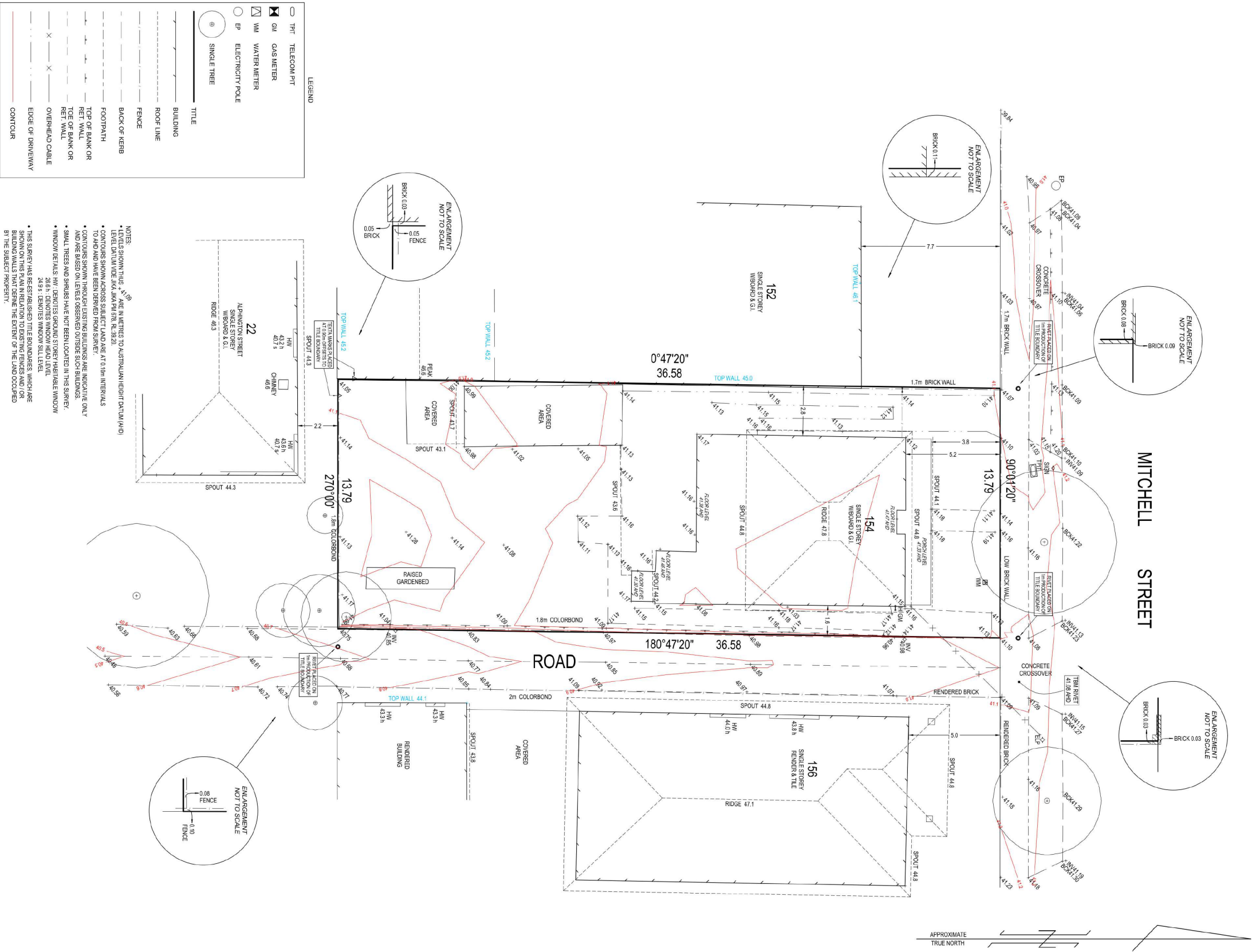


1 TP-STREET ELEVATION EXISTING
1 : 100



2 TP-STREET ELEVATION PROPOSED
1 : 100

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ISSUE: TOWN PLANNING											



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DRAWING:
FEATURE SURVEY



PROJECT: TH (Three) Development
LOCATION: 154 Mitchell Street, Northcote
CLIENT: E.L

AMENDMENT:

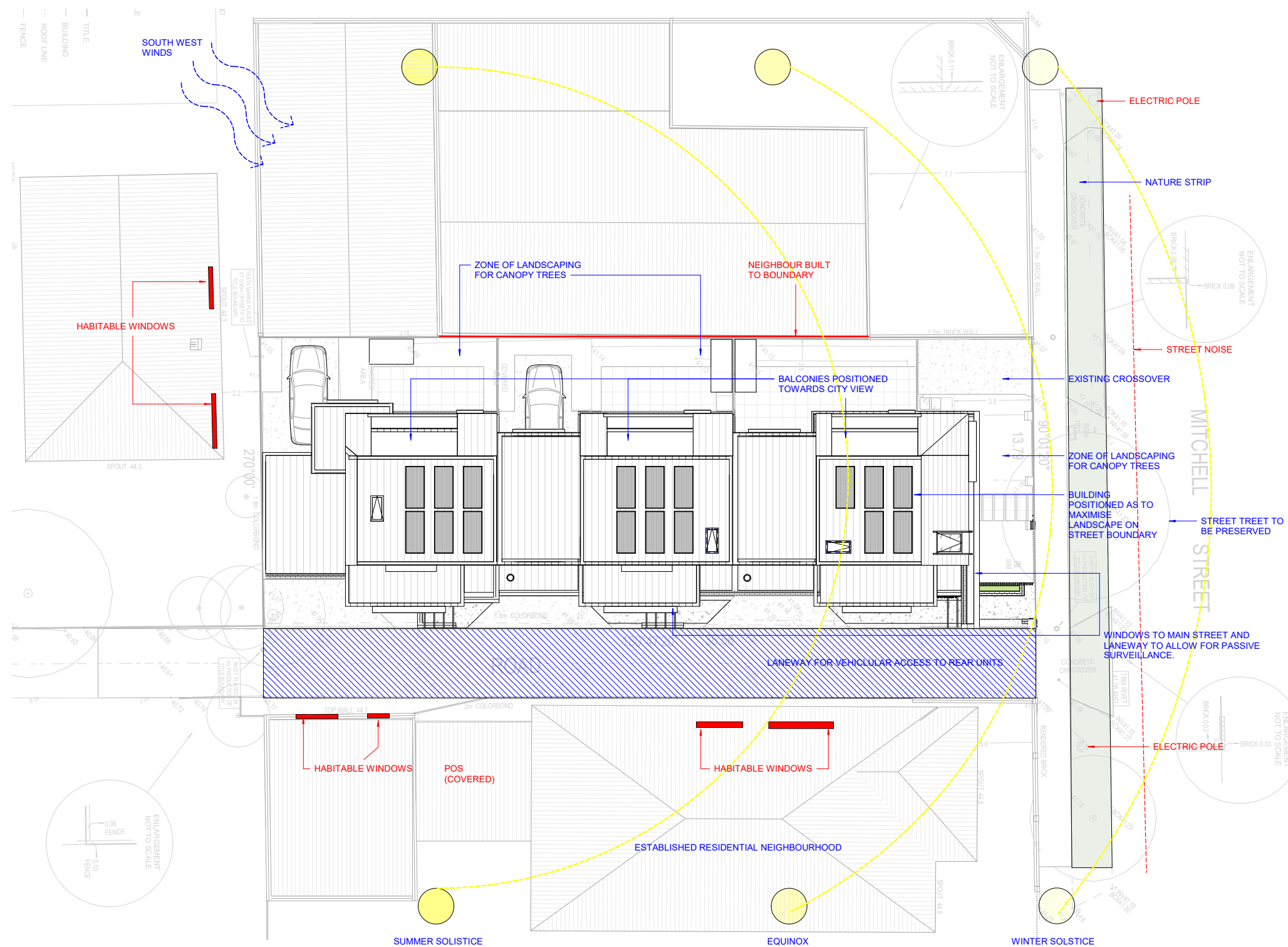
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DATE: 05.06.24
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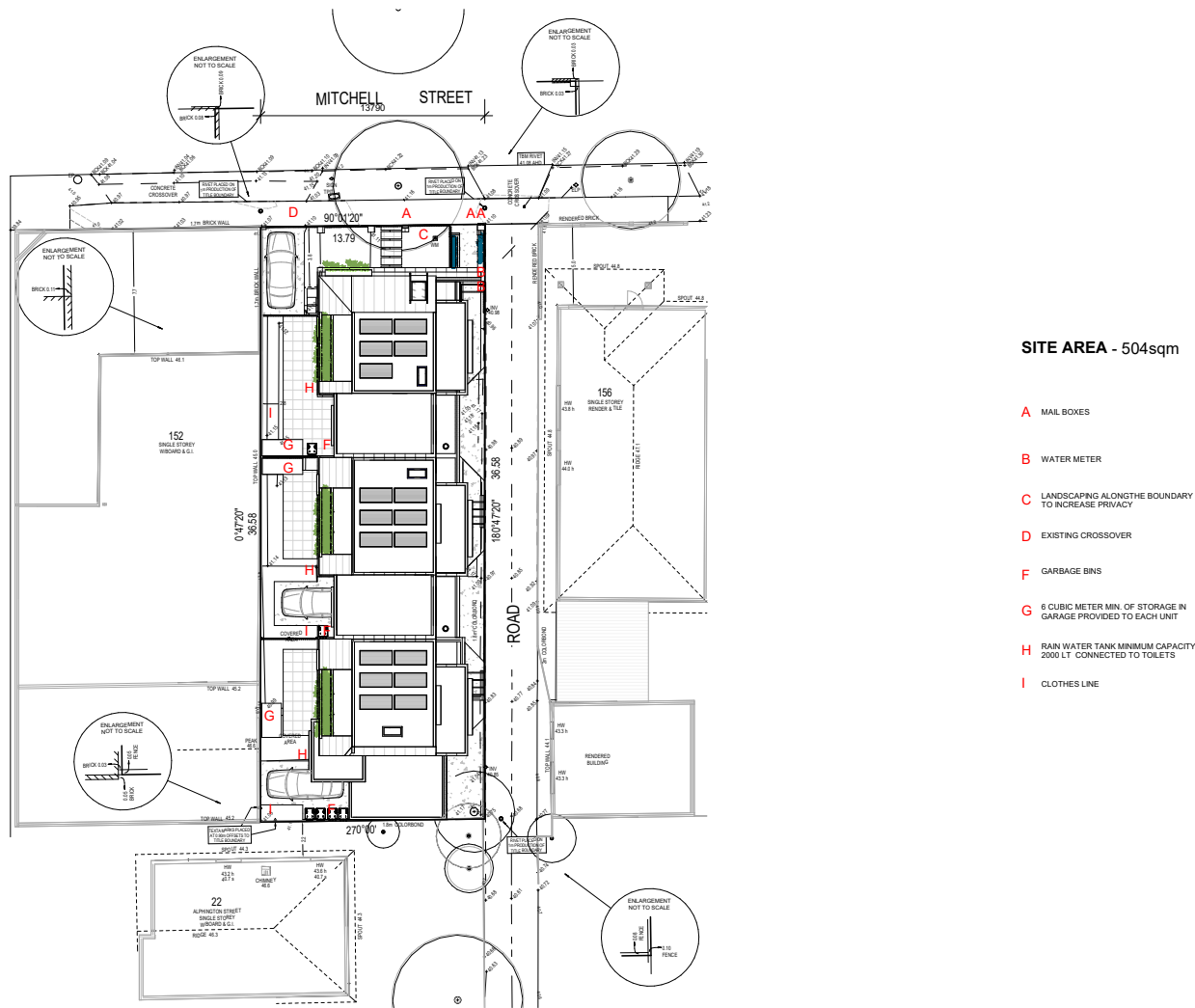
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Rev 1
ISSUE: TOWN PLANNING

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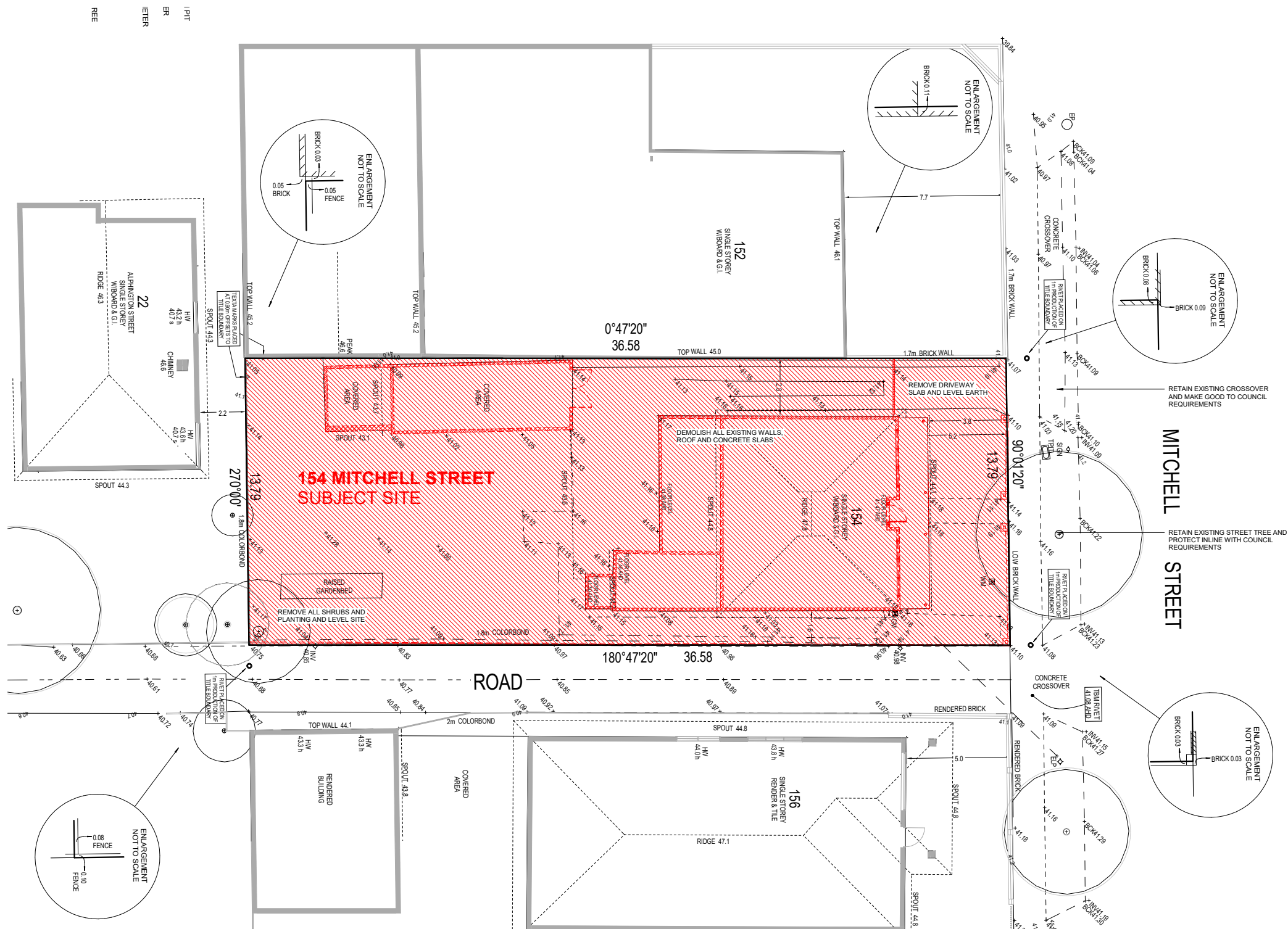



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TP-SITE PLAN - TRUE NORTH
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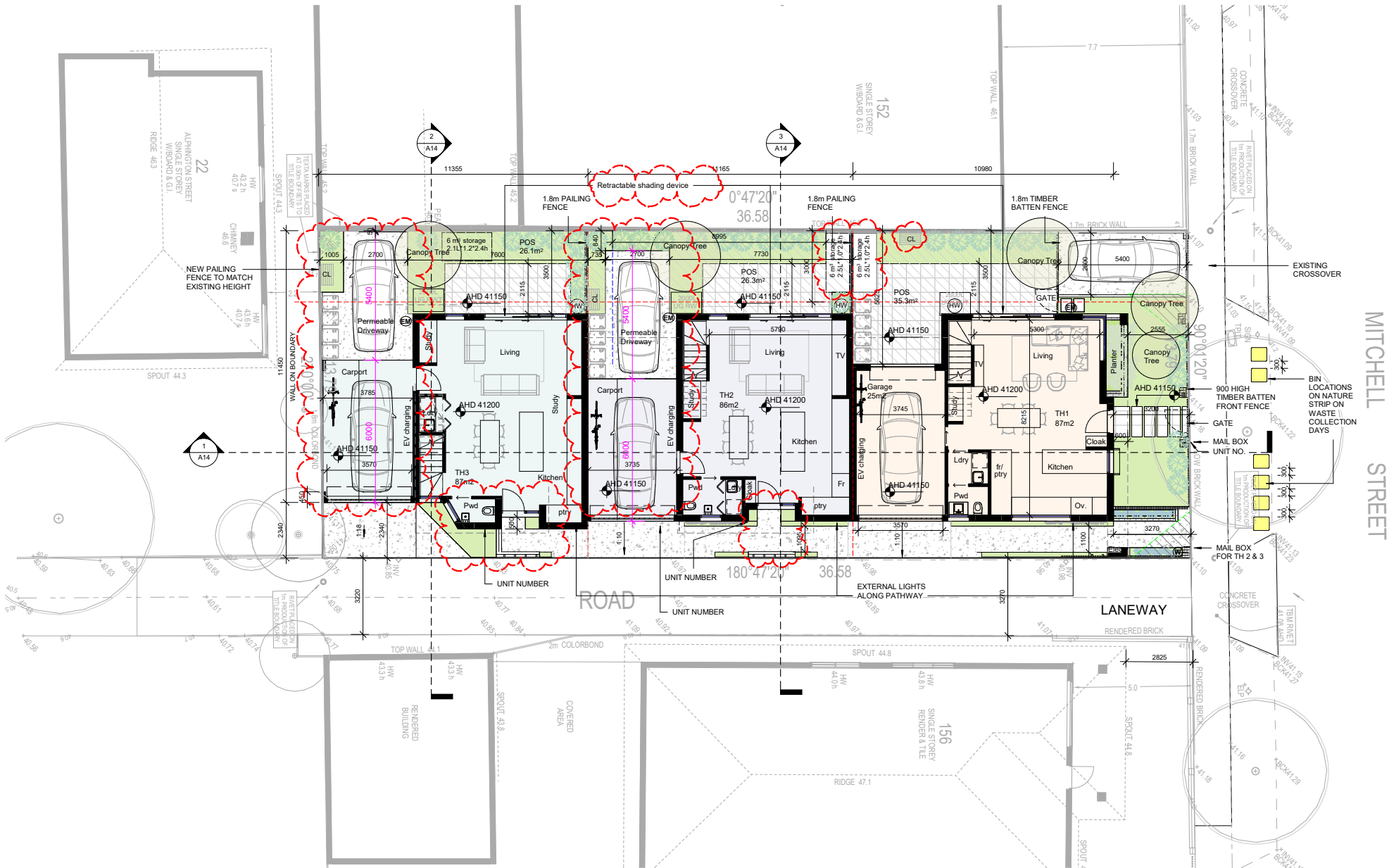
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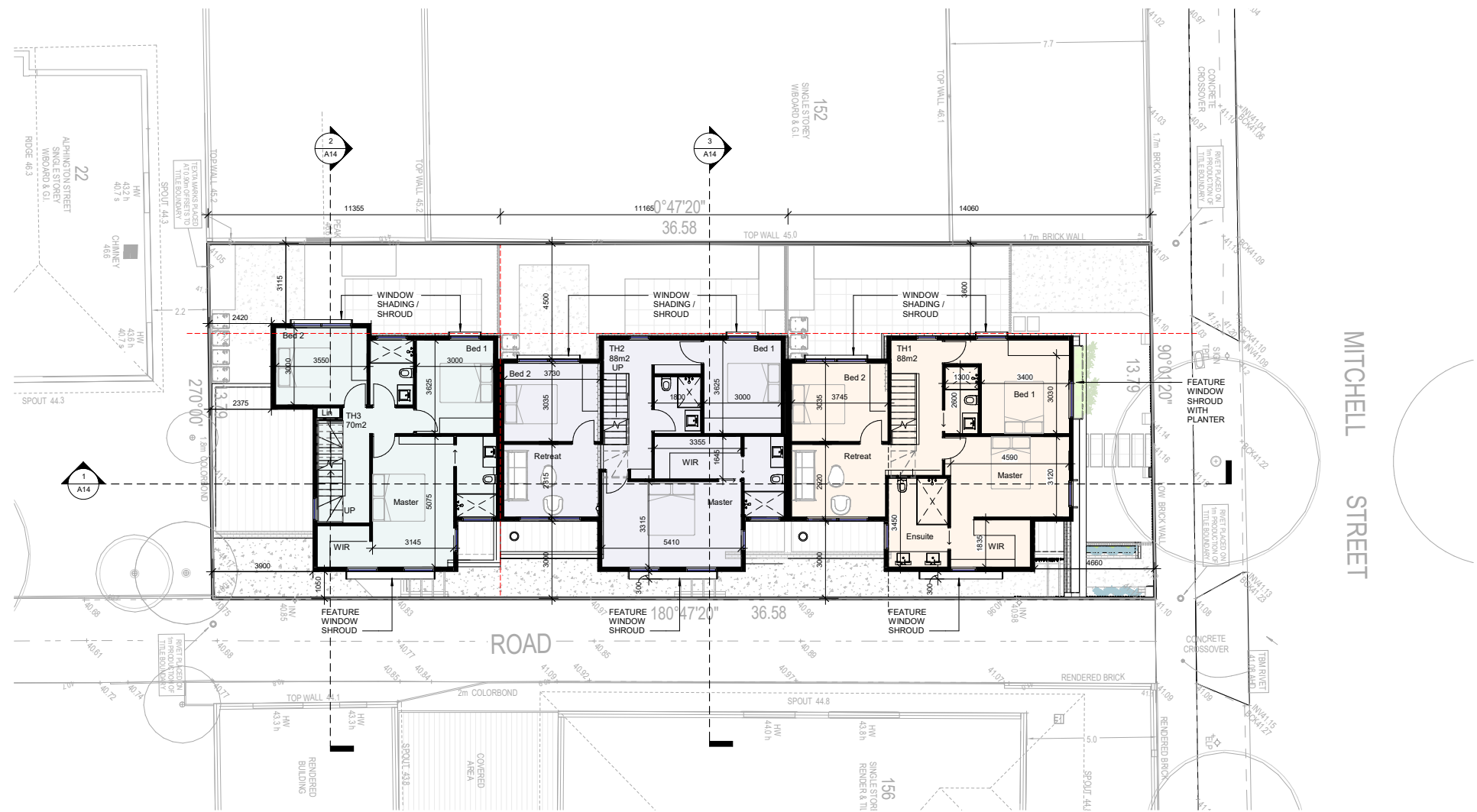
AREAS - 504sqm

3 DWELLING	GF	FF	SF	BALC	TOTAL (exc balc)
TH1	87	88	32	5	207
TH2	86	88	37	5	211
TH3	87	70	37	5	194





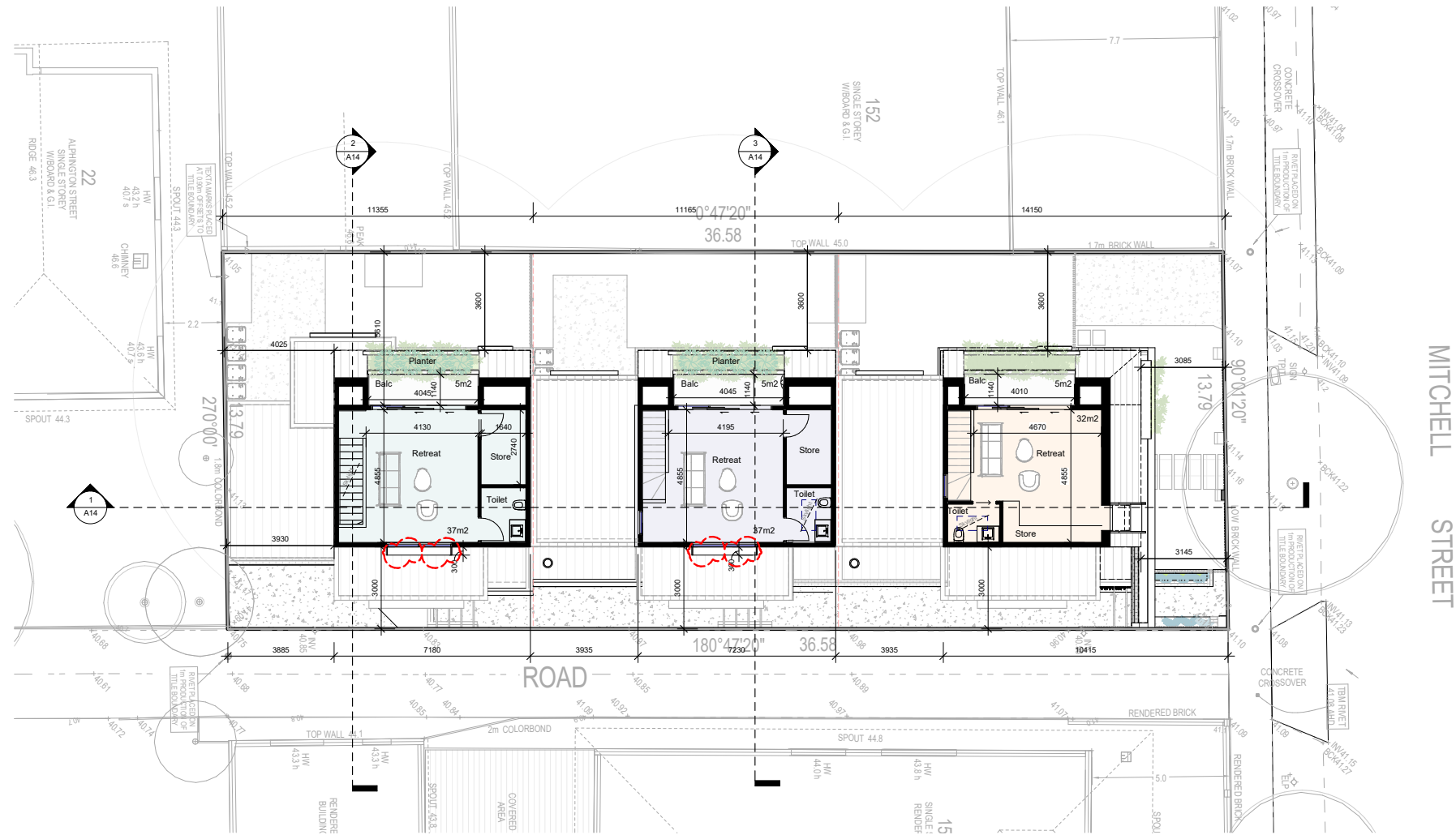
1 A04 TP-GROUND FLOOR PLAN
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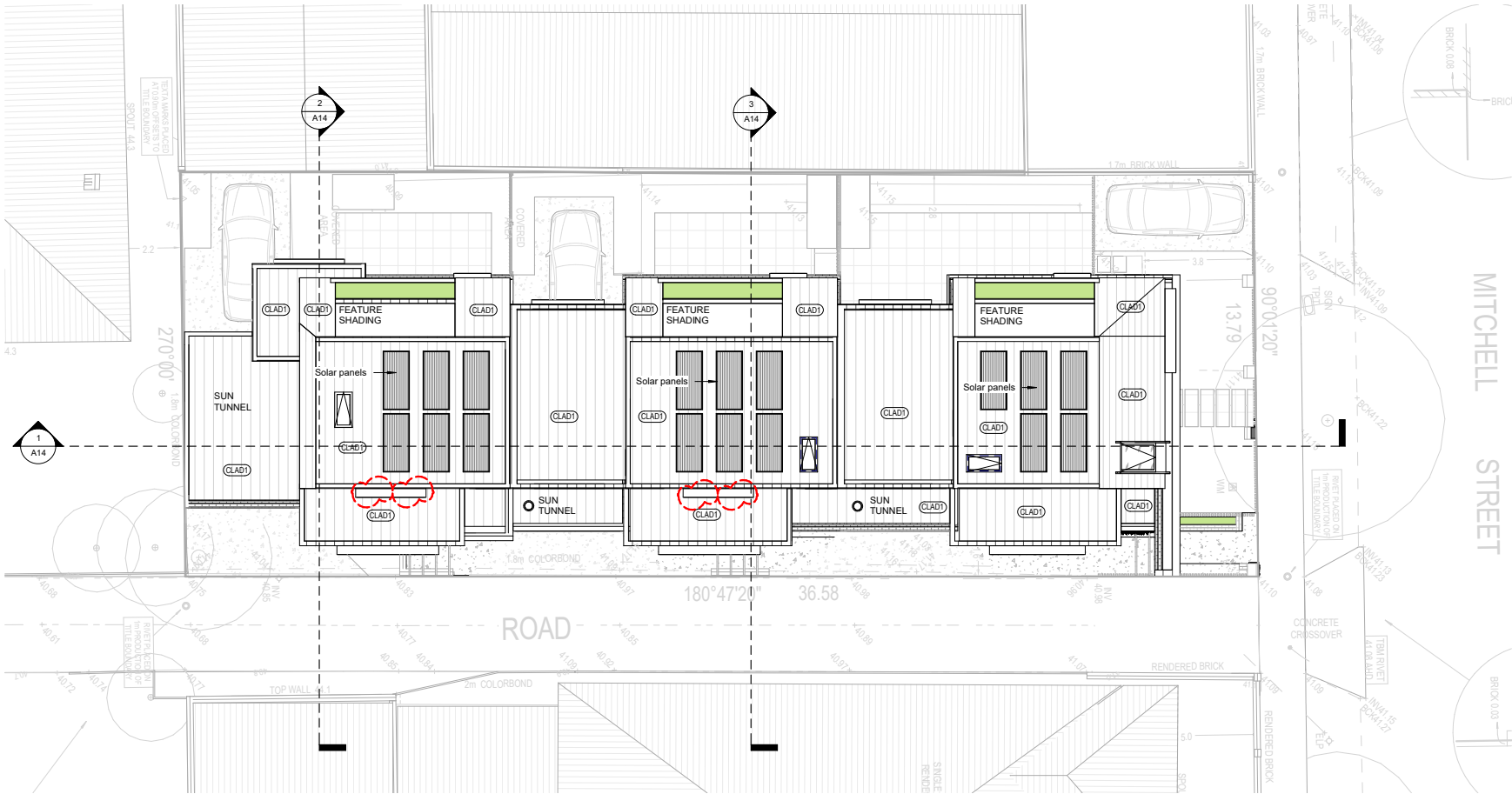
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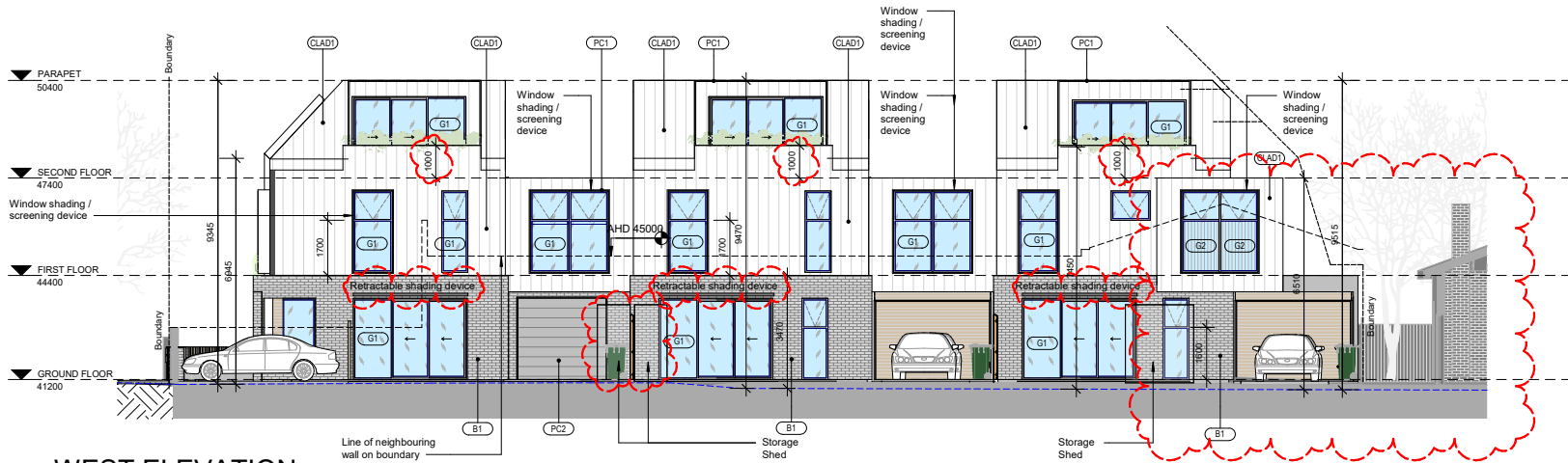
PROPOSED SECOND FLOOR PLAN
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1 TP-ROOF FLOOR PLAN
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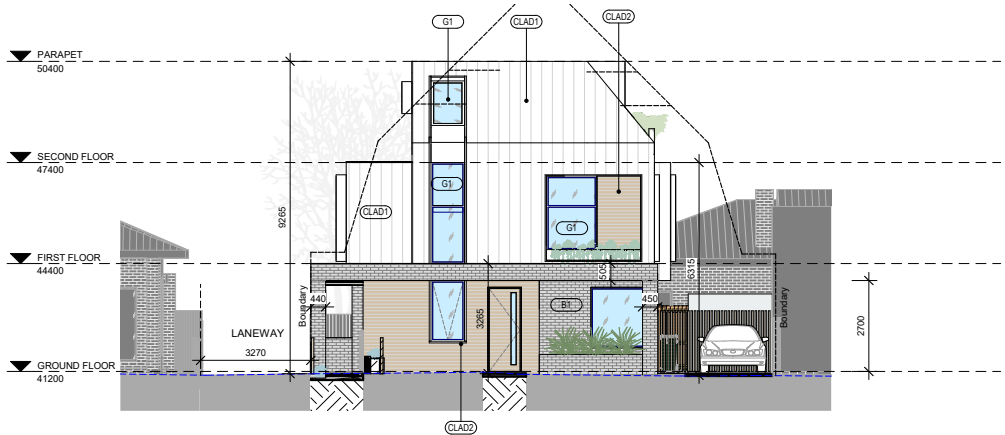
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			LOCATION:	154 Mitchell Street, Northcote	<table><tr><th>No.</th><th>Description</th><th>Date</th></tr><tr><td>1</td><td>Response to RFI</td><td>07/03/2024</td></tr><tr><td>2</td><td>Response to RFI</td><td>19/03/2024</td></tr><tr><td>3</td><td>Response to RFI</td><td>10/05/2024</td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>	No.	Description				Date	1	Response to RFI	07/03/2024	2	Response to RFI	19/03/2024	3	Response to RFI	10/05/2024										SCALE:	1 : 100	ISSUE: TOWN PLANNING
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3	Response to RFI	10/05/2024																														
CLIENT:	E.I.		JOB N° :	CKA23-037	DRAWN : Author																											



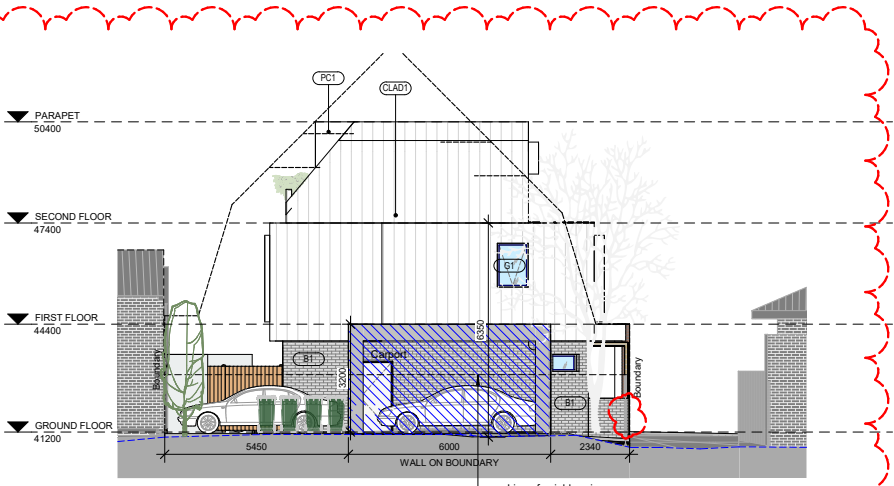
1 WEST ELEVATION
1:100



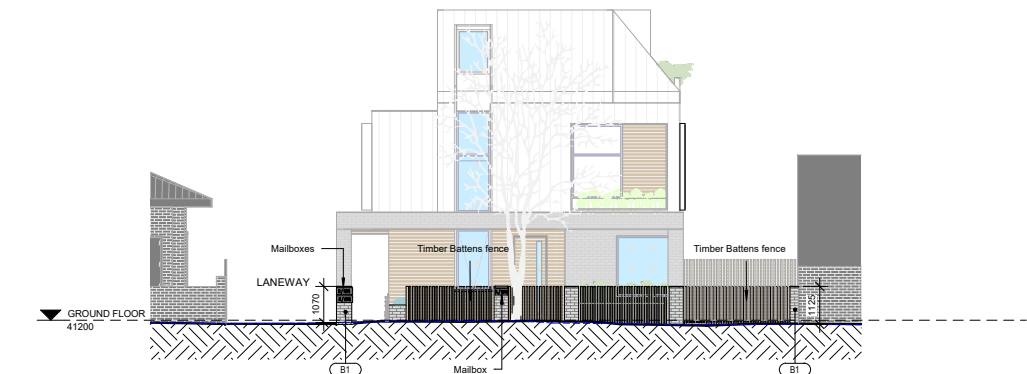
3 EAST ELEVATION
1:100



2 NORTH ELEVATION
1:100



4 SOUTH ELEVATION
1:100



5 FENCE ELEVATION
1:100

Material legend		
Code	Description	Image
B1		
CLAD1	METAL CLADDING white	
CLAD2	TIMBER CLADDING	
G1	CLEAR GLASS	
G2	Obscured Reeded Glass	
PC1	POWDER COAT METAL White or Similar	
PC2	POWDER COAT METAL SIMILAR TO BRICKS	
R1	METAL ROOFING	

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DRAWING:
PROPOSED ELEVATIONS

PROJECT: TH (Three) Development
LOCATION: 154 Mitchell Street, Northcote
CLIENT: E.L

AMENDMENT:

No.	Description	Date
1	Response to RFI	07/03/2024
2	Response to RFI	18/03/2024
3	Response to RFI	10/05/2024
4	Amended for Section 57A	05/06/2024

DATE: 05.06.24

SCALE: 1:100

JOB N°: CKA23-037

DRAWN: RC

No in SET:

A12
Rev 4

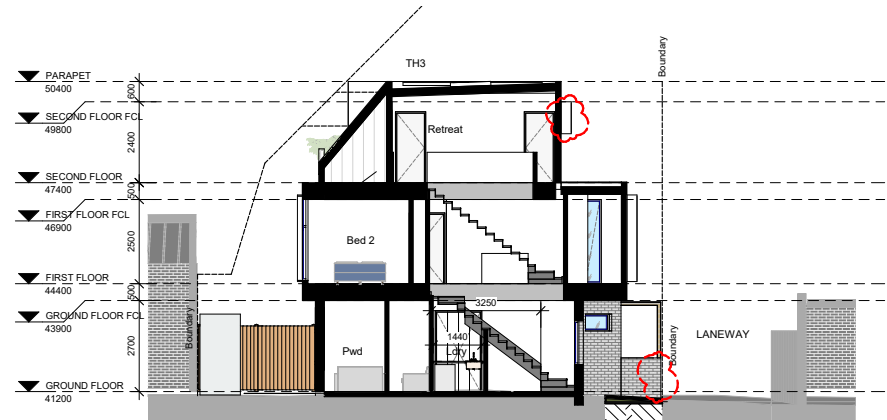
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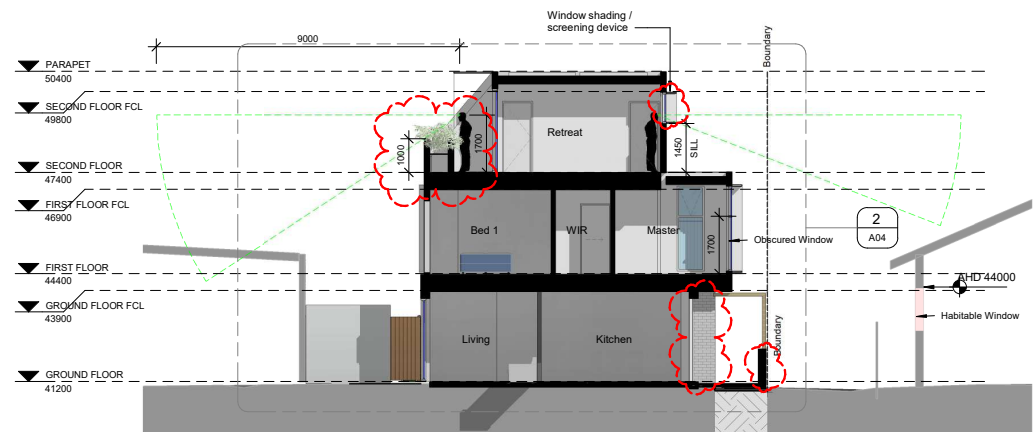
C.KAIROUZ ARCHITECTS
& ASSOCIATES INCORPORATING UH



1 SECTION A
A08 1 : 100

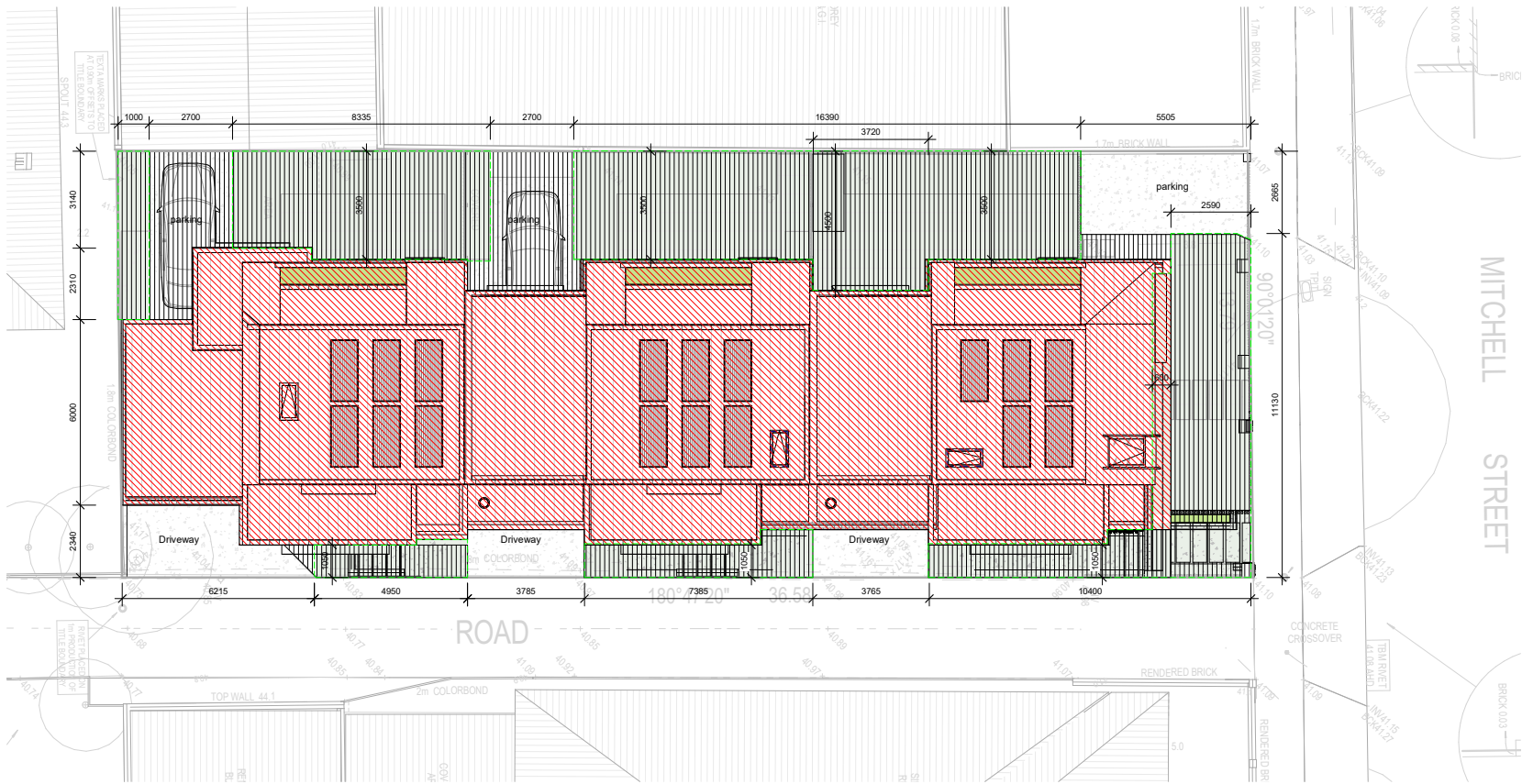


2 SECTION B
A08 1 : 100



3 SECTION C
A08 1 : 100

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				SCALE: 1 : 100			
				JOB N° : CKA23-037			
				DRAWN : RC			
				ISSUE: TOWN PLANNING			



1 TP-SITE AREA PLAN
A04 1 : 100

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DRAWING:
AREA PLANS



PROJECT: TH (Three) Development
LOCATION: 154 Mitchell Street, Northcote
CLIENT: E.L

AMENDMENT:

No.	Description	Date
1	Response to RP1	07/03/2024
2	Amended for Section 57A	05/06/2024

DATE: 05.06.24

SCALE: 1 : 100

JOB N° : CKA23-037

DRAWN : RC

No in SET:

A15
Rev 2

ISSUE:
TOWN PLANNING

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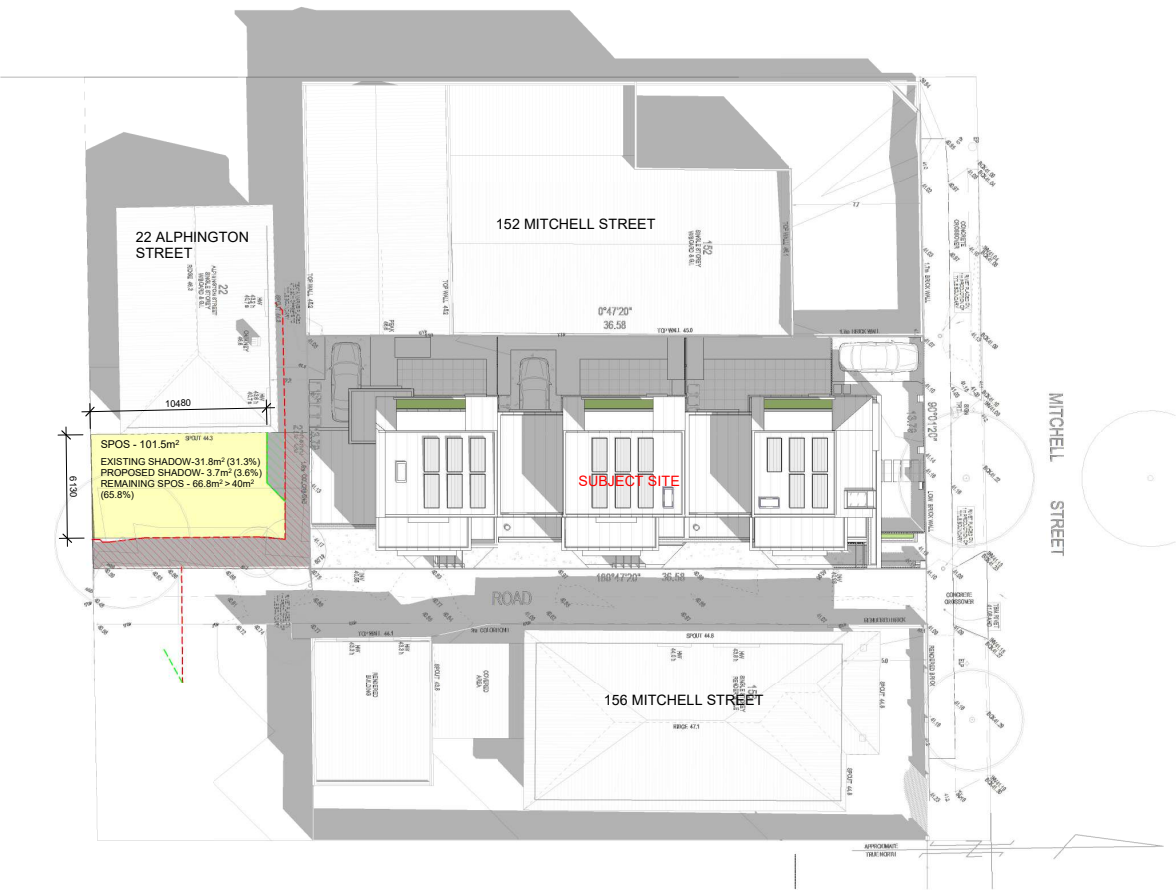
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1 SHADOWS - 22 SEPTEMBER - 9AM
A04 1 : 200





2 SHADOWS - 22 SEPTEMBER - 10AM
A04 1 : 200

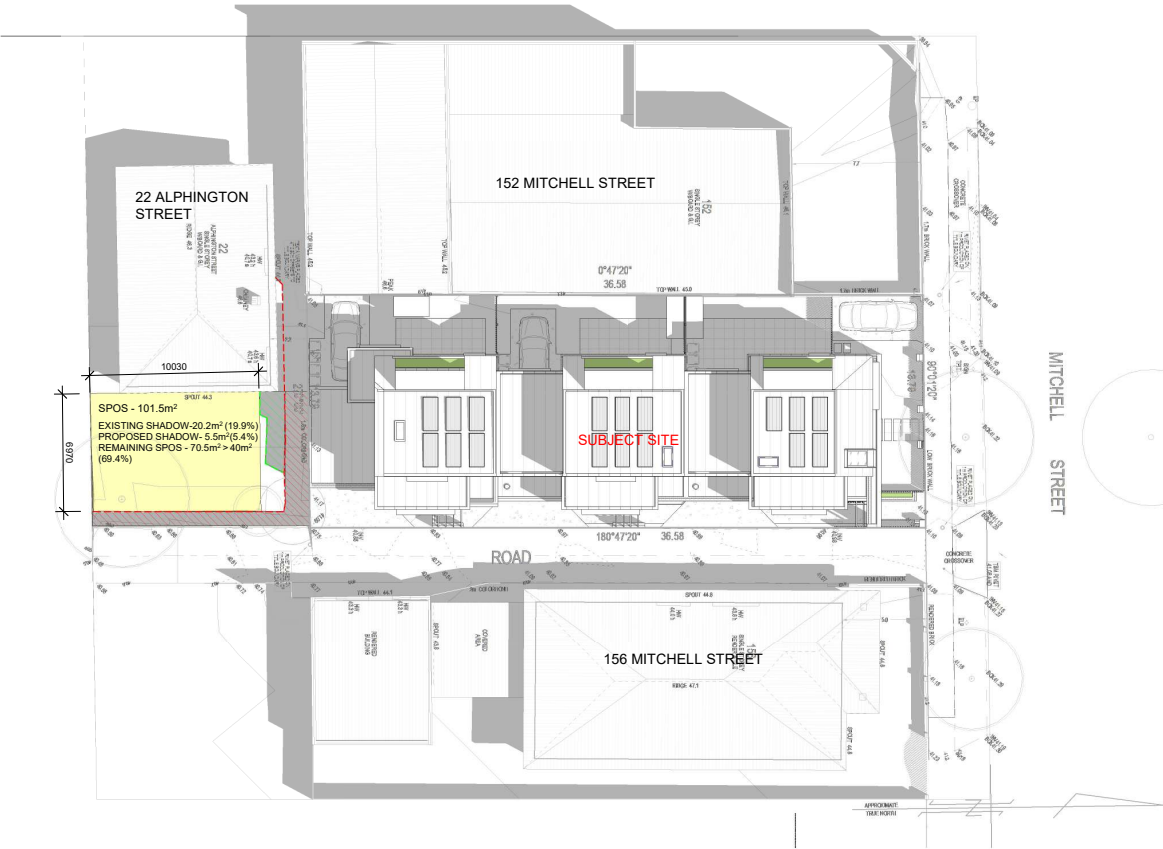
SHADOW LEGEND

Existing Shadows

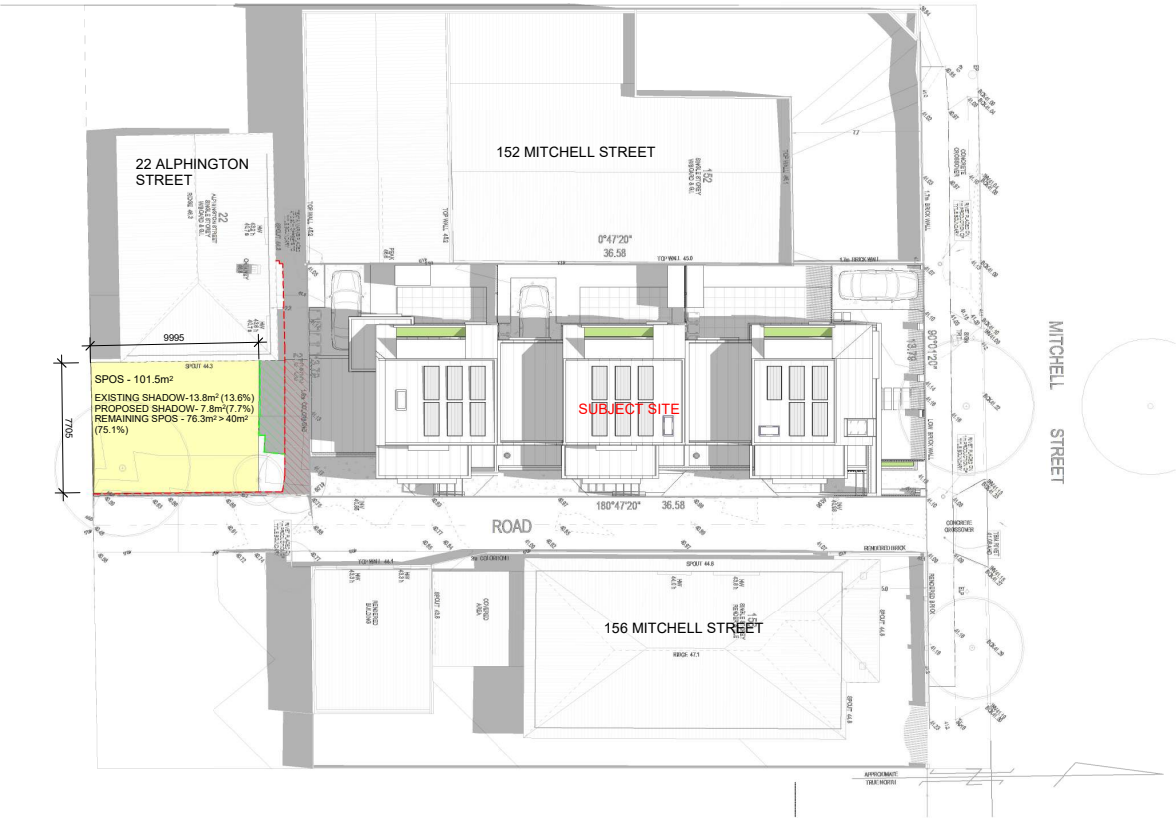
Proposed Shadows

Remaining POS

ARCHITECTURAL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL CONSULTANTS AND ENGINEERING DRAWINGS AND DETAILS. DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS IF IN DOUBT ASK. DO NOT GUESS. CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT FOR CLARIFICATION AND APPROVAL IN WRITING.	DRAWING:		PROJECT:	TH (Three) Development	AMENDMENT:	DATE:	05.06.24	No in SET: A16 Rev 2	C. KAIROUZ ARCHITECTS 780, High Street, Thornbury, Victoria, 3071 info@ckarch.com.au (03) 9484 8328 www.ckarchitects.com.au <small>copyright of C. Kairouz Architects. prior written permission is necessary for reproduction.</small>	C.KAIROUZ ARCHITECTS & ASSOCIATES INCORPORATING 																				
	PROPOSED SHADOW DIAGRAM 9AM & 10AM			LOCATION:	154 Mitchell Street, Northcote	<table><tr><th>No.</th><th>Description</th><th>Date</th></tr><tr><td>1</td><td>Response to RPI</td><td>07/03/2024</td></tr><tr><td>2</td><td>Amended for Section 57A</td><td>05/06/2024</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>	No.				Description	Date	1	Response to RPI	07/03/2024	2	Amended for Section 57A	05/06/2024										SCALE:	1 : 200	ISSUE: TOWN PLANNING
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CLIENT:	E.L	JOB N° :	CKA23-037																											
		DRAWN :	RC																											




2 SHADOWS - 21 SEPTEMBER - 11AM
A04 1 : 200

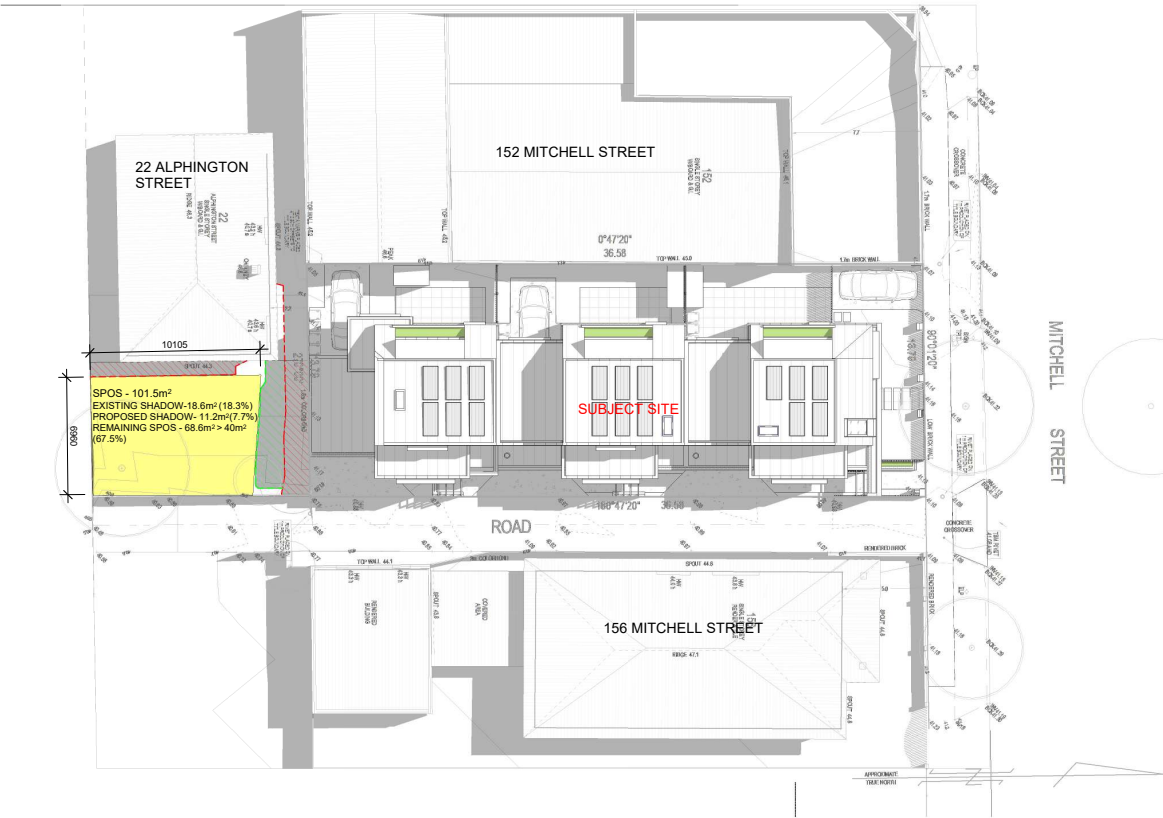


1 SHADOWS - 21 SEPTEMBER - 12NOON
A04 1 : 200

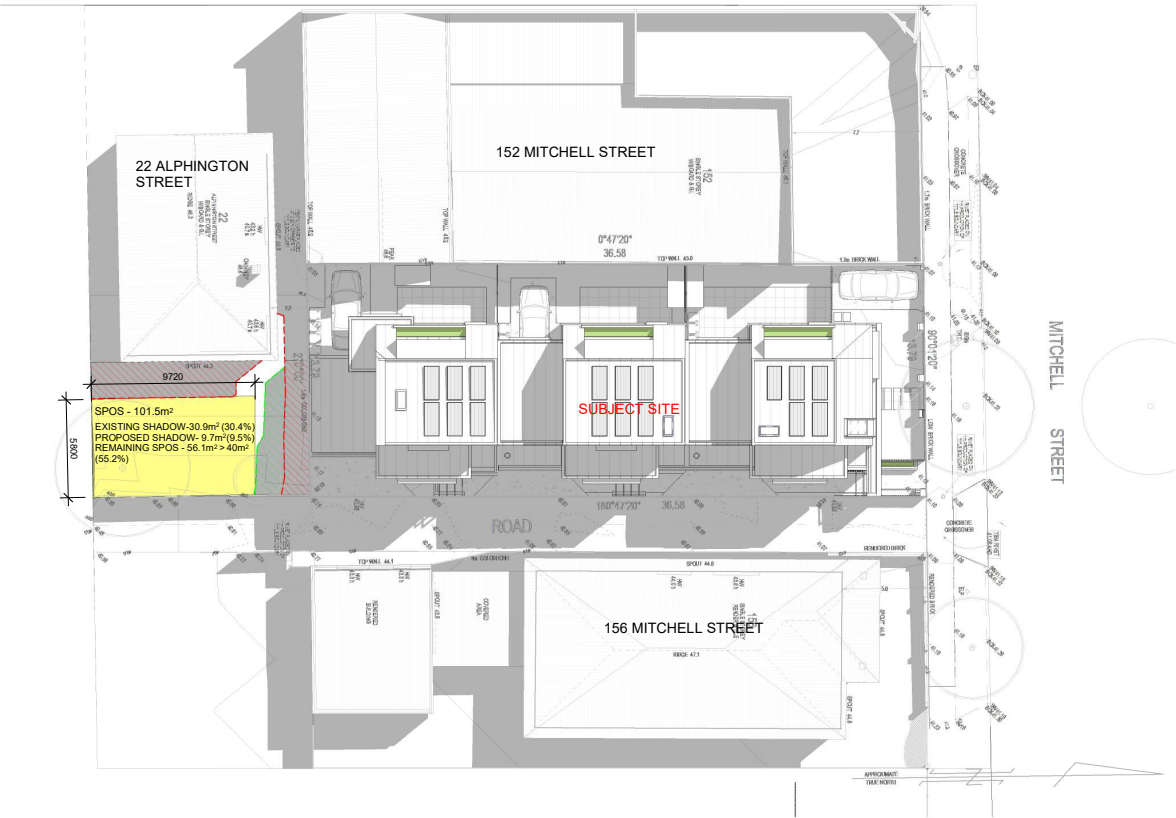
SHADOW LEGEND

- Existing Shadows
- Proposed Shadows
- Remaining POS

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	JOB N° : CKA23-037	ISSUE: TOWN PLANNING																									
	DRAWN : RC																										





1 SHADOWS - 21 SEPTEMBER - 1PM
A04 1 : 200

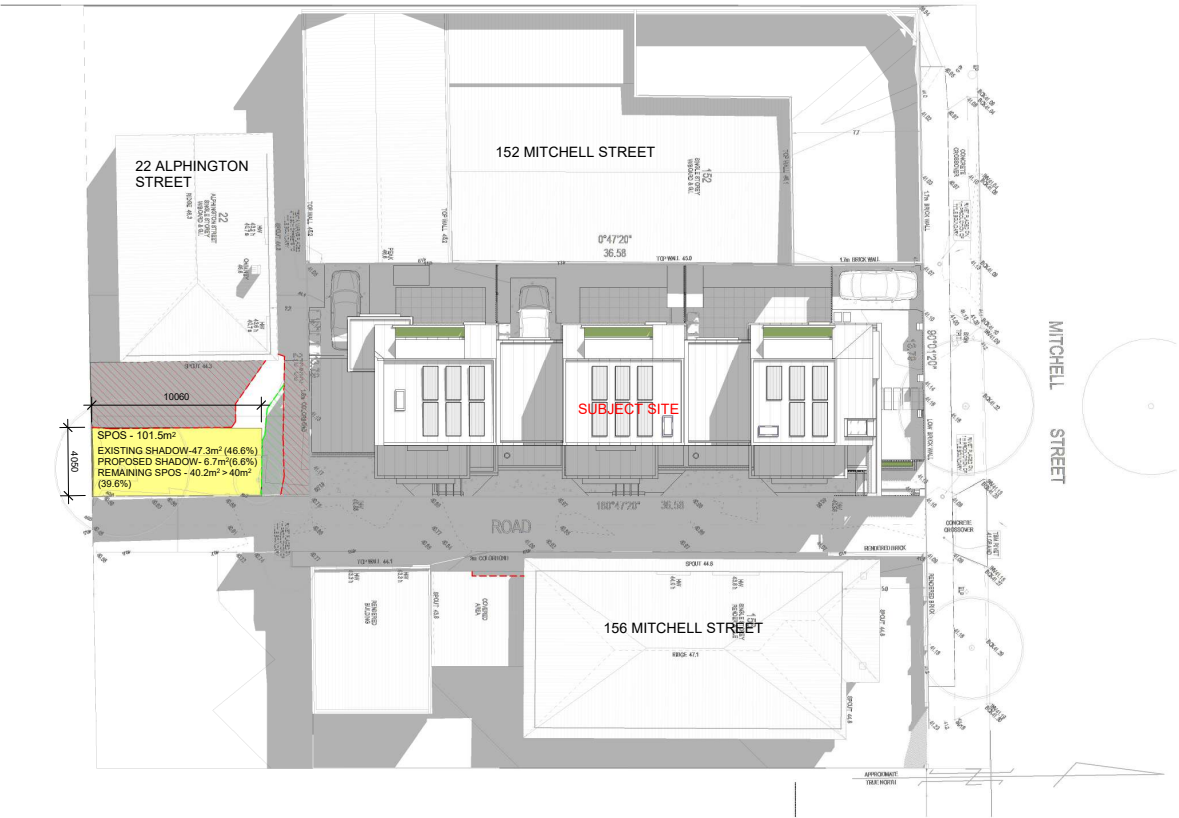


2 SHADOWS - 21 SEPTEMBER - 2PM
A04 1 : 200

SHADOW LEGEND

- Existing Shadows
- Proposed Shadows
- Remaining POS

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	JOB N° :	CKA23-037																										
	DRAWN :	RC																										





1 SHADOWS - 21 SEPTEMBER - 3PM
A04 1 : 200

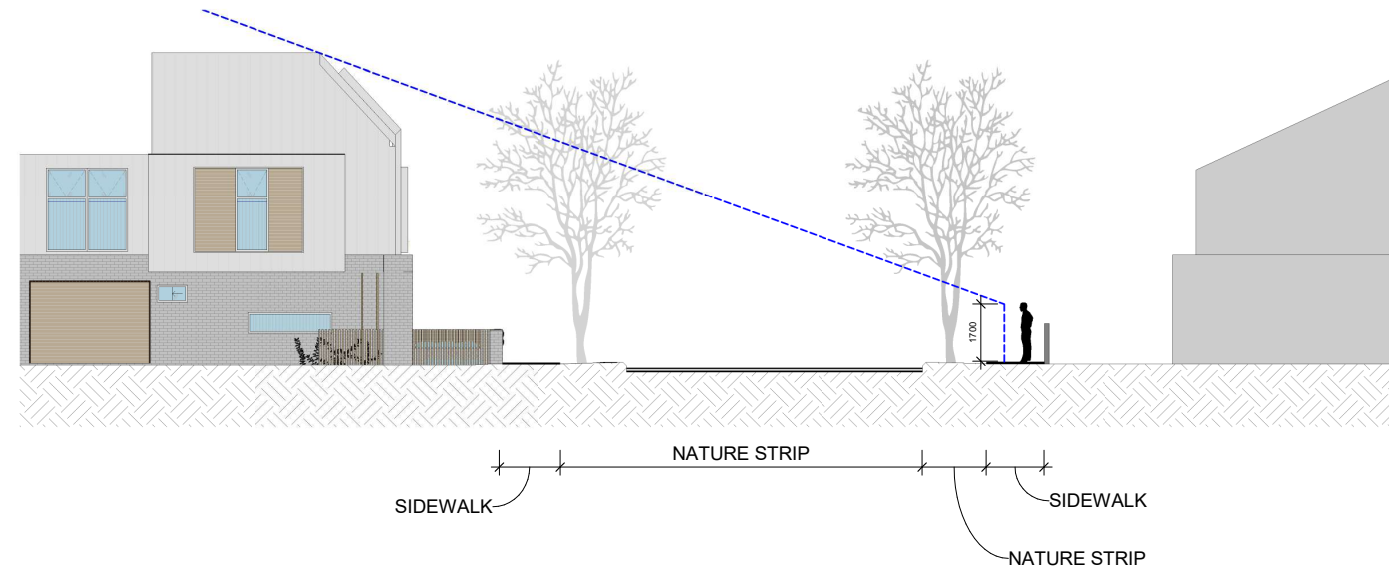
SHADOW LEGEND

Existing Shadows

Proposed Shadows

Remaining POS

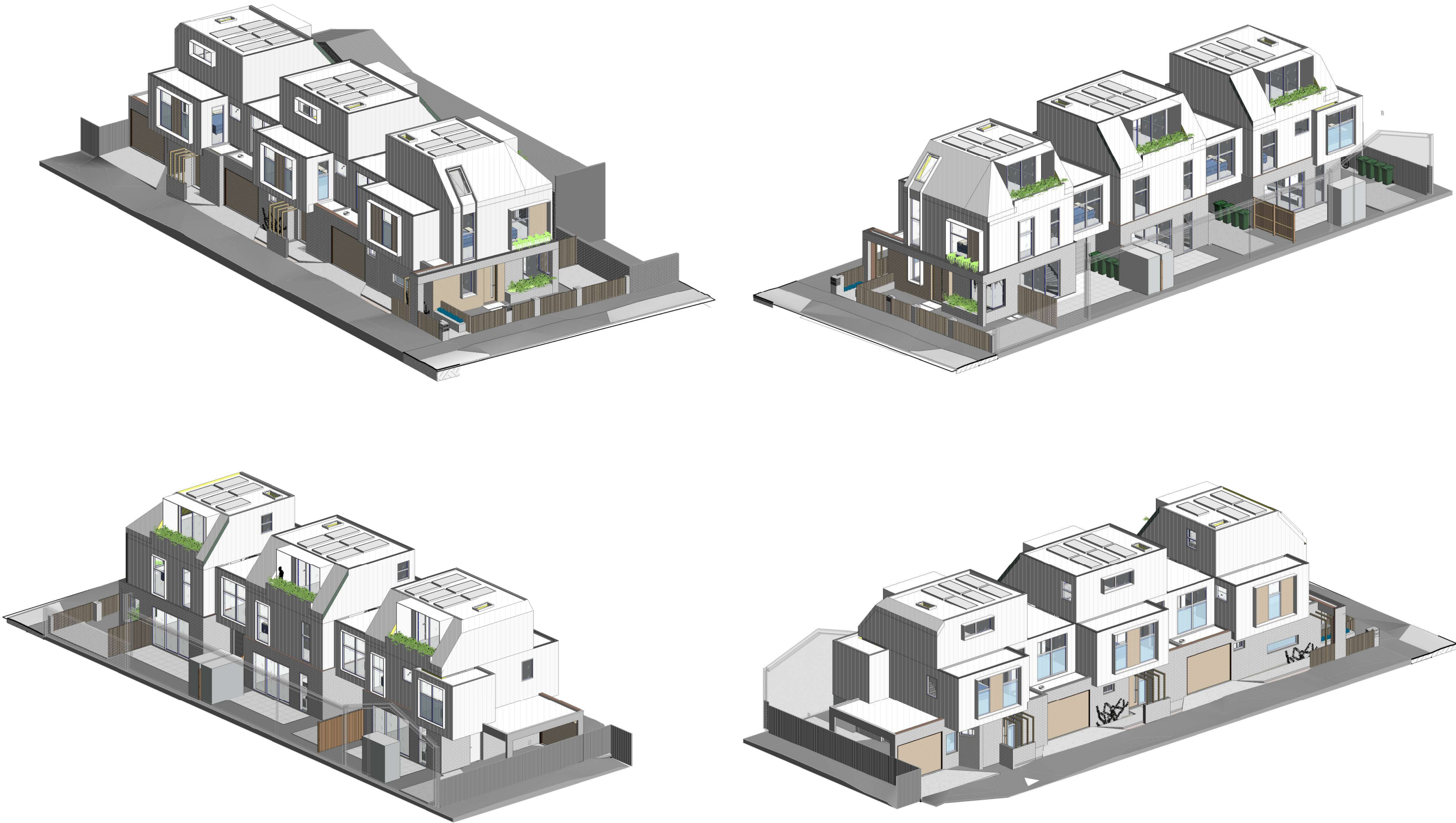
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			LOCATION:	154 Mitchell Street, Northcote	<table><tr><td>No.</td><td>Description</td><td>Date</td></tr><tr><td>1</td><td>Response to RF1</td><td>07/03/2024</td></tr><tr><td>2</td><td>Amended for Section 57A</td><td>05/06/2024</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>	No.	Description				Date	1	Response to RF1	07/03/2024	2	Amended for Section 57A	05/06/2024										SCALE:	1 : 200
			No.	Description	Date																							
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CLIENT:	E.L	JOB N° :	CKA23-037	ISSUE:	TOWN PLANNING																							
		DRAWN :	RC																									



1 TP-STREET SECTION
1 : 100



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			No.	Description	Date	SCALE:				JOB N° : CKA23-037	DRAWN : RC
			1	Response to RFI	07/03/2024						
			2	Amended for Section 57A	05/06/2024						

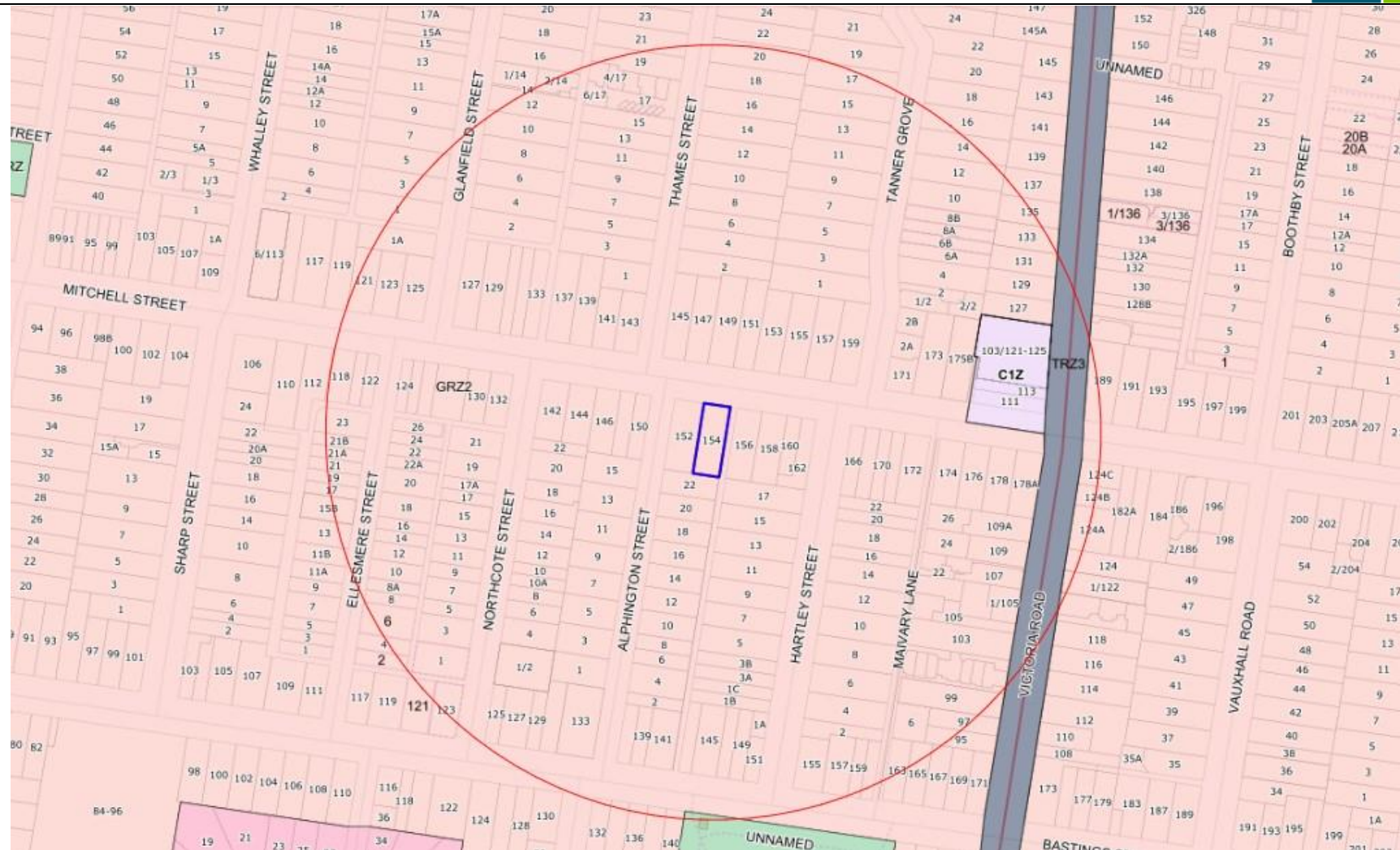
Address: 154 Mitchell Street Northcote

Application Number: D/631/2023

Map: Eighteen (18) total objections: Thirteen (13) received from within the 200 metre radius. Five (5) of these received outside the 200 metre radius.



the place
to live



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Clause 15.01-5L Neighbourhood character in Darebin

The site is located within Precinct B3 of the Darebin Neighbourhood Character Precinct Guidelines.

Objective	Comment	Complies
Existing Buildings		
To encourage the retention of older dwellings that contribute to the valued character of the area in the design of development proposals.	The existing building does not measurably contribute to the character of the area.	Complies
Vegetation		
To maintain and strengthen the garden setting of the dwellings.	The proposal maintains space at the front and sides for landscaping and a landscape plan, which includes large canopy trees plantings is required as a condition of approval.	Complies subject to conditions
Siting		
To provide space for front gardens.	The proposal ensures a front garden area is retained.	Complies
To maintain and reinforce the side boundary setback pattern and the existing rhythm of spacing between dwellings.	<p>The side setback pattern has been maintained with the built form proposed seeing massing on ground toward the east in relationship with the laneway. Some form on boundary is proposed and considered consistent with laneway-built form.</p> <p>The second storey continues to mass toward the east, with some stepping in of form proposed (no walls on boundary). At the third level, the break in form responds to the pattern of development with other tandem infill within Mitchell Street and provides a sense of spacing between the dwellings.</p>	Complies
To minimise the loss of front garden space and the dominance of car parking structures.	The existing laneway is utilised to ensure car parking structures do not dominate the streetscape. The single existing crossover to Mitchell Street is retained in this instance to improve the SPOS amenity to Dwelling 1. No garage to this parking space is proposed which minimises the visual impact of car parking to the streetscape.	Complies

Height and Building Form		
To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.	<p>Within the locality, the three levels proposed is not representative of existing built form, however, the zoning anticipates such built form where there is opportunity for redevelopment and intensification in well-located areas proximate to services and activity centres, to increasingly facilitate a more compact and efficient urban form.</p> <p>While there are no other three (3) storey developments in the immediate area, there is a mixed-use six (6) storey development proximate on Victoria Street 160 metres east. Policy contemplates and encourages building heights of up to 11 metres and 3 storeys in this area.</p>	Complies
To maintain, where present, the consistency of frontage widths and building heights and forms.	<p>The frontage width is not altered by the proposal. One dwelling will front the street.</p> <p>The area has a mix of pitch and flat roof forms. The proposed three storey form proposed takes from typical two storey heights of up to 9metres. The use of roof space to provide surplus living area is efficient use of the site, and acceptable based on the varying two storey higher form immediately present. The upper most volume uses a chamfered approach to the Street and laneway facing frontages to lessen the visual impact, and nod to pitch form with aged infill.</p> <p>The proposed scale provides an incremental change that will over time become a more readily acceptable form (under the directives of the zone).</p>	Complies
Materials and Design Detail		
To encourage buildings that contribute positively to the streetscape through the use of innovative architectural responses and by presenting visually interesting facades to the street.	<p>Incremental Housing Change seeks to allow moderate development over time, allowing for the neighbourhood character to evolve over time seen through a greater variety of housing stock with higher levels of medium density housing.</p> <p>The proposal is innovative and incorporates well-articulated materially to provide a positive engagement with the street.</p>	Complies
Front Boundary Treatment		

To maintain the openness of the streetscape and views to established gardens and dwellings.	The low front fence proposed promotes permeable engagement with Mitchell Street.	Complies
---	--	----------

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		
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	B5	Integration with the street		
		Dwelling 1 appropriately integrates with the Street.	Y	Y
55.03-1	B6	Street setback		
		The proposal varies the required setback however this is acceptable as the design is responsive to the dwelling across the laneway, the adjoining interfaces are not sensitive, and there is evidence of variation in the street.	N	Y
55.03-2	B7	Building height		
		10.2 metres	Y	Y
55.03-3	B8	Site coverage		
		58%	Y	Y
55.03-4	B9	Permeability		
		30%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.		
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		

Clause	Std		Compliance	
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	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		
		Dwellings are set back so as there is minor encroachment into the requirements of this standard. However, the non-compliance is inconsequential and will not increase bulk nor impact adjoining amenity.	N	Y
55.04-2	B18	Walls on boundaries		
		Length: 6.0 metres Height: 3.2 metres 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 non-compliances with the Standard at ground, first and second floor. Subject to condition, the development complies with the requirements of the Objective. Please see assessment in the body of this report.	N	Y
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	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		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		

Clause	Std		Compliance	
		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.	N	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		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		A 0.9 metre high front fence is proposed which is appropriate in the neighbourhood context.	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

6. OTHER BUSINESS

6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE

EXECUTIVE SUMMARY

The General Planning Information attached at Appendix A contains:

- A summary of decisions by VCAT to date in financial year 2024-2025, at Table 1; and
- A summary of decisions issued since last reported to Council (financial year 2023-2024) at Table 2.

Officer Recommendation

That the General Planning Information attached as **Appendix A** be noted.

Attachments

- APPLICATIONS DETERMINED BY VCAT (**Appendix A**)  

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.

PLANNING COMMITTEE MEETING

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TABLE 1: SUMMARY OF DECISIONS UPHELD BY FINANCIAL YEAR TO DATE – JULY 2024

	Number of VCAT Decisions	Percentage of decisions upheld (as reported to LGPRF*)	Percentage of decisions upheld (incl. all mediated)
Council decisions	2	50% 1/2	50% 1/2
Delegate decisions	0	-	-
All decisions	2	50% 1/2	50% 1/2

Comment on performance and trends.

This financial year to date (at the time of reporting) there has been two (2) VCAT decisions.

The Statutory Planning Unit aims to continue the positive trend in Tribunal results achieved in the previous financial year whereby the majority of decisions, including those decided through mediation, were upheld by VCAT, resulting in good planning outcomes for Council and our community.

Contents of Table 1

New reporting guidelines were released by the Local Government Performance Reporting Team (LGPRF) for the 23-24 financial year. Table 1 includes VCAT decisions as collated by the LGPRF. Column 3 of Table 1 provides the results as reported to LGPRF. Unfortunately, the LGPRF reporting does not recognise Council's final decision being upheld when it is a mediated outcome or when Council changes its position at a hearing in response to amended plans. To better reflect actual performance and outcomes, column 4 is included which illustrates all results including mediated outcomes.

Notes on Table 1

Council decisions are decisions made by the Planning Committee.

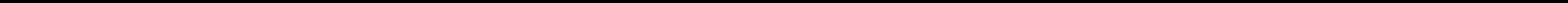
Delegate decisions are decisions made under Council's delegation instrument by Planning Officers in the Statutory Planning Unit.

Council and delegate decisions are both decisions of the Responsible Authority.

Column 3 summarises VCAT decision types and outcomes reported to the Local Government Performance Reporting Framework (LGPRF).

Column 4 summarises all decisions which are upheld by VCAT, including all mediated decisions.

**VCAT decisions which are not upheld but where a mediated outcome has been reached (e.g. S77, S78, S79, S81 and S87A appeals) are reported to the LGPRF as 'Set Aside'. This differs from S80 and S82 appeals, which may be determined as varied, affirmed or upheld. Those decisions are reported to LGPRF in Council's favour when a mediated position has been reached. It is noted that mediated outcomes were not reported to LGPRF in previous years.*



PLANNING COMMITTEE MEETING

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Some less common VCAT application types are not reported to LGPRF (e.g. applications to cancel a permit, obtain a declaration and enforcement proceedings). This financial year to date, there have been six VCAT decisions that are not reportable to LGPRF and are not captured in the above table. Four decisions were delegate decisions that were withdrawn by the permit applicant and two were S87A amendment applications lodged directly with the Tribunal.

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TABLE 2: SUMMARY OF VCAT DECISIONS ISSUED SINCE LAST REPORT TO COUNCIL (COMMENCING FINANCIAL YEAR 2023-2024)

Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's final position upheld?
D/514/2020 P901/2023	9-15 Kilmore Ave RESERVOR North Central	Construction of 14 dwellings and a reduction in the statutory car parking rate.	Support	Council	S82	Hearing	Set Aside	No
Discussion In appeal P901/2023, the Tribunal found the proposal to be an overdevelopment of the site and did not provide an appropriate outcome regarding neighbourhood character, car parking or the provision of private open space for residents. It was considered that the terrace typology was not appropriate within the context, the bulk and scale would have an unreasonable impact on the streetscape and did not respect the rhythm of buildings within the streetscape. The car parking allocation was considered insufficient, and the car parking area did not allow for the sufficient provision of landscaping. The reduced areas of private open space were insufficient to provide for the reasonable recreation needs of future residents.								

Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's final position upheld?
D/559/2022 P1117/2023	26 Jenkins Street NORTHCOTE South Central	Construction of two (2) double storey dwellings (with	Refusal	Council	S77	Hearing	Affirmed	Yes

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12 August 2024

		basement car parking).						
<p>Discussion</p> <p>In appeal P1117/2023, the Tribunal found the proposal to provide an inappropriate response to neighbourhood character objectives, including the provision of minimal upper-level setbacks to Jenkins Street, façade detailing, expansive window proportions, the provision of a flat roof form and lack of overhanging eaves. Due to the scope and quality of information provided by the applicant, the Tribunal reserved judgement on the impact of the proposal upon solar panels located on an adjoining lot.</p>								

Notes on Table 2

*VCAT appeal types explained:

- S77 – Section 77 Application for review of Council’s refusal to grant a planning permit, by the applicant.*
- S78 – Section 78 Application for review of notice or information requirements requested by Council, by the applicant.*
- S79 – Section 79 Application for review of Council’s failure to determine the application within the 60-day statutory timeframe, by the applicant.*
- S80 – Section 80 Application for review of Council’s conditions on a planning permit, by the applicant.*
- S81 – Section 81 Application for review of Council’s decision to not extend a planning permit, by the applicant.*
- S82 – Section 82 Application for review of Council’s decision to support a proposal, by objectors.*
- S87A – Section 87A Application to amend a permit issued at direction of Tribunal.*

**VCAT hearing types explained:

- Practice Day Hearing (PDH) – Administration hearing - VCAT gives direction on how the case will proceed, sets dates, discusses preliminary legal issues, etc*
- Compulsory Conference (CC) – Prior to the full hearing, parties confidentially discuss ways to resolve the case with the help of a VCAT member, may result in a mediated outcome being reached.*

PLANNING COMMITTEE MEETING

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Hearing – VCAT hearing where parties present their case, and the decision is made after consideration by VCAT.

None (decision made on the papers) – decision reached without the need for a hearing, usually where parties reached a mediated outcome outside of the Tribunal or where an appeal is withdrawn or struck out for administrative reasons.

Major Case – Major cases are heard sooner and can reach a resolution quicker than other planning cases. Most cases are eligible to be heard as a major case, but one of the parties must pay higher fees. Applications for review under Sections 77, 79, 80 and 82 are all eligible.

Short Case – These are cases which are not complex and can be handled in a short amount of time, typically involving limited issue/s and less parties. These cases are heard sooner and decisions are typically made orally at the hearing.

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

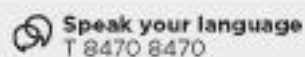
8. CLOSE OF MEETING

CITY OF DAREBIN

274 Gower Street, Preston
PO Box 91, Preston, Vic 3072
T 8470 8888 F 8470 8877
E mailbox@darebin.vic.gov.au
darebin.vic.gov.au



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