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AGENDA

Planning Committee Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Thursday, 20 April 2017
at 7.00pm.

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Agenda

1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco (Deputy Mayor)

Cr. Tim Laurence

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Susanne Newton

Cr. Susan Rennie

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 10 April 2017 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/518/2016 607-617 High Street, Thornbury

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Enth Degree Architects Pty Ltd	The Trust Company (Australia) Limited	BSGM Consulting Building Surveyors Ratio Consultants Traffic Assessment

SUMMARY

- It is proposed to increase the number of patrons allowed under the existing liquor licence of the hotel from 725 to 1050 and to construct alterations to the existing building comprising a new double door and ramp to the rear. No additional car parking is proposed to be provided.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- Thirty-three (33) objections were received against this application.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via three (3) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Transport Management and Planning Unit, Council's Community Safety Officer and Council's Heritage Advisor.
- This application was referred externally to Victoria Police, Victorian Commission for Gambling and Liquor Regulation and Melbourne Water.

Recommendation

That Planning Permit Application D/518/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as Proposed Floor Plan TP03 Rev A, Existing and Proposed West Elevations and Ground Floor Plan Red Line Plan LC01 Rev A, dated November 2015 and prepared by Enth Degree Architects Pty Ltd).
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 number of patrons on the premises at any one time must not exceed 1050.

5. The doors on the west elevation of the building must be self-closing.

6. 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/or in any other way, to the satisfaction of the Responsible Authority.

CONDITION IMPOSED BY MELBOURNE WATER

7. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

MELBOURNE WATER FOOTNOTE:

N1. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 145980.

NOTATIONS

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

N2. 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.

N3. 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.

N4. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

INTRODUCTION AND BACKGROUND

- The site has operated as a hotel since the first licence to serve alcohol was issued for the site in 1844.
- Numerous alterations and renovations have occurred in the 150 plus years that the hotel has been in existence. Likewise Council has record of multiple planning permits having been issued for various buildings and works and signage dating back to at least the early 1970's. Buildings and works approvals comprise:
 1. Permit No: 2701 issued on the 24 July 1974 *allowed the erection of building and works for the alteration of the existing premises.* The endorsed plans accompanying the Permit indicate the area of the premises which is subject to the General Licence
 2. Permit No: 2583 issued on the 2 November 1973 *allowed the erection of buildings and works comprising alterations to the existing stairway.*
 3. Permit No: 1792 issued on the 22 July 1970 *allowed the erection of building and works comprising internal alterations and the construction of a car park.*
 4. Permit No: 3643 issued on the 24th April 1979 *allowed the making of alterations and additions comprising the construction of a Gents toilet and alterations to the internal layout including the licensed area.*
 5. Permit No: 4789 issued on the 3 April 1984 *allowed the erection of awnings.*
 6. Permit No: 37332 issued on the 11 December 1964 *allowed the erection of buildings and works including a drive through access lane and crossover.*
 7. Permit No: 1715 issued on the 20 November 1969 *allowed the installation of a fuel storage tank.*
 8. Permit No: 3771 issued on the 16th October 1979 *allowed the installation of a canvas awning.*
 9. Permit No: 5992 issued on the 9 May 1989 *allowed the construction of an opening in the wall between the hotel and the adjacent TAB agency.*
 10. Permit No: 4085 issued on the 28 May 1981 *allowed the use of 8 amusement machines, 6 billiard tables and 1 jukebox*
 11. Permit No: 7162 issued on the 22 December 1992, *allowed the construction of minor alterations and extensions and advertising signs.*
 12. Permit No: D/238/2006 granted on 14th June 2007 *allows buildings and works (including partial demolition) to convert the existing lounge area at the south east corner of the Hotel to a smokers' area.*
 13. Refusal No: D/853/2007 *refused planning permission for the construction of an open mezzanine deck adjacent the north boundary of the site.*
 14. Permit No. D/383/2012 *allowed partial demolition and construction of a courtyard area.*
 15. Permit No. D/709/2017 *allowed the display of an internally illuminated promotion sign in accordance with the endorsed plans.*

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is irregular in shape and measures approximately 44.2 metres in length and 57.60 metres in width with a site area of 9115 square metres.

- The site is located within the Commercial 1 Zone and affected by a Development Contribution Plan Overlay, Heritage Overlay, Design and Development Overlay – Schedule 5 and Special Building Overlay.
- The site is located on the north-west corner of High and Kemp Streets.
- The site is occupied by an existing hotel (Croxton Park Hotel), car park and loading area. The building is constructed to the side and front boundaries with staff car parking and loading area provided to the rear and extending to Johnson Street to the west. A car park and bottle shop associated with the hotel is located on the opposite side of High Street with parking available for 193 patrons.
- To the north and south of the subject site are commercial premises extending along High Street.
- To the west are residential properties fronting Johnson Street.
- To the east across High Street is the car park for the existing hotel and bottle shop. There are commercial premises fronting High Street to the north and south of the car park and residential properties fronting Darebin Road and Armadale Street to the east and south.
- The subject site is located in the Thornbury Village Activity Area north of the Northcote Major Activity Centre. There are commercial premises located to the north and south of the site along High Street with an extensive residential area located to the west of the hotel and east of the car park.
- One hour car parking restrictions apply to the west side of High Street between 8:30am - 6:00pm Monday to Friday and 8:30am - 12:00pm Saturday. Clearway and loading zone restrictions apply on the eastern side of High Street directly opposite the subject site but there is one hour parking available to the north and south of this area. No Standing restrictions apply to the northern and southern sides of Kemp Street. Johnson Street is a permit area with 2 hour parking restrictions. There are no parking restrictions on Armadale Street located on the eastern side of the hotel car park opposite the hotel.
- The site is well serviced by public transport including the tram along High Street and the Croxton Train Station approximately 400 metres from the subject site.

Proposal

- It is proposed to increase the number of patrons allowed under the existing licence from 725 to 1050. This is an increase of 325 patrons. The licensed area will not be altered and the proposed hours of operation are not to be changed.
- No additional car parking is proposed to be provided.
- Alterations to the existing building include the construction of an additional double door to the rear (west) of the building. An existing double door is located on the western elevation providing access to the staff carpark on Johnson Street. An additional double door is to be provided adjacent (north) to the existing door and a new ramp will be constructed for access. Internal alterations are required to accommodate access to the door. There will be no increase in the floor area of the building.

Objections

- Thirty-three (33) objections have been received.

Objections summarised

- Increase parking problems
- Increased noise (new double doors and patrons)

- Anti-social behaviour, littering and vandalism
- Lack of notice of application
- Traffic congestion

Officer comment on summarised objections

Increase parking problems

It is considered that given the existing parking restrictions on nearby streets and the availability of on-site car parking, the proposal will not result in additional parking problems in the area. This will be discussed in more detail later in the report.

Increased noise (new double doors and extra patrons)

It is not considered that the introduction of a second set of doors or the proposed increase in patron numbers would result in an appreciable increase in noise from the subject site. The premise currently caters for over 700 patrons under its current licence which is a considerable number of people that could be present on the premises during licensed hours.

The proposed increase in the number of patrons whilst significant in its own right is unlikely to result in a noticeable increase in noise beyond the current allowed patron numbers.

A condition of approval will require the proposed doors to be self-closing to minimise noise escaping from the premises.

It is also noted that the doors are not the main entry to the building and will only be utilised by staff (as they access the staff car parking area) and in the case of emergency.

Anti-social behaviour, littering and vandalism

The application has been referred to Victoria Police who have not objected to the application or requested any particular conditions. The operators of the premises are required to manage the day to day running of the business in a manner that does not result in an unreasonable impact on the amenity of the surrounding area. A condition of approval, consistent with the requirements of the Commercial 1 Zone, will require that the amenity of area must not be adversely affected by the use or development, to Council's satisfaction.

Lack of notice of application

Notice of the application was given by posting three (3) public notices on the premises facing High Street, Kemp Street and Johnson Street. In addition, notices were sent to owners and occupiers of abutting properties in High Street and Johnson Street as well as properties abutting the car park located in Darebin Road and Armadale Street. This is consistent with the requirements of the *Planning and Environment Act*.

Traffic congestion

The increase in traffic movements in the abutting streets, arising from the additional patrons is considered to be an increment that will not affect local traffic conditions. The application has been referred to the Transport Management and Planning Unit who have no objection to the proposal.

PLANNING ASSESSMENT

Clause 52.27 - Licensed Premises

Under the provisions of Clause 52.27 a planning permit is required to increase the number of patrons allowed under a licence. In deciding on an application the following must be considered:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

It is considered that the application satisfies the decision guidelines as follows:

- The proposal is consistent with the State and Local Planning Policy Framework. The proposal will contribute to the ongoing provision of leisure and entertainment based businesses within an existing activity area located on a main arterial road. The area along High Street provides services and facilities that serve a local as well as semi-regional purpose. The proposal will contribute to the ongoing vibrancy and viability of the activity centre.
- The hotel already allows the sale and consumption of alcohol at the site and as discussed below, the increase in patron numbers will not unreasonably impact on amenity of the surrounding area.
- The proposal does not include any alterations to the hours of operation. The increase in patron numbers and the potential activity associated with this will not render the operating hours as unreasonable or detrimentally impact on the amenity of the surrounding area.
- The existing premise has a licence that permits up to 725 patrons. The proposed increase by 325 to a maximum of 1050 patrons is considered to be appropriate for a facility of this size offering a variety of leisure and entertainment activities. It is important to note that the maximum figure does not equate to this number of people being present on the premises at all times or that this number will regularly attend the premises.

Whilst a potential for increased patronage arises out of the proposed change to the existing licence, it is considered that the proposed level will not detrimentally impact on the amenity of the area. The existing parking provisions and controls in surrounding streets will suitably address any parking concerns and Council's Transport Management and Planning Unit raise no objection to the proposed increase in patron numbers.

It is the responsibility of the owners and operators of the premises to ensure that the business operates without an unreasonable impact on the amenity of the surrounding area. Whilst concerns have been raised in the form of resident objections, no opposition has been raised from the Victoria Police or the Victorian Commission for Gambling and Liquor Regulation.

An increase in patron numbers by up to 325 may be considered significant in its own right but in a busy activity area it is unlikely to result in a noticeable change in activity resulting in levels unreasonable to the area and surrounding residential properties.

- As an existing licensed premise, the proposal does not result in any cumulative impact with regard to the number of licensed premises.

It is considered that the area can adequately accommodate the additional patrons without exacerbating any negative conditions to unreasonable levels. The proposal will re-enforce the positive outcomes that a vibrant and diverse centre can offer to its catchment without creating or contributing to any negative impacts that may be associated with a commercial centre.

Clause 52.06 - Car Parking

Under Clause 52.06 the standard car parking requirement for a hotel is 0.4 spaces to each patron permitted. A permit may be granted to reduce this requirement.

The proposed increase in patrons permitted under the licence would require the provision of 130 car spaces. There is no additional parking proposed to be provided. Therefore a permit is required to reduce the car parking requirement.

The reduction in car parking is considered to be satisfactory as follows:

- There is no parking precinct plan for the area.
- The subject site currently has a customer car park with 193 spaces located directly opposite the subject site. A staff car park is located at the rear of the hotel with access from Johnson Street and with ten (10) car spaces available. A traffic impact assessment prepared by Ratio Consultants Pty Ltd was submitted as part of the application. The parking survey was conducted on a Saturday night when there was a live music performance in the Entertainment Room. It found that at 10:00pm, when it was estimated that the premises was at maximum capacity, the peak occupancy of the customer car park was 135 cars leaving 58 spaces vacant. This equates to a car parking generation rate of 0.18 spaces for each patron. Based on this, the number of spaces required for the additional 325 patrons is 58 which from the above survey could be accommodated in the existing car park.
- On-street car parking is available in the locality. There is on-street parking immediately in front of the subject site and on the eastern side of High Street. There is also limited parking in nearby streets.
- The subject site fronts tram route 86 (Bundoora RMIT to Waterfront City Docklands) and is within a 400 metre walk of the Croxton Train Station. The tram and train operate till after midnight.
- The centre borders a large residential area from which patrons of the hotel may walk or cycle. Bicycle parking for staff is available on site and provision for visitor bicycle parking is proximate the site.
- The proposed reduction in car parking will not compromise traffic flow in the precinct.
- The reduction in parking provision will not increase the risk to pedestrian safety or amenity.

It is therefore considered that the proposal is generally acceptable and the reduction of parking is appropriate.

Clause 34.01 - Commercial 1 ZoneBuildings and works

Under the provisions of Clause 34.01-4 a permit is required to construct a building or construct or carry out works. The proposed alterations to the building comprising the construction of a new double door and ramp have been assessed under the provisions of this clause and are considered satisfactory as follows:

- The proposal will not interfere with the movement of pedestrians, cyclists or vehicles. The new door opens onto the existing car park and loading area. The opening of the door and the location of the ramp will not interfere with access to the car parking spaces or the movement of vehicles on site.
- The door is located at the rear of the building and will not be visible from High Street. The door will be adjacent to an existing door with a similar appearance and is a reasonable addition to an existing commercial building. It will not detract from the appearance of the building to Johnson Street or neighbouring properties.

Clause 43.02 – Design and Development Overlay – Schedule 5

The proposed buildings and works are consistent with the objectives of Schedule 5 to the Design and Development Overlay as they do not impede or alter valued public views and vistas from All Nations Park to the Doncaster ridgeline, the Dandenong Ranges or 'Willsmere' and the Yarra Bend parklands.

Clause 43.01 – Heritage

The subject site is located within the Heritage Overlay (HO133)-

STATEMENT OF SIGNIFICANCE (Croxton Park Hotel) – Taken from the Darebin Heritage Review, prepared by Andrew Ward.What is significant?

The Croxton Park Hotel at 607-617 High Street, Northcote to the extent of the surviving nineteenth century fabric.

Later additions and alterations made in the twentieth century are not significant.

How is it significant?

The Croxton Park Hotel is of local historical importance to Darebin City.

Why is it significant?

The Croxton Park Hotel has served as a public house over a long period in the city's history, occupying the site of the first hotel in the municipality. Together with associated racing grounds, now subdivided, the hotel also well known in Melbourne for its sporting calendar. (Criterion A).

- The proposal satisfies the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies as the primary building of the heritage place is to be retained and unaltered.

- The significance of this heritage place lies with the section of the building fronting High Street. The proposal will not alter the appearance of the building from High Street and therefore will not adversely affect the natural or cultural significance of the heritage place.
- The Statement of Significance for the Croxton Park Hotel has been considered in the assessment of the proposal and it is deemed appropriate given the proposal retains the original section of the hotel without any alterations. The proposed alterations are not visible from High Street and therefore will not compromise the integrity of the heritage building.
- The proposed door and ramp will not adversely affect the significance of the heritage place. The alterations are consistent with elements found at the rear of a commercial building and will not be visible from High Street. The proposed alterations will not interfere with the building's contribution to the streetscape and will not detract from the significance of the heritage place.
- The proposal does not involve the removal of any vegetation.
- The application has been referred to Council's Heritage Advisor who has no objection to the proposal. It was noted that *"the heritage part of the complex is not affected by the works."*

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

Special Building Overlay

The proposal is consistent with the purpose and decision guidelines of Clause 44.05 (Special Building Overlay) of the Darebin Planning Scheme:

- The proposal is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The proposal is appropriate in that it maintains the current use of the land.
- The proposed development cannot be located on any other part of the subject site that is flood-free or has a lesser flood hazard.
- The proposal has been assessed by Melbourne Water, the relevant floodplain management authority, and has not raised any objection to the application, subject to the conditions contained within the recommendation of this report.
- The development will not have any adverse effects on redirecting or obstructing floodwater, stormwater or drainage water as determined by Melbourne Water. The development will not have any adverse effects on reducing flood storage and increasing flood levels and flow velocities as determined by Melbourne Water.

REFERRAL SUMMARY

Department/Authority	Response
Heritage Advisor	No objection
Transport Management and Planning	No objection
Community Safety Officer	No objection
Victoria Police	No objection
Victorian Commission for Gambling and Liquor Regulation	No objection

Department/Authority	Response
Melbourne Water	No objection

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 34.01 (Commercial 1 Zone) - to construct a building or construct or carry out works.
- Clause 52.06 (Car Parking) - to reduce the car parking required to be provided on site.
- Clause 52.27 (Licensed Premises) - to increase the number of patrons allowed under an existing licence.
- Clause 43.01-1 (Heritage Overlay) – alterations and construction of buildings and works.
- Clause 43.02-2 (Design and Development Overlay) – a permit is required to construct or carry works
- Clause 44.05-1 (Special Building Overlay) – construction of buildings and works.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01, 11.02, 17.01 18.01-1, 18.02-5, 19.03-1
LPPF	21.04-3, 21.04-5, 21.05-1
Zone	34.01
Overlay	43.01, 43.02, 44.05, 45.06
Particular provisions	52.06, 52.27
General provisions	65.01
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS

Environmental Sustainability

Nil

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

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

ATTACHMENTS

- Aerial Photo (**Appendix A**) [⇒](#)
- Plans (**Appendix B**) [⇒](#)

DISCLOSURE OF INTERESTS

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

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

**5.2 APPLICATION FOR PLANNING PERMIT D/923/2015
25 Gilbert Road Preston**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant/s
James Livingston Planning	R Lyons	James Livingston Planning Turner Ginnivan One Mile Grid

SUMMARY

- The application proposes to construct a four (4) storey building for use as a shop and four (4) dwellings. The ground floor level will maintain a shop premises (57.4 square metres) fronting Gilbert Road, with the lower level of Dwelling 1, the shared entry foyer, storage and bin enclosures and car parking also located on the ground floor. Four (4) car parking spaces in the form of stacker platforms will be provided.
- Units 1, 3 and 4 will provide split level duplex style accommodation. Unit 2 will be located over a single level at first floor.
- It is recommended that the four (4) available car parking space on the site are allocated as follows:
 - Unit 1 – 2-bedroom dwelling with one (1) car parking space
 - Unit 2 – 1-bedroom dwelling with car parking waived
 - Unit 3 – 3-bedroom dwelling with one (1) car parking space
 - Unit 4 – 3-bedroom dwelling with two (2) car parking space
 - Shop – car parking waived
- Each dwelling will have access to a balcony with a minimum area of 8 square metres or a roof terrace with a minimum area of 10 square metres.
- The site is zoned Commercial 1 Zone (C1Z)
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- 28 objections were received against this application. This includes 1 petition with 38 signatures.
- The proposal is generally consistent with the objectives and standards of relevant planning policy including the applicable requirements Clause 55 of the Darebin Planning Scheme.
- On 11 November 2016 the Victorian Civil Administrative Tribunal informed Council that the permit applicant lodged an application for review under Section 79 of the *Planning and Environment Act 1987* (Failure to Grant a Permit within the Prescribed Time). Therefore Council is required to form a view on the application. It is recommended that Council form the view that the application be supported.

CONSULTATION:

- Public notice was given via 2 signs posted on site and letters sent to adjoining owners and occupiers.
- This application was referred internally to Transport Management and Planning Unit, Capital Works Unit, Assets and Property, and Strategic Planning.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/923/2015 be supported subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos P-06, P-07, P-08, Revision C, dated 18 March 2016 and prepared by Turner Ginnivan) but modified to show:
 - a) The car parking spaces allocated to the dwellings in accordance with Condition No.5 of this Permit.
 - b) The canopy extension over the Gilbert Road and Burgess Street footpath with a minimum setback of 0.75 metres from the kerb edge and a height clearance of 3 metres from the level of the footpath.
 - c) The provision of a minimum of 5 cubic metres of storage for each dwelling.
 - d) Full details of the roller door/s and the northern screens to the car parking stacker areas. Selected materials and finishes are to be of high quality, no more than 25% visually permeable and blend in with the character of the development.
 - e) The provision of external sun-shading devices to all north, east and west facing habitable room windows, in accordance with the requirements of Condition No.6 of this Permit.
 - f) The provision a canopy extension to provide weather protection over the deck areas on the Third Floor associated with Unit 3 and Unit 4. The canopy must have a minimum width of 1 metre.
 - g) Deck 1 on the first floor is to be allocated to Unit 1. Any access to this deck shown from Unit 2 must be deleted.
 - h) A dimension showing a minimum headroom clearance of 2.1 metres to the entry of the garages (stacker platforms).
 - i) A single communal antenna for the development (refer also to 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.
 - j) Details of the car stackers showing all platforms of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres. The pit depths must be increased accordingly.
 - k) The provision of bicycle parking dimensions on the plans in accordance with AS 2890.3:2015.
 - l) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No.6 of this Permit).

- m) Any modifications in accordance with the Acoustic Report (Refer to Condition No.7 of this Permit).
- n) The location of all plant and equipment (including air conditioners, gas metres, water metres 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. An alcove with a maximum depth of 600mm may be created for this purpose, as necessary, on the northern wall of the store/bike hold room at ground floor.
- o) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 5. The four (4) car parking spaces on the site must be allocated as follows:
 - One (1) car parking space for Unit 1
 - One (1) car parking space for Unit 3
 - Two (2) car parking spaces for Unit 4
 6. 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.

7. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
 - b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise to “satisfactory” levels as outlined in Table 1 of AS2107.
 - c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the mechanical car parking stackers) do not impact adversely on the amenity of dwellings within the development and any neighbouring sensitive uses.
 - d) Noise, reverberation and vibration associated with the operation and use of the mechanical car parking stackers, lift and staircase cores do not impact adversely on the amenity of the dwellings which share dividing walls with the core. The following sources of noise must be attenuated:
 - Noise and vibration arising from the operation of the mechanical stackers;
 - Ride quality e.g. sound and vibration from the elevator car
 - Air-borne noise, e.g. door noise, noise in the elevator shaft and stair shaft walls
 - Structure-borne noise in walls e.g. sound radiation to adjacent rooms
 - Cooling fan noise
 - Drive operation noise
 - Relay switching noise
 - Door operation noise
 - Guide shoe sliding noise
 - Treatment to stair treads and landings to minimise airborne noise.
- The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
9. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to the garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. 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. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
15. 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.
16. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
17. Before the shop use commences a waste storage/collection area must be provided on the subject land in a location to the satisfaction of the Responsible Authority.

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

Any waste associated with the shop is to be collected privately. Collection of waste must not cause any disturbance to nearby residential properties and must only occur between the following hours:

- Monday to Saturday (inclusive): 6.30am – 8.00pm
- Sundays and Public Holidays: 9.00am – 8.00pm

The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.

18. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - 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.

19. 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.
- N6 This planning permit must 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

There is no relevant planning history for this site.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is regular in shape, with a frontage of 6.095 metres, a depth of 34.75 metres and an area of approximately 213 square metres.
- The land is located within the Commercial 1 Zone and is affected by the Development Contribution Plan Overlay (the plan expired in 2014)
- The land is located on the south-west corner of Gilbert Road and Burgess Street.
- It contains a single storey shopfront building constructed to the front and common boundaries. It has a parking area to the rear and an awning to the front. The building is used as an office and dwelling with two (2) bedrooms. The site has a crossover to the rear and has access to a Right of Way to the rear.
- To the east of the site, on the opposite side of Gilbert Road, are a row of older double storey shops, with high parapets to the façades. To the south east is a recent mixed use development of four (4) storeys in height.
- To the west of the site, beyond the Right of Way, is a single storey brick dwelling, fronting Burgess Street. The subject site is opposite the front yard realm of this dwelling.
- To the north of the site, on the opposite side of Burgess Street, is a single storey brick dwelling.
- To the south is a double storey mixed use development, constructed to the front and common boundaries. This development extends to the rear boundary to abut the Right of Way.
- The site is located in a neighbourhood activity centre, comprised single and double storey attached shopfront buildings, with an emerging character of higher scale development of two (2), three (3) and four (4) storey developments in recent times.
- As noted, the site is located in a Neighbourhood Activity Centre, containing a number of convenience, retail and commercial uses. The site abuts the #11 tram route along Gilbert Road. H Swain Reserve is located approximately 100 metres to the south and Bell Primary School is located approximately 270 metres to the south west of the subject site. The Merri Creek public reserve areas are located approximately 400 metres to the west. Thornbury Railway Station is approximately 1.1km to the east. The site has convenient access to bicycle routes along the Merri Creek and St Georges Road.
- On Gilbert Road there are 1 hour parking restrictions between 8am and 6pm to the south and opposite (east) the subject site, with no restrictions to the north. On Burgess Street there are no parking restrictions, noting that part of the street to the north side is a no stopping area.

Proposal

- The proposal will require the partial demolition of the existing single storey shop premises to enable the construction a four (4) storey building for use as a shop and four (4) dwellings.
- The ground floor level will maintain a shop premises to the front (57.4 square metres), with the lower level of Dwelling 1 located to the rear of the shop. Beyond this to the west of the footprint is the common entry, with lift and stair access to the upper levels, bike stores, external storage, bin store and four (4) cars in car stackers to the rear. The western-most car space is accessed via the existing crossover and is in a stacker with a trafficable lid, allowing the remaining cars to access the site via the Right of Way.

- The first floor is to have the upper level of Dwelling 1, with one (1) bedroom and kitchen/dining/living area and north-facing deck of 9.9 square metres. Dwellings 2 is located to the rear (west side) and will have one (1) bedroom, with a kitchen/dining/living area and three (3) deck areas to the north and west of between 6.2 and 9.4 square metres).
- The second floor will have the lower levels of Dwellings 3 and 4 (both double storey dwellings over the second and third floors), each with three (3) bedrooms at this level
- The upper floor will have the kitchen/dining/living areas of Dwellings 3 and 4, with east and west facing decks of 22.5 square metres and 14.8 square metres respectively.
- A roof terrace of 66.4 square metres is also proposed
- The development will have a contemporary design, with a flat roof. The materials are to be brick to the ground floor, with lightweight timber and metal cladding to the upper floors.
- The building is to have a height of 13.6 metres.
- Vehicle access is via the existing crossover and the Right of Way to the west (rear).

Objections

- 28 objections including a petition with 38 signatures have been received.

Objections summarised

- There is an oversupply of one (1) and two (2) bedroom dwellings and undersupply of three (3) bedroom dwellings
- Does not meet best practice standards of the MSS
- Poor internal amenity, with private open space in balconies only and unventilated bathrooms
- Inadequate secluded private open space
- Contrary to landscape objectives of Clause 55
- Contrary to Clause 22.06, with regard to materials, setbacks, visual bulk, ESD measures and equitable development
- Waste bin collection is inadequate and will affect the amenity of the neighbourhood
- The parking reduction is inappropriate
- No loading bay
- Does not respect the neighbourhood character
- Overdevelopment of the site
- Warrants consideration by the Darebin Planning Committee
- Excessive bulk and scale and visual impact
- The proposal does not add net value to the community
- The number of objections indicates a negative social effect
- Does not meet the standards in the Planning Scheme
- Will not guarantee affordable accommodation
- Overlooking
- Car stacker is inappropriate

- Overshadowing
- Loss of daylight
- Access to garage will be affected
- Impact on adjoining energy efficiency due to daylight
- Disruption during construction
- Undesirable precedent
- Two (2) storey development is more appropriate
- No staff amenities for the shop
- New access point to Burgess Street
- Shop is a token gesture
- Exacerbate traffic safety issues
- Inappropriate design response
- Contrary to role of the activity centre
- Residential frontage is contrary to Planning Scheme
- Loss of views
- Management during construction
- Increased traffic congestion

Officer comment on summarised objections

The Planning Committee Charter identifies that its scope of activity is to consider and determine planning applications which receive five (5) or more objections. For the purpose of the Charter, it is noted that 15 of the 28 objections are identical pro-forma letters however these letters comprise neither a petition nor a single letter with multiple signatories. None of the addresses associated with the pro-forma letters are from owners or occupants who are proximate to the site.

There is an oversupply of one (1) and two (2) bedroom dwellings and undersupply of three (3) bedroom dwellings

This ground of objection is not supported by evidence and contrasts with academic research and data compiled to support the Darebin Housing Strategy. The proposal provides a development with 1x1 bedroom, 1x2 bedroom and 2x3 bedroom dwellings, which are sufficiently large to provide for a number of household types (from single person families to those with children). In this respect it adds to dwelling diversity in the area.

Council's Municipal Strategic Statement (MSS) sets out the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. Relevantly, Clause 21.02-2 sets out the following key influence with respect to population growth and change:

"Ageing families and declining household sizes are placing pressure on housing supply as fewer people occupy more housing."

The MSS continues with the following future housing issue at 21.01-4:

“Facilitation of well-designed housing to meet anticipated housing needs, both in terms of number and diversity.”

The policy guidance with respect to housing is contained in Clause 21.03. While there is strong policy support for appropriate medium density in-fill in well serviced locations, it is Clause 21.03-3 (Housing Diversity and Equity) that is of particular relevant to the objectors' concerns. The overview sets out (extracted as relevant):

“Housing affordability is a particular housing issue in Darebin. Lack of affordable housing and high rental prices can aggravate housing stress and homelessness. Housing affordability, income levels and demand for social and public housing are highly correlated. An increase in the supply of affordable housing could ease housing stress of low income earners and can decrease the demand for social housing.”

This informs the following objectives (extracted as relevant):

“To ensure that housing diversity is increased to better meet the needs of the local community and reflect demographic changes and trends.”

“To increase the supply of affordable and social housing.”

An oversupply of one (1) and two (2) bedroom dwellings is unsubstantiated by any statistical data and is contrary to the demographic issues and housing objectives contained in Council's MSS. Additionally, there are two (2) x 3 bedroom dwellings in the proposal and one (1) x 2 bedroom and one (1) x 1 bedroom dwelling. The development comprises an appropriate mix of dwelling types and configurations and adds to the mix of housing types in the immediate area, which includes detached dwellings and medium density developments.

Does not meet best practice standards of the MSS

It is not necessary for development to meet best practice standards. However, it is necessary that the proposal complies with the objectives and policies set out in State and Local policies and provide an acceptable development of the site. The assessment as detailed in later sections of this report indicates that the proposal provides an appropriate development outcome.

Poor internal amenity, with private open space in balconies only and unventilated bathrooms

The Planning Scheme contemplates that living areas may be to the upper floors, as it allows apartment type developments and balcony private open space areas. It is considered that the proposal provides appropriate levels of internal amenity. As noted below, each of the dwellings will be provided with adequate balcony secluded private open space areas.

The bathroom areas located internal to the dwellings' footprint is an acceptable design response as it allows habitable rooms to maximise natural daylight and ventilation from windows on the outer walls of the development.

Given the site's modest dimensions and its location in a Commercial 1 Zone, the provision of dwellings on the upper levels with upper level balconies is an appropriate design response.

Inadequate secluded private open space

As can be seen in the assessment below, the proposed dwellings will each have adequate areas of private open space, in the form of balconies of 8 square metres minimum, in compliance with objective at Clause 55.05-4 (private open space) of Clause 55.

Contrary to landscape objectives of Clause 55

The site is located in a Commercial 1 Zone where there is no landscape character, given that buildings are constructed to front and side boundaries on a small commercial allotment.

The existing conditions of the site are not dissimilar in that no canopy trees are located on the site. The two (2) street trees on Burgess Street are proposed to be retained and protected subject to conditions. In this respect, the proposal respects the character of the activity centre. Importantly, as the site is in a Commercial 1 zone, the bulk of the provisions of Clause 55 do not apply, indeed the application of the standards of Clause 55 as directed by Clause 22.06 do not apply the landscape character standard (see assessment below).

Contrary to clause 22.06, with regard to materials, setbacks, visual bulk, ESD measures and equitable development

As can be seen in the assessment below, the proposal meets the provisions of Clause 22.06 of the Darebin Planning Scheme.

Waste bin collection is inadequate and will affect the amenity of the neighbourhood

There is adequate space on site within a dedicated bin enclosure for residential and commercial waste bins to be stored. The size and access space of the enclosure has appropriate dimensions. Residential waste may be collected from the kerbside by Council and commercial waste is required to be collected privately. There is no indication that waste storage/collection will lead to unreasonable amenity impacts.

The parking reduction is inappropriate

The car parking reduction has been assessed against the decision guidelines in Clause 52.06 of the Darebin Planning Scheme and is considered to be acceptable. See discussion in later sections of this report.

No loading bay

It is considered that the loading bay waiver for the shop is acceptable in this instance, given the small shop area; no existing loading bay is present for the existing shop on the site; the minimal loading requirements; and the availability of kerbside parking near the site to undertake loading and unloading.

Does not respect the neighbourhood character

The site is located in an activity centre in a Commercial 1 Zone where policy encourages higher scale more intense development for a higher scale preferred character. The planning scheme does not allow for the consideration of neighbourhood character within the Commercial 1 Zone.

Overdevelopment of the site

Council must assess the proposal on its merits in the context of the site and the area. The proposed development is a four (4) storey building in a commercial zone where there are no particular height controls in the Darebin Planning Scheme for the site. The height and scale of the development is therefore required to be assessed on its merits and within the context of the activity centre location as well as precedence in the area. The zoning of the land, its location and precedence supports the height and scale.

Further to the above, the site is identified in the Darebin Housing Strategy 2013 (revised 2015) within a "Substantial Change Area" where the future housing objectives are to provide for substantial housing growth and diversification over time; to provide modest scale change in neighbourhood activity centres but at the same time discourage underdevelopment of sites. The proposed development for 4 dwellings and a shop within a 4-storey building is considered to be consistent with the strategic vision for this area.

Notwithstanding the above, compliance with the Planning Scheme provisions is also an established tool for determining whether a development is of an appropriate scale relative to the site and its specific context and characteristics.

As can be seen in the assessment below, the proposal complies with the objectives and policies of the Planning Scheme and is not considered to be an overdevelopment.

Warrants consideration by the Darebin Planning Committee

This is not relevant ground for objection.

Excessive bulk and scale and visual impact

The proposal will have a four (4) storey height. However, this is an appropriate increase in height over the adjoining buildings in the Commercial zone. In addition, the proposal is adequately articulated through setbacks, fenestration and materials, so that it will not be an overly dominant building form.

Issues surrounding the bulk and scale of the development are assessed below. The siting, setbacks and location of the development ensures the proposal does not impose an unreasonable visual impact upon neighbouring sites.

The proposal does not add net value to the community

At a planning application level, it is difficult to quantify the concerns surrounding this reason for objection, particularly as no grounds have been offered that substantiate this objection. It is necessary for a development to meet the State and Local planning policy objectives and it is considered that the proposed development meets these objectives.

The number of objections indicates a negative social effect

Section 60(1)(f) of the Act, deals with significant social effects. This section states:

(1) *Before deciding on an application, the responsible authority must consider-*

...

(f) *any significant social effects and economic effects which the responsible authority considers the use or development may have.*

In *Hoskin v Greater Bendigo City Council [2015] VSCA 350 (16 December 2015)* The Supreme Court of Appeal made the following observations about Section 60(1)(f):

1. *Section 60(1) describes matters which the responsible authority and, in turn, the Tribunal must consider. It does not stipulate that a particular matter should necessarily be determinative of the decision as to whether a permit be granted or refused.*
2. *It is for the responsible authority and, in turn, for the Tribunal on review to determine whether something constitutes a significant social effect and what weight it should be given in reaching a decision whether to grant or refuse a permit.*

It is considered that the number of objections, in this instance is not a determining factor as to whether there are negative social effects or if a permit should be granted or refused on this basis.

This ground is unsubstantiated. There are no demonstrated dis-benefits associated with the development. The proposal provides additional dwellings on the site, resulting in community benefit.

Does not meet the standards in the Planning Scheme

The proposal has been assessed against relevant standards contained within the Scheme with particular focus on Clauses 52.06 and 55 and the Darebin Neighbourhood Character Guidelines. As can be seen in the assessment below, the proposal has a high level of compliance with the relevant aspects of the Planning Scheme.

Will not guarantee affordable accommodation

Although the proposal will not 'guarantee' affordable accommodation, the provision of social housing is not a mandatory requirement in the Darebin Planning Scheme. Nevertheless, the proposal will provide four (4) dwellings on a site, where there is one (1) at present and thus provides a level of affordability and diversity, in compliance with relevant State and Local policies.

Overlooking

Any overlooking of private open space areas of adjoining properties may be addressed by appropriate screening to 1.7 metres above floor level at the first floor level, in accordance with the requirements of Standard B22.

Objectors noted overlooking to the allotment further to the north and west. Given that these dwellings are beyond 9 metres, it is not considered that there will be unreasonable overlooking.

Car stacker is inappropriate

Use of car stackers is a recognised method of car parking provision in the Planning Scheme. Given the modest site dimensions and area, it is considered appropriate to utilise car stackers to ensure efficient use of the site.

Overshadowing

Concerns were raised about the overshadowing of the adjoining properties. Although shadow diagrams indicate that the development will overshadow a portion of the adjoining property to the west, this is to the front yard area, rather than any areas of secluded private open space. Importantly, the extent of overshadowing is within the prescriptive measures of Standard B21.

In addition to the above, although the proposal will overshadow the shop and dwellings to the south, given there is a high double storey brick wall to the south and there are no windows or balconies with outlook to the north, it is not considered that the proposal will not create any overshadowing impacts to the south.

Loss of daylight

The proposal will not result in an unreasonable loss of daylight to the habitable room windows of the adjacent dwellings in the General Residential Zone to the west.

It is not considered that the proposal will unreasonably affect daylight to windows to the south, given the high double storey brick wall to the south and lack of windows with outlook to the subject site.

Access to garage will be affected.

The proposal will not affect access to adjoining garages. Nevertheless, it is noted that should vehicles obstruct the Right of Way, this is not a planning consideration.

Impact on adjoining energy efficiency due to daylight

It is not considered that the proposal will unreasonably affect daylight to windows, given the high double storey brick wall to the south and the set back to the windows on the adjacent dwelling to the west.

Disruption during construction

Noise, dust and disruption etc. during the construction phase of development is a temporary and unavoidable consequence of development and not a reason to refuse an application.

Additionally, it is considered that to uphold such an objection would prohibit construction and would be contrary to urban consolidation objectives. Lastly, construction hours are regulated by Local Laws.

Undesirable precedent

It is considered that the development will not create an undesirable precedent, as each proposal is assessed on its merits in the context of the neighbourhood setting and adjoining conditions.

Two (2) storey development is more appropriate

It is incumbent on Council to assess the proposal on its merits, rather than a hypothetical situation of a reduced development. Nevertheless, it is acknowledged that planning controls encourage a higher scale of development in this area as a result of the Residential Growth Zone and the proximity to services and facilities. It is also noted that there is prior approval for the adjoining site to the south at No.23 Gilbert Road for a 3-storey development in 2005.

Whilst this permit was not acted on, a 3-4 storey development in this location has been considered favourably in the past.

Particularly given the corner location of the subject site, a higher built form is considered suitable to anchor the northern edge of the commercial zone on the western side of Gilbert Road.

No staff amenities for the shop

It is recognised that there are no staff amenities inside the shop. This is not an unusual design and it is up to the applicant and tenant to provide appropriate amenities as per building regulations.

New access point to Burgess Street

Although the existing crossover to the site is to be slightly widened, there is no new vehicle access from Burgess Street.

Shop is a token gesture

Although the shop is small, it is of a sufficient size to be used for a retail premises and it is common for small shops to front the street in similar redevelopments. Additionally, it is noted that the existing premises has a small office to the street frontage of a similar size and the size of retail accommodation is considered appropriate in a neighbourhood activity centre.

Exacerbate traffic safety issues

There is no evidence that the proposal will raise any traffic safety issues or lead to an unreasonable increase in traffic congestion.

Inappropriate design response

As can be seen in the assessment below, the proposal provides an appropriate design response, having regard to the physical and strategic context.

Contrary to role of the activity centre

As noted, the proposal provides an appropriate design response, having regard to the role of the activity centre and the physical and strategic context.

Residential frontage is contrary to Planning Scheme

A residential frontage of greater than 2 metres in a Commercial 1 zone indicates that the residential use requires a planning permit, it does not indicate that the use or development is inappropriate. Indeed, it is common and desirable for residential frontages on side streets to exceed 2 metres as it provides activity to the side street and a sense of address.

Loss of views

It is a recognised planning principle that there is no right to a view and that over time views change, subject to policy considerations relating to development. This is not a relevant consideration in the Darebin Planning Scheme.

Management during construction

Noise, dust and disruption etc. during the construction phase of development is a temporary and unavoidable consequence of development and not a reason to refuse an application. Nevertheless, it is noted that should vehicles obstruct the Right of Way, this is not a planning consideration.

Additionally, it is considered that to uphold such an objection would prohibit construction and would be contrary to urban consolidation objectives. Lastly, construction hours are regulated by Local Laws.

Increased traffic congestion

There is no indication that the proposal will lead to an unreasonable increase in traffic congestion.

PLANNING ASSESSMENT

The site is located within a Commercial 1 Zone in a Neighbourhood Activity Centre and within a Substantial Change Area as identified in the Darebin Housing Strategy 2013 (revised 2015). The policy indicates that the strategic vision for the site and area is for more intense development, so that the preferred character is for higher scale development than the surrounding residential area. However, the level of change is to be regulated by the zone and policy, as well as the strategic and physical context.

Nevertheless, the site abuts a mixed use development to the south and a low-scale residential area to the north and west. These characteristics indicate that consideration of scale and amenity impacts must be addressed, despite the opportunities for redevelopment. Nevertheless, the proposal is considered to be appropriate with regard to the physical and strategic/policy context.

The proposal also meets the principles established in the previous approval.

Clause 34.01 – Commercial 1 Zone Assessment

The site is located in a Commercial 1 zone where the purpose is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The shop use does not require a permit in a Commercial 1 zone, while the use of the site for accommodation requires a permit (as the proposed dwellings have a frontage at ground floor level that exceeds 2 metres). Therefore, a permit is required for use and buildings and works.

Importantly, as the site is in a Commercial zone, less weight is placed on amenity considerations than in a Residential Zone in terms of uses on the site and those on adjoining sites, as there must be an expectation for more substantial developments in a Commercial zone. However, development must acknowledge the adjoining uses and buildings and the strategic context in a site analysis and therefore design accordingly, i.e. a balance should be reached which maintains an acceptable level of amenity, if residential uses are to be encouraged in and around commercial zones.

Decision Guidelines

The zoning controls include decision guidelines when assessing planning permit applications for use and buildings and works. The following is a summary assessment against the decision guidelines:

- The site is located in a local convenience centre, where policy encourages redevelopment for commercial and medium density residential purposes. The proposal provides additional housing in an area capable of supporting increased densities. It provides an appropriate shop and residential use of the site, with an active façade and an appropriate design. The residential use is appropriate for the site and area, given the location of the site is proximate to facilities and urban consolidation policies. In this respect the proposal complies with the SPPF and the LPPF, in that the development provides an acceptable retail and residential use.
- Although the site is in a Commercial 1 Zone, it is adjacent to a residential zone to the west and north. Therefore, it must be sensitive to impacts on the adjacent dwellings. Nevertheless, the residential zone (and dwelling) to the west are separated from the subject site by a right of way and Burgess Street separates the site for the residential area to the north, so that the development form and scale is not excessive and an adequate transition is provided to this interface. It is considered that the proposal appropriately addresses this interface. Importantly, the proposal does not unreasonably affect the amenity of dwellings in the adjoining residential areas.
- It is noted that the site to the south contains residential uses on the first floor; however, these are located in a Commercial 1 Zone, where there must be a lesser amenity expectation than in the adjacent residential zone. Nevertheless, this development provides a large double storey wall along the common boundary, so that there will be no unreasonable impact on daylight, outlook or overshadowing to these dwellings. To the west the adjoining residential land is separated by the Right of Way; the front yard of this dwelling aligns with and is opposite the western boundary of the subject site. The development will not cause any overshadowing to secluded private open space areas, affect daylight to habitable room windows or affect any north-facing windows of this dwelling.
- The proposed residential use is appropriate and will not be affected by the nearby uses in the Activity Centre (noting a number of nearby mixed use developments in the Centre).
- The design provides adequate movement for pedestrians as well as vehicle access from the street frontage and rear, via the Right of Way, as per existing.
- Car parking provision is assessed in later sections of this report and is acceptable with one (1) car space for the two (2) and three (3)-bedroom dwellings in appropriately designed parking facilities. The parking reduction for the one (1) bedroom dwelling and shop is considered to be acceptable (see assessment in later sections of this report).
- The proposal provides an active façade with a shopfront and awning. Appropriate access is provided to the street frontage for the shop and the entry for the residential use is to the side. Adequate articulation is provided in the design, with appropriate floor setbacks and varied materials to the front, sides and rear. The original shop frontage is proposed to be retained to preserve the original character of the shop frontage, even though the site is not affected by a Heritage Overlay.
- The design provides space for storage of garbage and recyclables in the bin store area.

- The proposal provides an appropriate design with setbacks and articulation to address visual bulk and similar amenity considerations. Additionally, there will be no unreasonable overlooking. There is no unreasonable overshadowing of the adjoining residential area, as shadows will fall mostly over the adjoining front yard area (rather than any areas of secluded private open space).
- The site has access to drainage and services.
- The relevant objectives, standards and decision guidelines of Clause 55 are assessed in later sections of this report.

The buildings and works are acceptable and the proposal complies with the decision guidelines.

Clause 15.01 - Urban Design

In assessing and determining residential development applications not covered by Clause 55, regard must be had to the urban design principles of Clause 15.01.

Context

The proposal generally provides an acceptable design and provides retail and residential premises on the site, furthering urban consolidation objectives. It has had sufficient regard to the context of the location.

The applicant has undertaken a site analysis as part of the design process, which has informed the height, scale and massing of the development. The development is considered to provide a graduated increase in height over the nearby buildings (noting an increase in height of two (2) storeys is an acceptable transition over the adjoining double storey building in the commercial zone). It provides an appropriate transition to the adjoining lower scale residential area to the west, noting appropriate articulation, setbacks and a stepped building form to the rear.

The design is considered to be appropriate to the context of the neighbourhood and responsive to sensitive interfaces to the east.

Complies

The public realm

Typically development in the area (to the activity centre) is constructed with zero setbacks to the front and side boundaries, which is provided in the proposal. At ground level the façade is appropriate, with an active shop front and weather protection. The public realm will be not be significantly affected by the proposal. The canopy over the footpath will be required to maintain a minimum height clearance of 3 metres and a setback of 0.75 metres from the kerb. This can be requested via conditions of any approval.

Complies subject to conditions

Safety

The proposal maintains the surveillance of the street with appropriate pedestrian entries, balcony and windows to the façade. It provides an appropriate sense of address, which can be secured and maintains passive surveillance.

Complies

Landmarks, Views and Vistas

Views are not protected under local policy or any other specific design and development overlay. The proposal provides appropriate articulation to the facades through materials, design and varied setbacks. It is considered to provide a suitable outlook to surrounding properties.

CompliesPedestrian Spaces

The design provides appropriate pedestrian interaction and pedestrian amenity. Vehicle access is via the rear access and the Right of Way and will not detract from the frontage or pedestrian amenity and is supported. The design is considered appropriate, with interaction and surveillance and an appropriate scale.

CompliesHeritage

The site is not located within an area covered by a Heritage Overlay or proposed Heritage Overlay. Nevertheless, the existing original shop façade is proposed to be retained.

Not applicableConsolidation of Empty Sites

The development scale is consistent with the development in the area and maintains the active frontage. The development is consistent with the strategic intent of the area and provides appropriate works to complement the complexity and diversity of the built environment.

CompliesLight and Shade

Having regard to the site context and the orientation of the land, there is no unreasonable loss of sunlight/daylight to the public realm.

CompliesEnergy Resource and Efficiency

The proposal provides a mixed use development in an appropriate area to take advantage of existing services.

The proposal is considered to be generally energy efficient as: habitable rooms have adequate daylight and ventilation; the development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings; open space and living areas have access to light.

The development will be required to achieve appropriate sustainability standards under the Building Regulations.

A sustainable design assessment can be requested via conditions of any approval to ensure that the development achieves a high level of environmental sustainability.

Complies subject to conditions

Architectural Quality

The development will have a contemporary design with wall materials being masonry and lightweight cladding, with a flat roof. The materials and their application result in an appropriate architectural response. Details of plant and equipment will be required by condition on any approval. It is considered there is sufficient scope to locate metres and other services at ground level within a discreet cavity in the Storage Room wall to Burgess Street. This must not result in a reduction to storage capacity less than 5.0 cubic metres for each dwelling.

The elevations show well-articulated façades and an appropriate level of design detail.

Complies subject to condition

Landscape Architecture

The site is located in a commercial zone and a fine-grained retail context (i.e. narrow lots with shopfronts and zero front and side setbacks), with limited or no landscape character to this interface. Therefore, the lack of landscaped areas is appropriate in the context of the commercial/retail uses and development in the area.

Complies

Safer Design Guidelines (Department of Sustainability and Environment)

Element 1: Urban Structure

The proposal is consistent with the objectives of Connection, Activity, Legibility and Diversity. The proposal is appropriately connected to the Neighbourhood Activity Centre. It provides additional diversity to the dwelling types found in the area. The retail activity at ground floor and the residential activity at the ground and upper floors are appropriate. The proposal also provides passive surveillance opportunities from the shop and upper levels.

Element 2: Activity Centres

The proposal is consistent with the objectives of this element, providing a use compatible with the activity centre. The proposal ensures an attractive and safe environment.

Element 3: Building Design

The proposal maintains the street setback character and retains the shop façade and covered awning. The shop front maintains passive surveillance of the street.

The architectural language and detailing borrows from the form, materials and appearance of nearby older buildings but does not result in reproduction architecture. In particular the use of brickwork, vertical and horizontal banding using different materials, the use of timber to emphasise domestic character, light shade and modelling of the facades are achieved through balcony recesses. A high quality urban design outcome is considered to be achieved.

The height of the development responds to its site context as discussed in other sections of this report.

Element 7: Car Park Areas

Garages doors are provided to the car park and accessed from the accessway and rear Right of Way, which is secure. Further details of the treatment of the northern walls to the car stacker areas should be requested to ensure the selection of materials and articulation is appropriate. This can be addressed via conditions of any approval.

Activity Centre Guidelines (Department of Sustainability and Environment)

Element 1: Urban Structure

The proposal provides a mix of uses, contributing to the variety of uses in the activity centre and intensifying the use of the centre. The proposed design, with the residential use of the upper levels is appropriate. The proposal will not generate significant levels of traffic and traffic volumes will not impact detrimentally upon the Right of Way to the rear of the land.

Element 3: Street Design

The scale of the development is pedestrian in nature with upper levels having a visually recessed above the street canopies. The proposal provides an awning to the entry foyer as well and has no pedestrian or vehicle conflict points.

Element 5: Building Design

The design is generally consistent with environmentally sustainable principles (see Clause 15.01 assessment above).

Element 7: Higher Density Housing

- Higher density housing opportunity

The proposal maximises higher density housing opportunities for the site and makes efficient use of the modest site area without compromising internal amenity. All dwellings have rooms, living areas and balconies with generous dimensions.

- Building design

The scale of the development is more intensive having regard to surrounding existing development; however it is consistent with the strategic intent for the site and area. The development is also sympathetic to the emerging character of higher scale developments.

- Surrounding residential neighbourhoods

The design is well articulated and provides an appropriate transition to development to the side and rear and has no significant impact upon residential properties to the west.

Element 8: Car Parking

On street parking opportunities are not reduced by the development and local traffic will not be detrimentally impacted.

Clause 21.04 – Economic Development:

This policy is to enhance the viability of retail/activity centres in the municipality and places activity centres in a hierarchy. It generally encourages intensive use and development in and around activity centres and supports the accommodation of residential or mixed-use development. Additionally, retention and development of active frontages in activity centres is encouraged.

The Darebin Retail Activity Centres Strategy (a reference document at clause 21.04-3 of the Planning Scheme) indicates that the site is in the Miller on Gilbert precinct. The core role/function of the precinct (No. 36) is as follows:

Small neighbourhood shopping centre anchored by small IGA supermarket; good variety of retail uses with a full range of convenience stores; some vacancies at periphery, where there are non-retail uses including office, service industry; could allow mixed uses in these outlying parts of the centre

Clause 21.04-3 provides a number of policies with which use and development should comply. The proposal is considered to be acceptable in that:

- Mixed use developments development is encouraged in and around activity centres.
- Intensive development (including commercial and residential development) is to be facilitated in and around activity centres.
- Policy is to facilitate a higher intensity of activity in and around neighbourhood centres and local centres
- There is an active frontage at ground floor, with access to the dwellings from the side. Additionally, a canopy is incorporated in the design for weather protection.

It is also noted that there is a retail use at ground floor, with access to the dwellings from the side which maintains an active retail frontage. Additionally, a canopy is incorporated in the design for weather protection. The pedestrian access does not dominate the street frontage and car parking, bicycle parking and waste storage are at the rear. With the intensification of the site, the proposal provides better use of services and facilities in the area.

It is considered that the proposal complies with the policy requirements of clause 21.04.

Clause 22.06 - Multi Residential and Mixed Use Development

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.

This policy applies to mixed-use development (that includes a residential use) and multi-dwelling apartment development in a Residential Growth Zone, Mixed Use Zone, Commercial Zone, Priority Development Zone and a General Residential Zone (excluding land within DDO14 Northcote Major Activity Centre. It provides the following policy direction with regard to development.

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

Element	Comment	Compliance
Sustainability	<p>The development provides shared floors, internal stairs, multi storey construction, all of which contribute to energy efficiency. It is also noteworthy that energy ratings are also dealt with pursuant to the Building Regulations.</p> <p>Adequate natural light and ventilation is available to all habitable rooms within the dwellings. All dwellings and balconies are oriented to the north with the ability to maximise northern solar access.</p> <p>Where glazing is not to a balcony, external adjustable shading to the east, north and west windows must be requested via conditions of any approval.</p> <p>A Sustainable Design Assessment will be required by condition.</p>	Complies subject to condition
Design and Materials	<p>The design does not mimic the existing character of the area and provides an appropriate infill development that is respectful of the older built form character of the activity centre, in that the existing shop walls are to be retained and the use of brickwork at ground floor continues the palette of textures and materials found in nearby buildings.</p> <p>The development is proposed to be four (4) storeys and exceeds existing single and double storey building heights. However, it is considered that, given policy support and the emerging and preferred character of the area, a four (4) storey development is appropriate.</p> <p>It provides a graduated increase in height over adjoining building forms (noting a 1-2 storey increase over existing low-scale buildings can be an acceptable transition in a substantial change area). The proposed relationship to adjoining properties is appropriate, given the scale, setbacks and height.</p> <p>The development exhibits an appropriate standard of design, materials of construction and external finishes. The proposed materials palette consists of brick and lightweight cladding. These are considered to be appropriate and present a contemporary design. There is adequate articulation through materials and adequate setbacks to the upper floor areas to mitigate the visual bulk and provide an appropriate transition.</p> <p>The proposed design provides an active street frontage, awning to the façade, passive surveillance, articulation through setbacks and materials and an acceptable contemporary design.</p>	Complies

	<p>The proposed boundary wall is appropriately located to take into account the development of adjoining site.</p> <p>Further detail of air conditioning and plant is to be requested via conditions of any approval.</p>	
Building Height	<p>A consideration of height requires a balanced deliberation of all the related policy drivers such as: urban design; policy direction; housing diversity; affordability; and urban consolidation. Furthermore, the consideration of height should be balanced against the design and massing of the building and its response to the preferred character, including adjacent dwellings.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations well served by public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive scale and built form.</p> <p>At a local planning level, there is a preferred character for higher scale development on this site and in the area.</p> <p>Surrounding development in the commercial zone is predominantly single and double storey in scale (with a lower scale residential area adjacent), and an emerging higher scale character in the activity centre.</p> <p>The proposed four (4) storey building height is 13.6 metres and is not excessive given the corner location of the site where direct sensitive interfaces do not exist; and having regard to the scale envisaged in an activity centre. The proposal provides an appropriate graduated height increase over the adjoining structures and is not a significant departure from the single and double storey scale of development nearby.</p> <p>In addition, the proposed four (4) storey building height is envisaged in the Gilbert Road Corridor Built Form Review which anticipates a four (4) to five (5) storey height on corner allotments.</p> <p>Therefore, considering the above, the building height has been appropriately determined with regard to the site context or application of the other elements of this policy.</p>	Complies
Dwelling diversity	<p>The development provides a diversity of layouts comprising one (1) x 1-bedroom, one (1) x 2-bedroom and two (2) x 3-bedroom dwellings with a variety of configurations and offering dwelling diversity in the area that is comprised predominantly of detached dwellings.</p>	Complies
Parking and vehicle access	<p>Vehicle access is appropriately provided via the Right of Way and existing crossover, with a single crossover to the street.</p> <p>The parking is at the rear and is not a dominant feature. The vehicle access and rear parking are acceptable.</p> <p>Bicycle parking is provided.</p>	Complies

<p>Street address</p>	<p>The proposal meets the policy guidelines in respect to street address in that the retail premises has an active street frontage and the residential addresses are via a smaller side entrance.</p> <p>An active shopfront and weather protection are provided in the design.</p> <p>The proposal provides good pedestrian access directly from the street frontage. The dwellings provide windows and balconies to the street frontages.</p> <p>Mailboxes may be located to the entry area and the entry area may be adequately lit subject to conditions.</p>	<p>Complies subject to condition</p>
<p>Amenity Impacts Including Overshadowing and Overlooking</p>	<p>There is an adjacent dwelling to the west. The subject site is adjacent to the front yard area, so that there is no unreasonable overlooking, daylight or overshadowing impacts.</p> <p>There will be no unreasonable overlooking to the north, given the distance is greater than 9 metres.</p>	<p>Complies</p>
<p>On-Site Amenity and Facilities, including Private Open Space</p>	<p>The dwellings are located at first, second and third floor levels and access is via stairs and lift. The ground floor will be accessible to people with limited mobility.</p> <p>The mechanical lift does interface with living rooms and bedrooms of the dwellings and may result in noise impacts. Acoustic treatment of the lift core will be required. Noise impacts arising from the Road Zone abuttal with Gilbert Road will also require acoustic treatment of windows to the development. An acoustic report addressing these matters may be requested via conditions of any approval.</p> <p>The dwellings have an appropriate sense of street address and entry from Burgess Street in compliance with Clause 55.05-2. The entry is provided shelter through the provision of a canopy over the footpath.</p> <p>Habitable room windows will have access to natural light and ventilation and will face an appropriate outdoor area in compliance with Clause 55.05-3.</p> <p>Private open space is to be provided in the form of balconies and decks that have the following areas:</p> <ul style="list-style-type: none"> • Unit 1: 9.1 square metre balcony with minimum dimension of 1.6 metres. • Unit 2: Two (2) balconies with an area of 9.4 and 8.4 square metres each and a minimum dimension of 1.6 metres. • Unit 3: A deck with an area of 22.5 square metres and a minimum dimension well in excess of 1.6 metres. • Unit 4: Two (2) decks with respective areas of 14.8 and 19.4 square metres and minimum dimensions well in excess of 1.6 metres. <p>The dwellings also enjoy smaller additional balconies that provide outlook and ancillary outdoor areas which may be used for other purposes such as pot plants, clotheslines etc. and are not included in the above listed allocations.</p>	<p>Complies subject to condition</p>

	<p>It is noted that Deck 1 on the first floor should be allocated to Unit 1 as per the schedule on this plan. Instead, this deck is shown with access to Unit 2. This may be corrected via conditions of any approval given.</p> <p>Weather protection is to be incorporated to the private open space areas, to be requested via conditions.</p> <p>The dwellings have external storage; however, these are to be confirmed to have a volume of 5.0 cubic metres minimum.</p> <p>Appropriate space is available for services.</p> <p>A single communal antenna may be required by condition.</p>	
Waste Management	<p>An area to store waste and recyclables for the dwellings and shop is provided at ground level. There is sufficient area on the Burgess Street nature-strip in front of the site for Council to collect waste. Waste associated with a commercial use is required to be collected privately. This may be addressed via conditions.</p>	Complies subject to conditions
Equitable Access	<p>The ground floor of the development is accessible to persons of limited mobility. Appropriate disabled access may be provided to the commercial premises.</p> <p>The upper level is provided with lift access.</p>	Complies

Clause 55 Assessment

As the site is in a Commercial 1 Zone the provisions of Clause 55 do not apply; however the decision guidelines of Clause 34.01 require Council to consider “*the objectives, standards and decision guidelines of Clause 54 and Clause 55*”. The relevant standards in Clause 55 are set out in Clause 22.06-3.9 of the Darebin Planning Scheme and have been assessed under this clause in earlier parts of this report.

Clause 52.06 Car Parking

Number of Parking Spaces Required

Clause 52.06 requires car parking to be provided for the development as follows:

Use	Rate	Area/Number	Required
Shop	4 spaces per 100 square metres	57.43 square metres	2 spaces
Dwelling	1 space per 1 or 2 bedroom dwelling	2 dwellings	2 spaces
	2 spaces per 3 or more bedroom dwelling	2 dwellings	4 spaces
	1 space per 5 dwellings for visitors	4 dwellings	0 spaces
Total			8 spaces

The proposal provides a total of four (4) car spaces, which should be allocated to the two (2) and three (3) bedroom dwellings. Car parking should be allocated to provide:

- No car parking space for the shop
- No car parking space for the 1-bedroom dwelling (Unit 2)

- 1 car space for the 2-bedroom dwelling (Unit 1)
- 1 car space for the 3-bedroom dwelling (Unit 3)
- 2 car spaces for the 3-bedroom dwelling (Unit 4)

Therefore, a reduction of four (4) car spaces is sought.

Clause 52.06-6 requires a Car Parking Demand Assessment to be submitted for applications to reduce the car parking requirement under Clause 52.06-5.

The application to reduce the car parking requirement for the development is considered acceptable due to the following:

- The site has access to on-street car parking spaces to the street frontages in this activity centre. These car spaces are ample and are able to cater to the expected demand for retail clients/visitors.
- The site has access to the #11 tram route with a stop directly in front of the site.
- The parking demand associated with the parking reduction for the retail staff will generally be during the business hours (minimising the effect on the nearby residential area during the evening periods).
- The parking reduction associated with the dwellings is minimal and may be absorbed by the surrounding street network.
- There is currently one (1) car parking space on the site within a single garage. There is an existing dwelling and commercial tenancy on the site. Credits in association with the existing uses provide an offset to the parking reduction sought by the development, given that the current parking provision on the site associated with the existing uses does not meet the statutory ratios.
- Bicycle parking is provided on the site where there is no statutory requirement to include bicycle parking for the development. The bicycle parking offsets the car parking reduction sought by encouraging green mode of travel. However bicycle parking dimensions are required to be included on the plans in accordance with AS 2890.3:2015. This can be addressed via conditions.
- The site is within an activity centre close to shops and services. The activity centre location with direct access to public transport as well as major cycling infrastructure along St Georges Road can affect the need for car ownership.
- Australian Bureau of Statistics (ABS) data supports the reduction of car parking for the one (1) bedroom apartment in this location.

Design Standards for Car parking

In terms of parking design and layout (under Clause 52.06-8), the following is relevant:

Design standard 1 – Accessways

- The Right of Way has width of 3.05 metres.
- Access to and from the proposed N4902 car stacker system is directly to and from Burgess Street, which has an approximate width. Swept Paths conducted by One Mile Grid (applicant's traffic consultant) demonstrate that access to and from the proposed single car space can be achieved in a satisfactory manner.
- Access to the semiautomatic N5202 car stacker system has been provided to and from the Right of Way. One Mile Grid has prepared a swept path assessment that demonstrates satisfactory ingress/egress movements that is supported by Council.

- Adequate headroom appears to be provided to the garage. Conditions should require minimum headroom of 2.1 metres.

Complies subject to conditionDesign standard 2 – Car parking spaces

- The garage dimensions exceed 6 metres length x 5.5 metres width and comply with the minimum requirements of the standard.
- The accessway width is greater than 6.4 metres and provides adequate access.

CompliesDesign standard 3 – Gradients

- Not applicable – there are no ramp gradients

CompliesDesign standard 4 – Mechanical parking

- The car spaces are provided in stackers, with the westernmost car space having a trafficable lid allowing the adjacent cars to reverse over the top.
- In accordance with Design Standard 4 requirements, at least 25% of the mechanical car stacker spaces can accommodate a vehicle clearance height of at least 1.8 metres. This notwithstanding it is recommended that the pit depth be increased to 2.2 metres to enable all platforms in both systems to accommodate a vehicle height of 1.8 metres. This may be requested via conditions of any approval.

Complies subject to conditionDesign standard 5 – Urban design

- The garage is at the rear and ensures that the parking will not visually dominate the streetscape.
- There are no access points to the front setback.

CompliesDesign standard 6 – Safety

- Access to the garage is to the rear where there is less pedestrian activity. Furthermore, the garage services only four (4) car spaces, which will not generate excessive traffic movement.
- Pedestrian access to the site is from the front and is clearly delineated.

Complies subject to conditionDesign standard 7 – Landscaping

- The parking access is at the rear and does not provide excessive paved surfaces.

Not applicable

Clause 52.07 – Loading and Unloading of Vehicles

The purpose of the clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety. There is sufficient on-street opportunity for loading and unloading of goods for the site.

The floor area of the retail premises is limited and as per many small commercial/retail uses nearby, loading and unloading via the front entrance can be accommodated (as per existing). It is considered that adequate on-street opportunity is available for loading and unloading vehicles.

Conclusion

The site is situated within an activity centre and it is considered that the development will contribute positively the area. The provision of additional dwellings and maintenance of a retail frontage allows the continuation of the active frontage and also provides an increased client base for the retail/commercial area, which will contribute to the on-going viability of the area.

The proposal is an appropriate design response, provided that some changes are made to provide appropriate parking allocation to the dwellings, lighting. Therefore, it is considered that the development meets the requirements of:

- State Planning Policy Framework
- Local Planning Policy Framework
- Objectives, requirements and assessment guidelines as contained at clauses 34.01, 52.06 and 65 of the Decision Guidelines

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation.
Transport Management and Planning	<p>Comments summarised:</p> <ul style="list-style-type: none"> • The proposal should provide 1 space for the 2 bedroom dwellings and 2 spaces for the 3 bedroom dwellings. • The spaces for the shop and 1 bedroom dwelling may be waived. • The applicant is to provide an appropriate swept path analysis. • Proposed crossover or widening of existing crossover is not supported. <p><u>Officer's comments:</u> The plans have since been amended, so that the existing crossover is to be widened only marginally (i.e. 300mm) and four (4) car spaces are provided on the site. Notwithstanding the above comments, it is reasonable and equitable to provide one (1) car parking space for each dwelling. This can be requested via conditions.</p>
Assets and Property	No objection. The Right of Way is constructed and is on Council's road register.

Department/Authority	Response
Strategic Planning	<p>Comments summarised:</p> <ul style="list-style-type: none"> • The site is in a Neighbourhood Centre and a substantial change area. • It appears to comply with clause 22.06. • It appears to largely address the proposed built form guidelines. • The mix of dwellings is highly supported. • The rear setback is appropriate. • The materials are appropriate. • A consolidated site is preferred, but this is unlikely as 23 Gilbert Road has recently been redeveloped. • Bedrooms to a main road are not ideal, but are acceptable, given good amenity in general. • Retention of the shopfront is supported. • Separate bin store required for the shop. • Deletion of shop parking is supported in favour of more bicycle parking. • One (1) car space per unit is acceptable, given the adjacent tram line and access to bike paths. • Warp around verandah is supported. • Horizontal banding detail is preferred to the north façade. • External adjustable shading to the east, north and west windows. • North façade should be divided into smaller vertical components. • Residential entry to be vertically framed. • Pergola to the third level is not ideal, but is acceptable. <p>Subject to the above, the proposal is supported.</p> <p><u>Officer's comments:</u></p> <p>Subsequent to the above comments, the application has been amended and addresses a number of the above comments. Any remaining outstanding concerns can be addressed via conditions.</p>

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 34.01-1 (Commercial 1 Zone) a planning permit is required for accommodation as the residential frontage at ground floor level exceeds 2 metres.
- Clause 34.01-4 – Construct a building or construct or carry our works.
- Clause 52.06 – Reduce or waive the car parking requirements.
- Clause 52.07 – Waive the loading/unloading requirements.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01, 11.02-1, 11.04-2, 15.01-1, 15.01-2, 15.01-5, 15.02, 16.01, 17.01, 18, 19.03-1
LPPF	21.02-3, 21.03-1, 21.03-2, 21.03-3, 21.03-4, 21.04, 21.05, 22.06
Zone	34.01
Overlay	45.06
Particular provisions	52.06, 52.07, 52.34, 55
General provisions	65.01
Neighbourhood Character Precinct	Not applicable

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

ATTACHMENTS

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

DISCLOSURE OF INTERESTS

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

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

**5.3 APPLICATION FOR PLANNING PERMIT D/11/2016
552-556 Plenty Road, Preston VIC 3072**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Ikonomidis Reid	Qing Chen	West Urban Group Keystone Alliance TTM consulting LID Impact Development Consulting

Summary

- Development of a three (3) storey development comprising 10 dwellings with four (4) x three (3) bedroom dwellings and six (6) x two (2) bedroom dwelling. There are 16 car spaces (exceeding the planning scheme requirement of 14 car spaces) and each dwelling has a courtyard or a balcony.
- The site is zoned General Residential Zone (Schedule 3).
- A Development Contributions Plan Overlay applies.
- There is no restrictive covenant on the title for the subject land. An easement for carriage-way is along the southern boundary.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

Consultation

- Public notice was given via 2 signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the capital works unit, planning arborist, transport management and planning unit and the ESD officer.
- This application was referred externally to VicRoads.

Recommendation

That Planning Permit Application D/11/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP02, TP03, TP04 and TP05, Revision B dated May 2016, job no. 010460 and colour schedule received 19 May 2016 prepared by Ikonomidis Reid) but modified to show:

Landscaping

- a) A minimum of two (2) semi mature canopy trees in the rear setback, one (1) within each of the secluded private open space areas of Dwellings 3 and 4 and two (2) semi mature canopy trees in the front setback of the property. 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).

Internal amenity

- b) The first floor balconies of Dwelling 5, 6 7 and 8 setback 5.5 metres from the east boundary with the balconies to measure a minimum 8 square metres and a minimum 1.6 metre dimensions with no reduction in wall or balcony setbacks from any boundary.

ESD

- c) Sun shading devices on the north façade located 200 mm above window heads.
- d) Skylights / daylight tubes to the Dwelling 9 and 10 second floor ensuites.
- e) External operable shading devices to west facing habitable room windows / balconies.
- f) Details of window opening type shown with awning windows to habitable room windows minimised.
- g) Details of double glazing on west facing windows to limit heat loss / gain and address noise issues associated with Plenty Road.
- h) All ground and first floor sanitary flushing to operate using 12,000L rainwater tank.
- i) Individual metre boxes.
- j) Any modifications in accordance with the approved Sustainable Management Plan SMP (Refer to Condition 4 of this Permit).

Overlooking

- k) Material OG notated as fixed obscure glazing.
- l) The first floor east facing balconies and windows (where no behind balconies) of Dwelling 5, 6 7 and 8 provided with either:
 - i) A sill with a minimum height of 1.7 metres above finished floor level;
 - ii) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
 - iii) Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

Visual amenity

- m) 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.
- n) Height of clothes drying racks shown with heights to minimise visibility from the surrounding properties / public realm.
- o) Internal east elevation.

- p) A comprehensive schedule of construction materials, external finishes and colours (including colour samples) with the extent of render / painted materials at first and second floors reduced. Construction materials are to be low maintenance. External materials and finishes (including glazing) are to be of a low reflectivity level.

Internal amenity

- q) Any modifications and / or notations in accordance with the Acoustic Report (Refer to Condition No. 17 of this Permit).

Landscaping

- r) A Landscape Plan in accordance with Condition No. 5 of this Permit.
- s) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 2 metres from the outside edge of the trunk for the two street trees in the frontage in accordance with the requirements of Condition 8 of this Permit.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before the development starts, a revised Sustainable Management Plan (SMP) generally in accordance the document identified as *ESD Management Plan dated May 2016 prepared by Westurban* 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 revised to include a full copy of the BESS Assessment.

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.

5. Before buildings and works start, a revised Landscape Plan generally in accordance the document identified as Sheet A1 Rev B dated May 2016 prepared by Keystone Alliance must be submitted to, and approved in writing by the Responsible Authority. The document is to be revised to show:
- a) The proposed building accurately.

- b) A minimum of two (2) semi mature canopy trees in the rear open space of Dwelling 2 and 3. 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).
 - c) Replacement of toppings with grass or other soft landscaping.
 - d) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - e) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 2 metres from the outside edge of the trunk for the two street trees in the frontage in accordance with the requirements of Condition 8 of this Permit.
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, a Tree Protection Fence must be erected within in the road reserve grassed verge only) around the two tree in the road reserve at a radius of the 2 (measured from the outside edge of the trunk) to define a 'Tree Protection Zone'.
- This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.
- The Tree Protection Fence must remain in place until construction is completed.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone.
- No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
- The ground surface of the Tree Protection Zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.
9. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.

13. 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 the development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that the design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum 45 dB(A) (living areas) and 40 dB(A) (bedrooms) in accordance with relevant Australian Standards for acoustic control (including AS3671 – Road Traffic and AS2107 – Recommended Design Sound Levels).
17. 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) Line marked; and
 - e) Drained.to the satisfaction of the Responsible Authority.
Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
VicRoads
18. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation and/or Responsible Authority prior to the occupation of the buildings hereby approved.
19. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.

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.

VicRoads

N5 The proposed development requires the removal and construction of crossovers. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

Introduction and Background

Consideration of this item was deferred from the Council Meeting of 20 March 2017 to adequately inform parties that the application is being considered by Planning Committee and to provide the opportunity for parties to participate in the Planning Committee process.

On 21 September 2015 Amendment C137 – Plenty Road Corridor was adopted by Council and submitted to the Minister for approval. The proposed development does not meet the requirements of Amendment C137 as adopted in relation to the adopted 30 degree building envelope.

Issues and Discussion

Subject site and surrounding area

- The site is comprised of two (2) allotments. It is irregular in shape, with an angled frontage of 20.02 metres combined, a maximum depth of 48.06 metres (to the south boundary) and an area of 1,103 square metres.
- The site is located on the east side of Plenty Road, adjacent to the intersection of Youngman Street and Plenty Road.
- The site is located within the General Residential Zone GRZ2 and the Development Contributions Plan Overlay applies. Plenty Road is a Road Zone – Category 1.
- Each of the allotments on the subject site contains a single storey weatherboard dwelling, with pitched tiled roofs.
- The site has two crossovers, one to the south of each lot providing vehicle access.
- The site slopes up 1.1 metres from the northwest corner (front) to the south east corner (rear).

- There is no significant vegetation on the subject site or adjoining sites.
- To the north of the site is a single storey detached dwelling.
- To the south of the site is a single storey detached dwelling.
- On the opposite side of Plenty Road are a number of multi dwelling developments and detached dwellings.
- To the east are the rear yards of single storey dwellings fronting Kithchener Grove.
- There are a number of medium density developments in the area and a varied building form of single and double storey heights.
- The Route 86 Tram runs directly in front of the site, Route 555 Bus runs along Wood Street and Route 527 and 903 run along Murray Road. The site is approximately 1.1km to the north east of the Preston Railway Station and approximately 600-800 metres from the Preston Principal (Multi-Use) Activity Centre. The Plenty Rd/Beauchamp St Local Convenience Centre is located approximately 200 metres to the south and the Plenty Rd/Wood St Local Convenience Centre is located approximately 150 metres to the north.
- The west side of Plenty Road has clearway controls from 4pm to 7pm Monday to Friday and 1 hour parking 9am to 4pm Monday to Friday and 8am to 12:30pm Saturday. The east side of Plenty Road has clearway controls from 6:30am to 9:30am Monday to Friday.

Proposal

- Construction of a three (3) storey residential development comprising 10 dwellings with four (4) x three (3) bedroom dwellings (dwellings and six (6) x two (2) bedroom dwelling. There are 16 car spaces (exceeding the planning scheme requirement of 14 car spaces) and each dwelling has courtyard or a balcony.
- Unloading of vehicle requirements and a reduction in the car parking requirement.
- The maximum overall height of the proposed development is 10.88 metres.
- Each of the dwellings is provided with private open space in the form of a courtyard or balcony that range from 8 to 50 square metres in area.
- A total of 16 car parking spaces are provided including 1 car space per 2 bedroom dwelling, 2 car spaces per three bedroom dwelling and 2 visitor car spaces.

Objections

- Six (6) objections have been received against the application.

Objections summarised

- Over supply of 1 and 2 bedroom dwellings / under supply of family accommodation / dwelling diversity
- Insufficient front setback
- Contrary to Clause 55
- Insufficient Private Open Space / reverse living arrangement
- Poor internal amenity of dwellings due to proximity of driveway
- Insufficient area of living spaces
- Removal of significant trees and insufficient landscaping areas
- Impact on street trees

- Contrary to Clause 22.06
- Inappropriate materials
- Lack of equitable development opportunities
- Overlooking
- Overshadowing
- Character – form, scale, materials and contemporary design not appropriate
- Not sustainable
- Traffic impacts / safety
- Overdevelopment
- Height
- Visual bulk
- Inappropriate Setbacks
- Walls On Boundaries
- Noise
- Excessive site coverage
- Insufficient permeability
- Insufficient storage
- Reduction of car parking inappropriate
- Warrants consideration by the Darebin Planning Committee
- The proposal does not add net value to the community
- The number of objections indicates a negative social effect
- Does not meet the standards in the Planning Scheme
- Will not guarantee affordable accommodation
- Application advertised as 11 dwellings not 10 as proposed
- Impact on Views / plant and equipment / clotheslines / storage

Officer comment on summarised objections

Over supply of 1 and 2 bedroom dwellings / under supply of family accommodation / dwelling diversity

Council's Municipal Strategic Statement (MSS) sets out the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. Relevantly, Clause 21.02-2 sets out the following key influence with respect to population growth and change:

“Ageing families and declining household sizes are placing pressure on housing supply as fewer people occupy more housing.”

The MSS continues with the following future housing issue at 21.01-4:

“Facilitation of well-designed housing to meet anticipated housing needs, both in terms of number and diversity.”

The policy guidance with respect to housing is contained in Clause 21.03. While there is strong policy support for appropriate medium density in-fill in well serviced locations, it is Clause 21.03-3 (Housing Diversity and Equity) that is of particular relevant to the objectors' concerns.

The overview sets out (extracted as relevant):

"Housing affordability is a particular housing issue in Darebin. Lack of affordable housing and high rental prices can aggravate housing stress and homelessness. Housing affordability, income levels and demand for social and public housing are highly correlated. An increase in the supply of affordable housing could ease housing stress of low income earners and can decrease the demand for social housing."

This informs the following objectives (extracted as relevant):

"To ensure that housing diversity is increased to better meet the needs of the local community and reflect demographic changes and trends."

"To increase the supply of affordable and social housing"

An oversupply of one (1) and two (2) bedroom dwellings is unsubstantiated by any statistical data and is contrary to the demographic issues and housing objectives contained in Council's MSS. The development comprises a reasonable mix of dwelling types and configurations and adds to the mix of housing types in the immediate area, which includes detached dwellings and medium density developments.

Insufficient front setback

See assessment below.

Contrary to Clause 22.06 and Clause 55

See assessment below.

Insufficient Private Open Space / reverse living arrangement

See assessment below.

Poor internal amenity of dwellings due to proximity of driveway

See assessment below.

Insufficient area of living spaces

See assessment below.

Removal of significant trees and insufficient landscaping areas

See assessment below.

Impact on street trees

Council's arborist has reviewed the location of crossovers and is satisfied that a setback of 2 metres will allow for the retention of street trees. Tree protection measures during construction are also recommended.

Inappropriate materials

The proposal is consistent with the strategic intent of the area. The proposed design is not mock historic which is preferred and the design is not overstated or visually obtrusive and will bring a richness of urban form to the street. See assessment below.

Lack of equitable development opportunities

See assessment below.

Overlooking

See assessment below.

Overshadowing

See assessment below.

Character – form, scale, materials and contemporary design not appropriate.

See assessment below.

Not sustainable.

The proposal has provided an appropriate Sustainable Management Plan. Urban consolidation is more environmentally friendly than urban sprawl and this is reflected in State and Local planning policy.

Traffic impacts / safety

Transport Management and Planning Unit have no objection to the proposal subject to conditions. These conditions will be placed on any approval.

The applicant has submitted a traffic and parking assessment which concludes that the development would not create adverse traffic impact to the surrounding road network. This assessment has been reviewed and supported by Council's Transport Management and Planning Unit.

The proposal will not significantly exacerbate any traffic or parking problems.

Overdevelopment

See assessment below.

Height

See assessment below.

Visual bulk

See assessment below.

Inappropriate Setbacks

See assessment below.

Walls on Boundaries

See assessment below.

Noise

The residential use is likely to have noise impacts consistent with those normal to a residential zone. Speech, laughter and music are noises associated with people living their lives and are all part of life in an urban area.

A condition will require equipment and plant to be located to minimise noise impacts.

Excessive site coverage

The site has a 70% site coverage which whilst high is consistent with the strategic intent of the site.

Insufficient permeability

The site has a 30% site permeability which is consistent with the strategic intent of the site.

Insufficient storage

6 cubic metres of storage is provided per dwelling complaint with Clause 55 requirements.

Reduction of car parking inappropriate

The proposal provides car parking in excess of the planning scheme requirements. See assessment below.

Warrants consideration by the Darebin Planning Committee

The matter is being considered by Planning Committee.

The proposal does not add net value to the community

This ground is unsubstantiated. The proposal provides a residential development in a residential zone resulting in community benefit. There have been no demonstrated disbenefits associated with these uses.

In *Backman and Company Pty Ltd v Boroondara City Council* the following was noted:

“As I have highlighted, parties seeking to rely on Sections 60(1B) and 84(2)(jb) of the Planning and Environment Act face a significant task in order to substantiate a significant social effect in relation to a housing proposal on residentially zoned land. That significant task extends much further than just garnering a significant level of opposition to a proposed development.

Firstly, parties alleging a significant social effect have to ascertain what the actual significant social effect is, in the framework of a zoning regime where one does not need a permit to use residentially zoned land for residential purposes. The mere identification of significant community opposition to a proposal is not a significant social effect of itself. Secondly, the significant social effect will need to be sufficiently documented with evidentiary material to demonstrate the likelihood, probability and severity of the social effect.

The identification of a social effect is not sufficient, as it also needs to be demonstrated that the social effect will be significant. Thirdly, as identified in the Rutherford decision, it will need to be demonstrated that any significant social effect outweighs any social benefits that might result from a balanced assessment of a development proposal”

The number of objections indicates a negative social effect

Section 60(1)(f) of the Act, deals with significant social effects. This section states:

- (1) *Before deciding on an application, the responsible authority must consider-*
 - (f) *any significant social effects and economic effects which the responsible authority considers the use or development may have.*

In *Hoskin v Greater Bendigo City Council [2015] VSCA 350 (16 December 2015)* The Supreme Court of Appeal made the following observations about section 60(1)(f):

- (1) *Section 60(1) describes matters which the responsible authority and, in turn, the Tribunal must consider. It does not stipulate that a particular matter should necessarily be determinative of the decision as to whether a permit be granted or refused.*
- (2) *It is for the responsible authority and, in turn, for the Tribunal on review to determine whether something constitutes a significant social effect and what weight it should be given in reaching a decision whether to grant or refuse a permit.*

It is considered that 6 objections, in itself, is not a determining factor as to whether there are negative social effects or if a permit should be granted or refused in this instance.

A development of 10 dwellings is not considered to be likely to cause significant social effects for residents or visitors to the area.

This ground is unsubstantiated. There are no demonstrated dis-benefits associated with the development. The proposal provides additional dwellings on the site consistent with the strategic intent of the area, resulting in community benefit.

Does not meet the standards in the Planning Scheme

The proposal has been assessed against relevant standards contained within the Scheme with particular focus on proposed planning scheme Amendment C137, and Clauses 22.02, 52.06 and 55. As can be seen in the assessment below, the proposal has a high level of compliance with these provisions.

Will not provide affordable accommodation

The proposal will provide ten dwellings on a site where there is only two (2) dwelling at present and thus provides a level of affordability and diversity, in compliance with relevant State and Local policies.

Application advertised as 11 dwellings not 10 dwellings as proposed.

This is correct. Notwithstanding the error in the notice the application does not require readvertising.

Impact on Views / plant and equipment / clotheslines / storage

The Tribunal has consistently held that there is no legal entitlement to a view, similarly no Design and Development Overlay applies which might require the protection of, or sharing of view lines.

Despite this, the development as a whole must be considered upon whether the impact as a result of the proposed development imposes an excessive intrusion in the skyline beyond the 'reasonable' expectation of neighbours.

The proposed building height is consistent with the strategic intent of the area and Amendment C137.

Permit Conditions are recommended to minimise the visual impact of equipment and plant.

Planning Assessment

Municipal Strategic Statement Clause 21.03 - Housing

The subject site is located within a Substantial Housing Change Area. The proposal assists in the provision of a range of housing styles and densities in the locality and is an appropriate development of land.

Status of Amendment C137

On 21 September 2015 Council adopted Amendment C137 which proposes to introduce an array of rezoning and apply a Design and Development Overlay DDO17 prescribing a range of built form outcomes along the Plenty Road corridor.

The documentation has evolved over the course of this planning scheme amendments being processed including the following (as exhibited and supported by Panel) for the subject site:

- 45 degree setback envelope exhibited and supported by the panel, 30 degree setback envelope supported by Council (the proposal generally sits within the 30 degree envelope).
- Building height of up to 4 storeys.

Amendment C137 has been prepared, exhibited and referred to an independent panel. The report provided by the panel set out a series of recommendations and the proposal is consistent with these. The proposal is also consistent with the more conservative Council adopted position.

The Design and Development Overlay is a seriously entertained planning document and provides guidance for the application. The provisions of Amendment C137 are taken over those within Clauses 22.02, 22.06 and 55.

Building Height

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

The proposed DDO17 specifies that:

Any new building must not exceed the maximum height shown on the maps to this schedule...[t]he maximum heights shown on the precinct maps to this schedule cannot be varied with a permit.

The Council adopted sub-precinct specifies a four storey height limit for the subject site. The proposed three storey building height complies with the maximum height as adopted by Council. The 10.88 metre building height is an appropriate planning outcome.

The site is located within a main road corridor where higher densities and a higher built form are encouraged and are a clear part of the existing streetscape character.

Indeed the future character of such areas is envisaged to be higher scale, to accommodate a larger proportion of residential development.

The height and scale of the development follows the preferred strategic direction for this section of the Plenty Road corridor.

The elevations are provided with ample articulation through setbacks, materials and openings. Sunlight access to public spaces and secluded private open spaces to the south will not be unreasonably affected.

Building Setbacks

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

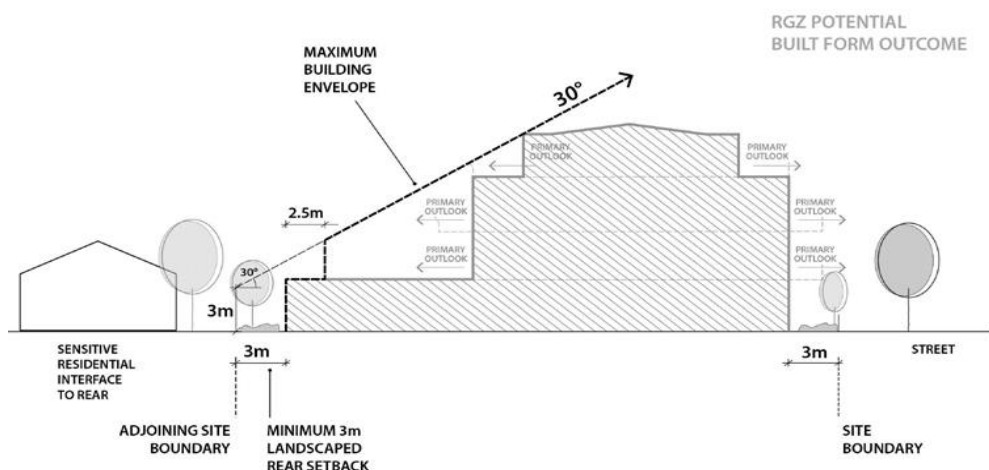
The building design requirements under the DDO17 specific to the site seek:

Multi-storey residential with mixed use at ground level. High quality front of building design consisting of a podium between 1 – 4 storeys with taller built form set back from Plenty Road towards the middle of the site and set back from sensitive interfaces to the south;

Taller built forms should be positioned closer to Plenty Road with a distinctive podium to give proportion and scale to the lower levels that reinforce a pedestrian scale and active frontage to the street frontage;

Within 10m of the rear boundaries with adjoining the sensitive residential interfaces, the built form should be no higher than two storeys above the height of the existing adjoining dwellings to address potential off-site amenity impacts;

The proposed DDO also includes the following envelope:



The Dwelling 5, 6, 7 and 8 first floor balconies need to be setback 5.5 metres from the rear boundary. Subject to this change the proposed setbacks from the rear boundary comply with the exhibited 45 degree and adopted 30 degree DDO envelopes and provisions.

A front setback of 3.5 metres is proposed where the DDO contemplates a 3m front setback. The front setback is appropriate.

Not including walls on boundaries setbacks at ground floor from are generally 1.8 metres to 2 metres the north boundary and 3 metres from the south boundary. Setbacks from the north and south boundary are 3 metres at first floor. Setbacks from the north and south boundary are approximately 7.3 metre at second floor. These setbacks all comply comfortably with Standard B17 of Clause 55 and as a design response represent a generous setback from secluded private open spaces to the south and north having regard to the proposed zoning of the land under amendment C137.

Site coverage, permeability and walls on boundaries requirements

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

The proposed DDO controls allow 80 per cent site coverage, a minimum 10 per cent site permeability and a maximum 80 per cent walls on side boundaries. The proposal sits comfortably within these parameters with 70% site coverage, 20% site permeability and 8 per cent of walls the north boundary length.

Building design requirements

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The proposed building has been assessed against the proposed and existing building design requirements as follows:

- The building adequately addresses Plenty Road with dwellings orientated to the street.
- The proposal provides natural light and ventilation to habitable rooms.
- Whilst it consolidates two lots the development retains the prevailing grain size and streetscape rhythm by virtue of massing of the design to Plenty Road.
- The building provides passive surveillance of the public realm through habitable ground floor windows and balconies and living areas to Plenty Road on the first floor above.
- Landscaping opportunities are provided through the site. No landscaping elements are proposed to Plenty Road such as green walls or roofs to soften the built form. Given the detached three storey scale, a storey less than allowed by the DDO which contemplates boundary to boundary development, and the 3.5 metre front setback which is 0.5 metres greater than allowed by the DDO this is an acceptable outcome.

- All site services have been located internal to the building and are not visible to the public realm.
- The ground floor provides an appropriate activation of the public realm.
- Dwellings front the street and the common residential entry is clearly delineated.
- The development is generally be sited, designed and treated to mitigate impacts from noise sources from the common vehicle access way and Plenty Road. An acoustic assessment should be provided to ensure the design provides suitable acoustic attenuation.
- Materials include concrete block, timber, render coloured which is an acceptable materials pallet.
- The elevations show a well-articulated façade and an appropriate level of design detail.
- Conditions of any approval will require further details of plant and equipment.
- The plans generally detail a flat roof form with the exception of two pitched roof elements at the front. This is an acceptable design solution and serves to minimise impact of building bulk.
- The car parking area does not dominate the street frontage as it is located to the rear. The roller door at ground floor is recessed and is a minor façade element.
- The development is considered to represent an appropriate design response in terms of detail and finishing, with appropriate articulation with setbacks and fenestration to the facades.
- The building is not an excessive height and scale.

Context

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The proposal provides an appropriate quality design on the site, furthering urban consolidation objectives. The proposal has had sufficient regard to the context of the location, in that it takes into account the strategic direction for the land and area.

The applicant has undertaken a site analysis as part of the design process, which has informed the height, scale and massing of the development. The height of the development provides an appropriate transition to the lower-scale residential area to the south by way of sufficient setbacks and compliance with the 30 degree envelope.

As noted above under Building Setbacks and Site coverage, permeability and walls on boundaries requirements, the transition in scale to the north and south is appropriate.

The balconies of townhouses have an appropriate depth, which allows passage of daylight. The townhouses enjoy outlook even with screening to prevent overlooking to the west however screening should be fixed to 1.7m above the finished floor level.

The development allows adequate aspect and sunlight to open spaces.

Due to setbacks and articulation, the upper floors do not contribute unreasonably to visual bulk.

The public realm

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The public realm will be enhanced with appropriate pedestrian entries. The design provides an appropriate entry and passive surveillance from the bedrooms and the upper floor dwelling balconies. A condition of any approval will require lighting to the pedestrian and garage entries.

Safety

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The pedestrian entries are visible and provide an appropriate sense of address, which is secure, with passive surveillance. There are no apparent recesses which could allow concealment. However, further details of lighting must be provided as discussed above.

Overlooking, Landmarks, Views and Vistas

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

Views are not protected under local policy. The proposal provides appropriate articulation to the facades through materials, design and varied setbacks. It is considered to provide a suitable outlook to surrounding properties, consistent with the strategic intent of the area.

Windows and balconies are provided to the façade to promote passive surveillance. The dwelling 5, 6, 7 and 8 balconies / east facing habitable room windows need to be screened to limit overlooking impacts to the east.

Material OG should be notated as fixed obscure glazing.

The orientation of balconies will allow distant views and amenity to the occupants.

Pedestrian Spaces / Access

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

Dwelling 1, 4 and 10 have direct access from the street with the remainder of pedestrian access to the site is via the street frontage along the north boundary. The development provides an acceptable entry area and appropriate access to the site.

The design is considered appropriate, with passive interaction and surveillance and an appropriate scale. Vehicle access is via the existing crossover which is to be widened.

The entrance provides visibility and light into the front area.

The stairs provide acceptable access to the dwellings.

Overshadowing / Light and Shade

This matter is a relevant consideration under:

- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

Having regard to the site context and the orientation of the land, there is no unreasonable loss of sunlight/daylight to the public realm.

Sustainability

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

There are no dwellings with solely southern orientation.

The living areas are provided with views, with natural light and ventilation to all dwelling and habitable areas. Conditions of any approval will require further window operation to be shown and additional windows to bathrooms and to corner living rooms to increase cross ventilation. Whilst some are provided operable shading devices on west facing habitable room windows should also be required.

The proposal provides a residential development in an appropriate area to take advantage of existing services. An Sustainable Management Plan (SMP) has been submitted. Details of the BESS assessment are required and the implementation of the ESD measures within will be secured via a condition of any approval.

Conditions of any approval will set out further ESD requirements in accordance with comments received from Council's ESD officer, specifically:

- Sun shading devices on the north façade located 200 mm above window heads.
- Skylights / daylight tubes to the Dwelling 9 and 10 second floor ensuites.
- External operable shading devices to west facing habitable room windows / balconies.
- Details of window opening type shown with awning windows to habitable room windows minimised.
- Details of double glazing on west facing windows to limit heat loss / gain and address noise issues associated with Plenty Road.
- All ground and first floor sanitary flushing to operate using 12,000L rainwater tank.
- Individual metre boxes.

Landscaping

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 15.01 - Urban Environment
- Clause 22.02 - Neighbourhood Character – Precinct E4
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The proposed DDO seeks to provide landscaping opportunities to the front and rear setbacks. The design allows landscaping to the sides. Having regard to the building heights, site coverage, front setback and extent of walls on boundaries allowed under the proposed DDO the proposal provides appropriate landscaping opportunities commensurate with the strategic intent of the area and to interface appropriately with its neighbours to the side and rear. A landscape plan has been submitted with the proposal and, subject to some changes to increase canopy trees to the rear and other minor matters is acceptable.

Building Entries

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The entrance to the building are clearly identifiable from the façade.

The entrances to the car parking areas are to west from the side street and do not detract from the façade.

Site Services

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

Space for the storage of garbage is provided within the garage area. Adequate frontage is available for Council waste collection services.

Mailboxes for the dwellings are sited adjacent to the main entry point.

The compliance of the development with relevant fire fighting requirements, including water supply and access, is assessed at the Building Approval stage.

A condition requiring site services to be minimally visible from the public realm and adjacent properties is recommended.

Storage areas for the dwellings are provided.

Dwelling Diversity

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The development provides 10 dwellings with four (4) x three (3) bedroom dwellings and six (6) x two (2) bedroom dwelling which is sufficiently diverse.

Private and Communal Open Space

This matter is a relevant consideration under:

- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

All dwellings are provided with private open space in the form of balconies, appropriately located adjacent to living areas and with adequate dimensions and access to sunlight. Open spaces areas are acceptable. Private open space are provided in the form of a courtyard or balcony that range from 8 square metres to 50 square metres in area.

Private open space is not accessible to the general public.

Communal open space has been provided at first floor level with a communal al fresco area as part of this development and this open space improves the amenity of the development.

Infrastructure

This matter is a relevant consideration under:

- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The site has access to services.

Access and Car Parking

This matter is a relevant consideration under:

- Proposed Amendment C137 Design and Development Overlay DDO17
- Clause 22.06 - Multi-residential and Mixed Use Development

- Clause 52.06 - Car Parking
- Clause 52.29 - Land Adjacent to a Road Zone Category 1
- Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

The car parking areas are secure.

The car park will be convenient to use and will provide adequate resident parking.

The proposal complies with the access and parking requirements.

The required provision of car parking is set out in Table 1 of *Clause 52.06-5* of the Planning Scheme.

Use	No./area	Parking Rate	Parking requirement	Parking Provision
Dwellings	6 dwellings	1 space to each one or two bedroom dwelling	6 spaces	6 spaces
	4 dwellings	2 spaces to each three or greater bedroom dwelling	8 spaces	8 spaces
Visitors	10 dwellings	1 space to every 5 dwellings for developments of 5 or more dwellings	2 spaces	2 spaces
Total			16 spaces	16 spaces

A reduction of no car spaces is required for the proposal.

Design Standards for Car parking

In terms of parking design and layout (under Clause 52.06-8), the following is relevant:

- The entry has a minimum width of 5 metres.
- The dimensions of the car spaces and access ways are adequate, with car spaces having a minimum width of 2.6 metres (2.9 metres where constrained by a wall), a length of 4.9 metres and an aisle width of 6.4 metres.
- Vehicles are able to enter and exit the site in a forward direction.
- Adequate headroom appears to be provided.
- Ramp gradients are acceptable.
- The parking area is internal to the development and will not visually dominate the streetscape.
- The number of access points is not excessive and there are no unreasonable paved surfaces to the front setback.
- The accessway is visible.
- VicRoads have reviewed the proposal and support it subject to conditions.

Referral Summary

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

Planning Scheme Summary

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-4 (General Residential Zone GRZ3), a permit is required to construct a building or construct or carry our works.
- Clause 52.29 (Land Adjacent to a Road Zone, Category 1), a permit is required to create or alter access to a road in a Road Zone Category 1.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.02, 22.06
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 52.29, 55
General provisions	65.01
Neighbourhood Character Precinct	E4

POLICY IMPLICATIONS

Environmental Sustainability

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

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 and the *Planning and Environment Act 1987* as amended.

ATTACHMENTS

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

DISCLOSURE OF INTERESTS

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

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

**5.4 APPLICATION FOR PLANNING PERMIT D/501/2016
2 Borrie Street Reservoir**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Architectural Plans and Permits	T A R Mahmoud	<ul style="list-style-type: none"> • Architectural Plans and Permits • TreeRadar Australia

SUMMARY

- It is proposed to demolish the existing dwelling and construct three (3) double storey dwellings. The dwellings are to have the kitchen/lounge/meals areas at ground level with bedrooms on the first floor. Dwelling 1 will have three (3) bedrooms, with a single garage and tandem car parking space. Dwellings 2 and 3 are to have two (2) bedrooms and a single garage each. Private open space is provided at ground level and ranges from 67 square meters to 98 square metres.
- The site is zoned General Residential Zone Schedule 1
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.
- Five (5) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Darebin Parks and the Transport Management and Planning Unit.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/501/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP.2, TP.3, TP.4, Revisions dated 16 December 2016 and prepared by Architectural Plans and Permits) but modified to show:
 - a) The provision of an eastern (internal) elevation showing Unit 1 & 2.
 - b) The provision of dimensions showing the accessway maintains a minimum width of 3 metres.
 - c) The provision of dimensions showing the combined length of walls on the northern boundary does not exceed 19.7 metres.
 - d) The landscape bed on the site adjacent to the southern boundary opposite Trees 6 (as identified on drawing TP2) increased in width to 1 metre minimum to ensure these trees are protected in accordance with Condition No.8 of this Permit.
 - e) The height of fences on the north, south and east boundaries (except within 6.81 metres of the front boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

- f) The first floor east-facing bedroom windows of Dwellings 1 and 2 and the south-facing Bedroom 2 window of Dwelling 3 provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

- g) The East elevation of Dwelling 3 to include the window shown on the first floor plan. This window must be shown as a highlight window with a minimum sill height of 1.7 metres above finished floor level.
- h) The internal dimensions of the garages corrected to show in internal length of 6.0 metres instead of 6.6 metres.
- i) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence in accordance with the requirements of Condition No.8 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation. The Tree Protection Zone and the method of tree protection must be clearly notated on all plans.

- j) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the crossovers to Borrie Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- k) The provision of pedestrian pathways (not shared with any accessway) with a minimum width of 1 metre leading from the footpath on Borrie Street to each of the entry porches of Dwellings 1 and 2. The pathways must be fully formed and not constructed of intermittent pavers.
- l) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- m) A Landscape Plan in accordance with Condition No.5 of this Permit.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Once commenced, the development must be continued and completed 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) The provision of a minimum of two (2) medium and four (4) small canopy trees is to be included in the development. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%.
- Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- g) Hard paved surfaces at all entry points to dwellings.
- h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- m) Tree protection measures in accordance with Condition No. 8 of this Permit.
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, a Tree Protection Fence must be erected around Trees 2-6 as identified in the arboricultural report prepared by *TreeRadar Australia* dated 23 August 2016 to define a 'Tree Protection Zone'(TPZ) within the subject site. The TPZ is to be measured from the edge of the tree trunk.
- Tree 2 in the front setback of the adjoining property to the north: 2.4 metres.
 - Tree 3 located in the adjoining property to the north: 4.3 metres.
 - Tree 4 located in the adjoining property to the north: 9.8 metres
 - Tree 5 located on the adjoining property to the south: 12.1 metres.
 - Tree 6 on the adjoining property to the south: 2.0 metres. The 500mm garden bed shown inside the property boundary fence must be increased to 1.0 metre.
- This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.
- The Tree Protection Fence must remain in place until construction is completed.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone.
- No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees.

The ground surface of the Tree Protection Zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

9. The existing street tree must be removed by the developer/permit holder at their own cost, to the satisfaction of the responsible authority. Tree removal must be carried out by a qualified professional.
10. Before the development starts, a fee of \$463 must be paid to the Responsible Authority for the planting of a street tree within the nature strip adjacent to the frontage of the land.
11. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
12. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
13. 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.
14. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
15. The land must be drained to the satisfaction of the Responsible Authority.
16. 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.
17. 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.
18. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
19. 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.

20. 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 This planning permit must 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

There are no prior planning permit applications for this site. The application was amended under Section 57A of the *Planning and Environment Act* and was subject to full re-notification.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is an irregular wedge shape and measures 48.77 metres in length and 24.38 metres in width at the street frontage, with a site area of 752 square metres.
- The land is located within the General Residential Zone Schedule 1 and Development Contributions Plan (DCPO – the plan expired in June 2014).
- The land is located on the east side of the street approximately 25 metres to the north of the intersection with Rathcown Road.
- The site is currently vacant. The existing single storey detached weatherboard dwelling was demolished between October – December 2016. The site has an existing crossover on the southern side of the frontage.
- To the east of the site is the rear yard area of a single storey dwelling that is part of a medium density development of three (3) single storey dwellings at 118 Rathcown Road. Further to the east are the rear setbacks of medium density developments fronting Box Street.
- To the west of the site, on the opposite side of the street, are a number of single storey dwellings, with double storey dwellings to the north-west side of the road at the corner of Borrie Street and Purinuan Road.
- To the north of the site is a double storey dwelling, with a setback of 7.5 metres from the street frontage and 4.11 metres from the common boundary. This dwelling has vehicle access to a carport at the side of the dwelling adjacent to the common boundary. Further to the north is a medium density development of three (3) double storey dwellings.
- To the south of the site is a single storey dwelling, with a setback of 4.7 metres from the common boundary and 6.12 metres from the street frontage. This dwelling has vehicle access to a garage in the rear yard area along the common boundary.
- The area is residential, with a character of single and double storey detached dwellings and medium density developments. The site is located approximately 400 metres from the Local Convenience Centre to the north east along St Vigeons Road, 400 metres from the Local Convenience Centre to the south east along Boldrewood Parade and approximately 500 metres from the Local Convenience Centre to the south west along Strathmerton Street. Ruthven Railway Station is approximately 900 metres to the west. Reservoir Activity Centre is approximately 1400 metres to the south west. The site is 600 metres to the west of Darebin Creek reserve. Reservoir Views Primary School is located approximately 300 metres to the north.
- No parking restrictions apply to Borrie Street in the vicinity of the site.

Proposal

- It is proposed to construct three (3) double storey dwellings. Dwellings 1 and 2 are located to the front and are constructed side by side facing Borrie Street. Dwelling 3 is to be located to the rear.
- The dwellings are to have the kitchen/lounge/meals areas at ground level with bedrooms to the first floor.
- Dwelling 1 will have three (3) bedrooms, with a single garage and tandem car space, accessed via a proposed crossover to the centre of the street frontage. Dwellings 2 and 3 are to have two (2) bedrooms and a single garage each, with vehicle access along the southern side of the site, via the existing crossover.

- The dwellings will have a traditional design, with brick walls to the ground floor, render to the first floor walls and pitched tiled roofs.
- The dwellings will have secluded private open space areas of 40 square metres to 44 square metres with each dwelling having a total of at least 55 square metres of private open space.
- The overall height is to be 7.535 metres to the ridge.

Objections

- Five (5) objections have been received.

Objections summarised

It is noted that the proposal has been amended during the course of the application and has been subject to further notification. Some of the initial grounds of objection have now been addressed as part of the amending plans, however, they remain applicable.

- Overshadowing
- Overlooking
- Drainage
- Increased noise
- Increased traffic and parking congestion
- Loss of landscape character
- No east elevation of Dwelling 2
- Incorrect and inadequate plans and streetscape elevations
- Contrary to Clause 55, with regard to: policy; character; side and rear setbacks; walls on boundaries; ESD requirements
- Impact on adjoining tree
- Visual bulk (dwellings should be single storey)
- Inadequate car parking or parking space dimensions
- Study may be converted to bedroom
- Impact of proposed crossover on street tree
- Tandem parking is inappropriate
- Excessive site cover/visual bulk
- Tree at rear not shown on plan and shouldn't be removed
- Proposal warrants review by Planning Committee
- Overshadowing of proposed secluded private open space by existing tree
- Windows not shown on plan for Dwellings 1 and 3
- Inadequate secluded private open space for Dwelling 3
- Permeability to be noted on plan
- Impact of drainage and paving on adjoining garage
- Pedestrian visibility splay
- Access for garage to Dwelling 2

- Inadequate landscape details
- Small bedrooms

Officer comment on summarised objectionsOvershadowing

Concerns were raised about the overshadowing of the adjoining properties. Although shadow diagrams indicate that the development will overshadow a portion of the adjoining private open space areas, the shadows will marginally exceed the existing shadows. Importantly, the extent of overshadowing is within the prescriptive measures of Standard B21 in Clause 55 of the Darebin Planning Scheme.

Overlooking

Unreasonable overlooking of private open spaces of adjoining properties may be addressed by appropriate screening measures to the first floor habitable room windows in accordance with the requirements of Standard B22 in Clause 55 of the Darebin Planning Scheme. It is noted that Standard B22 applies to overlooking from habitable room windows only and does not encompass non-habitable rooms such as bathrooms.

Drainage

Drainage of the site has been considered by Council and is subject to conditions to satisfy Council's Capital Works Unit's requirements. Conditions may be included in any approval that stormwater discharge from the site is to be to Council's requirements.

Increased noise

It is considered that the potential for the generation of residential noise is not a reason to refuse a development proposal and the type of the noise (such as children playing and music etc.) associated with residential uses are a part of normal urban life. When such noise becomes a nuisance, there are relevant laws outside of the planning process to deal with these issues. The proposal would result in a slightly increased number of people and traffic from the site; however, the additional numbers would not be overly detrimental to the locality and the proposal is unlikely to give rise to noise levels significantly above that already experienced.

Increased traffic and parking congestion

The proposal provides adequate car parking and it is not considered that the increase in traffic from the development would place an unreasonable load on the surrounding street network. Any additional parking and traffic generated by the development can be absorbed by surrounding street networks.

Loss of landscape character

Although the proposal will result in reduced open space areas, this is a necessary result of increased densities, as required under urban consolidation policies. Nevertheless, it is considered that there are ample setbacks at ground and upper floor levels to appropriately address the landscape character.

In addition, the proposal is able to provide appropriate levels of landscaping around the site to off-set the loss of vegetation. Replacement trees may be requested via conditions of any approval (refer to Darebin Parks referral comments in later sections of this report).

No east elevation of Dwelling 2

The plans do not provide an east (internal) elevation for Dwellings 1 and 2. This may be addressed by condition, which will also ensure appropriate screening of overlooking in accordance with Standard B22 discussed above.

Incorrect and inadequate plans and streetscape elevations

The relevant inaccuracies have been noted for the assessment below. Regardless, it is considered that the plans have adequate details and are sufficiently accurate to enable an appropriate level of assessment (subject to conditions e.g. provision of an east elevation of Dwellings 1 and 2). It is considered that adequate streetscape elevations have been provided and depiction of additional dwellings beyond the immediately adjoining properties is not required. Nevertheless, a broader streetscape elevation would show additional double storey dwellings to the north, indicating a neighbourhood character of medium density double storey forms exist near the site.

Contrary to Clause 55, with regard to: policy; character; side and rear setbacks; walls on boundaries; ESD requirements

As can be seen in the assessment below, it is considered that the proposal complies with the relevant aspects of Clause 55:

- The development accords with acknowledged policy for urban consolidation and increased densities, while respecting the neighbourhood character. It addresses relevant policy by providing an acceptable standard of housing in an established residential area.
- The test of neighbourhood character under the Darebin Planning Scheme is for development to respect the existing character or to contribute to a preferred future character. This is considered having regard to the relevant policies within the Darebin Planning Scheme, including Clause 22.02, relative to the physical context of the site itself. A detailed assessment of the development against the neighbourhood character considerations is provided below. It is considered that the development is generally consistent with the existing and preferred neighbourhood character.
- The proposal provides appropriate side and rear setbacks, exceeding the setbacks required by Standard B17 in Clause 55 of the Darebin Planning Scheme to provide upper floor setbacks of between 2 metres to 5.5 metres.
- The extent of walls on boundaries is considered maximum allowable under Standard B18 in Clause 55 of the Darebin Planning Scheme. The length of walls proposed to be constructed on the northern boundary has not been dimensioned; however this can be requested via conditions to ensure the maximum allowable is documented on the plans.
- The proposal is appropriately energy efficient in design in that: cross ventilation is available in the design; it does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings; adequate daylight is available to habitable areas; open space and living areas have access to north light. The dwellings will be required to achieve a minimum six (6) star energy rating under the Building Regulations.

Impact on adjoining trees

The applicant has provided an arborist's report that indicates that the development footprint does not have a major encroachment on the Tree Protection Zone of the trees on the adjoining property to the north, in accordance with the Australian Standard. The small cluster of trees along the southern boundary must be further protected by increasing the landscape bed adjacent to the fence. This can be requested via conditions.

Visual bulk (dwellings should be single storey)

The proposed dwellings are to have a maximum height of 7.535 metres, which is under the 9 metre maximum allowed by Standard B7 in Clause 55 of the Darebin Planning Scheme. Substantial and varied first floor setbacks are provided from the common boundaries, which along with the minimal overall height and mix of materials limit the unreasonable presentation of bulk to neighbouring properties. The proposal is for three (3) double storey dwellings which meet the relevant policies in the Darebin Planning Scheme and fit comfortably into the site. A height of two (2) storeys is considered to be an acceptable height transition to the single storey dwellings in the area. The objector's request to reduce the number of dwellings or reduce their height to single storey is not a relevant consideration.

Inadequate car parking or parking space dimensions

The proposal provides appropriate levels of car parking for the development and parking and access complies with relevant standards. See further assessment in later sections of this report.

Study may be converted to bedroom

This comment is understood to relate to a previous iteration of the plans. Nevertheless, it is noted that the study area of Dwelling 2 is fully open to the adjacent meals area and is not to be used as a bedroom.

Impact of proposed crossover on street tree

Council has considered the health and structure of the existing nature-strip tree and has deemed its removal to be appropriate, subject to the planting of a replacement tree by Council at the cost of the owner/developer. The cost of the removal of the tree will also be borne by the owner/developer, subject to conditions. See referral comments from Darebin Parks in later sections of this report.

Tandem parking is inappropriate

The provision of tandem car parking is recognised in the Darebin Planning Scheme as a legitimate form of parking provision.

Excessive site cover/visual bulk

Site coverage is 38.3% and complies with Standard B8 in Clause 55 of the Darebin Planning Scheme, as varied by Schedule 1 to the General Residential 1 Zone to a maximum of 50%.

Tree at rear not shown on plan and shouldn't be removed

Although the tree on the site is not shown on the plan, a planning permit is not required for its removal. The existing trees on the site have been assessed by Council and their retention value was not considered to be significant. Replacement trees can be included in the development subject to conditions.

Proposal warrants review by Planning Committee

A decision on the application will be made by the Planning Committee.

Overshadowing of proposed secluded private open space by existing tree

It is acknowledged that the rear secluded private open space of Dwelling 3 may be overshadowed by the tree in the adjoining yard to the north. Nevertheless, solar access to proposed secluded private open space is addressed under Standard B29 in Clause 55 of the Darebin Planning Scheme; this standard is concerned with walls to the north of secluded private open space areas and does not require consideration of existing trees. It is considered that the dwellings will derive an appropriate level of sunshine and amenity from the east and north-east and to uphold this ground of objection would prohibit most development in the rear yard area.

Windows not shown on plan for Dwellings 1 and 3

The windows to these areas are generally shown on the floor plans. However, it is noted that the east elevation of Dwelling 3 indicates a first floor bedroom window, which is not shown on the floor plans. This must be deleted from the floor plans unless the window is provided a sill height of 1.7 metres from finished floor level. Clarification can be required via conditions.

Inadequate secluded private open space for Dwelling 3

Dwelling 3 is provided secluded private open space area of in excess of 40 square metres with a minimum dimension of 3.5 metres in accordance with the requirements of Standard B28 in Clause 55 as varied by Schedule 1 to the General Residential Zone.

Permeability to be noted on plan

Although permeability is not noted on the plans, it exceeds 20% of the site area and is to be confirmed on the landscape plan.

Impact of drainage and paving on adjoining garage

The impact of drainage and paving on adjoining garage to the south is not a relevant planning consideration under the Darebin Planning Scheme. Adjoining property asset protection is a matter that is dealt with under the Building Regulations.

Pedestrian visibility splay

Pedestrian visibility splays may be required by condition.

Access for garage to Dwelling 2

The vehicle access is considered to be acceptable and complies with the relevant design standards in Clause 52.06-8 of the Darebin Planning Scheme. The extent of crossovers to the site complies with Standard B14 of Clause 55 of the Darebin Planning Scheme.

Inadequate landscape details

It is common for landscape details to be required by condition on any approval requiring an appropriate landscape plan to be submitted subsequent to the issuing of approval.

Small bedrooms

The bedrooms are of an adequate size and with an appropriate level of amenity.

PLANNING ASSESSMENT

Darebin Housing Strategy

The Darebin Housing Strategy 2013-2033 provides a housing change framework plan that indicates *"the appropriate level of change in terms of the intensity and type of residential development that could be accommodated in areas that permit residential use."*

The subject site is identified as an area of incremental change in the Strategic Housing Framework Plan and is defined as:

"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 modest types of development are accommodated." (Clause 21.03)

Housing (Clause 21.03)

The Strategic Housing Framework Plan builds on the directions for residential land use and development in Darebin as set out by the Darebin Housing Strategy (2013). The policy states that Incremental Change Areas generally display one (1) or more of the following characteristics:

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

The proposed development of three (3) double storey dwellings is considered to be a modest type of development envisaged in this context. The scale and form of proposal is characteristic of the local area and is not considered to be a substantial change for the site and surrounding area. This level of change is supported under Clause 21.03 of the Darebin Planning Scheme. Furthermore, the site is located in an established area, in proximity to services and facilities. The extent of development is considered to be commensurate with the site area and the development responds to the constraints of the site such as the irregular shape and orientation.

Neighbourhood Character Precinct Guideline Assessment - Precinct F7

Vegetation

The proposal will not result in the loss of significant trees from the site and retention of trees on adjoining sites may be addressed by appropriate conditions (see comments above and in referral comments from Darebin Parks Unit).

Although the application has not been accompanied by a landscape concept plan, this which may be required by condition and it is considered that the design will allow the development to provide adequate setbacks and sufficient space for landscaping and appropriate canopy planting to the front, sides and rear. In addition, the wide frontage and provision of only two (2) access points separated by a landscaped front yard area limits impervious surfaces.

The pedestrian pathways that re to be requested via conditions should not substantially alter the availability of area in the front setback for planting of trees.

Therefore, it is considered that sufficient measures have been undertaken to ensure the development complies with the overall landscape character.

Complies subject to condition

Siting

The proposed front setback is ample to provide a front garden for planting of vegetation, to enable the continuation of the garden setting in this area. The proposal also allows sufficient garden space to the sides and rear for appropriate levels of landscaping.

Although Dwelling 1 is constructed to the side boundary, the boundary wall is set back 4 metres from the façade, so that the proposal maintains an appropriate detached rhythm of dwelling spacing to the street.

There are to be two (2) crossovers provided to the street; however, the site has a wide frontage of 24.38 metres, so that there is ample space to plant in the front garden and there are no significant areas of paving to the frontage. All car spaces are located behind the façade or at the rear, so that parking areas do not dominate the front façade. The pedestrian pathways to the entry porches of Dwellings 1 and 2 (to be requested via conditions) should not substantially alter the availability of landscaped areas in the frontage.

Complies

Height and building form

The height of buildings in the area is single and double storey. The proposed upper floors are not set back a '*substantial distance*' from the façade (i.e. set back of one (1) room from the ground floor façade). However, the setbacks range from 1.8 metres to 3 metres and are considered to be adequately set back from the ground floor façade. This is an appropriate design response, as adequate articulation is provided, with a strong single storey element to the streetscape façade.

The dwellings have been largely designed to minimise bulk, with first floor areas smaller than the ground floor envelope.

The development is not out of scale with the adjoining buildings and does not dominate the streetscape. It matches the height of nearby double storey buildings and it presents a graduated increase in height over nearby single storey buildings.

It is also important to note that the first floor levels are appropriately set back from the common boundaries, so that the proposal does not adversely affect the rear yard/garden character and allows an appropriate transition to adjoining dwellings.

Complies with objective

Materials and design detail

Articulation in the façade is achieved through the use of brick and lightweight surfaces to the walls, as well as setbacks and varied fenestrations in windows and door openings. The pitched roof design is a traditional element that reflects the pitched roofs forms of dwellings in the area.

The design and materials appropriately respect the character dwellings in the area.

Complies

Front boundary treatment

There is to be no front boundary fence, which allows views from the street to the front façade and is appropriate.

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 55.04-2 B18 Walls on Boundaries

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

Boundary and length	Maximum length allowable	Proposed length
Northern: 48.77 metres	<u>19.7 metres</u>	<u>19.7metres (in two sections of 7.5 metres and 12.2 metres)</u>

A condition of any approval given should include conditions that confirm the above wall lengths (or the total sum) do not exceed the above values.

The wall heights of less than 3.2 metres average comply with the standard which allows an average of 3.2 metres with no part exceeding 3.6 metres to be constructed on the boundary.

Complies subject to conditions

Clause 55.04-6 B22 Overlooking

The ground floor levels of the proposed dwellings have finished floor levels less than 0.8 metres above natural ground level at the boundary. The height of existing boundary fences are not shown and must be a minimum of 1.8 metres to sufficiently limit overlooking. This may be requested via conditions.

The following first floor windows will be required to be screened to limit views in to adjoining residential properties:

- Dwelling 3: south- facing first floor Bedroom 2 window.
- The east elevations of Dwellings 1 and 2 have not been provided. The first floor east-facing bedroom windows may have downward views to the adjoining properties and must be appropriately screened by condition.
- It is noted that the floor plan of Dwelling 3 indicates a first floor bedroom window to the east which is not shown on the elevation. Provided this window is a highlight window with a sill height not less than 1.7 metres above finished floor level, there will be no overlooking posed by the window, and the height of the sill will allow convenient arrangement of furniture in the room.

Complies subject to conditions

Clause 55.04-7 B23 Internal Views

Any potential for internal views between dwellings is minimised by proposed fences separating each dwelling’s secluded private open space.

The east elevations of Dwellings 1 and 2 have not been provided. The first floor east-facing bedroom windows may have downward views to the secluded private open space of the adjacent dwelling and must be appropriately screened by condition. In addition to the measures outlined under Standard B22 above requiring the screening of the Bedroom 2 window of Dwelling 2, the eastern window to Bedroom 1 of Dwelling 1 must also be screened to prevent internal overlooking.

Complies subject to conditions

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.

The site is located in a General Residential Zone – Schedule 1, where the Schedule to the zone varies the standard, requiring the following:

An area of 55 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 3.5 metres and convenient access from a living room.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	94 square metres	40.3 square metres	3.5 metres
Dwelling 2	98 square metres	40 square metres	5.4 metres
Dwelling 3	67 square metres	43.9 square metres	3.5 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 the three (3) bedroom dwelling, with one space under cover.

No visitor car parking space is required for three (3) dwellings.

Design Standards for Car parking

The car parking spaces, the garages and the accessways have appropriate dimension to enable efficient use and management. However, the garages are notated as having a length of 6.6 metres which exceeds the required 6.0 metre length that is required.

The additional length notated may impact on the apron width and consequently vehicle manoeuvrability in front of these garages. As this appears to be a clerical error on the plans it may be corrected via conditions.

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

Dwelling 2's open study cannot reasonably be used as a bedroom, as it is entirely open to the meals area and entry.

The tandem car space dimensions are 4.9 metres length x 2.6 metres in width, with 500mm setback to the carport to comply with the minimum requirements of the standard.

Access dimensions to the car spaces comply with the standard.

The accessway is to be shown to have a minimum width of 3 metres where currently the plans show an overall width of 3.495 to 3.52 metres including landscape beds abutting the accessway.

Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This has been requested as a condition of approval.

The increase in the landscape bed adjacent to the cluster of trees (Tree 6) shown on the plans is required to be increased to 1 metre, noting that this change will not affect vehicle manoeuvrability to the garages of Dwellings 2 and 3.

Complies subject to conditions

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		
		Dwellings 1 and 2 appropriately integrate with the Street.	Y	Y
55.03-1	B6	Street setback		
		The required setback is 6.81 metres; the dwellings are set back 6.81 metres from the street frontage	Y	Y

Clause	Std		Compliance	
55.03-2	B7	Building height		
		7.535 metres	Y	Y
55.03-3	B8	Site coverage		
		38.2% where 50% maximum is allowed under Schedule 1 to the General Residential Zone	Y	Y
55.03-4	B9	Permeability		
		20% minimum is achieved	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	Y	Y
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
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		
		Please see assessment in the body of this report.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		Development is set back in accordance with the standard.	Y	Y
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y

Clause	Std		Compliance	
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		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		No front fence is proposed which is acceptable.	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation.
Transport Management and Planning	No objection, subject to condition included in recommendation: <ul style="list-style-type: none"> • Pedestrian path connecting the site to the frontage road must be fully constructed and not intermittent pavers. • Provision of pedestrian visibility splays at the footpath-accessway interface of the site.
Darebin Parks	No objection, subject to condition included in recommendation: <ul style="list-style-type: none"> • Due to the poor structure of the naturestrip Tree 1 (Melaleuca styphelioides) Darebin Parks supports the removal of this tree. A tree replacement fee of \$463 will be payable to Council prior to the removal of the tree. The developer is responsible for tree removal. • Tree 2 in the front setback of the adjoining property to the north must be retained with a Tree Protection Zone of 2.4 metres. • Tree 3 located in the adjoining property to the north must be protected with a Tree Protection Zone of 4.3 metres. • Tree 4 located in the adjoining property to the north must be protected with a Tree Protection Zone of 9.8 metres. The minor encroachment of the development into the Tree Protection Zone is acceptable and in accordance with AS4970-2009. • Tree 5 located on the adjoining property to the south must be retained with a Tree Protection Zone of 12.1 metres. The minor encroachment of the development into the Tree Protection Zone is acceptable and in accordance with AS4970-2009. • Tree 6 on the adjoining property to the south must be retained with a Tree Protection Zone of 2.0 metres. The encroachment of the development into the Tree Protection Zone is major and therefore the 500mm garden bed just inside the property boundary fence must be increased to 1.0 metre. • Darebin Parks agrees to the removal of existing trees on the site subject to the provision of two (2) medium and four (4) small canopy trees being included in the new development.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-4 – Construct two (2) 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, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3, 21.02-6, 21.03-2, 21.03-3, 21.03-4, 21.05-1, 21.05-2, 21.05-3, 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	F7

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

ATTACHMENTS

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

DISCLOSURE OF INTERESTS

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

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

**5.5 APPLICATION FOR PLANNING PERMIT D/597/2016
20 Acheron Avenue Reservoir**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Lillian May Beard and Jennifer Lesley Mills	Treespace

SUMMARY

- It is proposed to construct a medium density development comprising four (4) double storey dwellings each containing two bedrooms.
- Each dwelling is provided with private open space at ground level that ranges from 40 square metres to 133 square metres and secluded private open space that ranges from 25 square metres to 40 square metres.
- Dwellings 1 and 4 will have single garages and Dwellings 2 and 3 will have a single carport. Vehicle access is via the existing crossover along the eastern common boundary.
- The site is zoned General Residential Zone - Schedule 2 (GRZ2).
- There is a restrictive covenant on title that restricts the quarrying or excavation of the land except for the purpose of excavating for the foundation of any building to be erected on the land. The proposed development will not breach the terms of the covenant.
- Five (5) objections were received against the application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Environmental Sustainable Design Officer, Darebin Parks, the Capital Works Unit and the Transport Management and Planning Unit
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/597/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP04, TP05, Revision B, 5 October 2016, job no. 010644 and prepared by Ikonomidis Reid and recommendations included in the Arborist report prepared by Treespace Solutions Pty Ltd and but modified to show:

- a) Details of natural ground levels and finished ground levels, wall heights and setbacks to the dwelling on the adjacent allotment and dwelling to the north, showing the secluded private open space areas of Dwellings 1 and 2 achieving adequate solar access, in compliance with Standard B29 of Clause 55.05-5 of the Planning Scheme. This is to be achieved without the reduction of any setbacks.
- b) Proposed fences separating each dwelling's secluded private open space are to have a minimum height of 1.8 metres.
- c) The height of fences on the northern boundary (except within 9 metres of front boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.

- d) The south-facing first floor bedroom windows of Dwelling 3 provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

- e) Full details of screening to the first floor north-facing windows, showing a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level. The screen offset from the wall must also be shown to restrict downward views to the adjacent allotment to the north and adjacent secluded private open space within the development. A section diagram must be included to demonstrate how the screens minimise overlooking.
- f) The south-facing kitchen windows of Dwellings 2 and 3 are to have sill heights of at least 1.4 metres above the accessway.
- g) Solar access to the secluded private open space (SPOS) of the dwellings to comply with Standard B29. If any southern wall is required to be setback further from the northern boundary to comply with B29 no other boundary setback is to be reduced.

- h) Annotations detailing a Tree Protection Zone (TPZ) and associated Tree Protection Fence for Tree 1 (located in the naturestrip) of 2 metres that part of the TPZ in the naturestrip and within the subject site, Tree 4 (located in adjoining property to the east) of 2.7 metres and Tree 6 (located in adjoining property to the north) of 2.4 metres from the trunk edge in accordance with the requirements of Condition 8 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.

- i) The proposed storage area for Dwelling 4, in the Tree Protection Zone (TPZ) of Tree 4 must be constructed at or above existing grade in the TPZ area, or relocated clear of the TPZ.
- j) The proposed private open space of Dwelling 3 must be constructed at or above existing grade and must be permeable in the TPZ area of Tree 6.
- k) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- l) 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.
- m) A landscape plan in accordance with Condition No. 4 of this Permit.
- n) Install garage doors that allow for some degree of daylight to enter at the front.
- o) Change the fixed west facing ground floor windows to be operable for cross ventilation.
- p) Reduce the size of the west facing glazing to the Unit 1 living room by raising the sill height. Reduce the size of the west facing bedroom windows by narrowing the width.
- q) Install 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 section diagram or photograph must be included to demonstrate the shading type and effectiveness.
- r) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- s) The method of tree protection must be clearly notated on all ground plans.
- t) Notation that states that the studies are not to be used as bedrooms.
- u) Study of Dwelling 4 to be reduced in size by a minimum of 0.5 metre.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - m) Provision of a minimum of two (2) suitable medium canopy trees and four (4) suitable small canopy trees.

5. The development must be constructed in accordance with the requirements/recommendations of the Sustainable Design Assessment to the satisfaction of the Responsible Authority.
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, a Tree Protection Fence must be erected around Tree 1 (located in the naturestrip) of 2 metres that part of the TPZ in the naturestrip and within the subject site, Tree 4 (located in adjoining property to the east) of 2.7 metres and Tree 6 (located in adjoining property to the north) of 2.4 metres from the trunk edge, to define a 'Tree Protection Zone'.

Tree Protection Fencing must be installed prior to any works on-site and remain in place for the duration of construction and installed in accordance with Australian Standard AS4970-2009: Protection of trees on development sites.

This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The Tree Protection Fence must remain in place until construction is completed.

No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone.

No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

The ground surface of the Tree Protection Zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.
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.
12. The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

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

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
19. Notation added stating that all studies are not be used as bedrooms.

NOTATIONS

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

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

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

Modifications of a more significant nature may require a new permit application.

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
-

INTRODUCTION AND BACKGROUND

There have been no previous planning applications for this site.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is regular in shape, with a frontage of 15.85 metres, a depth of 45.72 metres and an area of approximately 724 square metres.
- The land is located in the General Residential Zone, Schedule 2 and the Development Contributions Plan Overlay.
- The land is located to the eastern side of the street, approximately 100 metres to the north west of the intersection with North Road.
- It contains a single storey brick dwelling, with a pitched and gabled tile roof, with a number of outbuildings in the rear yard area. The dwelling has vehicle access along the southern common boundary. The site has a fall of approximately 940mm from the front (south west) corner to the rear (north east).
- The surrounding area consists of single and double storey dwellings and medium density developments.
- To the north is a single storey brick dwelling, with a pitched and hipped tile roof. This dwelling is set back approximately 8.6 metres from the street frontage and 1.25 metres from the common boundary.
- To the south is a single storey dwelling, with a double storey addition to the rear. This dwelling is set back approximately 11.9 metres from the street frontage and 3.85 metres from the common boundary, with vehicle access and a garage along the boundary.
- To the east is the rear yard area and outbuildings of a dwelling fronting Tambo Avenue (noting that there are medium density developments of four (4) dwellings to its north).
- To the west, on the opposite side of the street are single and double storey dwellings.
- There are no parking restrictions in Acheron Avenue.
- The site is well serviced by public transport with bus services within 200 metres of the site and the Reservoir, Preston, Bell and Regent train stations within a 1.5 km radius of the site.
- Northland Shopping Centre is approximately 2km from the site.

Proposal

- It is proposed to construct four (4) double storey dwellings, with Dwelling 1 to the front, Dwellings 2 and 3 to the centre and Dwelling 4 at the rear.
- At ground level all dwellings are to have kitchen/meals/living areas, with Dwelling 4 also having a study.
- To the first floor Dwellings 1, 2 and 3 will have two (2) bedrooms and a study, with Dwelling 4 having two (2) bedrooms.
- The studies generally can't be used as bedrooms as they are thoroughfares with the exception of Dwelling 4's study which could be converted to a bedroom therefore a condition of permit will require the size of this study to be reduced.
- Dwellings 1 and 4 will have single garages and Dwellings 2 and 3 will have a single carport. Vehicle access is via the existing crossover along the eastern common boundary.
- The dwellings will have a traditional design, with brick walls to the ground level and render and lightweight cladding to the first floor walls and pitched and hipped tile roofs.
- The overall height is approximately 7.3 metres to the ridge.

Objections

- Five (5) objections have been received

Objections summarised

- Notification was not displayed correctly
- Plans not displayed as per Building Regulations
- Implementation of recent Residential Zones is inappropriate
- Affecting financial and material gain of nearby property. Devaluation
- Loss of back yard and landscape character
- Increased noise and light disturbance
- Views to the adjoining property
- Existing fence height is 1.5 metres (not 1.65 metres)
- New fence to be at developer's cost
- Overlooking from proposal
- Inadequate details of finishes
- Neighbourhood character
- Naturestrips of medium density developments are not appropriately kept
- Inadequate parking
- Poor access
- Road width may be increased
- Plant location
- Stormwater runoff
- Overdevelopment of Acheron Avenue and nearby streets
- Street setback

- Inadequate Private Open Space
- Solar access to Open Space

Officer comment on summarised objectionsNotification was not displayed correctly

The applicant has supplied a statutory declaration indicating that the notification was displayed on the site appropriately.

Plans not displayed as per Building Regulations 2006

The Buildings Regulations are not relevant to the subject proposal. Nevertheless, the plans of the development were available at Council offices during the notification period and are not required to be displayed on site.

Implementation of recent Residential zones is inappropriate

The subject site (and surrounding sites) are zoned General Residential Zone, Schedule 2 and any proposal must be assessed against that applicable provisions. The implementation of the zoning is not a matter that may be addressed in the consideration of the current application.

Location not suited to medium/high density development

The area has been zoned General Residential and it has been determined that the development of medium density developments as of the kind that is proposed are appropriate.

Affecting financial and material gain of nearby property

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

Loss of backyard and landscape character

Although the proposal provides a double storey development that extends into the rear yard area, it is considered to maintain appropriate levels of private open space and landscaping, to appropriately address visual impact. In addition, the side and rear setbacks comply with Standard B17 and the upper floor areas are separated.

Increased noise and light disturbance

The proposed use is residential and will have noise impacts consistent with those normal to a residential zone, unlike a commercial or an industrial use which would create noise impacts that are not normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area.

Views to the adjoining property

Although the objector has views (overlooking) to the subject site, this is an existing condition and may be addressed between the parties. The assessment of the proposal is concerned mainly with views from the subject site.

The proposal will comply with the appropriate amenity standards of Rescode and is therefore considered appropriate.

Existing fence height is 1.5 metres (not 1.65 metres)

Although the objector notes that the fence is 1.5 metres in height, conditions will ensure that the height is a minimum of 1.8 metres (taken from the subject site – as the standard is concerned with overlooking from the subject proposal).

New fence to be at developers cost

The cost of construction of fencing is not a planning consideration and is a matter to be addressed between the relevant parties.

Overlooking from proposal

Overlooking of adjoining properties may be addressed by appropriate screening in accordance with the requirements of Standard B22.

Inadequate details of finishes

Details of finishes may be addressed by appropriate condition (however, these will be to the satisfaction of the Responsible Authority, rather than to the objector's satisfaction).

Neighbourhood character

It is a long held principle that for a development to be 'respectful' of the neighbourhood character it is not necessary to replicate the existing building forms. Rather, the notion of 'respectful' development must embrace the need for change and diversity in the type of dwellings and an increase in the intensity of development in circumstances where this is encouraged by Planning Policy and the purpose of the zone.

The test of neighbourhood character under the Darebin Planning Scheme is for development to respect the existing character or to contribute to a preferred future character. This is considered having regard to the relevant policies within the Scheme (including Clause 22.02) relative to the physical context of the site itself.

A detailed assessment of the development against the neighbourhood character considerations is provided below. It is considered that the development adopts appropriate materials and design and adequate setbacks and articulation are provided and is consistent with the existing and preferred neighbourhood character.

Naturestrips of medium density developments are not appropriately kept

The upkeep of the naturestrip is not a relevant planning consideration.

Inadequate parking

Adequate car parking has been provided on the site, in accordance with Clause 52.06.

Poor access

Swept path diagrams have been provided, indicating appropriate vehicle access.

Road width may be increased

The width of the road is not a matter that may be considered in the assessment of the subject application.

Plant location

Plant location is to be addressed by an appropriate condition.

Stormwater runoff

Water runoff is addressed by condition requiring appropriate drainage to the satisfaction of the Responsible Authority.

Too many units in the street

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 'too many units'. In fact, the Victorian State Government has a clear policy on urban consolidation which is heavily dependent on medium density housing development.

Street Setback

The required setback is 9 metres; the dwellings are set back 9 metres from the street frontage to comply with Standard B6.

Inadequate Open Space

Each of the four dwellings is to be provided with a minimum of 40 square metres of private open space at the side or rear of the dwellings to comply with Standard B28.

PLANNING ASSESSMENT**Neighbourhood Character Precinct Guideline Assessment - Precinct F5**Existing Buildings

The proposal includes the demolition of the existing dwelling. Given the site is not in a heritage overlay this is an acceptable outcome.

CompliesVegetation

There are no significant trees on the site that are to be removed and any vegetation on the site may be removed without planning permission.

There is no landscape concept plan accompanying the application; however, this will be required as a condition on any approval. Importantly, the proposal is appropriately sited and designed to incorporate adequate space for the planting of vegetation, such as canopy trees and will maintain the landscape and garden setting of the neighbourhood.

Complies subject to conditionSiting

The front garden is large enough for planting of vegetation, to enable the continuation of the garden setting in this area.

The proposal allows adequate garden space to the side and rear for landscaping.

Dwelling 1 is set back from both side boundaries which maintains separation in building forms to the street. The proposal is considered to adequately respect the rhythm of dwelling spacing.

The garages are located to the rear and only one (1) crossover is provided to the street, with ample space available for landscaping in the street frontage setback. Therefore, it is considered that car parking structures and paving do not dominate the façade or view of the site.

Complies

Height and building form

Dwellings in the area are single and double storey.

The dwelling at the front is double storey and the proposed upper floor is not set back one (1) room. Nevertheless, the upper floor is set back adequately from the ground floor façade. This is an appropriate design response, as adequate articulation is provided, with a single storey element to the streetscape façade.

The dwellings have been largely designed to minimise bulk, with first floor areas smaller than the ground floor envelope.

The development is not out of scale with the adjoining buildings and does not dominate the streetscape, as it presents a graduated increase in height over adjoining single storey buildings and matches the heights of nearby double storey developments.

Complies

Materials and design detail

Articulation in the façade is achieved through the use of brick, render and lightweight cladding for the walls, as well as setbacks and varied fenestrations in windows and door openings.

The pitched roof design is a traditional element that reflects the pitched roofs forms of dwellings in the area.

The design and materials appropriately respect the character of dwellings in the area.

Complies

Front boundary treatment

There is no front boundary fence, which allows views from the street to the front façade and is appropriate.

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

Most upper storey habitable room windows are designed and/or screened to ensure no overlooking. Nevertheless, further details of screening are required to ensure 25% transparency and that the 225mm setback of the screen does not allow downward views to the adjoining property and secluded private open space areas within the development.

In addition to the above, it is considered that the south-facing first floor bedrooms of Dwelling 3 must be screened to limit downward views to the adjoining property (existing boundary fences do not adequately obscure views over the boundary, within 9 metres).

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 through the provision of 40 square metres of secluded private open space at the side or rear of the dwelling with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	133 square metres	27.0 square metres	3.5 metres
Dwelling 2	40 square metres	40 square metres	3.12 metres
Dwelling 3	40 square metres	40 square metres	3.12 metres
Dwelling 4	46 square metres	25.05 square metres	3.0 metres

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

Complies

Clause 55.05-5 Solar access to open space

The plans do not provide adequate levels to determine the correct solar access and dimensions under the Standard. Conditions will require that solar access to the secluded private open space of these dwellings comply with the Standard.

Complies subject to condition

Clause 52.06 Car Parking

Number of Parking Spaces Required

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

Design Standards for Car parking

- The car parking spaces, the carports, 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 open studies of Dwellings 1, 2 and 3 cannot reasonably be used as a bedroom as they have small dimensions and are open to the adjacent landing and stairs which adequately restrict their use as bedrooms.
- A condition of any approval would require that the study of Dwelling 4 be reduced in area to ensure that that it cannot reasonably be used as a bedroom.
- The garage / carport dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard.
- Access dimensions to the car spaces comply with the standard.
- The accessway is a minimum of 3 metres in width.
- Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This has been requested as a condition of approval.

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.	Y	Y
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, the dwellings are set back 9 metres from the street frontage.	Y	Y
55.03-2	B7	Building height		
		7.3 metres	Y	Y
55.03-3	B8	Site coverage		
		39.64%	Y	Y
55.03-4	B9	Permeability		
		39.33%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	Y	Y

Clause	Std		Compliance	
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		
		Length:5.29 metres Height:3.2 metres Walls on boundaries comply with the requirements of this standard.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight.	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	Y	Y
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		Any potential for internal views between dwellings is minimised by proposed fences and upper floor screening of windows. Complies subject to condition	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

Clause	Std		Compliance	
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.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		No front fence is proposed which is acceptable.	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation
Transport Management and Planning	No objection
Darebin Parks	No objection, subject to conditions included in recommendation
ESD Officer	No objection, subject to conditions included in recommendation

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-4 (General Residential Zone, Schedule 2) – construction of two (2) 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, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	F5

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

ATTACHMENTS

- Aerial (**Appendix A**) [⇒](#)
- Advertised Plans (**Appendix B**) [⇒](#)

DISCLOSURE OF INTERESTS

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

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

**5.6 APPLICATION FOR PLANNING PERMIT D/456/2015
176-180 High Street Preston**

Author: Principal Planner

Reviewed By: Director City Futures and Assets

Applicant	Owner	Consultant/s
Fastnet Consulting	Vabake Pty Ltd	<ul style="list-style-type: none"> • Mel Consultants P/L • O'Brien Traffic • Interlandi Design P/L • Hansen Partnership • Marshall Day Acoustics • Connor Pincus Group • Leigh Design

SUMMARY

- The proposal is for a mixed use development comprising the construction of an eight (8) storey building plus two (2) basements, the use of the land for dwellings, and a reduction in the car parking requirement associated with the use of the land. The building is to contain three (3) ground floor shop premises (69.5 square metres, 159.3 square metres, 325.2 square metres), 73 dwellings (comprising 22 x one (1) bedroom, 45 x two (2) bedroom dwellings and six (6) x three (3) bedroom dwellings), 95 car parking spaces and 64 bicycle parking spaces.
- The site is zoned Priority Development (Schedule 2). The Development Contributions Plan Overlay affects the site.
- The site forms part of the Preston Activity Centre where a new neighbourhood character comprising higher density multi-storey residential and mixed use development is envisaged.
- There is no restrictive covenant on the title for the subject land
- The proposal complies with the Priority Development Zone PDZ2 and Preston Central Incorporated Plan March 2007 (amended 2014) - recommended height limit of eight (8) storeys for identified landmark building sites.
- It is recommended that the application be supported and a planning permit be issued.

CONSULTATION:

- The application was advertised in accordance with the Priority Development Zone PDZ2 provisions which limit notice to a letter to residentially zoned properties within 10 metres of the subject site. No objections were received against this application. There are no third party appeal rights
- This application was referred internally to Council's Strategic Planning Unit (Urban Design), Transport Management and Planning Unit, Capital Works Unit.
- This application was referred externally to Public Transport Victoria and VicRoads.

Recommendation

That Planning Permit Application D/297/2015 be supported and a Planning Permit be issued for the construction of an eight (8) storey building plus basements building and a reduction in the car parking requirement associated with the use of the land, subject to the following conditions:

- 1) Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing numbers A0.01D, A0.02C A0.03C, A0.04C, A0.05B, A0.006C, A2.01C, A2.02C, A2.03D, A2.04D, A2.05D A2.06D, A2.07D, A2.08D, A2.09D, A2.10D, A2.11D, A3.01C, A3.02C, A3.03C, A3.04D, A4.01D, A4.02C, A5.01C prepared by Interlandi Design) but modified to show:

Wind

- a) Any modifications in accordance with the Wind Assessment (Refer to Condition No. 6 of this Permit).

ESD

- b) Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).
- c) Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 6 of this Permit) having regard to the need to provide 4 bin collections per week.
- d) Details of window opening method shown on plans with louvre, casement, sliding and double hung windows provided in preference over awning windows where possible.
- e) Operable windows provided at the north and south ends of internal corridors at all levels.
- f) External operable shading devices provided to the east and west of balconies adjacent to habitable room windows.
- g) All glazing to be double glazing with no tinting.
- h) The water tank shown on plans with details of connected roof area and connected toilets.
- i) Clotheslines.
- j) Roof plans to show photovoltaic in accordance with the submitted ESD report.
- k) Daylight tubes or skylights to the Dwelling 503 to 505 and 701 to 706 bathrooms and ensuites (where these rooms do not have a window).
- l) Shower and change rooms for shops.
- m) West facing shop window glazing minimised with raised sill heights.
- n) Garbage chutes clearly identified.

Design

- o) A southern elevation / section showing the façade of Dwellings 103 and 203.
- p) 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 schedule must show:

- i) Annotated coloured elevations showing the location/application of the materials, colours and finishes.
- ii) The podium level vertical screen and openable awnings with all habitable room
- iii) Details (1:50 sections / elevations / printing details / operability) of materials GL03, GL04, SC01 and SC03 with sufficient permeability to ensure that the balcony spaces behind these materials are provided adequate ventilation and views of the public realm.
- q) Any future public art content to be in accordance with condition 17 and located within the site boundaries.
- r) The canopy over the public footpath set back 0.75 metres from the High Street kerb and to have a minimum clearance height of 3 metres above the level of the public footpath to High Street and Bell Street. The kerb setback and clearance height are to be dimensioned on the plans.
- s) Deletion of ramps in Bell Street outside of the site boundaries.
- t) The footpath / natural ground level adjacent to the site unaltered and shop entries located where finished floor levels are level with public land.
- u) Dwelling 504 and 505 walls and balconies setback from the west boundary in accordance with Drawing Number A0.05B and 3.03C.
- v) 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. The detail must include location, size, contribution and installation angle of all solar hot water panels and photo voltaic panels with screening measures to not impact upon the operation of such equipment.
- w) A single communal antenna for the development. The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.

Off-site amenity

- x) The south facing Dwelling 203 living room and bedroom windows provided with either:
 - i) A sill with a minimum height of 1.7 metres above finished floor level,
 - ii) A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - iii) Fixed obscure glazing (not film) to a minimum height of 1.7 metres above finished floor level.
- y) The east facing Dwelling 204, 205, 206, 302, 303, 304, 402, 403, 404 balconies 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 or
 - ii) Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Bike facilities

- z) Bike spaces in secure cages.

Internal amenity

- aa) Internal dimensions (length by width) of all living to have a minimum 3.2 metre dimension and bedrooms to have a minimum 3m dimension with dimensions shown.
- bb) All balconies dimensioned and to measure a minimum 8 square metres in area with a minimum 1.6 metre dimension where unscreened and a minimum 2 metre dimension where screened.
- cc) Storage in Ground B car park relocated to a more secure location.
- dd) Obscure glass screens to 1.7 metres above finished floor level between balconies to address internal overlooking.
- ee) With the exception of the canopy over High Street, no part of the building (including fixed external shading devices and balcony framing) extending outside of the site.
- ff) A minimum of 73 storage units, each with a minimum area of three (3) cubic metres with a minimum 1 storage unit allocated per dwelling. No above bonnet storage should be provided unless it is additional to the required three (3) cubic metres. Where storage units are located behind car spaces the car space and storage unit allocated to the same dwelling.
- gg) Dwelling 104 and 204 to be one bedroom with the western bedrooms deleted.
- hh) Dwelling 104, 105, 106, 107, 110, 111, 112, 113, 204, 205, 206, 207, 210, 211, 212, 213, 302, 303, 304, 305, 308, 309, 310, 311, 402, 403, 404, 405, 409, 410, 411, 506, 507, 508, 604, 605 non saddle back bedrooms provided with large sliding doors, fully obscure glazed internal walls or similar measures as agreed by Council to maximise solar penetration to living areas, with dimensioned details of measures provided.

Public Transport Victoria

- ii) The relocation of the bus stop and shelter and all associated infrastructure 6 metres or less towards Bell Street (subject to Vic Roads approval) clear of the proposed cross over on High Street, Disability Discrimination Act (DDA).

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) As part of the consultant team Interlandi Design P/L 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.
- 4) This Permit will expire if either:
 - The development does not start within four (4) years from the date of this Permit; or
 - The development is not completed within six (6) 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.

- 5) Before the development starts, a revised Sustainable Design Assessment (SDA) generally in accordance the document identified as Connor Pincus Group ESD Report dated 18 December 2015 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 revised as follows:
- a) Revised assessment based on the current development proposal in terms of dwelling numbers, layout, no works outside of the site (planters), not tinting, etc.
 - b) Revised STORM assessment and BESS Assessment.

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.

- 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 generally in accordance with the management plan identified as Waste Management Plan, prepared by Leigh Design and dated 10 December 2015 but amended to refer to the number of dwellings and shops provided. The plan must require that collection be undertaken by a private contractor with bins not stored in the street for collection. Waste and recycling collections must be limited to four time a week (in total inclusive of all uses) with the bin area large enough to accommodate such collections.

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) Before the development starts, a wind assessment, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority.

The plan/documentation must detail measures to protect the amenity of the surrounding area generally in accordance with the Mel Consultants Wind Assessment Review dated 17 June 2016 but not rely upon proposed landscaping measure outside the subject site.

The development must be undertaken in accordance with the approved wind assessment and must be conducted in such a manner as not to affect the amenity of the surrounding area and which does not cause any interference with the circulation and parking of vehicles on abutting streets.

- 8) The development must be constructed in accordance with the requirements/recommendations of the Marshall Day Traffic Noise Assessment dated 14 October 2015 to the satisfaction of the Responsible Authority.
- 9) 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) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.

- b) A sectional detail of balcony planter boxes / raingardens.
 - c) Details of watering method.
 - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - g) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- 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 2010. 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) The amenity of the area must not be adversely affected by the use or development of the ground floor retail premises 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/or in any other way, to the satisfaction of the Responsible Authority.
- 12) All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F (5) of the Building Code of Australia.
- 13) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to the dwellings, access to the garage and car parking area 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.
- 14) Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 15) The land must be drained to the satisfaction of the Responsible Authority.
- 16) 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.
- 17) 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.
- 18) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

- 19) Prior to the commencement of use or occupancy of the development full details of the murals on boundary walls towards the east of the site on the north and south elevation must be provided including detailed content / concept and details of the artist undertaking the mural with samples of their work.
- 20) Car parking is to be allocated at the rate of:
- a) One car space to each one (1) and two (2) bedroom dwelling
 - b) Two (2) car spaces to each three bedroom dwelling
 - c) One (1) car space to shop 1, two (2) car spaces to shop 2 and three (3) car spaces to shop 3.
 - d) 8 visitor car spaces in ground B car park.
- 21) Before the occupation of the development or the use starts, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained;
 - e) Line-marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

- 22) Before the development is occupied or the use starts, 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.

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority.

- 23) The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
- 24) Prior to commencement of any works, including demolition, a construction management plan must be submitted to and approved by the Responsible Authority and then carried out to the satisfaction of the Responsible Authority. The plan must provide for or include details of access, management and disposal arrangements during construction; methods to manage stormwater runoff; details of building materials recycling; construction parking; and the operation of any continuing uses on the land.
- 25) Before the commencement of the development, a detailed Water Sensitive Urban Design (WSUD) Plan by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must show:
- a) The type of WSUD stormwater treatment measures to be used;

- b) The location of the WSUD, stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaping areas; and
- c) Design details of the WSUD stormwater treatment measures, including cross sections, materials, plants and drainage directions.
- d) A construction and maintenance schedule specifying the following:
 - i) The filter media stockpiled and certified to meet the Facility for Advancing Water Biofiltration (FAWB) specification after delivery on site.
 - ii) The raingarden be completed after all other works.
 - iii) No site rubbish or run-off shall be allowed to enter the raingarden during or after construction.
 - iv) The site will be maintained every 3 months to replace any dead plants and remove any silt that has accumulated at the forebay.
 - v) Information is to be supplied to all residents/ occupants about the maintenance of the raingarden system to prevent any unapproved alterations to the system.

The plans must be accompanied by a report from an industry accepted performance measurement tool such as STORM or MUSIC, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

- e) Raingardens are to be in common areas and maintained in line with the Urban Stormwater – Best Practice Environmental Management Guidelines, CSIRO 1999 and Melbourne water guidelines.
 - f) Outlet pipes are to be 200mm-300mm above the base of the raingarden.
 - g) Raingardens are to be a minimum of 1.5 - 2% in size of the area to be drained.
 - h) Raingardens are not to be located on boundaries unless full engineering drawings and calculations are submitted showing that the raingarden will not flood neighbouring properties.
 - i) Raingardens are to be lined.
 - j) No mulch is to be specified.
 - k) No geo-textile fabrics are to be used.
 - l) Planting is to be shown at a higher than standard density (6-10 plants per metre, dependant on species).
 - m) Filter media to be specified to meet FAWB specification.
 - n) A siltation forebay is to be included at the inflow pipe to accumulate any sediments entering the system.
- 26) The WSUD treatments as shown on the endorsed WSUD 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 WSUD treatments, the permit holder must advise Council, in writing, that the WSUD treatments have been completed.
- 27) The WSUD treatments as shown on the endorsed WSUD Plan must be maintained in accordance with the endorsed WSUD Plan to the satisfaction of the Responsible Authority.

Public Transport Victoria

- 28) Before the development starts, or other time agreed in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- a) The relocation of the bus stop and shelter and all associated infrastructure 6 metres or less towards Bell Street (subject to Vic Roads approval) clear of the proposed cross over on High Street, Disability Discrimination Act (DDA) compliant.
- 29) The existing bus stop on High Street must continue to operate during construction, however if a temporary stop in an alternative location is required, the temporary bus stop must be provided in consultation with, and to the satisfaction of Public Transport Victoria. The permit holder must take all reasonable steps to ensure that disruption to bus operation along High Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
- 30) Prior to the occupation of the development the relocated bus stop / shelter and all associated infrastructure as outlined on the endorsed plans must be completed at the full cost to the permit holder to the satisfaction of Public Transport Victoria.
- 31) A retractable or folding clothesline minimally visible from nearby streets surrounding properties and must be provided to each dwelling.

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 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.

- N6 In relation to the requirements of Condition No. 27 of the Permit, please be advised that Darebin Local Access Guides (showing public transport, walking and cycling routes) are available from Council on 8470-8888. Public Transport timetables are available from Public Transport Victoria (PTV).
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INTRODUCTION AND BACKGROUND

No relevant planning history.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is located on the south east corner of Bell Street and High Street. It is roughly rectangular (north west corner steps) and has the following dimensions:
 1. Eastern boundary: 39.61 metres
 2. Western boundary: 36.58 metres
 3. Northern boundary: 32.67 metres
 4. Southern boundary: 36.83 metres
 5. Total site area: 1461 square metres
- No easements burden the site and the site displays a fall of approximately 1.9 metres from north to south.
- A large (7.4 metre high) two storey office building is located along the southern part of the site. The remainder of the site is occupied by at grade car parking. A crossover to High Street is located along the northern property boundary.
- East of the site fronting Bell Street are three dwellings in the priority development zone with a common vehicle accessway to the south.
- East of the site Garnet Street is a two storey dwelling built at two stories on the common boundary and a rear yard with outbuilding on the common boundary
- South of the subject site is a double storey commercial building used for shop and offices
- To the west of the subject site, over High Street, are double storey commercial building used for shop and offices
- A bus stop for two services (Route 552 from North East Reservoir to Northcote Plaza and Route 553 – Preston – West Preston, Route 513 Eltham to Glenroy) is located immediately adjacent to the subject site on High Street.
- Bell Railway Station is located approximately 220 metres to the west.
- Tram Route is located approximately 260 metres to the east
- Restricted parking is available on both sides of High Street in the vicinity of the subject site.
- The subject site is located within an area identified as Precinct I in the Preston Central Incorporated Plan 2007 (Amended 2014) ('the Incorporated Plan'). The area is also identified as the Southern Gateway Precinct in the Preston Central Structure Plan 2006 ('the Structure Plan').

Proposal

- The proposal is for a mixed use development comprising the construction of an eight (8) storey building plus two (2) basements and a reduction in the car parking requirement associated with the use of the land.
- The building is to contain three ground floor retail premises (69.5 square metres, 159.3 square metres, 325.2 square metres), 73 dwellings (comprising 22 x one (1) bedroom, 45 x two (2) bedroom dwellings and six (6) x three (3) bedroom dwellings), 95 car parking spaces and 64 bicycle parking spaces.
- The maximum overall height of the proposed development is 20.45 metres (excluding rooftop plant or the lift overrun).
- Each dwelling is provided with private open space in the form of a balcony that ranges from 8 square metres to 32.6 square metres.

Objections

- No objections received.

PLANNING ASSESSMENT

Clause 22.06 requires assessment of Clauses 55.05-1 to 55.05-4, 55.05-6 and 55.06-4 (on site amenity and facilities). No other parts of Clause 55 are required to be assessed under the planning scheme. Clause 22.01 and Clause 22.05 do not apply to the subject site.

Building Height

This matter is a relevant consideration under:

- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014)

The proposal is 8 stories and a maximum 26.6 metres in height. The Preston Central Incorporated Plan 2007 (Amended 2014) specifies a maximum building height of 8 storeys, excluding basement. The proposal complies with this.

Building Setbacks

This matter is a relevant consideration under:

- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014)

The Preston Central Incorporated Plan 2007 (Amended 2014) specifies buildings are to be built to the front and side boundary along High Street and that in other locations (ie to Bell Street) front setbacks are to be consistent with adjoining properties. Further the Incorporated plan specifies that the upper storeys of landmark buildings are located within 25-30 metres of the Bell Street and High Street corner.

The proposal complies with this providing an 8 storey built form within 30 metres of the corner. The built form is well articulated and provides a strong architectural response to anchor the corner gateway to the Preston Principal Activity Centre consistent with local planning policy.

Over 30 metres south of the corner a six storey built form is proposed to High Street. The elevations and 3d perspectives show dwelling 504 and 505 walls and balconies (fifth floor) setback from High Street however this is not reflected by the floor plans. Having regard to potential interfaces to the south for 172 High Street the Preston Central Incorporated Plan specifies a maximum 6 storey building height with the top two floor setback 3m from High Street. Also of relevance the proposed amendment C137 includes clause 22.01 the Junction Framework Plan which contemplates a 6 storey maximum building in High Street south of Garnet Street. Subject to a condition requiring the walls and balconies of dwelling 504 and 505 being setback from the west boundary in accordance with the 3D perspectives the proposal provides an appropriate built form response to High Street.

The zero setbacks from the south boundary / adjacent commercial properties are consistent with the strategic intent of the area.

The setbacks from Bell Street to the north match those of the three storey development to the east and the proposal provides an appropriate transition in scale from the east to the corner.

Setbacks from the east boundary have had sufficient regard to the adjacent secluded private open space at 32 Garnet Street. There is no prescribed setback in the scheme for the adjoining residential interface as Clause 22.01, Clause 22.06 and Clause 55 do not apply to the site. The existing commercial building on the site has a height of 7.4 metres (RL 72.45) on almost the entirety of the common boundary and the dwelling at 32 Garnet Street has constructed a two storey dwelling wall and a single storey outbuilding on the common boundary. The proposed boundary wall with a height of 4.65 metres (RL69.7 as measured to the top of the 1.7m high first floor privacy screen) is 2.75 metres lower than the existing boundary wall on the subject site. Given the reduced wall height the proposal represents a better amenity outcome on the boundary from the existing conditions.

East west sections (drawing A4.02C) have been provided which show how the design relates to the adjacent secluded private open space at the upper levels. Given the existing conditions the proposed development outcome is deemed to be an appropriate design response in that the proposal does not impact detrimentally upon the amenity of the neighbour. To the north of the site the proposal is three storeys on the east boundary which is acceptable in the Priority Development Zone. Setbacks to the south of the site from the east boundary are appropriate given they sit adjacent to a simultaneously constructed wall and present no undue mass and bulk impacts.

For a landmark site the proposal has appropriately responded to the site strategic importance and sensitive interfaces.

Building Design

This matter is a relevant consideration under:

- Clause 15.01 - Urban Environment
- Clause 21.03 – Housing
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014)

The development is contemporary in style and provides an interesting architectural form. The building facades incorporate verandahs, upper level recesses and balconies, a varying skyline, and vertical articulation expressing internal unit boundaries.

The development clearly defines the public realm, leaving no undefined, concealed or obscured spaces.

The design comprises a podium and tower, and the tower is visually distinguishable from the podium through articulation treatments and contrasting architectural form.

A full colours and materials schedule (including colour samples) should be provided to ensure that a high quality urban design outcome is achieved. Similarly a condition requiring the design and construction process to be supervised by an architect is recommended. Details of the podium level vertical screen should be provided to ensure that appropriate outlook and amenity is provided to the dwellings behind. Operable awnings should be provided the podium screen to all balconies behind. Details of the Digi glass materials should be provided with the extent of permeability on balconies detailed to ensure adequate ventilation and outlook for dwellings behind.

The building adequately addresses Bell Street and High Street with commercial premises and dwellings orientated towards both. The sloping nature of the site has been addressed by shops providing stepped floor levels along the slope however footpath / natural ground levels should in the public realm not be altered / ramps should be deleted and shop entries should be located where finished floor levels are level with the footpath / natural ground levels in the public realm to ensure DDA compliance.

The commercial premises are adequately adaptable.

The proposal provides natural light and ventilation to habitable rooms either via the street or a supplementary south boundary light court. With the intended intensification of the corridor and potential future development of the south adjoining site, the dimensions of the light court are adequate for light and ventilation to bedrooms.

The development retains the prevailing grain size and streetscape rhythm by virtue of the vertically segmented façade to High Street and Bell Street. The side elevations have appropriate articulation.

All site services have been located internal to the building and are not visible to the public realm.

Context

This matter is a relevant consideration under:

- Clause 15.01 - Urban Environment
- Clause 21.03 – Housing
- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014)

A development objective of the Preston Central Incorporated Plan is to have regard to the preferred future character and amenity of adjoining residential areas. It is noted that whilst in a General Residential Zone GRZ2 the land to the east at 32 Garnet Street is also in a Substantial Housing Change Area and a Strategic Redevelopment Precinct under Clause 21.03. It is policy that Substantial Housing Change areas have the capacity to accommodate more intense residential development over time, that Substantial Change Areas will support increased residential densities and increased housing diversity and that it is expected that the character of these areas will change substantially in the future.

It is also policy in Substantial Housing Change Areas to 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 and whilst no structure plan work has yet occurred the strategic intent is clear. The stated policy direction for the Junction Strategic Redevelopment Precinct is to encourage intensive and innovative housing development. This is the preferred future character of the residential area to the east.

The proposal provides an appropriate design and a mix of uses on the site, furthering urban consolidation objectives. The proposal has had sufficient regard to the context of the location, in that it takes into account the strategic direction for the land and area.

The applicant has undertaken a site analysis as part of the design process, which has informed the height, scale and massing of the development. The development provides an appropriate transition to the lower-scale residential area to the east.

The immediately adjacent interface to the south is a commercial property with a two storey form built to the boundary. The proposal is designed to respond to this site context appropriately through articulation on the common boundary at the upper levels. The heights and setbacks of the development to the south west as shown on the 3d perspectives respect the preferred height and setbacks on High Street to the south.

To the east fronting Bell Street are dwellings in the Priority Development Zone. Having regard to the strategic intent of Bell Street and the immediate context, interfaces to this property are appropriate.

The Public Realm / Safety

This matter is a relevant consideration under:

- Clause 15.01 - Urban Environment
- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014)

The public realm will be enhanced with appropriate pedestrian entries for the dwellings and shop premises. The design provides appropriate passive surveillance from the shop premises and the upper floor balconies. The development has a zero setbacks to Bell Street and High Street which is consistent with the Priority Development Zone and Preston Central Incorporated Plan 2007.

Weather protection is provided to public footpaths however awnings should be setback a minimum 750mm from the kerb. Details of the future public art content should be provided and this should be located within the site boundaries.

Overlooking, Landmarks, Views and Vistas

- This matter is a relevant consideration under:
- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014)
- Views are not protected under local policy.

The proposal is an appropriate landmark design.

To the east there are views to a secluded private open space. The design provides screening measures to the majority of balconies and windows within 9 metres of the secluded private open spaces however additional screening measures are required by permit condition.

Details of internal overlooking screens should be provided.

Details of roof top plant are required to be provided as a condition of approval with such to be screened to be minimally visible.

Pedestrian Spaces / Access / Building Entries

This matter is a relevant consideration under:

- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014)
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings (by way of Clause 22.06 only)

The entrances to the building are clearly identifiable from the façade.

The entrances to the car parking areas are to south from High Street and do not detract from the façade. The crossover is located as far as practicable from Bell Street, minimising impacts upon the operation of the intersection.

The proposal meets the policy guidelines in respect to street address in that the commercial premises provide an active street frontage. The entrance provides good pedestrian access directly from street frontages. The plant occupies minimal frontage.

The ground floor of the development is accessible to persons of limited mobility.

Access to all upper levels of the building is available via stairs and lift.

The design is considered appropriate, with passive interaction and surveillance and an appropriate scale.

Overshadowing / Light and Shade

This matter is a relevant consideration under:

- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014)

The design achieves visual permeability and solar/sunlight penetration through the site to private and publicly accessible spaces and walkways.

Having regard to the site context and the orientation of the land, there is no unreasonable loss of sunlight/daylight to the public realm. Whilst not an applicable standard shadows cast to the residential property to the east comply with Clause 55.

Wind effects

This matter is a relevant consideration under:

- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014)

A wind assessment has been submitted which recommends the provision of street planting and a 1 metre up stand on canopy over the footpath to ameliorate wind impacts. The street planting will be at the discretion of Council as it is Council land. The canopy upstand is an acceptable design response, however given that the assessment relies upon landscaping works outside of the site which has been deleted a revised wind assessment should be required to be provided which provides any and all necessary ameliorative works within the subject site. Such works need to be shown on the plans.

Noise

This matter is a relevant consideration under:

- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014).

The applicant has provided an acoustic assessment which specifies glazing requirements for habitable room windows and shops throughout the development based on proximity to Bell Street and High Street. The report specifies a maximum internal noise level of below 50-55dBL_{AMAX}. A permit condition is recommended to ensure that these measures are executed.

Sustainability

This matter is a relevant consideration under:

- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Preston Central Incorporated Plan 2007 (Amended 2014)

A sustainable design assessment has been provided in association with the development. Plans have subsequently been amended and the report has been superseded.

Details of the digi glass on the west façade of Dwellings 109, 110, 209, 210, 307, 308 should be provided and allow adequate ventilation and solar access.

Operable shading devices should be provided to balconies adjacent to all east and west facing habitable room windows.

Other revisions as per Council's Sustainability officer should be incorporated into the plans by permit conditions.

The proposal provides a mixed use development in an appropriate area to take advantage of existing services. Whilst a sustainability assessment has been provided this assessment has been largely superseded by later amendments to the plans. A new sustainable Management Plan (SMP) 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.

Landscaping

This matter is a relevant consideration under:

- Clause 15.01 - Urban Environment
- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2

The proposal has 100% site coverage and no ground level landscaping, which is considered acceptable in the context of the commercial/retail uses and development in the area. Having regard to the first floor planters, a landscape plan should be provided.

The plans showed works in Bell Street outside of the site which were required to be deleted. Pavement / site levels adjacent to the site should remain unaltered.

Construction Management

This matter is a relevant consideration under:

- Clause 37.06 - Priority Development Zone PDZ2

A construction management plan is required prior to the commencement of buildings and works and a permit condition to address this is recommended.

Stormwater Management

This matter is a relevant consideration under:

- Clause 37.06 - Priority Development Zone PDZ2

Stormwater is required prior to the commencement of buildings and works and a permit condition to address this is recommended. It is recommended that the sustainability assessment be completed prior to the preparation of the stormwater management plan to enable the best environmental outcome.

Site Services

This matter is a relevant consideration under:

- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings (by way of Clause 22.06 only)

Space for the storage of garbage is provided within the basement car park area. It is noted that car park ground B is exposed to the public and that these car spaces should be used for visitors making them unsuitable for storage units to be positioned behind. These should be relocated. It is recommended that the plans show a minimum of 73 storage units, each with a minimum area of three (3) cubic metres with a minimum 1 storage unit allocated per dwelling. Where storage units are located behind car spaces the car space and storage unit allocated to the same dwelling.

A waste management plan has been submitted with the application with requires private pick up. This plan has been partly superseded by amendments to the plans.

An amended Waste Management Plan is to be secured via condition of any approval. A condition limited waste collection to four collections per week is recommended.

Mailboxes for the dwellings are sited adjacent to the apartment foyer area.

The compliance of the development with relevant firefighting requirements, including water supply and access, is assessed at the Building Approval stage.

Dwelling Diversity

This matter is a relevant consideration under:

- Clause 22.06 - Multi-residential and Mixed Use Development

There will be 22 x one (1) bedroom, 45 x two (2) bedroom dwellings and six (6) x three (3) bedroom dwellings, providing diversity.

Internal Amenity

This matter is a relevant consideration under:

- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings (by way of Clause 22.06 only)

The internal amenity provided to dwellings is acceptable subject to conditions. Dwelling 104 and 204 have bedrooms that rely upon borrowed light and this is not supported. These bedrooms should be deleted.

All living rooms should have a minimum 3.2m dimension and all bedrooms should have a minimum 3m dimension.

A total of 36 of the 73 dwellings (Dwellings 104, 105, 106, 107, 110, 111, 112, 113, 204, 205, 206, 207, 210, 211, 212, 213, 302, 303, 304, 305, 308, 309, 310, 311, 402, 403, 404, 405, 409, 410, 411, 506, 507, 508, 604, 605) have living room depths exceeding 9m. It is recommended that the non-saddle back bedrooms of these dwelling be provided with large sliding doors, fully obscure glazed internal walls or similar measures (as agreed by Council) to maximise solar penetration to living areas, with dimensioned details of measures provided.

Whilst the depth to the back of living areas to the edge of balconies is over 9 metres kitchens are provided at the back of the dwellings, not lounge areas. The design provides larger living areas with the floor area provided beyond the 9 metre depth considered surplus floor area which is desirable space providing improved amenity for future residents.

Subject to the above minimum dimensions the internal amenity of the dwellings is sufficient with the amounts of floor area provided being preferable to reducing depths and floor areas.

Private Open Space

This matter is a relevant consideration under:

- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings (by way of Clause 22.06 only)

All dwellings are provided with private open space in the form of balconies, appropriately located adjacent to living areas and with access to sunlight.

Open spaces areas measure from 6.8 square metres to 32.6 square metres. Private open space is not accessible to the general public. It is recommended that open spaces measure a minimum 8 square metres by permit condition.

Vehicle Access and Car Parking

This matter is a relevant consideration under:

- Clause 22.06 - Multi-residential and Mixed Use Development
- Clause 37.06 - Priority Development Zone PDZ2
- Clause 52.06 - Car Parking
- Clause 52.29 - Land Adjacent to a Road Zone Category 1

Access is via High Street

Under Clause 52.06 the statutory parking requirement for the proposed development and the parking provision is as follows:

Use	No./area	Parking Rate	Parking requirement	Parking Provision
Dwellings	22 x one (1) bedroom dwellings	1 space to each one or two bedroom dwelling	22 spaces	17 spaces
	45 x two (2) bedroom dwellings		45 spaces	45 spaces
	six (6) x three (3) bedroom dwellings	2 spaces to each three or more bedroom dwelling	12 spaces	12 spaces
		1 visitor space to each five dwellings	14 spaces	14 spaces
Shop	554 square metres total area	4 spaces to each 100 square metres leasable floor area	22 spaces	6 spaces
Total			115 spaces	95 spaces

Reductions in car parking are governed by considerations contained in Clause 52.06 of the Darebin Planning Scheme. It is submitted that the reduction of the standard car parking requirement is justified for the following reasons:

- There is no parking precinct plan for the area.
- The site has good access to shops and services, encouraging multi-purpose trips, as well as being readily accessible by public transport.
- Council’s Transport Management and Planning Unit have not objected to the reduction in parking generated by the proposal (subject to conditions).
- There is off street parking available in the area.
- A reduction of five single bedroom dwelling resident car spaces is sought. This reduction has been based on an empirical assessment from the ABS 2011 census data for Preston where 36% of one bedroom dwellings did not own a car. Given some one bedroom dwellings own two (2) or more cars, on average 0.76 cars are owned per one bedroom dwelling in Preston. The proposal provides car parking at the rate 0.77 car spaces per one bedroom dwelling. Notwithstanding that the proposed parking rates are supported by an empirical assessment it is recommended that each one bedroom dwelling be provided with a car space and that 9 visitor car spaces be provided.

- An empirical assessment of small shop parking demand has been undertaken by the applicant with rates in the order of 3 car spaces per 100 square metres surveyed with peak parking demands of 6 staff and 11 customer car spaces anticipated. Parking is to be provided on site to meet long-term empirical staff demand. Parking surveys have been undertaken and in High Street and Bell Street there were a minimum of 20 car short term spaces available during the day (noting clear way controls in Bell Street in the am and pm peak).
- Having regard to the visitor parking for dwellings it is recommended that shop customers have access to visitor car parking spaces given the peak demands for these occur at different times.
- Having regard to the layout of the car park, it is recommended that the 8 car spaces on car park ground B be allocated to visitors.

Subject to conditions it is considered that the proposal is generally acceptable and the reduction of parking is appropriate.

Loading and Unloading

This matter is a relevant consideration under:

- Clause 52.07– Loading and Unloading

A loading bay is provided on site and the loading bay dimensions and clearances comply with Clause 52.07. No planning permit is required.

Bicycle Parking

This matter is a relevant consideration under:

- Clause 52.34 – Bicycle Parking
- Preston Central Incorporated Plan 2007 (Amended 2014)

The proposal provides 71 bike spaces in the basement for residents and staff. As part of the development is greater than four storeys, the application of the provisions of Clause 52.34 to the proposal requires the following bicycle requirements:

- One (1) space to each five (5) dwellings for residents 14 spaces required.
- One (1) space to each ten (10) dwellings for visitors – seven (7) spaces required.

The proposal therefore requires 21 bicycle spaces and complies with Clause 52.34. Bike spaces should be in secure cages.

REFERRAL SUMMARY

Department/Authority	Response
Capital Works Unit	No objection, subject to condition included in recommendation.
Transport Management and Planning Unit	No objection, subject to reallocation of visitor car parking to provide 1 car space per one (1) bedroom dwelling.
VicRoads	No objection. No conditions.
Public Transport Victoria	No objection, subject to condition included in recommendation.

Department/Authority	Response
Strategic Planning (Urban Designer)	<p>Details (1:50 sections / elevations / printing details / operability) of materials GL03, GL04, SC01 and SC03, with sufficient permeability to ensure that the balcony spaces behind these materials are provided adequate ventilation and views of the public realm.</p> <p>Correction of the inconsistency between floor plans and the built form setbacks shown to the south-west corner on High Street.</p> <p>All living rooms should have a minimum 3.2m dimension. All bedrooms should have a minimum 3m dimension. Whilst a substantial number of dwellings (Dwelling 104, 105, 106, 107, 110, 111, 112, 113, 204, 205, 206, 207, 210, 211, 212, 213, 302, 303, 304, 305, 308, 309, 310, 311, 402, 403, 404, 405, 409, 410, 411, 506, 507, 508, 604, 605) have living room depths which over 9m which limits solar penetration, subject to the above minimum dimensions the internal amenity of these dwellings is sufficient with the amounts of floor area provided being preferable to reducing depths and floor areas.</p>
Public Realm Unit	No objection.
ESD Officer	<p>Any modifications in accordance with the Sustainable Management Plan (Refer to Condition No. 4 of this Permit).</p> <p>Any modifications in accordance with the Waste Management Plan (Refer to Condition No. 6 of this Permit) having regard to the need to provide 4 bin collections per week.</p> <p>Details of window opening method shown on plans with louvre, casement, sliding and double hung windows provided in preference over awning windows where possible.</p> <p>Operable windows provided at the north and south ends of internal corridors at all levels.</p> <p>External operable shading devices provided to the east and west of balconies adjacent to habitable room windows.</p> <p>All glazing to be double glazing with no tinting.</p> <p>The water tank shown on plans with details of connected roof area and connected toilets.</p> <p>Clotheslines</p> <p>Roof plans to show photovoltaic in accordance with the submitted ESD report.</p> <p>Daylight tubes or skylights to the dwelling 503 to 505 and 701 to 706 bathrooms and ensuites (where these rooms do not have a window).</p> <p>Shower and change rooms for shops.</p> <p>West facing shop window glazing minimised with raised sill heights.</p> <p>Garbage chutes clearly identified.</p>

Department/Authority	Response
	<p>Dwellings 104, 105, 106, 107, 110, 111, 112, 113, 204, 205, 206, 207, 210, 211, 212, 213, 302, 303, 304, 305, 308, 309, 310, 311, 402, 403, 404, 405, 409, 410, 411, 506, 507, 508, 604, 605 provide inadequate solar penetration and poor internal amenity and are not supported.</p> <p>Dwellings 104 and 204 western bedrooms rely upon borrowed light and should be deleted</p>

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 37.06 – Construct buildings and works; use the land for a Retail Premises and Dwellings.
- Clause 52.06 – Reduce the parking requirement associated with the use of the land.
- Clause 52.29 – Alter Access to a Road Zone Category 1.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 13.01-3, 15.01-1, 15.01-5, 15.02, 16.01, 17.01-1, 18.02-5, 19.03-1
LPPF	21.03, 21.04, 21.05, 22.05, 22.06
Zone	36.07
Overlay	45.06
Particular provisions	52.06, 52.34
General provisions	65.01
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Darebin Planning Scheme and the *Planning and Environment Act (1987)* as amended.
- Preston Central Incorporated Plan 2007 (Amended 2014)
- Preston Central Structure Plan 2006

ATTACHMENTS

- Aerial Photo (**Appendix A**) [⇒](#)
- Plans (**Appendix B**) [⇒](#)

DISCLOSURE OF INTERESTS

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

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

6. OTHER BUSINESS

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

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

- Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).
- Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text „struck out“.
- Applications with a cost of construction of at least \$3,000,000 currently under consideration.
- Applications for the upcoming Planning Committee Meeting. The list of applications is based upon best available advice at the time of publishing the Planning Committee Agenda. For confirmation of agenda items reference should be made to the Planning Committee Agenda on Council's website the Friday prior to the scheduled meeting.

Recommendation

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

Related Documents

- Nil

Attachments

- General Planning Information: Scheduled VCAT Applications, Significant Applications and Applications for the next Planning Committee Meeting (**Appendix A**) [⇒](#)

7. CLOSE OF MEETING