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AGENDA

**Planning Committee meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 21 November 2016
at 6.00 pm.**

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Agenda

1. MEMBERSHIP

Councillors

Cr Steph Amir
Cr Gaetano Greco
Cr Tim Laurence
Cr Kim Le Cerf
Cr Trent McCarthy
Cr Lina Messina
Cr Susanne Newton
Cr Susan Rennie
Cr Julie Williams

Council Officers

Rasiah Dev – Chief Executive
Steve Hamilton – Director City Futures and Assets
Darren Rudd – Manager Planning and Building
Peter Rollis – Coordinator Statutory Planning
Jacinta Stevens – Director Civic Governance and Compliance
Angelo Luczek – Acting Manager Governance and Corporate Information
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 12 September 2016 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/548/2014/A 708-710 High Street, Reservoir Vic 3073

AUTHOR: Principal Planner – Marisia Hammerton

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Steve Todorovski and Debbie Joy Todorovski	TTM Consulting Pty Ltd Keystone Alliance – Sustainability Solutions Pty Ltd

SUMMARY:

- The proposal seeks approval to amend Planning Permit D/548/2014 and endorsed plans (in accordance with section 72 of the *Planning and Environment Act 1987*) to allow two (2) additional dwellings, an increase in height and a parking reduction.
- The existing permit was issued on 6 March 2015 and is still valid, as condition 4 allows three (3) years from the date of the Permit for commencement (i.e. 6 March 2018).
- The existing permit allows construction of a one (1) and two (2) storey building accommodating a café and four (4) dwellings. The existing proposal includes five (5) car spaces are located to the rear, accessed via an existing crossover, with each of the dwellings and the café having one (1) car space.
- The proposal maintains the café to the front, with 30 square metres and 24 patrons.
- The amendment will include an additional level (resulting in a three (3) storey building) and an additional two (2) dwellings, resulting in a six (6) dwelling development and a café. Dwellings 1, 2, 3 and 4 are located to the rear of the café and will front Mason Street. They are to be three (3) storeys and have a similar layout and level of accommodation, with the ground floor levels having a bedroom and home office, with service yards of 12.08 to 17.55 square metres. The first floors are each to have an open plan kitchen/meals/family area and balconies of 8.2 to 8.72 square metres. The upper floors are to have a bedroom, en-suite and WIR.
- Dwelling 5 is located to the rear and will be at first floor level (above the parking area). It is to have two (2) bedrooms and an open plan kitchen/meals/living area, with a north facing balcony of 11.44 square metres. The ground floor is to have an entry from Mason Street, with a service yard of 3.7 square metres.
- Dwelling 6 is located to the front and will be at first floor level (above the café). It is to have one (1) bedroom and an open plan kitchen/meals/family area, with a north facing balcony of 9.5 square metres. The ground floor is to have an entry from Mason Street.

- Five (5) car spaces are located to the rear, accessed via the existing crossover. Dwellings 1-4 and the café are to have one (1) car space. A common pedestrian accessway is provided along the northern common boundary.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Twenty-three (23) 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 two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Transport Management and Planning Unit.
- This application was not required to be referred to external authorities.

Recommendation

That a Notice of Decision to Amend Planning Permit D/548/2014 be issued pursuant to section 75 of the *Planning and Environment Act 1987* subject to the following:

The planning permit (D/548/2014) is to be amended to allow:

1. Construct a mixed use development comprising of a cafe and six (6) dwellings;
2. Use the site for the purpose of restaurant; and
3. Reduce the car parking requirement associated with the café, (1) dwelling and the visitor car parking space;

Condition 1 modified to read:

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. TP03, TP04, TP05, Revision F, dated Feb 2016, job no. 010096 and prepared by Ikonmidis Reid) but modified to show:
 - a) Full details of the proposed screens to first floor windows 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.
 - b) ***** deleted
 - c) ***** deleted

- d) Increase the length of the pedestrian walkway located along the northern boundary of the site by 1.0 metre to the east.
- e) Fixed external shading to the north facing habitable room windows of Dwelling 4.
- f) The first floor horizontal and vertical cladding and screening is to be a light colour.
- g) A minimum of three (3) suitable small canopy trees (trees with a 4-6 metre height and 4 metres width at maturity) and one (1) suitable medium canopy tree (trees with a 6-8 metre height and 6 metre width and maturity) on site.
- h) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence for the following trees:
 - * Tree 1 with a radius of 3.5 metres;
 - * Tree 2 with a radius of 2.9 metres;
 - * Tree 3 with a radius of 3.9 metres; and
 - * Tree 4 with a radius of 1.5 metres.

All radius measured are to be from the trunk edge. See condition 11 for details.

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

- i) A visitor bicycle space located near the main entrance of the restaurant.
- j) Details of waste storage for the café, to be screened from public view.
- k) Plans are to clearly show a maximum of 24 patrons for the restaurant use.
- l) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- 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 north and south sides of the existing crossover to the street frontage. 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 as 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 Landscape Plan in accordance with Condition No.8 of this Permit.
- p) Modifications in accordance with the Sustainable Design Statement as required under condition 12 of this Permit.

But further modified to show -

- q) A notation placed on plan indicating that the ground level 'home office' areas of Dwellings 1-4 are to remain open to the entry, stairs and corridor to bedroom 2 and must not be used as bedrooms.
- r) A minimum of 6 cubic metres of externally accessible secure storage is to be provided for all dwellings.
- s) The first floor north-facing kitchen window of Dwelling 5 provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,

- A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
- Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

- t) The over-bonnet bicycle parking is to be deleted and provided within the dwellings (where possible).
- u) The car spaces clearly allocated to Dwellings 1-5 and all references to a space for the café deleted.
- v) Two (2) visitor bicycle parking spaces near the main entrance to the development. If these are unable to be provided on site please contact Councils Sustainable Transport Officer.
- w) Fixed external shading to the north facing habitable room windows of Dwellings 5 and 6.
- x) An updated landscape plan in accordance with Condition 8 of this Permit.
- y) An updated Sustainable Design Statement in accordance with Condition 12 of this Permit.

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

Report

INTRODUCTION AND BACKGROUND

Planning permit D/548/2014 was issued on 6 March 2015 and allows:

- Construct a mixed use development comprising of a cafe and four (4) dwellings
- Use the site for the purpose of restaurant; and
- Reduce the car parking requirement associated with use of the site as a restaurant*

*A reduction of eight (8) spaces was approved.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 15.24 metres to High Street and 37.03 metres to Mason Street and an overall site area of 563 square metres.
- The site is zoned General Residential Zone Schedule 2 and is located in a Development Contributions Plan Overlay 1.
- The subject site is located on the north east corner of High and Mason Streets, Reservoir.

- It contains a single storey brick building that has been used as a convenience shop, with a shopfront and awning to the street frontage. The building is constructed to the street frontages. The site has vehicle access via a crossover from Mason Street, abutting the eastern boundary. The site abuts a right of way to the east boundary. The site has a fall of approximately 1.25 metres from the rear (north east) to the front (south west) corner.
- To the east, beyond the right of way, is a single storey weatherboard dwelling fronting Mason Street, with a setback of 3.74 metres from the street frontage.
- To the west, on the opposite side of High Street are single and double storey shopfront buildings containing retail, restricted retail and similar uses.
- To the north of the site is a single storey dwelling, with a setback of approximately 1.5 metres from the common boundary and 6.043 metres from the street frontage.
- To the south of the site, on the opposite side of Mason Street, is a motor vehicle repair use, as well as a liquor shop, with the area abutting Mason Street used for access and parking. Further to the south are single and double storey shopfront buildings.
- The eastern side of High Street is subject to Clearway restrictions (7 am to 9 am, Mon-Fri) and No Stopping restrictions within 10 metres of the intersection with Mason Street. Within the site's frontage, Mason Street is subject to P10min (8.30 am-6.30 pm, Mon-Fri and 8 am-12.30 pm Sat).
- The surrounding area consists of single storey commercial and residential buildings.
- Regent Railway Station is approximately 300 metres to the west and the site has access to bus routes along High Street, Queen Street, Tyler Street and Regent Street.

Proposal

- The proposal is to amend Planning Permit D/548/2014 and endorsed plans (section 72). The existing permit allows construction of a one (1) and two (2) storey building for a café and four (4) dwellings. The café (fronting High Street) will be single storey, with an area of 30 square metres and seating for 24 patrons. Dwellings 1, 2 and 3 are double storey and located to the rear of the café (fronting Mason Street), with two (2) bedrooms, study alcove and first floor kitchen/living areas.

Dwelling 4 is located to the rear and will be at first floor level (above the parking area), with two (2) bedrooms and an open plan kitchen/meals/living area. Five (5) car spaces are located to the rear, accessed via the existing crossover, with each of the dwellings and the café having a car space.

- The proposed amendment largely maintains the café to the front, with 30 square metres and 24 patrons.
- Dwellings 1, 2, 3 and 4 are located to the rear of the café and will front Mason Street. They are to be three (3) storeys and have a similar layout and level of accommodation, with the ground floor levels having a bedroom and home office, with service yards of 12.08 to 17.55 square metres.

The first floors are each to have an open plan kitchen/meals/family area and balconies of 8.2 to 8.72 square metres. The upper floors are to have a bedroom, en-suite and WIR.

- Dwelling 5 is located to the rear and will be at first floor level (above the parking area). It is to have two (2) bedrooms and an open plan kitchen/meals/living area, with a balcony of 11.44 square metres. The ground floor is to have an entry from Mason Street, with a service yard of 3.7 square metres.
- Dwelling 6 is located to the front and will be at first floor level (above the café). It is to have one (1) bedroom and an open plan kitchen/meals/family area, with a balcony of 9.5 square metres. The ground floor is to have an entry from Mason Street.
- Five (5) car spaces are located to the rear, accessed via the existing crossover. Dwellings 1-5 and are to have one (1) car space each.
- The dwelling entries will be to Mason Street and a common pedestrian accessway is provided along the northern common boundary to the rear of Dwellings 1-4.
- The overall height is 10.837 metres to the ridge.
- The proposal has a contemporary design with brick walls at ground floor level with render and lightweight cladding to the walls, with a flat roof to the front and rear and a pitched roof to the three (3) storey central section.
- The proposal increases the car parking reduction as follows:
 - A reduction to zero (1) from one (1) car space for the café
 - A reduction in the visitor car parking space
 - A reduction in the car parking space for Dwelling 6

PLANNING AND ENVIRONMENT ACT

Under Section 72 of the Act, a person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit. A reference to a permit includes any plans, drawings or other documents approved under a permit. Subject to this section, sections 47 to 62 apply to an application to the responsible authority to amend a permit as if—

- a) The application were an application for a permit; and
- b) Any reference to a permit where a reference to the amendment to the permit.

Objections

- 23 objections were received.

Objections summarised

- There is an oversupply of one (1) and two (2) bedroom dwellings and undersupply of three (3) bedroom dwellings. Removal of existing dwelling.
- Dwellings 1 to 4 have a home office, which can be used as a bedroom and require additional parking.
- Poor internal amenity with reverse living and private open space in balconies.
- Insufficient landscaping.
- Parking reduction will impact on street parking and raise safety issues.

- Contrary to Clause 22.06, with regard to the lack of loading area.
- Parking reduction is contrary to Clause 52.06.
- Waving visitor parking reduces parking for emergency vehicles.
- Overdevelopment of the site, given predominant single storey detached dwellings.
- Warrants consideration by the Darebin Planning Committee.
- Excessive bulk and scale and visual impact
- The proposal does not add net value to the community
- The number of objections indicates a negative social effect
- Does not meet the standards in the Planning Scheme.
- Will not guarantee affordable accommodation.
- Street access is difficult, due to parked cars.
- Notification of the proposal was done when residents weren't home.
- Inadequate space on-street for garbage bins.

Officer comment on summarised objections

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

Although the proposal results in the removal of a larger single dwelling, the dwelling may be demolished without a planning permit. The proposal provides one (1) and two (2) bedroom dwellings, which are sufficiently large to provide for a number of household types (from single person families to those with children). In this respect it adds to dwelling diversity in the area.

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

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

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

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

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

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

This informs the following objectives (extracted as relevant):

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

“To increase the supply of affordable and social housing”

The development comprises an appropriate mix of dwelling types and configurations and adds to the mix of housing types in the immediate area, which includes detached dwellings and medium density developments.

Dwellings 1 to 4 have a home office, which can be used as a bedroom and require additional parking.

Although Dwellings 1-4 have a home office area, conditions may require these to be open to the entry, stairs and corridor and not to be used as bedrooms.

Poor internal amenity, with reverse living and private open space in balconies

The proposal provides adequate internal amenity with adequate private open space. Clause 55 of the Planning Scheme contemplates living areas at first floors and provision of secluded private open space in balconies, provided the balconies have a minimum area of 8 square metres and are accessed from the living rooms. In this respect the proposal has an appropriate and high level of internal amenity, particularly given the existing approval allows dwellings with balcony private open space.

Insufficient landscaping

The site does not contain any significant trees and vegetation on the site may be removed without planning permission. It is considered that there is adequate space on the site for appropriate levels of vegetation and provision of canopy trees. It is also noted that the proposal is an amendment to a development with a similar level of landscaping. A landscape plan is to be required by condition.

Parking reduction will impact on street parking and raise safety issues.

As can be seen in the assessment below, the parking reduction of an additional two (2) spaces is not considered to be significant, given the approved development. Additionally, there is no indication that the proposal would lead to traffic safety issues and referral comments from Council's Transport Management and Planning Unit have raised no safety concerns.

Contrary to clause 22.06, with regard to the lack of loading area

Given that the existing approval allows a café without a loading area it is not considered reasonable to require a separate loading area. It is also noted that the most recent convenience shop use of the site does not have dedicated loading areas on the site.

Parking reduction is contrary to clause 52.06.

Although a parking reduction is required, it is considered that the proposal provides sufficient parking on the site, in accordance with clause 52.06 of the Planning Scheme and no parking reduction is required.

Waiving visitor parking reduces parking for emergency vehicles.

Although a visitor car space is to be waived, it is not considered that the intermittent demand of one (1) car space would place an unreasonable burden on the on-street parking in the area. In addition, the proposal has ample street frontage to Mason Street for emergency vehicles.

Overdevelopment of the site, given predominant single storey detached dwellings.

Council must assess the proposal on its merits in the context of the site and area. The proposal development is a three (3) storey medium density development, noting that it provides a double storey façade and rear interface. Additionally, there is a large double storey commercial building opposite and single storey commercial buildings with high parapets nearby. The proposal therefore represents an appropriate graduated increase in height over lower scale buildings in the immediate area.

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.

Warrants consideration by the Darebin Planning Committee

The proposal under the Planning Committee Charter is required to be considered by the Darebin Planning Committee.

Excessive bulk and scale and visual impact

The proposal will have a three (3) storey height. However, given the proposed setbacks and articulation provided in the design, it is not considered that there will be unreasonable visual bulk to the adjoining property.

Issues surrounding the bulk and scale of the development are assessed below in the Clause 55 assessment and the Neighbourhood Character Study Assessment. The siting, setbacks and location of the development ensures the proposal does not impose an unreasonable visual impact upon neighbouring sites.

The proposal does not add net value to the community

At a planning application level, it is difficult to quantify the concerns surrounding this reason for objection, particularly as no grounds have been offered that substantiate this objection.

It is necessary for a development to meet the State and Local planning policy objectives and it is considered that the proposed development generally meets these objectives.

The number of objections indicates a negative social effect

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

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

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

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

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

It is considered that the number of objections, in this instance is not a determining factor as to whether there are negative social effects or if a permit should be granted or refused in this instance. The development is not considered to be likely to cause significant social effects for residents or visitors to the area.

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

Does not meet the standards in the Planning Scheme

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

Will not guarantee affordable accommodation

The proposal will provide six (6) dwellings on a site where there is only one (1) dwelling at present, providing a level of affordability and diversity in compliance with relevant State and Local policies. The planning scheme is unable to mandate a requirement for affordable housing however it does acknowledge that increasing the supply of housing is fundamentally linked to improving housing affordability.

Street access is difficult, due to parked cars.

The width of the street and location of parked cars is not an issue that may be addressed in the assessment of a particular planning permit application.

Notification of the proposal was done when residents weren't home.

Notification of the application was completed correctly in accordance with the *Planning and Environment Act*.

Inadequate space on-street for garbage bins.

The long Mason Street sideage allows sufficient space for waste bin collection.

PLANNING ASSESSMENT

In assessing the proposal it is important to note that a permit has been issued for the redevelopment of the site (for a double storey redevelopment of a restaurant, four (4) dwellings and a parking reduction), which is still valid. This has largely assessed and settled the planning merit contrary to many of the grounds raised in objections. In reaching a decision the Council must confine its assessment to the amendments to the plans, i.e. broadly two (2) additional dwellings, an increase in height and reduction in car parking (as well as incidental changes to the layout).

Zoning and Food and Drink Premises:

The proposal provides a café (food and drink premises) use in a General Residential Zone – Schedule 2. However, this use was approved under the existing permit and is not being changed (in terms of the floor area and patrons – with only inconsequential changes to the layout). Therefore, it is not subject to further consideration.

Neighbourhood Character Precinct Guideline Assessment - Precinct D5Existing Buildings

It is noteworthy that the site is not located in a Heritage Overlay; therefore the building may be demolished without planning permission. In addition, the demolition of the building was approved under the existing approval. It is also noted that the streetscape is not considered to be intact, with a mixture of older dwellings and commercial/retail development. Given the assessment below, it is considered that the replacement buildings are respectful to the scale and character of the neighbourhood.

CompliesVegetation

There are no significant trees on the site and the Planning Scheme does not require a permit for vegetation removal. It is also noted that the existing approval allows the clearing of the site and conditions require planting of suitable canopy trees and retention of naturestrip trees. Although there is a large impervious area to the parking area, this was approved under the existing permit and the site is located at the edge of a commercial/retail area where there is no significant landscape character.

A landscape plan has been provided for the approved development, which shows that the building is appropriately sited and designed to incorporate space for the planting of vegetation, such as canopy trees. The building footprint and level of landscaping will not alter significantly from the approved plans.

Complies subject to conditionSiting

The existing approval allows construction to the High Street frontage and narrow setbacks to Mason Street. Although this design response is not normally encouraged, the site is located at the edge of a commercial/retail area (to the south and west), where buildings are constructed to boundaries and there is no significant landscape character. Additionally, the existing building on the site is constructed to the street frontages.

The building maintains setbacks from the north and east boundaries, which provide some separation to the adjoining dwellings.

The approved car parking area is at the rear and accessed via the existing crossover from Mason Street. This is appropriate and parking areas do not dominate the front façade.

Complies

Height and Building Form / Frontage Width

Buildings in the area are single and double storey, with commercial/retail buildings often having high parapets to the street frontage. The building will maintain an appropriate double storey scale to High Street, with the second floor set back 5.7 metres from the street frontage.

Although the proposal has a three (3) storey height to Mason Street and the upper floors are not set back one (1) room from the ground floor façades, the proposal is an acceptable design response, in that the upper floor setbacks are staggered, so that there is a single storey leading façade and the first and second floors are amply articulated. In addition, there are double storey commercial buildings nearby and the upper floor is set well back from the adjoining dwelling to Mason Street. It also provides an appropriate transition in scale, with double storey elevations to the east and west. The development is therefore not out of scale with the adjoining buildings; it does not dominate the streetscape and presents a graduated increase in height over nearby single storey dwellings.

The lengthways (attached) design to the Mason Street frontage is addressed under the existing approval and is generally considered to be an acceptable design response for the long side of a corner allotment. Nevertheless, the Design Response under the Neighbourhood Character Study allows lengthways subdivisions, provided all other siting and design requirements are met. It is considered that the remaining siting requirements have been met and the lengthways subdivision is acceptable.

Complies

Materials and design detail

The proposal provides a contemporary design with brick, render and lightweight cladding for wall materials, which are considered acceptable and are similar to the approved design. The materials respect the brick and painted weatherboard wall materials of nearby buildings. It is considered that the design is appropriate in the context of the neighbourhood character.

The proposal includes a mixture of masonry and lightweight wall materials. These materials provide articulation, with lightweight upper floor areas to reduce the impact of building bulk. However, the horizontal and vertical cladding and conditions require screening to be a light colour to provide a lightweight structure and improved articulation.

Although the proposal provides part flat and skillion roofs, this is an appropriate design response in that it minimises the overall height, complements the contemporary design and also references nearby parapets and flat roofs to the east.

Complies

Front boundary treatment

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

Complies

Clause 55 Assessment

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

Clause 55.03-1 B6 Street Setback

The site is located on a corner and the front setback of the adjoining dwelling to the north is 6.043 metres. The standard therefore requires a setback of 6.043 metres to High Street. However, a planning permit has already been issued for a redevelopment of the site with the café use constructed to the High Street and Mason Street boundaries. The planning merits for this variation to the standard have been already decided and Council is unable to re-visit this matter.

To Mason Street, the Standard requires a front setback of 3 metres; however, a setback of 1.32 metres is proposed. Importantly, it is noted that the approved plans show a setback of 1.32 metres to 1.5 metres, so that Council may only consider the difference for those dwellings with a lesser setback (i.e. 180mm for Dwellings 1, 2 and 3). Nevertheless, it is considered that the proposal complies with the objective in that:

- The difference in setbacks between the approved development and the proposed amendment is minor and would not be discernible to passers-by.
- The existing building on the site is constructed to the street frontages. The proposal will provide greater setback to Mason Street, which will allow landscaping.
- Given the nearby retail/commercial character of the building form to High Street, many of the buildings in the area are constructed to the street frontages.
- The design provides an appropriate separation and transition to the residential area to the east.
- The proposal provides a high level of articulation to the façades.
- There will be no unreasonable visual impact of the building when viewed from the street and from adjoining properties

The proposal therefore complies with the objective: *To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.*

Complies with objectiveClause 55.03-2 B7 Building Height

The proposal is to have a maximum height of 10.837 metres to the ridge, 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 double storey sections to the east and west.
- The design response is appropriate, in that the proposal meets the 9 metre height Standard to the front and rear, with the highest point towards the centre of the site (away from the adjoining rear yard area and High Street frontage).

- It is considered that there will be no unreasonable visual impact from the building when viewed from the street and from adjoining properties.
- It is considered that the proposal respects the neighbourhood character

Complies with objectiveClause 55.03-3 B8 Site Coverage

Previously, 59% of the site was to be covered, complying with the standard requirement. The extent of the site covered by buildings should not exceed 60%. The site coverage under the amendment has increased to 66.47%. Nevertheless, it is considered to comply with the objective (when taking the decision guidelines into account) in that:

- Other than the subject Standard, there is no relevant neighbourhood character objective, policy or statement set out in the Planning Scheme that requires a particular site coverage. The policy direction and Neighbourhood Character Study requires adequate setbacks and space for landscaping, which have not been significantly altered from the approved development.
- The design response is appropriate, in that it provides the higher scale sections of the development to the centre of the site, away from more the front, rear and sensitive rear yard areas. It is not considered that the proposal will adversely affect the amenity of adjoining dwellings through visual bulk given the design, setbacks and articulation.
- The site is also located on the cusp of a commercial area to the south, with buildings having higher site coverage.

Complies with objectiveClause 55.04-6 B22 Overlooking

- The ground floor levels of the proposed dwellings have finished floor levels less than 0.8 metres above natural ground level at the boundary. Proposed 1.8 metre and 2 metre high boundary fences on the north and east 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.
- The following windows will be required to be screened to limit views in to adjoining residential properties:
- Dwelling 5: first floor north-facing kitchen window.

Complies subject to conditionClause 55.05-3 B27 Daylight to New Windows

- Adequate daylight will be available to the windows in the new development.
- All new habitable room windows within the development will be located to face an outdoor area of at least 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky.

- Although the void separates the upper floor bedrooms from the windows, ample daylight will be available given the size of the window openings.

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. As in the original approval, the proposal relies on 'reverse living' balcony spaces for its secluded private open space needs. The balconies previously ranged between 9 and 14 square metres, so a small reduction in space has been made – however, each dwelling continues to receive at least 8 square metres, with a minimum 1.6 metre dimension, in accordance with the requirements of the Darebin Planning Scheme, as follows:

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	8.6 square metres (balcony)	8.6 square metres (balcony)	1.9 metres
Dwelling 2	8.6 square metres (balcony)	8.6 square metres (balcony)	1.9 metres
Dwelling 3	8.6 square metres (balcony)	8.6 square metres (balcony)	1.9 metres
Dwelling 4	8.6 square metres (balcony)	8.6 square metres (balcony)	1.9 metres
Dwelling 5	11.44 square metre balcony overall	8 square metres (balcony)	1.6 metres
Dwelling 6	9.5 square metres (balcony)	9.5 square metres (balcony)	2 metres

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

Complies

Clause 55.05-5 B29 Solar Access to Open Space

Solar access is provided into most of the secluded private open space of the new dwellings. It is noteworthy that most dwellings will have north facing secluded private open space in the form of balconies and ground level secluded private open space areas. Only two (2) of the dwellings will have south facing secluded private open space (Dwellings 5 and 6). The proposal is considered to be acceptable in that:

- The balcony private open space of Dwellings 5 and 6 will have ample outlook and amenity over the adjoining streets and access to east and west sunlight;
- This is a minority of dwellings in the development;
- The south facing balconies will have an advantage of street views and will not require obscured screens;

- It is difficult to provide appropriate levels of solar access to all dwellings in the development, due the orientation of the site.

Complies with objective

Clause 55.05-6 B30 Storage

Dwellings 1-5 have storage facilities; however, conditions will ensure that a minimum of 6 cubic metres of externally accessible secure storage is provided. In addition, external storage is to be provided for Dwelling 6.

Complies subject to condition

Clause 52.06 Car Parking

Number of Parking Spaces Required

The approved development provides five (5) car spaces at the rear, with one (1) car space each for the café (restaurant) and Dwellings 1-4 (which have two (2) bedrooms each). Clause 52.06 specifies the car-parking requirements for the use, which applies to the proposal:

Use	Rate	Measure	Requirement	Approved development
Dwellings	1 space per 1 or 2 bedroom dwelling	6 dwellings	6 spaces	4 spaces (4 dwellings)
	1 space per 5 dwellings for visitors		1 space	0 space
Restaurant (Café)	0.4 spaces to each patron	24 patrons	9 spaces	9 spaces
Total			16 spaces	13 spaces

It is noted that Dwellings 1-4 have a home office a ground level. To ensure that these areas are not used as bedrooms, conditions will require that they remain open to the entries and not to be used as bedrooms.

The subject amendment requires parking to be waived for Dwelling 6 (which has one bedroom), the café (restaurant) premises and a visitor car space. Parking for the proposal is assessed as satisfactory and justified for the following reasons:

- Although one (1) visitor car space is required, this reduction is considered to be acceptable in that the intermittent demand of one (1) car space will not place an unreasonable burden on the on-street parking in the area.
- The existing approval reduces the parking requirement of the café to one (1) space.
- Internal referral comments from Council's Transport Management and Planning Unit raise no objection to the reduction.

- The applicant has submitted a parking demand assessment, which indicates that:
 - Empirical data from the ABS indicates that 33% of 1 bedroom apartments in Reservoir do not have a car.
 - The site is located to take advantage of public transport, with buses to High Street and Queen Street and Regent Railway Station approximately 300 metres to the west.
 - Parking is available in the nearby streets.
 - The site is in proximity to numerous services and facilities.
 - A food and drink premises of this size (i.e. 48 square metres), would require a parking provision of one (1) car space (4 spaces to each 100sqm of floor area).
- The pedestrian interface to the street will not be affected and all parking is provided to the rear.
- Hours of operation of the café are largely during business hours, when the amenity of nearby residents will not be significantly affected.
- Council has no parking precinct plan, so that any requirement for additional parking would be inequitable, as parking provisions and application of policy should be addressed on a wider scale, rather than the deficiencies provided by specific sites.
- Bicycle parking is provided on the site.
- The traffic from the use will be able to be absorbed by the street network. It is also noted that the proposal provides appropriate vehicle access.

It is considered that the use will not place an unreasonable load on the traffic and parking conditions and the parking provision is considered acceptable.

Design Standards for Car parking

The car parking spaces and the accessways are similar to the layout approved under the existing permit. The only difference is a small reduction in landscaping to the north-west (rear) corner of the site, which allows improved access. Notwithstanding the above, the layout is appropriate in that:

- It allows adequate car spaces sizes and access.
- The car space dimensions of 4.9 metres length x 2.6 metres width comply with the minimum requirements of the standard.
- Access dimensions to the car spaces comply with the standard.
- Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This has been requested as a condition of approval.

Clause 52.07 – Loading and Unloading of Vehicles Assessment

The purpose of the clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effects on traffic flow and road safety. However, loading was considered under the existing permit and is not subject to further consideration.

Conditions

The following conditions of the existing Permit to be deleted as follows:

1 b) which required:

- Provision of a fin screen located on the northern side of the east facing bedroom window to Dwelling 4. The screen must have a height of 1.7 metres from floor level and commence at the base of the window. The fin screen must prevent unreasonable overlooking to the adjoining property to the north.

Dwelling 5 is now in this location and the east facing bedroom window has fixed obscure glass to, 1700 mm and is acceptable.

Existing condition 1 c):

- The east facing living room window for Dwelling 2 and the west facing living room window for Dwelling 3 to have sill heights of at least 1.7 metres from floor level. A notation on the floor plans to indicate as such must be included.

The first floor dwellings no longer have a light court with windows, so screening is no longer required.

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/N
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 dwellings are appropriately integrated with the Street.	Y	Y
55.03-1	B6	Street setback		
		Please see assessment in the body of this report.	N	Y
55.03-2	B7	Building height		
		10.837 metres	N	Y
55.03-3	B8	Site coverage		

Clause	Std		Compliance	
		66.47%	N	Y
55.03-4	B9	Permeability		
		22.19%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
55.04-2	B18	Walls on boundaries		
		There are no walls on boundaries.	N/A	N/A
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		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		

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

REFERRAL SUMMARY

Department/Authority	Response
Transport Management and Planning	<p>No objection, subject to condition included in recommendation: the pedestrian path to the north must be 1 metre wide and fully constructed (not intermittent pavers); two (2) visitor/shopper bicycle spaces are required; over-bonnet bicycle parking is not supported.</p> <p><u>Officer comment:</u></p> <p>The walkway to the northern boundary was already approved under the previous permit and the minor increase in its length does not warrant an additional condition requiring it to be fully paved. An additional bike space will be required (in addition to condition 1i).</p> <p>The over-bonnet bicycle parking may be deleted by condition, as it was not part of the previous application.</p>

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

- Clause 32.08-4 – development of the land for two or more dwellings
- Clause 32.08-1 – food and drink premises use.
- Clause 32.08-6 – construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1.
- Clause 52.06-3 – reduce the car parking requirement.
- Clause 52.07 – reduce or waive the loading and unloading requirements.

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
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 52.07, 55
General provisions	65.01
Neighbourhood Character Precinct	D5

POLICY IMPLICATIONS**Environmental Sustainability**

A satisfactory Sustainable Design Statement has been submitted with the amendment.

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.

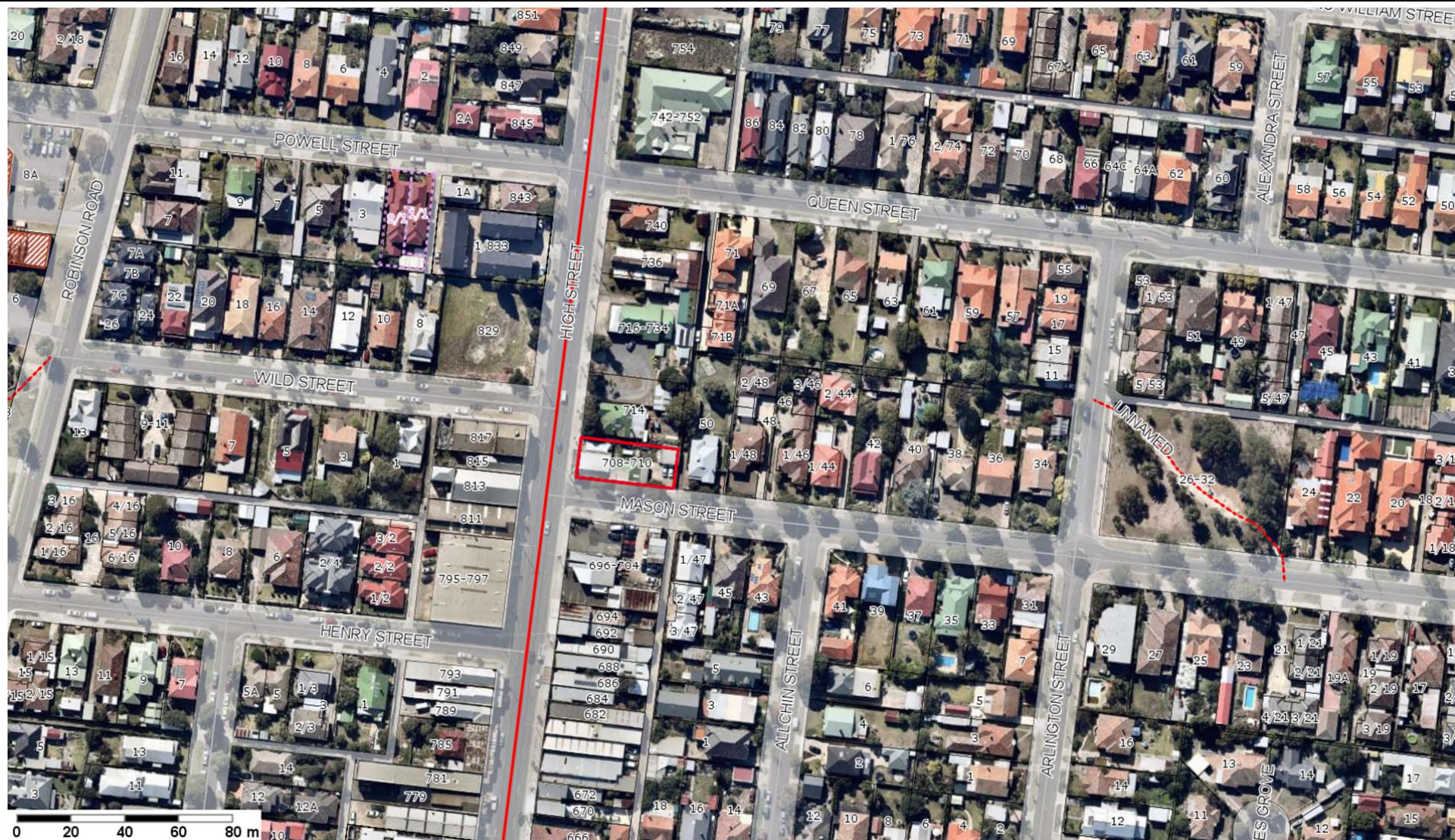
The Manager authorising this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

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

708-710 High Street Reservoir

Darebin City Council



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

GENERAL NOTES

THE SITE IS IDEALLY SUITED TO MEDIUM DENSITY HOUSING AS IT IS ON A LARGE BLOCK AND CLOSE TO SHOPPING CENTRES, RECREATIONAL FACILITIES, SCHOOLS & CHILD CARE CENTRES.

PUBLIC TRANSPORT CONSISTS OF BOTH TRAINS AND BUSES.

THE SITE IS LOCATED IN AN AREA OF ESTABLISHED DWELLINGS OF INTER WAR AND 70'S STYLE. HOUSE FORMS ARE SIMPLY WITH A VARIETY OF MATERIAL AND ROOF TYPES.

THE PROPOSED DEVELOPMENT CONSISTS OF FIVE (5) NEW DWELLINGS TOGETHER WITH A FOOD AND BEVERAGE OUTLET. THE PROPOSED WILL OFFER THE NEIGHBOURHOOD AND ALTERNATIVE FORM OF ACCOMMODATION WITHOUT INTERRUPTING THE STREETSCAPE AND ENHANCING THE NEIGHBOURHOOD CHARACTER AS THE DEVELOPMENT AIMS TO MAKE A POSITIVE CONTRIBUTION TO THE STREETSCAPE WITH ARTICULATED VARIATIONS IN PLAN, ELEVATION AND MATERIAL SELECTION.

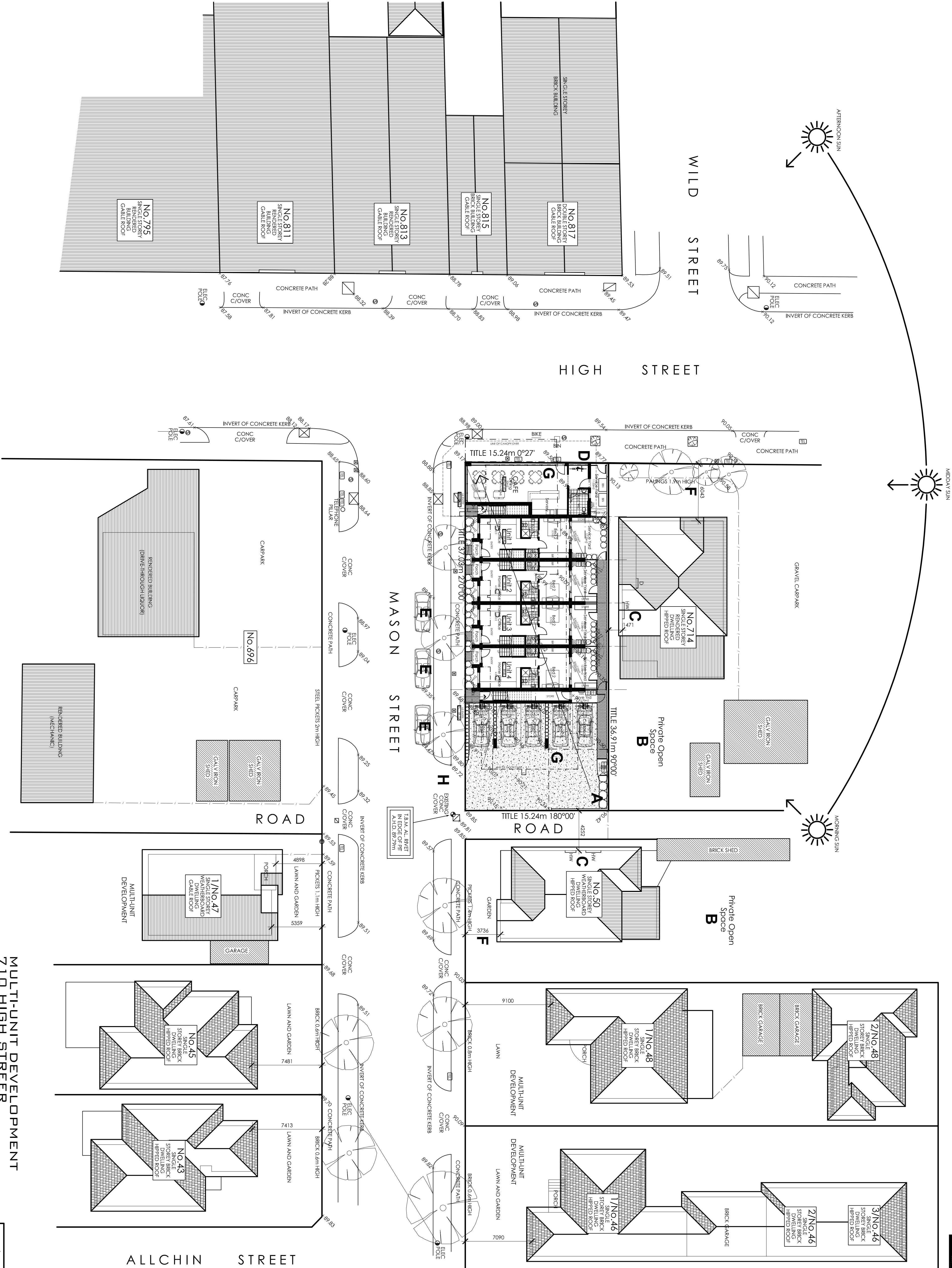
SITE CHARACTERISTICS

- A** SITE FALLS APPROX 130mm FROM THE NORTH EAST TO SOUTH EAST CORNER
- B** - ADJACENT OPEN SPACE TO BE PROTECTED FROM OVERLOOKING
- C** - ADJACENT BUILDINGS PRESENT LIMITED PRIVACY & OVERLOOKING PROBLEM - PROPOSED NEW WINDOWS ARE TO BE PLACED AWAY FROM EXISTING HABITABLE WINDOWS
- D** - FRONT SETBACK TO MATCH THE EXISTING FRONT SETBACK
- E** - ON STREET CAR PARKING TO BE MAINTAINED
- F** - EXISTING FRONT SETBACKS TO BOTH ADJOINING PROPERTIES
- G** - EXISTING BUILDING AND GARAGE ON SITE TO BE DEMOLISHED AND SITE CLEARED
- H** - ACCESS TO THE ONSITE CARPARKING VIA THE EXISTING CONCRETE CROSSING

LEGEND

- VALVE
- PIT
- SIDE ENTRY PIT
- HABITABLE ROOM WINDOW
- NH NON-HABITABLE ROOM WINDOW
- TEL TELEPHONE PIT
- EXISTING TREE
- WATER METER
- GAS METER

ALL SITE LEVELS ARE TO AND



EXTERNAL FINISHES SCHEDULE

ROOFING	METALTEX / COLORBOND
WALLS	FACE BRICKWORK
	RENDERED JUST IN REACH COATING
	EXTERIOR WALLS TO BE COATED WITH
	HORIZONTAL CLADDING OR SIMILAR
	COLORBOND
DOWNPIPES	POWDER COATED ALUMINIUM
WINDOWS & DOORS	

DEVELOPMENT SUMMARY

SITE AREA	545.42m ²	BUILDING SITE COVERAGE	228.95m ² (49.51%)
DENSITY	1.80		374.55m ² (66.47%)
No OF TERRANCES	7	SITE PERMEABILITY	125.09m ² (22.19%)
CAR PARKING	5	PRIVATE OPEN SPACE	
CAFE	1 (CARSPACE)	CAFE	SITE YRD
UNIT 1	1 (CARSPACE)	UNIT 1	11.14m ² (BACI) + SVE YRD
UNIT 2	1 (CARSPACE)	UNIT 2	11.19m ² (BACI) + SVE YRD
UNIT 3	1 (CARSPACE)	UNIT 3	11.19m ² (BACI) + SVE YRD
UNIT 4	1 (CARSPACE)	UNIT 4	11.07m ² (BACI) + SVE YRD
UNIT 5	1 (CARSPACE)	UNIT 5	11.44m ² (BACI) + SVE YRD
UNIT 6	-	UNIT 6	9.50m ² (BACI)

GROSS BUILDING AREA / UNIT:

	CAFE	UNIT 1	UNIT 2	UNIT 3
GROUND	66.23m ²	45.51m ²	45.92m ²	45.94m ²
PORCH	-	1.81m ²	1.81m ²	1.81m ²
FIRST	-	39.20m ²	39.20m ²	39.20m ²
SECOND	-	37.29m ²	37.89m ²	37.89m ²
BALCONY	-	11.14m ²	11.19m ²	11.19m ²
TOTAL	66.23m ² (7.12sq)	135.29m ² (14.55sq) (36.15m ² (4.65sq)) (36.15m ² (4.65sq))		
	UNIT 4	UNIT 5	UNIT 6	
GROUND	45.83m ²	14.56m ²	7.54m ²	
PORCH	1.81m ²	1.08m ²	1.70m ²	
FIRST	37.29m ²	69.73m ²	60.00m ²	
SECOND	11.02m ²			
BALCONY				
TOTAL	135.98m ² (14.55sq) (96.70m ² (10.39sq)) (79.34m ² (8.55sq))			

CONSTRUCTION

90mm THICK TIMBER STUD CONSTRUCTION
EXTERNAL WALLS -
GROUND FLOOR - 240mm THICK BRICK VENEER CONSTRUCTION
FIRST FLOOR - 90mm THICK BRICK VENEER CONSTRUCTION WITH RENDERED F.C SHEETING OR SIMILAR LIGHT
FOR DETAILS OF LANDSCAPING PLEASE REFER TO SEPARATE LANDSCAPE PLAN - TO BE
SUBMITTED AT A LATER DATE

STORM WATER

ALL STORMWATER INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON SITE
SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE. DETAILS TO BE
SUBMITTED AS PART OF BUILDING PERMIT. NO STORM WATER TO BE DISCHARGED

LEGEND

- VALVE
- PIT
- SIDE ENTRY PIT
- HABITABLE ROOM WINDOW
- NH NON-HABITABLE ROOM WINDOW
- TEL TELEPHONE PIT
- EXISTING TREE
- WATER METER
- GAS METER
- GAS BOOSTED SOLAR INSTANTANEOUS
- HOT WATER SYSTEM - PROVIDE POWER TO
- SUIT SELECTED SYSTEM
- PORTABLE CLOTHES LINE (MRS PEGGSS
- HANDY LINE OR SIMILAR)

ALL CAR PARKING SPACES ARE IN
ACCORDANCE WITH AS2890.1-1993

ALL DIMENSIONS ARE TO THE OUTSIDE
FACE OF THE STRUCTURE

ALL CAR PARKING SPACES ARE TO BE
CLEARLY MARKED AS REQUIRED

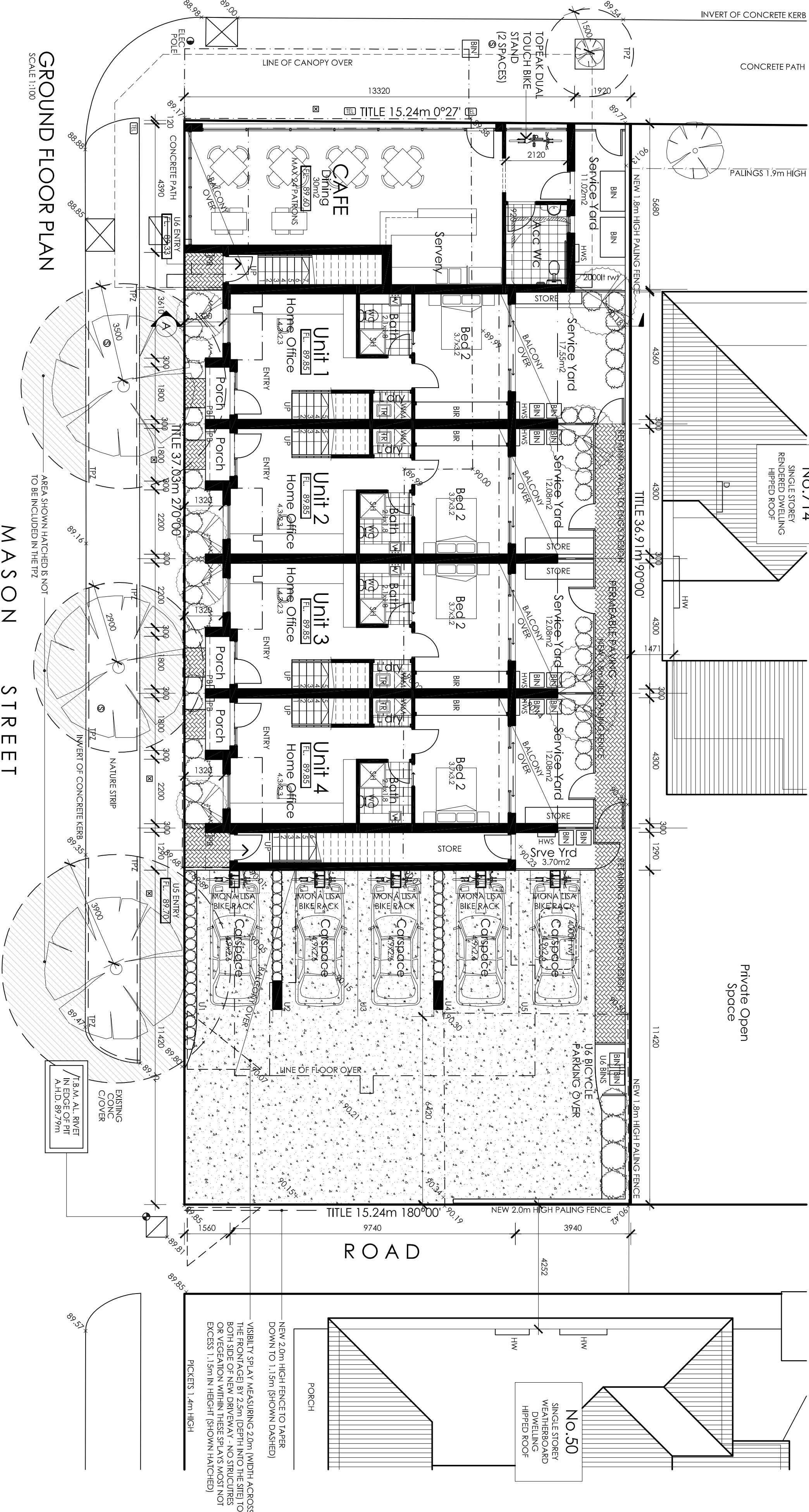
ALL SITE LEVELS ARE TO AHD

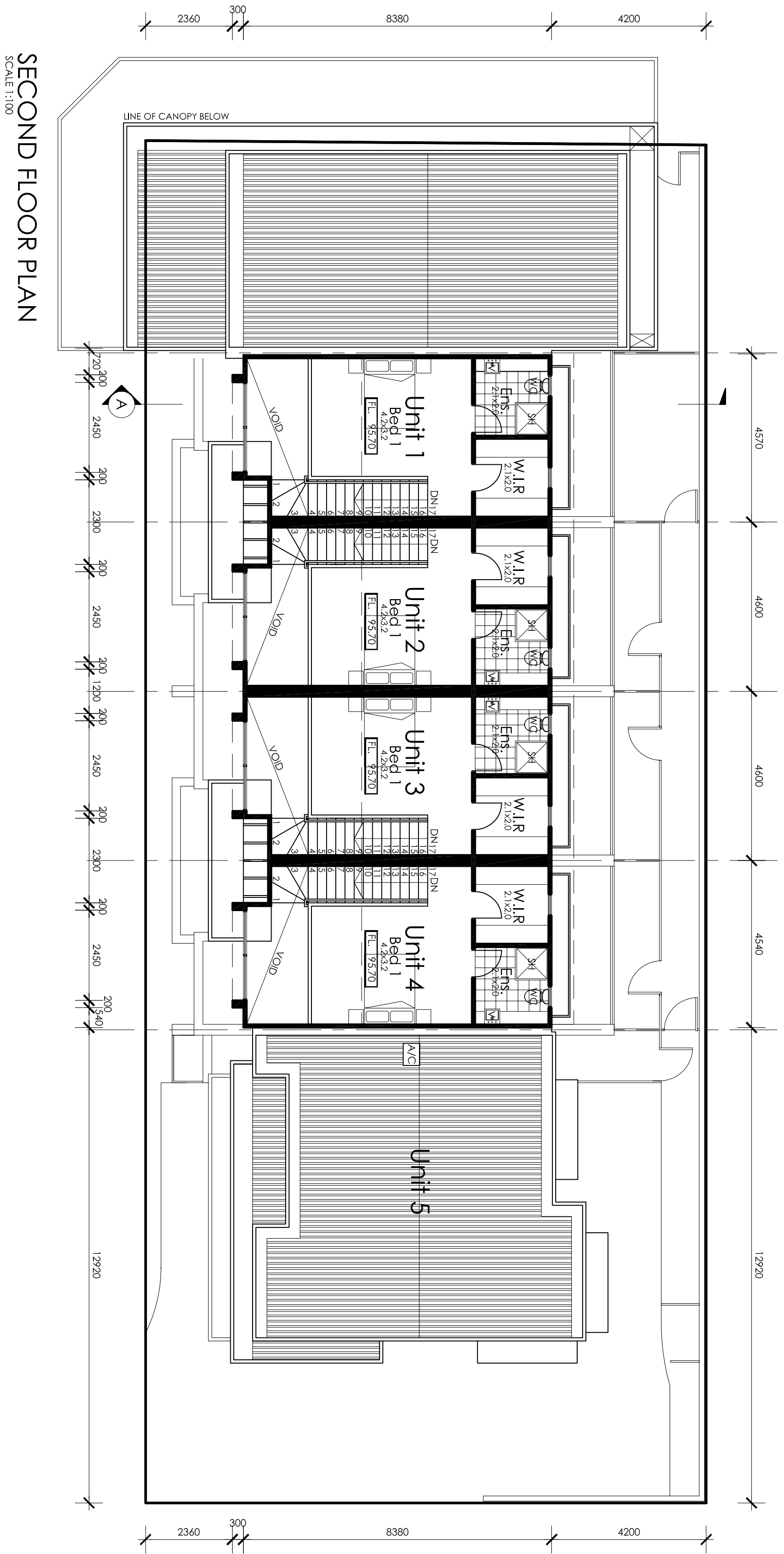
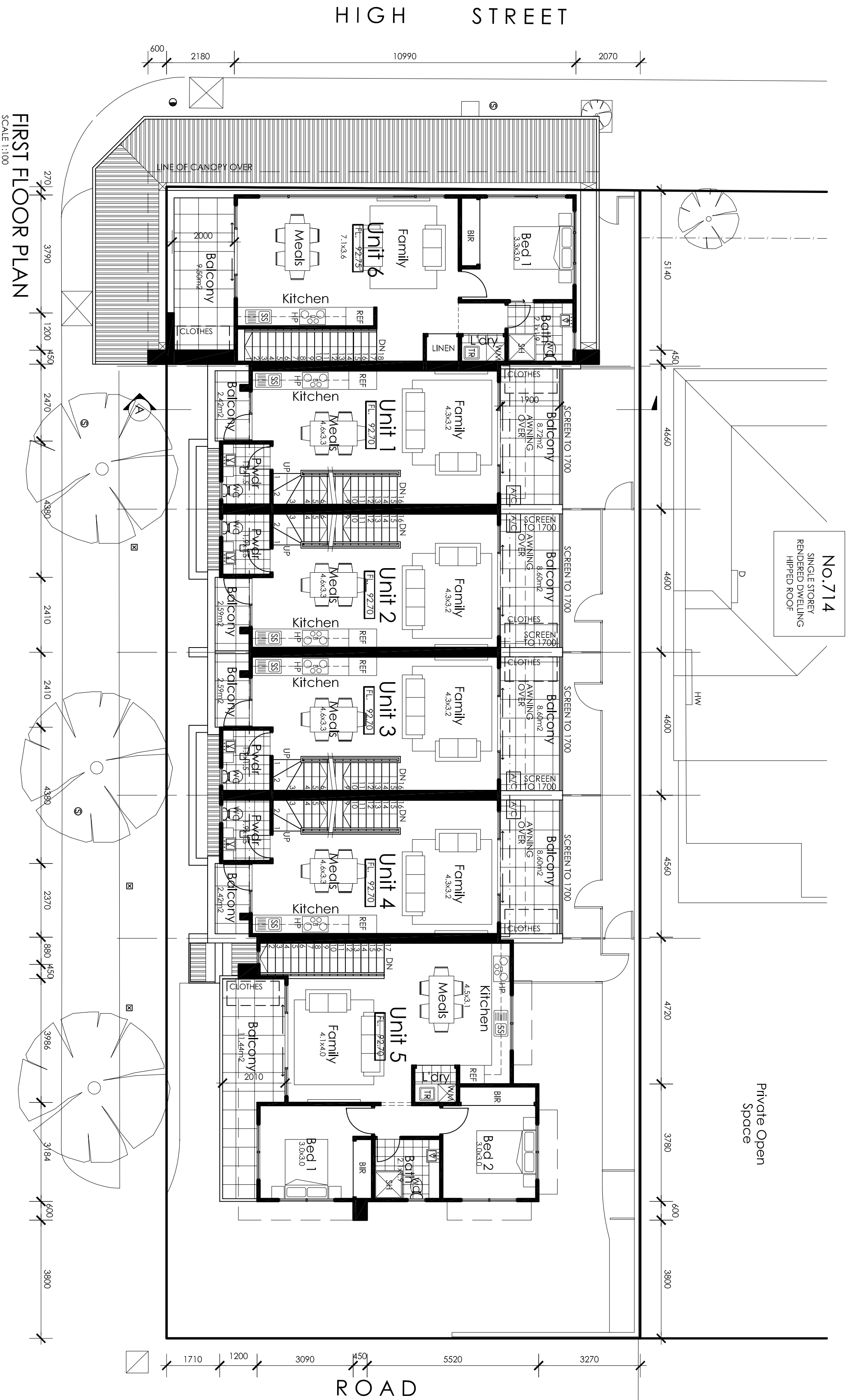
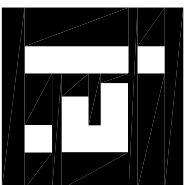
THESE DRAWINGS ARE TO BE READ IN
CONJUNCTION WITH THE SDA STATEMENT
PREPARED BY KEVSTONE ALLIANCE

TREE PROTECTION

- TPZ TREE PROTECTION ZONE (TPZ)
- TREE PROTECTION FENCE TO BE CONSTRUCTED OF STAR PICKETS AND CHAIN WASH TO BE RECTED PRIOR TO BUILDING ANY WORK
- TREE PROTECTION FENCE TO REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETED
- NO VEHICULAR OR PEDESTRIAN ACCESS, RENCHING OR SOIL EXCAVATION TO OCCUR WITHIN TREE PROTECTION ZONE
- NO STORAGE OR DUMPING OF TOOLS, EQUIPMENT OR WASTES TO OCCUR WITHIN TREE PROTECTION ZONE
- GROUND SURFACE OF TREE PROTECTION TO BE COVERED WITH A 100mm DEEP LAYER OF MULCH PRIOR TO THE DEVELOPMENT COMMENCING AND WATERED REGULARLY

HIGH STREET



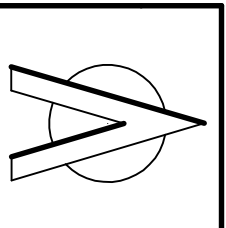


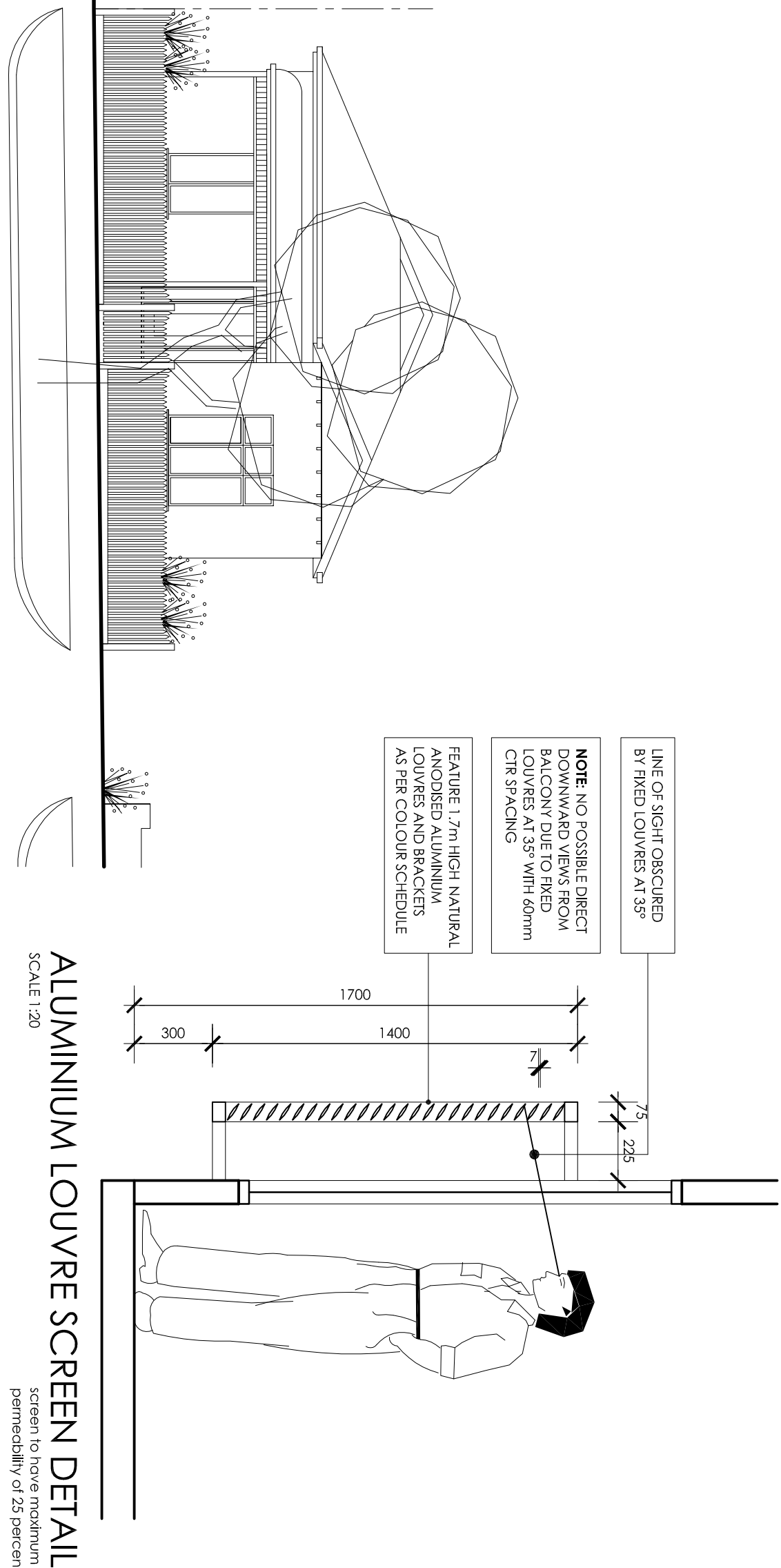
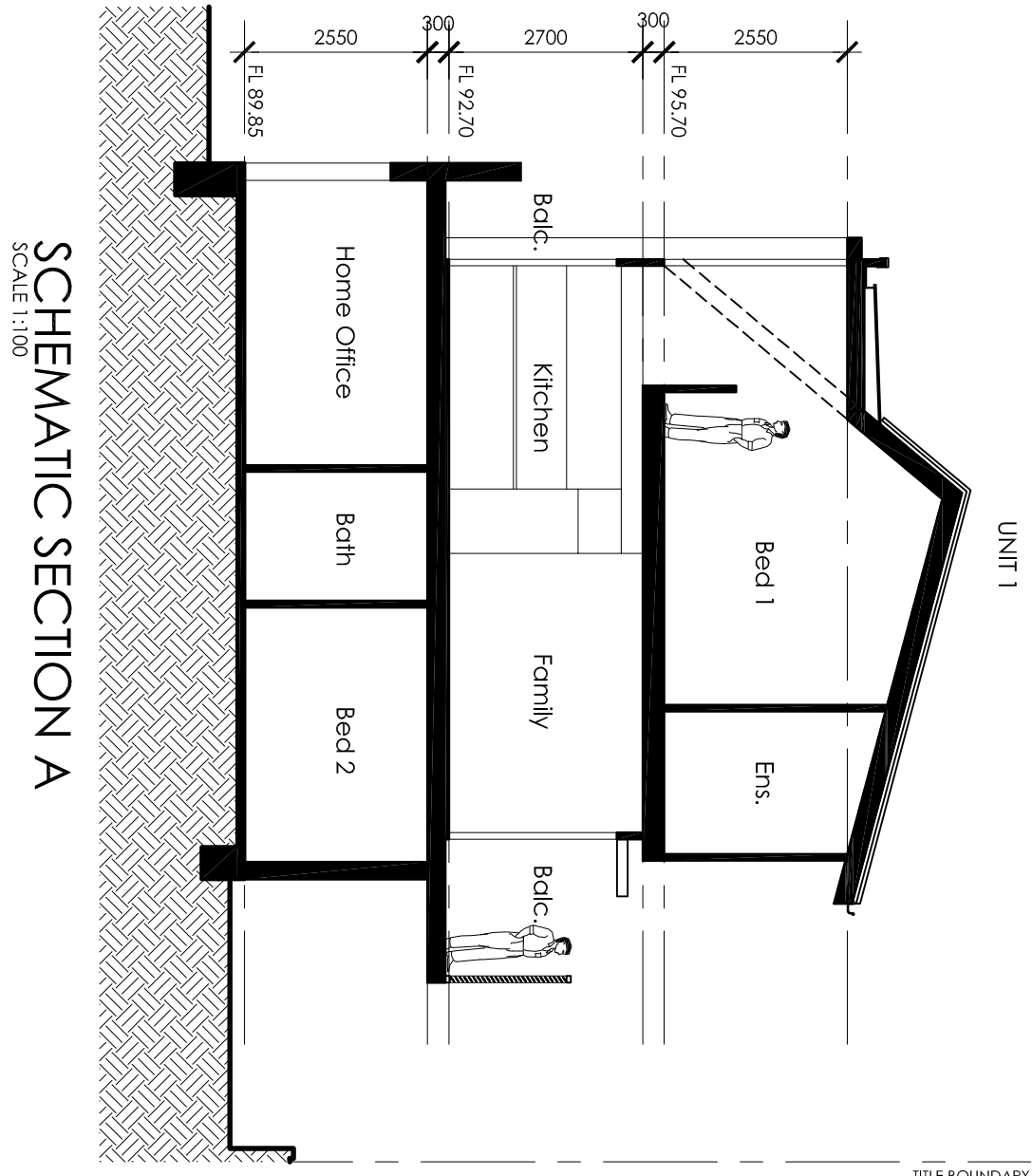
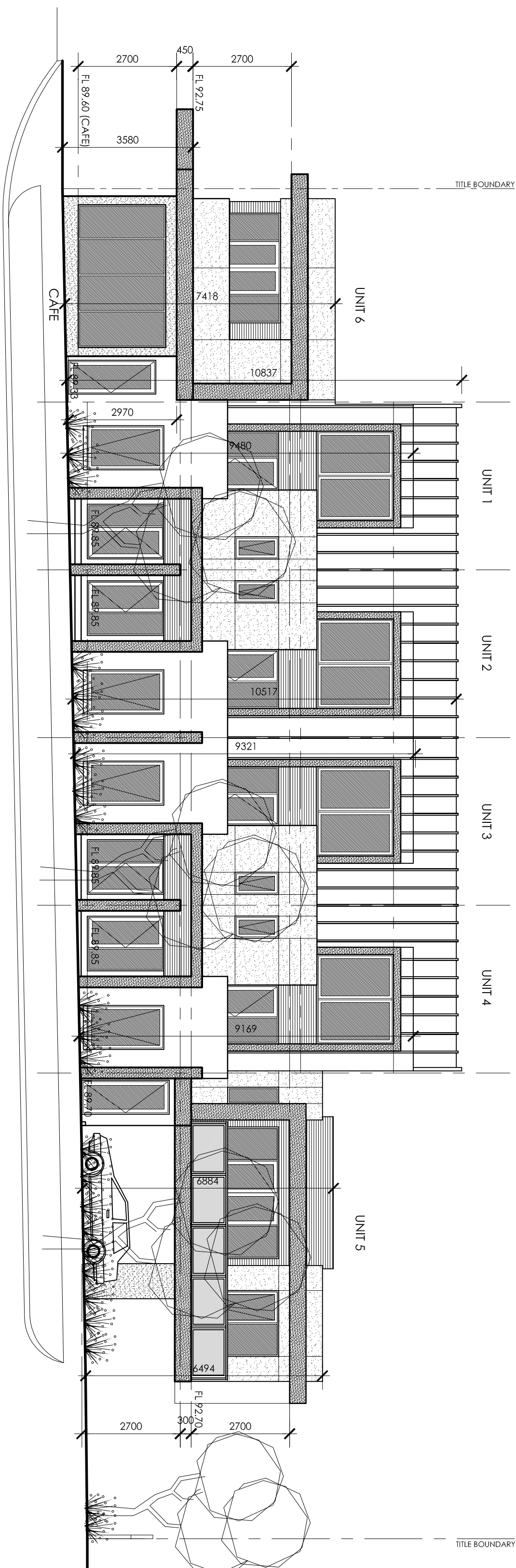
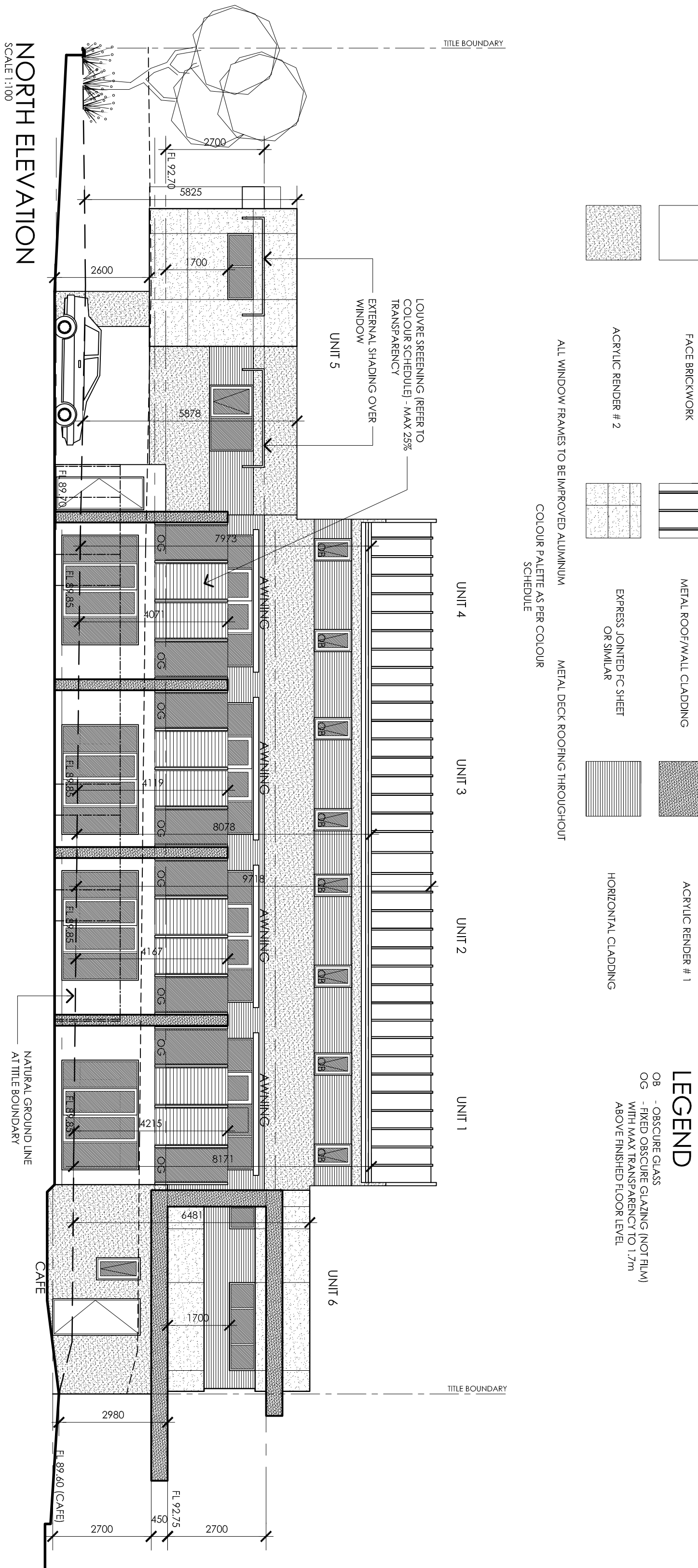
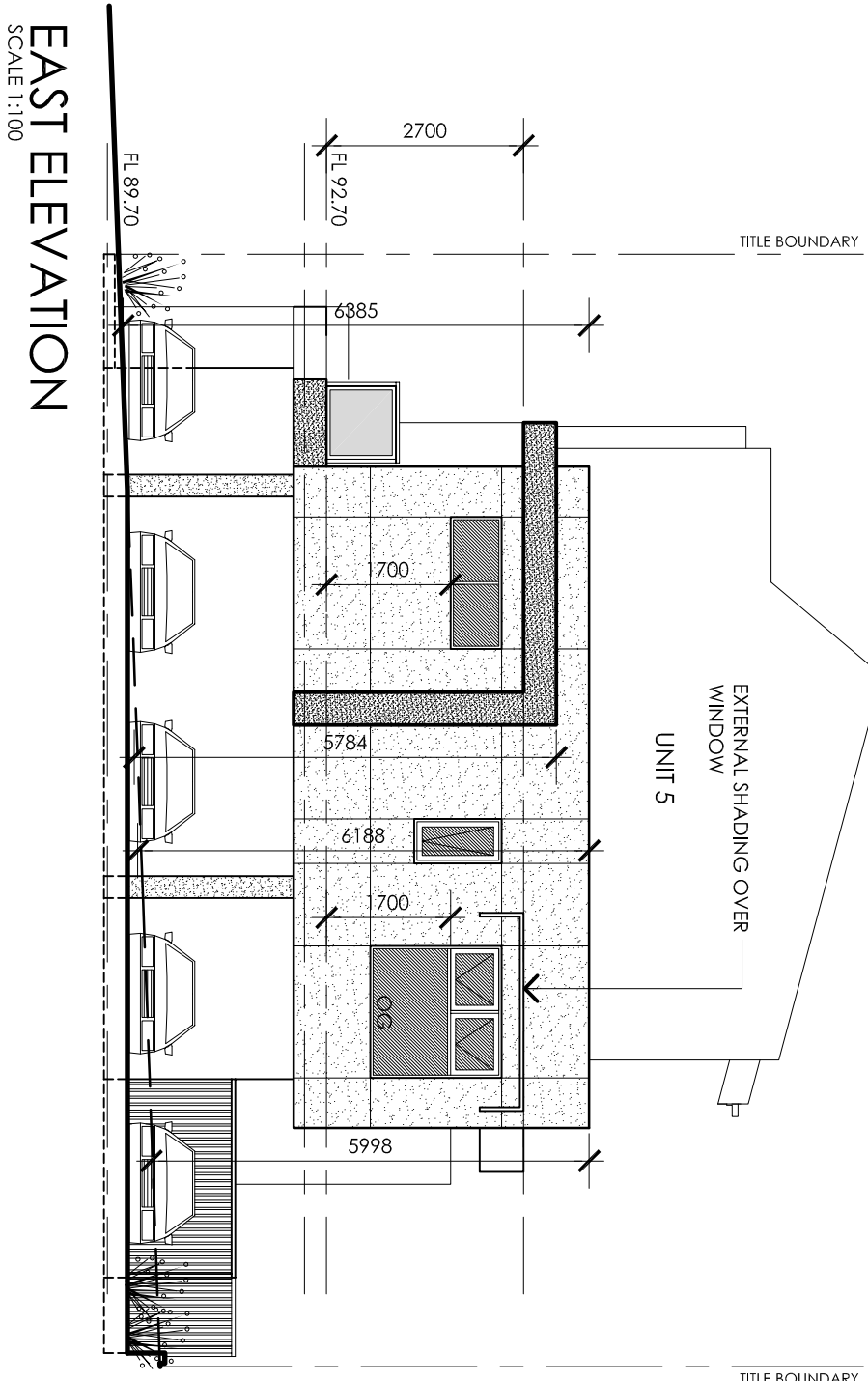
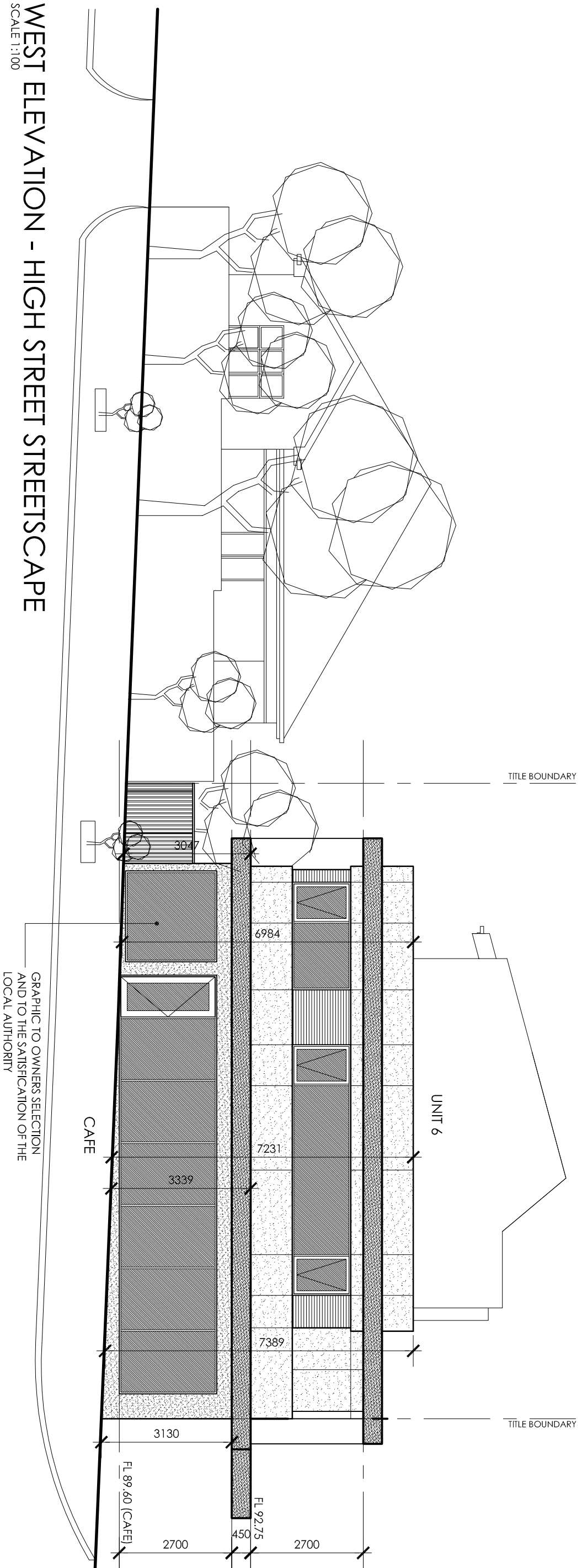
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architecture + development solutions
713 PLENTY ROAD RESERVOIR 3073 EMAIL: ADMIN@KONREID.COM.AU
PH. 94782836 FX. 94782034

REV	DATE	ISSUE	REV	DATE	ISSUE	REV	DATE	ISSUE	REV	DATE	ISSUE
E	DEC 15	AMENDMENT APPLICATION	F	FEB 16	FURTHER INFO	B	AUG 14	RT RESPONSE	A	MAY 14	TOWN PLANNING
D	JUL 15	CONDITIONAL ISSUES	C	MAY 15	CONDITIONAL DRAWINGS						

MULTI-UNIT DEVELOPMENT
710 HIGH STREET
RESERVOIR
TP04 F
JOB NO. SCALE DRAWN DATE
010096 1:100 EC FEB 16





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E DEC 15 AMENDMENT APPLICATION
D JUL 15 CONDITIONAL ISSUES
REV DATE ISSUE

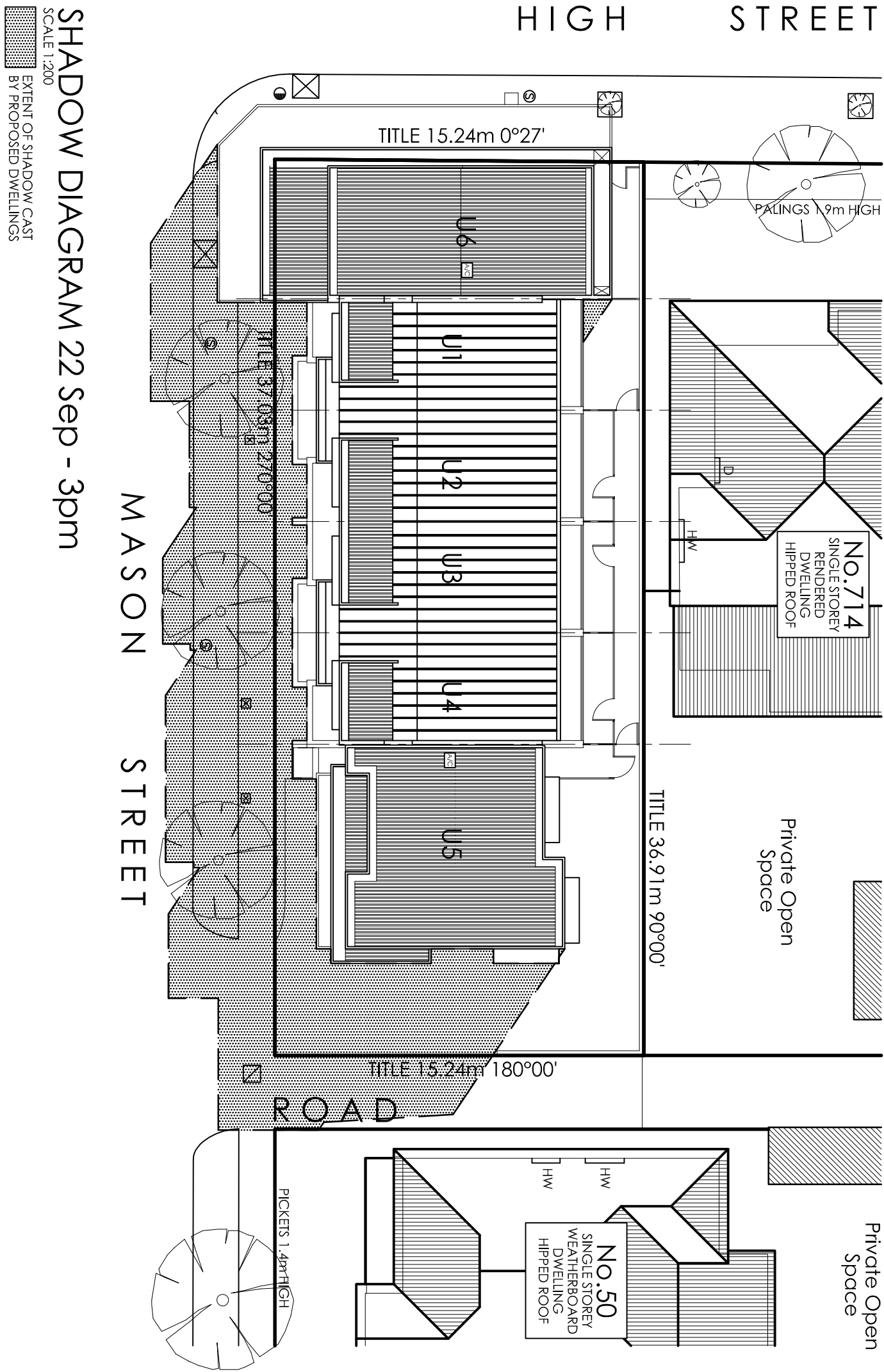
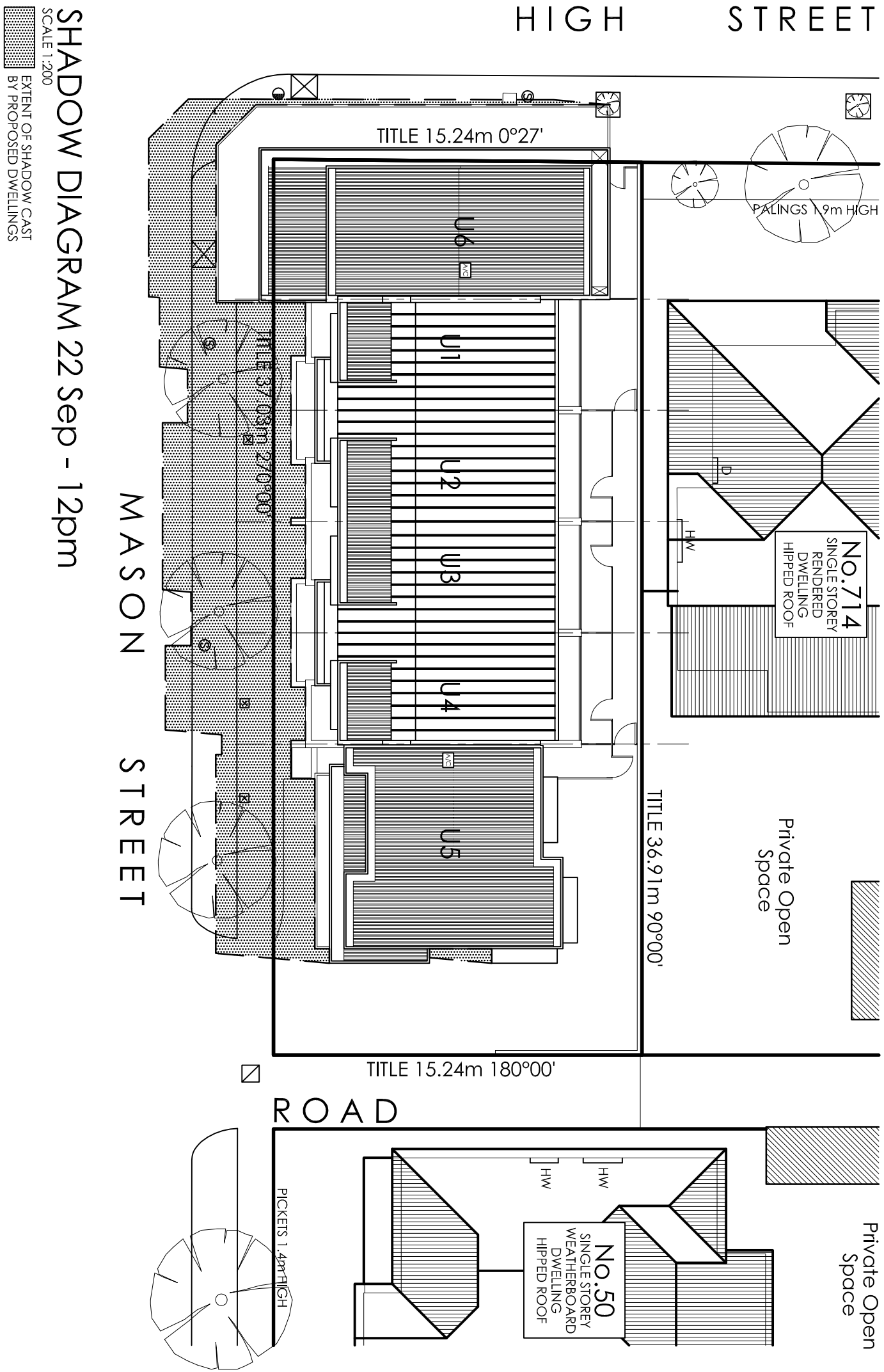
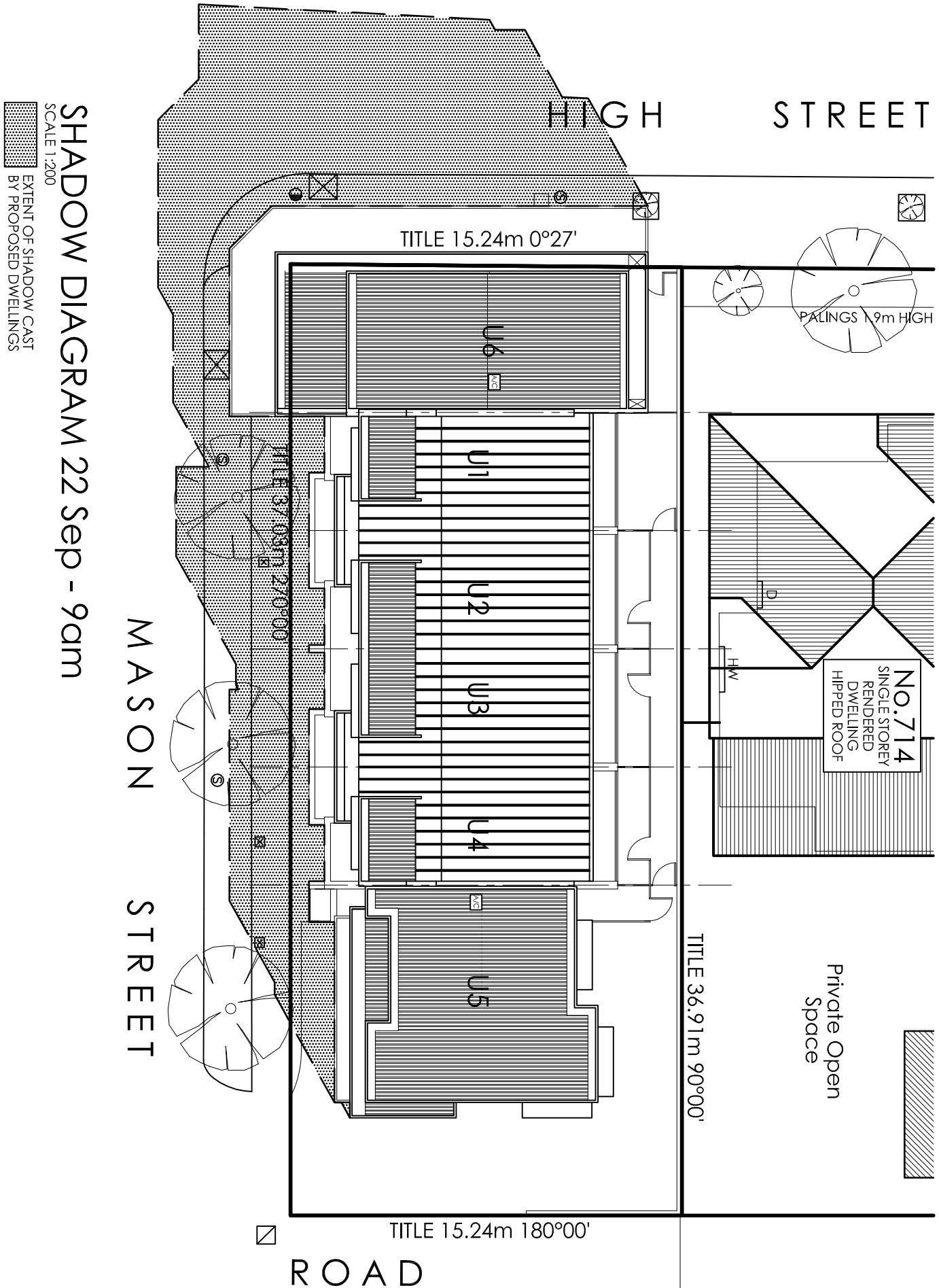
F FEB 16 FURTHER INFO
C MAY 15 CONDITIONAL DRAWINGS
REV DATE ISSUE

B AUG 14 RESPONSE
REV DATE ISSUE

A MAY 14 TOWN PLANNING
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MULTI-UNIT DEVELOPMENT
710 HIGH STREET
RESERVOIR
TP05 F

JOB NO. SCALE DRAWN DATE
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5.2 APPLICATION FOR PLANNING PERMIT D/1046/2015
50 Regent Street, Preston Vic 3072

AUTHOR: Principal Planner – Marisia Hammerton

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
R Architecture Pty Ltd	Exors. Bryan Thomas Grant	Sherrin Bishop (The English Gardener)

SUMMARY:

- The applicant seeks to construct a medium density housing development comprising of four (4) double storey dwellings, as follows:
 - Dwelling 1 and 4 will have three (3) bedrooms each and access to a single garage and tandem car space, each provided from separate vehicle crossings from Regent Street and Myrtle Grove respectively;
 - Dwellings 2 and 3 will also have three (3) bedrooms each and access to a car stacker, providing two (2) car spaces each. The car stackers are accessed from a double vehicle crossover to Myrtle Grove.
 - Dwelling 1 has 40 square metres of secluded private open space at ground floor level, with additional non secluded space to the front of the site.
 - Dwellings 2-4 have a reverse living arrangement with a terrace of a minimum of 10 square metres, in addition to a 16-19 square metre service yard.
 - The maximum building height is 8.4 metres to the ridge.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Seventeen objections were received against this application. This includes one (1) petition with six (6) signatures.
- The proposal fails to meet a number of objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that a view be formed to oppose the grant of permit and that the application be refused.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit and Darebin Parks Unit.
- This application was referred externally to Melbourne Water.

Recommendation

That the opinion be formed to not support planning permit application D/1046/2015 on the following grounds:

1. The proposal does not meet the objectives of Council's Neighbourhood Character Study in terms of poor opportunities for appropriate landscaping, inadequate setbacks, inadequate articulation, design detail, dominant car access, as well as excessive height, visual bulk and building form.
2. The proposal will result in excessive visual bulk to the adjoining properties.
3. The proposal does not meet the objectives Clause 55 of the Darebin Planning Scheme, more particularly:
 - a) Neighbourhood character - The proposal is inappropriate in terms of the height/visual bulk, inadequate setbacks, landscape character, inadequate articulation and dominant vehicle access.
 - b) Inadequate front setback.
 - c) Poor opportunities for landscaping and the development does not respect the garden and landscape character of the area.
 - d) The building bulk/height is inconsistent with the neighbourhood character and impacts unreasonably on the amenity of adjoining property.
 - e) Inappropriate design detail.
 - f) Poor access to external storage areas via car stackers.
 - g) Inappropriately located waste/recycle bins.
4. The car parking and access design and layout are inappropriate in that: the vehicle access to Regent Street is inappropriate and dominant; vehicles cannot conveniently enter and exit the Regent Street access point in a forward direction.
5. The proposal is an overdevelopment, poorly conceived and not site responsive.
6. The development does not comply with the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.
7. Pursuant to Section 61 (2) of the *Planning and Environment Act 1987*, the Responsible Authority must refuse to grant the permit as Melbourne Water objects to the proposed development on the following grounds:
 - a) The proposed development is contrary to the State Planning Policy and the objectives of the Special Building Overlay (SBO).
 - b) The proposed development is subject to inappropriate flood risk, where the safety of land users may be affected and potential for flood damage is excessive.
 - c) The proposed development does not comply with Melbourne Water's core assessment criteria regarding freeboard and flood flows.

Report

INTRODUCTION AND BACKGROUND

This item was listed for consideration at the 10 October 2016 Planning Committee meeting but was not determined due to the cancellation of the meeting.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 17.98 metres across the Regent Street frontage and 42.67 metres to Myrtle Grove, with a site area of approximately 767.21 square metres.
- The land is located within the General Residential 2 Zone and affected by the Special Building Overlay and the Development Contributions Plan Overlay (expired). Regent Street is a Road Zone Category 2.
- The land is located on the north eastern corner of Regent Street and Myrtle Grove.
- The site currently accommodates a large single storey brick dwelling, with a pitched and hipped tile roof. There are two (2) vehicle crossovers from Myrtle Grove. The site has a traditional rear yard area which is predominantly open, with a moderate amount of vegetation. The site has a high paling fence along both its Regent Street and Myrtle Grove frontages. The site has a fall of approximately 500mm from the north east (rear) corner to the south west (front).
- To the east of the site is a single storey weatherboard dwelling with a pitched and gabled tile roof. This dwelling has traditional front and rear yard areas and a number of habitable room windows adjacent to the subject site. This dwelling has a setback of 12.3 metres from the front boundary and 1.185 metres to the common boundary, with the rear secluded private open space area abutting the common boundary.
- To the west, on the opposite side of Myrtle Grove, is a single storey brick dwelling with a tile roof and a picket front fence. The site has traditional front and rear yard areas.
- To the north is a single storey weatherboard dwelling fronting Myrtle Grove. This site has a garage constructed along the shared boundary of the subject site, with a traditional yard to the rear. This dwelling is set back 6.8 metres from the street frontage and approximately 3 metres from the common boundary.
- To the south of the site, on the south side of Regent Street are a number of single storey dwellings.
- On-street parking on Myrtle Grove and Regent Street is unrestricted.
- The site is located approximately 1km from the core of Preston Central Activity Centre. There is an activity centre 500 metres to the west at the intersection of Regent Street and Gilbert Road. A small activity centre is located approximately 270 metres to the north at the intersection between Spring Street and Roma Street. The area is predominantly residential, with some examples of medium density developments, but mainly intact residential dwellings.

- The site is approximately 200 metres from bus stops on Spring Street and Regent Street serving the 553 bus route and approximately 500 metres from the Regent train station. The terminus for tram route #1 is located approximately 630 metres to the west along Gilbert Road. Regent Railway Station is approximately 350 metres to the east.

Proposal

The applicant seeks to:

- Demolish the existing dwelling.
- Construct four (4) double storey three (3) bedroom dwellings, each to be provided with two (2) car spaces, either in a single garage and tandem form, or in single garage containing a car stacker (for two (2) cars).
- Proposed vehicle access is via crossovers from Regent Street and Myrtle Grove.
- The maximum building height is to be 8.4 metres.
- The proposed private open space is as follows:
 - Dwelling 1 will have 40 square metres of secluded private open space and an additional 85 square metres of non-secluded private open space to the front;
 - Dwellings 2 and 3 will have a terrace of 10 square metres at first floor and a service yard of 16 square metres at ground floor;
 - Dwelling 4 will have a terrace of 12 square metres at first floor and a service yard of 19 square metres at ground floor.
- The proposal is to have a contemporary design with brick walls to the ground level and timber and lightweight metal cladding to the first floor. The roofs are to be pitched and gabled, with some flat sections.

Objections

- Seventeen objections were received against this application.

Objections summarised

- Does not meet the objectives and standards of Clause 55 in relation to: residential policy character; energy efficiency; solar access; and dwelling diversity.
- Poor internal amenity with reverse living requiring private open space only in the balcony areas of three (3) dwellings.
- Increased traffic and parking congestion due to tandem car spaces and stackers.
- Three (3) additional crossovers will raise safety issues.
- No space for rubbish bins shown on plans.
- Overdevelopment, taking into account single storey detached dwellings in the area.
- Should be considered by the Darebin Planning Committee.
- Visual bulk impact to street and surrounding properties.
- The proposal does not add net value to the community.
- The number of objections indicates a negative social effect.
- Does not meet the standards in the Planning Scheme.

- Will not guarantee affordable accommodation.
- Noise and light disturbance from reverse living arrangements.
- Inadequate front setback.
- Boundary wall is contrary to the neighbourhood character and will impact on daylight.
- Overlooking from kitchen windows and balconies.
- Further details of external lighting required.
- Excessive height.
- Impact on daylight to adjoining dwelling.
- Overshadowing.
- Effect on proposed solar panels.
- Contrary to neighbourhood character.
- Adverse impact on the safety of adjoining dwellings.
- Excessive site coverage.
- Increased parking and disruption from tenants.
- Higher densities create slums and increased crime.

Officer comment on summarised objections

Does not meet the objectives and standards of Clause 55 in relation to: residential policy character; energy efficiency; solar access; and dwelling diversity

As can be seen in the assessment below, it is considered that issues such as energy efficiency, solar access and the contribution to dwelling diversity are largely acceptable. However, significant issues arise with regard to neighbourhood character, visual impact and side and rear setbacks.

Poor internal amenity with reverse living requiring private open space only in the balcony areas of three (3) dwellings

The proposal provides adequate secluded private open space in the form of balconies of 10 to 12 square metres for Dwellings 2, 3 and 4. These areas are adequate under Standard B28 and considered to meet the recreational requirements of any future occupants. In addition, further ground level private open space is provided for the service and recreational needs of the occupants. Nevertheless, the proposal does not provide adequate ground level areas for appropriate levels of landscaping, which indicates an inappropriate design response.

Increased traffic and parking congestion due to tandem car spaces and stackers.

The proposal provides adequate car parking, with two (2) car spaces for each dwelling. Car stackers and tandem car spaces are a legitimate form of parking provision under Clause 52.06. It is not considered that the proposal will lead to an unreasonable impact on traffic or parking congestion in the area.

Three (3) additional crossovers will raise safety issues

It is not considered that the additional crossovers will lead to traffic safety issues, provided adequate pedestrian visibility spays are provided, which may be addressed by condition.

No space for rubbish bins shown on plans

The design does not provide appropriate bin storage areas for Dwellings 2, 3 and 4. Bins would either be located in the front yard area (which is inappropriate and unsightly), the rear yard area (which would require them to be taken out through the dwellings) or the garages (which would impact on internal garage widths and the stackers). This is indicative of a poor design response.

Overdevelopment, taking into account single storey detached dwellings in the area

Although the proposed development is a double 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 noted that there are other double storey developments in the area and that it is a generally held planning principle that a gradual increase in height is acceptable. 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 does not comply with a number of the objectives of Clause 55 and is considered to be an overdevelopment.

Should be considered by the Darebin Planning Committee

The proposal is to be reviewed by the Darebin Planning Committee.

Visual bulk impact to street and surrounding properties

As noted above, a two (2) storey height may be acceptable, provided an appropriate transition in scale is provided and visual bulk is addressed. However, the proposal provides inadequate articulation, inadequate setbacks and excessive building form, so that it will impact unreasonably on the amenity of the adjoining properties, through visual bulk.

The proposal does not add net value to the community

At a planning application level it is difficult to quantify the concerns surrounding this reason for objection. It is noted that the application fails to adequately comply with a number of standards and objectives of Clause 55 of the Darebin Planning Scheme and, therefore, will not be supported.

The number of objections indicates a negative social effect

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

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

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

3. *Section 60(1) describes matters which the responsible authority and, in turn, the Tribunal must consider. It does not stipulate that a particular matter should necessarily be determinative of the decision as to whether a permit be granted or refused.*

4. *It is for the responsible authority and, in turn, for the Tribunal on review to determine whether something constitutes a significant social effect and what weight it should be given in reaching a decision whether to grant or refuse a permit.*

It is considered that the receipt of 17 objections, in itself, is not a determining factor as to whether a permit should be granted or refused in this instance. A medium density development in an area designated as an area of Incremental Change in the Darebin Housing Strategy is not considered to be likely to cause significant social effects for residents or visitors to the area.

Does not meet the standards in the Planning Scheme

The proposal has been assessed against relevant standards contained within the Scheme with particular focus on Clauses 52.06 and 55 and the Darebin Neighbourhood Character Guidelines, and issues arise with regard to visual bulk, landscaping etc. See assessment below for more details.

Will not guarantee affordable accommodation

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

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

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

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

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

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

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

The proposed development incorporates four (4) medium sized dwellings which would improve the diversity of housing choice on the open market. The proposal therefore accords with the principles established in *Green* and the objectives of the relevant local policy.

Noise and light disturbance from reverse living arrangements.

The proposed use is predominantly residential and will have noise impacts consistent with those normal to a residential use, unlike a commercial or an industrial use which would create noise impacts that are more intrusive. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area.

It is also noted that while Dwellings 2, 3 and 4 will have first floor kitchen windows to the east, it is not considered that the proposal would lead to unreasonable levels of noise and light disturbance, as the main first floor living areas are oriented to the west, towards Myrtle Grove.

Inadequate front setback

The proposal has appropriate front setbacks to Myrtle Grove of 3 metres, in compliance with Standard B6, as can be seen in the assessment against Clause 55, below. However, the front setback to Regent Street is inadequate and does not meet the standard. This is indicative of poor design response.

Boundary wall is contrary to the neighbourhood character and will impact on daylight

It is not considered that a wall to a common boundary is unreasonable, given that the adjoining garage/carport structure is constructed to the common boundary (indicating that it is an element found in the neighbourhood character). However, the construction of the development along the length of the site to the northern boundary is a poor design response. It is also considered that the boundary wall will not unreasonably affect daylight to any habitable room windows given the setback of approximately 3 metres to the adjoining dwelling (which complies with Standard B19 of Clause 55).

Overlooking from kitchen windows and balconies

The first floor kitchen windows are to have fixed obscure glass, so that there will be no unreasonable overlooking. In addition, it is not considered that the west facing balconies will adversely affect amenity in that: views to the western side of the street are beyond 9 metres as required by the Standard; views to the public street area are not considered to be unreasonable; and views to the adjoining front yard area are views currently available from the public realm and are therefore not unreasonable in this instance. The proposal will comply with the Standard and screen all unreasonable views within 9 metres and a 45 degree angle of all existing habitable room windows and private areas, in compliance with the standard.

Further details of external lighting required

Should a permit issue a condition may require details of external lighting and/or that external lighting is suitably baffled so that it does not adversely affect the amenity of adjoining properties.

Excessive height

A two storey development of the site may be acceptable, provided an appropriate transition in scale is provided and visual bulk is addressed. However, the proposal provides inadequate articulation, inadequate setbacks and excessive building form, so that it will impact unreasonably on the amenity of the adjoining properties, through visual bulk.

Impact on daylight to adjoining dwelling

The proposal is appropriately set back from adjoining properties, so that it will not unreasonably affect daylight to the habitable room windows, in accordance with Standard B19 of Clause 55.

Overshadowing

Overshadowing is only over the neighbouring property to the east and complies with the standard in that at least 40 square metres of the secluded private open space of the neighbouring dwelling (with a minimum dimension of 3.0 metres, or 75% - whichever is the lesser) will receive a minimum of five hours sunlight between 9 am and 3 pm on 22 September.

Effect on proposed solar panels

Council may only consider existing conditions or seriously entertained planning proposals. In this instance proposed solar panels cannot be considered, as their location and placement are unknown.

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. Nevertheless, as can be seen in the assessment below, the proposal is not considered to appropriately respect the neighbourhood character in terms of setbacks, landscape character, height and visual bulk.

Adverse impact on the safety of adjoining dwellings

It is not considered that the proposal will raise any safety or security issues in that the overlooking to the east is appropriately screened.

Excessive site coverage

The site coverage complies with the standard with 58.2% of the site covered by buildings.

Increased parking and disruption from tenants

The occupation of the dwellings by either owner/occupiers or tenants is not a planning consideration and increased parking and disruption may be equally experienced from tenants as owners.

Higher densities create slums and increased crime.

There is no nexus between medium density development and crime and establishment of slums. This is not a relevant planning consideration.

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

Although the existing building contributes to the streetscape, the building may be demolished without planning permission, as the site is not located in a Heritage Overlay. Nevertheless, given the assessment below, it is considered that the development is inappropriate and will not make an acceptable contribution to the surrounding character.

Complies

Vegetation

The site does not contain any significant trees and all vegetation may be removed without a planning permit. The proposal is not accompanied by a landscape concept plan. Despite the location in proximity to services, it is considered that the development does not provide sufficient space for landscaping and appropriate canopy planting to the sides and rear, as a result of the narrow setbacks and construction of the development along the length of the site. This design response limits areas available to maintain appropriate landscaping and the garden setting of the dwellings and for softening and screening of the development to address visual bulk. In addition to the above, the large turning area to the Regent Street frontage is inappropriate, as it restricts areas for landscaping in the front setback area.

It is therefore considered that insufficient measures have been undertaken to ensure the development respects the overall landscape character and is therefore an inappropriate design response.

Does not comply

Siting

- The proposal provides inadequate space for a front garden to Regent Street given the large vehicle turning area.
- The Design Response is to: *'Set new development back from the side or rear boundaries so that a generous space is maintained for landscaping'*. Also, *'Lack of garden space for landscaping'* is to be avoided. Due to the setbacks, there is a lack of adequate space for appropriate landscaping. This is an inappropriate design response and the proposal does not provide sufficient space for landscaping to soften and screen the development and address visual bulk.
- The development is not set back from the western common boundary to Regent Street nor to the north boundary to Myrtle Grove, with construction along the length of the Myrtle Grove interface. This is an inappropriate design response and does not appropriately respect the rhythm of spacing between dwellings in the area, given the detached single dwelling character.
- Two (2) crossovers to Myrtle Grove are acceptable (as it is to the long side of a corner allotment). However, the garages to the Myrtle Grove frontage are not set back adequately from the façades to the dwellings and result in a dominance of car storage facilities.

Does not comply

Height and Building Form / Frontage Width

Buildings in the area are predominantly single storey; however, there are double storey buildings nearby. The proposed upper floor is not set back a *'substantial distance'* from the façade (i.e. set back one (1) room from the ground floor façade). This indicates an inappropriate design response, in that it provides excessive height and bulk to the streetscape and does not allow an appropriate transition or graduated increase in height to adjoining low-scale dwellings. In addition to the above, the high building form extends across a large proportion of the site, which is an inappropriate design response, as it is out of scale with adjoining lots and impacts adversely on the streetscape through visual bulk. In this respect, the development does not maintain the predominant scale and form of the nearby dwellings.

Additionally, the unbroken double storey form of the dwellings extends into the rear yard area, with no breaks between the dwellings. This is an inappropriate design response, as it is out of scale with adjoining buildings (given the adjoining rear yard) and impacts adversely on the amenity, rear yard and garden character through visual bulk.

Does not comply

Materials and design detail

The proposal provides brick and lightweight cladding for wall materials. The extent of metal cladding is not considered respectful of nearby materials, which are generally brick and painted weatherboard wall materials. In addition, the Myrtle Grove elevation fails to incorporate themes, materials and proportions commonly found in the inter and post war housing stock which defines the surrounding area. The proposal provides large expanses of inadequately articulated wall surfaces to the elevations and a contemporary 'box-like' appearance.

Does not comply

Front boundary treatment

There is no proposed front boundary fence. Although there is a 1.8 metre fence to Myrtle Grove (for the secluded private open space of Dwelling 1), this is considered to be an acceptable design response, as it is a common occurrence for an allotment on the long side of a corner location.

Complies

Clause 55 Assessment

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

Standard B2: Residential Policy

The proposal is accompanied by a written statement and design response in terms of information provision. However, the design is inappropriate in terms of the response to the opportunities and constraints of the site and compliance with overall residential policy with regard to neighbourhood character and site responsive design. Therefore, the proposal does not comply with the State Planning Policy Framework, the Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.

Does not comply

Clause 55.03-1 B6 Street Setback

- The site is on a corner and a 3 metre setback is required to the façades of Dwellings 2, 3 and 4 and 2 metres to the side of Dwelling 1 to Myrtle Grove. The proposal is set back 3.6 metres and complies with the standard.
- The front setback to regent Street of the adjoining dwelling to the east is 12.3 metres. The standard therefore requires a setback of 9 metres. The proposed front setbacks of 7.825 metres do not comply with the standard.

- The front setback is inadequate and does not provide an appropriate transition to the adjoining dwelling. In addition, the decision guidelines require the Responsible Authority to consider 'The design response' and 'The visual impact of the building when viewed from the street and from adjoining properties'. As can be seen in this assessment, the proposed height and visual bulk to the street and the inadequate transition in scale is an inappropriate design response. Additionally, the dwellings in the area generally have a larger front setback. Importantly, the proposal provides significant visual bulk to the street, as the upper floor is forward of the adjoining dwelling and will result in significant visual impact when viewed from the street.

Does not comply

Clause 55.03-2 B7 Building Height

The proposed dwellings are to have a maximum height of 8.4 metres which complies with the standard requiring a maximum height not exceeding 9.0 metres. However, issues arise with regard to height, mass and visual bulk to adjoining properties.

Does not comply

Clause 55.03-5 B10 Energy Efficiency

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

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

Notwithstanding the above, the passive solar design may be improved, with north-facing, operable clerestory windows to the living spaces. In addition, the size of the western glazed elements should be reduced and external retractable shades should be provided to reduce heat load.

Complies subject to condition

Clause 55.03-8 B13 Landscaping

- The surrounding landscape character is generally semi mature and informal, with large open spaces and spacious setbacks.
- Insufficient measures have been undertaken to ensure the development complies with the overall landscape character with no breaks provided between buildings and inadequate landscaping to the sides and rear. In addition, the proposal will dominate the rear yard/landscape character of the area and the development does not provide sufficient space for landscaping to reduce visual bulk.
- There is inadequate space for appropriate landscaping around the site.

Does not comply

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern – Dwelling 1	3.1 metres	1.0 metres	2 metres
Eastern – Dwelling 2	3.4 metres	1.0 metres	2 metres
Eastern – Dwelling 3	3.3 metres	1.0 metres	2 metres
Eastern – Dwelling 4	3.2 metres	1.0 metres	2 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
Eastern – Dwelling 1	6.6 metres	1.9 metres	2.4 metres
Eastern – Dwelling 2	6.6 metres	1.9 metres	2.4 metres
Eastern – Dwelling 2 (gable)	<u>8.1 metres</u>	<u>3.19 metres</u>	<u>3 metres</u>
Eastern – Dwelling 3	6.5 metres	1.87 metres	2.4 metres
Eastern – Dwelling 3 (gable)	6.6 metres	1.9 metres	3 metres
Eastern – Dwelling 4	6.4 metres	1.84 metres	2.4 metres
Northern – Dwelling 4	6.4 metres	1.84 metres	2 metres

As can be seen above, although there is an area of non-compliance - (relating only to the top of the gabled roof form, which is minor and may be addressed by conditions, if required) - the proposal largely complies with the standard. However, it is considered that the proposal will contribute unreasonably to visual bulk to the adjoining allotment and rear yard area. Importantly the proposal provides a large building form, with no breaks and inadequate articulation at the upper floor levels, or adequate landscaped areas to the ground floor.

This is considered to be an inappropriate design response, adversely impacting upon the amenity of the adjoining dwellings, as well as the neighbourhood and rear yard/landscape character.

Does not complyClause 55.04-2 B18 Walls on Boundaries

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

Boundary and length	Maximum length allowable	Proposed length
Northern: 17.98 metres	11.99 metres	10.5 metres
Eastern: 42.67 metres	18.17 metres	6.5 metres

The wall heights appear to have an average of 3.2 metres to comply with the standard. This may be confirmed by condition.

Complies subject to condition

Clause 55.04-3 B19 Daylight to Existing Windows

- An area of at least 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky is provided opposite all existing habitable room windows, which complies with the standard.
- Upper floor walls are set back at least half their height from neighbouring windows.
- The development allows adequate daylight to neighbouring existing habitable room windows.

Complies

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective. Overshadowing of neighbouring property to the east by the proposed dwellings is minimal, with at least 40 square metres of neighbouring dwellings' secluded private open space with a minimum dimension of 3.0 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9 am and 3 pm on 22 September.

Complies

Clause 55.04-6 B22 Overlooking

- The ground floor level of the proposed dwellings has finished floor levels less than 0.8 metres above natural ground level at the boundary. The existing 1.63 metre high boundary fence on the east boundary will not sufficiently limit overlooking. In addition, the fence to the northern common boundary is not noted. It is also noted that the site is in a Special Building Overlay, which does not appear to have been addressed in the design and floor levels must be raised above flood level. This may impact on floor level and fence heights. Nevertheless, these may be addressed by condition.
- At first floor, the development is designed to limit views into neighbouring secluded private open space and habitable room windows, with all habitable room windows to the north and east (as well as the northern edge of the balcony to Dwelling 4) having fixed obscure glazing to a height of 1700mm.
- All upper storey windows are appropriately designed and/or screened to ensure no overlooking.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

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

- This is achieved through the provision of 40 square metres of secluded private open space at the side or rear of the dwelling with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room.
- This is achieved through the provision of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room.
- This is achieved through the provision of a roof top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	135 square metres	40 square metres	3.6 metres
Dwelling 2	10.0 square metres (balcony) and 36 square metres overall	10.0 square metres (balcony)	2.73 metres
Dwelling 3	10.0 square metres (balcony) and 36 square metres overall	10.0 square metres (balcony)	2.73 metres
Dwelling 4	12.0 square metres (balcony) and 46 square metres	12.0 square metres (balcony)	2.9 metres

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

Complies

Clause 55.06-1 B31 Design Detail

It is considered that the design detail of the development does not appropriately respect the existing or preferred neighbourhood character, in that it provides a contemporary 'box-like' structure with excessive visual bulk and inadequate articulation.

Does not comply

Clause 55.05-6 B30 Storage

Storage facilities are provided for the dwellings in the garages and rear yard areas. However, the storage areas for Dwellings 2 and 3 are accessed via the car stacker and it is unclear if they can be accessed.

Complies subject to condition

Clause 55.06-4 B34 Site Services

Sufficient area is provided to allow for the installation and the maintenance of site services. However, the proposal has not detailed appropriate bin storage areas for Dwellings 2, 3 and 4, in that waste/recycle bins would either be located in the front yard area (which is inappropriate and unsightly), rear yard areas (which would require them to be taken out through the dwellings, in particular the bedrooms) or the garages (which would impact on internal garage widths and the stackers).

Does not comply

Clause 52.06 Car ParkingNumber of Parking Spaces Required

- Two (2) car parking spaces are provided for each of the three (3) bedroom dwellings with at least one (1) space under cover.
- As noted in the assessment of the grounds of objection, the proposal provides adequate car parking with car stackers and tandem car spaces, which are a legitimate form of parking provision under clause 52.06.
- No visitor car parking space is required.

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 garage dimensions of 6.0 metres length x 3.5 metres width for Dwellings 1 and 4 comply with the minimum requirements of the standard.
- The tandem car space dimensions of 4.9 metres length x 2.6 metres width (plus space for a 500mm setback to the garage) for dwellings 1 and 4 comply with the minimum requirements of the standard.
- The garages dimensions of 5.9 metres length x 3.5 metres width for dwellings 2 and 3 do not comply with the standard, which requires a minimum length of 6.0 metres. However, this discrepancy is minimal and may be increased by condition.
- Access dimensions to the car spaces comply with the standard.
- Regent Street is a Road Zone Category 2 and vehicles are required to exit the site in a forwards direction. More than three manoeuvres are required for vehicles to exit this space in a forwards direction, which is not considered satisfactory.
- Visibility splays are required at the access way interface with the footpath to protect pedestrians. This has been requested as a condition of approval.

Decision Guidelines:

- Design Standard 3: Gradients: The gradient to the garages for Dwellings 2 and 3 is 1:12 and is acceptable.
- Design Standard 4: Mechanical parking: This allows mechanical parking to be used to meet the car parking requirement provided at least 25% of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres. Council's Transport Management and Planning note that a review of the manufacturer's specifications for the Wohn Parklift 402-185/180 car stacker indicates that the 402-185/180 model can only accommodate cars/station wagons up to 165cm. This is inappropriate and an alternative stacker model must be used that can accommodate vehicles up to 1.8m high must be used. This may be addressed by condition on any approval and may require some design changes. (noting that the Comfort type 402-200/195 model meets the requirements of the Design Standard).

- Design standard 5: Urban design: This design standard requires that ground level car parking, garage doors and access ways must not visually dominate public space. It is considered that the large paved area to the front of Dwelling 1 is inappropriate and will reduce areas available for landscaping and create a dominant parking/access area.
- Design standard 7: Landscaping: Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking. As noted above, this has not been achieved in the design.

Clause 52.06-9 details the decision guidelines that the responsible authority must consider before deciding that a plan is satisfactory, which includes:

- *The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.*
- *The ease and safety with which vehicles access and circulate within the parking area.*
- *The protection and enhancement of the streetscape.*
- *The provisions of landscaping for screening and shade.*

As can be seen in the assessment above, vehicle access is poorly designed and inappropriate.

Special Building Overlay:

Under Clause 44.05-1 (Special Building Overlay) a permit is required for the construction of buildings and works. Clause 44.05-5 requires an application to be referred to the relevant floodplain management authority under Section 55 of the Act. Clause 66.03 specifies that Melbourne Water Corporation is a determining referral authority under clause 44.05-5. Section 60 of the *Planning and Environment Act* is as follows:

61 Decision on application:

- (2) *The responsible authority must decide to refuse to grant the permit if a relevant determining referral authority objects to the grant of the permit.*

The application was referred to Melbourne Water who commented as follows:

Melbourne Water, pursuant to Section 56 (1) of The Planning and Environment Act 1987, objects to the proposed development on the following grounds:

1. *The proposed development is contrary to the State Planning Policy and the objectives of the Special Building Overlay (SBO).*
2. *The proposed development is subject to inappropriate flood risk, where the safety of land users may be affected and potential for flood damage is excessive.*
3. *The proposed development does not comply with Melbourne Water's core assessment criteria regarding freeboard and flood flows.*

Given the above, Council must refuse the application under Section 61 (2) of the Act. Although Melbourne Water noted that they may reconsider the proposal subject to a number of requirements being satisfied, as the proposal is considered to be inappropriate in its current form, further amendment and referral was not considered to be necessary.

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 does not comply 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		
		The dwellings are appropriately integrated with the Street.	Y	Y
55.03-1	B6	Street setback		
		The required setback is 9 metres to Regent Street, Dwelling 1 is set back 7.825 metres from the street frontage. Please see assessment in the body of this report.	N	N
55.03-2	B7	Building height		
		8.4 metres. Please see assessment in the body of this report.	Y	N
55.03-3	B8	Site coverage		
		58.2%	Y	Y
55.03-4	B9	Permeability		
		33.1%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties. Please see assessment in the body of this report.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A

Clause	Std		Compliance	
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are not provided for appropriate landscaping. Please see assessment in the body of this report.	N	N
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		
		Please see assessment in the body of this report.	Y	N
55.04-2	B18	Walls on boundaries		
		Please see assessment in the body of this report.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight. Please see assessment in the body of this report.	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. Please see assessment in the body of this report.	Y	Y

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

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to conditions which could be included in any Permit.
Transport Management and Planning	Objected to the proposed design. For further details, refer to the assessment under Clause 52.06 (Car Parking) of this report and Ground 2 of the recommended Refusal Notice.
Darebin Parks	No objection, subject to conditions which could be included as part of any approval.
Melbourne Water	Objected to the proposal – please see ground 5 of recommended Refusal Notice.

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

- Clause 32.08-4 – Construct two or more dwellings on a lot
- Clause 44.05-1 (Special Building Overlay) – construction of buildings and works.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3, 21.02-6, 21.03-2, 21.03-3, 21.03-4, 21.05-1, 21.05-2, 21.05-3, 22.02, 22.06
Zone	32.08
Overlay	45.06, 44.05
Particular provisions	52.06, 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

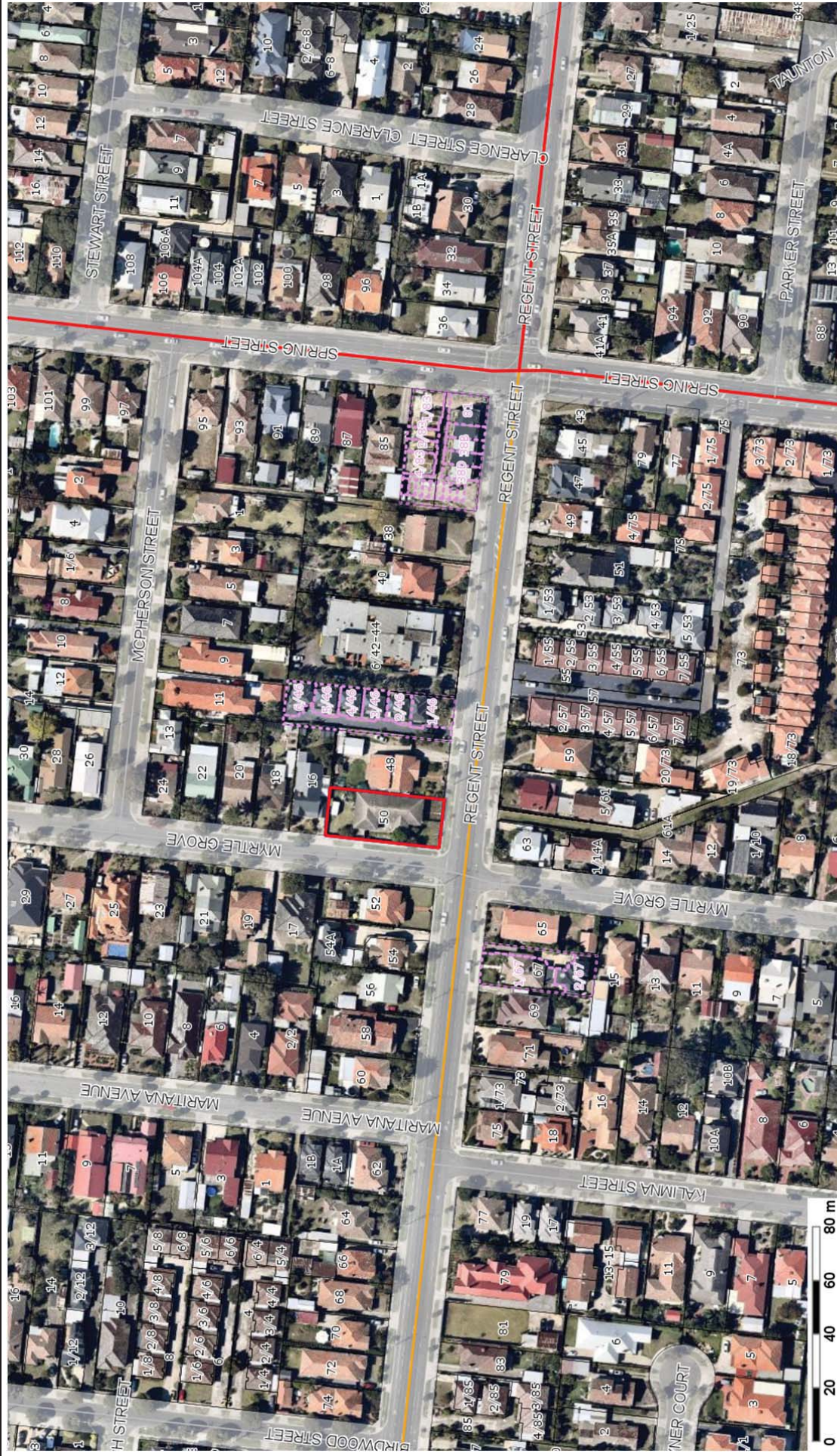
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

10 October 2016 Planning Committee Darebin City Council



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1. DOUBLE STOREY DUAL OCCUPANCY DEVELOPMENT-102 & 104 SPRING STREET.



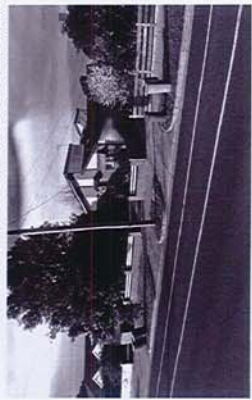
3. DUAL OCCUPANCY DEVELOPMENT AT 3 JOHNSON DRIVE.



4. DOUBLE STOREY MULTIUNIT DEVELOPMENT-51 REGENT STREET.



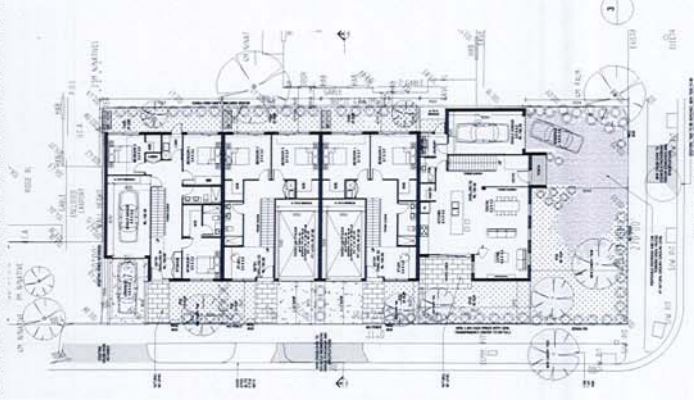
5. DOUBLE STOREY APARTMENT DEVELOPMENT-42 REGENT STREET.



6. DOUBLE STOREY DUAL OCCUPANCY DEVELOPMENT-97 REGENT STREET.



7. DOUBLE STOREY MULTIUNIT DEVELOPMENT-46 REGENT STREET.



2. DESIGN RESPONSE PROPOSED LAYOUT

NEIGHBOURHOOD CHARACTER

- 50 REGENT STREET, PRESTON IS LOCATED IN GENERAL RESIDENTIAL ZONE (GRZ2)
- THE SITE IS IN CLOSE PROXIMITY TO SPRING STREET, HIGH STREET AND BELL STREET ALONG WITH
- THE SITE IS SURROUNDED BY A MIX OF SINGLE AND DOUBLE STOREY HOUSES AND DUAL OCCUPANCY
- RESIDENTIAL DEVELOPMENTS IN IMMEDIATE VICINITY IN THE NEIGHBOURHOOD.
- NEW, EXISTING AND UPCOMING MULTI-UNIT DEVELOPMENTS IN CLOSE PROXIMITY OF SITE REPRESENT A
- CHANGING NEIGHBOURHOOD CHARACTER AND PRESENTS DEVELOPMENT OPPORTUNITIES TO SUBJECT
- SITE.

CONSTRAINTS

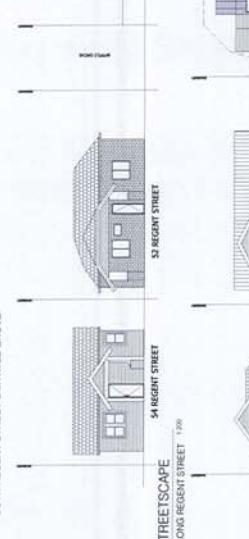
- SUBJECT SITE IS LOCATED IN GENERAL RESIDENTIAL ZONE
- SUBJECT SITE IS LOCATED AT THE CORNER OF REGENT STREET & MYRTLE GROVE
- SUBJECT SITE HAS SPECIAL BUILDING OVERLAY(SB0)

OPPORTUNITIES

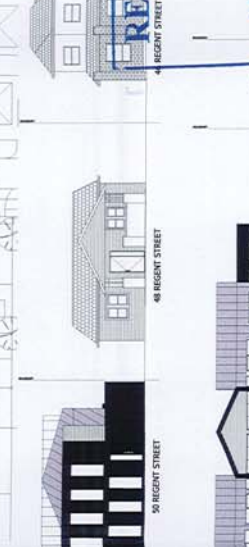
- EXISTING MIX OF SINGLE DWELLINGS AND DUAL OCCUPANCY RESIDENTIAL DEVELOPMENTS ALONG
- REGENT STREET MYRTLE GROVE AND IN THE NEIGHBOURHOOD PROVIDE STRONG CONTEXT TO
- PREVALENT DWELLING TYPES AND DESIGNS IN THE NEIGHBOURHOOD ENCOURAGE THE PROPOSED
- NATURE OF DWELLING TYPES AND DESIGNS IN THE NEIGHBOURHOOD ENCOURAGE THE VARIOUS ARCHITECTURAL
- CHARACTER OF THE AREA, ITS DIVERSE BUILDING FORMS, DESIGN ELEMENTS, MATERIALS, TEXTURES
- PROXIMITY TO PUBLIC TRANSPORT AND TRAIN STATION REDUCE DEPENDENCY ON CARS
- SITE ORIENTATION PRESENTS OPPORTUNITY FOR NORTHERN ASPECT AND SOLAR ACCESS TO
- SECURED PRIVATE OPEN SPACE OF THE HOUSE
- SITE IS LOCATED ON THE CORNER WHICH PRESENTS OPPORTUNITY FOR STREET PRESENCE ALONG
- BOTH REGENT STREET & MYRTLE GROVE



3. STREETSCAPE ALONG REGENT STREET



4. STREETSCAPE ALONG MYRTLE GROVE



5. STREETSCAPE ALONG REGENT STREET



6. STREETSCAPE ALONG MYRTLE GROVE

DESIGN RESPONSE & NEIGHBOURHOOD CHARACTER

PRELIMINARY NOT FOR CONSTRUCTION

PROPOSED TOWNHOUSE DEVELOPMENT

50 REGENT ST, PRESTON

Client: MELBOURNE GROUP CONSTRUCTION PTY LTD

Received ON

25 FEB 2016

CITY OF DAREBIN

STATUTORY PLANNING

r architecture

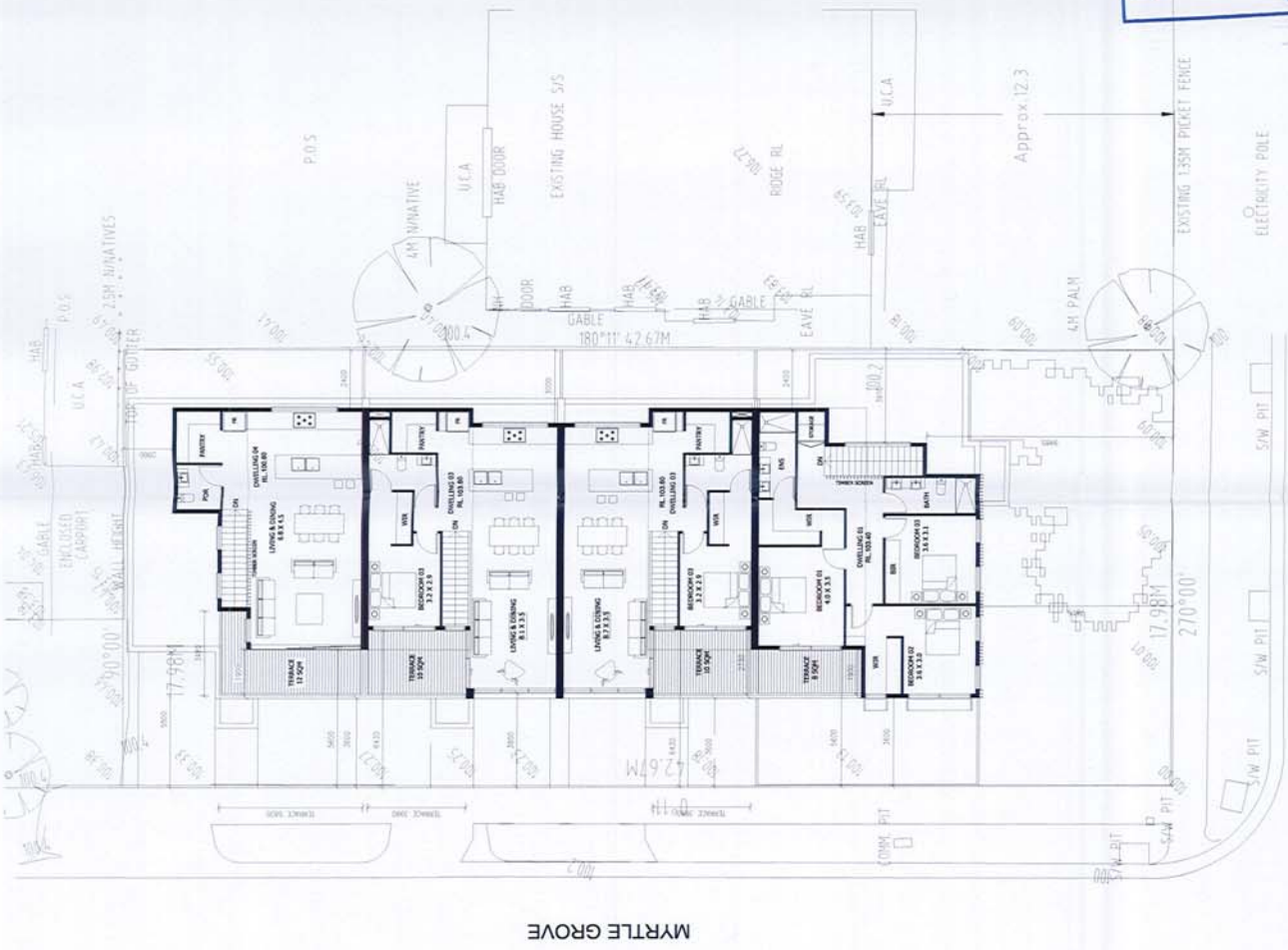
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MYRTLE GROVE

REGENT STREET

RECEIVED ON
25 FEB 2016
CITY OF DAREBIN
STATUTORY PLANNING

FINISHES LEGEND

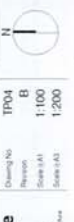
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MATERIALS & FINISHES SCHEDULE

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DEVELOPMENT SUMMARY

NO.	DESCRIPTION	AREA (SQM)
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PROPOSED TOWNHOUSE DEVELOPMENT
50 REGENT ST, PRESTON
MELBOURNE GROUP CONSTRUCTION PTY LTD

Client: MELBOURNE GROUP CONSTRUCTION PTY LTD
Address: 50 REGENT ST, PRESTON
Project: PROPOSED TOWNHOUSE DEVELOPMENT

Architect: r architecture
100/101 STATION STREET, MELBOURNE VIC 3000
PH: 03 9412 1234
WWW.RARCHITECTURE.COM.AU

Scale: 1:100
Sheet: 1/1

DATE: 25 FEB 2016



6	CONCRETE/STAIN PAINT
12	LAWN PERMEABLE PAVING
12	FACE BRICKWORK
12	METAL SHEET CLADDING
15	TRIMMER BATTENS
18	PAINTED CONCRETE SHEET
20	COLORFUL GLASS
18	ROMEXCOATED ALUMINUM
11	PANEL LIFT GANTRY SYSTEM
11	FRAMERLESS GLASS BALCONY
12	ALUMINUM CLADDING
12	METAL SHEETWORK

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Architect

r architectur

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0061 7 551 1111 | 0061 7 551 1111

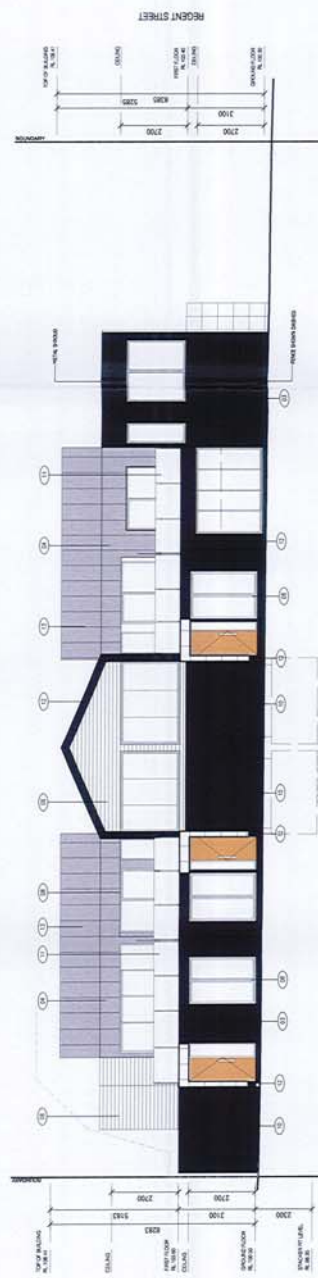
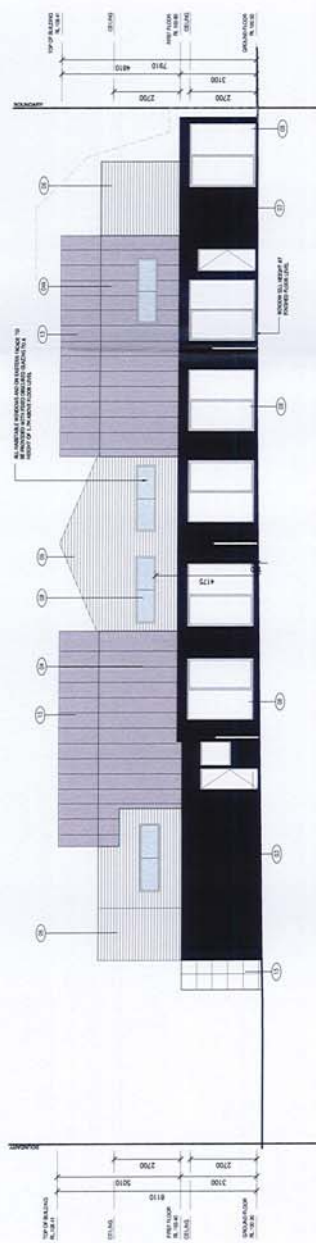
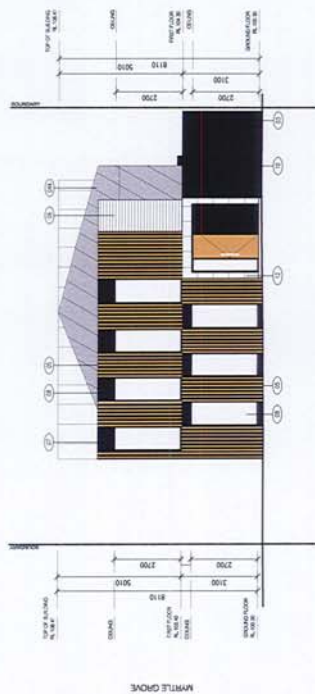
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The researchers say it is unclear why the average cost of a dollar of insurance was lower overall and for the specific category of fire loss. The information available on the characteristics of insureds and on the characteristics of individual claims is insufficient for identifying the reasons for the lower average cost of a dollar of fire loss. The researchers suggest that the lower average cost of a dollar of fire loss may be due to the fact that fire loss is the most common type of loss, and that the average cost of a dollar of fire loss is lower than the average cost of a dollar of other types of loss. The researchers also suggest that the lower average cost of a dollar of fire loss may be due to the fact that fire loss is the most common type of loss, and that the average cost of a dollar of fire loss is lower than the average cost of a dollar of other types of loss.

Site

SITE LAYOUT & GROUND FLOOR PLAN

PRELIMINARY NOT FOR CONSTRUCTION



FINISHES LEGEND

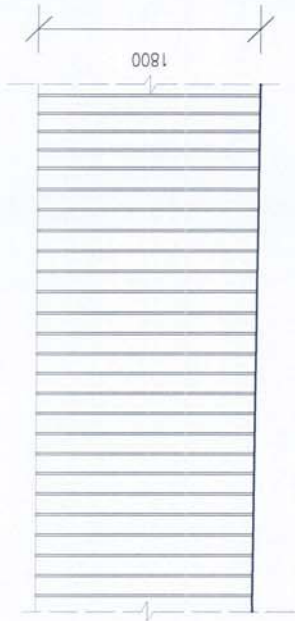
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07	COLOURED GLASS
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11	ALUMINIUM CLADDING
12	ALUCLAD CLADDING
13	METAL SHEET ROOFING

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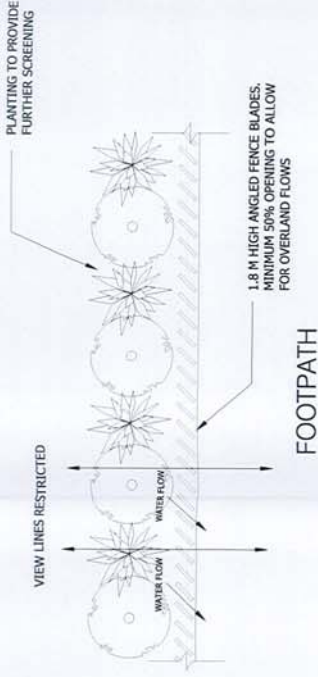
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25 FEB 2016

**CITY OF DAREBIN
COUNCIL MEMBERS
STATUTORY PLANNING**

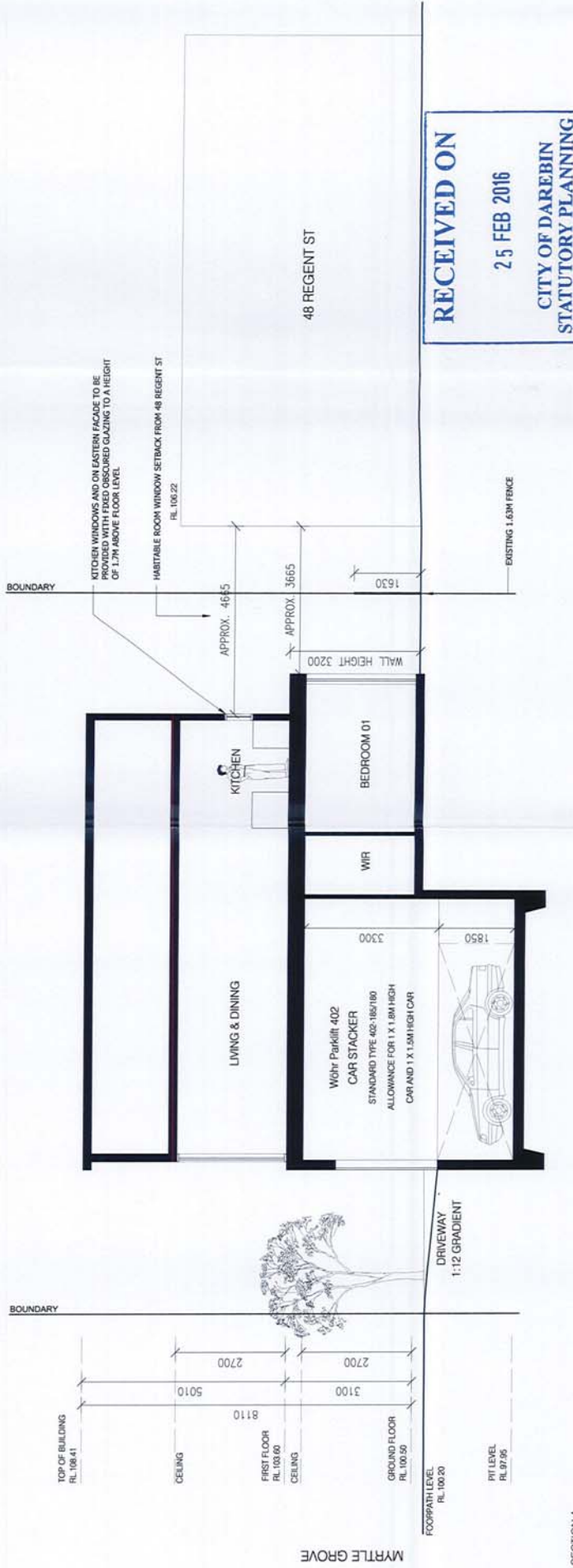


2 FENCE ELEVATION
SIDE 1:10



NATURE STRIP

3 FENCE PLAN DETAIL
1:10



1 SECTION A
CAR STACKER SECTION 1:10

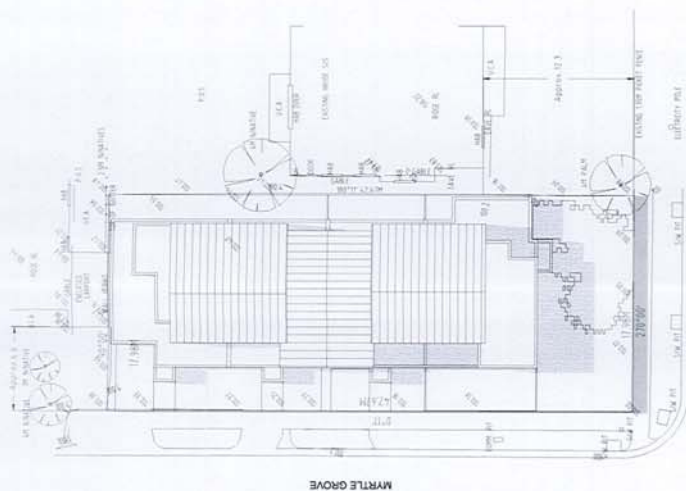
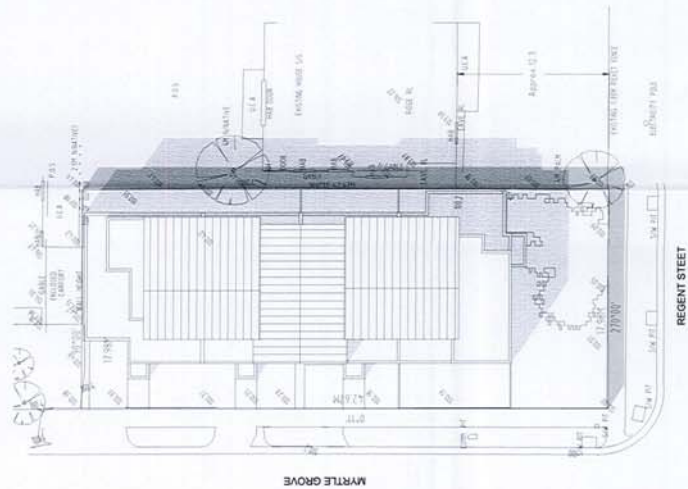
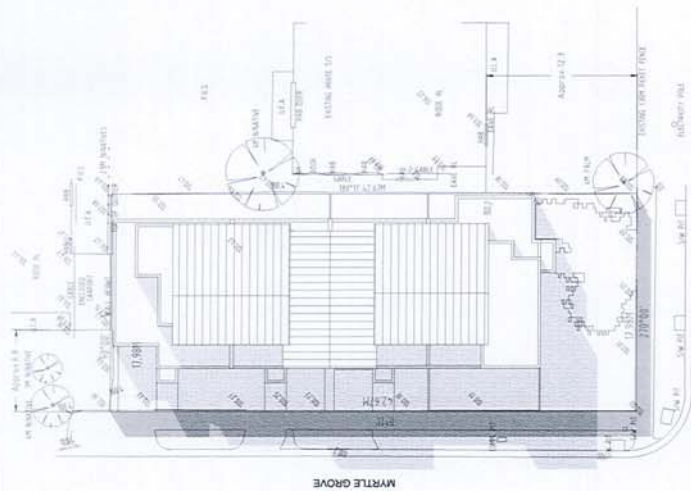
SCHEMATIC SECTION AND FENCE DETAIL
PRELIMINARY NOT FOR CONSTRUCTION

PROPOSED TOWNHOUSE DEVELOPMENT
50 REGENT ST, PRESTON
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Architect
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VIC 3072
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25 FEB 2016
CITY OF DAREBIN
STATUTORY PLANNING



SHADOW DIAGRAMS

PRELIMINARY NOT FOR CONSTRUCTION

Dedication

Project	PROPOSED TOWNHOUSE DEVELOPMENT
Address	50 REGENT ST, PRESTON
Client	MELBOURNE GROUP CONSTRUCTION PTY LTD

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 Denver, CO 80202
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 Fax: 303.733.1001
 Web: www.r-architect.com

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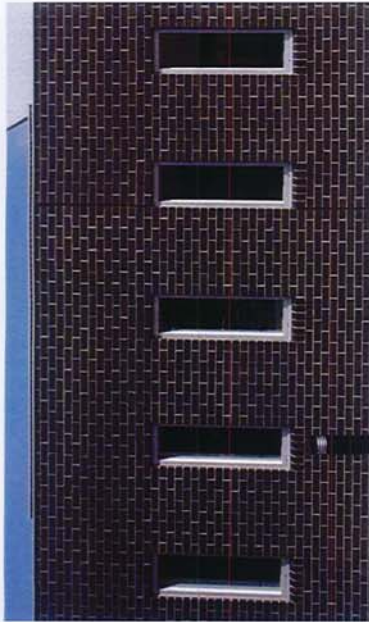
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LEGEND:

EXISTING SHADOWS

PROPOSED SHADOWS

CITY OF DAREBIN
STATUTORY PLANNING

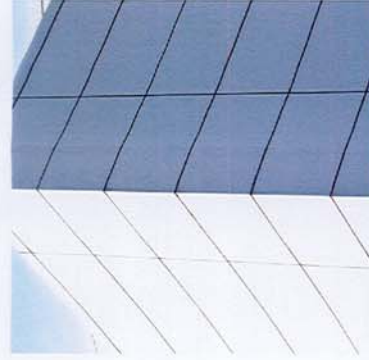


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TIMBER BATTENS

COLOUR: BLACKBUTT (OR SIMILAR)



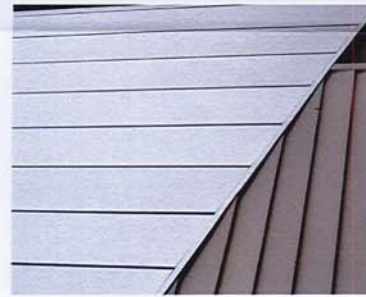
ALUCOBOND CLADDING COLOUR: WHITE



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CEMENT SHEET CLADDING COLOUR: WHITE



METAL SHEET CLADDING



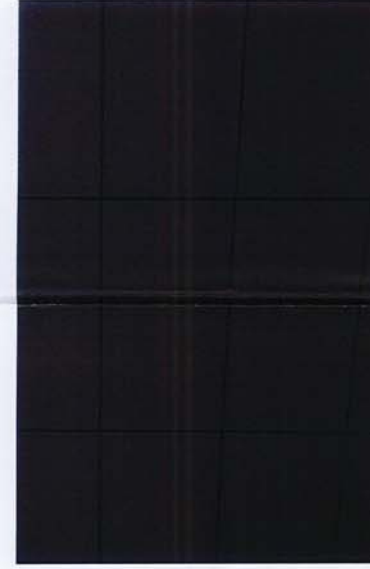
COLOUR: LIGHT GREY & DARK GREY



FRAMELESS GLASS BALUSTRADE



POWDER COATED ALUMINUM WINDOWS COLOUR: BLACK



POWDERCOATED GARAGE DOOR

COLOUR: ZINC/DARK GREY



PERMEABLE DRIVEWAY PAVING

STATUTORY PLANNING

MATERIAL SCHEDULE

PRELIMINARY NOT FOR CONSTRUCTION

DISCLAIMER: This schedule is a preliminary design and is not intended to be a final specification. It is subject to change without notice. The client acknowledges that the design is preliminary and that the final design may differ from this schedule. The client also acknowledges that the design is preliminary and that the final design may differ from this schedule. The client also acknowledges that the design is preliminary and that the final design may differ from this schedule.

Project: PROPOSED TOWNHOUSE DEVELOPMENT
Address: 50 RECENT STREET, PRESTON, VIC
Client: MELBOURNE GROUP CONSTRUCTION PTY LTD

Architect: r architecture
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www.rarchitecture.com.au

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5.3 APPLICATION FOR PLANNING PERMIT D/568/2015
1/72-74 Chifley Drive, Preston Vic 3072

AUTHOR: Principal Planner – Ben Porteous

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
CMS Architects	Tag Corporation Victoria Pty Ltd	TTM Consulting (Vic) Pty Ltd Peyton Waite

SUMMARY:

- The applicant proposes to use the existing building for the purpose of an indoor recreation facility and a place of worship.
- The premises will be a community facility for the Somali, Darussalam community and will provide support for the Australian-Somali community, new immigrants, youth activities/counselling and education.
- The ground floor will provide an office, reception and bookshop area to the front, with internal male/female change rooms; entertainment/education areas, offices, canteen, lecture room, lecture/prayer room, storage, place of worship/indoor recreation; and gym. There is also to be a first floor area for offices and education areas.
- The application indicates that the prayer component will be secondary activity predominantly occurring during the month of Ramadan between 8.00 pm and 10.00 pm and for Friday congregational prayer. Two other events are held at the end of Ramadan and to celebrate the Haj, between 6.00 am and 8.00 am.
- The maximum number of people on the site are to be 200 and 61 car spaces are provided.
- The site is in an Industrial 3 Zone.
- There is no restrictive covenant on the title for the subject land.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- 38 objections were received against this application, from 30 separate properties, including one objection containing eight (8) parties (seven (7) of which also lodged separate objections).
- No consultation was conducted by Council however the applicant arranged a meeting at the subject site for all interested parties, including objectors.
- This application was referred internally to the Transport Management and Planning Units.
- This application was not required to be referred to any external authorities.

Recommendation

That Planning Permit Application D/568/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the use(s) 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 1505SK-04C, 1505SK-05C, 1505SK-06A, Revision dated 30 March 2016 and prepared by CNS Architects) but modified to show:
 - a) A minimum of twenty bicycle parking spaces. The spaces must be provided in accordance with Clause 52.34-4 of the Darebin Planning Scheme.
 - b) Bicycle signage in accordance with Clause 52.34-5 of the Darebin Planning Scheme.
 - c) Full dimensions of car spaces and accessways showing compliance with Clause 52.06-8 (Design standards for car parking) of the Planning Scheme.
 - d) Any alterations required by the Waste Management Plan, in accordance with Condition 5 of this Permit.
 - e) A sign within 2.0 metres of the boundary between the common property and Chifley Drive which directs pedestrian access to be via the central accessway. Details of the sign must be provided.
 - f) Waste storage areas in accordance with Condition 6 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. Before the use starts a minimum of 61 car parking spaces must be available for patrons of the premises in accordance with the endorsed plans.
5. Before the use 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.

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.

6. Before the use starts a waste storage/collection area must be provided on the subject land in accordance with the endorsed plans.

The waste storage/collection area must have minimum dimensions of 2.4 metres by 1.8 metres and be located within the building.

The waste storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
7. Before the use starts a minimum of 20 bicycle parking spaces must be provided in accordance with the endorsed plans.
8. The use may operate only between the hours of 5:00 am and 11:00 pm
9. The number of people on the premises at any one time must not exceed 200 people.
10. The occupants of the premises must encourage for all pedestrian access to the site to be via the central access point from Chifley Drive, and not via the delivery vehicle accesses which abut the northern and southern boundaries of the site.
11. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - a) Transport of materials, goods or commodities to or from the land; and/or
 - b) Appearance of any stored goods or materials; and/or
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orand/or in any other way, to the satisfaction of the Responsible Authority.
12. 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.
13. 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.
14. 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.
15. Before the use commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer. The site assessment must include:
 - An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
 - Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
 - Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the use or development commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the use or development commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

16. Before the use starts areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

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

to the satisfaction of the Responsible Authority.

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

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.

Report

INTRODUCTION AND BACKGROUND

Council issued Planning Permit D/163/2008 on 10 July 2008 for the removal and replacement of two (2) trees from land within an Environmental Significance Overlay - Schedule 2, in accordance with the endorsed plans.

A Request to Amend the Application was received on 5 April 2016. The amendment altered the plans and the description of the proposal. Public notification of the amendment was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.

ISSUES AND DISCUSSION**Subject site and surrounding area**

- The site is located to the rear of a large allotment containing 11 industrial premises and common property car parking access and spaces. The overall site has a frontage of approximately 70 metres, a depth of approximately 170 metres.

It is on the east side of the street and is located approximately 95 metres to the south of the intersection with Bell Street.

- The overall site has eleven (11) industrial premises. The subject premises is the largest building located to the rear (east of the site). The premise is a double storey building, with a floor area of approximately 2000 square metres.
- The area around the building is common property, a largely paved and used for parking. A paved area at the rear, for 25 spaces, with additional parking to the front, with a total of 44 spaces.
- There are three vehicular access points from Chifley Drive. Two (2) designated for delivery vehicles which abut the northern and southern boundaries and a central access point for smaller vehicles and pedestrians.
- The site is located in an industrial area of single and double storey storage/industrial buildings.
- To the east, is the Darebin Creek reserve, with the landscaped embankment leading to the creek directly adjacent to the site.
- To the west of the subject site are ten (10) smaller industrial premises, with a central common parking area and paved loading access areas around the perimeter of the site.
- To the south is a series of smaller industrial storage premises constructed to the common boundary.
- To the north of the site is a large commercial industrial premise fronting Bell Street, with the rear parking/loading area adjacent to the common boundary.
- The site has access to bus routes along Bell Street and Albert Street.
- There are no parking restrictions on Chifley Drive, adjacent to the site.

Proposal

- The applicant proposes to use the existing building for an indoor recreation facility and a place of worship, with minor internal works. The main purpose of the premises will be a community facility for the Somali, Darussalam community. The premises will provide support for the Australian-Somali community, new immigrants, youth activities/counselling and education.
- The layout of the premises will provide an office, reception and bookshop area to the front, with internal areas for: male/female change rooms; entertainment/education areas (158 square metres), offices (112 square metres), canteen; lecture room, lecture/prayer room (202 square metres), storage, place of worship/indoor recreation (the majority of the area – 907 square metres); and gym (78 square metres). There is also to be a first floor area for offices and education areas.
- The prayer component will be predominantly used during the month of Ramadan between 8.00 pm and 10.00 pm and for Friday congregational prayer. Two (2) other events are held at the end of Ramadan and to celebrate the Haj, generally mornings between 6.00 am and 8.00 am.
- The maximum number of people on the site are to be 200 and 61 car spaces are provided.

Objections

- 38 objections have been received.

Objections summarised

- Inconsistent to State and Local Policies.
- Contrary to the purpose of the zone.
- The proposal will conflict with other industrial uses on the site.
- Excessive scale.
- The location of the building is inappropriate.
- Inadequate on-site parking.
- On-site parking spaces are allocated to various premises and subject to Owner's Corporation.
- Increase traffic and parking congestion.
- Detrimental to the amenity of local residents.
- Pedestrian safety.
- Poor access to the road discourages use of alternative means of transport.
- Erosion of industrial uses.
- Conflict with adjacent fitness centre.
- Safety and security of adjoining premises.
- Excessive noise.

Officer comment on summarised objectionsInconsistent to State and Local Policies

As seen in the assessment in this report, it is considered that on balance the proposal provides an appropriate use of the premises in an industrial area and is consistent with the relevant State and Local policies.

Contrary to the purpose of the zone

It is considered that the proposal provides an appropriate use of the premises in an industrial area. The industrial 3 zone provisions allow a broad range of uses. It is considered that the use of the rear 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 will conflict with other industrial uses on the site.

It is not considered that the proposed use will be sensitive to the industrial uses in nearby buildings. It is likely that the main times of operation would be out of business hours, when fewer of the nearby industrial uses would be operating.

Excessive scale

It is considered that a community centre of 200 people in a building of this size and floor area is an appropriate scale of use for the building and is not excessive for the site or area.

The location of the building is inappropriate.

The proposal is contained in the existing building and does not alter the building design or footprint. Its location to the rear of the site is appropriate as it will allow the retention of the industrial character of uses to the streetscape.

Inadequate on-site parking

The proposal provides adequate car parking in accordance with the requirement of Clause 52.06 of the Scheme. However, it is noted that conditions will require a minimum of 61 car spaces to be provided for the use and a maximum number of 200 patrons.

On-site parking spaces are allocated to various premises and subject to Owner's Corporation.

The proposal has access to 61 car spaces (43 car spaces at the rear of the site and an additional 18 car spaces to the front of the building). Conditions will ensure that adequate car parking must be available.

Increase traffic and parking congestion.

It is not considered that the proposal will add to unreasonable traffic or parking congestion, given that it is to be located in an industrial building with a floor area of approximately 2,000 square metres, which would have a commensurate parking and a traffic impact. Additionally, as noted above, it is expected that the main hours of the use will be after business hours.

Detrimental to the amenity of local residents

The proposed use is located inside an industrial building in an industrial area. It is also separated from the closest residential area by the Darebin Creek reserve. It is not considered that the use will unreasonably affect residential amenity. Nevertheless, conditions will be placed on any approval to ensure that emissions are reasonable.

Pedestrian safety

The majority of the pedestrian activity to and from the site will be around the site rather than through the parking area to the front of the site. Nevertheless, 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. A condition of approval will require the occupants of the site to encourage all pedestrian access to be via the central access point from Chifley Drive.

Poor access to the road discourages use of alternative means of transport.

The proposal provides adequate parking on the site (as can be seen in the assessment below) and does not require a parking reduction for the use. Therefore, alternative means of transport are not critical to address any parking deficiency. It is noted however that the site is within walking distance to bus routes and as discussed under 'Planning Assessment' a condition of approval will require 20 bicycle parking spaces to be provided.

Erosion of industrial uses

It is noted that the proposal will result in the loss of an industrial use on a site in an industrial area. However, the proposal maintains the existing industrial building, which would allow it to be used for an industrial use in the future, if required. It is not considered that the use will erode the industrial nature of the area, given that:

- it is only one (1) use;
- it is contained within the industrial building;
- it is located to the rear (so that it maintains the industrial nature of the area); and
- it is not particularly sensitive to the impacts of the adjoining industrial uses.

Conflict with adjacent fitness centre

This ground of objection relates to commercial competition from a nearby gym and is not considered to be a valid planning consideration.

Safety and security of adjoining premises

There is no reason to consider that the proposal would lead to any safety and security concerns for adjoining and nearby uses.

Excessive noise

The proposed use is located inside an industrial building, so that noise may be reasonably contained. It is also noteworthy that 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. It is also separated from the closest residential area by the Darebin Creek reserve. A condition of approval will ensure the noise emissions are in accordance with State Standards.

PLANNING ASSESSMENT

The proposal involves use of the site as an indoor recreation facility and a place of worship. 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 that of nearby industries, as a result of noise and emissions and provides adequate car parking on the site. It is not considered that there will be any increased amenity impacts, as the use is internal, with few emissions, so that the proposal will not adversely affect the amenity of the area.

Use

The site is situated in an Industrial 3 zone, which 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 zones, such as residential zones. The site does not abut any sensitive uses and although located opposite a residential area (to the east side of the Darebin Creek area) there is sufficient separation to minimise any amenity impacts. Importantly, as the site is in an industrial zone, less weight is placed on amenity considerations than in residential zones 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. Therefore, the use must acknowledge the adjoining uses and buildings and therefore design accordingly.

The proposal is for an indoor recreation facility and a place of worship. Typically these activities require a large floor area and are often found in industrial zones throughout the metropolitan area. It is therefore 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.

In this sense the proposal is more appropriately located in this area than a residential (where potential amenity conflicts are greater) or a commercial area (where it may affect retail activity).

The site is within an older industrial area and it is noteworthy that it is in a Core Industrial Area, where industrial uses are to be maintained and protected. It is considered that the proposal generally complies with SPPF and LPPF, in that it maintains an appropriate dominant overall industrial use of the broader site and is located to the rear. It is also compatible with the adjoining uses, with mainly after hours peak times. In addition, it is not considered that the proposal will lead to any increased detriment to adjoining properties (this may be addressed by condition).

The following is noted in assessing the proposal against the relevant decision guidelines (clause 33.03-2):

- 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 significant loading facilities. Nevertheless, a loading area may be required at the side or rear, to ensure adjacent businesses are not affected. The premises will use the parking area around the buildings and 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. This may be included as a condition on any approval.
 - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil - This can be ensured by placing conditions on any approval.
- The proposal generally complies with SPPF and LPPF, in that it is in an industrial area, although it does not provide an industrial use, it is compatible with nearby uses and appropriately located. It is also located to the rear of the site, so that the dominant industrial character of the site is maintained overall, as well as to the streetscape.
- The nearby sites are used for industrial and warehouse purposes and it is considered that the proposal would have little or no effect on their operation or amenity. The site does not adjoin any sensitive uses, but is located in proximity to a residential area. Nevertheless, the proposal provides an appropriate separation and transition to the adjoining residential area.

In addition, the use is internal so that emissions may be contained. 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 uses will not have an impact on the proposed use, given that it is not a sensitive use and is located in an industrial area and must therefore have lesser amenity expectations. The proposal is acceptable for an industrial area.
- 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 the 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

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, a loading area must be provided on the site to ensure that adjoining uses are not impacted upon. • As can be seen in the assessment below adequate car parking is provided for the use (subject to condition). The car parking areas are at the rear and will not adversely affect the streetscape. • The building and any landscape areas are existing. 	Complies subject to condition
Landscaping	Landscaping is located to the street frontages and is not to be altered.	Complies
Amenity	<ul style="list-style-type: none"> • The proposal is well 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 as a condition of approval. 	Complies subject to condition

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

Clause 22.03

- The Darebin Creek - Adjacent Land Design and Development applies to all land adjacent to the Darebin Creek and new development is to respect the character and values of the Darebin Creek environs.
- The proposal does not alter the building, setbacks or landscaped areas and is therefore considered to be appropriate in terms of the interface with Darebin Creek.

Design and Development Overlay Schedule 11:

- This Overlay refers to Aviation Obstacle Referral Height Area and is to ensure that the height of all buildings and works are constrained to avoid creating a hazard to aircraft for Emergency Medical Services (EMS) helicopters. A permit is required for building and works with a height that exceeds 74.9 metres above the Australian Height Datum. There are no proposed works and a permit is not required under this clause.

Clause 52.06 Car Parking

- Pursuant to Clause 52.06-1, the car parking requirement for a place of assembly is 0.3 car spaces to each patron. Given the provision for 200 patrons, a parking provision of 60 spaces is required. As 61 car spaces are proposed around the building, no reduction of car spaces is required.
- Clause 52.06-1 does not include any car parking requirements for an Indoor Recreation Facility; therefore the car parking must be to the satisfaction of the responsible authority.
- The proposed car parking is considered to be sufficient for the expected demand of the facility based on the following:
 - The indoor recreation facility is associated with the place of worship, therefore trips to one of the indoor recreation facility are likely to be dual purpose.
 - A condition of approval will allow a maximum of 200 patrons to the entire premises.
 - The Transport Management Unit has not objected to the proposal subject to a minimum of 20 bicycle spaces being provided.
- The car parking areas are located on common property to the front, side and rear of the premises. Therefore, a condition should be placed on any approval requiring the car spaces to be made available for the use at all times the premises is to operate. Therefore, it is considered that the use will not place an unreasonable load on the traffic and parking conditions and the parking provision is considered acceptable.

Design Standards for Car parking

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

- The vehicles are able to enter and exit the street network in a forward direction.
- Adequate space is available for vehicles to pass.
- The access dimensions are appropriate.
- The car spaces and accessway dimensions appear to be acceptable; however, they may be required to comply with the provisions of clause 52.06-8.
- There are no ramp grades.
- Surveillance to the parking areas is available from the premises and adjoining uses.
- Pedestrian access to the site is from the front and is clearly delineated.

The parking layout is therefore acceptable.

Bicycle parking:

- The proposal has a floor area of approximately 950 square metres.

- The bicycle parking for a place of assembly is:
 - One (1) space to each 1500 m² of net floor area for employee/resident; (the proposal requires one (1) space) and
 - Two (2) spaces plus one (1) space to each 1500 m² of net floor area visitor/shopper/student (the proposal requires three (3) spaces)

Therefore the proposal has a requirement of four (4) bicycle spaces. These are provided to the front of the premises. As stated above, the Transport Management and Planning Units require a minimum of 20 bicycle spaces. A condition of approval will require the spaces to be provided in accordance with this Clause.

Environmental Significance Overlay

The site is in an Environmental Significance Overlay (Schedule 2), which applies to the Darebin Creek environs. A permit is not required under this clause as there is no buildings and works or removal of vegetation.

Aboriginal Cultural Sensitivity

The site is located in an area of Aboriginal Cultural Sensitivity, as it is in proximity to Darebin Creek. Nevertheless, the building is existing and the proposal does not include any works outside the building. The site has been subject to redevelopment for industrial purposes with associated paving and foundations etc., indicating a high level of site disturbance. Therefore, a Cultural Heritage Management Plan is not required, given that the site has been significantly disturbed by buildings and works and paved parking (none of which are to be altered).

Contamination

The objective at clause 13.03-1 (Use of contaminated and potentially contaminated land) is:

- *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

The strategies require 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, mining or the storage of chemicals, gas, wastes or liquid fuel.

The proposal is likely to have been used for industrial uses in the past and it is considered that a site assessment should be prepared to assess whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken. This must be addressed by condition.

REFERRAL SUMMARY

Department/Authority	Response
Transport Management and Planning	<p>The car parking is sufficient subject to the following:</p> <ul style="list-style-type: none"> • A maximum of 200 patrons are permitted on the site. • A minimum of 20 bicycle spaces are provided.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 33.03-1 requires a permit for a place of assembly (place of worship) and an indoor recreation facility

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	42.01, 43.02, 45.06
Particular provisions	52.06, 52.34
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.

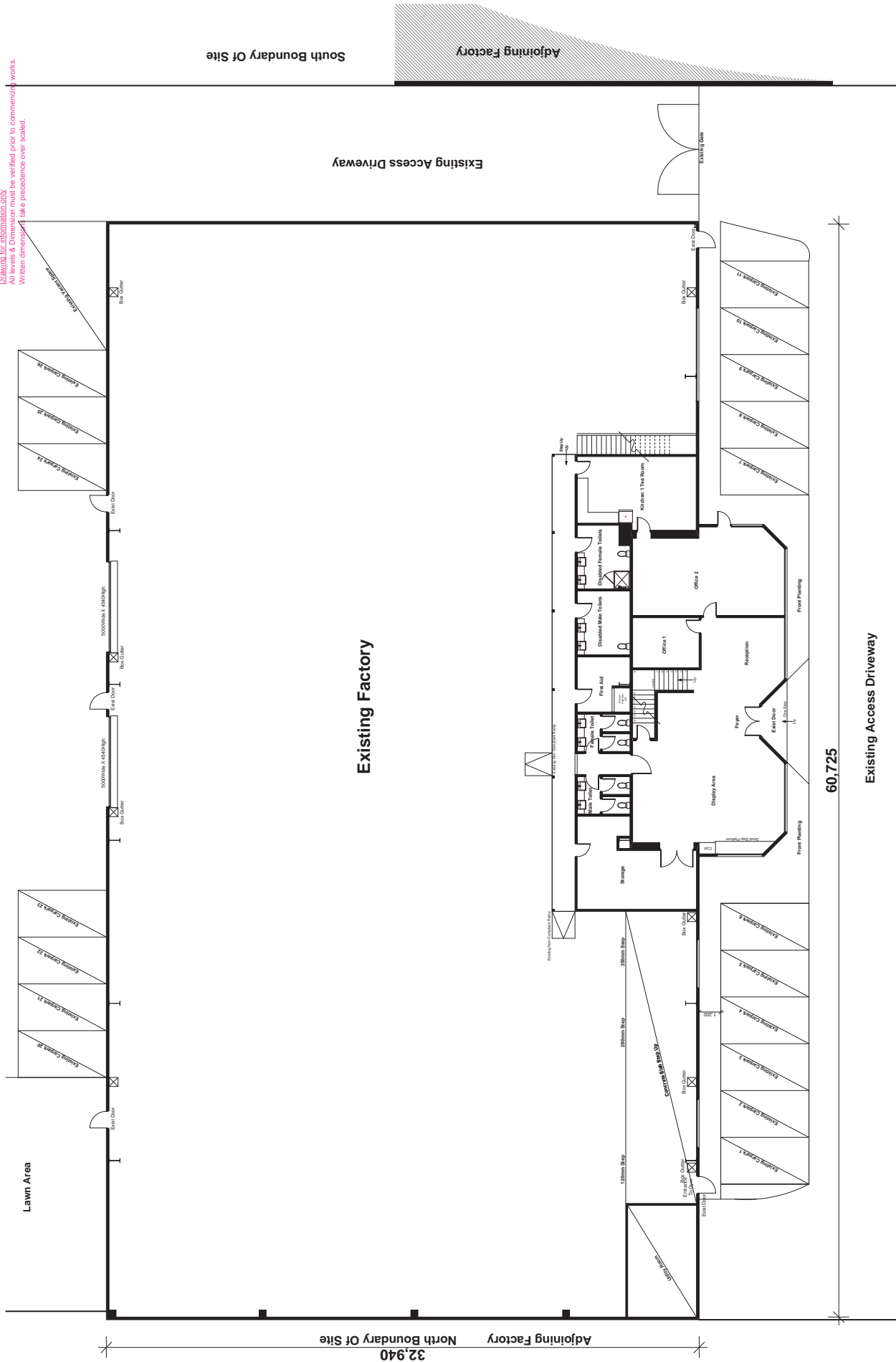
RELATED DOCUMENTS



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



TOWN PLANNING SET

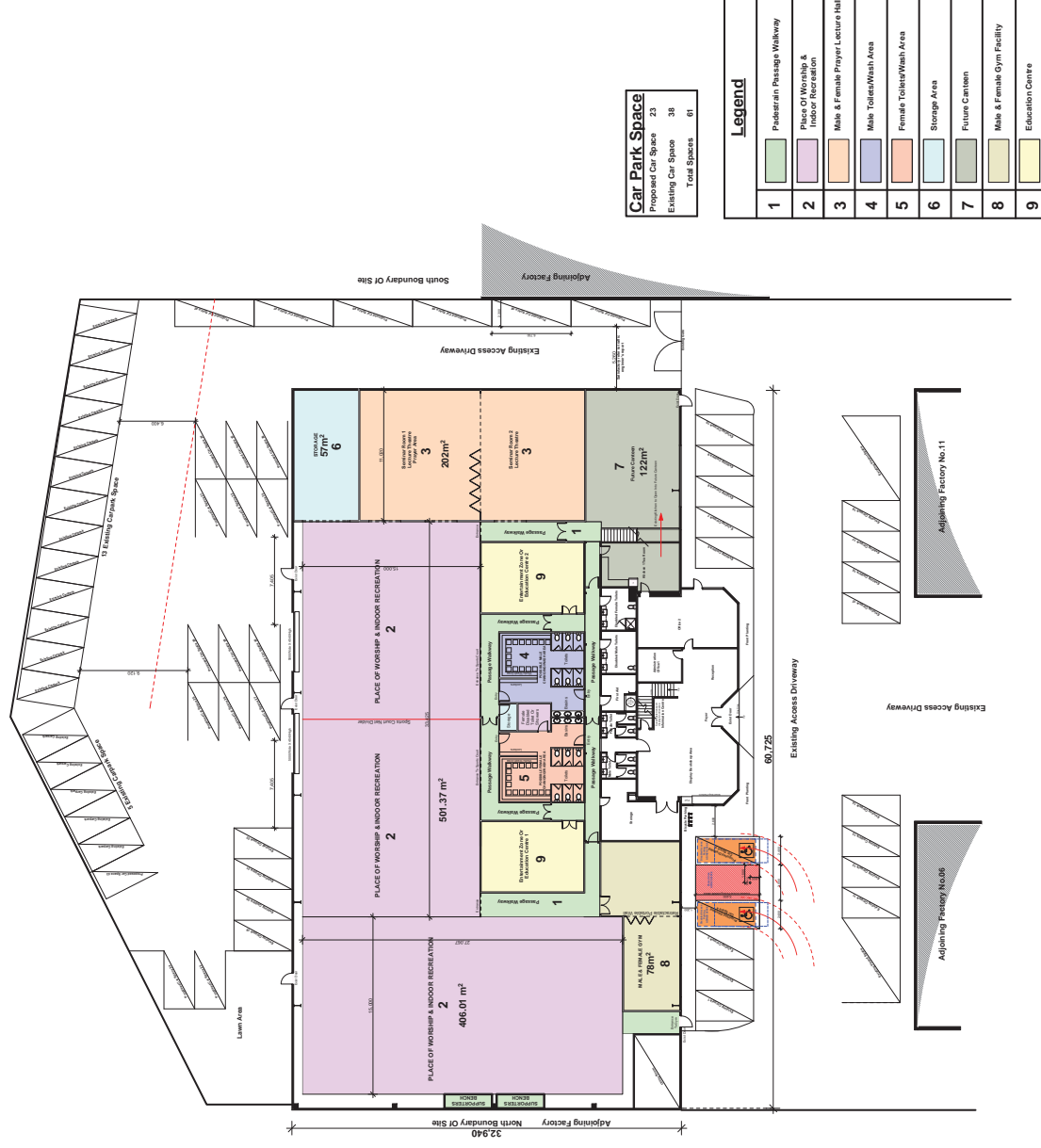
Drawing for information only.
All levels & Dimension must be verified prior to commencing works.
Written dimensions take precedence over scaled.



Date		Revisions				Christopher M Shields - Architects 138 Regent Street, West Preston 3072 Phone: 03 9471 3553 Mobile: 0411 286 355 Email: info@cmsarchitects.com.au	Project Proposed Renovation Unit 1772-74 Chifley Drive, Preston	Client Darusalam Community Centre	Scale 1:100 @ A1 Drawing 1505SK-02						
Drawn		10/01/16								Date		10/01/16		Date	
Drawn		10/01/16								Checked		10/01/16		Approved	
Date		10/01/16								Date		10/01/16		Date	

TOWN PLANNING SET

Drawing for information only
All levels & Dimension must be verified prior to commencing works.
Written dimensions take precedence over scaled.



Proposed Car Space	23
Existing Car Space	38
Total Spaces	61

Legend	
1	Product on Passage Walkway
2	Place Of Worship & Place of Prayer
3	Male & Female Prayer/Lecture Hall
4	Male Toilet/Wash Area
5	Female Toilet/Wash Area
6	Storage Area
7	Private Cinema
8	Male & Female Gym Facility
9	Education Centre

Date:	Expiry Date:		Christopher M Shields - Architects 138 Regent Street, West Preston, 3072 Phone: 9470-3665 Fax: 9470-3663 Email: CMShields@optusnet.com.au Web Site: www.cms-hs.com.au	Project
Issue No:	Issue Date:			Client
Drawn By:	Check By:			Drawing
Scale:	Scale:			Scale:
Title:	Title:			Title:
Description:	Description:			Description:

**Christopher M Shields -
Architects**
138 Regent Street, West Preston 3072
Phone: 9470 3665, Fax: 94703583
Mobile: 0411 246 353
Drawn by: Huairi Ali


Date	A	B
TITLE	CAR PARKING REORGANIZATION	
28/12/16	FURNISHMENT OF NOTATION AS ADVISED BY DAVADAM SOCIETY.	
09/03/16	MULTI-PURPOSE RE-LABEL	
	*Final Checked Approved	Initial Date

Date	Revisions
11/11/15	A. Cell Parking Reassignment
2/12/15	B. Amendment of notation as add'l
3/03/16	C. Multi-Purpose Re-label

Drawing for information only
All levels & Dimension must be verified prior to commencing works.
Written dimensions take precedence over scaled.



Legend	
1	Pedestrian Passage Walkway
2	Phase Of Working & Indoor Recreation
3	Male & Female Prayer/Lecture Hall
4	Male Toilet/Wash Area
5	Female Toilet/Wash Area
6	Storage Area
7	Future Canteen
8	Male & Female Gym Facility
9	Education Centre

Date: 22/10/16		Revisions			Christopher M Shields - Architects 138 Regent Street, West Preston 3072 Phone: 0470 3665; Fax: 0470 0583 Mobile: 0411 246 353 D.M.S.H. P.D.M.H.	Project	Proposed Renovation
Drawn by: 22/10/16		Checked by: 22/10/16				Client	Deruslam Community Centre
Scale: 1:100 @ A1		Plot Date: 16/04/2016				Scale 1:100 @ A1	Drawing
Plot Size: 1:505K-05C		Plot Date: 16/04/2016				Plot Size: 1:505K-05C	Proposed Ground Floor Plan
Plot Size: 1:505K-05C		Plot Date: 16/04/2016				Plot Size: 1:505K-05C	Proposed Ground Floor Plan
Plot Size: 1:505K-05C		Plot Date: 16/04/2016				Plot Size: 1:505K-05C	Proposed Ground Floor Plan

5.4 APPLICATION FOR PLANNING PERMIT D/974/2015

28 Union Street, Northcote Vic 3070

AUTHOR: Principal Planner – Jolyon Boyle**DIRECTOR:** Director City Futures and Assets – Steve Hamilton**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner
J Winstanley	James Edward Matthews and Ursula Jean Naughton

SUMMARY:

- Development of four (4) double storey dwellings. Three (3) car parking spaces are provided. This represents a reduction to the car parking requirement.
- The site is zoned General Residential Zone (Schedule 2).
- There is no restrictive covenant on the title for the subject land.
- Twenty 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 two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Capital Works Unit and the Transport Management and Planning Unit.

Recommendation

That Planning Permit Application D/974/2015 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: TP01 Rev H, TP02 Rev H, TP03 Rev H, TP04 Rev H and TP05 Rev 5, prepared by Designworx, dated 30 May 2016) but modified to show:
 - a) Modifications in accordance with plan TP01 Rev I, dated 8 September 2016 and prepared by Designworx, including a 3.0 metre setback to the 1st floor of dwelling 4 from the west boundary.

- b) A landscape plan in accordance with Condition No. 4 of this Permit.
- c) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 5 of this Permit).
- d) Fixed horizontal shading devices to all north elevation windows.
- e) Retractable vertical shading devices to all west elevation windows.
- f) Relocation of the bins of dwelling 1 inside the garage.
- g) 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.
- h) Six (6) cubic metres of external storage to each dwelling.
- i) The west facing first floor living room window of dwelling 3, the east and west facing first floor windows of dwelling 4, provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

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

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

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

 - c) Before this Permit expires;
 - d) Within six (6) months after the expiry date; or
 - e) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.

- b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

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

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

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

to the satisfaction of the Responsible Authority.

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

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.

Report

INTRODUCTION AND BACKGROUND

The site is not subject to any previous planning history.

ISSUES AND DISCUSSION**Subject site and surrounding area**

- The land is regular in shape and measures 33.78 metres in length and 14.6 metres in width with a site area of 420 square metres.
- The land is located within the General Residential Zone (Schedule 2).
- The land is located on the south west corner of Union Street and South Park Street.
- The site is occupied by a single storey dwelling and shed. The shed is located within the south west corner of the site.
- To the east on opposite side of South Park Street is vacant land associated with the South Morang train line.

- To the west is single storey dwelling constructed on the common boundary for a length of 21 metres. A Garage is located with the rear of the site and is constructed on the common boundary.
- To the north on the opposite side of Union Street are a mix of single and double storey dwellings and more recent medium density housing developments.
- To the south on the opposite side of the right of way (ROW) is single storey dwelling fronting South Park Street.
- On-street parking on Union Street is subject to a 2P (8 am-6 pm Mon-Sun) restriction on the north side of the carriageway. Parking on the southern side of Union Street and the western side of South Park Street is unrestricted.
- Merri railway station located 100 metres from the site. Tram services on High Street are located some 500 metres from the site and tram services on St Georges Road are 400 metres from the site.
- St Georges Road shared path is 400 metres from the site. The site is also 350 metres (approx.) from the Capital City shared path trail.

Proposal

- Development of four (4) double storey dwellings.
- Dwellings 1, 2 and 3 provide two (2) bedrooms and access to one (1) car parking space.
- Dwelling 4 provides one (1) bedroom and no car parking space. This represents a reduction to the car parking requirement under Clause 52.06 of the Darebin Planning Scheme.

Objections

- Twenty objections received.

Objections summarised

- Too many 1 and 2 bedroom dwellings / no dwelling diversity
- Study
- Best practice of the MSS
- Internal amenity
- Landscaping
- Crossovers
- Rubbish bins
- Car parking
- Overdevelopment / Visual bulk
- No net value to the community
- Overshadowing
- Loss of light

Officer comment on summarised objectionsToo many 1 and 2 bedroom dwellings / no dwelling diversity

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

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

The proposal adds further housing diversity to the area and this ground for objection is contrary to the facts and recommendations of the Darebin Housing Strategy. The Darebin Housing Strategy identifies a future supply requirement of 1 and 2 bedroom dwellings to meet the future housing demands in the City of Darebin. This development comprises four (4) dwellings – one (1) single bedroom dwelling and three (3) two (2) bedroom dwellings.

Study

The study of dwelling 1 is open and cannot be used as a third (3rd) bedroom.

Best practice of the Municipal Strategic Statement (MSS)

The proposal achieves the broader objectives of the MSS, including the encouragement of medium density housing in proximity to public transport.

Internal amenity

The development provides a high level of internal amenity and outlook.

Landscaping

The development provides sufficient space for an appropriate landscape response.

Crossovers

The crossovers are appropriate to the design and layout of the development.

Rubbish bins

The rubbish bins are located within the garage or rear garden of dwellings 2, 3 and 4. As a condition of approval the bins serving dwelling 1 will be relocated away from the front setback and into the garage serving this dwelling.

Car Parking

The development provides sufficient on site car parking in an area well served by public transport. Refer to the Clause 52.06 assessment below.

Overdevelopment / Visual bulk

The two (2) storey scale of the proposal represents an appropriate response to the adjacent single and double storey dwellings. Appropriate setbacks are proposed and conditioned to mitigate visual bulk.

No net value to the community

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

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

“33. As I have highlighted, parties seeking to rely on Sections 60(1B) and 84(2)(jb) of the Planning and Environment Act face a significant task in order to substantiate a significant social effect in relation to a housing proposal on residentially zoned land. That significant task extends much further than just garnering a significant level of opposition to a proposed development. Firstly, parties alleging a significant social effect have to ascertain what the actual significant social effect is, in the framework of a zoning regime where one does not need a permit to use residentially zoned land for residential purposes.

The mere identification of significant community opposition to a proposal is not a significant social effect of itself. Secondly, the significant social effect will need to be sufficiently documented with evidentiary material to demonstrate the likelihood, probability and severity of the social effect.

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

Overshadowing

The level of overshadowing is within the threshold under Clause 55 and complies with the planning scheme.

Loss of light

The level of light to adjacent windows is within the threshold under Clause 55 and complies with the planning scheme.

PLANNING ASSESSMENT**Neighbourhood Character Precinct Guideline Assessment - Precinct A1**Existing Buildings

The existing dwelling is not proposed to be retained.

Complies

Vegetation

Sufficient space is provided for a suitable landscape response. A landscape plan is requested as a condition of approval.

CompliesSiting

The siting of the proposal is appropriate and responds to the adjacent dwellings which are also constructed to boundary.

CompliesHeight and building form

The double storey height is appropriate in the context of adjacent single and double storey dwellings.

CompliesMaterials and design detail

The brick and cladding materials are appropriate in the context.

CompliesFront boundary treatment

A 1.2 metre high front fence is proposed which is appropriate in the neighbourhood context.

Complies**Clause 55 Assessment**

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

Clause 55.03-1 B6 Street setback

- The required setback is 3.748 metres to Union Street and three (3) metres to South Park Street. The reduced setbacks to each street of three (3) and two (2) metres respectively are acceptable due to the following:
- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping.
- The dwellings are appropriately articulated.
- The setbacks will not result in unreasonable visual bulk when viewed from the street or adjoining properties.
- The proposed setback results in efficient use of the site.
- The existing streetscape is not consistent and provides varied setbacks.

Complies with objective

Clause 55.04-1 B17 Side and Rear setbacks

Varied side and rear setback are proposed. This is an appropriate response to the site context comprising a right of way to the rear and boundary construction to the west.

Complies with objectiveClause 55.04-6 B22 Overlooking

All upper storey windows are appropriately designed and/or screened to ensure no overlooking. A condition is imposed to just confirm the sill heights.

CompliesClause 55.05-4 B28 Private Open Space

The development provides adequate private open space (pos) for the reasonable recreation and service needs of residents. This is achieved through the provision of 40 square metres of secluded private open space at the side or rear of the dwellings with a minimum area of 25 square metres, or through the provision of 8 square metre balconies 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	60 square metres	9.6 square metres (balcony)	1.6 metres
Dwelling 2	20 square metres	10.3 square metres (balcony)	1.6 metres
Dwelling 3	20 square metres	12.5 square metres (balcony)	1.6 metres
Dwelling 4	45 square metres	26 square metres (+ 4.4 square metre Juliette balcony)	3.0 metres

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

Complies**Clause 52.06 Car Parking**Number of Parking Spaces Required

- One (1) car parking space is provided for each of the two (2) bedroom dwellings.
- No car parking space is provided to the single bedroom dwelling (dwelling 4). The car parking reduction is appropriate given the proximity of the site to public transport. Merri railway station located 100 metres from the site. Tram services on High Street are located some 500 metres from the site and tram services on St Georges Road are 400 metres from the site.

Design Standards for Car parking

- The garages and the accessways have appropriate dimension to enable efficient use and management.
- Dwelling 1's open study cannot reasonably be used as a bedroom.
- The single garage dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard.
- Access dimensions to the car spaces comply with the standard.

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		
		All dwellings appropriately integrate with the street.	Y	Y
55.03-1	B6	Street setback		
		Please see assessment in the body of this report.	N	N
55.03-2	B7	Building height		
		6.5 metres	Y	Y
55.03-3	B8	Site coverage		
		65%	N	Y
55.03-4	B9	Permeability		
		27%	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 any public open space.	Y	Y

Clause	Std		Compliance	
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Please see assessment in the body of this report.	N	Y
55.04-2	B18	Walls on boundaries		
		Length (south boundary): Four (4) metres. Height (south boundary): 6.8 metres Length (west boundary): 14.941 metres Height: (west boundary): 3.3 metres The wall heights, while in excess of the standard, are an appropriate response to the site context comprising a right of way to the rear and on boundary construction to the west.	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.	Y	Y
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		There are no internal views	Y	Y
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a	Y	Y

Clause	Std		Compliance	
		residential zone.		
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		A 1.2 metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y
55.06-3	B33	Common property		
		There is no common property.	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, subject to condition included in recommendation.
Transport Management and Planning	No objection.

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

- Clause 32.08 – Construction of two (2) or more dwellings.
- Clause 52.06 – A reduction to the car parking requirement.

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	32.01
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	A1

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.



- 130M MERRI CREEK TRAIL
- 180M MERRI TRAIN STATION
- 650M PALACE WESTGARTH CINEMAS
- 600M MERRI CREEK PRIMARY SCHOOL
- 1.3KM NORTH FITZROY LIBRARY
- 1.1KM FITZROY HIGH SCHOOL
- 1.1KM NORTHCOTE PRIMARY SCHOOL
- 1.8KM NORTHCOTE PLAZA SHOPPING CENTRE
- 2.9KM THOMAS EMBLING HOSPITAL
- 6KM MELBOURNE CBD

UNION STREET & IMMEDIATE NEIGHBOURHOOD CHARACTER

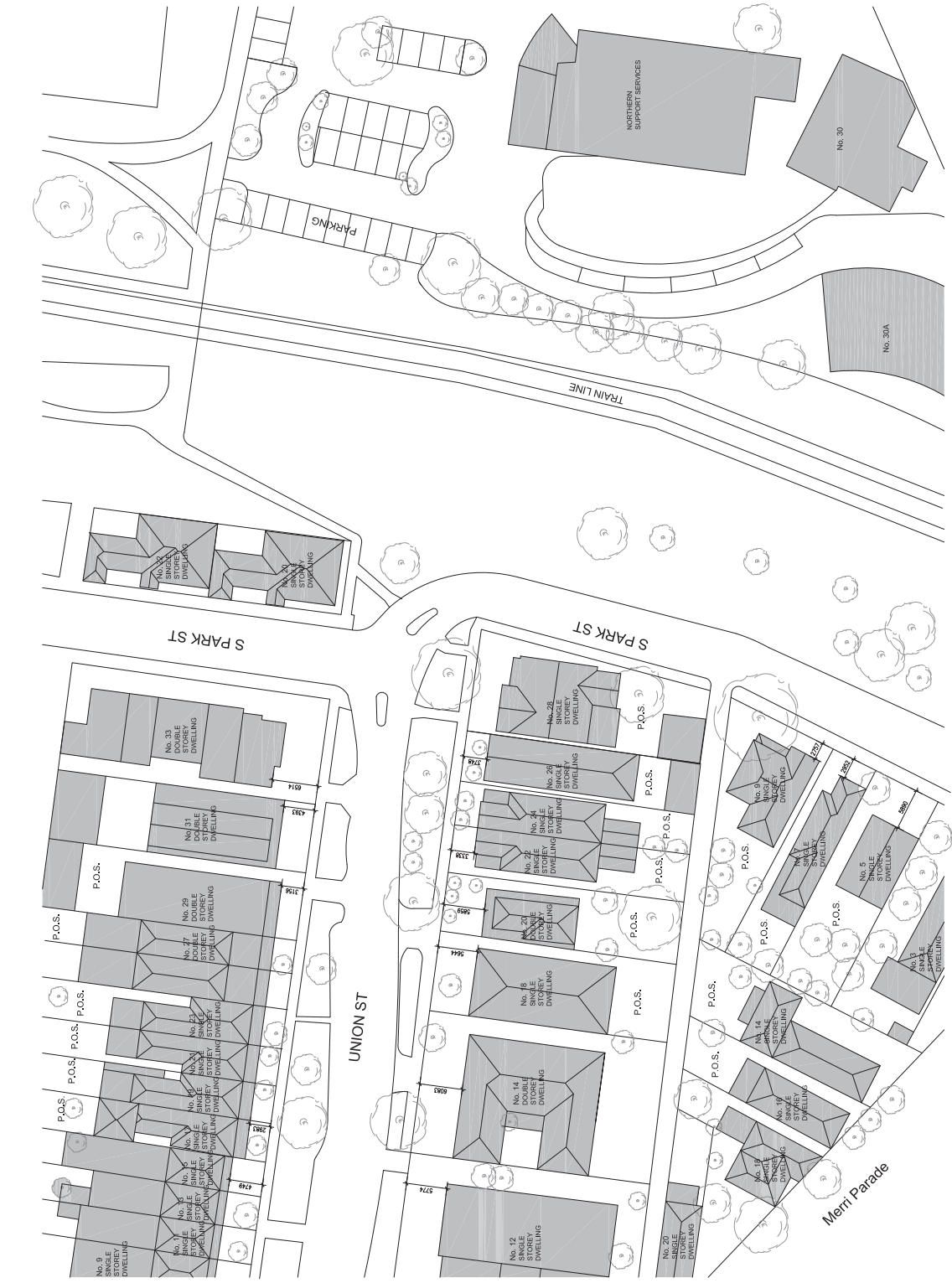
THE EXISTING NEIGHBOURHOOD CHARACTER OF UNION STREET, S PARK STREET AND ITS IMMEDIATE NEIGHBOURHOOD, CONSISTS OF SINGLE AND DOUBLE STORY DWELLINGS, WITH AN EMERGING CHARACTER IN THE AREA COMPRISING OF RECENT MULTI-DWELLING DEVELOPMENT. EXTERNAL MATERIALS VARIES WIDELY, FROM FACE BRICKWORK, WEATHERBOARD, AND RENDER. ARCHITECTURAL STYLES RANGE FROM 1960'S WEATHERBOARD CLADDING, 1970'S BRICK VENEER CONSTRUCTION.

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 590 CITY ROAD, SOUTH MELBOURNE

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PROJECT NUMBER: 0527
 DATE: SEP 2015
 DRAWING NUMBER:

SITE ANALYSIS	
28 UNION STREET, NORTHCOTE	
REV	DESCRIPTION
A	PLANNING APPLICATION
DATE	17/09/2015
PROJECT NUMBER: 0527	
DATE: SEP 2015	
DRAWING NUMBER:	
SC 1:50000	
REVISION:	
SA01	
A	



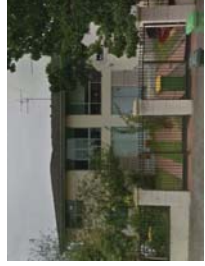
33 UNION STREET



5 S PARK STREET



29 UNION STREET



14 UNION STREET



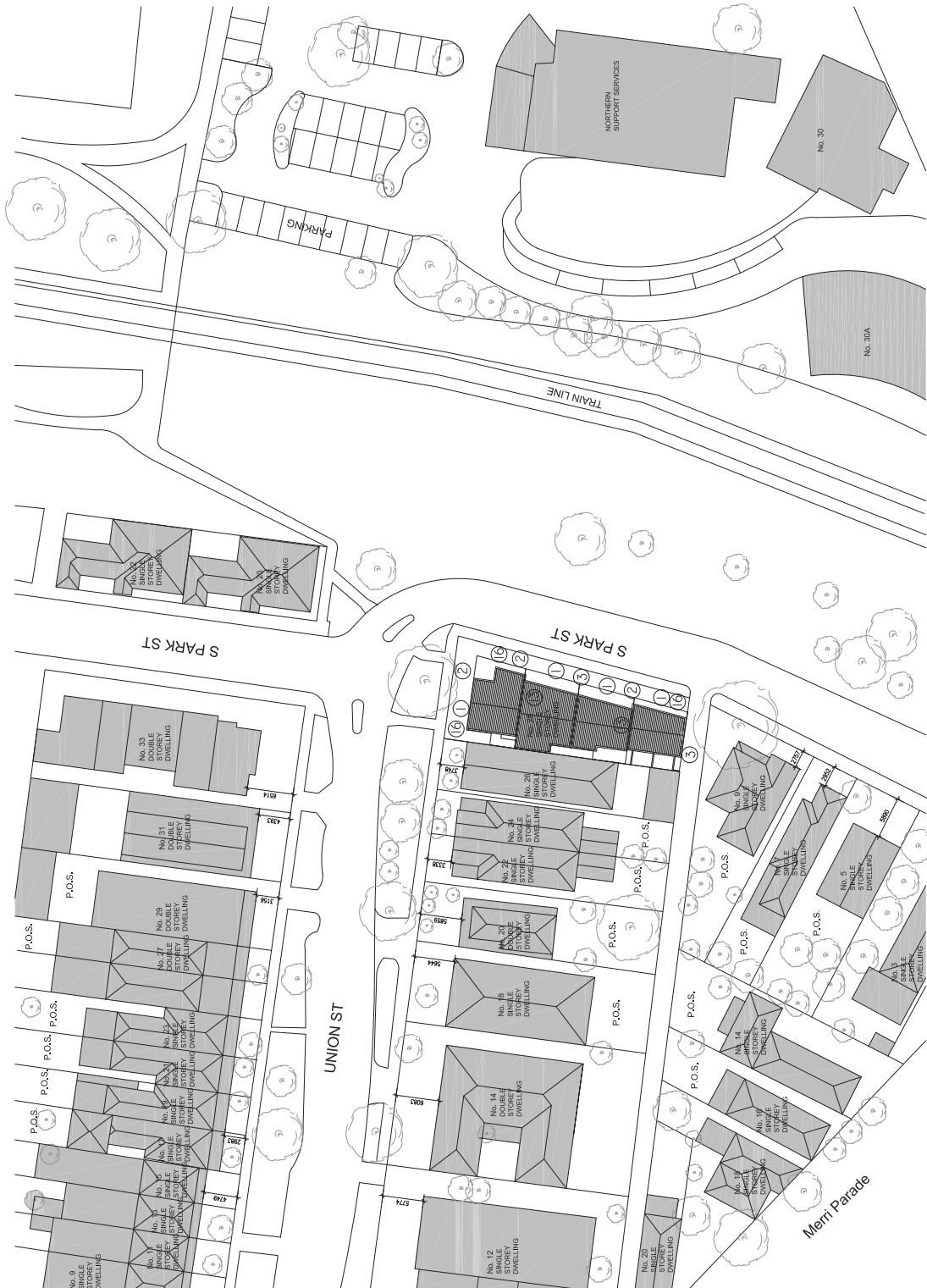
10 UNION STREET

DESIGN RESPONSE LEGEND

- 1 PEDESTRIAN ACCESS
DWELLING 1 WILL BE ACCESSED DIRECTLY OFF UNION STREET VIA A PEDESTRIAN PATHWAY. DWELLINGS 2-4 WILL BE ACCESSED DIRECTLY OFF S PARK STREET VIA A PEDESTRIAN PATHWAY. THESE WILL ALSO BE LANDSCAPED TO CREATE A SOFTER INTERFACE WITH BOTH STREETS.
- 2 FRONT OPEN SPACE & VALUABLES
DWELLINGS TO BE PROVIDED WITH PRIVATE OPEN SPACE ACCESSED DIRECTLY OFF THE MAIN LIVING AREAS VIA A BALCONY. IN ADDITION DWELLING 1 IS PROVIDED WITH FRONT OPEN SPACE ON DWELLING 1-3. DWELLINGS 4-6 ARE PROVIDED WITH FRONT OPEN SPACE ON DWELLING 2-4. TO BE PROVIDED WITH FRONT OPEN SPACE ON GROUND LEVEL, FACING S PARK STREET. FRONT OPEN SPACE TO BE PROVIDED WITH PLANTING AND LANDSCAPING TO SOFTEN THE STREET. EACH DWELLING TO HAVE A VALUABLE ACCORDING TO THE AUSTRALIA POST GUIDELINES & EASILY ACCESSIBLE FOR TENANTS.
- 3 VEHICLE ACCESS
DWELLINGS 1-3 VEHICLE ACCESS WILL BE OFF S PARK STREET BY PROVIDING A NEW CROSSOVER FOR EACH.
- 4 LANDSCAPING
PROPOSED LANDSCAPING TO SOFTEN INTERFACE TO THE UNION STREET, S PARK STREET AND ADJOINING PROPERTIES TO SUEDE. LANDSCAPING TO COMEIL APPROVAL.
- 5 PRIVATE OPEN SPACE
DWELLINGS 1-3 HAS BEEN PROVIDED WITH SECURE PRIVATE OPEN SPACE. DWELLINGS 4-6 HAVE BEEN PROVIDED WITH SECURE PRIVATE OPEN SPACE IN THE FORM OF A GROUND FLOOR COURTYARD. PRIVATE OPEN SPACE IS ACCESSED DIRECTLY OFF MAIN LIVING AREAS. PRIVATE OPEN SPACE COMPLIES WITH CLAUSE 55 OF RESCUE.
- 6 SCREENING
SOLID WALLS AND ADEQUATE LANDSCAPING OFFER SCREENING BETWEEN SUBJECT SITE AND ADJOINING BUILDINGS. OBSCURE FACADES AND ADEQUATE LANDSCAPING WILL SCREEN UPPER FLOORS FROM OVERLOOKING ISSUES.
- 7 SUEDE & REAR SETBACKS
BUILDING SETBACKS TO REAR AND SIDE BOUNDARIES ARE GENEROUS AND ACHIEVE RESCUE REQUIREMENTS TO MINIMIZE IMPACT ON ADJACENT PROPERTIES. SETBACKS COMPLY WITH CLAUSE 55 OF RESCUE.
- 8 ORIENTATION
NORTH WINDOWS PROVIDE AMPLE AMOUNT OF NATURAL LIGHTING TO LIVING AREAS AND PRIVATE OPEN SPACE.
- 9 STREET PRESERVE
PROPOSED TWO STOREY BUILT FORM HAS BEEN ARTICULATED WITH STEPPED FORMS TO PROVIDE VISUAL INTEREST, AND REDUCE BUILDING MASS.
- 10 PROPOSED VEHICLE PARKING
DWELLINGS 1-3 ARE PROVIDED WITH 1 COVERED CAR SPACE. THESE SPACES ARE MEETING THE REQUIREMENTS OF RESCUE. DWELLING 4, 5 & 6 ARE PROVIDED WITH 1 COVERED CAR SPACE.
- 11 BUILT FORM
THE PROPOSED BUILT FORM IS CONSISTANT WITH THE ADJOINING STREETSCAPE AND SURROUNDING NEIGHBOURHOOD. ARTICULATION OF THE BUILT FORM PROVIDES VISUAL INTEREST AND SOFTENS THE ADJOINING PROPERTIES AND TO ALSO KEEP WITHIN THE EXISTING STREETSCAPE.
- 12 SERVICE METERS
ALL SERVICE METERS TO BE ACCESSED AT THE FRONT OF THE PROPERTY ADJOINING PEDESTRIAN PATH, TO BE EASILY ACCESSED BY SERVICE AUTHORITIES.
- 13 ROOF FORM
THE PROPOSED ROOF FORM HAS BEEN DESIGNED TO REDUCE THE IMPACT OF THE PROPOSED BUILDING MASS. THE ROOF FORM IS DESIGNED TO REDUCE THE IMPACT OF THE PROPOSED BUILDING MASS WITH THE ADJOINING PROPERTIES & NEIGHBORING CHARACTER.
- 14 OVER SHADOWING
THE PROPOSED ROOF FORMS TO PROPOSED BUILDING HAVE BEEN DESIGNED TO REDUCE THE IMPACT OF THE PROPOSED BUILDING MASS WITH THE ADJOINING PROPERTIES & NEIGHBORING CHARACTER.
- 15 ARCHITECTURE
THE PROPOSED BUILT FORM, ARTICULATION, USE OF MATERIALS, FACADE TREATMENTS AND PROMINENT LANDSCAPING ENCOURAGE PROVIDES VISUALLY ATTRACTIVE RESIDENTIAL FORM THAT BLENDS IN COMFORTABLY WITH THE IMMEDIATE NATURAL LANDSCAPE AND THE SURROUNDING HERITAGE CHARACTER.
- 16 STREET SETBACK
DWELLING 1 PROVIDED WITH 3 METERS SETBACK, CREATES MINIMAL IMPACT TO THE UNION STREETSCAPE. DWELLINGS 2-4 PROVIDED WITH 3 METERS SETBACK, CREATES MINIMAL IMPACT TO S PARK STREETSCAPE. THEY ALL ARE CONSISTENT WITH THE MAJORITY OF SETBACKS IN THE NEIGHBOURHOOD.



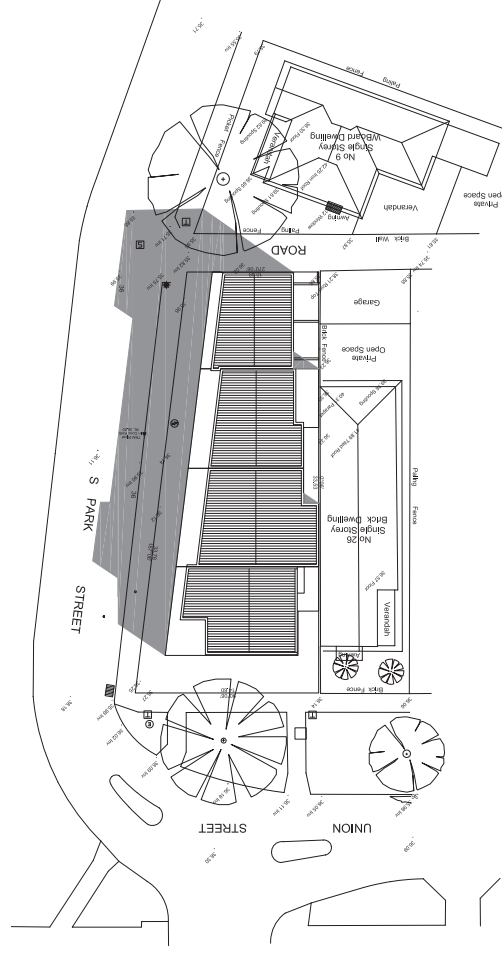
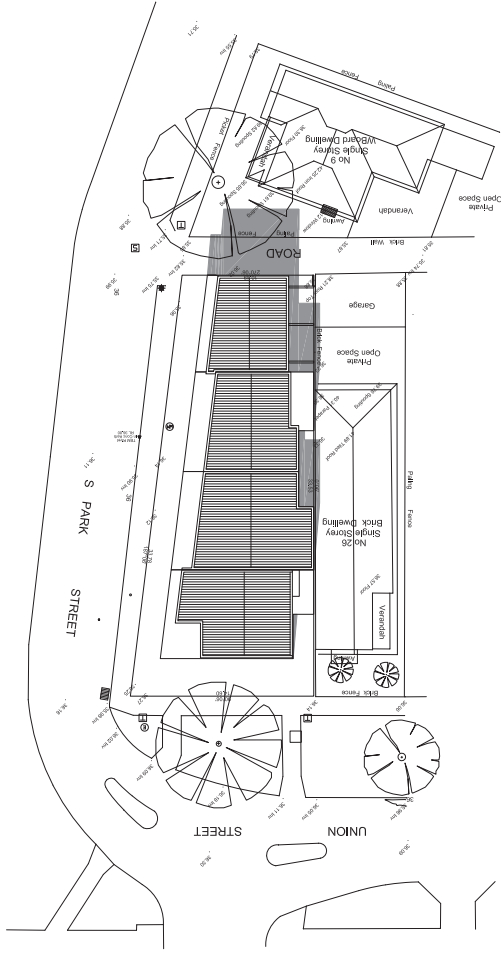
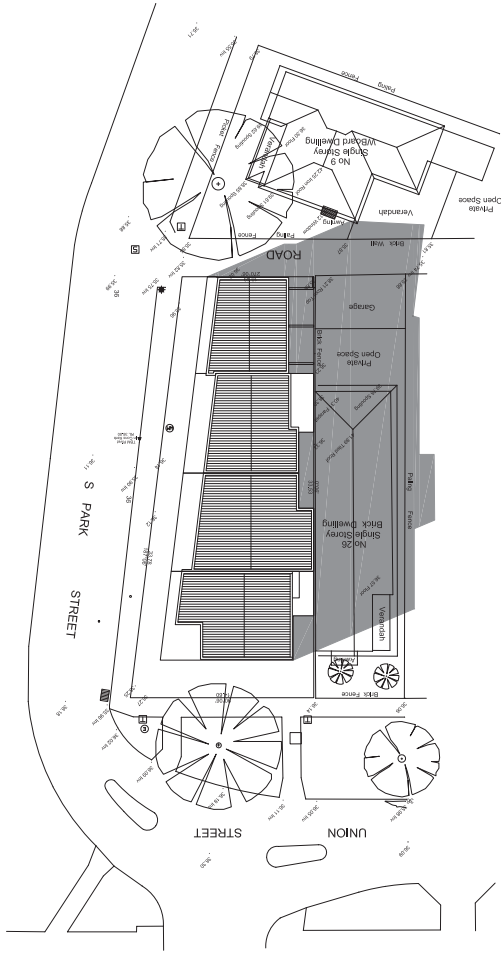
DESIGN RESPONSE	
28 UNION STREET, NORTHCOTE	
REV	DESCRIPTION
C	SKETCH DESIGN
D	TP SUBMISSION
E	TP SUBMISSION
F	TP SUBMISSION
G	TP SUBMISSION
H	TP SUBMISSION
PROJECT NUMBER: 0527	
DATE: SEP 2015	
SC: 1500000	
DRAWING NUMBER:	
SA02	
H	



PROPOSED STREET SCAPE - S PARK STREET



PROPOSED STREET SCAPE - UNION STREET



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SHADOWS 28 UNION STREET, NORTHCOTE	REV	DESCRIPTION	DATE
	A	PLANNING APPLICATION	21.09.2015
	B	TP SUBMISSION	19.11.15
	C	RFI SUBMISSION	10.03.2016
	D	RFI SUBMISSION	30.05.2016

PROJECT NUMBER: 627	SC: 1/200@AI
DATE: SEP 2015	REVISION:
DRAWING NUMBER:	D
SA03	



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590 CITY ROAD, SOUTH MELBOURNE

FIRST FLOOR PLAN 28 UNION STREET, NORTHCOTE	REV	DESCRIPTION	DATE
	C	SKETCH DESIGN	28.09.2015
	D	TP SUBMISSION	16.10.2015
	E	CLIENT REVISION	4.11.2015
	F	TP SUBMISSION	19.11.2015
	G	RPT SUBMISSION	10.03.2016
H	RPT SUBMISSION	30.05.2016	
PROJECT NUMBER: 4527			SC: HUBBARD
DATE: NOV 2015			REVISION
DRAWING NAME			H
TP02			

B RED BRICK
CL DARK METAL CLADDING
F BLACK PICKET FENCE
M BLACK POWDERCOAT METAL DOOR
OP OPAQUE GLAZING



ELEVATIONS	28 UNION STREET, NORTHCOTE	REV	DESCRIPTION	DATE	PROJECT NUMBER: 1527	DATE: NOV 2015	Described: Vantage	TP04	H	SC: H1000A1	Revisions
		C	SKETCH DESIGN	28.09.2015							
		D	TP SUBMISSION	16.10.2015							
		E	CLIENT REVISION	4.11.2015							
		F	TP SUBMISSION	19.11.2015							
		G	RPI SUBMISSION	10.03.2016							
		H	RPI SUBMISSION	30.05.2016							

[illegible]

5.5 APPLICATION FOR PLANNING PERMIT D/989/2012/B
346-350 Bell Street, Preston Vic 3072

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Ellis Group Architects	Huijin Properties Pty Ltd

SUMMARY:

- This report concerns a request to amend a planning permit already considered and approved by Council.
- The matter needs to be reported to the Planning Committee following changes to delegations that require all applications regardless of whether they are minor amendments to permits, where the cost of development exceeds \$10 million. This change to the Planning Committee Charter was made by Council at its meeting on 18 July 2016.
- This application seeks approval to make the following amendments to the current planning permit:
 - Reduce the number of dwellings to 83 to 78 dwellings;
 - Replace 15 x one (1) bedroom dwellings with 10 two (2)-bedroom dwellings;
 - Reduce the number car parking spaces to 66 from 71;
 - Removal of the car stackers;
 - Reduced and modified screening measures to the north elevation.
- The site is zoned Priority Development Zone (Schedule 1)
- There is no restrictive covenant on the title for the subject land.
- 0 objections were received against this application.
- The proposal is generally consistent with the objectives of the Darebin Planning Scheme.
- It is recommended that the changes to the planning permit be supported.

CONSULTATION:

- Public notice was given via letters sent to adjacent owners and occupiers.
- This application was not required to be referred to other Council units.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/989/2012/B 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 TP-A100 P3, TP-A101 P3, TP-A200 P3, TP-A201 P3, TP-A202 P3, TP-A203 P3, TP-A204 P3, TP-A205 P3, TP-A207 P3, TP-A400 P3, TP-A401 P3, TP-A402 P3, TP-A403 P3, TP-A403 P3, TP-A500 P3, TP-A501 P3, TP-A502 P3, TP-A600 P3 and TP-A601 P3, dated 12 August 2016, prepared by Ellis Group Architects) but modified to show:
 - a) Modifications in accordance with the Sustainable Management Plan (SMP) referred to in Condition No. 10 of this Permit.
 - b) A comprehensive schedule of construction materials, external finishes and colours (including colour samples and a set of coloured elevations relating to the schedule of materials, finishes and colours).
 - c) Balconies serving dwellings 5.02 and 5.02 provide a minimum dimension of 1.6 metres.
 - d) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the northern and southern sides of the proposed crossover to Mary Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
 - e) The provision of a notation on the Ground Floor Plan Sheet TP-A200 P3 and Basement 2 Plan on Sheet A101 Revision P3 to state that at least 50% of the bicycle parking facilities for the development will be Clause 52.34-4 compliant.
 - f) A notation and/or dimensions confirming that the minimum headroom to be provided above a car parking space is 2.2 metres, in accordance with Condition No.15 of this Permit.
 - g) Car parking allocation for the development to be nominated on the plans as follows:
 - i) One (1) car parking space allocated to each two (2) bedroom dwelling.
 - ii) Four (4) car parking spaces allocated to the Shops, comprised of one (1) space for each Shop tenancy.
 - iii) Remaining spaces distributed to the one (1) bedroom dwellings.
 - h) A Parking Management Plan specifying the management and assignment of car parking spaces and bicycle parking spaces in the development (refer Condition No.10 of this Permit).
 - i) The provision of a flue for each retail tenancy exhausting at roof level.

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

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

The Responsible Authority may extend the times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.
4. Prior to the issue of a building permit for any building or any works authorised by this permit, a development levy must be paid to Darebin City Council. The amount of the development levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.
5. No part of the development, with the exception of the ground floor canopy over the footpath, must project beyond the property boundaries except for architectural features which may project no more than 150mm.
6. The allocation, layout and design of accessways associated with disabled car parking spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.
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. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP), approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan (SMP) have been implemented in accordance with the approved Plan.
10. Before the development starts, a parking management plan must be prepared and submitted to the satisfaction of the Responsible Authority. When approved, the parking management plan will be endorsed and then become part of the Permit. This parking management plan must provide for the allocation and use of the on-site car parking spaces and the on-site bicycle parking spaces to ensure optimum use at all times by residents and visitors, in accordance with the allocation system set out in Condition 1(g) of this Permit.

Purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

The parking management plan may be amended with the written approval of the Responsible Authority.

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

13. Prior to commencement of any works, including demolition, a construction management plan must be submitted to and approved by the Responsible Authority and then carried out to the satisfaction of the Responsible Authority. The plan must provide for or include details of access, management and disposal arrangements during construction; methods to manage stormwater runoff; details of building materials recycling; construction parking; and the operation of any continuing uses on the land.
14. Before the use of the land commences a sustainable transport display area for the development, near the main entrances to the commercial tenancies must be provided. The display area must include public transport maps, timetables and maps of walking and cycling routes to and from the site, to the satisfaction of the Responsible Authority. This information must be monitored, reviewed and updated as necessary, to the satisfaction of the Responsible Authority.
15. The minimum headroom to be provided above a car parking space must be 2.2 metres as per Figure 5.3 of AS2890.1:2004.
16. The proportion of car parking spaces allocated as disabled; the layout and access ways associated with a disabled car parking space must all be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.
17. Before the development commences, a site assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer.

The site assessment must include:

- An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;

- Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
- Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the *use or development* commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the *Environment Protection Act*, before the *use or development* commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

18. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
19. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.

20. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
21. The land must be drained to the satisfaction of the Responsible Authority.
22. With the exception of guttering, rain heads 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.
23. 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.
24. Only one (1) communal television antenna may be erected on the building with sufficient capacity to cater to the entire development. Individual antennae for individual dwellings/tenancies must not be erected.
25. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drainedto the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
26. Before the development is occupied, vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority.
27. All redundant crossing on the Bell Street frontage of the site must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority and VicRoads.

Public Transport Victoria Conditions

28. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Bell Street is kept to a minimum during construction. Foreseen disruptions to bus operations must be communicated with mitigation measures to Public Transport Victoria and bus operators one (1) week prior.

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 Please note the Development Contribution Plan levy will be invoiced separately.
- N6 Pedestrian access arrangements within the development must comply with the Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (Premises Standards) under the *Commonwealth Disability Discrimination Act 1992* (DDA).
- N7 Pedestrian access arrangements within the development must comply with the provisions of AS1428.
- N8 In relation to the requirements of Condition No.14 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).
- N9 No building or works may be built over any easement on the land except with the written consent of the relevant authority.
- N10 This permit authorises only the use and/or development of land as described in the preamble of the permit (ie that section which states “This Permit Allows:”). This permit does not authorise the display of any advertising signs.
- N11 Except where no planning permission is required under Clause 52.05 of the Darebin Planning Scheme, no advertising sign may be displayed on the land without further planning permission.

Report

INTRODUCTION AND BACKGROUND

The following planning permit applications are relevant to the current application to amend existing planning permit D/989/2012.

- Planning Permit D/989/2012 - Development of a six (6)-storey building comprising 83 dwellings, two (2) commercial tenancies and a reduction to the car parking requirement - permit issued: 3/7/2013.
- Planning Permit D/989/2012/B (Amendment) – Various amendments to the car parking arrangements – permit issued: 23/09/14.

ISSUES AND DISCUSSION**Subject site and surrounding area**

- The land is regular in shape and measures 36.576 metres in length and 33.528 metres in width with a site area of 1212.32 square metres.
- The land is located within the Priority Development Zone (Schedule 2).
- The site is located on the north-west corner of Bell Street and Mary Street. It has a Right of Way (ROW) abuttal to the north.
- The allotment at 346 Bell Street contains a double storey brick building, located towards the front of the site. The building was most recently used as offices, radio station and a martial arts studio. It is constructed to the front and side boundaries, with the rear of the site being an open and paved parking area (with provision for approximately eight (8) car parking spaces), accessed via a large crossover for Mary Street.
- At 348-350 Bell Street is a single storey building constructed to the front and side boundaries, used for motor vehicle repairs. To the rear of this site is a paved parking area for five (5) spaces accessed via a 3.05 metres wide ROW to the rear, separating it from the adjacent residential area to the north.
- The site is located in a retail/commercial area of in the Preston Central Principal Activity Centre, with a residential area to the north. The surrounding commercial area is two (2) to five (5) storeys in height, with varied land uses.
- To the north of the site, beyond the rear right of way and at the corner of Mary Street, is a recent development of six (6) x three (3) storey dwellings, with the ground level of the building constructed to the boundaries. This site was previously used as a motor vehicle repairs premises and the redevelopment retains the existing parapet walls to the boundaries. To the north east, on the opposite side of Mary Street, is a large four (4) storey high density contemporary residential development, with lower scale mainly single storey dwellings further to the north. To the north west of the site, on the northern side of the right of way, are mainly single storey dwellings. The surrounding residential area has some medium density and double storey developments. Further north, approximately 750 metres from the site is Preston Market and core retail activity area.

- To the south of the site is Bell Street (RZ1), a six (6) lane carriageway with a central median strip. On the southern side of Bell Street opposite the subject site, are a series of one (1) and two (2) storey commercial buildings, with other related uses, such as a car sales yard and a car rental premises.
- To the west is a six (6) storey residential and retail redevelopment which is near completion. Further to the west is the South Morang railway line, with Bell Station to the southern side of Bell Street.
- To the east of the site, on the opposite side of Mary Street, is a five (5) commercial/office premises. It is constructed to the Mary Street boundary and has an angled façade with a setback to Bell Street, used as a paved forecourt area. Further to the east is a vacant parcel of land and then a tyre sales and fitting centre. Beyond this is the High Street activity spine, with the Preston Junction area to the south, which is an area of large scale and higher density redevelopment.
- The site is located in a Major Activity Centre and is well located in terms of facilities and services :
 - Bell Railway Station is approximately 100m to the west;
 - Preston Market is located 500m to the north;
 - #86 tramline along Plenty Road 400m to the east;
 - St Georges Road bicycle path 300m to the west;
 - NMIT is 400m to the west;
 - Darebin Arts and Entertainment Centre 350m to the west.

Proposal

The following amendments to the planning permit are proposed to the planning permit and endorsed plans.

- Reduce the number of dwellings to 83 to 78 dwellings;
- Replace 15 x one (1) bedroom dwellings with 10 two (2)-bedroom dwellings;
- Reduce the number car parking spaces to 66 from 71;
- Removal of the car stackers;
- Reduced and modified screening measures to the north elevation.

PLANNING ASSESSMENT

Design:

Putting aside the alterations to the screening measures to the north elevation, the alterations to the development are largely internal. The effect of this is that there is very little change to the exterior fabric of the development. While the elevations are different as a result of the relocation and re-design of several of the balconies, the form and architecture of the revised design is very similar to that shown on the endorsed plans. The development maintains a very similar mix and variety of materials. The arrangement of horizontal and vertical material treatments also remains very similar. The height of the development is unchanged. It is concluded that there are no design related changes of consequence resulting from the proposed alterations.

External amenity:

The decrease in the number of dwellings from 83 to 78 will reduce the intensity of the use of the land for residential purposes. Because the form and architecture of the building is largely unchanged the proposed alterations have had no effect in relation to issues such as overshadowing, daylighting, height, setbacks, and design.

The revised and reduced screening measures include the replacement of the opaque glazing with horizontal louvers to 1.7 metres above finished floor level. In addition, a selection of the screening measures have been removed where projecting sections of the building restrict downward views to adjacent gardens located within nine (9) metres of the north elevation. This approach achieves the same outcome as typical screening measures. It is considered that there will be no significant consequential effects arising from the intensification of the use of the land for dwellings.

Internal amenity:

The modified and reduced screening measures to the following north facing apartments improve the internal amenity of these apartments:

- G.01 G.02, G.03, G.04, G.05 G.06 (ground floor)
- 1.10, 1.11, 1.12, 1.13, 1.14 (first floor)
- 2.11, 2.12, 2.13, 2.14 (second floor)
- 3.10, 3.11, 3.12, 3.13 (third floor)
- 4.10, 4.11, 4.12, 4.13 (fourth floor) and
- 5.08, 5.09 (fifth floor)

It is concluded that the alterations do not result in any changes to the internal amenity of dwellings within the land which are of consequence.

Car parking:

The existing planning permit approved 83 dwellings and 71 car parking spaces. A car parking reduction of 39 spaces is currently approved. The current application also seeks to maintain the overall parking reduction of 39 car parking spaces. A breakdown of the car parking for the revised development as required under Clause 52.06 of the scheme is set out below.

Use	Required Rate	Parking Provided	Requirement
78 dwellings	1 space / one or two bedroom dwelling and 2 spaces / three or more bedroom dwelling	66	78
Visitor parking	1 visitor space / 5 dwellings	0	15
Shop	4 spaces / 100 square metres of leasable floor area.	0	12
		Total: 66	Total: 105

The car parking provision is appropriate for the following reasons:

- The two bedroom dwellings meet the required ratio of one (1) space/dwelling.
- The planning merits relating to the allocation of car parking have already been decided and remain the same with the changes proposed to the planning permit.
- The one bedroom dwellings provide a reduced ratio of 0.7 spaces/dwelling, which aligns with car ownership levels for this type of accommodation in Preston.
- No visitor or commercial parking is provided, however a greater than required ratio of bicycle parking is provided (see further discussion under Clause 52.34 assessment).
- The site is well served by public transport as detailed in earlier parts of this report with Bell Station on the Epping Line, Tram Route 86 along High Street and Tram Route 112 along Gilbert/St Georges Road being the main modes of public transport readily available to the site.
- The development provides 3 motor bike parking spaces and 39 bicycle parking spaces.
- A sustainable transport display area is shown at the entrance to each of the four (4) commercial tenancies.

For the reasons above, it is considered acceptable to reduce the car parking requirement.

Bicycle Parking – Clause 52.34

A breakdown of the bicycle parking for the development as required under Clause 52.34 of the scheme is set out below.

Use	Rate	Employee / resident	Visitor / customer
Residential	In developments of 4 or more storeys, 1 resident space / 5 dwellings + 1 visitor space / 10 dwellings	15	7
Shop	1 to each 600 m ² of leasable floor area if the leasable floor area exceeds 1000 m ² + 1 to each 500 m ² of leasable floor area if the leasable floor area exceeds 1000 m ²	0	0
Total Requirement		15	7

- The proposal provides 39 bicycle parking spaces – 19 on the ground floor and 20 in the basement, suitable for residents and their visitors. The 39 spaces exceed the total requirement of 22 spaces for the entire development.

CONCLUSION:

It is concluded that the alterations to the development are consistent with the permit and are inconsequential having regard to the purpose of the planning controls which led to the grant of primary permission. In terms of impact on amenity (internal and external to the site) and outward visual appearance there will be little discernable difference between the plans originally endorsed and the plans as amended.

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

- Clause 52.06 – Car Reduction
- Clause 37.06 – Buildings and Works

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	37.06
Overlay	45.06
Particular provisions	52.06, 52.07
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

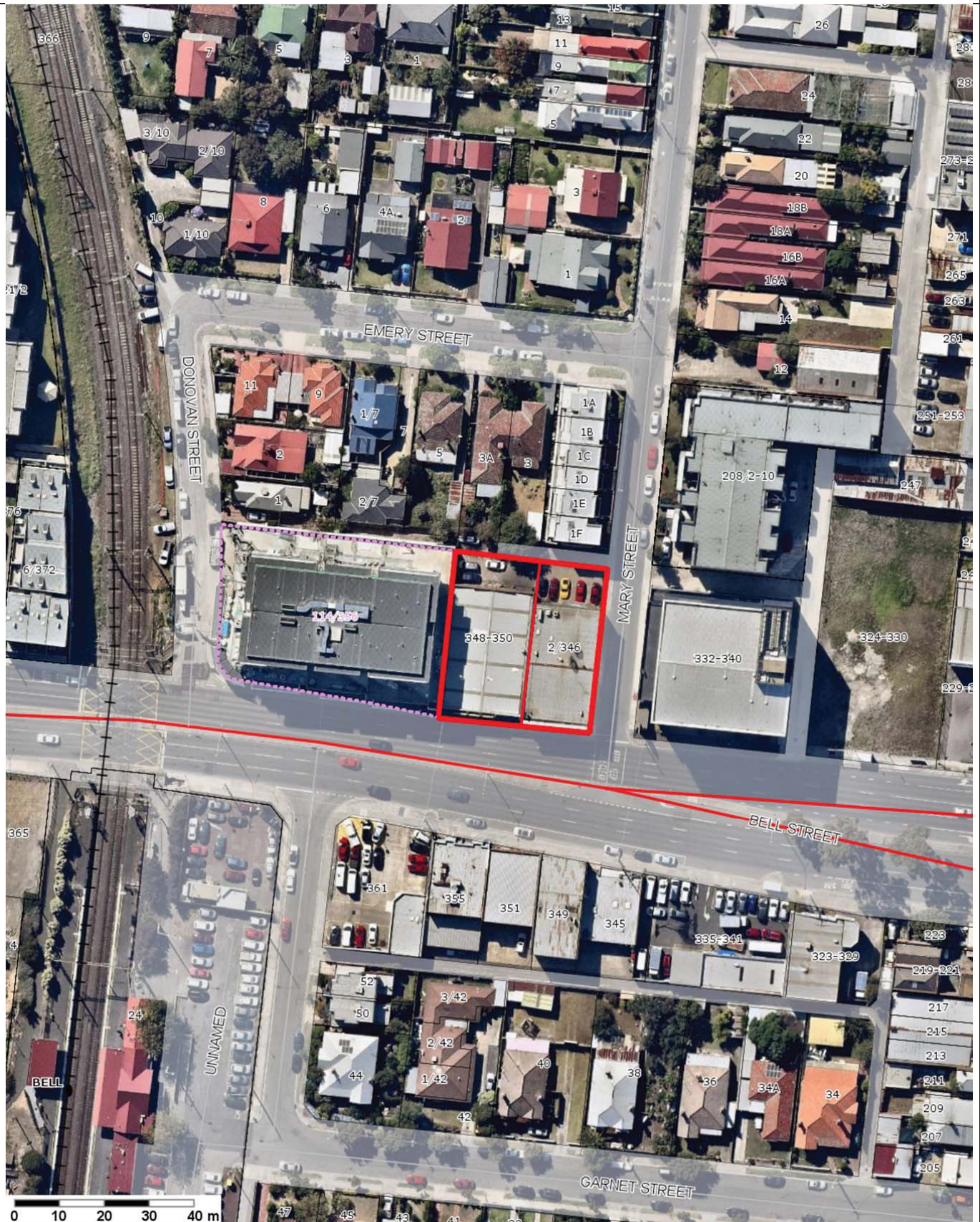
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

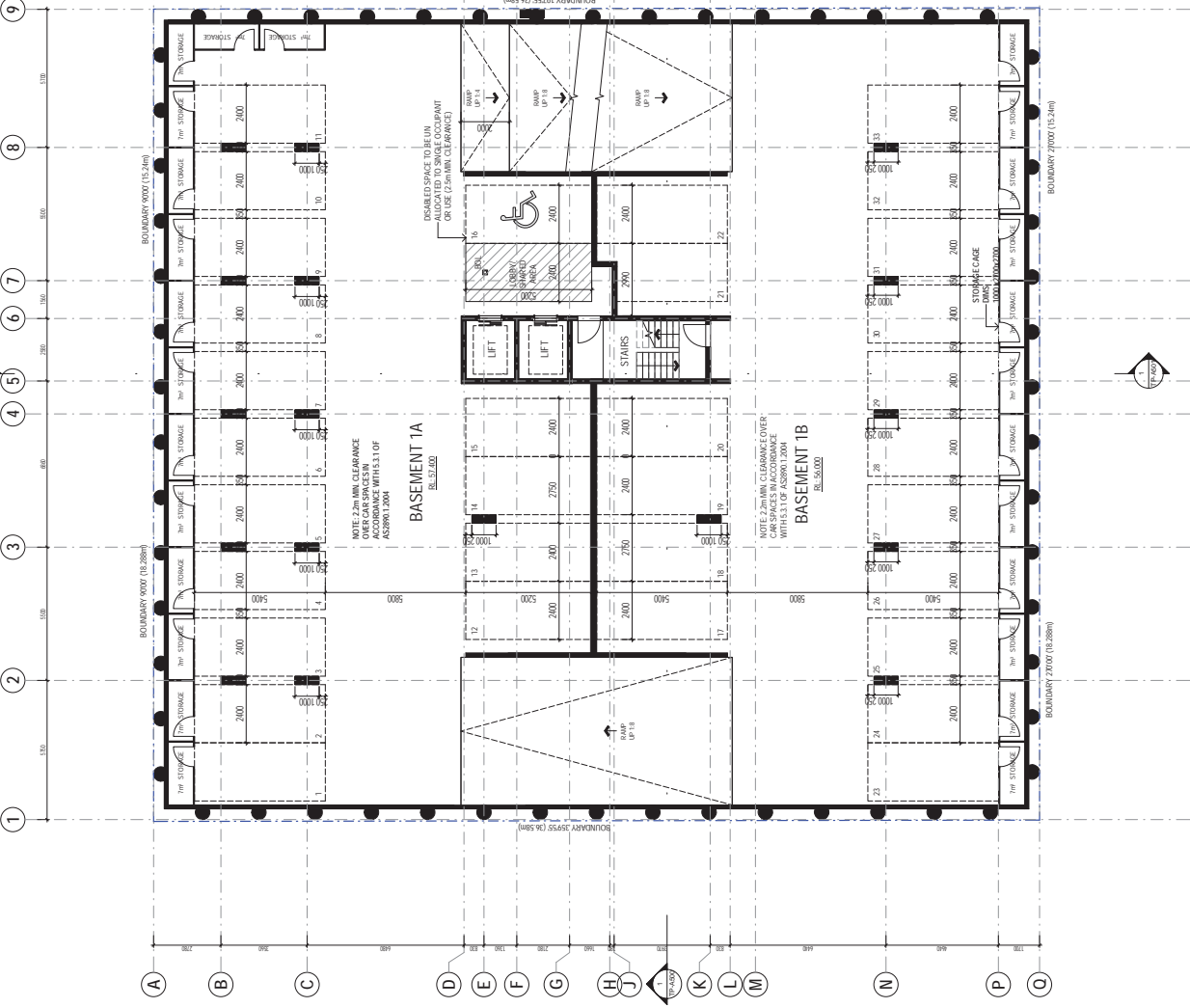
Darebin Planning Scheme and the *Planning and Environment Act (1987)* as amended.

21/09/2016



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

LEVEL B1
GFA 1140m²
CARS 33
S.CAGE 26



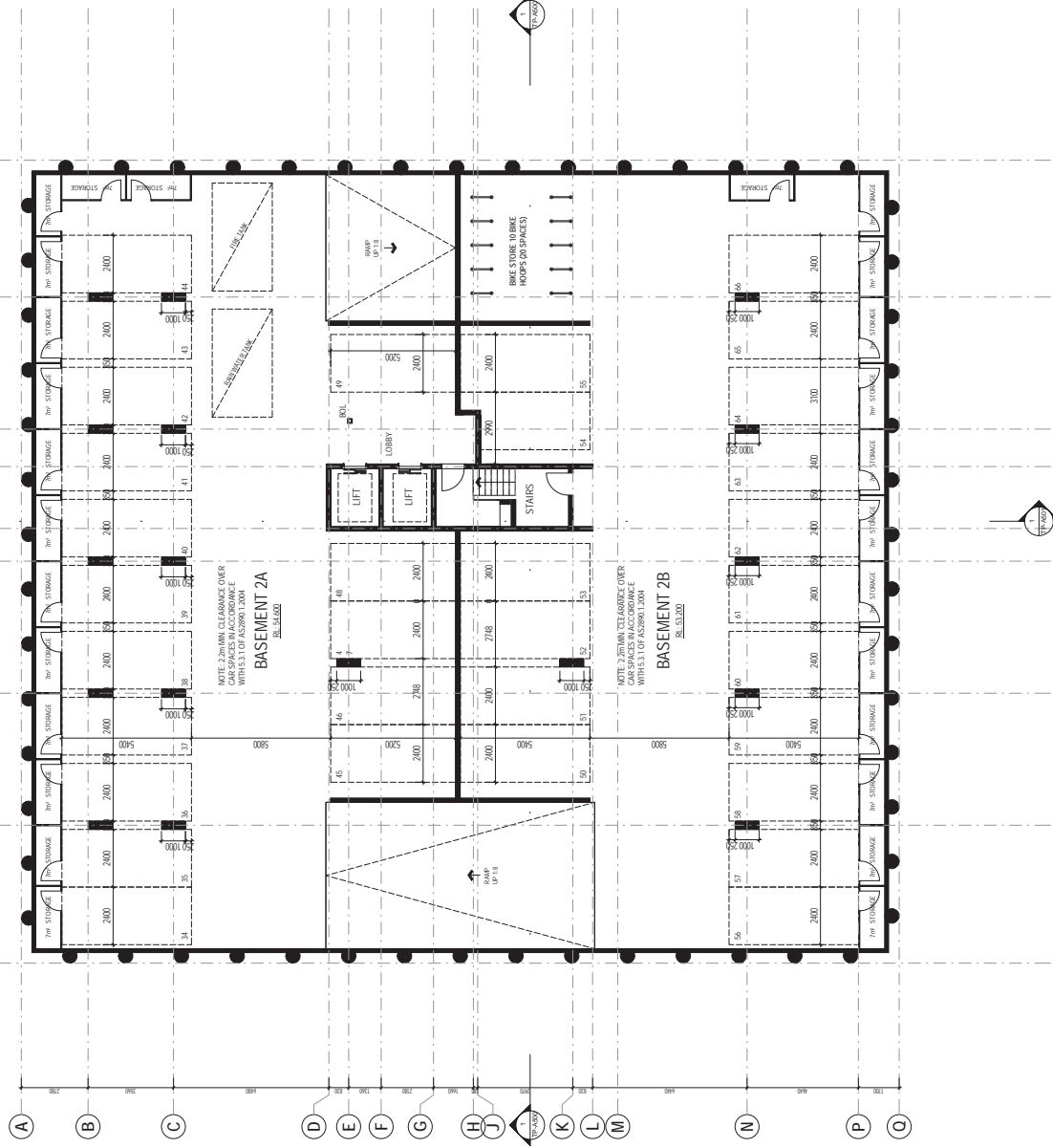
1 2 3 4 5 6 7 8 9

A B C D E F G H J K L M N P Q



ISSUED FOR
TOWN PLANNING
PURPOSES ONLY

LEVEL B2	1140m ²
GFA	33
CARS	20
BIKE P	27
S.CAGE	



RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348-350 BELL STREET,
PRESTON, VICTORIA 3072
LEVEL B2 FLOOR PLAN
Date: 10.03.16 Drawn: MC
Job No. 2301 Scale: B1 1:100
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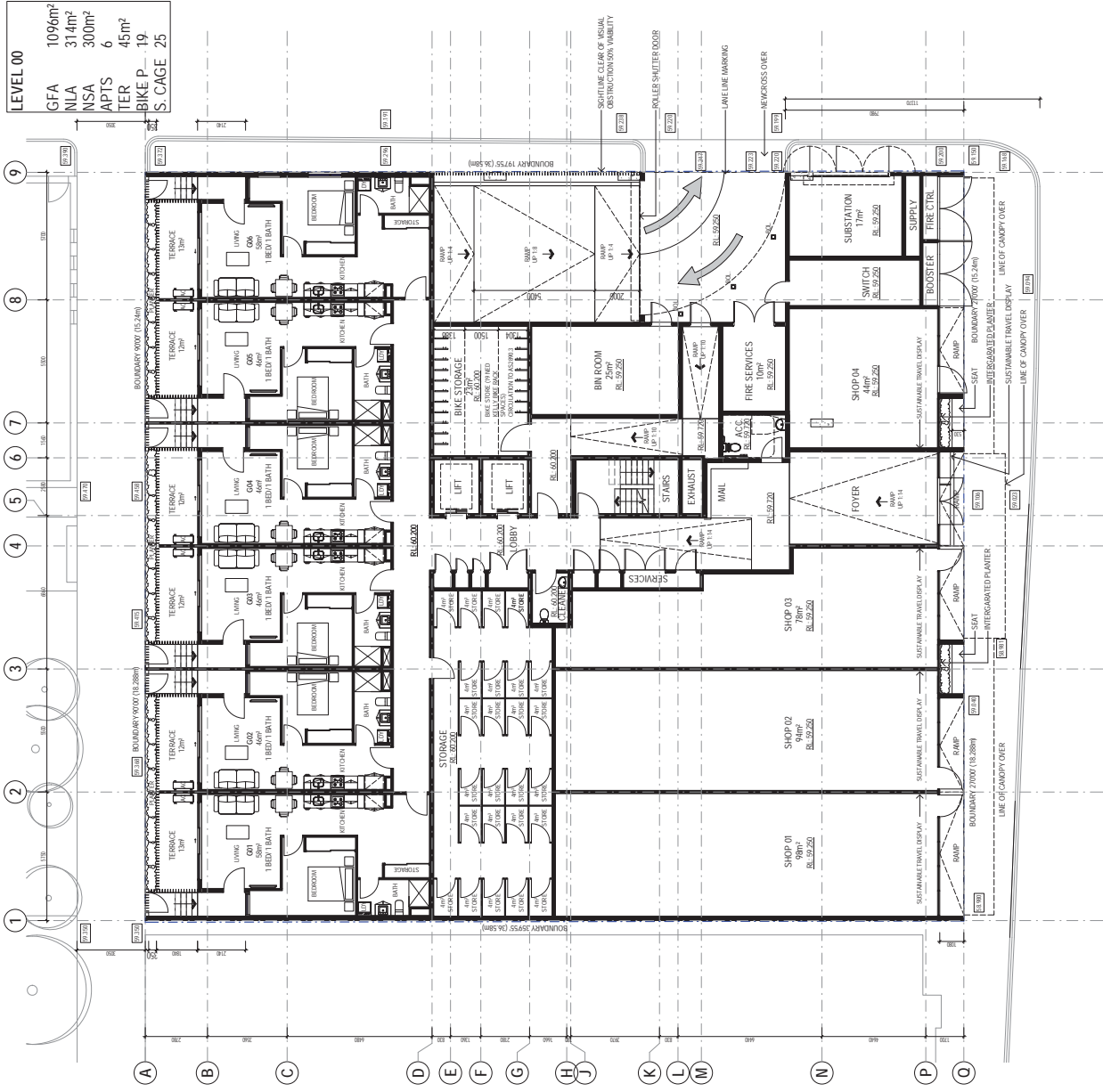


ISSUED FOR
TOWN PLANNING
PURPOSES ONLY

ISSUE	DESCRIPTION	DATE
1	CLIENT REVIEW	12.03.16
2	ISSUED FOR SECTION 77 AMENDMENT	24.03.16
3	ISSUED FOR 77	10.03.16

The Ellis Group Architects
A.C.N. 722 449 238
21 Levenson Street,
Preston, Victoria 3072
Telephone: (03) 9257 0006 Facsimile: (03) 9257 8386
Email: info@ellisgroup.com.au





ISSUED FOR TOWN PLANNING PURPOSES ONLY

ISSUE	DESCRIPTION	DATE
01	CLIENT REVIEW	12.05.16
02	ISSUED FOR SECTION 77 AMENDMENT	24.06.16
03	ISSUED FOR SECTION 77 AMENDMENT	12.08.16

RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348-350 BELL STREET,
PRESTON, VICTORIA 3072
GROUND FLOOR PLAN
Drawn: MC
Date: 10.03.16
Job No: 2301
Scale: 1:100
C:\Users\maddison\Documents\2301\Retail_Preston_June16.dwg

The Ellis Group Architects
ALIA 232 449 338
21 Leveon Street,
Adelaide, SA 5001
Telephone: (08) 8257 0006 Facsimile: (08) 8257 8886
Email: maddison@ellisgroup.com.au



LEVEL 01	
GFA	960m ²
NSA	815m ²
APTS	16
TER	143m ²



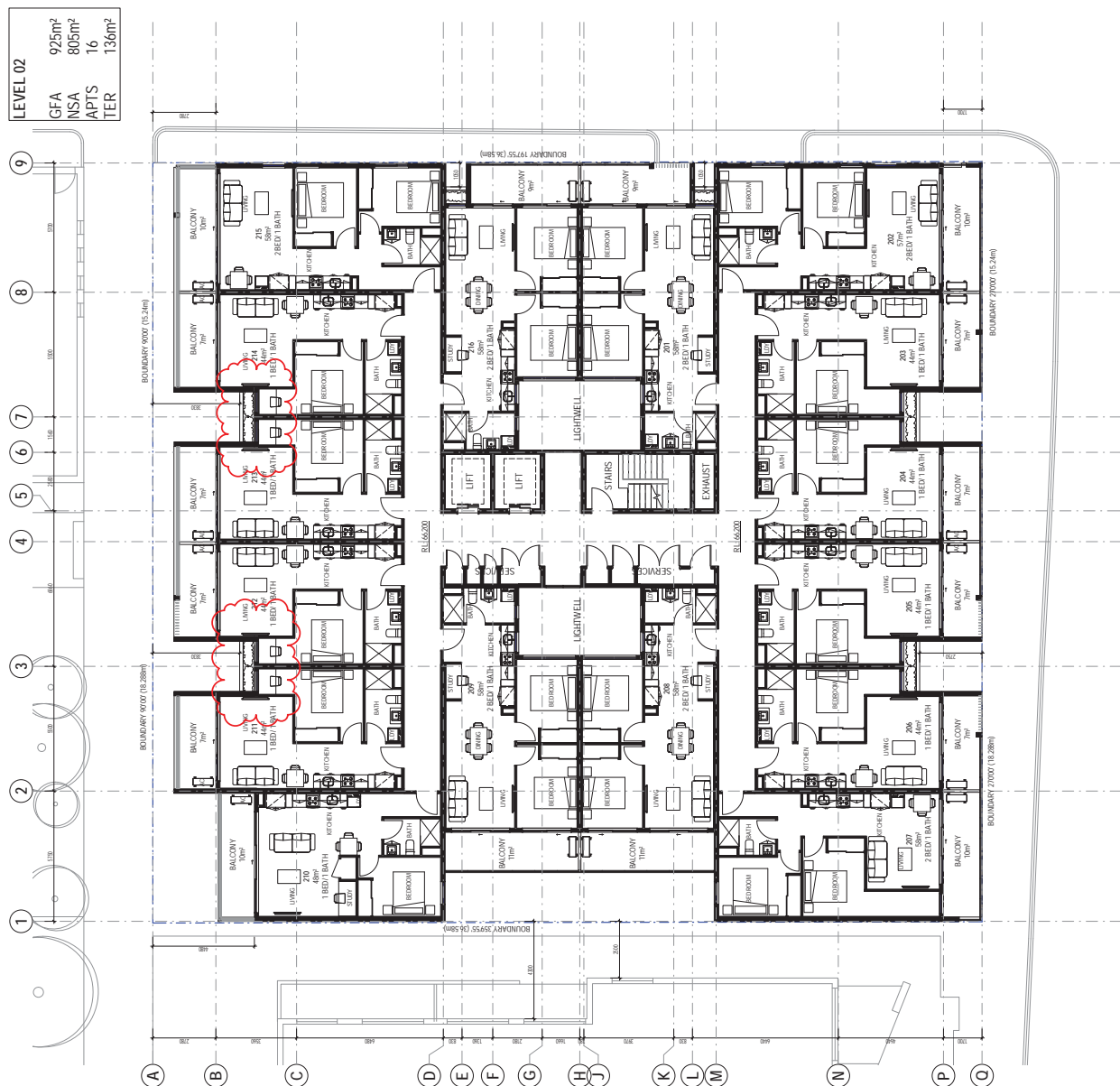
**ISSUED FOR
TOWN PLANNING
PURPOSES ONLY**

ISSUE	DESCRIPTION	DATE
01	CLIENT TENDERS	12.05.14
02	ISSUED FOR SECTION 77 AMENDMENT	24.08.16
03	ISSUED FOR 77	12.05.14

RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348- 350 BELL STREET,
PRESTON, VICTORIA 3072
LEVEL 01 FLOOR PLAN
Date: 10.03.16 Drawn: MC
Job No. 2301 Scale: 1:100
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The Ellis Group Architects
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24 Lawson Street,
Melbourne, VIC 3001
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LEVEL 03	
GFA	905m ²
NSA	790m ²
APTS	15
TER	130m ²



ISSUED FOR
TOWN PLANNING
PURPOSES ONLY

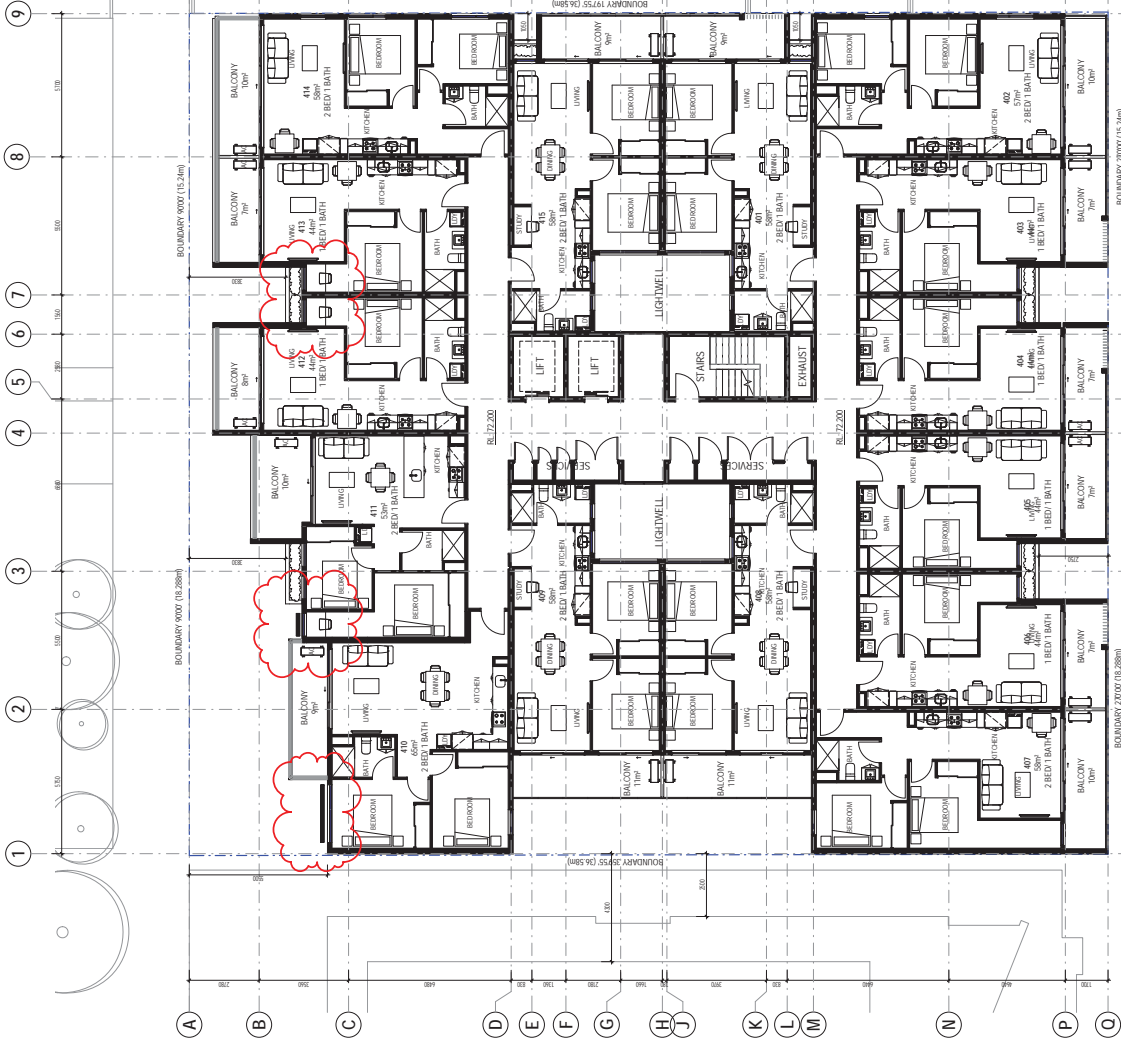
ISSUE	DESCRIPTION	DATE
1	CLIENT TENDERS	12/04/16
2	ISSUED FOR SECTION 77 AMENDMENT	24/06/16
3	LOCAL GOVT	12/08/16

RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348-350 BELL STREET,
PRESTON, VICTORIA 3072
LEVEL 03 FLOOR PLAN
Date: 10.03.16 Drawn: MC
Job No. 2301 Scale/BAT 1:100
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LEVEL 04			
GFA	902m ²		
NSA	787m ²		
APTS	15		
TER	132m ²		



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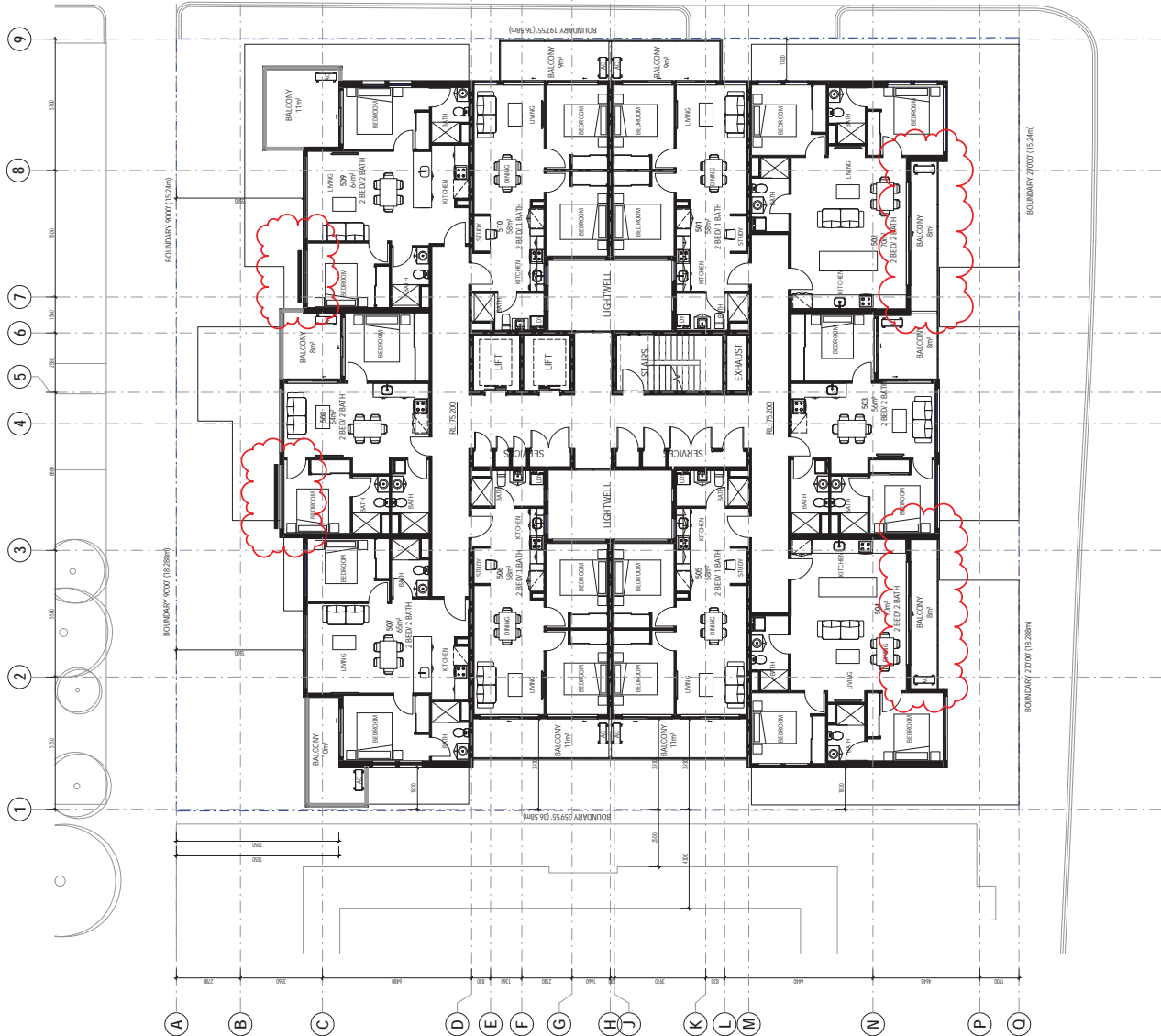


**ISSUED FOR
TOWN PLANNING
PURPOSES ONLY**

ISSUE	DESCRIPTION	DATE
01	CLIENT TENDERS	12.04.16
02	ISSUED FOR SECTION 77 AMENDMENT	24.06.16
03	FOR FINAL 77	12.08.16

RETAIL & RESIDENTIAL DEVELOPMENT
 346 & 348-350 BELL STREET,
 PRESTON, VICTORIA 3072
LEVEL 04 FLOOR PLAN
 Date: 10.03.16 Drawn: MC
 Job No. 2301 Scale: 1:100
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LEVEL 05				
GFA	708m ²			
NSA	614m ²			
APTS	10			
TER	93m ²			



ISSUED FOR
TOWN PLANNING
PURPOSES ONLY

ISSUE	DESCRIPTION	DATE
01	CLIENT TENDERS	12.05.16
02	ISSUED FOR SECTION 77 AMENDMENT	24.08.16
03	ISSUED FOR SECTION 77 AMENDMENT	12.08.16

RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348-350 BELL STREET,
PRESTON, VICTORIA 3072
LEVEL 05 FLOOR PLAN
Date: 10.03.16 Drawn: MC
Job No. 2301 Scale: 1:100
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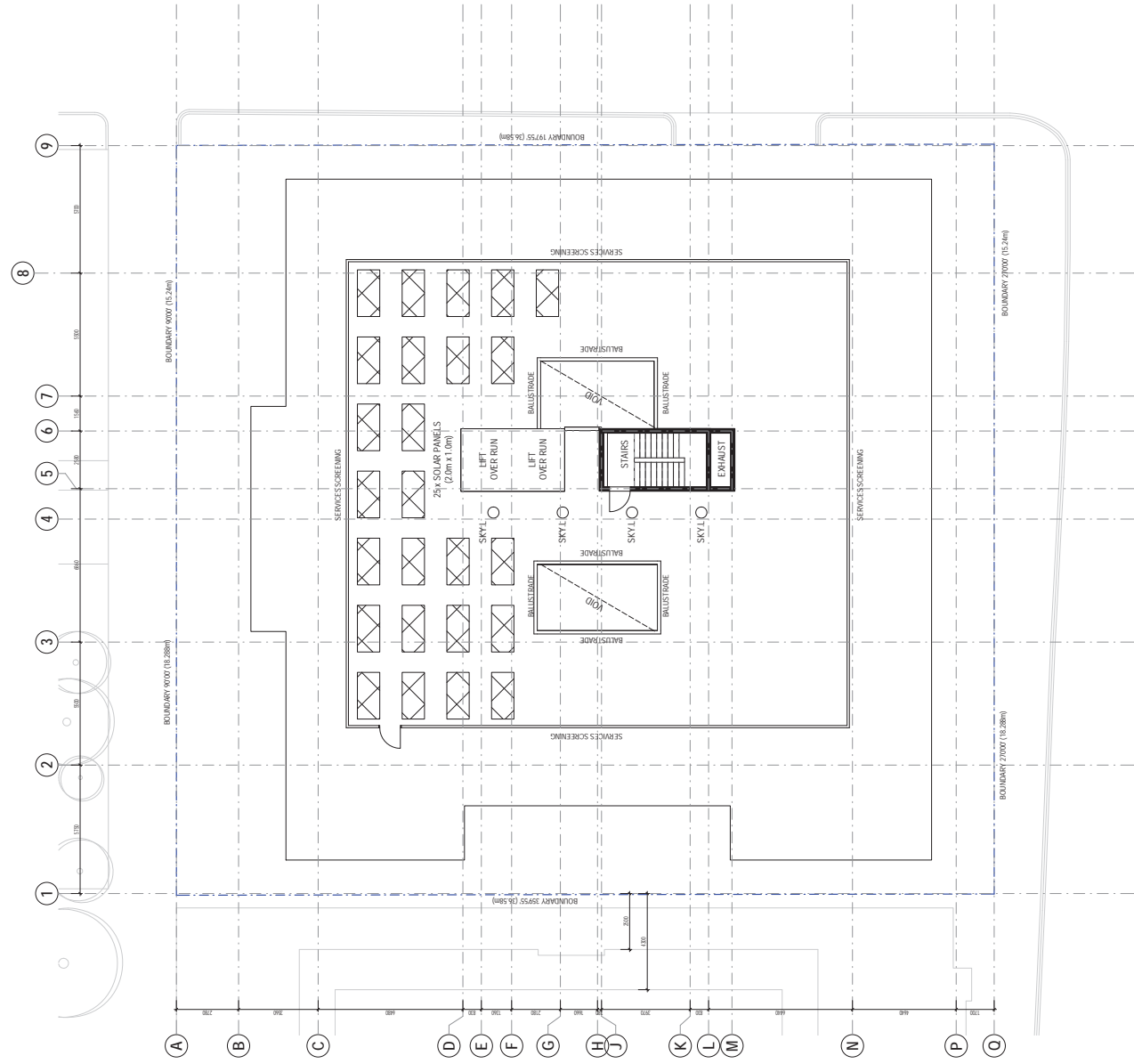
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**ISSUED FOR
TOWN PLANNING
PURPOSES ONLY**

RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348-350 BELL STREET,
PRESTON, VICTORIA 3072
ROOF PLAN
Date: 10.03.16 Drawn: MC
Job No. 2301 Scale: A1 1:100
C:\Users\mawd\Documents\2301\Retail_Prelim_Jamal.rvt

ISSUE	DESCRIPTION	DATE
PT	CLIENT REVIEW	12.05.16
PG	ISSUED FOR SECTION 77 AMENDMENT	24.06.16
PG	ISSUED FOR 77	12.06.16



FINISHES LEGEND

BAL01	1.1m HIGH GLAZED BALUSTRADE POWDERCOATED FRAME (COLOUR SILVER)
BAL02	1.1m HIGH BALUSTRADE 1.1m HIGH SOLID WHITE RENDER FINISH 0.7m HIGH POWDERCOATED SLATED SCREEN 1.1m HIGH TIMBER BALUSTRADE CHARCOAL GREY STAIN
BAL03	1.1m HIGH BALUSTRADE POWDERCOATED FRAME (COLOUR SILVER)
CONC01	CONCRETE WHITE STAIN FINISH & PENETRATIVE SEALER
CONC02	CONCRETE BLACK STAIN FINISH & PENETRATIVE SEALER
CONC03	SANDCAST CONCRETE WHITE SKIN FINISH WITH DECORATIVE RELIEF PROFILE AND PENETRATIVE SEALER
GL01	STRUCTURALLY DOUBLE GLAZED GREY TINT POWDERCOATED BLACK FRAMES
GL02	STRUCTURALLY DOUBLE GLAZED, DARK GREY TINT POWDERCOATED BLACK FRAMES
GL03	SLIP FRONT DOUBLE GLAZED CLEAR POWDERCOATED BLACK FRAMES
GL04	FRAMELESS GLASS CLEAR CANOPY
MT01	METAL SCREENING, 100% ALUMINIUM BLADES WITH ANTI-CORROSION FINISH
MT02	ZINC ALUMINIUM STANDING SEAM CLADDING, VARED SHEET WIDTHS
MT03	COMPOSITE METAL CANOPY, COLOUR WHITE
PLTR01	PLANTER BOX 0.4m HIGH WHITE PROFILED METAL CLADDING, COLOUR WHITE
PLTR02	PLANTER BOX 0.4m HIGH WHITE RENDER FINISH
ST01	NOT USED
SCR001	MIRROR STAINLESS STEEL PRIVACY SCREENING NOT USED
SCR002	VERTICAL ALUMINIUM WIRE GLAZED SCREEN PAINT COLOUR BLACK
SCR004	NOT USED
SCR005	1.1m HIGH POWDERCOATED SLATED SCREEN
TBR01	TIMBER VERTICAL SLATED GATES, 2.1m HIGH CHARCOAL GREY STAIN FINISH

NOTE:
OPENING



ISSUED FOR
TOWN PLANNING
PURPOSES ONLY

ISSUE	DESCRIPTION	DATE
PI	CLIENT REVIEW	12/05/16
PI	ISSUED FOR SECTION 77 AMENDMENT	24/06/16
PI	ISSUED FOR SECTION 77 AMENDMENT	12/05/16



FINISHES LEGEND

BAL01	1.1m HIGH GLAZED BALUSTRADE POWDERCOATED FRAME (COLOUR SILVER)
BAL02	1.1m HIGH BALUSTRADE 1.1m HIGH SOLID WALL RENDER FINISH 0.7m HIGH POWDERCOATED SLATED SCREEN 1.1m HIGH TIMBER BALUSTRADE CHARCOAL GREY STAIN
BAL03	CONCRETE WHITE STAIN FINISH & PENETRATIVE SEALER
CON001	CONCRETE BLACK STAIN FINISH & PENETRATIVE SEALER
CON002	CONCRETE WHITE SATIN FINISH
CON003	SANITISED CONCRETE WITH DECORATIVE RELIEF PROFILE AND PENETRATIVE SEALER
GL01	STRUCTURALLY DOUBLE GLAZED, GREY TINT POWDERCOATED BLACK FRAMES
GL02	STRUCTURALLY DOUBLE GLAZED, DARK GREY TINT POWDERCOATED BLACK FRAMES
GL03	STRUCTURALLY DOUBLE GLAZED, CLEAR POWDERCOATED BLACK FRAMES
GL04	FRAMELESS GLASS CLEAR CANOPY
MT01	METAL SCREENING, 100% ALUMINIUM BLADES WITH ANTI-CLIMB PROPERTIES, 1.1m HIGH
MT02	ZINC ALUMINUM, STANDING SEAM CLADDING, VARED SHEET WIDTHS
MT03	COMPOSITE METAL CANOPY, COLOUR WHITE
PLT001	PLANTER BOX 0.4m HIGH, WHITE PROFILED METAL CLADDING, COLOUR WHITE
PLT002	PLANTER BOX 0.4m HIGH, WHITE RENDIER FINISH
ST01	NOT USED
SCR001	MIRROR STAINLESS STEEL PRIVACY SCREENING
SCR002	NOT USED
SCR003	VERTICAL ALUMINIUM WIRE GLASS SCREEN PAINT COLOUR BLACK
SCR004	NOT USED
SCR005	1.1m HIGH POWDERCOATED SLATED SCREEN
TBR01	TIMBER VERTICAL SLATED GATES, 2.1m HIGH, CHARCOAL GREY STAIN FINISH

NOTE:
WINDOW RESTRICTED TO 15mm MAX CLEAR OPENING



ISSUED FOR
TOWN PLANNING
PURPOSES ONLY

RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348-350 BELL STREET,
PRESTON, VICTORIA 3072
EASTERN ELEVATION
Date: 10.03.16 Drawn: MC
Job No. 2301 Scale: 1:100
C:\Users\m\OneDrive\2301\Retail_mf\Retail_junior.rvt

ISSUE	DESCRIPTION	DATE
PI	CLIENT REVIEW	12.05.16
PI	ISSUED FOR SECTION 77 AMENDMENT	24.06.16
PI	ISSUED FOR SECTION 77 AMENDMENT	10.03.16

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24 Lewis Street,
Melbourne, VIC 3001
Telephone: (03) 9527 8006 Facsimile: (03) 9527 8386
Email: info@ellisgroup.com.au



FINISHES LEGEND

BAL01	1.1M HIGH GLAZED BALUSTRADE POWDERCOATED FRAME (COLOUR SILVER)
BAL02	1.1M HIGH BALUSTRADE -1.1M HIGH SOLID WALL RENDER FINISH -0.7m HIGH POWDERCOATED SLATTED SCREEN 1.1m HIGH TIMBER BALUSTRADE CHARCOAL GREY STAIN
BAL03	CONCRETE WHITE STAIN FINISH & PENETRATIVE SEALER
CONC01	CONCRETE BLACK STAIN FINISH & PENETRATIVE SEALER
CONC02	SANDBLASTED CONCRETE WHITE SATIN FINISH WITH DECORATIVE RELIEF PROFILE AND PENETRATIVE SEALER
CONC03	STRUCTURALLY DOUBLE GLAZED GREY TINT POWDERCOATED BLACK FRAMES
GL01	STRUCTURALLY DOUBLE GLAZED, DARK GREY TINT POWDERCOATED BLACK FRAMES
GL02	SPRAY FORTIFIED DOUBLE GLASS CLEAR POWDERCOATED BLACK FRAMES
GL03	FRAMELESS GLASS CLEAR CANOPY
GL04	METAL SCREENING, 100% ALUMINIUM BLADES
MT01	ZINC ALUMINIUM STANDING SEAM CLADDING, VARIED SHEET WIDTHS
MT02	COMPOSITE METAL CANOPY, COLOUR WHITE
MT03	PLANTER BOX 0.6m HIGH WHITE PROFILED METAL CLADDING, COLOUR WHITE
PLTR01	PLANTER BOX 0.6m HIGH, WHITE RENDER FINISH
PLTR02	NOT USED
ST01	MIRROR STAINLESS STEEL PRIVACY SCREENING
SCRW01	NOT USED
SCRW02	VERTICAL ALUMINIUM LOW RE BLACK SCREEN
SCRW03	POINT COLOUR BLACK
SCRW04	NOT USED
SCRW05	1.1M HIGH POWDERCOATED SLATTED SCREEN
SCRW06	1.1M HIGH POWDERCOATED SLATTED SCREEN
TBR01	TIMBER VERTICAL SLATTED GATES, 2.1m HIGH, CHARCOAL GREY STAIN FINISH

NOTE: WINDOW RESTRICTED TO 125mm MAX CLEAR

OPENING



ISSUED FOR
TOWN PLANNING
PURPOSES ONLY

ISSUE	DESCRIPTION	DATE
01	CLIENT REVIEW	12.05.16
02	ISSUED FOR SECTION 77 AMENDMENT	24.06.16
03	CONCURRED	12.06.16

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RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348-350 BELL STREET,
PRESTON, VICTORIA 3072
SOUTHERN ELEVATION
Drawn: MC
Date: 10.03.16
Job No. 2301
Scale: 1:100
C:\Users\m\Documents\2301\Retail_Preston_June16.dwg

FINISHES LEGEND

BAL01	1.1m HIGH GLAZED BALUSTRADE POWDERCOATED FRAME (COLOUR SILVER)
BAL02	1.1m HIGH GLAZED BALUSTRADE POWDERCOATED FRAME (COLOUR SILVER)
BAL03	1.1m HIGH GLAZED BALUSTRADE POWDERCOATED FRAME (COLOUR SILVER)
CONC01	CONCRETE WHITE STAIN FINISH & PENETRATIVE SEALER
CONC02	CONCRETE BLACK STAIN FINISH & PENETRATIVE SEALER
CONC03	SANDBLASTED CONCRETE WHITE SATIN FINISH WITH DECORATIVE RELIEF PROFILE AND PENETRATIVE SEALER
GL01	STRUCTURALLY DOUBLE GLAZED GREY TINT POWDERCOATED BLACK FRAMES
GL02	STRUCTURALLY DOUBLE GLAZED, DARK GREY TINT POWDERCOATED BLACK FRAMES
GL03	STRUCTURALLY DOUBLE GLAZED, DARK GREY TINT POWDERCOATED BLACK FRAMES
GL04	FRAMELESS GLASS CLEAR CANOPY
MT01	METAL SCREENING, 100% ALUMINIUM BLADES POWDERCOATED BLACK FINISH
MT02	ZINC ALUMINIUM, STANDING SEAM CLADDING, VARIED SHEET WIDTHS
PLTR01	COMPOSITE METAL CANOPY, COLOUR WHITE CLADDING, COLOUR WHITE
PLTR02	PLANTER BOX 0.6m HIGH, WHITE RENDER FINISH NOT USED
SCR001	MIRROR STAINLESS STEEL PRIVACY SCREENING NOT USED
SCR002	VERMICULAR FIBRE GLASS SCREENING PAINT COLOUR BLACK
SCR003	1.1m HIGH POWDERCOATED SLATTS, COLOUR CHARCOAL GREY STAIN FINISH
SCR004	NOT USED
SCR005	1.1m HIGH POWDERCOATED SLATTS, COLOUR CHARCOAL GREY STAIN FINISH
TBR01	TIMBER VERTICAL SLATTED GATES, 2.1m HIGH, CHARCOAL GREY STAIN FINISH

NOTE: WINDOW RESTRICTED TO 150mm MAX CLEAR



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ISSUED FOR
TOWN PLANNING
PURPOSES ONLY

ISSUE	DESCRIPTION	DATE
PI	CLIENT REVIEW	12/05/16
PI	ISSUED FOR SECTION 77 AMENDMENT	24/06/16
PI	ISSUED FOR TOWN PLANNING PURPOSES ONLY	10/03/16

RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348-350 BELL STREET,
PRESTON, VICTORIA 3072
WESTERN ELEVATION
Drawn: MC
Date: 10.03.16 Scale: 1:100
Job No. 2301
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**ISSUED FOR
 TOWN PLANNING
 PURPOSES ONLY**

ISSUE	DESCRIPTION	DATE
P1	CLIENT TENDER	12.02.16
P2	ISSUED FOR SECTION 77 AMENDMENT	24.08.16
P3	ISSUED FOR 77	12.02.16

RETAIL & RESIDENTIAL DEVELOPMENT
 346 & 348-350 BELL STREET,
 PRESTON, VICTORIA 3072
CROSS SECTION A-A
 Date: 10.03.16 Drawn: MC
 Job No. 2301 Scale: 1:100
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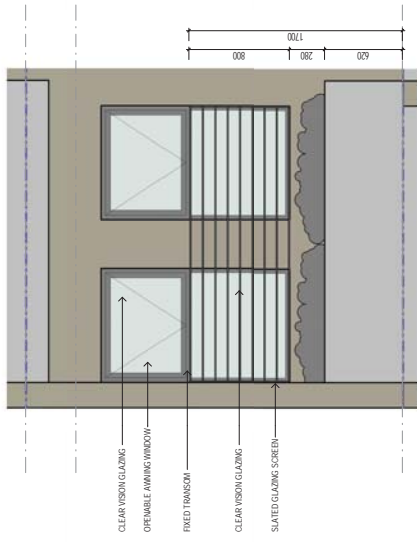
RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348 - 350 BELL STREET,
PRESTON, VICTORIA 3072
CROSS SECTION B-B
Date: 10.03.16 Drawn: MC
Job No. 2301 Scale: A1 1:100
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ISSUED FOR
TOWN PLANNING
PURPOSES ONLY

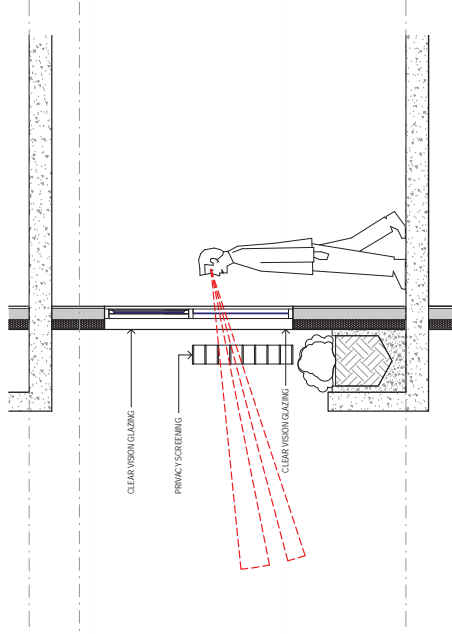
ISSUE	DESCRIPTION	DATE
P1	CLIENT REVIEW	12.05.16
P2	ISSUED FOR SECTION 77 AMENDMENT	24.08.16
P3	COUNCIL REVIEW	12.08.16

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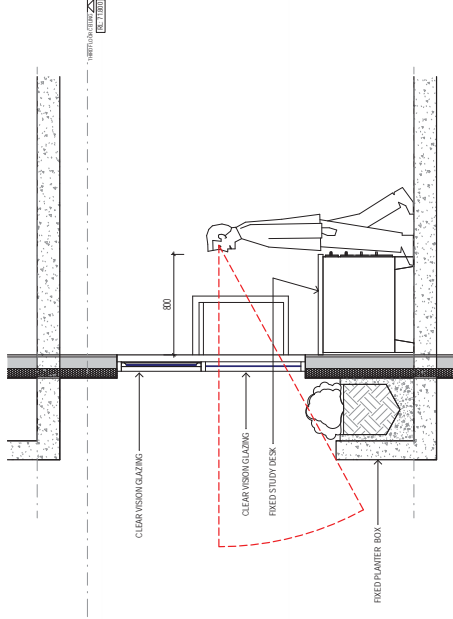




1. PRIVACY WINDOW ELEVATION1
1:20



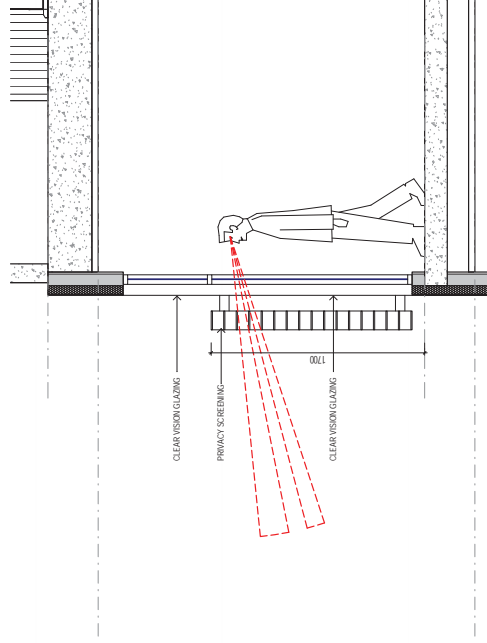
1. PRIVACY WINDOW SECTION - PLANTER
1:20



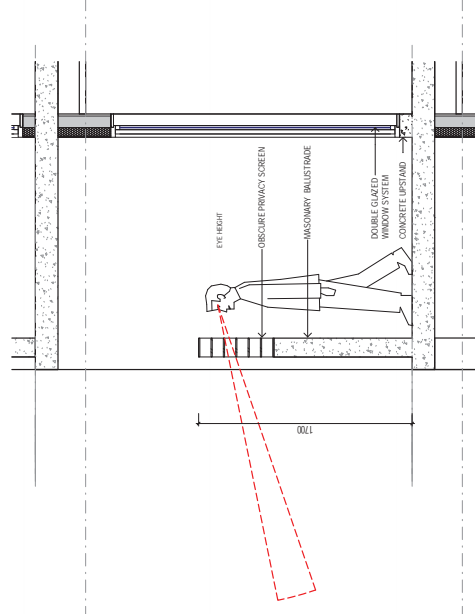
6. WINDOW SECTION - DESK SET BACK
1:20



3. PRIVACY WINDOW ELEVATION
1:20



4. PRIVACY WINDOW SECTION
1:20



2. PRIVACY SCREEN VIEW LINE - BALCONY
1:20

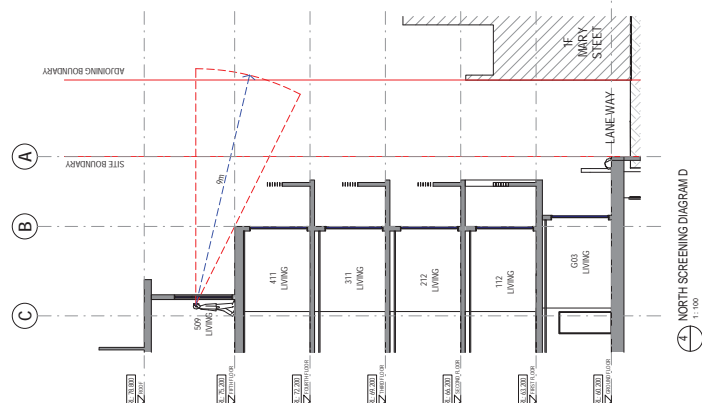
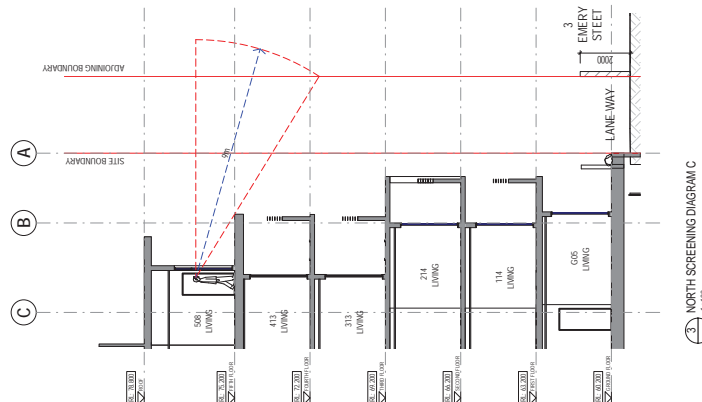
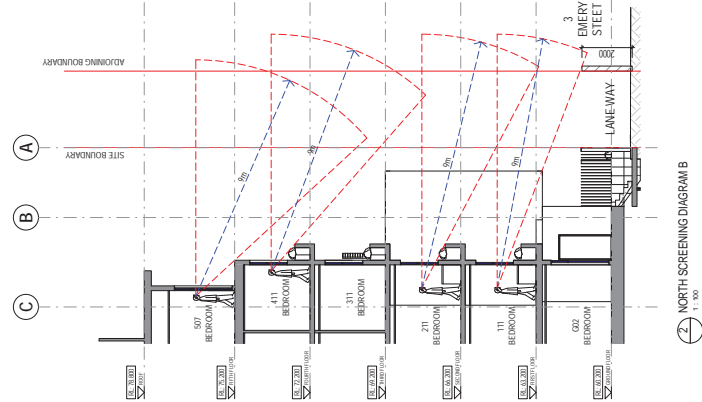
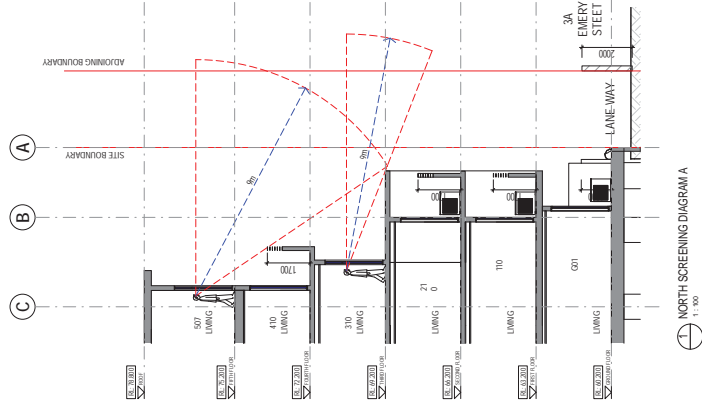


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**ISSUED FOR
TOWN PLANNING
PURPOSES ONLY**

ISSUE	DESCRIPTION	DATE
PI	CLIENT REVIEW	12.05.16
PI	ISSUED FOR SECTION 77 AMENDMENT	24.08.16
PI	ISSUED FOR TOWN PLANNING PURPOSES ONLY	10.03.16

RETAIL & RESIDENTIAL DEVELOPMENT
346 & 348-350 BELL STREET,
PRESTON, VICTORIA 3072
ELEMENTAL DETAILS
Date: 10.03.16 Drawn: MC
Job No. 2301 Scale/BAT 1:20
C:\Users\matt\Documents\2301\Retail_Preston_June16.rvt



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**ISSUED FOR
 TOWN PLANNING
 PURPOSES ONLY**

ISSUE	DESCRIPTION	DATE
1	COUNCIL REF	12/05/16

RETAIL & RESIDENTIAL DEVELOPMENT
 346 & 348-350 BELL STREET,
 PRESTON, VICTORIA 3072
 NORTH SCREENING DIAGRAMS
 Date: 10.03.16 Drawn: Author
 Job No. 2301 Scale: A1 1:100
 C:\Users\madd\Documents\2301\Central_Preston_A1.dwg

5.6 APPLICATION FOR PLANNING PERMIT D/400/2016
Lot 9, 1056-1140 Plenty Road, Bundoora Vic 3083

AUTHOR: Manager Planning and Building – Darren Rudd

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Deal (Lg) Pty Ltd	Deal (Lg) Pty Ltd	<ul style="list-style-type: none">• SJB Planning• Sustainable Development Consultants• Leigh Design• Cardno• Ajarboriculture• Lovell Chen

SUMMARY:

- This application is required to be reported to the Planning Committee due to the proposal being defined as a major development as specified in the Planning Committee Charter.
- The application proposes to undertake part demolition works, construct buildings and works for 63 dwellings in townhouses and apartments and to reduce the visitor parking requirement.
- The site is zoned Mixed Use Zone and is within the Development Contributions Plan Overlay, Heritage Overlay HO111, Development Plan Overlay DPO1.
- There is no restrictive covenant on the title for the subject land.
- The Development Plan provides an exemption from public notification and third party appeal rights, meaning no objections can be 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:

- Notice of the application was not required to be given as an application which is generally in accordance with a development plan is exempt from the notice requirements of the *Planning and Environment Act, 1987*.
- This application was referred internally to Council's Heritage Architect, Transport Management and Planning Unit, Capital Works Unit, ESD Officer.
- This application was not required to be referred to external authorities.

Recommendation

That the opinion be formed that Planning Permit Application D/400/2016 is in accordance with the approved development plan and that the planning application should be supported with 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 (received by Council 18 August 2016 being identified as TP03p18, TP03.1p5, TP03.2p3, T04p11, TP04.1p5, TP05p9, TP06p7, TP07p4, TP07.1p1, TP08p4, TP09p4, TP011p5, TP012p5, TP013p5, TP14p6, TP15p1, TP24p2, EX01a, EX01.1a EX02b, EX03b, EX04b, EXP01e, EXP02f, EXP03e, EXP04d Job No 1279 prepared by Clarke Hopkins Clarke and L-TP01 Rev A Job No 15-486 prepared by John Patrick Pty/Ltd) but modified to show:
 - a) Olea 'Tolleys Upright' replaced with a suitable native species of 4m spread or greater.
 - b) Outdoor washing lines provided in townhouse courtyards.
 - c) No fencing provided for townhouses in the front setback to Nova Circuit.
 - d) All trees to be retained shown on all ground floor plans with a dimensioned tree protection zone (TPZ) at the canopy line. For all TPZ's all tree protection measures as contained in appendix 4 of the Arboriculture report dated April 2016 must be notated on plans with additional notations that:
 - i) With the exception of the approved building footprint all other buildings and paving works to be constructed at or above grade within the TPZ.
 - ii) All paving in the TPZ to be permeable.
 - iii) No trenching.

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. The development must incorporate the sustainable design initiatives in accordance with the Ecologically Sustainable Development (ESD) Management Plan (identified as the Sustainability Management Plan, prepared by Sustainable Development consultants and dated April 2016) to the satisfaction of the Responsible Authority

5. Prior to the occupation of the development, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved Plan.
6. All existing vegetation shown on the endorsed plan(s) as to be retained must be suitably marked before any development (including demolition) commences on the land and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
7. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
8. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
10. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
11. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways / common areas must be provided on the land to the satisfaction of the Responsible Authority.
The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
12. The land must be drained to the satisfaction of the Responsible Authority.
13. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.

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

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
17. 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.
18. Before removal of trees or development commences, payment of not less than \$55,658 (adjusted to inflation from 30 June 2017 based on ABS Consumer Price Index) for Tree 164 (as identified in the Arborist Report prepared by Stephen Fitzgerald Arboriculture "Lancaster Precinct Arboricultural Report, June 2007") is to be made to Council as compensation for the removal of the tree less any agreed offsets to the satisfaction of the Responsible Authority.
19. Waste storage and collection must be undertaken by a private contractor and collected within the site in accordance with the Leigh Design waste management plan dated 19 April 2016 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.
20. Before buildings and works (including demolition) start, a tree protection fence must be erected around trees in accordance with the endorsed plans.

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 Please note the Development Contribution Plan levy will be invoiced separately.
- N6 To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of Sustainable Tools for Environmental Performance Strategy (STEPS) and/or Sustainable Design Scorecard (SDS) to assess the developments environmental performance against appropriate standards.
- N7 This permit relies on on-street visitor car parking which cannot be relied upon for other development within the Polaris site (refer part 4.1.7 of development plan approved 7/5/14).
- N8 This planning permit must be provided to all prospective purchasers, tenants, owners and occupiers of any lot or premises shown on this planning permit and attached to:
- a) The "Statement of matters affecting land being sold" under section 32 of the *Sale of Land Act 1962*,
 - b) The "Statement to be given on sale of small business" under section 52 of the *Estate Agents Act 1980*;
 - c) Any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*; or,
 - d) *Lease under the Retail Leases Act 2003*
- for all purchasers, tenants, owners and occupiers of any lot or premises shown on this planning permit. Such persons are to be advised by the owner that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme and that they will not be eligible for Council bins or waste collection.

Report

INTRODUCTION AND BACKGROUND

This item was listed for consideration at the 10 October 2016 Planning Committee meeting but was not determined due to the cancellation of the meeting.

A Development Plan for the former Larundel Psychiatric Hospital site was approved by Council on 27 November 2001 in accordance with an Order of the Victorian Civil and Administrative Tribunal. The plan was most recently amended 8 December 2015.

The Development Plan identifies the development and use of the land for a number of commercial, community and residential purposes (including conventional housing, medium density housing, apartments, student housing, offices, retail, recreational and community facilities).

Planning permit D/48/2014, amongst other matters, allowed demolition of building 5 (as identified by the Conservation Management Plan Review Lovell Chen February 2013) the Female Dormitory Wing on the south of lot 9. This permit has been acted upon.

This site is directly opposite Gonella Crescent and when developed will result in an additional buffer being provided between existing residences and the heritage buildings where there have been issues with anti-social behaviour.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The Polaris site was part of the former Larundel Psychiatric Hospital which has already been mostly redeveloped for residential purposes (known as Lancaster Gate). The majority of the existing, heritage protected, hospital buildings are located within Polaris.
- The Polaris site is located on the east side of Plenty Road and comprises multiple lots. The subject land, lot 9, is irregular in shape with an area of 7562 square metres and is bounded by Quasar Court, Nova Circuit, Sanctuary Drive and Gonella Crescent.
- To the north of the site is the Larundel Female Sub-receiving Ward, a two storey heritage building. There are a number of trees on the land, notably tree 164 which the development plan identifies as to be retained.
- The land is located within the Mixed Use Zone and is within the Development Contributions Plan Overlay, Heritage Overlay HO111, Development Plan Overlay DDO1
- To the south west on the opposite side of Sanctuary Drive is lot 7, vacant land formerly occupied by the Larundel Male Receiving Ward which was demolished under planning permit D/48/2014. Planning permit D/331/2015 has been issued to construct townhouses fronting Sanctuary Drive and Nova Circuit.
- To the north west on the opposite side of Quasar Court is the vacant Lot 10 with planning permit D/264/2014 approved for this site allowing the construction of townhouses and apartments.
- To the west on the opposite side of Nova Circuit is building 2, the Larundel Hospital Building, and vacant land formerly occupied by building 3 the Larundel Kitchen and Mess room Building demolished under planning permit D/48/2014.
- To the south east, east and north east on the opposite side of Gonella Crescent are townhouses fronting Gonella Crescent, Rumney Lane and Sanctuary Drive.
- There are no on-street parking restrictions in the vicinity of the subject site.
- Tram Route 86 and Bus Routes 958, 566 and 563 all run along Plenty Road 140 metres to the north west.
- Proximate to the site is LaTrobe University to the south, Bundoora Park to the north west and Lancaster Gate to the east.

Proposal

- It is proposed to undertake part demolition works, construct buildings and works for 63 dwellings in the form of townhouses and apartments in addition to and to reducing the visitor parking requirement specified in the planning scheme.
- The apartment building is four storeys and comprises 34 dwellings, 12 single bedroom, 15 double bedroom and 7 triple bedroom with 38 car spaces.

- The townhouses are two storey and comprise 19 dwellings, 11 triple bedroom and 8 four bedroom with 2 car spaces per dwelling.
- Part demolition works are proposed to the heritage building and conversion of the building into 10 dwellings is proposed. Ten (10) open (partly excavated) car spaces are proposed to the north of the building.

PLANNING ASSESSMENT

The development plan approved for the land has previously been reported to Planning Committee and approved. The proposed development is in accordance with the development plan.

The subject site is bounded on all sides by roads and has no sensitive interfaces and consequently issues of amenity impacts upon adjacent properties (overlooking, overshadowing, mass and bulk impacts) are negligible.

Amendment C137

The land is not part of this amendment.

Building Height

This matter is a relevant consideration under:

- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 43.01 – Heritage Overlay
- Clause 43.04 – Development Plan Overlay DPO1 and approved Development Plan
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings.

The proposed building heights comply with the approved development plan and respect the character of the site and surrounds, and the heritage significance of the site.

Building Setbacks

This matter is a relevant consideration under:

- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 43.04 – Development Plan Overlay DPO1 and approved Development Plan
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings.

The proposed setbacks are generally in accordance with the approved development plan. The development plan indicates a 4m setback from Nova Circuit. A reduced setback of 3 metres from Nova Circuit is proposed for of the townhouses however the proposal remains generally consistent with the approved development plan and a permit can be issued. This setback of the townhouse from Nova Circuit is consistent with other street setbacks within the development plan overlay and has no amenity or neighbourhood character impacts. Having regard to this reduced front setback it is recommended that no fencing be provided in the front setback of the townhouses to Nova Circuit.

Site coverage

This matter is a relevant consideration under:

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

A 44.7% site coverage is proposed and the proposal represents an appropriate built form outcome.

Permeability

This matter is a relevant consideration under:

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

A 20.5% permeability is proposed and the proposal represents an appropriate built form outcome.

Building Design

This matter is a relevant consideration under:

- Clause 15.01 – Urban Environment
- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 43.01 – Heritage Overlay
- Clause 43.04 – Development Plan Overlay DPO1 and approved Development Plan
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings.

The development is essentially a large greenfield site and provides the opportunity for the creation of a new character. The proposed buildings will have a contemporary appearance and are considered to be of a high architectural standard. There is an overall cohesion in the design of the buildings which contributes to an overall character for the Polaris site.

The alterations to the heritage building are minor and the original fabric of the building is maintained and enhanced through its refurbishment.

Access and Car Parking

This matter is a relevant consideration under:

- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 43.04 – Development Plan Overlay DPO1 and approved Development Plan
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings.

The number of crossovers has been minimised and is in accordance with the approved development plan.

Context

This matter is a relevant consideration under:

- Clause 15.01 – Urban Environment
- Clause 21.03 – Housing
- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 43.01 – Heritage Overlay
- Clause 43.04 – Development Plan Overlay DPO1 and approved Development Plan
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

Under Clause 21.03 the site is in a Substantial Housing Change Area. It is policy that Substantial Housing Change areas have the capacity to accommodate substantial residential development over time that Substantial Change Areas will support increased residential densities and increased housing diversity and it is expected that the character of these areas will change substantially in the future. The proposal is consistent with this policy intent.

It is also policy in Substantial Housing Change Areas to encourage a variety of housing typologies at increased densities and to discourage underdevelopment, with the scale of development appropriate to precinct characteristics and context as identified by a structure plan.

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

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

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

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

The applicant has undertaken a site analysis as part of the design process, which has informed the height, scale and massing of the development.

The public realm

This matter is a relevant consideration under:

- Clause 15.01 - Urban Environment
- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 43.01 – Heritage Overlay
- Clause 43.04 – Development Plan Overlay DPO1 and approved Development Plan
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings.

The public realm will be enhanced with appropriate pedestrian entries for the dwellings. Having regard to the existing trees in Gonella Crescent.

Safety

This matter is a relevant consideration under:

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

The pedestrian entries are visible and provide an appropriate sense of address, which is secure, with passive surveillance. However, further details of lighting to entries must be provided as discussed above.

Overlooking, Landmarks, Views and Vistas

This matter is a relevant consideration under:

- Clause 15.01 – Urban Environment

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

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

There are no overlooking issues associated with the proposal as the site does not directly adjoin any other properties.

Pedestrian Spaces / Access and Car Parking

This matter is a relevant consideration under:

- Clause 15.01 – Urban Environment
- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 43.04 – Development Plan Overlay DPO1 and approved Development Plan
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

Pedestrian access to the site is via the street frontage. The development provides an acceptable entry area and appropriate access to the site. Access through the site is also provided.

The design is considered appropriate, with passive interaction and surveillance and an appropriate scale. Vehicle access is via the right of way and will note, therefore, require a crossover through a pedestrian footpath.

Heritage

This matter is a relevant consideration under:

- Clause 15.01 – Urban Environment
- Clause 43.01 – Heritage Overlay
- Clause 43.04 – Development Plan Overlay DPO1 and approved Development Plan

The proposal is consistent with the intended staging for the redevelopment of the site, addressing vandalism and trespassing issues which are affecting the amenity of the area and allowing for the refurbishment of the remaining heritage fabric as part of an integrated redevelopment process over a number of individual planning applications.

The location, bulk, form and appearance of the proposed buildings will not adversely affect the significance of the heritage place as the works are minor, subordinate in scale, predominantly located at the rear and maintain views of the heritage fabric in the round as it also currently sits.

The extent of demolition, removal and external alteration is minor and will not adversely affect the significance of the heritage place. The roof will be repaired and made good and original architectural elements reinstated.

The fencing, balconies, alterations of windows to doors, installation of car parking, storage facilities, access ramps, paving, bike compounds and other buildings allow for the ongoing use of the heritage place and are consistent with the Lovell Chen heritage reports that informed the development plan and will not adversely affect the significance, character or appearance of the heritage place.

Overshadowing / Light and Shade

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

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

Sustainability

This matter is a relevant consideration under:

- Clause 15.01 – Urban Environment
- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings (by way of Clause 22.06 only).

The proposal provides a mixed use development in an appropriate area to take advantage of existing services. A Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development has been provided and reviewed by Council's ESD officer. A condition requiring compliance with this assessment is recommended.

Landscaping

This matter is a relevant consideration under:

- Clause 15.01 – Urban Environment
- Clause 22.06 – Multi-residential and Mixed Use Development
- Clause 43.04 – Development Plan Overlay DPO1 and approved Development Plan
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings (by way of Clause 22.06 only).

The Development Plan contains an assessment of all trees on the site and had identified which trees were proposed to be removed and retained with a focus on retaining trees identified as having a 'high retention value'.

It is proposed to remove Tree 164 which is shown on the development plan to be retained. This is required having regard to the extent of the apartment building envelope proposed.

An assessment of the amenity value of the tree to be removed for the development of \$55,658 under the Melbourne City Council Method has been completed in accordance with requirements of the development plan. A condition requiring payment for the trees less any future agreed offsets is recommended.

A landscape plan has been submitted with the application which generally provides appropriate landscaping throughout the site. A stormwater detention system has been proposed in the south east and south west setbacks from the four storey apartment building to Gonella Crescent. This limits landscaping opportunities in these setbacks. To retain existing street trees the applicant was advised to provide no footpath in the Gonella Crescent verge adjacent to the subject site to allow adequate setback for buffer planting to the south east of the apartment.

Building Entries

This matter is a relevant consideration under:

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

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

The entrances to the car parking areas do not detract from the façade or streetscape.

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

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

Site Services

This matter is a relevant consideration under:

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

Space for the storage of garbage is provided within the apartment basement area, adjacent to the heritage buildings open car park and in the rear yards of townhouses. A waste management plan has been submitted with the application which requires private pick up. The Waste Management Plan is to be secured via condition of any approval.

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

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

Dwelling Diversity

This matter is a relevant consideration under:

- Clause 22.06 – Multi-residential and Mixed Use Development

There will be a range of different types and sizes of dwellings, providing diversity.

Private Open Space

This matter is a relevant consideration under:

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

All apartment dwellings and first floor dwellings in the heritage building are provided with private open space in the form of balconies, appropriately located adjacent to living areas and with adequate dimensions and access to sunlight. Open spaces areas are acceptable. Private open space is not accessible to the general public.

Townhouse dwellings are provided with 25 square metres with over 3 metres dimension of secluded private open space in addition to front yards and balconies to exceed the 40 square metre private open space requirement of Clause 55 Standard B28.

Access and Car Parking

This matter is a relevant consideration under:

- Clause 22.06 - Multi-residential and Mixed Use Development

- Clause 52.06 – Car Parking
- Clause 55 – Two or More Dwellings on a Lot and Residential Buildings

The development comprises 63 dwellings, 12 single bedroom, 15 double bedroom, 18 triple bedroom and 8 four bedroom with 86 resident and zero visitor car spaces.

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

Use	No./area	Parking Rate	Parking requirement	Parking Provision
Dwellings	37 Dwellings	1 space to each one or two bedroom dwelling	37 spaces	34 spaces
	26 dwellings	2 spaces to each three of more bedroom dwelling	52 spaces	52 spaces
	63 dwellings	1 visitor space per 5 dwellings	12 spaces	0 spaces
Total			101 spaces	86 spaces

The approved Development Plan prepared has adopted parking rates based on empirical demand which are relevant to the proposed development;

- 0.7 spaces per 1 bedroom dwelling
- 1 space per 2 bedroom dwelling
- 2 spaces per 3 bedroom or more dwelling
- 0.2 spaces per dwelling for visitor parking may be provided on-street.

On the basis of the above the development is projected to result in a car parking demand for 98 car spaces, including 86 resident spaces and 12 visitor spaces. The approved development plan allows for a reduction in visitor car parking provided that on street parking is available (this being a Greenfields site). The site adjoins Lancaster gate however the assessment should exclude on street parking available in Gonella Crescent. Frontages internal to the site in Quasar Court and Nova Circuit exceed 120 metres and provide sufficient visitor parking for more than 12 visitor car spaces.

It is submitted that the reduction of the standard car parking requirement is justified for the following reasons:

- There is no parking precinct plan for the area.
- Tram and bus routes on Plenty Road.
- The site has good access to shops and services, encouraging multi-purpose trips, as well as being readily accessible by public transport and proximate to La Trobe University.
- Council's Transport Management and Planning Unit have not objected to the reduction in parking generated by the proposal.
- There is off street parking available in the area.
- The parking rates comply with the approved development plan based on empirically supported parking rates / a traffic report which informed the development plan.

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

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 <i>complies</i> with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		The development comprises 63 dwellings, 12 single bedroom, 15 double bedroom, 18 triple bedroom and 8 four bedroom.	Y	Y
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	B5	Integration with the street		
		Dwellings appropriately integrates with the Street.	Y	Y
55.03-1	B6	Street setback		
		The approved development plan building envelope is shown dotted on the floor plans. Setbacks from Nova circuit have been reduced however the proposal remains generally consistent with the approved development plan.	Y	Y
55.03-2	B7	Building height		
		Building heights are generally in accordance with the development plan.	Y	Y
55.03-3	B8	Site coverage		
		44.7%	Y	Y

Clause	Std		Compliance	
55.03-4	B9	Permeability		
		20.5%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	Y	Y
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been provided. Per councils Landscape Architects comments some minor changes are required.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		No side or rear boundaries	N/A	N/A
55.04-2	B18	Walls on boundaries		
		No walls on boundaries.	N/A	N/A

Clause	Std		Compliance	
55.04-3	B19	Daylight to existing windows		
		No directly abutting properties.	N/A	N/A
55.04-4	B20	North-facing windows		
		No directly abutting properties.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		No directly abutting properties.	N/A	N/A
55.04-6	B22	Overlooking		
		No directly abutting properties.	N/A	N/A
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/N
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y

Clause	Std		Compliance	
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		A 1 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>No objection to car parking waiver sought. It is noted that while the provision of residential parking does not meet the requirements of Clause 52.06, it does meet the suggested parking rates adopted in the Village Precinct Development Plan (2013).</p> <p>Access arrangements and the design of car parking is generally satisfactory.</p> <p>While meeting the statutory bicycle parking requirement, the applicant should be encouraged to provide more residential bicycle parking.</p> <p>On-street parking on Nova Circuit, Gonella Court and Sanctuary Drive is unrestricted.</p>

Department/Authority	Response
Council Landscape Architect	<p>All trees to be retained or protected need to be shown on the plan.</p> <p>Offset costs must be paid for trees removed.</p> <p>Canopy trees need to be provided in the setbacks of apartments 1-6.</p> <p>Olea 'Tolleys Upright' is not a suitable canopy tree. Provide a suitable native species of 4m spread or greater.</p> <p>Outdoor washing lines should be provided in the courtyards.</p>
Heritage Architect	No objection
Planning Arborist	<p>Tree 164 has been inspected on-site and assessed as being in fair to good condition. The tree is still considered to be a high value specimen as originally assessed in the Steve Fitzgerald report.</p> <p>The attached plans have not been designed to adequately accommodate the tree. Simple root mapping is unlikely to fully account for the expected high impact from proposed construction at such a close distance to the tree.</p> <p>The tree is a valuable specimen which should be retained. A detailed arborist report / tree management plan is required to clearly demonstrate how the tree is to be protected and what tree sensitive construction techniques will be implemented.</p> <p>In the event that this tree cannot be retained, the full amenity value (\$55,658) will be payable by the applicant.</p>

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.04-5 (Mixed Use Zone) – construction of two (2) or more dwellings on a lot.
- Clause 52.06-1 (Car parking) – reduction in associated car parking requirements.
- Clause 43.01-1 (Heritage Overlay) – demolition and construction of buildings and works.
- Clause 43.04 (Development Plan Overlay) - A permit granted must be generally in accordance with the development plan and include any conditions or requirements specified in a schedule to this overlay.

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, 22.06
Zone	32.04
Overlay	43.01, 43.04, 45.06
Particular provisions	52.06, 55
General provisions	65.01

POLICY IMPLICATIONS**Environmental Sustainability**

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

Social Inclusion and Diversity

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.

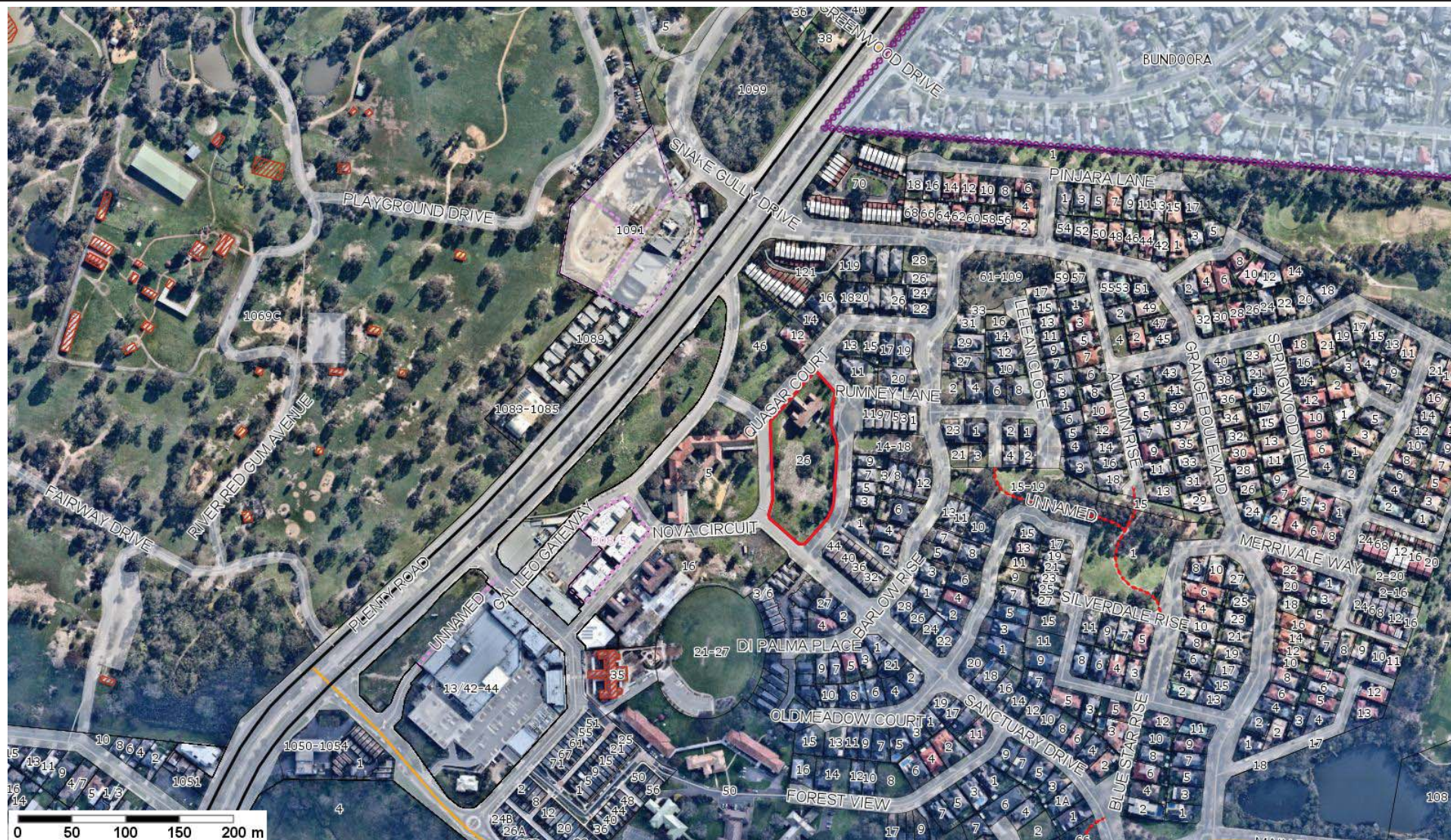
The Manager authorising this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

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

1056 -1070 Plenty Road Bundoora

Darebin City Council



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



POLARIS 3083

LOT 9 Townplanning Application

July 29, 2016

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Hopkins
Clarke**

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Block 2C - Lot 9 DESIGN RESPONSE

Polaris 3083 - Estate Masterplan



Scale 1:250 @ A1
0 10 20

DESIGN RESPONSE

- 1 3 AND 4 STOREY APARTMENT BUILDING COMPRISING A TOTAL OF 34 APARTMENTS WITH A MIX OF 3, 2 AND 1 BEDROOMS. THE BUILDING HAS A BASEMENT CARPARK WHICH IS ACCESSED VIA A NEW CROSSOVER AND RAMP AT THE SOUTHERN END OF NOVA CIRCUIT. THE BASEMENT CONTAINS 38 CARPARKS, 14 OF WHICH ARE HOUSED IN 7 DOUBLE STACKERS, 23 STORAGE CAGES. THE REMAINDER OF WHICH ARE DISPersed BETWEEN APARTMENT FLOORPLATES. PEDESTRIAN ACCESS IS OFF SANCTUARY DRIVE. THERE IS A LANDSCAPE BUFFER ALONG THE EASTERN EDGE OF THE APARTMENT ON GONELLA CRESCENT PROVIDING A GREEN BUFFER FROM THE THE ASPECT OF THE DOUBLE STOREY BRICK RESIDENCES ON THE OPPOSITE SIDE OF GONELLA CRESCENT. THE BASEMENT HOUSES A LOCKABLE ROOM FOR 10 BICYCLES.
- 2 8 X 2 STOREY TOWNHOUSES FRONT GONELLA CRESCENT. THERE IS A LANDSCAPING ZONE OF APPROXIMATELY 3300mm FROM THE TITLE BOUNDARY PROVIDING A SOFTENING TO THE 2 STOREY BRICK VENEER RESIDENCES OPPOSITE. VEHICULAR ACCESS IS PROVIDED VIA A REAR LANE WHICH IS IN TURN ACCESSED FROM THE SHARED CROSSOVER ON NOVA CIRCUIT. CONSTRUCTION IS A MIXTURE OF BRICK VENEER AND FC CLADDING.
- 3 4 X 2 STOREY TOWNHOUSES FACE THE EXISTING TWO STOREY HERITAGE BUILDING TO THE NORTH. THERE IS UNDULATION IN THE HEIGHT OF THE BUILT MASS TO REDUCE THE BULK IMPACT ON THE AMENITY OF THE HERITAGE BUILDING. THE GARAGES ARE ONLY SINGLE STOREY. PEDESTRIAN AND VEHICULAR ACCESS IS VIA 2 NEW CROSSOVERS LOCATED TO THE EAST AND WEST OF SAID TOWNHOUSES OFF GONELLA CRESCENT AND NOVA CIRCUIT RESPECTIVELY. CONSTRUCTION IS A MIXTURE OF BRICK VENEER, FC CLADDING A PROFILED METAL SHEETING.
- 4 7 X 2 STOREY TOWNHOUSES FRONT NOVA CIRCUIT. THE TOWNHOUSES ARE LOCATED SO THAT THEY PROGRESSIVELY SET FURTHER BACK FROM THE TITLE AS THEY PROGRESS TOWARDS HERITAGE BUILDING 6. THERE IS A LANDSCAPING ZONE RANGING FROM APPROXIMATELY 3000mm AT THE SOUTHERN EDGE OF NOVA CIRCUIT TO 5 METRES CLOSER TO THE HERITAGE BUILDING. VEHICULAR ACCESS IS PROVIDED VIA A REAR LANE WHICH IS IN TURN ACCESSED FROM THE SHARED CROSSOVER ON NOVA CIRCUIT. CONSTRUCTION IS A MIXTURE OF BRICK VENEER AND FC CLADDING.
- 5 HERITAGE BUILDING 6 IS BEING CONVERTED INTO 10 X 2 BEDROOM APARTMENTS, 5 ON EACH FLOOR. A NEW CIRCULATION STAIRCASE IS LOCATED AT THE EASTERN SIDE OF THE BUILDING. THE ENCLOSURE IS CONSTRUCTED FROM STEEL, GLASS AND PROFILED METAL CLADDING. DUE TO THE EXISTING FALL OF THE LAND, A 1:20 PATH AND STAIRS ARE PROVIDED AS PEDESTRIAN ACCESS FROM GONELLA CRS.
- 6 10 CAR SPACES AND 10 STORAGE CAGES ARE PROVIDED IN A SECURE CARPARK LOCATED ON THE NORTHERN SIDE OF THE HERITAGE BUILDING. THE CAR PARK LEVEL HAS BEEN EXCAVATED TO MATCH THE STREET LEVEL AT THE NEW CROSSOVER ON GONELLA CR. THIS REDUCES THE VISUAL IMPACT ON THE HERITAGE BUILDING WHEN VIEWED FROM THE CORNER OF GONELLA CRS AND QUASAR CRT.
- 7 FRONT COURTYARDS FOR THE HERITAGE APARTMENTS
- 8 NEW CROSSOVER,
- 9 REMOVE CROSSOVER, RE-INSTATE TO KERB AND CHANNEL
- 10 4 VISITORS BICYCLES
- 11 DUAL ACCESSWAY
- 12 REAR LANE , VEHICULAR ACCESS TO TOWNHOUSES
- 13 REAR LANE , VEHICULAR ACCESS TO TOWNHOUSES
- 14 WASTE LOCATIONS
- 15 DETENTION TANK
- ➡ VEHICULAR ACCESS
- ➡ PEDESTRIAN ACCESS

29 July 2016

1279/TP02p5



DRAWING LEGEND

- DEMOLISHED HERITAGE BUILDINGS.
- CURRENT VPDP BUILDING OUTLINE
- CURRENT VPDP BASEMENT OUTLINE
- PROPOSED BASEMENT OUTLINE
- DETENTION TANK

DRAWING LEGEND

- TOWNHOUSE A
- TOWNHOUSE B
- TOWNHOUSE C
- TOWNHOUSE D

NOTE: PLEASE REFER TO TOWNHOUSE PLANS FOR STORE SIZES.

VEHICULAR ACCESS

PEDESTRIAN ACCESS

NOTE: REFER TO LANDSCAPE PLAN FOR DETAILED PLANTING SCHEDULE.

DEVELOPMENT SUMMARY

HERITAGE APARTMENT 10 X 2 BED APARTMENTS	CARS- 1/ 2BED	10 CARS
19 TOWNHOUSES 11 X 3 BED APARTMENTS 8 X 4 BED APARTMENTS	CARS- 2/ 3BED CARS- 2/ 3BED	22 CARS 16 CARS 38 CARS
NEW APARTMENT (34) 12 X 1 BED APARTMENTS 15 X 2 BED APARTMENTS 7 X 3 BED APARTMENTS	CARS- 7/ 1BED CARS- 1/ 2BED CARS- 2/ 3BED	9 CARS 15 CARS 14 CARS SUB TOTAL 38 CARS
34 STORAGE CAGES		9 CARS
TOTAL		96 CARS

SITE AREA,
7562m²

SITE COVERAGE,
3386,8m²
44,7%

SITE PERMEABILITY
1550,6m²
20,5%

SITE PLAN

**Clarke
Hopkins
Clarke**

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115 Sackville Street
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Telephone (03) 9419 4340
Facsimile (03) 9419 4345
Email studio@cho.com.au
www.cho.com.au

Block 2C - Lot 9 Ground Floor Site Plan

Polaris 3083 - Estate Masterplan



Scale 1:250 @ A1
0 10 20

10 August 2016

1279/TP03p18



DRAWING LEGEND

- TOWNHOUSE A
- TOWNHOUSE B
- TOWNHOUSE C
- TOWNHOUSE D

SITE PLAN

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Telephone (03) 9419 4340
Facsimile (03) 9419 4343
Email studio@chc.com.au
www.chc.com.au

Block 2C - Lot 9 Site Plan- First Floor

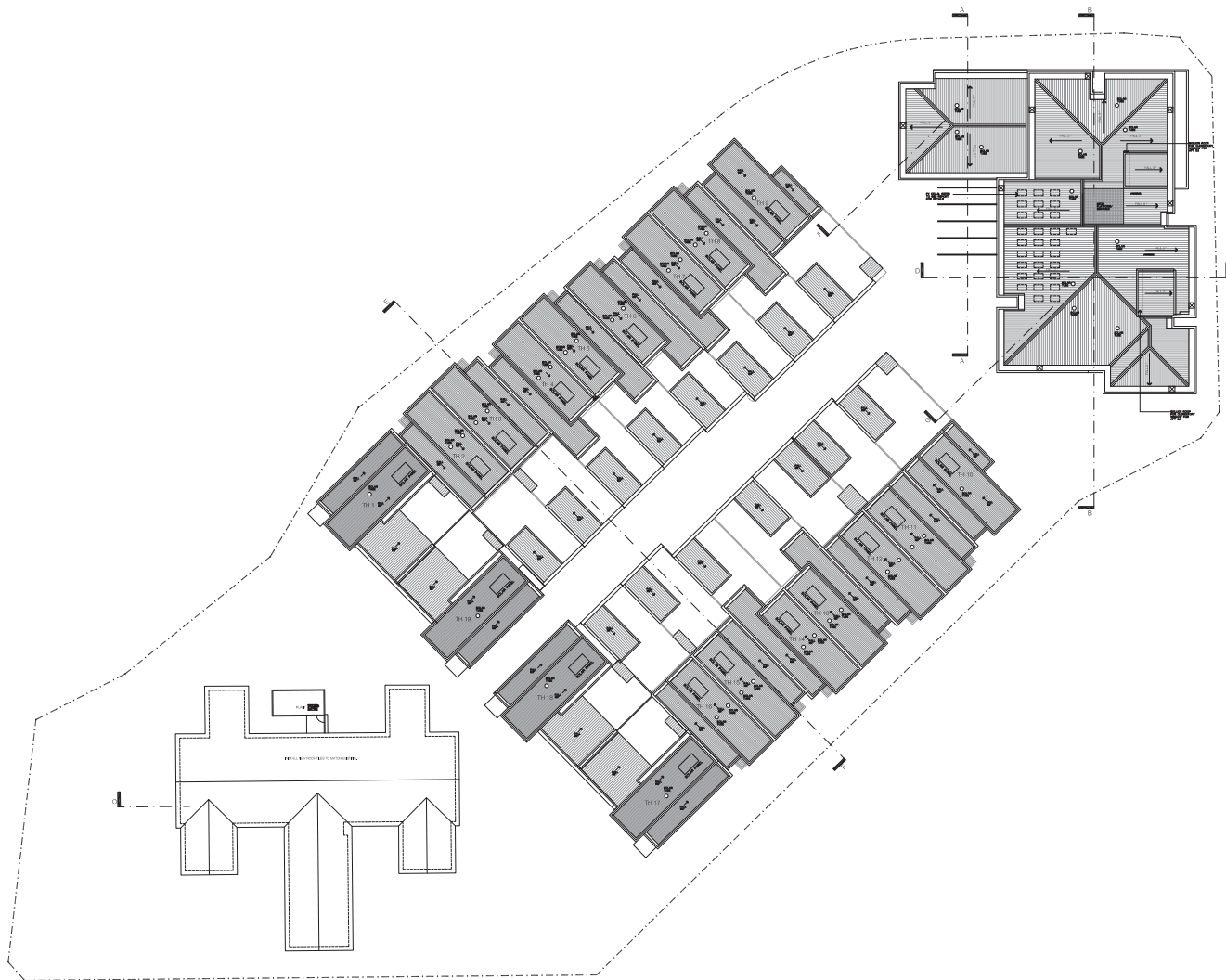
Polaris 3083 - Estate Masterplan



Scale 1:250 @ A1
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9 August 2016

1279/TP03.1p5



SITE PLAN

**Clarke
Hopkins
Clarke**

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Block 2C - Lot 9 Site Plan- Roof

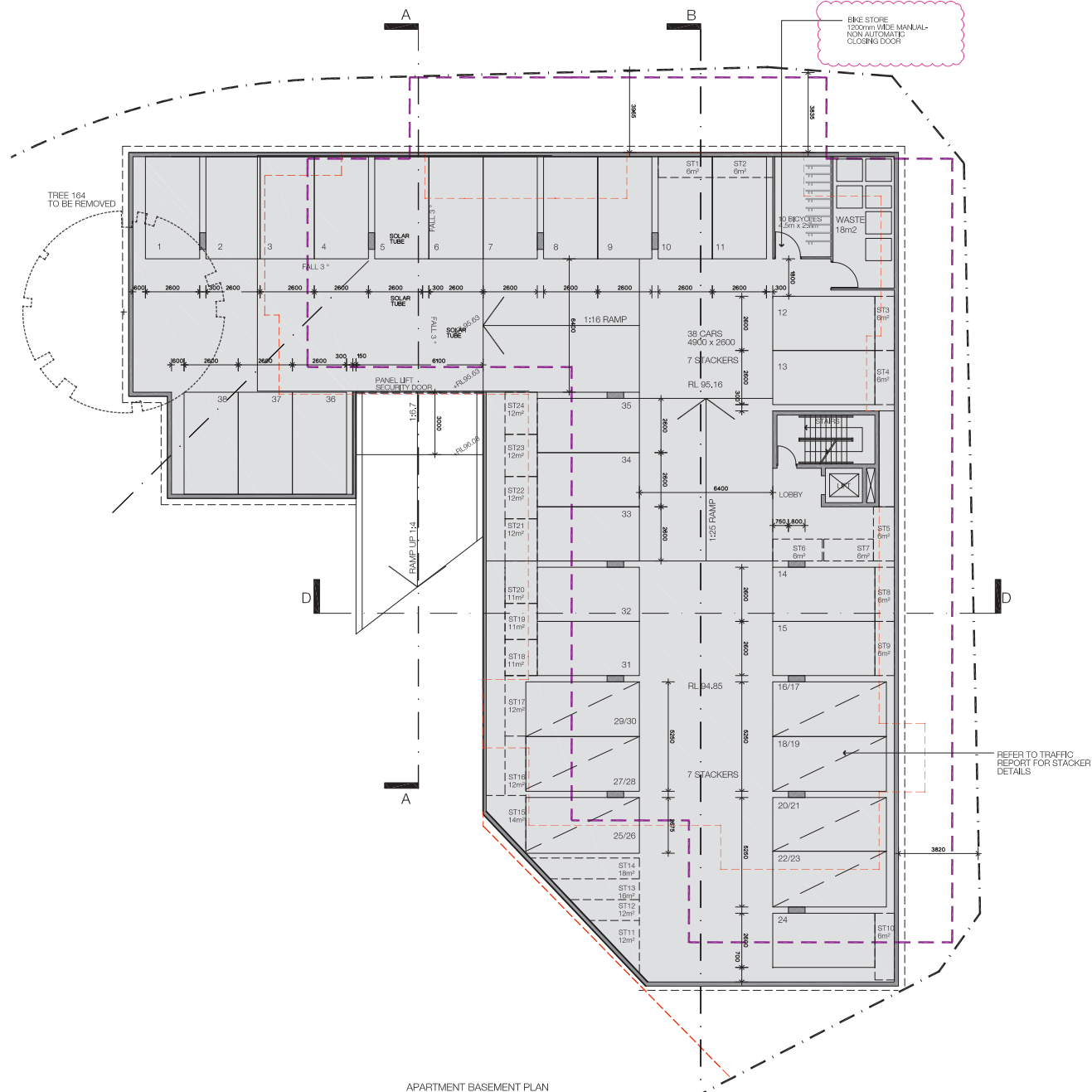
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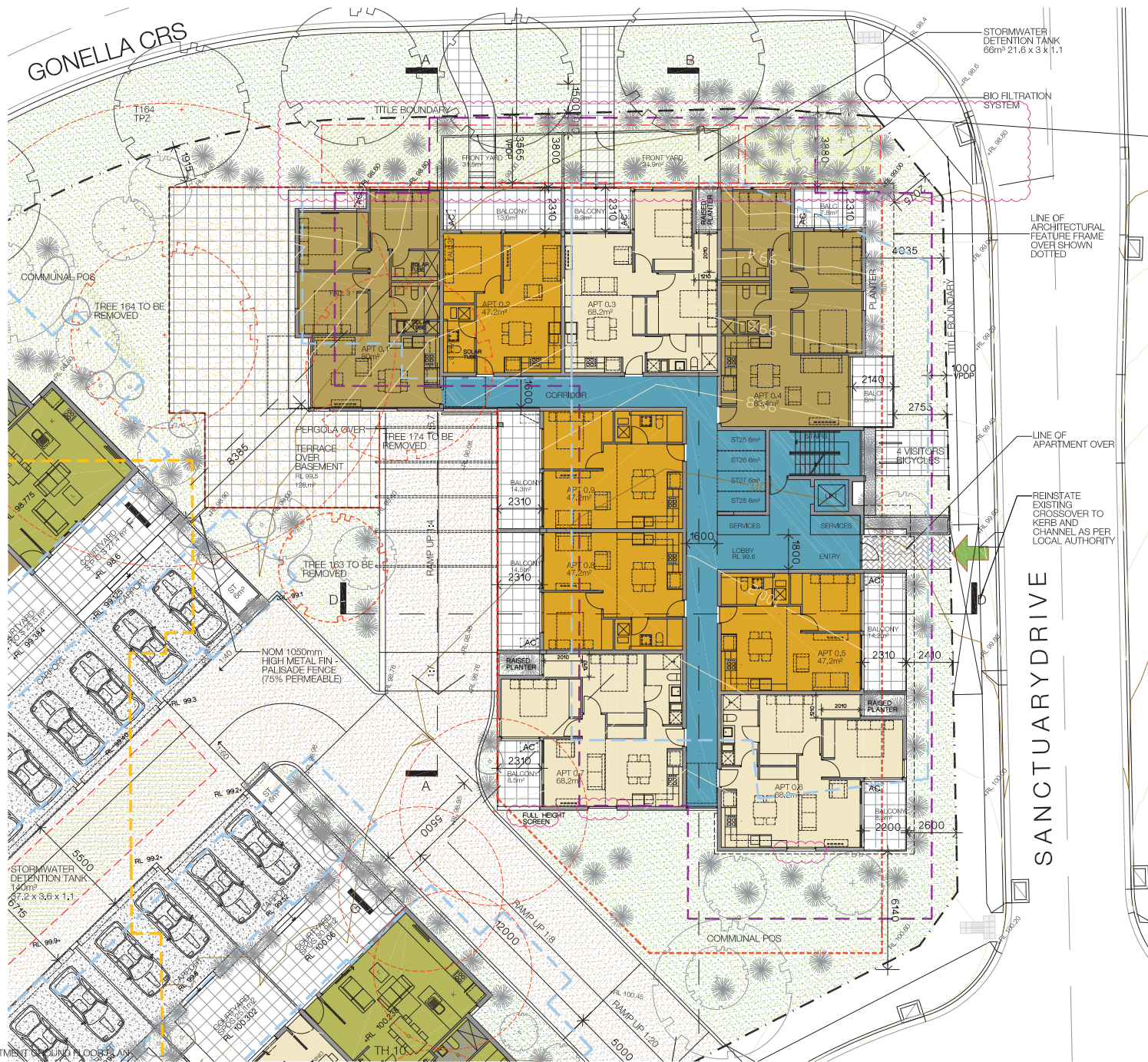
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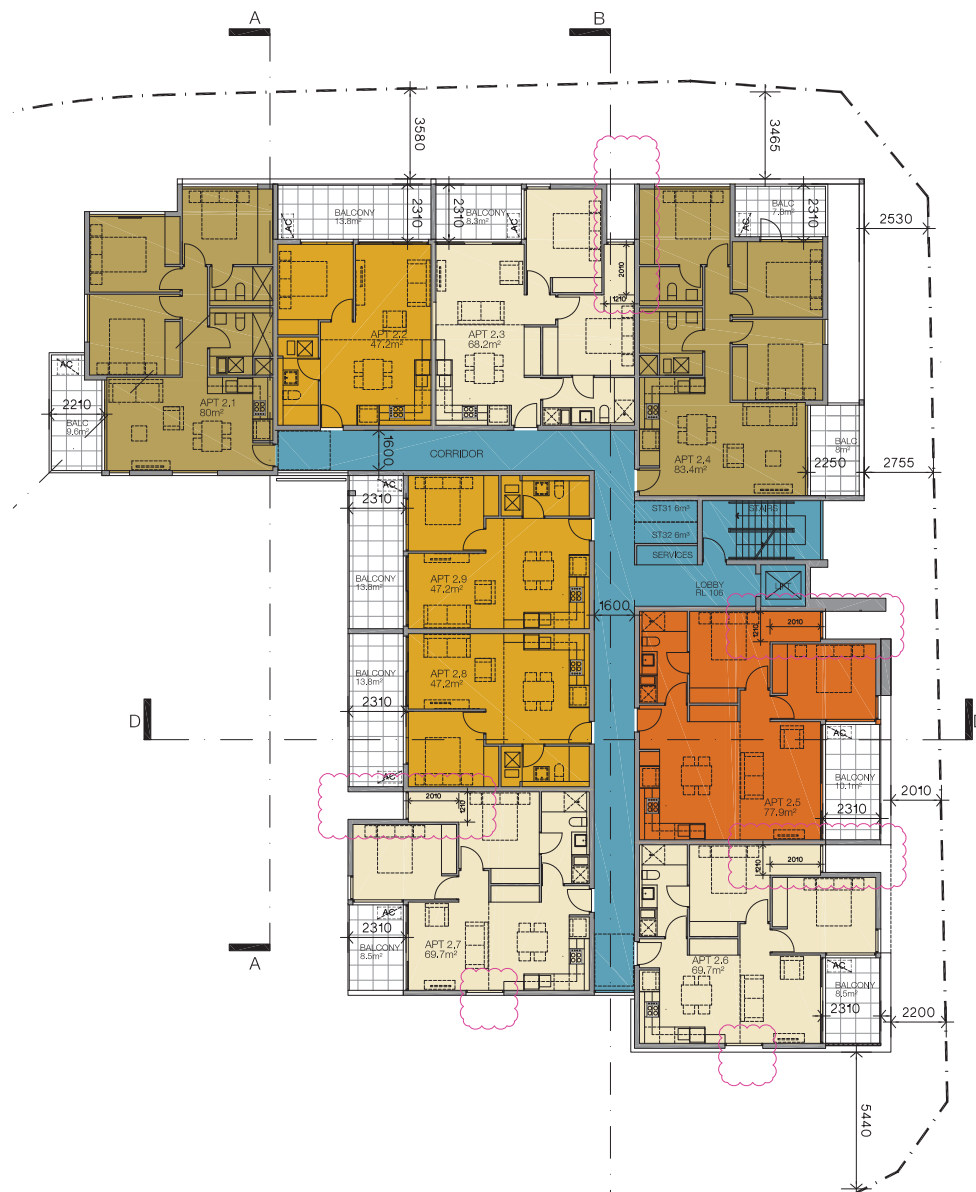


DRAWING LEGEND
 --- CURRENT VPP
 --- BASEMENT OUTLINE

APARTMENT BASEMENT PLAN







NOTE

 AC UNIT

APARTMENT FIRST FLOOR PLAN

Clarke
Hopkins
Clarke

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Block 2C - Lot 9 1st & 2nd - Floor Plan

Polaris 3083 - Estate Masterplan

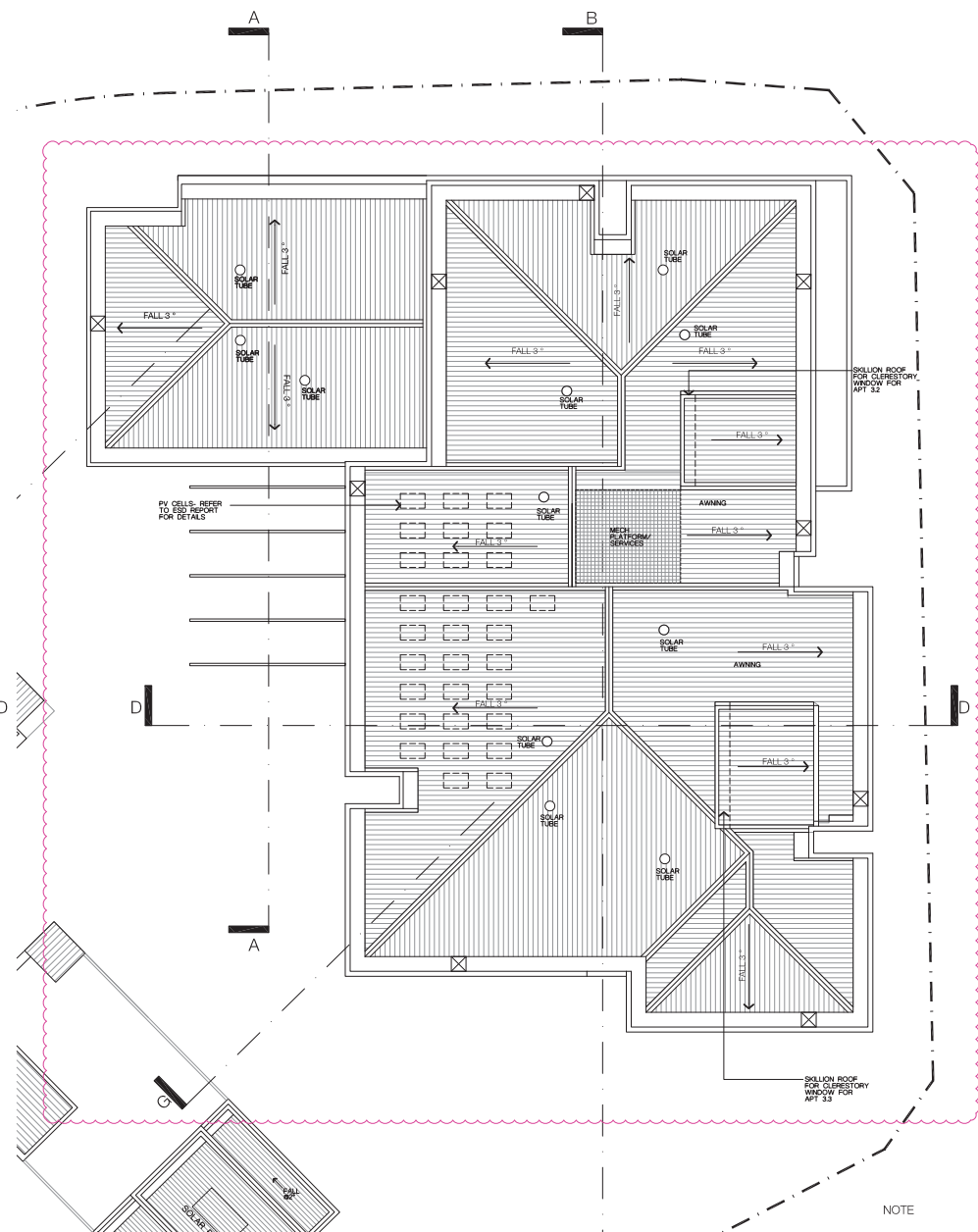
APARTMENT 2ND FLOOR PLAN



Scale 1:100 @ A1

29 July 2016

1279/TP05p9



APARTMENT 3RD FLOOR PLAN

Clarke
Hopkins
exists

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Email studio@chc.com.au
www.chc.com.au

Block 2C - Lot 9 3rd Floor Plan & Roof Plan

Polaris 3083 - Estate Masterplan

APARTMENT ROOF PLAN



Scale 1:100 @ A1

10 August 2016
1279/TP06 p7

NOTE

 AC UNIT



NORTHERN ELEVATION
TOWNHOUSES



EASTERN ELEVATION (GONELLA CRESCENT)
TOWNHOUSES



WESTERN ELEVATION (NOVA CIRCUIT)
TOWNHOUSES

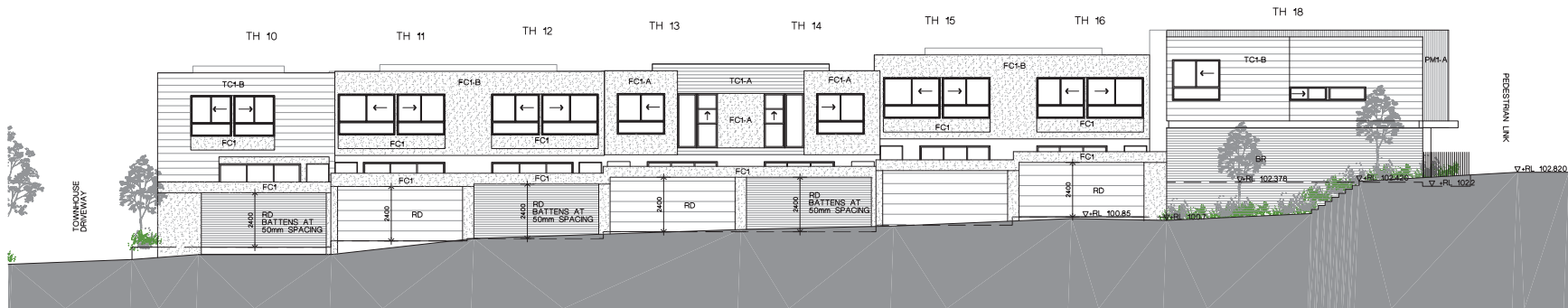
NOTE:
COLORBOND ROOF SHEETING TO
ALL TOWNHOUSES

DRAWING LEGEND
TC1-A HORIZONTAL TIMBER PANEL - NATURAL
TC1-B HORIZONTAL TIMBER PANEL - WHITEWASHED
TC2-A VERTICAL TIMBER PANEL - NATURAL
TC2-B VERTICAL TIMBER PANEL - WHITEWASHED
TC3-A VERTICAL TIMBER LOOK ALUMINUM PANEL
TC3-B VERTICAL TIMBER LOOK ALUMINUM PANEL
PM1-A PROFILED METAL CLADDING
BR1 FIBRE CEMENT SHEET - CHARCOAL
BR2 FIBRE CEMENT SHEET - LIGHT BROWN
FC1-A FIBRE CEMENT SHEET - NATURAL WHITE
FC2-A COMPRESSED FIBRE CEMENT SHEET -
CONCRETE LOOK
GL GLAZING
AS-1 ALUMINUM BATTENS AND PALISADE FENCE - CHARCOAL
AS-2 ALUMINUM BATTENS - TIMBER LOOK
CR CEMENT RENDER
CG OBTAINED GLAZING TO 1700mm
PS PRIVACY SCREEN
ST STONE
NOTE: REFER TO MATERIAL SCHEDULE
FOR COLOUR CLARIFICATION

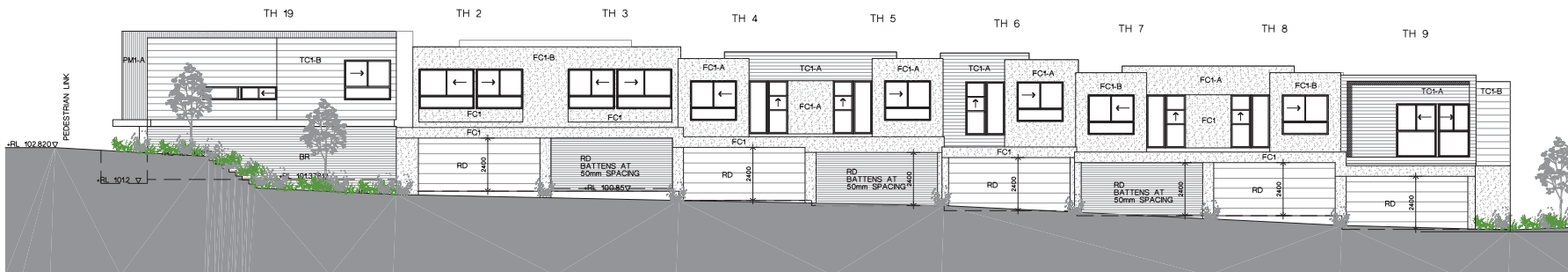




SOUTHERN ELEVATION
TOWNHOUSES



EASTERN INTERNAL ELEVATION (GONELLA CRESCENT)
TOWNHOUSES



WESTERN INTERNAL ELEVATION (NOVA CIRCUIT)
TOWNHOUSES

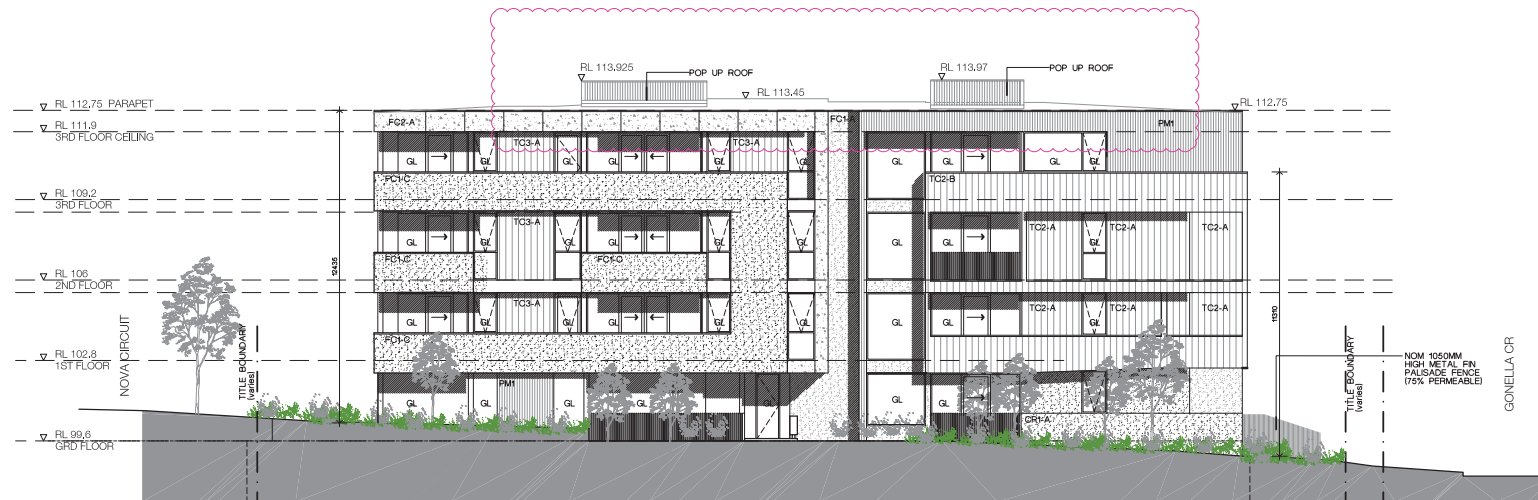
NOTE:
COLORBOND ROOF SHEETING TO
ALL TOWNHOUSES

DRAWING LEGEND
 TC1-A HORIZONTAL TIMBER PANEL - NATURAL
 TC1-B HORIZONTAL TIMBER PANEL - WHITEWASHED
 TC2-A VERTICAL TIMBER PANEL - NATURAL
 TC2-B VERTICAL TIMBER PANEL - WHITEWASHED
 TC3-A VERTICAL TIMBER LOOK ALUMINUM PANEL
 PM1-A PROFILED METAL CLADDING
 BR1 BRICKWORK
 FC1-A FIBRE CEMENT SHEET - CHARCOAL
 FC1-B FIBRE CEMENT SHEET - LIGHT BROWN
 FC1-C FIBRE CEMENT SHEET - NATURAL WHITE
 FC2-A COMPRESSED FIBRE CEMENT SHEET -
 CONCRETE LOOK
 GL GLAZING
 AS-1 ALUMINUM BATTENS AND
 PALISADE FENCE - CHARCOAL
 AS-2 ALUMINUM BATTENS -
 TIMBER LOOK
 CR CEMENT RENDER
 CG OBTAINED GLAZING TO 1700mm
 PS PRIVACY SCREEN
 ST STONE
 NOTE: REFER TO MATERIAL SCHEDULE
 FOR COLOUR CLARIFICATION





SOUTH EAST ELEVATION- GONELLA CR APARTMENT



SOUTH WEST ELEVATION - SANCTUARY DRIVE APARTMENT

NOTE:
COLORBOND ROOF SHEETING TO
ALL TOWN-HOUSES

DRAWING LEGEND
TC1-A HORIZONTAL TIMBER PANEL - NATURAL
TC1-B HORIZONTAL TIMBER PANEL - WHITEWASHED
TC2-A VERTICAL TIMBER PANEL - NATURAL
TC2-B VERTICAL TIMBER PANEL - WHITEWASHED
TC3-A VERTICAL TIMBER LOOK ALUMINUM PANEL
PM1-A PROFILED METAL CLADDING
BR1 BRICKWORK
FC1-A FIBRE CEMENT SHEET - CHARCOAL
FC1-B FIBRE CEMENT SHEET - LIGHT BROWN
FC1-C FIBRE CEMENT SHEET - NATURAL WHITE
FC1-D COMPRESSED FIBRE CEMENT SHEET -
CONCRETE LOOK
GL GLAZING
AS-1 ALUMINUM BATTENS AND
PALISADE FENCE - CHARCOAL
AS-2 ALUMINUM BATTENS -
TIMBER LOOK
CR CEMENT RENDER
CG COLOURED GLAZING TO 1700mm
PS PRIVACY SCREEN
ST STONE
NOTE: REFER TO MATERIAL SCHEDULE
FOR COLOUR CLARIFICATION





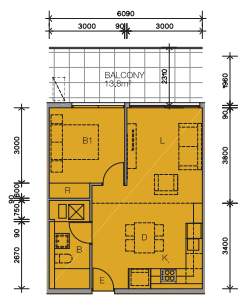
NORTH WEST ELEVATION- NOVA CIRCUIT
APARTMENT



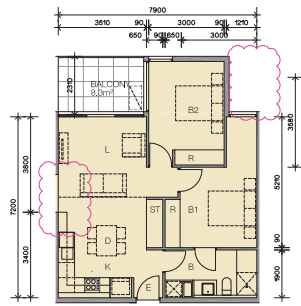
NORTH EAST ELEVATION- INTERNAL VIEW
APARTMENT

NOTE:
COLORBOND ROOF SHEETING TO
ALL TOWN-HOUSES

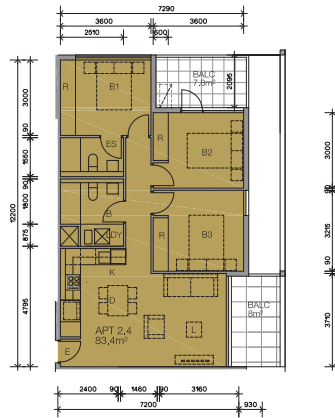
DRAWING LEGEND
TC1-A HORIZONTAL TIMBER PANEL - NATURAL
TC1-B HORIZONTAL TIMBER PANEL - WHITEWASHED
TC2-A VERTICAL TIMBER PANEL - NATURAL
TC2-B VERTICAL TIMBER PANEL - WHITEWASHED
TC2-C VERTICAL TIMBER PANEL - NATURAL
TC2-D VERTICAL TIMBER PANEL - WHITEWASHED
TC2-E VERTICAL TIMBER PANEL - NATURAL
TC2-F VERTICAL TIMBER PANEL - WHITEWASHED
TC2-G VERTICAL TIMBER PANEL - NATURAL
TC2-H VERTICAL TIMBER PANEL - WHITEWASHED
TC2-I VERTICAL TIMBER PANEL - NATURAL
TC2-J VERTICAL TIMBER PANEL - WHITEWASHED
TC2-K VERTICAL TIMBER PANEL - NATURAL
TC2-L VERTICAL TIMBER PANEL - WHITEWASHED
TC2-M VERTICAL TIMBER PANEL - NATURAL
TC2-N VERTICAL TIMBER PANEL - WHITEWASHED
TC2-O VERTICAL TIMBER PANEL - NATURAL
TC2-P VERTICAL TIMBER PANEL - WHITEWASHED
TC2-Q VERTICAL TIMBER PANEL - NATURAL
TC2-R VERTICAL TIMBER PANEL - WHITEWASHED
TC2-S VERTICAL TIMBER PANEL - NATURAL
TC2-T VERTICAL TIMBER PANEL - WHITEWASHED
TC2-U VERTICAL TIMBER PANEL - NATURAL
TC2-V VERTICAL TIMBER PANEL - WHITEWASHED
TC2-W VERTICAL TIMBER PANEL - NATURAL
TC2-X VERTICAL TIMBER PANEL - WHITEWASHED
TC2-Y VERTICAL TIMBER PANEL - NATURAL
TC2-Z VERTICAL TIMBER PANEL - WHITEWASHED
FC1-A FIBRE CEMENT SHEET- CHARCOAL
FC1-B FIBRE CEMENT SHEET- LIGHT BROWN
FC1-C FIBRE CEMENT SHEET- NATURAL WHITE
FC1-D FIBRE CEMENT SHEET- NATURAL WHITE
FC1-E FIBRE CEMENT SHEET- NATURAL WHITE
FC1-F FIBRE CEMENT SHEET- NATURAL WHITE
FC1-G FIBRE CEMENT SHEET- NATURAL WHITE
FC1-H FIBRE CEMENT SHEET- NATURAL WHITE
FC1-I FIBRE CEMENT SHEET- NATURAL WHITE
FC1-J FIBRE CEMENT SHEET- NATURAL WHITE
FC1-K FIBRE CEMENT SHEET- NATURAL WHITE
FC1-L FIBRE CEMENT SHEET- NATURAL WHITE
FC1-M FIBRE CEMENT SHEET- NATURAL WHITE
FC1-N FIBRE CEMENT SHEET- NATURAL WHITE
FC1-O FIBRE CEMENT SHEET- NATURAL WHITE
FC1-P FIBRE CEMENT SHEET- NATURAL WHITE
FC1-Q FIBRE CEMENT SHEET- NATURAL WHITE
FC1-R FIBRE CEMENT SHEET- NATURAL WHITE
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FC1-T FIBRE CEMENT SHEET- NATURAL WHITE
FC1-U FIBRE CEMENT SHEET- NATURAL WHITE
FC1-V FIBRE CEMENT SHEET- NATURAL WHITE
FC1-W FIBRE CEMENT SHEET- NATURAL WHITE
FC1-X FIBRE CEMENT SHEET- NATURAL WHITE
FC1-Y FIBRE CEMENT SHEET- NATURAL WHITE
FC1-Z FIBRE CEMENT SHEET- NATURAL WHITE
FC2-A FIBRE CEMENT SHEET- CHARCOAL
FC2-B FIBRE CEMENT SHEET- LIGHT BROWN
FC2-C FIBRE CEMENT SHEET- NATURAL WHITE
FC2-D FIBRE CEMENT SHEET- NATURAL WHITE
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FC2-K FIBRE CEMENT SHEET- NATURAL WHITE
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FC2-U FIBRE CEMENT SHEET- NATURAL WHITE
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FC2-W FIBRE CEMENT SHEET- NATURAL WHITE
FC2-X FIBRE CEMENT SHEET- NATURAL WHITE
FC2-Y FIBRE CEMENT SHEET- NATURAL WHITE
FC2-Z FIBRE CEMENT SHEET- NATURAL WHITE
GL GLAZING
AS-1 ALUMINUM BATTENS AND PALISADE FENCE- CHARCOAL
AS-2 ALUMINUM BATTENS AND PALISADE FENCE- NATURAL
CR CEMENT RENDER
CG COLOURED GLAZING TO 1700mm
PS PRIVACY SCREEN
ST STONE
NOTE: REFER TO MATERIAL SCHEDULE FOR COLOUR CLARIFICATION



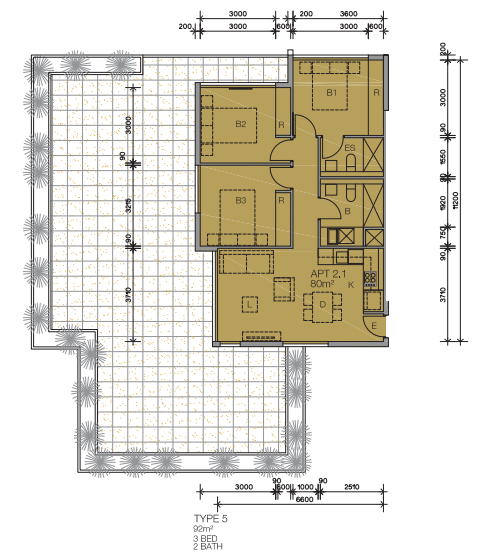
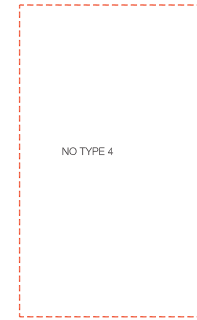
TYPE 1
47.2m²
1 BED



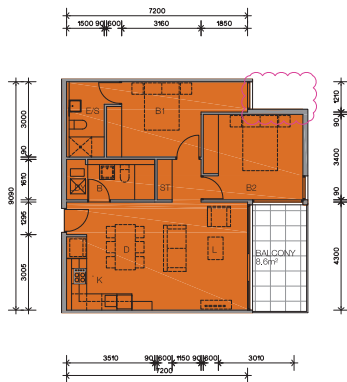
TYPE 2
68.2m²
2 BED
1 BATH
STUDY
TOTAL BALCONY - 8.3m²



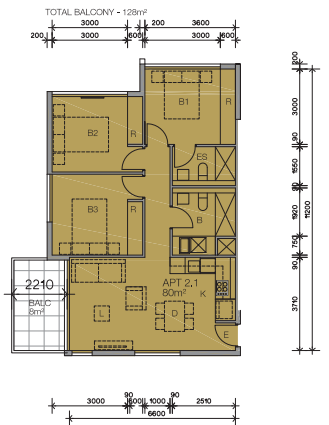
TYPE 3
83.4m²
3 BED
2 BATH
TOTAL BALCONY - 15.8 m²



TYPE 5
80m²
3 BED
2 BATH

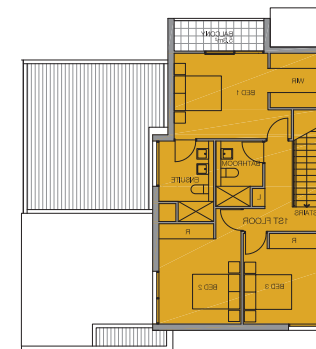


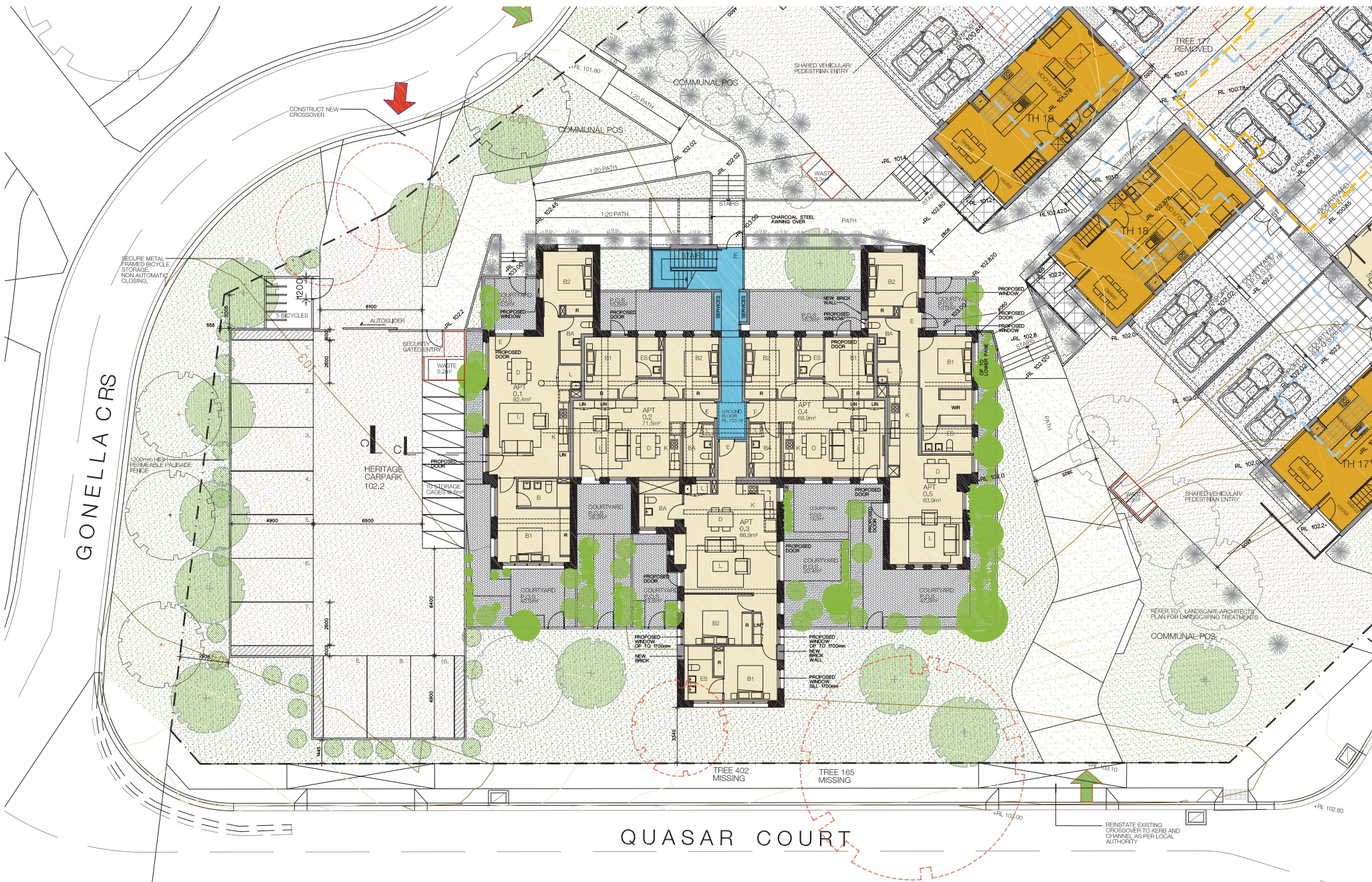
TYPE 6
77.8m²
2 BED
2 BATH
STUDY
TOTAL BALCONY - 8.6m²



TYPE 5a
80m²
3 BED
2 BATH
TOTAL BALCONY - 8.0m²







HERITAGE APARTMENT SITE PLAN

POLARIS LOT 9 HERITAGE BUILDING 6 RE-DEVELOPMENT

PROPOSED DEMOLITION AND CONSERVATION

GENERAL NOTES

Conservation of original fabric
Retain original fabric where in good condition.

Retention of demolition materials
Retain all fabric from demolition for reuse in repair and construction works.

General timber repairs
Unless specified, generally sand, patch and repaint retained timber.

Paint removal and cleaning of face brickwork and painted rendered areas
Clean brickwork and rendered surfaces with chemical / low pressure paint removal system to remove graffiti and/or applied paint finishes from all masonry surfaces. Treat to full extent of brickwork and rendered surfaces. Do not sandblast brickwork or rendered finishes. Repair and repaint rendered areas as required.

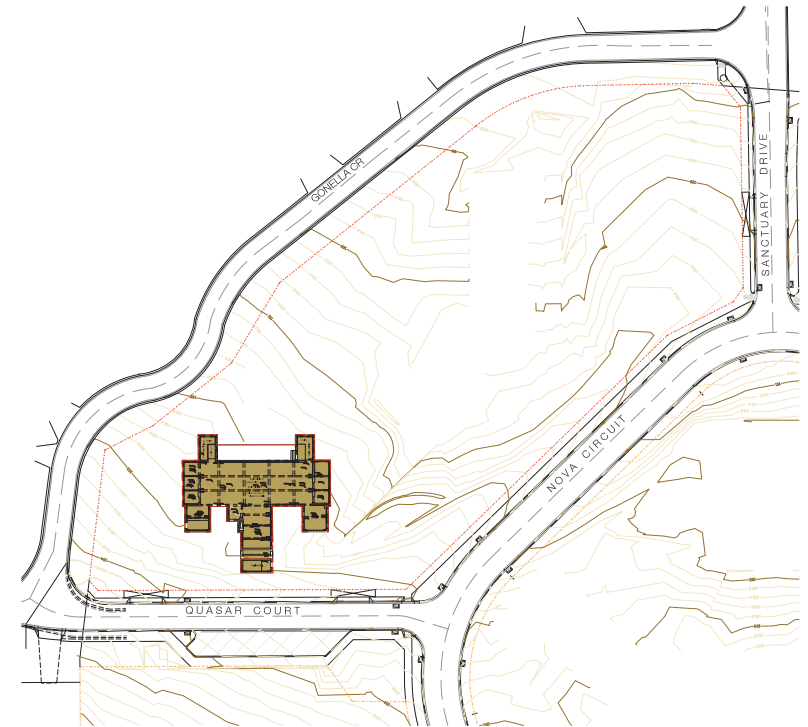
Redundant services, flashings and structural elements to external wall surfaces
Remove all redundant pipe work, wall flashings, fixings, pipe outlets, light fittings, structural steel, etc to external walls.

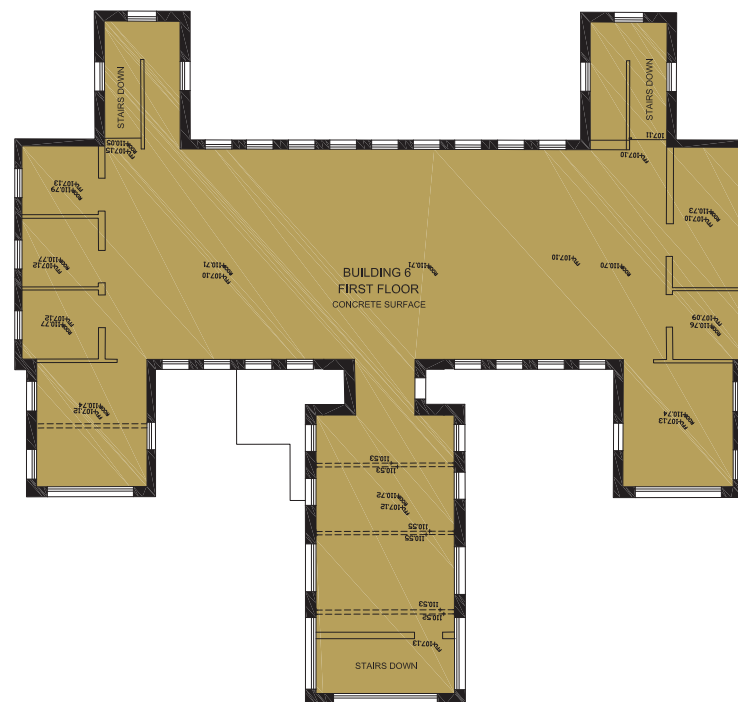
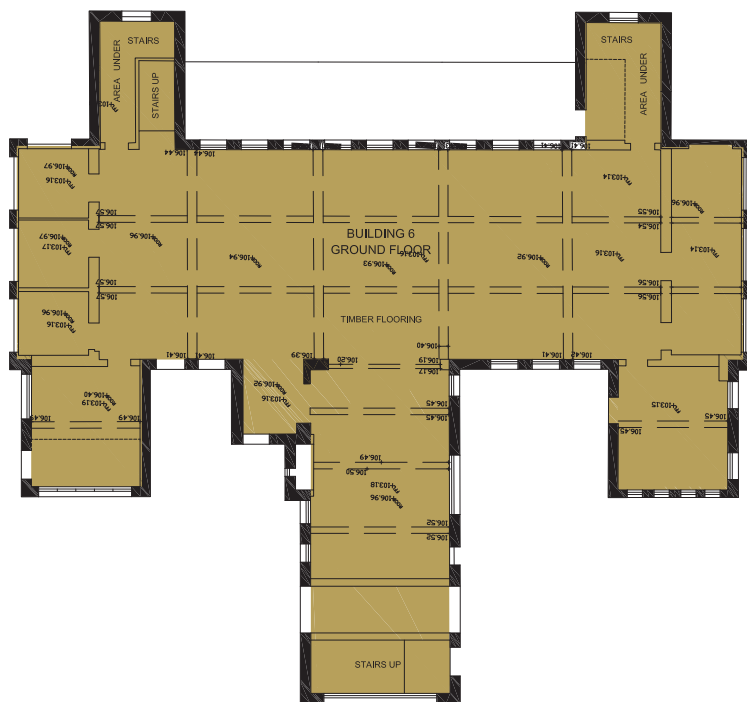
Code Works

- | | |
|-----|---|
| J01 | Fascia and barge boards
Replace existing timber fascia and barge boards where decayed or damaged. Retain timber where in good condition. Supply and install new fascia and barge boards where necessary to match existing. Paint finish. |
| J02 | Roof structure
Replace rotten rafters and purlins, matching to existing dimensions, as required. Scarf replacement timbers in lieu of total replacement where feasible. |
| J03 | Eave linings
Retain existing raked eaves to gable and horizontal eave to the building perimeter. Replace missing eaves linings with single sheet lining with invisible joints and paint finish to match existing. |
| J04 | Waterproofing
Apply waterproof membrane to upper roof surface. |
| J05 | Repair half timbering to gables
Retain all half-timbering to gables where in good condition and where indicated. Replace where necessary to match existing. |
| R01 | Terracotta tiles
Roof tiles to match existing. |
| R03 | Flashings
Install new galvanised flashings to all previously flashed roof areas, including around the base of chimneys. |
| G01 | Remove and treat vegetation growth
Remove vegetation growth including plants, algae, lichen, moss and other organic growths from building structure and surfaces.

Remove all vegetation located at the base of the buildings. |
| M01 | Remove and treat surface corrosion to steel
Wire brush steel lintels and expressed steel, cold galvanise and repaint. |
| M02 | Repoint cracked or lost mortar joints to brick work
Rake out joints where mortar is lost or loose. Lightly clean out and re point |

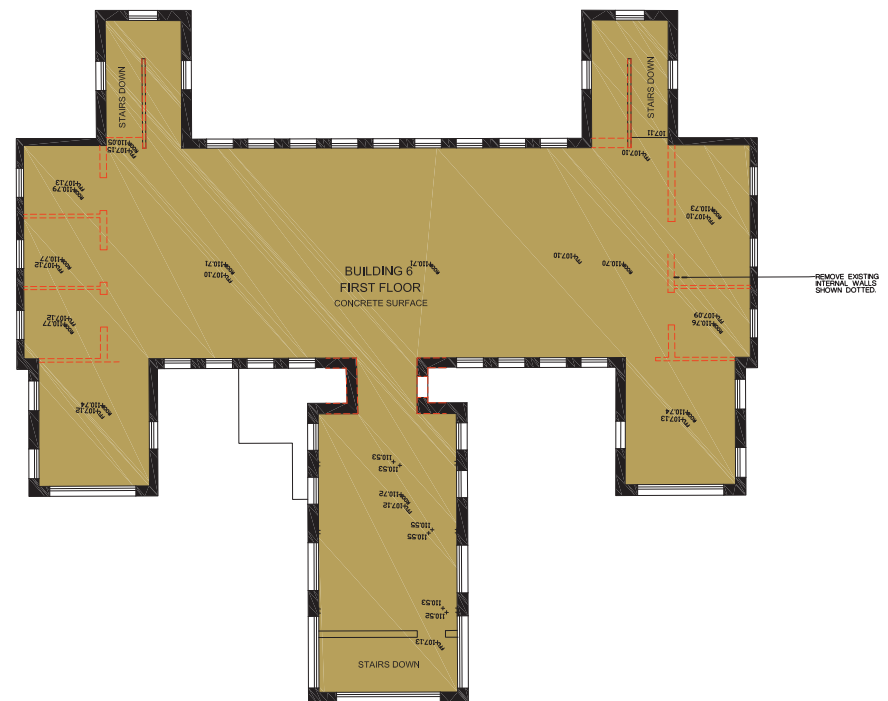
- | | |
|------|---|
| | brickwork using mortar consistency that will match in colour and strength with existing mortar finishes. |
| M03 | Brickwork repair
Carefully cut out individual damaged bricks. Clean out area with compressed air / water. Match replacement bricks to existing. Bed in new brickwork with mortar and repoint to match in with surrounding brickwork. Make good brickwork post demolition works. |
| M04 | Cement render repairs
Clean out cracked or water damaged fabric, cut out drummy render to sound substrate and clean with compressed air or water. Apply new render to match existing in affected area. Build up render to match the depth of render removed. |
| M05 | Apply render skim coat
Prepare and mechanically roughen-up substrate if necessary, apply a new render skim coat to all render work. Paint finish. |
| RW01 | Gutters
Demolish existing quad gutters and fixing brackets. Replace with new quad gutters |
| W01 | Retain existing window joinery and undertake repairs as required. Replace timber windows and louvered vents where necessary and match to existing in detail. Repair timber sills using like materials to match existing profiles. Scarf in new sections as required and conceal joints. Repaint all joinery elements. |
| RW02 | Glass bricks
Install all new glass bricks to match existing. |
| D01 | Replacement and renewal of wall vents
Replace or renew metal and terracotta wall vents where necessary to match existing. |



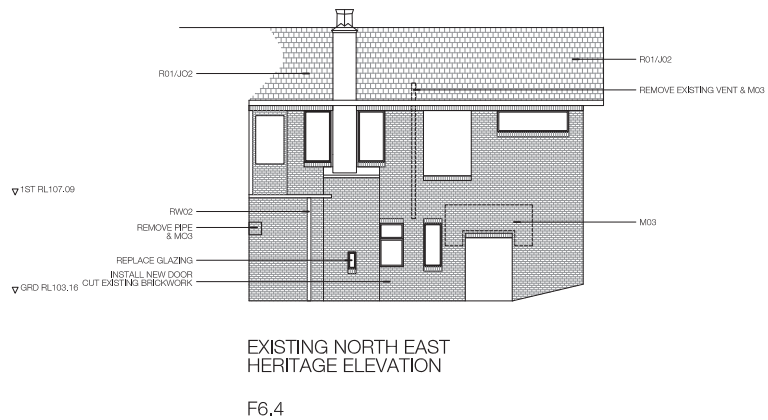
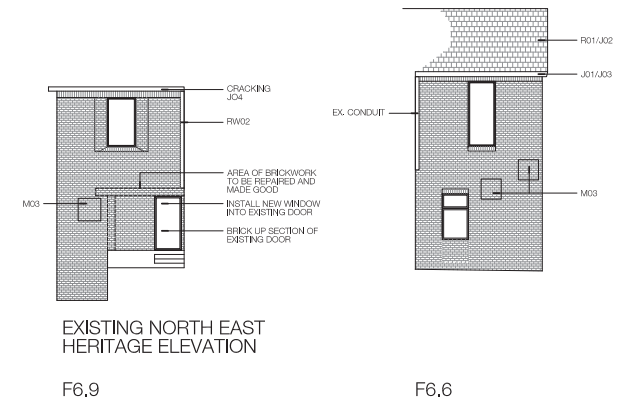




GROUND FLOOR PLAN



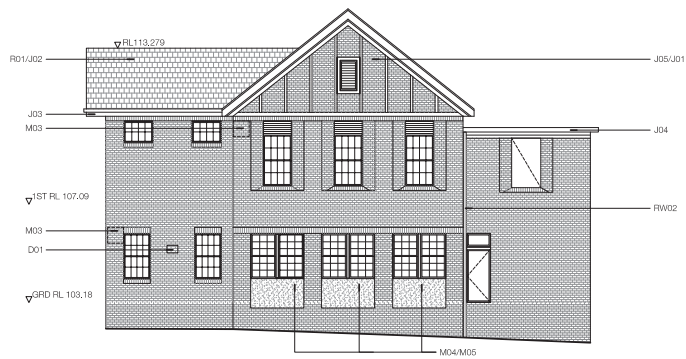
FIRST FLOOR PLAN



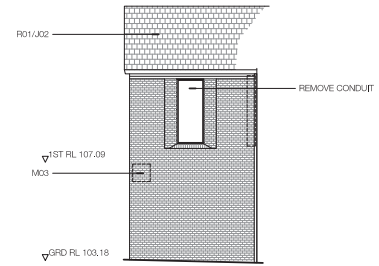
NOTES

REFER TO EX 00 FOR FULL GENERAL NOTES

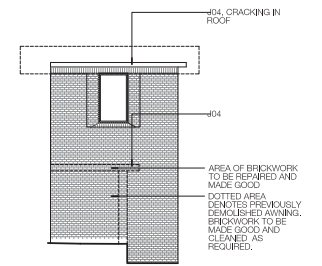
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- ALL RAINWATER GOODS / DPS RW01/RW02
- ALL EXTERNAL ELEVATIONS- GRAFFITI REMOVAL
- ALL FASCIA'S AND BARGE BOARDS - J01
- ALL EAVES - J03
- ALL VEGETATION - G01



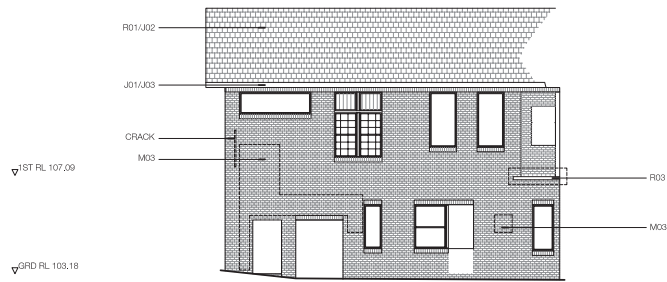
EXISTING SOUTH WEST ELEVATION
F6.1



F6.3
EXISTING SOUTH WEST ELEVATION



F6.10

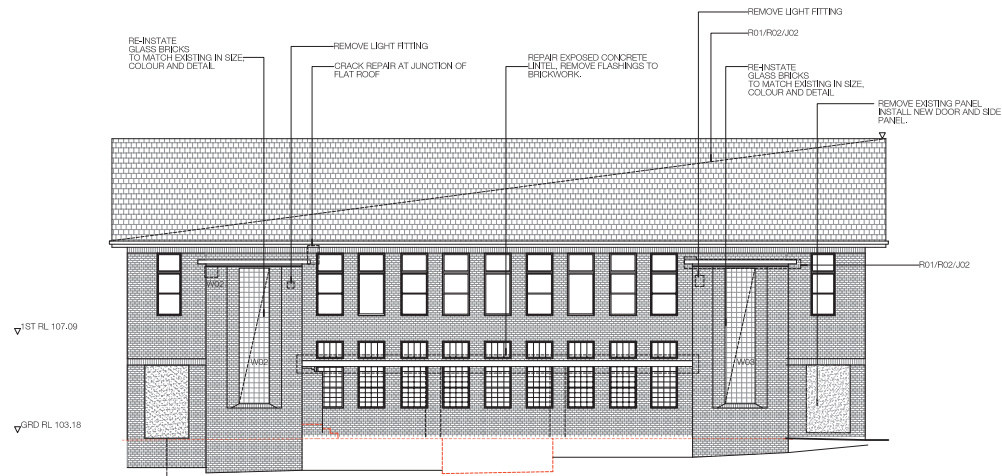


EXISTING SOUTH WEST ELEVATION
6,5

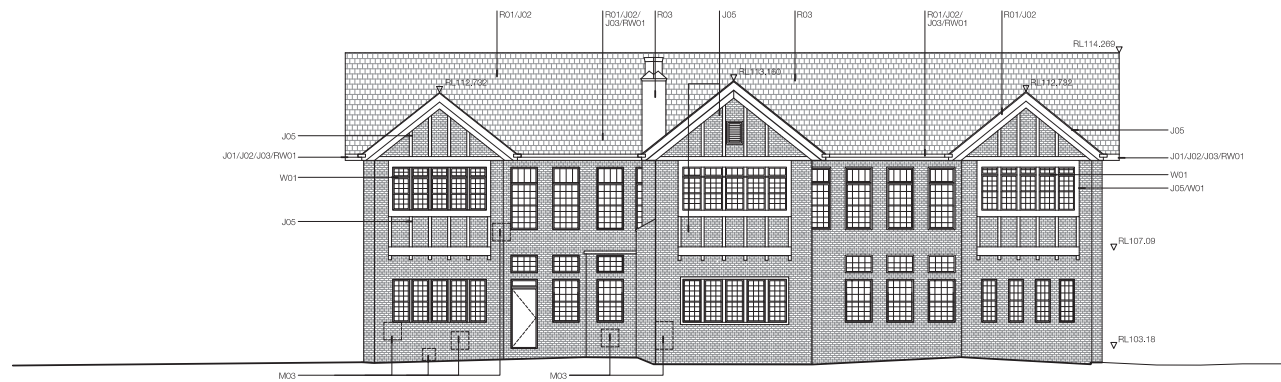
NOTES

REFER TO EX 00 FOR FULL GENERAL NOTES

- ALL WINDOWS - W01
- ALL RAINWATER GOODS / DPS RW01/RW02
- ALL EXTERNAL ELEVATIONS- GRAFFITI REMOVAL
- ALL FASCIA'S AND BARGE BOARDS - J01
- ALL EAVES - J03
- ALL VEGETATION - G01



EXISTING SOUTH EAST ELEVATION
F6.8



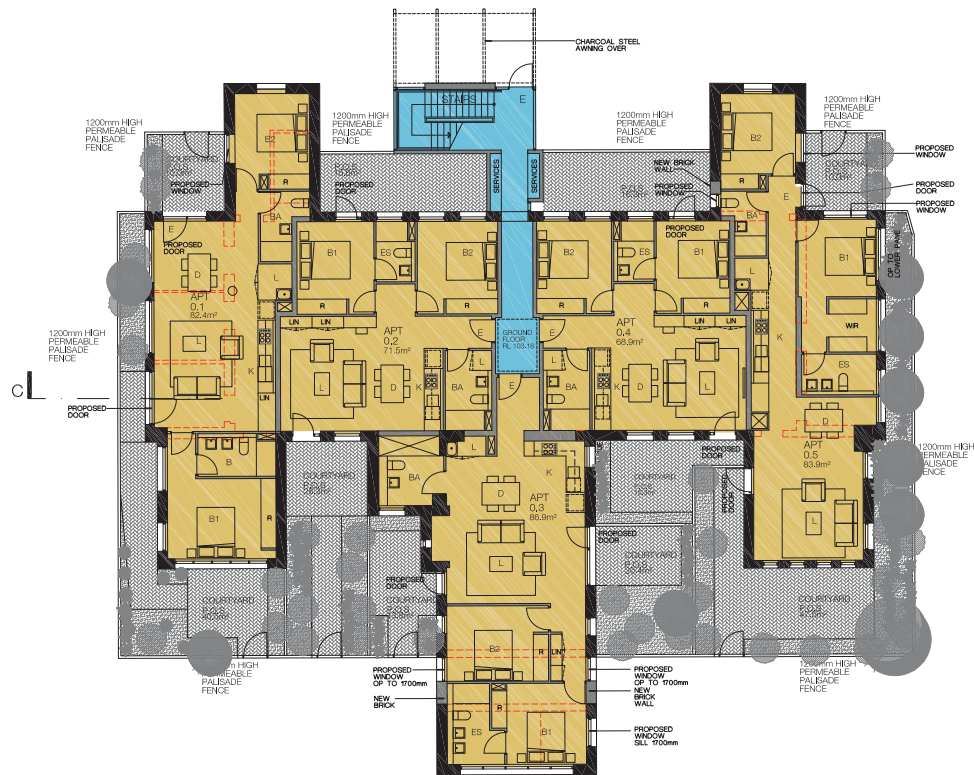
EXISTING NORTH WEST ELEVATION
F6.2

NOTES

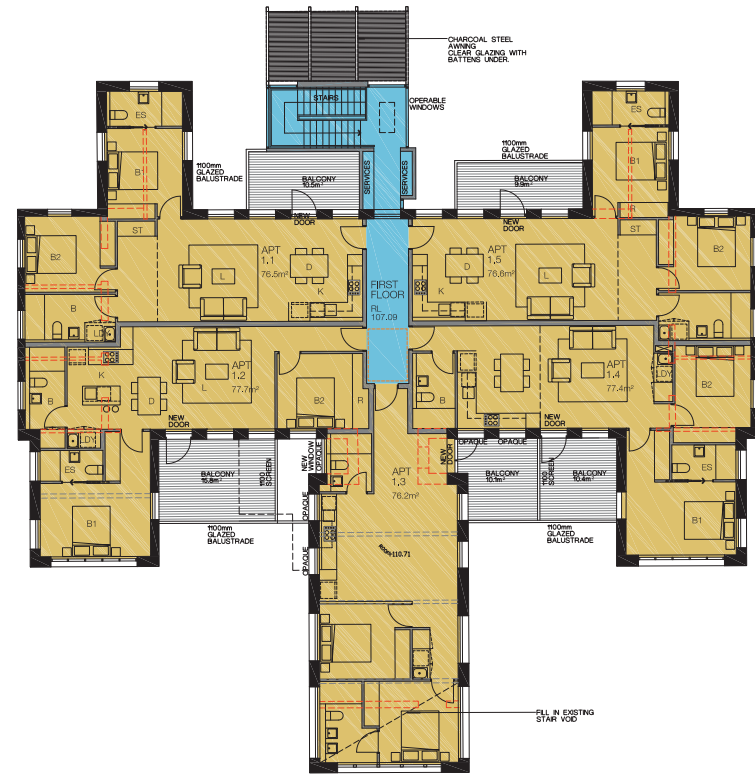
REFER TO EX 00 FOR FULL GENERAL NOTES

- ALL WINDOWS - W01
- ALL RAINWATER GOODS / DPS RW01/RW02
- ALL EXTERNAL ELEVATIONS- GRAFFITI REMOVAL
- ALL FASCIA'S AND BARGE BOARDS - J01
- ALL EAVES - J03
- ALL VEGETATION - G01





GROUND FLOOR PLAN



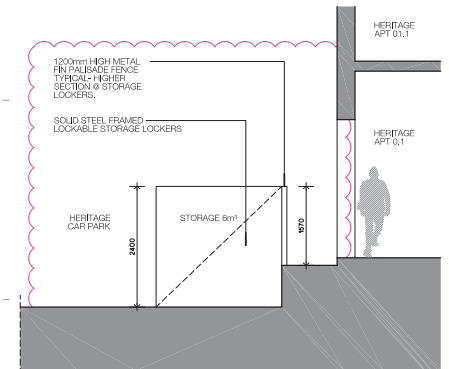
FIRST FLOOR PLAN

LEGEND	
	DENOTES AREA TO BE DEMOLISHED

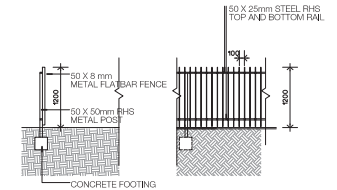




NORTH WEST ELEVATION - QUASAR CRT



SECTION C



FENCE DETAIL
SCALE 1:50

NOTES

REFER TO EX 00 FOR FULL GENERAL NOTES

- ALL WINDOWS - W01
- ALL RAINWATER GOODS / DPS RW01/RW02
- ALL EXTERNAL ELEVATIONS- GRAFFITI REMOVAL
- ALL FASOS AND BARGE BOARDS - J01
- ALL LEAVES - J03
- ALL VEGETATION - G01

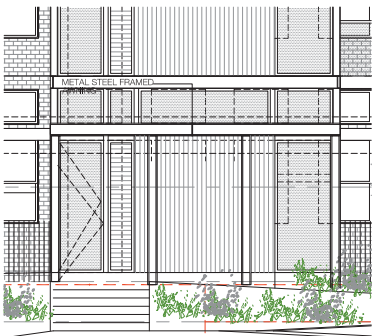
NOTE:

COLORBOND ROOF SHEETING TO ALL TOWN-POUSES

DRAWING LEGEND

- CR CEMENT RENDER
- PM PROFILED METAL CLADDING
- FC FIBRE CEMENT
- PW1 PLYWOOD - VERTICALLY GROOVED
- PW2 PLYWOOD - HORIZONTALLY GROOVED
- BR1 BRICKWORK 1
- GL GLAZING
- OG OBTAINED GLAZING TO 1700mm
- PS PRIVACY SCREEN
- ST STORE

NOTE: REFER TO MATERIAL SCHEDULE FOR COLOUR CLARIFICATION



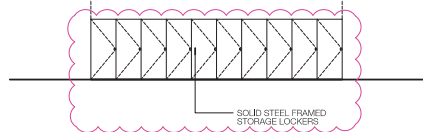
ENTRANCE DETAIL
SCALE 1:50



SOUTH EAST ELEVATION - GONELLA CRS



NORTH EAST ELEVATION - GONELLA CR



NORTH EAST ELEVATION - GONELLA CR



NORTH EAST ELEVATION - GONELLA CR

- NOTES
- REFER TO EX 00 FOR FULL GENERAL NOTES
- ALL WINDOWS - W01
 - ALL RAINWATER GOODS / DPS RW01/RW02
 - ALL EXTERNAL ELEVATIONS- GRAFFITI REMOVAL
 - ALL FASO'S AND BARGE BOARDS - J01
 - ALL LEAVES - J03
 - ALL VEGETATION - G01

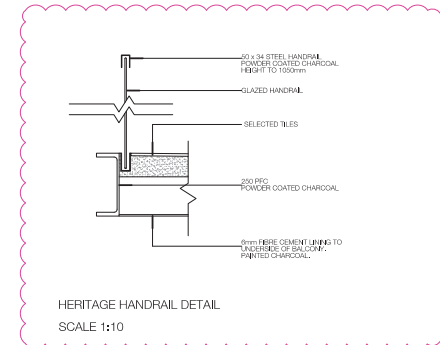
NOTE:

COLORBOND ROOF SHEETING TO ALL TOWNHOUSES

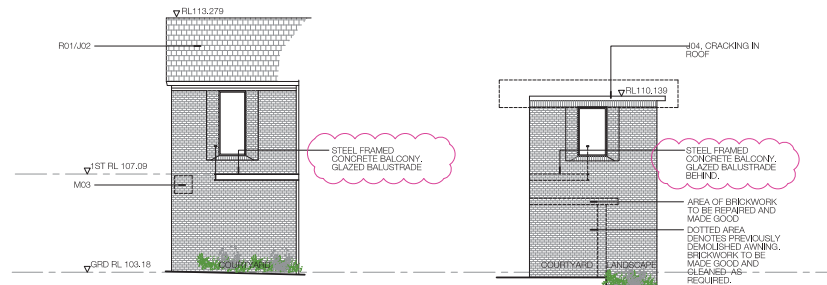
- DRAWING LEGEND
- CR1 CEMENT RENDER
 - PM1 PROFILED METAL CLADDING
 - FC1 FIBRE CEMENT
 - PW1 PLYWOOD - VERTICALLY GROOVED
 - PW2 PLYWOOD - HORIZONTALLY GROOVED
 - BR1 BRICKWORK 1
 - GL1 GLAZING
 - OG1 OBSCURED GLAZING TO 1700mm
 - PS1 PRIVACY SCREEN
 - ST1 STORE
- NOTE: REFER TO MATERIAL SCHEDULE FOR COLOUR CLARIFICATION



SOUTH WEST ELEVATION - DUAL ACCESSWAY ADJACENT TH 1- 17, 18 & 19

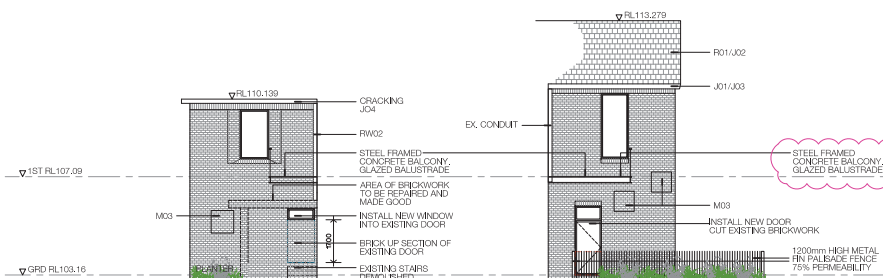


SOUTH WEST ELEVATION - INTERNAL VIEW

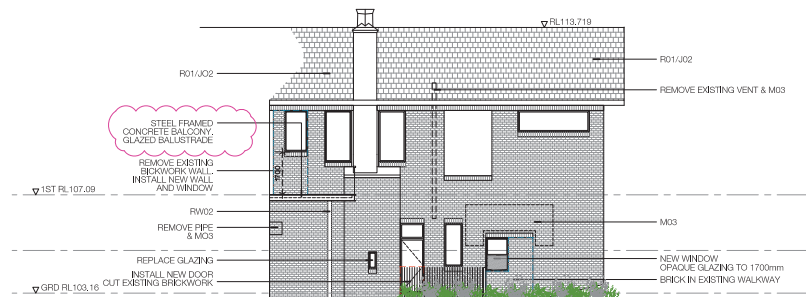


NOTES
REFER TO EX-00 FOR FULL GENERAL NOTES

- ALL WINDOWS - W01
- ALL RAINWATER GOODS / DPS RW01/RW02
- ALL EXTERNAL ELEVATIONS- GRAFFITI REMOVAL
- ALL FASO'S AND BARGE BOARDS - J01
- ALL EAVES - J03
- ALL VEGETATION - G01



NORTH EAST ELEVATION - INTERNAL VIEW

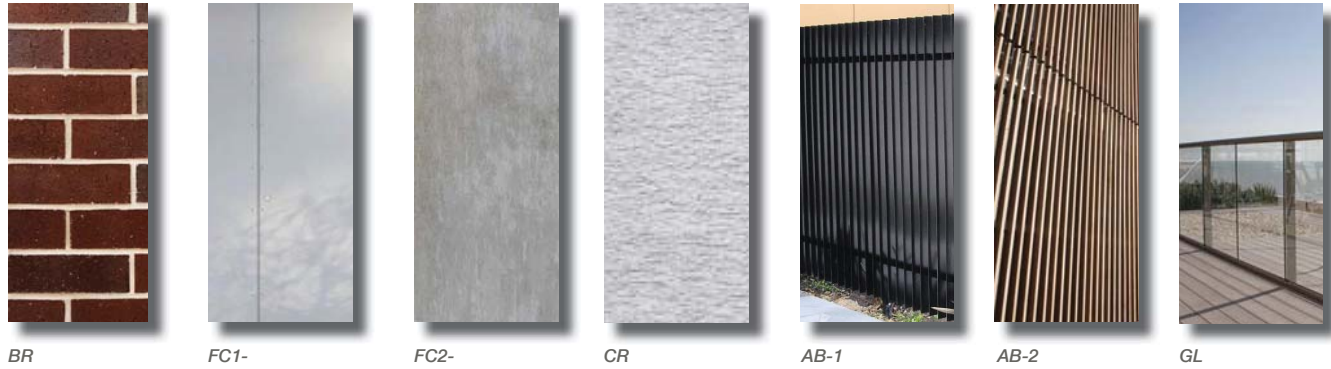


NOTE:
COLORBOND ROOF SHEETING TO ALL TOWNHOUSES

- DRAWING LEGEND
- GR1 CEMENT RENDER
 - PM1 PROFILED METAL CLADDING
 - FC FIBRE CEMENT
 - PW1 PLYWOOD - VERTICALLY GROOVED
 - PW2 PLYWOOD - HORIZONTALLY GROOVED
 - BR1 BRICKWORK 1
 - GL1 GLAZING
 - OG1 OBSCURED GLAZING TO 1700mm
 - PS1 PRIVACY SCREEN
 - ST STORE

NOTE: REFER TO MATERIAL SCHEDULE FOR COLOUR CLARIFICATION

MATERIALS & FINISHES SCHEDULE



- A** DULUX "COLORBOND- MONUMENT"
- B** DULUX "LIGHT LEATHER"
- C** DULUX "NATURAL WHITE B1"
- TC1-A** HORIZONTAL TIMBER PANEL- NATURAL
- TC1-B** HORIZONTAL TIMBER PANEL- WHITE
- TC2-A** VERTICAL TIMBER PANEL- NATURAL
- TC2-B** VERTICAL TIMBER PANEL- WHITE
- TC3-A** TIMBER LOOK ALUMIUM PANEL
- PM1-A** PROFILED METAL
- BR** BROWN / GRAY - BRICKS
- FC** FIBRE CEMENT SHEET
- CFC** COMPRESSED FIBRE CEMENT SHEET - CONCRETE LOOK
- CR** RENDERED FINISH
- AB-1** DULUX POWDERCOAT SATIN FINISH - COLORBOND MONUMENT ALUMINIUM BATTEN AND PALISADE FENCE.
- AB -2** TIMBER LOOK ALUMINIUM BATTENS
- GL** GLAZED BALUSTRADE

NOTE: NO MERBAU TIMBER IS TO BE USED THROUGHOUT THE ENTIRETY OF THIS DEVELOPMENT.

5.7**APPLICATION FOR PLANNING PERMIT EOT/65/2016**

429 Heidelberg Road, Fairfield Vic 3078

AUTHOR: Principal Planner – Gavin Crawford**DIRECTOR:** Director City Futures and Assets – Steve Hamilton**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner
Bazzani Scully Priddle Lawyers	Elfah Pty Ltd

SUMMARY:

- This report relates to a request to extend the commencement date of the Planning Permit.
- This matter has been ‘called up’ for a decision by the Planning Committee.
- The site is zoned Industrial 3 zone.
- There is no restrictive covenant on the title for the subject land.
- The legislation intends for consideration of these matters to be procedural and does not enable any notice to be provided.
- It is recommended that the request be supported.

CONSULTATION:

- Notice was not required to be given as there are no notification or third party appeal rights under the *Planning And Environment Act*.
- This application was referred internally to Council’s Strategic Planning Unit.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Application EOT/65/2016 be supported and the extension of time be granted for a further 12 months.

Report

INTRODUCTION AND BACKGROUND

Council, under orders from VCAT, issued Planning Permit No. D/404/2012 on 28 August 2013 for alterations, additions, the installation of 50 electronic gaming machines (EGM), buildings and works, as shown in the plans accompanying the application.

Condition 27 of the permit states that the development must commence within two years from the date of issue. EOT/119/2015 was issued 10 September 2015 for a year extension to the commencement dates.

Section 69 of the *Planning and Environment Act 1987*, allows the owner or occupier of the land to apply for an extension of time to commence the use/development either before the permit expires or within 6 months afterwards. This section also allows an owner or occupier to apply for an extension of time to complete the development up to 12 months after the permit expires provided the development lawfully commenced prior to the permit expiring.

ISSUES AND DISCUSSION**Proposal**

It is proposed to extend the commencement date of the Planning Permit.

PLANNING CONTROLS:

Section 69 (1) of the *Planning and Environment Act 1987*, states:

“Before the permit expires or within 6 months afterwards, the owner or the occupier of the land to which it applies may ask the Responsible Authority for an extension of time”

Section 69 (1A) of the *Planning and Environment Act 1987* states:

“The owner or occupier of land to which a permit for a development applies may ask the responsible authority for an extension of time to complete the development or a stage of the development if—

(a) the request for an extension of time is made within 12 months after the permit expires;

and

(b) the development or stage started lawfully before the permit expired”

As detailed in the case of *Best and Zygier v City of Malvern (1974) 1 VPA 284*, the relevant ‘tests’ that need to be taken into consideration for extension of time requests include:

- Whether or not the time originally limited was in all the circumstances reasonable and adequate taking into account the steps which would be necessary before development could actually commence;

- Any intervening circumstances which may have rendered it unreasonable that the appellant should be held to the time originally fixed; and,
- Whether or not since the issue of the original permit, there have been any change in town planning policy, which would mitigate against the granting of a permit.

These 'tests' have been expanded upon by the Supreme Court in the case of *Kantor Vs Murrindindi Shire Council* (18AATR 285). The Court considered that the following matters should be taken into account by a Responsible Authority in determining whether an extension of time for a Permit should be granted:

- Whether there has been a change in Planning Policy;
- Whether the land owner is seeking to 'warehouse' the Permit;
- Any intervening circumstances which bear upon the grant or refusal of the extension of time;
- The total elapse of time between the permit issuing and the request;
- Whether the time limit originally imposed was adequate;
- The economic burden imposed on the land owner by the permit; and,
- The probability of a Permit issuing should a fresh application made;

Each of these considerations is addressed in turn in the following section of this report.

PLANNING ASSESSMENT

This is the applicant's second request for an extension of time. The applicant has indicated that the development has not been commenced. Therefore the application is for an extension of time for the commencement date.

Planning Policy

It is considered that since the original permit was issued the relevant state and local policies have not changed significantly. Since the issue of the permit, Clause 21.04-6 has been introduced which includes:

Objective

- *To locate gaming machines to minimise the incidence of 'convenience gambling'.*

Strategies

- *Consider the social and economic impact of EGMs in assessing planning permit applications.*

Reference Documents

- Darebin Electronic Gaming Machine Policy and Strategic Action Plan 2010-2014.

The purpose of Clause 52.28 Gaming (which the original application was assessed against) is:

- *To ensure that gaming machines are situated in appropriate locations and premises.*

- *To ensure the social and economic impacts of the location of gaming machines are considered.*
- *To prohibit gaming machines in specified shopping complexes and strip shopping centres*

Clause 21.04-6 reiterates existing planning scheme requirements and does not reflect a fundamental change in policy. The reference document *Darebin Electronic Gaming Machine Policy and Strategic Action Plan 2010-2014* was adopted 2 August 2010 prior to the current application being lodged and was considered as part of the Planning Committee Report dated 26 November 2012 however at that time it was not a reference document. Upon review of the changes to the MSS it is clear that these have not been significant and would be unlikely to lead to a different planning outcome if the matter were reconsidered.

At its Meeting on 18 April 2016 Council resolved:

That Council:

- (1) *Endorse the Darebin Electronic Gaming Machine Policy 2016-2019 with the following amendments:*
 - a) *That new EGM applications on all Council owned land will not be supported.*
 - b) *That any applications to expand the numbers of EGM's on all Council owned land will not be supported.*
- (2) *Does not proceed to integrate an EGM Local Policy into the Darebin Planning Scheme at this stage.*
- (3) *Consider any additional land use policies in the next Darebin Electronic Gaming Machine Policy after 2019 and informed by the outcomes of the Monash University research Project.*
- (4) *Use existing planning precedents and case law to support Council's policy position with regards to any applications for new EGM's in Darebin or the expansion of existing EGM's in Darebin.*

The Darebin Electronic Gaming Machine Policy 2016-2019 is not referenced in the planning scheme and has less statutory weight than the *Darebin Electronic Gaming Machine Policy and Strategic Action Plan 2010-2014*. It is noted that with regards to reference documents the DTPLI Incorporated and Reference Documents Planning Practice Note | 13 JUNE 2015 notes the following:

"Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed. They are not listed in Clause 81.01 or schedule. Different types of document may perform this role. They may be wide-ranging in their content and contain information not directly relevant to specific decisions under the planning scheme. As with incorporated documents, reference documents can be mentioned in the planning scheme in a State standard provision, or be introduced through a local provision. Examples of reference documents at the state level include the State Environment Protection Policy (Waters of Victoria). Reference documents can be used in a number of ways.

They can be used as a basis for preparing the Municipal Strategic Statement (MSS), local planning policies or requirements in the planning scheme, or can be mentioned in the planning scheme as a source of useful background information. Reference documents have only a limited role in decision-making as they are not part of the planning scheme. They do not have the status of incorporated documents or carry the same weight."

The primary purpose of the Darebin Electronic Gaming Machine Policy 2016-2019 is:

“to guide Council in executing its legislative and statutory mandate to prevent and minimise any future systemic long term social, health and economic harms associated with problem gambling ... It is Council’s view that the current State Government Gambling Legislation and Regulatory framework unfairly privileges operators. In this current environment Council will oppose every application for additional EGMs or transfer of EGMs within the City of Darebin. Darebin City Council may also oppose those applications that will decrease the number of EGMs in the City of Darebin, where Council believes the reduction in numbers will not decrease gambling losses”

This policy stance has not undergone an extensive public exhibition process and as such cannot form the basis of any decisions Council makes in accordance with the planning scheme. The predetermination of planning applications without considering the merits of an application is deemed to be *ultra vires*. Refusal of an extension of time request based on this Council endorsed policy cannot be substantiated.

Warehousing a Permit

This is the applicant's second request for an extension of time and the request is considered genuine and not in the interest of warehousing the permit.

Intervening Circumstances

The applicant has advised since the original permit was issued club entitlements have been unable to be sourced.

Eclipse of Time

Council received the request for an extension of time on 23 May 2016 with the expiry for the commencement of works on 28 August, 2016, therefore the request has been made within the time specified under Section 69 of the *Planning and Environment Act 1987*, (as amended) as it was prior to the expiry of the permit.

Adequacy of Time Limit

The original permit required that the development have commenced within two years and been completed within four years from the date of the permit. It is suggested that the time originally approved was adequate to commence and complete the works.

Economic Burden

The scale of the development does not indicate that a significant burden is placed upon the applicant. There were no conditions placed on the permit that would have created an economic burden that is beyond what is normally expected when developing land.

Probability of Permit with a Fresh Application

It is likely that a fresh application would obtain planning approval with similar conditions given that the applicant is in compliance with the relevant planning policies.

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

- Clause 33.03-4 (Industrial 3 Zone) – construction of buildings and works.
- Clause 43.01-1 (Heritage Overlay) – demolition, alterations, construction of buildings and works.
- Clause 52.28-2 (Gaming) – requires a planning permit to install or use a gaming machine.
- Clause 63 (existing Uses) – a use for which an existing use right may continue provided that the construction of buildings and/or works is not carried out without a permit.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.04
Zone	33.03
Overlay	43.01, 45.06
Particular provisions	52.28
General provisions	63, 65.01

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.

429 Heidelberg Road Fairfield

Darebin City Council



5.8 APPLICATION FOR PLANNING PERMIT D/1039/2015
658-664 High Street, Thornbury Vic 3071

AUTHOR: Principal Planner – Deniz Yener-Korematsu

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner	Consultant
Elmost Pty Ltd c/o Contour Consultants Pty Ltd	<ul style="list-style-type: none">NAB Leasehold Management Pty LtdCofam Nominees Pty Ltd	Contour Consultants Pty Ltd

SUMMARY:

- The site is comprised of two (2) adjoining lots. The existing buildings on the site, with the exception of the ground floor component on the corner block (the bank) are to be demolished and a six (6) storey mixed use development is proposed. At the ground level, the existing commercial premises will be retained and will continue to be occupied by NAB Bank. A new commercial premises is also proposed on the adjoining lot. Car parking facilities in the form of stacker systems is proposed at first floor and 28 dwellings are to occupy the remaining four (4) levels above. Vehicle access to the site is proposed via the right of way to the eastern side of the site.
- The site is zoned Commercial 1 Zone (C1Z).
- There is no restrictive covenant on the title for the subject land.
- Eighteen objections have been received against this application.
- The proposal is generally consistent with the objectives and standards of relevant policies in the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit, Property Unit and ESD Officer.
- This application was referred externally to Melbourne Water.

Recommendation

That the opinion be formed to support Planning Permit Application D/1039/2015 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 P101 to P117 Revision 1 prepared by ELC Architecture Interior Design, and received by Council on 31 May 2016) but modified to show:
 - a) Modifications to the south elevation drawing P114 Rev 1 and Level 1 plan P107 Rev 1 in accordance with the changes shown to the southern first floor wall (car park wall) on the perspective drawings received by Council on 9 September 2016 and the first floor plan Drawing P107 Revision 2 received on 12 September 2016.
 - b) The skylights to Level 5 bathrooms reflected on the Roof Plan P112 Rev 1.
 - c) The provision of a notation on the Roof Plan P112 including details of the operation of the louvres over the central atrium, in accordance with Condition No.9 of this Permit.
 - d) The provision of dimensions showing the length and width of the balconies to all dwellings. The area of balconies to these dwellings must not be less than 8 square metres with a minimum dimension of 1.6 metres; the size of void areas adjacent to any southern balconies must not be reduced to achieve this.
 - e) The painted and rendered concrete treatment to the upper levels shown on the northern elevation are to be deleted and replaced with a similar or greater level of articulation in the form of concrete imprinting and/or relief work precast into the concrete.
 - f) The location of all site services, such as utility meters, substations, fire booster and the like. Site services are to be located and designed to minimise visibility from public spaces and located so as to be visually discreet.
 - g) The provision of dimensions showing a minimum 0.75 metres setback from the kerbside on High Street and Clarendon Street, to the canopy cover proposed over the footpaths.
 - h) The canopy over the public footpaths set back 0.75 metres from the kerb on High Street and Clarendon Street, and to have a minimum clearance height of 3 metres above the level of the public footpath.
 - i) Modifications to pedestrian access, as required, in accordance with Condition No.7 of this Permit.
 - j) The location of a Sustainable Transport Display area, in accordance with Condition No.8 of this Permit.
 - k) A notation confirming that the balconies are designed to drain to the internal stormwater system.
 - l) A single communal antenna for the development (refer also to Condition No.12 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.

- m) At least 20% of the statutorily required resident bicycle parking facilities provided via a ground-mounted hoop or rail.
- n) Access aisle to bicycle parking facilities with a width of 1.5 metres minimum.
- o) The provision of at least one (1) employee bicycle space for the shop use either in a bicycle locker or at a bicycle rail, within in a lockable compound.
- p) Modifications in accordance with the Acoustic Report (refer to Condition No.11 of this Permit).
- q) A landscape plan in accordance with Condition No.4 of this Permit.
- r) Modifications in accordance with the Sustainable Management Plan (refer to Condition No.9 of this Permit).
- s) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

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

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

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

- c) Before this Permit expires;
 - d) Within six (6) months after the expiry date; or
 - e) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - d) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed, planting support structures to vertical gardens and decking.

- e) Type and details of all surfaces including mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - f) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - g) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - h) 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.
 - i) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - j) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
 - k) Method of irrigation, drainage and management plan for maintenance of all landscaping on the site
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Pedestrian facilities must comply with the requirements of Australian Standard AS1428.1. A 1.0 metre wide pedestrian path must be provided between the front door/s of any property directly fronting a road and the public footpath at the front of the property.
- Walkways, ramps and landing shall have—
- a) An unobstructed width of not less than 1000 mm; and
 - b) An unobstructed vertical clearance of not less than 2000 mm, and
 - c) The gradients and crossfalls of the surface area within a landing or circulation space shall not exceed 1:40.
8. Before the use commences, a sustainable transport display must be provided in a visually prominent location near the front entrance of each of the commercial tenancies and must include public transport route maps and timetables and maps of walking and cycling routes to and from the site. The display must be regularly monitored and kept up to date to the satisfaction of the Responsible Authority

9. Before the development commences, the Sustainable Management Plan (SMP) prepared by Simpson Kotzman Consulting Engineers dated 16 November 2015, and received by Council on 15 December 2015, is to be modified to include:

- (i) Further details on the onsite detention system required for the site.
- (ii) Further details of the specifications and operation system of the louvres above the central atrium space to achieve a balance between optimum daylight access to the atrium and energy efficiency in the development.

The development must incorporate the sustainable design initiatives in accordance with the approved amended Sustainable Management Plan (SMP) prepared by Simpson Kotzman Consulting Engineers, to the satisfaction of the Responsible Authority

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

10. Waste storage and collection must be undertaken in accordance with the approved Waste Management Plan prepared by Leigh Design Pty Ltd dated 19 May 2016 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. Before development starts, an Acoustic Assessment of the development, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The assessment must be prepared by a suitably qualified acoustic engineer and must detail recommended treatments of the development and/or the adoption of appropriate measures to ensure that:
- a) Noise emissions associated with the operation of surrounding and nearby non-residential uses and traffic do not impact adversely on the amenity of the dwellings.
 - b) The design of habitable rooms of all dwellings adjacent to a road limits internal noise to "satisfactory" levels as outlined in Table 1 of AS2107.
 - c) Noise emissions from the development (including the operation of plant, transmission of noise between dwellings and the use of the mechanical car parking stackers) do not impact adversely on the amenity of dwellings within the development and any neighbouring sensitive uses.
 - d) Noise, reverberation and vibration associated with the operation and use of the mechanical car parking stackers, lift and staircase cores do not impact adversely on the amenity of the dwellings which share dividing walls with the core. The following sources of noise must be attenuated:
 - Noise and vibration arising from the operation of the mechanical stackers;
 - Ride quality e.g. sound and vibration from the elevator car;
 - Air-borne noise, e.g. door noise, noise in the elevator shaft and stair shaft walls;
 - Structure-borne noise in walls e.g. sound radiation to adjacent rooms;
 - Cooling fan noise;
 - Drive operation noise;

- Relay switching noise;
- Door operation noise;
- Guide shoe sliding noise;
- Treatment to stair treads and landings to minimise airborne noise.

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

12. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
13. Before the development commences, a site assessment of Lot 1 on TP691973L, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc. or other suitably qualified environmental professional, must be submitted to the Responsible Authority to its satisfaction. The Responsible Authority may request the site assessment be reviewed by a suitably qualified environmental auditor nominated by the Responsible Authority and at the cost of the owner/developer. The site assessment must include:
 - An opinion on the level and nature of contamination (if any), how much is present and how it is distributed;
 - An opinion on the likelihood and extent of any cross-contamination or contamination leakage to the adjoining lot at 658 High Street;
 - Details of any clean up, construction, ongoing maintenance, monitoring or other measures in order to effectively manage contaminated soil (if any) that is present within the site (management measures); and
 - Recommendation on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of the land should be undertaken.

Should the consultant's opinion be that an environmental audit be undertaken, before the *development* commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the Environment Protection Act, before the *use* commences all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use commences the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land the subject of this Permit and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

14. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
15. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
16. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
17. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each dwelling, common areas, car parking areas, waste storage areas, bicycle parking and 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.

18. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
19. The land must be drained to the satisfaction of the Responsible Authority.
20. 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.
21. 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.

22. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
23. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

- a) Constructed;
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all weather sealcoat; and
- d) Drained

to the satisfaction of the Responsible Authority.

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

Car parking spaces as shown on the car parking allocation plan P107 Level 1 Plan must not be used for any other purpose or by any other tenancy in the development, and must be allocated the dwellings at the rates shown on this plan.

Melbourne Water Conditions

24. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
25. Finished floor levels of the new building including the apartment entry and lobby, lift, car lift must be constructed no lower than 54.2 metres to Australian Height Datum (AHD).
26. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway ramp.
27. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
28. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Melbourne Water Footnotes

- (i) The applicable flood level is 53.9 metres to Australian Height Datum (AHD).
- (ii) If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **152650**.

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 Management Plan (SMP) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6 This planning permit 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

This item was listed for consideration at the 10 October 2016 Planning Committee meeting but was not determined due to the cancellation of the meeting.

Council records show that there have been a number of planning permits issued in the past in respect of business identification signs associated with the corner lot known as 658 High Street. Earlier records for this site indicate it was used as an office/mortuary from 1929 through to the approximately 1990.

Council records also show the adjoining lot being part of the subject land, known as 662-664 High Street, having been used for the purpose of a factory between 1947-1963, and thereafter as a shop.

ISSUES AND DISCUSSION**Subject site and surrounding area**

- The subject site is located on the north-east corner of High Street and Clarendon Street in Thornbury.
- The land is comprised of two (2) adjoining allotments at No.658-660 and No.662-664 High Street.
- The site is rectangular in shape and has a combined frontage of 19.73 metres to High Street, a width of between 32.19 metres and 32.28 metres, and an overall site area of approximately 636 square metres.
- The site is currently developed with three separate buildings as follows:
 - 662-664 High Street (fronting High Street) – Developed with a two storey building used for commercial purposes, built to the site boundaries.
 - 662-664 High Street (rear) – Developed with a single storey building used for commercial purposes, built to the site boundaries.
 - 658-660 High Street – Developed with a 2-3 storey building used for commercial purposes, being NAB bank and a solicitor's office.
- The site abuts a laneway to its rear (east), which gains access via an existing crossover from Clarendon Street. Clarendon Street and High Street interfacing with the site are located in Road Zone Category 2.
- The land to the immediate north of the site is developed with a two storey building fronting High Street, which is used as a laundromat and hair salon that has walls constructed along approximately one-quarter of the common boundary. The rear of the site accommodates some vegetation and single storey outbuildings that are constructed to the rear western boundary.
- To the east a sealed laneway abuts the subject site. A public car park owned by Council is located further east which serves surrounding businesses.

- To the west the site abuts High Street. Opposite High Street are single and double storey retail and commercial buildings which form part of the High Street commercial strip.
- To the south, the site abuts Clarendon Street. Opposite Clarendon Street is a large commercial building occupied by the Psarakos Market and its associated onsite car park.
- The site is located within the Thornbury Village Neighbourhood Activity Centre and the surrounding area features a mix of uses and development, with predominantly commercial zoned land on both sides along High Street, and predominantly residential zoned land to the east and west of the High Street commercial strip. There is also a range of other physical and social infrastructure in the locality including schools, community facilities and public open space.
- The subject site is well served by public transport, including the No. 86 tram route operating along High Street, and the No. 510 bus which runs along Clarendon Street. The site is also located approximately 650 metres from Thornbury Railway Station and approximately 800 metres from Croxton Railway Station.
- On-street parking on High Street is subject to a 1 hour (9:00 am-6:00 pm Monday-Friday and 8:30 am-12:30 pm Sat) restriction on the eastern side. Clearway restrictions exist on the eastern side of High Street between 7:00am and 9:00am Monday to Friday.
- A 1 hour (8:30am-4:30pm Monday-Friday and 8:30 am-12:30 pm Sat) restriction exists on the western side, south of 713 High Street. A No Stopping restriction is operational between 4:30 pm and 6 pm Monday to Friday south of 713 High Street. A 1 hour (8:30am-6:00pm Monday-Friday and 8:30 am-12:30 pm Sat) restriction exists on the western side, north of 711 High Street.
- On the north side of Clarendon Street (site frontage) the street is subject to No Stopping and Bus Zone restrictions. On the south side of Clarendon Street, the street is subject to No Stopping and 2 hour (8:00 am-6:00 pm Monday-Friday and 8:00 am-12:00 pm Saturday) restrictions.
- The site has public transport accessibility with tram services operating along High Street and Bus services operating along Clarendon Street. In particular, a tram stop and bus stop is conveniently located along the sites frontage to High Street and Clarendon Street, providing access to tram route 86 (Bundoora RMIT – Waterfront City Docklands) and bus route 510 (Essendon – Ivanhoe via Brunswick, Northcote, Thornbury). The Thornbury Railway Station is located approximately 500m north-west of the site.

Proposal

- The application proposes the construction of a six storey, mixed use development with associated car parking at the first floor level.
- The existing buildings on the site, with the exception of the ground floor component on the corner (bank) are to be demolished.
- At the ground level, the existing commercial premises with a floor area of 248 square metres will be retained and will continue to be occupied by NAB bank. A new commercial premise is also proposed and has a floor area of 165 square metres.
- Vehicular access will be via the rear laneway where a car waiting bay and car lift have been provided. The residential lobby and services are also located to the rear of the building at the ground level, being accessible from both Clarendon Street and adjacent to the car waiting bay.

- A total of 28 apartments, comprising 16 x one (1)-bedroom and 12 x two (2)-bedroom apartments are to be provided.
- At the first floor level, 26 car spaces have been provided via an automated car stacker system. Individual storage cages and 29 bicycle spaces have also been provided at this level.
- Access to all levels is provided via a central stairway and lift.
- Internal landscaping has been provided at level 2, with a void above to allow for daylight into the building.
- Levels 2 to 5 contain residential apartments, with east, west and south orientations to High Street, the rear laneway and Clarendon Street respectively.
- The apartments fronting Clarendon Street are split over two (2) levels, with kitchen and living rooms on the lower levels (Levels 2 and 4) and 2 bedrooms and combined bathroom/laundry on the upper levels (Levels 3 and 5).
- Each dwelling accommodates a balcony for private open space. Balconies range in size from 8 m² to 14 m².
- The building setbacks from High Street range from zero to 3 metres on levels 2, 3 and 4 and 1.025 metres to 3 metres on level 5. A common boundary wall is proposed at the interface of the site with the adjoining northern property.
- The building setbacks from Clarendon Street range from zero to 2.035 metres.
- The roof contains open and covered common areas and a roof top garden for residents, with access from the lift. A bathroom and a bin chute are also provided at this level.
- The maximum height of the building is 23.4 metres, which includes the covered common area on the roof. The height of the building from the ground floor to the roof is approximately 21.6 metres.
- Materials and finishes include rendered concrete, decorative brickwork, perforated metal, timber panels and steel. Planter boxes are also proposed along the southern boundary on Level 1 and at the edge of some balconies on Level 2.

Objections

- Eighteen objections have been received.

Objections summarised

- Increased parking demand and insufficient car parking provided
- Traffic congestion and increased use of the laneway
- Size of dwellings is too small
- Amenity impacts during demolition and construction
- Structural damage to adjoining building
- Waste bins are stored inside the building
- The north elevation does not accurately depict the scale of the adjoining northern building
- Overlooking

- Over supply of one (1)-bedroom and two (2)-bedroom dwellings, and insufficient supply of three (3)-bedroom dwellings
- Poor internal amenity
- Tandem car parking spaces will not be used
- Contrary to Clause 22.06 – Multi-Residential and Mixed Use Development
- Overdevelopment
- Visual bulk to surrounding properties
- Does not add net community value
- Negative social effects
- Does not meet standards in the Darebin Planning Scheme
- Social or affordable housing is not guaranteed

Officer comment on summarised objectionsIncreased parking demand and insufficient car parking provided

A substantial proportion of the car parking demand associated with the development is proposed to be accommodated on the site. The car parking proposed to be waived is associated with two (2) out of the 28 dwellings, five (5) residential visitor car parking spaces and six (6) spaces associated with the proposed retail premises (shop) . It is noted that the office use (bank) is an existing use on the site that is proposed to be retained and continue its operation in the same format; the bank therefore benefits from existing car parking credits i.e. no onsite car parking is currently available to the bank and this arrangement is not proposed to be altered. Council has considered the car parking demand associated with the new development and considers the proposed reduction to be acceptable (see further discussion under Clause 52.06 in later sections of this report).

Increased congestion and increased use of the laneway

The subject site is located in an Activity Centre (High Street Corridor) and it is expected that pedestrian activity and traffic conditions will be busier than surrounding residential areas. The purpose of the laneway adjoining the site is to provide vehicle and service access to the rear of all sites which share an abuttal with the laneway. No site has priority or exclusive use rights over the laneway. As the subject site adjoins a Road Zone Category 1 (High Street) crossover openings are discouraged and the use of the laneway for vehicle access is therefore actively supported.

Size of dwellings is too small

The proposed dwellings are compact with functional dimensions, layout and acceptable amenity. The dwellings are not considered to be too small.

Amenity impacts during demolition and construction

Noise from trucks etc. during the construction phase of development is a temporary and unavoidable consequence of development and not a reason to refuse development.

Structural damage to adjoining building

Potential for damage to assets on adjoining sites is not a planning consideration under the Darebin Planning Scheme and is a matter, as relevant, that is dealt with under the Building permit phase of the development.

Waste bins are stored inside the building

It is commonplace to store waste bins at ground floor or basement levels as appropriate. The waste storage area on site in this instance is at ground floor within a dedicated and secure lockable enclosure. The location of the bins internally should not impact on the internal amenity of common areas. Hygiene and maintenance are matters for the Body Corporate.

The north elevation does not accurately depict the scale of the adjoining northern building

The north elevation depicts a two (2) storey building with single-storey structures to the rear at 666 High Street. These buildings are accurately depicted on the North elevation. The north elevation is a cross-section taken in an east-west direction close to the common boundary so that the proposed development's northern facade can be accurately depicted; the north elevation therefore does not pick up on all the buildings on the adjoining land, in the location where the cross-section is taken. The rear extensions to the two (2) storey buildings are therefore not picked up on the elevation as they do not extend to abut the common boundary. The full extent of buildings at 666 High Street is picked up on the Ground Floor Plan P105 and all of the Existing Conditions drawings.

Overlooking

There is no overlooking issue associated with the proposed development as there are no dwellings on Residential Zoned land within a 9 metre radius of the development's perimeter.

Over supply of one (1)-bedroom and two (2)-bedroom dwellings, and insufficient supply of three (3)-bedroom dwellings

The proposal provides appropriate dwelling diversity in an area that is largely characterised by single dwellings in surrounding residential areas that adjoin the High Street activity corridor. 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.

Poor internal amenity

The dwellings are considered to have an acceptable level of amenity including daylight, outlook, functional dimensions and private open space. These are discussed more specifically in later sections of this report.

Tandem car parking spaces will not be used

This ground of objection is unsubstantiated. All car parking spaces on site are proposed to be within stacker systems and no standard car parking space with tandem car parking is proposed.

Contrary to Clause 22.06 – Multi-Residential and Mixed Use Development

The development is considered to achieve a high level of compliance with Clause 22.06 objectives (see detailed assessment in later sections of this report).

Overdevelopment

The overall dwelling yield is not a true indicator of whether a proposal is an overdevelopment. The determination of permit application typically involves the balancing of policy to achieve acceptable outcomes. In this case, the subject site is located within a higher order activity centre well serviced by both public transport and existing amenities. Both State and local policies generally support the intensification of land in such a location.

Locally this is an outcome supported by the objective of Clause 22.05 (High Street Corridor Land Use and Urban Design) of the Darebin Planning Scheme.

The subject site is identified in Council's Housing Strategy Framework (revised 2015) as a substantial change area and the application proposes residential and commercial development in a manner that supports the function of the existing activity centre.

Visual bulk to surrounding properties

The siting and massing of the development is addressed in the body of the report with a particular focus in the assessment against the High Street Corridor Land Use and Urban Design policy at Clause 22.05 of the Darebin Planning Scheme.

Does not add net community value

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 fulfil its role in an activity centre by continuing to deliver convenient access to commercial and retail services to the surrounding residential areas.

Number of objections indicates negative social effects

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

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

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

(1B) *For the purposes of subsection (1)(f), the responsible authority must (where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect.*

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

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

Firstly, parties alleging a significant social effect have to ascertain what the actual significant social effect is, in the framework of a zoning regime where one does not need a permit to use residentially zoned land for residential purposes. The mere identification of significant community opposition to a proposal is not a significant social effect of itself.

Secondly, the significant social effect will need to be sufficiently documented with evidentiary material to demonstrate the likelihood, probability and severity of the social effect. The identification of a social effect is not sufficient, as it also needs to be demonstrated that the social effect will be significant.

Thirdly, as identified in the Rutherford decision, it will need to be demonstrated that any significant social effect outweighs any social benefits that might result from a balanced assessment of a development proposal".

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

1. *Section 60(1) describes matters which the responsible authority and, in turn, the Tribunal must consider. It does not stipulate that a particular matter should necessarily be determinative of the decision as to whether a permit be granted or refused.*

2. *It is for the responsible authority and, in turn, for the Tribunal on review to determine whether something constitutes a significant social effect and what weight it should be given in reaching a decision whether to grant or refuse a permit.*

This ground is unsubstantiated. It is considered that the receipt of 18 objections, in itself, is not a determining factor as to whether a permit should be granted or refused in this instance. A development of this in an area designated as an area of Substantial Change in the Darebin Housing Strategy is not likely to cause significant social effects for residents or visitors to the area. The proposal provides increased densities and results in an overall community benefit. This ground is contrary to the objectives of planning in Victoria.

Does not meet standards in the Darebin Planning Scheme

This is a generalised ground of objection and does not identify non-compliance with a specific standard/s in the Darebin Planning Scheme that can be addressed. This notwithstanding, it is considered that the development achieves a high level of compliance with the Darebin Planning Scheme (see assessment in later sections of this report).

Social or affordable housing is not guaranteed

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.

PLANNING ASSESSMENT

Soil Degradation - Clause 13.03

The objective of Clause 13.03 of the Darebin Planning Scheme is to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely. The land is not affected by an Environmental Audit Overlay however Council records have revealed that the lot known as 662-664 High Street has formally been used as a factory.

Whilst the precise nature of the industrial use carried out on this site is not known, the potential for contamination cannot be dismissed.

As part of any approval and in accordance with Table 2 of the Practice Note on Potentially Contaminated Land June 2005 (Department of Sustainability and Environment), a condition of any approval given should require an environmental investigation of the site to be undertaken to establish the extent, if any, of contamination. If contamination is found either a certificate or statement of environmental audit is to be prepared, as required by Ministerial Direction No. 1 to allow a sensitive use to establish on potentially contaminated land. This is to be addressed via conditions of any approval given.

Urban Environment – Clause 15.01

Context

The site is located within a commercial area and in an activity centre, where higher densities and a higher built form are encouraged. The future character of such areas is envisaged to be higher scale, to accommodate a larger proportion of residential development. Specifically, the proposal provides a quality design and residential use on the site which furthers the objectives of State policy for further clustering of housing to support larger activity centres such as the High Street Corridor. The proposal has sufficient regard to the context of the location, in that it

takes into account the strategic direction for the land and area and makes use of an underutilised site with non-sensitive interfaces to the north, east and south.

The applicant has undertaken a site analysis as part of the design process, which has informed the height, scale and massing of the development. The height of the development is appropriate having regard to the size of the site, adjoining zones, adjoining land uses and the strategic direction for greater density in this location. A discussion of the height is contained in the assessment of the proposal against Clause 22.05 (refer to the body of the report).

The public realm

The public realm will be enhanced with appropriate pedestrian entries for the commercial tenancies and dwellings at ground floor. The design provides an appropriate entry and passive surveillance from the shops and the upper floor balconies.

The development comes forward to the front property boundary and defines a street wall to the public realm that is consistent with local policy for development along High Street (refer to assessment against the Incorporated Plan and the local policy at Clause 22.05 (High Street Corridor Land Use and Urban Design)).

Safety

The pedestrian entries are visible and provide an appropriate sense of address, which is secure, with opportunities for passive surveillance from the public realm. Refer to the assessment against Clause 22.06 for further detail.

Landmarks, Views and Vistas

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

Whilst the first floor car park is an uncommon design element, the walls of the car park are treated appropriately with perforated decorative brickwork and planter boxes to provide visual interest, daylight, ventilation and honesty of architectural expression. The walls of the car park can be further activated and improved through conditions requiring a scalloping effect.

Pedestrian Spaces

The design of the building has appropriate regard to the public realm and pedestrian access. Refer to the assessment against Clause 22.06 and 52.06 for a detailed assessment.

Heritage

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

Consolidation of Empty Sites

The development proposes the consolidation of two (2) adjoining commercial allotments to maximise development opportunity and enable appropriate amenity to dwellings. The proposal will maintain development to the street wall and will complement the complexity and diversity of the built environment.

Light and Shade

Having regard to the site context and the orientation of the land, there is no unreasonable loss of sunlight/daylight to the public realm. Furthermore, any shadow cast on adjoining properties is considered acceptable due to their commercial nature and location within the Commercial Zone and Public Use Zone (carpark).

Energy Resource and Efficiency

Refer to the assessment against Clause 22.06

Architectural Quality

Refer to the assessment against Clause 22.06.

Landscape Architecture

The site is located within a commercial activity centre with limited or no landscape character. Landscaping does not form part of the design requirements of Clause 22.05 or the Commercial 1 Zone decision guidelines. Nevertheless, the proposal has some limited landscaping along the walls of the car park and within the internal atrium, as well as a rooftop garden which is considered to be acceptable having regard for the site context and location. The proposal will be subject to a condition requiring a landscape plan to be submitted to and approved by Council.

Guidelines for Higher Density Residential Development (Department of Sustainability and Environment)

Clause 15.01-2 and Clause 22.06 requires the responsible authority to have regard to Design Guidelines for Higher Density Residential Development. Many of the objectives of the Guidelines are absorbed in the assessment of the proposal above.

Building Envelope

- The proposal is for continuous six (6) storeys to be built to the boundaries with a slight recess at the 6th level of 1 metre from the western boundary and 0.8 metres from the southern boundary. A three (3) storey street wall is expressed through the composition of the facades and would read as a dominant podium element in the streetscape as envisaged under Clause 22.05 policy. Whilst the massing to High Street and Clarendon Street slightly exceed the graduated setbacks recommended by policy, given the openness of the upper floor balconies, the site's context, corner location and lack of sensitive interface to the east, the form and massing on the whole is acceptable.
- The height and scale of the development builds on the strategic direction for this section of High Street. Refer to a detailed discussion under the section of the report under Clause 22.05.

- The siting and scale of the building responds appropriately to the existing pattern of subdivision and the large commercial building forms in the surrounding area.
- There are no adjoining heritage forms.
- No overlooking is envisaged as habitable room windows are oriented to the street, laneway or internal atrium; the nearest residential land is more than 9 metres from the site's boundaries. Whilst there may be residential uses on adjoining commercial land to the north, the same level of amenity protection to these dwellings cannot be expected.
- The dwellings have been designed to provide outlook, daylight access and privacy to residents.
- Dwellings and retail spaces have views to the public realm.
- At six (6) storeys the building is unlikely to suffer from unwanted wind effects.
- Sunlight access to public spaces will not be unreasonably affected.
- Street setbacks are discussed in the assessment against Clause 22.05.

Street Pattern and Edge Quality

- The site does not have any through connections to adjoining streets.
- Design of the shopfronts is acceptable.
- No new blank walls are proposed. Whilst the car parking at first floor level results in external walls visible from public areas, the walls are treated so as not to dominate the frontage and blend in with the character of the building. The use of visually interesting brickwork to the car parking walls also picks up on the use of red brickwork in older buildings prevalent in this part of High Street. Parking areas are considered to comply with the objective requiring concealment and recessive nature to car parking facilities, subject to conditions (see discussion in later sections of this report).
- The recess to the bank frontage on High Street is large enough so that there is spaciousness and visibility built into the design.

Building Entries

Residential access is efficient, with daylight and ventilation to the access core.

Front Fences

There is no front fence proposed.

Parking Layout

- The car park access and layout is acceptable and will provide adequate resident parking, subject to conditions. Refer to the assessment against Clause 52.06 later in this report for details of parking layout and conditions.
- Bicycle parking has been detailed, with 29 spaces provided.
- The parking design detail is subject to conditions (refer to later sections of this report).

Circulation Spaces

- The residential foyer is ample and the corridor width allows adequate circulation and delivery/removal of large furniture items.

- The entrance provides visibility and light into the front area.
- Well-proportioned foyer areas and adjoining corridors are provided within the upper levels. A landing at the pedestrian entrance will be required subject to conditions.

Site Services

Site services and sustainability are discussed elsewhere in the report.

Dwelling Diversity

Dwelling diversity is discussed elsewhere in the report.

Building Layout

- There are dwellings with a southern orientation. However, these have been designed so that habitable rooms have unrestricted views.
- All living areas are provided with views, with natural light and ventilation to all habitable areas.
- The lift and stairs provide convenient access to the dwellings.
- Storage areas for the dwellings are provided within the car park level 1. Twenty-eight storage spaces are proposed at a rate of one (1) space per dwelling.
- A condition of approval will require an acoustic report to be submitted and approved by Council.

Design Detail

Design detail is covered in the assessment of the proposal against Clauses 22.05, 22.06 and the Incorporated Plan elsewhere in this report.

Private and Communal Open Space

- All dwellings are provided with private open space in the form of balconies, appropriately located adjacent to living areas and with adequate dimensions (subject to conditions) and access to sunlight. Communal open space and rooftop garden are also proposed. Details of landscaping, maintenance and management can be requested via conditions of any approval.
- Balconies are integrated into the façade of the building and are protected with adjustable screens or covered above for solar protection on the western side which will have the greatest heat exposure.
- A condition of approval will require a landscape plan to be prepared to the satisfaction of the responsible authority.

High Street Corridor Land Use and Urban Design – Clause 22.05

Clause 22.05 implements the High Street land use and urban design objectives and strategies set out in the Municipal Strategic Statement and the recommendations of the High Street Urban Design Framework and Precinct Guidelines. It is policy that:

- *Where vehicular access to the site is obtained by a laneway, the laneway is to be widened to 6 metres.*

- Buildings with street frontage are to maintain a street wall height of 8-10 metres with upper levels set back.
- Where preferred building height is expressed as a number of storeys, the ground floor storey is expected to be up to 4 metres high and storeys above ground floor to be 3 metres high.
- New development is required to have rear setbacks adjacent to residential properties in accordance with the Diagrams below. (Note that these rear setback requirements are based on an extrapolation of Standard B17 in clause 55.04-1 of the Darebin Planning Scheme.):

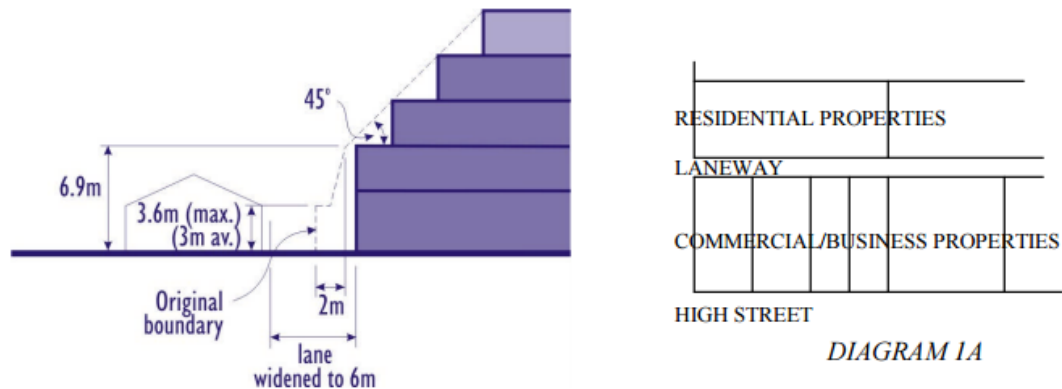


Diagram 1 – Side-on Residential Properties Separated by a Laneway

Diagram 1 applies where the adjoining residential property fronts at right angles to the properties fronting High Street, as shown above in Diagram 1A, where a laneway separates the properties. Where laneways are widened, the rear setbacks apply to the original boundary.

An urban design assessment has been carried out and it is considered that the three (3) storey street wall has been expressed through facade composition, and would read as the dominant element in the streetscape, as required by the above policy.

It is noted that the abutments with the subject site do not fit the typical arrangements shown on any of the Diagrams in Clause 22.05 with the closest typical layout being the one depicted above. The site has a laneway abutment to the rear (east side) beyond which, instead of the typical residential abutment, there is a Public Park and Recreation Zone (PPRZ) adjoining the eastern side of the laneway, and is used as a public car park.

The car park extends for approximately 20 metres along the Clarendon Road frontage before the General Residential zone commences. This creates a 20 metre separation, or a virtual buffer zone, for the site from any sensitive interface. The site is also a corner site within 18 metres of the intersection of High Street and Clarendon Street. The site is identified as an “anchor” site with site-specific controls for height and setbacks within the Precinct 5 guidelines below.

Precinct 5 “Thornbury Village” - in Precinct 5 it is policy:

- To enhance and support the role and viability of the centre in providing local convenience and comparison retailing, service and office uses.

The proposed shop and office (bank) uses provide convenience and the continued viability of the retail strip. The ground floor layout is appropriate for its context.

- *To retain and enhance the low scale Victorian and Edwardian buildings on traditional narrow fronted lots on the west side and north of Normanby Avenue.*

The subject site context is different to the above with a range of building styles and no heritage overlay.

- *To encourage the development of small scale residential development above or behind business premises.*

Residential use is proposed above the ground floor commercial uses.

- *To ensure that the visual impact of development behind or above existing buildings is minimised by appropriate setbacks and height.*

Whilst the development is prominent, the statement made is positive and robust and will contribute to furthering the quality of urban design and architectural expression along High Street. The setbacks and massing are discussed in later parts of this policy below.

- *To encourage the redevelopment of sites south of Clarendon Street and immediately north of Clarendon Street on the east side of High Street (Nos. 630-656 and 658-668 High Street and 6 Clarendon Street, Thornbury) for new anchor attractions or residential development in mid to high rise buildings.*

The subject site is in Precinct 5 is identified as an anchor attraction and therefore warrants a strong response to this anchor location. There is site-specific support given within the Precinct policy for variation to the general requirements of Clause 22.05.

- *To encourage the sensitive reuse of the heritage 'Browns Motors' building (No.626-628 High Street, Thornbury).*

No applicable.

- *To ensure new development is designed to protect the amenity of adjoining residential properties.*

Due to significant separation from the site the amenity of surrounding residential properties will not be affected.

Design Guidelines:

New buildings or extensions (other than sites identified below) are not to exceed two levels above existing building floor levels, and are to be built to the front and side boundaries up to a height of between 8 and 10 metres above ground level, and then set back a minimum of 1.5 metres from the front boundary per floor.

In the area of the Precinct on the east side of High Street south of Clarendon Street and immediately north of Clarendon Street (Nos. 630-656 and 658-668 High Street and 6 Clarendon Street, Thornbury), new development is:

- *To be graduated in height from a maximum of 3 storeys at the eastern boundary to a maximum of 5 storeys along High Street or 6 storeys within 18 metres of the corner of High Street and Clarendon Street along both street frontages*
- *To be built to the front and side boundaries up to a height of between 8 and 10 metres above ground level along the High Street and Clarendon Street frontages, and then set back a minimum of 1.5 metres from the front boundary per floor*

- *To include measures (such as contrasting external wall materials) to ensure any part of the building above and set back from the front wall is visually recessive.*

The site has an approximate width of 19.5 metres to High Street and 32 metres to Clarendon Street. A large proportion of the site is therefore within 18 metres of the identified intersection, and is a specifically identified anchor site.

Policy requires massing to graduate from three (3) storeys at the rear (eastern boundary) to a maximum of six (6) storeys within 18 metres of the corner of High and Clarendon Streets. The development proposes six (6) storeys and therefore does not exceed the maximum recommended height limit. However to the east, the massing is not graduated from three (3) to five (5) storeys. As can be seen in Section 03 the six (6) levels of the development are provided with zero setback from the laneway.

The deviation from policy in this instance is considered justifiable. The massing envisaged by policy essentially protects and intends to achieve a building height transition that is respectful of immediately adjoining dwellings which may be in the order of single or double storey dwellings and the recommended three (3) storey height adjacent to this context would be an appropriate design response. However in this instance the above-described context does not exist adjacent to the subject site.

The site is adjoined not only by a laneway but also a car park beyond the laneway with residential land approximately 23 metres to the east of the eastern boundary of the site. Furthermore, the eastern walls are punctuated with balcony recesses and continue a high quality active façade to the east, providing visually attractive presentation toward the rear.

The street wall detailing responds to existing solid/void ratios, fenestration patterns and facade rhythms. The proposed High Street elevation appropriately references the existing grain by separating this elevation into two elements.

The overall composition is considered to produce a hierarchy of elements whereby the upper levels are visually subordinate to the dominant street wall element, as per the requirement for setbacks of 1.5 metre/floor level above 3 storeys. The street wall configuration provides regard to its role in providing enclosure to the street edge on High Street, the continuity of this element across multiple adjacent sites, and provides an acceptable contemporary response to a potential future 3 storey street-wall that would be permissible on the adjacent site to the north.

Graduation of massing as anticipated by policy often results in poor architectural form, inefficient use of the site and the undesirable “wedding cake” effect if interpreted literally. The guidelines within the policy should therefore be applied with due discretion to ensure high quality and context driven outcomes are supported; excellence in urban design is achieved and no detrimental amenity impacts are caused as a result of any deviation from this policy. These considerations are considered to be relevant to the development proposal. Given the site’s corner location, a more robust response to street wall composition could be considered at the High/Clarendon Street corner. Given the lack of sensitive interfaces at this location, no detrimental amenity impacts will arise.

Clause 22.06 – Multi-Residential and Mixed Use Development

This assessment does not apply if the land is in the DDO14. But this report includes the assessment in both areas to cover both scenarios of land. It is policy to:

- *To consider the objectives and guidelines of the following design elements in the assessment of multi-residential apartment development and mixed use development.*

- *For development of five or more storeys, to also consider the Guidelines for Higher Density Residential Development (DSE 2004).*
- *To encourage the consolidation of lots to increase development opportunities and encourage high quality design and amenity outcomes.*
- *To encourage the location of the mass of buildings towards the street frontage through which the rear bulk is minimised.*
- *To maximise street and rear facing dwellings to facilitate high quality internal amenity and reduce negative offsite impacts of development.*
- *To ensure development makes a positive contribution to the pedestrian environment*

Clause 22.06-3.1 Sustainability

The energy efficiency and sustainability rating of the development has been approved by Council. Subject to conditions, the Sustainable Management Plan prepared by Simpson Kotzman Consulting Engineers dated 16 November 2015 is to be revised to reflect the following matters:

- a. Skylights shown on the upper floor bathrooms are to be reflected on the roof plan; or provide solar powered LED lights for these bathrooms.
- b. Further details on the onsite detention system are required.

Dwellings which have windows on a western outer wall show adjustable screens to these windows to regulate overheating during the summer months.

Whilst some of the dwellings include battle-axe window arrangements to bedrooms facing south, there are only four (4) out of the 28 dwellings (Apartments 6,7,8, and 9) which are affected by this arrangement, and only insofar as one (1) out of the two (2) bedrooms within these dwellings are affected.

The battle-axe has a depth of 0.6 metres and is comprised of a glazed door which leads out to a small balcony space allowing ample ventilation and extension of space to an outdoor area from the room.

Four (4) out of the 28 dwellings also have a slightly excessive depth and hence separation from windows on an external wall. These are apartments 1, 2, 11 and 12 and due to the westerly orientation will still receive sunlight to the deeper end of the apartments (kitchen spaces) where some artificial lighting is often required to perform tasks even under more ideal lighting conditions.

The atrium to the north side of the floor plate will provide daylight access to one (1) bedroom to dwellings which adjoin to the atrium. The atrium has generous dimensions and is partly open to the sky at the roof, utilising louvres. It is not clear on the drawings whether the louvres will be adjustable to maximise daylight penetration to the atrium during seasonal changes. A condition of any approval will request that these louvres be remotely adjustable to regulate daylight access to the atrium as required.

Clause 22.06-3.2 Design and Materials

- Building levels are distinguished via horizontal banding or building elements.
- Strong robust building form is provided

- Building mass is evenly distributed across the site given the lack of sensitive interfaces to the site.
- As discussed under Clause 22.05, the development proposal is considered to provide an appropriate design in the massing, façade modulation, relief modelling, fenestration, and an acceptable palette of materials and finishes. However, whilst the use of brickwork to the first floor walls associated with the carpark continues the tradition of red brickwork evident on many nearby buildings along High Street, including the buildings on the southern side of Clarendon Street at the Psarakos Markets, the solid brickwork on the southern elevation is considered to form an overly bulky element and should be treated to reduce the bulkiness. This can be achieved by incorporating perforations in the brickwork similar to the west elevation and scalloping the infill panels between piers to fracture the continuity of the first floor wall across a 32 metre span.
- Design and building materials are considered to be low maintenance, durable and of high quality.
- Development should retain (to a reasonable level) the development potential of adjoining sites so that equitable access direct sunlight is achieved. It is anticipated that a common boundary wall will be constructed on the northern boundary with any redevelopment of the adjoining site. Whilst this will affect the internal atrium in the development, the atrium is of sufficient dimensions to maintain a sense of space and has the capacity to maintain natural daylight via the open louvred rooftop above the atrium. Additionally, only bedrooms rely on the atrium for daylight.
- A domestic design approach is provided, comprising a balance of solid and void elements, embellished with architectural features such as balconies and the appearance of the residential levels maintain a domestic character.
- Development in commercial or mixed use zones should provide for appropriate floor to ceiling heights at ground level where fronting the main street to support commercial uses. The floor to ceiling height at ground level is 3.6 metres and suited to the proposed commercial uses.
- Where blank walls to upper levels of buildings are unavoidable, they should be treated to reduce their visual impact. The development provides a level of treatment to the upper floor side boundary wall (north side) through a painted treatment. Notwithstanding the expectation that a development of similar scale may be constructed to the northern boundary in the future, painted treatments are not favoured as a long term solution or a convincing treatment to concrete walls. A physical imprint or relief work in the concrete to the northern wall can be requested via conditions.
- Rooftop services have been shown on the roof plan; however the provision of a communal antenna has not been included. This can be requested via conditions.
- Site services, such as utility meters, substations, fire booster and the like should be located and designed to minimise visibility from public spaces, especially the main street frontage. Whilst a services room is shown internally, external authority services are generally required to be accessible on an external wall. This will be requested via conditions.

Clause 22.06-3.3 Building Height

Building height and massing is covered in other sections of this report under the Clause 22.05 assessment. The height and massing are considered to be appropriate.

Clause 22.06-3.4 Dwelling Diversity

The development provides two (2) and one (1) bedroom accommodation. Given the site's constraint in terms of area, smaller dwellings on the site are considered acceptable. Residential apartments provide range of living and bedroom configurations to promote housing affordability and choice. The proposed retail units are of a good size and provide functional layouts.

Clause 22.06-3.5 Parking and Vehicle Access

- The proposal avoids crossover openings to High Street to avoid any effects and delays on the flow of traffic and public transport (tram route 86) on High Street. No new crossovers are proposed to Clarendon Street thereby protecting the integrity of the two (2) Road Zones abutting the site and assisting the management of traffic at a busy intersection where no standing zones apply.
- The existing vehicle access on Clarendon Street utilising the laneway will be used to gain vehicle access to parking areas on the first floor. The design response in this instance locates car parking above ground level as opposed to the more traditional practice of locating car parking at ground (sleeved by development at street frontages) and basement level/s (concealed from the street). Whilst the car parking level walls will be visible to the street, the treatment of walls including greening of these walls are intended to conceal any unsightly views of the car park level. From a pedestrian level, the car park will not be apparent due to the presence of the canopy over the footpath.
- Car parking commensurate with the intensity of development has been accommodated in a concealed car parking arrangement which uses an efficient, automated car parking solution in the form of car stackers and car lift. Drivers will be able to operate the lift remotely from inside their vehicles and will not be required to exit the vehicle to operate the car lift and/or doors.
- Car parking incorporates feature brickwork and planter boxes which will also provide natural ventilation to this level, reducing the need for mechanical ventilation. Due to the proximity of the car parking to the apartments, a condition of any approval will require appropriate noise attenuation measures to be built in to the design of level immediately above the car park.
- The number bicycle spaces should exceed the requirements of Clause 52.34 to reflect the high level of ridership in Darebin. Whilst there is a statutory requirement for the development to provide nine (9) bicycle parking spaces, 29 bicycle parking spaces are proposed. The design and location of the bicycle parking facilities is considered acceptable subject to conditions (refer to discussion under Clause 52.34 in later sections of this report).

Clause 22.06-3.6 Street Address Mixed Use developments

- The development provides a sense of address to residences within mixed use developments with a clear and legible entry at the site's Clarendon Street frontage.

- Where a proposed development is located in a retail area the ground level frontage of the building facing the street should be designed and used for retail or other approved business purposes to provide an active frontage. The shop and bank frontage is consistent with this policy.
- In core retail areas, development should provide continuous weather protection to the footpath. Weather protection is to be set back by 750mm from the kerb to ensure it does not interfere with vehicles. Canopy over the footpaths on High Street and Clarendon Street are provided. However a setback dimension is not shown. This may be requested via conditions of any approval.
- Development should provide for active frontage to the footpath through the inclusion of generous glazing, openings or other design techniques that promote visibility and accessibility between the footpath and the building. The development provides excellent transition space between the footpath and glazed shop frontage and the existing bank façade which is predominantly transparent.
- Development provides an attractive well-designed and finished interface between the building and the footpath.
- The development provides an attractive, recognisable and accessible pedestrian access point from the street to the residential component of the building.
- Advertising signs should be designed as integrated and visually cohesive elements of the building design. No signage is proposed as part of this application.
- Any recesses in the ground floor front facade of a building built to the street boundary should be no more than 300 millimetres deep and no less than one metre wide. Whilst the recess to the High Street exceeds this dimension, the forecourt is part of the overall layout of the bank and the externally accessible public services it needs to provide.
- There is space available in the pedestrian entry hall to locate mail boxes.

Clause 22.06-3.7 Street Address Residential Areas (N/A)

The site is not within a residential area.

Clause 22.06-3.8 Amenity Impacts Including Overshadowing and Overlooking

There are no external amenity impacts envisaged, including overshadowing and overlooking due to the non-sensitive interfaces adjoining the site.

Clause 22.06-3.9 On-Site Amenity and Facilities Including Private Open Space

- Development should meet the objectives of Clauses 55.05-1 to 55.05-4, 55.05-6 and 55.06-4 of the Darebin Planning Scheme (see Clause 55 table in later sections of this report).
- Where single aspect south facing apartments cannot be avoided, light wells should be incorporated to provide direct natural light to habitable rooms. All habitable rooms in south-facing single-aspect dwellings will have a window on an outer wall, therefore light wells are not considered necessary.
- Windows to apartments with a single outlook must be clear to the sky, and should not be overhung with balconies or other protruding structure, unless the overhang is designed to provide a shading function and avoid excess heat gain. Overhangs to the west provide valuable shading to windows and glazed doors. Overhangs to the south only

affect one (1) bedroom in four (4) out of 28 dwellings and is considered to be an acceptable ratio on the whole.

- Bedrooms that rely upon borrowed light, including 'battle axe' bedrooms, are avoided on the whole.
- Development incorporates weather protection to private open space. These elements are designed as integrated and visually cohesive elements of the building design.
- Development makes adequate provision for natural light and ventilation to habitable rooms, including bedrooms, as discussed in other sections of this report.
- Communal open space is provided at the roof top level to allow for recreational uses such as a garden, courtyard, tables and seating, BBQ facilities and utility uses such as open air clothes drying, as necessary.
- Communication devices, cabling, antennas and plant should be integrated into the building design, consolidated and rationalised wherever possible and not visible from the surrounding streets. The location of services will be requested via conditions of any approval.

Clause 22.06-3.10 Waste Management

- A waste management plan has been submitted with the application and is approved by Council. Residential waste is to be transferred vertically from each floor via chutes to a ground floor central waste storage room. Waste collection for the Shop is to be within the waste bin compound with its own dedicated bins. Waste for the bank is to be stored in its own footprint within a waste storage area.
- Waste collection is to occur via the laneway and is to be privately collected in accordance with the waste management plan, which can be referenced via condition of any approval given.

Clause 22.06-3.11 Equitable Access

- Any part of the building to which the general public should have unrestricted access i.e. the apartment entrance and commercial entries is to be designed and constructed to avoid discrimination in the provision of access. This may be addressed via conditions of approval.
- Whilst not all dwellings are designed so as to include a living room and bedroom, kitchen, bath or shower, and a toilet and wash basin at one level, some of the dwellings are and provide choice of housing. All levels are accessible by lift directly into the dwellings.

Clause 34.01-8 (Commercial 1 Zone) – Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*

There is provision made for bicycle parking for tenants on the site within the car park and common areas. Additional cycle parking is shown within each commercial tenancy. Primary pedestrian access will be from the active street frontage with secondary access available from the car park.

- *The provision of car parking.*

Car parking provision is satisfactory, subject to conditions (see discussion in later parts of this report under Clause 52.06).

- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*

Urban design assessment is carried out under Clause 22.05 and Clause 22.06 in earlier sections of this report.

- *The storage of rubbish and materials for recycling.*

Satisfactory provision is made on site for the storage of waste. A waste management plan has been submitted and approved by Council. Private waste collection is to be undertaken via the right of way which is appropriate. This will not affect the amenity of any residential property due to non-sensitive interfaces adjoining the site.

- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*

This aspect of the development will be considered as part of the subdivision of land at a later stage. However, the tenancies are designed to ensure common and private areas are clearly delineated to ensure effective management of landscaping and communal areas.

- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Abutting land to the north is in the Commercial 1 Zone. The remaining three (3) boundaries of the site have an abuttal with High Street, Clarendon Street and the laneway. The development is sufficiently set back from these boundaries so as not to have any impact on the amenity nearby residential land (see further discussion in earlier parts of this report).

- *The availability of and connection to services.*

All services are available to the site.

- *The design of buildings to provide for solar access.*

The building is designed to ensure solar access is available to windows and balconies.

- *The relevant objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of five or more storeys, excluding a basement.*

The site is located in the Commercial 1 Zone, where Clause 55 specifically excludes application of Clause 55 requirements to development of five (5) or more storeys in the Commercial 1 Zone. However assessment against the relevant Standards in Clause 55 is carried out below, arising from the requirements of Clause 22.06 (refer to Clause 55 Compliance Summary).

Car Parking - Clause 52.06

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

Use	Rate	Number/Area	Requirement
Dwelling	1 to each 1and2 bedroom dwelling	28 dwellings	28 spaces
Dwelling Visitor	1 space to each 5 dwellings	28 dwellings	5 spaces
Shop	4 spaces to each 100 m ² net floor area	165 m ²	6 spaces
Total Requirement			39 spaces

The applicant has proposed to provide 26 car parking spaces, and is therefore seeking a total waiver of 13 car spaces, including 6 shop spaces, 2 resident spaces and 5 visitor spaces. The applicant has also submitted an assessment of the car parking demand and concludes that the proposed provision of car parking is satisfactory based on the following:

- The aims of the Darebin Transport Strategy (2007-2027) and Clause 21.05-2 of the Darebin Planning Scheme which seeks to encourage the use of sustainable transport modes.
- Existing car parking credits for the site associated with the site (31 spaces as outlined within the Traffic report)
- The availability of on-street parking for visitor parking demands.
- ABS car ownership data which indicates an 85th percentile car ownership rate of 0.88 spaces per apartment. The provision of 14 spaces for the 16 one-bedroom apartments equates to a provision of 0.88 spaces per apartment, consistent with ABS data.
- Residential visitor car parking demands are likely to occur during the weekday evenings and weekends, outside of core business hours. The report also nominates a peak demand rate of 0.09 spaces per apartment, based on survey data from 2010 for a site in Beacon Cove.
- Retail visitor demands are likely to be low with the potential for a high level of walk-up trade.

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:

- The site is easily accessible via public transport with Thornbury railway station located some 600m from the site. Tram services and bus services also operate on High Street and Clarendon Street respectively.

- St Georges Road shared path is located 650 metres to the west of the site. This path provides a convenient connection to the CBD for cyclists and pedestrians. It also provides a connection to the Capital City Trail.
- The proposed car parking provision aligns with ABS car ownership data for residents.
- The existing shop/commercial uses do not provide staff car parking on-site. The development proposes to reduce the floor area of the existing Bank and the retail/shop uses.

Design Standards for Car parking

The car parking and access design are acceptable to Council subject to the following conditions being included in any approval provided:

- No pedestrian doors are to open into parking areas, parking aisles, or circulation roadways. Doors are still shown that will open into the path of bicycle users.
- A sustainable transport display area is to be 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. Darebin Local Access Guides, showing public transport, walking and cycling routes are available from Council on 8470 8888. Public Transport timetables are available from PTV.

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. 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. The loading bay requirement can therefore be waived in this instance.

Clause 52.34 – Bicycle Parking

- 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	6 spaces	3 spaces
Shop (>1000 m ²)	1 to each 600 m ²	1 to each 500 m ²	Nil	Nil
Total Requirement			6 spaces	3 spaces

- The applicant has proposed to provide 29 bicycle parking spaces for residents and visitors.
- As per Clause 52.34, a bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound. In order to ensure the useability of employee/resident bicycle parking, AS2890.3 requires at least 20% of the statutorily required bicycle spaces to be provided via a ground-mounted hoop or rail (e.g. so that the user does not need to lift their bicycle).
- Clause 52.34 also requires that a bicycle space for a visitor, shopper, or student must be provided at an external bicycle rail near the main entrance to the development. If the applicant is unable to supply cycle parking within the boundaries of the site (i.e. not on the public footpath), 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.
- It is noted that the traffic report indicates that the on-site bicycle parking on level 1 is for residents and visitors. Noting that a u-rack is located on the site's frontage to High Street, and given that residents can escort visitors to the secure bicycle parking, the visitor arrangement is acceptable in this instance (for the 3 statutorily required visitor spaces).
- A minimum access path width is to be provided for bicycle access.
- At least 20% of the statutorily required resident bicycle parking is to be provided via a ground-mounted hoop or rail (e.g. so that the user does not need to lift their bicycle) as per AS2890.3. This can be addressed via conditions.
- One (1) employee bicycle space is to be provided for the shop use either in a bicycle locker or at a bicycle rail, within in a lockable compound. This can be addressed via conditions.

Clause 44.05-1 (Special Building Overlay)

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

- The proposal is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The proposal has been assessed by Melbourne Water, the relevant floodplain management authority, and (subject to condition) written consent has been provided pursuant to section 55 of the Act.
- The proposed development will not unreasonably redirect or obstruct floodwater, stormwater or drainage water, adversely reduce flood storage or unreasonably increase flood levels or flow velocities.

Subject to conditions, the development will not have any adverse effects on reducing flood storage and increasing flood levels and flow velocities, as determined by Melbourne Water.

CLAUSE 55 COMPLIANCE SUMMARY

Relevant standards of Clause 55 for development as per the requirements are set out below:

Clause	Std		Compliance	
			Std	Obj
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility. A condition of any approval is to specify pedestrian access and facilities in the development comply with AS1428.1:2009	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the building are identifiable and provide an adequate area for transition. Commercial and residential entries are sufficiently differentiated with their own sense of address. Weather protection and legibility is provided at the streetscape interface.	Y	Y
		Complies		
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access. Assuming adjoining sites are developed a similar scale, although it is anticipated by policy that any development on the northern side of the site would need to comply with a height constraint of no more than two (2) levels above the existing i.e. a maximum of four (4) storeys, all windows in the development will continue to have access to a light court with a minimum area of 3 square metres open to the sky with a minimum depth of 1 metre. Any redevelopment of the adjoining sites would also need to respond to daylight requirements on the subject site. This should not prejudice development opportunity on adjoining sites provided similar side setbacks opposite the proposed atrium are adopted.	Y	Y
		Complies		
55.05-4	B28	Private open space		
		Private open space is provided in the form of individual balconies and communal open space (roof garden and common covered area).	Y	Y
		The balconies range in area from 8 square metres to 11 square metres, and have minimum dimensions in excess of 1.6 metres; however this is required to be confirmed by conditions.		

Clause	Std		Compliance	
		All balconies have direct access from a living room. The balcony dimensions will provide functional recreational space. In addition, 30 m ² of communal open space is available on the third level for residents. Complies subject to conditions		
55.06-4	B34	Site services		
		Sufficient areas for site services are provided. Location of services should be identified on the plans; this is to be requested via conditions of any approval. Complies subject to conditions	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation. Stormwater discharge from the site is to be to Council and Melbourne Water requirements.
Transport Management and Planning	No objection, subject to condition included in recommendation relating to: <ul style="list-style-type: none"> a. Pedestrian door swings. b. 20% of resident bicycle parking to comply with AS2890.3. c. A minimum access width of 1.5m to on-site bicycle parking facilities. d. A sustainable transport display area is to be provided. e. One (1) employee bicycle space is to be provided.
Property Unit	No objection to the use of Council's road (right of way) to the rear of the site for the purpose of access to the site.
ESD Officer	No objection, subject to conditions. A revised Sustainable Management Plan is to be submitted detailing stormwater detention on the site and skylights on the roof plan. <ul style="list-style-type: none"> a.
Melbourne Water	No objection, subject to conditions included in recommendation (Melbourne Water Conditions).

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, Clause 55 assessment for developments less than 5-storeys; as the development proposes more than five (5) storeys this provision does not apply. However, Clause 22.06-3.9 of the Darebin Planning Scheme specifies that all multi-residential and mixed use development meet particular objectives of Clause 55.
- Clause 44.05-1 (Special Building Overlay) – A permit is required to construct a building or construct or carry out works.
- Clause 52.06-3 (Car Parking) – A permit is required to reduce (including reducing 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 requirements.
- 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, 13.01-3, 15.01-1, 15.01-5, 15.02, 16.01, 17.01-1, 18.02-5, 19.03-1
LPPF	21.03, 21.04, 21.05, 22.05, 22.06
Zone	34.01
Overlay	44.05, 45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS

Environmental Sustainability

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls. The development is also required to have a Sustainability Management Plan (SMP) prepared and submitted for approval by the Responsible Authority.

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

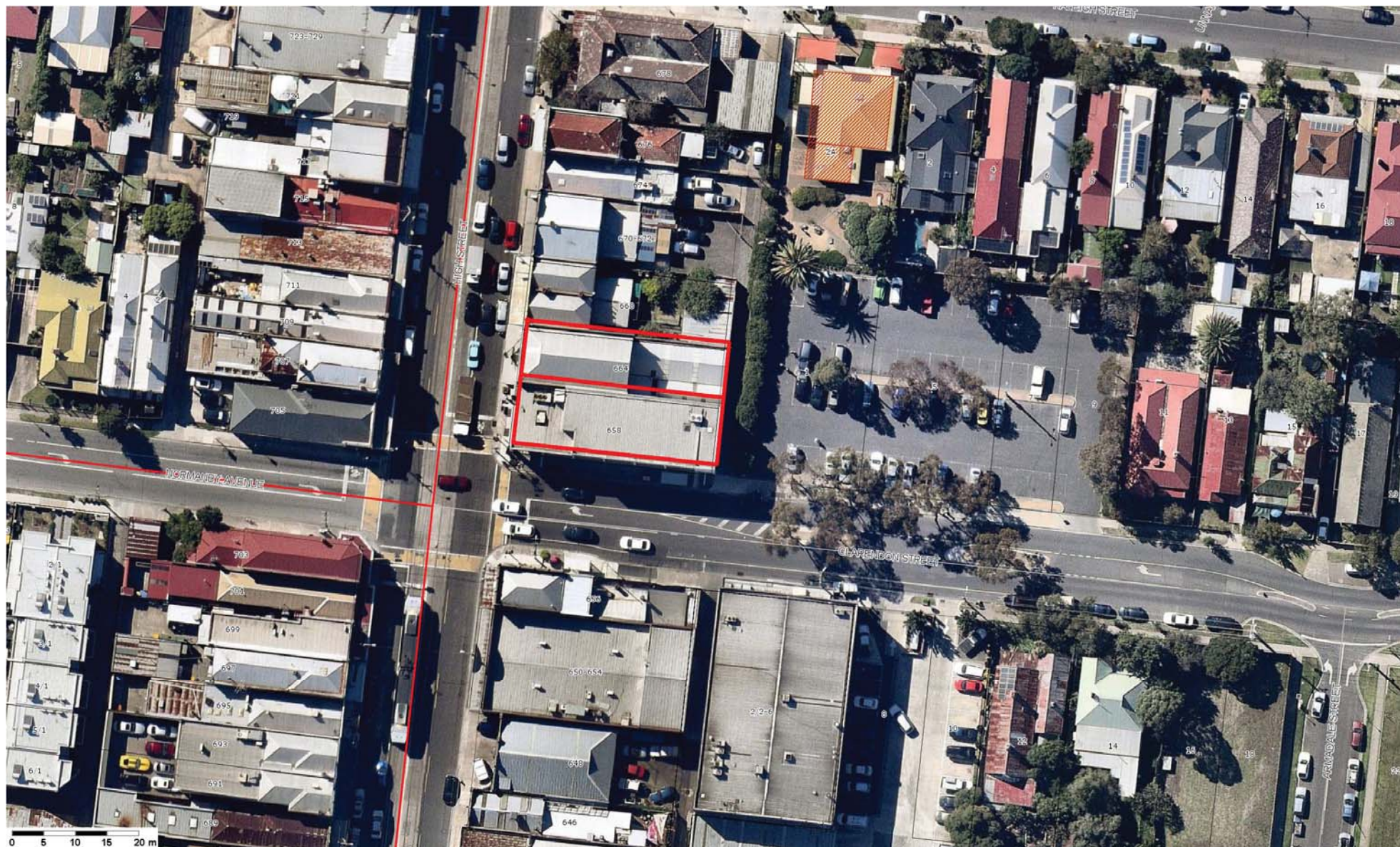
DISCLOSURE OF INTERESTS

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.









658 - 664 HIGH ST THORBURY - MIXED USE DEVELOPMENT

AREA SCHEDULE

Apt. No.	Name	Level	Area
-	NEW COMMERCIAL PREMISES	Not Placed	Not Placed
-	NEW RETAIL PREMISES	GROUND FLOOR	164 m²
-	EXISTING BANK TO REMAIN	GROUND FLOOR	248 m²
-	APARTMENT BIN ROOM	GROUND FLOOR	17 m²
-	SERVICES ROOM	GROUND FLOOR	8 m²
-	CARPARK	LEVEL 1	578 m²
-	ROOF TOP TERRACE	PROPOSED LEVEL 6	51 m²
-	ROOF TOP GARDEN	PROPOSED LEVEL 6	100 m²
APT 1	1 BED	PROPOSED LEVEL 2	52 m²
APT 1	BALCONY	PROPOSED LEVEL 2	11 m²
APT 2	1 BED	PROPOSED LEVEL 2	51 m²
APT 2	BALCONY	PROPOSED LEVEL 2	11 m²
APT 3	1 BED	PROPOSED LEVEL 2	10 m²
APT 3	BALCONY	PROPOSED LEVEL 2	49 m²
APT 4	1 BED	PROPOSED LEVEL 2	11 m²
APT 4	BALCONY	PROPOSED LEVEL 2	9 m²
APT 5	2 BED LOWER LEVEL	PROPOSED LEVEL 2	51 m²
APT 5	LIVING UPPER LEVEL	PROPOSED LEVEL 3	39 m²
APT 5	BALCONY	PROPOSED LEVEL 3	10 m²
APT 6	2 BED LOWER LEVEL	PROPOSED LEVEL 2	45 m²
APT 6	LIVING UPPER LEVEL	PROPOSED LEVEL 3	31 m²
APT 6	BALCONY	PROPOSED LEVEL 3	8 m²
APT 7	2 BED LOWER LEVEL	PROPOSED LEVEL 2	45 m²
APT 7	LIVING UPPER LEVEL	PROPOSED LEVEL 3	31 m²
APT 7	BALCONY	PROPOSED LEVEL 3	8 m²
APT 8	2 BED LOWER LEVEL	PROPOSED LEVEL 2	45 m²
APT 8	LIVING UPPER LEVEL	PROPOSED LEVEL 3	31 m²
APT 8	BALCONY	PROPOSED LEVEL 3	8 m²
APT 9	2 BED LOWER LEVEL	PROPOSED LEVEL 2	45 m²
APT 9	LIVING UPPER LEVEL	PROPOSED LEVEL 3	31 m²
APT 9	BALCONY	PROPOSED LEVEL 3	8 m²
APT 10	2 BED LOWER LEVEL	PROPOSED LEVEL 2	45 m²
APT 10	LIVING UPPER LEVEL	PROPOSED LEVEL 3	31 m²
APT 10	BALCONY	PROPOSED LEVEL 3	8 m²
APT 11	1 BED	PROPOSED LEVEL 3	52 m²
APT 11	BALCONY	PROPOSED LEVEL 3	11 m²
APT 12	1 BED	PROPOSED LEVEL 3	51 m²
APT 12	BALCONY	PROPOSED LEVEL 3	11 m²

AREA SCHEDULE

Apt. No.	Name	Level	Area
APT 13	1 BED	PROPOSED LEVEL 3	47 m²
APT 13	BALCONY	PROPOSED LEVEL 3	7 m²
APT 14	1 BED	PROPOSED LEVEL 3	49 m²
APT 14	BALCONY	PROPOSED LEVEL 3	9 m²
APT 15	1 BED	PROPOSED LEVEL 4	52 m²
APT 15	BALCONY	PROPOSED LEVEL 4	8 m²
APT 16	1 BED	PROPOSED LEVEL 4	51 m²
APT 16	BALCONY	PROPOSED LEVEL 4	8 m²
APT 17	1 BED	PROPOSED LEVEL 4	47 m²
APT 17	BALCONY	PROPOSED LEVEL 4	8 m²
APT 18	1 BED	PROPOSED LEVEL 4	49 m²
APT 18	BALCONY	PROPOSED LEVEL 4	8 m²
APT 19	LIVING LOWER LEVEL	PROPOSED LEVEL 4	39 m²
APT 19	BALCONY	PROPOSED LEVEL 4	14 m²
APT 19	2 BED UPPER LEVEL	PROPOSED LEVEL 5	46 m²
APT 20	LIVING LOWER LEVEL	PROPOSED LEVEL 4	31 m²
APT 20	BALCONY	PROPOSED LEVEL 4	9 m²
APT 20	2 BED UPPER LEVEL	PROPOSED LEVEL 5	39 m²
APT 21	LIVING LOWER LEVEL	PROPOSED LEVEL 4	31 m²
APT 21	BALCONY	PROPOSED LEVEL 4	9 m²
APT 21	2 BED UPPER LEVEL	PROPOSED LEVEL 5	39 m²
APT 22	LIVING LOWER LEVEL	PROPOSED LEVEL 4	31 m²
APT 22	BALCONY	PROPOSED LEVEL 4	9 m²
APT 22	2 BED UPPER LEVEL	PROPOSED LEVEL 5	39 m²
APT 23	LIVING LOWER LEVEL	PROPOSED LEVEL 4	31 m²
APT 23	BALCONY	PROPOSED LEVEL 4	9 m²
APT 23	2 BED UPPER LEVEL	PROPOSED LEVEL 5	39 m²
APT 24	LIVING LOWER LEVEL	PROPOSED LEVEL 4	31 m²
APT 24	BALCONY	PROPOSED LEVEL 4	9 m²
APT 24	2 BED UPPER LEVEL	PROPOSED LEVEL 5	36 m²
APT 25	1 BED	PROPOSED LEVEL 5	52 m²
APT 25	BALCONY	PROPOSED LEVEL 5	8 m²
APT 26	1 BED	PROPOSED LEVEL 5	51 m²
APT 26	BALCONY	PROPOSED LEVEL 5	8 m²
APT 27	1 BED	PROPOSED LEVEL 5	47 m²
APT 27	BALCONY	PROPOSED LEVEL 5	8 m²
APT 28	1 BED	PROPOSED LEVEL 5	49 m²
APT 28	BALCONY	PROPOSED LEVEL 5	8 m²

DRAWING LIST

Sheet Number	Sheet Name	Rev
P100	TITLE SHEET	1
P101	EXISTING CONDITIONS - GROUND FLOOR	1
P102	EXISTING CONDITIONS - LEVEL 1	1
P103	EXISTING CONDITIONS - LEVEL 2	1
P104	EXISTING CONDITIONS - ELEVATIONS	1
P105	EXISTING CONDITIONS - ELEVATIONS	1
P106	PROPOSED GROUND FLOOR PLAN	1
P107	PROPOSED LEVEL 1 FLOOR PLAN	1
P108	PROPOSED LEVEL 2 FLOOR PLAN	1
P109	PROPOSED LEVEL 3 FLOOR PLAN	1
P110	PROPOSED LEVEL 4 FLOOR PLAN	1
P111	PROPOSED LEVEL 5 FLOOR PLAN	1
P112	PROPOSED LEVEL 6 FLOOR PLAN	1
P113	PROPOSED WEST ELEVATION	1
P114	PROPOSED SOUTH ELEVATION	1
P115	PROPOSED EAST ELEVATION	1
P116	PROPOSED NORTH ELEVATION	1
P117	SECTION 1	1
P118	SECTION 3	1
P119	SECTION 3	1
P120	SUNPATH SHADOW DIAGRAM	1



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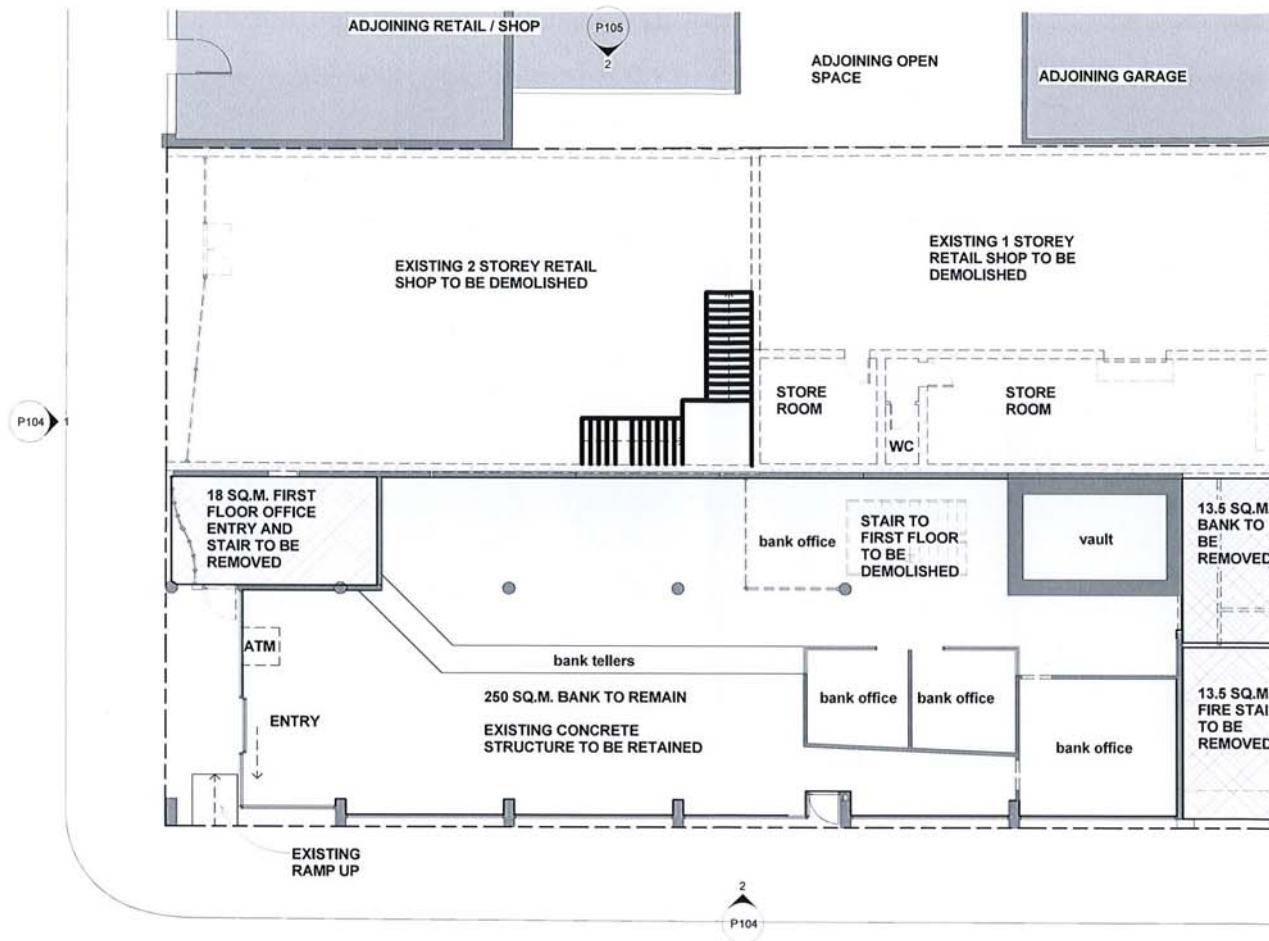
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TITLE SHEET

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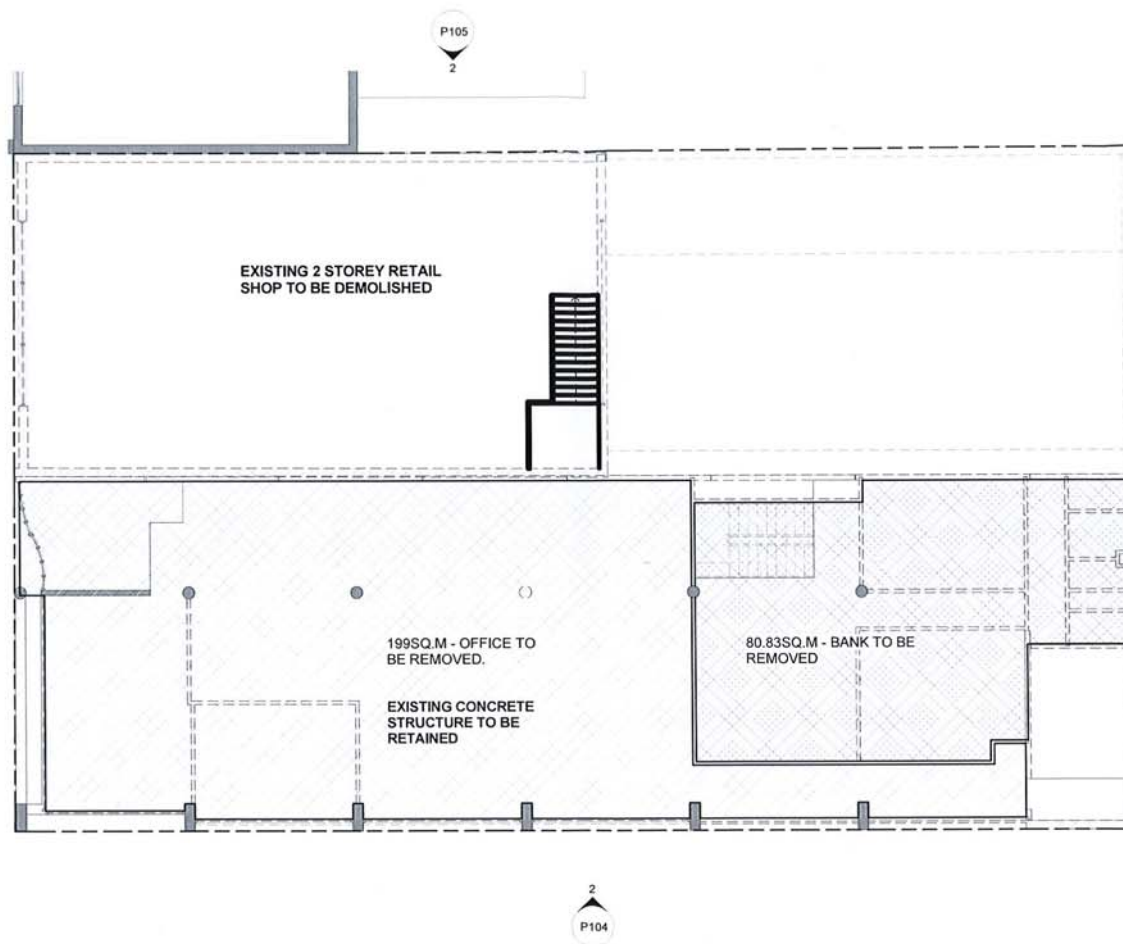


GROUND FLOOR EXISTING CONDITIONS

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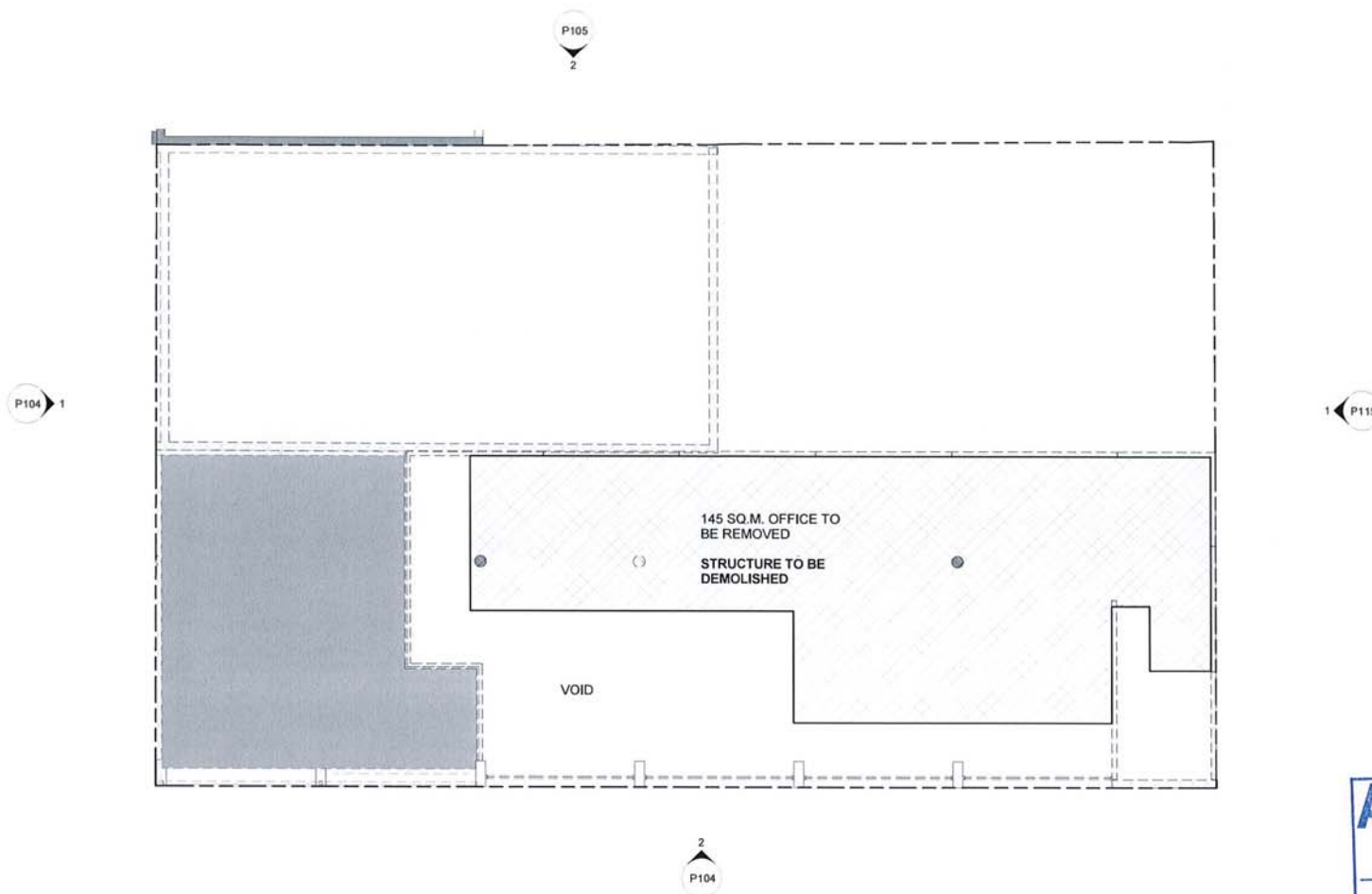
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P102
LEVEL 1 EXISTING CONDITIONS
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P103
EXISTING LEVEL 2
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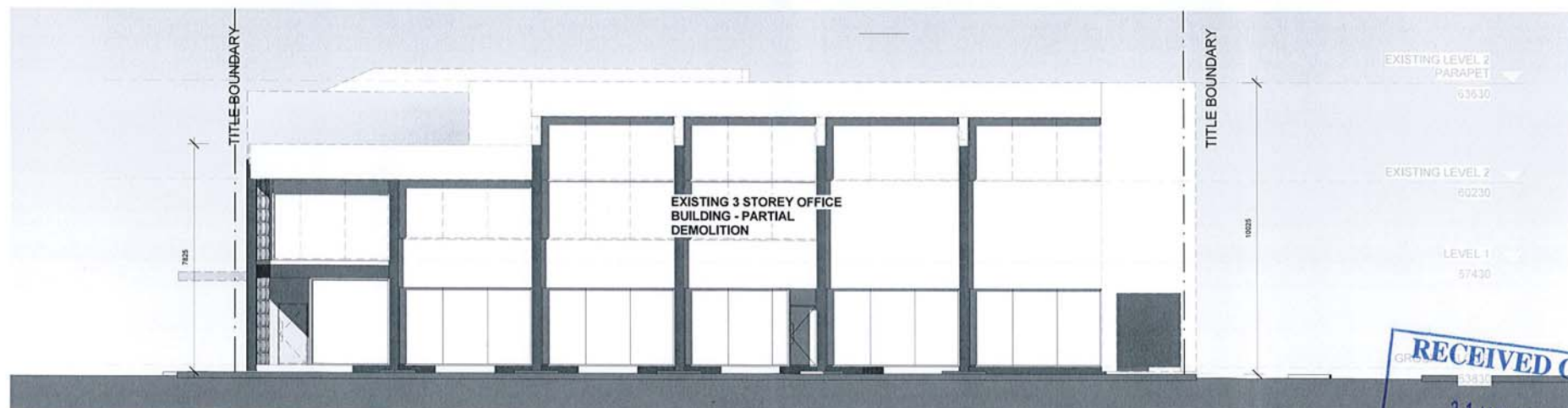
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1
 P104
EXISTING WEST ELEVATION
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2
 P104
EXISTING SOUTH ELEVATION
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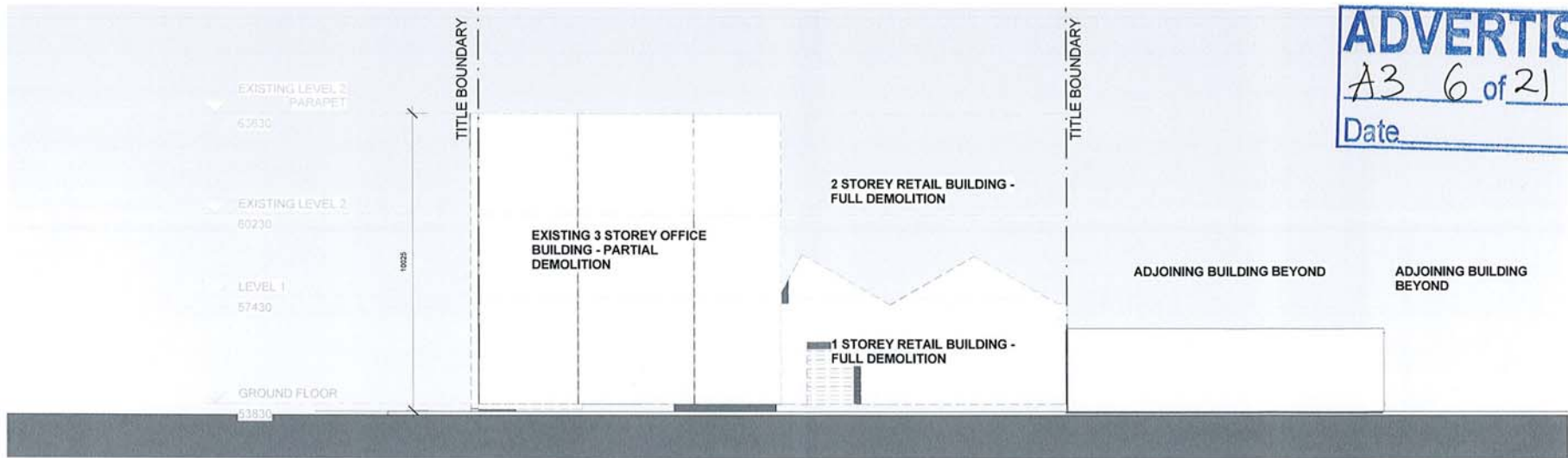
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EXISTING CONDITIONS - ELEVATIONS

Project number	14-002	P104
Date	Issue Date	
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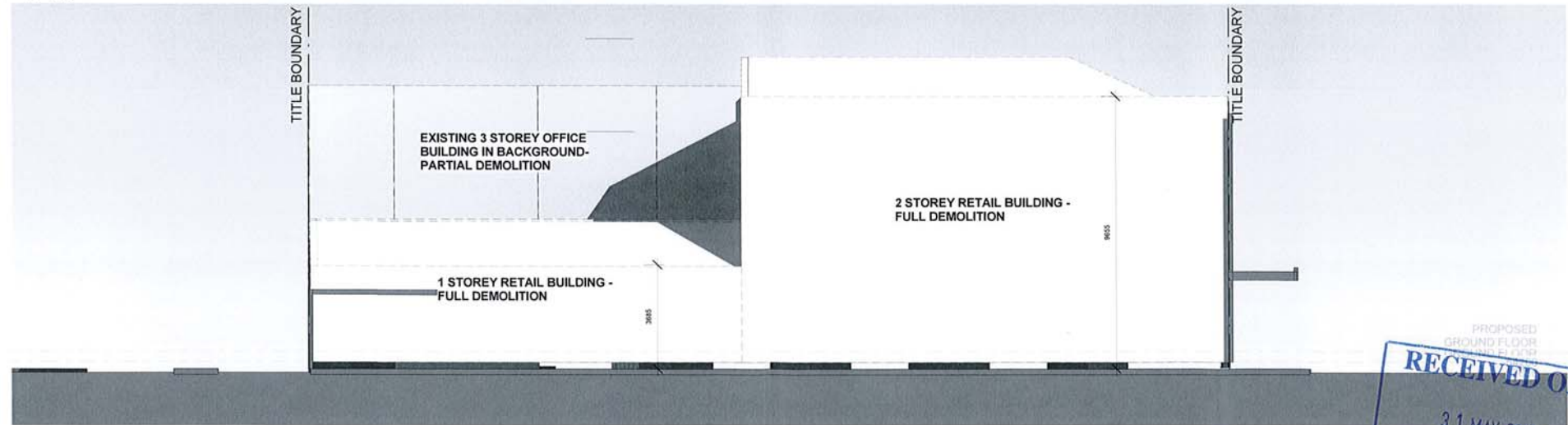
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EXISTING EAST ELEVATION

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P105
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EXISTING NORTH ELEVATION

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P105
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HIGH STREET

CLARENDON STREET

STREET

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1

GROUND FLOOR

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PROPOSED GROUND FLOOR PLAN

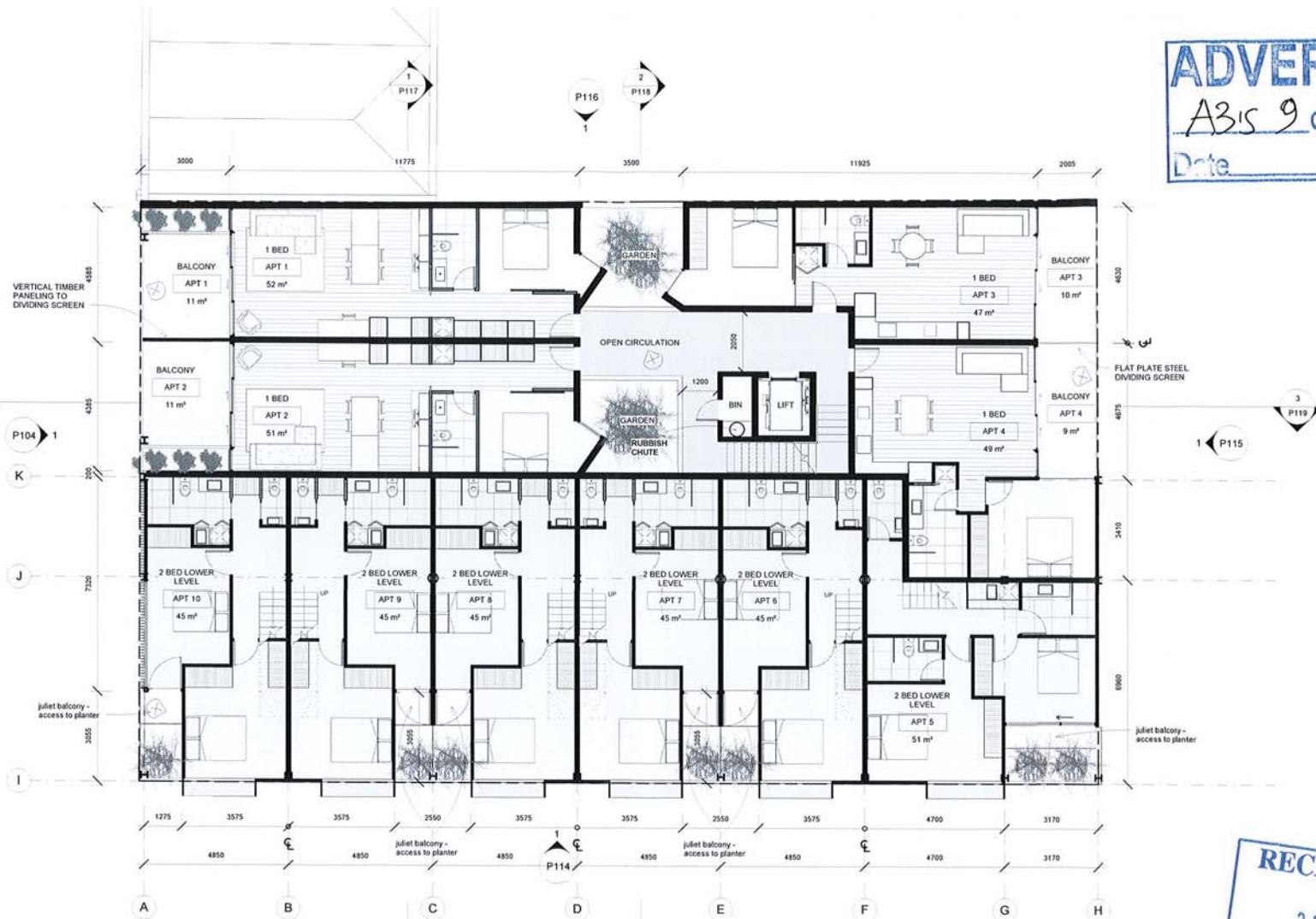
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PROPOSED LEVEL 2

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PROPOSED LEVEL 2 FLOOR PLAN

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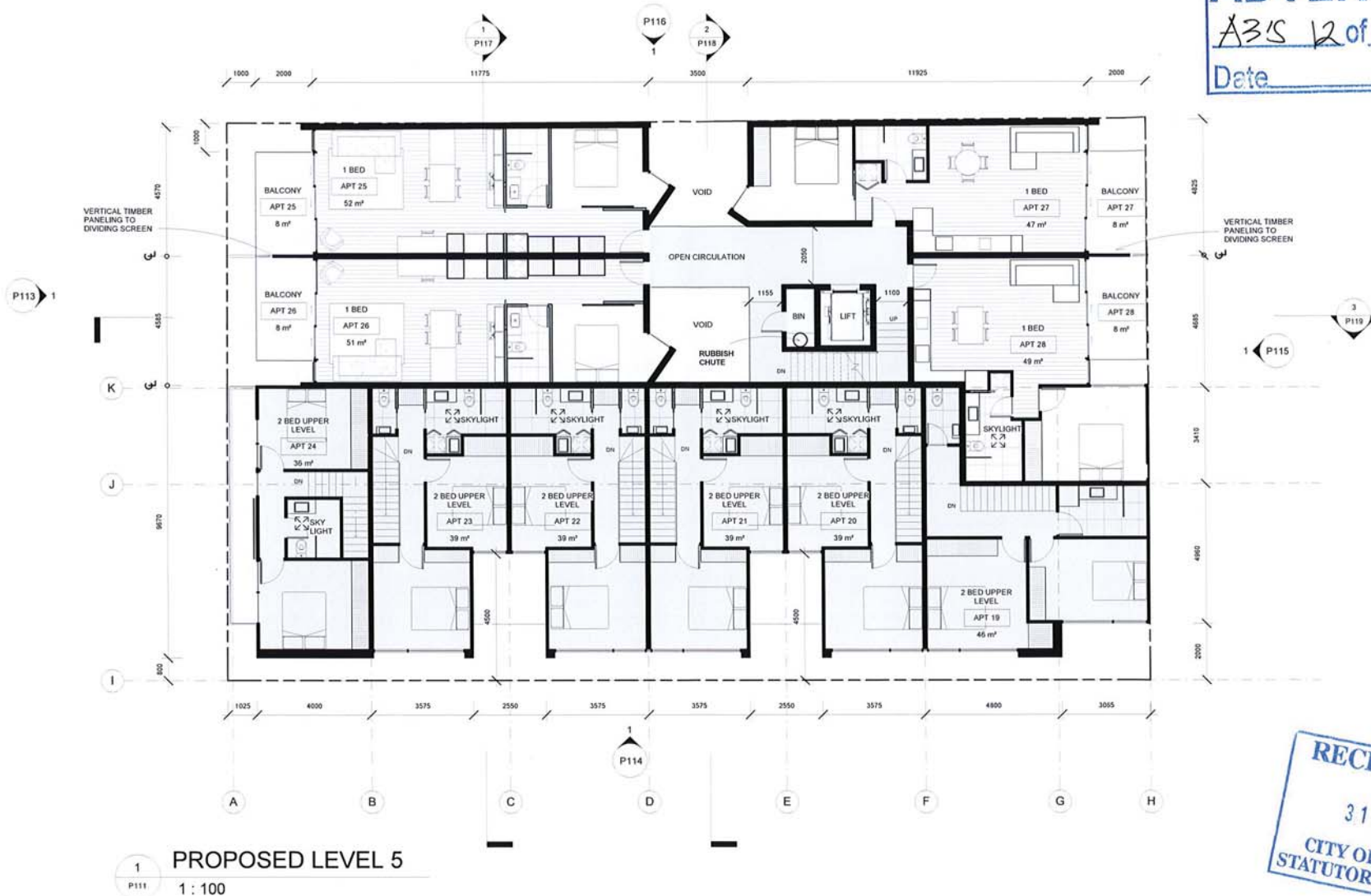


PROPOSED LEVEL 4
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PROPOSED LEVEL 4 FLOOR PLAN			
Project number	14-002	P110	
Date	Issue Date		
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PROPOSED LEVEL 5
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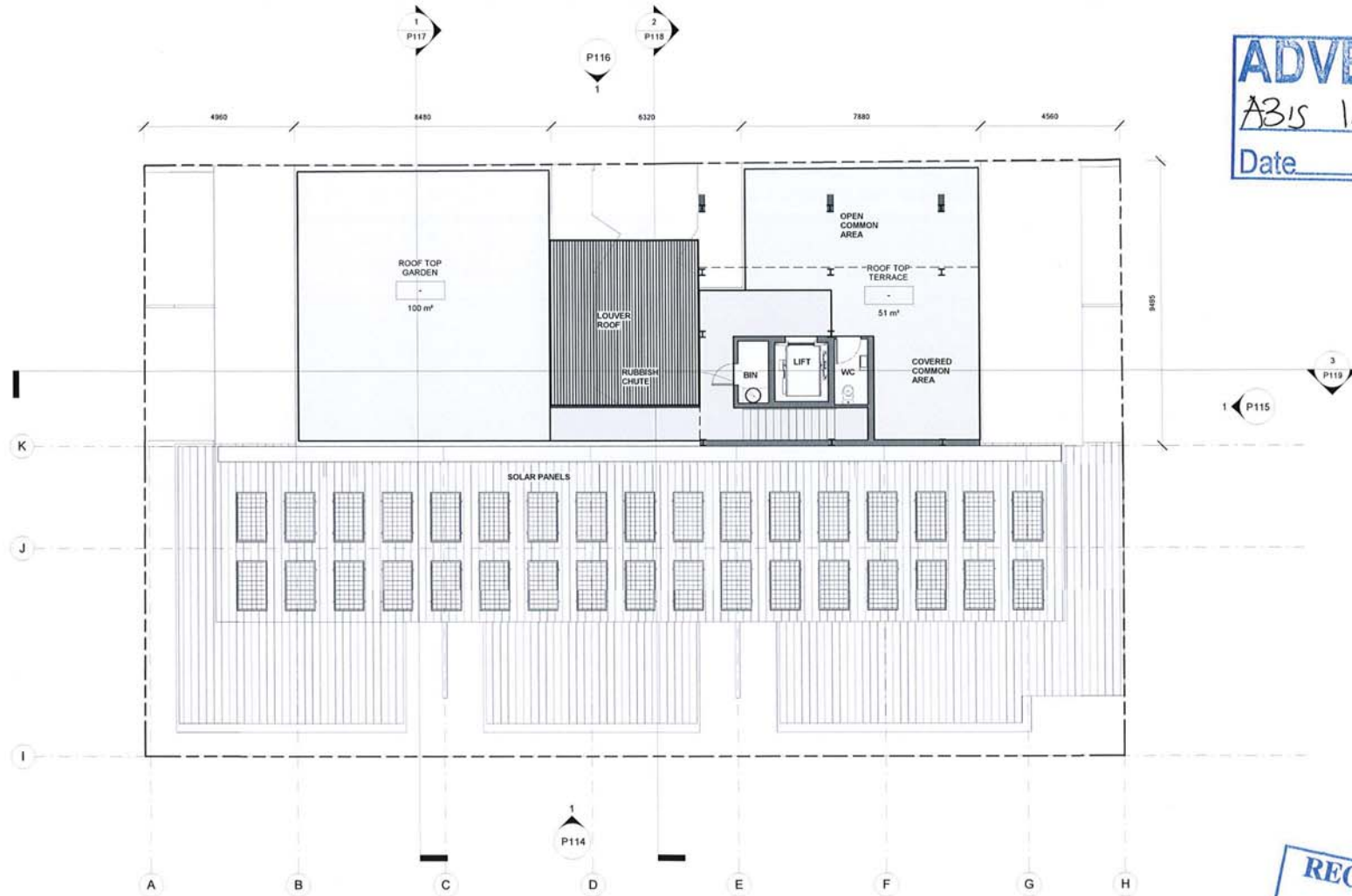
PROPOSED LEVEL 5 FLOOR PLAN

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PROPOSED LEVEL 6

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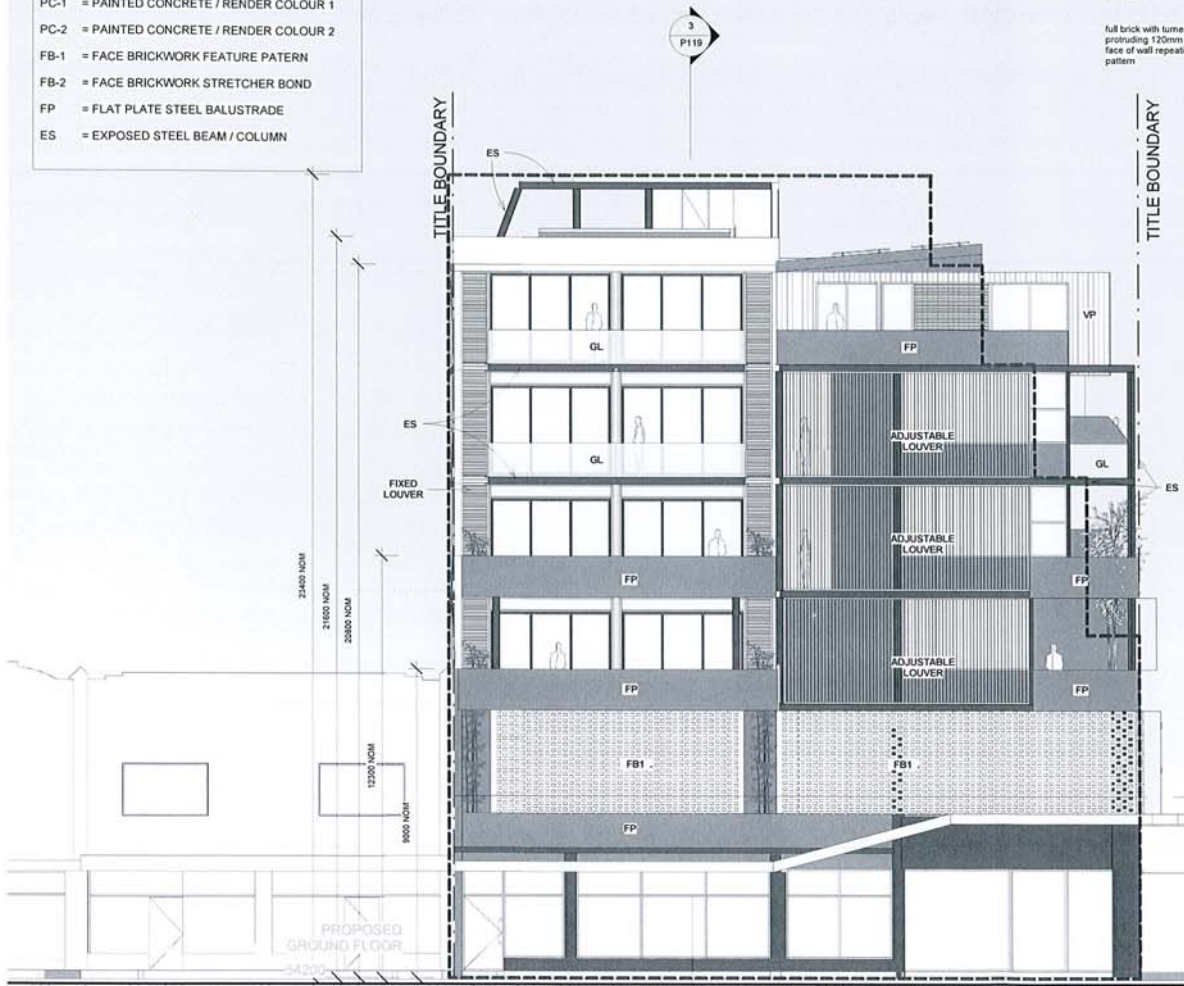
PROPOSED LEVEL 6 FLOOR PLAN

Project number	14-002	P112
Date	Issue Date	
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	Rev	1

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FINISHED LEGEND:

- GL = GLASS BALUSTRADE
- VP = VERTICAL TIMBER PANELS
- PC-1 = PAINTED CONCRETE / RENDER COLOUR 1
- PC-2 = PAINTED CONCRETE / RENDER COLOUR 2
- FB-1 = FACE BRICKWORK FEATURE PATTERN
- FB-2 = FACE BRICKWORK STRETCHER BOND
- FP = FLAT PLATE STEEL BALUSTRADE
- ES = EXPOSED STEEL BEAM / COLUMN



1
P113

PROPOSED WEST ELEVATION

1 : 100

3
P113

FB1 - ELEVATION VIEW

1 : 20

PROPOSED LEVEL 6
74230

PROPOSED LEVEL 5
71530

PROPOSED LEVEL 4
68230

PROPOSED LEVEL 3
64930

PROPOSED LEVEL 2
61630

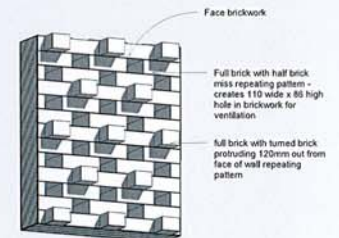
LEVEL 1
57430

GROUND FLOOR
53830

4
P113

FB1 - SECTION VIEW

1 : 20



2
P113

FB1 - PERSPECTIVE VIEW



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PROPOSED WEST ELEVATION

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- FINISHED LEGEND:**
- GL = GLASS BALUSTRADE
 - VP = VERTICAL TIMBER PANELS
 - PC-1 = PAINTED CONCRETE / RENDER COLOUR 1
 - PC-2 = PAINTED CONCRETE / RENDER COLOUR 2
 - FB-1 = FACE BRICKWORK FEATURE PATTERN
 - FB-2 = FACE BRICKWORK STRETCHER BOND
 - FP = FLAT PLATE STEEL BALUSTRADE
 - ES = EXPOSED STEEL BEAM / COLUMN

- PROPOSED LEVEL 6
174230
- PROPOSED LEVEL 5
71530
- PROPOSED LEVEL 4
65230
- PROPOSED LEVEL 3
54930
- PROPOSED LEVEL 2
61630

- CANOPY SPLAYS BACK FROM CORNER TO APARTMENT ENTRY
- LAZER CUT NAME OF BUILDING INTO SIGN - BACKLITE FOR ILLUMINATION - LETTERS 200mm HIGH
- FEATURE FLAT PLATE STEEL PLANTER PROTRUDING 300mm FROM FACE OF BUILDING

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PROPOSED SOUTH ELEVATION

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PROPOSED SOUTH ELEVATION

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Date	Issue Date	
Drawn by	MBC	
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	Rev	1

FINISHED LEGEND:

- GL = GLASS BALUSTRADE
- VP = VERTICAL TIMBER PANELS
- PC-1 = PAINTED CONCRETE / RENDER COLOUR 1
- PC-2 = PAINTED CONCRETE / RENDER COLOUR 2
- FB-1 = FACE BRICKWORK FEATURE PATTERN
- FB-2 = FACE BRICKWORK STRETCHER BOND
- FP = FLAT PLATE STEEL BALUSTRADE
- EB = EXPOSED STEEL BEAM / COLUMN

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PROPOSED EAST ELEVATION

1 : 100

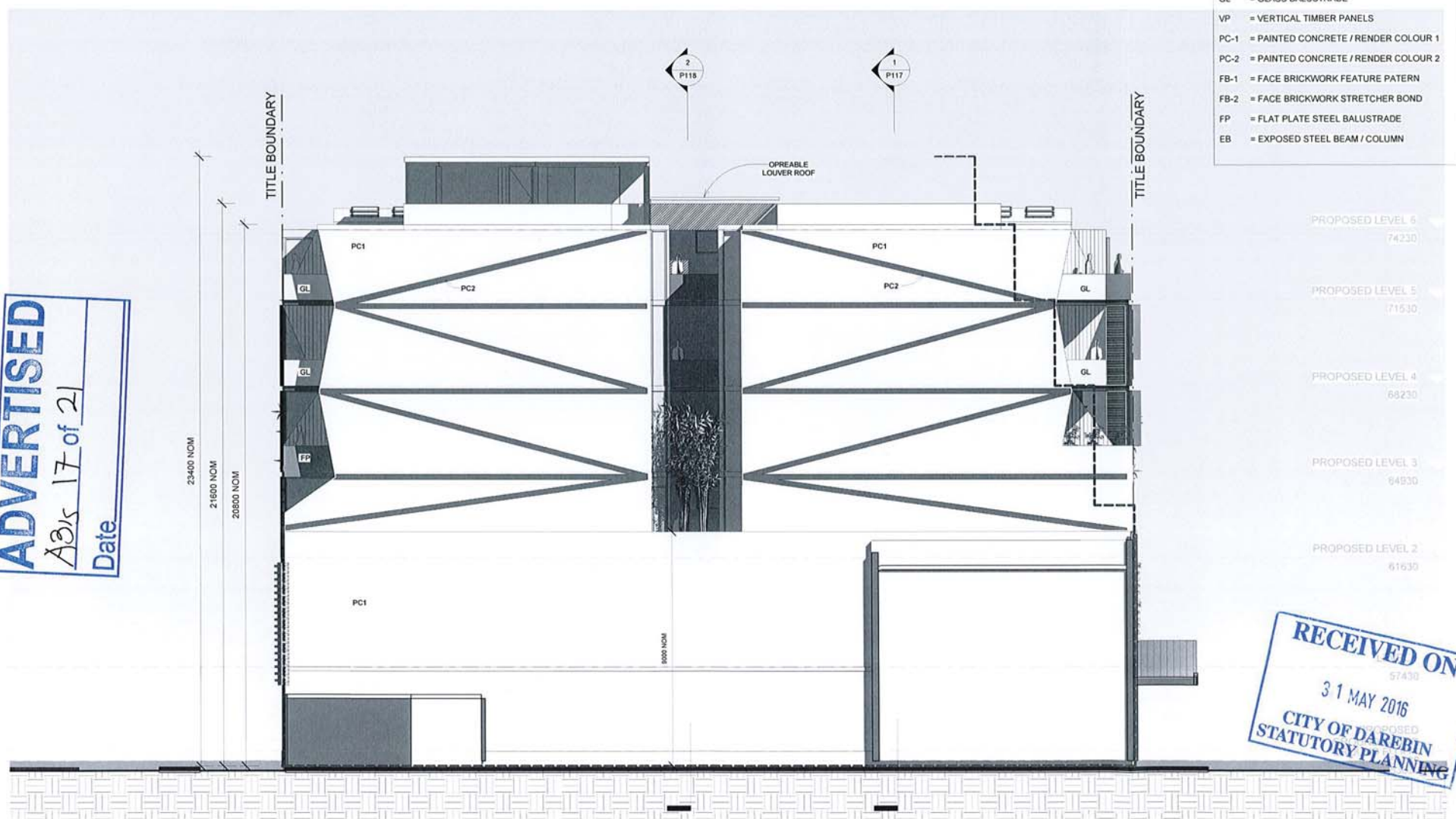
ELMOST P/L

658, 660 & 664 HIGH ST, THORNBURY

PROPOSED EAST ELEVATION

Project number	14-002	P115
Date	Issue Date	
Drawn by	MBC	
Checked by	Scale	1 : 100
	Rev	1

ADVERTISED
 A315 17 of 21
 Date _____



- FINISHED LEGEND:**
- GL = GLASS BALUSTRADE
 - VP = VERTICAL TIMBER PANELS
 - PC-1 = PAINTED CONCRETE / RENDER COLOUR 1
 - PC-2 = PAINTED CONCRETE / RENDER COLOUR 2
 - FB-1 = FACE BRICKWORK FEATURE PATTERN
 - FB-2 = FACE BRICKWORK STRETCHER BOND
 - FP = FLAT PLATE STEEL BALUSTRADE
 - EB = EXPOSED STEEL BEAM / COLUMN

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 31 MAY 2016
 CITY OF DAREBIN
 STATUTORY PLANNING

1
 P116
PROPOSED NORTH ELEVATION
 1:100

ELC
 architecture . interior design

ACN : 159086469
 ABN : 43159086469
 PO BOX 616 ELWOOD 3184
 E: info@elcgroup.com.au

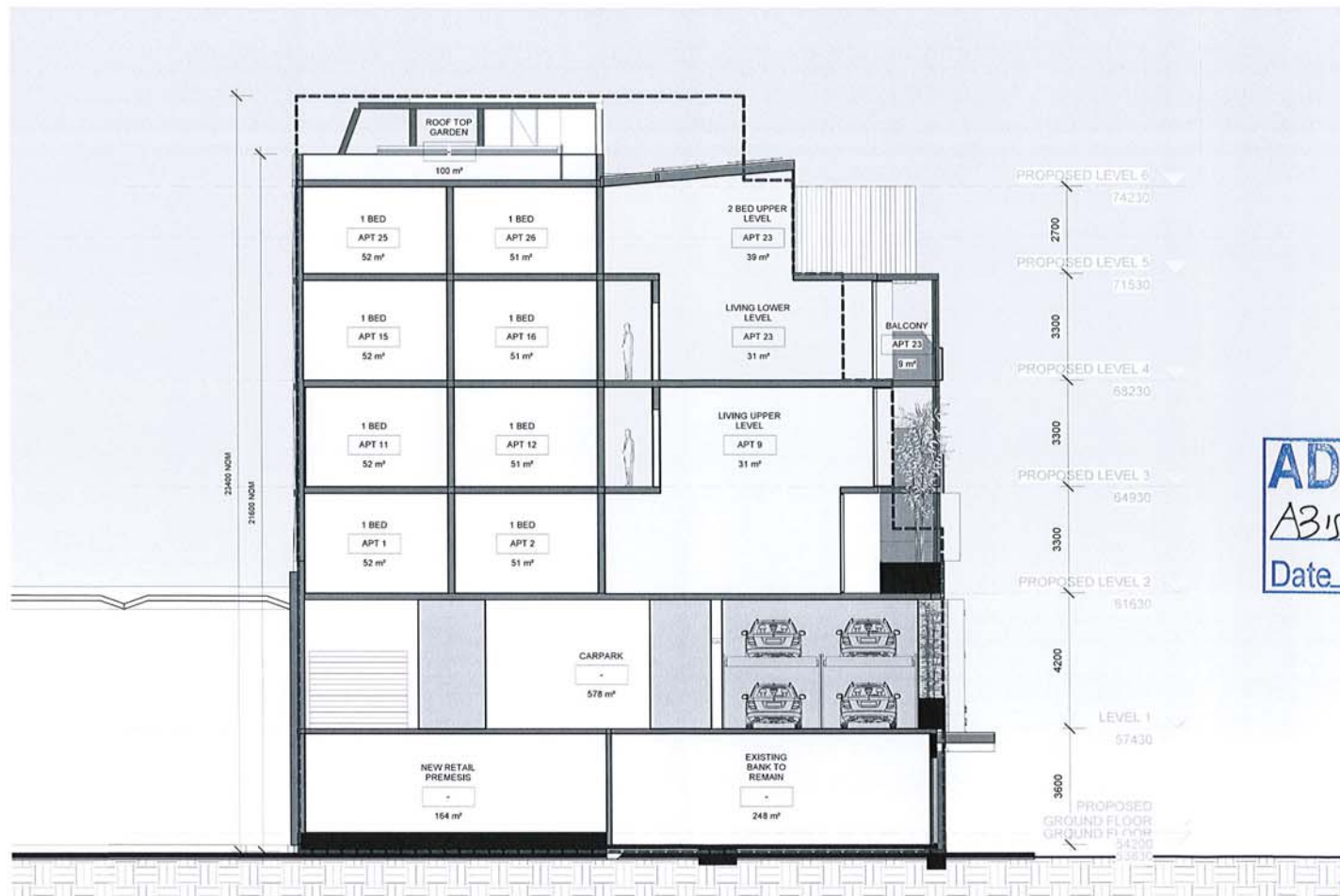
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PROPOSED NORTH ELEVATION

Project number	14-002	P116
Date	Issue Date	
Drawn by	MBC	
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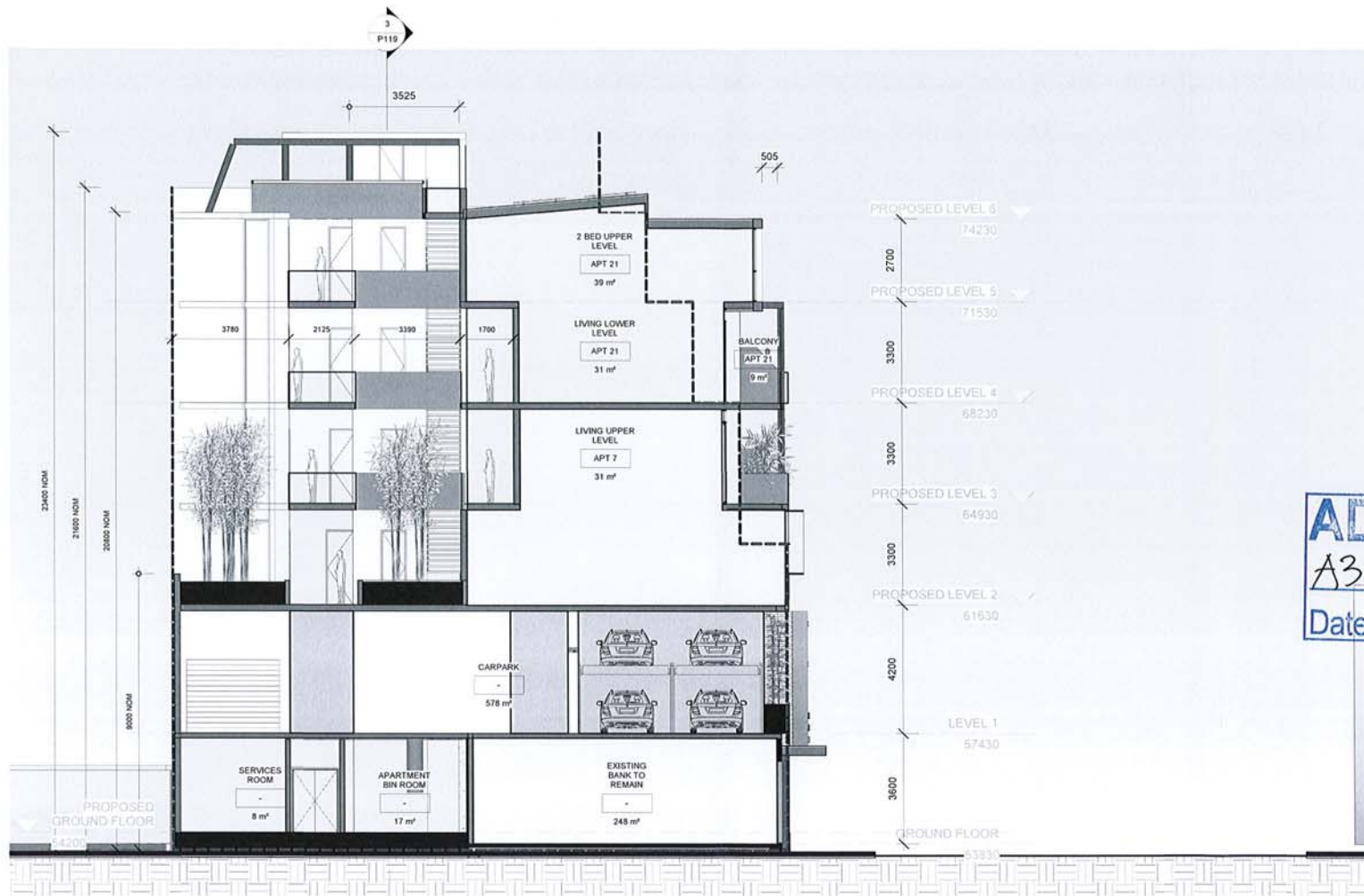
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 CITY OF DAREBIN
 STATUTORY PLANNING

1
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SECTION 01
 1 : 100

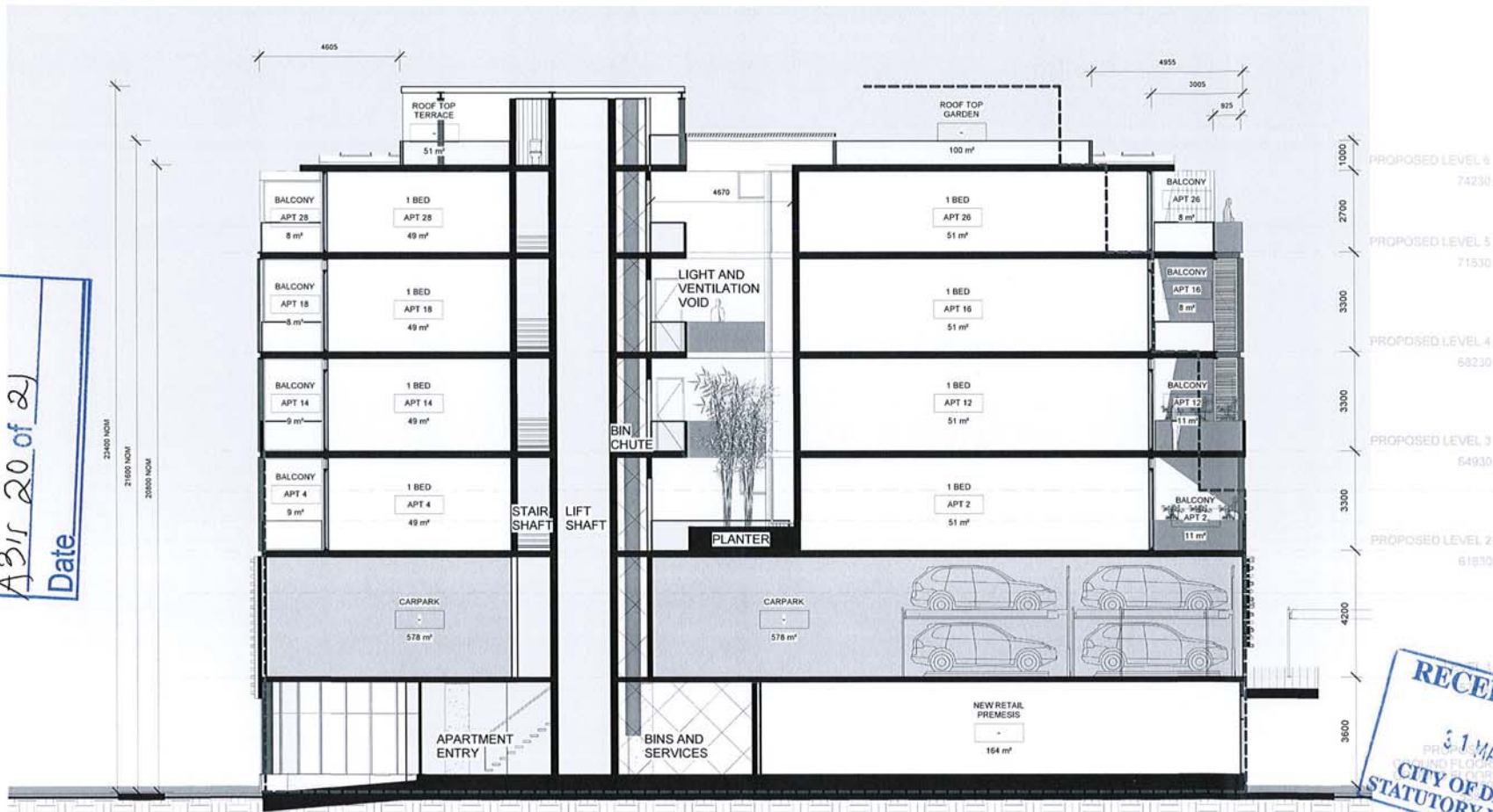


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A315 19 of 21
Date _____

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CITY OF DAREBIN
STATUTORY PLANNING

2
P118
SECTION 02
1 : 100

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 A31r 20 of 21
 Date



PROPOSED LEVEL 6
 74230
 PROPOSED LEVEL 5
 71530
 PROPOSED LEVEL 4
 68230
 PROPOSED LEVEL 3
 64930
 PROPOSED LEVEL 2
 61830

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 STATUTORY PLANNING

3
 P119
SECTION 03
 1 : 100

ELC
 architecture . interior design

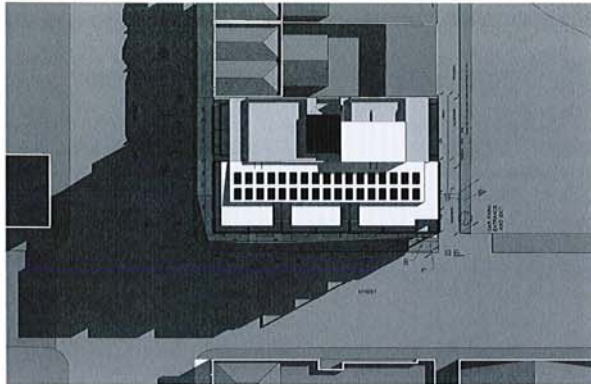
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SECTION 3			
Project number	14-002	P119	
Date	Issue Date		
Drawn by	MBC		
Checked by	-	Scale	1 : 100
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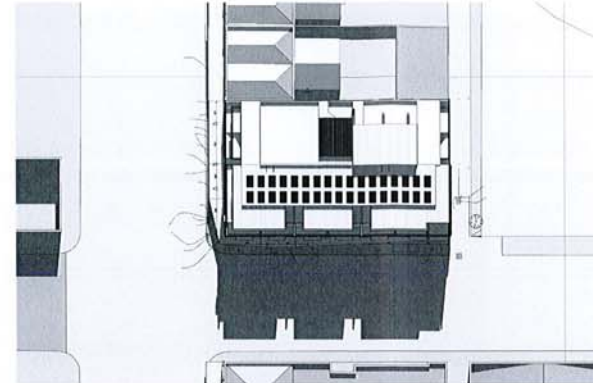


2

P120

SHADOW DIAGRAM - SEP 22 9.00AM

1 : 500

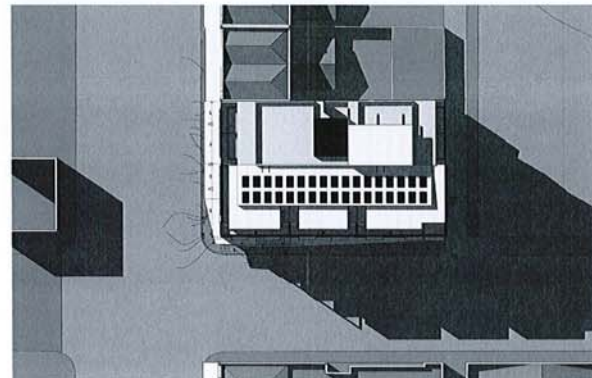


3

P120

SHADOW DIAGRAM - SEP 22 12.00PM

1 : 500



1

P120

SHADOW DIAGRAM - SEP 22 3.00PM

1 : 500

ADVERTISED
A315 21 of 21
Date _____

RECEIVED ON
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STATUTORY PLANNING

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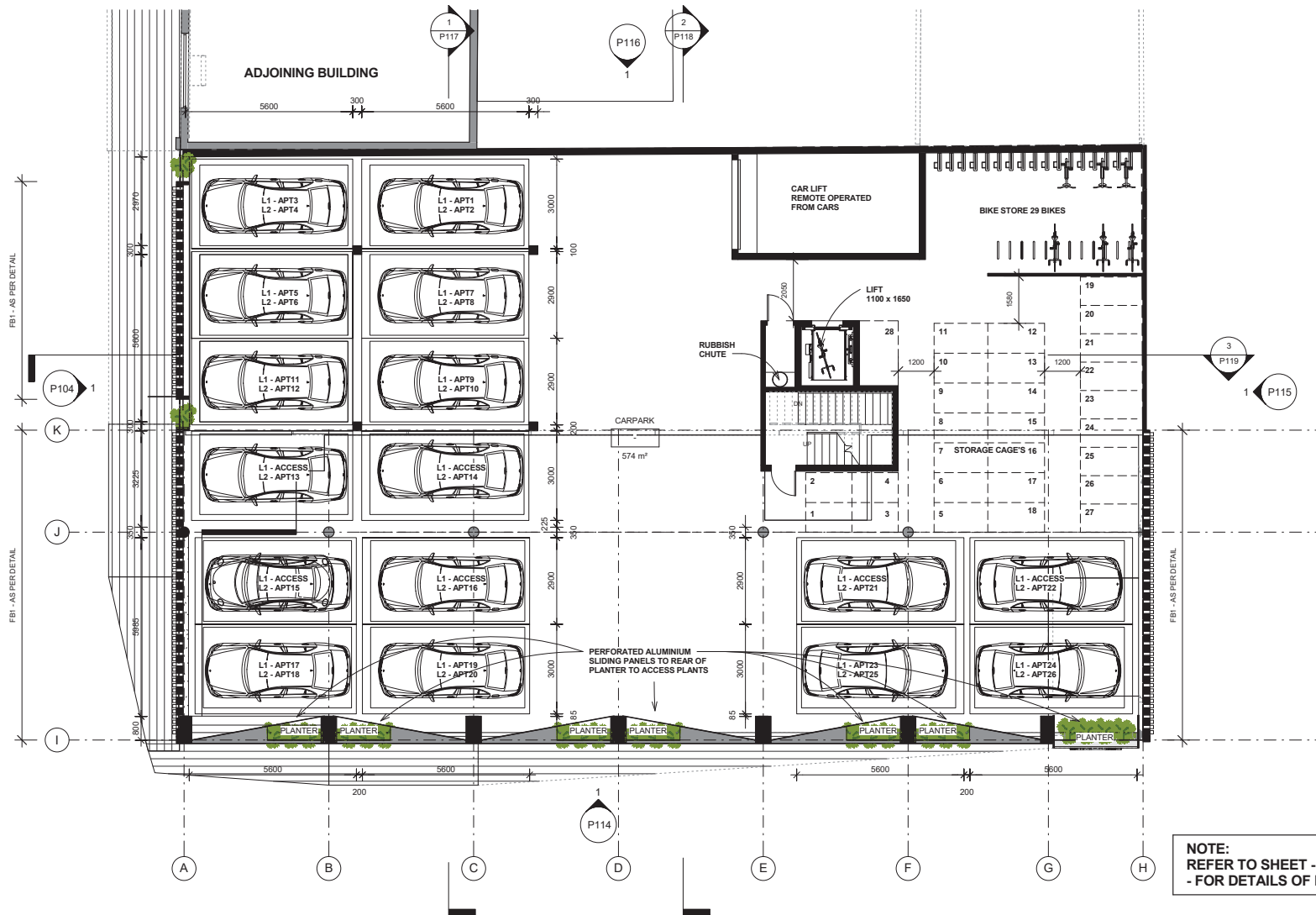
ELMOST P/L

658, 660 & 664 HIGH ST, THORNBURY

SUNPATH SHADOW DIAGRAM

Project number	14-002	P120
Date	Issue Date	
Drawn by	MBC	
Checked by	Scale	1 : 500
	Rev	1

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1
P107

LEVEL 1

1:100

5.9**APPLICATION FOR PLANNING PERMIT D/309/2016**

111 Royal Parade, Reservoir Vic 3073

AUTHOR: Principal Planner – Deniz Yener-Korematsu**DIRECTOR:** Director City Futures and Assets – Steve Hamilton**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
V Talevski	Cherie Diane Benjamin	Lachlan Williams Tree Response (Arborist Report)

SUMMARY:

- Medium density housing development comprised of the construction of a double storey dwelling to the side of the existing single storey dwelling. The existing dwelling (Dwelling 1) has two (2) bedrooms and the proposed dwelling will have three (3) bedrooms. Each dwelling has access to two (2) parking spaces comprising a single space garage and tandem car space. Vehicle access is to be gained via an existing double, shared crossover at the south-western edge of the site and a single, relocated crossover positioned centrally across the frontage for the proposed dwelling. Secluded private open space is provided at ground level for each dwelling with areas of between 40 square metres and 50 square metres.
- The site is zoned General Residential Zone Schedule 1.
- 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.
- 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 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/309/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Ground Floor Plan TPA01, First Floor Plan TPA02, Elevations TPA03, dated 21 June, 2016 and General Notes, Unit 2 - Slab and Footing Layout, Slab and Footing Details - Sheet 1 and Slab and Footing Details Sheet 2 S1-S4, dated 27/08/2016 and prepared by D and A Consulting Group Pty Ltd) but modified to show:
 - a) The first floor hallway windows on the north-east and north-west elevations provided with either:
 - A sill with a minimum height of 1.7 metres above finished floor level,
 - A fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or
 - Fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

- b) A minimum width of 3 metres to the accessways of the dwellings.
- c) Pedestrian pathways from the footpath to each of the dwellings' entry porch with a width of least 1 metre in accordance with AS1428.1:2009, and fully constructed (not formed of intermittent pavers).
- d) A landscape plan in accordance with Condition 4 of this Permit. The plans must include at least two (2) suitable small canopy trees.
- e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the proposed crossover to Royal Parade. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- f) Annotations detailing Tree Protection Zones and associated Tree Protection Fences with the following radii (measured from the outside edge of the trunk) for the nominated tree in accordance with the requirements of Condition No.7 of this Permit.
 - i. 2.7 metres - *Callistemon salignus* (Willow-leaf Callistemon) on the naturestrip;
 - ii. 2.0 metres - *Corymbia ficifolia* (Flowering Gum) on the naturestrip;
 - iii. 2.88 metres - *Callistemon viminalis* (Common Bottle Brush) on the subject site;
 - iv. 2.16 metres - *Pittosporum crassifolium* (Karo) on the subject site;
 - v. 3.96 metres - *X Cupressocyparis leylandii* (Leyland Cypress) on the subject site;

- vi. 7.2 metres - *Fraxinus angustifolia* (Desert Ash) on 109 Royal Parade, Reservoir;
- vii. 3.0 metres - *Prunus armeniaca* (Apricot) on 77 McMahon Road, Reservoir;
- viii. 9.0 metres - *Populus nigra* (Lombardy Poplar) on 75 McMahon Road Reservoir;
- ix. 2.0 metres - *Callistemon viminalis* (Weeping Bottlebrush) on 75 McMahon Road, Reservoir.

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

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
 - a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the responsible authority.
 - d) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).

- e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (e.g. Grass (lawn), gravel, paving and garden beds).
 - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Before buildings and works (including demolition) start, a tree protection fence must be erected around the following trees at a nominated radii from the base of the trunk to define a 'tree protection zone' -
- i. 2.7 metres - *Callistemon salignus* (Willow-leaf Callistemon) on the naturestrip;
 - ii. 2.0 metres - *Corymbia ficifolia* (Flowering Gum) on the naturestrip;
 - iii. 2.88 metres - *Callistemon viminalis* (Common Bottle Brush) on the subject site;
 - iv. 2.16 metres - *Pittosporum crassifolium* (Karo) on the subject site;
 - v. 3.96 metres - *X Cupressocypariss leylandii* (Leyland Cypress) on the subject site;
 - vi. 7.2 metres - *Fraxinus angustifolia* (Desert Ash) on 109 Royal Parade, Reservoir;
 - vii. 3.0 metres - *Prunus armeniaca* (Apricot) on 77 McMahon Road, Reservoir;
 - viii. 9.0 metres - *Populus nigra* (Lombardy Poplar) on 75 McMahon Road Reservoir;
 - ix. 2.0 metres - *Callistemon viminalis* (Weeping Bottlebrush) on 75 McMahon Road, Reservoir.

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

The tree protection fences must remain in place until construction is completed.

No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone.

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

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

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

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

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

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

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

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

Report

INTRODUCTION AND BACKGROUND

Council records indicate that there is no planning history for this site.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is triangular in shape and measures 33.99 metres in length and 33.99 metres in width with a site area of 578 square metres.
- The land is located within the General Residential Zone Schedule 1 and affected by a Development Contribution Plan Overlay.
- The land is located on the north-western side of Royal Parade between Strathmerton Street to the south-west and McMahon Road to the north-east.
- The site is occupied by a single storey weatherboard dwelling with secluded private open space and outbuildings to the side and rear. Vehicle access is gained via two (2) single crossovers with one located at the south-western edge and one located centrally across the site's frontage. There are trees and shrubs throughout the site but none of significance. The site is relatively flat.
- To the south-west is a single storey weatherboard dwelling with secluded private open space and outbuildings to the rear. The dwelling is setback 1.2 metres from the common boundary and has a front setback of 11.8 metres. A carport located forward of the dwelling is constructed along the common boundary and comes to within 6.1 metres of the street frontage.
- To the north are dwellings and a medium density development facing both McMahon Road and Royal Parade. The dwellings known as 115 and 117 McMahon Road are part of a medium density housing development fronting McMahon Road. The front dwelling of the development faces McMahon Road. The dwelling at No.115 immediately adjoins the subject site. The dwelling is setback between 1.7 metres and 2.3 metres from the common boundary. The dwelling has a front setback of between 1.7 metres and 4.6 metres. The single storey dwellings fronting McMahon Road include Nos. 75-79 McMahon Road. The dwellings are setback in excess of 15 metres from the common boundary with a shed on No. 75 within 0.8 metres of the boundary. There are several trees adjacent to the northern boundary that overhang the subject site.
- To the south-east across Royal Parade are single storey dwellings and medium density developments comprising double storey dwellings of brick or weatherboard construction.
- Unrestricted on-street parking is available in front of the subject site and on both sides of Royal Parade for its length between Strathmerton Street and McMahon Road.
- The site is located within an extensive residential area generally extending to Cheddar Road to the west, Boldrewood Parade to the east, Hickford Street to the north and Broadway to the south. Royal Parade is a mix of single storey postwar dwellings as well as single and double storey medium density developments. The Reservoir Major Activity Centre is located approximately 900 metres from the subject site and the Strathmerton Local Centre is located approximately 140 metres from the subject site. There are several parks in proximity of the site including TW Andrews Reserve approximately 530 metres from the site and the Darebin Creek trail approximately 800 metres from the site.

- The nearest public transport services to the site:
 - Bus route 556 (Epping Plaza SC - Northland SC) runs along Cheddar Road with stops approximately 500 metres to the north-west.
 - Ruthven Railway Station is approximately 1.2 to the north-west.

Proposal

- It is proposed to construct one (1) double storey dwelling to the side of an existing single storey dwelling. Dwelling 1 (existing dwelling) has two (2) bedrooms and access to two (2) car parking spaces comprising a single space garage and a tandem car space. Dwellings 2 will have three (3) bedrooms and access to a single space garage and tandem car space.
- Vehicle access will be gained via an existing double shared crossover for the existing dwelling and a proposed single crossover for the proposed dwelling. One (1) of the existing crossovers will be removed.
- The maximum height of the dwelling is to be 7.2 metres.
- The proposed private open space is provided as follows:
 - Dwelling 1 – 106 m² including 50 m² of secluded private open space;
 - Dwelling 2 – 86.1 m² including 40 m² of secluded private open space.

Objections

- Six (6) objections have been received. All objections are from the local area within a 200 metre radius of the subject site.

Objections summarised

- Wall on the boundary encloses rear yard;
- Noise;
- Impact on trees;
- Overdevelopment of the site;
- Loss of view;
- Traffic and parking problems;
- Tandem parking;
- Danger to pedestrians;
- Out of character with the area;
- Loss of habitat for wildlife; and
- Inadequate front setback.

Officer comment on summarised objections

Wall on the boundary encloses rear yard

The wall on the northern boundary complies with the relevant Rescode standard. It is acknowledged that due to the length of this boundary there are several properties that abut the subject site. The property at 75 McMahon Road will be most affected by the wall on boundary as just over 11 metres of its rear boundary will have the wall of the proposed dwelling. At 3.2 metres in height, the wall is in effect less than 1 metre higher than the existing 2.4 metre high boundary fence. It is considered that this additional height will not result in significant visual impact. It is noted as well that the proposed wall is to the south of the rear yard of the neighbouring property and therefore will have little impact by way of shadowing on the neighbouring properties.

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.

Impact on trees

An arborist report was submitted with the application and in this report it was acknowledged that neighbouring trees could be impacted by the proposed development. The recommendation of the arborist includes tree protection zones and modified construction requirements to protect the neighbouring trees. The applicant has submitted engineering plans detailing the proposed construction which accords with the arborist's recommendations and will be endorsed as part of the approval issued.

Overdevelopment of the site

Appropriate medium density development is encouraged by both State and Local Planning Policy and whilst this policy is resisted by many, it is nonetheless a sound planning policy and needs to be supported subject to appropriate site responsive design and no unreasonable amenity outcomes. The proposed application satisfies the objectives of Clause 55 and is not considered an overdevelopment of the site.

Loss of view

The planning scheme does not make specific provision for protection of views within this area therefore it is accepted planning principle that no one is entitled to a view.

Traffic and parking problems

Car parking has been provided on site in accordance with the provisions of Clause 52.06 of the Darebin Planning Scheme. It is considered that any overflow parking resulting from the development would be within reasonable limits and will not negatively impact on the surrounding streets.

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

Tandem parking

Tandem car parking is an accepted form of parking for both medium density developments and single dwellings throughout Metropolitan Melbourne. Tandem parking is currently used for the existing dwelling and is considered satisfactory for the proposed dwelling.

It is also noted that the majority of dwellings in the street would have a similar form of parking provision.

Danger to pedestrians

It is considered that the relocation of the crossover and the parking of vehicles on Royal Parade is unlikely to increase risks to pedestrians. A condition of the approval will require pedestrian visibility splays which will improve visibility of abutting footpaths.

Out of character with the area

State and Local Planning Policy encourages appropriate medium density housing in well serviced areas such as this. As a result the appearance of streets will change. Whilst the predominant character of Royal Parade is formed by single storey detached dwellings there are double storey dwellings and medium density developments in proximity of the site including on adjacent sites. The proposed double storey dwelling has been designed to have minimal impact on the streetscape with recessive upper levels and a good level of articulation.

Loss of habitat for wildlife

The proposed development will result in the loss of trees and shrubs from the site but with conditional increased setbacks the proposed landscaping will allow the introduction of numerous additional trees and shrubs. It is unlikely that the proposal will impact on fauna in the area.

Inadequate front setback

See assessment below.

PLANNING ASSESSMENT

Darebin Housing Strategy

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

The subject site is identified as an area of incremental change. The proposed development for one (1) additional dwelling in the form of two-storey townhouse is more consistent with an area of minimal change but is also considered to support the objective to achieve an incremental increase in housing density in Reservoir.

Neighbourhood Character Precinct Guideline Assessment – Precinct F5

Vegetation

The proposal will result in the loss of vegetation from the site however the development provides adequate space for the planting of substantial vegetation in the front yard and the yards of each dwelling including canopy trees as well as the retention of some of the existing trees. A detailed landscape plan will be required to be submitted as a condition of any approval.

Complies subject to condition

Siting

- The proposed development retains the front yard of the existing dwelling and provides for a suitable front garden for the proposed dwelling that is large enough for planting of vegetation to enable the continuation of the garden setting in this area. There are landscaping opportunities available to the rear of each of the dwellings.
- The proposed dwelling will be constructed to the northern, side boundary. It is not uncommon in this neighbourhood setting for buildings to be constructed to the side boundaries. The section of the dwelling constructed to the boundary sits 5.5 metres back from the site's frontage. The section forward of this is setback up to 3.0 metres from the side boundary thereby maintaining the appearance of space between dwellings.
- The garages for each of the dwellings are located behind the facade of the front dwelling and will not dominate the streetscape.

Complies with Objective

Height and building form

The height of dwellings in the neighbourhood is predominantly single storey but there are double-storey dwellings in proximity of the site. The upper level of the proposed dwelling has been set back from the front wall of the dwellings but not the width of a room. The design response is in keeping with the character of in-fill development in the immediate area, namely 115-119 Royal Parade adjoining the site to the north; and 116 and 118 Royal Parade directly opposite the subject site provide a similar level of articulation and upper floor setbacks. Within the above-described context, the proposal will blend in and is sufficiently respectful of the character of its immediate neighbourhood setting.

Ground floor areas are proposed to be constructed of face brickwork and upper floors will have render-finished walls; again, this is consistent with the textures and palette of materials in the immediately surrounding area. The development will not present visual bulk to the street and will not dominate the streetscape.

Complies with Objective

Materials and design detail

- The form and facades of the proposed dwellings are adequately articulated through the materials, openings and setbacks and appropriately address the traditional designs of dwellings in the area.
- The materials comprising brick, render and roof tiles are considered appropriate within the neighbourhood context.

Complies

Front boundary treatment

A 1.2 metre high fence is proposed for Dwelling 2 and the existing 1.0 metre high fence for Dwelling 1 is to be retained. The height and construction of the fences will allow views of the front garden and dwelling.

Complies

Clause 55 Assessment

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

Clause 55.03-1 B6 Street Setback

- The front setbacks of the adjoining dwellings are 1.7 metres and 11.8 metres. The standard therefore requires a setback of 6.75 metres.
- The proposed front setback of between 2.5 metres and 4.25 metres does not comply with the standard, however the design response is considered to be acceptable due to the following:
- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping.
- The design provides a graduated and staggered setback leading from the lesser setback to the north to the greater setback of 109 Royal Parade.
- The proposed dwelling's front façade is appropriately articulated.
- The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.
- The proposed setback results in efficient use of the site.
- The existing streetscape is not consistent and provides for varied setbacks.

Complies with objectiveClause 55.04-1 B17 Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
Northern – Dwelling 2	3.6 metres	1.0 metres	0.3 metres - 5.4 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
Northern – Dwelling 2	5.6 metres - 5.8 metres	1.60 metres - 1.66 metres	1.8 metres - 3.0 metres

A length of approximately 0.5 metres of the Bedroom 3 wall of Dwelling 2 does not comply with the standard. The angle of the northern boundary results in a varied setback increasing from the boundary to a maximum 3.0 metre setback. Given there are no windows within this wall and it is adequately setback from neighbouring windows so daylight will not be impacted, the variation in the standard is considered to be satisfactory and will not negatively impact on the streetscape or neighbouring properties.

Complies with objective

Clause 55.04-2 B18 Walls on Boundaries

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

Boundary and length	Maximum length allowable	Proposed length
Northern: 48.06 metres	19.51 metres	12.42 metres

The boundary wall extends across part of the rear boundaries of two neighbouring properties (115 Royal Parade and 75 McMahon Road). The length of the proposed boundary wall across both of these boundaries complies with the standard detailed above. The wall heights of 3.2 metres average comply with the standard.

CompliesClause 55.04-6 B22 Overlooking

- The ground level of the proposed dwelling has finished floor levels less than 0.8 metres above natural ground level at the boundary. Existing 1.8 metre and 2.4 metre high boundary fences on the northern boundary will sufficiently limit overlooking.
- The development is designed to limit views into neighbouring secluded private open space and habitable room windows.
- The upper level windows associated with the hallway outside of Bedrooms 1 and 2 facing neighbouring properties have potential to overlook adjoining secluded private open space areas and habitable room windows. Overlooking from these windows may be addressed via conditions of any approval. The upper floor bedroom windows face the street.

Complies subject to conditionsClause 55.05-4 B28 Private Open Space

The development provides adequate private open space (pos) for the reasonable recreation and service needs of residents. Schedule 1 to the General Residential Zone varies the private open space requirement under Clause 55 of the Darebin Planning Scheme to specify the following for each dwelling:

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

The proposed development achieves the above requirement as per the table below:

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1 (existing dwelling)	106 square metres	50 square metres	3.5 metres
Dwelling 2	86.1 square metres	40 square metres	3.5 metres

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

Complies

Clause 52.06 Car Parking

Number of Parking Spaces Required

For dwellings, Table 1 to Clause 52.06-5 specifies that:

- One (1) car parking space is to be provided for each one or two bedroom dwelling
- Two (2) car parking spaces are to be provided for dwellings with three (3) or more bedrooms, with one (1) space under cover.
- One (1) visitor car parking space is to be provided for every five (5) dwellings.
- The existing dwelling provides two (2)-bedroom accommodation and includes a single garage and tandem parking space.
- The proposed dwelling provides three (3)-bedroom accommodation and includes a single garage and tandem parking space.
- The above car parking provision meets the requirements of Clause 52.06-5 of the Darebin Planning Scheme.
- No visitor car parking is required to be provided for two (2) dwellings on a lot.

Complies

Design Standards for Car parking

- The car parking spaces, the garaging and the accessways have appropriate dimension to enable efficient use and management. However the width of the access ways of the dwellings is required to be shown; 3 metres minimum are required.
- The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.
- Garage dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard.
- Access dimensions to the car spaces comply with the standard.
- Pedestrian visibility splays are to be requested via conditions of any approval.

Complies subject to conditions

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report.	Y	Y
55.02-2	B2	Residential policy		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		N/A as development contains less than 10 dwellings	N/A	N/A
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	B5	Integration with the street		
		Both dwellings appropriately integrate with the Street.	Y	Y
55.03-1	B6	Street setback		
		Please see assessment in the body of this report.	N	Y
55.03-2	B7	Building height		
		7.2 metres	Y	Y
55.03-3	B8	Site coverage		
		44% where the maximum allowable under Schedule 1 to the General Residential Zone in 50%.	Y	Y
55.03-4	B9	Permeability		
		40.6% where the minimum requirement is 20%	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan can be required	Y	Y

Clause	Std		Compliance	
		as a condition of approval.		
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Please see assessment in the body of this report.	N	Y
55.04-2	B18	Walls on boundaries		
		Please see assessment in the body of this report.	Y	Y
55.04-3	B19	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
55.04-4	B20	North-facing windows		
		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		
		The proposed dwelling will not overshadow any neighbouring properties.	N/A	N/A
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	N	N
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

Clause	Std		Compliance	
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y
55.06-1	B31	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	B32	Front fences		
		A 1.2 metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y
55.06-3	B33	Common property		
		There is no common property.	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, subject to condition included in recommendation. Stormwater discharge from the site is to be to Council requirements.
Transport Management and Planning	<ul style="list-style-type: none"> Two (2) spaces have been provided onsite for each dwelling with one (1) space enclosed in accordance with the Darebin Planning Scheme. Single garage and tandem space dimensions are in accordance with Clause 52.06-8 of the Darebin Planning Scheme however the accessway is to be minimum 3 metres wide. Vehicles are permitted to reverse onto Royal Parade. The site already benefits from having two (2) crossovers, so the relocation of the existing crossover is acceptable and would still allow for on-street parking between the crossovers. Pedestrian path to be at least 1 metre wide in accordance with AS1428.1:2009. Visibility spaces around the vehicle crossover are required to be shown.

Department/Authority	Response
Darebin Parks	No objection, subject to condition included in the recommendation to protect adjoining trees. The proposed strip footings and Pier Bore holes are located outside of the Structural Root Zone of the adjoining trees. The construction within the tree protection zones (TPZ's) has also been modified which is in accordance with Council's original request. Darebin Parks is satisfied with the proposal from a Tree retention perspective.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-4 (General Residential Zone - Schedule 1) – construction of two or more dwellings on a lot.
- The subject land is encumbered by a Development Contributions Plan Overlay however the approved plan expired on 30 June 2014.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	F5

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

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.



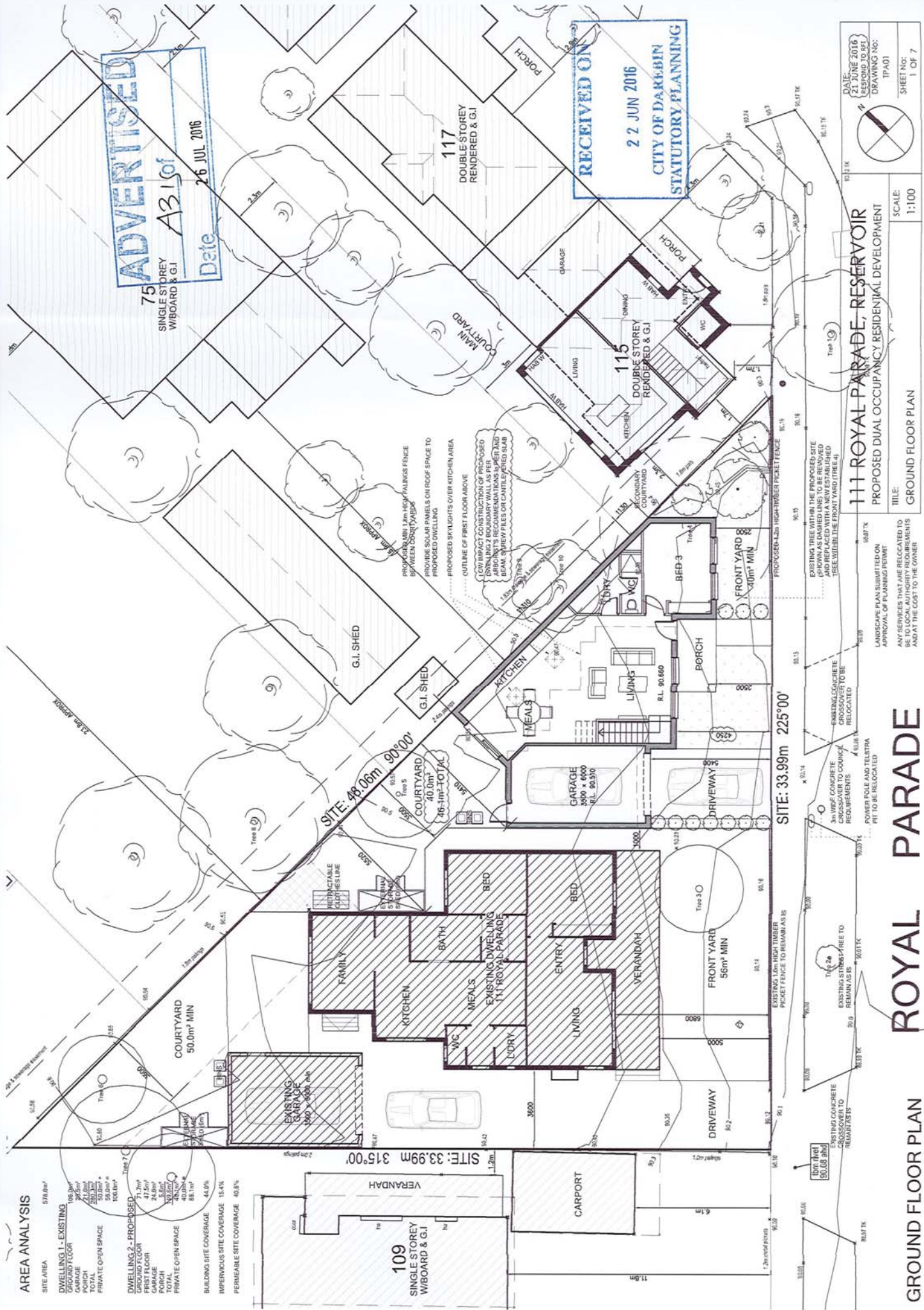
Figure 1: Comparison of existing and proposed building footprints and site coverage. The figure consists of two circular diagrams. The left diagram, labeled 'DWELLING 1 - EXISTING', shows a circular footprint with a diameter of 106.0m, a ground floor area of 25.5m², a garage area of 21.0m², a porch area of 2.0m², and a private open space area of 50.0m². The right diagram, labeled 'DWELLING 2 - PROPOSED', shows a circular footprint with a diameter of 106.0m, a ground floor area of 47.5m², a garage area of 24.0m², a porch area of 5.5m², and a private open space area of 42.0m². A central label 'PRIVATE OPEN SPACE' is shared between the two diagrams. To the right of the diagrams, a vertical list of percentages is provided: 44.0% for 'BUILDING SITE COVERAGE', 15.4% for 'PERMEABLE SITE COVERAGE', and 40.9% for 'IMPERMEABLE SITE COVERAGE'. A 'SITE AREA' of 578.0m² is indicated on the far left.

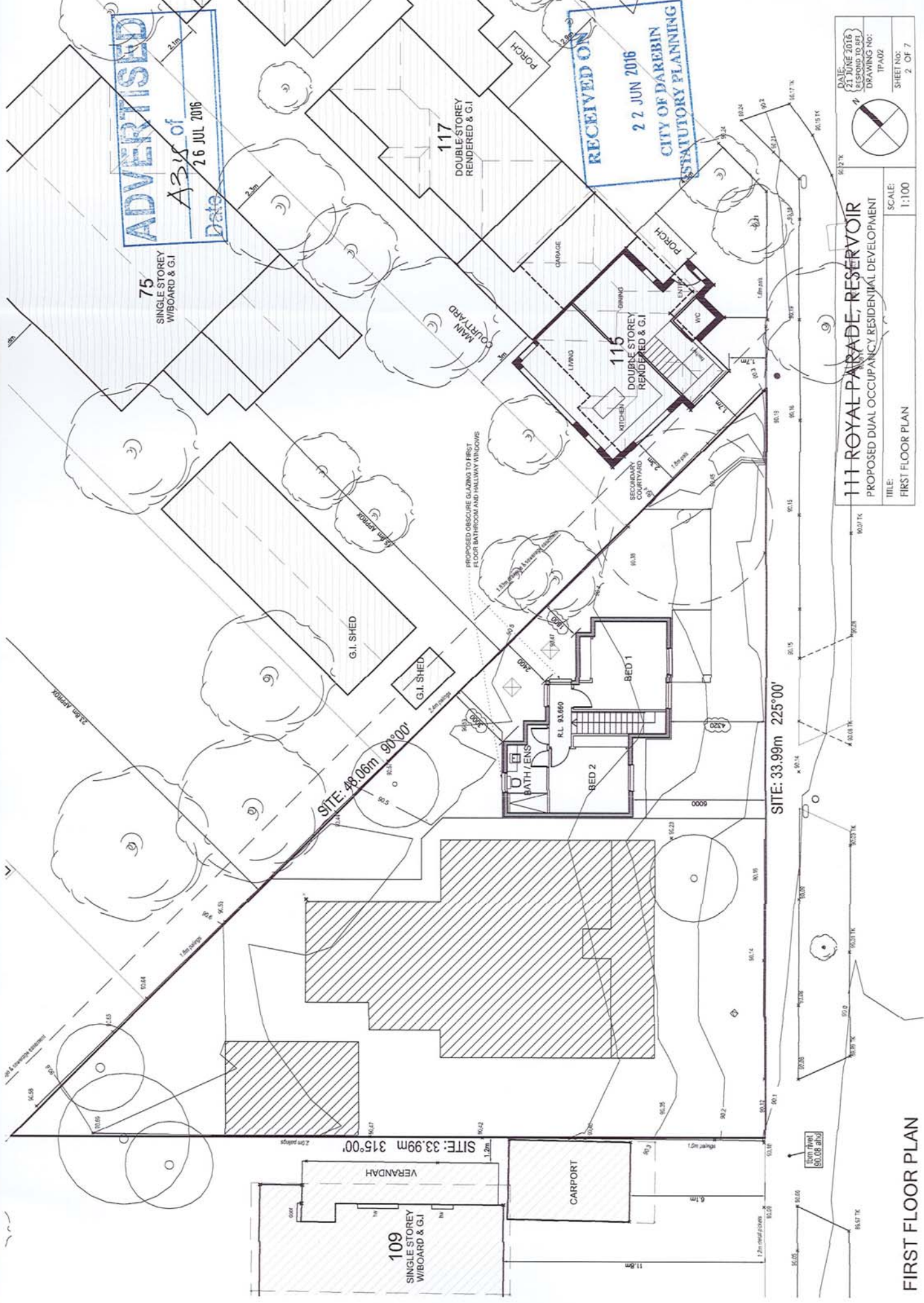
75 SINGLE STO
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22 JUN 2016
CITY OF DAKOTA
LEGISLATIVE PLANNING

TITLE:	SCALE:
GROUND FLOOR PLAN	1:100

GROUND FLOOR PLAN





ADVERTISED
A315 of
Date: 26 JUL 2016

RECEIVED ON
22 JUN 2016
CITY OF DAREBIN
STATUTORY PLANNING

DATE: 26 JUL 2016
DRAWING NO: IPAD2
SHEET NO: 2 OF 7

111 ROYAL PARADE, RESERVOIR
PROPOSED DUAL OCCUPANCY RESIDENTIAL DEVELOPMENT
TITLE: FIRST FLOOR PLAN
SCALE: 1:100

FIRST FLOOR PLAN

RECEIVED ON

22 JUN 2016

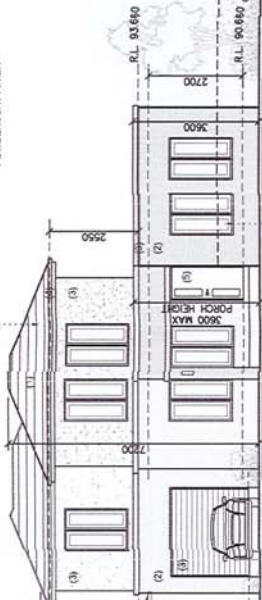
CITY OF DAREBIN
STATUTORY PLANNING

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33 of

Date 26 JUL 2016

TILED ROOF SET AT 23° PITCH
RENDER FINISH TO UPPER WALLS
ALUMINIUM FRAMED WINDOWS
POWDERCOAT FINISH



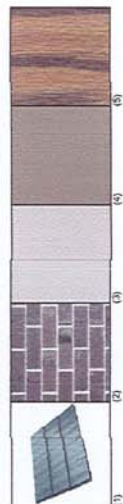
PROPOSED 1.2m HIGH TIMBER PICKET FENCE
FACE BRICKWORK WITH FEATURE
RENDER STRIP TO LOWER WALLS
2400 X 2200 PANEL LIFT
GARAGE DOOR TO DWELLING 2

SOUTH-EAST ELEVATION
FACING ROYAL PARADE

No. 111 ROYAL PARADE - EXISTING DWELLING 1
EXISTING 1.6m HIGH TIMBER
PICKET FENCE TO REMAIN AS IS
EXISTING DWELLING TO REMAIN AS IS

COLOURS, MATERIALS AND FINISHES SCHEDULE

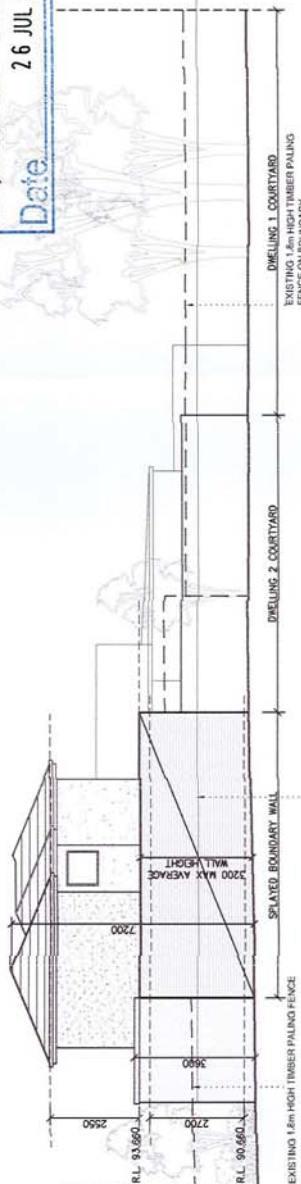
- ROOF: (1) CONCRETE TILES, MONIER, TRADITIONAL RANGE "BARRAMUNDI"
- LOWER WALLS: (2) FACE BRICKWORK, AUSTRAL, MELBOURNE SERIES "HAWKSBUURN"
- UPPER WALLS: (3) CEMENT RENDER FINISH, DULUX PAINT, "DUINE"
- GUTTERS: (4) SHEET STEEL, COLORBOND FINISH, "JASPER"
- FASCIAS: (3) SHEET STEEL, COLORBOND FINISH, "DUINE"
- WINDOWS: (3) ALUMINIUM FRAMES, POWDERCOAT FINISH, COLORBOND "DUINE"
- GARAGE DOOR: (3) PANEL LIFT, SHEET STEEL, COLORBOND FINISH, "DUINE"
- FRONT DOOR: (5) TIMBER, STAINED FINISH "WALNUT"
- DRIVEWAY: (6) R.CONCRETE, EXPOSED AGGREGATE "GREY"



ROYAL PARADE

NORTH-EAST ELEVATION
SCALE 1:100

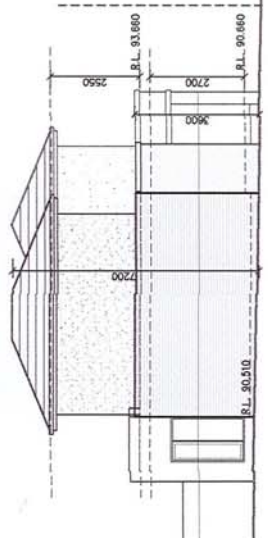
NOTE: ENSURE ALL PORTIONS OF BOUNDARY
CONSTRUCTION, F&F, FOOTINGS AND GUTTERS,
ARE LIMITED TO BOUNDS OF SITE.



EXISTING 1.6m HIGH TIMBER PICKET FENCE
SPRAYED BOUNDARY WALL
DWELLING 2 COURTYARD
EXISTING 1.6m HIGH TIMBER PICKET FENCE ON BOUNDARY

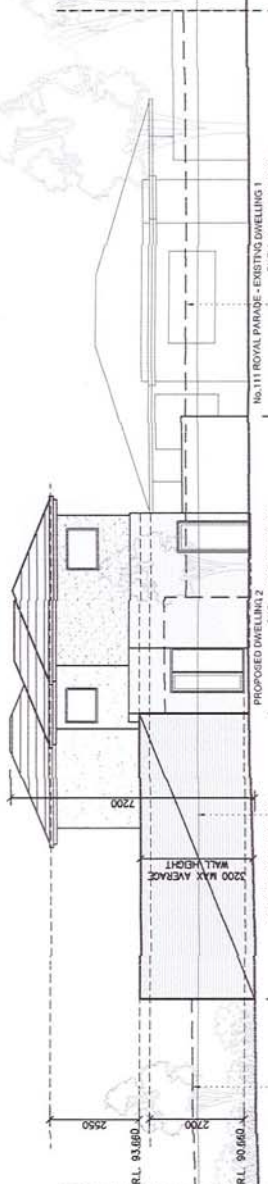
ROYAL PARADE

SOUTH-WEST ELEVATION
SCALE 1:100



NOTE: ENSURE ALL PORTIONS OF BOUNDARY
CONSTRUCTION, F&F, FOOTINGS AND GUTTERS,
ARE LIMITED TO BOUNDS OF SITE.

NORTH-WEST ELEVATION
SCALE 1:100



EXISTING 1.6m HIGH TIMBER PICKET FENCE
SPRAYED BOUNDARY WALL
DWELLING 2 COURTYARD
EXISTING 1.6m HIGH TIMBER PICKET FENCE ON BOUNDARY

111 ROYAL PARADE, RESERVOIR
PROPOSED DUAL OCCUPANCY RESIDENTIAL DEVELOPMENT

TITLE:
ELEVATIONS

SCALE:
1:100

DATE:
21 JUNE 2016
(RESPOND TO SFI)
DRAWING NO:
TPA03
SHEET NO:
3 OF 7

111 ROYAL PARADE, RESERVOIR
 THE PROPOSED DUAL OCCUPANCY RESIDENTIAL DEVELOPMENT IS FORMED BY BRICK OR WEATHERBOARD SINGLE STOREY DWELLINGS, INTERSPERSED WITH THE OCCASIONAL DOUBLE STOREY DWELLING, WITH GENERALLY HIP TILED ROOFS. GARDENS GENERALLY CONSIST OF SCATTERED TREES AND SHRUBS WITH ALUMINUM TREED FRONT FENCES.
 THE SUBJECT SITE IS OCCUPIED BY A SINGLE STOREY WEATHERBOARD WITH GALVANIZED IRON ROOF DWELLING AND GALVANIZED IRON GARAGE AND CARPORT.

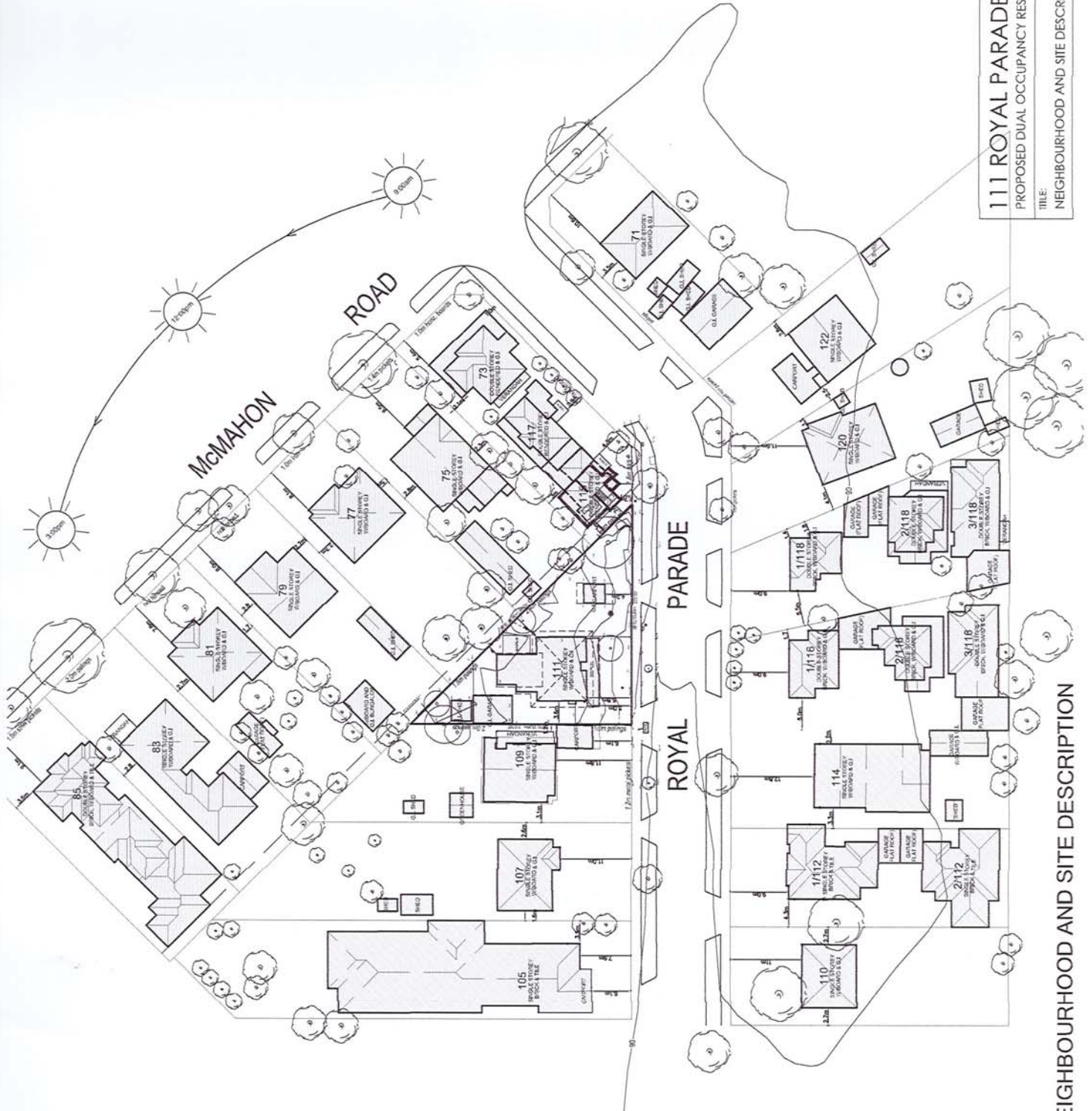
THE SUBJECT SITE CONTAINS SOME MATURE TREES.
 NATURAL GROUND LEVEL FALLS APPROXIMATELY 0.2 METRES FROM THE NORTH EAST CORNER TO THE SOUTH WEST CORNER AT AN AVERAGE GRADIENT OF 3.8%.

- BLACK STREET, BUS ROUTE #52 (400M NORTH EAST)
- RESERVOIR HIGH SCHOOL (2.1KM SOUTH EAST)
- DAREBIN CREEK TRAIL (800M EAST)
- COLES SUPERMARKET (1.2KM SOUTH WEST)
- RUTHVEN RAILWAY STATION (1.3KM NORTH WEST)
- RESERVOIR VIEWS PRIMARY SCHOOL (1.1KM NORTH EAST)
- ANCH GIBSON RESERVE (600M SOUTH EAST)
- TW ANDREWS PARK (550M SOUTH EAST)
- ST. STEPHEN'S PRIMARY SCHOOL (400M EAST)

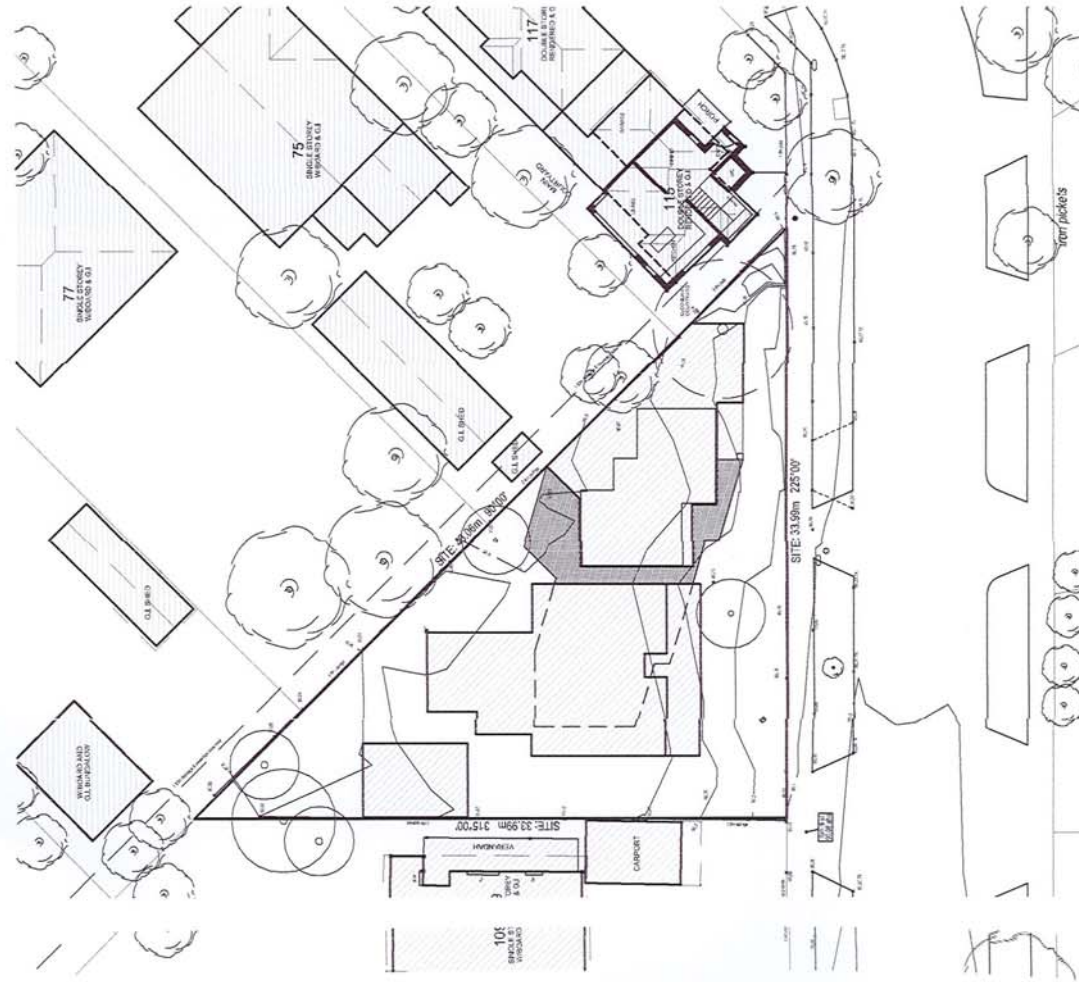
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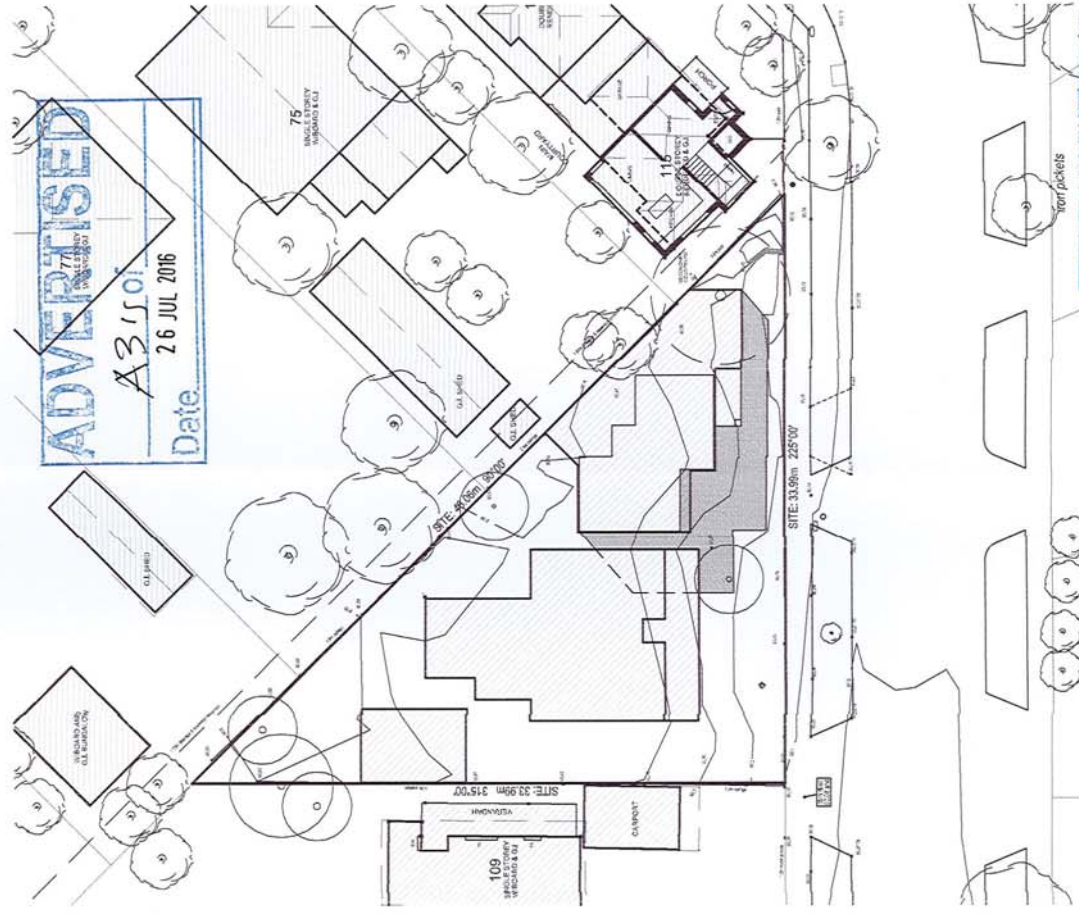
111 ROYAL PARADE, RESERVOIR		DATE: 21 JUNE 2016 DESIGNED BY: [Signature]
PROPOSED DUAL OCCUPANCY RESIDENTIAL DEVELOPMENT		DRAWING NO: 17PA04
TITLE: NEIGHBOURHOOD AND SITE DESCRIPTION	SCALE: 1:400	SHEET NO: 4 OF 7



NEIGHBOURHOOD AND SITE DESCRIPTION



DETAILED SHADOW ANALYSIS - 9AM



DETAILED SHADOW ANALYSIS - 12 NOON

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CITY OF DUNEDIN	
STATUTORY PLANNING 31 JUNE 2016 (RESPOND TO 87)	
DRAWING NO: TP406	
SHEET NO: 6 OF 7	
111 ROYAL PARADE, RESERVOIR PROPOSED DUAL OCCUPANCY RESIDENTIAL DEVELOPMENT	
TITLE: DETAILED SHADOW ANALYSIS	SCALE: 1:200



TAILED SHADOW ANALYSIS - 3PM

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 Date 26 JUL 2016

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 CITY OF DAKKIN
 STATUTORY PLANNING

111 ROYAL PARADE, RESERVOIR		DATE: 21 JUNE 2016 (RESPOND TO REF.)
PROPOSED DUAL OCCUPANCY RESIDENTIAL DEVELOPMENT		DRAWING NO: TPA07
TITLE: DETAILED SHADOW ANALYSIS		SHEET NO: 7 OF 7
SCALE: 1:200		

5.10 APPLICATION FOR PLANNING PERMIT D/255/2016

24 Claude Street, Northcote Vic 3070

AUTHOR: Statutory Planner – Daniel Murphy**DIRECTOR:** Director City Futures and Assets – Steve Hamilton**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
DX Architects Pty Ltd	Scott Sze Luk Chien	Ratio Consultants Pty Ltd

SUMMARY:

- It is proposed to construct a medium density development comprising the partial demolition of the existing dwelling and construction of two (2) double storey dwellings on land affected by a Heritage Overlay and a Design and Development Overlay and to reduce the statutory car parking requirement.
- The site is zoned Neighbourhood Residential Zone – Schedule 1 and is affected by Heritage Overlay – Schedule 162, Design and Development Overlay – Schedule 14 and Development Contributions Plan Overlay (noting that the approved plan has expired).
- There is no restrictive covenant on the title for the subject land.
- Nine (9) 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 Council's Heritage Advisor, Darebin Parks and Council's Capital Works and Transport Management and Planning Units.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/255/2016 be refused and that a Notice of Refusal be issued on the following grounds:

1. The proposal does not respect the existing or preferred neighbourhood character of the Northcote Activity Centre Structure Plan Neighbourhood Character Guidelines for Low Change Residential areas (Precinct A10) and is inconsistent with Clause 43.02 of the Darebin Planning Scheme with regard to:
 - a) Inappropriate building height and form resulting in excessive visual bulk;
 - b) The proposed design which includes boundary to boundary development is inappropriate having regard to the site context;
 - c) The proposed design response does not respect the prevailing or preferred streetscape character having regard to the materials, finishes and design detail.
2. The proposal is inconsistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme with regard to:
 - a) Neighbourhood Character (Standard B1);
 - b) Street setback (Standard B6);
 - c) Site coverage (Standard B8);
 - d) Side and rear setbacks (Standard B17);
 - e) Walls on boundaries (Standard B18);
 - f) Overshadowing (Standard B21);
 - g) Private open space (Standard B28);
 - h) Solar access to open space (Standard B29);
 - i) Storage (Standard B30).
3. The proposal does not comply with the car parking standards of Clause 52.06 of the Darebin Planning Scheme.

Report

INTRODUCTION AND BACKGROUND

Council's records indicate that Planning Permit application D/551/2002 for buildings and works to an existing dwelling was withdrawn on 5 May 2004.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 22.86 metres in length and 8.78 metres in width with a site area of 200.71 square metres.

- The land is located within the Neighbourhood Residential Zone – Schedule 1 and is affected by Heritage Overlay – Schedule 162, Design and Development Overlay – Schedule 14 and Development Contributions Plan Overlay (noting that the approved plan has expired).
- The land is located on the southern side of Claude Street which runs in an east-west direction between Herbert Street and Helen Street.
- The site is currently occupied by a single storey weatherboard dwelling with a hipped metal roof.
- To the east is a single storey brick dwelling with a hipped metal roof. This dwelling adjoins the existing dwelling occupying the subject site along the common boundary.
- To the west is a single storey brick dwelling with a gable metal roof.
- To the north, located on the opposite side of Claude Street, are two (2) dwellings. No. 21 is a single storey semi-detached brick dwelling with a hipped metal roof. This dwelling shares a party wall with the property west along the common boundary. No 23 Claude Street is a single storey weatherboard dwelling with a hipped roof.
- To the south are two (2) detached dwellings fronting Hawthorn Road. No. 59-61 Hawthorn Road is a single storey weatherboard dwelling with a hipped roof. No 63 Hawthorn Road is a single storey weatherboard dwelling with a gable roof.
- On-street car parking within the vicinity of the subject site is available on both sides of Claude Street and is restricted to two (2) hours between 8am and 6pm, Monday to Friday.
- The subject site is situated within an area of Minimal Housing Change and is located west of High Street within the Low-Change Residential Precinct (Precinct A10) west of High Street of the Northcote Major Activity Centre.

Proposal

- Partial demolition of the existing dwelling, however, the front façade and chimney of the existing dwelling is proposed to be retained.
- Construction of two (2) double storey dwellings.
- Each of the proposed dwellings comprises two (2) bedrooms
- Each dwelling is provided with an area of at least 37.43 square metres of secluded private open space located at ground floor level, directly accessible from the main living area, and via first floor balconies.
- No on-site car parking is proposed.

Objections

- Nine (9) objections have been received.

Objections summarised

- Loss of available car parking/traffic impacts
- Loss of heritage vista
- Overshadowing
- Negative affect on neighbourhood character

- General safety of the area
- Devaluation of property
- Negative heritage character
- Visual bulk/ Building form
- Overlooking
- Structural integrity of existing buildings

Officer comment on summarised objectionsLoss of available car parking/traffic impacts

The proposal seeks a waiver of all on site car parking requirements. The development therefore has a shortfall of two (2) car parking spaces (one (1) car space for each dwelling) pursuant to the car parking requirements of Clause 52.06 of the Darebin Planning Scheme. The proposed waiver of all on-site car parking requirements is contrary to the objectives and standards of Clause 52.06. Further discussion is provided below.

Loss of heritage vista

While the Design and Development Overlay affecting the site protects some views from Rucker's Hill (including the upper levels of the Northcote Town Hall) to the Central City skyline; and from the junction of Plenty Road, High Street and Miller Street (known as the 'Y' on High') to the Northcote Town Hall, vistas and other views are not protected. Moreover, the Tribunal has consistently held that there is no legal entitlement to a view, be it heritage vista or otherwise.

Overshadowing

The secluded private open space (SPOS) of the adjoining property at No. 26 Claude Street and No. 28 Claude Street appears to have an area of less than 40 square metres. Standard B21 of Clause 55 stipulates the extent of overshadowing to areas of SPOS with less than 40 square metres should not be further reduced by a proposed development. The proposal will result in an increase in overshadowing of adjoining property at No. 20 Claude Street. However, due to the site's orientation, this area of SPOS will receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

Further assessment is provided below.

Negative affect on neighbourhood character

The proposal fails to address the preferred character of the area, having regard to the objectives of the Low Change Residential Areas (LCR) – Precinct A10 as required by Clause 43.02 of the Darebin Planning Scheme. Further assessment is provided below.

General safety

It is noted that general safety within the street is not a relevant consideration in assessing medium density development under the provisions of the *Planning and Environment Act 1987*, or the Darebin Planning Scheme.

Devaluation of property

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

Negative heritage character

The proposal is generally consistent with the relevant decision guidelines of the Heritage Overlay noting that none of the elements of significance which are identified in the statement of significance will be impacted by this proposal. Council's heritage advisor has reviewed the application and does not object to the proposed development.

An assessment against the Clause 43.01 (Heritage Overlay) of the Darebin Planning Scheme is provided below.

Visual bulk/ Building form

The proposal fails to comply with a number of the standards and objectives of Clause 55 of the Darebin Planning Scheme, which generally relate to side and rear setbacks and walls on boundaries. The noted non-compliance with this standard is symptomatic of an inappropriate building form which results in excessive visual bulk.

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

Overlooking

An alternative method of screening has been proposed (i.e. horizontal slats). A condition of any future approval would require a section diagram to be provided in order to demonstrate that overlooking will be prevented in accordance with Standard B22 (Overlooking) of Clause 55 of the Darebin Planning Scheme.

Structural integrity of existing buildings

The impact of the development on the structural integrity of the existing building is not a relevant consideration under the provisions of the *Planning and Environment Act 1987*, or the Darebin Planning Scheme. The structural integrity of a building is assessed prior to the approval of any building application.

PLANNING ASSESSMENT**Clause 34.01 Heritage Overlay**

The subject site is situated in Heritage Overlay – Schedule 162. It is noted that the existing building occupying the subject site has a significant heritage grading. The statement of significance identifies the land as:

“The Northcote-Rucker’s Hill Area, known for a period as Upper Northcote, has its origins in the first land sales of 1840 and subsequent settlement which was consolidated during the late Victorian Land Boom and entered its final phase during the Inter-War years following a period of recovery following Federation. It is historically important as the central area of the former Municipality of Northcote which gained ascendancy over Northcote Township laid out by the Government Surveyor south of Westgarth Street. This importance is demonstrated by the

inclusion within its limits of the principle shopping centre, first Government school, the seat of Local Government and public services and the principal churches of the former City".

Residential Areas

"The residential areas of Rucker's Hill are historically and aesthetically important. They are historically important (Criterion A4) on account of their capacity to demonstrate the attraction of the sloping land of Rucker's Hill to attract Northcote's middle classes at various times during the Municipality's history but especially during the late Victorian Boom period and the Post Federation recovery. They are important also for their capacity to demonstrate the confirmation of Northcote as a working class suburb of the metropolis, linked with the industry of the City by the tramway and railway services that facilitated its development.

They are aesthetically important (Criterion E1) on account of the imposing early villa residences of the middle classes and the residential environments of the lesser streets established by the rows of representative small cottages and absence of nature strips creating a strong relationship between the streets and street facades characteristic of the working class suburbs of the metropolis. Here, the stylistic diversity resulting from the various periods of expansion is important in that it enables these processes of growth and consolidation to be interpreted."

Having regard to the elements of heritage importance identified in the statement of significance and the relevant decision guidelines of Clause 43.01-4 of the Darebin Planning Scheme, the proposal is considered to be generally in accordance with requirements of the Heritage Overlay. While it is noted that the proposal includes the demolition of a chimney located on the roof of the existing dwelling, this appears to be a later addition to the dwelling and does not form part of the original heritage fabric.

Council's heritage advisor has reviewed the application and put forward the view that the proposed design response is generally sympathetic to the surrounding heritage area. It is the heritage advisors view that while the proposed first floor form and use of render materials is atypical within the street, the proposed setback of 8.02 metres from the street is sufficient to not detrimentally impact the heritage significance of the area.

Clause 43.02 Design and Development Overlay

The subject site is affected by the Design and Development Overlay – Schedule 14 (DOO14), which generally applies to land within the Northcote Major Activity Centre. The subject site is situated within Precinct A10 (Low Change Residential Areas) of this overlay.

Transport and Access

- The entrances to the dwellings have been designed to accommodate pedestrian access to the site via the Claude Street frontage.

Urban Design and Heritage

- A condition of any future approval will require a landscape plan which incorporates indigenous and drought tolerant plants.
- The proposed dwellings provide active frontages at ground level through pedestrian links and passive surveillance of the street from the first floor balconies.

Building design

- A condition of any future approval will require the submission of Sustainable Tools for Environmental Performance Strategy (STEPS) assessment.

The schedule to DDO14 states that development should be designed to accord with Clause 55 of the Darebin Planning Scheme, and the Northcote Activity Centre Structure Plan Neighbourhood Character Guidelines – Low Change Residential Precinct. An assessment against these guidelines is provided as follows:

Buildings of Heritage Significance

- The proposal retains the front façade and chimney of the existing heritage dwelling, ensuring that no significant heritage elements of the dwelling will be demolished.
- The proposal is generally consistent with the decision guidelines of the Heritage Overlay of the Darebin Planning Scheme.
- Council's Heritage Advisor has reviewed the application and does not object to the proposal.

CompliesHeight and building form

- The proposal fails to meet several of the standard and objectives of Clause 55 of the Darebin Planning Scheme, which is symptomatic of excessive visual bulk.
- The development, in particular the proposed first floor of each dwelling, comprises a bulky building form which would result in unreasonable loss of amenity to adjoining properties.

Does not complyVegetation

- While the plans accompanying the application fail to indicate any landscaping, the proposal provides sufficient room within the rear secluded private open space of each dwelling to accommodate landscaping.
- A condition of any future approval will need to require a landscape plan to be provided.

CompliesSiting

- It is noted that the existing front setback is to be retained, which allows for landscaping opportunities, albeit limited.
- The proposal includes a boundary to boundary development at first floor level which fails to accord with the pattern of development within the streetscape and is not site responsive.
- The proposal does not provide any on-site car parking.

Does not comply

Materials and design details

- The proposal, in particular the first floor, which comprises rendered cement sheet fails to respond to the prevailing materials within the street. Materials most prevalent within the street include weatherboard and brick.
- The proposal fails to provide an architectural response which would contribute positively to the streetscape through the use of visually interesting facades or materials.

Does not complyFront boundary treatment

- While it is noted that no height is nominated on the plans, a notation on the elevation states that the front fence of the proposed dwelling will match the existing low-front fence.
- The existing timber picket fence is of a low scale and allows for view to the existing heritage dwelling.
- A condition of any future approval should nominate the height of the fence on the plans.

Complies**Clause 52.06 Car Parking**Number of Parking Spaces Required

The proposal seeks to reduce the provision of on-site car parking to zero spaces. The required provision of car parking is set out in Table 1 of Clause 52.06-5 of the Darebin Planning Scheme. The car parking requirement and shortfall of spaces has been calculated as follows:

Dwelling and No. of Bedrooms	Rate	Required	Provided	Shortfall
Dwelling 1 (2 Bedrooms)	1 to each 1 and 2 bedroom dwelling	1	0	1
Dwelling 2 (2 Bedrooms)	2 to each 3+ bedroom dwelling	1	0	1
Total Requirement		2	0	2

There is no statutory requirement for the proposal to provide visitor car parking. The application was accompanied by a Traffic Engineering Assessment prepared by Ratio Consultants Pty Ltd. In summary, the report concluded that a car parking reduction to zero spaces is acceptable and will not result in adverse impacts on Claude Street and the surrounding road network on the basis that:

- The subject site is well suited to a residential development without car parking;
- The site has good connectivity to alternative transport modes and is proximate to Northcote Major Activity Centre, which will attract residents with little, or no need for private vehicle access.

- There are a number of other dwellings along Claude Street which do have access to off-street parking.
- In the event that occupants own two (2) cars, one (1) of these spaces could be accommodated along Claude Street, while the other space would be accommodated on-street within the surrounding area.

Adequacy of car parking

The application has been referred internally to Council's Transport Management and Planning Unit who have assessed the application and object to the reduction in car parking for the proposal on the basis that:

- Car ownership data obtained from the 2011 Census for two (2) bedroom dwellings in Northcote suggests that average car ownership for households of this size is 1.15 cars;
- Future occupants will not be entitled to any on-street car parking permits from Council;
- On-street car parking within the area is restricted to two (2) hours on Monday-Friday between the hours of 8am-6pm.

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.

Standard B1 - Neighbourhood Character:

This element has been considered above in the assessment against the Neighbourhood Character Guidelines for Low Change Residential areas (Precinct A10) under DDO14 and has found to be inconsistent with the preferred neighbourhood character for this area.

Does not comply

Standard B6: Street Setback

The front setbacks of the adjoining dwellings are 2.1 metres and 2.4 metres. The standard therefore requires a setback of 2.25 metres. The proposed setback of the proposed dwelling is 2.2 metres.

Does not comply

Standard B8: Site Coverage

The area covered by buildings should not exceed a site coverage of 60%. The site coverage is 77%.

Does not comply

Standard B17: Side and Rear Setbacks

Ground Floor

Boundary	Wall height	Required Setback	Proposed setback
Southern – existing and proposed dwellings	3.282 metres	1 metre	6 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
Western – Proposed dwelling	6.804 metres	1.96 metres	1.01 metres
Southern – existing and proposed dwellings	6.340 metres	1.912 metres	3.91 metres
Eastern – existing dwelling	6.618 metres	1.91 metres	Nil

Does not complyStandard 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 – 22.86 metres	18.7 metres (where it adjoins No. 26 Claude Street)	18.7 metres
Western – 22.86 metres	13.215 metres	18.2 metres

The standard also states that a wall on boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres, unless abutting a higher existing or simultaneously constructed wall. Therefore the proposed western boundary wall, with a maximum height of 6.618 metres and an average height exceeding 3.2 metres does meet this standard.

Does not complyStandard B21: Overshadowing

The shadow diagrams provided do not contain sufficient information to assess the hours of sunlight between 9 am and 3 pm on 22 September, which will be received by adjoining properties.

However, it is noted that the proposal will increase the extent of overshadowing to the two properties to the east at 26 Claude Street and 28 Claude Street, which are served by areas of private open space with areas of less than 40 square metres. The standard stipulates that the extent of overshadowing to areas of private open space of less than 40 square metres cannot not be increased.

Does not comply

Clause 55.04-6 B22 Overlooking

The development is designed to limit views into neighbouring secluded private open space and habitable room windows. A condition of any future approval would require a section diagram to demonstrate that proposed alternative screening complies with this standard.

Complies subject to conditionClause 55.05-4 B28 Private Open Space

Secluded private open space to each dwelling is provided via a ground floor courtyard located at the rear of each dwelling and a first floor balcony. It is noted that the plans accompanying the application fail to provide an accurate calculation of private open space. Private open space is provided as follows:

	Total POS	Secluded POS	Minimum dimension of secluded POS
Existing dwelling (courtyard and balcony)	41.2 square metres	32.55 square metres (27.6 square metre courtyard + 4.95 square metre balcony)	4.6 metres
Proposed dwelling (courtyard and balcony)	37.433 square metres	29.6 square metres (25.2 square metre courtyard + 4.4 square metre balcony)	4.2 metres

The standard requires an area of 40 square metres of private open space, with one part to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or alternatively, a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room.

Does not complyStandard 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	6.34 metres	7.706 metres	6 metres
Dwelling 2	6.34 metres	7.706 metres	6 metres

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 comply

Standard B30: Storage

The proposal fails to provide convenient access to at least 6 cubic metres of externally accessible, secure storage space to each dwelling

Does not comply

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Neighbourhood character		
		Please see assessment in the body of this report for against the Neighbourhood Character Guidelines for Low Change Residential areas (Precinct A10) of DDO14	N	N
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		
		Both the existing and proposed dwellings appropriately integrate with the Street.	Y	Y
55.03-1	B6	Street setback		
		The required setback is 2.25 metres, the dwellings are set back 2.2 metres from the street frontage. Complies with objective.	N	Y
55.03-2	B7	Building height		
		6.53 metres	Y	Y
55.03-3	B8	Site coverage		
		77%	N	N
55.03-4	B9	Permeability		
		23%	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
Clause	Std		Compliance	

Clause	Std		Compliance	
55.03-6	B11	Open space		
		N/A as the site does not abut public open space. / The proposed development appropriately addresses the adjoining public open space area.	Y	Y
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	Parking location		
		No on-site parking is proposed.	N/A	N/A
55.04-1	B17	Side and rear setbacks		
		The proposed dwelling is not set back in accordance with the requirements of this standard along the western boundary.	N	N
55.04-2	B18	Walls on boundaries		
		<u>Eastern Boundary</u> Length: 18.7 metres Height: 6.804 metres <u>Western Boundary</u> Length: 18.7 metres Height: 6.804 metres	N	N
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		
		The proposal results in increased overshadowing to adjoining properties with areas of private open space which are less than the standard.	N	N

Clause	Std		Compliance	
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		There are no internal views	Y	Y
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		The provision of private open space provided for the existing dwelling fails to meet the standard. Please see assessment in the body of this report.	N	N
55.05-5	B29	Solar access to open space		
		Both dwellings are provided with insufficient depth to allow adequate solar access.	N	N
55.05-6	B30	Storage		
		Insufficient storage areas are provided.	N	N
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 1.4 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
Heritage Advisor	No objection
Transport Management and Planning	Objection based on <i>insufficient car parking</i> . See body of report for details
Darebin Parks	No objection

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

Clause 32.08-4 – Construct two or more dwellings on a lot

Clause 43.02-2 – Construct a building or construct or carry out works

Clause 43.01-1 – Demolish or remove a building, construct a building or construct or carry out works

Clause 52.06-3 – reduce the number of car parking spaces required under Clause 52.06-5

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
Zone	32.09
Overlay	34.01, 43.02, 45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS**Environmental Sustainability**

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

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

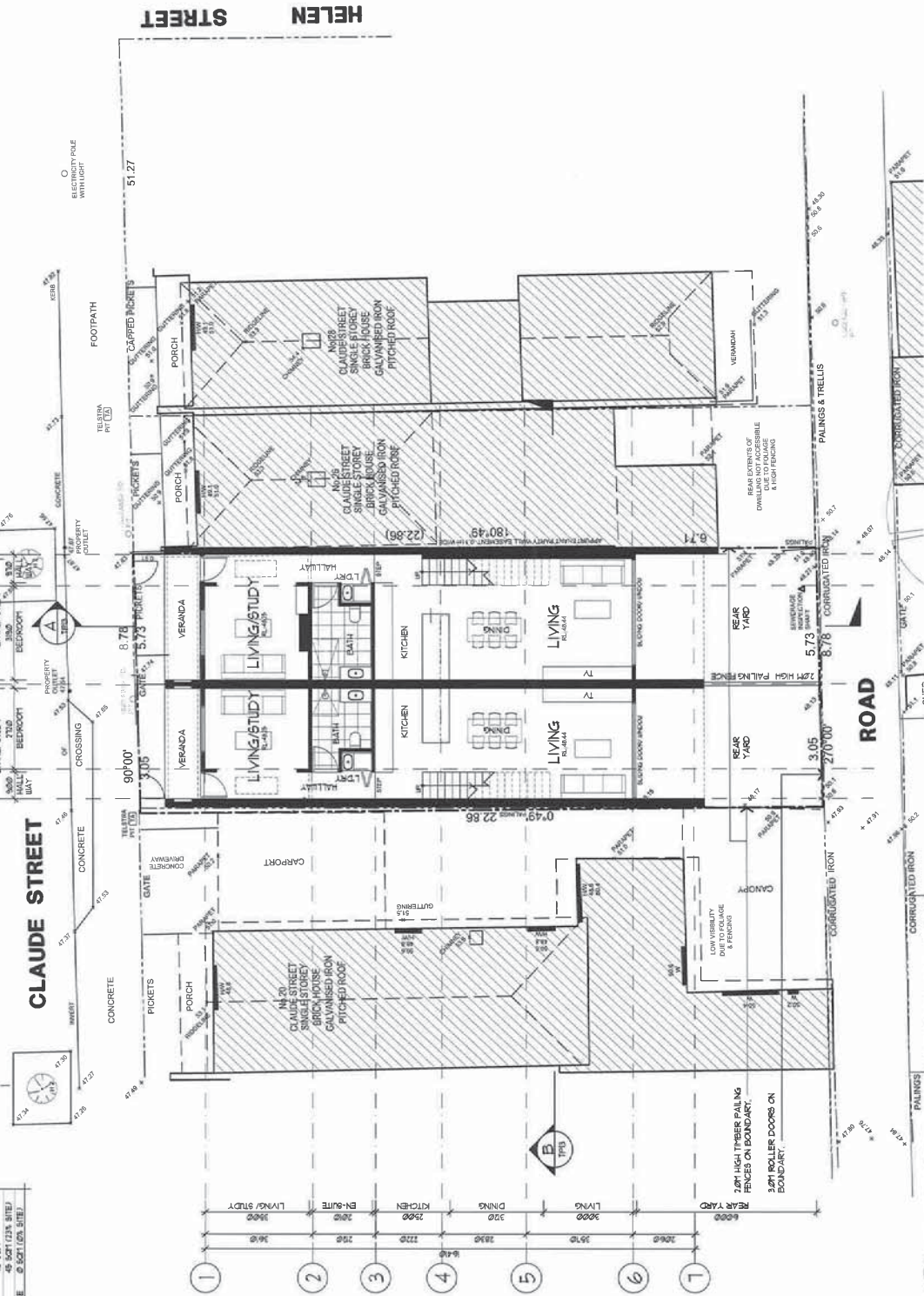
- Darebin Planning Scheme
- *Planning and Environment Act (1987)* as amended.
- Darebin Heritage Review 2000 (Volume 1).



PROPOSED SITE ANALYSIS

SITE AREA	700 SQM
OVERALL AREA	1000 SQM
GROUND FLOOR	1000 SQM
FIRST FLOOR	1000 SQM
SECOND FLOOR	1000 SQM
PRIVATE OPEN SPACE	400 SQM (12% SITE)
PERMEABLE SURFACE	400 SQM (12% SITE)
NON PERMEABLE SURFACE	600 SQM (18% SITE)

CLAUDE STREET



PROPOSED GROUND FLOOR PLAN

SCALE 1:100



ARCHITECTS
98 HIGHT STREET, RICHMOND
PHONE 03 9429 0551



PROPOSED GROUND
FLOOR PLAN

ALTERATION & ADDITIONS
24 CLAUDE STREET
NORTHCOOTE, VIC, 3070

SCOTT & META CHEN

DATE: 10/05/2016
ISSUED FOR PLANNING APPLICATION
10/05/2016
REVISION: 1

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PROPOSED SITE ANALYSIS





ALTERATION & ADDITIONS
24 CLAUDE STREET
NORTHCOVE, VIC, 3070

PROPOSED FIRST FLOOR
PLAN



30/06/2016	PM	drawn by
1:100	A2	drawn date
V15-477	TP04	job number
	B	sheet



59 HIGHELL STREET,
PHONE | 03 9429 0951



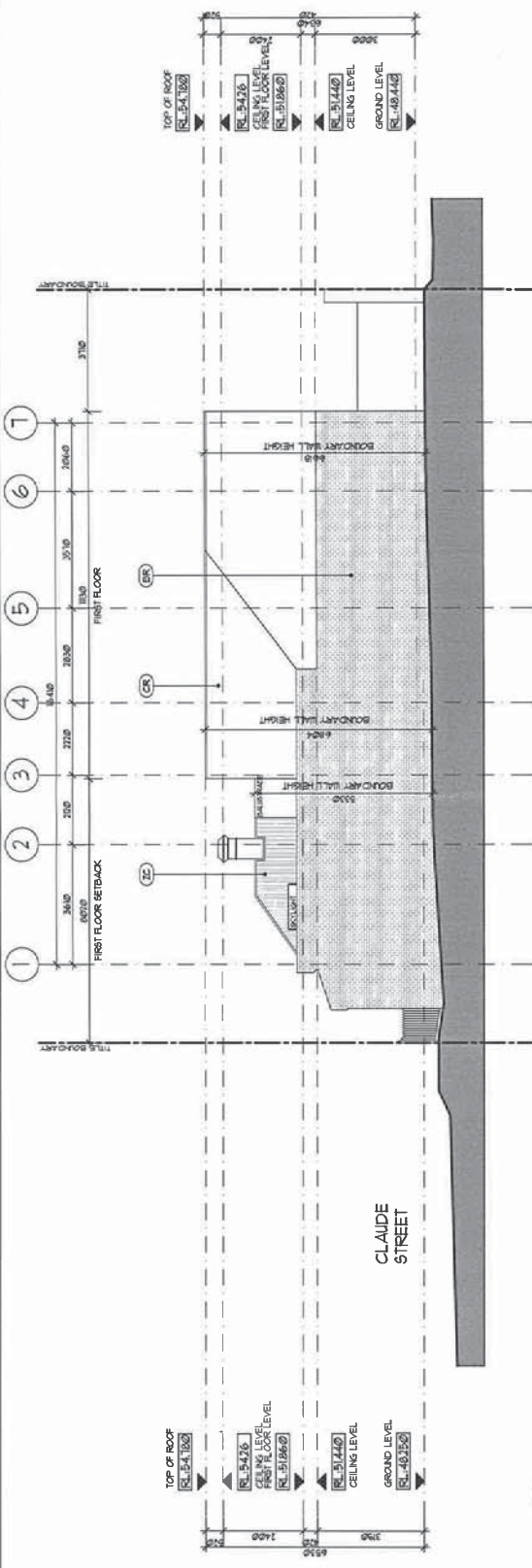
SUN SHADOW DIAGRAMS

DATE	TIME	LONG.	ALTITUDE
21/05/2000	05:00:00	60°56'46"	31°35'47"
21/05/2000	06:00:00	46°38'75"	41°06'73"
21/05/2000	07:00:00	28°03'51"	48°20'23"
21/05/2000	08:00:00	14°06'06"	51°40'11"
21/05/2000	09:00:00	34°18'23"	56°03'78"
21/05/2000	10:00:00	370°43'70"	34°31'48"
21/05/2000	15:00:00	300°48'34"	35°51'01"

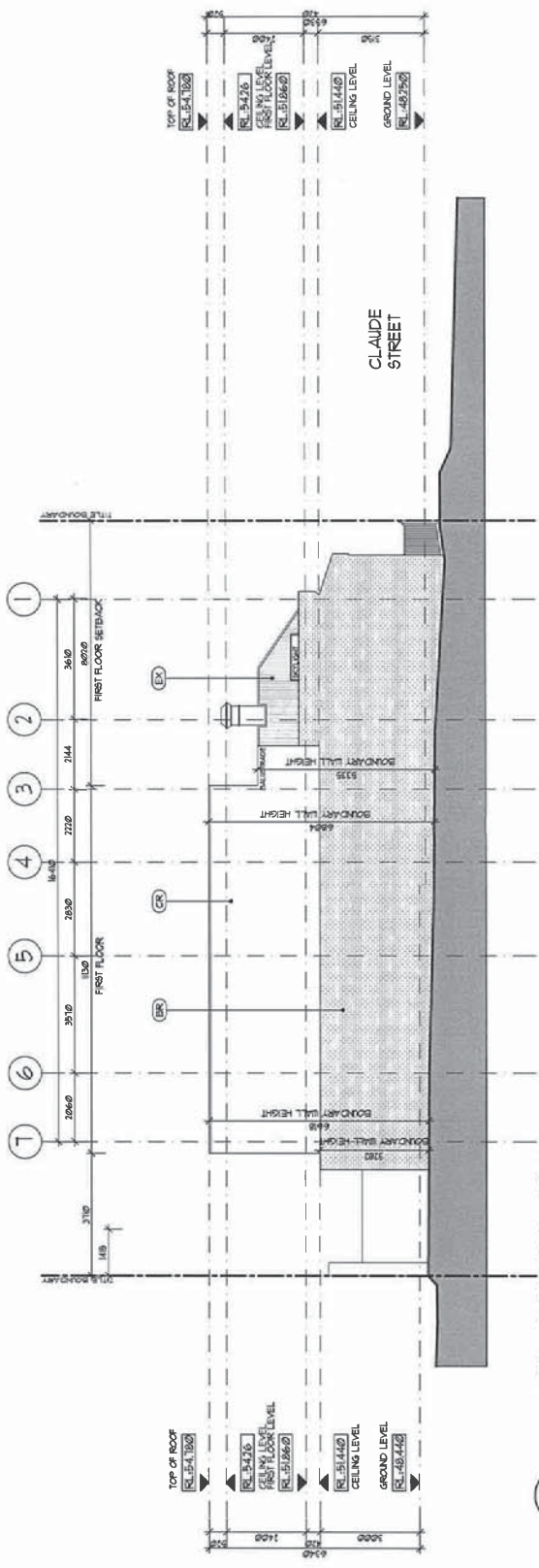
COMPUTED USING NATIONAL MAPS DIVISION
SUN/POS/CON PROGRAM
HTTP://MILLIGAU.GAUGEDEBY/ASTRO/SHPOS.SP

ATCHED AREA INDICATES
ADDITIONAL SHADOW DUE TO
PROPOSED DESIGN

G 12PM SUN SHADOW DIAGRAM
SCALE: 1:500

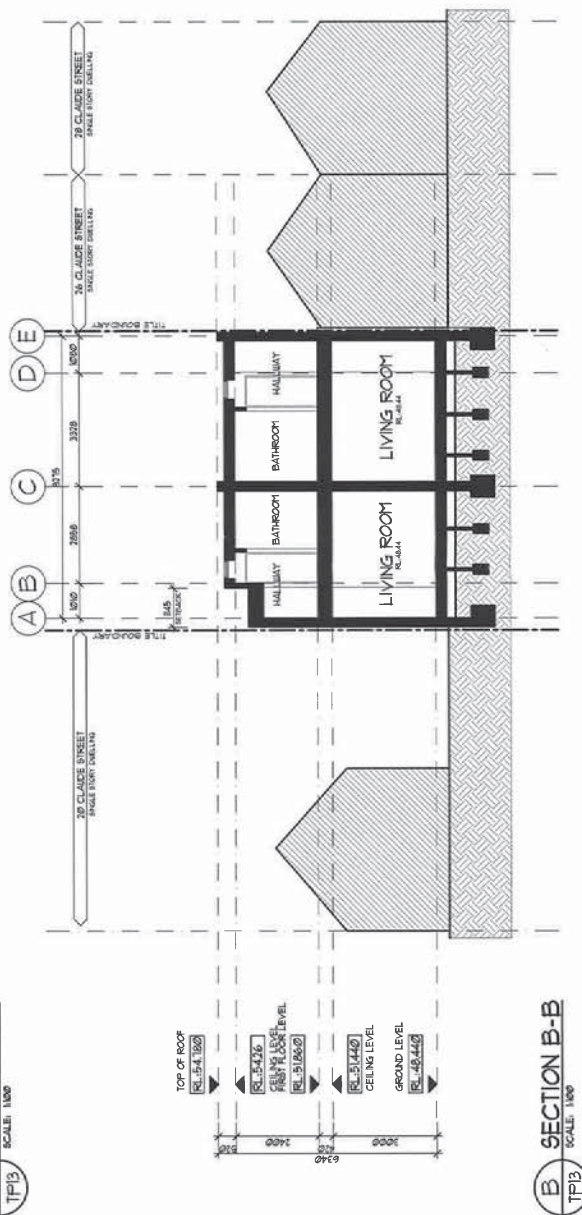
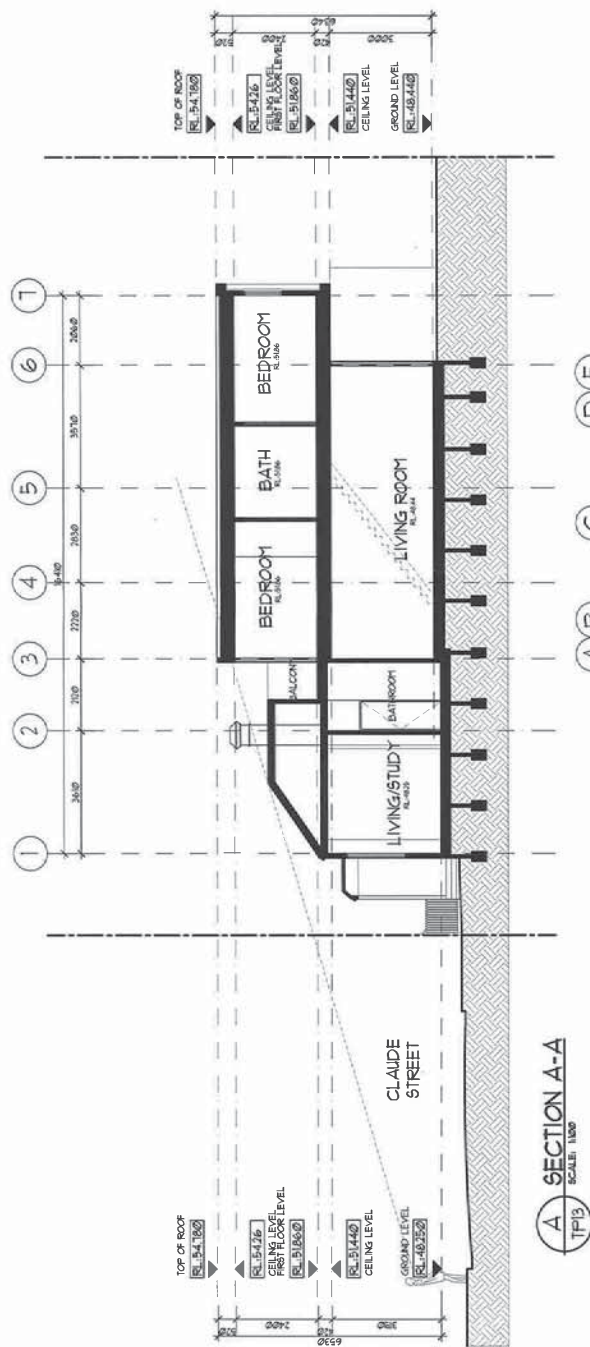


07 PROPOSED WEST ELEVATION
SCALE: 1:500
TP12



08 PROPOSED EAST ELEVATION
SCALE: 1:500
TP12

<p>DATE: 20/06/2016 DRAWN: J. CHEN CHECKED: M. CHEN SCALE: 1:500</p>		<p>PROJECT NAME: PROPOSED EAST & WEST ELEVATIONS</p>		<p>CLIENT: SCOTT & META CHIEN</p>		<p>PROJECT ADDRESS: ALTERNATION & ADDITIONS 24 CLAUDE STREET NORTHCOTE, VIC. 3070</p>		<p>ARCHITECTS: D X ARCHITECTS 50 HIGGITT STREET, RICHMOND PHONE: (03) 9493 0851</p>	
NO.	REVISION	DATE	BY	CHKD.	DATE	BY	CHKD.	DATE	BY
A	ISSUED FOR PLANNING APPLICATION								
B	FOR FURTHER INFORMATION								
<p>30/06/2016</p>		<p>PT1</p>		<p>A2</p>		<p>1:500</p>		<p>VIS-411</p>	
<p>TP12</p>		<p>TP12</p>		<p>TP12</p>		<p>TP12</p>		<p>TP12</p>	
<p>B</p>		<p>B</p>		<p>B</p>		<p>B</p>		<p>B</p>	



5.11 APPLICATION FOR PLANNING PERMIT D/341/2016
2 Margaret Grove, Preston Vic 3072

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Archiscale	Luigi Marcon and Felicia Marcon

SUMMARY:

- It is proposed to demolish the existing dwellings and construct three (3) double storey dwellings.
- The dwellings will have living areas at ground level, with Dwellings 1 and 3 having three (3) bedrooms with a double garage and Dwelling 2 has two (2) bedrooms with a single garage.
- Vehicle access is via a common access way on the west boundary via the existing crossover. The dwellings will have a contemporary design with brick walls to the ground level and lightweight cladding to the first floor and hipped roofs. It is to have a maximum height of 8.2 metres to the ridge of the roof.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 17 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 one (1) sign posted on the site frontage and letters were sent to surrounding owners and occupiers.
- This application was referred internally to the Capital Works Unit, 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/341/2016 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP04, TP05, TP06 revision 1, dated May 2016 and prepared by Archiscale) but modified to show:
 - a) Obscure glass to be fixed.
 - b) Pedestrian doors to garages to not swing into the garage.
 - c) 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.
 - d) A Landscape Plan in accordance with Condition No. 5 of this Permit.
 - e) Metre boxes.
 - f) External operable sun shading devices (excluding roller shutters) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are being utilised a section diagram or photograph must be included to demonstrate the shading type and effectiveness.
 - g) Fixed external sun shading devices to all north facing habitable room windows. Where possible the devices should extend both from the window and past the window sides at least the distance given below:
 - a) 450mm where window height is 900–1,200mm.
 - b) 600mm for a window height of 1,200–1,350mm.
 - c) 900mm for a window height of 1,350–2,100mm.
 - d) 1000mm for a window height of 2,100–2,700mm.

Where sun shading devices are being utilised a section diagram must be included to demonstrate their effectiveness. Shading should not sit directly above the window/ glazing.

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

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

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

- Before this Permit expires;

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

- l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
- 6. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
- 7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
- 8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2010. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
- 9. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
- 10. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
- 11. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 12. The land must be drained to the satisfaction of the Responsible Authority.
- 13. With the exception of guttering, rain heads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 15. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 16. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;

- d) Drained;
to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
17. 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.

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.

Report

INTRODUCTION AND BACKGROUND

No relevant history

ISSUES AND DISCUSSION**Subject site and surrounding area**

- The land is regular in shape. It has a total frontage of 15.24 metres, a depth of 42.67 metres and an overall area of 653.8 square metres.
- The land is located within the General Residential Zone 2 and a Development Contribution Plan Overlay.
- The site is located on the north side of Margaret Grove east of the intersection with Murphy Grove.
- The allotment contains a single storey weatherboard dwelling.
- To the east of the site are the rear yard areas of a single storey dwelling and a double storey dwelling fronting Murphy Grove.
- To the west is a double storey dwelling fronting Margaret Grove.
- To the north are the rear yards of dwellings fronting Josephine Grove.
- To the south on the opposite side of Margaret Grove are single storey detached dwellings.
- No parking restrictions apply to Margaret Grove or in the vicinity of the site.
- The site is approximately 220 metres to the east of Plenty Road tram line.

Proposal

- It is proposed to demolish the existing dwellings and construct three (3) double storey dwellings.
- The dwellings will have living areas at ground level, with Dwellings 1 and 3 having three (3) bedrooms with a double garage and Dwelling 2 has two (2) bedrooms with a single garage.
- Vehicle access is via a common access way on the west boundary via the existing crossover. The dwellings will have a contemporary design with brick walls to the ground level and lightweight cladding to the first floor and hipped roofs. It is to have a maximum height of 8.2 metres to the ridge of the roof.

Objections

- 17 objections have been received.

Objections summarised

- Over supply of 1 and 2 bedroom dwellings / under supply of family accommodation.
- Inadequate replacement planting shown.
- Inadequate parking will result in increased parking congestion and increased safety risks to pedestrians.

- Overdevelopment of the site, given predominant single storey detached dwellings.
- Warrants consideration by the Darebin Planning Committee.
- Excessive bulk and scale and visual impact.
- The proposal does not add net value to the community.
- The number of objections indicates a negative social effect.
- Does not meet the standards in the Planning Scheme.
- Will not guarantee affordable accommodation.
- Overlooking.
- Noise impacts.

Officer comment on summarised objectionsOver supply of 1 and 2 bedroom dwellings / under supply of family accommodation

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

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

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

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

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

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

This informs the following objectives (extracted as relevant):

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

“To increase the supply of affordable and social housing”

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

Inadequate replacement planting shown

No planning approval is required for the removal of any vegetation from the site and there is adequate space on the site for appropriate levels of vegetation to the sides and rear respect the landscape character of the area. Although a landscape plan has not been submitted, this may be required by condition.

Inadequate parking will result in increased parking congestion and increased safety risks to pedestrians.

It is not considered that the proposal will lead to an unreasonable increase in traffic and parking congestion and any overflow parking resulting from the development would be within reasonable limits and will not negatively impact on the surrounding streets or pedestrian safety.

Overdevelopment of the site, given predominant single storey detached dwellings.

Although the development is double storey, Council must assess the proposal on its merits, in the context of the site and area. Firstly, the development proposes a modest rise from the single and double storey buildings on the adjoining properties, noting that it is a generally held planning principle that a gradual increase in height is appropriate. As identified in the context plan there are double storey buildings in the neighbourhood context, so that the two storey height is consistent with the existing character of development in the area. A double storey height is also considered to be low-scale and it is reasonable to expect double storey heights in established residential areas in Melbourne. The development is considered to be respectful of the prevailing scale of housing stock in the area.

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.

Warrants consideration by the Darebin Planning Committee

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

Excessive bulk and scale and visual impact

The proposed dwellings are to have a maximum height of 8.2 metres, which is under the 9 metre maximum as required by the standard. Double storey construction is a satisfactory design outcome in a suburban residential setting such as this and provides an appropriate transition in height above the adjoining single storey dwelling.

Issues surrounding the bulk and scale of the development are assessed below in the Clause 55 assessment and the Neighbourhood Character Study Assessment.

The siting, setbacks and location of the development ensures the proposal does not impose an unreasonable visual impact upon neighbouring sites.

The proposal does not add net value to the community

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

The number of objections indicates a negative social effect

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

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

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

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

It is considered that 17 objections, in itself, is not a determining factor as to whether there are negative social effects or if a permit should be granted or refused in this instance. A development of three (3) dwellings is not considered to be likely to cause significant social effects for residents or visitors to the area.

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

Does not meet the standards in the Planning Scheme

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

Will not provide affordable accommodation

The proposal will provide three (3) dwellings on a site where there is only one (1) dwelling at present and thus provides a level of affordability and diversity, in compliance with relevant State and Local policies.

Overlooking

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.

Noise impacts

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

PLANNING ASSESSMENT

Neighbourhood Character Precinct Guideline Assessment - Precinct E4

Existing Buildings

- Although there is a preference to retain older dwellings that contribute to the valued character of the area, it is noteworthy that the site is not located in a Heritage Overlay; therefore the building may be demolished without planning permission. Additionally, the site is not in an intact streetscape, with a variety of dwelling types and forms to the street.
- It is important to assess the merits of the proposed development. Given the assessment below, it is considered that the replacement buildings are respectful to the scale and character of the neighbourhood and will make an appropriate contribution to the surrounding character.

Complies

Vegetation

- The site is not subject to any Planning Scheme controls which would require a permit for the removal of any trees. Therefore, vegetation may be removed without planning permission. Regardless, there are no significant trees on the site. Nevertheless, the proposal should provide appropriate landscaping to respect the landscape character of the area.
- Whilst a landscape concept plan has not accompanied the application, in addressing landscape character, it is considered that the proposal provides sufficient space for appropriate landscaping to the front, sides and rear.
- The proposal presents double storey buildings extending along the length of the site; however, it provides an appropriate design response, given the proposed setbacks and separation between the upper floors. Therefore, appropriate setbacks and separation limits the effect on the rear yard/garden character.

Complies subject to condition

Siting

- 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 sides and rear for appropriate landscaping.
- Ample separation is maintained in building forms to the street, respecting the rhythm of dwelling spacing.
- Dwelling 1 is set back from the east and west common boundary so some separation is maintained in buildings forms to the street.
- The design maintains the existing crossover to the street, which is acceptable. All dwellings are provided with the garages and car spaces to the rear.

Complies

Height and building form

- Adequate articulation is provided to the façade through setbacks, materials and openings. The development is not out of scale with the adjoining buildings and does not dominate the streetscape, as it presents a graduated increase in height over adjoining double storey building.

CompliesMaterials and design detail

- The proposal provides brick and lightweight wall materials, which are considered acceptable.
- The development has a contemporary design, which is acceptable as the design objective encourages innovative architectural responses and by presenting visually interesting facades to the street. The proposal presents an appropriate architectural response with a visually interesting facade.
- Articulation in the façade is achieved through the use of brick and lightweight cladding to the walls, as well as setbacks and varied fenestrations in windows and door openings.

CompliesFront boundary treatment

There is to be a 0.9 metre high front fence, which is appropriate and allows views of the façade and landscaped front yard area.

Complies**Clause 55 Assessment**

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

Clause 55.03-1 B6 Street Setback

The front setback of the adjoining dwelling to the east is 7.72 metres. The dwelling to the east fronts Murphy Grove and has a garage with a zero setback to Margaret Grove and the dwelling is set back 2.8m from Margaret Grove. The standard therefore requires a setback of 7.72 metres.

The proposed front setback is 4.13 metres to 5.38 metres and does not comply with the standard; however, the design response is considered to be acceptable due to the following:

- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping. Under 'Key Characteristics' the Neighbourhood Character Study notes that 'Buildings are setback 5 - 7 metres from the front and 1 - 3 metres from the side. Some streets in the south-west of the precinct have 3-5 metres front setbacks.' The front setback provides an appropriate transition between the adjacent buildings and is appropriately within the above range.
- The design provides a graduated and staggered setback leading from the lesser zero setback to the east and the larger setback to the west.
- The front façades are appropriately articulated.

- The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.
- The proposed setback results in efficient use of the site.
- The existing streetscape is not consistent and provides for varied setbacks.

Complies with objectiveClause 55.03-8 B13 Landscaping

- The surrounding landscape character is generally semi mature and informal with large open spaces and spacious setbacks.
- The open spaces and setbacks are generally large enough to provide sufficient landscaping.
- A detailed landscape plan will be required as a condition of any approval.

Complies subject to conditionClause 55.03-10 B15 Parking Location

- Parking facilities will be proximate to the dwellings they serve.
- The proposed garages are an adequately secure form of parking.
- The access is observable.
- The west facing living area windows of dwellings are adjacent to the access way and have sill heights of at least 1.4 metres above the access way.

Complies subject to conditionClause 55.04-1 B17 Side and Rear Setbacks

There is a significant level of compliance with the setbacks required under Standard B17.

Complies subject to conditionClause 55.04-6 B22 Overlooking

- The ground floor of the proposed dwellings has finished floor levels less than 0.8 metres above natural ground level at the boundary. The proposed 1.8 metre high boundary fence all boundaries will sufficiently limit overlooking.
- The development is designed to limit views into neighbouring secluded private open space and habitable room windows, with habitable room windows screened with obscure glass to 1,700mm to the east, west and north. This glazing should be fixed by permit condition.

Complies subject to conditionClause 55.05-4 B28 Private Open Space

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

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

	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	65 square metres	<u>25 square metres</u>	3.5 metres
Dwelling 2	40 square metres	40 square metres	3.1 metres
Dwelling 3	50 square metres	50 square metres	3.4 metres

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

Complies

Clause 52.06 Car Parking

Number of Parking Spaces Required

- One (1) car parking space is provided for the two (2) bedroom dwelling.
- Two (2) car parking spaces are provided for each of the three (3) bedroom dwellings.

Design Standards for Car parking

- The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.
- Doors should not swing into garages.
- Vehicles are able to enter and exit the site in a forward direction.
- The dwelling 3 car port measures 4.88 metres in length due to the easement on the north boundary. Whilst this is less than the standard 6 metre length required for a car port under Clause 52.06 the extent of cover is only 0.02 metres less than a standard car space requirement under Clause 52.06 and, being open at the rear, sufficient length is provided to park a car. This is an acceptable design outcome.

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		

Clause	Std		Compliance	
		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		
		Units 1 is appropriately integrated with the Street.	Y	Y
55.03-1	B6	Street setback		
		Please see assessment in the body of this report.	N	Y
55.03-2	B7	Building height		
		8.2 metres	Y	Y
55.03-3	B8	Site coverage		
		42%	Y	Y
55.03-4	B9	Permeability		
		36%	Y	Y
55.03-5	B10	Energy efficiency		
		Subject to shading measures the dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		N/A as the site does not abut public open space.	N/A	N/A
55.03-7	B12	Safety		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	Landscaping		
		Please see assessment in the body of this report.	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		
		Please see assessment in the body of this report.	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		

Clause	Std		Compliance	
		Length:8.59 metres (18 metres allowed) Height: 3.02m max 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.	N/A	N/A
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		There are no internal views	Y	Y
55.04-8	B24	Noise impacts		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	B25	Accessibility		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	B26	Dwelling entry		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	B27	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	B28	Private open space		
		Please see assessment in the body of this report.	Y	Y
55.05-5	B29	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	B30	Storage		
		Sufficient storage areas are provided.	Y	Y

Clause	Std		Compliance	
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 0.9 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. Metre boxes should be shown on the plans.	Y	Y

REFERRAL SUMMARY

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

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-4 – Construct two or more dwellings on a lot

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3; 21.03-2; 21.03-3; 21.03-4; 21.05; 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	E4

POLICY IMPLICATIONS**Environmental Sustainability**

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

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.

Darebin City Council



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

TOWN PLANNING APPLICATION – DAREBIN CITY COUNCIL

2, MARGARET GROVE, PRESTON 3072

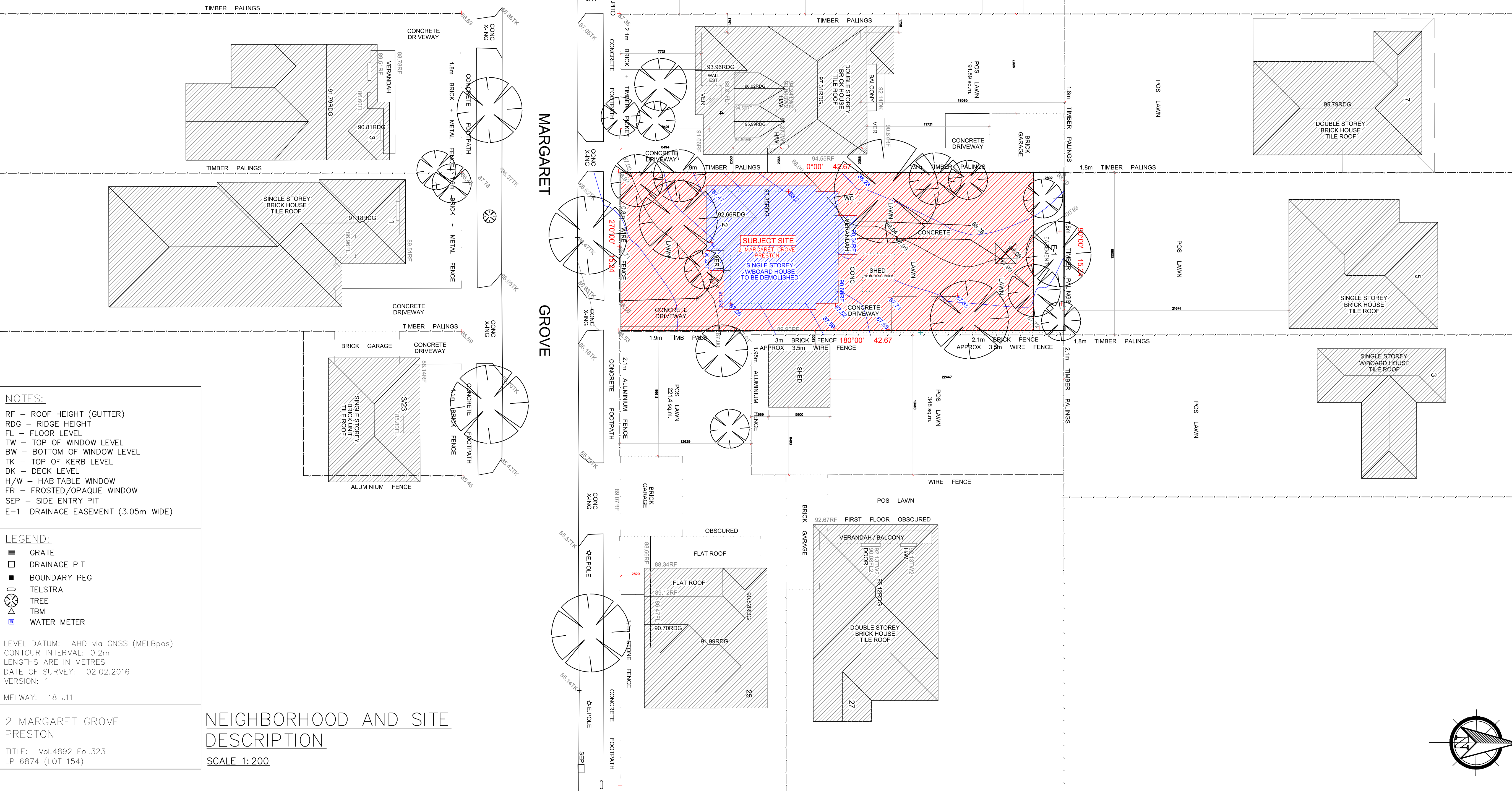
- TP00 – COVER PAGE
- TP01 – NEIGHBORHOOD AND SITE DESCRIPTION
 - FEATURE SURVEY – EXISTING SITE PLAN & CONDITIONS
- TP02 – PROPOSED SITE PLAN
 - BUILDING DEVELOPMENT SUMMARY
- TP03 – SHADOW DIAGRAMS
- TP04 – GROUND FLOOR PLAN
- TP05 – FIRST FLOOR PLAN
- TP06 – ELEVATIONS
 - COLOURS AND MATERIAL SCHEDULE
 - FRONT FENCE DETAIL

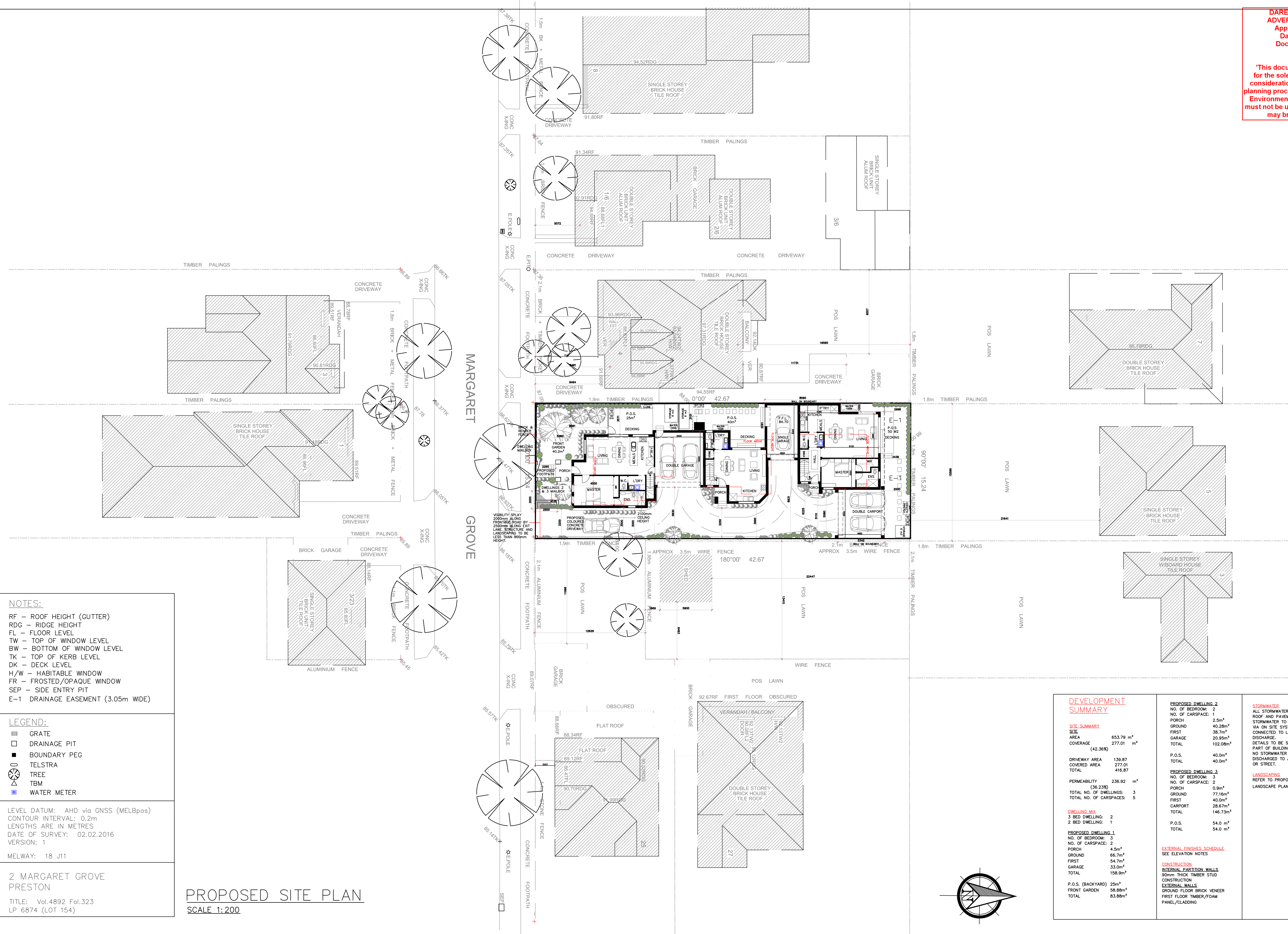
NEARBY AMENITIES:

1. TRAM STOP 50 SYLVESTER GROVE – 300m
2. TRAM STOP 51 WOOD STREET – 450m
3. PRESTON RAILWAY STATION – 1.7km
4. REGENT RAILWAY STATION – 2.1km
5. PRESTON MARKET – 1.5km
6. NORTHLAND – 1.6km
7. LA TROBE UNIVERSITY – 3.8km
8. PRESTON PRIMARY SCHOOL – 1.1km
9. BELL PRIMARY SCHOOL – 3.2km

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NOTES:
RF – ROOF HEIGHT (GUTTER)
RDG – RIDGE HEIGHT
FL – FLOOR LEVEL
TW – TOP OF WINDOW LEVEL
BW – BOTTOM OF WINDOW LEVEL
TK – TOP OF KERB LEVEL
DK – DECK LEVEL
H/W – HABITABLE WINDOW
FR – FROSTED/OPAQUE WINDOW
SEP – SIDE ENTRY PIT
E-1 DRAINAGE EASEMENT (3.05m WIDE)

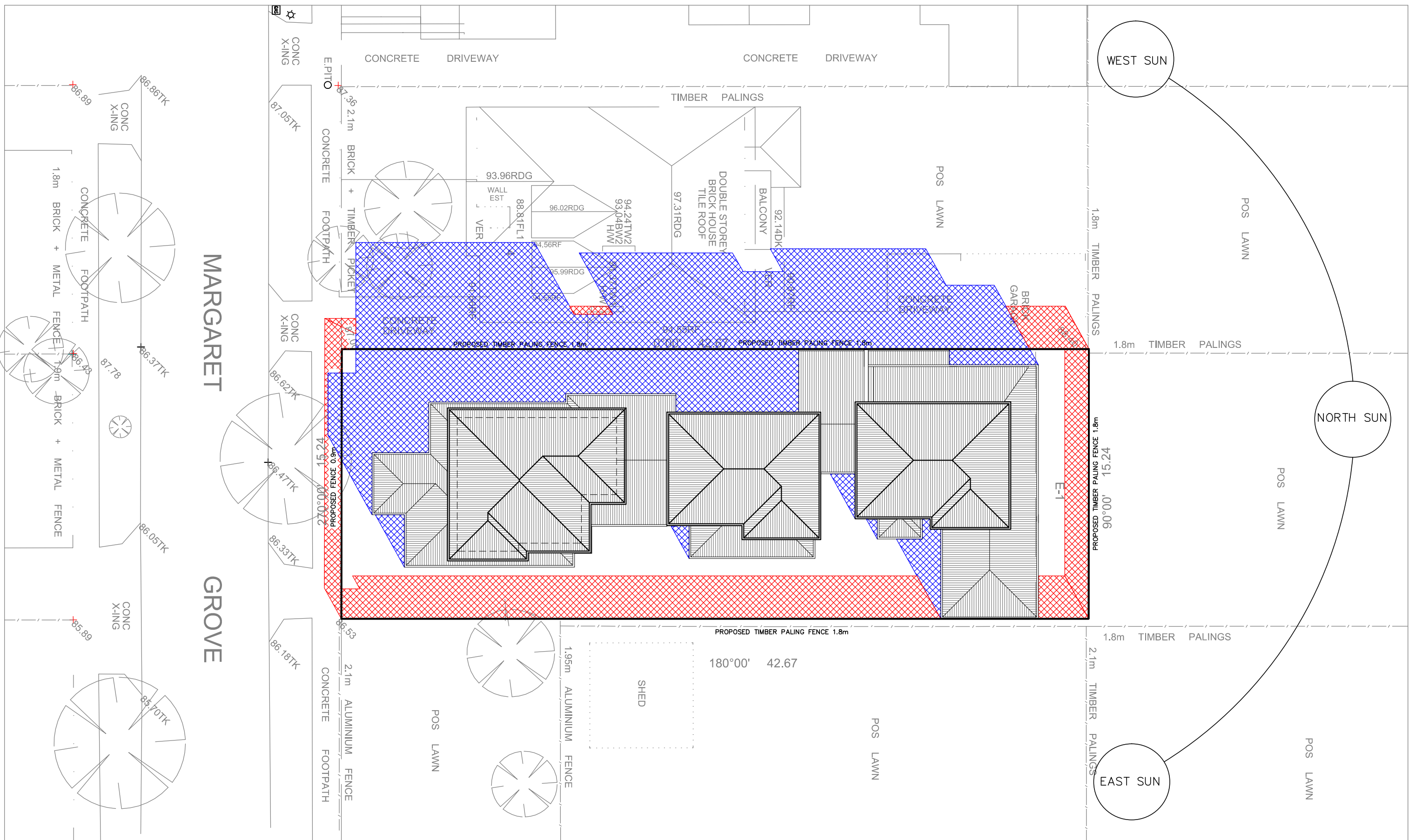
LEGEND:
■ GRATE
□ DRAINAGE PIT
■ BOUNDARY PEG
■ TELSTRA
● TREE
■ TBM
■ WATER METER

LEVEL DATUM: AHD via GNSS (MELBpos)
CONTOUR INTERVAL: 0.2m
LENGTHS ARE IN METRES
DATE OF SURVEY: 02.02.2016
VERSION: 1
MELWAY: 18 J11

2 MARGARET GROVE
PRESTON
TITLE: Vol.4892 Fol.323
LP 6874 (LOT 154)

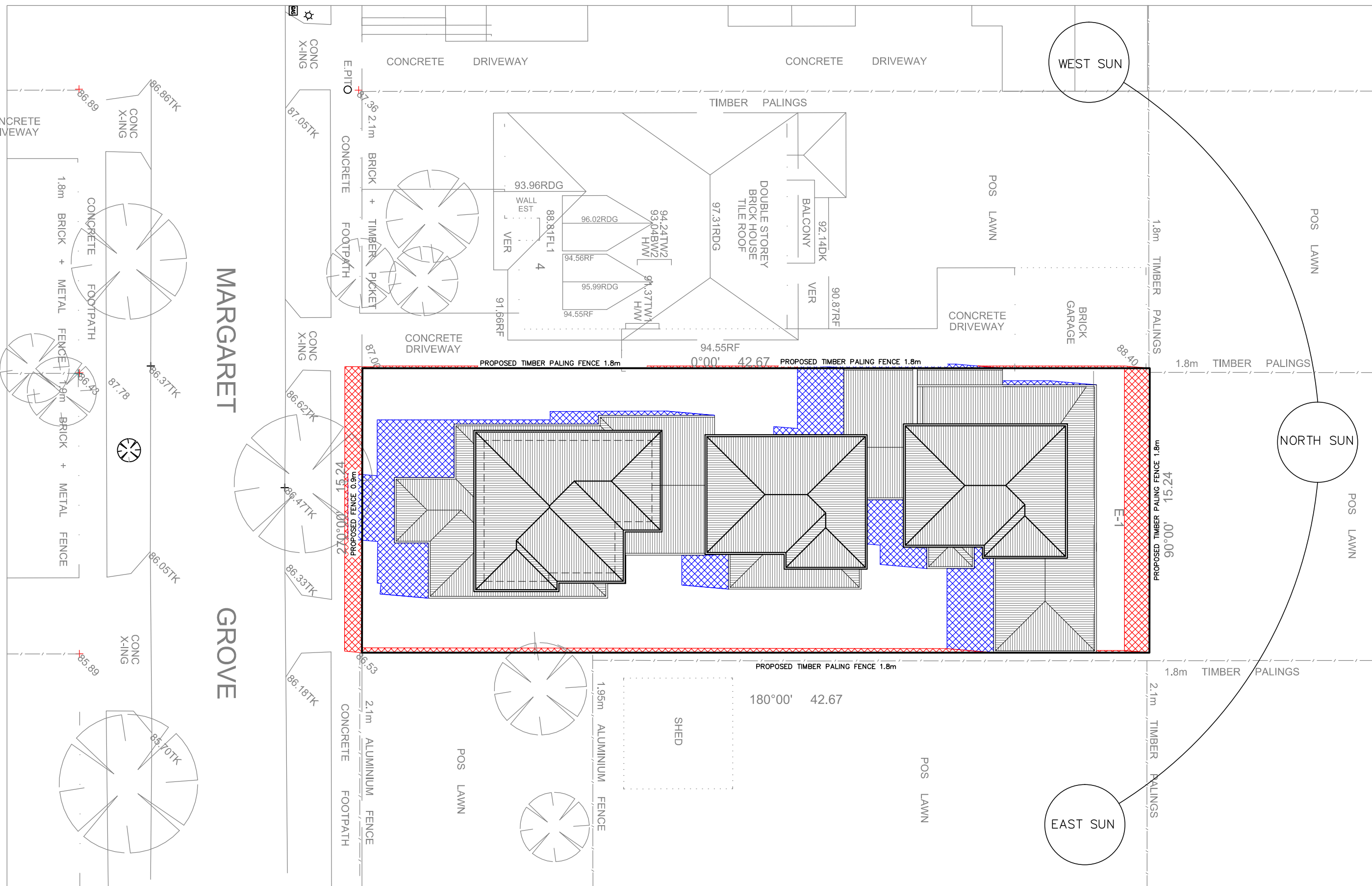
PROPOSED SITE PLAN
SCALE 1:200

DEVELOPMENT SUMMARY		
SITE SUMMARY SITE AREA 653.79 m ² COVERED AREA 277.01 m ² (42.36%) DRIVEWAY AREA 139.67 COVERED AREA 277.01 TOTAL 416.67 PERMEABILITY 236.92 m ² (36.23%) TOTAL NO. OF DWELLINGS: 3 TOTAL NO. OF CARSPACES: 5 DWELLING MIX 3 BED DWELLING: 2 2 BED DWELLING: 1 PROPOSED DWELLING 1 NO. OF BEDROOM: 3 NO. OF CARSPACE: 2 PORCH 4.5m ² GROUND 68.7m ² FIRST 54.7m ² GARAGE 33.0m ² TOTAL 158.9m ² P.O.S. (BACKYARD) 25m ² FRONT GARDEN 58.88m ² TOTAL 83.88m ²	PROPOSED DWELLING 2 NO. OF BEDROOM: 2 NO. OF CARSPACE: 1 PORCH 2.5m ² GROUND 40.28m ² FIRST 38.7m ² GARAGE 20.95m ² TOTAL 102.08m ² P.O.S. 40.0m ² TOTAL 40.0m ² PROPOSED DWELLING 3 NO. OF BEDROOM: 3 NO. OF CARSPACE: 2 PORCH 0.9m ² GROUND 77.16m ² FIRST 40.6m ² CARPORT 28.67m ² TOTAL 146.73m ² P.O.S. 54.0 m ² TOTAL 54.0 m ² EXTERNAL FINISHES SCHEDULE SEE ELEVATION NOTES CONSTRUCTION INTERNAL PARTITION WALLS 90mm THICK TIMBER STUD CONSTRUCTION EXTERNAL WALLS GROUND FLOOR BRICK VENEER FIRST FLOOR TIMBER/FOAM PANEL/CLADDING	STORMWATER ALL STORMWATER INCLUDING ROOF AND PAVEMENT STORMWATER TO BE COLLECTED VIA ON SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE. DETAILS TO BE SUBMITTED AS PART OF BUILDING PERMIT. NO STORMWATER TO BE DISCHARGED TO ADJACENT SITES OR STREET. LANDSCAPING REFER TO PROPOSED CONCEPT LANDSCAPE PLAN.



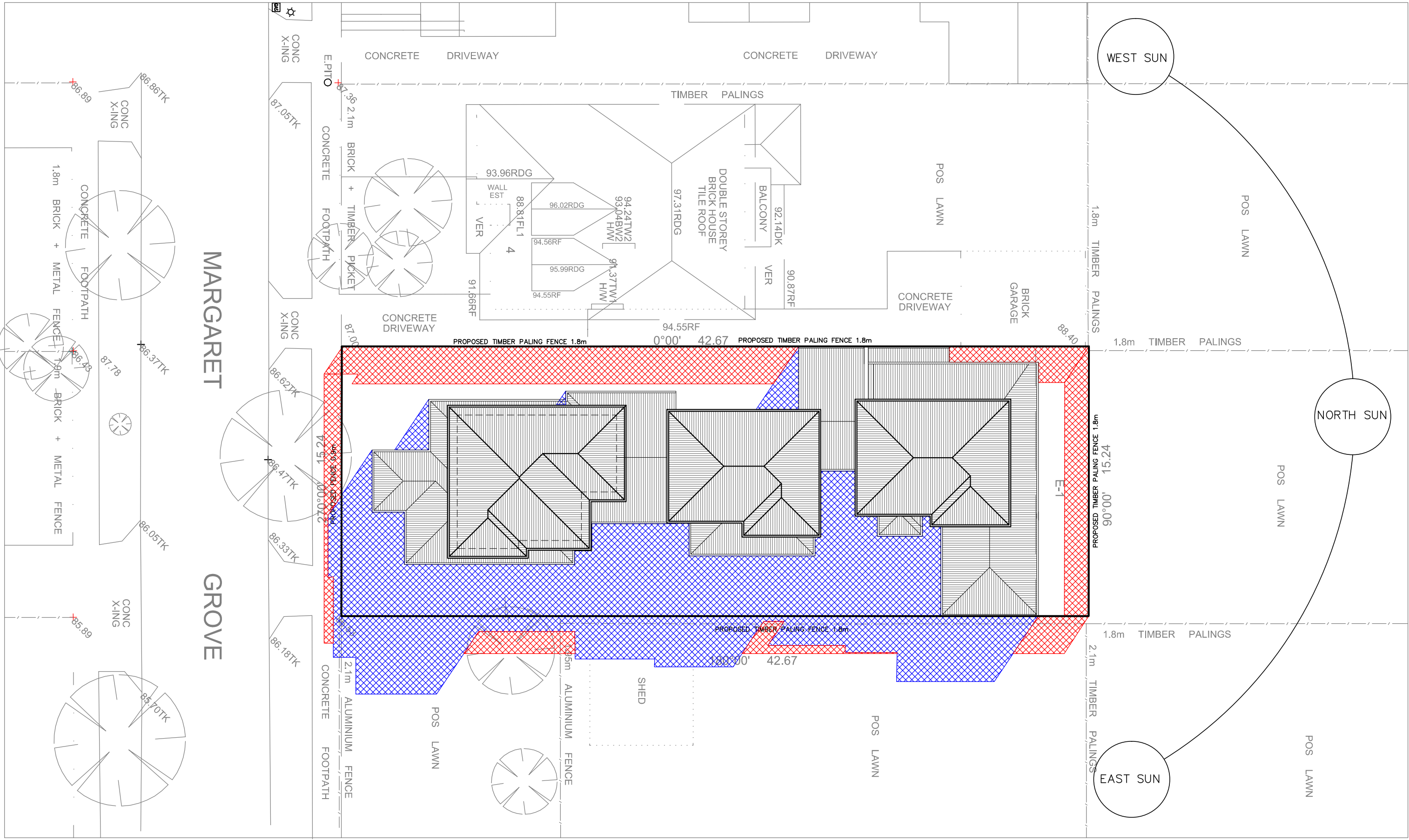
SHADOW DIAGRAM 22 SEP 9AM

PROPOSED DWELLING PROPOSED FENCE



SHADOW DIAGRAM 22 SEP 12PM

PROPOSED DWELLING PROPOSED FENCE



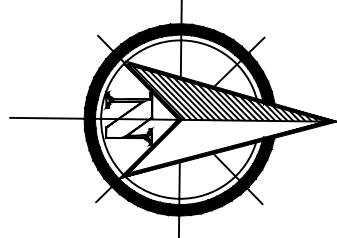
SHADOW DIAGRAM 22 SEP 3PM

PROPOSED DWELLING PROPOSED FENCE

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DEVELOPMENT SUMMARY			
SITE SUMMARY SITE AREA 653.79 m ² COVERAGE 277.01 m ² (42.36%) DRIVEWAY AREA 139.87 COVERED AREA 277.01 TOTAL 416.87 PERMEABILITY 236.92 m ² (36.23%) TOTAL NO. OF DWELLINGS: 3 TOTAL NO. OF CARSPACES: 5	PROPOSED DWELLING 2 NO. OF BEDROOM: 2 NO. OF CARSPACE: 1 PORCH 2.5m ² GROUND 40.28m ² FIRST 38.7m ² GARAGE 23.6m ² TOTAL 105.08m ² P.O.S. 40.0m ² TOTAL 40.0m ²	STORMWATER ALL STORMWATER INCLUDING ROOF AND PAVEMENT STORMWATER TO BE COLLECTED VIA ON SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE. DETAILS TO BE SUBMITTED AS PART OF BUILDING PERMIT. NO STORMWATER TO BE DISCHARGED TO ADJACENT SITES OR STREET. LANDSCAPING REFER TO PROPOSED CONCEPT LANDSCAPE PLAN.	
	PROPOSED DWELLING 3 NO. OF BEDROOM: 3 NO. OF CARSPACE: 2 PORCH 0.9m ² GROUND 77.16m ² FIRST 40.0m ² CARPORT 28.67m ² TOTAL 146.73m ² P.O.S. 54.0 m ² TOTAL 54.0 m ²		
	PROPOSED DWELLING 1 NO. OF BEDROOM: 3 NO. OF CARSPACE: 2 PORCH 4.5m ² GROUND 68.4m ² FIRST 54.7m ² GARAGE 33.0m ² BALCONY 3.97m ² TOTAL 162.57m ² P.O.S. (BALCONY) 3.97m ² P.O.S. (BACKYARD) 40.42m ² FRONT GARDEN 41.85m ² TOTAL 86.24m ²		
	EXTERNAL FINISHES SCHEDULE SEE ELEVATION NOTES CONSTRUCTION INTERNAL PARTITION WALLS 90mm THICK TIMBER STUD CONSTRUCTION EXTERNAL WALLS GROUND FLOOR BRICK VENEER FIRST FLOOR TIMBER/FOAM PANEL/CLADDING		





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GROUND FLOOR PLAN
SCALE 1:100

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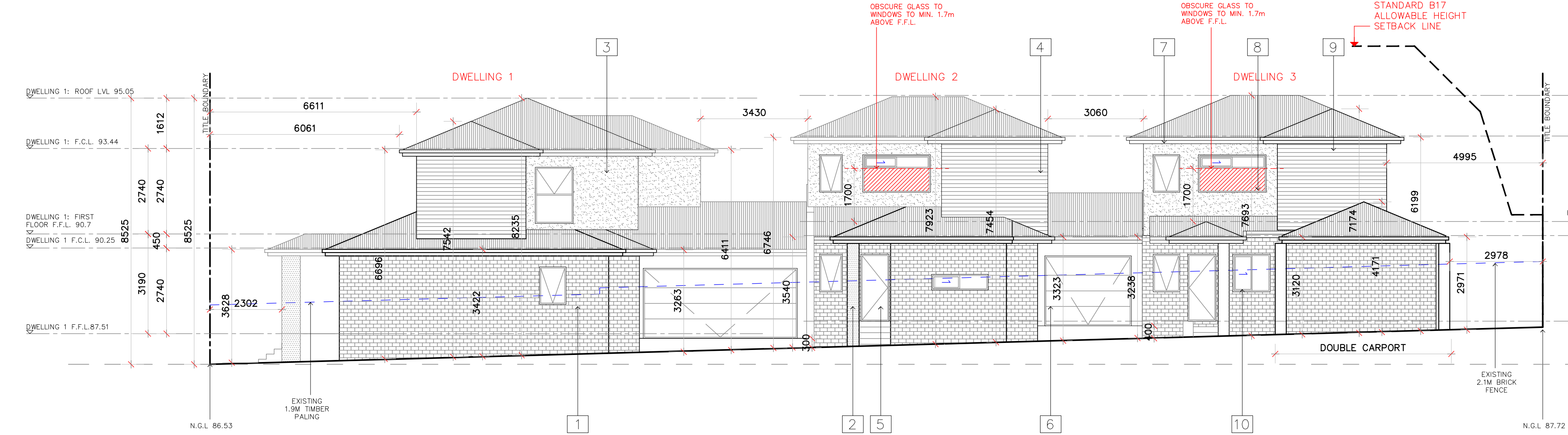
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FIRST FLOOR PLAN
SCALE 1:100

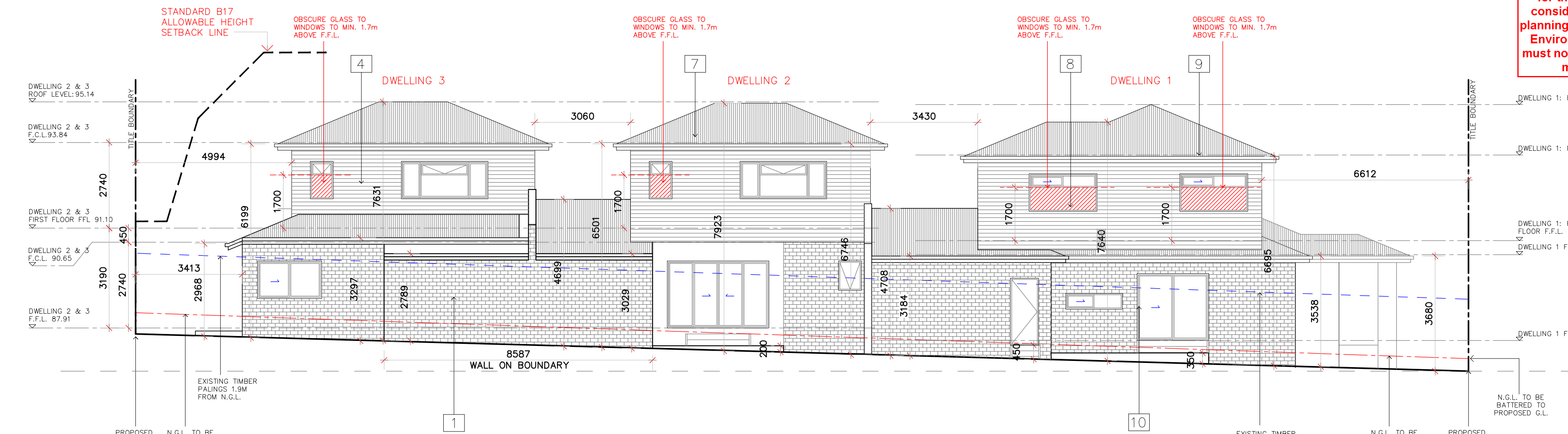
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PROPOSED ELEVATION

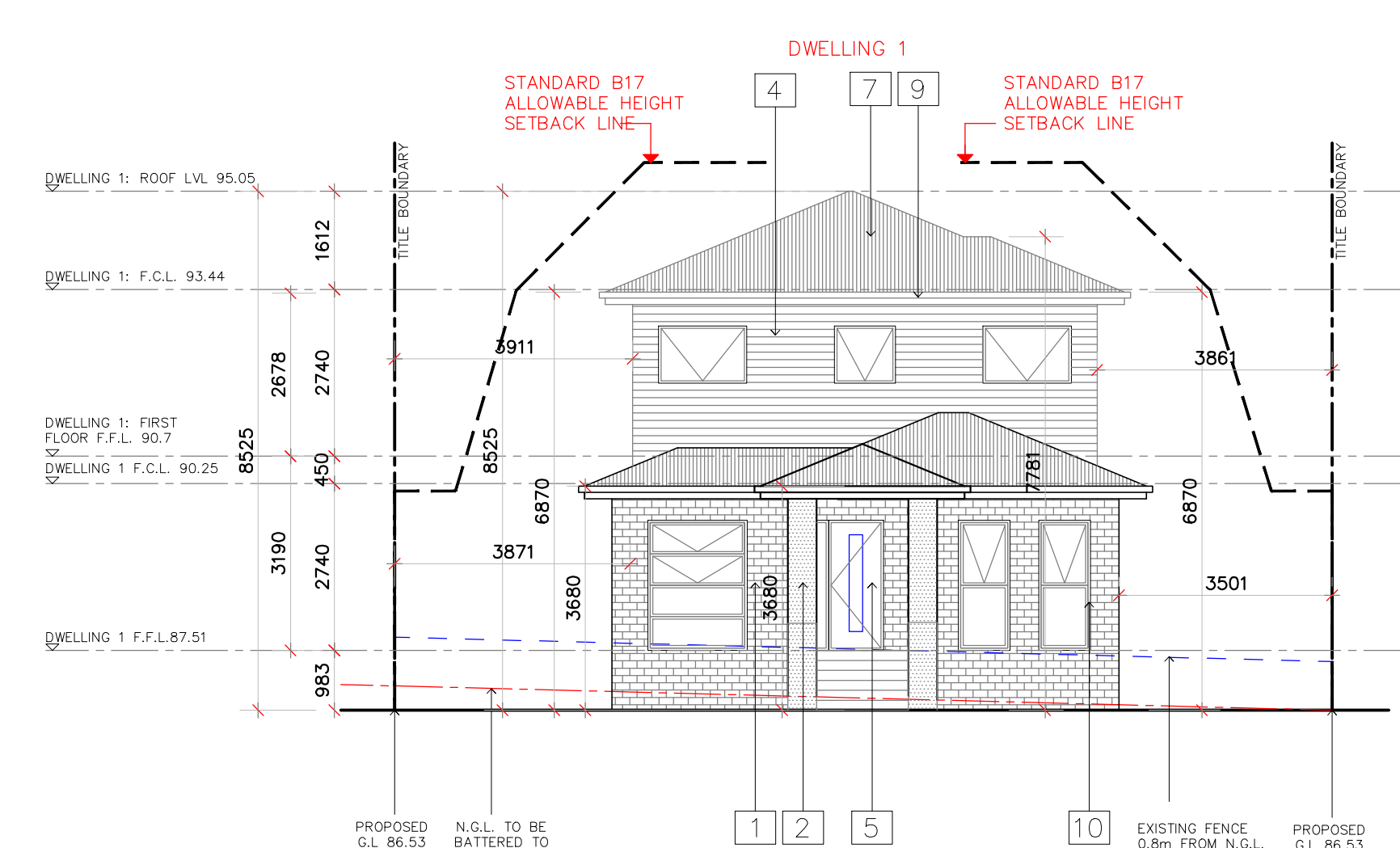
SCALE 1:100



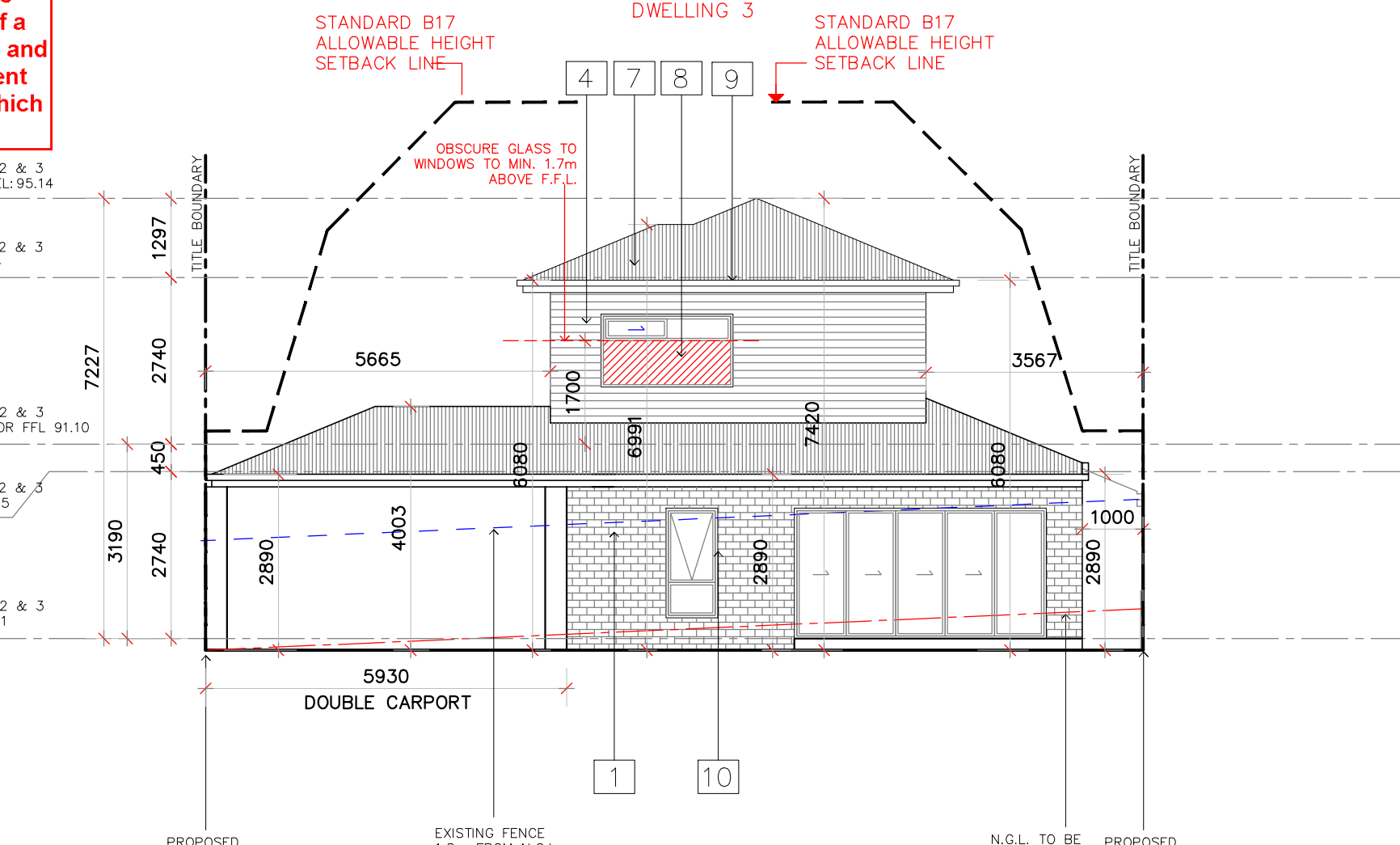
EAST ELEVATION



WEST ELEVATION



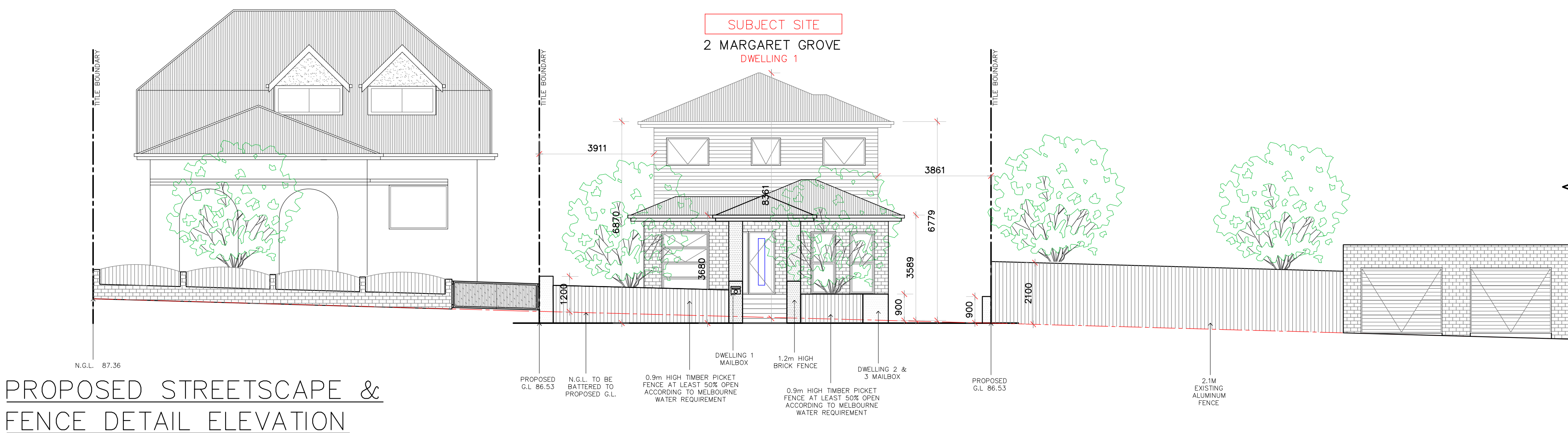
SOUTH ELEVATION



NORTH ELEVATION

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PROPOSED STREETSCAPE & FENCE DETAIL ELEVATION

MATERIALS/COLOURS LIST			SWATCHES	
NO.	MATERIAL	COLOUR (REFER TO SWATCHES)		
01	BRICKWORK	BORAL MOCHA OR SIMILAR		BORAL MOCHA
02	RENDER ON BRICK	COLORBOND WINDSPRAY		COLORBOND SHALE GREY
03	RENDER ON BOARD	COLORBOND WINDSPRAY		COLORBOND WINDSPRAY
04	FIBRE CEMENT CLADDING	COLORBOND SHALE GREY		NATURAL TIMBER LOOK
05	FRONT DOOR	NATURAL TIMBER LOOK		COLORBOND MONUMENT
06	GARAGE DOOR	NATURAL TIMBER LOOK		
07	CORRUGATED ROOF	MANUFACTURERS COLOURS		
08	OBSCURE GLASS (OB)	FIXED OBSCURE GLAZING BELOW 1.7m ABOVE FLOOR LEVEL		
09	FASCIA, GUTTER	COLORBOND MONUMENT		
10	WINDOW FRAME	COLORBOND MONUMENT		

5.12 APPLICATION FOR PLANNING PERMIT D/319/2011/A
445-453 High Street and 1-13 Beavers Road, Northcote

AUTHOR: Principal Planner – Jolyon Boyle

DIRECTOR: Director City Futures and Assets – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

Applicant	Owner
Pace Development Group	Lazaros Zikou and John Zikou

SUMMARY:

- The application is subject to an appeal hearing.
- The following amendments are sought to planning permit D/319/2011:
 - Increase to the height of the development from six (6) to eight (8) storeys at the corner of High Street and Beavers Road.
 - Increase the number of apartments from 92 to 114, including five (5) ground level apartments (comprising 38 one (1)-bedroom and 76 two (2)-bedroom apartments).
 - Car parking increased from 108 spaces to 140 spaces.
 - Basement Level 2 extended to the east.
 - Reduced number of shops from five (5) to three (3). (Commercial floor space reduced by 2.5 square metres).
 - Modifications to the façade including a revised materials schedule.
- The site is zoned Commercial 1 Zone and General Residential Zone (Schedule 2).
- There is no restrictive covenant on the title for the subject land.
- No objections were received against this application as notice was not given.
- The proposal fails to meet a number of objectives and standards of Clause 22.06 and 52.06 of the Darebin Planning Scheme.
- It is recommended that the opinion be formed not to support the application.

CONSULTATION:

- At time of writing this report, notice is current being undertaken.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit, ESD officer and the Urban Design Officer.
- This application was referred externally to Melbourne Water.

Recommendation

That the opinion be formed not to support the amendment to Planning Permit Application D/319/2011 on the following grounds:

The application is contrary to the aims and objectives of the following aspects of the Planning Scheme:

- a) 15.01 Urban Design
- b) 22.06-3.2 Building height
- c) 22.06-3.4 Dwelling diversity
- d) 22.06-3.5 Car Parking and Vehicle Access
- e) 22.06-3.9 On site amenity and facilities
- f) 43.02 Design and development Overlay (Schedule 14)
- g) 52.06 Car parking
- h) 52.34 Bicycle parking

Report

INTRODUCTION AND BACKGROUND

At the direction of the Victorian Civil and Administrative Tribunal Council issued Planning Permit D/319/2011 which allowed the development of a mixed use development comprising a two - six (6) storey building (plus two (2) basement levels) comprising ninety-two (92) apartments, five (5) shops and a reduction to the car parking requirement – Permit issued: 2 May 2016.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 85.5 metres in length and 32 metres in width with a site area of 279 m².
- The land is located within the Commercial 1 Zone (445-453 High Street) and the General Residential Zone – Schedule 2 (1-13 Beavers Road).
- A Design and Development Overlay also applies to the High Street portion of the site, which encourages development of up to five (5)-storeys in height.
- The land is located on the south west corner of High Street and Beavers Road.
- Part of the southern boundary abuts a right of way (ROW) connecting with Bent Street further south.
- The site is currently under construction in accordance with Planning Permit D/319/2011.
- To the north of the site on the opposite corner of High Street and Beavers Road is a three (3) storey residential apartment building with retail premises fronting High Street on the ground level and car parking to the rear.

- On the opposite side of Beavers Road at No. 4 Beavers Road, is a recent three (3) storey residential development, comprising three (3) dwellings.
- Further north, at 469-481 High Street Northcote is a six (6) storey mixed use development.
- To the east of the site on the north east corner of High Street and Langwells Parade, is a five (5) storey apartment building with retail premises fronting High Street.
- No. 388-390 is occupied by a six (6) storey recently constructed apartment building
- To the south of the ROW are seven (7) dwellings fronting Bent Street to the south. The private open spaces, rear garages, vegetation and fencing of these properties interface the ROW.
- Further south of the site at 421-433 High Street Northcote, is an eight (8) storey apartment building which is currently under construction.
- The western edge of the site abuts residential dwellings fronting Beavers Road, located within General Residential Zone (Schedule 2).
- The adjacent dwelling at No. 15 Beavers Road has been subdivided into two (2) dwellings that provide independent frontage to Beavers Road. Each dwelling is two (2) storeys in height with rear garage access to the ROW.
- The site is located 170 metres to the west of the Northcote Shopping Plaza, where a range of shops are located as well as larger stores including Coles and Kmart. High Street to the north and south of the site comprises a mix of shops and other services.
- On-street parking on Beavers Road is subject to *2P (8 am-6 pm Mon-Fri)* restriction on the southern side (site frontage) and subject to a *1P (9 am-11 pm Mon-Sat, Area 8 Permit Excepted)* restriction on the southern side.
- The site has excellent access to public transport. The number 86 tram and the Nightrider Bus Route 958 run along High Street. In addition, the site is located within the South Morang Train Line catchment, 380 metres south-east of the Croxton Railway Station and 500 metres north east of the Northcote Railway Station. A host of bus services are also located nearby including Routes 508, 510, 552 and 567, as well as Tram Routes 11 and 112 along St Georges Road further west of the site.
- The 13 hectare All Nations Park is located to the east of the site beyond Northcote Shopping Plaza where recreational facilities are located.
- The site affords access to a range of education facilities which include: Northcote Central Secondary College, South Preston Secondary College, Santa Maria College and Wales Street Primary School.

Proposal

Planning Permit D/319/2011 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 2 May 2012 for a *mixed used development comprising a two – six storey building (plus two basement levels) comprising 92 apartments, 5 shops and a reduction to the car parking requirement.*

Amendments to the permit and endorsed plans are sought pursuant to section 72 of the *Planning and Environment Act 1987*.

The permit preamble is proposed as follows: *A mixed used development comprising a two – eight storey building (plus two basement levels) comprising 114 apartments, 3 shops, and a reduction to the visitor and commercial car parking requirement and the over-provision of resident car parking.*

The following is a detailed description of the proposed amendments:

- Increase to the height of the development from six (6) to eight (8) storeys at the corner of High Street and Beavers Road.
- Increased apartments from 92 to 114, including five (5) new ground level apartments. The five (5) new ground level apartments are located in place of the retail car parking and basement access ramp.
- Apartment mix of 38 one (1) bed and 76 two (2) bed apartments is proposed.
- Car parking increased from 108 spaces to 140 spaces.
- Basement Level 2 extended to the east.
- Reduced number of shops from five (5) to three (3). (Commercial floor space reduced by 2.5 square metres).
- Additional 50 bicycle spaces provided.
- Modifications to the layout of the apartments.
- Modifications to the façade including a revised materials schedule.
- Provision of a communal rooftop terrace for use by the residents of the development. This is orientated to the north.
- Refuse chute added.
- Bin storage relocated to Basement Level 1.
- Emergency Fire Stairs and core redesigned to meet fire engineering requirements.

PLANNING ASSESSMENT

In assessing and determining residential development applications not covered by Clause 55, regard must be had to the urban design principles of Clause 15.01. This Clause comprises 10 design principals which are considered below.

The objective of this Clause is to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Context

The physical context is described under the proceeding section titled 'Subject site and Surrounding Area'. The locational attributes of the site and the proximity of shops, services and public transport make the site an ideal candidate for multi-level development.

Clauses 22.06, 22.08 and 43.02 of the Darebin Planning Scheme are most relevant when considering the land use and built form outcome for this site and the High Street corridor.

Under Clause 22.06 (Multi Residential and Mixed Use Development) of the Darebin *Planning Scheme* it is policy 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 and; to encourage efficient design outcomes that consider the development potential of adjoining sites.

The site enjoys State planning policy support for the type of the development proposed. However at a detailed level the proposal fails to satisfactorily respond to local planning policy objectives particularly in relation to the height and car parking.

Does not comply

The public realm

The larger portion of the High Street ground floor interface is proposed as active. With the remaining sections devoted to the vehicle and pedestrian access and residential frontage along Beavers Road. Site services such as the substation are located away from the commercial frontage and are integrated into the design.

Complies

Safety

Two (2) pedestrian entrances are provided to Beavers Road. With courtyards and balconies fronting each street frontage and no isolated areas, the development provides sufficient surveillance and viewlines to the public realm. The development does not raise any issues of safety.

Complies

Landmarks, Views and Vistas

Under normal circumstances there is no planning right to a view and the protection of views is not a valid planning consideration. However views from All Nations Park and the Y on High must be considered under to the Design and Development Overlay (Schedule 14). The applicant has not provided an assessment of the impact of the proposal upon viewlines.

Does not comply

Pedestrian Spaces

The ground level High Street interface comprises active commercial frontages and a verandah over High Street and a portion of Beavers Road. Site services such as the substation are appropriately located along a portion of the Beavers Road frontage away from High Street.

Complies

Light and Shade

The public realm will experience of loss of light and increased shadowing as a result of development. This is to be expected as a result of the increased densities and building heights envisaged in the immediate area.

Complies

Energy Resource and Efficiency

A complete BESS report was not submitted with the application.

ESD initiatives include water tanks and solar panels. The attached construction will also aid in reducing the energy consumption of the apartments.

The development has a significant shortage of bike parks, particularly for a development in Northcote where bike riding is extremely popular. There are only 28 bike holds for 114 units which is not an acceptable outcome.

Complies subject to conditionsArchitectural quality

The proposed change of materials is a positive outcome of the amendment. The replacement of areas of rendered finish with applied perforated metal sheet will assist in providing a more visually interesting building.

In regard to height and form, the proposal eight (8) storey height at the corner of High Specifically the height and setback of the development does not address the suggested height controls under the Design and Development Overlay.

Does not complyLandscape Architecture

The site is currently devoid of any significant trees or shrubs. The proposed development will cover the larger part of the site which is to be expected for a site in this location. A landscape plan will be required should planning permission issue.

Complies with objective subject to Condition**Clause 22.06 – Multi Residential and Mixed Use Development:**

	Comment	Compliance
Sustainability	<p>A complete BESS report was not submitted with the application.</p> <p>ESD initiatives include water tanks and solar panels. The attached construction will also aid in reducing the energy consumption of the apartments.</p> <p>Most bedrooms have access to direct daylight and do not rely on battle-axe layouts. The bedrooms which are reliant on daylight from a light-well have been carried over from the original planning permit.</p> <p>The development has a significant shortage of bike parks, particularly for a development in Northcote where bike riding is extremely popular. There are only 28 bike holds for 114 units which is not an acceptable outcome.</p> <p>It appears that the number of bike parks has dropped and ideally 114 bike holds should be provided.</p>	Complies subject to conditions

	Comment	Compliance
Design and Materials	<p>The proposed change of materials is a positive outcome of the amendment. The replacement of areas of rendered finish with applied perforated metal sheet will assist in providing a more visually interesting building.</p> <p>Site services appropriately located and integrated into the design, to minimise their visual impact, particularly at the High Street interface.</p>	Complies
Building Height	<p>The development provides an eight (8) storey height at the corner of High Street and Beavers Road. The development scales down to two (2) storeys at the interface of adjacent residential properties located on Beavers Road.</p> <p>The site is located within a precinct A3 under Clause 43.02 of the Darebin Planning Scheme, where the planning controls applicable to the site stipulate:</p> <p><i>Buildings not to exceed five (5) storeys or the height of the existing building on the site (whichever is greater) with the maximum height determined by the maintenance of the view corridor to the horizon from All Nations Park hilltop.</i></p> <p><i>Buildings over eight (8) metres in height:</i></p> <ul style="list-style-type: none"> • <i>Are to be built to the front and side boundaries up to a height of between eight (8) and 10 metres above ground level, and then set back a minimum of 1.5 metres from the front building face per floor;</i> • <i>Include measures (such as contrasting external wall materials) to ensure any part of the building above, and set back from, the front wall is visually recessive.</i> <p>The proposal is for eight (8) storeys with a lesser street wall height and setback to High Street. This represents a significant departure from the planning controls.</p> <p>Amongst other matters the Design and Development Overlay requires the maximum height to be determined by maintenance of the horizon view-line from the All Nations Park hilltop.</p> <p>A consideration of height should also be balanced against the design and massing of the building and its response to the immediate context.</p> <p>In general, policy seeks a built scale for High Street of a three (3) storey street wall, rising a further two (2) recessive storeys to five (5) storeys overall. The proposed street wall rises from three (3) storeys at the High Street and Beavers Road corner. Above the three (3) storey podium, policy requires a setback of 1.5 metres per floor level from the face of the building below. Levels 4-6 propose a consolidated setback that ranges from two (2) metres to 4.4 metres.</p>	Does not comply

Cont.	<p>The consolidated setback is preferred to a tiered 'wedding cake' profile, however at level six (6) a minimum setback of 4.5 metres would be required from the podium. At levels seven (7) and eight (8), a minor additional setback of less than one (1) metre is proposed for part of the High Street façade. These upper levels extend across most of the High Street frontage, set back by only 2.9 metres from the adjacent site to the south. This arrangement results in an abrupt transition to the five (5) storey form sought by policy on the adjacent site to the south. The site does not constitute a landmark or gateway site, circumstances that could help justify exceeding the preferred height limit by three (3) storeys.</p> <p>The proposal appears to have been designed in isolation rather than demonstrating how it may fit within the context and how it will contribute to the scale, quality and amenity of its place. Any future planning application must investigate:</p> <ul style="list-style-type: none"> • The 3D scale and massing of the proposal in relation to its existing and emerging urban context taking into account both current development approvals and the likely development outcomes available on smaller adjacent sites. This is essential to illustrate the real impact of the proposed eight (8) storey scale within this precinct of the activity centre. • The impact of the building on the view line from All Nations Park. This is a requirement of the DDO and requirements a proper investigation. 	
Dwelling diversity	<p>Objective: <i>To provide a range of dwelling sizes and types, including 3 bedroom units.</i></p> <p>The development provides 38 one (1)-bedroom and 76 two (2)-bedroom apartments.</p> <p>While the permitted development does not provide any three (3) bedroom accommodation, this larger more intensive development should accommodate a greater variety of apartment types, including three (3) bedroom apartments.</p>	Does not comply
Parking and vehicle access	Refer to the Clause 52.06 assessment below.	Does not comply
Street address	The High Street interface is active and provided with a verandah. Site services such as the substation are located away from High Street.	Complies

	Comment	Compliance
Amenity Impacts Including Overshadowing and Overlooking	<p>Appropriate screening measures are proposed to prevent overlooking of properties located to the south on the opposite side of the ROW.</p> <p>The level of overshadowing of adjacent residential land is appropriate and is limited to morning periods.</p> <p>The south elevation setbacks are consistent with the permitted development. The five (5) new south facing ground level apartments are setback in excess of ResCode requirements. The ROW located between these apartments and the residential properties to the south also provides an additional buffer.</p>	Complies
On-Site Amenity and Facilities, including Private Open Space	<p>The internal amenity outcome of the apartments located at the ground to 5th floor level have largely been preserved and replicated in the revised design.</p> <p>The internal of amenity of the 22 additional apartments located at ground level and within the proposed 6th and 7th floors are generally the same if not slightly better than the apartments which form part of the approved development. This is a result of the more generous and considered dimensions of the living spaces.</p> <p>Most apartments provide a balcony of eight (8) square metres and of sufficient dimension. The majority of the ground level apartments provide larger courtyards. The balconies generally increase in size at each level, particularly at the 6th and 7th floor level. A shared roof top courtyard is also proposed as part of the amendment.</p> <p>The majority of the external storage cages are provided above a car parking space which is not appropriate as per AS2890.1.</p> <p>Twenty eight resident bicycle parking spaces are provided which is insufficient for a development of this scale.</p> <p>Should planning permission issue, the over provision of resident car parking (19 spaces) will be reduced to accord with Clause 52.06 to address storage and bicycle parking issues.</p>	Complies subject to conditions
Waste Management	A wastement management has been provided detailing the number of collections per waste stream.	Complies
Equitable Access	The development could be retrofitted to accommodate people with disabilities.	Complies

Clause 22.08 Northcote Major Activity Centre

The section of the site comprising 445 to 453 High Street and 1 Beavers Road is located within Precinct HN – High Street North. It is policy to support redevelopment with an emphasis on office use, commercial and non-core retail use at ground floor level with intensified residential use above.

This section of the proposal complies with the policy by increasing the diversity and intensity of uses on High Street. With regards to built form the proposal orientates retail development outwardly to address High Street providing active ground floor frontages.

The remaining section of the development comprising 11 and 13 Beavers Road is located within the Low Change Residential Precinct, which envisages small scale, relatively dense, conventional residential housing and minor infill development. It is policy that new development respects the character of the area.

The development is compliant with the objectives of the Low Change residential policy (applicable to 11 and 13 beavers Road only).

CompliesClause 52.06 Car Parking:

One hundred and fourteen apartments, comprising a mix of 38 one (1) bed and 76 two (2) bed apartments are proposed. Three (3) commercial tenancies totalling 489 square metres are also proposed. A breakdown of the car parking required under Clause 52.06 is set out below:

Use	Required Rate	Parking Provided	Requirement
114 Apartments	1 space / apartment	133	114
Visitors	1 space / 5 apartments	0	22
Cafe	4 spaces / 100m ²	2	9
Office	3.5 spaces / 100m ²	2	3
Shop	4 spaces / 100m ²	2	6
Disabled parking	-	1	0
		Total: 140	Total: 154

No visitor car parking spaces are provided where 22 spaces are recommended.

Six (6) commercial staff spaces are provided where 18 spaces are recommended.

One hundred and thirty three resident spaces are provided where 114 spaces are recommended. It is considered that the provision of 19 additional resident car parking spaces will encourage more private vehicle trips to the site.

The sites location and proximity to public transport, commercial facilities and the Northcote activity centre suggests less car based travel should be encouraged. An objective of the Darebin Transport Strategy 2007-2027 is to 'increase the role of sustainable transport modes' by *reducing the attractiveness of the private car through reduced priority and other travel demand management techniques*. The provision of more than the statutory parking requirements for residential dwellings in this location is counter to this objective.

It is noted that the ABS data from Northcote indicates a car ownership rate of 0.70 for one (1) bedroom apartment and 1.02 spaces for two (2) bedroom apartment. The provision of an additional 19 resident car parking spaces does not align with this data and should be discouraged.

Should planning permission issue, the over provision of resident car parking (19 spaces) will be reduced to accord with Clause 52.06. The space vacated by the removal of the 19 car parking spaces will be allocated to address storage and bicycle parking issues discussed in this report.

The Traffic Impact assessment submitted with the application estimates that the development will generate some 570 vehicle movements per day, including 57 vehicle movements in each of the peak hours to/from Beavers Road. In addition, some retail staff car parking may generate vehicle movements during the peak hour. Overall, this equates to less than one (1) vehicle movement per minute in each peak hour.

This level of additional traffic generation is not expected to adversely impact on the operation of the surrounding street network.

Clause 52.07 Loading and Unloading of Vehicles

Clause 52.07 of the Planning Scheme applies to land uses for the manufacture, servicing, storage or sale of goods or materials. For such uses, loading areas are recommended.

Given the small size of the retail tenancies and the land area of the site and considering the approved development permitted loading arrangements to be undertaken on-street, the requirement for a loading bay can be waived in this instance.

Clause 52.34 Bicycle Facilities

Twenty eight resident bicycle parking spaces are provided which is insufficient for a development of this scale. Given the location of the development in proximity to a number of bike paths the higher than average rates of bicycle usage within Darebin, the development should provide at least one (1) bicycle parking space to each apartment and one (1) space to each commercial tenancy.

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation.
Transport Management and Planning	Object to the over provision of car parking.
Urban Design officer	Object to the height of the development.
ESD officer	A complete BESS report was not submitted with the application. The development has a significant shortage of bike parks, particularly for a development in Northcote where bike riding is extremely popular. There are only 28 bike holds for 114 units which is not an acceptable outcome.
Melbourne Water	No objection, subject to conditions included in recommendation.

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

- Clause 32.08 (General Residential Zone) - Buildings and Works
- Clause 34.01 (Commercial 1 Zone) - Buildings and Works
- Clause 43.02 (Design and Development Overlay) - Buildings and Works
- Clause 44.05 (Special Building Overlay) - Buildings and Works
- Clause 52.06 (Car parking) - Reduction to the car parking requirement.
- Clause 52.07 (Loading and Unloading) - Reduction to the loading bay requirement.

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, 22.06
Zone	32.08, 34.01
Overlay	43.02, 44.05, 45.06
Particular provisions	52.06, 52.07, 52.34
General provisions	65.01
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS**Environmental Sustainability**

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

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.

445 High Street, Northcote
Darebin City Council



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

APARTMENT SUMMARY

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DRAWING REGISTER

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REVISION

TP-00	COVER SHEET & DEVELOPMENT SUMMARY	-	G
TP-01	SURVEY SHEET	-	-
TP-02	SITE ANALYSIS	-	-
TP-03	DESIGN RESPONSE	-	-
TP-04	EXISTING STREETScape ELEVATIONS	-	-
TP-05	PROPOSED STREETScape ELEVATIONS	-	-
TP-06	SITE SECTIONS – VIEW LINES 1 AND 2	-	-
TP-07	SITE SECTIONS – VIEW LINE 3	-	-
TP-08	ALL NATIONS PARK – ARTIST’S IMPRESSION	-	-
TP-09	BASEMENT LEVEL 2 FLOOR PLAN	1:200	G
TP-10	BASEMENT LEVEL 1 FLOOR PLAN	1:200	G
TP-11	GROUND FLOOR PLAN	1:200	G
TP-12	LEVEL 1 FLOOR PLAN	1:200	G
TP-13	LEVEL 2 FLOOR PLAN	1:200	G
TP-14	LEVEL 3 FLOOR PLAN	1:200	G
TP-15	LEVEL 4 FLOOR PLAN	1:200	G
TP-16	LEVEL 5 FLOOR PLAN	1:200	G
TP-16.1	LEVEL 6 FLOOR PLAN	1:200	G
TP-16.2	LEVEL 7 FLOOR PLAN	1:200	G
TP-17	ROOF PLAN	1:200	G
TP-18	NORTH & EAST ELEVATIONS	1:200	G
TP-19	SOUTH & WEST ELEVATIONS	1:200	G
TP-20	SECTIONS A AND B	1:200	G
TP-21	SECTIONS C AND D	1:200	G
TP-22	SECTION E	1:200	G
TP-23	SHADOW DIAGRAMS 9AM & 10AM	-	G
TP-24	SHADOW DIAGRAMS 11AM & 12PM	-	G
TP-25	SHADOW DIAGRAMS 1PM & 2PM	-	G
TP-26	SHADOW DIAGRAMS 3PM	-	G
TP-27	ARTIST’S IMPRESSION	-	-
TP-28	ARTIST’S IMPRESSION	-	-
TP-29	MATERIAL SCHEDULE	-	-

DEVELOPMENT SUMMARY

TOTAL	NO. APARTMENTS	114
	NO. 2 BED APARTMENTS	83
	NO. 1 BED APARTMENTS	31
TOTAL	NO OF CARPARK	140
	NO OF RESIDENT CAR PARK	114
	NO OF RETAIL CAR PARK (STAFF ONLY)	6
	NO OF DISABLED CAR PARK	1
	NO OF ADDITIONAL RESIDENT CAR PARK	19
TOTAL	NO OF MOTORCYCLE PARK:	6
TOTAL	NO OF BICYCLE PARK	40
	NO OF RESIDENTS BICYCLE PARKS	28
	NO OF VISITOR BICYCLE PARKS	12
COMMERCIAL AREA (GROUND FLOOR)		489m ²

TOWN PLANNING

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TOWN PLANNING
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DRAWING: COVER SHEET & DEVELOPMENT SUMMARY

Contractors must verify all dimensions on site before commencing any work or preparing shop drawings.

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AUTHOR:

Author

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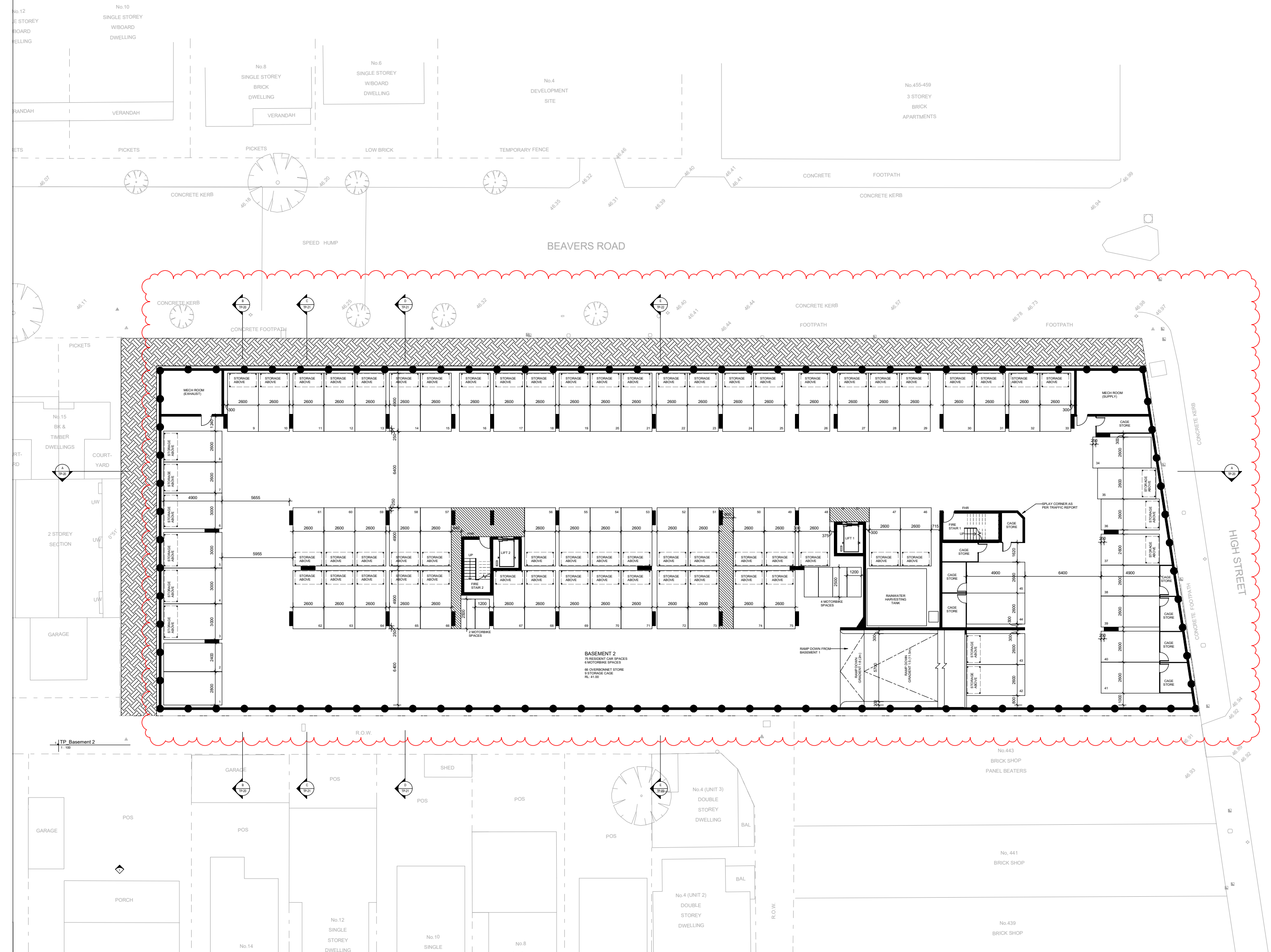
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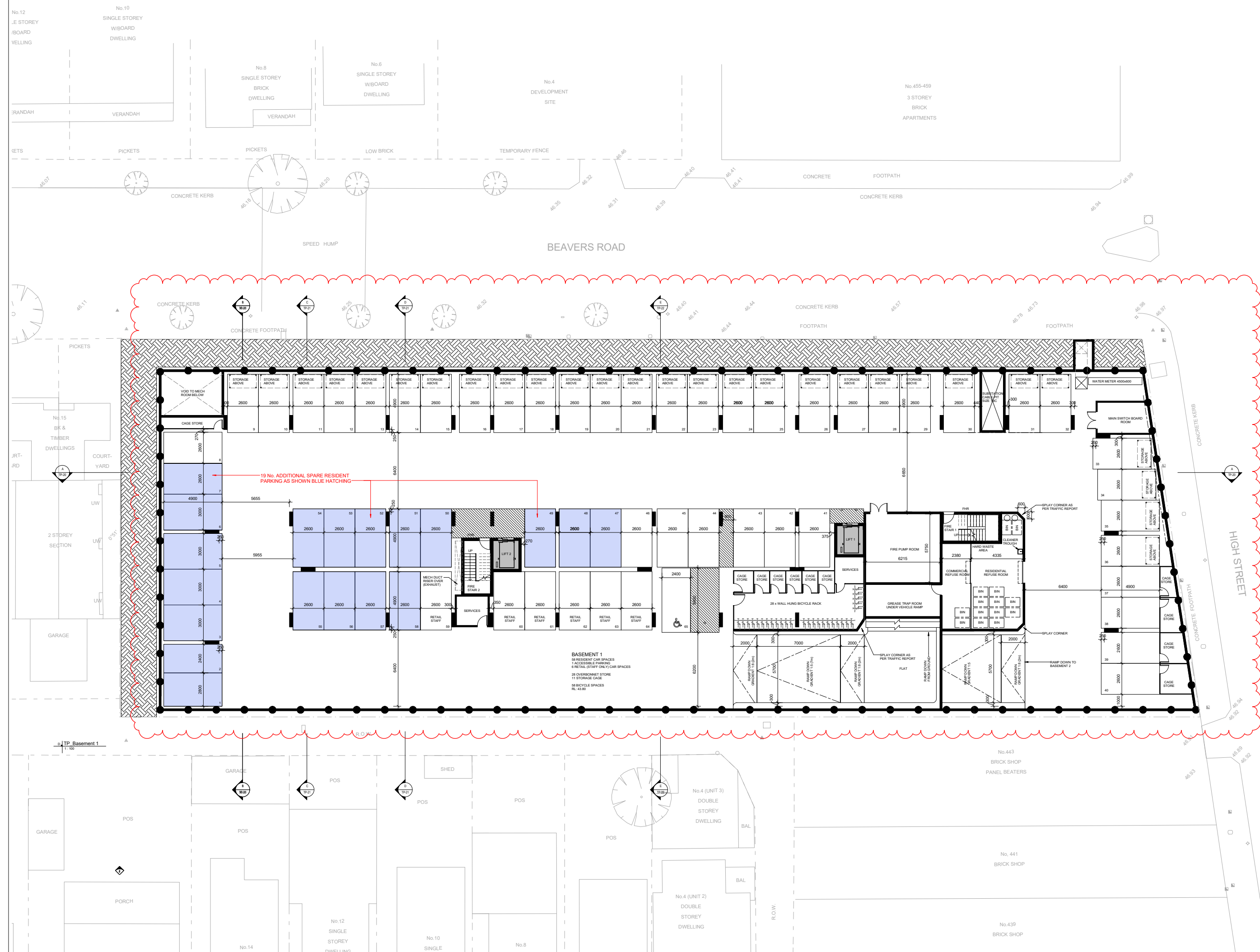
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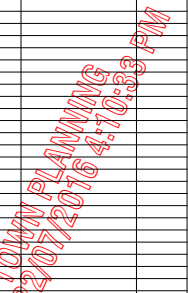
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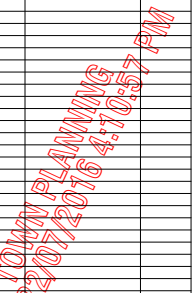
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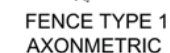


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MAT 1A	MASONRY/LIGHTWEIGHT WALL - OFFWHITE
MAT 1B	MASONRY/LIGHTWEIGHT WALL - DARK GREY
MAT 1C	MASONRY/LIGHTWEIGHT WALL - LIGHT GREY
MAT 2	METAL CLADDING - OFFWHITE
MAT 3	BRICK PATTERN CLADDING - CHARCOAL
MAT 4	METAL CLADDING - DARK GREY
MAT 5	PERFORATED METAL CLADDING - BRONZE
MAT 6	PERFORATED METAL CLADDING - DARK GREY
MAT 7	GLASS WITH BLACK ALUMINIUM FRAME
MAT 8	ALUMINIUM FENCE (MINIMUM 25% OPENING)
MAT 9	ALUMINIUM BALUSTRADE
MAT10	ALUMINIUM LOUVRE SCREEN
MAT11	METAL CLADDING - BRONZE PEARL
MAT12	TINTED GLAZING - BRONZE
MAT13	TINTED GLASS BALUSTRADE
SCR	1.7m SCREENING

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MAT 1B	MASONRY/LIGHTWEIGHT WALL - DARK GREY
MAT 1C	MASONRY/LIGHTWEIGHT WALL - LIGHT GREY
MAT 2	METAL CLADDING - OFFWHITE
MAT 3	BRICK PATTERN CLADDING - CHARCOAL
MAT 4	METAL CLADDING - DARK GREY
MAT 5	PERFORATED METAL CLADDING - BRONZE
MAT 6	PERFORATED METAL CLADDING - DARK GREY
MAT 7	GLASS WITH BLACK ALUMINIUM FRAME
MAT 8	ALUMINIUM FENCE (MINIMUM 25% OPENING)
MAT 9	ALUMINIUM BALUSTRADE
MAT10	ALUMINIUM LOUVRE SCREEN
MAT11	METAL CLADDING - BRONZE PEARL
MAT12	TINTED GLAZING - BRONZE
MAT13	TINTED GLASS BALUSTRADE
SCR	1.7m SCREENING

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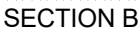
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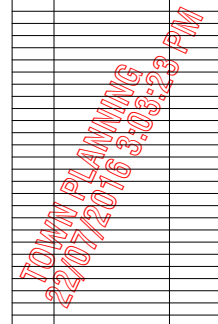
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SUBJECT SITE



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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 facade 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	Council's decision affirmed – No Permit Granted
Result	The Tribunal considered the 2 critical issues were the proposal's response to neighbourhood character and internal amenity. Having considered the design response which extended double storey form through the site (yet required most upper floor windows to be screened) with minimal breaks, the Tribunal considered the proposal was unacceptable on both character and on site amenity grounds.				
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	Council's decision affirmed – No permit granted.
Result	Notwithstanding that the Tribunal considered the status of Amendment C137 unresolved and unsatisfactory, the Tribunal had a number of concerns about the design of the proposal as against the existing scheme. It found that the design approach was fundamentally wrong when considered as against Clause 55 (ResCode) and that it considered "a complete re-think of how to approach the proper future development of the site is required".				

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	Council's Decision Set Aside – Permit Granted
Result	The Tribunal considered the site was one which could support an increase in residential density as it was within an area that was well provided with infrastructure, public transport, services and shops. The Tribunal did not share resident concerns about the proposal being an overdevelopment, but it did impose a number of conditions to manage on and off site amenity impacts – for example by requiring changes to the roof forms of the development so the highest point was central to the site; requiring full provision of storage for the dwellings, car park areas to be enclosed so to mitigate sound transmission as well as requiring an acoustic assessment of the development.				
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)	Council's decision affirmed. No permit granted.
Result	The Tribunal considered that this appeal did not turn on the reverse living typology; however it did note that the design of the proposal had double storey form running down the length of the site, exposed a large flat wall to adjoining properties to the east and all first floor balconies had to be screened. When it considered the poor response to neighbourhood character, the expression of visual bulk to the east, the poor internal amenity of the proposal, the poor sense of address to the dwellings combined with large areas of hardstand (for vehicle parking), the Tribunal concluded the proposal was an overdevelopment of the site.				

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	Council's decision set aside – Permit Granted
Result	There was only one issue in dispute between Council and the Applicant at the Tribunal – namely whether the proposal provided adequate open space. The Tribunal was of the view that landscape strips next to the common driveway can count as private open space (contrary to Council's interpretation), therefore the proposal had sufficient quantum of private open space.				
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
27 & 28 April 2016 Interim Decision – 10 June 2016 Final Decision – 6 September 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	Council's Decision Set Aside – Permit Granted
Result	Following the June 2016 Interim Decision (which concluded the proposal was generally acceptable but required some changes), Council and a number of Respondents made further submissions on the amended plans. These further submissions were limited by the Tribunal to discrete aspects of the proposal, such as presentation of levels 5 & 6, side elevations, internal amenity, the presentation of the rear of the proposal, materials and the location of an electrical substation. Ultimately, while the Tribunal remained of the view the proposal was worthy of a permit, it made a significant number of changes to the design to have it reach this point.				

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	Council's decision set aside – Permit granted
Result	The Tribunal did not provide written reasons.				

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
24/10/2016	D/1087/2015	12 Jackson Street, Northcote Rucker	Partial demolition and alterations and additions to an existing dwelling on land affected by a Heritage Overlay in accordance with the endorsed plans.	Notice of Decision – Objector Appeal	Not required as settled at an earlier Practice Day Hearing by consent.
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	Awaiting VCAT Order
Result					

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/11/2016	D/10/2016	16-18 Clarendon Street, Thornbury Rucker	Construction of a three (3) storey apartment building and a waiver of visitor car parking	Refusal – Applicant Appeal	Awaiting VCAT Order
Result					
16/11/2016	D/227/2016	150 Leamington Street, Reservoir La Trobe	A medium density housing development comprising three (3) double storey dwellings	Refusal – Applicant Appeal	
Result					

DECEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
6/12/2016 (Compulsory Conference)	D/444/2016	52-56 Clyde Street, Thornbury Rucker	20 Dwellings	Failure appeal	
Result					
9/12/2016	D/889/2015	8 Doolan Street, Reservoir Cazaly	Medium density development comprising the construction of two (2) side by side dwellings	Refusal – Applicant appeal	
Result					
12/12/2016	D/942/2015	11 Edith Street, Preston Cazaly	Development of seven (7) three (3) storey buildings and a reduction to the visitor car parking requirement	Refusal – Applicant appeal	
Result					

JANUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
11/01/2017	D/81/2016	207-209 Separation Street, Northcote Rucker	Construction of eight (8) dwellings and waiver of a visitor car space	Refusal - Applicant Appeal	
Result					
17/01/2017	D/402/2016	38-40 Gisbourne Crescent, Reservoir La Trobe	Construction of eight (8) dwellings	Refusal - Applicant Appeal	
Result					
31/01/2017	D/121/2016	90 David Street, Preston Cazaly	Construction of two double storey dwellings	Notice of Decision - Objector Appeal	Resolved by way of Consent Order – Hearing no longer required – Permit Granted
Result					
31/01/2017	D/168/2016	411 Murray Road, Preston Cazaly	Construct a medium density housing development comprised of two (2) triple storey dwellings and two (2) double storey dwellings	Refusal - Applicant Appeal	
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 give (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	Council's decision set aside. Permit granted.
Result	The Tribunal was satisfied that the proposal was an acceptable response to policy – in particular as adjoining properties to the east were envisaged for development in the order of 4-6 storeys (along Plenty Road) and the Tribunal considered the built form context along Hawker Avenue already mixed, the Tribunal considered the site a transitional site that could accommodate the proposal. The Tribunal did require some minor changes by way of condition to improve internal amenity and vehicular movements.				

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	Awaiting VCAT decision				

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	Council's decision affirmed. No permit granted.
Result	The Tribunal considered the critical failing of the proposal was its response to neighbourhood character. In particular, the Tribunal was concerned that the design response extended double storey built through the site in a context where 'spaciousness' formed part of neighbourhood character. In addition, the Tribunal was critical of the design of the internal driveway indicating it would be a harsh environment dominated by built form without any meaningful landscaping.				
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	Council's deemed decision affirmed – No permit granted,
Result	In summary, the Tribunal found that the proposal was unacceptable when regard was had for the existing site context, as well as Council's strategic intent for the area. As to strategic intent, the Tribunal did not apply amendment C137 as if it contained mandatory height controls (as sought by Council), however the Tribunal considered that the consistent strategic intent of amendment C137 was to create building forms in the area of 8-12 storeys, which it noted was reflected by existing conditions. In this context, the Tribunal indicated it could not identify any cues that would direct a building on the subject site to be 4-6 storeys that its immediate neighbours. In addition to this main concern, the Tribunal also had concerns over the 3d presentation of the building in the streetscape (particularly through exposed walls), the ability for a number of the dwelling to have adequate daylight access and the minimal separation between the proposed building and the existing apartment development at 277 Raglan Street. As a result of all these factors, the Tribunal concluded it could not support the proposal even with a condition to reduce building height to 12 storeys.				
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	Council's decision set aside. Permit granted.
Result	The Tribunal considered that demolition of the existing building was acceptable given the expert evidence it was an anomaly in the street, and that the applicable heritage overlay focuses on commercial buildings. As to the proposed replacement building, subject to some conditions requiring screening details and a deck to be open to the sky, the Tribunal considered a 5 storey form on the site was appropriate given its substantial change designation under policy, existing and approved built form in the area, as well as policy seeking to discourage underdevelopment on substantial change sites.				

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	Council's decision affirmed – No permit granted.
Result	Notwithstanding that this was a repeat appeal (a previous proposal was refused by the Tribunal in 2009), the Tribunal was not satisfied that the proposal has achieved an acceptable response to the site's physical context. In particular, the Tribunal's concerns primarily focussed on the internal amenity of a number of the dwellings – particularly those which were south facing. As a result of the proposal's design response, any future development on the site to the south the Tribunal considered would have an impact on the amenity of the south facing apartments. While the Tribunal noted that the proposal achieved an acceptable interface to the east, the Tribunal could not be satisfied the design response (i.e. sole aspect south facing apartments with overhung balconies) plus Council's without prejudice conditions could overcome the poor response to the south – in particular the Tribunal noted the present proposal has not adequately had regard to the development potential of the site to the south (which would result in balconies being enclosed by neighbouring development).				
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	Council's decision set aside – Permit granted
Result	The Tribunal set aside Council's decision on the basis that the proposal provided acceptable housing diversity (when the surrounding area was considered), an acceptable response to the two distinct streetscape within which the site interfaces, no unreasonable off site amenity impacts and the fact that it considered the proposal had acceptable access arrangements. The Tribunal was not persuaded that reverse living designs are only suitable near an activity centre.				

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	Council's deemed refusal affirmed – No permit granted
Result	The Tribunal considered the design of the proposal was attractive and one that would fit comfortable into an area where a moderate to high level of change is encouraged. However, the Tribunal considered proposal was fatally flawed when the new agent of change provisions (in respect of live music venues) were considered. As the permit applicant was the agent of change, it had to protect its future residents from the adjoining music venue – Open Studio. The Tribunal considered the proposal would be unable to do so, and that such matters should have been addressed in the application, as opposed to an afterthought by way of permit condition.				
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	Council's decision set aside. Permit granted.
Result	The Tribunal was satisfied that the design of the proposal was acceptable for its location and context. The Tribunal was further of the view that the fears raised by residents about accessing the site from a right of way were unfounded having regard to the lack of objection from Council's traffic engineers and the expert evidence called by the applicant. The Tribunal noted that the ground of refusal relating to overdevelopment could not be sustained for 6 dwellings on a 1200sqm site with ROW access in an inner city location with good access to all services and facilities.				
19/09/2016 (Compulsory Conference)	D/814/2016	2-6 McCutheon 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	Council's decision set aside with the consent of all parties – Permit granted
Result	The parties were able to agree on a number of built form changes meaning resident concerns had been addressed while still resulting in an acceptable development outcome. Accordingly, all parties were able to settle this matter at the Compulsory Conference.				

SEPTEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
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	The permit applicant and Council did not reach settlement at the Compulsory Conference.				
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	Council's decision affirmed – Permit granted
Result	The applicant for review withdrew their appeal prior to the hearing of this matter, meaning a permit can issue.				

OCTOBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/10/2016	D/655/2015	3 Gillies Street, Fairfield Rucker	Development of a 3 storey building comprising 9 dwellings and a reduction to the car parking requirement	Refusal (contrary to officer recommendation) - Applicant appeal	Council's decision set aside – Permit granted.
Result	This matter was a repeat appeal – with Council previously having a refusal affirmed in <i>Tsakmakis v Darebin CC</i> [2015] VCAT 462. Accordingly, the permit applicant sought to respond to the concerns raised by the Tribunal in the previous decision. The Tribunal considered that the present proposal was a better response to its northern neighbour (which was the critical failing of the previous proposal) in terms of amenity impact, however from a character point of view, the 3 rd level in this proposal actually came closer to the street than the previous proposal. The Tribunal considered that the third level needed to be made more recessive to be an acceptable character outcome to Gillies Street – as such it included a permit condition requiring this third level to be further set back from the street with no changes to any other setback. Otherwise, the Tribunal was satisfied that the design response adequately addressed amenity impacts to the site's northern neighbour.				
6/10/2016	D/629/2015	66-68 Waterloo Road, Northcote Rucker	Medium density housing development comprising the extension of 10 existing dwellings and construction of seven (7) new dwellings over a common basement car parking area.	Notice of Decision – Objector Appeal	Awaiting Tribunal Decision
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	Awaiting Tribunal Decision
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	Awaiting Tribunal Decision
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.	Council's decision affirmed – No permit granted.
Result	The critical failing with the proposal was its response to neighbourhood character. In particular the Tribunal was concerned that the reverse living typology maximised the ground level site coverage and provided minimal landscape opportunities – as a result the Tribunal was not satisfied the proposal responded adequately to Council's preferred character outcome of encouraging additional planting in all gardens. Further, the Tribunal was critical of the internal amenity of the dwellings given their balconies were proposed to be fully screened to 1.7m in height, meaning such dwellings have poor outlook. Finally, the Tribunal considered car parking arrangements should be revisited as part of any new proposal.				
14/10/2016 and 24/10/2016	D/423/2015	12 Farnan Street, Northcote Rucker	Medium density development comprising the construction of five (5) double storey dwellings and reduction of the standard car parking rate, on land covered by a Special Building Overlay.	Refusal (Contrary to officer recommendation) – Applicant appeal	Hearing part heard – will resume on 24/10/2016
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	Awaiting VCAT decision
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	Awaiting VCAT decision
Result					

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
3/11/2016 (Compulsory Conference)	D/748/2015	167-173 Station Street, Fairfield Rucker	Construction of a three storey (plus basement) apartment building comprising 20 dwellings, reduction in visitor car parking and alteration of access to a Road Zone Category 1	Refusal (contrary to officer recommendation) – Applicant appeal	Council's decision set aside – Permit Granted
Result	At the compulsory conference, the permit applicant was willing to make changes to address resident and Council concerns – as such, all parties were in agreeance and therefore a permit could issue.				
14/11/2016	D/285/2015	30 Cramer Street, Preston Cazaly	Construction of a part 9-storey, part 6-storey mixed use development comprised of three (3) ground floor shops and car parking and 95 dwellings at upper levels; a reduction in the car parking requirement and waiver of the loading bay requirement; creation and alteration of access to a Road Zone Category 1	Refusal (in line with officer recommendation) – Applicant appeal	
Result					

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/11/2016	D/483/2015	75 Gooch Street, Thornbury Rucker	Construct a medium density development comprising of four (4) double storey dwellings	Refusal (in line with officer recommendation) – Applicant appeal	
Result					
23/11/2016	D/944/2015	704-706 Gilbert Road, Reservoir La Trobe	Construct a medium density housing development comprised of 10 dwellings over two (2) lots; and reduce the visitor car parking requirements associated with the dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	
Result					

NOVEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
28/11/2016	D/602/2015	13 Dean Street, Preston Cazaly	Proposed medium density housing development comprising the construction of six (6) dwellings in a two (2) storey building and reduction of visitor car space to zero (0)	Refusal (contrary to officer recommendation) – Applicant appeal	
Result					
30/11/2016	D/1037/2015	38 Mansfield Street, Thornbury Rucker	A medium density housing development comprising the construction of five (5) double storey dwellings and a reduction of car parking requirements	Refusal (contrary to officer recommendation) – Applicant appeal	
Result					

DECEMBER 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
8/12/2016 (Compulsory Conference)	D/1011/2012	195-209 St Georges Road, Northcote Rucker	Development of a 10 storey building comprising 168 dwellings, a supermarket (1500 square metres) and eight (8) shops and a reduction to the car parking requirement	Refusal (in line with Officer recommendation) – Applicant appeal	
Result					
8/12/2016	D/2/2016	72A Station Street, Fairfield Rucker	Construct and use a part six (6) and part five (5) storey building (plus ground floor mezzanine and including roof top communal terrace area, pergolas, lift, plant and equipment) associated with 20 dwellings, three (3) retail premises, a waiver of loading requirements and a reduction in car parking requirements to zero (0)	Notice of Decision (in line with Officer Recommendation) – Objector appeal	
Result					
14/12/2016	D/915/01 and CON/560/2015	1-9, 99 Helen Street, Northcote Rucker	Amend the permit to allow use of the 9 offices as dwellings with reduction in car parking and end the section 173 agreement which prevents the use of the 9 premises as dwellings	Failure Appeal	
Result					

JANUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
9/01/2017	D/1102/2015	71 Miller Street, Thornbury Cazaly	A medium density housing development comprising the construction of six (6) double storey dwellings and a reduction of visitor car parking on land affected by a Special Building Overlay	Refusal (contrary to officer recommendation) – Applicant appeal	
Result					
12/01/2017	D/187/2015	305-307 Plenty Road, Preston Cazaly	Development of a five (5) storey building (plus basement) comprising 14 dwellings	Refusal (contrary to officer recommendation) – Applicant appeal	
Result					
20/01/2017	D/1065/2015	9 Smith Street, Reservoir La Trobe	A medium density housing development comprised of the construction of five (5) dwellings, a reduction in the visitor car parking requirement	Refusal (contrary to officer recommendation) – Applicant appeal	
Result					

Matters completed and to be heard to 31/01/2017

SIGNIFICANT APPLICATIONS UPDATE

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

Address	Ward	Application No	Proposal Description	Date Received	Status
36-46 High Street, Preston	Cazaly	D/465/2015	Mixed use development – two (2) commercial tenancies & 90 dwellings	30-Jun-15	Advertising completed
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
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
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	Refusal issued
2A Austral Avenue, Preston	Cazaly	D/979/2015	Multi-level, medium density development – 67 dwellings	27-Nov-15	Refusal issued
108 Wood Street, Preston	Cazaly	D/971/2015	Mixed use development – 3 & 4 levels with 25 dwellings and a medical centre	25-Nov-15	Planning Permit issued
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	Report to Planning Committee 10-Oct-16
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, reduction of car parking and alterations to vehicle access to Murray Road.	18 May-16	Initial assessment started
234-235 Preston Market, Preston	Cazaly	D/393/2016	Stage 1C – 193 dwellings (14 storey building), retail tenancies	18 May-16	Initial assessment started

Address	Ward	Application No	Proposal Description	Date Received	Status
			and reduction in car parking		
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	Further information received
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	VCAT appeal received
1056-1140 Plenty Road, Bundoora	Latrobe	D/400/2016	Construction of 63 dwellings and fence	4 May-16	Further information received
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	Application being assessed
56-58 Elliot Street, Reservoir	Latrobe	D/274/2016	Construction of residential aged care facility with 110 rooms	11 Apr-16	Advertising
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
1A Campbell Grove, Northcote	Rucker	D/428/2016	Forty-two lot subdivision	31-May-16	Application being assessed
63-71 Plenty Road, Preston	Cazaly	D/474/2015	Eighteen storey mixed use development	30-Jun-15	Refused by VCAT
257 Edwardes Street, Reservoir	Latrobe	D679/2016	Alterations and additions to the existing hotel	17-Aug-16	Advertising

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
20-22 Thackeray St, Reservoir	LaTrobe	D/389/2016	Medium density – 8 dwellings	29
39 Raleigh St, Reservoir	Rucker	D/451/2016	Extension to single dwelling	7
8-10 Pellew St, Preston	Cazaly	D/757/2015	Medium density – 6 dwellings	20
22-24 Knox St, Reservoir	Cazaly	D/815/2015	Medium density - 6 dwellings	80
36-46 High St, Preston	Cazaly	D/465/2015	Mixed use development - 90 dwellings and commercial tenancies	1

7. URGENT BUSINESS

8. CLOSE OF MEETING