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# PLANNING COMMITTEE MEETING AGENDA

Planning Committee Meeting to be held at  
Darebin Civic Centre, 350 High Street Preston  
Monday 8 April 2024 at 6.30pm.

**This meeting is a scheduled hybrid meeting, at which both councillors and members of the public may participate either in person or virtually.**

**The meeting will be livestreamed and may be accessed from Council's website [www.darebin.vic.gov.au](http://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 اعمال اجتماع المجلس. للحصول على المساعدة في أي من بنود جدول الاعمال، يرجى الاتصال بالهاتف 8888 8470.

### 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 ਟੈਲੀਫੋਨ 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

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## 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

<b>Recommendation</b>
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**That** the Minutes of the Planning Committee Meeting held on 12 February 2024 be confirmed as a correct record of business transacted.

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT D/114/2016/A 61 HIGH STREET NORTHCOTE

**Author:** Senior Statutory Planner

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

Applicant	Owner	Consultant
Elton Wen	Glantz Pty Ltd	Professional Consulting Services

#### SUMMARY

<b>Property:</b>	61 High Street, Northcote
<b>Proposal:</b>	<p>The application proposes an amendment to the existing planning permit affecting the site and seeks the following changes:</p> <ul style="list-style-type: none"> <li>• Approval of a Late-Night Liquor Licence in lieu of the existing General Liquor Licence.</li> <li>• Modifications to Condition No. 5 of the Permit to increase the operating hours of the bar on Fridays and Saturdays to 3:00am; and</li> <li>• Modifications to Condition No. 7 of the Permit to increase the maximum patronage to 145.</li> </ul>
<b>Car parking:</b>	There are no changes to the car parking provision, noting the original permit included a full car parking waiver. The car parking rate for a bar is based on the leasable floor area due to the sites location in the Principal Public Transport Network Area (PPTN), noting there are no changes to the leasable floor area of the existing bar.
<b>Zoning:</b>	Commercial 1 Zone (C1Z)
<b>Overlay/s:</b>	Heritage Overlay – Schedule 101 (HO101) Development Contributions Plan Overlay (DCPO1)
<b>Is a Developer Contribution required?</b>	No as the application relates to a liquor licence and modifications to conditions on the existing Planning Permit.
<b>Council 100YR Flooding:</b>	No, the application is not within an area affected by Council flooding overlays.
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• Letters were sent to surrounding owners and occupiers.</li> </ul>

	<ul style="list-style-type: none"> <li>• One (1) sign was displayed along the High Street frontage of the subject site.</li> </ul>
<p><b>Objections:</b></p>	<ul style="list-style-type: none"> <li>• Twenty-three (23) objections were received against this application.</li> <li>• The key objection grounds raised include:               <ul style="list-style-type: none"> <li>○ Noise concerns.</li> <li>○ Inconsistency with Planning Policy Framework.</li> <li>○ Adverse negative cumulative impacts.</li> <li>○ Assumptions the premises will operate as a nightclub.</li> <li>○ Potential anti-social behaviour in the rear laneway.</li> <li>○ Noise concerns and anti-social behaviour associated with the operation of the premises under previous management.</li> <li>○ A late-night liquor licence is not appropriate along this section of High Street.</li> <li>○ Limited venues in the immediate surrounding area operating until 3:00am.</li> <li>○ Adverse impacts to local businesses.</li> <li>○ Increased traffic and car parking impacts.</li> </ul> </li> </ul>
<p><b>Key reasons for support:</b></p>	<ul style="list-style-type: none"> <li>• The venue is located in an established commercial precinct and with appropriate conditions of approval, potential amenity impacts to nearby residential areas can be managed.</li> <li>• No changes are proposed to the hours of operation of the rear courtyard. The increased operating hours relate only to the areas inside the building.</li> <li>• The existing permit and use already must comply with noise requirements during night-time hours and this requirement will continue.</li> <li>• The amended operating hours allows the existing business to grow in place rather than relocate. This will increase economic and employment opportunities and provide a community benefit to the area.</li> <li>• Given proximity to public transport modes, there is sufficient capacity for increased patron numbers, without impacting surrounding car parking and traffic levels.</li> <li>• A late-night liquor licence, increased trading hours and increased patronage will contribute positively to the economic, social and cultural value along High Street.</li> <li>• Since new management commenced trading from the premises</li> </ul>

	in August 2023, no complaints have been received by Council regarding noise or other amenity concerns. The venue has been operating within the restrictions of the existing permit.
<b>Recommendation</b>	Notice of Decision to Grant an Amended Planning Permit, with conditions.

**Recommendation**

**RECOMMENDATION PART A:**

**That** Planning Permit Application D/114/2016/A be supported and a Notice of Decision to Amend a Permit be issued for Demolition, a single storey rear extension; the sale and consumption of liquor under a Late Night Liquor Licence and a reduction in car parking in accordance with the endorsed plans at 61 High Street Northcote, subject to the following changes to Planning Permit D/114/2016:

- 1) The planning permit preamble amended from *‘Demolition, a single storey rear extension and a reduction in car parking, in accordance with the endorsed plans’*.

To

*‘Demolition, a single storey rear extension; the sale and consumption of liquor under a Late Night Liquor Licence and a reduction in car parking, in accordance with the endorsed plans’*.

- 2) Condition No. 1 amended to refer to the current Revision A plans and to include additional Condition 1 requirements as follows:

- 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 those submitted to Council under Amendment A to Planning Permit D/114/2016 (identified as ‘Floor Plans’ TP.1, ‘Red Line Plan’ TP.2, Revision A, dated 15 December 2023 and prepared by Arch Edge Design) but modified to show:*

- a) *any modifications required as a result of the approved Acoustic Report (Refer to Condition No. 13 of this Permit);*
- b) *any modifications required as a result of the approved Patron Management Plan (Refer to Condition No. 14 of this Permit)*

- 3) Condition No. 5 amended from:

*‘The use may operate only between the hours of*

- *Monday to Saturday - 7:00am to 1:00am*
- *Sunday - 10:00am to 11:00pm*



To:

*The use may operate only between the hours of:*

- *Monday to Thursday - 7:00am to 1:00am*
- *Friday & Saturday - 7:00am to 3:00am*
- *Sunday - 10:00am to 11:00pm*

- 4) Condition No. 7 amended from:

*'The maximum number of indoor and rear courtyard chairs shall be no more than 80 at any one time'*

To:

*'No more than 145 patrons may be on the premises at any one time'.*

- 5) Condition No. 11 amended from:

*'Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1'.*

To:

*'Noise levels associated with the permitted use on the land must not exceed the maximum levels under the Environment Protection Regulations 2021 (Part 5.3) and the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (publication 1826 – Noise Protocol)'.*

- 6) The inclusion of a new Condition No. 13, which states:

*Before amended plans are endorsed under Condition 1 of this Permit, an Acoustic Report to to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of this Permit. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate how the use will comply with the relevant EPA noise guidelines, or outline any measures considered necessary to achieve compliance with relevant EPA noise controls.*

*The requirements and recommendations of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.*

- 7) The inclusion of a new Condition No. 14, which states:

*Before amended plans are endorsed under Condition 1 of this Permit, an amended Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended patron Management Plan will be endorsed and will then form part of this Permit. The amended Patron Management Plan must be generally in accordance with the document identified as (Patron Management Plan, received by Council 24 July 2023 and prepared by the Applicant) but modified to include the following detail:*

1. *Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.*

2. *Venue shut down procedures to encourage patrons to leave the premises sporadically and proposed routes encouraging the flow to the nearest pick-up point.*
3. *Patrons must be reminded to be quiet and actively encouraged not to go near sensitive land uses and other accommodation establishments.*
4. *Security patrols and the management of patron behaviour.*
5. *Details of the management of patron numbers.*
6. *Deletion of reference to live music activities.*
7. *Measures to protect vandalism and anti-social behaviour.*

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

- 8) The inclusion of a new Condition No. 15, which states:

*At all times during the operation of the use, appropriately trained staff must be provided by the operator of the use to ensure that:*

1. *Patrons leave the premises in a quiet and orderly manner so that disturbance is not caused to the amenity of the neighbourhood; and*
2. *Patrons do not loiter around the premises.*

*To the satisfaction of the Responsible Authority.*

- 9) The inclusion of a new Condition No. 16, which states:

*Patrons are not permitted to enter or exit the premises via the service gate at the rear of the site with access into the premises via the entry along High Street only.*

## **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.

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## **1. BACKGROUND**

### **1.1 Overview of Subject Site**

The subject site comprises the lot at 61 High Street, Northcote. The site is located on the western side of High Street, approximately 20 metres north of the intersection with Westgarth Street.

The site is rectangular in shape, with a frontage width of 6.09 metres to High Street, a depth of 33.52 metres and a total area of 204 square metres.

The site is currently occupied by a double storey brick dwelling that currently operates as a bar under Planning Permit D/114/2016 which was issued on 23 June 2016. The premises currently operates under the business name 'Bar 61'. New management commenced trading from the premises on 14 August 2023.

The building contains a wide awning that extends over the footpath onto the High Street frontage and a small business identification sign hangs below the awning at the High Street interface. The double storey building steps down to single storey towards the rear of the site.



Figure 1: Subject site viewed from east Source: Author

Car parking facilities are not provided on the site, however a right of way is located at the rear of the site. This allows vehicular access to the site for deliveries and back of house access for staff. An outdoor courtyard for the bar is located at the rear of the building, immediately abutting the right of way. Customer access to the courtyard is not available via the laneway.



Figure 2: Right of way viewed from Westgarth Street

Source: Author

There are no restrictive covenants listed on the Certificate of Title.

### 1.2 Overview of Surrounding Area

To the north of the site at No. 63 High Street is a multi-unit development approved under Planning Permit D/846/2007. This Permit was issued on 11 May 2009 and allows the construction of a four (4) storey building, comprised of ground floor shops and seven (7) apartments on the upper floors. The building is nearly finished construction and shares a blank wall to the subject site, with balconies associated with each of the apartments generally located to face High Street or the rear right of way.

To the south of the site at No. 59 High Street, is an attached double storey brick building. The premises currently operates as a bar (Low Key) and is open 7 days a week. The bar is open until 1:00am on Fridays and Saturdays and 12:00am all other nights during the week.

To the east of the site, on the opposite side of High Street are several commercial premises that are largely single storey in scale. These predominantly operate as retail or food and drinks premises. The site at No. 60 High Street features a three (3) storey building, with a ground floor hair salon and residential apartments on the upper floors.

To the west of the site, across the right of way, is a single storey weatherboard and brick dwelling with a corrugated iron pitched roof (55A Westgarth Street, Northcote). The site features car parking facilities accessed via the right of way and secluded private open space to the rear (north). The dwelling is constructed to the right of way boundary.



Figure 3: No. 55A Westgarth Street, abutting the rear right of way Source: Author

The immediately surrounding area forms part of the Westgarth Central precinct and adjoins the High Street corridor. This section of High Street is characterised by buildings of heritage significance with relatively intact facades, in a well-established commercial precinct in a Heritage Overlay. Buildings are predominantly single or double storey in scale, however there are some examples of larger scale buildings. These include the four (4) storey multi-unit apartment development currently under construction to the immediate north and the 3 storey Westgarth Theatre. The buildings along High Street are largely used for retail and food and drinks premises. There are several shops, bars, restaurants and cafes in the immediately surrounding area. Many of the bars in operate until 1:00am on Fridays and Saturdays.



Figure 4: Site photograph from the Westgarth Street and High Street intersection with a view of the southern section of the Westgarth Central Precinct Area. Source: Author

To the rear of the site (west) is an established residential area along Westgarth Street and the surrounding streets. These residential areas are also within Heritage Overlay areas, with

many of the dwellings being period dwellings dating back to the Victorian and Edwardian era on small and narrow lots.

On-street car parking is restricted on both sides of High Street. The surrounding residential streets, including Westgarth and Barry Street, contain restricted on-street car parking on both sides of the streets (generally 1 or 2 hour parking).

The site is located within the Principal Public Transport Network Area (PPTN) and is very well serviced by public transport modes. Westgarth Train Station is located 230 metres to the east of the site, the Route 86 tram is directly opposite the site and multiple bus routes operate along Westgarth Street along High Street, south of the intersection with Westgarth Street. The site is approximately 300 metres north of the Merri Creek trail and is also proximate to the St Georges Road bike path and Route 11 tram.

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

## 2. PROPOSAL

The application proposes amendments to Planning Permit D/114/2016 which was issued on 23 June 2016 and allows '*Demolition, a single storey rear extension and a reduction in car parking*', to include the following amendments to the Permit:

- Introduction of a Late-Night Liquor Licence in lieu of the current General Liquor Licence.
- Modifications to Condition No. 5 of the Permit to increase the operating hours of the bar on Fridays and Saturdays only, until 3:00am. The bar is currently open until 1:00am on Friday and Saturday nights.
- Modifications to Condition No. 7 of the Permit to increase the maximum number of patrons on the premises to no more than 145. Currently the premises has a maximum patronage of 80.

The premises currently operates under a General Liquor Licence which did not require a planning permit when the Permit was issued on 23 June 2016 (this remains the case). A late-night licence requires a permit under the Darebin Planning Scheme.

The premises currently operates as a Bar under the business name 'Bar 61' and is open Monday-Saturday from 7:00am to 1:00am and Sunday from 10:00am to 11:00pm.

No changes are proposed to the hours of operation of the rear courtyard, which will remain as per Condition 6 of the existing Permit which restricts the use of the rear courtyard to the following hours:

Sunday to Thursday – 11:00am to 10:00pm

Friday to Saturday – 11:00am to 11:00pm

The increased operating hours relate only to the areas inside the building.

There is to be no customer access to the premises via the rear service gate which opens onto the right of way. Customer access to the premises will only be available via the entry on High Street.

The development plans form **Appendix C**.

### 2.1 Planning Permit History

The following permits have previously been approved for the subject site:

- Planning Permit D/848/1999 was approved on 6 January 2000 for '*Use as an art and craft centre, licensed premises and a reduction in car parking requirements in association with the use as a food and drinks premises*'. This use has since ceased.

- Planning Permit D/114/2016 was approved on 23 June 2016 for ‘Demolition, a single storey rear extension and a reduction in car parking, in accordance with the endorsed plans’. Plans were endorsed under Condition No. 1 of the Permit on 25 June 2016.

This Permit included the ground floor extension of the building towards the rear to include a cool room area, wash area and toilets as well as the rear courtyard. The Permit included approval for a maximum of 80 patrons, which required a minimum of thirty-two (32) car parking to be provided on the site. A full car parking waiver was approved, as no car parking is available on site. This Permit continues to have effect and it is this Permit that the current premises is operating under, and that this application seeks to amend.

**2.2 Statutory Controls – why is a planning permit required?**

Planning Permit D/114/2016 was assessed under the following planning permit triggers:

Control	Permit Requirement
Clause 34.01 Commercial 1 Zone	<ul style="list-style-type: none"> <li>• Clause 34.01-4, to construct a building or to construct or carry out works.</li> </ul>
Clause 43.01-1 Heritage Overlay	<ul style="list-style-type: none"> <li>• Clause 43.01-1, to demolish or remove a building and to construct a building or construct or carry out works.</li> </ul>
Clause 52.06 Car Parking	<ul style="list-style-type: none"> <li>• Clause 52.06-3, to reduce the number of car parking spaces.</li> </ul>

Regarding the proposed amendments, the introduction of a Late-Night Liquor Licence is a separate planning permit trigger, as shown in the table below:

Control	Permit Requirement
Clause 52.27 Licensed Premises	<ul style="list-style-type: none"> <li>• Clause 52.27, to use land to sell or consume liquor.</li> </ul>

The amendments to increase the operating hours and increase patron numbers require modifications to existing conditions on Planning Permit D/114/2016, specifically Condition No. 5 and Condition No. 7 which state the following under the current approved :

- Condition 5 – The use may operate only between the hours of:
  - Monday to Saturday – 7:00am to 1:00am
  - Sunday – 10:00am to 11:00pm
- Condition 7 – The maximum number of indoor and rear courtyard chairs shall not be no more than 80 at any time.

**3. CONSULTATION**

**3.1 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.

Notice of the proposal was sent to 90 adjoining owners and occupiers. Council has received 23 objections against the application. A map identifying the general location of objectors within a 200 metre radius forms **Appendix D** of this report.

**3.2 Objections Summarised**

The key issues raised in objections are:

- Noise concerns and anti-social behaviour associated with the operation of the premises under previous management.
- Noise concerns associated with increased patronage and music from premises.
- Concerns premises will operate as a nightclub.
- Potential anti-social behaviour in the rear laneway.
- Increase in anti-social behaviour.
- Inconsistent with Planning Policy Framework.
- Late Night Liquor Licence not appropriate to the surrounding area.
- Limited number of licensed premises in the surrounding area operating until 3:00am.
- Negative cumulative impacts.
- Inadequate number of toilets for the increased patron numbers.
- Financial impacts to surrounding businesses.
- Increased traffic and car parking impacts.
- Misleading application documents
- Devaluation of property prices.

**4. REFERRALS**

The proposal was referred to the following internal departments of Council:

Internal Business Unit	Comments
Equity and Wellbeing	Supports the proposal. The Late-Night Liquor licence is unlikely to enact harm from a health and wellbeing perspective and has the capacity to add social value to the area and support local economic outcomes.

The proposal was referred to the following external agencies:

External agency	Comments
Victorian Liquor Commission	Provided no comments or objection to the application.
Chief Commissioner of Victoria Police	Provided no comments or objection to the application however the local police unit at Northcote Police Station provided a response on behalf of the Chief Commissioner of Victoria Police, as detailed below.
Northcote Police Station	Objected to the application based on the operation of the premises under previous management. Provided comments which assumed that the premises would operate as a night club. Raised concerns about traffic management and the spillage of patrons onto the footpath.



	<p><b>Officer Comment:</b> The decision guidelines of the planning scheme do not include consideration of the past behaviour of previous management and/or patrons. The Liquor Licence application process under the Liquor Control Reform Act 1998, which the applicant must also follow, allows for wider considerations than that under the Planning and Environment Act 1987.</p> <p>This application does not propose a nightclub, that use specifically requires a planning permit under the zone and that has not been applied for. There is no indication that the premises will operate as a night club. While a DJ stand is included, there is no designated dance floor, with tables and seating spread throughout the premises.</p> <p>The subject site is conveniently located to public transport modes which will assist to minimise any traffic generation in the early hours of the morning. The site is also within walking distance to a wide array of residential properties in which it is likely that many of the patrons will be able to walk to and from the premises. The amended Planning Permit would require the submission of a Patron Management Plan to ensure that the operators of the premises effectively manage patron behaviour. As a condition on the Permit, Council would be able to enforce this Plan and ensure that the operators comply with this plan at all times.</p>
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## 5. PLANNING POLICY

### 5.1 Planning Policy:

The following policies are of most relevance to this application:

#### Planning Policy Framework (PPF)

- Clause 02.03-1 Settlement
- Clause 02.03-6 Economic Development
- Clause 02.02-7 Transport
- Clause 11.01-1S Settlement
- Clause 11.01-1L Urban Renewal
- Clause 11.03-6L-02 High Street Corridor
- Clause 13.05-1S Noise Management
- Clause 13.07-1S Land Use Compatibility
- Clause 17.01-1S Diversified Economy
- Clause 17.01-1L Diverse Economy
- Clause 17.02-1S Business
- Clause 17.02-1L Commercial Areas
- Clause 17.04-1S Facilitating Tourism
- Clause 18.01-1S Land use and Transport Integration
- Clause 18.01-3S Sustainable and Safe Transport
- Clause 18.01-3R Sustainable and Safe Transport – Metropolitan Melbourne
- Clause 18.02 Movement Networks

- Clause 18.02-3S Public Transport
- Clause 19.02-3S Cultural Facilities

**Zone:**

- Clause 34.01 Commercial 1 Zone

**Overlays:**

- Clause 43.01 Heritage Overlay – Schedule 101
- Clause 45.06 Development Contributions Plan Overlay

**Particular Provisions:**

- Clause 52.27 Licensed Premises

**Recent (Relevant) Planning Scheme Amendments:**C199dare – Municipal Planning Strategy and Local Planning Policy Framework

In 2018, the Victorian State Government commenced a major reform of the Victorian Planning System as part of the ‘Smart Planning’ Program (Amendment VC148).

As part of this reform, the State Government introduced the new format for the Planning Policy Framework (PPF). The PPF format aims to improve the operation of planning policy while retaining local content, making planning schemes more aligned, consistent and easier to navigate, without losing the intent of local policy. The PPF translation is a ‘policy neutral’ amendment that does not introduce new policy into the planning scheme.

The new Darebin PPF includes:

- A new Municipal Planning Strategy that has been translated mainly from the previous Municipal Strategic Statement (MSS).
- Redistributed local policies into new clauses within the PPF to follow the new integrated thematic and three-tiered policy structure.
- Removing policies that can’t be implemented via a planning scheme or do not assist in decision making.
- Removing redundant policies that are outdated.
- Rewriting policies for wording clarity consistent with plain English principles.
- Updating maps to ensure they are legible and accessible.

It is noted that this amendment has no implications on the assessment of this application.

**6. RESPONSE TO OBJECTIONS**

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

- Consistency with Planning Policy Framework.
- Adverse negative cumulative impacts.
- Late Night Liquor Licence not appropriate to surrounding area.
- Increase in anti-social behaviour.
- Noise concerns.

- Limited number of licensed premises in the surrounding area operating until 3:00am.

Responses to the other matters raised in objections are provided below:

Noise concerns and anti-social behaviour associated with the operation of the premises under previous management

Several objections were received in relation to how the premises operated under previous management. These objections were focussed on noise and anti-social behaviour relating to the bar and the impact of this on the amenity of the surrounding area. It is acknowledged that Council and the Environment Protection Authority (EPA) received several complaints about loud excessive noise from the venue under previous management. Following these complaints, it was determined that the premises was not operating within EPA noise regulations. Council's Planning Compliance Unit investigated several potential breaches of planning permit conditions, whilst Victoria Police responded to some of these anti-social behavioural incidents relating to patrons attending the bar. During the operation of the premises under previous management, the bar operated in a similar manner to a nightclub without the necessary planning approvals.

New management have since taken over the premises and commenced trading on 14 August 2023. Since this date, Council has received no complaints regarding noise or any other amenity impacts. The premises has been operating within the scope and restrictions of the existing planning permit and has not imposed any adverse amenity impacts on the surrounding area. Whilst the operation of the premises under previous management may have created significant community and amenity impacts, there is no indication that this has occurred since new management commenced trading. Each application must be assessed on its own merits. Council's assessment of this application should not be influenced by the behaviour and actions of former tenants and patrons of the venue.

The premises will operate as a nightclub

The application does not seek permission for the use of the land as a nightclub. The existing premises will continue to operate as a bar.

A bar is defined under Clause 73.01 of the Darebin Planning Scheme as '*Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling*'. The application documents and proposed amendments to the permit are all consistent with the use of the land continuing to conform with the definition of a bar under the Scheme. This objection ground is based on an unsubstantiated assumption in terms of both the current operation of the venue under new management and the proposed operation of the venue outlined in the submitted documents. The premises will have a DJ station, within the main ground floor area, which also features seating, tables and a bar area, with no dance floor provided. The consumption of liquor associated with food at tables throughout the premises will be the main activity on the land, with the music to accompany these activities. This is consistent with the use of the land as a bar. If an amended Permit were to be issued and the premises started to operate as a nightclub, then it would be a breach in the Planning Permit and planning enforcement action would be undertaken.

Potential anti-social behaviour in the rear laneway

Patron access to the premises via the rear service gate is not proposed on the submitted plans. As an added protection, if an amended permit were to be issued for this application, a condition would be included ensuring customer access is not allowed via the rear gateway. Under previous management, patrons were allowed to enter and exit the premises via the rear gate. This resulted in instances of intoxicated patrons moving along the laneway.

Since new management commenced trading from the venue, this has not been an issue as access to the premises has not been permitted from the laneway. Through effective patron management and restriction of access along the laneway, this application will limit opportunities for anti-social behaviour occurring along the laneway abutting residential properties.

#### Inadequate number of toilets within premises

The number of toilets required for the premises is dealt with separately under the Building Regulations and through a subsequent Building Permit application should a planning permit be issued.

#### Financial impacts to surrounding businesses

Financial considerations are not a relevant consideration in assessing the merits of a planning application under the provisions of the Darebin Planning Scheme and the *Planning and Environment Act (1987)*.

#### Increased traffic and car parking impacts

The site is located within the Principal Public Transport Network Area (PPTN). The car parking measure for a Bar use is 3.5 spaces to each 100 square metres of leasable floor area. The application does not propose any changes to the leasable floor area of the existing premises, and thus the car parking requirements of Clause 52.06 of the Planning Scheme are not applicable to this application. The originally approved full waiver of car parking remains valid.

The site has excellent access to public transport, with Westgarth Train Station located approximately 230 metres to the east of the site and the Route 86 tram directly opposite the site. This means there is a strong likelihood that many of the patrons attending the premises will travel via either the train or tram. As such, vehicle traffic impacts and demand for on-street car parking spaces will be reduced. If patrons were to arrive to the premises via vehicles, given the nature of bars and alcohol consumption, it is likely that many customers will use car sharing options, which will minimise car parking demand and car parking disruptions. Traffic generation related to the bar will be within expected levels for bars and restaurants, as the arrival and departure of patrons would be staggered throughout the night.

#### Misleading application documents

While some incorrect information relating to site context has been provided in the submitted documents, ultimately this is not fatal to the application. Council is undertaking an independent assessment of the application, in which the officer has formed their own view of the context of the surrounding area which has informed considerations of the merits of the application.

The subject site is located near residential properties and there may be some degree of amenity impact to these residential properties resulting from this application. Council's assessment of the application needs to consider whether the level of amenity impact is acceptable and appropriately managed. The assessment in Section 7 of this report addresses these matters.

It is acknowledged that there are no other licensed premises within the surrounding area that operate until 3:00am. Most other venues operate under general or on-premises licences and cease trading at 1am. A detailed assessment of the surrounding site context, including the undertaking of a site visit, has confirmed this.

Devaluation of surrounding property prices

Fluctuations in the property market is not a relevant consideration in assessing a planning application under the provisions of the Darebin Planning Scheme and the *Planning and Environment Act (1987)*.

## 7. PLANNING ASSESSMENT

### 7.1 Does the proposal have strategic policy support?

Planning Policy Framework

Of relevance to the application are the following policies within the Planning Policy Framework:

- Clause 11.01-1S (Settlement) seeks to develop compact urban areas around existing activity centres to maximise accessibility to facilities and services.
- Clause 11.01-1L (Urban Renewal) seeks to encourage a range of supporting commercial and residential uses in the inter-nodal areas of High Street between key activity centres.
- Clause 11.03-6L-02 (High Street) seeks to strengthen the core retail function of the designated activity centres along High Street and to protect the amenity of residential land adjacent to commercial land.
- Clause 13.05-1S (Noise Management) seeks to ensure community amenity and human health is not adversely impacted by noise emissions and to minimise the impact on human health from noise exposure to occupants of sensitive land uses.
- Clause 13.07-1S (Land Use Compatibility) seeks to protect community amenity, human health and safety whilst facilitating appropriate commercial uses with potential adverse off-site impacts and ensuring that land use is compatible with adjoining and nearby uses.
- Clause 17.01-1S (Diversified Economy) seeks growth in a range of employment sectors and improved access to jobs closer to where people live.
- Clause 17.02-1S (Business) seeks to ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Clause 17.04-1S (Facilitating Tourism) encourages the development of a range of well-designed and sited tourist facilities, including accommodation and retail opportunities and seeks to ensure that these facilities have access to suitable transport.
- Clause 18.01-1S (Land Use and Transport Integration) promotes neighbourhoods that support active living and increase the share of trips made using sustainable transport modes.
- Clause 18.01-3S (Safe and Sustainable Transport) seeks to maximise the efficient use of resources and design development to promote walking, cycling and the use of public transport and to minimise car dependency.
- Clause 19.02-3S (Cultural Facilities) seeks to increase access to recreation facilities and establish new facilities at locations well served by public transport.

The application is afforded broader policy support, as the proposed amendments to the permit would facilitate increased economic activity and a more diverse social and cultural activity within the Westgarth Central area. Council's Equity and Wellbeing unit have provided supporting comments for the application to this effect. A Late-Night Liquor licence with

increased trading hours and increased patron numbers presents an opportunity to add further vibrancy to High Street and would be a unique late-night activity for the surrounding area. Increased trading hours will increase economic and employment opportunities within the precinct, while also providing net community benefit by providing a commercial premises which can host more customers and provide a commercial late-night hub along High Street. A late-night premises may result in some potential negative cumulative impacts on the surrounding area, however as is discussed in Section 7.2 of this report, the interface to the rear residential properties remain largely unchanged. Additionally, there are specific locational attributes to the site as well as mitigation measures that can be placed as conditions on the amended permit that will effectively control and manage any potential amenity impacts on the surrounding area.

#### Clause 34.01 Commercial 1 Zone (C1Z)

It is noted that a bar is an as of right use in the Commercial 1 Zone, therefore when the original permit was issued, no approval was required for use of the site as a bar. This remains the case under this application and the key amenity assessment in this instance relates to Clause 52.27 (Licenced Premises) which is addressed at Section 7.2 below. One of the relevant purposes in the Commercial 1 Zone is *'To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses'* and a key decision guideline to consider that is relevant to this application is the *'interface with adjoining zones, especially the relationship with residential areas'*.

The subject site adjoins residences in the Neighbourhood Residential Zone along Westgarth and Barry Street. These residential areas are located immediately adjacent to an established Commercial Zone. The existing uses within the Commercial Zone are consistent with the purpose of the zone, which expects and encourages uses that seek to create vibrant commercial precincts. The adjoining residential areas in this instance are not within the residential hinterland, rather they are located next to a key economic precinct within Darebin. The commercial area along High Street in the Westgarth Central precinct is a long-established commercial precinct and so it is a reasonable expectation that these residential properties to the rear of the subject site will absorb some amenity impacts from activities occurring within the commercial area.

While the application will generate some amenity impacts to these residential areas, this needs to be appropriately balanced with the fact these residential areas adjoin a vibrant commercial precinct along High Street. It is important to note that the rear interface of the bar, being the courtyard, will continue to close at 11:00pm. This is consistent with other licenced premises in the area and there is therefore minimal change to the rear residential interface which would lead to direct negative amenity impacts. Section 7.2 of this report will discuss measures to address potential amenity impacts result from the proposal, with a key focus being the operation of the internal areas of the bar.

#### **7.2 Does the proposal suitably respond to Clause 52.27 (Licenced Premises) and will amenity impacts be appropriately managed?**

##### Cumulative Impact

The Cumulative Impact Assessment submitted with the application indicates there are 83 licensed premises within 1km radius of the subject site, with four (4) licensed premises within a 200-metre radius of the subject site. Licensed premises are a prevalent and common feature in the surrounding area.

In the surrounding area there are several small bars and restaurants that operate under either a General or On-Premises liquor licence, with a maximum closure time of 1:00am (as is the case for this venue currently).

Additionally, there is an existing compatibility between licenced premises and other uses fronting High Street that operate in the evenings in which patrons likely move between premises throughout the course of the night. Accordingly, there is a reasonable level of existing vibrancy generated along this section of High Street during the evenings through the generation of noise from premises, patron movement and behaviour and the regular flow of footpath traffic along High Street. These are all consistent with expectations of what will reasonably occur in a commercial area.

The proposal to include a late-night liquor licence would offer something unique to the immediate surrounding area with a late-night bar which would extend the night life activities in the Westgarth Central Precinct by providing patrons with a bar for social activities after many of the other premises have closed.

The absence of late-night premises within the immediate surrounding area is not fatal to the application. Potential amenity impacts that may be generated from the premises from 1:00am to 3:00am can be appropriately mitigated and controlled via conditions on the Amended Permit that manage noise levels and control patron behaviour. Importantly, the existing bar must comply with the night-time period noise restrictions and this would remain the same for the proposed extension of hours.

The subject site benefits from positive locational attributes that support a late-night premises. The premises fronts High Street and is in a commercial precinct that is a popular social and cultural area for dining and entertainment. There is an expectation there will be some level of amenity impacts associated with bars and alcohol consumption, as bar uses and liquor licences (except for a late-night liquor licence) are as of right uses in the Commercial 1 Zone. Accordingly, this section of High Street can absorb amenity impacts associated with bars and alcohol consumption.

The site is separated from the residential properties by a rear laneway and the rear courtyard of the premises will continue to close at 11:00pm, meaning there will be largely no change to the rear residential interface from current conditions. Subject to noise levels within the building complying with noise regulations, the application is likely to have negligible amenity impacts to the rear residential properties.

The site has excellent access to public transport modes, with the Westgarth/High Street tram stop located directly opposite the site on High Street, and Westgarth Train Station located approximately 230 metres to the east of the site. The proximity of transport will assist for convenient and efficient patron dispersal in the early hours of the morning and will also assist with the flow of increased patron numbers entering and existing the premises. These convenient public transport options provide options to patrons to quickly leave the premises, reducing impacts to the surrounding area associated with loitering. It is also likely that many patrons leaving the premises in the early hours of the morning will utilise car sharing services and there are ample opportunities for car share services to pick patrons up along High Street and leave the area. This will further mitigate amenity impacts on the surrounding area by moving patrons out of the area quickly and efficiently.

The existing bar includes seating and tables throughout the premises and offers meals, ensuring it does not focus solely on the consumption of alcohol or nightclub style activities. The venue layout proposed offers a more relaxed setting where patrons are likely to display more socially positive behaviour than a nightclub, which will assist to reduce amenity impacts on the surrounding area. To ensure patron behaviour within the premises and around the entry and exit points of the premises is positive and does not cause a disturbance to the amenity of the surrounding area, effective controls can be placed on the permit through the implementation of a Patron Management Plan.

This plan would assist in managing patron behaviour and to mitigate any anti-social behaviour both within and outside of the premises.

Surrounding licensed premises within the Westgarth Central Precinct largely operate until 1:00am. Allowing a premises with a staggered closing time from other premises in the surrounding area will ensure there are less people from different premises dispersing from the street at the one time and the only people leaving the area at 3:00am will be from the subject site. It is further noted that due to the nature of how bars are used, patron numbers will fluctuate within the premises throughout the course of the night which will assist in controlling the increased patron numbers given the timing of patrons entering and exiting the premises will be staggered throughout the night.

Should a planning permit be issued, conditions are included to ensure a late-night liquor licence, increased trading hours in the early hours of Saturday and Sunday morning, and increased patron numbers do not create negative cumulative impacts to the surrounding area. Recommended conditions of approval include controlling noise impacts in line with established regulations, preventing use of the rear courtyard as a point of access and a Patron Management Plan, ensuring patrons are effectively managed while visiting the premises.

#### Measures to manage amenity impacts

##### **Noise**

If an amended Permit were to be issued, a condition would be included requiring the provision of an Acoustic Report. This would need to be prepared by a suitably qualified acoustic engineer and the report would need to demonstrate that the premises will operate within relevant EPA noise regulations or can be modified to do so to protect the residential properties at the rear site. Once the Acoustic Report is approved by Council, it will be endorsed under the Permit in which all recommendations within the report must be implemented and complied with and will be enforceable by Council as a condition under the Permit.

Additionally, any liquor licence issued by the Victorian Government would include controls surrounding noise and amenity impacts.

Given that there are no changes to the hours of operation of the rear courtyard which will continue to close at 11:00pm, noise levels to the rear residential interface will remain at existing levels. Noise levels from the premises will only continue beyond 11:00pm from within the building, which is well setback from the rear property boundary and which will be treated and operated to comply with EPA requirements. The restriction of patrons utilising the rear laneway and rear gate will also limit additional late-night amenity impacts from noise to the residential interfaces resulting from the increased hours of operation.

##### **Patron behaviour**

If an amended Permit were to be issued, a condition would be included requiring the provision of a Patron Management Plan which details management procedures to effectively manage patron behaviour within and outside of the premises. A Patron Management Plan has already been provided with the application however updates are required to specify exactly how patrons will be managed internally within the premises and externally. Under the Patron Management Plan, patrons within the premises will be closely monitored by staff for signs of intoxication in which if patrons are suspected of being intoxicated, they will be refused service and encouraged to leave the premises. Staff, including security guards, will monitor the internal and external areas of the premises to ensure patrons are not misbehaving.



Once this plan is approved by Council, it will be endorsed under the Permit in which all management procedures would be required to be undertaken and adhered to and will be enforceable by Council as a condition under the Permit.

Under previous management, Council and the Victoria Police received complaints regarding anti-social behaviour related to the venue and patron management. This was largely as a result of intoxicated patrons utilising the rear laneway to exit the premises late at night, causing significant disturbances to the residential properties. This was an example of a premises not operating under a Patron Management Plan and highlights the consequences of the absence of effective patron behaviour control. The implementation of a Patron Management Plan associated with this premises will assist to improve patron behaviour and will ensure that management are responsible for the behaviour of patrons entering and exiting the premises and will make these management procedures enforceable under conditions on the Permit.

## 8. POLICY IMPLICATIONS

### Environmental Sustainability

Nil

### Social Inclusion and Diversity

Nil

### Other

Nil

## FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications as a result of the determination of this application.





## FUTURE ACTIONS

Nil

## RELATED DOCUMENTS

- N/A

### Attachments

- Appendix A - Location Map - 61 High Street, Northcote - D/114/2016/A (**Appendix A**)  [↓](#)
- Appendix B - Zoning Map - 61 High Street, Northcote - D/114/2016/A (**Appendix B**)  [↓](#)
- Appendix C - Development Plans - 61 High Street, Northcote - D/114/2016/A (**Appendix C**)  [↓](#)
- Appendix D - Objector Map - 61 High Street, Northcote - D/114/2016/A (**Appendix D**)  [↓](#)

## DISCLOSURE OF INTEREST

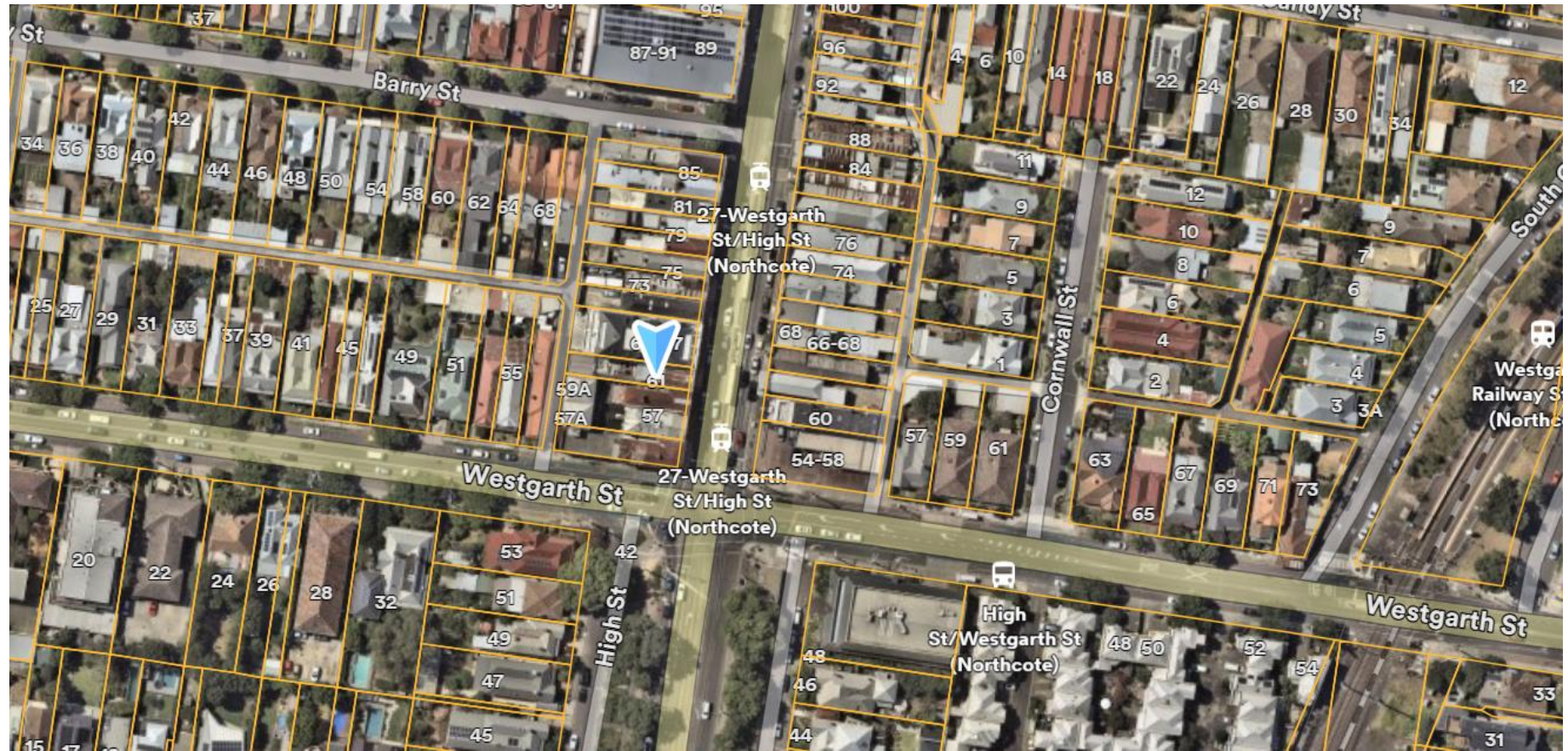
Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

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.

61 HIGH STREET NORTHCOTE 3070

Appendix A – Location Map

12/03/2024





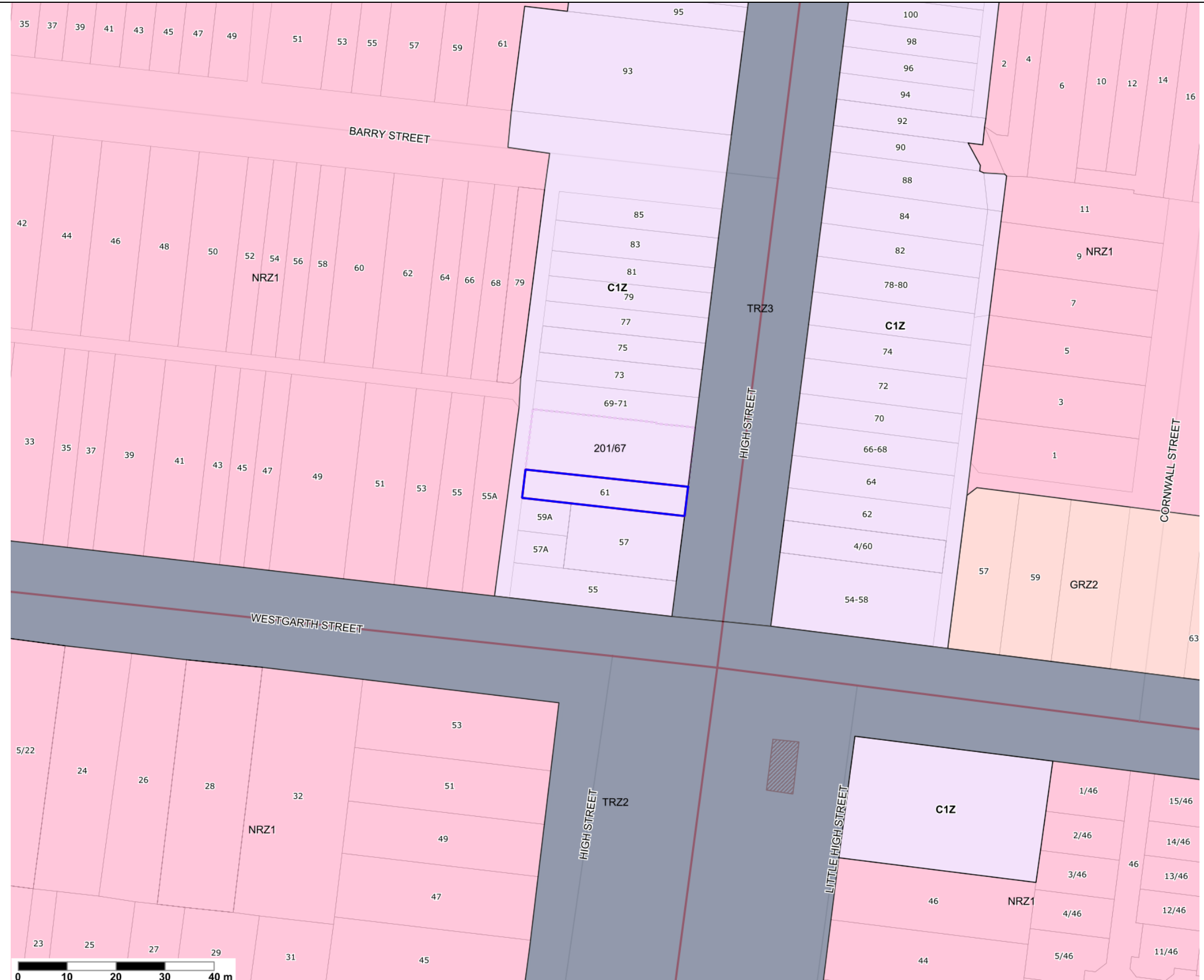
**61 HIGH STREET NORTHCOTE 3070 (Approved property)**

Darebin City Council  
12/03/2024

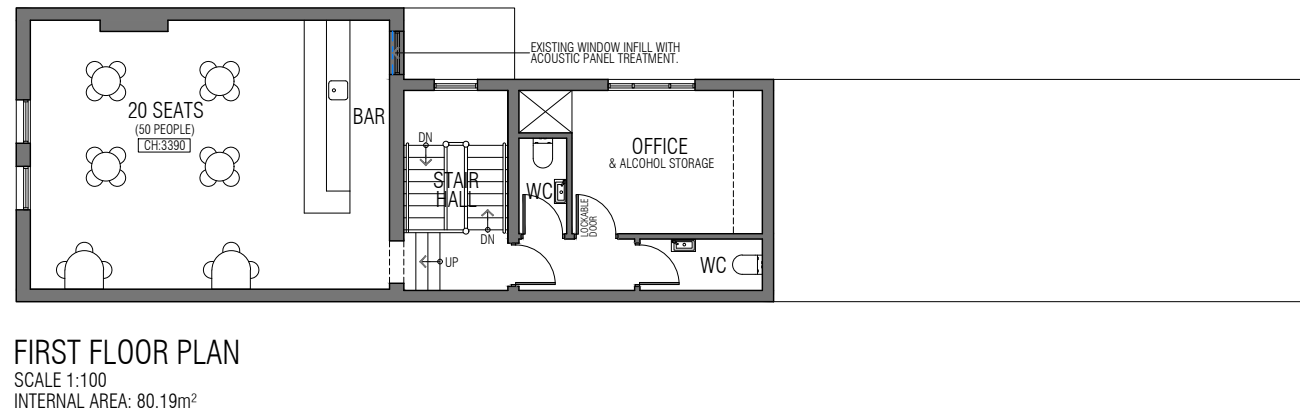
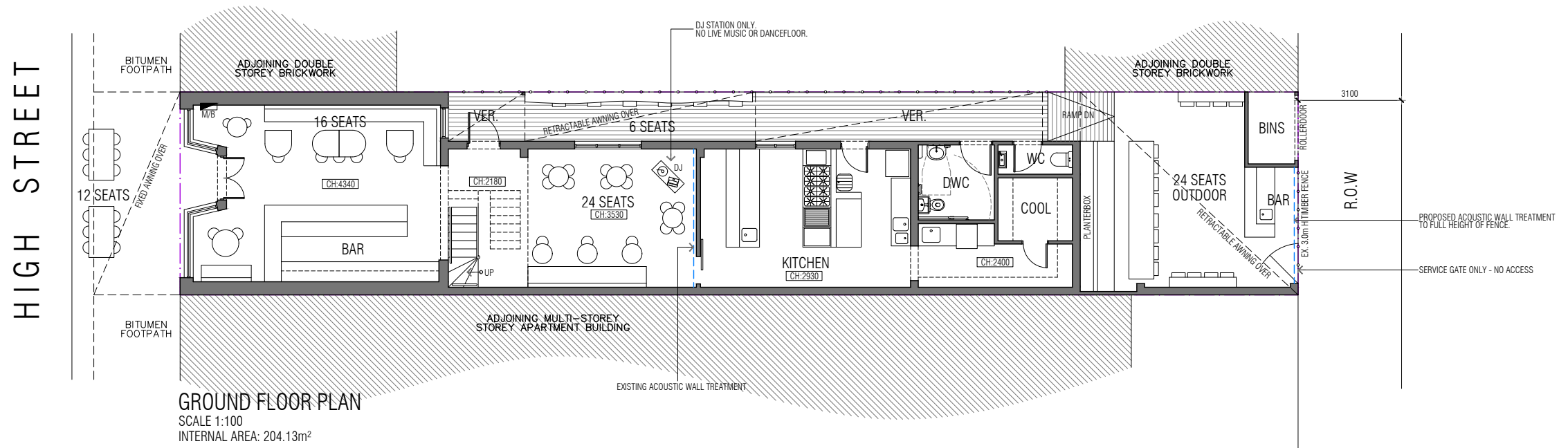


**Suburb:** NORTHCOTE  
**Ward:** South  
**Charge Area**  
**Property No**  
**Area (m<sup>2</sup>)**  
**Planning Zone** [C1Z, Schedule](#)  
**DCPO:** [DCPO, Schedule](#)  
**DDO:**  
**EAO:**  
**ESO:**  
**HO:** [HO101, Schedule, VHD](#)  
**IPO:**  
**LSIO:**  
**PAO:**  
**R XO:**  
**SBO:**  
**VPO:**

**Aboriginal Heritage**  
**Neighbourhood Character** No  
**Housing Change Framework** [INCREMENTAL](#)  
**High Street Precinct** [Precinct 2](#)  
**Applications Open**  
**Closed**







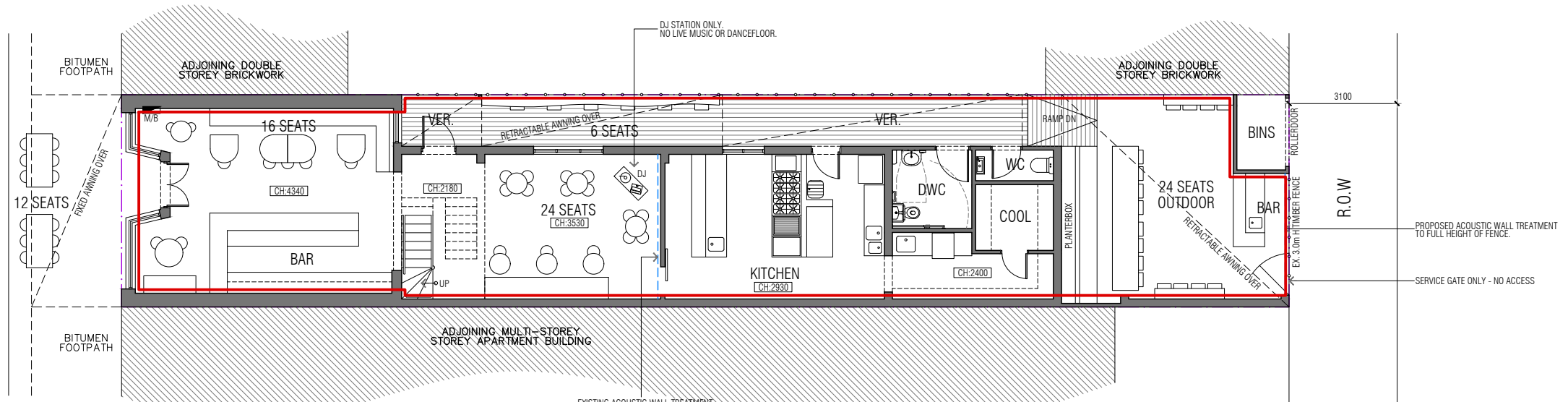
REVISION SCHEDULE:		
DATE REVISED	REV	REVISION DETAILS
08 DEC 2023	--	EXISTING CONDITIONS PLANS - ISSUE FOR REVIEW
15 DEC 2023	A	REDLINE PLAN ADDITION - ISSUE FOR PLANNING REVIEW

**ArchEdge Design**  
 P: 0414 506 702 E: VINCE@ARCHEDGEDESIGN.COM.AU  
 A: UNIT 22/7 DALTON ROAD, THOMASTOWN VIC 3074

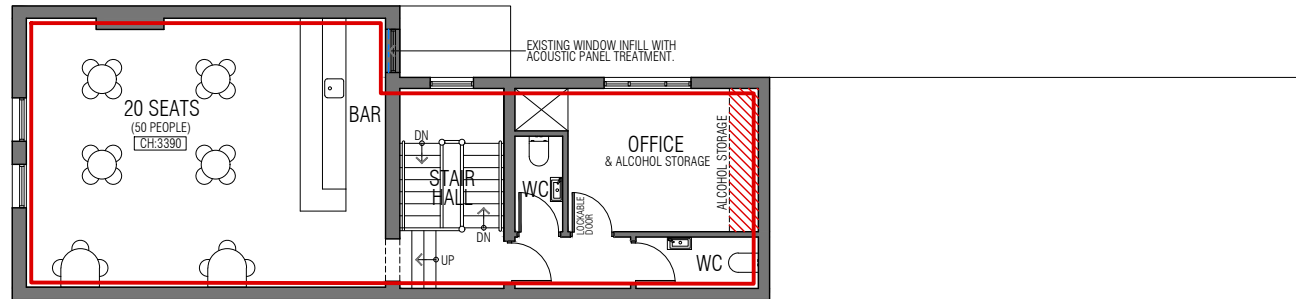
**FLOOR PLANS**  
 PROJECT CONTEXT:  
 EXISTING CONDITIONS PLANS  
 SITE ADDRESS:  
 No. 61 HIGH STREET,  
 NORTHCOTE, VIC 3040

TP.1  
 15 DEC 2023  
 REV.A  
 SCALE - 1:100 @ A2

HIGH STREET



**GROUND FLOOR PLAN**  
SCALE 1:100  
INTERNAL AREA: 204.13m<sup>2</sup>



**FIRST FLOOR PLAN**  
SCALE 1:100  
INTERNAL AREA: 80.19m<sup>2</sup>

REVISION SCHEDULE:

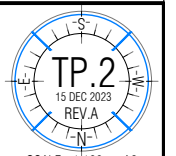
DATE REVISED	REV	REVISION DETAILS
08 DEC 2023	--	EXISTING CONDITIONS PLANS - ISSUE FOR REVIEW
15 DEC 2023	A	REDLINE PLAN ADDITION - ISSUE FOR PLANNING REVIEW

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A: UNIT 22/7 DALTON ROAD, THOMASTOWN VIC 3074

DRAWING: RED LINE PLAN  
PROJECT CONTENT: EXISTING CONDITIONS PLANS  
SITE ADDRESS: No.61 HIGH STREET, NORTHCOE, VIC 3040

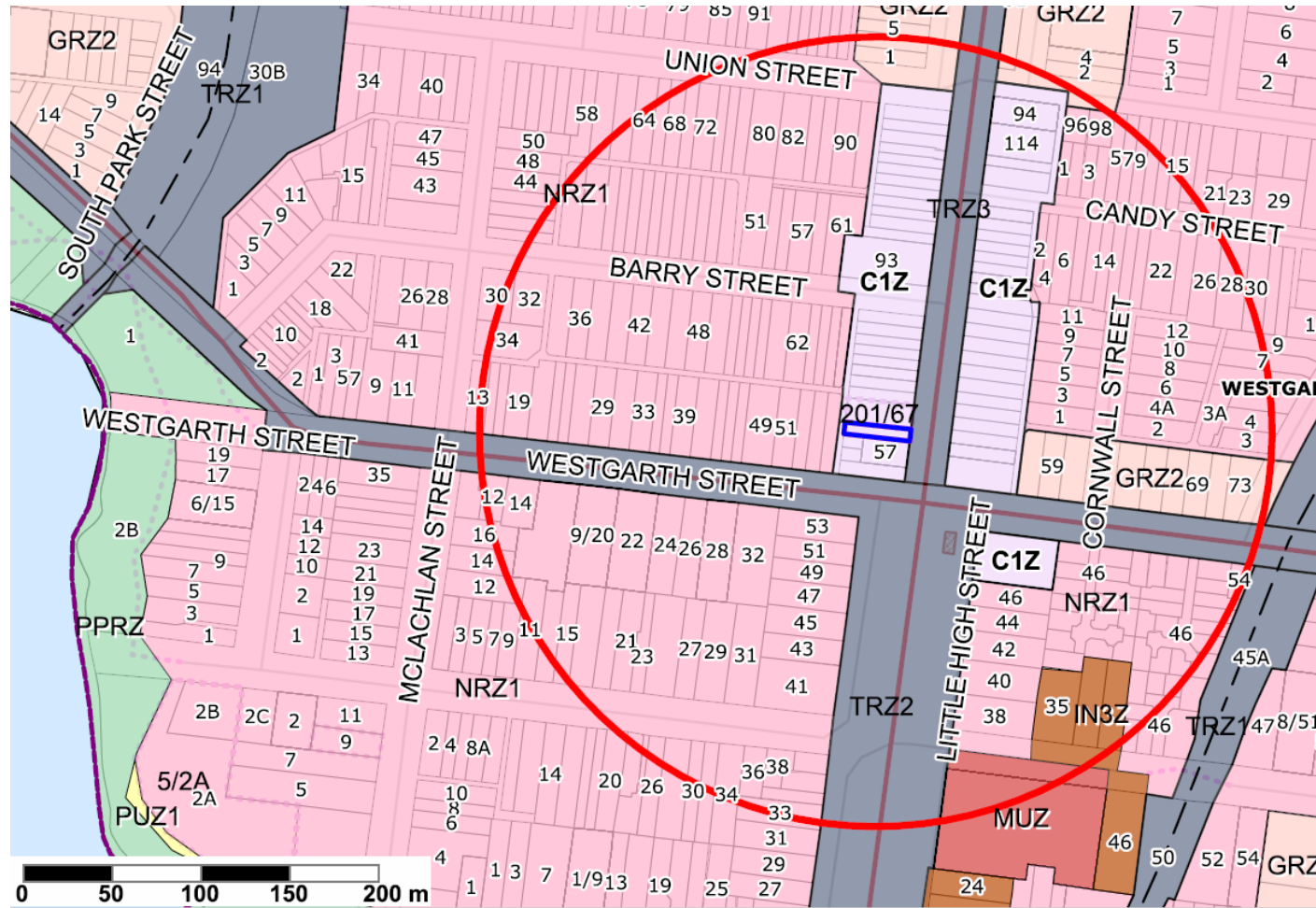




**Address: 61 High Street Northcote**

**Application Number: D/114/2016/A**

**Map:** 23 total objections: 23 objections received within 200 metres radius (shown using red circle) of the subject site (shown selected in blue), no objections received outside of the radius. For councillors, refer to the Call-in Map provided for further details.



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

**5.2 PLANNING PERMIT APPLICATION D/330/2023  
199-203 BROADWAY, RESERVOIR**

**Author:** Senior Statutory Planner

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

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Urbis Pty Ltd	201 Broadway Pty Ltd	Urbis Pty Ltd Point Architects Tree Department Stantec

**SUMMARY**

<b>Property:</b>	199-203 Broadway, Reservoir
<b>Proposal:</b>	Construction of a two-storey building and use as a childcare centre, including associated signage, on site carparking and alteration of access to a road in a Transport Zone 2.  A permit is required for the buildings and works, use of the land, display signs and to alter access to a road in a Transport Zone 2.
<b>Car parking:</b>	The development proposes a total of 26 on site car spaces provided at ground level and accessible from Lindsay Street.  A total of 26 spaces are required under Clause 52.06 of the Darebin Planning Scheme.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>Residential Growth Zone, Schedule 3 (RGZ3)</li> <li>Design and Development Overlay – Schedule 18 (DDO18)</li> <li>Development Contribution Plan Overlay – Schedule 1 (DCPO1)</li> </ul>
<b>Is a Developer Contribution required?</b>	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.
<b>Council 100YR Flooding:</b>	Yes.
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>Letters sent to surrounding owners and occupiers.</li> <li>Four (4) notices were displayed on the subject site, with one (1) sign located on each of the three (3) lots facing Broadway and another on the central portion of the Lindsay Street frontage.</li> </ul>

<p><b>Objections:</b></p>	<ul style="list-style-type: none"> <li>• 19 objections were received against this application from 13 different households.</li> <li>• The key objection grounds raised include: <ul style="list-style-type: none"> <li>○ Acoustic Impacts.</li> <li>○ Traffic and Parking Impacts.</li> <li>○ Operation of the centre including hours of operation.</li> <li>○ Impacts on existing residents with disabilities.</li> <li>○ Loss of vegetation and native birds.</li> <li>○ Property values.</li> </ul> </li> </ul>
<p><b>Key reasons for support:</b></p>	<ul style="list-style-type: none"> <li>• The site is located close to commercial areas, located within the Reservoir Activity Centre and a designated Substantial Change Area.</li> <li>• The proposal is supported by Council’s Families Youth and Children Services as it responds to the need for additional childcare facilities in this area of Reservoir East.</li> <li>• The proposal promotes walking, cycling and public transport use whilst minimising car dependency.</li> <li>• The proposal achieves sustainable design outcomes commensurate with a childcare development.</li> <li>• The proposal is designed with high-quality materials and includes substantial portions of active frontage.</li> <li>• The proposed non-residential use is compatible with the residential area.</li> <li>• The scale and intensity of the proposal sits comfortably in the location, with appropriate landscaping provided.</li> <li>• Safe, efficient onsite parking is provided along with appropriate access to the site.</li> <li>• Traffic generated by the proposal can be accommodated within the surrounding road network.</li> </ul>
<p><b>Recommendation</b></p>	<p>Notice of Decision to Grant a Planning Permit, with conditions.</p>

**Officer Recommendation**

**RECOMMENDATION PART A**

**That** Planning Permit Application D/330/2023 be supported and a Notice of Decision to Grant a Permit be issued for the

*Construction of a building; use of the land for a childcare centre; display of signs and the alteration of access to a road in a Transport Zone 2*

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 Point Architects; Dated 26 October 2023; Pages TP100-TP102, TP200-TP203, TP300, TP500-TP503) but modified to show:
  - (a) The removal of business identification sign from the southern elevation.
  - (b) Annotation of the noise attenuation measures described in the Acoustic Report prepared by DDEG; dated 23 August 2023 prepared by DDEG (Acoustics).
  - (c) Any modifications required as a result of the approved Landscape Plan prepared for Condition 3 of this permit.
  - (d) Any modifications required as a result of the Sustainable Management Plan (refer to Condition No. 6 of this Permit).
  - (e) Any modifications required as a result of Melbourne Water Conditions (refer to Conditions 29-35 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. 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 generally in accordance with the landscape plan, drawn by Justin Goon, Revision A, dated August 2023, but modified to show:
  - (a) Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 6 of this Permit.
  - (b) 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.
  - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, container size and quantities of all plants.
  - (d) A diversity of plant species and forms, including native species.
  - (e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, and raised planter beds.
  - (f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Surfaces are to minimise reflectivity.
  - (g) Four (4) large sized canopy trees and six (6) small sized canopy trees within the ground floor open space. All canopy trees must have a minimum height of 2 metres in 50 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy trees (4-6m x 4m), large canopy trees (10-12m x 10m).
  - (h) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, water tanks, storage, bike racks and the like).

- (i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (j) An outline of the approved buildings, the location of entry doors, windows, gates and fences.
- (k) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (m) Scale, north point and appropriate legend.
- (n) 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.

4. 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 8	Adjoining property (East)	2.0 metres
Tree 12	Adjoining property (East)	2.0 metres
Tree 16 –	Naturestrip	4.0 metres
Tree 17 –	Naturestrip	4.4 metres
Tree 18 -	Naturestrip	6.0 metres
Tree 20	Naturestrip	5.6 metres
Tree 12	Adjoining property (East)	2.0 metres
Tree 13	Adjoining property (East)	2.0 metres
*as defined in <i>Arboricultural Assessment and Report</i> prepared by TreeDepartment, dated 27 August 2023.		

5. 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) All fencing is to be erected prior to the commencement of all works on the site including demolition and can only be reduced by the minimum amount necessary for the reinstatement of the crossovers to be decommissioned.
  - (c) All excavations for the reinstatement of the decommissioned crossovers are to be supervised by a suitably qualified and experienced arborist with all root pruning undertaken in accordance with section 9 of AS4373-2007 Pruning of Amenity Trees.
  - (d) A qualified arborist must oversee all works in and around Tree Protection Zones (TPZ) for trees 8, 12, 16 to 18, and 20.
  - (e) All services must be routed outside 'Tree Protection Zones'. If there is no alternative to passing through the protection zone, the local authority and the consulting arborist must be advised in writing on the need for directional boring beneath root zone; this must be maintained at a minimum depth of 45cm in soil depth when inside the TPZ of a retained tree.
  - (f) All tree protection zones must be observed according to Australian Standard AS4970-2009 **Protection of trees on development sites**. Tree protection zones are to be shown all plans and must be put in place before any works occur on site.
  - (g) 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.
  - (h) 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.
  - (i) Except with the written consent of the Responsible Authority:
    - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
    - (ii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
    - (iii) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
  - (j) All pruning recommended is to be carried out to Australian Standards, AS4373-2007 **Pruning of Amenity Trees**. This work should be supervised or carried out by a qualified arborist.
  - (k) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
  - (l) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.

- (m) 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.
6. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will then form part of this Permit. The amended SMP must be generally in accordance with the document identified as that prepared by F2 Design; dated 26 October 2023 but modified to show:
- (a) Concrete to be specified with recycled aggregate where appropriate and recycled water used in the manufacture.
  - (b) Steel – All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute.
  - (c) Annotate on plans water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection including drought-tolerant turf/lawn
  - (d) Annotate roof materials to be light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance<0.6)

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

7. Prior to the occupation of the development, a report from the author of the SMP, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.
8. 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.

9. The Waste Management Plan (WMP) to be endorsed and which will then form part of this Permit is the WMP submitted with the application prepared by Leigh Design; dated 29 August 2023. The requirements and management procedures as set out in the approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority. If collection occurs offsite, bins will be removed from the street promptly after collection. The waste storage areas must be screened from public view at all times through approved screening measures, as shown on the endorsed plans. 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.

10. The Acoustic Report (AR) to be endorsed and which will then form part of this Permit is the AR report prepared by DDEG (Acoustic), dated 23 August 2023. The requirements as set out in the approved Acoustic Report must be implemented to the satisfaction of the Responsible Authority.
11. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority
12. Before the building is occupied, an automatic external lighting system capable of illuminating the pedestrian and vehicular entry to the building and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority  
The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
14. The land must be drained to the satisfaction of the Responsible Authority.
15. The use may operate only between the hours of:
  - o 7.00am – 6.00 pm Monday to Friday.
16. No more than 25 staff members may be present on the premises at any one time.
17. No more than 120 children may be present on the premises at any one time.
18. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
19. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
20. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans 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) Linemarked; and
  - (e) Drained to the satisfaction of the Responsible Authority.Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
21. Before the development is occupied, the vehicular crossing must be constructed to align with the approved driveway to the satisfaction of the Responsible Authority. Any redundant crossing or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
22. 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, or the use is not started 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.

### **SIGN CONDITIONS**

- 23. The location and details of the signs (including the size, nature, panels, position and construction), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
- 24. The signs must not contain any flashing, intermittent or changing colour light.
- 25. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining and nearby land.
- 26. The signs must not be illuminated by external or internal lights.
- 27. The advertising sign must not contain any moving parts or be animated in any way.
- 28. The signs must be located wholly within the boundary of the site.
- 29. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
- 30. This permission relating to the signs expires 15 years from the date of issue of Permit.  
On expiry of this Permit, the sign and structures built specifically to support and illuminate it must be removed.

### **DEPARTMENT OF TRANSPORT CONDITIONS**

- 31. Prior to the occupation of buildings and/or works all disused or redundant vehicle crossings must be removed and the area reinstated to existing kerb and channel, to the satisfaction of the Responsible Authority, and at no cost to the Head, Transport for Victoria.

### **MELBOURNE WATER CONDITIONS**

- 32. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
  - (a) Retaining wall removed from the northern, eastern and western property boundaries, adjacent to the proposed outdoor play area.
  - (b) Fill removed from the outdoor play area. Landscaping within the outdoor play area must be set to existing natural surface level.
  - (c) Fences on the northern and western property boundaries, that is adjacent to the play area, must be substituted with a 50% open style fence.
- 33. The childcare centre must be constructed with finished floor levels set no lower than 83.15 metres to Australian Height Datum, which is 300mm above the applicable flood level of 82.85m to AHD.

34. No retaining walls are permitted on the northern, eastern and western property boundaries, adjacent to the outdoor play area to allow for the passage of overland flows.
35. No fill is permitted within the outdoor play area. Any landscaping within the outdoor play area must be set to existing natural surface level.
36. Any fences on the northern and western property boundaries, that is adjacent to the play area, must be of an open style of construction (minimum 50% open) unless with the written consent of Melbourne Water, to allow for the passage of overland flows.
37. Primary vehicular access and egress to the site must be maintained from the driveway heading onto Lindsay Street, where flood depths are in compliance with the flood safety requirements.
38. Vehicular and pedestrian access to the site must head south on Lindsay Street in a 1% AEP flood event, within safe flood depths towards flood free ground.

## 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 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development or use 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. Where the Disability Discrimination Act requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.
- N6. Except where no planning permission is required under the Darebin Planning Scheme, no sign may be displayed on the site without further planning approval.

## Department of Transport Notations

- N7. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity is to be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.
- N8. The Road Access Permit Portal (RAPP) was launched on Monday 17 October 2022, and all Working Within the Road Reserve (WWRR) Consent applications are now required to be submitted through RAPP. Below are links that will assist you in applying for this consent.
- N9. Please get in touch via [rapp.support@roads.vic.gov.au](mailto:rapp.support@roads.vic.gov.au) if you have any questions. You can access the RAPP website at: <https://rapp.transport.vic.gov.au>

### Melbourne Water Notations

- N10. Melbourne Water's adopted 'Guidelines for Development in Flood Affected Areas' (DELWP, 2019) state that the natural function of floodplains and overland flow paths to convey and store floodwater must not be compromised, such that new development should not divert floodwaters to the detriment of adjacent properties or increase flood levels/velocities on adjacent properties.
- N11. The current proposal presents an obstruction to the passage of overland flows within the property as result of the proposed retaining wall, fill within the outdoor play area and solid wall fencing. Condition 1 (a) to (c) must be complied with in order to satisfy overland flow requirements.
- N12. Alternatively, if the current or an amended proposal is pursued a suitably qualified hydraulic engineer will need to be engaged to undertake hydraulic modelling to demonstrate the proposal is not increasing flood risk on adjacent properties.
- N13. For general development enquiries contact our Customer Service Centre on 131722.

### 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

### 1.1 Overview of Subject Site

The subject site referenced within **Appendix A**, comprises three (3) lots, 199, 201 and 203 Broadway, Reservoir. The subject site is on the south-eastern side of the intersection with Lindsay Street. The site is regular in shape with a 46 metre combined frontage to Broadway (northern boundary) and a 43 metre frontage to Lindsay Street (western boundary). The site provides a total area of 1,945sqm.



Figure 1 – Subject site viewed from the northern side of Broadway.  
Source: Author

199 Broadway is occupied by a single storey weatherboard dwelling with a pitched corrugated iron roof as well as private open space and a detached garage to the south of the site. The dwelling is setback approximately 8 metres from the Broadway front boundary with approximately 1 metre side and rear setbacks. Access is provided via a single crossover to Broadway.



Figure 2 – 199 Broadway, Reservoir.  
Source: Author

201 Broadway is occupied by a single storey brick dwelling with a pitched tiled roof as well as private open space and a detached garage to the southwest boundary of the site. The dwelling is setback approximately 8 metres from the Broadway front boundary with approximately 1 metre side and rear setbacks. Access is provided via a single crossover to Broadway.



Figure 3 – 201 Broadway, Reservoir.  
Source: Author

203 Broadway is a corner site and contains a single storey brick dwelling with a pitched tiled roof as well as private open space and a detached garage to the south of the site. The dwelling is setback approximately 8 metres from the Broadway front boundary and approximately 2 metres from the Lindsay Street boundary, with approximately 1 metres side (east) and rear (south) setbacks. Access is provided via two single crossovers to Lindsay Street.



Figure 4 – 203 Broadway, Reservoir.  
Source: Author

### **Restrictive Covenant**

There is a restrictive covenant indicated on the Certificate of Titles for Lots 147 and 148 Broadway.

Covenant 1581105 prohibits the excavation or removal of earth, gravel, sand etc. from the site except for the foundations of a building or laying of gardens.

The proposal does not breach the Covenant.

### **1.2 Overview of Surrounding area**

The site is located close to commercial areas and is located within the Reservoir Activity Centre.

### North

The subject site abuts Broadway, a road within the principal road network (TRZ2), which connects High Street (TRZ3) to Boldrewood Parade (TRZ2). Broadway is a two-lane road separated by a landscaped median, with dedicated bicycle lanes and on-street carparking on both sides of the road. The residential lots fronting Broadway directly opposite the subject site (to the north), being allotments 172, 174 and 176 Broadway are also within the Residential Growth Zone. These lots contain single storey, brick dwellings with pitched roofs.

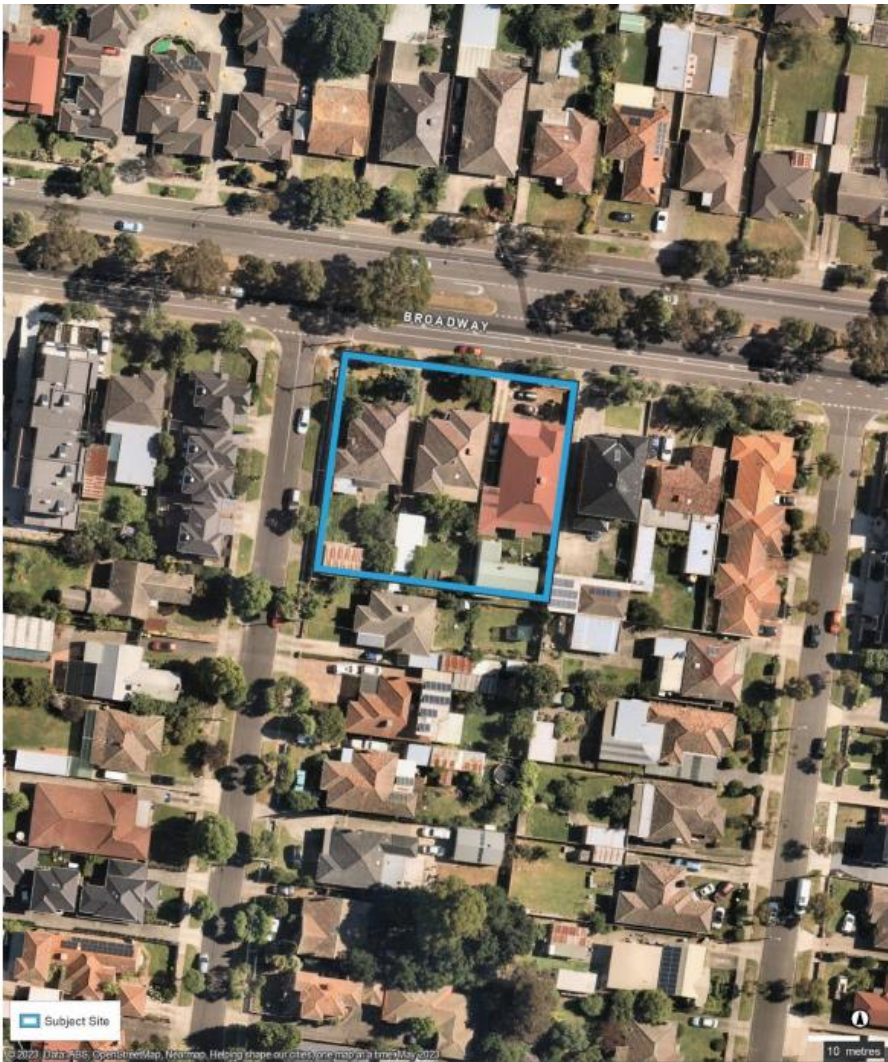


Figure 5 – Aerial view of subject site,  
Source: Nearmap image



Figure 6 – 172, 174 and 176 Broadway, viewed from the southern side of Broadway.  
Source: Author

### East

To the east of the subject site is 197 Broadway, which contains a two-storey brick dwelling with a pitched and tiled roof.

The dwelling is setback 3 metres from the common boundary with the subject site and 8.1 metres from the front northern boundary along Broadway.

The driveway abuts the common boundary with garage to the rear of the site.

The Residential Growth Zone continues further east for the entirety of Broadway until Boldrewood Parade approximately 600 metres to the east of subject site.

Beyond Boldrewood Parade is largely General Residential Zone – Schedule 2, with the exception of a small Commercial 1 Zone (C1Z) and the Reservoir East Primary School, which is zoned as a Public Use Zone – Schedule 2 (PUZ2).

Reservoir High School is located approximately 1.3 kilometres to the south-east.

### South

Abutting the subject site to the south is a single-storey brick dwelling with a pitched tiled roof at 16 Lindsay Street. The lot is in a General Residential Zone – Schedule 2 (GRZ2) and extends the entirety of the southern boundary of the subject site.

The dwelling is set back 1.3 metre from the common boundary, with areas of private open space and the northern side of the dwelling immediately abutting the subject site.

The GRZ2 extends further south, with the Melbourne Water Reservoirs in a Public Use Zone – Schedule 1 (PUZ1) approximately 500 metres to the south-west. Preston Primary School is approximately 1.3 kilometres to the south.

### West

West of the subject site is Lindsay Street, a two-lane street that connects Broadway and Howard Street. On the opposite (western) side of Lindsay Street there are four attached townhouses known as 205 Broadway and 17,19 and 21 Lindsay Street. The four dwellings are two-storey brick townhouses with tiled roofs.



Figure 9 – 205 Broadway, 17, 19, 21 Lindsay Street, viewed from the eastern side of Lindsay Street.  
Source: Author

The subject site is within a moderate walking distance of an extensive network of public transport services along with a range of commercial and retail services in Broadway, High Street, Cheddar Road and Spring Street. Beyond Broadway to the northeast of the site the area also accommodates the Reservoir Leisure Centre.

The Residential Growth Zone (RGZ2) continues west along Broadway for approximately 225 metres before reaching a Commercial 1 Zone (C1Z) with shops fronting both sides of Broadway for the remainder of Broadway to High Street. Further west, approximately 600 metres from the subject site is Reservoir train station.

## 2. PROPOSAL

The application proposes the construction of a two-storey building to be used as a childcare centre. The development will include the following components:

- Demolition of three (3) existing single-storey dwellings (permit not required)
- Entry foyer accessed from Lindsay Street.
- Staff room, meeting room, laundry and kitchen located on the ground floor.
- Ground floor and first floor playgrounds fronting Broadway.
- Seven rooms and a cot room located over the two (2) floors.
- 26 car parking spaces to the rear of the building including one (1) of the spaces as a disability space.
- Bicycle parking is provided off Lindsay Street.
- Alter access to Broadway, which is in a Transport Road Zone 2 (TRZ2) Road, to remove the existing two (2) crossovers and to reinstate them as kerb and naturestrip.
- Remove one (1) of the crossovers and modify the other crossover to create a double-width crossover from Lindsay Street.
- Proposed operation details as follows:
  - Hours of Operation – 7.00am – 6.00 pm Monday to Friday.
  - Staff numbers – 25 staff on site at any one time (including full time, part time and casual staff)
  - 120 children places.
- Display six (6) business identification signs for the proposed use on the northern, southern and western elevations of the buildings. Details of the signs are provided below:
  - Four of the signs will be fixed to level 1 fencing of the development.
  - Two signs will be fixed to the ground level boundary fencing.
  - All signs will have a height less than 2.5 metres and a width less than 5.2 metres.
  - All signs are non-illuminated.

The proposed development is to be a contemporary design utilising the materials of timber cladding, linear cladding with vertical emphasis and painted sheeting. To minimise overlooking and noise transfer to the adjacent residential buildings, a 1.8 metre high acoustic fence is proposed along the eastern and southern boundaries. Along Broadway and part of the Lindsay Street frontages, a 1.8 metre high feature fence has been proposed that is sympathetic to the overall design of the centre, while respecting the existing and preferred neighbourhood area.



The built form is to be constructed with the following details:

- Site area of 1,945 square metres
- Site coverage of 620 square metres (31.78%)
- Maximum Building Height of 9.32 metres
- Boundary setbacks of
  - Northern setback of 7.1 metres
  - Eastern setback of 2.6 metres
  - Southern setback of 17.32 metres
  - Western setback of 6.3 metres

Further details of the above are detailed within the development plans (**Appendix D**).

**2.1 Planning Permit History**

- Planning Permit Application D/98/2022 for No. 199 Broadway was lodged on 28 February 2022 and withdrawn on 31 August 2022.
- The proposal was for ‘construction of five (5) double storey dwellings on the lot within the Design and Development Overlay (DDO18) and alteration of access to a road in a Transport Zone 2 as shown on the plans accompanying the application’.

**2.2 Statutory Controls – why is a planning permit required?**

The planning permit triggers are outlined in the table below.

Control	Permit Requirement
Clause 32.07 Residential Growth Zone Schedule 3	<ul style="list-style-type: none"> <li>• Clause 32.07-3, A permit is required for the use of the site for the purpose of a childcare centre (Section 2 Use).</li> <li>• Clause 32.07-8, to construct or carry out works associated with a Section 2 use.</li> </ul>
Clause 43.02 Design and Development Overlay	<ul style="list-style-type: none"> <li>• Clause 43.02-2, to construct or carry out works.</li> </ul>
Clause 52.05 Signs	<ul style="list-style-type: none"> <li>• Clause 52.05-13, to display sign</li> </ul>
Clause 52.29	<ul style="list-style-type: none"> <li>• To create or alter access to a road in a Transport Road Zone 2</li> </ul>

**3. CONSULTATION**

**3.1 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 4 signs on the frontages of the site.

Council has received (19) objections from 13 different households. A map identifying the general location of objector’s forms **Appendix C**.

The key issues raised in objections are:

- Traffic and parking impacts
  - Traffic impacts and congestion on the existing road network.
  - Road safety including illegal U-turns and other accidents along Lindsay Street and Broadway.
  - Not enough parking proposed.
  - Shortage of on-street parking as a result of the development.
  - Access arrangements from Lindsay Street.
- Impact on existing residents with disabilities and their essential services.
- Acoustic Impacts
  - Noise from the childcare centre
  - Noise due to additional traffic.
  - Noise due to rubbish removal.
  - Noise due to demolition and construction.
- Oversupply of childcare centres in the area.
- Hours of operation.
- Removal of vegetation and loss of native birds.
- Property values.
- Acoustic fence should be 2.4 metres high.
- Proposal does not address the requirements of the Education and Care Services National Law Regulations 2011 (Vic).
- Imposition of on street carparking restrictions.

**4. REFERRALS**

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

Internal Unit	Business	Comments
Climate and Transport	Emergency and Sustainable	Supports the proposal subject to conditions. <b>Officer Comment:</b> Conditions of approval would include these.
Parks and Space	and Open	Supports the proposal subject to standard conditions for tree protection zones and replacement planting. <b>Officer Comment:</b> Conditions of approval would include these.
Families and Children Services	Youth and	Supports the proposal as the Reservoir East area currently has lower provision of long day care places relative to its population.
Environmental Operations		Supports the proposed Waste Management Plan <b>Officer Comment:</b> Waste Management Plan satisfactory and can be endorsed.

Internal Business Unit	Comments
ESD Officer	Supports the proposal, subject to conditions. <b>Officer Comment:</b> Conditions of approval would include these.
Infrastructure and Capital Delivery	Supports the proposal, subject to conditions to provide drainage to the development to the satisfaction of the Responsible Authority. <b>Officer Comment:</b> Conditions of the recommendation have been included to this effect.

The proposal was referred to the following external authorities:

External Business Unit	Comments
Department of Transport	A referral was made to the Department of Transport as they are a determining authority in accordance with Clause 66.03, under Clause 52.29-4. Department of Transport supports the proposal subject to conditions. <b>Officer Comment:</b> Conditions of approval would include these.
Melbourne Water	Notice of the application was provided to Melbourne Water in response to their updated 2023 Flood Data. Melbourne Water supports the proposal subject to conditions. <b>Officer Comment:</b> Conditions of approval would include these.

## 5. PLANNING POLICY

### 5.1 Planning Policy

The following policies are of most relevance to this application:

#### Planning Policy Framework (PPF)

- Clause 2.03-1 Settlement
- Clause 2.03-2 Environmental and Landscape Values
- Clause 2.03-4 Built Environment and Heritage
- Clause 2.03-6 Economic Development
- Clause 2.03-7 Transport
- Clause 2.03-8 Infrastructure
- Clause 11.01-1L Urban Renewal
- Clause 12.01-1L Biodiversity
- Clause 15.01-1R Urban Design – Metropolitan Melbourne
- Clause 15.01-1L-01 Urban Design
- Clause 15.01-1L-02 Safe Urban Environments

- Clause 15.01-2S Building Design
- Clause 15.01-2L Building Design
- Clause 15.01-2L-01 Environmentally Sustainable Development
- Clause 15.01-4R Healthy Neighbourhoods – Metropolitan Melbourne
- Clause 17.01-1S Diversified Economy
- Clause 17.01-1L Diverse Economy
- Clause 17.02-1S Business
- Clause 18.01-1S Land use and Transport Integration
- Clause 18.01-3S Sustainable and Safe Transport
- Clause 18.01-3R Sustainable and Safe Transport – Metropolitan Melbourne
- Clause 18.01-3L Accessible Transport
- Clause 18.02 Movement Networks
- Clause 18.02-2S Cycling
- Clause 18.02-4S Roads
- Clause 18.02-4L Car Parking
- Clause 19.02-2S Education facilities

**Zone:**

- Clause 32.07 Residential Growth Zone – Schedule 3

**Overlays:**

- Clause 43.02 Design and Development Overlay – Schedule 18
- Clause 45.06 Development Contributions Plan Overlay

**Particular Provisions:**

- Clause 52.05 Signs
- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent the Principal Road Network
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater Management in Urban Development

**Recent (Relevant) Planning Scheme Amendments:**

Since the application was received the scheme has only been subject to one relevant amendment:

- C199dare. The amendment replaces the Local Planning Policy Framework of the Darebin Planning Scheme with a new Municipal Planning Strategy at Clause 02, a modified Planning Policy Framework at Clauses 11-19 and a selected number of operational provisions in a manner consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148 and the Ministerial Direction - the Form and Content of Planning Schemes.

As part of this reform, the State Government introduced the new format for the Planning Policy Framework (PPF). The PPF format aims to improve the operation of planning policy while retaining local content, making planning schemes more aligned, consistent and easier to navigate, without losing the intent of local policy. The PPF translation is a 'policy neutral' amendment that does not introduce new policy into the planning scheme.

The new Darebin PPF, implemented under Amendment C199dare, includes:

- A new Municipal Planning Strategy that has been translated mainly from the previous Municipal Strategic Statement (MSS).
- Redistributed local policies into new clauses within the PPF to follow the new integrated thematic and three-tiered policy structure.
- Removing policies that can't be implemented via a planning scheme or do not assist in decision making.
- Removing redundant policies that are outdated.
- Rewriting policies for wording clarity consistent with plain English principles.
- Updating maps to ensure they are legible and accessible.

It is noted that this amendment has no implications on the assessment of this application.

## 6. RESPONSE TO OBJECTORS CONCERNS

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

- Provision of on street and off street parking
- Road safety
- Increase in traffic and congestion
- Suitability of access
- Noise from Childcare centre.

Responses to the other matters raised in objections are provided below:

### Oversupply of childcare centres in the area

Council's Families, Youth and Children's Services Unit have advised that from a service capacity perspective this development would be a welcomed addition. The Reservoir East area currently has lower provision of long day care places relative to population size than the Darebin average.

### Road safety

Council's Transport unit supports the proposed development. Cars will enter and exit the site in a forward direction utilising the one crossover and entrance. The development will not impact pedestrians on Broadway. Pedestrian visibility splays will be required on both sides of the crossover. The design response is also supported by the Victorian Department of Transport.

### Traffic congestion

Parents dropping children at a childcare centre are likely to be at more random times spread across the morning as is the case with collection of children at the end of the day. The hours of operation associated differ from a school where children are required to commence class

at the same time with a childcare centre. Council's Transport Engineers support the proposal.

#### Traffic – Increase in traffic

The application's Traffic Report identifies that the proposal is likely to be associated with only a marginal increase in the traffic of the area. This is supported by the provision of relevant traffic studies. In addition, Council's Transport Engineers raise no objection with the proposal.

#### Traffic – Increase in cars parked on street

Twenty-six (26) car parking spaces are proposed for the childcare centre, which complies with the requirements of Clause 52.06 (Car Parking) of the Darebin Planning Scheme. Council's Transport unit supports the proposed development.

#### Imposition of on street carparking restrictions

The Transport Impact Assessment provided with the application suggests imposition of on street parking restrictions. Council's Transport Engineers have stated that these would not be required or imposed.

#### Safety concerns – vehicle access from Lindsay Street

Whilst motor vehicles are recognised to pose some safety risks, the proposed crossover is designed to relevant engineering standards and is supported by Council's Transport Engineers. Cars will enter and exit the site in a forward direction utilising the one crossover and entrance.

#### Removal of vegetation and loss of native birds

A planning permit is not required for the removal of any vegetation on-site. A detailed landscape plan will be required as condition of permit and native planting will be encouraged.

#### Hours of operation

The hours of operation proposed for the use are appropriate in the residential location and will not have unreasonable impacts on surrounding residential properties.

#### Noise during demolition and construction

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

#### Devaluation of property

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

Noise from childcare centre

The childcare centre will only operate during daytime and has been designed to ensure noise can be appropriately managed so that surrounding properties are not unreasonably impacted. This has been achieved through the siting and orientation of the building and play areas so that noise is directed towards the adjoining streets where possible. An acoustic report has been provided with the application with appropriate noise attenuation measures outlined.

Height of acoustic fence

The Acoustic Report provided with the application advises that the proposed fence height of 1.8 metres will be acoustically sufficient.

Proposal does not address the requirements of the Education and Care Services National Law Regulations 2011 (Vic).

These requirements will be addressed under separate legislation and are not assessed through the planning permit application process.

Impact on existing residents living with disabilities and essential services

The proposal has been designed to provide safe on-site parking and access ways in accordance with appropriate regulations which should not impact residents living with disabilities or essential services provision.

## 7. PLANNING ASSESSMENT

### 7.1 Does the development require a Cultural Heritage Management Plan?

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

### 7.2 Does the proposal have strategic policy support?

The proposed development is informed by a variety of strategic policies, in particular:

- Clause 02 (Municipal Planning Strategy) whereby the site is located within a designated Substantial Change Area.
- Clause 11.01-1S (Settlement) seeks to develop compact urban areas around existing activity centres to maximise accessibility to facilities and services.
- Clause 11.03-1L-01 (Activity Centres) encourages day and evening activity in activity centres, supports the consolidation of uses including retail, business, employment, and leisure facilities in identified activity centres, and encourages mixed uses in activity centres along identified strategic corridors.
- Clause 12.01-1L (Biodiversity) encourages the use of planting on private land to increase biodiversity.
- Clause 13.05-1S (Noise Management) to assist the management of noise effects on sensitive land uses.
- Clause 13.07-1S (Land Use Compatibility) seeks to avoid or otherwise minimise adverse off-site impacts from commercial uses, including through siting, building design and operational measures.

- Clause 15.01-1L-01 (Urban Design) seeks to ensure new development responds to the scale of buildings on nearby streets, to ensure ground level frontage is active with good visibility and accessibility.
- Clause 15.01-1L-02 (Safe Urban Environments) seeks to promote safety through well-designed urban environments that include passive surveillance, good connectivity and mixed uses.
- Clause 15.01L-03 (Signs) seeks to ensure signs are integrated into development and streetscapes.
- Clause 15.01-2L-01 (Safe Urban Environments) encourages environmentally sustainable design that adopts best practice through a combination of methods, processes and locally available technology that demonstrably minimises environmental impacts. It also seeks to design development to promote walking, cycling, and public transport, in that order; and minimise car dependency.
- Clause 15.01-2L (Building Design) promotes active frontages at ground level and a high standard of design, amenity and security in commercial office development. The policy seeks to ensure that overshadowing and overlooking is not unreasonable. It also encourages horizontal banding to distinguish between levels.
- Clause 15.01-2L-01 (Environmentally Sustainable Development) encourages environmentally sustainable design that adopts best practice through a combination of methods, processes and locally available technology that demonstrably minimises environmental impacts. It also promotes walking, cycling and public transport. Car dependency is to be minimised.
- Clause 15.01-4R (Healthy Neighbourhoods – Metropolitan Melbourne) supports the creation of 20 minute neighbourhoods that give people the ability to meet most of their needs without utilising the state government's road infrastructure.
- Clause 17.01-1S (Diversified Economy) seeks growth in a range of employment sectors and improved access to jobs closer to where people live.
- Clause 18.01-1S (Land Use and Transport Integration) seeks to design neighbourhoods to better support active living and increase the share of trips made using sustainable transport modes.
- Clause 18.01-3S (Safe and Sustainable Transport) seeks to maximise the efficient use of resources and design development to promote walking, cycling and the use of public transport, in that order, and minimise car dependency.
- Clause 18.01-3R (Safe and Sustainable Transport – Metropolitan Melbourne) seeks to provide more travel options to support the walking and cycling within neighbourhoods.
- Clause 18.02-2S (Cycling) seeks to support increased cycling by providing cycle parking and related end of trip facilities to meet demand at recreation, shopping and commercial facilities.
- Clause 18.02-3S (Public Transport) seeks to locate higher density and increased development on or close to the Principal Public Transport.
- Clause 18.02-4S (Roads) seeks to consolidate car parking facilities to improve efficiency, and to plan an adequate supply of car parking to facilitate the use of public transport. However, it also directs sufficient parking to be provided to protect residential areas from the effects of road congestion created by on-street parking.
- Clause 18.02-4L (Car Parking) encourages accessible bicycle parking and vehicle access for multi-residential and mixed-use developments from a side or rear street.
- Clause 19.02-2S (Education Facilities) seeks to assist the integration of education and early childhood facilities with local and regional communities.



It is evident that the proposal is afforded broader policy support at the State and Local policy level as highlighted below.

- Council's Municipal Planning Strategy specifically supports development at higher overall densities in Substantial Housing Change Areas such as this site.
- The proposal facilitates an economic, social and educational activity that will maximise the use of the Reservoir Activity Centre and transport infrastructure proximate to the site.
- The proximity of the site to a range of public transport options also supports this type of use as a childcare centre.
- The development minimises adverse off-site impacts through siting, building design and operational measures.
- The design response responds to the scale of buildings on nearby streets, ensure ground level frontage is active with visibility and accessibility.
- With the recommended removal of one of the signs to the south elevation, the development will provide signs that are integrated into the development and the streetscape.
- The proposal provides an additional employment opportunity and improves access to jobs and education facilities close to where people live.
- The proposal encourages accessible bicycle parking and vehicle access from the side street.

In considering the proposal against the relevant policy and built form context, the development presents a high level of compliance with State and Local planning policy. This is further discussed and justified within the assessment section 7 of this report, including within **Appendix E** and **Appendix F**

### **7.3 Does the proposal respond to the purpose and objectives of the Residential Growth Zone (RGZ3) and address amenity concerns?**

The proposal appropriately responds to the purpose of the zone, including the implementation of the Municipal Planning Strategy and Planning Policy Framework. The development provides for a non-residential use that will serve local community needs in an appropriate location.

The locational advantages of the site, close to the Reservoir Activity Centre, supports the development of a childcare centre. It is an ideal location, within the Residential Growth Zone, on the corner of Broadway (TRZ2) and Lindsay Street (local street) and being approximately 220 metres east of the commercial area on Broadway and approximately 580 metres from buses and train services provided around Reservoir station.

The Residential Growth Zone is a designated Substantial Change Area and anticipates higher density development, with Schedule 3 varying a number of Rescode standards to facilitate such outcomes, including allowing higher site coverage, lower permeability, greater length of walls on boundary and reduced setbacks. Although these standards do not specifically apply this development type, they provide an indication as to the reasonable and expected outcome for this site.

Considering the decision guidelines, the proposal has been appropriately designed and ensures any off-site amenity impacts are managed as follows:

- The children are dropped off and collected at different times throughout the day, spreading peaks traffic times and reducing impact on the road network.

- Noise associated with the use only occurs during daytime hours, with noise from children being a common and expected occurrence in a residential area.
- The site abuts a busy transport zone as opposed to a quiet local street.
- The hours of operation are appropriate in this context remaining within daytime hours.
- The scale of the building responds to the residential zoning and provides a respectful double storey form with generous setbacks to boundaries.
- Landscaping has been incorporated into the development to ensure it respects the surrounding neighbourhood character.
- Provision of on site car and bicycle parking meets planning scheme requirements therefore minimising impacts on the surrounding residents.
- The car park is sited to the south (rear) of the building to provide a substantial setback of more than 17 metres from the dwelling to the south and the secluded private open space (SPOS) of the dwelling to the east.
- The safety, efficiency and amenity effects of traffic generated by the proposal has been appropriately designed and is supported by Council's Transport Engineers.
- The proposed signs are not illuminated. With the deletion of the sign facing the residential property to the south, the signs will not cause detriment.
- Noise is appropriately managed so that surrounding residential properties are not unreasonably impacted. This is achieved through the siting and orientation of the building and play areas. Noise is directed towards the adjoining streets (Broadway predominately).
- A 1.8-metre-high acoustic fence located along the eastern and southern boundaries at the ground floor level along with the implementation of the recommendations of the acoustic report will ensure that any noise generated will be of an acceptable level for its location.
- Private waste collection will occur from the on-site carpark and controlled by a waste management plan. Noise from the rubbish truck will not impact the surrounding residents.
- The centre will serve the local community needs and as identified by Council's Families Youth and Childrens Services, the Reservoir East area currently has lower provision of long day care places relative to its population.

Clause 55 is not relevant to a non-residential building; however, Clause 32.07-11 refers to specific amenity and energy efficiency provisions of Clause 55 which must be met. These Clause 55 provisions have been assessed in **Appendix E** and highlight full compliance.

#### **7.4 Does the proposal respond to the specific guidelines of the Design and Development Overlay - Schedule 18 (DDO18) and to the specific Design Outcomes for the Reservoir Structure Plan?**

The broader design objectives and requirements for land affected by the DDO18 seek to support and encourage built form aspirations of the Reservoir Structure Plan. They encourage higher density in a format that appropriately addresses interfaces with established residential areas, while encouraging high quality developments and discouraging underdevelopments.

The proposed development responds to the design objectives of the DDO18 as highlighted below:

- The design incorporates a built-form transition to the adjoining residences, with the car parking area abutting the General Residential Zone to the rear and the double storey building form located towards Broadway and Lindsay Street.
- The proposal provides a high quality building, designed to sit comfortably within the context of the surrounding residential development.
- The design response incorporates the consolidation of three (3) existing lots, ensuring it is not an overdevelopment of one lot.
- The building is surrounded by play areas and gardens which will enhance the garden setting within the street.
- The carpark on the southern section of the land provides one (1) access point to the street which will minimise any impacts on local traffic and the transport zone.
- A full assessment against the decision guidelines of DDO18 (Appendix F), highlight this compliance. The proposal has a front setback of 7.1 metres rather than the preferred setback of 5 metres. However, this is considered appropriate as it provides an area in the frontage for children play to mitigate noise levels to the surrounding sensitive residential interfaces.

Within the Reservoir Structure Plan, the subject site is located within *Precinct 6 - Surrounding Residential* and is designated for residential intensification. The *Community Connections* vision of this structure plan *describes Reservoir as a place that celebrates its diversity, connectedness and participation* aiming to promote a strong sense of community and connectivity.

Whilst the structure plan indicates the subject site as a *Residential Intensification Area*, a strategy for this precinct is to *continue to support community services that are located within the precinct and focused in areas along main roads close to shopping strips and the station*.

This precinct shares an interface with *Precinct 3 – Broadway*, a commercial activity centre (commercial zone) and is on a main road. Strategically, the site is located close to a number of amenities and services. The childcare centre is well positioned to complement the nearby schools in Reservoir and accommodate the daily needs of local families within the surrounding community. This makes the subject site an ideal location for an essential service as it is connected to the commercial precinct and centralised within the residential area.

Council's Children & Community Development Unit have identified that Reservoir East currently has lower provision of long day care places relative to population size. This Childcare centre would assist in addressing this imbalance and help provide this service for the existing and future populations.

#### **7.5 Does the proposal provide appropriate car parking and access and address Clause 52.29 (Land Adjacent the Principal Road Network)?**

The statutory car parking requirement for a 120 place childcare centre is 26 spaces under Clause 52.06 (Car Parking) of the Darebin Planning Scheme. The development provides 26 car spaces, with one (1) of these spaces designated to disability parking. The proposal satisfies the car parking requirement of the Darebin Planning Scheme.

The layout and design of the car park, provides for accessways and car parking spaces that are compliant with the design standards of Clause 52.06-9.

- Access way and driveway aisle width ensures safe movement in and out of the site.

- Vehicles can ingress and egress in a forward motion, with the ability to accommodate two-way opposing movements.
- The vehicle access on Lindsay Street will have a 6.4m width and satisfies both the Darebin Planning Scheme and the relevant Australian Standard.

The parking is compliant with the Urban Design, Safety and Landscaping design standards of Clause 52.06-9 as identified as follows:

- Ground level car parking is not visually dominant, sitting within the landscaping and adjacent to the side and rear of the building.
- The carparking will be well lit and is visible from the street and public areas. Natural surveillance and pedestrian visibility are possible from surrounding buildings and footpaths.
- Landscaping and trees will be provided to soften the appearance of the ground level car parking area.

The majority of grounds of objection to the application relate to traffic, car parking, traffic movements and safety of pedestrians. The development has been designed with access from Lindsay Street rather than Broadway to avoid interference with the traffic flow along this main road, while maximising the garden setting and playground within the frontage. The removal of the existing crossovers on Broadway will result in additional on street car parking within the area, while on street car parking on Lindsay Street is not to be altered by the proposal.

Council's Traffic Engineers are satisfied that the supplied '*Traffic Impact Assessment*' has adequately demonstrated that the car park is functional, provides adequate parking spaces and complies with all the relevant design standard of Clause 52.06.

Although the applicants traffic impact assessment report suggests implementing 'no parking' restrictions to Lindsay Street, Council's Transport Engineers have reviewed that proposition and conclude that the implementation of parking restrictions are not required or supported.

The application was referred (under Clause 52.29) to the Department of Transport (DOT) as the application is proposing to alter the access to a road within a Transport Zone 2 (Broadway). The Department of Transport did not object to the proposed use and works subject to condition. The application satisfies the decision guidelines of Clause 52.29-6 including the effect of the proposal on the operation of the roads and on public safety.

#### **7.6 Does the proposal respond to the specific guidelines of Clause 52.05 (Signs)**

The application proposes the display of six (6) business identification signs, located on the northern, southern, and western elevations. The signs are simple and well-integrated within the development. They are not illuminated and have a proportion, scale, and form in keeping with the overall design. All of the signs with the exception of the sign facing south sit comfortably within the streetscape and residential setting. The sign on the southern elevation is excessive and should be deleted. The other signs face either Broadway or Lindsay Street whereas the south facing sign is adjacent to the rear yard of the adjoining residential property. This sign is unnecessary, it does not face a public space and is not required to assist with location of the use.

A condition of approval would require the removal of the business identification sign located on the southern elevation.

Business signage is used to differentiate a building from other buildings, identify the location of the business and to promote the service to the local community. The remainder of the signs appropriately achieve this outcome.

## POLICY IMPLICATIONS

### Environmental Sustainability

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls.

### Social Inclusion and Diversity

Nil

### Other

Nil

## FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications as a result of the determination of this application.







## FUTURE ACTIONS

Nil

## RELATED DOCUMENTS

- Darebin Planning Scheme
- Reservoir Structure Plan

### Attachments

- Location Map - 199-203 Broadway, Reservoir - D/330/2023 (**Appendix A**) [↓](#) 
- Zoning Map - 199-203 Broadway, Reservoir - D/330/2023 (**Appendix B**) [↓](#) 
- Objector Radius Map - 199-203 Broadway, Reservoir - D/330/2023 (**Appendix C**) [↓](#) 
- Development Plans - 199-203 Broadway, Reservoir - D/330/2023 (**Appendix D**) [↓](#) 
- Clause 32.07 (RGZ3) Assessment - 199-203 Broadway, Reservoir - D/330/2023 (**Appendix E**) [↓](#) 
- Design and Development Overlay - Schedule 18 Assessment - 199-203 Broadway, Reservoir - D/330/2023 (**Appendix F**) [↓](#) 

## 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.

199-203 BROADWAY, RESERVOIR 3073

Appendix A – Location Map

Source Inramap, 16 September 2023  
Darebin City Council



**199-203 BROADWAY RESERVOIR 3073 (Approved property)**

Darebin City Council

14/03/2024



**Suburb:** RESERVOIR  
**Ward:** North Central  
**Charge Area**  
**Property No**  
**Area (m<sup>2</sup>)**  
**Planning Zone** [RGZ3, Schedule](#)  
**DCPO:** [DCPO, Schedule](#)  
**DDO:** [DDO18, Schedule](#)  
  
**EAO:**  
**ESO:**  
**HO:**  
**IPO:**  
**LSIO:**  
**PAO:**  
**RXO:**  
**SBO:**  
**VPO:**

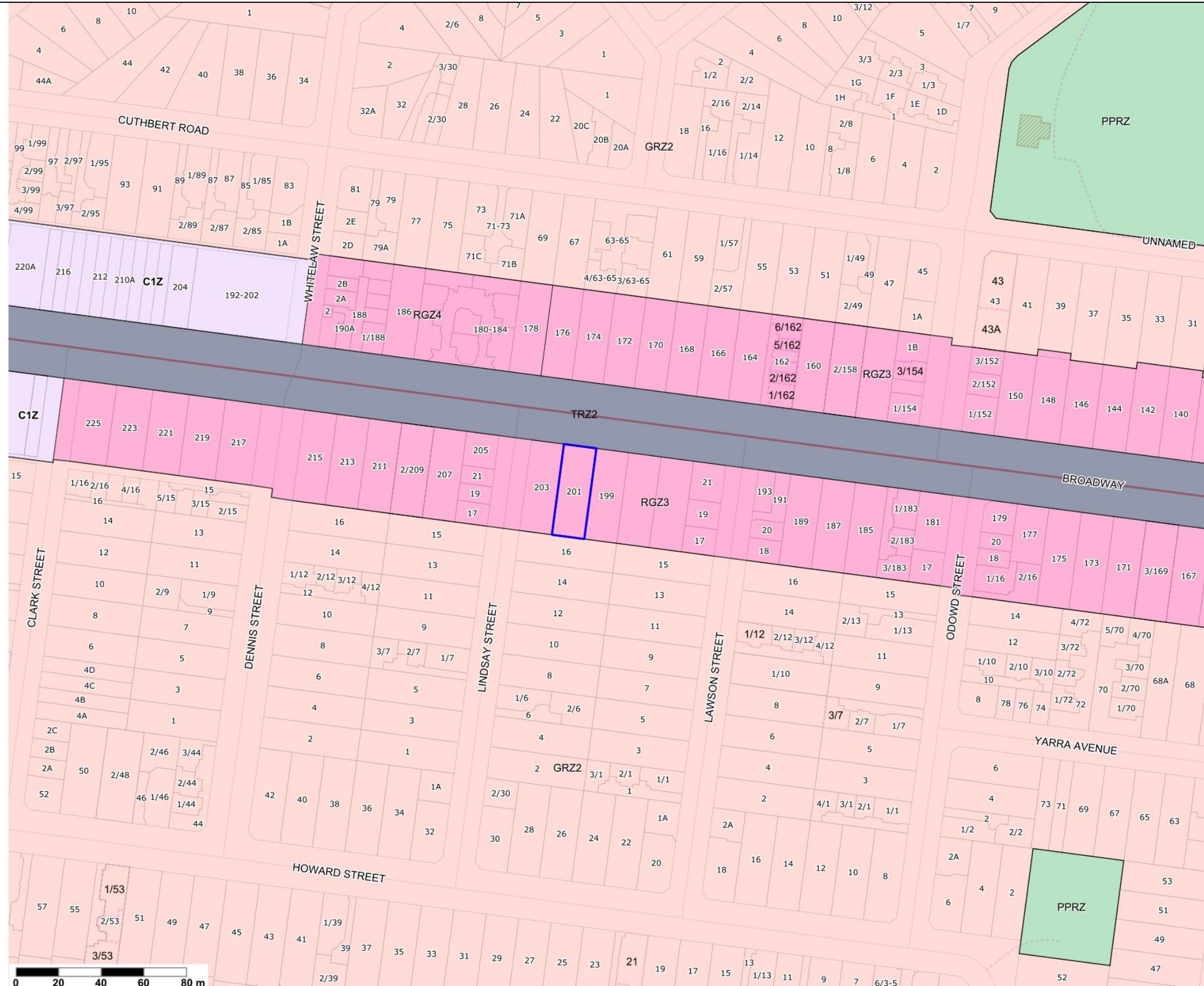
**Aboriginal Heritage**

**Neighbourhood Character** [E7 : Inter-war/Post-war Mix](#)

**Housing Change Framework** [INCREMENTAL SUBSTANTIAL](#)

**High Street Precinct**

**Applications Open Closed**







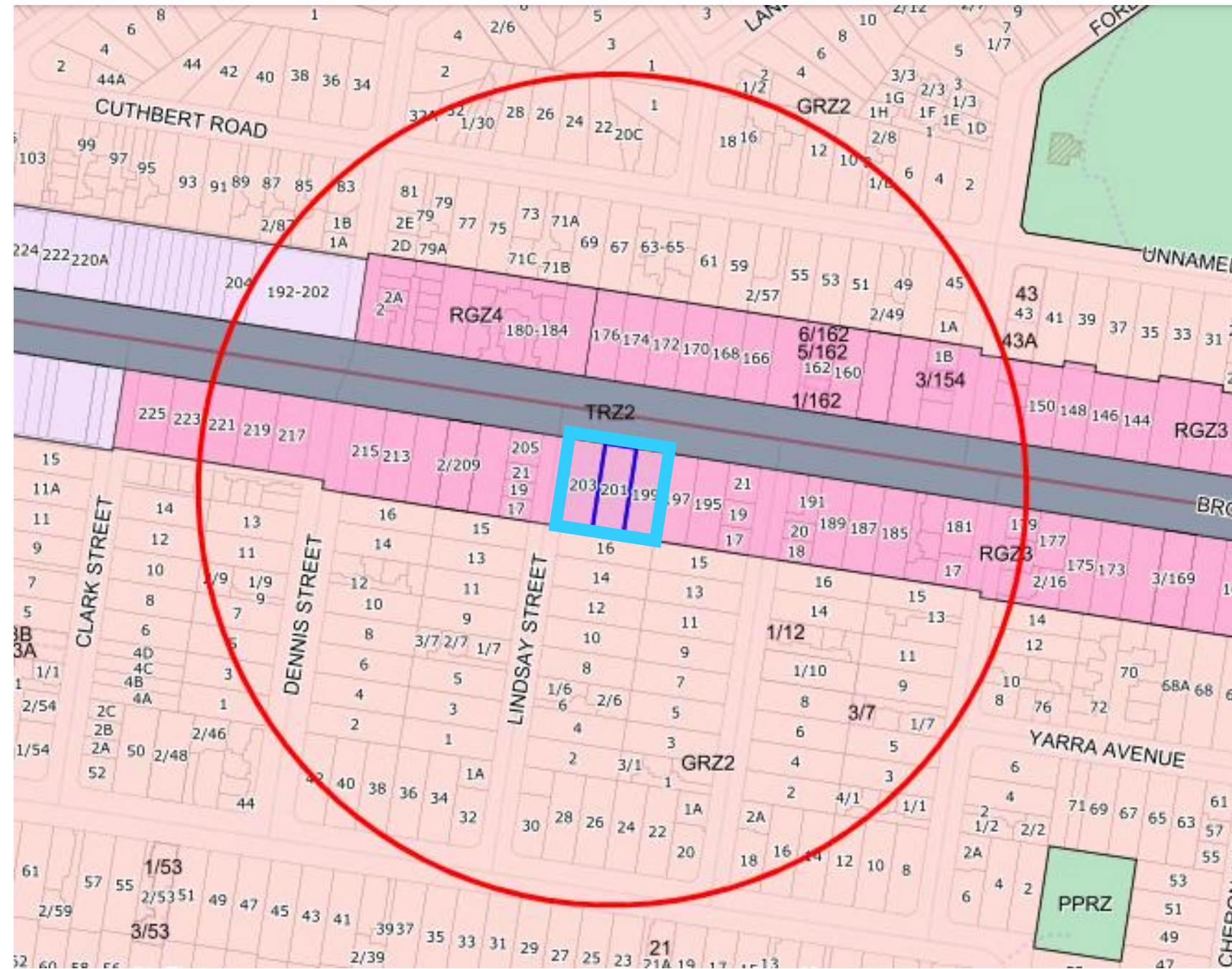
### 199-203 BROADWAY RESERVOIR 3073

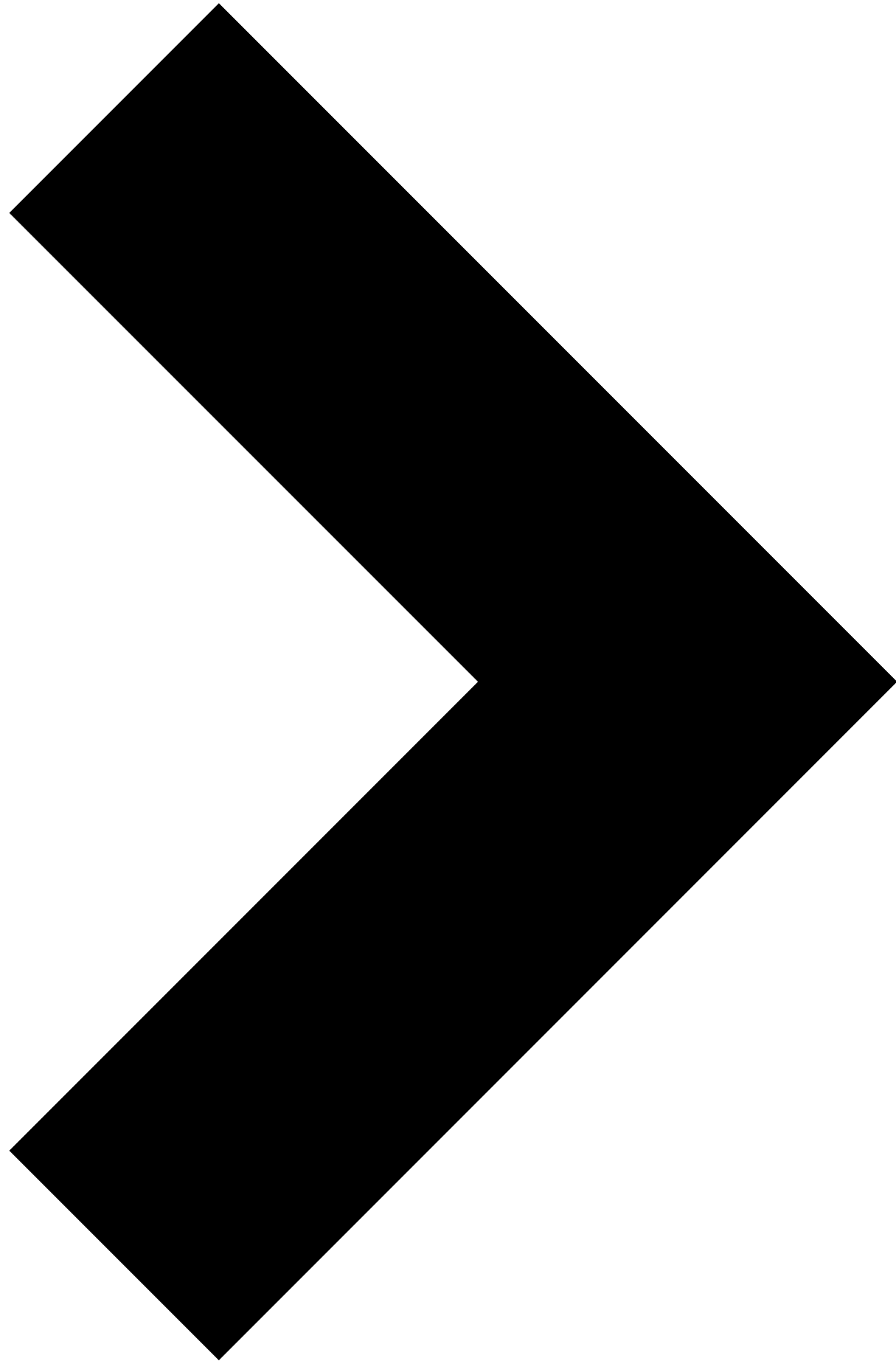
#### Appendix C – Objector Radius Map

13 different households' objections in total were received; 12 of which are within a 200 metre radius of the site.

Subject site shown in blue.

200 metres radius shown in red.





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**199-203 Broadway, Reservoir VIC**

SHEET NO.	SHEET NAME
CS000	COVER SHEET
SA001	SITE ANALYSIS
SA002	PROPOSED DESIGN RESPONSE
TP100	PROPOSED GROUND FLOOR PLAN
TP101	PROPOSED LEVEL 01 FLOOR PLAN
TP102	PROPOSED ROOF PLAN
TP200	PROPOSED ELEVATIONS SHEET 1
TP201	PROPOSED ELEVATIONS SHEET 2
TP202	PROPOSED SIGNAGE DETAILS SHEET 1
TP203	PROPOSED SIGNAGE DETAILS SHEET 2
TP300	SECTIONS SHEET 1
TP400	SHADOW DIAGRAMS SHEET 1
TP401	SHADOW DIAGRAMS SHEET 2
TP500	RENDERS SHEET 1
TP501	RENDERS SHEET 2
TP502	RENDERS SHEET 3
TP503	RENDERS SHEET 4

AREA ANALYSIS			
TOTAL SITE AREA	1951 m <sup>2</sup>		
OVERALL NUMBER OF CHILDREN	120		
TOTAL OUTDOOR AREA	881 m <sup>2</sup>		
TOTAL CARPARK SPACES	26		
PERMEABLE AREA	586 m <sup>2</sup>	29.9%	
IMPERVIOUS AREA	1373 m <sup>2</sup>	70.1%	
BUILDING FOOTPRINT	620 m <sup>2</sup>		
GROUND LEVEL FLOOR AREA:	620 M <sup>2</sup>		
FIRST LEVEL FLOOR AREA:	347 M <sup>2</sup>		

OUTDOOR PLAY AREA SCHEDULE			
Outdoor Play Area No.	Level	No. of Children	Area
	GROUND LEVEL		417 m <sup>2</sup>
	LEVEL 01		464 m <sup>2</sup>

ROOM AREA SCHEDULE				
Room No.	Clear Area	Age	No. of Children	Level
ROOM 1	42 m <sup>2</sup>	BELOW 3 YEARS	12	GROUND LEVEL
ROOM 2	43 m <sup>2</sup>	BELOW 3 YEARS	12	GROUND LEVEL
ROOM 3	54 m <sup>2</sup>	BELOW 3 YEARS	16	GROUND LEVEL
ROOM 4	55 m <sup>2</sup>	BELOW 3 YEARS	16	GROUND LEVEL
ROOM 5	65 m <sup>2</sup>	BELOW 3 YEARS	20	LEVEL 01
ROOM 6	73 m <sup>2</sup>	ABOVE 3 YEARS	22	LEVEL 01
ROOM 7	72 m <sup>2</sup>	ABOVE 3 YEARS	22	LEVEL 01

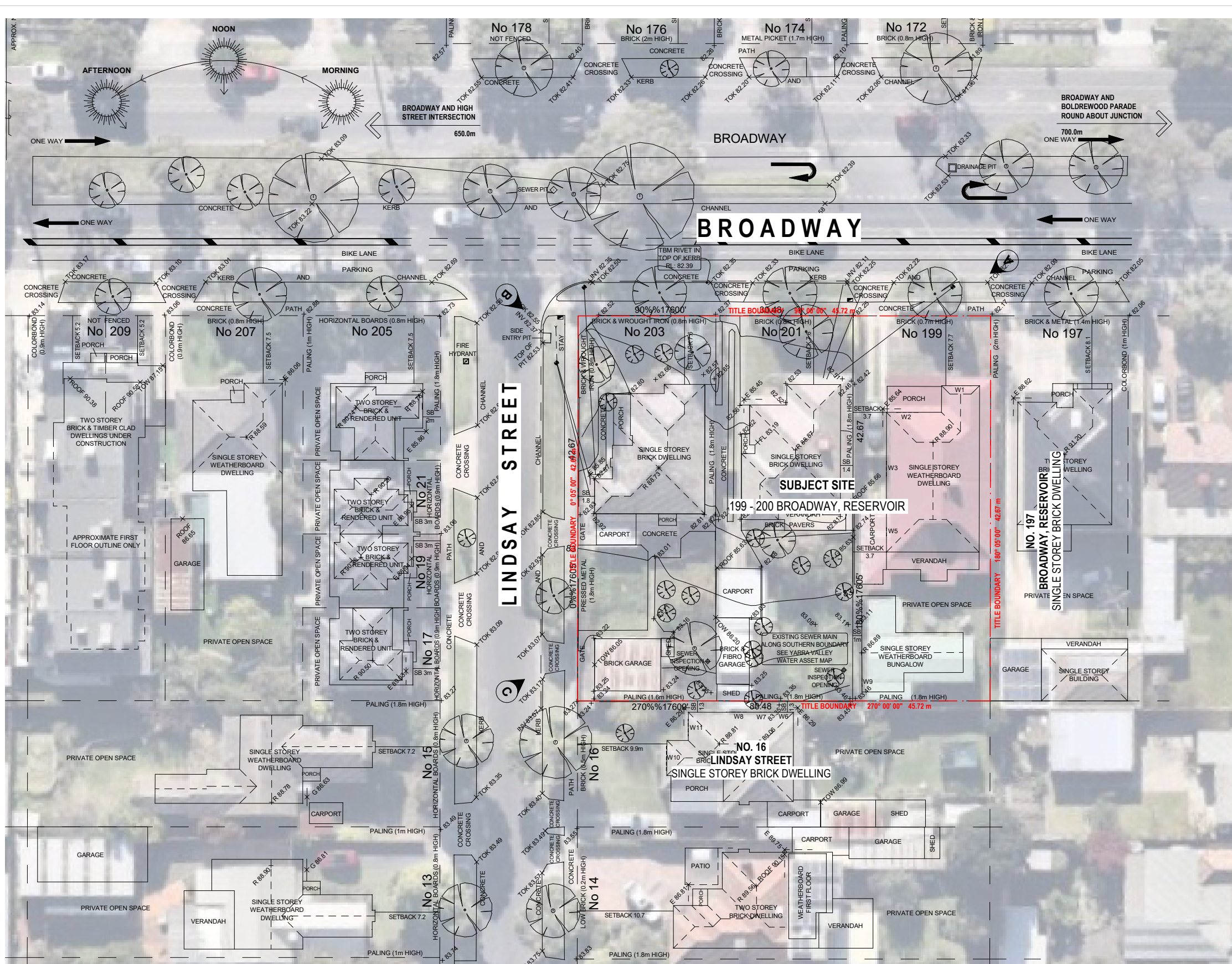
**pointarchitects**

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PROJECT	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC		1176
STATUS	REVISION	
<b>TOWN PLANNING</b>	P10	

Darebin City Council Received 13-11-2023



**LOCATIONS IN PROXIMITY TO SITE**

- 13.05 KM ↗ MELBOURNE CBD
- 20.01 KM ↖ MELBOURNE TULLAMARINE AIRPORT
- 01.05 KM ↙ COLES RESERVOIR
- 350.0 M ↙ PRESTON CYCLING CLUB VELODROME
- 850.0 M ↙ RESERVOIR EAST PRIMARY SCHOOL
- 02.03 KM ↙ SUMMERHILL SHOPPING CENTRE
- 01.00 KM ↙ OAKHILL KINDERGARTEN
- 01.30 KM ↖ RESERVOIR TRAIN STATION
- 02.20 KM ↖ THE ASHLEY MCKENZIE AGED CARE
- 02.60 KM ↖ RESERVOIR PRIVATE HOSPITAL
- 02.40 KM ↖ EDWARDES LAKE PARK
- 05.40 KM ↗ BUNNINGS RESERVOIR
- 04.00 KM ↗ BUNDOORA PARK PUBLIC GOLF COURSE
- 01.40 KM ↗ LA TROBE UNIVERSITY BUNDOORA
- 04.80 KM ↗ BIG4 MELBOURNE HOLIDAY PARK
- 07.80 KM ↗ DFO UNI HILL

**GENERAL NOTE**

- TO BE READ IN CONJUNCTION WITH CONSULTANTS REPORTS
- EXTENT OF SITE BOUNDARIES AND LEVELS TO BE PER CIVIL ENGINEER'S DETAILS AND TO BE CONFIRMED BY CLIENT AND/OR BUILDER
- EXTENT OF VEGETATION AND TREES TO BE CONFIRMED AND READ IN CONJUNCTION WITH ARBORIST REPORT.
- REFER TO LANDSCAPE PLAN FOR OUTDOOR PLAY AREA DETAILS. SHADE SAILS TO COVER A MINIMUM OF 30% OF THE PROPOSED OUTDOOR PLAY AREA.



A - VIEW FROM BROADWAY



B - VIEW FROM BROADWAY / LINDSAY ST. CORNER



C - VIEW FROM LINDSAY STREET

**NOTE**

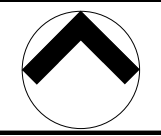
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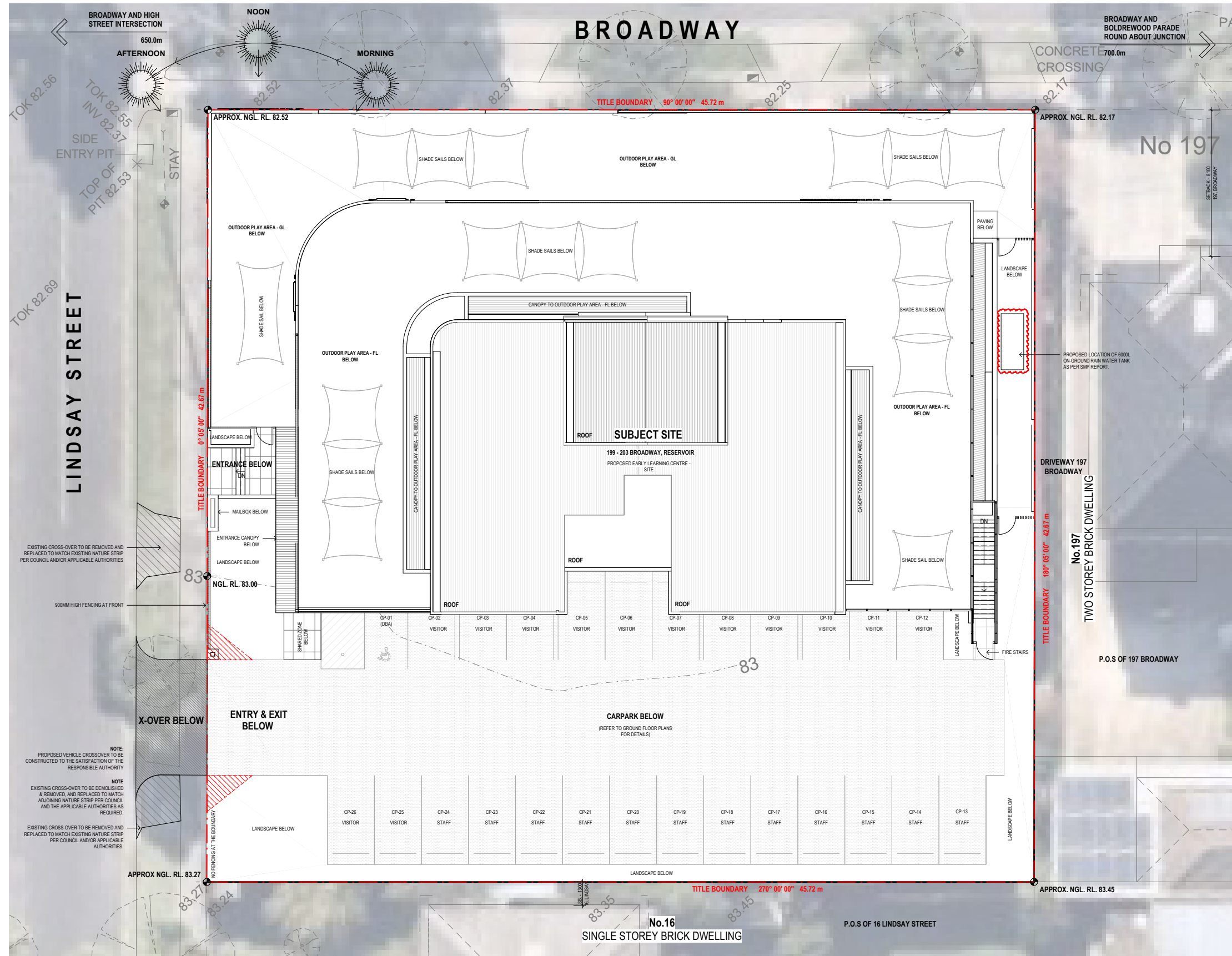
REV	DESCRIPTION	DRN	CHK	DATE
P1	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P2	ISSUE FOR RFI	KP	FP	2023.08.23
P3	ISSUE FOR RFI(V2)	KP	FP	2023.10.26



Darebin City Council Received 13-11-2023

PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	SITE ANALYSIS	KP		1176
STATUS	SCALE	REVISION	DWG No	
	As indicated @ A1	P3	SA001	

**TOWN PLANNING**



**AREA ANALYSIS**

TOTAL SITE AREA	1951 m <sup>2</sup>
OVERALL NUMBER OF CHILDREN	120
TOTAL OUTDOOR AREA	881 m <sup>2</sup>
TOTAL CARPARK SPACES	26
PERMEABLE AREA	586 m <sup>2</sup> 29.9%
IMPERVIOUS AREA	1373 m <sup>2</sup> 70.1%
BUILDING FOOTPRINT	620 m <sup>2</sup>
GROUND LEVEL FLOOR AREA	620 M <sup>2</sup>
FIRST LEVEL FLOOR AREA	347 M <sup>2</sup>

**OUTDOOR PLAY AREA SCHEDULE**

Outdoor Play Area No.	Level	No. of Children	Area
	GROUND LEVEL		417 m <sup>2</sup>
	LEVEL 01		464 m <sup>2</sup>

**ROOM AREA SCHEDULE**

Room No.	Clear Area	Age	No. of Children	Level
ROOM 1	42 m <sup>2</sup>	BELOW 3 YEARS	12	GROUND LEVEL
ROOM 2	43 m <sup>2</sup>	BELOW 3 YEARS	12	GROUND LEVEL
ROOM 3	54 m <sup>2</sup>	BELOW 3 YEARS	16	GROUND LEVEL
ROOM 4	55 m <sup>2</sup>	BELOW 3 YEARS	16	GROUND LEVEL
ROOM 5	66 m <sup>2</sup>	BELOW 3 YEARS	20	LEVEL 01
ROOM 6	73 m <sup>2</sup>	ABOVE 3 YEARS	22	LEVEL 01
ROOM 7	72 m <sup>2</sup>	ABOVE 3 YEARS	22	LEVEL 01

**LEGEND**

- - - TITLE BOUNDARY
- [Hatched Box] EXTENT OF CROSSOVER
- [Dotted Box] EXTENT OF ROOF AREA TO SUBJECT SITE

**DESIGN RESPONSE**

- APPROACH TO THE CENTRE EASILY AND SAFE FOR ARRIVAL AND DEPARTURE OF PARENTS AND CHILDREN.
- SAFE AND DIRECT TRANSFER OF CHILDREN FROM THE CAR TO THE FOOTPATH.
- SEE THROUGH SECURITY FENCE WITH CHILDPROOF OPENING DEVICE TO THE MAIN ENTRY.
- EASY AND DIRECT ACCESS BETWEEN INDOOR AND SUFFICIENT OUTDOOR PLAY SPACES.
- CHILDREN'S ROOM LOCATED WITH DIRECT ACCESS FROM EACH ROOM TO OUTDOOR PLAY AREAS.
- CHILDREN'S ROOM DIRECTLY ACCESSIBLE FROM CORRIDOR.
- OUTDOOR SPACE IS ENCLOSED BY FENCE BARRIER.
- QUALITY OUTDOOR PLAY SPACE PROVIDING OPPORTUNITIES FOR CHILDREN TO EXPLORE AND DEVELOP A RELATIONSHIP WITH THE NATURAL ENVIRONMENT.
- STAFF AND SUPPORT FACILITIES CONVENIENTLY LOCATED TO ONE ANOTHER SERVICE AREAS WITH CONVENIENT ACCESS TO THE STREET.
- SERVICE YARD IN CLOSE PROXIMITY TO THE SERVICES.

**SMP NOTE**

- KITCHEN TAPS: >= 5 STAR WELS RATING.
- BATHROOM TAPS: >= 5 STAR WELS RATING.
- DISHWASHERS: >= 4 STAR WELS RATING.
- WC: >= 4 STAR WELS RATING.
- WASHING MACHINE WATER EFFICIENCY: >= 4 STAR WELS RATING.
- RAINWATER TANKS ARE TO BE CONNECTED TO TOILETS FOR FLUSHING.
- A MINIMUM 10% IMPROVEMENT IN REQUIRED NCC2019 INSULATION LEVELS.
- WALL AND GLAZING DEMONSTRATE MEETING THE REQUIRED NCC2019 FACADE CALCULATOR.
- HEATING AND COOLING SYSTEMS WITHIN ONE STAR OF THE MOST EFFICIENT EQUIVALENT CAPACITY UNIT AVAILABLE. OR COEFFICIENT OF PERFORMANCE (COP) & ENERGY EFFICIENCY RATIOS (EER) NOT LESS THAN 85% OF THE COP & EER OF THE MOST EFFICIENT EQUIVALENT CAPACITY UNIT.
- WATER HEATING SYSTEMS WITHIN ONE STAR OF THE BEST AVAILABLE. OR 85% OR BETTER THAN THE MOST EFFICIENT EQUIVALENT CAPACITY UNIT.
- MAXIMUM ILLUMINATION POWER DENSITY (W/M<sup>2</sup>) IN AT LEAST 90% OF THE AREA OF THE RELEVANT BUILDING CLASS MEET THE REQUIREMENTS IN TABLE J6.2A OF THE NCC 2019 VOL. 1.
- ALL PAINTS, SEALANTS AND ADHESIVES MEET THE MAXIMUM TOTAL INDOOR POLLUTANT EMISSION LIMITS.
- CO2 CONCENTRATIONS ARE THE VENTILATION SYSTEMS DESIGNED TO ACHIEVE, TO MONITOR AND TO MAINTAIN AT 650PPM.
- ALL CARPET MEETS THE MAXIMUM TOTAL INDOOR POLLUTANT EMISSION LIMITS.
- ALL ENGINEERED WOOD MEETS THE MAXIMUM TOTAL INDOOR POLLUTANT EMISSION LIMITS.
- PROVIDED AT LEAST 2 BICYCLE PARKING FOR EMPLOYEE AND 1 BICYCLE PARKING FOR VISITOR.

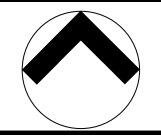
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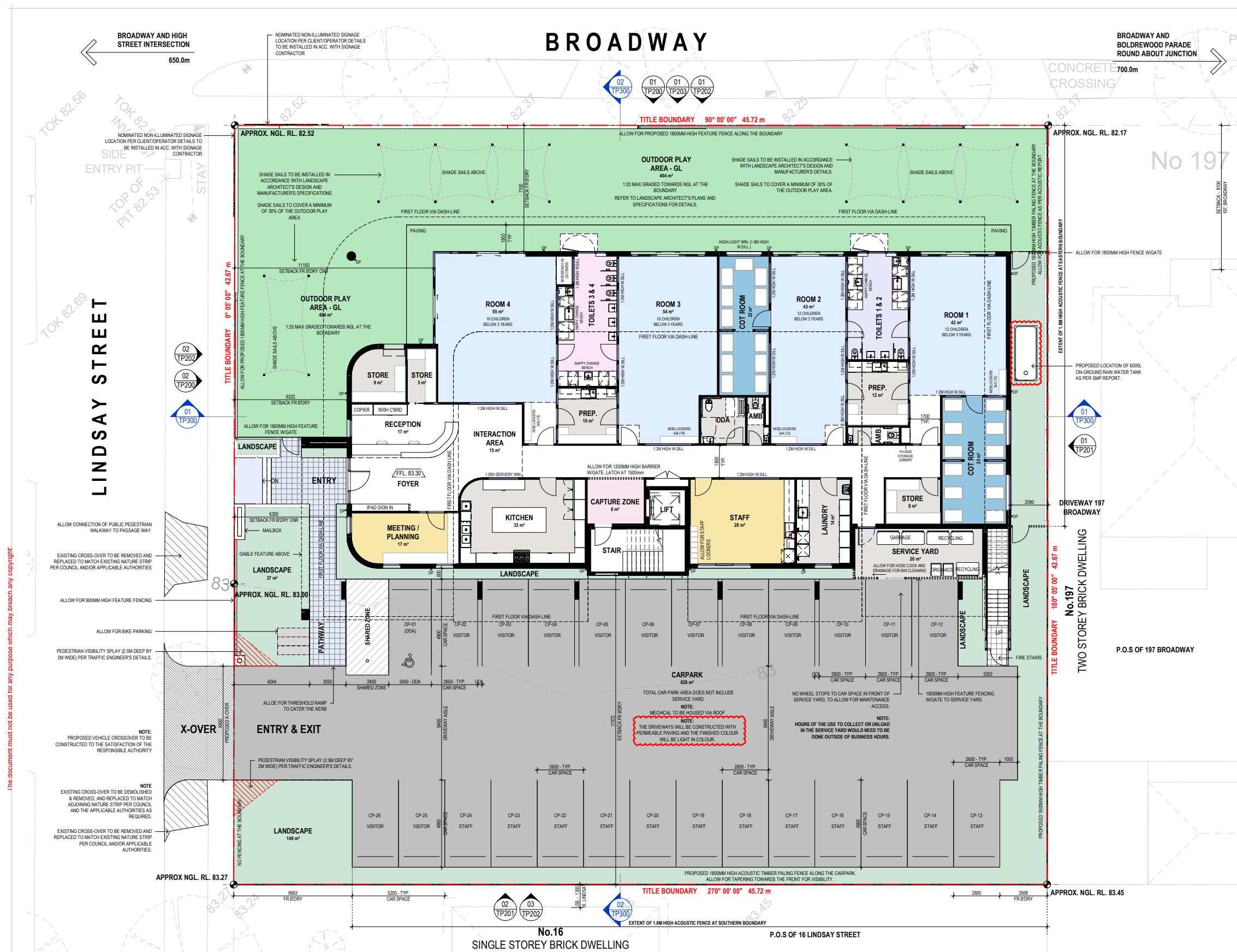
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REV	DESCRIPTION	DRN	CHK	DATE
P1	FEASIBILITY STUDY	MW		2022.09.01
P2	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P3	ISSUE FOR RFI	KP	FP	2023.08.23
P4	ISSUE FOR RFI(V2)	KP	FP	2023.10.26



PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	PROPOSED DESIGN RESPONSE	KP/FP		1176
STATUS	SCALE	REVISION	DWG No	
	1:100 @ A1	P4	SA002	

Darebin City Council Received 13-11-2023



**AREA ANALYSIS**

SITE AREA	1951 m <sup>2</sup>
OVERALL NUMBER OF CHILDREN	120
TOTAL OUTDOOR AREA	881 m <sup>2</sup>
TOTAL CARPARK SPACES	26
PERMEABLE AREA	586 m <sup>2</sup> 29.9%
IMPERVIOUS AREA	1373 m <sup>2</sup> 70.1%
BUILDING FOOTPRINT	620 m <sup>2</sup>
GROUND LEVEL FLOOR AREA:	620 M <sup>2</sup>
FIRST LEVEL FLOOR AREA:	347 M <sup>2</sup>

**OUTDOOR PLAY AREA SCHEDULE**

Outdoor Play Area No.	Level	No. of Children	Area
	GROUND LEVEL		417 m <sup>2</sup>
	LEVEL 01		464 m <sup>2</sup>

**ROOM AREA SCHEDULE**

Room No.	Clear Area	Age	No. of Children	Level
ROOM 1	42 m <sup>2</sup>	BELOW 3 YEARS	12	GROUND LEVEL
ROOM 2	43 m <sup>2</sup>	BELOW 3 YEARS	12	GROUND LEVEL
ROOM 3	54 m <sup>2</sup>	BELOW 3 YEARS	16	GROUND LEVEL
ROOM 4	55 m <sup>2</sup>	BELOW 3 YEARS	16	GROUND LEVEL
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ROOM 6	73 m <sup>2</sup>	ABOVE 3 YEARS	22	LEVEL 01
ROOM 7	72 m <sup>2</sup>	ABOVE 3 YEARS	22	LEVEL 01

**LEGEND**

- TITLE BOUNDARY
- EXTENT OF CROSSOVER
- EXTENT OF ROOF AREA TO SUBJECT SITE

**SMP NOTE**

- KITCHEN TAPS: >= 5 STAR WELS RATING.
- BATHROOM TAPS: >= 5 STAR WELS RATING.
- DISHWASHERS: >= 4 STAR WELS RATING.
- WC: >= 4 STAR WELS RATING.
- WASHING MACHINE WATER EFFICIENCY: >= 4 STAR WELS RATING.
- RAINWATER TANKS ARE TO BE CONNECTED TO TOILETS FOR FLUSHING.
- A MINIMUM 10% IMPROVEMENT IN REQUIRED NCC2019 INSULATION LEVELS.
- WALL AND GLAZING DEMONSTRATE MEETING THE REQUIRED NCC2019 FACADE CALCULATOR.
- HEATING AND COOLING SYSTEMS WITHIN ONE STAR OF THE MOST EFFICIENT EQUIVALENT CAPACITY UNIT AVAILABLE, OR COEFFICIENT OF PERFORMANCE (COP) & ENERGY EFFICIENCY RATIOS (EER) NOT LESS THAN 85% OF THE COP & EER OF THE MOST EFFICIENT EQUIVALENT CAPACITY UNIT.
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- MAXIMUM ILLUMINATION POWER DENSITY (W/M2) IN AT LEAST 90% OF THE AREA OF THE RELEVANT BUILDING CLASS MEET THE REQUIREMENTS IN TABLE J6.2A OF THE NCC 2019 VOL 1.
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- ALL CARPET MEETS THE MAXIMUM TOTAL INDOOR POLLUTANT EMISSION LIMITS.
- ALL ENGINEERED WOOD MEETS THE MAXIMUM TOTAL INDOOR POLLUTANT EMISSION LIMITS.
- PROVIDED AT LEAST 2 BICYCLE PARKING FOR EMPLOYEE AND 1 BICYCLE PARKING FOR VISITOR.

**NOTE**

CAVEAT THE LEVELS UNTIL ENGINEERING IS COMPLETE.

**ROOM AREA:**

Exclusive of : Cot Room / Store / Toilet / Prep area / Storage / Lockers

**OUTDOOR PLAY AREA:**

Exclusive of : Store Area

**GENERAL NOTE**

- TO BE READ IN CONJUNCTION WITH CONSULTANTS REPORTS
- EXTENT OF SITE BOUNDARIES AND LEVELS TO BE PER CIVIL ENGINEER'S DETAILS AND TO BE CONFIRMED BY CLIENT AND/OR BUILDER.
- EXTENT OF VEGETATION AND TREES TO BE CONFIRMED AND READ IN CONJUNCTION WITH ARBORIST REPORT.
- REFER TO LANDSCAPE PLAN FOR OUTDOOR PLAY AREA DETAILS. SHADE SAILS TO COVER A MINIMUM OF 30% OF THE PROPOSED OUTDOOR PLAY AREA.

**NOTE**

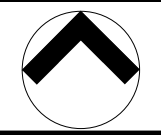
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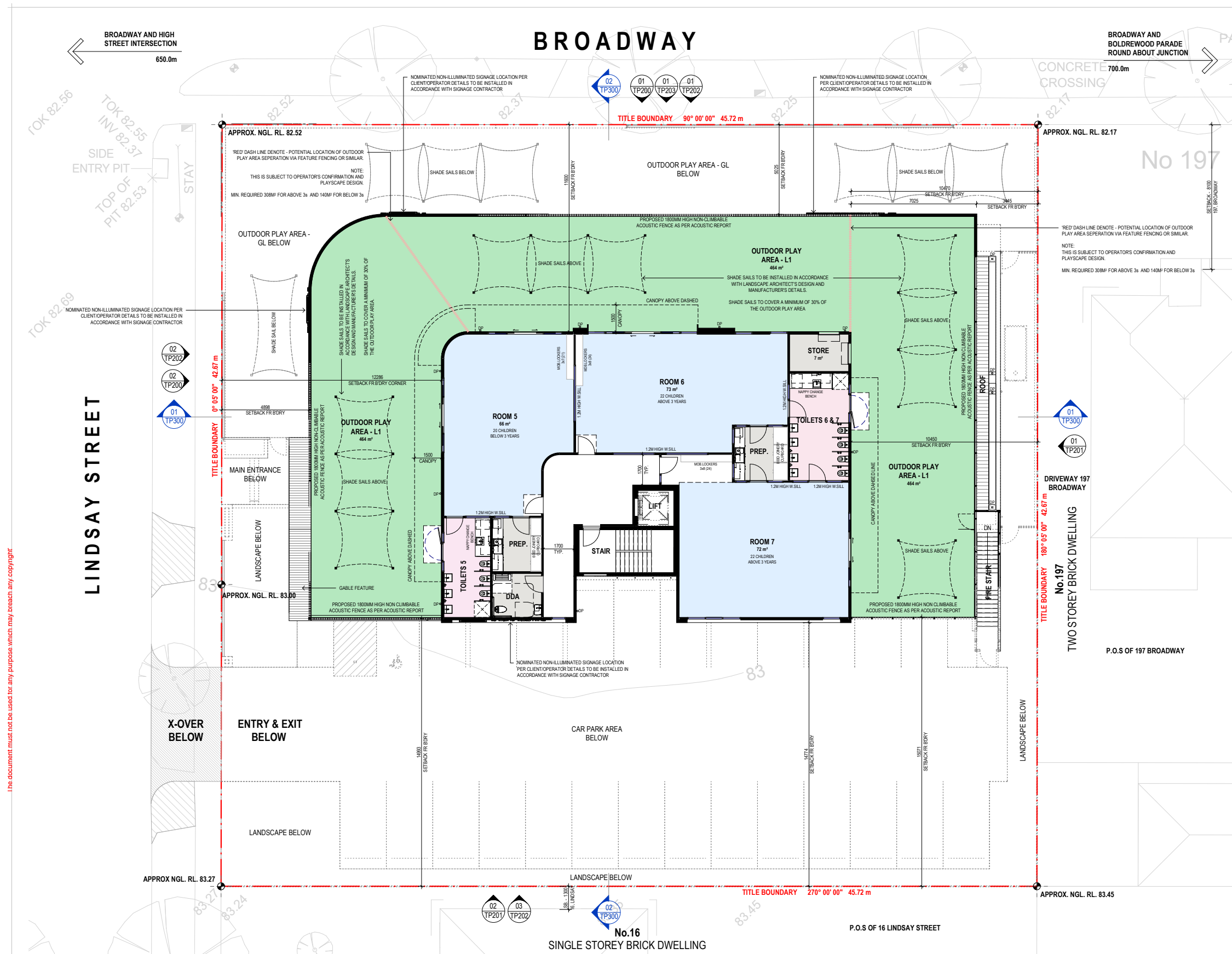
REV	DESCRIPTION	DRN	CHK	DATE
P5	ALTERNATIVE LAYOUT FOR 120 KIDS			2023.03.17
P6	MINOR UPDATED TO REFLECT RENDERS			2023.03.24
P7	REVISED LAYOUT PER CLIENT/OPERATOR CHANGES			2023.04.03
P8	REVISED LAYOUT PER CLIENT/OPERATOR CHANGES			2023.05.02
P9	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P10	ISSUE FOR RFI(V2)	KP	FP	2023.10.26



PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	PROPOSED GROUND FLOOR PLAN	MN		1176
STATUS	SCALE	REVISION	DWG No	
	1: 100 @ A1	P10	TP100	

**TOWN PLANNING**

Darebin City Council Received 13-11-2023



**AREA ANALYSIS**

TOTAL SITE AREA	1951 m <sup>2</sup>
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**OUTDOOR PLAY AREA SCHEDULE**

Outdoor Play Area No.	Level	No. of Children	Area
	GROUND LEVEL		417 m <sup>2</sup>
	LEVEL 01		464 m <sup>2</sup>

**ROOM AREA SCHEDULE**

Room No.	Clear Area	Age	No. of Children	Level
ROOM 1	47 m <sup>2</sup>	BELOW 3 YEARS	12	GROUND LEVEL
ROOM 2	43 m <sup>2</sup>	BELOW 3 YEARS	12	GROUND LEVEL
ROOM 3	54 m <sup>2</sup>	BELOW 3 YEARS	16	GROUND LEVEL
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**LEGEND**

- TITLE BOUNDARY
- EXTENT OF CROSSOVER
- EXTENT OF ROOF AREA TO SUBJECT SITE

**SMP NOTE**

- KITCHEN TAPS: >= 5 STAR WELS RATING.
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**NOTE**

CAVEAT THE LEVELS UNTIL ENGINEERING IS COMPLETE.

**ROOM AREA:**  
Exclusive of: Cot Room / Store / Toilet / Prep.area / Storage / Lockers

**OUTDOOR PLAY AREA:**  
Exclusive of: Store Area

**GENERAL NOTE**

- TO BE READ IN CONJUNCTION WITH CONSULTANTS REPORTS
- EXTENT OF SITE BOUNDARIES AND LEVELS TO BE PER CIVIL ENGINEER'S DETAILS AND TO BE CONFIRMED BY CLIENT AND/OR BUILDER.
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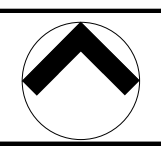
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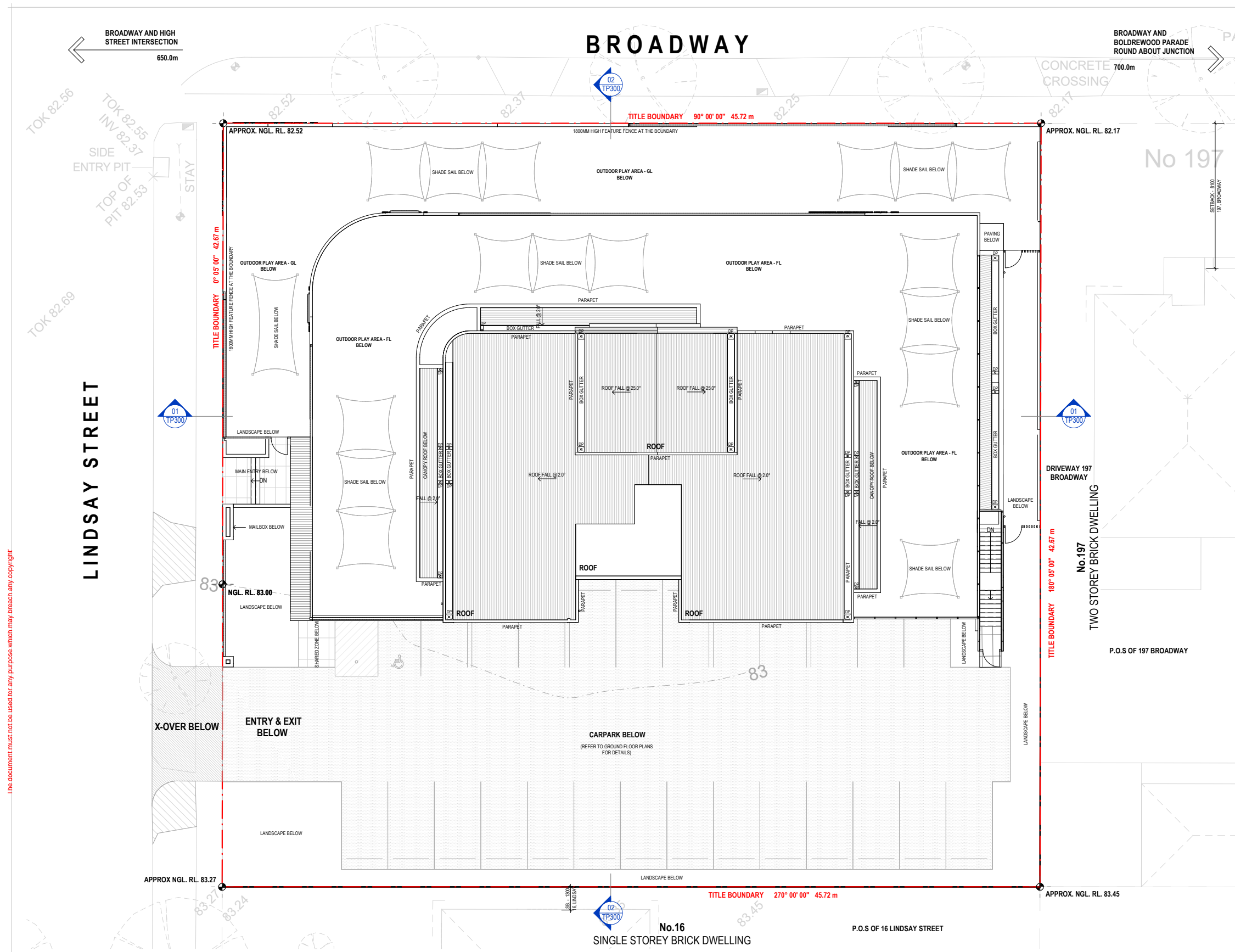
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REV	DESCRIPTION	DRN	CHK	DATE
P6	MINOR: UPDATED TO REFLECT RENDERS			2023.03.24
P7	REVISED LAYOUT PER CLIENT/OPERATOR CHANGES			2023.04.03
P8	REVISED LAYOUT PER CLIENT/OPERATOR CHANGES			2023.05.02
P9	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P10	ISSUE FOR RFI	KP	FP	2023.08.23
P11	ISSUE FOR RFI(V2)	KP	FP	2023.10.26



PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	PROPOSED LEVEL 01 FLOOR PLAN	MN		1176
STATUS	SCALE	REVISION	DWG No	
	1: 100 @ A1	P11	TP101	

Darebin City Council Received 13-11-2023



**AREA ANALYSIS**

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**LEGEND**

- TITLE BOUNDARY
- ▨ EXTENT OF CROSSOVER
- ▩ EXTENT OF ROOF AREA TO SUBJECT SITE

**SMP NOTE**

- KITCHEN TAPS: >= 5 STAR WELS RATING.
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**NOTE**

CAVEAT THE LEVELS UNTIL ENGINEERING IS COMPLETE.

**ROOM AREA:**

Exclusive of: Cot Room / Store / Toilet / Prep area / Storage / Lockers

**OUTDOOR PLAY AREA:**

Exclusive of: Store Area

**GENERAL NOTE**

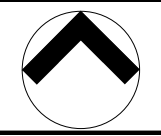
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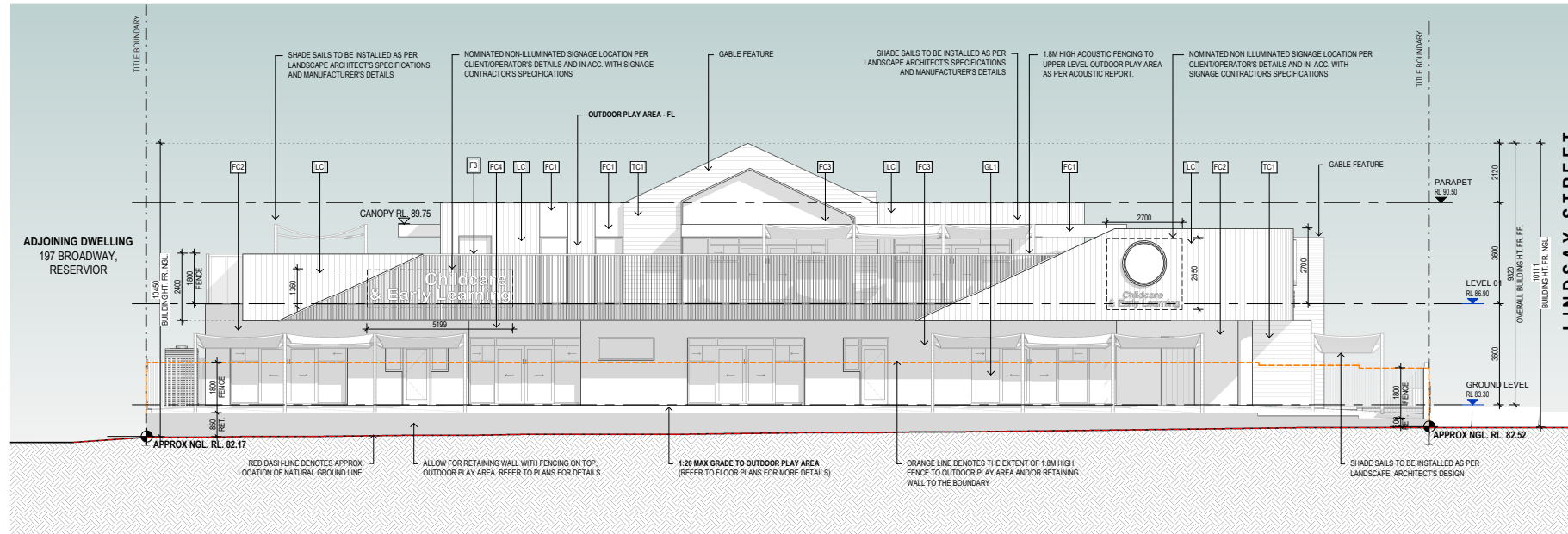
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REV	DESCRIPTION	DRN	CHK	DATE
P1	TRADING STUDY	MIN		2022.09.01
P2	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P3	ISSUE FOR RFI	KP	FP	2023.08.23
P4	ISSUE FOR RFI(V2)	KP	FP	2023.10.26

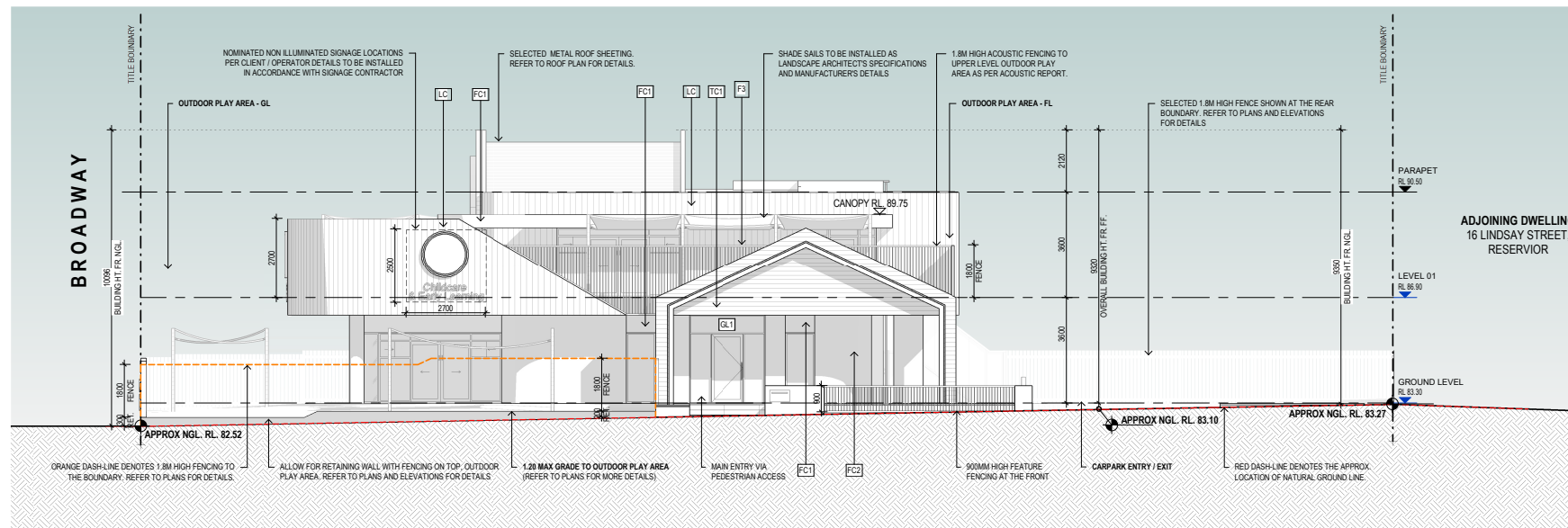


PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	PROPOSED ROOF PLAN	KP/FP		1176
STATUS	SCALE	REVISION	DWG No	
	1 : 100 @ A1	P4		TP102

Darebin City Council Received 13-11-2023



01 NORTH ELEVATION (BROADWAY)  
TP200 SCALE 1 : 100



02 WEST ELEVATION (LINDSAY STREET)  
TP200 SCALE 1 : 100

MATERIAL SCHEDULE

- TCI1 TIMBER CLADDING 01 WITH VERTICAL EMPHASIS
- LC LINEAR CLADDING WITH VERTICAL EMPHASIS COLOUR, LIGHT GREY OR SIMILAR
- FC1 F.C. SHEETING WITH SELECTED PAINT FINISH 1 COLOUR, DULUX 'MILDURA' OR SIMILAR
- FC2 F.C. SHEETING WITH SELECTED PAINT FINISH 2 COLOUR, COLORBOND SHALE GREY OR SIMILAR
- FC3 F.C. SHEETING WITH SELECTED PAINT FINISH 3 COLOUR, COLORBOND 'MONUMENT' OR SIMILAR
- FC4 F.C. SHEETING WITH SELECTED PAINT FINISH 4 COLOUR, BLACK OR SIMILAR
- RF ROOF SHEETING FINISH COLOUR, COLORBOND MONUMENT OR SIMILAR
- DP ALL CAPPINGS, RAINWATERHEADS AND DOWNPIPES COLOUR, COLORBOND MONUMENT OR SIMILAR
- WNF ALUMINIUM WINDOW FRAME, BLACK
- GL1 GLAZED WINDOW 1 FINISH, CLEAR
- GL2 GLAZED WINDOW 2 OPAQUE

FENCES & BALUSTRADES MATERIAL SCHEDULE

- F1 FENCE 1 NON CLIMBABLE ACOUSTIC FENCE - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS
- F2 FENCE 2 NON CLIMBABLE ACOUSTIC ACRYLIC FENCE - REFER TO THE PLANS AND FENCE ELEVATIONS FOR HEIGHTS AND LOCATION
- F3 FENCE 3 NON CLIMBABLE ACOUSTIC METAL FENCE WITH VISUAL PERMEABILITY - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS. COLOUR, DULUX 'MILDURA' OR SIMILAR
- F4 FENCE 4 NON CLIMBABLE PERFORATED METAL FENCE - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS. COLOUR, DULUX 'MILDURA' OR SIMILAR
- F5 FENCE 5 NON CLIMBABLE TIMBER PAILING FENCE - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS.

NOTE  
----- NATURAL GROUND LEVEL

NOTE  
TO BE READ IN CONJUNCTION WITH CONSULTANTS REPORTS

NOTE  
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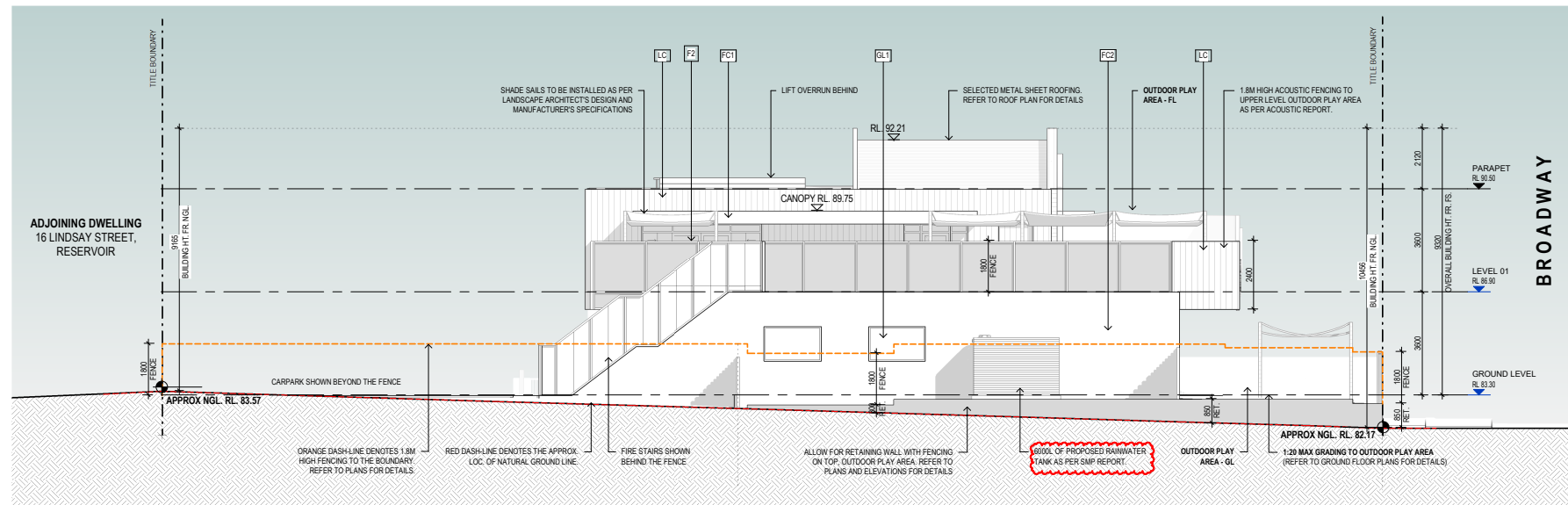
REV	DESCRIPTION	DRN	CHK	DATE
P1	FEASIBILITY STUDY	MIN		2022.09.01
P2	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P3	ISSUE FOR RFI	KP	FP	2023.08.23
P4	ISSUE FOR RFI(V2)	KP	FP	2023.10.26

PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	PROPOSED ELEVATIONS SHEET 1	KP/FP		1176
STATUS	SCALE	REVISION	DWG No	
	1 : 100 @ A1	P4	TP200	

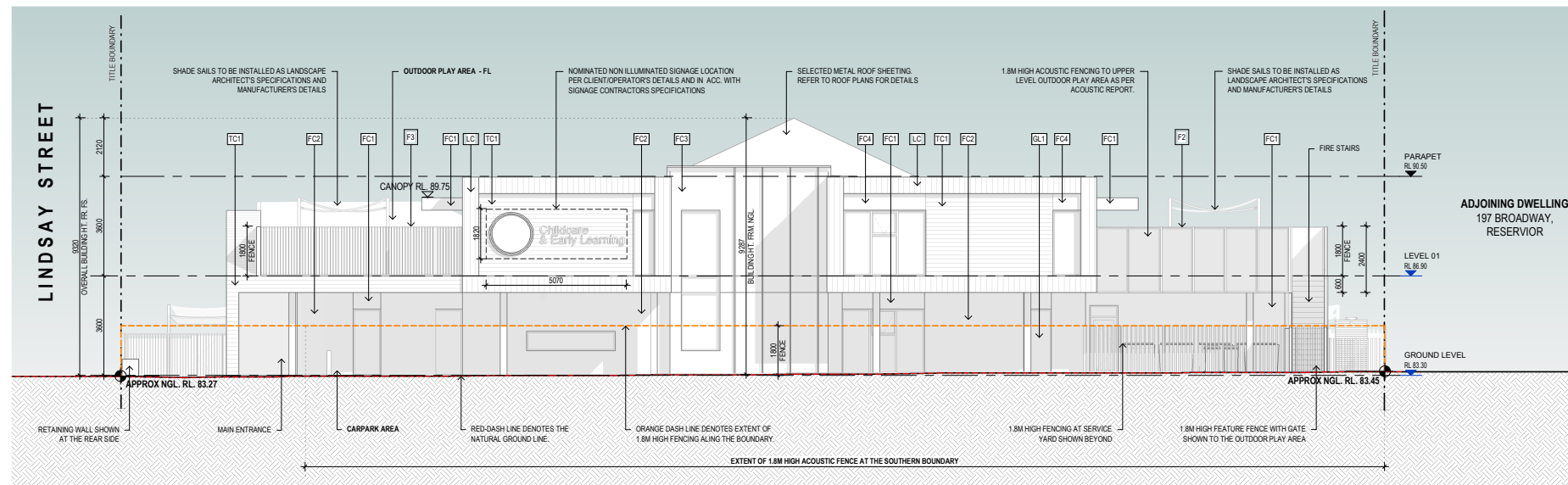
TOWN PLANNING

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01 EAST ELEVATION  
TP201 SCALE 1 : 100



02 SOUTH ELEVATION  
TP201 SCALE 1 : 100

MATERIAL SCHEDULE

	TC1	TIMBER CLADDING 01 WITH VERTICAL EMPHASIS
	LC	LINEAR CLADDING WITH VERTICAL EMPHASIS COLOUR, LIGHT GREY OR SIMILAR
	FC1	F.C. SHEETING WITH SELECTED PAINT FINISH 1 COLOUR, DULUX 'MILDURA' OR SIMILAR
	FC2	F.C. SHEETING WITH SELECTED PAINT FINISH 2 COLOUR, COLORBOND 'SHALE GREY' OR SIMILAR
	FC3	F.C. SHEETING WITH SELECTED PAINT FINISH 3 COLOUR, COLORBOND 'MONUMENT' OR SIMILAR
	FC4	F.C. SHEETING WITH SELECTED PAINT FINISH 4 COLOUR, BLACK OR SIMILAR
	RF	ROOF SHEETING FINISH COLOUR, COLORBOND 'MONUMENT' OR SIMILAR
	DP	ALL CAPPINGS, RAINWATERHEADS AND DOWNPIPES COLOUR, COLORBOND 'MONUMENT' OR SIMILAR
	WIN	ALUMINIUM WINDOW FRAME, BLACK
	GL1	GLAZED WINDOW 1 FINISH, CLEAR
	GL2	GLAZED WINDOW 2 FINISH, OPAQUE

FENCES & BALUSTRADES MATERIAL SCHEDULE

	F1	FENCE 1 NON CLIMBABLE ACOUSTIC FENCE - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS
	F2	FENCE 2 NON CLIMBABLE ACOUSTIC ACRYLIC FENCE - REFER TO THE PLANS AND FENCE ELEVATIONS FOR HEIGHTS AND LOCATION
	F3	FENCE 3 NON CLIMBABLE ACOUSTIC METAL FENCE WITH VISUAL PERMEABILITY - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS. COLOUR, DULUX 'MILDURA' OR SIMILAR
	F4	FENCE 4 NON CLIMBABLE PERFORATED METAL FENCE - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS. COLOUR, DULUX 'MILDURA' OR SIMILAR
	F5	FENCE 5 NON CLIMBABLE TIMBER PALLING FENCE FENCE - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS.

NOTE  
--- NATURAL GROUND LEVEL

NOTE  
TO BE READ IN CONJUNCTION WITH CONSULTANTS REPORTS

NOTE  
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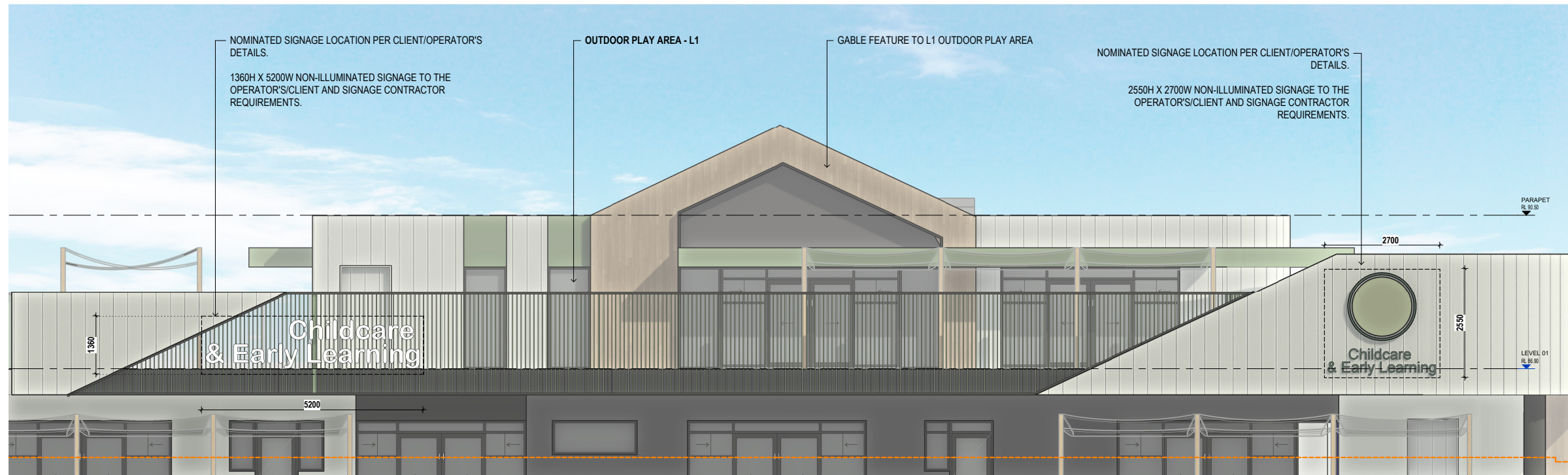


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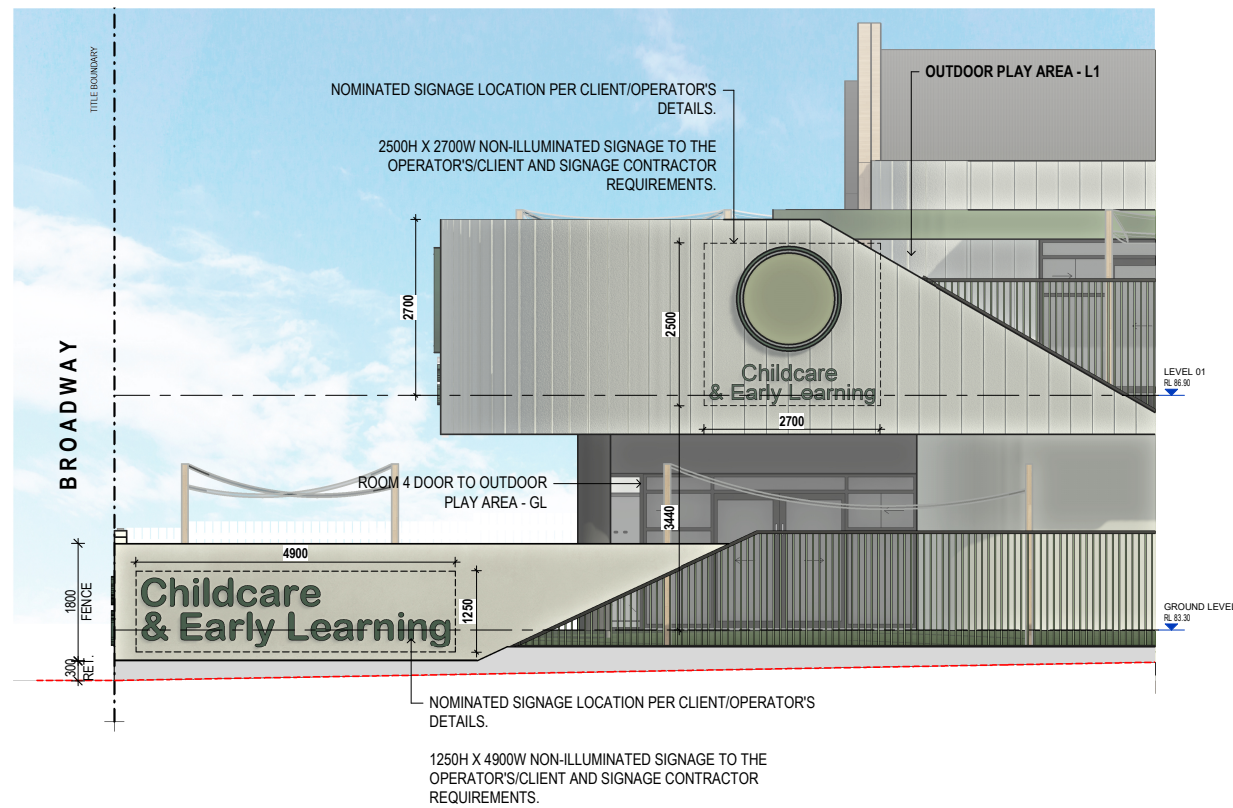
REV	DESCRIPTION	DRN	CHK	DATE
P1	FEASIBILITY STUDY	MIN		2022.09.01
P2	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P3	ISSUE FOR RFI	KP	FP	2023.08.23
P4	ISSUE FOR RFI(V2)	KP	FP	2023.10.26

PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	PROPOSED ELEVATIONS SHEET 2	FP/KP		1176
STATUS	SCALE	REVISION	DWG No	
	1 : 100 @ A1	P4	TP201	

Darebin City Council Received 13-11-2023



01 SIGNAGE DETAILS - BROADWAY (L1)  
TP202 SCALE 1 : 50



02 SIGNAGE DETAILS - BROADWAY / LINDSAY STREET CNR  
TP202 SCALE 1 : 50



03 SIGNAGE DETAILS - CARPARK ENTRANCE  
TP202 SCALE 1 : 50

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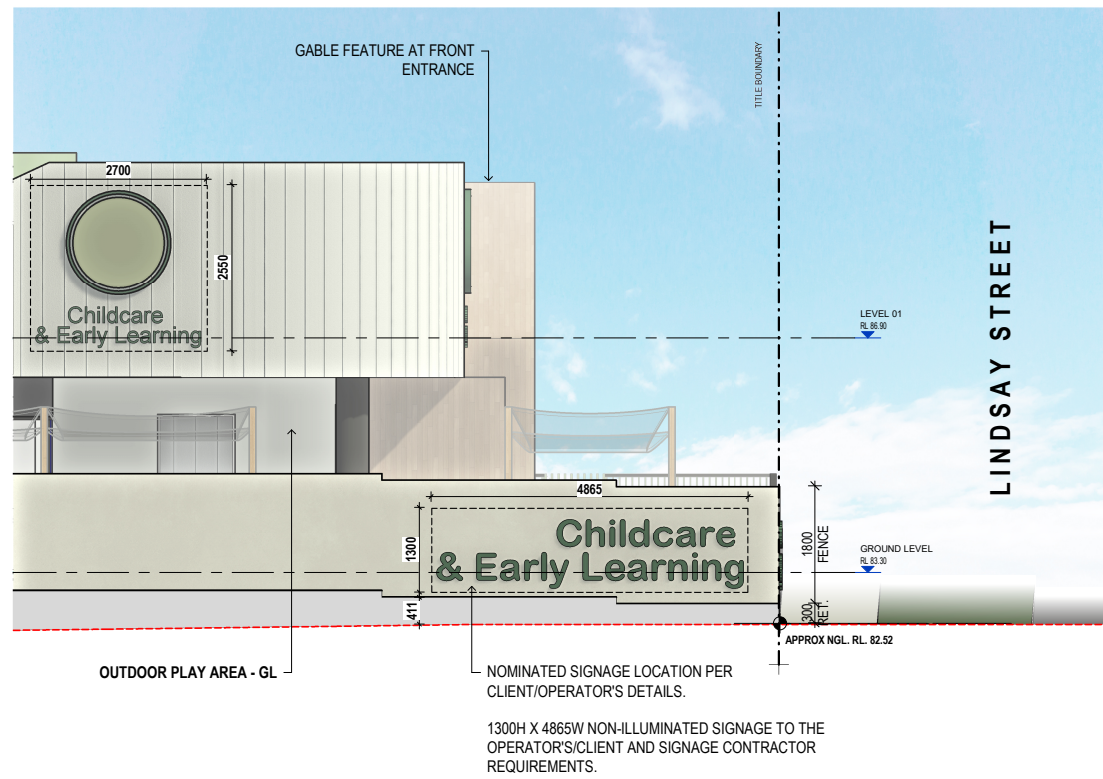
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REV	DESCRIPTION	DRN	CHK	DATE
P1	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P2	ISSUE FOR RF1	KP	FP	2023.08.23
P3	ISSUE FOR RF(V2)	KP	FP	2023.10.26

PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	PROPOSED SIGNAGE DETAILS SHEET 1	FP/KP		1176
STATUS	SCALE	REVISION	DWG No	
TOWN PLANNING	As indicated @ A1	P3	TP202	

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01 SIGNAGE DETAILS - BROADWAY (GL)  
TP203 SCALE 1 : 50

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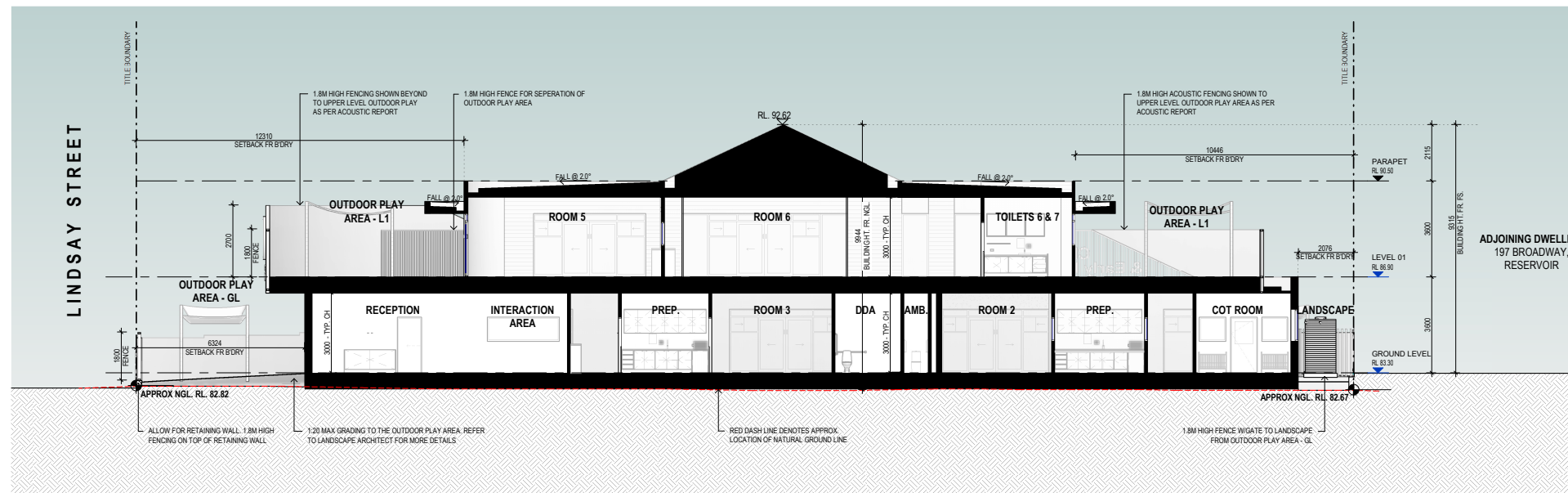


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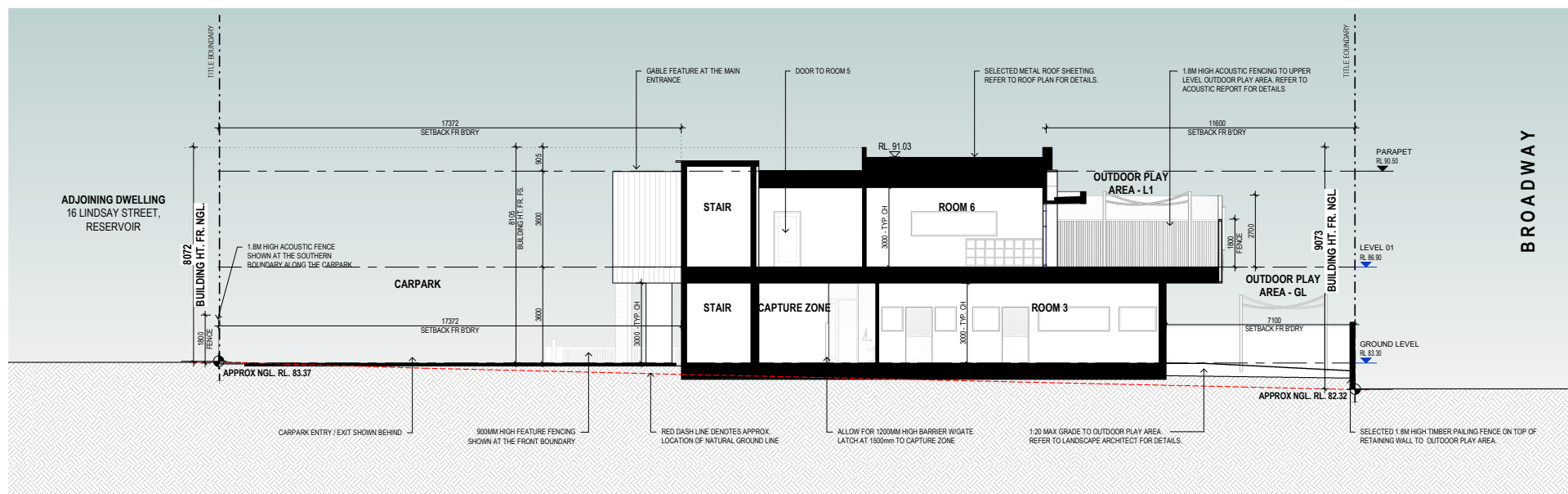
REV	DESCRIPTION	DRN	CHK	DATE
P1	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P2	ISSUE FOR RF1	KP	FP	2023.08.23
P3	ISSUE FOR RF(V2)	KP	FP	2023.10.26

PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	PROPOSED SIGNAGE DETAILS SHEET 2	FP/KP		1176
STATUS	SCALE	REVISION	DWG No	
TOWN PLANNING	As indicated @ A1	P3	TP203	

Darebin City Council Received 13-11-2023



01 SECTION 1-1  
TP300 SCALE 1 : 100



02 SECTION 2-2  
TP300 SCALE 1 : 100

MATERIAL SCHEDULE

- TCM1 TIMBER CLADDING 01 WITH VERTICAL EMPHASIS
- LC LINEAR CLADDING WITH VERTICAL EMPHASIS COLOUR, LIGHT GREY OR SIMILAR
- FCI1 F.C SHEETING WITH SELECTED PAINT FINISH 1 COLOUR, DULUX 'MILDURA' OR SIMILAR
- FCI2 F.C SHEETING WITH SELECTED PAINT FINISH 2 COLOUR, COLORBOND SHALE GREY OR SIMILAR
- FCI3 F.C SHEETING WITH SELECTED PAINT FINISH 3 COLOUR, COLORBOND 'MONUMENT' OR SIMILAR
- FCI4 F.C SHEETING WITH SELECTED PAINT FINISH 4 COLOUR, BLACK OR SIMILAR
- RF ROOF SHEETING FINISH COLOUR, COLORBOND MONUMENT OR SIMILAR
- DP ALL CAPPINGS, RAINWATERHEADS AND DOWNPIPES COLOUR, COLORBOND MONUMENT OR SIMILAR
- WNW ALUMINIUM WINDOW FRAME, BLACK
- GL1 GLAZED WINDOW 1 FINISH, CLEAR
- GL2 GLAZED WINDOW 2 OPAQUE

FENCES & BALUSTRADES MATERIAL SCHEDULE

- F1 FENCE 1 NON CLIMBABLE ACOUSTIC FENCE - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS
- F2 FENCE 2 NON CLIMBABLE ACOUSTIC ACRYLIC FENCE - REFER TO THE PLANS AND FENCE ELEVATIONS FOR HEIGHTS AND LOCATION
- F3 FENCE 3 NON CLIMBABLE ACOUSTIC METAL FENCE WITH VISUAL PERMEABILITY - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS. COLOUR, DULUX 'MILDURA' OR SIMILAR
- F4 FENCE 4 NON CLIMBABLE PERFORATED METAL FENCE - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS. COLOUR, DULUX 'MILDURA' OR SIMILAR
- F5 FENCE 5 NON CLIMBABLE TIMBER PALING FENCE - REFER TO THE PLANS AND ELEVATIONS FOR HEIGHTS AND LOCATIONS.

NOTE  
----- NATURAL GROUND LEVEL

NOTE  
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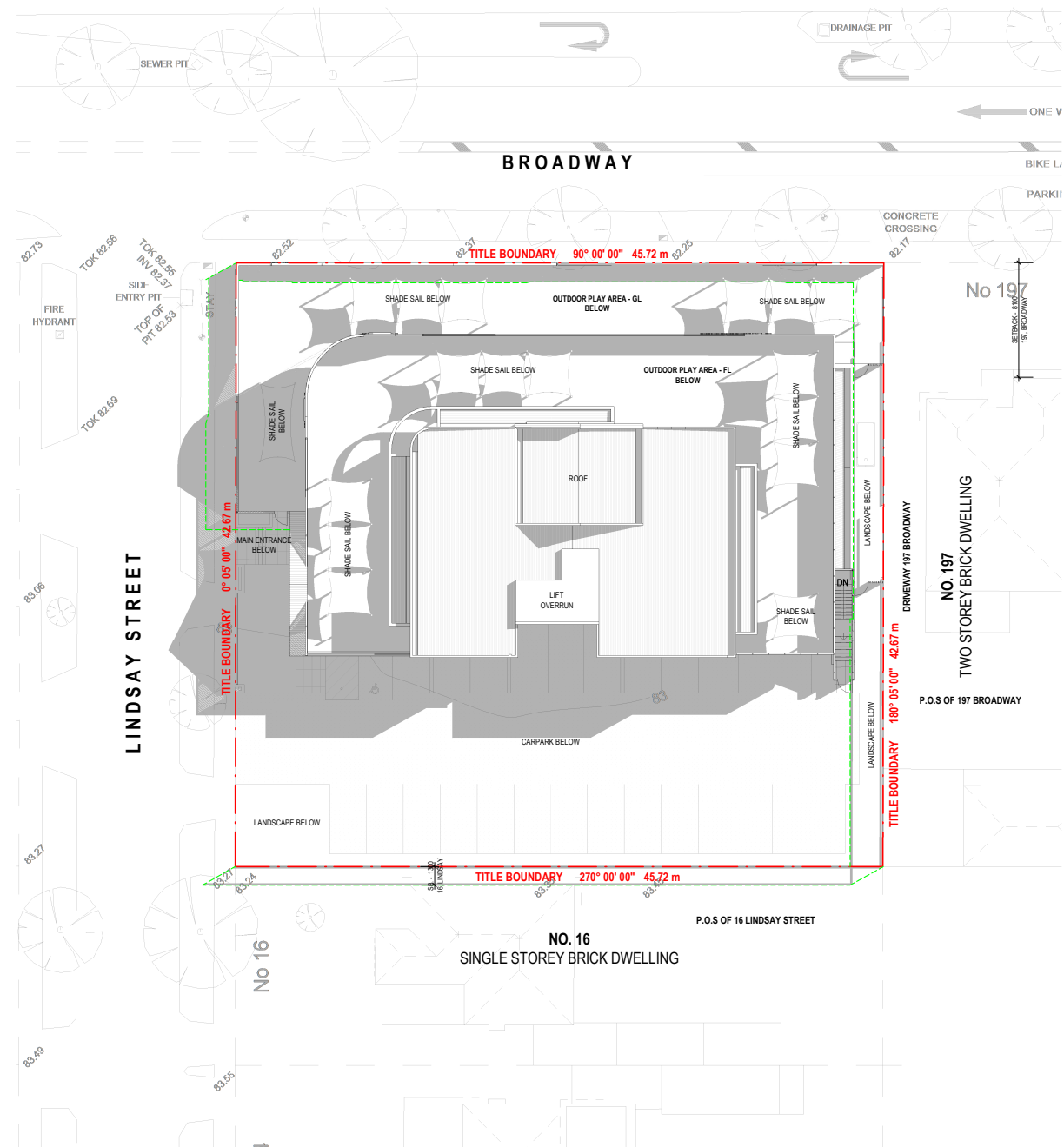
REV	DESCRIPTION	DRN	CHK	DATE
P1	FEASIBILITY STUDY	MIN		2022.09.01
P2	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P3	ISSUE FOR RFI	KP	FP	2023.08.23
P4	ISSUE FOR RFI(V2)	KP	FP	2023.10.26

PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir Vic	SECTIONS SHEET 1	KP/FP		1176
STATUS	SCALE	REVISION	DWG No	
	1 : 100 @ A1	P4	TP300	

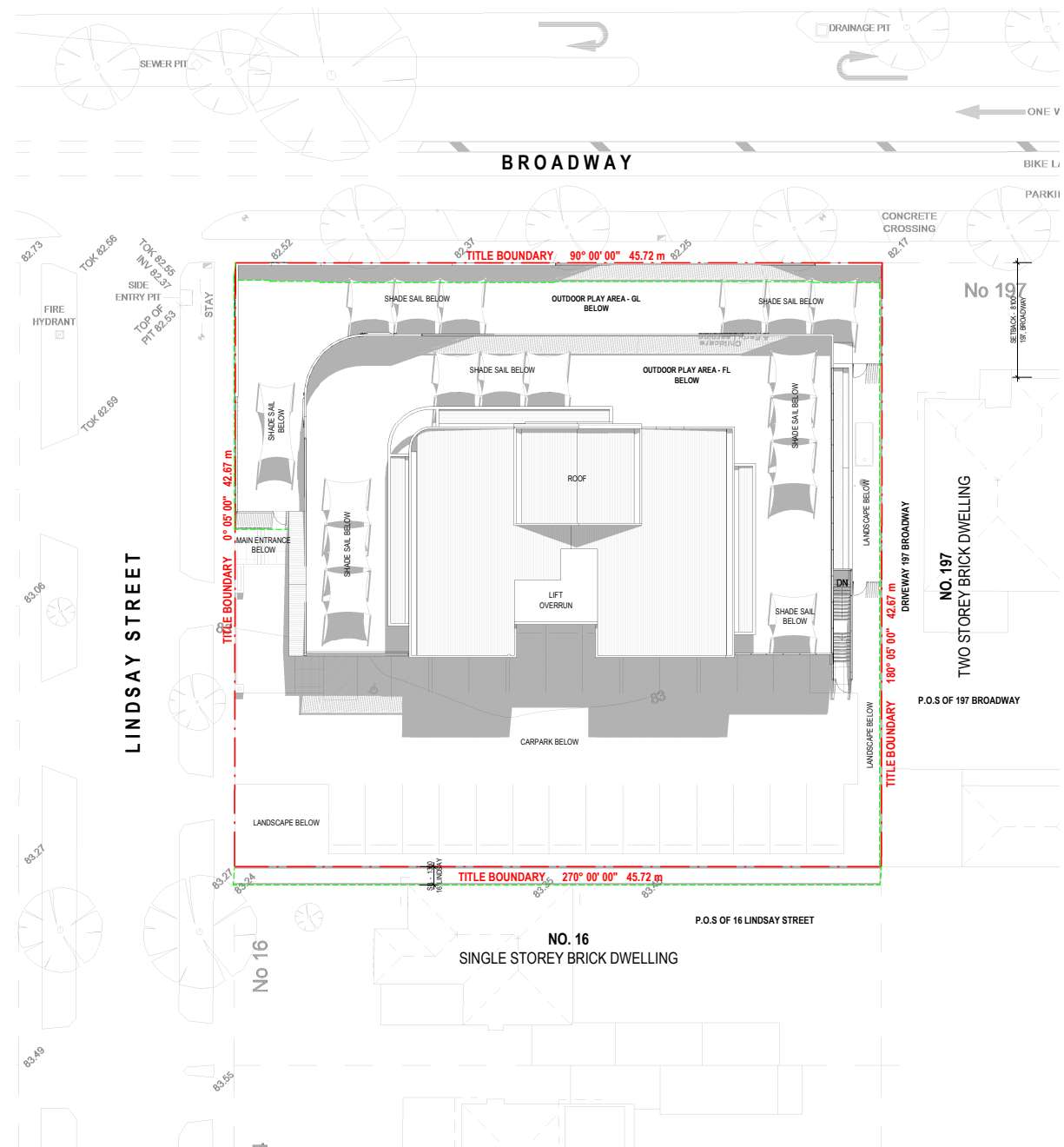
TOWN PLANNING

Darebin City Council Received 13-11-2023

LEGEND	
	TITLE BOUNDARY
	PROPOSED SHADOWS
	FENCE SHADOWS



01 SHADOWS - 22 SEPTEMBER - 9AM  
TP400 SCALE 1:200



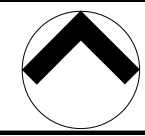
02 SHADOWS - 22 SEPTEMBER - 12NOON  
TP400 SCALE 1:200

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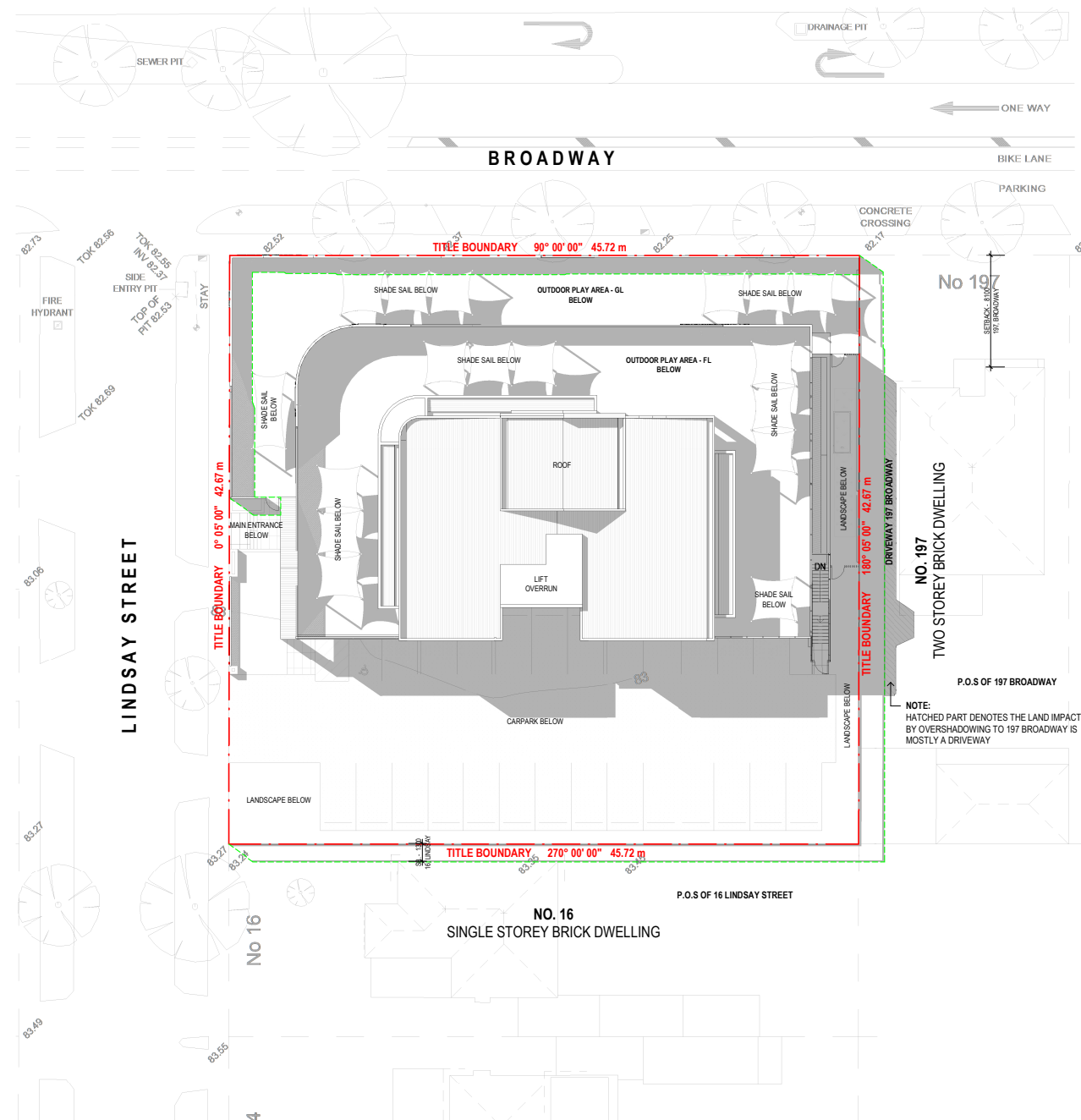
REV	DESCRIPTION	DRN	CHK	DATE
P1	FEASIBILITY STUDY	MIN		2022.09.01
P2	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P3	ISSUE FOR RFI	KP	FP	2023.08.23
P4	ISSUE FOR RFI(V2)	KP	FP	2023.10.26



PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	SHADOW DIAGRAMS SHEET 1	FP		1176
STATUS	SCALE	REVISION	DWG No	
TOWN PLANNING	As indicated @ A1	P4	TP400	

Darebin City Council Received 13-11-2023

LEGEND	
	TITLE BOUNDARY
	PROPOSED SHADOWS
	FENCE SHADOWS



NOTE:  
HATCHED PART DENOTES THE LAND IMPACTED BY OVERSHADOWING TO 197 BROADWAY IS MOSTLY A DRIVEWAY

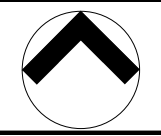
01 SHADOWS - 22 SEPTEMBER - 3PM  
TP401 SCALE 1 : 200

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REV	DESCRIPTION	DRN	CHK	DATE
P1	FEASIBILITY STUDY	MIN		2022.09.01
P2	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P3	ISSUE FOR RFI	KP	FP	2023.08.23
P4	ISSUE FOR RFI(V2)	KP	FP	2023.10.26



PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	SHADOW DIAGRAMS SHEET 2	FP		1176
STATUS	SCALE	REVISION	DWG No	
TOWN PLANNING	As indicated @ A1	P4	TP401	

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LINDSAY STREET STREETScape  
VIEW FROM WEST



BROADWAY STREETScape  
VIEW FROM NORTH

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REV	DESCRIPTION	DRN	CHK	DATE
P1	MINOR UPDATED TO REFLECT RENDERERS			2023.03.24
P2	REVISED LAYOUT PER CLIENT/OPERATOR CHANGES			2023.05.02
P3	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P4	ISSUE FOR RFI	KP	FP	2023.08.23
P5	ISSUE FOR RFI(V2)	KP	FP	2023.10.26

PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	RENDERS SHEET 1	FP/KP		1176
STATUS	SCALE	REVISION	DWG No	
	1 : 100 @ A1	P5	TP500	

**TOWN PLANNING**

Darebin City Council Received 13-11-2023

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**BROADWAY STREETSCAPE**  
VIEW FROM NORTH WEST

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P1	MINOR UPDATED TO REFLECT RENDERS			2023.03.24
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P4	ISSUE FOR RFI	KP	FP	2023.08.23
P5	ISSUE FOR RFI(V2)	KP	FP	2023.10.26

PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	RENDERS SHEET 2	FP/KP		1176
STATUS	SCALE	REVISION	DWG No	
	1 : 100 @ A1	P5	TP501	

**TOWN PLANNING**

Darebin City Council Received 13-11-2023



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LINDSAY STREET-MAIN ENTRY AND CARPARK  
VIEW FROM SOUTH WEST

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P3	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P4	ISSUE FOR RFI	KP	FP	2023.08.23
P5	ISSUE FOR RFI(V2)	KP	FP	2023.10.26

PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	RENDERS SHEET 3	FP/KP		1176
STATUS	SCALE	REVISION	DWG No	
	1 : 100 @ A1	P5	TP502	

**TOWN PLANNING**

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**CHILDCARE CARPARK**  
VIEW FROM SOUTH EAST

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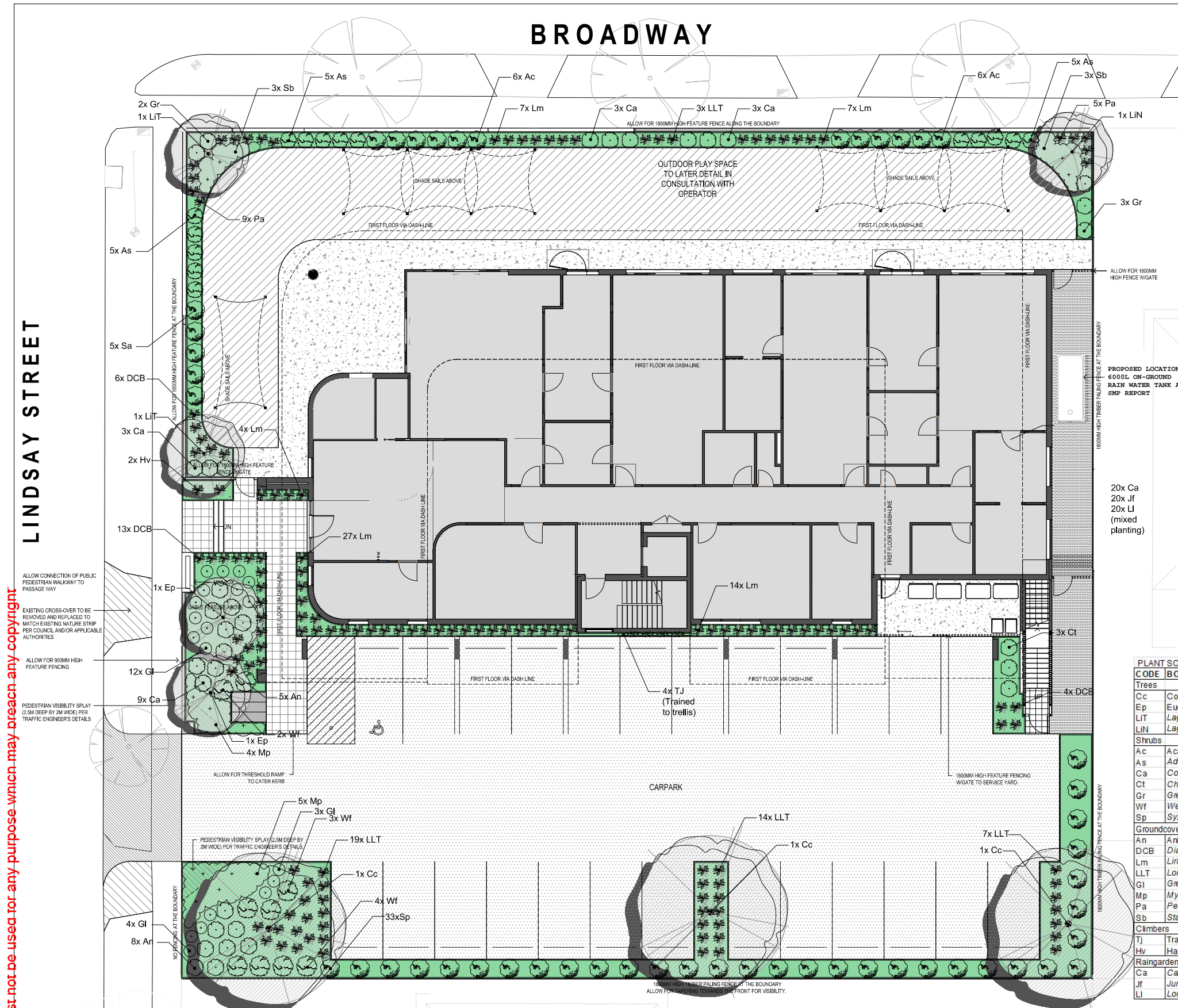
REV	DESCRIPTION	DRN	CHK	DATE
P1	MINOR UPDATED TO REFLECT RENDERS	KP	FP	2023.03.24
P2	REVISED LAYOUT PER CLIENT/OPERATOR CHANGES	KP	FP	2023.05.02
P3	ISSUE FOR TOWN PLANNING	KP	FP	2023.06.22
P4	ISSUE FOR RFI	KP	FP	2023.08.23
P5	ISSUE FOR RFI(V2)	KP	FP	2023.10.26

PROJECT	TITLE	DRAWN	DATE	JOB #
PROPOSED CHILDCARE 199-203 Broadway, Reservoir VIC	RENDERS SHEET 4	FP/KP		1176
STATUS	SCALE	REVISION	DWG No	
	1 : 100 @ A1	P5	TP503	

**TOWN PLANNING**

Darebin City Council Received 13-11-2023

REVISION DOCUMENT DROV2024 Page 10 of 14



Legend

- Existing Tree to be retained
- Proposed Tree  
Refer to plant schedule.
- Proposed Garden Bed  
Refer to plant schedule.
- Proposed Concrete Paving
- Proposed Tuscan Toppings
- Proposed Pavers
- Proposed Asphalt

Site Preparation & Maintenance

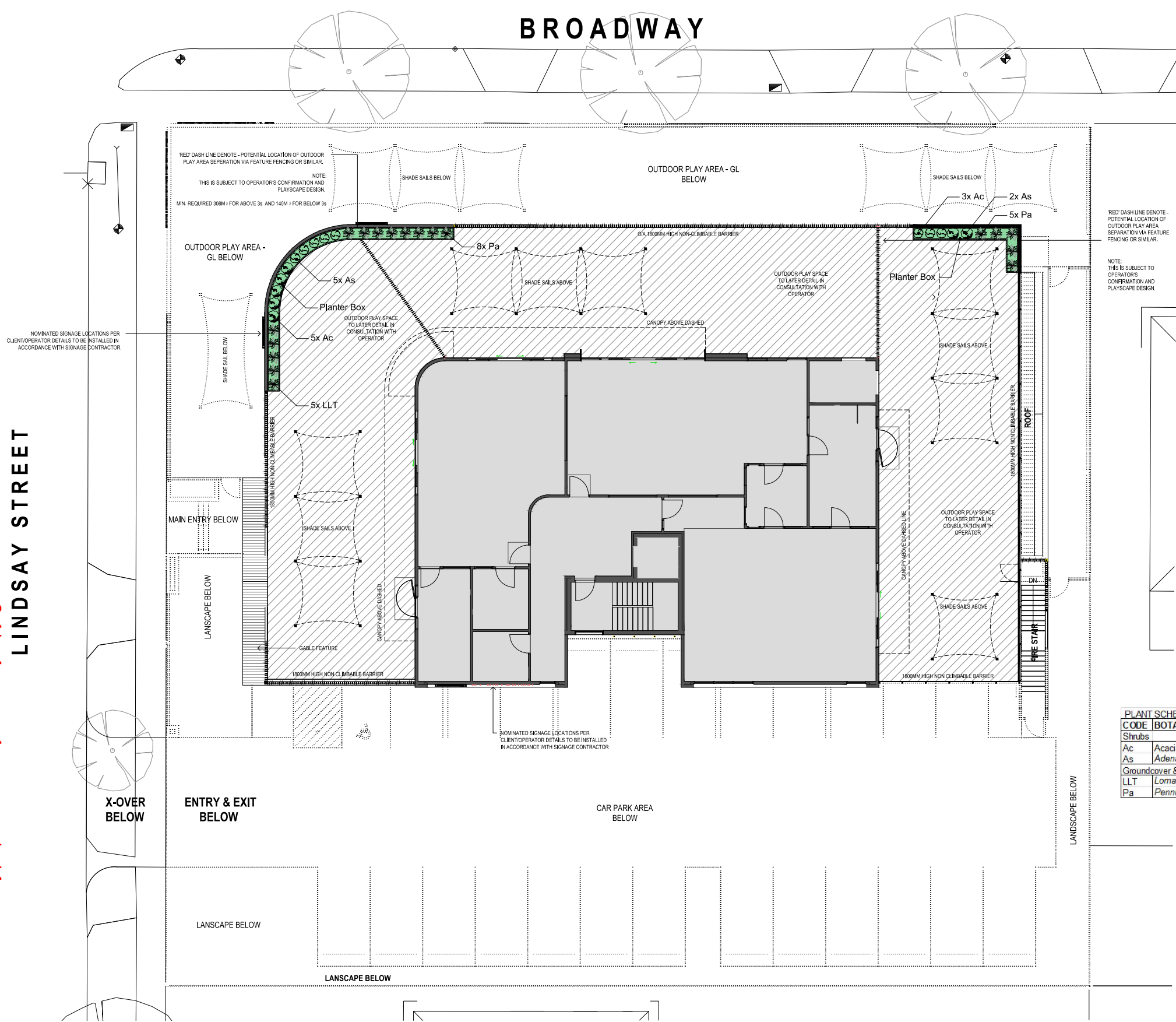
1. Remove any remaining building rubble and weeds from the site.
2. Subgrade to all garden bed areas is to be cultivated to a minimum depth of 150mm. Subgrade to be tested prior to preparation and conditioning to determine ph, salinity and gypsum requirement. Any gypsum required is to be distributed at the manufacturers recommended rate and cultivated into the subgrade at a minimum depth of 150mm.
3. Imported topsoil is to be spread in maximum 150mm layers and lightly compacted. Imported soil is to be free of weeds and building material, ph to be 6.0-7.0, texture to be light to medium friable loam, free from silt material.
4. Supply and spread to all garden beds organic mulch to 75mm depth.
5. Provide spade edge between all garden bed and grass areas.
6. The landscape works are to be maintained by applying best horticultural practice to promote healthy plant performance. Maintenance tasks shall include (but not limited to) pruning as necessary to maintain plants in a healthy and structurally sound manner, maintaining 75mm mulch depth, watering as often as necessary to ensure healthy and vigorous growth in accordance with current local watering regulations, weeding to ensure landscape areas are in a weed free state by spraying or mechanical means, fertilising in accordance with manufacturers recommended application rates.
7. An in-ground automatic drip irrigation system is to be installed to all garden beds in accordance with current local watering restrictions and the manufacturers recommendations.

PLANT SCHEDULE	CODE	BOTANICAL NAME	COMMON NAME	No.	INSTALLED SIZE	Mature HxW
<b>Trees</b>						
Cc	<i>Corymbia citriodora</i>	'Scentuous'	Lemon Scented Gum	3	1.8m high, 45L pot	7 x 4m
Ep	<i>Eucalyptus pauciflora</i>	'Little Snowman'	Dwarf Snow Gum	1	1.8m high, 45L pot	5 x 4m
LIT	<i>Lagerstroemia indica</i> x <i>L. fauriei</i>	'Tuscarora'	Tuscarora Crepe Myrtle	2	1.8m high, 45L pot	6 x 4m
LIN	<i>Lagerstroemia indica</i> x <i>L. fauriei</i>	'Natchez'	Tuscarora Crepe Myrtle	1	1.8m high, 45L pot	6 x 4m
<b>Shrubs</b>						
Ac	<i>Acacia cognata</i>	'Lime Light'	River Wattle 'Lime Light'	12	200mm pot	1 x 1m
As	<i>Adenanthos sericeus</i>	'Silver Streak'	Woolly Bush 'Silver Streak'	15	200mm pot	3 x 1m
Ca	<i>Corea alba</i>		White Correa	18	200mm pot	1.5 x 1.5m
Ct	<i>Chosyia ternata</i>		Mexican Orange Blossom	3	200mm pot	1.5 x 1.5m
Gr	<i>Grevillea rosmarinifolia</i>		Rosemary Grevillea	5	200mm pot	2 x 1m
Wf	<i>Westringia fruticosa</i>	'Jervis Gem'	Westringia 'Jervis Gem'	9	200mm pot	1.5 x 1.5m
Sp	<i>Syzygium paniculata</i>	'Backyard Bliss'	Lilly Pilli 'Straigh and Narrow'	33	200mm pot	5 x 1.5m
<b>Groundcover &amp; Grasses</b>						
An	<i>Anigozanthos</i>	'Big Red'	Kangaroo Paw 'Big Red'	13	140mm pot	1 x 1m
DCB	<i>Dianella caerulea</i>	'Breeze'	Dianella 'Breeze'	23	140mm pot	0.6 x 0.6m
Lm	<i>Liriope muscari</i>	'Just Right'	Liriope 'Just Right'	59	140mm pot	0.5 x 0.5m
LLT	<i>Lomandra longifolia</i>	'Tankia'	Spiny-Head Mat Rush 'Tanika'	43	140mm pot	0.5 x 0.5m
GI	<i>Grevillea lanigera</i>	'Mt Tamboritha'	Grevillea 'Mt Tamboritha'	19	140mm pot	0.4 x 1m
Mp	<i>Myoporum parvifolium</i>		Creeping Boobiala	9	140mm pot	0.5 x 3m
Pa	<i>Pennisetum alopecuroides</i>	'Nafray'	Fountain Grass 'Nafray'	14	140mm pot	0.8 x 0.8m
Sb	<i>Stachys byzantina</i>		Lamb Ears	9	140mm pot	0.3 x 1m
<b>Climbers</b>						
TJ	<i>Trachelospermum jasminoides</i>		Chinese Star Jasmine	4	140mm pot	Trained to trellis
Hv	<i>Hardenbergia violacea</i>	'Meema'	Purple Coral Pea 'Meema'	2	140mm pot	0.5 x 2m
<b>Raingarden</b>						
Ca	<i>Carex appressa</i>		Tall Sedge	20	140mm pot	1 x 1m
Jf	<i>Juncus flavidus</i>		Yellow Rush	20	140mm pot	1 x 1m
LI	<i>Lomandra longifolia</i>		Spiny-Head Mat Rush	20	140mm pot	1 x 1m



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<p>Justin Goon Landscape Architect BDes(Hons) LArch</p>	<p>Drawing Number L01 Drawing Name Ground Floor Landscape Plan Date August 2023 Sheet Number 1 Address 199-203 Broadway RESERVOIR VIC 3073</p>	<p>Rev A</p>
<p>A Inclusion of rain garden and bicycle spaces 22/08/2023</p>		

REVERSED DOCUMENT DRAWING Page 13 of 14



Legend

-  Proposed Garden Bed  
Refer to plant schedule.
-  Proposed Planter Box

PLANT SCHEDULE					
CODE	BOTANICAL NAME	COMMON NAME	No.	INSTALLED SIZE	Mature HxW
<b>Shrubs</b>					
Ac	<i>Acacia cognata</i> 'Limelight'	River Wattle 'Lime Light'	8	200mm pot	1 x 1m
As	<i>Adenanthos sericeus</i> 'Silver Streak'	Woolly Bush 'Silver Streak'	7	200mm pot	3 x 1m
<b>Groundcover &amp; Grasses</b>					
LLT	<i>Lomandra longifolia</i> 'Tanika'	Spiny-Head Mat Rush 'Tanika'	5	140mm pot	0.5 x 0.5m
Pa	<i>Pennisetum alopecuroides</i> 'Nafray'	Fountain Grass 'Nafray'	13	140mm pot	0.8 x 0.8m

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LINDSAY STREET

BROADWAY

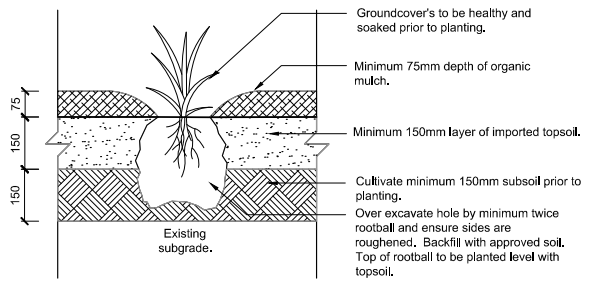
Justin Goon  
Landscape Architect  
BDes(Hons) LArch

Drawing Number L02 Rev  
Drawing Name Level 01 Landscape Plan  
Date July 2023  
Sheet Number 2  
Address 199-203 Broadway  
RESERVOIR VIC 3073

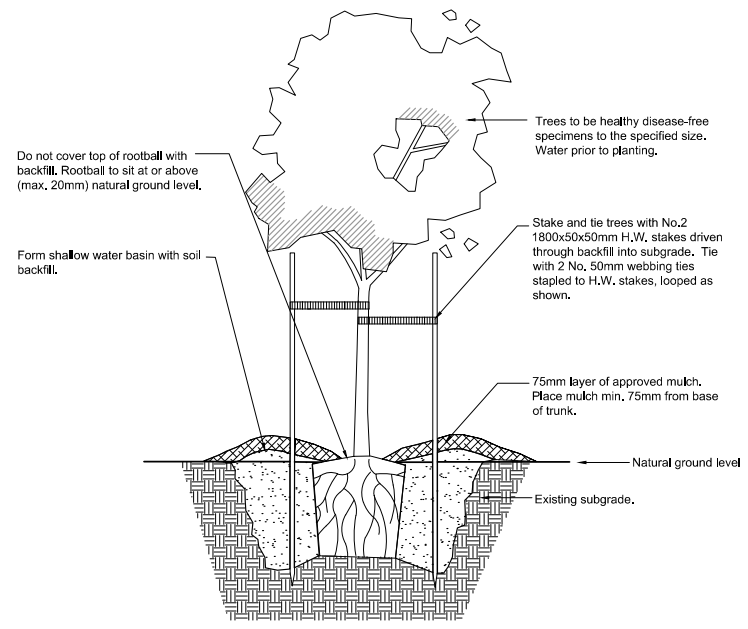
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1:200 @ A3



REMOVED DOCUMENT DRAWING - Page 20 of 24



SHRUB AND GROUND COVER PLANTING DETAIL



SEMI-ADVANCED TREE PLANTING DETAIL

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		Justin Goon Landscape Architect BDes(Hons) LArch	<b>Drawing Number</b> L03 <b>Drawing Name</b> Landscape Details <b>Date</b> July 2023 <b>Sheet Number</b> 3 <b>Address</b> 199-203 Broadway RESERVOIR VIC 3073	Rev -
		Scale 1:100 @ A1 1:200 @ A3		

**CLAUSE 32.07 – Residential Growth Zone – Schedule 3 Assessment**

The Residential Growth Zone – Schedule 3 applies to the subject site. The tables below address the decision guidelines identified by this zone:

Objective	Comment	Complies
General		
The Municipal Planning Strategy and the Planning Policy Framework.	The development and use of the land for a childcare centre provides additional educational/care facility that is necessary to support the surrounding population. This complementary land use is compatible with the surrounding residential as it limits detrimental impacts through its design, operation, size, layout and provision of sufficient onsite parking. It also fills an identified community need. The proposal supports the Municipal Planning Strategy and the Planning Policy Framework.	Complies
The purpose of this zone.	The purpose of this zone is to allow educational/care uses that will serve local community needs in appropriate locations. As this area of Reservoir is envisioned to grow, childcare facilities are an essential service that are required to serve this additional population.  The site's location adjacent to a Transport Zone (Broadway), with its proximity to the Broadway commercial zone and Reservoir Station, makes its location ideal.	Complies
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.	The proposed development is well setback from boundaries and appropriately designed to ensure the rooftop solar energy systems located on the outbuilding of 197 Broadway (east of the subject site) will not be affected by the proposal.	Complies
Objectives and other decision guidelines specified in the schedule 3 of this zone a s appropriate.		
Whether the development incorporates design measures to maximise rear setbacks from the secluded private open space of adjoining properties in the Neighbourhood and General Residential Zones.	The proposed development has been designed with the carparking located to the rear of the building. This has resulted in substantial rear setback of 14.774 metres to the existing secluded private open space of the adjoining southern property that is located within the General Residential Zone.	Complies

<p>The potential and ability to consolidate lots to create larger development sites.</p>	<p>The proposal incorporates three (3) lots to create this larger development. Therefore, the proposal complies with this requirement.</p>	<p>Complies</p>
<p>Non-residential use and development</p>		
<p>Whether the use or development is compatible with residential use.</p>	<p>The proposed use will provide additional education/ care facilities required to service the expanding population, particularly the Reservoir East area. It is discretionary use within the Residential Growth Zone and is compatible with the surrounding residential use it will ultimately serve.</p> <p>The proposal is compatible with the surrounding residential use. A childcare centre can be accommodated within a residential area considering the following.</p> <ul style="list-style-type: none"> <li>• The centre effectively accommodates children during the day under supervision by staff at a relatively low rate of adults to children.</li> <li>• The children are dropped off and collected at different times throughout the day.</li> <li>• The noise produced would generally be when they are out in the play areas which would occur only at times during the day and the play areas are orientated towards the streets.</li> <li>• The site also abuts a busy transport zone as opposed to a quiet local street.</li> <li>• The hours of operation are appropriate in this context.</li> </ul>	<p>Complies</p>
<p>Whether the use generally serves local community needs.</p>	<p>As noted above, this use will be able to serve the local community and as commented by Councils Children and Community Development Unit the Reservoir East area currently has lower provision of long day care places relative to population size.</p>	<p>Complies</p>
<p>The scale and intensity of the use and development.</p>	<p>The scale and intensity of this use and development is considered appropriate as it sits comfortably with the surrounding residential area.</p>	<p>Complies</p>
<p>The design, height, setback and appearance of the proposed buildings and works.</p>	<p>The proposed design, height, setback and appearance of the childcare centre complies with the preferred built form outcomes of the Reservoir Activity Centre, the Design and Development overlay and the Darebin Good</p>	<p>Complies</p>

	Design Guide. The development has been designed appropriately for its location.	
The proposed landscaping.	The proposed development has included landscaping areas within the playgrounds. A condition of approval will require a satisfactory Landscape Plan in accordance with Council's standard Landscape condition.	Complies subject to condition.
The provision of car and bicycle parking and associated accessways.	Car parking and accessways complies with the requirements of Clause 52.06 (Car parking) of the Planning Scheme. Council's Climate Emergency & Sustainable Transport Unit raise no objection to the proposal along with Department of Transport.  A condition of approval will be for the bicycle parking to be in accordance with Clause 52.34 – Bicycle Facilities.	Complies subject to condition.
Any proposed loading and refuse collection facilities.	The proposed development has provided appropriate loading and refuse collection facilities as part of the design. A condition of approval will be to amend the plans and waste management plan in accordance with the ESD Officer's comments.	Complies subject to condition.
The safety, efficiency and amenity effects of traffic to be generated by the proposal.	The proposed application has been assessed by Council's Climate Emergency & Sustainable Transport Unit and is considered safe, efficient and designed to mitigate adverse amenity impacts to local traffic.	Complies

**Clause 32.07-11 – Buildings on lots that abut another residential Zone.**

This clause requires further assessment of buildings and works where the lot abuts another residential zone. As the southern boundary abuts a General Residential Zone, the following Clause 55 objectives and standards apply and the table below addresses these additional requirements.

Clause	Std		Compliance	
			Std	Obj
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties. In this case the building is considered to be generally efficient and will no cause unreasonable impact on adjoining properties.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		Dwellings are setback in accordance with the requirements of this standard adjacent to the southern	Y	Y



Clause	Std		Compliance	
		boundary where it abuts the General Residential Zone. Similarly in this case the building is setback in accordance with the requirements of this standard.		
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		Not applicable as no walls are proposed on the boundary.	n/a	n/a
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Overlooking is addressed through ensuring the building is setback in excess of 9 metres from the southern boundary where abutting the General Residential Zone	Y	Y

**Appendix E – Reference Tables**

**Clause 43.02 – Design and Development Overlay – Schedule 18**

The Design and Development Overlay – Schedule 18 applies to the subject site. The tables below address the design matters raised by the overlay as applicable:

Table 1 - Design Objectives for Schedule 18

Design Objective	Assessment and/or Applicability	Complies (Yes/No)
<b>General</b>		
<i>To support and encourage built form aspirations of the Reservoir Structure Plan, encourage higher density in a format that appropriately addresses interfaces with established residential areas.</i>	The proposed building complies with the design requirements set out for residential developments. It reflects and supports the built form aspirations of the Reservoir Structure Plan. Whilst the structure plan indicates the subject site as a <i>Residential Intensification Area</i> , a strategy for this precinct is to continue to support community services that are located within the precinct. The proposed use as a Childcare Centre will provide additional education and care services to this growing population. The childcare centre is a discretionary use within the zone and is considered an appropriate use to be accommodated within this residential portion of Broadway. It is complimentary to the abutting residential uses at the same time supporting and providing much needed services to those living in the area. In addition, its location on Broadway ensures that this service is located on a main road close to the shopping precinct and the station ensuring its convenience for the population it will serve.	Yes
<i>To encourage high quality development.</i>	The proposed two (2) storey childcare centre is of contemporary design and in muted colours. It is considered a high-quality development in keeping with both the existing and future desired character of the area, complying with the Darebin Good Design Guidelines.	Yes
<i>To discourage underdevelopment.</i>	The proposed development seeks to consolidate three (3) lots to provide a service that will be able to cater for the growing population envisioned as part of this residential area identified for intensification.	Yes

<p><i>To ensure the cumulative effect of development leads to the creation of high quality design outcomes.</i></p>	<p>It is considered that the cumulative effect of the development leads to the creation of a high quality design outcome. The building incorporates an innovative design response through articulation, material and colour selection while ensuring the development is in keeping with its surrounds.</p>	
<p><i>To provide an appropriate transition in scale and design to surrounding areas planned for less intensive development outcomes in General Residential and Neighbourhood Residential zones.</i></p>	<p>The developments to the east and west are both double storeys, and therefore, the proposed development of two (2) storeys is appropriate and in keeping with the existing scale.</p> <p>The development has also been appropriately designed to transition well between the less intensive single storey developments located to the rear southern boundary within the General Residential Area through a gradual height increase to double storey.</p>	<p>Yes</p>
<p><i>To provide an appropriate transition in scale and design to adjoining lots with lesser development potential within the Residential Growth Zone.</i></p>	<p>The proposal does not result in unreasonable off-site amenity impacts. Whilst all the standards of Clause 55 of the Planning Scheme are not applicable to the proposal, those standards that are confirm that the development is reasonable and has minimal impact on adjoining lots. The proposal has been assessed against these standards to confirm that it will not result in unreasonable off-site amenity impacts. Overshadowing and overlooking are minimised and comply with both the standard and objective of these clauses resulting in no unreasonable off-site amenity impacts.</p>	<p>Yes</p>
<p><i>To ensure that development creates a consistent and activated high quality street edge</i></p>	<p>The proposal provides excellent levels of pedestrian access within the design, including multiple pedestrian lobbies and active and legible frontages. It also supports accessibility for visitors, particularly those with reduced mobility, by providing a lift and minimal steps.</p>	<p>Yes</p>
<p><i>To facilitate a higher density form of housing sited within a garden setting.</i></p>	<p>Although the development is not a residential use, it is considered that the proposed front setback treatment of a visibly permeable front fence, allowing direct views into the garden/playground setting is appropriate. This ensures that this development sits comfortably within an appropriate garden setting within the existing residential street.</p>	<p>Yes</p>

Parking and Access		
<i>To maximise the retention of existing on street car parking spaces where possible and avoid proliferation of vehicle crossovers.</i>	The proposed development seeks the removal of all existing crossovers along Broadway. It also proposes to remove one of the crossovers to Lindsay Street retaining and modifying one of the crossover to create a double crossover. This has resulted in an increase in available on street car parking along Broadway, while the modified crossover to Lindsay Street will allow for additional space for cars to park. This ensures existing car spaces are retained and even increased as a result of this development.	Yes
<i>To minimise adverse impacts of development on local traffic conditions.</i>	The proposed Traffic Impact Assessment and plans have been assessed by Councils Climate Emergency & Sustainable Transport Unit who raise no objection. The alteration to the current access (removal of crossovers) to the Transport Zone is desirable as it increases on street parking limiting impacts on local traffic conditions, with the overall development complying with Clause 52.06 – Car Parking.	Yes

**Reservoir Activity Centre Residential Area Preferred Built Form Outcome**

The area comprises precincts within the Reservoir Activity Centre designated for residential intensification by the Reservoir Structure Plan. Broadly, the four precincts represent a ‘corridor’ extending from Edwardes Lake to Boldewood Parade, generally of a single lot depth. The precincts share interfaces with commercial activity centre land or established residential land and future development will need to consider the immediate site context through design.

The subject site is located in Precinct B: Broadway

*Development along Broadway is relatively consistent in scale and format, with much of the original building stock remaining, and the pattern of subdivision remaining intact. Corner sites are the exception with several multi-dwelling redevelopments.*

*Sensitive interfaces to adjoining properties to the north and particularly to the south are a key issue for future development along Broadway. Townhouses should be discouraged where they will negatively impact on the development yield of the precinct.*

It is noted that the design requirements that are listed below apply for multi-dwelling developments and as such are not directly applicable to the proposed development. However, it is considered useful to assess the development against the appropriate preferred built form outcome, as outlined below:

Design Requirements

Design Requirement	Assessment and/or Applicability	Complies (Yes/No)
<p><i>New development should demonstrate how it will correspond to existing conditions (such as secluded private open spaces and habitable room windows) on adjoining sites that are unlikely to be developed.</i></p>	<p>The proposed development has been designed to ensure it responds sensitively to the location of dwellings on adjoining sites This design provides appropriate setbacks in the layout to minimise any impact on adjoining residential properties. Overlooking and overshadowing have all been addressed and complied with ensuring minimum amenity impacts.</p> <p>It is also noted that the development has been designed to minimise noise from the use through the playground and classrooms orientated towards the roads rather than the adjoining properties.</p>	<p>Yes</p>
<p><i>Blank walls and high side fences should be avoided. Where a blank wall is proposed as an interim condition subject to future adjoining development, the colour, texture or finish of the wall should be designed to be attractive to passing pedestrians.</i></p>	<p>A low 900mm high fence is proposed along the western boundary (Lindsay Street). A 1.8 metre high acoustic fence is proposed along the common property boundaries to the east and south.</p>	<p>Yes</p>
<p><i>Building mass should be directed towards street frontages.</i></p>	<p>The proposal includes active frontages, sheltered pedestrian entries and landscaping adjacent to pedestrian movement paths ensuring that the building mass is directed towards the street frontages.</p>	<p>Yes,</p>
<p><i>Pedestrian entries should be clearly visible from the public domain.</i></p>	<p>The proposed pedestrian entrance is clearly visible from Lindsay Street.</p>	<p>Yes</p>

<p><i>Development should be set back from front and side boundaries in accordance with the requirements of the zone and to enable deep root planting where practicable.</i></p>	<p>The proposed development is setback in accordance with the zone requirements for the eastern and western side boundaries. Although the northern front setback has proposed an increased setback to the lower ground floor level of 7 metres, it is confirmed the upper floor is appropriately setback to the required 5 metres.</p>	<p>Yes</p>
<p><i>Buildings should be set back from rear boundaries in accordance with the requirements of the zone and the principles</i></p>	<p>The rear southern building setback ensures compliance with the requirements of the zone.</p>	<p>Yes</p>
<p><i>Where practical, vehicle access should be created from side streets or rear laneways.</i></p>	<p>The proposed double crossover and access is provided off Lindsay Street with no vehicle access from Broadway.</p>	<p>Yes</p>
<p><i>Bicycle parking should be sited and designed to be convenient and easily accessible to the street</i></p>	<p>Bicycle parking is provided conveniently adjacent to the pathway accessed from Lindsay Street.</p>	<p>Yes.</p>

**5.3 26 JENKINS STREET, NORTHCOTE (AMENDED VCAT POSITION)  
26 Jenkins Street, Northcote**

**Author:** Senior Statutory Planner

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

Applicant	Owner	Consultant
Assad Irahim & Megan Irahim C/- Urbis Ltd	Assad Irahim	Mick Meyer URBIS

**SUMMARY**

This report seeks Council’s support for an amended design for the application for 26 Jenkins Street, Northcote to inform an upcoming appeal hearing at the Victorian Civil and Administrative Tribunal (VCAT).

The application is for construction of two (2) dwellings on the site (both dwellings to have 4 bedrooms). The development proposes a side-by-side format, each with basement car parking for three (3) cars, and generous alfresco area with pool at the rear.

Seventeen (17) objections were received against the original proposal. The application was considered by the Planning Committee on 14 August 2023. The report to Council recommended support for the application, subject to conditions. Council subsequently refused the application, contrary to the officer recommendation.

Following refusal by the Planning Committee, the Permit Applicant lodged an appeal against Council’s decision with VCAT. 8 objector parties have joined the proceeding (4 of these 8 are jointly represented by JPL).

The matter was considered at a Compulsory Conference on 5<sup>th</sup> February 2024 with no agreement reached between parties.

The matter is therefore progressing to a full VCAT hearing, scheduled for the 15<sup>th</sup> & 16<sup>th</sup> April 2024.

As is typical in such appeals, the permit applicant has formally amended plans in response to the grounds of refusal. The amended plans continue to seek permission for two (2) double storey dwellings with basements, but with significant design alterations in response to Council’s grounds of refusal.

The revised proposal provides a significantly improved built form response compared to the original, including the following:

- A high degree of compliance with the Standards and Objectives of Clause 55 (ResCode).
- The increased upper-level setbacks, including the removal of a bedroom from Dwelling 1, reduce the visual bulk of the proposal, most importantly reducing bulk and dominance within the streetscape. The materials and architectural form of the development are also improved. Combined, these result in an appropriate response to neighbourhood character considerations.
- Increased landscaping, including additional canopy trees to the front setback, to blend into the streetscape.

- Regarding overshadowing of adjacent solar panels, the proposal predominately avoids overshadowing across the year and in a worst-case scenario still allows five (5) hours of unrestricted solar access to the solar panels between 9am and 2pm during Winter.

Given the improvements in the design, it is recommended that Council's position be revised to one of support for the proposal, subject to conditions, for the VCAT hearing scheduled on 15<sup>th</sup> and 16<sup>th</sup> April 2024.

### Recommendation

**That Council** support planning permit application D/599/2022 (as amended) at the upcoming VCAT hearing and request the Tribunal include the following conditions within any Permit issued:

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 *TP04 – TP08 produced by SYNC Architecture, received 28/02/2024*), but modified to show:
  - (a) West-facing first-floor glazing provided with additional suitable external adjustable or fixed shading devices, pursuant to Standard B10 - Energy Efficiency.
  - (b) Double glazing treatment annotated on all habitable room windows and glazed doors.
  - (c) The design informed by preliminary NatHERS rating assessments for all dwellings that achieve an average of at least 6.5 stars, pursuant to Standard B10 - Energy Efficiency.
  - (d) Toilets detailed as connected to water-tanks and annotated onto WSUD Plan, in accordance with Condition No. 6 of this Permit.
  - (e) On-street car parking space to be dimensioned on plans.
  - (f) Air conditioning units suitably located within the secluded private open spaces of each dwelling.
  - (g) Double garage dimensions of 6.0 metres length x 5.5 metres width shown on the plans in accordance with Clause 52.06.
  - (h) Dwelling 2 pedestrian garage door provided glazing and detailed on elevations and floorplan.
  - (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 crossovers to *Cramer 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) 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.
- (m) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (n) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
- (o) Any changes required as a result of the preparation 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.6 of this Permit.
- (p) Any changes required as a result of the preparation of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No.7 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. 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. 4 and 5 of this Permit.
  - (b) 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.
  - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - (d) A diversity of plant species and forms.
  - (e) Three (3) medium sized canopy trees provided within the front setback. These must have a minimum mature height of 8 metres. At the time of planting these trees are to be from 45L size pots and at least 1.5 metres in height.
  - (f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - (g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.

- (h) Hard paved surfaces at all entry points to dwellings.
- (i) Suitable planting including climbers to be provided to soften side boundaries.
- (j) 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).
- (k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (m) Scale, north point and appropriate legend.
- (n) 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.

4. 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 - Liquidamber styraciflua (Sweet gum)	Rear SE corner of site	4.8 metres
Tree 2 - <i>Robinia pseudoacacia</i> (Blacklocust)	Rear SE corner of site	7.3 metres
Tree 8 – Chinese Elm	Nature-strip	2.0 metres
Tree 9 - <i>Brachychiton populneus</i> (Kurrajong)	Adjoining property (east)	4.8 metres
Tree 10 - <i>Corymbia ficifolia</i> (Red flowering gum)	Adjoining property (east)	2.0 metres
Tree 11 - <i>Agonis flexuosa</i> (Peppermint Willow)	Adjoining property (east)	2.0 metres
Tree 12 and 13 - <i>Robinia pseudoacacia</i> (Blacklocust)	Adjoining property (east)	12.8 and 5.4 metres respectively
*as defined in Arborist Report by Root Zone dated 07/02/2023.		

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5. 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. Tree protection is required for neighbouring trees.**
  - (c) **Tree protection fencing is to be erected around the TPZ of the street tree (tree 8) to 2m, where occurring on the nature strip. All fencing is to be erected prior to the commencement of all works on the site including demolition and can only be reduced by the minimum amount necessary for construction of the approved crossover.**
  - (d) **All excavations for the construction of the proposed crossover are to be supervised by a suitably qualified and experienced arborist with all root pruning undertaken in accordance with section 9 of AS4373-2007 Pruning of Amenity Trees.**
  - (e) **Tree protection is required for site trees and neighbouring trees as indicated in picture above. TPZ to be installed before any works occur on site. tree.**
  - (f) **A tree protection zone of 4.8m is required for tree 1. TPZ to be installed before any works occur on site, including demolition works. The proposed paving and alfresco must be constructed at or above the existing soil level, with permeable materials, and with no trenching or major excavation inside the TPZ of tree 1. The footing system for the living room must be non-continuous, either bored piers or screw piles. Once their position is known prior to auguring the affected roots must be cleanly root pruned with secateurs or sharp loppers just beyond the pier between it and the tree. No machinery should sit in the area between the dwelling and the eastern boundary fence. If it can't be avoided, then track mats or other ground protection will be required. The use of scaffold to the east of the living room will unduly interfere with canopy of Tree 1 and so cannot be used. Construction methods to avoid the use of scaffolds for the living room of dwelling 2 will need to be employed. These works will be closely supervised by the project arborist, to ensure there is no inadvertent impact to the roots of this tree.**
  - (g) **A tree protection zone of 7.3m is required for tree 2. TPZ to be installed before any works occur on site, including demolition works. The proposed paving and alfresco must be constructed at or above the existing soil level, with permeable materials, and with no trenching or major excavation inside the TPZ of tree 2. Excavation will be allowed into the TPZ of tree 2 of approximately 1m in order to construct the proposed pool as the encroachment of the pool is less than 10% which is allowable per the Australian Standards (AS-4970-2009). These works will be closely supervised by the project arborist, to ensure there is no inadvertent impact to the roots of this tree.**
  - (h) **A tree protection zone of 4.8m is required for tree 9. TPZ to be installed before any works occur on site, including demolition works. Excavation will be allowed**

into the TPZ of tree 9 of approximately 0.5m in order to construct the proposed driveway as the encroachment of the driveway is less than 10% which is allowable per the Australian Standards (AS-4970-2009). These works will be closely supervised by the project arborist, to ensure there is no inadvertent impact to the roots of this tree.

- (i) A tree protection zone of 2m is required for tree 10. TPZ to be installed before any works occur on site, including demolition works.
  - (j) A tree protection zone of 2m is required for tree 11. TPZ to be installed before any works occur on site, including demolition works.
  - (k) A tree protection zone of 4.8m is required for tree 12. TPZ to be installed before any works occur on site, including demolition works.
  - (l) A tree protection zone of 5.4m is required for tree 13. TPZ to be installed before any works occur on site, including demolition works.
  - (m) A qualified arborist must oversee all works in and around Tree Protection Zones (TPZ) for trees 1 to 2, and 8 to 13.
  - (n) All services must be routed outside 'Tree Protection Zones'. If there is no alternative to passing through the protection zone, the local authority and the consulting arborist must be advised in writing on the need for directional boring beneath root zone; this must be maintained at a minimum depth of 45cm in soil depth when inside the TPZ of a retained tree.
  - (o) All tree protection zones must be observed according to Australian Standard AS4970-2009 Protection of trees on development sites. Tree protection zones are to be shown all plans and must be put in place before any works occur on site.
  - (p) All pruning recommended is to be carried out to Australian Standards, AS4373-2007 Pruning of Amenity Trees. This work should be supervised or carried out by a qualified arborist.
  - (q) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
  - (r) 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.
  - (s) Minimisation of paved areas in the rear private open space to allow for the planting of canopy trees as specified below is required.
6. Prior to the endorsement of plans, including any related demolition, Tree Protection Management Plan (TPMP) prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Darebin City Council. This report must be made available to all relevant parties involved with the site.
- a) The TPMP must include:
    - (i) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls

- within the subject site;
  - (ii) Protection measures to be utilised and at what stage of the development they will be implemented;
  - (iii) Appointment of a project arborist detailing their role and responsibilities;
  - (iv) Stages of development at which the project arborist will inspect tree protection measures and;
  - (v) Monitoring and certification by the project arborist of implemented protection measures.
- b) Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.
- c) Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
- d) The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.
- e) The TPP must:
- a. Be legible, accurate and drawn to scale;
  - b. Indicate the location of all tree protection measures to be utilised and;
  - c. Include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised and;
  - d. Include a key describing all tree protection measures to be utilised.
- f) All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
- g) Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.
7. 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;
  - (vi) Toilets must be detailed as connected to water-tanks and laundry, detailed in the WSUD report and annotated onto the WSUD Plan.
- (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.

8. 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.

9. At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls, a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority, confirming the ground floor level(s). The report must be submitted to the Responsible Authority no later than 7 days from the date of the inspection.

The development must not be occupied until a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority is submitted to the Responsible Authority, confirming the floor level(s).

10. 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.

11. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

12. The land must be drained to the satisfaction of the Responsible Authority.

13. 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.
14. 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.
15. 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.
16. A clothesline must be provided to each dwelling. Clotheslines must not be visible from *the street*.
17. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
18. 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.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
20. 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.
21. 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.
22. 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.

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**INTRODUCTION AND BACKGROUND**

The subject site is currently occupied by a single storey Victorian weatherboard dwelling with dual chimneys, in fair condition. The site contains a single crossover. The dwelling is not protected under a Heritage Overlay.

The existing streetscape predominantly incorporates single storey residential dwellings from the Victorian/Edwardian era. The street contains only two (2) significantly listed heritage dwellings (HO140, HO141) at No. 34 and No. 36-38 Jenkins Street, respectively.

The site is zoned Neighbourhood Residential Zone – Schedule 1 (NRZ1) and is affected by the Development Contribution Plan Overlay (DCPO) Overlay.

There is no restrictive covenant on the title for the subject land.



## Amended Proposal

The application proposes the construction of two (2) dwellings in a side-by-side formation, plus basements.

- Dwelling 1 is to contain four (4) bedrooms (reduced from five bedrooms as previously proposed).
- Dwelling 2 is to contain four (4) bedrooms.
- The basements are to include a rumpus room and powder room. Dwelling 2 also to incorporate a laundry. The ground floors are to include a sitting room, guest bedroom, open plan living room opening to an alfresco area and pool. The first floors are to include three (3) bedrooms, two (2) bathrooms and a retreat.
- Three (3) car parking spaces are provided to each dwelling within the basements.
- The proposed overall height is 8.13 metres in a flat roof format.
- Two (2) large trees are to be retained in the rear of the site.
- High-quality contemporary design featuring flat roof and well-articulated built form and sculptural façade with textured render finish and contemporary material palette in neutral tones.
- One existing crossover to Jenkins Street is to be retained, and one new crossover is proposed.
- The minimum mandatory garden area requirement is 35%. The proposal achieves a garden area of 36.30%.

The report to the Planning Committee on 14 August 2023 recommended support for the application, subject to conditions. Subsequently Council refused the application on the following grounds:

1. *The proposal does not adequately respond to the preferred neighbourhood character of the area under Clause 21.03-4 and as specified in the Neighbourhood Character Guidelines (Precinct A2 Victorian and Edwardian), specifically:*
  - a) *The upper level is not set back a substantial distance from the façade and will cause unreasonable visual bulk impacts when viewed from the street and adjoining properties.*
2. *The proposal would result in unacceptable overshadowing impacts to the neighbouring solar panels to the east.*

Following refusal by the Planning Committee, the Permit Applicant lodged an appeal against Council's decision with VCAT and several objector parties joined the proceeding.

The matter was considered at a Compulsory Conference on 5 February 2024 with no agreement reached between parties.

The matter is therefore progressing to a full VCAT hearing, scheduled for the 15<sup>th</sup> & 16<sup>th</sup> April 2024.

## ISSUES AND DISCUSSION

### Amendments to the development post compulsory conference:

As is typical in such appeals, the permit applicant has formally amended plans in response to the grounds of refusal.

The amended plans continue to seek permission for two (2) double storey dwellings with basements, but with significant design alterations in response to Council's grounds of refusal.

The plans have now been amended (identified as TP.00 to TP.15 Revision H dated 28/02/2024) with the following amendments significantly improving the built form response compared to the original, including the following:

Ground Floor Plan:

- TP.05 Reduced hard surface paving to the entries.
- TP.08 Ground Floor of Front facades incorporating a vertical expressed cladding "VC" in lieu of the proposed rough render finish.

First Floor Plan:

- TP.06 First Floor of Dwelling 01 setback increased by 2.590 metres from 7.500 metres to 10.090 metres.
- TP.06 First Floor of Dwelling 01 removes one (1) bedroom from the proposal to decrease the number of bedrooms from five (5) to four (4).
- TP.06 Dwelling 02 First Floor setback increased by 1.585 metres from 7.495 metres to 9.080 metres.
- TP.06 Dwelling 02 Master Bedroom Eastern wall setback increased by 0.565 metres from 3.690 metres to 4.255 metres.

Garden Area & Permeability Plan:

- TP.09 The Garden Area Space has increased by 1.05% from 290.89m<sup>2</sup> to 299.51m<sup>2</sup>.

## PLANNING ASSESSMENT

### Clause 52.06 Car Parking

The amended proposal remains compliant with Clause 52.06 standards. Some Clause 52.06 matters have informed the development of conditions requested for the Tribunal for inclusion in any Notice of Decision to Grant a Permit issued.

### Complies

## CLAUSE 55 COMPLIANCE SUMMARY

The amended proposal remains compliant with the applicable Clause 55 standards and matters informing conditions of the recommendation above. Refer to the amended Clause 55 assessment provided as **Appendix E**

## REFERRAL SUMMARY

No additional referrals are required in relation to the amended proposal.

A summary of referrals for the original application can be viewed in the minutes of the Planning Committee for its 14<sup>th</sup> August 2023 meeting.

**CONSIDERATION OF AMENDMENTS AGAINST REFUSAL GROUNDS:**

The amendments made to the development following the Compulsory Conference and formally submitted to the Tribunal on 28<sup>th</sup> February 2024 for the upcoming VCAT hearing, are a significantly improved built form response compared to the proposal which was refused.

1. Reduced hard surface paving to the dwelling entries results in increased opportunities for landscaped areas. These changes allow the provision of several canopy trees and additional under-storey planting to the front setback, which will blend into and improve the streetscape presentation over time.
2. The vertical expressed cladding in lieu of the originally proposed rough render finish to the Ground Floor of front facades is representative of emerging external finish treatment for the area. This is a contemporary interpretation of traditional weatherboard cladding, with the profile rotated to be vertical. Notionally, cladding in a vertical format can assist in reducing bulkiness by diminishing the emphasis on horizontal width. This design approach is supported by Council's Design Excellence guidelines.
3. The amended plans increase the front setback of Dwelling 1 First Floor by 2.590 metres, from 7.500 metres to 10.090 metres. This results in the deletion of one bedroom from Dwelling 1, reducing the number of bedrooms from five (5) to four (4). This revision both reduces dominance to the street and responds to applicable neighbourhood character guidelines. Notably, the amended first-floor facade is set further back from the street than the adjoining dwelling at No. 22 Jenkins Street. This addresses the transition in building height from single to double storey.
4. The amended plans increase the front setback of Dwelling 2 First Floor by 1.585 metres - from 7.495 metres to 9.080 metres. This addresses neighbourhood character concerns, in resulting in a reduction of the visual bulk and providing an improved transition to the adjoining single storey dwelling at No. 28 Jenkins Street.
5. To the rear, the Dwelling 2 Master Bedroom eastern wall setback is increased by 0.565 metres - from 3.690 metres to 4.255 metres. This will reduce visual bulk to the adjoining secluded private open space areas. Visual bulk will be further reduced through the retention of two (2) mature trees located within the Dwelling 2 secluded private open space.
6. Garden Area is also increased in the amended plans by approximately 9.0 square metres. This results in an increased planting area within the front setback, which will help the development blend into the streetscape over time.
7. Comprehensive shadow diagrams have also been provided with the amended plans. These show the solar panels at No. 28 Jenkins Street will receive unrestricted solar access between 9am and 3pm on the 22 September equinox (Spring).

In addition to the requirements of the Darebin Planning Scheme, additional shadow diagrams have been provided detailing the impact at the Winter Solstice. Overshadowing impacts during Winter are generally expected to be greater than at the spring equinox. The additional diagrams show the solar panels at No. 28 Jenkins will only be partially impacted at 3pm during Winter. Therefore, five (5) hours of unrestricted solar access is also achieved between 9am and 2pm during Winter. The proposal is sited and designed to ensure that the energy efficiency of the existing dwelling on the adjoining lot is not unreasonably reduced. As such, it is deemed compliant. This is particularly the case when considering the level of compliance with the side setback objective, the location of the existing neighbouring solar panels, the type of solar panel system and the ability of the subject site to reasonably accommodate a level of development to accord with relevant planning policy.

8. Overall, the amended proposal addresses Council concerns by reducing building dominance to the street. The application presents an opportunity to ensure redevelopment of this site with two new well-designed dwellings that have been designed to address the neighbourhood character policy and Neighbourhood Residential Zone.

The development responds satisfactorily in a contemporary and innovative manner to key elements of the neighbourhood character as outlined in the Precinct Guidelines. The design is further illustration of a preferred emerging character becoming increasingly evident in the local area. The proposal will make more appropriate use of the site and improve housing availability.

**RECOMMENDATION**

When an applicant makes genuine and substantial variations to proposals in response to the concerns of objectors and Council, and the amended proposal is demonstrably a better outcome, it is important for Council as the Responsible Authority to recognise the effort by being prepared to vary its previous decision. When exercised consistently, it is suggested that this approach will result in applicants and designers being more willing to engage in design discussions and improvements, contributing to an overall increase in design excellence across the municipality.

It is suggested that this approach should be applied to the amended proposal for 26 Jenkins Street. Given the improvements in the design, it is recommended that Council’s position be revised to one of support for the amended proposal, subject to conditions.

To that end, it is recommended that Council support Planning Permit application D/599/2022 (as amended) at the upcoming VCAT hearing and request the Tribunal include a range of conditions within any Notice of Decision to Grant a Permit issued.

**PLANNING SCHEME SUMMARY**

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

- Clause 32.09 Neighbourhood Residential Zone – Schedule 1 requires a planning permit for the Construction of two or more dwellings on a lot.

**Applicable provisions of the Darebin Planning Scheme**

<b>Section of Scheme</b>	<b>Relevant Clauses</b>
PPF	02.03-5, 02.04-2, 13.07-1L, 15.01-1L, 15.01-5L,
Zone	32.09
Overlay	45.06
Particular provisions	52.06, 53.18, 55
General provisions	65.01, 66
Neighbourhood Character Precinct	A2

**POLICY IMPLICATIONS**

**Environmental Sustainability**

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls.

**Social Inclusion and Diversity**

Nil

**Other**

Nil






**FINANCIAL AND RESOURCE IMPLICATIONS**

There are no financial or resource implications as a result of the determination of this application.

**FUTURE ACTIONS**

Nil

**RELATED DOCUMENTS****Attachments**

- Appendix A - Location Map - 26 Jenkins Street Northcote (**Appendix A**) [↓](#) 
- Appendix B - Zoning Map - 26 Jenkins Street Northcote (**Appendix B**) [↓](#) 
- Appendix C - Formally Amended Plans Rev H - 26 Jenkins Street Northcote - D-559-2022 (**Appendix C**) [↓](#) 
- Appendix D - Objector Radius Map - 26 Jenkins Street Northcote (**Appendix D**) [↓](#) 
- Appendix E - Reference Tables Amended 26 Jenkins Street Northcote (**Appendix E**) [↓](#) 

**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.

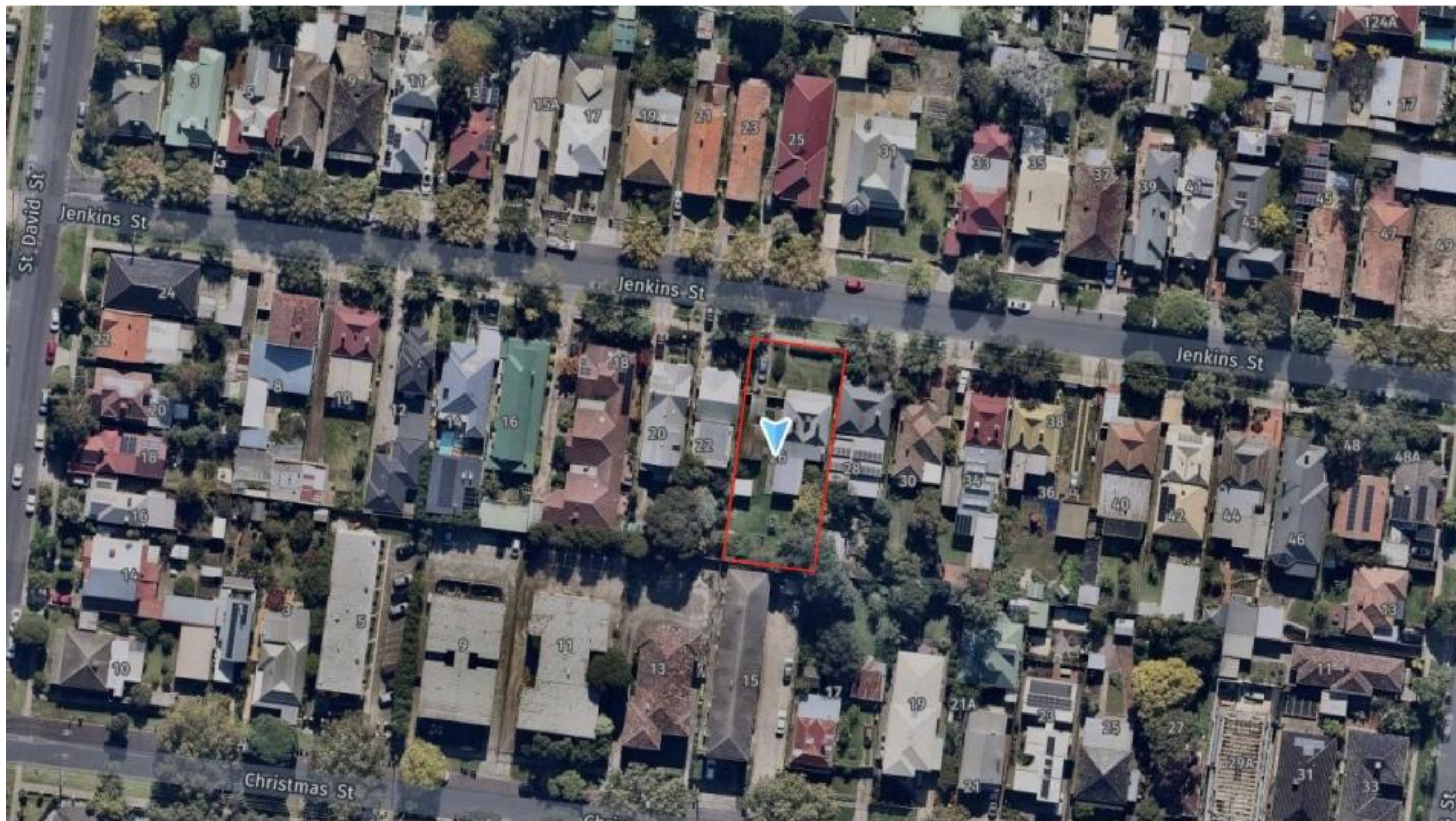
The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**26 JENKINS STREET NORTHCOTE VIC 3070**

**Appendix A - Location Map**

Source: Nearmap, 2023

16/06/2023



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

**26 JENKINS STREET NORTHCOTE VIC 3070 (Approved property)**  
**Appendix B - Zoning Map**

Darebin City Council  
 16/06/2023



**Suburb:** NORTHCOTE  
**Ward:** South Central  
**Charge Area**  
**Property No**  
**Area (m<sup>2</sup>)**  
**Planning Zone** [NRZ1](#),  
[Schedule](#)  
**DCPO:** [DCPO](#),  
[Schedule](#)  
**DDO:**  
**EAO:**  
**ESO:**  
**HO:**  
**IPO:**  
**LSIO:**  
**PAO:**  
**RXO:**  
**SBO:**  
**VPO:**

**Aboriginal  
 Heritage**

**Neighbourhood  
 Character** [A2 : Victorian  
 and Edwardian](#)

**Housing  
 Change  
 Framework** [MINIMAL](#)

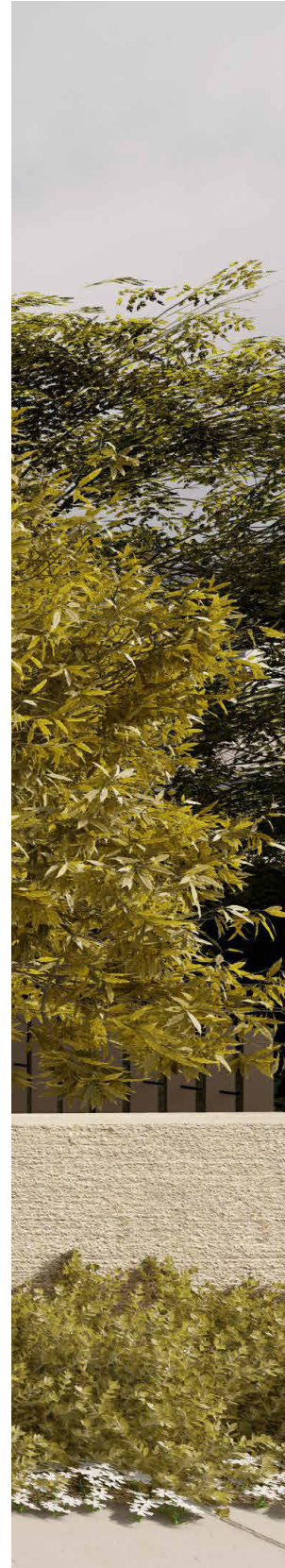
**High Street  
 Precinct**

**Applications  
 Open** 37749/2007  
**Closed**





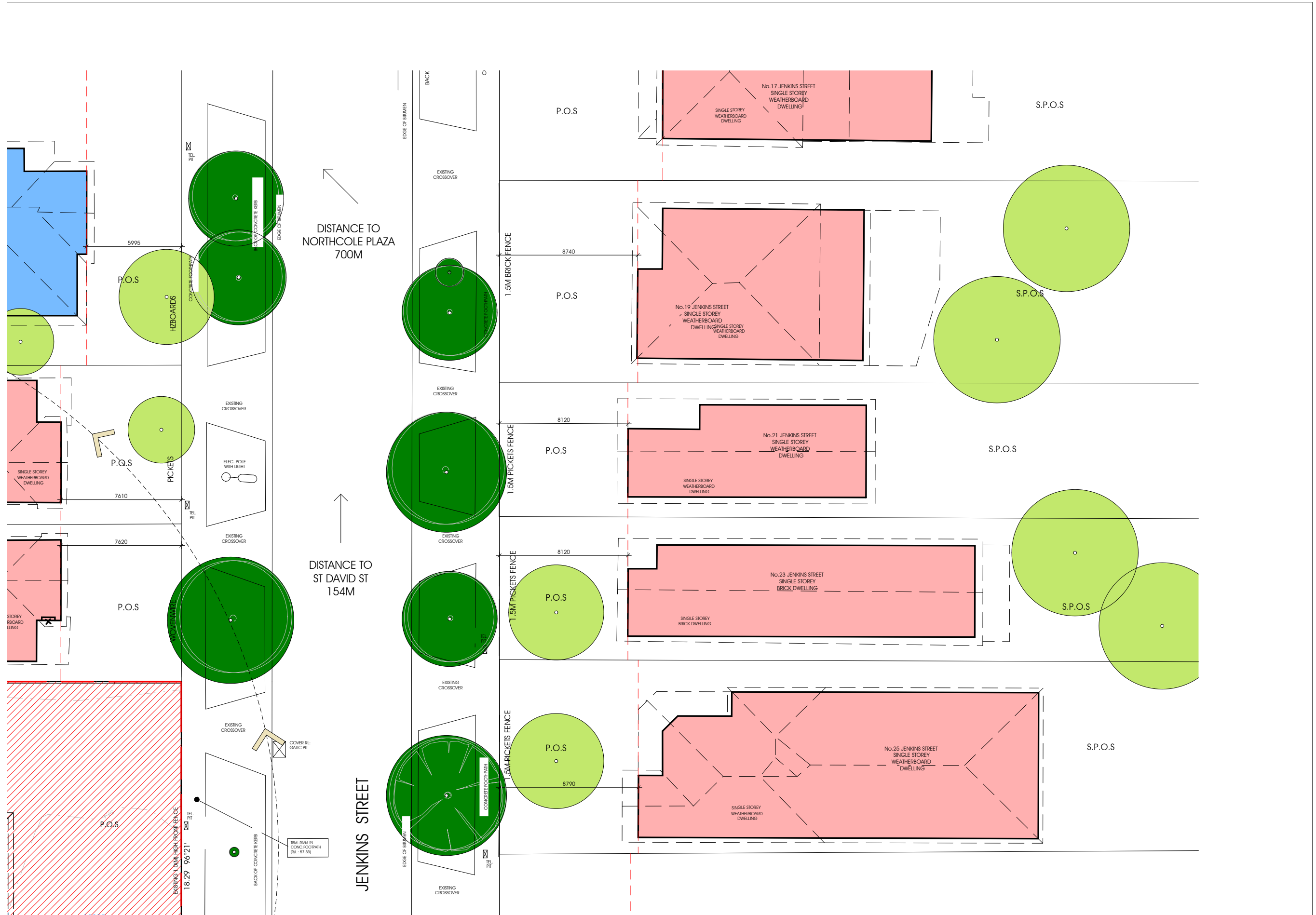
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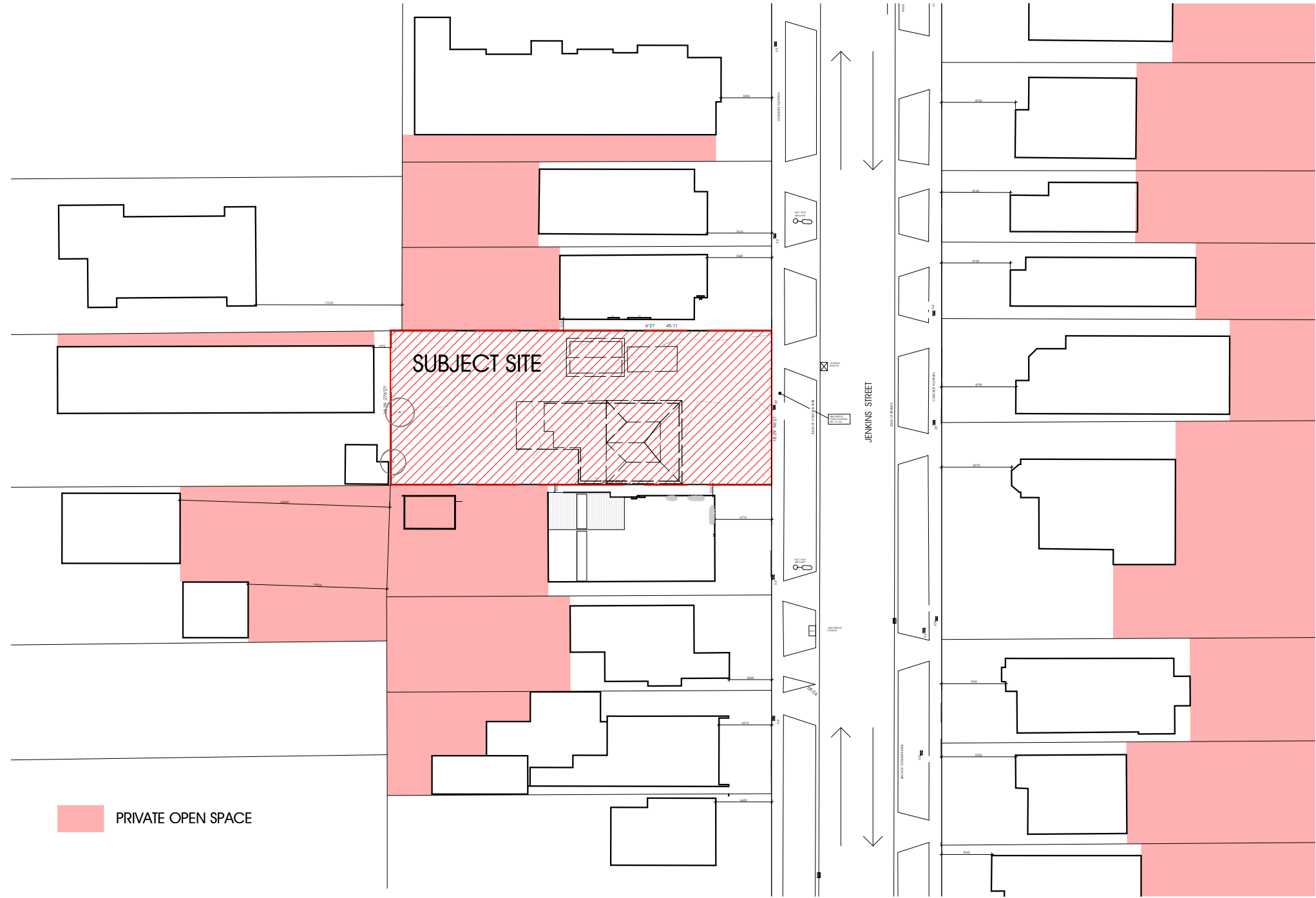
# PROJECT:

26 JENKINS STREET  
NORTHCOTE

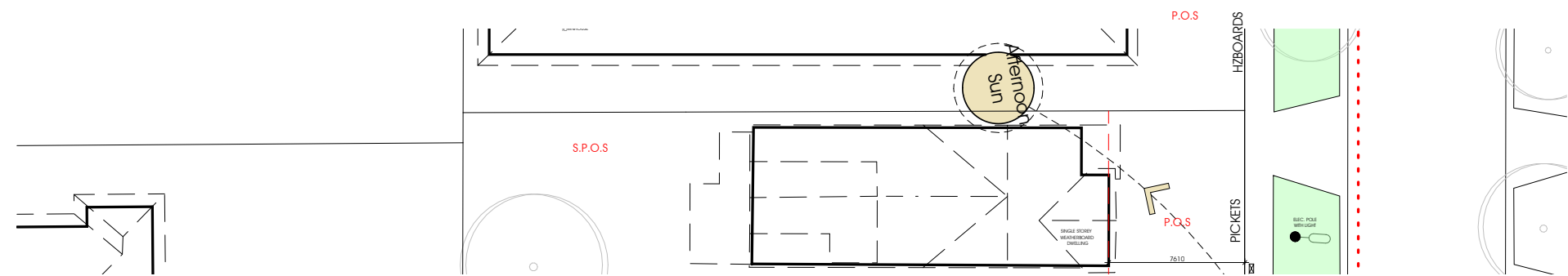
TOWN PLANNING ISSUE



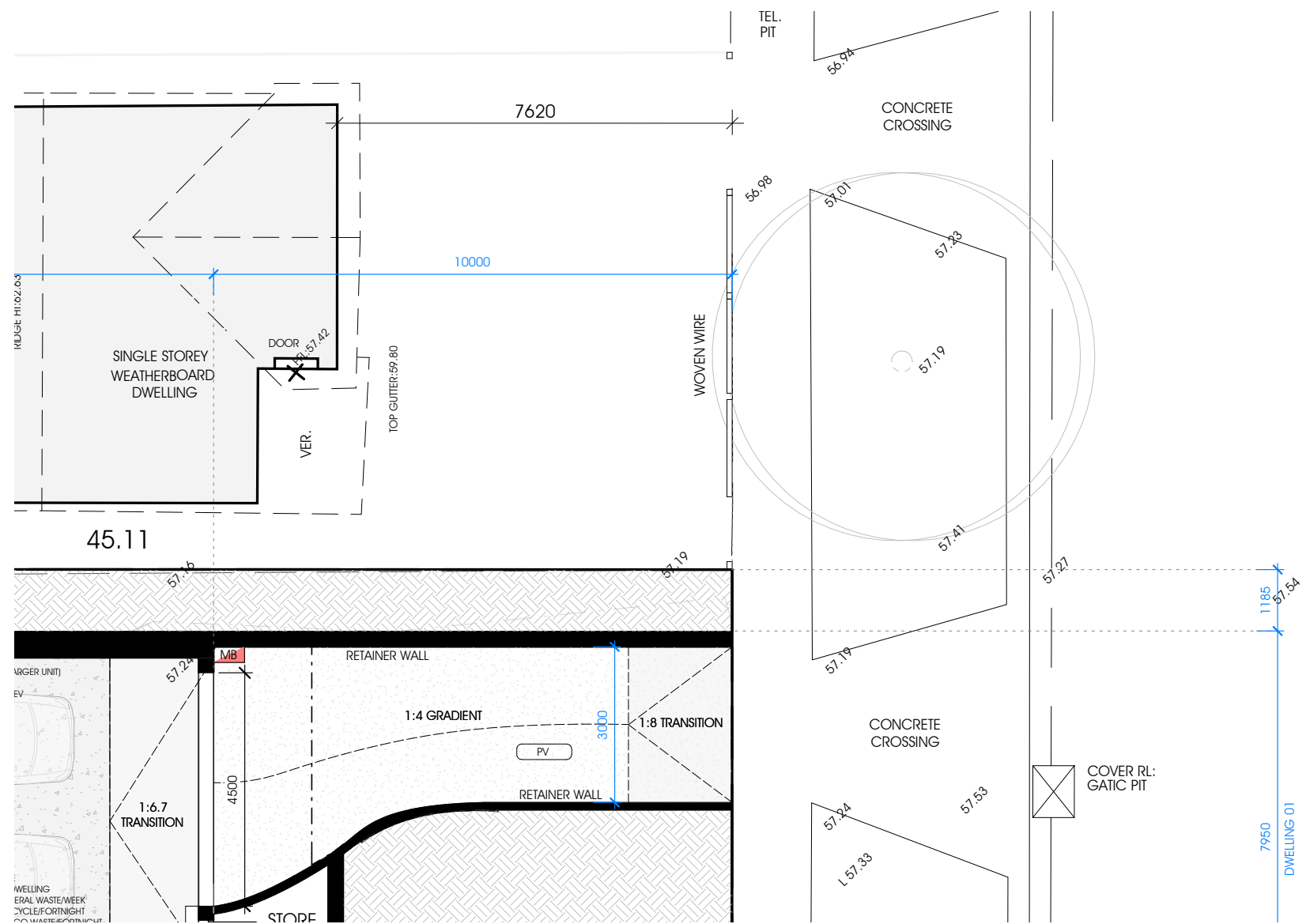
Y SCHOOL  
ECT SITE



SITE CONTEXT PLAN A  
SCALE 1 : 500





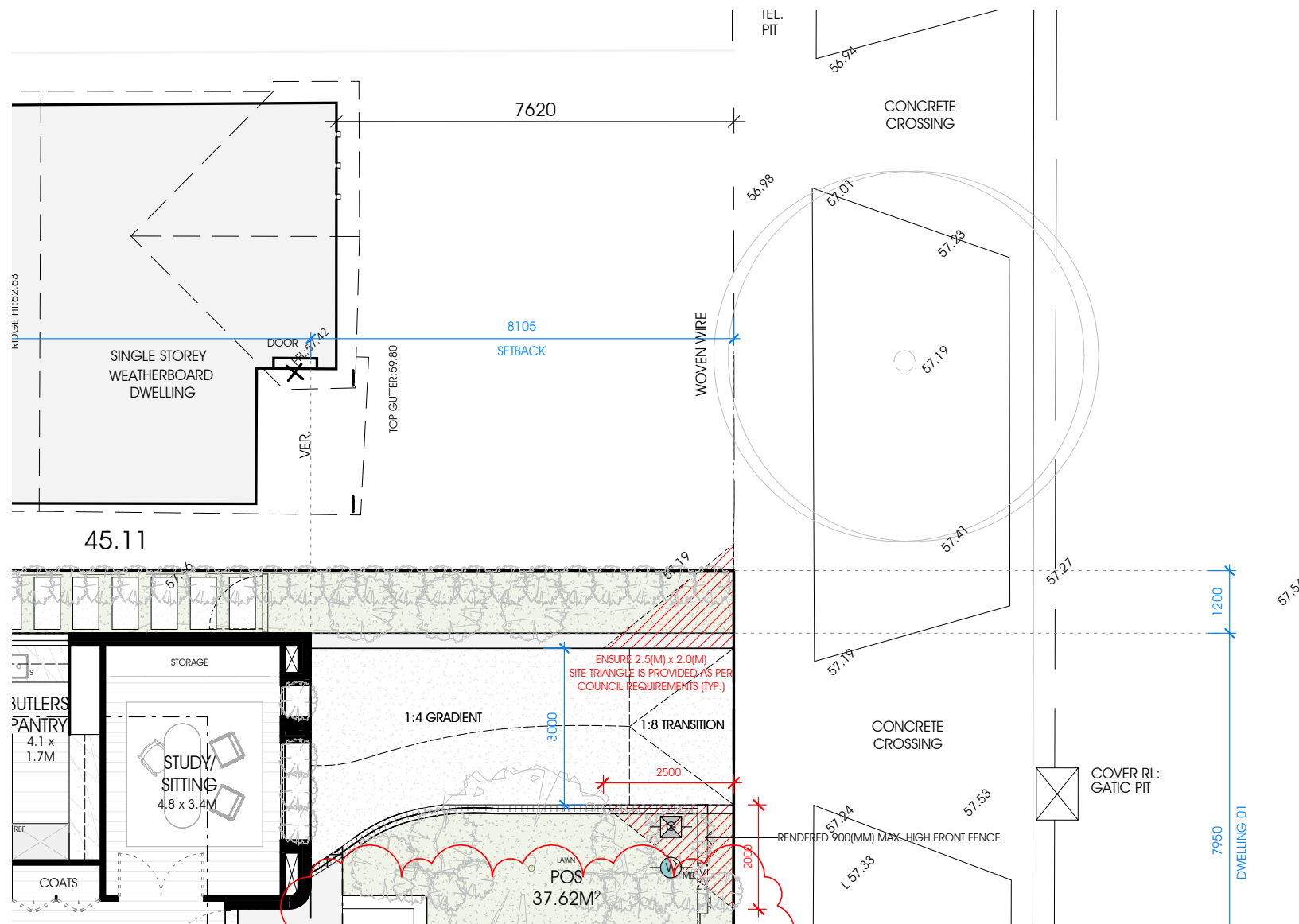


**AREA ANALYSIS**

TOTAL SITE AREA			825m <sup>2</sup>
AREA	M <sup>2</sup>	SQUARES	PERCENTAGE
<b>DWELLING 1</b>			
BASEMENT GARAGE	71.3	7.7	
BASEMENT LIVING	69.4	7.5	
GROUND LIVING	203.7	21.9	
PORCH	6.3	0.7	
COVERED ALFRESCO	26.0	2.8	
FIRST FLOOR LIVING	154.5	16.6	
DRY COURTYARD	4.0	0.4	
S.P.O.S	109.24		
P.O.S	48.28		
TOTAL LIVING	427.6	46.0	
TOTAL BUILDING	532.2	57.1	
<b>DWELLING 2</b>			
BASEMENT GARAGE	87.6	9.4	
BASEMENT LIVING	73.1	7.8	
GROUND FLOOR	182.5	19.6	
PORCH	4.7	0.5	
COVERED ALFRESCO	30.9	3.3	
FIRST FLOOR	167.8	18.0	
S.P.O.S	129.75		
P.O.S	42.75		
TOTAL LIVING	423.4	45.5	
TOTAL BUILDING	546.6	58.8	
SITE COVERAGE	482.15		58.44%
PERMEABILITY	184.34		22.34%
GARDEN AREA (MIN 35%)	305.04		36.96%

**DRAWING LEGEND**

SYMBOL	DESCRIPTION
LB	LETTER BOX
RWT	RAIN WATER TANK - REFER TO PLAN FOR SIZE
HW	INSTANTANEOUS HOT WATER SERVICE
R B	RUBBISH BINS
CL	CLOTHESLINE
STR. 6 <sup>3</sup>	STORAGE SHED
---	PROPOSED FENCE LINE
MB	ELECTRICITY METER BOARD
GM	GAS METER

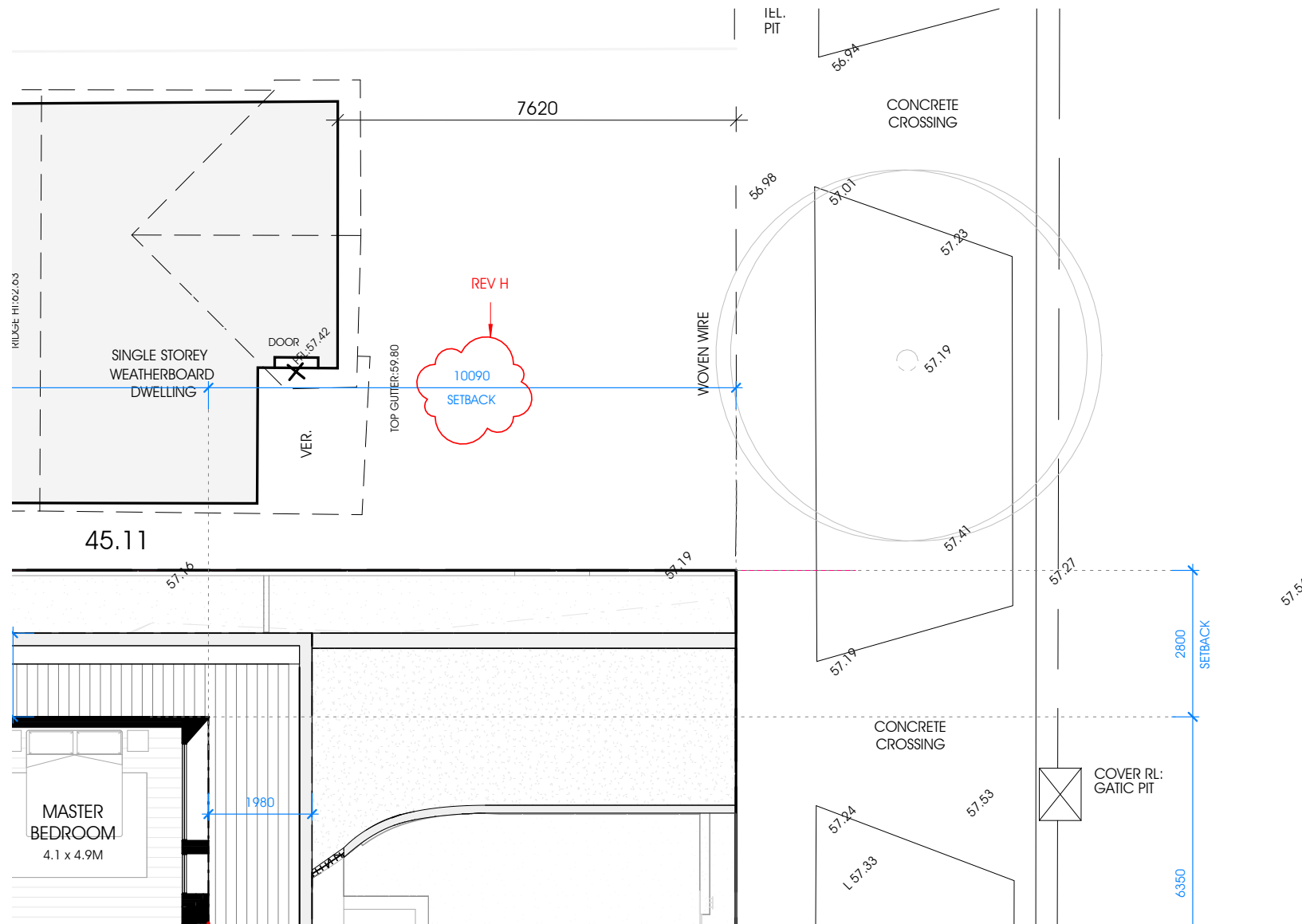


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STR.6 <sup>3</sup>	STORAGE SHED
---	PROPOSED FENCE LINE
MB	ELECTRICITY METER BOARD
GM	GAS METER



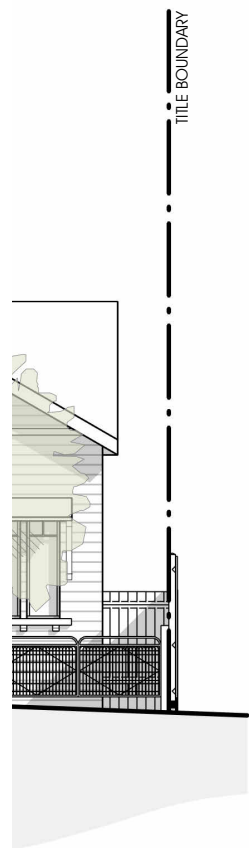
AREA ANALYSIS

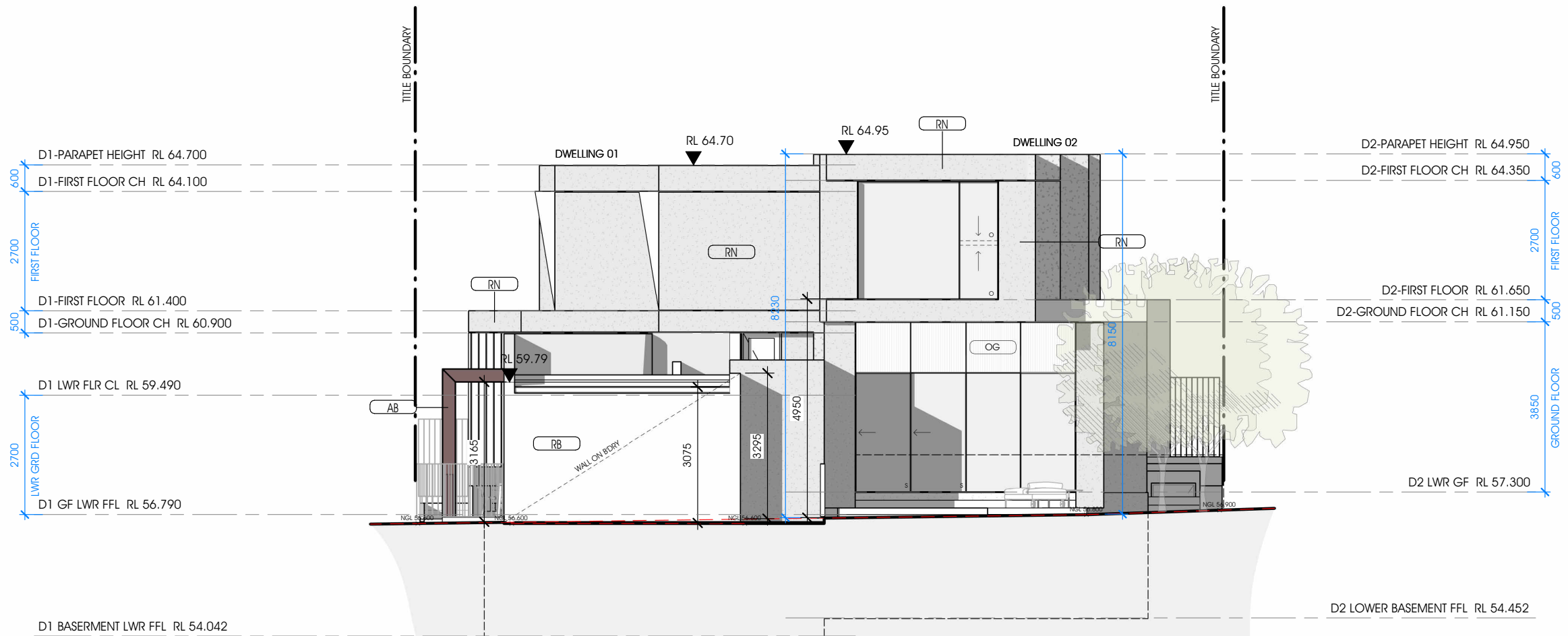
TOTAL SITE AREA			825m <sup>2</sup>
AREA	M <sup>2</sup>	SQUARES	PERCENTAGE
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R B	RUBBISH BINS
CLOTHESLINE	CLOTHESLINE
STR.6 <sup>3</sup>	STORAGE SHED
PROPOSED FENCE LINE	PROPOSED FENCE LINE
MB	ELECTRICITY METER BOARD
GAS METER	GAS METER

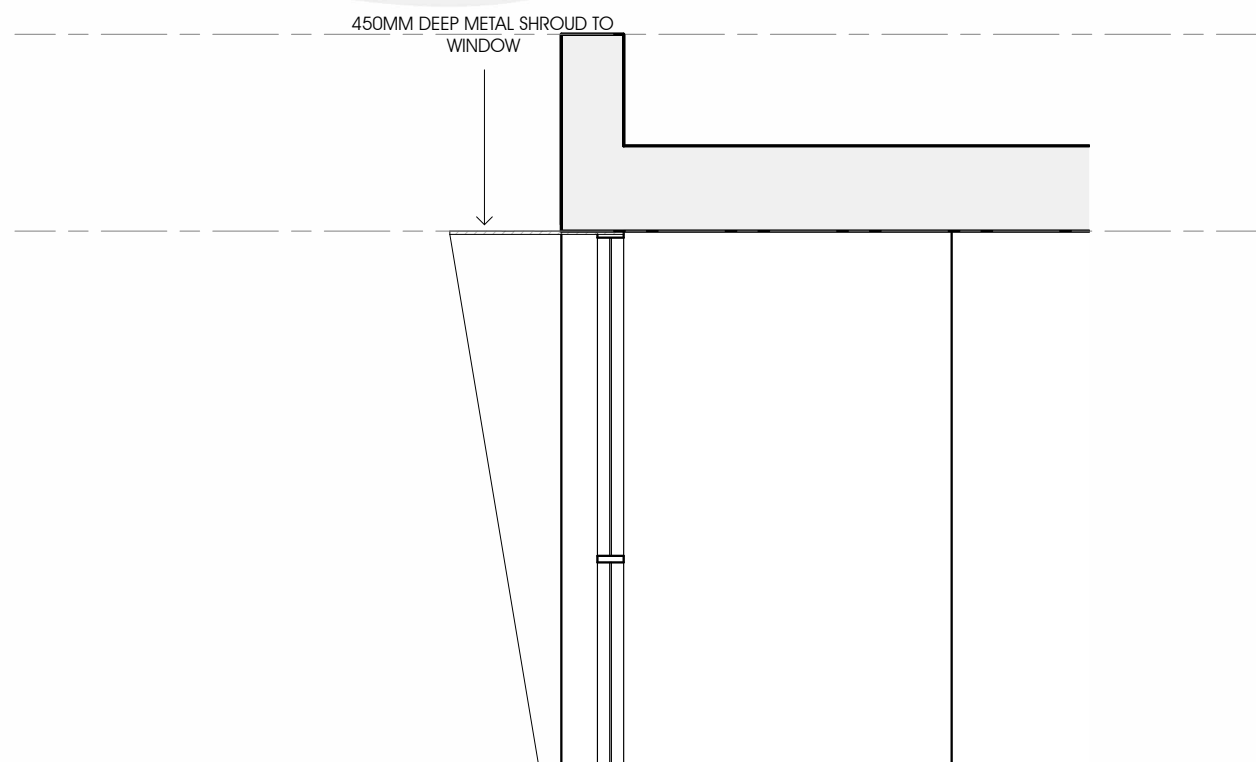
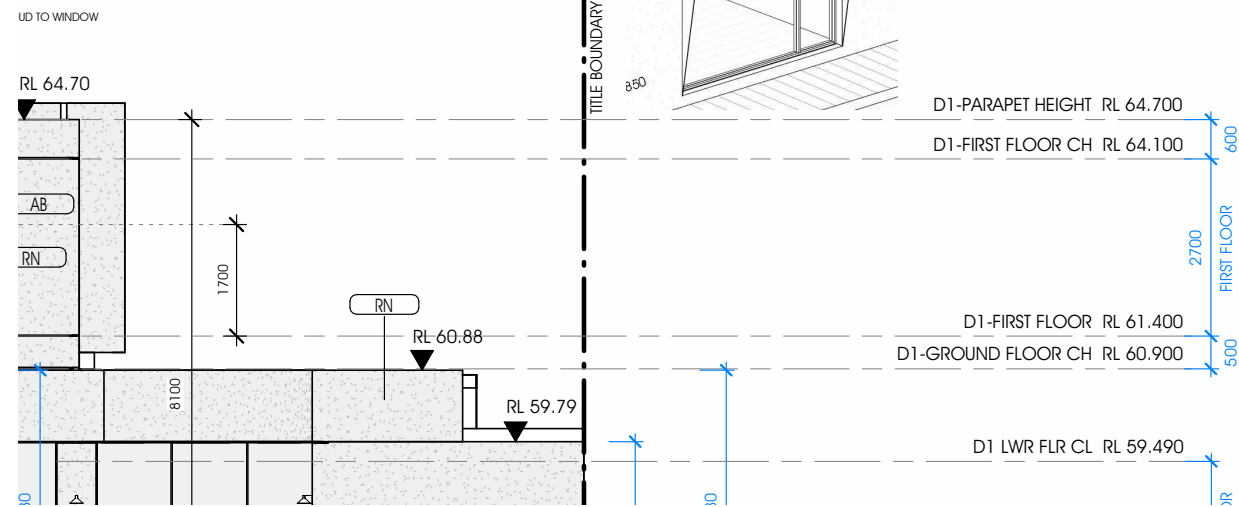
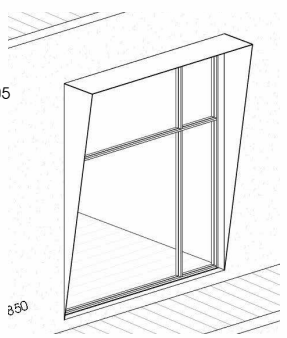


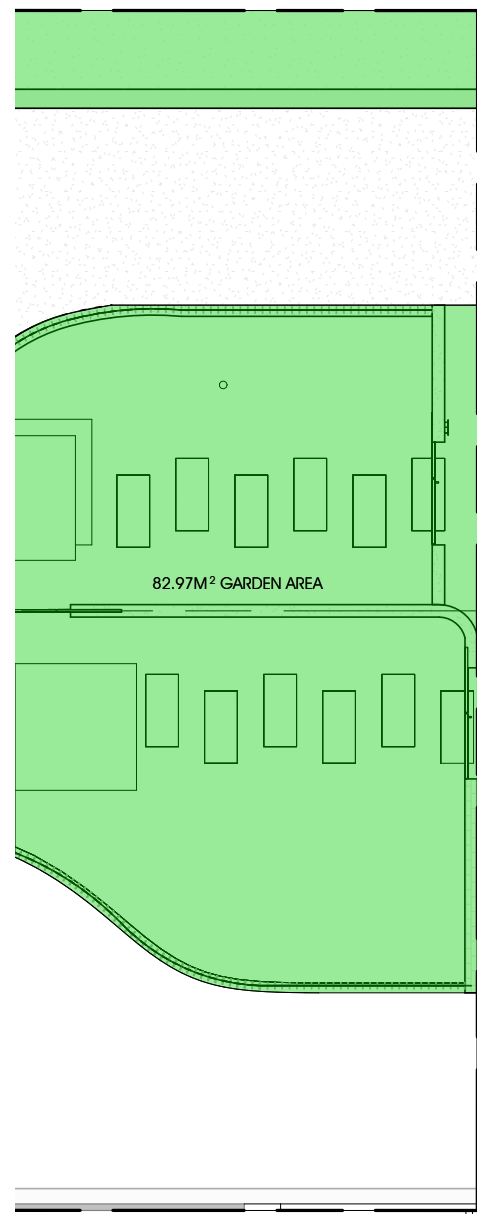




PROPOSED SOUTH ELEVATION  
SCALE 1 : 100

450MM DEEP METAL SHROUD TO WINDOWS  
AT DWELLING 01 FF RETREAT, FF BEDROOMS 03, 04 & 05





1490



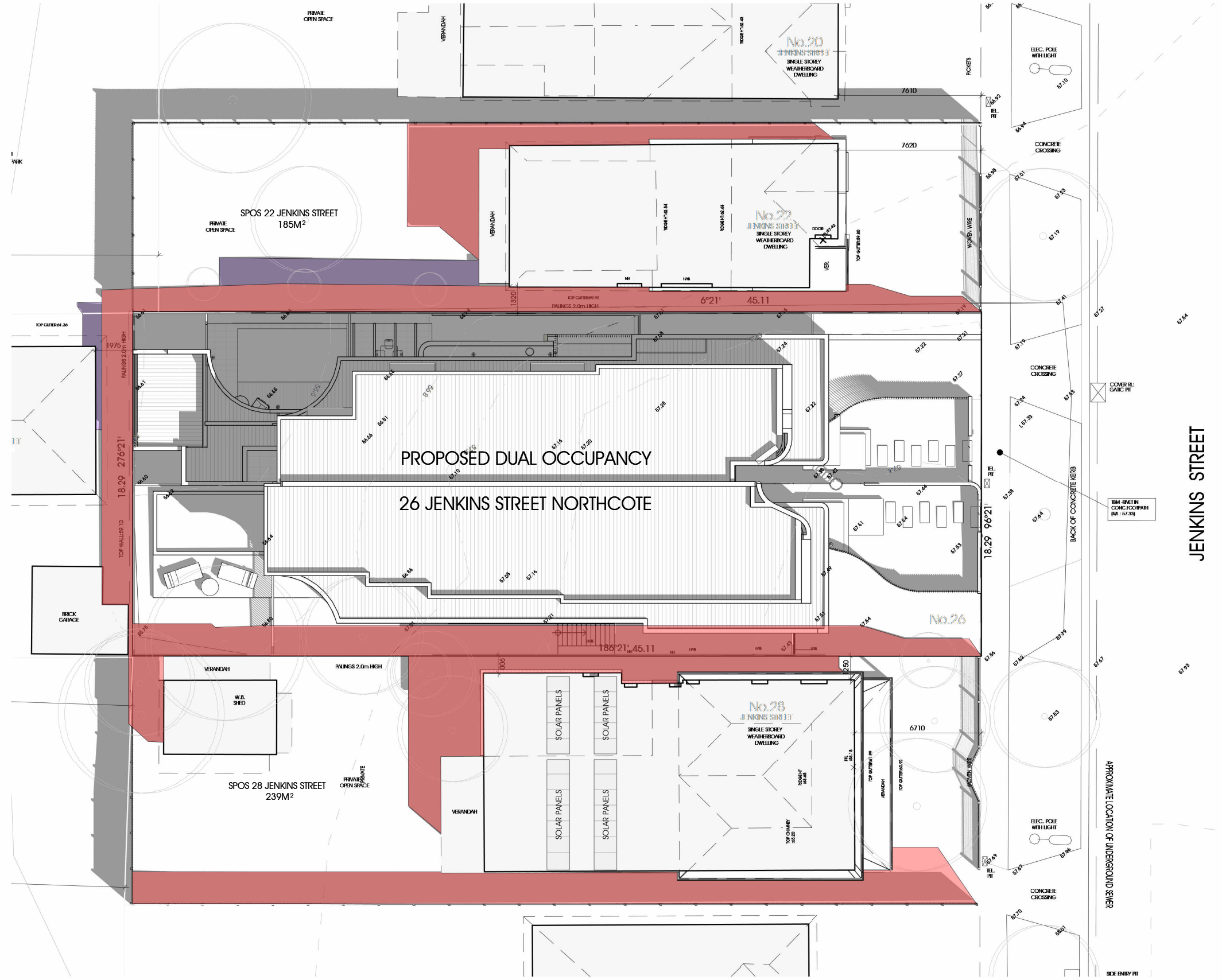
HATCH DENOTES GARDEN AREA

**GARDEN SPACE REQUIREMENT**

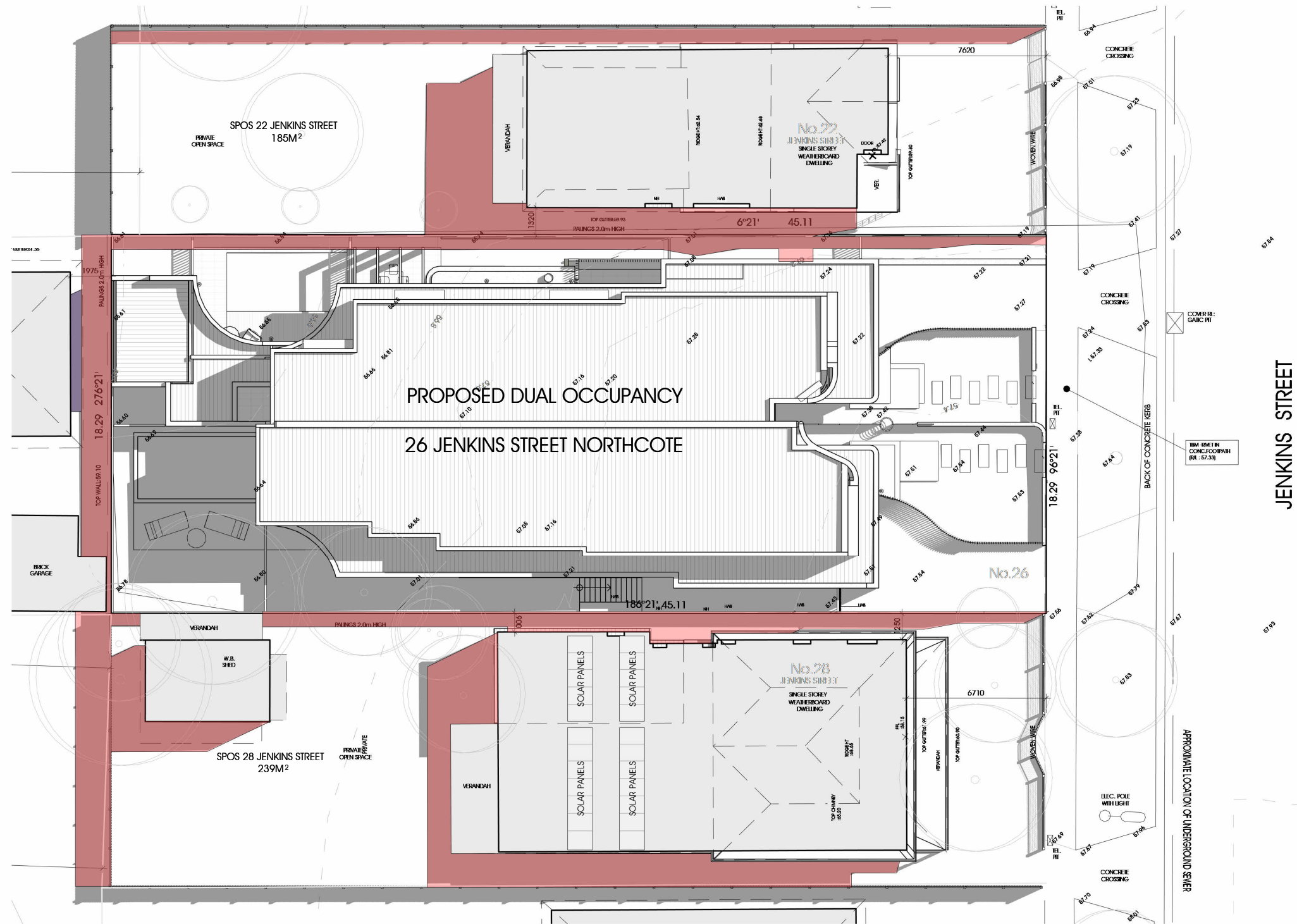
TOTAL SITE AREA		825.06 m <sup>2</sup>	
AREA	M <sup>2</sup>	SQUARES	PERCENTAGE
REQ'D GARDEN SPACE (35%)	299.51 M <sup>2</sup>		36.30%

ALL SECTIONS OF 'GARDEN AREA' WITHIN THE DEVELOPMENT LAYOUT, IN ACCORDANCE WITH THE DEFINITION OF GARDEN AREA IN CLAUSE 73.01 OF THE DAREBIN PLANNING SCHEME (AS PER PLANNING SCHEME AMENDMENT VC143 GAZETTED ON 15 MAY 2018) AND AS PER PLANNING PRACTICE NOTE 84 DATED MAY 2018.

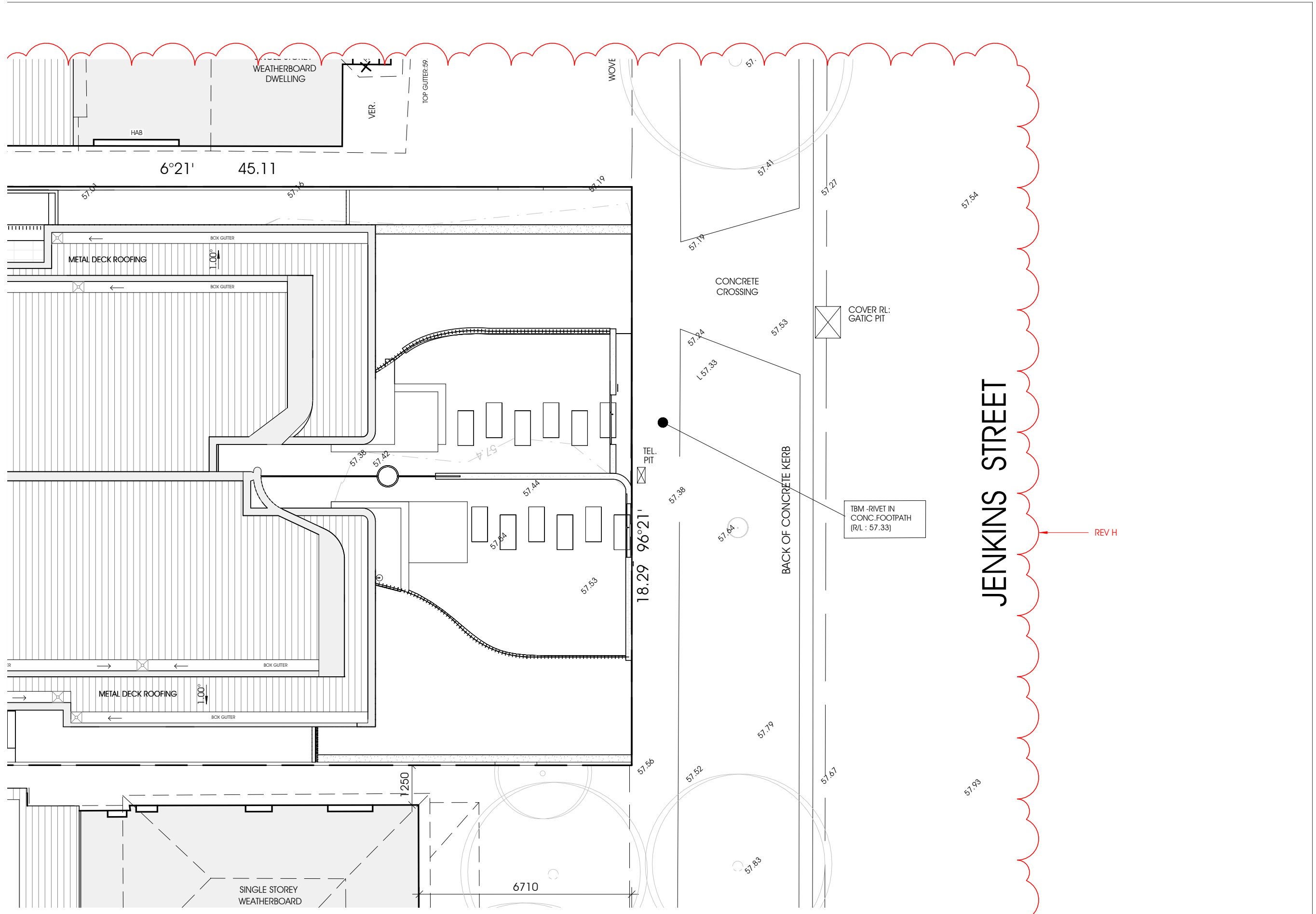
P - GARDEN AREA PLAN  
SCALE 1 : 100

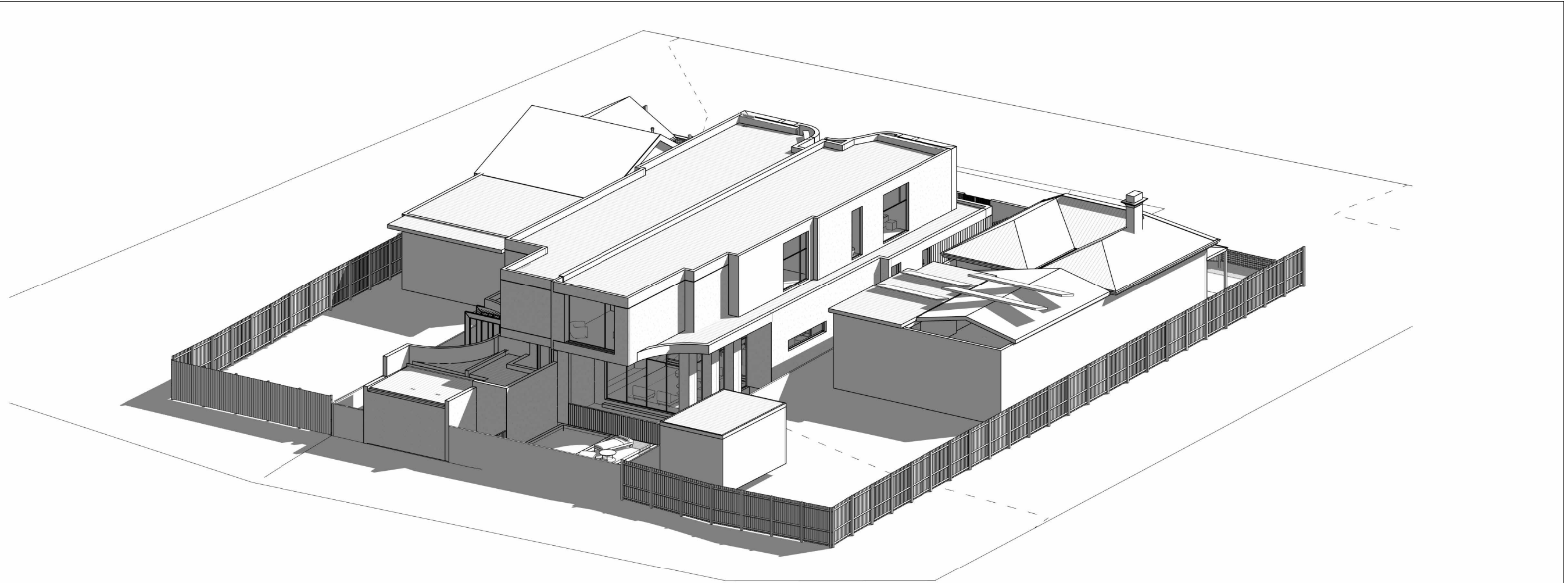


SH - 10AM SHADOW 22 SEPTEMBER  
SCALE 1:200

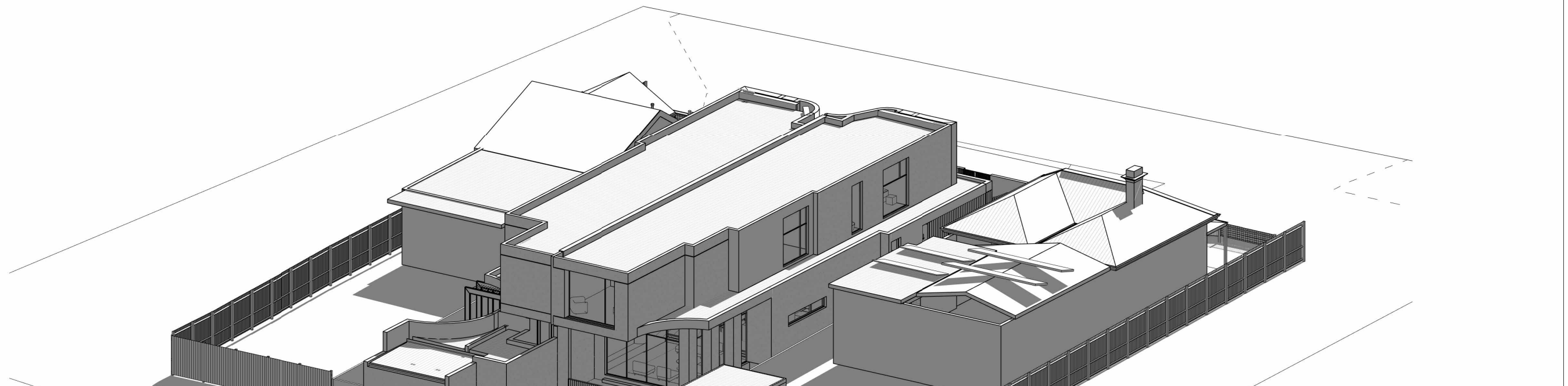


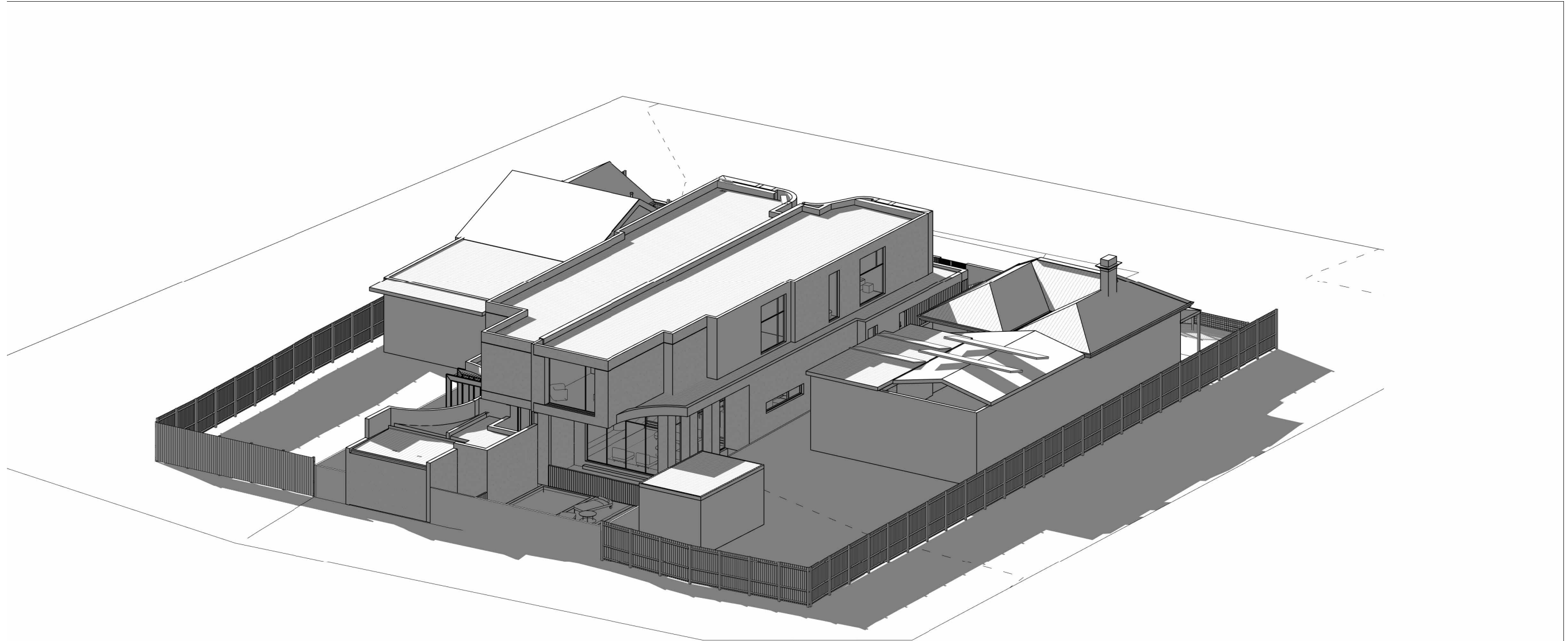
DOW 22 SEPTEMBER





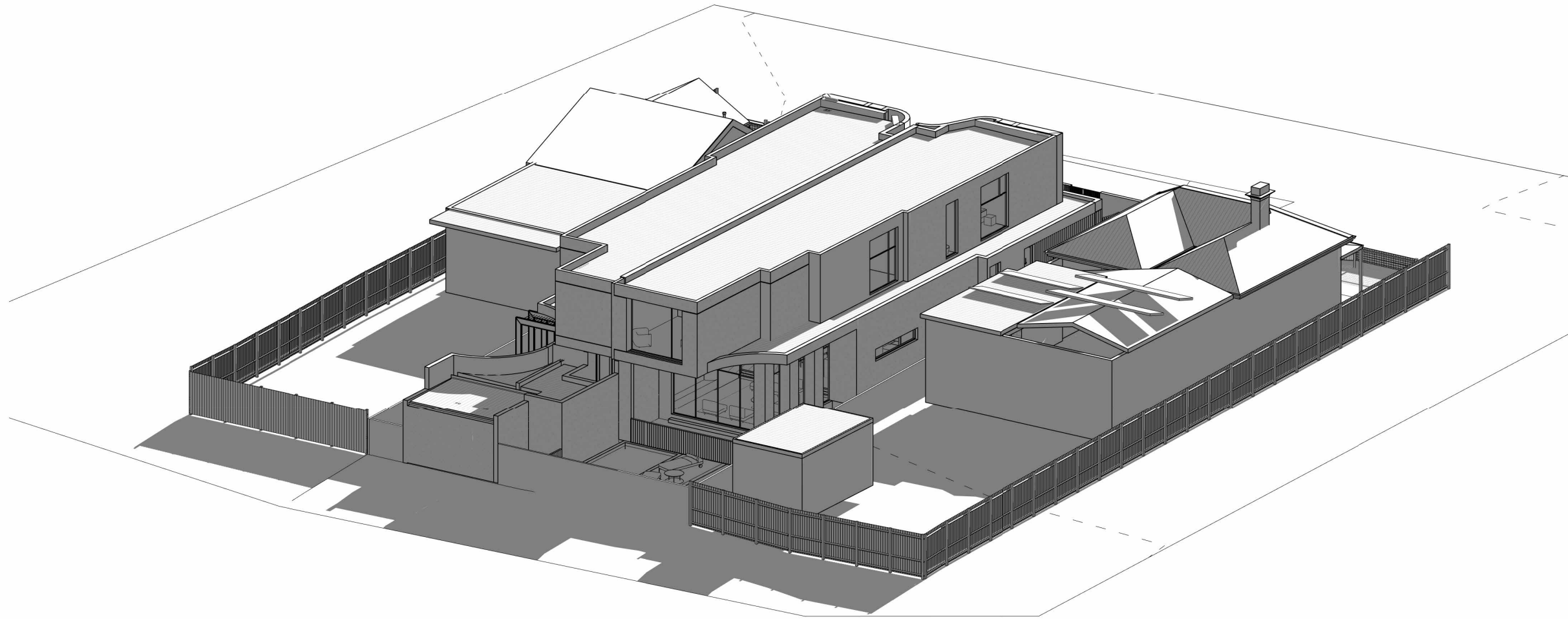
10AM ISO SHADOWPLAN  
SCALE





IPM 22 SEPTEMBER ISO SHADOWPLAN  
CALE





12PM ISO WINTER SOLSTICE SHADOWPLAN  
SCALE

**Objector Map – 26 Jenkins Street Northcote**  
100 metres radius (blue) – Subject site (red)  
Darebin City Council  
16/06/2023



**Legend**

Subject Site
100 metre Radius

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26 Jenkins Street Northcote – Consideration of Planning Permit Application D/559/2022

## Appendix E - Reference Tables

### Clause 22.02 - Neighbourhood Character Assessment

The subject site is located within Neighbourhood Character Precinct A2 (Victorian and Edwardian) of Darebin’s Neighbourhood Character study (Clause 22.02). The table below addresses the applicable Neighbourhood Character assessment objectives.

Objective	Comment	Complies
<b>Existing Buildings</b>		
To encourage the retention of older dwellings that contribute to the valued character of the area in the design of development proposals.	The existing Victorian weatherboard dwelling is not covered by heritage overlay and can be removed from the site. The current siting of the existing dwelling fails to support efficient use of the site. Retention of the dwelling is not conducive with creating an additional dwelling on the land.	Complies
<b>Vegetation</b>		
To maintain and strengthen the garden setting of the dwellings and the presence of trees in the streetscape.	A detailed landscape plan has been provided (via Keystone Alliance) which indicates substantial planting of new vegetation is possible. A condition of approval would require an amended landscape plan in accordance with the canopy tree planting required by Council’s Tree Management Unit, as well as other administrative requirements (e.g. Construction details of garden beds and tree protection measures).  Amended plans provide additional space for landscaping within the front setback. Three (3) canopy trees are proposed within the front setback which will improve the current sparsely vegetated space over time.	Complies subject to conditions
<b>Siting</b>		
To provide space for front gardens.	The proposal would provide greater than an 8.1 metre setback for a front garden in accordance with the preferred neighbourhood character. The façade overhang between the two (2) proposed dwellings has been setback as part of the reduced built form to the upper level. This revision allows for additional planting within the expanded space separating the entrances	Complies subject to conditions

	to the proposed dwellings. In addition, the pathway to each entry has been significantly reduced to further soften the presentation to the street. A condition of approval ensures the three (3) medium canopy trees are provided within the front setback.	
To maintain and reinforce the existing rhythm of spacing between dwellings.	<p>The proposal is set back from both side boundaries which corresponds to the predominant existing spacing between buildings and to both adjoining sites fronting Jenkins Street.</p> <p>Dwelling 1 is shown with single level construction to the rear boundary with a 4.5 metre length of wall on boundary set back 2.01 metres from the south-west corner of the site, adjoining the double storey block of flats at No. 15 Christmas Street. This built form will not be apparent from the public realm. This single level built form interfaces with the older double storey block of flats fronting on to Christmas Street to the south and will not degrade amenity of the occupants of the flats or the associated use of the carparking hardstand area.</p>	Complies
To minimise the loss of front garden space and the dominance of car parking structures.	<p>The car parking is located in the basement below natural ground level aligned with the façade above and will not dominate the presentation to the street.</p> <p>The retention of the existing crossover and proposed additional single crossover are supported by Council's Transport Unit given the width of the site and net gain to on-street parking with six (6) car spaces provided on-site.</p> <p>The proposal provides satisfactory areas for landscaping. An amended landscape plan is requested as a condition of the recommendation.</p>	Complies subject to conditions
<b>Height and Building Form</b>		
To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.	Dwellings in the area are a combination of both single and double storey. However, it is acknowledged Jenkins Street west of Wales Street is predominantly single storey, with only No. 8 and 12 being double storey construction. Notably, a contemporary double storey single dwelling is nearing completion at the corner of	

	<p>Wales Street and Jenkins Street, approximately 100 metres to the east.</p> <p>The No. 26 proposal presents a graduated increase in height over adjoining single storey buildings with the flat roof minimising overall height and bulkiness. The façade is set back 8.10 metres which exceeds the front setback of the adjoining dwellings. The upper level is similarly set back from the street interface, creating a simpler overall form which responds to the Council-adopted Good Design guidelines by limiting unnecessary articulation.</p> <p>The proposal is supported by Council's Designer noting: High-quality design comprising curved and staggered forms, displaying a level of contemporary asymmetry – which is what our policy asks for.</p> <p>There is a level of responsiveness to typical duplication of Victorian dwellings, with the proposal presenting as two dwellings. Partial mirroring lessened by the sculptural gap treatment of the façade does respond in part, to Victorian symmetry of local built form, as does the bold vertical rhythm of the proposed fenestration. The proposed basement car parking reduces car dominance to the streetscape.</p> <p>There is strong contrast with local heritage buildings which is positive.</p> <p>Furthermore, the incremental change from one storey to two storey built form is consistent with the zoning.</p>	
<p>Materials and Design Detail</p>		
<p>To ensure that the use of materials and design detail in new development complements that of the predominant building styles in the street.</p>	<p>The proposal offers a contemporary design response to the local heritage dwellings by re-imagining attributes such as entrance verandahs, batten and fretwork detailing, large sash windows with connection to the street and the low permeable front fence.</p> <p>The proposed building is to be rendered in a high-quality textured finish somewhat reminiscent of rough stucco, combined with new addition of vertical extruded cladding (being a modern interpretation of local weatherboard treatments). Façade and fencing punctuated by anodised metal slimline fenestration and low</p>	<p>Complies</p>

	<p>permeable metal batten fencing. Considered architectural detailing emphasises the curved walls and articulation of the development.</p> <p>The palette is of warm neutral tones which are appropriate within the surrounding streetscape and will not be discordant. As the site is not affected by heritage controls, the use of texture and materiality is acceptable as being interpretative of surrounding structures.</p>	
<p>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>	<p>The proposal is supported by Council's Designer as it is a high-quality contemporary architectural response that interprets local built form in a bold and innovative way. The improved and site responsive front setback, curved forms and architectural detailing combine to provide an visually interesting and activated façade to the street.</p>	Complies
<p>Front Boundary Treatment</p>		
<p>To maintain the openness of the streetscape and views to established gardens and dwellings.</p>	<p>The proposed low front fencing is in-keeping with the local character and overall design, being generally permeable allowing views into the landscaped front setback and the façade beyond.</p>	

Overall, the proposal is compliant with the requirement of the Neighbourhood Character Study and Design guidelines for the precinct.

**CLAUSE 55 COMPLIANCE SUMMARY**

Clause	Std		Compliance	
			Std	Obj
<b>55.02-1</b>	<b>B1</b>	<b>Neighbourhood character</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.02-2</b>	<b>B2</b>	<b>Residential policy</b>		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y

Clause	Std		Compliance	
<b>55.02-3</b>	<b>B3</b>	<b>Dwelling diversity</b>		
		N/A as development contains less than 10 dwellings	N/A	N/A
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		Adequate infrastructure exists to support new development	Y	Y
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		Dwellings appropriately integrate with the Street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The required setback is 7.16 metres, the dwellings are set back 8.10 metres from the street frontage.	Y	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		8.23 metres	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		58.44%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		22.34%	Y	Y
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		N/A as the site does not abut public open space.	N/A	N/A



Clause	Std		Compliance	
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient and respects the character of the area.	Y	Y
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		Length: 5.38 metres Height: 3.075 metres average Walls on boundaries comply with the requirements of this standard.	Y	Y
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		

Clause	Std		Compliance	
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	Y	Y
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Shadow cast by the development is within the parameters set out by the standard. Notably, the development will allow 5 hours of solar access to existing adjoining solar array at the Winter Solstice – which is beyond what is required by the Standard.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		Internal views are appropriately managed.	Y	Y
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		Noise impacts are consistent with those in a residential zone.	Y	Y
<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
<b>55.05-3</b>	<b>B27</b>	<b>Daylight to new windows</b>		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
<b>55.05-4</b>	<b>B28</b>	<b>Private open space</b>		

Clause	Std		Compliance	
		Please see assessment in the body of this report.	Y	Y
<b>55.05-5</b>	<b>B29</b>	<b>Solar access to open space</b>		
		Sufficient depth is provided for adequate solar access.	Y	Y
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		Sufficient storage areas are provided.	Y	Y
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		A 0.9 metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		No Common property areas.	N/A	N/A
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		Sufficient areas for site services are provided.	Y	Y

## 6. OTHER BUSINESS

### 6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE

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#### EXECUTIVE SUMMARY

The General Planning Information attached at Appendix A contains:

- A summary of decisions upheld by VCAT by financial year 2023-2024 to date.
- Table 1 includes a revised format to include a column that outlines performance against the Local Government Performance Reporting Team (LGPRF) and a column that more accurately outlines Council's performance by including decisions resolved through mediation.
- Table 2 is a summary of decisions issued since last reported to Council (financial year 2023-2024).

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

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#### Attachments

- Applications determined by VCAT - April 2024 (**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.

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**TABLE 1: SUMMARY OF DECISIONS UPHELD BY FINANCIAL YEAR TO DATE - APRIL 2024**

	Number of VCAT Decisions	Percentage of decisions upheld (as reported to LGPRF*)	Percentage of decisions upheld (incl. all mediated)
<b>Council decisions</b>	1	0% 0/1	0% (0/1)
<b>Delegate decisions</b>	19	58% 11/19	89% (17/19)
<b>All decisions</b>	<b>20</b>	<b>55% 11/20</b>	<b>85% (17/20)</b>

**Comment on performance and trends**

This financial year to date (at the time of reporting) there have been twenty 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. The current results reflect positively on Council’s robust decision making, with 85% of decisions upheld this financial year to date.

**Revision to Table 1**

New reporting guidelines were released by the Local Government Performance Reporting Team (LGPRF) for the 23-24 financial year. Table-1 has been expanded to include 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.*

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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 three VCAT decisions that are not reportable to LGPRF and are not captured in the above table. All three decisions were delegate decisions that were withdrawn by the permit applicant.*

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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/362/2022 P937/2023	30 Dean Street PRESTON  Central	Construction of three (3) dwellings	Permit (subject to conditions)	Delegate (NOD)	S82	PDH	Dismissed	Yes
<p><b>Discussion</b>                      In P937/2023 the Tribunal determined to remove the objector party from the appeal proceeding on the basis that the party did not hold a legal interest in the adjoining land at 28 Dean Street. This ruling was made on the basis that the objector had sold their property prior to the hearing. Had P937/2023 remained on foot, the Tribunal indicated it would have struck out 4 of the 6 grounds of review on the basis that they were lacking in substance and misconceived.</p>								
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/164/2022 P706/2023	82 Wood Street PRESTON  Central	Construction of a 3-storey apartment building and a reduction of two (2) visitor car parking spaces	Refuse	Delegate (Refuse)	S77	No hearing	Set aside	Yes

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<p><b>Discussion</b>                  In P706/2023 the parties reached a consented position following the submission of amended plans which addressed Council’s grounds of refusal. The grounds of refusal related to architectural quality, visual bulk, inadequate setbacks, poor internal amenity as well as non-compliance with a number of ResCode standards. The amended plans result in compliance with ResCode and introduced a built form response in keeping with the Darebin Good Design guidelines while ensuring an appropriate level of on and off-site amenity.</p>								
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/465/2015 P1423/2023	36-46 High Street PRESTON  South Central	Declaration proceeding requesting the Tribunal determine the Community Infrastructure Levy (CIL) as not payable	CIL payable	Delegate	S149A	No hearing	Withdrawn	Yes
<p><b>Discussion</b>                  In P1423/2023, the application to the Tribunal was withdrawn. The applicant withdrew their application following additional preparatory work, including work that occurred in response to the disclosure of Council’s position.</p>								
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?



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D/749/2021 P828/2023	298 Victoria Road THORNBURY South East	Construction of three (3) dwellings and a reduction of two (2) car parking spaces	Refuse	Delegate	S77	Hearing	Set Aside	Yes
<p><b>Discussion</b>                  In P1423/2023, the application plans were amended, resulting in a built form outcome that addressed Council’s refusal grounds. Council changed its position at the hearing to support the amended design, a final position which was upheld by the Tribunal. The amended proposal was considered an appropriate built form response, which addressed planning policy requirements, while providing a reasonable level of onsite amenity and limiting off site amenity impacts.</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*

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**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.

**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**

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