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AGENDA

Planning Committee Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 14 August 2017
at 6.00 pm.

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Agenda

1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco (Deputy Mayor)

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

2. APOLOGIES

Cr. Tim Laurence is on an approved leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 10 July 2017 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

**5.1 APPLICATION FOR PLANNING PERMIT D/47/2017
15 Herbert Street, Northcote**

Author: Senior Planner

Reviewed By: Director City Futures and Assets

Applicant William Stewart	Owner William Stewart
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SUMMARY

- The applicant is proposing to demolish the existing dwelling and construct a new double storey dwelling on a site with a heritage overlay – schedule 162.
- The site is zoned Neighbourhood Residential Zone 1 and is greater than 300 square metres.
- There is no restrictive covenant on the title for the subject land.
- Nine (9) objections were received against this application.
- The proposal is not required to be assessed against Clause 55 of the Darebin Planning Scheme.
- The proposal is generally consistent with the objectives of the Heritage Overlay (HO 162 – Rucker’s Hill)
- It is recommended that the application be supported.

CONSULTATION:

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

Recommendation

That Planning Permit Application on D/47/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: Existing Conditions Site Plan, Ground Floor and Upper Ground Floor Plan, First Floor and Upper First Floor Plan, Rooftop Terrace Plan, and Elevations; TP01–05; Project No. 1602; prepared by df design and drafting and dated 13 December 2016) but modified to show:
 - (a) The existing dwelling identified as to be demolished on the Existing Conditions Site Plan.

- (b) Dimensioned setbacks from the site boundaries to the dwelling at each floor.
- (c) Overall building height to Australian Height Datum (AHD).
- (d) A comprehensive schedule of construction materials, external finishes and colours (including colour samples), to the satisfaction of Council's Heritage Adviser.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) The land must be drained to the satisfaction of the Responsible Authority.
 - 5) 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.
 - 6) 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.

NOTATIONS

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

- Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If any other modifications are proposed, application must also be made *for their approval under the relevant Sections of the Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed.

It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
 - This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
 - This planning permit does not represent approval for residential siting. Residential siting would be assessed by the Building Surveyor under relevant Building Regulations when considering an application for a building permit.
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INTRODUCTION AND BACKGROUND

There are no previous planning permit applications for this site.

ISSUES AND DISCUSSION

Subject site and surrounding area:

- The subject site is located on the western side of the Herbert Street backing onto the Railway Line.
- The site has a frontage of 9.6 metres and a depth of 33.53 metres, giving a site area of 322 square metres.
- There is an existing weatherboard worker's cottage on the site in poor condition.
- The surrounding area includes different examples of intact post-Federation, and inter-war buildings.

OBJECTIONS

- Nine (9) objections received.

Objections summarised

- Materials and Finishes.
- Detrimental to the heritage character.
- Overdevelopment of the site.
- Roof deck / third storey.
- Loss of city views as a result of the development.
- Building Height.
- Overlooking.
- Site coverage.
- Overshadowing.
- Lack of Landscaping.

- Side setbacks / lack of dimensions.
- Wall on the northern boundary.

Officer comment on summarised objections:Materials and Finishes

The mix of materials including metal cladding and brick is considered to adequately address the requirements of the Heritage Overlay. A comprehensive materials and finishes schedule has been requested as a condition of approval to ensure that the proposed finishes and colours are to the satisfaction of Council's Heritage Adviser.

Detrimental to the heritage character

The proposal has been approved by Council's Heritage Advisor. Please see further comments in the report.

Overdevelopment of the site

This is a heritage assessment only and therefore the scale of the development can only be considered on heritage grounds.

The proposal consists of a single dwelling and its scale is not dissimilar to that of the adjoining property at 13 Herbert Street. The proposal will not dominate the streetscape nor impose upon nearby heritage dwellings.

Roof deck / third storey

The presence of a roof deck or number of storeys is not considered detrimental nor relevant to the heritage concerns of this development.

Loss of city views as a result of the development

Views are not a legal right nor are they considered in the decision guidelines to the Heritage Overlay.

Building Height

An assessment of the overall height will be conducted during the building permit stage.

Overlooking

An assessment of overlooking will be conducted during the building permit stage.

Site coverage

An assessment of site coverage will be conducted during the building permit stage.

Overshadowing

An assessment of overshadowing will be conducted during the building permit stage.

Lack of Landscaping

A landscape plan has not been provided nor is one required. Landscaping is not considered to significantly contribute to the heritage character of the area.

Side setbacks / lack of dimensions

An assessment of residential siting will be conducted during the building permit stage.

A condition of approval has been included to request building setback dimensions to ensure that the future building permit aligns with planning permit drawings.

Wall on the northern boundary

An assessment of residential siting will be conducted during the building permit stage.

PLANNING ASSESSMENT**Heritage Considerations:**

The subject site is located within the Heritage Overlay (HO162) –

STATEMENT OF SIGNIFICANCE – Taken from the Darebin Heritage Review: 2000.

The Northcote–Rucker’s Hill Area, known for a period as Upper Northcote, has its origins in the first land sales of 1840 and subsequent settlement which was consolidated during the late Victorian land boom and entered its final phase during the Inter–War years following a period of recovery after Federation. It is historically important as the central area of the former Municipality of Northcote which gained ascendancy over Northcote Township laid out by the Government Surveyor south of Westgarth Street. This importance is demonstrated by the inclusion within its limits of the principle shopping centre, first Government school, the seat of Local Government and public services and the principal churches of the former City.

Residential Areas

The residential areas of Rucker’s Hill are historically and aesthetically important. They are historically important (Criterion A4) on account of their capacity to demonstrate the attraction of the sloping land of Rucker’s Hill to attract Northcote’s middle classes at various times during the Municipality’s history but especially during the late Victorian Boom period and the Post Federation recovery. They are important also for their capacity to demonstrate the confirmation of Northcote as a working class suburb of the metropolis, linked with the industry of the City by the tramway and railway services that facilitated its development.

They are aesthetically important (Criterion E1) on account of the imposing early villa residences of the middle classes and the residential environments of the lesser streets established by the rows of representative small cottages and absence of nature strips creating a strong relationship between the streets and street facades characteristic of the working class suburbs of the metropolis. Here, the stylistic diversity resulting from the various periods of expansion is important in that it enables these processes of growth and consolidation to be interpreted.

The proposal is required to be assessed against the decision guidelines at Clause 43.01–4 of the overlay controls. Generally, the proposal complies with all relevant policies and guidelines as:

- The impact to the heritage fabric by the demolition of the building at the subject site is considered to be acceptable subject to conditions. The new replacement building will have a residential form and this combined with grey sheet metal cladding and sections of brick cladding will allow the development to sit comfortably in the streetscape of Herbert Street. The sheet metal cladding is reminiscent of roofing and brick cladding is a material found in the area.

- The scale, bulk and form of proposed dwelling will not dominate the streetscape and will adequately complement the existing heritage dwellings.
- The design appropriately avoids mimicry.
- The proposal will not negatively impact upon any other significant heritage dwellings nearby.
- The use of brick and timber will be complementary to the other nearby heritage dwellings.
- The proposal was approved by Council’s Heritage Adviser.

The proposal is considered to be consistent with the purpose of the overlay.

REFERRAL SUMMARY

Department/Authority	Response
Heritage Adviser	No objection. Council’s Heritage Advisor has assessed the existing cottage and has deemed it to be beyond retention. The replacement dwelling is considered to be a reasonable, contemporary replacement that will contribute positively to the streetscape.

PLANNING SCHEME SUMMARY

Requirement for a planning permit and planning scheme controls

- Clause 43.01–1 (Heritage Overlay)
 - A permit is required to demolish a building.
 - A permit is required to construct a building.
- As the site is greater than 300 square metres in area, the proposal does not trigger the need for a planning permit under the Neighbourhood Residential Zone.
- As the site is greater than 300 square metres in area the proposal does not trigger the need for a planning permit under the Design Development Overlay (Schedule 14 Northcote Major Activity Centre).
- The requirement for a development contribution under the Development Contributions Plan Overlay does not apply to works associated with single dwellings (including the replacement of a single dwelling).

PLANNING CONTROLS

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	15.01–1, 15.03, 19.03–1
LPPF	21.05–4
Zone	32.09
Overlay	43.01, 43.02, 45.06
Particular provisions	n/a
General provisions	65.01

Section of Scheme	Relevant Clauses
Neighbourhood Character Precinct	n/a

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

DISCLOSURE OF INTERESTS

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

RELATED DOCUMENTS

Darebin Planning Scheme and the *Planning and Environment Act (1987)* as amended.

Darebin Heritage Review, Andrew Ward, 2000.

Attachments

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

**5.2 APPLICATION FOR PLANNING PERMIT D/987/2016
71–73 Station Street, Fairfield**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Terrain Consulting Group	Osten and Chrome Pty Ltd	Terrain Consulting Group

SUMMARY

- Development of a four (4) storey building (plus basement) comprising 17 apartments (four (4) single bedroom, nine (9) 2–bedroom and four (4) 3–bedroom apartments).
- The proposal provides 18 car parking spaces, and is therefore seeking a total waiver of six (6) car spaces, including three (3) visitor spaces.
- The development provides a contemporary form with modulated box–like forms presenting to the street finished in angled vertical cladding, exposed concrete and glazed balustrades.
- The building provides a height of 12.6 metres.
- The site is zoned General Residential Zone Schedule 2.
- A Design and Development Overlay (Schedule 20) applies.
- There is no restrictive covenant on the title for the subject land.
- Three (3) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clauses 22.06, 43.02, 52.06 and 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Capital Works Unit, the Transport Planning and Management Unit, the Urban Design and ESD officers.
- This application was referred externally to VicRoads.

Recommendation

That Planning Permit Application on D/987/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TP00, TP10, TP11, TP12, TP13, TP14, TP15 and TP16, Rev 1 dated 28 October 2016, prepared by Eugene Cheah Architecture) but modified to show:
 - a) A landscape plan in accordance with Condition No. 5 of this Permit.
 - b) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 6 of this Permit).
 - c) Modifications in accordance with the Waste Management Plans (refer to Condition No. 7 of this Permit).
 - d) Modifications in accordance with VicRoads requirements (refer to Conditions No. 20 and 21 of this Permit).
 - e) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - f) The colour, texture or finish of the exposed sections of the elevation designed to provide visual interest.
 - g) Exposed concrete to be Grade 2 quality.
 - h) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the proposed crossover to Station Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - i) A single communal antenna for the development. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
 - j) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - k) Finished floor levels to Australian Height Datum.
 - l) All balconies to provide a minimum dimension of 1.6 metres.
 - m) Apartments allocated at least one (1) car parking space each.
 - n) The 1st and 2nd floor east facing windows and balconies provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level;
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. As part of the consultant team Eugene Cheah Architecture or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
 5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each apartment and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to apartments.

- h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. Before the development starts, a Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address the 10 key Sustainable Building Categories:

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

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

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

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

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

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

8. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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

9. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
10. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
11. All apartments that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
12. Before the apartments are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

to the satisfaction of the Responsible Authority.

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

19. Before the development is occupied, the vehicular crossing must be constructed to align with approved driveway to the satisfaction of the Responsible Authority.

VicRoads Conditions (No. 20 and 21):

20. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works hereby approved.
21. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.

Council Notations:

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.

VicRoads Notations:

- With regards to condition 19, the proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- Should you have any enquiries regarding this matter, please contact Ellen Davies on 03 9313 1124 on Ellen.Davies@roads.vic.gov.au

INTRODUCTION AND BACKGROUND

D/349/2016 – Development of a four (4) storey building (plus basement) comprising 27 apartments – Refused 18 June 2016. The application was refused planning permission on the following grounds:

1. The proposal does not comply with the Design and Development Overlay Schedule 20 or the Residential Built Form Guidelines, September 2014, with regard to: Garden apartment design, inadequate space for appropriate landscaping, poor opportunities for deep root planting, inadequate setbacks to the rear.
2. The proposal does not comply with Clause 22.06 with regard to Design, Sustainability, Amenity impacts and Internal amenity.
3. The proposal will provide poor internal amenity with significant balcony overhangs and screening.
4. Excessive visual bulk to adjoining properties.
5. Impact on the north facing habitable room windows of the adjoining property.
6. The proposal does not meet the objectives clause 55 of the Darebin Planning Scheme, more particularly:
 - a) Neighbourhood character – The proposal is inappropriate in terms of the height/visual bulk, inadequate setbacks and landscape character.
 - b) Non-compliance with residential policy, as the proposal is an overdevelopment.
 - c) Poor opportunities for landscaping and the development does not comply with the garden and landscape character of the area.
 - d) The building bulk/height are inconsistent with the neighbourhood character and impact unreasonably on the amenity of adjoining properties.
 - e) Impact on daylight to north facing habitable room windows.
 - f) Overlooking.
 - g) Inadequate area and poor amenity to secluded private open space areas.
 - h) Inadequate solar access to secluded private open space.
7. The proposal is poorly conceived and not site responsive and will unreasonably affect equitable development opportunities on adjoining sites.
8. The proposal does not provide an appropriate transition to the adjoining residential area.
9. The proposal is an overdevelopment of the site, it is poorly conceived and not site responsive and is detrimental to the amenity of adjoining properties and the area.
10. The development does not comply with the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is located on the east side of Station Street approximately 40 metres to the south of the intersection with Railway Place. It is comprised of two (2) allotments, with a total frontage of 20.12 metres, a depth of 40.23 metres and an area of 809 square metres. Each of the allotments contains a single storey weatherboard dwelling, with each dwelling having vehicle access to Station Street.
- The site has a fall of approximately 0.5 metres from the front to the rear.
- The site is located in an area of mixed character comprising predominantly residential development to the south and the Fairfield Village Activity Centre to the north.
- Fairfield Train Station and the railway line is located to the north.
- To the north of the site are a number of sites located in a Commercial 1 zone, which front Station Street and Railway Place.
- To the immediate north, fronting Station Street, is a double storey building constructed to the front and common boundaries. The common boundary wall provides an equivalent three (3) storey height. The building is occupied by a Thai restaurant.
- To the east of the restaurant is the rear of a single storey commercial building (fronting Railway Place) constructed adjacent to the common boundary. Further to its east (also fronting Railway Place) is the rear yard of a single storey dwelling. The dwelling is setback approximately 18 metres from the common boundary. A single storey outbuilding is located to the rear and adjacent the common boundary.
- To the east of the site is the rear yard area of a double storey dwelling fronting Arthur Street. The dwelling extends a substantial distance into the site being approximately 3.0 metres from the common boundary. A north facing rear garden is provided. A gazebo is located adjacent the common boundary.
- To the south of the site is a double storey block of flats, with a front setback of 6.01 metres and an approximate setback of 2.0 to 3.5 metres from the common boundary. The building provides a paved frontage, used for parking. Six (6) north facing dwellings (3 at ground level and 3 at first floor level) face north toward the subject site. The ground level dwellings provide a north facing courtyard setback approximately 2.0 to 3.5 metres from the common boundary. The first floor dwellings provide a balcony setback approximately 1.8 metres from the common boundary. North facing living and bedroom windows are provided at each level.
- To the west, on the opposite side of the street, is a multi-storey residential development, with commercial/retail uses to the north.
- To the south-west is a double storey block of flats.
- On-street parking on Station Street is unrestricted on the eastern side (site frontage) and unrestricted on the western side.
- The site is proximate to public transport with Fairfield Station to the north and bus services on Station Street.

Proposal

- Development of a four (4) storey building (plus basement) comprising 17 apartments, comprising four (4) single bedroom, nine (9) 2-bedroom and four (4) 3-bedroom apartments.
- The proposal provides 18 car parking spaces, and is therefore seeking a total waiver of six (6) car spaces, including three (3) visitor spaces.

- The development provides a contemporary form with modulated box-like forms presenting to the street finished in angled vertical cladding.
- It is to have a flat roof and a height of 12.6 metres.

Objections

- Three (3) objections received.

Objections summarised

- Height.
- Overshadowing/Loss of light.
- Amenity.
- Overlooking.
- Building on boundary/interface with 29–31 Railway Place.
- Interface with approved development at 29–31 Railway Place.
- Increased traffic/vehicle access.
- Devaluation of property.

Officer comment on summarised objectionsHeight

The site has strategic support for a four (4)–storey development. The height and relationship of the development with the existing emerging streetscape character is deemed appropriate.

Overshadowing/Loss of light

No. 69 Station Street comprises 10 dwellings, within a single building. Six (6) interfacing dwellings (three (3) at ground level and three (3) at first floor level) are provided. The ground level dwellings provide a north facing courtyard setback approximately 2.0 to 3.5 metres from the common boundary. The first floor dwellings provide a balcony setback approximately 1.8 metres from the common boundary. North facing living and bedroom windows are provided at each level.

The proposed development is setback 3.0 metres from the common boundary at ground and first floor level and 6.0 metres at the 2nd and 3rd floor levels.

In terms of equity, the setbacks provided to the proposed development are similar to the north facing dwellings at No. 69. The upper two (2) levels are setback 6.0 metres and this is considered reasonable. The first floor dwellings at No. 69 will receive a similar level of outlook and daylight access to the current conditions.

While the development will result in increased shadows and a reduction to daylight access to the lower three (3) dwellings, in comparison to the impact of the existing single storey dwelling occupying the site, this is to be expected in areas where development of greater than 2–storeys is encouraged. In any case the level of impact is not considered unreasonable in this context.

Amenity

It is acknowledged that the amenity outcome for adjacent properties will be different as a result of the development. This is to be expected in areas where multi-level development is encouraged. It is considered that the proposal provides a balanced response to the Darebin Planning Scheme objectives which seek additional housing in proximity to public transport.

Overlooking

Conditions are attached to increase the level of screening provided on the rear elevation of the proposal. All other windows and balconies are appropriately located and screened to reduce overlooking.

Building on boundary/interface with 75 Station Street

A Commercial 1 Zone applies to No. 75 Station Street. The site is occupied by a double storey commercial building (restaurant) constructed to the front and common boundaries. The existing common boundary wall provides an equivalent 3-storey height. The rear portion of the building is single storey. The proposal is sited adjacent the existing boundary wall. This is considered an appropriate response to the adjacent Commercial 1 Zone and the built form context. It also ensures the future development of No. 75 is not prejudiced by side facing windows etc. which would have implications on equitable development considerations.

Interface with approved development at 29–31 Railway Place

A Commercial 1 Zone applies to No. 29–31 Railway Place.

No. 29 – 31 Railway Place benefits from planning permit D/1164/2014 which was granted on 20 April 2016. Plans were endorsed on 31 January 2017.

No. 29 is currently occupied by a commercial building constructed on the common boundary. No. 31 is occupied by a single storey dwelling setback approximately 18 metres from the common boundary. An outbuilding is located to the rear which is constructed on the common boundary.

The proposal provides a 4-storey wall on the common boundary with No.29. Adjacent No.31, the development provides a 3-storey wall adjacent the rear outbuilding. The 3rd floor steps back and is largely outside the view path of No. 31. This is considered an appropriate response to the adjacent Commercial 1 Zone and the existing built form context of No. 29 and 31.

Planning permit D/1164/2014 allows a 4-storey building comprising south facing apartments with outlook toward the subject site. The apartments are setback 2.9 – 3.8 metres at ground, 1st and 2nd floor and 6.6 metres at the 3rd floor (to the edge of the balconies), from the common boundary. The interface of the development with the approved development is reasonable. The subject development is located to the south and therefore will not cast a shadow over No. 29–31. Further the staggered rear setbacks adopted at No. 29–31 ensure the amenity of the rear facing apartments is protected against the on boundary form of the subject development.

Increased traffic/vehicle access

The applicant has submitted a Traffic Impact assessment report which estimates that the development will generate some 85 vehicle movements per day and in the order of nine (9) vehicle trip ends in the peak hour (assuming 0.5 vehicle trip ends per dwelling in each of the peak hours). This level of additional traffic generation is not expected to adversely impact on the operation of the surrounding street network.

Devaluation of property

This is not a valid planning ground.

PLANNING ASSESSMENT

Clause 22.02: Neighbourhood Character:

The site is located in the Residential Growth Zone and therefore the Neighbourhood Character guidelines do not apply. However, Design and Development Overlay (Schedule 20) provides direction with regard to the preferred built form and character for the site and surrounds.

Clause 22.06 – Multi Residential and Mixed Use Development

This policy applies to the consideration of multi–apartment apartment developments. The objectives of this Clause are:

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

Under Clause 22.06 it is policy to:

- *To encourage the location of the mass of buildings towards the street frontage through which the rear bulk is minimised.*
- *To maximise street and rear facing apartments to facilitate high quality internal amenity and reduce negative offsite impacts of development.*

Element	Comment	Compliance
Sustainability	A Sustainability Management Plan (SMP) was submitted with the application. The SMP details the sustainability initiatives of the proposal. The attached form of construction also provides scope for an energy efficient design solution.	Complies subject to condition
Design and Materials	The development provides a contemporary form with modulated box–like forms presenting to the street finished in angled vertical cement sheet cladding, exposed concrete and glazed balustrades.	Complies

Element	Comment	Compliance
	<p>Rooftop services, air conditioning, ESD measures and plant are not detailed and are required to be detailed on plan.</p> <p>The height and relationship to adjoining properties is appropriate. By adopting a front and rear facing layout, equitable development considerations have been appropriately managed.</p>	
Building Height	<p>A consideration of height requires a balanced consideration of all the related policy drivers such as housing diversity, affordability and urban consolidation. Any discussion of height should be balanced against the design and massing of the building and its response to the immediate context, including adjacent apartments.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations proximate to public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive scale and built form.</p> <p>At a local planning level the intent to change this part of Station Street has strategic support. Further four (4) storey development that is different to the remaining single and double storey dwellings fronting street can be expected.</p> <p>The site is located in an area which earmarked for substantial change, including development of up to four (4) storeys.</p> <p>Examples of taller apartment buildings are emerging. A six (6)–storey building is approved at the north east corner of Station Street and Railway Place.</p> <p>The development appearance from Station Street is appropriate. The setbacks and modulation of the built form are responsive to the site context which includes a boundary wall to the north and sensitive interfaces to the east and south.</p>	Complies
Apartment diversity	<p>This development provides a mix of four (4) single bedroom, nine (9) 2–bedroom and four (4) 3–bedroom apartments. A satisfactory mix of apartment layouts is provided including split–level apartments.</p>	Complies
Parking and vehicle access	<p>Refer to the Clause 52.06 assessment below.</p>	Complies
Street address	<p>Eight (8) of the 17 apartments face Station Street in accordance with the Design and Development Overlay controls. No high front fences are proposed.</p>	Complies
Amenity Impacts Including Overshadowing and Overlooking	<p>Overshadowing of neighbouring properties to the east is minimal, with at least 40 square metres of neighbouring apartments’ secluded private open space with a minimum dimension of 3.0 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September.</p>	Complies

Element	Comment	Compliance
	<p>Overshadowing of the open space to the south is greater than current shadows. This is largely a consequence of the additional height sought by policy. In the context of the emerging built form outcomes encouraged by policy the level of overshadowing is deemed appropriate.</p> <p>Upper level windows and balconies are appropriately screened to prevent overlooking.</p> <p>The south facing windows include external vertical fins set at varied angles to encourage a south–eastern view line toward the street. This is deemed an appropriate response to limit views to the existing dwellings to the south. Furthermore the staggered south elevation setback will also prevent downward views of the adjacent ground level courtyards and first floor balconies.</p> <p>The first and second floor rear facing windows and balconies are required to be screened to prevent overlooking.</p> <p>The third floor rear elevation is setback 9.0 metres from the rear boundary and does not result in overlooking.</p>	
<p>On–Site Amenity and Facilities, including Private Open Space</p>	<p>With respect to internal amenity, a key objective of State and Local planning policy is to ensure that apartments in multi storey developments have adequate access to daylight, sunlight and outlook.</p> <p>The Better Apartment Guidelines (Clause 58 of the Planning Scheme) were released subsequent to the lodgement of the application. These guidelines are therefore not a consideration that Council may have regard to. While these guidelines are not applicable they provide an indication of the importance now placed on this issue.</p> <p>Clause 22.06–3.9 provides the following guidance:</p> <ul style="list-style-type: none"> • <i>Windows to apartments with a single outlook must be clear to the sky, and should not be overhung with balconies or other protruding structure, unless the overhang is designed to provide a shading function and avoid excess heat gain.</i> • <i>Development should make adequate provision for natural light and ventilation to habitable rooms, including bedrooms.</i> • <i>Bedrooms that rely upon borrowed light, including ‘battle axe’ bedrooms, should be avoided.</i> • <i>In larger residential developments, communal open spaces should be provided to allow for recreational uses such as a garden, courtyard, tables and seating, BBQ facilities and utility uses such as open air clothes drying.</i> <p>The apartments face Station Street or the rear (east). This layout accords with the Garden Apartment typology sought by policy. This layout reduces potential internal and external amenity impacts arising from future developments to the north and south of the site. It is also a good outcome in regard to equitable development considerations.</p>	<p>Complies</p>

Element	Comment	Compliance
	<p>Although not applicable due to the transitional arrangements, the proposal achieves a good response to Clause 58 (Apartment Developments):</p> <ul style="list-style-type: none"> • The living rooms are between 3.4 to 5.4 metres in width. • Ten of the apartments provide living spaces with a depth of no more than 6.75m or a dual aspect to maximise daylight penetration and reduce reliance on internal lighting. • Six (6) split level apartments are provided which provides an alternate layout with good outlook and amenity. • Five (5) dual aspect apartments are provided. • Innovative approach to overlooking which direct view to Station Street and away from adjacent dwellings. • Floor to ceiling heights of 2.7m are provided. • Twenty eight bedrooms provide dimensions of less than 3.0 X 3.0 or 3.0 X 3.4 metres as sought under Clause 58. However there are examples of bedrooms which exceed the minimum dimensions. • Storage is provided in front of each parking space (as opposed to above). Additional storage is provided within each apartment. • The lobby space is reasonable in space and dimension and the corridors are short and approximately 2.0 metres in width, providing furniture removalists with good access. • Ten bicycle secure parking spaces are provided in the basement. <p>On balance the internal amenity outcome afforded to the apartments represents a good outcome. While the bedroom dimensions are less than those sought under the Clause 55.07, a large portion of the living rooms provide good amenity and outlook with widths which exceed the minimum standards.</p>	
Waste Management	<p>The design of a development of this scale must be informed by a waste management plan detailing the number and size of bins required to service the development and the times, frequency and means of waste collection.</p> <p>Waste collection must be limited to one (1) collection per week per waste stream and the size of the waste collection area must be designed to achieve this outcome.</p> <p>More frequent weekly waste collections have the potential to have a detrimental impact upon the amenity of the area, particularly when combined with waste collection services associated with other emerging residential development in the area.</p>	Complies subject to condition
Equitable Access	All levels are provided with lift access.	Complies

Clause 43.02: Design and Development Overlay (Schedule 20):General objectives

- *To encourage urban redevelopment that achieves higher densities in accordance with the objectives and vision of the Darebin Housing Strategy.*
- *To recognise the precinct as a corridor where urban renewal in the form of low rise apartments is underway, and to implement design controls to guide further development and better manage urban growth.*
- *To balance the development opportunities and discourage underdevelopment in a manner that retains the village scale in the locality and responds to sensitive interfaces.*
- *To encourage high quality development.*
- *To encourage built form to be focussed towards the Station Street frontage, to provide better amenity outcomes for adjoining residential interfaces.*
- *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.*
- *To provide an appropriate transition in scale and design to adjoining lots with lesser development potential within the Residential Growth Zone.*
- *To ensure that development creates a consistent and activated high quality street edge.*
- *To facilitate a higher density form of housing sited within a garden setting.*

Parking and Access objectives

- *To ensure development provides bicycle and vehicle parking and access conditions as per objectives and guidelines of Clause 22.06.*
- *To maximise the retention of existing on street car parking spaces where possible and avoid proliferation of vehicle crossovers.*
- *To create new laneway links in consolidated development to support alternative vehicle access and parking away.*
- *To minimise adverse impacts of development on local traffic conditions.*

Fairfield Preferred Built Form Outcome

- *Three to four storey development is preferred along Station Street. Four storey development will only be supported on larger development sites and should comprise a robust three storey base with a recessive fourth level to achieve a massing outcome that complements the tree lined pedestrian environment.*

General Requirements

- *Basement parking must not unreasonably limit opportunities for deep root planting on the site.*
- *New development should demonstrate how it will correspond to existing conditions (such as secluded private open spaces and habitable windows) on adjoining sites that are unlikely to be developed (e.g. strata titled lots).*
- *The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.*

- *Through orderly and functional siting and design new development should be oriented to maximise the quantity of dwellings overlooking the public realm and minimise the need for screening to habitable living rooms and private open spaces or balconies within the development.*
- *Development should provide for rooms with direct daylight access and avoid layouts which rely on daylight access through an adjacent room or deeply recessed window corridors designed in a ‘battle–axe’ configuration.*
- *A domestic design approach is encouraged and should comprise a balance of solid and void elements, embellished with architectural features such as balconies, fenestration, window sills, eaves and roof forms.*
- *The character of the area is eclectic with many textures and materials to draw from in new development. The materials palette should relate to the site context. Composite panelling or materials that are typical of commercial buildings are discouraged.*
- *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.*

Element	Comment	Compliance
Street frontage	<p>The building mass is largely directed towards the street frontage and is thus an appropriate residential scale. Eight (8) of the 17 apartments face Station Street.</p> <p>The common pedestrian entry is visible from Station Street.</p>	Complies
Building Height and setback	<p>Height requires a balanced consideration of all the related policy drivers such as housing diversity, affordability and urban consolidation. Furthermore any discussion of height should be balanced against the design and massing of the building and its response to the immediate context, including adjacent apartments.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations well served by public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive scale and built form.</p> <p>At a local planning level the intent to change this part of Station Street has strategic support and thus development that is different to the single and double storey dwellings fronting street can be expected.</p> <p>The site is located in an area which is earmarked for substantial change, including development of up to four (4) storeys.</p> <p>Examples of taller apartment buildings are emerging. A 6–storey building is approved at the north east corner of Station Street and Railway Place.</p> <p>It is considered that the building as viewed from Station Street is appropriate.</p>	Complies

Element	Comment	Compliance
	<p>The rear setbacks are 3.0 metres and 5.5 metres at the ground and 1st floor in accordance with the DDO. The 2nd and 3rd floors provide setback of 6.0 and 9.0 metres. These setbacks are 200mm to 600mm outside the 45 degree envelope sought under the DDO.</p> <p>The level of non-compliance is regarded as minor and has no detrimental impact on external amenity considerations.</p>	
Access and parking	<p>The site has no rear access and provides one (1) double width access to a basement from Station Street. Vehicles can enter and exit the site in a forwards direction. Access and parking considerations are assessed in more detail under Clause 52.06.</p>	Complies

Clause 55 Assessment: Rescode:

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

Provisions in this clause apply to an application to the construction of an apartment development. All Clauses apply except for 55.03–5 (Energy Efficiency), 55.03–6 (Open Space), 55.04–8 (Noise Impacts), 55.05–1 (Accessibility), 55.05–2 (Apartment entry) and 55.05–6 (Storage). The side boundary setback requirement is varied under DDO20.

The recently introduced Clause 55.07 (Apartment Developments) contains transitional arrangements. The current application was lodged prior to the introduction of these new provisions and therefore do apply to the application.

Standard B6: Street Setback

- The schedule to zone recommends a front setback of 5.0 metres.
- The front setback is 1.7 – 3.2 metres (ground) 2 – 3 metres (first floor), 3.5 metres (second floor) and 4.5 metres (third floor).
- The proposed front setbacks do not comply with the standard, however the design response is considered to be acceptable due to the following:
 - The setbacks of the adjoining buildings are 0 (north) and 6 to 9 metres (south).
 - The built form transitions from the commercial building (within the Commercial 1 Zone) to north to the residential context to the south.
 - The front façade is appropriately articulated.
 - The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.
 - The proposed setback results in efficient use of the site.
 - The existing streetscape is not consistent and provides for varied setbacks.

Complies with objective

Standard B7: Building Height

The proposed apartments are to have a maximum height of 12.6 metres which complies with the standard requiring a maximum height not exceeding 13.5 metres.

Complies

Standard B14: Access

- Vehicle access to and from the site is safe, manageable and convenient. The two (2) sites provide one (1) crossover each. The crossovers are to be removed and replaced with one (1) double width crossover.
- The width of the accessway is 6.0 metres.
- The double width crossover to the street, taking up 30% of the frontage, is acceptable given that the standard requires that no more than 40% of the frontage should be taken up by vehicle accessways.
- Adequate turning areas are provided to allow vehicles to enter and exit the site in a forward direction.

Complies

Standard B17: Side setbacks

The site provides a frontage of less than 22 metres therefore Standard B17 applies. Rear setback requirements are assessed and measured against the Design and Development (Schedule 20) requirements above. The following table considers the setback of the north and south elevation.

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
North	3.2 metres	1.0 metres	1.5 metres
South	3.2 metres	1.0 metres	3.0 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
North	6.2 metres	1.78 metres	0 metres
South	6.2 metres	1.78 metres	3.0 metres

Second Floor

Boundary	Wall height	Required Setback	Proposed setback
North	9.2 metres	4.29 metres	0 metres
South	9.2 metres	4.29 metres	6.0 metres

Third Floor

Boundary	Wall height	Required Setback	Proposed setback
North	12.6 metres	7.69 metres	0 metres
South	12.6 metres	7.69 metres	6.0 metres

The varied north boundary setback is an appropriate response to the site context comprising a Commercial 1 Zone to the north comprising existing structures on the common boundary.

Except for the third floor, the south boundary setback exceeds the setback recommended under Standard B17. The setbacks are deemed appropriate in the context of Station Street where more intensive forms of development are encouraged.

Complies with objective

Standard B18: Walls on Boundaries

The standard requires that a wall be of a length of no more than 10 metres plus 25% of the remaining length of the boundary of an adjoining lot, and a height not exceeding an average of 3.2 metres.

Boundary and length	Maximum length allowable	Proposed length
North: 40.23 metres	17.55 metres	13.36 + 12.7 metres (26.06 metres)

The north boundary wall partially adjoins adjacent boundary walls located within a Commercial 1 Zone. While the wall height is greater than 3.2 metres, the neighbouring Commercial 1 Zone and physical context provides scope to consider a variation. This proposal is deemed an appropriate response to this context.

Complies with objective

Standard B19: Daylight to Existing Windows

- An area of at least 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky is provided opposite all existing habitable room windows, which complies with the standard.
- Upper floor walls are set back at least half their height from neighbouring windows.
- The development allows adequate daylight to neighbouring existing habitable room windows.

Complies

Standard B20: North Facing Windows

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
South	3.2 metres	1.0 metres	3.0 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
South	6.2 metres	2.56 metres	3.0 metres

Second Floor

Boundary	Wall height	Required Setback	Proposed setback
South	9.2 metres	5.28 metres	6.0 metres

Third Floor

Boundary	Wall height	Required Setback	Proposed setback
South	12.6 metres	8.68 metres	6.0 metres

Except for the third floor, the south boundary setback exceeds the setback recommended under Standard B20. The setbacks are deemed appropriate in the context of Station Street where more intensive forms of development are encouraged.

Complies with objective

Standard B21: Overshadowing

- Overshadowing of neighbouring properties to the east is minimal, with at least 40 square metres of neighbouring apartments’ secluded private open space with a minimum dimension of 3.0 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September.
- Overshadowing of the open space to the south is greater than current shadows. This is largely a consequence of the additional height sought by policy. In the context of the emerging built form outcomes encouraged by policy the level of overshadowing is deemed appropriate.

Complies with objective

Standard B22: Overlooking

- The south facing windows include external vertical fins set at varied angles to encourage a south–eastern view line toward the street. This is deemed an appropriate response to limit views between the apartments and the existing apartments to the south. Furthermore the staggered south elevation setback where it transition from 3.0 to 6.0 metres will also prevent downward views of the adjacent ground level courtyards and first floor balconies.
- The first and second floor rear facing windows and balconies are required to be screened to prevent overlooking.
- The third floor rear elevation is setback 9.0 metres from the east boundary and does not result in overlooking.

Complies subject to condition

Standard B23: Internal Views

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

Complies

Standard B27: Daylight to New Windows

- Adequate daylight will be available to all habitable room windows in the development.
- All new habitable room windows within the development will be located to face an outdoor area of at least 3.0m² with a minimum dimension of 1.0m clear to the sky.

Complies

Standard B28: Private Open Space

Apartment	Total POS (balcony)	Secluded POS	Minimum dimension of secluded POS
G.01	9.5 square metres	9.5 square metres	1.8 metres
G.02	7.8 square metres	7.8 square metres	2.3 metres
G.03	12.2 square metres	12.2 square metres	3 metres
G.04	25.4 square metres	25.4 square metres	3 metres
G.05	113.2 square metres	113.2 square metres	3 metres
1.01	7.1 square metres	7.1 square metres	1.5 metres
1.02	5.7 square metres	5.7 square metres	1.5 metres
1.03	5.7 square metres	5.7 square metres	1.5 metres
1.04	7.1 square metres	7.1 square metres	1.5 metres
1.05	6.6 square metres	6.6 square metres	1.5 metres
1.06	6.6 square metres	6.6 square metres	1.5 metres
2.01	8.1 square metres	8.1 square metres	1.5 metres
2.02	7.6 square metres	7.6 square metres	2.0 metres
2.03	6.8 square metres	6.8 square metres	1.5 metres
2.04	7.1 square metres	7.1 square metres	1.5 metres
2.05	5.9 square metres	5.9 square metres	1.5 metres
2.06	5.9 square metres + 8.8 metres (off main bedroom)	14.7 square metres	1.5 metres (main balcony) 2.0 metres (bedroom balcony)

- All secluded private open space areas have direct access to a living room.
- The areas and dimension of several of the balconies fall short of the standard. Increasing the areas of the all balconies to comply would in a lot of cases diminish the internal amenity of the apartments. A more prudent approach requires an increase to the dimension of all balconies to no less than 1.6 metres.

Complies with objective

Clause 52.06 Car Parking

Car parking is provided as follows:

Use	Rate	Provision	Requirement
17 dwellings	1 to each 1and2 bedroom dwelling and 2 to each 3+ bedroom dwelling	18	21
Dwelling Visitor	1 space to each 5 dwellings	0	3
Total Requirement			24

The proposal provides 18 car parking spaces, and is therefore seeking a total waiver of six (6) car spaces, including three (3) visitor spaces.

As per Clause 52.06–6 of the Planning Scheme: *An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06–5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.*

The applicant has submitted an assessment of the car parking demand and concludes that the proposed provision of car parking is satisfactory based on the following:

- There is support within the area for three–bedroom apartments with a reduced level of car parking based on ABS car ownership data for the suburb of Fairfield.
- All resident car parking demands will be accommodated on–site.
- A peak off–site impact of 1 space during business hours and 2 spaces during the evening and weekends will occur in association with visitors.
- The site is located within the Fairfield Activity Centre and is proximate to public transport and alternative transport modes, including rail transport from Fairfield Station and buses along Station Street and Heidelberg Road.
- The proposed car parking reduction will not have a negative impact on the Fairfield Activity Centre.
- Adequate on–street car parking is available under existing conditions to accommodate the modest off–site impacts associated with the development.

On consideration of the above and the decision guidelines contained within Clause 52.06–6 of the Planning Scheme, the proposed car parking waiver is considered satisfactory in this instance, noting the following:

- It is accepted that given the location of the site and proximity to public transport modes and the Fairfield Activity Centre, a reduced provision of car parking for three (3) of the four (3) 3–bedroom apartments is appropriate. The provision of car parking for the three–bedroom apartments at a rate of 1.5 is supported.
- The small parking demands associated with visitors can be accommodated on–street, noting that most of these demands are likely to occur outside peak parking demand periods (business hours).
- Future residents will not be entitled to residential parking permits protecting the amenity of the street for existing residents.

Design Standards for Car parking

- The car parking spaces and the accessways have appropriate dimension to enable efficient use and management.
- The applicant has prepared swept path assessments for the critical car parking spaces within the basement level. Access to these spaces is considered to be satisfactory.
- In some cases one (1) to two (2) corrective movements may be required. Australian Standard 2890.1:2004 allows for three–point turn on entry and exit for User Class 1A (residential, domestic and employee parking).
- A cross–section has been provided which demonstrates a vehicle height clearance above the ramp into the basement level of 2145m. Given this is less than 2.2m as recommended in the Australian Standards, it is recommended that a vehicle height restriction bar be installed at the entrance to the basement level.

- Parking aisles have not been extended 1.0m beyond the last parking space in a parking aisle as per 2.4.2(c) of AS2890.1:2004. Notwithstanding, the swept paths indicate that vehicles can enter and exit the parking spaces in accordance with AS2890.1:2004.
- All parking bays have been widened by 300mm where they are bounded by a wall or fence as per 2.4.2(c) of AS2890.1:2004.
- The proposed basement ramp grade is proposed with a minimum grade of 1:10 for the first 5.0m, a transitional grade of 1:4.44, a main section of ramp at 1:4, and a transition into the basement level of 1:8. The proposed ramp is therefore consisted with Planning Scheme and Australian Standard requirements. In addition, the bottom transition has been extended to 2.6m which is appropriate and will prevent vehicle ‘bottoming’.
- Parking bays 5, 6 and 7 are located on a perpendicular gradient of 1:16. This complies with AS2890.1:2004.
- The applicant has submitted a Traffic Impact assessment report which estimates that the proposed development will generate some 85 vehicle movements per day and in the order of nine (9) vehicle trip ends in the peak hour (assuming 0.5 vehicle trip ends per dwelling in each of the peak hours). This level of additional traffic generation is not expected to adversely impact on the operation of the surrounding street network.
- Vehicles are able to enter and exit in a forward direction.
- Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This can be requested via conditions.

Clause 52.29

Clause 52.29 requires a permit to create or alter access to a road in a Road Zone, Category 1. Pursuant to this clause and also clause 66, an application to create or alter access to a road declared as a freeway or arterial road under the Road Management Act 2004, must be referred to the Roads Corporation (i.e. VicRoads) under Section 55 of the *Planning and Environment Act 1987*.

VicRoads have no objection subject to conditions.

Conclusion

The application addresses the grounds of refusal under application D/349/2016. This has been achieved by providing a complete re–design including the provision of east and west (street) facing apartments. As a consequence the number of apartments has reduced from 27 to 17. The internal and external amenity and equitable development issues which undermined the previous scheme have been addressed by removing the side facing apartments and providing a more context based approach to side boundary setbacks. The number of car parking spaces sought to be reduced has also been scaled back. This has enabled a more useable basement layout to be provided.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02–1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y

Clause	Std		Compliance	
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		This development provides a mix of four (4) single bedroom, nine (9) 2-bedroom and four (4) 3-bedroom apartments. A satisfactory mix of apartment layouts is provided including split-level apartments.	Y	Y
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	B5	Integration with the street		
		Dwellings facing Station Street appropriately integrate with the street.	Y	Y
55.03-1	B6	Street setback		
		Please see assessment in the body of this report.	N	Y
55.03-2	B7	Building height		
		12.6 metres	Y	Y
55.03-3	B8	Site coverage		
		69.36%	Y	Y
55.03-4	B9	Permeability		
		20.2%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	Y	Y
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y

Clause	Std		Compliance	
55.03–10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve; the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04–1	B17	Side and rear setbacks		
		Please see assessment in the body of this report.	N	Y
55.04–2	B18	Walls on boundaries		
		Please see assessment in the body of this report.	N	Y
55.04–3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04–4	B20	North-facing windows		
		Please see assessment in the body of this report.	N	Y
55.04–5	B21	Overshadowing open space		
		Please see assessment in the body of this report.	N	Y
55.04–6	B22	Overlooking		
		Please see assessment in the body of this report.	N	Y
55.04–7	B23	Internal views		
		There are no internal views	Y	Y
55.04–8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05–1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05–2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05–3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05–4	B28	Private open space		
		Please see assessment in the body of this report.	N	Y
55.05–5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05–6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y

Clause	Std		Compliance	
55.06-1	B31	Design detail		
		Design detail of the development is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		The front fence is designed to respect the existing or preferred neighbourhood character. In this instance the fence height is low allowing the apartments to be viewed from the street	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

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

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.07-4 (Residential Growth Zone) – construction of two or more apartments.
- Clause 43.02 (Design and Development Overlay – Schedule 20) buildings and works.
- Clause 52.06 (Car parking) – Reduction to the car parking requirement.
- Clause 52.29 (Land Adjacent to a Road Zone, Category 1) create or alter access.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	32.07
Overlay	43.02, 45.06
Particular provisions	52.06, 52.29, 55
General provisions	65.01
Neighbourhood Character Precinct	B3

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

There are no social inclusion or diversity implications as a result of the determination of this application.

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

DISCLOSURE OF INTERESTS

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

RELATED DOCUMENTS

- Darebin Planning Scheme

Attachments

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

**5.3 APPLICATION FOR PLANNING PERMIT D/184/2017
74–76 Cramer Street, Preston**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Renne Marinaccio The Branson Group PO Box 320 MOONEE PONDS VIC 3039	Fatmir Badali 10 Jessie Street PRESTON VIC 3072	Joseph Indomenico Tract Consultants 195 Lennox Street RICHMOND VIC 3121

SUMMARY

- Development of 16 three (3) storey two (2) bedroom dwellings.
- 12.5 – 19.5m² balconies provided to each dwelling.
- 16 car parking spaces provided. This represents a reduction of three (3) car parking space provision under Clause 52.06.
- The site is zoned General Residential Zone (Schedule 2).
- There is no restrictive covenant on the title for the subject land.
- One (1) objection was received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

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

Recommendation

That Planning Permit Application D/184/2017 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TP02, TP03, TP04, TP05, TP06, TP07, TP08, TP09, TP10, TP11, TP12, TP13 and TP14 prepared by AADARC, dated 2 May 2015 Rev 01) but modified to show:
 - (a) A landscape plan in accordance with Condition No. 4 of this Permit.
 - (b) Modifications in accordance with the Sustainable Management Plan (refer to Condition No. 5 of this Permit).
 - (c) A comprehensive schedule of construction materials, external finishes and colours.
 - (d) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - (e) A single communal antenna for each building. The location of the antennas must be shown on the roof plan and elevations. The height of the antenna must be nominated.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.

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

The SMP must address the 10 key Sustainable Building Categories:

- a) Management.
- b) Energy.
- c) Water.
- d) Stormwater.
- e) IEQ.
- f) Transport.
- g) Waste.
- h) Urban Ecology.

- i) Innovation.
- j) Materials.

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

Prior to the occupation of the development, a report from the author of the SMP, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority.

The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

- 6) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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

- 7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.

- 8) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 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.

- 9) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

- 10) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

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

- 12) 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.

- 13) 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.

- 14) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

- 15) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

- a) Constructed;

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

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

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

NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
-

INTRODUCTION AND BACKGROUND

No planning history applies to the site.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 35.05 metres in width and 45.87 metres in depth and an area of 1,619 square metres.
- The site comprises two (2) allotments located on the north east corner of Cramer Street and Jessie Street Preston.
- Two (2) dwellings occupy the site. Both dwellings are single storey with gable roof forms. No. 74 has vehicle access to Cramer Street. No. 76 has vehicle access to Jessie Street.
- To the north of the site facing Jessie Street is a car park associated with Preston West Primary School.
- To the south of the site on the opposite side of Cramer Street is HP Zwar Park.
- To the east of the site is a medium density housing development, comprising three (3) single storey dwellings. A shared driveway serving the dwellings is located adjacent the common boundary. The rear gardens of the three (3) dwellings are located to the east away from the subject site.
- To the west of the site on the opposite side of Jessie Street there is a dual occupancy development comprising two (2) double storey dwellings.
- Preston West Primary School is located to the north on the corner of Murray Road and Jessie Street.
- Built forms in Cramer Street are generally single to double storey.
- The Preston Mosque and West Preston Baptist Church are located to the west on Cramer Street. Darebin North Uniting Church is located to the north–west on Murray Road.
- South east of the site and fronting St Georges Road, Cramer Street and Jessie Street is the Preston Campus of the Melbourne Polytechnic.
- Further east of the site is the Preston Activity Centre comprising the Preston Market, the Darebin Council offices, Centrelink and a mix of offices, shops and retail outlets, including Woolworths and Aldi.
- Preston Oval is located to the east on Cramer Street and hosts VFL football matches.
- The site is well serviced by public transport with trains available from Preston Station located 600m east of the site. Tram transport is available on Gilbert Road a short distance to the west. Buses are available on High Street.
- On–street parking on *Jessie Street* is subject to a *2P (8am–6pm Mon–Fri)* restriction on the eastern side (site frontage).
- On–street parking on *Cramer Street* is subject to a *No Stopping* restriction on the southern side.
- The site is situated in proximity to the Preston Structure Area where residential intensification is occurring. The recently constructed development at 33 Cramer Street comprises a three (3) storey apartment building with 10 dwellings (300 metre east) is similar type of development to the proposal.

Proposal

- Development of 16 three (3) storey two (2) bedroom dwellings.

- The 16 dwellings are split into two (2) rows of eight (8) dwellings aligned along a north – south axis.
- The eight (8) western dwellings have individual frontage to Jessie Street.
- The eight (8) eastern dwellings are provided with a shared pedestrian path adjacent the east boundary.
- 12.5 – 19.5m² balconies provided to each dwelling.
- Eighteen car parking spaces provided. This represents a reduction to the recommended car parking provision under Clause 52.06.
- A shared vehicle access is provided to Jessie Street from an existing crossover.
- The existing crossover to Cramer Street is to be removed.
- The built form is contemporary, comprising flat roof construction with brick, timber and rendered elevations.

Similar developments

There are numerous examples of three storey residential developments located within the General Residential Zone, as detailed below. Each of the sites listed are located within either the Incremental or Minimal Changes areas identified under the Clause 22.09 (Housing) of the Darebin Planning Scheme. Many of these sites are not as accessible as the subject land is to public transport, shops and services.

- 11 Clarendon Street Thornbury – D/207/2014 – Four (4) dwellings (two (2) double storey and two (2) three–storey dwellings) – Permit issued at direction of VCAT on 17 December 2015 (following Council refusal).
- 128 Collins Street Thornbury (corner of Victoria Road) – D/904/2001 – Three (3) storey townhouse – Permit issued at the direction of VCAT on 8 November 2002 (following Council refusal).
- 299–305 Victoria Road Thornbury (corner of Clarendon Street) – D/160/2012 – Three (3) storey apartment building (plus basement) – Permit issued 22 July 2013 (under delegated authority).
- 348 – 350 Collins Street Northcote (corner of Victoria Road) – D/270/2012 – Fourteen three (3) storey dwellings – permit issued 3 August 2012 (Planning Committee).
- 20 Westgarth Street Northcote – D/831/2006 – Three (3) storey apartment building (plus basement) – Permit issued 29 September 2007.
- 162 Westgarth Street Northcote (corner of Jeffrey Street) – D/484/1999 – Three (3) storey apartment building (plus basement).
- 200 Westgarth Street Northcote – D/230/2010 – Three (3) storey apartment building (plus basement) – Permit issued at the direction of VCAT on 21 February 2011 (following Council refusal).
- 3 Gillies Street Fairfield – D/655/2015 – Three (3) storey apartment building (plus basement) – permit issued at the direction of VCAT on 7 November 2016 (following refusal by Council).
- 70 Dundas Street Thornbury – D/542/2015 – Three (3) storey apartment building (plus basement) – permit issued 23 September 2016 (under delegation).
- 296 – 300 Wood Street Preston – D/38/2010 – Three (3) storey apartment building (plus basement) – permit issued 26 August 2010 (under delegation).

Objections

One (1) objection received.

Objections summarised

- Overdevelopment / Height.
- Front setback.
- Traffic.
- Car parking.

Officer comment on summarised objectionsOverdevelopment / Height

The General Residential Zone applying to the site allows development of up to development 11 metres in height. The site comprises two (2) allotments on a corner position and adjacent a car park and driveway. This context ensures adequate separation is provided to ensure there is no unreasonable loss of amenity. The development is considered to achieve a reasonable balance between the State and local planning objectives which encourage intensification that has high accessibility to public transport and activity centres.. In regard to impacts on the local amenity of the area, the development achieves compliance with the setback, overshadowing and privacy standards under Clause 52.06.

Front setback

- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping.
- The design provides a graduated and staggered setback leading from the lesser setback to the west to the greater setback of 1/72 Cramer Street.
- Dwelling 1 and 9's front façade is appropriately articulated.
- There is also a graduated setback from the front façade of the dwellings for the first and second floors.

Traffic

The applicant submitted a Traffic Impact assessment which estimates that the development would generate 80 vehicle movements per day, including approximately eight (8) vehicle movements (10%) per hour during periods of peak activity. Council's Transport Management and Planning Unit have advised that this level of additional traffic generation is not expected to adversely impact on the operation of the surrounding street network.

Car parking

The level of car parking provision is appropriate given the proximity of public transport and cycling infrastructure. Refer to the assessment under Clause 52.06 below for a more comprehensive assessment of this issue.

PLANNING ASSESSMENT**CLAUSE 21.03 (HOUSING)**

The zoning of the site, lot size, corner location, locality in proximity to public transport, Preston Activity Centre, together with the State and local planning policies all provide strong support for a more intensive residential development on the site.

Clause 21.03 (Housing) incorporates the Strategic Housing Framework Plan which illustrates the directions for residential land use and development set by the *Darebin Housing Strategy (2013 – Amended June 2015)*. Three (3) housing change areas are identified – minimal, incremental, and substantial – along with strategic opportunity sites. The site and surrounding residential land is within an Incremental Housing Change Area. Page 75 of the *Housing Strategy* includes future housing objectives for such areas which are:

- *To provide for moderate housing growth and diversification over time.*
- *To encourage residential development and housing diversity that is generally consistent with the character of the area. This may include a mixture of single and semi-detached dwellings as well as infill development including 2–3 storey town houses and villas. Lower scale apartment developments in a mixture of configurations may also be encouraged in appropriate locations.*
- *To ensure that varying local conditions influence design and scale of the built form outcome.*

Clause 21.03–1 describes these areas as having the capacity to accommodate a moderate level of residential development over time. These areas will display one or more characteristics including, as relevant to the site:

- *A diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character. Typically areas include some medium density and small apartment development, but the predominant dwelling stock is single to double storey dwellings.*
- *Have some stand-alone or small clusters of heritage sites, including along strategic corridors, however are generally unaffected by extensive heritage recognition.*
- *Are located:*
 - *Within an 800 metre walkable catchment of an activity centre.*
 - *Generally within an 800 metre walkable catchment of train, tram or SmartBus services.*

Different residential zones have been applied to give effect to these change areas. The Neighbourhood Residential Zone to Minimal Change Areas, the General Residential Zone to Incremental Change Areas and the Residential Growth and Mixed Use Zones (and non-residential zones) to Substantial Change Areas.

The Incremental Change Areas have been further divided into two types of change area and different General Residential Zone schedules applied – Schedule 1 to Modest Change Areas and Schedule 2 to the Darebin General Residential Areas. The only differences between the two are that Schedule 1 includes a lower site coverage of 55% (as against the standard 60%) and a larger private open space requirement of 55 square metres, minimum secluded area of 40 square metres and minimum dimension of 3.5 metres (as against the standard 40 square metres, minimum secluded area of 25 square metres and minimum dimension of 3 metres). The maximum building heights specified in both of the General Residential Zones is 11 metres (no more than 3 storeys). Clause 21.03–2 also includes objectives and strategies for different aspects of housing policy including provision, density, residential amenity, housing diversity and equity.

The sum total of all these State and local policies, the zoning of the land as General Residential 2, the absence of heritage and built form overlays, and the location attributes of the site, all lend support for an increase in housing and an intensification of built form on the site. The *Darebin Housing Strategy (2013)* specifically refers to infill development including 2–3 storey town houses and villas.

Neighbourhood Character Precinct Guideline Assessment – Precinct E3

This precinct is characterised by a variety of building styles, featuring Californian Bungalows and post war style dwellings, together many non–residential uses and buildings including the Preston Mosque, Melbourne Polytechnic and West Preston Primary School. New buildings are encouraged to maintain the sense of regularity and openness of the precinct by adhering to the setback pattern and avoiding high front fencing. New dwellings or extensions to existing dwellings will acknowledge the form, scale, siting and materials of Interwar or post war buildings where these are a feature of the streetscape. Additional planting in front gardens and new street trees will add to the quality of the streetscapes.

This will be achieved by:

- *Retaining the traditional Californian bungalows and Interwar dwellings, where they contribute to the valued character of the area.*
- *Designing new dwellings that interpret elements of the Interwar era in a contemporary manner, while respecting existing period architecture.*
- *Encouraging more contemporary architectural styles in streets that have few period dwellings. These buildings must adopt the predominant scale, form and setbacks of their streetscape context, while showing design innovation.*
- *Respecting the predominant height and setbacks of nearby buildings.*
- *Keeping front fences low–medium height and preferably transparent or in a style consistent with Californian bungalows.*
- *Encouraging planting in all gardens to enhance the landscape quality of the area. In smaller gardens, selecting species that are appropriate to small planting areas.*
- *Increasing street tree planting in parts of the area lacking street trees.*

In making an assessment against the neighbourhood character guidelines, it is important to recognise that they must be applied having regard to the particular site context and the extent of change that is being supported by other policies and controls in the Darebin Planning Scheme. For example, although two of the General Residential Zone (Schedule 2) objectives refer to neighbourhood character, another refers to providing a diversity of housing types and housing growth in locations offering good access to services and transport. Yet another requires implementation of State and local policy frameworks including the Municipal Strategic Statement. Even within Precinct E3 the character guidelines will be applied differently because of the different land uses and built forms that exist nearby including the Preston Mosque, Melbourne Polytechnic and Preston West Primary School.

It is therefore concluded that the proposal, located in this part of Precinct E3, does represent an acceptable response to the outcomes sought in the neighbourhood character guidelines where the character is too variable to insist on a strict response to the precinct requirements.

Existing Buildings

Objective

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

Comment

The existing dwellings are not exemplary or worthy of heritage protection. The dwellings may be removed without planning permission.

CompliesVegetationObjective

- *To maintain and strengthen the garden setting of the dwellings.*

Comment

There are no significant trees on the site. The front gardens provide sufficient space for landscaping and appropriate canopy planting.

CompliesSitingObjective

- *To provide space for front gardens.*
- *To ensure new development retains substantial space for landscaping.*
- *To maintain and reinforce the side boundary setback pattern and the existing rhythm of spacing between dwellings.*
- *To minimise the loss of front garden space and the dominance of car parking structures.*

Comment

The front garden spaces to Cramer Street and Jessie Street are large enough for planting of vegetation, to enable the continuation of the garden setting in this area. The provision of side boundary setbacks maintains the rhythm of dwelling spacing.

CompliesHeight and Building FormObjective

- *To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.*
- *To maintain, where present, the consistency of frontage widths and building heights and forms.*

Comment

- The three (3) storey height of the proposed dwellings is appropriate on a large corner site located adjacent a car park to the north and driveway to the east and the Preston Activity Centre and public transport a short walk from the site.

- The setback and form of the proposed dwellings enables generous setbacks from adjoining properties.
- The upper level setbacks exceed those recommended under Rescode.

CompliesMaterials and Design DetailObjective

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

Comment

- The proposed dwellings provide a contemporary form comprising brick, timber and rendered treatments. The form and modulation of the dwellings are appropriate in the context.
- It is considered that the articulation, position of windows and doorways, the façade treatments, materials and colours are appropriate.

CompliesFront Boundary TreatmentObjective

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

Comment

Appropriate fronting fencing is provided to maintain views to/from the site.

Complies**Clause 55 Assessment**

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

Standard B1: Neighbourhood Character

This element has been in previous sections of this report and complies.

CompliesStandard B2: Residential Policy

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

Complies

Standard B6: Street Setback

- The front setback of the adjoining dwelling on Cramer Street is 7.67 metres. The standard requires a setback of 7.67 metres.
- The proposed front setback of 6.030 – 6.925 metres (dwelling 9) and 4.070 metres (dwelling 1) to Cramer Street does not comply with the standard, however the design response is considered to be acceptable due to the following:
 - The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping.
 - The design provides a graduated and staggered setback leading from the lesser setback to the west to the greater setback of 1/72 Cramer Street to the east.
 - Dwelling 1 and 9’s front façade are appropriately articulated.
 - The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.
 - The proposed setback results in an efficient use of the site.
 - The existing streetscape is not consistent and provides for varied setbacks.
 - The front setback to Jessie Street is 3.070 metres where a setback of 3.0 metres is recommended under this standard.

Complies with objective

Standard B17: Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
North – Dwelling 8	3.0 metres	1.0 metres	5.645 metres
North – Dwelling 16	3.3 metres	1.0 metres	2.645 metres
East	3.3 metres	1.0 metres	2.825 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
North – Dwelling 8	6.0 metres	1.72 metres	5.645 metres
North – Dwelling 16	6.3 metres	1.81 metres	2.645 metres
East	6.3 metres	1.81 metres	5.27 metres

Second Floor

Boundary	Wall height	Required Setback	Proposed setback
North – Dwelling 8	9.2 metres	4.29 metres	5.645 metres
North – Dwelling 16	9.5 metres	4.59 metres	2.645 metres
East	9.5 metres	4.59 metres	5.27 metres

Complies

Standard B22: Overlooking

The development is designed to limit views into neighbouring secluded private open space and habitable room windows, noting that the site adjoins street frontages to the south and west and a car park to the north. A driveway separates the development from three (3) single storey dwellings located to the east.

Complies

Standard B28: Private Open Space

The development provides adequate private open space (pos) for the reasonable recreation and service needs of residents. This is achieved through the provision of at least 12.5 square metres with a minimum width of 2.18 metres and convenient access from a living room.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	13.5 square metres	13.5 square metres	2.18 metres
Dwelling 2	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 3	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 4	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 5	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 6	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 7	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 8	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 9	19.5 square metres	19.5 square metres	2.18 metres
Dwelling 10	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 11	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 12	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 13	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 14	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 15	12.5 square metres	12.5 square metres	2.18 metres
Dwelling 16	12.5 square metres	12.5 square metres	2.18 metres

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

Complies

Standard B31: Design Detail

The development presents a robust three (3) storey form to each street frontage, with an appropriate level of articulation and material selection. The design detail of the development respects the preferred neighbourhood character through: façade articulation; window and door proportions and roof form. The incorporation of brick into the façades provides a common thread with adjacent dwellings and nearby non-residential buildings. The garages are designed to be visually compatible with the development and are hidden from view from the streetscape.

Complies

Standard B32: Front Fences

- The front fence to the Jessie Street frontage is low allowing the dwellings to be viewed from the street.
- The front fence to Cramer Street is split into two (2) sections. Each section provides varied heights as a result of the slope of the site. The fence adjacent Dwelling 1 provides a height of 1.2 to 1.65 metres and is setback 1.37 metres from the street frontage. The fence adjacent Dwelling 9 provides a height of 1.34 to 1.77 metres and is setback 3.92 metres from the street frontage.
- Landscaping is proposed between the southern site boundary and each section of fence.
- While the fence heights to Cramer Street exceed those in the street, the heights are deemed acceptable because each section of fence is setback from the street and broken into two (2) sections with clear breaks to maintain views to the street from the ground level bedroom windows.

Complies**Clause 52.06 Car Parking**Number of Parking Spaces Required

Sixteen resident car parking spaces are provided in accordance with Clause 52.06. However a reduction of three (3) visitor car spaces is sought. As per Clause 52.06–6 of the Planning Scheme:

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06–5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The submitted assessment of the car parking demand concludes that the provision of car parking is satisfactory based on the following:

- The site is well located to take advantage of access to sustainable transport alternatives, such as nearby public transport services, bicycle lanes.
- The proposal complies with the parking requirement for residents.
- The parking surveys indicate that sufficient on–street public parking is available at all times to accommodate the short–term parking demand associated with residential visitors (up to three (3) vehicles).
- The proposal includes a good provision of bicycle parking for visitors which will encourage cycling as an alternative method of transport to/from the site.

On consideration of the above and the decision guidelines contained within Clause 52.06–6 of the Planning Scheme, the proposed car parking reduction is considered satisfactory in this instance, noting the following:

- The proximity of the site to Public Transport, Walking and Cycling routes.
- The availability of on–street parking to accommodate the parking demands of visitors to the site. Peak parking demands for visitors are expected to occur outside the peak parking demands associated with nearby non–residential uses including the school pick up and drop off times and the Mosque.
- Long term parking demands associated with residents of the proposal are accommodated on site.

Design Standard 2 – Car Parking Spaces

- Car spaces in garages constrained by walls should be at least 6.0m long and 3.5m wide for a single space. A doorway of 2.4m minimum width shall be provided in accordance with Clause 5.4(a) of AS2890.1:2004.
- The single garages associated with each of the garages have been dimensioned 3.2m x 6.0m. The dimensions of the garages do not comply with Design Standard 2 of Clause 52.06. However the applicant's traffic report has noted the following:
 - Whilst the widths of the garages do not meet the 3.5 metre requirement outlined in Design Standard 2 of Clause 52.06–8 of the Darebin Planning scheme, the widths of the garages are in excess of the minimum width specified under Clause 5.4 of AS/NZS 2890.1:2004 (which specifies a minimum width of 3.0 metres).
 - While it is Council's preference is that all garages are provided with an internal width of 3.5m, the dimensions specified within the Australian Standard are also accepted, and likely to be viewed favourably by VCAT. Any changes to the garages are likely to result in a substantial redesign and it is noted that the 3.2m width is clear of any structures or storage areas. Swept path assessments prepared by the applicant confirm adequate ingress and egress.

Access and Manoeuvrability

- An apron width of 6.0m has been provided for each of the garages which exceeds the requires of Clause 56.06 and Australian Standard 2890.1:2004.
- In addition the applicant has prepared swept path assessment using the B85 design vehicle confirming adequate ingress and egress into the each of the garages. In some cases one to two corrective movements may be required, however this is permitted in AS2890.1:2004 for User Class 1 (residential, domestic and employee parking).
- For some garages reversing into the space maybe more convenient (TH 16); Clause B4.3 of AS/NZS 2890.1:2004, provides guidance on this matter and notes that reverse manoeuvres associated with residential parking spaces are acceptable in instances where the site geometry requires.

Blind Aisles

The parking aisle has been extended 1.45m beyond Townhouse 1 as per 2.4.2(c) of AS2890.1:2004.

Design Standard 3 – Gradients

Proposed access gradients are as follows:

- Initial gradient of 1:65.6 for 2.62 metres (from a RL of 75.20);
- Final gradient of 1:10 for 12.00 metres (to a RL of 74.00); and
- The proposed gradients comply with the requirements of the Planning Scheme.

Traffic Impact

The applicant submitted a Traffic Impact assessment which estimates that the development would generate 80 vehicle movements per day, including approximately eight (8) vehicle movements (10%) per hour during periods of peak activity. The expected traffic generation is not expected to adversely impact on the operation of the surrounding street network.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		All dwelling provide two (2) bedrooms. While not providing a diversity of the housing types, the development provides an alternative form of housing in contrast to the predominantly single and double storey dwellings in the immediate area.	Y	Y
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	B5	Integration with the street		
		Dwellings appropriately integrate with the adjacent streets.	Y	Y
55.03-1	B6	Street setback		
		Please see assessment in the body of this report.	N	Y
55.03-2	B7	Building height		
		9.5 metres	Y	Y
55.03-3	B8	Site coverage		
		53%	Y	Y
55.03-4	B9	Permeability		
		24%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space. / The proposed development appropriately addresses the adjoining public open space area.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y

Clause	Std		Compliance	
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
55.04-2	B18	Walls on boundaries		
		Boundary walls are not provided.	N/A	N/A
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		There are no internal views	Y	Y
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y

Clause	Std		Compliance	
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		Please see assessment in the body of this report.	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

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

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08 (General Residential Zone – 2) – construction of two or more dwellings.
- Clause 52.06 (Car parking) – a reduction in car parking.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.02, 22.09
Zone	32.01
Overlay	45.06
Particular provisions	52.06, 55

Section of Scheme	Relevant Clauses
General provisions	65.01
Neighbourhood Character Precinct	E3

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

DISCLOSURE OF INTERESTS

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

RELATED DOCUMENTS

- Darebin Planning Scheme

Attachments

- Aerial ([Appendix A](#)) ⇨
- Plans ([Appendix B](#)) ⇨

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS, SIGNIFICANT APPLICATIONS AND APPLICATIONS FOR THE NEXT PLANNING COMMITTEE MEETING

The General Planning Information attached at **Appendix A** contains lists of:

- Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).
- Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text “struck out”.
- Applications with a cost of construction of at least \$3,000,000 currently under consideration.

Recommendation

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

Related Documents

- Nil

Attachments

- General Planning Information (**Appendix A**) [⇒](#)

7. URGENT BUSINESS

8. CLOSE OF MEETING