



*City of*  
**DAREBIN**

**the place  
to live**

## **AGENDA**

**Planning Committee meeting to be held  
at Darebin Civic Centre,  
350 High Street Preston  
on Tuesday, 26 April 2016  
at 7.00 pm.**





# Table of Contents

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- 1. MEMBERSHIP .....1**
- 2. APOLOGIES .....1**
- 3. DISCLOSURES OF CONFLICTS OF INTEREST .....1**
- 4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE.....1**
- 5. CONSIDERATION OF REPORTS.....2**
  - 5.1 CORRECTION OF PROCEDURAL ERROR  
Item 5.2 of the Planning Committee Meeting held on 11 April 2016 .....2
  - 5.2 APPLICATION FOR PLANNING PERMIT D/746/2015  
45 Lewis Street, Thornbury .....7
  - 5.3 APPLICATION FOR PLANNING PERMIT D/1005/2015  
35/3 Matisi Street, Thornbury .....27
  - 5.4 APPLICATION FOR PLANNING PERMIT D/56/2015  
153 Wood Street, Preston.....35
  - 5.5 APPLICATION FOR PLANNING PERMIT D/910/2015  
65 Dundee Street, Reservoir.....48
  - 5.6 APPLICATION FOR PLANNING PERMIT D/647/2015  
12 McNamara Street, Preston.....65
  - 5.7 APPLICATION FOR PLANNING PERMIT D/124/2015  
91 Gillies Street, Fairfield .....82
- 6. OTHER BUSINESS.....96**
  - 6.1 General Planning Information: Scheduled VCAT Applications, Significant  
Applications and Applications for the next Planning Committee Meeting.....96
- 7. CLOSE OF MEETING .....97**



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# Agenda

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## 1. MEMBERSHIP

### *Councillors*

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

### *Council Officers*

Rasiah Dev – Chief Executive  
Steve Hamilton – Director Assets and Business Services  
Darren Rudd – Manager City Development  
Cristen Sullivan – Coordinator Statutory Planning  
Jacinta Stevens – Executive Manager Corporate Governance and Performance  
Jody Brodribb – Acting Coordinator Council Business

## 2. APOLOGIES

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

## 4. CONFIRMATION OF MINUTES OF THE PLANNING COMMITTEE

<b>Recommendation</b>
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**That** the Minutes of the Planning Committee meeting held on 11 April 2016 be confirmed as a correct record of business transacted.

## 5. CONSIDERATION OF REPORTS

### 5.1 CORRECTION OF PROCEDURAL ERROR – ITEM 5.2 OF THE PLANNING COMMITTEE MEETING HELD ON 11 APRIL 2016

**Author:** Manager City Development

**Reviewed By:** Director Assets and Business Services

#### Report Background

- This report seeks to address an administrative error that led to a resident registered to speak to the planning committee meeting of 11 April 2016 being denied the opportunity to be heard.
- The error arose from the objector being incorrectly listed to speak against an agenda item that was considered later in the agenda and after the decision was made on the agenda item that was the subject of their objection.
- The matter concerns planning application D/746/2015 which proposed two dwellings on a lot at 45 Lewis Street, Thornbury, which appeared as Item 5.2 on the Planning Committee agenda of 11 April 2016.

#### Previous Committee Decision

This report relates to and proposes an amendment to the resolution passed by the Planning Committee meeting of 11 April 2016. The Committee Decisions adopted reads as follows:

*That the Planning Committee agree to move Item Nos. 5.2, 5.4, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 'en bloc'.*

and

*That the 'Recommendations' contained in Report Items Nos. 5.2, 5.4, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 be adopted 'en bloc'.*

It is proposed to remove any reference to Item 5.2 in this resolution with the remaining matters subject of the resolution remaining unaffected and deemed to be now acted on.

#### Previous Briefing(s)

This matter has not previously been to a Councillor briefing and has however been communicated to all Councillors in writing via email on 13 April 2016.

#### Council Plan Goal/Endorsed Strategy

- Open and Accountable Democracy

#### Summary

- This report seeks to address an administrative error that led to a resident who had registered to speak to the planning committee meeting of 11 April 2016 being denied the opportunity to be heard.

- The error arose from the objector being incorrectly listed to speak against an agenda item that was considered later in the agenda and after the decision was made as part of an 'en bloc' motion for the item that was the subject of their objection.
- The matter concerns planning application D746/2015 which proposed two dwellings on a lot at 45 Lewis Street, Thornbury, which appeared as Item 5.2 on the Planning Committee agenda of 11 April 2016.
- The Planning and Environment Act 1987 together with Council's Community Engagement Framework and Good Governance Charter promote the obligation of Council to provide an opportunity for affected person/s to be heard in relation to submission they make to Council.
- This report proposes to amend the resolution of the Planning Committee meeting of 11 April 2016 in respect to Item 5.2 of the agenda and provide an opportunity for the objector to be heard by the planning Committee in relation to the objection
- This report has no impact on the remainder of the items which together with item 5.2 of the agenda on 11 April 2016 were moved and carried an 'en bloc' resulting in a number of planning applications being decided.
- This report ensures the objector has their right to be heard in relation to their submission before Council re-decides planning application D/746/2015.

### **Recommendation**

**That** the Planning Committee:

1. Amends the Committee Decision of 11 April 2016 in respect of Planning Permit Application No. D/746/2015 – 45 Lewis Street Thornbury, by deleting any reference to Item No. 5.2.
2. Reconsiders Item No. 5.2 from the agenda of 11 April 2016 in order to provide the objector the opportunity to be heard in support of her objection, which opportunity was missed as a result of an administrative error at the previous Committee Meeting.
3. Note that officers have provided a formal apology to the applicant and objector in relation to this administrative error.

### **Introduction**

- Due to an administrative error at the Planning Committee at its meeting on 11 April 2016 denied the opportunity for a resident who in good faith had registered to speak in relation to their objection to the development of two dwellings proposed at 45 Lewis Street, Thornbury.
- This arose due to the speaker being listed to speak in relation to the incorrect item on the agenda. This was an error made by officers and it is clear the objector had followed the correct procedure.
- The item the objector proposed to make a verbal submission was Item 5.2 on the agenda of the 11 April 2016 and was moved 'en bloc' on the belief that no objectors were listed to speak in relation to the item.
- Both the objector and the applicant have received an apology from the Manager City Development and advised that the matter is proposed to be reported to this meeting to ensure the objector and applicant both have the opportunity to be heard should Council decide to reconsider its decision the planning application.

**Issues and Discussion**

- Council has obtained legal advice on this matter which confirms there is one option to rectify at the earliest opportunity the situation where an objector who has at the invitation of Council registered in the correct manner been denied the opportunity to be heard by the Planning Committee in relation to their objection.
- This recommendation in this report puts forward a remedy for the administrative error to mitigate risks that could arise through proper procedures not being followed in accordance with Council's duties under the Planning and Environment Act (1987), in addition to Council upholding the intent of its Good Governance Charter and Community Engagement Framework.
- The most effective and expedient way to remedy this administrative error is via an officer generated report amending the resolution of the Planning Committee (Committee Decision). Clause 39(1)(b) of Council's Governance Local Law 2013 provides that a resolution can be amended by a report by an officer on the agenda.
- The resolution of the Planning Committee of the 11 April 2016 will remain operative with respect to Item Nos. 5.4, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 5.16. These items will remain unaffected, and Item No. 5.2 will cease to be 'adopted', if the recommendation in this report is accepted.
- Immediately following this report will be the exact item (5.2) relating to 45 Lewis Street Thornbury for Council's consideration and determination, after providing the objector (or representative) and the applicant the opportunity to be heard.
- The advice in this report asserts that Council avoids any risk in terms of action from the applicant or reputational risk if the mistake is admitted publicly and a remedy sought at the earliest available opportunity.
- In terms of the decision making powers of the "Council's Planning Committee, it is important to note that the Planning Committee is a special committee established under section 86 of the Local Government Act 1989 with delegation to determine, amongst other things, applications for planning permits. It determines those matters by making resolutions.
- According to clause 68(1) of the Local Law, Parts 1 and 5 of the Local Law apply to special committees of Council as if they were Council (with any necessary modifications). It follows that clause 39 of the Local Law, dealing with the amendment and rescission of resolutions, applies to the Planning Committee and to resolutions of the Planning Committee. In this context decisions by the Planning Committee are interpreted the same as being made by Council and its resolutions are bona fide Council resolutions.
- The resolution from the Planning Committee that related to Item 5.2 of the agenda from 11 April 2016 is therefore capable of being amended or rescinded, in accordance with clause 39 of the Local Law."
- Following the meeting of 11 April 2016 contact was made with both the applicant and the objector and an apology has been given for the administrative error made and the inconvenience caused. Both parties are aware of the situation and have been invited to reappear to speak in relation to the matter that is again before this Planning Committee meeting.
- The process around registration of speakers will be improved together with better communication with speakers prior to the commencement of the Planning Committee meetings to ensure this does not occur again.

## **Options for Consideration**

The recommendations provided follow legal advice and represent the only timely option available to address the issue with the objector not being granted a hearing in relation to their objection to a planning application.

## **Financial and Resource Implications**

Whilst the error made has resulted in re-work in relation to further reports the work undertaken responds to Councils Good Governance Framework and mitigates legal risks with procedural defects. This is considered an appropriate resource effort to ensure Council remains open and transparent in its decision making processes.

## **Risk Management**

There are arguable risks for Council if it fails to provide an opportunity for a person to speak in relation to a submission when invited to do so, in relation to the validity of its original decision.

## **Policy Implications**

### **Economic Development**

Not applicable.

### **Environmental Sustainability**

Not applicable

### **Human Rights, Equity and Inclusion**

The principles around amending Council's decision support inclusion of our community in the lead up to decisions that affect our residents.

### **Other**

There are no other factors which impact on this report.

### **Future Actions**

- Planning Application D/746/2015 is proposed to be reconsidered following consideration of this report.

### **Consultation and Advocacy**

As detailed in this report.

### **Related Documents**

- Community Engagement Framework
- Good Governance Charter
- Planning Committee Minutes – 11 April 2016

**Disclosure of Interest**

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



**5.2 APPLICATION FOR PLANNING PERMIT D/746/2015**  
 45 Lewis Street, Thornbury

**AUTHOR:** Principal Planner – Jacquie Payne

**DIRECTOR:** Director Assets and Business Services – Steve Hamilton

**OWNER/APPLICANT/CONSULTANT:**

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Karseras Investments Pty Ltd	N/A

**SUMMARY:**

- It is proposed to construct two (2) double storey dwellings with dwelling 1 fronting Lewis Street and dwelling 2 fronting Comas Grove. Each dwelling will have three (3) bedrooms, access to two (2) car spaces (one under cover) and ground level open space (see proposal section of this report for further details).
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on the Certificate of Title, the proposed development will not breach the terms of the covenant.
- Thirteen objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the 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 following units in Council: Capital Works and Darebin Parks.
- This application was not required to be referred to external authorities.

**Recommendation**

**That** Planning Permit Application D/746/2015 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 Sheets TP03 and TP04 Rev B, dated July 2015, Job No. 9291 drawn by Ikonomidis Reid and received by Council on the 29 December 2015) but modified to show:
  - a) The notation associated with the pedestrian visibility splays shown on Plan TP03-B confirming that *where within the splay, any structures or vegetation must be not more than 1.15 metres in height.*
  - b) The north to south dimension of the secluded private open space (SPOS) of dwelling 1 applying to a minimum area of 25 square metres and complying with Standard B29 of the Darebin Planning Scheme.
  - c) Annotations detailing a radial Tree Protection Zone and associated Tree Protection Fence either within the confines of the subject site or nature strip around the following trees:
    - Tree 3 – 2 metres from trunk edge
    - Tree 4 – 2 metres from trunk edge
    - Tree 5 – 2.4 metres from trunk edge
    - Tree 6 – 2.04 metres from trunk edge
    - Tree 7 – 2 metres from trunk edgeThe zones must be measured from the outside edge of the trunk in accordance with the requirements of Condition No. 7 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out without excavation.
  - d) The height of the eastern property boundary fence increased to a minimum height of 1.8 metres as measured above natural ground level (NGL).

Where necessary, the fence height may be increased by raising the height of the fence or by the provision of free-standing, self-supporting trellis adjacent the fence to the required height. If utilised, such trellis must be a maximum of 25% open and be fixed, permanent, durable and coloured or painted to blend with the development.
  - e) A landscape plan in accordance with Condition No. 4 of this Permit and with the inclusion of a minimum of four (4) small and two (2) medium sized canopy trees.
  - f) External retractable shading devices over all east and west facing habitable room windows.
  - g) Fixed external shading devices over all north facing habitable room windows.
  - h) A schedule of construction materials, finishes and colours (including colour samples).
  - i) The finished first floor levels shown on the plans for each of the dwellings.

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, a minimum of four (4) small sized and two (2) medium sized 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 and measured in a radius from the base of the trunk as detailed in Arboricultural Report, Prepared by Tree Reponse Pty Ltd, dated 30 November 2015 and received by Council on the 29 December 2015:
- Tree 3 – 2 metres from trunk edge
  - Tree 4 – 3 metres from trunk edge
  - Tree 5 – 3.36 metres from trunk edge
  - Tree 6 – 3 metres from trunk edge
  - Tree 7 – 2 metres from trunk edge
  - Tree 8 – 2 metres from trunk edge

To maintain the viability of Trees 3 and 4 the following must be undertaken:

- New garage foundations not to use a strip foundation within the structural Root Zones (e.g. use piers with above – grade construction).
- Remove existing concrete driveway by hand.
- Retain existing soil levels within Structural Root Zones (SRZ).
- Use rumble boards over a 100mm mulch layer until garage construction commences.
- Earthworks within the SRZs (e.g. piers) must only be constructed by hand for the initial 600mm of the soil profile.
- Any roots uncovered must be pruned with a sharp and sterile hand tool.

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

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

The tree protection fence must remain in place until construction is completed.

No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone.

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

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

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

### NOTATIONS

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

- N1 Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- N3 The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed. It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.
- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the “statement of matters affecting land being sold”, under Section 32 of the *Sale of the 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.

<b>Report</b>
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**INTRODUCTION AND BACKGROUND**

There is no planning permit history for the site on Council's records.

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

- The land is regular in shape and measures 16.7 metres in width and 27.4 metres in length for a total site area of 457.5 square metres.
- The land is located within the General Residential Zone – Schedule 2.
- The land is located on the south-east corner of Lewis Street and Comas Grove. Normanby Avenue is located 27 metres south which is a Road Zone Category 1 while Newman Street is located 60 metres to the north.
- The land is currently developed with a single storey, rendered, hipped roof dwelling with eaves. This dwelling is set back 4.4 metres from Lewis Street and is set back from both side boundaries. A driveway, long carport and garage abut the eastern boundary, while a verandah and shed are sited to the rear and side of the dwelling. The rear open space is concreted and there are a few scattered canopy trees on site.
- To the east is a single storey weatherboard dwelling with hipped roof. This dwelling is set back 4.5 metres from the frontage and 6.1 metres from the common boundary. This site has ample open space along the common boundary and in the rear and front yards which is characterised by scattered canopy trees.
- To the west is Comas Grove, and a 13 unit development, consisting of all single storey brick units. The front units are set back 5 metres from the streetscape. Other dwellings along the street include single storey brick and weatherboard dwellings.
- To the north is Lewis Street, beyond are a combination of single and double storey dwellings of either brick or weatherboard construction. These dwellings are set back between 3.9 metres and 6.1 metres from the street frontage and are all characterised by front fencing 1.5 metres high or less. Front gardens consist of lawn and small canopy trees and shrubs.
- To the south of the site is the rear yard of a lot facing Normanby Avenue. Directly abutting the common boundary is a garage with a 2.2 metre high paling fence. The dwelling of this lot is set back 6.8 metres from the common boundary.
- Parking directly in front of the site on both sides of Lewis Street and Comas Grove is unrestricted. Surrounding side streets are also characterised by unrestricted parking.
- The area is well serviced with the closest shops located on Nicholson Street approximately 900 metres to the west, Northcote golf club and Mayer Park located 100 metres to the south and other various shops located on St Georges Road and Holmes Street.

**Proposal**

- It is proposed to construct two (2) double storey dwellings as follows:

Dwelling 1

- Ground floor will consist of entryway, living, meals, kitchen, laundry, toilet and bedroom with ensuite.
- Vehicle access is from Lewis Street to a car space and single garage.
- Upstairs will consist of two (2) bedrooms, retreat and bathroom.
- The dwelling will have access to approximately 103 square metres of private open space of which 31 square metres is deemed to be secluded.

Dwelling 2

- Ground floor will consist of entryway, study, living, meals, kitchen, laundry, toilet, bedroom with ensuite.
- Vehicle access is from Comas Grove to a car space and single garage.
- Upstairs will consist of two (2) bedrooms, retreat and bathroom.
- The dwelling will have access to approximately 72 square metres of private open space of which 26 square metres is deemed to be secluded.

**Objections**

- Thirteen (13) objections have been received.

**Objections summarised**

- There is an oversupply of 1 and 2 bedroom apartments in Darebin and an undersupply of housing for families. This development adds to the imbalance.
- Neighbourhood character – inappropriate double storey development.
- Building height/size is inappropriate/visual bulk.
- Decreased pedestrian safety.
- Parking – Traffic congestion.
- Overdevelopment of the site.
- The proposed development does not respect preferred sustainability characteristics of the area.
- The proposed development does not add net value to the community.
- The number of objections indicates the scale of the negative social effect on the community.
- The proposed development does not meet standards set in the Darebin Planning Scheme.
- The proposed development will not provide affordable accommodation.
- Overshadowing.
- Loss of views.
- There will be an adverse amenity impact because of boundary walls.



**Officer comment on summarised objections**

There is an oversupply of 1 and 2 bedroom apartments in Darebin and an undersupply of 3 or more bedroom housing for families. This development adds to the imbalance.

The proposed dwellings each have three (3) bedrooms.

Neighbourhood character – Inappropriate double storey development

The proposed development has been assessed against Council's neighbourhood character guidelines for precinct D2 and is shown to be compliant with all aspects contained within these guidelines. The proposed development consists of two (2) double storey dwellings on a 457 square metre block. Additionally the site is proximate to shops and public transport.

Building height/size is inappropriate/visual bulk

- The proposed dwellings are to have a maximum height of 7.6 metres which is under the 9 metre maximum as required by Standard B7. Double storey construction is a satisfactory design outcome in a suburban residential setting and provides an appropriate transition in height above adjoining single storey dwellings.
- The size of the development is appropriate with recessed upper levels, small upper floor footprint and ample space for vegetation.
- The proposal does not abut sensitive areas of open space with a garage and shed to the south and deep open space to the east.
- The proposal is not considered bulky to the street or adjoining lots with generous setbacks provided from the property boundaries, combined with varied materials and modest wall heights (approximately 6 metres). See Standard B9 in this report for further assessment on building height.

Decreased pedestrian safety

The proposed development is not considered to increase the risk of pedestrian accidents as each dwelling will have its own vehicle crossover. Pedestrian visibility splays have been shown on the plans with no structures higher than 1.15 metres in height.

Parking – Traffic congestion

The increase in traffic movements in the street, arising from one (1) additional dwelling is considered to be an increment that will not affect local traffic conditions. The development provides the requisite number of car spaces on site for the number of bedrooms. This complies numerically with the Scheme under Clause 52.06.

Overdevelopment of the site

- The site is of medium size, well proportioned (with an overall site area of 457 square metres) and located in the General Residential Zone – Schedule 2 where residential development at a range of densities and varieties is allowed.
- The consideration of a medium density development is based on its compliance with a set of criteria outlined in the Scheme and not based on a subjective concern of 'too many units'. In fact, the Victorian State Government has a clear policy on urban consolidation which is heavily dependent on medium density housing development.
- The proposal will provide diverse housing in an area that is serviced and close to the central business district (CBD). The composition of housing types should be mixed to

provide greater choice, as not everyone can afford or wants to live in a freestanding home or maintain a yard.

The proposed development does not respect preferred sustainability characteristics of the area

The development incorporates adequate passive solar design that makes each house energy efficient. See Standard B10 for further assessment.

The proposed development does not add net value to the community

There have been 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.”*

The number of objections indicates the scale of the negative social effect on the community

The number of objections does not indicate whether a development will have a negative social effect on the community. Non-compliance with the Scheme would indicate this. Conversely, the proposed development complies with most elements of Clause 55 and other relevant policy contained within the Scheme.

The proposed development does not meet standards set in the Darebin Planning Scheme

The proposed development complies with most elements of Clause 55 of the Scheme and is considered appropriate within the context of the streetscape.

The proposed development will not provide affordable accommodation

The cost of housing is determined by the residential market. This proposal provides housing choice.

Overshadowing

The proposal complies with Standard B22 (Overshadowing) of the Scheme. Shadow diagrams show that the development will cast a shadow that extends marginally beyond the shadow cast by the existing fencing.

#### Loss of views

No one has a right to a view. This is not a planning consideration

#### There will be an adverse amenity impact of boundary walls

The proposed eastern boundary wall complies numerically with Standard B18 of the Scheme.

## **PLANNING ASSESSMENT**

### **Clause 21.03 Housing**

The proposed density of the development (one (1) additional dwelling), is an increment that is acceptable in a minimal change area. As the site has two (2) street frontages, single dwelling presentation to each street is provided. The site is within 900 metres of shops, open space and public transport. The wider area is starting to exhibit a modest degree of residential infill development.

### **Neighbourhood Character Precinct Guideline Assessment - Precinct D2**

#### Existing Buildings

The site is not located in a Heritage Overlay where planning permission is required for demolition of buildings. Nonetheless, the replacement buildings are respectful of existing dwellings in the area and deemed acceptable. The proposed development has appropriate scale and is consistent with the character of the streetscape.

### **Complies**

#### Vegetation

One (1) small canopy trees is located on the site. This tree is not significant or requires protecting. A condition of approval will require the provision of six (6) canopy trees. These additional canopy trees will enhance the garden landscape of the wider area.

### **Complies subject to condition**

#### Siting

- The proposed front gardens are large enough for the planting of vegetation to enable the continuation of the garden setting in this area. The proposal allows sufficient space along the property boundaries to plant canopy trees to soften the development.
- Dwelling 1 is set back 4.5 metres from the front boundary which provides a generous space for larger scale vegetation to the street.
- The dwellings are set back from the side boundaries which respects the detached, freestanding character of the area.

- The 82 square metres of combined front garden space is ample to accommodate an appropriate garden arrangement. Garages do not dominate the front setbacks as they are located to the side of the dwelling and recessed from the front façade and porch.

**Complies**Height and building form

The proposed development is double storey. The overall height of the development is 7.6 metres which is below the 9 metre maximum allowed by the standard and provides an appropriate transition in height over neighbouring single storey developments.

**Complies**Materials and design detail

The modest design approach adopted here respects both the existing and preferred neighbourhood character of the area and is considered appropriate. The use of varying materials and wall surfaces (brick, matrix cladding, varying render materials, concrete roof tiles) window openings and a combination of pitched and parapet walls ensures the proposed building is articulated.

A materials and colours schedule would need to be submitted as a condition of approval.

**Complies subject to condition**Front boundary treatment

Views between the proposed dwellings and the streetscape are maintained as front fencing is not provided.

**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 55.02-4 B4 Infrastructure

The development is to be located in an established area where there is adequate infrastructure. The proposal will not exceed the capacity of local infrastructure. Drainage is available to the site subject to conditions.

**Complies subject to condition**

Clause 55.03-1 B6 Street SetbackLewis Street

The front setback of the adjoining dwelling to Lewis Street is 4.5 metres. The standard requires a setback of 4.5 metres. The proposed front setback of 4.5 metres complies with the standard.

Comas Grove

- Front walls of new development fronting the side street of a corner site should be set back at least the same distance as the setback of the front wall of any existing building on the abutting lot or 3 metres whichever is the lesser.
- The dwelling is set back 3 metres from the frontage and complies numerically with the standard.
- Each proposed front porch, with a maximum height of approximately 3.3 metres encroaches 1.2 metre into the front setback. This encroachment complies with the standard.

**Complies**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.
- Use of 0.6 metre wide eaves at the ground and first floor.
- A condition of approval will require that all east and west facing habitable room windows are provided with retractable shading devices and that all north facing windows are provided with fixed awnings.

**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.
- 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 along with six (6) canopy trees.

**Complies subject to condition**

Clause 55.03-9 B14 Access

- Vehicle access to and from the site is safe, manageable and convenient. The number and design of the vehicle crossover(s) respects the neighbourhood character. The existing crossover to Lewis Street is to be utilised while a new crossover will be constructed to Comos Grove.
- The width of each access-way is 3 metres.
- Each single crossover to the street, taking up 17.9% and 10.9% respectively to each frontage, is acceptable given that the standard requires that no more than 33% and 40% of the frontage should be taken up by vehicle access-ways.

**Complies**

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback	Compliance
Eastern – Dwelling 1	2.9 metres	1 metres	1 metres	Yes
	3.7 metres	1.03 metres	3.5 metres	Yes
Eastern – Dwelling 2	2.8 metres	1 metre	4.5 and 3.4 metres	Yes
Southern – Dwelling 2	3.8 metres	1.06 metres	1.45 metres	Yes

First Floor

Boundary	Wall height	Required Setback	Proposed setback	Compliance
Eastern – Dwelling 1	6 metres	1.72 metres	4.5 metres	Yes
	6.5 metres	1.87 metres	2.8 metres	Yes
Eastern – Dwelling 2	5.8 metres	1.66 metres	3.5 metres	Yes
	6.5 metres	1.87 metres	5 metres	Yes
Southern – Dwelling 3	5.8 metres	1.66 metres	3.7 and 3 metres	Yes

The ground and first floor setbacks exceed the requirements as shown in the table above.

**Complies**

Clause 55.04-2 B18 Walls on Boundaries

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

Boundary and length	Maximum length allowable	Proposed length
Eastern: 27.43 metres	14.3 metres	4.38 metres

The wall heights are less than 3.2 metres and comply with the standard.

**Complies**

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective. Overshadowing of neighbouring properties to the south and 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 metres, or 75% (whichever is the lesser) receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September.

**Complies**

Clause 55.04-6 B22 Overlooking

- The proposed dwellings have finished floor levels less than 0.8m above natural ground level (NGL) on the ground floor. The existing 2.2 metre high fence along the southern property boundary will sufficiently limit overlooking.
- The existing 1.7 metre high fence along the eastern property boundary must be increased to 1.8 metres high above NGL to limit views into this interface.
- 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 prevent unreasonable overlooking of neighbouring properties.

**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 a minimum of 40 square metres of private open space, of which 25 square metres is deemed secluded, located to the side or rear of the dwelling with a minimum dimension of 3 metres and conveniently accessed from a living room.

	<b>Total POS</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>
Dwelling 1	103 square metres	31 square metres	3 metres
Dwelling 2	70.6 square metres	26 square metres	3.5 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 to the secluded private open space of the new dwellings as follows:

	Wall Height to North	Required Depth	Proposed Depth	Compliance
Dwelling 1	N/A as no wall to north	N/A	10.5 metres	Yes
Dwelling 2	N/A as no wall to north	N/A	6.7 metres	Yes*

\*The depth outlined above applies to an area of only 22.7 square metres. A condition of approval will require that the depth applies to an area of 25 square metres.

**Complies subject to condition**

Clause 55.06-1 B31 Design Detail

The use of varying materials (brick, matrix cladding, varying render materials, and concrete roof tiles) and wall surfaces, window openings and a combination of both pitched and flat roofs ensures the proposed buildings are articulated. A condition of approval will require a materials, finishes and colour schedule that matches that shown on the elevations.

The garages are designed to be visually compatible with the development.

**Complies subject to condition**

**Clause 52.06 Car Parking**

Number of Parking Spaces Required

Two (2) car parking spaces are provided for each of the three (3) bedroom dwellings with one (1) space under cover.

Design Standards for Car parking

- The car parking facilities have appropriate dimensions to enable efficient use and management.
- The car parking facilities are designed, surfaced and graded to reduce run-off and allow appropriate collection of stormwater.
- The garage dimensions of 6 metres long x 3.5 metres wide complies with the minimum requirements of the standard.
- Access dimensions to the car spaces comply with the standard.
- Visibility splays are provided at the access-way interface with the footpath to protect pedestrians.

**CLAUSE 55 COMPLIANCE SUMMARY**

Clause	Std		Compliance	
			Std	Obj
<b>55.02-1</b>	<b>B1</b>	<b>Neighbourhood character</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.02-2</b>	<b>B2</b>	<b>Residential policy</b>		



Clause	Std		Compliance	
			Std	Obj
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
<b>55.02-3</b>	<b>B3</b>	<b>Dwelling diversity</b>		
		N/A as development contains less than 10 dwellings	N/A	N/A
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		Adequate infrastructure exists to support new development	Y	Y
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		Both dwellings appropriately integrate with the Street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The front setbacks comply numerically with the standard. See assessment in the body of the report.	Y	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		7.6 metres	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		54%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		37%	Y	Y
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties, provided a condition of approval is included requesting awnings over the eastern and western habitable room windows.	Y	Y
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		N/A as the site does not abut public open space.	N/A	N/A
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient and respects the character of the area.	Y	Y
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		Parking facilities are proximate to the dwellings they serve.	Y	Y

Clause	Std		Compliance	
			Std	Obj
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		Dwellings are set back in accordance with the requirements of this standard. See assessment in the body of the report.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		Length: 4.38 metres Height:3 metres Walls on boundaries comply with the requirements of this standard.	Y	Y
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Shadow cast by the development is within the parameters set by the standard.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		There are no internal views.	Y	Y
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		Noise impacts are consistent with those in a residential zone.	Y	Y
<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
<b>55.05-3</b>	<b>B27</b>	<b>Daylight to new windows</b>		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
<b>55.05-4</b>	<b>B28</b>	<b>Private open space</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.05-5</b>	<b>B29</b>	<b>Solar access to open space</b>		
		Sufficient depth is provided for adequate solar access to dwelling 1. See assessment in the body of this report for further details about dwelling 2.	Y	Y

Clause	Std		Compliance	
			Std	Obj
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		Sufficient storage areas are provided.	Y	Y
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		
		Design detail of dwellings is appropriate.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		A front fence is not proposed.	N/A	N/A
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		There is no common property.	Y	Y
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		Sufficient areas for site services are provided.	Y	Y

**REFERRAL SUMMARY**

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

**PLANNING SCHEME SUMMARY**

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

Zoning Controls

- The site is zoned General Residential Zone-Schedule 2. Under Clause 32.08-4 (General Residential Zone- Schedule 2) a planning permit is required to:
  - 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, 21.03-2, 21.03-3, 21.03-4
Zone	32.08
Overlay	45.06*
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	D2

\*Currently Council's ability to request the levy has expired as the Schedule to the Clause expired on the 30<sup>th</sup> June 2014.

## **POLICY IMPLICATIONS**

### **Environmental Sustainability**

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

### **Social Inclusion and Diversity**

There are no Human Rights, Equity and Inclusion impacts related to this report.

### **Other**

There are no other impacts related to this report.

## **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**

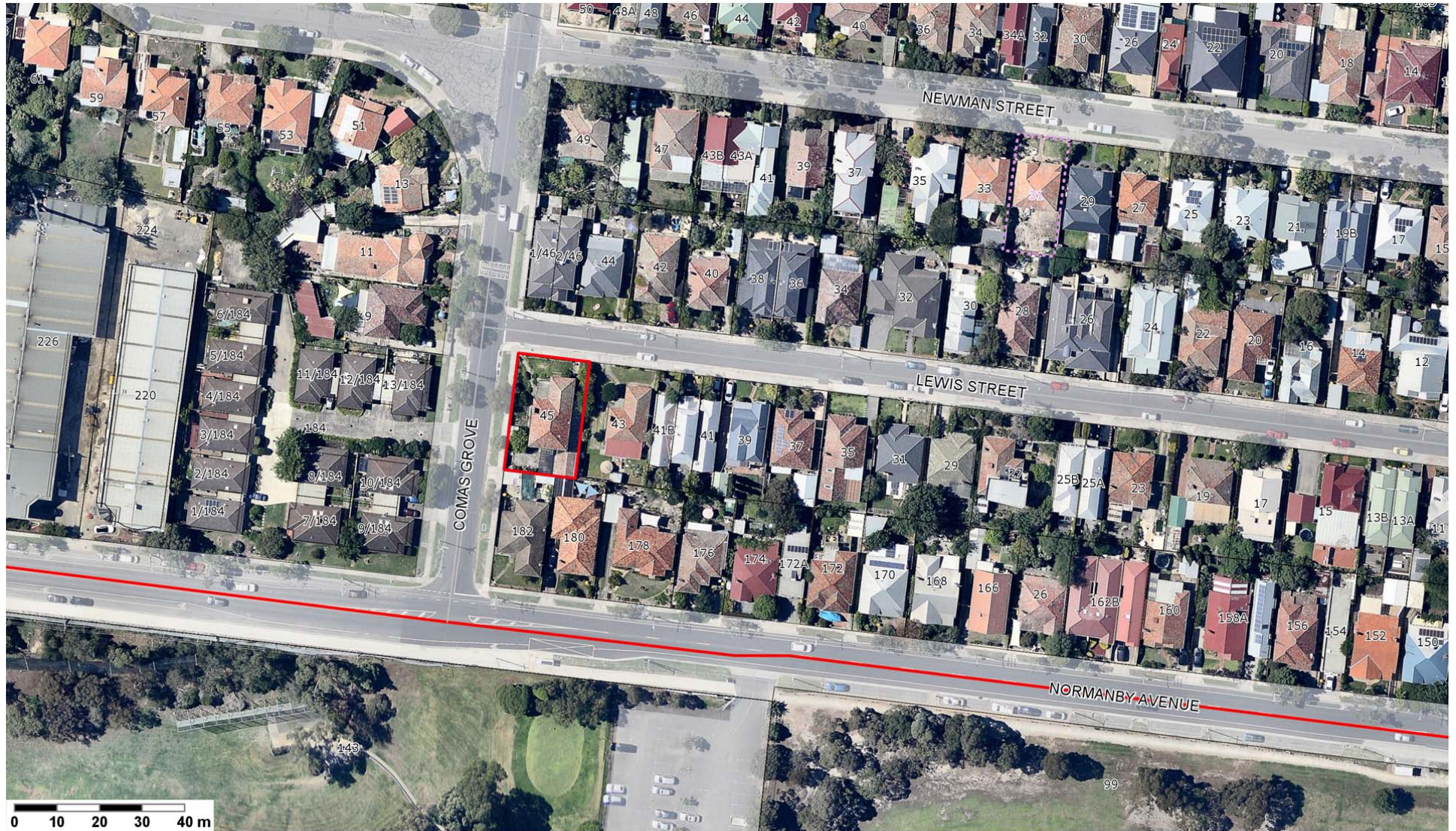
Darebin Planning Scheme and the *Planning and Environment Act (1987)* as amended.



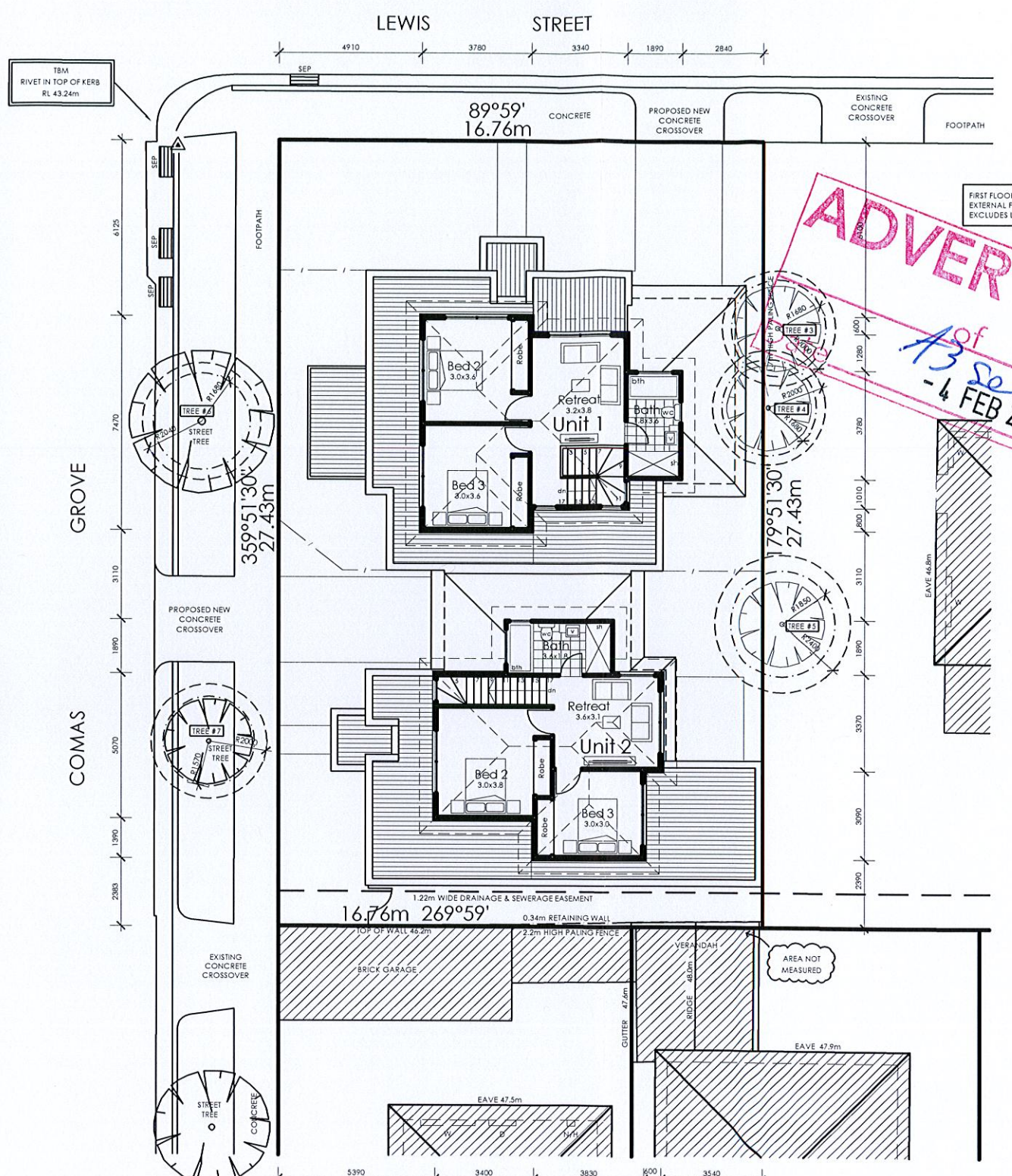
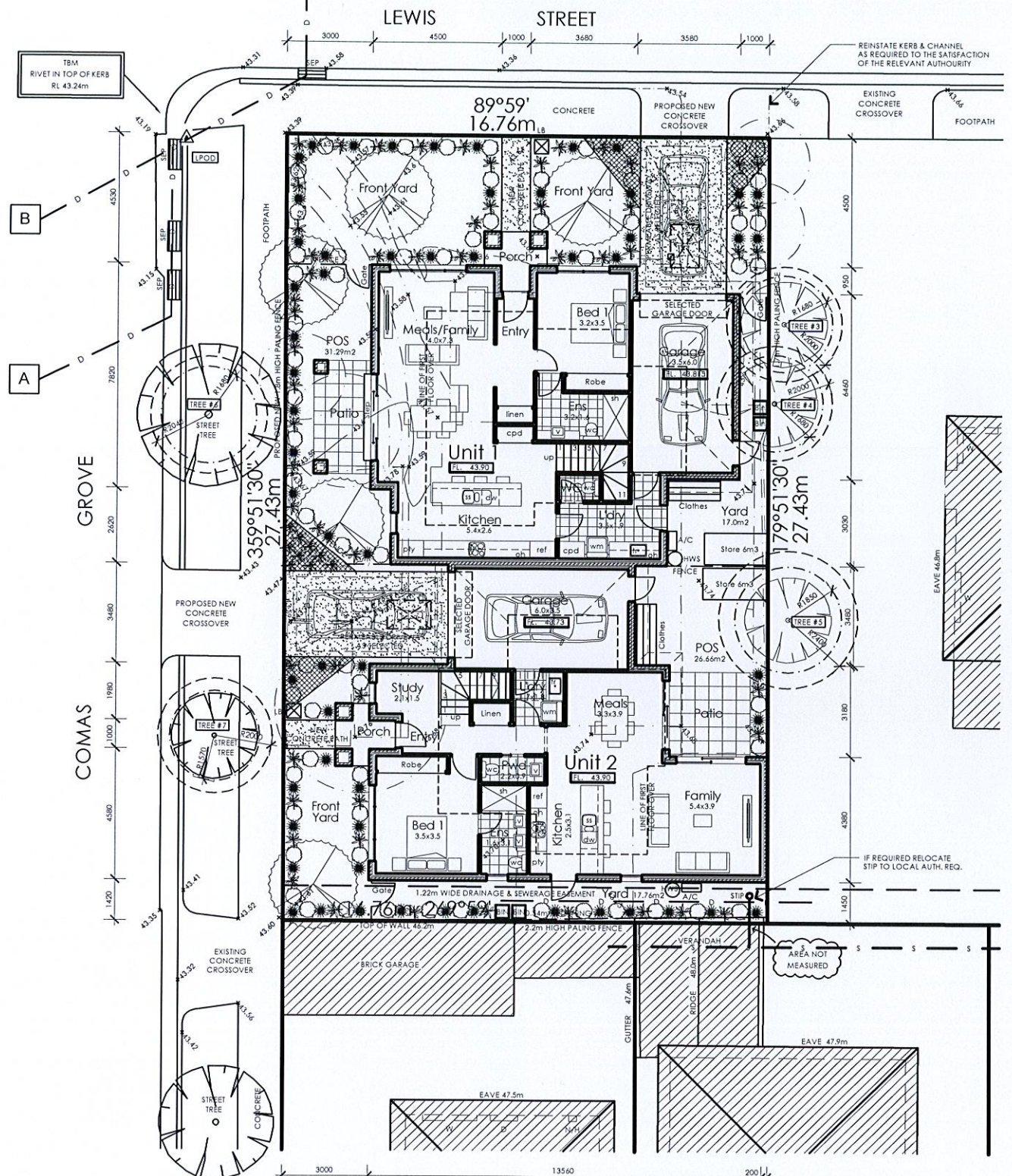
# 45 Lewis Street, Thornbury

Darebin City Council

9/03/2016







ADVERTISED

13 of  
- 4 FEB 2016

**LEGEND**  
SCALE 1:100

EXISTING TREES  
EXISTING TREES TO BE REMOVED  
NEW 1.8m HIGH PALING FENCE/GATE  
DENOTES EXISTING DWELLING, GARAGE & OUTBUILDINGS TO BE DEMOLISHED  
SELECTED LETTER BOX  
SEWER TIE IN POINT  
EXISTING SPOT LEVELS  
DOOR  
HABITABLE ROOM WINDOW  
WINDOW  
BICYCLE SPACE

YARRA VALLEY WATER ASSET  
SEWER PIPE  
SIZE - 150mm VC  
OFFSET - 0.81m SOUTH OF SOUTH BOUNDARY  
AVERAGE DEPTH - 3.0m

COUNCIL STORMWATER DRAINAGE PIPE - 600mm DEPTH, SIZE UNKNOWN  
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

COUNCIL STORMWATER DRAINAGE PIPE - 300mm DEPTH, SIZE UNKNOWN  
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

2000 LITRE UNDERGROUND WATER TANK AS SELECTED

AIR CONDITIONING UNIT AS SELECTED TO BE CONFIRMED ON SITE

HOT WATER SERVICE UNIT AS SELECTED, TO BE CONFIRMED ON SITE

LEVELS TO AHD

HAVE A CORNER SPLAY OR AREA AT LEAST 50 PER CENT CLEAR OF VISUAL OBSTRUCTIONS EXTENDING AT LEAST 2 METRES ALONG THE FRONTAGE ROAD FROM THE EDGE OF AN EXIT LANE AND 2.5 METRES ALONG THE EXIT LANE FROM THE FRONTAGE, TO PROVIDE A CLEAR VIEW OF PEDESTRIANS ON THE FOOTPATH OF THE FRONTAGE ROAD. THE AREA CLEAR OF VISUAL OBSTRUCTIONS MAY INCLUDE AN ADJACENT ENTRY OR EXIT LANE WHERE MORE THAN ONE LANE IS PROVIDED, OR ADJACENT LANDSCAPED AREAS, PROVIDED THE LANDSCAPING IN THOSE AREAS IS LESS THAN 900mm IN HEIGHT.

LEGAL POINT OF DISCHARGE - LPD

THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE EXISTING STORMWATER PIT ON THE CORNER OF LEWIS STREET & COMAS GROVE TO COUNCIL REQUIREMENTS WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS. (DRAINAGE VIA GRAVITY ONLY, NO PUMP SYSTEMS PERMITTED).

**BESS ASSESSMENT**

- HEATING SYSTEM: REVERSE CYCLE SPACE
- HEATING SYSTEM EFFICIENCY: 370/MEPS
- COOLING SYSTEM: REFRIGERATIVE SPACE
- COOLING SYSTEM EFFICIENCY: CURRENT DEFAULT/MEPS
- HOT WATER SYSTEM: GAS INSTANTANEOUS 5 STARS
- PROVIDE PRIVATE OUTDOOR CLOTHESLINE
- SHOWERHEAD: 3 STAR WELS
- KITCHEN TAPS: 5 STAR WELS
- BATHROOM TAPS: 4 STAR WELS
- NORTH & WEST FACING WINDOWS TO BE DOUBLE GLAZED.
- PROVIDE 2 BICYCLE SPACES
- PROVIDE 2 X 2000 LITRE UNDERGROUND WATER TANKS FOR EACH UNIT.
- PERMEABLE DRIVEWAYS

FOR FULL DETAILS REFER TO BESS REPORT PREPARED BY KEYSTONE ALLIANCE. DATE: 10 DEC 2015

**EXTERNAL FINISHES SCHEDULE**

ROOFING	CONCRETE ROOFING TILES
WALLS	FACE BRICKWORK RENDERED BRICKWORK
GUTTERS & DOWNPIPES	RENDERED 1/WEIGHT CLADDING
WINDOWS & DOORS	COLORBOND POWDERCOATED ALUMINIUM

**DEVELOPMENT SUMMARY**

SITE AREA	459m <sup>2</sup>	BUILDING SITE COVERAGE	249.28m <sup>2</sup> (54.3%)
DENSITY	1:229	DRIVEWAY	38.72m <sup>2</sup>
No OF DWELLINGS	2	SITE PERMEABILITY	170.99m <sup>2</sup> (37.25%)
CAR-PARKING	4	PRIVATE OPEN SPACE	
UNIT 1	1x SINGLE GARAGE, 1x CARSPACE	UNIT 1	31.29m <sup>2</sup> + 17.0m <sup>2</sup> + FY
UNIT 2	1x SINGLE GARAGE, 1x CARSPACE	UNIT 2	26.66m <sup>2</sup> + 17.76m <sup>2</sup> + FY

**GROSS BUILDING AREA / UNIT:**

	UNIT 1	UNIT 2
GROUND FLOOR	95.56m <sup>2</sup>	91.41m <sup>2</sup>
FIRST FLOOR	55.65m <sup>2</sup>	51.14m <sup>2</sup>
PORCH	3.49m <sup>2</sup>	3.49m <sup>2</sup>
GARAGE	23.77m <sup>2</sup>	22.95m <sup>2</sup>
TOTAL	178.47m <sup>2</sup> (19.19%)	168.99m <sup>2</sup> (18.17%)

**CONSTRUCTION**

INTERNAL WALLS:  
90mm THICK TIMBER STUD CONSTRUCTION

EXTERNAL WALLS:  
GROUND FLOOR - 240mm THICK BRICK VENER CONSTRUCTION  
FIRST FLOOR - 90mm THICK BRICK CONSTRUCTION WITH RENDER FINISH TO LIGHTWEIGHT CLADDING

**LANDSCAPING**

FOR DETAILS OF LANDSCAPING PLEASE REFER TO SEPARATE LANDSCAPE PLAN - TO BE SUBMITTED AT A LATER DATE

**STORMWATER**

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 STORMWATER TO BE DISCHARGED TO THE STREET.

RECEIVED ON

29 DEC 2015

CITY OF DAREBIN STATUTORY PLANNING

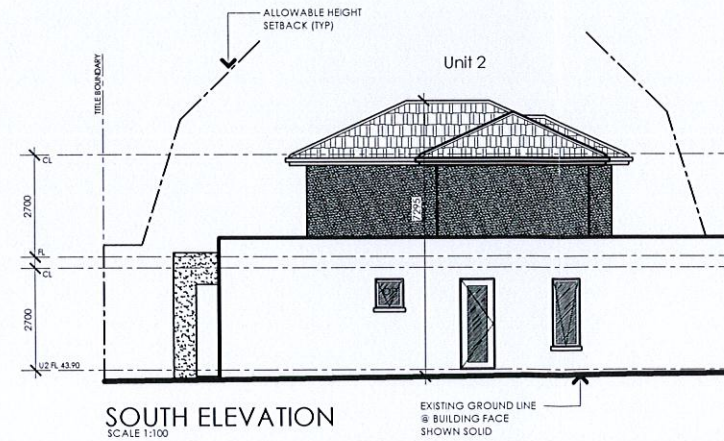
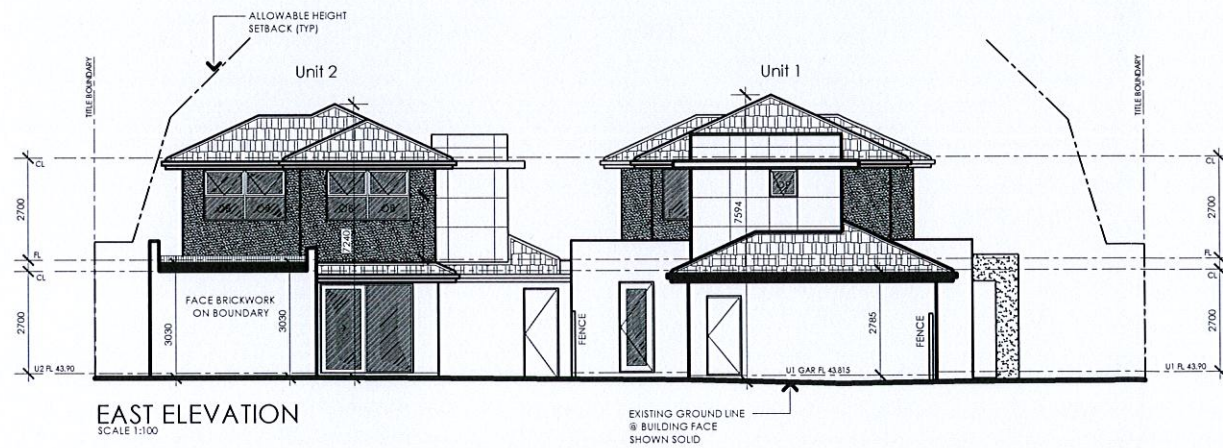
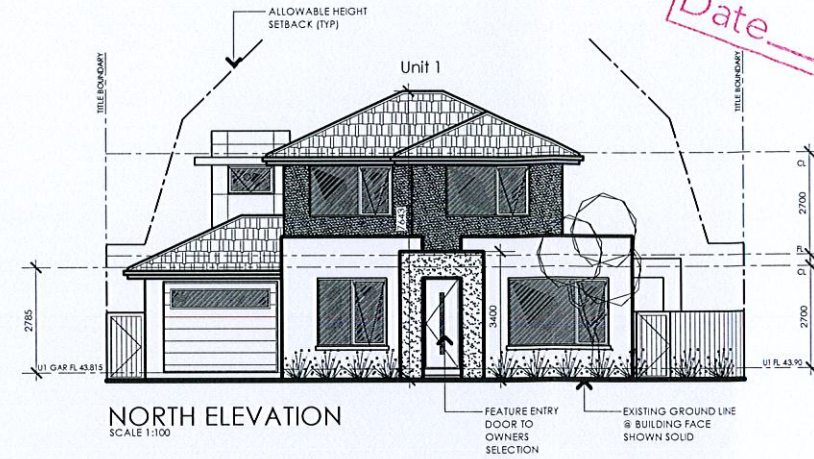
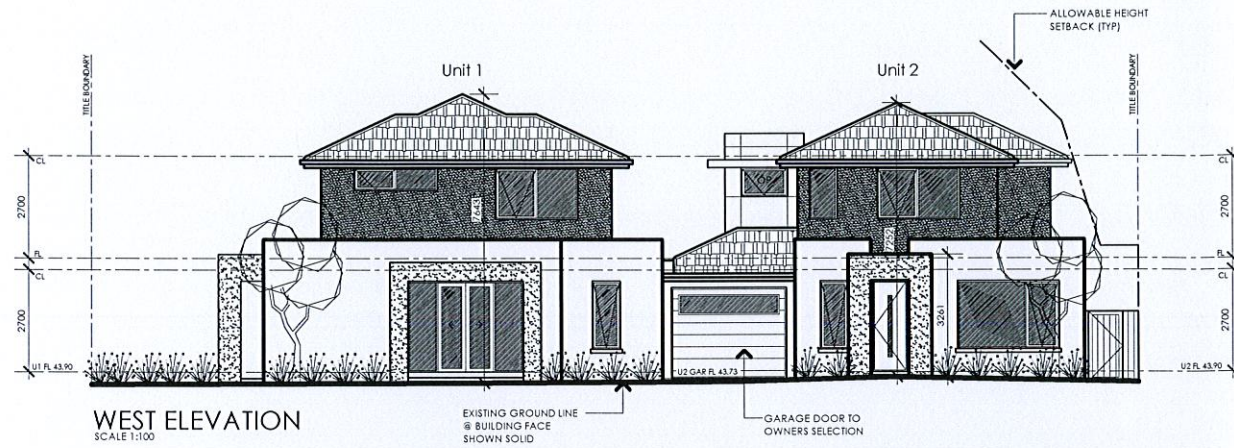
MULTI UNIT DEVELOPMENT  
45 LEWIS ST  
THORNBURY







**ADVERTISEL**  
 Date of *13 Feb*  
 -4 FEB 2016



**FINISHES LEGEND**

- CONCRETE ROOF TILES @ 25° ROOF PITCH
- SELECTED FACE BRICKWORK
- SELECTED RENDER FINISH #1
- SELECTED RENDER FINISH #2
- OB - FIXED OBSCURE GLAZING TO 1700mm ABOVE FFL 25% TRANSPARENT
- OP - OPAQUE GLAZING

**RECEIVED ON**  
 29 DEC 2015  
 CITY OF DAREBIN  
 STATUTORY PLANNING

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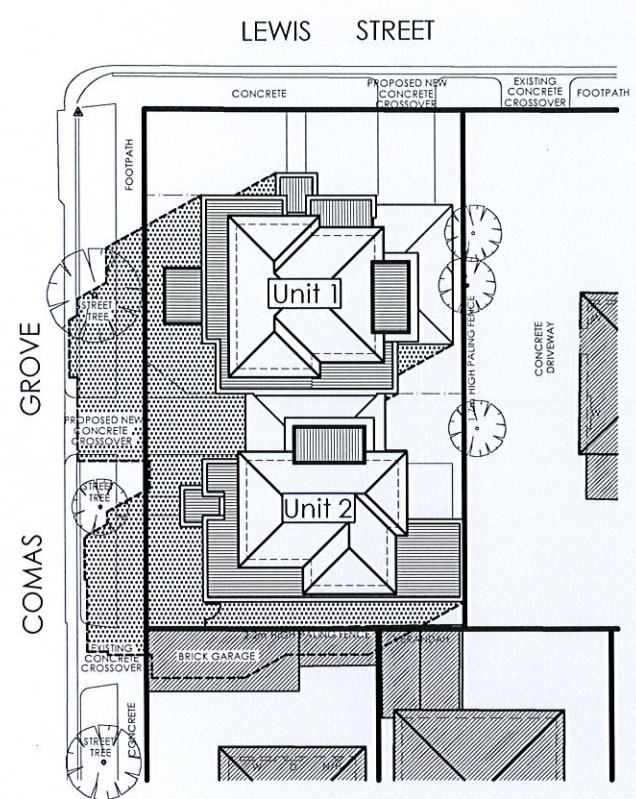
Rev	Date	Issue
B	NOV 15	RFI SUBMISSION
A	AUG 15	TOWN PLANNING ISSUE
P1	JUL 15	PRELIMINARY ISSUE



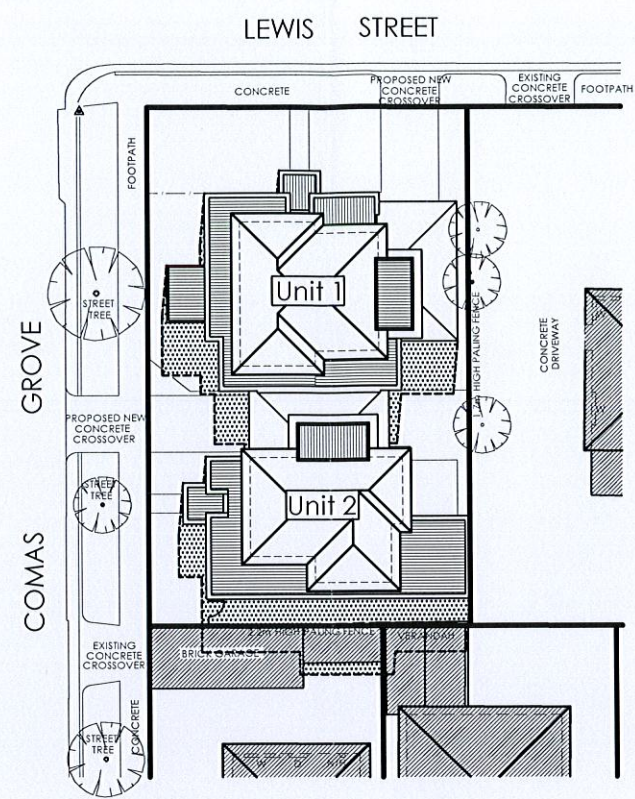




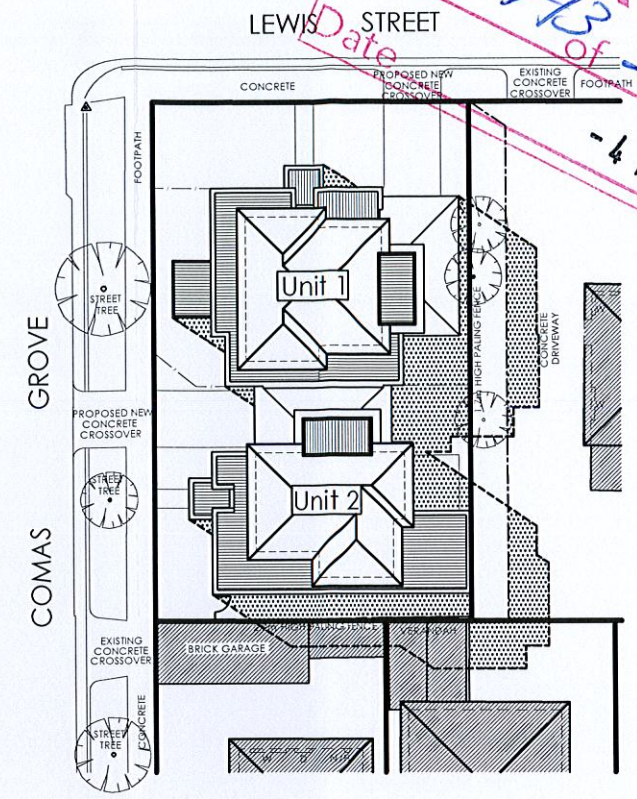
ADVERTISED  
Date 13 of Feb  
- 4 FEB 2016



SHADOW DIAGRAM  
21 Mar / 23 Sep - 9am  
SCALE 1:200  
EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY FENCE

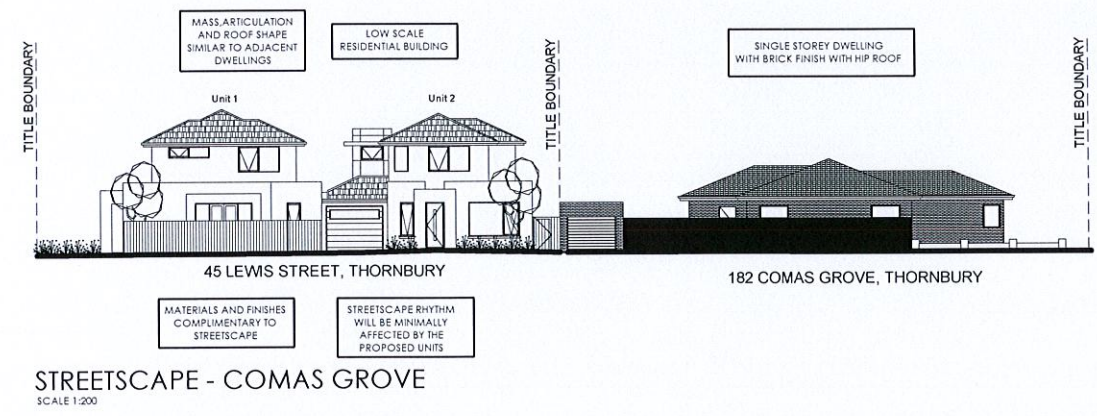


SHADOW DIAGRAM  
21 Mar / 23 Sep - 12pm  
SCALE 1:200  
EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY FENCE

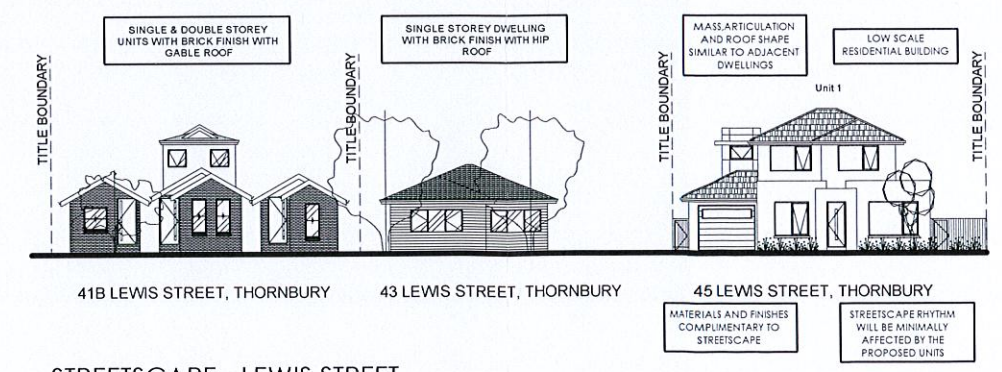


SHADOW DIAGRAM  
21 Mar / 23 Sep - 3pm  
SCALE 1:200  
EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY FENCE

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STATUTORY PLANNING



STREETScape - COMAS GROVE  
SCALE 1:200



STREETScape - LEWIS STREET  
SCALE 1:200

MULTI UNIT DEVELOPMENT  
45 LEWIS ST  
THORNBURY

TP-05 B

Job No. 609291 Scale: 1:200 Drawn: IC Date: DEC 15

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**5.3 APPLICATION FOR PLANNING PERMIT D/1005/2015**  
 35/3 Matisi Street, Thornbury

**AUTHOR:** Statutory Planner – Daniel Murphy

**DIRECTOR:** Director Assets and Business Services – Steve Hamilton

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
Stuart Ringholt Art	Stuart Ringholt Art	N/A

**SUMMARY:**

- It is proposed to use the land as an art and craft centre and reduce the statutory car parking requirement.
- The site is zoned Industrial 3 (INZ3).
- There is no restrictive covenant on the title for the subject land.
- Forty eight (48) objections were received against this application; eight (8) letters were received in support of this application.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council’s Transport Management and Planning Unit.
- This application was not required to be referred to external authorities.

**Recommendation**

**That** Planning Permit Application D/1005/2015 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 Stuart Ringholt Art, received by Council 15 January 2016) but modified to show:
    - (a) Deletion of the external loading bay.

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

- 3 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 The land must not be used for any purpose listed in Clause 52.10 of the Darebin Planning Scheme.
- 5 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.
- 6 The number of people on the premises at any one time must not exceed three (3).
- 7 The use may operate only between the hours of 8am and 6pm, 7 days a week.
- 8 Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 9 All outdoor 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.
- 10 The land must be drained 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 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.
- N4 Where the *Disability Discrimination Act* requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.
- N5 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.

<b>Report</b>
---------------

## **INTRODUCTION AND BACKGROUND**

A review of Council's records indicates the following planning permit application relevant to the subject site:

- Planning Permit D/124/2008, issued 14 August 2008, allowed the use and development of the land for the purpose of warehouses with associated offices, two (2) caretakers residences, stores and a food and drink premises (restaurant) and a reduction in the provision of car parking as shown on the plans accompanying the application.

## **ISSUES AND DISCUSSION**

### **Subject site and surrounding area**

- The land is regular in shape and measures 10.5 metres in length and 8.8 metres in width with a site area of 92.4 square metres.
- The land is located within the Industrial 3 Zone and is affected by the Development Contributions Plan Overlay (noting that the approved plan has expired).
- The land is located on the eastern side of side of Matisi Street within the complex known as the M&M Business Park. The subject site fronts the internal service road.
- The site is currently occupied by an existing factoryette development comprising 65 premises. The lot immediately to the north of the subject site (Lot 34) is currently occupied by a warehouse, immediately to the south (Lot 36) is a music recording studio, and immediately to the west (Lot 41) is occupied by a warehouse.
- To the north is a function centre known as Furlan Club.
- To the south, located on the south side of Mansfield Street, are existing warehouses and industry.
- To the east is the Darebin Creek parkland and environs.
- To the west, located on the opposite side of Matisi Street is Thornbury High School.

### **Proposal**

It is proposed to use the land as an art and craft centre and reduce the statutory car parking requirement as follows:

- The use of machinery on site will generally comprise compressors, drill press and metal lathe. The submission accompanying the application also notes the use of a variety of hand tools for the purposes of manufacturing artwork.
- The applicant notes that soundproofing measures to be undertaken include the use of rubber pads installed under the metal lathe to minimise vibration.
- Hours of operation are proposed to be between 8am – 6pm, 7 days a week.
- The number of people on site at a given time will not exceed three (3) people, comprising one (1) staff member and two (2) clients. The applicant notes that artwork is not sold from the premises.
- Provide 1 car parking space (as previously allocated to the premises – refer to Plan of Subdivision PS617096U).

- The subject site is serviced by two (2) loading bays, comprising an external loading bay measuring 25.5 square metres (4.9 metres x 5.2 metres) and an internal loading bay 21.55 square metres (5 metres length x 4.3 metres width x 4 metres height). The plans accompanying the application note two (2) existing loading bays.

It is noted that the proposed 25.5 square metres external loading bay does not form part of the original approval under Planning Permit D/124/2008. Furthermore this loading bay is shown as being located on common property on Plan of Subdivision PS617096U and therefore will be required to be deleted as condition of Permit.

- No advertising signage is proposed.

### **Objections**

- Forty-eight (48) objections have been received.

### **Objections summarised**

- Unacceptable noise emissions.
- Adverse financial impact on the adjoining music studio.
- The proposed use would interfere with recording equipment of the adjoining recording studio.
- Loss of value to the community if the music studio was forced to close/high quality services offered by the adjoining music studio.

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

#### Unacceptable noise emissions

The written submission accompanying the application indicates that noise emissions will be generated by the use from machinery generally comprising an air compressor, drill press and metal lathe.

As noted in the detailed discussion below, a reasonable control of noise emissions within the IN3Z is compliance with the requirements of State Environment Protection Policy (Control of Noise from Industry, Commerce And Trade) No. N-1 (SEPP N-1). A condition of the permit will require compliance with SEPP N-1, thus ensuring that noise emissions generated by the proposed use are not unreasonable.

#### Adverse financial impact on the adjoining music studio

The financial impact caused by the proposed use on the adjoining music studio is not a relevant planning consideration under the Scheme or *Planning and Environment Act 1987*.

#### The proposed use would interfere with recording equipment of the adjoining recording studio

As noted above, the proposal would be required to comply with SEPP N-1 as a condition of Permit. Having regard to the zoning, it is considered that levels of noise protection sought by the adjoining music studio cannot be offered in this zone.

An objector notes that the responsibility for sound proofing lies upon the agent of change (i.e. the Art and Craft Centre), having regard to Clause 52.43 – Live Music and Entertainment Noise. However, noting the scope of this Clause applies to a live music entertainment venue or a noise sensitive residential use that is within 50 metres of a live

music entertainment venue; the assertion that the proposed use must prevent fine grain noise and vibrations which interfere with music equipment cannot be reasonably justified.

The matter of inter-industry conflict within the same zone remains untested at VCAT; however some relevant discussion is provided in the decision *Argus Tallow Merchants Pty Ltd v Greater Dandenong CC [2015] VCAT 1915*, noting that the discussion also relates to conflicting land uses in Industrial 2 and Industrial 3 zones:

168. *I have mentioned that an adjoining land-user undertaking a non-sensitive use in the interface Industrial 3 Zone, and within the Argus 'buffer', must have a reasonable and objective expectation of some off-site amenity impacts from the pre-existing heavy industry in the immediately adjacent Industrial 2 Zone. The extent of that expectation in all its contexts – including spatially, temporally, environmentally, as a matter of health and well-being, and generally - will obviously be at the crux of any enforcement action if there is an alleged breach of a general amenity condition relating to an odour emission.*
169. *In this case, I have set out the background and findings at quite some length, in the hope that it may provide some assistance as to the way in which the competing expectations might be considered ahead of any further potential enforcement. I again mention the EPA's 'Recommended Separation Distances for Industrial Residual Air Emissions (EPA Publication 1518, March 2013)' which is referenced in the SPPF in the Greater Dandenong Planning Scheme. As I have said, it provides a useful commentary on:*
- *the interrelationship between the EPA regulatory framework and the planning framework.*
  - *the importance of separation distances.*
  - *the occasional or unintended emissions that must be anticipated and allowed for - including, for example, equipment failure, accidents and abnormal weather conditions.*
  - *the emerging 'agent of change' principle.*
  - *the siting of industry in the interface zone that does not itself generate off-site amenity impacts, nor warrant protection from them.*
170. *In the present case, these factors would all suggest that the users of land adjacent to the Argus land must be taken to have at least some objective expectation of occasional off-site odour impacts on their industrial-level amenity. They cannot reasonably expect that there will be no residual air emissions at all from the Argus land. They cannot reasonably expect the same level of amenity as if they were located only amongst other light industry, and they certainly cannot reasonably expect the same level of amenity enjoyed in a residential area. Their level of amenity will therefore be qualitatively quite different to other areas.*

Although the above discussion generally relates to odour and airborne emissions, Paragraph No. 170 provides direction to this application. The level of protection sought for noise sensitive equipment cannot be reasonably provided given the industrial zoning of the existing recording studio and subject site.

Further, there is no reasonable basis to expect a noise-free environment given the industrial zoning of the land. What this decision highlights is that when a use is located within (or as in the case referred to above, adjacent to) an industrial area expectation of amenity must be tempered with the purpose of the zone. The purpose of an industrial zone is for uses which have emissions such as noise or odour (amongst others). The proposed use is not intense and is compatible with the types of uses allowable within the INZ3.

Loss of value to the community if the music studio was forced to close

Local planning policy identifies the importance of both art, culture and music within the municipality and the importance of industrial area. Given the competing interests of these matters, the above discussion should be relied upon to provide direction.

**PLANNING ASSESSMENT**Use – Art and Craft Centre

Having regard to the requirements and decision guidelines of Clause 33.03-2, the proposed use of the land as an Art and Craft Centre is considered appropriate for the following reasons:

- The use will not adversely affect the amenity of the neighbourhood, including nearby residential uses in terms of storage of dangerous goods or equipment, light spill, odour or other emissions.
- The noise generated by the use can be contained to a reasonable level and will be controlled via permit conditions.
- The proposal will not generate an unreasonable level of traffic; given the maximum number of people on premises at a given time will not exceed three (3).
- The proposal meets the purpose and decision guidelines of the zone and is in accordance with the proper and orderly planning of the area.

The written submission accompanying the application indicates that noise emissions will be generated by the use from machinery generally comprising an air compressor, drill press and metal lathe. Having regard to the purpose and decision guidelines of the IN3Z, the use of the above machinery is considered reasonable for the following reasons:

- The use of the above machinery will not have an adverse impact on adjoining sensitive uses including schools and residential properties.
- The use of machinery will not unreasonably impact on adjoining industrial properties.
- A reasonable control of noise emissions within the IN3Z is compliance with the requirements of SEPP N-1. This will be required as a condition of permit to ensure that noise emissions do not exceed an unreasonable level.
- The proposed hours of operation between 8am – 6pm fall within the ‘day period’ of SEPP N-1, where restrictions on noise emissions are less stringent.

Car Parking

- The use of the land as an Art and Craft Centre requires the provision of four (4) car parking spaces to each 100 square metres of net floor area under Clause 52.06-5 of the Scheme. As the premises has a floor area of 92.4 square metres, the proposed use requires four (4) spaces.
- Noting that one (1) car parking space has been allocated to the subject site as part of Planning Permit D/124/2008, the application seeks a waiver of three (3) car parking spaces.
- The proposed reduction in the statutory car parking requirements is considered acceptable for the following reasons:

- The written submission accompanying the application notes that one (1) staff member and up to two (2) clients will be at the premises at a given time.
- On-street parking is available within walking distance of the site along Matisi Street, Dundas Street and Collins Street.
- The car parking requirements have been previously assessed against the provisions of Clause 52.06 of the Scheme as part of Planning Permit D/124/2008 and considered to be appropriate.

**REFERRAL SUMMARY**

Department/Authority	Response
Transport Management and Planning	No objection

**PLANNING SCHEME SUMMARY**

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

- Clause 33.03-1 – Use of the land as an Art and Craft Centre.
- Clause 52.06-5 – 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	12, 14.01, 17.03, 18.02
LPPF	21.04, 21.05, 22.04
Zone	33.03
Overlay	45.06
Particular provisions	52.06
General provisions	65.01

**POLICY IMPLICATIONS**

**Environmental Sustainability**

There are no Environmental Sustainability impacts related to this report.

**Human Rights, Equity and Inclusion**

There are no Human Rights, Equity and Inclusion impacts related to this report.

**Other**

There are no other impacts related to this report.

**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.

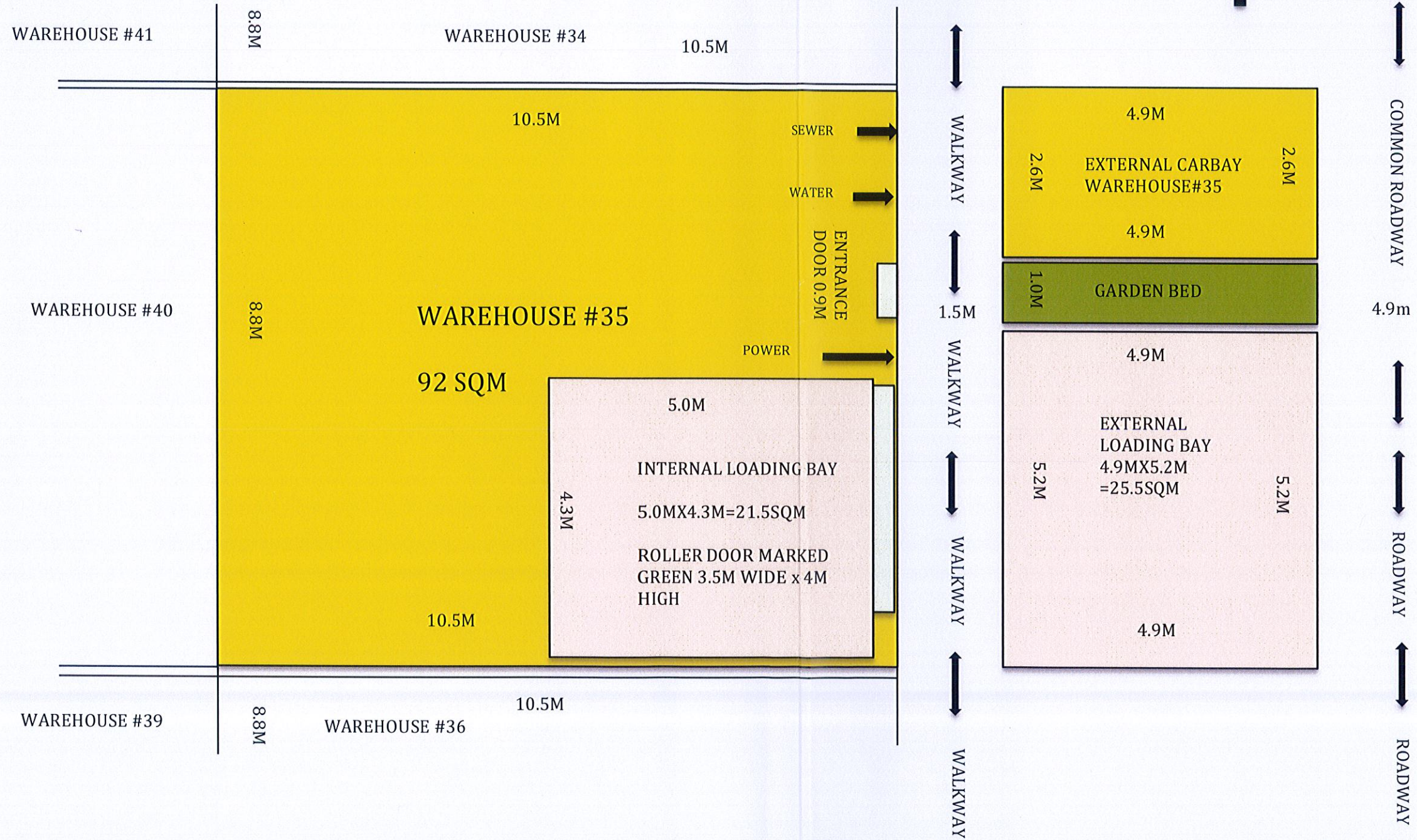






STUART RINGHOLT ART  
 35/3 MATISI STREET THORBURY VIC 3071

PLANNING PERMIT APPLICATION #D/1005/2015  
 SCALE 1:100  
 ALL MEASUREMENTS IN METRES

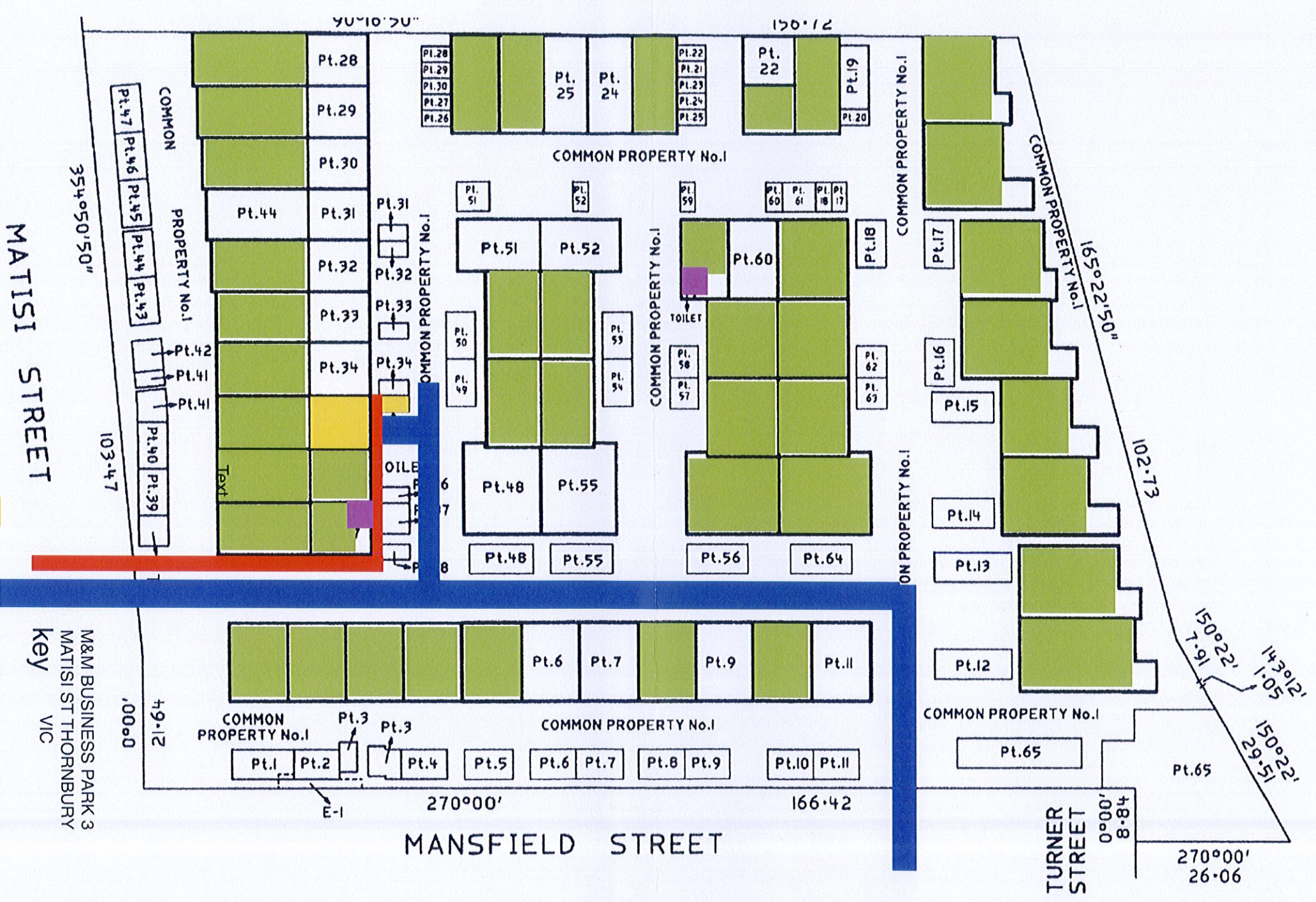




- vehicle and delivery access
- pedestrian access
- common use wheelchair access toilet

- warehouse #35 with designated car bay
- other warehouses within 100m and operating as businesses

please note: all dwellings unshaded and marked white use unknown



M&M BUSINESS PARK 3  
MATISI ST THORN BURY  
VIC  
key





**5.4 APPLICATION FOR PLANNING PERMIT D/56/2015**  
 153 Wood Street, Preston

**AUTHOR: Principal Planner – John Limbach**

**DIRECTOR: Director Assets and Business Services – Steve Hamilton**

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Hardat Developments Pty Ltd c/o Beyond Design Group	Exors Vito Carone and Exors Rosa Carone	Beyond Design Group

**SUMMARY:**

- On 14 September 2015, the Planning Committee refused an application to construct a medium density housing development comprising five (5) double storey dwellings and reduce the associated visitor car parking requirement. A review of Council’s decision has been lodged with the Tribunal.
- The applicant has circulated substitute plans in accordance with Practice Note PNPE9. A full list of changes is provided in the report below. Council must now form a position on the revised proposal.
- The amended proposal is for a medium density housing development comprising the construction of three (3) double storey dwellings and one (1) single storey dwelling.
- The site is zoned General Residential Zone – Schedule 2.
- There is no restrictive covenant registered on the Certificate of Title.
- Eighteen (18) objections were originally received against this application.
- One (1) objector has lodged a statement of grounds prior to the circulation of the amended plans and intends to be a party to the appeal.
- It is recommended that Council advise the Tribunal of its revised position to support the amended plans in accordance with the conditions set out in the recommendation below.

**CONSULTATION:**

- The applicant has advised that the amended application and plans have been circulated to all parties to the proceeding in accordance with Practice Note PNPE9.
- The substituted plans were not referred to any internal departments for comment.
- The substituted plans were not required to be circulated to any external referral authorities.

<b>Recommendation</b>
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**That** Council advise the Tribunal it has considered the substituted plans (identified as drawing numbers DR1, TP1, TP2, TP3 and SH1, prepared by Beyond Design Group and dated 12.12.2014) and supports the proposal subject to the conditions set out below.

**That** Council request the Tribunal make orders with the consent of the parties to this effect.

**This Permit Allows:**

A medium density housing development comprising the construction of three (3) double storey dwellings and one (1) single storey dwelling.

**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 numbers, TP1, TP2 and TP3 prepared by Beyond Design Group and dated 12.12.2014) but modified to show:
  - a) A Landscape Plan in accordance with Condition No. 4 of this Permit.
  - b) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - c) The study to Unit 1 to have a maximum dimension in one (1) direction of 1.90 metres. This is to be achieved by reducing the floor area of the dwelling and without reducing any boundary setbacks.
  - d) A cantilevered canopy to the entry porch of Unit 3 that increases the visibility of the dwelling entry and sense of address from within the driveway.
  - e) External, operable sun shading devices to all east and west facing habitable room windows.
  - f) Unless required to be fixed under Clause 55.04-6 – Standard B22 of the Darebin Planning Scheme, all windows are to be operable.
  - g) Operable windows are to be of louvre, casement, sliding, single/ double hung style (not awning) or equivalent to maximise ventilation.
  - h) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the east and sides of the crossover to Wood Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - i) 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.
  - j) The first floor, east facing study window of Unit 3 provided with either:
    - a sill with a minimum height of 1.7 metres above finished floor level,
    - a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level or

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

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

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,

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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. The land must be drained 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. 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.
10. 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.
11. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;

- c) Surfaced;
- d) Drained;

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.

<b>Report</b>
---------------

## INTRODUCTION AND BACKGROUND

On 14 September 2015 Council issued a Refusal to Grant a Permit on the following grounds:

1. *The proposal fails to comply with the desired future character of the area through the absence of meaningful landscaping opportunities throughout the site, dominant built form in the streetscape and the application of incongruous design detailing.*
2. *The proposal fails to comply with a number of standards and/or objectives of Clause 55 of the Darebin Planning Scheme including:*
  - *Clause 55.02-2 (Residential Policy).*
  - *Clause 55.03-3 (Site Coverage).*
  - *Clause 55.03-5 (Energy Efficiency).*
  - *Clause 55.03-8 (Landscaping).*
  - *Clause 55.04-1 (Side and Rear Setbacks).*
  - *Clause 55.04-2 (Walls on Boundary).*
  - *Clause 55.03-5 (Overshadowing).*
  - *Clause 55.05-5 (Solar Access to Open Space).*
3. *The proposal will adversely impact the amenity of the neighbouring secluded private open space through the presentation of visual bulk, absence of landscaping opportunities and overshadowing of private open.*
4. *The proposal provides poor internal amenity for future residents through the reliance on retrofitted screening measures to a majority first floor habitable room windows and open space areas, orientation of balconies, deficient landscaping response and lack of ground floor open space facilities.*
5. *The proposal presents as an overdevelopment of the site.*

On 9 November 2015, Council was advised that an appeal had been lodged with the Tribunal.

On 21 March 2016, amended plans were circulated in accordance with the requirements of Practice Note PNPE9. These plans are referred to as drawing numbers DR1, TP1, TP2, TP3 and SH1, prepared by Beyond Design Group and dated 12.12.2014. These are the plans to be considered by Council.

## ISSUES AND DISCUSSION

### Subject site and surrounding area



- 
- The land is regular in shape and measures 45.75 metres in length and 15.24 metres in width with a site area of 697 square metres.
  - The land is located within the General Residential Zone – Schedule 2 and encumbered by the Development Contributions Plan Overlay (noting that the approved plan has expired).
  - The land is located on the southern side of Wood Street between the intersections with Highview Road (east) and Dean Street (west).
  - The subject site is currently occupied by a detached single storey weatherboard dwelling. A garage and outbuilding are located to the rear of the site adjacent to the eastern property boundary.
  - To the east are three (3) single storey units, each fronting Highview Road.
  - To the west is a single storey detached brick dwelling.
  - To the north across Wood Street are two (2) medium density in-fill developments each comprising two (2) single storey units.
  - To the south is a single storey detached brick dwelling (fronting Brown Street).
  - The site is located within the residential hinterland area between Preston Central and Northland activity centres. The City of Darebin Housing Strategy 2013-2033 identifies the area as one of incremental housing change.
  - The No. 555 bus runs immediately along Wood Street immediately in front of the subject site (connecting Northland Shopping Centre and Epping).
  - The site is located approximately 500 metres east of the Plenty Road corridor and No. 86 tram.
  - On-street parking supply in front of the subject site is no standing due to a bus stop, pedestrian crossing and proximity to the Highview Road intersection. Line marked parking commences approximately 25 metres west (in front of 157 Wood Street).

## PROPOSAL

### Statement of Changes

Changes to the application from that originally considered by the Planning Committee significantly comprise a reduction of dwellings from five (5) double storey to three (3) double storey and one (1) single storey. The revised proposal provides the required number of car parking spaces (one (1) per dwelling for two (2) bedroom dwellings) and provides ground floor open space in lieu of 'reverse living' balcony space. Changes to the plans are as follows:

#### Ground Floor

- Unit 1 addresses the street and includes a pedestrian access to the footpath.
- The pedestrian entries to Units 2, 3 and 4 gain access via the vehicular driveway along the eastern boundary of the site.
- All dwellings have kitchens and meals/ living rooms on the ground floor which can directly access areas of secluded private open space in the form of ground floor gardens.
- No boundary walls are proposed.
- All dwellings include a single garage with vehicle access via the shared driveway.

- Side setbacks are generally greater with more landscaping opportunities given the ground floor secluded private open space that the removal of a dwelling.

#### First Floor

- No balconies are proposed at first floor.
- Three (3) of the four (4) dwellings are double storey with one (1) single storey.
- Units 1, 2 and 3 include two (2) bedrooms and a bathroom at first floor level.
- Units 1 and 3 include a study at first floor level.
- West side boundary setbacks and rear boundary setbacks have generally been increased.
- East side boundary setbacks have been varied with both increases and reductions evident.
- The first floor footprint of the proposal has been significantly reduced.

#### Elevations

- The roof forms of the proposal have been modified to a more traditional, hipped roof design.
- Brick and weatherboard cladding are the dominant finishes with render utilised relatively sparingly compared to the original proposal.

#### Shadow Diagrams

- Updated taking into account the changes to the floor plans and elevations outlined above.

### **PLANNING ASSESSMENT**

The Tribunal Practice Note PNPE9 provides that permit applicants may seek to amend plans that form part of an application. This can save time and resources by enabling improvements to be made to a proposal without a new application being required.

Having refused the application on the ground set out above, Council must now consider the amended plans. Key questions to be resolved by the Planning Committee with respect to the amended plans are:

- Do the substituted plans adequately address Council's grounds of refusal?
- Do the amendments result in any other issues that would warrant not supporting the proposal?

#### **Ground 1: Neighbourhood Character**

Council's original assessment revealed failures with the neighbourhood character response having regard to the guidelines for Precinct E4. In particular, this related to limited landscaping opportunities throughout the site, the extensive double storey built form and design detailing that is not in keeping with the area. The revised proposal addresses these concerns in the following ways:

- The revised proposal provides more significant in-ground landscaping opportunities along the side boundaries due to the location of the ground floor open space to all dwellings. This will sufficiently compliment the landscaping in the front setback of Unit

1. A condition will require a detailed landscape plan be provided and approved by Council's Public Realm Unit prior to the commencement of the development.
- The double storey mass throughout the property has also been significantly reduced through the reduction in the number of dwellings and the introduction of a single storey dwelling to the rear, and the development has been sited more appropriately to respond to the neighbouring interfaces. In particular the majority of the upper level form has been located adjacent to outbuildings and driveway and more generous setbacks provided where opposite secluded private open space on adjoining properties.
  - The materials and finishes palette has been modified to provide greater variation in presentation and texture. In particular the amount of rendered surfaces has been reduced to include more brick and weatherboard feature cladding. The render that does remain is generally limited to detailing. A condition will require a detailed materials and finishes schedule.

## **Ground 2: Compliance with Clause 55 Requirements**

### Residential Policy

- The site's suitability for some form of medium density housing intensification is not in dispute. Council's previous issues with respect to residential policy related to the proposal's failure to achieve acceptable off-site amenity impacts. As highlighted in the sections below, the revisions provide an improved design outcome that addresses the off-site impacts previously identified.
- The proposal now presents a suitable medium density housing proposal that will benefit from the locational attributes of the subject site while managing impacts on the neighbouring properties.

### Site Coverage

Council's previous issue with respect to site coverage related to the detrimental impacts of the high level of visual bulk given the extent of double storey form throughout most of the site. The revised proposal is broken up and articulated at first floor level and the site coverage would not appear as incongruous in this neighbourhood setting.

### Energy Efficiency

- The original proposal exhibited two (2) key issues with respect to energy efficiency – internal amenity, (namely daylight access), and external amenity, (namely quality of private open space). Both of these matters have been satisfactorily addressed in the revised proposal.
- The removal of one (1) of the dwellings has resulted in a less bulky development to the rear of the site with increased setbacks from the side boundaries providing for extensive, and higher quality, ground floor secluded private open space. This has improved daylight access to habitable rooms as there is no need for overlooking screening.
- Conditions to the effect of the following will achieve a suitable energy efficiency outcome for the dwellings:
  - Adjustable external shading devices for all east and west-facing habitable room windows.
  - Unless required to be fixed under Clause 55.04-6 – Standard B22, all windows are to be operable.

- Operable windows are to be of louvre, casement, sliding, single/double hung style (not awning) or equivalent to maximise ventilation.

Landscaping

- Vegetation to be removed from the site is generally unremarkable and provides limited amenity to the surrounding neighbourhood.
- Council's refusal of the original application raised concern with the opportunity for future landscaping being severely limited throughout the site.
- The front setback area provides opportunities for the planting of canopy trees and understorey shrubs/plants. The landscaping strips along the driveway will complement this front setback planting.
- The reduction of dwellings and revised siting has removed the boundary to boundary nature and now provides private open space areas in excess of 3.0 metres wide which can accommodate more meaningful landscaping along the side elevations.
- The revised development illustrates that an appropriate landscape response can be developed for the site, and a condition will require a detailed plan be provided to this effect prior to the commencement of the development.

Side and Rear Setbacks

The previous proposal exhibited side and rear setbacks that failed to comply with the objectives at Clause 55.04-1. The massing of the proposed dwellings was such that the setbacks of the double storey form would unreasonably impact the amenity of the neighbouring properties. The amended proposal exhibits compliance with the requirements of both the standard (see below) and objective, providing generous setbacks to adjoining areas of sensitive secluded private open space.

Ground floor:

<b>Boundary</b>	<b>Wall Height</b>	<b>Required Setback</b>	<b>Proposed Setback</b>
West – Unit 1	2.90 metres	1 metre	3.30 metres
West – Unit 2	3.10 metres	1 metre	3.20 metres
West – Unit 3	3.10 metres	1 metre	3.20 metres
West – Unit 4	3.60 metres	1 metre	3.20 metres
East – Unit 1	3.10 metres	1 metre	3.60 metres
East – Unit 2	3 metres	1 metre	3.60 metres
East – Unit 3	3 metres	1 metre	3.60 metres
East – Unit 4	3 metres	1 metre	1 metre
South – Unit 4	3 metres	1 metre	1 metre

First floor:

<b>Boundary</b>	<b>Wall Height</b>	<b>Required Setback</b>	<b>Proposed Setback</b>
West – Unit 1	5.80 metres	1.66 metres	3.37 metres
West – Unit 2	6 metres	1.72 metres	3.20 metres

West – Unit 3	6 metres	1.72 metres	3.20 metres
East – Unit 1	6 metres	1.72 metres	3.75 metres
East – Unit 2	6.10 metres	1.75 metres	3.78 metres
East – Unit 3	6.10 metres	1.75 metres	3.78 metres
South – Unit 3	6.10 metres	1.75 metres	13.94 metres

Walls on Boundary

The amended proposal includes relatively significant boundary setbacks when compared to the original proposal and no longer includes any walls on boundaries.

Overshadowing

The original proposal resulted in overshadowing to the neighbouring properties that exceeded the requirements of Clause 55.04-5 – Standard B21. In particular, this related to 3/151 Wood Street which would be further overshadowed despite not receiving compliant solar access under current conditions.

In deleting one (1) dwelling, removing walls on boundaries and generally increasing boundary setbacks, the amended proposal complies with the standard and is therefore considered acceptable.

Solar Access to Open Space

The original proposal included poorly orientated and located balconies with substandard access to solar open space. The revised proposal includes ground floor secluded private open space areas with a northern aspect, which guarantees good solar access for much of the day.

**Ground 3: Off-site Amenity Impacts**

The off-site amenity impact cited in Council's refusal covered matters of visual bulk, overshadowing of open space and overshadowing of private open space. These matters have been discussed above however (in summary) have been rectified as follows:

- The visual bulk of the proposal is notably reduced through the reduction of the number of dwellings from five (5) to four (4) with a commensurate reduction of the built form throughout the site, including the introduction of a single storey dwelling to the rear. Increased setbacks at ground and first floor, greater open space areas, removal of walls on boundaries and landscaping opportunities will ensure an appropriate interface with the neighbouring properties and reduce overshadowing to acceptable levels.
- Overshadowing caused by the proposal now complies with the requirements of Clause 55.04-5 – Standard B21.

**Ground 4: On-site / Internal Amenity**

The on-site/ internal amenity concerns cited in Council's refusal covered matters of excessive screening measures, orientation of balconies, deficient landscaping and lack of ground floor open space facilities. These matters have been discussed above however (in summary) have been rectified as follows:

- The reduced number of dwellings has created conventional ground floor living homes rather than reverse living townhouses. Consequently there are no longer first floor screened balconies being relied upon as the primary private open space areas.
- The ground floor yards proposed are afforded northern sunlight access in accordance with the requirements of Clause 55.05-5 – Standard B29 and provide greater areas of amenity for future occupants.
- The ground floor living areas are located adjacent to northern orientated light sources in the form of generous areas of secluded private open space.

The development now provides a vastly improved level of internal amenity to future occupants.

**Ground 5: Overdevelopment of the site**

This matter has been discussed above however (in summary) the removal of a dwelling, introduction of a single storey dwelling and generally greater side setbacks means that the proposal is not considered an overdevelopment of the site.

**Other Matters**

The revised plans do not introduce any new issues that would otherwise require council to maintain its refusal of the application. Any outstanding matters are merely clarifications or minor changes that can be easily and routinely addressed via conditions as set out in the recommendation above.

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

- Clause 32.08-4: Construction of two (2) or more dwellings on a lot.

**Applicable provisions of the Darebin Planning Scheme**

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

There are no Human Rights, Equity and Inclusion impacts related to this report.

### Other

There are no other impacts related to this report.

## 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

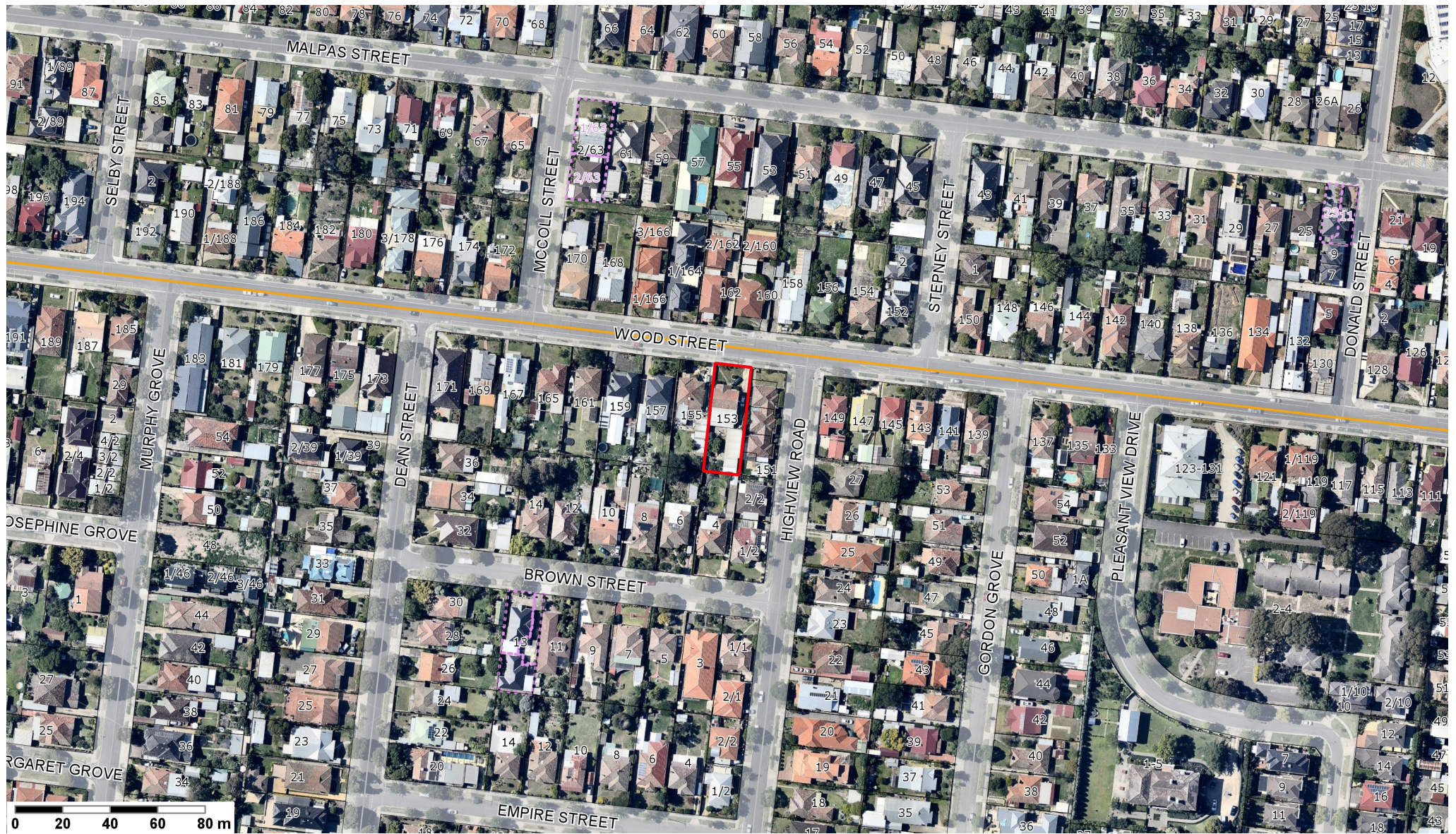
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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.









**Designer**  
 Beyond Design Group Pty Ltd  
 66 Perry Road, Reservoir  
 Melbourne Victoria Australia  
 Ph: (03) 9470 1144  
 Fax: (03) 9470 3599  
 www.beyondsgm.com.au  
 A.B.N. 75 085 127 307

**Drawing**  
 Design Response Plan  
 Address  
 41-153 Wood Street, Preston  
 Ref No. 14-1202 Sheet No. DR1

Scale 1:200  
 Checked A/W  
 Date 12.12.2014  
 Drawn P.S



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Rev.	Date	Description	Initial
A	27/07/16	Amendments for VCAT	P.S

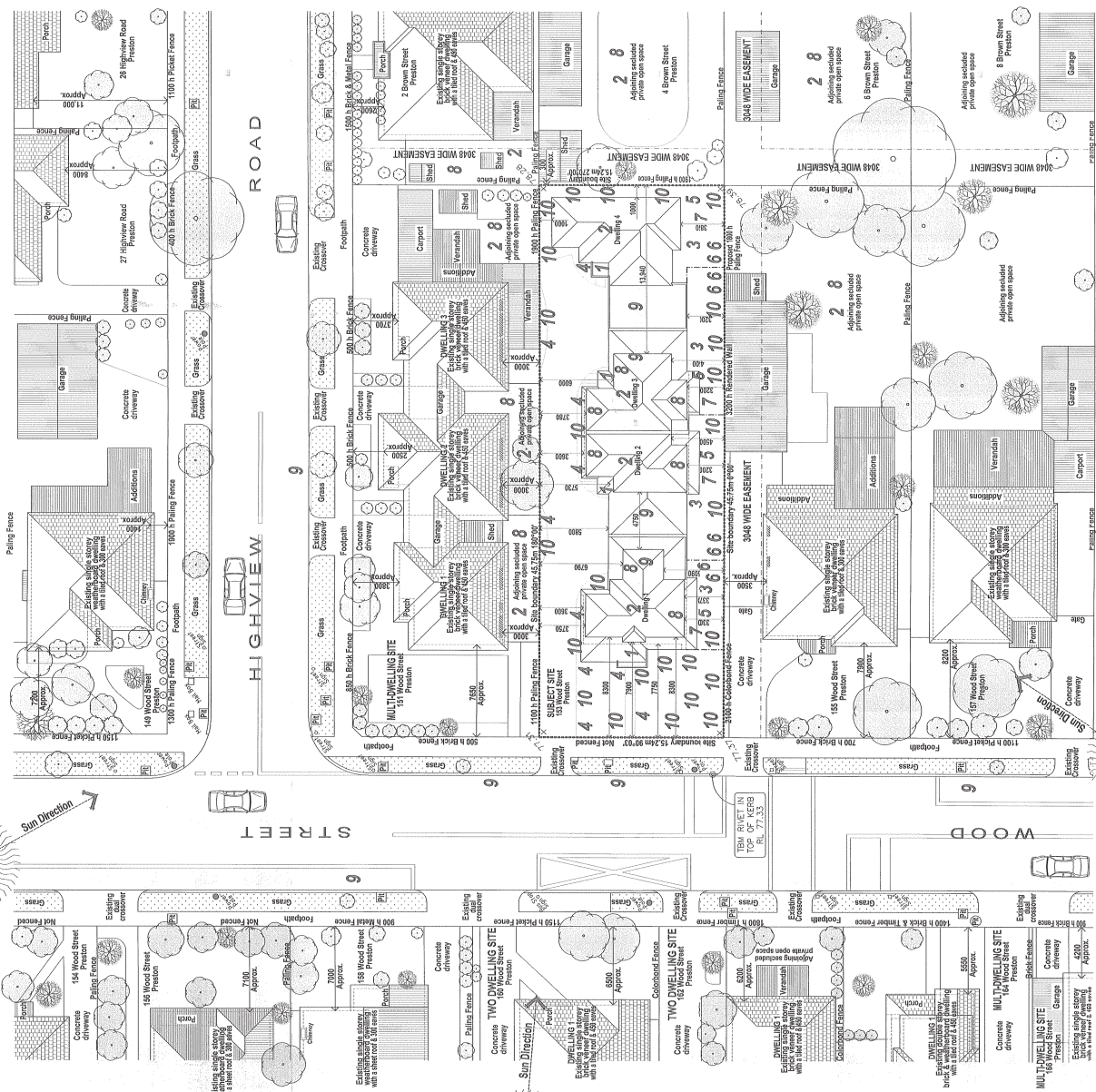
**Client**  
 Harlat Developments Pty Ltd

**Project**  
 Multi Dwelling Development



**Design Response Plan**

Directs Sitings, significant trees and major vegetation



**Design Response**

The proposed development has responded to the site context in the following ways:

- The proposed dwellings have a clear sense of identity. A sheltered area and transitional space is provided around the entry point of all of the proposed dwellings, which will provide secure access.
- Proposed double storey construction at the front of the site with single storey construction behind provides for an elevational treatment that is articulated and more pleasant to view from adjoining secluded private open spaces and upon entry to the site. No walls are proposed on the boundary which helps maintain existing views from adjoining secluded private open spaces.
- The private open space areas have been positioned to minimise any adverse impact on adjoining properties with respect to access to natural light and overlooking.
- On site infiltration has been maximised through the introduction of landscaped areas and stormwater run-off will be directed into garden areas to reduce watering and the demand on drainage infrastructure.
- The principal open space areas of each dwelling will be accessed directly from main living areas. Secluded open space areas within the development will achieve total privacy.
- Each dwelling will have sufficient room for storage and outdoor clothes drying facilities.
- The varied dimensions (a minimum of 3.2m and a maximum of 3.85) of secluded private open space areas proposed for the dwellings will allow for the planting of small canopy trees and screen vegetation and provide a reasonable recreation area for each of the dwellings.
- No direct overlooking will occur into surrounding properties given that all first floor habitable windows that overlook adjoining properties will have fixed obscured glazing or a sill height to 1700mm above the finished floor level.
- The proposed dwellings will each be provided with a single garage. Sufficient visitor parking can be accommodated for in Wood Street & Highview Road.
- Canopy vegetation and extensive landscaping is proposed throughout the site to enhance the appearance of the site and to soften hard surfaces areas.

The Design Response has been prepared taking into account the opportunities and constraints of the subject site and the Standards of Res Code. The Design Response has been derived from the Neighbourhood Site Description ensuring that a coherent design outcome has been achieved.

Rev.	Date	Description	Initial
A	10/04/15	Council Queries	B.H.
B	17/01/16	Amendments for VCAT	P.S.

Client	Hardat Developments Pty Ltd
--------	-----------------------------

Project	Multi-Dwelling Development
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--- DENOTES 600 HIGH PAILING FENCE (JUNO)  
 [Pattern] DENOTES SELECTED CONCRETE TO DRIVE WAY & CASPAGES  
 [Pattern] DENOTES SELECTED CONCRETE PAVING  
 NOTE: ALL PROPOSED LANDSCAPING TO BE FULLY SPECIFIED ON LANDSCAPE PLAN

[Symbol] DENOTES NARROW CANOPY TREE  
 [Symbol] DENOTES DECIDUOUS CANOPY TREE  
 [Symbol] DENOTES SHRUBS & GROUNDCOVERS  
 [Symbol] DENOTES SELECTED SKYLIGHT

[Symbol] DENOTES EXISTING TREES & SHRUBS  
 [Symbol] DENOTES DECIDUOUS CANOPY TREE  
 [Symbol] DENOTES CANOPY TREE  
 [Symbol] DENOTES NARROW EVERGREEN

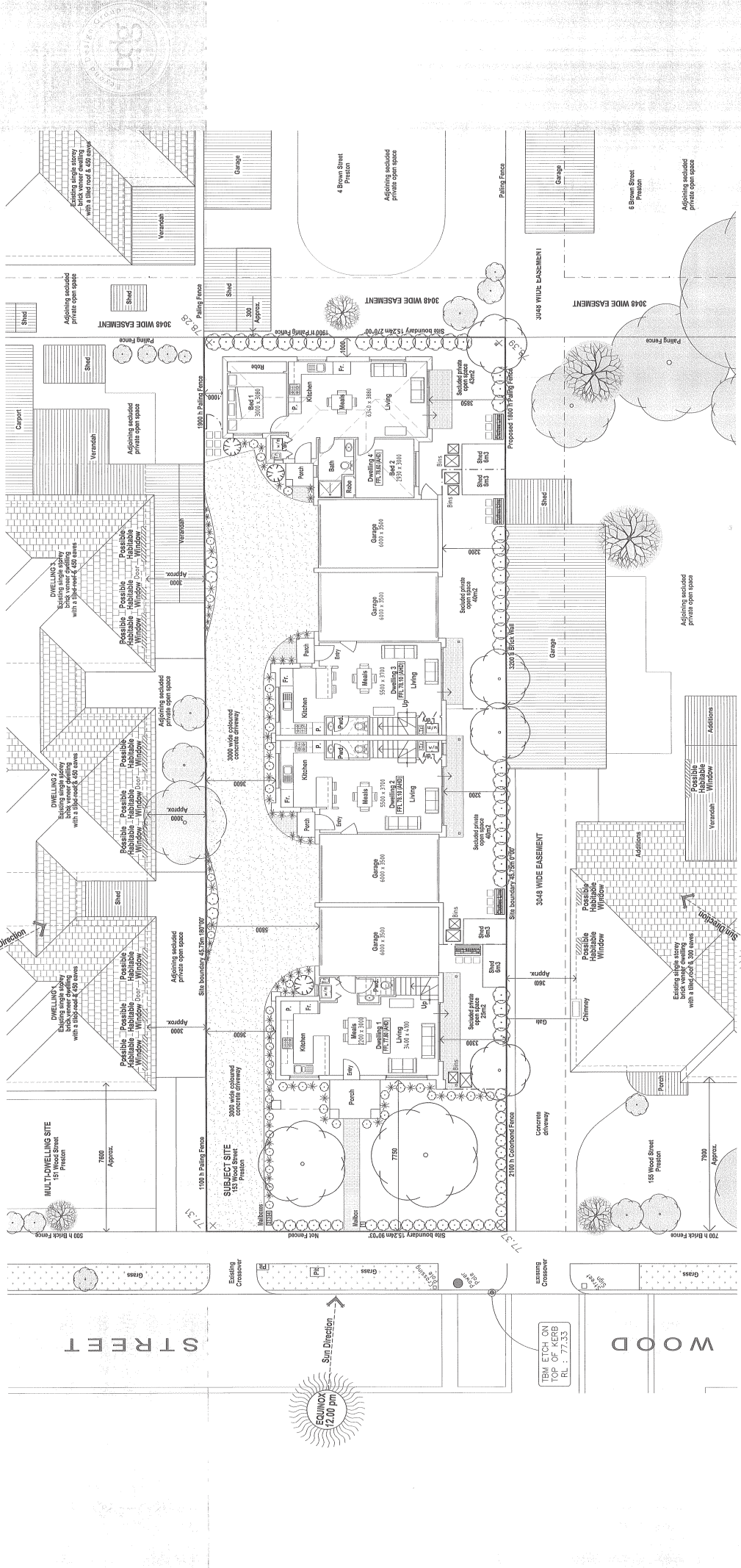
**SITE LEGEND**

SITE AREA	SITE COVERAGE Building Area	SITE COVERAGE Total Impervious Surfaces
697 m <sup>2</sup>	279 m <sup>2</sup> 40.0 %	483 m <sup>2</sup> 69.4 %

Dwelling	PRIVATE OPEN SPACE	SECURED OPEN SPACE	TOTAL
Dwelling 1	59 m <sup>2</sup>	25 m <sup>2</sup>	119 m <sup>2</sup>
Dwelling 2	5 m <sup>2</sup>	40 m <sup>2</sup>	45 m <sup>2</sup>
Dwelling 3	5 m <sup>2</sup>	40 m <sup>2</sup>	45 m <sup>2</sup>
Dwelling 4	8 m <sup>2</sup>	43 m <sup>2</sup>	51 m <sup>2</sup>

Dwelling	GROUND FLOOR	FIRST FLOOR	GARAGE	TOTAL
Dwelling 1	43 m <sup>2</sup>	46 m <sup>2</sup>	23 m <sup>2</sup>	112 m <sup>2</sup>
Dwelling 2	40 m <sup>2</sup>	37 m <sup>2</sup>	23 m <sup>2</sup>	100 m <sup>2</sup>
Dwelling 3	40 m <sup>2</sup>	44 m <sup>2</sup>	23 m <sup>2</sup>	107 m <sup>2</sup>
Dwelling 4	64 m <sup>2</sup>	N/A	23 m <sup>2</sup>	87 m <sup>2</sup>

**Ground Floor & Site Plan**  
 Scale 1:100



WOOD STREET

WOOD STREET

TBM ETCH ON TOP OF KERB RL: 77.33

MULTI DWELLING SITE 151 Wood Street Preston

SUBJECT SITE 153 Wood Street Preston

153 Wood Street Preston

MULTI DWELLING SITE 151 Wood Street Preston

MULTI DWELLING SITE 151 Wood Street Preston

MULTI DWELLING SITE 151 Wood Street Preston

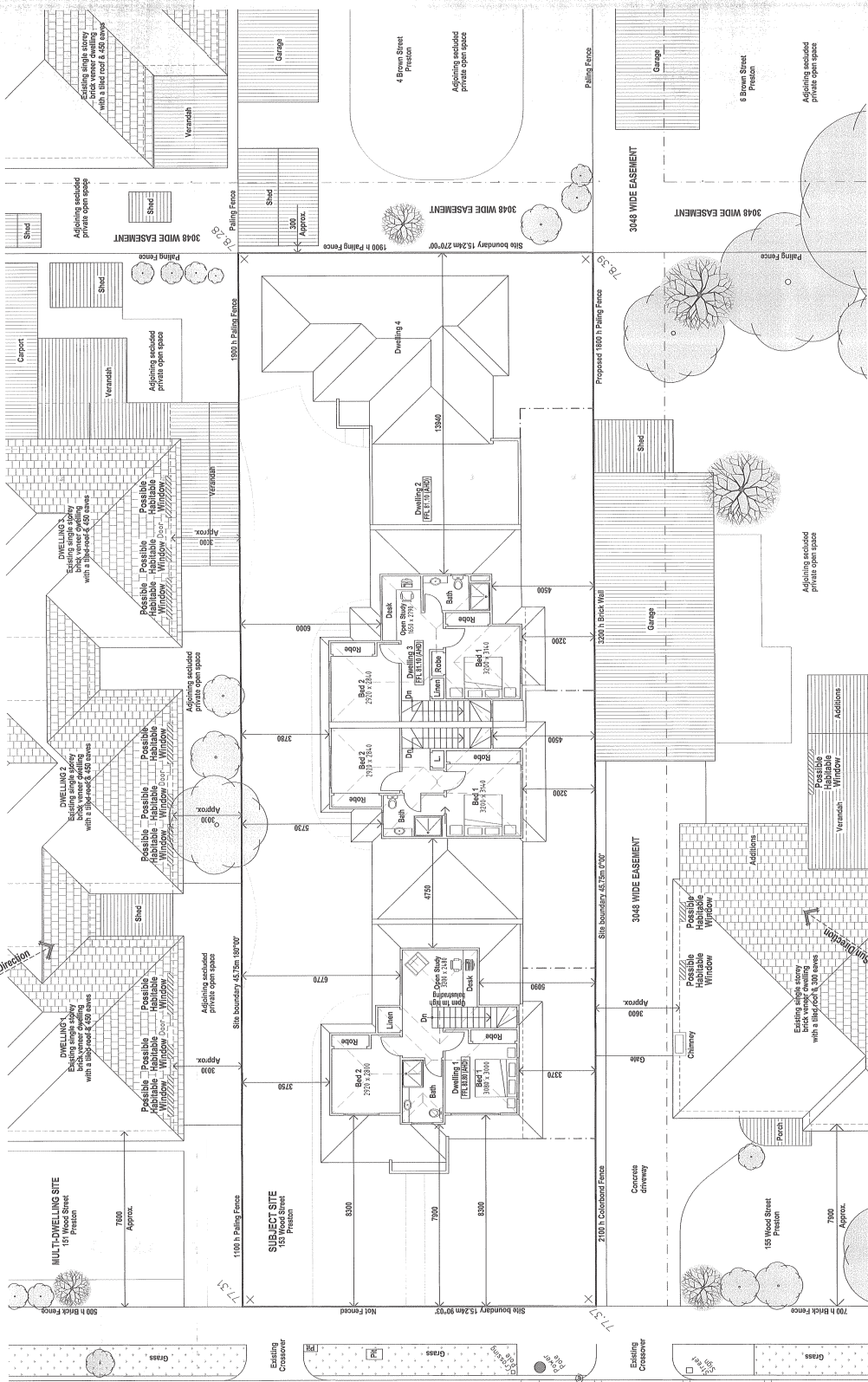
MULTI DWELLING SITE 151 Wood Street Preston

MULTI DWELLING SITE 151 Wood Street Preston

MULTI DWELLING SITE 151 Wood Street Preston

MULTI DWELLING SITE 151 Wood Street Preston





**First Floor & Site Plan**  
Scale 1:100



**Project**  
Multi-Dwelling Development

**Client**  
Hardat Developments Pty Ltd

Rev.	Date	Description	Initial
A	10/04/15	Council Queries	B.H.
B	17/01/16	Amendments for I/CAT	P.S.

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**Scale** 1:100  
**Checked** S.A.  
**Date** 12.12.2014  
**Drawn** A.W.

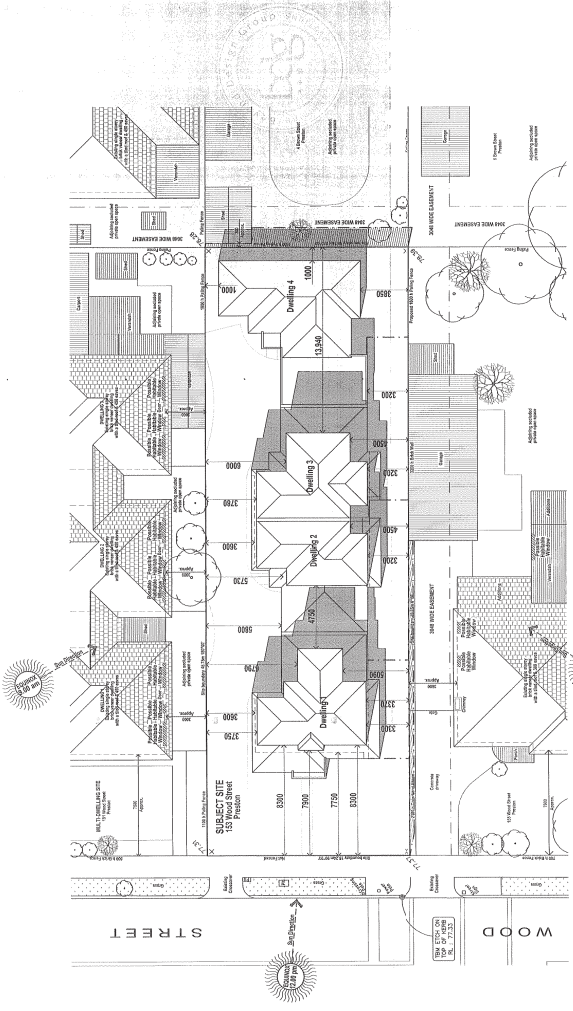
**Drawing** First Floor & Site Plan  
**Address** At 153 Wood Street, Preston  
**Ref No.** 14-1202  
**Sheet No.** TP2

**Disclaimer**  
Beyond Design Group Pty Ltd  
607 Flinn Road, Preston  
VIC 3073  
Ph: (03) 9470 1144  
Fax: (03) 9470 3330  
www.beyonddesign.com.au  
A.B.N. 75 095 127 307

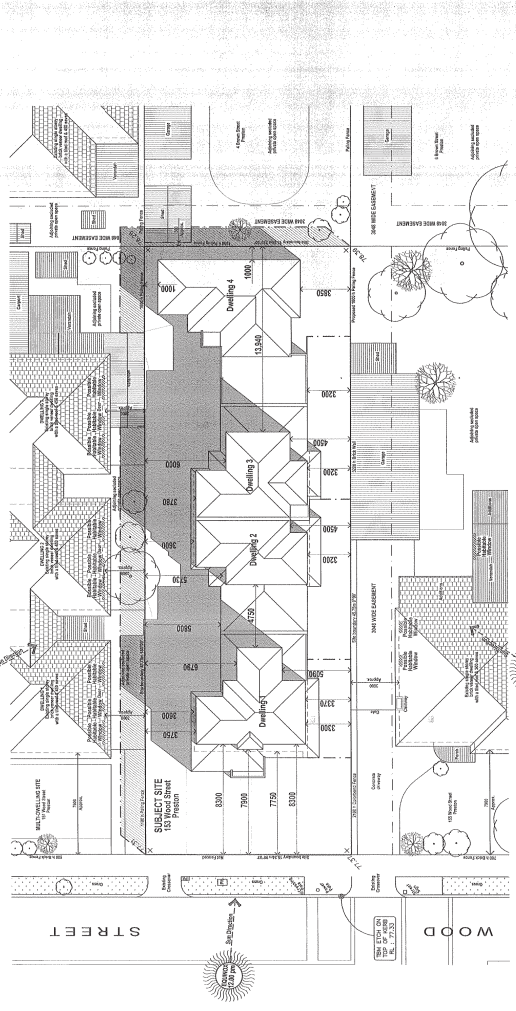




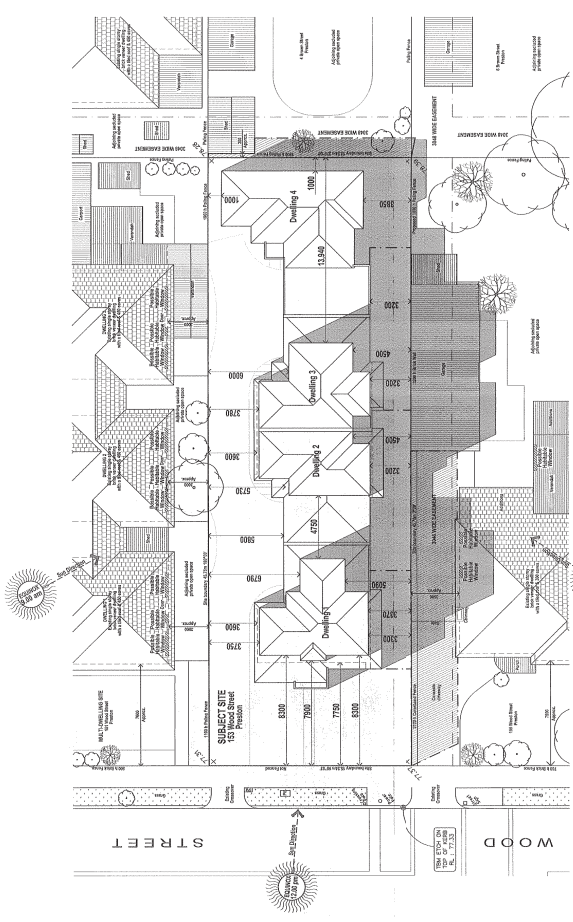




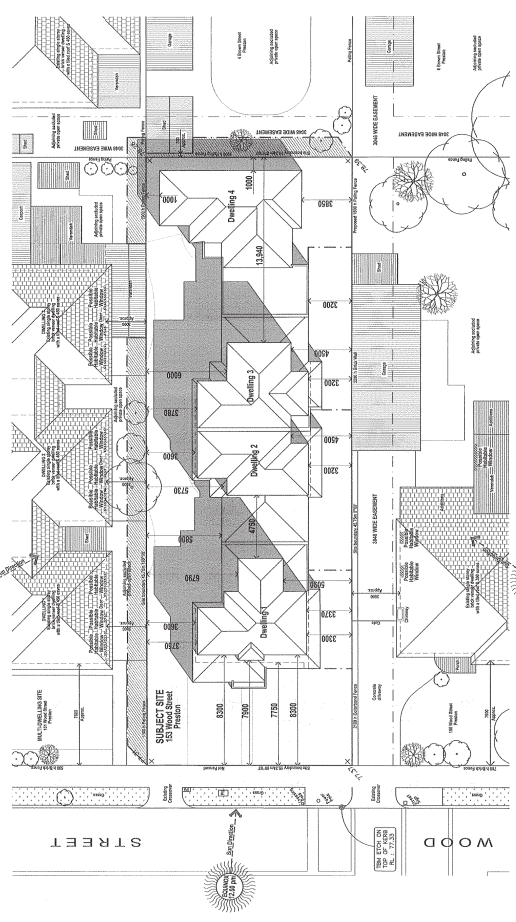
**Shadow Diagram - 12:00 pm**  
 Scale 1:200 SEPTEMBER 22 (EQUINOX)  
 DENOTES THE AREA OF SHADOW CAST BY THE EXISTING COLORBOND & PALING FENCES ALONG THE SOUTHERN & WESTERN BOUNDARY LINES.



**Shadow Diagram - 3:00 pm**  
 Scale 1:200 SEPTEMBER 22 (EQUINOX)  
 DENOTES THE AREA OF SHADOW CAST BY THE EXISTING PALING FENCES ALONG THE SOUTHERN & EASTERN BOUNDARY LINES.



**Shadow Diagram - 9:00 am**  
 Scale 1:200 SEPTEMBER 22 (EQUINOX)  
 DENOTES THE AREA OF SHADOW CAST BY THE EXISTING COLORBOND & PALING FENCES ALONG THE SOUTHERN & WESTERN BOUNDARY LINES.



**Shadow Diagram - 2:00 pm**  
 Scale 1:200 SEPTEMBER 22 (EQUINOX)  
 DENOTES THE AREA OF SHADOW CAST BY THE EXISTING PALING FENCES ALONG THE SOUTHERN & EASTERN BOUNDARY LINES.

**Designer**  
 Beyond Design Group Pty Ltd  
 67 Flinders Road, Reservoir  
 Melbourne Victoria Australia  
 Ph: (03) 9470 5144  
 Fax: (03) 9470 0399  
 www.beyonddesign.com.au  
 A.B.N. 75 095 127 307

**Drawing**  
 Shadow Diagrams  
**Address**  
 At 153 Wood Street, Preston  
**Ref. No.** 14-1202  
**Sheet No.** SH1

**Scale** 1:200  
**Checked** A.W  
**Date** 12.12.2014  
**Drawn** P.S



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Rev.	Date	Description	Initial
A	02/04/15	Council Queries	B.H.
B	12/01/16	Amendments for VCAT	P.S

**Client**  
 Hordat Developments Pty Ltd

**Project**  
 Multi-Dwelling Development



**5.5 APPLICATION FOR PLANNING PERMIT D/910/2015**  
65 Dundee Street, Reservoir

**AUTHOR:** Urban Planner – Caroline Dixon

**DIRECTOR:** Director Assets and Business Services – Steve Hamilton

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Maureen Florence Hough	N/A

**SUMMARY:**

- The development application proposed is for the purpose of four (4) double storey townhouses each with two (2) bedrooms and one (1) covered car space. A minimum of 55 square metres private open space has been provided to all dwellings.
- The site is zoned General Residential Zone 1
- 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 site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Capital Works, Transport Management, Darebin Parks and Council Property Units.
- This application was not required to be referred to external authorities.

**Recommendation**

**That** Planning Permit Application D/910/2015 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 TP-04, TP05 and TP-06 Revision B, prepared by Ikonmidis Reid received by Council on 22 January 2016) but modified to show:
  - a) A notation for all first floor windows (except south facing first floor windows of Dwelling 1 and 4) that states 'fixed obscured glazing (not film) to 1.7 metres above finished floor levels with a minimum of 25% transparency';
  - b) Where not fixed, all habitable windows must be noted as openable for all dwellings on the elevation plans;
  - c) Adjustable external shading to all north and west facing ground and first floor habitable room windows to all dwellings;
  - d) The eastern 'meals room' wall of Dwelling 4 setback a minimum of 0.35 metres from the eastern boundary. This must be achieved without altering any other setbacks;
  - e) A notation stating that the first floor TV rooms of Dwelling 2 and 3 must remain open and not be used as bedrooms;
  - f) Garage doorways with a minimum width of 3.3 metres;
  - g) A minimum headroom within the garages of 2.2 metres;
  - h) A landscape plan in accordance with Condition No. 4 of this Permit including at least two (2) suitable medium canopy trees (within the southern setback) and five (5) small canopy trees within the private open space areas;
  - i) A comprehensive schedule of construction materials, external finishes and colours (including colour samples);

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

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

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

- Before this Permit expires;
- Within six (6) months after the expiry date; or
- Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

4. Before the development starts, a fee of \$463 must be paid to the Responsible Authority for the planting of a street tree within the nature strip adjacent to the frontage of the land.

The existing street tree must be removed by the developer/permit holder at their own cost, to the satisfaction of the responsible authority. The removal works must be undertaken by a suitably qualified arborist.

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) At least two (2) suitable medium canopy trees (within the southern setback) and five (5) small canopy trees within the private open space areas.
  - b) 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.
  - c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - d) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
  - e) 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).
  - f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - h) Hard paved surfaces at all entry points to dwellings.
  - i) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.

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- l) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - m) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
6. 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. The first floor TV rooms of Dwelling 2 and 3 must remain open and not be used as bedrooms.
  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. 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. 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.

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

## NOTATIONS

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

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

<b>Report</b>
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## INTRODUCTION AND BACKGROUND

There is no planning history associated with this site.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is comprised of three (3) lots. The main lot known as 65 Dundee Street is regular in shape and measures 41.50m in length and 18.29 metres in width. Two (2)

lots to the rear of the site are also owned by the subject site. The lot to the north-east measures 3.05 metres in length and 6.41 in width. The lot to the north-west measures 11.88 metres in width and 6.10 in length. The overall site area of the three (3) lots is 851.06 square metres.

- The land is located within the General Residential Zone (Schedule 1) and is encumbered with the Development Contributions Overlay. Currently, Council is not able to request the levy as the Schedule to the Clause expired on the 30th June 2014.
- The land is located on the north side of Dundee Street to the west of Argyll Street.
- The site is currently occupied with a single storey weatherboard dwelling with a hipped roof. There are four (4) outbuildings on the site. A large steel garage is constructed on the western boundary; two (2) steel sheds are located at the rear (north) of the property. A weatherboard bungalow outbuilding is connected to the main house, adjoining the verandah and timber decking of the main dwelling. One (1) existing crossover is located to the west of the subject site. Landscaping is low level.
- To the north are two (2) dwellings. The dwelling to the north-west is 17 Dumbarton Street which is a single storey brick dwelling with a hipped roof. The dwelling is setback 24.07 metres from the subject sites common boundary. The private open space of the dwelling contains a swimming pool and two (2) outbuildings. The dwelling to the north-east is 33 Argyle Street. The dwelling is setback 7.55 metres from the common boundary. The site includes a verandah which is setback 3.37 metres from the subject sites common boundary.
- To the east is a three (3) unit development comprising one (1) single storey weatherboard dwelling and two (2) single storey brick dwellings all with hipped roofs. There is a double car port and single car port centrally located on the site. The vehicle crossover is located on the eastern boundary. Dwelling 1 is setback 7.77 metres from Dundee Street and 1.07 metres from the subject sites common boundary. The two (2) dwellings to the rear of the site are built on the subject sites common boundary.
- To the west of the site, the land has been cleared for construction. A Planning Permit has been granted for a medium density residential development comprising the construction of four (4) double storey dwellings. The approved development at 63 Dundee Street has a similar building footprint to the proposed development and an approved front setback of 7.3 metres. There are two (2) car ports and two (2) walls with a combined length of 12.4 metres approved for construction on the subject sites common boundary.
- To the south of the site, across Dundee Street are a number of single storey units and dwellings. There is a medium density housing development comprising five (5) single storey brick dwellings with hipped roofs at 60 Dundee Street. Directly opposite the subject site are two (2) single storey dwellings with hipped roofs (62 and 64 Dundee Street).
- Parking directly in front of the site on both sides of Dundee Street is unrestricted. Surrounding streets are also characterised by unrestricted parking.
- The surrounding area is predominantly residential. The wider area is undergoing significant development with multi-unit developments and medium density developments becoming the predominant streetscape. The wider context also echoes this development trend.
- Public transport (bus) is available along Invermay Street and Dumbarton Street, within 400 metres of the subject site. There is a large park (Dr Atkinson Reserve) located approximately 50 metres from the subject site. Keon Park Children's Hub is also

located within 400 metres to the north-west of the site. North of the site is the Thomastown Industrial Park.

**Proposal**

- The proposal includes demolition of the existing dwelling and construction of four (4) double storey dwellings.
- Dwellings 1 and 4 front Dundee Street (separated by a central vehicle accessway).
- Dwellings 1 and 4 have a similar design and layout with the ground floor level having an open plan living/kitchen/meals area. The first floor areas will have two (2) bedrooms.
- Dwellings 2 and 3 are to the rear of the site and have a similar design and layout, with the ground floor having one (1) bedroom and an open plan kitchen/meals/living area. The first floor areas will each have one (1) bedroom and an open TV area.
- Each dwelling has a single garage which is accessed via the proposed crossover and central common driveway area located in the centre of the site.
- The dwellings propose a contemporary design, with brick and feature cladding to the walls at the ground floor, and render and matrix cladding to the first floor walls and pitched roofs

**Objections**

- Seventeen objections have been received.

**Objections summarised**

- Over supply of one (1) and two (2) bedrooms apartments / under supply of family accommodation.
- Neighbourhood character
- Sustainability
- Car parking
- Overdevelopment
- Visual impact
- Net value and social impact
- Non-compliance with the Darebin Planning Scheme
- Lack of affordable accommodation
- Overshadowing and overlooking

**Officer comment on summarised objections**Over supply of one (1) and two (2) bedrooms apartments / under supply of family accommodation

The development comprises four (4) two (2) bedroom dwellings. The objection refers to apartments which is not relevant to the proposed development. While the development does not provide larger three (3) or more bedroom accommodation it does add to the mix of housing types in the immediate area, which includes apartments and more recent three (3) bedroom dwellings.

Neighbourhood character

Neighbourhood character, design, form and materials are addressed within the assessment section of this report with particular focus on Clause 55 of the Darebin Planning Scheme and the relevant Neighbourhood Character Precinct Guidelines.

Sustainability

Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties. The development is an attached form of construction and orientated to maximise northern aspect and solar penetration.

Car parking

The proposal achieves the planning scheme requirements in relation to the provision of on-site car parking. Refer to commentary and recommendations under Clause 52.06.

Over development

*Plan Melbourne* sets targets for established areas of Melbourne to absorb a high proportion of Melbourne's expected growth. State and Local Planning Policy envisage an increase in housing density in well serviced areas such as this. While any increase in population density will likely increase the level of activity around the site and area, it is not envisioned that such an increase would be detrimental or substantially more intensive than what is currently experienced.

Visual impact

The development provides a height of two (2) storeys which is consistent with the current and emerging character of the area. The siting setback of the development ensures the proposal does not impose an unreasonable visual impact upon neighbouring sites.

Net value and social impact

This ground is unsubstantiated. There have been 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 & 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.*

#### Non-compliance with the Darebin Planning Scheme

A thorough planning assessment has been undertaken and revealed that the proposed development is generally in accordance with the requirements and direction of the Darebin Planning Scheme. The State Planning Policy Frameworks, Local Planning Policy Frameworks and Municipal Strategic Statement along with the requirements of Clause 55 of the Darebin Planning Scheme have all been considered and are addressed within the assessment section of this report.

#### Lack of affordable accommodation

The development comprises four (4) two (2) bedroom dwellings. The proposal does add to the mix of housing types in the immediate area, which includes apartments and other more recent multi-unit development.

#### Overshadowing and overlooking

The proposed development meets the requirements of the Darebin Planning Scheme. The upper levels of the development incorporate fixed frosted glazing with a minimum of 25% transparency to limit overlooking. The development is also significantly setback from the boundaries of the site, further limiting any impact on overshadowing.

### **PLANNING ASSESSMENT**

#### **Neighbourhood Character Precinct Guideline Assessment - Precinct G3**

##### Vegetation

There is limited vegetation or landscaping existing on the subject site. As part of any approval a landscape plan will be conditioned. The proposed development will require a landscape plan which will be consistent with the desired future landscaping of the area.

#### **Complies subject to condition**

##### Siting

The proposal provides two (2) front garden areas with sufficient space for planting of vegetation to enable the continuation of the garden setting in this area. The proposed dwellings are setback similar to other medium density developments in the area. The upper levels are setback from side and rear boundaries to limit visual bulk, and the use of a central accessway also provides satisfactory dwelling separation. All of the proposed garages are constructed on side boundaries. This is considered acceptable due to the nature of surrounding development. The proposed garages will not impact on the streetscape, as they are located behind the front façade.

**Complies**Height and building form

The predominant height of dwellings in the street is single and double storey with high pitched roofs. The proposal is of a similar overall height of the adjoining property to the west of the subject site. Other recent development in the streetscape includes single storey medium density development. The proposed design response represents an appropriate graduation in height and will sit comfortably within the streetscape. In regard to appearance, the proposal is a contemporary interpretation of the forms within the street which of itself displays a variety of architectural styles, forms, materials and finishes. The adjoining property to the west is a similar architectural style. In this regard the proposal is considered to be acceptable.

**Complies**Materials and design detail

The proposed development is modern in character with simple lines and pitched roofing. The materials – brick and feature cladding, render and matrix cladding complement the contemporary design of the development as well as dwellings on surrounding properties. The materials are considered to be acceptable in this neighbourhood setting and will not detract from the streetscape.

**Complies**Front boundary treatment

No front fence is proposed which is acceptable.

**Complies**

**Clause 55 Assessment**

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

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
Western Dwelling 1	3.5 metres	1.0 metres	1.02 metres
Western Dwelling 2	3.7 metres	1.03 metres	1.13 metres
Northern Dwelling 2	3.7 metres	1.03 metres	6.55 metres
North (west) Dwelling 3	3.7 metres	1.03 metres	6.55 metres
North (east) Dwelling 3	3.7 metres	1.03 metres	3.5 metres
Eastern Dwelling 3	3.5 metres	1.0 metres	1.13 metres
Eastern Dwelling 4	3.11 metres	1.0 metres	0.35 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
Western Dwelling 1	6.3 metres	1.81 metres	2.22 metres
Western Dwelling 2	6.2 metres	1.78 metres	3.88 metres
Northern Dwelling 2	6.2 metres	1.78 metres	6.70 metres
North (west) Dwelling 3	6.0 metres	1.72	6.70 metres
North (east) Dwelling 3	6.0 metres	1.72	3.65 metres
Eastern Dwelling 3	5.9 metres	1.69 metres	3.88 metres
Eastern Dwelling 4	6.0 metres	1.72	2.22 metres

The proposed eastern ‘meals room’ wall of Dwelling 4 does not comply with the requirements of Clause 55.04-1. The proposed plans show a wall constructed on the eastern boundary, which would not be subject to the requirements of Standard B17. As part of this assessment it is proposed that the eastern wall of Dwelling 4 is conditioned to be setback 0.35 metres from the boundary to provide sufficient daylight access to the existing habitable room windows of 1/63 Dundee Street, as considered under Clause 55.04-3 B19. The non-compliance with the rear and side setbacks requirements of Standard B17 is considered an acceptable outcome to ensure appropriate amenity to the adjoining neighbour.

**Complies with objective**

Clause 55.04-3 B19 Daylight to Existing Windows

An area of 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky has not been provided to the existing habitable room windows of Unit 1/67 Dundee Street. A condition is required that the eastern wall on boundary of Dwelling 4 is setback 0.35 metres from the eastern boundary.

**Complies subject to condition**

Clause 55.04-6 B22 Overlooking

The proposed dwellings are double storey. The ground finished floor levels are less than 0.8 metres above natural ground level at the boundary. Existing 1.9 metre high boundary fencing to the north and east boundaries and an existing 2 metre high boundary fence on the west boundary will sufficiently limit overlooking. The proposed 1.8 metre high fence at the rear of the eastern boundary will sufficiently limit overlooking.

The development is designed to limit views into neighbouring secluded private open space and habitable room windows through the use of obscured glazing. A notation is required that stipulates all first floor windows (except south facing first floor windows of Dwelling 1 and 4) must be screened with 'fixed obscured glazing (not film) to 1.7 metres above finished floor levels with a minimum of 25% transparency'.

**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 55 square metres of secluded private open space at the side or rear of the dwelling with a minimum area of 40 square metres, a minimum dimension of 3.5 metres and convenient access from a living room.

	<b>Total POS</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>
Dwelling 1	102.28 square metres	40.10 square metres	3.5 metres
Dwelling 2	65.08 square metres	53.95 square metres	6.5 metres
Dwelling 3	56.46 square metres	45.33 square metres	3.5 metres
Dwelling 4	103.24 square metres	41 square metres	3.5 metre

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.

Design Standards for Car parking

- The doorway widths of the garages are required to be increased to 3.3 metres, and have an internal headroom height of 2.2 metres.



- The car parking facilities are designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.
- Dwelling 2 and 3's first floor TV room could be used as a bedroom in the future. A condition will be included that requires these rooms to be used as a bedroom only.
- 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.
- Visibility splays are detailed on the plans.

**CLAUSE 55 COMPLIANCE SUMMARY**

Clause	Std		Compliance	
			Std	Obj
<b>55.02-1</b>	<b>B1</b>	<b>Neighbourhood character</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.02-2</b>	<b>B2</b>	<b>Residential policy</b>		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
<b>55.02-3</b>	<b>B3</b>	<b>Dwelling diversity</b>		
		N/A as development contains less than 10 dwellings	N/A	N/A
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		Adequate infrastructure exists to support new development	Y	Y
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		Dwelling 1 and 4 both appropriately integrate with the Street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The required setback is 7.54 metres, the dwellings are set back 7.55 metres from the street frontage.	Y	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		7.35 metres	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		45.15%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		36.1%	Y	Y
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		N/A as the site does not abut public open space.	N/A	N/A

Clause	Std		Compliance	
			Std	Obj
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient and respects the character of the area.	Y	Y
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		Please see assessment in the body of this report.	N	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		<u>Western boundary:</u> <ul style="list-style-type: none"> <li>• Length: 13.58</li> <li>• Height (average): 3.10</li> <li>• Height (maximum): 3.2</li> </ul> <u>Eastern boundary:</u> <ul style="list-style-type: none"> <li>• Length: 7.81</li> <li>• Height (average): 3.00</li> <li>• Height (maximum): 3.01</li> <li>• Walls on boundaries comply with the requirements of this standard.</li> </ul>	Y	Y
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		Internal views are restricted by screening and fencing.	Y	Y

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

**REFERRAL SUMMARY**

<b>Department/Authority</b>	<b>Response</b>
Capital Works	No objection, subject to condition included in recommendation
Transport Management and Planning	No objection, subject to condition included in recommendation
Darebin Parks	No objection, subject to condition included in recommendation
Councils Property Unit	No objections.

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

- Clause 38.02-4 - *Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings*

**Applicable provisions of the Darebin Planning Scheme**

<b>Section of Scheme</b>	<b>Relevant Clauses</b>
SPPF	11, 15, 16, 19
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	G3

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

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

**Social Inclusion and Diversity**

There are no Human Rights, Equity and Inclusion impacts related to this report.

**Other**

There are no other impacts related to this report.



**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.



**65 Dundee Street, Reservoir**  
Darebin City Council  
29/03/2016











RECEIVED ON  
09 NOV 2015  
CITY OF DARWIN  
STATUTORY PLANNING

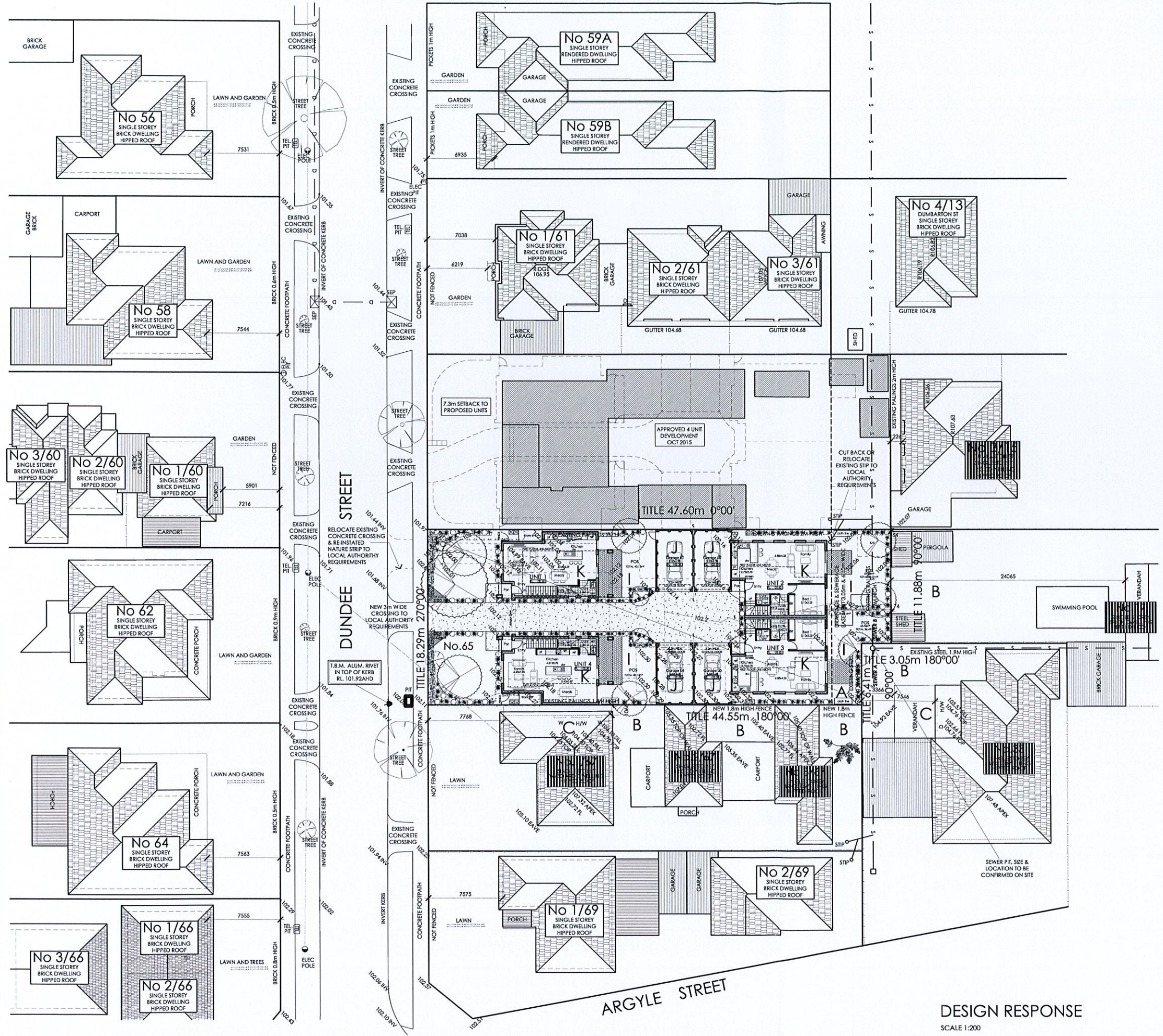
**SITE CHARACTERISTICS**

- A - SITE FALLS APPROX. 380mm FROM NORTH TO SOUTH BOUNDARY
- B - ADJACENT OPEN SPACE TO BE PROTECTED FROM OVERLOOKING & OVER-SHADOWING
- C - SOLAR ACCESS & PRIVACY TO ADJOINING WINDOWS TO BE PROTECTED
- I - PRIVATE OPEN SPACE IS APPROPRIATELY PROPORTIONED TO PROVIDE GOOD NORTH EXPOSURE TO SOLAR ACCESS
- J - CAR PARKING AVAILABLE ON SITE AS FOLLOWS 4 x SINGLE GARAGE FOR EACH UNIT.
- K - FAMILY AND DINING AREAS OPEN UP TO PRIVATE OPEN SPACE APPROPRIATELY DIMENSIONED TO CAPTURE SUN.

**LEGEND**

- S — S — S — S — SEWER A
- YARRA VALLEY WATER ASSET  
Ø150mm TYPE VC - DEPTH 2.00m - OFFSET 1.14m NORTH FROM NORTH BOUNDARY OF ORIGINAL TITLE 65 DUNDEE ST. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- S — S — S — S — SEWER B
- Ø150mm TYPE VC - DEPTH 2.10m - OFFSET 1.14m NORTH FROM NORTH BOUNDARY OF ORIGINAL TITLE 65 DUNDEE ST. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- D — D — D — D — STORMWATER DRAIN
- Ø UNKNOWN, TYPE UNKNOWN, OFFSET AND DEPTH UNKNOWN - CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION
- ⊙ EXISTING TREE RETAINED
- ⊙ PROPOSED TREES AS PER LANDSCAPE PLAN TO BE SUBMITTED AT A LATER DATE
- FENCE
- 1.8M HIGH PALING FENCE
- DWELLING, OUTBUILDINGS & VEGETATION TO BE DEMOLISHED SHOWN DASHED
- ELECTRICITY WIRE OVER HEAD
- COLOURED CONCRETE DRIVEWAY / PATH
- SELECTED PAVING
- LB LETTER BOX
- POS PRIVATE OPEN SPACE
- HW HABITABLE ROOM WINDOW
- W WINDOW
- D DOOR
- S.E.P. SIDE ENTRY PIT
- STIP SEWER TIE IN POINT - CONFIRM LOCATION ON SITE

LEVELS TO AHD  
**ADVERTISED**  
5 of 15  
Date 10 FEB 2015



DESIGN RESPONSE  
SCALE 1:200

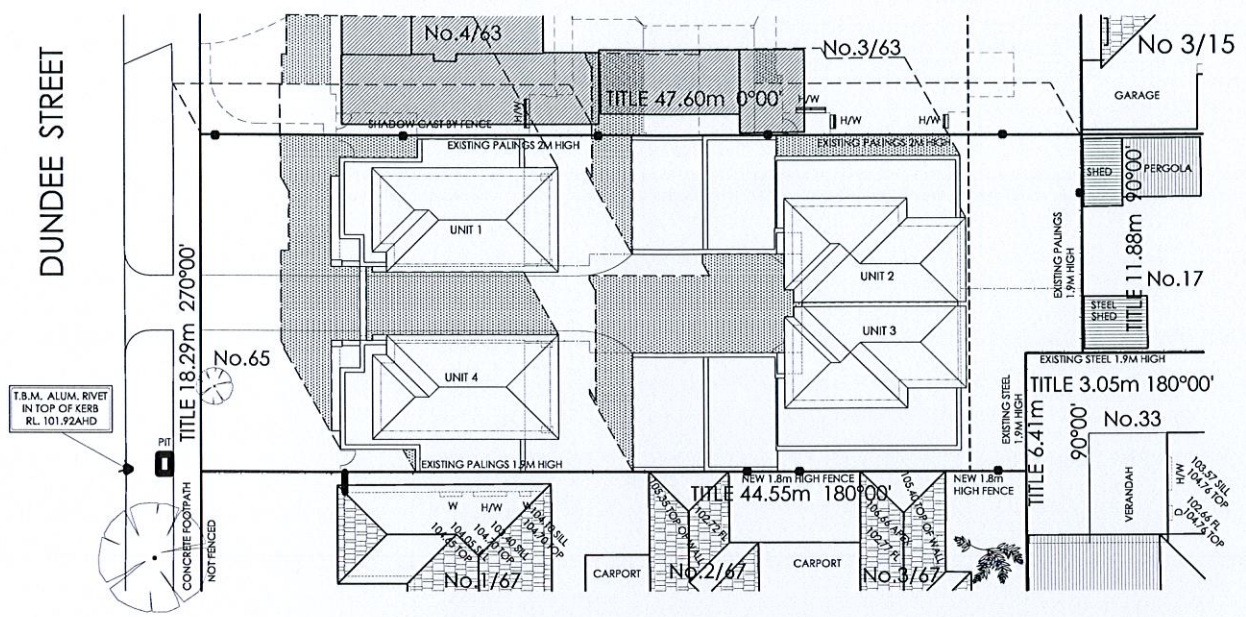
PROPOSED MULTI UNIT DEVELOPMENT  
65 DUNDEE ST, RESERVOIR

TP-02 A JOB NO. SCALE. DRAWN. DATE.  
00959 1:200 BC OCT 15  
DESIGN RESPONSE

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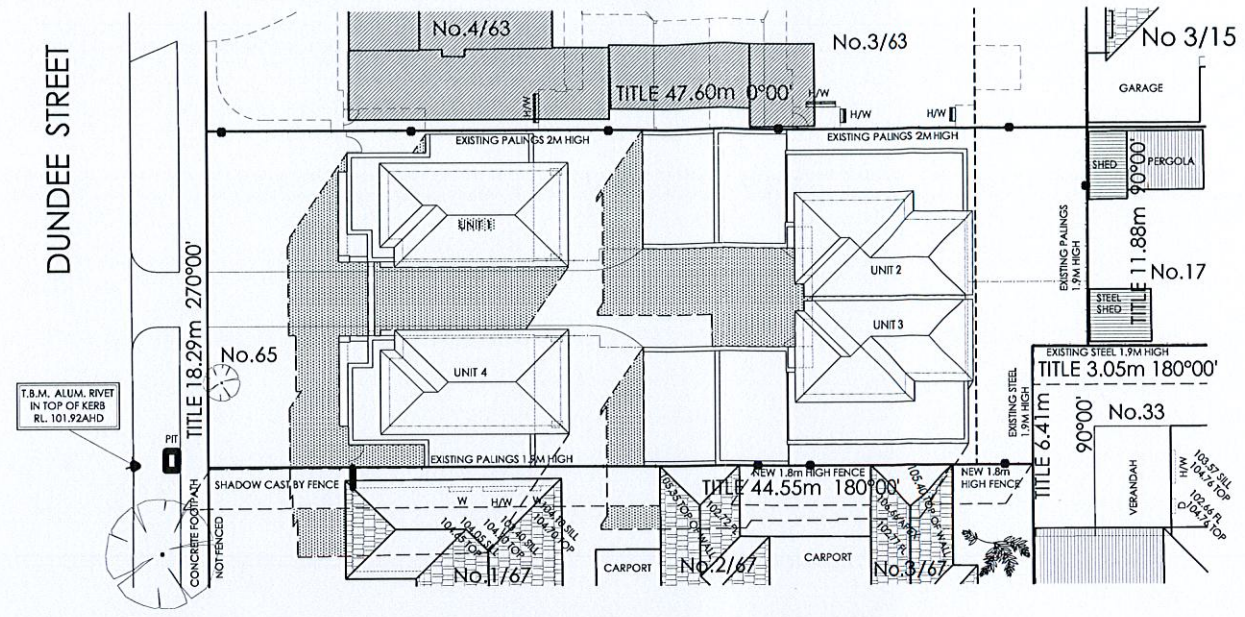






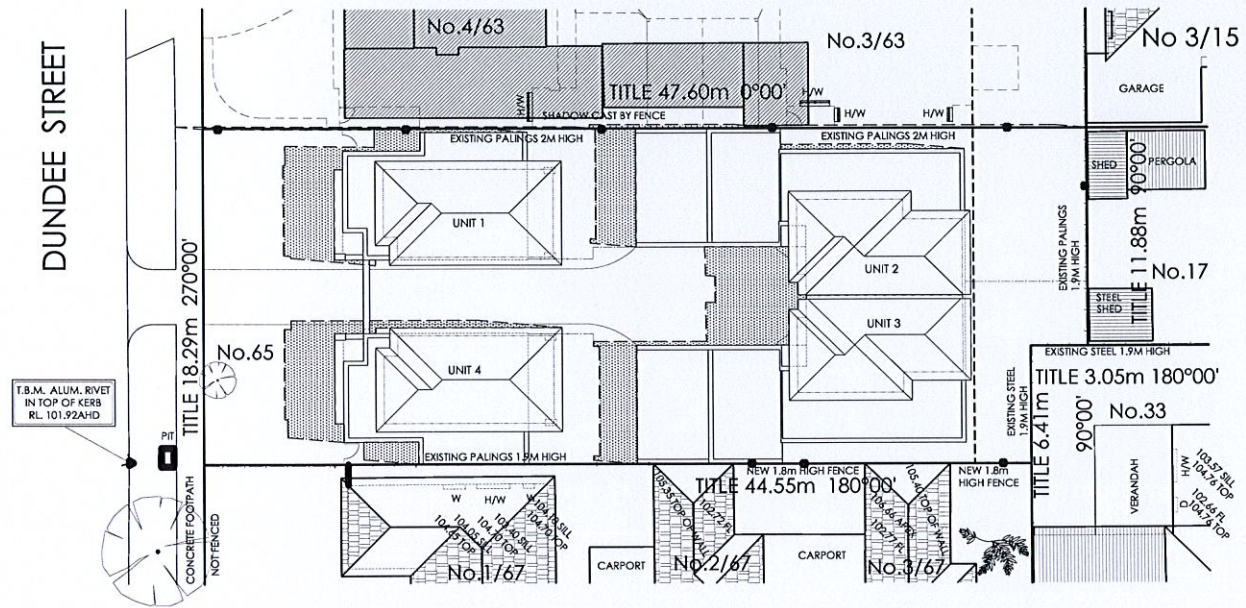
SHADOW DIAGRAM 21 Mar / 23 Sep - 9am

SCALE 1:200  
 EXTENT OF SHADOW CAST BY PROPOSED DEVELOPMENT



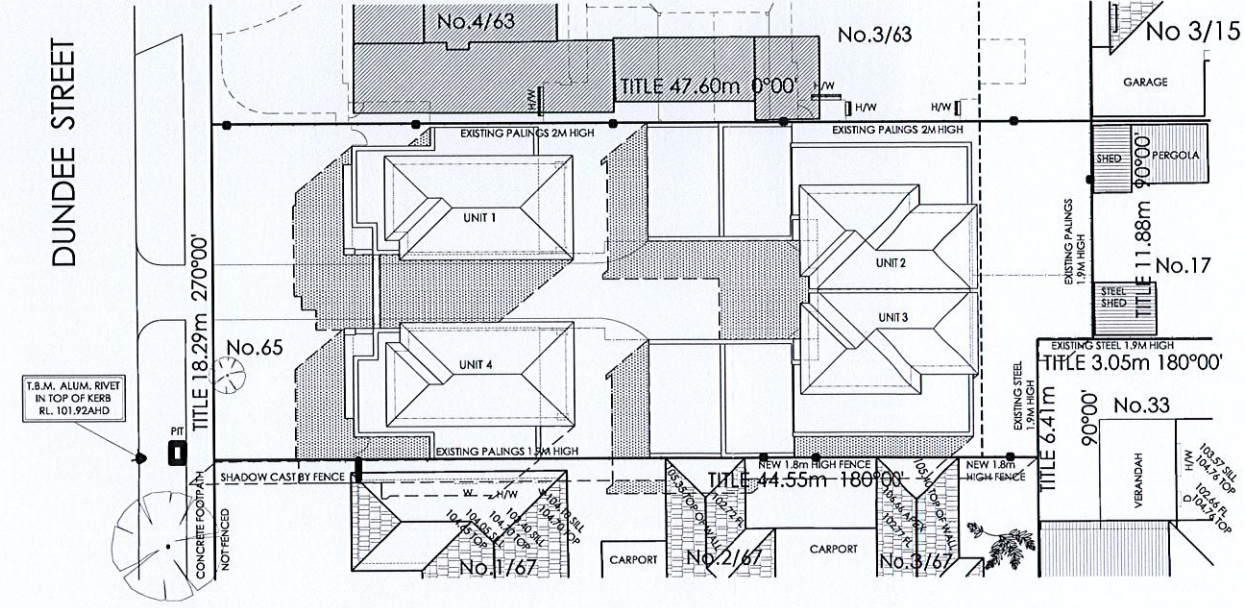
SHADOW DIAGRAM 21 Mar / 23 Sep - 3pm

SCALE 1:200  
 EXTENT OF SHADOW CAST BY PROPOSED DEVELOPMENT



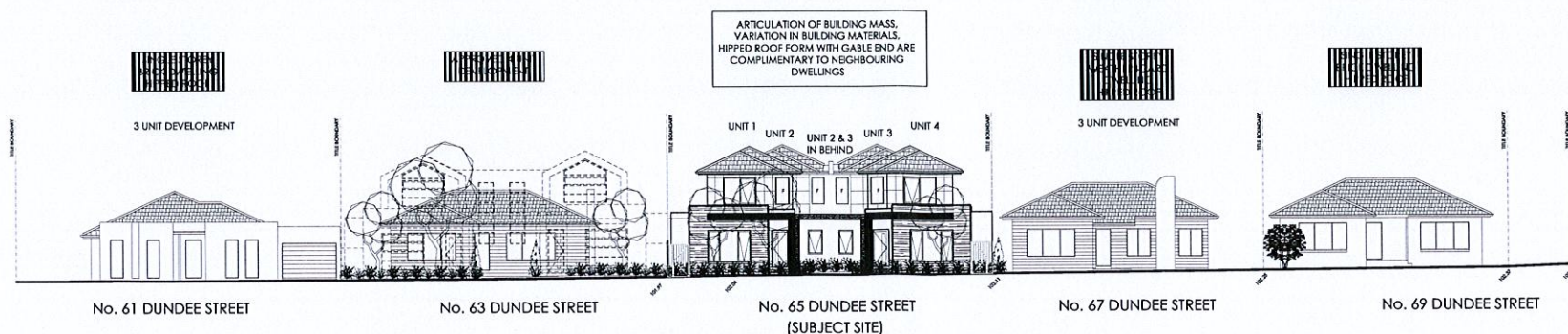
SHADOW DIAGRAM 21 Mar / 23 Sep - 12pm

SCALE 1:200  
 EXTENT OF SHADOW CAST BY PROPOSED DEVELOPMENT



SHADOW DIAGRAM 21 Mar / 23 Sep - 2pm

SCALE 1:200  
 EXTENT OF SHADOW CAST BY PROPOSED DEVELOPMENT



STREETSCAPE - DUNDEE STREET  
 SCALE 1:200

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 6 of 15  
 Date 10 FEB 2015

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# LEGEND

- SEWER A
- YARRA VALLEY WATER ASSET
- 0150mm TYPE VC - DEPTH 2.00m - OFFSET 1.14m NORTH FROM NORTH BOUNDARY OF ORIGINAL TITLE 65 DUNDEE ST. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- SEWER B
- 0150mm TYPE VC - DEPTH 2.10m - OFFSET 1.14m NORTH FROM NORTH BOUNDARY OF ORIGINAL TITLE 65 DUNDEE ST. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- STORMWATER DRAIN
- UNKNOWN TYPE UNKNOWN OFFSET AND DEPTH UNKNOWN - CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.

- EXISTING TREE RETAINED
- PROPOSED TREES AS PER LANDSCAPE PLAN TO BE SUBMITTED AT A LATER DATE
- FENCE
- 1.8m HIGH PALING FENCE
- DWELLING, OUTBUILDINGS & VEGETATION TO BE DEMOLISHED SHOWN DASHED
- ELECTRICITY WIRE OVER HEAD
- COLOURED CONCRETE DRIVEWAY / PATH
- SELECTED PAVING
- LB LETTER BOX
- POS PRIVATE OPEN SPACE
- HW HABITABLE ROOM WINDOW
- W WINDOW
- D DOOR
- S.E.P. SIDE ENTRY FIT
- STIP SEWER TIE IN POINT - CONFIRM LOCATION ON SITE
- ANY BOUNDARY FENCE, MAILBOXES OR VEGETATION THAT FALLS WITHIN A 2m x 2.5m PEDESTRIAN VISIBILITY SPLAY MUST BE BELOW 1.15m IN HEIGHT.

## LEVELS TO AHD

## FINISHES LEGEND

- SELECTED RENDERED FINISH # 1
- SELECTED RENDERED FINISH # 2
- SELECTED MATRIX CLADDING
- SELECTED FEATURE CLADDING
- SELECTED FACE BRICKWORK
- CONCRETE TILED ROOF PITCH @ 25°
- NOTE:
  - ALUMINIUM POWDER COATED WINDOWS
  - 2100mm HEAD HEIGHT TO ALL WINDOWS U.N.O.
  - OB - FIXED OBSCURE GLAZING 1.7m ABOVE
  - FL - MIN 25% TRANSPARENT
  - OP - OPAQUE GLAZING

## EXTERNAL FINISHES SCHEDULE

ROOFING	COLORBOND ROOF SHEETING
WALLS	FACE BRICKWORK
	RENDERED FINISH
	MATRIX CLADDING
GUTTERS & DOWNPIPES	COLORBOND
WINDOWS & DOORS	POWDERCOATED ALUMINIUM

## DEVELOPMENT SUMMARY

SITE AREA	851.05 m <sup>2</sup>	BUILDING SITE COVERAGE	384.33m <sup>2</sup> (45.15%)
DENSITY	1:212.76	SITE PERMEABILITY	307.28m <sup>2</sup> (36.10%)
No of DWELLINGS	4	PRIVATE OPEN SPACE	
CAR-PARKING	4 TOTAL		
UNIT 1	1	UNIT 1	40.13m <sup>2</sup>
UNIT 2	1	UNIT 2	66.01m <sup>2</sup>
UNIT 3	1	UNIT 3	56.49m <sup>2</sup>
UNIT 4	1	UNIT 4	40.13m <sup>2</sup>

## GROSS BUILDING AREA / UNIT:

	UNIT 1	UNIT 2	UNIT 3	UNIT 4
GROUND	63.90m <sup>2</sup>	74.13m <sup>2</sup>	74.13m <sup>2</sup>	65.25m <sup>2</sup>
FIRST	42.95m <sup>2</sup>	42.57m <sup>2</sup>	42.57m <sup>2</sup>	42.95m <sup>2</sup>
BALCONY	N/A	N/A	N/A	N/A
GARAGE	25.22m <sup>2</sup>	24.90m <sup>2</sup>	24.90m <sup>2</sup>	25.22m <sup>2</sup>
PORCH	1.78m <sup>2</sup>	1.54m <sup>2</sup>	1.54m <sup>2</sup>	1.78m <sup>2</sup>
TOTAL	133.85m <sup>2</sup> (14.39%)	143.14m <sup>2</sup> (15.39%)	143.14m <sup>2</sup> (15.39%)	135.20m <sup>2</sup> (14.53%)

## CONSTRUCTION

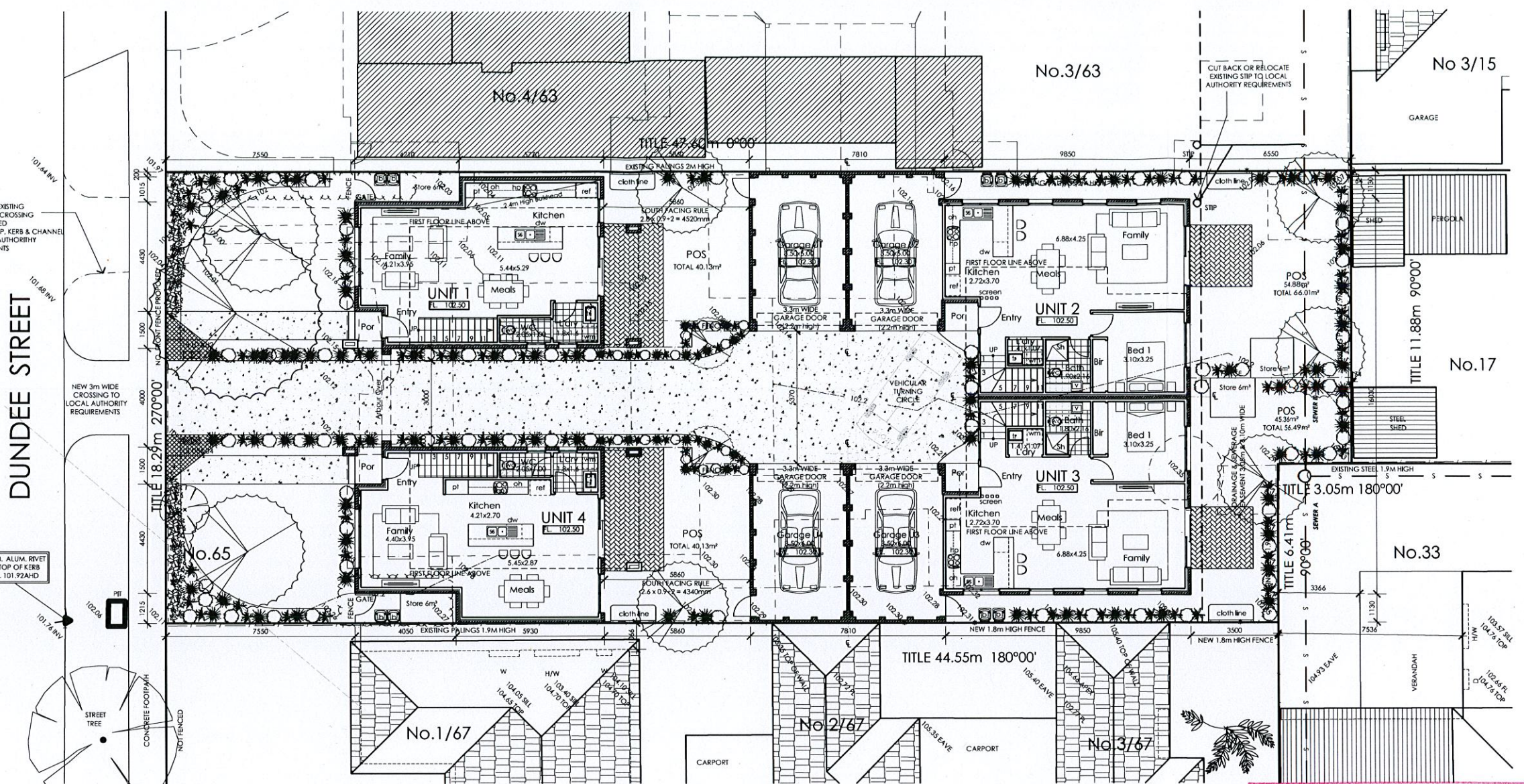
- INTERNAL WALLS - 90mm THICK TIMBER STUD CONSTRUCTION
- EXTERNAL WALLS - 240mm THICK BRICK VENEER CONSTRUCTION
- GROUND FLOOR - 230mm THICK BRICK PIER CONSTRUCTION
- FIRST FLOOR - 90mm STUDWALL CONSTRUCTION

## LANDSCAPING

FOR DETAILS OF LANDSCAPING PLEASE REFER TO SEPARATE LANDSCAPE PLAN - TO BE SUBMITTED AT A LATER DATE

## STORMWATER

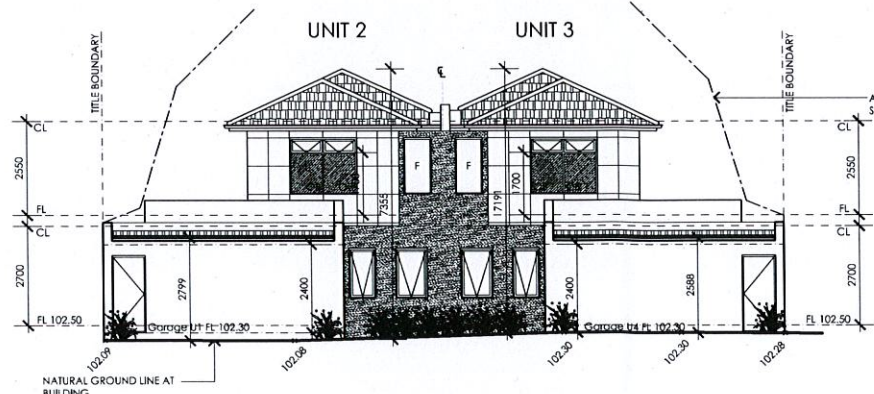
ALL STORMWATER, INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE. DETAILS TO BE SUBMITTED AS PART OF BUILDING PERMIT. NO STORMWATER TO BE DISCHARGED



### GROUND FLOOR PLAN

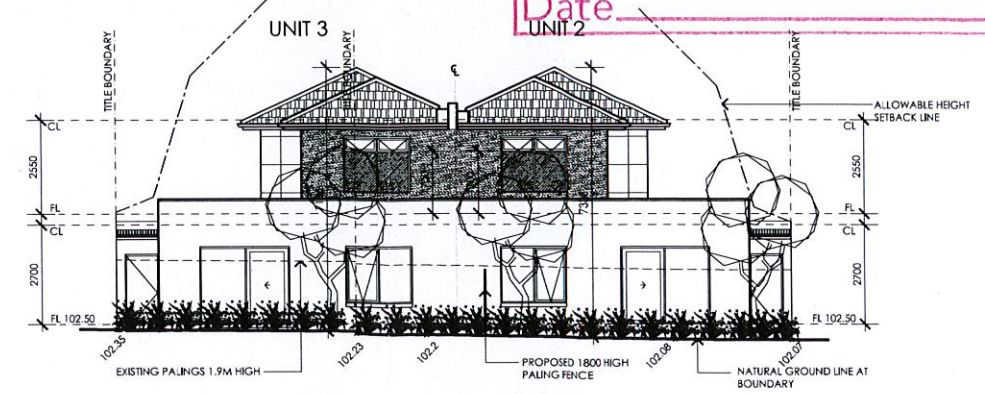
SCALE 1:100

**ADVERTISED**  
7 of 15  
Date 10 FEB 2016



### SOUTH ELEVATION

SCALE 1:100



### NORTH ELEVATION

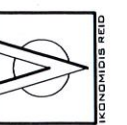
SCALE 1:100

## PROPOSED MULTI UNIT DEVELOPMENT 65 DUNDEE ST, RESERVOIR

TP-04 B JOB NO. SCALE. DRAWN. DATE. 009569 1:100 BC OCT 15

## GROUND FLOOR PLAN, AREA ANALYSIS & ELEVATIONS

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LEGEND

- SEWER A  
YARRA VALLEY WATER ASSET  
Ø150mm TYPE VC - DEPTH 2.00m - OFFSET 1.14m NORTH FROM NORTH BOUNDARY OF ORIGINAL TITLE 45 DUNDEE ST. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- SEWER B  
Ø150mm TYPE VC - DEPTH 2.10m - OFFSET 1.14m NORTH FROM NORTH BOUNDARY OF ORIGINAL TITLE 65 DUNDEE ST. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- STORMWATER DRAIN  
UNKNOWN TYPE UNKNOWN OFFSET AND DEPTH UNKNOWN. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.

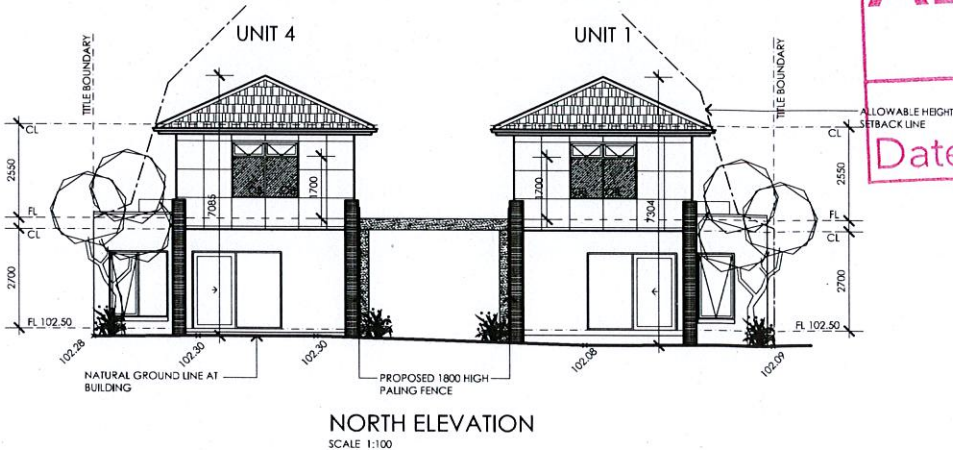
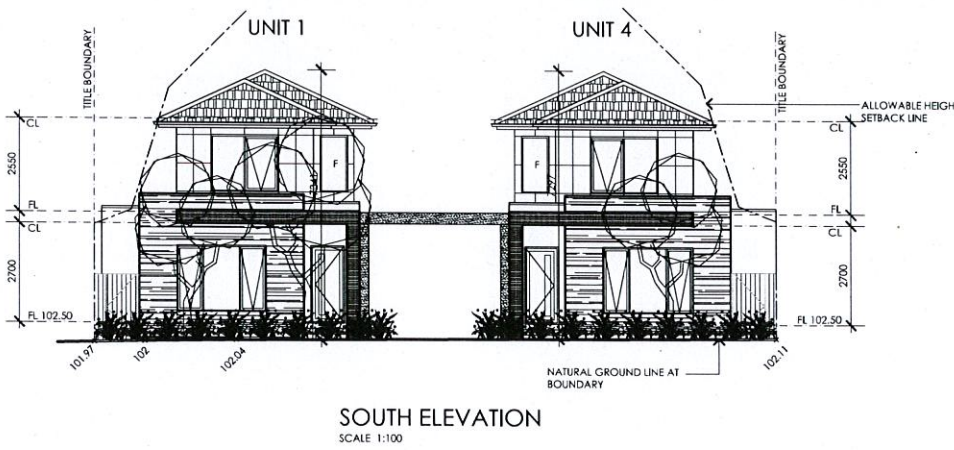
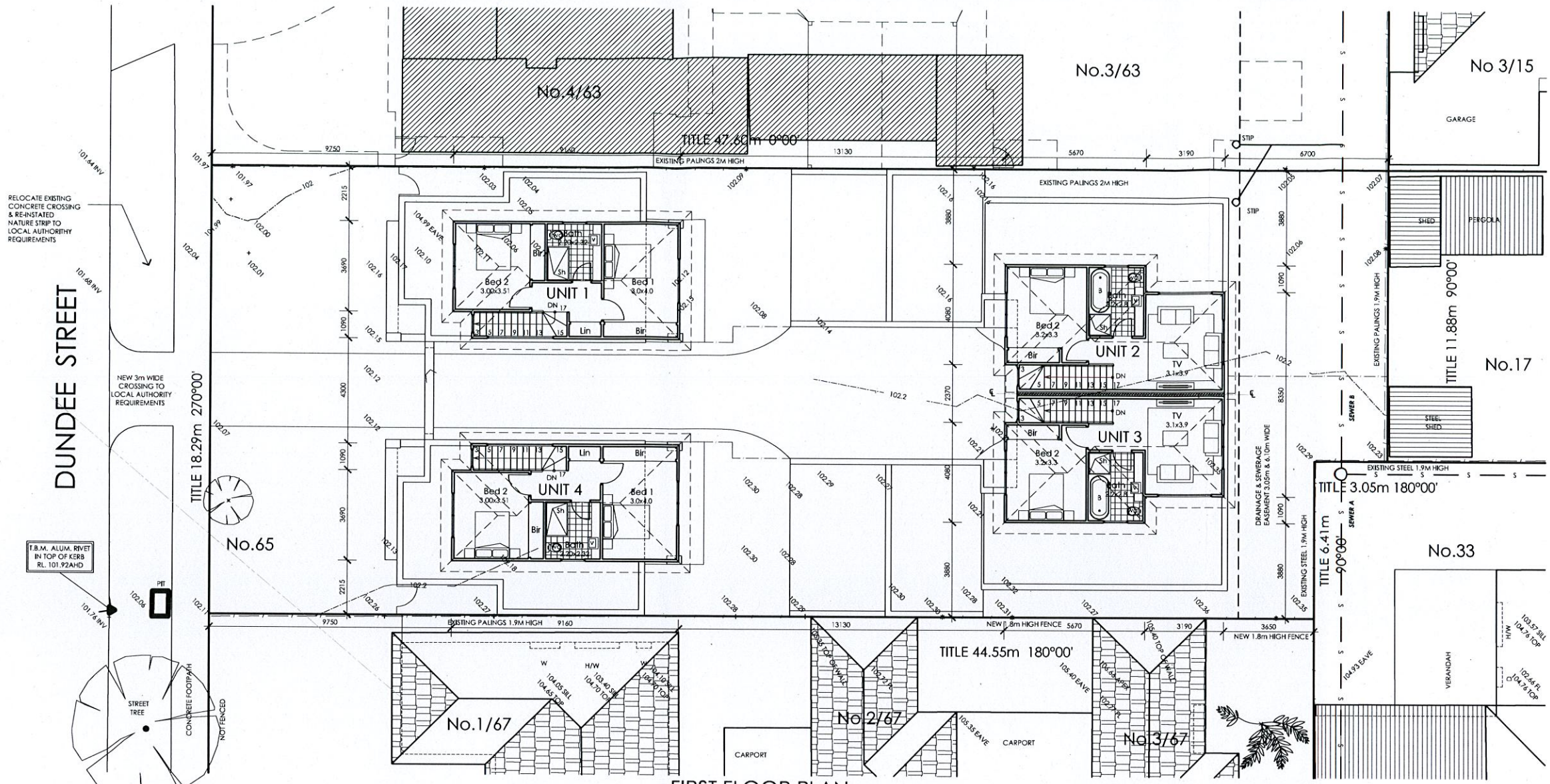
- EXISTING TREE RETAINED
- FENCE  
1.8m HIGH PALING FENCE  
ELECTRICITY WIRE OVER HEAD
- COLOURED CONCRETE DRIVEWAY / PATH
- SELECTED PAVING
- H/W HABITABLE ROOM WINDOW  
W WINDOW  
D DOOR
- STIP SEWER TIE IN POINT - CONFIRM LOCATION ON SITE

LEVELS TO AHD

NOTE: ALL FIRST FLOOR DIMENSIONS ARE TAKEN TO EXTERNAL FACE OF STUD WALL AND EXCLUDE LIGHT WEIGHT CLADDING

FINISHES LEGEND

- SELECTED RENDERED FINISH # 1
  - SELECTED RENDERED FINISH # 2
  - SELECTED MATRIX CLADDING
  - SELECTED FEATURE CLADDING
  - SELECTED FACE BRICKWORK
  - CONCRETE TILED ROOF PITCH @ 25°
- NOTE:  
- ALUMINIUM POWDER COATED WINDOWS  
- 2100 mm HEAD HEIGHT TO ALL WINDOWS U.N.O.  
- OB - FIXED OBSCURE GLAZING 1.7m ABOVE  
- FL - MIN 25% TRANSPARENT  
- OP - OPAQUE GLAZING

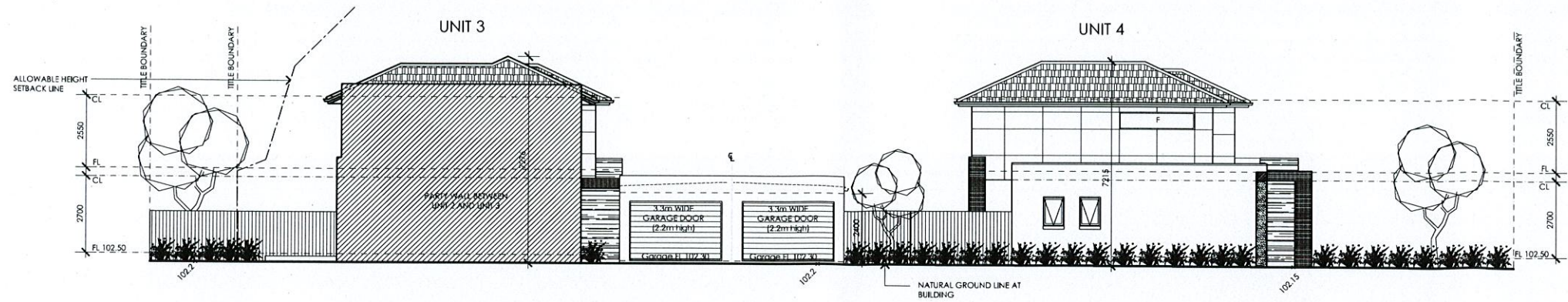


**ADVERTISED**  
8 of 15  
10 FEB 2015  
Date \_\_\_\_\_

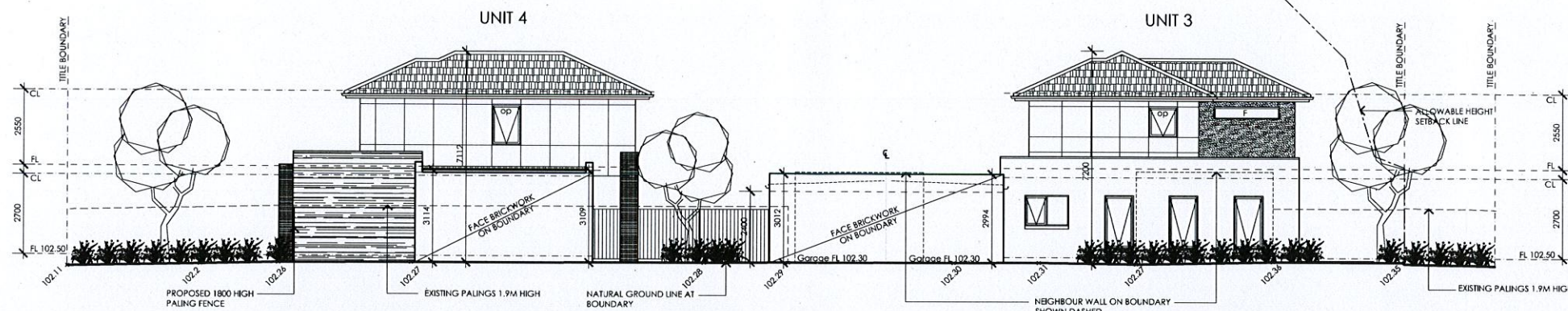
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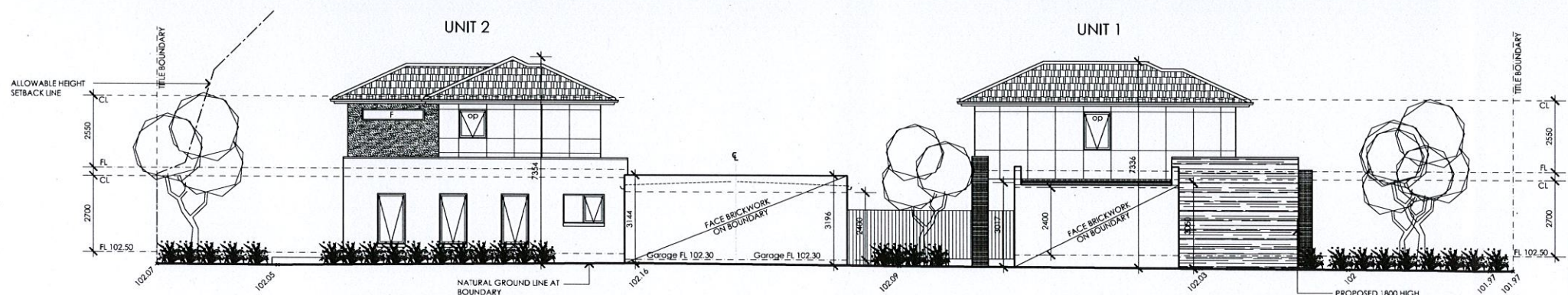




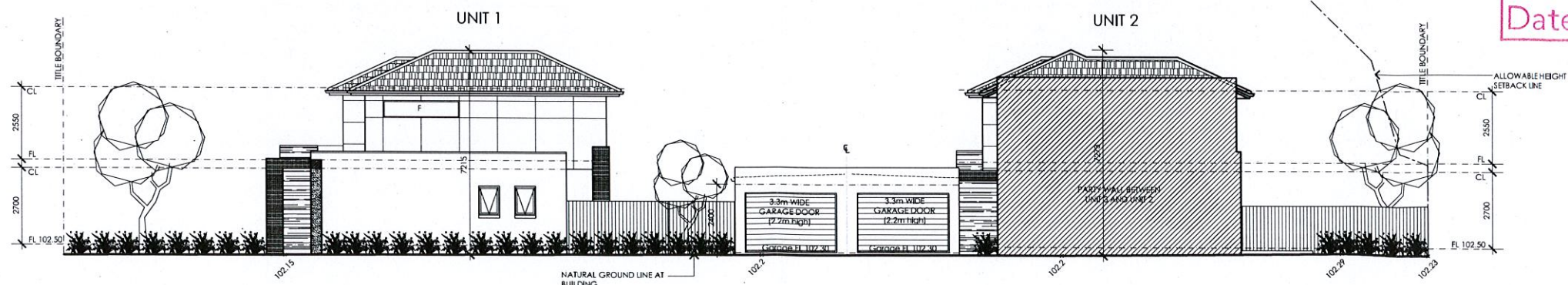
WEST ELEVATION  
SCALE 1:100



EAST ELEVATION  
SCALE 1:100



WEST ELEVATION  
SCALE 1:100



EAST ELEVATION  
SCALE 1:100

**FINISHES LEGEND**

- SELECTED RENDERED FINSH # 1
- SELECTED RENDERED FINSH # 2
- SELECTED MATRIX CLADDING
- SELECTED FEATURE CLADDING
- SELECTED FACE BRICKWORK
- CONCRETE TILED ROOF PITCH @ 25°

NOTE:  
- ALUMINIUM POWDER COATED WINDOWS  
- 2100 mm HEAD HEIGHT TO ALL WINDOWS U.N.O.  
- OB - FIXED OBSCURE GLAZING 1.7m ABOVE  
- FFL MIN 25% TRANSPARENT  
- OP - OPAQUE GLAZING

**ADVERTISED**  
 9 of 15  
 Date 10 FEB 2015

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**5.6 APPLICATION FOR PLANNING PERMIT D/647/2015**  
 12 McNamara Street, Preston

**AUTHOR:** Principal Planner– Chris Lelliott

**DIRECTOR:** Director Assets and Business Services – Steve Hamilton

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner
Ikonomidis Reid Pty Ltd	Ray Borg and Elema Borg

**SUMMARY:**

- This application proposes a medium density development comprising two (2) double storey dwellings. Each dwelling will have three (3) bedrooms and access to two (2) car parking spaces within a double garage.
- Vehicle access is to be gained via a proposed crossover at the eastern edge of the site.
- Secluded private open space is provided at ground level for each dwelling with areas of between 32.50 square metres and 37.2 square metres.
- The site is zoned General Industrial Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Seventeen (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 site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Transport Management and Planning and Capital Works Unit.
- This application was not required to be referred to external authorities.

**Recommendation**

**That** Planning Permit Application D/647/2015 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 Ground Floor Plan & Elevations TP-03 Rev C and First Floor Plan & Elevations TP-04 Rev C, dated December 2015 and prepared by Ikonomidis Reid) but modified to show:

- a) The east facing windows of Bedrooms 1 and 2 of Unit 1 and Bedroom 2 and the stairwell window of Unit 2 and the south facing bedroom window of Bedroom 3 either:
- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or provided with:
  - 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. This must be clearly noted on the plans.

- b) The height of fences on the boundary fences (except within 8 metres of the front (south) boundary of the land) to be a minimum height of 1.8 metres as measured above natural ground level.

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

- c) A landscape plan in accordance with Condition No. 4 of this Permit. The landscape plan must include the provision of at least 2 medium sized canopy trees within the front setback and one medium sized canopy tree within each of the secluded private open space areas for each dwelling.
- d) First floor retreat for Unit 2 setback a minimum of 3 metres from the western boundary. This must be achieved by reducing the footprint of the building and not by reducing any other setback.

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.

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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. 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.
8. 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.
9. 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.

10. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
11. The land must be drained to the satisfaction of the Responsible Authority.
12. 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.
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. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
15. 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.

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

**NOTATIONS**

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

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

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

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

**Report**

**INTRODUCTION AND BACKGROUND**

Council records indicate that there is no relevant planning history for this site.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is regular in shape and measures 45.30 metres in length and 12.19 metres in width with a site area of 551 square metres.
- The land is located within the General Residential Zone Schedule 2 and affected by a Development Contribution Plan Overlay (DCPO). Provisions of the DCPO have currently expired.
- The land is located on the north side of McNamara Street approximately 125 metres west of Gilbert Road.
- The site is occupied by a single storey weatherboard dwelling with secluded private open space and outbuilding to the rear. Vehicle access is gained via an unmade right-of-way at the rear of the site. There are trees and shrubs throughout the site but no significant vegetation. A 1.83 metre wide easement extends the width of the rear (northern) boundary.
- To the east is a single storey brick dwelling with secluded private open space and outbuildings to the rear. The dwelling is setback 1.5 metres from the common boundary. A garage with a wall height of between 2.9 metres and 3.2 metres is constructed to the common boundary. The dwelling has a front setback of 8.6 metres.
- To the west is a single storey weatherboard dwelling with secluded private open space and outbuilding to the rear. The dwelling is setback 1.7 metres from the common boundary and has a front setback of 8.6 metres.
- To the north is a 3 metre wide, unmade right-of-way with a east/west alignment extending from a right-of-way to the rear of commercial premises in Gilbert Road to the eastern boundary of 18 McNamara Street. Beyond the right-of-way to the north are properties fronting Union Street. The dwellings on these properties are setback in excess of 13 metres from the rear boundary of the subject site.
- To the south across McNamara Street are single storey medium density developments and single storey dwellings of brick construction.
- Restricted on-street parking (2hrs from 8:30 am - 6:30 pm Monday to Friday and 8:00 am - 12:30 pm Saturday) is available between Gilbert Road to the east and 32 McNamara Street approximately 130 metres to the west on the north side and 25 McNamara Street approximately 100 metres to the west on the south side. Beyond these properties to the west, on-street parking is unrestricted.

- The site is located within an extensive residential area bordered to the east and west by Gilbert Road and Elizabeth Street respectively. The Regent Village Shopping Centre is located approximately 125 metres to the east of the subject site. The Reservoir Activity Area is located approximately 2.6km to the north-east and Preston Central Activity Area approximately 1.8km to the south-east. There are several parks in proximity of the site including JS Grey Reserve located approximately 135 metres to the east of the subject site and WK Larkins Reserve located approximately 350 metres to the south.
- The nearest public transport services to the site:
  - Tram route 11 (West Preston - Victoria Harbour Docklands) runs along Gilbert Road with a stop approximately 210 metres to the north-east.
  - Bus route 553 (Preston - West Preston) runs along Gilbert Road with a stop approximately 200 metres to the north-east.
  - Bus route 526 (Coburg - West Preston) runs along Elizabeth Street with a stop approximately 550 metres to the west.
  - Regent Railway Station is approximately 1.4km to the north-east.

### **Proposal**

- The existing buildings on the site are to be demolished.
- It is proposed to construct two (2) double storey dwellings each with three (3) bedrooms and access to two car spaces on site comprising a double space garage.
- Vehicle access will be gained via a proposed crossover at the eastern edge of the site.
- The maximum height of the dwellings is to be 7.2 metres.
- The proposed private open space is provided as follows:
  - Unit 1 – 103 square metres including 32.5 square metres of secluded private open space;
  - Unit 2 – 54.9 square metres including 37.2 square metres of secluded private open space.

### **Objections**

- 17 objections have been received.

### **Objections summarised**

- Overlooking.
- Loss of views.
- Devaluation of property.
- Too many one (1) and two (2) bedroom dwellings / no dwelling diversity.
- Inconsistent with the neighbourhood character.
- Not sustainable.
- Traffic impacts.
- Insufficient car parking.
- Overdevelopment of the site.

- Visual bulk.
- No net value to the community.

**Officer comment on summarised objections**Overlooking

See assessment below.

Loss of views

The planning scheme does not make specific provision for the entitlement to, or protection of views within this area.

Devaluation of property

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

Too many 1 and 2 bedroom dwellings / no dwelling diversity

Each dwelling will have three (3) bedrooms. It is considered that the proposal provides housing diversity consistent with state and local planning policy.

Inconsistent with the neighbourhood character

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 McNamara Street is formed by single storey detached dwellings there are double storey dwellings in proximity of the site. The proposed double storey dwellings have been designed to have minimal impact on the streetscape with recessive upper levels and a good level of articulation.

Not sustainable

The proposal is relatively modest in nature however it does include a number of design aspects that will contribute to the sustainability of the proposal including north facing windows to habitable rooms and just under 30% site permeability. In addition, the new dwelling will be required under the building code, to achieve 6-star energy rating.

Traffic impacts

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.



Insufficient car parking

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.

Overdevelopment of the site

Given the positive assessment against the relevant planning policy, it is not considered that the development would be an overdevelopment of the site.

Visual bulk

See assessment below.

No net value to the community

This ground is unsubstantiated. There have been no demonstrated dis-benefits associated with development. The proposal does add net value to the community through the provision of additional housing and housing diversity within the neighbourhood. The proposal also results in the more efficient use of urban land and existing investment in infrastructure, both of which are considered to contribute to net community value.

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

The existing building is to be removed. The dwelling does not have heritage significance and is not within an intact group of interwar dwellings. McNamara Street has a mix of housing styles and types that include medium density housing developments and two-storey dwellings but the predominant character of the street is single storey detached dwellings.

**Complies****Vegetation**

The proposal will result in the loss of vegetation from the site. The development provides adequate space for the planting of substantial vegetation in the front and some planting within the rear yards of each dwelling. A detailed landscape plan will be required to be submitted as a condition of any approval.

**Complies subject to condition****Siting**

The proposal provides for a front garden that is large enough for planting of vegetation to enable the continuation of the garden setting in this area. There are landscaping opportunities to the rear of each of the dwellings.

The proposed dwelling to McNamara Street will be setback from the side boundaries in keeping with the detached character of the neighbourhood. Centrally within the site the

garages for each dwelling are constructed to the side (western) boundary. The garages are located to the rear of the front dwelling and not readily visible from the street. The garages will not impact on the streetscape.

### **Complies**

#### **Height and Building Form**

The predominant height of dwellings in the street is single storey but there are double storey dwellings in proximity of the site. The upper level of Unit 1 has been setback from the front wall of the dwelling. The development has regard to neighbouring dwellings as it provides a good level of articulation through the use of materials, openings, setbacks and variations in wall surfaces. The development satisfies the objective as it does not present visual bulk to the street and will not dominate the streetscape.

It is considered that the rear garden character and perceived bulk of the development is compounded by the minimal boundary setback of the first floor retreat to Unit 2. It is considered appropriate that setback of the retreat is increased from 2.2 metres to 3 metres.

### **Complies subject to condition**

#### **Height and Building Form/Frontage Width**

The proposed development will maintain the existing frontage width to McNamara Street with a single dwelling fronting the street.

### **Complies**

#### **Materials and Design Detail**

The form and facades of the proposed dwellings, responds to the traditional forms of the area and are adequately articulated through the use of materials, openings, setbacks and variations in wall surfaces. Eaves are provided.

The materials – brick, render, weatherboards and Colorbond roofing are considered appropriate within the neighbourhood context.

### **Complies**

#### **Front Boundary Treatment**

No front fence is proposed allowing views to the front garden and dwellings.

### **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 8.6 metres. The standard therefore requires a setback of 8.6 metres. The proposed front setback of 8.0 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 good provision for landscaping.
- The design provides a staggered setback with outer edges of Unit 1 setback 8.6 metres. A bay window extends forward.
- Unit 1'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 first floor is appropriately set back.
- The proposed setback results in efficient use of the site.
- The existing streetscape is not consistent and provides for varied setbacks.

### **Complies with objective**

#### Clause 55.04-1 B17 Side and Rear Setbacks

Whilst the proposed development satisfies the standard for side and rear setbacks it is considered that in its current form it does not comply with the objective in terms of bulk and form to the rear of the site. The setback of the first floor retreat of Unit 2 is considered minimal and should be increased. A condition will require the setback to be increased to 3 metres to reduce visual bulk when viewed from neighbouring properties.

### **Complies subject to condition**

#### Clause 55.04-6 B22 Overlooking

The ground levels of the proposed dwellings have finished floor levels less than 0.8 metres above natural ground level at the boundary. A condition will require that all boundary fencing provides a screen at least 1.8 metres to sufficiently limit overlooking.

Whilst most of the east, west and north facing upper level, habitable room windows have been screened or designed to minimise the potential for overlooking there are east-facing windows that could result in overlooking into the neighbouring dwelling and their secluded private open space.

The following windows will be required to be screened or designed to limit views in to adjoining residential properties:

- Unit 1: Bedrooms 1 and 2 east facing.
- Unit 2: Bedroom 2 and stairwell east facing and bedroom 2 south facing.

### **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.

	<b>Total POS</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>
Unit 1	103 square metres	32.5 square metres	3.6 metres
Unit 2	54.9 square metres	37.2 square metres	3.1 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

- Two car parking spaces are provided for each of the three (3) bedroom dwellings with both spaces under cover.
- No visitor car parking is required to be provided.

Design Standards for Car parking

- The garaging and the access ways have appropriate dimensions 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 double garages' dimensions of 6.0 metres length x 6.0 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
<b>55.02-1</b>	<b>B1</b>	<b>Neighbourhood character</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.02-2</b>	<b>B2</b>	<b>Residential policy</b>		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
<b>55.02-3</b>	<b>B3</b>	<b>Dwelling diversity</b>		

Clause	Std		Compliance	
			Std	Obj
		N/A as development contains less than 10 dwellings	N/A	N/A
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		Adequate infrastructure exists to support new development	Y	Y
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		Unit appropriately integrates with the Street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		Please see assessment in the body of this report.	N	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		7.2 metres maximum.	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		41.2%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		29.5%	Y	Y
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		N/A as the site does not abut public open space.	N/A	N/A
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient and respects the character of the area.	Y	Y
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		

Clause	Std		Compliance	
			Std	Obj
		West: <ul style="list-style-type: none"> <li>Length: 12.6 metres</li> <li>Height: 3.2 metres avg.</li> </ul> East: <ul style="list-style-type: none"> <li>Length: 5.0 metres.</li> <li>Height: 3.0 metres (max).</li> </ul> It is noted that the east boundary wall mostly adjoins an existing garage wall constructed to the boundary.  Walls on boundaries comply with the requirements of this standard which would allow a maximum of 18.78 metres of boundary wall to be constructed. The boundary walls comply with the height requirements.	Y	Y
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Please see assessment in the body of this report. Complies subject to condition.	Y	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		There are no internal views	Y	Y
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		Noise impacts are consistent with those in a residential zone.	Y	Y
<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
<b>55.05-3</b>	<b>B27</b>	<b>Daylight to new windows</b>		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
<b>55.05-4</b>	<b>B28</b>	<b>Private open space</b>		



Clause	Std		Compliance	
			Std	Obj
		Please see assessment in the body of this report.	Y	Y
<b>55.05-5</b>	<b>B29</b>	<b>Solar access to open space</b>		
		Sufficient depth is provided for adequate solar access.	Y	Y
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		Sufficient storage areas are provided.	Y	Y
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		No front fence is proposed which is acceptable.	Y	Y
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		Common property areas are appropriate and manageable.	Y	Y
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		Sufficient areas for site services are provided.	Y	Y

**REFERRAL SUMMARY**

Department/Authority	Response
Capital Works	No objection
Transport Management and Planning	No objection

**PLANNING SCHEME SUMMARY**

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

- Clause 32.08-4 (General Residential Zone) – 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**

<b>Section of Scheme</b>	<b>Relevant Clauses</b>
SPPF	11, 15, 16, 19
LPPF	21.01, 21.03, 21.05, 22.02
Zone	32.08
Overlay	45.06
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.

**Environmental Sustainability**

There are no Environmental Sustainability impacts related to this report.

**Social Inclusion and Diversity**

There are no Human Rights, Equity and Inclusion impacts related to this report.

**Other**

There are no other impacts related to this report.

**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**

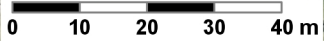
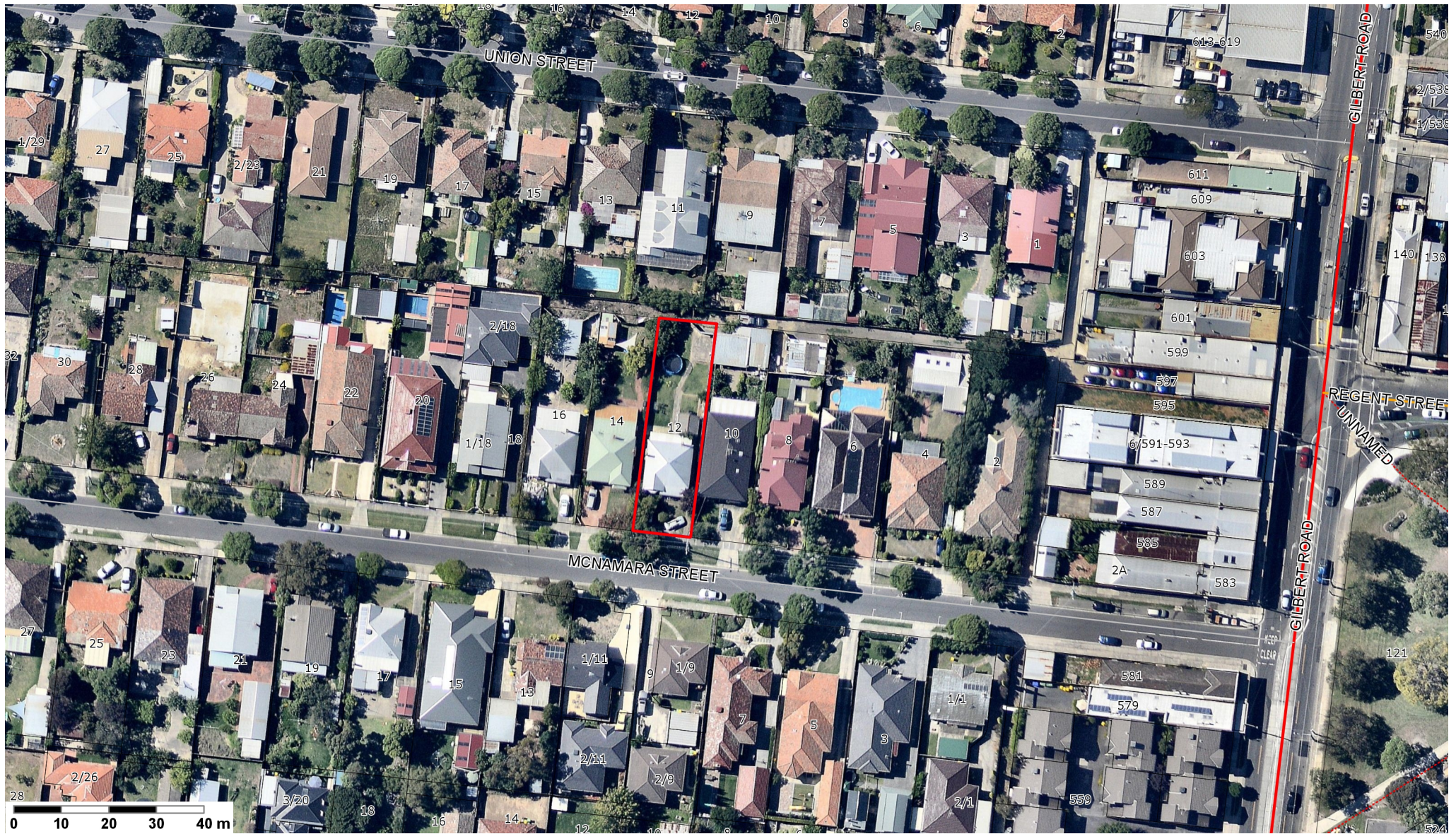
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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.









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### LOCAL AMENITY SCHEDULE

NOT TO SCALE  
MELWAY REF 18 D9

**ACCESS TO PUBLIC TRANSPORT**  
RESERVOIR, REGENT, PRESTON,  
TRAIN STATION WITHIN 3.0km

**ACCESS TO PUBLIC TRANSPORT**  
BUS ROUTE No 553 WITHIN 200m  
BUS ROUTE No 526, 527 WITHIN 500m

**PRIMARY SCHOOLS**  
PRESTON P.S., PRESTON WEST P.S., NEWLANDS P.S.,  
RESERVOIR WEST P.S. WITHIN 2.0km RADIUS

**SECONDARY COLLEGES**  
COBURG S.C., PRESTON GIRLS S.C.,  
WITHIN 3.0km RADIUS

**MEDICAL CLINICS/HOSPITALS**  
RESERVOIR PRIVATE HOSPITAL -  
WITHIN 2.0km

**PLACES OF WORSHIP**  
BAPTIST, UNITING, ARABIC BAPTIST,  
MOSQUE WITHIN 2.0km RADIUS

**PLACES OF SHOPPING**  
LOCAL SHOPPING  
PRESTON MARKET WITHIN 2.0km

**PARKS & RESERVE**  
CRISPE PARK, H.P. ZWAR RESERVE,  
DE CHENE RESERVE, EDWARDES  
LAKE PARK, WITHIN 2km RADIUS

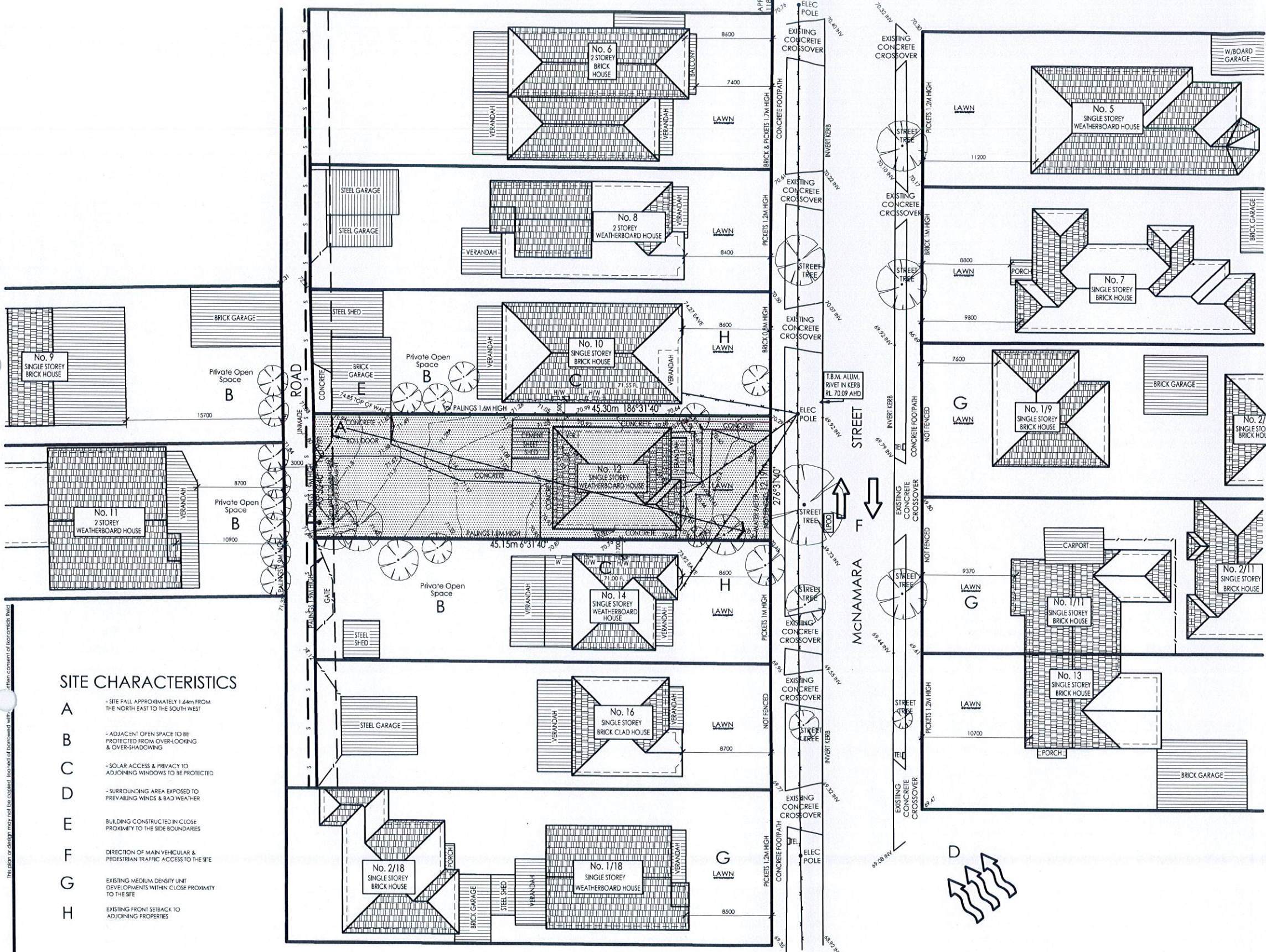
**DISTANCE TO CBD - 11km**

### LEGEND

- EXISTING TREES
  - OVERHEAD WIRES
  - SEWER TIE IN POINT  
CONFIRM LOCATION ON SITE
  - EXISTING SPOT LEVELS
  - DOOR
  - HABITABLE ROOM WINDOW
  - NON-HABITABLE WINDOW
  - 5 5
  - YARRA VALLEY WATER ASSET  
SEWER PIPE  
SIZE - 150mm CONIC  
OFFSET - 0.78m NORTH OF NORTH BOUNDARY  
DEPTH - 3.6m  
TO BE CONFIRMED ON SITE  
LEGAL POINT OF DISCHARGE - **POD**
- THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE KERB & CHANNEL AT FRONT IN MCNAMARA STREET TO COUNCIL. REQUIREMENTS WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF DETENTION STORAGE DISCHARGED AT 1:10 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS. THE DISCHARGE TO BE VIA GRAVITY. (NO PUMP SYSTEMS PERMITTED).

LEVELS TO AHD

GILBERT ROAD



### SITE CHARACTERISTICS

- A** - SITE FALL APPROXIMATELY 1.64m FROM THE NORTH EAST TO THE SOUTH WEST
- B** - ADJACENT OPEN SPACE TO BE PROTECTED FROM OVER-LOOKING & OVER-SHADOWING
- C** - SOLAR ACCESS & PRIVACY TO ADJOINING WINDOWS TO BE PROTECTED
- D** - SURROUNDING AREA EXPOSED TO PREVAILING WINDS & BAD WEATHER
- E** BUILDING CONSTRUCTED IN CLOSE PROXIMITY TO THE SIDE BOUNDARIES
- F** DIRECTION OF MAIN VEHICULAR & PEDESTRIAN TRAFFIC ACCESS TO THE SITE
- G** EXISTING MEDIUM DENSITY UNIT DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE
- H** EXISTING FRONT SETBACK TO ADJOINING PROPERTIES

NEIGHBOURHOOD SITE DESCRIPTION  
SCALE 1:200

DUAL OCCUPANCY DEVELOPMENT  
12 MCNAMARA STREET  
PRESTON

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

TP-01

A

Job No. 00669 Scale: 1:200 Drawn: TC Date: JUNE 15

NEIGHBOURHOOD SITE DESCRIPTION

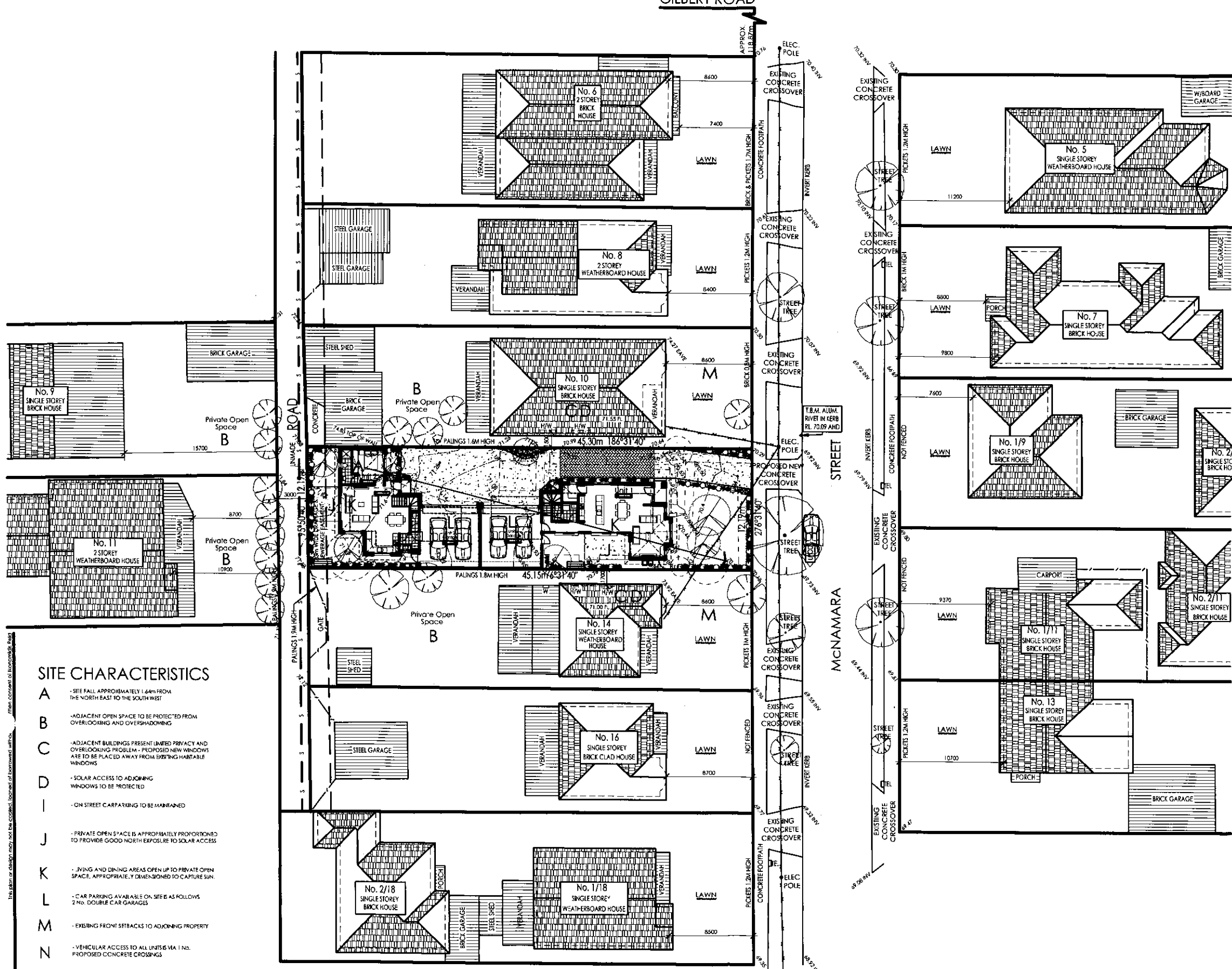
Rev	Date	Issue	Rev	Date	Issue
A	AUG 15	TOWN PLANNING APPLICATION	P1	JUNE 15	PRE-LOGGING ISSUE







GILBERT ROAD



LEGEND

- EXISTING TREES
- EXISTING TREES TO BE REMOVED
- DENOTES EXISTING DWELLING, GARAGE & OUTBUILDINGS TO BE DEMOLISHED
- OVERHEAD WIRES
- SEWER TIE IN POINT CONFIRM LOCATION ON SITE
- EXISTING SPOT LEVELS
- DOOR
- HABITABLE ROOM WINDOW
- NON HABITABLE WINDOW
- YARRA VALLEY WATER ASSET
- SEWER PIPE
- SIZE - 150mm CONIC
- OFFSET - 0.75m NORTH OF NORTH BOUNDARY
- DEPTH - 3.6m
- TO BE CONFIRMED ON SITE
- LEGAL POINT OF DISCHARGE - **POD**
- THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE KERB & CHANNEL AT FRONT IN MCNAMARA STREET TO COUNCIL REQUIREMENTS WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF
- DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS. THE DISCHARGE TO BE VIA GRAVITY. (NO PUMP SYSTEMS PERMITTED)
- LEVELS TO AFD

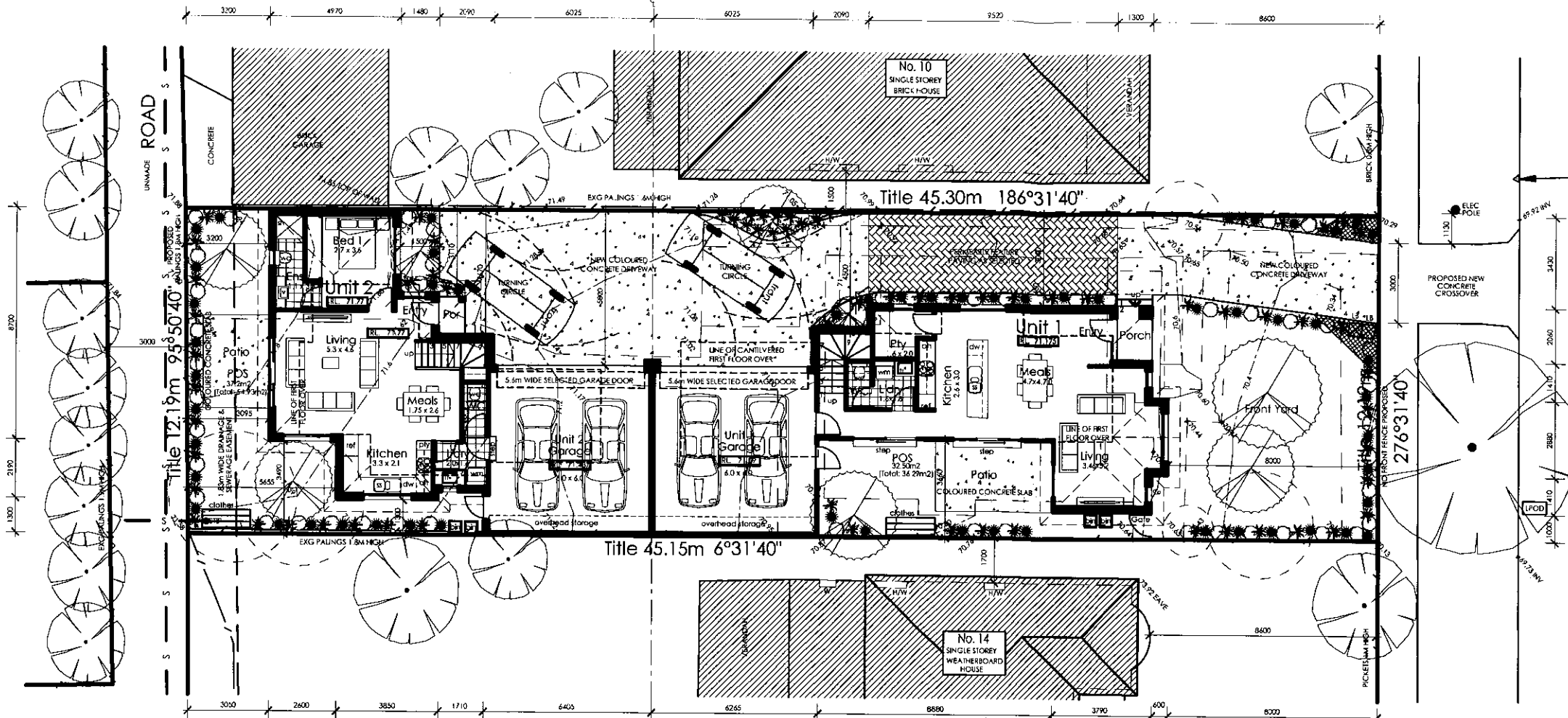
SITE CHARACTERISTICS

- A** - SITE FALL APPROXIMATELY 1.64m FROM THE NORTH EAST TO THE SOUTH WEST
- B** - ADJACENT OPEN SPACE TO BE PROTECTED FROM OVERLOOKING AND OVERSHADOWING
- C** - ADJACENT BUILDINGS PRESENT LIMITED PRIVACY AND OVERLOOKING PROBLEM - PROPOSED NEW WINDOWS ARE TO BE PLACED AWAY FROM EXISTING HABITABLE WINDOWS
- D** - SOLAR ACCESS TO ADJOINING WINDOWS TO BE PROTECTED
- I** - ON STREET CAR PARKING TO BE MAINTAINED
- J** - PRIVATE OPEN SPACE IS APPROPRIATELY PROPORTIONED TO PROVIDE GOOD NORTH EXPOSURE TO SOLAR ACCESS
- K** - LIVING AND DINING AREAS OPEN UP TO PRIVATE OPEN SPACE, APPROPRIATELY DIMENSIONED TO CAPTURE SUN
- L** - CAR PARKING AVAILABLE ON SITE AS FOLLOWS 2 No. DOUBLE CAR GARAGES
- M** - EXISTING FRONT SETBACKS TO ADJOINING PROPERTY
- N** - VEHICULAR ACCESS TO ALL UNITS VIA 1 No. PROPOSED CONCRETE CROSSINGS

DUAL OCCUPANCY DEVELOPMENT  
12 MCNAMARA STREET  
PRESTON







GROUND FLOOR PLAN  
SCALE 1:100

EXTERNAL FINISHES SCHEDULE

ROOFING	COLORBOND ROOF SHEETING
WALLS	FACE BRICKWORK
	RENDERED BRICKWORK
	RENDERED L/WEIGHT CLADDING
GUTTERS & DOWNPIPES	COLORBOND
WINDOWS & DOORS	POWDERCOATED ALUMINIUM

DEVELOPMENT SUMMARY

SITE AREA	551m <sup>2</sup>	BUILDING SITE COVERAGE	227.07m <sup>2</sup> (41.2%)
DENSITY	1.275	DRIVEWAY	140.45m <sup>2</sup>
NO OF DWELLINGS	2	SITE PERMEABILITY	162.98m <sup>2</sup> (29.5%)
CAR PARKING	4	PRIVATE OPEN SPACE	33.5m <sup>2</sup> (6.1%)
UNIT 1	1x DOUBLE CAR GARAGE	UNIT 1	33.5m <sup>2</sup> (6.1%)
UNIT 2	1x DOUBLE CAR GARAGE	UNIT 2	37.2m <sup>2</sup> (6.7%)

GROSS BUILDING AREA / UNIT:

	UNIT 1	UNIT 2
GROUND FLOOR	72.6m <sup>2</sup>	71.1m <sup>2</sup>
FIRST FLOOR	49.98m <sup>2</sup>	55.5m <sup>2</sup>
PORCH	2.6m <sup>2</sup>	1.41m <sup>2</sup>
GARAGE	39.63m <sup>2</sup>	39.73m <sup>2</sup>
TOTAL	184.51m <sup>2</sup> (19.86%)	167.74m <sup>2</sup> (18.05%)

CONSTRUCTION

INTERNAL WALLS -  
70mm THICK TIMBER STUD CONSTRUCTION  
EXTERNAL WALLS -  
230mm DOUBLE BRICK CONSTRUCTION  
GROUND FLOOR - 240mm THICK BRICK VENER CONSTRUCTION  
FIRST FLOOR - 90mm THICK TIMBER CONSTRUCTION WITH  
RENDER FINISH TO LIGHTWEIGHT CLADDING

LANDSCAPING

FOR DETAILS OF LANDSCAPING PLEASE REFER TO SEPARATE LANDSCAPE PLAN - TO BE  
SUBMITTED AT A LATER DATE

STORMWATER

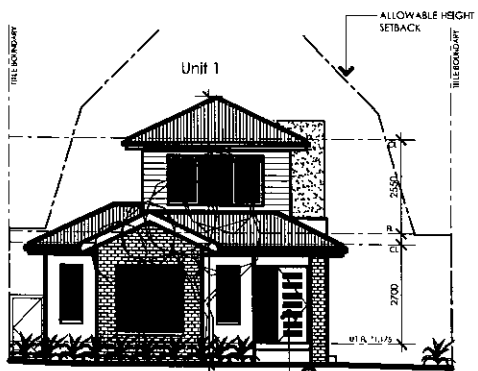
ALL STORMWATER, INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON SITE  
SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE DETAILS TO BE SUBMITTED AS  
PART OF BUILDING PERMIT. NO STORMWATER TO BE DISCHARGED TO THE STREET.

FINISHES LEGEND

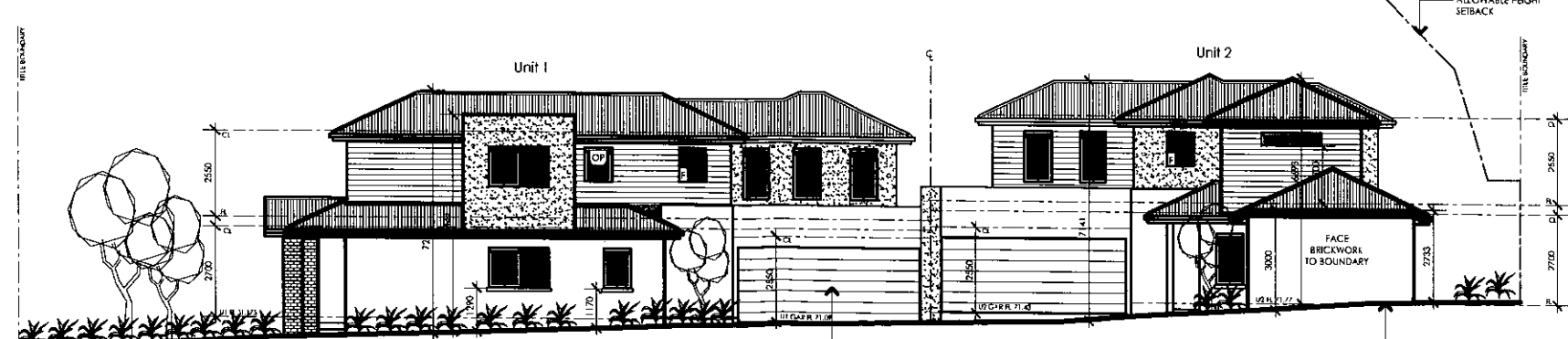
- COLORBOND ROOF SHEET @ 25° ROOF PITCH
- SELECTED FACE BRICKWORK
- SELECTED FEATURE BRICKWORK
- SELECTED RENDER FINISH - F1
- SELECTED WEATHERBOARDS
- OB - FIXED OBSCURE GLAZING TO 1700mm ABOVE FFL 23% TRANSPARENT
- OP - OPAQUE GLAZING
- F - FIXED GLAZING

LEGEND

- COLOURED CONCRETE DRIVEWAY/PATH
- EXISTING TREES
- EXISTING TREES TO BE REMOVED
- DENOTES EXISTING DWELLING, GARAGE & OUTBUILDINGS TO BE DEMOLISHED
- SELECTED LETTER BOX
- SEWER TIE IN POINT TO BE CONFIRMED ON SITE
- EXISTING SPOT LEVELS
- H/W HABITABLE ROOM WINDOW
- W NON HABITABLE ROOM WINDOW



SOUTH ELEVATION  
SCALE 1:100

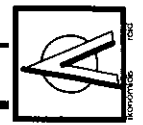


EAST ELEVATION  
SCALE 1:100

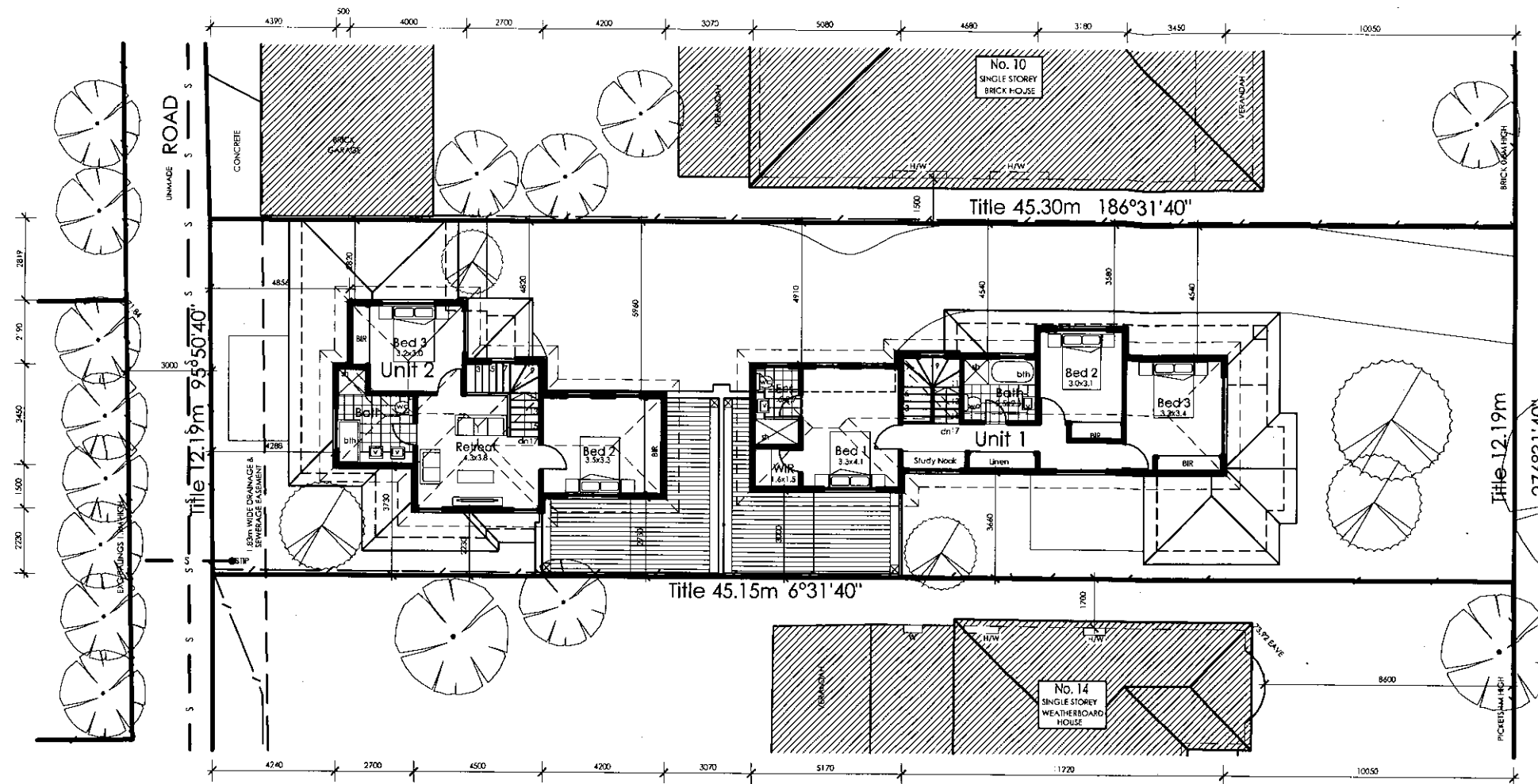
LEGAL POINT OF DISCHARGE (POD)  
THE STORMWATER FROM THE PROPERTY TO BE  
CONNECTED TO THE KERB & CHANNEL AT FRONT IN  
MCNAMARA STREET TO COUNCIL REQUIREMENTS WITH THE  
DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT  
MORE THAN 0.5% EXCESSIVE ON RAINFALL ENVIRONMENT  
STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE  
DISCHARGE OF ONE IN FIVE YEARS. THE DISCHARGE TO BE  
VIA GRAVITY (NO PUMP SYSTEMS PERMITTED)

HAVE A CORNER PLAY OR AREA AT LEAST 50 PER CENT CLEAR OF  
VISUAL OBSTRUCTIONS EXTENDING AT LEAST 2 METRES ALONG THE  
FRONTAGE ROAD FROM THE EDGE OF AN EXIT LANE AND 2.5  
METRES ALONG THE EXIT LANE FROM THE FRONTAGE. TO PROVIDE  
A CLEAR VIEW OF PEDESTRIANS ON THE FOOTPATH OF THE  
FRONTAGE ROAD. THE AREA CLEAR OF VISUAL OBSTRUCTIONS  
MAY INCLUDE AN ADJACENT ENTRY OR EXIT LANE WHERE MORE  
THAN ONE LANE IS PROVIDED, OR ADJACENT LANDSCAPED  
AREAS, PROVIDED THE LANDSCAPING IN THOSE AREAS IS LESS  
THAN 900mm IN HEIGHT.

DUAL OCCUPANCY DEVELOPMENT  
12 MCNAMARA STREET  
PRESTON



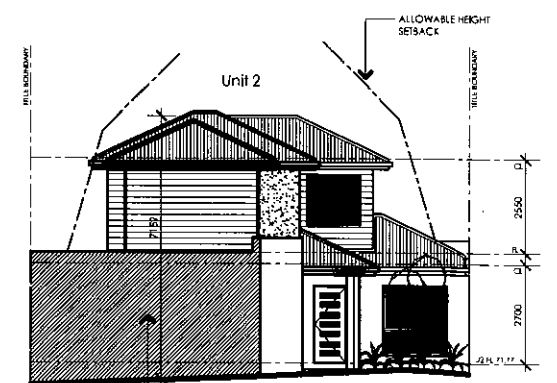
FIRST FLOOR DIMENSIONS TAKEN TO EXTERNAL FACE OF SUD & EXCLUDES LIGHT WEIGHT CLADDING



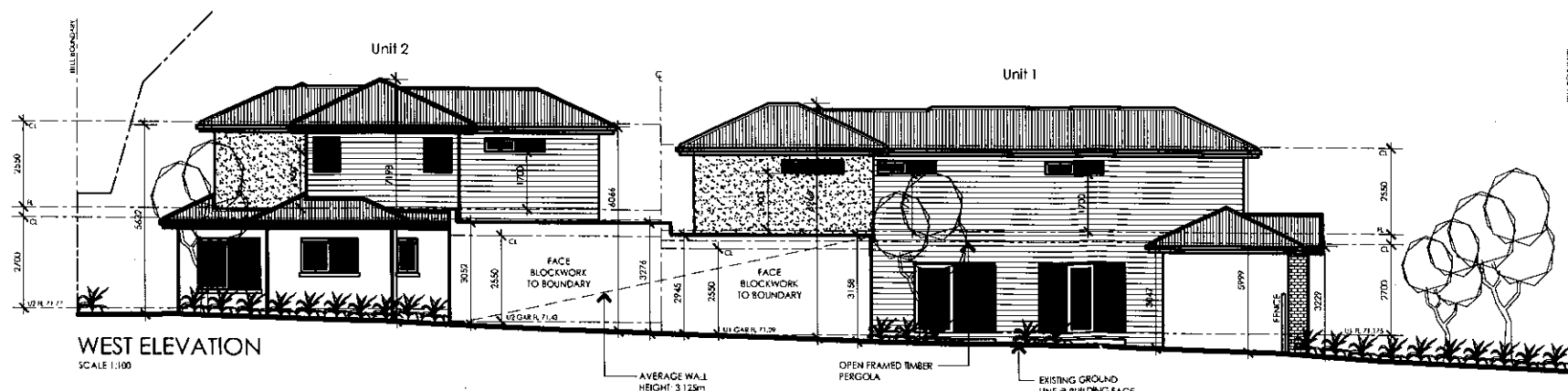
FIRST FLOOR PLAN  
SCALE 1:100

FINISHES LEGEND

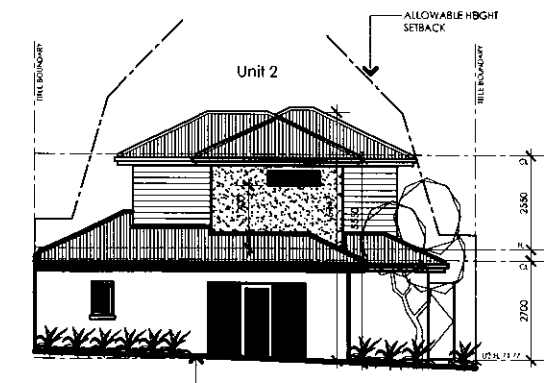
- COLGROBOND ROOF SHEET @ 23° ROOF PITCH
- SELECTED FACE BRICKWORK
- SELECTED FEATURE BRICKWORK
- SPRITTED RENDER FINISH #1 #2
- OB - FIXED OBSCURE GLAZING TO 1700mm ABOVE FFL 25% TRANSPARENT
- OP - OPAQUE GLAZING
- F - FIXED GLAZING



SOUTH ELEVATION - UNIT 2  
SCALE 1:100



WEST ELEVATION  
SCALE 1:100

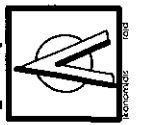


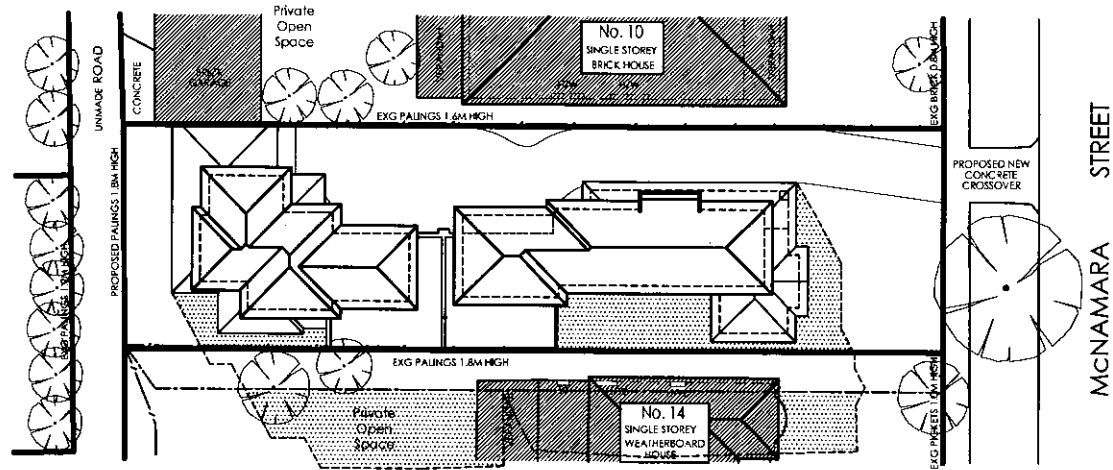
NORTH ELEVATION  
SCALE 1:100

DUAL OCCUPANCY DEVELOPMENT  
12 MCNAMARA STREET  
PRESTON

c	DEC 15	RFI SUBMISSION	8	OCT 15	RFI SUBMISSION	A	AUG 15	TOWN PLANNING APPLICATION	P1	JUNE 15	PRE-LOGGING ISSUE
Rev	Date	Issue	Rev	Date	Issue	Rev	Date	Issue	Rev	Date	Issue

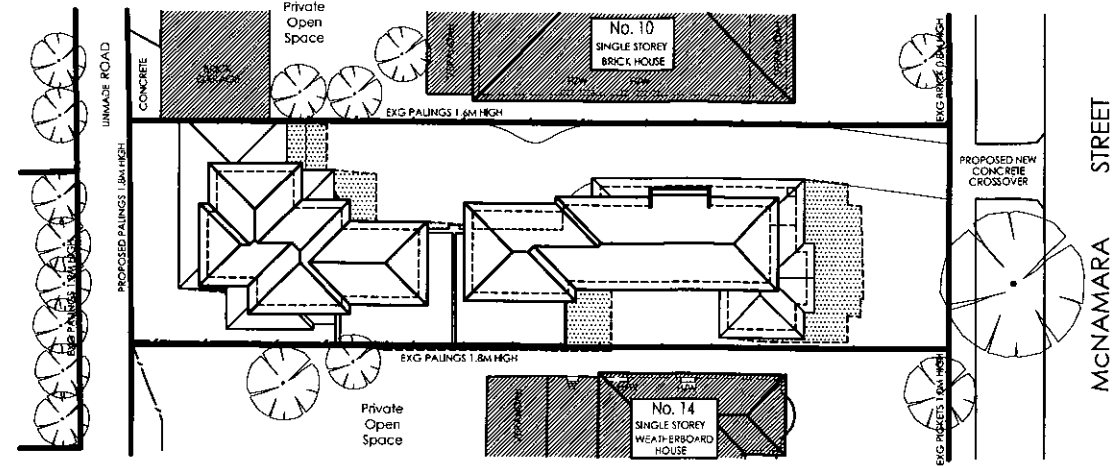
TP-04 C  
FIRST FLOOR PLAN & ELEVATIONS





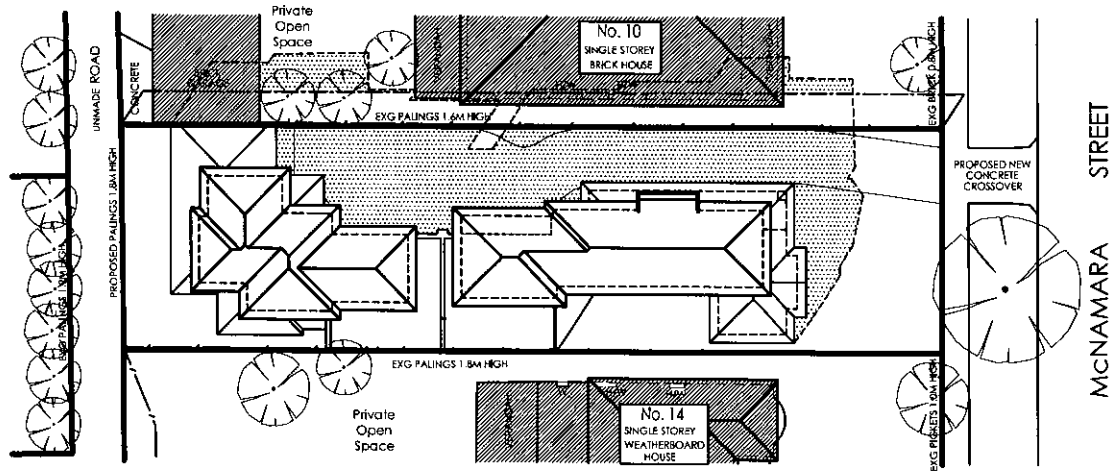
SHADOW DIAGRAM  
21 Mar / 23 Sep - 9am  
SCALE 1:200

■ EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
--- EXTENT OF SHADOW CAST BY FENCE



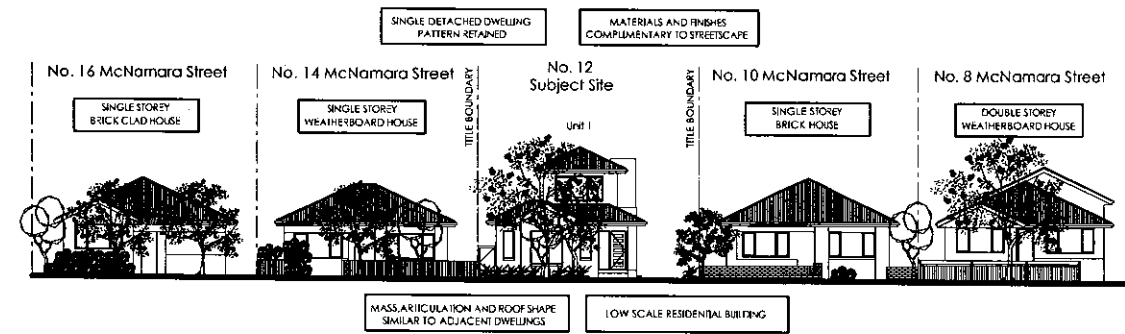
SHADOW DIAGRAM  
21 Mar / 23 Sep - 12pm  
SCALE 1:200

■ EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
--- EXTENT OF SHADOW CAST BY FENCE



SHADOW DIAGRAM  
21 Mar / 23 Sep - 3pm  
SCALE 1:200

■ EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
--- EXTENT OF SHADOW CAST BY FENCE



STREETSCAPE - MCNAMARA STREET  
SCALE 1:200

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**5.7 APPLICATION FOR PLANNING PERMIT D/124/2015**  
 91 Gillies Street, Fairfield

**AUTHOR: Principal Planner – Marisia Hammerton**

**DIRECTOR: Director Assets and Business Services – Steve Hamilton**

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
Planning and Property Partners Pty Ltd	Rhodian Brotherhood of Melbourne Victoria "Diagoras' Inc	One Mile Grid Korasanilava

**SUMMARY:**

- On 26 October 2015, the Planning Committee, in accordance with officer recommendation, refused an application to construct a medium density housing development comprising of six (6) triple storey dwellings and a reduction in the associated visitor car parking requirement. A review of Council's decision has been lodged with the Tribunal.
- The applicant has circulated substitute plans in accordance with Practice Note PNPE9. A full list of changes is provided in the report below. Council must now form a position on the revised proposal.
- The amended proposal is similarly for a medium density housing development comprising the construction of six (6) triple storey dwellings and a reduction in the associated visitor car parking requirement.
- The site is zoned General Residential Zone – Schedule 2.
- There is no restrictive covenant registered on the Certificate of Title.
- 11 objections were originally received against this application.
- Four (4) objectors have lodged a statement of grounds prior to the circulation of the amended plans and intend to be parties to the appeal.
- It is recommended that Council advise the Tribunal of its revised position to support the amended plans in accordance with the conditions set out in the recommendation below.

**CONSULTATION:**

- The applicant has advised that the amended application and plans have been circulated to all parties to the proceeding in accordance with Practice Note PNPE9.
- The substituted plans were not referred to any internal departments for comment.

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

**That** Council advise the Tribunal it has considered the substituted plans (identified as drawing numbers TP01,TP02, TP03, TP04, TP05, all revision E, prepared by Korasanilava dated 18 February 2016 and 0315-0865-00 MP-01A rev. 01 and 0315-0865-00 MP-01B – revision 01 prepared by Tract and dated 8 December 2015) and supports the proposal subject to the conditions set out below.

**That** Council request the Tribunal make orders with the consent of the parties to this effect.

**This Permit Allows:**

A medium density housing development, comprising the construction of six (6) triple storey dwellings, and a reduction in the associated visitor car parking requirement.

**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 numbers TP01,TP02, TP03, TP04, TP05, all revision E, prepared by Korasanilava dated 18 February 2016 and 0315-0865-00 MP-01A rev. 01 and 0315-0865-00 MP-01B – revision 01 prepared by Tract and dated 8 December 2015) but modified to show:
  - a) A Landscape Plan in accordance with Condition No. 4 of this Permit.
  - b) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
  - c) Unless required to be fixed under Clause 55.04-6 – Standard B22 of the Darebin Planning Scheme, all windows are to be operable.
  - d) Operable windows are to be of louvre, casement, sliding, single/ double hung style (not awning) or equivalent to maximise ventilation.
  - e) Provision of external retractable shades to all west facing habitable room windows.
  - f) Provision of fixed eaves (with a width of at least 600mm) to north facing habitable room windows.
  - g) A notation confirming the convex mirror provided to will allow views of pedestrians along Duncan Street to the driver exiting the garage for Dwelling 6 and allow views of the garage/driveway to any pedestrians along Duncan Street.
  - h) Provision of a clear glazed element to each garage door of Dwellings 1-5.
  - i) Provision of both a north and west facing window to the garage of Dwelling 6.
  - j) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the north and south sides of the crossover to Gillies Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.

- k) The 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.
- l) The site coverage and permeability percentages correctly nominated.
- m) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition 7 of this Permit).
- n) A section diagram to demonstrate how the screens to the north facing balconies will 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:
  - 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 (generally in accordance with drawing numbers 0315-0865-00 MP-01B – revision 01 prepared by Tract and dated 8 December 2015) 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 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 STEPS report (residential) or Sustainable Design Scorecard (SDS) 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.
8. The land must be drained 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 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.

10. 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.
11. 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.
12. 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.
13. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
14. 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.
15. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
16. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
17. Before occupation of the development areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced;
  - 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.

#### **MELBOURNE WATER CONDITIONS**

18. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
19. Units 1 and 2 must be constructed with finished floor levels set no lower than 33.95 metres to Australian Height Datum (AHD).
20. Unit 3 must be constructed with finished floor levels set no lower than 33.93 metres to AHD.

21. Unit 4 must be constructed with finished floor levels set no lower than 33.88 metres to AHD.
22. Unit 5 and 6 must be constructed with finished floor levels set no lower than 33.82 metres to AHD.
23. The unit 1 and 2 garage must be constructed with finished surface levels set no lower than 33.80 metres to AHD.
24. Unit 3 garage must be constructed with finished surface levels set no lower than 33.78 metres to AHD.
25. Unit 4 garage must be constructed with finished surface levels set no lower than 33.73 metres to AHD.
26. The unit 5 and 6 garage must be constructed with finished surface levels set no lower than 33.67 metres to AHD.
27. The layout of the site, size, design and location of buildings and works must include a setback of a minimum of 1.0 metres from the western boundary of the property to allow for the passage of overland flows.
28. Prior to the issue of a Certificate of Occupancy, 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 NOTATIONS

- N1 Preliminary land and flood level information available at Melbourne Water indicates that the above property is **subject to flooding** from Melbourne Water's drainage system and the applicable flood level for this property grades from **33.67 metres to Australian Height Datum** at north-west corner down to b at south-east corner for a storm event with a 1 % chance of occurrence in any one year.
- N2 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 **243447**.

#### NOTATIONS

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

- N3 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.
- N4 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.



N5 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.

N6 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.

N7 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.

<b>Report</b>
---------------

## INTRODUCTION AND BACKGROUND

On 26 October 2015, Council issued a Refusal to Grant a Permit on the following grounds:

1. The proposal does not meet the objectives of Council’s Neighbourhood Character Study in terms of inadequate landscaping, excessive paving, inadequate setbacks, inadequate articulation, height and visual bulk.
2. The proposal does not meet the objectives Clause 55 of the Darebin Planning Scheme, due to the following:
  - a) Neighbourhood character - The proposal is inappropriate in terms of the height/visual bulk, inadequate setbacks, inadequate articulation and landscape character.
  - b) Non-compliance with residential policy, as the proposal is an overdevelopment.
  - c) The building bulk/height are inconsistent with the neighbourhood character and impact unreasonably on the amenity of adjoining property.
  - d) Excessive site coverage.
  - e) Inadequate permeable surfaces.
  - f) Poor opportunities for landscaping and the development does not comply with the garden and landscape character of the area.
  - g) Insufficient setbacks.
  - h) Inappropriate design detail with regard to visual bulk and articulation.
3. The proposal fails to meet the requirements of Clause 52.06 (Car Parking) due to the following:

- a) The proposed car parking and access is poorly designed, with poor surveillance, inadequate landscaping opportunities to the accessway and inadequate sight lines to the garage of Dwelling 6.
4. 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.

On 16 November 2015, Council was advised that an appeal had been lodged with the Tribunal.

On 18 March 2016, amended plans were circulated in accordance with the requirements of Practice Note PNPE9. These plans are referred to as drawing numbers TP01, TP02, TP03, TP04, TP05, all revision E, prepared by Korasanilava dated 18 February 2016 and 0315-0865-00 MP-01A rev. 01 and 0315-0865-00 MP-01B – revision 01 prepared by Tract and dated 8 December 2015. These are the plans to be considered by Council.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is regular in shape and measures 39.62 metres in length and 15.09 metres in width, with a site area of 509 square metres.
- The land is located within the General Residential Zone 2, the Special Building Overlay and the Development Contributions Plan Overlay (currently expired) 1 both apply.
- The land is located on the north eastern corner of Gillies Street and Duncan Street.
- The site contains a single storey building constructed to both street frontages. The building is used for a martial arts studio. There is vehicle access along the northern common boundary to a paved driveway area along the side of the buildings.
- To the east of the site is a large rendered double storey building constructed to the common boundary and the street frontage. This property front Station Street and is located in the Commercial 1 Zone.
- To the west, on the opposite side of Gillies Street, are single storey period dwellings.
- To the north is a single storey detached weatherboard dwellings, with a setback of approximately 7.7 metres from the street frontage and approximately 4 metres from the common boundary, with vehicle access to a garage in the rear yard area along the common boundary.
- To the south, on the opposite side of Duncan Street, is a large brick church building, and associated kindergarten.
- The site is located in the residential area around the Station Street Fairfield Activity Centre. The residential area is characterised by single and double storey dwellings and some medium density development. The commercial area to the east is characterised by single and double storey commercial buildings. The site is approximately 200 metres to the north of the Fairfield Railway Station and is approximately 50 metres to the west of the Station Street Fairfield Activity Centre.
- There is no on-street parking permitted along Duncan Street directly in front of the site. Directly in front of the site on Gillies Street, parking is unrestricted. However, due to the proposed crossover and corner location of the site, no parking will be available directly in front of the site.

## PROPOSAL

### Statement of Changes

Changes to the application from that originally considered by the Planning Committee significantly increase the setback at both first and second floor from the northern boundary and allow for additional landscaping along the northern façade of the site/building.

The following is a list of the consequential changes to the plans (note additional internal and minor changes are also proposed, which do not affect the planning assessment):

#### Ground Floor

- An increase in the northern landscape buffer from 300mm to 600mm.
- Provision of a convex mirror to Dwelling 6 Duncan Street garage frontage to allow for views to increase pedestrian safety.
- An increase in the setback from the northern boundary.

#### First Floor

- An increase in the northern setback. Dwellings 1-4 are setback 4.1 metres with balconies protruding into this space with a 2.4 metre setback from the boundary (previously 3.7 metre and 1.3 metre setbacks respectively were provided). Dwellings 5 and 6 are now set back 5.2 metres with balconies protruding into this space with a 3.5 metre setback from the northern boundary (previously 3.7 metre and 1.3 metre setbacks respectively were provided).
- Additional planter boxes and associated landscaping have been included between the balconies.

#### Second Floor

- An increase in the northern setback. Dwellings 1-4 are setback 4.3 metres (previously a 4.1 metre setback was provided). Dwellings 5 and 6 are now set back 5.7 metres, (previously a 4.1 metre setback was provided).

#### Elevations

- Provision of additional articulation to Dwellings 3 and 4.

#### Landscape plans

- Provision of trees along the northern landscape buffer and associated changes in accordance with the changes as mentioned above.



## PLANNING ASSESSMENT

The Tribunal Practice Note PNPE9 provides that permit applicants may seek to amend plans that form part of an application. This can save time and resources by enabling improvements to be made to a proposal without a new application being required.

Having refused the application on the grounds set out above, Council must now consider the amended plans. Key questions to be considered by the Planning Committee with respect to the amended plans are:

- Do the substituted plans adequately address Council's grounds of refusal?
- Do the amendments result in any other issues that would warrant not supporting the proposal?

### Ground 1: Neighbourhood Character

Council's original assessment revealed failures with the neighbourhood character response having regard to the guidelines for Precinct B3. In particular, this related to limited landscaping opportunities throughout the site, the extensive triple storey built form with a lack of articulation, and sufficient setbacks from the northern boundary.

It is assessed that the revised proposal addresses these concerns in the following ways:

- An increase in the landscaping bed along the northern boundary will allow for the planting of narrow canopy trees along the site. This, in combination with an increase in the size of the planter boxes along the first floor façade of the building, will soften the appearance of the proposal when viewed from the north.
- An increase in setbacks (addressed further below) from the northern boundary. The setbacks pay particular regard to the most sensitive 'rear yard realm' area of the adjoining property to the north by increasing the setbacks for Dwellings 5 and 6 from 3.7 to 5.2 metres (with the balconies to be setback 3.5 metres, where previously they were set back 1.3 metres).
- The additional landscaping and the increase setbacks are considered to provide an appropriate transition between the subject site, which has an existing non-residential building (to be partially retained) and the adjacent non-residential uses to the east and south and the more traditional residential properties to the north and west.
- It is noted that the three (3) storey form presenting to Duncan Street is considered acceptable as it generally matches the height and form of the adjoining two (2) storey building directly to its east.

### Ground 2: Compliance with Clause 55 Requirements

#### Residential Policy

- The site's suitability for some form of medium density housing intensification is not in dispute. Council's previous issues with respect to residential policy related to the proposal's failure to achieve acceptable off-site amenity impacts. As highlighted in the sections below, the revisions provide an improved design outcome that addresses the off-site impacts previously identified.
- The proposal now presents a suitable medium density housing proposal that will benefit from the locational attributes of the subject site while managing impacts on the neighbouring properties.

Bulk and height of the building inconsistent with character and unreasonably affect the amenity of the adjoining property

The increase in setbacks from the adjoining property to the north, (as discussed above under neighbourhood character and also discussed further under side and rear setbacks), are considered to significantly reduce the bulk and height issues imposed on the adjoining property to the north. In addition, the improved landscaping conditions will further reduce the perception of bulk on the adjoining property to the north by way of providing a buffer and transitional element.

Site Coverage

Council's previous issue with respect to site coverage, related to the detrimental impacts of the high level of visual bulk given the extent of triple storey form throughout most of the site with a lack of adequate setbacks. The revised proposal has improved articulation, and the increase setbacks significantly reduce the bulk imposed on the sensitive interface to the north. Given the changes, the site coverage is considered appropriate within the context of its neighbourhood— particularly noting the adjacent commercial premises and existing on site conditions of the subject site.

Permeable surfaces

The increase in the landscaping bed along the northern boundary allows for increased permeability. It is noted that the 20% required under the standard is still not met, which is considered acceptable in this instance due to the low site permeability associated with the current building and the character of the adjacent commercial premises. It is noted the applicant will be required to address onsite stormwater treatment as part of their Sustainable Design Statement, required via condition of approval.

Landscaping

It is noted that the current subject site, contributes minimally to the preferred landscape character of the area. The site, as it is currently occupied, adopts more of the non-residential character in the area when compared to the traditional residential dwellings to the north and west. The proposal, however, seeks to intensify the use on site as well as to transition the site from a non-residential use to a residential use. In doing this, the proposal seeks to retain the existing façade of the building onsite, thus reducing landscaping opportunities.

Taking retention of the existing building façade into account, and the additional efforts which have been made to landscape the site (widened the landscape bed along the northern boundary allowing for planting of trees and planter boxes at first floor) it is considered that the proposal provides for an acceptable balance noting the site's existing conditions; the surrounding commercial uses and the adjoining traditional residential properties.

Side and Rear Setbacks

The previous proposal exhibited side and rear setbacks that did not comply with the objectives at Clause 55.04-1. The massing of the proposed dwellings was such that the setbacks of the triple storey form would unreasonably impact the amenity of the adjoining property to the north. The amended proposal now complies with the requirements of both the standard and objective, providing a substantial increase in the setback to adjoining area of sensitive secluded private open space to the north.

Inappropriate design detail with regard to visual bulk and articulation

The increased setbacks are considered to soften the appearance of the development, providing an appropriate level of design detail. As has been discussed and demonstrated above, the proposal introduces a significant increase in setbacks to all dwellings, at all levels, with a particular increase in the setbacks at both first and second floor level to dwellings 5 and 6.

**Ground 3: Non-compliance with the requirements of Clause 52.06 due to lack of adequate surveillance to the shared driveway, lack of adequate landscaping to the shared accessway and inadequate sight lines to the garage of Dwelling 6.**

Landscaping along the driveway, as discussed above, has been improved and is considered satisfactory.

Surveillance to the shared driveway is still minimal. A condition of approval will require inclusion of clear glazed elements in the garage doors and provision of north and east facing windows in the garage to dwelling 6 to allow for some passive surveillance of the driveway.

Sightlines and safety issues have been addressed by way of a mirror to allow views to and from pedestrians on Duncan Street and any car exiting the garage to Dwelling 6.

**Ground 5: Non-compliance with the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement as contained in the Darebin Planning Scheme.**

This matter has generally been addressed under the above headings. However (in summary), the increased setbacks and additional landscaping as well as the introduction of a visibility mirror ensure a satisfactory level of compliance with both the State and Local Planning Policy Framework, including the Municipal Strategic Statement.

**Other Matters**

The revised plans do not introduce any new issues that would otherwise require Council to maintain its refusal of the application. It is noted that the changes (specifically the increase in size of the planter boxes at first floor level) have resulted in a reduction to the size of the balconies to the dwellings, it is noted that the areas and dimensions proposed to the balconies continue to comply with the requirements of Clause 55.04-4 (Private Open Space).



**PLANNING SCHEME SUMMARY**

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

- Clause 32.01-4 –development of the land for two (2) or more dwellings.
- Clause 44.05-1 – construction of buildings and works.
- Clause 52.06-3 – Reduce the number of car parking spaces.

**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, 21.03-4, 21.05, 21.03-3, 22.02, 22.06
Zone	32.08
Overlay	44.05, 45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	B3

**POLICY IMPLICATIONS**

**Environmental Sustainability**

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

**Social Inclusion and Diversity**

There are no Human Rights, Equity and Inclusion impacts related to this report.

**Other**

There are no other impacts related to this report.

**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.



**91 Gillies Street**  
**Planning Committee 26 April 2016**  
Darebin City Council  
4/04/2016



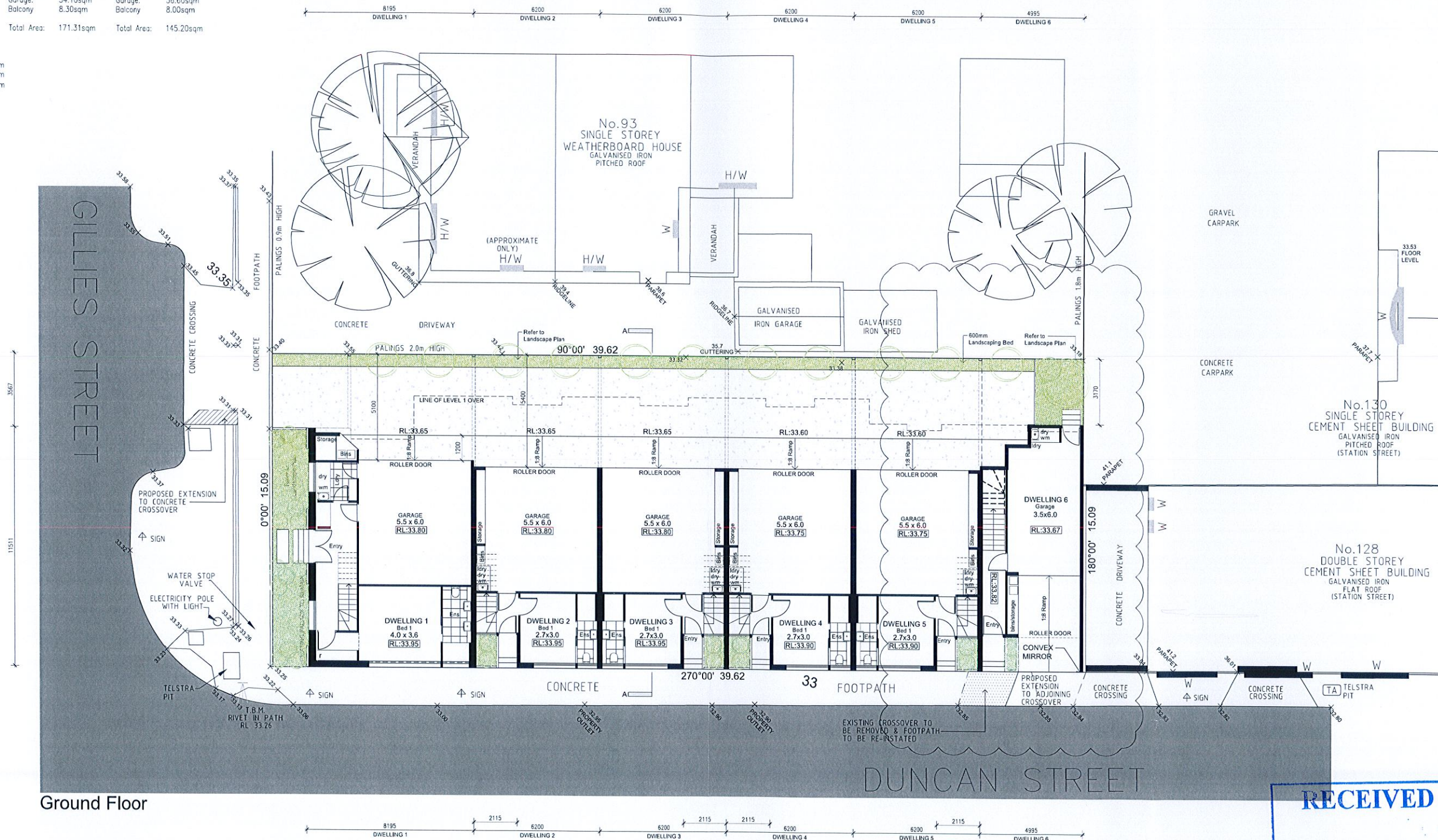


Dwelling 1 Area's:		Dwelling 2 Area's:		Dwelling 3 Area's:	
Ground Fl:	49.96sqm	Ground Fl:	25.81sqm	Ground Fl:	25.81sqm
First Fl:	54.92sqm	First Fl:	58.42sqm	First Fl:	58.42sqm
Second Fl:	62.45sqm	Second Fl:	49.63sqm	Second Fl:	49.63sqm
Garage:	30.62sqm	Garage:	34.10sqm	Garage:	34.10sqm
Balcony:	13.53sqm	Balcony:	8.70sqm	Balcony:	8.70sqm
<b>Total Area:</b>	<b>211.48sqm</b>	<b>Total Area:</b>	<b>175.88sqm</b>	<b>Total Area:</b>	<b>175.79sqm</b>

Dwelling 4 Area's:		Dwelling 5 Area's:		Dwelling 6 Area's:	
Ground Fl:	25.81sqm	Ground Fl:	25.81sqm	Ground Fl:	10.6sqm
First Fl:	58.42sqm	First Fl:	56.10sqm	First Fl:	45.20sqm
Second Fl:	49.63sqm	Second Fl:	47.00sqm	Second Fl:	44.80sqm
Garage:	34.10sqm	Garage:	34.10sqm	Garage:	36.60sqm
Balcony:	8.70sqm	Balcony:	8.30sqm	Balcony:	8.00sqm
<b>Total Area:</b>	<b>175.79sqm</b>	<b>Total Area:</b>	<b>171.31sqm</b>	<b>Total Area:</b>	<b>145.20sqm</b>

Site Area's:  
 Site Area: 596.00sqm  
 Building Area: 380.10sqm  
 Driveway's & path: 161.00sqm  
 % Site Coverage: 63.7 %  
 % Permeability: 9.3 %



Ground Floor

**RECEIVED ON**  
 21 MAR 2016  
 CITY OF DAREBIN  
 STATUTORY PLANNING

REV	NO	DATE	DESCRIPTION
A	1	18.11.15	APPLICATION FOR TOWN PLANNING PERMIT
B	1	14.04.15	SHOW DETAIL OF EXISTING FACADE AS PER RFI
C	1	21.03.15	AMEND LEVELS DUE TO FLOOD LEVEL
D	1	22.12.15	AMEND BALCONIES AND NORTH ELEVATION
E	1	18.02.16	AMEND DWELLING 5'S

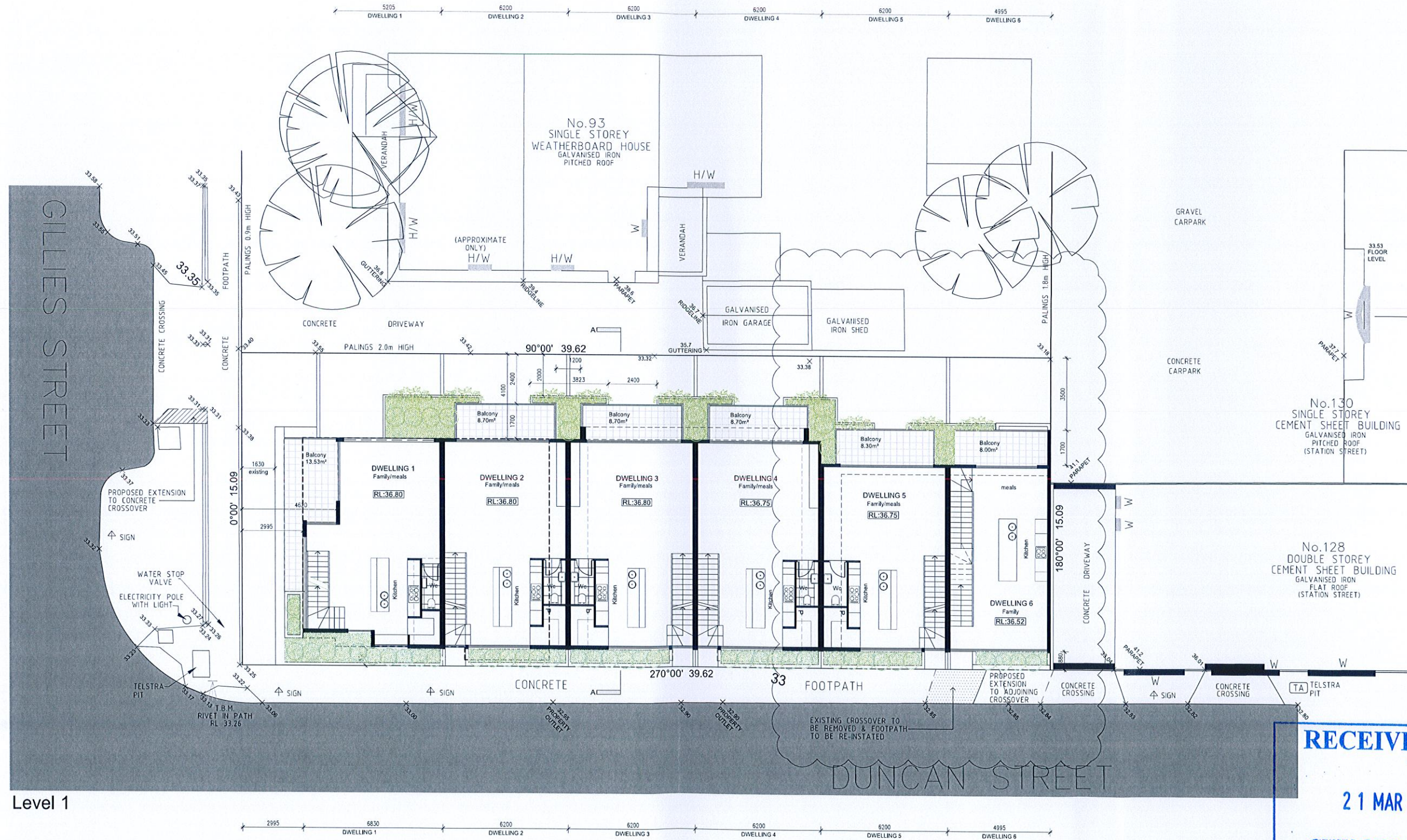
korasanilava info@korasanilava.com.au P: 9686 9785 590 City rd, South Melbourne	<b>MULTI-DWELLING DEVELOPMENT</b> 91 GILLIES ST, FAIRFIELD FOR F+E HOLDINGS	GROUND FLOOR PLANS SCALE: 1:100@A1 DATE: OCT 14 REV: E TP01
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Ground Fl:	49.96sqm	Ground Fl:	25.81sqm	Ground Fl:	25.81sqm
First Fl:	54.92sqm	First Fl:	58.42sqm	First Fl:	58.42sqm
Second Fl:	62.45sqm	Second Fl:	49.63sqm	Second Fl:	49.63sqm
Garage:	30.62sqm	Garage:	34.10sqm	Garage:	34.10sqm
Balcony:	13.53sqm	Balcony:	8.70sqm	Balcony:	8.70sqm
<b>Total Area:</b>	<b>211.48sqm</b>	<b>Total Area:</b>	<b>175.88sqm</b>	<b>Total Area:</b>	<b>175.79sqm</b>

Dwelling 4 Area's:		Dwelling 5 Area's:		Dwelling 6 Area's:	
Ground Fl:	25.81sqm	Ground Fl:	25.81sqm	Ground Fl:	10.66sqm
First Fl:	58.42sqm	First Fl:	56.10sqm	First Fl:	45.20sqm
Second Fl:	49.63sqm	Second Fl:	47.00sqm	Second Fl:	44.80sqm
Garage:	34.10sqm	Garage:	34.10sqm	Garage:	36.60sqm
Balcony:	8.70sqm	Balcony:	8.30sqm	Balcony:	8.00sqm
<b>Total Area:</b>	<b>175.79sqm</b>	<b>Total Area:</b>	<b>171.31sqm</b>	<b>Total Area:</b>	<b>145.20sqm</b>

Site Area's:	
Site Area:	596.00sqm
Building Area:	380.10sqm
Driveways & path:	161.00sqm
% Site Coverage:	63.7 %
% Permeability:	9.3 %



Level 1

**RECEIVED ON**  
**21 MAR 2016**  
**CITY OF DAREBIN**  
**STATUTORY PLANNING**

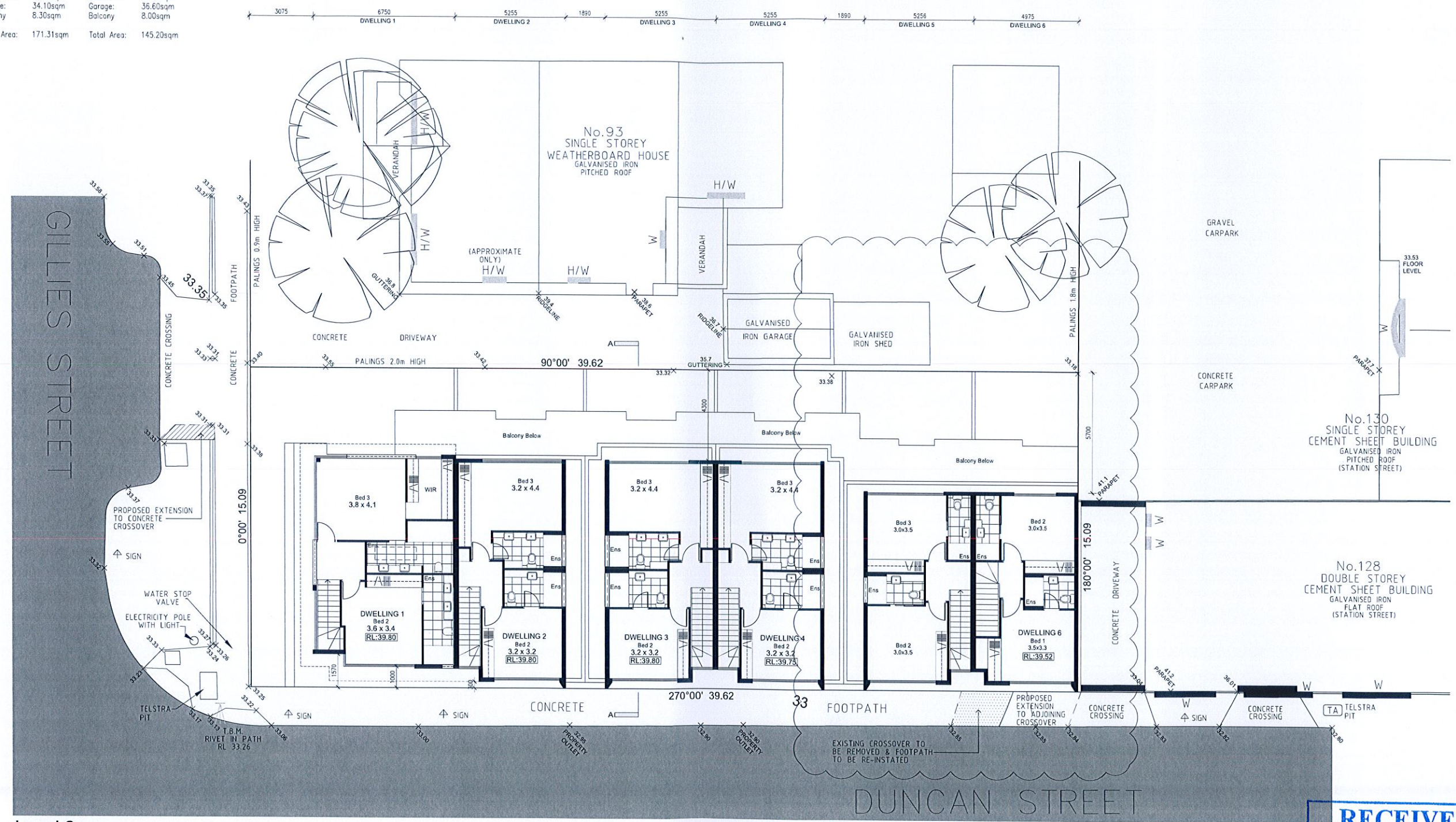
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First Fl:	54.92sqm	First Fl:	58.42sqm	First Fl:	58.42sqm
Second Fl:	62.45sqm	Second Fl:	49.63sqm	Second Fl:	49.63sqm
Garage:	30.62sqm	Garage:	34.10sqm	Garage:	34.10sqm
Balcony:	13.53sqm	Balcony:	8.70sqm	Balcony:	8.70sqm
<b>Total Area:</b>	<b>211.48sqm</b>	<b>Total Area:</b>	<b>175.88sqm</b>	<b>Total Area:</b>	<b>175.79sqm</b>

Dwelling 4 Area's:		Dwelling 5 Area's:		Dwelling 6 Area's:	
Ground Fl:	25.81sqm	Ground Fl:	25.81sqm	Ground Fl:	10.6sqm
First Fl:	58.42sqm	First Fl:	56.10sqm	First Fl:	45.20sqm
Second Fl:	49.63sqm	Second Fl:	47.00sqm	Second Fl:	44.80sqm
Garage:	34.10sqm	Garage:	34.10sqm	Garage:	36.60sqm
Balcony:	8.70sqm	Balcony:	8.30sqm	Balcony:	8.00sqm
<b>Total Area:</b>	<b>175.79sqm</b>	<b>Total Area:</b>	<b>171.31sqm</b>	<b>Total Area:</b>	<b>145.20sqm</b>

Site Area's:	
Site Area:	596.00sqm
Building Area:	380.10sqm
Driveway's & path:	161.00sqm
% Site Coverage:	63.7 %
% Permeability:	9.3 %



Level 2

**RECEIVED ON**  
**21 MAR 2016**  
**CITY OF DAREBIN**  
**STATUTORY PLANNING**

REV	NO	DATE	DESCRIPTION
A	1	15.11.16	APPLICATION FOR TOWN PLANNING PERMIT
B	2	21.08.15	AMEND LEVELS DUE TO FLOOD LEVEL
C	3	21.08.15	AMEND LEVELS DUE TO FLOOD LEVEL
D	4	22.12.15	AMEND BALCONIES AND NORTH ELEVATION
E	5	18.07.16	AMEND DWELLING 556

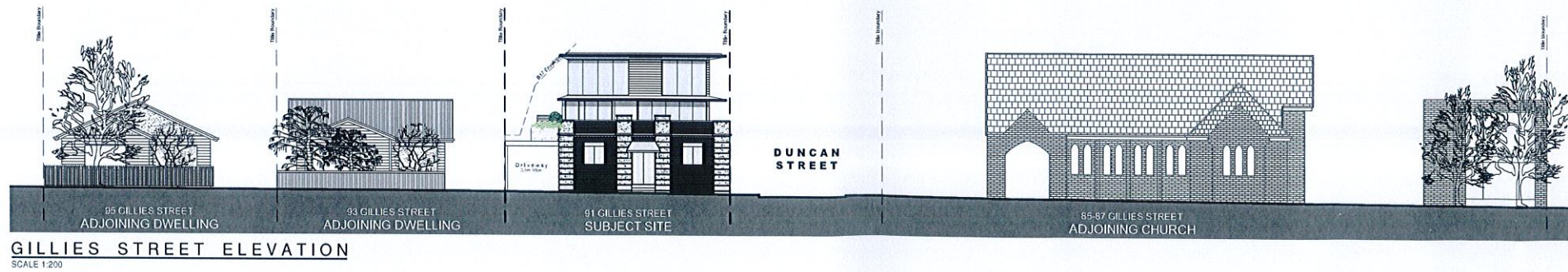
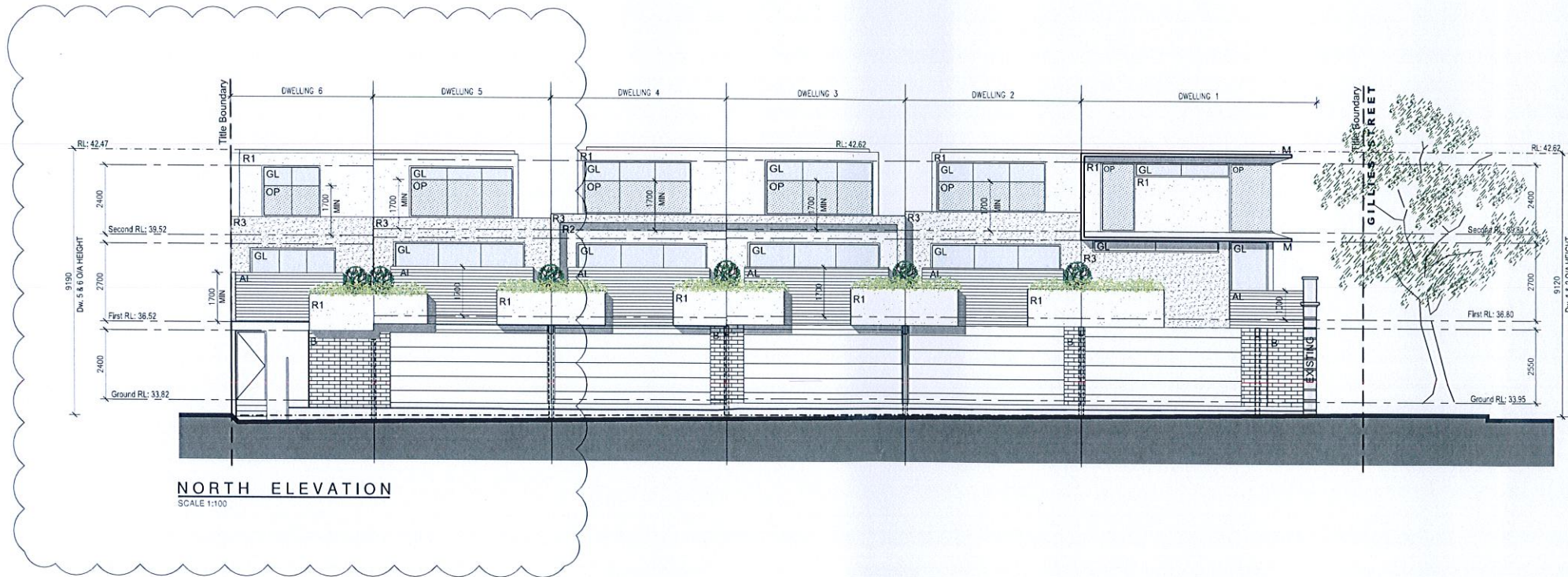
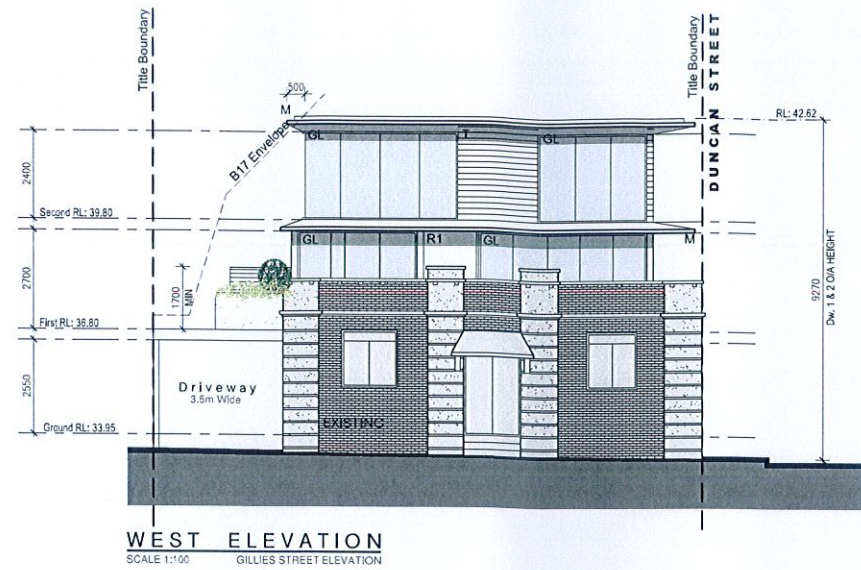
korasanilava  
 info@korasanilava.com.au  
 P: 9686 9785  
 590 City rd, South Melbourne

**MULTI-DWELLING DEVELOPMENT**  
 91 GILLIES ST, FAIRFIELD  
 FOR F+E HOLDINGS

LEVEL 2 PLANS  
 SCALE: 1:100@A1  
 DATE: Oct 14, 2016  
 REV: E  
 TP03



MATERIALS SCHEDULE	
B	- DARK BROWN BRICK
R1	- LIGHT GREY RENDER FINISH
R2	- GREY RENDER FINISH
R3	- DARK GREY RENDER FINISH
M	- LIGHT GREY ZINC METAL FINISH
T	- TIMBER BATTEN / LOUVRE NATURAL FINISH
EXISTING	- EXISTING CONDITIONS TO BE MADE GOOD AND REMAIN
GL	- CLEAR WINDOW GLAZING
OP	- OPAQUE WINDOW GLAZING
AL	- LOUVRE BLACK
NOTE: FOR MATERIAL SPECIFICATIONS REFER TO MATERIALS SCHEDULE.	



**RECEIVED ON**  
 21 MAR 2016  
**CITY OF DAREBIN**  
**STATUTORY PLANNING**

REV	NO	DATE	DESCRIPTION
A	15	10/11/15	APPLICATION FOR TOWN PLANNING PERMIT
B	16	01/01/15	SHED DETAIL OF EXISTING FACADE AS PER B17
C	21	03/15	AMEND LEVELS DUE TO FLOOD LEVEL
D	22	12/15	AMEND BALCONIES AND NORTH ELEVATION
E	08	02/16	AMEND DWELLING 5'S

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 info@korasanilava.com.au  
 P: 9686 9785  
 590 City rd, South Melbourne

**MULTI-DWELLING DEVELOPMENT**  
 91 GILLIES ST, FAIRFIELD  
 FOR F+E HOLDINGS

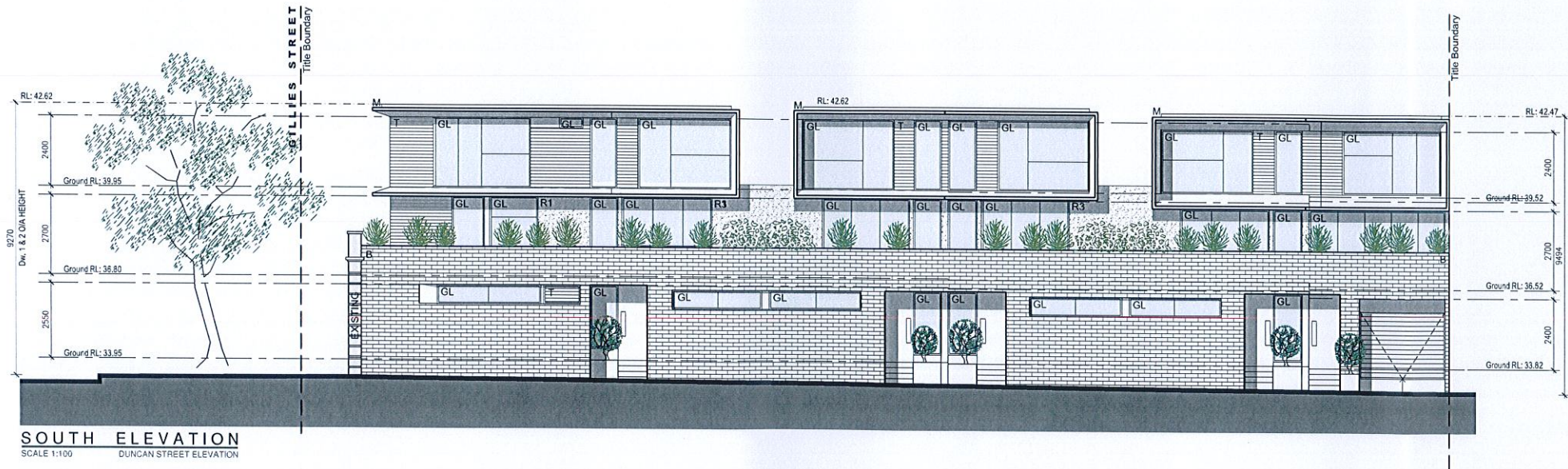
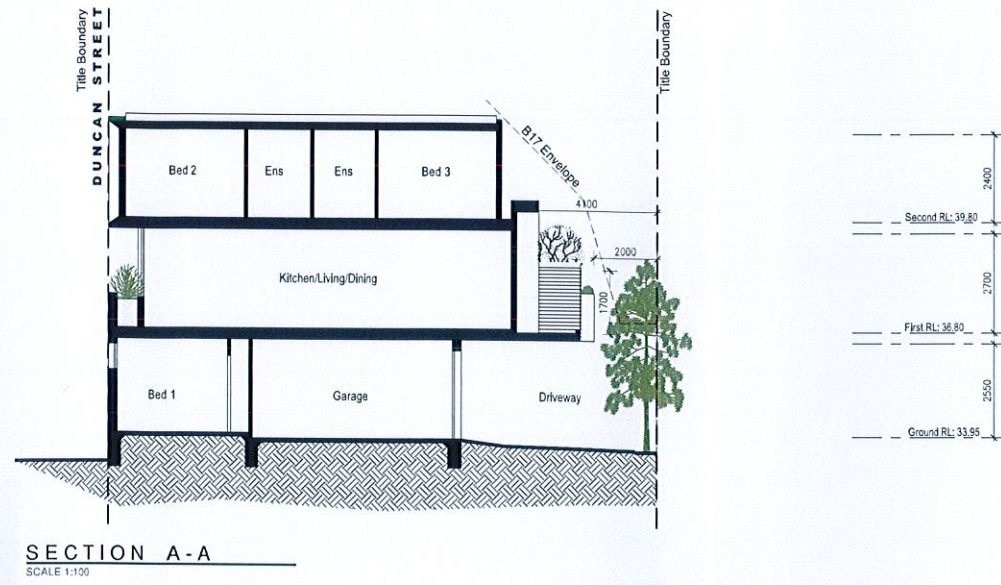
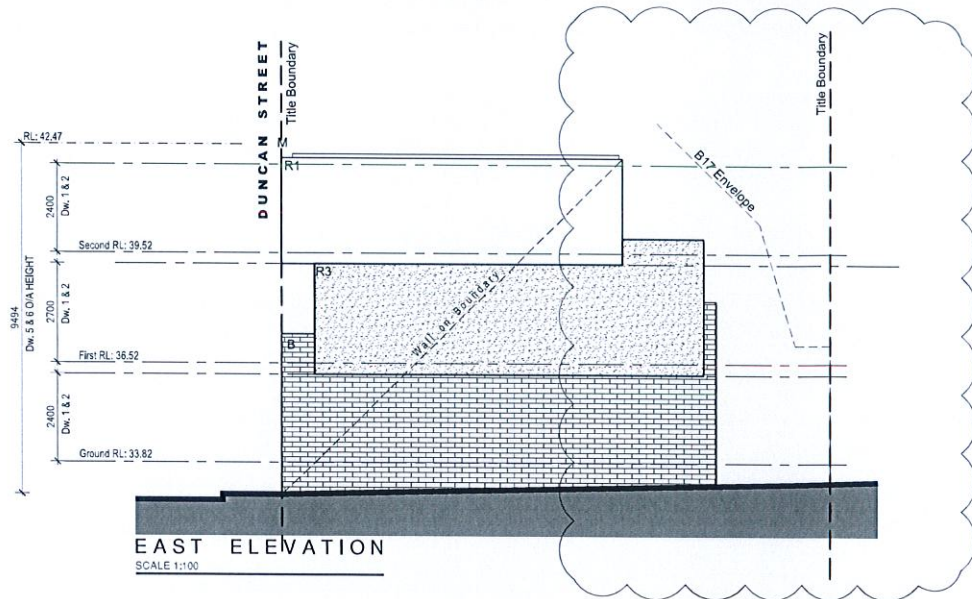
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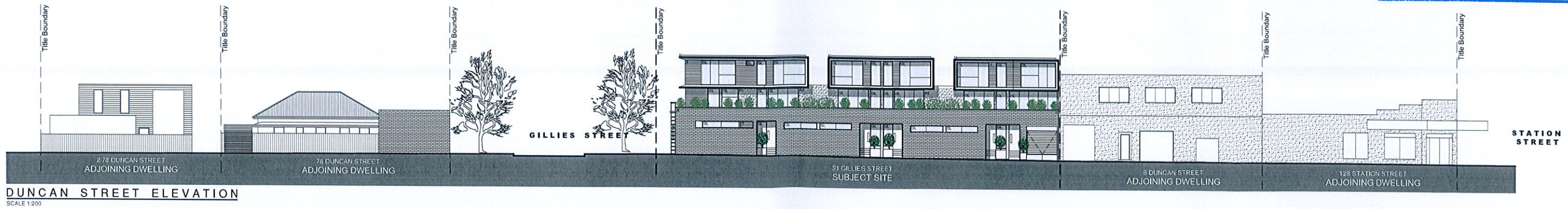
**MATERIALS SCHEDULE**

B - DARK BROWN BRICK  
R1 - LIGHT GREY RENDER FINISH  
R2 - GREY RENDER FINISH  
R3 - DARK GREY RENDER FINISH  
M - LIGHT GREY ZINC METAL FINISH  
T - TIMBER BATTEN / LOUVRE NATURAL FINISH  
EXISTING - EXISTING CONDITIONS TO BE MADE GOOD AND REMAIN  
GL - CLEAR WINDOW GLAZING  
OP - OPAQUE WINDOW GLAZING

NOTE: FOR MATERIAL SPECIFICATIONS REFER TO MATERIALS SCHEDULE.



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21 MAR 2016  
**CITY OF DAREBIN**  
**STATUTORY PLANNING**



REV	NO	DATE	DESCRIPTION
A	18.10.15		APPLICATION FOR TOWN PLANNING PERMIT
B	19.04.15		SHOW DETAILS OF EXISTING FACADE AS PER B17
C	21.08.15		AMEND LEVELS DUE TO FLOOD LEVEL
D	22.10.15		AMEND RALCONES AND NORTH ELEVATION
E	18.02.16		AMEND DWELLING S&S

**korasanilava**  
[info@korasanilava.com.au](mailto:info@korasanilava.com.au)  
P: 9686 9785  
590 City rd, South Melbourne

**MULTI-DWELLING DEVELOPMENT**  
91 GILLIES ST, FAIRFIELD

**ELEVATIONS & STREETSCAPE**  
SCALE: 1:100@A1 DATE: Oct 14,  
REV: E TP05

FOR F+E HOLDINGS

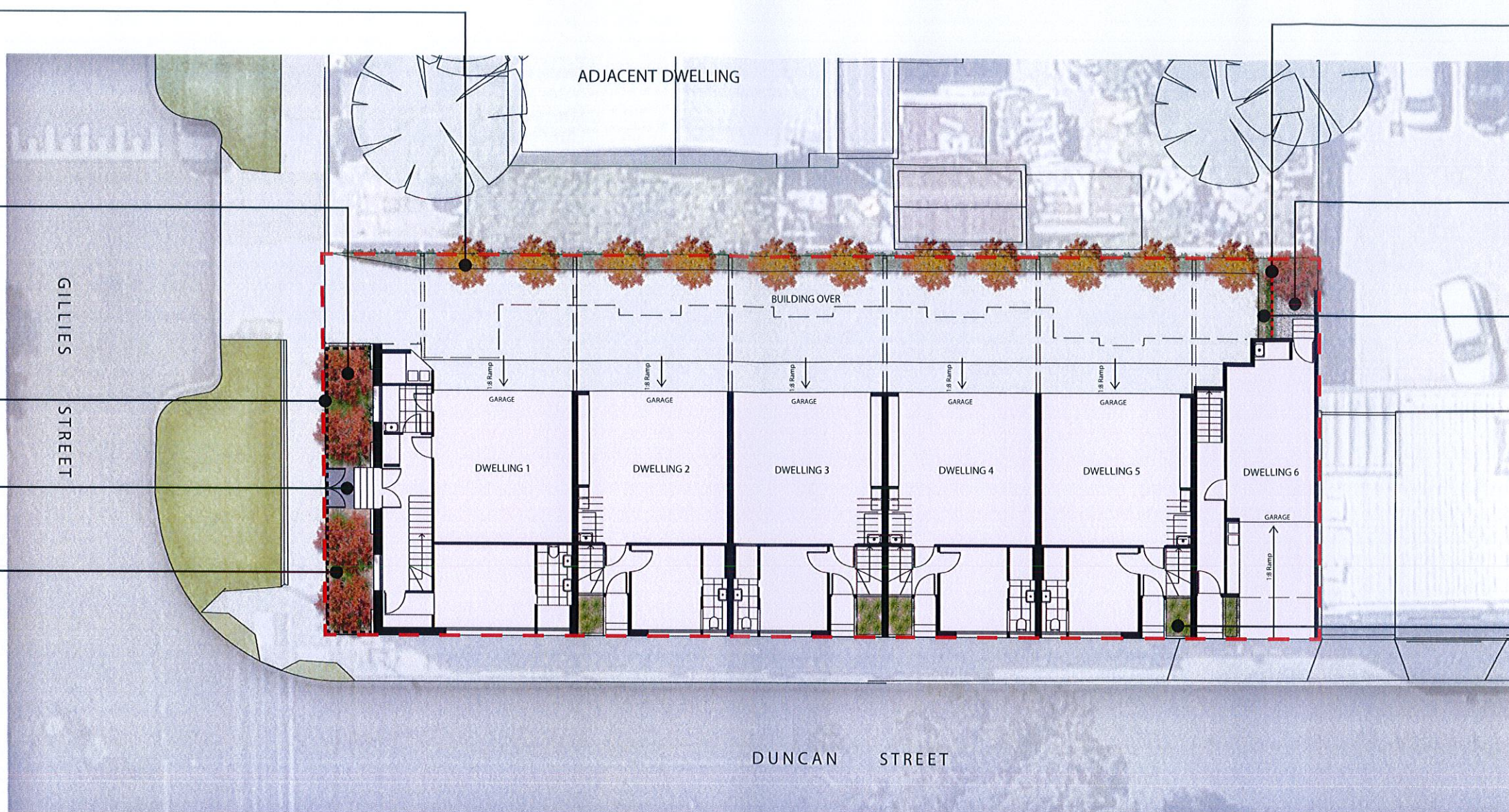






LEGEND:

- 1 Columnar canopy trees suitable for narrow spaces ie *Prunus 'Crimson Spire'*
- 2 Small feature trees suitable for narrow spaces ie *Acer 'Bowhall'*
- 3 1.2m (h) Black steel blade fence
- 4 Low hardy shrub underplanting ie *Acacia cognata* dwarf



- 5 Timber picket fence to private rear yard
- 6 Gravel finish under roof line
- 7 Feature creeper to fence to create backdrop to driveway, with shade tolerant understory planting, ie *Trachelospermum jasminoides* and *Ophiopogon japonicus*
- 8 Low maintenance feature plants, ie *Lomandra 'Tanika'* and *Dianella 'Tasred'*



1



2



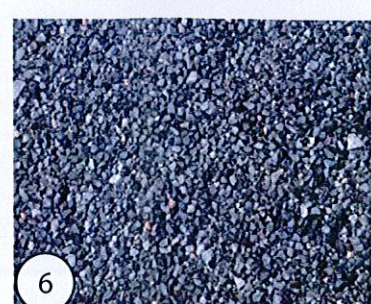
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5



4



6

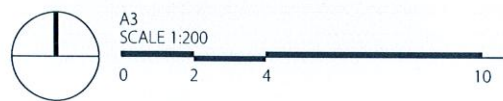


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8

RECEIVED ON  
21 MAR 2016  
CITY OF DAREBIN  
STATUTORY PLANNING

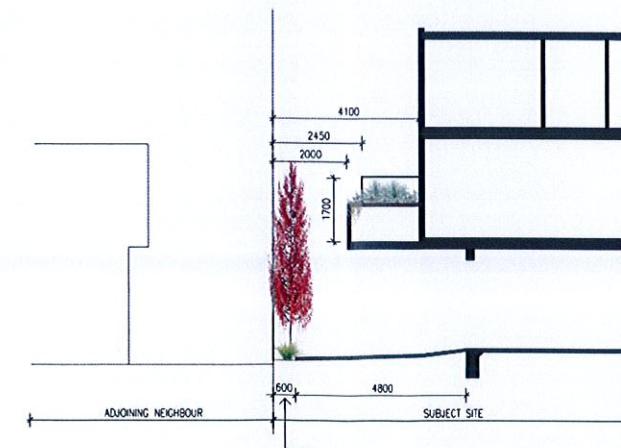
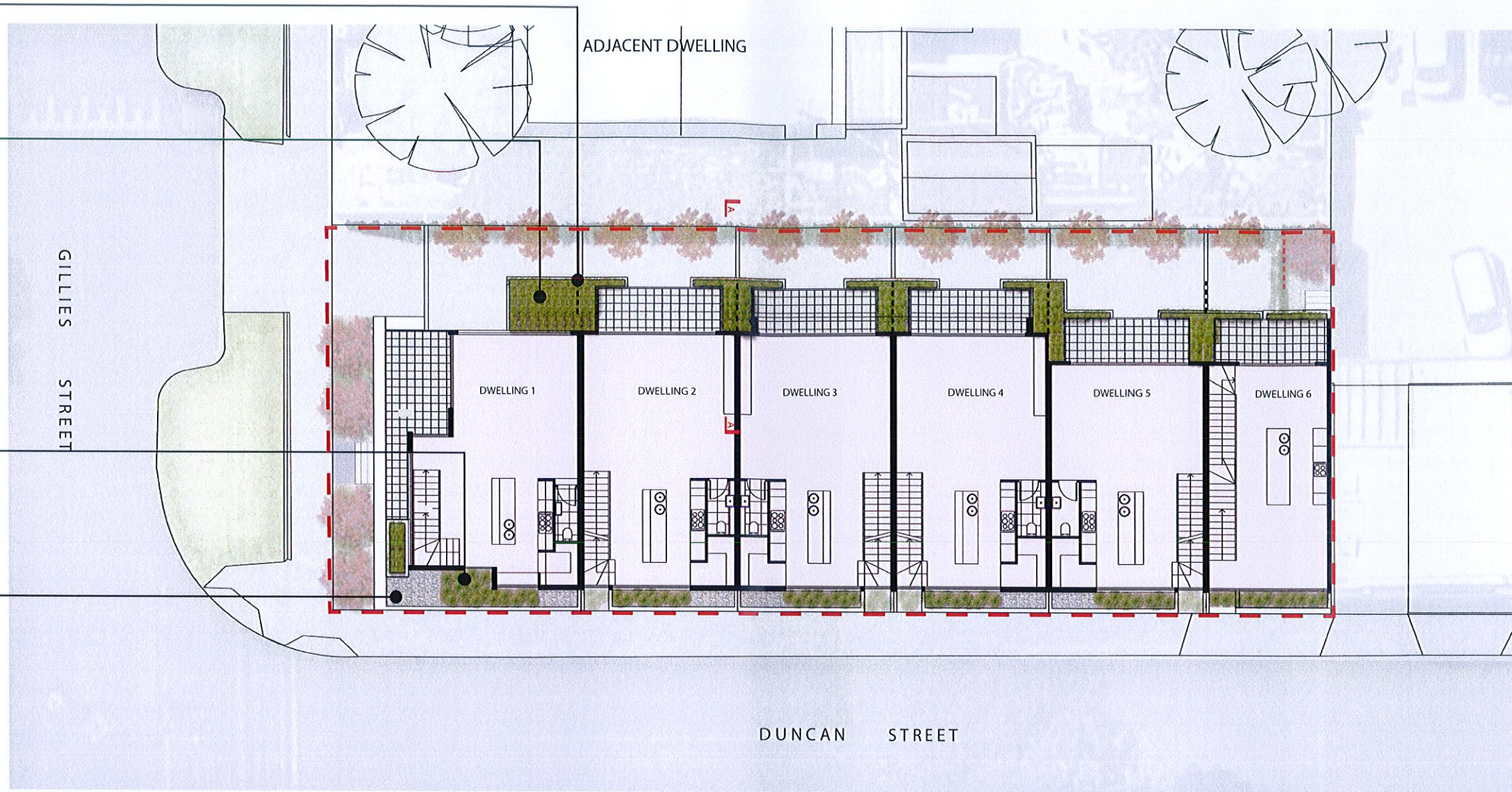


LANDSCAPE MASTERPLAN - GROUND FLOOR



LEGEND:

- 1 1.2m (h) Black steel blade fence to provide security
- 2 3 Shrub planting with compact habit to provide screening & privacy ie *Nandina domestica*  
Understory planting using groundcovers with cascading habit ie *Myoporum parvifolium*
- 4 Planting (to area within reach of maintenance) ie *Lomandra 'Tanika'*  
*Dianella 'Tasred'*
- 5 Gravel topping over with weedmatting (to areas outside of reach for maintenance)



SECTION A-A:

RECEIVED ON  
21 MAR 2016  
CITY OF DAREBIN  
STATUTORY PLANNING



LANDSCAPE MASTERPLAN - FIRST FLOOR



## 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.

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

**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.
<b>Result</b>	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.
<b>Result</b>	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
<b>Result</b>	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
<b>Result</b>	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
<b>Result</b>	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
<b>Result</b>	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
<b>Result</b>	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
<b>Result</b>	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
<b>Result</b>	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	
<b>Result</b>	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
<b>Result</b>	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
<b>Result</b>	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"> <li>• Retain the existing crossover</li> <li>• Construct a concrete hardstand area (driveway) within the front setback to accommodate vehicles</li> <li>• Construct a front fence- 1200mm high</li> </ul>	Refusal – Applicant Appeal	
<b>Result</b>	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"> <li>• Retain the existing crossover</li> <li>• Construct a concrete hardstand area (driveway) within the front setback to accommodate vehicles</li> <li>• Construct a front fence- 1200mm high</li> </ul>	Refusal – Applicant Appeal	
<b>Result</b>	Hearing adjourned and rescheduled for 05/02/2016.				

<b>DECEMBER 2015</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
1/12/2015	D/452/2014	66 Mitchell Street, Northcote Rucker	Construction of two (2) double storey dwellings	s87A amendment application	Amendment allowed
<b>Result</b>	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
<b>Result</b>	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
<b>Result</b>	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.				

<b>DECEMBER 2015</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
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	
<b>Result</b>	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
<b>Result</b>	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
<b>Result</b>	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.				



<b>JANUARY 2016</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
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
<b>Result</b>	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
<b>Result</b>	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
<b>Result</b>	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 <sup>th</sup> and 5 <sup>th</sup> 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
<b>Result</b>	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 tees 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.				

<b>JANUARY 2016</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
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.
<b>Result</b>	<p>The matter did not settle as the Permit Applicant did not attend the Compulsory Conference.</p> <p>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.</p>				

<b>FEBRUARY 2016</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
1/02/2016	D/757/2014	18 Swift Street, Northcote Rucker	Construction of 2 dwellings	Conditions Appeal	Council's decision varied Permit Granted
<b>Result</b>	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 conditions 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
<b>Result</b>	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			
<b>Result</b>	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
<b>Result</b>	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	
<b>Result</b>	VCAT Decision Pending				
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
<b>Result</b>	The Permit Applicant withdrew their application for review.				
16/02/2016	D/1036/2013/A	19 Patterson Street, Preston	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
<b>Result</b>	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".				

FEBRUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
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
<b>Result</b>	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		
<b>Result</b>	VCAT Decision Pending				
22/02/2016	D/55/2015	55 David Street, Preston	A medium density housing development comprising the construction of four (4) double storey dwellings	Failure Appeal	Council's deemed refusal Affirmed.  No permit granted.
<b>Result</b>	The Tribunal found that the building massing facing the adjoining property to the east to be excessive, contributing to unacceptable amenity impacts (daylight to existing windows and overshadowing), and the location of car parking spaces was to not be convenient or secure for the development.				
29/02/2016	D/318/2015	Rear 19 and 17 Railway Place, Fairfield Rucker	Removal of easement		
<b>Result</b>	Hearing date set for 29 March 2016				

<b>MARCH 2016</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
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	
<b>Result</b>					



## Planning Committee Decisions before VCAT

SEPTEMBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
11/09/2015	D/1067/2014	9 Bedford Street, Reservoir La Trobe	A medium density housing development comprising the construction of four (4) double storey dwellings	Committee Refusal (contrary to officer recommendation)	Council's decision affirmed – No Permit Granted
<b>Result</b>	<p>There was no dispute between the parties that the site was suited to a more intensive form of housing. The key issues for the Tribunal was the extent of policy support for the proposal, and the proposal's response to neighbourhood character. In respect of policy support, notwithstanding the presence of the Residential Growth Zone on the north side of the street (i.e. opposite the site), the controls and policy which applied to the south side contain a tempered development expectation. This, combined with what the Tribunal considered was a poor design response through too much visual bulk led to the Tribunal affirming Council's refusal.</p>				

<b>OCTOBER 2015</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
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
<b>Result</b>	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
<b>Result</b>					
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 <sup>2</sup> ) and a reduction to the car parking requirement.	Committee Refusal (contrary to officer recommendation) - Council subsequently resolved to support the proposal	
<b>Result</b>	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)	
<b>Result</b>	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 <sup>2</sup> ) 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
<b>Result</b>	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
<b>Result</b>	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	
<b>Result</b>	Not resolved at Compulsory Conference. Referred to hearing on 21/03/2016 for 3 days.				

<b>DECEMBER 2015</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
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	
<b>Result</b>	Matter is to be heard on 2 May 2016.				

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



<b>FEBRUARY 2016</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
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
<b>Result</b>	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.
<b>Result</b>	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.				

<b>MARCH 2016</b>					
<b>Date of Hearing</b>	<b>App. No.</b>	<b>Property/Ward</b>	<b>Proposal</b>	<b>Council Decision/Nature of Appeal</b>	<b>VCAT Decision</b>
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	
<b>Result</b>	<b>Hearing is listed for 18 May 2016</b>				
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	
<b>Result</b>					
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	
<b>Result</b>	Hearing adjourned to 5/9/2016 for 3 days.				

Matters completed and to be heard to 31/03/2016

## SIGNIFICANT APPLICATIONS UPDATE

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

Address	Ward	Application No	Proposal Description	Date Received	Status
63-71 Plenty Road, Preston	Cazaly	D/474/2015	Mixed use development – two (2) shops & 135 dwellings	30-Jun-15	Advertising completed
36-46 High Street, Preston	Cazaly	D/465/2015	Mixed use development – two (2) commercial tenancies & 90 dwellings	30-Jun-15	Request for further information sent
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	Application being assessed
531 St Georges Road, Thornbury	Cazaly	D/485/2014	Residential development – 33 dwellings within a six (6) storey building.	17-Jun-14	VCAT Practice Note Sent
2 McCutcheon Street, Northcote	Rucker	D/814/2014	Residential development – 30 dwellings within a four (4) storey building.	8-Sep-14	To be reported to Planning Committee on 9 May 2016
208-216 High Street, Preston	Cazaly	D/865/2014	Mixed use development – 76 dwellings & four (4) shops	23-Sep-14	Further information requested
223 Gower Street, Preston	Cazaly	D/1110/2014	Construction of 20 dwellings – three (3) storey development.	9-Dec-14	Further information requested
305 Plenty Road, Preston	Cazaly	D/187/2015	Construction of 16 dwellings contained within a five (5) storey building.	27-Mar-15	To be reported to Planning Committee on 9 May 2016
30 Cramer Street, Preston	Cazaly	D/285/2015	Construction of 115 dwellings, two (2) shops and one (1) office – nine (9) storey building	1-May-15	Amendment received
70 Dundas Street, Thornbury	Rucker	D/542/2015	Construction of a three (3) storey building containing 10 dwellings	30-Jun-15	Further information received
167 Station Street, Fairfield	Rucker	D/748/2015	Construction of a three (3) storey building containing 20 dwellings	16-Sep-15	Advertising completed
1 Ralph Street, Reservoir	LaTrobe	D/804/2015	Mixed use development over 5 levels – 22 dwellings and one (1) commercial tenancy	6-Oct-15	Further information requested
501 Plenty Road, Preston	Cazaly	D/762/2015	Construction of a six (6) storey building containing 48 dwellings and four (4) commercial units	18-Sep-15	Report in process
283-291 Gilbert Road, Preston	Cazaly	D820/2015	Construction of a three (3) and four (4) storey mixed use building containing 23 dwellings	14-Oct-15	Notice of Refusal issued 1 <sup>st</sup> April 2016
55 Tyler Street Preston	Cazaly	D87/2016	Construction of a swimming pool associated with an existing school.	16-Feb-16	Initial assessment commenced



Address	Ward	Application No	Proposal Description	Date Received	Status
314 St Georges Road, Thornbury	Rucker	D939/2015	Mixed use development comprising ground floor shops and 77 dwellings above.	12-Nov-15	Request for further information sent
2A Austral Avenue, Preston	Cazaly	D/979/2015	Medium density development	27-Nov-15	Initial assessment commenced
108 Wood Street, Preston	Cazaly	D/971/2015	Mixed use development	25-Nov-15	Initial assessment commenced
200 Beavers Road, Northcote	Rucker	D/1048/2015	Proposed construction of 20 three storey townhouses, a four storey apartment building comprising 23 dwellings and a waiver of the visitor car parking requirement	18-Dec-15	Further information received
281 Spring Street, Reservoir	Latrobe	D/1026/2015	Seven (7) level building comprising four (4) commercial tenancies and 50 dwellings	10-Dec-15	Further information received
72A Station Street, Fairfield	Rucker	D/2/2016	Mixed use development comprising 20 dwellings, three (3) retail premises and reduction in car parking to zero	5-Jan-16	On advertising
40 Showers Street, Preston	Cazaly	D/30/2016	Construction of 39 dwellings and a reduction in the visitor car parking requirement	21-Jan-16	Report in process
658 High Street, Thornbury	Rucker	D/1039/2015	Mixed use development comprising ground floor commercial tenancies and 28 dwellings; a reduction in the car parking requirement	16-Dec-15	Further information requested
1 Matisi Street Thornbury	Rucker	D/1040/2015	Development and use of the land for 25 warehouses	16-Dec-15	Further information requested
16 Clarendon Street, Thornbury	Rucker	D/10/2016	Three (3) storey apartment building	11-Jan-16	Initial assessment commenced
1/23 Bell Street, Preston	Cazaly	D/1086/2015	Use and development part of the site for a restricted retail premises	23-Dec-15	Further information requested
830 Plenty Road, Reservoir	Cazaly	D/458/2015	Mixed use development comprising 326 dwellings and 962 square metres of office in 10 tenancies.	29-Jun-2015	Advertising completed

## 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.

<b>Address</b>	<b>Ward</b>	<b>Application No.</b>	<b>Proposal Description</b>	<b>No. of Objections</b>
2-6 McCutcheon Street, Northcote	Rucker	D/814/2014	Multi-storey, medium density – 29 dwellings	39
27 Hutton Street, Thornbury	Cazaly	D/749/2015	Medium density – three (3) dwellings	28
1-9/99 Helen Street, Northcote	Rucker	D/915/2001/C & Con/560/2015	Medium density – nine (9) dwellings & amend Section 173 Agreement	21
55 Barry Street, Reservoir	La Trobe	D/818/2015	Medium density – three (3) dwellings	15
10 Dennis Street, Reservoir	La Trobe	D/728/2015	Medium density – three (3) dwellings	15
15 Steane Street, Reservoir	Cazaly	D/632/2015	Medium density – three (3) dwellings	14
122 Tyler Street, Preston	Cazaly	D/1002/2015	Medium density – four (4) dwellings	14
154 High Street, Northcote	Rucker	D/41/2016	Mixed use, multi storey – 13 dwellings and 1 shop	14
59 Normanby Avenue, Thornbury	Rucker	D/431/2015	Medium density – four (4) dwellings	14
21 Crawley Street, Reservoir	Cazaly	D/566/2015	Medium density – four (4) dwellings	13
12-14 Sheffield Street, Preston	Cazaly	D/517/2015	Medium density – nine (9) dwellings	12
9 Smith Street, Thornbury	Rucker	D/1055/2014	Medium density – six (6) dwellings	6

**7. CLOSE OF MEETING**



