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## AGENDA

Planning Committee Meeting to be held  
at Darebin Civic Centre,  
350 High Street Preston  
on Monday, 10 July 2017  
at 6.00 pm.

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# Agenda

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## 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

<b>Recommendation</b>
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**That** the Minutes of the Planning Committee Meeting held on 13 June 2017 be confirmed as a correct record of business transacted.

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT D/877/2016 8 Ballantyne Street, Thornbury

**Author:** Principal Planner

**Reviewed By:** Director City Futures and Assets

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Applicant	Owner	Consultant
LSD Investments	Ballantyne Street Holdings P/L	Clause 1 P/L Ecotecture Design Group The Garden Planners

### SUMMARY

- It is proposed to construct a medium density housing development comprising six (6) double storey dwellings over basement car parking. The dwellings comprise a mix of two- and three-bedrooms.
- The site is within the General Residential Zone – Schedule 2 ('GRZ2').
- There is no restrictive covenant on the title for the subject land.
- 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 pursuant to section 52(1) of the *Planning and Environment Act* ('Act') via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the following Council departments for review:
  - Public Places;
  - Transport;
  - Capital Works;
  - Planning Arborist; and
  - ESD Officer.
- This application was not required to be referred to external authorities pursuant to section 55 of the Act.

**Recommendation**

**That** Planning Permit Application on D/877/2016 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 Project No. 2016-0022, Drawing Nos. TP02B, TP03B, TP04B and TP05B prepared by *Ecotecture Design Group*) but modified to show:
  - a. A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - b. The fence secluding the private open space of Dwelling 2 set back at the front building line.
  - c. The fencing secluding the private open space of Dwellings 1 and 2 to be of a dressed/capped (or equivalent) style.
  - d. Operable external shading devices to all east- and west-facing habitable room windows and glazed doors (where not overhung by an eave or the floor above). Details of the operability are to be provided on the plans.
  - e. Fixed external shading devices to all north-facing habitable room windows and glazed doors.
  - f. Unless required to be fixed in accordance with Clause 55.04-6 – Standard B22, all windows are to be operable.
  - g. All operable windows to be a sliding, casement, double hung, louver or equivalent style (not awning).
  - h. The following rooms/areas provided with skylights, daylight tubes or equivalent:
    - Dwellings 1 and 2: Master Bed ensuite; and
    - Dwellings 3 – 5: First floor bathroom.
  - i. A detail/section and notation of the north-facing clerestory windows including means of operability.
  - j. The height of fences on the east, north and west boundaries (except within 5.47 metres of the south 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.
  - k. The following windows:
    - Dwelling 2 – Master Bed;
    - Dwelling 3 – Bed 2;
    - Dwelling 4 – Bed 2; and
    - Dwelling 5 – Bed 2.

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.

- l. The balcony screening detail updated to provide a visual barrier to a minimum height of 1.7 metres and the depth of the slats/louvers dimensioned to demonstrate that no downward views are available in accordance with the requirements of Clause 55.04-6 – Standard B22.
- 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. Details of the screening to bins and meters.
- o. Water tanks located underground and/or consolidated within the basement level.
- p. Basement columns be setback a minimum of 250mm and not project more than 1250mm from the vehicle accessway.
- q. An amended landscape plan in accordance with Condition No. 4 of this Permit.
- r. Notations in relation to the removal of the Council nature strip tree (refer to Condition No. 7 of this Permit).
- s. Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 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 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. 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 and quantities of all plants.
  - c. Details of all surfaces including lawns, mulched garden beds and hard paving (such as asphalt, concrete, brick or gravel).
  - d. Street trees within the nature strip/s adjacent to the property.
  - e. All constructed items including retaining walls, letter boxes, garbage bin receptacles, outdoor furniture, lighting, clotheslines etc.
  - f. Edge treatment between grass (lawn) and garden beds.
  - g. An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences. An outline of buildings on adjoining land, including the location of windows and doors which face the subject site must also be shown.
  - h. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - i. Clear graphics identifying trees (deciduous and evergreen), shrubs, groundcovers and climbers.
  - j. A scale, North Point and appropriate legend.

The species of all proposed plants selected must be to the satisfaction of the Responsible Authority.

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

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

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

- (7) Before the development starts, a fee of 463.00 must be paid to the Responsible Authority to off-set the amenity value relating to the loss of the existing street tree/s within the nature strip adjacent to the frontage of the land. {where the site has more than one street frontage you may need to be more specific}

The existing street tree/s must be removed by the developer/permit holder at their own cost to the satisfaction of the responsible authority.

The removal works must be undertaken by a suitably qualified professional.

- (8) 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.

- (9) Waste storage and collection must be undertaken in accordance with the approved management plan (identified as 'Waste Management Plan' dated 6 March 2017 prepared by *Clause 1 P/L*) 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.
- (10) Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- (11) All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- (12) Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

- (13) The land must be drained to the satisfaction of the Responsible Authority.
- (14) 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.
- (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 occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) Constructed;
  - (b) Properly formed to such levels that they can be used in accordance with the plans;
  - (c) Surfaced with an all weather sealcoat; and
  - (d) Drained

to the satisfaction of the Responsible Authority.

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

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

## NOTATIONS

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

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

A review of Council records indicates there are no previous planning permit applications applicable to the subject land.

The current application was originally received by Council on 10 October 2016. The application was formally amended pursuant to section 57A of the Act on 15 March 2017.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is regular in shape and measures 41 metres in length and 20.12 metres in width with a site area of 824.9 square metres.
- The land is located within the GRZ2.
- The land is located on the northern side of Ballantyne Street which runs east-west between High Street and Stott Street.
- The site is currently occupied by a single storey detached dwelling of weatherboard construction with a tiled roof. A series of outbuildings occupy the rear of the property.
- To the east is a single storey detached dwelling of weatherboard construction with a sheeted metal roof.
- To the west is a medium density housing development (approved under Planning Permit D/696/2009) currently under construction. The development comprises a two (2) storey building with eight (8) dwellings over basement car parking.
- To the north is the rear of properties fronting Smith Street. This comprises a series of a carport on boundary and concrete service area of the adjacent flats.
- To the south across Ballantyne Street is a single storey detached brick dwelling (11 Ballantyne Street) and four (4) single storey brick units (1-4/15 Ballantyne Street).
- On-street car parking is unrestricted on the northern side of Ballantyne Street and 2- and 4- hour restricted (Monday – Friday; and Saturday mornings) on the southern side of Ballantyne Street.
- The site is well serviced by public transport, retail offerings and local amenities. This includes:
  - No. 86 Tram (80 metres east);
  - Thornbury Railway Station (320 metres north-west);
  - High Street retail (80 metres east);
  - Thornbury Neighbourhood Centre (150 metres south-east); and
  - ‘The Steps’ public reserves (200 metres east).

### Proposal

- Demolition of the existing detached dwelling and outbuildings (no permit required).
- Construction of six (6) double storey attached dwellings over basement car parking.
- Dwellings 1 and 2 will comprise three-bedrooms while Dwellings 3 – 6 will comprise two-bedrooms.
- All dwellings adopt a ‘traditional’ living arrangement with ground floor living areas and courtyards. Supplementary balcony spaces are provided at the first floor.
- The basement will comprise eight (8) parking spaces and associated services. No visitor car parking is provided on site.

### Objections

- Six (6) objections have been received.
- Five (5) of the objections received are of a pro forma template.

**Objections summarised**

- Double storey massing extending through the site.
- Overlooking.
- Car Parking Provision.
- Neighbourhood character and design detailing.

Issues raised solely in pro forma objections

- Oversupply of one (1) and two (2) bedroom dwellings.
- Non-compliance with Clause 55 standards.
- Impact on Council street trees.
- Vehicle parking layout and ingress/egress.
- Non-compliance with Clause 22.06.
- Waste management.
- Consideration of the application by Council's Planning Committee.
- Net community benefit and social impact.
- Social and affordable housing provision.

**Officer comment on summarised objections**Double storey massing extending through the site

The presence of double storey form extending through sites is a characteristic seen on a number of properties in proximity to the subject site. This results from a series of 1970s in-fill development comprising both flat/apartment type developments and single storey units.

A built form envelope extending through the land is not prohibited under the Scheme; rather it is the balancing of all of the relevant requirements of the Scheme that need to be considered with respect to appropriateness. As set out in the assessment below, the proposal achieves a good fit with the surrounding environs in terms of neighbourhood character, internal and external amenity.

Overlooking

Matters relating are discussed in the assessment below.

Car Parking Provision

The proposed car parking provision satisfies the resident requirement (eight (8) spaces) with a reduction sought solely for the visitor requirement (one (1) space).

Given the site's favourable location, a reduction in this instance is appropriate. Details are provided in the Clause 52.06 assessment below.

Neighbourhood character and design detailing

Neighbourhood character is a matter having regard to the physical and policy context of the site. An appreciation of the site's physical context is provided above and throughout the report. An assessment of the proposal against the design objectives of the *Darebin Neighbourhood Character Policy (2007)* ('NCS') is provided in the assessment below.

Oversupply of one (1) and two (2) bedroom dwellings

Dwellings 1 and 2 each contain three (3) bedrooms with the remaining four (4) dwellings being two (2) bedrooms. It is unclear from the objection how the construction of three (3) bedroom housing stock would somehow contribute to an oversupply of one (1) and two (2) bedroom dwellings within the municipality. Evidently, the proposal contributes a mix of housing stock to the municipality. Therefore the objection relating to the oversupply of one (1) and two (2) bedroom dwellings is addressed as follows:

The Municipal Strategic Statement (MSS) was gazetted in October 2015 and sets the key strategic planning, land use and development objectives for the municipality together with 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 relevance 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 therefore not substantiated by any statistical data and is contrary to the demographic issues and housing objectives contained in Council's MSS.

Non-compliance with Clause 55 standards

An assessment of the proposal against the relevant objectives and standards of Clause 55 is provided below.

Impact on Council street trees

The removal of the nature strip tree has been reviewed by Council's Planning Arborist and no objection has been expressed subject to offset planting requirements included in the recommendation above.

Vehicle parking layout and ingress/egress

The objections purport that vehicles will be required to reverse from the subject site, and further that tandem car parking will promote residents reliance on on-street car parking. Both of these assertions are factually incorrect given the layout of the proposed development.

No tandem car parking is proposed.

The vehicle accessway and blind aisle allow for vehicles to enter and exit the site in a forward direction.

Non-compliance with Clause 22.06

The provisions of Clause 22.06 of the Darebin Planning Scheme are not applicable to the current application.

Waste management

Matters relating to waste management are discussed in the assessment below.

Consideration of the application by Council's Planning Committee

The application is to be reported to, and decided by Council's Planning Committee.

Net community benefit and social impact

The objectors concerns about net community benefit cannot be substantiated. Firstly, the proposal contributes to State and local policy objectives to consolidate housing in established residential areas. As set out above, the type and form of housing provided responds to demographic changes and housing needs in the municipality.

Combined with the high level of compliance (subject to conditions) with Clause 55, the proposal will provide a consolidated form of housing which minimises impacts on neighbouring land and provides net benefit to the community.

Social and affordable housing provision

While encouraged by State and local policy, there is no statutory mechanism in the Darebin Planning Scheme to mandate the provision of social housing on private land.

The proposal is considered to provide a more affordable housing option than remnant detached housing stock by proposing a more compact, consolidated housing form on the land.

## PLANNING ASSESSMENT

### Neighbourhood Character Precinct Guideline Assessment - Precinct A2

The subject site is located within Precinct A2 which is nominated as comprising predominantly Victorian and Edwardian housing stock. In terms of the policy context, the Tribunal made the following observations when considering the development at 12 Ballantyne Street (in *Ballantyne Unit Trust Pty Ltd v Darebin CC* [2011] VCAT 106):

*“The key characteristics of urban character precinct no. A2 relate to the style of the existing development which is a mixture of Edwardian and Victorian dwellings with occasional infill development of the 1960’s dwellings and walk up flats. The dwellings in the area have typically small front setbacks and are usually a single storey with occasional two storey flats. The materials are either weatherboard or brick with the dominance of pitched roofs and limited crossovers and with generally low level landscaping to front gardens...”*

*The design guidelines for the A2 precinct require the retention of older buildings that contribute to the valued character of the area and to maintain the strength and garden settings and to ensure that buildings and extensions respect the dominant height and form of buildings in the streetscape. With regard to materials and design, the guidelines require that the use of materials and design detail in new development complements that of the predominant building styles in the street and that buildings contribute positively to the streetscape by innovative architectural responses and by presenting visually interesting facades to the street.”*

In terms of the context of the subject site, an appreciation has been provided in the Subject Site and Surrounding Area description above. A notable apartment building has been approved to the immediate west and a series of 1970s era unit developments have been constructed to the north. Extending east of the subject site to High Street are a series of single storey detached dwellings of Victorian/Edwardian era construction.

While it is the latter that is nominated as the characteristics stock of the vast A2 precinct, the immediate character of the area is evidently mixed. Coupled with the site’s locational attributes, a more robust built form outcome than that of single storey detached houses is a reasonable expectation.

With the foregoing in mind, the design objectives of the NCS are considered in turn below.

#### Existing Buildings

The existing dwelling on the site is of the identified era of the broader precinct however it is not a remarkable example of the area’s housing stock. The tiled roof is an anomalous element in contrast to the typical metal sheeting used nearby.

Importantly, the subject site is not encumbered by a Heritage Overlay thus planning permission is not required to remove the existing building. It follows that demolition of the dwelling is acceptable, subject to a suitable design response for the replacement building.

#### **Complies**

Vegetation

The applicant has submitted a concept landscape plan which demonstrates the proposed landscaping treatment for the proposed development. The plans has been reviewed by Council's Public Places Unit and found to be acceptable (subject to minor administrative matters on the plans). The landscaping opportunities available are generally commensurate with that of surrounding sites and will make a positive contribution to the landscaping character of the area.

The proposed development will result in the removal of a Council street tree which has been supported by Council's Planning Arborist, subject to appropriate offset requirements.

**Complies subject to condition**Siting

As noted above, the applicant has provided a concept landscaping plan for the proposed development. The plan shows a range of planting opportunities comprising two (2) canopy trees with a series of understorey plantings and ground covers. This treatment makes efficient use of the available space and is commensurate with neighbouring properties.

The development singular building form is proposed with no on boundary construction. This will present a detached form to the street consistent with the prevailing stock – both single dwellings and post-war unit developments. The presence of built form extending through the site is somewhat characteristic of the area with the various 1970s flats and unit developments, and the apartment building approved to the west, exhibiting similar building footprints to that of the proposed development.

The development provides a single vehicle crossover (as per existing conditions) which will access a basement car park. This will be the only visible car parking structure/facility with the resident spaces being concealed beneath the dwellings.

**Complies**Height and building form

The proposal adopts a double storey height which is appropriate in the residential context in which the site is located and will sit comfortably within the streetscape which comprises a mix of single and double storey stock.

The form is evidently contemporary which is appropriate in the context which exhibits a mix of traditional Victorian and Edwardian dwellings, and more recent post-war 1970s in-fill (both flats and single storey units). The low pitch skillions provide a suitable reference to more traditional housing stock. The facades are well articulated both horizontally and vertically which aids in breaking up the elevations when viewed from the street and adjoining properties.

**Complies**Materials and design detail

The development utilises traditional design details in a contemporary manner including the entry portico treatments, reference to pitched roof forms (noted above) and proportioned, vertical fenestration on the front façade.

The materials palette comprises a mix of ground floor recycled face brickwork and two (2) types of vertical profile cladding (metal and timber). This ties to the brick and weatherboard dwellings that are seen in the locality however the composition will retain the contemporary aesthetic of the development.

A condition will require a detailed materials and finishes schedule prior to the commencement of the development.

**Complies subject to condition**

Front boundary treatment

No front fence is proposed as part of the development.

Although not built to the front boundary, a condition will require the fence secluding the private open space of Dwelling 2 be set back at the building line to achieve an acceptable front setback treatment. The fencing provided where visible from the street is to be dressed/capped to provide a high quality treatment to the street.

**Complies subject to condition**

**Clause 55 Assessment**

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

Clause 55.03-1 B6 Street Setback

The front setbacks of the adjoining dwellings are 4.2 metres and 4.5 metres. The standard therefore requires a setback of 4.35 metres.

The proposed front setback of 4.31 metres fails to meet the numerical requirements of the standard however the non-compliance is so minor that it would not be discernible within the streetscape. Importantly, the setback above relates to the front verandah (with balconies above) with the building itself set back 5.47 metres.

Imposing conditions requiring numerical compliance would achieve little, if any tangible benefit (e.g. additional landscaping).

The proposed front setback is appropriate.

**Complies with objective**

Clause 55.03-5 B10 Energy Efficiency

The proposal is considered to be generally energy efficient due to the following:

- Attached construction.
- Cross ventilation is available in the design.
- The development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.
- Open space and living areas with access to north light.
- Space for outdoor clothes drying facilities.
- External shading devices are indicated on the west-facing windows.

To further improve the passive energy efficiency of the development, conditions will require the following:

- Operable external shading devices to all east- and west-facing habitable room windows and glazed doors (where not overhung by an eave or the floor above). Details of the operability are to be provided on the plans.
- Fixed external shading devices to all north-facing habitable room windows and glazed doors.
- Unless required to be fixed in accordance with Clause 55.04-6 – Standard B22, all windows are to be operable.
- All operable windows to be a sliding, casement, double hung, louver or equivalent style (not awning).
- The following rooms/areas provided with skylights, daylight tubes or equivalent:
  - Dwellings 1 and 2: Master Bedroom ensuite; and
  - Dwellings 3 – 5: First floor bathroom.

For clarity, a condition will require notations and a typical section be provided for the north-facing clerestory windows.

A detailed Sustainable Design Assessment (SDA) will be required for the development.

**Complies subject to conditions**

Clause 55.03-8 B13 Landscaping

The surrounding landscape character is generally semi mature and informal with large open spaces and spacious setbacks.

The open spaces and setbacks are generally large enough to provide sufficient landscaping.

A landscape plan has been submitted with the application and reviewed by Council's Public Places Unit. Conceptually, no objection was expressed noting the plan provided makes good use of the available space. A revised plan will be required reflecting both the amended development and in accordance with Council's standard technical standards.

The proposed basement ramp will result in the loss of a Council street tree. Council's Planning Arborist has expressed no objection to the trees removal subject to appropriate offset (required via conditions).

**Complies subject to conditions**

Clause 55.04-1 B17 Side and Rear Setbacks

The proposal exhibits setbacks which are wholly compliant with the requirements of the standard, save for the first floor setback of Dwelling 6 from the northern boundary. This interface will provide a 1.7 metre setback in lieu of the 1.73 metres required by the standard. This is acceptable as:

- The 30mm discrepancy will be indiscernible in practical terms;
- The non-compliant setback will abut the adjoining carport which is built the entire length of the boundary;
- The area of non-compliance relates solely to a short 4.16 metre section of wall.

Given the above, the proposed setbacks will not unreasonably impact the amenity of the adjoining properties.

### **Complies with objective**

#### Clause 55.04-6 B22 Overlooking

The proposed dwellings have finished floor levels less than 0.8 metres above natural ground level at the boundary. Conditions will require a minimum 1.8 metre barrier (fencing) along the east, north and western property boundaries to adequately limit overlooking at ground level.

Upper storey windows are generally designed and/or screened to ensure no overlooking.

Conditions will require the following:

- The following east-facing windows screened in accordance with the standard:
  - Dwelling 2 – Master Bedroom;
  - Dwelling 3 – Bedroom 2;
  - Dwelling 4 – Bedroom 2; and
  - Dwelling 5 – Bedroom 2.
- The balcony screening detail updated to provide a visual barrier to a minimum height of 1.7 metres and the depth of the slats/louvers dimensioned to demonstrate that no downward views are available in accordance with the requirements of Clause 55.04-6 – Standard B22.

### **Complies subject to conditions**

#### Clause 55.05-4 B28 Private Open Space

The proposal provides the following private open space provision:

	<b>Total POS</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>
Dwelling 1	50 square metres	27 square metres	3.2 metres
Dwelling 2	52 square metres	39 square metres	3.78 metres
Dwelling 3	41 square metres	33 square metres	5.32 metres
Dwelling 4	41 square metres	33 square metres	5.32 metres
Dwelling 5	41 square metres	33 square metres	5.32 metres
Dwelling 6	51 square metres	37 square metres	5.32 metres

To improve the usability of the space provided, a condition will require water tanks be located underground and/or consolidated within the basement level.

### **Complies subject to conditions**

#### Clause 55.06-4 B34 Site Services

Sufficient area is provided to allow for the installation and the maintenance of site services.

As noted above, the water tanks for each dwelling will be relocated via condition.

Further conditions will require details and specifications for the screening of both bins and infrastructure meters.

Waste management for the development will be required to be in accordance with the Waste Management Plan submitted. This will comprise bin sharing and rely on Council collection.

### **Clause 52.06 Car Parking**

#### Number of Parking Spaces Required

One car parking space is provided for each of the two bedroom dwellings.

Two car parking spaces are provided for each of the three bedroom dwellings with one space under cover.

A reduction of the visitor car parking space is sought and this is acceptable for the following reasons:

- The resident parking requirement has been satisfied and the visitor demand is anticipated to be low.
- Any visitor demand is likely to be short-term and can be accommodated by the local on-street supply.
- The land is well located to facilitate multi-purpose trips.
- The land is well serviced by public transport to promote sustainable transport modes.
- The provision of on-site visitor car parking is impractical in this instance given the typology of the development and design of the basement.

#### 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. A condition will require the basement columns be setback a minimum of 250mm and not project more than 1,250mm from the vehicle accessway.

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

Access dimensions to the car spaces comply with the standard.

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

### **CLAUSE 55 COMPLIANCE SUMMARY**

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

Clause	Std		Compliance	
<b>55.02-3</b>	<b>B3</b>	<b>Dwelling diversity</b>		
		N/A as development contains less than 10 dwellings.	N/A	N/A
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		Adequate infrastructure exists to support new development.	Y	Y
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		Dwellings 1 and 2 directly interface with the street. Dwellings 3-6 are provided with an appropriately designed common entry.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		Please see assessment in the body of this report.	N	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		8.0 metres.	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		56%.	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		30%.	Y	Y
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		N/A as the site does not abut public open space.	N/A	N/A
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient and respects the character of the area.	Y	Y
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		Parking facilities are proximate to the dwellings they serve, the access is observable, and no habitable room abut the accessway.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		Please see assessment in the body of this report. Only a 30mm non-compliance.	N	Y

Clause	Std		Compliance	
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		No on boundary construction proposed.	N/A	N/A
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		Sufficient setbacks exist to allow adequate daylight.	Y	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		There are no internal views.	Y	Y
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		Noise impacts are consistent with those in a residential zone.	Y	Y
<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
<b>55.05-3</b>	<b>B27</b>	<b>Daylight to new windows</b>		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
<b>55.05-4</b>	<b>B28</b>	<b>Private open space</b>		
		Please see assessment in the body of this report.	N	Y
<b>55.05-5</b>	<b>B29</b>	<b>Solar access to open space</b>		
		Sufficient depth is provided for adequate solar access.	Y	Y
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		Sufficient storage areas are provided.	Y	Y
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		No front fence is proposed which is acceptable.	Y	Y

Clause	Std		Compliance	
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		Common property areas are appropriate and manageable.	Y	Y
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		Please see assessment in the body of this report.	Y	Y

## REFERRAL SUMMARY

Department/Authority	Response
Public Places	No objection, subject to condition included in recommendation.
Transport	No objection, subject to condition included in recommendation.
Capital Works	No objection, subject to condition included in recommendation.
Planning Arborist	No objection, subject to condition included in recommendation.
ESD Officer	No objection, subject to condition included in recommendation.

## PLANNING SCHEME SUMMARY

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

- Clause 32.08-6: Construction of two (2) or more dwellings on a lot.
- Clause 52.06-3: Reduction of car parking requirements.

### Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11, 15, 16
LPPF	21.01, 21.03, 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	A2

## POLICY IMPLICATIONS

### Environmental Sustainability

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls. A detailed Sustainable Design Assessment is required as a condition of approval.

**Social Inclusion and Diversity**

Nil

**Other**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil

**DISCLOSURE OF INTERESTS**

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

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

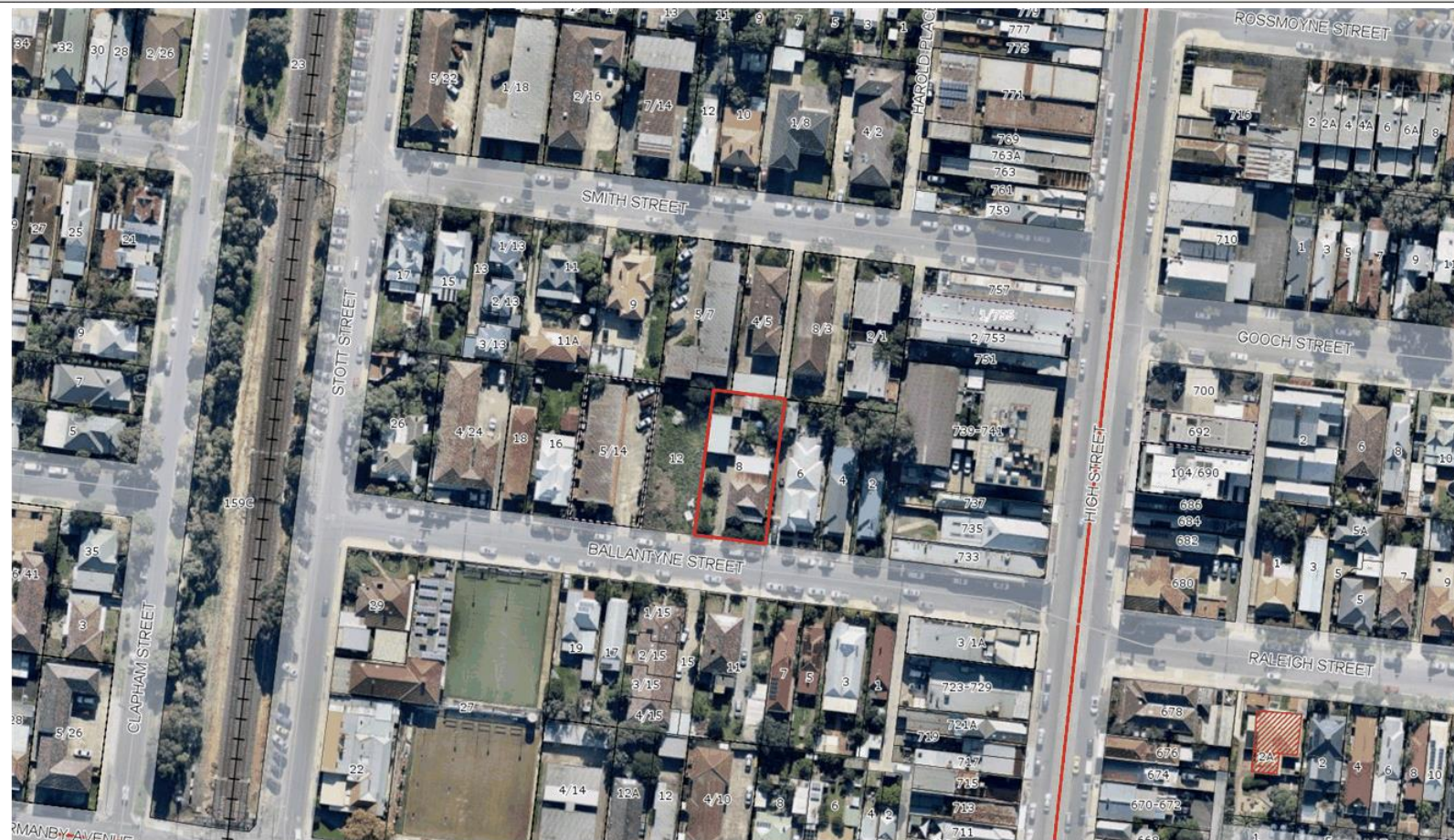
**RELATED DOCUMENTS**

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

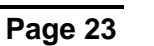
**Attachments**

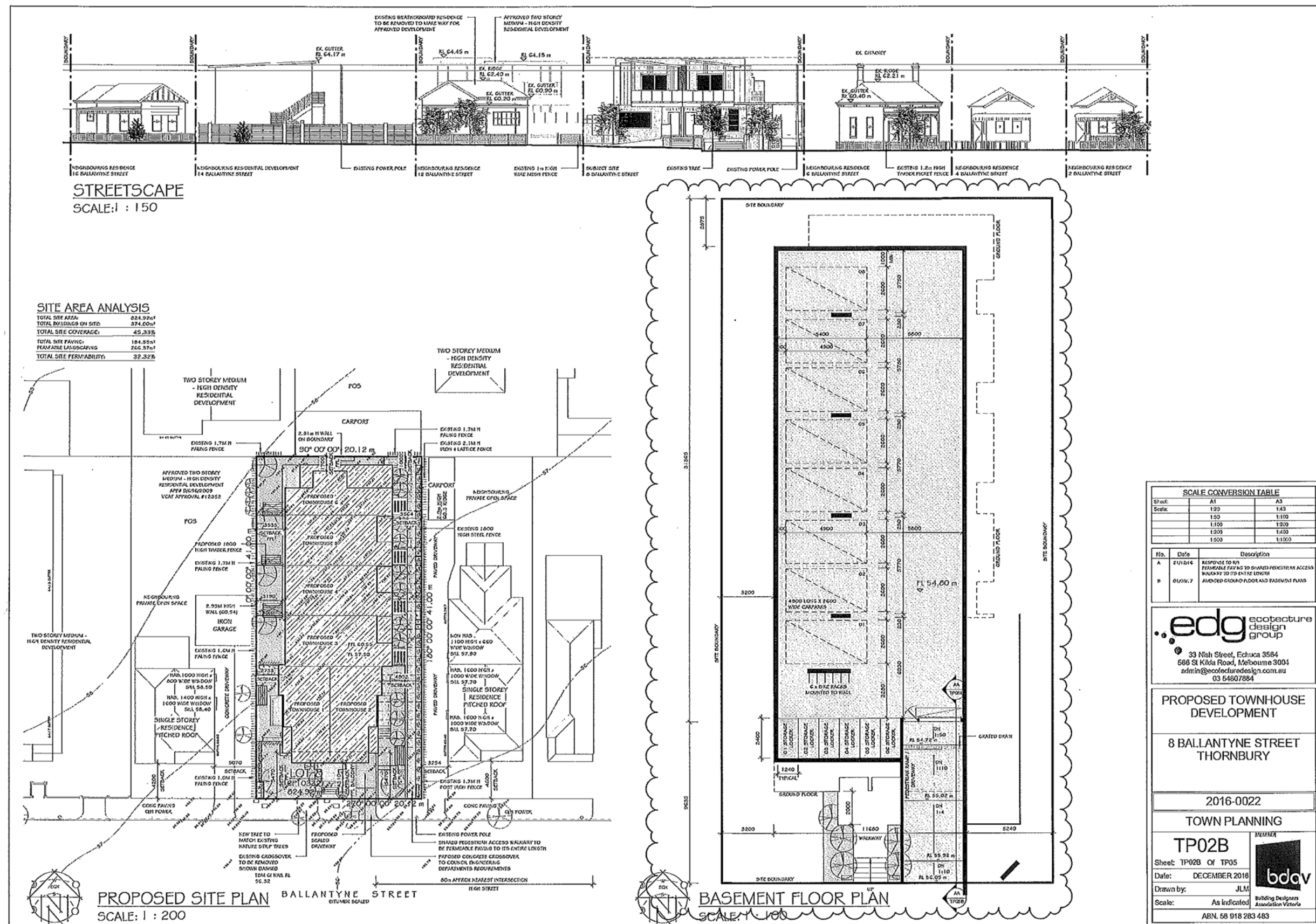
- Aerial Map (**Appendix A**)
- Advertised Plans (**Appendix B**)

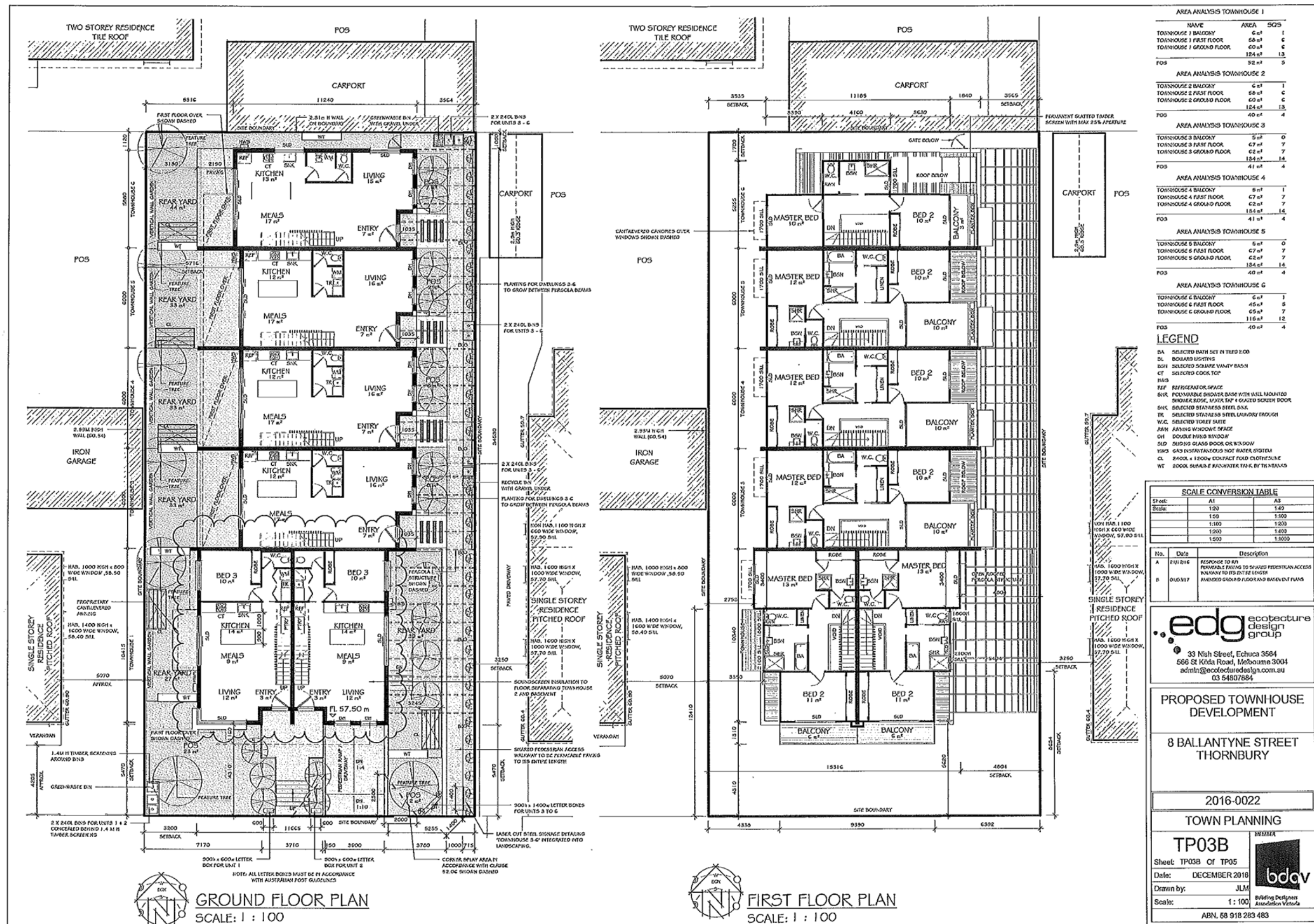
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Darebin City Council

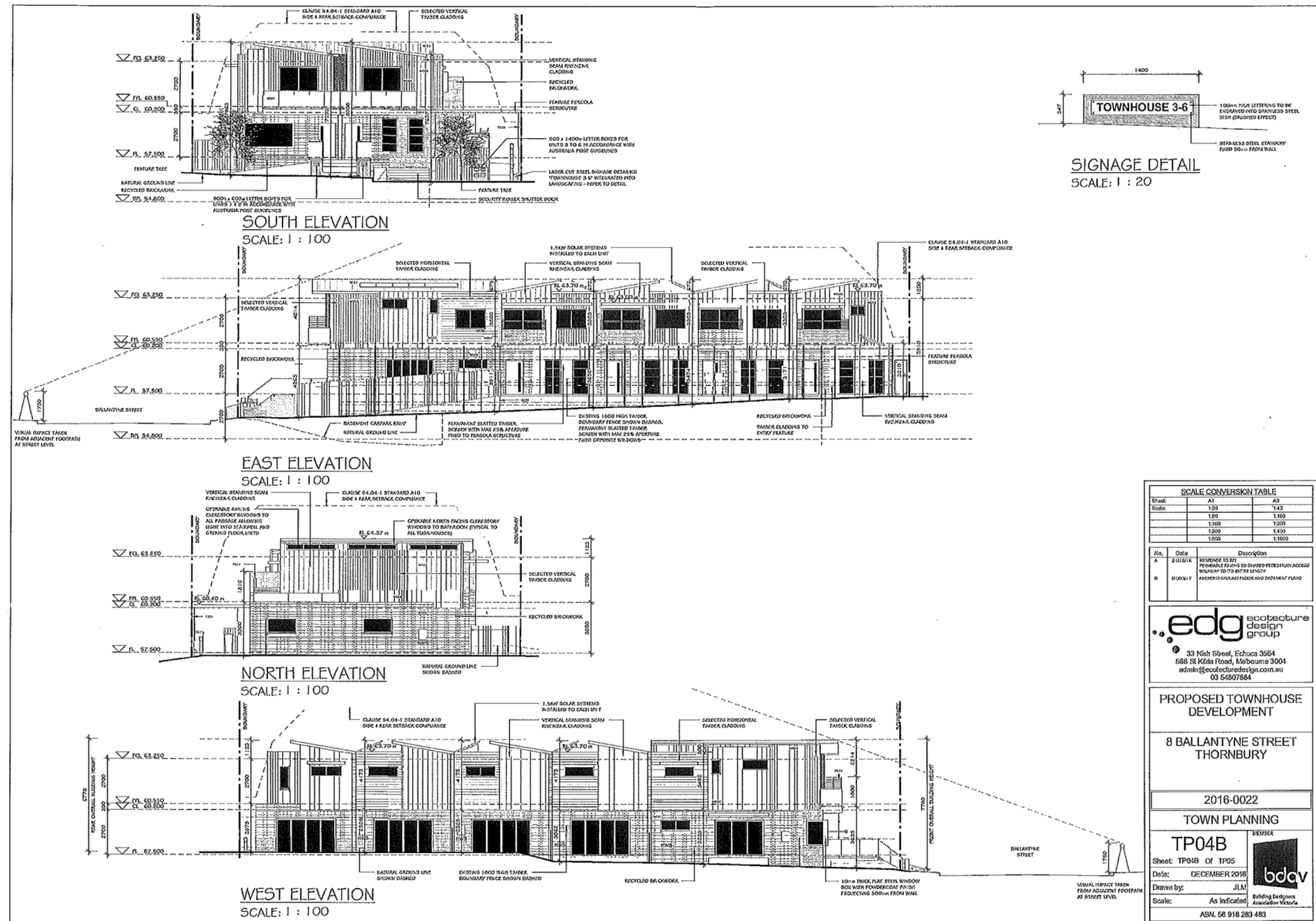


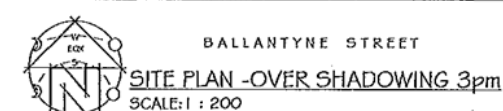
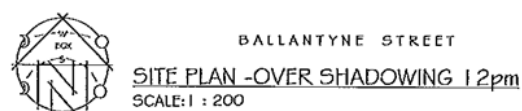
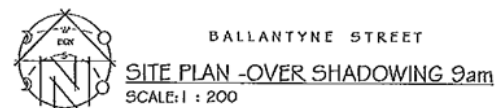
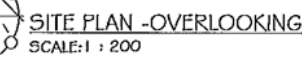
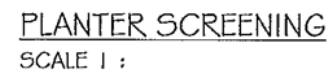
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ASN. 58 918 283 483



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**5.2 APPLICATION TO AMEND PLANNING PERMIT  
D/899/2015/A  
59 Howard Street, Reservoir**

**Author:** Senior Planner

**Reviewed By:** Director City Futures and Assets

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<b>Applicant</b>	<b>Owner</b>
Jodani Homes Pty Ltd	Michael David Gunn and Richard Leon Green

**SUMMARY:**

- It is proposed to amend the approved landscape plan by replacing the paving, lawn, and gravel with concrete in the rear yard of each dwelling. This application is for retrospective approval as the works have already been undertaken by the applicant (see Introduction and Background in the body of the report for further information).
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Six (6) objections were received against this application.
- The proposal fails to meet the applicable Neighbourhood Character Study Guidelines.
- It is recommended that the application be refused.

**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 public realm unit.
- The application was not required to be referred to external authorities.

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

**That** Planning Permit Application D/899/2015/A to amend Planning Permit D/899/2015 be refused and Notice of Refusal be issued on the following grounds:

- (1) The proposal does not meet Clause 22.02 (Neighbourhood Character). In particular, the proposal includes large areas of impervious surfaces and lacks landscaping and substantial vegetation.
- (2) The proposal does not meet the objectives of Clause 55 of the Darebin Planning Scheme, more particularly:
  - a) Neighbourhood character – The proposal is inappropriate in terms of inadequate provision of landscaping.
  - b) Landscaping – The proposal is not consistent with the established landscape character of the area.

## INTRODUCTION AND BACKGROUND

Planning Permit D/899/2015 was issued on 23 December 2015 and allowed a medium density housing development comprising of one (1) double storey dwelling and one (1) single storey dwelling, in accordance with the endorsed plans.

The site was the subject of a Darebin City Council Notice to Comply (PLE/162/2016) issued on 8 November 2016. Council's Planning Investigations Officer inspected the site on 7 November 2016 and issued a Notice to Comply for a material deviation from the endorsed plans, specifically excessive concrete in the rear setback (private open space to Unit 2). This application is for retrospective approval for that landscaping breach, and also seeks approval for additional concrete in the rear private open space to Unit 1 (not identified during the original inspection).

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is rectangular in shape. The street frontage width is 15.24 metres and depth 48.79 metres, giving an overall site area of 743.56 square metres.
- The land is located within the General Residential Zone 2 and is affected by a Development Contributions Plan Overlay.
- The land is located on the south side of Howard Street, opposite Clark Street.
- The land has a recently completed medium density housing development comprised of two townhouses, as approved by this planning permit.
- To the east and west are single storey brick dwellings with pitched tile roof and low brick front fences.
- To the south (rear) are single storey dwellings with pitched tiled rooves, facing Delaware Street.
- To the north (across Howard Street) are a new medium density development and the entrance to Clark Street, Reservoir.

### Proposal

- It is proposed to amend the approved landscape plan by replacing the approved gravel and lawn with concrete in the rear yard of each dwelling.

### Objections

- Six (6) objections have been received.

### Objections summarised

- Doesn't meet the permeability objective/standard.
- The site has inadequate drainage and is the cause of local flooding.
- The concrete is raised above the natural ground level and is damaging the fence/shed on adjoining properties.
- Doesn't meet the landscape objective/standard.
- There are air-conditioning units inappropriately located and not screened.
- There is an external light constantly shining into the adjoining property.
- Overloading of the local stormwater drainage system.

- Negative impact upon the health of Darebin Creek.
- Site drainage will have an impact on the Special Building Overlay in Clarke Street.

**Officer comment on summarised objections**Doesn't meet the permeability objective/standard of Rescode

The proposal has been assessed against Clause 55.03-4 in the report below. The site meets the permeability requirement of 20 per cent.

The site has inadequate drainage and is the cause of local flooding / Overloading of draining systems

A decrease in permeability will have a negative impact on local drainage.

The concrete is raised above the natural ground level and is damaging the fence/shed on adjoining properties

Any damage caused by the concrete and its construction is a civil matter.

Doesn't meet the landscape objective/standard of ResCode

The proposal has been assessed against Clause 55.03-8 in the report below. The proposal does not meet the objectives of this clause.

There are air-conditioning units inappropriately located and not screened

This application has not sought approval for air-conditioning units.

Condition 13 of the permit states that no plant, equipment or services are permitted above the roof level without Council's written consent. As a result, this matter will be referred to Council's Planning Investigations Unit for investigation.

There is an external light constantly shining into the adjoining property

This application has not sought approval for lighting.

Condition 9 of the permit states that external lighting must be baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land. As a result, this matter will be referred to Council's Planning Investigations Unit for investigation.

Negative impact upon the health of Darebin Creek

This proposal is not considered to have a significant impact upon the health of the creek, especially given its lack of proximity.

Site drainage will have an impact on the Special Building Overlay in Clarke Street

The site is not located in a Special Building Overlay and it is not considered to affect drainage towards properties in this Overlay as they are over 100 metres away.

**PLANNING ASSESSMENT****Neighbourhood Character Precinct Guideline Assessment – Precinct E7**Vegetation

- Design objective:** The objective is to maintain and strengthen the garden setting of the dwellings.
- Design Response:** Applications for new development should be accompanied by a landscape concept plan that includes retention of substantial trees and shrubs wherever possible, and provides for the planting of new vegetation
- Buildings should be sited and designed to retain large, established trees where present and to incorporate space for the planting of substantial vegetation, such as canopy trees, on larger sites
- Avoid:**
- Lack of landscaping and substantial vegetation
  - Large areas of impervious surfaces
  - Removal of large, established trees and the location of buildings on top of the root zone of trees
  - Dwellings that do not provide sufficient setbacks to accommodate trees

**Officer Comment:**

The site is set amongst a garden setting with canopy trees being present in the majority of backyards including the adjoining properties at 57 and 61 Howard Street, and 58, 60 and 62 Delaware Street (to the rear). The dwellings in this area are generally set amongst open backyards with landscaping. The siting of the dwellings of this development intends to provide adequate setbacks for landscaping and new vegetation, however this amendment fails to utilise this area for this purpose.

The neighbourhood character specifically states to avoid “Lack of landscaping and substantial vegetation” and “Large areas of impervious surfaces”. This proposal blatantly contravenes these guidelines. The private open space area to Unit 1 will be wholly concrete with the exception of one planter box, thus being a largely impervious area and lacking substantial vegetation. The private open space to Unit 2 is also a large impervious area having been covered in concrete.

Overall, this amendment is not considered to maintain the garden setting of the area.

**Does not comply****Clause 55 Assessment**

The following sections provide discussion on fundamental areas of Clause 55 including variations of standards and matters informing the recommendation above. As this is an application to amend a planning permit, the proposal has been assessed only against the clauses of the Darebin Planning Scheme that it will affect.

Clause 55.02-1 – Neighbourhood Character

This element has been considered above in the Neighbourhood Character Guidelines Assessment.

**Does not comply**

Clause 55.03-4 – Permeability

To reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration, at least 20% of the site should be permeable. Permeability is 20.0%

**Complies**

Clause 55.03-8 – Landscaping

The surrounding landscape character is generally semi mature and informal with large open spaces and spacious setbacks.

The open spaces and setbacks are generally large enough to provide sufficient landscaping, however this amendment seeks to cover this area in concrete rather than to utilise them for vegetation as per the approved landscape plan.

For these reasons, it is considered that the development does not respect the landscape character of the area.

**Does not comply**

**CLAUSE 55 COMPLIANCE SUMMARY**

As this is an application to amend a planning permit, the proposal has been assessed only against the clauses of the Darebin Planning Scheme that it will affect.

Clause	Std		Compliance	
			Std	Obj
<b>55.02-1</b>	<b>B1</b>	<b>Neighbourhood character</b>		
		Please see assessment in the body of this report.	N	N
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		The amended proposal provides exactly 20% permeable area.	Y	Y
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		The amended landscape plan does not meet the landscape character of the area.	N	N

**REFERRAL SUMMARY**

Department/Authority	Response
Public Realm	Objection based on the lack of canopy trees provided and the lack of permeable ground cover.

**PLANNING AND ENVIRONMENT ACT 1987 (AS AMENDED) SUMMARY****Planning and Environment Act 1987 Section under which approval is sought:**

- Section 72(1) states that a person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.

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

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

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls. This is not applicable to this amendment application.

**Social Inclusion and Diversity**

Nil

**Other**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil

**DISCLOSURE OF INTERESTS**

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

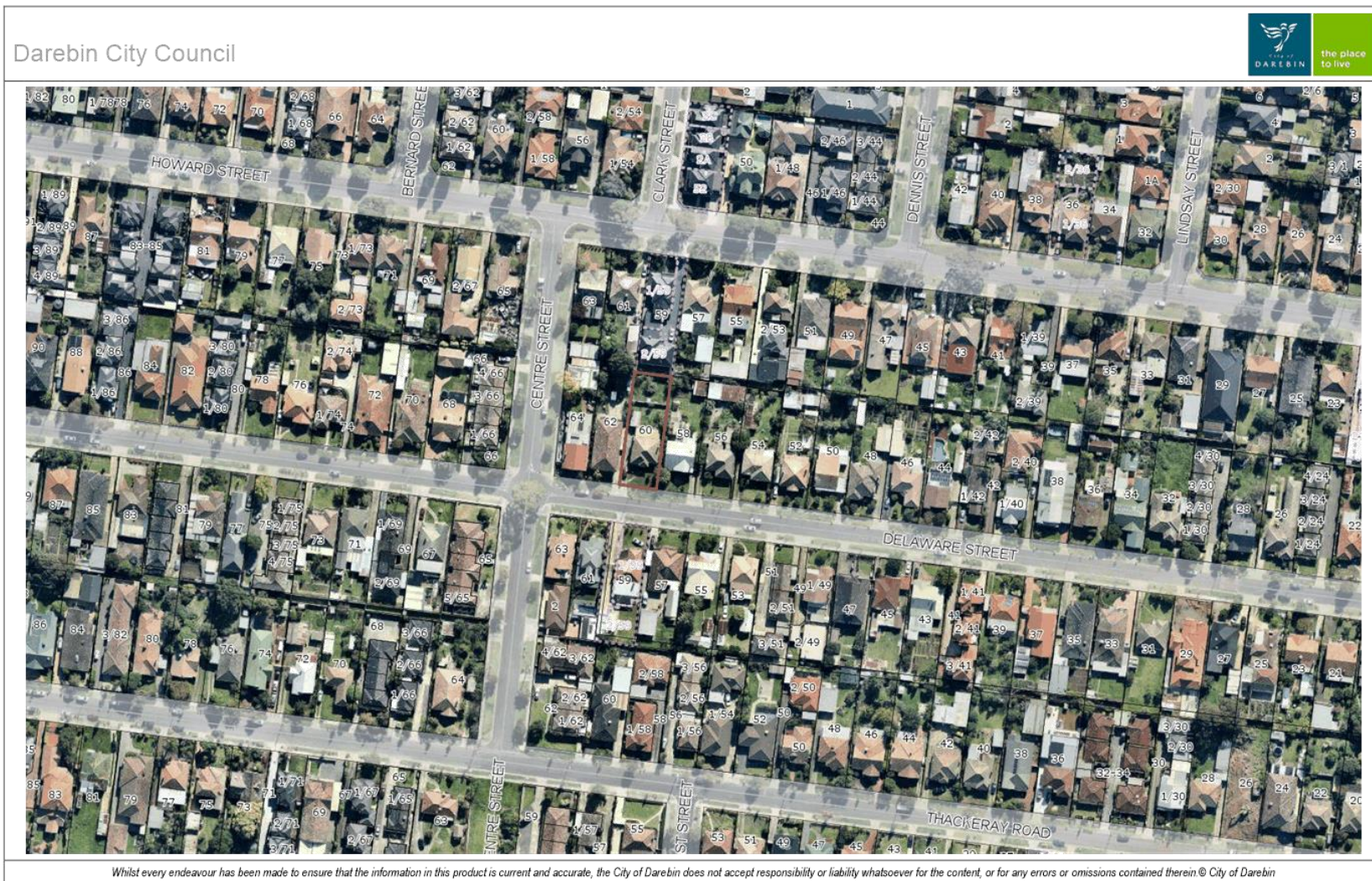
The Manager authorising this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**RELATED DOCUMENTS**

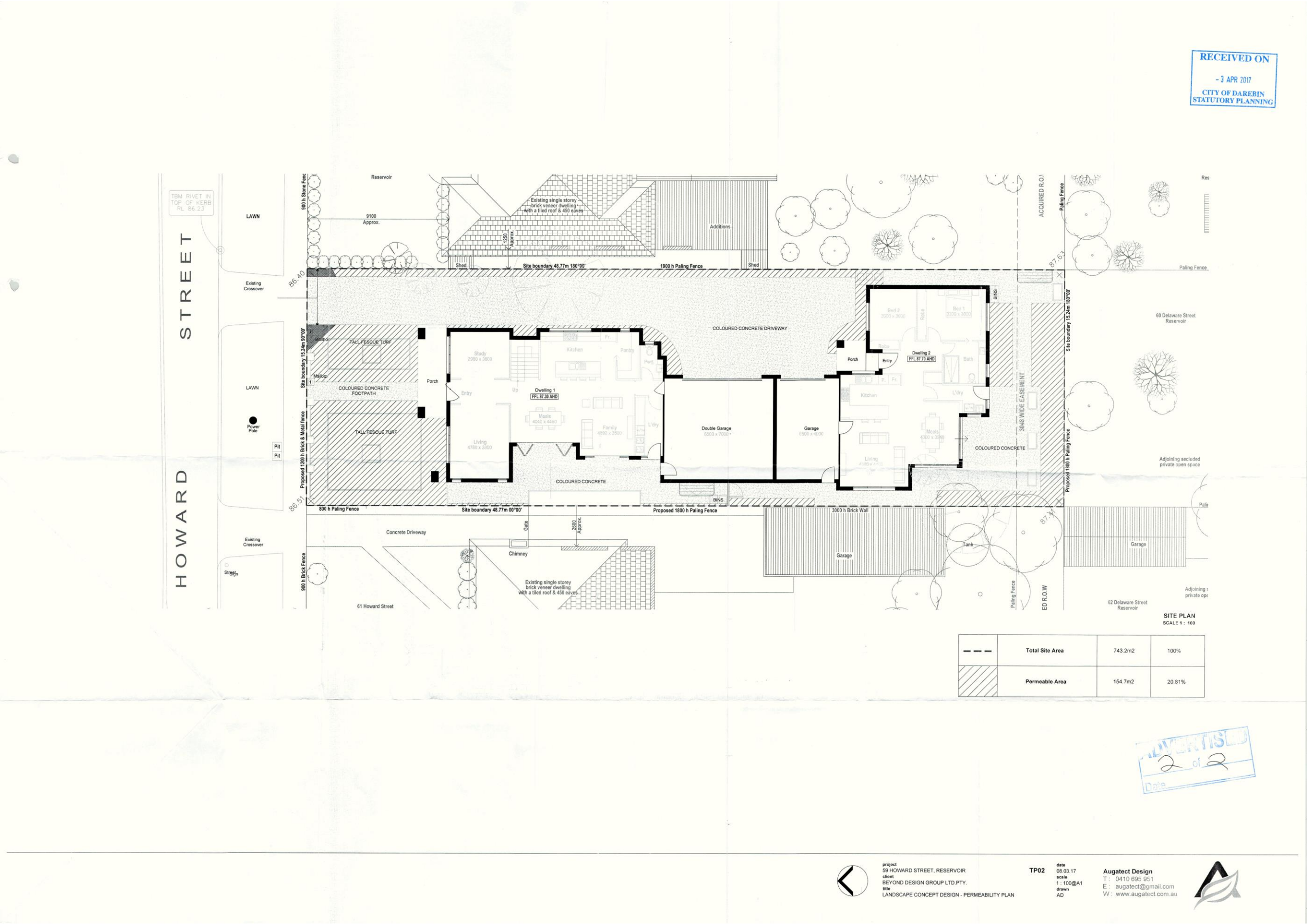
Darebin Planning Scheme and the *Planning and Environment Act (1987)* as amended.

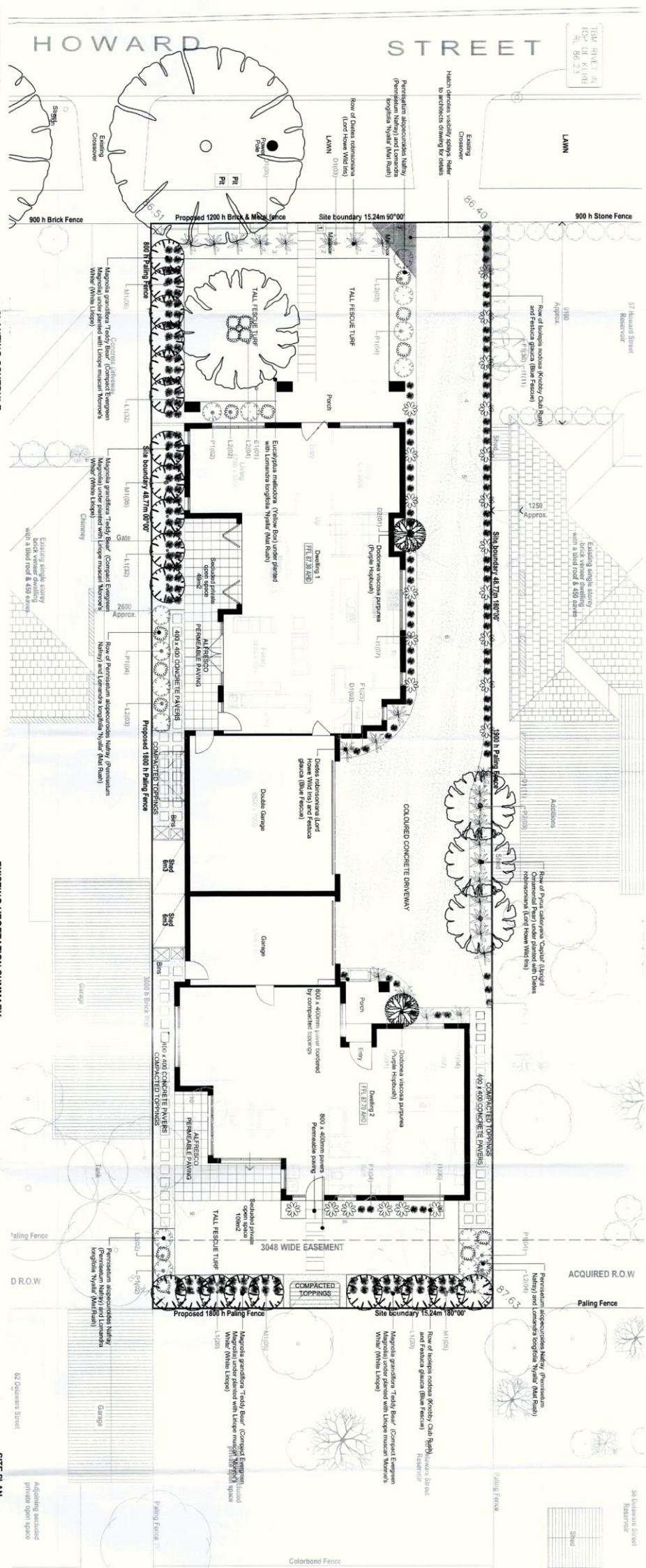
**Attachments**

- Aerial Photo (**Appendix A**)
- Advertised Plan 1/2 (**Appendix B**)
- Advertised Plan 2/2 (**Appendix C**)
- Endorsed Plan to be Amended (**Appendix D**)









## SPECIFICATION

- [illegible]

### PLANTING SCHEDULE

Symbol	Plant	Common Name	Pd Size	Quantity	Planted Height	Planted Width	Maintained Height	Maintained Width
D1	<i>Dactylis glomerata</i>	Loud Hay	300mm	26	200mm	200mm	700mm	600mm
D2	<i>Deschampsia cespicia purpurea</i>	Purple Hair Grass	300mm	26	800mm	500mm	1500mm	1500mm
F1	<i>Festuca ovina</i>	Sheep's Fescue	300mm	26	200mm	150mm	1000mm	1000mm
F1	<i>Festuca ovina</i>	Blue Fescue	150mm	75	150mm	150mm	200mm	200mm
F1	<i>Lolium rigidum</i>	Kentucky Cud Rush	150mm	24	300mm	500mm	800mm	2000mm
L1	<i>Lolium rigidum</i>	White Lolium	150mm	10	150mm	150mm	300mm	300mm
L2	<i>Lolium rigidum</i>	Monois's WNW	300mm	18	300mm	300mm	300mm	300mm
M1	<i>Leucanthes discolor</i>	Yellow Daisy	300mm	14	300mm	300mm	300mm	300mm
M1	<i>Leucanthes discolor</i>	Yellow Daisy	300mm	14	2200mm	800mm	4000mm	1500mm
P1	<i>Pinus caribaea</i>	Parrot Pine	300mm	15	600mm	900mm	800mm	900mm
P2	<i>Pinus caribaea</i>	Capitae	400mm	03	3500mm	1000mm	9000mm	3000mm
P3	<i>Pinus caribaea</i>	Ornamental Pine	400mm	03	3500mm	1000mm	9000mm	3000mm

### LEGEND

- The diagram shows a proposed parking lot layout. At the top is a building with a gabled roof. Below the building is a 'Proposed waiting line' indicated by a dashed line. To the left of the waiting line is a 'Proposed paved area' represented by a grid of 12 squares. Below the paved area is a 'Proposed paved/strip-storage' area represented by a grid of 6 squares. To the right of the storage area is a 'Proposed bin storage area' marked with an 'X' in a square. Below the storage area is a 'Proposed tree to be removed' indicated by a dashed line. To the left of the tree is a 'Proposed concrete driveway' represented by a rectangle. At the bottom left is a 'Proposed toppings' area represented by a rectangle.

### EXISTING VEGETATION SUMMARY

Tree Number	Botanical Name	Common Name
1	<i>Callistemon</i>	Bottle Brush
2	<i>Callistemon</i>	Bottle Brush
3	<i>Callistemon "Damesia Brown"</i>	Bottle Brush
4	<i>Callistemon</i>	Bottle Brush
5	<i>Callistemon</i>	Bottle Brush
6	<i>Melaleuca quinquenervia</i>	Broad leaved Paperbark
7	<i>Melaleuca quinquenervia</i>	Broad leaved Paperbark
8	<i>Ficus carica</i>	Common Fig
9	<i>Melaleuca quinquenervia</i>	Broad leaved Paperbark
10	<i>Acacia saligna</i>	Common Wattle

**SITE PLAN**  
**SCALE 1 : 100**

ADVANCED TREE PLANTING  
NOT TO SCALE

SHRUB PLANTING  
NOT TO SCALE

CITY OF DAREBIN  
PLAN APPROVED

project  
59 HOWARD STREET, RESERVOIR  
client  
BEYOND DESIGN GROUP LTD, PTY.  
title  
LANDSCAPE CONCEPT DESIGN - LANDSCAPE PLAN

date  
08.02.16  
scale  
1:100@A1  
drawn  
AD

**Augatect Design**  
T: 0410 695 951  
E: [augatect@gmail.com](mailto:augatect@gmail.com)  
W: [www.augatect.com.au](http://www.augatect.com.au)





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**5.3 APPLICATION FOR PLANNING PERMIT D/884/2016  
140 Regent Street, Preston****Author:** Principal Planner**Reviewed By:** Director City Futures and Assets

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<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Atheve c/o Cornetta Partners Architects	Atheve Pty Ltd	Cornetta Partners Architects Calvin F Rayen Licensed Surveyor Traffix Group Glossop Town Planning Frater Consulting Services

**SUMMARY**

- The proposal includes the construction a four storey mixed use building for use as an office and 12 dwellings, with a car parking area located at the rear. The ground floor level will have an office of 113 square metres to the front, with bin store, storage for the dwellings and bicycle racks, lift and stair access to the upper floors. There is a mechanical parking area to the rear, accommodating twelve (12) car spaces, accessed from the rear Right of Way. The first and second floors are to each have five (5) studio/bedsit dwellings. The third floor is to have two (2) x 1 bedroom dwellings. All private open space areas are provided in the form of balconies.
- The building will have a contemporary design with rendered masonry and lightweight cladding. The overall height is to be 13.53 metres to the parapet.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- 13 objections were received against this application.
- The proposal is generally consistent with the objectives and standards of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Strategic Asset Management (Property Officer), ESD officer, Capital Works Unit and the Transport Management and Planning Unit. Referral comments are included later in this report.
- This application was referred externally to Public Transport Victoria.

<b>Recommendation</b>
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**That** Planning Permit Application D/884/2016 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 TPA03, TPA08, Revision B, dated 8 March 2017 and TPA04, TPA05, TPA06, TPA10, Revision A, dated 22 December 2016, job no. 16-36 and prepared by Cornetta Partners Architects) but modified to show:
  - a) The lower parts of the full height glazed windows to the south elevation of Unit 1 and Unit 6 comprised of obscure glazing or a solid material.
  - b) A minimum of one (1) of the window panels to each of the south facing habitable rooms / bedrooms of Unit 1 and Unit 6 as operable.
  - c) The provision of obscure glass balustrades or solid balustrades in lieu of clear glass to the balconies facing Gilbert Road and Regent Street.
  - d) The provision of a notation to state that the development will be contained within the title boundaries of the site, with the exception of the awnings over the footpaths. Any feature elements may project no more than 150mm beyond the boundaries.
  - e) The provision of additional feature elements to visually break up and provide articulation to the louvre screen panels on the west elevation associated with the car stacker areas.
  - f) Any awnings to the street frontages are to be set back 750mm from the kerb and channel and have a minimum height clearance of 3 metres above the level of the footpath.
  - g) Appropriate sun shading devices are to be incorporated to the northern and western windows.
  - h) Allocation of car parking spaces, nominating eight (8) spaces for the dwellings and four (4) car spaces for the office, in accordance with Condition No. 13 of this Permit.
  - i) Full details and specifications of the car stacker system (custom drawn specifications of the Hercules Car Stacker).
  - j) Full details confirming that a minimum headroom clearance of 1.8 metres for a minimum of 25% of the car spaces is available.
  - k) The location and details of a warning signal to the car stacker area to indicate when it is in use.
  - l) The provision of a pedestrian visibility splay measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north-western corner of the site (Right of Way/Gilbert Road interface). Where within the subject site, any structures within these splays must be not more than 1.15 metres in height.
  - m) The provision of a notation to state new bicycle parking and relocation of existing cycling infrastructure on the footpath are to be carried out by the Responsible Authority, at the cost of the owner/developer, in accordance with Condition No.12 of this Permit.
  - n) One of the four bicycle parking spaces in the entry foyer is to be provided as a ground mounted space.

- o) A single communal antenna for the development (refer also to Condition No. 16 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
- p) Provision of either: appropriate water tanks with sufficient capacity for a tank supply reliability of 100% for the toilet flushing; or, a solar photo voltaic panel array for common area energy.
- q) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- r) Any modifications and / or notations in accordance with the Acoustic Report (Refer to Condition No. 6 of this Permit).
- s) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 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 or the use is not commenced 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 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.

- (6) 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:

- a) Noise emissions from the development (including the use of core stairwells and lifts, operation of plant, car stackers, doors and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
- b) 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).

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

- (7) Before the development starts, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Frater Consulting Services dated 21 December 2016, but modified to detail:
  - (a) A comingled recyclables generation rate of 80 litres per week for the residential units (page 3 of the report).
  - (b) Specify days and hours of waste collection.
  - (c) A management plan for the removal of bins from the footpath after collection so that the operation and amenity of the footpath and the use of the tram stop are minimally disturbed.

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

- (8) 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 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) Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

- (12) Before the development is occupied a contribution must be made to cycling infrastructure (equivalent to at least one bicycle parking space and the costs associated with the relocation of the two bicycle parking facilities on the Gilbert Road frontage) within the vicinity of the subject site (where possible) or within the municipality, to the satisfaction of the Responsible Authority. The location of any cycling infrastructure within the vicinity of the tram stop in front of the site must be to the satisfaction of Public Transport Victoria.
- (13) The car parking available on site within the mechanical stackers must be allocated as follows:
- One (1) car parking space for each of the one-bedroom dwellings.
  - Six (6) car parking spaces to specific bed-sit studio apartments nominated by applicant.
  - Four (4) car parking space for the office use on the ground floor.
- (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) Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
- (17) With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- (18) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- (19) Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- (20) Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all weather sealcoat; and
  - d) Drained;
- to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- (21) 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, kerb and channel to the satisfaction of the Responsible Authority.

**Public Transport Victoria**

- (22) 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 removal of the tram shelter under the canopy veranda, replaced with seating and related infrastructure, compliant with the *Disability Discrimination Act — Disability Standards for Accessible Public Transport 2002*.
- (23) Before the practical completion of the development, the alterations to the tram stop on Gilbert Road, as shown on the endorsed plans, must be constructed with the cost born by the permit holder to the satisfaction of Public Transport Victoria and compliant with the *Disability Discrimination Act — Disability Standards for Accessible Public Transport 2002*.
- (24) The permit holder must take all reasonable steps to ensure that disruption to tram operation along Gilbert Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior. The permit holder must ensure that any track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

**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.
- 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.
- N7 In relation to the requirements of Condition No.12 of this Permit, please contact Council's Bicycle Strategy Co-ordinator (T): 8470-8665) for details on how to supply on-street bicycle spaces or to make an equivalent contribution.
- 

## INTRODUCTION AND BACKGROUND

Planning Permit D/211/2003 was issued on 5 May 2003 for buildings and works comprised of external alterations to the existing building.

Planning Permit application D/305/2015 for development of a four storey building comprising 12 dwelling and retail premises, and a waiver of the car parking and loading bay requirement was refused under delegation on 12 November 2015. The matter was the subject of a hearing at the Victorian Civil and Administrative Tribunal (VCAT) where the Tribunal upheld Council's decision to refuse the application, based on parking grounds (see further discussion below).

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The subject site is regular in shape, with frontage of 7.32 metres to Regent Street and 42.04 metres to Gilbert Road and an area of 307.3 square metres.
- The land is located within the Commercial 1 Zone and is affected by a Development Contribution Plan Overlay.
- The site is located at the north east corner of the intersection of Regent Street and Gilbert Road.
- The site contains a single storey shopfront building, with a paved parking area at the rear, accessed via a crossover from Gilbert Road and the Right of Way to the north.
- The site has access to a Right of Way to the rear (north).
- To the east of the site is a double storey brick shopfront building and dwelling. This building is constructed to the common boundary and has a garage at the rear.
- To the west is Gilbert Road, which contains a tram stop and terminus. On the opposite side of Gilbert Road is a three storey contemporary development among single and double storey shopfront buildings.
- To the north of the site, beyond the rear Right of Way, is a low scale residential area, with a medium density development of five double storey dwellings.
- To the south, on the opposite side of Regent Street, is Grey Reserve, a public park.

- The site is located in a local activity centre along Gilbert Road and Regent Street, with a residential area to the north. The surrounding character is of single and double storey dwellings and shop premises, with some recent higher scale development.
- The site is located in a local convenience centre containing a number of convenience and specialist retail and commercial uses. The site abuts the #11 tram route along Gilbert Road. The site is opposite Grey Reserve to the south. The site is approximately 500 metres to the west of Newlands Primary School. Regent Railway Station is approximately 1km to the east.
- On-street parking on Gilbert Road is subject to 'no stopping' restrictions on the west side (site frontage). On-street parking on Regent Street is subject to 'no stopping' restrictions on the north side (site frontage). Parking restrictions apply during peak periods throughout the remainder of the Activity Centre (generally one hour).

### **Proposal**

- The proposal is to construct a four storey building, for use as an office and 12 dwellings. The development will have a four storey height to Regent Street and for part of Gilbert Road; and a three storey height to the north (rear).
- The ground floor level will have an office of 113 square metres to the front. It will also have bin store, storage for the dwellings, bicycle racks, lift and stair access to the upper floors. There is a mechanical parking area to the rear, accommodating 12 car parking spaces, accessed from the rear Right of Way. Pedestrian entry to the dwellings is via an entry from Gilbert Road to the west.
- The first and second floors are to each have five studio/bedsit dwellings. Balcony private open space is provided of 8 square metres to 8.15 square metres.
- The third floor is to have two dwellings (with one bedroom each). Balcony private open space of 11.42 and 16.39 square metres is provided.
- The building will have a contemporary design with rendered masonry and lightweight cladding.
- The overall height is to be 13.53 metres to the parapet.

### **Objections**

- 13 objections have been received.

### **Objections summarised**

- Over supply of one and two bedroom dwellings / under supply of family accommodation.
- Reduced front setback.
- Contrary to standards of Clause 55 with regard to policy, character, height, ESD measures, solar access, dwelling diversity, coverage, permeability, setbacks, walls on boundaries and storage.
- Contrary to best practice standards of the Darebin Municipal Strategic Statement (MSS).
- Poor internal amenity, with small living spaces, poor access to direct daylight, reverse living and balcony private open space.
- Insufficient private open space.
- Noise from proximity of accessway to habitable rooms.
- Inadequate landscaping.

- New crossovers with poor sightlines and traffic safety impact.
- Tandem parking discourages use of the onsite parking.
- Contrary to Clause 22.06.
- Waste collection is inadequate and rubbish stored inside premises.
- Parking reduction is inappropriate.
- Contrary to Neighbourhood Character and Clause 22.04 (now Clause 22.02).
- Overdevelopment and out of scale with prevailing single storey.
- Warrants review by Planning Committee.
- Visual bulk.
- The proposal does not add net value to the community.
- Negative social effect.
- Does not meet the standards in the Planning Scheme.
- Will not guarantee social/affordable accommodation.
- No shopfront to be provided at ground level.
- Right of Way used by vehicles and pedestrians not wide enough for access.

**Officer comment on summarised objections**Over supply of one and two bedroom dwellings / under supply of family accommodation

Council's new 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 relevance 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 further goes contrary to the demographic issues and housing objectives contained in Council's MSS.

#### Reduced front setback

The proposal is appropriately constructed to the front and side boundaries, which is appropriate in the context of a site in a Commercial 1 zone within an activity centre. Buildings with zero setbacks are common and encouraged, to make more efficient use of the land. The zero setback is consistent with the setback pattern of other sites in this centre and does not represent an anomaly.

#### Contrary to standards of Clause 55 with regard to policy, character, height, ESD measures, solar access, dwelling diversity, coverage, permeability, setbacks, walls on boundaries and storage

The site is in a Commercial 1 Zone; the zone states that the objectives, standards and decision guidelines of Clause 55 do not apply to an apartment development. The proposal is therefore not required to comply with the Standards of Clause 55 strictly speaking. Indeed, many of the standards (particularly standards relating to height, solar access, site coverage, permeability, setbacks, walls on boundaries) are not relevant given that sites in these areas are encouraged to make more efficient use of the land and adjoin other commercial sites that form non-sensitive interfaces. However, as can be seen in later sections of this report, the proposal has been assessed against Clause 55 Standards referenced in Clause 22.06 of the Darebin Planning Scheme.

#### Contrary to best practice standards of the Darebin's Municipal Strategic Statement (MSS)

Reference to 'best practice' standards in the MSS relate to environmentally sustainable design and urban design elements. These aspects of the development are discussed in later sections of this report. The development is considered to be generally acceptable in terms of sustainable design and urban design performance, subject to conditions.

#### Poor internal amenity, with small living spaces, poor access to direct daylight, reverse living and balcony private open space

The provision of dwellings above shops in activity centres is encouraged and objections against 'reverse living' are not relevant. Indeed, upholding such objections would prohibit any apartment development. Although the proposal provides modest dwelling size, they have adequate living area dimensions, secluded private open space and ample access to natural daylight and ventilation. The size of the dwellings are similar to that shown in Planning Permit application D/305/2015 considered by the Victorian Civil and Administrative Tribunal (VCAT). The size of the dwellings was not a concern for the Tribunal and it was considered that the bedsit accommodation provided an appropriate housing alternative in an area characterised by stand-alone detached dwellings.

#### Insufficient private open space

Provision of secluded private open space in the form of balconies is an appropriate and long established means of providing secluded private open space for the occupants. The proposed balconies have adequate areas for the recreational needs of the residents. See discussion on private open space in later sections of this report. Also, there is a public park across the road on the corner of Regent Street and Gilbert Road

Noise from proximity of access to habitable rooms

It is not considered that the stackers and car parking will lead to unreasonable noise and amenity issues to the occupants of the proposed dwellings. However, acoustic measures may be addressed by condition, to ensure that the development is constructed in a manner that attenuates against noise and vibration sources within and outside the development.

Inadequate landscaping

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 with a high site coverage. In this respect, the proposal respects the character of the activity centre. Importantly, as the site is in a Commercial 1 zone, the majority of the provisions of Clause 55 do not apply. The application of the standards of Clause 55 is directed by Clause 22.06, which does not apply the landscape character standard (see assessment below). The proposal is therefore not required to have landscaped areas.

New crossovers with poor sightlines and traffic safety impact

The proposal does not provide any crossovers to the street and all access is via the rear Right of Way. This is an appropriate design response and minimises traffic impacts on the street network.

Although there will be increased traffic along the Right of Way, it is important to note that it was constructed for vehicle traffic and access is proposed mainly for a short length of the Right of Way. Given the low traffic environment and limited traffic movements, it is not considered that the proposal will lead to unreasonable traffic safety issues.

The access to and from the site can achieve the necessary pedestrian visibility splays at the Right of Way and Gilbert Road interface, to ensure pedestrian and motorist safety are not compromised. Identification of pedestrian visibility splays on the plans can be requested via conditions.

Tandem parking is inappropriate.

Tandem parking and parking in mechanical car stackers is an acceptable form of parking provision that is recognised by the Darebin Planning Scheme. The design of parking and access arrangements have been assessed and are considered to be acceptable (refer to assessment under Clause 52.06 in later sections of this report).

Contrary to Clause 22.06

The proposal achieves a high level of compliance with the provisions of Clause 22.06 (refer to assessment in later sections of this report).

Waste collection is inadequate and rubbish stored inside premises

Often waste is stored in internal rooms in contemporary apartment developments. This is an acceptable design response. The Applicant has provided an acceptable Waste Management Plan for private waste collection. There is no indication that waste storage/collection will lead to unreasonable amenity impacts. Public Transport Victoria (PTV) has considered the waste management and did not raise any issues with regard to potential for impact on the tram stop or PTV infrastructure in front of the site.

Parking reduction is inappropriate

As can be seen in the assessment below, the parking reduction is considered to be acceptable and has been supported by Council's Transport Management and Planning Unit. The rate of parking provided on site is in line with VCAT's order on D/305/2015 which highlighted the need for additional car parking associated with the office use at ground floor to meet the actual parking need of four spaces, which is now included in the proposal.

Contrary to neighbourhood character and Clause 22.04

Neighbourhood character considerations for development on Commercial zoned land in an activity centre needs to be based on whether an appropriate built form response to the context has been achieved. The context includes non-sensitive boundary interfaces to Gilbert Road to the west, Regent Street to the south and adjoining Commercial 1 zoned land to the east. To the north, the land is separated from the General Residential 2 Zone by the right of way, which provides a buffer to the front setback and side walls of the two-storey dwelling at 1/538 Gilbert Road. The four storey development scaling down to three-storeys adjacent to the General Residential Zone is considered to be an appropriate design response to the preferred height and character of the General Residential 2 Zone, noting that the maximum building height in the General Residential Zone is 11 metres; the height of the development at this point is approximately 11 metres and consistent with the maximum height allowed in the General Residential 2 Zone.

The northern boundary of the site has an abuttal with the Right of Way. The separation provided by the width of the right of way will allow sufficient daylight to any habitable room windows of the adjoining northern dwelling, noting that there do not appear to be any habitable room windows directly opposite the subject site's northern boundary.

In terms of access point to the site, it is appropriate for the development to take vehicle access from the right of way and this is in keeping with Council policy to utilise rear access where available.

The four storey height and building design is considered to appropriately demark a corner site in an activity centre, without causing adverse amenity impacts. The four storey height also provides an acceptable transition to other mixed use developments in the activity centre which are three storeys in height.

The prevailing character in this context is a retail/commercial one rather than domestic and the urban design and built form is considered to be in keeping with the preferred character for the centre.

It is noted the Clause 22.04 of the Darebin Planning Scheme does not apply to development on land in the Commercial 1 Zone.

Overdevelopment and out of scale with prevailing single storey

Council must assess the proposal on its merits in the context of the site and area. A detailed assessment of the development in later sections of this report indicates that services, car parking, internal amenity and private open space provision is commensurate with the size and type of accommodation proposed. Furthermore, there are no unreasonable amenity impacts on adjoining sites.

In terms of built form, the proposal is a four (4) storey development in a Commercial 1 Zone where boundary to boundary development with zero setbacks to street interfaces is generally considered to be an acceptable design response. Side and rear setbacks are assessed within the context of existing conditions on adjoining sites and, as previously described, the adjoining context in this instance is comprised predominantly of non-sensitive interfaces.

The prevailing scale of the surrounding buildings is not single storey, but a mix of single, double and three stories.

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 review by Planning Committee

The proposal is to be reviewed by the Planning Committee.

#### Visual bulk

The proposal will have a height of four storeys. However, this is an appropriate increase in height over the adjoining buildings in the Commercial 1 Zone and the site's strategic corner location opposite a tram terminus gives support to the four storey height. In addition, the proposal is adequately articulated through setbacks, fenestration and materials, so that it will not be an overly dominant building form. The siting, setbacks and location of the development site ensures the proposal does not impose an unreasonable visual impact upon neighbouring sites, particularly as there are no sensitive interfaces adjoining the site.

#### The proposal does not add net value to the community

The development will provide additional and diverse housing in an area that is earmarked for substantial housing change in the Darebin Housing Strategy 2013 (Revised 2015). The proposed uses support the economic viability and invigoration of a local activity centre and retains an existing business and employment opportunity (real estate agent) on the site. These positive changes cannot be described as having no net community value. The development accords with acknowledged policy for urban consolidation and increased densities and in this sense provides a community benefit with affordable and diverse housing.

#### Negative social effect

This ground is unsubstantiated. There are no demonstrated dis-benefits associated with the development. The proposal provides dwellings resulting in community benefit. This ground is clearly contrary to the objectives of planning in Victoria.

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

*"33. 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”.*

#### Does not meet the standards in the Planning Scheme

Other than those grounds addressed above, this ground of objection is not specific as to what are the purported areas of non-compliance. The proposal has been assessed against relevant standards contained within the Scheme with particular focus on Clauses 52.06 and 55. 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 social/affordable accommodation

Although the proposal will not ‘guarantee’ affordable accommodation, there is nothing in the Planning Scheme that requires social housing. Nevertheless, the proposal will provide 12 dwellings on a site, where there is none at present and thus provides a level of affordability and diversity, in compliance with relevant State and Local Policies. The modest size of the dwellings will likely provide more affordable housing.

#### No shopfront to be provided at ground level

The plans indicate that shopfronts have been provided to both street frontages. Whilst part of the sideage (to Gilbert Road) is occupied by the wall of the car park, the majority of the length of the side wall is activated at ground floor by retail and apartment entry. At the upper floors, balconies and windows activate both street interfaces.

#### Right of Way used by vehicles and pedestrians not wide enough for access

As noted above, it is not considered that issues will arise from use of the Right of Way for vehicular traffic given the low traffic environment and limited increase in vehicle movements. Use of the right of way for vehicle access is encouraged by Council policy whilst new openings to a road zone are discouraged by the Darebin Planning Scheme. Given the tram terminus in front of the site on Gilbert Road, the use of the right of way and existing crossover is the correct design response to this context.

### **PLANNING ASSESSMENT**

The site is located within a Commercial 1 Zone in a local convenience centre abutting Road Zones (Regent Street and Gilbert Road) and a tram line, indicating that the site and area are set aside 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 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 application and VCAT decision.

**Previous VCAT decision**

As noted above, the site was subject to a previous planning permit application for the construction of a four storey building, for use as an office and twelve (12) dwellings, which had very similar building form to the subject proposal. The application proposed to provide eight car parking spaces on site for the residential component, and sought to waive car parking for visitors, the office use and four of the dwellings.

This application was refused under delegation and was subsequently heard at VCAT. The Tribunal raised four (4) issues for determination:

1. Is the proposal an appropriate built form response for its context?
2. Will there be any unreasonable off-site amenity impacts?
3. Is an appropriate level of internal amenity achieved?
4. Does the proposal appropriately provide for car parking and traffic movements?

In relation to the first question, the Tribunal held that the site is well located in an activity centre and in a Substantial Housing Change area, so that there is significant policy support for the establishment of housing at increased densities that will represent substantial built form change for this locale. It was considered that the review site is one that is able to accommodate additional height without causing undesirable impacts on the public realm and that the four (4) storey height of the building would appropriately mark the corner. The design was considered to be appropriately articulated with windows, balconies and changes in colours and materials. Overall the development was held to present an appropriate built form to the surrounding public realm interfaces, for its context.

In addressing the off-site amenity impacts, the Tribunal considered that there was no unreasonable overlooking or overshadowing impacts. In addressing visual bulk, the Tribunal was satisfied that the adjoining apartment to the east (in the Commercial 1 zone) would maintain a reasonable outlook to the north and south and would not experience unreasonable levels of visual bulk.

It was also considered that the design presented a reasonable transition from a double storey wall on north side of the Right of Way to the proposed three storey wall to the northern elevation of the proposal. Therefore, the Tribunal found that there were no unreasonable off-site amenity impacts on the surrounding properties. In addition, it was considered that the proposed development achieved an equitable development outcome on the adjoining site to the east.

The Tribunal then found that the proposed development provided an appropriate level of housing diversity and internal amenity.

The substantive issue raised by the Tribunal related to car parking. The previous proposal comprises an office, 12 dwellings with eight car parking spaces in a tandem car stacker arrangement (to be used by residents only). Therefore, the proposal sought to reduce car parking on site for residents by four spaces and the entire car parking requirement for residential visitors and for the office. It was considered that eight car parking spaces for residents of the 12 apartments was an appropriate provision and that the residential visitor car parking could be reduced, having regard to the available supply of short term parking in this locality. However, it was considered that unrestricted/long term, car parking is in moderately high demand within the activity centre and that the proposed development would cause demand to significantly increase, so that it would create an unreasonable demand for long term car parking within the centre and surrounding street networks.

Given the above, the Tribunal decided to refuse the proposal on the basis of inadequate car parking for the office use. The tribunal considered the demand associated with the office use to be four. The subject proposal maintains the eight car spaces for the residents and allows an additional four car spaces for the offices. It is therefore considered that the proposal addresses the main issues raised in the Tribunal's decision.

Although Councils previous refusal raised issues relating to visual bulk and form, the Tribunal's detailed assessment of the proposal indicates that these are appropriate in the context.

The Tribunal's guidance with regard to these matters must be given significant weight in the assessment of the subject proposal (as the subject proposal is substantially the same as that considered by the Tribunal). In this respect, it is considered that the proposal provides an appropriate building form and scale and will not have a significant impact on amenity of adjoining allotments.

It should also be noted that since the issuing of this decision, the provisions of the General Residential Zone has been amended under VC110 to allow building heights of up to 11 metres, which puts the proposal of four storeys into greater harmony with the preferred height of three storeys for the nearby General Residential Zone.

#### **Clause 15.01 – Urban Environment**

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 site is zoned Commercial 1 and located in an Activity Centre serviced by a tram, so that it is in an area where higher scale development is encouraged under State and Local Policies. The site adjoins shops to the east, which are also in the Commercial 1 Zone. Although, land to the north is in a General Residential 2 Zone, these are separated from the subject site by a right of way.

The proposal provides an appropriate design response to its context in terms of the four (4) storey building height to Regent Street, with a three (3) storey height to the north, which represents an appropriate transition in scale to the residential area, with the adjoining buildings to the north being double storey.

The development includes an appropriate commercial use at ground floor, ensuring an active street frontage; dwellings on the upper levels and car parking at the rear. The mix of uses are considered appropriate and considered to further urban consolidation objectives.

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 be respectful of the context of the area that includes single storey, double storey and three storey buildings, and an appropriate building height adjacent to two (2) Road Zones in the Commercial 1 Zone.

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

#### **Complies**

The public realm

Development in Activity Centres is typically 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 frontage and weather protection (although conditions should ensure the awning is set back from the kerb and channel by a minimum of 0.75 metres). PTV has requested to see amended plans showing seating and infrastructure under the proposed canopy on Gilbert Road. This is to be included as a condition of any approval given. The public realm will not be adversely affected by the proposal.

**Complies subject to conditions**Safety

The proposal maintains the surveillance of the street with appropriate pedestrian entries, balconies and windows to the façade. It provides an appropriate sense of address, which can be secured and maintains passive surveillance. The apartment entry recess is appropriate to ensure an unsafe alcove is not created.

**Complies**Landmarks, Views and Vistas

Views are not protected under local policy. Nevertheless, it will not unreasonably affect longer distance views.

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.

**Complies**Pedestrian Spaces

The design provides appropriate pedestrian interaction and pedestrian amenity. Vehicle access is via the rear 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.

**Complies**Heritage

The site is not located within an area covered by a Heritage Overlay or proposed Heritage Overlay.

**Not applicable.**Consolidation 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.

**Complies**

Light 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.

**Complies**Energy 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; open space areas have access to light; the development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.

The development will be required to achieve appropriate sustainability standards via conditions of any approval.

**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. The elevations show well-articulated façades and an appropriate level of design detail. Some changes to the western car park screens to further articulate the presentation to the street, changes to balcony screens to provide visual privacy and changes to the floor to ceiling height windows on the south elevation to ensure privacy to occupants will ensure improved architectural quality outcomes. Details of plant and equipment will be required by condition on any approval.

**Complies subject to conditions**Landscape Architecture

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

**Complies****Clause 21.03 – Housing**

The Strategic Housing Framework Plan illustrates the directions for residential land use and development in Darebin as set by the Darebin Housing Strategy (2013). This framework provides greater certainty as to where growth and change can be expected and the preferred scope of housing change in terms of the intensity and type of residential development to be encouraged in different areas. The framework plan also identifies three Housing Change Areas, which apply to all land in the municipality that currently has a zoning that permits residential uses. These housing change areas are Minimal Housing Change, Incremental Housing Change and Substantial Housing Change. Being situated along a transport corridor, the subject site is located in a Substantial Housing Change area within the Framework plan.

Residential, commercial and designated activity centres have the capacity to accommodate substantial residential development over time. Substantial Change Areas will support increased residential densities and increased housing diversity. It is expected that the character of these areas will change substantially in the future. The site is therefore considered suitable for a substantial increase in housing density and the variation in form of housing is acceptable given it provides choice of housing in an area that is comprised of predominantly detached family homes.

Clause 21.03-2 Housing Development: Objective 1 – Housing Provision

It is policy to ensure that the design of development at interfaces between Substantial Change and Incremental or Minimal Change Areas, or between Incremental and Minimal Change Areas, provides a sensitive transition, with particular consideration given to:

- Design and layout which avoids unreasonable amenity impacts on adjoining sensitive residential interfaces due to overshadowing, loss of privacy and unreasonable visual intrusion.
- Site orientation, layout and topography in determining the appropriate built form envelope and in assessing the impact of proposed development on adjoining amenity.
- Sympathetic response to the identified values of any adjoining heritage overlays.

The proposal, as discussed elsewhere in this report, provides an appropriate transition in scale and avoids unreasonable amenity impacts on adjoining residential land.

**Complies**

Clause 21.03-2 Housing Development: Objective 2 – Housing Density

It is policy to achieve higher density housing outcomes in identified locations to accommodate Darebin's projected population growth.

The strategies are to support diversity in housing and support redevelopment at higher overall densities in Substantial Housing Change Areas and discourage underdevelopment in these areas. Other objectives at Clause 21.03-3 also ensure that housing diversity is increased and there is an increase in the supply of affordable housing in these areas.

Importantly, strategies at Clause 21.03-4 are *'to ensure Darebin's ability to meet its housing needs in activity centres, Substantial Change Areas and on Strategic Opportunity Sites is not compromised by the protection of neighbourhood character'*.

Clearly as the site is within a Local Convenience Centre and has direct access to the Principal Public Transport Network there is a particular policy direction for these areas to accommodate increased densities and dwelling diversity, so that the character of the area will change over time and that existing character will not limit the ability to provide increased densities.

**Complies**

Clause 21.03-2 Housing Development: Objective 3 – Residential Amenity

It is policy to facilitate residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents. Mixed use developments are to be designed to provide adequate amenity to residences on the site, minimising the need for screening and limiting unreasonable negative amenity impacts on surrounding residential uses.

The proposed development is considered to meet policy objectives identified above in regard to the extent of impact it will have on surrounding residential land. It provides appropriate articulation and transition in building heights, with no overshadowing or solar access impacts on the adjacent dwellings to the north located in the General Residential Zone (GRZ2).

### **Complies**

#### **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 Regent Village Shopping Centre precinct (No. 46). The core role/function of the precinct is as follows:

*Strong local convenience role and good location, supported by other uses such as kindergarten; issues with traffic management and tram stop; opportunity as a neighbourhood centre; some new development at southern end; could encourage office/retail and mixed use on periphery*

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 are 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 the residential entry does not dominate the street frontage and car parking, bicycle parking and waste storage are contained on the site away from public view. 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
<b>Sustainability</b>	<p>The development provides shared floors, internal stairs, multi storey construction, all of which contribute to energy efficiency.</p> <p>In general, adequate natural light and ventilation is available to all habitable rooms within the dwellings.</p> <p>The proposal includes awnings to help shade west and north facing windows, and provide texture to the street façade. However, these must be no greater than 150mm beyond the property boundary.</p> <p>Additional requirements are to be included as conditions of any approval, in line with the ESD officer's recommendations to ensure an acceptable level of energy, water and waste efficiencies are built into the development.</p> <p>A Sustainable Design Assessment will be required by condition.</p>	<b>Complies subject to condition</b>
<b>Design and Materials</b>	<p>The design does not mimic the existing character of the area and provides an appropriate infill development.</p> <p>The development is proposed to be four (4) storeys and maintains a three (3) storey height to the north, to provide a graduated increase in height over adjoining building forms (noting a one (1) storey increase over existing low-scale dwelling to the north is an acceptable transition) and respects the preferred character of the area.</p> <p>The proposed relationship to adjoining properties is therefore appropriate, given the site context.</p> <p>The development exhibits an appropriate standard of design, materials of construction and external finishes. The proposed materials consist of render and lightweight cladding. The exposed boundary walls to the east are to be rendered with a grooved pattern adding articulation to these walls. These are considered to be appropriate and present a contemporary design.</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>	<b>Complies subject to conditions</b>

Element	Comment	Compliance
	<p>The glass balustrades proposed should be obscure or solid to ensure a reasonable level of privacy is afforded to occupants, and any unsightly elements such as clotheslines etc. are screened from view of the public realm. This can be requested via conditions.</p> <p>Further detail of air conditioning and plant may be requested via conditions of any approval.</p>	
<b>Building Height</b>	<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, the site's attributes and its response to the preferred character, including adjacent buildings.</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 is a mix of single, double and three storeys in scale, with a preferred character of higher scale development in the area.</p> <p>The proposed four storey building height is 13.53 metres and is not excessive, having regard to the scale envisaged in an Activity Centre and the existing three storey mixed use development at 603-607 Gilbert Road which is directly opposite the subject site. Importantly, the development also provides an appropriate graduated height increase over the adjoining residential land to the north, as it steps down to a three storey height.</p> <p>Although a three (3) storey building height is envisaged in the Gilbert Road Corridor Built Form Review July 2014, the previous decision from the Tribunal indicates that the height, scale and transition are appropriate in this context. The review is currently a draft document, and is therefore not seriously entertained.</p> <p>The height of the development is considered to be appropriate.</p>	<b>Complies</b>
<b>Dwelling diversity</b>	<p>The development provides a diversity of layouts comprising 10x1 bedsit studios and 2x1 bedroom dwellings with a variety of configurations and offering dwelling diversity in an area that provides detached dwellings and infill development as housing choice.</p>	<b>Complies</b>

Element	Comment	Compliance
<b>Parking and vehicle access</b>	<p>Vehicle access is appropriately provided via the Right of Way to the rear.</p> <p>Parking is at the rear and is not in itself a dominant feature. However the louvre screens to the stacker system on the Gilbert Road elevation lack in sufficient articulation and should be broken up to provide greater horizontality. The necessary treatment to the panels can be included as a condition of any approval given.</p> <p>Bicycle parking is provided on site.</p> <p>(Refer to further discussion under Clause 52.06 and 52.34)</p>	<b>Complies subject to conditions</b>
<b>Street address</b>	<p>The proposal meets the policy guidelines in respect to street address in that the commercial premises at ground floor (real estate agent) has an active street frontage and the residential entry is via a smaller side entrance.</p> <p>An active shopfront and weather protection are provided in the design. In particular, the residential entrance is clearly distinguished from the commercial entrance with its own entry canopy on Gilbert Road.</p> <p>The proposal provides good pedestrian access directly from the street frontage. The dwellings provide windows and balconies to the street frontages for surveillance.</p> <p>Mailboxes are located to the entry area and the entry area is of sufficient size for access and circulation, and can be adequately lit.</p>	<b>Complies</b>
<b>Amenity Impacts Including Overshadowing and Overlooking</b>	<p>There are adjacent dwellings to the north. The balconies of Units 5 &amp; 10 are oriented to the north. These balconies are however sufficiently separated and located so as not to cause any overlooking of the adjoining northern dwelling, as per the assessment criteria prescribed in Standard B22 of Clause 55 of the Darebin Planning Scheme.</p> <p>There are no adjoining secluded private open space areas that would be affected by overshadowing from the development. Shadows from the development will be cast during the morning period toward Gilbert Road and Regent Street; and during the afternoon period over the adjoining commercial building to the east and Regent Street.</p>	<b>Complies</b>
<b>On-Site Amenity and Facilities, including Private Open Space</b>	<p>The dwellings are located at the upper floors and access is via a lift and stairs to all levels. The proposal will be accessible to people with limited mobility, in compliance with Clause 55.05-1.</p> <p>The dwellings have an appropriate sense of address and entry, in compliance with Clause 55.05-2.</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. Additional operable southern windows to Unit 1 and Unit 6 will be requested via conditions of any approval.</p>	<b>Complies with Objective and subject to conditions</b>

Element	Comment	Compliance
	<p>Open spaces are provided in balconies of 8 square metres or greater and are considered to be acceptable, as they are well integrated with principal living areas, have varying aspects and provide sufficient amenity, in compliance with Clause 55.05-4.</p> <p>The dwellings have external storage at ground level within a dedicated compound; although these are to have a volume of less than 6 cubic metres, they are acceptable and commensurate with the size of accommodation proposed in the development.</p> <p>Appropriate space is available for services.</p> <p>The dwellings have ample daylight and ventilation.</p> <p>Weather protection is incorporated to the private open space areas.</p> <p>A single communal antenna will be required by condition of any approval.</p>	
<b>Waste Management</b>	<p>An area to store waste and recyclables is provided at ground level.</p> <p>A Waste Management Plan has been provided which indicates that waste will be collected by a private contractor.</p>	Complies
<b>Equitable Access</b>	<p>Lift access is provided to all levels.</p> <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 34.01 – Commercial 1 Zone

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 office 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 two metres).

The buildings and works require a permit under Clause 34.01-4. Transitional arrangements under this Clause state:

- *Clause 58 does not apply to an application for a planning permit lodged before the approval date of Amendment VC136.*

As the application was lodged before the approval date of VC136 (13/04/2017), the application is exempt from the requirements of Clause 58.

Whilst less weight is placed on amenity considerations in a Commercial 1 Zone than in a Residential Zone, this is generally the case where there is no direct abuttal with residential zoned land. Immediately abutting residential land can expect to have some loss of amenity but amenity considerations cannot be completely ignored. In this instance, the nearest residential zoned land is to the north of the right of way.

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 more intense residential purposes. The proposal provides additional housing in an area capable of supporting increased densities. It provides appropriate office and residential uses 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 in proximity 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 north. Nevertheless, it is sensitive to impacts on the adjacent dwellings as the site is separated from the adjacent dwellings by a Right of Way, so that the development form and scale is appropriate.
- The proposed residential use is appropriate and will not be affected by the nearby uses in the Activity Centre.
- The design provides adequate movement for pedestrians as well as vehicle access from the rear, via the Right of Way.
- Car parking provision is considered below and the parking reduction is considered to be acceptable.
- The proposal provides an active façade with a shopfront and awning. Appropriate access is provided to the street frontage for the office and the entry for the residential use is to the side. Adequate articulation is provided in the design, with appropriate setbacks and varied materials to the front, sides and rear.
- The design provides space for storage of garbage and recyclables in the bin store area.
- The site has access to drainage and services.
- The dwellings are provided with appropriate solar access.
- The relevant objectives, standards and decision guidelines of Clause 55 are addressed in later sections of this report.

### Clause 52.06 – Car Parking

Table 1 to Clause 52.06-5 sets out the car parking requirement that applies to a use listed in the Table, as follows:

Use	Rate	Area/Number	Required	Provision
Office	3.5 spaces per 100m <sup>2</sup>	113m <sup>2</sup>	3 spaces	4 spaces
Dwelling	1 space per 1 or 2 bedroom dwelling	12 dwellings	12 spaces	8 spaces

Use	Rate	Area/Number	Required	Provision
	1 space per 5 dwellings for visitors		2 spaces	0 spaces
<b>Total</b>			<b>17 spaces</b>	<b>12 spaces</b>

The proposal provides a total of 12 car spaces, with eight spaces allocated for the dwellings and four spaces for the office. Therefore, a reduction of five car spaces is sought.

The reduction of car parking for the residential and visitor components of development is considered acceptable, due to the following:

- As noted above, the previous proposal for the subject site was similar to the subject proposal and comprised an office, 12 dwellings with a total of eight car parking spaces. The proposal sought to reduce car parking on site for residents by four spaces and the entire car parking requirement for visitors and the office. This was refused by VCAT with the substantive issue relating to insufficient car parking on site and the burden the car parking deficiency would place on the surrounding area. The Tribunal considered that eight car parking spaces for residents of the 12 apartments were appropriate and that the residential visitor car parking could be reduced. However, it was considered that reduction in the office parking was inappropriate as the unrestricted/long term car parking within the activity centre is in moderately high demand and that the proposed development would cause demand to significantly increase. Importantly, the subject proposal now provides appropriate on-site parking for the offices.
- The site has adequate access to public transport as it abuts the #11 tram route and a bus route is available to Gilbert Road.
- The parking demand associated with the dwellings and visitors will generally be after hours i.e. off peak (minimising the effect on the Activity Centre).
- Given the small size of the dwellings, the parking reduction associated with the dwellings may be absorbed by the surrounding street network.
- The intermittent demand of visitor car parking for the dwellings may be easily catered for on-street, without unreasonable amenity impacts.
- Council's Transport Management and Planning does not object to the waiver of car parking associated with the proposal.
- The applicant has submitted an assessment of the car parking demand and indicates the following:
  - The number of car spaces for the residents meets the anticipated ABS vehicle ownership rate for similar dwellings in Preston and Reservoir.
  - The site has convenient pedestrian access.
  - The site has good access to public transport in the area.
  - Parking is available in the area to address the shortfall.
  - The proposal provides bicycle parking.

Overall, it is considered that the reduction of the car parking is acceptable, provided conditions ensure allocation of parking, with eight spaces for the dwellings and four car spaces for the office are shown on the plans. The car parking provision now satisfies the rate that VCAT had recommended was appropriate for the proposal.

**Complies subject to conditions**

Clause 52.06-8 - Design Standards for Car parking

The following matters are to be addressed via conditions of any approval to ensure the parking design; access and layout comply with Clause 52.06-8 of the Darebin Planning Scheme:

- Access via the Right of Way is appropriate.
- Vehicles are able to enter and exit the street network in a forward direction.
- The car stacker is custom made and further details of the stacker is to be provided by condition to ensure compliance with minimum headroom clearance (i.e. 25 percent of car spaces are to have a minimum clearance of 1.8 metres).
- Council's Transport Management and Planning Unit referral comments indicate that access is generally acceptable and recommend installation of a warning signal to be provided to alert pedestrians and vehicles when the stacker system is in use. This may be addressed by condition.
- The gradient to the stacker is acceptable.
- Pedestrian visibility splays need to be maintained on the north-west corner of the site, at the right of way-Gilbert Road interface.

The above requirements can be included as conditions of any approval given.

**Complies subject to conditions****Clause 52.34 – Bicycle Facilities**

Bicycle parking is required as follows:

Use	Rate	Number	Required
Shop	None if floor area <300m <sup>2</sup>	-	-
Dwelling (four or more storeys)	Resident 1 to each 5 dwellings	12 dwellings	2 spaces
	Visitor 1 to each 10 dwellings		1 spaces
			3 spaces

The plans show four Ned Kelly wall hung spaces to the ground floor.

Australian Standard 2890.3:2015 state bicycle parking facilities shall be designed to include a minimum of 20 percent of ground level (horizontal) BPDs (Bike Parking Devices) in any bicycle parking facility. In this instance one of the four parking spaces shown should be at ground level. This is to provide for those riders unable to lift a bicycle to a hanging BPD, and for parking of non-standard bicycles. This is to be addressed via conditions.

The plans show the relocation of two existing bicycle parking spaces on the Gilbert Road footpath and the addition of one additional bike parking facility on the same frontage. It is Council policy that any relocation and installation of new bicycle parking on the footpath is required to be undertaken by Council, at the cost of the owner/developer. Conditions of any approval given can address this.

**Complies subject to conditions**

**Clause 55 Assessment**

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

**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 a balcony at least 8 square metres in area with a minimum width of 1.6 metres and convenient access from a living room. See table below.

	<b>Total POS</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>
Dwelling 1	8 square metres (balcony)	8 square metres (balcony)	2.71 metres
Dwelling 2	8 square metres (balcony)	8 square metres (balcony)	1.96 metres
Dwelling 3	8 square metres (balcony)	8 square metres (balcony)	1.96 metres
Dwelling 4	8.15 square metres (balcony)	8.15 square metres (balcony)	1.96 metres
Dwelling 5	8 square metres (balcony)	8 square metres (balcony)	2.34 metres
Dwelling 6	8 square metres (balcony)	8 square metres (balcony)	2.71 metres
Dwelling 7	8 square metres (balcony)	8 square metres (balcony)	1.96 metres
Dwelling 8	8 square metres (balcony)	8 square metres (balcony)	1.96 metres
Dwelling 9	8.15 square metres (balcony)	8.15 square metres (balcony)	1.96 metres
Dwelling 10	8 square metres (balcony)	8 square metres (balcony)	2.34 metres
Dwelling 11	11.42 square metres (balcony)	11.42 square metres (balcony)	1.99 metres
Dwelling 12	16.39 square metres (balcony)	16.39 square metres (balcony)	1.96 metres

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

In addition to the above, the site has access to public open space on the southern side of Regent Street, directly opposite the site. Convenient access to public open space is considered to complement the private open space.

**Complies**

Clause 55.05-6 B30 Storage

Storage facilities are provided for the dwellings at ground floor, although these are less than 6 cubic metres, they are acceptable for the small size of the dwellings. It is also noted that VCAT in its previous decision on the development considered a reduced storage area was acceptable.

**Complies with objective****Clause 58 – Apartment Developments**

Clause 58 and the amended Clause 55 (55.07) do not apply to applications lodged before the introduction of Amendment VC136 on 13 April 2017. The application was lodged on 24 October 2016.

**REFERRAL SUMMARY**

Department/Authority	Response
Transport Management and Planning	<p>No objection, subject to condition included in recommendation:</p> <ul style="list-style-type: none"> <li>• Provision of two (2) horizontal bicycle parking spaces at ground level in addition to the vertical hanging spaces.</li> <li>• Provision of a swept path assessment, showing vehicle clearance envelopes.</li> <li>• Provision of ground clearance assessment of ramp access.</li> <li>• Custom drawn specifications of the Hercules Car Stacker are to be submitted.</li> </ul> <p><u>Officer comment:</u></p> <p>The above requirements are to be included as conditions of any approval given. However, only one bike rail is required to be provided at ground level, not two (refer to discussion in earlier sections of this report). Furthermore, the Applicant provided sufficient information to satisfy Council that vehicle manoeuvrability and ramp access is acceptable and swept path diagrams are no longer required.</p>
ESD Officer	<p>No objection, subject to condition included in recommendation:</p> <ul style="list-style-type: none"> <li>• No BESS assessment has been provided.</li> <li>• Full height glazed windows to south is not appropriate, due to privacy.</li> <li>• One of the south facing windows should be operable, for passive cross-ventilation.</li> <li>• The 3,000 litre water tank is inadequate for 10 toilets and will run out consistently, achieving a tank supply reliability of 67.4%.</li> <li>• The water tank is not drawn or labelled on the plans. Due to the narrowness of the site a solar photo voltaic panel array for common area energy might be more suitable.</li> <li>• A waste generation rate of 60 litres is allowed.</li> <li>• The recycling rates in the WMP are incorrect. Darebin allows for 80 litres per week (not each fortnight). This should be corrected.</li> </ul>

Department/Authority	Response
Assets and Property	<p>No objection to the proposal. The right of way to the rear of the property is a Council maintained and constructed Right of Way in Council's road register.</p> <p>The only aspect of the proposal that is acceptable to extend beyond the property boundary is the awning to the frontage. Balconies or other parts of the building are not to extend past the title boundary.</p> <p><u>Officer comment:</u></p> <p>Conditions may limit balconies or other parts of the building from extending beyond 150mm past the title boundary.</p>
Capital Works	No objection, subject to condition included in recommendation. Stormwater discharge from the site is to be to Council requirements.
Public Transport Victoria	No objection, subject to condition included in recommendation to remove the tram shelter and provide seating with no disruption to services or damage to infrastructure. No objection to waste collection occurring from the front of the site on Gilbert Road, as shown on the Waste Management Plan.

## 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 frontage at ground floor level exceeds 2 metres.
- Clause 34.01–4 (Commercial 1 Zone) a planning permit is required to construct a building or construct or carry out works.
- Clause 52.06 – reduce or waive the car parking 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
General provisions	65.01
Neighbourhood Character Precinct	Not applicable

## POLICY IMPLICATIONS

### Environmental Sustainability

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

### Social Inclusion and Diversity

Nil

### Other

Nil

## FINANCIAL AND RESOURCE IMPLICATIONS

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

## FUTURE ACTIONS

Nil

## DISCLOSURE OF INTERESTS

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

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

## RELATED DOCUMENTS

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

### Attachments

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

Darebin City Council  
23/05/2017



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



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STATUTORY PLANNING

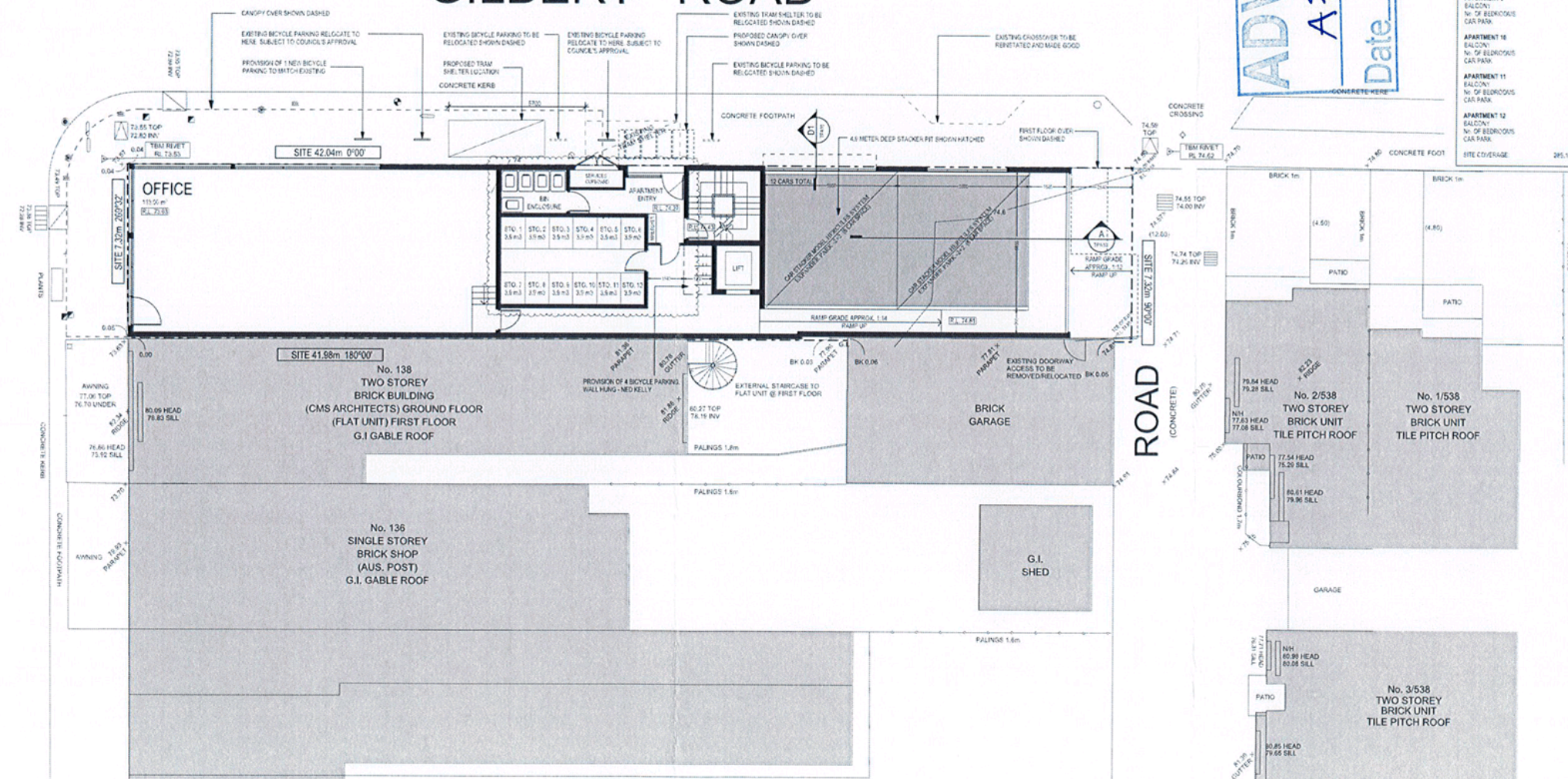
**ADVERTISED**  
A3's of  
Date 19 APR 2017

NOTE: ALL LEVELS NOMINATED ON THE DRAWINGS ARE TO THE AUSTRALIAN HEIGHT DATUM (AHD).

AREA ANALYSIS	
SITE AREA	307.2m <sup>2</sup>
NO. OF OFFICES PROPOSED	1
NO. OF APARTMENTS PROPOSED	12
NO. OF STUDENT APARTMENTS	10
NO. OF ONE-BED APARTMENTS	2
NO. OF TWO-BED APARTMENTS	10
NO. OF OFFICE PARKING	4
APARTMENT 1	40.13m <sup>2</sup>
TERACE	8.12m <sup>2</sup>
NO. OF BEDROOMS	5
APARTMENT 2	40.21m <sup>2</sup>
TERACE	8.30m <sup>2</sup>
NO. OF BEDROOMS	5
APARTMENT 3	40.27m <sup>2</sup>
TERACE	8.15m <sup>2</sup>
NO. OF BEDROOMS	5
CAR PARK	1
APARTMENT 4	41.47m <sup>2</sup>
TERACE	8.15m <sup>2</sup>
NO. OF BEDROOMS	5
CAR PARK	1
APARTMENT 5	41.25m <sup>2</sup>
BALCONY	8.15m <sup>2</sup>
NO. OF BEDROOMS	5
APARTMENT 6	40.13m <sup>2</sup>
BALCONY	8.15m <sup>2</sup>
NO. OF BEDROOMS	5
APARTMENT 7	40.21m <sup>2</sup>
BALCONY	8.30m <sup>2</sup>
NO. OF BEDROOMS	5
CAR PARK	1
APARTMENT 8	40.27m <sup>2</sup>
BALCONY	8.15m <sup>2</sup>
NO. OF BEDROOMS	5
CAR PARK	1
APARTMENT 9	41.47m <sup>2</sup>
BALCONY	8.15m <sup>2</sup>
NO. OF BEDROOMS	5
CAR PARK	1
APARTMENT 10	41.25m <sup>2</sup>
BALCONY	8.15m <sup>2</sup>
NO. OF BEDROOMS	5
CAR PARK	1
APARTMENT 11	40.13m <sup>2</sup>
BALCONY	8.15m <sup>2</sup>
NO. OF BEDROOMS	5
CAR PARK	1
APARTMENT 12	40.21m <sup>2</sup>
BALCONY	8.30m <sup>2</sup>
NO. OF BEDROOMS	5
CAR PARK	1
SITE COVERAGE	295.16m <sup>2</sup> 96.08%

REGENT STREET

GILBERT ROAD



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Revised  
DATE: 22/12/2016  
REV A: CHANGES MADE IN RESPONSE TO RFP  
DATE: 08/01/17  
REV B: CHANGES MADE IN RESPONSE TO FURTHER RFP

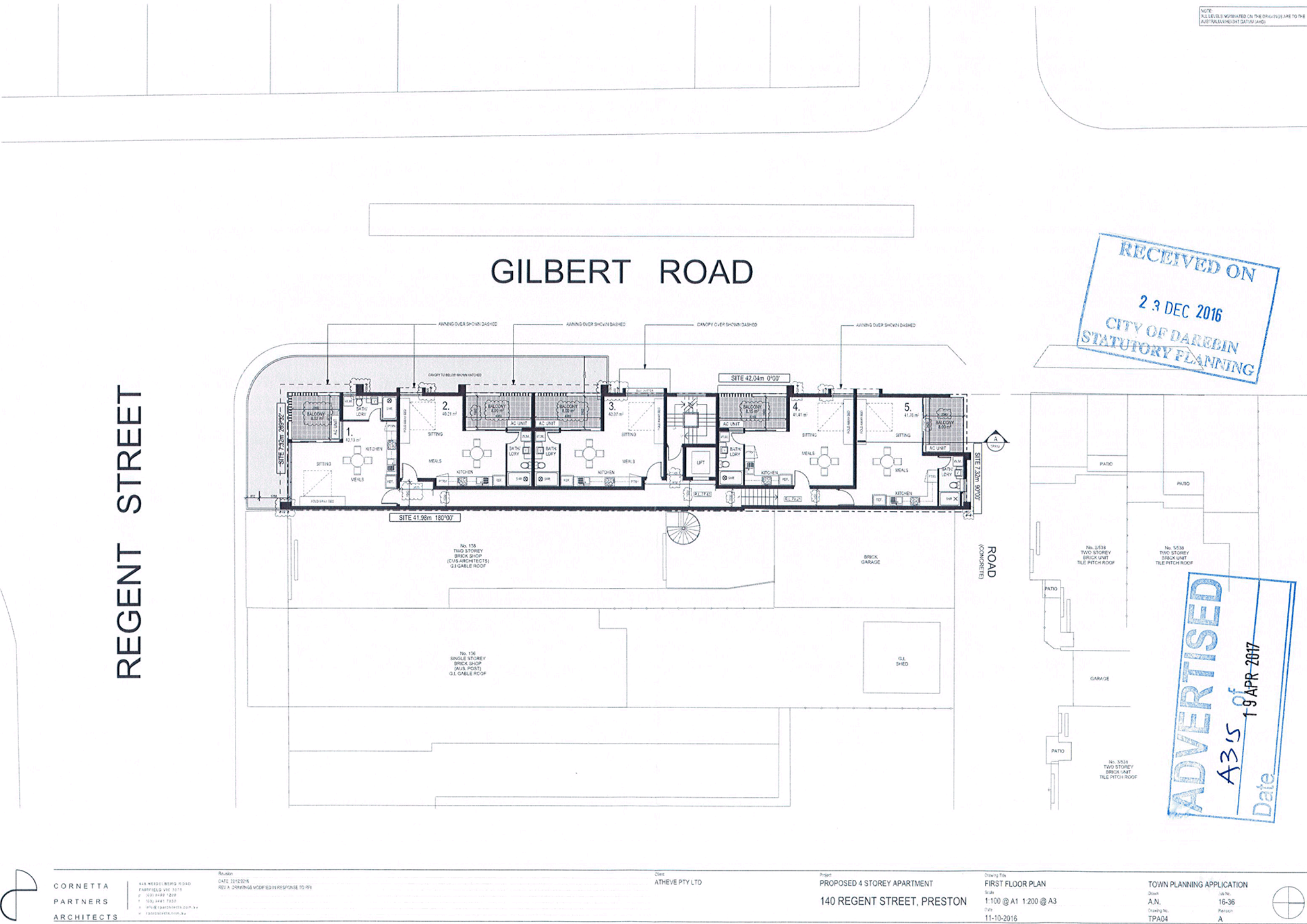
Client  
ATHEVE PTY LTD

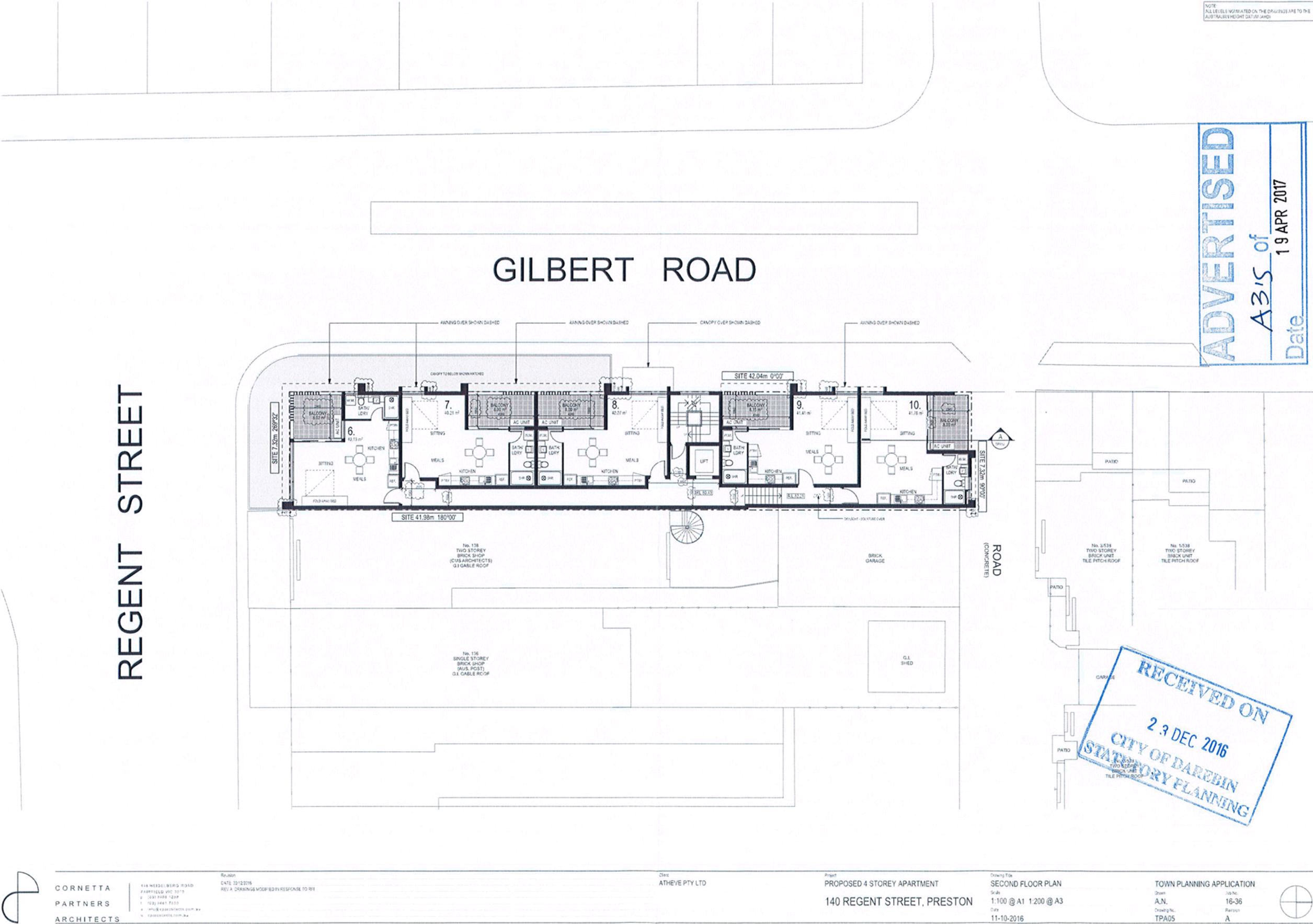
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140 REGENT STREET, PRESTON

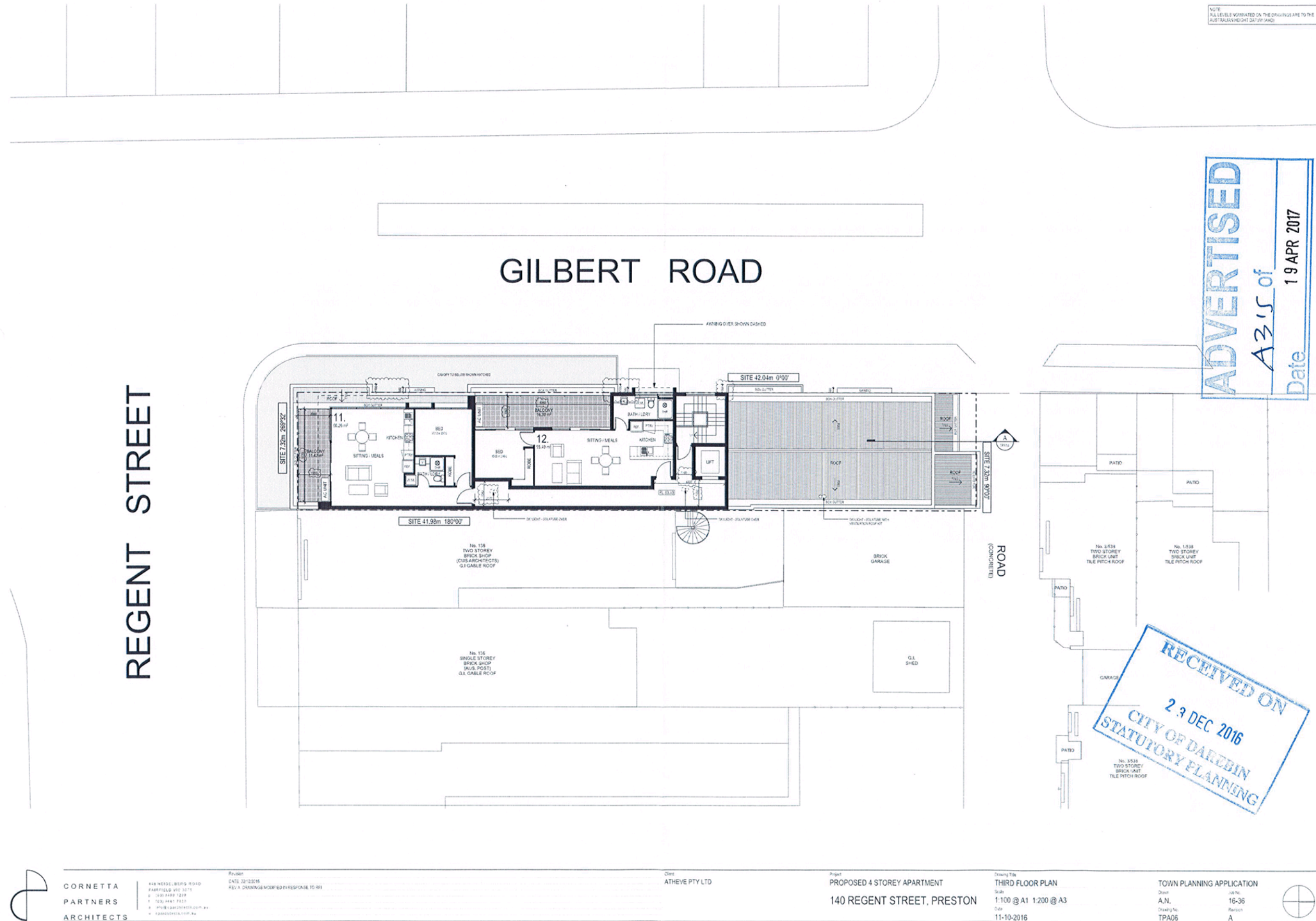
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Date  
11-10-2016

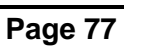
TOWN PLANNING APPLICATION  
Drawn  
A.N.  
Drawing No.  
TPA03

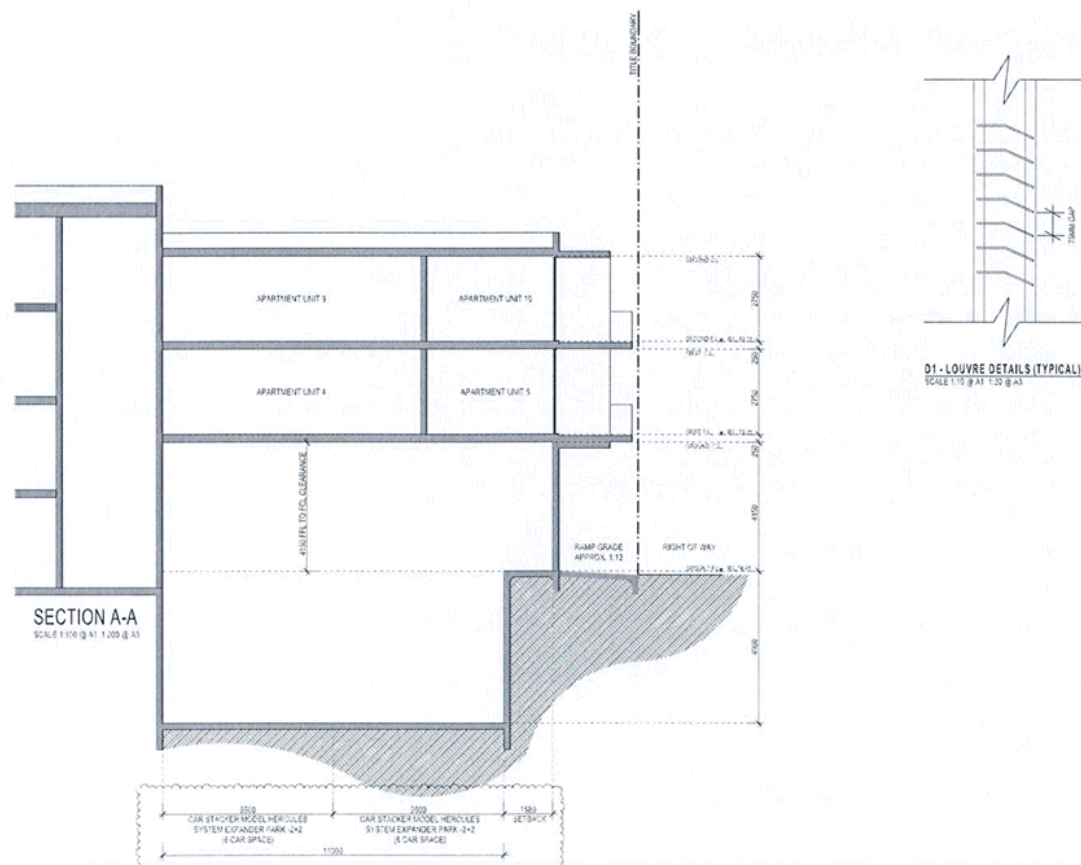
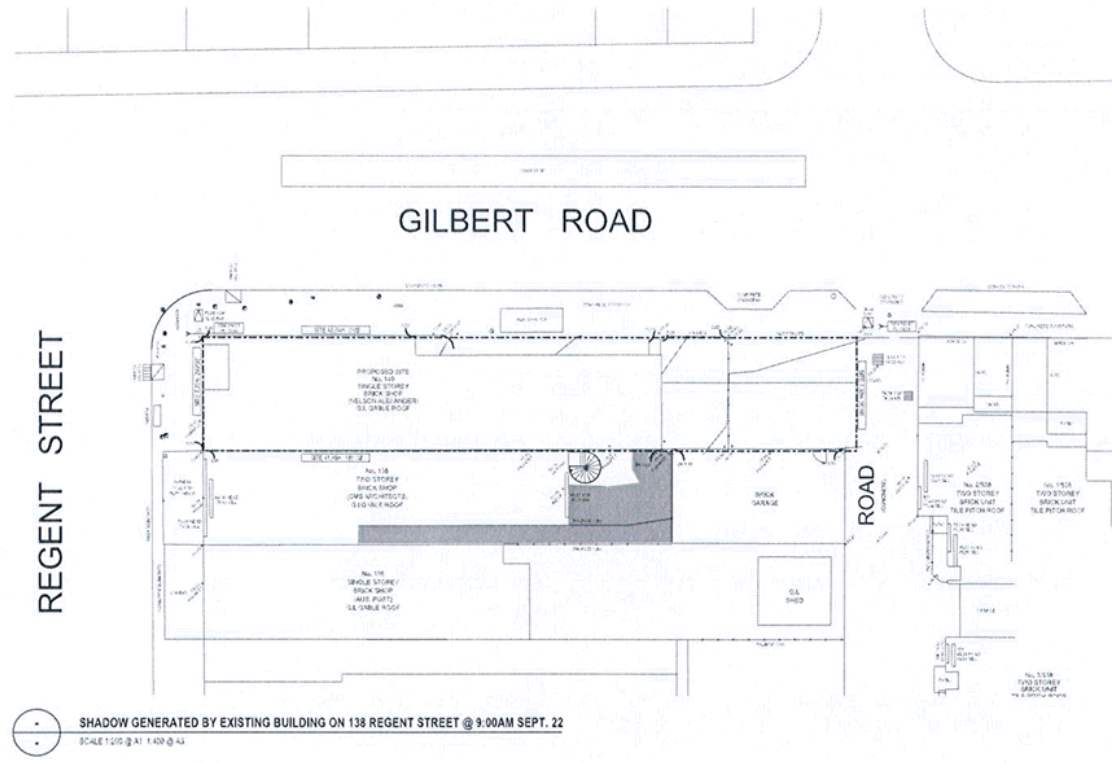










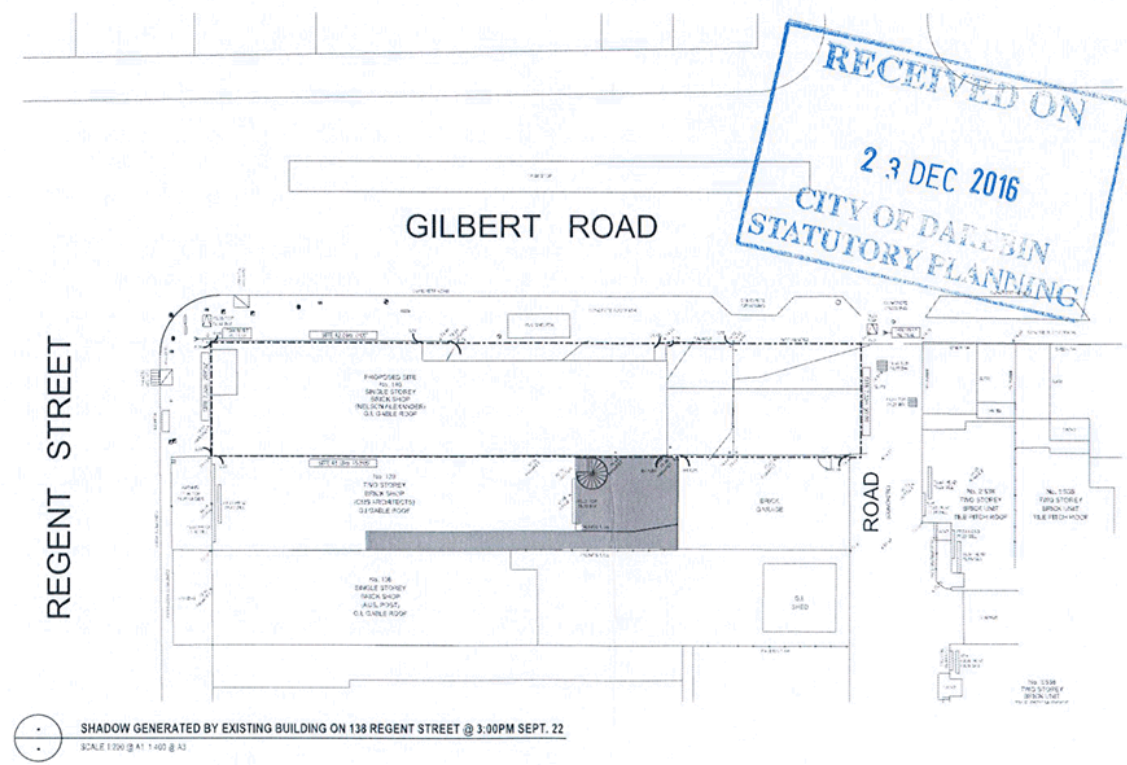
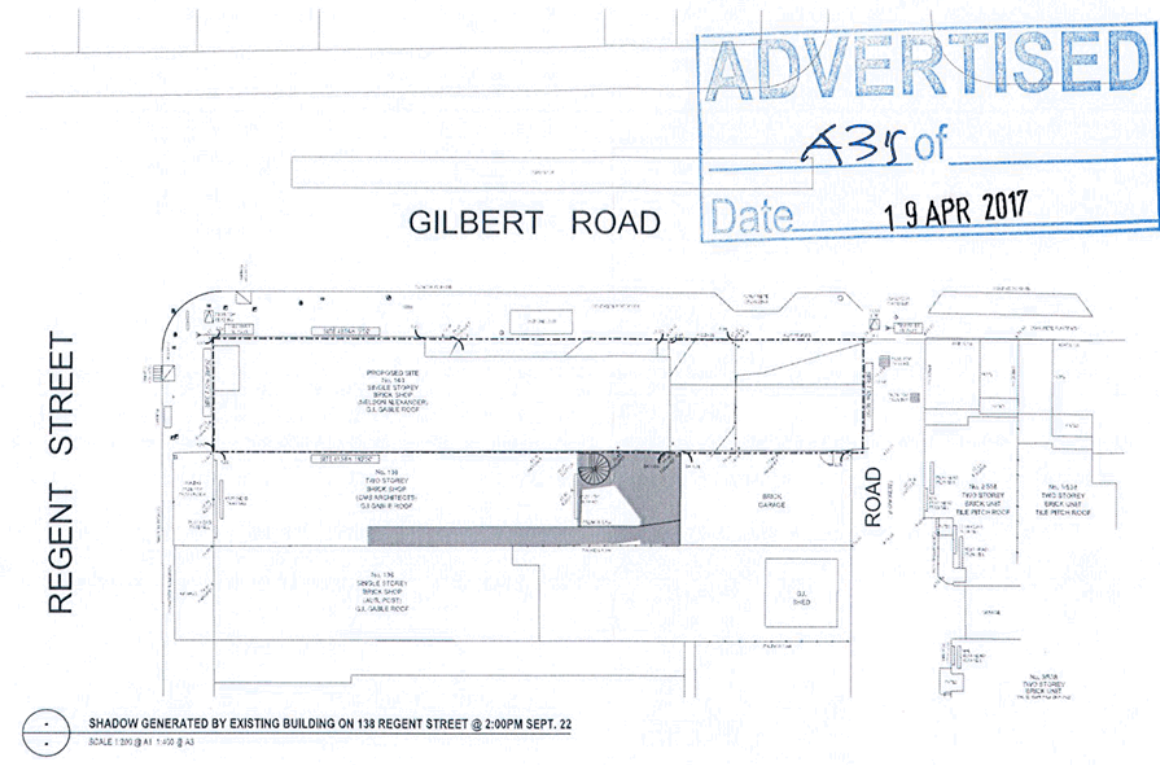


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Revision  
DATE: 22/12/2016  
REV A: DRAWINGS MODIFIED IN RESPONSE TO REF

Client  
ATHEVE PTY LTD



Project  
PROPOSED 4 STOREY APARTMENT  
140 REGENT STREET, PRESTON

Drawing Title  
SHADOW DIAGRAMS & SECTION A-A  
Scale  
1:100 @ A1 1:200 @ A3  
Date  
11-10-2016

TOWN PLANNING APPLICATION

Drawn  
A.N.

Job No.  
16-36

Checked  
TPA10

Reason  
A



**5.4 APPLICATION FOR PLANNING PERMIT D/459/2016  
32-40 Station Street, Fairfield****Author:** Principal Planner**Reviewed By:** Director City Futures and Assets

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Contour Consultants P/L	Findella P/L	<ul style="list-style-type: none"><li>• Bestec</li><li>• Bruce Henderson Architects</li><li>• Bryce Rayworth</li><li>• Ratio</li><li>• Galbraith and Associates</li></ul>

**SUMMARY**

It is proposed to:

- Undertake demolition works including relocation and then retention of the existing heritage building outside of heritage overlay;
- Construct building and works including a four storey plus two basement apartment building with 59 dwellings, comprising 18 single bedroom with study dwellings and 41 double bedroom dwellings and a childcare centre;
- Use the land as a child care centre with 100 children operating 6:30 am to 7 pm;
- Display business identification signage;
- Reduce the standard car parking requirement with 70 car spaces provided; and
- Alter access road in a Road Zone Category 1.

The site is zoned Residential Growth Zone RGZ3 (Garden Apartment Areas - 40 Station Street) and RGZ4 (Substantial Housing Change Areas - 32-38 Station Street) and within the Heritage Overlay HO79 (36 Station Street), Design and Development Overlay DDO20 and the Development Contributions Plan Overlay.

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

There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant.

21 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 three signs posted on site and letters sent to surrounding owners and occupiers.

This application was referred internally to Capital Works, Council's Heritage Architect, Transport Management and Planning, and Council's Sustainability units.

This application was referred to Council's Sustainability units.

This application was referred externally to VicRoads.

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

**That** Planning Permit Application on D/459/2016 be supported and a Notice of Decision to Grant a Permit be issued 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 prepared by dated) but modified to show:

Heritage

- a) The location of an interpretive sign for the relocated heritage building (Refer to Condition No. 21 of this Permit).

Fencing

- b) Fencing within the front setback to be a maximum 1.4 metres high (dwellings G.06 to G.10 balconies).

Street address

- c) Dwellings G.06 to G.10 provided with pedestrian access and front doors to Station Street.

Heights and Setbacks

- d) Dwelling 1.03, 1.05, 2.03 and 2.05 balconies adjacent to the north boundary reduced to 8sqm in area to ensure adequate solar access and reciprocal development opportunities.
- e) Wall heights and balcony / screen heights from natural ground level dimensioned at all levels on all plans.
- f) Wall heights and setbacks dimensioned from natural ground level with all heights and setbacks from the west boundary in accordance with figure 1 Clause 43.02 DDO20 with no reduction in setbacks.

Landscaping

- g) Section details at 1:50 of the balcony planter boxes with a minimum soil depth of 400 mm provided.
- h) A tap provided on all balconies with planters and appropriate drainage details.
- i) All paving clear of the basement footprint to be permeable with details of paving provided.
- j) The relocated palm notated as tree 33 as identified in the Galbraith and associates report 10 June 2015.

- k) Annotations detailing a Tree Protection Zone (TPZ) and associated Tree Protection Fence with a radius as per the TPZ in the Galbraith and associates report 10 June 2015 (measured from the outside edge of the trunk) for the Tree 5, 14, 18, 27, 35, 36, 37 and 38 in accordance with the requirements of Condition 28 of this Permit (i.e. the contents of condition 28 included on the plans). The TPZ is to exclude the basement and ground floor building envelope and the public footpath.

Car parking / Access

- l) Child care centre Car Space 7 deleted to provide a turning area.  
m) Line marking in the basement at corners.  
n) A bollard at the east end of the Child care centre Disabled Car Space.  
o) Car parking spaces allocated (Refer to Condition No. 15 of this Permit).  
p) The Child care centre lift to have a minimum 1.8 metre internal dimension.

Balconies

- q) All balconies to have a minimum usable dimension of 1.6m (excluding planters) with no reduction in setbacks or deletion of planters.  
r) All secluded private open spaces a minimum 8 square metres with a minimum 1.6 metre dimension with no reduction in wall setbacks.

Works outside site

- s) Bike parking in the road reserve and all changes to on street parking deleted with all visitor bike facilities located within the subject site.

Waste management

- t) Childcare centre bin storage area located behind the front building line of the heritage building.  
u) Vehicle access to the bin storage area widened to 3 metres.

Overlooking

- v) West facing first floor childcare centre windows:
- Dwelling 1.01, 1.02, 2.01, 2.17, 3.01 and west, north (within 7.7 metres of the west boundary) and south (within 7.7 metres of the west boundary) facing balconies.
  - Dwelling 1.18 south facing window (within 7.7 metres of the west boundary).
  - Dwelling 2.01, 2.02, 2.16, 2.17 west facing windows.

Provided with either:

- A sill with a minimum height of 1.7 metres above finished floor level (as relevant);
- 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.

If fixed screens are utilised a scaled and dimensioned section diagram provided demonstrating how 25% permeability is achieved in all horizontal and downward looking planes. For 45 degree viewing arcs for north and south facing windows / balconies architectural fin elements must be fully dimensioned with no increase in the size of these fin elements.

- w) Dwelling 1.17, 1.18 and 3.11 west, north (within 7.7 metres of the west boundary) and south (within 7.7 metres of the west boundary) facing balconies screened with fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

#### ESD

- x) External, horizontal fixed shading to all north facing windows and glazed doors that do not have a balcony above with a section and a dashed line on all plans and elevations to show the depth applying an angle of 63 degrees in section to adequately shade north sun.
- y) External adjustable shading devices to west facing habitable room windows and glazed doors of Dwellings G.01, G.02, G.13, 1.01, 1.02, 1.17, 1.18, 2.01, 2.02, 2.16, 2.17, 3.01, 3.06, 3.11 with a detail of such shading device shown.
- z) Solar hot water or heat pump hot water system backed by solar panels.
- aa) Solar photo voltaic panel system for common area energy.
- bb) Details on how all windows and doors open with sliding doors, bifold doors, louvre windows, fully openable double hung or casement windows predominantly used.
- cc) Operable windows on opposing sides of all corner units for natural ventilation of dwellings:
- 3.01 and 3.11 on the north and south side.
  - 3.04 on the north.
  - 3.08 on the south.
  - 3.09 on the east.
- dd) Note on the plans stating the illumination power density for the residential and childcare centre per the BESS report Energy 3.6 and 3.7.
- ee) Details on the glazing to be used with Visible Light Transmittance (VLT) of 60 per the BESS report IEQ.
- ff) Water use reduction for fire system testing labelled.
- gg) Area and dimensions of rain gardens and area of roof connected to rain gardens.
- hh) Area of roof draining to water each tank.
- ii) Operable window to the ground floor child care centre planning room.
- jj) Details of third floor glazing materials with the use of spandrels and internal concrete panels/ or other high efficiency insulation technique.
- kk) Install an operable south facing window ground floor child care centre kitchen.

#### Services and facilities

- ll) 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.

- mm) 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. Full details of all rooftop screening measures with sections and elevation details at 1:50 of screens. Screens are to be a maximum 25% visually permeable.

Other conditions

- nn) Any modifications in accordance with the revised ESD report (Refer to Condition No. 5 of this Permit).
- oo) Any modifications in accordance with the Acoustic Assessment (Refer to Condition No. 26 of this Permit).
- pp) A landscape plan in accordance with Condition 6.
- qq) Construction of the proposed crossover to a width of 6.0 metres at the property line, flared 60 degrees, with 3.0 metre radial turnouts at the kerb with 1.0 metre clearance from any fixed object.

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 Bruce Henderson 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 three (3) years from the date of this Permit; or
  - The development is not completed or the use is not commenced 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.
- (5) Before the development starts, a revised ESD report generally in accordance the document identified as *BESTEC ESD Report dated 26 May 2016* detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The document is to be amended as follows:
- a) Revision of the document to assess the plans referred to in Condition 1.
- b) A revised daylight assessment.
- c) Revised STORM assessment and BESS Assessment having regard too:
- BESS Management 3.3 Metering – the childcare centre cannot claim that all major common areas have been separately metered as it will be operated by one tenant. Remove this from the BESS tool.
  - BESS IEQ – the living areas are deeper than 8m and 5m deep to the south. Select NO at this question.

- BESS IEQ – the development does not comply with the all of the requirements of the building separation tables. The living rooms facing north and west on the ground floor, first floor and second floor do not comply.
- BESS – washing machines cannot be selected as the applicant has no control over the WELS star rating an occupant will purchase.
- BESS IEQ – the living areas of the central units all face a courtyard and other building.
- BESS Water 4.1 – provide more information on how water use will be reduced for fire system testing.
- STORM – The STORM report lists a 46sq.m raingarden however there is no raingarden on the plans or landscape plans. Provide more details including design details of the WSUD stormwater treatment measures, including cross sections, materials, plants, area to be drained, maintenance schedule and drainage directions.
- The STORM report needs more information as it is unclear what area of the roof is draining to which tank, which toilets are connected to the tank, if balconies and other traversable areas are connected (they should not be connected to tanks connected to toilets), etc. A plan of the areas to be drained and to where would be helpful.
- BESS transport 1.2 – Provide details on where the 15 bike parks for visitors are located.

Except with the written consent of the responsible authority the development must be constructed in accordance with the requirements/ recommendations of the ESD report to the satisfaction of the Responsible Authority.

Prior to the occupation of the development, a report from the author of the ESD report, 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 ESD report have been implemented in accordance with the approved Plan.

- (6) Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) 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) Paving in the Dwelling G.01, G.02, G.04 and G.13 open spaces dimensioned with a maximum 12 square metres area and a minimum 2 metre dimension.
  - e) Details of raingarden / WSUD treatment measures including cross sections, materials, plants, area to be drained, maintenance schedule and drainage directions.

- f) Trees as follows:
- Two (2) deep rooted large canopy trees in the front setback both adjacent to the heritage building (can include tree 18 as identified in the Galbraith and associates report 10 June 2015).
  - Two (2) deep rooted large canopy trees in the rear setback one (1) adjacent to the heritage building and one (1) in the apartment communal terrace (can include tree 33 and 27 as identified in the Galbraith and associates report 10 June 2015).
  - One medium canopy tree in the front setback of dwelling G.06 to G.10 (5 trees).
  - One medium canopy tree in the rear setback of dwellings G.01, G.02 and G.13.
  - One medium canopy tree in the side setback of dwelling G.01 and G.04.
  - Two medium canopy trees in the side setback of the child care centre.

Further 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, within the childcare centre open space areas 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).

- g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- h) 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.
- i) Hard paved surfaces at all entry points to dwellings.
- j) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
- k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences 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.
- m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- n) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.

- (7) The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- (8) No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- (9) The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- (10) Except with the written consent of the Responsible Authority waste storage and collection must be undertaken in accordance with the eco results Waste Management Plan Management Plan dated 5 December 2016. In addition:
- No waste is to be stored on street for collection;
  - Collection is to only occur outside of peak traffic periods (7am to 9am and 4:30pm to 6:30pm) and night periods (10pm to 7am);
  - Trucks are to park in the carriageway easement on site if no on street parking is available;
  - Trucks are not to obstruct traffic; and
  - Waste collection is to 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.
- (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 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) The land must be drained to the satisfaction of the Responsible Authority and generally be in accordance with the endorsed plans and approved ESD report.
- (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;
  - d) Drained;
  - e) Line-marked to indicate each car space and all access lanes; and
  - 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) One (1) car parking space allocated per dwelling, 22 car spaces allocated to the child care centre and 6 car spaces allocated to dwelling visitors.
- (20) Storage units are to be allocated to the car space in front with a minimum of one (1) storage unit per dwelling.
- (21) Before the demolition or development commences the owner of the land at 32 – 40 Station Street must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:
- a) The owner must prepare a Heritage Building Management Plan to the satisfaction of council.
  - b) The owner must pay for a peer review of the engineering report.
  - c) The Heritage Building Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  - d) The heritage building must be reconstructed and maintained in accordance with the approved Heritage Building Management Plan.
  - e) The Heritage Building Management Plan must not be amended without the prior written consent of the Responsible Authority.
  - f) The owner must undertake landscaping works and maintain these in accordance with the endorsed plans.
  - g) The owner must prepare planning scheme amendment documentation to the satisfaction of the responsible authority to facilitate the replacement of the heritage overlay for the relocated heritage building to ensure its ongoing protection.
  - h) The owner must meet the cost of a planning scheme amendment and independent planning panel to apply the heritage overlay to the relocated heritage building.
  - i) The owner must provide explanatory and interpretive signage having regard to the heritage significance of the site and the relocation of the heritage building.

Before development commences, application must be made to the Registrar of Titles to enter a memorandum of the Agreement on Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

- (22) Before the relocation works or development commences, a professionally prepared and annotated photographic study (of archival quality) of the building must be submitted to the Responsible Authority as a record of the building. The survey must be prepared to the satisfaction of the Responsible Authority and must include:
- a) A hard copy and a digital copy in a lossless file format on USB or DVD;
  - b) Each elevation of the building;
  - c) The interior of the building;
  - d) Architectural design detailing of the building; and
  - e) A statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.
- (23) The number of children on the childcare premises at any one time must not exceed 100.
- (24) 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
  - d) And/or in any other way, to the satisfaction of the Responsible Authority.
- (25) Noise from the child care centre must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- (26) Before development starts, an Acoustic Assessment of the use and 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) Acoustic fences to the north (internal fencing), east and south of the child care centre provide appropriate noise attenuation to protect the amenity of surrounding properties to the south and west, and internal to the site with the proposed fence details reviewed.
  - b) Noise from first floor balconies and windows of the child care centre will not detrimentally impact upon the amenity of surrounding properties to the south and west.
  - c) 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.
  - d) The design of habitable rooms of all dwellings adjacent to a road limits internal noise levels to a maximum of 35 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
  - e) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the car park) do not impact adversely on the amenity of dwellings within the development and neighbouring residential properties.
  - f) Acoustic treatment of habitable room walls adjacent to lifts.

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

- (27) Before relocation works or development commences a Heritage Building Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Heritage Building Management Plan will be endorsed as evidence of their approval and will then form part of the endorsed plans of this permit.

The Heritage Building Management Plan must be prepared by a heritage expert with qualifications and experience to the satisfaction of the Responsible Authority and must address appropriate measures for the relocation and re-establishment of the heritage buildings, including, but not limited to:

- a) A method statement for the building to be prepared in consultation with a structural engineer to ensure the heritage fabric is not disturbed or damaged as a result of the relocation;
  - b) A structural engineers report on the relocation of the building;
  - c) Method of demolition, cleaning and secure storing of all materials for relocation works (including chimneys);
  - d) The relocation works to coincide with any repair or stabilisation works deemed necessary for the conservation of the building; and
  - e) A management plan to bring about a quality restoration of the heritage building and for the future use and any maintenance works to the building to ensure its ongoing maintenance and retention in perpetuity, and to ensure the building plays an appropriate role in the use of the land as a childcare facility.
- (28) Before buildings and works (including demolition) start, a Tree Protection Management Plan (TPMP) must be developed in accordance with AS 4970-2009 and follow the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction). This must be prepared by a certified project arborist (minimum Australian Qualification Framework Level 5 and/or equivalent experience).

The TPMP must detail the means of relocating palm tree (tree 33 as identified in the Galbraith and associates report 10 June 2015) with the relocation works overseen by a qualified arborist.

The TPMP must contain:

- a) An assessment of all trees on site, in the road reserve (as previously identified in the Galbraith and associates report 10 June 2015) and on land adjacent to the subject site.
- b) The general condition and overview of the trees (e.g. Species, Health, Structure, Useful Life Expectancy (ULE), Height, Width (north-south and east-west) Diameter at Breast Height (DBH).
- c) Any specific damage/faults evident within the trees prior to demolition or construction. These photographs must be supplied within the TPMP as a preliminary dilapidation report.
- d) An assessment of the potential impacts to the tree during and as a result of demolition and construction.
- e) Details of required setbacks of basements, footings and other construction techniques to protect the root system of trees. Unless removed in agreement with neighboring property owners the trees on adjacent properties must not be impacted upon by the development and building setbacks may need to be increased as a result.

- f) Details of a Tree Protection Zone (TPZ). A tree protection fence must be erected around 5, 14, 18, 27, 35, 36, 37 and 38 at a radius as per the Tree Protection Zone (TPZ) in the Galbraith and associates report 10 June 2015 (measured from the outside edge of the trunk) to define a 'Tree Protection Zone'. The TPZ is to exclude the basement and ground floor building envelope and the public footpath.

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.

- g) A statement that all roots located on the subject site of greater than 30mm in diameter will be retained.
- h) A statement that the property owner/developer will be liable for any damage caused to the tree during the development process, including damage by privately engaged contractors.
- i) Recommendations to reduce impact to the tree and tree protection guidelines to be followed through all phases of development.
- j) A statement that the project arborist may be required to oversee all works near the tree for the duration of works.
- k) If relevant; gantry/scaffold specifications that ensure trunk and branches are provided with a minimum clearance of 500mm – an engineered solution may be required rather than pre-fabricated systems.

The development must be constructed in accordance with the requirements/recommendations of the TPMP to the satisfaction of the Responsible Authority. The principal contractor will be responsible for the implementation of the TPMP by all contractors and personnel on site.

#### **VicRoads**

- (29) Construction of the proposed crossover to a width of 6.0 metres at the property line, flared 60 degrees, with 3.0 metre radial turnouts at the kerb with 1.0 metre clearance from any fixed object.
- (30) 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.
- (31) Any security boom, barrier, gate or similar device controlling vehicular ingress to the site must be located a minimum of 6.0 metres inside the property.
- (32) 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 prior to the occupation of the buildings or works hereby approved.

**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 Pursuant to the *Planning And Environment Act* definitions “development” includes the construction or exterior alteration or exterior decoration of a building; and the demolition or removal of a building or works; and the construction or carrying out of works; and the subdivision or consolidation of land, including buildings or airspace; and the placing or relocation of a building or works on land; and the construction or putting up for display of signs or hoardings.
- 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**

Planning Permit D/652/2001 was issued on 23 August 2001 for the construction of an Outbuilding and Garage.

Planning Permit D/46/2003 was issued on 16 July 2003 for buildings and works comprising the extension of medical consulting rooms, in accordance with the endorsed plans.

Planning Permit D/10/2014 was issued 13 March 2014 for buildings and works comprising alterations to an existing outbuilding.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

The land is regular in shape, comprises four lots has a 80.89 metre frontage to Station Street and a depth of up to 40.23 metres with a site area of 3226 square metres.

The site is currently developed as follows:

- 32 Station Street – a weatherboard dwelling.
- 36 Station Street – a dwelling and outbuilding previously used as a medical centre and included in Heritage Overlay. reads:

*The heritage citation reads as follows: “36 Station Street is a double-fronted timber house with ashlar-pattern boarding, a hipped corrugated iron-clad roof with a bracketed eaves and a cast iron verandah. Cast-iron frieze work, brackets and columns decorate the verandah. The four-panelled front door has sidelights and a highlight, and is flanked by tripartite double-hung sash windows.”*

- 38 Station Street – a dwelling and shop with parking in the front setback.
- 40 Station Street – a weatherboard dwelling.

The land has two single width crossovers and two double width crossovers.

The site is zoned Residential Growth Zone RGZ3 / RGZ4 , partly within the Heritage Overlay HO79 and fully within the Design and Development Overlay DDO20 and the Development Contributions Plan Overlay.

The land is located on the west side of Station Street.

To the east, on the opposite side of Station Street, are a number of dwellings and apartments.

To the west are the rear yards of single and double storey dwellings fronting Gillies Street (not Rathmines Street as a number of the application plans indicate). These are located within the General Residential Zone GRZ2 and are summarised as follows:

- 3/25-27 Gillies Street – a 2 storey dwelling with open space abutting the common boundary of the site.
- 4/25-27 Gillies Street – a 2 storey dwelling with open space proximate to the common boundary of the site.
- 29 Gillies Street – a 2 storey weatherboard dwelling setback approximately 10 metres from the common boundary.
- 31 Gillies Street – a 2 storey brick dwelling setback approximately 4.5 metres from the common boundary.
- 33 Gillies Street – a two storey dwelling with an outbuilding in the south east corner of the site.

- 35 Gillies Street – two storey apartment building currently under construction but not yet occupied. Planning permit D/137/2014 was issued for a two storey apartment development with basement setback 3 metres to 4 metres from the common / rear boundary, ground floor wall and first floor balconies setback 4 metres from the common / rear boundary, first floor wall setback 3 metres to 4 metres from the common / rear boundary.
- 37 Gillies Street – a single storey weatherboard dwelling occupies the site setback 15 metres from the common boundary. Planning permit D/590/2014 was issued for an apartment development with basement, ground floor wall and first floor balconies setback 2 metres from the common / rear boundary, first floor wall setback 4 metres from the common / rear boundary.

To the north of the site is a single storey brick office building which has carriageway rights over the north east part of the subject site.

To the south is a four storey apartment building at 28-30 Station Street with 29 dwellings approved under planning permit D/1028/2011.

On–street parking is unrestricted in Station Street.

The site is 200 metres south of Fairfield Station. Bur Route 609 runs adjacent to the site.

### **Proposal**

It is proposed to:

undertake demolition works including part relocation of the existing heritage building at 36 Station Street outside of heritage overlay to the south of the site closer to the frontage with a two storey building extension to its rear, construct building and works including a four storey plus two basement apartment building with 59 dwellings, comprising 18 single bedroom with study dwellings and 41 double bedroom dwellings and a childcare centre use the land (containing the heritage building) as a child care centre with 100 children operating 6:30 am to 7 pm display business identification signage for the child care centre reduce the standard car parking requirement with 88 car spaces provided. The car park is accessed from the north of the site via Station Street with residential parking provided to the north of the site and child care centre; and, alter access road in a Road Zone Category 1 with one double crossover (a double and two single crossovers removed) and the existing carriageway crossover on the north boundary retained.

### **Objections**

21 objections have been received.

### **Objections summarised**

Detrimental to the heritage place.

Overshadowing impacts.

Overlooking of surrounding properties:

- For balconies adjacent 33 Gillies Street fixed obscure glazing is requested to all balconies as opposed to 25% permeable battens and all screening is requested to be to a minimum 1.7 metres above finished floor level.

Impacts during construction / Subsidence cause by excavation works.

Errors in plans – height of surrounding dwellings (29 Gillies Street two storey dwelling marked as single storey), Gillies Street not shown correctly (marked as Rathmines Street), buildings at 35 Gillies Street not shown accurately.

Noise impacts

Childcare use is inappropriate on a Road Zone Category 1 / Station Street.

Contrary to character of the area / Station Street Streetscape Rhythm.

Internal courtyard should be wider.

Too many one (1) and two (2) bedroom dwellings/lack of dwelling diversity.

Contrary to Clause 21 (MSS), Clause 22.6 (Multi-Residential And Mixed Use Development), and Clause 55 (Two (2) or More Dwellings On A Lot And Residential Buildings).

Excessive site coverage.

Insufficient permeability.

Traffic impacts.

Insufficient car parking / non-compliance with Clause 52.06 / impact on surrounding streets / drop off and pickup associated with the childcare facility insufficient.

Insufficient outdoor play area / open space for the child care centre.

Overdevelopment.

Visual bulk / Insufficient side and rear setbacks.

No net value to the community/Social effects.

Poor internal amenity having regard to size of dwellings, access to light, reverse living arrangement and insufficient secluded private open space.

Loss of vegetation / insufficient landscaping opportunities.

The matter should be determined by planning committee.

No affordable housing provided.

Infrastructure capacity.

Insufficient access for waste collection.

Insufficient front setbacks.

Insufficient Public Transport in the Area.

Impact on carriageway to 42 Station Street.

Cumulative impact of development.

Insufficient notification.

Crossovers result in the loss of street trees / are unsafe.

Failure to respond to the approved development at 37 Gillies Street.

Impact on / loss of views.

Precedent.

Tandem car spaces are inappropriate.

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

Detrimental to the heritage place / demolition / relocation inappropriate / new siting inappropriate

See planning assessment below.

Overshadowing impacts

See planning assessment below.

Overlooking of surrounding properties

For balconies adjacent 33 Gillies Street fixed obscure glazing is requested to all balconies as opposed to 25% permeable battens and all screening is requested to be to a minimum 1.7 metres above finished floor level.

Conditions are recommended reflecting the objector's request. See planning assessment below.

Impacts during construction / Subsidence cause by excavation works

Noise and trucks etc. during the construction phase of development is a temporary and unavoidable consequence of development and not a reason to refuse any development. The EPA controls construction noise and hours of construction. Normal work hours for large residential developments in residential areas are: 7am – 6pm Weekdays and 9am – 1pm Saturday. No construction is permitted on Sunday's.

Construction techniques and effects – noise, dust, stability of existing foundations and damage to nearby dwellings are not a consideration under the Planning and Environment Act or Darebin Planning Scheme. The development is setback sufficiently from existing residential development to prevent damage to building foundations.

Errors in plans – height of surrounding dwellings (two storey dwellings marked as single storey), Gillies Street not shown correctly (marked as Rathmines Street), buildings at 35 Gillies Street not shown accurately

This matter was discussed with Council's legal counsel. Whilst these errors are unfortunate they are not material. There is no real question as to the address of the subject land (it was clearly advertised as 32-40 Station Street Fairfield) and what is proposed. There is no question that the neighbouring open spaces to the west are sensitive and need protection from overlooking, overshadowing and visual bulk impacts as assessed in this report.

Noise impacts

The noise levels generated by the development will not be significantly above that of the surrounding area. Occupants of this type of development are no more or less likely to generate excessive noise than the occupiers of the surrounding dwellings and business'.

See assessment below regarding noise associated with the child care centre.

Childcare use is inappropriate on a Road Zone Category 1 / Station Street

Location on Road Zone Category 1 is a more appropriate location for a discretionary use such as this subject to an appropriate design. See assessment below.

Contrary to character of the area/ Station Street Streetscape Rhythm

See planning assessment below.

Internal courtyard should be wider

See planning assessment below.

Too many one (1) and two (2) bedroom dwellings / lack of dwelling diversity

The proposal adds further housing diversity to the area and this ground for objection is contrary to statistical evidence, the facts and recommendations of the Darebin Housing Strategy.

Contrary to Clause 21 (MSS), Clause 22.6 (Multi-Residential And Mixed Use Development), and Clause 55 (Two (2) or More Dwellings On A Lot And Residential Buildings)

See planning assessment below.

Excessive site coverage

See planning assessment below.

Insufficient permeability

See planning assessment below.

Traffic impacts

It is considered that the proposal will not generate significant traffic. The local road network and site context has capacity to accommodate the additional vehicle movements associated with the development.

Insufficient car parking / non-compliance with Clause 52.06 / impact on parking in surrounding streets / drop off and pickup associated with the childcare facility insufficient

See planning assessment below.

Insufficient outdoor play area / open space for the child care facility

See planning assessment below.

Overdevelopment

See planning assessment below.

Visual bulk / Insufficient side and rear setbacks

See planning assessment below.

No net value to the community / Social effects

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

*“33. As I have highlighted, parties seeking to rely on Sections 60(1B) and 84(2)(b) 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.”*

Poor internal amenity having regard to size of dwellings access to light, location of driveway adjacent to windows and reverse living arrangement providing insufficient secluded private open space

See assessment below.

Loss of vegetation / insufficient landscaping opportunities

There are no vegetation protection controls in place on the land. There is no significant vegetation on the land worthy of retention. The extent of landscaping proposed is consistent with the Residential Growth Zone RGZ3 / RGZ4 . See planning assessment below.

The matter should be determined by planning committee

The matter is being determined by in accordance with Council’s Instrument of Delegation by Planning Committee.

No affordable housing provided

A general principle established in Green v Hobsons Bay CC (Red Dot) [2013] VCAT 2091 ('Green') in relation to affordable housing is:

*"That in the absence of specific statutory controls in the Planning Scheme, the provision of smaller dwellings, commanding lower prices on the open market than other comparable housing types, sufficiently achieves the intent of general planning policy which encourages affordable housing."*

Local policy guidance with respect to housing is contained in Clause 21.03 of the Scheme. 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 relevance 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."*

Objective 4 of Clause 21.03-3 includes the following strategies:

*"Ensure housing in the municipality is sufficiently diverse to provide more affordable and appropriate choices and opportunities."*

*"Facilitate the provision of affordable housing in terms of purchase price as well as lower ongoing operational costs, by promoting housing growth in areas with good access to services and public transport and encouraging best practice environmentally sustainable housing design to minimise ongoing utility costs"*

The proposed development incorporates smaller dwellings and improves the diversity of housing choice on the open market. The proposal therefore accords with the principles established in *Green* and the objectives of the relevant local policy.

Infrastructure capacity

Any improvements required to existing utilities as a result of the development will be the responsibility of the developer. Infrastructure needs outside of the site arising from general population growth (be that retail, transport, medical or educational) will be the responsibility of the relevant service providers.

Insufficient access for waste collection

See assessment below.

Insufficient front setbacks

See assessment below.

Insufficient Public Transport in the Area

The site is well located having regard to fixed rail and public transport services.

Impact on carriageway to 42 Station Street

This is a civil matter between the land owners and not a relevant planning consideration.

Cumulative impact of development

The land is located on a Road Zone category 1 and has recently been rezoned to Residential Growth Zone RGZ3 / RGZ4 where a greater intensity of development is encouraged. The proposal is consistent with the strategic intent of the area and the preferred character.

Insufficient notification

The application has been advertised in accordance with the *Planning and Environment Act* for the prescribed time period, photos have been provided showing the signs erected and a statutory declaration signed by the applicant has been provided confirming notice has been carried out.

Crossovers result in the loss of street trees / are unsafe

No street trees are removed. There are currently 4 crossovers to the site, 2 single and 2 double.

The proposal seeks to provide a single double crossover, increasing on street parking and reducing pedestrian / vehicle conflict points. All car spaces allow forwards entering and exiting the site which is safer than the existing conditions.

Failure to respond to the approved development at 37 Gillies Street

The proposal responds to the existing context. No development has yet occurred at 37 Gillies Street and until it does it is not a relevant planning consideration. Notwithstanding this if the development at 37 Gillies Street occurs equitable amenity and outlook will be provided to both sites.

Impact on / loss of views

In the absence of specific overlay controls designed to protect view lines, no entitlements to a view prevail.

Precedent

The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration.

Tandem car spaces are inappropriate

See planning assessment below.

Insufficient Storage

See planning assessment below.

**PLANNING ASSESSMENT****Amendment C147**

Amendment C147 included the subject site in the Residential Growth Zone RGZ3 / RGZ4 and DDO20.

By way of background the exhibited version of Amendment C147 included 36 Station Street in the Residential Growth Zone. Post exhibition and panel hearing Council sought to place 36 Station Street in the General Residential Zone consistent with other corridor projects however the matter was fast tracked by the Minister and the amendment was processed by the Residential Zones Standing Advisory Committee (RZSAC) and Council was unable to make further changes to Amendment C147.

Relevant to the subject land the Panel received a submission in relation to the site summarised in its report (which was available to RZSAC for its decision) as follows:

*Mr Douvos objected to the RGZ along Station Street on the basis that not all properties are suitable for four storey development because they are too small, are affected by the HO (29, 36, 43 and 61 Station Street) or are worthy of heritage protection (50 and 60 Station Street). The Panel report provided the following discussion:*

*"In respect of the submission about the relationship of the RGZ and HO, the Committee notes that this was subject of detailed discussion in the Committee's Stage One Overarching Issues Report. In that report the Committee acknowledged that there will be situations where housing growth will be appropriate on sites or within precincts that are subject to the HO, but that alternatively there will be sites where the nature of the heritage significance will be such that there will be little if any scope for redevelopment and housing growth. On this basis, the Committee concluded that there is no single approach for determining whether an area or site that is subject to a HO should accommodate, or be protected from, more intensive housing development. Determining the preferred zone will require an assessment of the nature of the heritage significance, the capacity of the site or precinct to accommodate housing growth and any broader strategic imperatives that might support housing growth on the site or within the precinct. In the case of Station Street, the Committee considers that assessments of development potential of sites covered by the HO will need to be made on a case by case basis."*

**Heritage**

This matter is a relevant consideration under:

Clause 15.03 – Heritage

Clause 43.01 Heritage Overlay HO79

The subject site is affected by Heritage Overlay HO79 and includes external paint controls. The Statement of Significance states the following:

*"The house is typical of many built much later in Northcote. It is an early house on the estate and an early use of what was to become Northcote's most common style of the period 1900-1910. The house also has a long association with the medical profession in Fairfield."*

The heritage citation describes the site as:

*“36 Station Street is a double-fronted timber house with ashlar-pattern boarding, a hipped corrugated iron-clad roof with a bracketed eaves and a cast iron verandah. Cast-iron frieze work, brackets and columns decorate the verandah. The four-panelled front door has sidelights and a highlight, and is flanked by tripartite double-hung sash windows.”*

The proposal seeks to relocate the existing heritage building outside of the Heritage Overlay. The relocation of a heritage building is unusual and generally undesirable in principle. The applicant's heritage assessment notes that “the idea of shifting heritage buildings from one site to another is generally discouraged in heritage practice.

The Burra Charter, a document that guides conservation actions in Australia and that is adopted by all federal, state and local government organisations, discourages the relocation of buildings except as a matter of last resort.”

The applicants heritage assessment cited 3 instances where buildings have been relocated, the most recent being *Allonmere Pty Ltd v Mornington Peninsula SC* [2015] VCAT 815 (10 June 2015) where conditions for relocation were imposed. Minor variants of these conditions are recommended to be included by way of a section 173 agreement in the conditions above, in addition to the recommendations of Council's Heritage Architect and the external Heritage Consultant engaged by Council.

The applicant's heritage assessment has been peer reviewed by Council's Heritage Architect and an external heritage consultant engaged by Council, and after careful consideration the proposal is not opposed subject to conditions. The independent peer review by the external Heritage Consultant engaged by Council made the following comments:

*“It is clear from the Bryce Raworth notes that the relocation of heritage buildings, although successfully achieved in some cases, is not a normally accepted approach to the management of heritage buildings or places. Relocation is an approach generally entertained under particular and special circumstances.*

*The particular circumstances of this site are that it is an individual isolated heritage overlay, HO79, which is not located in a heritage streetscape or wider heritage context and that the relocation would provide a setting in which the building can continue to be appreciated.*

*Heritage significance has not been attributed to the garden or siting of the buildings. The existing gardens are pleasant but do not exhibit any heritage features that contribute to the significance of the property. The heritage significance of this property resides principally in the character and appearance of the house.*

*The streetscape context although originally residential has a developing commercial character, as discussed in the notes by Mr Raworth, and is a streetscape that is not covered by wider heritage controls. The subject house is an isolated element that is not a part of any group of similar building or heritage streetscape. Given the circumstance of the streetscape and planning controls this is a streetscape in which substantial change is anticipated. The implications for the subject heritage house are that any change should ensure that the house can continue to be appreciated as a place that retains its integrity, and is able to be appreciated as a respected heritage asset in command of its immediate setting. To this end the proposed relocated position of the house allows a side setback of 2.5 metres from both the north side of the typical double fronted Victorian form. The same setback is allowed on the south side of the southern wing that is set two rooms back from the front façade of the house.*

*The north wall of the southern wing generally aligns with the south wall of the principal front portion of the house. The resultant three room width of the house and the proposed 2.5 metres side setback to the north and south sides, means that the street frontage for the house will remain wider than the typical street frontage generally allowed in Victorian subdivisions that have, in the City of Darebin, been developed with typical double fronted villas similar to the subject house. This comparatively wider curtilage for the relocated site assuages any concern I might otherwise have with regard to potential crowding of the heritage house as a result of relocation, or the presentation of the house in a setting that appears overly constrained.*

*The existing position of the house is not in itself obviously instructive of some, or other, important heritage thematic related to a discernible historical pattern of development important in Darebin. And, as discussed above I expect that the relocated site will present as sited normally and naturally for its period of origin. The fact of the relocation will be a matter of record. I suggest that this should also be made known with discrete interpretive material at some point on the site frontage and that this should be a condition of the permit for relocation. The permit conditions that would be appropriate are therefore those addressed in the notes by Bryce Raworth with this additional condition as follows:*

- 1) Photographic record*
- 2) Measured drawings*
- 3) Documentation of the relocation proposal and methodology for ensuring an appropriate outcome and for proposed conservation works including reconstruction of the chimneys*
- 4) Landscaping works*
- 5) Explanatory and interpretive signage.*

*With the above conditions it is my conclusion that although the relocation of the building will change the setting, the proposed change will have no greater effect than the change to the setting that will result from the anticipated redevelopment in the locality.*

*The heritage values of the property will continue to be legible, understood and the house will be visually appreciated much as it is today with there being any evident adverse effect upon its heritage significance.*

*Accordingly I am able to recommend support for the approval of the permit for the relocation with the conditions."*

The Supreme Court of Appeal's decision on *Boroondara CC v 1045 Bourke Road Pty Ltd and Ors* [2015] VSCA 27 provides some relevant guidance on the weight given to heritage when there are other competing planning needs in play. In this case the land was significant (in heritage terms) and subject to a site specific heritage overlay. The Applicant sought a permit to construct a four storey apartment building over a basement car park including demolition of the existing building. Boroondara refused to grant a permit and at appeal VCAT directed the grant of a permit stating in summary that, in deciding whether the proposed demolition was acceptable or justified, it was not limited to considering matters pertaining to heritage conservation policy. It held that the exercise of its discretion in relation to demolition required reference to be made to all relevant considerations, 'including planning policy for urban consolidation, housing diversity, sustainable development and urban design', which were relevant to assessing the replacement building. This decision was affirmed by the Supreme Court and the Supreme Court of Appeal.

On balance the proposal satisfies the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies, providing a development commensurate with the strategic intent of the area and responding sufficiently to the heritage significance of the existing building. The relocation of the heritage building is not an ideal outcome but is acceptable on the balance of the competing planning policy relevant to the site and with consideration to the control measures that can be put in place through conditions of approval.

The proposal will not adversely affect the natural or cultural significance of the heritage place in terms of bulk, location or form. The two storey child care centre extension to the rear of the heritage building whilst visible is visually separate and of an appropriate scale. The apartment building to the north provides appropriate setbacks to provide an appropriate setting for the heritage building. The location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of the heritage place.

Under the *Planning and Environment Act* (the Act) and the Darebin Planning Scheme demolition is not defined and as such has the meaning as per normal usage however it is referred to as “demolition or removal” under section 3 of the Act. The relocation of the heritage building is technically considered to be demolition. Having regard to the three expert heritage advisors comments it is clear that the demolition, removal or external alteration of the building will not unduly impact upon the significance of the heritage place and that the proposed works will not adversely affect the significance, character or appearance of the heritage place. Further the proposed sign is small and will not adversely affect the significance, character or appearance of the heritage place.

### **Building Height**

This matter is a relevant consideration under:

Clause 32.08 – Residential Growth Zone RGZ3 / RGZ4

The RGZ3 / RGZ4 schedules specify that a building used as a dwelling or a residential building must not exceed a height of 4 storeys (13.5 metres). A lift overrun, plant and services that are appropriately screened and other building appurtenances may exceed the mandatory height requirements by no more than 1.2 metres. The proposal complies with the schedules being 4 storeys (12.78 metres) in height. This height also complies with Clause 55 which specifies that heights must be in accordance with the schedule to the zone.

### **Building Setbacks**

This matter is a relevant consideration under:

Clause 22.06 – Multi-residential and Mixed Use Development

Clause 32.08 – Residential Growth Zone RGZ3 / RGZ4

Clause 43.02 – Design and Development Overlay DDO20

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

Setbacks and compliance with the scheme are summarised below. The site sits within the schedules RGZ3 (40 Station Street) and RGZ4 (32-38 Station Street) which have different setback provisions.

Apartment building setbacks

## Ground Floor

	Proposed Height	Required Setback	Proposed setback
Rear (West) Boundary	Balcony 4.5 metres* Walls 3.2 metres	3 metres	3 metres

\* Balcony screens are allowed to encroach 1.2 metres above the 3.6 metre envelope

## Second Floor

	Proposed Height	Required Setback	Proposed setback
Front (East) Boundary RGZ3	Balconies 7.4 metres Walls 10.5 metres	7 metres	<b>Balconies 3.88 metres</b> <b>Walls 5.23 metres</b>
Front (East) Boundary RGZ4		5.15 metres	
Side (North) boundary RGZ3 within 25 metres of the frontage	Balconies 7 metres Walls 9.7 metres	3 metres	<b>Balconies / screens 2 metres to 2.87 metres</b> walls 3.6 metres
Side (North) boundary RGZ3 more than 25 metres from the frontage		6 metres	
Rear (West) Boundary	8.5 metres	5.5 metres	5.5 metres

## Third floor

	Proposed Height	Required Setback	Proposed setback
Front (East) Boundary RGZ3	Balconies 10.5 metres Walls 12.6 metres	7 metres	<b>Balconies 5.93 metres</b> Walls 7.53 metres
Front (East) Boundary RGZ4 third floor		5.15 metres	
Side (North) boundary RGZ3 third floor within 25 m of the frontage	Walls 12.3 metres	3 metres	<b>Balconies / screens 4.4 metres to 4.8 metres</b> walls 7 metres to 8.55 metres
Side (North) boundary RGZ3 more than 25 m of the frontage		6 metres	
Rear (West) Boundary	12.05 metres	9.05 metres	<b>8.8 metres</b>

## Heritage building / childcare centre setbacks

	Proposed Height	Required Setback	Proposed setback
Front (East) Boundary RGZ4 ground	3.7 metres	5.15 metres	6.83 metres
Side (South) RGZ4 boundary RGZ4 boundary	4 metres to 7.4 metres	1.12 metres to 2.49	3 metres
Rear (West) Boundary			

### Front (East Boundary) Setbacks

The DDO20 specifies that development should be set back from front boundaries in accordance with the requirements of the schedule to the zone and to enable deep root planting where practicable. The RGZ3 requires front setbacks to be in accordance with standard B6 or 5 metres, (whichever is the lesser) plus an additional 2 metres for heights above 2 storeys (6.9 metres and above) whilst the RGZ4 requires front setbacks in accordance with Standard B6.

The apartment building proposes balconies setback 3.88 metres and walls setback 5.23 metres from the front boundary. The relocated heritage building proposes walls setback 6.83 metres from the front boundary.

The adjacent development to the south at 28 – 30 Station Street has balconies setback 5.3 metres and walls setback 5.9 metres from the front boundary. The building to the north has a front setback of 11.8 metres from the front boundary however the RGZ3 provides a buffer to this property and this is not a relevant setback consideration under standard B6.

A front setback of 5.15 metres is required in the RGZ4 (at 32 to 38 Station Street having regard to the 5m setback required at 40 Station Street) and 5 metres is required in the RGZ3 (at 40 Station Street). Having regard to:

- The varied setbacks in the street, nearby, the robust nature of the street including many non-residential uses and dominant built forms, that the proposal providing more generous setbacks to the south of the site around the heritage building, The proposed setbacks are a reasonable outcome.
- With regards to deep root planting opportunities the basement is setback 2.13 metres to 6.83 metres from the front boundary and this provides sufficient opportunity for deep rooted planting. Landscaping should be provided in the front setbacks and the planter boxes on the balconies should be fully detailed to ensure that the design intent shown on the plans is properly executed.

Council's Urban Designer has made the following comments regarding this:

- The 3 storey street elevation form with recessive 4<sup>th</sup> level is appropriate, as previously noted. The depth of the street setback requires consideration however.
- The majority of the site falls within RGZ4, requiring the front setback to be around 5m deep to comply with policy. The proposed apartment building would have a shallower setback. In considering the acceptability of this arrangement, the site context should be taken into account: the setback of the relocated heritage building would be deeper than the required minimum, allowing for planting towards the street front; and the site has frontage to RDZ1. On balance, the proposed setback could potentially be acceptable if good quality canopy planting can be achieved along the street interface (as indicated on the 3D renders). Landscaping details should be provided. However if this cannot be ensured, the front setback should be increased to comply with policy.
- The front fence appears overly tall and should be reduced in height. Given that the ground floor is elevated relative to street level, the front fence could be lower, allowing more outlook for ground floor apartments whilst still achieving privacy.

### Side Setbacks (North and South Boundaries)

The DDO20 specifies that development should be set back from side boundaries in accordance with the requirements of the schedule to the zone and to enable deep root planting where practicable.

The RGZ3 (40 Station Street –north boundary) requires side setbacks as follows:

- Within the first 25 metres of the site as measured from the frontage, 0 metres for building heights up to 2 storeys (6.9 metres), and 3 metres for heights over 2 storeys (6.9 metres and above); and
- For the remaining length of the site, a minimum setback of 3 metres for building heights up to 2 storeys (6.9 metres) and a minimum setback of 6 metres for heights over 2 storeys (6.9 metres).

Setbacks from the north boundary do not comply however the non-compliance is not substantial. Further it is noted that the land to the north is not currently used for residential purposes and consequently the intent of setback provisions respecting residential amenity remains satisfied.

The common carriageway on the north boundary ensures an appropriate separation to the north and setbacks from the north boundary will present appropriately in the streetscape. Having regard to the articulated form of the development as viewed from the west the proposed setback from the north boundary will not have unreasonable impacts to the west adjacent secluded private open spaces.

Council's Urban Designer has made the following comments regarding this:

- The north elevation remains positioned close to the north boundary, with the balconies of the single-aspect apartments having only a modest setback from the common side boundary. A greater setback is preferable to assist internal amenity if the adjacent site is redeveloped more intensively in the future.

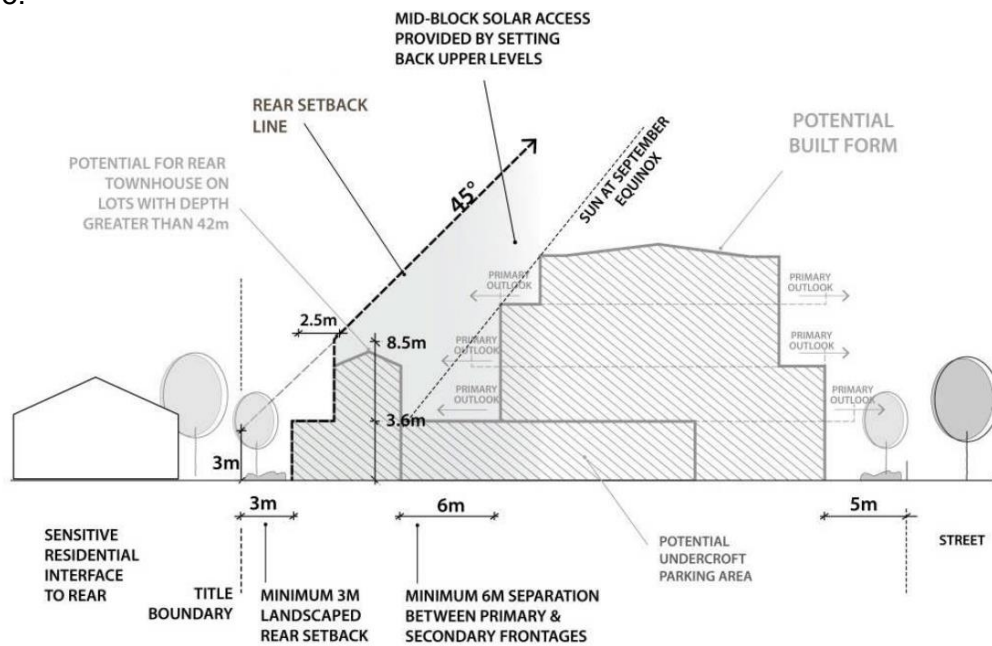
Conditions are recommended to achieve this outcome.

The RGZ4 (32 Station Street – south boundary only) requires side setbacks to be in accordance with standard B17. Setbacks comfortably comply with the standard.

#### Rear Setbacks

The DDO20 specifies that buildings should be set back from rear boundaries in accordance with the requirements of the zone and the principles shown in figure 2 below. The RGZ3 setback controls reflect this envelope. The RGZ4 controls require compliance with Standard B17. It is noted the requirements shown in Figure 1 are more restrictive than Standard B17.

With the exception of the top floor the setbacks from the rear boundary comply with the figure:



*Figure 1: Rear Setback*

The DDO20 species that fixed external screens, balustrades, eaves, gutters, downpipes and other building appurtenances may protrude vertically into the rear setback envelope by up to 1 metre. Balconies, decks or terraces may not encroach into the rear setback envelope. In this case the first floor balcony screens protruded 0.8m into the setbacks and no other part of the balcony encroaches into the setback envelope.

It is recommended that the top floor be required to be setback from the west boundary in accordance with the above diagram. This is addressed in the recommended conditions.

### Site coverage, permeability and walls on boundaries requirements

This matter is a relevant consideration under:

Clause 32.08 – Residential Growth Zone RGZ3 / RGZ4.

Clause 43.02 – Design and Development Overlay DDO20.

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

The site sits within the RGZ3 (40 Station Street) and RGZ4 (32-38 Station Street) which have different site coverage provisions, being 80% and 60% respectively. The proposal has a total site coverage of 72%. The site coverage for that part of the site in the RGZ3 is 66% whilst the site coverage for that part of the site in the RGZ4 is 73%.

The principal decision guideline for the site coverage is the effect of the visual bulk of the building and whether this is acceptable in the neighbourhood. The proposal achieves a good development outcome with regards to perimeter landscaping and will site appropriately in the context of the surrounding properties.

**Building Design**

This matter is a relevant consideration under:

Clause 43.02 – Design and Development Overlay DDO20.

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 DDO20 the building has been assessed against the relevant building design requirements as follows:

- Subject to conditions requiring dwelling G.06 to G.10 providing an address to the front street in accordance with DDO20 and the fencing in the frontage of these dwellings being reduced to 1.4 metres in height the building adequately addresses Station Street.
- Through its vertically segmented design the development retains the prevailing grain size and streetscape rhythm by virtue of the vertically aligned façade to Station Street.
- The side elevations have appropriate articulation.
- Minimal landscaping elements are proposed. This is not ideal given the emphasis place on deep rooted planting under the DDO20. Having regard to the zoning and the strategic intent of this site and subject to conditions in relation to canopy tree provision and detailing of balcony planter boxes this issue can be addressed and the design is appropriate.
- The childcare facility provides bins in the front setback which is a poor design outcome. Bins should be relocated behind the front building line by permit condition. All other site services have been located internal to the building and are not visible to the public realm.
- As noted by Council's ESD officer the glazing cladding on the third floor would not an ideal material if it is a curtain wall due to heat penetration from sunlight etc, however with an appropriate construction technique this would be acceptable. Per the ESD officer recommendation the use of spandrels and / or other high efficiency insulation technique should be required by condition.
- The material has been reviewed by Council's Urban Designer who has found it to be an acceptable material in this context. Subject to further details of this material it is acceptable.
- Vehicle access does not dominate the frontage.

**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 55.

The site is located in a Substantial Housing Change area and it is policy that such areas have the capacity to accommodate substantial residential development over time supporting increased residential densities and increased housing diversity. Policy expects that the character of the area will change substantially in the future. The stated strategy for these areas is:

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

The Local Planning Policy Framework (LPPF) identifies Strategic Opportunity Sites as possessing the following characteristics that make them suitable for residential and/or mixed use redevelopment at increased densities:

Over 1,000 square metres in lot size.

In a zone that permits residential use.

Not constrained by a Heritage Overlay and/or Minimal Housing Change Area.

Displaying one or more of the more of the following favourable locational criteria:

- Within 500 metres of train station.
- Within 400 metres of tram route.
- Fronting a strategic corridor (High St, Bell St, Plenty Rd, St Georges Rd).
- Within a designated activity centre.

The subject site clearly satisfies the first two and the last point above.

In relation to the third point the site is partly constrained by a heritage overlay. The proposal does not seek to remove the heritage significance of the building but will alter it by relocation (see heritage discussion below). The use of “and/or” in the third point is ambiguous. The point appears to place weight on the type of housing change area in which the land is located. The subject land is not within a Minimal Housing Change Area or even an incremental Housing Change Area but a Substantial Housing Change area. It is not clear whether the site is/is not a strategic redevelopment site but being within a Substantial Housing Change Area could potentially provide strategic justification for increased densities. This potential is something which Council should not ignore and it provides some support for the proposed relocation of the heritage building.

The proposal is not seeking to provide increased densities as a Strategic Opportunity Site. The densities proposed are consistent with the strategic intent of the area. Further the densities are moderated to the south of the site by the relocation of the heritage building with two storey extension behind. Having regard to the heritage significance of the site the proposed densities are appropriate and consistent with the sites location within a Substantial Housing Change area.

Under Clause 21.03-4 in relation to character the key issue is:

*Balancing the need to protect and conserve significant neighbourhood character and heritage places in the municipality with Council’s responsibility to address and facilitate housing for a growing population.*

The strategy for ensuring this is:

*Ensure Darebin's ability to meet its housing needs in activity centres, substantial Change Areas and on Strategic Opportunity Sites is not compromised by the protection of neighbourhood character.*

This strategy for conserving character clearly relates to both neighbourhood character and heritage character.

On Strategic Opportunity Sites the LPPF encourages housing development at increased densities and discourages underdevelopment, with the scale and style of development responsive to location and context. The LPPF also seeks to support a diversity of housing types, sizes, designs and configurations and support redevelopment at higher overall densities on Strategic Opportunity Sites. As noted above with regards to character it is policy to ensure Darebin's ability to meet its housing needs on Strategic Opportunity Sites is not compromised by the protection of Neighbourhood Character.

The proposed four storey form and the design with the relocation of the heritage building is responsive to its location and context and consistent with the local planning policy framework.

Clause 21.03 seeks to ensure that the design of development at interfaces between Substantial Change and Incremental Change Areas provides a sensitive transition, with particular consideration given to:

- Design and layout which avoids unreasonable amenity impacts on adjoining sensitive residential interfaces due to overshadowing, loss of privacy and unreasonable visual intrusion.
- Site orientation, layout and topography in determining the appropriate built form envelope and in assessing the impact of proposed development on adjoining amenity.
- 

Clause 21.03 seeks to require a high standard of design (including architectural quality and environmentally sustainable design) be achieved in residential developments through the use of design and development overlays, urban design frameworks, development plans and local policies as appropriate.

The proposal provides an appropriate design and scale of development, 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. Subject to conditions the development provides an appropriate transition to the lower-scale residential area to the west.

The adjacent interface to the north is commercially used land with a single storey building. The proposal is designed to respond to this site context appropriately through articulation and setbacks.

To the south is an apartment building. The southern part of the site is not proposed to be intensively developed with generous south setbacks and one to two storey form. Having regard to the strategic intent of Station Street, the site constraints and the immediate context, the interface to the south is appropriate.

**The public realm**

This matter is a relevant consideration under:

Clause 43.02 – Design and Development Overlay DDO20.

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 for the dwellings. The design provides an appropriate entry and passive surveillance.

**Safety**

This matter is a relevant consideration under:

Clause 15.01 – Urban Environment.

Clause 22.06 – Multi-residential and Mixed Use Development.

Clause 43.02 – Design and Development Overlay DDO20.

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. However, further details of lighting to the entry must be provided as discussed above.

**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 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.

The following require screening measures to be clearly shown (there are unclear notations like OB and Screen which give no surety as to screening effectiveness):

- West facing first floor childcare centre windows, Dwellings 1.01, 1.02, 1.17, 1.18, 2.01, 2.17, 3.01 and 3.11 west, north (within 7.7 metres of the west boundary) and south (within 7.7 metres of the west boundary) facing balconies, Dwelling 1.18 south facing window (within 7.7 metres of the west boundary) Dwellings 2.01, 2.02, 2.16, 2.17 west facing windows.
- Architectural fin elements may help address overlooking however these must be fully dimensioned with no increase in the size of these fin elements.
- Details of roof top plant are required to be provided as a condition of approval.

**Pedestrian Spaces / Access**

This matter is a relevant consideration under:

Clause 43.02 – Design and Development Overlay DDO20.

Clause 22.06 – Multi-residential and Mixed Use Development.

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

Pedestrian access to the site is via the street frontage. 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.

**Overshadowing / Light and Shade**

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.

To the south at 28-30 Station Street secluded private open spaces for ground floor apartments are setback a minimum 2 metres from the common boundary and there are no shadow impacts on these open spaces at any time.

Shadows cast by the development over secluded private open spaces to the west have no impacts after 10am on the equinox. An assessment is provided for 9am on the equinox below (having regard to a 2m high common boundary fence and a presumed 1.5 metre high fence to the north of the dwellings secluded private open space):

3/25-27 Gillies Street – no unreasonable shadow impacts beyond those cast by the 2 metre common boundary fence and fence with 29 Station Street.

4/25-27 Gillies Street - no unreasonable shadow impacts beyond those cast by the 2 metre common boundary fence and fence with 3/25-27 Station Street.

29 Gillies Street – 10 square metres of additional overshadowing – approximately 120m<sup>2</sup> of open space with solar access.

31 Gillies Street – 40 square metres of additional overshadowing at 9am – approximately 500sqm of open space with solar access.

33 Gillies Street – no overshadowing.

35 Gillies Street –

- Apartment 3 (ground floor south east) is fully overshadowed.
- Apartment 4 (ground floor north east) has approximately 37 square metres of open space with solar access.

37 Gillies Street – 10 square metres of additional overshadowing– approximately 330m<sup>2</sup> of open space with solar access.

Consequently the only non-compliance under the standard is at 35 Gillies Street. It is noted that these dwellings are not yet occupied. The decision guidelines talk about existing dwellings and the dwellings are substantially constructed and need to be considered.

It is noted that the design response has provided comparable setbacks to the development at 35 Gillies Street, allowing for a north south open space corridor between dwelling. At the transition between a General Residential Zone and a Residential Growth Zone between apartments the proposal represents an acceptable and equitable design response.

The impact on the amenity of these dwellings will not be significant with solar access maintained from 10 am onwards. The existing sunlight penetration to the secluded private open space of the existing dwelling remains good in the morning with the most significant overshadowing being in the afternoon by their own building.

There will be no reduction in sunlight on the existing use of the existing secluded private open space as it is currently not used. Overall the outcome is equitable and an acceptable amenity outcome in the circumstances.

### **Sustainability**

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 (by way of Clause 22.06 only).

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

A number of the dwellings exhibit poor solar design attributes. The bedroom windows of dwellings G.11, 1.04, 1.15, 2.04 are poorly orientated with minimal views and solar access. A total of 17 of the 100 bedrooms are in a saddle bag arrangement which is a high proportion. Dwellings G.03, G.05, G.06, G.07, 2.03 include study areas with poor solar access. The width of the saddle bags are in most instances generous and the depth quite shallow (ie 90% are in excess of a 1:2 width to depth ratio) and the saddle bags are for the secondary bedroom of two bedroom dwellings. Under the provisions of the planning scheme these provide sufficient internal amenity and solar access.

Dwellings G.04, G.06, G.07, 1.03, 1.05, 1.07, 2.03, 2.05, 2.07 (15% of dwelling) have a living room depth of 10 metres to the nearest light source which is not ideal. These dwellings are not south facing (1/3 east facing and 2/3 north facing) and have good solar orientation. The remainder of dwellings have depths of up to 9m from the nearest light source. Whilst Clause 58 is not applicable to the proposal this level of internal amenity is an acceptable design outcome that is responsive to the sites orientation.

There is a high likelihood that redevelopment of the land to the north will diminish solar access to Dwellings D.04, 1.03, 1.05, 2.03, 2.04 and the balconies associated with Dwellings 1.03, 1.05, 2.03, 2.04 should be reduced to 8 square metres in area to ensure adequate solar access and reciprocal development opportunities on the land to the north.

### **Landscaping**

This matter is a relevant consideration under:

Clause 43.02 – Design and Development Overlay DDO20.

Clause 15.01 – Urban Environment.

Clause 22.06 – Multi-residential and Mixed Use Development.

Clause 32.07 – Residential Growth Zone RGZ3.

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

An arborist report has been submitted in relation to the trees on site and in the road reserve identifying Worthiness of Retention and Tree Protection Zones.

The plans show the retention of tree 27 (Pepper Tree) in the open space of the child care centre adjacent to the boundary shared with 29 Gillies Street and Tree 18 (Camperdown Elm) in the frontage of the child care centre. Additional arborist assessment is required for both of these trees to ensure that they can be retained under the current design as such has not been assessed by their arborist.

The plans also show the relocation of a palm tree to the resident terrace adjacent to the boundary shared with 35 Gillies Street. It is unclear whether the relocated palm is Tree 11 (a 2m metre palm) or Tree 33 (a 10 metre palm) and it is recommended that conditions confirm it is Tree 33.

There are 6 street trees in the road reserve being Trees 5, 14, 35, 36, 37 and 38.

Tree protection measures for trees to be retained on site and for trees in the road reserve during construction are recommended.

Trees on adjacent properties at 31 Gillies Street, 33 Gillies Street and 37 Gillies Street have not been assessed by the applicant's arborist. Having regard to the location of existing buildings on the site and the 3m to 7m building setbacks from the common boundary impacts upon these trees seem unlikely, however a condition requiring the submission of an arborist report and possible relocation of buildings is recommended.

In relation to the relocation of the Canary Island palm tree a condition is recommended to ensure this is undertaken properly under the supervision of a qualified arborist.

Council's Urban Designer has made the following comments regarding this:

- More landscaping in the rear and side setbacks is preferred, particularly in the rear setback space, as per DDO20's objective to facilitate a higher density form of housing sited within a garden setting, with setbacks enabling deep root planting where practicable. The location of the basement parking would allow for some deep root planting to be achieved at the rear of the site.

- The RGZ3 (40 Station Street) specifies that on sites with a frontage greater than 22 metres, a minimum of two semi-mature canopy trees within both the front and rear setbacks should be provided. Where a 3 metre side setback is required this must include an area for deep root planting. A clear area of 4.5 metres x 4.5 metres is required to accommodate each semi-mature canopy tree. This may include land on an adjoining lot.

The proposal has a 72% site coverage and deep rooted landscaping opportunities are provided to the perimeter of the site. The basement / building envelope is setback as follows:

- 2.13 metres to 6.83 metres from the front boundary, 3.2 metres from the south boundary 3 metres to 9 metres from the west boundary; and, 1.9 metres to 3.4 metres from the north boundary
- More planting is preferred, particularly in the rear setback space, as per DDO20's objective to facilitate a higher density form of housing sited within a garden setting, with setbacks enabling deep root planting where practicable. The location of the basement parking would allow for some deep root planting to be achieved at the rear of the site, softening the impact of the development on residential properties at the rear.
- There is adequate setback in the front of the heritage building and to the rear of the heritage building / apartment communal terrace respectively to accommodate two canopy trees as specified under the RGZ3.
- Conditions requiring additional landscaping, lower fencing, reduced paving details of balcony planter boxes with watering and other means.

### **Building Entries**

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 entrances to the building are clearly identifiable from the façade.

The entrances to the basement car parking area and waste collection point are to north from Station Street and do not detract from the façade.

The proposal meets the policy guidelines in respect to street address. The entrance provides good pedestrian access directly from street frontages.

The ground floor of the development is accessible to persons of limited mobility. Appropriate disabled access must be provided to the child care centre under the building regulations. The dimensions of the child care centre lift should allow pram use for drop off and pickup.

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

### **Site Services**

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).

Space for the storage of residential garbage is provided at the north of the site. A waste management plan has been submitted with the application with requires private pick up. The Waste Management Plan is to be secured via condition of any approval. Transport management and planning unit officers have recommended that to allow a truck to collect the residential waste on site the carriageway on the north boundary should be widened by permit condition to 3 metres. Waste collection for the childcare centre will require trucks to park on street. Strict times for all waste pick up should be included in conditions to prevent collection during peak hours (to prevent impacts upon operation of Station Street) and at night time (to protect the amenity of the surrounds having regard to high frequency of collection).

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

A total of 60 storage cages are provided in the basement, each with a minimum of 9 cubic metres in volume which is an acceptable development outcome. These are no above bonnet spaces. They should be allocated to the same car space adjacent to ensure access.

The compliance of the development with relevant fire fighting 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 18 single bedroom with study dwellings and 41 double bedroom dwellings providing diversity.

#### 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.

A central communal open space is provided for the apartment building with an area of 126 square metres measuring 6.45 metres by 19.6 metres in addition to a 36 square metre lounge. There has been criticism of the dimensions of and solar access to this open space by objectors and Councils ESD officer respectively. The width of the courtyard is commensurate with the separation that would occur between buildings at a property boundary and provides an appropriate break to the mass of the building as viewed from the west. A 6.45 metre wide open space is usable providing opportunities for meaningful landscaping and recreation.

Ideally a north orientated open space would provide the best solar access however the sensitive interface to the west dictates that this courtyard works well with a westerly aspect. Under the circumstances this communal open space is acceptable.

All dwellings are provided with private open space in the form of balconies or terraces of 6 square metres to 72 square metres area of minimum 1.3 metre dimension located adjacent to living areas. Most open spaces are generous in area and dimension with only two open spaces less than 8 square metres in area, two open spaces with dimensions less than 1.6 metres. Subject to conditions requiring a minimum 8sqm of open space with a minimum 1.6 metre dimension with no reduction in wall setbacks open spaces areas are acceptable. Private and communal open spaces are not accessible to the general public.

There has been some criticism by objectors of the areas available for play in the childcare centre. State and Federal government regulate operations of child care facilities and indoor and outdoor areas must be provided in accordance with the Education and Care Services *National Law Act 2010* and the Education and Care Services National Regulations 2011. The areas of open space are of good dimension and are well integrated with childcare rooms. The open space provision around the childcare centre provides an appropriate buffer to maintain the existing amenity of surrounding properties from mass, bulk, overshadowing and overlooking impacts.

### **Noise**

A relevant amenity consideration relating to the child care centre is noise.

The proposal includes a number of external play areas at ground and first floor levels that may impact on the amenity of adjoining dwellings. The plans show 2 metre to 2.2 metre high acoustic fencing on the south and west boundary of the child care centre. A condition is recommended requiring an acoustic assessment and this fence to be appropriately designed to address noise impacts. Further acoustic screening may be needed to the first floor balconies and windows.

In addition, conditions relating to the location of plant and all emissions should also be placed on any approval to ensure all emissions are within reasonable levels, including habitable rooms adjacent to lifts.

### **Use of land**

This matter is a relevant consideration under:

- Clause 32.07 – Residential Growth Zone RGZ3 / RGZ4.
- Clause 43.02 – Design and Development Overlay DDO20.

The land has a history of non-residential uses including a shop and a medical centre. Under the Residential Growth Zone RGZ3 / RGZ4 Child care centre is discretionary. VCAT has previously established 6 principles for considering Discretionary Uses in Residential Area in Appeal No. 1992/52093 are relevant, specifically;

1. *Whether or not the use serves the local community.*  
A use will serve the local community.
2. *Whether or not the use is ordinarily located within a residential zone.*  
Child care centres are normally located in a residential zone.
3. *Whether or not the use can reasonably be located within a business zone or an activity centre.*  
The use can be reasonably located within or adjacent to a business zone / activity centre. The subject site is located in proximity such.
4. *Whether or not the community gains any special benefit from the location of the use within a residential zone.*  
Child care facilities in residential areas often provide a higher amenity outcome for the children and this is seen to be a benefit in support of the location.
5. *Whether or not the residential area is particularly intact, or vulnerable to the intrusion of non-residential activities.*

In Station Street the residentially zoned land south of the Fairfield activity centre contains a range of non-residential uses. The streetscape is characterised by numerous non - residential uses. The following uses appear to exist or have recently been undertaken in Station Street on residentially zoned land:

- 16 Station Street Grandview Hotel Car Park.
- 36 Station Street Medical Centre.
- 29-31 Station Street Alphington Medical Centre.
- 35 Station Street Dermatology Clinic.
- 40 Station Street Shop.
- 42 Station Street Endoscopy Clinic.
- 56 Station Street Dental Clinic.

Non-residential activity is a distinct part of the character of the street and the street is not vulnerable to intrusion.

6. *Whether or not the residential locality has a mixed use character which is appropriate because of historic development or location.*

As noted above Station Street has a mixed use character.

The site has the locational characteristics that make it appropriate for the proposed use and development. The proposal use is consistent with the orderly planning of the area.

The proposed use is acceptable.

### Vehicle Access and Car Parking

This matter is a relevant consideration under:

- Clause 22.06 – Multi-residential and Mixed Use Development.
- Clause 43.02 – Design and Development Overlay DDO20.
- 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.

All vehicle access is via Station Street. The design provides an appropriate access via Station Street and VicRoads and Council's Transport Management and Planning unit have reviewed the access and support it. The access provides visibility splays. The car park entry door allows vehicles to prop within the site.

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	59 dwellings	1 space to each one or two bedroom dwelling	59 spaces	59 spaces
		1 visitor space per five dwellings	11 space	6 spaces

Use	No./area	Parking Rate	Parking requirement	Parking Provision
Childcare Facility	100 children	0.22 spaces to each child	22 spaces	18 spaces
Unallocated				5 spaces
<b>Total</b>			<b>92 spaces</b>	<b>88 spaces</b>

A reduction of four childcare facility car spaces and five visitor car space is sought for the proposal. It is noted that the proposal is seeking to hold five car spaces unallocated presumably to dispose of separately which is undesirable. Car spaces should all be allocated to specific premises and therefore a condition is recommended requiring allocation of the car parking. 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.
- Bike facilities have been increased beyond that required by Clause 52.34 to one bike space per dwelling and provide alternate transport options for residents.
- The site has excellent access to shops and services, encouraging multi-purpose trips, as well as being readily accessible by public transport with a Bus route on Station Street and proximate to Fairfield train station.
- Council's Transport Management and Planning Unit have not objected to the reduction in parking generated by the proposal.
- The proposal removes crossovers and increases on street parking opportunities (approximately 12m additional kerb).
- The applicants parking assessment for the childcare facility shows different peak rates for staff (11am to 3pm) and parents (8:15am to 9:15am and 4:45pm to 5:45pm) with staggered arrival and departure times. The assessment states that the anticipated empirical demand for the premises would be 0.12 spaces per child for drop off and pick up and 0.10 spaces per child for staff, concluding that staff are fully provided for and that there would be a shortfall of 4 drop off and pickup car parking spaces that would occur on street. The plans go so far to nominate four 15 minute car spaces adjacent to the site. This arrangement is not supported given safety issues for children and because this is public parking not parking for the site. It is recommended that the 5 surplus car spaces be allocated to the childcare facility.
- The proposal has 6 tandem car spaces which are to be allocated to staff of the Child Care Centre. As a general principal tandem car spaces will be efficiently used where there is limited on street parking available, as is the case, and where tandem pairs are allocated to a single premises, as is the case for use by staff where they can be managed, as is the case. It is envisaged that the child care centre will coordinate the management of these spaces. The tandem car spaces are an appropriate car parking outcome.
- Council's Transport Planning Unit has recommended that a car space be deleted to allow manoeuvring in the car park and this is supported.

It is relevant to note that future occupants of the development will be not be eligible for future residential parking permits and a permit notation stating this is recommended. Further if parking controls are introduced in surrounding streets, residents of any multi dwelling development constructed after 2004 will not be eligible for parking permits.

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

### Bicycle Parking

This matter is a relevant consideration under:

- Clause 52.34 – Bicycle Parking.

As part of the development the application of the provisions of Clause 52.34 to the proposal requires the following bicycle requirements:

- One (1) resident space to each 5 dwellings.
- One (1) visitor bike space to each 10 dwellings.

With 59 dwellings the proposal requires 11 resident bike spaces and 5 visitor bike spaces. The proposal provides 60 resident bike spaces on site (52 secure) and seeks to provide 14 visitor bike spaces on the street. It is recommended that these be weather protected and secure. The proposal provides bike facilities within the road reserve. Whilst this may be acceptable in a commercial zone this is not appropriate in a Residential zone and these should be located within the site by permit condition.

### 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.
Urban Designer	No objection subject to conditions.
ESD Officer	No objection subject to conditions.
Heritage Architect	<p>The applicant's heritage report has been reviewed and is well reasoned and reasonable. The most relevant matter is that the heritage building, the house, is retained. Conditions are required detailing:</p> <ul style="list-style-type: none"> <li>• The methodology for relocation which needs to be approved by Council.</li> <li>• A full photographic survey and measured drawings of the existing building, including details of the chimney tops.</li> <li>• Details of how the building is constructed over the car park to ensure that an appropriate landscape setting is achieved for the building (not concrete).</li> <li>• Details of whether whole chimney breasts are to be rebuilt.</li> </ul>
External Heritage Architect (peer review)	<p>No objection subject to conditions detailing:</p> <ul style="list-style-type: none"> <li>• Photographic record.</li> <li>• Measured drawings.</li> <li>• Documentation of the relocation proposal and methodology for ensuring an appropriate outcome and for proposed conservation works including reconstruction of the chimneys.</li> </ul>

Department/Authority	Response
	<ul style="list-style-type: none"> <li>Landscaping works.</li> <li>Explanatory and interpretive signage.</li> </ul> <p>See body of report – Heritage - for further details.</p>
Arborist	<p>The report received is a preliminary report only and does not include any levels of encroachment or identified any protection measures.</p> <p>An updated arborist report that clearly identifies any adjoining vegetation that may be impacted, (including adjoining private property) along with specific protection measures for all trees to be retained. (On site and in adjoining properties).</p>
VicRoads	No objection subject to conditions.

## PLANNING SCHEME SUMMARY

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

- Clause 32.07-2 (Residential Growth Zone), the use of land as a child care centre is a section 2 use and requires a planning permit.
- Clause 32.07-5 (Residential Growth Zone), a permit is required to construct a building or construct or carry out works for two or more dwellings.
- Clause 32.07-7 (Residential Growth Zone), a permit is required to construct a building or construct or carry out works for a use in section 2 of Clause 32.07-2.
- Clause 43.01-1 (Heritage Overlay HO179), planning permit is required for demolition and to construct a building or construct or carry out works.
- Clause 52.05-9 (Advertising sign - Category 3), a planning permit is required for a business identification sign.
- Clause 52.06-1 (Car Parking), a new use must not commence until the required car spaces have been provided on the land. In accordance with Clause 52.06-1, a permit may be granted to reduce or waive the number of car spaces required by the table at Clause 52.06-5.
- 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	11.01, 11.02-1, 15.01-1, 15.01-2, 15.01-5, 15.02, 15.03, 16.01, 17.01.
LPPF	21.03, 22.06.
Zone	32.07.
Overlay	43.01, 43.02, 45.06.
Particular provisions	52.05, 52.06, 52.29, 52.34, 55.
General provisions	65.01.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

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

### **Social Inclusion and Diversity**

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

### **Other**

There are no other implications as a result of the determination of this application.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **FUTURE ACTIONS**

Nil

## **DISCLOSURE OF INTERESTS**

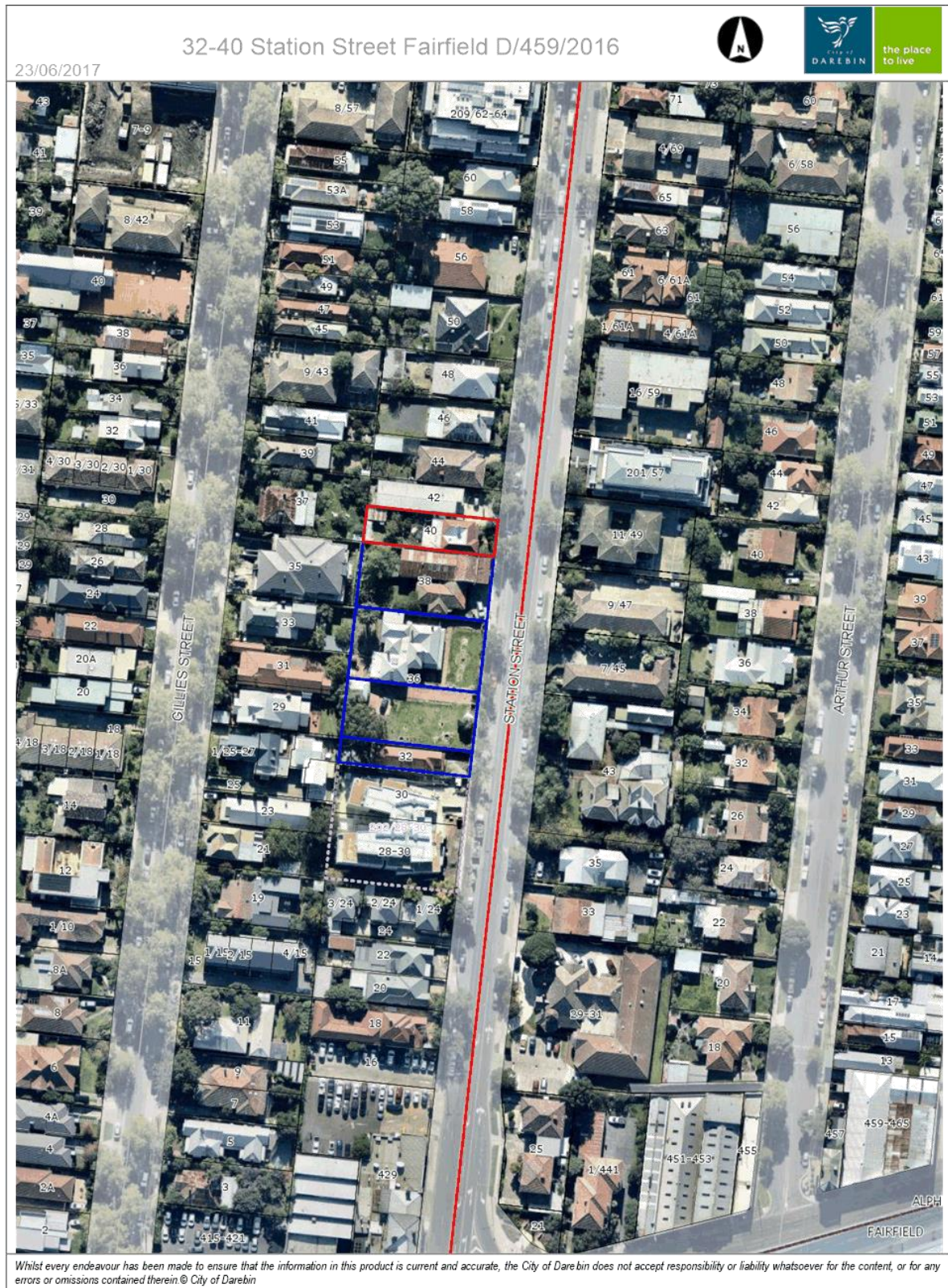
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

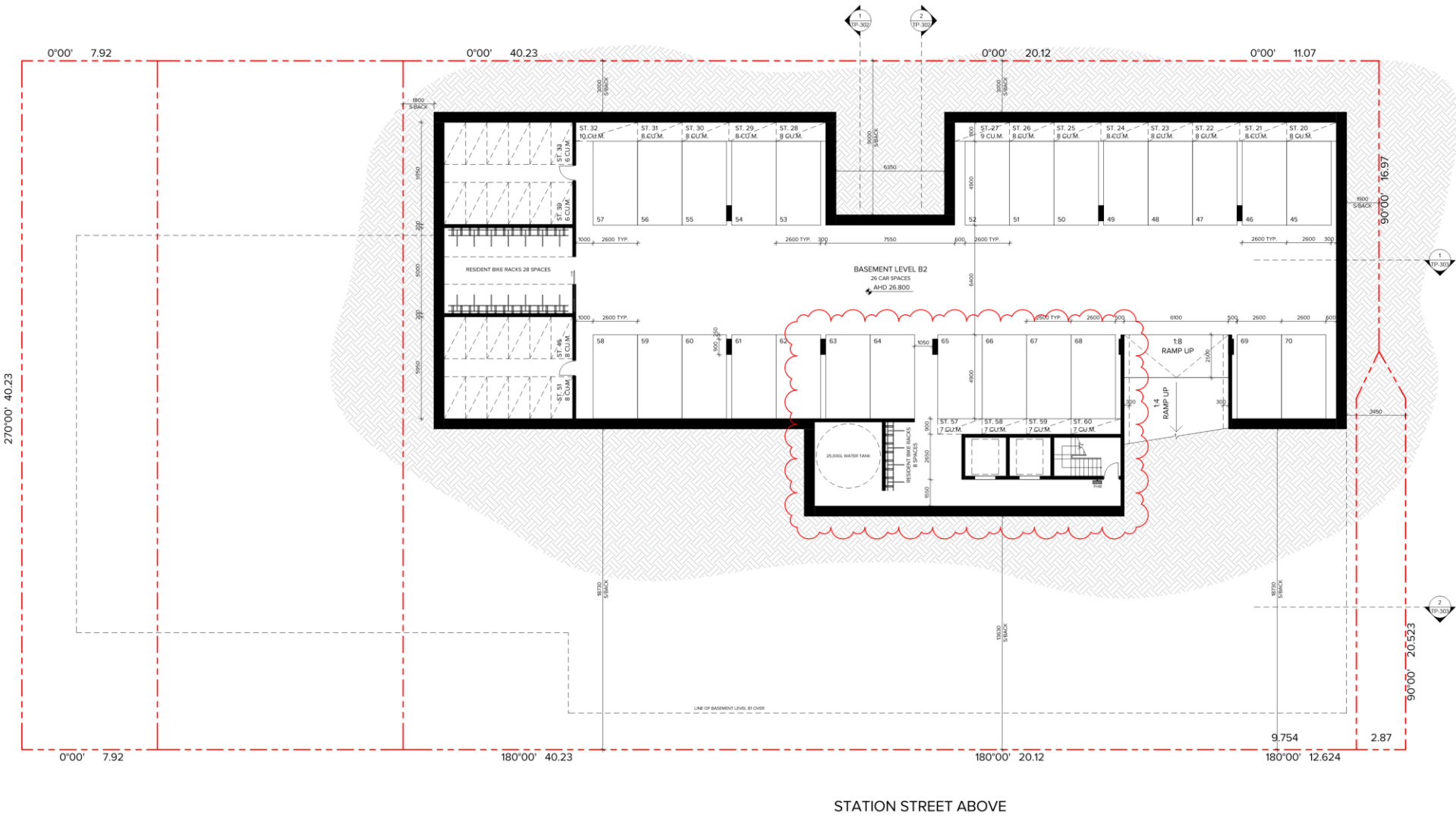
The Manager authorising this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## **RELATED DOCUMENTS**

### **Attachments**

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







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REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
---	27.09.2016	AUTHORITY SUBMISSION	---	---	---
A	22.07.2016	RESPONSE TO COUNCIL 161	---	---	---
B	14.02.2016	RESPONSE TO COUNCIL 161	---	---	---
C	10.02.2017	INCREASED SETBACKS TO NORTH & WEST	---	---	---
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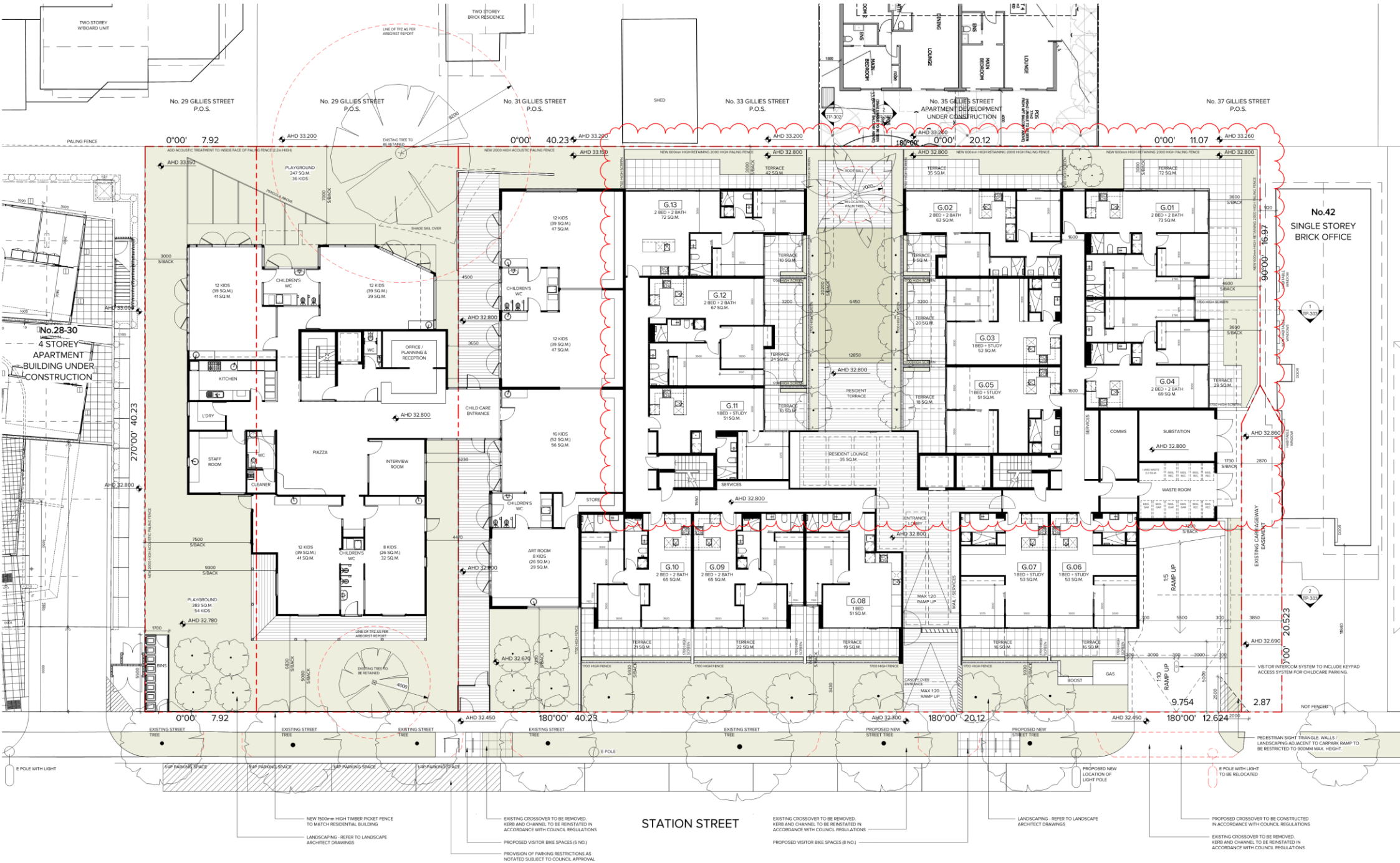


PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD

DRAWING TITLE:  
BASEMENT LEVEL B2 FLOOR PLAN

DATE:	MAY 2016	JOB N°:	35021
SCALE:	1:100@A1, 1:200@A3	REVISION N°:	C
DRAWN:	BHA	DRAWING N°:	TP-203A
DRAWING STATUS:	TOWN PLANNING		

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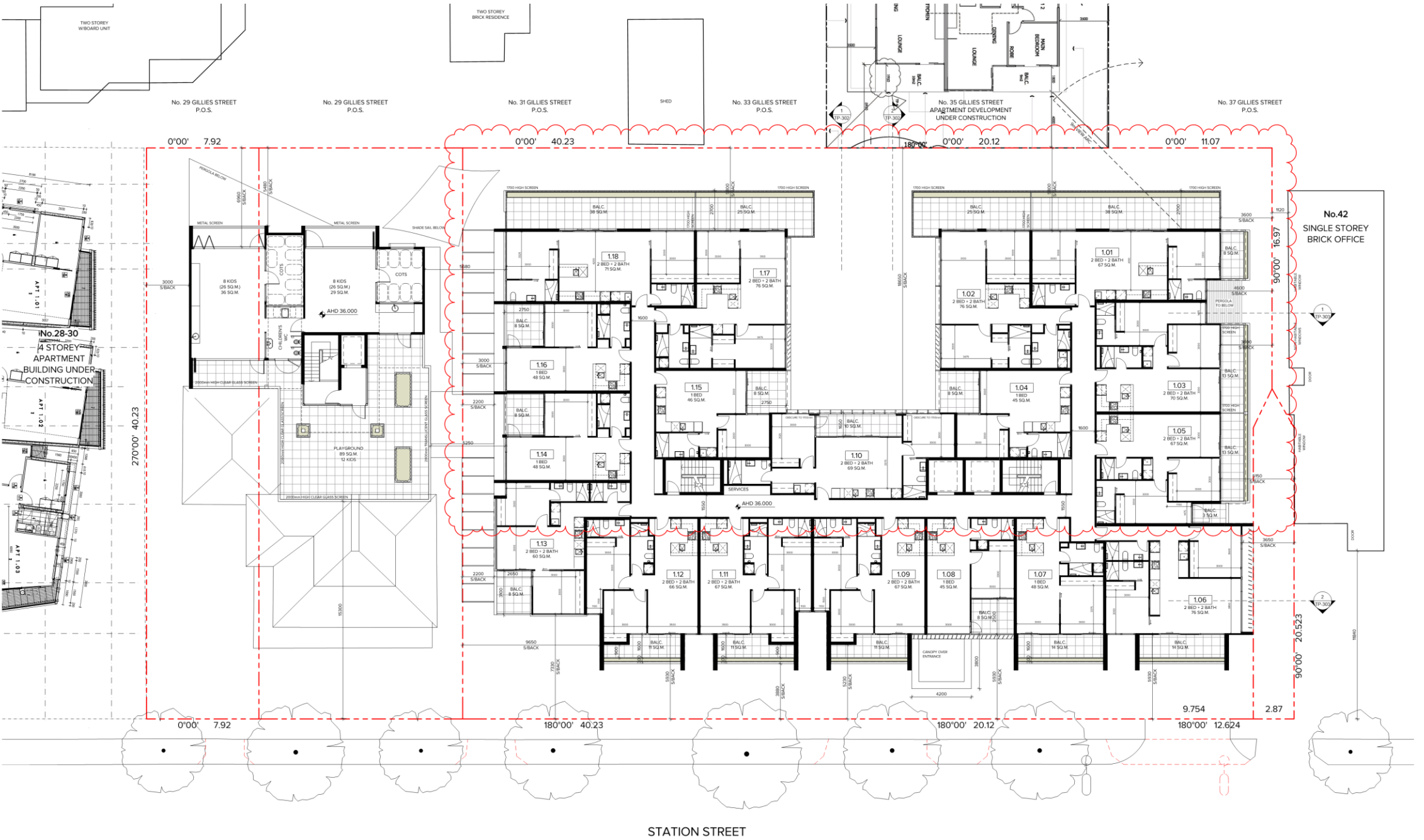
REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
1	27.09.2016	AUTHORITY SUBMISSION	1	27.09.2016	AUTHORITY SUBMISSION
2	22.07.2016	RESPONSE TO COUNCIL 161	2	22.07.2016	RESPONSE TO COUNCIL 161
3	14.02.2016	RESPONSE TO COUNCIL 161	3	14.02.2016	RESPONSE TO COUNCIL 161
4	10.02.2017	INCREASED SETBACKS TO NORTH & WEST	4	10.02.2017	INCREASED SETBACKS TO NORTH & WEST

PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD

DRAWING TITLE:  
GROUND LEVEL FLOOR PLAN

DATE: MAY 2016  
SCALE: 1:100 @ A1, 1:200 @ A3  
DRAWN: BHA  
DRAWING STATUS: TOWN PLANNING

JOB NO: 35021  
REVISION NO: C  
DRAWING NO: TP-205A



STATION STREET



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1	27.09.2016	AUTHORITY SUBMISSION			
A	22.07.2016	RESPONSE TO COUNCIL REF			
B	14.02.2016	RESPONSE TO COUNCIL REF			
C	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			

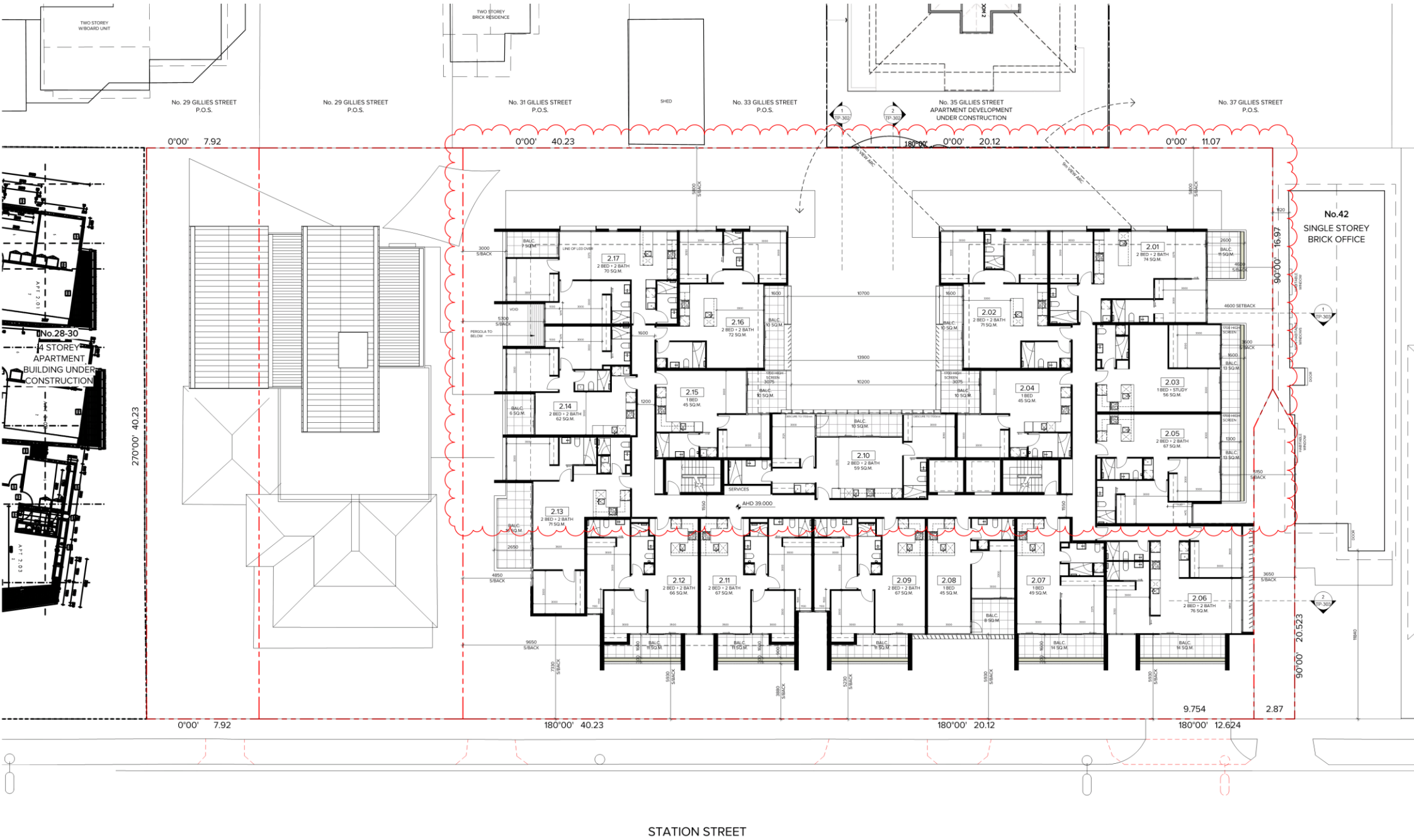


PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD

DRAWING TITLE:  
LEVEL 01 FLOOR PLAN

DATE: MAY 2016  
SCALE: 1:100@A1, 1:200@A3  
DRAWN: BHA  
DRAWING STATUS: TOWN PLANNING

JOB N°: 35021  
REVISION N°: C  
DRAWING N°: TP-206A



STATION STREET



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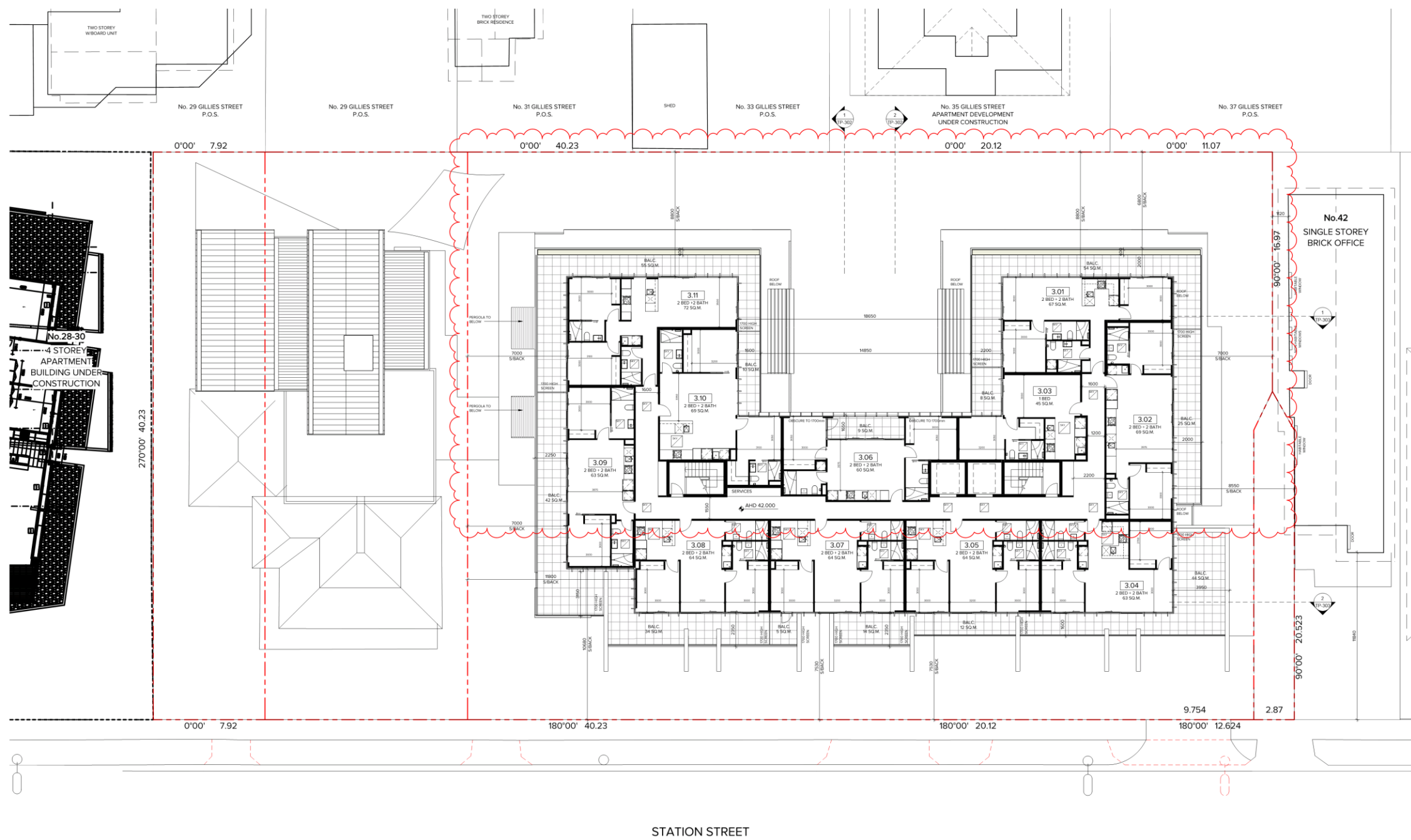
REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
—	27.09.2016	AUTHORITY SUBMISSION	—	—	—
A	22.07.2016	RESPONSE TO COUNCIL WR	—	—	—
B	14.02.2016	RESPONSE TO COUNCIL WR	—	—	—
C	10.02.2017	INCREASED SETBACKS TO NORTH & WEST	—	—	—



PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD

DRAWING TITLE:  
LEVEL 02 FLOOR PLAN

DATE:	MAY 2016	JOB N°:	35021
SCALE:	1:100@A1, 1:200@A3	REVISION N°:	C
DRAWN:	BHA		
DRAWING STATUS:	TOWN PLANNING	DRAWING N°:	TP-207A



STATION STREET



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REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
—	27.05.2016	AUTHORITY SUBMISSION	—	—	—
A	22.07.2016	RESPONSE TO COUNCIL REF	—	—	—
B	14.02.2016	RESPONSE TO COUNCIL REF	—	—	—
C	10.02.2017	INCREASED SETBACKS TO NORTH & WEST	—	—	—

PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT  
 32-40 STATION STREET, FAIRFIELD**

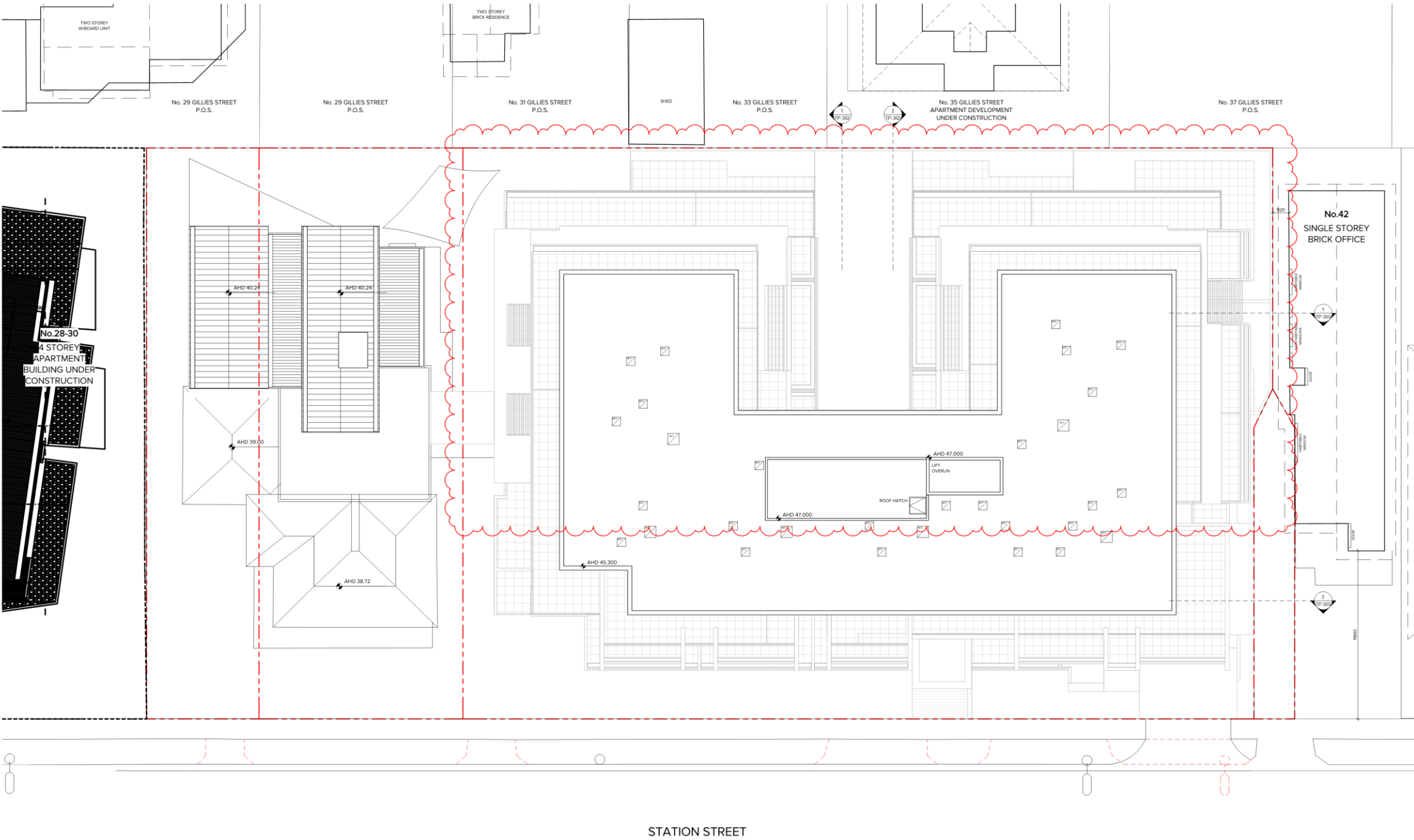
DRAWING TITLE:  
**LEVEL 03 FLOOR PLAN**

DATE: MAY 2016      JOB N°: 35021

SCALE: 1:100@A1, 1:200@A3      REVISION N°: C

DRAWN: BHA

DRAWING STATUS: TOWN PLANNING      DRAWING N°: TP-208A



STATION STREET



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C	10.02.2017	INCREASED SETBACKS TO NORTH & WEST	—	—	—

PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD**

DRAWING TITLE:  
**ROOF PLAN**

DATE: MAY 2016      JOB N°: 35021

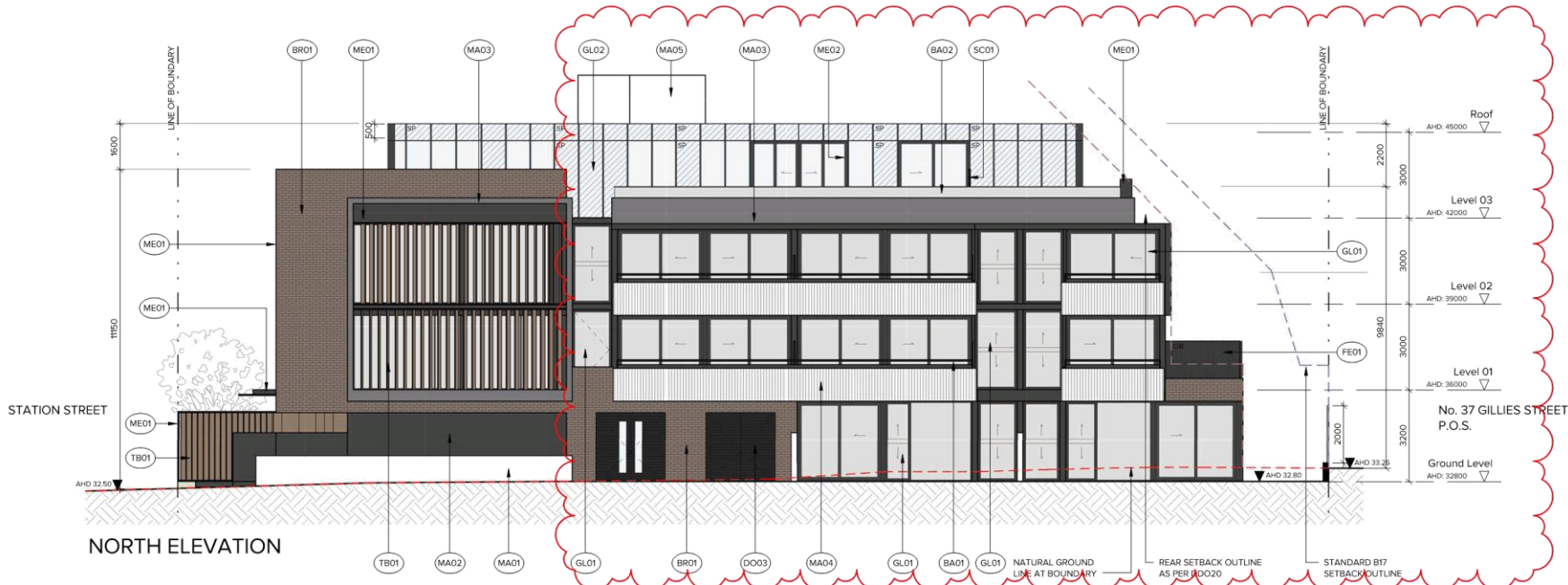
SCALE: 1:100@A1, 1:200@A3      REVISION N°: C

DRAWN: BHA

DRAWING STATUS: TOWN PLANNING      DRAWING N°: TP-209A




EAST ELEVATION (STATION STREET)



NORTH ELEVATION

EXTERNAL FINISHES LEGEND

- MA01 OFF-FORM PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE COLOUR-THROUGH CONCRETE TO SELECTED OFF-WHITE COLOUR AS APPROVED. FAIRING COAT FINISH TO EXPOSED SLAB EDGES TO MATCH. SOFFITS OF SLABS TO BE TO PAINT FINISH TO SELECTED COLOUR. EXPRESSED JOINT LINES AS PER ELEVATIONS.
- MA02 PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR-THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED DARK CHARCOAL COLOUR AS APPROVED (TO MATCH DULUX DOMINO OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
- MA03 PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR-THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED MID-GREY COLOUR AS APPROVED (TO MATCH DULUX TEAHOUSE OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
- MA04 OFF-FORM FEATURE CONCRETE PANEL. PANEL TO BE PROFILED AS PER ELEVATION. COLOUR-THROUGH CONCRETE TO SELECTED OFF-WHITE COLOUR AS APPROVED. CAST-IN TEXTURED FORMLINER TO BE APPLIED TO FORM VERTICAL CURVED SCALLOPS ON CONCRETE SURFACE TO APPROVED PATTERN.
- MA05 PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR-THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED LIGHT-GREY COLOUR AS APPROVED (TO MATCH NATURAL CEMENT COLOUR OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
- MA06 LIGHTWEIGHT PANNELLING WITH EXPRESSED JOINTS AS PER ELEVATIONS. SELECTED OFF-WHITE PAINT FINISH AS SPECIFIED.
- GL01 PROPOSED GLAZING SYSTEM. COMMERCIAL ALUMINIUM FRAMING SECTIONS. TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH. WITH GLAZED INFILL PANELS TO SELECTED GREY TINTED FINISH. GLAZING SYSTEM TO INCORPORATE OPENABLE SLIDING DOORS AND HORIZONTAL AND VERTICAL SLIDING SASH-TYPE AND AWNING OPENING WINDOWS. WHERE DENOTED AS 'OB' GLAZING TO INCORPORATE TRANSLUCENT FILM.
- GL02 PROPOSED FEATURE GLAZING SYSTEM. ALUMINIUM FRAMING SECTIONS TO APPROVED DETAIL. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH. GLAZING PANELS TO BE CLEAR GLASS WITH DECORATIVE WHITE FEATURE FRIT OR FILM TREATMENT TO MIXTURE OF DENSITIES. GLAZING SYSTEM TO INCORPORATE OPENABLE SLIDING DOORS AND HORIZONTAL AND VERTICAL SLIDING SASH-TYPE AND AWNING OPENING WINDOWS. WHERE DENOTED AS 'OB' GLAZING TO INCORPORATE TRANSLUCENT FILM. WHERE DENOTED AS 'SP' GLAZING TO BE SPANDREL GLAZING TO MATCH.
- BR01 FACE BRICKWORK MASONRY FEATURE WALLS. BRICKWORK TO BE ROBERTSON'S 'GRAMPIAN BLUE' BRICK WITH NATURAL CEMENT STRUCK MORTAR JOINTS. EXPRESSED METAL FACING TO EDGE REVEALS TO MATCH FINISH ME01. BRICK FACE TO INCLUDE 'HIT AND MISS' AND EXPRESSED BRICK PATTERNING IN FEATURE SECTIONS TO FUTURE DETAIL.
- ME01 FEATURE METAL CANOPY AND HOOD ELEMENTS. TO BE FORMED FROM STEEL OR ALUMINIUM PROFILED SHEET AND/OR SOLID SECTIONS TO ACHIEVE PROJECTIONS AND THICKNESSES AS PER PLANS AND ELEVATIONS. STEEL SUBFRAMING AS REQUIRED TO FUTURE DETAIL. SATIN DARK CHARCOAL POWDERCOAT FINISH TO FULL EXTENT OF EXPOSED METAL FINISH AND ASSOCIATED FLASHINGS, CAPPIINGS ETC.
- ME02 EXTRUDED ALUMINIUM SECTIONS TO FORM FEATURE FIN ELEMENTS FIXED OFF FACADE SURFACE TO APPROVED DETAIL. FIN TO BE 200 x 50MM NOM. SIZE TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH.
- ME03 COMPOSITE ALUMINIUM PANNELLING OR ALTERNATIVE FLAT METAL SHEET CLADDING TO MATCH FINISH TO ME 01.
- TB01 FEATURE BLADE ELEMENTS. METAL SUBFRAME LINED ON MAIN FACES WITH PRODEMA RUSTIK VENEER PANELS OR SIMILAR APPROVED. METAL SURROUND TO EDGE REVEALS TO FUTURE DETAIL TO MATCH FINISH ME01.
- BA01 PRESSED METAL SHEET PREFABRICATED PLANTER BOX INCORPORATED AT EDGE OF BALCONY TO FORM BALUSTRADE ELEMENT TO FUTURE DETAIL. 35 x 35MM NOM. STEEL HANDRAIL OVER TO MINIMAL SUPPORT BRACKET DETAIL. PLANTER AND HANDRAIL / BRACKETS TO BE TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH. WHERE DENOTED AS 'OB' GLAZING TO INCORPORATE TRANSLUCENT FILM.
- BA02 SEMI-FRAMELESS CLEAR GLAZED BALUSTRADE FIXED INTO BASE CHANNEL WITH SEPARATE HANDRAIL SECTION BEHIND GLASS PLANE. GLASS TO EXTEND ABOVE HANDRAIL TO APPROVED DETAIL. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH TO CHANNEL UPRIGHTS AND HANDRAIL. GLASS TO BE CLEAR. WHERE JOINTS ARE REQUIRED IN GLASS, JOINTS TO BE 10MM OPEN JOINTS.
- SC01 COMPOSITE ALUMINIUM PANNELLING OR ALTERNATIVE FLAT METAL SHEET PRIVACY SCREENS TO BALCONIES. COMPOSITE ALUMINIUM OR EXTRUDED / PRESSED METAL SHEET FOLDED TO PROFILE OVER STEEL FRAME TO 1700MM HEIGHT. SELECTED SATIN DARK CHARCOAL POWDERCOAT OR COMPOSITE ALUMINIUM FINISH TO FULL EXTENT OF SCREENS.
- DO01 PROPOSED LOBBY ENTRY DOOR. SOLID DOOR WITH BLACKENED STEEL CLADDING. BLACK STEEL AND TIMBER HARDWARE TO FUTURE DETAIL.
- DO02 PROPOSED CARPARK ENTRY DOOR. STEEL FRAMED TILT PANEL DOOR WITH VERTICAL STEEL ANGLE CLADDING TO FULL EXTENT OF DOOR AND SURROUNDS 50MM ED ANGLES AT 75MM. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH TO PERFORATED PANNELLING AND TO SUBFRAME.
- DO03 PROPOSED EGRESS / SERVICES DOOR. METAL PANEL DOOR WITH METAL FRAME AS SPECIFIED. DOOR TO BE TO CLAD WITH SELECTED WEATHERPROOF LOUVER PROFILE TO FULL EXTENT OF DOOR. FINISH TO FRAME AND CLADDING TO MATCH FINISH ME01.
- FE01 50 x 35MM NOM. TIMBER BATTEN FENCING INSTALLED AT 60MM C/C OVER MINIMAL METAL SUPPORT FRAME TO FUTURE DETAIL. PAINT FINISH TO BATTENS (TO MATCH DULUX 'NAMADJI' OR SIMILAR APPROVED). SUPPORT FRAME TO POWDERCOAT FINISH TO MATCH ME01.
- FE02 LANDSCAPE WALL TO MATCH MASONRY FINISH AS SHOWN.



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B	14.10.2016	RESPONSE TO COUNCIL RFI			
C	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			

PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD

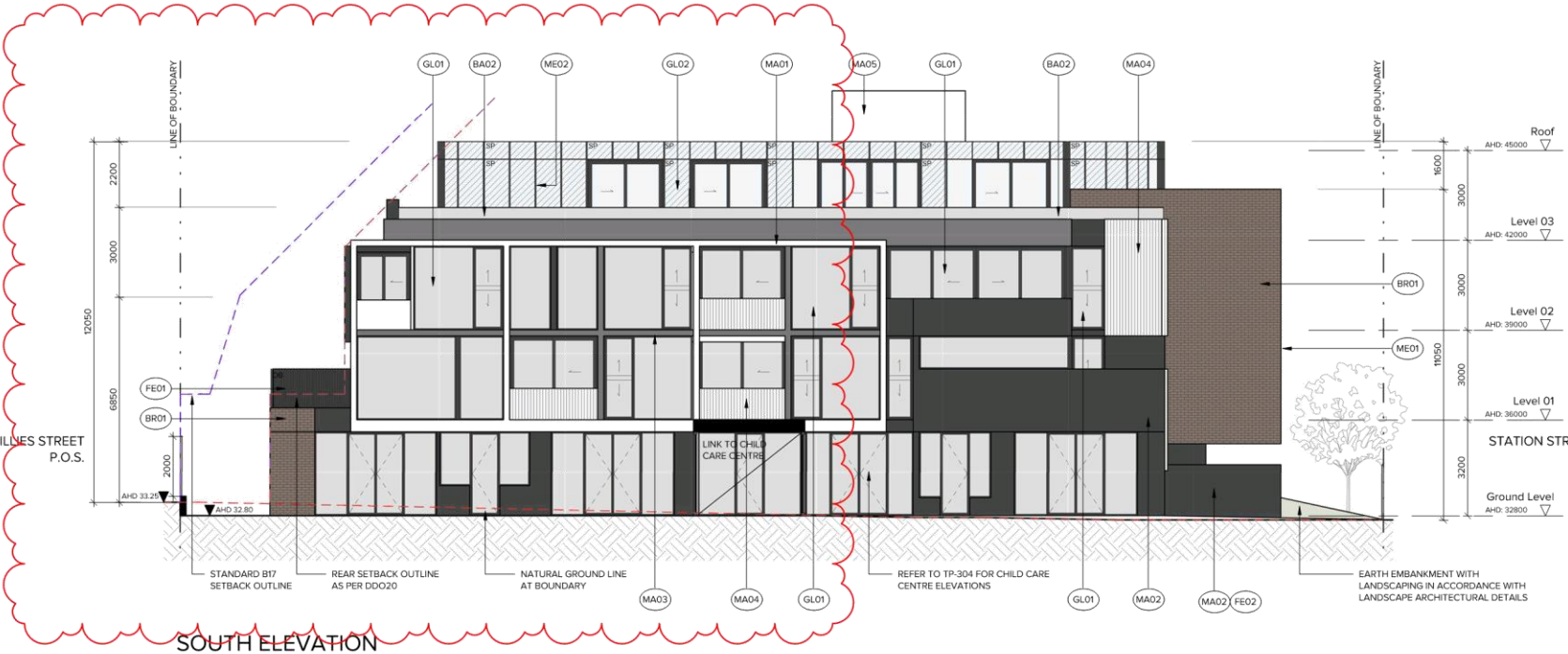
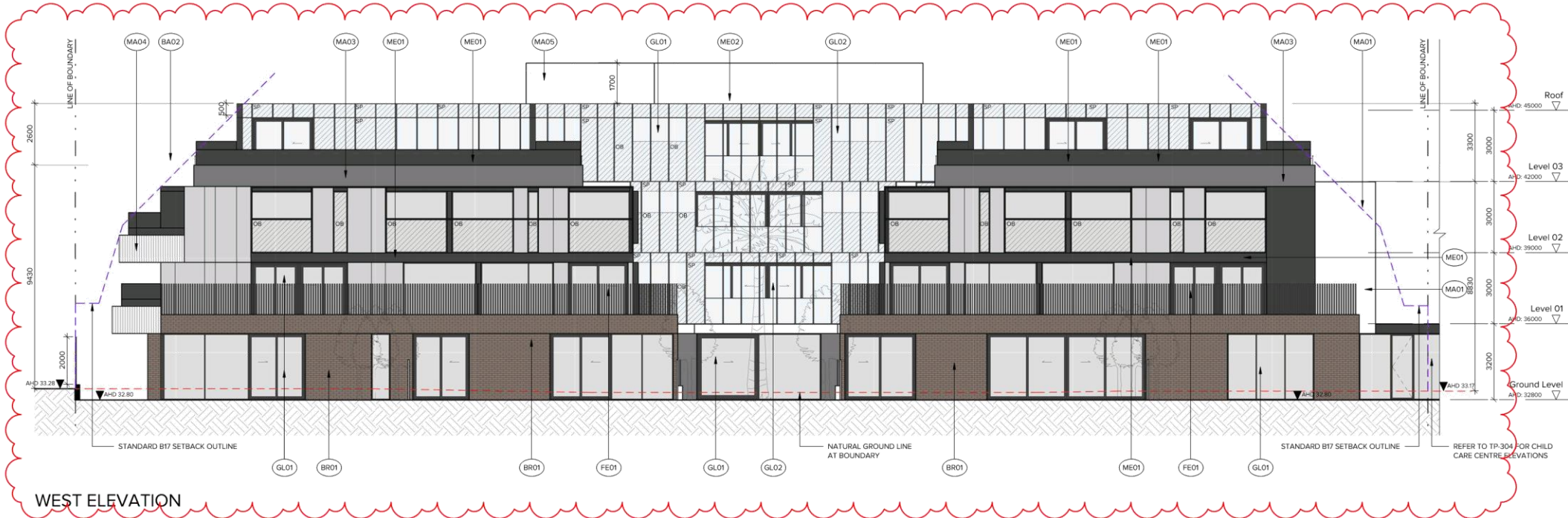
DRAWING TITLE:  
ELEVATIONS

DATE: MAY 2016 JOB N°: 35021


SCALE: 1:100@A1, 1:200@A3 REVISION N°: C

DRAWN: BHA

DRAWING STATUS: TOWN PLANNING DRAWING N°: TP-300



EXTERNAL FINISHES LEGEND	
MA01	OFF-FORM PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE COLOUR-THROUGH CONCRETE TO SELECTED OFF-WHITE COLOUR AS APPROVED. FAIRING COAT FINISH TO EXPOSED SLAB EDGES TO MATCH. SOFFITS OF SLABS TO BE TO PAINT FINISH TO SELECTED COLOUR. EXPRESSED JOINT LINES AS PER ELEVATIONS.
MA02	PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR-THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED DARK CHARCOAL COLOUR AS APPROVED (TO MATCH DULUX DOMINO OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
MA03	PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR-THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED MID-GREY COLOUR AS APPROVED (TO MATCH DULUX TEAHOUSE OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
MA04	OFF-FORM FEATURE CONCRETE PANEL. PANEL TO BE PROFILED AS PER ELEVATION. COLOUR-THROUGH CONCRETE TO SELECTED OFF-WHITE COLOUR AS APPROVED. CAST-IN TEXTURED FORMLINER TO BE APPLIED TO FORM VERTICAL CURVED SCALLOPS ON CONCRETE SURFACE TO APPROVED PATTERN.
MA05	PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR-THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED LIGHT GREY COLOUR AS APPROVED (TO MATCH NATURAL CEMENT COLOUR OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
MA06	LIGHTWEIGHT PANELING WITH EXPRESSED JOINTS AS PER ELEVATIONS. SELECTED OFF-WHITE PAINT FINISH AS SPECIFIED.
GL01	PROPOSED GLAZING SYSTEM. COMMERCIAL ALUMINIUM FRAMING SECTIONS TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH. WITH GLAZED INFILL PANELS TO SELECTED GREY TINTED FINISH. GLAZING SYSTEM TO INCORPORATE OPENABLE SLIDING DOORS AND HORIZONTAL AND VERTICAL SLIDING SASH-TYPE AND AWNING OPENING WINDOWS. WHERE DENOTED AS 'OB' GLAZING TO INCORPORATE TRANSLUCENT FILM.
GL02	PROPOSED FEATURE GLAZING SYSTEM. ALUMINIUM FRAMING SECTIONS TO APPROVED DETAIL. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH. GLAZING PANELS TO BE CLEAR GLASS WITH DECORATIVE WHITE FEATURE FRIT OR FILM TREATMENT TO MIXTURE OF DENSITIES. CONSISTENT APPEARANCE TO SPANDRELS AND VISION PANELS. GLAZING SYSTEM TO INCORPORATE OPENABLE SLIDING DOORS AND HORIZONTAL AND VERTICAL SLIDING SASH-TYPE AND AWNING OPENING WINDOWS. WHERE DENOTED AS 'OB' GLAZING TO INCORPORATE TRANSLUCENT FILM. WHERE DENOTED AS 'SP' GLAZING TO BE SPANDREL GLAZING TO MATCH.
BR01	FACE BRICKWORK MASONRY FEATURE WALLS. BRICKWORK TO BE ROBERTSON'S 'GRAMPIAN BLUE' BRICK WITH NATURAL CEMENT STRUCK MORTAR JOINTS. EXPRESSED METAL FACING TO EDGE REVEALS TO MATCH FINISH ME01. BRICK FACE TO INCLUDE 'HIT AND MISS' AND EXPRESSED BRICK PATTERNING IN FEATURE SECTIONS TO FUTURE DETAIL.
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ME02	EXTRUDED ALUMINIUM SECTIONS TO FORM FEATURE FIN ELEMENTS FIXED OFF FACADE SURFACE TO APPROVED DETAIL. FIN TO BE 200 x 50MM NOM. SIZE TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH.
ME03	COMPOSITE ALUMINIUM PANELLING OR ALTERNATIVE FLAT METAL SHEET CLADDING TO MATCH FINISH TO ME 01.
TB01	FEATURE BLADE ELEMENTS. METAL SUBFRAME LINED ON MAIN FACES WITH PRODEMA RUSTIK VENEER PANELS OR SIMILAR APPROVED. METAL SURROUND TO EDGE REVEALS TO FUTURE DETAIL TO MATCH FINISH ME01.
BA01	PRESSED METAL SHEET PREFABRICATED PLANTER BOX INCORPORATED AT EDGE OF BALCONY TO FORM BALUSTRADE ELEMENT TO FUTURE DETAIL. 35 x 35MM NOM. STEEL HANDRAIL OVER TO MINIMAL SUPPORT BRACKET DETAIL. PLANTER AND HANDRAIL BRACKETS TO BE TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH. WHERE DENOTED AS 'OB' GLAZING TO INCORPORATE TRANSLUCENT FILM.
BA02	SEMI-FRAMELESS CLEAR GLAZED BALUSTRADE FIXED INTO BASE CHANNEL WITH SEPARATE HANDRAIL SECTION BEHIND GLASS PLANE. GLASS TO EXTEND ABOVE HANDRAIL TO APPROVED DETAIL. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH TO CHANNEL, UPRIGHTS AND HANDRAIL. GLASS TO BE CLEAR. WHERE JOINTS ARE REQUIRED IN GLASS, JOINTS TO BE 10MM OPEN JOINTS.
SC01	COMPOSITE ALUMINIUM PANELLING OR ALTERNATIVE FLAT METAL SHEET PRIVACY SCREENS TO BALCONIES. COMPOSITE ALUMINIUM OR EXTRUDED / PRESSED METAL SHEET FOLDED TO PROFILE OVER STEEL FRAME TO 1700MM HEIGHT. SELECTED SATIN DARK CHARCOAL POWDERCOAT OR COMPOSITE ALUMINIUM FINISH TO FULL EXTENT OF SCREENS.
DO01	PROPOSED LOBBY ENTRY DOOR. SOLID DOOR WITH BLACKENED STEEL CLADDING. BLACK STEEL AND TIMBER HARDWARE TO FUTURE DETAIL.
DO02	PROPOSED CARPARK ENTRY DOOR. STEEL FRAMED TILT PANEL DOOR WITH VERTICAL STEEL ANGLE CLADDING TO FULL EXTENT OF DOOR AND SURROUNDS 50MM EQ ANGLES AT 75MM. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH TO PERFORATED PANELLING AND TO SUBFRAME.
DO03	PROPOSED EGRESS / SERVICES DOOR. METAL PANEL DOOR WITH METAL FRAME AS SPECIFIED. DOOR TO BE TO CLAD WITH SELECTED WEATHERPROOF LOUVER PROFILE TO FULL EXTENT OF DOOR. FINISH TO FRAME AND CLADDING TO MATCH FINISH ME01.
FE01	50 x 35MM NOM. TIMBER BATTEN FENCING INSTALLED AT 60MM C/C OVER MINIMAL METAL SUPPORT FRAME TO FUTURE DETAIL. PAINT FINISH TO BATTENS (TO MATCH DULUX 'NAMADJI' OR SIMILAR APPROVED). SUPPORT FRAME TO POWDERCOAT FINISH TO MATCH ME01.
FE02	LANDSCAPE WALL TO MATCH MASONRY FINISH AS SHOWN.



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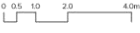
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PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD

DRAWING TITLE:  
ELEVATIONS



DATE: MAY 2016 JOB N°: 35021

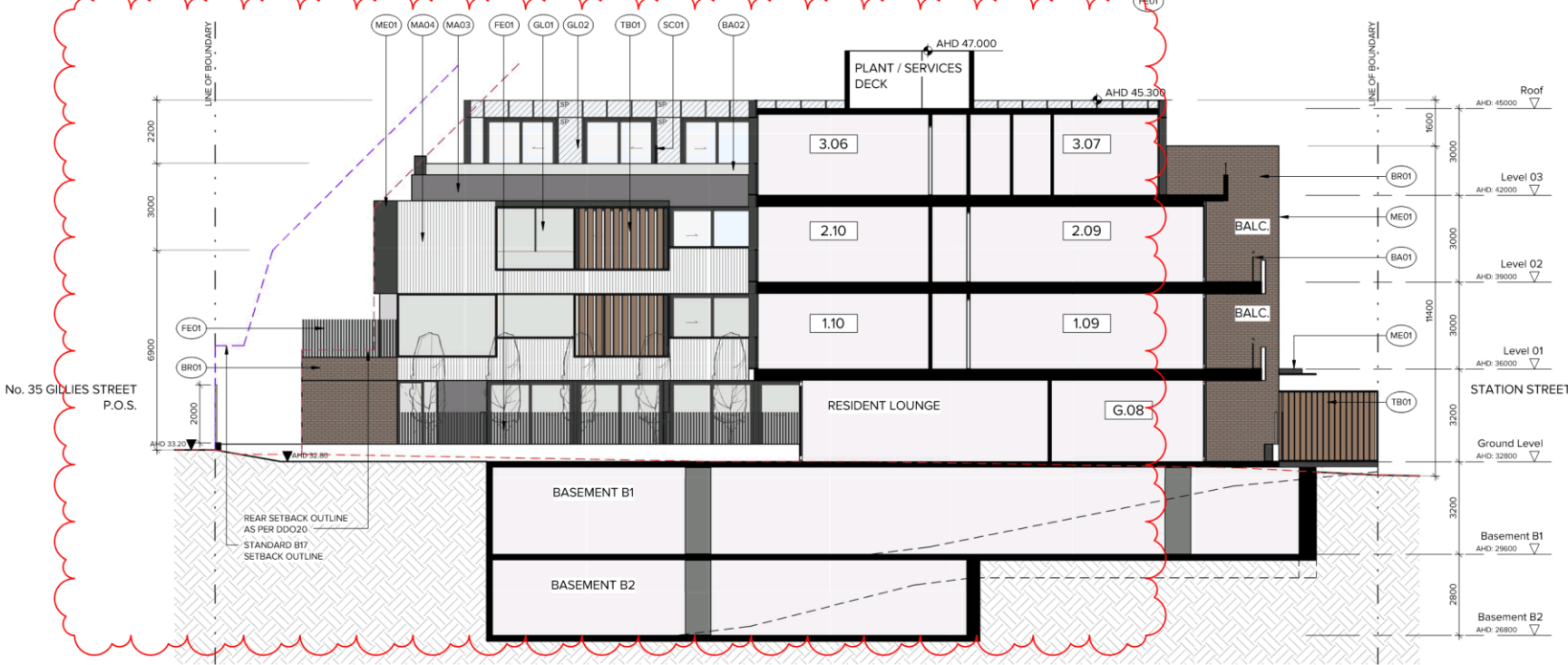
SCALE: 1:100@A1, 1:200@A3 REVISION N°: C

DRAWN: BHA

DRAWING STATUS: TOWN PLANNING DRAWING N°: TP-301



SECTION A (INTERNAL NORTH ELEVATION)



SECTION B (INTERNAL SOUTH ELEVATION)

EXTERNAL FINISHES LEGEND	
MA01	OFF-FORM PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE COLOUR-THROUGH CONCRETE TO SELECTED OFF-WHITE COLOUR AS APPROVED. FAIRING COAT FINISH TO EXPOSED SLAB EDGES TO MATCH. SOFFITS OF SLABS TO BE PAINT FINISH TO SELECTED COLOUR. EXPRESSED JOINT LINES AS PER ELEVATIONS.
MA02	PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR-THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED DARK CHARCOAL COLOUR AS APPROVED (TO MATCH DULUX DOMINO OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
MA03	PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR-THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED MID-GREY COLOUR AS APPROVED (TO MATCH DULUX TEAHOUSE OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
MA04	OFF-FORM FEATURE CONCRETE PANEL. PANEL TO BE PROFILED AS PER ELEVATION. COLOUR-THROUGH CONCRETE TO SELECTED OFF-WHITE COLOUR AS APPROVED. CAST-IN TEXTURED FORMLINER TO BE APPLIED TO FORM VERTICAL CURVED SCALLOPS ON CONCRETE SURFACE TO APPROVED PATTERN.
MA05	PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR-THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED LIGHT GREY COLOUR AS APPROVED (TO MATCH NATURAL CEMENT COLOUR OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
MA06	LIGHTWEIGHT PANELING WITH EXPRESSED JOINTS AS PER ELEVATIONS. SELECTED OFF-WHITE PAINT FINISH AS SPECIFIED.
GL01	PROPOSED GLAZING SYSTEM. COMMERCIAL ALUMINIUM FRAMING SECTIONS TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH, WITH GLAZED INFILL PANELS TO SELECTED GREY TINTED FINISH. GLAZING SYSTEM TO INCORPORATE OPENABLE SLIDING DOORS AND HORIZONTAL AND VERTICAL SLIDING SASH-TYPE AND AWNING OPENING WINDOWS. WHERE DENOTED AS 'OB' GLAZING TO INCORPORATE TRANSLUCENT FILM.
GL02	PROPOSED FEATURE GLAZING SYSTEM. ALUMINIUM FRAMING SECTIONS TO APPROVED DETAIL. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH. GLAZING PANELS TO BE CLEAR GLASS WITH DECORATIVE WHITE FEATURE FRIT OR FILM TREATMENT TO MIXTURE OF DENSITIES - CONSISTENT APPEARANCE TO SPANDRELS AND VISION PANELS. GLAZING SYSTEM TO INCORPORATE OPENABLE SLIDING DOORS AND HORIZONTAL AND VERTICAL SLIDING SASH-TYPE AND AWNING OPENING WINDOWS. WHERE DENOTED AS 'OB' GLAZING TO INCORPORATE TRANSLUCENT FILM. WHERE DENOTED AS 'SP' GLAZING TO BE SPANDREL GLAZING TO MATCH.
BR01	FACE BRICKWORK MASONRY FEATURE WALLS. BRICKWORK TO BE ROBERTSON'S 'GRAMPIAN BLUE' BRICK WITH NATURAL CEMENT STRUCK MORTAR JOINTS. EXPRESSED METAL FACING TO EDGE REVEALS TO MATCH FINISH ME01. BRICK FACE TO INCLUDE 'HIT AND MISS' AND EXPRESSED BRICK PATTERNING IN FEATURE SECTIONS TO FUTURE DETAIL.
ME01	FEATURE METAL CANOPY AND HOOD ELEMENTS. TO BE FORMED FROM STEEL OR ALUMINIUM PROFILED SHEET AND/OR SOLID SECTIONS TO ACHIEVE PROJECTIONS AND THICKNESSES AS PER PLANS AND ELEVATIONS. STEEL SUBFRAMING AS REQUIRED TO FUTURE DETAIL. SATIN DARK CHARCOAL POWDERCOAT FINISH TO FULL EXTENT OF EXPOSED METAL FINISH AND ASSOCIATED FLASHINGS, CAPPINGS ETC.
ME02	EXTRUDED ALUMINIUM SECTIONS TO FORM FEATURE FIN ELEMENTS FIXED OFF FACADE SURFACE TO APPROVED DETAIL. FIN TO BE 200 x 50MM NOM. SIZE TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH.
ME03	COMPOSITE ALUMINIUM PANELLING OR ALTERNATIVE FLAT METAL SHEET CLADDING TO MATCH FINISH TO ME 01.
TB01	FEATURE BLADE ELEMENTS. METAL SUBFRAME LINED ON MAIN FACES WITH PRODEMA RUSTIK VENEER PANELS OR SIMILAR APPROVED. METAL SURROUND TO EDGE REVEALS TO FUTURE DETAIL TO MATCH FINISH ME01.
BA01	PRESSED METAL SHEET PREFABRICATED PLANTER BOX INCORPORATED AT EDGE OF BALCONY TO FORM BALUSTRADE ELEMENT TO FUTURE DETAIL. 35 x 35MM NOM. STEEL HANDRAIL OVER TO MINIMAL SUPPORT BRACKET DETAIL. PLANTER AND HANDRAIL / BRACKETS TO BE TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH, WHERE DENOTED AS 'OB' GLAZING TO INCORPORATE TRANSLUCENT FILM.
BA02	SEMI-FRAMELESS CLEAR GLAZED BALUSTRADE FIXED INTO BASE CHANNEL WITH SEPARATE HANDRAIL SECTION BEHIND GLASS PLANE. GLASS TO EXTEND ABOVE HANDRAIL TO APPROVED DETAIL. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH TO CHANNEL, UPRIGHTS AND HANDRAIL. GLASS TO BE CLEAR. WHERE JOINTS ARE REQUIRED IN GLASS, JOINTS TO BE 10MM OPEN JOINTS.
SC01	COMPOSITE ALUMINIUM PANELLING OR ALTERNATIVE FLAT METAL SHEET PRIVACY SCREENS TO BALCONIES. COMPOSITE ALUMINIUM OR EXTRUDED / PRESSED METAL SHEET FOLDED TO PROFILE OVER STEEL FRAME TO 1700MM HEIGHT. SELECTED SATIN DARK CHARCOAL POWDERCOAT OR COMPOSITE ALUMINIUM FINISH TO FULL EXTENT OF SCREENS.
DO01	PROPOSED LOBBY ENTRY DOOR. SOLID DOOR WITH BLACKENED STEEL CLADDING. BLACK STEEL AND TIMBER HARDWARE TO FUTURE DETAIL.
DO02	PROPOSED CARPARK ENTRY DOOR. STEEL FRAMED TILT PANEL DOOR WITH VERTICAL STEEL ANGLE CLADDING TO FULL EXTENT OF DOOR AND SURROUNDS 50MM EQ ANGLES AT 75MM. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH TO PERFORATED PANELLING AND TO SUBFRAME.
DO03	PROPOSED EGRESS / SERVICES DOOR. METAL PANEL DOOR WITH METAL FRAME AS SPECIFIED. DOOR TO BE TO CLAD WITH SELECTED WEATHERPROOF LOUVRE PROFILE TO FULL EXTENT OF DOOR. FINISH TO FRAME AND CLADDING TO MATCH FINISH ME01.
FE01	50 x 35MM NOM. TIMBER BATTEN FENCING INSTALLED AT 60MM C/C OVER MINIMAL METAL SUPPORT FRAME TO FUTURE DETAIL. PAINT FINISH TO BATTENS (TO MATCH DULUX 'NAMADJI' OR SIMILAR APPROVED). SUPPORT FRAME TO POWDERCOAT FINISH TO MATCH ME01.
FE02	LANDSCAPE WALL TO MATCH MASONRY FINISH AS SHOWN.



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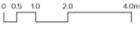
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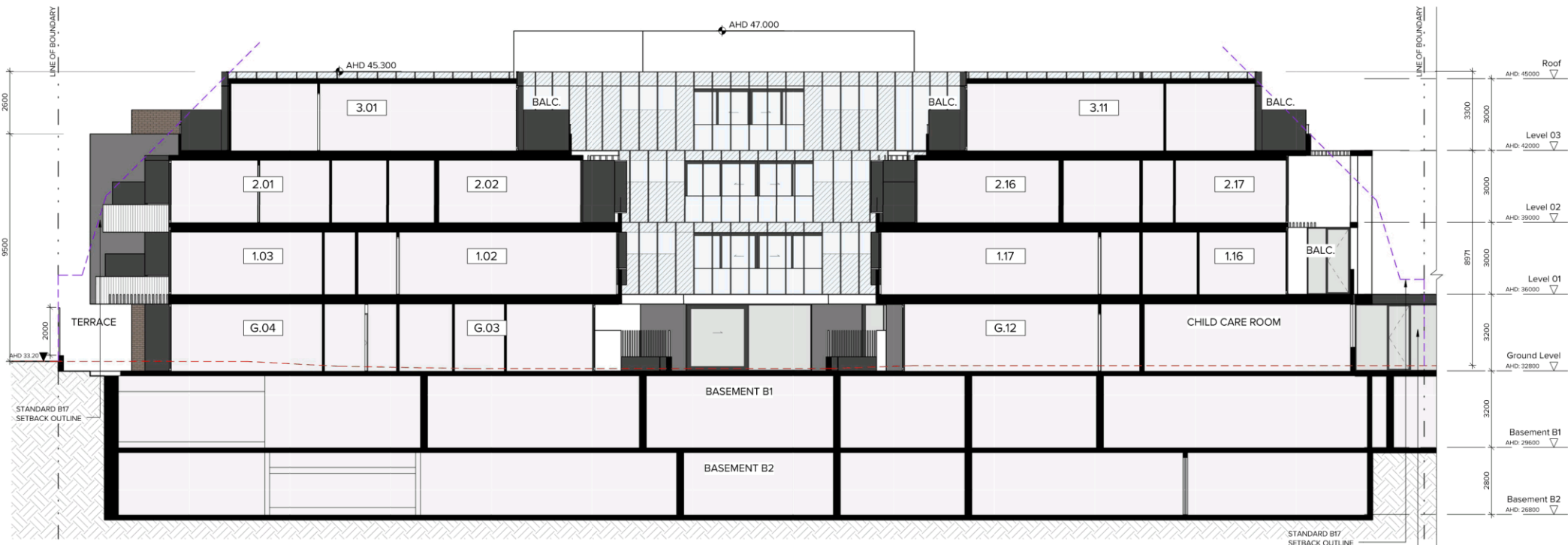
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-	27.05.2016	AUTHORITY SUBMISSION			
A	22.07.2016	RESPONSE TO COUNCIL RFI			
B	14.10.2016	RESPONSE TO COUNCIL RFI			
C	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			



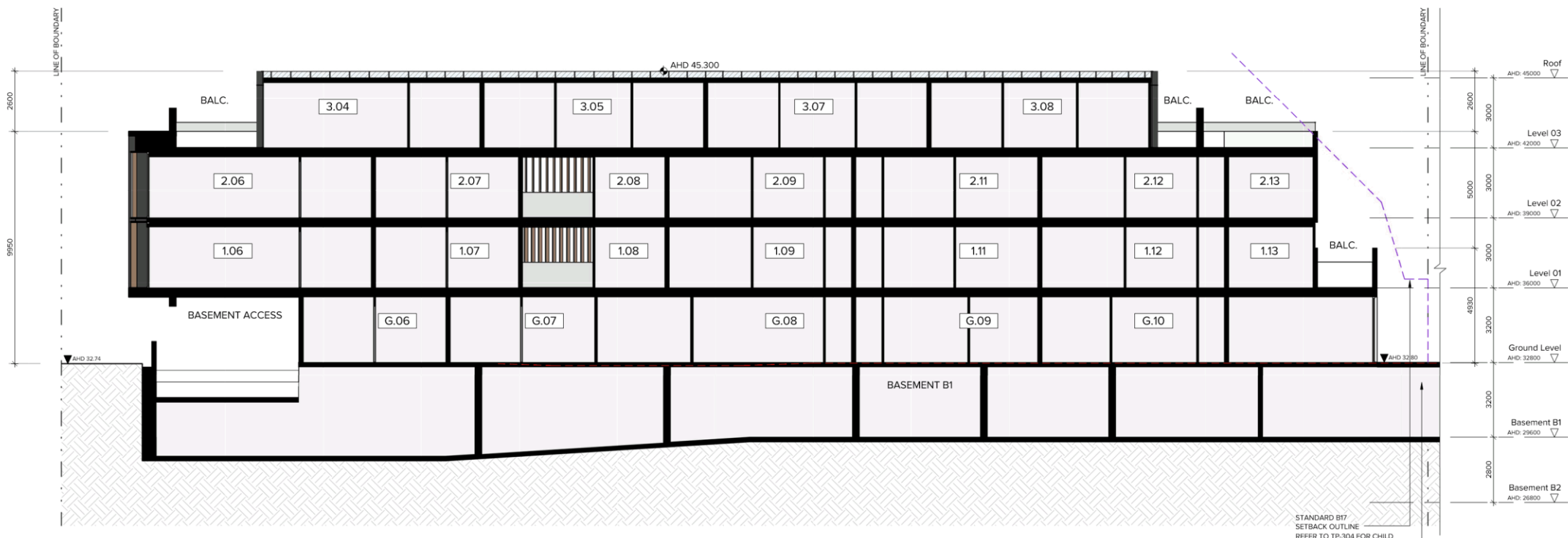
PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD**

DRAWING TITLE:  
**ELEVATIONS/SECTIONS**

DATE:	MAY 2016	JOB N°:	35021
SCALE:	1:100@A1, 1:200@A3	REVISION N°:	C
DRAWN:	BHA		
DRAWING STATUS:		DRAWING N°:	
TOWN PLANNING		TP-302	



SECTION C (INTERNAL WEST ELEVATION)



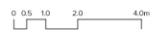
SECTION D



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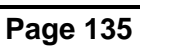
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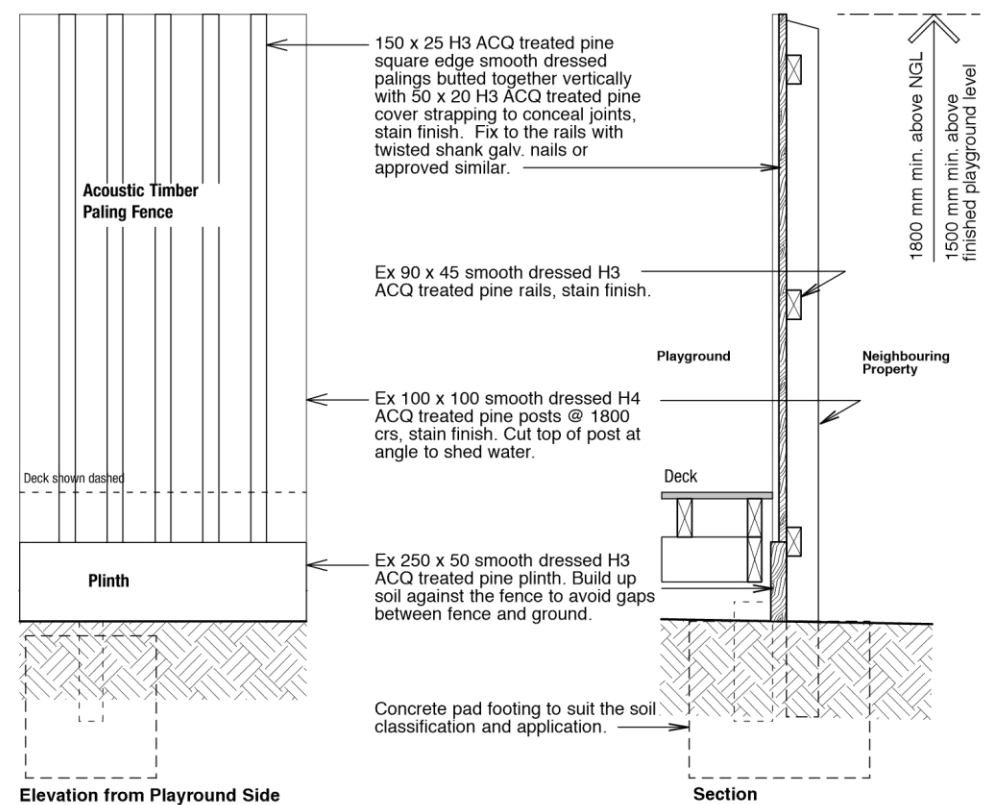
REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
-	27.05.2016	AUTHORITY SUBMISSION			
A	22.07.2016	RESPONSE TO COUNCIL RFI			
B	14.10.2016	RESPONSE TO COUNCIL RFI			
C	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			




PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD  
DRAWING TITLE:  
ELEVATIONS/SECTIONS

DATE: MAY 2016 JOB N°: 35021  
SCALE: 1:100@A1, 1:200@A3 REVISION N°: C  
DRAWN: BHA  
DRAWING STATUS: TOWN PLANNING DRAWING N°: TP-303





Detail 01 - Acoustic Timber Fence  
1:20



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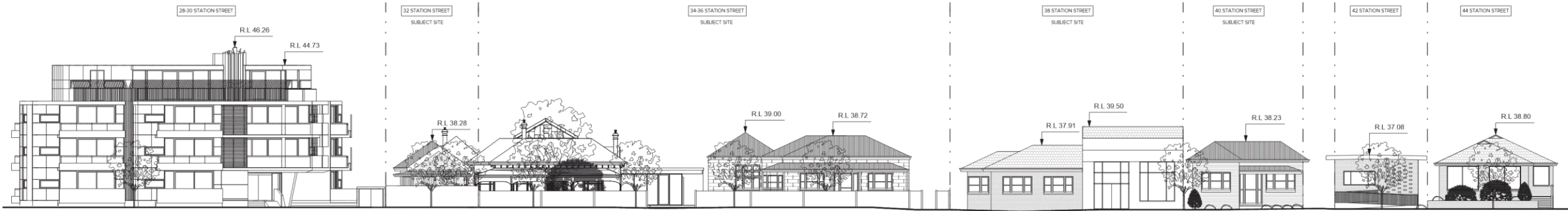
REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
-	27.05.2016	AUTHORITY SUBMISSION			
-	14.10.2016	RESPONSE TO COUNCIL RFI			
-	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			



PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD

DRAWING TITLE:  
CHILDCARE CENTRE  
PROPOSED ELEVATIONS


DATE:	MAY 2016	JOB N°:	35021
SCALE:	1:10@A1 / 1:20@A3	REVISION N°:	-
DRAWN:	MB		
DRAWING STATUS:	TOWN PLANNING	DRAWING N°:	TP-305



STATION STREET STREETScape - EXISTING



STATION STREET STREETScape - PROPOSED



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-	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			

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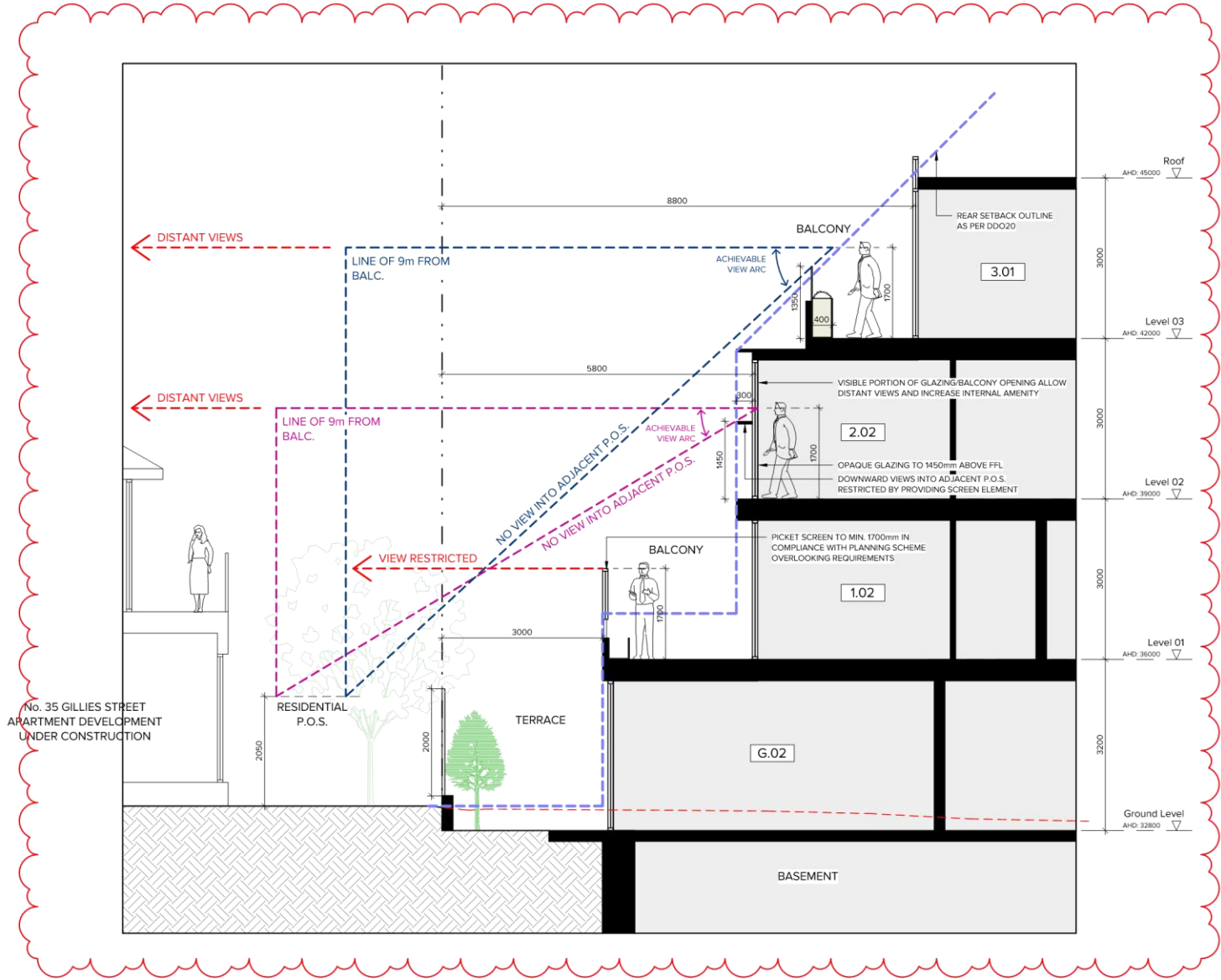
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16m

PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD**

DRAWING TITLE:  
**PROPOSED CHILDCARE ELEVATIONS**

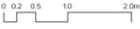
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DRAWN:	MB		
DRAWING STATUS:	TOWN PLANNING	DRAWING N°:	TP-306



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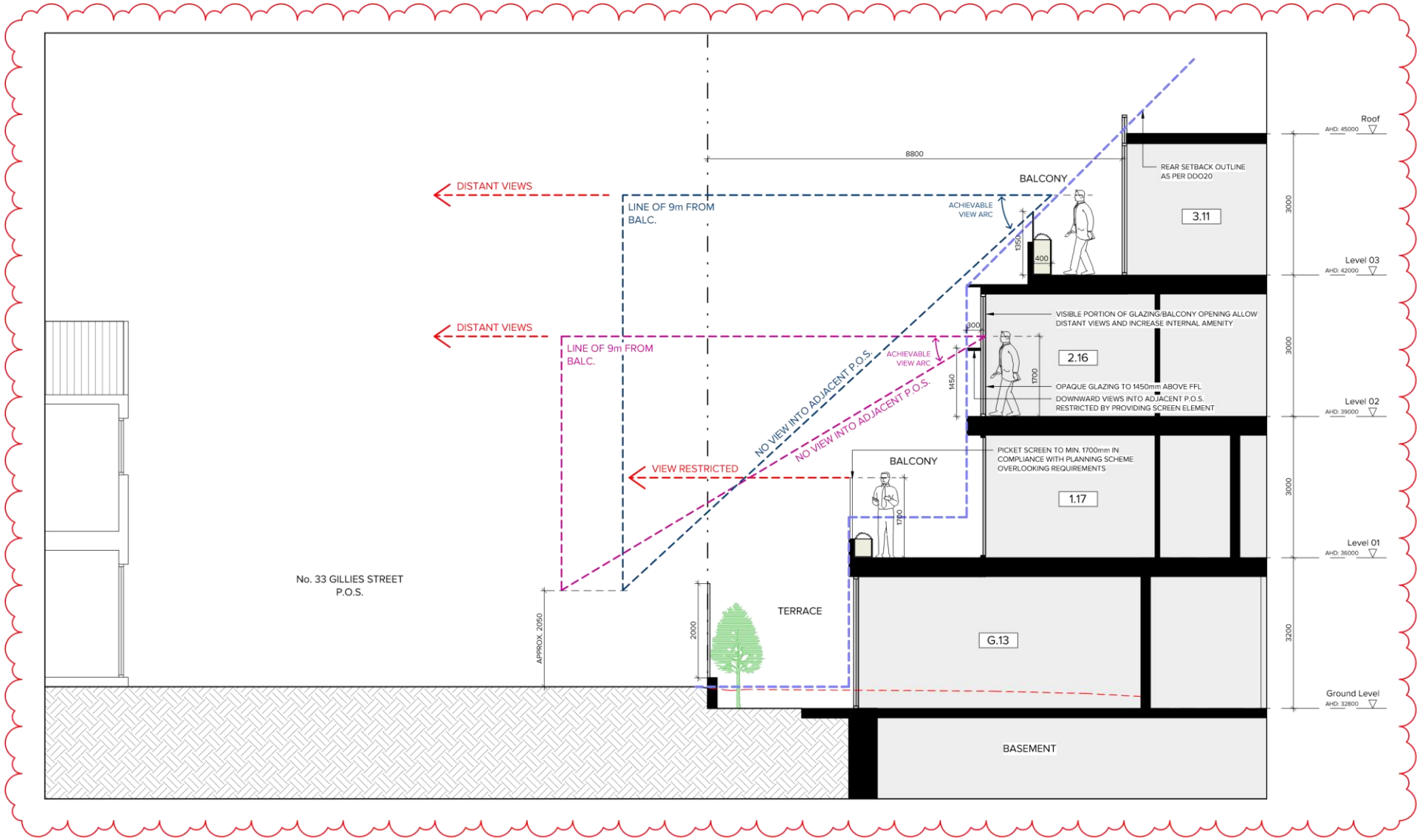
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-	27.05.2016	AUTHORITY SUBMISSION			
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B	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			



PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD  
DRAWING TITLE:  
OVERLOOKING / SCREENING DIAGRAM  
WEST BOUNDARY

DATE: MAY 2016 JOB N°: 35021  
SCALE: 1:50@A1, 1:100@A3 REVISION N°: B  
DRAWN: BHA  
DRAWING STATUS: TOWN PLANNING DRAWING N°: TP-307



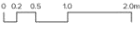
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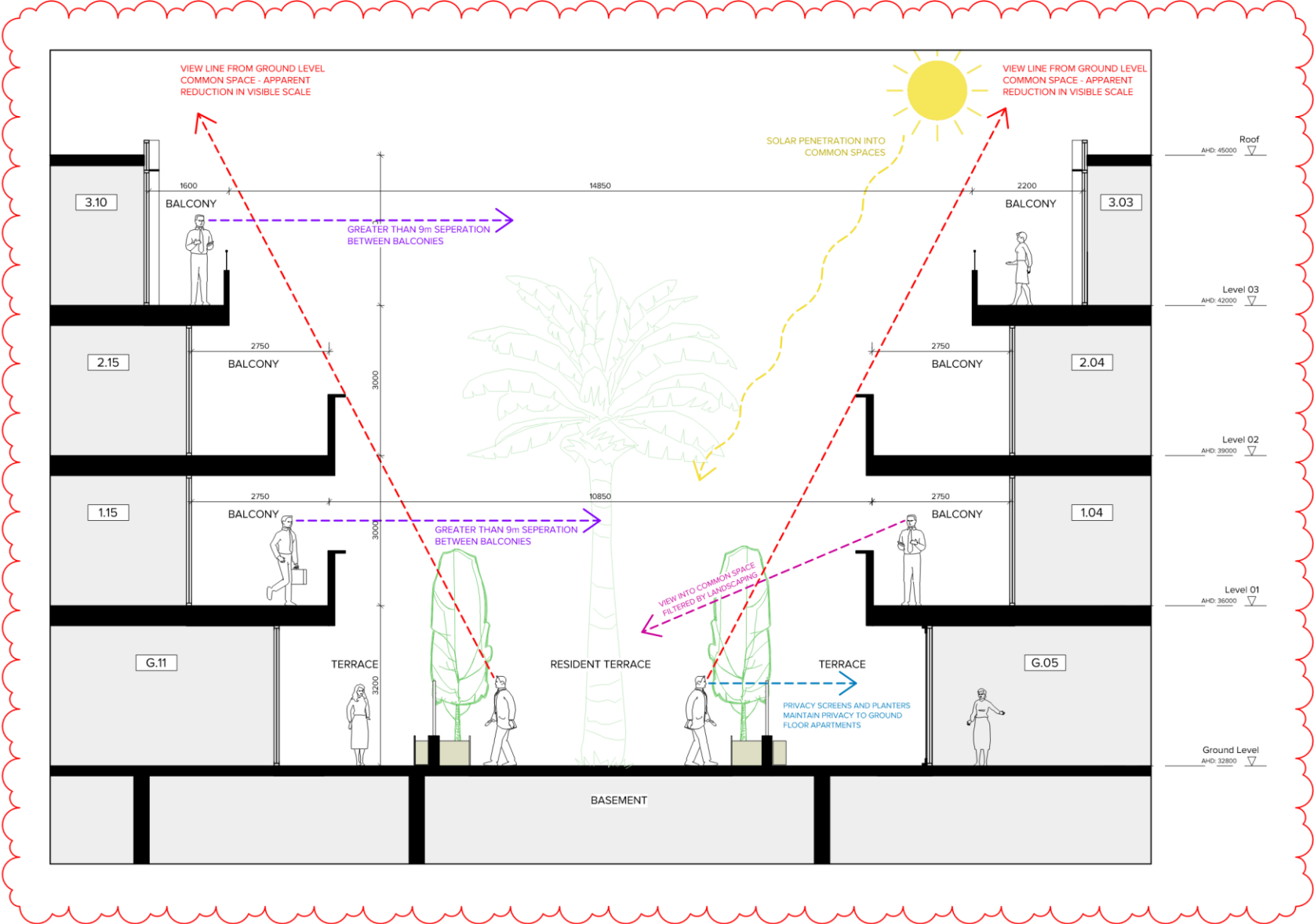
REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
-	27.05.2016	AUTHORITY SUBMISSION			
A	22.07.2016	RESPONSE TO COUNCIL RFI			
B	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			



PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD

DRAWING TITLE:  
OVERLOOKING / SCREENING DIAGRAM  
WEST BOUNDARY

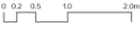
DATE:	MAY 2016	JOB N°:	35021
SCALE:	1:50@A1, 1:100@A3	REVISION N°:	B
DRAWN:	BHA		
DRAWING STATUS:	TOWN PLANNING	DRAWING N°:	TP-307A



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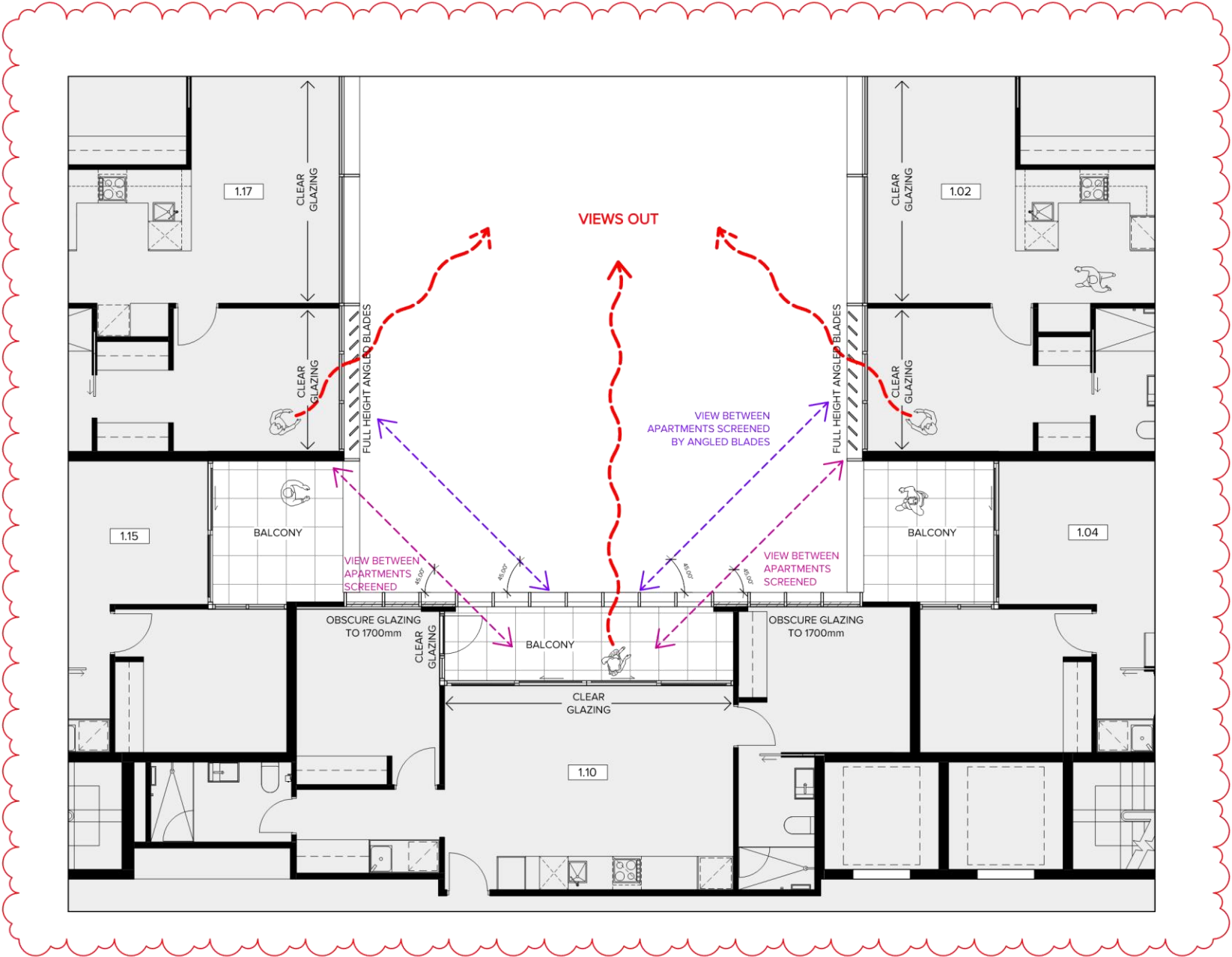
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-	27.05.2016	AUTHORITY SUBMISSION			
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B	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			



PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD  
  
DRAWING TITLE:  
OVERLOOKING / SCREENING DIAGRAM  
INTERNAL COURTYARD

DATE:	MAY 2016	JOB N°:	35021
SCALE:	1:50@A1, 1:100@A3	REVISION N°:	B
DRAWN:	BHA		
DRAWING STATUS:	TOWN PLANNING	DRAWING N°:	TP-308



  
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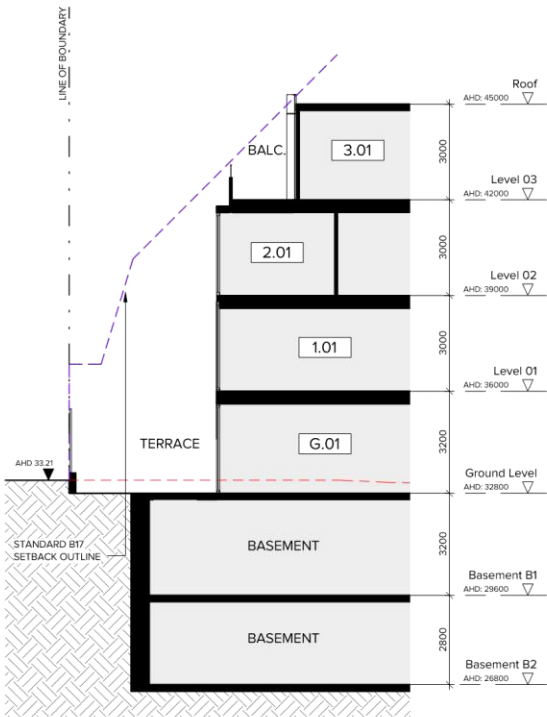
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B	14.10.2016	RESPONSE TO COUNCIL RFI			
C	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			

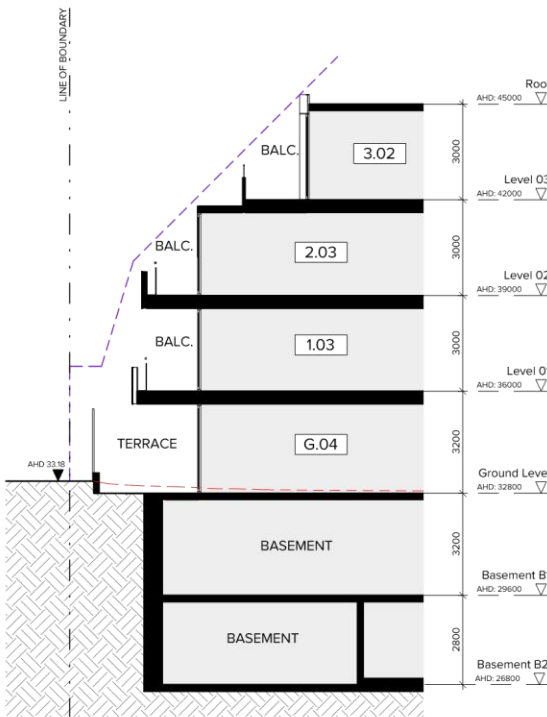


PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD**  
  
DRAWING TITLE:  
**OVERLOOKING / SCREENING DIAGRAM  
ADJACENT APARTMENTS**

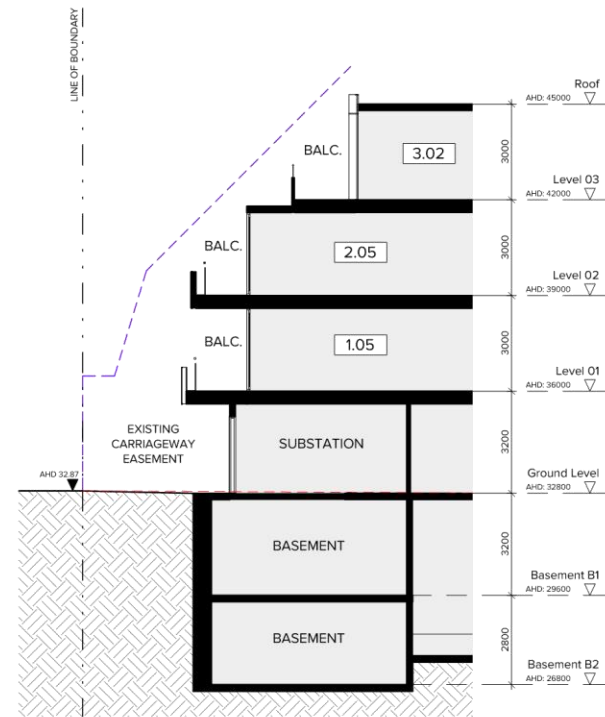
DATE:	MAY 2016	JOB N°:	35021
SCALE:	1:50@A1, 1:100@A3	REVISION N°:	C
DRAWN:	BHA		
DRAWING STATUS:	TOWN PLANNING	DRAWING N°:	TP-309



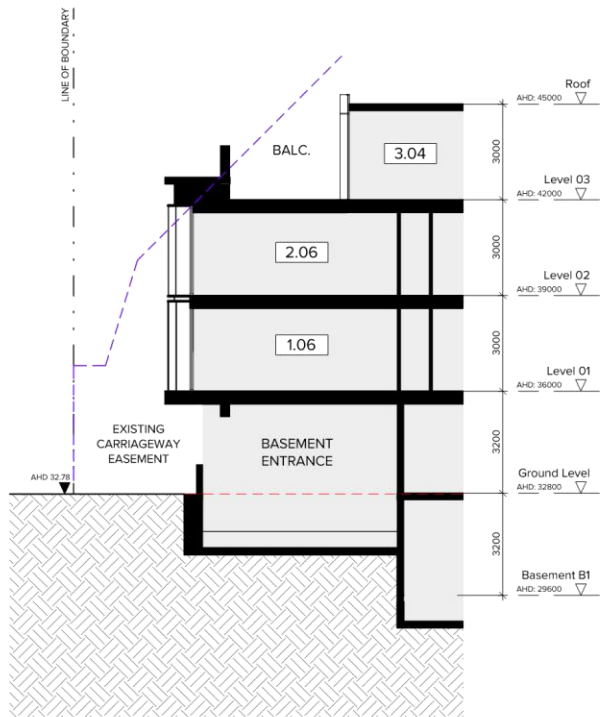
NORTH BOUNDARY  
SETBACK DIAGRAM 01



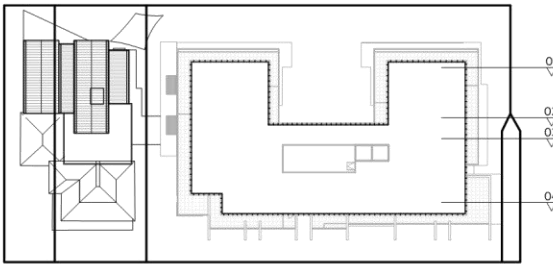
NORTH BOUNDARY  
SETBACK DIAGRAM 02



NORTH BOUNDARY  
SETBACK DIAGRAM 03



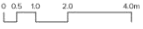
NORTH BOUNDARY  
SETBACK DIAGRAM 04



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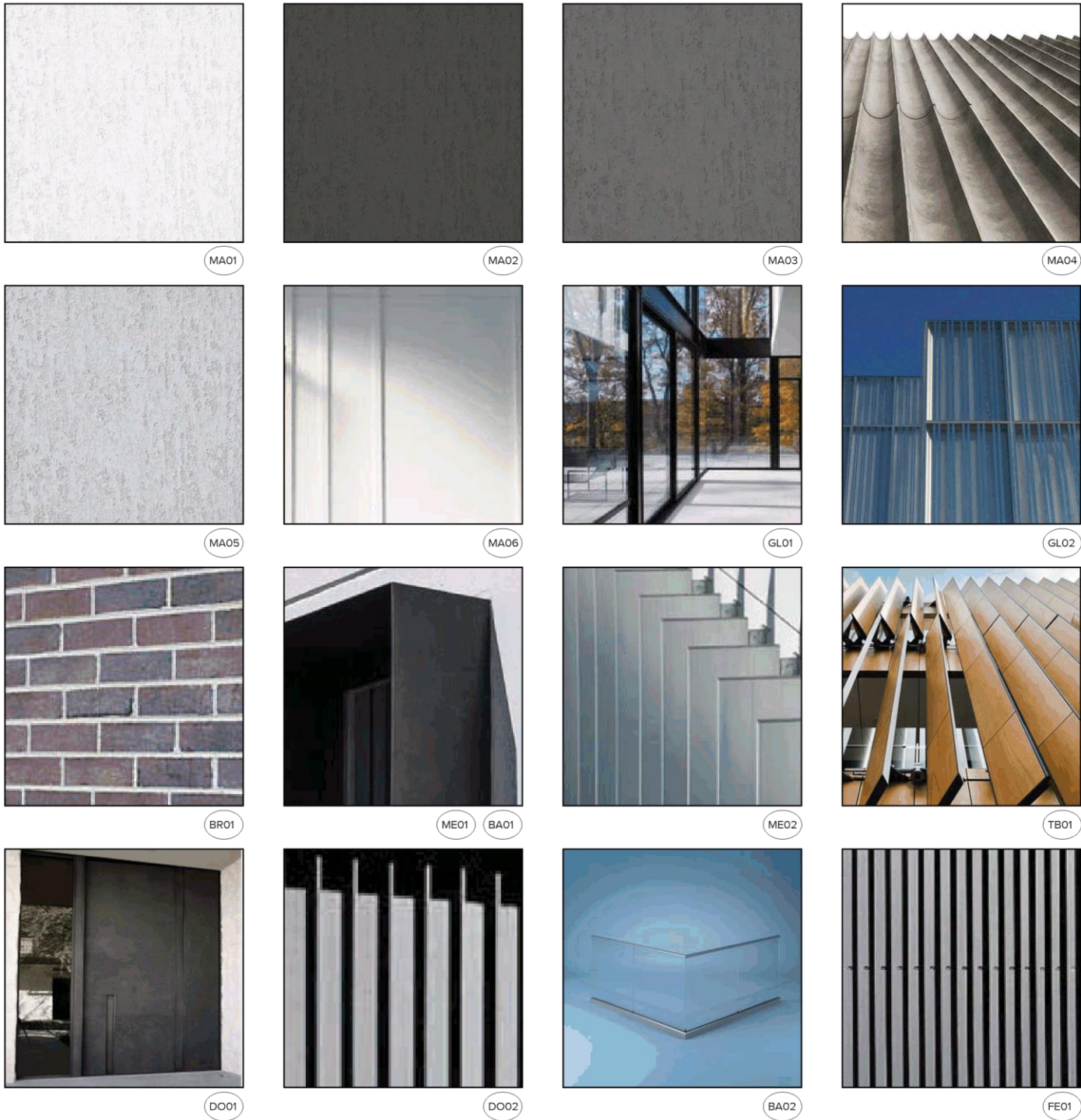
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-	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			




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32-40 STATION STREET, FAIRFIELD  
DRAWING TITLE:  
NORTH BOUNDARY SETBACK DIAGRAM

DATE: FEBRUARY 2017 JOB N°: 35021  
SCALE: 1:50@A1, 1:100@A3 REVISION N°:  
DRAWN: BHA  
DRAWING STATUS: TOWN PLANNING DRAWING N°: TP-310



- EXTERNAL FINISHES LEGEND**
- MA01 OFF-FORM PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE COLOUR THROUGH CONCRETE TO SELECTED OFF-WHITE COLOUR AS APPROVED. FAIRING COAT FINISH TO EXPOSED SLAB EDGES TO MATCH. SOFFITS OF SLABS TO BE TO PAINT FINISH TO SELECTED COLOUR. EXPRESSED JOINT LINES AS PER ELEVATIONS.
  - MA02 PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED DARK CHARCOAL COLOUR AS APPROVED (TO MATCH DULUX DOMINO OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
  - MA03 PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED MID-GREY COLOUR AS APPROVED (TO MATCH DULUX TEAHOUSE OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
  - MA04 OFF-FORM FEATURE CONCRETE PANEL. PANEL TO BE PROFILED AS PER ELEVATION. COLOUR THROUGH CONCRETE TO SELECTED OFF-WHITE COLOUR AS APPROVED. CAST-IN TEXTURED FORMLINER TO BE APPLIED TO FORM VERTICAL CURVED SCALLOPS ON CONCRETE SURFACE TO APPROVED PATTERN.
  - MA05 PRECAST CONCRETE PANEL OR LIGHTWEIGHT SUBSTRATE WITH APPLIED FINISH TO MATCH PRECAST SPECIFICATION. PRECAST TO BE OFF-FORM COLOUR THROUGH CONCRETE OR APPLIED TEXTURE PAINT FINISH TO SELECTED LIGHT-GREY COLOUR AS APPROVED (TO MATCH NATURAL CEMENT COLOUR OR SIMILAR APPROVED). EXPRESSED JOINT LINES AS PER ELEVATIONS.
  - MA06 LIGHTWEIGHT PANNELLING WITH EXPRESSED JOINTS AS PER ELEVATIONS. SELECTED OFF-WHITE PAINT FINISH AS SPECIFIED.
  - GL01 PROPOSED GLAZING SYSTEM. COMMERCIAL ALUMINIUM FRAMING SECTIONS TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH. WITH GLAZED INFILL PANELS TO SELECTED GREY TINTED FINISH. GLAZING SYSTEM TO INCORPORATE OPENABLE SLIDING DOORS AND HORIZONTAL AND VERTICAL SLIDING SASH-TYPE AND AWNING OPENING WINDOWS. WHERE DENOTED AS '08' GLAZING TO INCORPORATE TRANSLUCENT FILM.
  - GL02 PROPOSED FEATURE GLAZING SYSTEM. ALUMINIUM FRAMING SECTIONS TO APPROVED DETAIL. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH. GLAZING PANELS TO BE CLEAR GLASS WITH DECORATIVE WHITE FEATURE FIRT OR FILM TREATMENT TO MIXTURE OF DENSITIES. CONSISTENT APPEARANCE TO SPANDRELS AND VISION PANELS. GLAZING SYSTEM TO INCORPORATE OPENABLE SLIDING DOORS AND HORIZONTAL AND VERTICAL SLIDING SASH-TYPE AND AWNING OPENING WINDOWS. WHERE DENOTED AS '08' GLAZING TO INCORPORATE TRANSLUCENT FILM. WHERE DENOTED AS 'SP' GLAZING TO BE SPANDREL GLAZING TO MATCH.
  - BR01 FACE BRICKWORK MASONRY FEATURE WALLS. BRICKWORK TO BE ROBERTSON'S GRAMPAN BLUE BRICK WITH NATURAL CEMENT STRUCK MORTAR JOINTS. EXPRESSED METAL FACING TO EDGE REVEALS TO MATCH FINISH ME01. BRICK FACE TO INCLUDE 'HIT AND MISS' AND EXPRESSED BRICK PATTERNING IN FEATURE SECTIONS TO FUTURE DETAIL.
  - ME01 FEATURE METAL CANOPY AND HOOD ELEMENTS. TO BE FORMED FROM STEEL OR ALUMINIUM PROFILED SHEET AND/OR SOLID SECTIONS TO ACHIEVE PROJECTIONS AND THICKNESSES AS PER PLANS AND ELEVATIONS. STEEL SUBFRAMING AS REQUIRED TO FUTURE DETAIL. SATIN DARK CHARCOAL POWDERCOAT FINISH TO FULL EXTENT OF EXPOSED METAL FINISH AND ASSOCIATED FLASHINGS, CAPPINGS ETC.
  - ME02 EXTRUDED ALUMINIUM SECTIONS TO FORM FEATURE FIN ELEMENTS FIXED OFF FACADE SURFACE TO APPROVED DETAIL. FINS TO BE 200 x 50MM NOM. SIZE TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH.
  - ME03 COMPOSITE ALUMINIUM PANNELLING OR ALTERNATIVE FLAT METAL SHEET CLADDING TO MATCH FINISH TO ME 01.
  - TB01 FEATURE BLADE ELEMENTS. METAL SUBFRAME LINED ON MAIN FACES WITH PRODEMA RUSTIK VENEER PANELS OR SIMILAR APPROVED. METAL SURROUND TO EDGE REVEALS TO FUTURE DETAIL. TO MATCH FINISH ME01.
  - BA01 PRESSED METAL SHEET PREFABRICATED PLANTER BOX INCORPORATED AT EDGE OF BALCONY TO FORM BALUSTRADE ELEMENT TO FUTURE DETAIL. 35 x 35MM NOM. STEEL HANDRAIL OVER TO MINIMAL SUPPORT BRACKET DETAIL. PLANTER AND HANDRAIL / BRACKETS TO BE TO SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH. WHERE DENOTED AS '08' GLAZING TO INCORPORATE TRANSLUCENT FILM.
  - BA02 SEMI-FRAMELESS CLEAR GLAZED BALUSTRADE FIXED INTO BASE CHANNEL WITH SEPARATE HANDRAIL SECTION BEHIND GLASS PLANE. GLASS TO EXTEND ABOVE HANDRAIL TO APPROVED DETAIL. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH TO CHANNEL. UPRIGHTS AND HANDRAIL GLASS TO BE CLEAR. WHERE JOINTS ARE REQUIRED IN GLASS. JOINTS TO BE 10MM OPEN JOINTS.
  - SC01 COMPOSITE ALUMINIUM PANNELLING OR ALTERNATIVE FLAT METAL SHEET PRIVACY SCREENS TO BALCONIES. COMPOSITE ALUMINIUM OR EXTRUDED / PRESSED METAL SHEET FOLDED TO PROFILE OVER STEEL FRAME TO 1700MM HEIGHT. SELECTED SATIN DARK CHARCOAL POWDERCOAT OR COMPOSITE ALUMINIUM FINISH TO FULL EXTENT OF SCREENS.
  - DO01 PROPOSED LOBBY ENTRY DOOR. SOLID DOOR WITH BLACKENED STEEL CLADDING. BLACK STEEL AND TIMBER HARDWARE TO FUTURE DETAIL.
  - DO02 PROPOSED CARPARK ENTRY DOOR. STEEL FRAMED TILT PANEL DOOR WITH VERTICAL STEEL ANGLE CLADDING TO FULL EXTENT OF DOOR AND SURROUNDS 60MM EQ ANGLES AT 75MM. SELECTED SATIN DARK CHARCOAL POWDERCOAT FINISH TO PERFORATED PANNELLING AND TO SUBFRAME.
  - DO03 PROPOSED EGRESS / SERVICES DOOR. METAL PANEL DOOR WITH METAL FRAME AS SPECIFIED. DOOR TO BE CLAD WITH SELECTED WEATHERPROOF LOUVRE PROFILE TO FULL EXTENT OF DOOR. FINISH TO FRAME AND CLADDING TO MATCH FINISH ME01.
  - FE01 50 x 35MM NOM. TIMBER BATTEN FENCING INSTALLED AT 60MM C-C OVER MINIMAL METAL SUPPORT FRAME TO FUTURE DETAIL. PAINT FINISH TO BATTENS (TO MATCH DULUX 'NAMA2J' OR SIMILAR APPROVED). SUPPORT FRAME TO POWDERCOAT FINISH TO MATCH ME01.
  - FE02 LANDSCAPE WALL TO MATCH MASONRY FINISH AS SHOWN.



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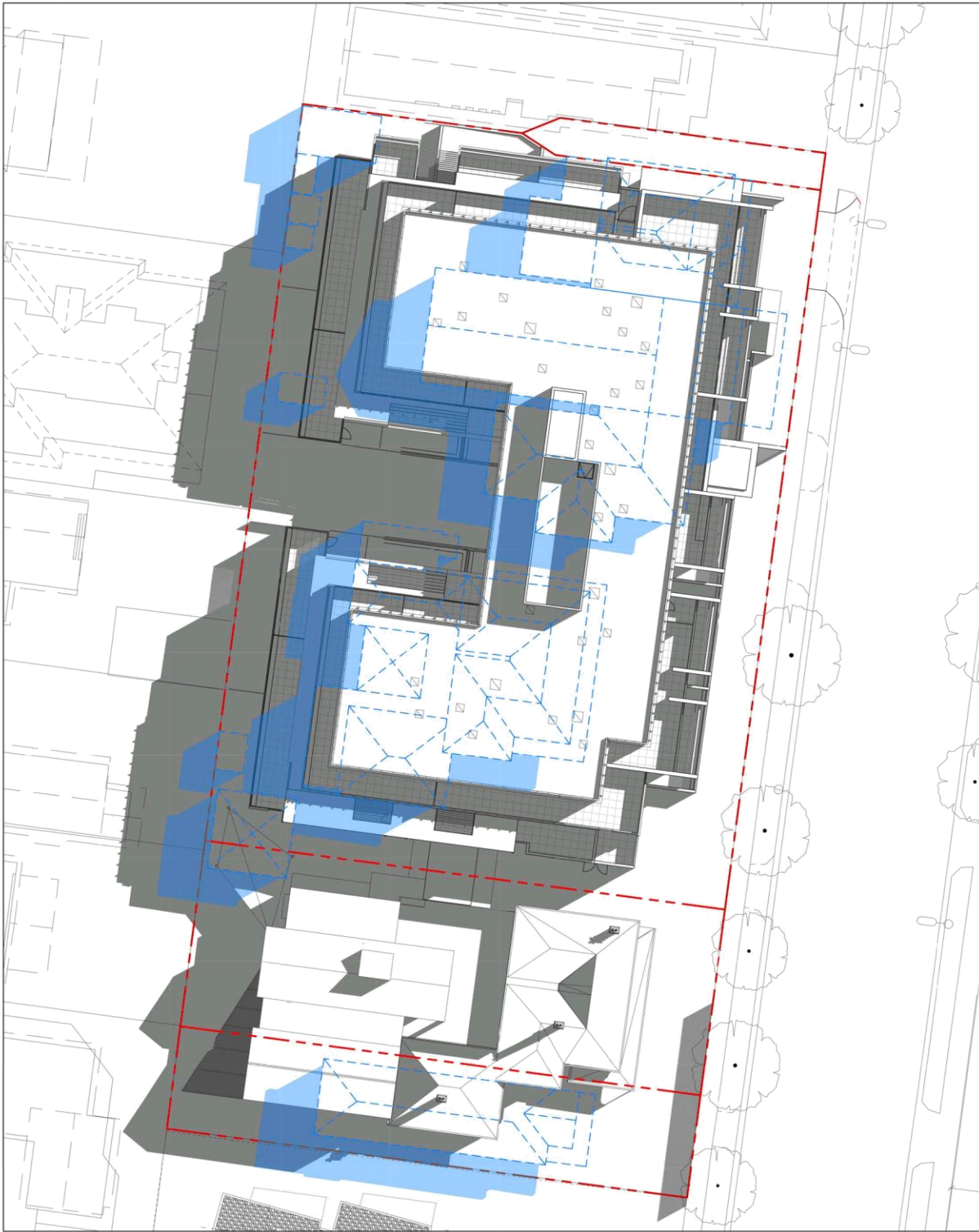
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REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
-	27.05.2016	AUTHORITY SUBMISSION			
-	14.10.2016	RESPONSE TO COUNCIL RFI			
-	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			

PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD

DRAWING TITLE:  
PROPOSED FINISHES PALETTE

DATE:	MAY 2016	JOB N°:	35021
SCALE:	NTS	REVISION N°:	-
DRAWN:	MB		
DRAWING STATUS:		DRAWING N°:	
TOWN PLANNING		TP-400	



SEPTEMBER 22 - 9AM



SEPTEMBER 22 - 10AM

LEGEND

- LINE OF EXISTING BUILT FORM
- EXTENT OF EXISTING SHADOWS



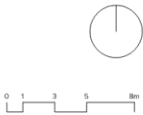
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REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
-	27.05.2016	AUTHORITY SUBMISSION			
A	22.07.2016	RESPONSE TO COUNCIL RFI			
B	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			



PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD

DRAWING TITLE:  
SHADOW DIAGRAMS  
SEPTEMBER 22 - 9AM & 10AM

DATE:	MAY 2016	JOB N°:	35021
SCALE:	1:200@A1, 1:400@A3	REVISION N°:	B
DRAWN:	BHA		
DRAWING STATUS:		DRAWING N°:	
TOWN PLANNING		TP-500	



SEPTEMBER 22 - 1PM



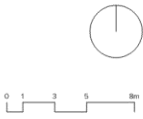
SEPTEMBER 22 - 12PM



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REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
-	27.05.2016	AUTHORITY SUBMISSION			
A	22.07.2016	RESPONSE TO COUNCIL RFI			
B	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			



PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD  
DRAWING TITLE:  
SHADOW DIAGRAMS  
SEPTEMBER 22 - 12PM & 1PM

DATE: MAY 2016 JOB N°: 35021  
SCALE: 1:200@A1, 1:400@A3 REVISION N°: B  
DRAWN: BHA  
DRAWING STATUS: TOWN PLANNING DRAWING N°: TP-501



SEPTEMBER 22 - 2PM



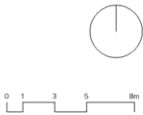
SEPTEMBER 22 - 3PM



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REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
-	27.05.2016	AUTHORITY SUBMISSION			
A	22.07.2016	RESPONSE TO COUNCIL RFI			
B	10.02.2017	INCREASED SETBACKS TO NORTH & WEST			



PROJECT:  
PROPOSED MIXED USE DEVELOPMENT  
32-40 STATION STREET, FAIRFIELD  
  
DRAWING TITLE:  
SHADOW DIAGRAMS  
SEPTEMBER 22 - 2PM & 3PM

DATE:	MAY 2016	JOB N°:	35021
SCALE:	1:200@A1, 1:400@A3	REVISION N°:	B
DRAWN:	BHA		
DRAWING STATUS:		DRAWING N°:	
TOWN PLANNING		TP-502	

## 6. OTHER BUSINESS

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

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

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

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

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#### Related Documents

- Nil

#### Attachments

- General Planning Information: Scheduled VCAT Applications and Significant Applications (**Appendix A**)

## PLANNING COMMITTEE MEETING

10 JULY 2017

## Delegate Decisions before VCAT

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/10/2016	D/803/2015	340 Plenty Road, Preston  Cazaly	Development of eight (8) three (3) storey dwellings and a reduction to the visitor car parking requirement.	Refusal - Applicant appeal	Adjourned to administrative mention in April 2017
<b>Result</b>					
5/10/2016	D/30/2016	40 Showers Street, Preston  Cazaly	Construct a seven storey development plus basement comprising 39 dwellings (12 x 1 bedrooms and 27 x 2 bedrooms) and 39 car spaces with associated storage units.	Refusal - Applicant appeal	Council's decision affirmed – No permit granted.
<b>Result</b>	The Tribunal was troubled by the lack of built form guidance relevant to properties in Showers Street when regard was had to the wording of DDO16. Nevertheless, the Tribunal considered that while 4 storeys may be able to be accommodated on the site, the design of the proposal did not respond to its context enough to be worthy of a permit.				
19/10/2016	D/423/2015	2 Leicester Street, Preston  Cazaly	A medium density housing development comprised of the construction of a three (3) storey building accommodating eight (8) dwellings on land affected by the Special Building Overlay; a reduction in the car parking requirement; creation of access to a road in a Road Zone Category 1, as shown on the plans accompanying the application.	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
<b>Result</b>	The Tribunal did not provide written reasons.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/10/2016	D/1087/2015	12 Jackson Street, Northcote  Rucker	Partial demolition and alterations and additions to an existing dwelling on land affected by a Heritage Overlay in accordance with the endorsed plans.	Notice of Decision – Objector Appeal	Not required as settled at an earlier Practice Day Hearing by consent.
<b>Result</b>					
28/10/2016	D/800/2015	68 St Vigeons Road, Reservoir	Construct a medium density housing development comprised of five (5) double storey dwellings; and Reduce the car parking requirements associated with the dwellings (1 visitor space)	Refusal - Applicant appeal	Council's decision set aside – Permit Granted
<b>Result</b>					
The Tribunal provided oral reasons, and only a summary of the reasons in writing. The Tribunal found that the amended plans in the proposal were worthy of support, and was satisfied Council's confined points of objection did not warrant refusing the application.					

## PLANNING COMMITTEE MEETING

10 JULY 2017

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/11/2016	D/10/2016	16-18 Clarendon Street, Thornbury Rucker	Construction of a three (3) storey apartment building and a waiver of visitor car parking	Refusal – Applicant Appeal	Council's Decision Affirmed – No Permit Granted
<b>Result</b>	Notwithstanding that the site enjoys the benefit of an existing planning permit that allows a 3 storey apartment building on the site, the Tribunal considered the design of the present proposal with reduced setbacks at upper levels (which the Tribunal considered unduly dominant, especially to properties to the south), a greater basement footprint (which limits landscaping opportunities) and insufficient justification for reduction of visitor parking, the Tribunal concluded the proposal was an overdevelopment and affirmed Council's refusal.				
16/11/2016	D/227/2016	150 Leamington Street, Reservoir La Trobe	A medium density housing development comprising three (3) double storey dwellings	Refusal – Applicant Appeal	Council's Decision Set Aside – Permit Granted
<b>Result</b>	The Tribunal did not accept Council's argument that the proposal did not contribute to the preferred character of the area – noting that the site was not located in an area of consistent open 'backyard-scapes'. What the Tribunal did consider relevant was amenity impacts resulting from the extensive upper levels of Unit 2 on the adjoining property's backyard. The Tribunal also noted the opportunity for landscaping along Unit 2's interface with adjoining property was limited – as a result it required Unit 2 to be further set back from the common boundary to allow room for landscaping. Otherwise, the Tribunal was satisfied the proposal was an acceptable response to neighbourhood character and had no unreasonable amenity impacts. While there was a slight shortfall in private open space when considered against the requirements of the General Residential Zone Schedule 1, the Tribunal did not consider this fatal to the proposal given the site's proximity to Edwardes Lake Park.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

DECEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/12/2016 (Compulsory Conference)	D/444/2016	52-56 Clyde Street, Thornbury  Rucker	20 Dwellings	Failure appeal (Council opposed the Application)	Council's Decision Set Aside – Permit Granted
<b>Result</b>	At the compulsory conference, the Permit Applicant was willing to make design changes to their proposal to address resident and Council concerns. As a result of these changes, the parties were able to reach agreement that a permit should issue.				
9/12/2016	D/889/2015	8 Doolan Street, Reservoir  Cazaly	Medium density development comprising the construction of two (2) side by side dwellings	Refusal – Applicant appeal	Council's Decision Set Aside – Permit Granted
<b>Result</b>	The Tribunal did not agree that the design detailing of the proposal (which was argued by Council to be unacceptable due to its 'busy' interwar inspired appearance) was unacceptable from a character point of view – rather that such a response provided articulation to the proposal. The Tribunal was also satisfied that appropriate landscaping could be provided notwithstanding the double crossover. In the absence of any unsatisfactory amenity impacts, the Tribunal set aside Council's decision and granted a permit.				
12/12/2016	D/942/2015	11 Edith Street, Preston  Cazaly	Development of seven (7) three (3) storey buildings and a reduction to the visitor car parking requirement	Refusal – Applicant appeal	Council's Decision Set Aside – Permit Granted
<b>Result</b>	The Tribunal was not persuaded that the proposal had unreasonable off site amenity impacts when regard was had to DDO16 which called for intensification in the area.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

JANUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
11/01/2017	D/81/2016	207-209 Separation Street, Northcote Rucker	Construction of eight (8) dwellings and waiver of a visitor car space	Refusal - Applicant Appeal	Council's decision set aside – Permit Granted
<b>Result</b>	It was not in dispute that the site could accommodate some form of redevelopment, given proximate transport and services. The critical issues for the Tribunal was whether there was policy support for the 3 storey proposal, the fit of the design into the neighbourhood and off site amenity impacts. Subject to additional conditions requiring the deletion of one of the three storey dwellings and provision of visitor parking on site, together with conditions that go to root barrier protection and species selection (for trees next to adjoining properties), the Tribunal was comfortable a permit could issue.				
17/01/2017	D/402/2016	38-40 Gisbourne Crescent, Reservoir La Trobe	Construction of eight (8) dwellings	Refusal - Applicant Appeal	Council's Decision Set Aside – Permit Granted
<b>Result</b>	When regard was had to developments approved and constructed in the area, together with the incremental change policy applicable to the site, the Tribunal was satisfied the proposal was an acceptable response to preferred character. Together with some minor additional conditions, the Tribunal was satisfied there was acceptable compliance with Clause 55 and no unreasonable off site amenity impacts, so it directed the grant of a permit.				
31/01/2017	D/121/2016	90 David Street, Preston Cazaly	Construction of two double storey dwellings	Notice of Decision - Objector Appeal	Resolved by way of Consent Order – Hearing no longer required – Permit Granted
<b>Result</b>					
31/01/2017	D/168/2016	411 Murray Road, Preston Cazaly	Construct a medium density housing development comprised of two (2) triple storey dwellings and two (2) double storey dwellings	Refusal - Applicant Appeal	Council's decision affirmed – No permit granted
<b>Result</b>	While the Tribunal considered the proposal was consistent with broader state and local policy, it nevertheless considered the proposal an overdevelopment of the site when regard to neighbourhood character and the visual bulk of the proposal. In particular, the Tribunal noted the 3 <sup>rd</sup> storey elements provided an excessive transition between adjoining properties and rear open spaces. The Tribunal was also critical of the lack of landscaping proposed along the rear of the site. As such, it affirmed Council's refusal.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

FEBRUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/02/2017	D/271/2016	766 Plenty Road, Reservoir  Cazaly	Development of three (3) three (3) storey dwellings	Refusal - Applicant Appeal	Council's decision set aside – Permit granted
<b>Result</b>	Notwithstanding the Council's concerns the application was a piecemeal application that would result in an underdevelopment of the site (when regard was had to its physical and planning context), the Tribunal did not agree with such concerns there was a 'policy disconnect'. It considered that the proposal presented an acceptable interface to the balance of the Plenty Road site, responding to the previous Tribunal decision's criticism of this interface.				
2/02/2017	D/167/2016	25 Kenilworth Street, Reservoir  La Trobe	Development of eight (8) three (3) storey dwellings and one (1) two (2) storey dwelling and a reduction to the visitor car parking requirement	Refusal - Applicant Appeal	Council's Decision Affirmed – No permit granted
<b>Result</b>	The Tribunal considered the proposed part 1, 2 and 3 storey reverse living townhouses (and one single storey unit) too intense for the site's location on the periphery of the Reservoir Activity Centre. The Tribunal in particular considered the proposal too big, and would have a jarring visual impact on the surrounding area. The Tribunal also had concerns with the quality of the design, areas left for landscaping and internal amenity.				
3/03/2017	D/16/2016	6 Elliot Street, Reservoir  La Trobe	Variation of restrictive covenant and construction of three (3) dwellings	Refusal - Applicant Appeal	Council's decision affirmed – No permit granted
<b>Result</b>	The Tribunal considered that the permit applicant had not persuaded it that it had satisfied the very high legislative tests in the Act – namely, that no beneficiaries of the covenant would not suffer any detriment of any kind. In addition, the Tribunal had concerns about the extent of walls on boundary and built form in the back yard. As such, it affirmed Council's refusal.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

FEBRUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/02/2017	D/882/2015	10 Stymie Street, Kingsbury  La Trobe	Construction of a medium density development comprising two (2) dwellings	Refusal - Applicant Appeal	Council's decision set aside (by consent) – Permit Granted
<b>Result</b>	The parties were able to negotiate a consent order on the basis of amended plans, thus avoiding the need for a contested hearing.				
15/02/2017	D/1301/2015	55 Nisbett Street, Reservoir  Cazaly	Construction of a medium density housing development comprising one (1) single storey dwelling to the rear of the existing dwelling and alterations and additions to the existing dwelling	Refusal - Applicant Appeal	Council's decision set aside (by consent) – Permit Granted
<b>Result</b>	The parties were able to negotiate a consent order on the basis of amended plans, thus avoiding the need for a contested hearing.				
27/02/2017 (Compulsory Conference)	D/671/2016  Rucker	12 Hall Street, Fairfield	A medium density residential development comprising the construction of two (2) double storey dwellings	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit Granted
<b>Result</b>	The permit applicant was willing to make changes to address Council concerns, accordingly a permit was able to be granted by consent.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

MARCH 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/03/2017 (Compulsory Conference)	D/509/2016	512 Gilbert Road, Preston  Cazaly	Proposed medium density housing development comprising the construction of 4 double storey and 1 single storey dwellings and a waiver of the visitor car space	Refusal – Applicant appeal	Council's decision set aside (by consent) – Permit Granted
<b>Result</b>	The Permit Applicant was willing to make changes to address Council concerns. As such, the parties were in agreement that a permit could issue.				
15/03/2017	D/959/2015	7 Separation Street, Fairfield  Rucker	Medium density development comprising the construction of four (4) double storey dwellings	Refusal – Applicant appeal	VCAT Decision Pending
<b>Result</b>					
28/03/2017	D/1096/2015	113 Cheddar Road, Reservoir  La Trobe	Proposed medium density development comprising the construction of four (4) double storey dwellings on a lot affected by the special building overlay	Refusal – Applicant appeal	Council's decision affirmed – No Permit granted.
<b>Result</b>	The Tribunal was satisfied that the development of the site with four reverse living dwellings was supported by state and local policy. It also considered the proposal was an acceptable response against neighbourhood character. Where the proposal fell short was internal amenity due to the extent of screening required at first floor to prevent overlooking. As such, the Tribunal affirmed Council's refusal.				
30/03/2017 (Compulsory Conference)	D/245/2015	3 Tharratt Street, Thornbury  Rucker	Medium density development comprising the construction of six (6) dwellings within a two storey building and basement	Notice of Decision – Objector Appeal and Conditions Appeal	Council's decision varied – Permit Granted
<b>Result</b>	The Permit Applicant was willing to make changes to address Council and resident concerns. As such, the parties were in agreement that a permit could issue.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/04/2017 (Administrative Mention)	D/803/2015	340 Plenty Road, Preston  Cazaly	Development of eight (8) three (3) storey dwellings and a reduction to the visitor car parking requirement.	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
<b>Result</b> <b>2 June 2017</b>	The Tribunal advised the parties were in agreement as to the proposal. Final orders to come. On 2 June 2017 the Tribunal made consent orders giving effect to the agreement reached between the parties.				
26/04/2017	D/506/2016	102 Yarralea Street, Alphington  Rucker	Display of two (2) business identification signs	Refusal – Applicant appeal	Council's decision affirmed – No permit granted
<b>Result</b>	While the Tribunal did not consider the site sat within a 'pristine residential area', it nevertheless considered its context was still primarily a residential one. When the Tribunal considered the prominence of the signage proposed, it considered the signage would result in a visual dominance that overwhelms the site and its surrounds.				
26/04/2017	D/486/2016	25 Clifton Grove, Preston  Cazaly	Development of seven (7) dwellings within a Special Building Overlay and reduction in one (1) resident car space and waiver of one (1) visitor car space	Failure Appeal – To Oppose (Subsequently resolved to support)	Council's Decision Set Aside – Permit Granted
<b>Result</b>	The Permit Applicant lodged amended plans which addressed Council and resident concerns, therefore the parties were in a consent position by the time of the hearing.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/05/2017	D/696/2016	18 View Street, Reservoir  La Trobe	A medium density development comprising the construction of four (4) double storey dwellings	Notice of Decision - Objector appeal	VCAT Decision Pending
<b>Result</b>					
3/05/2017 Compulsory Conference	D/818/2016	156 Rossmoyne Street, Thornbury  Rucker	Construct two (2) double storey (plus basement level) dwellings on the lot	Refusal - Applicant Appeal	Council's Decision Set Aside – Permit Granted
<b>Result</b>	The Permit Applicant was willing to make changes to address Council and resident concerns, therefore the parties were in agreement that a permit could issue.				
3/05/2017 Administrative Mention	D/195/2003/C	36-46 Wingrove Street, Alphington  Rucker	Amend the endorsed plans attached to planning permit D/195/2003 to alter the car parking layout	Notice of Decision - Objector Appeal	Council's Decision Set Aside – No Permit Granted
<b>Result</b>	The Permit Applicant determined not to proceed with their application to amend the permit – accordingly, VCAT set Council's decision aside. VCAT specifically noted it made no finding on the merits of the application.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/05/2017	D/368/2016	8 St Duthus Street, Preston  Cazaly	A medium density development comprising the construction of a double storey dwelling to the rear of the existing dwelling	Refusal – Applicant Appeal	Council's Decision Set Aside – Permit Granted
<b>Result</b>	The Tribunal only gave oral reasons for setting Council's decision aside.				
5/05/2017	D/367/2016	10 Seston Street, Reservoir  Cazaly	Construction of a medium density housing development comprising eight (8) dwellings and a waiver of visitor parking	Refusal – Applicant Appeal	VCAT Decision Pending
<b>Result</b>					
8/05/2017	D/127/2016	31 Best Street, Reservoir  La Trobe	Proposed two (2) lot subdivision and construction of two (2) new dwellings	Refusal – Applicant Appeal	Council's decision Affirmed – No permit granted
<b>Result</b>	While the Tribunal considered the site could support multi dwelling development, it considered the critical failing in this instance was its lack of site responsiveness. In particular, while the site had a 2 metre slope from front to rear, the dwellings adopted a relatively continuous floor level with only 2 steps difference between front and rear. The effect of this leaves a continuous and imposing form on the neighbourhood and adjoining properties. The Tribunal was also concerned about impacts upon a street tree as a result of a proposed crossover.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/05/2017	D/127/2016	21 Cuthbert Road, Reservoir  La Trobe	Construct a medium density housing development comprised of four (4) double storey dwellings	Refusal – Applicant Appeal	Interim Decision
<b>Result</b>	The Tribunal was not supportive of the height and massing of the 4 dwelling development through the site, nor its reduced front setback. As such, it issued an interim decision inviting the permit applicant to prepare amended plans for three 2 storey townhouses. Such plans have been received by Council for comment.				
15/05/2017	D/453/2016	731 High Street, Preston  Cazaly	Retrospective application to convert a garage to a dwelling	Refusal - Applicant Appeal	Council's decision affirmed – No permit granted
<b>Result</b>	The Tribunal affirmed Council's refusal firstly because of the poor internal amenity outcomes that the dwelling would provide. In particular, the Tribunal was concerned with the private open space to the dwelling, solar access to be received by private open space, lack of windows (or south facing highlight windows), small bedroom sizes and lack of sense of identity. As to car parking, the Tribunal considered the arrangements proposed poorly conceived and indicative of the proposal seeking too much from the site.				
19/05/2017	D/371/2016	28 Erskine Avenue, Reservoir  La Trobe	A medium density housing development comprised of the construction of two (2) double storey dwellings to the rear of an existing dwelling providing two (2) bedroom accommodation	Refusal - Applicant Appeal	VCAT Decision Pending
<b>Result</b>					
31/05/2017	D/1103/2015	242 Gooch Street, Thornbury  Rucker	Construct a medium density development comprising of three (3) double storey dwellings	Refusal - Applicant Appeal	VCAT Decision Pending
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/06/2017 (Compulsory Conference)	D/75/2011	161-187 & 195 High Street, Preston Cazaly	Seven storey mixed use apartment building	Section 87A Application – Position taken to Oppose	Hearing Confirmed
<b>Result</b>	The matter did not settle and accordingly the Tribunal has confirmed the hearing date of this matter.				
1/06/2017	D/418/2016	18 Crispe Street, Reservoir Cazaly	A medium density housing development comprising the construction of three (3) double storey dwellings	Refusal – Applicant Appeal	VCAT Decision Pending
<b>Result</b>					
13/06/2017 (Compulsory Conference)	D/173/2011	1091 Plenty Road, Bundoora La Trobe	Alterations to approved development	Section 87A Application	Hearing Confirmed
<b>Result</b>	The matter did not settle and accordingly the Tribunal has confirmed the hearing date of this matter.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/06/2017	D/184/2014/B	112 Collins Street, Thornbury Rucker	Amend the permit which allows "a medium density housing development comprised of two (2) attached double storey dwellings".	Failure Appeal	Council's decision set aside – Amended permit granted
<b>Result</b>	The main issue in dispute in this matter was the location of a car parking space in the front setback, together with some changed side setbacks. The Tribunal considered that the retention of the existing crossover servicing the site would not be out of step with the existing character of the street and would result in an appropriate streetscape outcome. The Tribunal was neither troubled by the changed side setbacks. In granting an approval however, it included a condition requiring no structures over the car parking space in the front setback.				
27/06/2017	D/195/2003/C	36-46 Wingrove Street, Alphington Rucker	Amend the endorsed plans attached to planning permit D/195/2003 to alter the car parking layout	Notice of Decision – Objector Appeal	Not required – Permit Applicant no longer wished to pursue their application
<b>Result</b>					
27/06/2017	D/787/2016	206 Dundas Street, Thornbury Rucker	Development of five (5) double storey dwellings and reduction to the visitor car parking requirement	Refusal – Applicant Appeal	
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/07/2017 (Compulsory Conference)	D/553/2016	112 Dundas Street, Thornbury  Rucker	Construction of a medium density development consisting of five (5) dwellings and a reduction in the number of visitor car parking spaces associated with five (5) dwellings	Delegate – Conditions Appeal	
<b>Result</b>					
17/07/2017	D/75/2011	161-187 & 195 High Street, Preston  Cazaly	Amend the existing permit to add an additional storey and re-arrangement of the proposed building	S87A Application to VCAT to amend Permit – Council's position is to oppose	
<b>Result</b>					
18/07/2017	N/A	731 High Street, Preston  Cazaly	Planning enforcement proceedings due to owner not building in accordance with planning permit	Application for Enforcement Orders	
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/07/2017	D/807/2016	4 Tambo Avenue, Reservoir  La Trobe	Development of the land with three (3) double storey and one (1) single storey dwellings	Refusal – Applicant Appeal	
<b>Result</b>					
19/07/2017	D/496/2016	56 Harrow Street, Preston  Cazaly	A medium density housing development comprising the construction of four (4) double storey dwellings	Refusal – Applicant Appeal	
<b>Result</b>					
21/07/2017	D/496/2016	93 Mansfield Street, Thornbury  Rucker	Construction of a medium density development comprising two (2) double storey dwellings	Refusal – Applicant Appeal	
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
25/07/2017	D/144/2017	47 Showers Street, Preston  Cazaly	Development of seven (7) three (3) storey dwellings and a reduction to the car parking requirement	Refusal - Applicant Appeal	
Result					

PLANNING COMMITTEE MEETING

10 JULY 2017

## Planning Committee Decisions before VCAT

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/10/2016	D/655/2015	3 Gillies Street, Fairfield  Rucker	Development of a 3 storey building comprising 9 dwellings and a reduction to the car parking requirement	Refusal (contrary to officer recommendation) - Applicant appeal	Council's decision set aside – Permit granted.
<b>Result</b>	This matter was a repeat appeal – with Council previously having a refusal affirmed in <i>Tsakmakis v Darebin CC</i> [2015] VCAT 462. Accordingly, the permit applicant sought to respond to the concerns raised by the Tribunal in the previous decision. The Tribunal considered that the present proposal was a better response to its northern neighbour (which was the critical failing of the previous proposal) in terms of amenity impact, however from a character point of view, the 3 <sup>rd</sup> level in this proposal actually came closer to the street than the previous proposal. The Tribunal considered that the third level needed to be made more recessive to be an acceptable character outcome to Gillies Street – as such it included a permit condition requiring this third level to be further set back from the street with no changes to any other setback. Otherwise, the Tribunal was satisfied that the design response adequately addressed amenity impacts to the site's northern neighbour.				
6/10/2016	D/629/2015	66-68 Waterloo Road, Northcote  Rucker	Medium density housing development comprising the extension of 10 existing dwellings and construction of seven (7) new dwellings over a common basement car parking area.	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
<b>Result</b>	It was not in dispute that the site was suitable for redevelopment, therefore the primary focus of resident concerns was the proposal's reliance on Quarrion Lane to provide vehicle access to the development. Notwithstanding resident concerns, the Tribunal found that the use of Quarrion Lane for vehicle access was acceptable from a character point of view (as the front garden would not be dominated by car parking structures) as well as from a design point of view (in that if ramps from Waterloo Road were required to access a basement, a significant amount of the site would be given over to ramping). The Tribunal also had no concerns in respect of the condition of the laneway and the potential for impacts on amenity of surrounding residents from vehicle movements, given the low speed environs of the laneway in any event.				
12/10/2016	D/716/2015	255 Darebin Road, Thornbury  Rucker	Construction of three (3) double storey dwellings	Refusal (contrary to officer recommendation) - Applicant appeal	Council's decision set aside – Permit Granted
<b>Result</b>	When the Tribunal had regard to the site's proximity to High Street, the Tribunal considered the design of the proposal, subject to a further modification (by way of condition) was an acceptable response to neighbourhood character and ResCode.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/10/2016	D/1109/2014	682-684 Bell Street, Preston  Cazaly	Construction of six (6) dwellings, alter access to a Road Zone and a reduce the standard visitor car parking requirements.	Refusal (Contrary to Officer Recommendation) - Applicant appeal	Council's decision set aside – Permit granted
<b>Result</b>	The Tribunal considered the key issues were neighbourhood character, whether the front setback was acceptable and whether the proposal was an overdevelopment of the site. The Tribunal found the proposal an acceptable response to neighbourhood character given its finding that Bell Street has an eclectic character and main road setting. While the Tribunal was not troubled by the 3 storeys, it did require by way of condition the third storey to be set back so they do not sit forward of their lower floors. The Tribunal was otherwise not persuaded the application was an overdevelopment, or that the front setback needed to be changed.				
13/10/2016	D/949/2015	7 Highland Street, Kingsbury  La Trobe	Proposed medium density development comprising the construction of 4 double storey dwellings as shown on the plans accompanying the application.	Failure Appeal – Council subsequently resolved not to support in line with officer recommendation.	Council's decision affirmed – No permit granted.
<b>Result</b>	The critical failing with the proposal was its response to neighbourhood character. In particular the Tribunal was concerned that the reverse living typology maximised the ground level site coverage and provided minimal landscape opportunities – as a result the Tribunal was not satisfied the proposal responded adequately to Council's preferred character outcome of encouraging additional planting in all gardens. Further, the Tribunal was critical of the internal amenity of the dwellings given their balconies were proposed to be fully screened to 1.7m in height, meaning such dwellings have poor outlook. Finally, the Tribunal considered car parking arrangements should be revisited as part of any new proposal.				
14/10/2016 and 24/10/2016	D/423/2015	12 Farnan Street, Northcote  Rucker	Medium density development comprising the construction of five (5) double storey dwellings and reduction of the standard car parking rate, on land covered by a Special Building Overlay.	Refusal (Contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit granted
<b>Result</b>	The Tribunal did not have concerns with the proposal's impact upon the character of the area, noting that change existed in the relevant part of Farnan Street already and there was an absence of planning controls to prevent demolition of building in the area. What troubled the Tribunal was the proposal's presentation to the street and to the Right-of-way, to that end the Tribunal placed conditions on the permit requiring the first floor of the dwelling which fronts the street to be set back behind the ground floor, and also for further setbacks to be provided to the first floors of units 3 and 4. The effect of these changes is that units 2 and 4 are now 2 bedroom dwellings, whereas at least dwelling 4 was a 3 bedroom dwelling. Otherwise, the Tribunal was not persuaded that there were any other unacceptable aspects of the proposal.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
26/10/2016	D/820/2015	283-291 Gilbert Road, Preston  Cazaly	Development of a three (3) to four (4) storey building comprising 23 dwellings, a cafe and a reduction to the car parking requirement.	Refusal (in line with officer recommendation) – Applicant appeal	Council's Decision Affirmed – No permit granted.
<b>Result</b>	The Tribunal considered the critical issue was not whether the site could be redeveloped, but the execution of such redevelopment was in issue. Notwithstanding the site's designation as 'substantial change', the Tribunal noted that the site sat at the bottom end of the "substantial change hierarchy". When the Tribunal considered the design response of the proposal, the Tribunal was not satisfied the proposal responded adequately to its sensitive interfaces as well as what policy calls for on the site. Therefore the Tribunal was not satisfied the proposal struck the right balance and affirmed Council's refusal.				
31/10/2016	D/910/2015	65 Dundee Street, Reservoir  La Trobe	A medium density housing development comprised of 4 double storey dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	Council's Decision Set Aside – Permit Granted
<b>Result</b>	The Tribunal considered that with a condition requiring a greater setback of the first floor of Unit 2 from an adjoining property, it was satisfied the proposal was an acceptable response to neighbourhood character and generated no unreasonable off site amenity impacts.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/11/2016 (Compulsory Conference)	D/748/2015	167-173 Station Street, Fairfield  Rucker	Construction of a three storey (plus basement) apartment building comprising 20 dwellings, reduction in visitor car parking and alteration of access to a Road Zone Category 1	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit Granted
<b>Result</b>	At the compulsory conference, the permit applicant was willing to make changes to address resident and Council concerns – as such, all parties were in agreeance and therefore a permit could issue.				
14/11/2016	D/285/2015	30 Cramer Street, Preston  Cazaly	Construction of a part 9-storey, part 6-storey mixed use development comprised of three (3) ground floor shops and car parking and 95 dwellings at upper levels; a reduction in the car parking requirement and waiver of the loading bay requirement; creation and alteration of access to a Road Zone Category 1	Refusal (in line with officer recommendation) – Applicant appeal	Council's Decision Set Aside – Permit Granted
<b>Result</b>	The Tribunal considered that the design of the proposal was a suitable response to policy – in particular notwithstanding the lack of a tower and podium form, it represented a 'suitable landmark [building]' and provided activation to a hostile street environment (St Georges Road). The Tribunal considered the ESD credentials of the building acceptable, and subject to a number of conditions requiring internal rearrangements of dwellings to provide a more functional layout, the internal amenity of the dwellings was considered acceptable.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/11/2016	D/483/2015	75 Gooch Street, Thornbury  Rucker	Construct a medium density development comprising of four (4) double storey dwellings	Refusal (in line with officer recommendation) – Applicant appeal	Council's decision set aside – Permit granted
<b>Result</b>	The Tribunal provided oral reasons and only a short written summary of same. Originally, Council had sought an adjournment of the hearing on the basis it had not yet formed a view on amended plans lodged – this was due to the caretaker period during the election. Nevertheless, the adjournment request was refused, meaning Council had to attend the Tribunal without a formal position. The Tribunal was understanding of Council's predicament - calling Council's concern for due process to be followed "appropriate". The Tribunal however felt it was in a position to determine the matter, and did so. The Tribunal was otherwise comfortable with the merits of the proposal and directed a permit issue.				
23/11/2016	D/944/2015	704-706 Gilbert Road, Reservoir  La Trobe	Construct a medium density housing development comprised of 10 dwellings over two (2) lots; and reduce the visitor car parking requirements associated with the dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit granted
<b>Result</b>	The Tribunal was satisfied that the proposal presented an acceptable response to neighbourhood character and had acceptable off site amenity impacts but for impacts associated with parking and traffic movements on the adjoining neighbour. As a result, the Tribunal granted a permit subject to conditions requiring a significant redesign of the rear of the proposal to locate car parking there as opposed to proximate the adjoining dwelling.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
28/11/2016	D/602/2015	13 Dean Street, Preston  Cazaly	Proposed medium density housing development comprising the construction of six (6) dwellings in a two (2) storey building and reduction of visitor car space to zero (0)	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit granted
<b>Result</b>	The Tribunal considered that the physical and policy setting of the site meant that an increase in residential density was considerable. In reaching the view that the proposal was acceptable, the Tribunal considered that Council's Neighbourhood Character Study was in need of review – in fact the Tribunal found the proposal, through its design had addressed many characteristics of preferred future character and did not generate unreasonable off site amenity impacts that couldn't be addressed by way of condition. Finally, contrary to the Council decision, the Tribunal considered the proposal was not an overdevelopment of the land when regard was had to ResCode standards.				
30/11/2016	D/1037/2015	38 Mansfield Street, Thornbury  Rucker	A medium density housing development comprising the construction of five (5) double storey dwellings and a reduction of car parking requirements	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision affirmed – No permit granted
<b>Result</b>	While it was not in issue that the site could support some form of redevelopment, it was the execution that was in issue. The Tribunal disagreed with the Permit Applicant's expert that the site was located in an area with only a few period homes. As such, the Tribunal was of the view there was a high degree of consistency in the streetscape. As such, the Tribunal was of the view neighbourhood character policy called for interpretation of valued character elements in a contemporary manner. When regard was had to the contemporary, rectilinear design of the proposal, the Tribunal concluded the proposal failed to interpret prevailing building forms (for instance, the proposal included cantilevered elements), roof forms, siting and external materials of the original period dwellings. The Tribunal was also critical of the poor landscaping opportunities offered by the proposal, as well as the internal amenity to be received by the reverse living dwellings.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

DECEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
8/12/2016 (Compulsory Conference)	D/1011/2012	195-209 St Georges Road, Northcote  Rucker	Development of a 10 storey building comprising 168 dwellings, a supermarket (1500 square metres) and eight (8) shops and a reduction to the car parking requirement	Refusal (in line with Officer recommendation) – Applicant appeal	Compulsory Conference Vacated
<b>Result</b>	Prior to the Compulsory Conference, Council raised a legal issue (relating to the Metropolitan Planning Levy) that has the potential to result in the application for a planning permit being void. The Tribunal has sought the views of the Minister for Planning, who has until 21 December 2016 to make a submission to the Tribunal. Ultimately, the Tribunal determined the preliminary issue in favour of the Permit Applicant.				
8/12/2016	D/2/2016	72A Station Street, Fairfield  Rucker	Construct and use a part six (6) and part five (5) storey building (plus ground floor mezzanine and including roof top communal terrace area, pergolas, lift, plant and equipment) associated with 20 dwellings, three (3) retail premises, a waiver of loading requirements and a reduction in car parking requirements to zero (0)	Notice of Decision (in line with Officer Recommendation) – Objector appeal	Council's decision varied – Permit granted
<b>Result</b>	The Tribunal granted a permit for the proposal on the basis it would provide housing and retail spaces consistent with what the Darebin Planning Scheme anticipates for the site. In particular, the Tribunal considered the design of the proposal to be a preferable outcome to the existing approved office building that could be constructed on site (and which has a similar built form to the proposal). As to the issue of the absence of car parking, the Tribunal was of the view the site had excellent access to public transport, access to an activity centre and nearby public open space. Further, the Tribunal noted Council was aware of issues in the vicinity of the site as a result of car parking – to that end the Tribunal was supportive of the condition agreed between the Applicant and Council requiring payment of a monetary security to do traffic surveys and establish restrictions, in future if required. The only change the Tribunal required to the application was a slight rephrasing of the monetary security condition as recommended by Council's own expert.				
14/12/2016	D/915/01 and CON/560/2015	1-9, 99 Helen Street, Northcote  Rucker	Amend the permit to allow use of the 9 offices as dwellings with reduction in car parking and end the section 173 agreement which prevents the use of the 9 premises as dwellings	Failure Appeal (Council subsequently resolved to oppose in line with Officer Recommendation)	Council's decisions set aside – Permit amended and s173 directed to be ended
<b>Result</b>	The Tribunal was satisfied the section 173 agreement could be ended given that the use of the land for the purpose of dwellings is now as of right. In particular, it considered that no one would be disadvantaged by the ending of the agreement. In terms of the application to amend				

## PLANNING COMMITTEE MEETING

10 JULY 2017

DECEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	the permit, the Tribunal considered it sufficient if a notation were placed on the plans requiring the room shown as an 'office' or 'store' to be used for the purpose of a study, home office or theatre, unless mechanical ventilation and borrowed light is installed in accordance with Building Code requirements. The Applicant was also successful in having the Tribunal order Council reimburse its filing fee. The Tribunal noted "the Council's failure to make a decision, the Council's deferral of the decision for no particular reason and the Council's failure to make a decision in a timely manner" led it to conclude the Applicant was entitled to be reimbursed.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

DECEMBER 2016					
Date of Final Order	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
19/12/2016  (Original hearing in August 2016)	D/742/2015	384-388 St Georges Road, Thornbury  Cazaly	Development of four (4) storey building comprising forty-one (41) dwellings and a car parking reduction.	Refusal - Applicant appeal	Interim Decision – 17 August 2016  Final Decision – Council's decision set aside – Permit Granted.
<b>Result</b>	<p>The Tribunal issued an interim decision giving the permit applicant an opportunity to lodge amended plans. In particular, the Tribunal was of the view that proposal could not be supported in its present form, but that a modified version could strike the right balance and be worthy of a permit. Some of the suggested changes the Tribunal has put to the applicant include meeting the 45 degree rear setback envelope, keeping the extent of basement excavation confined so as to allow for more landscaping and consolidation of a number of apartments that had poor internal amenity. The permit applicant has until 14 October 2016 to file and serve amended plans.</p> <p>Following receipt of the amended plans and further submissions from Council and a number of residents, the Tribunal considered that the proposal adequately responded to its Interim Decision and as a result was in a position to grant a permit for ultimately a 36 dwelling proposal; however it considered matters such as landscaping, waste management, screening, internal amenity and setbacks were now acceptable.</p>				

## PLANNING COMMITTEE MEETING

10 JULY 2017

JANUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/01/2017	D/1102/2015	71 Miller Street, Thornbury  Cazaly	A medium density housing development comprising the construction of six (6) double storey dwellings and a reduction of visitor car parking on land affected by a Special Building Overlay	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit Granted
<b>Result</b>	The critical issue for the Tribunal in this instance was the tension between the site's designation as 'substantial change' (whereby increased housing densities are expected) viz a viz the policy objective of respecting neighbourhood character. The Tribunal formed the view that policy was explicit in establishing that if the Council were to meet its housing needs in substantial change areas (for instance), then less weight is given to neighbourhood character considerations. This, together with the Tribunal's view the proposal successfully integrated with the linear park and had no unreasonable off site amenity impacts led the Tribunal to grant a permit for the proposal.				
12/01/2017 & 7/02/2017	D/187/2015	305-307 Plenty Road, Preston  Cazaly	Development of a five (5) storey building (plus basement) comprising 14 dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	Interim Decision
<b>Result</b>	The Tribunal considered that in light of the site's physical and policy context, a 5 storey building was acceptable. The issue the Tribunal had was with the form of the proposal. As such, it issued an interim decision allowing the permit applicant an opportunity to lodge amended plans to address the Tribunal's concerns of minimal front setback and inappropriate height of walls on boundary. The Permit Applicant has indicated they intend to prepare amended plans.				
20/01/2017	D/1065/2015	9 Smith Street, Reservoir  La Trobe	A medium density housing development comprised of the construction of five (5) dwellings, a reduction in the visitor car parking requirement	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit granted
<b>Result</b>	The critical issue for the Tribunal was whether the proposal's reverse living typology was an acceptable fit in the neighbourhood. The Tribunal was satisfied reverse living was acceptable in this instance due to the site's context – in particular, the Tribunal was satisfied what had occurred 'on the ground' was not reflective of Council's preferred character statement. As such, the Tribunal was of the view site could accommodate the proposal.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

FEBRUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/02/2017 (Compulsory Conference)	D/319/2011/A	445-453 High Street & 1-13 Beavers Road, Northcote  Rucker	Amendment so preamble reads: A mixed use development comprising a two - eight storey building (plus two basement levels) comprising 114 apartments, 3 shops, and a reduction to the car parking requirement	Failure Appeal (Council resolved to oppose in line with Officer Recommendation)	Council's decision set aside (by consent).  Permit granted (by consent)
<b>Result</b>	The permit applicant was willing to make changes to address resident and Council concerns, as such all parties were in agreeance a permit could issue.				
22/02/2017 (Compulsory Conference)	D/400/2016	1056-1140 Plenty Road, Bundoora  La Trobe	The construction of two or more dwellings on a lot in the MUZ; Buildings and works associated with the construction; reduction in statutory car parking requirement for visitor parking, construction of a front fence where associated with more than 2 dwellings on a lot and exceeds the maximum height of Clause 55.06-2	Failure Appeal (Council resolved to support in line with Officer Recommendation)	Council's decision set aside – Permit granted
<b>Result</b>	As the Council had resolved to support the application, the parties were able to enter into consent orders thereby avoiding the need for 4 days worth of hearings.				
22/02/2017	D/699/2015	34 Don Street, Reservoir  La Trobe	Medium density development comprising the construction of three (3) double storey dwellings to the rear of the existing dwelling	Refusal - Applicant Appeal (Contrary to Officer Recommendation)	Council's decision affirmed – No permit granted
<b>Result</b>	While it was accepted the site was suitable for some form of redevelopment, it was the execution in this case that was fatal to the proposal. In particular, the Tribunal agreed with Council that the site did not have a high level of convenience to public transport – this meant that while change could be expected, it needed to be highly tempered and should fit comfortably into the neighbourhood. The 3 proposed double storey units, together with the existing double storey dwelling were considered by the Tribunal to be an unacceptable fit in terms of neighbourhood character, where double storey elements are located towards the street, as opposed to being in the rear of sites. The Tribunal was also critical of the poor landscaping opportunities, the limited articulation of the proposed units ground and first floors, insufficient upper storey setbacks and unbroken length of two storey form.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

FEBRUARY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
23/02/2017 (Compulsory Conference)	D/1011/2012	195-209 St Georges Road, Northcote  Rucker	Development of a 10 storey building comprising 168 dwellings, a supermarket (1,500 square metres) and eight (8) shops and a reduction to the car parking requirement	Refusal - Applicant Appeal (in line with Officer Recommendation)	Matter did not settle.
<b>Result</b>	The matter did not settle at the Compulsory Conference, accordingly the matter is listed for hearing on 26 June 2017.				
28/02/2017 (Compulsory Conference)	D/1039/2015	658-664 High Street, Thornbury  Rucker	A mixed use development comprising of ground floor office and shop tenancies and residential dwellings above, including a reduction in car parking	Failure Appeal (Council subsequently resolved to oppose in line with Officer Recommendation)	Council's decision set aside (by consent) – Permit Granted
<b>Result</b>	The Applicant was willing to make design changes to address Council concerns. As such, the parties were in agreement that a permit could issue.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

MARCH 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/03/2017 (Compulsory Conference)	D/374/2004/B	63-71 Plenty Road, Preston  Cazaly	1. Construction of an 14 storey building (plus basement levels) 2. Use of the land for the purpose of two (2) shops and 85 dwellings 3. Reduction of the car parking requirements 4. Waiver of the loading bay requirement	Refusal - Applicant Appeal (in line with Officer Recommendation)	Matter did not settle.
<b>Result</b>	The matter did not settle at the Compulsory Conference, accordingly the matter is proceeding to hearing.				
22/03/2017	D/934/2015	254-256 Murray Road, Preston  Cazaly	Development of seven (7) dwellings and a reduction to the visitor car parking requirement	Refusal - Applicant Appeal (Contrary to Officer Recommendation)	Council's decision set aside – Permit Granted
<b>Result</b>	The Tribunal considered the proposal was an acceptable response against Clause 22.09 – Preston Central Incremental Change which in turn encouraged 3 storey buildings to Murray Road. In terms of amenity impacts, the Tribunal was satisfied subject to a permit condition requiring a section demonstrating compliance with B17 to an adjoining property, the Tribunal could grant a permit.				
22/03/2017	D/400/2015	60 Burbank Drive, Reservoir  La Trobe	A medium density housing development comprised of the construction of three (3) dwellings	Refusal - Applicant Appeal (Contrary to Officer Recommendation)	Council's decision set aside – Permit Granted
<b>Result</b>	Notwithstanding the site sat within a minimal change area, the unique characteristics of the site and design response of two single storey dwellings and one double storey dwelling meant the Tribunal was comfortable the proposal was an acceptable response to a minimal change area.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

MARCH 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27/03/2017	D/319/2011/A	445-453 High Street & 1-13 Beavers Road, Northcote  Rucker	Amendment so preamble reads: A mixed use development comprising a two - eight storey building (plus two basement levels) comprising 114 apartments, 3 shops, and a reduction to the car parking requirement	Failure Appeal (Council subsequently resolved to oppose in line with Officer Recommendation)	No longer required – settled at Compulsory Conference  Permit Granted by Consent
<b>Result</b>	Permit granted by consent.				
31/03/2017 (Compulsory Conference)	D/939/2015	314-316 St Georges Road, Thornbury  Cazaly	Use and development of the land for the purpose of a 5-storey development comprised of four (4) commercial tenancies, one (1) restaurant and 46 dwellings; a reduction in the car parking requirement and waiver of the loading bay requirement	Refusal - Applicant Appeal (in line with Officer Recommendation)	No longer required – application for review withdrawn by Permit Applicant
<b>Result</b>	Hearing no longer required.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/04/2017	D/988/2015	2-4 Kelsby Street, Reservoir  La Trobe	A medium density housing development comprising eight (8) double storey dwellings and a reduction of visitor car parking requirements	Refusal - Applicant Appeal (Contrary to Officer Recommendation)	Council's decision set aside – Permit granted
<b>Result</b>	The Tribunal considered the site's strategic and physical context lent itself towards achievement of urban consolidation goals, rather than respect of neighbourhood character due to the site's location adjacent a residential growth zone and proximity to shops and services (Reservoir Activity Centre). In respect of design and amenity impacts, the Tribunal was satisfied that these were acceptable and that the waiver of a visitor space was also acceptable.				
11/04/2017 (Compulsory Conference)	D/568/2015	1/72-74 Chifley Drive, Preston	Use of the land for the purpose of a Place of Worship and Indoor Recreation Facility	Notice of Decision (in line with Officer Recommendation) - Objector Appeal	Council's decision varied – Permit granted.
<b>Result</b>	The Applicant was willing to make design changes to address concerns of nearby businesses. As such, the parties were in agreement that a permit could issue.				
18/04/2017 (Not required)	D/1039/2015	658-664 High Street, Thornbury	A mixed use development comprising of ground floor office and shop tenancies and residential dwellings above, including a reduction in car parking	Failure Appeal (subsequently resolved to oppose in line with Officer Recommendation)	Council's decision set aside (by consent) – Permit Granted
<b>Result</b>	The Applicant was willing to make design changes to address Council concerns. As such, the parties were in agreement that a permit could issue.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

APRIL 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/04/2017 (Compulsory Conference)	D/478/2016	36 Kelsby Street, Reservoir  La Trobe	Medium density housing development comprising the construction of six (6) double storey dwellings and a reduction in car parking (visitor space)	Refusal - Applicant Appeal (Contrary to Officer Recommendation)	Council's Decision Set Aside (By Consent) – Permit Granted
<b>Result</b>	The parties were able to reach agreement as to a suitable form of development and have requested VCAT make a consent order.				
28/04/2017	D/770/2015	33 Joffre Street, Reservoir	A medium density housing development comprising eight (8) double storey dwellings and reduction of visitor car parking	Refusal - Applicant Appeal (in line with Officer Recommendation)	VCAT Decision Pending
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

MAY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/05/2017	D/1046/2015	50 Regent Street, Preston  Cazaly	Construct a medium density housing development comprising four (4) double storey dwellings	Failure Appeal – Since resolved to oppose	Council's decision set aside – Permit Granted
<b>Result</b>	The Tribunal considered the proposal was an appropriate response in its neighbourhood settings (noting that the site was on a corner to Regent Street which had a different character to Myrtle Grove), and that there would be no unreasonable off site amenity impacts on adjoining properties. Notwithstanding the reverse living typology in the proposal, the Tribunal specifically found such a typology acceptable in this instance as <i>inter alia</i> such a typology had already been approved in the area and that there was nearby parkland.				
3/05/2017	D/197/2016	42 Banff Street, Reservoir  La Trobe	Construction of a medium density development comprising two (2) double storey dwellings and two (2) single storey dwellings	Failure Appeal	Council's decision set aside – Permit Granted
<b>Result</b>	In terms of neighbourhood character, while the proposal presented as a different response to the street (centralised driveway as opposed to side driveway), the Tribunal considered this an acceptable response that respected, but not replicated neighbourhood character. Further, with appropriate permit conditions, the Tribunal was satisfied that there were no unreasonable off site amenity impacts and that on site amenity was acceptable.				
8/05/2017	D/1083/2015	375 St Georges Road, Thornbury  Rucker	Construction of a three storey mixed use development comprising a takeaway food premises and four (4) dwellings, a reduction of car parking and loading facilities and alteration of access to a road zone category 1	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	VCAT Decision Pending
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

MAY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/05/2017 Compulsory Conference	D/465/2015	36-46 High Street, Preston  Cazaly	Mixed use development comprising: - Buildings and works consisting of a 12 storey building (plus three (3) levels of basement and part mezzanine); - Use as 90 dwellings; - A reduction in the car parking requirement associated with use as 90 dwellings and two (2) retail premises; - Waiver of the loading/ unloading requirements associated with use as two (2) retail premises; on land affected by a Design and Development Overlay - Schedule 3 (DDO3)	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
<b>Result</b>	The Permit Applicant was willing to make changes to the design of the proposal to address Council concerns. Accordingly, the parties were in a position to request VCAT grant a permit by consent.				
29/05/2017 Compulsory Conference	D/900/2016	16-20, 29-35 Stokes Street and 15-19 Penola Street, Preston	29-35 Stokes Street, Preston: Medium density housing development comprising the construction of a three (3) storey building comprising 22 Units and reduction of the standard car parking requirement on land partly covered by a Special Building Overlay. 16-20 Stokes Street and 15-19 Penola Street, Preston: Housing development comprising the construction of a four (4) storey building and additional underground basement comprising 46 Units and reduction of the standard car parking requirement on land covered by a Development Plan Overlay and Special Building Overlay	Failure Appeal - Council was going to refuse the matter but a failure appeal was lodged prior to refusal	Council's decision set aside (by consent) – Permit granted
<b>Result</b>	The Permit Applicant was willing to make changes to the design of the proposal to address Council concerns. Accordingly, the parties were				

## PLANNING COMMITTEE MEETING

10 JULY 2017

MAY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	in a position to request VCAT grant a permit by consent.				
30/05/2017	D/478/2016	36 Kelsby Street, Reservoir La Trobe	Medium density housing development comprising the construction of six (6) double storey dwellings and a reduction in car parking (visitor space)	Refusal – Applicant Appeal	Not required – settled at Compulsory Conference
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/06/2017	D/643/2015	50-52 Wales Street, Thornbury Rucker	The construction of a medium density housing development comprising five (5) double storey dwellings, use of land for dwellings and a waiver of a visitor car space	Refusal (Contrary to Officer Recommendation – Applicant Appeal)	VCAT Decision Pending
<b>Result</b>					
5/06/2017	D/568/2015	1/72-74 Chifley Drive, Preston Cazaly	Use of land for the purpose of a Place of Worship and Indoor Recreation Facility	Notice of Decision – Objector Appeal	Matter resolved at Compulsory Conference – Hearing not Required
<b>Result</b>					
9/06/2017	D/404/2012	429 Heidelberg Road, Fairfield Rucker	Extension of Time (Grandview Hotel)	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	VCAT Decision Pending
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/06/2017	POD/3/2015	198 Beavers Road, Northcote  Rucker	Development Plan: Development of the site to accommodate a mix of medium density dwellings (including townhouses and/or apartments)	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Not Required
<b>Result</b>	The Applicant withdrew their appeal to VCAT.				
19/06/2017	D/757/2015	8-10 Pellew Street, Reservoir  Cazaly	Development of six (6) double storey dwellings and a reduction to the visitor car parking requirement	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside – Permit granted
<b>Result</b>	The Tribunal did not provide written reasons.				

## PLANNING COMMITTEE MEETING

10 JULY 2017

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
22/06/2017 (Compulsory Conference) and 6/07/2017 (Compulsory Conference)	D/393/2016	Preston Market – 1C	(Stage 1C) Development of a 14-storey building comprising 170 dwellings and a reduction to the car parking requirement, as shown on the plans accompanying the application.	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	
<b>Result</b>					
22/06/2017 (Compulsory Conference) and 6/07/2017 (Compulsory Conference)	D/398/2016	Preston Market – 1B	Development of two (2) 10-storey buildings comprising a total of 130 dwellings, the relocation of the existing Aldi supermarket, offices, retail tenancies, a food and drink premises, a reduction to the car parking requirement and alterations to the existing vehicle access to Murray Road, as shown on the plans accompanying the application.	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

JUNE 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
26/06/2017	D/465/2015	36-46 High Street, Preston  Cazaly	Mixed use development comprising: - Buildings and works consisting of a 12 storey building (plus three (3) levels of basement and part mezzanine); - Use as 90 dwellings; - A reduction in the car parking requirement associated with use as 90 dwellings and two (2) retail premises; - Waiver of the loading/ unloading requirements associated with use as two (2) retail premises; on land affected by a Design and Development Overlay - Schedule 3 (DDO3)	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Not required – Matter settled at Compulsory Conference
<b>Result</b>					
26/06/2017	D/1011/2012	195-209 St Georges Road, Northcote	Development of a 10 storey building comprising 168 dwellings, a supermarket (1,500 square metres) and eight (8) shops and a reduction to the car parking requirement	Refusal (in line with Officer Recommendation) - Applicant Appeal	
<b>Result</b>					
27/06/2017	D/255/2016	24 Claude Street, Northcote	A medium density development comprising partial demolition of the existing dwelling and construction of two (2) double storey dwellings on land affected by a Heritage Overlay and a Design and Development Overlay and a reduction in the statutory car parking requirement	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/07/2017	D/815/2015	22-24 Knox Street, Reservoir  Cazaly	A medium density housing development comprising the construction of six double storey dwellings on land in the General Residential Zone Schedule 2	Refusal (Contrary to Officers Recommendation – Applicant Appeal	
<b>Result</b>					
4/07/2017	D/784/2015	666 Bell Street, Preston  Cazaly	Construction of a three (3) storey building plus basement containing eight (8) dwellings	Refusal (Contrary to Officers Recommendation – Applicant Appeal	
<b>Result</b>					
10/07/2017	D923/2015	25 Gilbert Road, Preston  Cazaly	Use and development of the land for the purpose of a four (4) storey development comprised of four (4) dwellings and a shop; a reduction in the car parking requirement	Failure Appeal – Subsequently resolved to oppose contrary to Officers Recommendation	
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
12/07/2017	D/341/2016	2 Margaret Grove, Preston  Cazaly	The construction of three (3) dwellings	Refusal (Contrary to Officers Recommendation – Applicant Appeal)	
<b>Result</b>					
17/07/2017	D/900/2016	16-20, 29-35 Stokes Street and 15-19 Penola Street, Preston  Cazaly	29-35 Stokes Street, Preston: Medium density housing development comprising the construction of a three (3) storey building comprising 22 Units and reduction of the standard car parking requirement on land partly covered by a Special Building Overlay. 16-20 Stokes Street and 15-19 Penola Street, Preston: Housing development comprising the construction of a four (4) storey building and additional underground basement comprising 46 Units and reduction of the standard car parking requirement on land covered by a Development Plan Overlay and Special Building Overlay	Failure Appeal – Council subsequently resolved to oppose (Contrary to Officer Recommendation)	Hearing not required – Matter settled at Compulsory Conference
<b>Result</b>					

## PLANNING COMMITTEE MEETING

10 JULY 2017

JULY 2017					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27/07/2017	D/173/2011	1091 Plenty Road, Bundoora  La Trobe	Mixed use development comprising the construction of six buildings with basement parking comprising 250 dwellings, 150 Residential Hotel units (serviced apartments), restricted recreation facility (gym), food and drinks premises (excluding restaurant, convenience restaurant, tavern and Residential Hotel), liquor licence, reduction in dwelling visitor car parking requirement, reduction in loading and unloading requirement, removal of native vegetation and removal of water supply and sewerage easements in accordance with the endorsed plans	Section 87A Application – Council position of opposition	
<b>Result</b>					
31/07/2017	D/389/2016	20-22 Thackeray Road, Reservoir  La Trobe	Construct a medium density housing development comprising the construction of eight (8) double storey dwellings, with a reduction in the standard visitor car parking requirement to zero	Failure Appeal – Council subsequently resolved to oppose (in line with Officer Recommendation)	
<b>Result</b>					

Matters completed and to be heard to 31/07/2017

**SIGNIFICANT APPLICATIONS UPDATE**

Below is a list of applications with a cost of construction of at least \$3,000,000 and their status.

Address	Ward	Application No	Proposal Description	Date Received	Status
978 High Street, Reservoir	LaTrobe	D/966/2016	Mixed use development – five storey, 12 dwellings, food and drink premises and car parking reduction	25-Nov-16	On advertising
716 High Street, Thornbury	Rucker	D/247/2017	Mixed use development – six storey, 36 dwellings, ground level shops and car parking reduction	27-Mar-17	Further information requested
69 South Crescent, Northcote	Rucker	D/228/2017	Medium density – three levels, eight dwellings and visitor car parking reduction	24-Mar-17	Further information requested
435 High Street, Northcote	Rucker	D/1069/2016	Mixed use development of six levels – 23 dwellings, two commercial tenancies	23-Dec-16	Further information requested
196 Albert Street, Reservoir	Cazaly	D/80/2017	Residential development – four levels with 20 dwellings, reduction in car parking requirement and alteration to vehicular access	16-Feb-17	Awaiting advertising
1/176-180 High Street, Preston	Cazaly	D/456/2015	Mixed use development – 74 dwellings plus commercial tenancies	29-Jun-15	Planning Permit issued 18 May 2017
7-9 Railway Place, Fairfield	Rucker	D/519/2015/B	Mixed use development and waiver of visitor and retail use parking	7-April-17	Amended Planning Permit issued 26 April 2017
6-34 High Street, Preston	Cazaly	D/1007/2012	Mixed use development containing 209 dwellings, seven retail tenancies and a gymnasium.	20-Dec-12	Advertising completed
55 Tyler Street Preston	Cazaly	D/87/2016	Construction of a swimming pool associated with an existing school.	16-Feb-16	Further information requested
32 Station Street, Fairfield	Rucker	D/459/2016	Relocation of heritage building and its use as a child care centre, display signs and construction of a four storey building with 62 dwellings	2 Jun-16	Advertising
387-393 High Street, Northcote	Rucker	D/377/2016	Mixed use development – 10 storey building with 93 dwellings and two retail tenancies, reduction in car parking and waiver of loading /unloading requirements	4 May-16	S50 Amendment Received
13 Oliver Street, Preston	Cazaly	D/432/2016	Medium density housing of four levels with 16 dwellings	31 May-16	Further information requested
345 Bell Street, Preston	Cazaly	D/566/2016	Mixed use development – six storey building with 30 dwellings and one retail tenancy	7 Jul-16	Awaiting decision
61 Johnson Street, Reservoir	LaTrobe	D/603/2016	Mixed use development – four storey building containing 74 dwellings and 11 commercial tenancies	13-Jul-16	Advertising
95 Plenty Road, Preston	Cazaly	D634/2016	Mixed use development – six storey building with 17 dwellings and two retail tenancies	28-Jul-16	Notice of Decision to Grant a Planning Permit issued 16 May 2017

Address	Ward	Application No	Proposal Description	Date Received	Status
37 Cramer Street, Preston	Cazaly	D/867/2016	Medium density development containing 25 dwellings	12-Oct-16	Advertising
29 Stokes Street, Preston	Cazaly	D/900/2016	Medium density development within a Development Plan Overlay	31-Oct-16	Planning Permit issued on 6 June 2017
531 St Georges Road, Thornbury	Cazaly	D/1089/2016	Medium density development - 42 dwellings	28-Dec-16	Initial assessment
71 Station Street, Fairfield	Rucker	D/987/2016	Medium density development - 17 dwellings	30-Nov-16	Report in progress
629 Plenty Road, Preston	Cazaly	D/1083/2016	Mixed use development – four storey building containing 20 dwellings and two shops	23-Dec-16	Further information received
112 Plenty Road, Preston	Cazaly	D/4/2017	Mixed use development – four storey building containing 17 dwellings, one shop and car parking reduction	11-Jan-17	Further information requested
546-550 High Street, Preston	Cazaly	D/53/2017	Mixed use development – five storey, 20 dwellings, retail tenancies and car parking reduction	7-Feb-17	Further information requested
386 Bell Street, Preston	Cazaly	D/94/2017	Mixed use development – six storey building containing 55 dwellings and three commercial tenancies	20-Feb-17	Initial assessment
43 Station Street, Fairfield	Rucker	D/179/2017	Multi-level residential development containing 39 dwellings over four levels	20-Mar-17	Further information requested
74 Cramer Street, Preston	Cazaly	D/184/2017	Medium density development – 16 dwellings	22-Mar-17	Advertising
771-775 Gilbert, Reservoir	LaTrobe	D/201/2017	Mixed use development – three storey building containing 15 dwellings, and three commercial tenancies	25-Mar-17	Notice of Refusal to Grant a Planning Permit issued 25 March 2017
1 – 5 Murray Road, Preston	Cazaly	D/300/2017	Mixed use development and waiver of the carparking requirement	11-Apr-17	Report in Process
143 High Street, Preston	Cazaly	D/364/2017	Multi level mixed use development, use of the land for accommodation and a reduction in the car parking	15-May-17	Further information requested
26 Pearl Street, Northcote	Rucker	D/347/2017	Proposed development of a Child Care Centre	15-May-17	Initial assessment
779-785 Heidelberg Road, Alphington	Rucker	D/453/2017	Mixed use development – nine storey building containing 39 dwellings and ground floor commercial tenancies	22-Jun-17	Awaiting assessment
120 Chifley Drive, Preston	Cazaly	D/404/2017	Extension to an existing restricted retail premises, advertising sign and alteration to access to a Road Zone Category 1.	31-May-17	Initial assessment
115 Victoria Road, Northcote	Rucker	D/682/2010/C	Amend the permit to allow a carparking reduction associated with a medical centre	1-Jun-17	Initial assessment
4 Browning Street, Kingsbury	LaTrobe	D/402/2017	Construction of four residential buildings each containing three storeys for student accommodation and a reduction in the car parking	7-Jun-17	Initial assessment

## **7. CLOSE OF MEETING**