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## AGENDA

Planning Committee Meeting to be held  
at Darebin Civic Centre,  
350 High Street Preston  
on Monday, 16 September 2019  
at 6.00pm.



# **ACKNOWLEDGEMENT OF DAREBIN'S ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY**

**(Council adopted this Acknowledgment on 20 May 2019 in order to  
confirm the commitment of Council to the process of  
Reconciliation)**

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

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

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

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



## English

This is the Agenda for the Planning Committee meeting. For assistance with any of the agenda items, please telephone 8470 8888.

## Arabic

هذا هو جدول اعمال اجتماع لجنة التخطيط. للحصول على المساعدة في أي من بنود جدول الاعمال، يرجى الاتصال بالهاتف 8470 8888.

## Chinese

这是规划委员会会议议程。如需协助了解任何议项，请致电8470 8888。

## Greek

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

## Hindi

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

## Italian

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

## Macedonian

Ова е Дневниот ред за состанокот на Одборот за градежно планирање (Planning Committee). За помош во врска со која и да било точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

## Nepali

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

## Punjabi

ਇਹ 'ਯੋਜਨਾਬੰਦੀ ਕਮੇਟੀ' (Planning Committee) ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

## Somali

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

## Spanish

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

## Urdu

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

## Vietnamese

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

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# Agenda

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## 1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

## 2. APOLOGIES

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

## 4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

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

**That** the Minutes of the Planning Committee Meeting held on 19 August 2019 be confirmed as a correct record of business transacted.

**5. CONSIDERATION OF REPORTS**

**5.1 APPLICATION FOR A PLANNING PERMIT D/786/2018  
164 ST GEORGES ROAD NORTHCOTE**

**Author:** Principal Planner

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

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Petridis Architects	Intelligent Business Corporation Pty Ltd 271 Queens Parade CLIFTON HILL VIC 3068	N/A

**SUMMARY**

- The application is recommended for approval subject to conditions.
- The proposed conditions address materials, window operation and shading devices.
- The application is recommended for approval because it achieves compliance with the provisions of the Mixed Use Zone and Design and Development Overlay which apply to the site.
- The St Georges Road corridor has State and Local planning policy support for multi-level residential development. The Municipal Strategic Statement identifies St Georges Road for substantial housing change. The site is supported for increased residential densities under the Design and Development Overlay including development of up to 5-storeys (17 metres).
- The proposal involves first and second floor alterations and additions to an existing two (2) storey dwelling (total of three (3) storeys).
- The site is located within the Mixed Use Zone (Schedule 1) and is covered by a Design and Development Overlay (Schedule 16).
- A Planning Permit is not required to use or develop the land for a one dwelling in the Mixed Use Zone. A Planning Permit is required for buildings and works on land covered by DDO16 as the development exceeds the rear setback requirement.
- There is no restrictive covenant on the title for the subject land.
- Three (3) objections were received against the application.

**CONSULTATION:**

- Public notice was given via a sign posted on site and letters to surrounding land owners and occupiers.
- The application was referred internally to the Assets and Capital Delivery Unit and the Transport Management and Planning Unit.

**Recommendation**

**That** Planning Permit Application D/786/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: TPA01, TPA02, TPA03 and TPA04, dated 14 March 2019 and prepared by Petridis Architects) but modified to show:
  - (a) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - (b) External operable sun shading devices (excluding roller shutters) to all west facing habitable room windows / glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
  - (c) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness.
  - (d) Window type and opening mechanism on all elevation plans. Window mechanism must not increase overlooking of secluded private open space and/ or habitable room windows. Casement, louver, sliding or sash windows should be utilised to maximise ventilation.
  - (e) 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.
  - (f) All water tanks relocated within the building.

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. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
  5. The land must be drained to the satisfaction of the Responsible Authority.

6. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
8. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans; and
  - (c) Drainedto the satisfaction of the Responsible Authority.

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

**Council Notations:**

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

**INTRODUCTION AND BACKGROUND**

- The then Northcote City Council issued Planning Permit 1508 for *‘buildings and works erected thereon in accordance with the attached endorsed plan and to be used for the purpose of Light Industry’* on 26 February 1969.
- The Melbourne and Metropolitan Board of Works issued Planning Permit 35517 for *‘buildings and works erected thereon in accordance with the attached endorsed plan and to be used for the purpose of Light Industry’* on 7 May 1975.



- Planning application D/910/02 for '*a medium density housing development comprising the construction of 12 dwellings*' was withdrawn on 4 May 2004.
- Planning application D/64/04 for '*construction of eleven (11) dwellings contained within a 4-storey building*' was refused on 24 July 2006. The application was refused on the ground of insufficient information.
- Planning application D/118/07 for '*replacement of an existing prohibited use with a new prohibited use (warehouse)*' was withdrawn on 2 July 2007.
- Planning application D/295/08 for '*a medium density housing development comprising the construction of ten (10) dwellings*' lapsed on 25 August 2008.
- Planning application D/519/2009 for '*use the site for the purpose of a 20 seat restaurant and associated reduction in the car parking requirement; and development of the site for the purpose of a restaurant and eight (8) dwellings contained in a four (4) storey building*' was refused on 14 May 2010. Amongst other matters the application was refused on the grounds of design height, scale and amenity impacts.
- In accordance with the VCAT Order Council issued Planning Permit D/603/10 on 8 May 2011. The permit allowed the '*use and development of a four (4) storey building for a 20 seat food and drink premises (cafe) and eight (8) dwellings, a reduction of the car parking requirements and the alteration of access to a road in a Road Zone Category 1*'.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The site is regular in shape with a width of 15.85 metres, a depth of 36.58 metres and an area of approximately 579.80 square metres.
- The site provides a fall of approximately 330mm from the north east corner to the south west corner of the site.
- The site is located within the Mixed Use Zone and is covered by a Design and Development Overlay.
- The site adjoins St Georges Road Zone (Road Zone Category 1).
- The site is within a substantial housing change area within the Municipal Strategic Statement.
- The site is located on the east side of St Georges Road, south of Bent Street.
- The site contains a building historically used as a warehouse. The building provides a 100% site coverage with a flat roofed, two (2) storey section fronting St Georges Road and single storey section with sawtooth roof to the rear. The sawtooth roof provides a height of 5 – 6.5 metres.
- A Building Permit was issued on 18 July 2016 for '*internal non-structural alterations-including washtub installation, impervious floor covering to the first floor bathroom & change of use to a residential dwelling & associated garage*'. These works have been completed.
- Vehicle access is from St Georges Road and via the right of way (ROW) located to the south of the site.
- South of the ROW is a small group of dwellings (former commercial buildings) which are constructed to the St Georges Road boundary. The dwelling located immediately south of the ROW is constructed to the front boundary and on the ROW boundary at ground and first floor level. A central light well with north facing windows is provided.

- To the north is a place of worship (Italian Catholic Charismatic Renewal). The building provides a high site coverage and is constructed on the common boundary with the subject site. The building is single storey but provides a parapet wall which elevates the height of the building closer to the double storey height of the building occupying the subject site.
- To the east of the site are various single and double storey dwellings fronting Bent Street. The immediately adjacent property at No. 113 Bent Street comprises a dwelling with a double storey rear extension. The double storey extension features a double storey wall on the common boundary, rising above the height of the sawtooth roof of the building on the subject site.
- To the west of the site on the opposite side of St Georges Road are a number of single storey dwellings of different eras. These properties are well separated from the subject site by the extensive road reserve.
- To the north west of the site on the opposite side of St Georges Road is the former Windsor Smith shoe factory. The site has a current planning permit (D/1011/2012) allowing *Development of a six storey building comprising dwellings and a supermarket over basements in a Commercial 1 Zone and Design and Development Overlay and use of the ground floor for dwellings in a Commercial 1 Zone.*
- The site is located approximately 150 metres from a tram stop serving the No.112 tram and approximately 500 metres from Northcote train station.
- The site is located approximately 330 metres from the Northcote Major Activity Centre.
- Batman Park is located approximately 50 metres to the south of the site.
- No standing restrictions apply adjacent the site on St Georges Road.

### Proposal

- The site is occupied by a former warehouse building comprising a double storey section with a zero setback to Georges Road and a single storey section with sawtooth roof to the rear. The building was converted to a dwelling in circa 2016 via a building permit.
- The residential conversion already undertaken includes a first floor living space and balcony overlooking St Georges Road. The rear of the building provides a floor area of approximately 470 square metres and is used to store a number of the owner's vehicles.
- The proposal involves an extension to the existing dwelling. The extension comprises the addition of a 3<sup>rd</sup> storey to the front of the site and two (2) additional storeys above the existing car parking area to the rear. A total of 3-storeys is proposed across the majority of the site.
- The existing ground and first-floor level fronting St Georges Road are largely maintained in their current form and layout. This section of the dwelling comprises a central entry to St Georges Road with two (2) rooms located either side and a first floor living space and balcony overlooking St Georges Road.
- The ground level car parking area located to the rear is maintained. A car hoist is introduced to allow vehicles to be transported to an additional car parking area located at the first floor level directly above and would further allow for a vehicle to be displayed at the second floor. The first floor also provides for a balcony to the rear and a lounge with kitchen.
- The proposed second floor level comprises an open plan living space and balcony overlooking St Georges Road and three (3) bedrooms to the rear with a north facing

balcony located off the master bedroom. A 1 metre wide balcony wraps around the south and east elevation.

- The existing façade to St Georges Road and the north, south and eastern sawtooth boundary wall is to be maintained.
- The development is to have a contemporary design comprising a skillion roof to the front of the extension and a flat roof to the rear.

### **Objections summarised**

- Neighbourhood character and height.
- Car parking.
- Shadowing.
- Potential use.
- Ground floor interface to St Georges Road.
- Carbon monoxide exhaust system.
- Property value.
- Loss of privacy.

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

#### Neighbourhood character and height

The Darebin Planning Scheme actively encourages urban intensification of the St Georges Road corridor including building heights of up to 5-storeys within this precinct. The proposal generally accords with the future character of the area with a building height of 3-storeys. While the proposal will be visible from nearby residentially zoned properties, visibility is not the test that should be applied in this instance, as the development must be seen in the context of the policy encouraging a 5-storey scale on the site and adjoining sites. Adjacent residents should expect to have an altered view over time given the applicable Planning Policy Framework.

The height of the development is less than what the Planning Scheme anticipates for this precinct of St Georges Road. In addition, the rear form of the proposal reasonably steps back from the existing sawtooth boundary wall (to be retained) an adequate distance to minimise perceptions of bulk from the perspective of adjacent residential properties.

#### Car parking

It is estimated that the existing ground level car park and the proposed first floor level car park could accommodate up to some 20 vehicles on site. This is deemed to be more than sufficient for the expected car parking needs of just one (1) dwelling.

#### Shadowing

The increase in shadows is minimal and the increase is not considered unreasonable in this context where 5-storey buildings are encouraged. Shadows will fall across the ROW and St Georges Road. Later afternoon shadows will largely fall within the existing shadows cast by the eastern boundary wall (to be retained) and the double storey extension located to the rear of No. 113 Bent Street.

Potential use

It was asserted that the large car parking area has the potential to be used for the purpose of additional accommodation. Council may only assess the plans and documents before it rather than speculate on the any future use of the site etc. In any case any proposal to provide additional dwellings within the building envelope would require further planning permission including notice to adjacent owners and occupiers.

Ground floor interface to St Georges Road

The ground floor interface to St Georges Road is not proposed to be altered. This element of the building provides a central entrance and a glazed frontage which is considered to adequately engage with the street and provide a good sense of address.

Carbon monoxide exhaust system

The proposed carbon monoxide exhaust system is designed to extract exhaust fumes associated with the movement of vehicles within the ground and first floor car parking area. This is a requirement under the Building Code. Despite the number of vehicles which can be accommodated within the car parking area, the number of vehicle movements associated with one (1) dwelling is expected to be low.

Property value

Fluctuations in property value are speculative and are not a relevant planning consideration.

Loss of privacy

The development has been designed to limit overlooking opportunities into adjacent properties on accordance with ResCode requirements.

**PLANNING ASSESSMENT**

**Clause 43.02 - Design and Development Overlay (Schedule 16)**

Under the schedule to Clause 43.02 of the Darebin Planning Scheme, *a permit is not required to extend a single dwelling, or carry out works in association with an existing single dwelling on a lot in excess of 300 square metres, provided the buildings and works do not exceed or breach the preferred building heights and front, side and rear setback requirements in this schedule.*

This policy applies to development proposals located on the St Georges Road.

As the proposal seeks to vary the rear setback envelope recommended under Clause 43.02 a planning permit is required.

<b>Element</b>	<b>Comment</b>	<b>Compliance</b>
<b>Street frontage</b>	The proposal maintains the existing, and appropriately designed entry and glazed frontage to St Georges Road. Balconies are also provided overlooking St Georges Road to provide good surveillance of the street.	Complies
<b>Building Height and setback</b>	At 3-storeys (12.98 metres) the proposal is within with the mandatory maximum height limit of DDO16 (5-storeys / 17 metres).  Policy supports a zero front setback for the initial 4-storeys (14	Complies

Element	Comment	Compliance
	<p>metres). The proposal rises to 3-storeys. The existing ground and first floor level provide a zero setback. The proposed second floor level is setback 1.9 to 6.23 metres from the frontage and therefore accords with this recommendation.</p> <p>The larger part of the extension is finished in render which is consistent with the appearance of the existing dwelling.</p> <p>The proposal is partially constructed on the north boundary, above the roofline of the neighbouring place of worship. Critically the construction on and adjacent the side and rear boundaries allows equitable development opportunities to the adjoining sites, particularly the northern neighbour. The dwellings to the south are separated from the development by a three (3) metre wide ROW and as such generous light and ventilation would be maintained on the subject site as well as the neighbouring property to the south.</p> <p>Policy recommends a ground level rear setback of 3 metres, a first floor rear setback of 5.5 metres, with additional levels setback within a 45° envelope (measured 3 metres above ground level). The key consideration in regard to the rear setback is that the proposal is not new development, but an extension to an existing building which already does not comply with the setback requirements. The existing building provides a sawtooth wall on the rear boundary with a varied height of 5 – 6.5 metres (equivalent to a double storey building). The first and second floor additions provide a staggered rear setback of 2.38 - 7.1 metres and 5 – 15 metres respectively. The lower section of the proposed first floor partially sits below the top of the sawtooth wall which will help obscure views of this section of the proposal from the neighbouring rear garden of No. 113 Bent Street and beyond. Views of the extension are also obscured by the double storey rear extension to No. 113 Bent Street which is sited on a section of the common boundary.</p> <p>It is considered that the context of the site and the scope of the proposal, including the retention of the existing sawtooth wall, proposed 5 metre minimum setback at the upper most level and limiting the height to 3 storeys justifies a variation to the recommended rear setback sought by policy (noting that Council cannot force the applicant to remove the existing rear boundary wall or building). Critically the shadow cast by the proposal will largely fall within the existing shadows cast by the existing eastern boundary wall (to be retained) and the double storey extension at the rear of No. 113 Bent Street. While the proposal will be partially visible from nearby residentially zoned properties to the east, visibility is not the test that should be applied in this instance, as the development must be seen in the context of the policy encouraging a 5-storey scale on the site and adjoining sites. Adjacent residents should expect to have an altered view over time.</p>	
<b>Building Design</b>	The extension is setback behind the existing front façade and would appear a subordinate in scale and form. The larger part	Complies

Element	Comment	Compliance
	<p>of the extension is finished in render which is consistent with the appearance of the existing dwelling.</p> <p>The front elevation features a sloping roof and large west facing windows and doors leading onto a balcony, providing visual interest and articulation to this elevation.</p> <p>The overall composition and form of the proposal is deemed appropriate given the site's location on a main road frontage, where the Planning Scheme encourages a substantial level of change including development of up to 5-storeys on the site and adjacent sites.</p> <p>Conditions requiring details of shading devices, window operation and location of services and plant equipment are imposed.</p>	
<b>Access and parking</b>	The site provides vehicle access to the ROW. The development provides two (2) levels of car parking which can accommodate some 20 vehicles. This is deemed to be a more than adequate level of car parking for just one (1) dwelling.	Complies

**Clause 54 - ResCode**

As noted above the lot is over 300 square metres in area and the site is located in the Mixed Use Zone, Clause 54 does not apply to the assessment of this application. ResCode compliance would be considered by the relevant building surveyor.

**Clause 52.06 - Car Parking**

Clause 52.06 does not apply to: *the extension of one dwelling on a lot in the Mixed Use Zone; or the construction and use of one dwelling on a lot in the Mixed Use Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot.*

In any case Clause 52.06 recommends the provision of two (2) car parking spaces for a three (3) bedroom dwelling. It is estimated that the development provides space for some 20 vehicles with up to 10 conveniently located at the ground level. This is deemed more than sufficient for the expected car parking needs of just one (1) dwelling.

All vehicles parked on site are for the personal use of the applicant, in connection with the use of the property as a dwelling. On this basis the level of car parking is unlikely to result in undue offsite amenity impacts.

**REFERRAL SUMMARY**

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

**PLANNING SCHEME SUMMARY**

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

- Clause 43.02- *a permit is not required to extend a single dwelling, or carry out works in association with an existing single dwelling on a lot in excess of 300 square metres, provided the buildings and works do not exceed or breach the preferred building heights and front, side and rear setback requirements in this schedule.*

As the proposal breaches the preferred rear setback a planning permit is required.

**Applicable provisions of the Darebin Planning Scheme**

Section of Scheme	Relevant Clauses
SPPF	11.01-1R, 11.01-1S, 15.01-1R, 15.01-2S, 15.01-5S, 16.01
LPPF	21.03, 22.02
Zone	32.04
Overlay	43.02, 45.06
Particular provisions	N/A
General provisions	65.01

**POLICY IMPLICATIONS**

**Environmental Sustainability**

The dwelling is required to achieve a minimum six (6) star energy rating under the relevant building controls.

**Social Inclusion and Diversity**

Nil

**Other**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil

**RELATED DOCUMENTS**

- Darebin Planning Scheme

**Attachments**

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

**DISCLOSURE OF INTEREST**

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

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



**5.2 APPLICATION TO AMEND A PLANNING PERMIT  
29-31 STATION STREET FAIRFIELD VIC 3078; and,  
22 ARTHUR STREET FAIRFIELD VIC 3078**

**Author:** Statutory Planner

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

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
KLM Spatial	T Dritsas Carmac Nominees Pty Ltd.	KLM Spatial Greenwood Consulting P/L

**SUMMARY**

- Planning Permit No. D/1160/2014 was issued by Council on 31 August 2015. The applicant now seeks to amend the planning permit and endorsed plans which generally includes the following:
  - Updating the address of the subject site to include the land at 22 Arthur Street Fairfield.
  - An extension to the existing medical centre comprising the construction of a car park at 22 Arthur Street Fairfield.
- The proposed car park provides an additional 22 spaces to the existing medical centre and will be restricted to staff parking only (via gated access).
- The hours of operation of the proposed car park will be between 8am to 10pm (which is consistent with the operating hours of the medical centre).
- It is proposed to increase the number of staff at the existing medical centre to 20 medical practitioners.
- The subject site is zoned Residential Growth – Schedule 4 and General Residential – Schedule 2 and affected (either partially or entirely) by the Development Contributions Plan Overlay, Design and Development Overlay – Schedule 20 and Heritage Overlay – Schedule 78.
- The mandatory garden area requirement of Clause 32.08-4 does not apply to this application which does not seek to construct or extend a dwelling or residential building.
- There is no restrictive covenant on the titles for the subject land.
- 25 objections have been received against the application.
- The proposal is generally compliant with the relevant considerations of the Darebin Planning Scheme including Clause 15.01 (Built Environment), Clause 21.03 (Housing), Council’s Neighbourhood Character Policy and the General Residential Zone provisions for non-residential uses in residential zones.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via placing two (2) signs on site fronting Station Street and one (1) sign fronting Arthur Street and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Transport Engineering and Strategy Unit and Arboricultural Planning Unit.
- This application was referred externally to VicRoads.

**Recommendation**

**That** Planning Permit Application on D/1160/2014 be supported and a Notice of Decision to Amend a Permit be issued, with the permit amended as follows:

- Amended the address of the land from:  
*29-31 Station Street FAIRFIELD VIC 3078*  
To:  
*29-31 Station Street FAIRFIELD VIC 3078 and 22 Arthur Street FAIRFIELD VIC 3078*
- **Amend what the permit allows from:**
  - *Increase the number of health care providers associated with the existing medical centre to 12;*
  - *Carry out works;*
  - *Construct and display an advertising sign; and*
  - *Reduce the car parking requirement associated with the medical centre;*To:
  - *Increase the number of health care providers associated with the existing medical centre to 20;*
  - *Carry out works;*
  - *Construct and display an advertising sign.*
- Condition No. 6 amended from:  
*The number of healthcare providers operating from the premises from the premises at any one time must not exceed 12.*  
To:  
*The number of medical practitioners operating from the premises from the premises at any one time must not exceed 20.*
- Condition No. 9 deleted:  
*Before number of health care providers increases a waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.*  
*The waste storage/collection area must have minimum dimensions of 2.4 metres by 1.8 metres. If located outside a building, the waste storage/collection area must be surrounded by a screen so that it is not visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.*  
*The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.*

- Condition No. 15 amended from:

*Before number of health care providers increases areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:*

- a) constructed;*
- b) properly formed to such levels that they can be used in accordance with the plans;*
- c) surfaced with an all-weather sealcoat;*
- d) drained;*
- e) line-marked to indicate each car space and all access lanes;*
- f) clearly marked to show the direction of traffic along the access lanes and driveways*

*to the satisfaction of the Responsible Authority.*

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

To:

*Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:*

- a) constructed;*
- b) properly formed to such levels that they can be used in accordance with the plans;*
- c) surfaced with an all-weather sealcoat;*
- d) drained;*
- e) line-marked to indicate each car space and all access lanes;*
- f) clearly marked to show the direction of traffic along the access lanes and driveways*

*to the satisfaction of the Responsible Authority.*

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

- Condition No. 21 amended from:

*This Permit expires 15 years from the date of issue of the Permit.*

To:

*The permission to display signage expires 15 years from the date of issue of the Permit.*

- Condition No. 23 added to the permit as follows:

*Before the buildings and works at 22 Arthur Street commence, 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 (Rev. A), prepared by KLM Spatial, Job No. 6688 and dated 11.04.2019) but modified to show:*

- a) Modification to the Landscape Plan in accordance with Condition 25 of the Permit.*

- b) *Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 27 of this Permit.*
- c) *An acoustic fence located along the northern, southern and western in accordance with Condition 28 of this Permit.*
- d) *A swept path assessment prepared by a qualified traffic engineer demonstrating that vehicles are able to enter and exit the site at 22 Arthur Street in a forward direction.*
- e) *Waste storage areas in accordance with Condition 29 of the Permit.*
- *Condition No. 24 added to the permit as follows:*

*Permission to use and develop the land at 22 Arthur Street will expire if either:*

  - *The works do not commence within three (3) years from the date of this Permit; or*
  - *The works are not completed or the use does not commence 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 the specific permission of this condition 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 works.*
- *Condition No. 25 added to the permit as follows:*

*Before buildings and works at 22 Arthur Street start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:*

  - a) *details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.*
  - b) *a planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.*
  - c) *a diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.*
  - d) *where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).*
  - e) *annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.*
  - f) *type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and*

concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.

- g) hard paved surfaces at all entry points to dwellings.
  - h) all constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - i) type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - j) an outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - k) clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - l) scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
  - m) tree protection notations in accordance with Condition No. 27 of this Permit.
  - n) at least eight (8) suitable small canopy trees.
  - o) 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 adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy (4-6m x 4m), medium canopy (6-8m x 6m), large canopy (8-12m x 10m).
- Condition No. 26 added to the permit as follows:  
*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.*
  - Condition No. 27 added to the permit as follows:  
*Before works (including demolition of the existing dwelling) at 22 Arthur Street commence, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).*

<i>Tree (as defined in Arboricultural Construction Impact Assessment, prepared by Greenwood Consulting and dated 1 April 2019)</i>	<i>TPZ (radius from the base of the trunk)</i>
<i>Council nature strip tree (Melaleuca styphelioidies)</i>	<i>9.6 metres</i>

*Where located within the TPZ, the proposed car park must not exceed an excavation depth of 100mm.*

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

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

*The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a TPZ. The movement of the fencing to allow such buildings and works shall only occur*

*for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.*

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

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

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

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

- Condition No. 28 added to the permit as follows:

*Before the use of the land at 22 Arthur Street commences, an acoustic fence must be erected along the northern, southern and western boundaries of the land to a minimum height of 1.8 metres above natural ground level.*

*The design of the fence must be prepared in consultation with an acoustic engineer qualified to the satisfaction of the Responsible Authority.*

*Before the fence is constructed, details of the design and acoustic qualities of the fence must be submitted to, and approved by, the Responsible Authority.*

- Condition No. 29 added to the permit as follows:

*Provision must be made for the storage and collection of solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.*

*All bins and receptacles used for the storage and collection of solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.*

*All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.*

*The permit holder must ensure that all medical waste is disposed of by an authorised collection/disposal agency to the satisfaction of the Responsible Authority.*

- Condition No. 30 added to the permit as follows:

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

- Condition No. 31 added to the permit as follows:

*The car parking area is to be adequately secured after operating hours to the satisfaction of the responsible authority.*

- Condition No. 32 added to the permit as follows:

*The car park at 22 Arthur Street must be used by staff only.*

- Condition No. 33 added to the permit as follows:

*Staff access to the car park at 22 Arthur Street is to be adequately secured (i.e. swipe card or similar) to the satisfaction of the Responsible Authority.*

## **INTRODUCTION AND BACKGROUND**

- The history of the existing medical centre at 29-31 Station Street is as follows:
  - The site was used for Maristowe Private Hospital for a number of years.

- The site was used for medical services and consulting rooms from 1994. Planning Permit D128/94 was issued on 2 December 1994 and allowed the construction of a transportable building to be used for medical rooms. The plans show 26 beds in 11 wards, with operating theatre, recovery areas etc.
- From 2000 the premises were used for consulting rooms for cancer specialists.
- The premises were subsequently used for a chiropractic clinic from 2006, with radiology and pathology services.
- Planning Permit D/1160/2014 was issued on 31 August 2015, the permit allows:
  - Increase the number of health care providers associated with the existing medical centre to 12;
  - Carry out works;
  - Construct and display an advertising sign; and
  - Reduce the car parking requirement associated with the medical centre.
- There is no relevant planning permit history which applies to the allotment at 22 Arthur Street.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is comprised of two (2) lots and is irregular in shape. The lot fronting Station Street has dimensions of 49.07 metres (width) and 49.07 metres (depth) and the lot fronting Arthur Street has dimensions of 18.29 metres (width) and 38.71 metres (depth).
- The total site area is approximately 2,985 square metres.
- The subject site is zoned Residential Growth – Schedule 4 and General Residential – Schedule 2 and affected (either partially or entirely) by the Development Contributions Plan Overlay, Design and Development Overlay – Schedule 20 and Heritage Overlay – Schedule 78.
- The subject site has frontages to both Arthur Street and Station Street. The allotment fronting Arthur Street is located on the western side of the street, approximately 80 metres north of Heidelberg Road.
- The sites are connected at the rear, along a common side boundary

### Station Street

- To the north is a single storey dwelling with a gable tile roof. The dwelling is set back approximately 10 metres from the street and 2 metres from the common boundary.
- To the south are the rear yards and rear of commercial buildings fronting Heidelberg Road.
- To the east, is the rear yards of single storey dwellings fronting Arthur Street. The dwelling is set back from the common boundary with the subject site by a minimum distance of 9.5 metres, and the rear yards are occupied by low-lying outbuildings.
- To the west, located on the opposite site of Station Street, are single storey dwellings which have varying front setbacks, each set back approximately 6 metres from the street.
- On-street car parking along Station Street available on both sides of the street and is unrestricted, save for no standing areas near the Heidelberg Road intersection.

Arthur Street

- To the north is a single storey dwelling with a Dutch gable roof. The dwelling is set back approximately 6 metres from the street and 3 metres from the common boundary.
- To the south is a single storey dwelling with a hipped tiled roof. The dwelling is set back approximately 8 metres from the street and 1 metre from the common boundary.
- To the east, located on the opposite site of Arthur Street, are single storey dwellings which have varying front setbacks, between nil and 2.8 metres.
- To the west is the rear yard of a single storey dwelling fronting Station Street. The dwelling is set back approximately 16 metres from the common boundary with the subject site, and the rear yard is occupied by several low-lying outbuildings.
- On-street car parking along Arthur Street available on both sides of the street and is unrestricted.

**Proposal**

It is proposed to amend Planning Permit No. D/1160/2014 and the endorsed plans as follows:

- Update the address of the subject site to include the land at 22 Arthur Street Fairfield.
- An extension to the existing medical centre generally comprising the construction of a car park at 22 Arthur Street Fairfield.
- Increase in the number of medical practitioners for 12 to 20.
- Amend conditions on the permit (refer to Planning Assessment section of this report).

**Objections summarised**

- Negative impact on neighbourhood character;
- Loss of residential amenity;
- Compromises pedestrian/cyclist safety;
- Contrary to the Darebin Parking Strategy;
- Additional car parking is not required under current planning policy;
- Impacts the rejuvenation of this part of Fairfield;
- Sets a precedent for non-residential land use in the area;
- Property devaluation;
- The site at 22 Arthur Street is in a residential zone, therefore, should not be used for non-residential purposes;
- Substantial increase in the volume of traffic;
- The site is proximate to a train station;
- Removal to green space;
- The medical centre should be made to build a basement car park;
- More medical practitioners is unnecessary;
- Safety at night cannot be ensured;
- Notice has not been conducted correctly;
- The site will not be adequately permeable;



- Noise issues;
- Increase in practitioners will result in further traffic congestion;
- There are no details of the proposed front fence;
- Impact on the existing street tree;
- Not allowing residential parking at the Nightingale but allowing a car park would be a backflip on policy;
- The owner's details differ between sites;
- If the medical centre moves, the site will be vacant;
- The operating hours differ from the medical centre;
- The site is in a flood prone area;
- Loss of heritage dwelling.

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

#### Negative impact on neighbourhood character

The provisions of Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme are applicable to the portion of the site located in the General Residential Zone. As can be seen from the assessment below, the proposal is compliant with the relevant design guidelines for Precinct B3.

#### Loss of residential amenity

Refer to the assessment against Clause 32.08, under the heading 'Non-residential Use and Development' below.

#### Compromises pedestrian/cyclist safety

The proposed car park incorporates safety measures to the extent that they can be controlled by the Darebin Planning Scheme. For instance, pedestrian visibility splays have been provided at the site boundary in accordance with Clause 52.06-9.

It is also unlikely that vehicles will exit the site and/or Arthur Street at high speed given that the design of the entry and exit lane includes a curved road and security gate.

#### Contrary to the Darebin Parking Strategy

Council does not have an adopted parking strategy. The proposed *Darebin Parking Strategy 2019-2029* was withdrawn on 11 June 2019 in response to community feedback.

#### Additional car parking is not required under current planning policy

While Clause 52.06 provides a minimum number of car parking spaces for the use of the land as a medical centre, there is no maximum car parking requirement stipulated in the Darebin Planning Scheme as the site is not located in a Parking Overlay.

#### Impacts the rejuvenation of this part of Fairfield

This is not a relevant planning matter.

Sets a precedent for non-residential land use in the area

The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration, as the State based planning provisions encourage non-residential uses such as medical centres within the residential zones.

Property devaluation

Fluctuations in property prices is a not relevant consideration the provisions of *the Planning & Environment Act 1987* or the Planning Scheme.

The site at 22 Arthur Street is in a residential zone, therefore, should not be used for non-residential purposes

The proposed use of the land at 22 Arthur Street as a car park associated with the existing medical centre is permissible under the table of uses within the General Residential Zone.

Moreover, the purpose of the General Residential Zone entertains the possibility of some non-residential uses with further guidance provided in the decision guidelines at Clause 32.08-13. A strict view of any non-residential use must be taken to ensure that off-site amenity impacts are limited. Refer to the assessment below for further details.

Substantial increase in the volume of traffic

While the proposal may result in some increased traffic movements, it is considered that this may be easily absorbed by the local road network.

The site is proximate to a train station

The site being proximate to a train station only influences the application insofar as the Principal Public Transport Network (PPTN) 'Column B' rates apply to Clause 52.06-5.

Removal to green space

While the proposal will result in the loss of some insignificant vegetation on the site, in fact, there will be a net gain in the provision of canopy trees and vegetation throughout the site. This will be achieved through a condition included in the above recommendation, requiring a landscape plan. The landscape plan must show a minimum of 8 small canopy trees provided on the site.

The medical centre should be made to build a basement car park

This design response has not been tested in the form of a permit application. However, on face value, the provision of a basement car park under the existing medical centre may be contrary to planning policy on the basis that the portion of the site at 29-31 Station Street is affected by an individual Heritage Overlay (HO78) and the site adjoins a Road Zone – Category 1.

More medical practitioners in unnecessary

The number of medical practitioners employed by the exiting business is a commercial decision for the owner of the property and is not a planning matter.

It should be noted that the number of practitioners is no longer a relevant consideration of Clause 52.06 (Car Parking), as the site is located within the Principal Public Transport Network.

Safety at night cannot be ensured

The proposed car park provides secured access and a 1.8 metre high steel picket security fence along the front boundary of the subject site. There is also bollard lighting located around the perimeter of the site. It is arguable that these measures will discourage antisocial behaviour after hours.

Notice has not been conducted correctly

It was brought to the attention of Council that notice boards had not been displayed correctly. As a result, notice was required for a further 14 days in accordance with the provisions of the *Planning and Environment Act*. At the conclusion of the advertising period, the owner of the site provided a statutory declaration confirming that notice had been conducted correctly.

The site will not be adequately permeable

While the permeability provision of Standard A6/B9 do not apply to non-residential applications, it is considered that a 1 metre landscape buffer to the side and rear of the site, and a 5 metre landscaped front setback will provide adequate permeability. A condition will also require the car park to be adequately drained.

Noise issues

To ensure that noise spill is adequately contained within the subject site, an acoustic fence will be provided around the perimeter of the proposed car park. Refer to the assessment below for further details.

Increase in practitioners will result in further traffic congestion

As the site is located within the Principal Public Transport Network, the number of practitioners is no longer a relevant consideration in terms of the car parking rate from Clause 52.06-5. To that end, the updated provisions of the Planning Scheme do not provide quantifiable guidance to limiting practitioner numbers for purposes of considering traffic matters.

There are no details of the proposed front fence

A front fence elevation is provided on TP02. The elevation indicates that the proposed fence will be a 1.8 metre high steel picket security fence, powder coated woodland grey.

Impact on the existing street tree

Council's arborist has reviewed the arborist report which accompanied the application and advised that the street tree will remain viable, subject to a tree protection zone condition included in the above recommendation.

Not allowing residential parking at the Nightingale but allowing a car park would be a backflip on policy

All applications are assessed on their individual merits. As can be seen from the assessment below, the proposal is generally compliant with the relevant provisions of the Darebin Planning Scheme. Any perceived shortfalls (or otherwise) of one development should not be to the detriment of this proposal. It is also noteworthy that policy considerations of a residential apartment are different to those which apply to an amendment to the existing medical centre.

The owner's details differ between sites

In accordance with Section 48 of the *Planning and Environment Act* the permit applicant has provided a declaration that they have notified the owner of the land about this planning application.

If the medical centre moves, the site will be vacant

Council cannot anticipate the future conduct of the medical centre. It is noteworthy however, that any future redevelopment of the site (dwelling or otherwise) would be subject to the relevant provisions of the Planning Scheme and Building Regulations at the time of application.

The operating hours differ from the medical centre

The report accompanying the application notes that the car parking hours of operation will be 8am-10pm. This is consistent with the approved hours of operation for the existing medical centre.

The site is in a flood prone area

The site is not located within a Special Building Overlay or an area subject to flooding under Building Regulation 153, which may otherwise indicate that the site is prone to flooding.

Loss of heritage dwelling

The existing heritage building at 29-31 Station Street will not be impacted by the proposed amendment affecting 22 Arthur Street.

While the proposal will result in the loss of the existing building at 22 Arthur Street, the site is not affected by a Heritage Overlay and there is no permit trigger in the Planning Scheme for demolition.

**PLANNING ASSESSMENT****Neighbourhood Character**

Although this amendment application is for a non-residential use, the provisions of Clause 22.02 (Neighbourhood Character) apply to all applications for development and works within the General Residential Zone. Therefore, the Neighbourhood Character Precent Guidelines are applicable to the portion of the site within Arthur Street, where the site is located within Precinct B3 (Victorian/Edwardian/Interwar Mix). Notwithstanding, in addressing the neighbourhood character, it is important to remember that the proposal is not a residential use and therefore should not strictly provide a residential character response. In this respect, the application of Clause 22.02 and the Neighbourhood Character Study must be made in a broad sense, as it has limited applicability.

Existing Buildings

- While it is proposed to demolish the existing weatherboard dwelling which occupies the subject site, the existing streetscape, particularly at the southern end of Arthur Street does not possess a consistent neighbourhood character in terms of the building stock.
- Importantly, there is no specific permit trigger for the demolition of existing dwellings (i.e. Heritage Overlay).

**Complies**

Vegetation

- Indicative landscaping shown on TP02 indicates that canopy trees may be accommodated within the front setback of the car park or within the landscape buffer along the side and rear boundaries.
- A landscape plan has been required as a condition included within the recommendation.
- While the proposal seeks to remove one (1) existing tree from the rear of 22 Arthur Street, Council's Arborist has required a minimum of eight (8) small replacement canopy trees as a condition.
- There are no significant trees on the site and vegetation may be removed without requirement for a planning permit.
- The proposal provides sufficient garden space to maintain landscaping and strengthen the garden setting of the streetscape. In particular, it is noted that a 5 metre landscape buffer is located along the front boundary of the site, while 1 metre landscape buffers are provided along the side and rear boundaries.
- Council's Arborist has advised that there are no trees which will be impacted by the proposed car park.

**Complies subject to condition**Siting

- The car parking area is set back from the street frontage for planting of vegetation, to enable the continuation of the garden setting in this area and filter views to the proposed car park.
- There is to be one (1) crossover to the street which is proposed to be widened to accommodate access to the car park. The proposed crossover and entrance will be angled and sited so that it is not a dominant element of the street edge.

**Complies**Height and building form

- None of the works proposed are applicable to this design objective.

**Not applicable**Materials and design detail

- None of the works proposed are applicable to this design objective.

**Not applicable**Front boundary treatment

- The proposal provides a security fence to Arthur Street which is set back from the title boundary by a minimum distance of 3.3 metres. Although the proposed fence height is 1.8 metres, the proposed design response is considered acceptable and allows views through the fence to front garden. Moreover, there is space to accommodate landscaping and a soft street edge in front of the proposed fence.

**Complies**

## Urban Design

In assessing and determining non-residential works applications not covered by Clause 55 (in this case, the proposed extension to the medical centre comprising a car park at 22 Arthur Street), regard must be had to the urban design principles of Clause 15.01. The following is a summary of the assessment against clause 15.01-1S and 15.01-2S:

- The streetscape and public realm interface is acceptable in that the car park does not dominate the streetscape and provides an appropriate interface, which includes a landscaped street edge.
- The proposed access to the car park is adequately secured, with a permeable security fence provided along the front boundary of the site and bollard lighting provided around the perimeter of the site. A condition will require the proposed car park to be limited to staff access only and gated access controlled via a swipe card (or similar) system.
- As noted above, the capacity of the site to accommodate landscaping is acceptable, with the extent of landscaping confirmed via a landscape plan, required as a condition. Moreover, it is noted that the proposal will not impact any existing vegetation. Importantly, the proposal provides a soft street edge through the provision of a 5 metre landscape buffer which will ensure a reasonable level of visual attractiveness and reduce the potential harshness of paved surfaces.
- Given that the proposed amendment is primarily seeking approval for a non-residential use at 22 Arthur Street, ensuring that off-site amenity impacts can be appropriately managed is a critical issue. While it is noted that traffic movements to and from the site will be limited to the extent that the car parking will be restricted to staff only, there is still potential for noise spill to adjoining properties. Therefore, a condition included in the recommendation will require an acoustic fence to be erected around the perimeter of the site at 22 Arthur Street.
- Back of house areas will continue to be appropriately managed, with services and the like accommodated in an area in the north-eastern corner of the Station Street site, which will not be accessible to members of the public.
- As noted above, the increase in vehicle movements are not envisaged to be substantial, noting that the car park will not be accessible to the public (to be restricted via a planning permit condition and gated access) and the site will accommodate 22 car spaces. It is also considered that the proposal may in fact reduce the temporal demand for parking, which is currently absorbed by the local road network, noting that parking restrictions in the area do not currently discourage long-term parking on Arthur Street or adjacent streets to the east.

As can be seen above, the proposal provides an appropriate design response in the circumstances and achieves the strategies set out by this clause.

## Non-residential Use and Development

The primary purpose of the discussion below relates to the use and development of the car park at 22 Arthur St. Noting that the medical centre at 29-31 Station Street has already been approved as part of Planning Permit D/1160/2014, the merits of the existing approval cannot be revisited in this application.

### Use and Development

It is noteworthy that a car park is a 'Section 2' (i.e. planning permit required) use under the provisions of the General Residential Zone, with the corresponding condition of *must be used in conjunction with another use in Section 1 or 2*. Therefore, it is important that this amendment is able to demonstrate a nexus between the proposed car park and the existing

medical centre. The nexus between the two uses is necessary to ensure that the car park may not be used independently of the medical centre in the future – in which case it would no longer meet the condition of 'Section 2' and would be a prohibited use under the zone. It is considered that the necessary nexus in this instance is achieved by amending the existing permit which allows the medical centre.

It must also be remembered that in the event that the medical centre use was discontinued, the approval for the car park would also fall away. Any future residential redevelopment thereafter would be subject to relevant provisions of the planning scheme or Building Regulations at the time of development.

A planning permit is also required pursuant to Clause 32.08-9 for buildings and works associated with a Section 2 use. This requirement relates the proposed works for the car park.

The site at 22 Arthur Street is located in a General Residential Zone, where the purpose includes:

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

In discussing zoning controls, it is important to note that although the site is in a residential zone, the zone purpose allows non-residential uses 'in appropriate locations. It is also quite common to have medical facilities and even health precincts including parking facilities located in residential zones.

Given the zoning, surrounding uses and sensitive abutments to the residential properties directly to the north, south and west, a balance must be reached, to respect neighbourhood character and maintain an acceptable level of residential amenity, which rightfully, should be expected in residentially zoned areas. Given the fine balancing act of these competing issues, the hours of operation, access, intensity of the use and off-site amenity considerations are threshold issues and must be addressed or appropriately controlled by conditions where appropriate.

The direct abutments to 22 Arthur Street to the north, south, and west are residential and therefore amenity should be protected. This can be achieved by a sensitive operation of the premises. Conditions may be placed on any approval relating to the following:

- Hours of operation.
- Limitations on noise emissions.
- Safety.

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

The decision guidelines at Clause 32.08-13 outlines the guidance for decision makers, with non-residential use and development considered concurrently, as follows:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*

- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works. The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

Given the above, it is considered that the proposal appropriately addresses the context of the site and the treatment to the sensitive residential interfaces is appropriately addressed subject to various conditions limiting the use, improving landscaping, ensure the site is safe and secured after hours, and off-site amenity impacts such as noise are limited. All of these have been discussed in detail earlier in this report.

The further question of whether a staff car park for an existing medical centre serves the needs of the local community is vexed. From relevant case law, what it not in dispute is that a medical centre as a land use characterisation in both General Residential Zone and Residential Growth Zone is considered to serve the local needs of the community. The question therefore becomes whether the execution of the proposal enables it to be compatible with nearby residential properties and the other provisions of the Planning Scheme. The assessment below sets out key guidance to the compatibility with nearby residential uses, with a particular focus on the impact on residential amenity. As is seen from the assessment below, as well as the other policy considerations provided in this report, the proposal is considered to be compatible with, and will continue to ensure a residential level of amenity is provided to nearby properties, subject to conditions.

Amenity

The main amenity consideration relating to the proposal is noise (aside from the visual impact – which may be addressed with appropriate landscaping). As noted on the plans, the height of the existing site condition of the side and rear boundary fences is approximately 1.6 metres. A further inspection of the site reveals that these fences are in varying states of disrepair. In other words, it is considered that the existing fences would not provide adequate noise attenuation caused by vehicles which would have an adverse effect on the amenity of adjoining dwellings. Therefore, a condition included in the recommendation will require an acoustic fence to be placed around the perimeter of the site along the side and rear boundaries. The fence will be required to be a minimum height of 1.8 metres and the design be peer reviewed by an appropriately qualified acoustic engineer.

**Car Parking**

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

<b>Use</b>	<b>Measure</b>	<b>Floor area</b>	<b>Required</b>
Medical Centre	3.5 to each 100 square metres of leasable floor area	890 square metres	31 (31.15) spaces

In the intervening years since the application was approved, Planning Scheme Amendment VC148 has materially changed the car parking rate at Clause 52.06-5 for uses (including medical centres) which are located within the Principal Public Transport Network (PPTN).

Importantly, there are no applicable provisions in the Planning Scheme (i.e. Parking Overlay) or the like which stipulates a maximum car parking requirement.



Under the current provisions of Column B at Clause 52.06-5, the existing medical centre attracts a car parking rate of 3.5 to each 100 square metres of leasable floor area (as the subject site is located within the PPTN catchment). Noting that the leasable floor area of the existing medical centre is 890 square metres, the use requires the provision of 31 on-site car parking spaces.

In 2014, the medical centre was approved with a reduction of 17 car spaces, when the provisions calculated car parking based on the number of medical practitioners providing health services.

Noting that 42 spaces will be provided, it is considered that the statutory car parking requirement is met.

In looking at the layout of the proposed car park, it is noted that:

- The access is at least 6.45 metres in width.
- Vehicles are able to enter and exit the site in a forward direction.
- An appropriate passing area is provided.
- Visibility splays are provided at the accessway interface with the footpath to protect pedestrians.
- The parking spaces and accessways are acceptable.
- Design standard 5: Urban design requires that ground level car parking and accessways must not visually dominate public space. It is considered that the proposed parking area provides appropriate landscaping to assist in filtering views of the car park to the street.
- Bollard lighting has been provided around the perimeter of the proposed car park for safety.
- Swept path diagrams will be required as a condition, to ensure that acceptable manoeuvrability is provided.

#### **Are the conditions on the permit are appropriate?**

In addition to the above considerations primarily concerning the use and development of the land at 22 Arthur Street, the applicant has proposed a series of changes to conditions on the permit as follows:

- Amend Condition No. 1 to read 'prior to the works commencing at 22 Arthur Street.
- Amend Condition No. 6 which allows a maximum of 12 medication practitioners to 20 medical practitioners.
- Delete Condition No. 9 which requires waste and storage to be collected to Council's satisfaction.
- Amend Condition No. 14 to 'before works commence at 22 Arthur Street' in lieu of 'before the number of healthcare providers increases'.
- Amend Condition No. 17 to 'the display of signage expires...' in lieu of 'the permit expires...'.

Broadly, the amendments to the various conditions proposed by the permit applicant are procedural and will ensure that there is no ambiguity about when the relevant conditions should have effect.

In terms of the proposed change to the signage condition, it is considered the change in wording is reasonable. It is evident from reading the permit and the officer’s report that the purpose of the condition is to provide an expiry for the medical centre sign, not the permit entirely. The wording of the condition will be amended accordingly.

Furthermore, the applicant seeks to amend Condition No. 1. In lieu of further amending condition No. 1 a new condition (No. 23) has been added to the permit. This condition will essentially serve the same purpose, in that it will require further amendments to the car park plan to address various issues outlined in this report.

Applicant seeks to remove Condition No. 9 of the Permit which relates to the collection and storage of waste. It is not apparent from the permit applicant’s response why this condition would need to be removed (other than perhaps the reference to ‘before the number of health care providers is increased’). To ensure that waste management areas remain tidy and appropriately managed, a general waste management condition, included in the above recommendation will be added to the permit.

**REFERRAL SUMMARY**

<b>Department/Authority</b>	<b>Response</b>
Transport Management and Planning	No objection, subject to condition included in recommendation
Darebin Parks	No objection, subject to condition included in recommendation
VicRoads	No objection

**PLANNING SCHEME SUMMARY**

**Darebin Planning Scheme clauses under which a permit is required for this amendment application:**

- Clause 32.08-2: Use of the land as a car park in the General Residential Zone;
- Clause 32.08-9: Buildings and works associated with a Section 2 use.

**Applicable provisions of the Darebin Planning Scheme**

<b>Section of Scheme</b>	<b>Relevant Clauses</b>
SPPF	11.02-1, 15.01, 15.02, 15.03, 16.01, 18.01
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	32.07, 32.08
Overlay	43.01, 43.02, 45.06
Particular provisions	52.06, 52.34, 52.29
General provisions	65.01
Neighbourhood Character Precinct	B3

**POLICY IMPLICATIONS**

**Environmental Sustainability**

Nil

**Social Inclusion and Diversity**

Nil

**Other**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil

**RELATED DOCUMENTS**

- Darebin Planning Scheme;
- *Planning and Environment Act 1987*.

**Attachments**

- Aerial photograph - 29-31 Station Street and 22 Arthur Street Fairfield (**Appendix A**)
- Advertised Plans - 29-31 Station Street and 22 Arthur Street Fairfield (**Appendix B**)

**DISCLOSURE OF INTEREST**

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

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

**5.3 APPLICATION FOR PLANNING PERMIT  
813 High Street Reservoir**

**Author:** Principal Statutory Planner

**Reviewed By:** Principal Planner

Applicant	Owner	Consultant
ADGB Pty Ltd	ADGB Pty Ltd	Mecone Herniman+Group Traffix Group Di Mase Berry Eco Results

**SUMMARY**

- The application is recommended for approval subject to conditions.
- Proposed key conditions address materials and finishes, overlooking, accessibility and streetscape improvements.
- The application seeks a Planning Permit for a multi storey, mixed use development comprising the construction of a five (5) storey (plus mezzanine and car stacker pit) building with 11 dwellings and a shop. Reduction of the standard car parking requirement is also sought.
- The site is located within the Mixed Use Zone (Schedule 1) and is covered by the Development Contributions Plan Overlay and Environmental Audit Overlay. The site is located within Precinct 12 of the High Street Corridor Land Use and Urban Design Policy.
- The application is recommended for approval as it achieves a high level of compliance with the provisions of the Mixed Use Zone and there is strong justification for higher density development in this activity centre and strategic corridor location. The level of compliance with Clauses 22.05, 22.06 and Clause 58 indicates that the proposal is acceptable.
- There is no restrictive covenant recorded on the title for the subject land.
- 14 objections were received against the application.

**CONSULTATION:**

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- The application was referred internally to the ESD Officer, Urban design, City Works Unit, Governance and Performance Unit, Heritage Advisor, Infrastructure and Capital Delivery Unit and the Transport Engineering and Strategy Unit.
- This application was not required to be referred externally.

**Recommendation**

**That** Planning Permit Application D/951/2018 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing Nos. TP1.1, TP 2.0, TP 2.1, TP 2.2, TP 3.0, TP 3.1, TP 4.0, TP 4.1, Revision A, dated 5 July 2018, project no. 2970 and prepared by Herniman+Group) but modified to show:

- (a) The height of screens/fences separating the balconies of proposed apartments to be a minimum height of 1.7 metres as measured above finished surface levels.
- (b) The western, northern and southern edges of the balconies of Units 1 and 4 and the west-facing main bedroom and kitchen windows and western, northern and southern edges of the balcony of Unit 5 provided with a fixed screen with a maximum permeability 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.

- (c) Horizontal bicycle parking with an offset of 1 metre between hoops.
- (d) A ramp in place of steps between the bin room and the bike room.
- (e) Access points to lightwells for cleaning and maintenance.
- (f) Removal of the existing crossover to High Street and reinstatement of the kerb, channel and footpath.
- (g) 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.
- (h) A comprehensive schedule of external materials, colours and finishes (including colour samples). Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level. The use of painted and rendered surfaces must be minimised.

Annotated coloured elevations showing the location/application of the materials, colours and finishes must be provided.

- (i) The bathrooms to Units 1, 2, 5, 6, 8, 9, 10 and 11 to include hobless (step free) showers.
- (j) 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.
- (k) A landscape plan in accordance with Condition No. 4 of this Permit.
- (l) Modifications in accordance with the Sustainability Management Plan (Refer to Condition No. 7 of this Permit).
- (m) Modifications in accordance with the Stormwater Management System Report (Refer to Condition No. 8 of this Permit).
- (n) Modifications and notations in accordance with recommendations contained within the Acoustic Report (Refer to Condition No. 11 of this Permit).

- (o) Modifications in accordance with the Waste Management Plan (Refer to Condition No.12 of this Permit).
- (p) A notation indicating the extent of the construction of the rear ROW (refer to Condition No. 13 of this Permit).

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

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

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

- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4. 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. Tree Protection guidelines must be provided where appropriate, in accordance with Australian Standards.
    - (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) annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
    - (e) where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
    - (f) an outline of the approved buildings 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.
    - (g) clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
    - (h) scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.

- (i) Landscape Specification Notes including general establishment and maintenance requirements.
5. 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.
6. 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.
7. Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance the document identified as the Sustainability Management Plan by EcoResults dated 20 December 2018 (revised 27 March 2019) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
- a) Recalculation of the STORM assessment noting the following:
    - i. Balconies and the roof as separate drainage lines.
    - ii. Planter boxes are to be consistent with the WSUD report and development plans.
    - iii. Water tank reliability a minimum of 80%.

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

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

8. Before the development starts, a detailed Stormwater Management System Report must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The report must include:
- a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
    - i) An assessment using an industry recognised stormwater tool;
    - ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
    - iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
    - iv) A plan illustrating where all impervious surfaces will be treated and drained;
    - v) A construction and maintenance schedule;
  - b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
  - c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The development must be constructed and maintained in accordance with the requirements/ recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

9. Before the development starts, a detailed Site Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved in writing by the Responsible Authority. The plan must describe how the site will be managed prior to and during the construction period and set out requirements for:
- a) Erosion and sediment.
  - b) Stormwater.
  - c) Litter, concrete and other construction wastes.
  - d) Chemical contamination.

The site and development must be managed accordance with the requirements/ recommendations of the approved Site Management Plan to the satisfaction of the Responsible Authority.

10. At the completion of the constructed ground floor level(s), and before the commencement of the building frame or walls, the ground floor level(s) must be confirmed. 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 inspection. The upper floor level(s) must be confirmed before an Occupancy Permit is issued in the form of a report from a licensed land surveyor and submitted to the Responsible Authority.
11. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Noise emissions associated with the operation of surrounding and nearby road traffic do not impact adversely on the amenity of the dwellings.
  - b) Dwellings are to be designed to achieve the following noise levels:
    - i. Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
    - ii. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

- c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park, including the car stacker and turntable) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.

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

12. Before the development starts, a revised waste management plan generally in accordance with the submitted document identified as 'Waste Management Plan, prepared by EcoResults and dated 13 December 2018 (updated 19 March 2019)', 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, recyclables and food waste 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 food 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.

13. Prior to the occupation of the development:
- (a) Plans detailing the construction and surfacing including drainage of the right of way abutting the western boundary of the property, commencing from the intersection with Wild Street and continuing along the rear boundary of 813 High Street must be submitted to and approved by Council.
  - (b) The right of way abutting the western boundary of the property, commencing from the intersection with Wild Street and continuing along the rear boundary of 813 High Street must be constructed and surfaced in accordance with the approved plans at the cost of the developer and at no cost to Council.

All works must be to the satisfaction of the responsible authority.

14. Before the development is occupied, streetscape improvement works in the High Street road reserve adjacent to the subject site must be carried out by the developer at their cost, under supervision, and to the satisfaction of the Responsible Authority. The streetscape improvements must include the following:
- (c) Demolition of the existing footpath pavement, including vehicle crossover, and replacement with new concrete paving with joints. The new concrete is to match the colour of the existing concrete abutting closely as practicable.
  - (d) Install two (2) passively irrigated tree pits with advanced specimen canopy trees.
15. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath and kerb and channel to the satisfaction of the Responsible Authority.
16. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
17. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to the garage 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.
18. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
19. The land must be drained to the satisfaction of the Responsible Authority.
20. 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.

21. 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.
22. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
23. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
24. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all weather sealcoat;
  - (d) drained;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.
25. The car stacker must be constructed, maintained and managed in good working order to the satisfaction of the Responsible Authority.
26. The car parking spaces are to be allocated so that each of the dwellings includes a minimum of one (1) car parking space.
27. Before the construction or carrying out of buildings and works in association with the use commences, either:
  - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
  - An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use

In the event that a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the development is occupied all conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that:

- all conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

**NOTATIONS**

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

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

**INTRODUCTION AND BACKGROUND**

A number of historical planning applications affect the site as follows:

- PT2520 - Panel Beating and General Repairs
- PT1778 - Manufacture & Sale of Soft Furnishings & Blinds
- PT1763 - Manufacture & Sale of Soft Furnishings & Blinds
- PT1740 - Manufacture & Sale of Soft Furnishings & Blinds

Council issued Planning Permit D/856/2017 for ‘use of the land for Motor Vehicle, Boat or Caravan Sales (car sales), display of business identification signage, and a variation of Clause 52.14 in accordance with the endorsed plans’ on 4 May 2018.

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

- The land is regular in shape, with a frontage of 12.19 metres, a depth of 33.53 metres and an area of approximately 408 square metres.
- The land is located on the west side of High Street, approximately 18 metres to the south of the intersection with Wild Street.
- The site contains a single storey commercial building constructed to the front and common boundaries. Buildings cover the bulk of the site area, with an open car parking

area to the rear (west). The site has a fall of approximately 2 metres from the north east (front) corner to the south west (rear) corner. The site has a crossover to High Street and has access to a ROW to the rear (west).

- The site is located along the High Street retail spine, with a residential area to the west.
- To the north of the site is a single storey commercial/retail premises, constructed to the front and common boundaries at the front of the site.
- To the south of the site is a single storey commercial premises, constructed to the front and common boundaries.
- To the east is High Street. On the opposite side of High Street is the intersection with Mason Street.
- The eastern side of High Street is generally characterised by single and double storey retail, commercial and residential buildings. With two (2) triple storey developments currently under construction proximate to the subject site.
- To the west, beyond the ROW and fronting Wild Street, is a single storey weatherboard dwelling affected by a Heritage Overlay. Further to the west is a low scale residential area.
- On street parking restrictions on the western side of High Street are 1P from 9.00am-4.30pm Monday to Friday and 8.00am-12.30pm Saturday. A clearway operates along the western side of High Street from 4.30pm-6.30pm Monday to Friday. The eastern side of High Street, opposite the subject site, includes 1P and unrestricted parking, and has a clearway in operation from 7.00am-9.00am Monday to Friday. On-street parking on Wild Street to the north, and Mason Street to the east, is largely unrestricted.
- Being within the Principal Public Transport Network area the site has excellent access to public transport including the following:
  - Bus Route #552 (North East Reservoir – Northcote Plaza via High Street) – approximately 30 metres to the south on High Street
  - Regent Train Station (Meridna Line) – approximately 200 metres to the west
  - Bus Route #567 (Northcote-Regent via Northland) – approximately 200 metres to the west
  - Bus Route #553 (Preston-West Preston via Reservoir) – approximately 200 metres to the west
  - Tram Route #86 (Bundoora RMIT-Waterfront City Docklands) – approximately 850 metres to the east
  - Tram Route #11 (West Preston-Victoria Harbour Docklands) – approximately 1.3 kilometres to the west
- The site is located approximately 200 metres from the northern pipe shared (walking/cycling) trail, which links to the Capital City Trail at the southern end of the municipality.
- The site is located within the Regent Retail Activity Centre, directly to the north of the Preston Central Principal Activity Centre. The site is approximately 800 metres from the Plenty Road/Tyler Street Retail Activity Centre.

**Proposal**

- The application seeks a Planning Permit for a multi storey, mixed use development comprising the construction of a five (5) storey (plus mezzanine and car stacker pit) building with 11 dwellings and a shop and reduction of the standard car parking requirement.
  - The ground level is to have a shop unit to the front with a floor area of 102 square metres. A garage area is located to the rear providing 12 car spaces in stackers. A vehicle turntable is provided and access is via the ROW to the rear. In addition, a bin room and a room for 20 secure bicycle space is provided. There is to be lift and stair access to the upper floors, with a common residential entry area adjacent to the southern boundary fronting High Street.
  - Due to the site fall, a mezzanine level is proposed above the bin and bicycle rooms, allowing for eleven (11) storage areas for the dwellings.
  - The accommodation to the upper floors is as follows:
    - First floor: Four (4) dwellings (3x1 bedroom and 1x2 bedroom dwellings)
    - Second floor: Three (3) dwellings (1x1 bedroom, 1x2 bedroom and 1x3 bedroom dwellings)
    - Third floor: Two (2) dwellings (2x2 bedroom dwellings)
    - Fourth floor: Two (2) dwellings (2x2 bedroom dwellings)
- There are to be a total of 11 dwellings. Four (4) one (1) bedroom, six (6) two (2) bedroom and one (1) three (3) bedroom dwellings.
- The dwellings will each have secluded private open space in the form of a balcony orientated to the east or west.
  - The building will have a contemporary design with materials being face brick to the lower levels and metal cladding to the upper levels to the front and rear. The side walls are to be precast concrete painted to match the brick and metal cladding to the façades.
  - The overall height is to be approximately 18.96 metres.

**Objections summarised**

- Traffic and safety to ROW
- Inadequate parking and increased parking congestion
- Car stackers are inconvenient
- Inadequate rear setbacks
- Visual bulk
- Excessive height
- Non-compliance with previous planning permit and building permit at 817 High Street
- Impact on adjoining heritage building
- Inadequate information with regard to survey and subject site
- Inaccurate application information
- Rear ROW should be widened
- Access for emergency vehicles
- Waste collection via the ROW is inappropriate

- No provision for loading on the site
- Overdevelopment
- Overlooking
- Overshadowing
- Increased noise
- Inadequate dwelling diversity
- Inadequate waste storage area with no ventilation of bin washing area
- Impact of contamination on the subject site and the development
- Inconvenience during construction
- Liveability of proposed apartments

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

##### Traffic and safety to ROW

The rear ROW is a registered road and may be used for vehicle traffic. Use of the ROW for vehicle access is encouraged by Council. The absence of vehicle crossovers is a benefit associated with utilising a ROW in order to maximise the retention of on street car parking, promote active shopping frontages and enhance pedestrian safety. Subject to condition requiring appropriate construction of the rear ROW, the level of additional traffic generation is not expected to adversely impact on the operation of the ROW or surrounding street network.

It is not considered that the increase in traffic from the subject development would place an unreasonable load on the surrounding street network. In addition, there is no indication that there would be unreasonable traffic safety issues.

##### Inadequate parking and increased parking congestion

Although a parking reduction is sought, this is considered acceptable. Car parking is discussed in the assessment section of this report, with a focus on the requirements of Clause 52.06 the Scheme.

##### Car stackers are inconvenient

The use of car stackers is recognised as an appropriate method of providing car parking for a development proposal.

##### Inadequate rear setbacks

It is considered that the proposal is adequately set back at the rear, with the setbacks to the adjacent residential property on the opposite side of the ROW complying with Standard B17 of Clause 55, which is used within more sensitive residential zones and contexts as a measure of reasonableness.

##### Visual bulk

Importantly, although the site is in an area of lower scale buildings and there is an area of low scale dwellings to the west, the site is located on a commercial strip and in an activity centre where more intense development is encouraged. In this respect, the proposal contributes to a preferred character of higher scale development in this area.

As can be seen in the assessment below, the proposal provides appropriate heights and setbacks and is not considered to unreasonably contribute to unreasonable visual bulk.

#### Excessive height

As can be seen in the assessment below, it is considered that the height of the proposal is appropriate for the preferred character of emerging development in this area.

#### Non-compliance with previous planning permit and building permit at 817 High Street

This proposal must be assessed on its merits and non-compliance with any planning or building permits on nearby sites is not a relevant consideration when assessing this application.

#### Impact on adjoining heritage building

The site is not affected by a Heritage Overlay and the adjoining ROW separates the site from the adjacent site at 1 Wild Street, which is affected by a Heritage Overlay. It is not considered that the proposal will adversely affect the heritage fabric sought to be retained by the Heritage Overlay.

#### Inadequate information with regard to survey and subject site

The applicant has provided a survey plan prepared by a registered surveyor and will be required to construct any development within the appropriate boundaries.

#### Inaccurate application information

Any inaccuracies in the plans have been noted as minor during the assessment of the application and are not considered to reduce the ability of Council to make an informed decision on the application.

#### Rear ROW should be widened

It is not considered necessary that ROW should be widened given the relatively low level of traffic from the proposed development.

Although local policy encourages the ROW to be widened along High Street, the Victorian Civil Administrative Tribunal (the Tribunal) has previously held that Clause 22.05, and local policy in general, is not the appropriate tool for increasing the rear setback and widening a ROW. The Tribunal has noted that a Public Acquisition Overlay is the correct method. This issue is discussed in further detail below.

#### Access for emergency vehicles

As per most allotments along High Street emergency vehicle access may be available from the front or the ROW if need be.

#### Waste collection via the ROW is inappropriate

Although waste collection is proposed via the ROW, these areas have been traditionally used for access/servicing to the rear of retail and commercial premises. It is not considered that there will be any unreasonable noise or disruption as a result of collection via the ROW. The Waste Management Plan states that waste will be collected weekly and recycling fortnightly, which is considered reasonable and is consistent with Council waste pick-ups.

No provision for loading on the site

As per most smaller shopfront allotments along High Street, loading may be undertaken from the street frontage or from the ROW.

Overdevelopment

Although the proposal provides a five (5) storey building in a single and double storey area, the site is located in an Activity Centre where more intense development is encouraged. The preferred character of the area is for a higher scale. Therefore, the proposal must be considered with regard to the preferred character of more intense development. In this regard the development is considered to be respectful of the preferred scale of the area.

Notwithstanding the above, compliance with Clauses 22.05, 22.06, 55, 58 and other policies is indicative for determining whether a development is of an appropriate scale relative to the site and its specific context and characteristics. As can be seen in the assessment below, the proposal is considered to be an appropriate design response, given the level of compliance with relevant objectives and policies.

Overlooking

Overlooking is discussed in the assessment section of this report, with particular focus upon Clauses 22.06 and 58 of the Scheme.

Overshadowing

Overshadowing is discussed in the assessment section of this report, with particular focus on Clauses 22.06 and 58 of the Scheme.

Increased noise

The proposed use is largely residential and towards the rear will have noise impacts consistent with those normal to a residential zone, unlike a commercial or an industrial use which may create noise impacts that are not normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area. A condition of any approval will require an acoustic report to be submitted detailing measures to manage the impact of noise from plant (including the car stackers) on nearby residential uses.

Inadequate dwelling diversity

The proposal provides an appropriate level of diversity, with 4x1 bedroom, 6x2 bedroom and 1x3 bedroom dwellings.

Inadequate waste storage area with no ventilation of bin washing area

The proposal is accompanied by a Waste Management Plan that details the storage of waste on site, which is considered acceptable subject to condition.

Impact of contamination on the subject site and the development

The site is affected by an Environmental Audit Overlay, which includes requirements for the applicant to go through an auditing process prior to any use and/or development occurring.



Inconvenience during construction

Whilst there may be some inconvenience and impacts caused by construction, these will be temporary with impacts managed by relevant local laws, building regulations and relevant Environmental Protection Agency regulations.

Liveability of proposed apartments

The liveability of the proposed apartments is considered under the relevant Standards at Clause 58 of the Scheme. The application has been found to be largely compliant with standards that govern private open space, storage, functional layout, room depth, windows and natural ventilation, which are all indicators of liveability.

**PLANNING ASSESSMENT****Planning Policy Support**

The starting point with respect to policy analysis is relevant Planning Policy Framework. The comprehensive redevelopment gathers widespread support from State policy, in particular:

- Clause 11.03-1S encourages the concentration of retail and residential into highly accessible activity centres.
- Clause 11.03-1R furthers the above policy with particular focus on growth within the metropolitan Melbourne region.
- Clause 15.01-2S sets out urban design guidance to achieve a high quality built environment and public realm.
- Clause 16 encourages the efficient utilisation of urban land with housing provision to be directed to (among other locations) activity centres.
- Clause 17.02-1S encourages development which contributes to the retail, entertainment, office and other commercial services function of existing activity centres.

From the above, it is evident that the subject site is well located within an existing activity centre, is presently underutilised and therefore is suitable for redevelopment that facilitates a mixture of residential and commercial uses.

Contaminated and potentially contaminated land - Clause 13.04-1S

The objective of Clause 13.04-1S of the Darebin Planning Scheme is to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Section 60 (1)(e) of the *Planning and Environment Act 1987* states that Council must consider any significant effects (e.g. contamination) which it considers the environment may have on the use or development.

The site is affected by an Environmental Audit Overlay which requires the applicant/developer to undertake an environmental audit as referred to later in this report.

Council's Municipal Strategic Statement ('MSS')

Council MSS provides the strategic guidance for the municipality and sets out (among other things) the provision of appropriate housing and local job opportunities through land supply for businesses as key future issues.

Activity Centres play a central role in the Strategic Framework Plan with the following noted at Clause 21.01 (extracted as relevant):

*A key element in the future development vision for Darebin as places for urban intensification, taking advantage of capacity for development, existing facilities, access to employment and public transport services.*

*Consolidation of higher density residential uses in and around activity centres, at a scale appropriate to its role and physical context, is encouraged to support retail and commercial uses and provide a diversity of housing to meet community needs.*

*Structure plans provide detailed directions for land use and development for Darebin's larger activity centres, and are implemented in this Planning Scheme through various zone, overlay and local policy controls.*

And with reference to Neighbourhood Centres and Local Centres specifically:

*Land use and development that supports local living and revitalisation is generally encouraged. This may include new shops and services, improved pedestrian links, higher-density housing in and around the centres, public realm improvements and programs to promote local purchasing.*

Strategic corridors, in the case of this application High Street, play a significant role in serving the commercial, social and residential needs of the community with the following noted at Clause 21.01 (extracted as relevant):

*The High Street corridor has significant potential for intensification of retail, commercial, office, and residential uses.*

Clause 21.03 sets out the strategic framework for housing delivery and nominates the subject site as one of Substantial Housing Change. Clause 21.03-1 provides the following description (extracted as relevant):

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

With respect to housing development, the following objectives are relevant:

*To facilitate housing development that has an appropriate scale and intensity in locations across the municipality.*

*To achieve higher density housing outcomes in identified locations to accommodate Darebin's projected population growth.*

*To facilitate residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents.*

Of particular relevance to the subject site, the following strategies are to be adopted:

*In Substantial Housing Change Areas, encourage a variety of housing typologies at increased densities and to discourage underdevelopment, with the scale of development appropriate to precinct characteristics and context as identified by a structure plan or adopted policy of Council, and generally in accordance with the hierarchy of residential growth identified at Clause 21.03-1*

*Support a diversity of housing types, sizes, designs and configurations and support redevelopment at higher overall densities in Substantial Housing Change Areas and on Strategic Opportunity Sites, as identified in the Strategic Housing Framework Plan.*

*Discourage underdevelopment of areas that are identified as Substantial Housing Change Areas and on Strategic Opportunity Sites.*

*Encourage new housing near retail and employment precincts and above ground floor level within these precincts.*

*Encourage greater housing densities and mixed use development along High Street, Plenty Road, St Georges Road and Bell Street.*

In terms of economic development, the following objective is relevant to the retail function of the Regent Retail Activity Centre:

*To strengthen the established retail centres hierarchy in Darebin and the roles of the various activity centres and strategic development precincts in accommodating diverse and appropriate retail activities.*

The above policy emphasises:

- The redevelopment of the subject site is encouraged at higher density;
- A mixed-use redevelopment comprising ground floor commercial and residential above is appropriate in the activity centre context;
- High Street is expected to undergo substantial change in the future; and
- The scale and intensity of the redevelopment must be appropriate to the physical and policy context of the Scheme.

#### High Street Corridor Land Use and Urban Design – Clause 22.05

This policy applies to the land located along the High Street corridor and implements the High Street Land Use and Urban Design objectives and strategies in the MSS and the recommendations of the High Street Urban Design Framework and Precinct Guidelines.

The policy has a number of general requirements, which should be met regarding setbacks and building bulk:

- The title shows a 3 metre wide ROW to the rear and the policy recommends that it should be widened to 6 metres. The proposed development is to be constructed over this setback area to the boundary of the ROW. In this instance this is an appropriate design response as the ROW it will not carry significant traffic nor will it have an active frontage. In addition, although local policy encourages rear ROWs to be widened along High Street, the Tribunal has previously held that Clause 22.05, and local policy in general, is not the appropriate tool for increasing the rear setback and widening a ROW. The appropriate tool would be a Public Acquisition Overlay.
- The development is adjacent to a residential property to the west. It complies with diagram 1 of this policy (i.e. an extrapolation of Standard B17 in clause 55.04-1 as taken from the western side of the ROW). It is also noted that much of the ground and mezzanine floors project to a lesser height than the existing building constructed to the boundary of the ROW. This rear setback provides an appropriate transition to adjacent properties given the context and applicable Planning Policy Framework.

- To High Street the development provides a facade height of up to 11.65 metres, which exceeds the façade wall height of up to 10 metres. Nevertheless, it is considered to be acceptable, as it provides an appropriate three (3) storey podium with an integrated balustrade/parapet to High Street. Levels above this are suitably setback from the lower levels.

Under to the maps, the subject site is in Precinct 12 – Regent where policy is:

- *To encourage a mix of showrooms, offices and service industry uses in the area south of Regent Street and 626 High Street, Preston.*
- *To provide for a mixture of residential and commercial uses in the northern part of the Precinct.*
- *To ensure new development is designed to protect the amenity of adjoining residential properties.*

Additionally, there are a number of decision guidelines within the policy, with which a proposal should comply. It is considered that the proposal is appropriate in terms of the policy requirements in that:

- The proposal provides an appropriate mix of uses, with an active frontage (shop) to the ground level and residential above.
- The proposal will not unreasonably affect the amenity of the residential property to the west, given the intervening ROW and the graduated western boundary setbacks of the building.
- The design includes appropriate measures (such as contrasting wall materials) that provide articulation to the elevations and appropriate setbacks to the rear.

It is considered that the proposal responds to the preferred future pattern of development in terms of height and scale to the façade in this policy.

#### High Street Study Urban Design Framework – March 2005

The High Street Study identifies simple but high-quality paving, landscaping and street furniture to High Street as being able to provide a coherent environment, reinforce local identity and influence the attractiveness of a retail centre to shoppers. Conditions of any approval will require the footpath, kerb and channel to be reinstated and for a contribution to be paid towards tree planting to the frontage of the site. It is also noted that benefits of the development include paving of the rear ROW which is currently unpaved.

#### Multi Residential and Mixed Use Development - Clause 22.06

Objectives:

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

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

Element	Comment	Compliance
<b>Sustainability</b>	<p>A Sustainability Management Plan (SMP) was submitted with the application, as per the requirement of Clause 22.12 of the Scheme. The SMP is considered largely acceptable subject conditions requiring further detail of stormwater treatment.</p> <p>It is considered that the dwellings have appropriate levels of daylight and ventilation, with a high level of internal amenity and energy efficiency.</p>	Complies subject to condition
<b>Design and Materials</b>	<p>The design does not mimic the existing character of the area and the design response provides an appropriate infill development.</p> <p>Although the development exceeds the nearby existing single and double storey building heights, the relationship to adjoining properties is appropriate, given the preferred scale of properties within retail activity centres on strategic corridors and within substantial change areas.</p> <p>The proposed material palette consists of brick and metal cladding to the walls. These are considered to be appropriate and present a quality contemporary design.</p> <p>The building mass is set back from the rear interface, reducing the impact of visual bulk towards the rear of the lot. The development provides an appropriate tiered approach with upper levels set back from the frontage and rear interface.</p> <p>The development exhibits an appropriate standard of design, materials of construction and external finishes.</p> <p>Further detail of materials and air conditioning and plant may be requested via conditions of any approval.</p>	Complies subject to condition
<b>Building Height</b>	<p>Surrounding development is predominantly single and double storey in scale. It is noted that commercial floor to ceiling heights are generally greater than for residential buildings.</p> <p>A consideration of height requires a balanced deliberation of all the related policy drivers such as: urban design; policy direction; housing diversity; affordability; and urban consolidation. Furthermore, the consideration of height should be balanced against the design and massing of the building and its response to the preferred character, including adjacent dwellings.</p> <p>The relevant 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 corridors and locations well served by public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive</p>	Complies

Element	Comment	Compliance
	<p>scale and built form.</p> <p>At a local planning level, there is a preferred character for higher scale development on this site and in the area, noting the site is located within a substantial change area.</p> <p>Surrounding development is predominantly single storey in scale, with some double storey buildings, however the scale of buildings is expected to increase and the character change into the future.</p> <p>The proposed building height is 18.96 metres and is not excessive, given it is on High Street and appropriate front and rear setbacks are provided in line with the relevant Planning Policy Framework.</p>	
<b>Dwelling diversity</b>	<p>The development provides a diversity of layouts comprising 4x1 bedroom, 6x2 bedroom and 1x3 bedroom dwellings. The dwellings have a variety of configurations.</p>	Complies
<b>Parking and vehicle access</b>	<p>Vehicle access is appropriately provided from the rear ROW. No vehicle access is proposed from High Street. The vehicle access is acceptable subject to condition as set out in the assessment against Clause 52.06 of the Scheme.</p> <p>The existing crossover to the front is required to be removed by condition.</p> <p>The site is located within a retail activity centre, proximate to the Regent Railway Station, both bus and tram routes, cycling infrastructure and other retail activity centres which is considered sufficient to justify a reduction in car parking – refer to the Clause 52.06 assessment.</p> <p>Bicycle parking is provided and further detailed in the assessment against Clause 52.34.</p> <p>Adequate security is provided to the car parking areas by way of a garage door.</p>	Complies subject to condition
<b>Street address</b>	<p>The proposal meets the policy guidelines in respect to street address with active areas provided to the façade.</p> <p>An active shopfront and weather protection are proposed.</p> <p>The proposal provides good pedestrian access directly from the street frontage. The dwellings provide windows and balconies to the street frontages.</p> <p>Mailboxes may be located to the entry area and the entry areas may be adequately lit. This is confirmed by condition.</p>	Complies
<b>Amenity Impacts Including Overshadowing and Overlooking</b>	<p>The views from the upper floors to the north and south will not be over any sensitive secluded private open space areas of any dwelling.</p> <p>A condition of any approval will require increased screening to the balconies of Units 1 and 4 and the balconies and windows to Unit 5 to reduce overlooking to the rear (west).</p> <p>The development provides alternative screening measures to the west facing balcony of Unit 8 that maximises outlook</p>	Complies subject to condition

Element	Comment	Compliance
	<p>and limits downward views over the adjacent dwellings and rear gardens. The windows of Unit 8 and balconies and windows of Unit 10 are located a sufficient distance from the secluded private open space so as to reduce unreasonable views.</p> <p>The adjacent dwellings will not be unreasonably affected by overshadowing or reduced daylight to habitable room windows.</p>	
<p><b>On-Site Amenity and Facilities, including Private Open Space</b></p>	<p>Habitable room windows have access to natural light and ventilation and will face appropriate outdoor areas providing for good amenity.</p> <p>Light courts in excess of minimum requirements have been provided to the north and south extremities of the building with an appropriate dimension for effectiveness.</p> <p>Secluded private open space is provided in the form of balconies with areas of greater than 8 square metres and dimensions of 1.99 metres or more. These exceed minimum requirements.</p> <p>External storage is provided in the form of one (1) 6 cubic metre storage space per dwelling within the mezzanine level above the ground floor.</p> <p>Further discussion of internal amenity and private open space is undertaken under the relevant Clause 58 standards later in this report.</p>	<p>Complies subject to condition</p>
<p><b>Waste Management</b></p>	<p>The development has been accompanied 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, which are considered acceptable. A condition of any approval will require the waste management plan to allow for food waste.</p>	<p>Complies subject to condition</p>
<p><b>Equitable Access</b></p>	<p>All levels are provided with lift access.</p> <p>Further discussion of accessibility is undertaken under the relevant Clause 58 standards later in this report.</p>	<p>Complies</p>

Mixed Use Zone (Schedule 1) – Clause 32.04

Under the provisions of the Mixed Use Zone the proposal does not require a permit for use as a dwelling or a shop.

A permit is required under Clause 32.04-6 (Mixed Use Zone) for the construction of two (2) or more dwellings on a lot.

The proposal is considered to be generally in accordance with the relevant objectives of the Mixed Use Zone:

- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.

- To encourage development that responds to the existing or preferred neighbourhood character of the area.

Environmental Audit Overlay – Clause 45.03

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

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

A condition will be included on any approval to ensure that the applicant/developer is aware of their responsibilities under the Overlay.

Car Parking - Clause 52.06

The development comprises a shop and 11) apartments. The proposal provides a total of 12 car parking spaces (in car stackers) in the garage at the rear. A breakdown of the car parking required under Clause 52.06 of the scheme is set out below:

Use		Required Rate	Requirement	Parking Provided
11 x dwellings	1x3 bedrooms	2 spaces each	2 spaces	1 space
	6x2 bedroom	1 space	6 space	6 space
	4x1 bedroom	1 space	4 space	4 space
Visitors (residential)		0 as site is within the Principal Public Transport Network Area (PPTN)	0	1
Shop	105sqm	3.5 spaces 100sqm in PPTN	3 spaces	0 spaces
<b>Total:</b>			<b>15 spaces</b>	<b>12 spaces</b>

Clause 52.06-5 indicates that Column B applies to land in the PPTN, which generally has a reduced parking requirement (i.e. in this instance there is no visitor parking requirement and shops have a requirement of 3.5 spaces per 100sqm).

As can be seen in the assessment above, the proposal requires a reduction in car parking of three (3) spaces.

Under Clause 52.06 a permit may be granted to reduce the car parking requirement, having regard to the car parking demand likely to be generated by the use and whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the use.

- The site has excellent access to public transport as detailed earlier in this report and is located within the PPTN Area. The public transport available to the subject site offers a realistic transport alternative to private vehicles.
- Parking is available in the nearby streets.
- The streetscape and pedestrian amenity will not alter.



- The submitted Traffic Impact Assessment report estimates that the proposed development will generate some 55 vehicle movements per day and a total of six (6) vehicle movements during each of the commuter peak periods.

This level of additional traffic generation is not expected to adversely impact on the operation of the surrounding street network.

The applicant has provided a Car Parking Demand Assessment, which indicates that there is sufficient parking available in the area to accommodate the projected demand.

- Car parking is available in the vicinity of the site.
- The ABS data (2016) shows that 52% of three (3) bedroom apartments in Reservoir have a car ownership of one (1) car or fewer.
- This site is also ideally located with respect to its proximity to a train station and other transport options, including bus and tram routes.
- The site is within a retail activity centre and within a short walk of a number of other retail activity centres, including the Preston Central Principal Activity Centre.

Therefore, on consideration of the decision guidelines contained within Clause 52.06-6 of the Planning Scheme, the proposed car parking reduction is considered satisfactory.

#### *Design Standards for Car parking*

Access to the car stackers will be provided from the rear ROW with vehicles arriving and departing from the north, as depicted in the applicants swept path assessments.

The ROW from the subject site to Wild Street is currently unmade and a condition of any approval will require the applicant to construct the ROW to Council's satisfaction.

The submitted traffic report notes that turntable typically takes up to 30 seconds. The traffic generation from this development is expected to be one movement every 10 minutes on average and accordingly, it is unlikely that the use of the turntable will cause an excessive requirement for queuing.

The car parking spaces and the accessways have appropriate dimensions to enable efficient use and management.

The headroom of the car parking area is a minimum of 2.2 metres.

Access is a minimum of 3.0 metres in width.

The car spaces are secure.

The ramp gradients are acceptable.

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

The car stackers are acceptable and can accommodate vehicles with a height of 1.8 metres.

#### Loading and Unloading - Clause 65.01

The lack of on-site loading facilities is considered appropriate given the small size of the shop and the ability to load/unload from the ROW and High Street.

Bicycle Facilities - Clause 52.34

Bicycle parking is required as follows:

Use	Rate	Required	Provided
Dwelling (four or more storeys)	Resident 1 to each 5 dwellings	11 dwellings	2 spaces
	Visitor 1 to each 10 dwellings		1 space
			3 spaces

The plans show 20 spaces to the rear, which is in excess of the requirement.

10 vertical bicycle racks are proposed in addition to 10 horizontal bicycle hoops. This arrangement accords with Australian Standard 2890.3:2015 bike parking facilities.

Horizontal bicycle parking must be offset 1000mm between hoops, which can be dealt with by way of condition.

Stormwater Management in Urban Design – Clause 53.18

The purpose of the Clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Buildings and Works (Standard W2) - Clause 53.18-5

It is policy to:

- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*
- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.*

Standard W2 requires any stormwater management system to:

- *Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.*
- *Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

Part of the above requirements are covered under the STORM tool, as required under Clause 22.12-4 application requirements. Table 1 – ESD Application requirements recommend the application to be accompanied by a Sustainability Management Plan (SMP) utilising the BESS and STORM tools. The STORM tool will sufficiently address best practice performance for stormwater quality.

The application is supported with a STORM report which demonstrates 100% STORM rating, however requires alteration by way of condition. A condition will also require a Stormwater Management System Report that further details water sensitive urban design elements of the proposal.

Site Management (Standard W3) - Clause 53.18-5

It is policy to:

- *To protect drainage infrastructure and receiving waters from sedimentation and contamination.*
- *To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.*

A condition of any approval will require a Site Management Plan that sets out how the following are to be addressed:

- Erosion and sediment.
- Stormwater.
- Litter, concrete and other construction wastes.
- Chemical contamination.

Melbourne Water’s “*Keeping our Stormwater Clean: A Builder’s Guide*” prepared in conjunction with EPA Victoria, published *October 2006* may be used as a guide for the preparation of the Site Management Plan. Given the scope of the development, the above requirement for a site management plan to manage and protect drainage infrastructure from receiving sedimentation and contamination on site may be addressed by condition.

Apartment Developments - Clause 58

<b>Clause 58.02 Urban Context</b>	
<b>Clause 58.02-1 Urban Context Objectives</b>	
<i>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</i>	
<i>To ensure that development responds to the features of the site and the surrounding area.</i>	
Response:	The application is considered to respond to the existing urban context and the preferred future development of the area as set out by relevant local planning policy including the MSS.  The proposal locates the height of the development to the front of the site and steps down to the more sensitive interface to the west.
Complies:	Complies
<b>Clause 58.02-2 Residential Policy Objectives</b>	
<i>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support higher density residential development where development can take advantage of public and community infrastructure and services.</i>	
Response:	The application is accompanied by a written statement describing how the proposal is consistent with Council’s Strategic Housing Framework, which designates the site as being of substantial change.

Complies:	Complies
<b>Clause 58.02-3 Dwelling Diversity Objective</b>	
<i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i>	
Response:	The development provides 11 apartments with various layouts and bedroom offerings (4x1 bedroom, 6x2 bedroom and 1x3 bedroom). It is considered that there is adequate diversity on the site.
Complies:	Complies
<b>Clause 58.02-4 Infrastructure Objectives</b>	
<i>To ensure development is provided with appropriate utility services and infrastructure.</i>	
<i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>	
Response:	The development site is connected to reticulated services including sewerage, drainage, electricity and gas.  A condition of any approval will require the development to be drained and for the rear ROW to be constructed in accordance with Council requirements.
Complies:	Complies subject to condition
<b>Clause 58.02-5 Integration With The Street Objective</b>	
<i>To integrate the layout of development with the street.</i>	
Response:	The development provides adequate vehicle and pedestrian links with vehicle access appropriately taken from the ROW to the rear.  The development is appropriately orientated to front High Street.
Complies:	Complies
<b>Clause 58.03 Site Layout</b>	
<b>Clause 58.03-1 Energy Efficiency Objectives</b>	
<i>To achieve and protect energy efficient dwellings and buildings.</i>	
<i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i>	
<i>To ensure dwellings achieve adequate thermal efficiency.</i>	
Response:	The application is accompanied by a SMP which details the sustainable design features of the development in accordance with the requirements of Clause 22.12 of the Scheme. The SMP is considered acceptable, subject to revisions required by way of condition.  The site is orientated to make appropriate use of solar energy.  The proposal will not unreasonably reduce the energy efficiency of dwellings to the west.  Living areas and private open space are located to the east and west of the development, giving good access to natural light.  The proposed cooling loads are less than the maximum of 30 MJ/M2 and are therefore acceptable.
Complies:	Complies subject to condition
<b>Clause 58.03-2 Communal Open Space Objective</b>	
<i>To ensure that communal open space is accessible, practical, attractive, easily maintained</i>	

<i>and integrated with the layout of the development.</i>	
Response:	The requirement for communal open space is only for developments of 40 dwellings or more, and is therefore not applicable in this instance.
Complies:	Not applicable
<b>Clause 58.03-3 Solar Access to Communal Open Space Objective</b>	
<i>To allow solar access into communal outdoor open space.</i>	
Response:	As noted above, given the size of the development communal open space is not required and this standard is not applicable.
Complies:	Not applicable
<b>Clause 58.03-4 Safety Objective</b>	
<i>To ensure the layout of development provides for the safety and security of residents and property.</i>	
Response:	<p>The development does not include private spaces that can be utilised as public thoroughfares.</p> <p>The car parking area is sufficiently secure with the use of an electronic gate.</p> <p>The entry to the residential element of the proposal is highly visible from High Street.</p> <p>A condition of any approval will require appropriate external lighting to be provided to public areas within the development.</p>
Complies:	Complies subject to condition
<b>Clause 58.03-5 Landscaping Objectives</b>	
<p><i>To encourage development that respects the landscape character of the area.</i></p> <p><i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</i></p> <p><i>To provide appropriate landscaping.</i></p> <p><i>To encourage the retention of mature vegetation on the site.</i></p> <p><i>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</i></p>	
Response:	<p>The site is located in an area that does not include a landscape character.</p> <p>No existing trees are to be removed or are to be affected by the development.</p> <p>The proposal does include planting to balconies. Further detail regarding planting will be required in the form of a landscape plan by condition.</p> <p>The site area is less than the 750 square metres for which deep soil areas and canopy trees are required.</p>
Complies:	Complies subject to condition
<b>Clause 58.03-6 Access Objective</b>	
<i>To ensure the number and design of vehicle crossovers respects the urban context.</i>	
Response:	Vehicle access is from the ROW to the rear of the site.
Complies:	Complies
<b>Clause 58.03-7 Parking Location Objectives</b>	
<i>To provide convenient parking for resident and visitor vehicles.</i>	

<i>To protect residents from vehicular noise within developments.</i>	
Response:	Car parking is located to the rear of the site and is within a stacker system. The car stackers are secure, convenient to the internal residential entry of the building and ventilated.
Complies:	Complies
<b>Clause 58.03-8 Integrated Water and Stormwater Management Objectives</b>	
<i>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</i>	
<i>To facilitate stormwater collection, utilisation and infiltration within the development.</i>	
<i>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</i>	
Response:	The submitted SMP details the reuse of rainwater, stormwater and recycled water and is considered acceptable, subject to a condition requiring minor changes relating to stormwater treatment.  The development proposes use of alternative water sources such as rainwater, stormwater and recycled water to reduce the impact of stormwater run-off on the drainage system and filtration of sediment and waste from stormwater prior to discharge from the site.  The development has been designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended, subject to conditions requiring further detail including a Stormwater Management System Report and a Site Management Plan.
Complies:	Complies subject to condition
<b>Clause 58.04 Amenity Impacts</b>	
<b>Clause 58.04-1 Building Setback Objectives</b>	
<i>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</i>	
<i>To allow adequate daylight into new dwellings.</i>	
<i>To limit views into habitable room windows and private open space of new and existing dwellings.</i>	
<i>To provide a reasonable outlook from new dwellings.</i>	
<i>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</i>	
Response:	Building setbacks are covered in the assessment in earlier sections of this report. Nevertheless, the development is set back sufficiently from the side and rear boundaries to: <ul style="list-style-type: none"> <li>• Address the preferred character of the area.</li> <li>• Ensure adequate daylight is available into new habitable room windows.</li> <li>• Avoid direct views into habitable room windows and private open space of new and existing dwellings (subject to condition – see assessment above).</li> <li>• Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</li> </ul>

Complies:	Complies
<b>Clause 58.04-2 Internal Views Objective</b>	
<i>To limit views into the private open space and habitable room windows of dwellings within a development.</i>	
Response:	<p>The windows in the development are designed and located to limit views into the private open space and habitable room windows of dwellings within the same development.</p> <p>The adjoining balconies should be appropriately screened to limit views between balconies.</p>
Complies:	Complies subject to condition
<b>Clause 58.04-3 Noise Impacts Objectives</b>	
<i>To contain noise sources in developments that may affect existing dwellings.</i>	
<i>To protect residents from external and internal noise sources.</i>	
Response:	A condition of any approval will require an acoustic assessment and any modifications required to the plans as a result of recommendations contained within the assessment so as to reduce the impact of noise from vehicular traffic, and proposed plant (including car stackers) on internal amenity and the amenity of existing residential dwellings to the rear.
Complies:	Complies subject to condition
<b>Clause 58.05 On-Site Amenity And Facilities</b>	
<b>Clause 58.05-1 Accessibility Objective</b>	
<i>To ensure the design of dwellings meets the needs of people with limited mobility.</i>	
Response:	<p>A minimum of 50% of dwellings are to have:</p> <ul style="list-style-type: none"> <li>• Door widths a minimum of 850mm at the entrance and main bedroom.</li> <li>• A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom.</li> <li>• A main bedroom with access to an adaptable bathroom.</li> </ul> <p>Eight (8) of the 11, or 73%, of the proposed dwellings are designed in accordance with the above, which is more than the required 50%.</p> <p>The bathrooms to the eight (8) compliant dwellings are designed in accordance with the requirements of Table D4, subject to a condition requiring their showers to be hobless (step free).</p>
Complies:	Complies
<b>Clause 58.05-2 Building Entry and Circulation Objectives</b>	
<i>To provide each dwelling and building with its own sense of identity.</i>	
<i>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</i>	
<i>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</i>	
Response:	<p>A pedestrian canopy is provided over the footpath so as to provide weather protection and a greater sense of address.</p> <p>The entry to the apartments is visible and easily identifiable.</p>

	<p>The entries to both the apartments and shops are easily distinguishable.</p> <p>The apartments are provided with an entry lobby.</p> <p>The development provides a common area and stairways with a source of natural light and ventilation. Sight lines are maintained along common areas and corridors.</p>												
Complies:	Complies												
<b>Clause 58.05-3 Private Open Space Objective</b>													
<i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>													
Response:	<p>The dwellings comply with the private open space requirements as set out below, with many of the dwellings having balconies well over the minimum required area.</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio or 1 bedroom dwelling</td> <td>8 square metres</td> <td>1.8 metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>8 square metres</td> <td>2 metres</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Minimum dimension	Studio or 1 bedroom dwelling	8 square metres	1.8 metres	2 bedroom dwelling	8 square metres	2 metres			
Dwelling type	Minimum area	Minimum dimension											
Studio or 1 bedroom dwelling	8 square metres	1.8 metres											
2 bedroom dwelling	8 square metres	2 metres											
Complies:	Complies												
<b>Clause 58.05-4 Storage Objective</b>													
<i>To provide adequate storage facilities for each dwelling.</i>													
Response:	<p>All dwellings include internal and external storage in accordance with or exceeding the requirements of the standard as set out in the following table.</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Total minimum storage volume</th> <th>Minimum storage volume within the dwelling</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>8 cubic metres</td> <td>5 cubic metres</td> </tr> <tr> <td>1 bedroom dwelling</td> <td>10 cubic metres</td> <td>6 cubic metres</td> </tr> <tr> <td>2 bedroom dwelling</td> <td>14 cubic metres</td> <td>9 cubic metres</td> </tr> </tbody> </table>	Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling	Studio	8 cubic metres	5 cubic metres	1 bedroom dwelling	10 cubic metres	6 cubic metres	2 bedroom dwelling	14 cubic metres	9 cubic metres
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling											
Studio	8 cubic metres	5 cubic metres											
1 bedroom dwelling	10 cubic metres	6 cubic metres											
2 bedroom dwelling	14 cubic metres	9 cubic metres											
Complies:	Complies subject to condition												
<b>Clause 58.06 Detailed Design</b>													
<b>Clause 58.06-1 Common Property Objectives</b>													
<i>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</i>													
<i>To avoid future management difficulties in areas of common ownership.</i>													
Response:	Communal open space, car parking, access areas and site facilities are practical, attractive and able to be maintained.												
Complies:	Complies												
<b>Clause 58.06-2 Site Services Objectives</b>													
<i>To ensure that site services can be installed and easily maintained.</i>													
<i>To ensure that site facilities are accessible, adequate and attractive.</i>													
Response:	<p>Site services are conveniently located and accessible at ground and roof terrace level.</p> <p>Mailboxes can be provided adjacent to the residential lobby area at ground</p>												



	<p>floor.</p> <p>Conditions of any approval will require further detail of the proposed television antennae and the location of plant.</p>																		
Complies:	Complies subject to condition																		
<b>Clause 58.06-3 Waste And Recycling Objectives</b>																			
<p><i>To ensure dwellings are designed to encourage waste recycling.</i></p> <p><i>To ensure that waste and recycling facilities are accessible, adequate and attractive.</i></p> <p><i>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</i></p>																			
Response:	<p>The waste and recycling facilities are accessible, adequate and hidden from view.</p> <p>The development is designed to encourage waste recycling.</p> <p>The waste and recycling facilities can manage waste in a way that minimises impacts on residential amenity, health and the public realm.</p> <p>Waste and recycling management facilities are to be designed and managed in accordance with a Waste Management Plan. A Waste Management Plan has been submitted with the application.</p> <p>The Waste Management Plan demonstrates that waste and recycling associated with the development meets the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria and will be secured by way of condition.</p>																		
Complies:	Complies subject to condition																		
<b>Clause 58.07 Internal Amenity</b>																			
<b>Clause 58.07-1 Functional Layout Objective</b>																			
<p><i>To ensure dwellings provide functional areas that meet the needs of residents.</i></p>																			
Response:	<p>The dwellings are considered to provide functional areas that meet the needs of residents.</p> <p>Bedrooms meet the minimum internal room dimensions specified in Table D7.</p> <table border="1"> <thead> <tr> <th>Bedroom type</th> <th>Minimum width</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td>3 metres</td> <td>3.4 metres</td> </tr> <tr> <td>All other bedrooms</td> <td>3 metres</td> <td>3 metres</td> </tr> </tbody> </table> <p>The living areas of the dwellings meet the minimum internal room dimensions specified in Table D8.</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum width</th> <th>Minimum area</th> </tr> </thead> <tbody> <tr> <td>Studio and 1 bedroom dwelling</td> <td>3.3 metres</td> <td>10 sqm</td> </tr> <tr> <td>2 or more bedroom dwelling</td> <td>3.6 metres</td> <td>12 sqm</td> </tr> </tbody> </table>	Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres	12 sqm
Bedroom type	Minimum width	Minimum depth																	
Main bedroom	3 metres	3.4 metres																	
All other bedrooms	3 metres	3 metres																	
Dwelling type	Minimum width	Minimum area																	
Studio and 1 bedroom dwelling	3.3 metres	10 sqm																	
2 or more bedroom dwelling	3.6 metres	12 sqm																	
Complies:	Complies																		
<b>Clause 58.07-2 Room Depth Objective</b>																			
<p><i>To allow adequate daylight into single aspect habitable rooms.</i></p>																			
Response:	The proposed ceiling height is 2.7 metres for all apartments, which allows a																		

	6.75 metre room depth. Where this room depth is exceeded, the dwellings have a combined living/dining and kitchen with a maximum 9 metre depth as per the standard.
Complies:	Complies
<b>Clause 58.07-3 Windows Objective</b>	
<i>To allow adequate daylight into new habitable room windows.</i>	
Response:	All habitable rooms have a window in an external wall of the building.
Complies:	Complies
<b>Clause 58.07-4 Natural Ventilation Objectives</b>	
<i>To encourage natural ventilation of dwellings.</i>	
<i>To allow occupants to effectively manage natural ventilation of dwellings.</i>	
Response:	100% of the apartments achieve cross ventilation that has: <ul style="list-style-type: none"> <li>- A maximum breeze path through the dwelling of 18 metres.</li> <li>- A minimum breeze path through the dwelling of 5 metres.</li> <li>- Ventilation openings with approximately the same area.</li> </ul> The minimum requirement is 40% of apartments and so the proposal complies.
Complies:	Complies

**CONCLUSION**

There is strong justification for a higher density development in this activity centre and strategic corridor location. The high level of compliance with Clauses 22.05, 22.06 and Clause 58 is an indication that the proposal is acceptable.

**REFERRAL SUMMARY**

Department/Authority	Response
City Works Unit	No objection to proposed waste management.
Urban design	A five (5) storey building may be supportable in this location subject to compliance with relevant Clause 58 requirements. The ground floor commercial tenancy is considered to be of a reasonable size and shape. Compliance should be sought with B17 (side and rear setbacks), taken from the residential boundary on the opposite side of the ROW, for the ground to second floor setbacks. The height of the street wall and subsequent setback to the upper levels is considered reasonable.
Governance and Performance Unit	While the ROW at the rear of 795-811 High Street is a constructed road which is also in Council’s Register of public roads, the section at the rear of 813-817 High Street is unmade.  No objection to the use of the ROW on the provision that the

Department/Authority	Response
	road is constructed according to Council specifications from the rear of 813-817 High Street (and adjoining 1 Wild Street).
Capital Works Unit	<p>No objection, subject to conditions included in recommendation</p> <p>Design plans are required to be submitted for approval for construction of the right of way.</p>
ESD Officer	<p>STORM Separate the balconies and roof into separate lines in the STORM tool.</p> <p>Update the STORM report and WSUD plan to reflect the planter boxes.</p> <p>The water tank reliability is not adequate and needs to be a minimum of 80%.</p> <p>Transport Install a security light at the rear of the property.</p> <p>Riders should not have to go up stairs to park their bikes.</p> <p>Further detail of light wells access is required for cleaning and maintenance.</p>
Transport Engineering and Strategy Unit	<p>No objection, subject to conditions included in recommendation.</p> <ul style="list-style-type: none"> <li>• The rear laneway is currently unmade and it is expected that as part of this development the applicant fully construct the laneway to Wild Street to the satisfaction of the Responsible Authority.</li> <li>• The applicant has proposed to provide 20 bicycle parking spaces all located on the ground level, exceeding the statutory requirements and is commended. The bicycle racks accord with Australian Standard 2890.3:2015 bike parking facilities. Horizontal bicycle parking must be offset 1000mm between hoops.</li> </ul>
Heritage Advisor	No objection.

**PLANNING SCHEME SUMMARY**

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

- Clause 32.04-6 (Mixed Use Zone) – construction of two or more dwellings on a lot.
- Clause 52.06 (Car Parking) – 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.

**Applicable provisions of the Darebin Planning Scheme**

Section of Scheme	Relevant Clauses
SPPF	11.01-1S, 11.02-1S, 11.03, 13.04-1S, 15.01, 15.02, 16, 17.02-1S 18, 19.03
LPPF	21.01, 21.02-3, 21.03-2, 21.05, 21.05-1, 21.05-3, 22.05, 22.06, 22.12
Zone	32.04
Overlay	45.03, 45.06
Particular provisions	52.06, 52.34, 58
General provisions	65.01
Neighbourhood Character Precinct	Not applicable

**POLICY IMPLICATIONS****Environmental Sustainability**

A Sustainability Management Plan (SMP) has been submitted as part of the application. The SMP outlines sustainable design initiatives required to be incorporated into the development and is considered acceptable, subject to condition.

**Social Inclusion and Diversity**

Nil

**Other**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil

**RELATED DOCUMENTS**

- Darebin Planning Scheme
- Planning and Environment Act 1987
- High Street Study Urban Design Framework – March 2005
- Green Streets Strategy 2013

**Attachments**

- Aerial Photograph (**Appendix A**)

- Advertised Plans (**Appendix B**)

### **DISCLOSURE OF INTEREST**

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

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

## 6. OTHER BUSINESS

### 6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

- Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).

Please note that Appendix A incorporates all of the information presented and deferred at the Planning Committee on 19 August 2019 and all subsequent VCAT applications.

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

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#### Related Documents

- Nil

#### Attachments

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

**7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**


**8. CLOSE OF MEETING**

**CITY OF  
DAREBIN**

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

 **National Relay Service**  
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हिंदी	ਪੰਜਾਬੀ	Tiếng Việt