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AGENDA

**Planning Committee meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 12 September 2016
at 7.00 pm.**

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Agenda

1. MEMBERSHIP

Councillors

Cr Vince Fontana (Mayor) (Chairperson)
Cr Gaetano Greco
Cr Tim Laurence
Cr Bo Li
Cr Trent McCarthy
Cr Steven Tsitas
Cr Angela Villella
Cr Oliver Walsh
Cr Julie Williams

Council Officers

Steve Hamilton – Acting Chief Executive
Darren Rudd – Manager City Development
Julie Smout – Coordinator Statutory Planning
Jacinta Stevens – Executive Manager Corporate Governance and Performance
Katia Croce – Coordinator Council Business

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee meeting held on 22 August 2016 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/373/2016 5 Banbury Road, Reservoir

AUTHOR: Senior Planner – Katharine Cox

DIRECTOR: Acting Director Assets and Business Services – Chris Meulblok

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Robert Nichol & Sons	Jordan Boceski

SUMMARY:

- The proposal seeks to construct a double storey three (3) bedroom dwelling to the rear of the existing dwelling. Two (2) car spaces have been provided for the proposed dwelling, and one (1) car space for the existing dwelling. 50.5m² of open space has been provided for the proposed dwelling. 133m² of open space has been provided for the existing dwelling.
- The site is zoned General Residential Zone Schedule 2
- There is a restrictive covenant on title, the proposed development will not breach the terms of the covenant. The restriction states *“no quarrying operations shall at any time hereafter be carried on in or upon the said Lot 18 and no stone earth clay gravel or sand shall at any time hereafter be carried away or removed from the said Lot 18 except for the purpose of excavating for the foundations of any building to be erected thereon or use or permit or allow the said land hereby transferred to be used for the manufacture or winning of bricks tiles or pottery ware.”*
- Five (5) objections were received against this application.
- The proposal fails to meet a number of objectives and standards of Clause 55 of the Darebin Planning Scheme
- It is recommended that the application be refused.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Public Realm, Darebin Parks, Transport Management and Planning, and Capital Works.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/373/2016 be refused and Notice of Refusal be issued on the following grounds:

1. The proposal does not comply with Clause 22.02 (Neighbourhood Character) of the Darebin Planning Scheme and the Design Guidelines of the Darebin Neighbourhood Character Study Precinct F8.
2. The proposal does not comply with Standard B1 of Clause 55 of the Darebin Planning Scheme. The proposal does not respect the existing and preferred Neighbourhood Character.
3. The proposal does not comply with Standard B2 of Clause 55 of the Darebin Planning Scheme. The proposal is not in accordance with the Local Planning Policy Framework under the Darebin Planning Scheme.
4. The proposal does not comply with Standard B5 of Clause 55 of the Darebin Planning Scheme. The high fencing limits integration of the development with the street.
5. The proposal does not comply with Standard B28 of Clause 55 of the Darebin Planning Scheme. The secluded private open space of the existing dwelling does not meet the 25 square metre requirements.
6. The proposal does not comply with Standard B29 of Clause 55 of the Darebin Planning Scheme. The depth of the proposed dwelling secluded private open space does not meet the requirements.
7. The proposal does not comply with Standard B31 of Clause 55 of the Darebin Planning Scheme. The design detail does not respect the existing or preferred neighbourhood character.
8. The proposal does not comply with Standard B32 of Clause 55 of the Darebin Planning Scheme. The front fences to both the existing and proposed dwelling do not respect the existing or preferred neighbourhood character.
9. The proposal does not comply with Clause 52.06 of the Darebin Planning Scheme. The dimensions of the open car parking space for the proposed dwelling are not compliant.

Report

INTRODUCTION AND BACKGROUND

A search of Council records shows that there is no planning history for this site.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 38.4 metres in length and 12.8 metres in width with a site area of 521 square metres.

- The land is located within the General Residential Zone Schedule 2 and the Development Contributions Plan Overlay. Please note that the Development Contributions Plan Overlay has expired.
- The land is located on the west side of Banbury Road, on the south-west corner of Dyson Street.
- The site is currently occupied by a three (3) bedroom brick dwelling with associated outbuildings. No significant vegetation is located on the site. Vehicle access to the site is via a crossover in the north-west corner of the site from Dyson Street.
- To the east is Banbury Road. On the east side of Banbury Road are single storey weatherboard and brick dwellings.
- To the west is a single storey weatherboard dwelling with associated outbuildings and no substantial vegetation.
- To the north, on the northern side of Dyson Street and fronting Banbury Road is a single storey weatherboard dwelling with associated outbuildings.
- To the south is a single storey brick dwelling with associated outbuildings and limited vegetation.
- There are no on-street parking restrictions within the vicinity of the subject site on Banbury Road or Dyson Street.
- Edwardes Street to the south of the subject site is serviced by the 553 bus route, with stops near the intersection of Edwards Street and Banbury Road.

Proposal

- Construction of a double storey three (3) bedroom dwelling to the rear of the existing.
- The dwelling contains an open plan kitchen/meals/living area, laundry and toilet at the ground floor.
- The first floor contains three (3) bedrooms (master with ensuite and walk-in in robe), and bathroom.
- The dwelling has a maximum height of 6.5 metres, and is a contemporary design constructed of concrete blockwork, rendered finish, lightweight external cladding with vertical groove, and a corrugated roof.
- The existing dwelling is proposed to be reduced to a two bedroom dwelling.
- Vehicle access to both dwellings is via separate crossovers from Dyson Street

Objections

- Five (5) objections have been received.

Objections summarised

- Overshadowing of living room window at 1 Dyson Street Reservoir
- Narrowness of Dyson Street makes for difficulty manoeuvring.
- Increased traffic within Dyson Street.
- Rubbish collection by Council garbage trucks hindered

- Cars parked on Dyson Street prevent bus picking up disabled woman at 1 Dyson Street
- Visually imposing when viewed from the street
- Out of character with existing streetscape

Officer comment on summarised objectionsOvershadowing of living room window at 1 Dyson Street Reservoir

The proposed dwelling is set back from the west boundary of the subject site by 1.95 metres at the ground and first floor. The north and east facing living room windows of the adjoining property are in excess of 2 metres from the common boundary. The existing conditions plans demonstrate overshadowing of the east facing living room window at 9am. The proposed conditions plan demonstrates this is increased to the north facing living room window at 9am. Whilst there has been a demonstrated increase in overshadowing, this is only in the early morning, and the setbacks of the proposed dwelling meet the standards of Clause 55 B20 North facing windows.

Narrowness of Dyson Street makes for difficulty manoeuvring

Dyson Street measures approximately 7.5 metres wide. The street is a dead end street, with cars parking on the north and south sides. The proposed development contains all car parking associated with the dwellings on the subject site, with cars reversing onto Dyson Street to exit the site. The development requires one (1) additional crossover, which will not result in an unreasonable burden on manoeuvrability within Dyson Street.

Increased traffic within Dyson Street

The development proposes an additional crossover to Dyson Street to accommodate parking for the existing dwelling, with all parking for the development provided on the subject site. It is considered that the proposed development will not result in increased burden on Dyson Street.

Rubbish collection by Council garbage trucks hindered

The development results in one additional crossover to Dyson Street, with all car spaces required for the dwellings contained within the subject site. Council is satisfied the proposed development will not hinder Council garbage trucks from collecting rubbish within Dyson Street.

Cars parked on Dyson Street prevent bus picking up disabled woman at 1 Dyson Street

The proposed development provides the required number of car spaces on site, in accordance with Clause 52.06 of the Darebin Planning Scheme. The proposed one (1) additional crossover is not considered to result in an unreasonable burden on Dyson Street. The scale of the development is such that that visitor parking can be accommodated within the street.

Visually imposing when viewed from the street

The ground floor front setback of the dwelling meets the setback requirements of ResCode. The first floor setback does not respond to the Neighbourhood Character Guidelines, which requires upper levels be set back a substantial distance from the front façade, to ensure a respectful response to the prevailing streetscape character.

Out of character with existing streetscape

The proposed dwelling is not considered to respect the prevailing single storey neighbourhood character. The development has been assessed against the Neighbourhood Character Design Guidelines and does not comply with the character elements outlined in the Design Guidelines.

PLANNING ASSESSMENT**Neighbourhood Character Precinct Guideline Assessment - Precinct F8**Vegetation

- The proposal maintains the front garden for the existing dwelling, and proposes a reasonable front setback for the proposed dwelling, allowing for the strengthening of the garden setting of the dwelling.
- The proposed secluded open space for the second dwelling is minimal in area and dimensions, and substantially overshadowed throughout the day, limiting landscaping opportunities and the potential for plant to establish within the overshadowed secluded open space.

Does not complySiting

- Front gardens have been provided to the proposed dwelling and maintained for the existing dwelling.
- The car space and courtyard for Dwelling 1 provides a defined space between the existing dwelling and the proposed dwelling, maintaining the setback rhythm. In addition, a setback from the western boundary maintains spacing between the proposed dwelling and the existing dwelling at 1 Dyson Street.
- No car parking structures are proposed in front setbacks.

CompliesHeight and building form

- Whilst the subject site is Banbury Road, the proposed dwelling will front Dyson Street, a predominately single storey streetscape, with limited development.
- The bulk of the proposed dwelling is considered excessive and unreasonable within the streetscape, and given the constraints and small area of the subject site. The contemporary design does not offer adequate articulation within the dwelling footprint, particularly at the first floor, and does not respect the predominant height and form of the streetscape.

Does not comply

Materials and design detail

- The material choices are considered acceptable and reflect the predominant material choices for medium density developments.
- The design detail and contemporary architectural response, presents a visually bulky and minimally articulated dwelling to Dyson Street. Council are not adverse to the contemporary design, however the position of the existing dwelling on the allotment and the presence of an easement along the western boundary limits the space for the proposed three (3) bedroom dwelling, resulting in an excessive first floor component and limited articulation.

Does not complyFront boundary treatment

- The proposed fencing to the east and north boundaries of the existing dwelling is considered excessive, with the predominant style of front fencing within both Dyson Street and Banbury Road being 1.2 metres high and relatively open.
- The proposed 1.5 metre high open picket fencing and 1.8m high colourbond fencing closes in Dwelling 1, obscuring the entry when viewed from Banbury Road, and enclosing the front open space. It is considered the front garden has been enclosed so as to be utilised for seclude private open space, which Council are not supportive of within the front setback.
- The 1.5 metre high timber picket fence for the proposed dwelling, designed to enclose the front setback, is also considered uncharacteristic, and will not be supported by Council.
- Lower fencing styles would be preferable, to reflect the prevailing character and to ensure openness and views to gardens and dwellings.

Does not comply**Clause 55 Assessment**

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

Clause 55.02-1 B1 Neighbourhood Character:

Non-compliance with this Standard has been discussed above in the Neighbourhood Character Guidelines Assessment.

Does not complyClause 55.02-2 B2 Residential Policy

The proposal is not compliant with the State Planning Policy Framework, the Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies. The proposal does not comply with the following policies:

- Clause 22.02 (Neighbourhood Character)- non-compliance is demonstrated in the above Neighbourhood Character Guidelines Assessment.

Does not comply

Clause 55.02-5 B5 Integration with the Street

1.5 metre high front fencing is proposed to the front of both the existing and the proposed dwellings. Whilst this is not located directly in front of the dwelling entries, the fencing does limit integration with both Banbury Road and Dyson Street.

Does not comply

Clause 55.04-6 B22 Overlooking

- The proposed dwelling is double storey and has finished floor levels less than 0.8m above natural ground level at the boundary. Proposed 1.8 metre high boundary fences on the west, south and east (internal) boundaries, will sufficiently limit overlooking.
- The development is designed to limit views into neighbouring secluded private open space and habitable room windows.
- All upper storey windows are appropriately designed and/or screened to ensure no overlooking.

Complies

Clause 55.05-4 B28 Private Open Space

- The development provides minimal private open space (POS) for the reasonable recreation and service needs of residents for the proposed dwelling.
- This is achieved for the proposed dwelling through the provision of 50.5 square metres of private open space, with a minimum area of 25 square metres secluded private open space to the rear of the dwelling, with a minimum dimension of 3 metres and convenient access from a living room.
- The existing dwelling has approximately 134 square metres of private open space, however the secluded private open space does not meet the minimum 25 square metres with a minimum dimension of 3 metres. The submitted plans measure an area approximately 3.5 metres wide by 6.5 metres long, with an area of 22.75 square metres.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	134 square metres	22.75 square metres	3.5 metres
Dwelling 2	50.5 square metres	25.5 square metres	3.0 metres

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

Does not comply

Clause 55.05-5 B29 Solar Access to Open Space

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

	Wall Height to North	Required Depth	Proposed Depth
Dwelling 1	N/A as no wall to north		
Dwelling 2	5.6 metres	7.04 metres	4.3 metres (3.0 metres to overhang of 1st floor)

The depths outlined above apply to an area of secluded private open space of no less than 25 square metres with a minimum dimension of 3.0 square metres.

Does not complyClause 55.06-1 B31 Design Detail

- The design detail of the development does not respect the existing or preferred neighbourhood character.
- The position of the existing dwelling on the site, and a 1.83 metre wide easement along the western boundary, constrains the dimensions of the site that can be development. These site constraints have resulted in a development that presents excessive bulk and minimal façade articulation to both the streetscape and adjoining properties.
- The proposed design results in a failure to provide adequate amenity for future residents.

Does not complyClause 55.06-2 B32: Front Fences

The front fence to both the existing dwelling and the proposed dwelling is considered too high and too solid, and does not respect the existing or preferred neighbourhood character.

Does not comply**Clause 52.06 Car Parking**Number of Parking Spaces Required

- One (1) car parking space is provided for the existing two (2) bedroom dwelling.
- Two (2) car parking spaces are provided for the three proposed three (3) bedroom dwelling with one (1) space under cover.

Design Standards for Car parking

- The car parking space for the existing dwelling and the carport for the proposed dwelling, and the access ways have appropriate dimension to enable efficient use and management.
- The tandem car space for the proposed dwelling, whilst shown as 3.0 x 5.7 metres, narrows to less than 2.5 metres wide near the crossover. Council would require the space measure 3.5 x 4.9 metres minimum.

- The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.
- Carport dimensions of 6.0 metres length x 3.5 metres width comply with the standard.
- Access dimensions to the car spaces comply with the standard.
- Visibility splays have not been shown at the access way interface with the footpath to protect pedestrians, but could be addressed.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	N	N
55.02-2	B2	Residential policy		
		The proposal <i>does not comply</i> with the relevant residential policies outlined in the Darebin Planning Scheme. Please see assessment in the body of this report	N	N
55.02-3	B3	Dwelling diversity		
		N/A as development contains less than 10 dwellings	N/A	N/A
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	B5	Integration with the street		
		Please see assessment in the body of this report.	N	N
55.03-1	B6	Street setback		
		The required setback is 3 metres, the dwelling is set back 3 metres from the street frontage.	Y	Y
55.03-2	B7	Building height		
		6.5 metres	Y	Y
55.03-3	B8	Site coverage		
		39%	Y	Y
55.03-4	B9	Permeability		
		54%	Y	Y

Clause	Std		Compliance	
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		Dwelling entries are adequately visible from Dyson Street.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, and the access is observable.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
55.04-2	B18	Walls on boundaries		
		Length: 5.49 metres Height: 3.2 metre Walls on boundaries comply with the requirements of this standard.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	Y	Y
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y

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

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection
Transport Management and Planning	No objection
Public Realm	No objection
Darebin Parks	No objection

PLANNING SCHEME SUMMARY**Darebin Planning Scheme clauses under which a permit is required**

- Clause 32.08-4 (General Residential 2 Zone) – construction of two (2) or more dwellings on a lot

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	F8

POLICY IMPLICATIONS**Environmental Sustainability**

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

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



32.08-4 CONSTRUCTION & EXTENSION OF TWO OR MORE DWELLINGS ON A LOT

32.08-4 Permit trigger- Construct a dwelling if there is at least one dwelling existing on the lot.

Schedule 2 32.08 GENERAL RESIDENTIAL ZONE

Requirements- Clause 55-

Design Response To be read with the proposed drawings

55 TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

Permit Trigger - Construct a dwelling if there is at least one dwelling existing on the lot

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER

55.02-1 Neighbourhood Character. The surrounding neighbourhood character is of a mixed nature. The primary frontage remains unchanged. The proposed new dwelling is located on the secondary street frontage. It is double storey in nature. & constructed of lightweight materials similar to the surrounding homes.

Standard B1 is met.

55.02-2 Residential Policy Objectives- This proposal accords with both State and Local planning policies in that it proposes to increase the housing density in an area well serviced by public transport & utilising existing infrastructure. It has no adverse impact on the adjoining properties. The proposal also maintains the current built form character of the primary street (Banbury Road) & introduces a new home to the secondary street, (Dyson Street)

Standard B2 is met.

55.02-3 Dwelling Diversity Objectives NA

Standard B3 is not applicable

55.02-4 Infrastructure Objectives - The New dwelling will be connected to the existing reticulated services

Standard B4 is met

55.02-5 Integration with the street Objective. The new dwelling will face the side street, has its own (existing) crossover, drive & garaging. The North facing open space proposes a 1500 mm high open picket fence for most of its front boundary- The existing front dwelling proposes the same 1500 mm high open picket fencing to the Banbury road frontage. This is consistent with most of the fencing to the secondary street (side) frontages in the area.

Standard B5 is met

CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING

54.03-1 Street Setback objective- There is no change proposed to the existing primary street setback. The secondary street setback is consistent with the homes in that street- Proposed ground floor min setback 3000mm from Dyson street, Upper level setback is 3300mm & 3550mm

Standard B6 is met

55.03-2 Building Height objectives- The proposed dwelling is 6500 mm high from the natural ground level requirement - less than 9 m

Standard B7 is met

55.03-3 Site Coverage objective- existing site coverage is 30% (building foot print 140m², structures 36m² Site area 521m²) It is proposed to increase the site coverage to 39% (proposed building foot print 90 m², Existing building reduced foot print 110m² Site area 512m²) Requirement- <60 per cent.

Standard B8 is met.

55.03-4 Site Permeability objective - The proposed site will be 54 % pervious -(512M² site with 200M² building foot print & 36 m paved area = 46% impervious material). The existing site is 70% pervious (512M² site with 176M² building/structure footprint = 30% impervious material). Requirement- 20 per cent.

Standard B9 is met.

55.03-5 Energy Efficiency protection objective. The new building has excellent north solar orientation to the living, kitchen Dining areas. Living areas have dual orientation towards north facing private open space POS & south secluded private open space (SPOS). The house has been designed to achieve 7 star energy rating due to good cross ventilation, great orientation & well insulated walls.

Standard B10 is met.

55.03-6 Open Space objective. Not applicable- there is no communal or public open space associated with this site

Standard B11 is not applicable

55.03-7 Safety objective. The new front door is highly visible from the street frontage. The secluded private open space is secure & private and at the rear of the site.

Standard B12 is met.

55.03-8 Landscaping objective. The new building protects the existing established street tree & the Landscape design uses suitable indigenous plants and hardscaping that suit the orientation, location & lifestyle of the occupant.

Standard B13 is met.

55.03-9 Access objective. The vehicle crossover is 21 % of the new frontage (3000mm wide of 14160mm frontage). It utilises the existing crossover. The existing dwelling has a new crossover proposed. 12 % of the new frontage (3000mm wide of 24240mm frontage)

Standard B14 is met.

55.03-10 Parking Location objective. The new dwelling has parking for two vehicles on site- The Existing dwelling also has parking for one vehicle on site. There are no shared access ways.

Standard B15 is met.

CLAUSE 55.04 AMENITY IMPACTS

55.04-1 Side & rear Setbacks. The proposal has setbacks that are within the required distances as described by diagram B1- refer to drawings

Standard B17 is met.

55.04-2 Wall on Boundary objective The proposal has two boundary walls less than an average height of 3.2. The boundary wall on the south boundary is 5490mm long on a proposed new boundary of 14160mm long. This proposed boundary wall is adjacent to & abutting the neighbouring garage wall at no. 3 Banbury Rd. The Boundary wall on the east boundary is 4700mm long on the boundary 12800mm long.

Standard B18 is met.

55.04-3 Daylight to existing windows objective- All existing & proposed habitable windows have more than the minimum 3 m² & 1 m min dimension for adequate light access.

Standard B19 is met

55.04-4 North Facing Windows objective- There are no North facing habitable windows affected by the proposed works.

Standard B20 not applicable

55.04-5 Overshadowing Open Space objective- There is no detrimental overshadowing to the neighbouring properties by the proposed additions. (refer to shadow diagrams)

Standard B21 is met

55.04-6 Overlooking objectives- The proposal has no habitable windows, balcony or terrace, less than 1700 mm from finished floor level, that face existing private open spaces or existing habitable windows.

Standard B22 is met

55.04-7 Internal views objective. There is no potential overlooking into the adjacent private open space or habitable windows of the adjacent adjoining home.

Standard B23 is met

55.04-8 Noise impacts objective. There is no plant or mechanical equipment proposed to be near bedrooms of immediately adjacent existing dwellings.

Standard B24 is met

CLAUSE 55.05 ON SITE AMENITY AND FACILITIES

55.05-1 Accessibility objective- The new dwelling has easy no step access to the front door. It is easily identifiable, visible & sheltered.

Standard B25 is met

55.05-2 Dwelling entry objective The new dwelling front door is easily identifiable, visible from the street & sheltered.

Standard B26 is met

55.05-3 Daylight to new windows objective- All windows have clear access to outdoor space greater than 3m²

Standard B27 is met

55.05-4 Private open space objective- The new dwelling has direct access to north open space 25 m² (north, front garden) & 25.5 m² SPOS (south east, rear courtyard)

Standard B28 is met -

55.05-5 Solar access to open space objective- the secluded private open space is located on the South East corner of the site. the required width is (3x.09)+2 = 4.7m= We can only achieve 4.3 m width.

Standard B29 is not met

55.05-6 Storage objective- The new dwelling has 6 m³ of storage accessed via the carport.

Standard B30 is met

CLAUSE 55.06 DETAILED DESIGN

55.06-1 Design detail The frontage to the site remains unchanged (existing building); the new works are setback a minimum of 3000mm from the side/new front boundary. The front facade is articulated to provide visual interest and depth to the new dwelling. There is a pergola element that projects forward of the main building line to further articulate the elevation and to provide opportunity for deciduous planting for summer shading on the north side of the house. The upper level is setback more than the ground floor to reduce its visual impact & to provide solar shading the upstairs windows. The building form sets the front door back to identify & give address to the dwelling & to provide weather protection at the entry.

Standard B31 is met

55.06-2 Front Fence Objective The front fence is open palling to compliment the new dwelling. It is proposed to be 1500 mm high & with the proposed planting provide some privacy to the open space at the front of the house. There is no fence to the remaining frontage for the driveway & front door. The existing front dwelling proposes the same 1500 mm high open palling fencing to the Banbury road frontage.

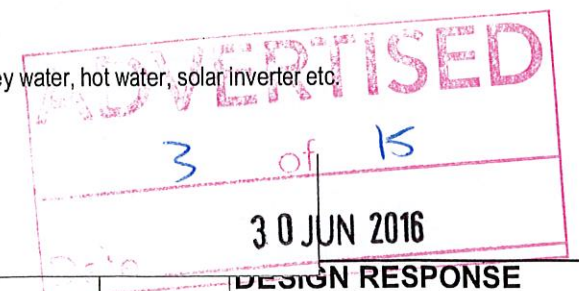
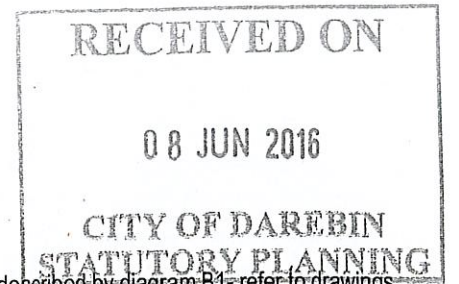
Standard B32 is met.

55.06-3 Common Property objective- There is no common property.

Standard B33 is not applicable.

55.06-4 Site Services objective- The services have a designated service yard for bins, grey water, hot water, solar inverter etc.

Standard B34 is met.



WB

BL

EB

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STATUTORY PLANNING

DYSON STREET

1.8 m high fence

38400

0.6 - 1.5 m high fence

0.6 m high brick fence

0.6 m high brick fence

BANBURY ROAD

12800

Existing tree

Existing tree

FFL 0.0

Garage

FFL -100

Shed

Wall on boundary

WALL ON BOUNDARY

Wall on boundary
6,750

Existing Garage
3 Banbury road

Bedroom

Living
FFL +200

5 BANBURY ROAD
EXISTING 3 BEDROOM
HOUSE

Bedroom

Rumpus

Kitchen

Laundry

Bathroom

Bedroom

25.00 m²

38400

1.8 m high fence

0.6 - 1.5 m high fence

1,250

Habitable

Habitable

Ground (existing)

WB

BL

EB

ADVERTISED
4 of 15
Date 30 JUN 2016



Banbury Road

Double Storey Dwelling
5 Banbury Rd Reservoir Victoria 3073

for Jordan Bocesi

ISSUED 8/06/2016

TOWN PLANNING

GROUND FLOOR (Existing)

SCALE
1:100 AT A3

Pr. NO.

160302

ID. NO.

TP7

REV

PRINT DATE 8/06/2016

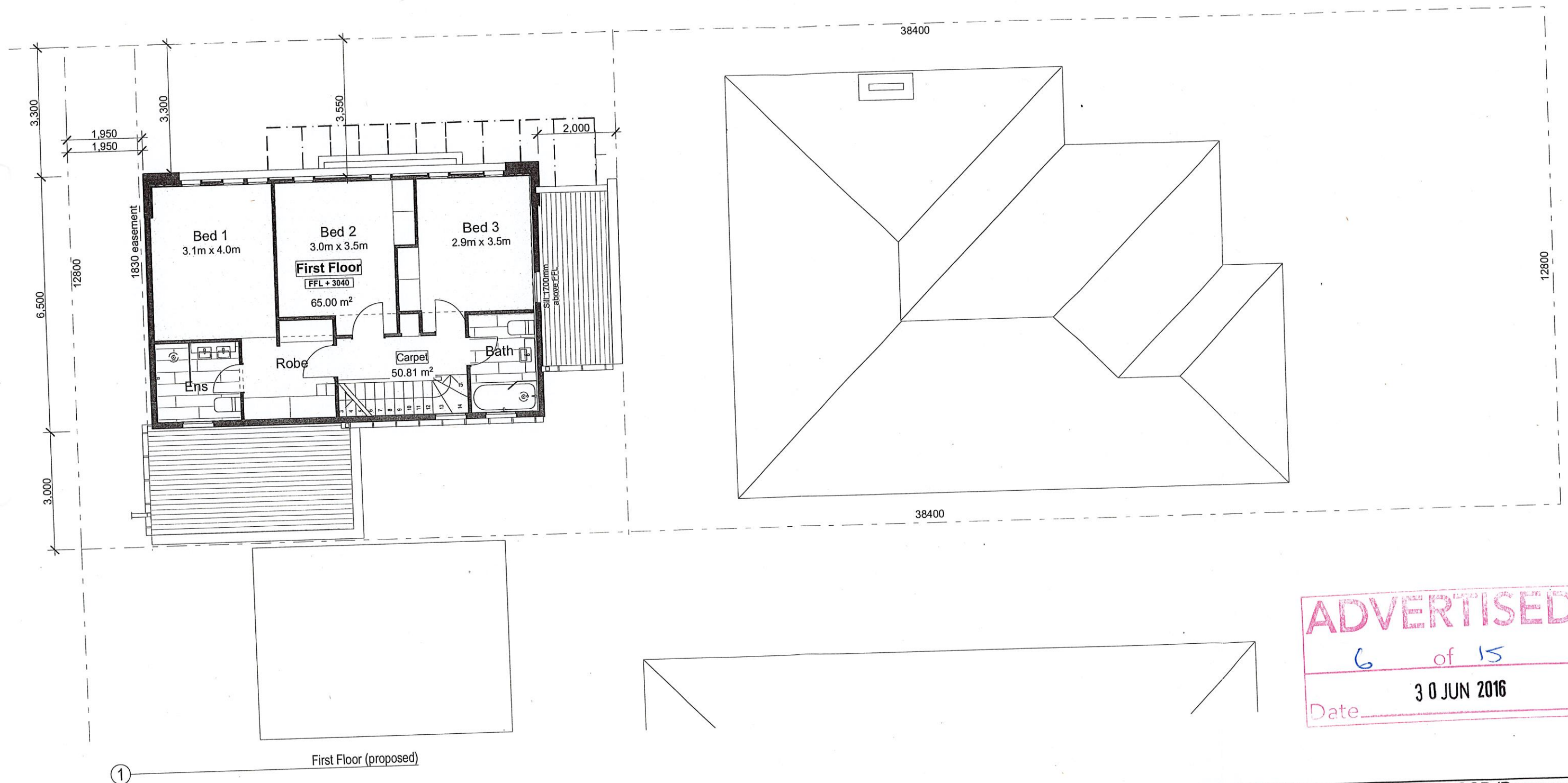
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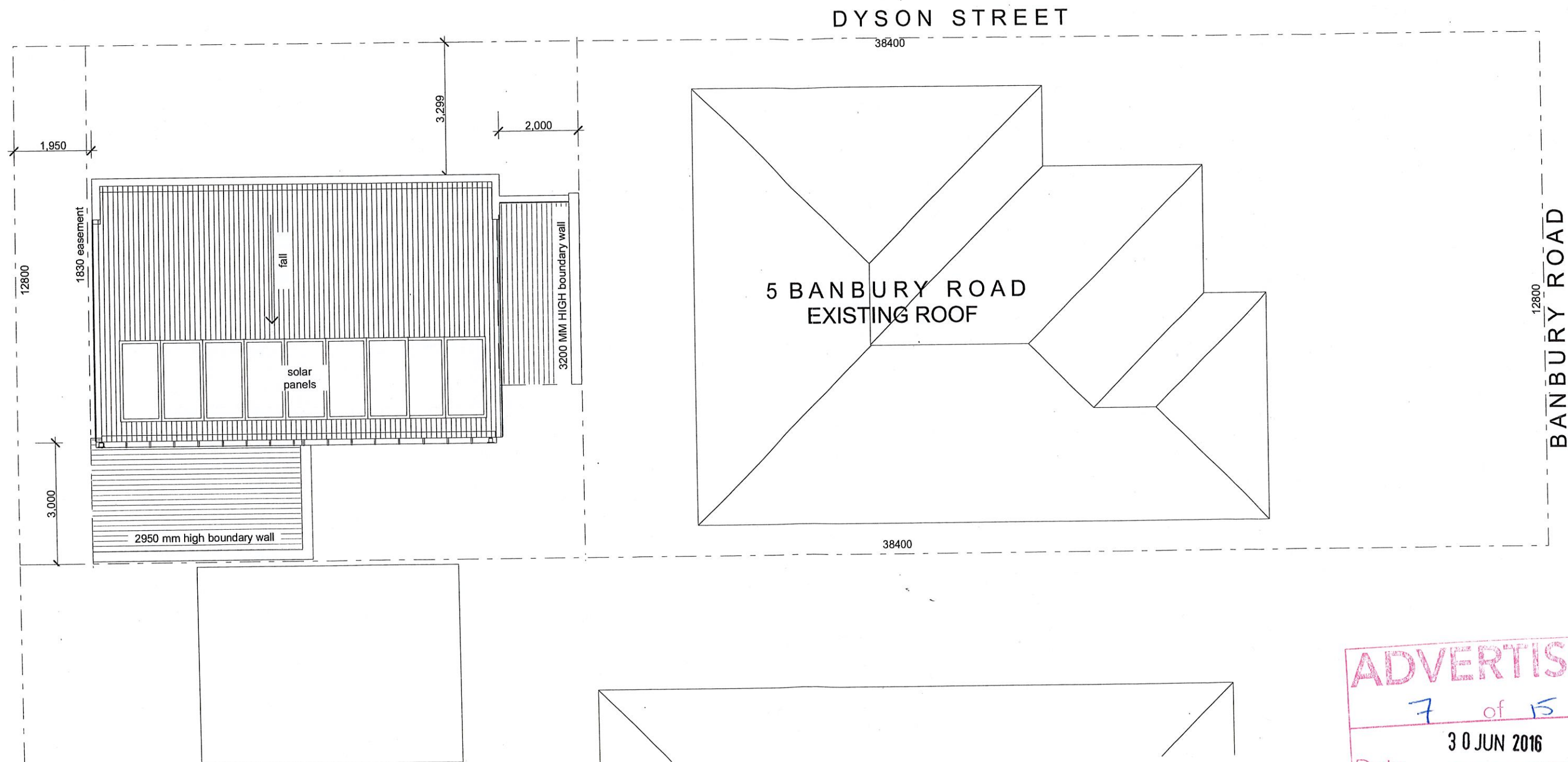
ADVERTISED

6 of 15

Date 30 JUN 2016



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ADVERTISED
7 of 15
30 JUN 2016
Date



Banbury Road

Double Storey Dwelling
5 Banbury Rd Reservoir Victoria 3073

for Jordan Bocesi

ISSUED 3/06/2016 DRAWN DN

TOWN PLANNING

ROOF PLAN (Proposed)

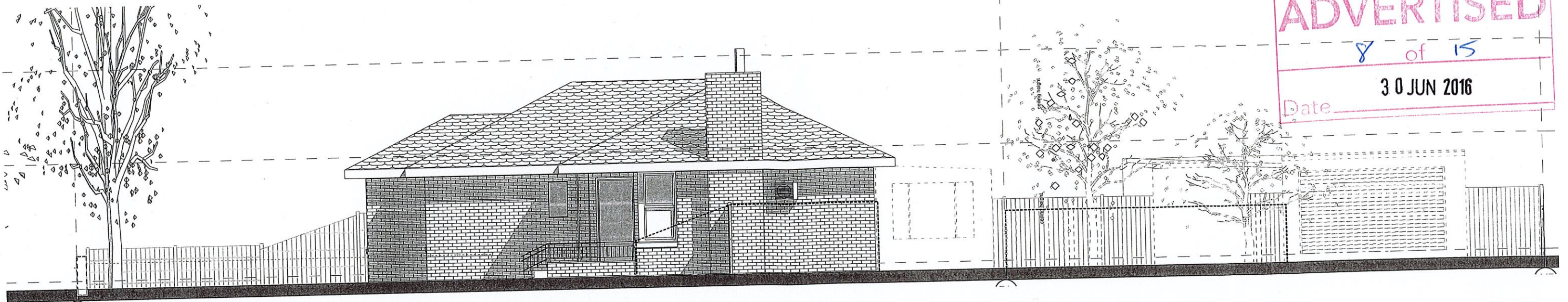
SCALE
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Pr. NO. ID. NO. REV

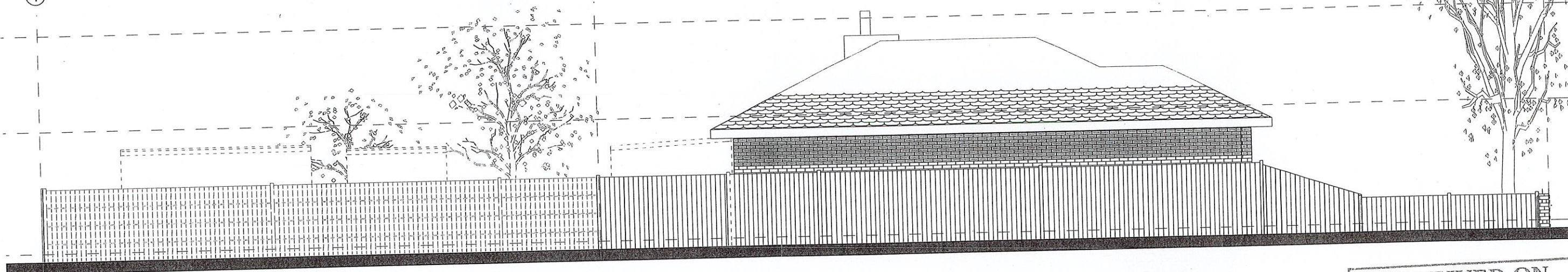
160302 TP11

PRINT DATE 8/06/2016

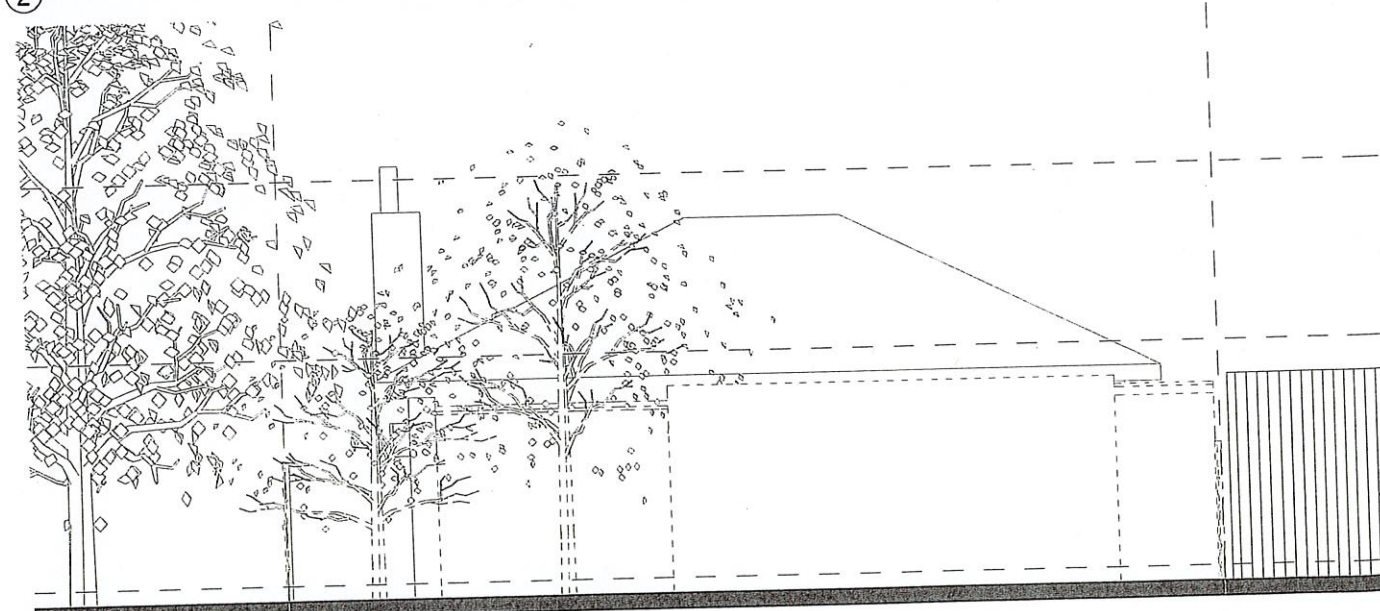
ADVERTISED
 8 of 15
 Date 30 JUN 2016



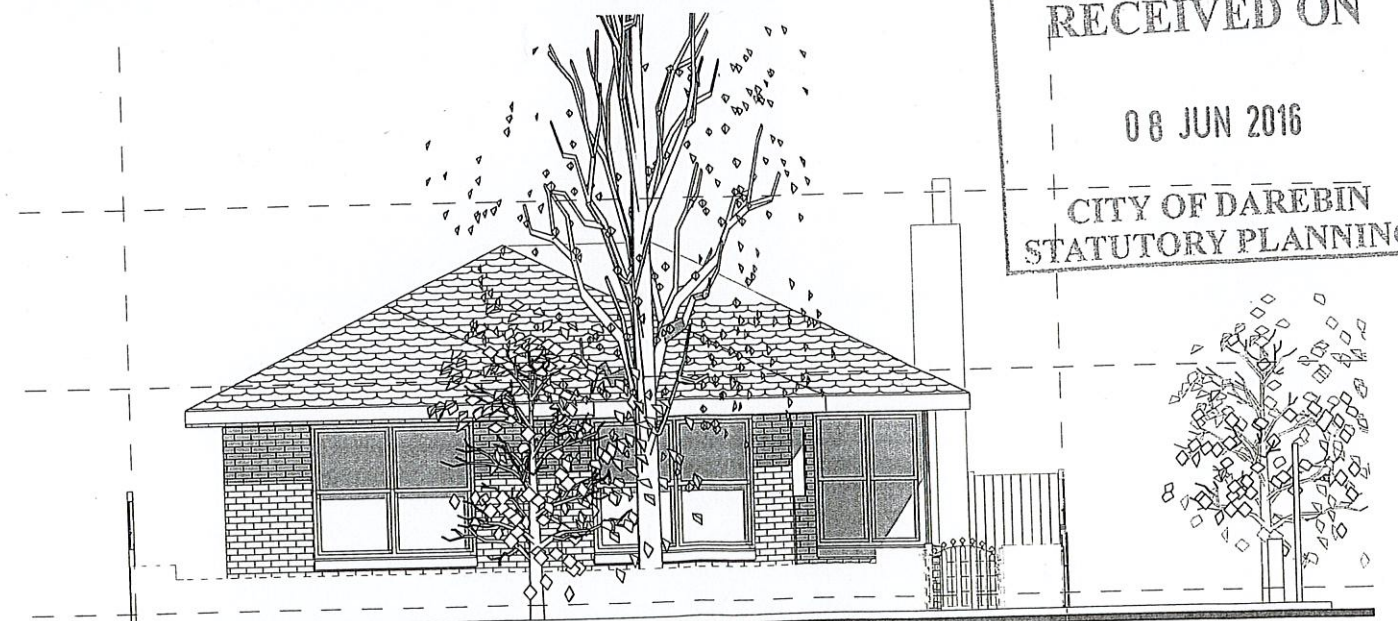
① DYSON STREET ELEVATION (Demo)



② SOUTH ELEVATION (Demo)



③ WEST ELEVATION (Demo)

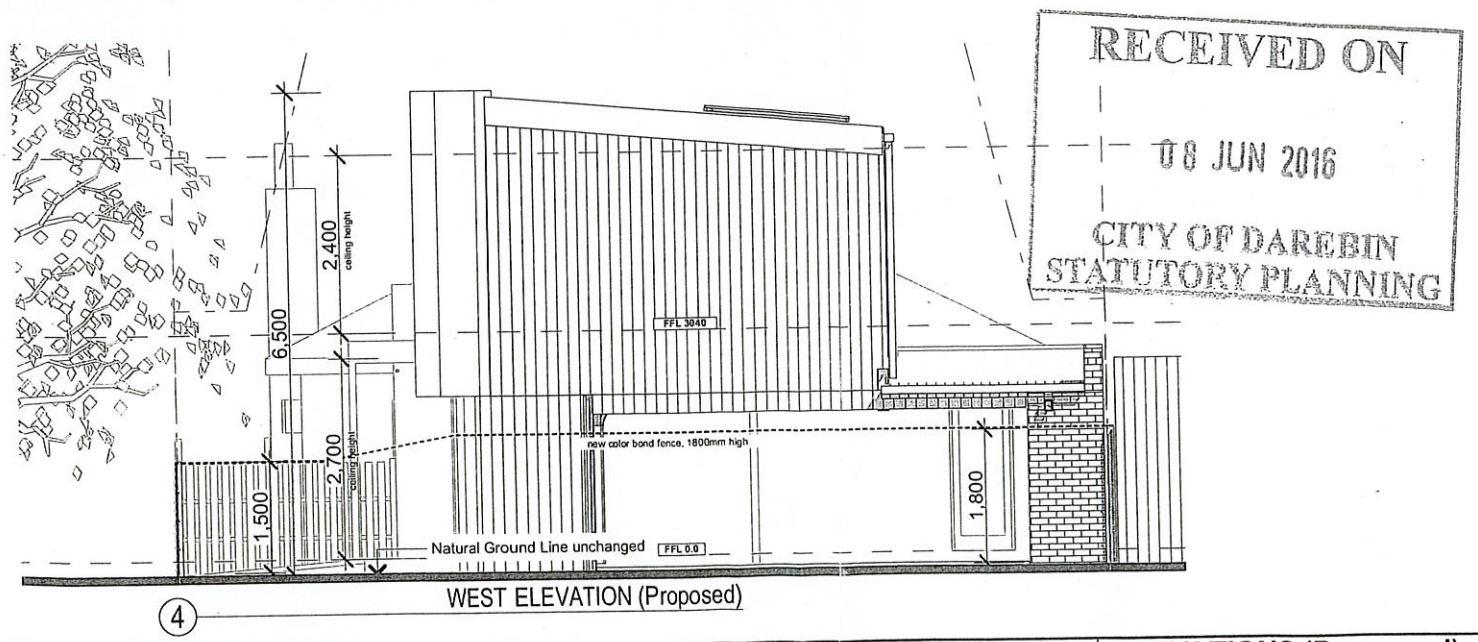
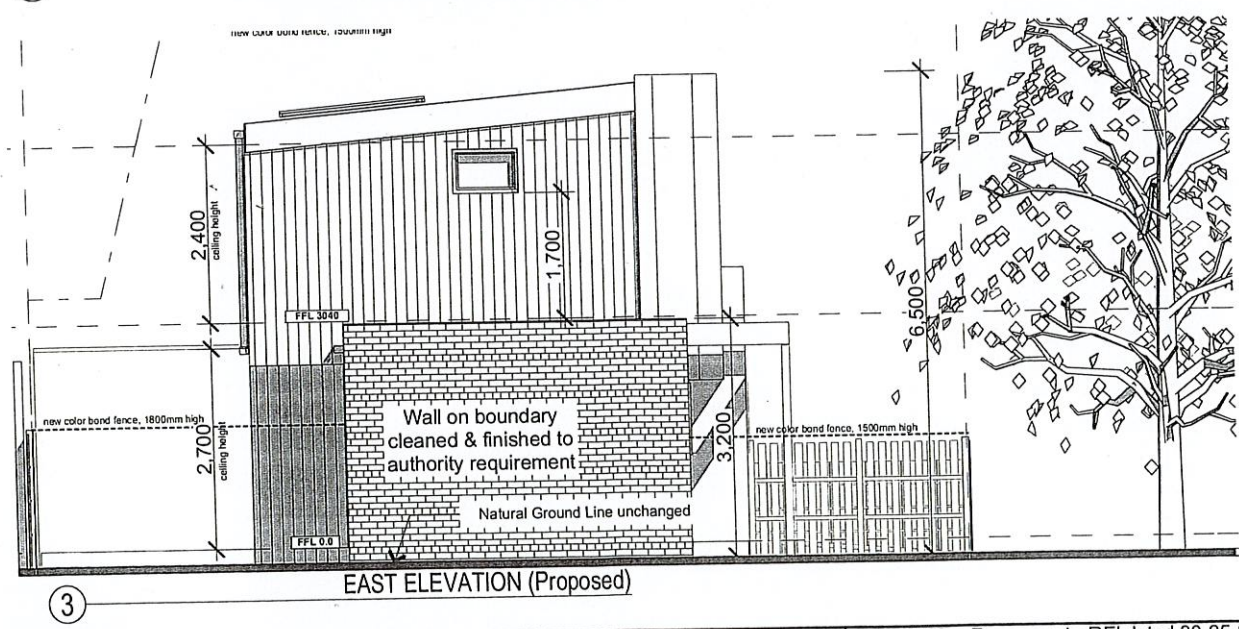
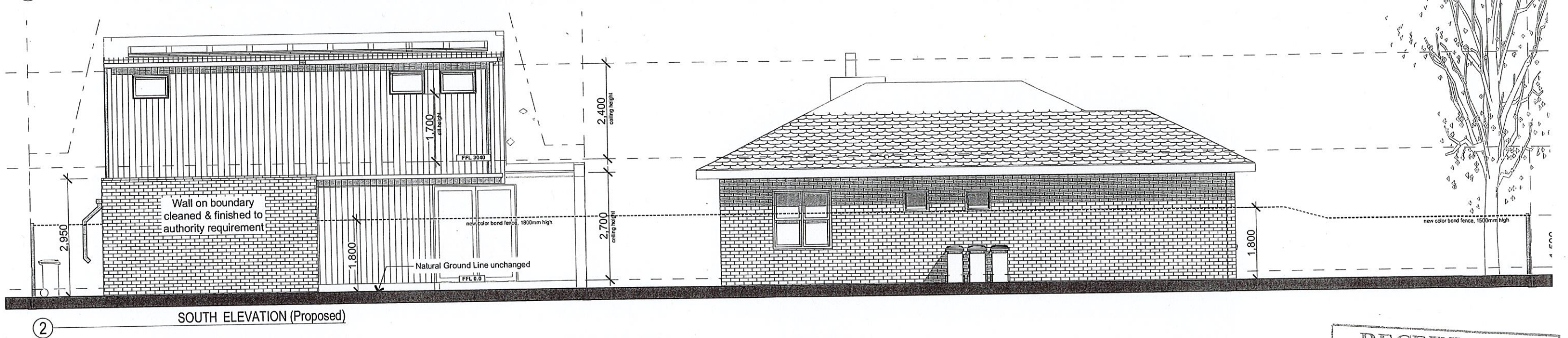
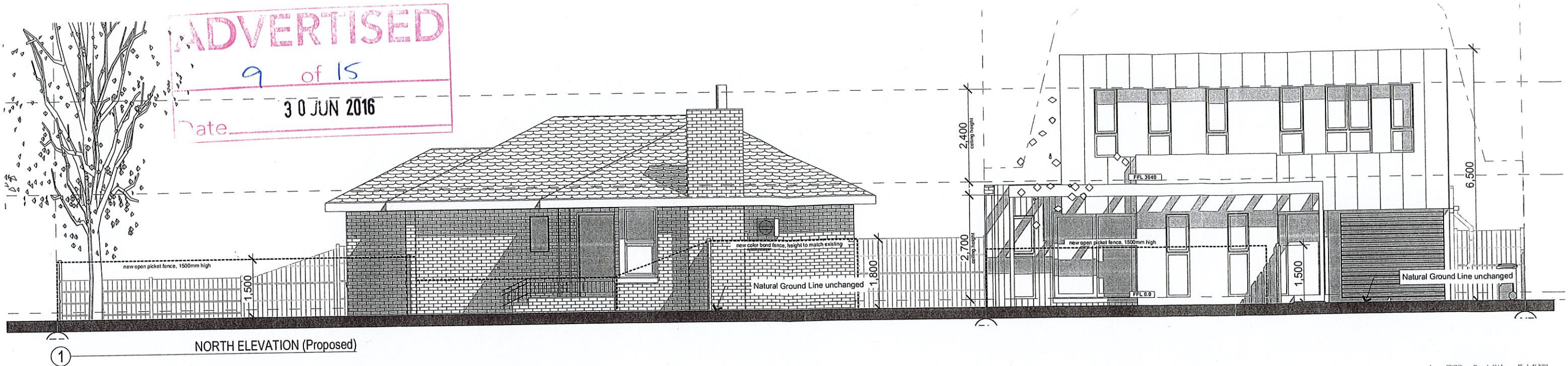


④ BANBURY ROAD ELEVATION (demo)

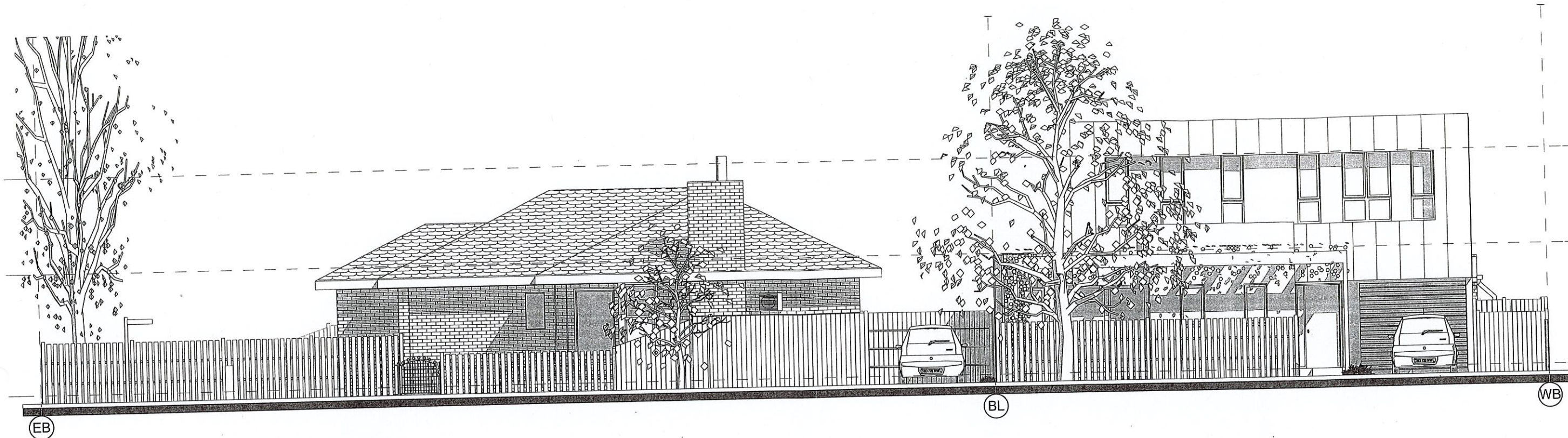
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 STATUTORY PLANNING



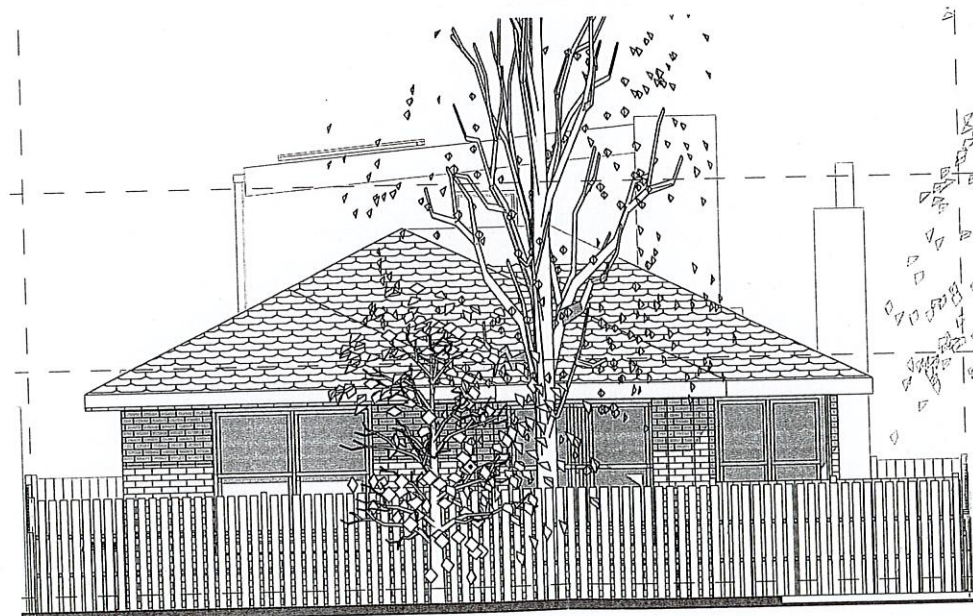
ADVERTISED
 9 of 15
 Date 30 JUN 2016



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① NORTH STREETScape ELEVATION



⑤ BANBURY ROAD ELEVATION (proposed)

ADVERTISED
 10 of 15
 30 JUN 2016
 Date _____

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Banbury Road
 Double Storey Dwelling
 5 Banbury Rd Reservoir Victoria 3073

for Jordan Boceski

ISSUED 8/06/2016

TOWN PLANNING

STREETSCAPE ELEVATIONS

SCALE
 AT A3

Pr. NO.

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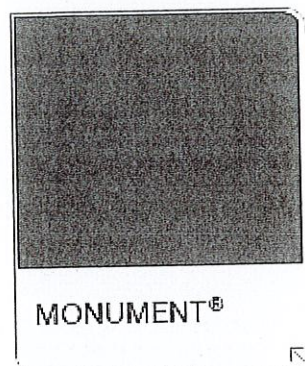
ID. NO.

TP14A

REV

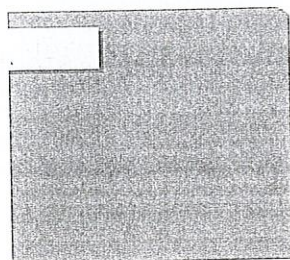
PRINT DATE 8/06/2016

Colours



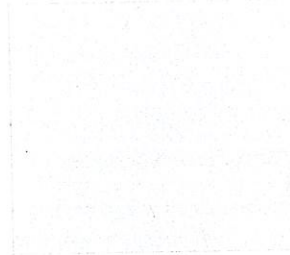
MONUMENT®

Fence
Fascias Gutters Flashing
Garage Door
Window frames



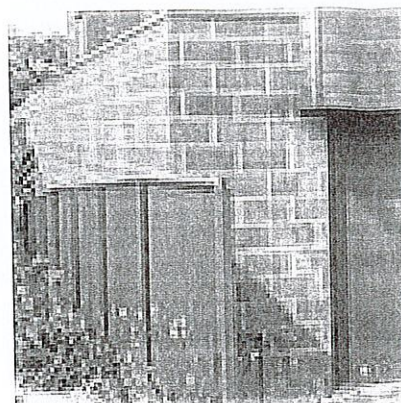
GULLY®

General Paintwork

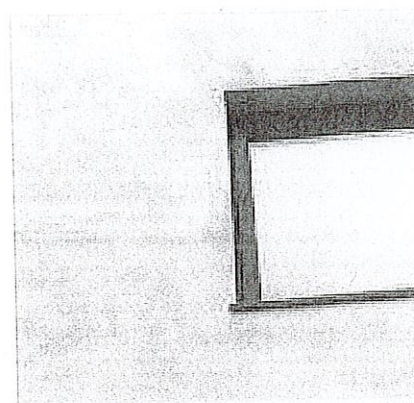


SHALE GREY™

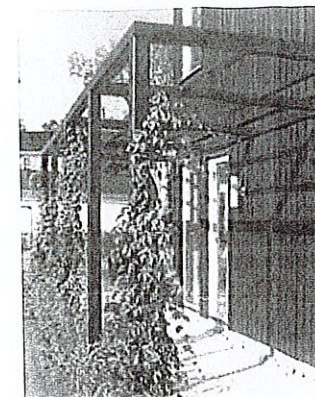
Natural Render
Washback concrete paths/driveway



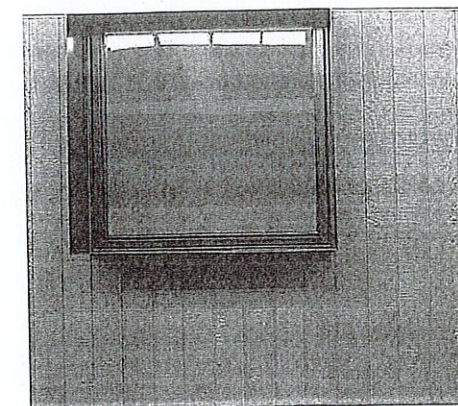
Concrete blockwork



Natural render

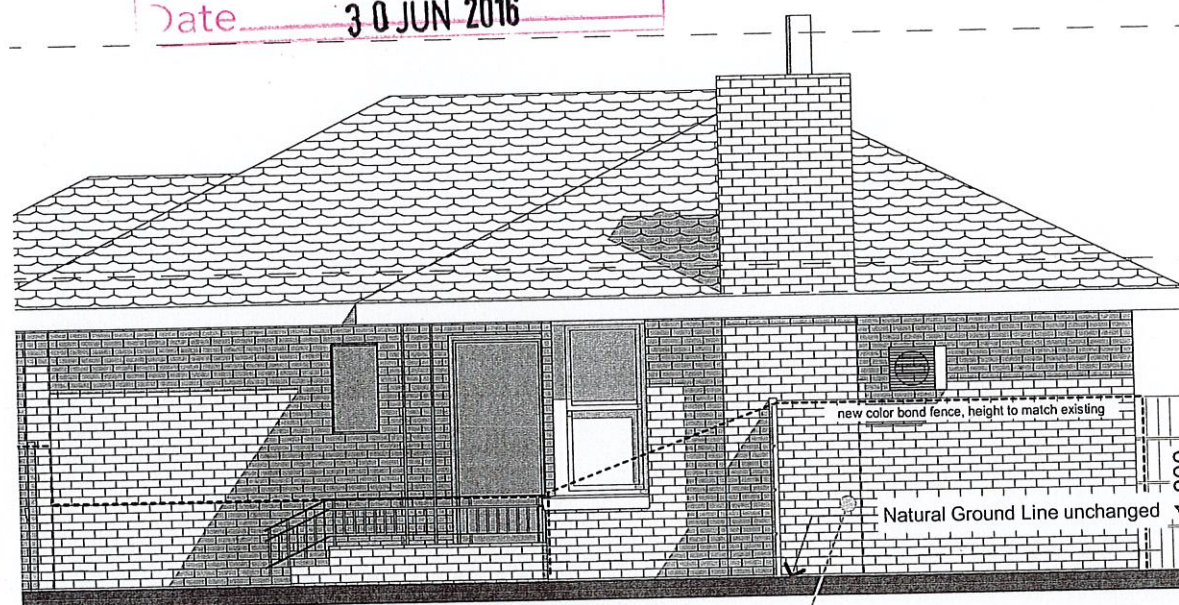


Aluminium Pergola

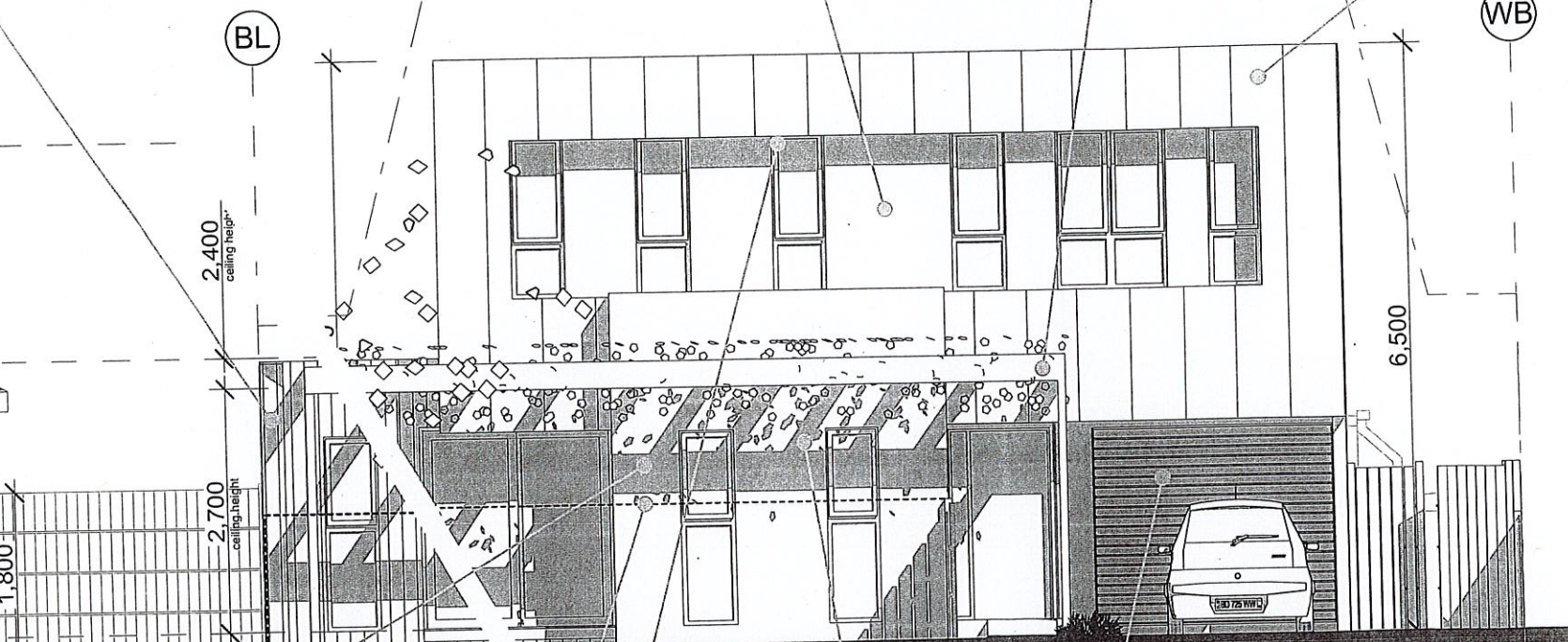


Painted lightweight external cladding

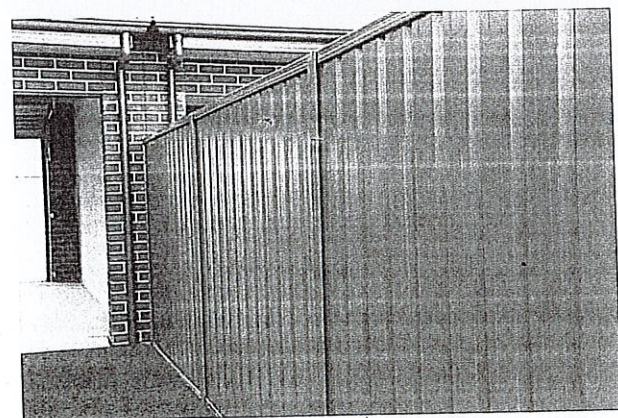
ADVERTISED
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Date 30 JUN 2016



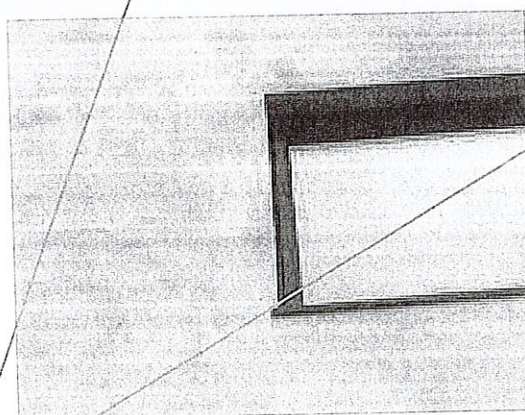
Dyson Street Elevation Showing fence



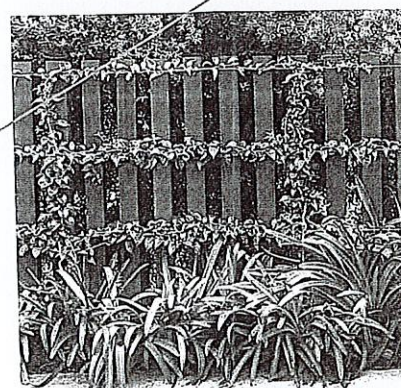
Dyson Street Elevation without fence



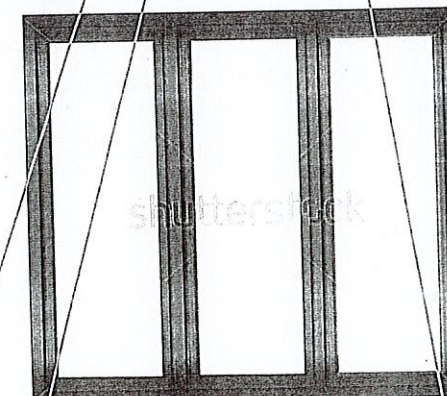
Colorbond fence- Basalt



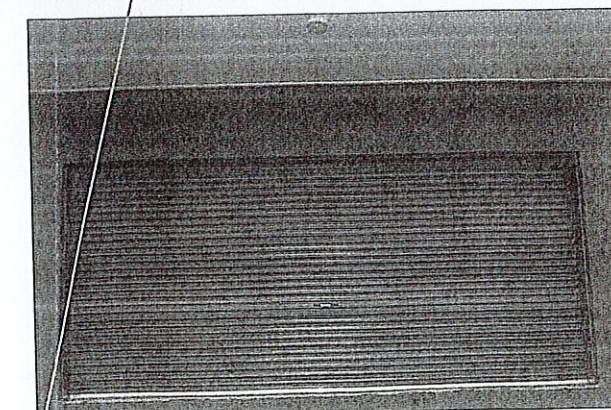
Natural render



Open picket fence



Charcoal Al. window frames



Colorbond Garage door

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CITY OF DAREBIN
STATUTORY PLANNING

Banbury Road
Double Storey Dwelling
5 Banbury Rd Reservoir Victoria 3073

MATERIALS BOARD

NTS

for Jordan Bocesi

ISSUED 8/06/2016

TOWN PLANNING

DRAWN ON

Pr. NO. 160302

ID. NO. TP15

13

REV

PRINT DATE 01/06/2016

12 of 15

Date 30 JUN 2016

Existing street tree
to remain & root
zone protected
during construction
of crossover

New Crossover for 5
Banbury road

Existing Street
Tree to remain

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STATUTORY PLANNING

DYSON STREET

5 BANBURY ROAD
EXISTING ROOF

12800-
SANITARY BOARD

Landscaping KEY

Existing Trees to remain
Street Trees all.
Large gum in front garden

Lilly Pilly
(*Waterhausia Floribundia*)
'All new trees planted at a height of 1.5 m.

Low Shrubs -Mini Cog& Spiny Headed Matt Rush
(Acacia cognata Mini Cog) & (Lomandra longifolia
Spiny Headed Matt Rush)

Medium Shrubs -Austral Indigo
(Indigofera Australia)

Silver Birch
(Betula Pendula)
All new trees planted at a height of 1.5 m.

Grassed areas

Proposed 1800mm high colorbond fence

✓ Proposed 1500 mm high open picket fence

Concrete Driveway/Footpath
(washed aggregate finish)

Open picket fence

Colorbond fence- Basal



spiny-headed grasshopper

Mind Çag shun

ASTORIA, ORE.

Silver-Silver Chloride

Banbury Road
Double Storey Dwelling
5 Banbury Rd Reservoir Victoria 3073

for Jordan Boceski

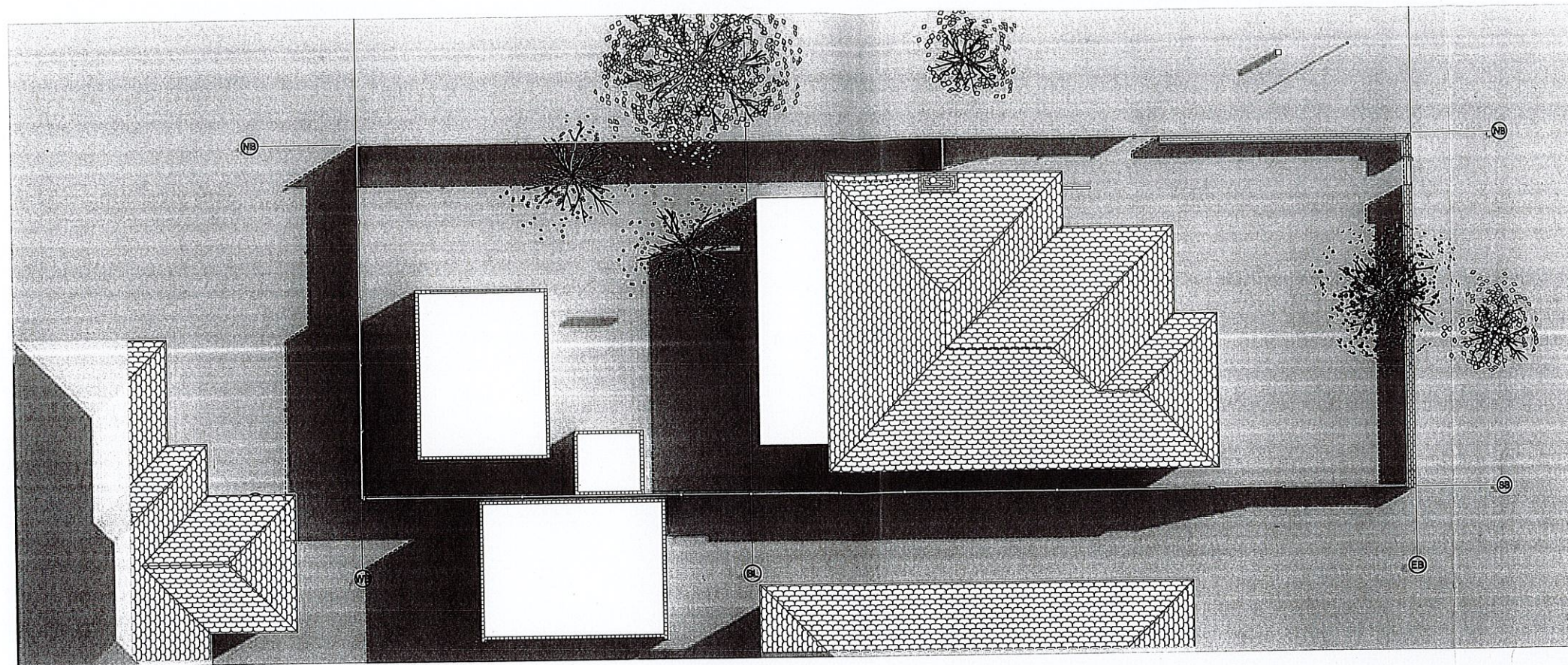
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TOWN PLANNING

LANDSCAPE PLAN

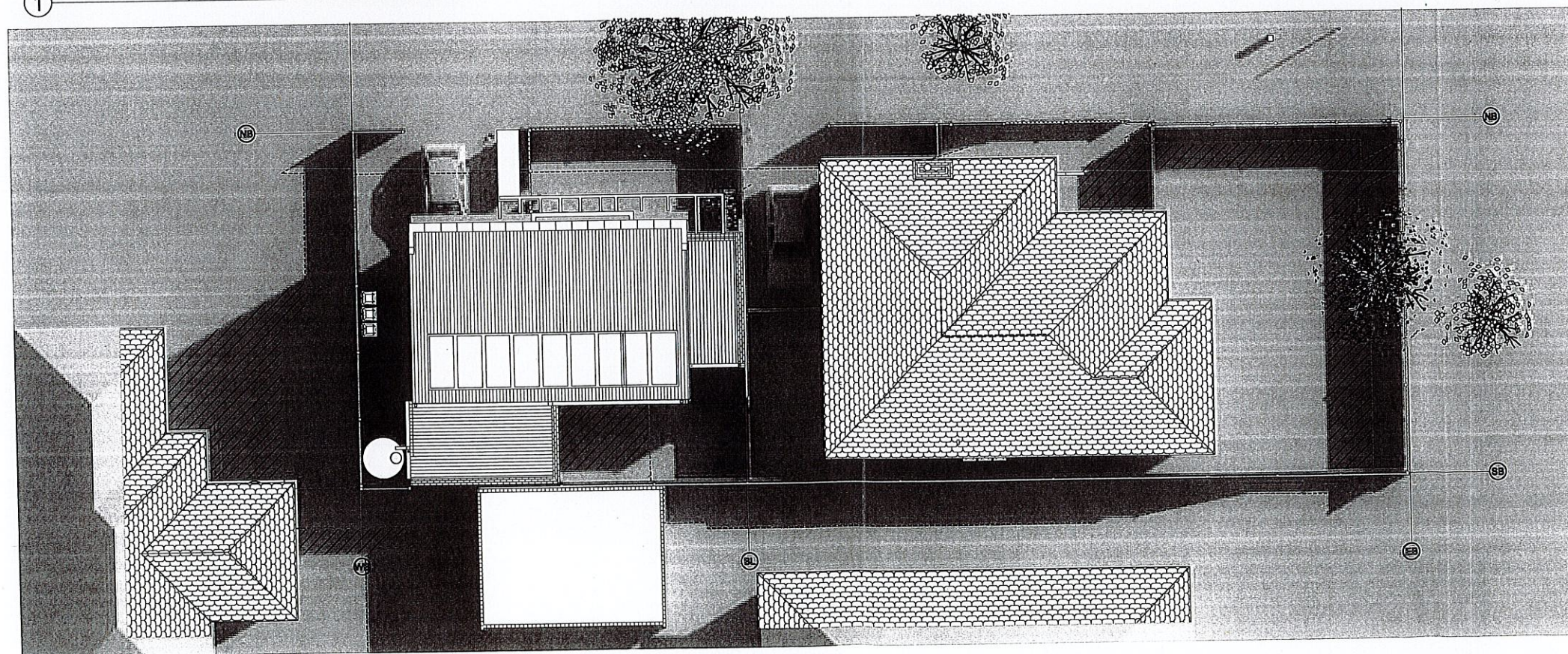
SCALE
1:100 AT A3

N	Pr. NO.	ID. NO.	REV
	160302	TP16	

PRINT DATE 01/06/201



① 5 Banbury Road Shadows 9am 22 Sept Existing



② 5 Banbury Road Shadows 9am 22 Sept Proposed

SHADOWS



OUTLINE SHADOWS
CAST BY EXISTING
BUILDINGS,
STRUCTURES,
FENCES



SHADOWS CAST BY
EXISTING OR
PROPOSED WORKS



ADDITIONAL SHADOWING
CAST BY PROPOSED
BUILDING



Banbury Road

Double Storey Dwelling
5 Banbury Rd Reservoir Victoria 3073

for Jordan Bokeski

ISSUED 8/06/2016

DRAWN DN

TOWN PLANNING

SHADOWS- (9am Sept 22)

SCALE
1:200, 1:1.22, 1:0.99 AT A3

Pr. NO.

160302

ID. NO.

TP17

REV

-

PRINT DATE 8/06/2016

**ROBERT
NICHOLSON**
PTY LTD



SUSTAINABLE HOMES
MELBOURNE

1800 683 697 - ST Lygon St Princes Hill 3054 - www.sustainablehomesmelbourne.com.au

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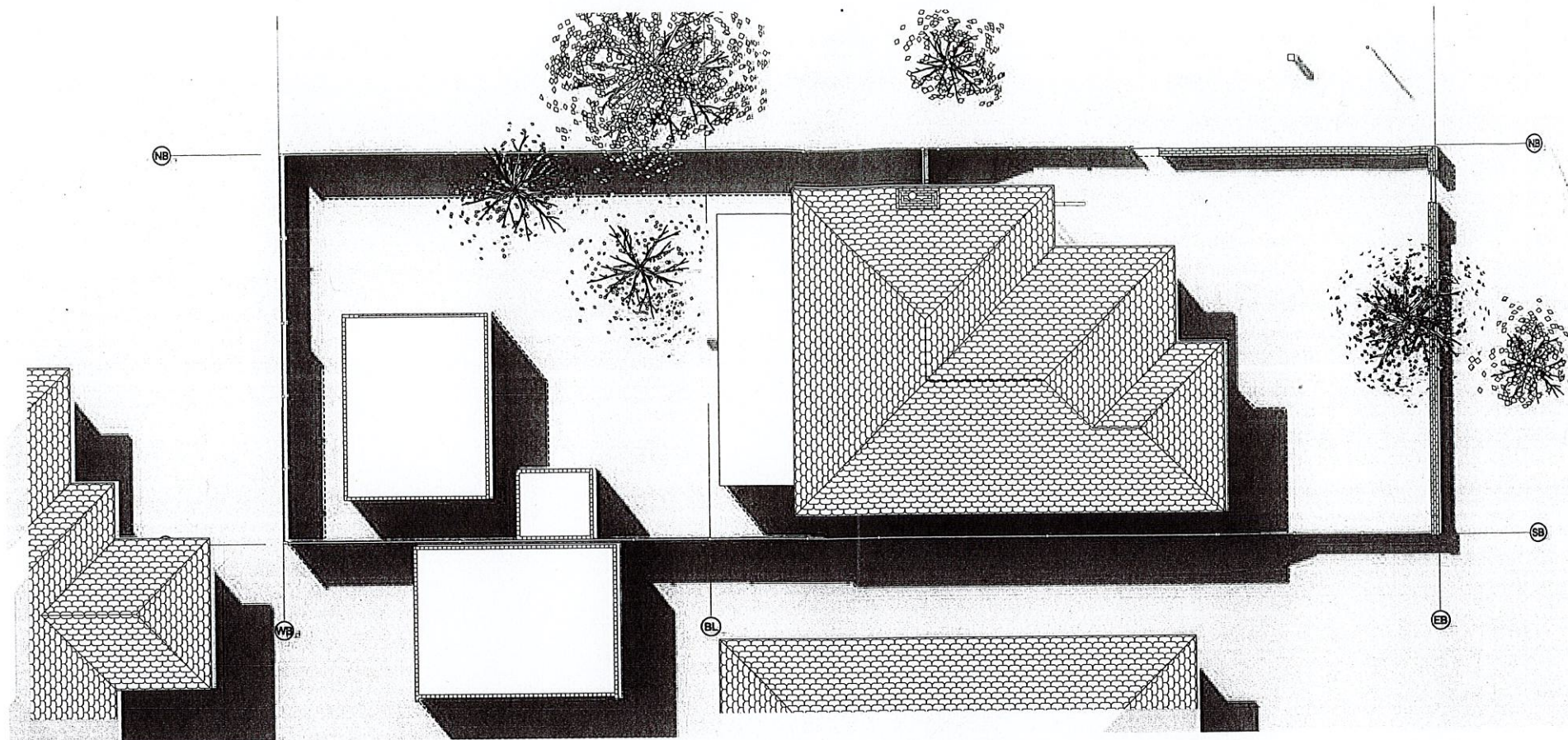
CITY OF DAREBIN
STATUTORY PLANNING

ADVERTISED

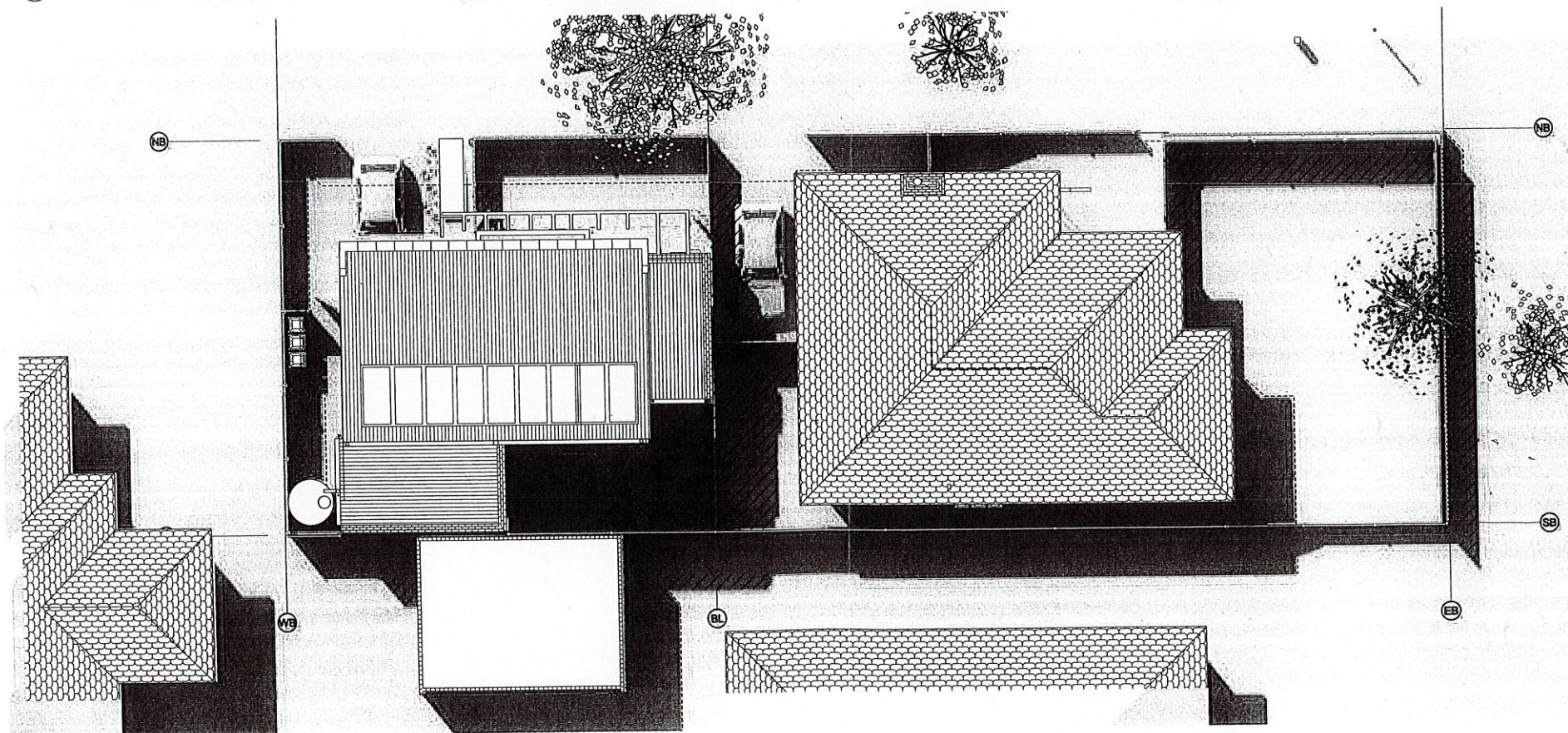
13 of 15

30 JUN 2016

Date



① 5 Banbury Road Shadows 2pm 22 Sept Existing



② 5 Banbury Road Shadows 2pm 22 Sept Proposed

SHADOWS



OUTLINE SHADOWS
CAST BY EXISTING
BUILDINGS,
STRUCTURES,
FENCES



SHADOWS CAST BY
EXISTING OR
PROPOSED WORKS



ADDITIONAL SHADOWING
CAST BY PROPOSED
BUILDING



Banbury Road

Double Storey Dwelling
5 Banbury Rd Reservoir Victoria 3073

for Jordan Bocesi

ISSUED 6/06/2016

DRAWN DN

TOWN PLANNING

SHADOWS- (2pm Sept 22)

SCALE

1:200, 1:0.99, 1:1.22 AT A3

Pr. NO.

160302

ID. NO.

TP19

REV

-

PRINT DATE 8/06/2016

ADVERTISED
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3 0 JUN 2016
Date

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CITY OF DAREBIN
STATUTORY PLANNING

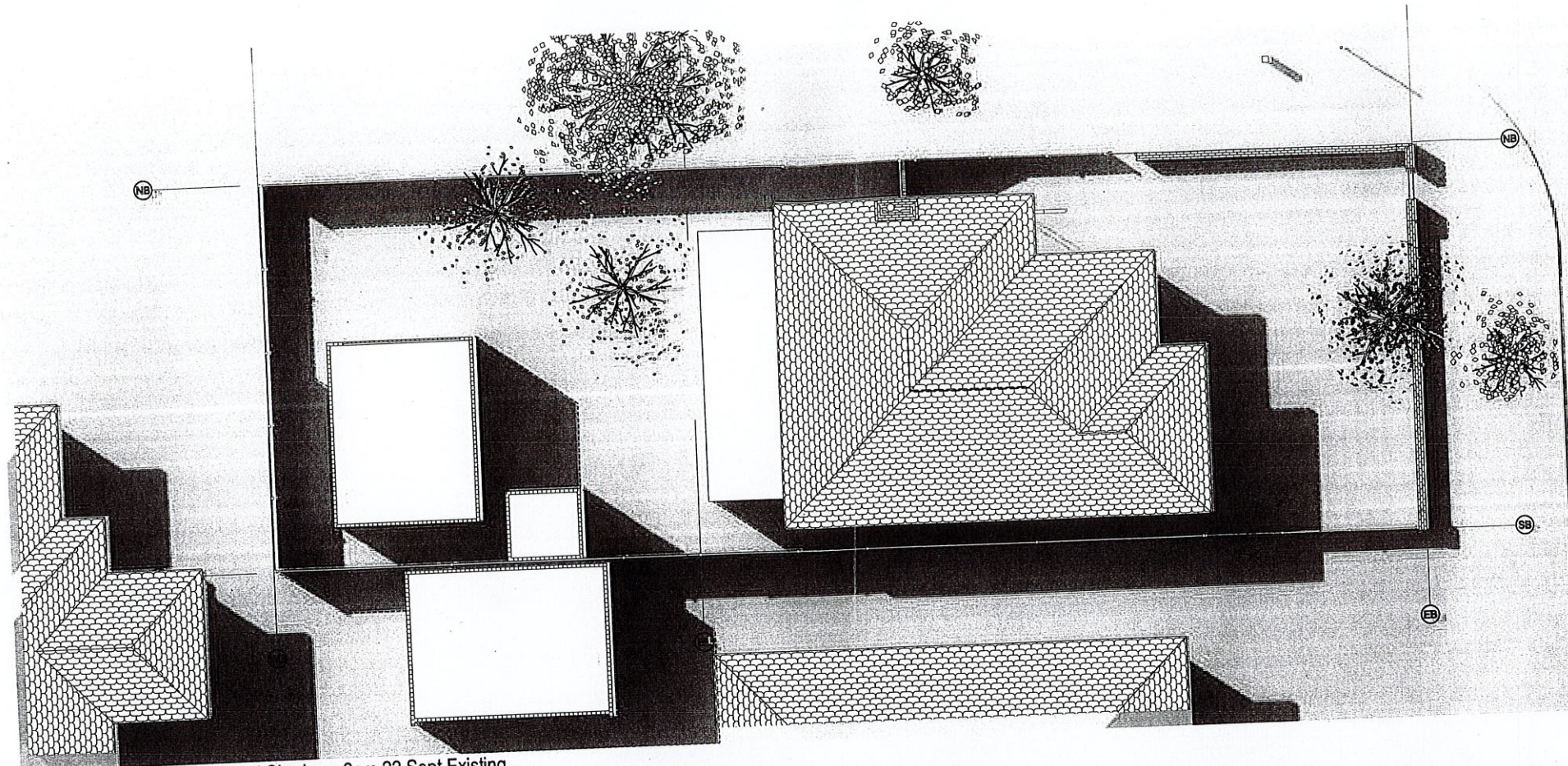
ROBERT
NICHOLSON
SONS PTY LTD



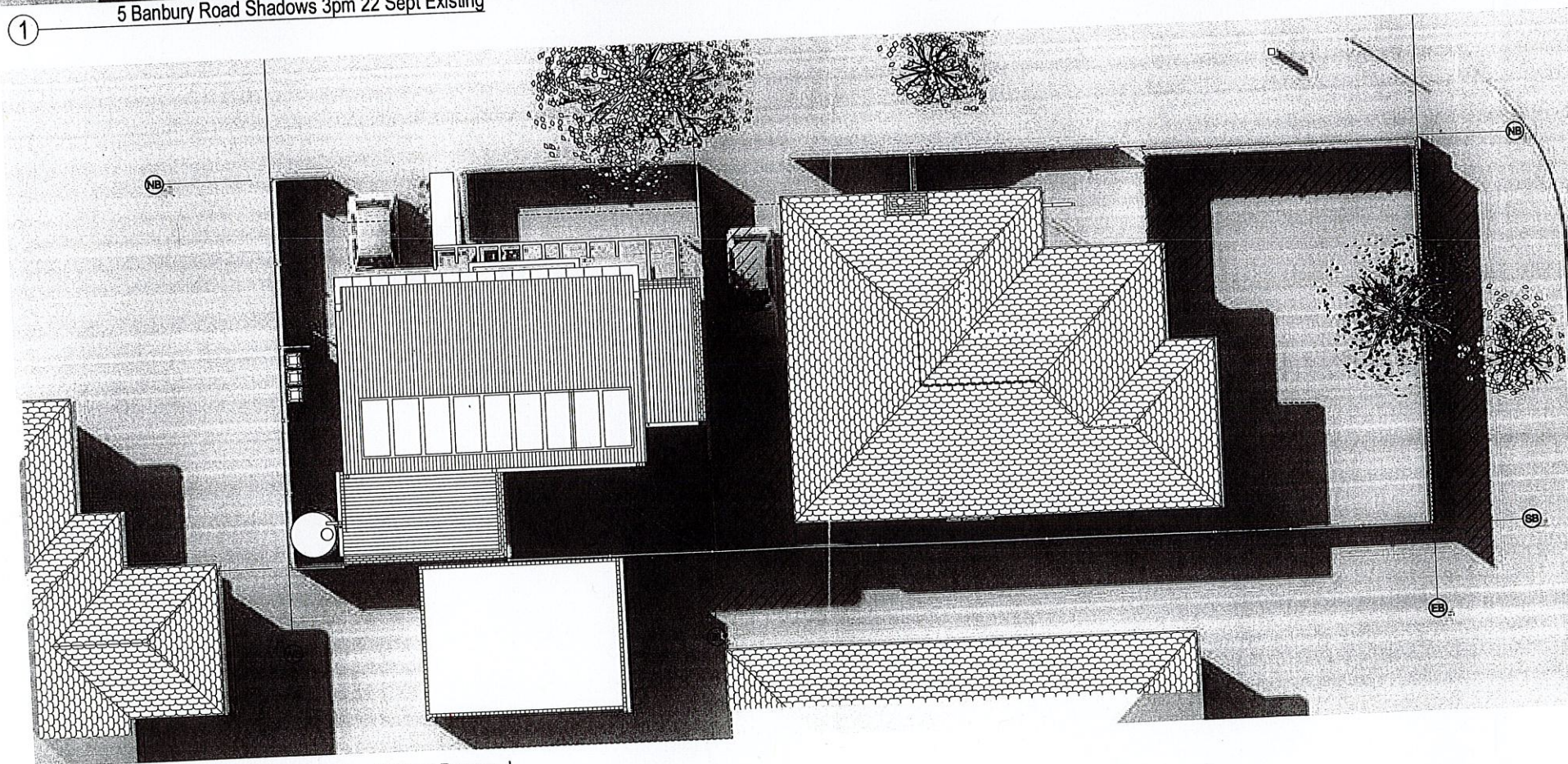
SUSTAINABLE HOMES
MELBOURNE

1800683697 ST Lygon St Princes Hill 3054 www.sustainablehomesmelbourne.com.au

9417 0811 PO Box 2187 Ffrench 3085 www.robertnicholsonsons.com.au



① 5 Banbury Road Shadows 3pm 22 Sept Existing



① 5 Banbury Road Shadows 3pm 22 Sept Proposed

ADVERTISED
 15 of 15
 Date 30 JUN 2016

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 CITY OF DAREBIN
 STATUTORY PLANNING

SHADOWS



OUTLINE SHADOWS
 CAST BY EXISTING
 BUILDINGS,
 STRUCTURES,
 FENCES



SHADOWS CAST BY
 EXISTING OR
 PROPOSED WORKS



ADDITIONAL SHADOWING
 CAST BY PROPOSED
 BUILDING



Banbury Road

Double Storey Dwelling
 5 Banbury Rd Reservoir Victoria 3073

for Jordan Bocseski

ISSUED 8/06/2016

DRAWN DN

TOWN PLANNING

SHADOWS- (3pm Sept 22)

SCALE
 1:200, 1:0.99, 1:1.22 AT A3

Pr. NO. ID. NO. REV

160302 TP20

PRINT DATE 8/06/2016

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5.2 APPLICATION FOR PLANNING PERMIT D/883/2015
2/238-244 Edwardes Street, Reservoir

AUTHOR: Principal Planner – Ben Porteous

DIRECTOR: Acting Director Assets and Business Services – Chris Meulblok

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
V S Frew	Seventh Vemalux Pty Ltd	Not applicable

SUMMARY:

- The proposal includes the use of the land for the purpose of a dance school with a maximum of 15 patrons and two (2) staff, during the hours of 8:30 am to 10:00 pm. The proposal includes three (3) car parking spaces. Signage to the façade of the building is also proposed.
- The site is in an Industrial 3 zone.
- There is a covenant on title, which restricts the site from being used for the purpose of manufacturing or winning of bricks, tiles or pottery ware. The proposed use will not breach the covenant.
- Six (6) objections were received against the application.
- The proposal is generally consistent with the provisions of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via the display of one (1) sign displayed on site and letters sent to surrounding property owners and occupiers.
- This application was referred internally to Transport Management and Planning Unit.
- This application was not required to be referred to any external authorities.

Recommendation

That Planning Permit Application D/883/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: Figure 13, Plan; Figure 15, Signage; both received on 2 November 2015) but modified to show:

- (a) Either:
 - i. A minimum of two (2) visitor bicycle parking spaces near the main entrance to the building within the boundaries of the site in accordance with Condition 11(a) of this Permit; or
 - ii. A notation stating that a contribution before the use starts a contribution will be made (equivalent to two (2) bicycle space) to cycling infrastructure within the vicinity of the subject site (where possible) or within the municipality, in accordance with Condition 11(b) of this Permit.
- (b) One (1) employee bicycle space is to be provided either in a bicycle locker or at a bicycle rail, within in a lockable compound.
- (c) Any internal alterations required by the acoustic assessment in accordance with Condition 14 of this Permit.
- (d) A sustainable transport display area located near the main pedestrian entrance to the building in accordance with Condition No. 18 of this Permit.

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

2. The layout of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if the use is not started within three (3) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

4. This Permit will expire if the advertising sign(s) is/are not displayed within three (3) years from the date of this Permit.

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

- Before this Permit expires;
- Within six (6) months after the expiry date; or
- Within twelve (12) months after the expiry date if the request relates to the completion of the display of the sign/s.

5. The use must operate only between 8.30 am to 10.00 pm.
6. Classes must not operate between 3:00 pm to 4:00 pm, Monday to Friday.
7. The number of patrons/students on the premises at any one time must not exceed 15
8. The number of staff on the premises at any one time must not exceed two (2).
9. A minimum of five (5) minutes must be provided between the completion of one class and the commencement of the next class.
10. A minimum of three (3) car parking spaces must be made available for patrons and staff whilst the use is operating.
11. Before the use starts, either:
 - (a) A minimum of two (2) visitor bicycle parking spaces must be provided near the main entrance to the building within the boundaries of the site. The bicycle spaces must be in accordance with Clause 52.34-4 of the Darebin Planning Scheme; or

- (b) A contribution must be made (equivalent to two (2) bicycle space) to cycling infrastructure within the vicinity of the subject site (where possible) or within the municipality, to the satisfaction of the Responsible Authority;

in accordance with the endorsed plans.
- 12. Before the use starts a minimum of one (1) visitor bicycle parking space must be provided either in a bicycle locker or at a bicycle rail, within in a lockable compound in accordance with the endorsed plans.
- 13. The amenity of the area must not be adversely affected by the use as a result of the:
 - (a) Transport of materials, goods or commodities to or from the land; and/or
 - (b) Appearance of any building, works, stored goods or materials; and/or
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or

and/or in any other way, to the satisfaction of the Responsible Authority.
- 14. Before use starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
 - (a) Noise from the use will not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

The development must be constructed in accordance with the requirements/ recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
- 15. Noise from the premises must not exceed the relevant limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 16. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- 17. No intermittent or flashing light may be installed on the land without the prior written consent of the Responsible Authority.
- 18. Before the use starts a sustainable transport display area must be provided near the main pedestrian entrance to the building in accordance with the endorsed plans. Documents displayed in this sustainable transport display area must include; public transport maps and timetables and maps of walking and cycling routes to and from the site.

Signage conditions:

- 19. The location and details of the advertising sign(s) (including the size, nature, panels, position and construction) shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
- 20. The advertising sign(s) must not contain any flashing, intermittent or changing colour light.
- 21. External advertising sign lighting must be designed, baffled and/or located to the satisfaction of the Responsible Authority.

22. The advertising signs(s) must only be illuminated between the hours of 8.30 am to 10.00 pm.
23. The advertising sign must not contain any moving parts or be animated in any manner.
24. The advertising sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
25. This Permit, in relation to the advertising signs, expires 15 years from the date of issue of the Permit.

NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5. In relation to the requirements of Condition 18 of this Permit, please contact Council's Bicycle Strategy Co-ordinator (Ph: 8470-8665) for details on how to supply on-street bicycle spaces or to make an equivalent contribution.
- N6. In relation to the requirements of Condition 11(b) of the Permit, please be advised that Darebin Local Access Guides (showing public transport, walking and cycling routes) are available from Council on 8470-8888. Public Transport timetables are available from Public Transport Victoria (PTV).

Report

INTRODUCTION AND BACKGROUND

- Planning Permit D/89/2012 was issued on 20 September 2012 for the use and development of the land for the purpose of industry and warehouse with ancillary office space; and reduction in the car parking requirement in accordance with the endorsed plans.
- Planning Permit D/252/2015 was issued on 14 August 2015 for an 18 lot subdivision.

ISSUES AND DISCUSSION**Subject site**

- The land is located on the north side of the Edwardes Street, approximately 30 metres to the east of Plateau Road.
- The land is regular in shape and measures 91.44 metres in length and 56.7 metres in width, with a site area of 5,184 square metres.
- The land includes a central building, containing 19 tenancies, which is within the centre of the site. Surrounding the building are accessway and sealed car parking spaces.
- The subject site is a tenancy located on the larger allotment which contains 18 industrial premises of a similar size.
- The subject site has a frontage of 8.5 metres, a depth of 16.275 metres and an area of 138 square metres.
- The eastern façade of the tenancy has a large vehicular roller door and a window and pedestrian access.
- The subject site includes three (3) car spaces which abut the eastern property boundary.

Surrounding area

- The site is located in an industrial area, which is typically developed with single and double storey storage/industrial buildings, with a residential area to the north-east.
- To the east, is a vacant site that fronts Edwardes Street. To its north is a residential development containing three (3) double storey dwellings which front Dyson Street.
- To the west of the subject site, beyond the smaller industrial premises that are part of the overall site, is a larger double storey industrial premises.
- To the north of the site are a number of smaller industrial building that are part of the overall site
- To the south, on the opposite side of the street, are single and double storey industrial buildings.
- The site is proximate public transport in the form of bus stops located within approximately 130 metres.
- Car parking on the north side of Edwardes Street is restricted to 1 hour. There is no standing to the south side of Edwardes Street.

Proposal

- The applicant proposes to use the existing building for the purpose of a dance studio with the following details:
 - Hours of operation: 8.30 am to 10.00 pm. The application has specified that classes will not occur from 3:00 pm to 4:00 pm.
 - Patrons: 15 patrons
 - Staff: two (2)
- The use operates from within the existing building and the layout will have an entry/reception area to the front, with an adjacent storage area. The dance studio area will have dimensions of 13.4 metres x 6.55 metres. A viewing area and a corridor are located along the northern side of the building, with toilets at the rear.
- Signage is proposed to the façade, as follows:
 - Signage painted over the existing roller door, 5.5 metres x 5 metres and illuminated.
 - Window graphic to the façade of 2.64 metres x 3 metres.
 - Internally illuminated signage above the façade windows 2 metres x 6 metres.
- There are three (3) existing car spaces abutting the eastern common boundary.

Objections

- Six (6) objections have been received.

Objections summarised

- Inadequate parking and use of parking for adjoining premises.
- Unsafe location and pedestrian safety.
- Noise.
- Security of the premises.
- Inappropriate use.
- Operation commenced without planning permission.

Officer comment on summarised objectionsInadequate parking and use of parking for adjoining premises

It is noted that the parking spaces on the site that are allocated to adjoining premises cannot be considered as available for the subject site, unless express permission has been given by the owners of the car spaces. The assessment below has been based on the availability of the three (3) car parking spaces which form part of the subject site.

It is also considered that managing the use of the parking areas for adjacent premises within the complex is not a planning consideration.

Unsafe location and pedestrian safety

The parking and access area at the front is a low speed area (given that it is not a through road) and any traffic must be mindful of pedestrians to the industrial premises on the site, as much as pedestrians must be mindful of traffic in the accessway (as on any roadway).

Noise

The proposed use is located inside an industrial building, so that noise may be reasonably contained. The site is in an industrial area where uses with greater potential for amenity impacts may be located, in this sense it is appropriately located and nearby industrial uses should not be sensitive to noise. The site is sufficiently separated from the closest residential area to minimise noise impacts.

To ensure the noise emissions are suitable conditions of approval will require the submission of an acoustic report to detail any modifications which are necessary to comply with the relevant state requirements.

Security of the premises

This ground of objection relates largely to leaving the gates open for access for patrons. This is not considered to be a relevant planning consideration and is a matter to be addressed between the relevant parties.

Inappropriate use

The Industrial 3 Zone allows a broad range of uses. As can be seen in the assessment below, it is considered that on balance the proposal provides an appropriate use of the premises in an industrial area. It is considered that the use of the premises for the proposed use is largely appropriate, as it maintains the industrial streetscape and provides a use with amenity impact potential in an area that is not sensitive to amenity issues.

The proposal maintains the existing industrial building form, so that it may revert to an industrial use in the future. It is not considered that the use will erode the industrial nature of the area, given that: it is only one (1) use on a site with a number of other premises; it is contained within an industrial building form; it is located behind the façade (so that it maintains the industrial nature of the streetscape); and it is not particularly sensitive to the impacts of the adjoining industrial uses.

Operation commenced without planning permission.

Although the use may have commenced without planning permission, it must be assessed on its merits.

PLANNING ASSESSMENT

The proposal involves use of the site as a dancing school. Overall, given the location in an industrial area (where more intense uses are encouraged to locate) the use is considered to be acceptable. The proposed use is not considered to be sensitive to nearby industries and adequate car parking is available nearby. It is not considered that there will be any increased amenity impacts, as the use is internal and emissions may be addressed by conditions, so that the proposal will not adversely affect the amenity of the area.

Use:

The site is situated in an Industrial 3 Zone. A dancing school is included under the definition of Indoor recreation facility, which is ultimately included under Leisure and recreation, which requires a permit in the Industrial 3 zone.

The Industrial 3 zone has the following purposes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*

- *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities which allows for industries and associated uses compatible with the nearby community.*
- *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

Industrial 3 zones are to provide a buffer between Industrial 1 and 2 zones and more sensitive uses. The site does not abut any sensitive uses and although located close to a residential area (to the north east of the site along Dyson Street) it is separated from the closest dwellings. Indeed, the site is in an area set aside for more intense uses that could have a greater impact on residential amenity. Importantly, as the site is in an industrial zone, less weight is placed on amenity considerations than in a Residential Zone in terms of uses on the site and those on adjoining sites, as there must be an expectation of greater amenity impacts and more significant development and uses in industrial zones. Nevertheless, the proposal must acknowledge the impact on nearby uses.

Generally, it is considered that the proposed use is acceptable for the zone and area, in that it will have limited amenity impacts, few emissions and will not adversely affect the amenity of the area. It is not uncommon that intense non-industrial uses are found in industrial areas, given the larger premises and separation from sensitive uses/areas. In this sense the proposal is more appropriately located in this area rather than a residential area (where potential amenity conflicts are greater) or a commercial area (where retail activity is to be consolidated).

The site is in a recently constructed building within a Core Industrial Area, where industrial uses are to be maintained and protected. It is considered that the proposal generally complies with State Planning Policy Framework and Local Planning Policy Framework, in that it maintains an appropriate dominant industrial use of the overall site.

It is also compatible with the adjoining uses, with mainly after hours peak times. In addition, it is considered that the proposal will not result in an increased detriment to adjoining properties. A condition of approval will require that the amenity of the area must not be adversely affected by the proposed use.

The following is noted in assessing the proposal against the relevant decision guidelines (Clause 33.03-2 of the Darebin Planning Scheme):

- It is considered that the use will not adversely affect the amenity of the neighbourhood, through the:
 - Transport of materials, goods or commodities to or from the land – it is not expected that there would be a need for loading facilities, given the nature of the use. Nevertheless, loading would likely be via small commercial vehicles (rather than trucks) and may use the car spaces set aside for the premises, so that adjacent businesses are not affected. It is not expected that the access to the site will affect amenity given the wide accessway.
 - Appearance of any stored goods or materials - the storage will be inside the building and should not be able to be viewed from the street or neighbouring properties.
 - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

The above may be addressed as conditions of any approval.

- The proposal generally complies with State Planning Policy Framework and Local Planning Policy Framework, in that although it does not provide an industrial use in an industrial area, it is compatible with nearby uses and is appropriately located. It is also located behind the façade, so that the industrial character of the site to the streetscape is maintained.
- The nearby sites are used for industrial and warehouse purposes and it is considered that the proposal would not unreasonably effect their operation or amenity. The site does not abut any sensitive uses, but is proximate a residential area. There is appropriate separation and transition to the adjoining residential area to minimise amenity impacts. In addition, the use is internal so that emissions may be limited. However, as stated above, any emissions from the site can be limited by conditions on any approval, so that amenity impacts can be contained and limited to such emissions that would be acceptable for a use in an industrial zone.
- The nearby warehouses will not have an impact on the proposed use, given that the dance school is not a sensitive use.
- Adequate drainage and services are available for the use, given that it is an existing building in an established area.
- It is not expected that there will be any unreasonable increase in traffic or parking. Parking is discussed further below.
- The proposal would have little or no effect on the nearby industries, given that the peak hours are generally after hours, the use is contained and it will be able to use parking dedicated to the premises.

As noted above, Industrial 3 zones are to provide a buffer between Industrial 1 and 2 zones and more sensitive uses.

Although the site is located in an industrial area, some regard must be had to nearby sensitive uses. In this regard the appearance and any emissions from the site should be addressed by condition on any approval.

It is therefore considered that the uses are acceptable for the site and area and appropriately located in this zone.

Policy Assessment:

Clause 22.04 – Industrial and Commercial Activity

The Industrial and Commercial Activity policy applies to all land in the Industrial 1 Zone, Industrial 3 Zone and Commercial 2 Zone in the City of Darebin. This clause provides an additional level of assessment for such proposals.

The following is a point form summary of this assessment:

Element	Comment	Compliance
Design	<ul style="list-style-type: none"> Although a loading area is not required under the Planning Scheme and the use would require limited loading facilities, loading may be required to be undertaken on the site (which can be done in the parking areas set aside for the premises), to ensure that adjoining uses are not impacted upon. As can be seen in the assessment below adequate car parking is available for the use. The car parking areas are existing. The building and any landscape areas are existing. 	Complies subject to condition
Landscaping	Landscaping is not to be altered.	Not applicable
Amenity	<ul style="list-style-type: none"> The proposal is separated from any sensitive uses. Nevertheless, emissions may be addressed by condition. No plant and equipment has been detailed, however this may be addressed by condition. Waste storage areas may be provided and hidden from public views 	Complies subject to condition

It is considered that the proposal is generally acceptable in terms of compliance with the policy requirements.

Signage:

The proposal provides appropriate signage in the context of the site and area, given the building on the site.

The objectives of Clause 52.05 of the Darebin Planning Scheme (Advertising Signs) are as follows:

- To regulate the display of signs and associated structures.*
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Clause 21.02-3 (Built Environment) indicates that key issues facing Darebin: Achieving high-quality design in development (including activity centres and industrial/employment precincts); and striking a balance between the need for businesses to advertise and community expectations for an environment devoid of unattractive visual clutter. Objective 4 – Signage is:

- *To ensure signage is integrated into development and streetscapes.*
- *Minimise visual clutter and prevent the proliferation of signs, particularly along major gateways, road reservations, commercial/retail areas and industrial estates.*
- *Ensure that outdoor signage presents a coordinated and high quality image.*
- *Ensure outdoor signage is located on the land to which it relates.*
- *Encourage simple, clear, consistent and non-repetitive advertising that is displayed in appropriate locations and planned as an overall signage package for a site.*
- *Ensure outdoor advertising is appropriate with regard to the architectural design of buildings on which signs are displayed.*
- *Incorporate outdoor advertising into the design of new buildings and major renovations and ensure signage is planned for at the beginning rather than at the end of development.*

It is proposed to display the following signage on the premises:

- Signage painted over the existing roller door, 5.5 metres x 5 metres and illuminated.
- Window graphic to the façade of 2.64 metres x 3 metres.
- Internally illuminated signage above the façade windows 2 metres x 6 metres.

Clause 52.05-2 provides decision guidelines with which to assess signage. The proposal is considered to largely comply with the decision guidelines in that:

- The site is located in an industrial/commercial area with a strong presence. The site is not located in an area that is sensitive to signage impact.
- The character of the signage in the area is varied, with mainly business identification signage. The proposed signage is appropriate in this context.
- The signage will not contribute to visual disorder or clutter of signs.
- Given the character of the area; the location of the sign to the building façade that does not protrude above the building; and the set back from the street and adjoining properties, the signage will not impact unreasonably on the skyline, views and vistas.
- The signs are separated from adjoining sites and will not adversely affect any residential areas.
- The signage is appropriate in the streetscape, setting and landscape, in that:
 - The sign does not dominate the streetscape, due to the scale and form.
 - The sign does not protrude above the building.
 - The streetscape is not overwhelmed by the number of signs to this elevation, given the setbacks.
- The signs will not result in visual clutter.
- The signs are designed to provide an identity to the premises.
- In relation to the site and building, the signage is appropriate in regard to scale and form of the host building (given the large façade and positioning on the building).

- The proposal seeks to provide an identity to the premises to the street and provides appropriate identification.
- It is not considered that the proposal will adversely affect traffic safety.

It is considered that the design is appropriate in that the signage has been designed to relate to the location within which the signage will sit. The signage will not overwhelm the streetscape presentation. Therefore, it is considered that the signage is acceptable and will not adversely affect amenity.

Car Parking:

Pursuant to clause 52.06-3 a permit is required to reduce the requirement to provide the number of car parking spaces required under this clause. A Dance Studio is not listed in the table to this clause. However, clause 52.06-5 notes that if a use is not specified in the table, car parking must be provided to the satisfaction of the responsible authority.

The provision of three (3) car parking spaces for the proposed dance school is considered satisfactory for the following reasons:

- There is no parking precinct plan and parking should be tackled globally rather than in an ad-hoc manner for each particular application. Therefore, requiring further parking for a particular premises is difficult to justify and inequitable and the assessment of the application must be on its merits.
- The site has access to on-street car parking spaces along Edwardes Street. Given that the main use of the premises is after hours, the parking demand will not clash significantly with the other users of the on-street parking area.
- The parking shortfall is unlikely to significantly affect the nearby residential area, given the separation to the residential area to the north.
- Council's Transport Management and Planning Unit has advanced that the proposed car parking is acceptable subject to conditions.
- It is considered that the proposal will not lead to any adverse impact, as a result of the parking shortfall.
- The streetscape and pedestrian amenity will not alter.
- The number of patrons and staff may be regulated by condition to ensure that there is no unreasonable effect on the surrounding street network.
- The traffic impacts on the surrounding street network will be reasonable.
- The application has specified that classes will not occur from 3:00 pm to 4:00 pm.

REFERRAL SUMMARY

Department/Authority	Response
Transport Management and Planning	<p>No objection, subject to the following conditions:</p> <ul style="list-style-type: none"> • Two (2) visitor bicycle parking spaces are to be provided near the main entrance to the building <u>within</u> the boundary subject site. If the applicant is unable to supply cycle parking on-site, they should contact Council's sustainable transport officer for details of how to supply on-street parking in the vicinity of the site or make the equivalent contribution to cycle infrastructure in Darebin.

	<ul style="list-style-type: none"> • One (1) employee bicycle space is to be provided either in a bicycle locker or at a bicycle rail, within in a lockable compound. • Classes shall not occur between 3pm – 4pm on weekdays. • A minimum five (5) minute buffer shall be provided between class times. • A sustainable transport display area located near the main pedestrian entrance to the building. Documents displayed in this sustainable transport display area must include; public transport maps and timetables and maps of walking and cycling routes to and from the site.
--	---

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 33.03-1 requires a permit for a dancing studio
- Clause 52.05 requires a permit for display of signage.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 17.02, 19.03-1
LPPF	21.02-3, 21.02-6, 21.04-2, 21.05, 22.03, 22.04
Zone	33.03
Overlay	45.06
Particular provisions	52.05, 52.06
General provisions	65.01
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS

Environmental Sustainability

Nil

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

DISCLOSURE OF INTERESTS

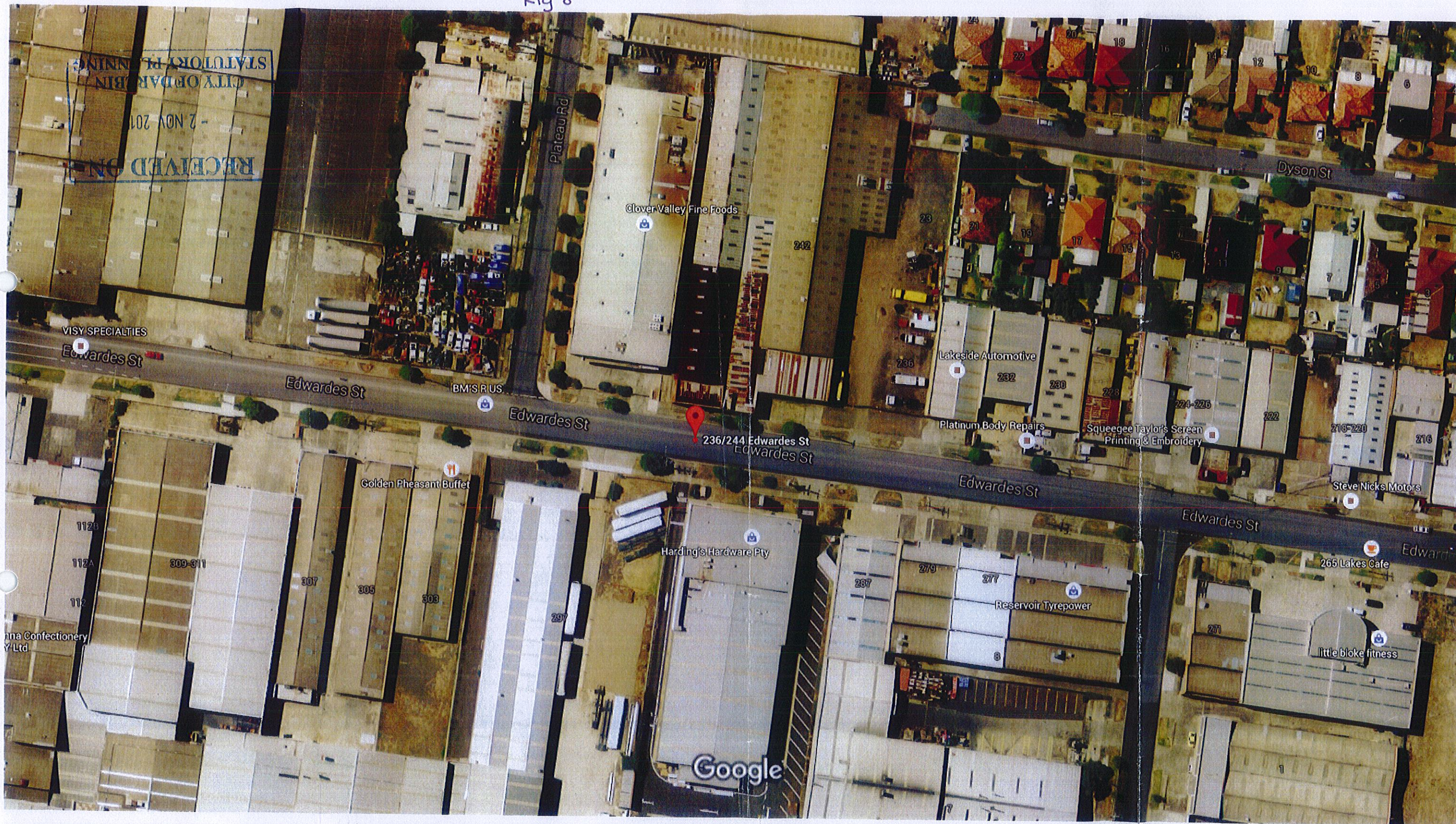
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

RELATED DOCUMENTS

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

Fig 8

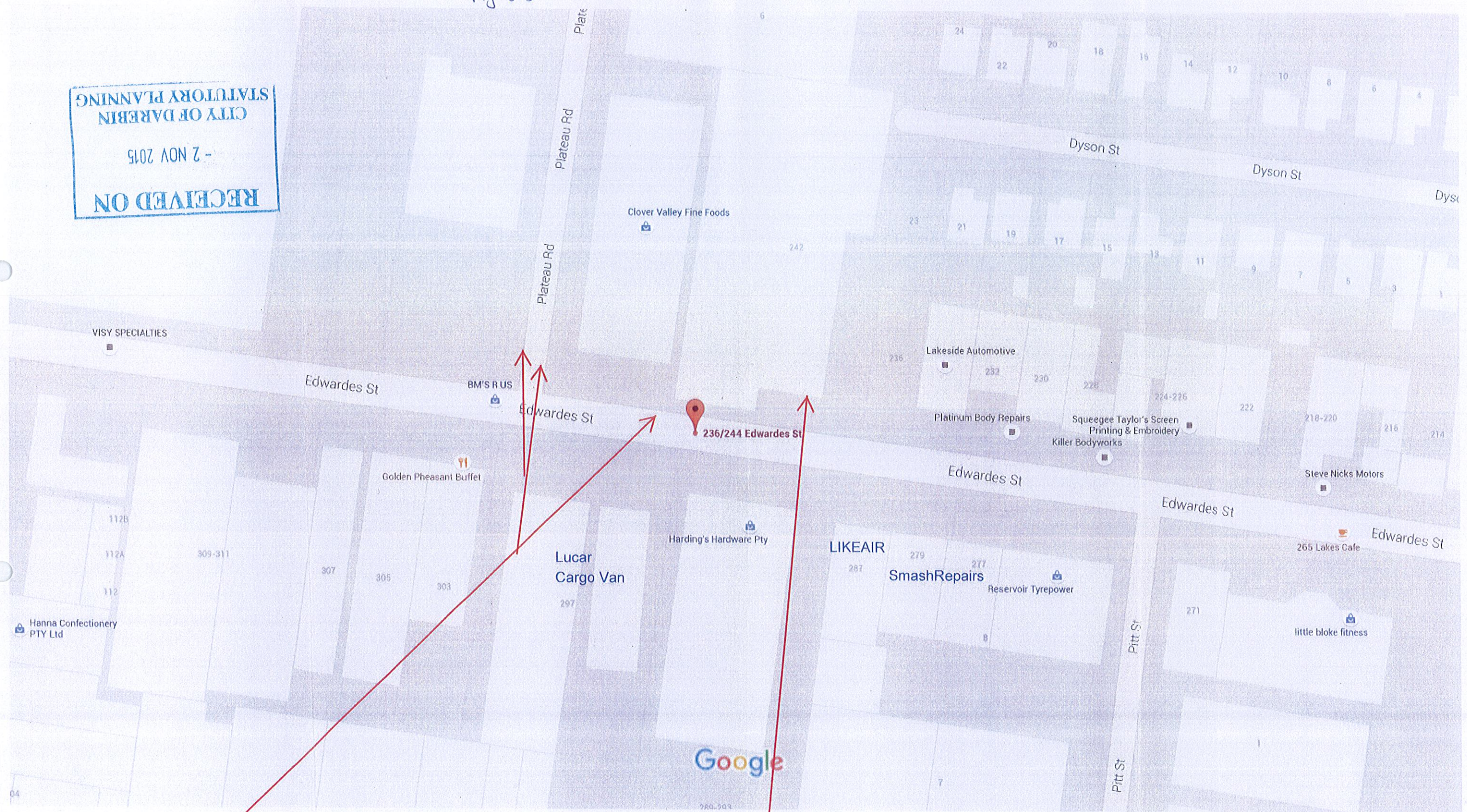


Map data ©2015 Google 20 m

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1 of 12
Date 06 JUN 2016

Fig 8.5

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STATUTORY PLANNING



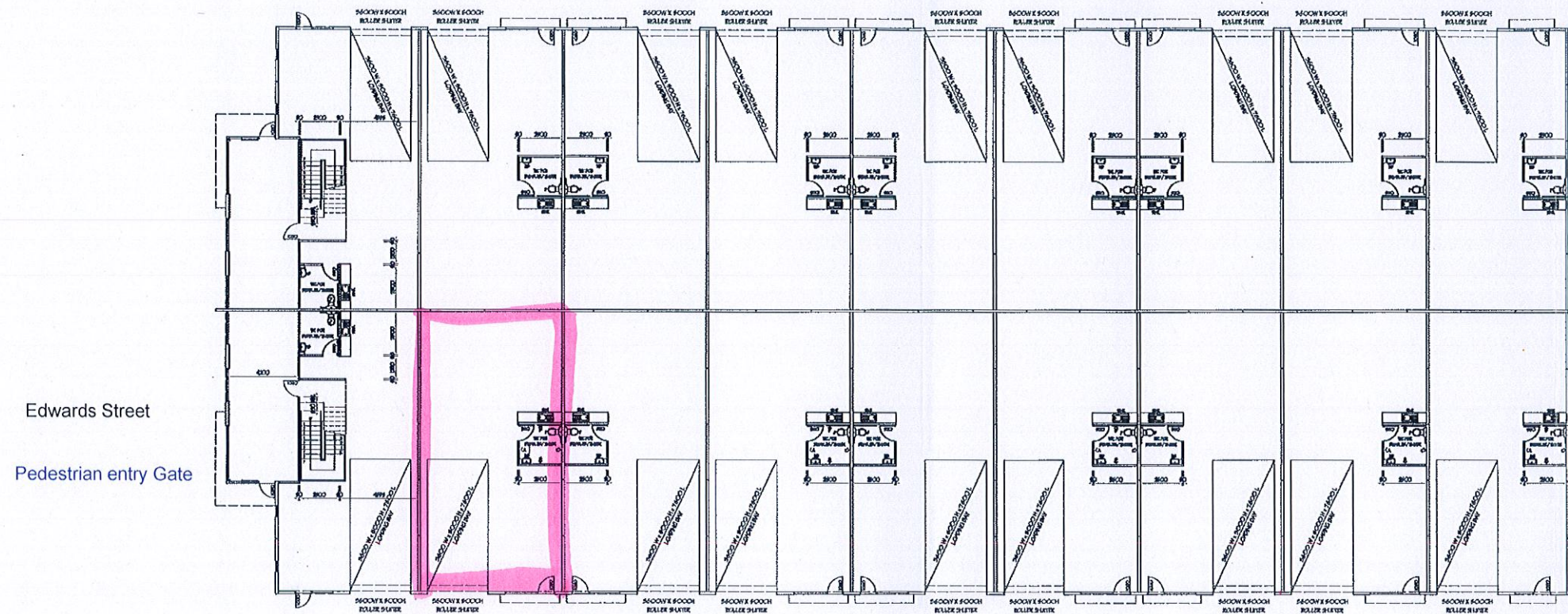
Parking One hr, 8.30am-6.30pm, all along Edwards street
and around cnr on Pateau Rd

Possible Bicycle Area

Map data ©2015 Google 20 m

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Copy 3



Edwards Street
Pedestrian entry Gate

Drive way

Unit 2
Toilet block is now situated at back of building right cnr.
Car parks are along side these buildings

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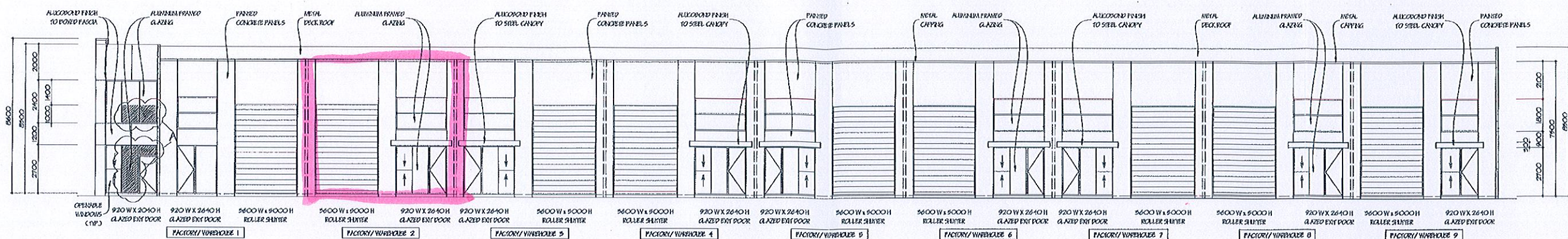
3 of 12

Date 06 JUN 2016



PROJECT PROPOSED FACTORY / WAREHOUSE AND OFFICE DEVELOPMENT AT LOTS 1 & 2 EDWARDS STREET, RESERVOIR			
CLIENT			
DATE JULY 11		SCALE 1:100	
DRAWN J.B.		SHEET 2 OF 9	
DRG No 5122/II		PI	ISSUE C

Edwards Street



Unit 2 Facade Frontage

Signage to be on:

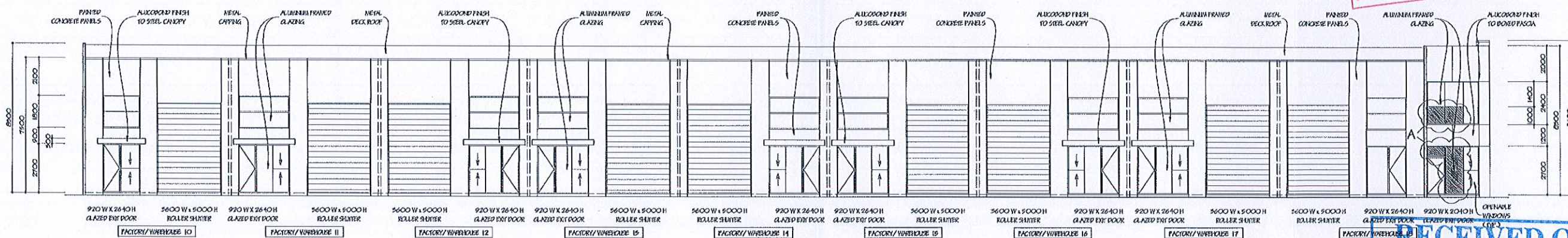
Roller door

Glass

Above bottom door & windows

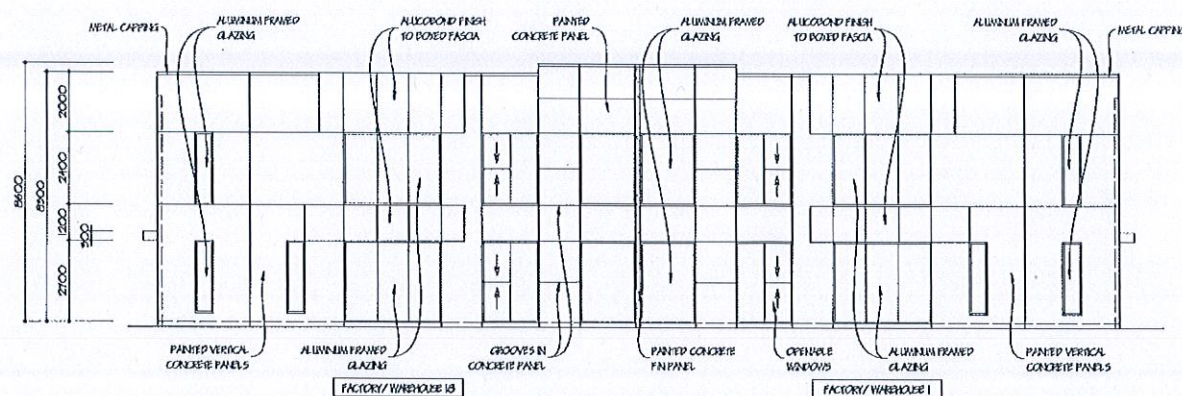
EASTERN ELEVATION

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Date 06 JUN 2016

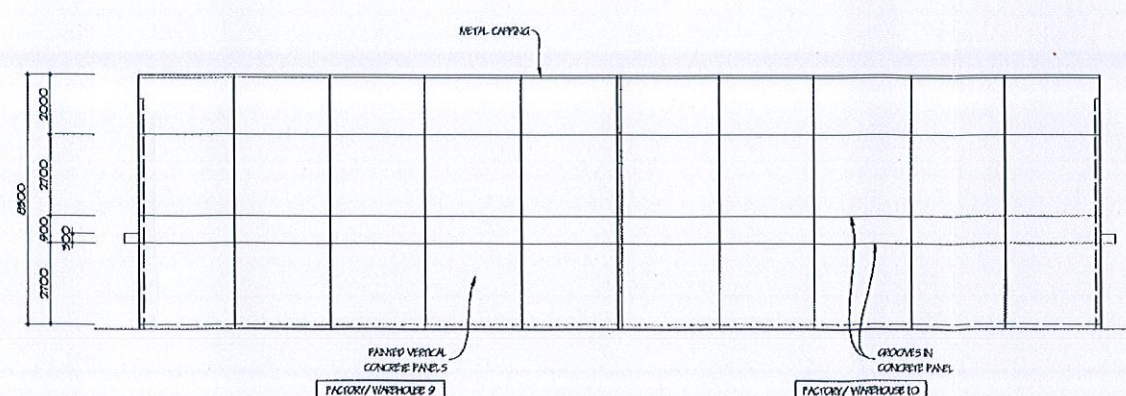


WESTERN ELEVATION

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SOUTHERN ELEVATION



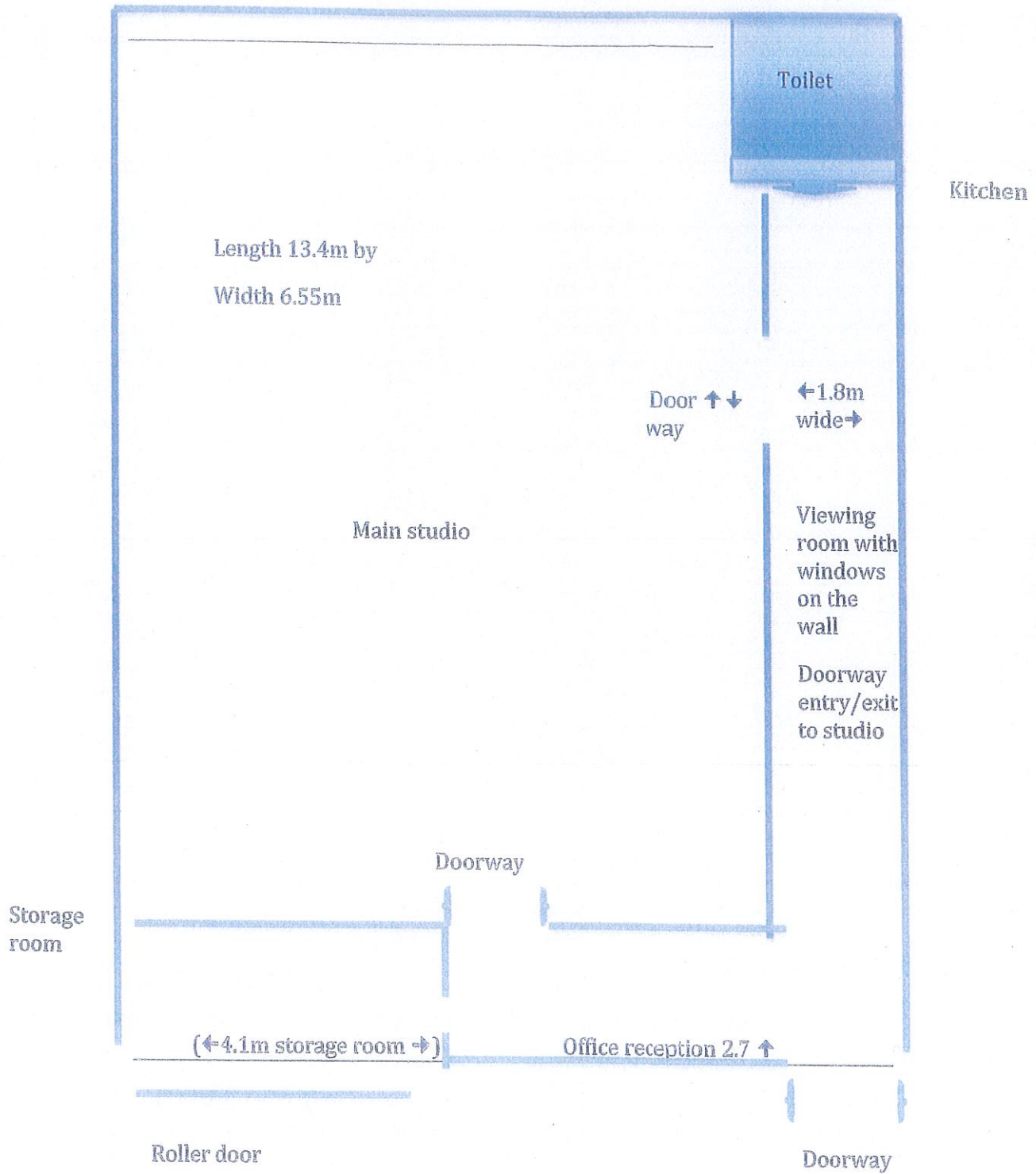
NORTHERN ELEVATION

STEPHEN D'ANDREA LTD.
A.C.N. 005 676 568
SUITE 9 / 84 - 80 LAKEMOOD BOULEVARD
BRISBANE 4165
TELEPHONE 9387 5000
FAX 9388 2020
MOBILE (0418) 314 021
EMAIL design@stephendandrea.com.au
WEB SITE www.stephendandrea.com.au

PROJECT
PROPOSED FACTORY/ WAREHOUSE
AND OFFICE DEVELOPMENT
AT LOTS 1 & 2 EDWARDS STREET,
RESERVOIR
CLIENT

DATE	JULY 11	SCALE	1:100
DRAWN	JB	SHEET	4 OF 9
DRG No	5122/11	DI	ISSUE 1

FIGURE 13



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6 of 12
06 JUN 2016
Date _____

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Figure 15
Mark Signage



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ADVERTISED
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Date 06 JUN 2016

Window

Window

Beat Dance School

Dance Classes for all ages.

Hip Hop Classical
Jazz Juniors
Tap Adults
Break 0408 519 330

info@beatdance.com.au



Door

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8 of 12
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Figure 1 - Street View



Figure 2 - Parking Signs Building Side

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Figure 3 - Unit Frontage View



Figure 4 - Driveway



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Figure 5 - Street Parking



Figure 6 - Inside full view from Back of Building

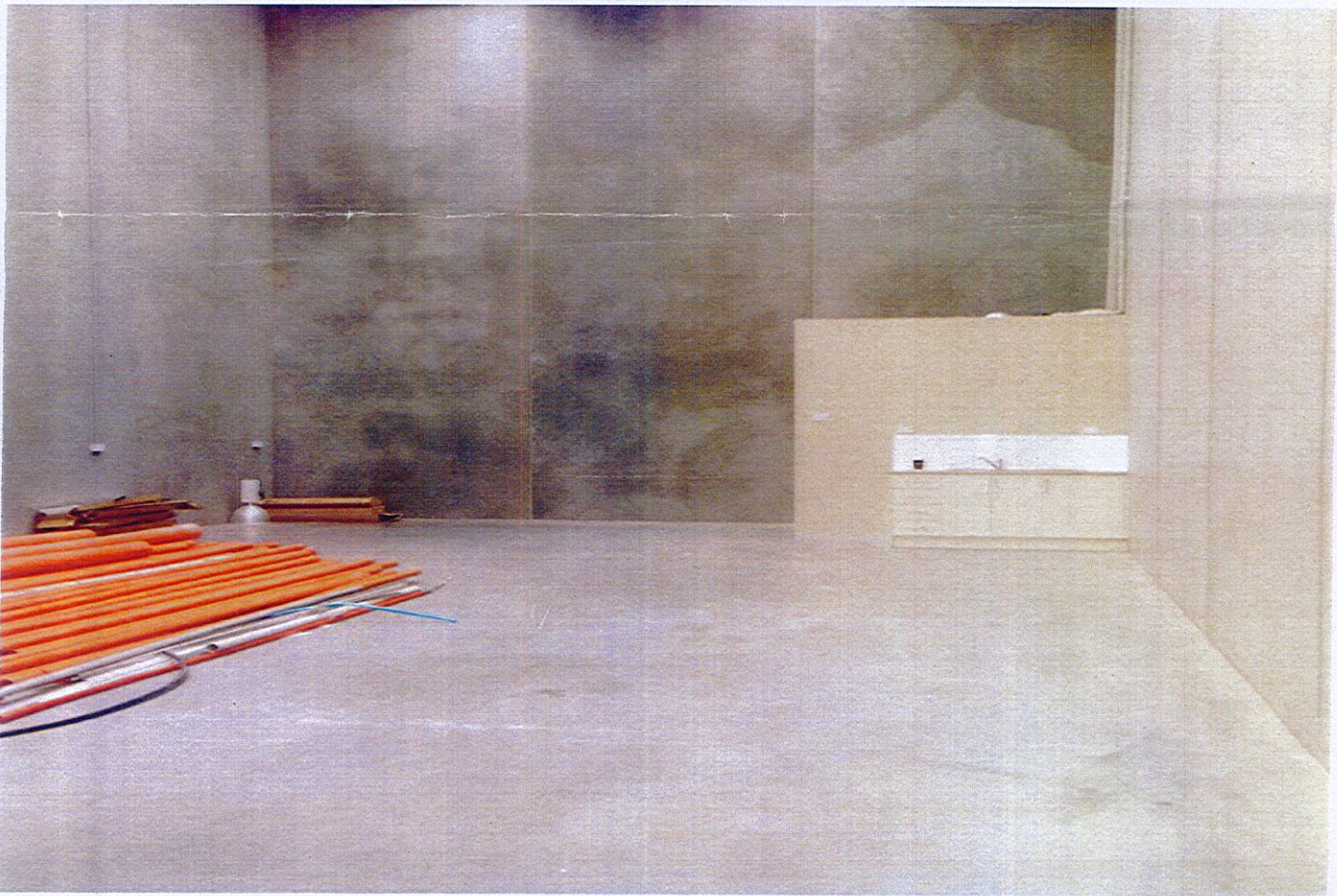


Figure 7 - Inside Unit 2 looking to back of building

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STATUTORY PLANNING

5.3 APPLICATION FOR PLANNING PERMIT D/784/2015
666 Bell Street, Preston

AUTHOR: Principal Planner – Jennifer Roche

DIRECTOR: Acting Director Assets and Business Services – Chris Meulblok

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
F Aliyar	Faizal Aliyar	John Klarica – Calibre Planning EcoGenie Sustainability and Energy Consultants Leigh Design Waste Management Plans ZAVTraffic Consultants

SUMMARY:

- It is proposed to construct a three (3) storey building over a basement garage for eight (8) dwellings, each with two (2) bedrooms.
- The basement is to contain nine (9) car parking spaces, bin store area, eight (8) bicycle parking spaces, storage for the dwellings and lift/stair access to the upper floors. Vehicle access to the basement is via ramp and proposed crossover to the centre of the frontage. The ground level is to have three (3) dwellings, each with 25 square metres of ground level secluded private open space. The ground level will also have a common area for residents (to the front setback). The first floor level is to have three (3) dwellings, each with 8 square metres of secluded private open space in balconies. The second floor level is to have two (2) dwellings, each with 8-20 square metres of secluded private open space in balconies.
- The proposal will have a contemporary design with walls of brick, render, timber and lightweight cladding. It is to have a flat roof and a maximum height of approximately 9.4 metres.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Transport Management and Planning Unit, Council's Urban Designer, the Capital Works Unit and Darebin Parks.
- This application was referred externally to VicRoads.

Recommendation

That Planning Permit Application D/784/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos DR-2, DR-3, DR-4, DR-5, Revision B, dated 28 March 2016, job no. JB1501.02 and prepared by J & M M Designs) but modified to show:

- (a) The tree located on the adjoining property, adjacent to the eastern boundary of the subject site, must be retained and protected as per Australian Standard AS4970 – 2009: Protection of trees on development sites. This requires annotations detailing tree protection measures and a Tree Protection Zone with a radius of 2.2 metres when measured from the outside of the trunk, or 1.3m from the eastern boundary fence (This figure includes the 10% allowable encroachment as per Australian Standards AS4970 – 2009).

Notations must be added to the plans stating the following:

- i. Any construction and demolition works in the Tree Protection Zones must be carried out under the supervision of a suitably qualified arborist and any roots uncovered must be pruned by sharp and sterile hand tools.
 - ii. The Tree Protection Zone between the building footprint and the boundaries must remain at existing grade.
 - iii. Details of ground protection (e.g. rumble boards etc.) between the building footprint and property boundaries in the TPZ areas to be installed following demolition and remaining in place for the duration of construction.
- (b) Provision of a minimum of 6 cubic metres of secure storage for each dwelling.
 - (c) Details of all internal dimensions of balconies with all balconies to be provided with a minimum area of 8 square metres and minimum internal dimensions of 1.6 metres. Setbacks to the common boundaries must not be reduced to achieve this.
 - (d) The height of fences on the northern boundary to be a minimum height of 1.8 metres as measured above natural ground level.

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

- (e) Deletion of the east-facing part of the second floor balcony abutting bedroom 1 to Dwelling 7.
- (f) Plans to demonstrate building setbacks compliant compliance with Standard B17 in relation to the following:
 - i. The boundary setback of Dwelling 8 from the western and northern title boundaries. Any balustrade or screen provided to the balcony must fall within the B17 setback envelope.
- (g) The floor plan or elevations amended to provide accurate details of the west facing bedroom and en-suite windows of Dwelling 8.
- (h) All boundary walls to have a maximum height of 3.6 metres and an average height not exceeding 3.2 metres when measured from the natural ground level.
- (i) The proposed first floor east-facing bedroom windows of Dwelling 4 and the west-facing second floor bedroom window of Dwelling 8 are to have fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.
- (j) The western section of balcony of Dwelling 8, opposite the meals and living room, is to be deleted and the balcony must be redesigned so that its northern edge is in line with the southern living room wall. The west-facing meals and living areas are to be designed to provide either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
- (k) Full details of balcony screening showing a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level. A section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
- (l) The proposed second floor east-facing bedroom windows of Dwelling 7 are to have fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level, where they are not enclosed by the balcony.
- (m) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- (n) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- (o) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (p) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 9 of this Permit).
- (q) A Landscape Plan in accordance with Condition No.5 of this Permit.

- (r) Provision of a swept path assessment demonstrating that a private waste collection vehicle can enter and exit the basement level, to the satisfaction of the responsible authority.
- (s) Step between basement car park area and lobby area on DR4 to be removed and replaced with a ramp compliant with AS1428.1.
- (t) Crossover and access way to be reduced to a maximum of 5.5m.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
 5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - (a) Provision of a minimum of two (2) suitable medium canopy trees and three (3) small canopy trees. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - (b) Tree protection zones and tree protection measures in accordance with condition no. 6 and 1(a) 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.
 - (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. All proposed planting must be to the satisfaction of the Responsible Authority.

- (f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - (g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - (h) Hard paved surfaces at all entry points to dwellings.
 - (i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - (j) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - (k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. Before buildings and works (including demolition) the tree located on the adjoining property, adjacent to the eastern boundary of the subject site, must be retained and protected as per Australian Standard AS4970 – 2009: **Protection of trees on development sites**. This requires annotations detailing tree protection measures and a Tree Protection Zone with a radius of 2.2 metres when measured from the outside of the trunk, or 1.3m from the eastern boundary fence (This figure includes the 10% allowable encroachment as per Australian Standards AS4970 – 2009).

Ground protection (rumble boards, mulch etc.) must be installed between the building footprint and property boundary following demolition and remain in place for the duration of major construction activities, in lieu of standard tree protection fencing.

All demolition and construction works within TPZs must be supervised by a suitably qualified arborist.

The Tree Protection Zones (TPZ) between the building footprint and property boundary of the tree on the adjoining property to the east must remain at existing grade. Ground protection (rumble boards, mulch etc.) must be installed between the building footprint and property boundaries in the TPZ areas following demolition and remain in place for the duration of construction.

No vehicular or pedestrian access, storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

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

Any demolition or construction works in the Tree Protection Zone must be carried out under the supervision of a suitably qualified arborist and any roots uncovered must be pruned by sharp and sterile hand tools.

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

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

8. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
9. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

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

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

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

11. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act* 1993 and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
12. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

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

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

14. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
15. The land must be drained to the satisfaction of the Responsible Authority.
16. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
18. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
19. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

- (a) Constructed;
- (b) Properly formed to such levels that they can be used in accordance with the plans;
- (c) Surfaced with an all-weather sealcoat;
- (d) Drained;
- (e) Line-marked to indicate each car space and all access lanes;
- (f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

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

VicRoads conditions:

21. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
22. Prior to the occupation of the buildings or works hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - i. Formed to such levels and drained so that they can be used in accordance with the plan.

- ii. Treated with an all-weather seal or some other durable surface.
- 23. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
- 24. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings or works hereby approved.

VicRoads notes on permit:

- The proposed development requires the construction of a crossover. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant Sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard

(BESS) to assess the developments environmental performance against appropriate standards.

- N6 This planning permit must be attached to the “statement of matters affecting land being sold”, under section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

Report

INTRODUCTION AND BACKGROUND

No planning history exists for the site.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 32 metres in length and 18.29 metres in width with a site area of 585.3 square metres.
- The land is located within the General Residential Zone Schedule 2 and affected by a Development Contribution Plan Overlay. It abuts a Road Zone Category 1, to Bell Street (to the south).
- The land is located on the north side of Bell Street, approximately 20 metres to the east of the intersection with Bischoff Street.
- The site contains a single storey detached brick dwelling, with a pitched and hipped tile roof. The dwelling has vehicle access along the western common boundary to a garage in the rear yard area, with a circular paved driveway to the street frontage (exiting via the crossover to the adjoining property to the east). The site has a fall of 920mm from the north east corner (rear) to the south west (front).
- To the east of the site is a single storey detached brick dwelling, with a pitched and gabled tile roof. The dwelling is set back 18.4 metres from the street frontage and 5.3 metres from the common boundary, with vehicle access to a garage along the common boundary.
- To the west is a single storey detached brick dwelling, with a pitched and hipped tile roof. The dwelling is set back 10.9 metres from the street frontage and 1.25 metres from the common boundary.
- To the north of the site is the side of a dwelling fronting Bischoff Street.
- To the south is Bell Street, a large six (6) lane carriageway with a central median strip. On the opposite side of Bell Street are double storey dwellings.
- The site is located in a residential area of mostly single storey detached dwellings, noting some double storey and medium density development. Gardens are generally low level, with high fences. An activity centre is located approximately 160 metres to the east at the intersection of Gilbert Road and Bell Street. The nearest public transport services to the site are tram route #11 located approximately 160 metres to the east along Gilbert Road; and buses along Bell Street (routes 513 and 903) and Elizabeth Street (route 527). Bell Railway Station is approximately 1.1km to the east.

- A convenience store is located approximately 300 metres to the west, to the corner of Bell and Elizabeth Streets.
- A clearway restriction is located on both sides of Bell Street and is operational from 6:30am - 9:30am and 3:30pm - 6:30pm Monday to Friday. Parking is unrestricted outside of these times. On-street parking is unrestricted on Mount Street and Bischoff Street.

Proposal

- It is proposed to construct a three (3) storey building over a basement garage for eight (8) dwellings, each with two (2) bedrooms.
- The basement is to contain nine (9) car parking spaces, a bin storage area, eight (8) bicycle parking spaces, storage for the dwellings and lift/stair access to the upper floors. Vehicle access to the basement is via ramp and proposed crossover to the centre of the frontage.
- The ground level is to have three (3) dwellings, each with 25 square metres of ground level secluded private open space. The ground level will also have a common area for residents (to the front setback).
- The first floor level is to have three (3) dwellings, each with 8 square metres of secluded private open space in balconies.
- The second floor level is to have two (2) dwellings, each with 8-20 square metres of secluded private open space in balconies.
- The proposal will have a contemporary design with walls of brick, render, timber and lightweight cladding.
- It is to have a flat roof and a height of 9.4 metres

Objections

- Six (6) objections have been received.

Objections summarised

- Overdevelopment.
- Increased traffic congestion.
- Inadequate on-site parking.
- Adverse effect on daylight.
- Overshadowing.
- Privacy.
- Basement may effect foundations.
- Contrary to neighbourhood character.
- Excessive height and scale.
- Inadequate setbacks.
- Dwellings are too small.
- Basement will affect water table.
- Cost of construction indicates poor quality.
- Noise.

- Inadequate infrastructure.
- Reduction in property values.
- Construction along boundary may affect landscaping.
- Inadequate fire exits.

Officer comment on summarised objectionsOverdevelopment

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

Although the proposal development is a three (3) storey medium density development in an area of mainly detached single storey dwellings, Council must assess the proposal on its merits in the context of the site and area. It is a generally held planning principle that a gradual increase in height is acceptable. It is also noted that while a double storey height is considered to be low-scale, a three (3) storey development may also be acceptable in proximity to facilities, provided appropriate setbacks articulation, scale and design.

Notwithstanding the above, compliance with Clause 55 is an established tool for determining whether a development is of an appropriate scale relative to the site and its specific context and characteristics. As can be seen in the assessment below, the proposal complies with the objectives of clause 55 and is not considered to be an overdevelopment.

Increased traffic congestion

It is not considered that the increase in traffic from the subject development would place an unreasonable load on the surrounding street network. The number of additional vehicle movements is not likely to affect the street network, as Bell Street is a Road Zone Category 1 arterial road, servicing high volumes of traffic.

Inadequate on-site parking

The proposal provides adequate parking on the site, with one (1) car space for each two (2) bedroom dwelling and an additional car space that may be allocated to visitors.

Adverse effect on daylight

The proposal is adequately set back from the habitable room windows of adjoining properties so that there will be no unreasonable impact on daylight, in compliance with Standard B19 of clause 55.

Overshadowing

Concerns were raised about the overshadowing of the adjoining properties. Although shadow diagrams indicate that the development will overshadow a portion of the adjoining private open space areas, the extent of overshadowing is within the prescriptive measures of Standard B21. Additionally, there will be no overshadowing to the adjoining property to the north.

Privacy

Overlooking of private open spaces of adjoining properties may be addressed by appropriate screening to 1.7 metres above floor level at the first floor level in accordance with the requirements of Standard B22.

Basement may effect foundations

The effect of the basement on the adjoining properties is not a planning consideration and must be addressed at a later stage under the relevant Building Regulations.

Contrary to neighbourhood character

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

Excessive height and scale

A three (3) storey height may be acceptable, provided an appropriate transition in scale is provided and visual bulk is addressed. The proposal provides an appropriate design response in that ample setbacks and articulation are provided. This maintains a strong lower element to the building with a recessive upper floor and an appropriate transition to adjoining dwellings. Additionally, adequate setbacks are provided so that amenity impacts are minimised.

Inadequate setbacks

The proposal provides an adequate front setback (in compliance with Standard B6 of clause 55) and is also set back adequately to comply with the objective relating to Standard B17. As noted above the proposed setbacks ensure there is no unreasonable overshadowing and allow adequate daylight to the habitable room windows of adjoining properties.

Dwellings are too small

The floor area of a dwelling is not an adequate measure of amenity. However, the dwellings have floor areas of between 65-93 square metres, which will allow provisions of appropriate levels of amenities, with adequate living areas and secluded private open space. All dwellings are designed to have an outlook and there is no reliance on borrowed light.

Basement will affect water table

The effect of the basement on the water table is not a planning consideration. The subject site is not affected by a flooding overlay and appropriate drainage will be required as a condition of approval.

Cost of construction indicates poor quality

The cost of construction is not considered to be an indication of the quality of the development. The proposed building is to be constructed of typical building materials and all development must accord with the Australian Standards under the relevant Building Regulations

Noise

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

Inadequate infrastructure

The development accords with acknowledged policy for urban consolidation and increased densities, which is to make more efficient use of infrastructure and facilities. Should there be an issue with infrastructure provision, this should be dealt with by the relevant service authority.

Reduction in property values

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

Construction along boundary may affect landscaping

One (1) tree on an adjoining site is likely to be affected by the basement construction. A proposed condition of approval would require tree protection measures to be implemented to maintain the health of the tree in accordance with the referral comments from Darebin Parks (noted below).

Inadequate fire exits.

The provision of fire exits is not a planning consideration. The provision of fire escapes and alarms is governed by the building regulations, and dealt with at the building permit stage.

PLANNING ASSESSMENT**Neighbourhood Character Precinct Guideline Assessment - Precinct E3****Existing Buildings**

The site is not located in a Heritage Overlay therefore the buildings may be demolished without planning permission. In addition, the site is not located in an intact streetscape, with a number of infill developments in the area. Given the assessment below, it is considered that the replacement buildings are respectful to the scale and character of the neighbourhood.

Complies

Vegetation

The proposal will not result in the loss of significant trees from the site. The application is not accompanied by a landscape concept plan; however, it is considered that sufficient space for canopy tree planting is provided in the front and rear yards, which will ensure the development provides adequate space for landscaping.

CompliesSiting

- The front garden is ample for planting of vegetation, to enable the continuation of the garden setting in this area. The proposal also allows large enough garden space to the rear for appropriate landscaping.
- The proposal is constructed to the eastern side boundary. This is considered to be an acceptable design response, as the adjoining dwelling is well set back from the common boundary, so that there is some separation in building forms to the street. Therefore, the proposal is considered to appropriately respect the rhythm of dwelling spacing.
- There is to be one (1) double crossover provided to the street, which is acceptable as ample space is available to plant in the front garden and there are no significant areas of paving to the frontage. Additionally, the garage is to a basement, so that car parking structures and access do not dominate the street frontage. The access is therefore considered to be acceptable and does not unreasonably impact on the streetscape or dominate the front façade.

CompliesHeight and Building Form / Frontage Width

- Dwellings in the area are largely single storey; however, there are double storey dwellings nearby. The proposal is three (3) storeys in height; however, the design provides a more dominant ground and first floor level with recessive upper floors, so that it represents an appropriate transition in height. This is an appropriate design response, as adequate articulation is provided, with a strong single storey element to the streetscape façade. The dwellings have been largely designed to minimise bulk, with upper floor areas smaller than the ground floor envelope.
- The development is not out of scale with the adjoining buildings and does not dominate the streetscape, as it presents a graduated increase in height over nearby single storey buildings.
- There is no lengthways subdivision to the street frontage. The design maintains the detached character and rhythm of dwelling spacing.

CompliesMaterials and design detail

- The proposal provides brick, render and lightweight cladding for wall materials, which are considered acceptable and respect the brick and painted weatherboard wall materials of nearby buildings. Although the proposal provides a contemporary design in an area of traditional dwellings, the Design Objective encourages buildings to 'contribute positively to the streetscape through the use of innovative architectural responses'. It is considered that the design is appropriate in the context of the neighbourhood character.

- The materials, fenestration and setbacks present an appropriate architectural response with a visually interesting facade. Articulation in the façade is achieved through the use of varied materials and colours to the walls, as well as fenestration in windows and door openings.
- The use wall materials appropriately respect the character dwellings in the area. The flat roof design complements the contemporary design and limits the overall height.

Complies

Front boundary treatment

There is a low proposed front boundary fence of 1.5 metres, which allows views from the street to the front façade and is appropriate.

Clause 22.10 Bell Street Land Use policy Assessment

- Clause 22.10 Bell Street Land Use policy places the site in Precinct A and seeks to discourage commercial and industrial uses and encourage a mix of housing types in the General Residential Zone. The preferred vision states that:
 - *“The ‘live’ precinct will retain a core residential focus and will accommodate incremental residential change, providing a mix of housing types and styles through the re-development and consolidation of sites over time”.*
- Design Principles include to protect the sense of ‘place’ of the neighbourhood and to ensure the precinct evolves as a green suburban setting with new developments to respect the existing residential scale and rhythm of subdivision pattern and to continue and enhance a strong landscaped theme throughout the precinct. The urban design / landscape strategies at section 3.3 are as follows:
 - *LS 1. Encourage incremental change with new housing to address Bell Street.*
 - *LS 6. Increase the population and employment density within the walking catchment of the proposed Smartbus service and the 112 tram route.*
 - *LS 7. Encourage double storey building frontages to Bell Street. Setbacks of new development should be consistent with those of existing houses.*
 - *LS 9. Ensure new residential developments address Bell Street with clearly defined primary pedestrian entrances*
 - *LS 10. Encourage contemporary building style and design.*
 - *LS 11. Encourage buildings to present attractive and interesting facades to the street.*
 - *LS 12. Ensure new residential development respects and responds positively to the surrounding dwellings.*
- The Precinct Concept Plan places the site in a two (2) storey area (Bell Street Incremental Change Area).
- Although the site is largely set aside of double storey development, it is considered that the proposed three (3) storey building is acceptable, in that it is well set back from the street frontage. The applicant has provided sightlines from the street to the effect that the upper floor is recessive, and the appearance of the building ‘reads’ as a two storey form.

- External amenity impacts are contained are within those anticipated under Clause 55 of the Scheme and are not considered unreasonable. There are clearly defined pedestrian entrances and the building has an appropriate contemporary design which orients windows to the street.
- Opportunities exist for landscaping through the front and rear of the site. In addition, the strategies are to provide for an increase in population density within the walking catchment of the No. 11 tram route. Therefore, it is considered that the proposal responds to the particular context and respects the surrounding dwellings and is broadly consistent with this policy.

Clause 55 Assessment

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

Clause 55.03-2 B7 Building Height

The proposed dwellings are to have a maximum height of approximately 9.4 metres which does not comply with the standard requiring a maximum height not exceeding 9.0 metres. Notwithstanding this, it is considered that the proposal meets the objective in that:

- The changes of building height between existing buildings and the proposed building provides an appropriate transition, with dominant lower levels and a recessive upper floor.
- The design response is appropriate in that the proposal meets the 9 metre height Standard to the sides and rear, with the highest point towards the front (away from adjoining rear yard areas), due to the site fall.
- It is considered that the proposal respects the preferred neighbourhood character
- The area of non-compliance (i.e. 400mm) would not be discernible from the streetscape, given that the discrepancy is minor and the upper floor is set back from the façade.
- It is considered that there will be no unreasonable visual impact from the building when viewed from the street and from adjoining properties.

Complies with objective

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern – Dwelling 1	3.6 metres	1.0 metre	1 metre
Western – Dwelling 2	3.85 metres	1.075 metres	1.5 metres
Northern – Dwelling 3	3.6 metres	1.0 metre	1 metre

First Floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern – Dwelling 4	6.38 metres	1.834 metres	1.95 metres
Eastern – Dwelling 6	6.1 metres	1.75 metres	1.85 metres
Western – Dwelling 5	7.25 metres	2.3 metres	2.6 metres
Western – Dwelling 6	6.6 metres	1.9 metres	4.5 metres
Western – Dwelling 6 (balcony screen)	5.2 metres	1.48 metres	3 metres
Northern – Dwelling 6 (living room)	6.2 metres	1.78 metres	1.8 metres
Northern – Dwelling 6 (bedrooms)	6.35 metres	1.825 metres	2.4 metres

Second Floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern – Dwelling 7	<u>9 metres</u>	<u>4.1 metres</u>	<u>4 metres</u>
Eastern – Dwelling 7 (balcony screen)	<u>7.9 metres</u>	<u>3.9 metres</u>	<u>2.6 metres</u>
Eastern – stairway	<u>7.8 metres</u>	<u>3.8 metres</u>	<u>3 metres</u>
Western – Dwelling 8 (balcony screen)	7.25 metres	2.35 metres	2.6 metres
Western – Dwelling 8	<u>9.4 metres</u>	<u>4.5 metres</u>	<u>4.065 to 5.75 metres</u>
Northern – Dwelling 8	<u>9 metres</u>	<u>4.1 metres</u>	<u>3.85 metres</u>

It is noted that there are some areas of non-compliance with Standard B17. Some of these encroachments are acceptable (due to the context of the subject site and adjoining sites) and others may be addressed by condition. These are as follows:

- The eastern encroachment of the wall to Dwelling 7 is minor (i.e. 100mm) and is not discernible. More importantly, it abuts the adjoining driveway and front yard area rather than any areas of private open space or habitable room windows. Nevertheless, it is considered that the balcony encroachment of Dwelling 7 is inappropriate and may lead to a sense of visual bulk to this area and may be reduced by condition requiring the deletion of the balcony adjacent to bedroom 1 (provided an overall area of 8 square metres is retained).
- The eastern stairway abuts the adjoining garage area and will not cause unreasonable detriment.

- The setback of Dwelling 8 will be required to comply with Standard B17 as it abuts the dwelling and open space of the property to the west. The deletion of the balcony on the western side will improve compliance with the Standard and the transition to the adjoining property.
- The northern building setbacks will be required to comply as a proposed condition of approval, which will improve the relationship of the building to adjoining secluded private open space areas.

Complies subject to condition

Clause 55.04-2 B18 Walls on Boundaries

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

Boundary and length	Maximum length allowable	Proposed length
Eastern: 32.00 metres	15.5 metres	5.7 metres

- The wall heights of 3.36 to 3.47 metres do not comply with the standard. The wall heights will be required to comply with the Standard as a proposed condition of approval.

Complies subject to condition

Clause 55.04-6 B22 Overlooking

- The ground level of the proposed development has finished floor levels less than 0.8 metres above natural ground level at the boundary. The applicant has proposed trellis above the fence (adjacent to proposed living areas) to the east and west to address overlooking.
- However, the boundary fence to the north must be a minimum height of 1.8 metre to sufficiently limit overlooking.
- The following windows and balconies will be required to be screened to limit views in to adjoining residential properties:
- Dwelling 4: The proposed first floor east-facing bedroom windows appear to have fixed obscure glass to 1,700mm. This must be confirmed by condition.
- Dwelling 7: If the balcony area is reduced to address Standard B17, the east-facing second floor windows must be appropriately screened.
- Dwelling 8: The west-facing balcony is partly screened; however, it must be totally screened to prevent downward views to the adjoining habitable room window and secluded private open space. The west-facing bedroom window appears to have fixed obscure glass to 1,700mm, which must be confirmed by condition (this window is shown on the elevation, but not on plan – to be clarified).

Complies subject to condition

Clause 55.05-1 B25 Accessibility

The ground level of the proposal cannot be accessed easily by people with limited mobility due to the steps at the front. However, all levels are accessible from the basement level via a lift.

Complies

Clause 55.05-4 B28 Private Open Space

- The development provides adequate private open space (pos) for the reasonable recreation and service needs of residents.
- This is achieved through the provision of a minimum ground floor area of 25m² at the side or rear of an apartment; or the provision of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	25 square metres	25 square metres	3 metres
Dwelling 2	25 square metres	25 square metres	3 metres
Dwelling 3	25 square metres	25 square metres	3.27 metres
Dwelling 4	8.0 square metres (balcony)		<u>1.5 metres</u>
Dwelling 5	8.0 square metres (balcony)		<u>1.5 metres</u>
Dwelling 6	8.0 square metres (balcony)		<u>1.5 metres</u>
Dwelling 7	14.0 square metres (balcony)		1.3 to 2.5 metres
Dwelling 8	20.8 square metres (balcony)		1 to 3.15 metres

- It is noteworthy that the ground floor dwellings do not have 40 square metres of private open space. Nevertheless, this is considered to be an acceptable design response in that:
 - These dwellings each have the minimum secluded private open space area of 25 square metres which is a substantial provision for an apartment.
 - There is adequate space for appropriate levels of landscaping.
 - These areas of ground level private open space will provide an appropriate level of amenity.
- It is therefore considered that the proposed ground level private open space will meet the recreational and service needs of the occupants
- In looking at the secluded private open space to the upper floors, the dimensions of a number of balcony areas are not provided (and some balconies have widths of 1.5 metres) and conditions must confirm the provision of 8 square metres with a minimum internal width of 1.6 metres.
- All secluded private open space areas have direct access to a living room.

Complies subject to condition

Clause 55.05-6 B30 Storage

Storage facilities are provided for the dwellings; however, this must be increased from 3 cubic metres to a minimum of 6 cubic metres of externally accessible secure storage.

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

- One (1) car parking space is provided for each of the two (2) bedroom dwellings.
- One (1) visitor car parking space is provided for every five (5) dwellings.

Design Standards for Car parking

- The car parking spaces, the carports, the garaging and the access ways have appropriate dimension to enable efficient use and management.
- The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.
- The car space dimensions of minimum 2.6 metres in width and 4.9 metres in length comply with the minimum requirements of the standard.
- The applicant has provided appropriate swept path diagrams indicating that vehicles are able to access the car spaces.
- Access dimensions to the car spaces comply with the standard.

Decision Guidelines:

- The access way is at least 3 metres wide.
- There is a minimum of 2.1 metres headroom.
- Vehicles are able to exit the site in a forward direction.
- An appropriate passing area is provided at the entrance of greater than 5 metres wide and 7 metres length.
- Visibility splays are provided at the access way interface with the footpath to protect pedestrians.
- The car spaces are set back greater than 6 metres from the Road Zone road carriageway.
- The columns that abut the car space do not encroach into clearance areas under the design standard.
- The ramp gradients are acceptable.

Land Adjacent to a Road Zone Category 1 – Clause 52.29

The application was referred to VicRoads, who stated that they had no objection subject to conditions included in recommendation, including: crossover/driveway construction; levels and sealing of access; construction/sealing of access; and removal of existing access.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		N/A as development contains less than 10 dwellings	N/A	N/A
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	B5	Integration with the street		
		The development appropriately integrates with the Street.	Y	Y
55.03-1	B6	Street setback		
		The required setback is 9 metres, the dwellings are set back 9 metres from the street frontage.	Y	Y
55.03-2	B7	Building height		
		9.4 metres. Please see assessment in the body of this report.	N	Y
55.03-3	B8	Site coverage		
		53.93%	Y	Y
55.03-4	B9	Permeability		
		32.42%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y

Clause	Std		Compliance	
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from access ways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Dwellings are not set back in accordance with the requirements of this standard and may be addressed by condition. Please see assessment in the body of this report.	N	Y
55.04-2	B18	Walls on boundaries		
		Length: 5.7 metres (15.5 metres allowed) Height: 3.36 to 3.47 metres Please see assessment in the body of this report.	N	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	N	Y
55.04-7	B23	Internal views		
		There are no internal views	Y	Y
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y

Clause	Std		Compliance	
55.05-1	B25	Accessibility		
		All levels are accessible from the basement via the lift. Please see assessment in the body of this report.	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.	N	Y
55.05-5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	B30	Storage		
		Storage areas must be increased to 6 cubic metres. Please see assessment in the body of this report.	N	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		
		A 1.5 metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation
Transport Management and Planning	<p>The applicant has proposed to provide a total of 9 on-site car parking spaces, which meets the statutory requirement. It is noted that Transport Management would support the waiver of one residential visitor car space. No objection, subject to conditions including the following:</p> <ul style="list-style-type: none"> • A swept path assessment is to be provided demonstrating that a private waste collection vehicle can enter and exit the basement level, to the satisfaction of the responsible authority. • Applicant to provide a waste management plan, to the satisfaction of the Responsible Authority. • Step between basement car park area and lobby area on DR4 to be removed and replaced with a ramp compliant with AS1428.1. • Crossover and access way to be reduced to a maximum of 5.5m.
Darebin Parks	<ul style="list-style-type: none"> • No objection, subject to condition included in recommendation, relating to the following: • The tree adjacent to the common boundary on the adjoining property to the east is to be retained with a TPZ of 2.2m from the trunk edge. This tree is growing approx. 100mm from boundary fence meaning a TPZ of 2.1m will be required within the development site. The area adjacent the tree is proposed as Private Open Space. • All demolition and construction works within TPZs must be supervised by a suitably qualified arborist and any roots uncovered must be pruned with sharp and sterile hand tools • The TPZ between the building footprint and property boundaries must remain at existing grade. Ground protection (rumble boards etc.) must be installed between the building footprint and property boundary following demolition and remain in place for the duration of major construction activities. (Tree protection fencing is not considered appropriate given the constraints to construction) • The tree protection zone and the method of tree protection must be clearly notated on all plans. • The trees/vegetation to be removed in the site above are of low retention value, but still contribute to the canopy coverage and amenity value of the area. The vegetation may be removed subject to a minimum of two (2) suitable medium canopy trees and three (3) small canopy trees included in the new landscape plan to the satisfaction of the responsible authority. • Officer's comments: • It is considered that the above may be addressed by condition.

Department/Authority	Response
Urban Designer	Urban design comments have been incorporated into the design response where achievable.
VicRoads	No objection, subject to condition included in recommendation.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-4 – Construct two (2) or more dwellings on a lot.
- Clause 52.29 – Alterations to access to a Road Zone Category 1

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3, 21.03-2, 21.03-3, 21.03-4, 21.05-1, 21.05-2, 21.05-3, 22.02, 22.10
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 52.29, 55
General provisions	65.01
Neighbourhood Character Precinct	E3

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

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



SCHEDULE OF APPROX AREAS

SITE AREA = 585.28 M2

HARD PAVING AREA = 79.83M2 (13.64%)
PERMEABLE AREA = 189.83M2 (32.43%)
SITE COVERAGE AREA = 315.62M2 (53.93%)

GROUND FLOOR AREA = 304.87M2
PORCH AREA = 10.75M2


UNIT 1
TOTAL FLOOR AREA = 82.00 M2
TOTAL = 82.00 M2 (8.82sq%)
SECLUDED PRIVATE OPEN SPACE
With a min. 3.0m setback = 25.50M2

UNIT 2
TOTAL FLOOR AREA = 93.70 M2
TOTAL = 93.70M2 (10.08sq%)
SECLUDED PRIVATE OPEN SPACE
With a min. 3.0m setback = 25.08M2
Other Private Open Space = 21.70M2
TOTAL = 46.78M2

UNIT 3
TOTAL FLOOR AREA = 81.87 M2
TOTAL = 81.87 M2 (8.79sq%)
SECLUDED PRIVATE OPEN SPACE
With a min. 3.0m setback = 25.78M2
Other Private Open Space = 9.20M2
TOTAL = 34.98M2

PUBLIC AREA
(Entry, Hallways, Lobby, Lift & Stair) = 47.50M2

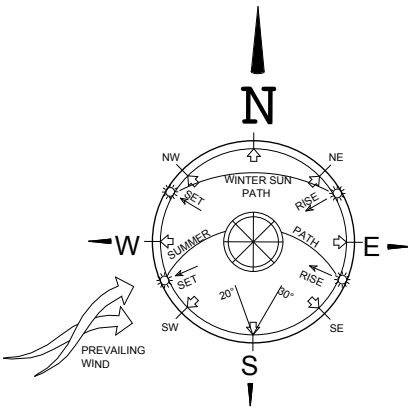
ADVERTISED
1 of 6
Date: 10/05/2016

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A	10-09-15	
No.	Date	Description
REVISIONS		
PROJECT NAME		
PROPOSED MEDIUM DENSITY HOUSING		
LOCATION		
No. 666 BELL STREET PRESTON		
CLIENT		
ALIYAR PTY. LTD.		
No. 171 BELL STREET COBURG VIC 3058		
DRAWING TITLE		
SITE & GROUND FLOOR PLAN		
DRAWING No. JB1501.02		
DATE	15-03-16	ISSUE B
DRAWN	JMM	SHEET NO. DR-2
 RFP NO. DP-AD-14824 ASN 18288544377		
mobile 0402 358985 No.11 Cunningham Drive, Millpark Victoria Australia 3082 Email : haviermerc@optusnet.com.au		
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GROUND FLOOR PLAN

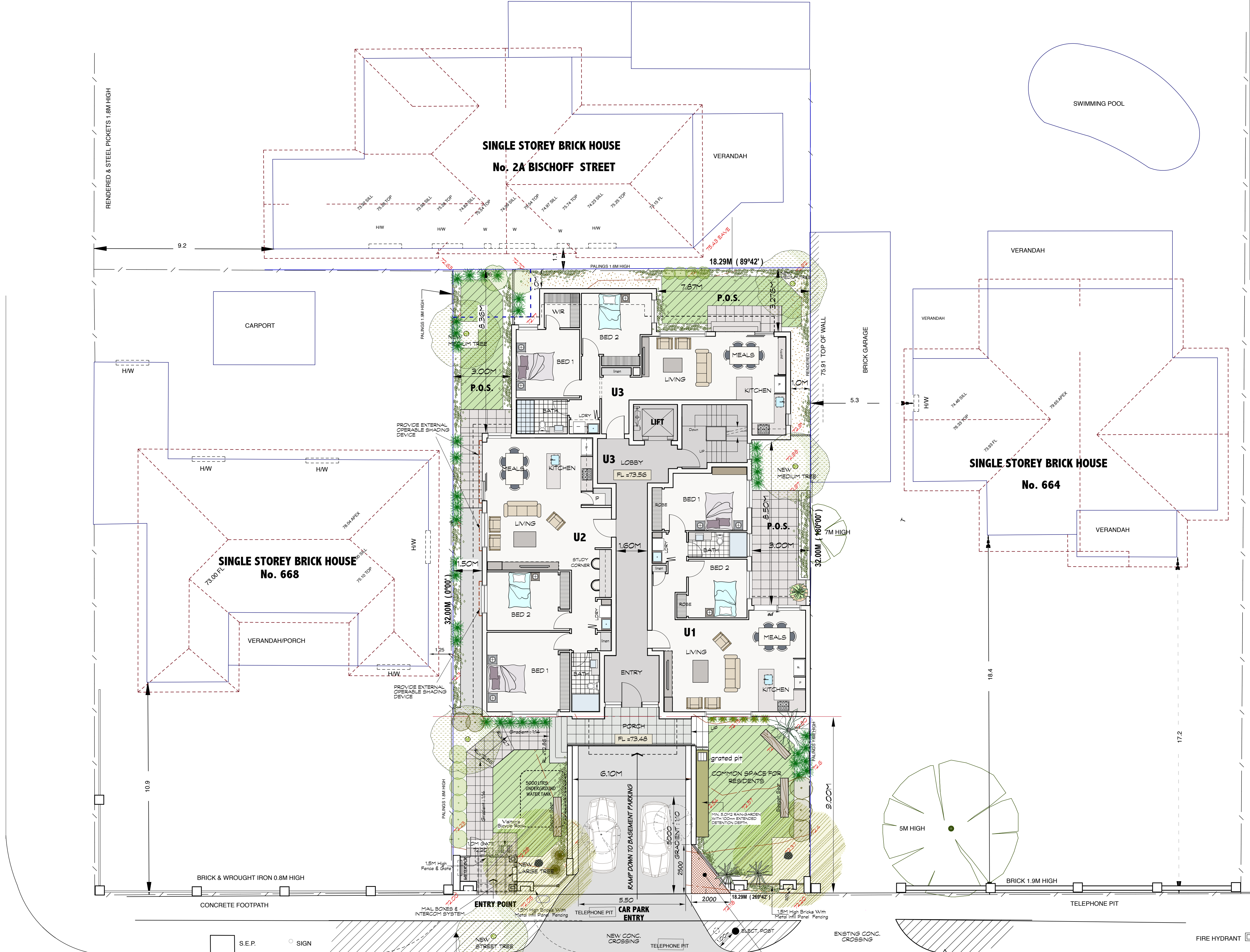
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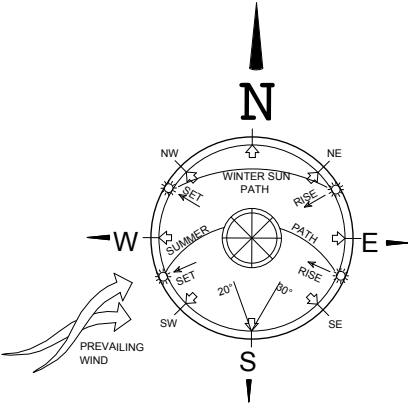
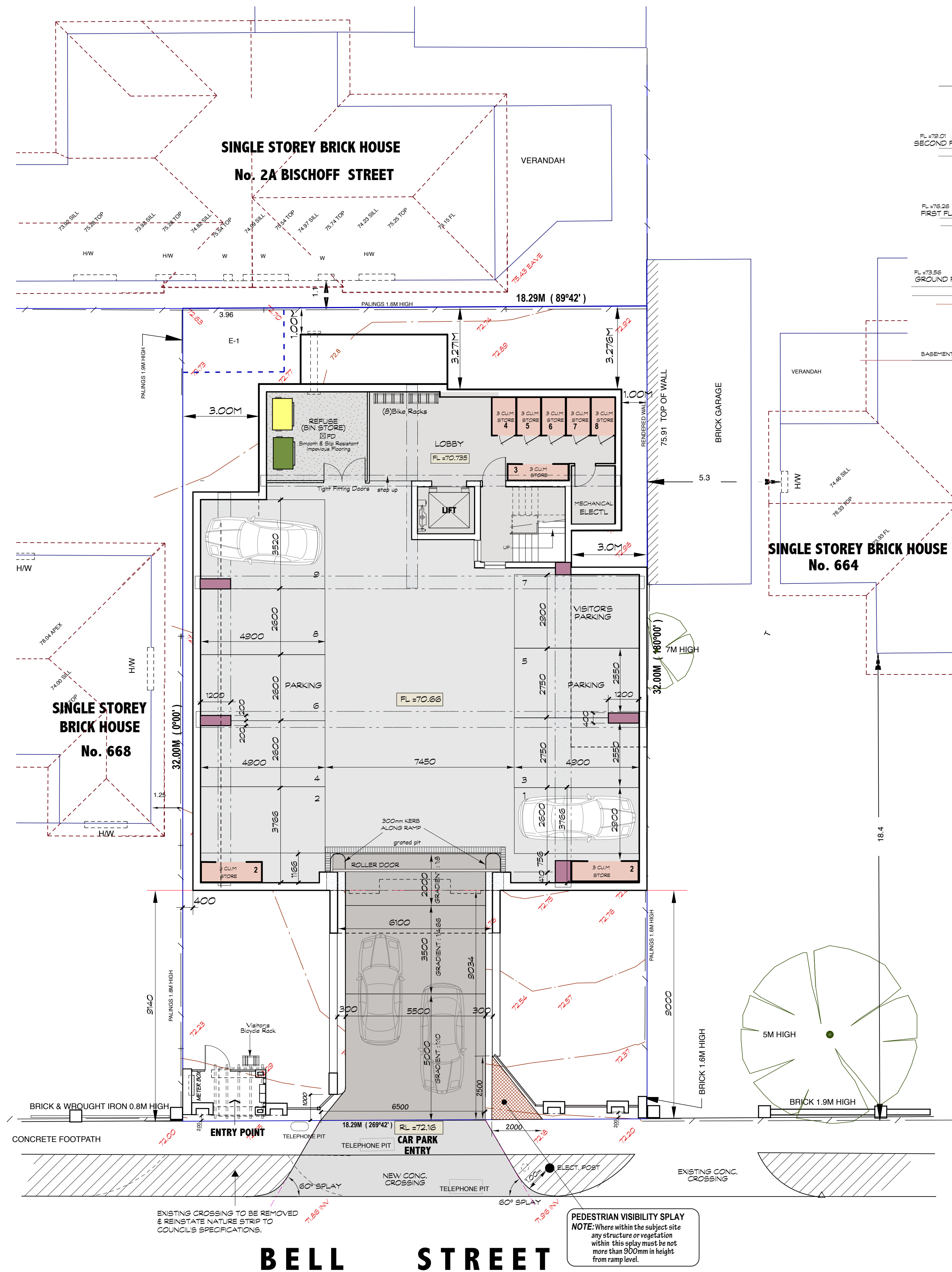
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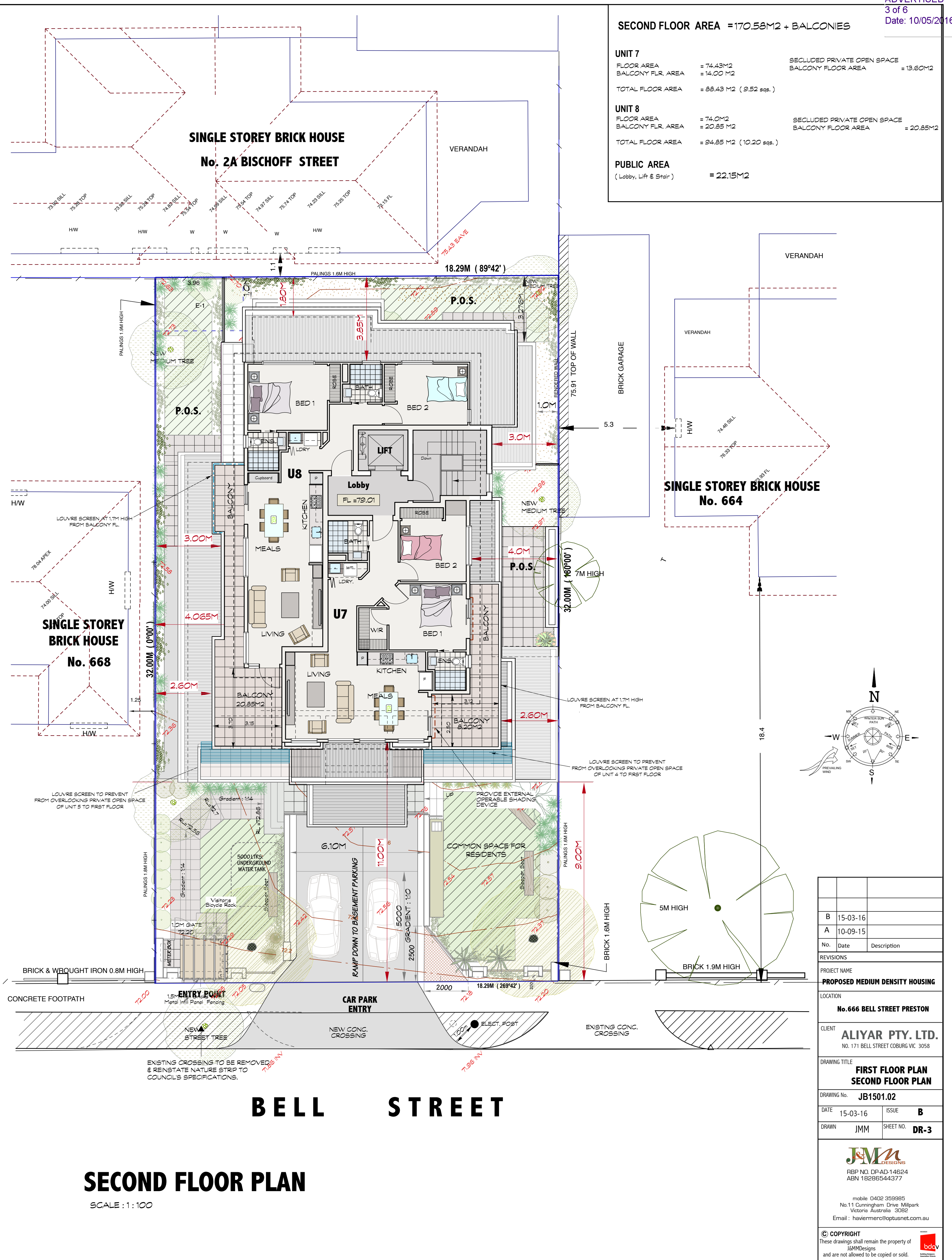
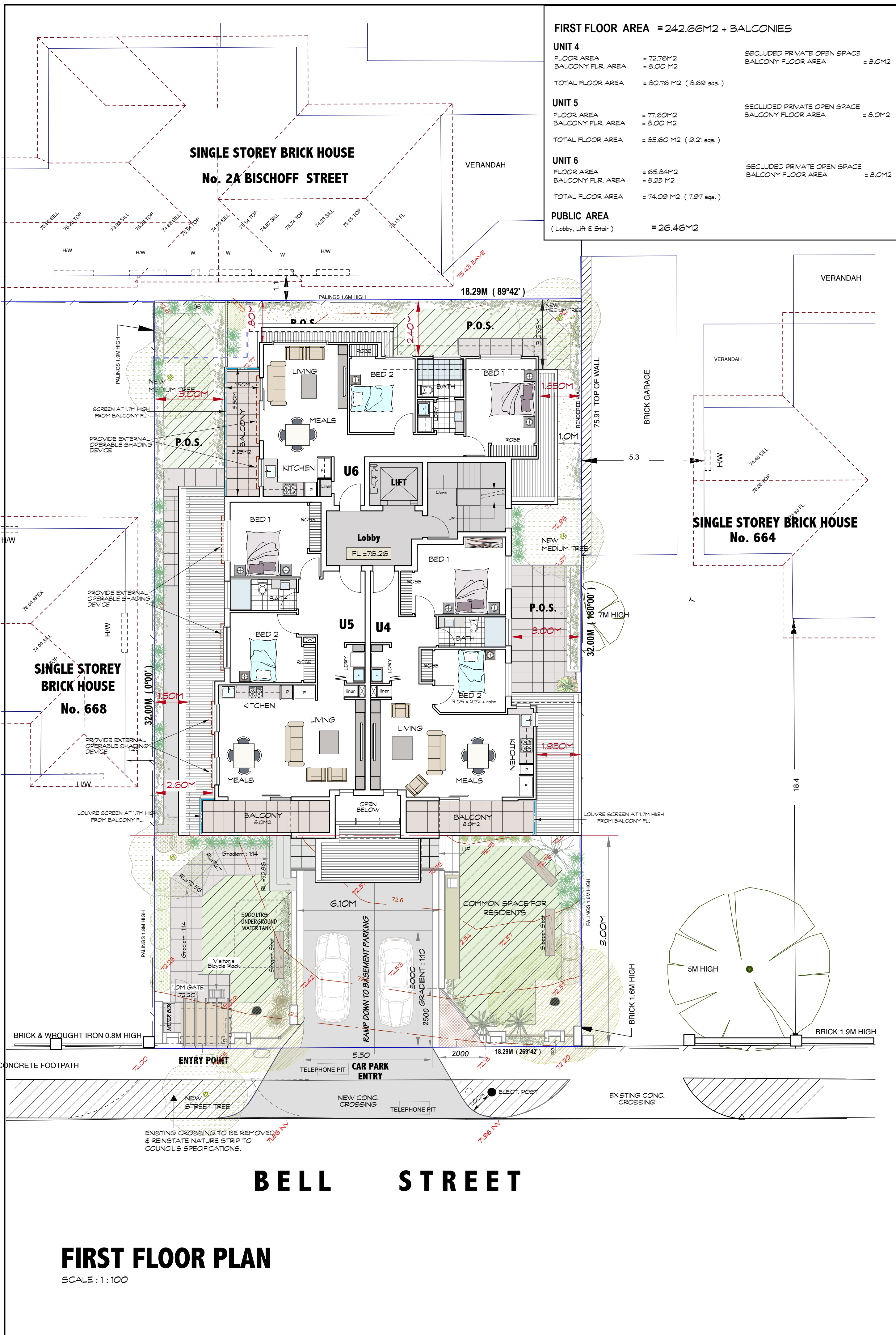


PEDESTRIAN VISIBILITY SPAY
NOTE: Where within the subject site
any structure or vegetation
within this spay must be not
more than 900m in height from ramp.

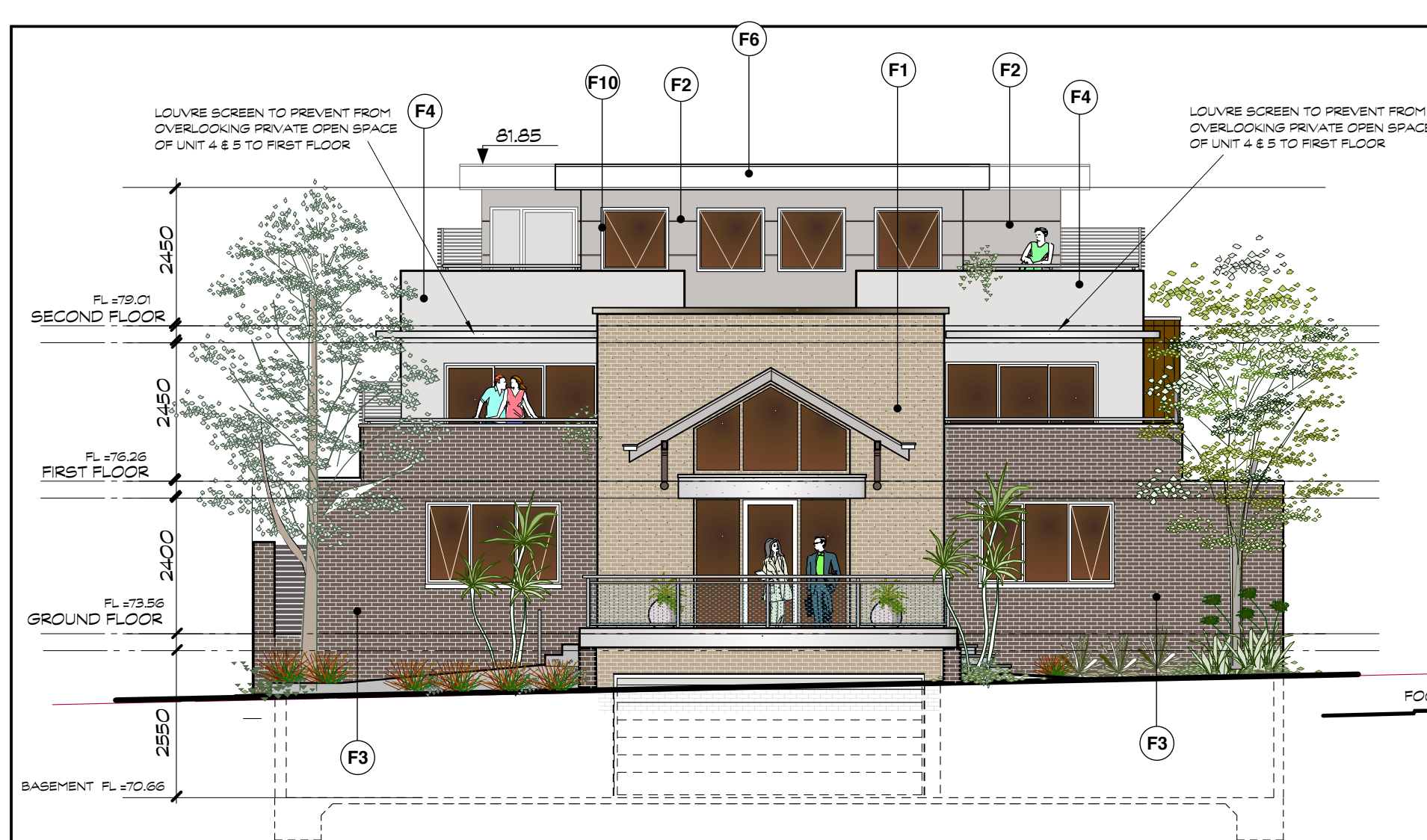
EXISTING CROSSING TO BE REMOVED
& REINSTATE NATURE STRIP TO
COUNCIL'S SPECIFICATIONS.



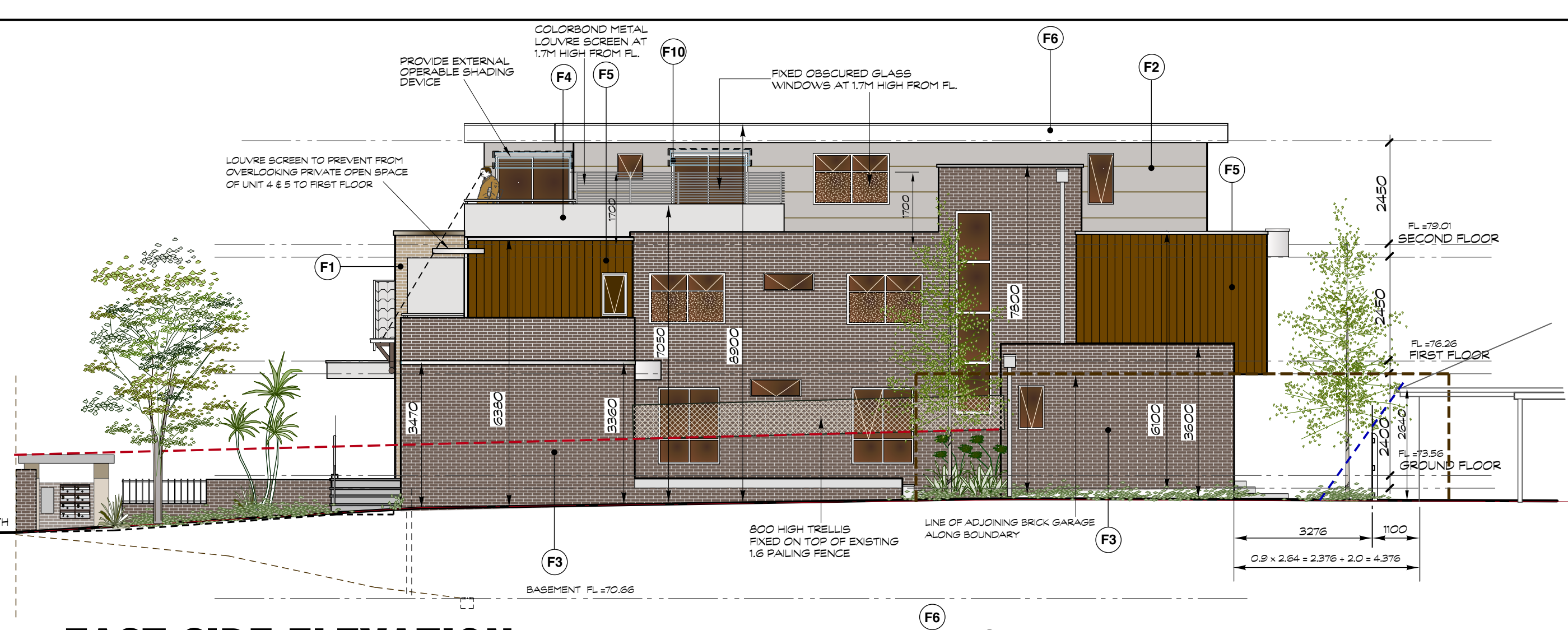




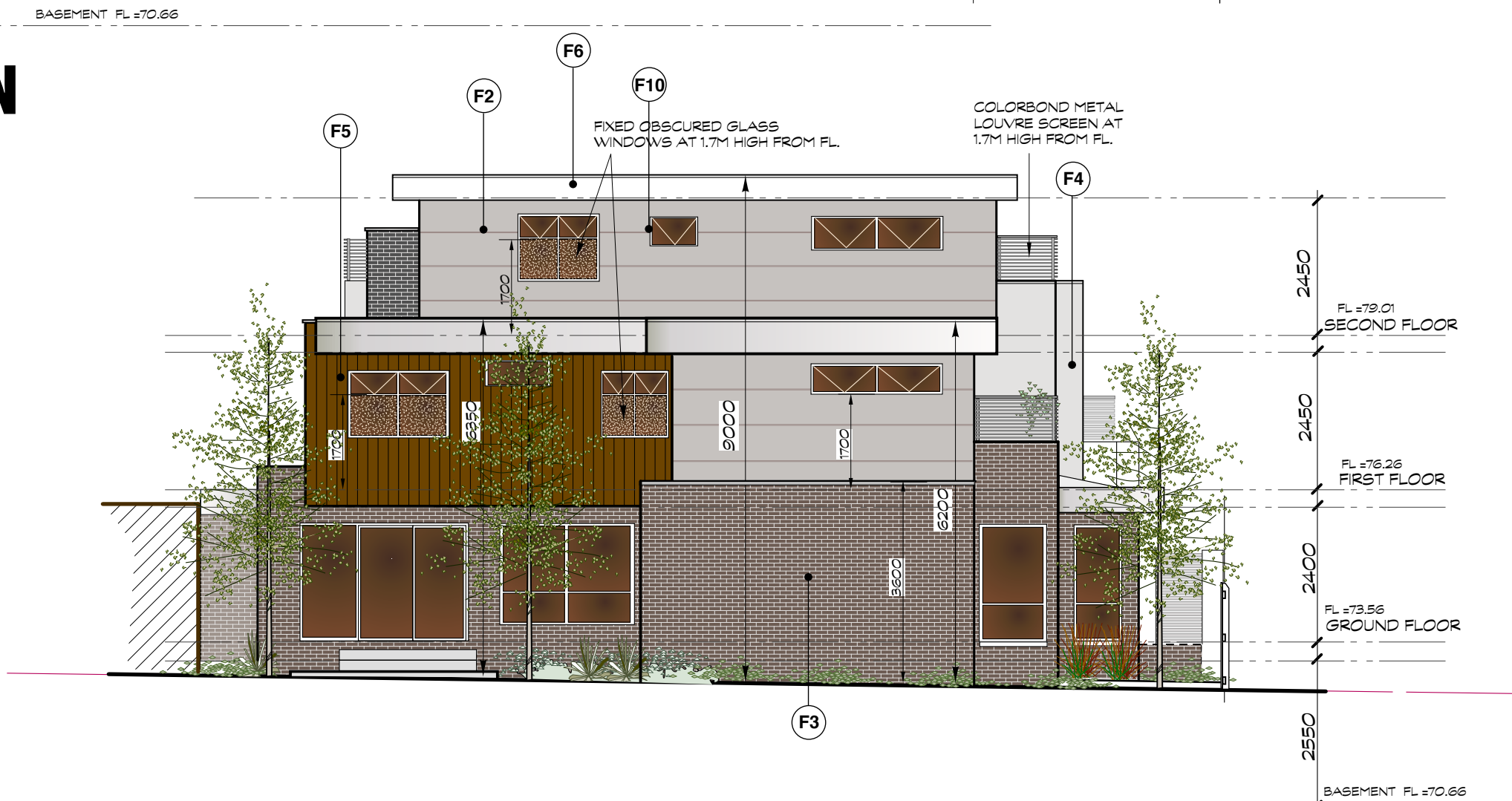
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FIRST FLOOR PLAN		
SECOND FLOOR PLAN		
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JB1501.02		
DATE		
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ISSUE		
B		
DRAWN		
JMM		
SHEET No.		
DR-3		
JMM		
RBP NO. DP-AD-14624		
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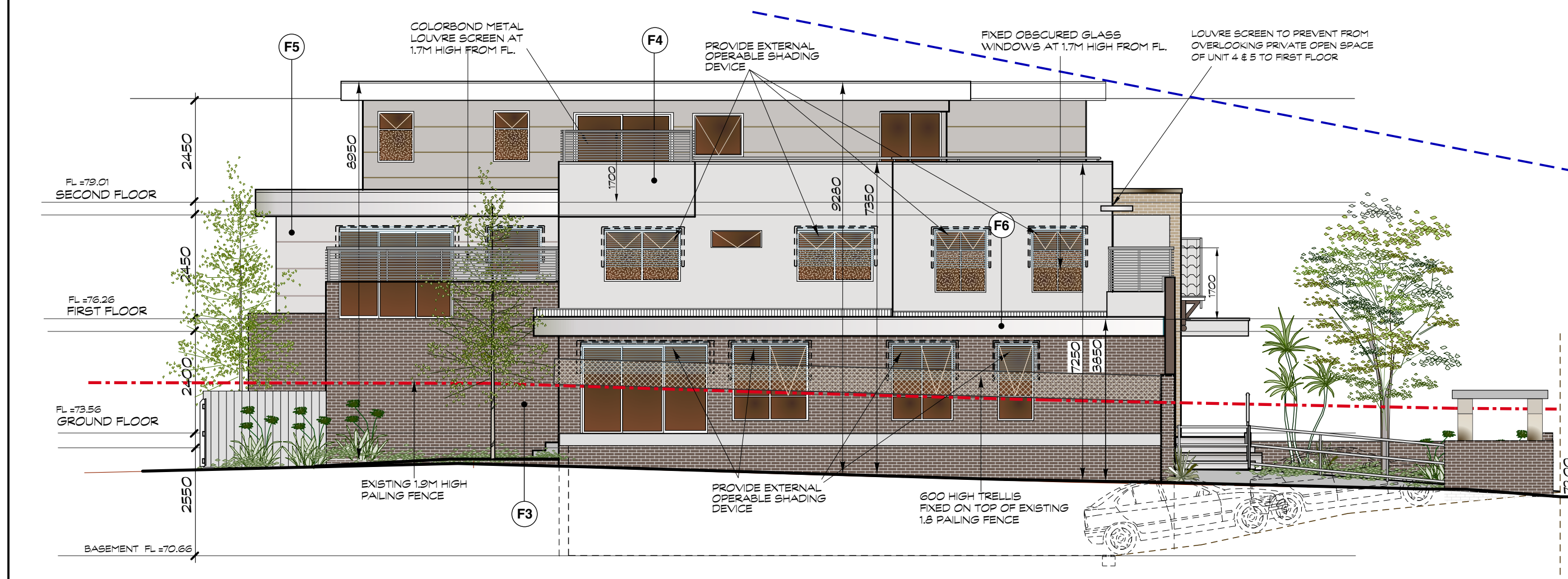
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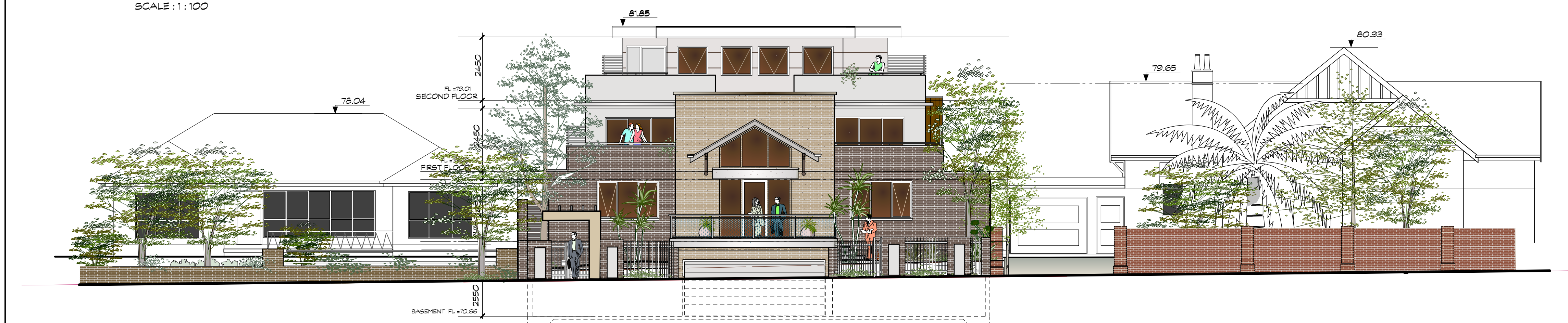
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NORTH ELEVATION
SCALE : 1 : 100




WEST SIDE ELEVATION
SCALE : 1 : 100

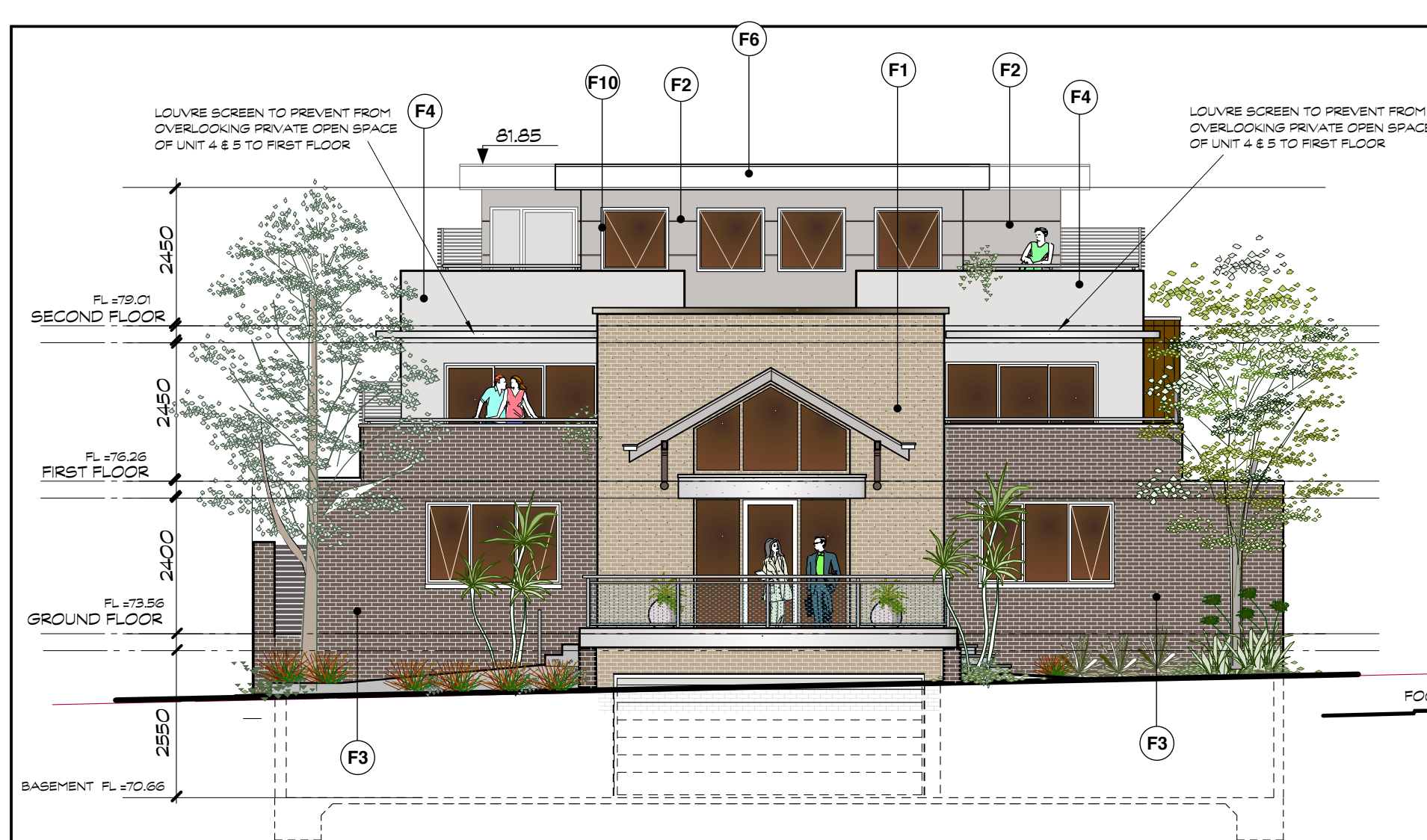


STREETSCAPE ELEVATION

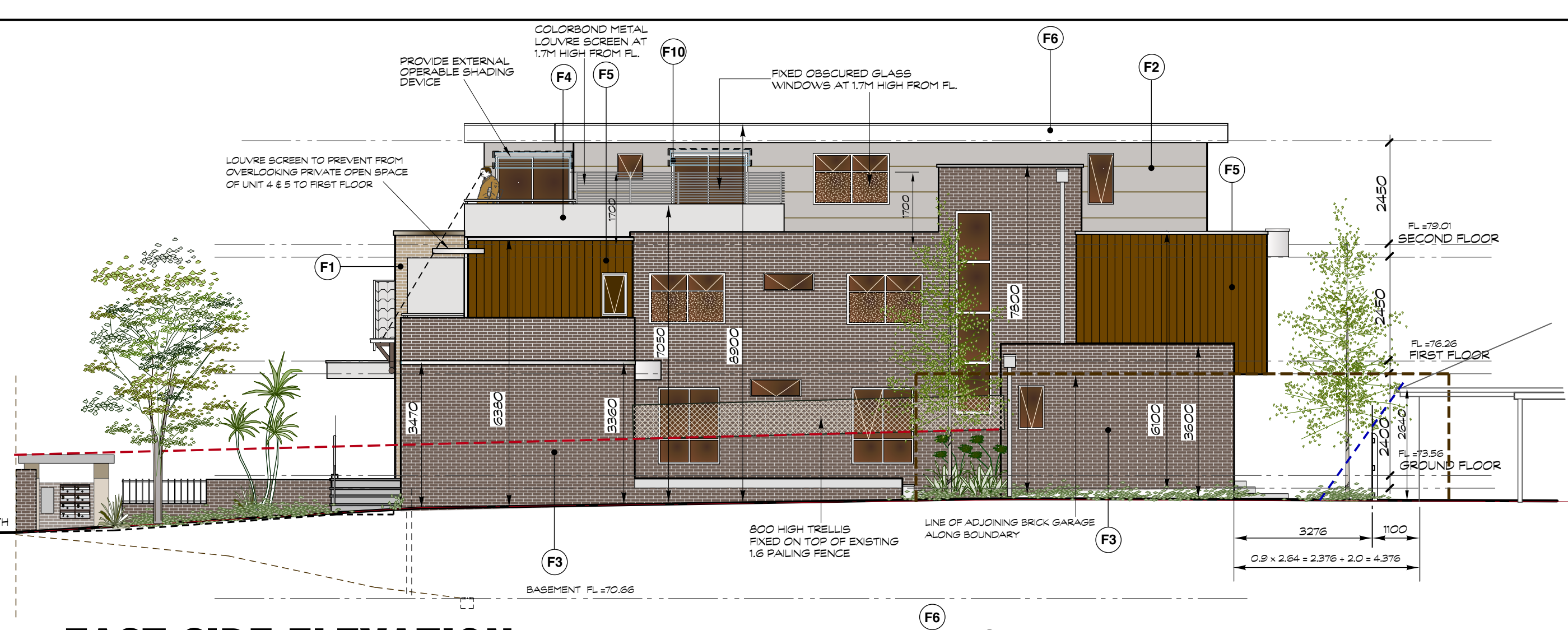
SCHEDULE OF COLOURS & FINISHES

- F1** FACE BRICKS (ELAN - GREY NUANCE -BORAL BRICKS)
 - F2** HEBEL POWER PANELS (CSR) WITH EXPRESS JOINTS (SUBDUE - DULUX COLOUR)
 - F3** FACE BRICKS (ELAN - LABASSA -BORAL BRICKS)
 - F4** HEBEL POWER PANEL XL (CSR) DARK COLOURED RENDER (GREY PEBBLE DULUX COLOUR)
 - F5** FEATURE WALLS TIMBER FINISH (NATURAL TIMBER COLOUR)
 - F6** BUILT UP FASCIA- SUBDUE DULUX COLOUR
 - F10** ALUMINIUM WINDOW TRIMS - DUNE COLOUR
 - F11** SECTIONAL GARAGE DOOR - PAPERBARK COLORBOND COLOUR
- DRIVEWAYS & PATHWAYS**
CHARCOAL COLOURED CONCRETE PAVING WITH SAW CUT PATTERNED

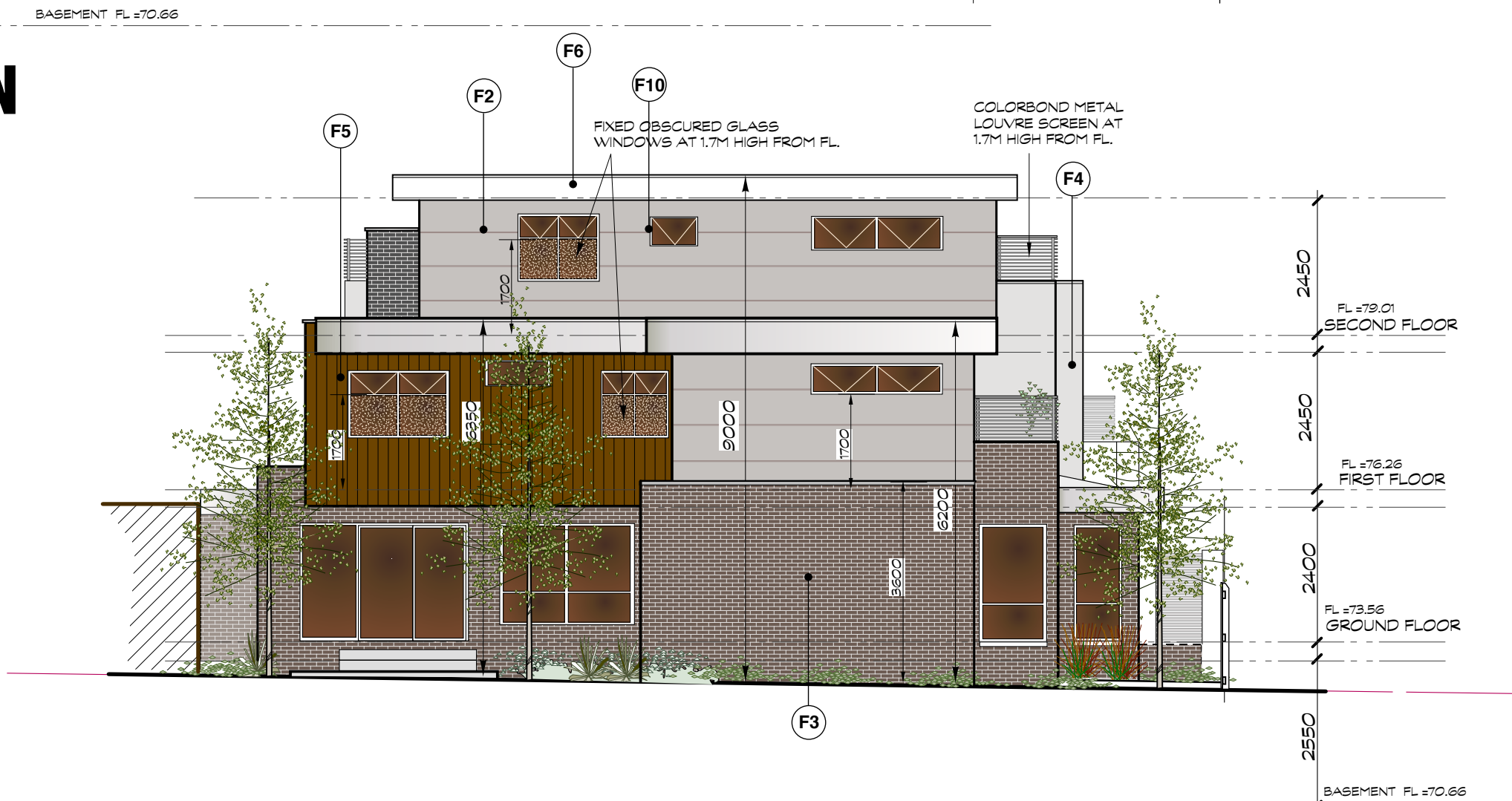
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ELEVATIONS		
DRAWING No. JB1501.02		
DATE	10-02-16	ISSUE B
DRAWN	JMM	SHEET NO. DR-5
 RBP NO. DP-AD-14624 ABN 18286544377		
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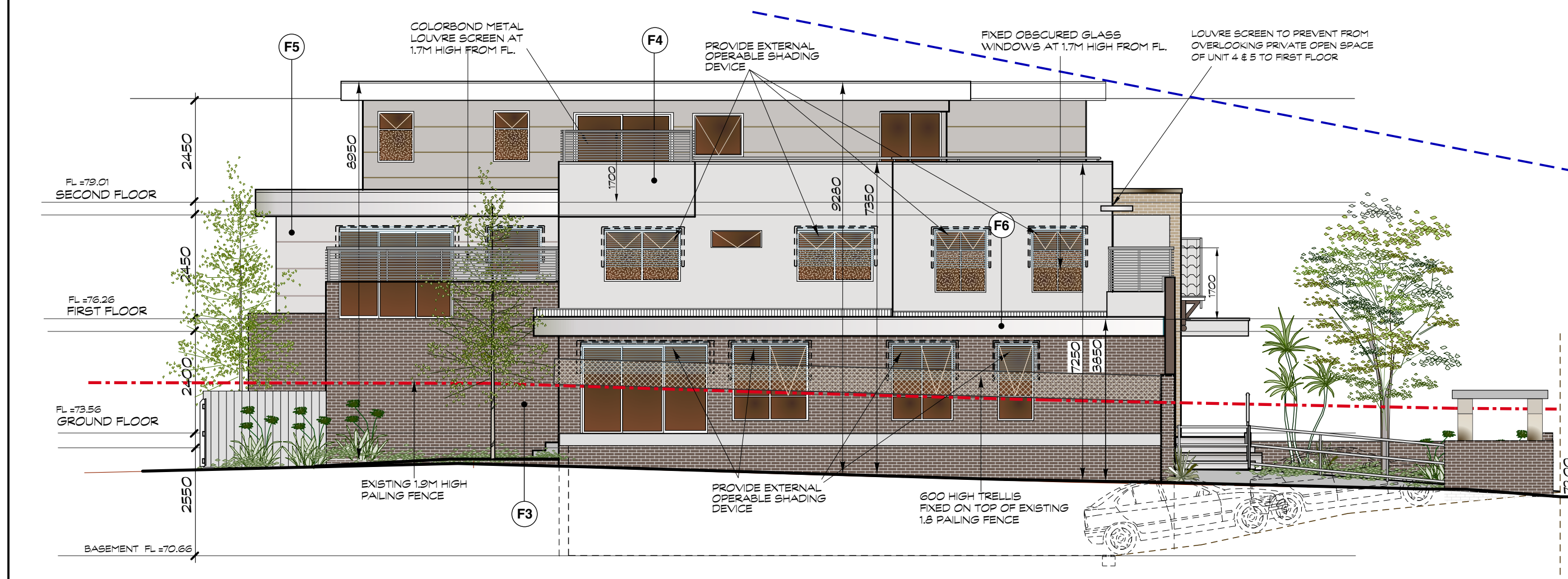
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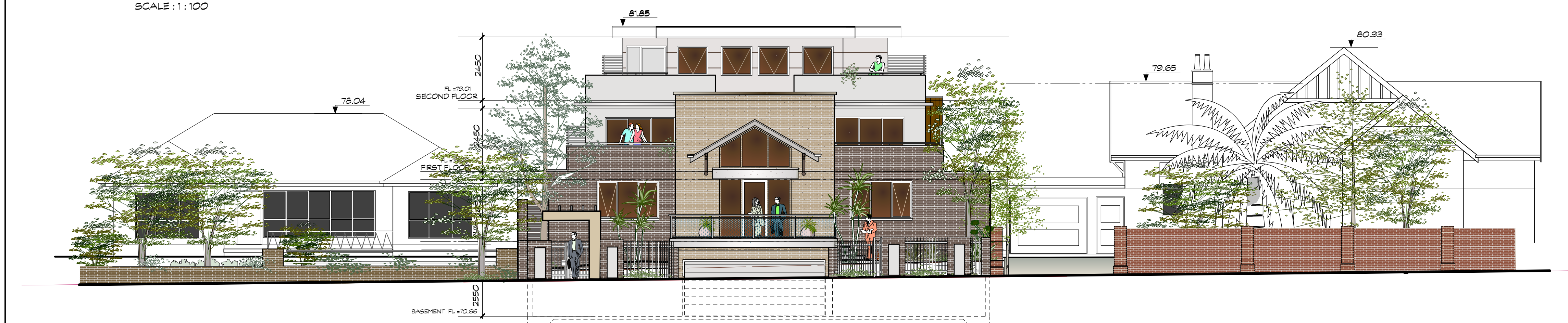
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NORTH ELEVATION
SCALE : 1 : 100




WEST SIDE ELEVATION
SCALE : 1 : 100



STREETSCAPE ELEVATION

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 RBP NO. DP-AD-14624 ABN 18288544377		
mobile 0402 359965 No. 11 Cunningham Drive, Millpark Victoria Australia 3082 Email : haviemercioptusnet.com.au		
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SCHEDULE OF APPROX AREAS

SITE AREA = 585.28 M2

HARD PAVING AREA = 79.83M2 (13.64%)
PERMEABLE AREA = 189.83M2 (32.43%)
SITE COVERAGE AREA = 315.62M2 (53.93%)

GROUND FLOOR AREA = 304.57M2
PORCH AREA = 10.75M2

UNIT 1
TOTAL FLOOR AREA = 62.00 M2
TOTAL = 62.00 M2 (8.82sqg)
SECLUDED PRIVATE OPEN SPACE
With a min. 3.0m setback = 25.50M2

UNIT 2
TOTAL FLOOR AREA = 93.70 M2
TOTAL = 93.70M2 (10.08sqg)
SECLUDED PRIVATE OPEN SPACE
With a min. 3.0m setback = 25.08M2
Other Private Open Space = 21.70M2
TOTAL = 46.78M2

UNIT 3
TOTAL FLOOR AREA = 81.67 M2
TOTAL = 81.67M2 (8.79sqg)
SECLUDED PRIVATE OPEN SPACE
With a min. 3.0m setback = 25.41M2
Other Private Open Space = 9.20M2
TOTAL = 34.61M2

PUBLIC AREA
(Entry, Hallways, Lobby, Lift & Stair) = 47.50M2

FIRST FLOOR AREA = 242.66M2 + BALCONIES

UNIT 4
FLOOR AREA = 72.76M2
BALCONY FLR. AREA = 8.00 M2
TOTAL FLOOR AREA = 80.76 M2 (8.69 sqg.)
SECLUDED PRIVATE OPEN SPACE
BALCONY FLOOR AREA = 8.0M2

UNIT 5
FLOOR AREA = 77.60M2
BALCONY FLR. AREA = 8.00 M2
TOTAL FLOOR AREA = 85.60 M2 (9.21 sqg.)
SECLUDED PRIVATE OPEN SPACE
BALCONY FLOOR AREA = 8.0M2

UNIT 6
FLOOR AREA = 65.84M2
BALCONY FLR. AREA = 8.25 M2
TOTAL FLOOR AREA = 74.09 M2 (7.97 sqg.)
SECLUDED PRIVATE OPEN SPACE
BALCONY FLOOR AREA = 8.0M2

PUBLIC AREA
(Lobby, Lift & Stair) = 26.46M2

SECOND FLOOR AREA = 170.58M2 + BALCONIES

UNIT 7
FLOOR AREA = 74.43M2
BALCONY FLR. AREA = 14.00 M2
TOTAL FLOOR AREA = 88.43 M2 (9.52 sqg.)
SECLUDED PRIVATE OPEN SPACE
BALCONY FLOOR AREA = 13.60M2

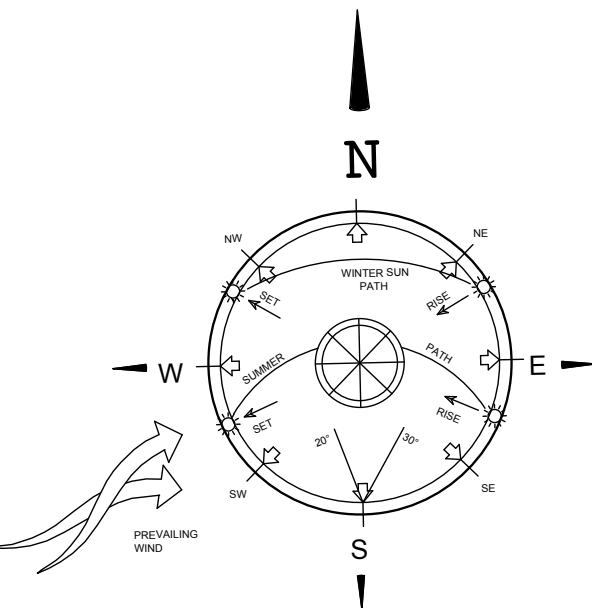
UNIT 8
FLOOR AREA = 74.0M2
BALCONY FLR. AREA = 20.85 M2
TOTAL FLOOR AREA = 94.85 M2 (10.20 sqg.)
SECLUDED PRIVATE OPEN SPACE
BALCONY FLOOR AREA = 20.85M2

PUBLIC AREA
(Lobby, Lift & Stair) = 22.15M2

BASEMENT FLOOR AREA = 335.00 M2
CARPARKING SPACES = 9 SPACES

AMENITIES TO PROXIMITY

- SCHOOLS**
- BELL PRIMARY SCHOOL = 620.0M
 - NMIT PRESTON CAMPUS = 850.0M
- SHOPS**
- PRESTON MARKET = 1.70KM
 - SHOPS & FOOD CHAIN ON BELL STREET = 1.00KM
 - SHOPS & FOOD CHAIN ON ST. GEORGES RD. = 250.0M
- SPORT FACILITIES**
- H.P. ZWAR RESERVE (PLAYGROUND) = 860M
 - PRESTON CITY OVAL = 1.60KM
- TRANSPORT**
- BUS ROUTE ON BELL STREET = 340.0M
 - TRAM ROUTE ON GILBERT STREET = 300.0M
 - BELL STREET TRAIN STATION = 1.2KM
 - DAREBIN CITY COUNCIL = 1.75KM



SCHEDULE OF APPROX

SITE AREA = 807.0 M2

NEIGHBOURHOOD FEATURES

ROOFS-
DOMINANT FORM TO IMMEDIATE ADJOINING PROPERTIES
-PITCHED CORRUGATED STEEL ROOFING.
TILED HIP, GABLED ROOF TO FLAT ROOF DECKING TO ALL OTHER PROPERTIES

WALLS-
MATERIALS - FACE BRICKWORK-
RANGE ORANGE, DARK BROWNISH & CREAM
- RENDERED BRICKS
- WEATHERBOARD FINISH ARE ALSO IN THE PROXIMITY

WINDOWS-
VARIED FORMS. AWNING, SLIDING, CASEMENT.
MIX OF MATERIAL-
ALUMINIUM, TIMBER STEEL-
DOMINANT MATERIAL ALUMINIUM

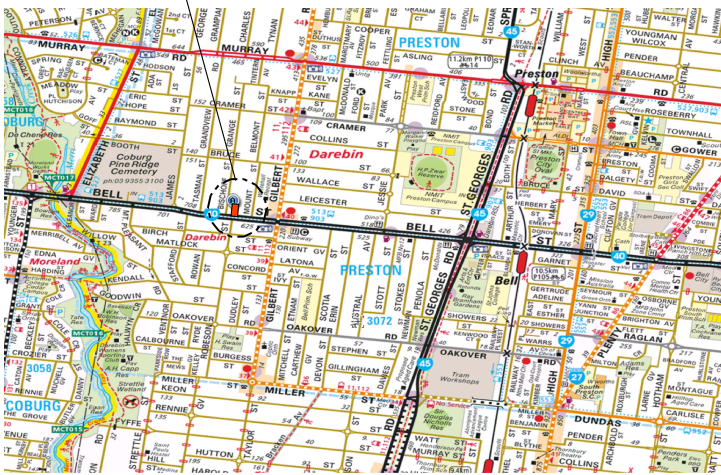
FENCING- FRONT- DOMINANT
FENCED FRONTAGE
-FROM 1.20M HIGH PICKET FENCE
TO 1.0M HIGH BRICK RETAINING
WALLS TO ACROSS THE ROAD

SIDE- PALING TIMBER FENCING
FROM 1.60M HIGH TO 1.80M HIGH

OTHER NOTABLE FEATURES
FRONT SETBACK PREDOMINANTLY 8.8M - 12.30M
SIDE SETBACKS RANGE 1.1 TO 1.50M

FRONT GARDENS-
GENERALLY OPEN LAWN AREAS WITH PERIMETER
GARDEN BEDS AND LARGE CANOPY TREES

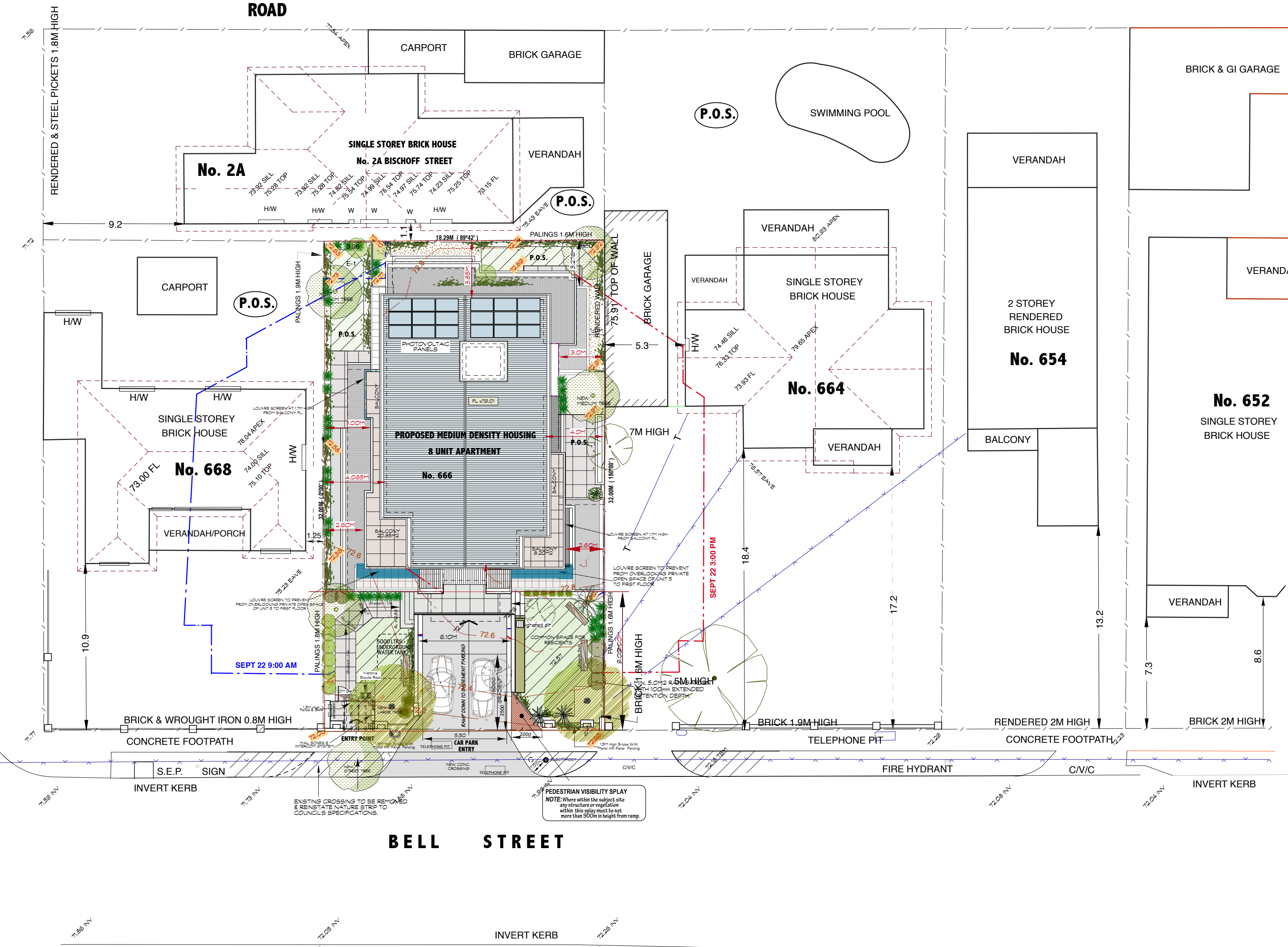
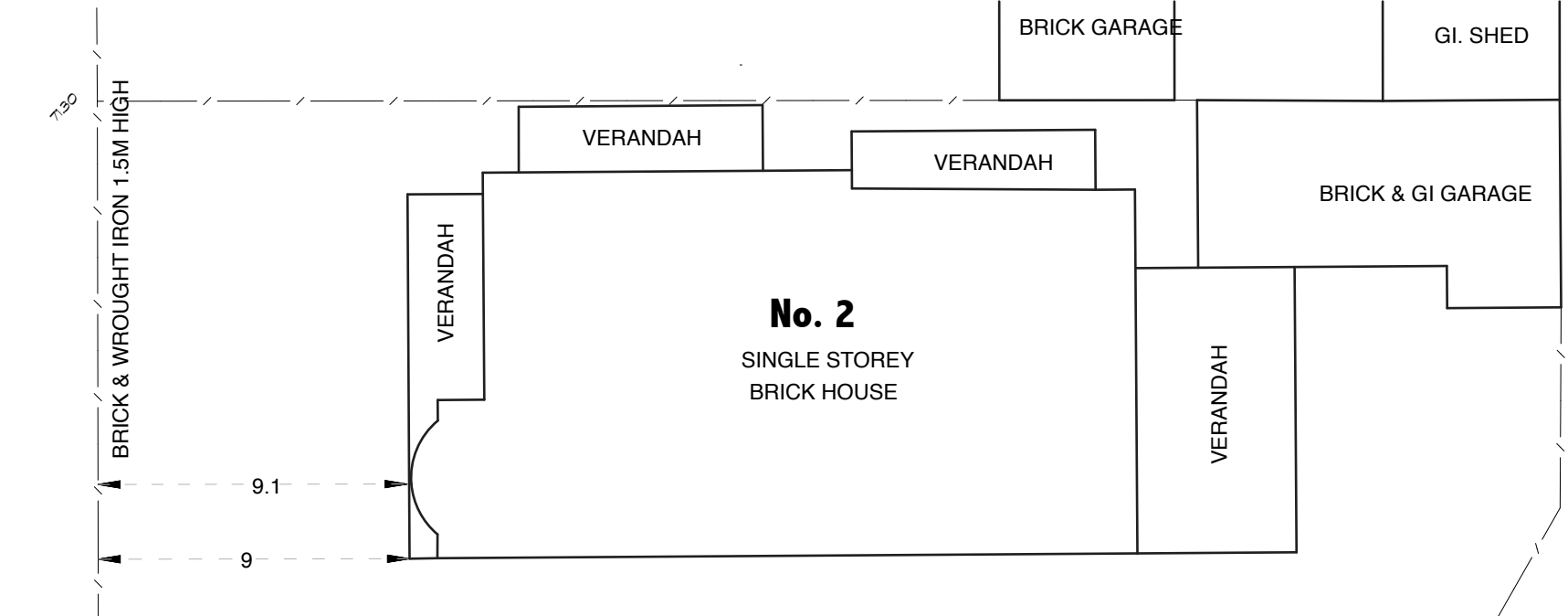
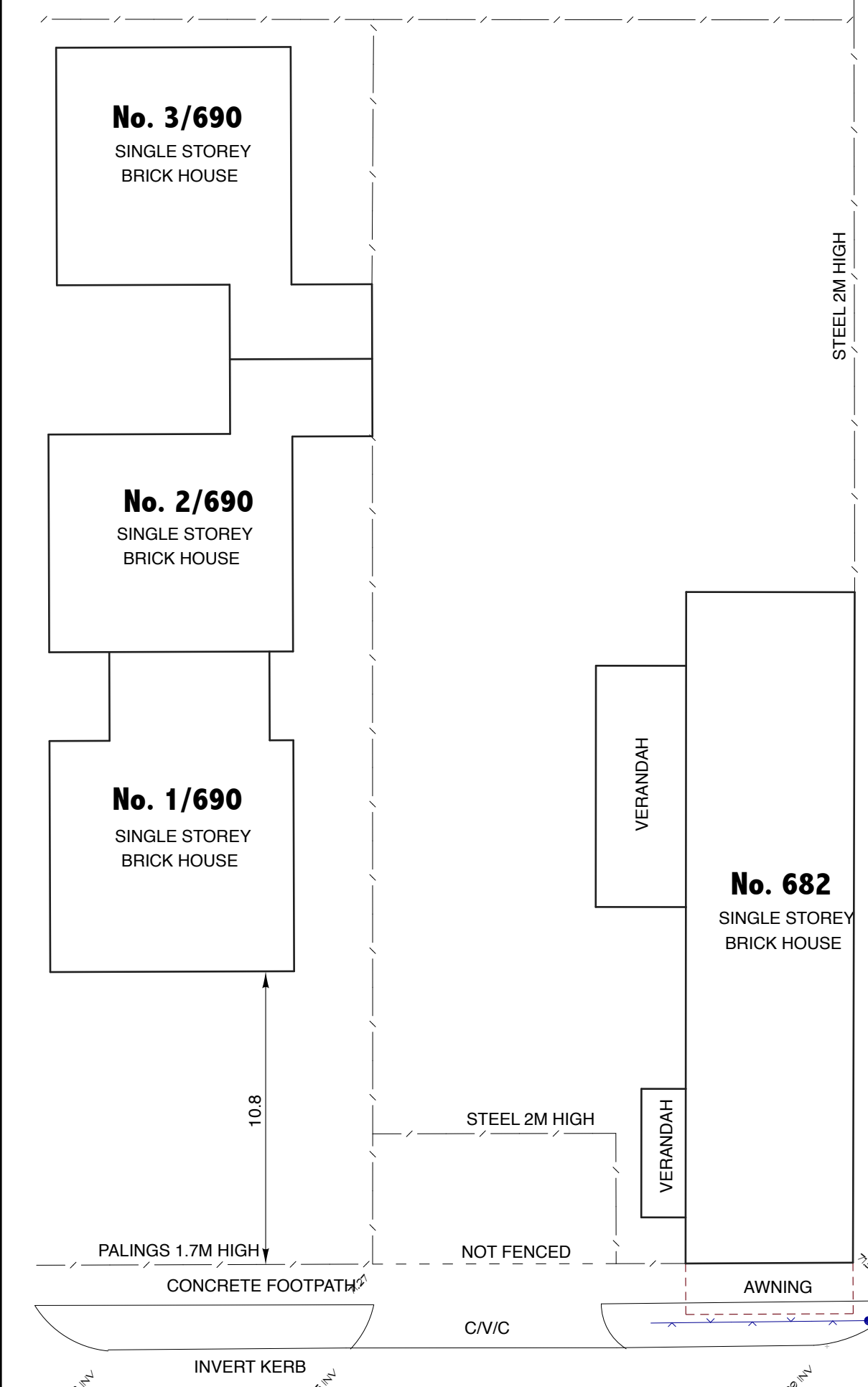
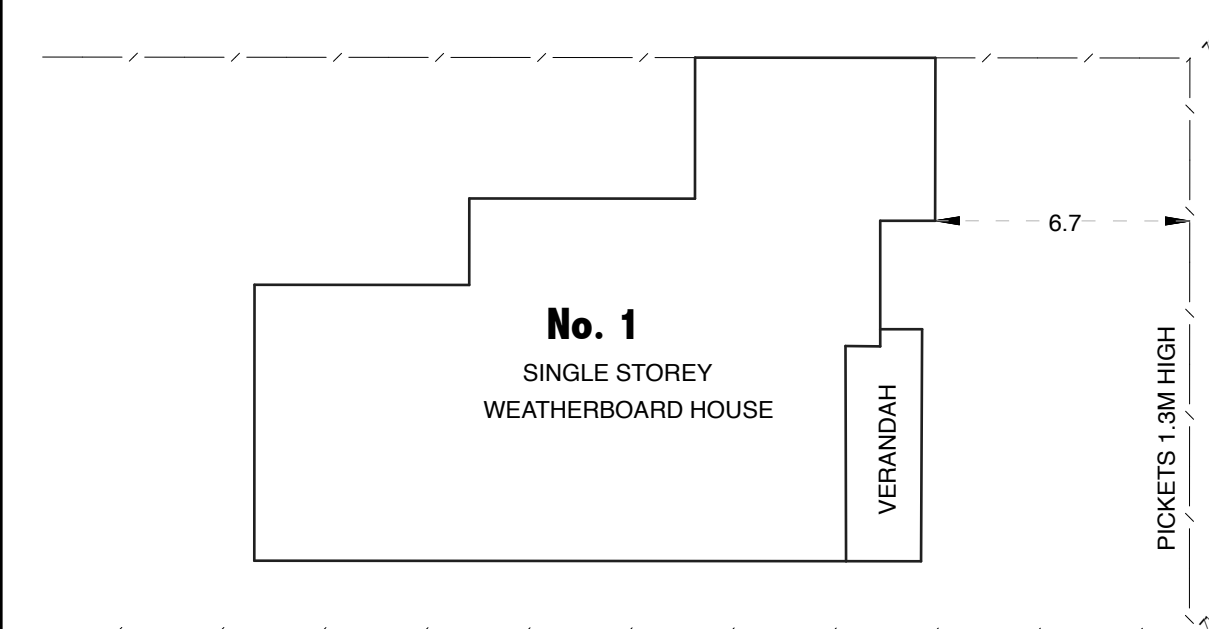
666 BELL STREET PRESTON



LOCALITY MAP



AERIAL VIEW



BELL STREET

DESIGN RESPONSE PLAN

SCALE : 1: 200

KEY TO SHADOW PROJECTION

SEPT 22 9:00 AM =

SEPT 22 3:00 PM =

B	15-03-16		
A	10-09-15		
No.	Date	Description	
REVISIONS			
PROJECT NAME			
PROPOSED MEDIUM DENSITY HOUSING			
LOCATION			
No. 666 BELL STREET PRESTON			
CLIENT			
ALIYAR PTY. LTD.			
NO. 171 BELL STREET COBURG VIC. 3058			
DRAWING TITLE			
DESIGN RESPONSE PLAN			
DRAWING No. JB1501.02			
DATE	15-03-16	ISSUE	B
DRAWN	JMM	SHEET NO.	DR-1
RFP NO. DP-AD-14624			
ABN 18286544377			
mobile 0402 359885			
No.11 Currengham Drive Millpark			
Victoria Australia 3082			
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5.4 APPLICATION FOR PLANNING PERMIT D/939/2015
314-316 St Georges, Thornbury

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Acting Director Assets and Business Services – Chris Meulblok

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Acorn Planning	Emblem Arch Pty Ltd	<ul style="list-style-type: none">• Acorn Planning• Nicholas Dour Architects

SUMMARY:

- The proposal is for a five (5) storey mixed use development comprising basement car parking; four (4) commercial tenancies (shops), a restaurant, service areas and apartment entry at ground floor; the upper floor levels include a total of 46 dwellings with 29 of the dwellings providing two (2) bedroom accommodation and 17 of the dwellings providing one (1) bedroom accommodation. A communal gymnasium is also proposed on the first and second floor levels.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- 36 objections were received against this application.
- The proposal is inconsistent with the objectives of the relevant policies in the Darebin Planning Scheme and as contained in Planning Scheme Amendment C136 (St Georges Road Corridor).
- It is recommended that the application be refused.

CONSULTATION:

- Public notice was given via three (3) signs posted on site and letters sent to surrounding owners and occupiers. Notice of the application was also provided to VicRoads.
- This application was referred internally to the Capital Works Unit, Darebin Parks, Transport Management and Planning Unit and ESD Officer.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/939/2015 be refused and Notice of Refusal be issued on the following grounds:

1. A considerable proportion of the dwellings provide a poor level of internal amenity as a result of their internal layout and design, restricted outlook, lack of daylight and or screening measures, contrary to Clauses 15.01 (Urban Environment); 21.03-2 (Housing Development).
2. The development fails to adequately address ESD objectives, particularly as a high proportion of the dwellings are reliant on artificial lighting, contrary to Clauses 11.02-1 (Supply or Urban land); 15.01 (Urban Environment); 15.02 (Sustainable Development); 21.02-3 (Built Environment); 21.03-2 (Housing Development) and 22.06-3.1 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme and objectives 4.4. 4.5 and 6.3 of the Design Guidelines for Higher Density Residential Development (DSE, 2004).
3. The development does not meet the policies and objectives of Clause 22.06 (Multi-Residential and Mixed Use Development) of the Darebin Planning Scheme. In particular, the requirements are not met:
 - (i) Clause 22.06-3.1 (Sustainability): The development is not sustainable and lacks a high level of internal amenity. In particular, the development will result in high energy consumption due to lighting, heating and cooling required for the dwellings and common areas.
 - (ii) Clause 22.06-3.9 (On-Site Amenity and Facilities, including Private Open Space): The design response to include a south-facing light court with dwellings having sole outlook into the light court is poorly conceived. The private open space provision (the balconies) of Units 1.10, 1.11, 2.9, 2.10 and 3.7 facing into a south-facing light court is considered to be inappropriate and will deliver poor outlook and amenity to future occupants. The design response with regard to the location and orientation of these balconies does not anticipate future development on the adjoining southern property.
4. The proposal is contrary to Amendment C136 (proposed Design and Development Overlay Schedule 16) to the Darebin Planning Scheme providing an unsatisfactory response to appropriate location and outlook of balconies; daylight to dwellings; internal amenity including size of habitable rooms and width of common areas; and ecologically sustainable design considerations.
5. Clause 52.06 (Car Parking): The proposed ground floor commercial use (restaurant) is not sufficiently justified in terms of its car parking needs. The seating capacity for the restaurant as justified by the Traffic Report is disproportionately low to the proposed floor area of this tenancy.
6. The proposal to develop the subject land as shown on the plans accompanying the application will detrimentally impact on the ability of the use at 302 St Georges Road to continue in an orderly manner and give effect to Planning Permit PD 6362 issued on 5/11/1990.
7. The proposal is an overdevelopment of the site.

Report

INTRODUCTION AND BACKGROUND

The following recent planning applications relate to the subject sites:

- Planning Permit D/78/2013 was issued on 21/01/2014 at the direction of the Victorian Civil and Administrative Tribunal (VCAT) for the development of a five (5) storey building comprising twelve (12) dwellings, one (1) retail premises and a reduction to the car parking requirement at 314 St Georges Road Thornbury.
- Planning Permit D/373/2007 was refused on 3/6/2009 for the erection of a storage platform within the existing building for 314 St Georges Road Thornbury.

A historical search of Council records has also revealed the following planning files:

- PD6114 – Planning Permit issued on 25/10/1989 for warehouse office and showroom.
- PD5826 – Planning Permit issued on 3/2/1989 for warehouse office and showroom.
- PD5606 – Planning Permit issued on 30/3/1988 for showroom and office additions.
- PD6580 – Planning Permit issued on 21/3/1991 for internally illuminated business signs.
- PD6400 – Planning Permit issued on 24/7/1990 and amended on 13/7/1992 for the construction of a mezzanine floor in the existing warehouse showroom and office for the purpose of a storage area at 314 St Georges Road Northcote.

Historical data retained by the Rates and Revenue department indicates that the site was used as a standard telephone cable factory/office from 1958 onwards. Records indicate the site has also been used as a furniture warehouse/showroom/office around the 1990's.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is comprised of three (3) lots combined to form the subject site. The subject site is regular in shape and measures 41.45 metres along St Georges Road frontage, 37.73 metres in along Shaftesbury Parade frontage with a total site area of 1,564 square metres.
- The land is located within the Commercial 1 Zone and is affected by the Development Contributions Plan Overlay (expired 30 June 2014).
- The land is located on the south-east corner at the intersection of St Georges Road and Shaftesbury Parade. A 3.05 metre wide right of way adjoins the site's eastern boundary.
- Two (2) storey commercial buildings with a continuous façade to St Georges Road occupy the site. Approximately one third (1/3) of the land to the rear of the site is set aside for car parking accessed via the rear right of way.
- To the east is land in the General Residential 2 Zone containing detached dwellings and in-fill development. Directly to the east of the right of way is a single-storey dwelling with a vacant subdivided lot to its rear. A driveway, garage and the rear yard of the dwelling interfaces with the right of way.

- To the west, the opposite side of St Georges Road is comprised of residential land containing detached dwellings and in-fill development.
- To the north, the opposite side of Shaftesbury Parade is comprised of residential land containing detached dwellings and in-fill development.
- To the south are a row of properties in the Commercial 1 Zone extending south to Woolton Avenue. Directly to the south of the subject site is single-storey commercial building built to the common boundary and used as a retail premises. A car parking hardstand exists to the rear of the land.
- On-street parking on the eastern side of St Georges Road is subject to a one (1) hour restriction (8am-6pm Monday to Saturday). On-street parking on the northern side of Shaftesbury Parade is subject to a No Parking restriction between 7am and 5pm Monday to Friday. Parking is unrestricted on the southern side of the carriageway.
- The subject site is located within a small commercial strip between Woolton Avenue and Shaftesbury Parade. Croxton Station is located 540 metres to the south-east of the subject site; tram routes 11 and 112 are available on St Georges in front of the site. The site has convenient access to the High Street and Miller Street shopping strips located 600 metres east and 1 kilometre north-west respectively.

Proposal

- The development proposes a five (5) storey building on the site to consist of ground floor commercial tenancies and dwellings at the upper levels, as per the following table:

One (1) - bedroom Dwellings	Two (2) - bedroom Dwellings	1 x Café (Restaurant)	4 x Commercial (Shop)
17	29	139 square metres	131 square metres 136 square metres 149 square metres 140 square metres
Total 46 Dwellings			

- The ground floor area will also include storage cages for the dwellings, bicycle and scooter parking, waste storage, general storage, gas metre enclosure and sub-station on the Shaftesbury Parade frontage.
- It is proposed that 62 car parking spaces would be provided on site in the form of double car stackers (52 spaces) and at grade parking spaces (10 spaces) within a basement level. Vehicle access to the basement is to be provided via a new crossover on Shaftesbury Parade adjacent to the right of way.
- The building is to be constructed boundary to boundary with the building envelope at upper floors set back from the eastern boundary of the site.
- Additionally a 12.4 metre x 6.0 metre light court is proposed on the southern side of the building envelope.
- The development will have a maximum overall building height of 20.055 metres to the top of the lift run and height of approximately 18 metres to the parapet of the fifth (5th) level.

- The facades will be finished generally in brick, render, timber cladding, metal cladding and glass.

Objections

- 36 objections have been received.

Objections summarised

- Overdevelopment of the site
- Too many apartments and poor internal amenity
- Oversupply of one (1) and two (2) bedroom dwellings in Darebin
- Five (5) storeys is higher than the mandatory height limit under Amendment C136
- No landscaping on the site
- Shared bicycle and vehicle entry is dangerous
- Contrary to Clause 22.06
- Visual bulk
- Will not add net value to the community
- Number of objections indicate negative social effects
- Development does not guarantee social or affordable housing
- Lack of loading bay for commercial premises
- Traffic report not evidence based
- Car parking deficiency is 18 not 13 as stated in the traffic report
- Car stackers will not be used
- Insufficient car parking
- Traffic and car parking congestion in the area
- Removal of existing car parking at rear is contrary to the planning permit issued for the Sovereign Function Centre at 302 St Georges Road
- The development will affect the availability of car parking in the area for patrons of the Uniting Church at 326 St Georges Road.

Officer comment on summarised objectionsOverdevelopment of the site

Numerous inadequacies with the development proposal have been identified with regard to internal amenity associated with the dwellings. These are discussed in later sections of this report. The inadequacies indicate that the layout of the floor plates may be ambitious in terms of the number of dwellings included on each floor plate in that an appropriate level of internal amenity cannot be delivered. This indicates an overdevelopment of the site.

The development's height is considered to be acceptable and justified by the generous setbacks provided from the sensitive residential interface to the east which minimises off-site amenity impacts. The scale and size of built form, notwithstanding the design response to have some dwellings with their only outlook into a south-facing light court, is considered to be consistent with urban consolidation objectives envisaged for a Strategic development site as identified in Amendment C136 (Design and Development Overlay Schedule 16 –

Precinct 5a). The subject land forms a large inner urban site and is particularly well suited for multi-level mixed use development in a Commercial zone.

Too many apartments and poor internal amenity

The number of dwellings alone cannot be used as a guide for planning assessment and whether this constitutes overdevelopment of the site. However given the compromised amenity of dwellings either through having sole outlook into a south-facing light court and/or deep floor plan with a single-aspect and/or overhang over the windows, a significant proportion of the dwellings within the development are considered to lack the necessary internal amenity. It is therefore considered relevant in this instance to question the number of dwellings as a lesser number of dwellings with a more considered floor-plate layout may resolve many of the internal amenity issues (see discussion in later sections of this report).

The number of dwellings proposed in this instance is considered to be directly responsible for compromised quality and amenity of dwellings.

A significant proportion of the dwellings are considered to have poor amenity (refer to discussion in later sections of this report and officer comments on objections above).

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

The proposal provides appropriate dwelling diversity in an area that is largely characterised by single dwellings. Additionally, the population of Darebin and the metropolitan area is increasing with household sizes decreasing, indicating that smaller dwellings are required to cater to the demand of smaller households. The Darebin Housing Strategy and evidence in support of the strategy directs Council to facilitate through its planning decisions an increased provision of all housing types with the data showing the greatest supply requirement being 1 and 2 bedroom dwellings.

Five (5) storeys is higher than the mandatory height limit under Amendment C136

The subject site is identified as a Strategic redevelopment site in the adopted Amendment C136 documents submitted to the Minister for Planning on 12 May 2016. The proposed Design and Development Overlay Schedule 16 (DDO16) for Precinct 5a specifies a maximum building height (storeys) of five (5) for the subject site. The proposed five (5) storey height is therefore consistent with Amendment C136.

No landscaping on the site

There is no policy requirement for land in the Commercial 1 Zone to include landscaping. 100% site coverage and zero permeability is identified for the Commercial 1 Zone in Table 1 in the DDO16.

Shared bicycle and vehicle entry is dangerous

Council does not agree that there is potential for conflict between bicycles and vehicles at the access point to the site on Shaftesbury Parade as bicycles are expected to use the St Georges Road pedestrian access point for egress to and from the building. There is clear and sufficient passage from the bicycle parking areas on the ground floor to the entry foyer of the building connecting to the footpath on St Georges Road.

Contrary to Clause 22.06

The requirements of the proposed Design and Development Overlay Schedule 16 (DDO16) in Amendment C136 affecting the subject site provides a framework for assessment of multi-residential and mixed use development that is specific to the St Georges Road Corridor and encompasses the objectives of Clause 22.06 of the Darebin Planning Scheme. A detailed assessment against the DDO16 is included in later sections of this report which has highlighted a number of deficiencies in the development. This assessment infers there is non-compliance with Clause 22.06 of the Darebin Planning Scheme (refer to assessment under DDO16 in later sections of this report).

Visual bulk

It is considered that the visual presence of a building of the proposed scale must be anticipated in the Commercial 1 Zone along a key transport corridor within the City of Darebin. Provided amenity impacts on any adjoining sensitive uses is minimised a development of this size is encouraged by future policy.

Will not add net value to the community

The development accords with acknowledged policy for urban consolidation and increased densities and in this sense provides a community benefit with more affordable and diverse housing. The development will also provide convenient access to commercial uses and services to the surrounding residential areas

Number of objections indicates negative social effects

The grounds of objection have not raised any specific issues regarding the negative social effect of the development. It is not considered that the additional residential and commercial uses on the site will have an unreasonable social effect and the number of objections received does not in itself indicate negative social effects.

Development does not guarantee social or affordable housing

It is considered that the proposal provides appropriately diverse and more affordable housing and whilst affordability cannot be guaranteed, apartment style dwellings with smaller floor areas than the traditional detached dwellings on large lots is considered to provide a more affordable housing option for the community.

Lack of loading bay for commercial premises

Council is satisfied that loading and unloading for the commercial uses on the site can occur conveniently either on site or on the street near the site.

Traffic report not evidence based

Council's assessment of the Traffic Report submitted with the application indicates this ground of objection is unfounded.

A traffic report was prepared by O'Brien Traffic in October 2015 and a spot survey of the availability of parking within the area was conducted within an approximately 200 metre walking distance radius from the subject site. The survey area was selected on the basis that it includes the most convenient parking for access to the subject site.

The survey within this area was conducted on a typical weekday during business hours (2pm, Tuesday 15 September 2015). The survey found that of the 103 parking spaces with no weekday parking restrictions, 37 were occupied (36%). On Saturday and Sunday evenings, the number of parking spaces without any active restrictions reduces to 92 spaces.

O'Brien Traffic, other traffic consultants and State Government Authorities have conducted numerous surveys of residential developments and their associated traffic generation rates. Based on the characteristics of the development, its size and location, the expected generation of traffic with the proposed residential component of this development was indicated to Council's satisfaction.

Car parking deficiency is 18 not 13 as stated in the traffic report

The initial Traffic Impact Assessment Report was submitted in October 2015. Again, an updated assessment of the car parking and bicycle parking provision was submitted on 7 April 2016.

As per the updated assessment, the report has calculated that the statutory car parking requirement for the proposed development is 80 spaces. It is noted that 62 on-site spaces is proposed, resulting in a short-fall of 18 spaces. The applicant's traffic report contains an error, in that it states that the shortfall consists of *10 spaces short of the commercial premises (shops and café)* on page 2 of the report, when this in fact should read a shortfall of 15 spaces; in addition to the 3 space shortfall of the residential visitor parking requirement.

On the basis of the above, the car parking shortfall for the proposal is 18 spaces in total. Council has taken into account the reduced rate of car parking to be 18 spaces and considers the reduction to be acceptable (refer to assessment under Clause 52.06 in later sections of this report).

Car stackers will not be used by occupants

Car stacker systems are increasingly playing an integral part in domestic, commercial and industrial development to optimise increasingly valuable land space. As the proposed stacker system is considered to cater for long term parking for residents, visitors and staff, they are considered an acceptable form of accommodating vehicles on site. Short term car parking can be accommodated on the adjoining streets and surrounding street networks as necessary. This is not dissimilar to any residential site where occupants have the choice to utilise on-street spaces for car parking.

Car stackers are also recognised as a legitimate form of car parking by the Victorian Civil and Administrative Tribunal (VCAT) and are considered to be an acceptable method of providing parking in accordance with Design Standard 4: Mechanical Parking of Clause 52.06. Car stackers are now common within medium density housing developments. Findings of the tribunal in *Celic v Yarra CC & Ors* [VCAT 936] notes:

The use of car stackers and mechanical parking systems of the type proposed in this application, have over recent years become increasingly popular throughout metropolitan Melbourne in developments of the type proposed in this application. While the use of these systems may still be outside the experiences of most people, there is nothing that is especially complicated, sophisticated or daunting about this proposed system that would lead me to conclude that it should not be applied in the context of this site.

Insufficient car parking

The car parking provision of one (1) space for each of the one (1) and two (2) bedroom dwellings is in accordance with the requirements of Clause 52.06 of the Darebin Planning Scheme. Six (6) residential visitor car parking spaces are also proposed in the basement level; this is three (3) spaces short of the statutory requirement for nine (9). In addition, a total of ten (10) spaces are provided for the commercial uses located at ground floor; this is approximately 15 spaces short of the statutory requirement.

The reduction has been considered by Council and considered to be satisfactory taking into account the following:

- The applicant proposed to provide sufficient number of residential car parking spaces which complies with the Planning Scheme. For residential visitors, empirical data collected by Cardno Traffic consultants in 2010 indicates a peak empirical rate of 0.12 spaces per apartment during the evening and on weekends. If this rate was applied to the proposed development of 46 apartments the visitor car parking demand generated would be up to 6 car parking spaces. Long term staff and visitor demands can be accommodated on-site.
- As per CENSUS 2011 data, the residents of Thornbury on average own fewer cars than those across metropolitan Melbourne and are twice as likely to live in a dwelling that does not have access to a car. As a significant proportion of visitors/customers to the café, commercial premises and apartments are likely to come from the local area (and hence are less likely to own a car), it can be inferred that visitor and customer car parking demands are likely to be lower than indicated by the Planning Scheme requirements. Thus it is likely that those living within the surrounding area are even more likely to use alternative modes of transport when visiting the development.
- The site is also accessible via public transport including tram services on St Georges Road, Croxton railway station and bus services on Normanby Avenue. The site is providing bicycle parking on-site which exceeds the requirements of the Planning Scheme.

Traffic and car parking congestion in the area

Shaftesbury Parade is classified as a local street under the control and management of Council. It has a carriageway width of approximately 8.9 metres that provides for two (2) way traffic with unrestricted parallel parking provided on both sides. It connects to St Georges Road at its western end where vehicle movements are restricted to left in, left-out.

Woolton Avenue to the south is also a local street under control of Council. It runs parallel to Shaftesbury Parade, is approximately 8.9 metres wide and provides for two (2) way traffic. Along the majority of its length it has unrestricted parallel parking on the southern side and one (1) hour parking on the northern side. The one (1) hour parking restriction operates from 6pm to midnight on Saturdays and Sundays. It is considered likely that this restriction is associated with the wedding reception venue at 302 St Georges Road (refer to further discussion on this point below).

St Georges Road is classified as an arterial road and is under the management of VicRoads. It runs in a north-south orientation and is divided by a wide central median that contains tram services and the St Georges Road trail (a shared path). The carriageways on both sides provide two traffic lanes and parallel parking adjacent the outside lane.

Council has a Residential Parking Policy for actively managing on-street parking in the area.

This is a resident driven policy and if the residents initiate implementation of time restricted on-street parking in their street, Council will investigate the request on its merits.

This will reduce the suitability of the usage of on-street parking spaces for an unlimited time by the external users (non-residents) in the area. Currently there is no request in place. Furthermore this matter sits outside of the Planning process.

Removal of existing car parking at rear is contrary to the planning permit issued for the Sovereign Function Centre at 302 St Georges Road

Council records indicate that Planning Permit PD6362 issued on 5/11/1990 for extensions to a reception centre and associated car parking at the rear of 314-316 St Georges Road contains a condition which states:

- *Not less than 18 car spaces shall be provided for the extension to use and development hereby permitted to the Satisfaction of the Responsible Authority.*

The above condition requires 18 car parking spaces to be made available for the reception centre on the land at 314-316 St Georges Road (subject land). As the subject land is proposed to be redeveloped, the open car parking area at the rear of the site which is accessed via the right of way will be demolished and no longer available to the reception centre customers. The new car parking areas in the development will be set exclusively aside for use by tenants, residents and their direct visitors with a secure entry.

The traffic report submitted with the application and the application documentation does not reference the burden of providing car parking to be made available for 302 St Georges Road on the subject land in Planning Permit PD6362.

It is considered that any approval given for the proposed development will have the effect of undermining Planning Permit PD6362 which is still valid and live.

The application has the potential to detrimentally effect the proper and orderly continuation of the approved use at 302 St Georges Road (Reception Centre) and may create unforeseen car parking congestion in surrounding street networks, unless otherwise demonstrated.

The development will affect the availability of car parking in the area for patrons of the Uniting Church at 326 St Georges Road.

The estimated car parking requirement of the existing uses on the subject site is 37 car spaces. However, only 13 spaces are provided at the rear of the building. On this basis, there is an existing parking deficiency of 24 spaces. Therefore, it is anticipated that the proposal would not create unacceptable burden as compared to the existing situation and this development would generate peak commercial and café visitor/customer demands in the order of up to 13 car parking spaces which can be accommodated on-street.

PLANNING ASSESSMENT

Clause 13.03-1 – Use of Contaminated and Potentially Contaminated Land

Early records of land-use for the subject site kept by Council indicate that the site has previously been used for industrial purposes. Whilst there is no Environmental Audit Overlay (EAO) affecting the land, the use history of the site indicates the potential for contamination to exist on the site.

It is State Policy objective to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely. It is the responsibility of applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use, where the subject land is known to have been used for industry.

The level of enquiry required is specified in the Potentially Contaminated Land General Practice Note 2005. Previous land uses with a medium to high risk for contamination require a site assessment from a suitably qualified environmental professional if insufficient

information is available to determine if an audit is appropriate. This can be included as a condition of any approval.

Clause 15.01 – Urban Environment

The subject site enjoys State Planning policy support for a higher density development. However at a detailed level the proposal fails to satisfactorily contribute to improving the quality of living and working environments and environmental sustainability.

The proposal is otherwise considered to satisfy design principles relating to context, public realm, safety, landmarks views and vistas, pedestrian spaces, consolidation of sites and light and shade.

With reference to the Design Guidelines for Higher Density Residential Development (HDRG) - Department of Sustainability and Environment, 2004 - the overall design response and built form of the development has been assessed in the body of this report against the proposed Design and Development Overlay Schedule 16 (DDO16) in Amendment C136. The DDO16 requirements are considered to sufficiently embody the overarching requirements of the HDRG.

Clause 21.03-2 - Housing Development

Objective 1 – Housing Provision: *to facilitate housing development that has an appropriate scale and intensity in locations across the municipality.*

Strategies to achieve the objective:

- *In Substantial Housing Change Areas, encourage a variety of housing typologies at increased densities and to discourage underdevelopment, with the scale of development appropriate to precinct characteristics and context as identified by a structure plan or adopted policy of Council, and generally in accordance with the hierarchy of residential growth identified at Clause 21.03-1.*
- *Ensure that the design of development at interfaces between Substantial Change and Incremental or Minimal Change Areas, or between Incremental and Minimal Change Areas, provides a sensitive transition, with particular consideration given to: Design and layout which avoids unreasonable amenity impacts on adjoining sensitive residential interfaces due to overshadowing, loss of privacy and unreasonable visual intrusion; Site orientation, layout and topography in determining the appropriate built form envelope and in assessing the impact of proposed development on adjoining amenity.*

Being located in a substantial change area, the above principles are adequately respected and complied with in the proposal.

Objective 3 – Residential Amenity: *to facilitate residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents.*

Strategies to achieve the objective:

- *Require a high standard of design (including architectural quality and environmentally sustainable design) be achieved in residential and mixed use developments through the use of design and development overlays, urban design frameworks, development plans and local policies as appropriate.*
- *Ensure mixed use developments are designed to provide adequate amenity to residences on the site, minimising the need for screening and limiting unreasonable negative amenity impacts on surrounding residential uses.*

The proposal does not achieve a high standard of design and internal amenity.

Clause 21.03-2 - Built Environment

Overview:

The design and quality of the built environment, including buildings, public spaces, infrastructure and streetscapes plays an important role in enhancing civic pride, liveability and social connectedness, and provides opportunities for creating a more sustainable city.

Good urban design acknowledges the collective impact of development both within and beyond the boundaries of individual sites and enables positive outcomes for the public realm that enhance people's wellbeing and experience of the built environment. Darebin City Council is committed to environmental sustainability and actively encourages sustainably-designed buildings that reduce energy consumption and water use, encourage recycling and sustainable transport and that use recycled and sustainable materials.

Key Issues:

- *Achieving high-quality design in development across a variety of urban environments, including activity centres and industrial/employment precincts.*
- *Impacts of large-scale development on streetscape amenity and pedestrian experience, and increased reliance on the public realm in providing visual appeal and amenity.*
- *How design might improve the interface and interaction of new developments with the public realm (including parks and open spaces).*
- *Incorporating Environmentally Sustainable Design (ESD) principles in the design and development of built environments and strengthening requirements at planning permit stage.*
- *Striking a balance between the understandable need for businesses to advertise and community expectations for an environment devoid of unattractive visual clutter.*

Objective 1 – Urban Design Excellence

- *To ensure development in Darebin exhibits good urban design and provides distinctive, attractive and engaging places in which to reside, visit or work.*

Strategies:

- *Encourage high quality design and buildings that respond to characteristics of the locality.*
- *Develop and implement detailed design guidelines for areas where substantial housing change and growth is encouraged.*
- *Ensure that important public views and vistas, where identified in a strategy or guideline adopted by Council, are recognised, protected and enhanced.*
- *Apply urban design principles when developing structure plans, land use strategies, and urban design guidelines.*
- *Promote land use and development in activity centres, strategic corridors and strategic development precincts in accordance with adopted Structure Plans, precinct plans or strategies.*
- *Ensure development in activity centres, strategic corridors and strategic development precincts:*
 - *Is responsive to its environment with a high quality appearance*

- *Promotes an urban scale and character that is appropriate to the role and function of the activity centre or strategic corridor precinct*
- *Encourages consolidation of commercial areas along strategic corridors to create strong, vibrant hubs to serve the local community*
- *Manages negative off-site impacts and interface issues with surrounding sensitive land uses*
- *Promotes visual and physical improvements to the public realm*
- *Encourages a safe and accessible environment for pedestrians, cyclists, public transport users and motorists.*

The urban design outcomes associated with the development are considered to be satisfactory.

Objective 3 – Residential Amenity

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

Strategies (as relevant):

- *Require a high standard of design (including architectural quality and environmentally sustainable design) be achieved in residential and mixed use developments through the use of design and development overlays, urban design frameworks, development plans and local policies as appropriate.*
- *Ensure mixed use developments are designed to provide adequate amenity to residences on the site, minimising the need for screening and limiting unreasonable negative amenity impacts on surrounding residential uses.*

Appropriate internal amenity and environmentally sustainable design is not considered to be achieved,

Clause 22.06 – Multi-Residential and Mixed Use Development

This policy applies to:

- *Multi-dwelling apartment development*
- *Mixed-use development which includes a residential use in:*
 - *A Residential Growth Zone, Mixed Use Zone, Commercial Zone and Priority Development Zone*
 - *A General Residential Zone (if in the opinion of the responsible authority a requirement of the policy is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement)*

Excluding land within Design and Development Overlay Schedule 14 (DDO14) Northcote Major Activity Centre.

Policy objectives are:

- *To facilitate residential and mixed use development which promotes housing choice, displays a high standard of urban design, limits off-site amenity impacts, and provides appropriate on-site amenity for residents.*
- *To facilitate development that demonstrates the application of environmentally sustainable design principles.*
- *To facilitate a high quality street edge that relates to the public realm.*

- *To encourage efficient design outcomes that consider the development potential of adjoining sites.*
- *To encourage the consolidation of lots to facilitate better design and amenity outcomes for higher density development in locations where substantial housing change is directed.*

The development fails to respond appropriately to the following relevant policies within Clause 22.06.

Clause 22.06-3.1 (Sustainability):

The objective is to achieve development design that is guided by environmentally sustainable design principles; highly energy efficient development; highly water efficient development and sustainable development with a high level of internal amenity.

Council has assessed the ESD component of the development and has identified deficiencies which are not able to be addressed via conditions. The development is not sustainable and lacks a high level of internal amenity. In particular, the development will result in high energy consumption due to lighting, heating and cooling required for the dwellings and common areas. These are discussed further under the proposed DD016 assessment in later sections of this report.

Does not comply

Clause 22.06-3.9 (On-Site Amenity and Facilities, including Private Open Space):

The objective is to provide a high adequate level of residential amenity for residents including provision of noise attenuation measures to protect residents from noise created as a part of the normal business and entertainment functions of activity centres. Regard is to be given under this clause to Clauses 55.05-1 (Accessibility), 55.05-2 (Dwelling entry), 55.05-3 (Daylight to New Windows) to 55.05-4 (Private Open Space), 55.05-6 (Storage) and 55.06-4 (Site Services) as contained in the Darebin Planning Scheme.

The development is considered to respond appropriately to the need to provide dwellings with conveniently accessible building entries including a lift from the basement level to all upper levels to assist people with limited mobility; has a clearly identifiable building entrance on the primary street frontage; with the exception of dwellings facing into the southern light court and dwellings which have excessive depth with a single daylight source or excessive upper floor overhang over windows, dwellings generally meet the daylight requirement; convenient access to external storage areas with appropriate size is provided on the ground floor; and all site services have been considered and shown on the plans. Noise attenuation measures can be included and addressed as part of any approval given.

Balcony sizes are not consistently 8 square metres or greater, some dwellings have less than this size and additionally face into the shared light court.

However as mentioned above, the design response to include a south-facing light court with dwellings having sole outlook into the light court is poorly conceived. The private open space provision (the balconies) of Units 1.10, 1.11, 2.9, 2.10 and 3.7 facing into a south-facing light court is considered to be inappropriate and will deliver poor outlook and amenity to future occupants. Some of these balconies do not achieve a minimum area of 8 square metres, notwithstanding the provision of communal open space provided on the roof top. The design response with regard to the location and orientation of these balconies does not anticipate future development on the adjoining southern property.

Does not comply**Planning Scheme Amendment C136 (Proposed DD1016)**

Amendment C136 (St Georges Road Corridor) has been through a public consultation process, been before an independent Panel, has now been adopted by Council and is with the Minister for Planning's office for approval.

Based on case law, it is clear that Amendment C136 is a formal planning proposal that is reaching the end of the planning scheme amendment process. Amendment C136 can and should be given weight in decision making, especially where the key controls of building height and setback for the subject land are unchanged from exhibition to adoption of the amendment. Importantly, it must be remembered that amendment C136 does not yet form part of the planning scheme and is not a law, compared to the existing planning scheme. Councils and VCAT are required to apply the planning scheme as at the date of their decision.

Therefore, when regard is had to the above, amendment C136 could be considered a relevant consideration for decision makers, however it cannot displace the existing planning scheme.

As above, Council has considered the application against the seriously entertained components of Amendment C136 (i.e. consistent policy from exhibition to adoption) and has made the following assessment against the proposed DDO16:

Design Objectives

- The consolidation of the two (2) lots enable a more functional development to be achieved that supports and improves the visual amenity of St Georges Road and adjoining public realm by providing attractive and thoughtfully designed frontages (St Georges Road and Shaftesbury Parade) that make a positive contribution to the pedestrian environment and broader public realm.
- The development is considered to achieve a strong and robust form on a corner landmark site.
- The proposal minimises vehicle crossovers, subject to conditions to reduce the width of the proposed crossover.
- The ground floor layout and side-by-side layout of dwellings is considered to be adaptable and can support a mix of uses over time so that built form can flexibly accommodate for a variety of future commercial and/or residential uses.
- The design and layout of the development should avoid unreasonable amenity impacts on adjoining sensitive residential interfaces; e.g. due to overshadowing, loss of privacy and unreasonable visual intrusion. These matters, with the exception of overshadowing, are discussed in the specific assessment criteria below. Overshadowing from the development is considered to be within acceptable limits given the site has an abuttal with two (2) streets to the north and west; and Commercial 1 zoned land to the south.

The only sensitive interface is to the east. It is noted that firstly the adjoining residential land to the east is separated by a right of way, and secondly has non-sensitive garage and driveway interface on the boundary shared with the right of way. The majority of the overshadowing (during the afternoon period only) will affect these non-sensitive areas. Any impacts to secluded private open space located to the south side of the adjoining dwelling will be minimal and for a limited period of time during the day.

The development strikes an appropriate balance between protecting the amenity of existing uses and providing a viable building form on the site.

Minimum Lot Frontage Width Requirements to St Georges Road

- *Lots to be developed in a Commercial 1 Zone must have a minimum frontage to St Georges Road of 15 metres.*

The subject site is to have a frontage greater than 15 metres to St Georges Road and satisfies the minimum frontage requirement.

Building Height and Setback Requirements

Rear Setback

- *Where rear laneways of 3 metres minimum width separate the development site and adjacent residential zoned land, or where the topography of the land significantly falls from the residential zoned land to the development site, or where residential zoned land is located to the north of a development site, a 45 degree angle is to be applied (starting at the adjoining site boundary to the rear of the development site, at a height of 3 metres. The 45 degree angle is to be measured perpendicular to the said adjoining site boundary).*

The subject site is adjoined by a right of way to the rear. The first four (4) levels and part of the fifth (5th) level of the development are contained within a 45 degree angle as measured at a height of three (3) metres from the boundary of the adjoining site at No.87 and 87A Shaftesbury Parade. The upper section of the fifth (5th) level associated with Unit 4.3 located toward the Shaftesbury Parade frontage is the only section of the building that encroaches the setback envelope. The remaining eastern wall of the fifth (5th) level is set back approximately 12 metres from the eastern boundary and fits comfortably within the 45 degree envelope. The minor encroachment of Unit 4.3 is considered acceptable on the basis that the adjoining residential land includes a driveway interface and a garage built to the right of way boundary opposite Unit 4.3 and will therefore have limited or no views of this section of the building envelope. Given the lack of significant visual bulk impact to the adjoining residential site and no unreasonable overshadowing effects, the rear setbacks are considered acceptable.

Building heights and rear setbacks of new development are shown in Section 2 of this schedule. Section 2 provides Precinct specific guidelines. It is noted that Table 6 Precinct 5 – Normanby Avenue specifies a rear building envelope of 30 degrees for the subject site. Whilst the proposed rear building envelope does not fit within a 30 degree angle, it is considered there are sufficient site-specific justifications, as described above, to allow an encroachment into the prescribed envelope.

Complies with Objective

Front setback

- *Front setbacks in a Commercial 1 Zone and Mixed Use Zone (Schedule 1) should be zero to St Georges Road and side streets.*

The development is proposed to be built to the St Georges Road boundary at the Ground, First (1st) and Second (2nd) levels with a 3.74 metre setback at third (3rd) level providing continuous balcony recess and a 2.75 metre setback at the fourth (4th) level also providing a continuous balcony recess to the street wall. Similar setbacks are adopted along the Shaftesbury Parade frontage.

The development is consistent with the objectives for front setback providing a three (3) storey street wall with recessive upper levels to ensure scale sensitive building to existing surrounding lower scale buildings.

Complies

Side setback

- *Where a development lot side boundary is adjacent to a residential zone, the requirements of Clause 55.04-1 (side setbacks only) apply.*

The side boundary of the site does not adjoin a residential zone. Therefore a zero setback as proposed is considered appropriate.

Complies

Site Coverage, Permeability and Walls on Boundaries Requirements

Buildings should not exceed the maximum site coverage in Table 1 to the Schedule. Under Table 1:

Zone	Maximum site coverage	Minimum site permeability	Walls on side boundaries
Commercial 1 Zone and Mixed Use Zone (Schedule 1)	100 per cent	Zero	100 per cent of the length of the side boundary

The development complies with the requirements in Table 1.

Private open space requirements

- *A dwelling or residential building should have secluded private open space with convenient access from a living room and consisting of:*
 - *A garden area of 25 square metres with a minimum dimension of 3 metres (where applicable)*
 - *A balcony of 8 square metres with a minimum width of 1.6 metres*
 - *A roof top area of 10 square metres with a minimum width of 2 metres.*

The development provides balconies to all dwellings with a minimum area of 8 square metres, with the exception of Units 1.11 on the first floor and Unit 2.10 on the second floor. The length of the balcony of these dwellings can be slightly increased via conditions of any approval to achieve the required minimum area.

The above notwithstanding, the quality of private open space associated with the balconies that are directly oriented to the shared south-facing light court is considered to be an unacceptable outcome for these dwellings. There are five (5) dwellings which have a balcony oriented to the internal light court.

Does not comply with Objective

Building Design Requirements

- Pedestrian access to commercial and residential buildings must be via St Georges Road or side streets were applicable and be clearly visible, have an identifiable sense of address, be secure and also distinguishable from each other where sharing a frontage. The development provides clear and secure residential and commercial entries from St Georges and Shaftesbury Parade.
- The appearance of the building facades is well considered and blank building walls visible to the street and public space have been avoided.
- Buildings at street corners should emphasise the corner and the building be splayed at the corner (e.g. where built on boundary the street wall be offset from the corner junction a minimum of 1 metre by 1 metre) so as to create an open sightline and physical access for pedestrians at ground level. The development includes balcony recesses at the corner location to achieve this outcome.
- Building design maintains a regular streetscape rhythm with wide façade of the building broken into smaller vertical sections having regard to the adjoining subdivision pattern.
- The mass of buildings is located towards street frontages with veranda extensions over the footpath to address human scale.
- Rear and side setbacks should be utilised for deep root planting opportunities to provide softening landscaping, unless the land is in the Commercial 1 Zone. The subject site is in the Commercial 1 Zone. No deep root planting is required by policy.
- Building structures and layouts should be adaptable so as to allow for:
 - Structures and internal layouts at ground level to be adaptable to suit a variety of commercial uses. The ground floor commercial tenancies may be consolidated or further subdivided to be adapted as necessary for the end users (noting that such changes may require further approval from Council);
 - Adaptable residential layouts that allow for the combination or separation of units is possible in the design.
 - Adaptable residential layouts that allow for universal access, e.g. for people with limited mobility has been addressed in the design via the provision of lift access to all levels including the basement; and a generous entry space that can, as required, include disabled ramp. A disabled parking space is provided in the basement.
- The proposed development does no reuse and/or incorporate existing buildings and structures into the new proposal; however this is not a mandatory requirement and the existing buildings are not of heritage significance and can be demolished without planning approval.
- Design and architectural detailing utilises a range of materials and finishes of longevity to reduce maintenance costs and are not made of a single material; made of cladding that imitates traditional or natural materials; made of reflective materials at upper floors.
- Visual interest is derived from the articulation of the three dimensional built form in conjunction with materials and finishes and is not overly reliant on diverse and complex application of materials or colours.

Complies

Building Design Requirements Relating to Commercial Development

- The site is identified as a strategic site. Commercial spaces on strategic sites should provide a mix of small (e.g. 100 square metres) and middle sized spaces that are suitable for a variety commercial uses. The commercial spaces are designed to have an area of approximately 140 square metres and may be further increased through consolidation of tenancies.

However the café component of the commercial uses at ground floor is not sufficiently justified in the car parking reduction sought for this tenancy. The car parking study, allowing for a reduction of five (5) car parking spaces and the provision of two (2) parking spaces in the basement for this tenancy, would see the café/restaurant including only 17 seats maximum. A patronage of 17 seats for a floor area of 139 square metres is considered to be an under-utilisation of this tenancy (refer to further assessment under Clause 52.06).

- The development's presentation to the street, which is articulated through the use of both bold and finer-grain elements ensures the development is sympathetic to the subdivision pattern and fine grain built form of traditional commercial frontages towards St Georges Road.
- The proposal includes fixed canopies over the foot path along St Georges Road and Shaftesbury Parade to provide weather protection. The canopy structures are set back from the kerb however a dimension is required to ensure the setback is 0.75 metres. This can be requested via conditions of approval. Further to this, it appears some sections of the canopy over the St Georges Road footpath may interfere with street trees. Council's Darebin Parks Unit has requested that where canopies interfere with street trees, the canopy maintain a minimum setback of 1.0 metres from the kerb edge; with regard to the canopy over the main entry area, Darebin Parks has agreed to removal of the tree subject to conditions. The above matters may be addressed via conditions of any approval.
- Additionally, any canopy should have a height of 2.7 – 3.0 metres above the footpath and relate to the internal floor to ceiling height at ground floor. A condition of any approval given can request the above details to be shown.
- The facades of the commercial tenancies at the ground floor are substantially clear to create an active retail frontage.
- The residential entry sufficiently legible, however it does not dominate the commercial frontage.

Café/Restaurant use as proposed does not complyBuilding Design Requirements Relating to Residential Development

- Developments adjacent to major roads (e.g. St Georges Road, Arthurton Road, Miller Street, Bell Street) must include noise attenuation measures. This can be addressed via conditions. An acoustic report detailing attenuation measures for the development can be requested.
- Residential development should, where practical and depending on the scale of development, provide for a diversity of dwelling types in a range of sizes and configurations, including those suitable for residents with limited mobility. The proposal is considered to provide an acceptable range of dwelling diversity with one (1) and two (2) bedroom dwellings proposed, with differing outlooks and plan configuration. The dwellings are considered suitable for people with limited mobility.

The one (1) and two (2) bedroom apartment typology proposed is considered to compliment the prevailing supply of detached dwellings and infill development that prevails in this area.

- Consideration should be given to the protection of sensitive spaces such as bedrooms from on-site noise sources such as internal car parking; vehicle access areas; communal, congregating spaces; service equipment and so on. Solutions should be incorporated in the design layout through separation of internal bedrooms from noise sources. This may be varied subject to the demonstrated incorporation of adequate noise attenuation measures based on an acoustic assessment from a qualified acoustic engineer.
- Overlooking into secluded private open spaces and habitable room windows of adjoining residential zoned land should be managed through building and privacy screen designs that enable outlook without overlooking. The dwellings on the eastern side at the first and second levels have the potential to overlook sensitive areas on adjoining residential land due to being located within a 9 metre radius of windows and balconies within the development. The elevations do not specifically show screening measures. This may be addressed via conditions of approval. The following dwellings require screens:
 - (i) Units 1.5-1.9 at first floor require screens to the eastern edge of the balconies and habitable room windows (Unit 1.9 eastern living room windows).
 - (ii) Units 2.4-2.8 at second floor require screens to eastern edge of the balconies and habitable room windows (Unit 2.8 living room eastern windows).
 - (iii) Units 3.3-3.6 at third floor require screens to the eastern edge of the balconies.

To ensure the need to prevent overlooking is balanced against the need for internal amenity, screening measures are to be in accordance with the range of preferred options provided in the DDO16 (Page 6 of 24).

Internal overlooking between dwellings that have an outlook to the internal courtyard is addressed, as shown on the internal courtyard sections Sheet TP303 Revision B. However the screening to these windows and balconies will further exacerbate the lack of outlook and daylight to these dwellings.

- Roof top or other communal spaces are encouraged in developments of 10 or more dwellings. The application proposes communal gymnasiums on two (2) levels and communal open space on the roof, including communal laundry, roof garden and barbeque area.
- Plant and equipment (e.g. bin storage, gas metres, air conditioning units etc.) must be located and designed so as to minimise visibility from the adjoining public realm and from residential properties. All services are considered to be accounted for in the development, including bin storage and gas metres at ground floor; service ducts through the building floor plates; sub-station on the Shaftesbury Road frontage and remaining services are located on the roof. Given the provision of a communal laundry on the rooftop, shared clotheslines can be provided to reduce the energy load of the development. This can be requested via conditions of any approval.
- Waste storage areas are shown on the ground floor within a dedicated waste storage area. A waste management plan has been submitted which indicates waste will be collected by a private contractor from Shaftesbury Parade during off-peak hours. This is considered to be acceptable provided the amenity of the area is not affected. These matters can be managed via conditions of any approval.

- The applicant has indicated that the power pole on Shaftesbury Parade is to be relocated. Any relocation will require the approval of the relevant power authority. This can be included as a condition of any approval given.
- Storage spaces must be easily accessible and usable, not be located above car parking spaces and their size must relate to the size of the dwelling. All dwellings will have access to 6 cubic metres of external storage in the form a storage unit within a storage compound on the ground floor. All storage is conveniently accessible. No over-bonnet storage is proposed.

Does not comply with objective

Environmentally Sustainable Design Requirements

The application is accompanied by a Sustainable Management Plan (SMP). The SMP and plans have been assessed by Council's ESD officer and not supported for the following reasons:

- The layout of unit 3.10 is not acceptable. The kitchen is around a corner with no views or daylight.
- The layout of units 1.5 and 2.4 is not acceptable. They are too deep and the living areas will always be in darkness.
- The width of several of the units appear to be too narrow at 3.0 to 3.5 metres (no room dimensions have been provided).
- There are many units that are too deep to satisfy the daylight section of the BESS tool. Many are over 10 metres with the balcony overhang above.
- The balcony for Units 1.11 and 2.10 are not acceptable. These balcony spaces are likely to be permanently closed in if the site next door (to the south) is developed.
- The overhang for some of the balconies is too deep making the living areas too dark.
- There is too high a level of unshaded west facing glazing. The first floor and second floor dwellings all have a zero setback to the western boundary with no overhang over windows on the boundary; the third and fourth floor dwellings are set back 3.74 metres from the western boundary therefore there is no shading to the third level from any overhang on the fourth level (with the exception of balcony windows). The fourth level shows adjustable sliding screens and is acceptable subject to further details of the operation of these screens. All west facing windows and glazed doors need external adjustable shading. If the balcony is deep external adjustable shading is not required.
- The north facing glazing and doors is not shaded which is not acceptable. Levels 1 and 2 need to be inset, noting that Council does not support an overhang over the footpath with the exception of ground floor canopies.

Under the provisions of the proposed DDO16 (Amendment C136), the development is required to demonstrate the following environmentally sustainable design principles, including:

- Limit south facing habitable rooms and apartments to a minimum. The development includes single-aspect dwellings which have their primary outlook and daylight access to an internal south-facing light court. Whilst this light court is generous in dimensions, it should only be used as a daylight source (where unavoidable) to bedrooms or non-habitable rooms. The design response does not anticipate future development opportunity of the adjoining southern property.

- Maximise north facing living rooms and apartments. It is considered that the northern boundary of the site is used efficiently to provide dwellings oriented to the north. However these dwellings need to be set back from the boundary sufficiently to allow sun-shading structures/devices to be installed.
- Natural light and ventilation to common areas such as hallways and carpark. The outcomes for the development in these design areas are below standard. No natural light and ventilation is provided to common areas.
- It is also noted that the common hallways servicing the dwellings do not maintain a minimum functional width of 1.2 metres.
- There does not appear to be any provision made for daylight and ventilation to the basement car parking areas and the ground floor service areas.
- Ventilation where possible is not shown e.g. the bathrooms of Units 1.9, 3.3 and 4.6.
- The plans and elevations are to clearly show how windows will open. This can be addressed via conditions of any approval. Energy efficient window design and treatments such as double glazing, fixed horizontal shading to the north, adjustable east and west shading to habitable room windows is required. Council's preference is for louvre and casement windows wherever possible and the use of sliding systems where the windows have external screening. This can be confirmed via conditions of any approval.
- Natural daylight access to Units 1.5 and 2.4 in particular is very poor. The western sides of these dwellings are too remote from a natural light source.
- Light courts to side boundaries on narrow lots are generally discouraged. A separation of buildings within the lot creating a usable courtyard in between building parts is encouraged so as to secure independent solar access. This is not achieved in the design.
- Light courts within lots must have a usable courtyard at the base and must gradually widen towards the top of the building; the light court is sufficiently sized however the orientation of the light court and the planning of dwellings benefiting from the light court is considered to be ill-conceived. Single-aspect dwellings should not be oriented to a light court.
- The development drawings indicate varying forms of shading, mostly sliding louvre panels to allow residents to adjust the amount of solar access according to the seasons. The detail of these mechanisms is not sufficiently detailed on the drawings.
- High level access to daylight, (e.g. habitable rooms relying on borrowed daylight), are discouraged. No borrowed light is proposed, all rooms have direct access to an external window. However as previously discussed may dwellings have unacceptably deep spaces far from a light source.
- Design features relating to energy use such as heat pumps etc. are to be addressed via the provision of a satisfactory Sustainable Management Plan and shown on the plans, to the ESD officer's satisfaction. This may be requested via conditions of any approval given.
- Bicycle parking is provided at a rate that exceeds the statutory requirement. Parking facilities are well designed, easily accessible and convenient to support increased active transport mode for residents. Bicycle parking for customers and visitors within publicly accessible areas of the site is also provided.

Car Parking and Vehicle Access Requirements

Car parking and access are discussed further in later sections of this report under Clause 52.06.

- Where reasonably practical, vehicle access should be created from side streets or rear laneways. Vehicle access to the site is via the side street and widens the existing right of way access to avoid additional crossovers to the street.
- All vehicles can enter and exit the site in a forwards direction.
- Car parking areas have minimal visibility to public areas. The majority of the ground floor frontage is dedicated to active commercial uses and apartment entry.

Clause 34.01 – Commercial 1 Zone

The proposal is considered to be consistent with the purpose of the Commercial 1 Zone, providing a mixed use commercial centre for retail, office, business, entertainment and community uses as necessary into the future. It also provides for residential uses at densities complementary to the role and scale of the major transport corridor location (St Georges Road).

Clause 34.01-8 sets out decision guidelines for development applications. These guidelines duplicate the assessment criteria set out under the DDO16 and have been considered in the previous assessment sections in earlier parts of this report.

Importantly, the decision guidelines for developments of five (5) or more storeys in the Commercial 1 Zone state that such developments are exempt for the objectives, standards and decision guidelines of Clause 55. An assessment against Clause 55 will not be undertaken.

Clause 52.06 - Car ParkingNumber of Parking Spaces Required

The following table sets out the statutory car parking requirement for the development.

Use	Rate	Number/Area	Requirement
Dwelling	1 to each 1 and 2 bedroom dwelling	46 dwellings	46 spaces
Dwelling Visitor	1 space to each 5 dwellings	46 dwellings	9 spaces
Food and Drink Premises Or Restaurant	4 spaces to each 100m ² 0.4 spaces to each patron	139m ² 12 patrons (maximum allowed)	5 spaces 5 spaces
Commercial premises (Shop)	4 spaces to each 100m ² net floor area	131m ² 136m ² 149m ² 140m ²	5 spaces 5 spaces 5 spaces 5 spaces
Total Requirement			80 spaces

The applicant has proposed to provide 62 car parking spaces including 46 resident spaces, six (6) residential visitor spaces and ten (10) spaces for staff of the commercial tenancies and the cafe equating to two (2) spaces per tenancy. The spaces would be provided as follows:

- 46 x resident spaces (in car stackers);
- Six (6) x residential visitor spaces (in conventional spaces); and
- Ten (10) x spaces for staff of the shop tenancies and café (including one (1) x disabled space, three (3) x conventional spaces and six (6) x spaces in car stackers).

The provision of staff car parking within stackers is not conventional, but is considered acceptable noting that staff will become familiar with the operation of the car stacker system.

On the basis of the above a total waiver of 18 car spaces including 15 shop/food and drink spaces and three (3) residential visitor spaces is being sought. As per Clause 52.06-6 of the Planning Scheme, the Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposal.

Before granting a permit to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, the responsible authority must consider the decision guidelines in Clause 52.06-6 of the Darebin Planning Scheme.

The applicant's traffic report concluded that the proposed provision of car parking is satisfactory based on the following:

- Multipurpose trips and the potential for residents to use the shops.
- Staff parking demands can be accommodated on-site. Typically, staff for commercial premises represent 25% of the parking requirement (i.e. 5 spaces).
- The availability of public transport including tram stops located within 150m to the site.
- Pedestrian and cyclist access including St Georges Road shared path.
- Provision of bicycle parking facilities on-site.
- ABS car ownership rates which indicate that 92% of dwellings within Thornbury do not exceed 2 vehicles.
- Anticipated residential visitor demands of 0.12 spaces per dwelling which results in a demand of 6 spaces.
- The existing car parking credit of 24 spaces associated with the existing use (shop/office/warehouse).

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

- It is anticipated that the residential visitor demand can be accommodated on-site.
- Long term staff and resident demands can be accommodated on-site.
- The site is accessible via public transport including tram services on St Georges Road, Croxton Railway Station and bus services on Normanby Avenue.
- The site is providing bicycle parking on-site which exceeds the requirements of the Planning Scheme.

Discussion on Café/Restaurant Car Parking

It is noted that the ground floor café has been categorised as a “Food and Drink Premises” in the Traffic Report submitted with the application. Food and drink premises is a generalised use category which includes other more specific uses such as convenience restaurant, hotel, restaurant, take away food premises and tavern. These sub-category uses (except for take away food premises which does not have a specified parking ratio) have varying car parking rates under Table 1 to Clause 52.06-5 of the Darebin Planning Scheme.

The most appropriate use category for Café under Clause 74 of the Darebin Planning Scheme is considered to be “Restaurant” with a defined ratio of 0.4 car parking spaces for each patron (see the parking ratio table above). The development provides a total of ten (10) car parking spaces in the basement for the five (5) commercial uses including the café. This suggests that if these spaces are to be shared amongst five (5) tenancies, there would be an expected equitable allocation of two (2) car parking spaces for each tenancy. The traffic report further justifies a reduction of five (5) car parking spaces for the café.

Based on the provision of two (2) spaces on site and reduction of five (5) spaces i.e. a total of seven (7) spaces, a restaurant would benefit from a total of 17 seats maximum. In the absence of further evidence, a condition of any approval given must limit the number of seats in this tenancy to a maximum of 17 maximum.

With regard to other use categories falling under the umbrella of a Food and Drink Premises, it is unlikely that uses such as a Tavern or Hotel that include night activity would be appropriate choice in this location particularly given the noise-sensitive residential uses on the upper floors of the development and nearby residential land. A condition of any approval must prohibit the use of the land for the purpose of Tavern or Hotel.

Design Standards for Car parking

A car parking plan must be prepared to the satisfaction of the responsible authority as per Clause 52.06-7 of the Planning Scheme. The proposed car parking plan has been assessed under the design standards of Clause 52.06-8, and the following conditions are to be included in the grant of any approval to ensure car parking design and access is safe and convenient:

- Development plans are to be amended to include a separate entry to the Café via the terrace on St Georges Road or Shaftesbury Parade.
- The applicant must identify the pedestrian access points to the stair well.
- In accordance with AS1428.1 of the Planning Scheme, the proposed pedestrian ramp on the ground floor is not to be steeper than 1 in 14.
- The development plans must be annotated noting that the pedestrian visibility splay area must be clear of visual obstructions; or any landscaping in those areas is less than 900mm in height.
- All bicycle parking is to be dimensioned in accordance with AS2890.3:2015.
- Development plans indicate that the existing R.O.W. crossover is to be increased in width by 4.205m. The width of the crossover for the site is to be reduced to 3.0m.
- The installation of two (2) ‘hold/stop’ lines within the basement parking level on each of the two car parking aisles. The hold/stop lines are to indicate where vehicles are required to stop when traffic signal is on a red phase, to allow adequate space for an approaching vehicle to pass a waiting vehicle.

- All non-parallel conventional parking spaces shown to be allocated to residential visitors first, resulting in only two (2) parallel parking spaces being allocated for residential visitor use.
- The provision of a car parking plan clearly designating the allocation of residential visitor, staff and resident car parking within the basement parking level as follows:
 - 46 x resident spaces (in car stackers);
 - Six (6) x residential visitor spaces (in conventional spaces); and
 - Ten (10) x spaces for staff of the shop tenancies and café (including one (1) x disabled space, three (3) x conventional spaces and six (6) x spaces in car stackers).
- Columns adjacent to parking spaces 35 and 37 are to be located in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme
- The stacker system must achieve the requirement for 25% of spaces to be capable of accommodating a vehicle of at least 1.8 metre high. The product variant to be utilised within the basement level is to be clearly specified.
- New vehicle crossings must be designed and constructed in accordance with Council's engineering design standards and specifications.
- All redundant crossovers must be reconstructed with full kerb and channel to the satisfaction of the responsible authority.

Clause 52.07 – Loading and Unloading of Vehicles

The purpose of the clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety. The application seeks a waiver of the required loading bay to be provided on site. Council supports the application on the following grounds:

- Given the size of the tenancy and the land area of the site, it is expected that loading events would only be minor and therefore more appropriately would occur either on-site or on-street. This requirement can therefore be waived in this instance.
- The traffic report indicates that bins would be transferred to Shaftsbury Parade for collection. A waste management plan submitted with the addendum indicates that waste collection will take place on the level section of the ramp. Given the expected low numbers of vehicles expected to enter and exit the basement car park, the applicant's traffic engineers consider that the proposed waste arrangement is unlikely to result in any notable delays to drivers while bins are being transferred from the bin enclosure to truck.
- Nevertheless it is recommended that waste collection be undertaken outside of peak AM and PM periods. This can be imposed via conditions of any approval given.

Clause 52.34 – Bicycle Facilities

The required provision of bicycle parking is set out in Clause 52.34-3 – Required bicycle facilities of the Darebin Planning Scheme.

The following is an assessment of the bicycle parking provision proposed:

Use	Rate		Employee / Resident Requirement	Visitor / Shopper Requirement
	Employee / Resident	Visitor / Shopper		
Dwelling (four or more storeys)	1 resident space to each 5 dwellings	1 visitor space to each 10 dwellings	9 spaces	5 spaces
Cafe (Food and Drink Premises)	Nil	Nil	Nil	Nil
Commercial	1 to each 300m ²	1 to each 500m ²	2	1
Total Requirement			11 spaces	6 spaces

The applicant has proposed to provide 44 bicycle parking spaces, including 38 employee / resident spaces and 6 visitor / shopper spaces which exceed the requirements of the Planning Scheme.

The 38 resident/employee bicycle parking is comprised of 26 vertical racks and 12 bicycle rails. This complies with AS2890.3:2015 requiring bike parking facilities to include 20% of ground level bicycle parking devices. In addition, three (3) bicycle rails (six (6) bicycles) have been proposed on the ground floor to accommodate visitor bicycle parking requirements.

Complies

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation that stormwater discharge from the site is to be to Council requirements.
Transport Management and Planning	No objection, subject to conditions included in recommendation (refer to Clause 52.06 assessment in earlier sections of this report for conditions).
ESD	The application is not supported in its current form due to issues relating primarily to daylight and sun-shading.
Darebin Parks	No objection to the application subject to conditions as follows: <ul style="list-style-type: none"> i. The northern-most tree on the St Georges Road frontage (<i>pyrus calleryana</i>) conflicts with the canopy to the building entry and may be removed subject to the provision of a tree replacement fee of \$463. The tree is to be removed by a qualified professional at the cost of the owner/developer. ii. Where the canopy over the footpath in front of Commercial tenancies No.3 and 4 coincides with the two (2) street trees (<i>pyrus calleryana</i>) the canopy is to adopt a minimum setback of 1 metre from the kerb edge. A tpz of 2 metres is to be observed for both trees during construction. iii. The <i>Eucalyptus leucoxylon</i> on the Shaftesbury Street frontage of the site is to be protected with a tree protection zone (tpz) of 3.0 metres during construction.

PLANNING SCHEME SUMMARY**Darebin Planning Scheme clauses under which a permit is required**

- Clause 34.01-4 (Commercial 1 Zone) – A permit is required to construct a building or construct or carry out works. Clause 34.01-8 of the Darebin Planning Scheme specifies, as relevant, the application of Clause 55 assessment for developments less than 5-storeys.
- Clause 52.06 (Car Parking) – A permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
- Clause 52.07 (Loading and Unloading of Vehicles) – A permit is required to waive the loading bay requirement.
- The requirement for a development contribution under the Development Contributions Plan Overlay does not apply as the contributions plan has expired.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 13.03-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3, 21.02-6, 21.03-2, 21.03-3, 21.03-4, 21.05-1, 21.05-2, 21.05-3, 22.06
Zone	34.01
Overlay	43.02, 45.06
Particular provisions	52.06, 52.07, 52.34
General provisions	65.01

POLICY IMPLICATIONS**Environmental Sustainability**

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

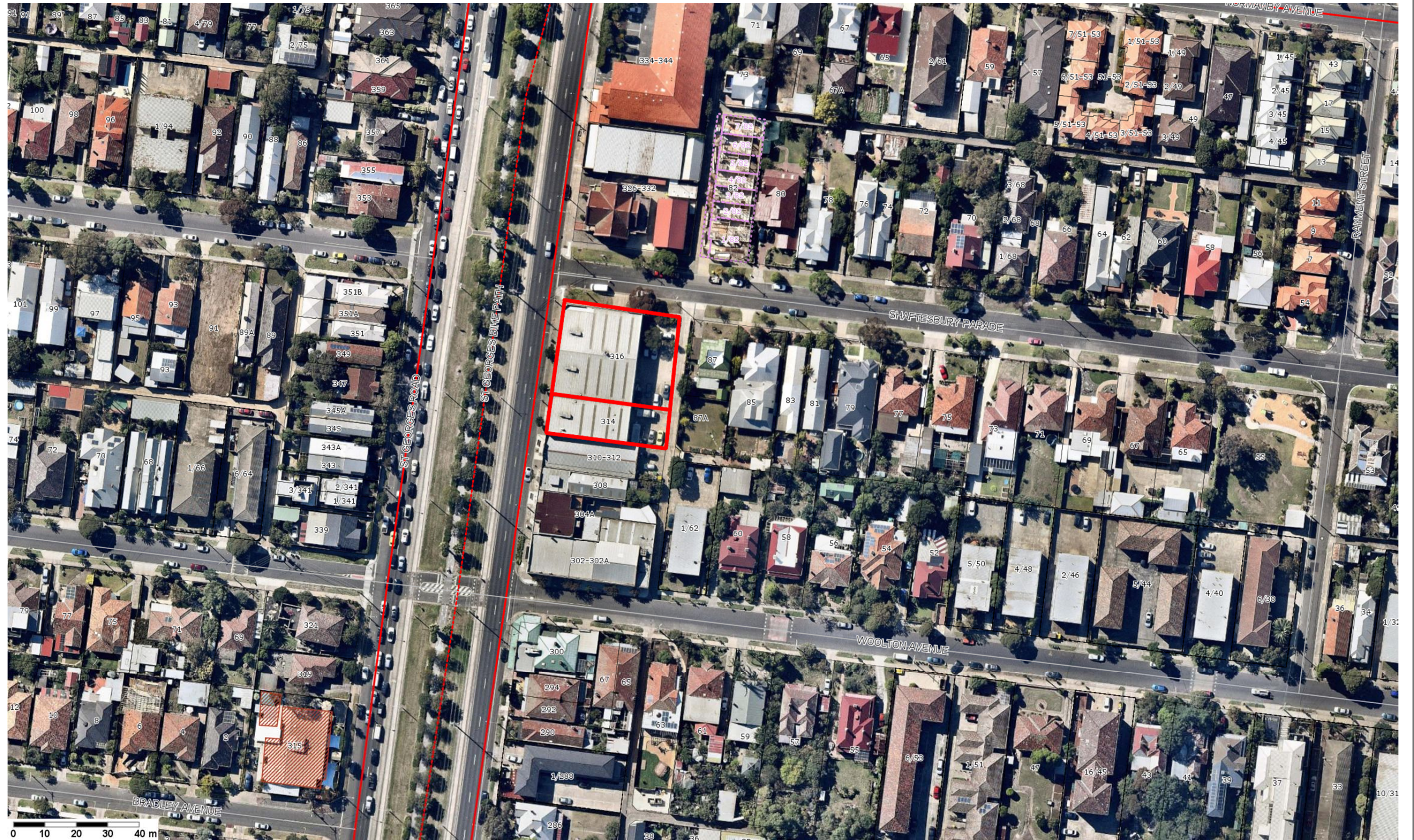
DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

- Darebin Planning Scheme
- *Planning and Environment Act (1987)* as amended.
- Planning Scheme Amendment C136





SHAFTESBURY AVENUE, NORTH SIDE



SHAFTESBURY AVENUE, EAST OF SITE



ST. GEORGES ROAD, LOOKING NORTH



ST. GEORGES ROAD, LOOKING SOUTH



ST. GEORGES ROAD, NORTH OF SITE TO NORMANBY ROAD



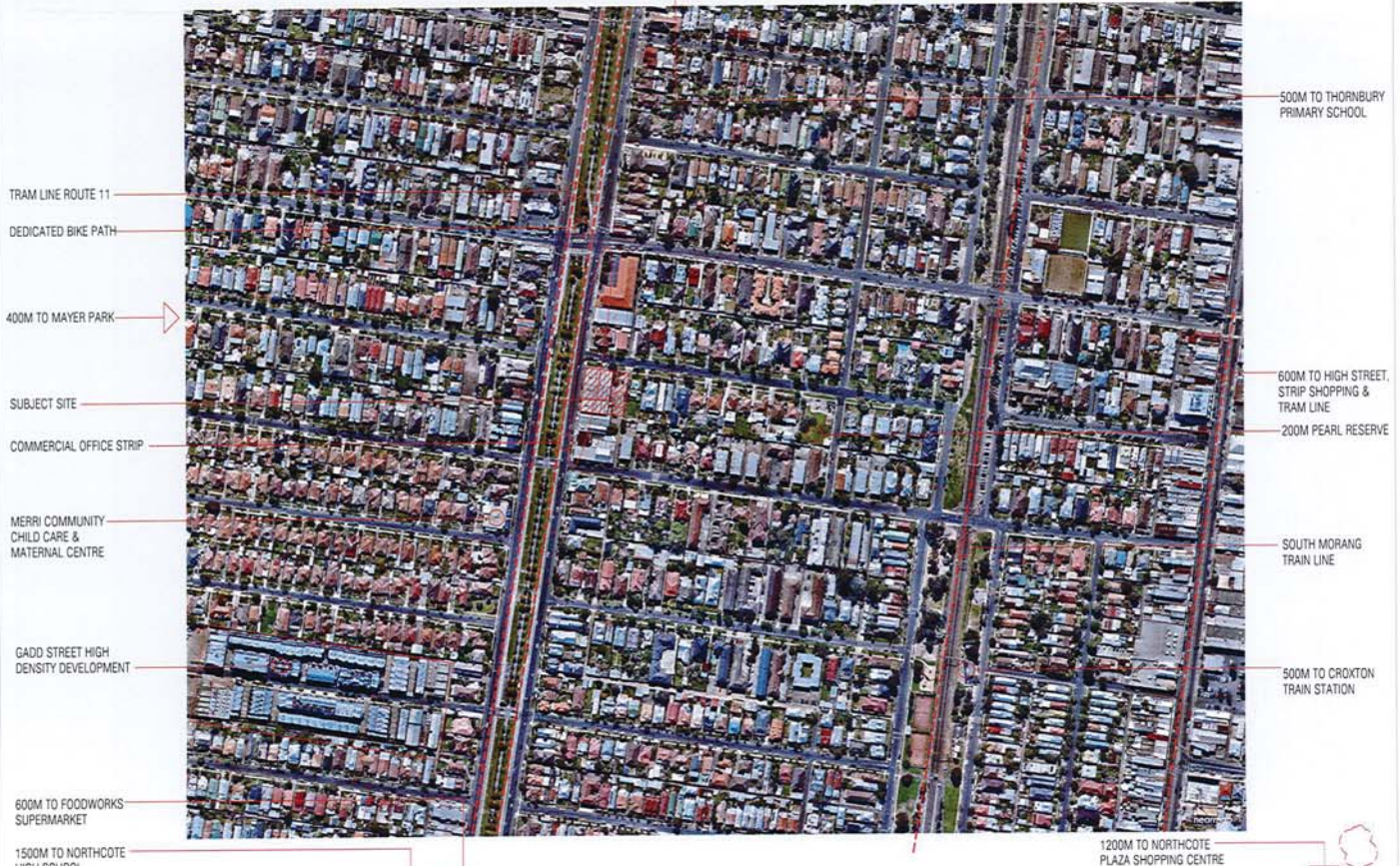
ST. GEORGES ROAD, SOUTH OF SITE TO WOOLTON AVENUE

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A3 of 1

Date 01 JUN 2016

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11 APR 2016
CITY OF BARRING
TORY PLANNING



Rev No	Rev Date	Rev Description	Issued To
A	21 Mar 16	REV Revision 2	

Planning RFI
Response

Nicholas Dour Architects

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Project:
PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

Project:

Project Number:
201116

Drawing Title:
LOCALITY PLAN

Date:

17 Feb 16

Drawn By:

TP 103

Author:

Checker:

Rev:

A



SHEET LIST			
Sheet Number	Sheet Name	Start Date	Current Revision
TP 000	COVER SHEET	17 Feb 16	01
TP 001	SITE CONTEXT PLAN	17 Feb 16	01
TP 002	LOCATION PLAN	17 Feb 16	01
TP 003	EXISTING & PROPOSED	17 Feb 16	01
TP 004	LOCALITY PLAN	17 Feb 16	01
TP 005	BASEMENT FLOOR PLAN	17 Feb 16	01
TP 006	FIRST FLOOR PLAN	17 Feb 16	01
TP 007	SECOND FLOOR PLAN	17 Feb 16	01
TP 008	THIRD FLOOR PLAN	17 Feb 16	01
TP 009	ROOF PLAN	17 Feb 16	01
TP 010	SECTION 1: ELEVATION	17 Feb 16	01
TP 011	SECTION 2: ELEVATION	17 Feb 16	01
TP 012	SECTION 3: ELEVATION	17 Feb 16	01
TP 013	SECTION 4: ELEVATION	17 Feb 16	01
TP 014	SECTION 5: ELEVATION	17 Feb 16	01
TP 015	SECTION 6: ELEVATION	17 Feb 16	01
TP 016	SECTION 7: ELEVATION	17 Feb 16	01
TP 017	SECTION 8: ELEVATION	17 Feb 16	01
TP 018	SECTION 9: ELEVATION	17 Feb 16	01
TP 019	SECTION 10: ELEVATION	17 Feb 16	01
TP 020	SECTION 11: ELEVATION	17 Feb 16	01
TP 021	SECTION 12: ELEVATION	17 Feb 16	01
TP 022	SECTION 13: ELEVATION	17 Feb 16	01
TP 023	SECTION 14: ELEVATION	17 Feb 16	01
TP 024	SECTION 15: ELEVATION	17 Feb 16	01

Area Schedule Units			
Unit	Area	Volume	Weight
TP 000	1000 sq ft	1000 cu ft	1000 lb
TP 001	1000 sq ft	1000 cu ft	1000 lb
TP 002	1000 sq ft	1000 cu ft	1000 lb
TP 003	1000 sq ft	1000 cu ft	1000 lb
TP 004	1000 sq ft	1000 cu ft	1000 lb
TP 005	1000 sq ft	1000 cu ft	1000 lb
TP 006	1000 sq ft	1000 cu ft	1000 lb
TP 007	1000 sq ft	1000 cu ft	1000 lb
TP 008	1000 sq ft	1000 cu ft	1000 lb
TP 009	1000 sq ft	1000 cu ft	1000 lb
TP 010	1000 sq ft	1000 cu ft	1000 lb
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TP 024	1000 sq ft	1000 cu ft	1000 lb

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TP 023	1000 sq ft	1000 cu ft	1000 lb
TP 024	1000 sq ft	1000 cu ft	1000 lb

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COVER SHEET

PROPOSED UNIT DEVELOPMENT

316 St. Georges Road, Thornbury

Scale 1:100

Date 17 Feb 16

Checker

201116

TP 000

B

Nicholas Dour Architects

316 St. Georges Road, Thornbury

Project

PROPOSED UNIT DEVELOPMENT

316 St. Georges Road, Thornbury

Scale 1:100

Date 17 Feb 16

Checker

201116

TP 000

B

Planning RFI Response

Project

PROPOSED UNIT DEVELOPMENT

316 St. Georges Road, Thornbury

Scale 1:100

Date 17 Feb 16

Checker

201116

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A3 of 3

01 JUN 2016

Date

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CITY OF DAREBIN
STATUTORY PLANNING

SHAFTESBURY PARADE

SUBJECT SITE

ST GEORGES ROAD

WOOLTON AVENUE

LOCATIONAL CONSIDERATIONS

1. 100M TO TRAM STOP HOLTE 11
2. 100M TO TRAMWAY RAIL STATION
3. 100M TO TRAMWAY RAIL STATION
4. 100M TO HIGH STREET TRAM STOP HOLTE 11
5. 100M TO PLAIN RESERVE PARK
6. 100M TO NORTH'S PLAIN SHOPPING CENTRE
7. 100M TO MERRY CREEK LINEAR PARKING LOT, PAULING AND FISHER RESERVE PARK
8. 100M TO MERRY CREEK
9. 100M TO TRAMWAY PRIMARY SCHOOL
10. 100M TO TRAMWAY COACHES PRIMARY SCHOOL
11. 100M TO NORTH'S HIGH SCHOOL
12. 100M TO NORTH'S HETTERTON HILLS (100M TO THE)

SITE DESCRIPTIONS

- A. SITE IS SUITABLE FOR MULTI-UNIT DEVELOPMENT GIVEN ITS SIZE AND ORIENTATION. THERE IS A LACK OF WELL-LANDSCAPED DEVELOPMENT IN THE IMMEDIATE VICINITY.
- B. THE STREETSCAPE PRESENTS AS A MIXED COMMERCIAL RETAIL STRIP WITH NO COHERENT STYLE OR MESSAGE.
- C. GENERALLY SINGLE AND DOUBLE STOREY RESIDENTIAL, ALLEGMENTS TO THE EAST OF THE SUBJECT SITE.
- D. CAN ACCESS FROM NEW LANEWAY.
- E. ORIENTATION OF LAND WOULD ENTAIL NORTH-FACING PRIVATE OPEN SPACES TO BE CREATED.
- F. THERE ARE NO DRAMAIC CONTIGUOUS LUTAL BARRIERS AVAILABLE.
- G. ACCORDING TO THE CITY OF DAREBIN, THERE IS NO DIRECT RETAIL USE WITH NO EXISTING RETAILERS. NO DEVELOPMENT IS IN PROGRESS.
- H. EXISTING INTERFACES WITH ADJACENT RESIDENTIAL DEVELOPMENT CONSIDER DEVELOPMENT AND DISTANCE.

Rev. No.	Rev. Date	Rev. Description	Revised By
A	04 May 16	101 Revision	
B	31 May 16	101 Revision 2	

Planning RFI
Response

Nicholas Dour Architects

PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

Site Context Plan

Scale: 1:200

Date: 17 Feb 16

Project Number: 201116

TP 100

Rev: B

Nicholas Dour Architects Pty Ltd
1000 Wellington Road, Thornbury, VIC 3070
Tel: 03 9472 1000 Fax: 03 9472 1010
Email: info@nicholasdour.com.au

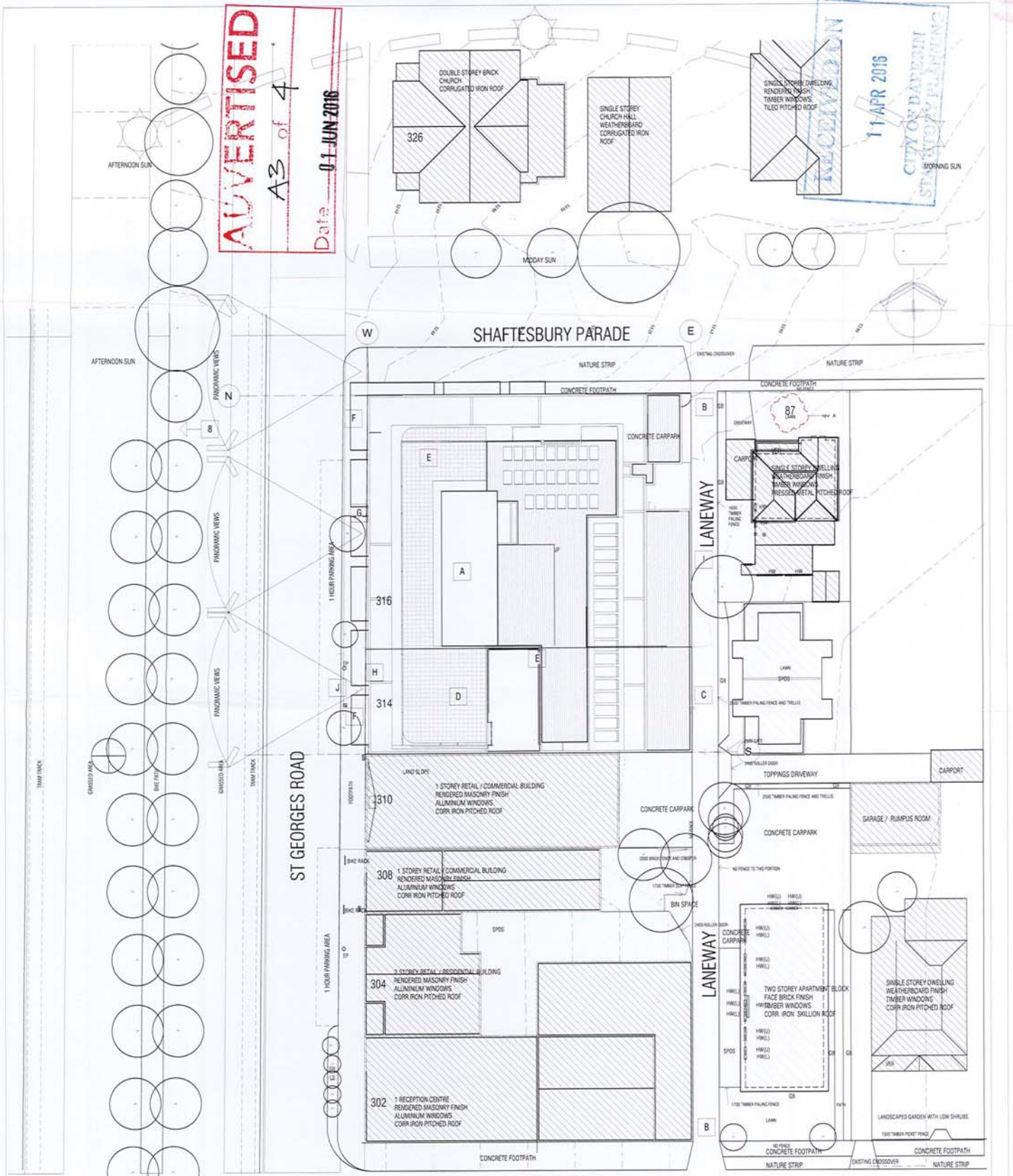
Figured dimensions and site positions are not scaled dimensions.

All dimensions are in the Imperial system unless otherwise stated.

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A3 of 4
Date 01 JUN 2016

11 APR 2016
CITY OF DAREBIN
STUDY PLANNING



ANNOTATIONS

- A** SITE IS SUITABLE FOR MULTI-UNIT DEVELOPMENT DUE TO ITS SIZE AND ADJACENCY TO ST. GEORGES ROAD. THERE ARE A NUMBER OF ADJACENT "TOWN" WITH A MIX OF 1 AND 2 STOREY BUILDINGS.
- B** VEHICLE ACCESS IS PROVIDED VIA THE EXISTING LANEWAY TO THE REAR OF THE SITE. WE BELIEVE THAT WITH THE ACCESSIBILITY OF THE ROAD AND TRAM LANE THAT CARPENTRY WOULD BE APPLIED.
- C** THERE IS NO DEVELOPMENT TO THE ADJACENT BUILDING. SCHEMATIC IS PROVIDED TO THE REAR FACING WINDOWS AND BALCONIES.
- D** THE PLAN SHOWS A MODERN ARTICULATED DESIGN THAT WOULD COMPLEMENT THE PREDOMINANTLY CLASSIC COMMERCIAL BUILDINGS IN THE NEIGHBOURHOOD. THE BUILDING MATERIALS WOULD BE BRICK AND CONCRETE.
- E** THE BUILDING MATERIALS WOULD BE BRICK AND CONCRETE. THE BUILDING MATERIALS WOULD BE BRICK AND CONCRETE.
- F** GRAVEL LEVEL RETAINING COMPARTMENT TO BE RETAINED TO MAINTAIN AN ACTIVATED STREET SCENE.
- G** EXISTING ACCESS TO THE RESIDENTIAL COMPARTMENT IS VIA A COMMON ENTRY POINT WHICH HAS ALL THE REQUIRED IDENTIFICATION AND SIGNAGE. THERE IS NO NEED FOR A NEW ENTRY POINT.
- H** THE BUILDING ENVELOPE FOLLOWING A TYPICAL DESIGN WITH A CLEAN GRAVEL FLOOR WITH A SOLID FLOOR OVER AND A LIGHTWEIGHT TOP.
- I** THE NEAR BUILDING ENVELOPE GENERALLY FOLLOWING COULDN'T BE PREPARED BETWEEN POINTS. DUE TO THE CONFLICT OF HIGH TREES TO THE NEAR LANEWAY AND NO OVERHANGING DURING THE DESIGN. THIS IS AN ACCEPTABLE OUTCOME.
- J** EXISTING PROPOSED WALKWAY BEHIND THE USE OF EXTERNAL PLANT TO THE WEST FACING WINDOWS.

2 - Design Response Plan

Rev. No.	Date	Rev. Description	Issued To
A	04 May 16	Rev 1: Approved	
B	31 May 16	Rev 2: Approved	

Planning RFI Response

Nicholas Dour Architects

PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

DESIGN RESPONSE PLAN

Project	201116	Drawn By	Author
Project Number	201116	Drawn By	TP 101
Project Name	201116	Drawn By	TP 101
Project Number	201116	Drawn By	TP 101

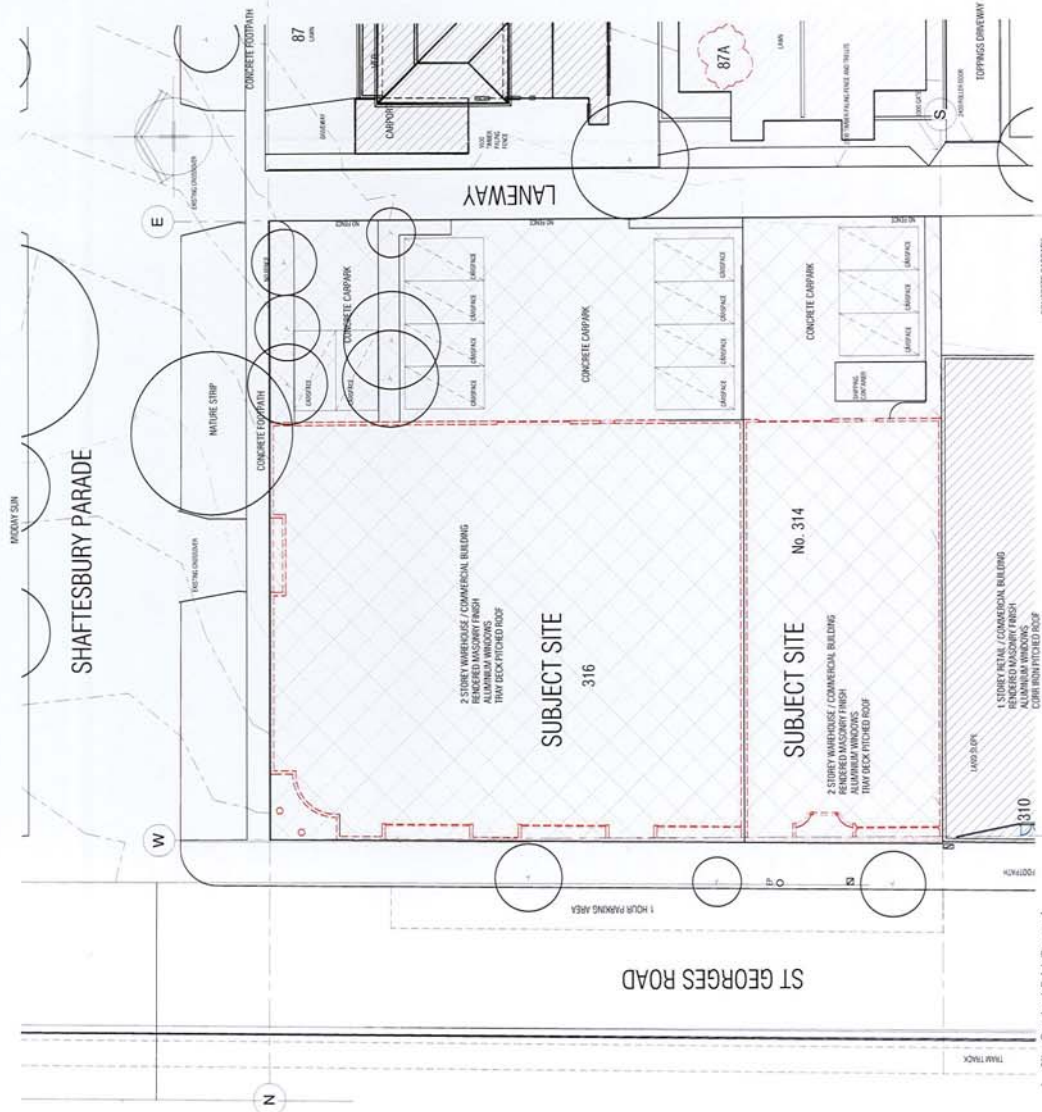
Figure dimensions of site and surrounding area as shown on map.
All dimensions are in metres unless otherwise stated.
This drawing is a design.

316 ST GEORGES RD EXISTING CONDITIONS

316 AREA	100.00M
SPARE DRIVE	100.00M
WAREHOUSE DRIVE	100.00M
SPARE DRIVE	100.00M
CONCRETE	100.00M

316 ST GEORGES RD EXISTING CONDITIONS

316 AREA	100.00M
SPARE DRIVE	100.00M
WAREHOUSE DRIVE	100.00M
SPARE DRIVE	100.00M
CONCRETE	100.00M



1 Site Context East Ground

Rev No.	Rev Date	Rev Description
1	17 Feb 16	1st Revision
2	17 Feb 16	2nd Revision

Planning RFI Response

Nicholas Dour Architects

PROPOSED UNIT DEVELOPMENT
EXISTING & DEMOLITION

11 APR 2016

316 St Georges Road, Thornbury

CITY OF BARRON

Author: As indicated

Check: As indicated

Date: 17 Feb 16

Page: 102

201116

TP 102

B

LANEWAY[®]

Scale: 1 : 100	Drawn By: nd	
Date: 17 Feb 16	Checked By: nd	
Project Number: 201116	Draw Number: TP 200	Rev: B

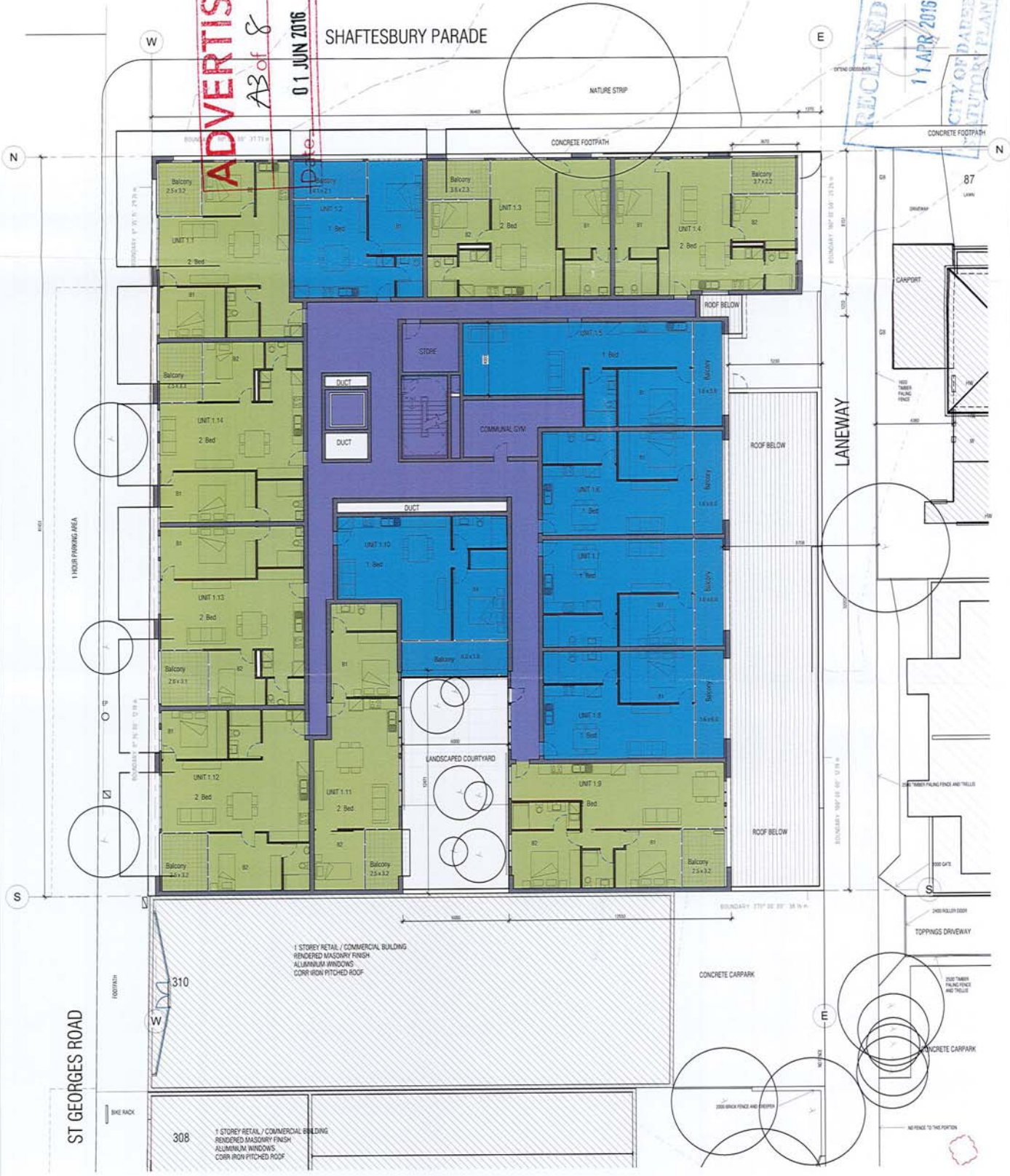
Technique One Architects Pty Ltd
1342 Macleay Street, Surferside VIC 3079
Tel: 0487 0442 Fax: 0445 0012
Email: info@techniqueone.com.au

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A3 of 8
01 JUN 2016

SHAFTESBURY PARADE

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CITY OF DAREBIN
TUTORIAL PLANNING



Rev. No.	Rev. Date	Rev. Description	Issued To
A	24 Mar 16	H1 Revision	
B	31 Mar 16	H1 Revision 2	

Planning RFI
Response

Nicholas Dour Architects

Nicholas Dour Architects Pty Ltd
1401 Nicholson Street, Melbourne, VIC 3000
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Email: info@nicholasdour.com.au

Project
PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

Drawing Title
FIRST FLOOR PLAN

Project
Figured dimensions shall take precedence over scaled dimensions.
All dimensions in the drawings shall be in accordance with the above.
This drawing is copyright.

Scale	1 : 100	Drawn By	Author
Date	17 Feb 16	Checked By	Checker
Project Number	201116	Draw Number	TP 202
Rev			B



Rev. No.	Rev. Date	Rev. Description	Issued To
A	04 Mar 16	W11 Revisions	
B	21 Mar 16	W11 Revision 2	

Planning RFI
Response

Nicholas Dour Architects

PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

SECOND FLOOR PLAN

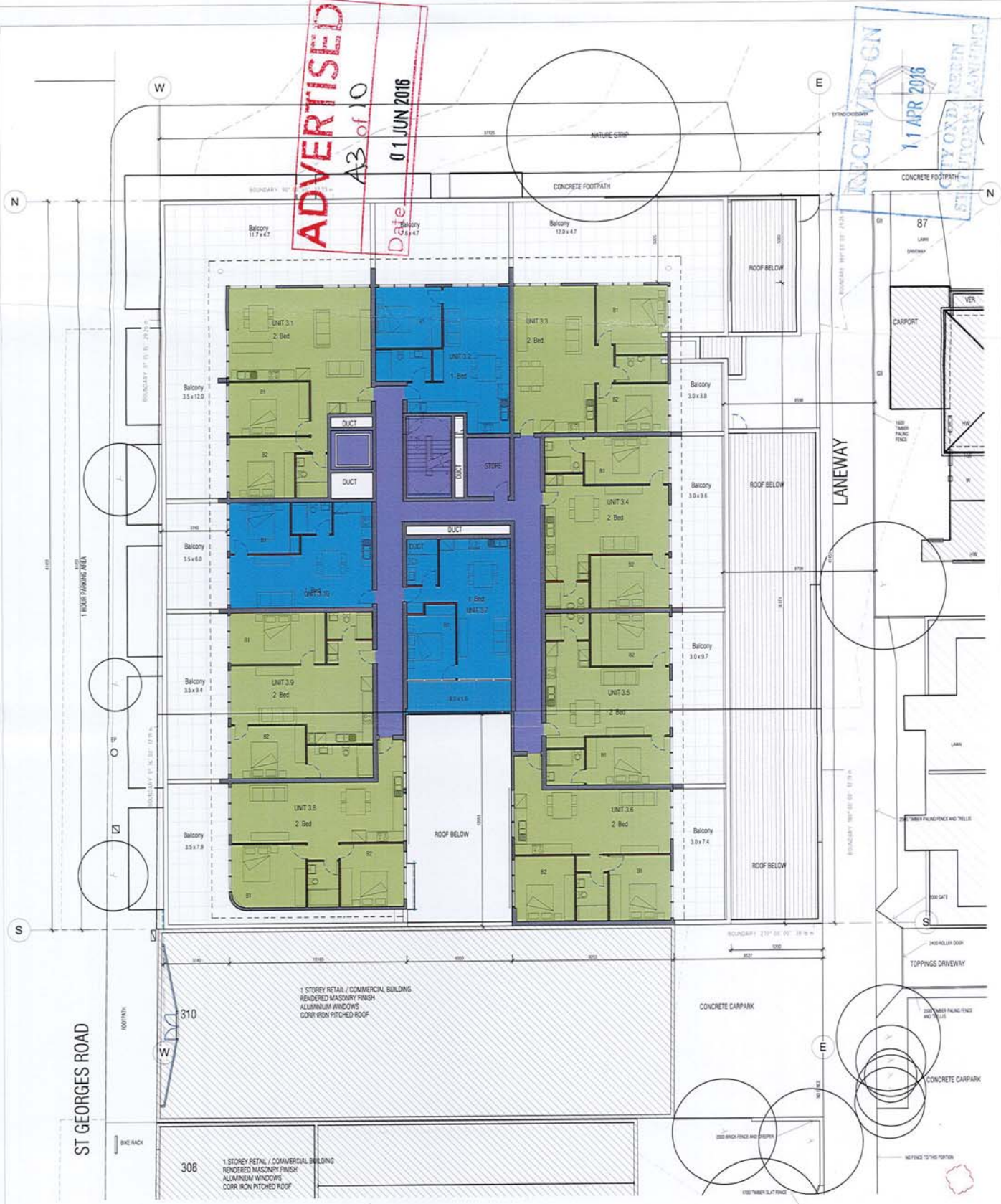
Scale	1 : 100	Drawn By	Author
Date	17 Feb 16	Checked By	Checker
Project Number	201116	Draw Number	TP 203
		Rev	B

Nicholas Dour Architects Pty Ltd
10/10 Shaftesbury Road, Thornbury VIC 3075
Tel: 0402 2207 700 Fax: 0402 2207 701
Email: info@nicholasdour.com.au

Figure dimensions shall take precedence over related dimensions.
All dimensions to be checked prior to construction or site liberation.
This drawing is unapproved.

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A3 of 10
Date 01 JUN 2016

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CITY OF THORNHURST
CITY PLANNING



Rev. No.	Rev. Date	Rev. Description	Issued To
A	24 Mar 16	R11 Revisions	
B	21 Mar 16	R11 Revision 2	

Planning RFI
Response

Nicholas Dour Architects

Project:
PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

Drawn By
THIRD FLOOR PLAN

Scale 1:100	Drawn By Author
Date 17 Feb 16	Checked By Checker
Project Number 201116	Job Number TP 204
	Rev B

Figure dimensions shall take precedence over scaled dimensions
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A3 of 11

01 JUN 2016

Date

SHAFTESBURY PARADE

NATURE STRIP

CONCRETE FOOTPATH

RECEIVED ON
11 APR 2016
CITY OF PATERSON
STATUTORY PLANNING

1 HOUR PARKING AREA

ST GEORGES ROAD

FOOTPATH

BIKE RACK

1 STOREY RETAIL / COMMERCIAL BUILDING
RENDERED MASONRY FINISH
ALUMINIUM WINDOWS
CORR IRON PITCHED ROOF

1 STOREY RETAIL / COMMERCIAL BUILDING
RENDERED MASONRY FINISH
ALUMINIUM WINDOWS
CORR IRON PITCHED ROOF

CONCRETE CARPARK

100% BLACK FENCE AND GATES

LANEWAY

100% BLACK FENCE AND GATES

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Planning RFI
Response

Nicholas Dour Architects

Project
PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

Document Title
FOURTH FLOOR PLAN

Project Number
201116

Drawn By
TP 205

Project Number
201116

Drawn By
TP 205

Project Number
201116

Drawn By
TP 205

Project Number
201116

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TP 205

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201116

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TP 205

Project Number
201116

Drawn By
TP 205

Rev. No.	Rev. Date	Rev. Description	Issued To
A	04 Mar 16	1st Revision	
B	21 Mar 16	2nd Revision	

Nicholas Dour Architects Pty Ltd
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Email: info@nicholasdour.com.au

Project Number
201116

Drawn By
TP 205

Project Number
201116

Drawn By
TP 205

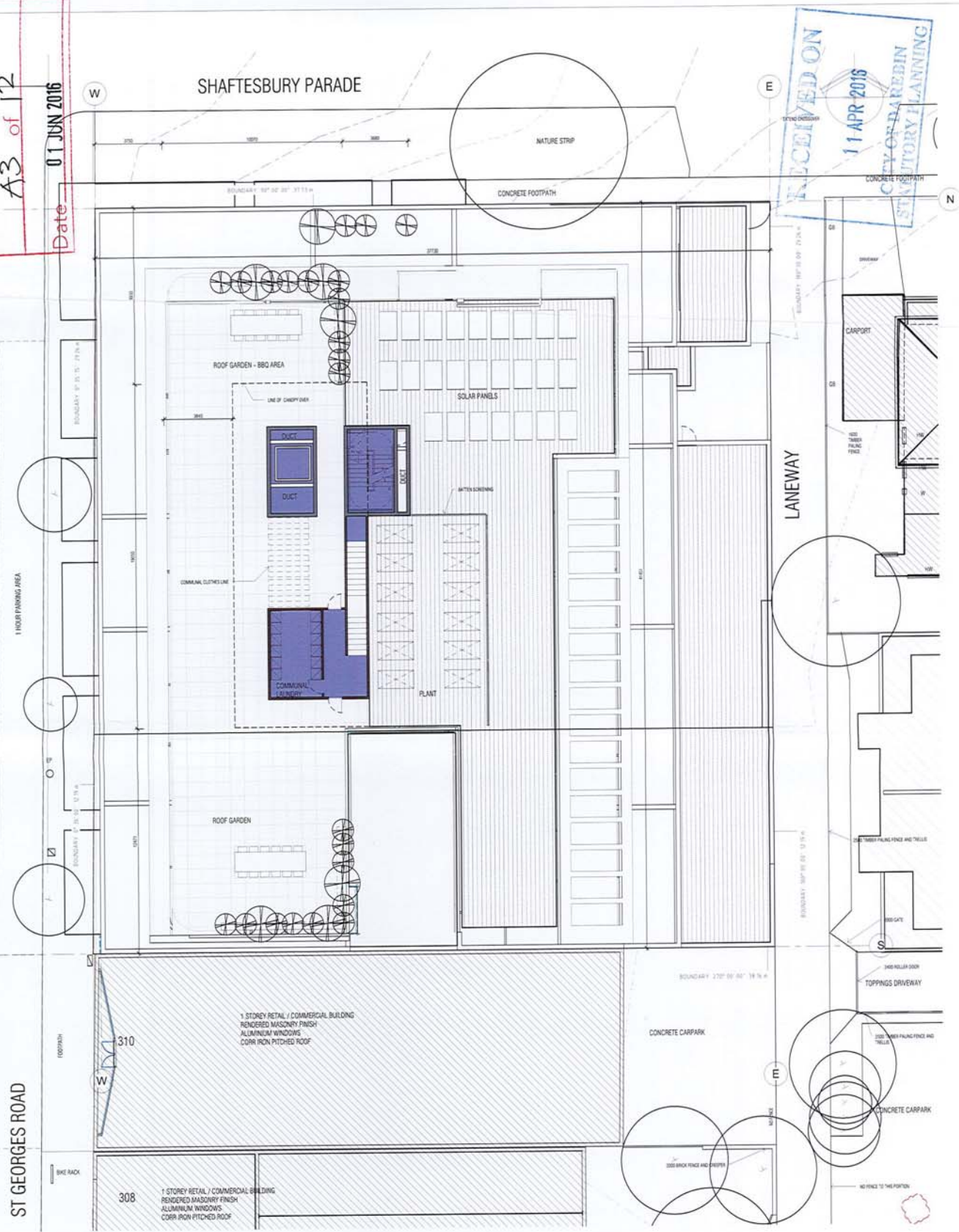
Project Number
201116

Drawn By
TP 205

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A3 of 12

Date 01 JUN 2016



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11 APR 2016
CITY OF DAREBIN
STAFFORD PLANNING

Rev No	Rev Date	Rev Description	Issued To
1	24 May 16	W11 Revision 1	
2	31 May 16	W11 Revision 2	

Planning RFI
Response

Nicholas Dour Architects

PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

FIFTH FLOOR PLAN

Scale	1:100	Drawn By	Author
Date	17 Feb 16	Checked By	Checker
Project Number	201116	Draw Number	TP 206
		Rev	B

Nicholas Dour Architects Pty Ltd
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Approved dimensions shall also precede those not included dimensions
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Page 1 of 12

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A3 of 13

Date 01 JUN 2016

SHAFTESBURY PARADE

NATURE STRIP

CONCRETE FOOTPATH

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CITY OF DARTMOUTH
PLANNING

CONCRETE FOOTPATH

LANEWAY

1 HOUR PARKING AREA

FOOTPATH

310

1 STOREY RETAIL / COMMERCIAL BUILDING
RENDERED MASONRY FINISH
ALUMINUM WINDOWS
CORR IRON PITCHED ROOF

CONCRETE CARPARK

BIKE RACK

308

1 STOREY RETAIL / COMMERCIAL BUILDING
RENDERED MASONRY FINISH
ALUMINUM WINDOWS
CORR IRON PITCHED ROOF

TOPPING DRIVEWAY

2400 ROLLER DOOR

2000 BRICK FENCE AND TRELLIS

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Rev. No.	Rev. Date	Rev. Description	Issued To
A	24 Mar 16	W1 Revision 1	
B	31 Mar 16	W1 Revision 2	

Nicholas Dour Architects

Nicholas Dour Architects Pty Ltd
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Email: info@nicholasdour.com.au

Project
PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

Prepared
Signed dimensions shall also precede every noted dimension.
All dimensions in m, otherwise state in millimetres or other appropriate units.
This drawing is copyright.

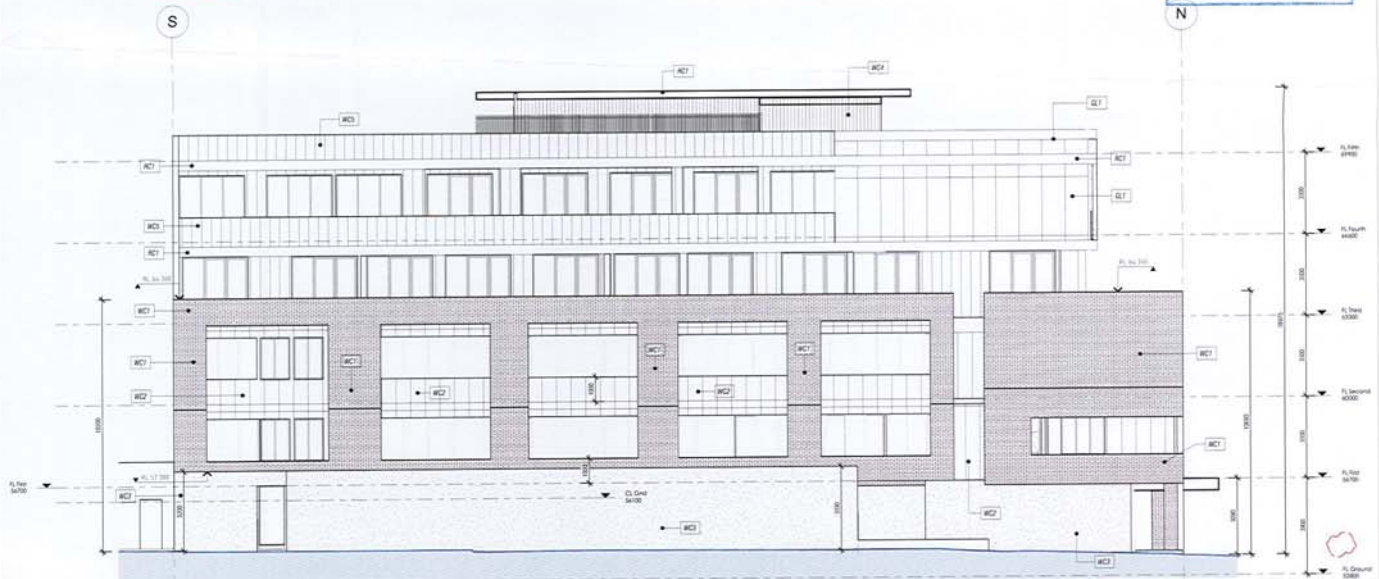
Drawing Title
ROOF PLAN

Scale 1:100
Date 17 Feb 16
Project Number 201116
Drawing Number TP 207
Rev B



ADVERTISED
 A3 of 14
 01 JUN 2016
 Date

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 11 APR 2016
 CITY OF DUNDAS
 STATUTORY PLANNING



1 Proposed East Elevation
 1:100



4 Proposed West Elevation
 1:100

Mark	Description	Comments
W1	WALL CLADDING - CONCRETE BLOCK	ASH GREY COLOUR
W2	CLIFFER WALL	WHITE GLAZING
W3	CLIFFER WALL	CLIFFER GLAZING
W4	CLIFFER WALL - FRAMING	NATURAL BRONZE
W5	WALL CLADDING - FRAMING	NATURAL BRONZE
W6	METAL ROOFING/CLADDING	WHITE METAL FRAMING
W7	WALL CLADDING - BRICK	RED BRICK
W8	WALL CLADDING - POLISHED METAL PANEL	POLISHED METAL PANEL
W9	WALL CLADDING - POLISHED METAL PANEL	POLISHED METAL PANEL
W10	WALL CLADDING - POLISHED METAL PANEL	POLISHED METAL PANEL
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W100	WALL CLADDING - POLISHED METAL PANEL	POLISHED METAL PANEL

Rev. No.	Rev. Date	Rev. Description	Revised To
A	24 May 16	REV. REVISIONS	
B	21 May 16	REV. REVISION 2	

Planning RFI
 Response

Nicholas Dour Architects

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 1000 Westbury Road, Suite 101, 1017
 Tel: 08 9477 7777 Fax: 08 9477 7778
 Email: info@nicholasdour.com.au

Project
PROPOSED UNIT DEVELOPMENT
 316 St. Georges Road, Thornbury

Project
 Proposed

Project
 Proposed

Drawing Title
ELEVATIONS

Scale
 1:100

Date
 17 Feb 16

Project Number
 201116

Drawn By
 Author

Checked By
 Checker

Project Number
 201116

TP 300

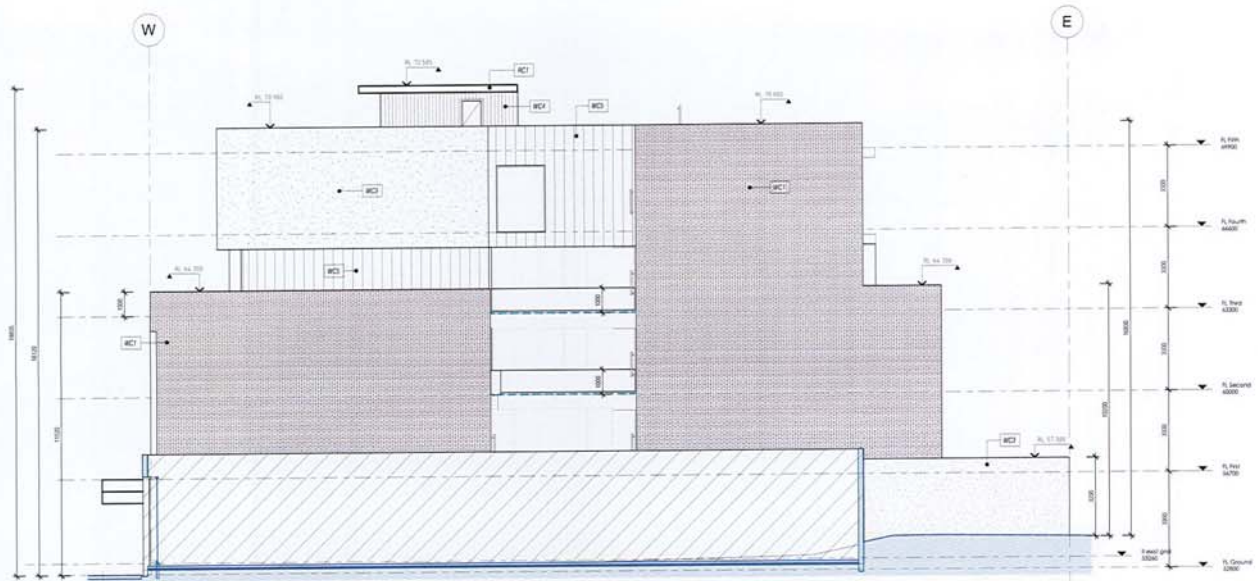
Rev
 B

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A3 of 15
 Date **01 JUN 2016**

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11 APR 2016
CITY OF DAREBIN
STATUTORY PLANNING



1 Proposed North Elevation
 1:100



2 Proposed South Elevation
 1:100

Mark	Description	Comments
BC1	WALL CLADDING - CONCRETE BLOCK	ASH GREY COLOUR
GL1	CLUTTER WALL	WHITE GLAZING
GL2	CLUTTER WALL - FRAMING	CLEAR GLAZING
GL3	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
GL4	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
GL5	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
GL6	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
GL7	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
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GL10	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
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GL15	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
GL16	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
GL17	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
GL18	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
GL19	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM
GL20	CLUTTER WALL - FRAMING	NATURAL ALUMINIUM

Rev. No.	Rev. Date	Rev. Description	Issued To
A	24 Mar 16	REV 1: PROVISIONS	
B	21 Mar 16	REV 2: REVISION 2	

**Planning RFI
 Response**

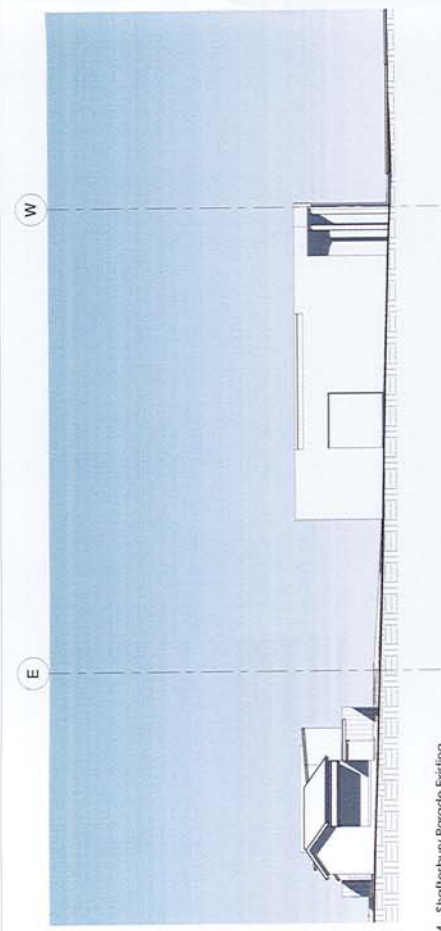
Nicholas Dour Architects

PROPOSED UNIT DEVELOPMENT
 316 St. Georges Road, Thornbury

ELEVATIONS

Project:
 Proposed:
 Figure dimensions shall take precedence over scaled dimensions
 All dimensions in m unless otherwise stated or indicated
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Scale	Drawn By	Author
1:100	17 Feb 16	
Project Number	Job Number	Rev
201116	TP 301	B

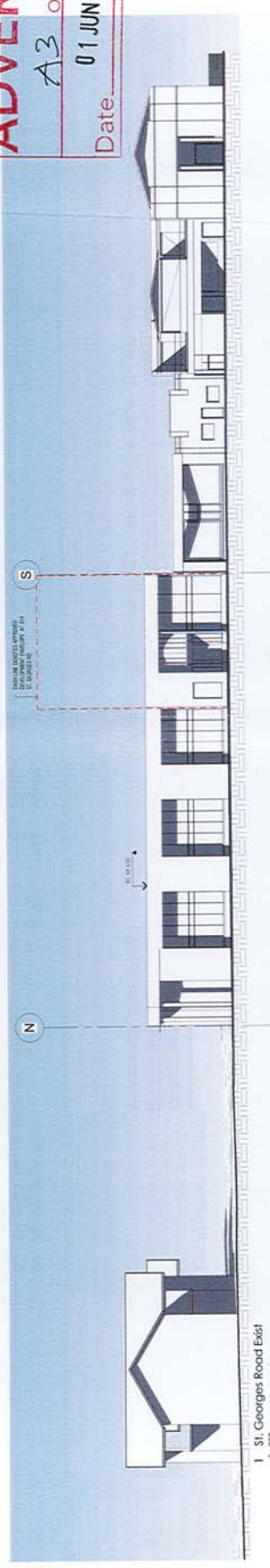


4 Shaftesbury Parade Existing
1:200



3 Shaftesbury Parade
1:200

ADVERTISED
A3 of 16
Date 01 JUN 2016



1 St. Georges Road Exist
1:200



2 St. Georges Road Proposed
1:200

RECEIVED ON
11 APR 2016
CITY OF DARTMOUTH
TUTORIAL PLANNING

Rev.	No.	Date	Revised Description	Revised By
A	1	01 Jun 16	RFI Revision	
B	2	01 Jun 16	RFI Revision 2	

Planning RFI Response

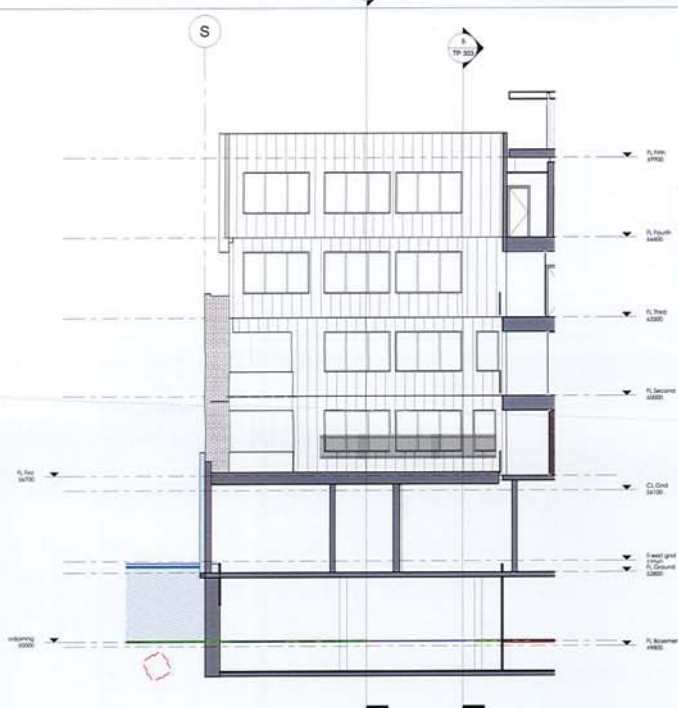
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PROPOSED UNIT DEVELOPMENT			
316 St. Georges Road, Thornbury			
Project			
Scale	1:200	Sheet No.	10
Date	17 Feb 16	Client No.	10
Project No.	201116	Page No.	TP 302
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Approved by			
Approved by			

Nicholas Dour Architects

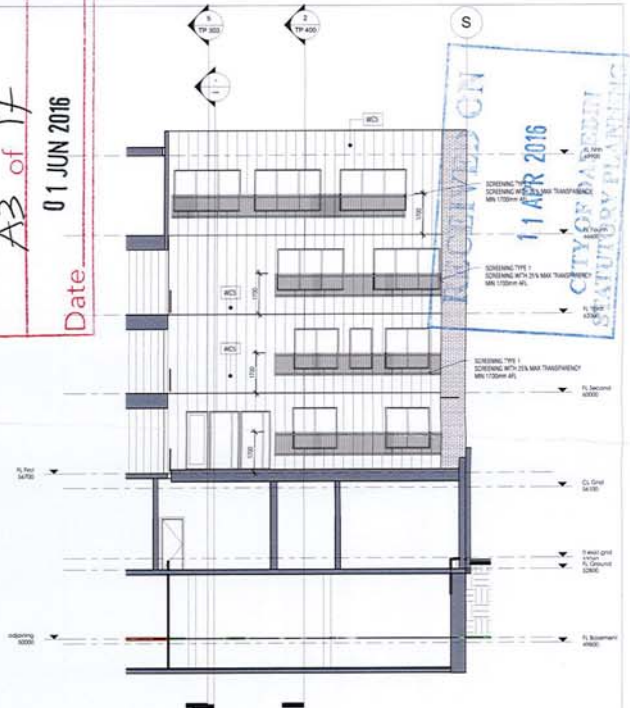
Nicholas Dour Architects Inc.
1000 Highway 100, Suite 100
Thornbury, ON N6P 1A1
Phone: 519-271-1111
Fax: 519-271-1112

ADVERTISED
A3 of 17
Date: 01 JUN 2016

11 APR 2016
CITY OF AUCKLAND
SATURDAY PLANNING



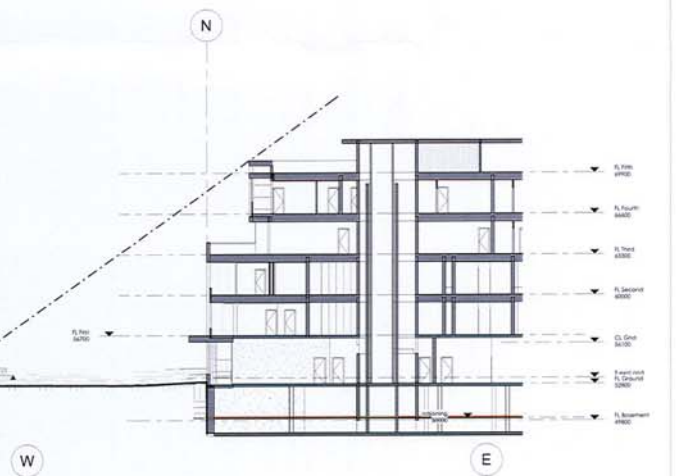
2 Court East Elevation
1:100



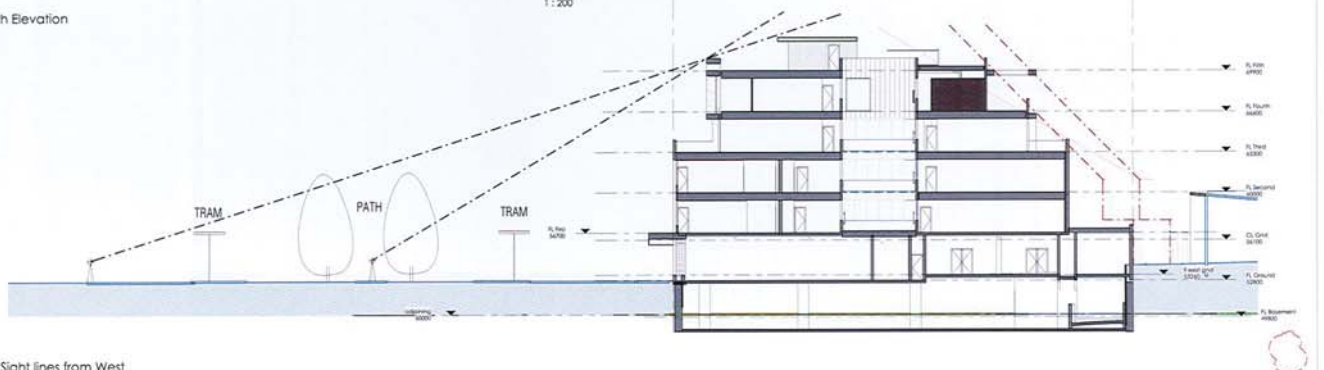
3 Court West Elevation
1:100



5 Court South Elevation
1:100



4 Sightline from North
1:200



1 Sight lines from West
1:200

Rev. No.	Rev. Date	Rev. Description	Issued to
A	04 Mar 16	2011 Revision	
B	21 Mar 16	2011 Revision 2	

Planning RFI
Response

Nicholas Dour Architects

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Tel: 0447 5412 | Fax: 0447 5412
Email: info@nicholasdour.com.au

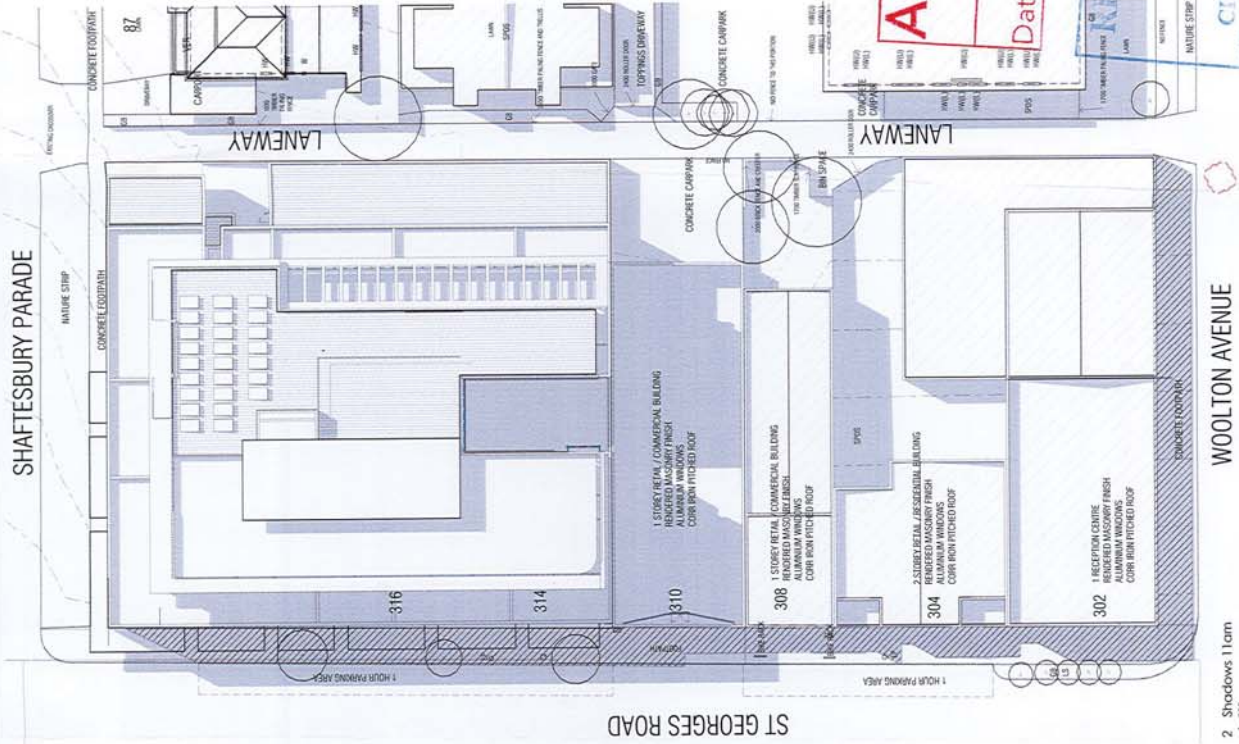
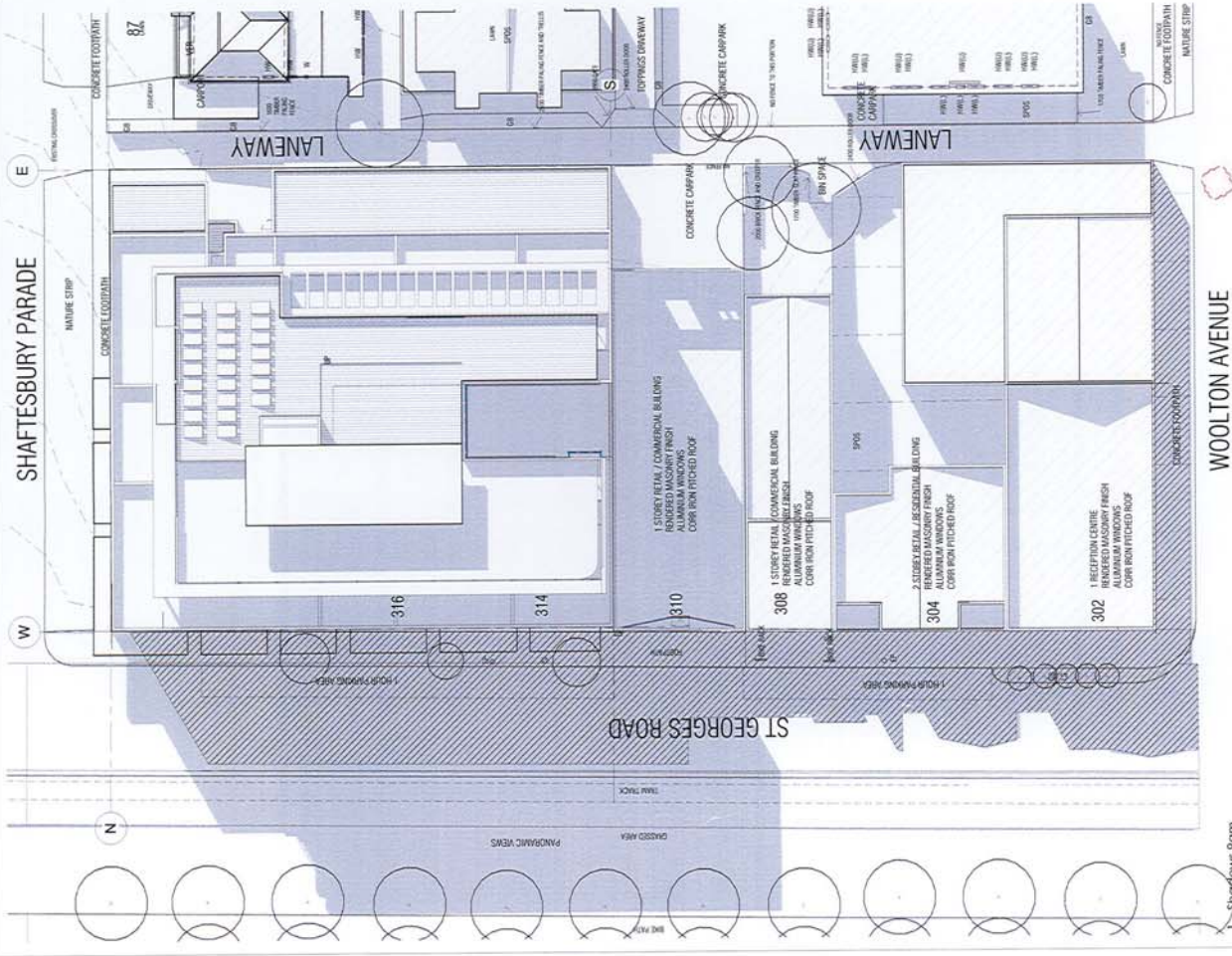
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PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

Project:
As indicated
Date: 17 Feb 16
Project Number: 201116

Drawing Title:
INTERNAL ELEV & SIGHTLINES

Drawn By	Author
As indicated	As indicated
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17 Feb 16	TP 303
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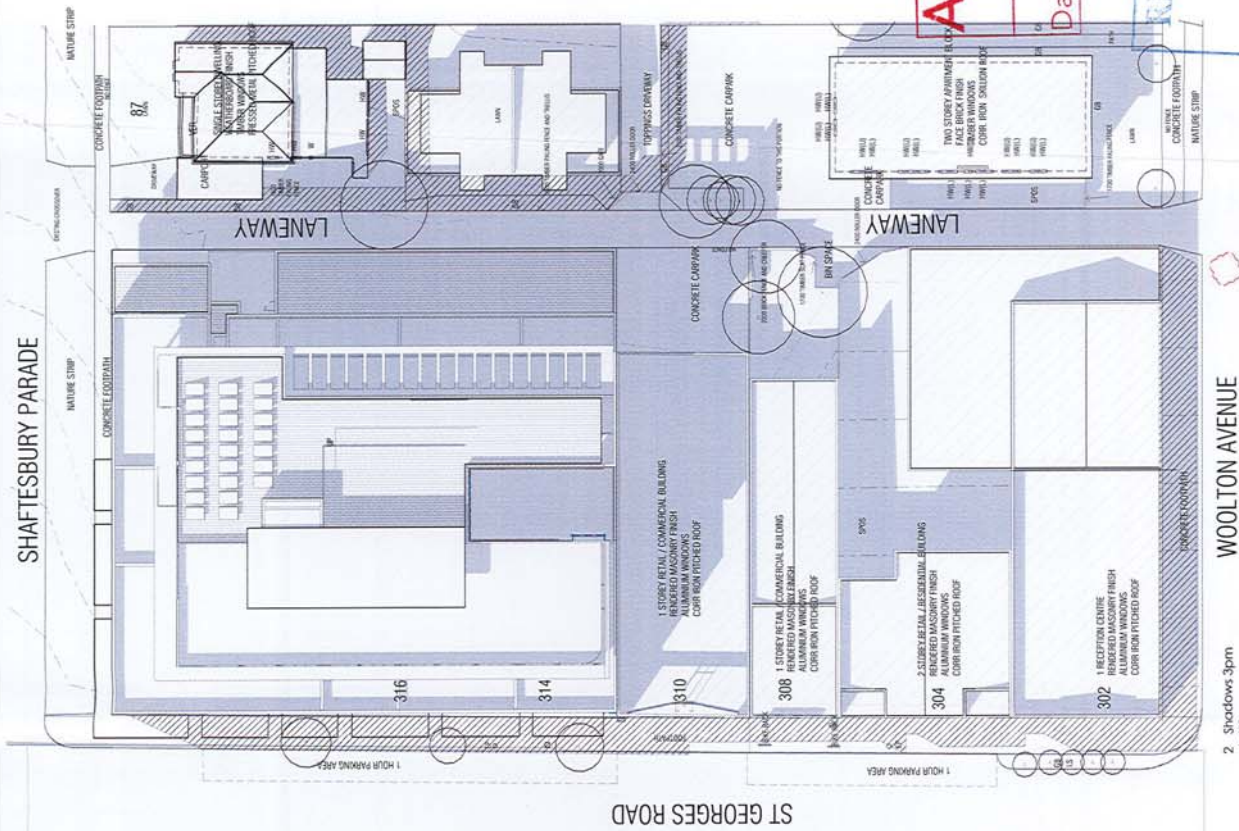
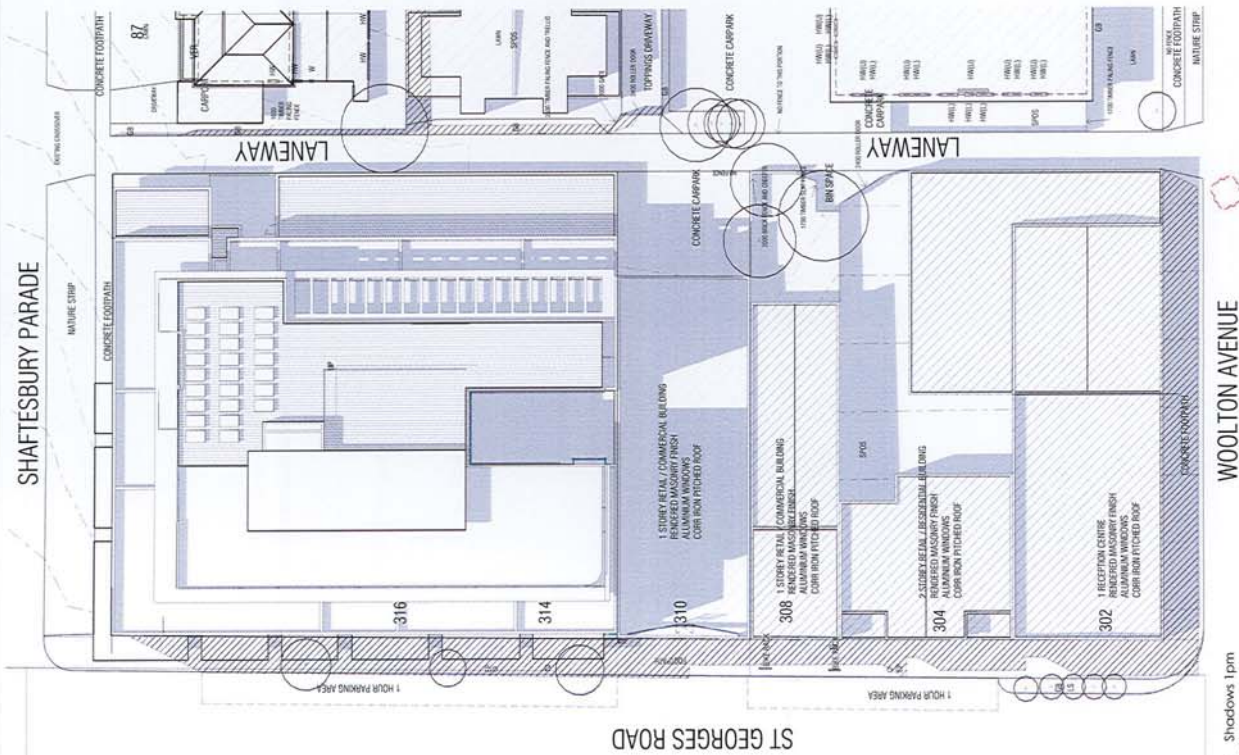


Planning RFI Response

PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

Nicholas Dour Architects

201116
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SHADOWS LEGEND

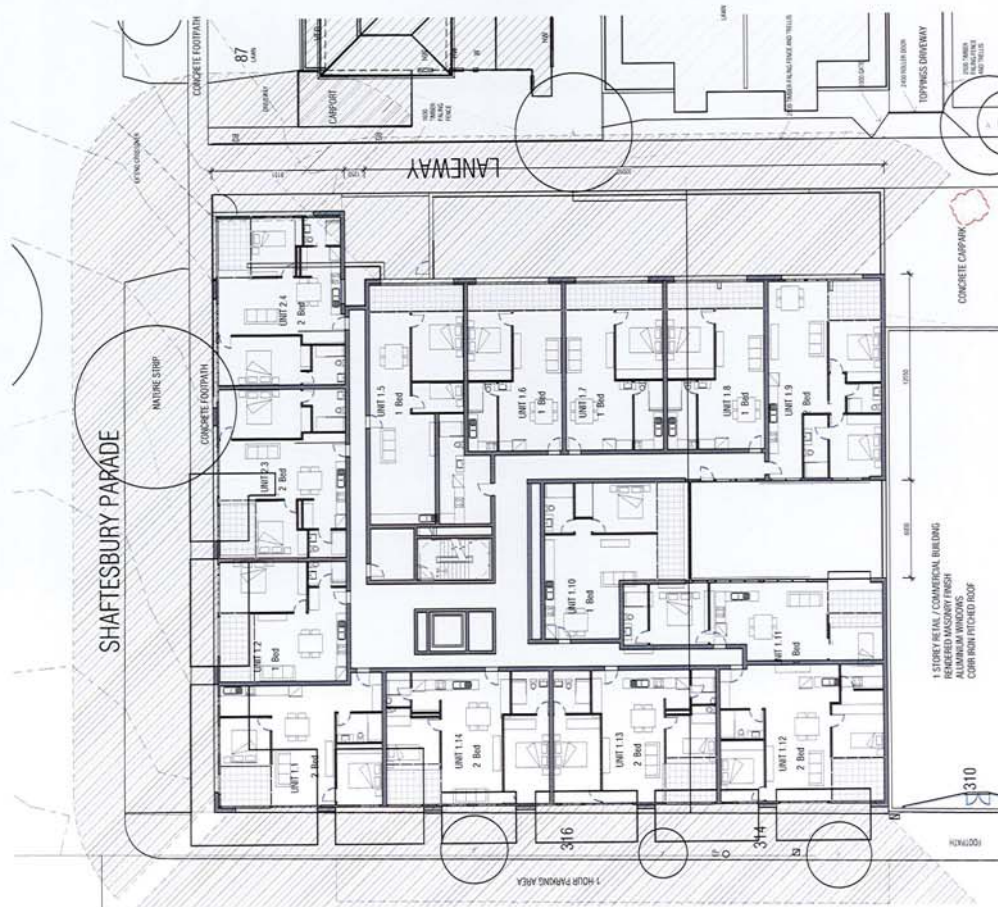
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Rev. No.	Rev. Date	Revision Description	Issued By
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	24 May 16	W12 Revisions	

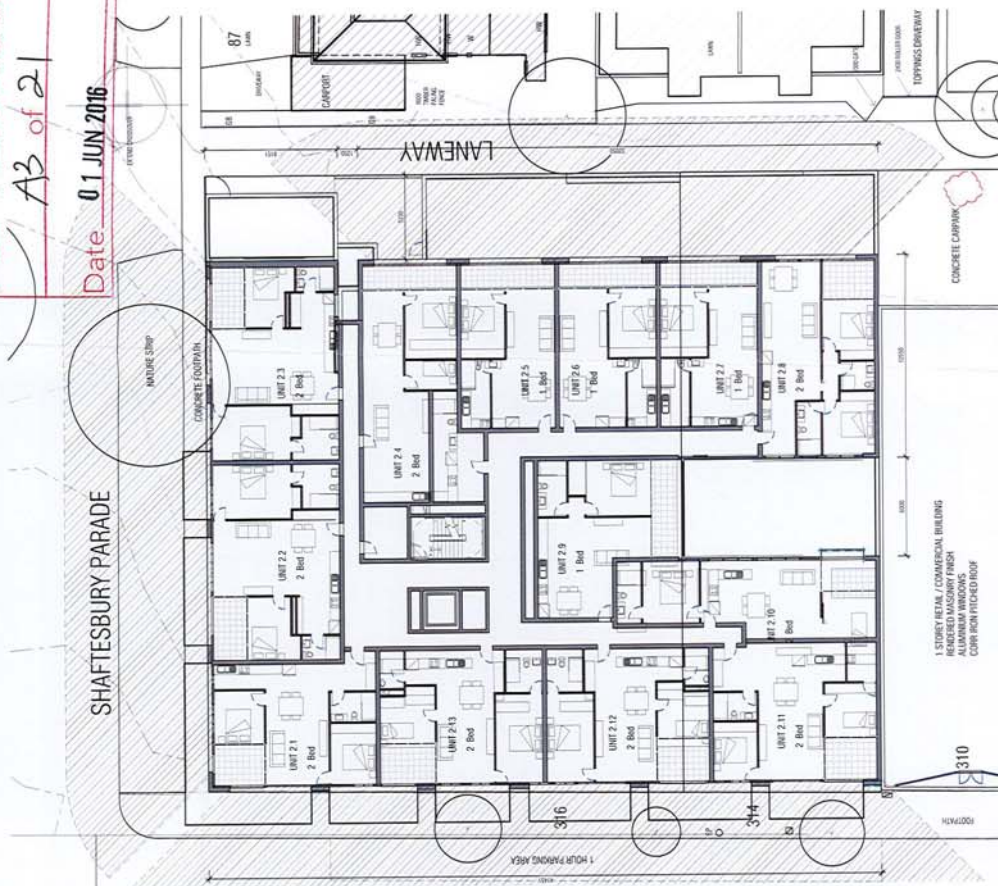
Planning RFI Response

Nicholas Dour Architects

Project:	316 St. Georges Road, Thornbury PROPOSED UNIT DEVELOPMENT SHADOW DIAGRAMS			
Prepared:	As indicated	Drawn:	17 Feb 16	Date 17 Feb 16
Project Number:	201116			
Author:	TP 901	Checker:	B	Date 17 Feb 16

Date 01 JUN 2016

2 Overlooking First



1 Overlooking Second
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RECEIVED ON

11 APR 2016

CITY OF DALLAS
APU Answers For
OVERLOOKING DIAGRAMS

Rev. No.	Rev. Date	Revision Description	Issued to
A	04 Mar 16	API Revisions	
	31 Mar 16	API Revisions 2	

Planning RFI Response

Nicholas Dour Architects

PROPOSED UNIT DEVELOPMENT
316 St. Georges Road, Thornbury

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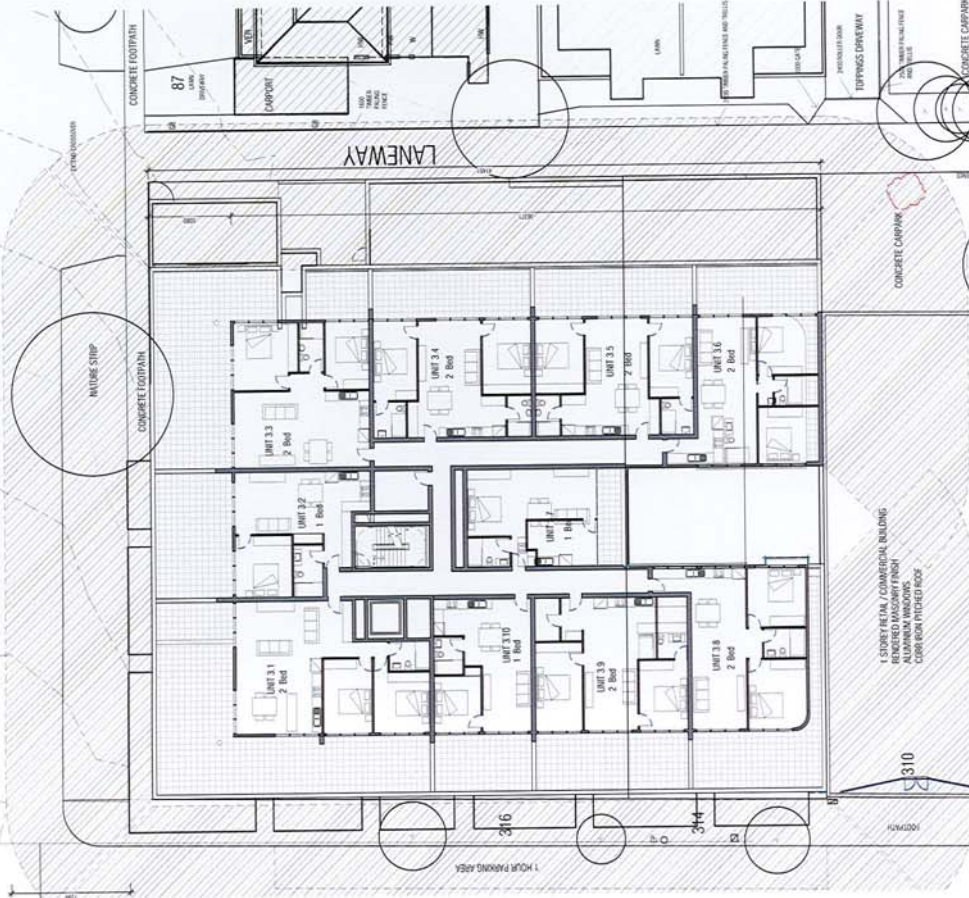
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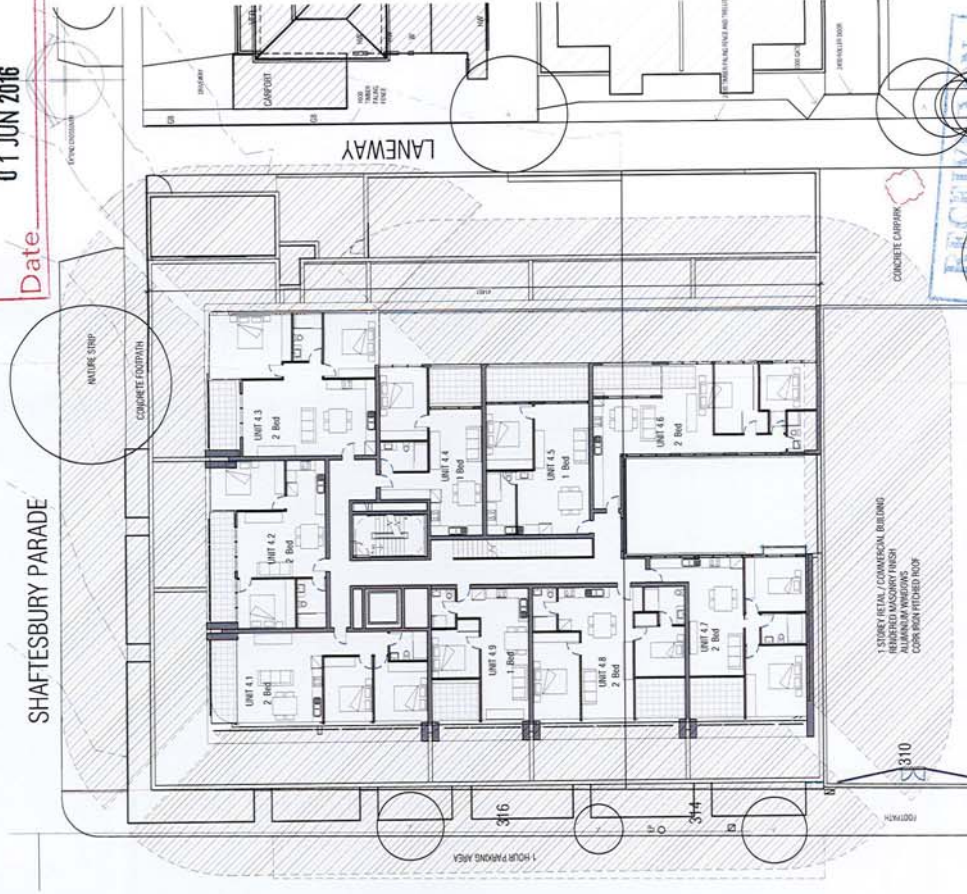
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OVERLOOKING DIAGRAM

Planning RFI Response

Nicholas Dour Architects

PROPOSED UNIT DEVELOPMENT
316 St Georges Road, Thornbury

Author	1:150	Priority	Author
Drawn	17 Feb 16	Revised by	Checker
Project Name	201116	Task Name	TP 903
Project Number	201116	Task Number	B

Rev. No.	Rev. Date	Rev. Description	Rev. By
1	14 Nov 15	Rev 1	Rev 1
2	17 Nov 15	Rev 2	Rev 2

RECEIVED ON
11 APR 2018
SHARDONS LEGEND
CITY OF BIRMINGHAM
STATUTORY



Rev No	Rev Date	Revision Description	Issued To
1	04 May 11	PII Markings	
2	12 Aug 12	PII Markings	

Planning RFI Response

Nicholas Dour Architects 1000 North Dearborn Street, Suite 200 Chicago, IL 60610 Tel: 312.467.1000 Fax: 312.467.1001 Email: info@nicholasdour.com Web: www.nicholasdour.com	Proposed 316 St. Georges Road, Thornbury	As indicated 31 Mar 16	Issued by Author Checked by Chicago	Date 201116 Issue B
	Proposed 316 St. Georges Road, Thornbury	As indicated 31 Mar 16	Issued by Author Checked by Chicago	Date 201116 Issue B

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: Scheduled VCAT Applications, Significant Applications and Applications for the next Planning Committee Meeting

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

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

Where an appeal has been adjourned and a new hearing date not yet set, the details appear with the text 'struck out'.

- Applications with a cost of construction of at least \$3,000,000 currently under consideration.
- Applications for the upcoming Planning Committee Meeting. The list of applications is based upon best available advice at the time of publishing the Planning Committee Agenda. For confirmation of agenda items reference should be made to the Planning Committee Agenda on Council's website the Friday prior to the scheduled meeting.

Recommendation

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

Delegate Decisions before VCAT

OCTOBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/10/2015	D/991/2014	52 Kellett Street, Northcote Rucker	Construct a medium density housing development comprised of three (3) dwellings (two (2) double storey and one (1) triple storey	Refusal – Applicant Appeal	Council's decision affirmed. No Permit Granted.
Result	The critical issue for the Tribunal in this case was whether the proposal adequately addressed neighbourhood character. VCAT acknowledged the proposal met the numerical requirements of ResCode, but was of the view the proposal, with its large double form mass (especially at 1st floor) and siting across much of the lot was an unacceptable response to existing and preferred character of the area. The Tribunal was also critical of the lack of landscaping opportunities.				
16/10/2015	D/489/2014	1-3 Hartley Street, Northcote Rucker	Construction of a double storey apartment development comprising thirteen (13) dwellings	Refusal – Applicant Appeal	Council's decision affirmed. No Permit Granted.
Result	The Tribunal agreed with Council that the introduction of an apartment building would be anomalous given the hinterland location and intact character. There was no policy directive that supported such a significant departure. The landscaping which sought to screen the built form rather than provide a garden setting for the development, continuous double storey form were key criticisms of the Tribunal which stated the proposal will present as too prominent and dense in the streetscape.				
23/10/2015	D/286/2014	209 Arthur Street, Fairfield Rucker	Two lot subdivision	s87 Cancellation Application	No Decision
Result	The Application was withdrawn by the Applicant.				
23/10/2015	D/873/2014	75 Winter Crescent, Reservoir La Trobe	A medium density development comprising the construction of three (3) double storey dwellings	Refusal – Applicant Appeal	Council's Decision Set Aside Permit Granted
Result	Subject to conditions requiring the moving of a bus stop, the Tribunal was persuaded by the applicant that the development was an appropriate response to neighbourhood character and achieved satisfactory compliance with ResCode.				

OCTOBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No Hearing Required – Resolved by Consent Order 26/10/2015	D/870/2014	192 Station Street, Fairfield	Medium density development comprising the construction of one (1) triple storey dwelling and one (1) double storey dwelling and alteration of access to a road in a Road Zone, Category 1	Notice of Decision - Objector Appeal	Council's Decision Varied Permit Granted
Result	This was an objector appeal brought by a neighbour to the subject site. Following negotiations between the permit applicant and the neighbour, 3 additional conditions to limit off-site amenity impacts were agreed upon. These proposed conditions did not result in a poor planning outcome so Council was willing to consent as well.				
27/10/2015	D/959/2014	9 Mahoneys Road, Reservoir	Construct a medium density housing development comprised of three (3) double storey dwellings and the variation of the registered restrictive covenant	Refusal - Applicant appeal	Council's Decision Set Aside – Permit Granted
Result	The Tribunal viewed the merits of the proposed development as a straightforward matter however greater consideration was given to the proposed variation of the restrictive covenant. It was concluded that the proximity of the beneficiaries to the subject land and merits of the development proposal were sufficient to warrant the variation of the covenant. In doing so the Tribunal imposed a condition that a Section 173 Agreement be entered into requiring the development of the land in accordance with the development approved.				
29/10/2015	D/1099/2014	96 Jenkins Street, Northcote Rucker	Construction of four (4) double storey dwellings	Deemed Refusal	Council's Deemed Decision Affirmed – No Permit Granted
Result	The Tribunal identified the site was one where policy sought only modest change due to its distance from shops etc... In addition, the Tribunal noted none of the dwellings proposed met Council's varied private open space standard. Given the distance of the site from Northcote Activity Centre, it was not prepared to justify the non-compliance with the varied private open space standard. The Tribunal also took issue with the design response, in particular the lack of landscaping and surveillance opportunities at ground floor. It concluded this type of design had the potential to erode the very specific policy intent of the GRZ1, and as such, affirmed Council's deemed refusal.				

NOVEMBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/11/2015 (Compulsory Conference)	D/329/2015	229 Gilbert Road, Preston Cazaly	Development of six (6) dwellings and a reduction to the visitor parking requirement	Refusal – Applicant Appeal	Council's Decision Set Aside – Permit Granted
Result	The critical issue for the parties was the interface of the rear of the proposal to the more traditional residential hinterland. The Permit Applicant was willing to make changes to address parties' concerns, accordingly the mediation was successful.				
13/11/2015	D/38/2015	20 Woolton Avenue, Thornbury Rucker	Construction of a medium density development comprising four (4) double storey dwellings	Refusal - Applicant appeal	Council's Decision Set Aside – Permit Granted
Result	The Permit Applicant circulated amended plans which addressed Council and the neighbours' (being the only objector parties) concerns. On this basis, the parties were able to resolve the matter via consent order without the need for a hearing.				
17/11/2015	D/374/2004 - EOT/67/2015	63-71 Plenty Road, Preston	Extension of Time	Refusal - Applicant appeal	
Result	Set down for a further hearing day on 10/02/2016.				
25/11/2015 (Compulsory Conference)	D/440/2015	30-32 St Georges Road, Unit 1-3, 32-34 Oakover Road, 36 Oakover Road, 40-44 Oakover Road, Preston	Use and development of the land for a supermarket, including a reduction in car parking requirements	Refusal - Applicant appeal	Application withdrawn
Result	At the conclusion of the Compulsory Conference the applicant sought leave to withdraw the application. Hearing set to commence 18 January 2016 has been vacated.				
27/11/2015 (Practice Day Hearing)	D/46/2015	235-239 Murray Road, Preston	Use and develop the land for the purpose of a childcare centre; and Make alterations to the access to a road in a Road Zone, Category 1.	Notice of Decision - Objector Appeal	Application struck out
Result	The applicant lodged their review outside of time. The Tribunal ordered that no extension was to be granted and the application was struck out accordingly.				

NOVEMBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
30/11/2015	D226/2008/A	16 Goldsmith Avenue, Preston	Retrospective application to: <ul style="list-style-type: none"> • Retain the existing crossover • Construct a concrete hardstand area (driveway) within the front setback to accommodate vehicles • Construct a front fence- 1200mm high 	Refusal – Applicant Appeal	
Result	Hearing adjourned and rescheduled for 05/02/2016.				
30/11/2015	D226/2008/B	16A Goldsmith Avenue, Preston	Retrospective application to: <ul style="list-style-type: none"> • Retain the existing crossover • Construct a concrete hardstand area (driveway) within the front setback to accommodate vehicles • Construct a front fence- 1200mm high 	Refusal – Applicant Appeal	
Result	Hearing adjourned and rescheduled for 05/02/2016.				

DECEMBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/12/2015	D/452/2014	66 Mitchell Street, Northcote Rucker	Construction of two (2) double storey dwellings	s87A amendment application	Amendment allowed
Result	The Tribunal did not provide written reasons.				
9/12/2015	D/168/2009/ A	52 Showers Street, Preston	Application to amend the endorsed plans which includes removal of skylights and inclusion of windows to the second floor (to be obscured to 1.7 metres above ffl), existing walls to be demolished due to poor condition, internal alterations, dwellings balconies adjusted which includes an increase in dwelling 9 balcony, alterations to windows and doors	Refusal - Applicant appeal	Application Allowed In Part Amendment to Planning Permit Granted
Result	This amendment sought to demolish the outside walls of the existing building and replace them with concrete walls in the same location. The Tribunal was prepared to accept (for the most part) that the replacement of the wall with a concrete wall in the same location would not alter the impact of the redevelopment on adjoining properties and the neighbourhood visually or in any other way. As such, it allowed this amendment to 3 of the subject site's 4 interfaces. The remaining interface was to a residential property. Being the most sensitive interface the Tribunal required the proposed wall be set back in accordance with ResCode.				
11/12/2015	D/207/2014	11 Clarendon Street, Thornbury Rucker	Medium density development comprising the construction of four (4) dwellings within a part two storey, part three storey building plus basement car parking and roof terraces	Refusal - Applicant appeal	Council's Decision Set Aside – Permit Granted
Result	VCAT considered the site was suitable for a modest increase in housing and built form intensification, especially when one considers state and local policy, the absence of built form controls and the site's proximate location to the Thornbury Neighbourhood Centre. In terms of the design response, while contemporary, the Tribunal considered that it interpreted traditional design elements from the area, respected the height of nearby dwellings, allowed room for landscaping and respected the setbacks front and side setbacks of nearby buildings. As such, the Tribunal was satisfied the proposal was acceptable from a neighbourhood character point of view.				

DECEMBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/12/2015 (Compulsory Conference)	D/468/2015	125 Grange Road, Fairfield Rucker	A three (3) storey building (plus basement) comprising twelve (12) dwellings and a reduction car parking requirement.	Refusal – Applicant appeal	
Result	Matter did not resolve at the compulsory conference (mediation) – hearing now listed for 4 April 2016				
15/12/2015	D/731/2014	1-3 Rubicon Street, Reservoir Cazaly	Four (4) double storey dwellings on a lot in the General Residential Zone - Schedule 2	Refusal - Applicant appeal	Council's Decision Set Aside Permit Granted
Result	Prior to the hearing of this matter, the Permit Applicant circulated amended plans which achieved Council support. The Tribunal considered that the proposal had a problematic fit in respect of neighbourhood character. Balancing this was the site's eastern interface (towards Plenty Road) which is an area of substantial change and responding to neighbourhood character was less of a policy imperative. The Tribunal was otherwise satisfied in respect to ResCode matters noting that the relevant standards had been met.				
16/12/2015	D/467/2015	290 High Street, Preston Cazaly	Construction of a six (6) storey building (plus basement) comprising one (1) shop and nineteen (19) dwellings; a reduction in the car parking requirement associated with the use plus a basement reduction of car parking, a waiver of loading bay requirements and the removal of an easement	Refusal – Applicant Appeal	Council's Decision Set Aside Permit Granted
Result	Prior to the compulsory conference, the Permit Applicant circulated plans which (amongst other things) reduced the number of dwellings from 19 to 17. The loss of these two dwellings significantly reduced the proposal's visual bulk when viewed from an adjoining residential property. This change, together with additional information provided by the permit applicant meant the parties were able to successfully mediate a resolution of this appeal.				

JANUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/01/2016	D/875/2014/ A	37 Youngman Street, Preston Cazaly	A medium density housing development comprising the construction of 2 double storey dwellings	Conditions Appeal	Council's Decision Varied
Result	The Tribunal did not provide written reasons.				
11/01/2016 Compulsory Conference	D/493/2015	8 Scotia Street, Preston Cazaly	The partial demolition and construction of a single storey extension to the existing dwelling	Notice of Decision – Objector Appeal	Council's Decision Varied
Result	The Applicant for Review did not attend the compulsory conference. Accordingly, Council and the Permit Applicant agreed on one additional condition to go onto the permit to address the finish of a wall on boundary, which the Tribunal directed be granted.				
19/01/2016 Compulsory Conference	D/519/2015	5A-9 Railway Place, Fairfield Rucker	Proposed mixed use development and dispensation of visitor and retail use parking	Refusal - Applicant appeal	Council's Decision Set Aside Permit Granted
Result	Prior to the mediation, the permit applicant circulated amended plans which dealt with a large number of Council concerns in respect of visual bulk, height and massing. Together with increased setbacks to the 4 th and 5 th floors, Council's concerns were mostly addressed. The permit applicant then agreed to provide (amongst other things) additional visitor parking to address resident concerns. As all parties were in agreeance by the end of the day, a permit could issue.				
27/01/2016	D/137/2014/ A	35 Gillies Street, Fairfield Rucker	An additional apartment to the first floor parameter and the creation of a loft in the ceiling space via change of roof pitch to 30 degrees	Refusal - Applicant appeal	Council's Decision Affirmed – No Amendment to Permit Granted
Result	The key question for the Tribunal was whether the design response of a 3 storey proposal (being an amendment to the approved 2 storey proposal which already exists) was acceptable, having regard to local conditions and policy applicable to the site. Ultimately, the Tribunal considered that the amendments do not sufficiently respect neighbourhood character, nor implement Council's neighbourhood character guidelines for the B3 area and those sites subject to "incremental change". The Tribunal was concerned, especially when presented with photomontage evidence of the proposal, that the building will appear out of scale and dominate the streetscape. The Tribunal did not consider the plane trees in Gillies Street sufficient to provide a masking effect to the front of the proposal. The Tribunal was also concerned was the siting extent of massing of the proposal through the site and in particular, its impact on 33 Gillies Street.				

JANUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
29/01/2016 Compulsory Conference	D/473/2015	73 Newman Street, Thornbury Cazaly	Alterations to the roof of the existing building (sawtooth roof altered to a flat roof), including an increase to the maximum height of the roof, as shown on the plans accompanying the application.	Notice of Decision - Objector Appeal	Hearing Confirmed Subsequently, Council's decision set aside by consent of all parties.
Result	The matter did not settle as the Permit Applicant did not attend the Compulsory Conference. However, the matter did not reach a hearing as the Permit Applicant determined they no longer wished to proceed with their development. As such, all parties agreed by consent that Council's decision could be set aside.				

FEBRUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/02/2016	D/757/2014	18 Swift Street, Northcote Rucker	Construction of 2 dwellings	Conditions Appeal	Council's decision varied Permit Granted
Result	The Tribunal acknowledged what Council was trying to achieve in respect of the disputed conditions – namely to reduce the impact of car parking structures on the streetscape. However, the Tribunal was concerned the proposed conditons would create building and fire rating issues. To that end, it modified Council's conditions to provide an appropriate level of articulation to the street as sought by Council.				
3/02/2016	D/1052/2014	116 Oakover Road, Preston Cazaly	A medium density housing development comprising the construction of one (1) double storey dwelling to the rear of the existing dwelling	Notice of Decision – Objector Appeal	Council's decision affirmed Permit granted
Result	The Tribunal found that no unreasonable amenity impacts would be caused by the bulk and height of the development and that two (2) storey form was acceptable in a residential setting. The applicants for review argued that site coverage, internal amenity and overshadowing were unacceptable, but were found to be acceptable, and in accordance with relevant standards, by the Tribunal.				
5/02/2016	D226/2008/B	16A Goldsmith Avenue, Preston Cazaly	Retrospective application to retain existing crossover, construct concrete hardstand areas, construct a front fence	Refusal – Applicant Appeal	Council's Decision Affirmed – No Permit Granted
5/02/2016	D226/2008/B	16 Goldsmith Avenue, Preston Cazaly			
Result	The most important issue for the Tribunal was the impact of the proposal on existing and preferred neighbourhood character. The Tribunal noted that of the 4 side by side developments in the area (including the subject site), none provide car accommodation within the front setback. The Tribunal was concerned that if car parking were to be provided within the front setback there would be a significant change to the character of front gardens in the street. While the Permit Applicants argued that their car spaces were poorly sized and designed, it transpired this was as a result of them being constructed not in accordance with the endorsed plans. The Tribunal noted it would be a curious outcome if the unauthorised garages were used as the basis to formalise parking in the front setback.				

FEBRUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/02/2016	D/374/2004 - EOT/67/2015	63-71 Plenty Road, Preston Cazaly	Extension of Time	Refusal – Applicant Appeal	Council's Refusal Set Aside Extension Granted
Result	The Tribunal allowed the extension of time notwithstanding that this was the permit applicant's sixth request. The Tribunal noted the inherent huge complexity involved with contamination and remediation issues involving the subject site. The Tribunal expressed a concern that if the permit were allowed to lapse, the site would become an "orphan site". What gave the Tribunal comfort was that it was satisfied the Applicant was committed to completing the project, as well as comments from the EPA that supported the Permit Applicant's 'staged' site remediation process.				
12/02/2016	D/41/2015	37 Barry Street, Northcote Rucker	Buildings and works comprising the construction of a new double storey dwelling on land in a Neighbourhood Residential Zone and Heritage Overlay (HO161) and waiver of one car space	Conditions Appeal	Council's decision varied
Result	Condition 1(a), which related to the front setback, was deleted. The Tribunal found that the siting of the dwelling would respect the varied pattern of front setbacks in Barry Street, and in doing so it would make efficient use of the site and respect the existing and preferred character – thus meeting the front setback objective at Clause 54.03-1. Condition 1(c), which related to permeability, was amended. While the Tribunal was prepared to allow some increase in permeability given the lot size, contextual conditions and absence of drainage evidence to the contrary, the Tribunal considered that a more practical approach would be to require a permeable surface treatment within the eastern courtyard, eastern light court, front-yard and uncovered portion of the rear courtyard, which when combined total at least 18.7% or 45sq.m of site area. Condition 1(d), which related to garage dimensions, was amended. While the Tribunal did not consider that full deletion or relocation of the store was necessary, some modification to the design of the store and widening of the garage door opening was required to facilitate the easy and efficient use of the car space. Condition 1(g), which relates to daylight to existing windows, was amended. The Tribunal required retention of Condition 1(g) insofar as it requires compliance with Standard A12.				
12/02/2016	D/294/2015	116 Separation Street, Northcote Rucker	Medium density development comprising the construction of three (3), three (3) storey dwellings.	Refusal – Applicant Appeal	No Permit Granted
Result	The Permit Applicant withdrew their application for review.				

FEBRUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/02/2016	D/1036/2013/A	19 Patterson Street, Preston Cazaly	Amendment to planning permit to seek a waiver of one car space and construction a "dual occupancy unit" behind the existing house	Failure Appeal	Council's deemed Refusal Affirmed. No Permit Granted
Result	The Permit Applicant sought to legitimise the existing conditions on the land through this planning permit application. The Permit Applicant argued that the proposal was "reminiscent of a streamlined moderne era design". Council argued that the proposal was very modular, had minimal setbacks, a poorly designed front fence and lacked features such as eaves and a pitched roof. Accordingly, it failed to respect surrounding development. The Tribunal agreed with Council that the proposal was not satisfactory and affirmed Council's deemed refusal. The Tribunal stated "in practical terms, this will mean that the third storey needs to be removed from the dwelling, together with the front staircase to this level".				
19/02/2016 Compulsory Conference	D/617/2015	117-121 Edwardes Street, Reservoir La Trobe	Use of the existing building as a childcare centre (up to 136 children) including 29 car parking spaces (no car parking reduction sought) and buildings and works including a new front facade and new openings to the south and east elevation of the building, as shown on the plans accompanying the application.	Notice of Decision – Objector Appeal	Permit Granted
Result	The Applicant for Review withdrew their application to the Tribunal, meaning a permit could grant.				
22/02/2016	D/897/2014	54 Southernhay Street, Reservoir Cazaly	A medium density housing development comprising the construction of a double storey dwelling to the rear of the existing dwelling	Refusal – Applicant Appeal	Council's Decision Set Aside Permit Granted
Result	The Tribunal set aside Council's decision and directed the issue of a permit, subject to conditions that require a greater setback to the eastern interface with 52 Southernhay Street. The Tribunal was generally satisfied that the proposal represents an appropriate response to the broader objectives and policy in Clause 22.02 and responds well to the prevailing built form character of the area. However, the Tribunal found the setbacks to the eastern boundary will be an unreasonable imposition on the private open space of the dwelling at 52 Southernhay Street by way of visual bulk and shading, and so required, via condition, an increased setback to the east of 1.5 metres at ground level and a minimum of 3.2 metres at first floor level. The Tribunal was also satisfied that sufficient space has been provided for adequate planting of appropriate vegetation throughout the site (which will be further enhanced subject to conditions), and that the proposed development				

FEBRUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	complies with the remainder of Clause 55 (ResCode).				

MARCH 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
29/03/2016 – 30/03/2016	D/318/2015	Rear 19 and 17 Railway Place, Fairfield Rucker	Removal of easement	Failure Appeal Council subsequently advised it would have refused to grant a permit.	Council's deemed refusal affirmed. No permit granted.
Result	The Tribunal found it was not appropriate to grant a permit for the removal of the easement. The Tribunal considered that the removal of the right of carriageway would cause detriment to the land at 21-23 Railway Place which, on balance, is material. The Tribunal also found that there are persuasive reasons not to allow the removal of the easement having regard to considerations of orderly planning for these commercially zoned sites in an activity centre and that there is strategic justification for the continued existence of the easement.				
30/03/2016	D/619/2014	168-170 Elizabeth Street, Coburg Cazaly	Medium density development comprising the construction of seven (7) dwellings (five (5) double storey and two (2) single storey) and reduction of the standard car parking requirement	Refusal – Applicant Appeal	No hearing required
Result	Application for review withdrawn by applicant				

APRIL 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/04/2016	D/468/2015	125 Grange Road, Fairfield Rucker	A three (3) storey building (plus basement) comprising twelve (12) dwellings and a reduction car parking requirement.	Refusal – Applicant Appeal	Council's decision affirmed. No permit granted.
Result	The Tribunal did not consider the proposal meets the purposes of the GRZ to respect the neighbourhood character nor implement neighbourhood character policy and adopted guidelines. In this location, the Tribunal does not consider the proposal's contribution to housing diversity and urban consolidation on the strategic corridor overrides the concerns about the overall scale, siting and massing of the development.				
4/04/2016	D/1136/2014	75 Howard Street, Reservoir La Trobe	Construction of a medium density development comprising five (5) dwellings and a reduction of one (1) visitor car parking space	Failure Appeal	Council's deemed refusal affirmed. No permit granted.
Result	The Tribunal considered the key failings of this proposal was its response to neighbourhood character, visual bulk impacts on surrounding properties and lack of landscape opportunities. The Tribunal considered notwithstanding the site had some support for redevelopment, the reverse living typology was not appropriate in this instance.				
07/04/2016	D/138/2015	52 Summerhill Road, Reservoir La Trobe	Conversion of an existing dwelling into two dwellings	Refusal – Applicant Appeal	Council's decision affirmed. No permit granted.
Result	The Tribunal refused to grant a permit for the following reasons: dwelling 1 relies on borrowed light for a lounge room and bedroom which results in a poor level of internal amenity, the POS arrangements are unacceptable, the proposed car parking arrangements for dwelling 2 are unacceptable, the dwelling entry to dwelling 2 is obscured and unacceptable, and the proposal to use the building for 2 dwellings, even on a temporary basis, is a poor planning outcome for this site.				
07/04/2016	D/467/2015	290 High Street, Preston	Construction of a six (6) storey building (plus basement) comprising one (1) shop and nineteen (19) dwellings; a reduction in the car parking requirement associated with the use plus a basement reduction of car parking, a waiver of loading bay requirements and the removal of an easement	Refusal – Applicant Appeal	Permit granted by consent.

APRIL 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/04/2016	D/468/2015	125 Grange Road, Fairfield Rucker	A three (3) storey building (plus basement) comprising twelve (12) dwellings and a reduction car parking requirement.	Refusal – Applicant Appeal	Council's decision affirmed. No permit granted.
Result	The Tribunal did not consider the proposal meets the purposes of the GRZ to respect the neighbourhood character nor implement neighbourhood character policy and adopted guidelines. In this location, the Tribunal does not consider the proposal's contribution to housing diversity and urban consolidation on the strategic corridor overrides the concerns about the overall scale, siting and massing of the development.				
Result	Resolved at compulsory conference on 16 December 2015				
15/04/2016	D/233/2015	175 Wood Street, Preston Cazaly	Construction of two attached double storey dwellings	Refusal – Applicant Appeal	Council's decision set aside. Permit granted.
Result	The critical issue for the Tribunal was presentation of garages to the streetscape. It was satisfied the proposal was acceptable on the basis they were single garages, recessed, the fascade appropriately articulated and that there was appropriate areas for gardens in the front setback.				
18/04/2016	D/672/2015	280 Mansfield Street, Thornbury Rucker	Medium density development comprising the construction of two (2), two (2) storey dwellings to the front of an existing dwelling	Refusal – Applicant Appeal	Council's decision set aside. Permit granted.
Result	Notwithstanding that the Tribunal accepted the proposal was a tight fit on the site (which already had been subdivided), it nevertheless considered that the site was located, and that the design response was acceptable when regard was had to preferred neighbourhood character.				

APRIL 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27/04/2016	D/922/2014	425 Plenty Road, Preston Cazaly	A six (6) storey building comprising twenty four (24) dwellings, two (2) shops and a reduction to the car parking requirement	Refusal - Applicant appeal	Interim Decision – Applicant has an opportunity to lodge amended plans
Result	The Tribunal had to consider the weight afforded to amendment C137 as part of this proceeding. In this case, the Tribunal felt that to hold the applicant to the adopted C137 would not be fair as there would be potentially fatal flaws in the application. Nevertheless, the Tribunal considered that the proposal sought to respond to C137 as exhibited. In its decision, the Tribunal acknowledged the proposal was seeking to implement a strategy that had been in development for quite some time; nevertheless for the proposal to be considered acceptable (in light of the existing planning scheme and amendment C137), further refinements to the design are required. In particular, the Tribunal sought the upper 2 levels to be more recessive and to improve the treatment of side elevations, amongst other recommendations. The permit applicant has until 18 June 2016 to advise the Tribunal and parties whether it intends to prepare amended plans to respond to the Tribunal's concerns.				
28/04/2016	D/82/2015	19 Arundel Road, Reservoir La Trobe	A medium density housing development comprising the construction of a double storey dwelling to the rear of the existing dwelling	Refusal - Applicant appeal	Council's decision set aside. Permit granted.
Result	The parties entered into consent orders which allowed the Tribunal to grant a planning permit.				

MAY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/05/2016	D/485/2016	531 St Georges Road, Thornbury Cazaly	Buildings and works associated with a multi level apartment building and basement level car parking	Failure Appeal – Council subsequently determined to oppose	Council's (deemed) refusal affirmed. No permit granted.
Result	In reaching its decision, the Tribunal considered the history and progress of amendment C136. Ultimately, having regard to the difference between what was exhibited, discussed at the Panel Hearing, what was adopted by Council and what was submitted to the Minister, the Tribunal concluded there is a lack of certainty of what parts of Amendment C136 that may make it into the planning scheme. Nevertheless, of what guidance could be taken from C136, the Tribunal considered the proposal differed, and accordingly, was not acceptable "at this time".				
25/05/2016	D/260/2015	472 High Street, Preston Cazaly	A six (6) storey building (plus basement) comprising 44 dwellings and four (4) shops and a reduction to the car parking requirement.	Refusal – Applicant Appeal	Council's decision set aside. Permit granted.
Result	The Tribunal considered the emerging character of the area was that of 3 or 4 storeys, with the possibility of more floors if they can be accommodated on the site and be recessive. Accordingly, the Tribunal did not consider the 4 storey height limit in the Preston Central Incorporated Plan "absolute". Further, the Tribunal noted all the experts (including Council's own urban designer) did not support 4 storeys absolutely. With the design recommendations of one of the expert witness (which involved a street wall with recessive upper floors), the Tribunal was comfortable the proposal was an acceptable response against the scheme.				
20/05/2016	D/85/2015	52 Charles Street, Northcote Rucker	Partial demolition of the existing dwelling roof, buildings and works to construct a roof deck and garage on land under 300sqm in area and within a Heritage Overlay	Notice of Decision - Objector Appeal	
Result	Awaiting VCAT Order – the Permit applicant was required by VCAT to circulate shadow diagrams to the parties after the hearing, before it determines the matter.				

JUNE 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/06/2016 Compulsory Conference	D/344/2015 and PLE/8/2015	Unit 9, 37 Collins Street, Thornbury Rucker	Construction of an additional unit and additions to the existing 8 units of the apartment building and a waiver of car parking requirements	Enforcement Order	No decision – matter withdrawn.
Result	Adjourned to a hearing on 25 July, with an administrative mention on 7 July 2016 to determine whether a final hearing is required. In the interim, the Respondents have undertaken to affix additional screening to their balcony which satisfies the relevant permit condition alleged to have been breached. UPDATE: On 11 July 2016 VCAT the applicant was given leave to withdraw the application and the hearing scheduled for 25 July 2016 was vacated.				
6/06/2016	D/812/2015	56 Harrow Street, Preston Cazaly	Medium density development comprising the construction of 5 double storey dwellings	Refusal - Applicant appeal	Council's decision affirmed. No permit granted.
Result	The Tribunal considered that the proposed 5 double storey dwellings as designed would result in an overdevelopment of the site; in particular the Tribunal considered that there was insufficient areas for landscaping, an unreasonable off site amenity impact by way of visual bulk, a lack of sense of address to 3 of the 5 dwellings and a poor internal amenity outcome for future residents.				
7/06/2016	D/521/2015	164 Rathmines Street, Fairfield Rucker	Construction of seven (7) double storey dwellings and waiver of the visitor car parking requirement.	Refusal – Applicant Appeal	Council's decision affirmed. No permit granted.
Result	The Tribunal refused to set Council's decision aside as it considered the proposal would not make a positive contribution to neighbourhood character, would provide a poor level of internal amenity for future occupants and would have unacceptable off site amenity impacts by way of visual bulk.				

JUNE 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/06/2016	D/1087/2015	12 Jackson Street, Northcote Rucker	Partial demolition and alterations and additions to an existing dwelling on land affected by a Heritage Overlay in accordance with the endorsed plans.	Notice of Decision – Objector Appeal	Resolved by way of consent. Permit granted.
Result	At a practice day hearing at the Tribunal, the parties were able to reach agreement that a permit should issue subject to conditions which addressed the objector's concerns.				
9/06/2016	D/305/2015	140 Regent Street, Preston Cazaly	Construction of a four (4) storey building with a shop and 12 dwellings, use of land for dwelling, reduction in the standard car parking requirement and waiver of the loading requirements	Refusal – Applicant Appeal	Council's decision affirmed. No permit granted.
Result	Notwithstanding the Tribunal considered that the site was in a substantial change area, had acceptable internal and external amenity impacts and had significant policy support for such a development, the critical failing of the proposal was the lack of on site parking for the office component of the development (in an area where the Tribunal identified a high demand for parking).				
20/06/2016	D/870/2015	158 Elizabeth Street, Coburg Rucker	Development of four (4) double storey dwellings.	Notice of Decision – Objector Appeal	Application withdrawn. Permit granted.
Result	The Applicant for Review withdrew their application prior to the hearing.				
21/06/2016	D/243/2013/B	116 Fulham Road, Alphington Rucker	The replacement of the car port to unit 2 with a garage.	Refusal – Applicant Appeal	Council's decision set aside. Permit granted.
Result	Council argued that boundary to boundary construction in the area was a design response to be avoided. However, upon inspection of the site and surrounds by the Tribunal, it determined such detached character of housing had been eroded. The Tribunal also found the development already presented as being in a boundary to boundary configuration and as such, allowed the application for review.				

JULY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
20/07/2016	D/744/2015	126 Victoria Road, Northcote Rucker	Construct a medium density housing development comprised of two (2) double storey dwellings behind the existing dwelling.	Refusal – Applicant Appeal	Council's decision set aside. Permit granted.
Result	The Tribunal was satisfied the proposal was an acceptable response to neighbourhood character given the contemporary dwellings were to be located to the rear of the existing dwelling. It disagreed there was a pattern of open backyardscapes. The Tribunal was also satisfied the proposal could provide acceptable landscaping and had no unreasonable off site amenity impacts.				

AUGUST 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
02/08/2016	D/426/2015	758-760 Plenty Road and 27 McColl Street, Reservoir Cazaly	The construction of a four (4) storey residential development (plus basement car parking) comprised of 24 dwellings; a reduction in the car parking requirement	Conditions Appeal	Council's decision varied. Permit Granted.
Result	The critical condition under review was that requiring a 3m landscape setback at ground floor, as sought by Amendment C137. The Tribunal considered that a modified form of the condition was appropriate, given the site's unusual configuration (warranting a tailor made response) and the fact the 3m setback in Amendment C137 was expressed as discretionary, as opposed to mandatory. The effect of the conditions appeal means that now, the ground floor balustrades to the dwellings forms the front fence of the proposal, as opposed to a short wall, landscaping and then the ground floor balustrades.				
04/08/2016	D/515/2015	154-156 Wood Street Preston Cazaly	A medium density housing development comprising the construction of ten (10) double storey dwellings and a reduction of visitor car parking	Refusal - Applicant appeal	Awaiting VCAT Order
Result					
05/08/2016	D/523/2015	380 Plenty Road, Preston Cazaly	Construct a medium density housing development comprised of five (5) triple storey dwellings and one (1) double storey dwelling	Refusal - Applicant appeal	Awaiting VCAT Order
Result					

AUGUST 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
08/08/2016	D/742/2015	384-388 St Georges Road, Thornbury Cazaly	Development of four (4) storey building comprising forty-one (41) dwellings and a car parking reduction.	Refusal - Applicant appeal	Interim Decision
Result	The Tribunal issued an interim decision giving the permit applicant an opportunity to lodge amended plans. In particular, the Tribunal was of the view that proposal could not be supported in its present form, but that a modified version could strike the right balance and be worthy of a permit. Some of the suggested changes the Tribunal has put to the applicant include meeting the 45 degree rear setback envelope, keeping the extent of basement excavation confined so as to allow for more landscaping and consolidation of a number of apartments that had poor internal amenity. The permit applicant has until 14 October 2016 to file and serve amended plans.				
10/08/2016	D/731/2015	139-141 Normanby Avenue, Thornbury Rucker	Proposed two (2) residential buildings consisting of twelve (12) units. Waiver of one (1) resident space and two (2) visitor car parking	Failure to grant a permit within prescribed time	Awaiting VCAT Order
Result					
16/08/2016	D/517/2015	12-14 Sheffield Street, Preston Cazaly	Medium density development comprising the construction of nine (9), double storey dwellings and reduction of the standard visitor car parking requirement	Failure to grant a permit within prescribed time (Council subsequently resolved to oppose in line with officer recommendation)	Awaiting VCAT Order
Result					

SEPTEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27/09/2016	D/849/2015	166 Rathcown Road, Reservoir La Trobe	A medium density housing development comprising the construction of four (4) double storey dwellings	Refusal – Applicant Appeal	
Result					

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/10/2016	D/803/2015	340 Plenty Road, Preston Cazaly	Development of eight (8) three (3) storey dwellings and a reduction to the visitor car parking requirement.	Refusal - Applicant appeal	
Result					
5/10/2016	D/30/2016	40 Showers Street, Preston Cazaly	Construct a seven storey development plus basement comprising 39 dwellings (12 x 1 bedrooms and 27 x 2 bedrooms) and 39 car spaces with associated storage units.	Refusal - Applicant appeal	
Result					
19/10/2016	D/423/2015	2 Leicester Street, Preston Cazaly	A medium density housing development comprised of the construction of a three (3) storey building accommodating eight (8) dwellings on land affected by the Special Building Overlay; a reduction in the car parking requirement; creation of access to a road in a Road Zone Category 1, as shown on the plans accompanying the application.	Refusal – Applicant Appeal	
Result					

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/10/2016	D/1087/2015	12 Jackson Street, Northcote Rucker	Partial demolition and alterations and additions to an existing dwelling on land affected by a Heritage Overlay in accordance with the endorsed plans.	Notice of Decision – Objector Appeal	
Result					
28/10/2016	D/800/2015	68 St Vigeons Road, Reservoir	Construct a medium density housing development comprised of five (5) double storey dwellings; and Reduce the car parking requirements associated with the dwellings (1 visitor space)	Refusal - Applicant appeal	
Result					

Planning Committee Decisions before VCAT

OCTOBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
5/10/2015	D/577/2014	9 Rosenthal Crescent, Reservoir La Trobe	A medium density housing development comprised of the construction of four (4) double storey dwellings.	Committee Refusal (contrary to officer recommendation)	Council's Decision Set Aside Permit Granted
Result	Following the lodgement of amended plans that addressed Council's concerns, Council changed its position from one of refusal to one of support. The Tribunal agreed with Council's decision, noting that the type of change brought about by this application is occurring in many middle ring suburbs developed in the 1960s and is encouraged by the planning scheme.				
7/10/2015	D/148/2014	659-661 High Street, Thornbury Rucker	Buildings and works and above-verandah signage as shown on the plans accompanying the application and reduction of the car parking requirement in association with the use of the site as a restaurant.	Conditions Appeal (of Committee Decision)	Council's Decision Varied Permit Granted
Result	Council was successful in defending its conditions requiring an additional 2 car parking spaces, as well as removal of unauthorised works.				
7/10/2015 (Compulsory Conference – formerly known as mediation)	D/49/2013	88-92 Cramer Street, Preston Cazaly	Proposed additions and alterations to the Preston Mosque including additional floorspace (977m ²) and a reduction to the car parking requirement.	Committee Refusal (contrary to officer recommendation) - Council subsequently resolved to support the proposal	
Result	Did not settle at resumed mediation. Matter is now to proceed to a hearing on 28 October 2015.				
23/10/2015	D/601/2014	137 Mansfield Street, Thornbury Rucker	A medium density housing development comprising the construction of six (6) double storey dwellings and a waiver of the visitor car space.	Committee Refusal (contrary to officer recommendation)	
Result	Did not finish hearing – adjourned to 24 November 2015				

OCTOBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
28/10/2015 (Hearing)	D/49/2013	88-92 Cramer Street, Preston	Proposed additions and alterations to the Preston Mosque including additional floorspace (977m ²) and a reduction to the car parking requirement.	Committee (contrary to officer recommendation) - second resolution was to switch back to support	Council's Decision Set Aside Permit Granted
Result	The Tribunal (correctly) confined their considerations to the proposed buildings and works with the site benefitting from existing use rights. The Tribunal did not accept submissions that the proposed buildings and works would unreasonably intensify the existing use on the basis of conditions imposed. The amenity impacts from the proposal were considered acceptable as it was not open to the Tribunal to review the totality of impact; rather just the impacts that would result from the buildings and works that were the subject of the application.				

NOVEMBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/11/2015	D/601/2014	137 Mansfield Street, Thornbury Rucker	A medium density housing development comprising the construction of six (6) double storey dwellings and a waiver of the visitor car space	Committee Refusal (contrary to officer recommendation)	Council's Decision Set Aside Permit Granted
Result	The Tribunal considered the site was suitable for new housing given its proximity to the High Street retail centre, Thornbury train station and buses along Dundas Street. As to neighbourhood character, The Tribunal considered Mansfield Street to have a "somewhat varied" character and it also noted the area was experiencing considerable change. As such, notwithstanding the Street Setback standard was not met, the Tribunal considered the proposal an acceptable response that left room for landscaping given the varied setbacks in the street. The Tribunal did not find off site amenity impacts, parking and internal amenity unacceptable.				
25/11/2015 (Compulsory Conference)	D/523/2014	200-202 High Street, Northcote Rucker	Use and development of the land for the purpose of a 5-storey building plus basement car parking, comprising 31 dwellings and 3 shops; a reduction in the car parking requirement and a waiver of the loading bay requirement	Failure appeal - going to Committee - Council subsequently resolved to oppose in line with Officer Recommendation	
Result	Not resolved at Compulsory Conference. Referred to hearing on 21/03/2016 for 3 days.				

DECEMBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/12/2015 – Practice Day Hearing (but may be determined on this day per VCAT advice)	Amendment C136	137 St Georges Road, Northcote Rucker	Alleged defect in procedure regarding the adoption of Amendment C136	Section 39 Appeal	
Result	Matter is to be heard on 2 May 2016.				

JANUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
No Committee Matters Scheduled for January 2016					

FEBRUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/02/2016	D/20/2015	37 Madeline Street, Preston Cazaly	The construction of a medium density housing development comprising two (2) double storey dwellings	Committee (in line with Officer's Recommendation)	Council's decision varied Permit Granted
Result	The Tribunal did not provide written reasons.				
22/02/2016	D/55/2015	55 David Street, Preston Cazaly	A medium density housing development comprising the construction of four (4) double storey dwellings	Failure Appeal – Committee subsequently resolved to oppose application in line with Officer Recommendation	Council's decision affirmed No permit granted.
Result	The Tribunal considered that the building massing facing the adjoining dwelling to the east was excessive, the amenity impact on this dwelling did not achieve the objectives of Clause 55.04, and the location of parking spaces did not achieve a convenient and secure criteria for development.				

MARCH 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/03/2016	D/485/2014	531 St Georges Road, Thornbury Cazaly	Buildings and works associated with a multi-level apartment building and basement level car parking	Failure Appeal	
Result	Hearing is listed for 18 May 2016				
7/03/2016	D/300/2013	136-138 Plenty Road, Preston Cazaly	Mixed use development comprising the construction of two (2) buildings (three (3) storeys fronting Flett Street and five (5) storeys fronting Plenty Road) reduction of car parking associated with a shop and waiver of loading bay facilities.	Refusal (contrary to Officer Recommendation) – Applicant Appeal	Council's decision affirmed No permit granted.
Result	The Tribunal found that the proposed design response does not successfully achieve the desired transition between the building on Plenty Road and the Flett Street residential hinterland, and aspects of the design and layout of the three storey building are not acceptable.				
21/03/2016	D/523/2014	200-202 High Street, Northcote Rucker	Use and development of the land for the purpose of a 5-storey building plus basement car parking, comprising 31 dwellings and 3 shops; a reduction in the car parking requirement and a waiver of the loading bay requirement	Failure Appeal – Council Subsequently Resolved to Oppose	
Result	Hearing adjourned to 5/9/2016 for 3 days.				

APRIL 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/04/2016 (Compulsory Conference)	D/297/2015	518-528 High Street, Preston Cazaly	The construction of a six (6) level mixed use development, comprising ninety six (96) dwellings, two (2) ground floor retail premises, and a reduction in the car parking requirement	Refusal (contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside with its consent, permit granted
Result	Resolved by consent - Council's decision set aside with its consent, permit granted				
7/04/2016	D/1149/2014	73 Ballantyne Street, Thornbury Cazaly	A medium density housing development comprised of the construction of six (6) double-storey dwellings and a reduction in the visitor car parking requirement	Refusal (contrary to Officer Recommendation) – Applicant Appeal	Council's decision set aside. Permit granted.
Result	The Tribunal considered that the design of the proposal was sufficiently responsive to both the site's context and the preferred character for the area it was in a position to grant a planning permit.				
11/04/2016	D/43/2015	80 Tyler Street, Reservoir La Trobe	Development of the land with a total of 107 dwellings comprised of a four-storey apartment building containing 44 dwellings and 63 two-storey dwellings; a reduction in the car parking requirement; buildings and works in a Special Building Overlay (SBO)	Objector Appeal	Application withdrawn.
Result	Application for review withdrawn by applicant.				
12/4/2016	D/1071/2014	117 Flinders Street, Thornbury Rucker	Construction of a medium density housing development comprising three (3) double storey dwellings to the rear of the existing dwelling	Refusal (in line with Officer Recommendation) – Applicant Appeal	Council's decision set aside with its consent, permit granted
Result	Resolved by consent - Council's decision set aside with its consent, permit granted				

APRIL 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
29/04/2016	D/1083/2014	22 Sussex Street, Preston Cazaly	Construct a medium density housing development comprised of five (5) double storey dwellings and reduce the car parking requirements (one (1) visitor space)	Refusal (contrary to officer recommendation) - Applicant appeal	Council's decision set aside. Permit granted.
Result	The Tribunal considered the design represented an incremental change in scale, and was respectful of the existing neighbourhood character. The Tribunal did require one change to minimise upper floor setback where the proposal adjoined the open space of 20 Sussex Street, but was otherwise satisfied the proposal achieved the objective of ResCode.				

MAY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/05/2016	Amendment C136	137 St Georges Road, Northcote Rucker	Planning scheme amendment	Section 39 Defect In Procedure Appeal	Matter resolved by consent.
Result	The hearing was not required as the parties were able to enter into consent orders disposing of the proceedings subject to Council performing certain tasks by certain dates with the Minister for Planning's Office.				
3/05/2016	D/383/2015	14 Acheron Avenue, Reservoir La Trobe	A medium density housing development comprised of the construction of three (3) double-storey and one (1) single storey dwellings as shown on the plans accompanying application.	Failure Appeal, Committee subsequently resolved to support the applicant	Council's original deemed refusal set aside. Permit granted.
Result	The Tribunal was satisfied that the scale and design of the development is an acceptable response to the neighbourhood character of the area, the proposal meets all aspects of Clause 55.04, meets Standard B21 and B17, and the proposal has resolved the issues identified by the Tribunal in the previous review.				
5/05/2016	D/56/2015	153 Wood Street, Preston Cazaly	A medium density housing development comprising the construction of five (5) double storey dwellings and a reduction of visitor car parking	Refusal (in line with officer recommendation) - Applicant appeal	Council's decision set aside. Permit Granted.
Result	Council were supportive of the amended plans, subject to conditions. The objector party still had concerns about the presentation of the upper storey of Dwelling 3 to her own neighbouring dwelling. The parties ultimately reached agreement resulting in the eastern upper storey of Dwelling 3 being further setback from Ms Lindsay's boundary.				

MAY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/05/2016	D/124/2015	91 Gillies Street, Fairfield Rucker	Construct a medium density housing development comprising of six (6), three (3) storey dwellings and associated reduction to the car parking requirement as shown on the plans accompanying the application.	Refusal (in line with officer recommendation, recommendation to support amended plans not carried) - Applicant Appeal	Council's decision set aside Permit Granted
Result	The Tribunal noted that the proposal was an acceptable response to the preferred character statement in Council's B3 Neighbourhood Character Guidelines as well as ResCode given the amended plans lodged in the proceeding. In particular, the Tribunal considered that the scale of the proposal (at 3 storeys) is in keeping with the character of this part of Fairfield as it is replacing a commercial building with dwellings and existing architecture within the area (close to Fairfield Village) was already mixed.				
11/05/2016	D/244/2015	115 Cheddar Road, Reservoir La Trobe	Construction for five (5) double storey attached dwellings as shown on the plans accompanying the application	Refusal (contrary to officer recommendation) – Applicant Appeal	Council's decision set aside. Permit granted.
Result	The Tribunal provided oral reasons only.				
12/05/2016	D/564/2014	41-43 Separation Street, Fairfield Rucker	A medium density housing development comprising the construction of twelve (12) double storey dwellings (plus basement car parking) and a reduction of visitor car parking requirements as shown on the plans accompanying the application.	Refusal (in line with officer recommendation) – Applicant Appeal	Applicant for Review withdrawn by the Applicant. No permit granted.
Result	Application withdrawn by the Permit Applicant. Some of Council's costs were paid by the Applicant.				

MAY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/05/2016	D/300/2015	17 Rosenthal Crescent, Reservoir La Trobe	Use and development of a child care centre	Refusal (in line with officer recommendation) - Applicant appeal	Council's decision set aside. Permit Granted.
Result	The Tribunal considered Council applied its neighbourhood character policies too rigidly when assessing the application. Subject to conditions, the Tribunal considered there to be no unreasonable amenity impacts and traffic/parking impacts.				

JUNE 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/06/2016	D/328/2015	22 Furzer Street, Preston Cazaly	Medium density development comprising the construction of four (4) double storey dwellings	Refusal (contrary to officer recommendation) - Applicant appeal	Council's decision set aside. Permit granted.
Result	Being in an incremental change area, the Tribunal was satisfied that "more of the same" (i.e. single storey, single dwellings) was not being called for by policy. Subject to additional conditions increasing the front setback and a landscaping condition, the Tribunal was satisfied a permit could issue.				
14/06/2016	D/413/2015	23 Bailey Avenue, Preston Cazaly	Construction of a medium density housing development comprising five (5) dwellings and a reduction in the rate of car parking (visitor space)	Refusal (contrary to officer recommendation) - Applicant appeal	Council's decision varied – Permit granted.
Result	The Tribunal acknowledged the proposal would constitute a noticeable change to the neighbouring properties, however the Tribunal considered the area already had an "eclectic character" and together with the design response and residential zoning, the Tribunal found the proposal worthy of a permit.				
16/06/2016 (Compulsory Conference)	D/474/2015	63-71 Plenty Road, Preston Cazaly	Proposed construction of an eighteen (18) storey building comprising 2 shops and 135 dwellings and a waiver of the car parking requirement	Failure Appeal	Proceeding to hearing.
Result	The parties were not able to mediate an outcome.				
28/06/2016	D/371/2015	34 North Road, Reservoir La Trobe	Proposed construction of five (5) dwellings and a reduction in the car parking requirement	Refusal (contrary to officer recommendation) - Applicant appeal	Council's decision set aside. Permit granted.
Result	The Tribunal did not provide written reasons.				

JUNE 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
30/06/2016	D/101/2015	1 Hawker Avenue, Preston Cazaly	A medium density housing development comprising the construction of six (6) dwellings (3 triple storey and 3 double storey)	Refusal (contrary to officer recommendation) – Applicant appeal	Awaiting VCAT Order
Result					

JULY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
11/07/2016	D/461/2015	27 Murphy Grove, Preston Cazaly	A medium density housing development comprised of the construction of a 3 storey development including basement car parking, comprised of twelve (12) dwellings and a reduction in the car parking requirement	Refusal (in line with officer recommendation) – Applicant appeal	Council's decision affirmed. No permit granted.
Result	The critical issue for the Tribunal in this instance was whether the proposal was an appropriate fit for an incremental change area. Specifically, the Tribunal considered that the redevelopment of a single detached dwelling with 10 new dwellings was not incremental change. In addition, the Tribunal considered the design of the proposal would introduce a dissonant chord with existing built form from a neighbourhood character point of view.				
13/07/2016	D/474/2013	712-716 High Street, Thornbury Rucker	Use and development land for a six (6) storey building comprising shops and 41 dwellings; a reduction of car parking requirements, and a waiver of loading/unloading requirements	Refusal (contrary to officer recommendation) – Applicant appeal	Adjourned to 29 August 2016.
Result					
14/07/2016	D/953/2013	52 Brooke Street, Northcote Rucker	Development of two (2) attached double storey dwellings to the rear of the existing single storey dwelling	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision affirmed. No permit granted.
Result	The critical issue for the Tribunal was the proposal's response to neighbourhood character, which was in turn informed by the proposal's reverse living typology. The Tribunal considered the extent of built form through the site was not respectful of the backyardscapes of the area, nor addressed the objective to B17 (the side and rear setback – visual bulk objective). The Tribunal was also critical of the amenity of the proposed dwellings due to the extent of screening their balconies would require.				
22/07/2016 Practice Day	D/523/2014	200-202 High Street, Northcote	Use and development of the land for the purpose of a 5-storey building plus basement car parking, comprising 31 dwellings and 3 shops; a reduction in	Failure appeal - going to Committee - Council subsequently resolved to oppose	

JULY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
Hearing (called by VCAT)		Rucker	the car parking requirement and a waiver of the loading bay requirement		
Result	Hearing in September confirmed and costs of the entire proceeding reserved.				

JULY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
28/07/2016	D/236/2015	943-945 Plenty Road, Kingsbury La Trobe	Mixed use development comprising the construction of a four (4) storey building, use as 9 dwellings and a reduction in the car parking requirements and loading/unloading of vehicle requirements associated with the use as a shop	Refusal (contrary to officer recommendation) - Applicant appeal	Council's decision set aside – Permit granted
Result	The Tribunal considered that the existing planning scheme and amendment C137 envisaged substantial change for the site and surrounds, therefore it was of the view the type and scale of development on the subject site will be quite intensive. The Tribunal was satisfied the proposal represented an acceptable outcome having regard built form expectations for the site, as well as a result of the three storey street wall of the proposal (with a recessed fourth level). The Tribunal did however place a condition on the permit requiring all dwellings to have car parking on site, as opposed to originally providing one of the 9 dwellings without car parking.				
29/07/2016	D/469/2015	17-19 Paywit Street, Preston Cazaly	Medium density housing development comprising construction of four (4) double storey dwellings and two (2) single storey dwellings and a reduction in the visitor carparking requirement	Refusal (contrary to officer recommendation) - Applicant appeal	Adjourned to 16 September 2016
Result					

AUGUST 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
04/08/2016	D/695/2015	2-4 Clark Street, Reservoir VIC 3073 La Trobe	Construction of eight (8) double storey dwellings and waiver of 1 car parking space	Refusal (contrary to officer recommendation) - Applicant appeal	Awaiting VCAT Decision
Result					
22/08/2016	D/474/2015	63-71 Plenty Road, Preston Cazaly	Proposed construction of an eighteen (18) storey building comprising 2 shops and 135 dwellings and a waiver of the car parking requirement	Failure to grant a permit within prescribed time – amended plans to go before Committee	
Result					
24/08/2016	D/839/2015	752 High Street, Thornbury Rucker	Demolition of existing building, development of a 5 storey building (plus roof terrace) comprising 15 dwellings, a shop and reduction to the car parking requirement	Refusal (contrary to officer recommendation) - Applicant appeal	
Result					

AUGUST 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
29/08/2016	D/474/2013	712-716 High Street, Thornbury Rucker	Use and development land for a six (6) storey building comprising shops and 41 dwellings; a reduction of car parking requirements, and a waiver of loading/unloading requirements	Refusal (contrary to officer recommendation) - Applicant appeal	
Result					
31/08/2016	D/900/2015	742-760 High Street, Reservoir Cazaly	Development of 23 dwellings (14 three storey and 9 two storey dwellings) and car parking reduction	Refusal (contrary to officer recommendation) - Applicant appeal	
Result					

SEPTEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
5/09/2016	D/523/2014	200-202 High Street, Northcote Rucker	Use and development of the land for the purpose of a 5-storey building plus basement car parking, comprising 31 dwellings and 3 shops; a reduction in the car parking requirement and a waiver of the loading bay requirement	Failure Appeal – Council subsequently resolved to oppose in line with officer recommendation	
Result					
16/09/2016	D/469/2015	17-19 Paywit Street, Preston Cazaly	Medium density housing development comprising construction of four (4) double storey dwellings and two (2) single storey dwellings and a reduction in the visitor carparking requirement	Refusal (contrary to officer recommendation) - Applicant appeal	
Result					
19/09/2016 (Compulsory Conference)	D/814/2016	2-6 McCutcheon Street, Northcote	Construct a four (4) storey building containing 29 dwellings (22 x two (2) bedroom dwellings and 7 x one (1) bedroom dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	
Result					

SEPTEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
22/09/2016 (Compulsory Conference)	D/814/2014	2-6 McCutcheon Street, Northcote Rucker	Construct a four (4) storey building containing 29 dwellings (22 x two (2) bedroom dwellings and 7 x one (1) bedroom dwellings	Refusal (contrary to officer recommendation) – Applicant Appeal	
Result					
23/09/2016 (Compulsory Conference)	D/285/2015	30 Cramer Street, Preston Cazaly	Construction of a part 9-storey, part 6-storey mixed use development comprised of three (3) ground floor shops and car parking, basement level car parking and 95 dwellings at upper levels; a reduction in the car parking requirement and waiver of the loading bay requirement; creation and alteration of access to a Road Zone Category 1	Failure Appeal	
Result					
29/09/2016	D/352/2015	4-6 McFadzean Avenue, Reservoir	A medium density housing development comprised of the construction of six (6) double storey dwellings, and a reduction in the visitor car parking requirements, as shown on the plans accompanying the application.	Notice of Decision (in line with officer recommendation) – Objector Appeal	
Result					

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/10/2016	D/655/2015	3 Gillies Street, Fairfield Rucker	Development of a 3 storey building comprising 9 dwellings and a reduction to the car parking requirement	Refusal (contrary to officer recommendation) - Applicant appeal	
Result					
6/10/2016	D/629/2015	66-68 Waterloo Road, Northcote Rucker	Medium density housing development comprising the extension of 10 existing dwellings and construction of seven (7) new dwellings over a common basement car parking area.	Notice of Decision – Objector Appeal	
Result					
12/10/2016	D/716/2015	255 Darebin Road, Thornbury Rucker	Construction of three (3) double storey dwellings	Refusal (contrary to officer recommendation) - Applicant appeal	
Result					

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/10/2016	D/1109/2014	682-684 Bell Street, Preston Cazaly	Construction of six (6) dwellings, alter access to a Road Zone and a reduce the standard visitor car parking requirements.	Refusal (Contrary to Officer Recommendation) - Applicant appeal	
Result					
13/10/2016	D/949/2015	7 Highland Street, Kingsbury La Trobe	Proposed medium density development comprising the construction of 4 double storey dwellings as shown on the plans accompanying the application.	Failure Appeal – Council subsequently resolved not to support in line with officer recommendation.	
Result					
14/10/2016	D/423/2015	12 Farnan Street, Northcote Rucker	Medium density development comprising the construction of five (5) double storey dwellings and reduction of the standard car parking rate, on land covered by a Special Building Overlay.	Refusal (Contrary to officer recommendation) – Applicant appeal	
Result					

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
26/10/2016	D/820/2015	283-291 Gilbert Road, Preston Cazaly	Development of a three (3) to four (4) storey building comprising 23 dwellings, a cafe and a reduction to the car parking requirement.	Refusal (in line with officer recommendation) – Applicant appeal	
Result					
31/10/2016	D/910/2015	65 Dundee Street, Reservoir La Trobe	A medium density housing development comprised of 4 double storey dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	
Result					

Matters completed and to be heard to 31/10/2016

SIGNIFICANT APPLICATIONS UPDATE

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

Address	Ward	Application No	Proposal Description	Date Received	Status
36-46 High Street, Preston	Cazaly	D/465/2015	Mixed use development – two (2) commercial tenancies & 90 dwellings	30-Jun-15	Advertising
1/176-180 High Street, Preston	Cazaly	D/456/2015	Mixed use development – 74 dwellings plus commercial tenancies	29-Jun-15	Further information requested
6-34 High Street, Preston	Cazaly	D/1007/2012	Mixed use development containing 209 dwellings, seven (7) retail tenancies and gymnasium.	20-Dec-12	Advertising completed
195-209 St Georges Road, Northcote	Rucker	D/1011/2012	Mixed use development – 102 dwellings & supermarket within a six (6) storey building.	20-Dec-12	Refusal issued 8-Jul-16
531 St Georges Road, Thornbury	Cazaly	D/485/2014	Residential development – 6 levels with 33 dwellings	17-Jun-14	VCAT Permit refused 9-Aug-16
208-216 High Street, Preston	Cazaly	D/865/2014	Mixed use development of 7 levels– 77 dwellings & 4 shops	23-Sep-14	Advertising completed
223 Gower Street, Preston	Cazaly	D/1110/2014	Medium density housing of 3 levels – 16 dwellings	9-Dec-14	Application being assessed
30 Cramer Street, Preston	Cazaly	D/285/2015	Construction of 95 dwellings and three (3) shops – nine (9) storey building	1-May-15	VCAT Practice Note Sent
70 Dundas Street, Thornbury	Rucker	D/542/2015	Medium density housing of 3 levels – 10 dwellings	30-Jun-15	Notice of Decision issued 25-Aug-16
1 Ralph Street, Reservoir	LaTrobe	D/804/2015	Mixed use development - 5 levels with 22 dwellings and 1 commercial tenancy	6-Oct-15	Further information requested
55 Tyler Street Preston	Cazaly	D87/2016	Construction of a swimming pool associated with an existing school.	16-Feb-16	Initial assessment commenced
314 St Georges Road, Thornbury	Rucker	D939/2015	Mixed use development of 5 levels – 46 dwellings, 4 commercial tenancies and 1 restaurant	12-Nov-15	Being reported to Planning Committee on 12-Sep-16
2A Austral Avenue, Preston	Cazaly	D/979/2015	Multi-level, medium density development – 67 dwellings	27-Nov-15	Refusal issued 10-Aug-16
108 Wood Street, Preston	Cazaly	D/971/2015	Mixed use development – 3 & 4 levels with 25 dwellings and a medical centre	25-Nov-15	Notice of Decision to Grant a Permit issued on 8-Jul-16
281 Spring Street, Reservoir	Latrobe	D/1026/2015	Mixed use development over 7 levels – 50 dwellings and 4 commercial tenancies	10-Dec-15	Amendment received
658 High Street, Thornbury	Rucker	D/1039/2015	Mixed use development of 6 levels with ground floor commercial tenancies and 28 dwellings	16-Dec-15	Advertising completed
1 Matisi Street Thornbury	Rucker	D/1040/2015	Development and use of the land for warehouses	11-Dec-15	Advertising completed
234-235 Preston Market, Preston	Cazaly	D/398/2016	Stage 1B – 131 dwellings (9 & 10 storey buildings), relocation of Aldi and other tenancies,	18 May-16	Initial assessment started

Address	Ward	Application No	Proposal Description	Date Received	Status
			reduction of car parking and alterations to vehicle access to Murray Road.		
234-235 Preston Market, Preston	Cazaly	D/393/2016	Stage 1C – 193 dwellings (14 storey building), retail tenancies and reduction in car parking	18 May-16	Initial assessment started
32 Station Street, Fairfield	Rucker	D/459/2016	Relocation of heritage building and its use as a child care centre, display signs and construction of a 4 storey building with 62 dwellings	2 Jun-16	Initial assessment started
387-393 High Street, Northcote	Rucker	D/377/2016	Mixed use development – 10 storey building with 93 dwellings and 2 retail tenancies, reduction in car parking and waiver of loading /unloading requirements	4 May-16	Initial assessment started
52 Clyde Street, Thornbury	Rucker	D/444/2016	Medium density housing – 3 levels	27 May-16	Further information requested
1056-1140 Plenty Road, Bundoora	Latrobe	D/400/2016	Construction of 63 dwellings and fence	4 May-16	Initial assessment started
387-393 High Street, Northcote	Rucker	D377/2016	Mixed use development- 10 storey building containing 93 dwellings and 2 retail units.	4-May-16	Initial assessment started
13 Olver Street, Preston	Cazaly	D/432/2016	Medium density housing of 4 levels with 16 dwellings	31 May-16	Further information requested
Rear of 3B Newlands Road, Reservoir	Latrobe	D/370/2016	Additional warehouse, upgrade existing warehouses and internal roads	9 May-16	Application being assessed
23 Bell Street, Preston	Cazaly	D/1086/2015	Restricted retail premises	23 Dec-15	Advertising completed
56-58 Elliot Street, Reservoir	Latrobe	D/274/2016	Construction of residential aged care facility with 110 rooms	11 Apr-16	To be advertised
345 Bell Street, Preston	Cazaly	D/566/2016	Mixed use development – six (6) storey building with 30 dwellings and one (1) retail premises.	7 Jul-16	Further information requested
61 Johnson Street, Reservoir	Latrobe	D/603/2016	Mixed use development – four (4) storey building containing 74 dwellings and 11 commercial premises.	13-Jul-16	Initial assessment started
95 Plenty Road, Preston	Cazaly	D634/2016	Mixed use development – six (6) storey building with 17 dwellings and two (2) retail premises	28-Jul-16	Further information requested
257 Edwardes Street, Reservoir	Latrobe	D679/2016	Alterations and additions to the existing hotel	17-Aug-16	Initial assessment started

LIST OF APPLICATIONS FOR THE NEXT PLANNING COMMITTEE MEETING

Below is a list of applications for the upcoming Planning Committee Meeting. Please note that this list of applications is based upon best available advice at the time of publishing the Planning Committee Agenda. For confirmation of agenda items reference should be made to the Planning Committee Agenda on Council's website the Friday prior to the scheduled meeting.

Address	Ward	Application No.	Proposal Description	No. of Objections

There are currently no items listed for the meeting on the 26 September 2016.

7. URGENT BUSINESS

8. CLOSE OF MEETING