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AGENDA

Planning Committee Meeting to be held at
Darebin Civic Centre,
350 High Street Preston
on Monday 10 July 2023 at 6.30pm.

This meeting will be a scheduled hybrid meeting, at which both councillors and members of the public may participate either in person or virtually.

This meeting will also be livestreamed and may be accessed from Councils website www.darebin.vic.gov.au.



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

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

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

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

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



English

This is the Agenda for the Council Meeting. For assistance with any of the agenda items, please telephone 8470 8888.

Arabic

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

Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

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

Hindi

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

Italian

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

Macedonian

Ова е Дневниот ред за состанокот на Општинскиот одбор. За помош во врска со која и да било точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

Nepali

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

Punjabi

ਇਹ ਵੈੱਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

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Agenda

1. MEMBERSHIP

Cr. Julie Williams (Mayor)
Cr. Susanne Newton (Deputy Mayor)
Cr. Emily Dimitriadis
Cr. Gaetano Greco
Cr. Tom Hannan
Cr. Tim Laurence
Cr. Trent McCarthy
Cr. Lina Messina
Cr. Susan Rennie

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 13 June 2023 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/442/2022 23 JAMES STREET PRESTON

Author: Principal Planner

Reviewed By: Acting General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
S Colakidis	S Hammoud	Composite Design and Drafting Eb Traffic Solutions Glenn Waters Arboriculture Luka MR Konjic Town Planning Services

SUMMARY

Property:	23 James Street, Preston
Proposal:	The application is for the development of two (2) double storey dwellings, each with three (3) bedrooms and a double garage with an upstairs loft.
Car parking:	The required rate of car parking (2 spaces) is provided for each proposed dwelling. Each dwelling would have access to a double garage adjacent the rear right of way.
Zoning and Overlay/s:	<ul style="list-style-type: none"> • General Residential Zone – Schedule 2 (GRZ2) • Development Contribution Plan Overlay (DCPO)
Is a Developer Contribution required?	Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme. A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.
Consultation:	<ul style="list-style-type: none"> • A public notice consisting of a sign to the front of the property. • Letters sent to surrounding owners and occupiers.
Objections:	<ul style="list-style-type: none"> • Six (6) objections were received against this application. • The key objection grounds include: <ul style="list-style-type: none"> ○ Visual bulk, overshadowing and use associated with the

	<p>lofts</p> <ul style="list-style-type: none"> ○ Use of and impacts on the right of way ○ Character and limited space for tree planting
<p>Key reasons for support:</p>	<ul style="list-style-type: none"> ● Consistent with Darebin’s Strategic Housing Framework policy; improves housing diversity and achieves the outcomes sought for Incremental Change Areas, with one additional dwelling. ● Vehicle access from the rear right of way responds to the existing James Street pop-up park and vehicle pinch point to the front of the site, supporting Council’s ‘Streets for People’ program which seeks to convert some roads into shared streets where green space, walking and cycling take priority. ● The design and layout of the development achieves a good response to Council’s Good Design Guide and is supported by Council’s City Designer. ● The proposal provides additional housing outcomes in an area suitable to families, couples or singles, aligns with Council’s Neighbourhood Character policy and responds well to Clause 55 (ResCode) of the Darebin Planning Scheme. ● The site is proximate to public transport and the Preston Market Precinct. ● The proposal achieves sustainable design outcomes commensurate with a two (2) dwelling development. ● There would be no unreasonable off-site amenity impacts, subject to generally limited conditions.

Recommendation

RECOMMENDATION PART A

That Planning Permit Application D/442/2022 be supported and a Notice of Decision to Grant a Permit be issued for the Construction of two (2) dwellings on land in the General Residential Zone – Schedule 2 in accordance with the endorsed plans, 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. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Sheet 2, Sheet 3, Sheet 4, Sheet 5, Sheet 8 and Sheet 10, dated 30 November 2022, Job No. 22/013, Drawn by Composite Design Drafting and received by Council on the 30 November 2022) but modified to show:
 - (a) Design Plans in accordance with Condition No. 22 of this Permit.

- (b) Dwelling 2 complying with the numerical requirements of Clause 55.04-3 – Standard B19 – Daylight to Existing Windows where opposite the eastern most existing habitable room window of 25 James Street Preston.
- (c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (d) Annotated coloured elevations and 3D renders accurately representing the proposed materials, colours and finishes in accordance with the approved schedule of construction materials.
- (e) Details of the fence on the northern boundary (except within the front setback) in accordance with Condition No. 10 of this Permit.
- (f) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.
- (g) The location of gas, water and electricity metres. Where metres would be visible from the public realm, these are to be:
 - (i) co-located where possible;
 - (ii) positioned on a side boundary or adjacent to the accessway; and
 - (iii) screened from view using either landscaping or durable screening that integrates with the development.
- (h) Where fixed screens are being utilised for overlooking measures a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties. Screens must be constructed of durable materials and be integrated with the design of the development.
- (i) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- (j) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (k) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
- (l) Any modifications required as a result of the approved Built Environment Sustainability Scorecard (BESS) required by Condition No. 6 of this Permit.
- (m) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
- (n) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.
- (o) Any modifications required as a result of the waste storage and collection area in accordance with Condition No. 9 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. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions but modified to show:
 - (a) Tree protection measures in accordance with Condition No. 4 and 5 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 7 of this Permit.
 - (c) 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. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
 - (d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (e) A diversity of plant species and forms.
 - (f) Within the front setback of each dwelling a small and medium sized canopy tree, are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 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) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
 - (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.
 - (m) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (n) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (o) Scale, north point and appropriate legend.

- (p) Landscape specification notes including general establishment and maintenance requirements.

The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

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.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

- 4. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 4 – prunus cerasidera (Cherry Plum)	Adjoining property (north)	2.2 metres
Tree 5 – Camillia Japonica (Chinese Cameilla)	Adjoining property (north)	2.1 metres
Tree 10 – Ulmus Parvifolia (Chinese Elm)	Street tree	2.0 metres
*as defined in Arboricultural Assessment and Report, dated 25 September 2022, prepared by Glenn Water Arboriculture and received by Council on the 19 October 2022		

- 5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
 - (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing 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 or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

- (ii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.
 - (iii) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
 - (e) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.
 - (f) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
 - (g) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (h) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (i) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
6. The Built Environment Sustainability Scorecard (BESS) to be approved and which will then form part of this Permit is the BESS report submitted with the application (identified as BESS report dated 19 October 2022 prepared by Composite Design Drafting and received by Council on the 19 October 2022).

The requirements of the approved BESS report must be implemented and complied with to the satisfaction of the Responsible Authority.

7. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - (i) An assessment using an industry recognised stormwater tool;
 - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
 - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
 - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
 - (v) A construction and maintenance schedule;
 - (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
 - (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

8. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's Keeping Our Stormwater Clean – A Builder's Guide (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:

- (a) Erosion and sediment.
- (b) Stormwater.
- (c) Litter, concrete and other construction wastes.
- (d) Chemical contamination.

The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

9. Before plans are endorsed under Condition No. 1 of this Permit, a waste storage and collection area must be provided on the subject land in accordance with the endorsed plans.

The waste storage and collection area must have dimensions suitable to accommodate and conveniently access:

- (a) 240 litre recycle waste bin/dwelling/tenancy
- (b) 80 litre general waste bin/dwelling/tenancy
- (c) 120 litre FOGO waste bin/dwelling/tenancy
- (d) 120 litre Glass waste bin/dwelling/tenancy

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

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

*FOGO: Food Organics and Garden Organics

10. The development must not be occupied until a fence to a minimum height of 1.8 metres above natural ground level is erected along the northern property boundary. The fence must be constructed to the satisfaction of the Responsible Authority.

If the existing fence/s on the northern boundary with a height less than 1.8 metres is structurally sound, the fence height may be increased by the addition of a free-standing, self-supporting trellis adjacent to the fence to the required height. If used, such trellis must be a maximum of 25% visually permeable and be fixed, permanent, durable and of materials, finishes and colour that will blend in with the development.

11. Before the use starts, 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

12. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

13. The land must be drained to the satisfaction of the Responsible Authority.

14. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:
 - (a) concealed in service ducts or otherwise hidden from view; or
 - (b) located and designed to integrate with the development,to the satisfaction of the Responsible Authority.
15. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.
16. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.
17. A clothesline must be provided to each dwelling.
18. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
20. Before the occupation of the development all 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.
21. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.
22. Prior to the occupation of the development:
 - (a) Plans detailing the construction and surfacing including drainage of the right of way abutting the western boundary of the property, commencing from the southern end of the right of way connecting to Hope Street and continuing for a minimum of one (1) metre past the north-western edge of the property boundary of 23 James Street Preston must be submitted to and approved by Council.
 - (b) The right of way abutting the western boundary of the property, commencing from Hope Street to the south and continuing one (1) metre past the north-western edge of 23 James Street Preston must be constructed and surfaced in accordance with the approved plans.

All works must be constructed at the cost of the permit holder to the satisfaction of the Responsible Authority.

23. This Permit will expire if either:
 - (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - (a) Before this Permit expires;
 - (b) Within six (6) months after the expiry date; or

- (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

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 planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No.1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development it must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N6. This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
- N7. Please note the Development Contribution Plan levy will be invoiced separately.
- N8. This planning permit has considered the flood mapping information which came into effect on 12 May 2023. The subject site is not within a potentially flood affected area.

RECOMMENDATION PART B

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

1. BACKGROUND

1.1 Overview of Subject Site

The site comprises the lot at 23 James Street Preston.

The site is located on the western side of James Street, approximately 23 metres to the south of the intersection with Cramer Street and approximately 17 metres to the north of the intersection with Hope Street.

The subject site has a frontage width of approximately 12.49 metres and a length of 33.57 metres for an overall site area of 419 square metres. A fall of approximately 1.9 metres affects the site. The site slopes from the front (east) to the rear (west).

The site currently contains a single storey weatherboard dwelling. A single crossover to James Street is located in the north-eastern corner of the site which leads to a carport. The front and rear yard are well vegetated and there are no easements affecting the property.

In the nature strip to the front of the site is a canopy tree and electricity pole.

There are no restrictive covenants indicated on the Certificate of Title.

1.2 James Street Pop-up Park and Traffic Pinch Point

Directly to the front of the site is the James Street pop-up park and traffic pinch point. This is a Council led and constructed initiative which promotes the re-prioritisation of road safety, reduction of vehicle usage and vehicle speeds in this location. The pop-up park utilises part of the road as open space and priorities bikes.

The proposed development seeks to remove the existing vehicle crossover to James Street, with vehicle access instead relocated to the ROW away from this initiative. This ensures no impacts to the pop-up park/pinch point from the development and reinforces Council’s initiative by reducing cars along James Street.

The use of the rear Right of Way assists the Streets for People initiative which follows the following key principles: *Prioritise people, Minimising conflict and Increasing cycling confidence.*

Preston West Study Corridor & Areas



Figure 1: Council’s Streets for People Preston West Activity Link.



Figure 2: Council's Streets for People Existing James Street Pop-up Park and Traffic Pinch Point

1.3 Overview of Surrounding area

The surrounding area is generally low density residential with single dwellings on large lots that provide for front and rear gardens. A medium density housing development is located diagonally opposite the site to the north-east at 152 Cramer Street. This development consists of three (3) double storey dwellings.

The site is located approximately 433 metres west of the tram Line along Gilbert Road and 1.2km west of the Preston Train Station and wider Preston Market Precinct which includes an Aldi and Safeway, entertainment and civic office. Preston High School is located approximately 1.4km east of the site as are other parks including Preston Oval which includes the home of the Preston Bullants football club.

To the north of the subject site is 25 James Street Preston. This lot contains a single storey weatherboard dwelling with a terracotta tiled roof and large single storey extension to the rear adjacent the common boundary. A low profile timber fence exists along the front boundary with a pedestrian gate along the northern boundary. Medium sized canopy trees exist in the front and rear yard. The dwelling is setback 0.951 metres from the common boundary and 6.2 metres from the front boundary.

To the south of the subject site is 21 James Street Preston. This dwelling is a single storey brick house with a tiled pitched roof. A large shed structure exists in the rear yard and is accessed from Hope Street. Secluded private open space is located between the dwelling and the shed structure. The front yard is well vegetated with a transparent brick and wrought iron fence. This dwelling is setback 1.351 metres from the common boundary and 6.3 metres from the front boundary.



Figure 3: Aerial image of the pop-up park to the front of 21 and 23 James Street Northcote and rear right of way to be reconstructed, April 2023.

To the east of the site on the opposite side of James Street is 157 Cramer Street, Preston. This lot is developed with a double storey dwelling which has high pitched gable roofs, a large first floor balcony in the rear yard with a solid brick and timber paling fence. The side profile of this dwelling faces the subject site.

To the west of the site is a 3 metre wide, right of way which is made up of grass and gravel. Beyond the right of way is the secluded private open space and side profile of the dwelling at 31 Hope Street, Preston. This dwelling is a single storey, weatherboard dwellings with a well manicured front lawn with medium sized trees and shrubs.

A location plan forms **Appendix A** and a zoning map forms **Appendix B**.

2. PROPOSAL

The application is for the construction of two (2) double storey side by side dwellings on a lot size of approximately 419 square metres. Each dwelling has ground floor living areas and open space, three (3) bedrooms on the first floor and access to a double garage from the rear right of way.

- Due to the fall of the site the development would have a maximum height of 6.8 metres at any point across two (2) storeys.
- The proposed dwellings are centrally attached, fronting James Street.
- The layout of each dwelling is symmetrical with ground floor porch, entryway, study, toilet, kitchen, living and dining area. On the first floor are three (3) bedrooms, one with an ensuite and family bathroom.

- Each dwelling has a deck and 28 square metre courtyard connecting to the ground floor living area to the rear (west) of the site.
- To the rear of the site, adjoining the right of way, is a double garage with upstairs loft, bathroom and 2.7 square metres of storage space.
- Each dwelling has access to over 50 square metres of private open space including a fully landscape front yard and pedestrian access with no vehicle crossover proposed to James Street.
- Site services, including a bin storage area, are provided in the side setback of each dwelling ensuring these aren't visible from the public realm.
- The external cladding includes a mix of face brick and vertically profiled cladding in a mix of painted and timber finishes.



Figure 4: 3D image of the proposal prepared by Composite Drafting

The development plans form **Appendix C**.

2.1 Planning Permit History

Council's records do not show any recent planning history for the subject site.

2.2 Statutory Controls – why is a planning permit required?

The planning permit triggers are outlined in the table below.

Control	Permit Requirement
Clause 32.08 General Residential Zone Schedule 2	Clause 32.08-6 Construct two or more dwellings on a lot

3. CONSULTATION

3.1 Public Notification

Notification of the application has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending notices to the owners and occupiers of adjoining and nearby land.
- Placing a sign on the frontage of the site.

Council has received six (6) objections. A map identifying the general location of objectors forms **Appendix D**.

The key issues raised in objections are:

- Visual bulk created by the loft above the garage;
- Overshadowing created by the first floor above the garage;
- Use of the loft as a second dwelling;
- The configuration of the loft would set an undesirable precedent;
- Increased traffic along the right of way;
- Potential damage to the adjoining fencing due to limited space to manoeuvre into the proposed garages;
- The proposed development is not in-keeping with neighbourhood character;
- Limited space for canopy tree planting;
- Current maintenance and upkeep of the property;
- Noise pollution;
- Maintenance and use of the rear right of way which is in disrepair.

4. REFERRALS

The proposal was referred to the following internal branches/business units:

Internal Business Unit	Comments
Climate Emergency and Sustainable Transport	<p>Supports the proposal, subject to conditions to address construction and drainage of the right of way.</p> <p>Supportive of the deletion of the existing crossover to James Street and the use of the right of way, for which acceptable swept path diagrams have been provided.</p> <p>Officer Comment: Conditions of approval would require the construction and drainage of the southern section of the right of way.</p>
ESD Officer	<p>Supports the proposal, subject to conditions.</p> <p>Officer Comment: The application is accompanied by a Built Environment Sustainability Scorecard (BESS) A condition would be included in the recommendation to incorporate the recommendations of the submitted BESS report as part of any approval issued for the proposal.</p>
Infrastructure and Capital Delivery	<p>Supports the proposal, subject to conditions to provide drainage to the dwellings and construction and drainage of the right of way to the satisfaction of the Responsible Authority.</p> <p>Officer Comment: Condition of approval would require drainage of the development and construction/drainage of the southern portion of the right of way to the satisfaction of the Responsible Authority.</p>
Property	<p>The laneway is shown as a road (right of way) on the Plan of Subdivision so is a road vested in Council – under its management and control. It is currently not on Council’s Register of Public Roads but is a Council laneway.</p>

Internal Business Unit	Comments
	<p>Provided that the right of way is constructed to Council standards by the owner / developer (and addressing any drainage requirements) along the boundary of both 21 and 23 James Street, there is no objection to the proposal. Once constructed and approved, that section of the laneway would need to be included in Council’s Register of Public Roads which would oblige Council to maintain it.</p> <p>Officer Comment: A condition of approval would require the construction and drainage of the southern portion of the right of way.</p>
<p>Tree Management Unit</p>	<p>Supports the proposal, subject to provision of tree protection fencing which can be addressed by conditions of approval.</p> <p><u>Canopy tree planting</u> One small and one medium canopy tree within the front setback of each dwelling.</p> <p>Officer Comment: Conditions of the recommendation have been included to this effect.</p>
<p>Urban Designer</p>	<p>Supports the proposal as it is responsive to the Darebin Good Design Guide for Medium Density. Further information is provided at Section 7.3 of this report.</p>

The proposal was not required to be referred to any external Authorities.

5.PLANNING POLICY

5.1 Planning Policy Framework (PPF)

The following policies are of most relevance to this application:

- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13)
 - Noise (Clause 13.05)
- Built Environment and Heritage (Clause 15)
 - Urban Design – Metropolitan Melbourne (Clause 15.01-1R)
 - Building Design (Clause 15.01-2S)
 - Healthy Neighbourhoods – Metropolitan Melbourne (Clause 15.01-4R)
 - Neighbourhood character (Clause 15.01-5S)
- Residential Development (Clause 16.01)
- Land use and Transport (Clause 18.01)
- Movement Networks (Clause 18.02).
- Infrastructure (Clause 19)
 - Development Infrastructure (19.03-5S)
- Introduction (Clause 21.01)

- Environment (Clause 21.02)
- Housing (Clause 21.03)
- Transport and Infrastructure (Clause 21.05)
- Neighbourhood Character (Clause 22.02)
- Environmentally Sustainable Design (Clause 22.12)

Zone:

- General Residential Zone, Schedule 2 (Clause 32.08)

Overlays:

- Development Contributions Plan Overlay (Clause 45.06)

Particular Provisions:

- Car Parking (Clause 52.06)
- Stormwater Management in Urban Development (Clause 53.18)
- Two or More Dwellings on a Lot (Clause 55)

6. RESPONSE TO OBJECTORS CONCERNS

The following issues raised by objectors are addressed in Section 7 of this report:

- Visual bulk created by the loft above the garage
- Overshadowing created by the first floor above the garage
- The proposed development is not in-keeping with neighbourhood character
- Limited space for canopy planting

Responses to the other matters raised are provided below:

Use of the loft as a second dwelling

The definition of a dwelling in the table at Clause 73.03 of the Darebin Planning Scheme is as follows (emphasis added):

'A building used as a self-contained residence which must include:

- *A kitchen sink;*
- *Food preparation facilities;*
- *A bath or shower; and*
- *A toilet and wash basin.*

It includes outbuildings and works normal to a dwelling.'

The loft space is not defined as a dwelling as it does not contain a kitchen sink or food preparation facilities.

Overall, it is not unusual to develop a garage with an open area and bathroom above it, for use as another bedroom or office or similar space in association with the rest of the dwelling.

Importantly, the loft space cannot be used or converted into a separate dwelling without further planning approval and doing so without planning approval would result in planning compliance action.

The configuration of the loft would set an undesirable precedent

The configuration of the loft would not set an undesirable precedent as double storey form is evident in the rear yard area of nearby dwelling.

The location of the double storey loft is such that it abuts built form to the north and an equally large garage to the south for part of the rear boundary. However, the first floor would be setback from all boundaries to minimise off-site amenity impacts.

With respect to both adjoining lots, the loft would not be overly visible from either area of secluded private open space of the wider public as it abuts a laneway and abuts large garage structures.

The modest double storey form is appropriate in this context and responds to policy direction that allows for up to three stores in height.

Increased traffic along the right of way

The introduction of one (1) additional dwelling to this section of ROW is not expected to significantly increase with vehicle use of the rear right of way (ROW) from Hope Street to the south

Council's Property unit have advised that the right of way shown as a road on the Plan of Subdivision is vested in Council and is under Council's management and control. The use of this right of way by vehicles is allowed, supported and encouraged by Council's Climate Emergency and Sustainable Transport Unit per Council's Vehicle Crossings Policy.

Use of the rear laneway for this development ensures that the front setback to James would be improved with the removal of the current vehicle crossover and reinstatement of the naturestrip. This would provide an improved pedestrian environment to James Street and the pop-up park which is part of Council's Street for People initiative.

Potential damage to the adjoining fencing due to limited space to manoeuvre into the proposed garages

Council's Climate Emergency and Sustainable Transport unit have reviewed the swept paths provided for the proposed development and confirmed they meet engineering requirements, ensuring there is sufficient space to manoeuvre vehicles.

Current maintenance and upkeep of the property

Maintenance of the yard, the tidiness of dwellings and yard presentation to the street and whether dwellings are tenanted, or owner occupied are not relevant considerations under the *Planning & Environment Act 1987* or the Darebin Planning Scheme.

Noise pollution

The proposed residential use would have noise impacts consistent with those normal to a residential zone. Speech, laughter, music etc. are noises associated with people are normal in urban areas.

The noise levels generated by the development would 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.

A condition of any approval would ensure the location of plant and equipment are located in an appropriate location away from sensitive areas.

Noise and trucks etc. during the construction phase of development is a temporary and unavoidable consequence of development. Construction noise and other impacts are regulated under the Building and other regulations.

Maintenance and use of the rear right of way which is in disrepair.

Conditions would require that the southern portion of the right of way is constructed and drained to Council standards by the developer. Once approved and constructed, that section of the laneway would be included in Council's Register of Public Roads which would oblige Council to maintain it.

7. PLANNING ASSESSMENT

7.1 Does the development require a Cultural Heritage Management Plan?

The subject site is not located within an Area of Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (under the Aboriginal Heritage Act 2006) is not required.

7.2 Does the proposal have strategic policy support?

The proposed development is supported by State policy, in particular:

- Clause 11.02-1S seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Clause 15.01-1S sets out urban design guidance to achieve a high-quality built environment and public realm.
- Clause 15.01-4S seeks to create neighbourhoods that foster healthy and active living and community wellbeing.
- Clause 16.01-1S seeks to encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Clause 16.01-1R seeks to identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne.
- Clause 18.01-1S seeks to design neighbourhoods to better support active living and increase the share of trips made using sustainable transport modes.

In consideration of the above policy, it is evident that the site is well located and suitable for redevelopment for the purpose of new medium density housing.

The provisions of the Local Planning Policy Framework provide further guidance on the expected form, scale and intensity of development appropriate for this site.

Clause 21.03 – Housing

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

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

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

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

- *A diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character. Typically, areas include some medium density and small apartment development, but the predominant dwelling stock is single to double storey dwellings.*
- *Have some stand-alone or small clusters of heritage sites, including along strategic corridors, however, are generally unaffected by extensive heritage recognition.*

Are located:

- *Within an 800-metre walkable catchment of an activity centre;*
- *Generally, within an 800-metre walkable catchment of train, tram or Smartbus services.*

The site meets the characteristics for Incremental change and the proposal results in an acceptable level of development envisaged in this context. The development proposes a medium density development of one (1) additional dwelling which would allow for a variation of the existing neighbourhood character from the predominant single and double storey dwellings on large blocks, to semi attached, double storey dwellings which would subsequently contribute to the preferred future character of the area.

The addition of one (1) extra dwelling is an appropriate level of change in the incremental housing change area in Council's Housing Strategy. Council supports a vision of housing that provides for diversity and preferences for all residents.

General Residential Zone – Clause 32.08

The proposal successfully responds to the purpose of the zone, which ensures the development would implement the Municipal Planning Strategy and Planning Policy Framework. The development respects the neighbourhood character of the area, as outlined later in this report. The proposal provides a diversity of housing types, including three (3) bedroom dwellings with two (2) car parking spaces located in an area well located to provide access to services, commercial centres, schools, and public transport to future residents.

Key considerations as outlined within the General Residential Zone (GRZ) relate to impacts on solar energy facilities for dwellings on adjoining lots, meeting garden area requirements and achieving a suitable response to Clause 55 assessment. The proposal adequately complies with the requirements of Clause 55.

The solar panels located at 25 James Street Preston are angled away from the site to the north and would not be impacted upon by the proposed development.

Further to the above, the application exceeds the garden area requirement of the zone, by providing 36% (154 sqm) of the site as garden area (the minimum mandatory requirement is 25% of the site area).

7.3 Does the proposal respond to neighbourhood character and to Council's preferred future character?Neighbourhood Character Precinct Guidelines

The subject site is in Precinct E3 (Inter-War/Post-war) of the Darebin Neighbourhood Character Study. The existing neighbourhood character of this precinct is one of a range of dwelling styles from the post war era with recent second storey additions and an established rhythm of dwelling spacing.

The preferred character statement for Precinct E3 states there are opportunities to introduce well designed, contemporary architectural styles that adopt the established front and side setbacks to ensure consistency of dwelling spacing and adequate garden area.

The preferred character statement also envisages respecting the predominant height and setbacks of nearby buildings, maintaining the predominant single storey scale of building frontages, keeping front fences low to medium height and preferably transparent, use of respectful building materials that blend in with the street, retaining adequate space for planting of trees and shrubs and maintaining consistent front and side building setbacks.

The proposed development is a contextual response that provides a high-quality outcome in terms of neighbourhood character. The layout of the buildings would maintain a sense of space between buildings and the relocation of car access to the rear of the site via the right of way opens the front yard to the street. No walls are proposed on existing boundaries toward the front of the site, to ensure the side setback rhythm of the street is protected.

The materials of the development are generally muted and present a contemporary interpretation of the existing materials along James Street, using cream/light grey cladding and darker bricks and cladding to create visual interest.

While a single storey building frontage is not provided to James Street, the response is consistent with the emerging neighbourhood character, which includes double storey built form fronting the street.

The design guidelines relating to neighbourhood character, design, form and materials are addressed in full within Appendix E. Overall, the development would respond adequately in a contemporary manner to key elements of the neighbourhood character, as required by the Precinct Guidelines.

Darebin Good Design Guide

The proposal is also highly responsive to Darebin's Good Design Guide for Medium Density Development, which correlates with the proposal satisfactorily meeting neighbourhood character objectives.

Specifically, the proposal responds to the Darebin Good Design Guide in the following ways:

- The development provides car parking from the rear right of way. This allows the reinstatement of the nature strip, a larger front yard which is not dominated by driveways and vehicle crossovers.
- An increase of one (1) on street car park should the Pop-Up Park be removed.
- The side by side arrangement is not a mirror image with a dominant party wall, rather an asymmetrical appearance prevails so that the building presents as one building.
- Rather than have a bulky party wall in the centre between the two (2) dwellings a recessive element prevails so that a single dwelling rhythm to the streetscape is retained.

- The dwellings have private open space at ground level with high levels of amenity for future residents.
- The development maintains the rhythm of dwellings fronting the street by providing side setbacks in a contemporary design.
- Dwellings front the street, and include a direct separate pedestrian entry creating a high-quality public realm interface.
- A minimal palette of robust materials is used to reduce visual clutter and the architectural expression of buildings is consistent across the development.

7.5 Does the proposal provide an acceptable response to Clause 55?

The assessment below addresses key Clause 55 standards with respect to amenity impacts and any areas of direct non-compliance with Clause 55 standards that are being supported as compliant with the relevant Clause 55 objective, either as presented or through conditions of approval.

The table at **Appendix E** of this report provides an overview of compliance with all Clause 55 standards and objectives. The majority of standards are met either through the current design or via minor amendments through recommended conditions, with all objectives satisfied.

Clause 55.03-1 – Standard B6 – Street Setback

The proposed front setback at ground level of 6.25 metres complies with the numerical requirements of the standard.

The front setbacks of the adjoining dwellings are 6.2 metres and 6.3 metres. The standard therefore requires a street setback of 6.25 metres which is provided.

Clause 55.03-2 – Standard B7 – Building Height

The proposed dwellings are to have a maximum height of 6.8 metres to the top of the ridge from natural ground level which complies with the standard requiring a maximum height not exceeding 11 metres (General Residential Zone).

The proposed height of two (2) storeys represents an incremental increase in height compared to the properties in the vicinity and is appropriate.

Clause 55.03-9 – Standard B14 – Access

Vehicle access to and from the site is safe, manageable and convenient with vehicle access proposed from the rear right of way.

This design arrangement is recommended as it respects neighbourhood character principles in removing vehicle access points from the front yard, improving the quality of landscaping within the front setback and minimising conflict points between pedestrians and vehicles in James Street.

This arrangement is also supported by Council's Vehicle Crossing Policy which promotes vehicle access from rear laneways, meeting the objectives of: Retention of Public Space (road reserve), Safety of all Road Users, Protection of Urban Amenity and Improvement of Environmental Sustainability.

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

Clause 55.04-1 – Standard B17 – Side and Rear Setbacks

The development generally meets all side and rear numerical setback requirements of the standard, with a minor variation of 0.38m to the rear setback to the adjacent laneway, which is away from sensitive interfaces. The addition of the 3m wide laneway between the built-form and the property at 31 Hope Street ensures that the setback far exceeds that required to protect amenity.

Where the proposal abuts sensitive interfaces such as secluded private open spaces and habitable room windows the upper storey, built form is sufficiently setback to address amenity impacts.

The proposed first floor of the dwellings are built adjacent single storey built form in line with neighbouring building envelopes. Therefore, the upper levels would have minimal impact to neighbouring areas of secluded private open space.

The first floor loft is built adjacent to a single storey extension to the north and partly against a garage to the south, therefore would have minimal impact on sensitive areas of secluded private open space. The sensitive area of SPOS to the south is located away from the common boundary.

The upper levels, are sufficiently articulated and set back from the boundaries to ensure there are minimum amenity impacts arising from visual bulk.



Figure 5: Arrows indicate primary areas of adjoining secluded private open space, which are located away from the common boundaries of the site and the location of the rear garage and loft.

Clause 55.04-2 – Standard B18 – Wall on Boundaries

The ground floor wall heights do not exceed an average of 3.2 metres and a maximum of 3.6 metres to comply with the standard.

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

Boundary & length	Maximum length allowable	Proposed length
Northern: 33.57 metres	15.89 metres	7.36 metres - Complies
Southern: 33.57 metres	15.89 metres	7.36 metres - Complies

Clause 55.04-3 – Standard B19 – Daylight to Existing Windows

The development responds well to this standard with one (1) variation proposed, which would be required to achieve compliance through a recommended condition of approval.

Dwelling 1 has a maximum first floor height of 5.94 metres requiring a minimum of 2.97 metres from any existing habitable room windows. The first floor of Dwelling 1 is setback in excess of 3 metres from the edge of the eave above these windows which complies with the numerical requirements of the standard.

Where directly opposite the existing habitable room window of 25 James Street toward the front of the property, Dwelling 2 has a maximum wall height of 5.8 metres to the parapet. This requires a setback of 2.9 metres. The first floor is setback 2.1 metres from the edge of the existing eave.

This is a shortfall of 0.8 metres. A recommended condition of approval would require an alteration to Dwelling 2 to ensure compliance with the numerical requirements of Clause 55.04-3 – Standard B19 – Daylight to Existing Windows where opposite the eastern most existing habitable room window of 25 James Street, Preston.

Clause 55.04-4 – Standard B20 – North-facing windows

There are a number of existing north-facing habitable room windows to the south of the site at 21 James Street Preston which are protected through the design response.

The standard requires a minimum setback from the southern boundary of 1 metre at ground floor level and 2.4 metres at first floor level. The proposed development exceeds the standard by providing a setback of 1.4 metres at ground floor and 2.4 metres at first floor from the southern boundary.

Clause 55.04-5 – Standard B21 – Overshadowing

The standard requires that if existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Due to the orientation of the site, there are no additional overshadowing impacts resulting from the development to the adjoining property to the north, at 25 James Street.

The secluded private open space of the adjoining lot to the south at 21 James Street is located to the south of their existing verandah. The standard requires that at least 40 square metres of neighbouring dwellings’ secluded private open space with a minimum dimension of 3 metres, or 75% (whichever is the lesser) receives a minimum of five (5) hours sunlight between 9am and 3pm on 22 September.

In this instance the area to the south of the existing verandah of 21 James Street, which has a minimum dimension of 3 metres and is approximately 33 square metres in area would not be impacted upon as a result of the proposed development. Shadow cast by the proposed development does not extend to this area of secluded private open space, therefore the proposed development does not increase overshadowing to the adjoining secluded private open space to the south.

The overall design of the development minimises overshadowing of existing secluded private open as it has been designed to ensure overshadowing predominately falls onto existing built structures.

Clause 55.04-6 – Standard B22 – Overlooking

The proposed development can achieve compliance with the standard through incorporation of industry accepted design inclusions such as increased boundary fence height and screening to windows.

Ground Floor

Overlooking toward the south from the ground floor within the development is appropriately managed by an existing 1.9 metre high paling fence and finished floor levels (FFLs) less than 0.8 metres high above natural ground level (NGL).

Overlooking toward the north from the ground floor within the development would be addressed by a condition which would require the fence height to be raised to 1.8 metres high above NGL.

Upper Floors

The upper-level habitable rooms of the development are appropriately designed and/or screened to limit views into neighbouring secluded private open space and habitable room windows. This is a combination of 1.7 metre high sills above finished floor level and external screens.

A recommended condition of approval would require the drawings to include a section diagram of the screens demonstrating how they limit overlooking.

Clause 55.04-8 – Standard B24 – Noise Impacts

There are no obvious noise sources to or from the development. The application is a for a residential development within a residential zone, as such the noise generated by the day-to-day occupation of the dwellings would be commensurate with expectations in a residential area, unlike a commercial or an industrial use which would create noise impacts that are not normal to a residential zone.

Notwithstanding this, the proposal has not specified the location of air-conditioning units. A condition of the recommendation would require the location of all plant and equipment, including air-conditioning units to be located as far as practicable from existing habitable room windows (and acoustically screened if this cannot be achieved) and co-located where possible.

Clause 55.05-4 – Standard B28 – Private Open Space

The development provides adequate private and secluded private open space (SPOS) for the reasonable recreation and service needs of residents. Each dwelling is provided with in excess of 70 square metres of private open space of which a minimum of 25 square metres

or more, with a minimum dimension of 3 metres is deemed secluded, which meets the Standard B28 requirements for Secluded Private Open Space.

7.6 Is the proposal acceptable with respect to transport impacts and car parking provision?

Clause 18.01-3S Sustainable and Safe Transport seeks to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing. The policy supports the promotion of walking, cycling and the use of public transport and the minimisation of car dependency.

Cause 21.05-2 Integrated and Sustainable Transport seeks to manage the provision of car parking and congestion of car parking in Darebin and encourage use of sustainable transport modes to reduce car parking demand.

The proposed development provides the requisite number of car spaces required under Clause 52.06 Car Parking of the Darebin Planning Scheme. Similarly, the subject site is in close proximity to the Preston Market precinct and Preston Train station which may reduce car usage and dependence.

Number of Parking Spaces Required

Car parking provision is calculated via Table 1 of Clause 52.06 (car parking). The rate of car parking required and provided is illustrated in the table below.

Use	Measure (column B of Clause 52.06-5)	Dwellings	Required Spaces	Provided
	2 spaces to each 3-bedroom dwelling	2	4	4
Visitor	N/A – as only two (2) dwellings proposed			
		Total:	4	4

A car parking reduction is not proposed as the required statutory rate of car parking would be provided for each dwelling (2 spaces within the garages).

Design Standards for Car Parking

The car parking enables efficient use and management of the site with parking from the rear right of way.

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

The applicant has provided a swept path analysis which demonstrates appropriate room for vehicles to enter and exit the site from the rear right of way.

7.7 Does the proposal provide a suitable response to environmental and sustainability requirements?

The applicant has provided a BESS report demonstrating that the sustainability response is commensurate with that expected of a two (2) dwelling development.

The proposal also satisfactorily responds to Clause 52.18 (Stormwater Management in Urban Development). The development would include Water Sensitive Urban Design initiatives and would adequately manage Stormwater runoff during the life of the development. A condition of approval would require a Site Environmental Management Plan to ensure stormwater runoff is managed during the construction phase.

8 POLICY IMPLICATIONS

Environmental Sustainability

The applicant has provided a satisfactory BESS report as part of the application. A condition of the recommendation requires the initiatives contained in the BESS report to be shown on the plans.

Social Inclusion and Diversity

Nil

Other

Nil

9 FINANCIAL AND RESOURCE IMPLICATIONS

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






10 FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Council's Vehicle Crossing Policy 2014

Attachments

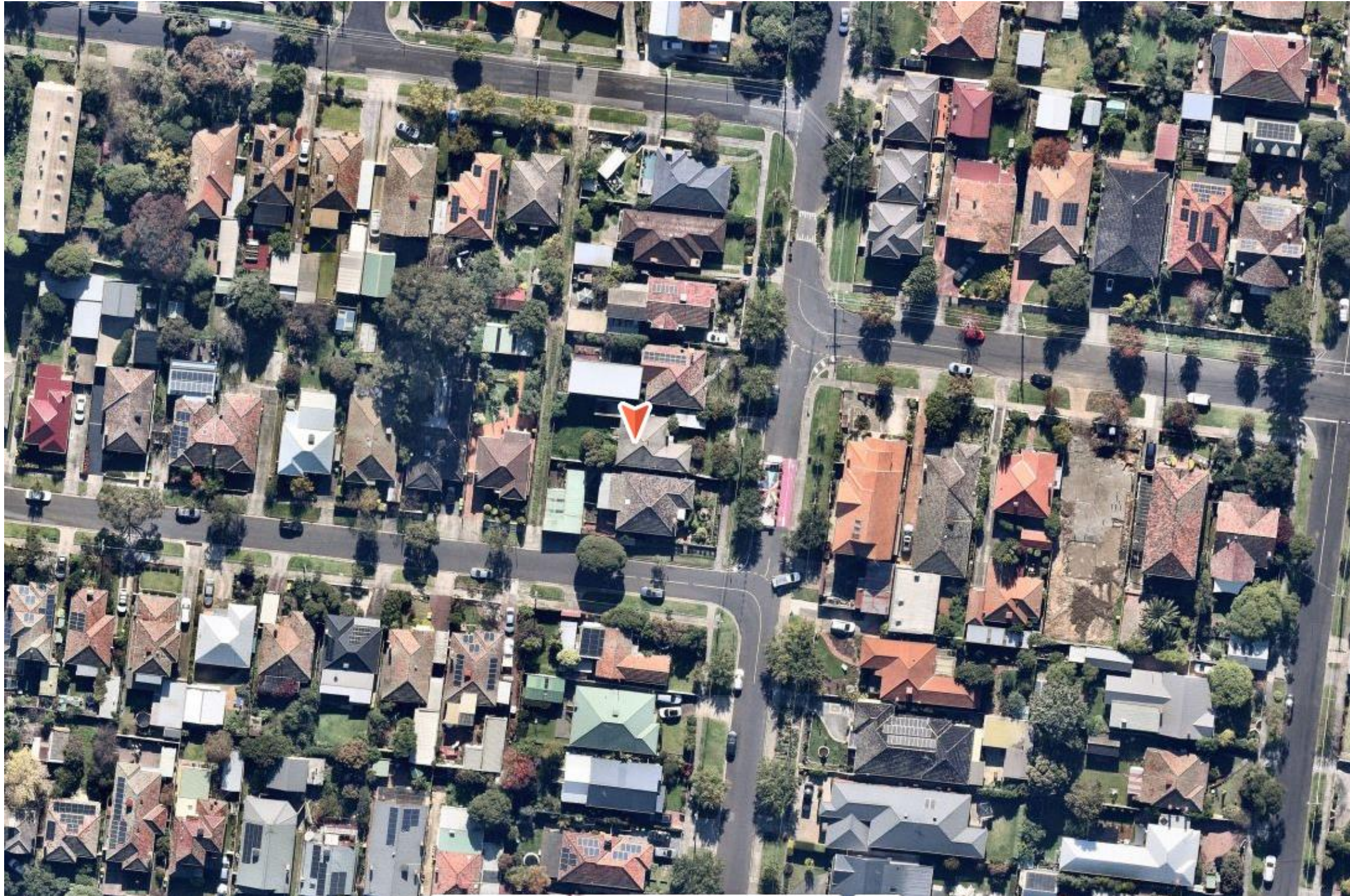
- Appendix A - Location Map - 23 James Street Preston - D/442/2022 (**Appendix A**) [↓](#) 
- Appendix B - Zoning Definition Map - 23 James Street Preston - D/442/2022 (**Appendix B**) [↓](#) 
- Appendix C - Development Plan - 23 James Street Preston - D/442/2022 (**Appendix C**) [↓](#) 
- Appendix D - Objector Radius Map - 23 James Street Preston - D/442/2022 (**Appendix D**) [↓](#) 
- Appendix E - Reference Tables - 23 James Street Preston - D/442/2022 (**Appendix E**) [↓](#) 

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

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

Appendix A – Location Map
23 JAMES STREET PRESTON 3072 (Approved property)
Darebin City Council



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

Zoning Definition Map
23 JAMES STREET PRESTON 3072 (Approved property)
Darebin City Council



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GENERAL NOTES
 DIMENSIONS SHOWN ARE ONLY APPROX.
 SERVICES WITH CLOSE PROXIMITY TO SITE HAVE BEEN SHOWN
 THESE DRAWINGS ARE A REPRESENTATION TO EXISTING AERIAL VIEW TAKEN FROM GOOGLE
 DISTANCES MEASURED FROM SHOPS, SCHOOLS AND RESERVES ARE MEASURED AT LINE OF SIGHT



SITE ANALYSIS



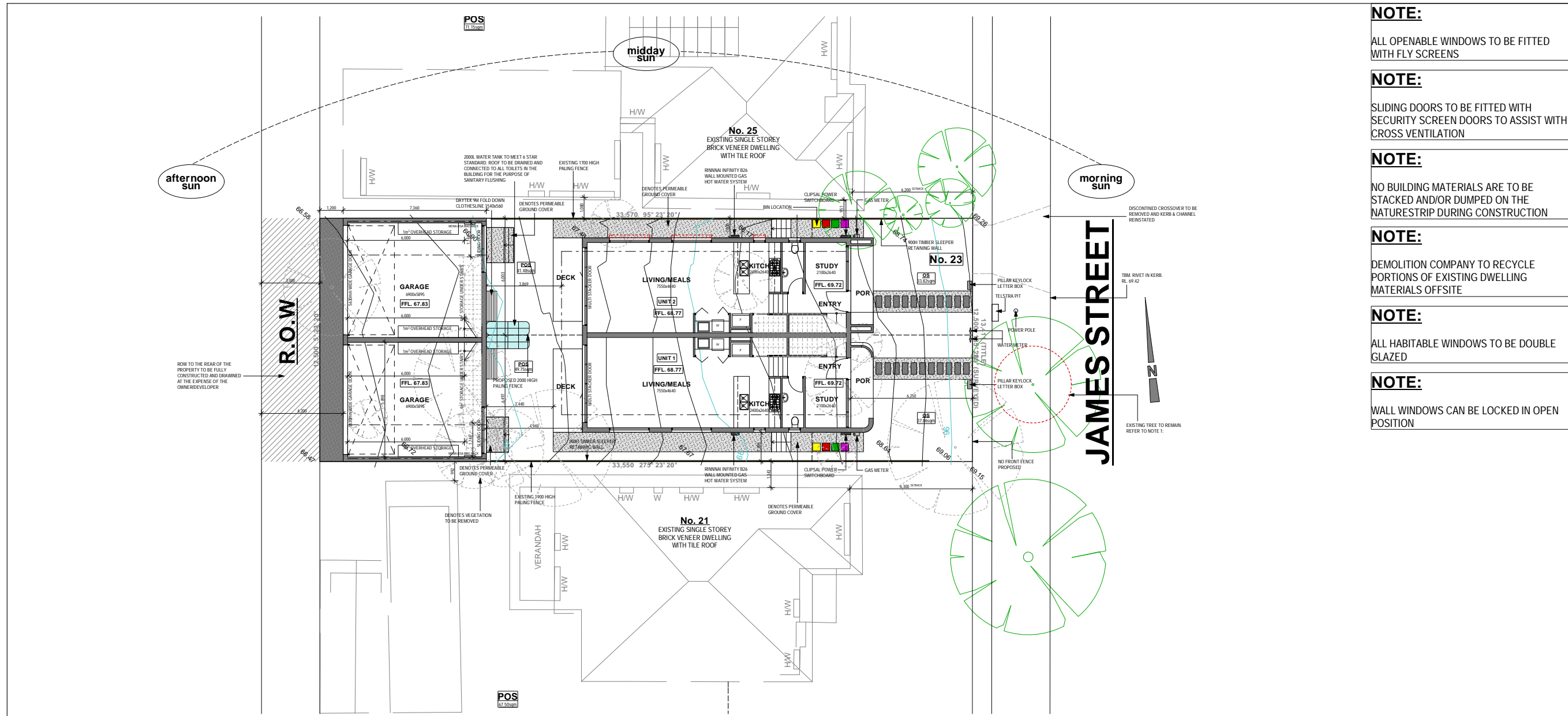
DESIGN RESPONSE


STEVE COLAKIDIS
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 ANTREE, VIC 3336
 REGISTERED
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 MOB: 0417331575
 EMAIL: composite.design.drafting@gmail.com
 www.composite-design.com.au
 REG No. DP-AD 34591 ABN: 86 717 340 607

PROJECT:
 DUAL OCCUPANCY
 CLIENT:
 ASCON BUILDERS

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LOCATION: No. 23 JAMES STREET PRESTON	SCALE: 1:500	DATE: 30/11/2022	REV: AL
DRAWING NAME: SITE ANALYSIS	DATE: 30/11/22	SHEET NO. S.C 22/013 #1	



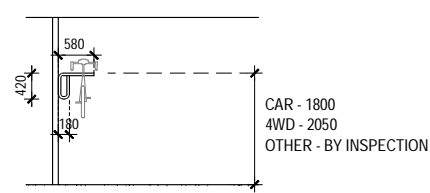
- NOTE:**
ALL OPENABLE WINDOWS TO BE FITTED WITH FLY SCREENS
- NOTE:**
SLIDING DOORS TO BE FITTED WITH SECURITY SCREEN DOORS TO ASSIST WITH CROSS VENTILATION
- NOTE:**
NO BUILDING MATERIALS ARE TO BE STACKED AND/OR DUMPED ON THE NATURESTRIP DURING CONSTRUCTION
- NOTE:**
DEMOLITION COMPANY TO RECYCLE PORTIONS OF EXISTING DWELLING MATERIALS OFFSITE
- NOTE:**
ALL HABITABLE WINDOWS TO BE DOUBLE GLAZED
- NOTE:**
WALL WINDOWS CAN BE LOCKED IN OPEN POSITION

FRONT (EAST BOUNDARY) TITLED AS 44 FEET IS ONLY 41 FEET MEASURED ON SITE

SITE AREA	419.56 SqM
SITE COVERAGE	59.62%
GARDEN AREA	154.67 Sqm (36.86%)
PERMEABLE AREA	154.67 Sqm (36.86%)
GROUND FLOOR AREA	
UNIT 1 TOTAL AREA	124.89sqm
PRIVATE OPEN SPACE	49.75sqm
UNIT 2 TOTAL AREA	125.29sqm
PRIVATE OPEN SPACE	41.48sqm

BUILDING AREA UNIT 1		BUILDING AREA UNIT 2	
GROUND FLOOR	69.07sqm 7.43sq	GROUND FLOOR	69.07sqm 7.43sq
FIRST FLOOR	60.35sqm 6.49sq	FIRST FLOOR	63.38sqm 6.88sq
PORCH	5.21sqm 0.56sq	PORCH	5.61sqm 0.60sq
GARAGE	46.00sqm 4.95sq	GARAGE	46.00sqm 4.95sq
LOFT	30.84sqm 3.31sq	LOFT	30.84sqm 3.31sq
TOTAL AREA	211.47sqm 22.76sq	TOTAL AREA	214.90sqm 23.13sq

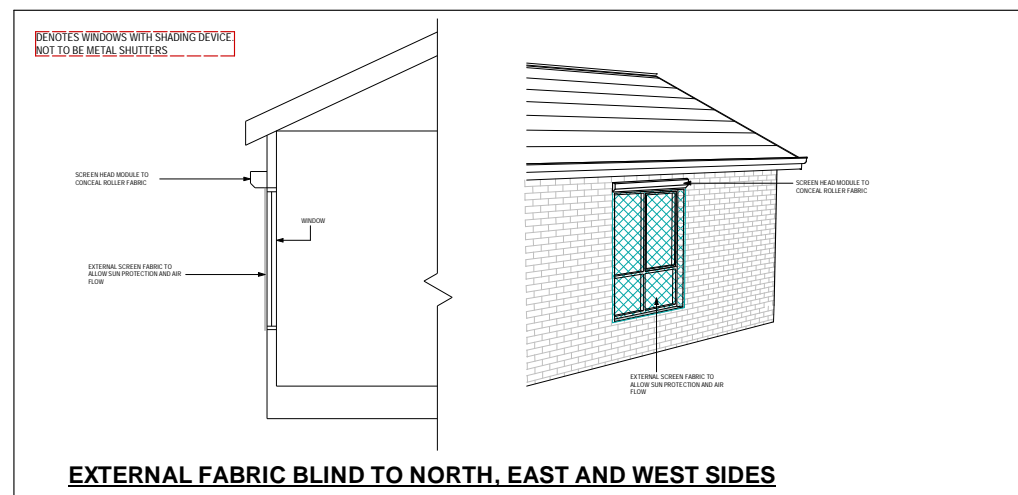
BICYCLE RACK TO BE OF THE MONA LISA SYSTEM OR SIMILAR. BUILDER TO CONFIRM LOCATION OF RACK PRIOR TO CONSTRUCTION



MONA LISA BICYCLE RACK

SCALE 1:50

CAR - 1800
4WD - 2050
OTHER - BY INSPECTION



EXTERNAL FABRIC BLIND TO NORTH, EAST AND WEST SIDES

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LOCATION
No. 23 JAMES STREET
PRESTON

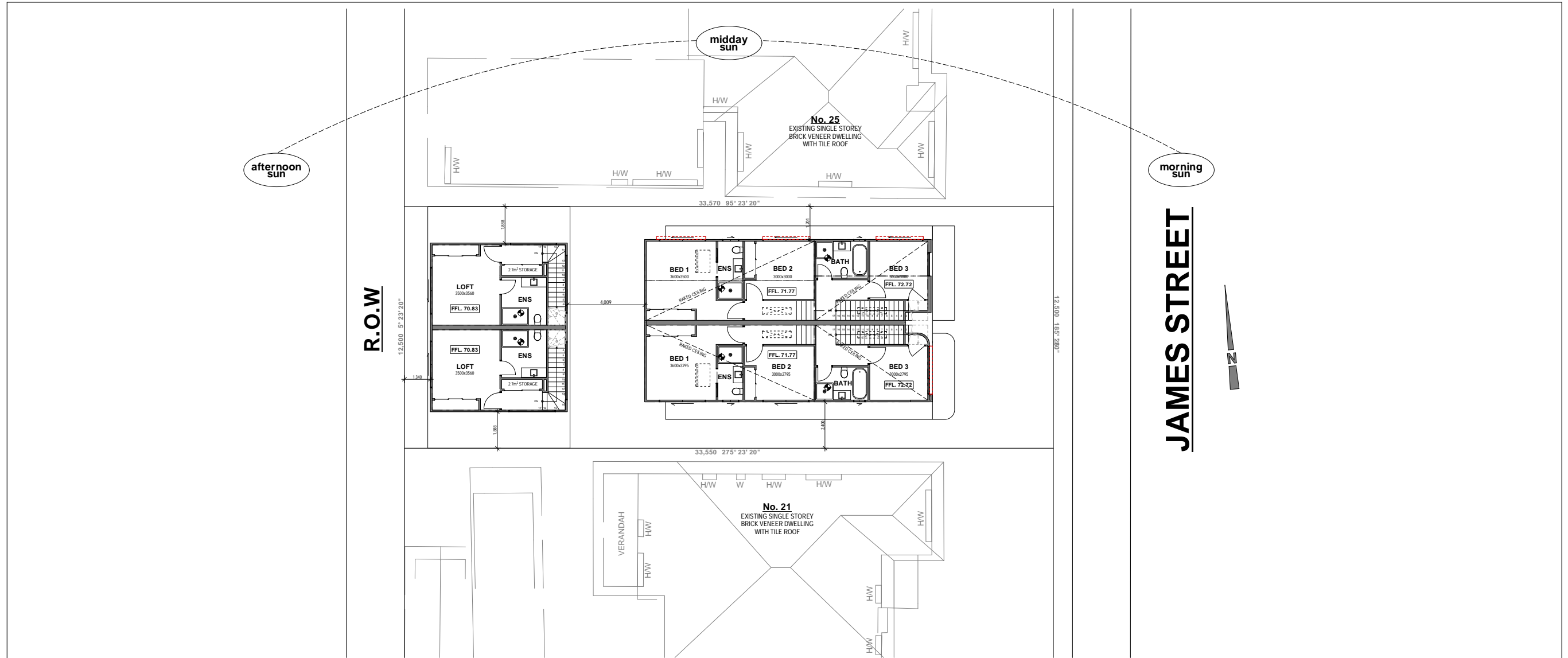
DRAWING NAME
SITE & GROUND FLOOR PLAN

DATE
30/11/22

SCALE
S.C
1:100

PROJECT NO.
22/013

REV
#2

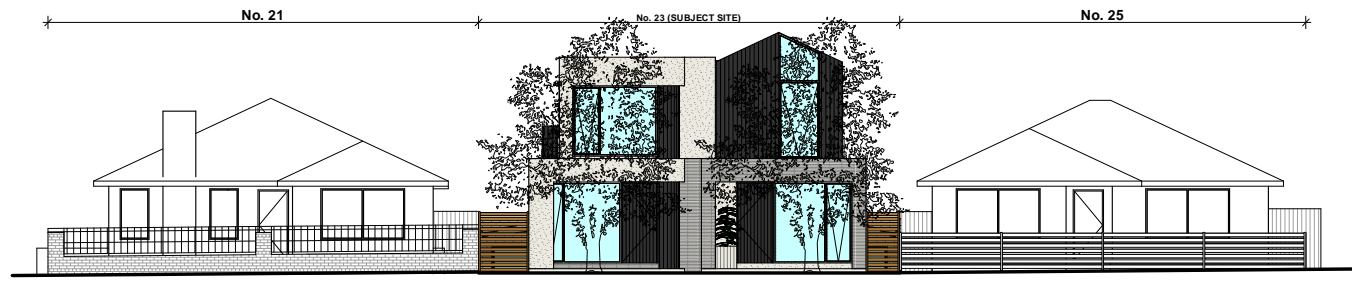


	STEVE COLAKIDIS 4 MUSTER DRIVE, AINTREE, VIC 3336 REG No. DP-AD 34591 ABN: 86 717 340 607	REGISTERED Building Practitioner MOB: 0417331575 EMAIL: composite.design.drafting@gmail.com www.composite-design.com.au	DESIGNER DUAL OCCUPANCY CLIENT ASCON BUILDERS
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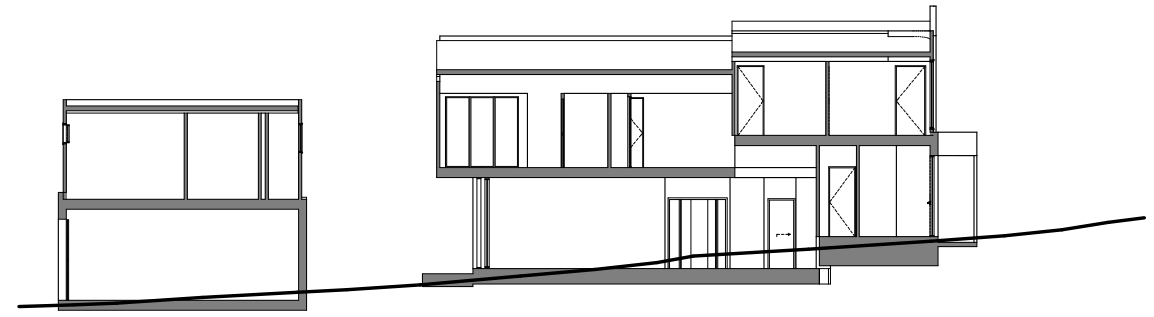


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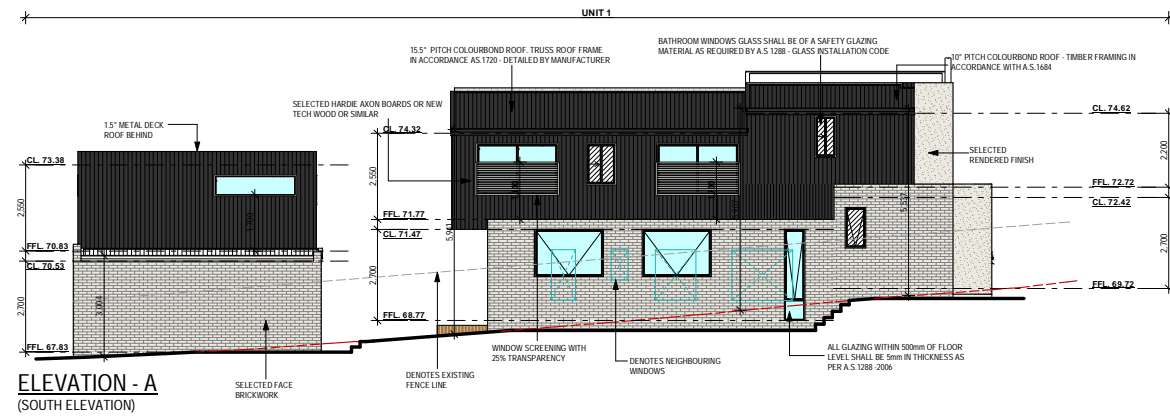
LOCATION No. 23 JAMES STREET PRESTON	SCALE 1:100	DATE 30/11/2022	PROJECT NO. 22/013
DRAWING NAME FIRST FLOOR PLAN	DATE 30/11/22	SHEET NO. #3	



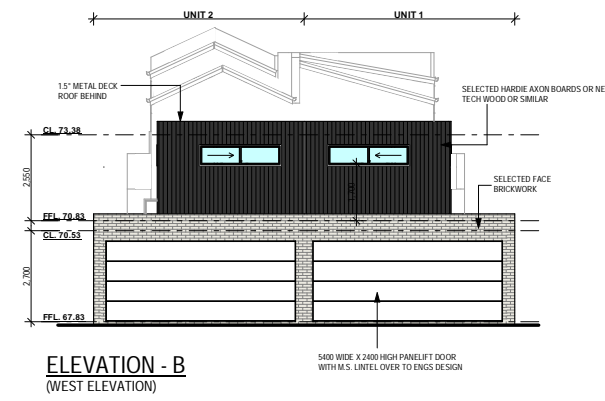
STREETSCAPE
(EAST ELEVATION)



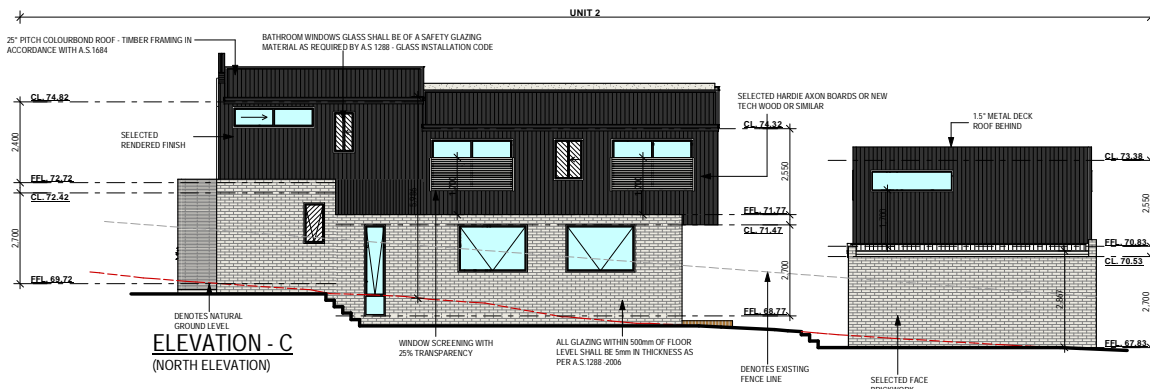
SECTION -AA
(SOUTH ELEVATION)



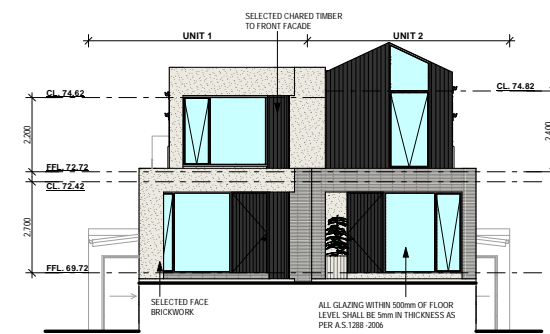
ELEVATION - A
(SOUTH ELEVATION)



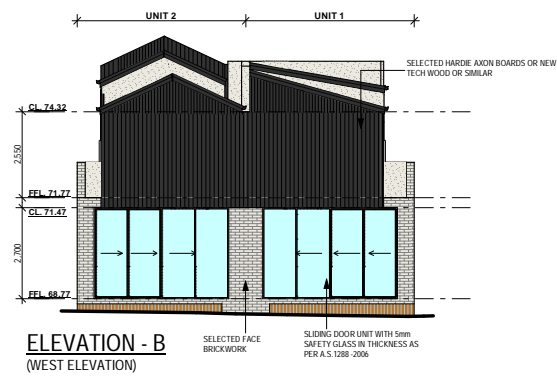
ELEVATION - B
(WEST ELEVATION)



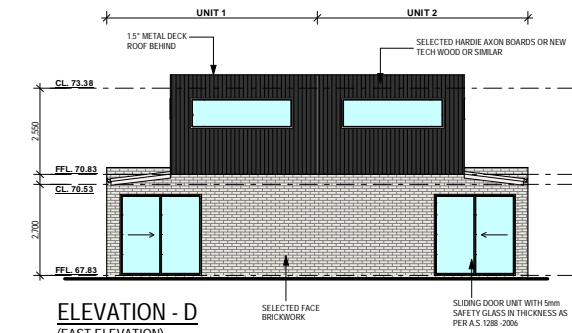
ELEVATION - C
(NORTH ELEVATION)



ELEVATION - D
(EAST ELEVATION)



ELEVATION - B
(WEST ELEVATION)

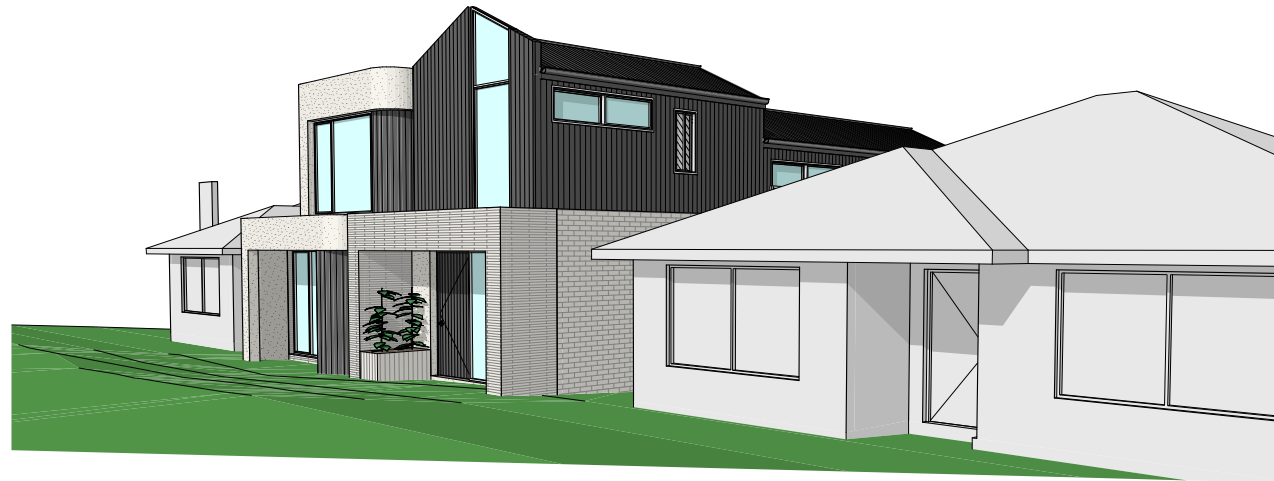


ELEVATION - D
(EAST ELEVATION)

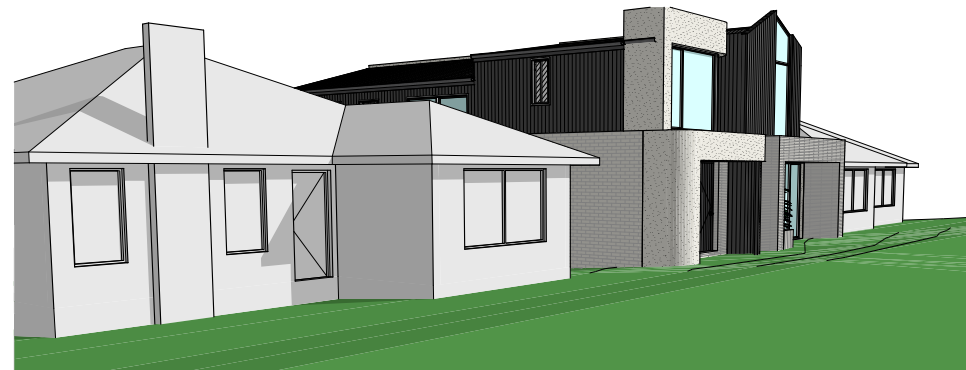
<p>COMPOSITE DESIGN & DRAFTING</p>	<p>STEVE COLAKIDIS 4 MUSTER DRIVE AINTREE, VIC 3336</p>	<p>REGISTRAR DUAL OCCUPANCY</p>
	<p>MOB: 0417315175 EMAIL: composite.design.drafting@gmail.com www.compositedesign.com.au</p>	<p>CLIENT ASCON BUILDERS</p>
	<p>REG No. DP-AD 34591 ABN: 86 717 340 607</p>	

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<p>LOCATION No. 23 JAMES STREET PRESTON</p>	<p>DATE 30/11/2022</p>	<p>SCALE 1:100</p>	<p>PROJECT NO. 22/013</p>
<p>DRAWING NAME ELEVATIONS</p>	<p>DATE 30/11/22</p>	<p>SCALE AS SHOWN</p>	<p>PROJECT NO. #4</p>



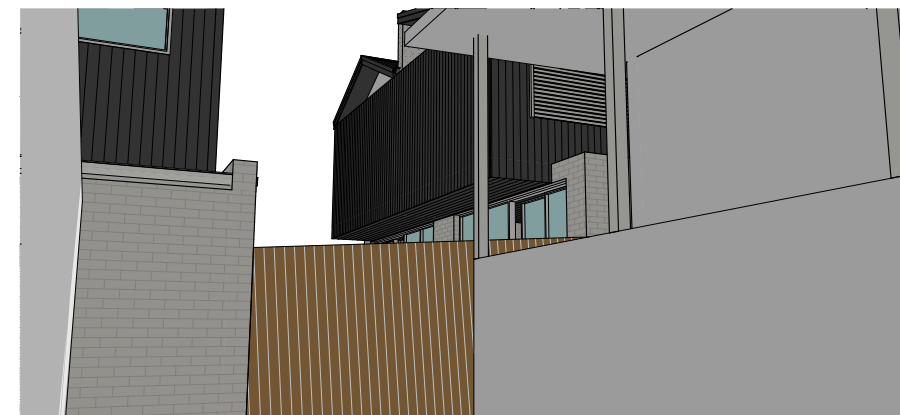
SIDE VIEW FROM No. 25 JAMES STREET



SIDE VIEW FROM No. 21 JAMES STREET



BACKYARD VIEW No. 25 JAMES STREET



BACKYARD VIEW No. 21 JAMES STREET



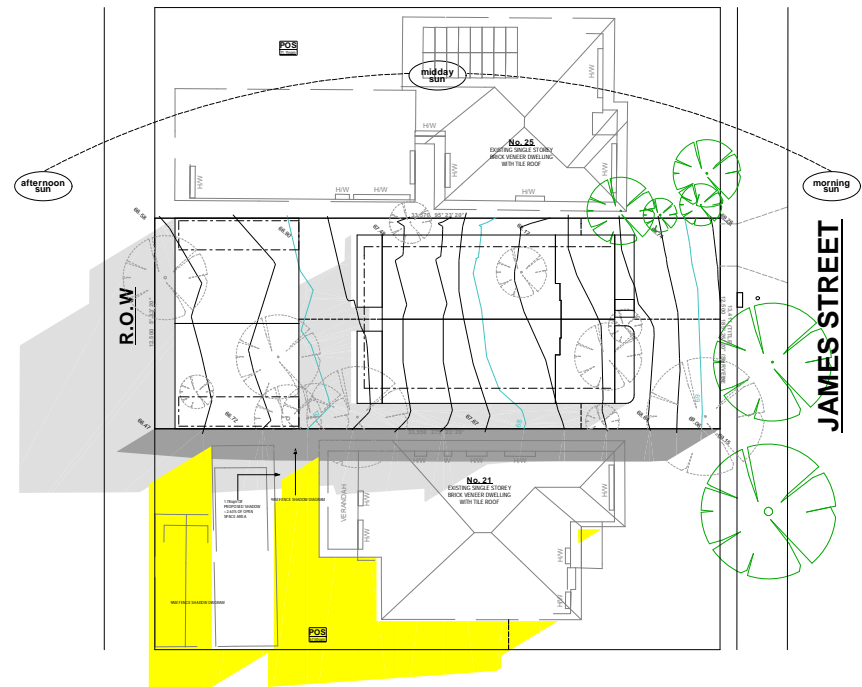
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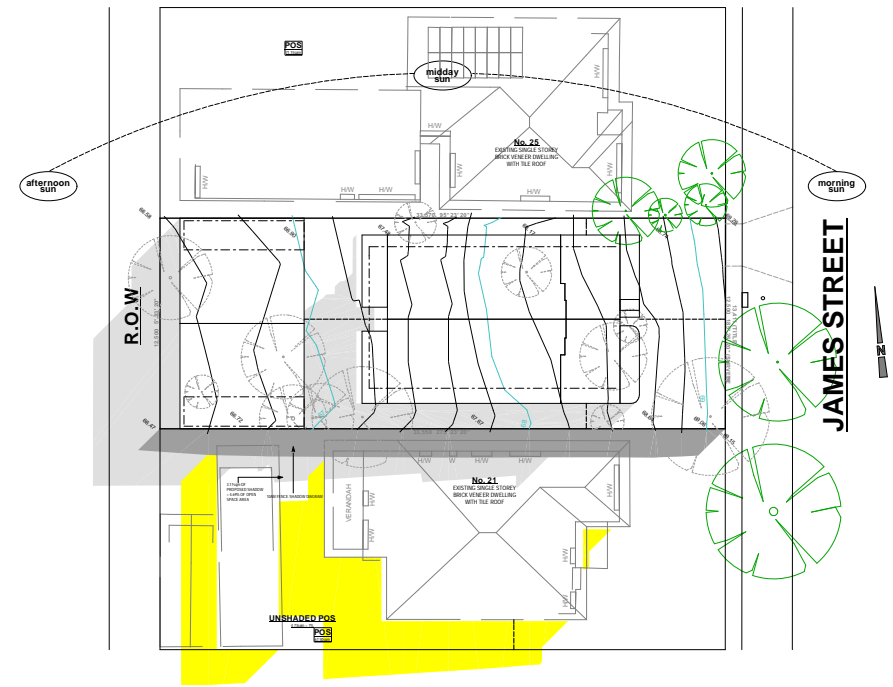
LOCATION No. 23 JAMES STREET PRESTON	DATE 30/11/22	SCALE 1:125	PROJECT NO. 22/013
DRAWING NAME 3D VIEWS	DATE 30/11/22	SCALE AL	PROJECT NO. #5

EXISTING NEIGHBOURS SHADOW COVERS 65.72sqm = 97.37% OF EXISTING OPEN SPACE



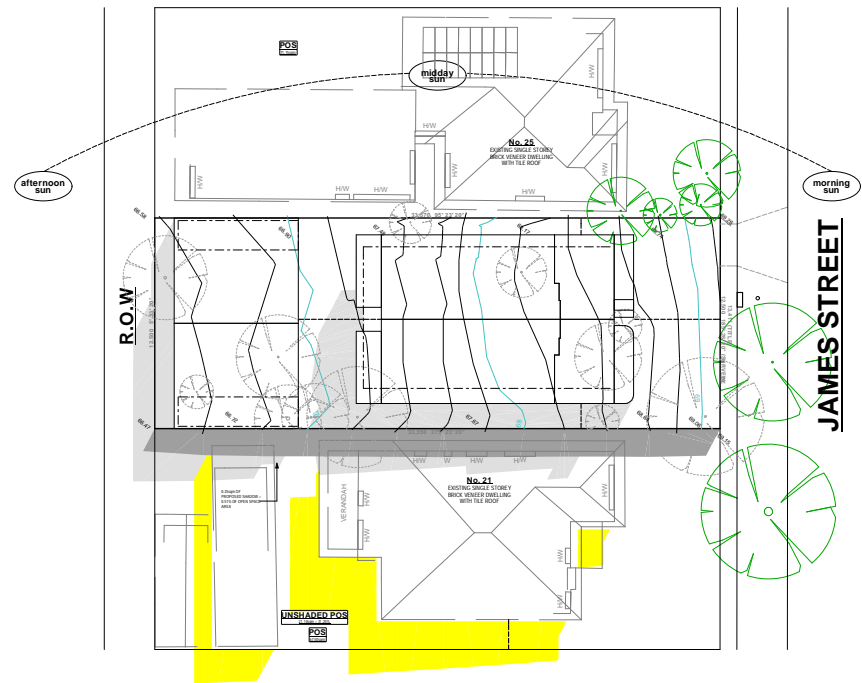
9 AM MORNING SHADOW

EXISTING NEIGHBOURS SHADOW COVERS 53.34sqm = 79.02% OF EXISTING OPEN SPACE



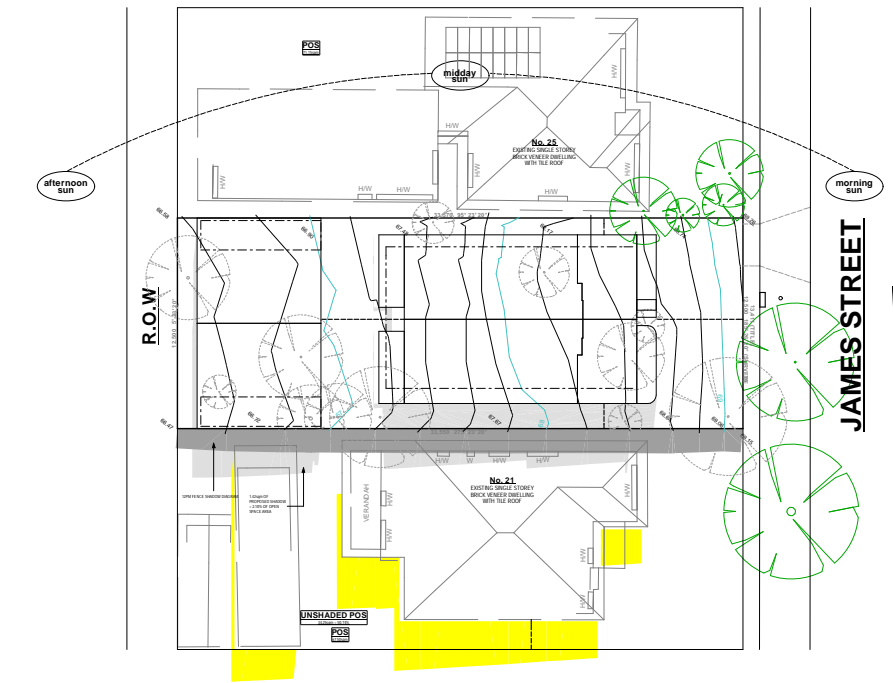
10 AM MORNING SHADOW

EXISTING NEIGHBOURS SHADOW COVERS 41.98sqm = 62.19% OF EXISTING OPEN SPACE



11 AM MORNING SHADOW

EXISTING NEIGHBOURS SHADOW COVERS 28.32sqm = 41.95% OF EXISTING OPEN SPACE



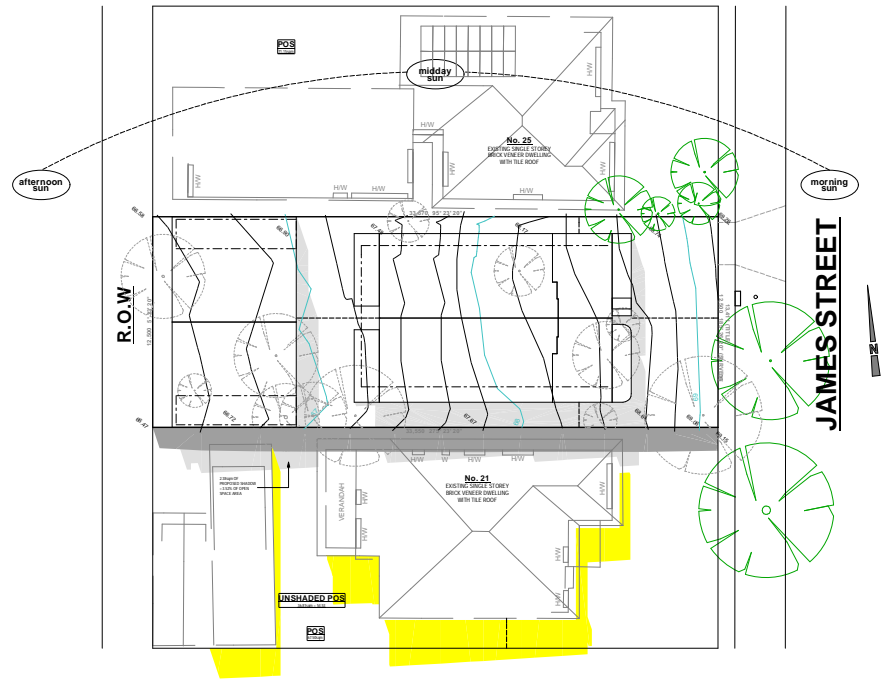
12 PM MIDDAY SHADOW

- DENOTES PROPOSED DWELLING SHADOW
- DENOTES EXISTING FENCE SHADOW
- DENOTES EXISTING NEIGHBOURS SHADOW

	STEVE COLAKIDIS 4 MUSTER DRIVE, AINTREE, VIC 3336 MOB: 0417331575 EMAIL: composite.design.drafting@gmail.com www.composite-design.com.au	REGISTERED Building Practitioner REG No. DP-AD 34591 ABN: 86 717 340 607	PROPOSER DUAL OCCUPANCY CLIENT ASCON BUILDERS
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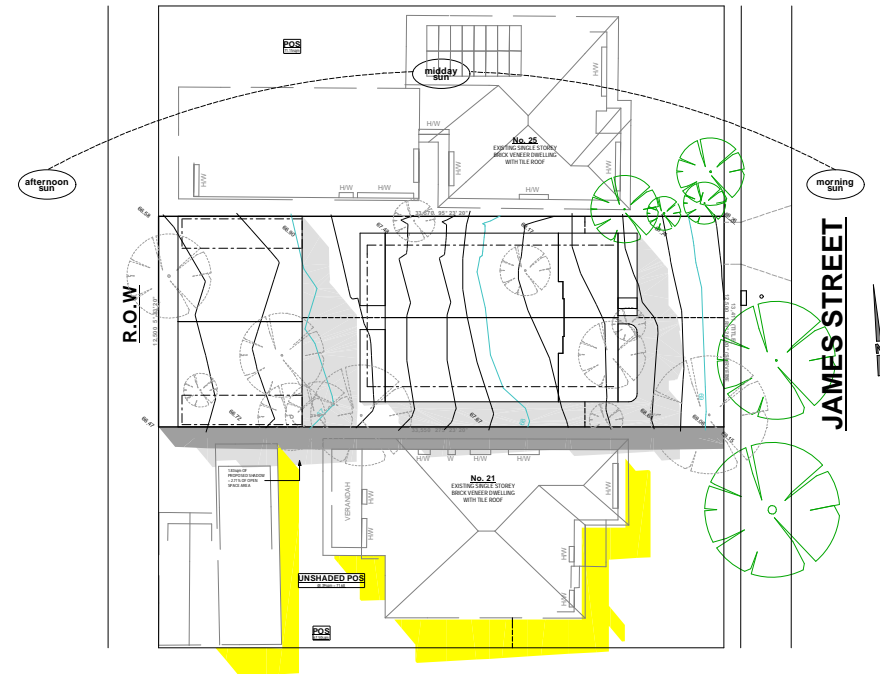
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EXISTING NEIGHBOURS SHADOW COVERS 25.31sqm = 37.49% OF EXISTING OPEN SPACE



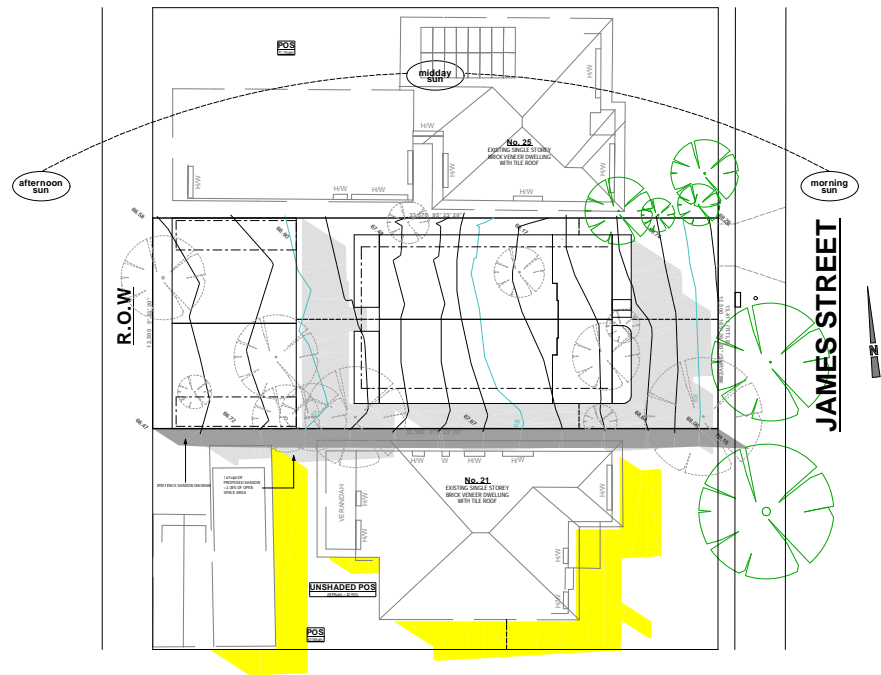
1 PM AFTERNOON SHADOW

EXISTING NEIGHBOURS SHADOW COVERS 29.50sqm = 43.70% OF EXISTING OPEN SPACE



2 PM AFTERNOON SHADOW

EXISTING NEIGHBOURS SHADOW COVERS 35.12sqm = 52.02% OF EXISTING OPEN SPACE

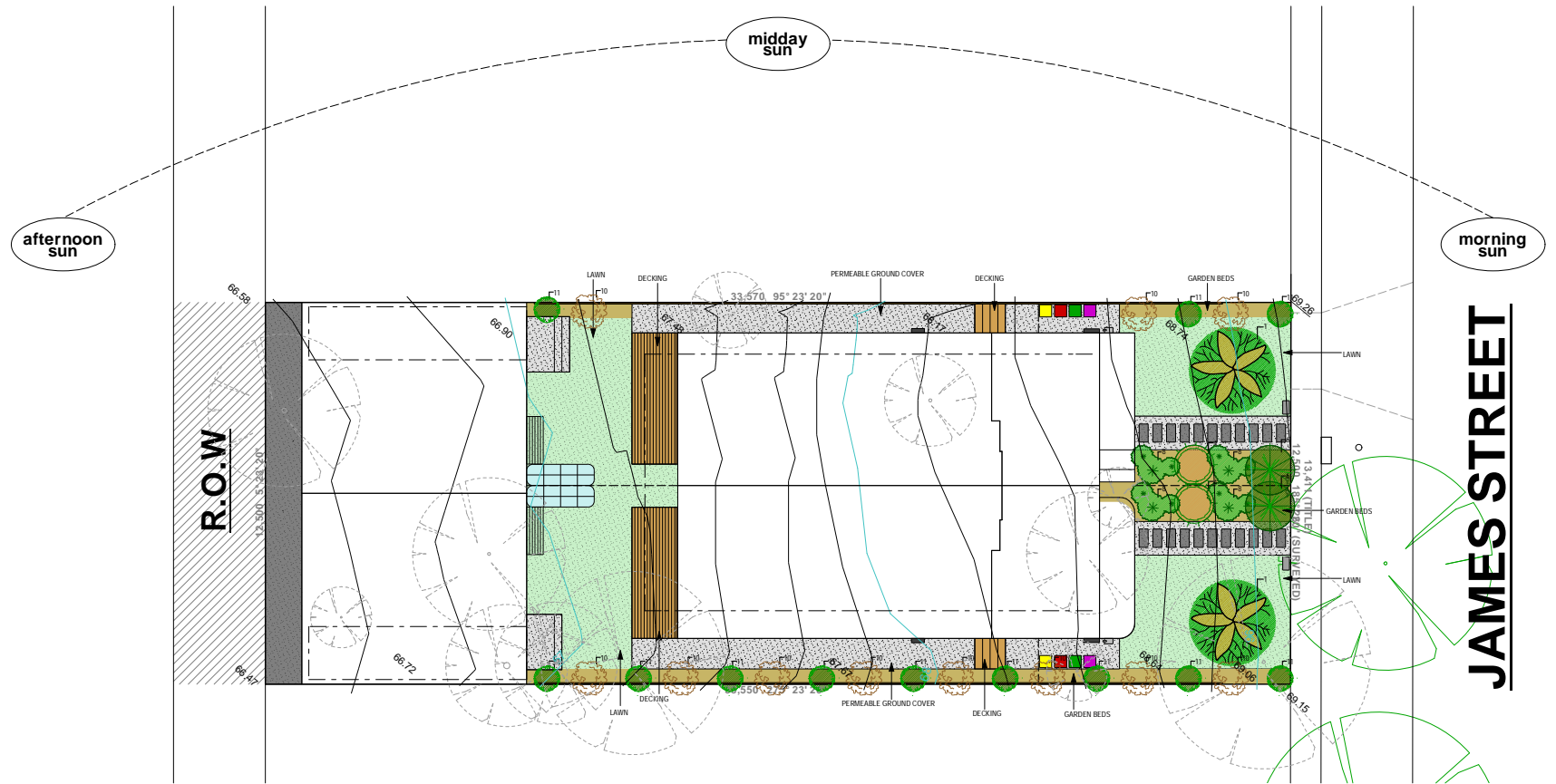


3 PM AFTERNOON SHADOW

- DENOTES PROPOSED DWELLING SHADOW
- DENOTES EXISTING FENCE SHADOW
- DENOTES EXISTING NEIGHBOURS SHADOW

	STEVE COLAKIDIS 4 MUSTER DRIVE, AINTREE, VIC 3336 MOB: 041731575 EMAIL: composite.design.drafting@gmail.com www.composite-design.com.au	REGISTERED Building Practitioner REG No. DP-AD 34591 ABN: 86 717 340 607	PROPOSER DUAL OCCUPANCY CLIENT ASCON BUILDERS
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DRIP SYSTEM IRRIGATION TO BE INSTALLED THROUGHOUT
 AUTOMATED DRIP IRRIGATION SYSTEM TO TO BE INSTALLED THROUGH ALL GARDEN AREAS AND PLATER BOXES IN ACCORDANCE WITH CURRENT COUNCIL & MELBOURNE WATER WATERING REGULATIONS

LEGEND		TIMBER EDGING INSTALLED TO SEPARATE LAWN, GARDEN BEDS, GRAVEL/PEBBLES
EXISTING TREES TO REMAIN		TIMBER DECKING
PROPOSED TREES		EXPOSED AGGREGATE CONCRETE
SHRUBS		GARDEN BEDS
TUSsock PLANTS / GROUND COVER		LAWN AREA
		LILYDALE TOPPING GRAVEL PEBBLES
		FOLD DOWN CLOTHESLINE
		STEPPING PAVERS

TREES ARE TO BE INSTALLED AT A HEIGHT OF NO LESS THAN 2.0 METERS

CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT (mm)	MATURE WIDTH (mm)	POT SIZE (mm)	TOTAL # USED	
TREES							
1	CALLISTEMON KING'S PARK SPECIAL	BOTTLE BRUSH	4,000	3,000	250	2	PRIVATE OPEN SPACE TREE
2	ACACIA IMPLEXA	LIGHTWOOD	8,000	5,000	250	2	FRONT SETBACK TREE
3	EUCALYPTUS 'EURY DWARF'	DWARF EUCALYPTUS	4,000	3,500	250	2	FRONT SETBACK TREE
SHRUBS							
4	PITIOSPORUM	SILVER STERLING	4,000	2,500	150	1	
5	WESTRINGIA FRUTICOSA	COAST ROSEMARY	1,500	1,500	150	2	
6	CROWEA PINK STAR	PINK CROWEA	900	900	150	2	
7	GRAVILLEA	CRIMSON VILLEA	800	800	150	1	
TUSsock PLANTS/GROUND COVERS							
8	PHORMIUM	ANNA RED FLAX	1,200	1,000	100	19	
9	DIETES BICOLOUR	YELLOW FLAG IRIS	750	750	100	13	
10	DIANELLA BREVICALUS	SPREADING FLAX LILY	400	400	100	8	
11	DIANELLA CAERULEA 'CASSA BLUE'	FLAX LILY	400	400	100	26	

TREE PROTECTION ZONE DISTANCES

(A) THE NATURESTRIP AND STREET TREE WITHIN NORTH STREET FRONTAGE OF THE SITE MUST BE BARRICADED OUT USING PORTABLE CYCLONE FENCING FOR THE DURATION OF THE DEVELOPMENT. COSTS OF SUCH FENCING MUST BE BORNE BY THE DEVELOPER AND/OR PERMIT HOLDER.

(B) NO PRUNING OF THE EXISTING STREET TREE LOCATED WITHIN THE NATURE STRIP WITHIN THE NORTH STREET OF THE SITE SHALL BE UNDERTAKEN BY ANY PARTY OTHER THAN BRIMBANK TREE SERVICES.

(C) NO BUILDING MATERIALS ARE TO BE STACKED AND/OR DUMPED ON ANY NATURESTRIP DURING CONSTRUCTION.

THE TREE PROTECTION ZONE (TPZ) AROUND THE EXISTING STREET TREE MUST BE FENCED IN ACCORDANCE WITH AUSTRALIAN STANDARD AS4970-2009 - PROTECTION OF TREES ON DEVELOPMENT SITES. THE FOLLOWING ACTIVITIES MUST NOT OCCUR WITHIN THE TPZ:

(A) CONSTRUCTION OF ANY WORKS WITHOUT THE SUPERVISION OF A QUALIFIED ARBORIST;

(B) DRIVING OR PARKING OF ANY VEHICLES OR MACHINERY;

(C) STOCKPILING OF BUILDING MATERIALS, DEBRIS OR SOIL;

(D) DUMPING OF FUEL, OIL OR CHEMICALS;

(E) ALTERING OF SOIL LEVELS;

(F) OPEN TRENCHING, INCLUDING FOR THE PLACEMENT OF PIPES OR WIRES;

(G) ATTACHMENT OF WIRES, NAILS, SCREWS OR ANY OTHER FIXING DEVICE TO THE EXISTING TREES.

SUPPLEMENTARY WATERING MUST BE PROVIDED TO TREES THROUGH DRY PERIODS AND DURING AND AFTER THE CONSTRUCTION PROCESS.

LANDSCAPE SPECIFICATIONS

Garden Bed Establishment - Where indicated on the drawings the contractor shall provide for the establishment of garden beds. All works are to be carried out in accordance with standard horticultural practices. All works shall only be carried out under suitable soil conditions and the use of machinery or hand tools under adverse conditions that would damage the soil structure will not be permitted. Finished surface level - After final settlement the finished surface level shall match the top of adjoining bedding edge. Place topsoil to within 75mm below finished level to allow for the replacement of mulch.

Grades - All grades are to be shaped to assist drainage.

Preparation of Subgrade - Excavate as required to establish subgrade level to allow for addition of topsoil and mulch. All garden areas that are heavily compacted from construction work shall be broken up by an initial cultivation prior to the placement of the topsoil. This shall be carried out by cultivating to a depth of 300mm and shall be along the contours to prevent erosion. This shall leave the ground in a loose and friable condition.

Gypsum - spread gypsum at the rate of 1 - 2 kilograms per square metre depending upon the manufacturers recommendations for the type of topsoil. Mix the gypsum into the sub-grade by raking in lightly to a depth of 50mm.

Topsoil - Imported topsoil from an approved supplier will confirm the following:
 Texture - light to medium clay loam, i.e. capable of being compressed into a ball by hand when moist yet can be broken apart immediately after.
 Topsoiling - Spread topsoil to an even depth of 250mm and do not deliver or spread in a muddy condition. Where access is required over established or proposed garden areas keep the vehicular routes in the smallest possible area.

Garden Bed Preparation - Before laying mulch in all large garden beds and where thick screen planting (eg. border planting) occurs cultivate to a depth of 300mm minimum. In small garden areas dig to spade depth (250mm).

Mulch - Supply and place selected mulch in all garden beds to a minimum thickness of 75mm.

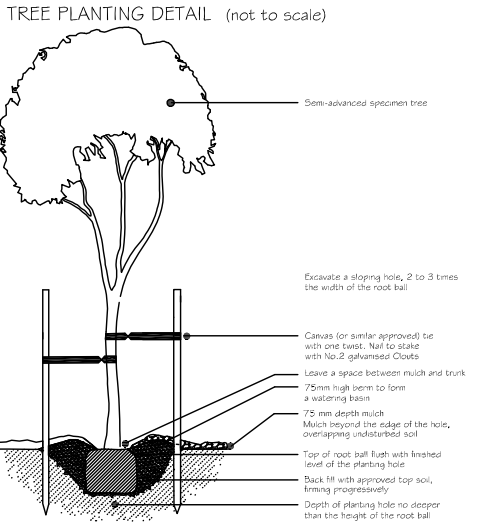
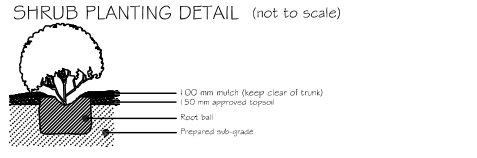
Planting - Refer to the Tree and Shrub planting details.

Completion - Refill any depression caused by settlement and reform any areas which prevent water run-off.

Planting Generally - Ensure all plants are healthy, disease free, not root bound and true to name. Fertilizer - Use 6-9 month osmocote fertilizer at the rate specified by the manufacturer.

Planting Procedure - After the planting bed has been prepared satisfactorily, the procedure shall be as follows:

- (I) Thoroughly soak before planting.
- (I I) Clear mulch for 500-1000mm around hole for replacement after planting.
- (I I I) Dig hole 300 - 450 mm diameter and just over the depth of the plant container. Break away any lumpy soil, which is to be used in refilling the hole.
- (IV) If the soil is very dry, fill with water and allow to drain completely.
- (V) At this stage the hole shall be deep enough to accept the height of the soil in the plant container and the plant can be placed so that the final level will be no higher than that in the pot. Staking - two stakes per plant are to be used. Place stakes before planting to ensure that the stakes will not damage the rootball, i.e. Stakes should be a minimum of the containers diameter apart. The stakes shall be placed in a north - south orientation.
- (V I) Remove the plant from the pot or plastic bag by inverting plant and easing off gently. Alternatively plastic bags may be cut. Do not disturb the roots unless they are matted around the outside of the soil mass.
- (V I I) Place the plant into the hole and fill in soil firmly without distorting the general shape of the plants root system. A bowl shall be formed around the plant to hold at least 10 litres of water. Any trees that are not planted in a garden bed are to be planted in a mounded mulched area above the lawn.
- (IX) The plant label should be removed from the trunk of the plant and where stakes are available it should be tied to a stake.
- (X) Apply osmocote following manufacturers instructions.
- (X I) Mulch - In garden bed areas the mulch is to be returned to the disturbed area. Keep mulch away from tree trunk to avoid rotting.
- (X I I) Water several times after planting to ensure that the water penetrates into the soil.



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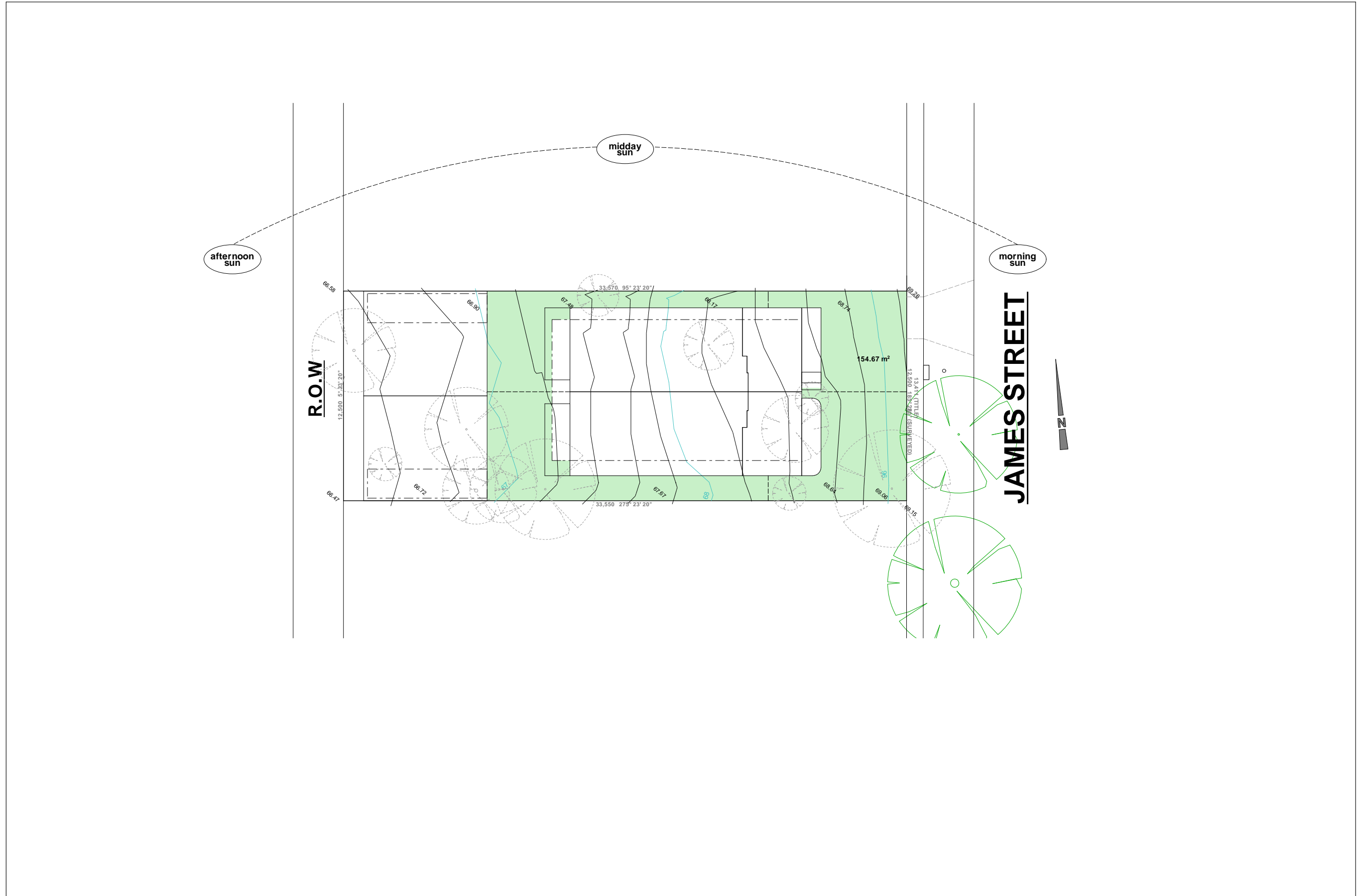
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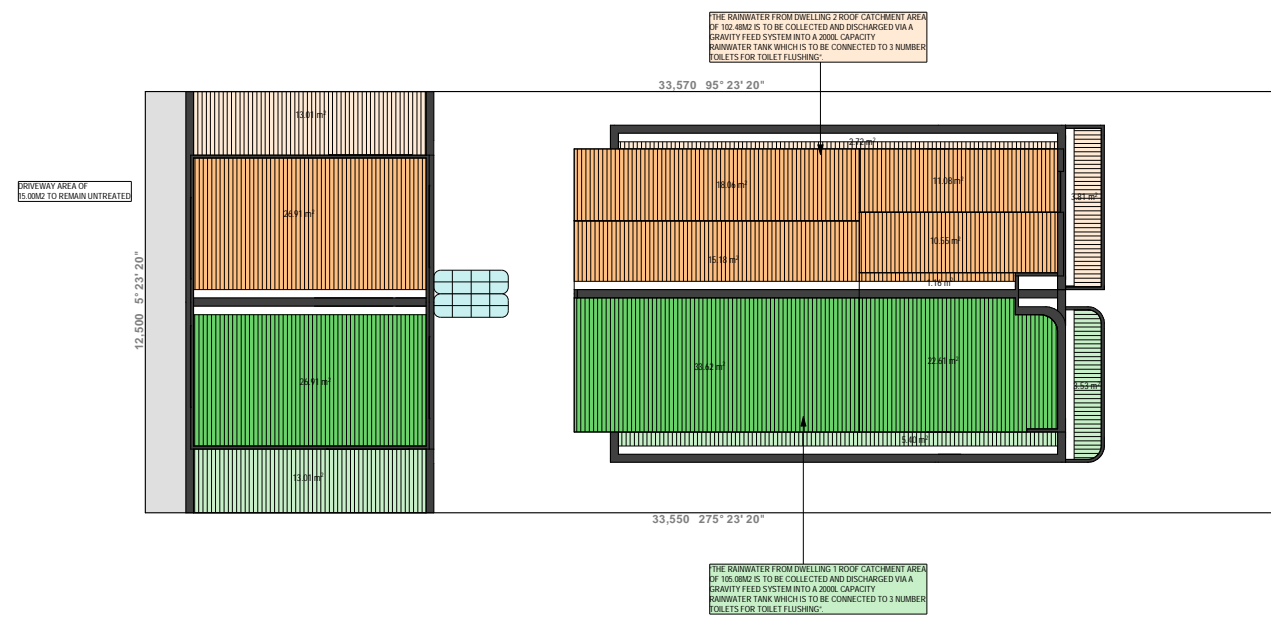
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LOCATION: No. 23 JAMES STREET PRESTON
 DRAWING NAME: LANDSCAPE PLAN
 DATE: 30/11/22

Scale: 1:50
 Date: 22/01/23
 Drawing No: #8



	STEVE COLAKIDIS 4 MUSTER DRIVE, AINTREE, VIC 3336 REG. No. DP-AD 34591 A.B.N. 86 717 340 607	REGISTERED Building Practitioner MOB: 0417331575 EMAIL: composite.design.drafting@gmail.com www.composite-design.com.au	PROPOSER DUAL OCCUPANCY CLIENT ASCON BUILDERS	THESE DRAWINGS MUST NOT BE SCALED FIGURES DIMENSIONS TAKE PRECEDENCE IF IN THE BUILDERS AND ALL SUB CONTRACTORS RESPONSIBILITY TO KEEP ALL DIMENSIONS LEVELS AND LOCATIONS CORRECTING ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS AND ORDERING OF MATERIALS. ANY DISCREPANCIES ARE TO BE REPORTED TO THIS OFFICE IMMEDIATELY. THESE DRAWINGS SHALL NOT BE ALTERED IN ANY FORM WITHOUT THE WRITTEN PERMISSION FROM COMPOSITE DESIGN AND DRAFTING. COPYRIGHT IN THESE DRAWINGS AND ASSOCIATED DOCUMENTATION IS OWNED BY COMPOSITE DESIGN AND DRAFTING.	LOCATION No. 23 JAMES STREET PRESTON DRAWING NAME GARDEN AREA PLAN	Scale: 1:100 Date: 30/11/2022 Drawn: AL Date: 30/11/22	Project No: 22/013 Drawing No: #9
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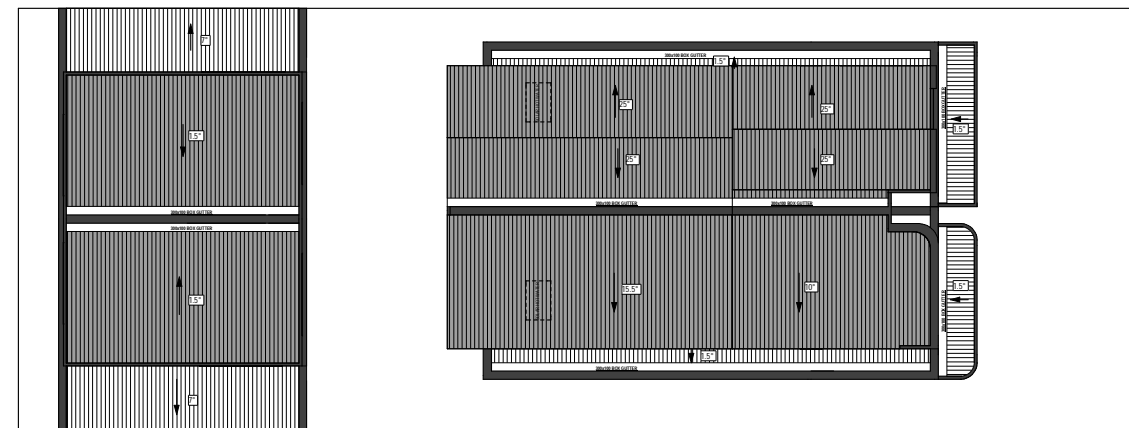
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LOCATION
 No. 23 JAMES STREET
 PRESTON

DRAWING NAME
 WSUD PLAN

Scale: S.C. 1:100
 Date: 30/11/2022
 Author: AL
 Date: 30/11/22

22/013
#10



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CLIENT
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LOCATION
 No. 23 JAMES STREET
 PRESTON
DRAWING NAME
 ROOF PLAN
 Scale: S.C. 1:100
 Date: 30/11/2022
 Drawn: AL
 Checked: AL
 Date: 30/11/22

22/013
#11

23 JAMES STREET PRESTON 3072

Appendix D – Objector Map

Six (6) objections total were received, all within a 100 metre radius of the site.

100 metres radius shown in blue.

Subject site shown in red.





23 James Street Preston – Consideration of Planning Permit Application D/442/2022

APPENDIX E – REFERENCE TABLES

Clause 22.02 – Neighbourhood Character Assessment

The subject site is located within Neighbourhood Character Precinct E3 (Inter-war/Post-war) of Darebin’s Neighbourhood Character study (Clause 22.02). The table below addresses the applicable Neighbourhood Character Assessment objectives.

Objective	Comment	Complies
Existing Buildings		
To encourage the retention of older dwellings that contribute to the valued character of the area in the design of development proposals.	The existing dwelling is not covered by a heritage overlay and can be removed from the site. Retention of the existing dwelling is not conducive with creating two (2) new dwellings on the land.	Complies
Vegetation		
To maintain and strengthen the garden setting of the dwellings.	A landscape plan has been provided (by the applicant) which indicates the planting of new vegetation in the front and rear yards. A condition of approval will require an amended landscape plan in accordance with the canopy tree planting required by Council’s Tree Management Unit, as well as other administrative requirements (e.g Construction details of garden beds and tree protection measures).	Complies subject to condition
Siting		
To provide space for front gardens.	The development increases the amount of front garden by relocating vehicle access from the rear right of way. Each dwelling will have over 30 square metres of front yard.	Complies
To ensure new development retains substantial space for landscaping.	The proposal provides substantial space of landscaping. A detailed landscape plan is requested as a condition of the recommendation.	Complies
To maintain and reinforce the side boundary setback pattern and the existing rhythm of spacing between dwellings.	Each dwelling is setback from the side boundaries which maintains the setback pattern and existing rhythm of spacing between dwellings on James Street.	Complies



23 James Street Preston – Consideration of Planning Permit Application D/442/2022

To minimise the loss of front garden space and the dominance of car parking structures.	The proposal increases the amount of front garden space by relocating vehicle access to the site from the rear right of way.	Complies
Height and Building Form		
To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.	The proposed double storey built form would respect the predominant height and form of buildings in the streetscape with is single and double storey dwellings. Further to this, the double storey proposal is consistent with the incremental housing change policy applicable to the subject site as it would present an incremental change from one (1) storey to two (2) storey built form.	Complies
To maintain, where present, the consistency of frontage widths and building heights and forms.	The proposal development maintains frontage widths with setbacks from both side boundaries.	Complies
Materials and Design Detail		
To encourage buildings that contribute positively to the streetscape through the use of innovative architectural responses and by presenting visually interesting facades to the street.	The proposal offers a contemporary design response for a side by side dwelling configuration. The recessive party wall at the first floor creates singular dwelling rhythm and achieves the design objectives of Council's Darebin Good Design Guide. The proposed materials are domestic in appearance in light, muted tones.	Complies
Front Boundary Treatment		
To maintain the openness of the streetscape and views to established gardens and dwellings.	No front fence is proposed which is acceptable.	Complies

Overall, the proposal is compliant with the requirement of the Neighbourhood Character Study and Design Guidelines for the precinct.

Clause 55 – Rescode Assessment – Compliance Summary

Clause	Std		Compliance	
			Std	Obj
		Clause 22.02 – Neighbourhood Character Assessment		
55.02-1	B1	Neighbourhood character		



23 James Street Preston – Consideration of Planning Permit Application D/442/2022

Clause	Std		Compliance	
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		Not applicable as the development contains less than 10 dwellings.	N/A	N/A
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development with a condition relating to drainage being to Council's satisfaction.	Y	Y
55.02-5	B5	Integration with the street		
		Both dwellings front the street with pedestrian pathways directly linked to James Street. The proposal appropriately integrates with the street.	Y	Y
55.03-1	B6	Street setback		
		Please see assessment in the body of this report	Y	Y
55.03-2	B7	Building height		
		Please see assessment in the body of this report.	Y	Y
55.03-3	B8	Site coverage		
		The area covered by buildings should not exceed a site coverage of 60%. The site coverage is 59% or 250 square metres.	Y	Y
55.03-4	B9	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 36% or 154 square metres of the total site area.	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		Not applicable as the site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		



23 James Street Preston – Consideration of Planning Permit Application D/442/2022

Clause	Std		Compliance		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y	
55.03-9	B14	Access			
		Please see assessment in the body of this report.	Y	Y	
55.03-10	B15	Parking location			
		Parking facilities are proximate to the dwellings they serve, the access is observable.	Y	Y	
55.04-1	B17	Side and rear setbacks			
		Please see general assessment in the body of this report. The following table details the numerical compliance to this standard. The western first floor wall above the garage does not comply numerically with the standard, however is acceptable in this instance as this wall abuts a 3 metre right of way and will not impact on the amenity of this space.	N	Y	
Ground Floor					
Boundary	Dwelling	Wall Height	Required Setback	Proposed Setback	Compliance
Southern	1	3.4 metres (from NGL which is the red dashed line to the top of ground floor brick wall). The ground floor of the garage is built on the boundary and is assessed under Standard B18 below.	1 metre	1 metre	Yes
Northern	2	3.264 metres (from NGL which is the red dashed line to the top of ground floor brick wall). The ground floor of the garage is built on the boundary and is assessed under Standard B18 below	1 metre	1 metre	Yes
Western	1 & 2 garage	See assessment above under first floor	N/A	N/A	N/A
First Floor					



23 James Street Preston – Consideration of Planning Permit Application D/442/2022

Clause		Std				Compliance		
Boundary	Dwelling	Wall Height	Required Setback	Proposed Setback	Compliance			
Southern	1	5.94 metres (dwelling) 6.1 metres (garage)	1.7 metres 1.75 metres	2.4 metres 1.88 metres	Yes			
Northern	2	5.98 metres (dwelling) 5.9 metres (garage)	1.714 metres 1.7 metres	1.7 metres 1.88 metres	Yes			
Western	1 & 2	6 metres (garage)	1.72 metres	1.34 metres	<u>No</u>			
55.04-2	B18	Walls on boundaries						
		Please see assessment in the body of this report.				Y	Y	
55.04-3	B19	Daylight to existing windows						
		Please see assessment in the body of this report.				N	Y	
55.04-4	B20	North-facing windows						
		Please see assessment in the body of this report.				Y	Y	
55.04-5	B21	Overshadowing open space						
		Please see assessment in the body of this report.				N	Y	
55.04-6	B22	Overlooking						
		Please see assessment in the body of this report.				N	Y	
55.04-7	B23	Internal views						
		There are no internal views				Y	Y	
55.04-8	B24	Noise impacts						
		Please see assessment in the body of this report.				Y	Y	
55.05-1	B25	Accessibility						
		The ground levels of the proposal can be made accessible for people with limited mobility.				Y	Y	
55.05-2	B26	Dwelling entry						
		Entries to the dwellings are identifiable and provide an adequate area for transition.				Y	Y	
55.05-3	B27	Daylight to new windows						
		Adequate setbacks are proposed to allow appropriate daylight access.				Y	Y	
55.05-4	B28	Private open space						
		Please see assessment in the body of this report.				Y	Y	
55.05-5	B29	Solar access to open space						
		There are no walls to the north of the proposed secluded private open spaces.				Y	Y	
55.05-6	B30	Storage						



23 James Street Preston – Consideration of Planning Permit Application D/442/2022

Clause	Std		Compliance	
		Sufficient storage areas are provide in each garage in the form of under stair storage and two (2) overhead storage spaces.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		No front fence is proposed which is acceptable.	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

6. OTHER BUSINESS

6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE

EXECUTIVE SUMMARY


The General Planning Information attached at Appendix A contains:

- A summary of decisions upheld by VCAT by financial year to date;
- A summary of VCAT decisions since last report to Council; and
- A summary of all 2022-2023 financial year decisions withdrawn/struck out and/or not reported to LGPRF.

Officer Recommendation

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

Attachments

- Applications Determined by VCAT - Report for Planning Committee - 10 July 2023 (**Appendix A**) [↓](#) 

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

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

PLANNING COMMITTEE MEETING

10 July 2023

TABLE 1: SUMMARY OF DECISIONS UPHELD BY VCAT FINANCIAL YEAR TO DATE (JUL 2022 – JUNE 2023)

	Number of VCAT Decisions	Percentage of decisions upheld (excluding mediated outcomes/LGPRF reported)	Percentage of decisions upheld (including mediated outcomes)
Council decisions	5	40% (2 decisions)	100% (5 decisions)
Delegated decisions	32	47% (15 decisions)	87% (28 decisions)
All decisions	37	46% (17 decisions)	89% (33 decisions)

Comment on performance and trends

The results of this financial year to date are a significant improvement on last year's financial year results which were 20% of decisions upheld (excluding mediated outcomes) or around 50% (including mediated outcomes). The typical percentage of decisions upheld (excluding mediated outcomes) across similar Council's is around 58% or 50% for all decisions.

Last year's result was particularly low and in part was affected by there being a lower than usual number of overall VCAT applications, a trend that is continuing this year.

An improvement in results this financial year to date is in part accounted for by improvements to VCAT procedures that the team have been implementing. In addition, VCAT have increased the number of matters that can go to a compulsory conference, which is increasing the number of mediated outcomes reached.

Notes on Table 1

Table 1 summarises VCAT decision types and outcomes required to be reported to the Local Government Performance Reporting Framework (LGPRF).

As LGPRF reporting does not reflect mediated outcomes as a decision upheld, decisions upheld based on a mediated outcome are distinguished in the table as percentage of decisions upheld including mediated outcomes.

Some less common VCAT application types are also not reported to LGPRF (for instance applications to cancel a permit, obtain a declaration and enforcement proceedings are not reported). This financial year to date, there have been six VCAT decisions that are not reportable to LGPRF and are not captured in the above table. Five of these decisions concerned delegated decisions of Council and were withdrawn (by the appellant) or struck out by the Tribunal, while one upheld Council's position.

Council decisions are decisions made by the Planning Committee. Delegated decisions are decisions made under Council's delegation instruments by Planning Officers in the Statutory Planning Unit.

PLANNING COMMITTEE MEETING

10 July 2023

TABLE 2: SUMMARY OF VCAT DECISIONS ISSUED SINCE LAST REPORT TO COUNCIL

Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's position upheld?
D/681/2020 P1338/2022	8 Balfour Street Reservoir North West	Variation of covenant and construction of three (3) dwellings on a lot	Refuse	Delegate	S77	Hearing	Permit refused 12 May 2023	Yes
<p>Discussion The applicant sought to vary the single dwelling covenant and construct three (3) dwellings within the Merrilands Estate residential area. The Tribunal agreed with Council's position, finding that the distinctive character of the Merrilands Estate would be undermined by the variation and construction of three dwellings, additionally noting the proposal would not result in a net community benefit.</p>								
D/1078/2016/A P1687/2022	30 Pearl Street Northcote South	Amendment to approved development of five (5) triple storey dwellings to remove privacy screening to south windows	Support (NOD issued)	Delegate	S82	Compulsory Conference	Permit varied 13 June 2023	Yes
<p>Discussion The applicant sought a review of Council's decision to allow the removal of privacy screening. A mediated position was reached between the Tribunal and parties and an additional permit condition included for the developer to provide a 600mm deep horizontal shelf screen along the length of the window sill in lieu of external screens.</p>								

PLANNING COMMITTEE MEETING

10 July 2023

Notes on Table 2**VCAT appeal types explained:**S77 – Section 77 Application for review of Council’s refusal to grant a planning permit, by the applicant**S78 – Section 88 Application for review of notice or information requirements requested by Council, by the applicant**S79 – Section 79 Application for review of Council’s failure to determine the application within the 60 day statutory timeframe, by the applicant**S80 – Section 80 Application for review of Council’s conditions on a planning permit, by the applicant**S81 – Section 81 Application for review of Council’s decision to not extend a planning permit, by the applicant**S82 – Section 82 Application for review of Council’s decision to support a proposal, by objectors****VCAT hearing types explained:****Practice Day Hearing** – Administration hearing - VCAT gives direction on how the case will proceed, sets dates, discusses preliminary legal issues, etc****Compulsory Conference** – Prior to the full hearing, parties confidentially discuss ways to resolve the case with the help of a VCAT member, may result in a mediated outcome being reached****Hearing** – VCAT hearing where parties present their case and the decision is made after consideration by VCAT****None (decision made on the papers)** – decision reached without the need for a hearing, usually where parties reached a mediated outcome outside of the Tribunal or where an appeal is withdrawn or struck out for administrative reasons****Major Case** – Major cases are heard sooner and can reach a resolution quicker than other planning cases. Most cases are eligible to be heard as a major case, but one of the parties must pay higher fees. Applications for review under Sections 77, 79, 80 and 82 are all eligible****Short Case** – These are cases which are not complex and can be handled in a short amount of time, typically involving limited issue/s and less parties. These cases are heard sooner and decisions are typically made orally at the hearing*****Decision upheld is all decisions where the Tribunal affirms Council’s decision/recommendation with no change or varies Council’s decision/recommendation with changes (i.e. adds conditions)*

PLANNING COMMITTEE MEETING

10 July 2023

TABLE 3: FINANCIAL YEAR SUMMARY OF VCAT ALL DECISIONS NOT REPORTED TO LGPRF*

Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's position upheld?
D/356/2021 P400/2022	150 Tyler Street Preston North Central	Construction of three (3) double storey dwellings	Support (NOD issued)	Delegate	S77	Compulsory Conference	Struck Out	Yes
<p>Discussion The appeal was struck out by the Tribunal as the person who lodged the appeal failed to appear at the Compulsory Conference and failed to comply with the orders and direction of the Tribunal.</p>								
D/172/2021/A P1439/2022	113 St Vigeons Road Reservoir North East	Amendment to approved development of two (2) dwellings on a lot to allow an increase in floor levels	Support	Delegate	S87	No hearing	Withdrawn	Yes
<p>Discussion A request to cancel an amended permit was withdrawn.</p>								

PLANNING COMMITTEE MEETING

10 July 2023

D/221/2021 P1043/2022	76 Green Avenue Kingsbury North East	Construction of three (3) double storey dwellings	Support (NOD issued)	Delegate	S82	No hearing	Withdrawn	Yes
<p>Discussion The appeal was withdrawn by the Tribunal, at the request of the party who had lodged the appeal.</p>								
D/353/2022 P1685/2022	36 Fulham Road Alphington South East	Construction of a double storey dwelling on a lot less than 300sqm	Support (NOD issued)	Delegate	S82	Practice day hearing	Struck out	Yes
<p>Discussion The appeal was struck out by the Tribunal as the objector, who had appealed due to the commencement of works prior to the permit being issued, failed to pay the Tribunal fee and did not provide sufficient justification as to why the appeal should be reinstated. The Tribunal found the matters under appeal to be related to protection works required under building legislation and were not matters that could be resolved via the planning appeal process.</p>								
D/8/2017 P1768/2022	29 Hayes Street Northcote South Central	Construction of four (4) double/triple storey dwellings	Refused	Delegate	S149A	Hearing	Refused	Yes

PLANNING COMMITTEE MEETING

10 July 2023

Discussion								
An appeal was lodged by the developer seeking a declaration that the planning permit had not expired. The development was at frame stage; however, the applicant did not have endorsed plans under the planning permit. The Tribunal agreed with Council that the endorsement of plans is an integral part of the planning process, which verifies whether the works undertaken are as per the approved development, and without endorsed plans for reference, found that the planning permit had expired.								
D/8/2017	29 Hayes Street	Construction of four (4) double/triple storey dwellings	Refused	Delegate	\$149	No hearing	Refused	Yes
P80/2023	Northcote South Central							
Discussion								
An appeal was lodged by the developer seeking the Tribunal direct Council to endorse plans. However, given the Tribunal’s decision that the permit had expired the proceeding was considered redundant and refused/dismissed by the Tribunal.								

***Applications withdrawn, struck out and/or not appeal types as reported within Table 1 or Table 2 for financial year 2022/2023.**

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL


8. CLOSE OF MEETING

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