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AGENDA

Planning Committee Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 18 November 2019
at 6.00pm.



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

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land 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

These are the Minutes for the Planning Committee meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

Arabic

هذه هي محاضر اجتماع لجنة التخطيط. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

Chinese

这些是规划委员会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης της Επιτροπής Προγραμματισμού. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

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

Italian

Questo è il verbale della riunione del comitato di pianificazione. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Записникот од состанокот на Одборот за градежно планирање. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

Nepali

यी योजना समितिको बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ 'ਪੇਨਿਨਾਬੰਦੀ ਕਮੇਟੀ' (Planning Committee) ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kuwaani waa qodobada kulanka Guddiga Qorshaynta. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriiir 8470 8888.

Spanish

Estas son las Actas de la reunión del Comité de planificación. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

Urdu

یہ پلاننگ کمیٹی کی میٹنگ کی روداد کے نقاط ہیں۔ روداد کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là những Biên bản Hội Ủy ban Quy hoạch. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

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Agenda

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

Recommendation

That the Minutes of the Planning Committee Meeting held on 21 October 2019 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/653/2018 16-18 Clarendon Street Thornbury

Author: Town Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
The Clarendon Street Collective Pty Ltd	The Clarendon Street Collective Pty Ltd	Property Collectives Hansen Partnership Pillar + Post Lloyd Hetrick Consulting Arborist Ratio:Consultants Green Rate Sustainable Building Consultants KTS Studio

SUMMARY

- The application is recommended for approval subject to conditions.
- The application is for a citizen-led joint venture development for six (6) triple storey dwellings with two (2) bedrooms and secondary living areas each.
- Units 1-5 have been provided with traditional open spaces on the ground floor to the side/rear of the living areas; unit 6 has been provided with a balcony off the living area.
- Seven (7) car spaces are provided in car stackers and accessible via the laneway along the southern boundary. Six (6) bicycle racks are proposed, one to each townhouse.
- The development will have a maximum overall height of 10.6 metres.
- The application does not seek a reduction in car parking; however, all units have secondary living areas/retreats large enough to form a third bedroom. Officers have therefore assessed parking demand based on if the retreats were used as third bedrooms. The assessment, considerations and conclusions are detailed in this report.
- The site is zoned General Residential – Schedule 2 and is affected by the Development Contributions Plan Overlay.
- The subject site is comprised of two lots with an overall size of 675 square metres and therefore requires a garden area of 35%. A garden area of 284 square metres is provided, which equals 42% of the site.
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- Seven (7) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clauses 32.08, 52.06 and 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via three (3) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Public Places, Arboricultural Planning Unit, Infrastructure and Capital Delivery Unit, Property Management Unit and Transport Engineering and Strategy Unit.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/653/2018 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 A100, A102, A103, A104, A200, A300, A301 and A501 Rev F, prepared by Pillar and Post and dated 29 July 2019) but modified to show:
 - (a) At least 2 suitable medium canopy tree and 6 suitable small canopy trees and a landscape plan in accordance with Condition No. 5 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 No. 8 of this Permit.
 - (c) All car spaces within the car stacker clearly allocated to the dwellings.
 - (d) The bins for unit 6 provided in an external bin enclosure as per units 3-5 and located adjacent to the car stacker.
 - (e) The unit 6 entry/seat area increased by removing the internal bin storage area and reducing the ground floor storage area forward of the bottom step of the stairwell.
 - (f) Design details of the bin enclosures of units 3-6 designed to integrate into the design of the development.
 - (g) Pedestrian gates connecting the front yards to the private open spaces of units 1 and 2.
 - (h) Details of the proposed 1.2 metres high front fence to units 1 and 2 or a notation stating no front fence provided.
 - (i) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 9 of this Permit).
 - (j) Details of the external operable sun shading devices to the east and west facing habitable room windows/glazed doors. Where sun shading devices are being utilised a dimensioned section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - (k) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/or habitable room windows.
 - (l) Details of the proposed mesh screening to show compliance with the requirements of Standard B22 of Clause 55.04-6 of the Planning Scheme.

-
- (m) The south-facing first floor master bedroom and bedroom 1 windows of unit 6 clearly provided with mesh screening to avoid overlooking or updated correct view cones showing no direct views into the adjoining property to the south.
 - (n) The sill height of the west-facing kitchen window of unit 6 shown at least 1.7 metres above the floor level.
 - (o) The timber paling fences separating the front yards of the units reduced to a maximum height of 1.2 metres.
 - (p) Removal of the notation 'wall on boundary' adjacent to the service yard.
 - (q) The location and design layout of site services, including letter boxes, meters, air conditioning units, hot water systems, hydrants and pumps (as required). Plans must demonstrate how utility metres and services are minimally visible from the streetscape and adjoining properties, co-located where possible and/or screened to limit visibility of services.
 - (r) Any modifications in accordance with the Car Stacker Management Plan as per condition 14 of the permit.
 - (s) The hipped roof replaced with a floating flat roof.
 - (t) The second floor east-facing balconies redesigned as follows:
 - i. The height of the brick screening between the balconies, when measured from the 1 metre high balcony balustrade, reduced to match the depth of the vertical feature elements on the eastern elevation;
 - ii. Visual separation between the balconies and above the brick screening to be provided by the provision of planter boxes and/or vertical semi-permeable timber battens. Any timber batten are to extent from the wall to the edge of the roof;
 - iii. The balconies either
 1. to remain open to the sky where not located under the eave; or
 2. provided with a pergola structure between the eave and the balcony edge. At the balcony edge the vertical feature elements are to be continued to the pergola roof and extended along the pergola beams to frame each balcony.
 - (u) The colour of the TB timber cladding material changed to match the TM timber paling fence material.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. This Permit will expire if either:
 - The development does not start within three (3) years from the date of this Permit; or
 - The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
 4. The land must be drained to the satisfaction of the Responsible Authority.
-

5. 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) At least 2 suitable medium canopy tree and 6 suitable small canopy trees
 - (b) details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - (c) a planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (d) a diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - (e) 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).
 - (f) annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (g) type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - (h) hard paved surfaces at all entry points to dwellings.
 - (i) all constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - (j) type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - (k) an outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (l) clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (m) scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Before buildings and works (including demolition) start, 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 Report for Property Collectives, site address 16-18 Clarendon Street Thornbury, 3071, prepared by Lloyd Hetrick Consulting Arborist and dated 23 August 2018)</i>	<i>TPZ (radius from the base of the trunk)</i>
Tree 3 - Ficus elastica (Rubber Tree)	3.4 metres
Tree 4 - Corymbia citriodora (Lemon Scented Gum)	3.8 metres
Tree 5 - Prunus persica (Peach)	3.0 metres
Tree 6 - Citrus reticulata (Mandarin)	2.0 metres
Tree 7 - Ficus carica (Edible Fig)	3.6 metres

The proposed paving and bin storage within the TPZ of Tree 3 must be built at or above existing grade and constructed using permeable materials.

The proposed paving and private open space within the TPZ of Tree 4 must be built at or above existing grade and remain permeable.

Non-invasive construction methods within the TPZ of Tree 7; for the garage wall alternative construction measures such as pier and beam and above grade slab within the TPZ are to be utilised.

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.

9. Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance with the document identified as Sustainable Design Assessment, prepared by Green Rate and dated 13 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) BESS – Water: Remove washing machines.
- (b) BESS – Transport: Show details of the visitor bicycle spaces on plans or remove the score for this.
- (c) STORM Report: correct number of occupants/number of bedrooms
- (d) Changes required to the plans as per report:
 - i. A notation stating ‘rainwater connected to toilets’.
 - ii. Details of the Solar Photovoltaic system.
 - iii. Details of the external lighting controlled by a motion detector.
 - iv. A notation stating ‘maximum illumination power density of 4W/sqm or less’.
 - v. Clear details of the shading provided to east, west and north facing glazing.

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

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

10. Before occupation of the development Council is to be notified to allow for the installation of parking controls on Armadale Street along the site’s frontage.
11. Before occupation of the development a fee of \$1,000 is to be paid to Council in order to implement a car share space in front of the site’s frontage on either Armadale Street or Clarendon Street, as agreed with the car share operator.
12. 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.

13. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
14. Before the development commences, a Car Stacker Management Plan covering matters of access and safety (e.g. access to controls, access to stacking mechanism and queuing of cars); residential amenity (including noise and vibration); location of subject premises (including the ambient noise environment and suitability of location); and maintenance of car stackers (including by whom, to what standard and how enforced), etc. must be prepared to the satisfaction of the Responsible Authority. When approved the Car Stacker Management Plan will be endorsed and will then form part of this permit.

The car stacker(s) must be constructed, maintained and managed in good working order and in accordance with the requirements/ recommendations of the Car Stacker Management Plan to the satisfaction of the Responsible Authority.

15. 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.

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

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

17. 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.
18. 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.
19. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the Planning and Environment Act 1987. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments

of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

- N5 This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
-

INTRODUCTION AND BACKGROUND

Planning Permit D/430/2012 was issued on the 13 January 2015 for the Construction of a three storey plus basement apartment development comprising eleven (11) dwellings in accordance with the endorsed plans. The height and built form outline of this previous approval is shown on the drawing A600 in the attached plans supporting this report.

An amendment application to the proposal lapsed on the 19 December 2015.

Planning Permit application D/10/2016 for the proposed construction of a three (3) storey apartment building and a waiver of the visitor car parking was refused by Council on the 7 May 2016. The matter proceeded to VCAT and Council’s decision was affirmed on the 7 December 2016 and no permit was granted.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land comprises two lots and is regular in shape and measures 36.58 metres in length and 18.44 metres in width with a site area of 674.54 square metres.
- The land is located on the southern side of Clarendon Street on the corner with Armadale Street approximately 105 metres east of High Street.
- The subject site is located on the periphery of the High Street retail spine with the Psarakos supermarket and extensive car parking areas located along Clarendon Street between the subject site and High Street.
- The site is currently vacant with some vegetation located along the frontage.
- To the north on the opposite side of Clarendon Street (Road Zone Category 2) are single storey dwellings and a recently constructed two (2) storey plus basement and rooftop terraces apartment development.
- To the south beyond a laneway is a single storey dwelling with a back yard to the rear and front yard to Armadale Street. The dwelling is setback from the laneway and has vehicle access from the rear.
- To the east on the opposite side of Armadale Street at the intersection with Clarendon Street is a two (2) unit townhouse development currently under construction. To its south are a laneway and a single storey dwelling facing Armadale Street with a front yard to the street and private open space to the rear.
- Directly to the west of the subject site is a single dwelling facing Clarendon Street setback approx. 4.6 metres from the street with private open space and outbuildings to the rear. Landscaping is located along the common boundary.

- On street parking restrictions on the northern side of Clarendon Street are “No Standing” between Armadale Street and High Street and unrestricted east of Armadale Street. The southern side of Clarendon Street includes a Bus Zone, “No Standing” and “2P” from 8am-6pm Monday to Friday and 8am-12pm Saturday parking restrictions. On street parking in Armadale Street is unrestricted on both sides adjacent to the subject site with “1P” restrictions applying to the south of the subject site 8am-6pm Monday to Friday and 8am-1pm Saturday.
- Being within the Principal Public Transport Network area the site has good access to public transport including the following:
 - Thornbury Railway Station (Mernda Line) - approximately 600 metres to the north-west;
 - Croxton Railway Station (Mernda Line) - approximately 600 metres to the south-west;
 - Tram route #86 (Bundoora RMIT-Waterfront City Docklands) - approximately 110 metres to the west;
 - Bus route #510 (Essendon – Ivanhoe) - approximately 50 metres to the west;
 - Night Bus #995 (City – Mernda) – approximately 50 metres to the west.
- The site is located 30 metres east of the Thornbury Village Neighbourhood Centre and 620 metres north of the Northcote Activity Centre.

Proposal

- Units 1 and 2 face Clarendon Street and have similar layouts with open plan living areas and private open spaces at Ground Floor and 2 bedrooms and a retreat at the upper levels.
- Units 3-5 face Armadale Street and have similar layouts with open plan living areas and private open spaces to the Ground Floor; a bedroom and retreat to the First Floor; and a second bedroom and secondary living area with balcony to the Second Floor.
- Unit 6 has the entry and storage area at Ground Floor; two bedrooms and a retreat at First Floor; and an open plan living areas and a balcony at Second Floor.
- Landscaping is provided within the front setbacks to Clarendon Street and Armadale Street and within the rear yards.
- Vehicle access to seven (7) car spaces in car stackers is provided via the laneway to the south. Bicycle parking is provided to each townhouse.

Objections summarised

- Overdevelopment
- Too much development in this part of Armadale Street
- Insufficient car parking
- Overlooking
- Overshadowing
- Excessive built form (3-storeys)
- Proposal not in keeping with the streetscape and contrary to neighbourhood character
- Inappropriate design
- Development will set precedent
- Car Stackers

Officer comment on summarised objectionsOverdevelopment

State policies set targets for established areas of Melbourne to absorb a high proportion of Melbourne's expected growth. State and Local Planning Policy envisage an increase in housing density in well serviced areas such as this. While any increase in population density will likely increase the level of activity around the site and area, it is not envisioned that such an increase would be detrimental or substantially more intensive than what is currently experienced.

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

The development proposes a modest rise from the single and double storey buildings on adjoining properties, noting that there are other double storey plus rooftop terrace dwellings in the surrounding area and that a triple storey development has previously been approved (in 2013). The development is respectful of the prevailing scale of housing stock in the area.

Too much development in this part of Armadale Street

It is acknowledged that there is another development in Armadale Street opposite from the subject site. However, this is nothing atypical particularly considering the inner metropolitan location of the proposal. Any application must be assessed on its own merits and the number of applications in a certain area is not limited nor a planning matter to consider.

Insufficient car parking

The application does not require a waiver of the car parking spaces, however the secondary living rooms could potentially be used as a third bedroom. Therefore the assessment considered the case if this were how these living rooms are used. The assessment found that no additional car parking is required. Refer to commentary and recommendations elsewhere in the report under considerations of the proposal against Clause 52.06 of the Planning Scheme.

Overlooking

As a condition of approval the applicant will be required to screen all Windows and/or balconies within 9m of existing adjacent habitable room windows and secluded private open space areas, in accordance with Clause 55.

Overshadowing

The submitted shadow diagrams comply with the requirements of Clause 55. At least 75 per cent, or 40m² with a minimum dimension of 3m, whichever is the lesser area, of the secluded private open space located on adjacent land will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

Excessive built form (3-storeys)

The 3-storey height of the proposal is compliant with the Darebin Planning Scheme which allows for a height of up to 3-storeys for the site.

Proposal contrary to neighbourhood character/streetscape

Neighbourhood character/streetscape, design, form and materials are addressed within the assessment section of this report with particular focus on Clause 55 of the Darebin Planning Scheme and the relevant Neighbourhood Character Precinct Guidelines.

Inappropriate design

The design has been considered below. In this case the proposed design is considered to provide good articulation and a mix of durable and visually interesting materials and setbacks to provide adequate presentation to the street and adjoining properties. Conditions of approval will require some changes to the roof form, second storey balconies and materials in conjunction with the comment received from the City Architect.

Development will set precedent

Any future planning permit applications will be assessed against relevant planning policy, based on their own merits.

Car Stackers

Car stackers are a recognised form of car parking used to meet car parking requirements and have been approved on numerous occasions by Council and the Victorian Civil Administrative Tribunal (VCAT).

PLANNING ASSESSMENT**Clause 32.08 General Residential Zone and Local policies**

A General Residential Zone (Schedule 2) applies to the site. The relevant purpose of the zone is to implement State and Local Planning Policy, encourage development that respects neighbourhood character of the area, to provide a diversity of housing types and housing growth in locations offering good access to services and transport.

Development of up to 3-storeys (11 metres) is permitted within this zone and a previous permit has been issued for this height..

An incremental housing change designation pursuant to Clause 21.03 of the Planning Scheme applies to the site. Incremental change areas are defined in the planning scheme as follows:

Residential and commercial areas that have the capacity to accommodate a moderate level of residential development over time. It is expected that the general character of Incremental Change Areas will evolve over time as new yet modest types of development are accommodated.

The site is included in the incremental change area and displays the typical characteristic in that:

- There is a diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character, particularly along Clarendon Street but also along Armadale Street with medium density (across Armadale Street to the east) and small apartment development (across Clarendon Street to the north), but the predominant dwelling stock is single to double storey dwellings.
- The site is located on the fringe of the Thornbury Village Activity Centre and is within an 800 metre walkable catchment of an activity centre (610 metres of Northcote Activity

Centre) and within an 800 metre walkable catchment of train (600 metres to Thornbury and Croxton Railway Stations) and tram (105 metres).

Importantly, the subject site does not fall within the Incremental Housing Change areas that are suitable only for limited scale and density of residential development. In contrast to this, it should be noted that the property at 12 Clarendon Street – the second property to the west of the subject site – is already located in an area identified for substantial change (in the Municipal Strategic Statement – Housing Change Framework Plan).

The Neighbourhood Character policy at Clause 22.02 is relevant to the subject site. This policy applies to land in the Neighbourhood Residential Zone and the General Residential Zone and policy requires the proposal to be assessed against the preferred character statement and design guidelines in the Darebin Neighbourhood Character Study & Precinct Guidelines 2007.

Clause 22.12 of the Darebin Planning Scheme applies. A Sustainable Design Assessment (SDA) has been provided as part of the planning application. The SDA is generally acceptable subject to conditions included in the recommendation.

The State and local planning policy frameworks seeks to:

- *Encourage high quality design and buildings that respond to characteristics of the locality.*
- *Ensure that buildings at ground level provide active frontages and a high level of pedestrian amenity.*
- *Encourage the design of new buildings to incorporate high standards of energy efficient design, water sensitive urban design, sustainable transportation and waste reduction.*
- *Promote the integration of land use and sustainable transport (walking, cycling and public transport) in accordance with the strategies in Clause 21.05-1.*
- *Encourage land use and development that supports local living and revitalisation including higher-density housing in and around the (neighbourhood) centres*
- *Encourage housing development and diversity that is generally consistent with the character of the area and responsive to varying local conditions, allowing for moderate housing growth and diversification over time.*
- *Support low scale medium density housing development that respects existing neighbourhood character in Incremental Housing Change Areas, particularly in areas that are in proximity to shops, facilities, services and transport.*
- *Encourage new housing near retail and employment precincts and above ground floor level within these precincts.*
- *Locate new housing so as to allow pedestrian access to local services, employment and facilities, including commercial areas.*

The site's physical context presents both opportunities and constraints. The site is located on a main road (included in a Road Zone Category 2) with bus and tram routes operating in proximity. It comprises two lots and has regular dimensions and an area of 674 square metres. It is located on a corner site with no adjoining properties to the north and east and the property to the south separated by the existing laneway.

It is considered that the proposal achieves an appropriate response to the site's strategic and physical opportunities and constraints.

The outcome of the previous VCAT decision and comments from the Tribunal where Council's decision to refuse the grant of a permit was affirmed has informed this current planning application. At the hearing discussions were held around massing of the three-storey building and amenity impacts, essentially clearing the way for a three storey built form to be supported, subject to a more appropriate design response.

The massing of the current proposal has addressed the issues raised at the previous VCAT hearing and has been generally oriented towards the Clarendon Street frontage through increased setbacks towards the southern boundary and the shape of the roof form. The third level of unit 6 has been setback from the laneway and on the lower levels from Armadale Street to allow for adequate transition to the lower scale dwellings in Armadale Street. The third levels of all dwellings facing Armadale Street have been setback 2.15 metres from the double storey street wall to reduce visual bulk. The robust three storey form with a reduced upper level setback from the double storey street wall is acceptable in the context of Clarendon Street.

Generous front setbacks have been provided along both frontages to ensure the continues garden setting is continued. Along Armadale Street the landscaping has been extended all the way to the laneway to mitigate the visual dominance of the car parking structures and accessways to Armadale Street.

Most of the built form has been setback a minimum of 3 metres from all boundaries. This allows for reduced visual bulk and opportunities for landscaping to further mitigate any visual dominance of the proposal.

Maximum Building Height Requirement for a Dwelling or Residential Building

The proposal comprises 3 storeys and a maximum height of 10.6 metres.

Complies

Neighbourhood Character Precinct Guideline Assessment - Precinct C2: Victorian/Edwardian/Inter-war/Post-war Mix

Vegetation

Vegetation is proposed in the form of landscaping within the street setbacks and along the western boundary which will soften the appearance of the development from the adjacent residential neighbour to the immediate west. Existing vegetation in the adjoining lot to the west is protected via Tree Protection Zones and associated Tree Protection Measures to ensure viability.

A landscape plan has been provided as part of the application, but Council's Public Places Unit deemed it needed to be reviewed due to a lack of correspondence with the architectural drawings and a lack of clarity. Therefore, a landscape plan is requested as a condition of approval.

Complies subject to condition

Siting

The proposal has been setback 4.5 metres from Clarendon Street and 3.0 metres from Armadale Street generally with sufficient space for landscaping within the setbacks. However, the extent of hard surfaces towards Armadale Street is to be reduced as far as practical and a condition to this effect has been included in the recommendation.

The proposal utilises the rear laneway as encouraged by the design guidelines and thus removes parking structures from both street frontages. The existing crossover to Armadale Street will become redundant and a condition of approval will require this to be reinstated (increasing on-street parking).

The generous setbacks provide adequate visual separation from neighbouring residential properties to the west and south of the site.

Complies subject to condition

Materials and design detail

The streetscape along Clarendon Street presents a mix of building styles including single dwellings from the Victorian era, flats from the 1970s, recent low scale apartment buildings and commercial properties. Armadale Street is characterised by low scale single dwellings.

The new building respects the form, siting and materials of older dwellings whilst the three (3) storey built form is in line with recent development in the vicinity noting that the third levels have been setback from the double storey street wall and present more like a double storey building to the street. The generous setbacks to the streets and adjoining property to the west ensure that the gardens will become a prominent part of the proposal adding to a leafy streetscape and providing sufficient separation to mitigate visual bulk. 1.8 metre paling fences within the front yards are proposed and will be required to be reduced to a maximum of 1.2 metres via condition subject to any approval, so that the proposal maintains a sense of openness that continues to allow views to gardens and dwellings.

The proposed design utilises subdued materials in a variety of colours to provide visual interest. The brick and timber elements are generally in line with the preferred neighbourhood character interpreting the existing predominant materials. However, a condition of approval will require the timber cladding colour to match the ground floor paling fences in order to achieve some variety in applied colours of the development and for the timber elements to complement each other. The development proposes a hipped roof formed which based on the advice of the City Architect will be required to change to a flat floating roof to improve the design and its integration into the local context. The vertical feature elements break up the front facades and provide a fine grain pattern reducing the visual bulk of the built form. For better cohesion of the design these elements will be required to consistently wrap around the balcony edge in conjunction with the comment from Council's City Architect. This is requested via condition subject to any approval.

On balance and in conjunction with the changes expressed via conditions, the proposal presents a contemporary approach consistent with the existing and preferred character of the area and utilises durable and well-chosen materials and a good and appropriate design detail for its physical and strategic context.

Complies subject to condition

Front boundary treatment

The proposal does not provide any high front fencing that prevents views of the front gardens of the dwellings. It is noted that a 1.2 metre high front fence is indicated on the floor plan, but no details are shown on the elevations. A condition of approval will require clarification on this. In any way, this will not impact on the openness of the streetscape or views of the front gardens. The paling fences separating the units front yards will also be required to be reduced to a maximum height of 1.2 metres. Details of the proposed bin storage enclosures will also be required via condition.

Complies subject to condition**Clause 55 Assessment**

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

Clause 55.02-5 B5 Integration with the street

Generally, the proposal is well integrated with the street. Unit 6 lacks some ground floor interface with the street due to the car stackers impacting on the floor area available. In order to improve this layout and also to allow for additional passive surveillance by utilising the ground floor space better, a condition of approval will require the bin storage and part of the storage area adjacent to the stairs to be reduced to allow for a more generously proportioned entry area.

Complies subject to conditionClause 55.03-1 B6 Street Setback

The subject site is located on a corner. The front setback of the adjoining dwelling to the west is 4.6 metres. The standard therefore requires a setback of 4.6 metres to Clarendon Street.

The proposed front setback to Clarendon Street of 4.5 metres does not comply with the standard, however the design response is considered to be acceptable due to the following:

- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping.
- Units 1 and 2 front façades are appropriately articulated.
- The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.
- The proposed setback results in efficient use of the site.
- The existing streetscape is not consistent and provides for varied setbacks.
- The discrepancy of 100mm is minor and neglectable.

Units 3-6 front the side street, Armadale Street. The setback of the dwelling to the south facing Armadale Street is 6.5 metres and units 3-6 are therefore required to be setback 3.0 metres. The proposed setback of 3.0 metres to Armadale Street complies.

Complies with objectiveClause 55.04-6 B22 Overlooking

The proposed ground floors have finished floor levels less than 0.8m above natural ground level at the boundary. A 1.8 metre high boundary fence on the western boundary will sufficiently limit overlooking from the ground floor living areas.

The first floor plan and elevations show notations to the west- and south-facing habitable room windows stating 'screened for overlooking'. However, it is not clear how this will be achieved as no details have been provided.

It should also be noted that sections show view cones for the south-facing first floor windows of unit 6 that indicate no screening might be required. However, the cones are not taken from

the window pane, so it is not clear if views of the adjoining secluded private open space will be sufficiently restricted.

Clarification on overlooking measures will be required as a condition of approval to ensure the proposal complies with the requirements of the standard. It is noted that the south-facing first floor retreat window of unit 6 will only overlook the front yard of the adjoining property and this is considered acceptable.

The second floor plan shows screening notations for the west-facing habitable room windows of units 3-5. As per the above, no details have been provided and will be required as a condition subject to approval. A condition of approval will also require confirmation of the sill height of the west-facing kitchen window to unit 6.

The second floor plan and sections provided for the west-facing master bedroom of unit 1 and the south-facing balcony of unit 6 show that no screening measures are required as there are no direct views into the secluded private open space or habitable room window of adjoining dwellings within a 9 metre radius.

Complies subject to condition

Clause 55.04-8 B24 Noise impacts

The bedrooms of unit 6 are located above the car stackers. A condition of approval will require the provision of a Car Stacker Management Plan which amongst others covers matters of residential amenity (including noise and vibration). This will ensure the residents of unit 6 will be protected from unreasonable noise impacts.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

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

This is achieved for units 1-5 through the provision of a minimum of 40 square metres of private open space with a minimum area of 25 square metres at the side or rear of the dwelling, a minimum dimension of 3 metres and convenient access from a living room.

Unit 6 has been provided with a balcony on the second floor with an overall size of 21 square metres and an area of 9.9 square metres with a minimum width of 1.9 metres and convenient access from a living room. Additional private open space is located within the front setback on the ground floor.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	67 square metres	27 square metres	3.28 metres
Dwelling 2	74 square metres	25 square metres	3.0 metres
Dwelling 3	46.4 square metres	25 square metres	4.43 metres
Dwelling 4	46.4 square metres	25 square metres	4.56 metres
Dwelling 5	46.4 square metres	25 square metres	4.54 metres
Dwelling 6	58.5 square metres	9.9 square metres (balcony)	1.9 metres

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

Complies

Clause 55.05-5 B29 Solar access to open space

Solar access is provided into the secluded private open space of the new dwellings as follows:

	Wall Height to North	Required Depth	Proposed Depth
Dwelling 1	N/A as no wall to north		
Dwelling 2	N/A as no wall to north		
Dwelling 3	7.33 metres	8.60 metres	<u>4.43 metres</u>
Dwelling 4	7.33 metres	8.60 metres	8.99 metres
Dwelling 5	7.33 metres	8.60 metres	13.53 metres
Dwelling 6	N/A; as balcony		

Solar access to the secluded private open space of unit 3 does not comply with the requirements of the standard, all other private open spaces comply. Overall, this is considered an acceptable outcome due to the following:

- The area of non-compliance only affects part of the secluded private open space, an area of approx. 2.3 metres by 4.6 metres (10.6 square metres); the majority of the secluded private open space complies with the standard.
- The orientation of the secluded private open space to the west limits solar access to afternoons anyways. The current non-compliance with the standard, also considering boundary fencing would be required in lieu of the built form, effectively only results in a small area not receiving sunlight between 12pm and 2pm. After 2pm the secluded private open space is not affected by any shadow cast from the wall to the north.
- The area affected by the lack of solar access accommodates the storage area to better utilize area with sufficient solar access for recreational purposes.
- Unit 3 has been provided with a balcony off a secondary living area (retreat) on the second floor facing east offsetting the lack of solar access to the ground floor secluded private open space.
- Unit 3 has a dual aspect on all levels generally providing good solar access and daylight throughout the unit.
- As an owner driven development, where proposed occupants develop the land together, the occupiers of unit 3 are aware of the non-compliance with this standard and consider to achieve sufficient amenity for their unit based on the solar access they receive.

Complies with objective

Clause 55.05-6 B30 Storage

Generally, adequate storage facilities are provided for the dwellings in the form of 6 cubic metres of externally accessible secure storage. The storage area for unit 2 is shown at 5 cubic metres and a condition of approval will require this to be increased to a minimum of 6 cubic metres.

Complies subject to conditionClause 55.06-1 B31 Detailed Design

As per the discussion of the design detail above under the Neighbourhood Character Design Guidelines further changes will be required to the design, particularly to the roof form and east-facing second storey balcony treatment. This is in line with the comment received from the City Architect and conditions have been included in the recommendation.

Complies subject to conditionClause 55.06-2 B32 Front fences

As discussed elsewhere in the report the applicant will need to clarify details of any 1.2 metre high front fence if proposed along the Clarendon Street frontage.

In addition to the above the front yard dividing paling fences are considered front fences and a maximum front fence height limit of 1.5 metres applies to these as per standard. The fences are currently shown at 1.8m metres. A condition of approval will require these to be lowered to 1.5 metres for at least the first three metres as they are considered front fences in this area.

Complies subject to condition**Clause 52.06 Car Parking**Number of Parking Spaces Required

One (1) resident car parking space is provided to each two (2) bedroom dwelling. This technically represents a full complement of resident car parking.

However, it is noted that each unit has been provided with an enclosed 'Retreat' which could easily be converted into a third bedroom without the need to carry out works. In earlier versions of the plans these retreats were classified as bedrooms and the design of these rooms has not significantly changed since. Given this, an assessment of the car parking demand has also taken these retreats into consideration as if they were bedrooms, noting that these are not intended to be used as bedrooms.

Based on the above, the application was considered with a car parking requirement of 12 car parking spaces resulting in a shortfall of five off-street parking spaces.

No visitor car parking is required because the site is located on the Principal Public Transport Network.

On consideration of the decision guidelines contained within Clause 52.06-7 of the Planning Scheme, the proposed car parking (reduction) is satisfactory in this instance, noting the following:

- The development site is in close proximity to the High Street activity centre with various retail, commercial and social offerings, has excellent access to public transport and is located within the Principal Public Transport Network Area with walkable distances to tram, bus and train services. Therefore, it is considered probable that the parking demands of residents would be less than the statutory parking requirements.
- A review of car ownership statistics for the SAL area indicates a car ownership rate of 1.53 per three-bedroom dwellings. Correlating this to the development proposal

indicates an expected parking demand for nine parking spaces, of which two would need to be accommodated off-street.

- It is understood that prospective tenants of the development will be aware of the sustainable ethos of the development and that each dwelling will only be provided with one off-street car parking space.
- Furthermore, the surrounding street network already benefits from having parking controls and future tenants would not be entitled to obtain parking permits under Councils residential parking permit policy.
- The above measures and policy will ensure that existing residents' amenity is protected and will ensure that the development is 'self-sufficient' in its parking supply. A condition of approval will require the applicant to notify Council prior to occupation of the development in order to install parking controls along the site's frontage in Armadale Street. Additionally, a contribution to shared car spaces will be required.

Design Standards for Car parking

Access dimensions to the car spaces comply with the standard.

The car parking spaces, the garaging and the accessways have appropriate dimension to enable efficient use and management.

The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.

The car stackers proposed comply with the minimum dimensions of the standard. A condition of approval will require all car spaces in car stackers to be allocated to the units.

Visibility splays have been provided at the accessway interface with the footpath to protect pedestrians.

Traffic Impact

The applicant has submitted a Traffic Impact assessment report which estimates that the proposed development will generate some 42 vehicle movements or approximately 4 trips in each of the AM and PM peak hours. The projected peak hour movements of four vehicle trips per hour is equivalent to one vehicle movement every 15 minutes on average. This level of additional traffic generation is not expected to adversely impact on the operation of the surrounding street network.

Complies subject to condition

CLAUSE 55 COMPLIANCE SUMMARY

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

Clause	Std		Compliance	
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	B5	Integration with the street		
		All dwellings appropriately integrate with the Street.	Y	Y
55.03-1	B6	Street setback		
		The required setback to Clarendon Street is 4.6 metres, dwellings 1 and 2 are set back 4.5 metres from the street frontage. Please see body of report for details.	N	Y
55.03-2	B7	Building height		
		10.6 metres.	Y	Y
55.03-3	B8	Site coverage		
		48.9%.	Y	Y
55.03-4	B9	Permeability		
		42.5%.	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
55.04-2	B18	Walls on boundaries		
		N/A, no walls on boundaries provided.	N/A	N/A
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		

Clause	Std		Compliance	
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		There are no internal views	Y	Y
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Please see assessment in the body of this report.	N	Y
55.05-6	B30	Storage		
		Please see assessment in the body of this report.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		Please see assessment in the body of this report.	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
City Architect	No objection, subject to: - changes to the roof form from hipped roofing to a flat floating roof.

Department/Authority	Response
	<ul style="list-style-type: none"> - Changes to the balcony separating walls to match the vertical feature elements on the eastern façade and to provide some transparent screening - Change of the timber cladding material to match the paling fences - Reduction of the paling fences in the front setbacks to a maximum of 1.2 metres. <p>Conditions have been included in the recommendation.</p>
Public Places	No objection, subject to condition included in recommendation.
Infrastructure and Capital Delivery	No objection, subject to condition included in recommendation.
Transport Engineering and Strategy	No objection, subject to condition included in recommendation.
Arboricultural Planning	No objection, subject to condition included in recommendation.
Property Management	No objection, subject to condition included in recommendation.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- 32.08-6 – Construction of two or more dwellings on a lot.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-2, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3, 21.03, 22.02, 22.12
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	C2

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Darebin Planning Scheme

Attachments

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

DISCLOSURE OF INTEREST

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

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

**5.2 APPLICATION FOR A PLANNING PERMIT D/852/2018
37 STOREY ROAD RESERVOIR**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Ikomomidis Reid	Patdan Investments Ptd Ltd 739 Elgar Road DONCASTER VIC 3108	N/A

SUMMARY

- The application is recommended for approval subject to conditions.
- The conditions address landscaping, stormwater management, ESD, materials, windows and shading.
- The proposal is recommended for approval because it attains a satisfactory level of compliance with the objectives and standards of Clauses 32.08, 52.06 and 55 of the Darebin Planning Scheme. The site has State and Local planning policy support for medium density housing. The Municipal Strategic Statement identifies Storey Road as an incremental housing change area. The General Residential Zone allows development of up to 3-storeys (11 metres) in height on the site and adjacent sites fronting Storey Road.
- The proposal involves the development of five (5) double storey dwellings.
- A General Residential Zone (Schedule 2) applies to the site.
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 36.18% (440.07 square metres).
- There is no restrictive covenant on the title for the subject land.
- Seventeen objections were received against this application.

CONSULTATION:

- Public notice was given via a sign posted on site and letters to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit, the ESD officer and the City Architect.

Recommendation

That Planning Permit Application D/852/2018 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 (plans identified as: TP04- Rev F, TP05 Rev F and TP06 Rev F, dated 16 June 2019, prepared by Ikonomidis Reid) but modified to show:

-
- a) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 4 of this Permit).
 - b) A landscape plan in accordance with Condition No. 5 of this Permit.
 - c) Modifications in accordance with the Stormwater Management System Report (refer to Condition No. 6 of this Permit).
 - d) The relocation and reconstruction of the crossover to Storey Road to align with the proposed driveway.
 - e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the either side of the reconstructed crossover to Storey Road. Where within the subject site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
 - f) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - g) The location of all plant and equipment (including air-conditioners, gas and electricity meters 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) 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.
 - i) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang. Where sun shading devices are being utilised a dimensioned section diagram must be included to demonstrate their effectiveness. Shading must not extend within 1 metre of a property boundary.
 - j) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and habitable room windows. Casement, sliding, sash and or louver windows must be provided to maximise ventilation.
 - k) Removal of the south facing first floor bedroom windows serving dwelling 5.
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:
 - a) The development does not start within three (3) years from the date of this Permit; or
 - b) The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - 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 the development starts, a Sustainable Design Assessment (SDA) 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 SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

- (5) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each 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) A continuous evergreen, shade-tolerant, screening hedge planted at a semi-advanced size and at an appropriate lineal density to the southern boundary of the site. The screening hedge must be within cultivated soil in a mulched garden bed that has a continuous 1 metre offset from the southern boundary. The cultivar of the selected plant selection(s) must be provided.
 - n) At least one (1) small canopy tree (3-4 metres at maturity) in the rear garden of dwelling 5.
- (6) 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; and
 - 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; and
 - 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 and recommendations of the approved Stormwater Management System Report to the satisfaction of the Responsible Authority.

All works must be carried out by the developer at their cost and be under supervision of the responsible authority. The works must be carried out to the satisfaction of the Responsible Authority.

- (7) 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.

- (8) 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.

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- (9) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (10) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (11) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- (12) The land must be drained to the satisfaction of the Responsible Authority.
- (13) 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.
- (14) 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.
- (15) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (16) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drained
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

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.
- N4 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.
- N5 This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
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INTRODUCTION AND BACKGROUND

This matter was initially heard at the Planning Committee meeting on 19 August 2019. The Planning Committee resolved to defer the application and requested that Planning Officers facilitate a meeting between the applicant and the neighbour located at No. 24 Northernhay Street to enable the parties to resolve their outstanding issues.

A consultation meeting was held on 20 September 2019. The owners of 24 Northernhay Street, the applicant’s planning consultant and Council’s town planner were in attendance.

The issues discussed related to the height, visual bulk and outlook from dwelling 5. The principal concern was that noise to and from dwelling 5 would result in amenity concerns for the occupiers of both properties. The neighbour’s suggested approach was to amend dwelling 5 (located adjacent the rear of their property) to a single storey dwelling, increase the setback of dwelling 5 from the common boundary, include an acoustic fence to the common boundary and reduce opportunities for outlook from the proposal to their property at the developer’s cost. The internal layout of dwelling 5 was also discussed including relocating the garage.

Following the discussions, the applicant agreed to the following changes to dwelling 5 via conditions of any planning permit that may issue:

- Removal of the south facing first floor highlight bedroom windows.
- A landscape plan to include the planting of semi-mature evergreen plants along the rear boundary (with the exception of the area around the clothesline) to provide filtered views into the subject site.

The suggested changes to the plans are included via the insertion of Conditions 1 k) and 5 m) & n) to the recommended list of conditions. The landscaping response required under conditions 5 m) and n) requires the provision of a continuous evergreen hedge to the southern boundary of the site and at least one (1) canopy tree within the garden of dwelling 5.

The overall development, including the additional changes sought by condition, achieve the relevant planning requirements of the Darebin Planning Scheme. In particular, the proposal meets relevant standards of Clause 55 of the Darebin Planning Scheme in relation to

building height, setbacks, site coverage, garden area, overlooking and overshadowing. In regard to relevant planning considerations, the relationship of dwelling 5 to no. 24 Northernhay Street is deemed appropriate.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is regular in shape with a width of 15.24 metres, a depth of 79.93 metres and a site area of approximately 1216 square metres.
- The site provides a fall of approximately 800mm from the south to the north.
- A General Residential Zone (Schedule 2) applies to the site.
- The site is located within an incremental housing change area within the Municipal Strategic Statement.
- The site contains a single storey brick dwelling.
- Scattered vegetation is spread across the site.
- Vehicle access is via a crossover located adjacent the east boundary.
- To the south is the rear garden associated with a single storey dwelling fronting Northernhay Street. The dwelling includes a recent single storey extension with enclosed swimming pool setback 1.5 metres from the common boundary.
- To the west is a single storey dwelling setback 3.4 metres from the common boundary. The 3.4 metre setback accommodates a driveway. To the rear of the dwelling is a single storey garage setback 1.5 metres from the common boundary.
- To the east is a single storey dwelling setback zero to 2.77 metres from the common boundary. A small shed is located within the rear garden of the property.
- On either side of Storey Road are a number of single and double storey dwellings together with several recent medium density housing developments.
- No parking restrictions apply on Storey Road.
- The site is reasonably well served by public transport with bus services available on High Street to the west and Broadway to the north. Reservoir train station is located 1km to the north.

Proposal

- Development of five (5) double storey dwellings.
- Three (3) bedrooms are provided to dwelling 1.
- Four (4) bedrooms are provided to dwelling 5.
- Two (2) car parking spaces are provided to dwellings 1 and 5.
- Two (2) bedrooms are provided dwellings 2, 3 and 4.
- One (1) car parking space is provided to dwellings 2, 3 and 4.
- No visitor car parking spaces are provided. This represents a reduction of one (1) visitor car parking space.
- All dwellings provide ground floor living spaces and access to an adjacent courtyard of 33.94 to 117.57 square metres in area.
- The dwellings are finished in brick, horizontal cladding and render. Hipped roof forms are provided to each dwelling.

Objections summarised

- Neighbourhood character
- Negative impact of the development on the particular health needs of an adjacent resident and conversely the negative impact the adjacent resident could have on the future occupants of the development.
- Overdevelopment / Density / Precedent
- Visual bulk
- Car parking
- Traffic
- Overlooking
- Loss of light
- Overshadowing
- Noise
- Safety
- Impact on services
- Damage to adjacent properties
- Property devaluation
- Quality of the tenants

Officer comment on summarised objectionsNeighbourhood character

Refer to the assessment against Council's Neighbourhood Character Policy below.

Negative impact of the development on the particular health needs of an adjacent resident and conversely the negative impact the adjacent resident could have on the future occupants of the development.

An objector has articulated that their son has a particular health condition and because of this they are seeking to protect their property from the perceived negative impact of a two (2) storey development. Their son's condition is triggered by visual clutter (double storey construction in proximity to their property) and noise associated with daily activities of future occupants of dwelling 5.

Considerations of residential amenity are articulated under Clause 55 of the Darebin Planning Scheme which sets out standards relating to setbacks, rear gardens, overshadowing and overlooking, amongst other matters. In regard to these matters the proposal including dwelling 5 satisfy the standards of Clause 55. In addition, the use of a dwelling (as opposed to its construction) does not require a planning permit. This limits Council's ability to restrict the use and everyday activities that residents undertake in their private place of residence. It is expected that the use of the dwellings will have noise impacts consistent with those 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. Council cannot restrict these activities via conditions of a planning permit as to do so would be considered acting beyond planning controls and considered unlawful.

The interface of dwelling 5 with the adjacent residential property to the south includes a laundry door and living room windows and doors setback 4.3 metres and 8.78 metres from the common boundary respectively. The ground level bedroom is separated from this interface by a walk-in robe and en-suite. Two (2) bedrooms are provided at first floor level setback 4.51 metres from the common boundary. Double glazing is provided to all habitable room windows within the development. As a result of the consultation meeting with the adjacent neighbour the applicant agreed to remove the south facing 1.7 metre high sill bedroom windows. This has been secured via a condition together with additional landscaping to the common boundary. The interface of dwelling 5 with the southern neighbour accords with Clause 55 and is not inconsistent with the approach provided by many medium density housing proposals throughout Darebin. The design of dwelling 5 is not considered to be any more or less vulnerable to external noise than the majority of Darebin's medium density housing proposals.

Overdevelopment / Density / Precedent

State and Local Planning Policy envisage an increase in housing density in well serviced areas such as this. Clause 16.01 of the State Planning Framework of the Darebin Planning Scheme encourages *higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport*. The increase in population and density at this site is considered an appropriate response to the underutilised state of the site and the proximity of the site to public transport, shops and other services. While any increase in population density will likely increase the level of activity around the site and area, it is not considered that such an increase would be detrimental or substantially more intensive than what is currently experienced.

It is not considered that the development of the land for five (5) dwellings is an overdevelopment of the site or that it will set an undesirable precedent. The consideration of a medium density housing development is based on its compliance with a set of criteria set out in the Darebin Planning Scheme. The Victorian State Government has provided a clear policy imperative of urban consolidation which is heavily dependent on medium density housing development.

Visual bulk

In terms of transition the upper storeys provide generous setbacks from the side and rear boundaries to mitigate any adverse amenity and visual bulk impacts. Adequate space for landscaping along the northern and the side boundaries will aid in softening the appearance of the proposal from neighbouring properties.

Car parking

The proposal provides a full complement of resident car parking and a reduction of one (1) visitor car parking space. An assessment of the proposal against Clause 52.06 (Car parking) of the Darebin Planning Scheme is provided below.

Traffic

The level of traffic associated with the development is relatively low. The adjacent road network has sufficient capacity to accommodate the additional vehicle movements associated with the development.

Overlooking

The development is designed to limit views into neighbouring secluded private open space and habitable room windows in accordance with Standard B6 (Overlooking) of Clause 55 of the Darebin Planning Scheme.

Loss of light

The development is designed to maintain a satisfactory level of daylight to adjacent windows in accordance with Standard B19 (Daylight to existing windows) of Clause 55 of the Darebin Planning Scheme.

Overshadowing

The level of shadow cast by the development is within the parameters set out under Standard B21 (Overshadowing of open space) of Clause 55 of the Darebin Planning Scheme.

Noise

The proposed residential use will have noise impacts consistent with those 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.

Safety

The proposal raises no obvious issues of safety.

Impact on services

The impact of development upon water and sewage services is not a relevant planning consideration. In any case the site is appropriately located to connect to existing infrastructure. A recent study undertaken by Infrastructure Victoria titled '*Infrastructure Provision in Different Development Settings*' (dated April 2019) considers the capacity and relative cost of infrastructure to support further residential development in Melbourne. Within Melbourne, the capacity of existing infrastructure to support residential development growth varies at different locations. The study confirms that existing areas of Melbourne generally have sufficient capacity to accommodate further incremental levels of development growth.

Damage to adjacent properties

The development does not include any boundary walls or a basement. The likelihood of damage to adjacent properties as a result of the construction is therefore relatively low. Notwithstanding, there are measures under the Building Code of Australia to protect adjacent property owners in the event of damage as a result of construction.

Property devaluation

The impact of development proposals upon the value of adjacent properties is not a relevant consideration under Victorian Planning legislation.

Quality of the tenants

Respondents have formed the view that future residents of this development would disrupt the feel of the area. This view runs against the principles of social inclusion and cannot be given consideration as part of the planning process.

PLANNING ASSESSMENT

Neighbourhood Character Precinct Guideline Assessment - Precinct E7

Existing Building

The existing dwelling is not covered by a Heritage Overlay. The existing dwelling may be removed without a planning permit.

Complies

Vegetation

A nine (9) metre front setback is provided. Large rear courtyards are also provided. This ensures that sufficient space is provided within the front and within the secluded private open space areas for a satisfactory landscape response to soften the appearance of the dwellings from Storey Road and adjacent properties. A detailed landscape plan is requested as a condition of approval.

Complies

Siting

The development provides appropriate front, side and rear setbacks to allow for a satisfactory landscape response. No boundary walls are proposed and the rhythm of dwelling spacing is maintained.

Complies

Height and building form

The two (2) storey height of the proposal is consistent the streetscape which includes several double storey dwellings. The articulation provided to dwelling 1 is responsive to the double fronted forms found in the street. Hipped roof forms are provided to all dwellings which is consistent with the existing and emerging character of the street.

Complies

Materials and design detail

The use of brick and timber finishes provides a common thread with the existing and emerging character of the street. The provision of verandahs and varied setbacks provide a satisfactory level of articulation and visual interest. The design detail of the development respects the preferred neighbourhood character through façade articulation, window and door proportions, roof form, verandah treatments and eave widths. In addition, the garages are located to the rear and are designed to be visually compatible with the development and the existing or preferred neighbourhood character.

Complies

Front boundary treatment

No front fence is proposed.

Complies

Clause 55 Assessment

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

Clause 55.04-6 B22 Overlooking

The development is designed to limit views into neighbouring secluded private open space and habitable room windows.

Complies

Clause 55.05-4 B28 Private Open Space

The development provides adequate private open space for the reasonable recreation and service needs of residents. This is achieved through the provision of at least 33.94 square metres of secluded private open space at the side or rear of the dwellings with a minimum dimension of 3.2 metres and convenient access from a living room.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	139.12m ²	33.94m ²	3.4 metres
Dwelling 2	49.44m ²	49.44m ²	3.2 metres
Dwelling 3	49.44m ²	49.44m ²	3.2 metres
Dwelling 4	50.52m ²	50.52m ²	3.2 metres
Dwelling 5	117.57m ²	117.57m ²	4.36 metres

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

Complies

Clause 52.06 Car Parking

Number of Parking Spaces Required

One (1) car parking space is provided for each of the two (2) bedroom dwellings.

Two (2) car parking spaces are provided for each of the three (3) or more bedroom dwellings with both spaces under cover.

Dwellings 2, 3 and 4 include a study. These spaces are located within a transitional space or are deemed too small for use as a third bedroom.

No visitor car parking space is provided where one (1) space is recommended.

On consideration of the decision guidelines contained under Clause 52.06-6 of the Darebin Planning Scheme, the proposed car parking reduction is satisfactory in this instance, noting the following:

- The site is reasonably proximate to public transport modes, including Reservoir train station and bus services on High Street and Broadway.
- A reduction of one (1) visitor car parking space is appropriate given the availability of

on street car parking in the vicinity of the site.

Design Standards for Car parking

The garaging and the accessways have appropriate dimension to enable efficient use and management.

The double garage of 6.0 metres length x 5.5 metres width comply with the minimum requirements of the standard.

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

The northern car parking spaces serving the double garages of dwellings 1 and 5 and the single garages serving dwellings 2, 3 and 4 are accessed via a reverse-in manoeuvre. Australian Standard 2890.1:2004, Clause B4.3 states that reverse manoeuvres associated with residential parking spaces are acceptable for residential spaces where the site geometry requires, as is the case with the garages provided. The proposal is therefore satisfactory from an access perspective, as the provided swept path diagrams demonstrate.

Pedestrian visibility splays are to be clearly dimensioned on the plans, extending 2.5 metres along the accessway and 2.0 metres along the site frontage on both sides of the accessway to provide a clear view of pedestrians on the footpath. The crossover to/from Storey Road should be relocated and reconstructed to align with the proposed accessway to provide the pedestrian visibility splays in accordance with Darebin City Council’s Standard Concrete Vehicle Crossings for Residential Entrances.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		N/A as development contains less than 10 dwellings	N/A	N/A
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development.	Y	Y
55.02-5	B5	Integration with the street		
		Dwelling 1 appropriately integrates with the street.	Y	Y
55.03-1	B6	Street setback		
		The required setback is 9 metres. Dwelling 1 is setback 9 metres from the street frontage.	Y	Y
55.03-2	B7	Building height		
		7.49 metres.	Y	Y
55.03-3	B8	Site coverage		
		40.53%.	Y	Y

Clause	Std		Compliance	
55.03-4	B9	Permeability		
		33.94%.	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently setback from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Dwellings are setback in accordance with the requirements of this standard.	Y	Y
55.04-2	B18	Walls on boundaries		
		N/A. No boundary walls are proposed.	N/A	N/A
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight into existing windows.	Y	Y
55.04-4	B20	North-facing windows		
		The adjacent property immediately to the south at No. 24 Northernhay Street includes an enclosed swimming pool with glazing setback 1.52 metres from the common boundary. The swimming pool is not a habitable room and therefore this standard is not applicable. Notwithstanding Dwelling 5 of the proposal is setback more than double the requirement had this standard applied.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		Shadows cast by the development are within the parameters set out under this standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		The overlooking measures prevent internal views.	Y	Y

Clause	Std		Compliance	
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting. Refer to the neighbourhood character assessment above.	Y	Y
55.06-2	B32	Front fences		
		N/A. No front fence is proposed which is acceptable.	N/A	N/A
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

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

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.04 (General Residential Zone) - Construction of two or more dwellings.
- Clause 52.06 (Car Parking) - Reduction of one (1) visitor car parking space.

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, 22.12
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 53.18, 55
General provisions	65.01
Neighbourhood Character Precinct	E7

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Darebin Planning Scheme.

Attachments

- Aerial 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.

Attachments

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

**5.3 APPLICATION FOR PLANNING PERMIT D/503/2018
73-77 Plenty Road, Preston**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
SJB Planning c/- 73 Plenty Road Pty Ltd	73 Plenty Road Pty Ltd	Renzo Tonin & Associates SJB Planning Preston Lane Wood & Grieve Engineers Ratio Leigh Design

SUMMARY

- The application is recommended for approval subject to conditions.
- The conditions address accessibility, environmentally sustainable design, overlooking and internal views, active frontages, storage amongst and design excellence.
- The proposal is generally consistent with the relevant policies within the Darebin Planning Scheme (the Scheme), such as the design objectives of Schedule 3 of the Design and Development Overlay, car parking requirements of Clause 52.06 and the objectives and standards of Clause 58 of the Scheme.
- A mix of dwelling bed capacity is proposed and of the 38 dwellings the following is proposed:
 - two (2) bedroom dwellings (x6)
 - three (3) bedroom dwellings (x28); and
 - four (4) bedroom dwellings (x4).
- Height: 38 metres for the building, 43 metres including rooftop terrace and lift overrun.
- The site is located in the Commercial 1 Zone and is affected by the Design and Development Overlay - Schedule 3, Environmental Audit Overlay and Development Contributions Plan Overlay – Schedule 1.
- There is no mandatory garden area requirement for the site.
- There is no restrictive covenant on the title for the site.
- 12 objections were received against this application.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- The application was referred internally to:
 - Arboricultural Planning Unit

- City Architect
- Environmental Operations Unit
- ESD Officer
- Infrastructure and Capital Delivery Unit
- Public Places Unit
- Transport Engineering and Strategy Unit
- Urban Designer
- The application was referred externally to:
 - VicRoads

Recommendation

That Planning Permit Application on D/503/2018 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: A03-B2, Basement 02 Floor Plan, Revision 2; A03-B1, Basement 01 Floor Plan, Revision 2; A03-02, Ground Level Floor Plan, Revision 3; A03-03, Level 01 Floor Plan, Revision 3; A03-04, Level 02 Floor Plan, Revision 3; A03-05, Level 03, 05 Floor Plan, Revision 3; A03-06, Level 04, 06 Floor Plan, Revision 1; A03-09, Level 07 Floor Plan, Revision 2; A03-10, Level 08 Floor Plan, Revision 3; A03-11, Level 09 Floor Plan, Revision 3; A03-12, Level 10 Floor Plan, Revision 3; A03-13, Level 11 Floor Plan, Revision 3; A03-14, Level 12 Roof Plan, Revision 6; A04-00, North Elevation, Revision 1; A04-02, West Elevation, Revision 2; A04-01, East Elevation, Revision 2; A04-03, South Elevation, Revision 2; A06-00, Section A & Section B, Revision 3; A11-01, Better Apartment Design Standard Floor Plans/Diagrams, Revision 1; A11-02, Better Apartment Design Standard Floor Plans/Diagrams, Revision 1; all dated 25.03.2019 and prepared by Preston Lane; Acoustic Report, dated 14 June 2019 and prepared by Renzo Tonin & Associated; and Waste Management Plan, dated 25 March 2019; and prepared by Leigh Design) but modified to show:
 - a) The one (1) and two (2) storey street wall / podium increased in visual dominance by:
 - i. Increasing the width of the vertical columns;
 - ii. Removing the insets associated with balconies and parapets (for the sections of the street wall that abut the Plenty Road and Raglan Street property boundaries) so these sections are flush with the vertical columns.
 - b) Illumination of the Raglan Street pedestrian entry to the 'apartment foyer'. The illumination must be baffled and screened to ensure no light is spilled beyond the property boundaries.
 - c) Retail Tenancy A modified to extend to the south to include an active frontage to Plenty Road. The retail tenancy is to sit in front of the proposed ground floor plant room. The active frontage must have a minimum depth of 2.0 metres, as measured from the Plenty Road ground floor façade.
 - d) Dwelling types 1, 2, 5, 7, 8 and 10 to include a minimum of one (1) adaptable bathroom that complies with Table D4 of Standard D17 of the Darebin Planning Scheme. The dwellings must have a clear path with a minimum width of 1.2

metres connecting the dwelling entrance to the living area, main bedroom and the adaptable bathroom.

- e) An annotation that the storage for Dwelling type 4 bedroom which states 'x.xm³' has a minimum volume of 3.0 cubic metres.
- f) An annotation that the external storage for Dwelling type 4 has a minimum volume of 3.0 cubic metres.
- g) Ventilation of the car parking within the basement levels.
- h) The vehicular gate to the basement levels to be electronic and remote controlled.
- i) Details of the car stackers. A minimum of 25 per cent of the car stackers must be able to accommodate a vehicle height of at least 1.8 metres in accordance with Design standard 4 of Clause 52.06 of the Darebin Planning Scheme.
- j) A convex mirror to the eastern side of vehicular accessway from Raglan Street in accordance with Sheet No. 4, Design Recommendations, dated 08/11/2018 of the Traffic Report prepared by Ratio Consultant Pty Ltd.
- k) The western edge of Bedroom 3 of Dwelling 7.03 to be a solid wall and not include openings or windows.
- l) The southern and western edges (where within 2.0 metres of the southern edge of the balcony) of the balconies of Dwellings 7.02, 8.02, 9.02, 10.1 and 11.01 provided with either:
 - i. a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level;
 - ii. fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level; or
 - iii. Otherwise to the satisfaction of the Responsible Authority to minimise external overlooking within a 9-metre radius and 45 degree arc into private open space and habitable room windows.

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

- m) The south facing habitable room windows of Dwellings 1.02, 2.02, 3.02, 4.02, 5.02, 6.02, 7.02, 8.02, 9.02, 10.01 and 11.01 provided with either:
 - i. a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level;
 - ii. fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level; or
 - iii. Otherwise to the satisfaction of the Responsible Authority to minimise external overlooking within a 9-metre radius and 45 degree arc into private open space and habitable room windows.

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

- n) Balconies of Dwellings 2.02, 2.03, 3.02, 3.03, 4.02, 4.03, 5.02, 5.03, 6.02, 6.02, 7.02, 7.03, 8.02, 8.03, 9.02, 9.03, and 10.1 treated to ensure the dwellings do not overlook more than 50 per cent of the balcony of a lower-level dwelling directly below and within the same development. Any screening or treatment must be designed to maintain outward views to Raglan Street. Any screening must be designed to complement the aesthetics of the development.
- o) Window operation clearly shown on all elevation plans. Window operability must be maximised whilst not increasing overlooking of secluded private open space

and/or habitable room windows. All habitable rooms must have a minimum of one (1) operable window that maximises ventilation.

- p) A canopy over the public footpath along Plenty Road extending from the southern property boundary to the column located to the north of the Retail Tenancy A entry (that fronts Plenty Road). The canopy must be set back 0.75 metres from the kerb, except for the portion located directly in front of the Retail Tenancy A entry which can splay away from the kerb resulting in a greater setback. The canopy must have a clearance height of between 3.0 metres and 4.0 metres, as measured above the level of the public footpath. The canopy must not encroach the tree protection zone identified in Condition No. 4 of this Permit. The canopy must complement the design of the development.
- q) A canopy over the public footpath along Raglan Street, extending from the western edge of the booster bay to the eastern edge of Apartment Foyer entry area. The canopy must be set back 0.75 metres from the kerb. The canopy must have a clearance height between 3.0 metres and 4.0 metres, as measured above the level of the public footpath. The canopy must complement the design of the development.
- r) A canopy to the north of the Apartment Foyer integrated into the canopy over the Raglan Street public footpath referred to in Condition 1q) of this Permit. The canopy must complement the design of the development.
- s) Deletion of the portion of the rooftop canopy that is to the east of the stairwell (over the mechanical plant area).
- t) The details and 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.
- u) Indicative signage locations for the Retail Tenancies. The signage locations must be designed to complement the aesthetics of the development.
- v) The location of all utility meters for the dwellings and retail tenancies.
- w) The solar panels on the roof in accordance with the Sustainability Management Plan (Refer to Condition No. 10 of this Permit). The solar panels must be located so they are not unreasonably shaded by surrounding structures or parts of the building.
- x) An external clothes line for all dwellings. The clothes lines must be located so as to be minimally visible from the public realm.
- y) Shared clothes lines shown in accordance with the Sustainability Management Plan (Refer to Condition No. 10 of this Permit).
- z) The door to the bicycle storage room to be sliding or not self-closing to ensure the door is not required to be held open when entering and exiting the room. The door width must be a minimum of 1.2 metres.
- aa) The location of all taps and drainage to all balconies. These must be labelled.
- bb) The location of all rainwater basket filter pits. These must be labelled.
- cc) 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.

The materials must provide a clear difference between the one (1) and two (2) storey street wall / podium and the upper levels by utilising facebrick (darker colour) to the podium compared to the facebrick of the upper levels.

- dd) The recommendations of the acoustic assessment (identified as Acoustic Report, dated 14 June 2019 and prepared by Renzo Tonin & Associated) implemented into the development and listed in table form.
- ee) A combined planter box and balustrade to the balconies, as follows:
 - i. The northern edge of the balconies of the first-floor communal open space and of Dwellings 1.01, 1.02, 2.03, 2.04, 3.04, 4.03, 5.04, 6.03, 7.04, 8.03, 9.04, 10.01 and 11.01.
 - ii. The eastern edge of the balconies of the first-floor communal open space and of Dwellings 2.01, 2.04, 3.01, 4.01, 4.04, 6.01, 6.04, 7.01, 8.01, 8.04, 9.01, 10.02 and 11.02.

Planter boxes must have minimum widths of 300mm and have the same height as the balustrades. The planter boxes must include suitable irrigation and drainage.

- ff) Planter boxes to the balconies of Dwellings 3.03, 4.04, 5.03, 6.04, 7.03, 8.04, 9.02, and 10.02 capable of accommodating a small canopy tree. The planter boxes must be located to the north of the master bedrooms (Dwellings 3.03, 5.03, 7.03 and 9.02) and the secondary rooms (Dwellings 4.04, 6.04, 8.04, and 10.02). The planter boxes must include suitable irrigation and drainage.
- gg) Planter boxes to the balconies of Dwellings 4.01, 6.01, 8.01 capable of accommodating a small canopy tree. The planter boxes must be located to the east of Bedroom 3 (Dwellings 4.01 and 6.01) and Bedroom 1 (Dwelling 8.01). The planter boxes must include suitable irrigation and drainage.
- hh) Dwelling 8.01 internally modified so the living area of the dwelling abuts the dwelling's balcony a minimum distance of 3.0 metres.
- ii) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 5 of this Permit.
- jj) A landscape plan in accordance with Condition No. 6 of this Permit.
- kk) Modifications in accordance with the Landscape Management Plan (refer to Condition No. 9 of this Permit).
- ll) All environmentally sustainable design features referred to within the Sustainability Management Plan (SMP) listed in table form (Refer to Condition No. 10 of this Permit).
- mm) A single communal antenna for the development (in accordance with Condition No. 12 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- nn) A car parking allocation plan in accordance with Condition No. 13 of this Permit.
- oo) Modifications in accordance with the Stormwater Management System Report (refer to Condition No. 14 of this Permit).
- pp) A Streetscape Improvement Works Plan in accordance with Condition No. 15 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:
- a) The development does not start within three (3) years from the date of this Permit; or
 - b) The development is not completed within five (5) years of the date of this Permit.

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

- Before this Permit expires;
- Within six (6) months after the expiry date; or
- Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

- (4) As part of the consultant team *Preston Lane* or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.

- (5) Before buildings and works (including demolition) start, tree protection fencing must be erected in accordance with the following requirements to define a Tree Protection Zone (TPZ).

<i>Tree</i>	<i>TPZ (radius from the base of the trunk)</i>
Council street (<i>Platanus x Acerifolius</i>) within the Plenty Road nature strip adjoin the site.	2.4 metres

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 tree protection fence is confined to the width of the nature strip.

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

- (6) 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) Any modifications as required at Condition 1 of this Permit.
- b) Tree Protection measures in accordance with condition 4 of this permit.

- c) Modifications related to the Streetscape Improvement Works Plan in accordance with Condition No. 15 of this permit.
- d) SDA Modifications related to the landscape, WSUD or urban ecology, in accordance with conditions 10 and 14 of this permit.
- e) Landscape treatments (soft planting with appropriate species) to the Raglan Street nature strip directly adjoining the site.
- f) The removal of the existing street tree located within the Raglan Street nature strip adjoining the site and provision of two (2) advanced specimen trees within Water Sensitive Urban Design tree pits.
- g) 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.
- h) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
- i) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
- j) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown. 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).
- k) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter beds and decking.
- l) Type and detail of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating permeability in accordance with zoning requirements. 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.
- m) Constructed items such as letter boxes, garbage bins, lighting, clotheslines, storage, bike racks and water tanks with storage capacity shown where appropriate.
- n) 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. Conflict between services with the existing and proposed planting must be avoided.
- o) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- p) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- q) Landscape Specification Notes including general establishment and maintenance requirements.

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 a later date approved by the Responsible Authority in writing.

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

- (7) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (8) Before the development starts, a Landscape Management Plan detailing the proposed landscaping on the land, and the garden beds and planter box within the nature strip adjacent to the land must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. The Landscape Management Plan must be prepared by a suitably qualified person and must incorporate:
 - a) site analysis details such as:
 - i. climatic factors (wind, rainfall, solar radiation and air temperature)
 - ii. local environment
 - b) a maintenance planning schedule including:
 - i. required maintenance tasks (establishment, routine, cyclic, reactive/emergency, renovation)
 - ii. access requirements/ agreements
 - iii. irrigation and plant nutrition
 - c) A minimum maintenance period of:
 - i. Landscaping on site: ongoing
 - ii. Planter box within Plenty Road nature strip: ongoing
 - iii. Garden bed within Rene Street nature strip: 6 months from the completion of the garden bed.
- (9) Before the development starts, a revised Sustainability Management Plan (SMP) generally in accordance the document identified as Sustainable Management Plan, dated 5 June 2019 and prepared by Wood & Grieve Engineers 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) The grouping of the dwellings based on similar thermal properties.
 - b) BESS – Publish the BESS report
 - c) BESS Management 2.4 - Provide the section J glazing assessment.
 - d) BESS Management – details of the Building User’s Guide.
 - e) BESS Water – consistency between the BESS report, MUSIC Report and SMP
 - f) BESS Water – provide a water tank reliability calculation.
 - g) BESS Water – further evidence of the predicted effluent quality/specifications of the filter pits.
 - h) BESS Water – further details regarding stormwater discharge and reuse
 - i) BESS Water – further evidence of MUSIC model data and parameter inputs to demonstrate how best practice targets are achieved
 - j) BESS Water – confirmation the proposed filter pits are able to be sourced or alternative filter pits provided.
 - k) BESS Energy - Use electric instantaneous hot water systems.

- l) BESS Energy - Increase the NatHERS ratings to a minimum of 6.5 stars average and that no dwelling is less than 6 stars.
- m) BESS Energy – increase the R value of the insulation to the roof to a minimum of R4.
- n) BESS Energy – provide electric car charging to the three (3) at grade car parking spaces.
- o) BESS Energy – provide suitable infrastructure to enable the installation of electric car charging in the future for all car stackers.
- p) BESS IEQ – Use clear glazing. Use operable external blinds for east and west facing glazing. Use fixed shading for north facing glazing.
- q) BESS Transport 1.2 – a minimum of one (1) bicycle space allocated per dwelling within the ground floor bicycle storage room.
- r) BESS Transport 1.2 – Provide a minimum of eight (8) visitor bike spaces in the public areas to claim this credit.
- s) BESS Urban ecology – the communal terraces are not vegetation. Only actual areas of vegetation can be included in this credit. Ensure the percentage is an accurate number.
- t) BESS Innovation – Removal of low VOC paints and third-party certified timber as innovative.

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

- (10) Before development commences, either:
 - a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
 - b) 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.
- (11) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (12) The development must provide a minimum of:
 - a) One (1) car parking space to each two (2) bedroom dwelling;
 - b) Two (2) car parking spaces to each three (3) or more bedroom dwelling; and
 - c) One (1) car parking space to each retail tenancy.
- (13) 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.

- (14) Prior to the commencement of development, a Streetscape Improvement Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail works to the High Street and Separation Street road reserve adjacent to the subject site and the footpath adjacent the east elevation of the centre. The plans must include the following details:

- a) Demolition of the existing footpath pavement and replacement with high quality materials and surface treatments (such as concrete aggregate or bluestone paving) to be flush with the development site and setback. Pavement materials must be to the satisfaction of the Responsible Authority.
- b) Any service pit in the Plenty Road and/or Raglan Street road reserves must be finished at the same level of the new concrete pavement level.
- c) Landscape treatments (soft planting with appropriate species) to the Raglan Street nature strip directly adjoining the site in accordance with the endorsed plans.
- d) The removal of the existing street tree located within the Raglan Street nature strip adjoining the site and provision of two (2) advanced specimen trees within Water Sensitive Urban Design tree pits in accordance with the endorsed plans.
- e) Supply and install two (2) bike parking hoops within the Raglan Street nature strip directly adjoining the site.
- f) Supply and install within the Plenty Road nature strip directly adjoining the site the following:
 - i. A 120L recycling bin
 - ii. A 120L general waste bin

The approved Streetscape Improvement Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at cost to the owner of the land, prior to the occupation of the development or at a later date approved by the Responsible Authority in writing.

- (15) 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.

- (16) The default phase for the vehicular signal system must prioritise vehicles accessing the site over vehicles exiting the site, to the satisfaction of the Responsible Authority.
- (17) Waste storage and collection must be undertaken in accordance with the approved waste 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.
- (18) The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
- (19) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (20) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (21) Before the building is occupied, an automatic external lighting system capable of illuminating the pedestrian entry to the building and vehicular access to the car parking area 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.
- (22) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- (23) The land must be drained to the satisfaction of the Responsible Authority.
- (24) All pipes, guttering, rain heads, 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.
- (25) 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.
- (26) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

- (27) Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather sealcoat; and
 - d) drained
- to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

- N1. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5. To complete a satisfactory Sustainability Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6. This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or

other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

INTRODUCTION AND BACKGROUND

- Planning Permit No. PT.765 was issued on 15 August 1973. The Permit allowed a mechanical plant hire business and the outdoor display of caravans.
- Planning Permit No. PT.1141 was issued on 17 February 1976. The Permit allowed the outdoor display and sale of tents, trailers and annexes.
- Planning Permit No. PT.2404 was issued on 6 December 1982. The Permit allowed a timber yard.
- Planning Permit No. PT.2984 was issued on 13 May 1985. The Permit allowed a used car sales yard.
- Planning Permit No. PT.3693 was issued on 9 February 1987. The Permit allowed a panel sign.
- Planning Permit No. PT.6742 was issued on 18 December 1994. The Permit allowed two (2) factories. This Permit was not acted upon and subsequently expired.
- Planning Permit No. D380/98 was issued on 14 September 1998. The Permit allowed construction of a carport (truck shelter) and addition to the existing building.
- Planning Permit No. D/712/2003 was issued on 17/11/2004. The Permit allowed a six (6) storey mixed use development for 27 dwellings and an office. An extension of time was granted on 29 November 2006 and required that the development commence by 17 November 2007. The development has not commenced and the Permit has expired.
- Application for Planning Permit No. D/781/2007 for a nine (9) level student accommodation building lapsed on 17 March 2008.
- Planning application for Planning Permit D/830/2007 for a subdivision of 192 lots was withdrawn on 4/9/2009.
- Application for Planning Permit D/184/2008 for a nine (9) level student accommodation building was refused on 1/8/2008.
- Council issued Planning Permit D/413/2013, by Order of VCAT on 28 April 2015 for the construction of a ten (10) storey mixed use development for 69 dwellings and 5 shops. This development has not commenced and the Permit has expired.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and has a Plenty Road frontage of 28.245 (change to 2 decimal points) meters, a Raglan Street frontage of 44.12 metres and a site area of 962 square metres.
- The land is located in the Commercial 1 Zone.
- The land is located on the south-west corner of Plenty Road and Raglan Street, Preston.
- The site is currently vacant.
- To the north and on the opposite side of Raglan Street are commercial and industrial premises of a two - storey scale. Planning Permit D/502/2018 has been issued for 264-

266 Raglan Street allowing a mixed -use development for dwellings and an office. The development is six (6) storeys plus a rooftop terrace.

- To the south is vacant land. Planning Permit No. D/374/2004 was issued for no. 63-71 Plenty Road, Preston on 19 June 2006. The Permit allowed a mixed- use development at eight (8) storeys for 4 shops and 40 dwellings. The permit was amended from an 8-storey to a 11-storey development with Planning Committee approval on 15/6/2010. Construction of the development appears to have commenced.
Planning Permit D/417/2009 approved on 20/1/2010 allowed removal of a right-of-way, drainage, sewerage, light and air easement affecting the western side of the land.
- To the east, on the opposite side of Plenty Road, are single storey dwellings, a two storey (plus basement) multi-dwelling development and a multi-level residential development accommodating 135 dwellings.
- To the west is an eight (8) storey building comprised of 51 dwellings (apartments) and ground floor office.
- On street parking restrictions are:
 - Plenty Road
 - East Side: Clearway and no parking
 - West Side: Clearway, 4:00PM-6:30PM, Monday-Friday. 1P, 9:00AM-4:00PM, Monday-Friday; and 8:00AM-12:30PM, Saturday.
 - Raglan Street
 - North Side: 1P, 8:30AM-6:30PM, Monday-Friday; and 8:00AM-12:30PM, Saturday.
 - South Side: No restrictions
- Public transport is proximate in the site in the form of a tram stop on Plenty Road, directly adjacent the site. Buses service High Street approximately 80 metres to the west of the site.
- The site is located in the Junction activity centre.

Proposal

- A 12 storey building with rooftop terrace and two (2) basement levels comprised of 38 dwellings and two (2) ground floor retail tenancies.
- The 38 dwellings include:
 - two (2) bedroom dwellings (x6);
 - three (3) bedroom dwellings (x28); and
 - four (4) bedroom dwellings (x4).
- Height: 38 metres for the building, 43 metres including rooftop terrace and lift overrun. Mandatory height requirement under Schedule 3 of the Design and Development Overlay require the building height (excluding rooftop terrace and lift overrun) to be a maximum of 38 metres.
- Vehicular access is via a double width crossover from Raglan Street.
- 76 car parking spaces are provided within the basement levels.
- 46 bicycle spaces are provided at ground level.
- The private open spaces are provided in the form of balconies.

- The proposal includes the following communal facilities:
 - Rooftop terrace;
 - Gym;
 - Pool; and
 - Indoor kitchenette; and
 - Breakout space.

Objections summarised

- Height / Exceeds Mandatory height
- Insufficient boundary setbacks
- Loss of privacy / Overlooking
- Loss of sunlight
- Car parking
- Traffic
- Overshadowing
- Visual bulk from street
- Overdevelopment
- Loss of views
- Landscaping / Deep soil planting
- Internal amenity – access to light
- Insufficient information
- Easement
- Does not add to the cultural, heritage or visual aesthetic of the neighbourhood
- Property devaluation / Loss of rental return

Officer comment on summarised objectionsHeight / Exceeds Mandatory height

It is considered the height of the proposal is suitable based on the site and policy context.

An analysis of plans identified as A03-14, together with the elevations of the proposal appears to show (at first glance) built form which exceeds the mandatory height limit (being 38 metres, contained in DDO3) applicable to the subject site. However, upon closer review, the built form which exceeds the mandatory height is shown on the plans to be associated with:

- A communal rooftop terrace; and
- Rooftop plant and equipment.

DDO3 contains an exemption to the mandatory building height requirement. Relevantly, it states:

Rooftop plant and equipment and equipment associated with communal areas can exceed the specified height but such parts should not be visible from the surrounding public realm and adjoining properties to the rear (including laneway separation)

It is considered that the built form depicted on the plans falls within the above exemption and is therefore permissible notwithstanding the mandatory height control.

Insufficient boundary setbacks

The proposal is appropriately set back from side boundaries to minimise the amenity impacts on the existing nearby dwellings.

Loss of privacy / Overlooking

The proposal is appropriately designed and screening to minimise overlooking of the adjoining property. This is discussed in more detail under 'Planning Assessment'.

Loss of sunlight

Light reaching existing windows is considered to be appropriate. This is discussed in more detail under 'Planning Assessment'.

Car parking

Car parking provision accords with the requirements of Clause 52.06. This is discussed in more detail under 'Planning Assessment'.

Traffic

The expected additional traffic movements is able to be accommodated safely within the existing street network. VicRoads have not objected to the proposal.

Overshadowing

Overshadowing is considered to be appropriate. This is discussed in more detail under 'Planning Assessment'.

Visual bulk from street

Whilst the development will result in additional visual bulk when viewed from the surrounding properties and the public realm, the extent of this is generally consistent with that envisaged by Schedule 3 of the Design and Development Overlay.

Overdevelopment

It is not considered that development of the land for 38 dwellings and two (2) retail tenancies is an overdevelopment of the site or that it will set a bad precedence. The consideration of the development is based on its compliance with a set of criteria set out in the Darebin Planning Scheme. The Planning Policy Framework has identified urban consolidation as a clear policy imperative. This is to be realised with the construction of medium density housing and apartment developments.

Loss of views

The Darebin Planning Scheme does not include any requirements to maintain views from private properties.

Landscaping / Deep soil planting

The proposal includes sufficient landscaping based on the site and policy context. This is discussed in more detail under 'Planning Assessment'.

Internal amenity – access to light

The internal amenity of the proposed dwellings is considered appropriate and complies (subject to conditions) with the relevant requirements of the Darebin Planning Scheme. This is discussed in more detail under 'Planning Assessment'

Insufficient information

The application has been submitted with sufficient information to allow a proper and thorough assessment against the relevant requirements of the Darebin Planning Scheme.

Easement

A carriage easement is located abutting the western property boundary. Construction over an easement is not a relevant planning matter. It is the responsibility of the applicant/developer to ensure they have the appropriate consents to construct over an easement. It is noted the development allows access to the easement and does not restrict access to the south adjoining property.

Does not add to the cultural, heritage or visual aesthetic of the neighbourhood

The proposal will contribute to the preferred commercial and built form characteristics of the area in accordance with the relevant policies under the Darebin Planning Scheme. It is noted the site is not affected by a Heritage Overlay.

Property devaluation / Loss of rental return

Fluctuation in property and rental prices is not a relevant planning consideration when assessing mixed use developments.

PLANNING ASSESSMENT**Clause 21.03 Housing**

Under Darebin's Strategic Housing Framework the site is designated as being within Substantial Housing Change Area.

Under Clause 21.03 Substantial Housing Change areas are 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.

The proposal is generally consistent with the housing policy as it substantially increases the housing density, provides housing diversity in the area and alters the character of the area, whilst being consistent with the requirements of the Design and Development Overlay.

Clause 22.01 The Junction Framework Plan

The proposal is generally consistent with the objectives and policy of The Junction Framework plan with regard to the following:

- The proposal includes active frontages to Plenty road and Raglan Street, which will enhance the commercial spine along Plenty Road.
- The proposal includes an attractive pedestrian interface to the street.
- Includes canopy planting to the north-eastern corner of the site.
- Include adaptable commercial and residential spaces that can change over time. The spaces are adaptable because of their size.
- Redevelopment of a current underutilised site for higher density development.
- The proposal does not compromise the ability of future adjoining buildings to gain high level access to daylight.
- Appropriate car parking is provided on site for the expected demand.
- Offsite amenity impacts are appropriately minimised.

Clause 22.06 Multi- Residential and Mixed - Use Development

This policy applies to the consideration of multi-apartment developments.

Element	Comment	Compliance
Sustainability	<p>The sustainable attributes of the proposal are:</p> <ul style="list-style-type: none"> • Cross-ventilation for all dwellings. • Good solar access to the balconies and habitable room windows, with appropriate daylight and ventilation. • Rainwater tank for re-use within toilets. • One (1) bicycle parking space to each dwelling. • Solar panels on the rooftop • In addition to the requirements of the SMP as recommended by Council's ESD Officer. 	Complies subject to conditions
Design and Materials	<p>Building heights and setbacks are assessed under the Design and Development Overlay.</p> <p>The majority of the dwellings are oriented to the Plenty Road and Raglan Street and provide a high level of unobstructed outlook and daylight access.</p> <p>Light-courts provide daylight to select bedrooms with minimum dimensions of 3.29 metres and a minimum area of 12 square metres. The building setbacks and light courts of the existing and proposed buildings to the west and south respectively provide additional access to daylight.</p> <p>The development is designed and sited so that the adjacent property to the south can be developed in a similar manner, enabling a consistent street edge.</p> <p>The proposed external materials, colours and finishes are high quality, durable and low maintenance.</p>	Complies subject to conditions.

Element	Comment	Compliance
	<p>Objective 1 (Urban Design Excellence) of Clause 21.02-3 of the Planning Scheme is to <i>ensure development in Darebin exhibits good urban design and provides distinctive, attractive and engaging places in which to reside, visit or work. Strategies to achieve this outcome include: Encourage streetscape upgrades and street tree planting, particularly in areas where Substantial Housing Change is envisaged and; Collect development contributions from private development for streetscape upgrades.</i></p> <p>Planning permit conditions require the applicant to undertake streetscape improvement works in the Plenty Road and Raglan Street road reserves adjacent to the subject site. Such works must be carried out by the developer at their cost before the development is occupied. The streetscape improvements are to be generally in accordance with the <i>Green Streets Strategy 2013</i>.</p>	
Building Height	<p>Schedule 3 to the Design and Development Overlay includes a mandatory maximum height of 12 storeys and 38 metres for the site.</p> <p>The building height (excluding rooftop plant and equipment associated with the communal rooftop open space) is twelve storeys and 38 metres.</p> <p>The rooftop plant and equipment associated with the communal rooftop open space has a height of 43 metres, however, this is suitable as these structures are not readily visible from the surrounding public realm and adjoining properties. This is taking into account that a condition has been imposed requiring that the canopy for mechanical plant be reduced in size.</p>	Complies subject to conditions.
Apartment diversity	<p>The development includes:</p> <ul style="list-style-type: none"> ○ 6x two (2) bedroom dwellings; ○ 28x three (3) bedroom dwellings; and ○ 4x four (4) bedroom dwellings. <p>The dwellings have a variety of layouts.</p>	Complies
Parking and vehicle access	Refer to the Clause 52.06 assessment below.	Complies
Street address	<p>The residential entrance and the commercial tenancies address Plenty Road and Raglan Street and provide an appropriate level of design.</p> <p>Proposed Retail Tenancy A includes a ground floor frontage to the majority of Plenty Road, however, the façade also includes a section associated with a mechanical plant room resulting in a loss of street activation for this portion of the building. A condition of approval will require the Retail Tenancy to extend for the full width of the Plenty Road frontage.</p>	Complies subject to conditions
Amenity Impacts	The development will not result in any unreasonable impacts to the public realm and the adjacent residential properties.	Complies subject to

Element	Comment	Compliance
<p>Including Overshadowing and Overlooking</p>	<p>Shadows cast by the proposal largely fall across the adjacent commercial properties and Plenty Road. The extent of overshadowing is considered to be acceptable.</p> <p>Windows and balconies will be suitably screened, where necessary, to minimise overlooking of nearby residential properties subject to conditions.</p> <p>The proposal will be visible from nearby properties to the west, however, 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 12-storey scale on the site and adjoining sites. Residents should expect to have an altered view over time. Nevertheless, in addressing visual bulk, the proposal is appropriately sited and set back from boundaries to minimise amenity impacts. Refer to the Design and Development Overlay assessment for more detail.</p>	<p>conditions</p>
<p>On-Site Amenity and Facilities, including Private Open Space</p>	<p>The proposal achieves a good response to Clause 58 in the following ways:</p> <ul style="list-style-type: none"> • Appropriate layouts where living spaces connect to balconies. • Appropriately sized living rooms and bedrooms. • Large balconies. • Good storage spaces. • Cross ventilation throughout. • Floor to ceiling heights at 2.6 metres. • One (1) bicycle parking space to each dwelling. • The proposal does not include any dwellings that are exclusively south facing. • Communal open space is provided on Level 01 and the rooftop. 	<p>Complies</p>
<p>Waste Management</p>	<p>The application is accompanied by a waste management plan detailing the number and size of bins required to service the development and the times, frequency and means of waste collection. Waste is to be collected privately.</p>	<p>Complies</p>
<p>Equitable Access</p>	<p>The ground floor retail tenancies and lobby are designed to allow access for people with limited mobility.</p> <p>All levels, including the rooftop terrace, are provided with lift access.</p> <p>Of the total dwelling count 19 are accessible dwellings under Clause 58.05-1 subject to conditions. Each of the dwellings has a living room, bedroom, kitchen, bathroom, toilet and wash basin at one level and designed to be accessible to accord with Clause 58.05-1.</p>	<p>Complies subject to conditions</p>

Clause 22.12 Environmentally Sustainable Development

A revised Sustainability Management Plan is required to be submitted as a condition of any approval to satisfy the requirements of Clause 22.12 in accordance with the recommendations of Council’s ESD Officer.

Clause 43.02 Design and Development Overlay – Schedule 3 (The Junction – South Preston)

Provision	Assessment	Complies
Minimum frontage width to Plenty Road	The site has a Plenty Road frontage of 28.25 metres which exceeds the 15 metres required by the Schedule.	Complies
Building Height	<p>The Schedule includes a mandatory maximum height of 12 storeys and 38 metres for the site.</p> <p>The building height (excluding rooftop plant and equipment associated with the communal rooftop open space) is 12 storeys and 38 metres.</p> <p>The rooftop includes plant and equipment, a communal terrace, toilets, and services with a height of 43 metres, however, this is allowed by the Schedule as they are not readily visible from the surrounding public realm and will be minimally visible from the adjoining properties to the rear subject to a condition requiring the reduction in the size of the canopy over the mechanical plant.</p> <p>The proposed plant and equipment, communal terrace, toilets, and services are considered to satisfy the exemption from the mandatory height requirements as discussed above within the response to objections part of this report.</p>	Complies subject to conditions
Building Setbacks	<p><u>Street Setback</u></p> <p>The Schedule requires a zero street setback for the first 4 storeys and boundary to boundary construction.</p> <p>The proposal includes a front setback of zero metres for the majority of the first two storeys. The levels above have been setback from the street frontage. These setbacks are appropriate when considering site context, existing abutting buildings and approvals which have already allowed two (2) storey street walls in proximity to the site.</p> <p>The proposal provides an active frontage to Plenty Road and Raglan Street with the majority of the ground floor facade being either windows associated with commercial tenancies or entrances to the building.</p> <p>The majority of the proposal is set back from the side boundaries between Levels 2 and 7 and completely set back from the side boundaries from Level 8 and above.</p> <p>This is considered suitable due to the context of the site with regard to the existing building constructed to the common boundary to the west and the approved building to be constructed to the common boundary to the south.</p>	Complies

Provision	Assessment	Complies
	<p><u>Site layout</u></p> <p>All dwellings include an outlook to either Plenty Road or Raglan Street, with none of the dwellings being solely west or south facing.</p> <p>Light courts are provided to the southern wall of the development.</p> <p><u>Equitable Development</u></p> <p>The proposed development is designed to allow equitable development opportunity for the site adjoining to the south. It is not considered that the adjoining property to the west will be further redeveloped because the property has recently been developed with an eight (8) storey mixed use apartment building.</p> <p>The proposed development will not unreasonably impact the development already approved to the south under Planning Permit D/374/2004.</p>	
<p>Building Design</p>	<p>The majority of the building mass is directed towards Plenty Road and Raglan Street.</p> <p>The dwellings include a variety of layouts that could be changed over time through consolidation of layouts.</p> <p>The dwellings include suitable layouts and access for people with limited mobility.</p> <p>The street facade is separated into vertical sections.</p> <p>Visual interest of the building is derived from articulation through varied setbacks and external materials, the use of voids, location of balconies and separation of the building into vertical and horizontal sections.</p> <p>It is not considered necessary to treat plain boundary walls as the development abuts an existing boundary wall to the west and will abut a boundary wall of a development that has commenced construction to the south.</p> <p>The proposal includes a 49 square metre splay at ground level in the north-eastern corner to create a sense of openness and provide canopy landscaping.</p> <p>Site services are located to not be readily visible from the public realm or a sensitive interface.</p>	<p>Complies.</p>
<p>Building Design requirements Relating to Commercial Components</p>	<p>The proposal includes a continuous street edge along the majority of the street frontages with the exception of the north-eastern corner. The proposed building is set back from the corner to maintain openness of the corner and to provide a space for planting.</p> <p>A condition of approval will require provision of a fixed verandah to the Plenty Road and Raglan Street frontage. The verandah will provide weather protection and therefore an improved pedestrian amenity.</p>	

Provision	Assessment	Complies
	<p>The built form includes active frontages to both Plenty Road and Raglan Street.</p> <p>The ground floor residential entry even though readily visible does not dominate the Raglan Street frontage of the building.</p>	
<p>Building Design requirements Relating to Residential Components</p>	<p>An acoustic assessment has been submitted with the application with includes recommendations to minimise noise impacts for future occupants of the development. The recommendations will be required to be incorporated into the building via a condition of approval.</p> <p>A condition of approval will require the provision of privacy screens to the side and rear facing balconies. These will be designed to allow outwards views whilst at the same time minimise unreasonable overlooking.</p> <p>The proposal includes a communal rooftop terrace with seating and landscaping. The communal area has weather protection.</p>	<p>Complies subject to conditions</p>
<p>Strategic Sites</p>	<p>The site is not designated as a strategic development site.</p>	<p>N/A</p>
<p>Access and Parking</p>	<p>The pedestrian entrances are via Plenty Road and Raglan Street and are clearly visible, secure and have an identifiable sense of address.</p> <p>A condition of approval will require the building entrance to be illuminated to improve legibility and safety.</p> <p>The common pedestrian areas are conveniently accessible.</p> <p>Occupant bicycle park is provided within the ground level and is secure and conveniently accessible.</p> <p>The proposal does not include a vehicular crossover to Plenty Road. The width of the crossover to Raglan Street is suitably sited.</p>	<p>Complies subject to conditions</p>

Clause 45.03 Environmental Audit Overlay

In accordance with Clause 45.03-1 a condition of the permit will include:

Before the development 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.*

Clause 52.06 Car Parking

The site is located within the Principal Public Transport Network Area, therefore the car parking rate is calculated using Colum B of Table 1 of Clause 52.06. The proposal includes the following car parking requirements and provision:

Use	Rate	Measure	Floor area / number of dwellings	Required Car parking spaces	Proposed Car parking spaces
Retail (shop)	3.5	To each 100 sqm of leasable floor area	240 sqm	8	6
Dwelling	1	To each one or two bedroom dwelling	6	6	6
	2	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms)	32	64	64
	0	For visitors to every 5 dwellings for developments of 5 or more dwellings	n/a	0	0
TOTAL				78	76

The proposal includes a total of 76 car parking spaces within the basements, therefore a reduction of two (2) car parking spaces is sought from the standard car parking requirements of the scheme associated with the retail tenancies.

The proposed reduction of the standard car parking requirements is considered suitable due to the following:

- The proposal provides car parking to comply with the residential requirements of Clause 52.06;
- The proposal includes substantial bicycle parking provision exceeding the requirements of Clause 52.34 by 34 spaces.
- The site has excellent access to public transport. Trams and buses are proximate to the site.
- The site is located within an activity centre and it is therefore likely that trips to the development will also include visits to other services within the precinct.
- On street car parking is available in the area as follows:
 - Plenty Road
 - East Side: Clearway and no parking
 - West Side: Clearway, 4:00PM-6:30PM, Monday-Friday. 1P, 9:00AM-4:00PM, Monday-Friday; and 8:00AM-12:30PM, Saturday.
 - Raglan Street
 - North Side: 1P, 8:30AM-6:30PM, Monday-Friday; and 8:00AM-12:30PM, Saturday.

- South Side: No restrictions
- There is no relevant parking precinct plan for the subject site.
- The reduction is unlikely to have a detrimental impact on the economic viability of the activity centre as the reduction is minimal.
- The reduction is unlikely to have a detrimental impact on the amenity of the surrounding residential area as the reduction is minimal.

Below is an assessment against the relevant design standards of Clause 52.06-9.

Design Standards

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

The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.

Car space dimensions comply with the requirements of the standard.

Access dimensions to the car spaces comply with the standard.

The car stackers nominated in the Traffic Impact Assessment (Klaus 4000-210 and Claus 4300-230) can accommodate a vehicle clearance height of 1.8 metres. A condition of approval will require this to be detailed on the plans.

A condition of approval will require the details of the car stackers to be shown on the plans and at least 25 per cent of the car stackers can accommodate a vehicle height of at least 1.8 metres in accordance with Design standard 4 of Clause 52.06 of the Darebin Planning Scheme.

Visibility splays are provided at the accessway interface with the footpath to protect pedestrians which will alter the bin store area.

It is not considered suitable to provide landscaping within the car parking area as it is not open to the sky.

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.

The proposal does not include any alterations to access to Plenty Road, however, the application has been referred to VicRoads and they have not objected.

Clause 52.34 Bicycle Facilities

The proposal includes the following bicycle facility requirements:

Use	Employee/Resident	Visitor/shopper	Floor area / number of dwellings	Required bicycle spaces	Proposed bicycle spaces
Dwelling	In developments of four or more storeys, 1 to each 5 dwellings	In developments of four or more storeys, 1 to each 10 dwellings	38	8 resident 4 visitor	42 resident 4 visitor

Retail	N/A as proposed retail does not exceed 300 sqm	
TOTAL		12 spaces 46

The proposal includes 42 bicycle parking spaces (8 ground mount bicycle racks and 34 wall mounted bicycle racks) within a dedicated bicycle parking room at ground level for the use by residents of the dwellings. Four (4) ground mounted visitor bicycle parking spaces are provided along the Raglan Street frontage. This arrangement accords with Australian Standard 2890.3:2015 bike parking facilities.

Council’s Public Places Unit have recommended two (2) bicycle parking hoops be provided along Raglan Street for the purpose of Streetscape Improvement works. This has been required as a condition of approval.

Clause 53.18 Assessment

Conditions of approval will require details of the stormwater management in accordance with Clause 53.18.

Clause 58 Assessment – Apartment Developments

Clause 58.02 Urban Context	
Clause 58.02-1 Urban Context Objectives	
<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 street frontages and is adequately setback from the sensitive interface to the west. The property to the south is vacant however the development has been designed to respond to the approved development, such as locating light wells opposite the light wells of the approved development.
Complies:	Complies
Clause 58.02-2 Residential Policy Objectives	
<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
Clause 58.02-3 Dwelling Diversity Objective	
<i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i>	
Response:	The development provides 38 apartments with various layouts and bedroom offerings (6x2 bedroom, 28x3 bedroom and 4x4 bedroom). It is considered that

	there is adequate diversity on the site.
Complies:	Complies
Clause 58.02-4 Infrastructure Objectives	
<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 has the ability to connect to existing infrastructure including sewerage, drainage, electricity and gas.
Complies:	Complies subject to condition
Clause 58.02-5 Integration With The Street Objective	
<i>To integrate the layout of development with the street.</i>	
Response:	The development provides adequate vehicle and pedestrian links. The vehicular access via Raglan Street does not dominate the Raglan Street façade and is appropriately integrated into the design of the development. The development is appropriately orientated to front Plenty Road and Raglan Street.
Complies:	Complies
Clause 58.03 Site Layout	
Clause 58.03-1 Energy Efficiency Objectives	
<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 in accordance with the recommendations of council's ESD Officer. 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 north, east and west of the development, giving good access to daylight and sunlight. The proposed cooling loads for all dwellings are less than the maximum of 30 MJ/M2 and are therefore acceptable.
Complies:	Complies subject to condition
Clause 58.03-2 Communal Open Space Objective	
<i>To ensure that communal open space is accessible, practical, attractive, easily maintained 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. However it is noted the proposal includes 260.5 square metres of communal open space on the first floor and rooftop.

Complies:	Not applicable
Clause 58.03-3 Solar Access to Communal Open Space Objective	
<i>To allow solar access into communal outdoor open space.</i>	
Response:	The rooftop communal open space is provided with adequate solar access as no buildings or structures are located immediately to the north.
Complies:	Complies
Clause 58.03-4 Safety Objective	
<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 entry to the residential element of the proposal is highly visible from Raglan Street.</p> <p>A condition of any approval will require appropriate external lighting to be provided to public areas within the development.</p> <p>A condition of approval will require an electronic gate to ensure the car parking area is sufficiently secure.</p>
Complies:	Complies subject to condition
Clause 58.03-5 Landscaping Objectives	
<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 visible from the public realm.</p> <p>There are no existing trees on the site to be removed.</p> <p>The proposal includes planting to the ground floor, balconies and the rooftop terrace. Further detail regarding planting will be required in the form of a landscape plan by condition.</p> <p>The site area of 962 square metres requires 48.1 square metres of the site be utilised for deep soil planting, which equates to 1 small tree. The proposal includes space for a canopy tree within the north-western corner of the site. This, along with the other landscaping proposed throughout the development, satisfies landscaping requirements</p>
Complies:	Complies with the objective subject to condition
Clause 58.03-6 Access Objective	
<i>To ensure the number and design of vehicle crossovers respects the urban context.</i>	
Response:	Vehicle access is via Raglan Street and has a width of 5.0 metres which accounts for 11.3% of the Raglan Street frontage.
Complies:	Complies

Clause 58.03-7 Parking Location Objectives	
<i>To provide convenient parking for resident and visitor vehicles.</i>	
<i>To protect residents from vehicular noise within developments.</i>	
Response:	<p>Car parking is located to within the basement levels and are either standalone or within a stacker system.</p> <p>The car parking is secure and conveniently accessible from the internal residential entry of the building.</p> <p>A condition of approval will require the car parking levels to be ventilated.</p>
Complies:	Complies subject to conditions
Clause 58.03-8 Integrated Water and Stormwater Management Objectives	
<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:	<p>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.</p> <p>A condition of approval will also require details of stormwater management in accordance with Condition 53.18.</p>
Complies:	Complies subject to condition
Clause 58.04 Amenity Impacts	
Clause 58.04-1 Building Setback Objectives	
<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:	<p>Building setbacks are covered in the assessment in earlier sections of this report. Nevertheless, the development is set back sufficiently from the side boundaries to:</p> <ul style="list-style-type: none"> • Address the preferred character of the area. • Ensure adequate daylight is available into new habitable room windows. • Avoid direct views into habitable room windows and private open space of new and existing dwellings (subject to condition – see assessment above). • Provide an outlook from dwellings that creates an appropriate visual connection to the external environment.
Complies:	Complies
Clause 58.04-2 Internal Views Objective	

<i>To limit views into the private open space and habitable room windows of dwellings within a development.</i>	
Response:	<p>The windows and balconies of the dwellings located on the eastern side of the development are generally designed and located to limit views into the balconies of the lower levels to less than 50%. It is also noted these balconies are outwards facing to the public realm and generally would expect to receive less privacy than a typical courtyard or secluded private open space.</p> <p>Conditions of approval will require screening to some of the dwellings located on the western side of the development to minimise internal views, whilst maximising outward views to the public realm.</p>
Complies:	Complies subject to condition
Clause 58.04-3 Noise Impacts Objectives	
<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 the development to be constructed in accordance with the submitted acoustic assessment.
Complies:	Complies subject to condition
Clause 58.05 On-Site Amenity And Facilities	
Clause 58.05-1 Accessibility Objective	
<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"> • Door widths a minimum of 850mm at the entrance and main bedroom. • A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom. • A main bedroom with access to an adaptable bathroom. <p>Of the total dwellings 19 or 50% are designed in accordance with the above, subject to conditions relating to adaptable bathrooms for Dwelling Types 1, 2, 5, 7, 9 and 10.</p>
Complies:	Complies subject to conditions.
Clause 58.05-2 Building Entry and Circulation Objectives	
<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 to the residential entrance of the building so as to provide weather protection and a 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
Clause 58.05-3 Private Open Space Objective	
<i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>	
Response:	<p>The majority of the dwellings comply with the private open space requirements as set out below, with many of the dwellings having balconies exceeding the minimum required area.</p> <ul style="list-style-type: none"> • 2 Bedroom Dwelling – 8 square metres – 2 metres minimum dimension • 3 or more bedroom dwelling – 12 square meters – 2.4 metres minimum dimension <p>Dwellings 2.03, 3.01, 4.03, 5.01, 6.03 and 8.03 do not include the required 12 squares metres with a minimum dimension of 2.4 metres, however these balconies are considered sufficient for the expected recreational and service needs of the occupants of the dwellings for the following reasons:</p> <ul style="list-style-type: none"> • The areas of the balconies significantly exceed that required by this Standard; • The balcony dimensions have sufficient depth to be usable; • The dwellings have access to substantial communal open space on the first floor and rooftop. <p>Generally the balconies are located to provide a direct connection to the living area, with the exception of Dwelling 8.01. A condition of approval will require this dwelling to be internally modified to relocate the living area.</p>
Complies:	Complies with the objectives subject to conditions.
Clause 58.05-4 Storage Objective	
<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> <p>A condition of approval will require clarification of the storage for Dwelling Type 4 to ensure it complies with the requirements of this Standard.</p>
Complies:	Complies subject to condition
Clause 58.06 Detailed Design	
Clause 58.06-1 Common Property Objectives	
<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
Clause 58.06-2 Site Services Objectives	
<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:	Site services are conveniently located and accessible at ground and roof

	<p>terrace level.</p> <p>Mailboxes are provided within the ground floor apartment foyer.</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																		
Clause 58.06-3 Waste And Recycling Objectives																			
<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>																		
Complies:	Complies subject to condition																		
Clause 58.07 Internal Amenity																			
Clause 58.07-1 Functional Layout Objective																			
<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
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2 or more bedroom dwelling	3.6 metres	12 sqm																	
Complies:	Complies																		
Clause 58.07-2 Room Depth Objective																			
<p><i>To allow adequate daylight into single aspect habitable rooms.</i></p>																			
Response:	<p>The proposed ceiling height is 2.6 metres for all dwellings, which allows a 6.5 metre room depth for single aspect habitable rooms. All single aspect habitable rooms have a room depth of less than 6.5 metres.</p>																		

	None of the combined living, dining, and kitchen areas are single aspect.
Complies:	Complies
Clause 58.07-3 Windows Objective	
<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
Clause 58.07-4 Natural Ventilation Objectives	
<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"> - A maximum breeze path through the dwelling of 18 metres. - A minimum breeze path through the dwelling of 5 metres. - Ventilation openings with approximately the same area. The minimum requirement is 40% of apartments and so the proposal complies.
Complies:	Complies

REFERRAL SUMMARY

Department/Authority	Response
Arboricultural Planning Unit	No objection, subject to conditions included in recommendation relating to street tree protection and removal.
City Architect	Recommendations alterations to the development with regard to: <ul style="list-style-type: none"> • Canopies to the entrances and footpaths; • Increasing the dominance of the podium façade; • Providing differentiation between the podium level and upper levels of the building either through colours or materials; and • Further details of landscaping to ensure landscaping on balconies is provided and maintained. These have been addressed via conditions.
Environmental Operations Unit	No objection, subject to conditions included in recommendation
ESD Officer	No objection, subject to conditions included in recommendation
Infrastructure and Capital Delivery Unit	No objection, subject to conditions included in recommendation
Public Places Unit	No objection, subject to conditions included in recommendation relating to streetscape improvements.
Transport Engineering and Strategy Unit	No objection, subject to conditions included in recommendation.
Urban Designer	Generally no objection, subject to conditions included in recommendation. Recommend the proposal be set back from the side boundaries from Level 5 and above. Planner Comment: It is not considered necessary to require the proposal be set

	back from the side boundaries from Level 5 and above due to the context of the site with regard to the existing building constructed to the common boundary to the west and the approved building to be constructed to the common boundary to the south. The proposal is setback from the side boundaries consistent with these two buildings.
VicRoads	No objection
Water Sensitive Urban Designer	No objection, subject to condition included in recommendation

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 34.01-1 (Commercial 1 Zone) – Use the land for the purpose of accommodation if the frontage at ground floor level exceeds 2.0 metres.
- Clause 34.01-4 (Commercial 1 Zone) – Construct a building
- Clause 43.02-2 (Design and Development Overlay) - Construct a building
- Clause 52.06-5 (Car Parking) - reduce the car parking requirements

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01-1S, 11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02, 21.03, 21.04, 21.05, 22.01, 22.06,
Zone	34.01
Overlay	43.02, 45.03, 45.06
Particular provisions	52.06, 52.34, 58
General provisions	65.01
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS

Environmental Sustainability

Environmentally sustainable design is required through the Sustainable Management Plan.

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Darebin Planning Scheme

Attachments

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

DISCLOSURE OF INTEREST

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

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

**5.4 APPLICATION FOR A PLANNING PERMIT D/1069/2016
435 - 437 HIGH STREET NORTHCOTE**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
CK Architects 780 High Street THORNBURY VIC 3071	Murat Musovic 118 Corriedale Crescent PARK ORCHARDS VIC 3114 Alex Premtic 13 Harry Street THORNBURY VIC 3071	N/A

SUMMARY

- The application is recommended for approval subject to conditions.
- The conditions address ESD, materials, windows, shading, signage, storage, access, waste collection, streetscape improvement works and stormwater management.
- The proposal has State and Local planning policy support for multi-level mixed use development. The Municipal Strategic Statement identifies High Street as a substantial housing change area and the site is supported for increased residential density under the Design and Development Overlay.
- The proposal is recommended for approval as it attains a satisfactory level of compliance with the objectives and standards of Clauses 34.01, 22.06, 43.02, 52.06 and 58 of the Darebin Planning Scheme.
- The proposal involves the development of a six (6) storey building comprising 15 dwellings, two (2) retail premises, 18 basement car parking spaces and 20 bicycle parking spaces. Eight (8) two (2) bedroom and seven (7) three (3) bedroom dwellings are proposed.
- A reduction of 10 car parking spaces is sought.
- Visitor car parking is not required as the site is located on the Principal Public Transport Network.
- A Commercial 1 Zone, Design and Development Overlay (Schedule 14) and Special Building Overlay apply to the site.
- There is no restrictive covenant on the title for the subject land.
- Seven (7) objections were received against this application.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Planning and Management Unit, Urban Design officers, the Environmentally Sustainable Development Officer (ESD Officer) and the City Architect.
- This application was referred externally to Melbourne Water.

Recommendation

That Planning Permit Application D/1069/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

- (1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (plans identified as: A08, A09, A10, A20, dated 25 August 2019, A11, A15, A16, A17, dated 11 July 2019, A12, A13, A18, A19, dated 17 December 2018, prepared by C Kairouz Architects) but modified to show:
 - a) Modifications in accordance with the Sustainability Management Plan (refer to Condition No. 5 of this Permit).
 - b) Modifications in accordance with the Waste Management Plan (refer to Condition No. 6 of this Permit).
 - c) Modifications in accordance with the Streetscape Improvement Works Plan (refer to Condition No. 7 of this Permit).
 - d) Modifications in accordance with the Stormwater Management Plan (refer to Condition No. 8 of this Permit).
 - e) Modifications in accordance with Melbourne Water's requirements (refer to Condition No's 21 – 25 of this Permit).
 - b) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
 - c) The doors to the fire booster cabinet located on the south elevation must be designed to blend with the external wall materials applied to this section of the south elevation.
 - d) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
 - e) 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.
 - f) Window operation on all elevation plans. Window operation must not increase overlooking of secluded private open space and/ or habitable room windows. Casement, sliding, sash and or louvre windows must be provided to maximise ventilation.
 - g) A single communal antenna for the development (refer to Condition No. 16 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
 - h) The canopy over the public footpath set back no less than 0.75 metres from the kerb and to have a minimum clearance height of 3 metres above the level of the public footpath.
 - i) Location of indicative signage.
 - j) The location of the car lift control panel.

- k) Details of the disabled stair lift to the retail entry to High Street and the resident entry to Bent Street. The stair lift facilities must be designed to blend with the High Street and Bent Street façade.
- l) Compliance with standard D17 (Accessibility) of Clause 58 of the Darebin Planning Scheme.
- m) Compliance with standard D20 (Storage) of Clause 58 of the Darebin Planning Scheme.
- n) Deletion of the planter bed at the corner of High Street and Bent Street.
- o) Modifications to the materials and façade detailing in accordance with plans A17 and A18, received 22 October 2019 and prepared by C Kairouz Architects, showing face brick work to the ground, first and second floor level, together with the following additional changes under condition 1 p), q), r) and s).
- p) Face brick (BR) to match the lower 3 levels, to the ground level south and west elevation (where the waste collection area is located).
- q) Face brick (BR) wrapping the south, west and east elevation of the staircase at the upper 3 levels.
- r) Shading hoods to the south facing windows located on the upper 3 levels.
- s) Metal balustrades to the balconies serving apartments 3.01, 4.01, 4.02, 5.01 and 5.02, to match the advertised plans (dated 17/12/2018).

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. As part of the consultant team C Kairouz Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
 5. Before the development starts, a Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority.

The SMP must address 10 key Sustainable Building Categories:

- a) Management
- b) Energy
- c) Water
- d) Stormwater

- e) IEQ
- f) Transport
- g) Waste
- h) Urban Ecology
- i) Innovation
- j) Materials

The SMP must be accompanied by a report from an industry accepted performance measurement tool.

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

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

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

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

7. Prior to the commencement of development, a Streetscape Improvement Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail works to the High Street and Bent Street road reserve adjacent to the subject site. The plans must include the following details:

- a) Demolition of the existing footpath pavement and replacement with new concrete paving with joints. The new concrete is to match the colour of the existing concrete as closely as practicable.
- b) Four (4) trees adjacent the Bent Street frontage.
- c) A council suite seat to the Bent Street frontage.
- d) A kerb out-stand to the High Street and Bent Street intersection (both sides of the intersection).
- e) A raised pedestrian threshold to the High Street and Bent Street intersection.

The approved Streetscape Improvement Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at cost to the owner of the land, prior to the occupation of the development unless otherwise agreed prior written consent of the Responsible Authority.

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

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

13. The land must be drained to the satisfaction of the Responsible Authority.
14. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
15. All pipes, guttering, rainheads, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the prior written consent of the Responsible Authority.
17. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
18. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
19. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather sealcoat;
 - d) 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.

20. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - (a) Transport of materials, goods or commodities to or from the land; and/or
 - (b) Appearance of any building, works, stored goods or materials; and/or
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority

Melbourne Water conditions (Conditions 21 – 25):

21. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
22. The retail tenancies, entry foyer and lift area must be constructed with finished floor levels set no lower than 47.43 metres to Australian Height Datum.
23. The car lift must be constructed with finished surface levels set no lower than 46.95 metres to Australian Height Datum.

24. All doors, windows, vents and openings to the basement car park must be set a minimum of 300mm above the applicable grading flood level.
25. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

COUNCIL NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

MELBOURNE WATER NOTATIONS

- The flood line for the property grades from 47.13 metres to Australian Height Datum (AHD) at the eastern boundary down to 46.65 metres to AHD at the western boundary.
- If further information is required in relation to Melbourne Water's permit conditions please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **232174**.

INTRODUCTION AND BACKGROUND

Planning application D/966/2013 for a mixed used development over five (5) storeys for 19 dwellings, an office and shop was refused on the following grounds:

1. *The applicant has failed to provide information required to assess the application as requested by Council and Melbourne Water in accordance with Section 54(1) of the Planning and Environment Act 1987.*
2. *The height, scale and bulk are excessive and contrary to the existing and preferred neighbourhood character. The proposal exceeds the preferred height for the area and does not provide an appropriate transition to the adjoining residential area.*
3. *The proposal does not comply with the provisions of clause 15.01-2 of the Planning Scheme, in that it does not adequately take into account the context, setbacks, energy efficiency, visual bulk and impacts to the streetscape and adjoining residential area.*
4. *The proposal does not comply with the provisions of the Guidelines for Higher Density Residential Development with regard to the height and massing, relationship to adjoining buildings, building layout and design detail.*
5. *The proposal does not comply with the Design and Development Overlay Schedule 14, Clause 22.11 (Northcote Major Activity Centre policy) and Northcote Activity Centre Structure Plan, with regard to heights and setbacks.*
6. *The proposal does not comply with Clause 22.10 with regard to sustainability, design & materials, height, setbacks and on-site amenity.*
7. *Inadequate bicycle parking has been provided.*
8. *The proposal is an overdevelopment of the site, it is poorly conceived and not site responsive and is detrimental to the amenity of adjoining properties and the area.*
9. *The development does not comply with the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.*

The current application represents a transformation of the original scheme which was refused planning permission. The design and scope of the current proposal includes revised form and architectural detailing and a reduction to the number of dwellings. The internal layout of the dwellings, provision of bicycle parking and communal spaces is improved. A detailed assessment of the current proposal is provided below.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is located on the north-west corner of Bent Street and High Street, Northcote.
- The site is regular in shape, with frontage of 13.68 metres to High Street and 39.5 metres to Bent Street and an area of 526 square metres.
- The site is relatively flat.
- No vegetation is contained on site.
- The site comprises two (2) properties within a double storey attached building. Two (2) vehicle crossovers serve the site, located along Bent Street, with the eastern crossover measuring approximately 4.4 metres wide and the western crossover, which is shared with the existing ROW to the west of the site, measuring approximately 7.0 metres wide. Five (5) car parking spaces are provided at the rear of the site for customers and staff associated with the commercial tenancies.

- The site is located along the High Street activity spine, with a residential area to the west. The site forms part of the Northcote Activity Centre.
- To the north of the site is a double storey brick retail building. This building is constructed to the common boundary.
- To the south of the site, on the opposite side of Bent Street, is an eight (8) storey mixed use apartment building, comprising dwellings and commercial uses at ground floor.
- To the east of the site, on the opposite side of High Street, are mixed-use apartment developments of between three (3) and four (4) storeys, together with single and double storey commercial buildings.
- To the south east of the site is Northcote Central Shopping Centre. The centre comprises a 2-storey building with the main entrance located at the intersection of High Street and Arthurton Road.
- Northcote Plaza shopping centre is located further east of the Northcote Central shopping centre adjacent All Nations Park. A substantial 11-storey apartment building is integrated into the eastern entrance to the plaza, with frontage to Breavington Way.
- A 3 metre wide right of way (ROW) runs in a north-south alignment between Bent Street and the rear of 443 High Street. The ROW continues in an east-west alignment from the rear of 443 High Street to 166 Bent Street. The north-south section of the ROW provides vehicle access to the commercial properties fronting High Street, including the subject site.
- To the west of the site, on the opposite side of the ROW, are three (3) double storey dwellings. Each dwelling provides a 'reverse living' layout with first floor living room and east facing balcony. Dwelling 1 (fronting Bent Street) is located directly east of the site. All dwellings are accessed via the ROW separating it from the site.
- High Street comprises several mixed-use apartment developments which are constructed or approved. These include:
 - 387 – 389 High Street Northcote (corner of Arthurton Road) – 9 storey mixed use.
 - 405 High Street, Northcote – 5 storey mixed use.
 - 392 High Street, Northcote – 6 storey mixed use.
 - 421 – 433 High Street Northcote – 8 storey mixed use.
 - 445 – 459 High Street Northcote – 8 storey mixed use.
 - 38 Arthurton Road Northcote – 7 storey building comprising childcare centre, offices and dwellings.
- Known as the Australian Horizons site, 4-18 Arthurton Road, located to the southwest of the site, is designated as a strategic redevelopment site under the Darebin Planning Scheme. The site is affected by mandatory height controls within Precinct A1 (Arthurton Road) of DDO14 ranging in height from 2 storeys up to 8 storeys.
- The site has excellent access to public transport. Trams services operate on High Street. Croxton and Northcote train stations are located 500 metres to the north and south of the site respectively. A host of bus services including Routes 508, 510, 552 and 567 operate nearby. Tram services operate on St Georges Road further west of the site.
- Car share operators including Go-Get, Flexicar and Popcar operate within walking distance of the site.
- On-street parking on Bent Street is subject to a *2P (9am-Midnight Mon-Sat)* restriction on the northern side (site frontage). On-street parking on *High Street* is subject to *1P*

(830am-430pm Mon-Fri & 830am-1230pm Sat) restriction on the western side (site frontage).

- All Nations Park is located to the east of the site beyond Northcote Shopping Plaza where a host of recreational facilities are located.
- The site is in proximity to a range of education facilities including Northcote High School, South Preston Secondary College, Santa Maria College and Wales Street Primary School.

Proposal

- Six (6) storey development comprising 15 dwellings and two (2) retail premises.
- The proposal has a maximum height of 21.67 metres.
- Eight (8) two (2) bedroom and seven (7) three (3) bedroom dwellings are proposed.
- The dwellings are between 76 to 119 square metres in floor area.
- The balconies are between 8 to 23 square metres in area.
- A 42 square metre west facing communal terrace is provided at the 4th floor level.
- Retail tenancy 1 provides a floor area of 87 square metres.
- Retail tenancy 2 provides a floor area of 111 square metres.
- Two (2) basement levels accommodating 18 car parking spaces, 12 bicycle parking spaces and individual storage cages is proposed, with access from the ROW located to the west of the site. Eight (8) additional bicycle parking spaces are provided at grade, adjacent the ROW.
- A reduction of ten car parking spaces is sought.
- The basement levels are accessed via a car lift.
- The retail tenancies and resident entry are constructed with finished floor levels of 47.43 metres to Australian height Datum, in accordance with Melbourne Water's requirements. The finished floor level is approximately 0.66 metres above the level of the footpath. A stair lift is provided adjacent the retail entry and the resident entry to allow access for all persons.
- The ground floor comprises two (2) retail spaces, the pedestrian entry to the dwellings (from Bent Street), a waste storage room and additional bike parking. Mailboxes and fire booster cabinet are located on the Bent Street frontage adjacent the pedestrian entry.
- The roof accommodates 20 solar panels and services. The solar panels will serve the energy needs of the communal areas.
- The design of the building is contemporary, incorporating retail glazing to High Street and Bent Street. The façade marks the corner of High Street and Bent Street with a curved form expressed in glazing and solid and metal balustrades. The building incorporates a mix of materials and finishes including white render, brick, metal cladding, tinted glazing and solid and metal balustrades.

Objections summarised

- Overdevelopment/Building height
- Front and rear setbacks
- Car parking
- Traffic

- Overshadowing
- Loss of privacy
- Loss of light
- Noise
- Storage
- Stormwater
- External access corridor (fire rating)
- Access to the ground level retail tenancies
- Inadequate weather protection
- Loss of views
- Loss in property value

Officer comment on summarised objections

- Overdevelopment/Building height

State and Local Planning Policy envisage an increase in housing density in well serviced areas such as this. Clause 16.01 of the State Planning Framework of the Darebin Planning Scheme encourages *higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport*. The increase in population and density at this site is considered an appropriate response to the underutilised state of the site and the proximity of the site to public transport, shops and other services. While any increase in population density will likely increase the level of activity around the site and area, it is not expected that such an increase would be detrimental or substantially more intensive than what is currently experienced.

It is not considered that the development of the land for 15 dwellings is an overdevelopment of the site or that it will set an undesirable precedent. The consideration of all development proposals is based on relevant standards and objectives set out in the Darebin Planning Scheme. The Victorian State Government has provided a clear policy imperative of urban consolidation which is heavily dependent on increased housing density in well serviced areas.

- Front and rear setbacks

An assessment of the design of the proposal including front and rear setbacks is provided under the Clause 22.06 assessment below.

- Car parking

Car parking is assessed in detail under Clause 52.06 (Car parking) assessment below.

- Traffic

The adjacent road network has sufficient capacity to accommodate the additional vehicle movements associated with the development. Refer to the assessment under Clause 52.06 (Car parking) below.

- Overshadowing

The proposal will overshadow the southern section of Dwelling 1 No. 4 Bent Street. While this will decrease the amount of available sunlight into this property, this is to be expected for sites located directly adjacent a commercial precinct where multi-level development is encouraged. The proposed building will result in some overshadowing of the public streetscape along High Street and Bent Street due to its orientation to the

north and west of these streets. This is also to be expected in areas where increased density is encouraged under the Planning Scheme.

- Loss of privacy

The development is designed to limit views into neighbouring secluded private open spaces and habitable room windows in accordance with Standard B6 (Overlooking) of Clause 55 of the Darebin Planning Scheme.

- Loss of light

The development is designed to maintain a satisfactory level of daylight to adjacent windows in accordance with Standards B19 (Daylight to existing windows) of Clause 55 of the Darebin Planning Scheme.

- Noise

The proposed residential use will have noise impacts consistent with those associated with residents living in a dwelling. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area. Notwithstanding that the retail use of the land does not require a planning permit, any noise from the retail spaces will be directed toward High Street which is appropriate.

- Storage

Individual storage cages are provided in the basement. Details of the volume of all internal and external storage in accordance with Clause 58 of the Darebin Planning Scheme is imposed.

- Stormwater

The site has appropriate access to stormwater services located adjacent the site. A stormwater management plan is requested as a condition of approval in accordance with Clause 53.18 of the Darebin Planning Scheme.

- External access corridor (fire rating)

Fire rating measures do not form part of the planning permit assessment process. These measures are assessed and determined as a part of the process of obtaining a Building Permit in accordance with the Building Code of Australia.

- Access to the ground level retail tenancies

The retail tenancies and resident foyer are constructed with a finished floor level of 47.43 metres to Australian height Datum in accordance with Melbourne Water's requirements. The finished floor level is approximately 0.66 metres above the level of the footpath. The plans include a notation to provide a 950 X 780 disabled stair lift for access to the resident foyer and entry to the retail tenancies. Details of these mechanisms are requested as a condition of approval.

- Inadequate weather protection

The canopy to High Street is to be widened to provide weather protection to pedestrians. A condition requesting this is imposed.

- Loss of views

The loss of a view is not a relevant planning consideration.

- Loss in property value

Fluctuations in property value are not relevant planning considerations.

PLANNING POLICY

The starting point with respect to policy analysis is the State Planning Policy Framework. The proposal attains broad support under the State Planning policy, in particular:

- Clause 11 focuses on investment and growth in metropolitan activity centres and seeks to ensure sufficient land is available to provide for sustainable urban development that responds to forecast demand.
- Clause 11.0-1R focuses on growth within the metropolitan Melbourne region.
- Clause 11.03-1R focuses on growth within Activity Centres.
- Clause 15 sets out urban design guidance to achieve a high quality built environment and public realm.
- Clause 16 encourages increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.
- Clause 17 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 site is well located within an existing activity centre, is presently underutilised and therefore is suitable for redevelopment in a mixed-use format that contributes to housing delivery and the commercial focus of the centre.

The critical question is therefore whether the form, scale and intensity of the development is appropriate within the physical context of the site. The provisions of the Local Planning Policy Framework provide further guidance on these matters.

Council's Municipal Strategic Statement ('MSS')

Council's MSS provides the strategic guidance for the municipality and sets out (among other matters) the provision of appropriate housing and local job opportunities through land supply.

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 Northcote specifically:

Provides a mix of retail, leisure, cultural, educational and other commercial activities and is a popular destination in the inner northern Melbourne region, drawing a catchment area beyond the local population.

Clause 21.03 sets out the strategic framework for housing delivery and nominates the subject site and surrounding area 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...

Capacity among Substantial Housing Change areas is hierarchical. Northcote Activity Centre is nominated as a second-tier area within the hierarchy.

With respect to housing development, the following objectives are set out:

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 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 housing development in the Preston Central, Northland East Preston, Northcote and Reservoir Activity Centres in accordance with Structure Plans and related zone and overlay provisions in this Planning Scheme.

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 Northcote 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 site is encouraged at higher densities.
- A mixed-use redevelopment comprising ground floor commercial and residential above is appropriate in the activity centre context.
- The surrounding area is slated 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 site and have regard to the relevant structure plan.

Clause 22.08 – Northcote Activity Centre / Structure Plan

Council's local policy at Clause 22.08 gives effect to the Northcote Activity Centre Structure Plan ('NACSP'), and relevantly seeks the following objectives:

To ensure use and development within the Activity Centre is generally in accordance with the NAC Structure Plan.

To ensure the Activity Centre is developed in accordance with preferred built form outcomes as set out in the High Street Urban Design Framework 2005 and High Street Precinct Guidelines, 2005 where relevant.

To reinforce High Street as the core retail and commercial activity spine.

To provide physical form and services that seek to create a more ecologically sustainable activity centre, including through incorporating principles of environmentally sustainable design.

To encourage a diversity of use and development focused around walking, cycling and public transport as the preferred forms of access.

To preserve and protect key public views and vistas from the All Nations Park hilltop and the central city skyline from Ruckers Hill.

To improve pedestrian access between key destination points.

To encourage increased residential development throughout the Activity Centre.

To support a mix of uses, activities, services and facilities that enhance the economic, social and environmental viability of the centre.

To develop the Activity Centre as a regional arts and culture node through a range of visual arts and live music venues and support services to the arts and design community.

To encourage innovative solutions that enable a diversity of living and working opportunities, with a focus on maintaining and providing affordable housing and employment spaces.

To maintain strong historic links to social and cultural diversity, including recognition of indigenous cultures and migration.

The policy locates the site in Precinct HN (High Street North). It is described as follows:

This precinct is an area of moderate change. The precinct should reflect a mix of activities supporting the core convenience retail area along High Street.

The policy supports *redevelopment with an emphasis on office use, commercial and non-core retail use at ground floor level with intensified residential use above.*

The proposal addresses the objectives, policies and actions of the NACSP as follows:

- It represents a moderate increase of housing within an established, high order activity centre;
- It provides a more consolidated form of housing (apartments) relative to the prevailing housing stock within Northcote;
- It redevelops a site which is currently underutilised;
- It provides a ground floor retail offering consistent with both the existing retail strip of High Street and the policy objectives for the centre.

A mixed-use redevelopment in the format proposed is supported, conceptually, by both State and Local policy. The critical question therefore relates to the acceptability of the proposal's

execution relative to the detailed provisions within the Scheme. These matters are set out below.

PLANNING ASSESSMENT

Clause 22.06 (Multi Residential and Mixed Use Development)

This policy applies to the consideration of multi-level developments.

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.*

Element	Comment	Compliance
Sustainability	<p>The key sustainable design initiatives are:</p> <ul style="list-style-type: none"> - Cross ventilation to all dwellings. - High performance glazing and efficient services, appliances and fixtures. - Twenty solar panels serving the energy needs of the common areas. <p>A Sustainable Management Plan (SMP) is required as a condition of approval, which will include further details of ESD measures.</p>	Complies subject to condition
Design and Materials	<p>The design, scale and height of the development responds to the current and emerging character of High Street. That context includes the substantial 8-storey apartment building ('The General') located to the south on the opposite side of Bent Street and the 8-storey apartment building located to the north on the corner of High Street and Beavers Road.</p> <p>'The General' provides a highly visual convex architectural form to its corner elevation which rises to the top floor. The 6-storey apartment building located at the corner of High Street and Robbs Parade (to the south) features a curved form at the corner of High Street and Robbs Parade with similar upper level setbacks to the proposal.</p> <p>The proposal marks the corner of High Street and Bent Street with a curved form giving the building a softer street edge interface.</p> <p>Subject to conditions and discussions between the applicant and Council's City Architect the façade detailing and materials are modified. The revised façade includes brick to the lower</p>	Does not comply

Element	Comment	Compliance
	<p>three levels with solid balustrades. The upper three levels maintain a lighter contrasting finish. The increase in brick to the lower three levels improves the fit of the podium with the adjacent shopfronts located to the north of the site. The remaining materials palette consists of glazing to most of the retail frontage to High Street and Bent Street. Above the shopfronts the facades incorporate white render and cladding. The facades are appropriately arranged with a distinguishable base and top. This is achieved with variation in the setbacks and the use of materials/finishes.</p> <p>Objective 1 (Urban Design Excellence) of Clause 21.02-3 of the Planning Scheme is to ensure <i>development in Darebin exhibits good urban design and provides distinctive, attractive and engaging places in which to reside, visit or work.</i> Strategies to achieve this outcome include: <i>Encourage streetscape upgrades and street tree planting, particularly in areas where Substantial Housing Change is envisaged and; Collect development contributions from private development for streetscape upgrades.</i></p> <p>To address this policy a permit condition is imposed requiring the applicant to undertake streetscape improvement works in the High Street and Bent Street road reserve adjacent to the site. The works include street trees, seating, kerb out-stand and improved access for pedestrians. The works must be carried out by the developer at their cost, prior to the occupation of the development.</p>	
Building Height	<p>As discussed under the Clause 43.02 (DDO04) assessment below the height of the development is appropriate in the context of the current and emerging character of High Street and surrounds. The emerging character includes two (2) 8-storey apartments buildings to north and south of the site on High Street and a recent 9-storey approval at the corner of High Street and Arthurton Road (Sports Mart site).</p> <p>Refer to the Clause 43.02 assessment below for a detailed assessment of the design and height of the proposal.</p>	Complies
Apartment diversity	<p>Eight (8) two (2) bedroom and seven (7) three (3) bedroom dwellings of varying configurations are proposed. The dwellings are between 76 to 119 square metres in floor area. The balconies are between 8 to 23 square metres in area.</p>	Complies
Parking and vehicle access	<p>Refer to the Clause 52.06 (Car parking) assessment below.</p>	Complies
Street address	<p>The proposal provides two (2) retail tenancies with frontage to High Street. The retail tenancies and the residential foyer are constructed with finished floor levels of 47.43 metres to Australian height Datum (approximately 0.66 metres above the level of the footpath). While it is preferable to provide entries at grade, the elevated floor levels are required by Melbourne Water to mitigate the risk of flooding. Critically a stair lift is provided adjacent the retail entry and the resident entry to allow access for all persons.</p>	Complies

Element	Comment	Compliance
	<p>The residential entry is provided to Bent Street, which is appropriate, ensuring the retail frontages are the focus of the High Street façade. Letter boxes, fire booster and other services are also located to the rear and or fronting Bent Street which is appropriate.</p> <p>The vehicle access is appropriately located to the rear off the ROW.</p>	
<p>Amenity Impacts Including Overshadowing and Overlooking</p>	<p>The proposal has been designed to appropriately respond to the surrounding area and manage potential off-site amenity impacts including visual bulk, overlooking and overshadowing.</p> <p>No. 4 Bent Street is the adjacent residential property to the west (located on the opposite side of the ROW). The property comprises three (3) double storey dwellings with a ‘reverse living’ configuration. Dwelling 1 (fronting Bent Street) is located directly west of the site with the remaining dwellings located to the north west. Dwelling 1 provides two (2) ground level bedrooms. The master bedroom faces Bent Street and the second bedroom faces the ROW toward the subject the site. The first floor living room faces Bent Street and provides an east facing balcony with outlook toward the site. A high sill kitchen window also provides outlook toward the site.</p> <p>In terms of the interface to No. 4 Bent Street, it is considered that the proposal provides an appropriate built form and massing response. Critically all three (3) dwellings occupying No. 4 Bent Street will view the development primarily from a first floor living room and balcony. From this perspective the relative height of the development would be viewed as 5-storeys, which is considered appropriate in the context of the current and emerging built form character of High Street, which includes 8-storey apartment buildings to the north and south of the site. The stepping of the rear elevation comprising a consolidated setback to the upper two (2) levels avoids a ‘wedding cake’ form as encouraged by policy. This results in a better built form and appearance to the building as viewed from the adjacent resident properties.</p> <p>Windows located on the rear elevation with a westerly view are appropriately screened up to 1.7 metres above finished floor level to protect the privacy of dwellings occupying No.4 Bent Street.</p> <p>The proposal will overshadow the southern section of Dwelling 1 No. 4 Bent Street during morning periods. While this will decrease the amount of sunlight into this property during morning periods, this is to be expected for sites located directly adjacent a commercial precinct where multi-level development is encouraged.</p> <p>The proposal will cast a shadow over High Street and Bent Street due to its orientation to the north and west of these streets. This is to be expected given the building heights sought by policy.</p>	<p>Complies</p>
<p>On-Site Amenity and</p>	<p>The ground, 1st, 2nd and 3rd floors appropriately respond to the site’s northern interface to mitigate potential impacts on the</p>	<p>Complies</p>

Element	Comment	Compliance
Facilities, including Private Open Space	<p>amenity of the adjoining site to the north whilst at the same time not negatively impacting the future development potential of this site. The 1st, 2nd and 3rd floor level each include a north facing bedroom windows setback 3 metres from the north boundary. These windows have outlook to a 15.7 X 3 metre light-court incorporating an open pedestrian access. This arrangement is deemed an appropriate response to the neighbouring site where a development of a similar scale is contemplated under the Planning Scheme. The 3 metre setback to the bedroom windows provides a reasonable level of daylight access in the event that a neighbouring development is constructed on the common boundary. It is noteworthy that the north facing bedroom windows form part of dwellings 1.03, 2.03 and 3.03 which provide a primary outlook and balcony to Bent Street.</p> <p>The 4th and 5th floor provide a lightwell measuring 3.55 X 4.5 metres providing daylight into two (2) bedrooms at each level. The lightwell is large enough to mitigate the impact of any future development on the adjoining site.</p> <p>The on-site amenity is satisfactory. This is achieved with appropriately dimensioned living spaces and balconies, good access to daylight and outlook, cross ventilation, storage spaces, excellent bicycle parking provision and a communal rooftop terrace.</p>	
Waste Management	A waste management plan is requested as a condition of approval. The waste management plan will detail the number and size of bins required to service the development and the times, frequency and means of waste collection. Due to the scale of the development waste collection will be via a private waste collection service.	Complies subject to condition
Equitable Access	All levels are provided with lift access. One (1) lift is provided.	Complies

Clause 43.02 (Design and Development Overlay - Schedule 14):

The site is located in precinct A3 (High Street North) of DDO14.

The design outcomes sought within the precinct are: *a range of commercial and residential developments will be constructed north of Elm Street/Robbs Parade to support the core convenience retail area; buildings should not exceed 5 storeys or the height of the existing building on the site (whichever is greater) with the maximum height determined by the maintenance of the view corridor to the horizon from All Nations Park hilltop. Buildings over 8 metres in height should: – be built to the front and side boundaries up to a height of between 8 and 10 metres above ground level, and set back a minimum of 1.5 metres from the front building face per floor; – include measures (such as contrasting external wall materials) to ensure any part of the building above, and set back from, the front wall is visually recessive.*

Element	Comment	Compliance
Street frontage	The proposal provides two (2) retail tenancies with frontage to High Street. The retail tenancies and the residential foyer are constructed with finished floor levels of 47.43 metres to Australian height Datum (approximately 0.66 metres above the	Complies

Element	Comment	Compliance
	<p>level of the footpath). While it is preferable to provide entries at grade, the elevated floor levels are required by Melbourne Water to mitigate the risk of flooding. Critically a stair lift is provided adjacent the retail entry and the residential entry to allow access for all persons.</p> <p>The residential entry is provided to Bent Street. This entry is appropriate as it ensures the retail frontages are the focus of the High Street façade. Letter boxes, fire booster and other services are also located to the rear and or fronting Bent Street which is appropriate.</p> <p>The vehicle access is appropriately located to the rear off the ROW.</p>	
<p>Building Height and setback</p>	<p>An assessment of building height requires a balanced consideration of all the related policy drivers such as housing diversity, affordability and urban consolidation. The intent to change this part of High Street has strategic support within the Planning Scheme and thus development that is different to the single and double storey dwellings fronting streets such as Bent Street will emerge. However, the extent of development will vary having regard to constraints such as the size of the site and interface with other sensitive uses.</p> <p>DDO14 provides a discretionary height of 5-storeys for the site and adjacent sites fronting High Street. The policy recommends that: <i>Buildings should not exceed 5 storeys or the height of any existing building on the site (whichever is greater) with the maximum height determined by the protection of key views from All Nations hilltop.</i></p> <p>The 11-storey tower in Breavington Way (Northcote plaza site) already obstructs views from the hilltop of All Nations Park. At 6 storeys the proposal is lower than the 8 storey apartment buildings located to the north and south of the site fronting High Street. The impact of the proposal upon these views is therefore deemed appropriate in the context.</p> <p>In addition to the question of key views, the decision guidelines of the DDO14 require Council to consider (extracted as relevant to height):</p> <ul style="list-style-type: none"> - <i>Whether the proposed development achieves the design objectives, design requirements and design outcomes of this schedule.</i> - <i>The architectural quality and innovative response of the building design.</i> - <i>The contribution the development makes to urban design and the streetscapes of the area, including pedestrian and public spaces and car parking areas.</i> <p>While the proposed 6-storey building height exceeds the preferred building height of 5-storeys, the discretionary nature of the controls allows for flexibility to assess proposals on a site specific basis. It is considered that the proposed building height is suitable on a strategic and contextual basis for the</p>	<p>Complies</p>

Element	Comment	Compliance
	<p>reasons set out below.</p> <p>The site occupies the lower (building) scale section of High Street, between Thornbury to the north and Rucker’s Hill to the south. The site is situated on a corner and comprises two (2) lots with a ROW to the rear. High Street comprises several mixed-use apartment developments which are built or approved. These include:</p> <ul style="list-style-type: none"> - 387 – 389 High Street Northcote (corner of Arthurton Road) – 9 storey mixed use - 405 High Street, Northcote – 5 storey mixed use - 392 High Street, Northcote – 6 storey mixed use - 421 – 433 High Street Northcote – 8 storey mixed use - 445 – 459 High Street Northcote – 8 storey mixed use - 38 Arthurton Road Northcote – 7 storey building comprising childcare centre, offices and dwellings. <p>Known as the Australian Horizons site, 4-18 Arthurton Road, located to the southwest of the site, is designated as a strategic redevelopment site under the Darebin Planning Scheme. The site is affected by mandatory height controls within Precinct A1 (Arthurton Road) of DDO14 ranging in height from 2-storeys up to 8-storeys.</p> <p>The site forms part of the Northcote Major Activity Centre which is designated for substantial redevelopment under local policy. The proposed height is consistent with the evolving character of the area. The surrounding streetscape contains various existing developments of considerable height, including 8 storey developments to the north and south and a recent 9 storey approval at the corner of High Street and Arthurton Road.</p> <p>Many of the developments in the immediate precinct exceed (to varying degrees) the preferred heights listed under DDO14. This highlights the flexibility inherent in the DDO and the approach adopted in implementing this control.</p> <p>It is considered that the proposed 6-storey development represents an appropriate fit within the context of the existing and emerging built form context of the site. The area of the site, it’s corner location with two (2) street frontages provides a satisfactory context for development of a reasonable height and scale, without resulting in an unreasonable amenity impact on adjoining properties. The proposed height would allow for a transition in height between the 8-storey developments located to the north and south of the site.</p> <p>In relation to building setbacks, DDO14 recommends a 10-metre street wall with the levels above setback 1.5 metres per floor from High Street. No guidance is provided under DDO14 on the ideal setback to Bent Street. The building setbacks along High Street and Bent Street are as follows:</p> <p>The lower three (3) levels provide a zero setback to each street frontage. The upper three (3) levels provide a</p>	

Element	Comment	Compliance
	<p>consolidated setback of 1.63 metres to the edge of the balustrades and an additional 2 metres to the façade to High Street and a 1.5 metre setback to most of the Bent Street facade. The façade marks the corner of High Street and Bent Street with a curved form expressed in glazing and solid and metal balustrades.</p> <p>While the proposed setbacks to High Street are a departure from the discretionary DDO14 policy, they generally respond to the emerging character of High Street. That context includes the substantial 8-storey apartment building located to the south on the opposite side of Bent Street. This building provides a highly visual convex architectural form to its corner elevation which rises to the top floor. The design provided to the 6-storey apartment building located at the corner of High Street and Robbs Parade (to the south) is similar to the proposal. It features a curved form at the corner of High Street and Robbs Parade with similar upper level setbacks.</p> <p>In the absence of a setback requirement to the south under DDO14, on balance it is considered that the building setbacks to the site's Bent Street interface are suitable. The upper levels of the building provide a setback of 1.5 metres along most of the Bent Street elevation, which is not inconsistent with the 8-storey apartment building located on the opposite side of Bent Street. The south elevation is also articulated with varying balcony and façade setbacks and a mix of materials which adequately reduce the perception of mass.</p> <p>Having regard to the site's context within the centre and the emerging built form character, a building with a height of 6-storeys, with setbacks and materials as discussed represents an appropriate design and scale.</p>	
Access and parking	Car parking is accessed via the adjacent ROW. The existing crossover to Bent Street will be removed. The car parking provision and access arrangements are supported.	Complies

Clause 58 (Apartment Development)

The purpose of Clause 58 is to:

- *Implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *Encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
- *Encourage apartment development that is responsive to the site and the surrounding area.*

An assessment of the development against the Objectives and Standards is provided below.

The application is subject to some recent formal amendments. While the application was initially lodged prior to the introduction of Clause 58. Because of the recent amendments to the plans, Clause 58 is now a relevant consideration.

Std	Comment	Compliance	
		Std	Obj
D1	Urban Context		
	The proposal appropriately responds to the features of the site and the surrounding area. Consideration of the site context has determined appropriate interface treatments, siting, scale and height.	Y	Y
D2	Residential policy		
	The proposal furthers the objectives of relevant State and Local planning policy outlined in the Darebin Planning Scheme, by providing a mixed-use development in an existing commercial area with excellent access to public transport and services.	Y	Y
D3	Dwelling diversity		
	Eight (8) two (2) bedroom and seven (7) three (3) bedroom dwellings of varying configurations are proposed. The dwellings are between 76 to 119 square metres in floor area. The balconies are between 8 to 23 square metres in area.	Y	Y
D4	Infrastructure		
	Adequate infrastructure exists to support new development.	Y	Y
D5	Integration with the street		
	<p>The retail tenancies fronting High Street and the residential foyer fronting Bent Street are constructed with finished floor levels of 47.43 metres to Australian height Datum (approximately 0.66 metres above the level of the footpath). While it is preferable to provide entries at grade, the elevated floor levels are required by Melbourne Water to mitigate the risk of flooding. Critically a stair lift is provided adjacent the retail entry and the residential entry to allow access for all persons.</p> <p>The residential entry is provided to Bent Street. This entry is appropriate as it ensures the retail frontages are the focus of the High Street façade. Letter boxes, fire booster and other services are also located to the rear and or fronting Bent Street which is appropriate.</p> <p>The vehicle access is appropriately located to the rear off the ROW.</p>	y	Y
D6	Energy Efficiency		
	<p>The key sustainable design initiatives are:</p> <ul style="list-style-type: none"> - Cross ventilation to all dwellings. - High performance glazing and efficient services, appliances and fixtures. - Twenty solar panels serving the energy needs of the common areas. <p>A Sustainable Management Plan (SMP) is required as a condition of approval, which will include further details of ESD measures.</p>	Y	Y
D7	Communal open space		
	N/A. The development is not for 40 or more dwellings. Nonetheless a 42 square metre north / west orientated communal terrace is provided at the 4 th floor level.	N/A	N/A
D8	Solar access to communal outdoor open space		
	N/A. An area of communal outdoor open space is not required.	N/A	N/A

Std	Comment	Compliance	
D9	Safety		
	The development is secure and the creation of unsafe spaces has been avoided. The residential entry is adequately located and visible from Bent Street.	Y	Y
D10	Landscaping		
	N/A. This standard is not applicable to sites of less than 750 square metres in area. The site is located in a Commercial 1 Zone and a Design and Development Overlay, which allows 100% site coverage	N/A	N/A
D11	Access		
	Vehicle access is via the ROW as encouraged under this standard.	Y	Y
D12	Parking location		
	Parking facilities are proximate to the dwellings they serve. The basement car park is adequately secure.	Y	Y
D13	Integrated water and stormwater management		
	Details of stormwater management are requested as a condition of approval, in accordance with Clause 53.18 of the Darebin Planning Scheme.	Y	Y
D14	Building setback		
	The height, setback and massing of the development has appropriate regard to the current and the emerging built form context of the site. A detailed assessment of the height, form and setback of the proposal is provided under the Clause 43.02 assessment above.	Y	Y
D15	Internal views		
	The dwellings are designed and located to ensure no unreasonable internal overlooking is provided.	Y	Y
D16	Noise impacts		
	The proposed residential use will have noise impacts consistent with those associated with residents living in a dwelling. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area. Notwithstanding that the retail use of the land does not require a planning permit, any noise from the retail spaces will be directed toward High Street which is appropriate. A rooftop plant space is provided. The location of the rooftop plant area is centrally located and would not be readily visible from adjacent sensitive interfaces. Noise from items such as domestic air conditioners, ducted heating, internal vacuum systems and the like associated with home occupation is subject to Section 48A of the Environment Protection Act 1970 and the Environment Protection (Residential Noise) Regulations 2018.	Y	Y
D17	Accessibility		
	A condition requiring that this requirement is met forms part of the recommended planning permit conditions.	N	Y

Std	Comment	Compliance	
D18	Building entry		
	The residential entry is clear and easily identified from the Bent Street frontage. The entry is sheltered, with a sense of address and a transitional space.	Y	Y
D19	Private open space		
	The balconies are between 8 to 23 square metres in area with dimensions of 1.97 to 2.42 metres, in accordance with the standard.	Y	Y
D20	Storage		
	The size of internal and external storage spaces is requested as a condition of approval.	Y	Y
D21	Common property		
	Common property areas are appropriately designed and delineated.	Y	Y
D22	Site services		
	Letter boxes are located adjacent the residential entry which is appropriate. A fire hydrant booster cupboard and exhaust extract (serving the basement) are appropriately designed, located and sleeved into the Bent Street elevation, to minimise their visual impact.	Y	Y
D23	Waste and Recycling		
	Waste is to be collected via a private waste services provider. The waste storage space is internally located with access to the ROW, which is appropriate.	Y	Y
D24	Functional layout		
	All bedrooms provide dimensions of at least 3.0 x 3.0 metres. Except for bed 1 of dwelling L3.03 the main bedrooms provide dimensions of at least 3.0 x 3.4 metres in accordance with the standard. All living rooms comply with the area and dimension requirements of this standard. Floor to ceiling heights of 2.8 metres are provided to the 1 st , 2 nd , 3 rd and 4 th floor levels. The upper floor provides a 3.1 metre floor to ceiling height.	Y	Y
D25	Room depth		
	Floor to ceiling heights of 2.8 metres are provided to the 1 st , 2 nd , 3 rd and 4 th floor levels. The upper floor provides a 3.1 metre floor to ceiling height. The depth of all living rooms comply with the standard.	Y	Y
D26	Windows		
	All living rooms and bedrooms have appropriate access to daylight and outlook, in accordance with the standard.	Y	Y
D27	Natural ventilation		
	All apartments are provided cross flow ventilation, where the standard recommends 40%.	Y	Y

Clause 52.06 (Car Parking)

Car parking:

The car parking spaces are provided as follows:

Use	Number	Parking Rate	Parking Rec'd	Parking Allocation
2-bedroom	8	1 space / 1 & 2 bedroom	8	8
3-bedroom	7	2 spaces / 3+ bedroom	14	8
2 retail	196m ²	3.5 spaces / 100m ²	6	One (1) space to each retail tenancy (2 spaces)
			28 spaces	18 spaces

Eighteen car parking spaces are proposed within two (2) basement levels. A reduction of 10 car parking spaces is therefore sought. As per Clause 52.06-6 of the Planning Scheme:

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

The development is located within the Principal Public Transport Network and therefore no visitor car parking is required to be provided.

The submitted Car Parking Demand Assessment concludes that the provision of car parking is satisfactory based on the following:

- The allocation of resident car parking responds to the expected car parking demands based on ABS data for the Northcote area.
- Parking surveys indicate that ample on-street parking is available in the vicinity of the site to meet the parking demand associated with customers of the retail tenancies and residential visitors. This is consistent with a centre-based approach to parking which is applicable to sites within an activity centre.
- The site is ideally located to take advantage of access to sustainable transport alternatives, such as nearby public transport services, car share vehicles, bicycle lanes and the pedestrian footpath network.
- The provision of 20 bicycle parking spaces will encourage the use of alternative transport modes and reduce the reliance on private vehicle use.
- The development further the objectives under Local Policy by reducing dependence on private motor vehicles.

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

- ABS 2016 Census data shows car ownership rates of just over one (1) vehicle per two (2) or three (3) bedroom apartment in Northcote. These rates equate to 16.8 vehicles for the 15 apartments.
- The long-term parking demands associated with residential component will be accommodated off-street.

- Short-term parking demands can be accommodated within available on-street parking within the vicinity of the site. The submitted surveys confirm the availability of on-street parking during the peak parking demand periods.
- The site is located in proximity to various public transport modes (train, bus and tram). The proximity and convenience to these services will encourage reduced dependence on private motor vehicle use by residents and visitors.
- The retail tenancies are not considered 'self attractors'. Given the site's location in an activity centre they are likely to service nearby residents, employees or visitors and that this along with the site's proximity to public transport means that this aspect of the proposal is unlikely to generate significant additional car parking through customers.

Design Standards

Car parking spaces and accessways have been dimensioned in accordance with Table 2 of Design Standard 2.

The minimum headroom to be provided above a car parking space is 2.2m as per the AS2890.1:2004.

Columns associated with "standard" car parking bays have been located in accordance with this design standard.

Parking aisles have been extended 1.0m beyond the last parking space in a parking aisle as per 2.4.2(c) of AS2890.1:2004.

Parking bays adjacent to walls have been widened by 300mm as per 2.4.2(c) of AS2890.1:2004.

The proposed basement ramp grade is proposed with a minimum grade of 1:8 for the first 2790mm, a transition at 1:40 for 4354mm, and a final gradient of 1:14 for 9400m.

The above grades do not comply with the requirements of the Planning Scheme noting accessway grades must not be steeper than 1:10 (10%) within 5 metres of the frontage. The applicant's traffic report has confirmed that the design has incorporated a 'flood bund' to prevent the risk of flooding and the access has had to be designed to a level of 47.43m AHD.

The requirement to provide a gradient of 1:10 for the first 5 metres is to ensure safety for pedestrians and vehicles. As access is via the rear laneway pedestrian volumes are expected to be minimal, noting also that pedestrian splays have been incorporated into the design. In addition, Clause 3.3 (a) of AS2890.1:2004 allows for the first 6m into a car park to be increased to 1:8 (12.5%) if all three of the following conditions are met:

- The grade is a downgrade for traffic leaving the property and entering the frontage road;
- The user class is Class 1, 1A or 2 only; and
- The maximum car park size is – (2) for entry onto a Local Road – 100 spaces.

Given all three of the above requirements have been met, the proposed access grade into the development is considered acceptable.

All remaining grades comply with the requirements of the Darebin Planning Scheme and Australian Standards.

Access and Manoeuvrability

The swept paths demonstrate that vehicles will access each critical parking space satisfactorily and enter and exit the site in a forward direction. For some spaces a corrective movement will be required which accords with AS 2890.1:2004 for user class 1A (residential, domestic and employee) which specifies that a three-point turn on entry and exit are permitted.

Traffic Impact

The traffic impact assessment estimates that the development will generate some 106 vehicle movements per day inclusive of residential and vehicle trips. Peak hour vehicle trips have been determined as 10 vehicle movements per hour for residential and 14 trips per hour for the retail tenancies. This estimated traffic generation is not expected to adversely impact on the operation of the surrounding street network.

Queuing Assessment

Access to the basement car park levels is provided via a car lift. The lift will service the basement car park with a 98th percentile queue of two (2) vehicles external to the car lift which can be accommodated on-site. The assessment is based on a lift speed of 0.15m/s. The queuing assessment is deemed appropriate.

Clause 52.34 (Bicycle Facilities)

Four (4) bicycle parking spaces are recommended under Clause 52.34 of the Darebin Planning Scheme. The proposal provides provision of 20 spaces, including 12 spaces for residents (located within the basement) and eight (8) visitor / customer spaces.

Clause 53.18 (Stormwater Management in Urban Development)

The purpose of this 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 benefit.

This clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works.

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

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.*

The above will be achieved through a satisfactory STORM report which is requested as part of an SDA condition.

Complies subject to condition

Clause 53.18-5 – Site Management (Standard W3)

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.*

The above is to be implemented through appropriate site management practices prior to and during the construction period, to be included in 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. The Site Management Plan must be conducted prior to buildings and works being undertaken.

Complies subject to condition

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation.
Transport Management and Planning	No objection, subject to conditions included in recommendation.
Melbourne Water	No objection, subject to conditions included in recommendation.
Urban Design officer (JW)	No objection, subject to conditions included in recommendation.
Urban Design officer (JL)	No objection, subject to conditions included in recommendation.
City Architect	No objection, subject to conditions included in recommendation.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.01 (Commercial 1 Zone) – buildings and works.
- Clause 43.02 (Design and Development Overlay 14) - buildings and works.
- Clause 44.05 (Special Building Overlay) - buildings and works.
- Clause 52.06 (Car Parking) – car parking reduction.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04, 22.08
Zone	34.01
Overlay	43.02, 44.05, 45.06
Particular provisions	52.06, 52.18, 52.34, 58
General provisions	65.01

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Darebin Planning Scheme.

Attachments

- Aerial 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.

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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).

Recommendation

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

Related Documents

- Nil

Attachments

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

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL


8. CLOSE OF MEETING

**CITY OF
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