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## **AGENDA**

**Planning Committee meeting to be held  
at Darebin Civic Centre,  
350 High Street Preston  
on Tuesday, 29 March 2016  
at 7.00 pm.**

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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  
Julie Smout – 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 15 March 2016 be confirmed as a correct record of business transacted.

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT D/981/2013

121 Hutton Street, Thornbury Vic 3071

**AUTHOR:** Principal Planner– Chris Lelliott

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

#### OWNER/APPLICANT/CONSULTANT:

<b>Applicant</b>	<b>Owner</b>
Architectural Plans and Permits	Dong Lin

#### SUMMARY:

- This application is for a medium density development comprising the construction of three (3) double storey dwellings. Each dwelling would have three (3) bedrooms and access to two (2) car parking spaces. Vehicle access is provided via an existing crossover to the west of the site and a proposed crossover to the east of the site. Secluded private open space is provided at ground level for each dwelling with areas of between 41 square metres and 50 square metres.
- The site is zoned General Residential Zone Schedule 2.
- There is a restrictive covenant on title relating to quarrying and brick making. The proposed development will not breach the terms of the covenant.
- 32 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 initially given in June 2015 via one (1) sign posted on the site and letters sent to surrounding owners and occupiers.
- The application was readvertised in November 2015 via one (1) sign posted on the site and letters sent to surrounding owners and occupiers. The readvertising was the result of an error on the plans and that the layout of the land of 140 Harold Street changing with the demolition of the dwelling and clearing of the site in preparation for the construction of a new dwelling.
- This application was referred internally to the Capital Works Unit, Transport Management and Planning Unit and Darebin Parks.
- This application was not required to be referred to external authorities.

<b>Recommendation</b>
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**THAT** Planning Permit Application D/981/2013 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 TP 2 of 9, First Floor Plan TP 3 of 9 and Elevations TP 4 of 9, dated 17 November 2015 and prepared by Architectural Plans and Permits) but modified to show:
  - a) The garage for Unit 1 setback 0.5 metres from the front facade of the dwelling.
  - b) First floor ensuite to Unit 1 setback and additional 1 metre from the front façade. This shall be achieved by reducing the footprint of the dwelling and not by reducing any other boundary setback.
  - c) The dimension of the secluded private open space to the southern side of the kitchen, meals and powder room of Unit 1 increased from 2.6 metres to 3.0 metres. This shall be achieved by reducing the footprint of the dwelling and not by reducing any other boundary setbacks.
  - d) The dimension of the secluded private open space to the western side of the living and meals areas of Units 2 and 3 increased from 3.0 metres to a minimum of 4.0 metres. This shall be achieved by reducing the footprint of the dwellings and not by reducing and other boundary setback.
  - e) The setback of the first floors of Units 2 and 3 increased to a minimum of 4 metres from the west boundary. This shall be achieved by reducing the footprint of the dwellings and not by reducing any other boundary setback.
  - f) The living room of Unit 3 setback a minimum of 3.0 metres from the rear (south) boundary at ground. This shall be achieved by reducing the footprint of the dwellings and not by reducing any other boundary setback.
  - g) The first floor stairwell of unit 3 shall be setback a minimum of 2.5 metres from the rear (south) boundary.
  - h) Removal of the garage structure for Unit 3 from over the easement along the southern (rear) boundary. A light weight structure with removable roof may be provided over the easement.
  - i) A notation detailing that the north-facing windows of bedrooms 1 and 3 to Unit 2 have a sill height of 1.7 metres above the finished floor level.
  - j) A notation detailing that the north-facing window of bedroom 1 of Unit 3 has a sill height of 1.7 metres above the finished floor level.
  - k) The east, west and south-facing upper storey windows and the north facing upper storey window to bedroom 1 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. This must be clearly noted on the plans.

- l) A landscape plan in accordance with Condition No. 4 of this Permit.
- m) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern side of the existing crossover and western side of the proposed crossover to Hutton Street. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
- n) Any changes as required by the Arborist report, including but not limited to the location and extent of any tree protection zones and associated fencing in accordance with Condition No. 5 of this Permit.

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

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

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- e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - g) Hard paved surfaces at all entry points to dwellings.
  - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
  - i) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.

5. Before buildings and works (including demolition) start, an Arborist's Report prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The report must identify any impacts to trees on the subject site and adjoining lots as a result of the proposed development and make recommendations to protect any affected trees on the subject site (where appropriate) and to protect trees on adjoining lots.

The tree protection fences must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

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

During construction (except for the purpose of constructing the driveway), no vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zones.

If vehicle access is required within the tree protection zones, an 18mm layer form ply board that can withstand construction traffic must be erected within the tree protection zone, to minimise any damage to the root system of trees.

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

The ground surface of the tree protection zones 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.

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

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

7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 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.

<b>Report</b>
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## 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 39.47 metres in length and 18.28 metres in width with a site area of 722 square metres.
- The land is located within the General Residential Zone Schedule 2 and affected by a Development Contribution Plan Overlay (DCPO). The provisions for payment of the DCPO are currently expired.

- 
- The land is located on the southern side of Hutton Street approximately 110 metres from Hobson Street.
  - The site is occupied by a single storey weatherboard dwelling with secluded private open space and outbuildings to the rear. Vehicle access is gained via a crossover at the western edge of the site. There are trees and shrubs throughout the site. A 1.52 metre wide easement extends the width of the rear (southern) boundary.
  - To the east is a single storey weatherboard dwelling with secluded private open space and outbuilding to the rear. The dwelling is setback 1.8 metres from the common boundary. The dwelling has a front setback of 6.3 metres.
  - To the west is a single storey brick dwelling with secluded private open space and outbuilding to the rear. The dwelling is setback 2.8 metres from the common boundary and a shed in the rear yard is setback approximately 0.2 metres from the boundary. The dwelling has a front setback of 8.2 metres.
  - To the south are single storey dwellings fronting Harold Street. The dwellings are setback in excess of 14 metres from the common boundary. A shed in the rear yard of 138 Harold Street is setback approximately 1.2 metres from the boundary. The land at 140 Harold Street has been cleared in preparation for the construction of a new single dwelling.
  - To the north across Hutton Street are single and double storey detached dwellings, and a medium density development comprising two (2) double storey, attached dwellings.
  - Unrestricted on-street parking is available in front of the subject site and between Hobson Street to the east and Taylor Street to the west.
  - The site is located within an extensive residential area bordered by the Merri Creek to the west, St Georges Road to the east, Miller Street to the north and Normanby Avenue to the south. The South Preston Activity Area is located approximately 1.3 kilometres to the east of the subject site; Preston Central Activity Area is located approximately 2.0 kilometres to the north-east and Northcote Activity Area approximately 2.3 kilometres to the south-east. There are several parks in proximity of the site including Turner Reserve located approximately 240 metres to the south of the subject site, Meyer Park and the Northcote Public Golf Course approximately 550 metres to the south-west and Sir Douglas Nicholls Reserve approximately 650 metres to the north-east.
  - The nearest public transport services to the site:
    - Thornbury Railway Station is approximately 800 metres to the east.
    - Tram route 11 (West Preston - Victoria Harbour Docklands) runs along St Georges Road approximately 350 metres to the east.
    - Bus route 510 (Essendon - Ivanhoe) runs along Normanby Avenue with a stop approximately 650 metres to the south.

### **Proposal**

- The existing buildings on the site are to be demolished.
- It is proposed to construct three (3) double storey dwellings each with three (3) bedrooms and access to two car spaces on site.
- Dwelling 1 would have a single space garage with tandem car space and Dwellings 2 and 3 would each have a double garage.
- Vehicle access would be gained via an existing crossover at the western edge of the site and a proposed crossover at the eastern edge of the site.



- The maximum height of the dwellings is to be 7.45 metres.
- The proposed private open space is provided at ground level as follows:
- Unit 1 – 110.6 square metres including 50.3 square metres of secluded private open space;
- Unit 2 – 41.3 square metres of secluded private open space;
- Unit 3 – 41.4 square metres including 25 square metres of secluded private open space.

**Objections**

- Thirty-two (32) objections have been received.

**Objections summarised**

- Overdevelopment of the site;
- Out of character with the neighbourhood;
- Poor quality design;
- Insufficient setbacks for landscaping;
- Entrances not visible from the street;
- Inappropriate building materials;
- Visual bulk;
- Lack of privacy/overlooking;
- Overshadowing;
- Garage of unit blocks views of neighbouring gardens;
- Building over easement;
- Impact on local birds;
- Contravenes neighbourhood character guidelines;
- Contravenes guidelines and objectives of Darebin Housing Strategy;
- Contravenes Clause 55.02-1 (neighbourhood Character Objectives) of the Darebin Planning Scheme;
- Contravenes Clause 55.03-1 (Street Setback Objective) of the Darebin Planning Scheme;
- Contravenes guidelines on preservation of green corridor;
- Upper storey not adequately setback from front facade;
- Does not meet housing demand;
- Traffic and parking congestion;
- Does not add net value to community;
- Negative social effect on the community;
- Development will not provide affordable accommodation;
- Set undesirable precedent;
- Backyard character interrupted;

- Too many units in the area.

**Officer comment on summarised objections**Overdevelopment of the site

Appropriate medium density development is encouraged by both State and Local Planning Policy. The proposed application satisfies the objectives of Clause 55 and is not considered an overdevelopment of the site.

Out of character with the neighbourhood

As detailed below in the neighbourhood character assessment, the proposal appropriately responds to the existing and preferred neighbourhood character.

Poor quality design

It is a generally accepted principle that new development need not replicate surrounding housing stock in order to be responsive to neighbourhood character. It is considered that the proposal displays an appropriate design response subject to amendments to setbacks and increased opportunities for landscaping.

Insufficient setbacks for landscaping

The side and rear setbacks particularly for Units 2 and 3 are insufficient to provide meaningful landscaping for the development. A condition of approval will require setbacks to be increased to improve potential for substantial landscaping including canopy trees. This will be discussed in more detail later in the report.

Entrances not visible from the street

The Rescode requirement regarding dwelling entries seeks to ensure that entries are visible either from the street or from the common areas within the site. It is considered that the entrances to the proposed dwellings are acceptably identifiable.

Inappropriate building materials

The proposed materials - brick, weatherboard cladding, render and Colorbond roofing are all found throughout the streetscape. The use of stacked stone in the piers of the porch and facade of the dwelling are a minor contemporary element that is considered to be acceptable in this neighbourhood setting and would not detract from the streetscape.

Visual bulk

The development provides a reasonable level of articulation to most facades through a recessive first floor and significant breaks in the first floor built form. This is complemented by the use of a variety of materials. The setbacks of the double storey dwellings from side boundaries are in excess of the Rescode standards ranging from 3.1 metres to 6.6 metres. The rear setback of Unit 3, whilst complying with the standard is considered insufficient to comply with the objective.

A condition of approval will require the setback be a minimum of 3.0 metres and additional fenestration be provided to improve articulation. Subject to conditions, it is considered that the development has been designed to minimise visual bulk to rear yards of neighbouring properties and the street.

Lack of privacy/overlooking

The floor plans and elevations are inconsistent with regard to treatments to upper level habitable room windows. The use of operable louvres is not an acceptable screening treatment to limit overlooking into neighbouring properties. A condition of approval will require the upper floor habitable room windows be designed or screened in accordance with Rescode requirements.

Overshadowing

The overshadowing resulting from the proposed development is within the reasonable standards as required under Clause 55 of the Darebin Planning Scheme.

It is noted that the land at 140 Harold Street has been cleared in preparation for the construction of a new dwelling. This construction does not appear to have commenced and as such cannot be fully considered at the time of preparing this report.

Proposed conditions requiring the development to be additionally setback from boundaries would further reduce overshadowing impacts.

Garage of unit blocks views of neighbouring gardens

It is not considered that the garages would unreasonably impact any views.

Building over easement

A brick structure will not be permitted to be constructed over the easement. A condition of approval will require that the rear section of the garage over the easement to be removed. The garage over the easement must have a removable roof.

Impact on local birds

The proposed development will result in the loss of trees and shrubs from the site but with conditional increased setbacks the proposed landscaping will allow the introduction of numerous additional trees and shrubs. It is unlikely that the proposal would unreasonably impact on fauna in the area.

Contravenes neighbourhood character guidelines

The proposed development's compliance with the Neighbourhood Character Guidelines will be discussed later in the report.

Contravenes guidelines and objectives of Darebin Housing Strategy

The subject site is located in an area of Incremental Change as identified in the *Darebin Housing Strategy 2013-2033*. The primary future housing objective for areas of incremental change are "to provide for moderate housing growth and diversification over time" where "infill development of 2-3 storey town houses and villas" would be envisaged. The proposed development will provide two (2) additional dwellings on site and is considered to be consistent with the objectives of Council's Housing Strategy.

Contravenes Clause 55.02-1 (neighbourhood Character Objectives) of the Darebin Planning Scheme

This is considered acceptable discussed under the Neighbourhood Character Assessment later in the report.

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Contravenes Clause 55.03-1 (Street Setback Objective) of the Darebin Planning Scheme

This is considered acceptable and discussed under the Clause 55 Assessment later in the report.

Contravenes guidelines on preservation of green corridor

The conditional setbacks as discussed previously will allow for better opportunities for landscaping including canopy trees ensuring the proposal makes an appropriate contribution to the landscape character of the area.

An Arborist's Report is required as a condition of approval to assess the trees on the subject site and adjoining site to ensure appropriate tree protection where necessary.

Upper storey not adequately setback from front façade

The upper storey of Unit 1 is setback between 0.5 metres and 3.0 metres from the front facade of the dwelling. A condition will require that the first floor ensuite to the street is setback in line with bedroom 1 of Unit 1. Subject to this condition the development is considered satisfactory given the dwelling's level of articulation.

Does not meet housing demand

The proposed development will contribute to meeting housing demand in the City of Darebin.

Traffic and parking congestion

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.

Car parking has been provided on site in accordance with the provisions of Clause 52.06 of the Darebin Planning Scheme.

Does not add net value to community

The proposal does add net value to the community through the provision of additional housing and housing diversity within the neighbourhood.

Negative social effect on the community

There is no evidence to support the suggestion that the proposed development would result in any unreasonable negative social effect.

Development will not provide affordable accommodation

The Darebin Planning Scheme does not mandate that all residential development must be affordable housing in monetary terms. The notion of affordable housing also includes the provision of additional/diverse housing opportunities in locations that are well served by existing infrastructure, the functions and services of nearby activity centres and available public transport.

Set undesirable precedent

All planning applications are considered on their merits. Given the below assessment it is not considered that the development would set an unacceptable precedent for development.

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Backyard character interrupted

The design is considered to respond to neighbouring rear yards by way of appropriate setbacks, built form and amenity considerations. It is considered that with the proposed conditions that the proposed development will respond acceptably to the backyard character.

Too many units in the area

The consideration of a medium density development is based on its compliance with a set of criteria outlined in the Darebin Planning Scheme. The Victorian State Government has a clear policy on urban consolidation which is heavily dependent on medium density housing development, of which this is an example.

**PLANNING ASSESSMENT****Neighbourhood Character Precinct Guideline Assessment - Precinct D2**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.

Whilst the Hutton Street streetscape predominantly consists of single storey interwar and post-war dwellings there is a contemporary infill development diagonally opposite the subject site. The removal of the dwelling would not compromise the streetscape.

**Complies**Vegetation

The proposal will result in the loss of vegetation from the site but none of any significance.

The proposed development currently provides limited opportunities for landscaping. The subject site is located in an area where medium - large backyards are prominent with large shrubs and canopy trees planted throughout. Conditions of the approval will require an increase in side and rear setbacks that will allow for meaningful and sufficient areas of substantial planting.

An Arborist's report and assessment will be required to assess trees on the subject site and retain if significant and where possible and also appropriately protect trees on adjoining sites.

**Complies subject to condition**Siting

The proposal provides for a front garden that is sufficient for planting of vegetation to enable the continuation of the garden setting in this area. As discussed previously, increased setbacks will be required to improve landscaping opportunities to the rear and side of the dwellings more in keeping with the landscape character of the area.

The proposed dwellings are setback from the side boundaries in keeping with the detached character of the neighbourhood. The garage to Unit 3 is constructed to the rear of the site where it is not uncommon for outbuildings to be constructed close to or on site boundaries. This garage will not impact on the streetscape.

The garage for Unit 2 is also located to the rear of the front dwelling and not visible from the streetscape. The garage for Unit 1 is proposed to be in line with the front facade of the dwelling. This is not a desirable outcome as the garage is a dominant feature of the facade. A condition of the approval will require the garage be setback 1.0 metre from the front facade to reduce its influence on the streetscape. A condition would also require the first floor ensuite to Unit 1 to be additionally setback.

### **Complies subject to condition**

#### Height and building form

The predominant height of dwellings in the street is single storey with high pitched roofs. The proposal is of a similar overall height to that of nearby dwellings on the same side of the street. Relative to neighbouring dwellings that are lower than the proposal the design 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. 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 low pitched roof. The materials - brick, weatherboard cladding, render and Colorbond roofing complement the contemporary design of the development as well as dwellings on surrounding properties. The use of stacked stone in the piers of the porch and facade of the dwelling are a minor contemporary element that is considered to be acceptable in this neighbourhood setting and will not detract from the streetscape.

### **Complies**

#### Front boundary treatment

A 1.0 metre high fence constructed with rendered brick piers with steel vertical railing infill is proposed that will maintain openness to the street.

### **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 6.3 metres and 8.4 metres. The standard therefore requires a setback of 7.35 metres.

The proposed front setback of 6.3 metres does not comply with the standard, however the design response is considered to be acceptable due to the following:

- The setback of the existing house on the subject site is 5.4 metres.
- The porch of the neighbouring dwelling to the west (No. 123 Hutton Street) is a substantial gable ended structure which is setback 6.3 metres from the front boundary.
- The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping.
- 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 existing streetscape is not consistent and provides for varied setbacks.

**Complies with objective**

Clause 55.03-8 B13 Landscaping

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

It is considered that the open spaces and setbacks are not generally large enough to provide for sufficient landscaping. A condition of the approval will require increases in side setbacks for Units 2 and 3 and for the rear setback of Unit 3. This will allow for substantial landscaping including canopy trees.

A detailed landscape plan will be required as a condition of any approval.

**Complies subject to condition**

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

<b>Boundary</b>	<b>Wall height</b>	<b>Required Setback</b>	<b>Proposed setback</b>
Western – Unit 1	3.0 metres	1.0 metre	1.0 metre
Western – Unit 2	3.1 metres	1.0 metre	3.0 metres
Western – Unit 3	3.2 metres	1.0 metre	3.0 metres
Eastern - Unit 1	3.4 metres	1.0 metre	4.0 metres
Southern - Unit 3	3.1 metres	1.0 metre	1.7 metres

First Floor

<b>Boundary</b>	<b>Wall height</b>	<b>Required Setback</b>	<b>Proposed setback</b>
Western – Unit 1	5.7 metres	1.63 metres	4.13 metres
Western – Unit 2	6.1 metres	1.75 metres	3.15 metres
Western – Unit 3	5.7 metres	1.63 metres	3.15 metres
Eastern - Unit 1	5.7 metres	1.63 metres	1.90 metres
Eastern - Unit 2	5.7 metres	1.63 metres	4.75 metres

Boundary	Wall height	Required Setback	Proposed setback
Eastern - Unit 3	6.2 metres	1.78 metres	6.65 metres
Southern - Unit 3	6.3 metres	1.81 metres	3.50 metres

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. The setbacks of Units 2 and 3 will be increased through condition to 4.0 metres to improve space between dwellings and provide for additional landscaping, characteristic of the neighbourhood.

The rear setback of Unit 3 is considered to be insufficient as it will present visual bulk to the rear yards of neighbouring properties and minimise the potential for meaningful landscaping. The setback is contrary to neighbourhood character which provides for open back yards, many with canopy trees. An increased setback of 3.0 metres is considered appropriate as it will allow for improved landscaping opportunities and reduce visual bulk to neighbouring properties.

**Complies subject to condition**

Clause 55.04-6 B22 Overlooking

The ground level of the proposed dwellings have finished floor levels less than 0.8 metres above natural ground level at the boundary. Proposed 1.8 metre high fences on the eastern, western and southern boundaries will sufficiently limit overlooking.

The first floor plans show operable louvres on habitable room windows which appear to be intended for screening. This is considered insufficient as the elevations show only some of these windows have obscured glazing in accordance with the standard. A condition of approval will require that all upper storey habitable room windows be designed and/or screened in accordance with the standard.

**Complies subject to condition**

Clause 55.05-2 B26 Dwelling Entry

The entries are visible and easily identifiable from the common areas within the site. It is considered that the entrances to the proposed dwellings are clearly identifiable. A sense of address and shelter is also provided.

**Complies**

Clause 55.05-4 B28 Private Open Space

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

This is achieved through the provision of 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.

	Total POS	Secluded POS	Minimum dimension of secluded POS
Unit 1	110.6 square metres	25.9 square metres	4.7 metres



	Total POS	Secluded POS	Minimum dimension of secluded POS
Unit 2	41.3 square metres	41.3 square metres	3.0 metres
Unit 3	41.4 square metres	25.0 square metres	3.0 metres

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

It is however considered that given the size of the dwellings (all three (3) bedrooms) and to improve amenity and landscaping opportunities all of the secluded private open spaces are to be increased in size via condition.

The following conditions are proposed:

- The dimension of the private open space to the southern side of the kitchen, meals and powder room of Unit 1 increased from 2.6 metres to 3.0 metres. This shall be achieved by reducing the footprint of the dwelling and not by reducing and other boundary setback.
- The dimension of the secluded private open space to the western side of Units 2, 3 and 4 increased from 3.0 metres to a minimum of 4.0 metres. This shall be achieved by reducing the footprint of the dwellings and not by reducing and other boundary setback.

**Complies subject to condition**

Standard B29: Solar Access to Open Space

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

	Wall Height to North	Required Depth	Proposed Depth
Unit 1	3.0 metres/5.7 metres	4.7 metres/5.1 metres	4.7 metres/2.8 metres
Unit 2	N/A as no wall to north		
Unit 3	N/A as no wall to north		

The secluded private open space for Unit 1 does not satisfy the standard. A section of the first floor will overhang the secluded private open space reducing solar access to the area under it and to the south during the morning. Whilst the area in compliance does not equate to 25 square metres (23.6 square metres) it is considered that the secluded private open space will receive adequate sunlight. Conditions also seek to improve the amount of secluded private open space for the unit.

Given the orientation of the site and the dimension of the open space it is considered that the solar access to the secluded private open space for Unit 1 is acceptable.

**Complies with objective**

Clause 55.06-1 B31 Design Detail

The detailed design aspects of the development are a contemporary response to the streetscape character and provide an innovative response for the context. The proposed siting and massing of the development is consistent with the existing and preferred neighbourhood character.

**Complies**

**Clause 52.06 Car Parking**

Number of Parking Spaces Required

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

Whilst a tandem space is not shown on the plans for Unit 1 there is sufficient space for a vehicle to be parked in tandem to the garage in accordance with this clause.

No visitor car parking is required to be provided.

Design Standards for Car parking

The car parking spaces, the garaging and the accessway have appropriate dimension to enable efficient use and management.

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

The double garages' dimensions of 6.0 metres length x 5.5 metres width comply with the minimum requirements of the standard.

Single garage dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard.

Access dimensions to the car spaces comply with the standard.

**CLAUSE 55 COMPLIANCE SUMMARY**

Clause	Std		Compliance	
			Std	Obj
<b>55.02-1</b>	<b>B1</b>	<b>Neighbourhood character</b>		
		Please see assessment in the body of this report. Complies subject to condition.	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 appropriately integrates with the Street. Dwellings 2-3 appropriate integrate with the common accessway.	Y	Y

Clause	Std		Compliance	
<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>		
		7.45 metres	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		42%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		42%	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>		
		Please see assessment in the body of this report. Complies subject to condition.	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 accessway.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		See assessment in the body of this report.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		Length:Eastern-6.34metres; Southern-5.85metres Height: 3.0 metre average. 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

Clause	Std		Compliance	
<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>		
		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 transitional space.	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>		
		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>		
		See assessment in the body of this report.	N	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>		
		Please see assessment in the body of this report.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		A 1.0 metre high front fence is proposed which is appropriate in the neighbourhood context.	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, subject to condition included in recommendation
Transport Management and Planning	No objection.
Darebin Parks	Arborist's Report Required to assess impacts on trees.

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

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

**Applicable provisions of the Darebin Planning Scheme**

Section of Scheme	Relevant Clauses
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	D2

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

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

**Social Inclusion and Diversity**

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

**Other**

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

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **FUTURE ACTIONS**

Nil

## **DISCLOSURE OF INTERESTS**

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

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

## **RELATED DOCUMENTS**

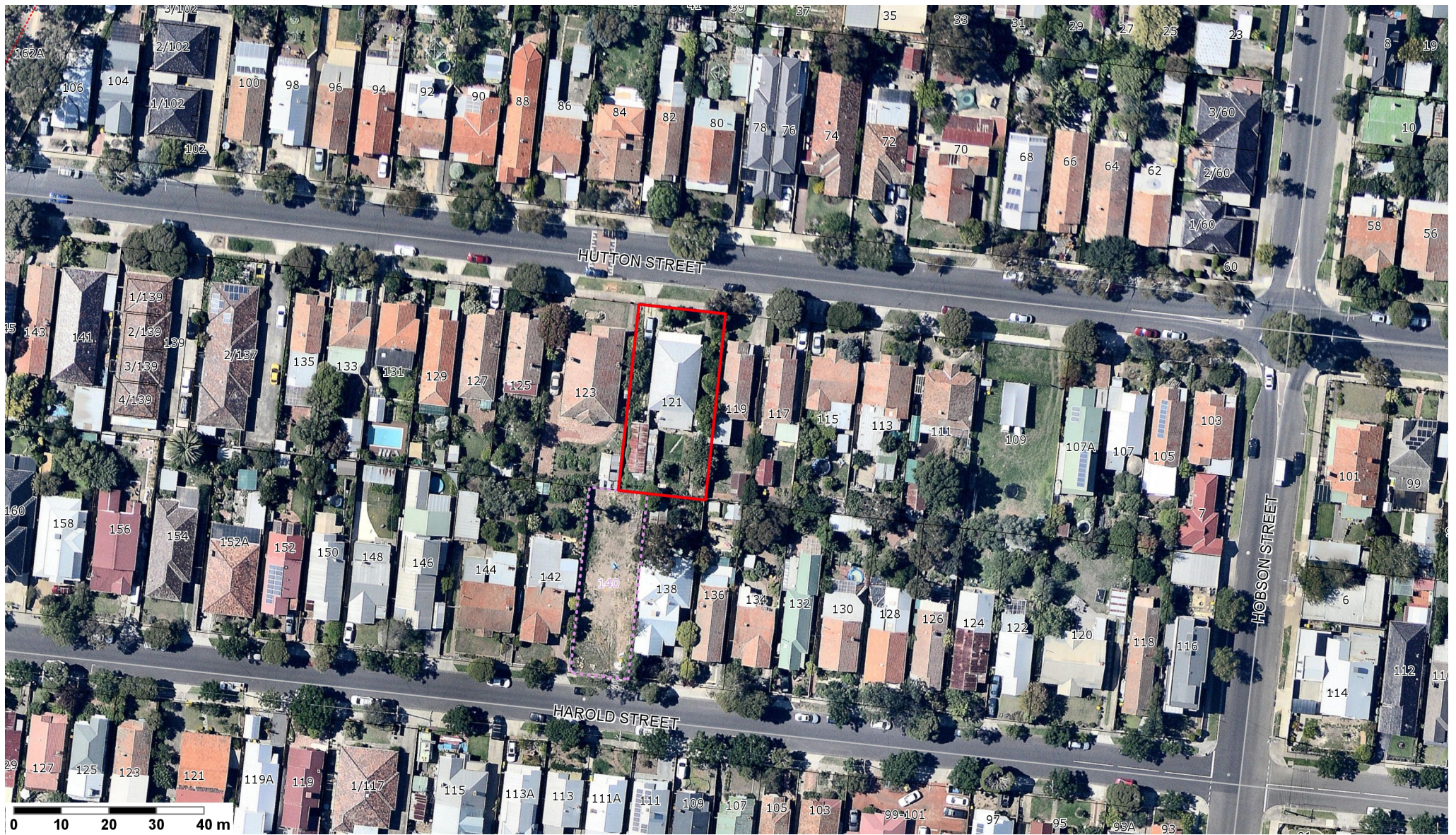
Darebin Planning Scheme and the *Planning and Environment Act (1987)* as amended.



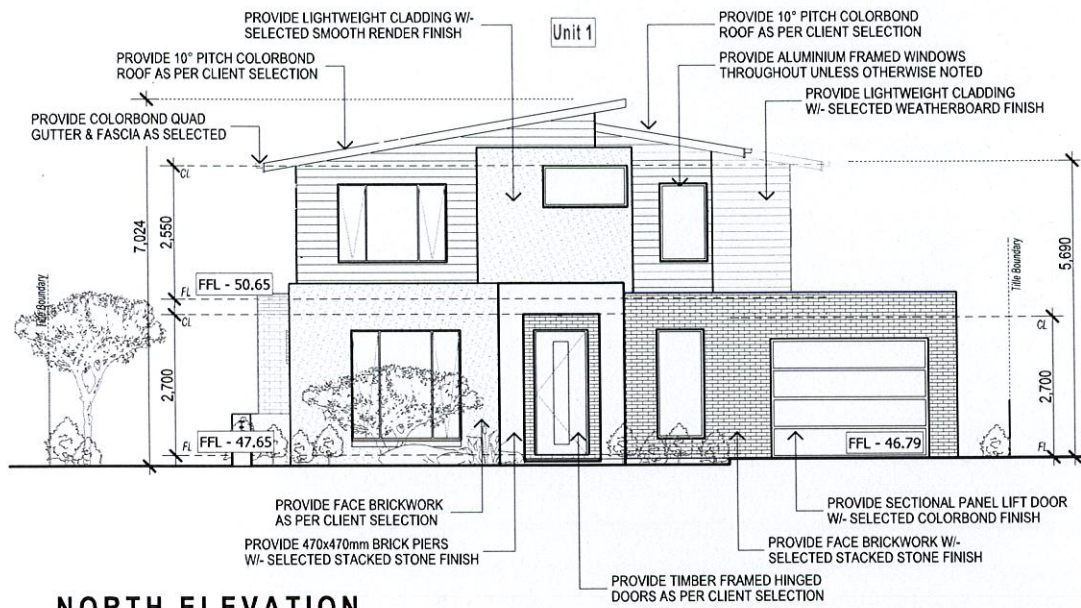
# 121 Hutton Street Aerial Photo

Darebin City Council

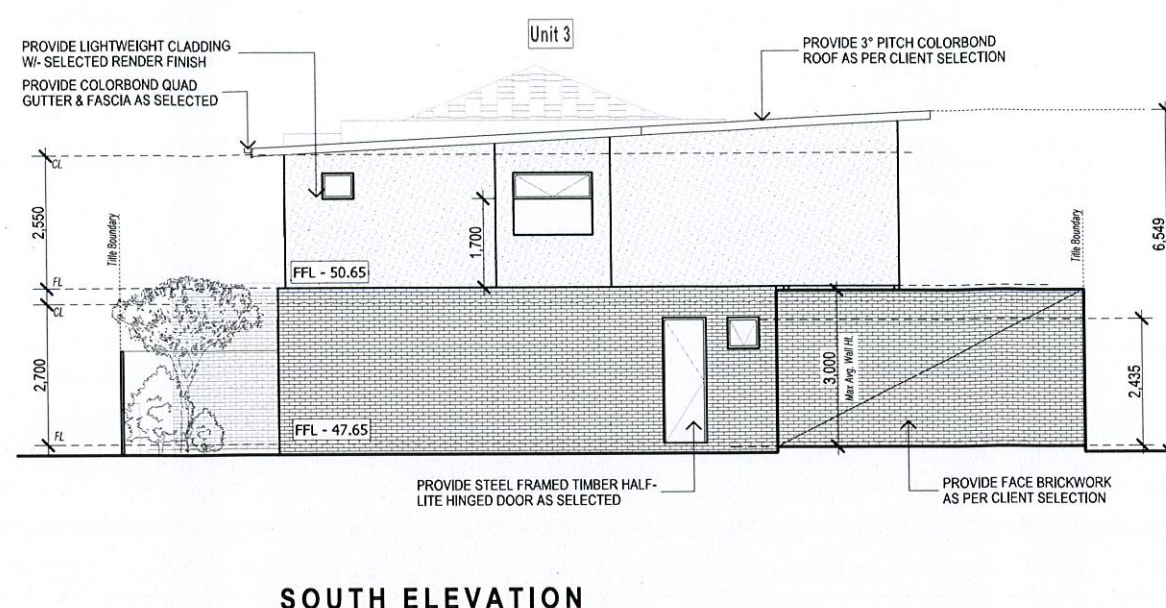
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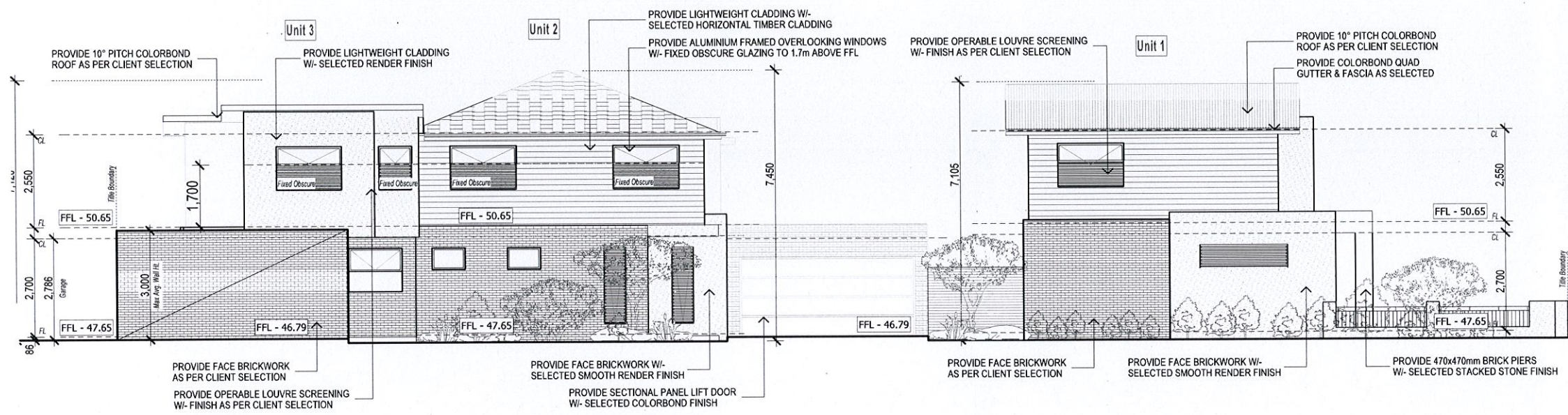




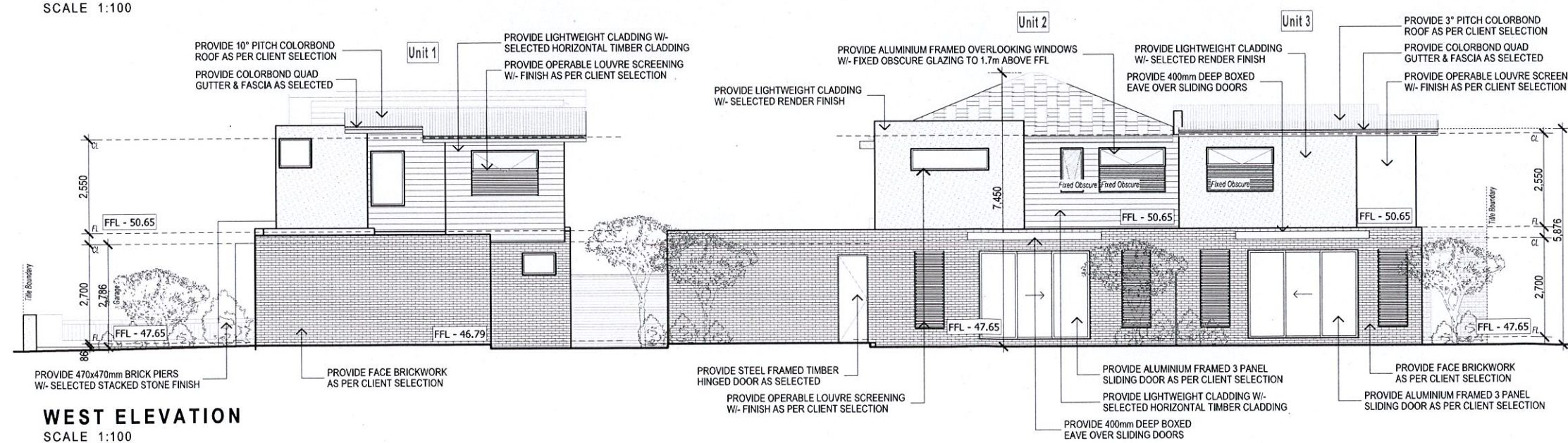
**NORTH ELEVATION**  
SCALE 1:100



**SOUTH ELEVATION**  
SCALE 1:100



**EAST ELEVATION**  
SCALE 1:100



**WEST ELEVATION**  
SCALE 1:100

Project **PROPOSED MULTI UNIT**  
Property Address **121 HUTTON STREET THORNBURY**  
Client **CECILIA LIN**

LEGEND	
—	TIMBER STUD FRAMING
▤▤▤▤	BRICKWORK
▤▤▤▤▤▤	BRICK-VENEER WALL
▤▤▤▤▤▤▤▤	BRICK-CAVITY WALL
▤▤▤▤▤▤▤▤▤▤	100mm FOAM ON STUD
▤▤▤▤▤▤▤▤▤▤▤▤	EXISTING STRUCTURE
○	DOWN PIPE
○	DOWN PIPE WITH SPREADER
○	EXISTING DOWN PIPE
○	FLOOR WASTE
○	EXHAUST FAN TO EXTERNAL
○	SMOKE ALARM
AJ	ARTICULATION JOINTS
TILE	SELECTED TILE FLOORING
FB	SELECTED TIMBER FLOORING
CP	SELECTED CARPET
TD	SELECTED TIMBER DECKING
PC	POLISHED CONCRETE
CR	SELECTED COLORBOND ROOFING
KP-L	SELECTED KLIP-LOK ROOFING
BG.2	TYPICAL PARAPET GUTTER ADJUST TO SUIT ONSITE
BG.3	100x300 BOX GUTTER ADJUST TO SUIT ONSITE
←	FALL DIRECTION

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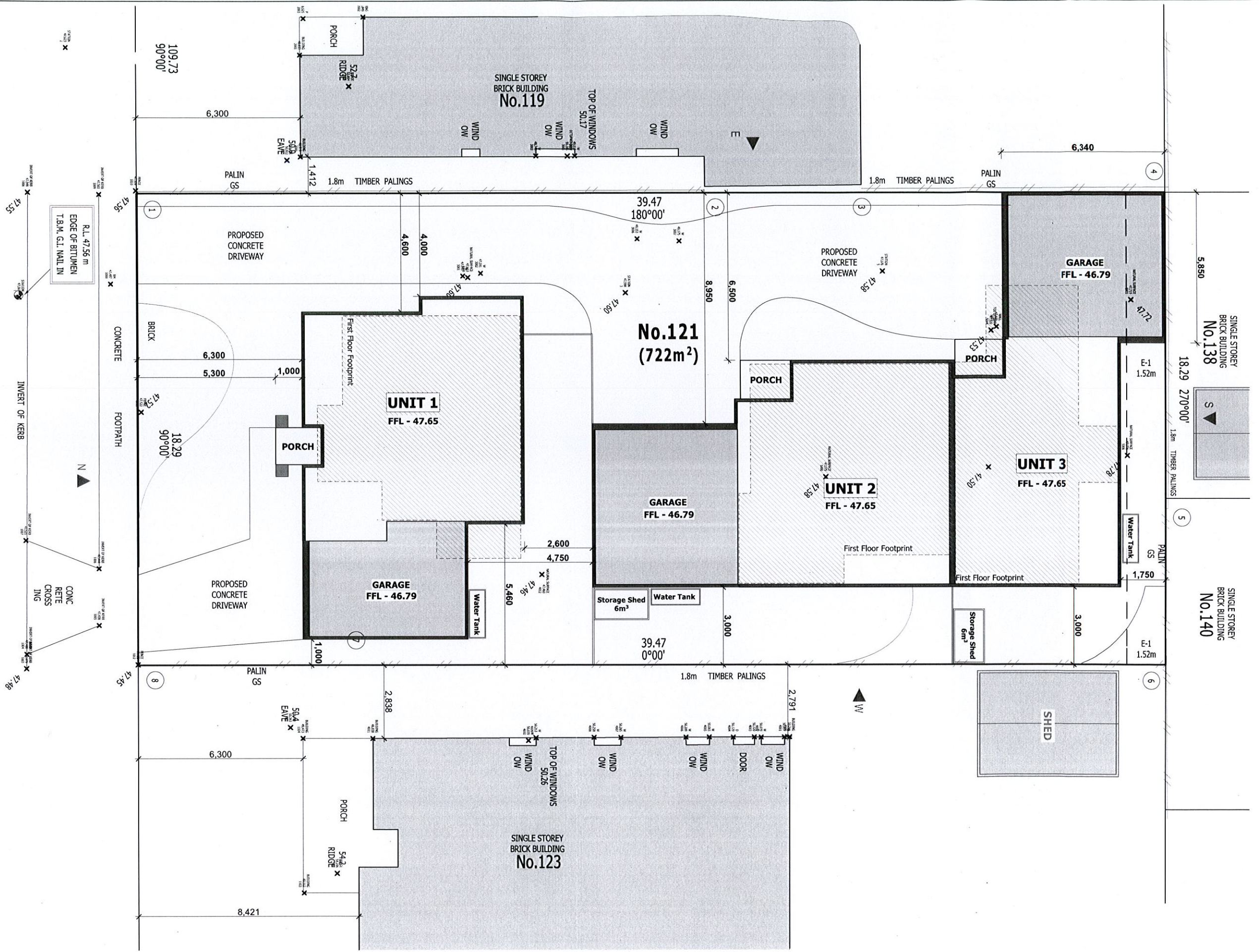
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Drawn:	S.S & B.H	Checked:	P.R		
					TP
					4 of 9



# HUTTON STREET




**SITE PLAN**  
SCALE 1:100

Project **PROPOSED MULTI UNIT**  
Property Address **121 HUTTON STREET THORNBURY**  
Client **CECILIA LIN**

LEGEND	
<ul style="list-style-type: none"> <li>▬ TIMBER STUD FRAMING</li> <li>▬ BRICKWORK</li> <li>▬ BRICK-VENEER WALL</li> <li>▬ BRICK-CAVITY WALL</li> <li>▬ 100mm FOAM ON STUD</li> <li>▬ EXISTING STRUCTURE</li> </ul>	<ul style="list-style-type: none"> <li>● DOWN PIPE</li> <li>● DOWN PIPE WITH SPREADER</li> <li>● EXISTING DOWN PIPE</li> <li>● FLOOR WASTE</li> <li>● EXHAUST FAN TO EXTERNAL AIR TERN</li> <li>● SMOKE ALARM</li> </ul>
<ul style="list-style-type: none"> <li>AJ ARTICULATION JOINTS</li> <li>TILE SELECTED TILE FLOORING</li> <li>FR SELECTED TIMBER FLOORING</li> <li>CP SELECTED CARPET</li> <li>TD SELECTED TIMBER DECKING</li> <li>PC POLISHED CONCRETE</li> <li>CR SELECTED COLORBOND ROOFING</li> </ul>	<ul style="list-style-type: none"> <li>KP-L SELECTED KILP-LOK ROOFING</li> <li>B6.2 TYPICAL PARALLEL GUTTER ADJUST TO SUIT ONSITE</li> <li>B6.3 100x300 BOX GUTTER ADJUST TO SUIT ONSITE</li> <li>← FALL DIRECTION</li> </ul>

  
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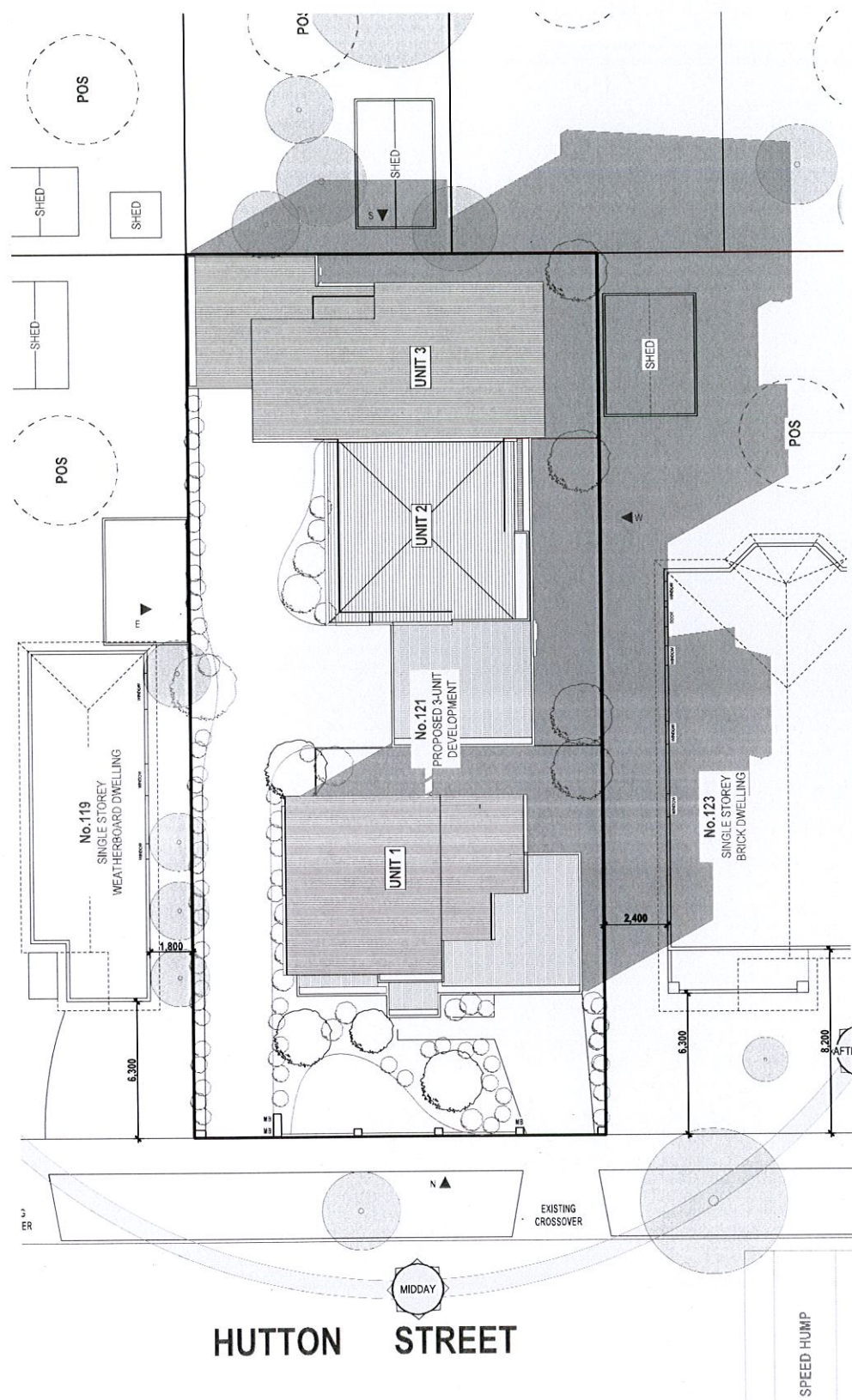
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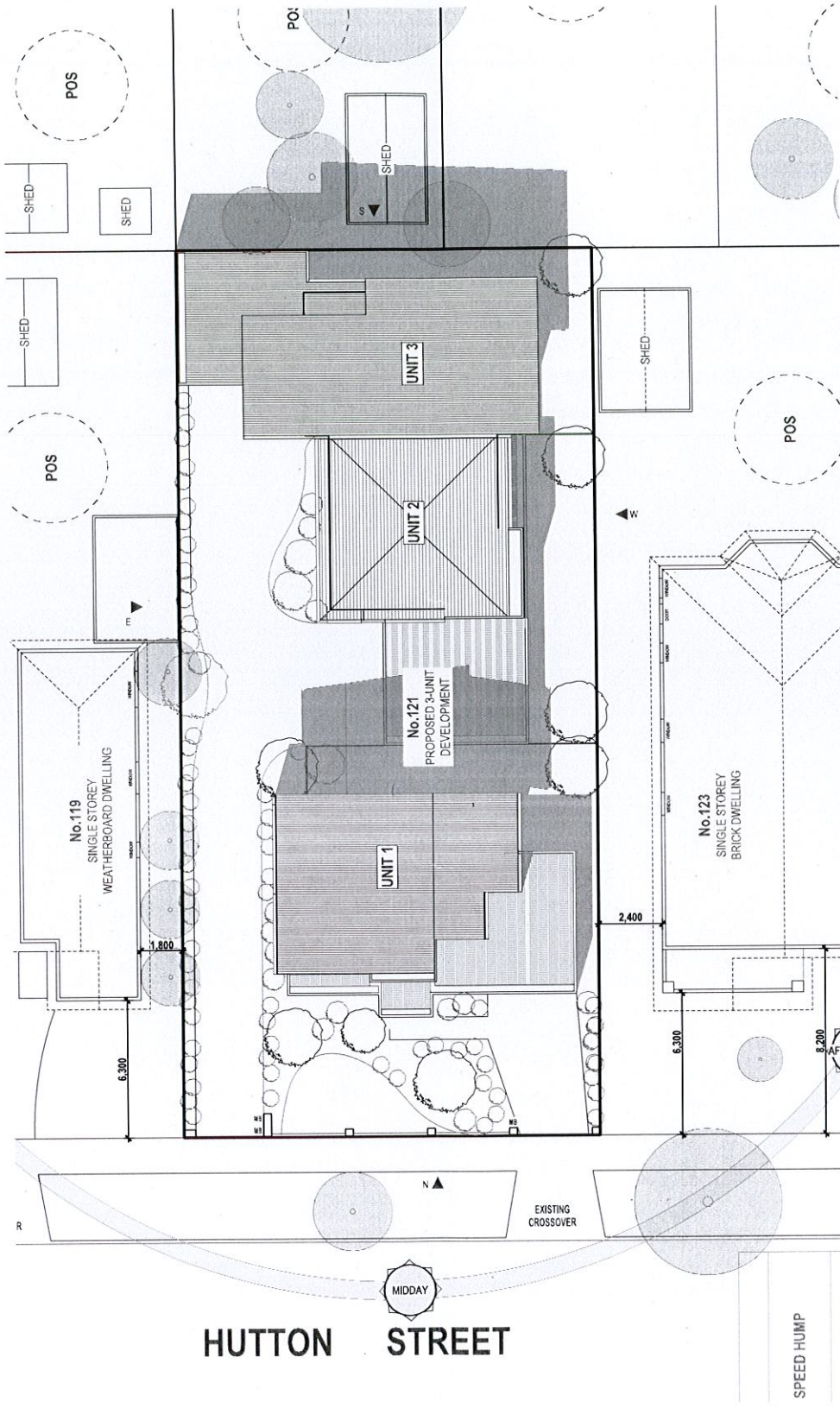




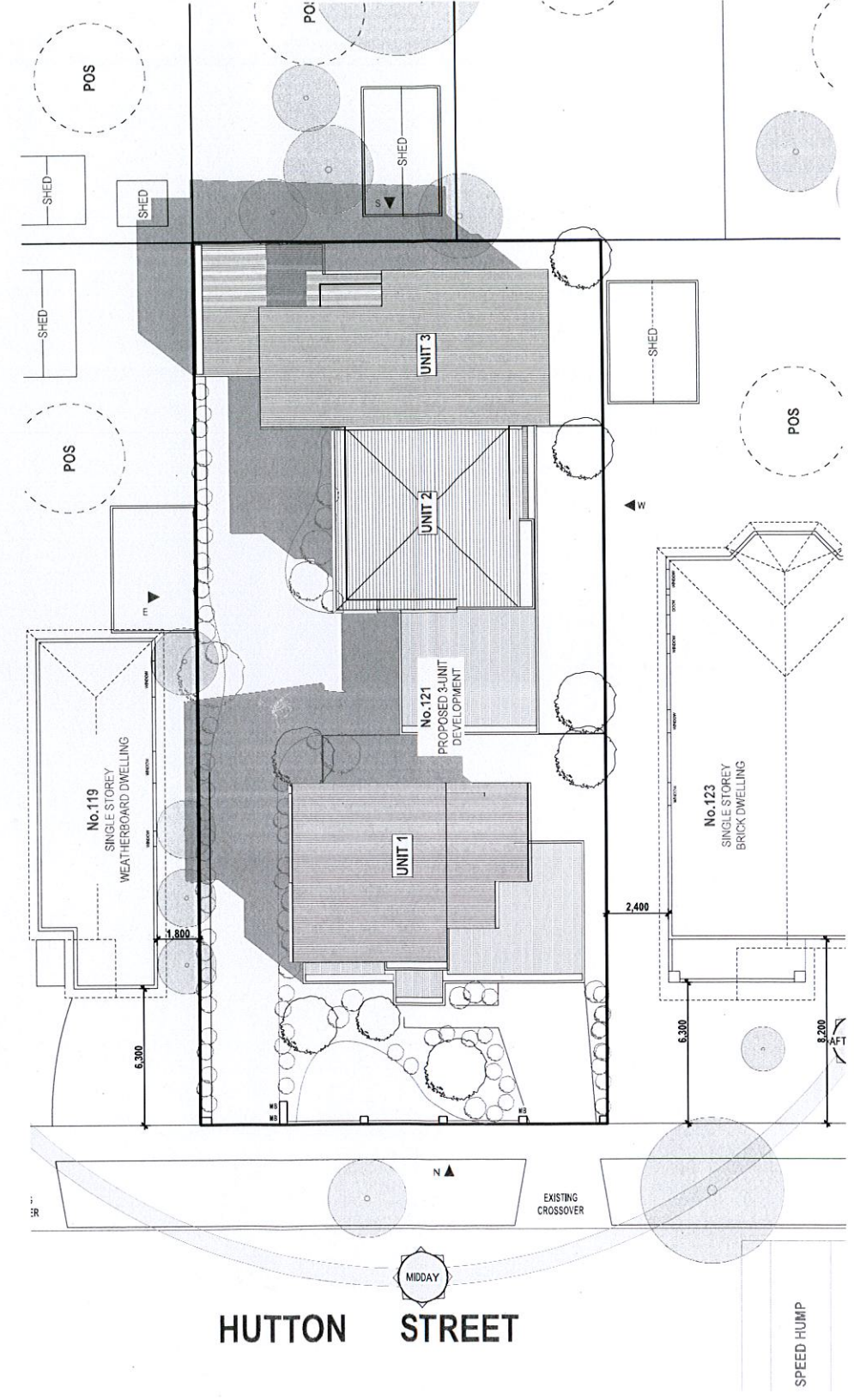




9am SHADOW DIAGRAM  
SEPTEMBER 22nd EQUINOX



12pm SHADOW DIAGRAM  
SEPTEMBER 22nd EQUINOX



3pm SHADOW DIAGRAM  
SEPTEMBER 22nd EQUINOX

Project **PROPOSED MULTI UNIT**  
Property Address **121 HUTTON STREET THORNBURY**  
Client **CECILIA LIN**

**LEGEND**

- |   |   |  |  |
|---|---|--|--|
| <ul style="list-style-type: none"> <li>— TIMBER STUD FRAMING</li> <li>▨ BRICKWORK</li> <li>▨ BRICK-VENER WALL</li> <li>▨ BRICK-CAVITY WALL</li> <li>▨ 100mm FGAM ON STUD</li> <li>▨ EXISTING STRUCTURE</li> </ul> | <ul style="list-style-type: none"> <li>○ DOWN PIPE</li> <li>○ DOWN PIPE WITH SPREADER</li> <li>○ EXISTING DOWN PIPE</li> <li>○ FLOOR WASTE</li> <li>○ EXHAUST FAN TO EXTERNAL</li> <li>○ AIR TOP UP</li> <li>○ SMOKE ALARM</li> </ul> | <ul style="list-style-type: none"> <li>AJ ARTICULATION JOINTS</li> <li>TILE SELECTED TILE FLOORING</li> <li>FB SELECTED TIMBER FLOORING</li> <li>CP SELECTED CARPET</li> <li>TD SELECTED TIMBER DECKING</li> <li>PC POLISHED CONCRETE</li> <li>CR SELECTED COLOURBOND ROOFING</li> </ul> | <ul style="list-style-type: none"> <li>KP-L SELECTED KLP-LOCK ROOFING</li> <li>BG.2 TYPICAL PARAPET GUTTER ADJUST TO SUIT ONSITE</li> <li>BG.3 100x300 BOX GUTTER ADJUST TO SUIT ONSITE</li> <li>← FALL DIRECTION</li> </ul> |
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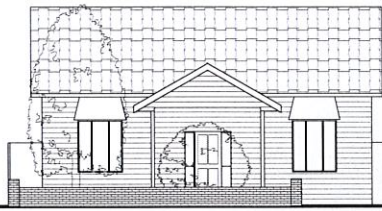
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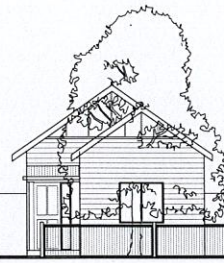
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WEATHERBOARD DWELLING



**No.117**  
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WEATHERBOARD DWELLING



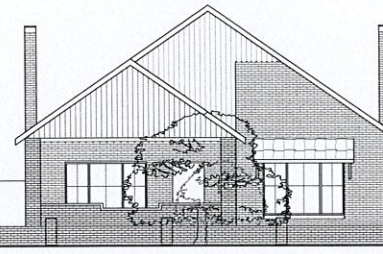
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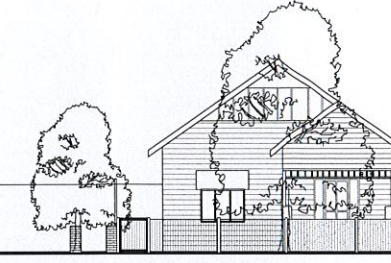
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EXISTING SINGLE  
STOREY WEATHERBOARD  
DWELLING



**No.123**  
SINGLE STOREY  
BRICK DWELLING



**No.125**  
SINGLE STOREY  
WEATHERBOARD DWELLING

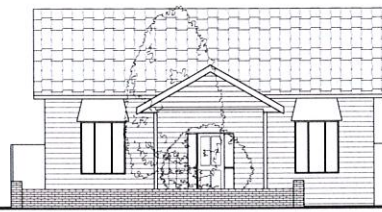


**No.127**  
SINGLE STOREY  
WEATHERBOARD DWELLING



**EXISTING STREETScape**

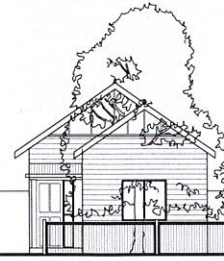
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WEATHERBOARD DWELLING



**No.117**  
SINGLE STOREY  
WEATHERBOARD DWELLING



**No.119**  
SINGLE STOREY  
WEATHERBOARD DWELLING



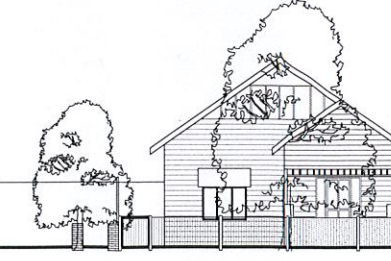
**No.121**  
PROPOSED 3-UNIT  
DEVELOPMENT



**No.123**  
SINGLE STOREY  
BRICK DWELLING



**No.125**  
SINGLE STOREY  
WEATHERBOARD DWELLING



**No.127**  
SINGLE STOREY  
WEATHERBOARD DWELLING



**PROPOSED STREETScape**

Project **PROPOSED MULTI UNIT**  
Property Address **121 HUTTON STREET  
THORNBURY**  
Client **CECILIA LIN**

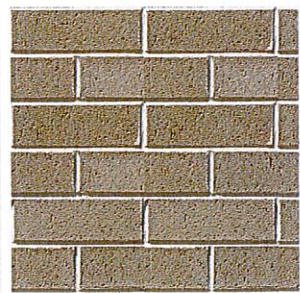
LEGEND			
=====	TIMBER STUD FRAMING	● 00	DOWN PIPE
=====	BRICKWORK	● 05	DOWN PIPE WITH SPREADER
=====	BRICK-VENER WALL	● 10	EXISTING DOWN PIPE
=====	BRICK-CARRY WALL	● 15	FLOOR WASTE
=====	100mm FOAM ON STUD	● 20	EXHAUST FAN TO EXTERNAL
=====	EXISTING STRUCTURE	● 25	SMOKE ALARM
-----	AJ	ARTICULATION JOINTS	KP-L
-----	TILE	SELECTED TILE FLOORING	B6.2
-----	FL	SELECTED TIMBER FLOORING	B6.3
-----	CP	SELECTED CARPET	←
-----	TD	SELECTED TIMBER DECKING	FALL DIRECTION
-----	PC	POLISHED CONCRETE	
-----	CR	SELECTED COLORBOND ROOFING	

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building design drafting service  
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PH (03) 9416 9822 F (03) 9416 9822  
email: archpp@optusnet.com.au

NOTES

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	Checked: <b>P,R</b>		





**FACE BRICKWORK**  
BORAL - COCO (or similar)



**RENDER FINISH**  
DULUX - LIMED WHITE QUARTER (or similar)



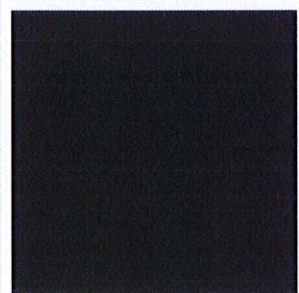
**RENDER FINISH**  
DULUX - BRAID (or similar)



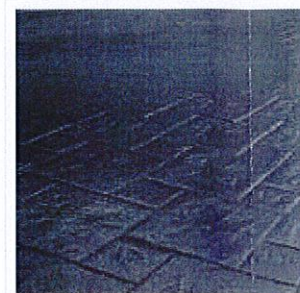
**STACKED STONE CLADDING**  
CHARCOAL MIXED (or similar)



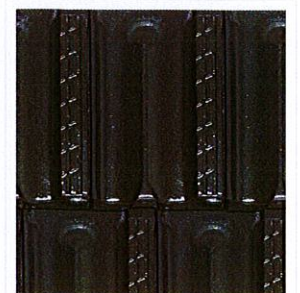
**WEATHERBOARD CLADDING**  
LIMED WHITE (or similar)



**ALUMINIUM WINDOWS/GUTTERS**  
COLORBOND - MONUMENT (or similar)



**CONCRETE DRIVEWAY/PATH**  
CHARCOAL PATTERNED (or similar)



**ROOF TILES**  
BORAL - EBONY (or similar)

**MATERIAL SCHEDULE**

Project **PROPOSED MULTI UNIT**  
Property Address **121 HUTTON STREET THORNBURY**  
Client **CECILIA LIN**



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=====	BRICKWORK	●D5	DOWN PIPE WITH SPREADER	TLE	SELECTED TILE FLOORING	BG.2	TYPICAL PARAPET GUTTER
=====	BRICK-VENEER WALL	●E6	EXISTING DOWN PIPE	FB	SELECTED TIMBER FLOORING	ADJUST TO SUIT ONSITE	
=====	BRICK-CAVITY WALL	●FW	FLOOR WASTE	CP	SELECTED CARPET	BG.3	100x100 BOX GUTTER
=====	100mm FOAM ON STUD	⊕	EXHAUST FAN TO EXTERNAL	TD	SELECTED TIMBER DECKING	←	ADJUST TO SUIT ONSITE
=====	EXISTING STRUCTURE	⊕	SMOKE ALARM	PC	POLISHED CONCRETE		

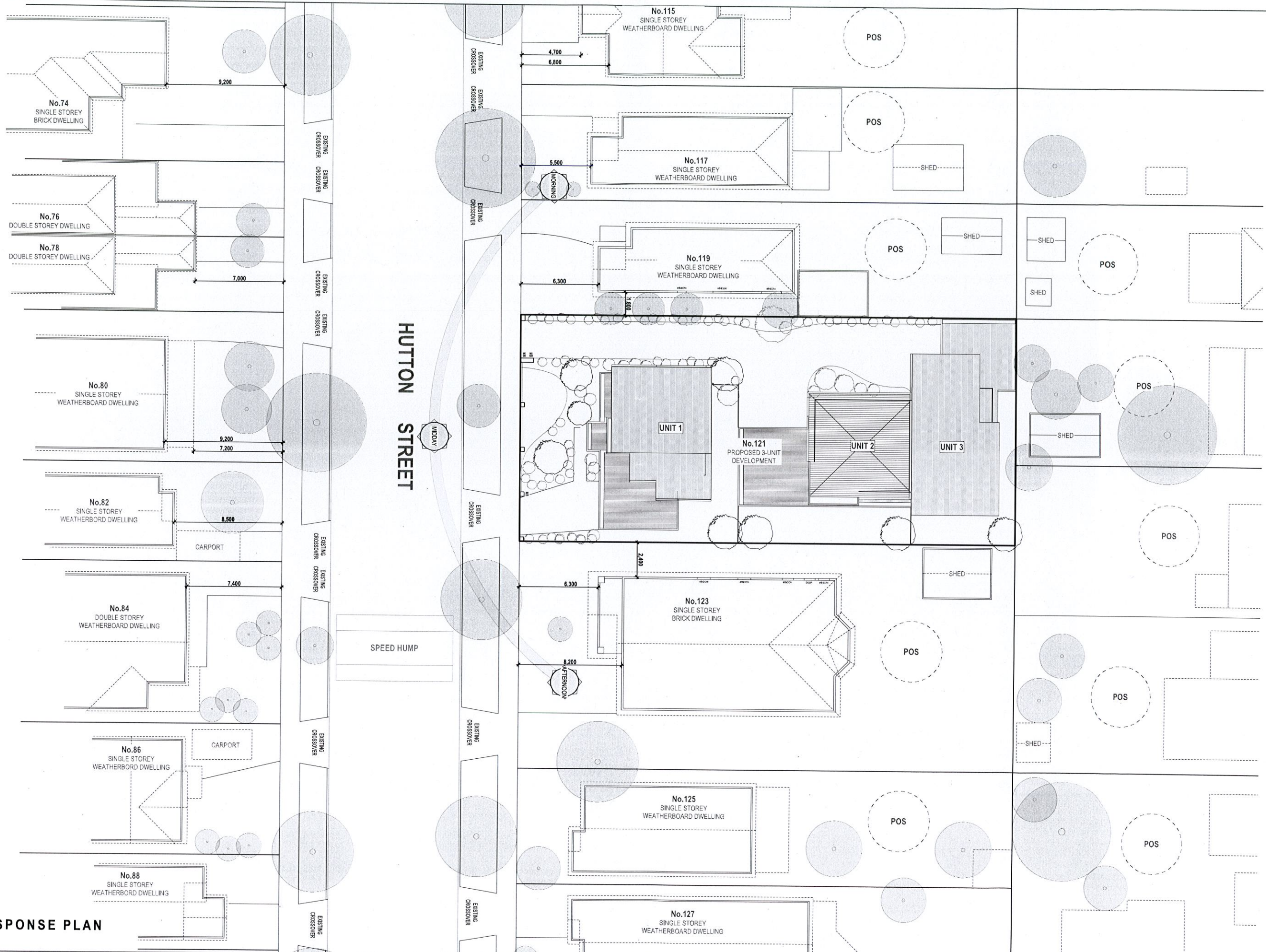
  
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Drawn:	S.S			9 of 9	
Checked:	P,R				





**DESIGN RESPONSE PLAN**  
SCALE 1:200

Project **PROPOSED MULTI UNIT**  
 Property Address **121 HUTTON STREET THORNBURY**  
 Client **CECILIA LIN**

**LEGEND**

- |                         |                                    |                                |   |
|-------------------------|------------------------------------|--------------------------------|---|
| — TIMBER STUD FRAMING   | ● 40 DOWN PIPE                     | AL ARTICULATION JOINTS         | KL-L SELECTED KLIP-LOK ROOFING                    |
| ==== BRICKWORK          | ● 40S DOWN PIPE WITH SPREADER      | T.L. SELECTED TILE FLOORING    | BG.2 TYPICAL PARASIT GUTTER ADJUST TO SUIT ONSITE |
| ==== BRICK-VENEER WALL  | ● 40 EXISTING DOWN PIPE            | FB. SELECTED TIMBER FLOORING   | BG.3 100x300 BOX GUTTER ADJUST TO SUIT ONSITE     |
| ==== BRICK-CAVITY WALL  | ● FW FLOOR WASTE                   | CP. SELECTED CARPET            | ← FALL DIRECTION                                  |
| ==== 100mm FOAM ON STUD | ● EXHAUST FAN TO EXTERNAL AIR UNIT | TD. SELECTED TIMBER DECKING    |   |
| — EXISTING STRUCTURE    | ● SMOKE ALARM                      | PC. POLISHED CONCRETE          |   |
|                         |                                    | CR. SELECTED COLORBOND ROOFING |   |

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Drawn:	S.S				
Checked:	P.R				







**5.2 APPLICATION FOR PLANNING PERMIT D/602/2015**  
 13 Dean Street Preston, Vic 3072

**AUTHOR: Principal Planner – Paul Miziewicz**

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

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
Ikonomidis Reid Pty Ltd	Exors Norma Smith	TTM Consulting (Vic) Pty Ltd (Traffic)

**SUMMARY:**

- It is proposed to construct a two storey development comprising six (6) dwellings and six (6) car spaces.
- Three dwellings are located on each floor of the proposed development. Each dwelling will have two (2) bedrooms. Vehicle access is to be gained via a constructed right-of-way at the rear. Courtyards of between 25sqm and 40.1sqm are provided as secluded private open space for three (3) the ground floor dwellings and balconies of 8.0sqm are provided for each of the three (3) first floor dwellings.
- The site is zoned General Residential Zone Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 27 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 Transport Management and Planning Unit, Environmental Sustainable Development Officer, Property Unit, Darebin Parks and Capital Works Unit.
- This application was not required to be referred to external authorities.

<b>Recommendation</b>
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**THAT** Planning Permit Application D/602/2015 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 TP-04B, First Floor Plan TP-05B and Elevations TP-06B, dated October, 2015 and prepared by Ikonomidis Reid, Arboricultural Report for the potential development of 13 Dean Street, Preston prepared by *Tree Response*) but modified to show:
  - a) A single communal antenna for the development (refer also to Condition No. 13 of this Permit). The location of the antenna must be shown on the roof plan and elevations. The height of the antenna must be nominated.
  - b) The first floor of Dwelling 5 is setback a minimum of 2.872 metres from the southern boundary this is to be achieved without the reduction of any other setback.
  - c) Swept path movements confirming all car spaces can enter and exit the property in a forward direction.
  - d) The secluded private open space for Dwelling 1 increased to receive solar access in accordance with the requirements of standard B29 this is to be achieved through the reduction in floor area.
  - e) The area set aside for bicycle parking, to be increased in area, so that a 1.5m footpath/accessway is provided adjacent to a 1.8m wide area for bicycle storage (as per Figure B5 (a) of AS2890.3:2015).
  - f) The roller-door width to the rear of the property widened to a minimum of 6.39 metres.
  - g) A landscape plan in accordance with Condition No. 4 of this Permit.
  - h) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 5 of this Permit).
  - i) Following alterations made to the building:
    - Install fixed shading to the glazed doors and window of the living area of Dwelling 1 and 2.
    - Install adjustable shading to the west facing windows and glazed doors of Dwelling 6. Draw and label on the plans.

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). A minimum of two (2) medium canopy trees are to be provided within the front setback and six (6) suitable small canopy trees.
  - 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 development must incorporate the sustainable design initiatives in accordance with the SMP report (identified as SMP Report proposed Multi Unit Development 13 Dean Street, Preston prepared by *Keystone Alliance* and dated October 2015) to the satisfaction of the Responsible Authority. The report must be updated for the IEQ section to have a pass.

Prior to the occupation of the development, a report from the author of the SMP Report proposed Multi Unit Development 13 Dean Street, Preston prepared by *Keystone Alliance* and dated October 2015, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP Report proposed Multi Unit Development 13 Dean Street, Preston prepared by *Keystone Alliance* and dated October 2015 have been implemented in accordance with the approved Plan

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

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

7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 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. Before buildings and works (including demolition) start, a Tree Protection Zone (TPZ) must be established around:

Tree 9 for a distance of 10.9 metres (within the confines of the nature strip to Dean Street)

Tree 6, 7 and 8 as outlined in the recommendations of Arboricultural Report for the potential development of 13 Dean Street, Preston dated 11 June 2015 prepared by *Tree Response*.

---

The TPZ must be measured from the base of the trunk of the tree and provide for suitable tree protection barriers to be erected and maintained around the street trees' TPZ. Once established, the TPZ's barriers must be maintained at all times and may only be moved to the amount necessary for approved works to occur within the TPZ's. The movement of the TPZ's barriers to allow such work shall only occur for a period that the works are being undertaken after which time the full extent of the TPZ's barriers must be reinstated.

The construction of the crossover (and any other works within the TPZ) must be undertaken under the supervision and direction of a qualified arborist.

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.

Be generally in accordance with the recommendations of Arboricultural Report for the potential development of 13 Dean Street, Preston dated 11 June 2015 prepared by *Tree Response*.

12. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
13. The land must be drained to the satisfaction of the Responsible Authority.
14. Only one (1) communal television antenna may be erected on the building. Individual antennae for individual dwellings/tenancies must not be erected.
15. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
17. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
18. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather sealcoat; and
  - d) Drainedto the satisfaction of the Responsible Authority.

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

**NOTATIONS**

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

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

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

**Nearby recent approved and constructed developments**

West (behind the subject site) of the site at 14 Murphy Grove Planning Permit D/722/2013 was issued for a medium density housing development of a double storey dwelling to the rear of an existing dwelling and an extension to the existing dwelling in accordance with the endorsed plans by the Responsible Authority on 23 June 2014 issued the planning permit. (It is noted that the plans advertised did not show the development)

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To the south of the site 11 Dean Street building permit BS-U 27484-20160053/0 was issued on 13 January 2016 which allowed the construction of a new single storey four (4) bedroom dwelling with double garage. The design of the new dwelling will have a 1.32 metre setback from the northern boundary with a 0.6 metre wide eave providing a 0.72 metre setback clear to the sky on 11 Dean Street. Demolition on the existing building began on 26 February 2016.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is regular in shape and measures 42.95 metres in length and 15.24 metres in width with a site area of 654.5 square metres.
- The land is located within the Residential Zone Schedule 2 and affected by a Development Contribution Plan Overlay.
- The land is located on the west side of Dean Street between Murray Road to the south and Sylvester Grove to the north.
- The site is occupied by a single storey weatherboard dwelling with secluded private open space and outbuildings to the rear. Vehicle access is gained a crossover at the northern edge of the site. There are trees and shrubs throughout the site but no significant vegetation. The site has slope of approximately 1.0 metre from the north-west to the south-east.
- To the south at 11 Dean Street is a single storey brick dwelling with secluded private open space and outbuildings to the rear. Vehicle access is gained via a crossover at the northern edge of the property with a driveway extending along the common boundary to a garage at the rear of the site. The garage is constructed to the common boundary in the north-west corner of the site. The dwelling is setback 3.6 metres from the common boundary and has a front setback of 8.4 metres. Building permit BS-U 27484-20160053/0 will have a 1.32 metre setback from the northern boundary with a 0.6 metre wide eave providing a 0.72 metre setback clear to the sky on 11 Dean Street, there are two (2) north facing windows proposed to the open family and dining room There are west facing sliding doors to an alfresco area.
- To the north are properties fronting both Dean Street and Sylvester Grove. The property at 13A Dean Street is double storey with a brick garage constructed along the common boundary.

The dwelling has a front setback of 3.0 metres to Dean Street. The property at 17 Sylvester Grove has a single storey weatherboard dwelling with secluded private open space and an outbuilding to the rear. The dwelling is setback in excess of 20 metres from the common boundary and the outbuilding approximately 6.0 metres. There are several trees along the common boundary. The property at 19 Sylvester Grove is developed with two (2) single storey dwellings. The rear dwelling is setback 3.5 metres from the common boundary and this area is used as the dwelling's secluded private open space.

- To the west is a 3 metre wide right-of-way extending north/south between Sylvester Grove and Murray Road. Beyond the right-of-way are properties fronting Murphy Grove containing single storey dwellings with setback in excess of 8 metres of the subject site. A double Storey dwelling behind the existing dwelling is currently under construction and appears to be at lock up stage or nearing completion.
- To the east across Dean Street is Preston East Primary School.
- Un-restricted on-street parking is available along Dean Street between Sylvester Grove and Murray Road.

- The site is located within an extensive residential area bordered by Plenty Road to the west, Albert Street to the east and Bell Street to the south. The Preston Central Activity Centre is located approximately 1.2km to the west of the subject site and Northland Shopping Centre approximately 1.1km to the east. There are several parks in proximity of the site including W Ruthven Reserve approximately 880 metres to the north-east and TW Blake Park approximately 760 metres to the south-east.
- The nearest public transport services to the site:
- Tram Route 86 (Bundoora RMIT - Waterfront City Docklands) runs along Plenty Road with a stop approximately 550 metres to the west;
- Bus Route 555 (Epping - Northland) runs along Wood Street with a stop approximately 750 metres to the north;
- Bus Route 527 (Gowrie - Northland) runs along Murray Road with a stop approximately 170 metres to the south;
- Bus Route 903 (Altona - Mordialloc SmartBus) runs along Murray Road with a stop approximately 150 metres to the south;
- Preston Railway Station approximately 1.7 metres to the west.

### **Proposal**

- The proposed development is for the construction of a two-storey residential development comprising of six (6) single storey dwellings.
- Six (6) covered car spaces are provided at the rear of the site with access via a constructed 3.0 metre wide right-of-way running north/south between Sylvester Grove and Murray Road. Bicycle parking is provided within the front setback.
- Pedestrian access will be gained via pathways from Dean Street for each dwelling. A pathway is provided directly from Dean Street to the entrance of Unit 1 while a common pathway along the southern edge of the site will provide access to the ground level dwellings and to the staircases for the upper storey dwellings.
- The development will have a maximum overall height of 7.6 metres.
- Private open space is provided as courtyards of between 25sqm and 40.1sqm for the ground floor dwellings and balconies of 8.0sqm (reverse living) are provided for each of the three (3) first floor dwellings.

### **Objections**

- 27 Objections have been received against the application.

### **Objections summarised**

- No visitor car parking space provided Traffic congestion
- No evidence cars can enter and exit in forward direction
- Impact upon school/Conflict with school drop off
- Width of easement (Right of Way) Garages will be opposite each other
- Intensity of development/overdevelopment
- Noise of vehicles along right of Way
- Request for traffic be made one way
- Concern over garbage collection



- Out of character/Proposal does not respect rhythm and spacing
- Lack of landscaping opportunities
- Limited amenity for future residents
- Overshadowing of 11 Dean Street
- Front and side setbacks should match
- Details of 14 Murphy Grove not shown
- Neighbourhood character
- Visual bulk
- No net community benefit
- Proposal does not comply with Darebin Planning Scheme
- Proposal will negatively impact upon liveability
- Oversupply of one (1) and two (2) bedroom dwellings
- Proposal not sustainable
- Negative social effect due to the number of objections
- Does not provide for affordable development

**Officer comment on summarised objections**No visitor car parking space provided - traffic congestion

It is not considered that the increase in traffic from the proposed development would place an unreasonable additional load on the surrounding street network. Car parking is addressed in the Clause 52.06 assessment below.

No evidence cars can enter and exit in forward direction

A traffic report was submitted with the application showing turning circles this formed part of the advertised documents. The traffic report was assessed and deemed to be acceptable subject to dimensions of the roller door being increased to all vehicles to enter and exit in a forward direction

Impact upon school/Conflict with school drop off

It is not expected that development would place an unreasonable load on the existing road network or provide for conflict with drop off pick up of Children vehicle access for the development is obtained via the rear of the site and existing crossover is to be removed.

Width of easement (Right of Way) Garages will be opposite each other

Revised plans will be required confirming the dimension of the garage and right of way to ensure that cars can enter and exit in a forward direction.

Intensity of development/overdevelopment

Density of the development is assessed on a qualitative assessment of the design's ability to provide for the amenity of future tenants, protect the amenity of existing tenants and respond to the attributes and constraints of the site as contained within Clause 55.

The number of dwellings and associated pedestrian and vehicle movements should likewise account for the site's accessibility and location. This is addressed in following sections of this report.

Noise of vehicles along Right of Way

Cars currently use the Right of Way and it is not considered that unreasonable noise will be generated from the proposed development.

Request for traffic be made one way

Broader traffic management is outside the scope of this application.

Concern over garbage collection

The application shows the location of garage storage and collection by council

Out of character/proposal does not respect rhythm and spacing

See assessment below.

Lack of landscaping opportunities

See assessment below.

Limited amenity for future residents

See assessment below.

Overshadowing of 11 Dean Street

The proposal would provide for additional overshadowing to the proposed development at 11 Dean Street (BS-U 27484-20160053/0), the rear secluded private open space for 11 Dean Street is to have a depth of 9.501 metres and width of 13.72 metres for a total area of 130 square metres shadows cast by the proposed development would comply with the overshadowing requirements of Standard B21 allowing a minimum of 40 square metres 5 hours of sunlight on the equinox.

Two north facing windows are proposed at 11 Dean Street. The first floor of Dwelling 5 is setback 2.73 metres with a height of 6.72 metres the setback would be required to be a minimum of 2.872 metres as recommended in condition 1,b to allow for compliance with the standard.

Front and side setbacks should match

See assessment below.

Details of 14 Murphy Grove not shown

It is acknowledged that the plans prepared by Ikonomidis Reid did not show the property under construction at 14 Murphy Grove. Council has a copy of the plans and has reviewed the documentation sufficient information was provided to advertise the application and subject to conditions adequate vehicular manoeuvrability is provided to the site.

Neighbourhood character

See assessment below.

Visual bulk

See assessment below.

No net community benefit

This ground is unsubstantiated. There have been no demonstrated disbenefits associated with the development. The proposal provides dwellings resulting in community benefit. This ground is clearly contrary to the objectives of planning in Victoria.

Proposal does not comply with Darebin Planning Scheme

See assessment below for compliance with the requirements of the Darebin Planning Scheme.

Proposal will negatively impact upon liveability

Providing additional housing to an area well provided for services and transport is supported by State and Local policy.

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

The proposal provides housing diversity consistent with state and local planning policy.

Proposal not sustainable

Condition on any approval will require additional sustainability measures placed on the development to provide for an improved development.

Negative social effect due to the number of objections

This ground is unsubstantiated. The proposal provides a residential use and development incorporating dwellings resulting in community benefit. There have been no demonstrated disbenefits associated with these uses.

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

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

*Secondly, the significant social effect will need to be sufficiently documented with evidentiary material to demonstrate the likelihood, probability and severity of the social effect. The identification of a social effect is not sufficient, as it also needs to be demonstrated that the social effect will be significant. Thirdly, as identified in the Rutherford decision, it will need to be demonstrated that any significant social effect outweighs any social benefits that might result from a balanced assessment of a development proposal”*

Does not provide for affordable development

The proposal provides for diversity in housing types which would allow for different entry points into the housing market. Council does not have the power under the planning scheme to require or impose a condition requiring the provision of social housing.

**PLANNING ASSESSMENT****Neighbourhood Character Precinct Guideline Assessment - Precinct E4**Objective

- To encourage the retention of older dwellings that contributes to the valued character of the area in the design of development proposals.

Comment

- The existing building is to be removed. The dwelling does not have heritage significance and is not within an intact group of interwar dwellings.
- Dean Street has a mix of housing styles and types that are predominantly single storey. However, there is a double storey dwelling on the neighbouring site. The removal of the existing dwelling will not be a threat to the character of the area and its removal cannot be prevented under the planning scheme. The proposed two-storey development therefore will not compromise the streetscape character.

**Complies****Vegetation**Objective

- To maintain and strengthen the garden settings of the dwellings.

Comment

- 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 yard, rear yards of ground floor dwellings and along the common pathway including canopy trees. A detailed landscape plan will be required to be submitted as a condition of any approval.

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

- To provide space for front gardens.
- To ensure new development retains substantial space for landscaping.
- To maintain and reinforce the side boundary setback pattern and the existing rhythm of spacing between dwellings.
- To minimise the loss of front garden space and the dominance of car parking structures.

Comment

- Provision has been made for a front garden.
- The development provides for landscaping within the front setback, the rear yards of the ground floor dwellings as well as along the pedestrian accessway.
- The proposed dwellings are to be setback from both side boundaries. The car parking structures will be constructed to both the northern and southern boundaries but these are located to the rear of the front dwelling and will not be readily visible from the street. The proposed development will reinforce the existing rhythm of spacing between dwellings through not having car parking structures visible from the frontage of the property.

**Complies****Height and Building Form**Objective

- To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.

Comment

- Dean Street is developed with predominantly single storey dwellings. There is a double storey dwelling on the neighbouring property to the north. The upper level of the proposed building has been setback from the front facade of the ground level but not the width of a room. The recessive design of the upper level of the building and the use of different materials provides a good level of articulation which will not present visual bulk to the street or dominate the streetscape.

**Complies****Height and Building Form/Frontage Width**Objective

- To maintain, where present, the consistency of frontage widths and building heights and forms.

Comment

- The proposed development will maintain the existing frontage width to Dean Street and does not involve a lengthways subdivision.

**Complies****Materials and Design Detail**Objective

- To encourage buildings that contribute positively to the streetscape through the use of innovative architectural responses and by presenting visually interesting facades to the street.

Comment

- The form and facades of the proposed development, while not innovative, responds to the traditional forms of the area and are adequately articulated through the use of materials, openings, setbacks and variations in wall surfaces.
- The materials – brick, render, cladding and tile roofing are considered appropriate within the neighbourhood context.

**Complies****Front Boundary Treatment**Objective

- To maintain the openness of the streetscape and views to established gardens and dwellings.

Comment

- No front fencing is proposed allowing views of the dwelling and gardens.

**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 55.02-2 B2 Residential Policy

The proposal is accompanied by an acceptable written statement and design response. The proposal generally complies with the State Planning Policy Framework, the Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.

**Complies**Clause 55.02-5 B5 Integration with the Street

The proposal provides adequate vehicle and pedestrian links with separate pedestrian entries. The development fronts the street network. No high front fencing is proposed.

**Complies**Clause 55.03-1 B6 Street Setback

The front setbacks of the adjoining dwellings are 3 metres and 8.4 metres. The standard therefore requires a setback of 5.7 metres. The proposed front setback of 5.7 metres complies with the standard.

**Complies**Clause 55.03-2 B7 Building Height

The proposed dwellings are to have a maximum height of 7.6 metres which complies with the standard requiring a maximum height not exceeding 9.0 metres.

**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.

**Complies**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.

**Complies**Clause 55.03-9 B14 Access

Vehicle access to and from the site is safe, manageable and convenient. No crossover is proposed to Dean Street which responds favourably to the neighbourhood character by increasing the opportunity for landscaping within the front setback.

The width of the accessway is 3.0 metres.

Adequate turning areas are provided to allow vehicles to enter and exit the site in a forward direction, this is to be confirmed via condition 1 (c). The report provided by TTM shows the car spaces for dwelling 3 and 4 being accessed by reversing into the space in one manoeuvre however with a distance of 5.39 metres between car spaces cars will be able to enter and exit in a forward direction in three (3) turns which is considered acceptable.

**Complies subject to condition**Clause 55.03-10 B15 Parking Location

Parking facilities will be proximate to the dwellings they serve with access provided by a communal walkway.

The proposed carports are an adequately secure form of parking.

The access is observable.

**Complies**

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
Northern – Dwelling 1	2.8 metres	1.0 metre	1.6 metres
Southern – Dwelling 1	4.2 metres	1.18 metres	2.1 metres
Southern – Dwelling 2	4.1 metres	1.15 metres	2.1 metres
Southern – Dwelling 3	4.1 metres	1.15 metres	2.1 metres

First Floor

Boundary	Wall height	Required Setback	Proposed setback
Northern – Dwelling 4	5.9 metres	1.69 metres	4.15 metres
Northern – Dwelling 5	5.0 metres (balcony)/5.9 metres	1.42 metres/1.69 metres	3.00 metres(balcony)/4.86 metres wall
Northern – Dwelling 6	5.0 metres (balcony)/5.9 metres	1.42 metres/1.69 metres	3.00 metres(balcony)/3.56 metres wall
Southern – Dwelling 4	6.9 metres	2.00 metres	2.85 metres
Southern – Dwelling 5	6.7 metres	1.93 metres	2.73 metres
Southern – Dwelling 6	6.2 metres	1.78 metres	3.28 metres
Western - Dwelling 6	6.2 metres	1.78 metres	10.5 metres

**Complies**

Clause 55.04-3 B19 Daylight to Existing Windows

An area of at least 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky is provided opposite all existing habitable room windows, which complies with the standard.

The development allows adequate daylight to neighbouring existing habitable room windows.

**Complies**

Clause 55.04-4 B20 North Facing Windows

There are no north-facing habitable room windows on adjoining properties which would be affected by the proposed development in accordance with the requirements of this standard.

11 Dean Street has Building Permit BS-U 27484-20160053/0 with demolition commenced on the proposal, the plans provide for two north facing windows are proposed at 11 Dean Street setback 1.32 metres from the northern boundary. The first floor of Dwelling 5 would be opposite the windows and is to be setback 2.73 metres with a height of 6.72 metres the setback would be required to be a minimum of 2.872 metres to allow for compliance with the standard (refer to condition 1 (b) .

**Complies subject to condition**



Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

Overshadowing of neighbouring properties to the south and west by the proposed dwellings is minimal, with at least 40 square metres of neighbouring dwellings' secluded private open space with a minimum dimension of 3.0 metres receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September. The development does not cast any shadows on the secluded private open space of the dwelling to the north.

**Complies**

Clause 55.04-6 B22 Overlooking

The ground level dwellings have finished floor levels less than 0.8 metres above natural ground level at the boundary. Existing 1.9 metre high boundary fences on the northern and southern boundaries will sufficiently limit overlooking.

The development is designed to limit views into neighbouring secluded private open space and habitable room windows.

All upper storey windows and balconies are appropriately designed and/or screened to ensure no overlooking.

**Complies**

Clause 55.05-3 B27 Daylight to New Windows

Adequate daylight will be available to the windows in the new development.

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

**Complies**

Clause 55.05-4 B28 Private Open Space

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

This is achieved through either 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 for ground level dwellings or through the provision of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room. The land is zoned General Residential Zone 2 balconies can be provided as a form of secluded private open space within this zone, there is nothing within the planning provisions that prohibit or discourage balconies or reverse living typologies within the area.

	<b>Total POS</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>
Unit 1	81.5 square metres	25 square metres	4.0 metres
Unit 2	40.1 square metres	40.1 square metres	4.7 metres
Unit 3	40.0 square metres	35.4 square metres	3.3 metres

	Total POS	Secluded POS	Minimum dimension of secluded POS
Unit 4	8.0 square metres (balcony)		1.8 metres
Unit 5	8.0 square metres (balcony)		1.8 metres
Unit 6	8.0 square metres (balcony)		2.0 metres

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

**Complies**

Clause 55.05-5 B29 Solar Access to Open Space

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

	Wall Height to North	Required Depth	Proposed Depth
Dwelling 1	3.2 metres (approx)	4.9 metres	<u>4.0 metres</u>
Dwelling 2	N/A as no wall to north		
Dwelling 3	3.1 metres	4.8 metres	6.9 metres
Dwelling 4	2.6 metres	4.3 metres	7.8 metres
Dwelling 5	N/A as no wall to north		
Dwelling 6	N/A as no wall to north		

A neighbouring garage on the northern boundary of the subject site results in the depth of the secluded private open space for Dwelling 1 being non-compliant with the standard for approximately half of the area. It is considered that a condition (1d) should seek compliance with the standard this is to be achieved through a reduction in the floor area, with limited impact upon the overall design of the building.

**Complies subject to condition**

Clause 55.06-1 B31 Design Detail

The design detail of the development respects the existing or preferred neighbourhood character through: façade articulation; window and door proportions; roof form; verandah treatment; eave widths and parapets.

In addition, carports are designed to be visually compatible with the development and the existing or preferred neighbourhood character through being located at the rear of the site.

**Complies**

**Clause 52.06 Car Parking**

Number of Parking Spaces Required

One car parking space is provided for each of the two (2) bedroom dwellings.

One (1) visitor parking space is required for each five dwellings. The proposed development would require the provision of one (1) visitor parking spaces. There are no visitor parking spaces provided. A reduction in the visitor parking is considered appropriate given the availability of un-restricted on-street parking in Dean Street and public transport within walking distance of the site. In addition, the proposed development will result in the removal of the existing crossover to the subject site and reinstatement of the naturestrip, kerb and channel. It is considered that a shortfall of 1 car space on-site will not detrimentally impact on the amenity of the area.

#### Design Standards for Car parking

The car parking spaces and the accessway have appropriate dimension to enable efficient use and management.

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

Access dimensions to the car spaces comply with the standard. T A condition will require confirmation that all cars can enter and exit in a forwards direction. The Transport Unit noted that:

*“There appears to be a discrepancy between the traffic report prepared by TTM and the plans prepared by Ikonmidis Reid, regarding the width of the proposed roller door. The plans provided by IR state that the roller door width is 5.09m, while the plans provided within the TTM report state that the roller door width is 6.39m. This should be clarified by the applicant. “*

A condition can increase the width of the roller door:

- a) The area set aside for bicycle parking, to be increased in area, so that a 1.5m footpath/accessway is provided adjacent to a 1.8m wide area for bicycle storage (as per Figure B5 (a) of AS2890.3:2015.
- b) The pedestrian gate be relocated from the proposed building line to the property boundary so that the bicycle parking area is provided within a lockable compound.
- c) The roller door width to the rear of the property be widened to 6.39m, as specified within the swept-path diagrams provided by TTM.
- d) The redundant crossover on Dean Street must be reconstructed with full kerb and channel to the satisfaction of the responsible authority.

#### Officer's comment:

The proposed location of the bicycle parking is deemed acceptable relocating it behind the pedestrian gate would require the loss of landscaping on balance the current location is a better outcome. Plans already confirm the removal of the crossover

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**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 <i>complies</i> 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 appropriately integrates with the Street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The required setback is 5.7 metres, the dwellings are set back 5.7 metres from the street frontage.	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>		
		55.6%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		34.8%	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

Clause	Std		Compliance	
<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. Please see assessment in the body of this report.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		Length: 9.0 metres Height: 3.19 metres avg. (max.) 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. See assessment for assessment against Building permit BS-U 27484-20160053/0 for 11 Dean Street.	N/A	Y
<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. Please see assessment in the body of this report. See assessment for assessment against Building permit BS-U 27484-20160053/0 for 11 Dean Street.	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

Clause	Std		Compliance	
<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>		
		Please see assessment in the body of this report.	N	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	Capital Works Unit have reviewed the proposal and offered no objection. Conditions have been included that the land be drained to the satisfaction of the Responsible Authority and that approval for the structures over the easement be sought prior to the building permit
Transport Management and Planning	Transport Management and Planning Unit have reviewed the plans and offered no objection to the proposal based on traffic impacts, subject to conditions requiring vehicle swept path movement confirming vehicles can enter and exit in a forwards direction, footpath width for bicycle parking, roller door width and redundant crossover replaces
Darebin Parks	Reviewed the Arborist report and agreed with the recommendations for tree protection zones for the street trees.
Property Unit	No objection to use of Right of Way
Environmental Sustainable Development Officer	No objection subject to conditions

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## 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.

### 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	21.03, 22.02
Zone	32.08
Overlay	45.06*
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	E4

\* 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 social inclusion or diversity implications as a result of the determination of this application.

### Other

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

## FINANCIAL AND RESOURCE IMPLICATIONS

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

## FUTURE ACTIONS

Nil

## **DISCLOSURE OF INTERESTS**

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

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

## **RELATED DOCUMENTS**

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







SYLVESTER GROVE



ADVERTISED

13 of 17

Date 27 JAN 2016

**LEGEND**

S S S A  
150 Ø SEWER PIPE (MATERIAL UNKNOWN) - 2.62m AVERAGE DEPTH  
910mm OFFSET NORTH FROM NORTH BOUNDARY  
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

S S S B  
225 Ø SEWER PIPE (MATERIAL UNKNOWN) - 2.85m AVERAGE DEPTH  
910mm OFFSET EAST FROM WEST BOUNDARY OF ROAD  
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

S S S C  
225 Ø SEWER PIPE (MATERIAL UNKNOWN) - 2.85m AVERAGE DEPTH  
910mm OFFSET EAST FROM WEST BOUNDARY OF ROAD  
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

D D D D  
225 Ø DRAIN PIPE (MATERIAL UNKNOWN) - DEPTH & OFFSET UNKNOWN -  
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

TO BE REMOVED OR DEMOLISHED

STP SEWER TIE IN POINT  
HW ADJOINING HABITABLE ROOM WINDOW  
TW TOP OF ADJOINING WINDOW  
ELEC ELECTRICITY POLE  
TEL TELSTRA PIT  
SEP SIDE ENTRY PIT  
C CLOTHES LINE  
POS PRIVATE OPEN SPACE  
SPOS SECLUDED PRIVATE OPEN SPACE  
FS FIXED SCREENING TO 1.7m ABOVE FFL WITH  
MAXIMUM 25% TRANSPARENCY  
WS WHEEL STOPS IN ACCORDANCE WITH  
AS 2890.2 - 2004: CLAUSE 2.4.5.4

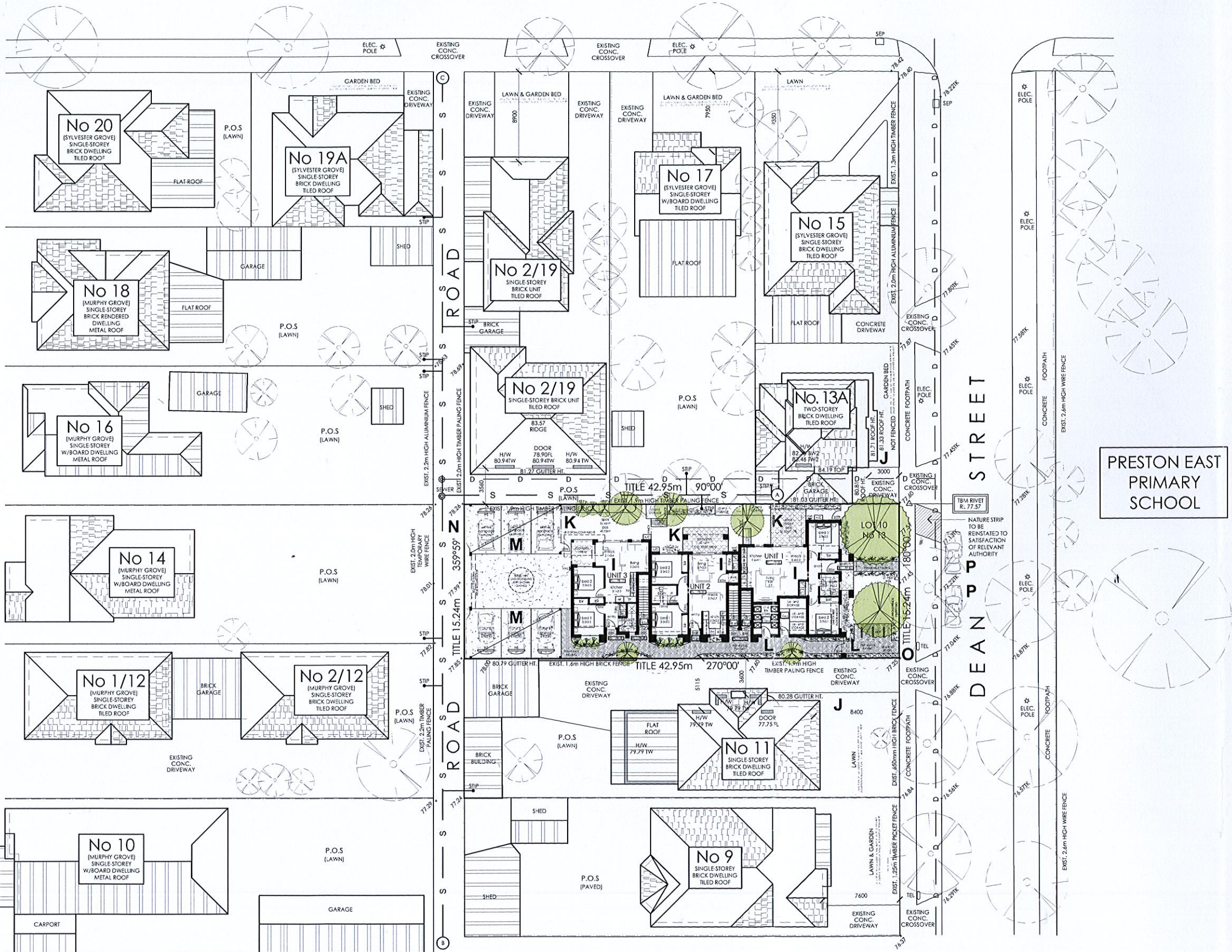
FENCE 1.8m MIN. HIGH FENCE  
GATE 1.8m MIN. HIGH GATE

EXISTING TREES  
PROPOSED LANDSCAPE TO FUTURE DETAIL

CONCRETE DRIVEWAY/PATH  
PERMEABLE PAVING TO OWNERS SELECTION

LPD LEGAL POINT OF DISCHARGE  
THE STORMWATER FROM THE PROPERTY IS TO BE CONNECTED TO THE EXISTING 225mm DIAMETER UNDERGROUND DRAIN AT THE FRONT OF DEAN 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 DESIGN AT 1:10 YEAR ARI & SITE DISCHARGE OF ONE IN FIVE YEARS (DRAINAGE VIA GRAVITY ONLY - NO PUMP SYSTEMS PERMITTED)  
REFER TO LPD INFO FOR MORE INFORMATION

EXISTING SPOT LEVELS  
NOTE: ALL LEVELS ARE TO A.H.D



PRESTON EAST PRIMARY SCHOOL

DEAN STREET

DESIGN RESPONSE  
SCALE 1:200

**SITE CHARACTERISTICS**

I - LIVING AND DINING AREAS OPEN UP TO PRIVATE OPEN SPACE APPROPRIATELY DIMENSIONED TO CAPTURE SUN

J - FRONT SETBACK DETERMINED BY THE ADJOINING DWELLING TO THE EITHER SIDE OF THE SUBJECT SITE & STEPPED TO AID IN TRANSITION & ARTICULATION

K - PRIVATE OPEN SPACE IS APPROPRIATELY PROPORTIONED TO PROVIDE GOOD NORTH EXPOSURE TO SOLAR ACCESS

L - SURVEILLANCE OF DEAN STREET POSSIBLE FROM UNIT 1 & INTERNAL PATHWAY

M - CAR PARKING AVAILABLE ON SITE AS FOLLOWS:  
- 6 x 5m COVERED CAR SPACES LOCATED IN COMMUNAL GARAGE (1 SPACES x 2 UNITS)

N - VEHICULAR ACCESS FOR ALL UNITS TO THE SITE VIA AN EXISTING ROAD TO THE REAR OF THE SITE

O - PEDESTRIAN ACCESS TO THE SITE IS VIA A PROPOSED PATHWAY FROM DEAN STREET

P - EXISTING ON STREET CAR PARKING BEING MAINTAINED

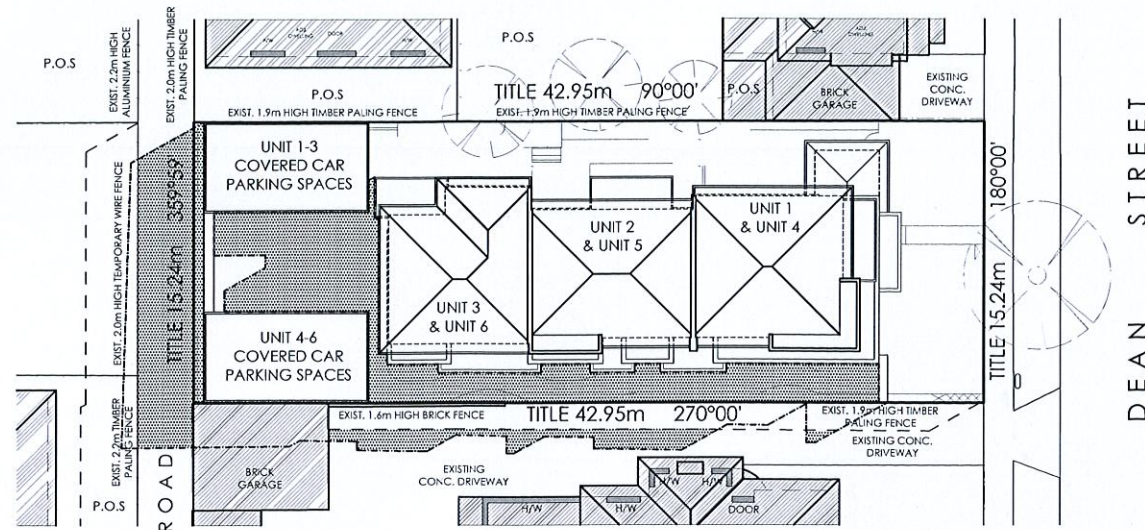
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CITY OF DAREBIN STATUTORY PLANNING

MULTI UNIT DEVELOPMENT  
13 DEAN STREET  
PRESTON  
DESIGN RESPONSE

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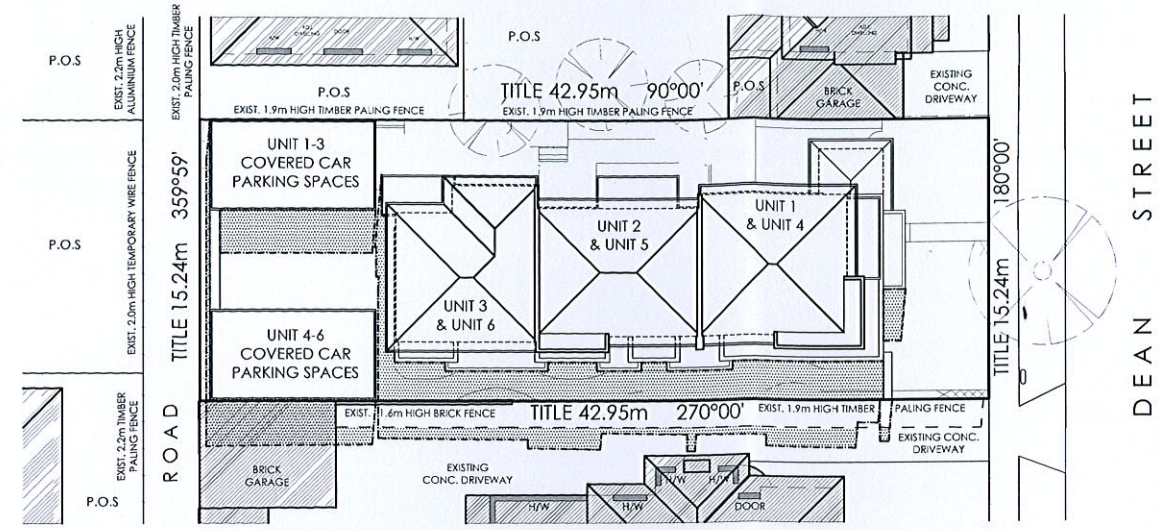






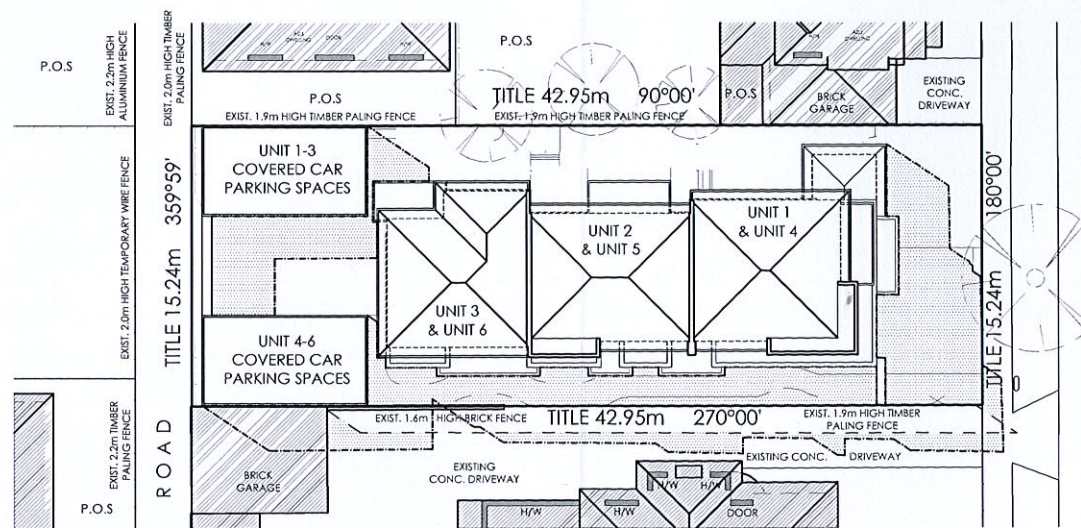
SHADOW DIAGRAM  
21 MAR / 23 SEP - 9.AM  
SCALE 1:200

EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY EXISTING FENCES



SHADOW DIAGRAM  
21 MAR / 23 SEP - 12.PM  
SCALE 1:200

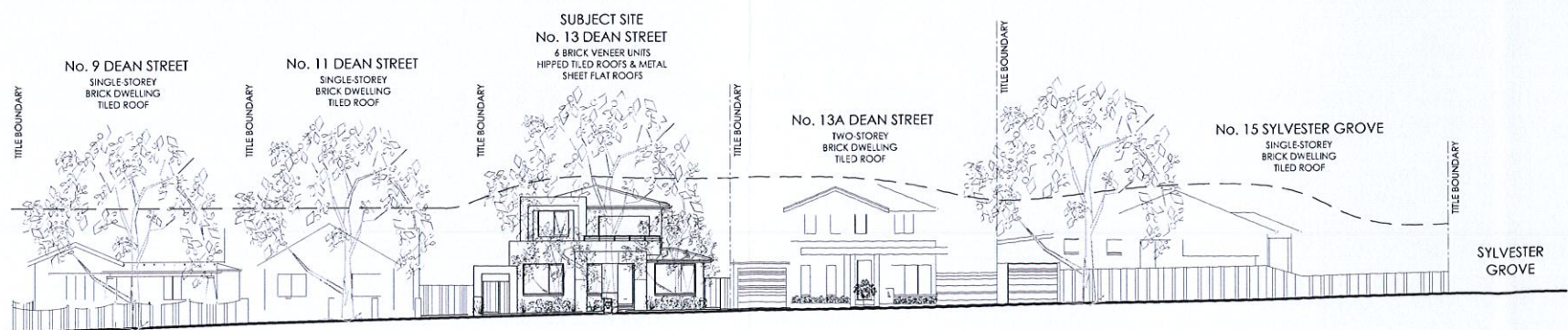
EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY EXISTING FENCES



SHADOW DIAGRAM  
21 MAR / 23 SEP - 3.PM  
SCALE 1:200

EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY EXISTING FENCES

ADVERTISED  
14 of 17  
27 JAN 2016  
Date \_\_\_\_\_



STREETSCAPE ELEVATION  
SCALE 1:200

MATERIALS AND FINISHES COMPLEMENTARY TO STREETSCAPE  
MASS, ARTICULATION AND ROOF SHAPE SIMILAR TO ADJACENT DWELLINGS  
LOW SCALE RESIDENTIAL BUILDINGS

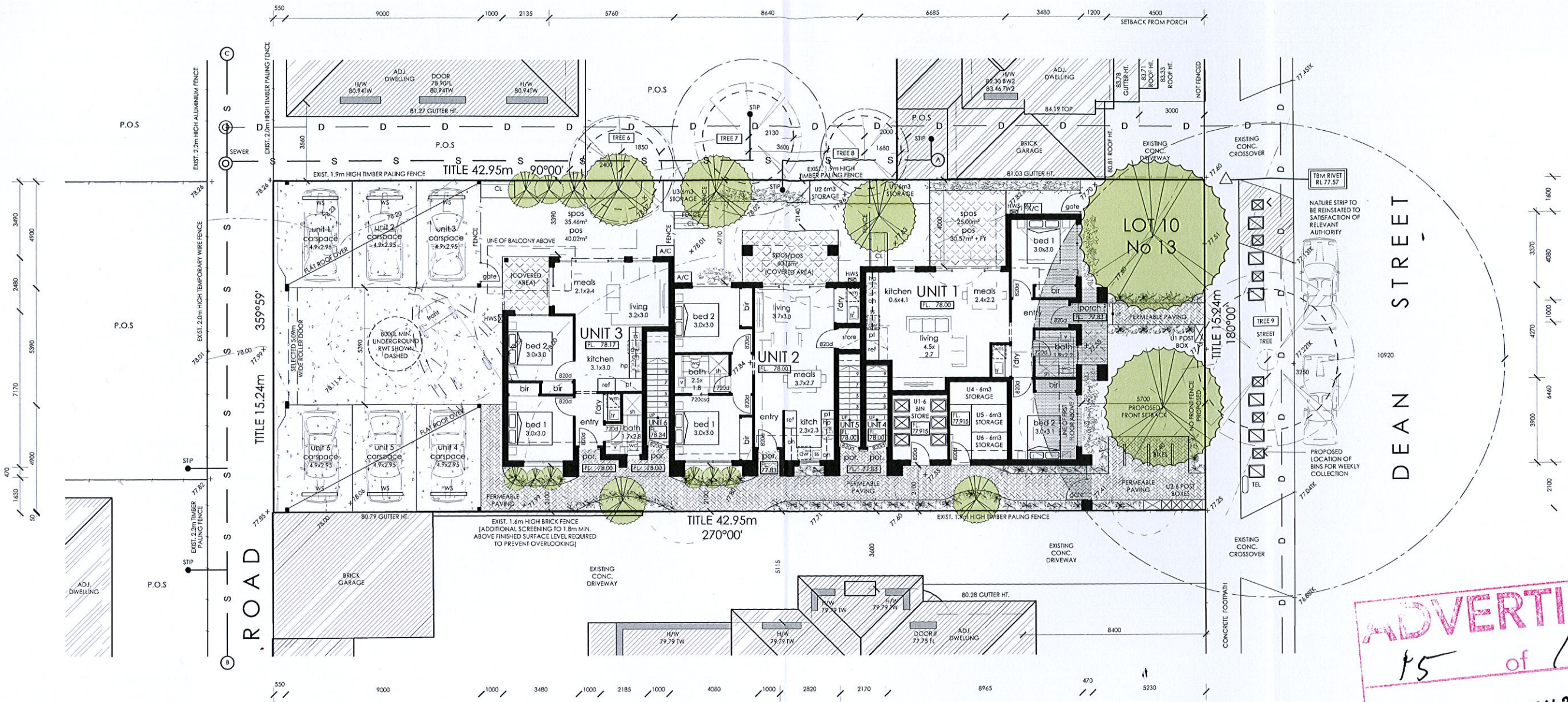
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CITY OF DAREBIN  
STATUTORY PLANNING

MULTI UNIT DEVELOPMENT  
13 DEAN STREET  
PRESTON  
SHADOW DIAGRAMS &  
STREETSCAPE ELEVATION



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GROUND FLOOR PLAN  
SCALE 1:100

ADVERTISED  
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Date 27 JAN 2016

LEGEND

- 150 Ø SEWER PIPE (MATERIAL UNKNOWN) - 2.42m AVERAGE DEPTH 910mm OFFSET NORTH FROM NORTH BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION
- 225 Ø SEWER PIPE (MATERIAL UNKNOWN) - 2.89m AVERAGE DEPTH 910mm OFFSET EAST FROM WEST BOUNDARY OF ROAD. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION
- 225 Ø SEWER PIPE (MATERIAL UNKNOWN) - 2.86m AVERAGE DEPTH 910mm OFFSET EAST FROM WEST BOUNDARY OF ROAD. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION
- 225 Ø DRAIN PIPE (MATERIAL UNKNOWN) - DEPTH & OFFSET UNKNOWN - CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION
- TO BE REMOVED OR DEMOLISHED
- NOTE: ALL LEVELS ARE TO A.H.D.
- EXISTING SPOT LEVELS
- SEWER TIE IN POINT
- ADJOINING HABITABLE ROOM WINDOW
- TOP OF ADJOINING WINDOW
- ELECTRICITY POLE
- TELSTRA PIT
- SIDE ENTRY PIT
- CL, OTHES LINE
- PRIVATE OPEN SPACE
- SECLUDED PRIVATE OPEN
- FS
- FIXED SCREENING TO 1.7m ABOVE FFL WITH MAXIMUM 25% TRANSPARENCY
- WHEEL STOPS IN ACCORDANCE WITH AS 2890.2 - 2004: CLAUSE 2.4.5.4
- WS
- 1.8m MIN. HIGH FENCE
- 1.8m MIN. HIGH GATE
- EXISTING TREES
- EXISTING TREES TO BE REMOVED
- PROPOSED LANDSCAPE TO FUTURE DETAIL
- CONCRETE DRIVEWAY/PATH
- PERMEABLE PAVING TO OWNERS SELECTION
- SELECTED PAVING TO OWNERS SELECTION
- LPOD
- LEGAL POINT OF DISCHARGE
- THE STORMWATER FROM THE PROPERTY IS TO BE CONNECTED TO THE EXISTING 225mm DIAMETER UNDERGROUND DRAIN AT THE FRONT OF DEAN 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 DESIGN AT 1:10 YEAR ARI & SITE DISCHARGE OF ONE IN FIVE YEARS (DRAINAGE VIA GRAVITY ONLY - NO PUMP SYSTEMS PERMITTED)
- REFER TO LPOD INFO FOR MORE INFORMATION
- WASTE MANAGEMENT
- 2 x 240L CAPACITY GARBAGE BINS (585mm x 730mm x 1060mm)
- 4 x 240L CAPACITY RECYCLING BINS (585mm x 730mm x 1060mm)
- REFER TO WASTE MANAGEMENT PLAN BY: LEIGH DESIGN DATED: 07/10/2015
- TREE PROTECTION ZONE ENCROACHMENT AREAS:
- UNIT 1 ENCROACHMENT OF TREE 9
- TPZ AREA 37.44m<sup>2</sup> = 27.48m<sup>2</sup> (7.34%)
- HATCH DENOTES EXTENT OF TPZ ENCROACHMENT
- REFER TO ARBORICULTURAL REPORT & ARBORICULTURAL IMPACT ASSESSMENT
- PREPARED BY: TREE RESPONSE DATE: JUNE 2015
- FOR INFORMATION REGARDING TREE PROTECTION DETAILS
- SRZ - STRUCTURAL ROOT ZONE
- TPZ - TREE PROTECTION ZONE

SUSTAINABLE DESIGN

- HWS INSTANTANEOUS GAS HOT WATER SYSTEM (5 STARS) TO OWNER'S SELECTION - LOCATIONS TO BE CONFIRMED ON SITE
- A/C REVERSE CYCLE AIR CONDITIONING UNITS - THERMOSTATICALLY CONTROLLED SPECIFIED WITH 1 STAR OF BEST AVAILABLE OR TO COMPLY WITH MEPS 2013 - LOCATIONS TO BE CONFIRMED ON SITE
- 8000L MIN. UNDERGROUND WATER TANK TO SERVICE THE DEVELOPMENT TO OWNER'S SELECTION. ALL SANITARY FLUSHING TO OPERATE USING RAINWATER TANKS
- F/ESD FIXED, EXTERNAL SHADING DEVICE TO OWNER'S SELECTION
- O/ESD OPERABLE, EXTERNAL SHADING DEVICE TO OWNER'S SELECTION
- BIKES BIKE RACK AREA TO OWNER'S SELECTION TO ACCOMMODATE 8 BICYCLES - LOCATION TO BE CONFIRMED ON SITE
- NOTE:
  - HIGH EFFICIENT LIGHT FITTINGS (LED OR COMPACT FLUORESCENT) TO OWNER'S SELECTION TO BE USED THROUGHOUT
  - DAYLIGHT & MOTION SENSOR LIGHTING TO BE USED FOR COMMON AREAS
  - LIGHTING IN LIVING AREAS NOT TO EXCEED 5w/m<sup>2</sup> IN ACCORDANCE WITH NCC 2013 SECTION 3.12.5.5
  - HIGH WATER EFFICIENT FIXTURES & FITTINGS TO BE USED THROUGHOUT
  - NOT LESS THAN 4 STARS FOR WCS
  - NOT LESS THAN 3 STARS FOR SHOWERS
  - NOT LESS THAN 5 STARS FOR TAPS
- REFER TO SDA REPORT FOR FURTHER DETAILS

EXTERNAL FINISHES SCHEDULE

ROOFING	CONCRETE TILED ROOF & METAL SHEET ROOFING	
WALLS	FACE BRICKWORK	
	LIGHTWEIGHT CLADDING WITH RENDERED FINISH	
	FEATURE CLADDING TO OWNER'S SELECTION	
GUTTERS & DOWNPIPES	COLORBOND	
WINDOWS & DOORS	POWDERCOATED ALUMINIUM	

DEVELOPMENT SUMMARY

SITE AREA	654.56m <sup>2</sup>	BUILDING SITE COVERAGE	344.11m <sup>2</sup> (52.6%)
DENSITY	1:109 DP	SITE PERMEABILITY	228.27m <sup>2</sup> (34.8%)
No of DWELLINGS	6		
CAR PARKING	6 TOTAL	PRIVATE OPEN SPACE	
UNIT 1	1 CARSPACE	UNIT 1	SPOS 25.00m <sup>2</sup> - POS = 30.57m <sup>2</sup> + FY
UNIT 2	1 CARSPACE	UNIT 2	SPOS/POS = 40.16m <sup>2</sup>
UNIT 3	1 CARSPACE	UNIT 3	SPOS 35.46m <sup>2</sup> - POS = 40.02m <sup>2</sup>
UNIT 4	1 CARSPACE	UNIT 4	BALCONY = 8.04m <sup>2</sup>
UNIT 5	1 CARSPACE	UNIT 5	BALCONY = 8.01m <sup>2</sup>
UNIT 6	1 CARSPACE	UNIT 6	BALCONY = 8.01m <sup>2</sup>

GROSS BUILDING AREA / UNIT

	UNIT 1	UNIT 2	UNIT 3
GROUND	74.71m <sup>2</sup>	68.41m <sup>2</sup>	61.36m <sup>2</sup>
PORCH	5.55m <sup>2</sup>	1.81m <sup>2</sup>	2.41m <sup>2</sup>
TOTAL	80.26m <sup>2</sup> (8.63a)	70.22m <sup>2</sup> (7.55a)	63.77m <sup>2</sup> (6.86a)
	UNIT 4	UNIT 5	UNIT 6
GROUND	4.46m <sup>2</sup>	5.02m <sup>2</sup>	6.32m <sup>2</sup>
FIRST	68.82m <sup>2</sup>	65.22m <sup>2</sup>	60.86m <sup>2</sup>
PORCH	1.57m <sup>2</sup>	1.57m <sup>2</sup>	2.41m <sup>2</sup>
BALCONY	8.04m <sup>2</sup>	8.01m <sup>2</sup>	8.01m <sup>2</sup>
TOTAL	82.89m <sup>2</sup> (8.91a)	79.82m <sup>2</sup> (8.58a)	77.60m <sup>2</sup> (8.34a)
COMMUNAL COVERED CAR PARKING AREA	88.20m <sup>2</sup> (9.48a)		
BN & STORAGE AREA	19.97m <sup>2</sup> (2.15a)		

CONSTRUCTION

- INTERNAL WALLS: 90mm THICK TIMBER STUD CONSTRUCTION
- EXTERNAL WALLS: 90mm THICK BRICK VENEER CONSTRUCTION & 90mm THICK TIMBER STUD CONSTRUCTION WITH 80mm THICK LIGHT WEIGHT POLYSTYRENE CLADDING. FIRST FLOOR - 90mm THICK BRICK VENEER CONSTRUCTION WITH 80mm THICK LIGHT WEIGHT POLYSTYRENE CLADDING. TIMBER CLADDING WITH PAINTED FINISH OR FEATURE CLADDING

LANDSCAPING

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

STORMWATER REGULATION

23 NOV 2015

CITY OF DAREBIN STATUTORY PLANNING

MULTI UNIT DEVELOPMENT  
13 DEAN STREET  
PRESTON  
GROUND FLOOR PLAN

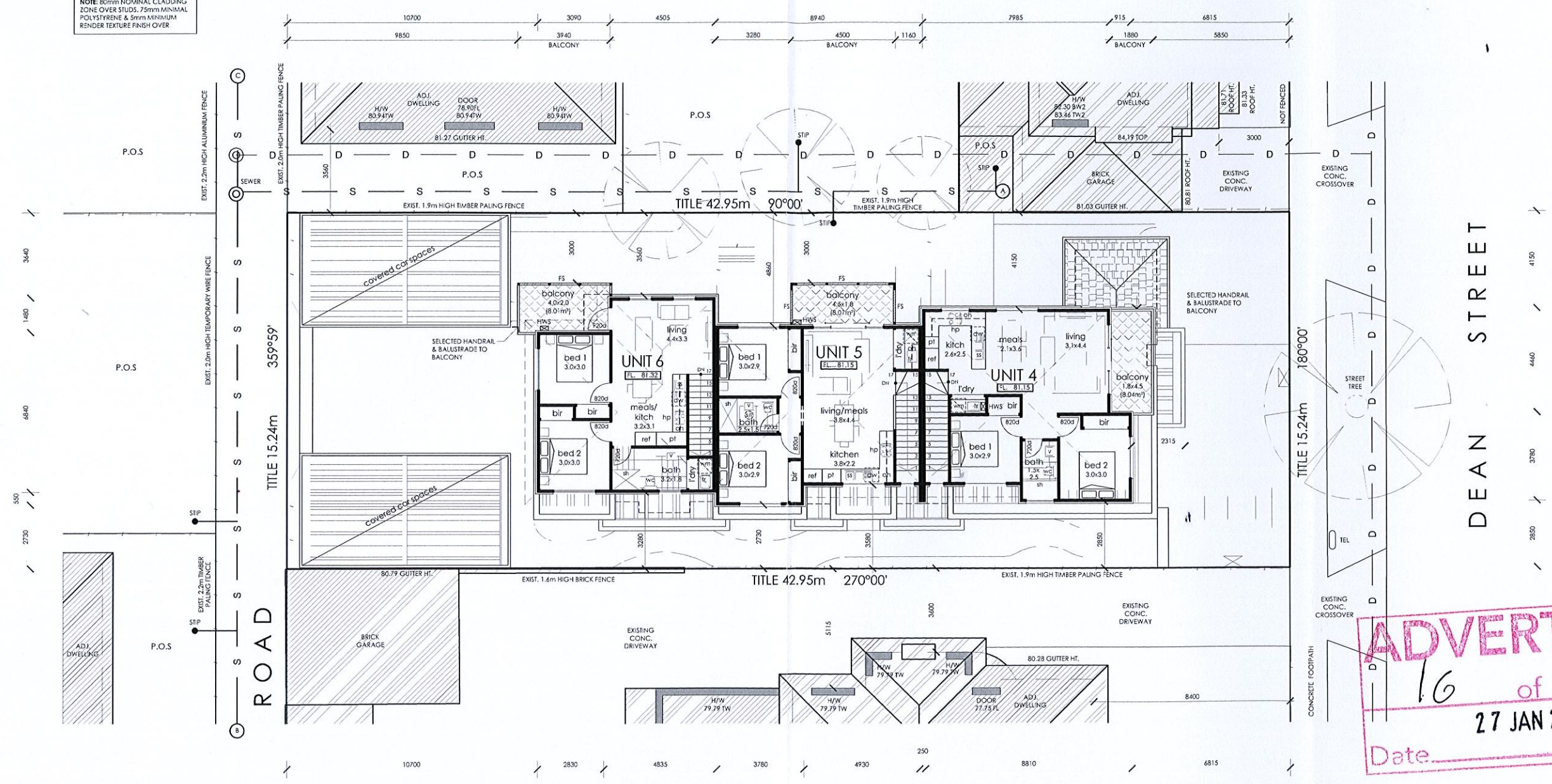






NOTE: ALL SETBACKS DIMENSIONS TO FIRST FLOOR ARE TO STRUCTURAL WALL FACE EXCLUDING CLADDING

NOTE: 80mm NOMINAL CLADDING ZONE OVER STUDS, 75mm MINIMAL POLYSTYRENE & 5mm MINIMUM RENDER TEXTURE FINISH OVER



FIRST FLOOR PLAN  
SCALE 1:100

**ADVERTISED**  
16 of 17  
27 JAN 2016  
Date \_\_\_\_\_

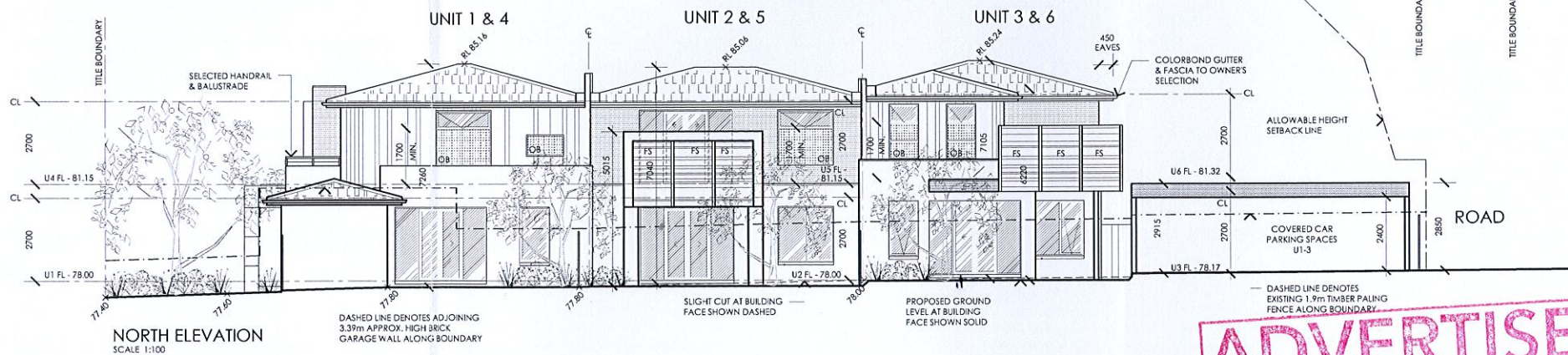
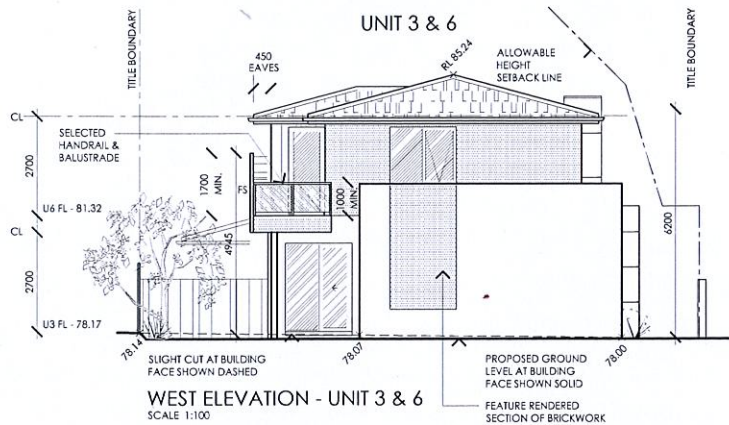
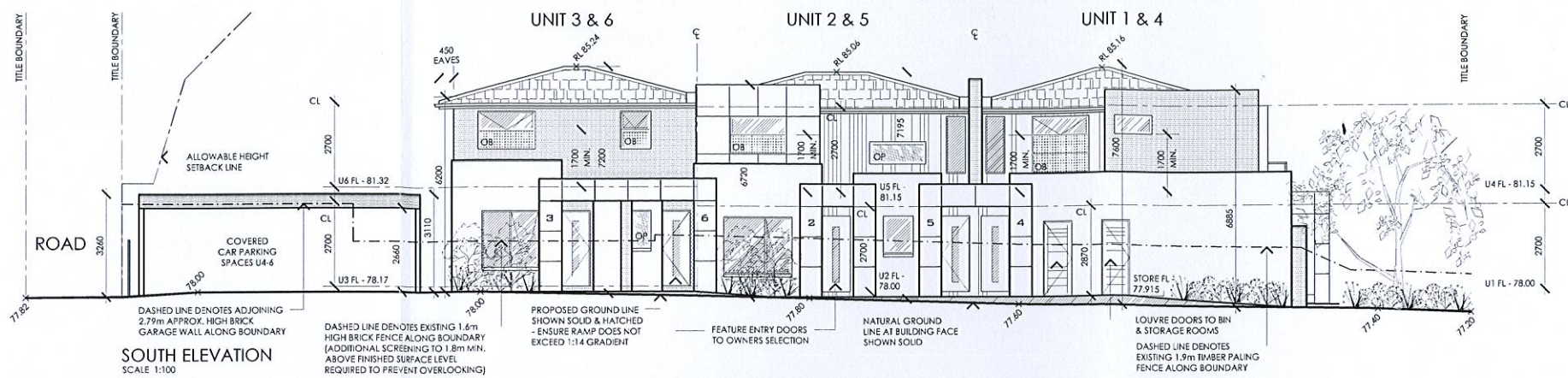
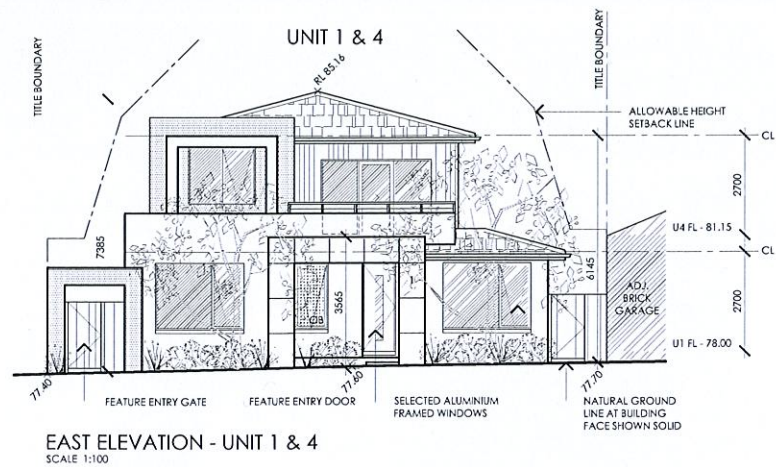
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STATUTORY PLANNING

MULTI UNIT DEVELOPMENT  
13 DEAN STREET  
PRESTON  
FIRST FLOOR PLAN

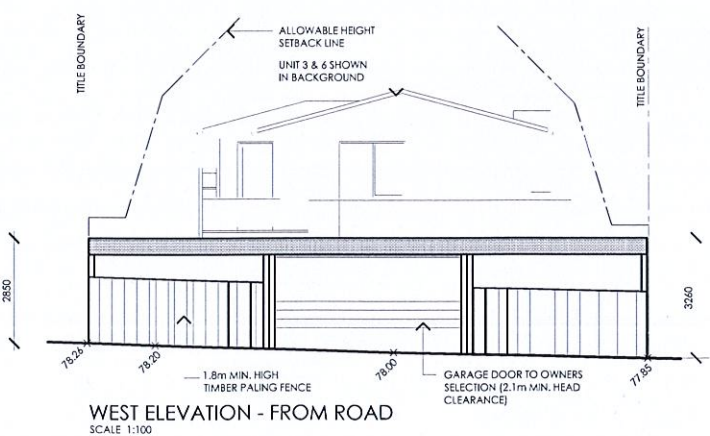


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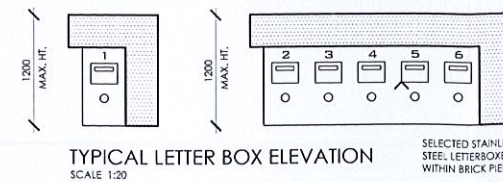


**ADVERTISED**  
 17 of 17  
 Date 27 JAN 2016



**LEGEND**  
 COLOURS AND SPECIFIC SELECTIONS TO OWNER'S SELECTION

	FACE BRICKWORK		SELECTED VERTICAL LINED CLADDING
	RENDER FINISH		FEATURE SELKIRK 'URBAN ARCHITECTURAL PANEL' CLADDING OR SIMILAR LIGHTWEIGHT CLADDING
	OBSCURED GLAZING TO 1.7m ABOVE FFL WITH MAXIMUM 25% TRANSPARENCY		FS FIXED SCREENING TO 1.7m ABOVE FFL WITH MAXIMUM 25% TRANSPARENCY. REFER TO TYPICAL FIXED SCREEN SECTION



1700 MINIMUM HEIGHT  
 74mm WIDE FIXED ALUMINUM LOUVRES OR SIMILAR SCREENING TO 1.7m ABOVE FINISHED FLOOR LEVEL. LOUVRE SPACING TO ENSURE MAXIMUM 25% TRANSPARENCY

**RECEIVED ON**  
 23 NOV 2015  
 CITY OF DAREBIN  
 STREETARY PLANNING

MULTI UNIT DEVELOPMENT  
 13 DEAN STREET  
 PRESTON  
 ELEVATIONS

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**5.3 APPLICATION FOR PLANNING PERMIT D/665/2015**  
 3 Gillies Street, Fairfield Vic 3078

**AUTHOR: Principal Planner – Jolyon Boyle**

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

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
P and L Tsakmakis c/o Cornetta Partners Architects	Phillip Tsakmakis and Laura Jane Tsakmakis	Chris McKenzie Melbourne Planning Solutions

**SUMMARY:**

- This application is for the development of a three (3) storey (plus basement) building comprising 9 dwellings and 11 car spaces. Each dwelling provides two (2) bedrooms and access to at least one (1) car parking space. Each dwelling provides a balcony of eight (8) to 26 square metres in area.
- Vehicle access is provided via a crossover located adjacent the north boundary.
- There is no restrictive covenant on the title for the subject land.
- The site is zoned General Residential Zone (Schedule 2).
- 25 objections were received against this application.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Transport Management and Planning Unit, Capital Works Unit and the ESD officer.
- The application was not required to be referred to external authorities.

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

**THAT** Planning Permit Application D/655/2015 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 TPA03, TPA04, TPA05, TPA06 and TPA07 Job No 15-08 prepared by Cornetta Partners) but modified to show:
  - a) A landscape plan in accordance with Condition No. 4 of this Permit.
  - b) Any modifications in accordance with the Sustainable Design Assessment (Refer to Condition No. 5 of this Permit).
  - c) Fixed horizontal shading devices to all north elevation windows.
  - d) Retractable vertical shading devices to all west elevation windows.
  - e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to either side 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.
  - f) The location of all plant and equipment (including air conditioners, solar panels, solar hot water systems as outlined in the Sustainable Design Assessment). These are to be screened to be minimally visible from the public and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building. Solar hot water tanks are to be flush mounted on the roof and not elevated on stands.

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.



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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 (eg. grass (lawn), gravel, paving and garden beds).
  - j) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection.

It is recommended that a Built Environment Sustainability Scorecard (BESS) report is undertaken as part of the SDA.

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

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

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

7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 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;

- d) Line marked and;
- e) 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 crossings 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

Application D/591/2014 - A three (3) storey apartment building comprising twelve (12) dwellings and basement carpark was refused on 22 September 2014 on the following grounds:

1. The proposal represents an overdevelopment of the site.
2. The design of the development is contrary neighbourhood character objectives.
3. The height of the development fails to reflect the predominantly low scale dwellings in the street resulting in the presentation of a dominant form and scale to the street.
4. The height and proximity of the development to the north boundary will have an unreasonable visual bulk impact upon the adjacent property to the north.
5. The development fails to provide sufficient landscaping opportunities.
6. The development fails to provide sufficient secluded private open space and or private open space to dwellings 1, 2, 3, 4 and 5.
7. Dwellings 2, 3, 4, 5, 7, 8, 9 and 10 provide a substandard level of internal amenity arising from the overhung balconies and the proliferation of screening measures which restrict outlook and access to daylight.
8. The depth of the living rooms serving dwelling 3, 4, 8 and 9 is greater than 9m, which will limit access to daylight to the southern end of these spaces.
9. The windows serving bedroom 2 of dwellings 3, 4, 8 and 9 fail to achieve Standard B27 of Clause 55.
10. The development fails to achieve standard B8 of Clause 55.
11. The development fails to achieve standard B9 of Clause 55.
12. Vehicle manoeuvrability to and from the two (2) car parking spaces located at the western end of the basement is unsatisfactory.
13. The ESD credentials of the development are unresolved.
14. Limited bicycle parking facilities are provided.

An appeal lodged against our refusal was upheld at VCAT. (VCAT Order dated 16 April 2015).

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is regular in shape and measures 40.23 metres in length and 14.33 metres in width with a site area of 576 square metres.
- The land is located within the General Residential Zone (Schedule 2). No overlays apply.
- The land is located on the east side of Gillies Street between Railway Place to the north and Heidelberg Road to the south. The land is located 50 metres north of the intersection of Heidelberg Road and Gillies Street.
- The land has a fall of approximately 0.5 metres from the north-west to the south-east.

- The land is occupied by a single storey dwelling with secluded private open space and outbuildings located to the rear.
- The dwelling provides a minimum front setback of 5.3 metres.
- Vehicle access is provided via a crossover located adjacent the north boundary.
- The land contains established vegetation.
- To the west of the site across on opposite side of Gillies Street are single and double storey dwellings of brick or weatherboard construction.
- To the north of the site is a single storey weatherboard dwelling with secluded private open space and in-ground swimming pool located to the rear. The dwelling is setback a minimum of 5.7 metres from the street frontage and a minimum of 2 metres from the common boundary. The dwelling provides a south facing courtyard with a direct outlook toward the subject site.
- To the south and east of the site is a car dealership with frontage to Heidelberg Road, which wraps around the south and east boundary of the site.
- On-street parking on the eastern side of Gillies Street is subject to a 1 hour parking restriction between 8:30am and 6:00pm Monday to Friday to the south of the site and is unrestricted to the north.
- On-street parking on the western side of Gillies Street is subject to a 15 minute parking restriction to the south of No. 4 Gillies Street and is unrestricted to the north.
- The site is located in proximity to a range of shops of shop and services on Station Street.
- Fairfield Railway Station is located at the end of the street approximately 200 metres from the site;
- Bus route 609 (Hawthorn-Fairfield) runs along Heidelberg Road and Station Street; bus route 546 (Heidelberg -Melbourne University-Queen Victoria Market) runs along Heidelberg Road and bus route 567 (Northcote-Regent) runs along Station Street to the north-east of the site.

### **Proposal**

- Development of a three (3) storey (plus basement) building comprising nine (9) dwellings
- The development comprises two (2) single bedrooms, five (5) two (2) bedroom dwellings and two (2) three (3) bedroom dwellings.
- Most dwellings provide a single aspect to the north with direct access to ground level courtyard or balcony.
- Each dwelling provides secluded private open space in the form of a small ground level courtyard or balcony of between 8 square metres to 26 square metres.
- 11 car parking spaces and individual storage facilities are provided at basement level.
- Vehicle access is via the existing crossover located adjacent the northern boundary.
- The development provides a contemporary form with a flat roof.
- The materials and finishes include render, cladding and glass and metal balustrades.

### **Objections**

- 25 objections have been received.

**Objections summarised**

- Contrary to character of the area
- Too many 1 and 2 bedroom dwellings / no dwelling diversity
- Not sustainable
- Traffic impacts
- Insufficient car parking
- Overdevelopment
- Visual bulk
- No net value to the community

**Officer comment on summarised objections**

The Planning Committee Charter (the Charter) identifies that its scope of activity is to consider and determine planning applications which receive five (5) or more objections. For the purpose of the Charter, multiple objections from the same property address are counted as a single objection as is a petition or letter with multiple signatories. It is noted that 13 of the 22 objections are identical pro-forma letters, however these letters comprise neither a petition nor a single letter with multiple signatories. None of the addresses associated with the 11 pro-forma letters are proximate to the site. The remaining objectors reside in proximity to the site.

Contrary to character of the area

See the assessment neighbourhood character assessment below.

Too many 1 and 2 bedroom dwellings / no dwelling diversity

The proposal provides housing diversity consistent with state and local planning policy, including two (2) single bedrooms, five (5) two (2) bedroom dwellings and two (2) three (3) bedroom dwellings.

Not sustainable

The proposal has provided an appropriate ESD assessment.

Traffic impacts

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

Insufficient Car Parking

The development provides sufficient on site car parking in an area well served by public transport.

Overdevelopment

The height and scale of the development is considered to the context of the site..

Height

The three (3)-storey height of the development accords with Clause 55. The height of the proposal is considered to be appropriate in the context of the site.

Visual bulk

The visual bulk impact of the proposal has been addressed through setbacks and landscape treatments.

No net value to the community

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

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

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

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

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

Overshadowing

The level of overshadowing does not unreasonably impact upon the amenity of adjacent properties. The properties located to the south and east are commercial and are located within a Commercial 1 Zone. The shadow cast to the east will be over Gillies Street. No shadow is cast over the residential property to the north of the site.

Infrastructure capacity

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

Devaluation of property

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

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Noise / disruption during construction

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

Safety

The development raises no issues in respect to safety. The development provides a visible entrance and balconies overlooking each street to provide passive surveillance.

**PLANNING ASSESSMENT****VCAT determination**

Council's decision to refuse planning application D/591/2014 was upheld by VCAT. This application involved the development of a three (3) storey apartment building comprising twelve (12) dwellings and a reduction to the visitor car parking requirement.

Below is a summary of the key questions and issues raised VCAT.

- Is the proposed development acceptable having regard to the site's strategic context?

*This site has policy support for redevelopment of a more intense form. Its location is exceptional when considering its access to the range of services and facilities including public transport, public open space, a neighbourhood activity centre, schools and other community facilities. The site is also identified for Incremental change which is an area that has the capacity to accommodate a moderate level of change over time. The site also adjoins two commercial properties currently zoned Industrial 3 and are used as a car dealership.*

- Is the impact on the adjoining dwelling to the north (5 Gillies Street, Fairfield) acceptable?

*I have some key concerns with the impact of the proposed building on 5 Gillies Street. The subject site has the opportunity of the commercial south and east boundaries, but any future development is tempered by the residential property to the north.*

*Any future form needs to better respond to the property at No. 5 Gillies Street. It needs to respond to the 'U' shaped private open space area where, by my observation, much of the living in the dwelling occurs. It needs to better respond to the rear open space area at No. 5 Gillies Street, perhaps reducing the form to single storey or increasing the setback from the boundary and pushing it further to the southern boundary.*

- Is the proposal acceptable from a neighbourhood character perspective?

*Gillies Street is eclectic hosting a range of forms including weatherboard cottages, recent cotemporary development, 1960-1970's form as well as a Church with its large paved setback.*

*It is appropriate that any future built form of the site is contemporary*

- Is the reduction of the visitor car parking requirement acceptable?

*The proposed development provides a total of 12 car spaces within the basement, all allocated to the dwellings. This number meets the planning scheme requirements of Clause 52.06 for resident parking. No visitor parking is provided where 2 spaces are recommended under the planning scheme.*



*Considering whether to reduce car parking be it for residents or visitors, is about changing people's behaviours for the future. Generally, we are attempting to reduce the reliance of people on vehicles and encourage the use of alternate modes of transport. In considering any future proposal to reduce parking, it would be useful and beneficial to have 'on the ground' parking surveys undertaken, not simply NearMap ones; have further parking surveys including evening surveys when peak visitor car parking is anticipated and information on other activities within the street such as the Church and how this may impact on the parking demand in the street.*

*This issue needs more work undertaken to be able to conclude that any requirement of car parking could be reduced*

The current application provides a satisfactory response to the issues raised by the Tribunal.

The impact of the proposal upon No. 5 Gillies Street including its courtyard garden and rear garden has been addressed through the provision of larger north boundary setbacks in excess of Clause 55 requirements and through the provision of larger landscaping opportunities along the north boundary to soften the appearance of the proposal.

In addition the number of dwellings has been reduced from 12 to nine (9) dwellings (20 bedrooms reduced to 18 bedrooms). This reduces the visitor car parking requirement under Clause 52.06 of the Planning Scheme from two (2) spaces to one (1) space. In regard to the visitor car parking reduction, the Tribunal determined that any future application must undertake a more thorough assessment of car parking demand. This application is accompanied by a transport and parking assessment which indicates that there is sufficient car parking capacity on street to accommodate a demand for one (1) visitor car parking space.

In terms of height, neighbourhood character and density considerations, the Tribunal were fairly unequivocal in their view that the site's proximity to public transport and services provided sufficient justification to allow a more intensity form of development of the scale proposed. The adjoining commercial properties to the south and east also allowed for a different approach to the setbacks and boundary walls.

This latest proposal continues the positive architectural themes that the Tribunal highlights while providing reduced number of dwellings and larger setback from the sensitive interface to the north.

### **Neighbourhood Character Precinct Guideline Assessment - Precinct B3**

#### Existing Buildings

The site is not affected by a Heritage Overlay therefore the existing dwelling may be demolished without planning permission.

#### **Complies**

#### Vegetation

The proposed development by reason of its high site coverage and siting either on or near side and rear boundaries provides only limited opportunities to landscape the site.

Critically the landscaping is concentrated along the front and north boundary where the development interfaces with the street and the adjacent residential property to the north.

#### **Complies**

### Siting

Provision has been made for a front garden.

The predominant style of development in the street is detached dwellings with setbacks along both side boundaries. Newer forms of multi-level residential development are emerging within the street, notably at 33 and 35 Gillies and the six (6)-storey development fronting Gillies Street and Railway Place.

There are some examples of boundary to boundary development and dwellings constructed along one boundary, but they are the exception.

The development is setback from the north boundary and is constructed on the south and east (rear) boundary where the site adjoins a car sales business fronting Heidelberg Road. Having regard to the site context including the adjacent car yard the proposed siting on the rear and south boundary does not raise any issues. Sufficient space for landscaping is provided adjacent the north boundary to soften the appearance of the development as viewed from the property to the north.

The car park is located at basement level and will not be visible from the street. Access to the car park will be via an existing crossover to Gillies Street.

### **Complies**

#### Height and Building Form

The predominant height of buildings in the street is single and double storey. Most dwellings provide either a hipped or gable roof form. The proposed development is a contemporary three-storey building with a flat roof and large site coverage.

In terms of the appearance of the proposal from the streetscape the overall design and form of the development of the proposal is consistent with the Tribunal's view that the site was well suited to a contemporary form of development. Critically the current application provides more recessive setbacks from the north boundary in response to the adjacent single storey dwelling.

### **Complies**

#### Materials and Design Detail

The proposed materials and finishes comprise render, cladding and glass and metal balustrades. The form of the front façade is adequately articulated through the materials, openings and setbacks.

### **Complies**

#### Front Boundary Treatment

A 1.2 metre high fence is proposed.

### **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
North	3 metres	1 metres	3.0 - 3.9 metres
South	3 metres	1 metres	0 – 1.2 metres
East	3 metres	1 metres	0 metres

## First Floor

Boundary	Wall height	Required Setback	Proposed setback
North	6.1 metres	1.75 metres	3.0 - 4.1 – 6.47 metres
South	6.1 metres	1.75 metres	0 – 1.2 metres
East	6.1 metres	1.75 metres	0 metre

## Second Floor

Boundary	Wall height	Required Setback	Proposed setback
North	9 metres	4.1 metres	4.1 metres
South	9 metres	4.1 metres	1.5 metres
East	9 metres	4.1 metres	11.8 - 14.6 metres

This proposal comprises a three (3) storey development (plus basement). The development achieves or exceeds Standard B17 setbacks from the north boundary. This represents an appropriate response to site context, particularly in regard to the interface of the development with the neighbouring property to the north. Furthermore the development provides sufficient opportunities for landscaping along the north boundary to soften the view of the development.

In comparison to application D/591/2014 the north boundary setbacks have increased from 2.77 - 3.9 metres, 3.1 metres and 4.1 metres at the ground, 1<sup>st</sup> and 2<sup>nd</sup> floors respectively, to 3.0 - 3.9 metres, 3.0 - 4.1 – 6.47 and 4.1 metres at the ground, 1<sup>st</sup> and 2<sup>nd</sup> floors respectively.

The south and east elevations interface with an adjacent car yard including a boundary wall (east boundary only). The setbacks of the south and east elevations, while less than the standard, are responsive to the site context.

**Complies with objective**Clause 55.04-6 B22 Overlooking

The development is designed to limit views into neighbouring secluded private open space and habitable room windows. All upper storey windows are appropriately designed and/or screened to ensure no overlooking.

**Complies**

Clause 55.05-4 B28 Private Open Space

This is achieved through the provision of a courtyard or balcony at least 8 square metres with a minimum width of 1.6 metres and convenient access from a living room.

	<b>Total POS (balcony or courtyard)</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>
Dwelling 1	32 square metres	18 square metres	3.9 metres
Dwelling 2	26.72 square metres	26.72 square metres	3.0 metres
Dwelling 3	26.64 square metres	26.64 square metres	3.0 metres
Dwelling 4	16.5 square metres	16.5 square metres	3.0 metres
Dwelling 5	8 square metres	8 square metres	1.6 metres
Dwelling 6	8.32 square metres	8.32 square metres	1.6 metres
Dwelling 7	8.11 square metres	8.11 square metres	2.2 metres
Dwelling 8	8.08 square metres	8.08 square metres	1.8 metres
Dwelling 9	28.71 square metres (2 balconies)	28.71 square metres (2 balconies)	2.7 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

A total of 11 car parking spaces are provided at basement level. One (1) car parking space is provided for each of the one (1) and two (2) bedroom dwellings and two (2) car spaces each are provided for the two (2) three (3) bedroom dwellings.

No visitor car parking is provided, where one (1) space is recommended under this Clause.

The development provides 11 car spaces within the basement, all allocated to the dwellings. This number meets the planning scheme requirements of Clause 52.06 for resident parking.

Clause 52.06 recommends the provision of two (2) visitor car parking spaces. These are not provided on site and a reduction is therefore sought.

The residents raised the concern regarding the level of parking demand in the street, the proposed provision of car spaces and the proposed reduction of the visitor parking requirement. It is important to note that as the proposal meets the planning scheme requirements in relation to resident parking.

In regard to mechanical stacker parking the planning scheme at Clause 52.06 recognises that mechanical car parking is a legitimate form of car parking and states that it may be used to meet the car parking requirement subject to some design criteria.

In regard to visitor car parking VCAT required that any future application provide a more comprehensive assessment of car demand. The current application is accompanied by a satisfactory assessment.

The assessment indicates that sufficient on street car parking was available within 50 metres of the site. Provision of 10 bicycle parking spaces and the site's excellent access to public transport add to the mix of transport non car based transport options.

Based on the decision guidelines under Clause 52.06 and the data provided within the applicant's transport assessment, it is considered that a reduction of one (1) visitor car parking space would not have a detrimental impact upon the surrounding area.

Design Standards for Car parking

The car parking spaces and the access ways have appropriate dimension to enable efficient use and management.

Access dimensions to the car spaces comply with the standard.

Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This has been requested as a condition of approval.

**CLAUSE 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	Y	Y
<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 appropriately integrates with the Street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The front setback of the adjoining dwelling to the north is 5.7m to 8m. The standard therefore requires a setback of 5.7m. The proposed front setback of 5.7m to 7.3m complies with the standard.	Y	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		9.0 metres.	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		68.9%. The site coverage is appropriate in the context of the site, which includes commercial and residential interfaces.	N	Y

Clause	Std		Compliance	
			Std	Obj
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		15.81%. The permeability is acceptable given the commercial / residential context of the site.	N	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. An SDA assessment is requested as a condition of approval.	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.	Y	Y
<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
<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>		
		The south and east boundary walls are appropriate in the context of the adjacent boundary walls and commercial use.	N	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.	Y	Y
<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

Clause	Std		Compliance	
			Std	Obj
<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>		
		The central entry to the dwellings is 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.	N	Y
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		
		Design detail of development is appropriate.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		A 1.2 metre high front fence is proposed which is appropriate in the neighbourhood context.	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

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**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.

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

- Clause 32.08 (General Residential Zone 2) – Construction of more than one dwelling
- Clause 52.06 (Car Parking) - A reduction to the car parking requirement.

**Applicable provisions of the Darebin Planning Scheme**

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.02
Zone	32.01
Overlay	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 social inclusion or diversity implications as a result of the determination of this application.

**Other**

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

**FINANCIAL AND RESOURCE IMPLICATIONS**

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



## **FUTURE ACTIONS**

Nil

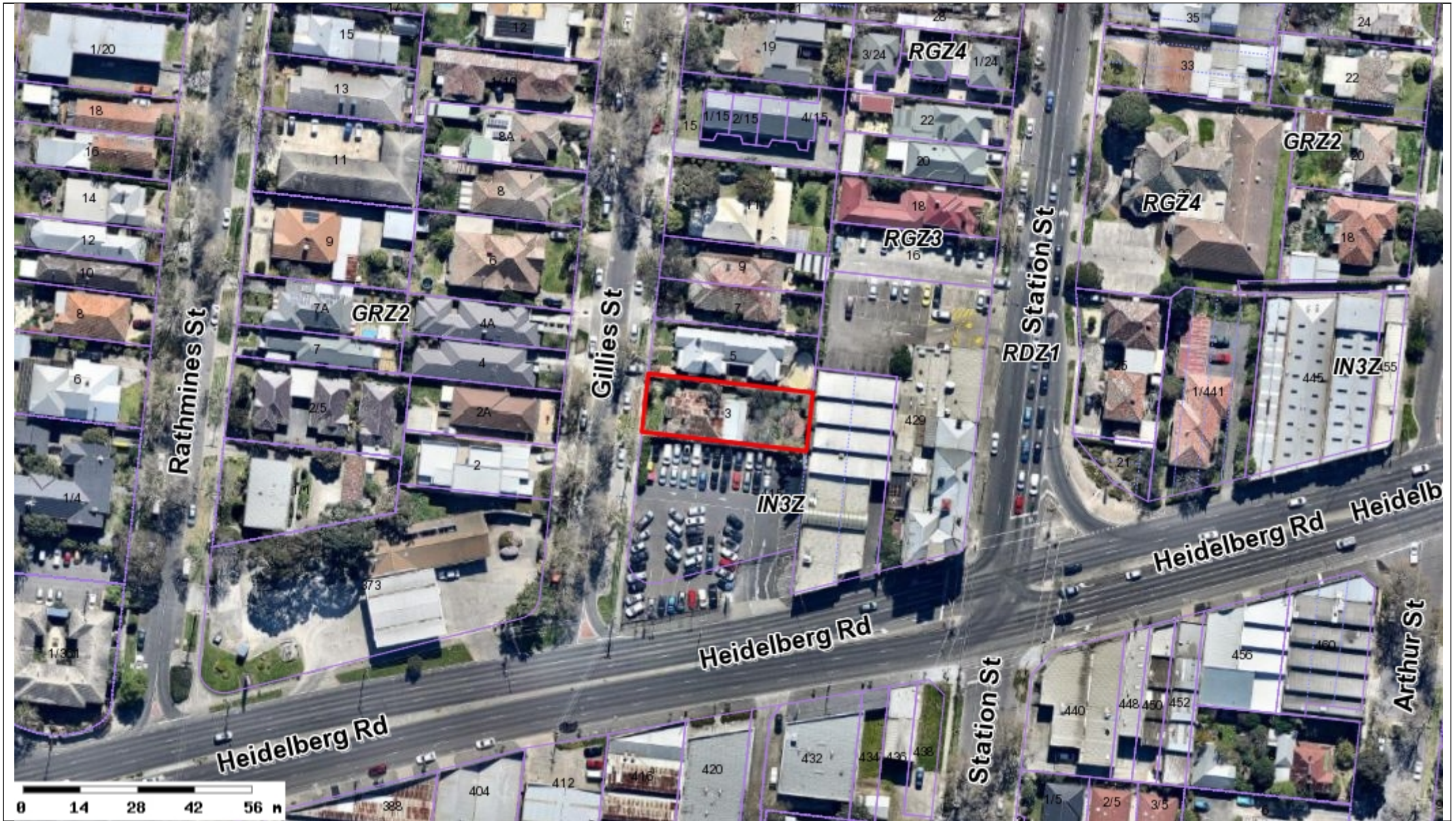
## **DISCLOSURE OF INTERESTS**

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

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

## **RELATED DOCUMENTS**

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



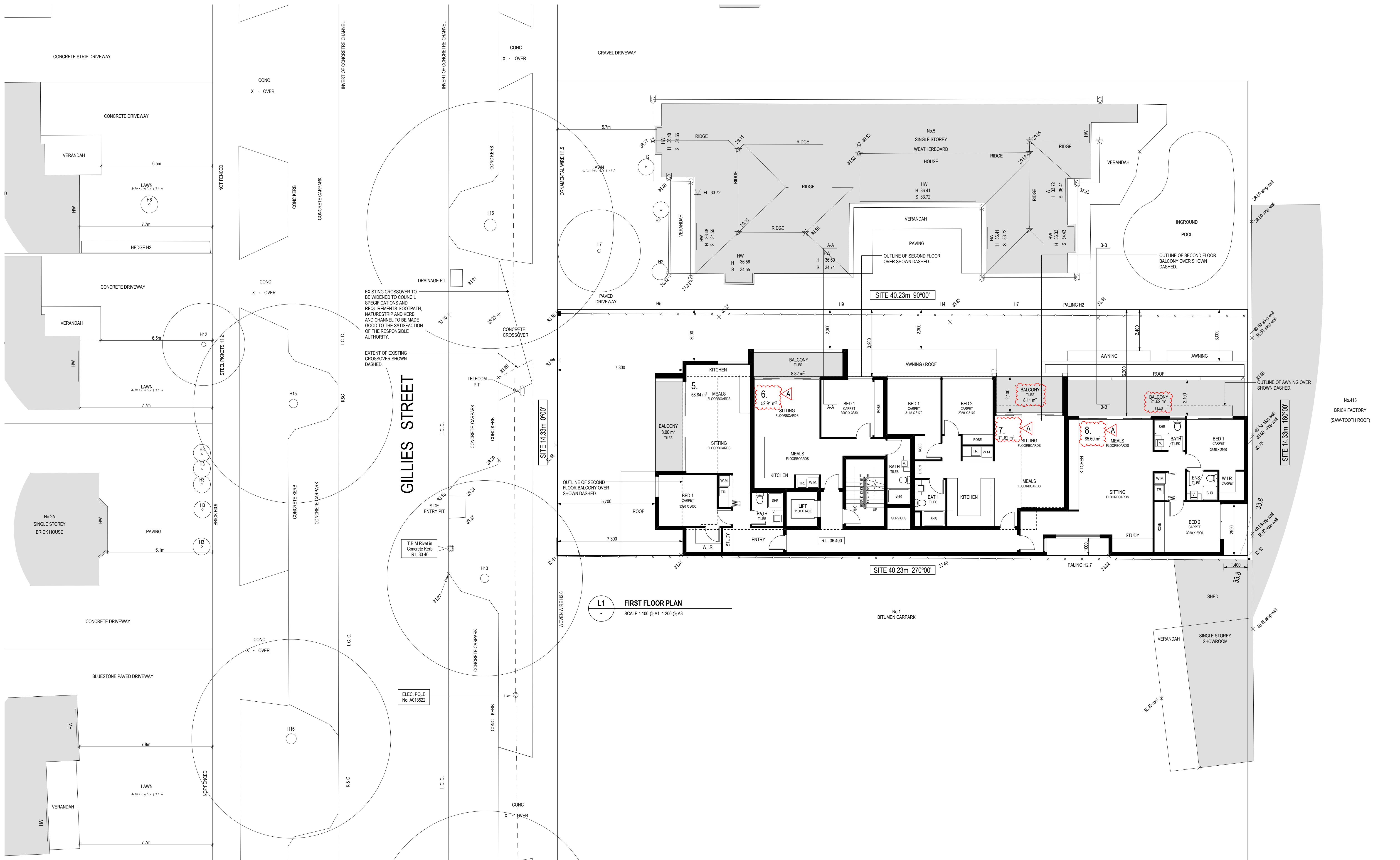
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3/11/2016









**L1 FIRST FLOOR PLAN**  
SCALE 1:100 @ A1 1:200 @ A3

Revision	Description	Date
Revision A	DRAWINGS MODIFIED IN RESPONSE TO COUNCIL RFI	14/12/2015

**cornetta partners architects**

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Project  
**3 GILLIES STREET, FAIRFIELD**

Drawing Title  
**FIRST FLOOR PLAN**

TOWN PLANNING APPLICATION

Drawn  
**E.P.**

Scale  
**1:100 @ A1 1:200 @ A3**

Job No.  
**15-08**

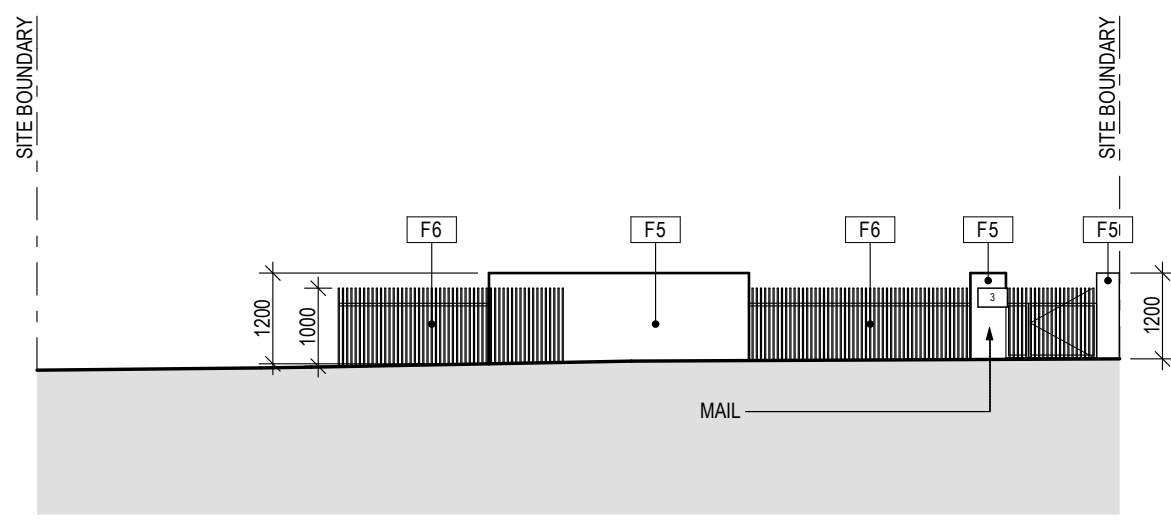
Date  
**14/12/2015**

Drawing No.  
**TPA05**

Revision  
**A**





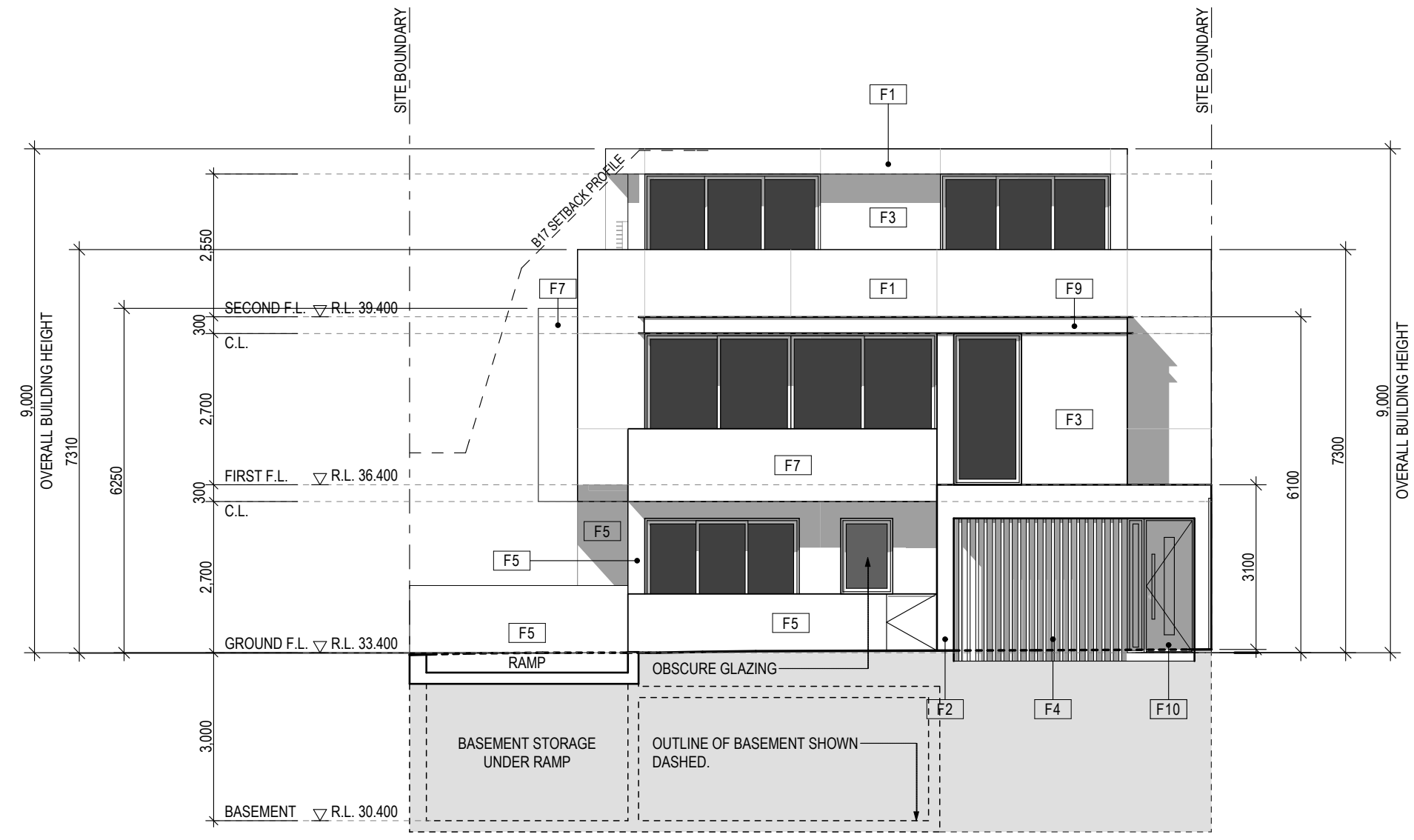


**W FRONT FENCE (WEST ELEVATION)**  
SCALE 1:100 @ A1 1:200 @ A3

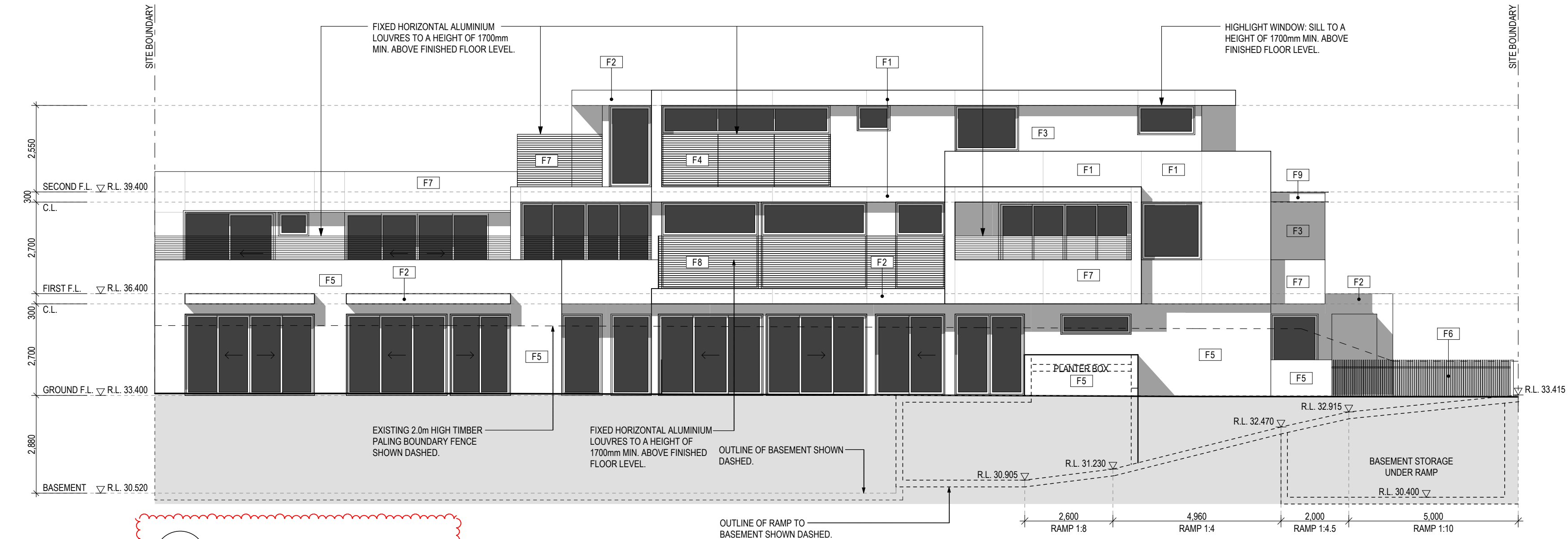
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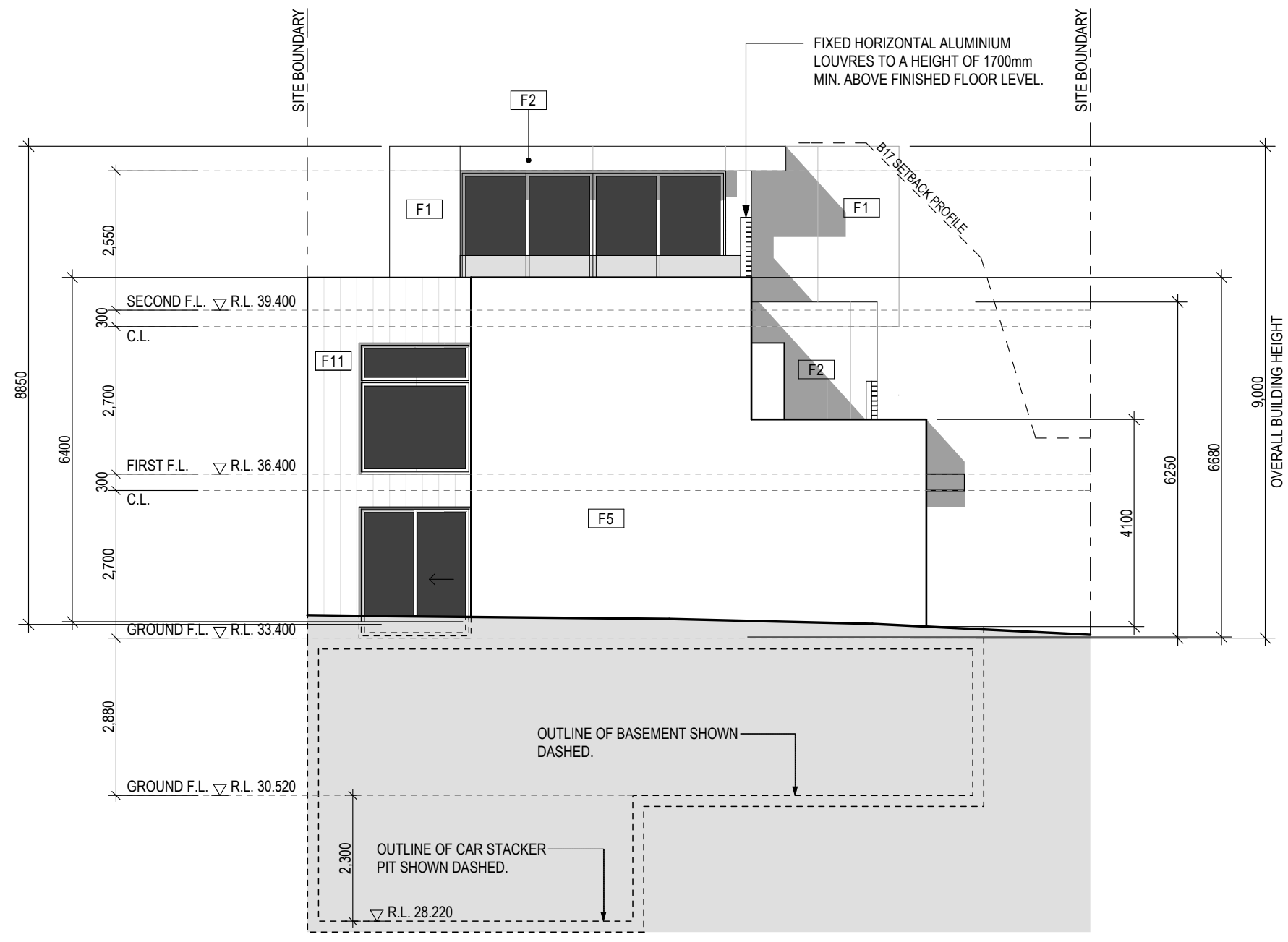
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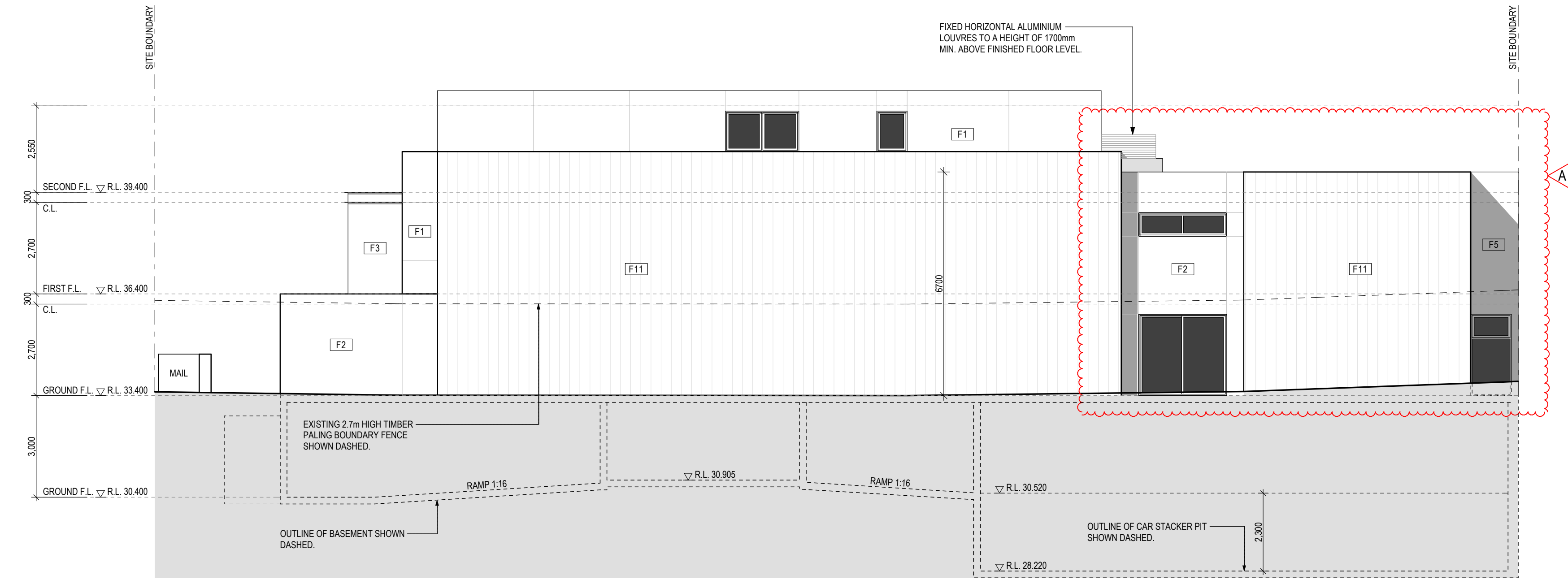
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SCALE 1:100 @ A1 1:200 @ A3



**N NORTH ELEVATION**  
SCALE 1:100 @ A1 1:200 @ A3



**E EAST ELEVATION**  
SCALE 1:100 @ A1 1:200 @ A3



**S SOUTH ELEVATION**  
SCALE 1:100 @ A1 1:200 @ A3

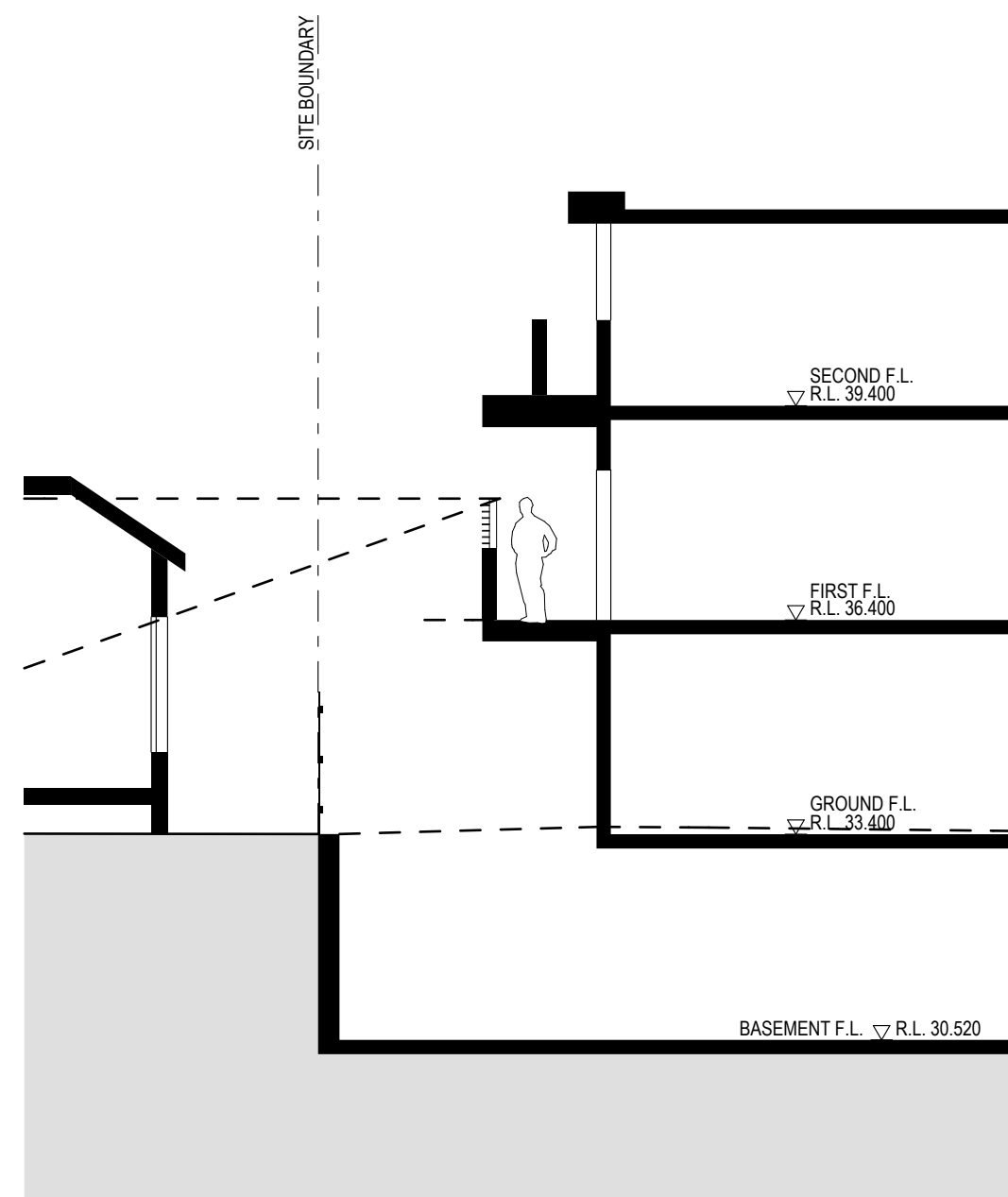
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Revision A: DRAWINGS MODIFIED IN RESPONSE TO COUNCIL RFI	14/12/2015
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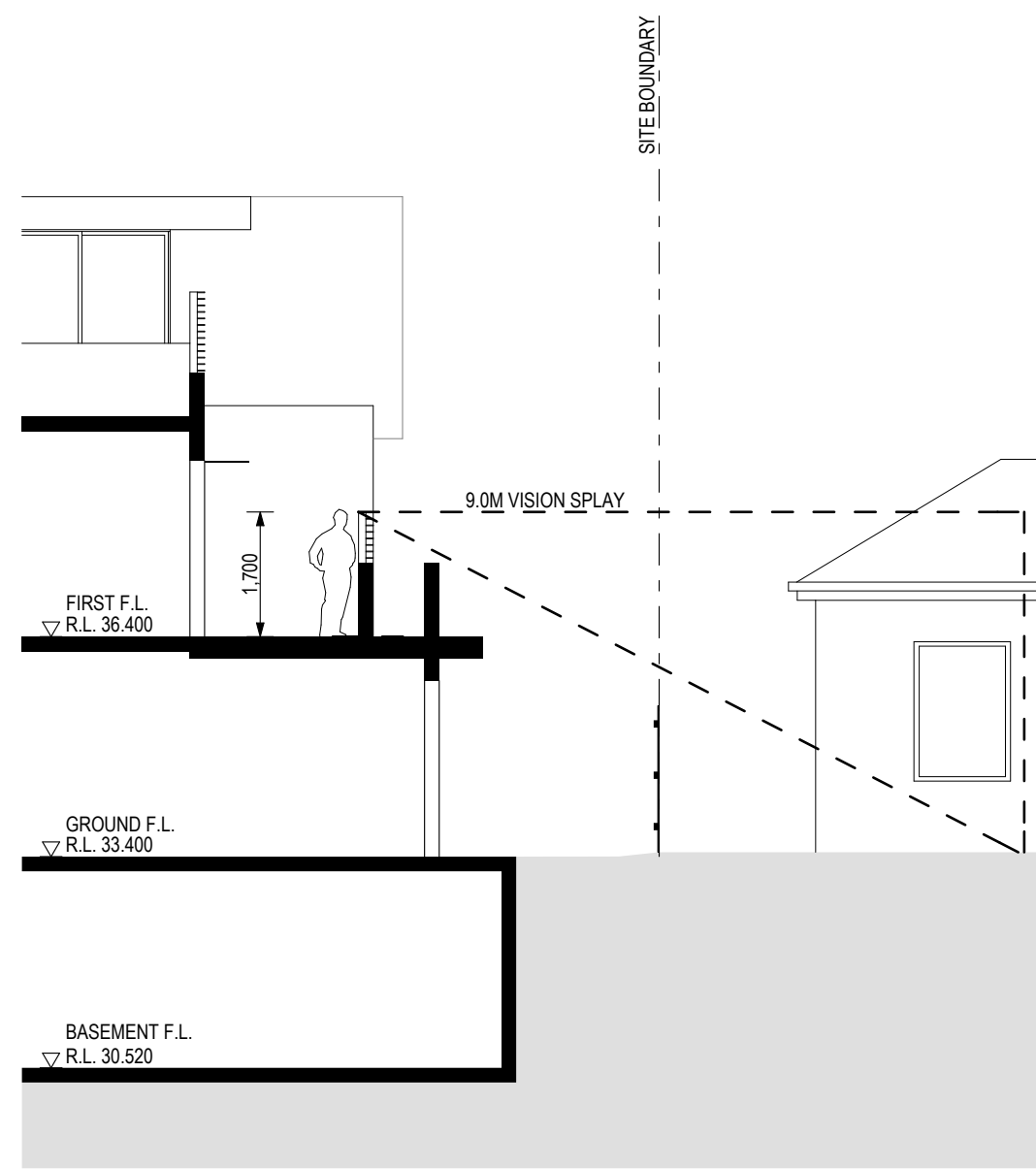
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Project  
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Drawing Title  
**ELEVATIONS**

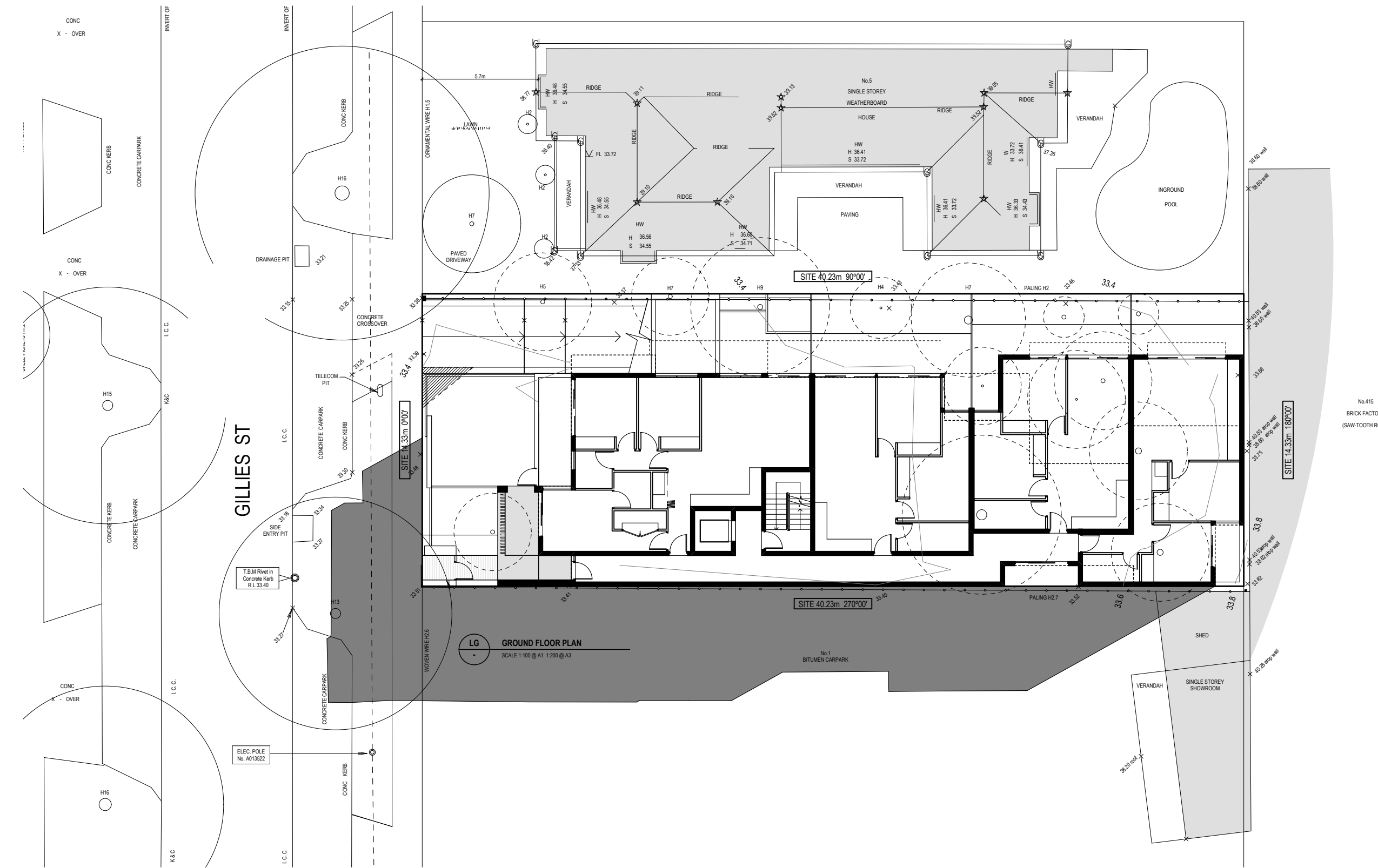
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14/12/2015  
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**TPA07**



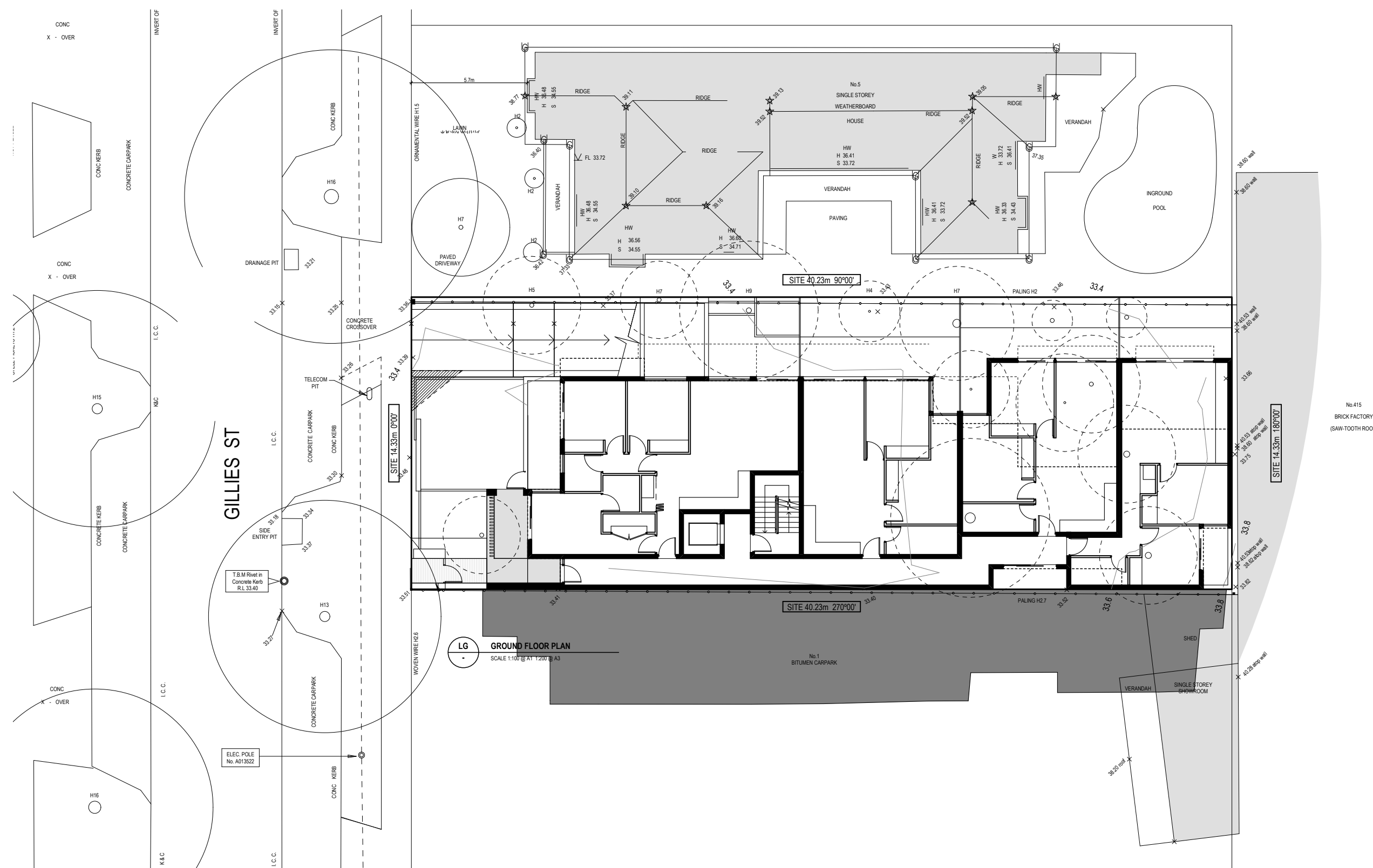
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**B-B OVERLOOKING ANALYSIS**  
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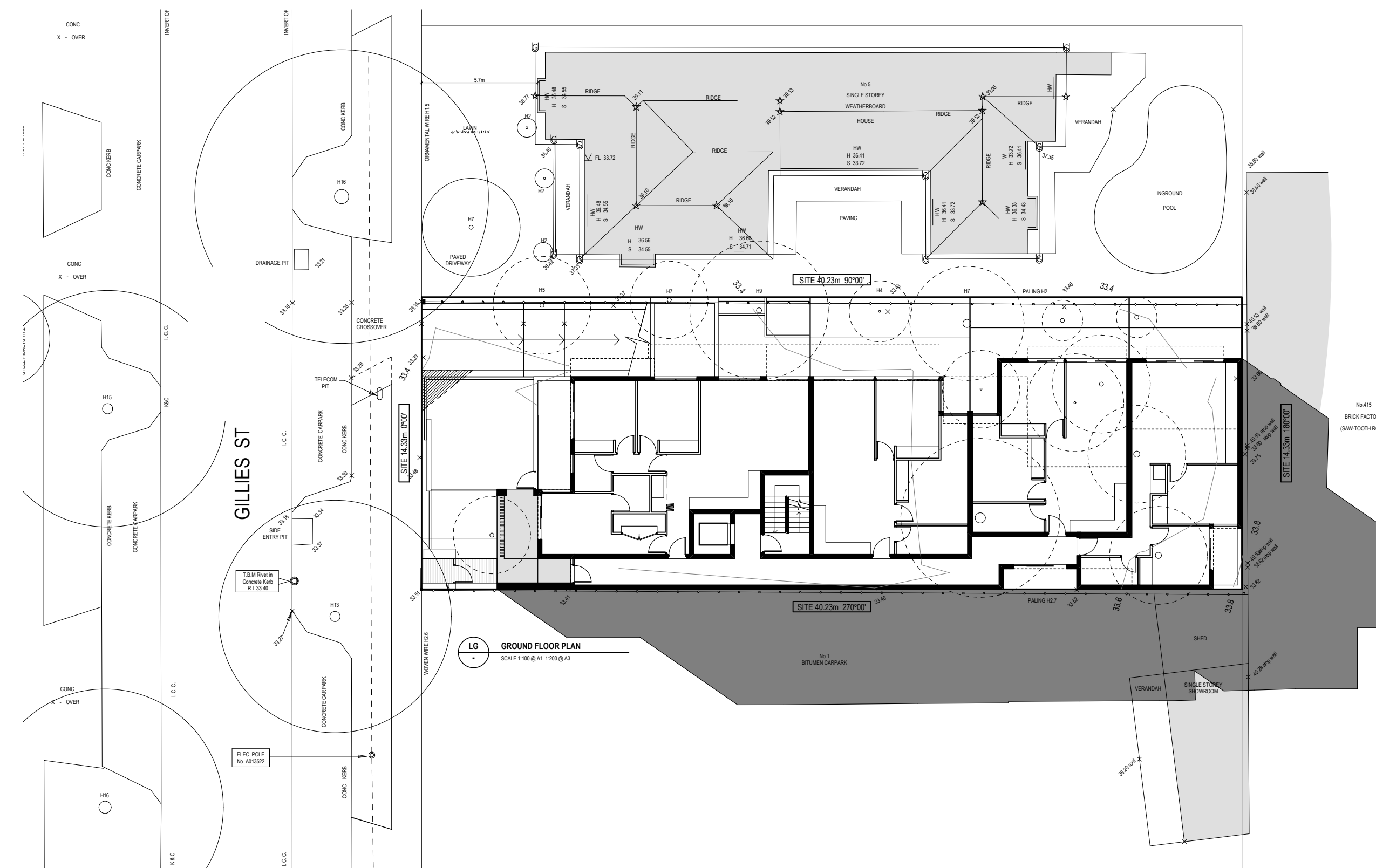


**SHADOW EQUINOX 9:00AM SEPT. 22**  
SCALE 1:200 @ A1 1:400 @ A3



**LEGEND**  
 SHADOWS CAST BY EXISTING BOUNDARY FENCES  
 SHADOWS CAST BY PROPOSED BUILDING

**SHADOW EQUINOX 12:00 NOON SEPT. 22**  
SCALE 1:200 @ A1 1:400 @ A3



**SHADOW EQUINOX 3:00PM SEPT. 22**  
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Revision	Date
Revision A: DRAWINGS MODIFIED IN REPOSINSE TO COUNCIL RFI	14/12/2015



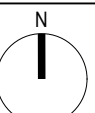
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Project  
**3 GILLIES STREET, FAIRFIELD**  
 Drawing Title  
**SHADOW DIAGRAMS**

TOWN PLANNING APPLICATION

Drawn  
**E.P.**  
 Job No.  
**15-08**  
 Drawing No.  
**TPA08**

Scale  
**1:200 @ A1 1:400 @ A3**  
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**14/12/2015**  
 Revision

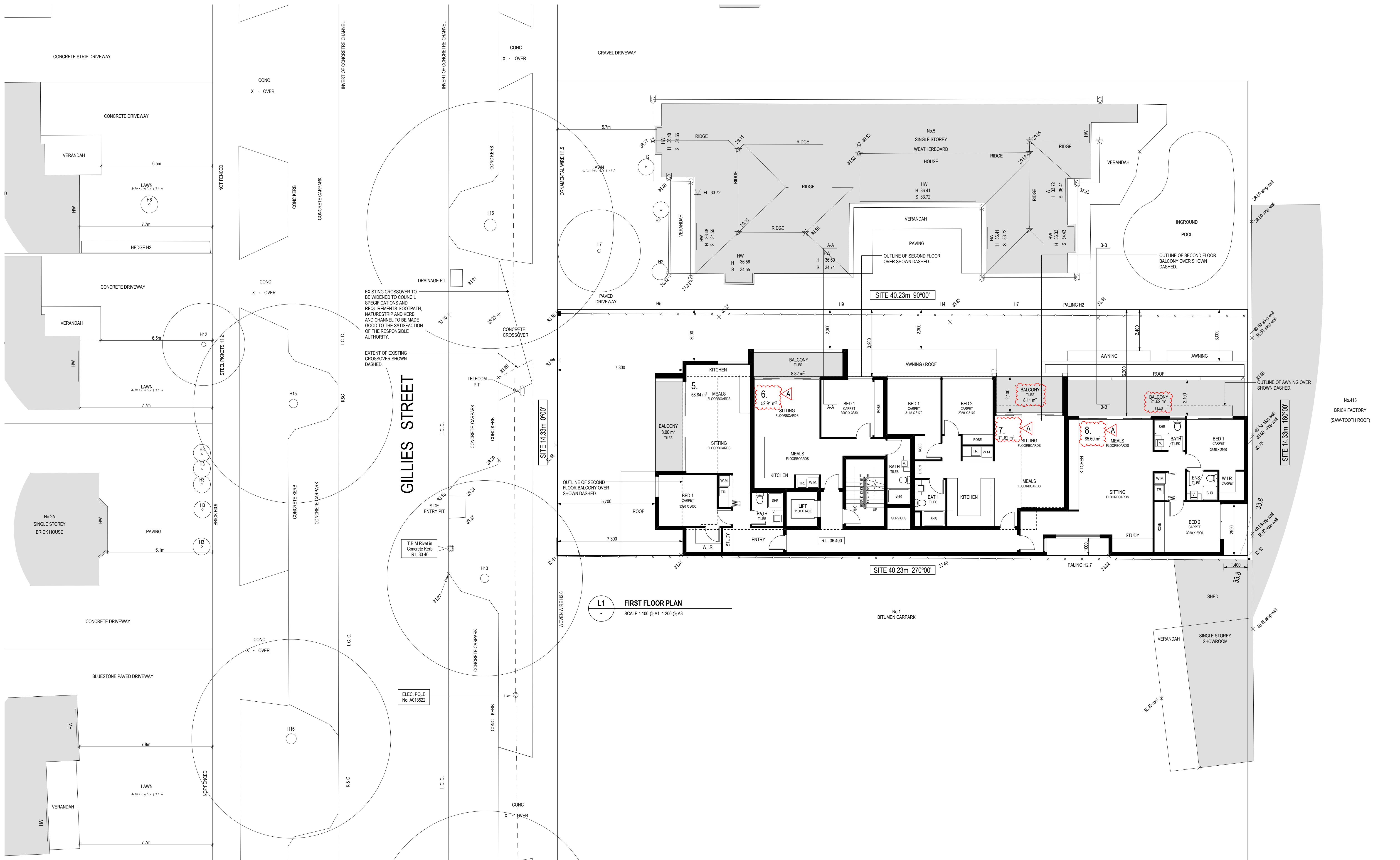


**A**









**L1** FIRST FLOOR PLAN  
SCALE 1:100 @ A1 1:200 @ A3

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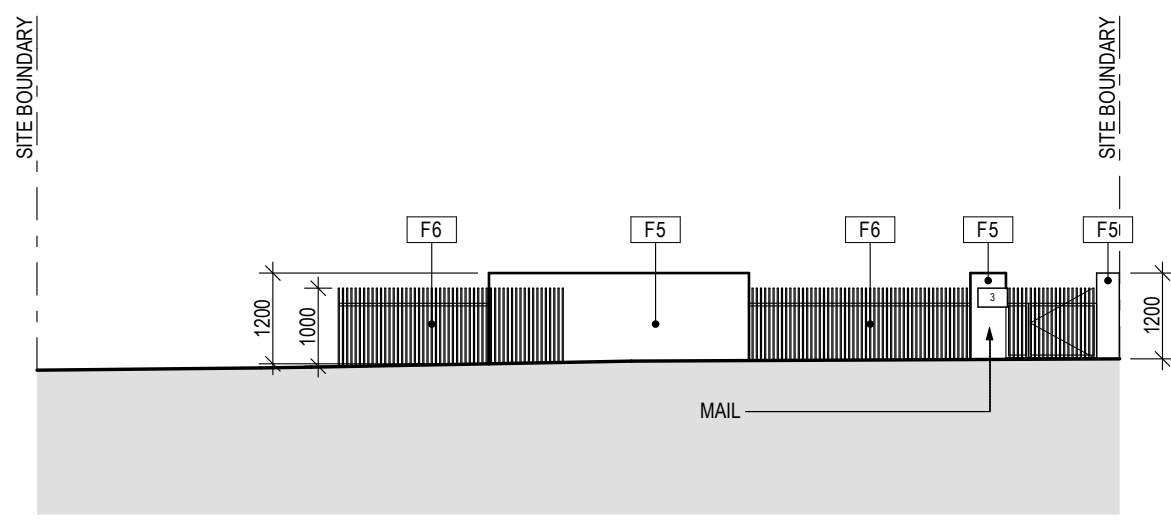
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Drawing No.  
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Revision  
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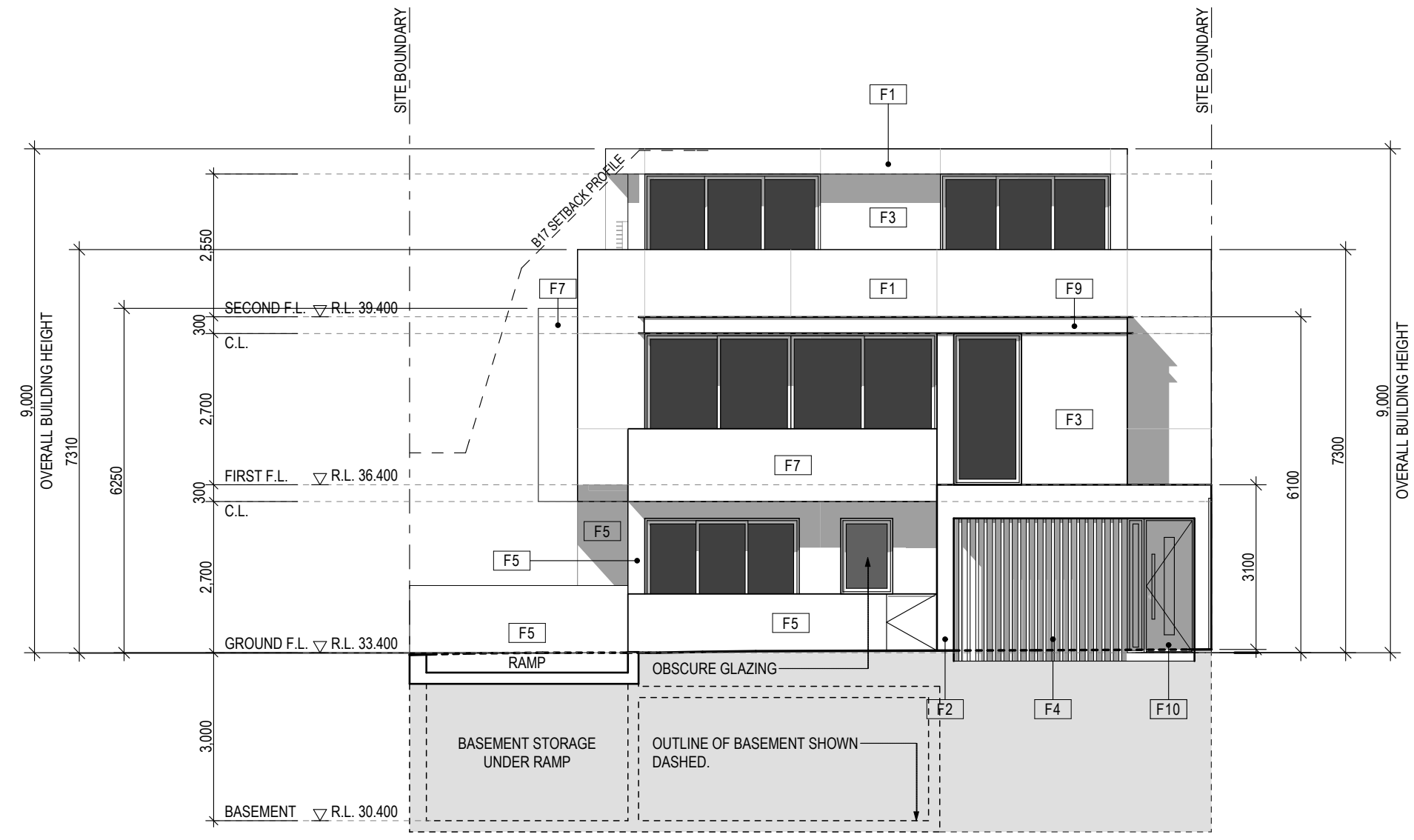


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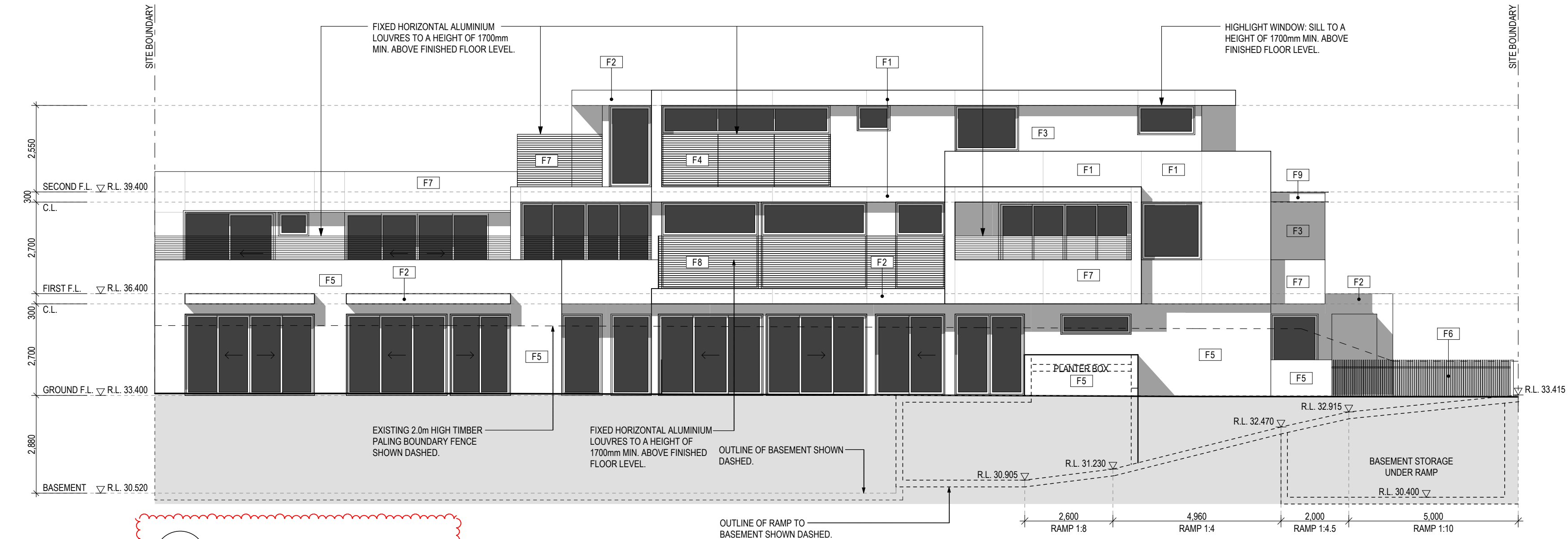
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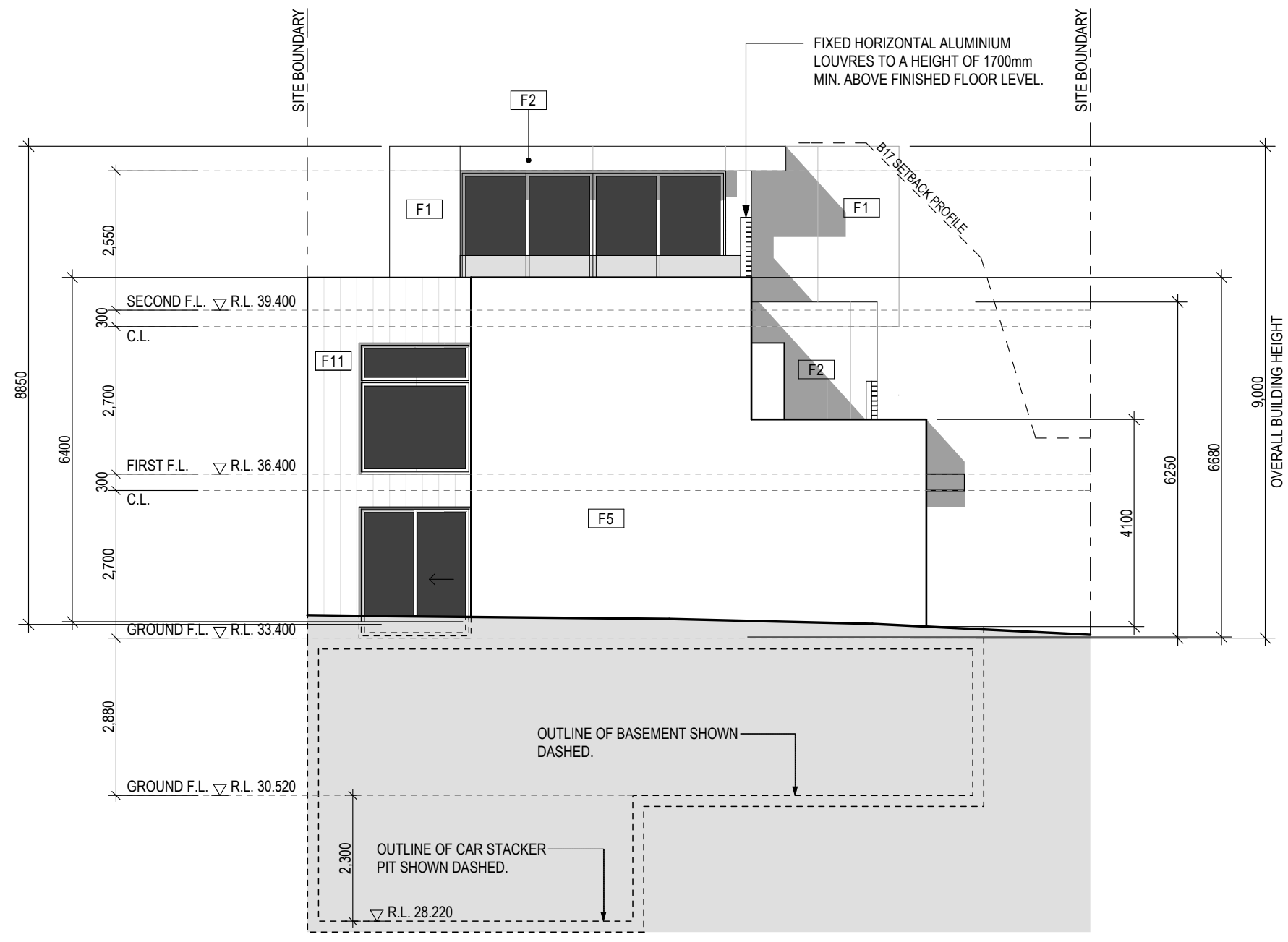
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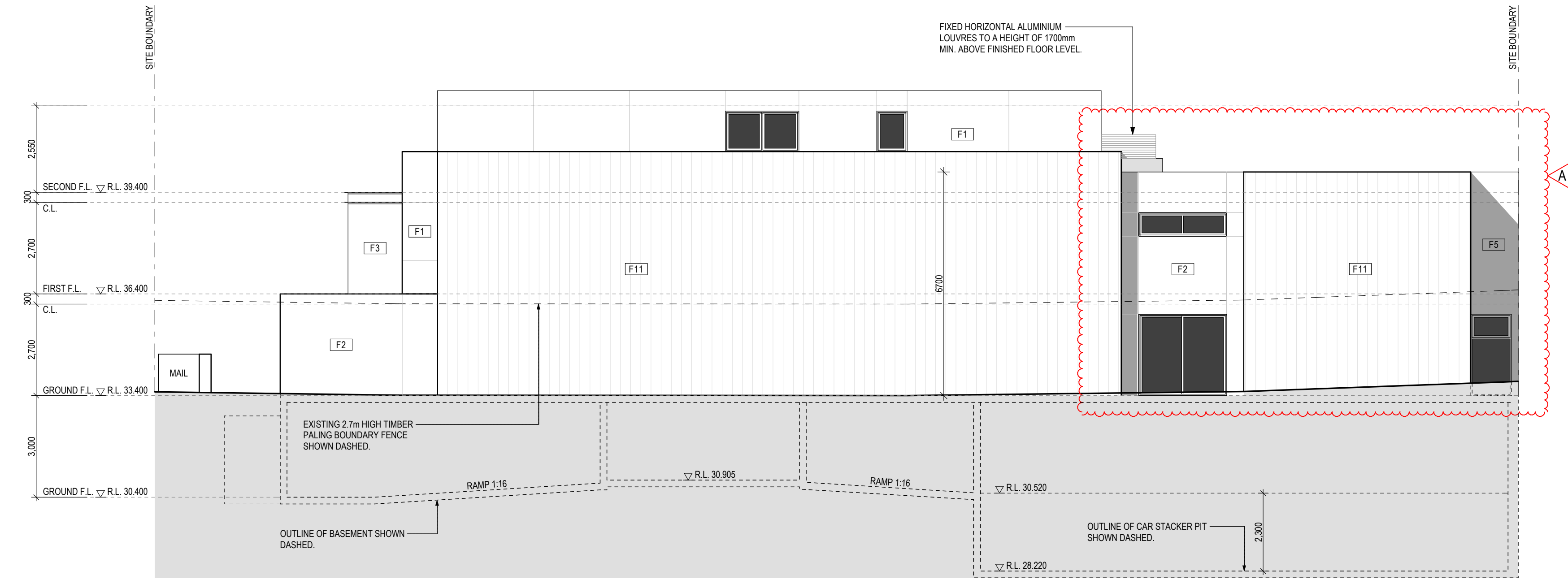
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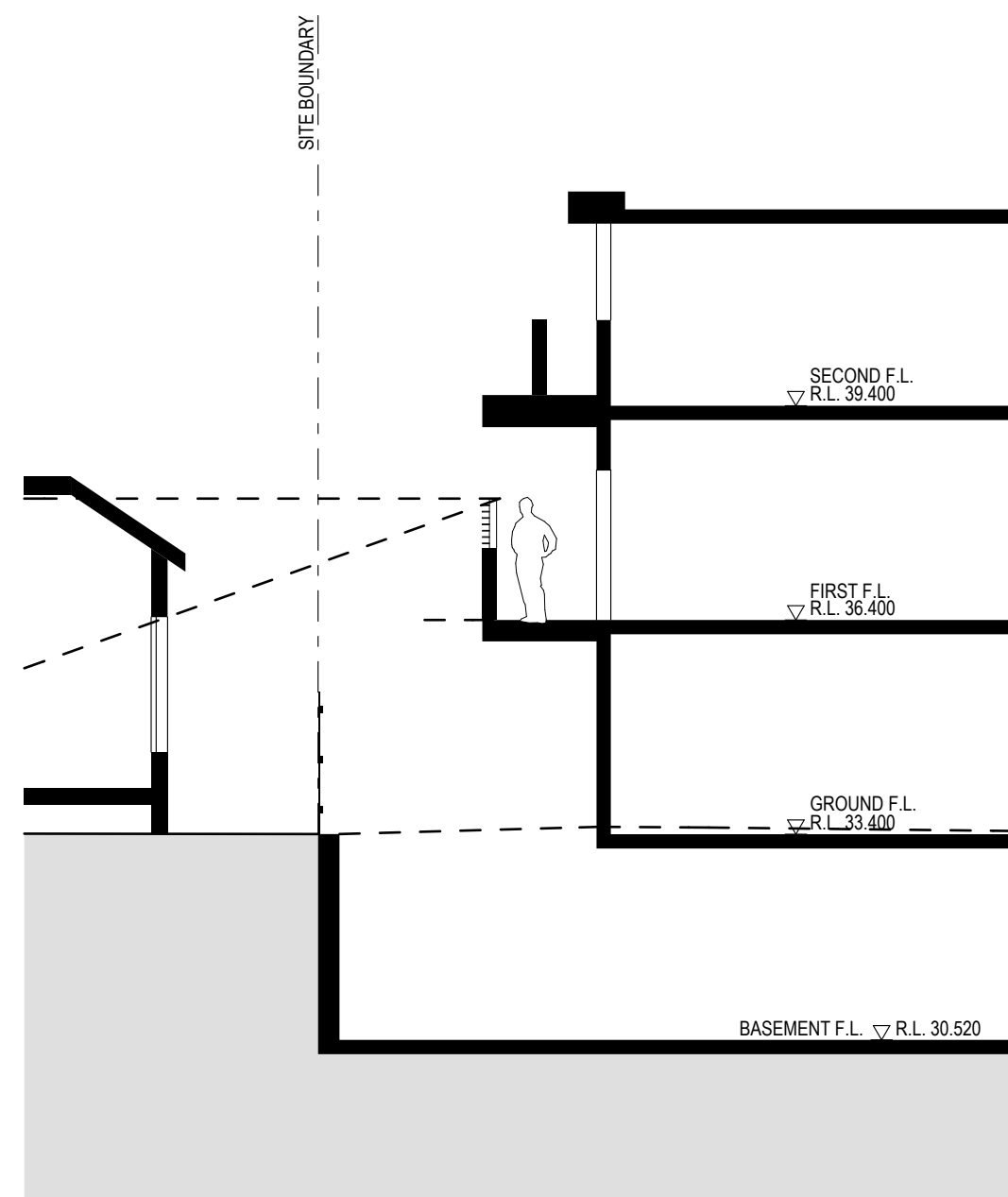
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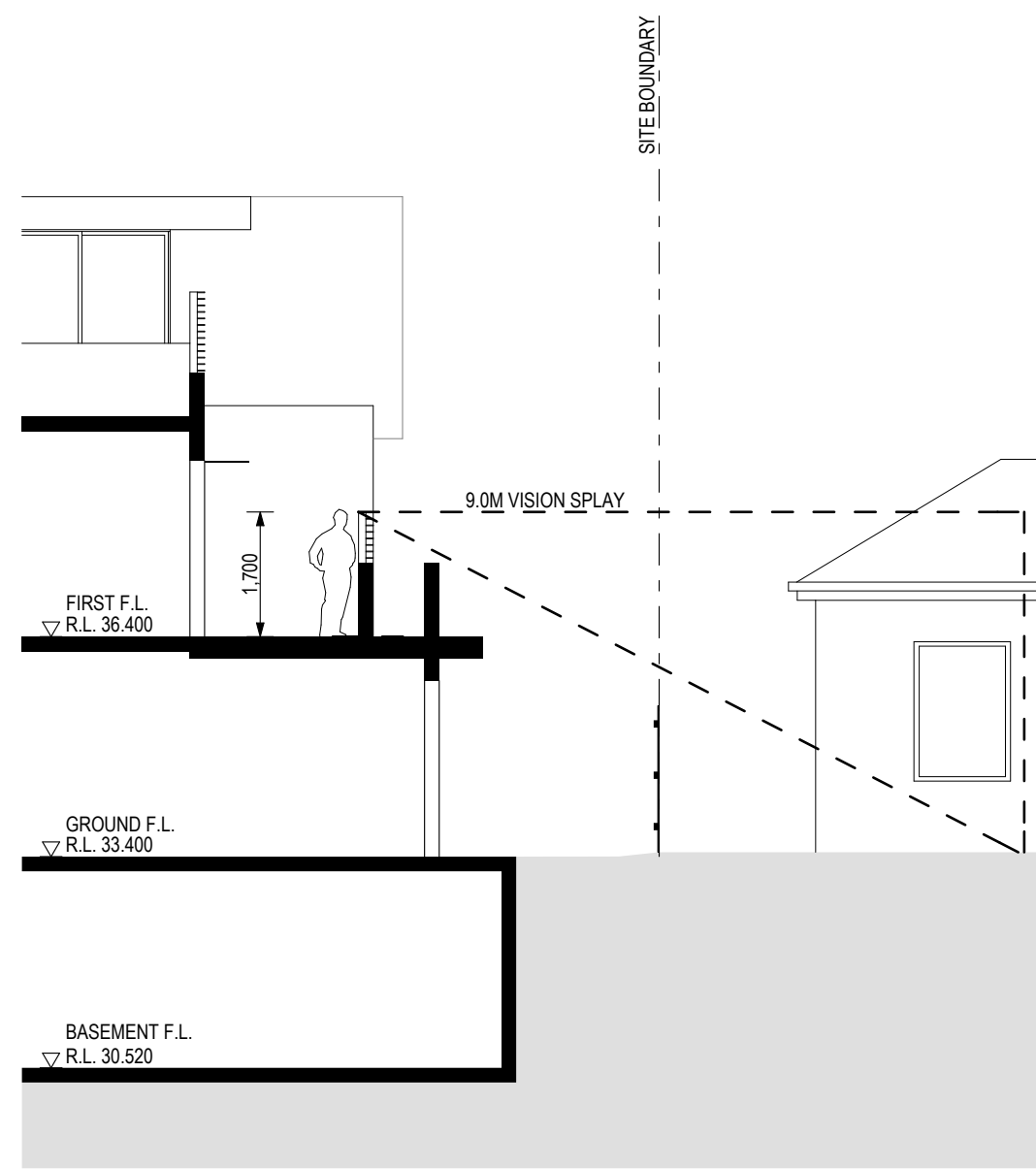
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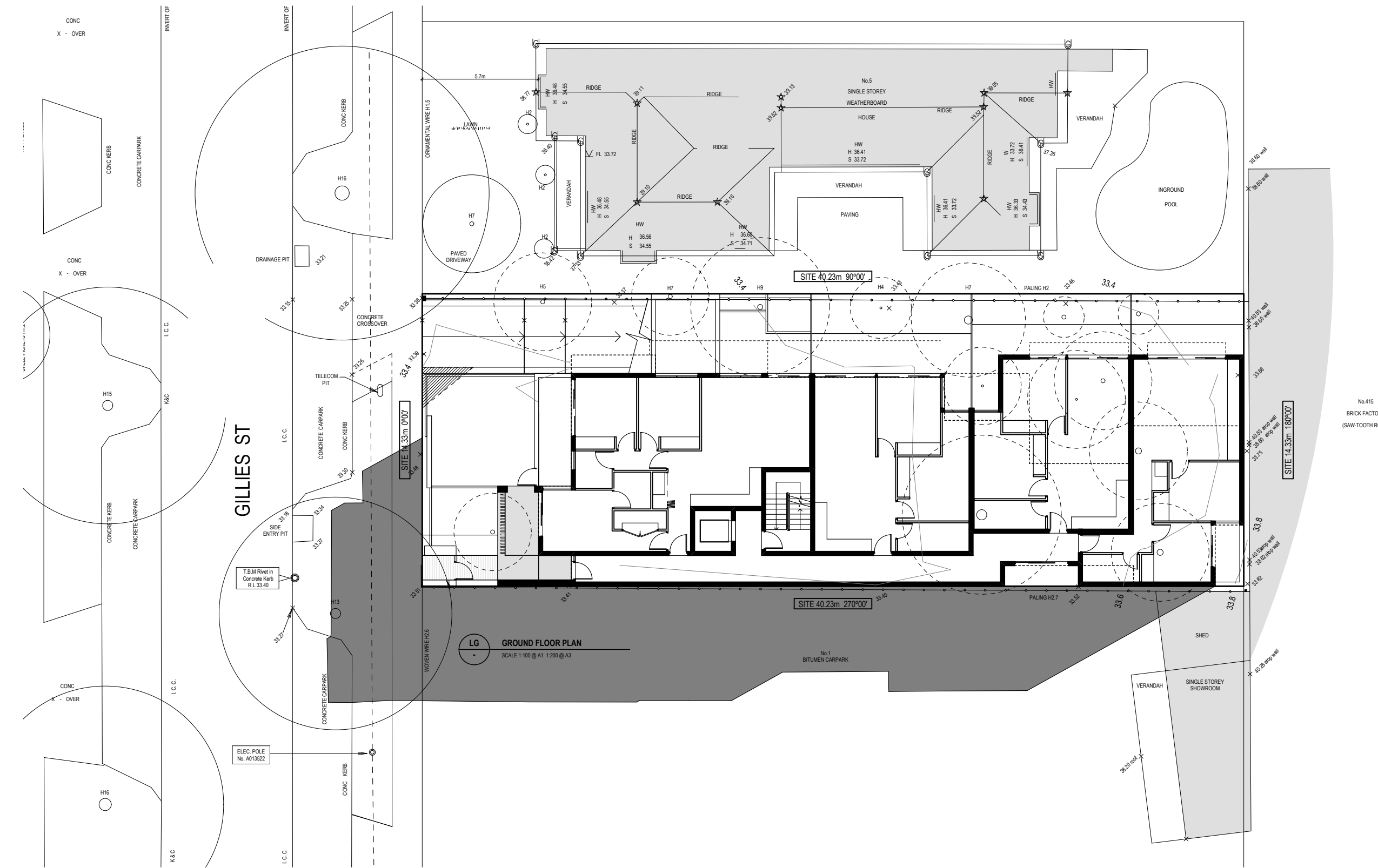
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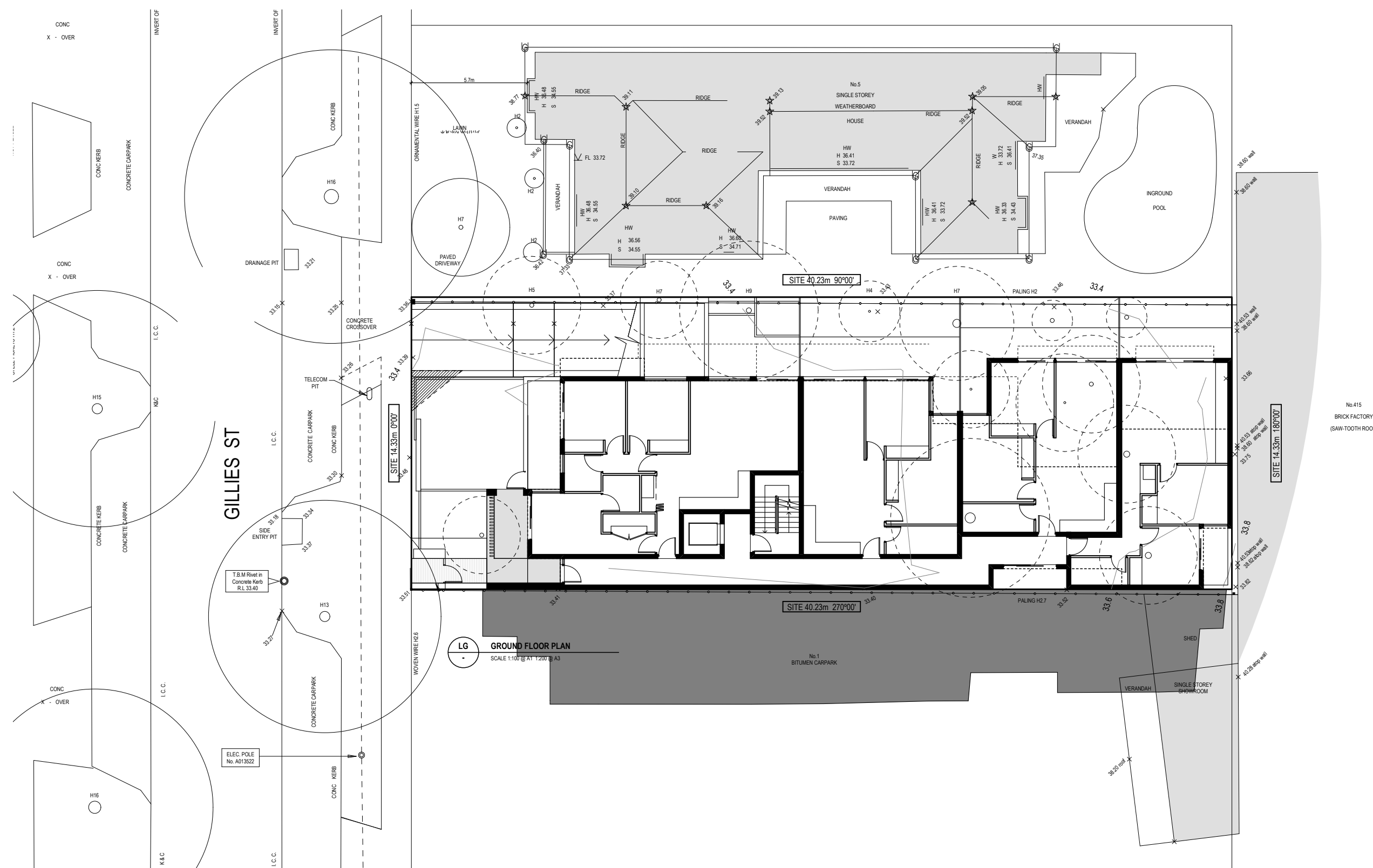
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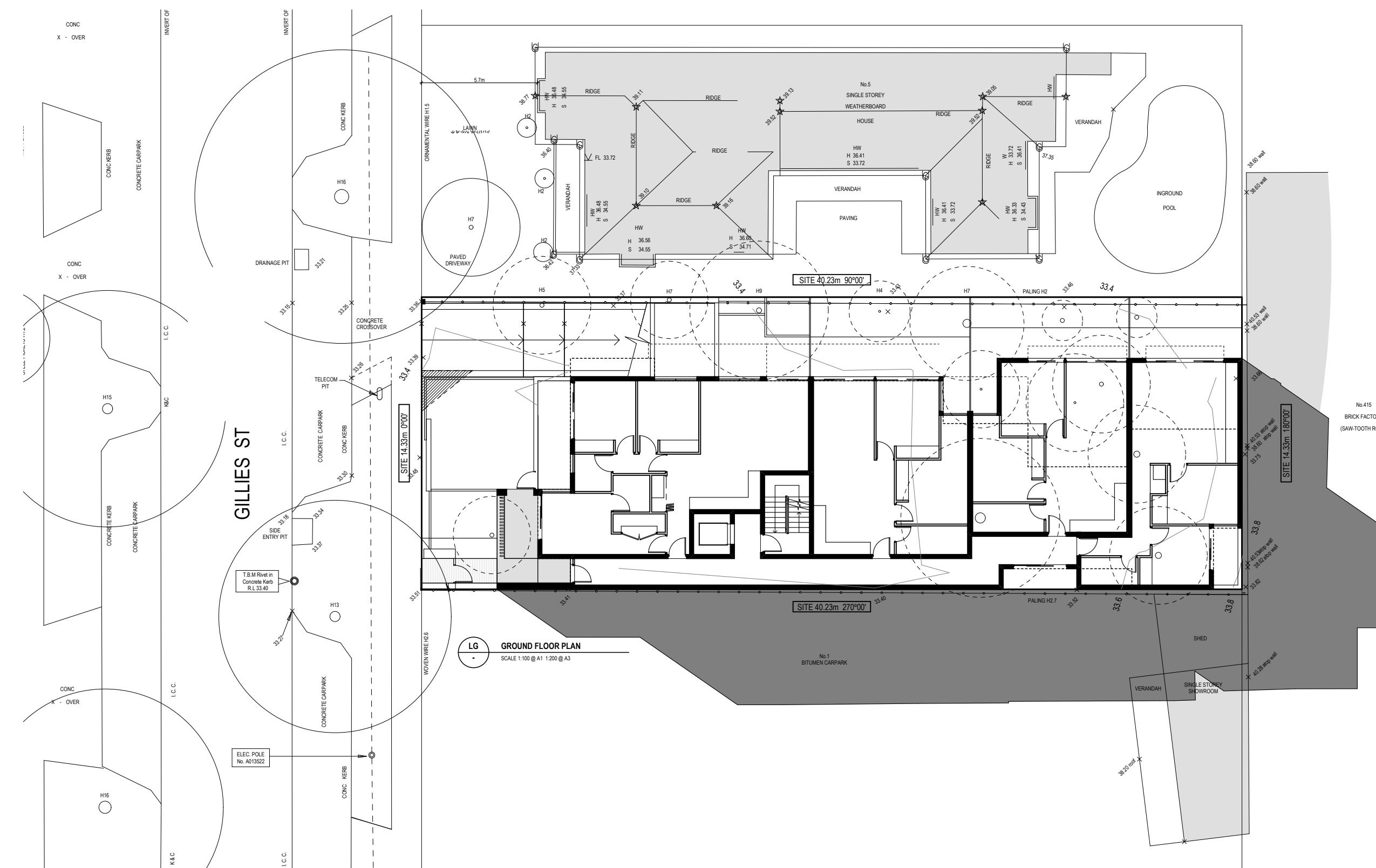
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**LEGEND**

	SHADOWS CAST BY EXISTING BOUNDARY FENCES
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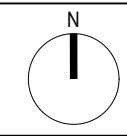
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**3 GILLIES STREET, FAIRFIELD**  
Drawing Title  
**SHADOW DIAGRAMS**

TOWN PLANNING APPLICATION

Drawn  
**E.P.**  
Job No.  
**15-08**  
Drawing No.

Scale  
**1:200 @ A1 1:400 @ A3**  
Date  
**14/12/2015**  
Revision

**TPA08**



**A**

**5.4 APPLICATION FOR PLANNING PERMIT D/820/2015**  
 283-291 Gilbert Road, Preston, Vic 3072

**AUTHOR:** Principal Planner – Jolyon Boyle

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

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
George Avtzoglou - Terrain Consulting Group	Georges Lingerie Pty Ltd	Lorenzo Rigoni Terrain Consulting Group

**SUMMARY:**

- It is proposed to construct a development of a 3–4 storey building comprising 23 dwellings and a café at the site.
- Each dwelling provides two (2) bedrooms and access to at least one (1) car parking space. Each dwelling provides a balcony of eight (8) to 26 square metres in area.
- 31 car parking spaces are provided at semi basement level. A reduction to the café and visitor car parking allocation is sought.
- The site is zoned General Residential Zone (Schedule 2).
- There is no restrictive covenant on title for the subject land.
- 17 objections received, including one (1) petition comprising 183 signatories.
- The proposal fails to meet a number of objectives and standards of Clauses 22.06 and 55 of the Darebin Planning Scheme.
- It is recommended that the application be refused.

**CONSULTATION:**

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Transport Management and Planning Unit, the Capital Works Unit, the ESD Officer and the Urban Design Officer.
- The application was not required to be referred any external authorities.

**Recommendation**

**THAT** Planning Permit Application D/820/2015 be refused and a Notice of Refusal issue, subject to the following grounds:

1. The development will have an unacceptable impact on the amenity of the neighbouring residential area.
2. The development is contrary to the objectives of Clause 21.03-2 (Objective 1 Housing Provision) of the Darebin Planning Scheme in regard to design interface and visual intrusion.
3. The development is contrary to the objectives of Clause 21.03-2 (Objective 3 Residential Amenity) of the Darebin Planning Scheme in regard to its design, materials and ESD measures.
4. The development is contrary to the standards and objectives of Clause 22.02 (Neighbourhood character) in regard to materials and the height and rear interface of the proposal with neighbouring residential properties.
5. The development is contrary to Clause 22.06 (Multi Residential and Mixed Use Development) in regard to materials, setbacks, visual bulk, ESD measures and equitable development.
6. The development is contrary to Clause 52.34 (Bicycle Parking) in regard to the provision of residential and visitor bicycle parking.
7. The development is contrary to the standards and objectives of Clause 55 of the Darebin Planning Scheme in regard to: residential policy; neighbourhood character, height, side (south boundary) and rear setbacks, walls on boundary, ESD measures and solar access.

**Report****INTRODUCTION AND BACKGROUND**

A Notice of Refusal for planning application D/234/2012 for the construction of a four (4) storey development (plus one basement level) comprising one (1) retail premises and 34 dwellings and 40 on-site parking spaces was issued on 9 August 2013.

- Since the application was refused planning permission there have been a number of amendments to the Darebin Planning Scheme. The following amendments to the planning scheme are relevant to the consideration of the current application:
  - Expansion of Clause 55 to include development of up to four (4) storeys.
  - The new Clause 22.06 (Multi Residential and Mixed Use Development) applies to multi-level apartment development.
  - The new MSS places the site with a Substantial Housing change area.

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## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is regular in shape and measures 40.23 metres in length and 23.16 metres in width with a site area of 930 square metres.
- The land is located within the General Residential Zone (Schedule 2). No overlays apply.
- Gilbert Road is a Road Zone Category 2 Road
- The land is located on the west side of Gilbert Road, north of the intersection with Bruce Street.
- The land is developed with a single storey commercial building built to the front and a larger part of the side boundaries. A warehouse and factory manufacturing lingerie, with an ancillary retail shop currently previously operated from the site. No formal car parking area is provided on site. Loading occurs at the rear of the site. The information provided with the application state that the use has operated since 1991. The use only recently ceased operating.
- The site is devoid of any vegetation.
- The site provides a fall of approximately two (2) metres from the south-east corner to the north-west corner of the site.
- A partially sealed right of way (ROW) adjoins the north and west boundary of the site.
- Adjoining properties are located within the General Residential Zone.
- To the east on the opposite side of Gilbert Road are various single and double storey residential developments.
- To the west of the site beyond the ROW is a double storey dwelling fronting Bruce Street. The dwelling provides windows on the east and north elevation which provide views toward the rear of the site. A patio with opaque roofing material is located to the rear of the dwelling and directly adjacent the rear boundary of the site. A garage is located within the rear corner of the property and adjacent the rear boundary of the site.
- To the north of the site on the opposite side of the ROW is a single storey milk bar and dwelling. The milk bar is located on the street frontage.
- The milk bar accounts for the initial quarter of the building (approx.) with the remaining rear section of the building dedicated to the dwelling. The front section of the building is partially constructed on the ROW opposite the subject site. A garage and area of secluded private open space is located to the rear of the site. The larger part of the south boundary is finished with an opaque corrugated laser light to an approximate height of 3 metres.
- To the south of the site on the north-west corner of Gilbert Road and Bruce Street is a medical centre. The medical centre occupies a shopfront constructed on the street frontage. The other section of the medical centre building has the appearance of a dwelling and is setback from Gilbert Road and Bruce Street. A car park is located to the rear of the site.
- To the south of the site on the south-west corner of the Gilbert Road and Bruce Street is a double storey building which is used as a pharmacy and dwelling.
- On-street parking on Gilbert Road is subject to a *Clearway (4pm-630pm Mon-Fri)* restriction on the western side (site frontage) and subject to a *Clearway (7am-9am Mon-Fri)* restriction on the eastern side.



- A small group of shops and services are located approximately 250m to the south at the intersection of Gilbert Road and Bell Street. Another small group of shops are located 500m to the north at the intersection Gilbert Road and Murray Road.
- A larger conglomeration of shops and services are located 1km to the south around the intersection of Gilbert Road and Miller Street.
- Tram services operate on Gilbert Road.
- Preston Principal Activity Centre and Preston Railway Station are located over a 1km to the north east of the site.

**Proposal**

- Development of a three (3) - four (4) storey building comprising 23 dwellings and a café. Each dwelling provides two (2) bedrooms. Each dwelling provides a balcony of eight (8) to 26 square metres in area.
- The development provides a height of three (3) storey height adjacent Gilbert Road. As a result of the slope of the land, the rear elevation rises to four (4) storeys at the rear of the site.
- Each dwelling has access to at least one (1) car parking space.
- 31 car parking spaces are provided at semi basement level. A reduction to the café and visitor car parking allocation is sought.

**Objections**

- 17 objections received, including one (1) petition comprising 183 signatories.

**Objections summarised**

- Contrary to character of the area
- Too many 1 and 2 bedroom dwellings / no dwelling diversity
- Not sustainable
- Traffic impacts
- Insufficient Car Parking
- Overdevelopment
- Height
- Visual bulk
- Noise (use)
- Noise (construction)
- Planning Scheme amendments
- Affordable housing
- Waste
- No net value to the community
- Overshadowing
- Noise / disruption during construction

**Officer comment on summarised objections:**Contrary to character of the area

See the assessment neighbourhood character assessment below.

Too many 1 and 2 bedroom dwellings / no dwelling diversity

The proposal adds to the diversity of housing types in the area.

Not sustainable

A Sustainability Management Plan is required as a condition of any planning permit that may issue.

Traffic impacts

It is considered that the proposal will not generate significant traffic. The local road network has capacity to accommodate the additional vehicle movements associated with the development. The applicant's traffic report provided an assessment of the expected peak hour traffic volumes along the laneway in the order of 17 vehicles in the peak hour (4 existing + 13 proposed). This is within the carrying capacity of access lanes (300 vpd or 30 vehicles in the peak hour) as stipulated within Clause 56.06-8 of the planning scheme.

Insufficient Car Parking

Sufficient of car parking is allocated to the residential component. Reduced commercial and visitor car parking is deemed appropriate given the scale of the development and the location of the site adjacent public transport.

Overdevelopment

The height and relationship of the proposal are discussed under

Height

The height of the proposal is deemed an inappropriate response to the site's rear garden interface.

Visual bulk

The visual impact of the rear portion of the development upon the adjacent rear gardens is deemed inappropriate.

Noise (use)

The proposed residential use will have noise impacts consistent with those normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area..

Noise (construction)

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

### Planning Scheme amendments

There are no proposed planning scheme amendments relevant to this site.

### Affordable housing

Provision of affordable housing is not a mandatory requirement under the State planning provisions.

### Waste

Waste is to be managed through a private waste collection service. Waste is to be collected at the rear of the site once a week per waste stream.

### No net value to the community

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

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

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

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

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

### Overshadowing

The level of overshadowing does not unreasonably impact upon the amenity of adjacent properties. The property located to the south is commercial. The residential land to the immediate west comprises a double storey dwelling and rear garden. The level of overshadowing is within the limits prescribed under Clause 55.

### Noise / disruption during construction

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

**PLANNING ASSESSMENT:****State and Local Planning Policy:**

State planning policies encourage new housing, including a range of housing types, in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Ensuring new housing provides a quality living environment is a further objective of the State Planning policy provisions.

The Municipal Strategic Statement (MSS) states activity centres are the focus for achieving many directions of Plan Melbourne; and that opportunities for incorporating residential development in and around centres need to be identified and quantified.

Clause 21.04 refers to different types of activity centres. The site is not located within an activity centre, though two small local activity centres are located a short distance to the north and south at the intersection of Gilbert Road and Bell Street and Gilbert Road and Murray Road. The Preston Major Activity Centre is located less than a 1km to the north-east.

The Housing section of the MSS at Clause 21.03-2 identifies the site for substantial housing change. *The scale and intensity of residential growth will differ across Substantial Change Areas depending on their strategic capacity to accommodate municipal growth and future housing needs as described at Clause 21.01-6. Generally, residential growth in Darebin adheres to the following hierarchy:*

- a) *Preston Central and Northland East Preston Activity Centres*
- b) *Reservoir and Northcote Activity Centres*
- c) *Neighbourhood Centres*
- d) *Strategic Corridors including Plenty Road and St Georges Road*
- e) *Other substantial change areas as identified in the Strategic Housing Framework Plan.*

The housing provision strategies in the MSS encourage a variety of housing typologies at increased densities in substantial change areas, with the scale of development appropriate to the context identified in a structure plan or Council policy and generally in accordance with the residential growth hierarchy quoted above. The Gilbert Road corridor is at the lower end of this hierarchy. This means the scale and intensity of residential growth should be less than other higher order nominated activity centres.

Objective 1 (Housing Provision) of Clause 21.03: *to facilitate housing development that has an appropriate scale and intensity in locations across the municipality.*

Strategies to achieve the objective:

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

In terms of the design, interface and quality of the internal living spaces, Objective 3 (Residential Amenity) of Clause 21.03-2 seeks to *facilitate residential and mixed use developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents.*

Strategies to achieve this objective are:

- *Require a high standard of design (including architectural quality and environmentally sustainable design) be achieved in residential and mixed use developments through the use of design and development overlays, urban design frameworks, development plans and local policies as appropriate.*
- *Ensure non-residential use and developments in residential zones are designed to minimise negative amenity impacts on the surrounding residential neighbourhood.*
- *Ensure mixed use developments are designed to provide adequate amenity to residences on the site, minimising the need for screening and limiting unreasonable negative amenity impacts on surrounding residential uses.*
- *Ensure that housing development within and adjoining retail and employment areas is designed to minimise the potential for conflict between commercial and residential uses, including noise and operational considerations.*
- *Support the consolidation of retail and employment activities within activity centres.*

Further guidance on the quality of new housing, particularly apartments is discussed under Initiative 2.1.5 of Plan Melbourne which contains the following objective: *improve the quality and amenity of residential apartments.*

The release of the Better Apartments Discussion Paper has drawn further attention toward the issue of internal amenity.

In regard to equitable development Clause 22.06 of the Planning Scheme requires new proposals to have regard to the development potential of adjoining sites so that equitable access direct sunlight is achieved

#### **Clause 22.06 Multi Residential and Mixed Use Development:**

Objectives:

- *To facilitate residential and mixed use development which promotes housing choice, displays a high standard of urban design, limits off-site amenity impacts, and provides appropriate on-site amenity for residents.*
- *To facilitate development that demonstrates the application of environmentally sustainable design principles.*
- *To facilitate a high quality street edge that relates to the public realm.*
- *To encourage efficient design outcomes that consider the development potential of adjoining sites.*
- *To encourage the consolidation of lots to facilitate better design and amenity outcomes for higher density development in locations where substantial housing change is directed*

A key objective of Clause 22.06 is to orientate *building mass towards the street frontage, reducing the impact of visual bulk towards the rear of the lot and maximising the potential for street-facing dwellings (while avoiding side facing dwellings).* A further objective of this Clause is to *retain development potential of adjoining sites so that equitable access direct sunlight is achieved.*



Several Tribunal decisions have provided detailed accounts on matters of internal amenity and equitable development rights. This report has regard to the principles highlighted by the Tribunal in relation to these issues.

- *In PMP Motor Group Pty Ltd v Darebin the Tribunal recommend application of Rescode setbacks from a side boundary in relation to a part three (3), part four (4)-storey development, located adjacent a residential property. This particular property and the land located adjacent are located on St Georges Road and are subject to a planning scheme amendment (C136) to introduce a Residential Growth Zone and DDO controls.*

The south elevation does not achieve Clause 55 setbacks, which will impose a visually dominant form upon the adjacent site. This raises issues of internal amenity and equitable development considerations. The reduced setback is compounded further by the provision of a high proportion of south facing balconies and windows. The siting of the balconies and windows in proximity to the south boundary means that the outlook from these spaces is partially reliant on the adjacent land remaining in a relatively under-developed state.

This is unreasonable and results in situation where any neighbouring development would be forced to provide reasonably substantial setbacks from the common boundary to ensure a reasonable level of outlook and access to daylight is maintained to these balconies and windows to any future development. The provision of reduced setbacks would obviously lessen the internal amenity of dwellings south facing dwellings.

### **Neighbourhood Character Precinct Guideline Assessment - Precinct E3**

#### **Existing Buildings**

The existing building is a single storey warehouse / factory dating from circa 1930's 40's. The building is distinctively different from the surrounding dwellings that comprise the larger part of the surrounding context. The building is not recognised under the Heritage Overlay. A planning permit is not required for demolition and the building is not deemed to be worthy of retention.

#### **Complies**

#### **Vegetation**

The existing building covers the majority of the site. Vegetation is proposed in the form of landscaping adjacent the rear boundary which is appropriately located. The proposal landscaping represents an improvement over the current appearance of the site.

#### **Complies**

#### **Siting**

The siting of the proposal on the frontage of the site is appropriate in the context of the adjacent street edge buildings. The existing single storey building to be demolished is also constructed on the front boundary.

The existing building covers the majority of the site. Vegetation is proposed in the form of landscaping adjacent rear boundary which is appropriately located.

#### **Complies**

**Height and Building Form**

The proposal introduces a three (3)-storey façade to Gilbert Road. The adjacent properties comprise a milk bar and dwelling to the north and medical facility to the south. Both buildings are constructed to the street edge and provide a height of approximately 1.5 storeys to the top of the parapet. The three (3) storey height of the proposal and the flat roof design are appropriate in the context of the two (2) adjacent dwellings.

The rear of the site sits within a different context. Its interface is with the dwellings and secluded private open space areas of a dwelling and a milk bar and dwelling that form part of the surrounding residential area. As a result of the slope of the site the height of the development at the western interface rises to four (4) storeys (11.93 metres). The impact of the height of building is compounded by non-compliant rear setbacks. The four (4) storey height of the building at the rear of the site does not appropriately respond to the characteristics of the site and surrounds.

Even allowing for the additional setback provided by the rear ROW, from the perspective of the adjacent rear gardens located to the west and northwest, the rear elevation will be perceived as taller structure as a result of the continuing downward slope of the land.

**Does not comply**

**Materials and Design Detail**

The materials palette consists primarily of a concrete plinth, fibre cement sheet cladding and concrete wall panels to facades, and steel balustrades to balconies. Given this is a low-rise residential building in a predominantly residential area, a more tactile and domestic approach to façade materials should be considered.

**Does not comply**

**Front Boundary Treatment**

No front fence is proposed.

**Not applicable**

**Clause 55 Assessment**

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

Clause 55.03-2 B7 Height

The proposal introduces a three (3)-storey façade to Gilbert Road. The adjacent properties comprise a milk bar and dwelling to the north and medical facility to the south. Both buildings are constructed to the street edge and provide a height of approximately 1.5 storeys to the top of the parapet. The three (3) storey height of the proposal and the flat roof design are appropriate in the context of the two (2) adjacent commercial buildings.

The rear of the site sits within a different context. Its interface is with the dwellings and secluded private open space areas of a dwelling and a milk bar and dwelling that form part of the surrounding residential area. As a result of the slope of the site the height of the development at the western interface rises to four (4) storeys (11.93 metres). The impact of the height of building is compounded by non-compliant rear setbacks.

The four (4) storey height of the building at the rear of the site does not appropriately respond to the characteristics of the site and surrounds. Even allowing for the additional setback provided by the rear ROW, from the perspective of the adjacent rear gardens located to the west and northwest, the rear elevation will be perceived as taller structure as a result of the continuing downward slope of the land.

**Does not comply**

Clause 55.04-1 B17 Side and Rear Setbacks

North Elevation:

Floor	Wall height	Required Setback	Proposed setback
Semi basement	1.03 - 2.62m	1m	0m
Ground	4.18 - 5.77m	1.17 - 1.65m	0m
1 <sup>st</sup>	7.06 - 8.57m	2.15 - 3.66m	0m
2 <sup>nd</sup>	9.94 - 11.45m	5.03 - 6.54	0m

South Elevation:

Floor	Wall height	Required Setback	Proposed setback
Semi basement	0.77 - 2.47 metres	1 metre	0 metre
Ground	3.92 - 5.62 metres	1.09 - 1.6 metres	2.9 metres
1 <sup>st</sup>	6.8 - 8.5 metres	1.96 - 3.59 metres	2.9 – 3.23 metres
2 <sup>nd</sup>	9.68 - 11.38 metres	4.77 – 6.47 metres	2.9m – 4.48 metres

West Elevation:

Floor	Wall height	Required Setback	Proposed setback
Semi basement	2.47 - 2.62 metres	1 metre	0.5 – 2.88 metres
Ground	5.62 – 5.77 metres	1.6 – 1.65 metres	2.15 – 7.36 – 9.09 metres
1 <sup>st</sup>	8.5 – 8.57 metres	3.59 – 3.66 metres	2.15 – 7.36 – 9.09 metres
2nd	11.38 – 11.45 metres	6.47 – 6.54 metres	2.15 – 7.36 – 9.09 metres

The slope of the land results in a development which rises to four (4) storeys at the rear of the site where the site interfaces with two (2) adjacent residential properties, including the milk bar and dwelling.

The rear setback is staggered from 2.15 – 7.36 – 9.09m (south to north). The staggered setback responds to the adjacent rear garden interface. The south west corner of the 1<sup>st</sup> and 2<sup>nd</sup> floor rear elevation do not comply with the standard, while the north-west corner of the rear elevation exceeds the standard.

The rear setback and the proposed landscaping located adjacent the rear elevation will not negate the visual impact of the four (4) storey height of the building. Even allowing for the additional setback provided by the rear ROW, the perspective of the building from the adjacent rear gardens located to the west and northwest, will read as a taller structure as a result of the continuing downward slope of the land.



The southern boundary setback achieves partial compliance with the standard. The 1<sup>st</sup> and 2<sup>nd</sup> floors do not achieve compliance. While the neighbouring site to the south provides a commercial use, it is located within a General Residential Zone (Schedule 2) and commercial uses are not the primary uses that are envisaged within this zone. Therefore the height, scale and setbacks of the development should be tempered to reflect the purpose of the zone and the type and scale of development that the Planning Scheme currently envisages on that land. As highlighted earlier in this report the planning scheme does not envisage a high degree of change in the immediate context including on the immediately adjacent site to the south.

The north elevation does not achieve compliance with the setback requirement. However the location of a ROW between this elevation and the adjacent milk bar and dwelling allows a degree of flexibility to be applied. The setback of the north elevation is satisfactory in the context of the site.

This site and the proposal share a number of similarities with a three (3) storey proposal at 229 Gilbert Road (D/604/2013). Council refused planning permission for this proposal on 28 January 2014. The grounds of refusal raised concerns relating to neighbourhood character, the extent of front setbacks, off-site amenity impacts and the provision of storage spaces.

At the subsequent appeal hearing the Tribunal discussed four (4) issues including the offsite amenity impact of the proposal upon adjacent residential properties to the rear of the site.

The Tribunal formed the view that the development constituted:

*“a significant level of change from the existing character of this locale. It proposes to draw advantage from the locational attributes of the review site, but in a manner that will produce a new housing typology for this neighbourhood, in a built form that will be very different to that which exists in this area at present. While the proposed building may only be one storey higher than some of the nearby examples of two storey dwellings, it is the overall scale of the development both in streetscape terms and when viewed from adjoining properties, which makes this proposed development a significant departure from the existing neighbourhood character.”*

### **Does not comply**

#### Clause 55.04-2 B18 Walls on Boundaries

The development provides a 3 to 3.5 storey wall to the larger part of the north boundary. The height and length of the north boundary does not comply with the standard requiring a maximum wall length of 10m (plus 25% of the remaining boundary) and a height not exceeding 3.6m. However the location of a ROW between this elevation and the adjacent milk bar / dwelling allows a degree of flexibility to be applied.

The south elevation includes a boundary wall associated with semi basement car park and the planter bed located on the south boundary. The wall height is between 2.3 metres (east) and 3.8 metres (west). The length of the wall exceeds the standard and the height is partially compliant. The non-compliant section is located to the rear of the site directly adjacent the car park that forms part of the medical centre. The impact of the wall is appropriate having regard to the current site context.

However should the site to the south, which is located within a General Residential Zone seek re-development, the development potential of the adjacent land would be compromised by this design response.

**Complies with objective**

Clause 55.04-6 B22 Overlooking

The north facing balconies provide balustrades of 1 to 1.7 metres in height. The 1.7 metre sections restrict north east views over the adjacent ROW toward side elevation of the neighbouring mil bar and dwelling. The front third of the milk bar is constructed on the opposing ROW boundary with rear two thirds setback approximately 1.25 metres from the ROW. The south boundary of the milk bar comprises a solid timber paling fence (lower half) and brown corrugated laser light sheeting (upper half). The height of the fence is approximately 2.5 metres. The laser light is considered to prevent overlooking opportunities from the proposed balconies into the south elevation windows of the milk bar.

**Complies**

Clause 55.05-4 B28 Private Open Space

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

This is achieved through the provision of at least eight (8) square metres with a minimum width of 1.6 metres and convenient access from a living room.

	<b>Total POS (balcony)</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>
Dwelling 1.02	26 square metres	26 square metres	1.6 to 2.6 metres
Dwelling 1.03	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 1.04	22 square metres	22 square metres	1.6 to 2.6 metres
Dwelling 1.05	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 1.06	22 square metres	22 square metres	1.6 to 2.6 metres
Dwelling 1.07	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 1.08	22 square metres	22 square metres	1.6 to 2.6 metres
Dwelling 2.01	9 square metres	9 square metres	1.6 to 2.6 metres
Dwelling 2.02	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 2.03	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 2.04	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 2.05	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 2.06	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 2.07	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 2.08	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 3.01	9 square metres	9 square metres	1.6 to 2.6 metres
Dwelling 3.02	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 3.03	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 3.04	8 square metres	8 square metres	1.6 to 2.6 metres

	<b>Total POS (balcony)</b>	<b>Secluded POS</b>	<b>Minimum dimension of secluded POS</b>
Dwelling 3.05	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 3.06	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 3.07	8 square metres	8 square metres	1.6 to 2.6 metres
Dwelling 3.08	8 square metres	8 square metres	1.6 to 2.6 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

The table to clause 52.06 applies a standard rate of parking as follows:

<b>Use</b>	<b>Ratio</b>	<b>Proposed spaces</b>	<b>Total Required</b>
Resident Parking	1 / 1 and 2 bedroom dw	30	23
Visitor parking	1 / 5 dwellings	0	4
Café (Food and Drink)	4 / 100m <sup>2</sup>	1	3
<b>Total</b>		<b>31</b>	<b>30</b>

A total of 31 car parking spaces, including 6 tandem spaces are provided at basement level.

30 spaces are allocated to dwellings, where 23 spaces are recommended.

One (1) space is allocated to the café where three (3) spaces are recommended.

No visitor car parking is provided where four (4) spaces are recommended.

The applicant has submitted an assessment of the car parking demand which concludes that the provision of car parking is satisfactory based on the following:

- A peak visitor parking demand of three (3) spaces is generated based on the accepted residential visitor parking rate of 0.12 visitor spaces per dwelling.
- The food and drink premises will generate a demand for two (2) spaces noting one (1) on-site space will be allocated to staff. Consequently a maximum parking overflow of up to 5 spaces is expected, with all long-term parking demands associated with the residential dwellings and the café accommodated off-street.
- Parking surveys undertaken within the vicinity of the site indicates low demands for on-street car parking across the peak parking periods for the various uses. During the peak parking demand period, some 193 on-street parking spaces were available, representing 24% occupancy.
- The site is considered to benefit from a car parking credit of some 15 spaces associated with the previous use of the land (warehouse and shop).



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

- All long-term parking demands associated with the development will be accommodated within the site, inclusive of one (1) parking space for staff of the café. Consequently the site is considered to generate a demand for five (5) on-street parking spaces, associated with residential visitors and customers of the café. It is noted that the peak parking demands for the customers and residential visitors do not generally coincide so the net impact on on-street parking is considered to be less than that presented in the applicant's traffic report.
- Parking surveys of the surrounding area indicated that some 193 on-street parking spaces were available during the recorded peak parking demand period. Importantly, residential visitor and customer parking demands can be accommodated on Gilbert Road and Bruce Street.
- The current site is considered to generate a parking demand for 15 spaces with no provision for off-street parking. Any short-term visitor/shopper demands generated by the proposed development are likely to be less than the peak demands generated by the former use of the site (warehouse and shop). The net impact on surrounding on-street parking therefore is likely to be less under the currently proposed use.

#### Design Standards for Car parking

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

Access dimensions to the car spaces comply with the standard and allow efficient use and management.

As per Design Standard 2, where parking spaces are provided in tandem (one space behind the other), an additional 500mm in length must be provided between each space. An additional 500mm in length has been provided between each space in accordance with this requirement.

As it is proposed to accommodate staff parking within the basement car park, one space will be required to be marked as staff bay, and will not be for the general use of occupiers of the residential dwellings.

#### **Clause 52.07 - Loading and Unloading of Vehicles**

Given the small size of the café tenancy and the land area of the site, it is expected that loading events would only be minor and therefore more appropriately would occur either on-site or on-street. This requirement can therefore be waived in this instance.

#### **Complies with objective**

#### **Clause 52.34 - Bicycle Parking Requirement:**

The proposal provides seven (7) bicycle parking spaces in accordance with this Clause. Given the location of the development in proximity to a number of bike paths the higher than average rates of bicycle usage within Darebin, the development should provide at least one (1) bicycle parking space to each dwelling.

Clause 52.34 also requires that a bicycle space for a visitor must be provided at an external bicycle rail near the main entrance to the development. No visitor parking has been provided.

#### **Does not comply with objective**

**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>		
		23 2-bedroom dwellings are proposed. The development delivers housing diversity into an area that is otherwise dominated by larger single dwellings.	Y	Y
<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>		
		The development appropriately integrates with the Street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The required setback is 0 metres. The development is set back 0 metres from the street frontage.	Y	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		Please see assessment in the body of this report	N	N
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		100%. The area covered by buildings should not exceed 60% of the total site area. The site coverage is well above 60%. However the site context including buildings built to the front boundary to the immediate north and south may allow a site coverage of greater than 60% to be considered.	N	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		0%. The permeable area should be 20% of the site area. However the site context including adjacent buildings built to the front boundary to the immediate north and south allow a lesser level of permeability to be considered.	N	Y
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		A Sustainability Management Plan was not submitted with the application. The ESD credentials of the development are therefore unknown at this stage.	N	N

Clause	Std		Compliance	
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		N/A as the site does not abut public open space	Y	Y
<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>		
		The existing building covers the majority of the site. Vegetation is proposed in the form of landscaping adjacent the rear boundary which is appropriately located. The proposal landscaping represents an improvement over the current appearance of the site.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient.	Y	Y
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		The basement car park is adequately secure.	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	N
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		Please see assessment in the body of this report.	N	N
<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.	Y	Y
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		There are no internal views	Y	Y
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		Noise impacts are consistent with those in a residential zone.	Y	Y
<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		The ground levels of the proposal can be made accessible for people with limited mobility. Lift access is provided.	Y	Y



Clause	Std		Compliance	
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		The central entry is identifiable and provides 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>		
		12 dwellings provide south facing aspect. These dwellings do not meet the formula set out under this standard.  As previously mentioned in this report the number and proximity of the south facing dwellings is detrimental to the future development potential of the adjacent land. Clause 22.06 also discourages side facing dwellings and encourages equitable development opportunities.  While it is not always possible to provide optimal, layouts, solar access and outlook for all dwellings within a development. It is considered that the size and width of the land provides ample scope for a design where a higher proportion of the dwellings provide a good quality internal living environment, without negatively impacting the amenity and development potential of adjacent land.	N	N
<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>		
		Refer to the design assessment under Clause 22.06.	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.
Transport Management and Planning	No objection, subject to condition.
Urban Design officer	No objection, subject to condition
ESD officer	No objection, subject to condition

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

- Clause 32.08 (General Residential Zone - 2) – construction of two or more dwellings.
- Clause 52.06 (Car Parking) – reduction of car parking.

**Applicable provisions of the Darebin Planning Scheme**

<b>Section of Scheme</b>	<b>Relevant Clauses</b>
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.05-1, 21.05-2, 21.05-3, 22.02, 22.06
Zone	32.01
Overlay	45.06
Particular provisions	52.06, 52.07, 52.34, 55
General provisions	65.01
Neighbourhood Character Precinct	E3

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

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

**Social Inclusion and Diversity**

Nil

**Other**

Nil

## **FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **FUTURE ACTIONS**

Nil

## **DISCLOSURE OF INTERESTS**

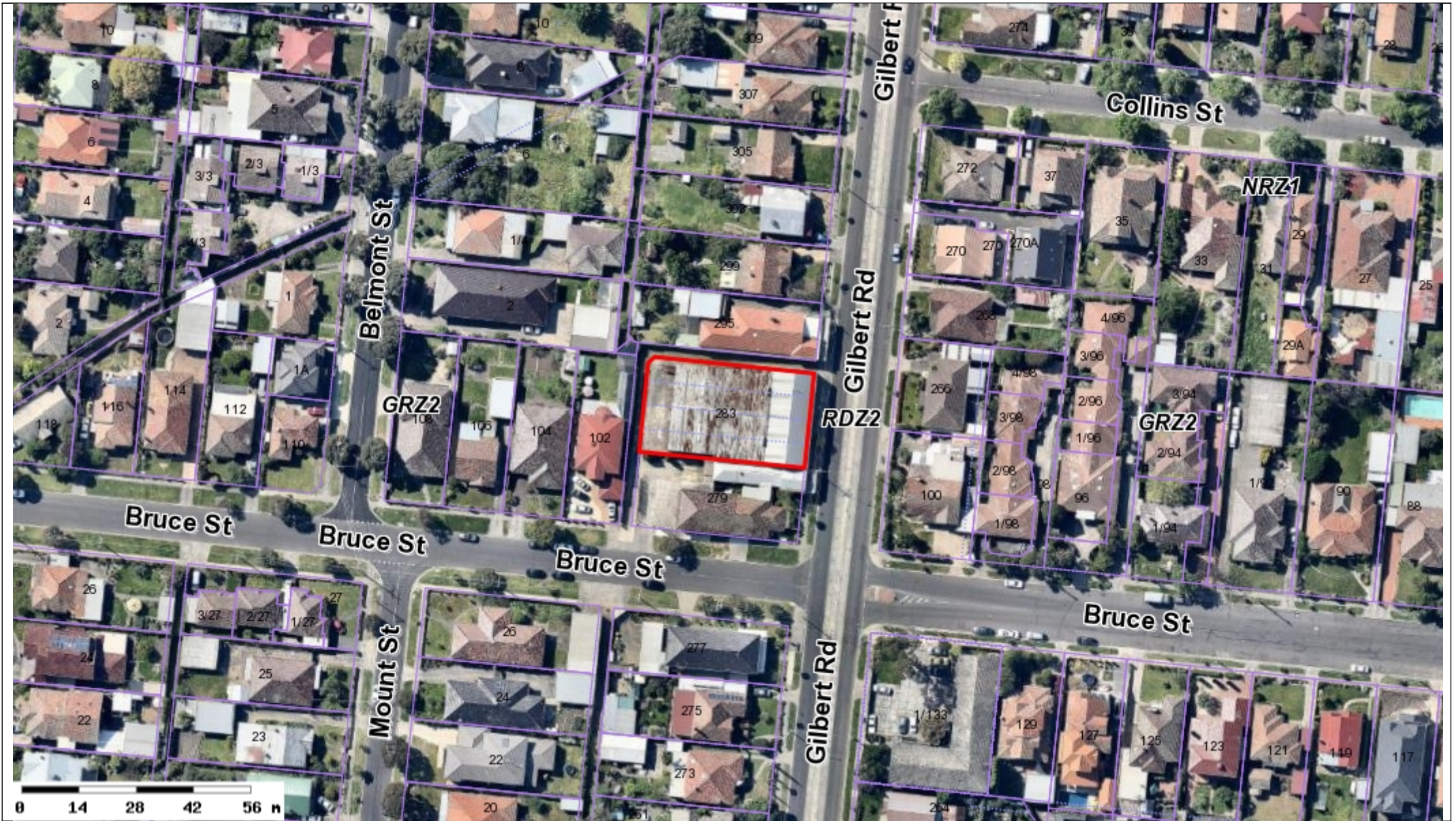
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

## **RELATED DOCUMENTS**

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





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3/11/2016





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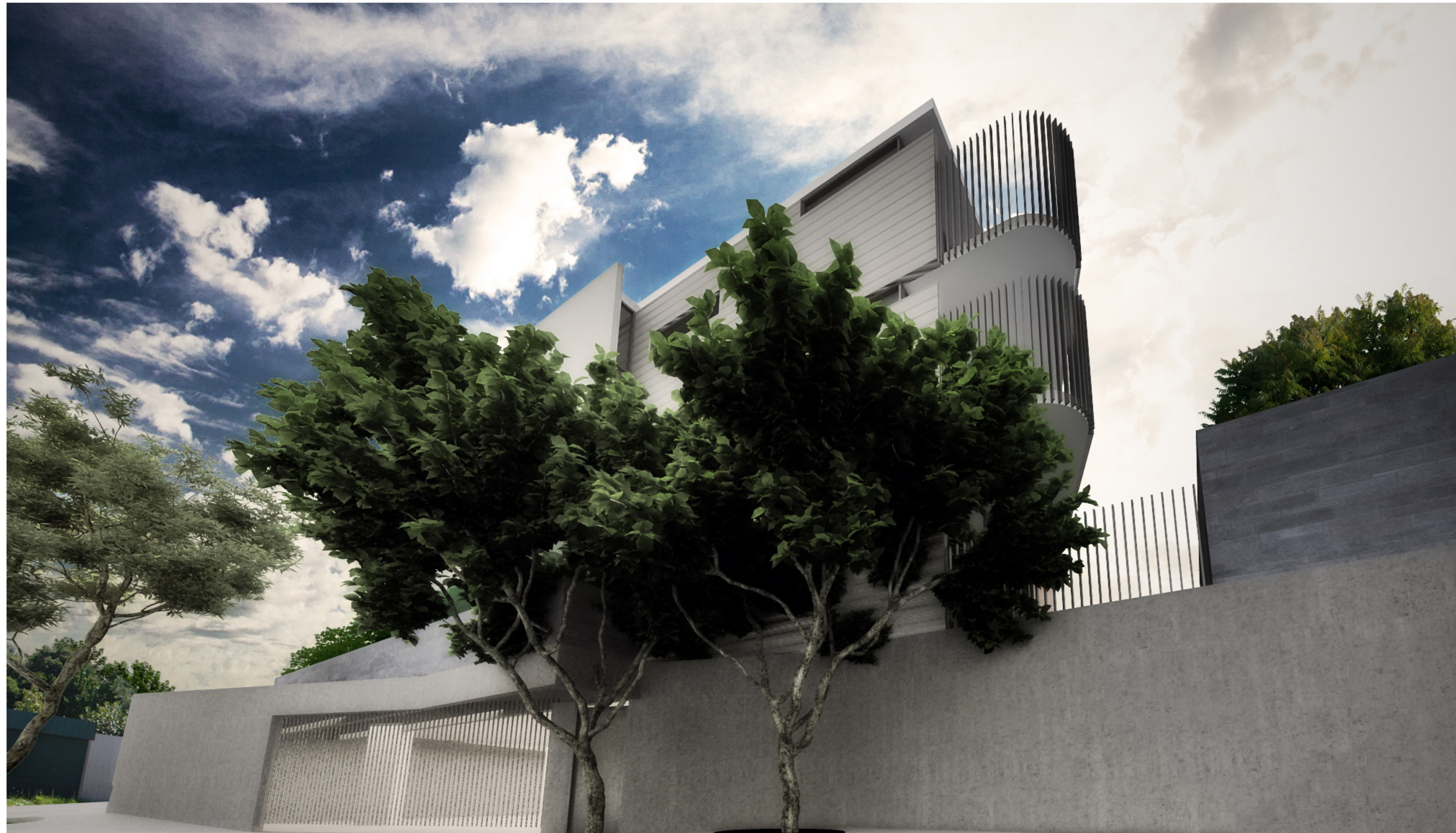


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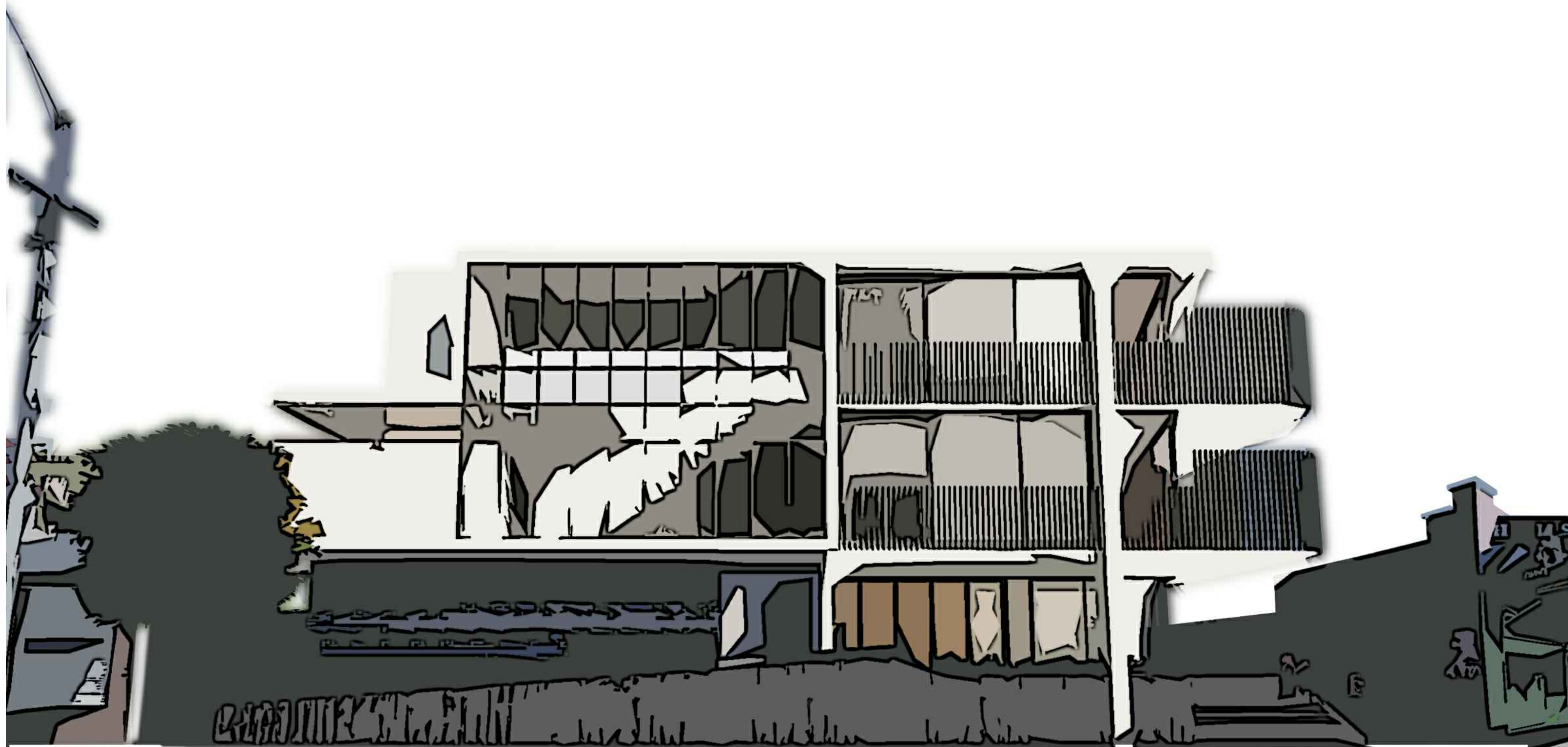
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**DRAWING INDEX**

TP.A01	SITE AND SURVEY PLAN
TP.A02	BASEMENT FLOOR PLAN
TP.A03	GROUND FLOOR PLAN
TP.A04	FIRST FLOOR PLAN
TP.A05	SECOND FLOOR PLAN
TP.A06	ROOF PLAN
TP.A07	ELEVATIONS & STREETScape
TP.A08	ELEVATIONS & STREETScape (COLOURED)
TP.A09	WEST & SOUTH ELEVATIONS
TP.A10	WEST & SOUTH ELEVATIONS (COLOURED)
TP.A11	SHADOW DIAGRAM 9AM
TP.A12	SHADOW DIAGRAM 12PM
TP.A13	SHADOW DIAGRAM 3PM
TP.A14	MATERIALS AND COLOUR SCHEDULE

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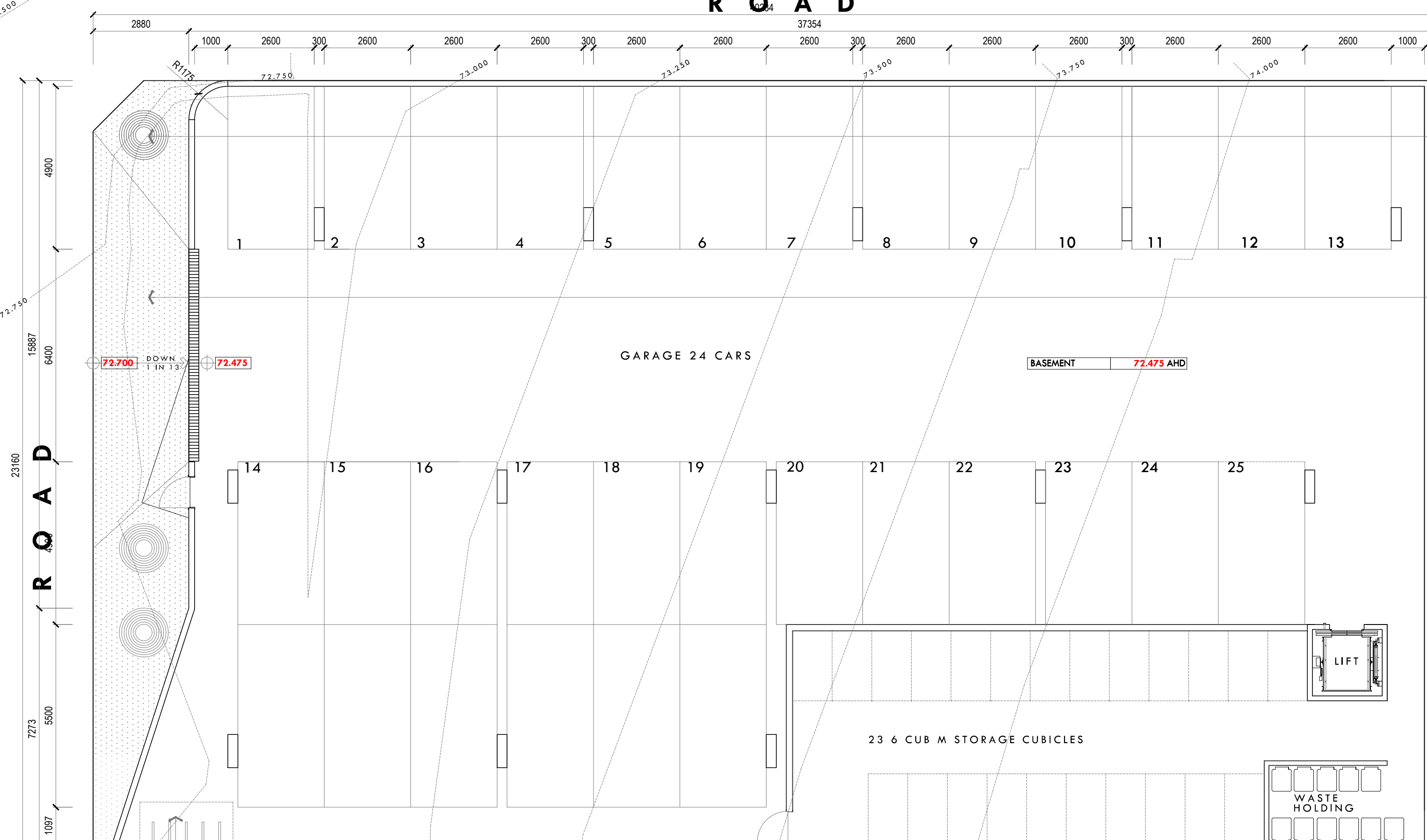
**295  
MILKBAR**

**R O A D**

**G I L B E R T R O A D**

**PAVED CARPARK**

**279  
MEDICAL CLINIC**



CAST IRON TREE GRATE SET FLUSH WITH NEW ASPHALT ROAD SURFACE

NEW ASPHALT SURFACING CONTIGUOUS WITH EXISTING ROAD  
DRAINING TO NEW ON-SITE STRIP DRAIN

5 NO RESIDENT'S BICYCLES STORED ON WALL MOUNTED "NED KELLY"  
RACK

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AREA SCHEDULE	
SITE AREA	930 SQ M
LOWER GROUND FLOOR	830 SQ M
SITE COVERAGE	91%



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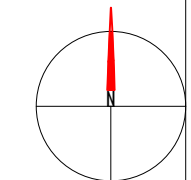
BASEMENT PLAN	
SCALE 1:100	0 1 2 3 4 5 METRES
SHEET SIZE: A1	

JOB NO 2112  
TOWN PLANNING REVIEW  
SEPTEMBER 2015

**TP.A02**

OF	14
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295  
MILKBAR

POS

POS

R O A D

1700MM PRIVACY SCREEN TO BALCONY

G I L B E R T R O A D

R O A D

PAVED CARPARK

279  
MEDICAL CLINIC



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AREA SCHEDULE		APARTMENT SCHEDULE			
SITE AREA	930 SQ M	101	53 SQ M CAFE + 35 SQ M TERRACE	105	65 SQ M 2 BEDROOM + 8 SQ M BALCONY
NET GROUND FLOOR	600 SQ M	102	67 SQ M 2 BEDROOM + 24 SQ M TERRACE	106	68 SQ M 2 BEDROOM + 22 SQ M BALCONY
SITE COVERAGE	64%	103	65 SQ M 2 BEDROOM + 8 SQ M TERRACE	107	65 SQ M 2 BEDROOM + 8 SQ M BALCONY
		104	68 SQ M 2 BEDROOM + 22 SQ M TERRACE	108	68 SQ M 2 BEDROOM + 22 SQ M TERRACE

ROOM LEGEND		
1 ENTRY	4 BATHROOM	7 BALCONY
2 LIVING	5 LAUNDRY	8
3 KITCHEN	6 BEDROOM	9

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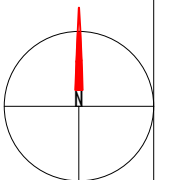
GROUND FLOOR PLAN	
SCALE 1:100	0 1 2 3 4 5 METRES
SHEET SIZE: A1	

JOB NO 2112  
TOWN PLANNING REVIEW  
SEPTEMBER 2015

TP.A03

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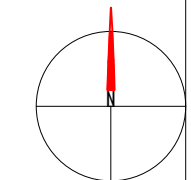
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**APARTMENT SCHEDULE**

201	75 SQ M 2 BEDROOM + 9 SQ M BALCONY	205	65 SQ M 2 BEDROOM + 8 SQ M BALCONY
202	65 SQ M 2 BEDROOM + 8 SQ M BALCONY	206	65 SQ M 2 BEDROOM + 8 SQ M BALCONY
203	65 SQ M 2 BEDROOM + 8 SQ M BALCONY	207	65 SQ M 2 BEDROOM + 8 SQ M BALCONY
204	65 SQ M 2 BEDROOM + 8 SQ M BALCONY	208	65 SQ M 2 BEDROOM + 8 SQ M BALCONY

**ROOM LEGEND**

1	ENTRY	4	BATHROOM	7	BALCONY
2	LIVING	5	LAUNDRY	8	
3	KITCHEN	6	BEDROOM	9	

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**FIRST FLOOR PLAN**  
 SCALE 1:100  
 SHEET SIZE: A1  
 0 1 2 3 4 5 METRES

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 SEPTEMBER 2015

**TP.A04**

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 REV  
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**APARTMENT SCHEDULE**

301	75 SQ M 3 BEDROOM + 9 SQ M BALCONY	305	65 SQ M 2 BEDROOM + 8 SQ M BALCONY
302	65 SQ M 2 BEDROOM + 8 SQ M BALCONY	306	65 SQ M 2 BEDROOM + 8 SQ M BALCONY
303	65 SQ M 2 BEDROOM + 8 SQ M BALCONY	307	65 SQ M 2 BEDROOM + 8 SQ M BALCONY
304	65 SQ M 2 BEDROOM + 8 SQ M BALCONY	308	65 SQ M 2 BEDROOM + 8 SQ M BALCONY

**ROOM LEGEND**

1	ENTRY	4	BATHROOM	7	BALCONY
2	LIVING	5	LAUNDRY	8	
3	KITCHEN	6	BEDROOM	9	

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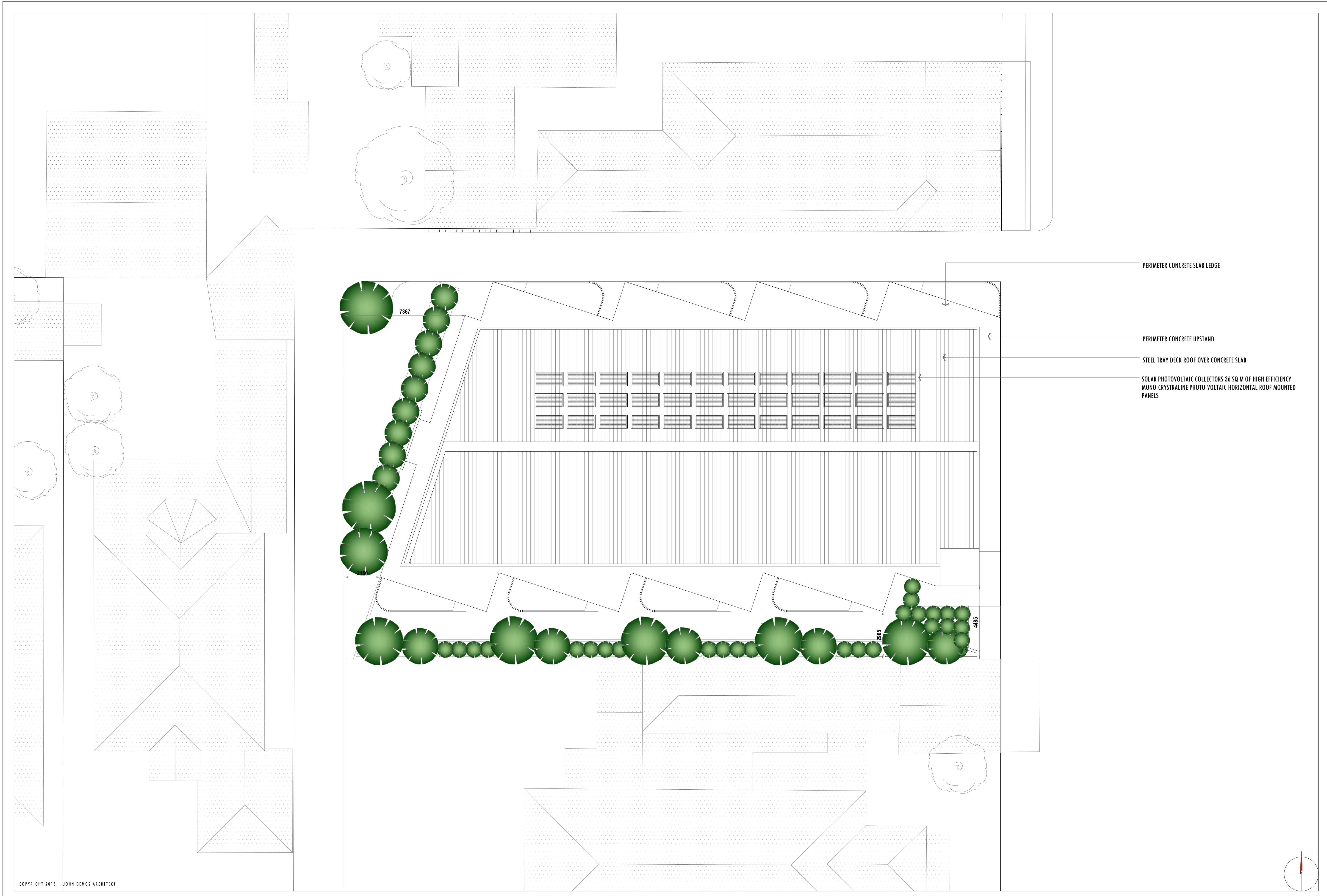
**SECOND FLOOR PLAN**  
 SCALE 1:100  
 SHEET SIZE: A1  
 0 1 2 3 4 5 METRES

JOB NO 2112  
 SOUTH PLANNING REVIEW  
 SEPTEMBER 2015

**TP.A05**

OF 14  
 REV  
 D





PERIMETER CONCRETE SLAB LEDGE  
 PERIMETER CONCRETE UPSTAND  
 STEEL TRAY DECK ROOF OVER CONCRETE SLAB  
 SOLAR PHOTOVOLTAIC COLLECTORS 36 SQ M OF HIGH EFFICIENCY MONO-CRYSTALLINE PHOTO-VOLTAIC HORIZONTAL ROOF MOUNTED PANELS

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ROOF PLAN  
 SCALE 1:100  
 SHEET SIZE: A1

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TP.A06

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WEST ELEVATION

SOUTH ELEVATION

- 140MM REINFORCED CONCRETE BLOCK BALUSTRADE WALL
- 140MM REINFORCED CONCRETE BLOCK PLANTER EXTENDING OVER PODIUM STRUCTURE ON CONCRETE CANTILEVER
- BLACK POWDER-COAT FINISH TO STEEL REMOTE CONTROL CARPARK SECURITY DOOR

- 140MM REINFORCED CONCRETE BLOCK PLANTER
- PRECAST CONCRETE RETAINING WALL ON BOUNDARY TO FIRST FLOOR LEVEL
- NATURAL GROUND LEVEL HAS GRADIENT OF 1 IN 24 (2 DEGREES)

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EAST ELEVATION  
 SOUTH ELEVATION  
 SCALE 1:100  
 SHEET SIZE: A1

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 SEPTEMBER 2015

**TP.A09**

OF 14  
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WEST ELEVATION

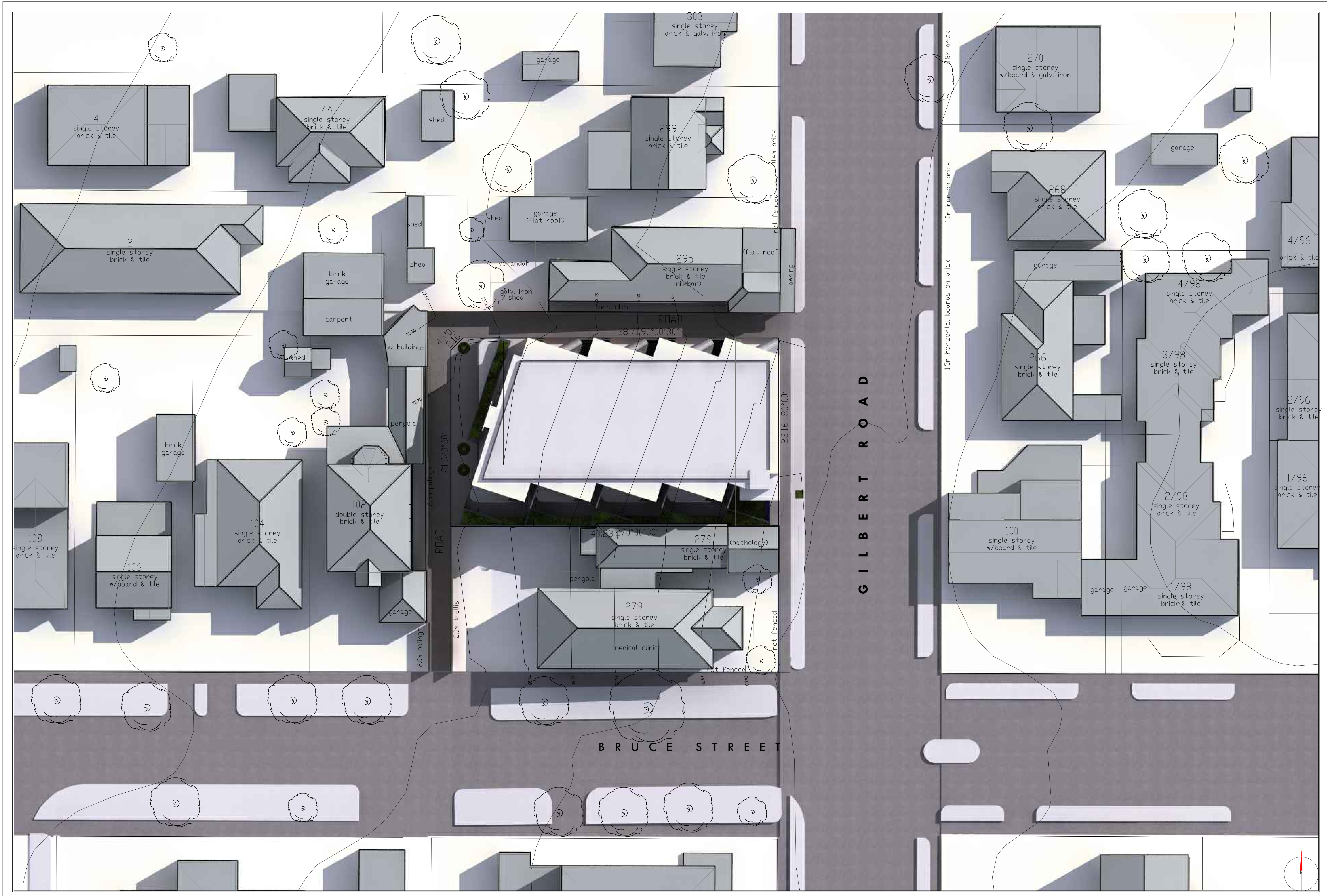
SOUTH ELEVATION

- 140MM REINFORCED CONCRETE BLOCK BALUSTRADE WALL
- 140MM REINFORCED CONCRETE BLOCK PLANTER EXTENDING OVER PODIUM STRUCTURE ON CONCRETE CANTILEVER
- BLACK POWDER-COAT FINISH TO STEEL REMOTE CONTROL CARPARK SECURITY DOOR

- 140MM REINFORCED CONCRETE BLOCK PLANTER
- PRECAST CONCRETE RETAINING WALL ON BOUNDARY TO FIRST FLOOR LEVEL
- NATURAL GROUND LEVEL HAS GRADIENT OF 1 IN 24 (2 DEGREES)

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**SHADOW DIAGRAM**  
 9.00AM 22 SEPTEMBER  
 SCALE 1:100  
 SHEET SIZE: A1

JOB NO 2112  
 TOWN PLANNING REVIEW  
 SEPTEMBER 2015

**TP.A11**  
 OF 14  
 REV  
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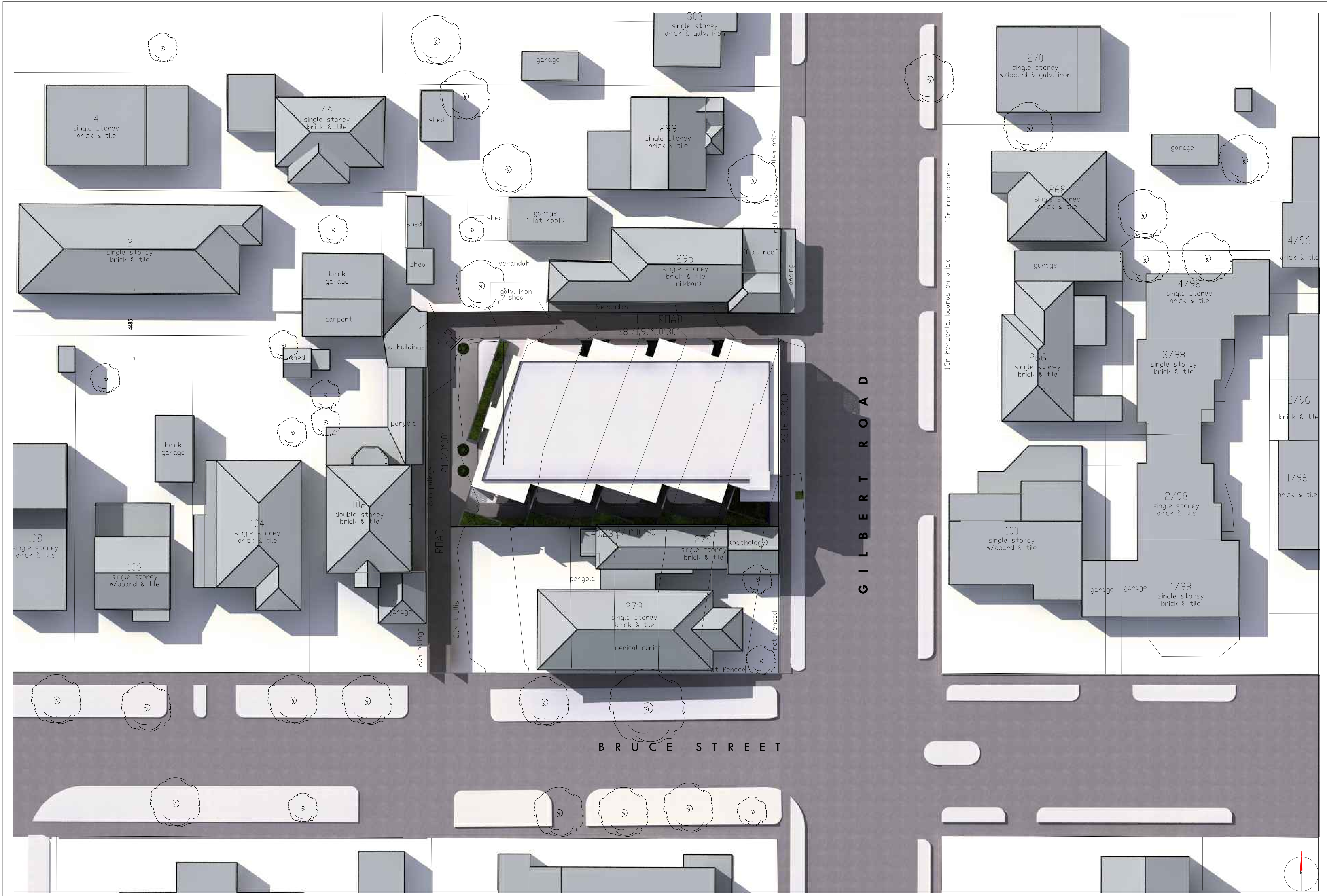


GILBERT ROAD

BRUCE STREET

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SHADOW DIAGRAM  
 3.00PM 22 SEPTEMBER  
 SCALE 1:100  
 SHEET SIZE: A1

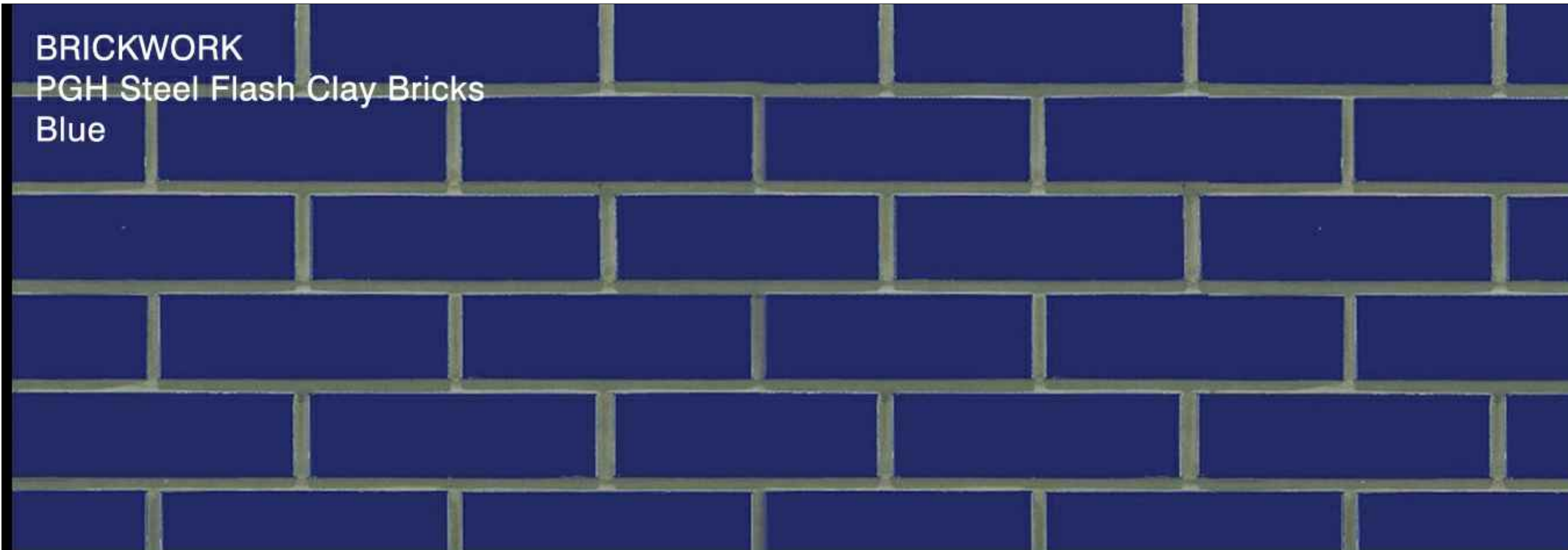
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 TOWN PLANNING REVIEW  
 SEPTEMBER 2015

**TP.A13**

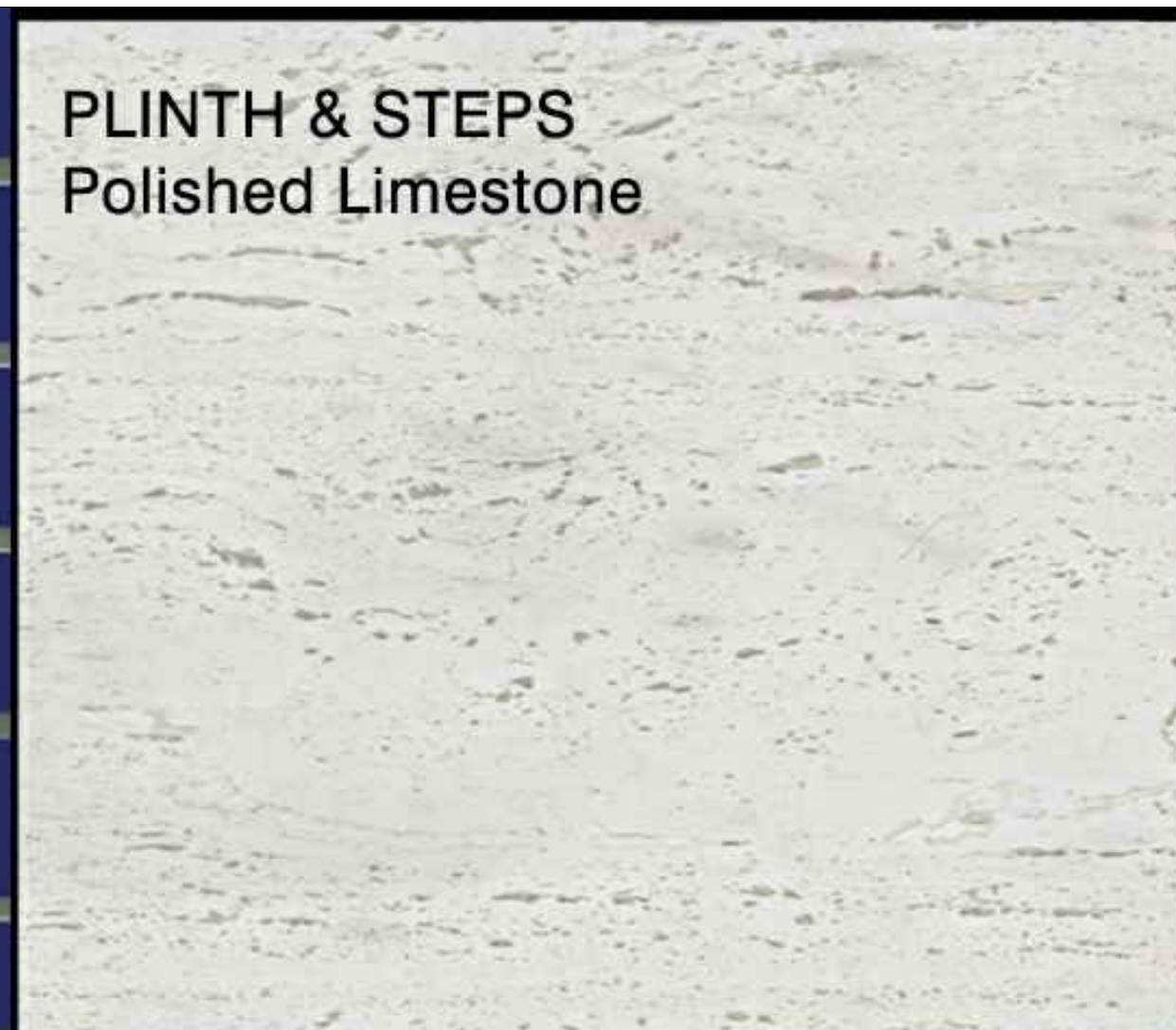
OF 14  
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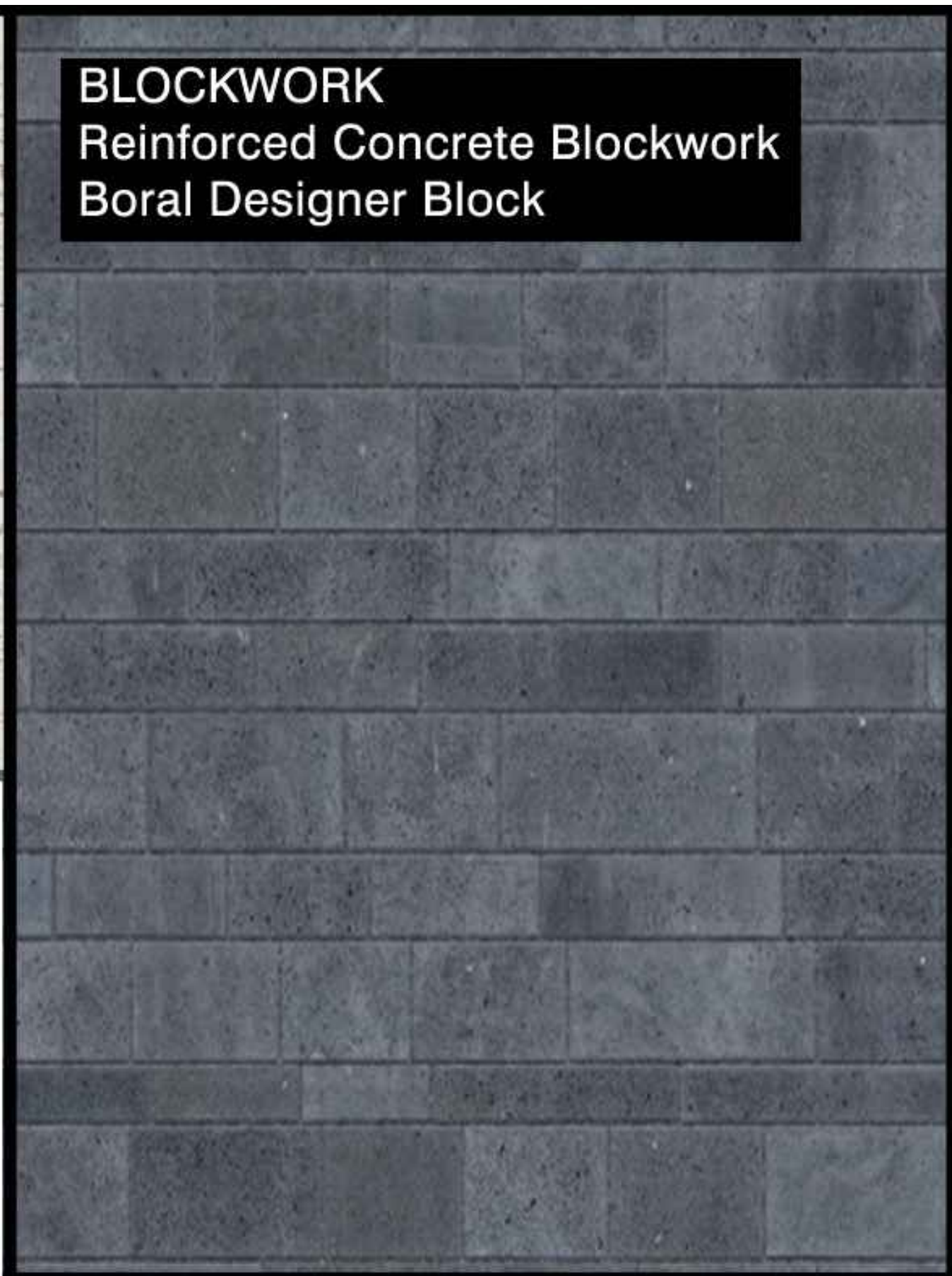




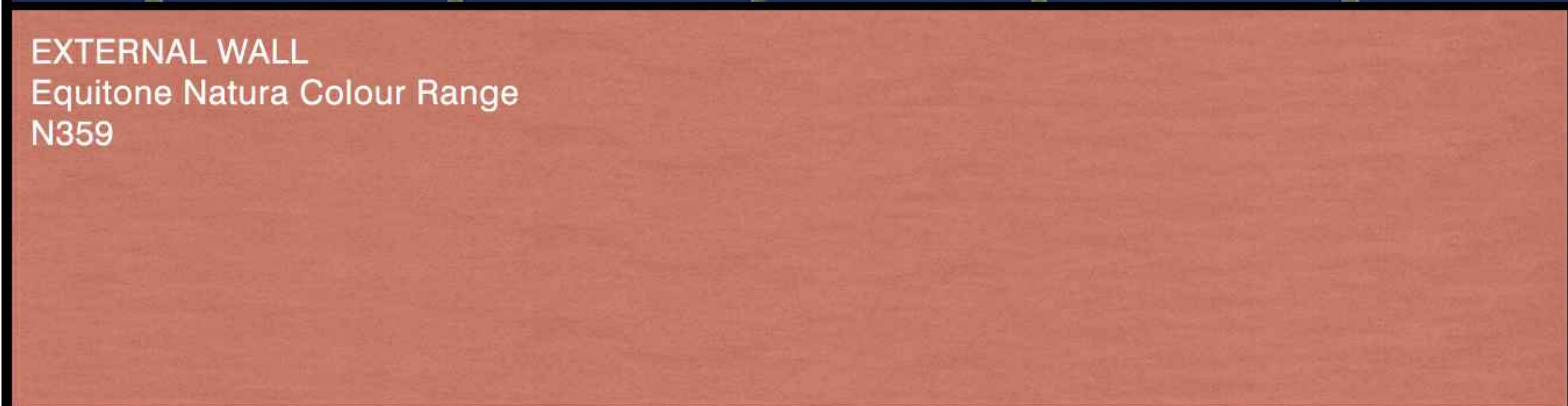
**BRICKWORK**  
PGH Steel Flash Clay Bricks  
Blue



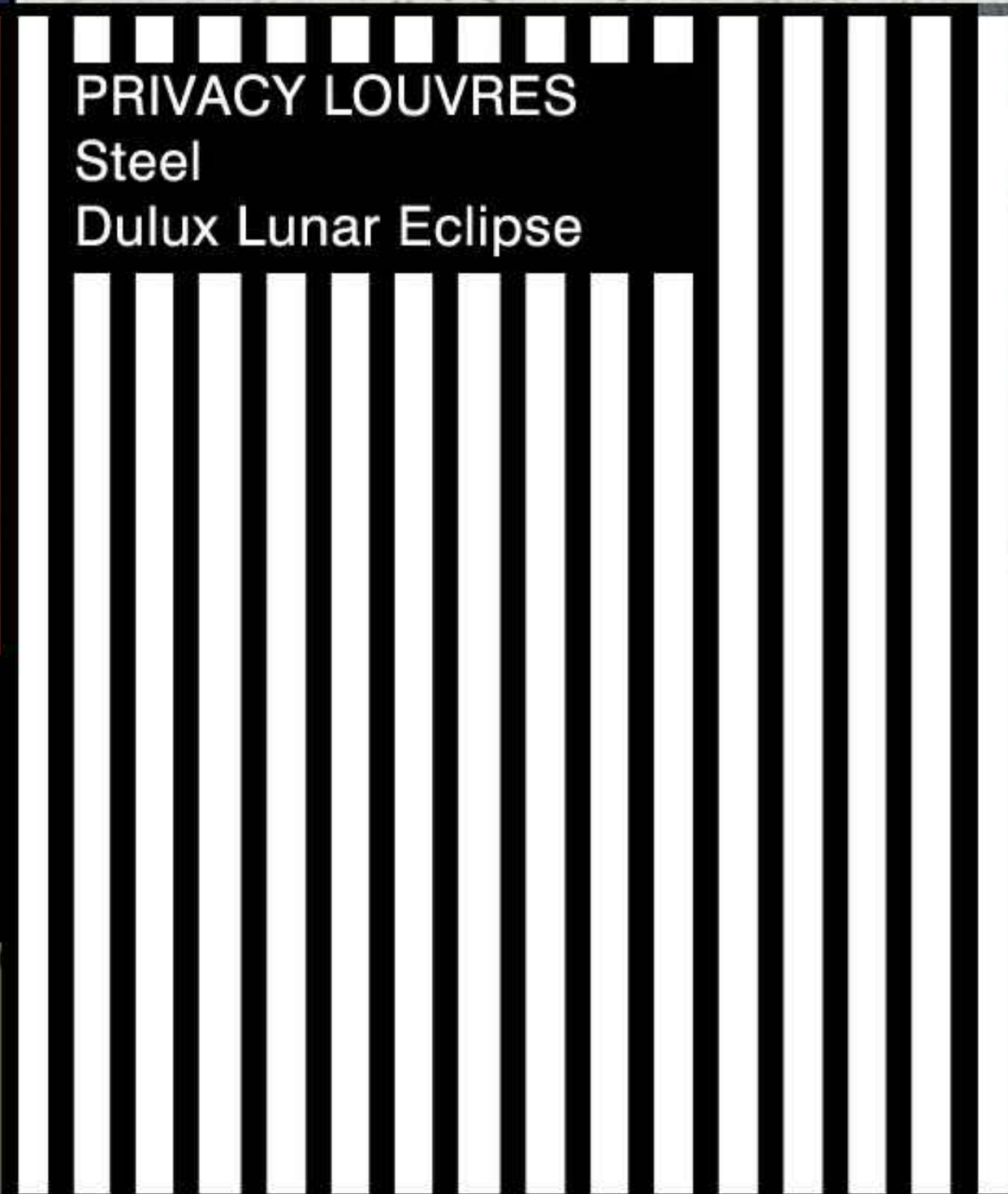
**PLINTH & STEPS**  
Polished Limestone



**BLOCKWORK**  
Reinforced Concrete Blockwork  
Boral Designer Block



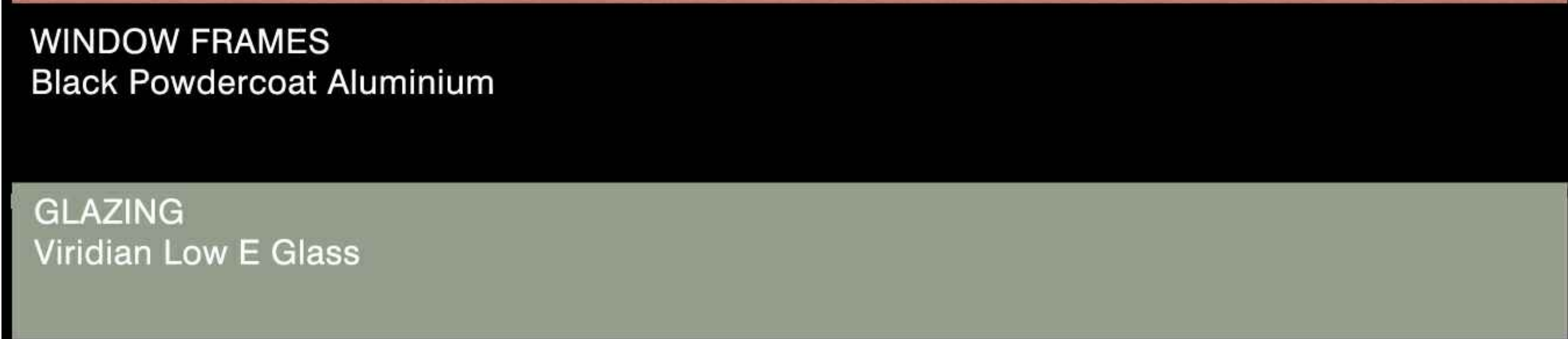
**EXTERNAL WALL**  
Equitone Natura Colour Range  
N359



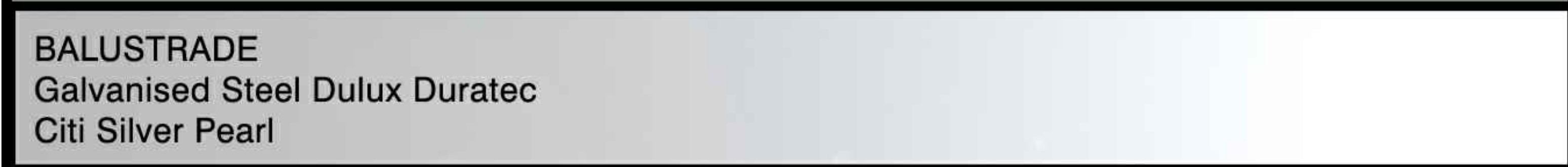
**PRIVACY LOUVRES**  
Steel  
Dulux Lunar Eclipse



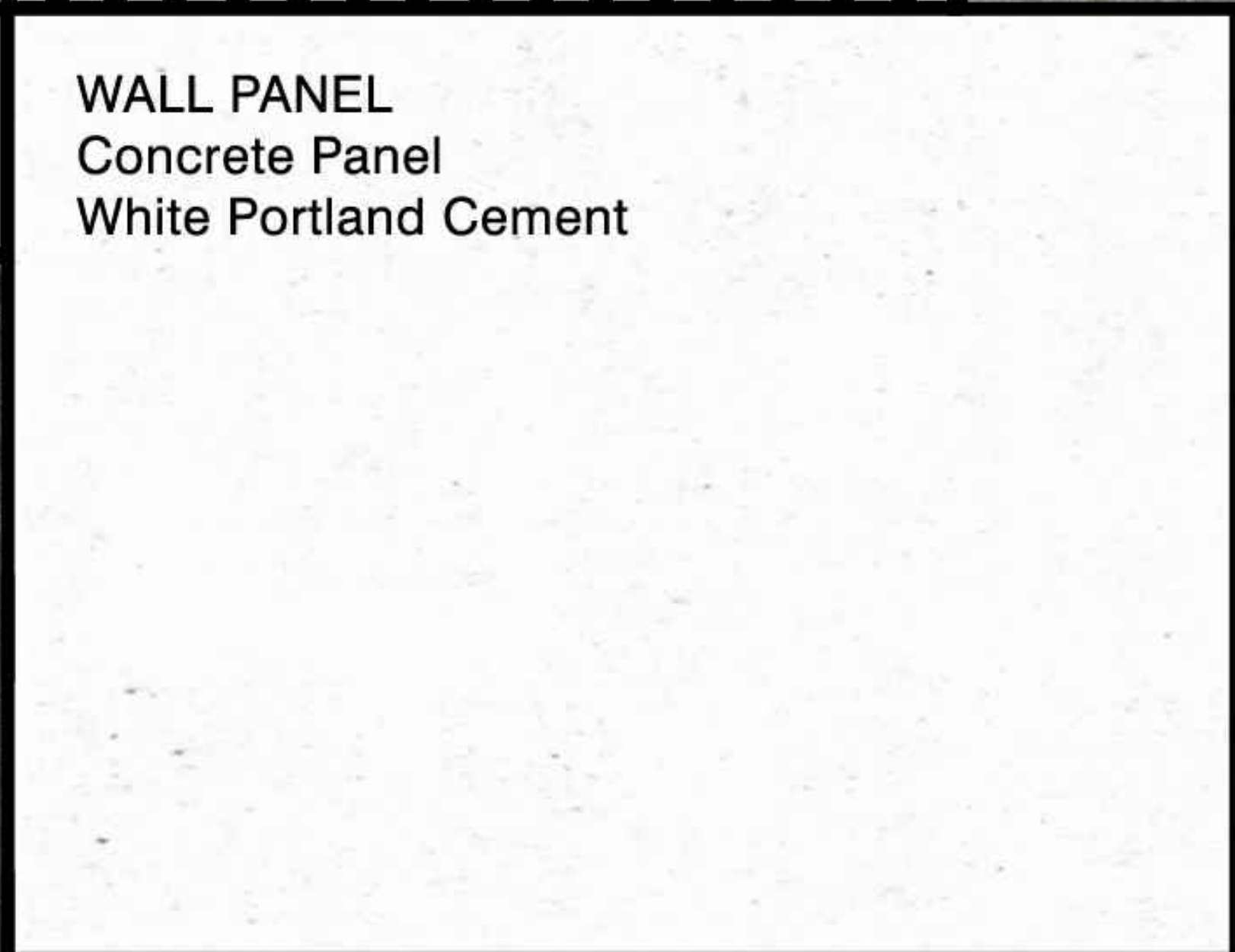
**BASE WALL**  
Corrugated Off-Form  
Cast In Situ Concrete  
Natural



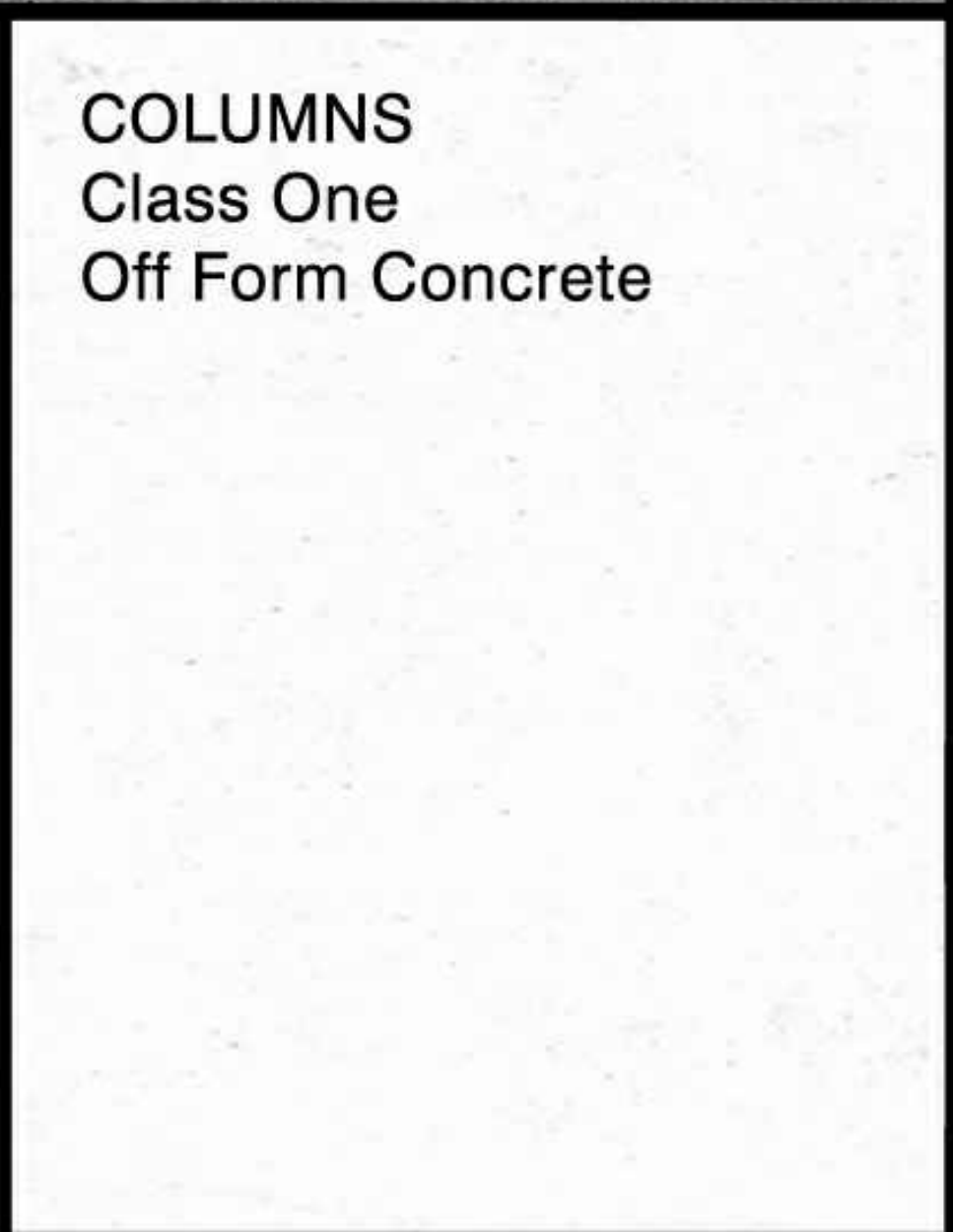
**WINDOW FRAMES**  
Black Powdercoat Aluminium



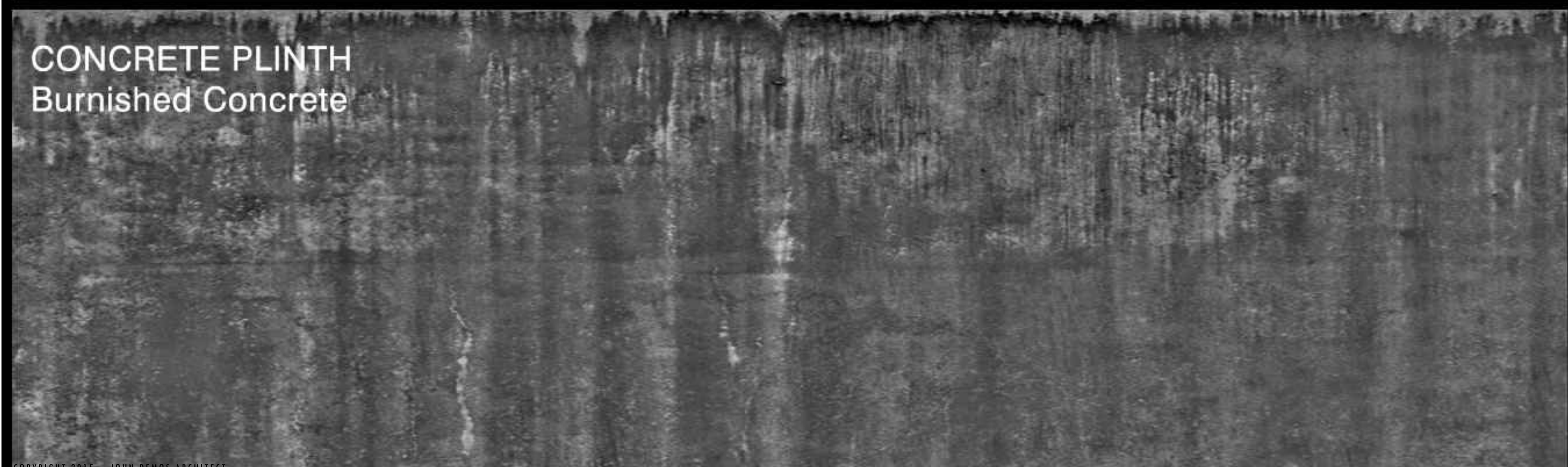
**BALUSTRADE**  
Galvanised Steel Dulux Duratec  
Citi Silver Pearl



**WALL PANEL**  
Concrete Panel  
White Portland Cement



**COLUMNS**  
Class One  
Off Form Concrete



**CONCRETE PLINTH**  
Burnished Concrete



**5.5 APPLICATION FOR PLANNING PERMIT D/738/2015**  
 32 Miranda Road, Reservoir VIC 3073

**AUTHOR: Principal Planner – Ben Porteous**

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

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>
Ikonomidis Reid Pty Ltd	Alexander Magos and Danielle Maree Pandoff

**SUMMARY:**

- The proposal is to construct a double storey dwelling to the rear of the existing dwelling.
- The existing dwelling has three (3) bedrooms and will have a single carport and tandem car space to its rear (north). The dwelling will be provided with 48 square metres of secluded private open space to its rear (north).
- The proposed Dwelling is to have a study and an open plan kitchen/meals/living area at the ground floor level. The first floor is to have four (4) bedrooms, ensuite and a bathroom. The proposed dwelling is also to have a double garage. 40 square metres of secluded private open space is located to the rear of the dwelling.
- Vehicle access is via the existing crossover and a driveway along the west boundary.
- The proposed dwelling will have a traditional design with brick walls at ground level and rendered walls to the first floor, with a pitched and hipped tile roof.
- The site is zoned General Residential Zone Schedule 1.
- There is no restrictive covenant on the title for the subject land.
- 14 objections were received against this application. Two (2) of the objections are from the same property address.
- 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 Unit and Capital Works Unit.
- This application was not required to be referred to external authorities.

**Recommendation**

**THAT** Planning Permit Application D/738/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP05, TP06, TP06, Revision B, dated November 2015, job no. 008695, and prepared by Ikonmidis Reid) but modified to show:
  - a) The north boundary fence to have a height of 1.8 metres as measured above natural ground level.
  - b) A 1.7 metre high screen, as measured above the finished floor level of the ground floor of Dwelling 2 and the alfresco, abutting the northern boundary. The screen must be self-supporting and have a maximum transparency or openings of 25%.
  - c) The landscaping between the west property boundary and the common accessway increased in width where opposite the car spaces to achieve an apex width of 1.5 metres. This landscaping area must include at least one (1) small-medium sized canopy tree.
  - d) The Dwelling 2 alfresco set back from the north property boundary in accordance with the requirements of Standard B17 of the Darebin Planning Scheme.
  - e) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the sides of the proposed crossover. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.
  - f) A Landscape Plan in accordance with Condition No. 4 of this Permit. The landscape plan must include a minimum of five (5) small-medium sized canopy trees.

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) A minimum of five (5) small-medium sized canopy trees.
  - 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.
  - 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.
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 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.
8. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
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;
  - 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

No relevant planning history exists for the site in Council's records.

### ISSUES AND DISCUSSION

#### Subject site and surrounding area:

- The site is regular in shape and measures 18.29 metres across the street frontage, has a depth of 48.77 metres, and a site area of 892 square metres.
- The land is located on the north side of Miranda Road, approximately 280 metres to the east of the intersection with Borrie Street.

- The site has a fall of approximately 1.74 metres from the front (south east) to the rear (south west) corner and 1.76 metres along the rear boundary (from the west to the east).
- The site contains a single storey rendered dwelling, with a pitched and gabled tile roof. The dwelling has vehicle access to a garage at the rear, adjacent to the western common boundary.
- To the east is an allotment containing a single storey brick dwelling, with two (2) single storey brick dwellings constructed in the rear yard area. The dwelling at the front is set back 7.5 metres to street frontage and approximately 1.9 metres from the common boundary. The dwellings to the rear are set back 3.1 metres from the common boundary. Further to the east are a number of medium density developments of single and double storey dwellings.
- To the west is an allotment containing a large brick double storey dwelling, with vehicle access leading to a carport adjacent to the common boundary. The dwelling is set back 7.7 metres to street frontage and 4.4 metres to 9.6 metres from the common boundary. The area adjacent to the common boundary is largely paved vehicle access.
- To the north, are the rear yards and outbuildings of dwellings fronting St Vigeons Road.
- To the south of the site, on the opposite side of the street, is a single storey detached dwelling. To its west is a large three (3) storey dwelling, with a high pitched roof. To its east are a number of medium density developments containing double and single storey dwellings.
- The area is residential in character with a mixture of single and double storey dwellings and medium density developments. The site is located approximately 200 metres to the south of Reservoir Views Primary School. The Reservoir (Broadway) Activity Centre is approximately 1.5km to the south east. Ruthven Railway Station is approximately 1.2km to the west. LW Dole Reserve is approximately 700 metres to the north. Bus routes are available along Miranda Road and approximately 700 metres to the west along Cheddar Road.
- There are no parking restrictions in the vicinity of the subject site.

### **Proposal**

- It is proposed to retain the existing dwelling and construct a double storey dwelling to the rear.
- The existing dwelling (Dwelling 1) has three (3) bedrooms and is to have a single carport and tandem car space to its rear. It will retain its north-facing secluded private open space.
- Dwelling 2 is to have a study and an open plan kitchen/meals/living area at the ground floor level. The first floor level is to have four (4) bedrooms. The dwelling will have a traditional design, with brick walls at the ground floor, render to the first floor walls and a pitched tiled roof. A double garage is to be constructed to its south.
- The secluded private open space areas are to be provided at ground level to the rear (north) of both dwellings.
- Vehicle access is via the existing crossover and a driveway along the west boundary.
- The overall height of approximately 8.39 metres to the ridge.



**Objections**

- Fourteen (14) objections have been received. Two (2) of the objections are from the same property address.

**Objections summarised**

- Oversupply of one (1) and two (2) bedroom dwellings and undersupply of family homes.
- Inconsistent with neighbourhood character.
- Does not reflect sustainability characteristics.
- Increased parking and traffic congestion and impact on traffic safety.
- Overdevelopment of the site (taking into consideration the nearby single storey detached dwellings).
- Visual bulk.
- Does not add to net community value.
- Number of objections indicates a negative social effect on the community.
- The proposal does not meet the standards of the Planning Scheme.
- The proposal does not provide affordable accommodation.

**Officer comment on summarised objections**Oversupply of one (1) and two (2) bedroom dwellings and undersupply of family homes

The proposed development provides a three (3) bedroom dwelling and four (4) bedroom dwelling. Both dwellings are considered suitable to accommodate a family.

Inconsistent with neighbourhood character

It is a long held principle that for a development to be 'respectful' of the neighbourhood character, it is not necessary to replicate the existing building forms.

Rather, the notion of 'respectful' development must embrace the need for change and diversity in the type of dwellings and an increase in the intensity of development in circumstances where this is encouraged by Planning Policy and the purpose of the zone. As can be seen in the assessment below, the proposal appropriately respects neighbourhood character.

Does not reflect sustainability characteristics

The proposal provides an appropriate level of energy efficiency. Additionally, it is acknowledged by policy that appropriate increases in density in proximity to services and facilities provide inherent sustainability benefits, with access to established infrastructure.

Increased parking and traffic congestion and impact on traffic safety

Although there will be an increase in traffic it is not considered that the proposal would contribute unreasonably to traffic congestion given the level of development (given only one (1) additional dwelling on the site). In addition, as can be seen in the assessment below, the proposal provides adequate parking on the site for the proposed dwellings.

In addition to the above, no traffic safety issues have been raised in the assessment below, and access to and from the site will not raise any unreasonable traffic safety issues, subject to requirement for pedestrian sight distances.

Overdevelopment of the site (taking into consideration the nearby single storey detached dwellings)

The site is not located in an area that is predominantly single storey, free standing dwellings. Indeed, there are a number of medium density developments in the immediate area containing double storey dwellings. Nevertheless, Council must assess the proposal on its merits in the context of the site and area and it is a generally held planning principle that a gradual increase in height is acceptable. It is also noted that a double storey height is considered to be low-scale and that it is reasonable to expect a double storey height in an established residential area.

The assessment against Clause 55 is an indicator as to whether the proposal is an overdevelopment. As can be seen in the assessment below, the proposal complies with the objectives of Clause 55 and is considered to be acceptable.

Visual bulk

The proposal complies with relevant standards relating to setbacks and heights and provides adequate articulation to address visual bulk.

Does not add to net community value

The development accords with acknowledged policy for urban consolidation and increased densities and in this sense provides a community benefit with affordable and diverse housing.

Number of objections indicates a negative social effect on the community

The grounds of objection have not raised any specific issues regarding the negative social effect of the development. It is not considered that one (1) additional dwelling on the site will have an unreasonable social effect.

The proposal does not meet the standards of the Planning Scheme

The objectors have not detailed any specific areas of non-compliance and (as can be seen in the assessment below) the proposal complies with the relevant policies, objectives and standards of the Planning Scheme.

The proposal does not provide affordable accommodation

Although the proposal does not provide a smaller dwelling, it make more efficient use of the available land and provides a family home on a smaller site area, which may lead to a more affordable family home.



## PLANNING ASSESSMENT

### Neighbourhood Character Precinct Guideline Assessment - Precinct G3

#### Vegetation:

The proposal will not result in the loss of significant trees from the site. There is no accompanying landscape concept plan; however, this may be required by condition. The landscape plan would be required to include a minimum of five (5) small-medium sized canopy trees.

A condition of approval will also require additional landscaping to be provided along the common accessway, opposite the car spaces.

It is considered the proposal, in conjunction with the above conditions, will provide adequate landscaping throughout the development.

#### **Complies subject to conditions**

#### Siting

The front garden to the street is to be retained, with the retention of the existing dwelling. In addition, the proposal allows sufficient rear garden space for landscaping. The landscape areas are large enough for planting of vegetation to enable the continuation of the garden setting in this area.

The existing dwelling is to be retained, which will maintain the detached character to the street. The boundary construction is associated with the vehicle storage at the rear, well set back from the façade, so that it does not affect the rhythm of dwelling spacing at the front and is typical for this area.

There is to be one (1) crossover provided to the street, with all car spaces located behind the façade, so that parking areas do not dominate the front façade. There is ample space to plant in the front garden and there are no significant areas of paving to the frontage.

#### **Complies**

#### Height and Building Form

Dwellings in the area are single and double storey buildings, with a number of medium density developments. The existing dwelling at the front is single storey and is to be retained, thus maintaining the existing single storey streetscape. The proposed dwelling is double storey and the first floor area smaller than the ground floor envelope and adequate setbacks to the boundaries to provide a gradual change in buildings heights within the rear yards.

#### **Complies**

#### Materials and design detail

The proposal provides brick and render for wall materials and tiled roof, which are considered acceptable and respect the materials of nearby buildings.

The materials, fenestration and setbacks provide adequate articulation to the streetscape and other elevations.

#### **Complies**

Front boundary treatment:

The existing low fence to the front is to be retained, which allows views from the street to the front façade and is appropriate.

**Complies**

**Clause 55 Assessment**

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

Clause 55.04-1 B17 Side and rear setbacks

The following assessment is of the side and rear setbacks of Dwelling 2

Ground Floor

	Wall height	Required Setback	Proposed Setback
North (dwelling)	3.7 metres	1.03 metres	3.535 metres
North (alfresco)	4.3 metres	1.21 metres	1.155 metres
East	4.5 metres	1.27 metres	1.5 metres
West	3.1 metres	1.0 metre	2.8 metres

The north boundary set back of the Dwelling 2 alfresco does not comply with the requirements of the Standard and is considered insufficient to minimise amenity impacts arising from visual bulk. A condition of approval will require the alfresco to be set back in accordance with the standard.

First Floor

	Wall height	Required Setback	Proposed Setback
North	6.9 metres	2.0 metres	3.685 metres
East	7.2 metres	2.3 metres	3.5 metres
West	5.7 metres	1.63 metres	3.62 metres

The first floor of Dwelling 2 is sufficiently set back from the boundaries and articulated to minimise amenity impacts arising from visual bulk.

**Complies subject to conditions**

Clause 55.04-6 B22 Overlooking

The ground floor level of the proposed dwelling will have finished floor levels greater than 0.8 metres above natural ground level to the north and east common boundaries. Plans show a fence to 1700mm above the finished floor level of the ground floor and alfresco. Whilst this is sufficient to minimise overlooking it is considered that the screen should be a self-supporting structure on the subject site and not form part of the fence.

The development is designed to limit views into neighbouring secluded private open space and habitable room windows, within 9 metres and a 45 degree angle.



All upper storey windows are appropriately designed and/or screened to ensure no overlooking.

**Complies subject to conditions**

Clause 55.04-7 B23 Internal Views

Any potential for internal views between dwellings is minimised by the proposed garage and fences.

Although downward views from the proposed first floor bedroom 2 and 3 of Dwelling 2, the garage, carport and fence will obscure the views and the windows are set back in excess of 9 metres from the secluded private open space of the existing dwelling. Therefore, the internal views are reasonable.

The development is designed to limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

**Complies**

Clause 55.05-4 B28 Private Open Space

The development provides adequate private open space (pos) for the reasonable recreation and service needs of residents. This is achieved through the provision of 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>
Dwelling 1	169 square metres	48.9 square metres	4.2 metres
Dwelling 2	100 square metres	70.5 square metres	3.5 metres

The proposed secluded private open space area for the new dwelling will have direct access to a living room. Although the private open space for the existing dwelling doesn't have direct access to a living room, this is an existing situation and is therefore considered to be reasonable.

**Complies**

Clause 55.05-5 B29 Solar Access to Open Space

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

	<b>Wall Height to North</b>	<b>Required Depth</b>	<b>Proposed Depth</b>
Dwelling 1	2.5 metres above the deck	4.25 metres	4.2 metres
Dwelling 2	N/A as no wall to north		

The carport of Dwelling 1 is located to the north of the deck area. The deck area is raised, so that the height of the carport is only 2.5 metres above the finished deck level. Although this doesn't comply with the standard, the area of non-compliance is minimal and relates to a section of the secluded private open space which is covered by a roof.

In addition, there is an area of secluded private open space to the west of the carport, which is unencumbered by the carport and ample private open space overall is provided with sufficient solar access.

**Complies with objective**

**Clause 52.06 Car Parking**

Number of Parking Spaces Required

Two car parking spaces are provided for each of the dwellings with at least one (1) space under cover. No visitor car parking is required.

Design Standards for Car parking

The car parking spaces, the carports, the garaging and the accessways have appropriate dimension to enable efficient use and management.

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

The double garage dimensions of 6.0 metres length x 5.5 metres width comply with the minimum requirements of the standard.

The single carport dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard. The tandem car space dimensions of 5.4 metres length x 3.6 metres width also complies with the minimum requirements of the standard. Access dimensions to the car spaces comply with the standard.

Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This has been requested as a condition of approval.

**CLAUSE 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>		
		The existing dwelling is retained and appropriately integrates with the Street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		



Clause	Std		Compliance	
			Std	Obj
		The existing dwelling is retained and the front setback is not to be altered.	Y	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		8.39 metres	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage (varied by Schedule 1 to the zone)</b>		
		47.2%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		24.1%	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
<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.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		Length: 10.8 metres (19.7 metres allowed) Height: less than an average of 3.2 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

Clause	Std		Compliance	
			Std	Obj
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		There are no internal views	Y	Y
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		Noise impacts are consistent with those in a residential zone.	Y	Y
<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
<b>55.05-3</b>	<b>B27</b>	<b>Daylight to new windows</b>		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
<b>55.05-4</b>	<b>B28</b>	<b>Private open space (varied by Schedule 1 to the zone)</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>		
		Please see assessment in the body of this report.	N	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>		
		The existing 1 metre high front fence is to be retained, which is appropriate in the neighbourhood context.	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, subject to condition included in recommendation.
Transport Management and Planning	No objection.

## PLANNING SCHEME SUMMARY

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

- Clause 32.08-4 – Construct two or more dwellings on a lot

### Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3, 21.02-6, 21.03-2, 21.03-3, 21.03-4, 21.05-1, 21.05-2, 21.05-3, 22.02, 22.06
Zone	32.08
Overlay	45.06
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 social inclusion or diversity implications as a result of the determination of this application.

### Other

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

## FINANCIAL AND RESOURCE IMPLICATIONS

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

## **FUTURE ACTIONS**

Nil

## **DISCLOSURE OF INTERESTS**

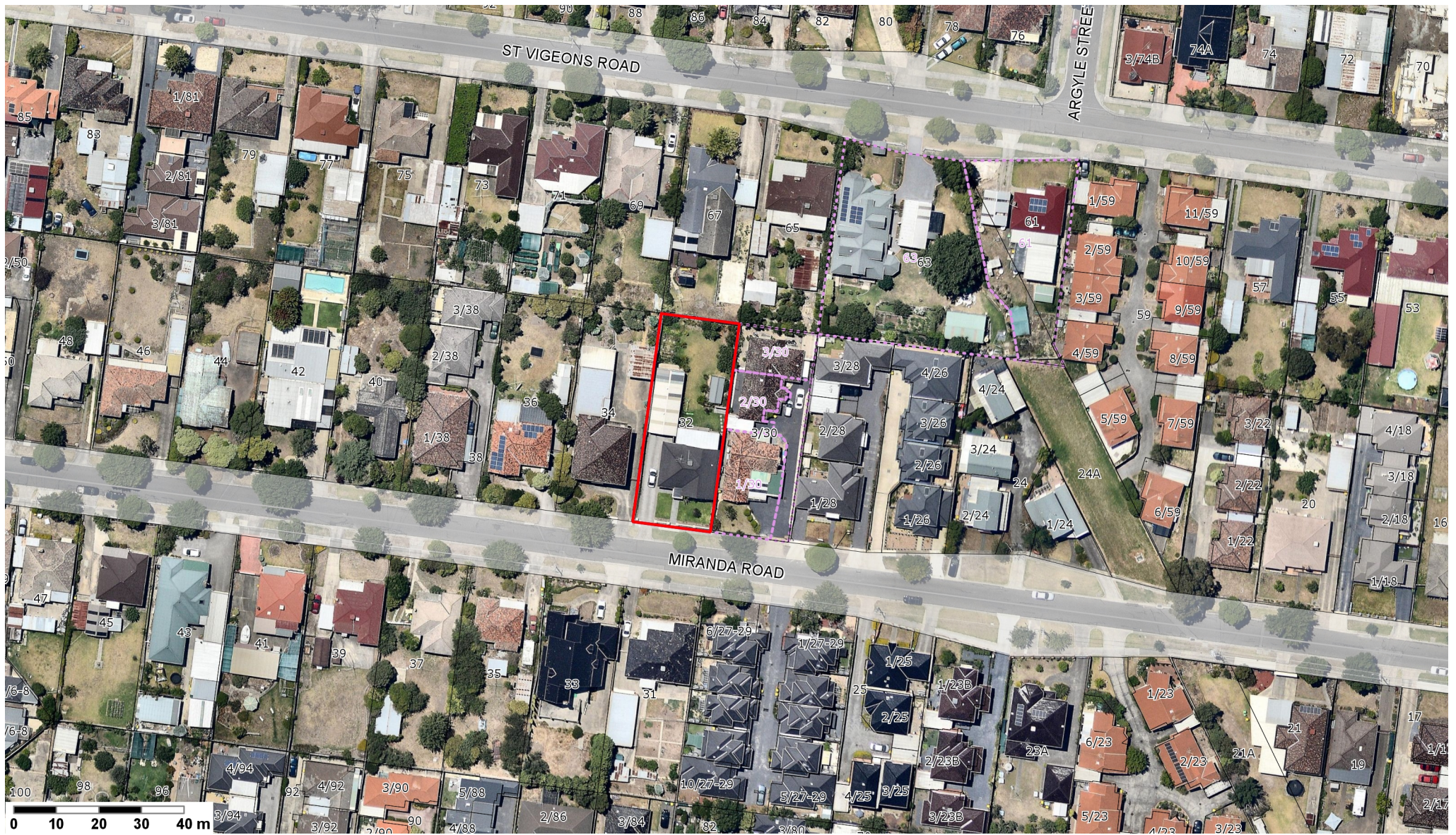
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

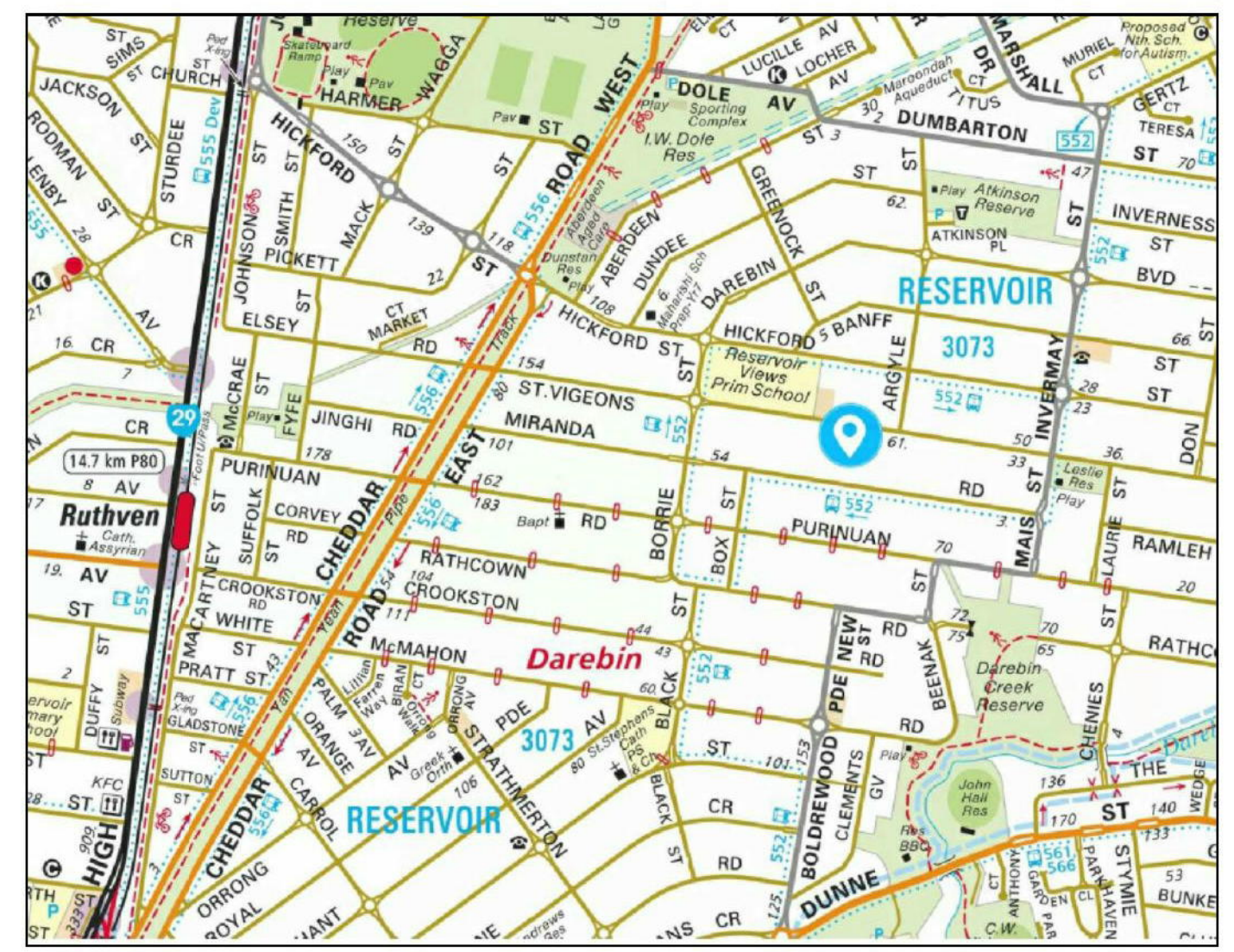
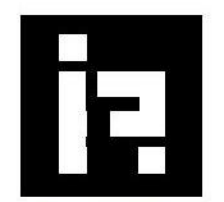
## **RELATED DOCUMENTS**

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

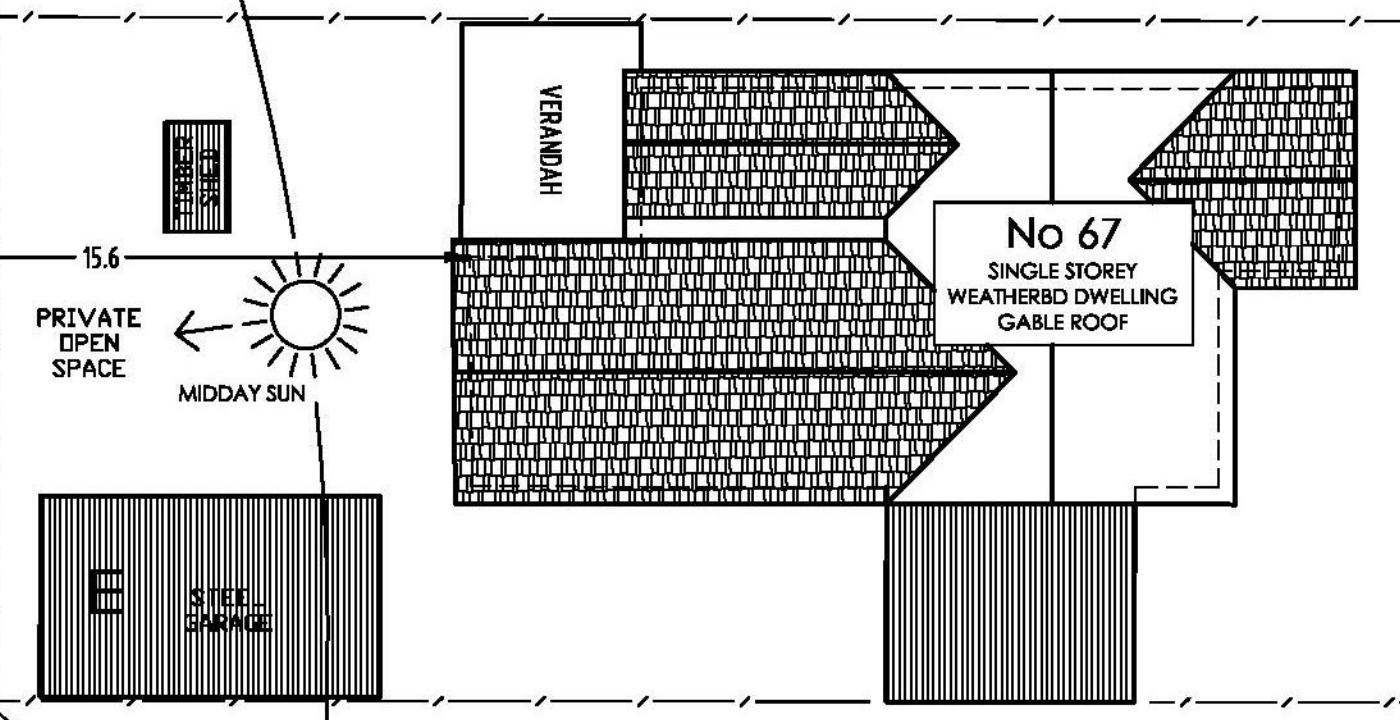
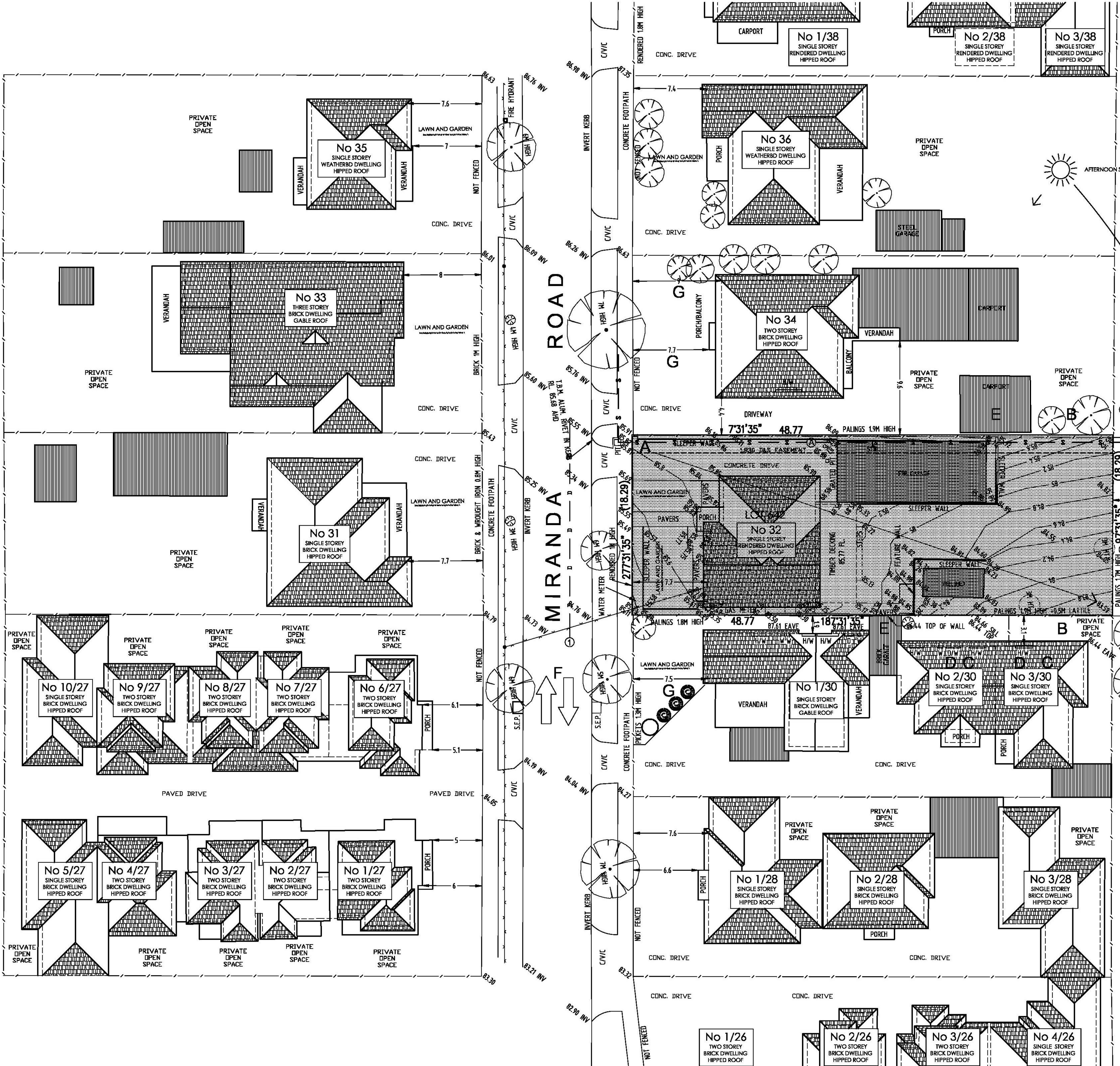








LOCALITY PLAN  
NOT TO SCALE  
MELWAYS REF 19 A2



SITE CHARACTERISTICS

- A - SITE FALLS APPROX 2320mm, FROM THE SOUTHWEST CORNER TO NORTHEAST CORNER
- 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
- E - SIGNIFICANT BUILDING CONSTRUCTED IN CLOSE PROXIMITY TO THE SIDE AND REAR BOUNDARIES
- F - DIRECTION OF MAIN VEHICULAR AND PEDESTRIAN TRAFFIC ACCESS TO THE SITE
- G - EXISTING FRONT SETBACKS TO BOTH ADJOINING PROPERTIES

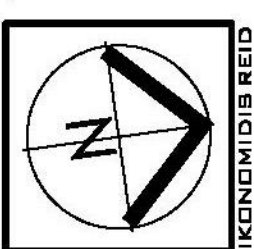
LEVELS TO A.H.D

DUAL OCCUPANCY DEVELOPMENT  
32 MIRANDA ROAD  
RESERVOIR

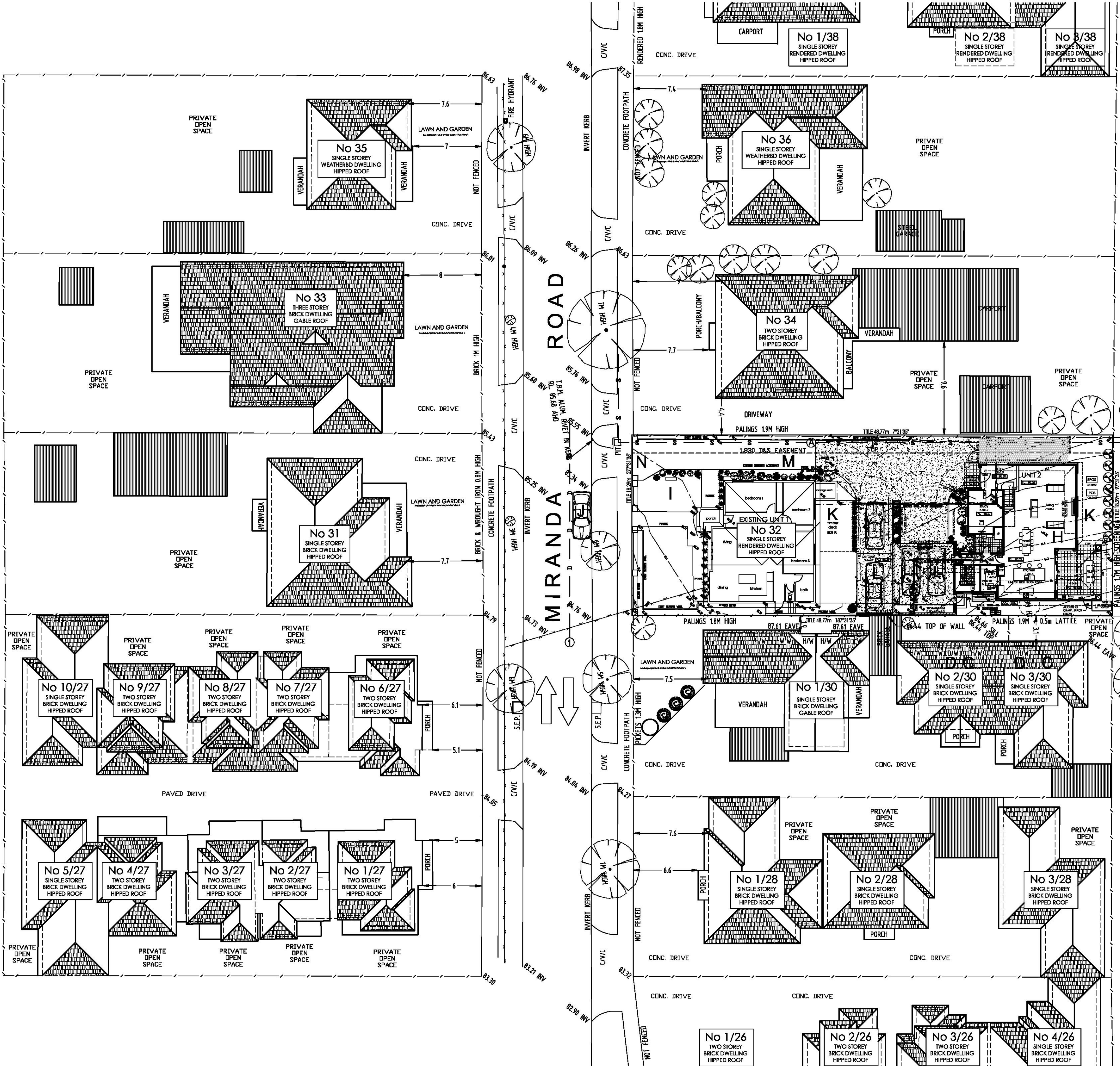
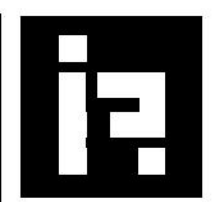
TP-01 B JOB NO. SCALE, DRAWN, DATE, 008695 1:200 DS AUG 15

NEIGHBOURHOOD  
SITE DESCRIPTION

THIS PLAN OR DESIGN MAY NOT BE COPIED, LOANED OR BORROWED WITHOUT THE WRITTEN CONSENT OF IKONOMIDIS REID







### LEGEND

**A** 1500 MAIN SEWER PIPE, PIPE MATERIAL UNKNOWN, AVERAGE DEPTH 2.45m, OFFSET 0.76m AS SHOWN ON PLAN EAST OF WEST BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

**B** 1500 MAIN SEWER PIPE, PIPE MATERIAL UNKNOWN, AVERAGE DEPTH 1.60m, OFFSET 1.14m AS SHOWN ON PLAN SOUTH OF NORTH EASEMENT. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

**C** 1500 MAIN SEWER PIPE, PIPE MATERIAL UNKNOWN, AVERAGE DEPTH 2.95m, OFFSET 1.14m AS SHOWN ON PLAN SOUTH OF NORTH EASEMENT. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

**1** 2250 DRAINAGE PIPE, DEPTH UNKNOWN INVERT LEVEL, OFFSET UNKNOWN AS SHOWN ON PLAN SOUTH OF SOUTH BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

**2** 2250 DRAINAGE PIPE, DEPTH UNKNOWN INVERT LEVEL, OFFSET UNKNOWN AS SHOWN ON PLAN NORTH OF NORTH BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

PROPOSED 1.8m MIN. HIGH TIMBER GATE

CONCRETE DRIVEWAY

SELECTED PAVING TO OWNERS SELECTION

PERMEABLE PAVING

EXISTING TREES

PROPOSED LANDSCAPE TO FUTURE DETAIL

EXISTING TREES TO BE REMOVED

EXISTING SPOT LEVELS

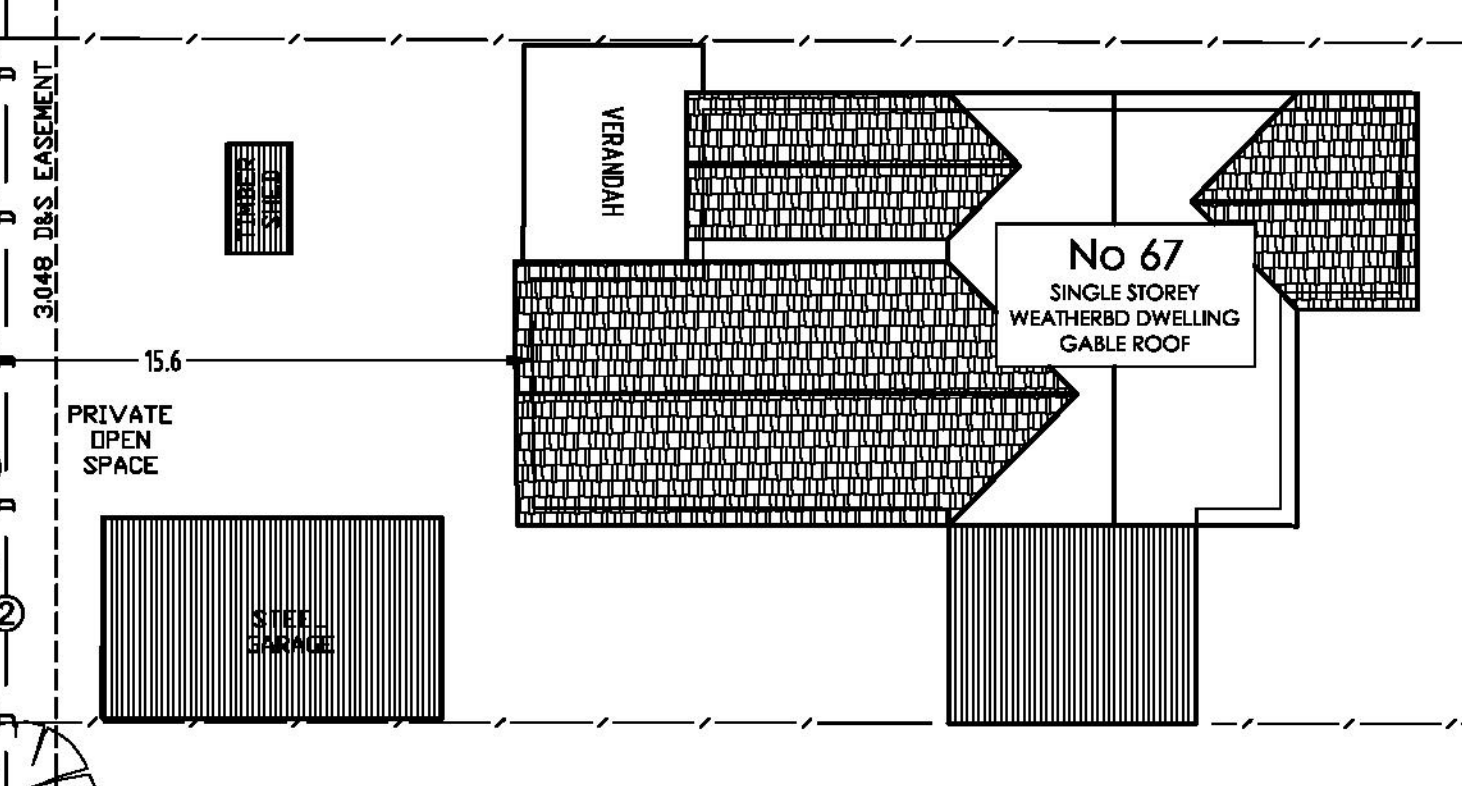
NOTE: ALL LEVELS ARE TO A.H.D.

STP SEWER TIE IN POINT  
H/W HABITABLE ROOM WINDOW  
W DOOR  
D PRIVATE OPEN SPACE  
POS SECLUDED PRIVATE OPEN SPACE  
ELEC ELECTRICITY POLE  
TEL TELEPHONE PIT

LEGAL POINT OF DISCHARGE - THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE EXISTING UNDERGROUND DRAIN IN THE EASEMENT OF THE PROPERTY AT REAR, TO COUNCIL REQUIREMENTS, WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF WITH A RETURN PERIOD OF ONE IN TEN YEARS.

FENCE DESCRIPTION AS PER NOTES ON DRAWINGS

TO BE REMOVED OR DEMOLISHED



### LOCAL AMENITY SCHEDULE

<b>ACCESS TO PUBLIC TRANSPORT</b> BUS ROUTE NO 552 APPROX 0.3KM	<b>UNIVERSITIES</b> LATROBE UNIVERSITY APPROX. 2.5KM RMIT BUNDOORA APPROX. 4.2KM
<b>TRAIN STATIONS</b> RUTIVEN RAILWAY STATION APPROX. 1.2KM KEON PARK RAILWAY STATION APPROX. 1.7KM RESERVOIR RAILWAY STATION APPROX. 1.8KM MACLEDD RAILWAY STATION APPROX. 4.5KM	<b>PLACES OF WORSHIP</b> ST STEPHENS CATHOLIC CHURCH APPROX. 0.6KM ANGELICAN CHURCH OF AUSTRALIA APPROX. 2.0KM RESERVOIR PRESBYTERIAN CHURCH APPROX. 2.1KM ST. APHREN SYRIAN ORTHODOX APPROX. 2.9KM RESERVOIR MOSQUE APPROX. 2.9KM
<b>PARKS / RESERVES</b> LESLIE RESERVE APPROX 0.4KM D R ATKINSON RESERVE APPROX. 0.50KM JOHN HALL RESERVE APPROX. 0.6KM I W DOLE RESERVE APPROX 0.6KM DAREBIN CREEK BUSHLAND TRACK APPROX 0.9KM T W ANDREWS PARK APPROX. 1.0KM	<b>HOSPITALS &amp; MEDICAL CENTRES</b> DUNNE ST MEDICAL CENTRE APPROX 1.3KM DOCTORS ON BROADWAY APPROX. 1.5KM THE MEDICAL CENTRE APPROX. 1.6KM LA TROBE UNI MEDICAL CENTRE APPROX. 2.1KM
<b>PRIMARY SCHOOLS</b> RESERVOIR VIEWS PRIMARY APPROX. 0.15KM KHARI RESERVOIR APPROX. 2.0KM ST STEPHEN'S PRIMARY SCHOOL APPROX. 0.6KM RESERVOIR EAST PRIMARY SCHOOL APPROX. 1.4KM	<b>SHOPPING FACILITIES</b> RESERVOIR VILLAGE APPROX. 2.0KM KHARI RESERVOIR APPROX. 2.0KM HARVEY NORMAN APPROX. 2.1KM WOOLWORTHS POLARIS APPROX. 2.2KM NORTHLAND SHOPPING CENTRE APPROX. 3.8KM COLLES LALOR APPROX. 3.9KM
<b>SECONDARY SCHOOLS</b> RESERVOIR HIGH SCHOOL APPROX. 1.7KM LALOR SECONDARY COLLEGE APPROX. 3.9KM CONCORD SCHOOL APPROX. 4.5KM LOYOLA COLLEGE APPROX. 4.9KM	<b>DISTANCE TO CBD</b> APPROX. 13KM

### SITE CHARACTERISTICS

**H** - LIVING AND DINING AREAS OPEN UP TO PRIVATE OPEN SPACE APPROPRIATELY DIMENSIONED TO CAPTURE SUN

**I** - FRONT SETBACK UNCHANGED - PROPOSED DEVELOPMENT TO THE REAR OF THE EXISTING

**J** - EXISTING ON STREET CAR PARKING TO BE MAINTAINED

**K** - PRIVATE OPEN SPACE IS APPROPRIATELY PROPORTIONED TO PROVIDE GOOD NORTH EXPOSURE FOR SOLAR ACCESS

**L** - CAR PARKING AVAILABLE ON SITE AS FOLLOWS:  
1 CARPORT AND 1 OPEN SPACE FOR EXISTING UNIT 1,  
2 CAR GARAGE FOR PROPOSED UNIT 2

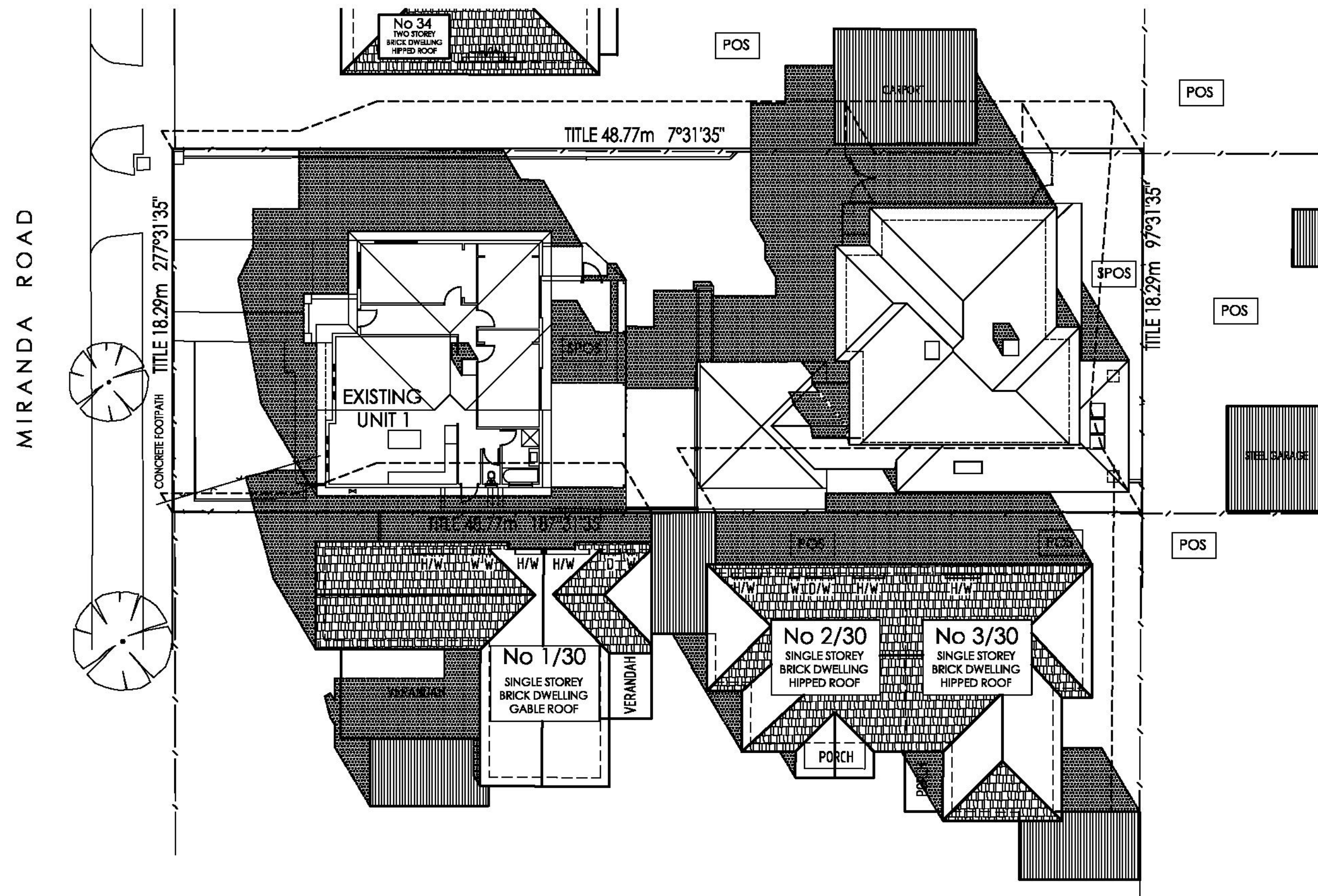
**M** - SURVEILLANCE OF MIRANDA ROAD POSSIBLE FROM THE UNITS AND THE EXISTING DRIVEWAY

**N** - ACCESS TO THE SITE FOR EXISTING UNIT 1 VIA EXISTING CONCRETE CROSSING FROM MIRANDA ROAD  
- ACCESS TO THE SITE FOR PROPOSED UNIT 2 VIA EXISTING CONCRETE CROSSING & EXISTING DRIVEWAY ACCESS AT SOUTH WEST CORNER OF THE SITE

**DUAL OCCUPANCY DEVELOPMENT**  
**32 MIRANDA ROAD**  
**RESERVOIR**

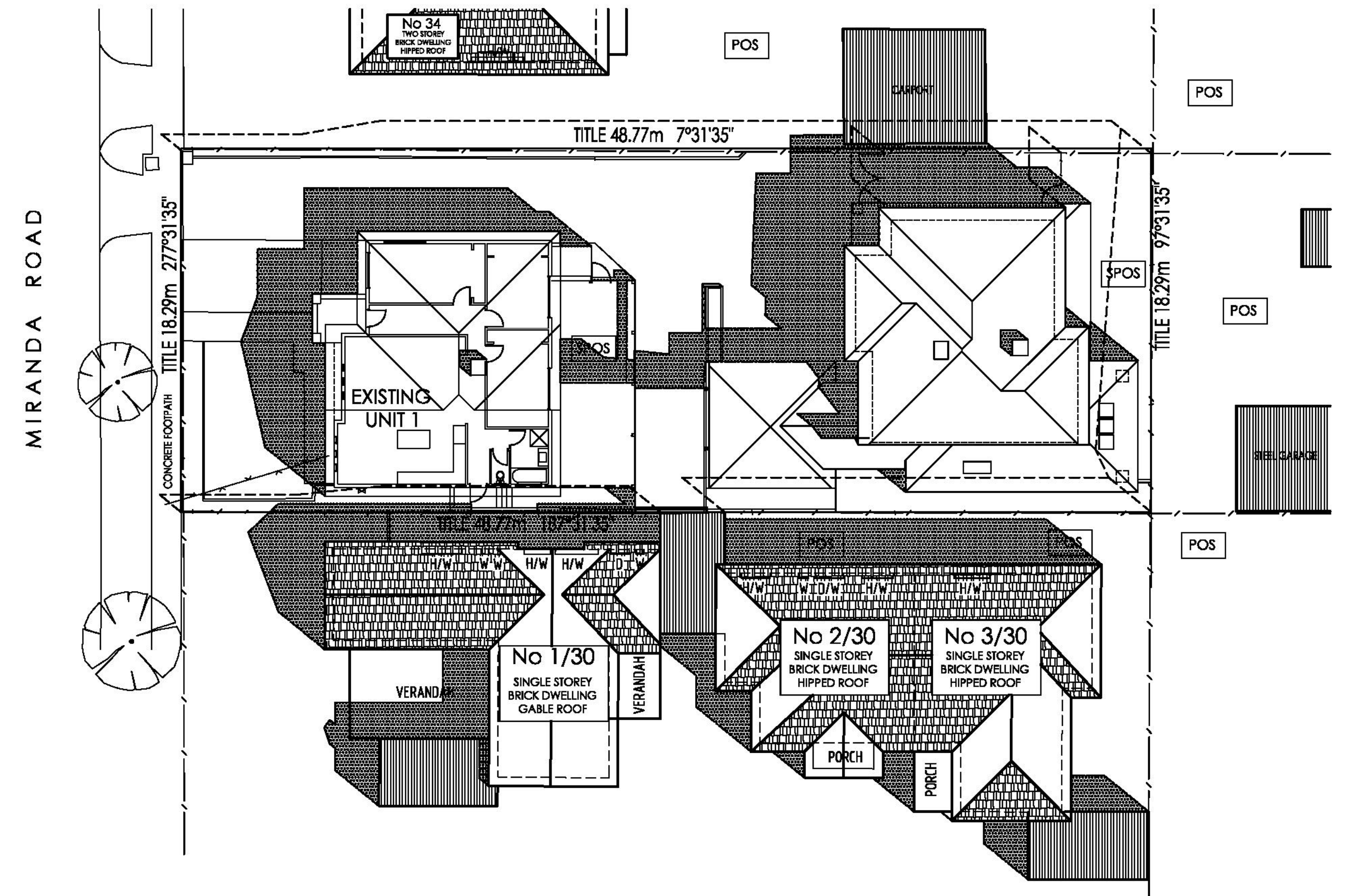
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SHADOW DIAGRAM  
21 MAR / 22 SEP - 9am  
SCALE 1:200

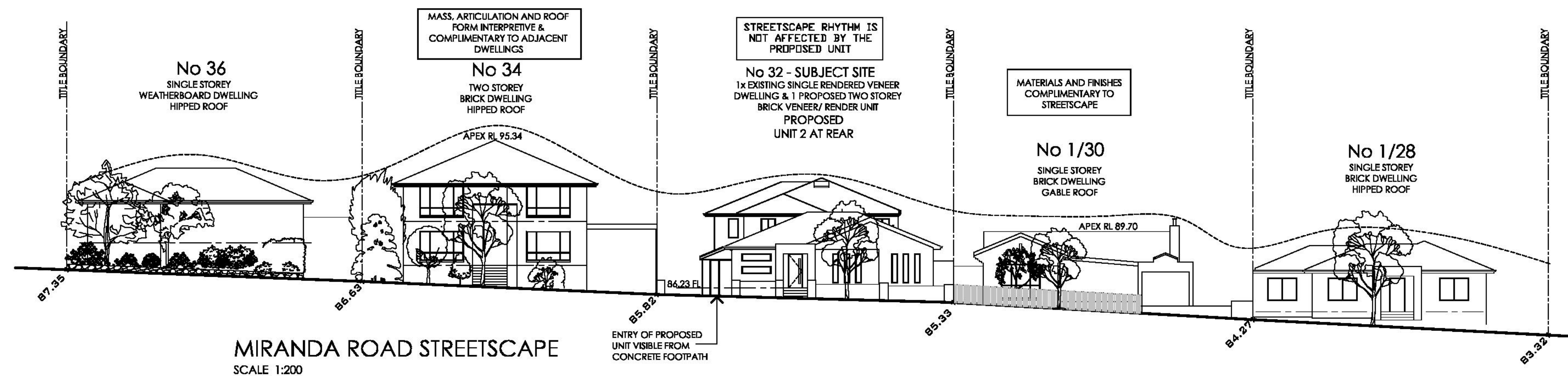
EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY EXISTING & PROPOSED FENCES



SHADOW DIAGRAM  
21 MAR / 22 SEP - 10am  
SCALE 1:200

EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY EXISTING & PROPOSED FENCES

NOTE: REFER TO SHEET TP-07 FOR SHADOW DIAGRAMS AT 12pm, 2pm AND 3pm

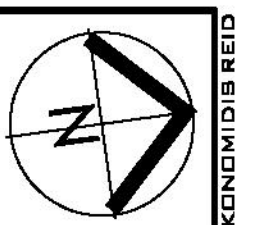


MIRANDA ROAD STREETSCAPE  
SCALE 1:200

DUAL OCCUPANCY DEVELOPMENT  
32 MIRANDA ROAD  
RESERVOIR

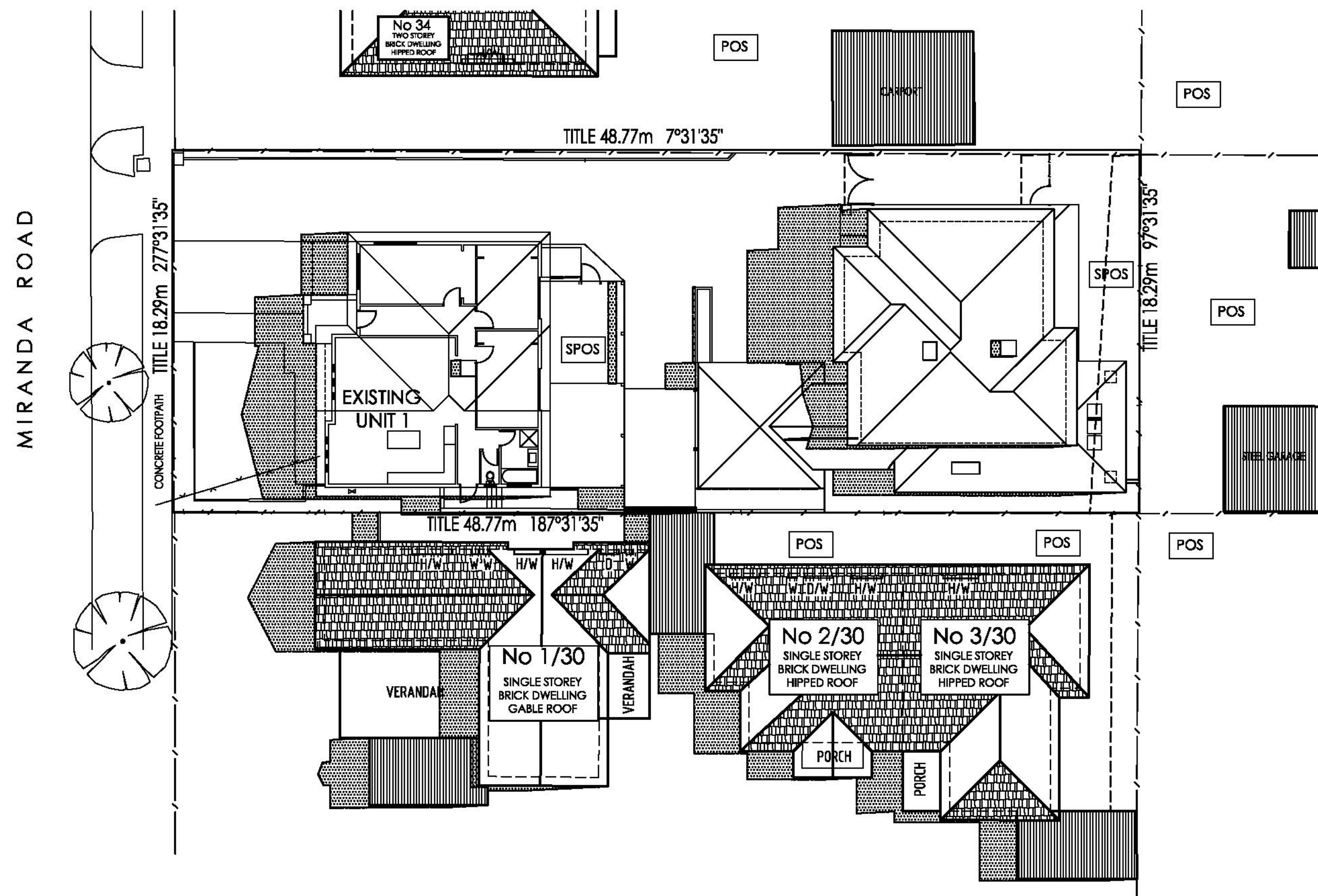
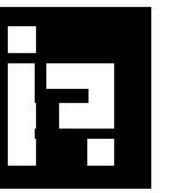
TP-03 B

JOB NO. SCALE, DRAWN, DATE.  
008695 1:200 DS AUG 15



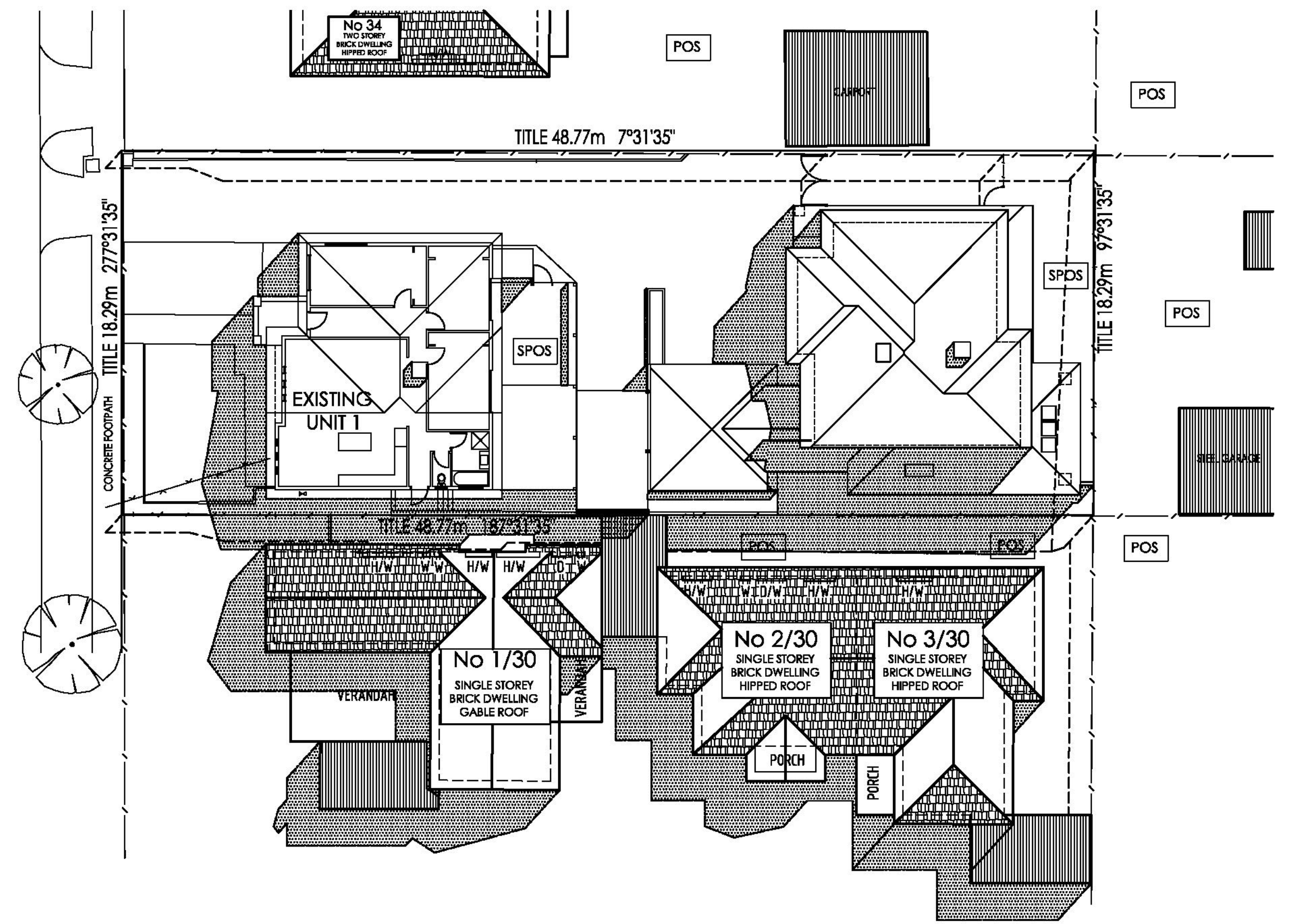
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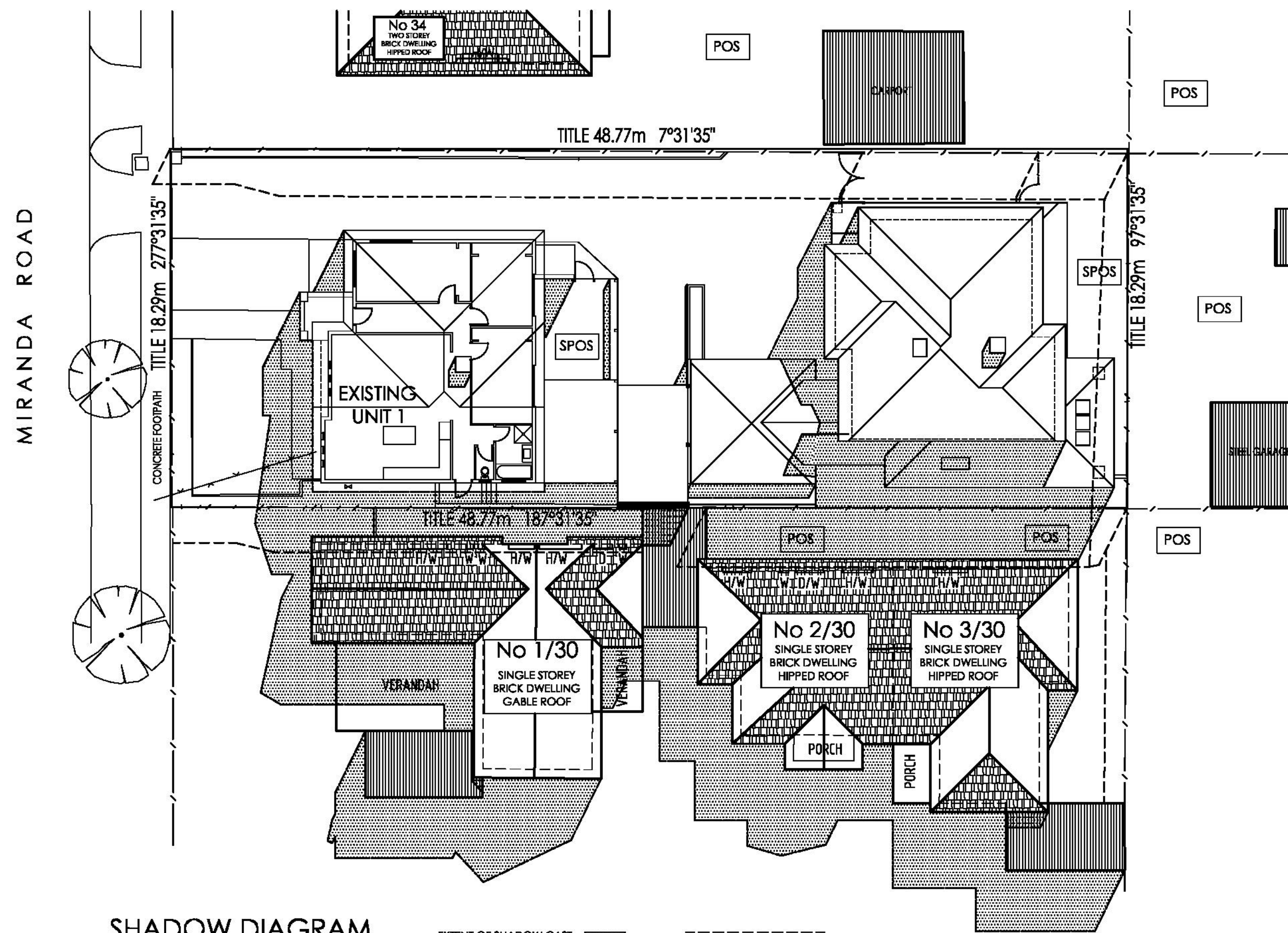
SHADOW DIAGRAM  
21 MAR / 22 SEP - 12pm  
SCALE 1:200

EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY EXISTING & PROPOSED FENCES



SHADOW DIAGRAM  
21 MAR / 22 SEP - 2pm  
SCALE 1:200

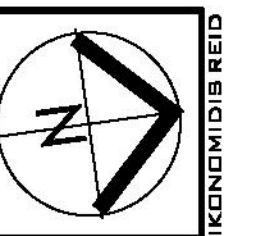
EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY EXISTING & PROPOSED FENCES



SHADOW DIAGRAM  
21 MAR / 22 SEP - 3pm  
SCALE 1:200

EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS  
EXTENT OF SHADOW CAST BY EXISTING & PROPOSED FENCES

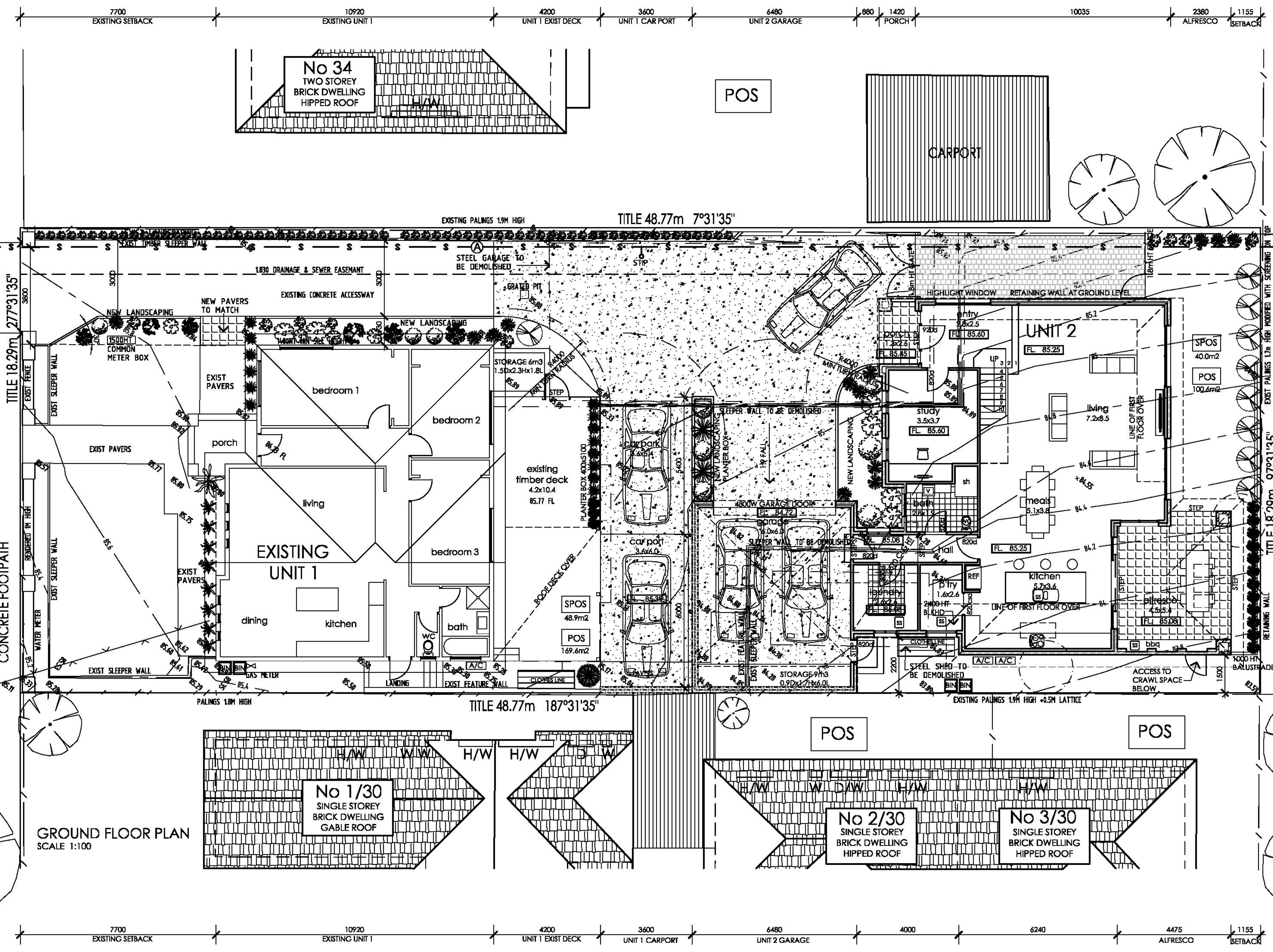
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MIRANDA ROAD



GROUND FLOOR PLAN SCALE 1:100

### LEGEND

<p><b>A</b> — S — S — 1500 MAIN SEWER PIPE, PIPE MATERIAL UNKNOWN AVERAGE DEPTH 2.45m OFFSET 0.74m AS SHOWN ON PLAN EAST OF WEST BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION</p> <p><b>B</b> — S — S — 1500 MAIN SEWER PIPE, PIPE MATERIAL UNKNOWN AVERAGE DEPTH 1.65m OFFSET 1.14m AS SHOWN ON PLAN SOUTH OF NORTH EASEMENT. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION</p> <p><b>C</b> — S — S — 1500 MAIN SEWER PIPE, PIPE MATERIAL UNKNOWN AVERAGE DEPTH 2.26m OFFSET 1.14m AS SHOWN ON PLAN SOUTH OF NORTH EASEMENT. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION</p> <p><b>①</b> — D — D — 2250 DRAINAGE PIPE DEPTH UNKNOWN INVERT LEVEL. OFFSET UNKNOWN AS SHOWN ON PLAN SOUTH OF SOUTH BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION</p> <p><b>②</b> — D — D — 2250 DRAINAGE PIPE DEPTH UNKNOWN INVERT LEVEL. OFFSET UNKNOWN AS SHOWN ON PLAN NORTH OF NORTH BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION</p>	<p><b>LPD</b> LEGAL POINT OF DISCHARGE - THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE EXISTING UNDERGROUND DRAIN IN THE EASEMENT OF THE PROPERTY AT REAR, TO COUNCIL REQUIREMENTS, WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF WITH A RETURN PERIOD OF ONE IN TEN YEARS.</p> <p>— / — FENCE DESCRIPTION AS PER NOTES ON DRAWINGS</p> <p>— / — TO BE REMOVED OR DEMOLISHED</p> <p> EXISTING TREES</p> <p> PROPOSED LANDSCAPE TO FUTURE DETAIL</p> <p> EXISTING TREES TO BE REMOVED</p>	<p><b>EXISTING SPOT LEVELS</b> NOTE: ALL LEVELS ARE TO A.H.D.</p> <p><b>SEWER TIE IN POINT</b> H/W HABITABLE ROOM WINDOW W WINDOW D DOOR POS PRIVATE OPEN SPACE SPOS SECLUDED PRIVATE OPEN SPACE ELEC ELECTRICITY POLE TEL TELEPHONE PIT</p> <p> PROPOSED 1.8m MIN. HIGH TIMBER GATE</p> <p> CONCRETE DRIVEWAY</p> <p> SELECTED PAVING TO OWNERS SELECTION</p> <p> PERMEABLE PAVING</p>
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EXTERNAL FINISHES SCHEDULE	
ROOFING	CONCRETE ROOFING TILES
WALLS	FACE BRICKWORK WITH RENDERED TRIMMINGS
GUTTERS & DOWNPIPES	LIGHTWEIGHT CLADDING TO OWNERS SELECTION
WINDOWS & DOORS	COLORBOND POWDERCOATED ALUMINIUM

DEVELOPMENT SUMMARY	
TITLE AREA	892m <sup>2</sup>
BUILDING SITE COVERAGE	420.9m <sup>2</sup> (47.2%)
DENSITY	1:446
SITE PERMEABILITY	215m <sup>2</sup> (24.1%)
No OF DWELLINGS	2
CAR-PARKING	4 TOTAL PRIVATE OPEN SPACE
UNIT 1	2 CAR SPACES
UNIT 2	2 CAR SPACES
UNIT 1	SPOS 48.9m <sup>2</sup> - POS 169.6m <sup>2</sup>
UNIT 2	SPOS 40.0m <sup>2</sup> - POS 100.6m <sup>2</sup>

GROSS BUILDING AREA / UNIT:		
	UNIT 1	UNIT 2
GROUND FLOOR	126.6m <sup>2</sup>	146.3m <sup>2</sup>
FIRST FLOOR	N/A	110.7m <sup>2</sup>
GARAGE	22.5m <sup>2</sup>	48.1m <sup>2</sup> (2 CAR SPACES)
PORCH	6.0m <sup>2</sup>	3.6m <sup>2</sup>
ALFRESCO/ DECK	43.7m <sup>2</sup>	24.0m <sup>2</sup>
TOTAL	198.8m <sup>2</sup> (21.4sq)	322.7m <sup>2</sup> (35.8sq)

CONSTRUCTION	
INTERNAL WALLS:	90mm THICK TIMBER STUD CONSTRUCTION
EXTERNAL WALLS:	GROUND FLOOR - 240mm THICK BRICK VENEER CONSTRUCTION & 90mm THICK TIMBER STUD CONSTRUCTION WITH 80mm THICK LIGHT WEIGHT POLYSTYRENE CLADDING
FIRST FLOOR	90mm THICK TIMBER STUD CONSTRUCTION WITH 80mm THICK LIGHT WEIGHT POLYSTYRENE CLADDING, OR 240mm THICK BRICK VENEER CONSTRUCTION

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

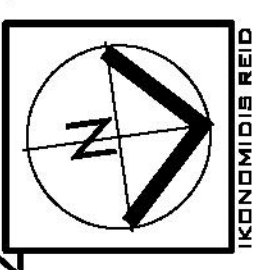
STORMWATER	
ALL STORMWATER, INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE. DETAILS TO BE SUBMITTED AS PART OF BUILDING PERMIT. NO STORMWATER TO BE DISCHARGED	

DUAL OCCUPANCY DEVELOPMENT 32 MIRANDA ROAD RESERVOIR

TP05 B JOB NO. SCALE, DRAWN, DATE. 008695 1:100 DS JUL 15

GROUND FLOOR PLAN/ SITE PLAN

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**5.6 APPLICATION FOR PLANNING PERMIT D/703/2015**  
 33 Swift Street, Thornbury VIC 3071

**AUTHOR:** Principal Planner - Ben Porteous

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

**OWNER/APPLICANT/CONSULTANT:**

Applicant	Owner	Consultant
Kest Trading Pty Ltd	Stephen Phillips and Megan Sloley	Caroline Vernon Architect Melbourne Arborist report Consultant Name

**SUMMARY:**

- It is proposed to construct three (3) double storey dwellings at this location. The dwellings will have a kitchen/meals and living area at ground floor level, with a single garage each. The first floor levels will each have two (2) bedrooms and a 'rumpus' area, with balconies to the east of 18 to 22 square metres. The ground level private open space areas are to be provided to the side (north), with areas of 44 square metres (Dwelling 1), 44 square metres (Dwelling 2) and 53 square metres (Dwelling 3). The overall height is approximately 7.9 metres to the ridge.
- The site is zoned General Residential Zone Schedule 1.
- There is no restrictive covenant on the title for the subject land.
- Twelve (12) objections were received against the application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Darebin Parks and Gardens Unit, Transport Management and Planning Unit and the Capital Works Unit.
- This application was not required to be referred to external authorities.

**Recommendation**

**THAT** Planning Permit Application D/703/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing nos TP03, TP03.1 and TP04, revision C, dated 5 November 2015, job no. 2015-03 and prepared by Caroline Vernon Architect but modified to show:

- a) The height of fences on the northern, southern and western common boundaries (except within 7.33 metres of the front (east) 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.

- b) The height of fences between the secluded private open space areas of the dwellings to be a minimum height of 1.8 metres, as measured above finished ground level.
- c) The first floor north-facing landing and the first floor south-facing bedroom 2 windows of Dwelling 1 are to be shown with fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level
- d) The east-facing first floor Bed 1 windows of Dwellings 2 and 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.

- e) All south-facing first floor balconies and the northern edge of the balcony of Dwelling 1 are to be provided with a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above the finished floor level.
- f) Full details of the proposed screens to the first floors showing a fixed screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level. A section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties.
- g) Notations on the first-floor plans indicating that the first floor 'rumpus' areas of the dwellings are not used as bedrooms and that these areas are to remain open to the adjoining landings, corridors and stairways.



- 
- h) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence with a radius of 2.1 metres for Tree 1, 3.0 metres for Tree 2, 2.0 metres for Tree 3, 3.6 metres for Tree 4, 2.0 metres for Tree 5, 2.0 metres for Tree 6 (measured from the outside edge of the trunk) as identified in the submitted Arboricultural Report (identified as: Arboricultural Report, 33 Swift Street, Thornbury, 3071, dated 11 November 2015 and prepared by Melbourne Arborist Reports) in accordance with Condition No. 8 of this Permit.

A notation must be added to state that any works in the Tree Protection Zone must be carried out under the supervision of a suitably qualified arborist and any roots uncovered must be pruned by sharp and sterile hand tools.

- i) The deletion of the Dwelling 3 terrace and associated replacement of the Bed 2 and rumpus doors with windows.
- j) The extent of driveway area reduced and replaced with landscaping by increasing the west property boundary setback of the driveway to 4.3 metres. This landscaping area must include a minimum of one (1) small-medium sized canopy tree.
- k) The provision of a 1.8 metre high fence between the south property boundary and Dwelling 3. The fence must be set back 3.0 metres from the west property boundary. The area to the west of this fence must be allocated as private open space to Dwelling 3. The fence may include a gate to the common accessway.
- l) The areas noted as being 'pavers with grass' in the rear secluded private open space areas are to be replaced with 'grass'.
- m) A Landscape Plan in accordance with Condition No.5 of this Permit. The landscape plan must include a minimum of eight (8) small-medium sized canopy trees.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
- The development does not start within three (3) years from the date of this Permit; or
  - The development is not completed within five (5) years of the date of this Permit.
- As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
- Before this Permit expires;
  - Within six (6) months after the expiry date; or
  - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Once commenced, the development must be continued and completed to the satisfaction of the Responsible Authority.
5. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) A minimum of eight (8) small-medium sized canopy trees.

- 
- 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.
  - 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.
  - n) Provision of a minimum of eight (8) canopy trees.
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. Before buildings and works (including demolition) start, tree protection fences must be erected around Trees 1-6 (inclusive) in accordance with the endorsed plans.

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

During construction (except for the purpose of constructing the driveway and ground floor powder room of Dwelling 3), no vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zones.

If vehicle access is required within the tree protection zones, an 18 layer form ply board that can withstand construction traffic must be erected within the tree protection zone, to minimise any damage to the root system of trees 2, 3 and 6.

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.

The requirements of Section 5.1 of the submitted arboricultural assessment (identified as: Arboricultural Report, 33 Swift Street, Thornbury, 3071, dated 11 November 2015 and prepared by Melbourne Arborist Reports) must be complied with.

9. The Tree Protection Zones between the building footprint and property boundaries must remain at existing grade. Ground protection (rumble boards, mulch etc.) must be installed between the building footprint and property boundaries following demolition and remain in place for the duration of construction.
10. Any demolition or construction works in the Tree Protection Zone must be carried out under the supervision of a suitably qualified arborist and any roots uncovered must be pruned by sharp and sterile hand tools.
11. The first floor 'rumpus' areas of the dwellings must not be used as bedrooms and must remain open to the adjoining landings, corridors and stairways.
12. 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.
13. All dwellings that share dividing walls and floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
14. 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.
15. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
16. The land must be drained to the satisfaction of the Responsible Authority.
-

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

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
21. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, 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

No relevant planning history exists for the site in Council's records.

### ISSUES AND DISCUSSION

#### Subject site and surrounding area

- The land is regular in shape, has a street frontage of 20.12 metres, a depth of 36.58 metres, and a site area of 735 square metres.
- The land is located within the General Residential 1 zone and the Development Contributions Plan Overlay 1.
- The land is located on the west side of Swift Street, approximately 60 metres to the north of the intersection with Darebin Road.
- The site contains a single storey weatherboard dwelling, with a pitched and gabled tile roof. The dwelling has vehicle access to a garage at the rear adjacent to the northern common boundary. The site has a fall of approximately 1.2 metres from the front (north east) to the rear (north west) corner.
- To the east of the site, on the opposite side of the street, are single and double storey detached dwellings.
- To the west, are the rear yards and outbuildings of dwellings fronting Wilmoth Street.
- To the north is an allotment containing a single storey weatherboard dwelling, with vehicle access along the common boundary leading to a large paved area at the rear and a garage to the northern boundary. The dwelling is set back 8.33 metres to street frontages and approximately 4 metres from the common boundary.
- To the south is an allotment containing a single storey weatherboard dwelling, with vehicle access to a carport and an outbuilding adjacent to the common boundary. The dwelling is set back 6.34 metres to street frontages and approximately 4.7 metres from the common boundary.
- The area is residential in character with mainly single storey modest detached dwellings, with some medium density development and double storey buildings.
- The site is located approximately 1.5km to the east of the High Street activity spine and the #86 tram route.
- The Darebin Sports Centre and John Cain Memorial Park are located approximately 400 metres to the east. Bus routes are available approximately 60 metres to the south along Darebin Road and also along Station Street.
- There are no parking restrictions in the vicinity of the subject site.

**Proposal**

- It is proposed to demolish the existing dwelling and construct three (3) double storey dwellings.
- Dwelling 1 is located to the frontage (east), Dwelling 2 to the centre and Dwelling 3 to the east. The dwellings are to have a similar layout and level of accommodation, with the ground floor levels each having a kitchen/dining area and separate living area. The first floor levels are each to have two (2) bedrooms, open 'rumpus' room to the landing, ensuite and bathroom. The dwellings will have a balcony area of between 18 square metres and 22 square metres.
- The dwellings will have a contemporary design, with brick walls at the ground floor, weatherboard to the first floor walls and pitched colorbond roofs.
- Each dwelling is to have a single garage, with the vehicles accessed via a proposed double crossover to the southern common boundary
- The private open space areas are to be provided at ground level to the side (north), with areas of 44 square metres (Dwelling 1), 44 square metres (Dwelling 2) and 53 square metres (Dwelling 3).
- The overall height is approximately 7.9 metres to the ridge.

**Objections**

- Twelve (12) objections have been received.

**Objections summarised**

- Oversupply of one (1) and two (2) bedroom dwellings and undersupply of family homes.
- Inconsistent with neighbourhood character.
- Does not reflect sustainability characteristics.
- Increased parking and traffic congestion and impact on traffic safety.
- Overdevelopment of the site (taking into consideration the nearby single storey detached dwellings).
- Visual bulk.
- Does not add to net community value.
- Boundary construction and setbacks are inappropriate.
- Loss of privacy.
- Overshadowing and daylight impacts.
- Inadequate screen planting to west.

**Officer comment on summarised objections**Oversupply of one (1) and two (2) bedroom dwellings and undersupply of family homes

State and Local Planning Policies acknowledge that the population of the metropolitan area is increasing and average household size is decreasing. This indicates that smaller and more affordable dwellings are required to address increasing demand. The proposal provides appropriate dwelling diversity in an area that is largely characterised by single dwellings.



Inconsistent with neighbourhood character

It is a long held principle that for a development to be 'respectful' of the neighbourhood character, it is not necessary to replicate the existing building forms. Rather, the notion of 'respectful' development must embrace the need for change and diversity in the type of dwellings and an increase in the intensity of development in circumstances where this is encouraged by Planning Policy and the purpose of the zone. As can be seen in the assessment below, the proposal appropriately respects neighbourhood character.

Does not reflect sustainability characteristics

As can be seen in the assessment below, the proposal provides an appropriate level of energy efficiency. Additionally, it is acknowledged by policy that appropriate increases in density in proximity to services and facilities provide inherent sustainability benefits, with access to established infrastructure.

Increased parking and traffic congestion and impact on traffic safety

Although there will be an increase in traffic it is not considered that the proposal would contribute unreasonably to traffic congestion given the level of development. In addition, as can be seen in the assessment below, the proposal provides adequate parking on the site for the proposed residents (subject to condition).

In addition to the above, no traffic safety issues have been raised in the assessment below, and access to and from the site will not raise any unreasonable traffic safety issues, subject to provision of adequate pedestrian sight distances.

Overdevelopment of the site (taking into consideration the nearby single storey detached dwellings)

Although the development is double storey in a mainly single storey area, Council must assess the proposal on its merits in the context of the site and area. It is noted that there are other double storey developments in the area and that it is a generally held planning principle that a gradual increase in height is acceptable. It is also noted that a double storey height is considered to be low-scale and that it is reasonable to expect a double storey height in an established residential area.

The assessment against clause 55 is an indicator as to whether the proposal is an overdevelopment. As can be seen in the assessment below, the proposal complies with the objectives of clause 55 and is considered to be acceptable.

Visual bulk

The proposal complies with relevant standards relating to setbacks and heights and provides adequate articulation to address visual bulk.

Does not add to net community value

The development accords with acknowledged policy for urban consolidation and increased densities and in this sense provides a community benefit with affordable and diverse housing.

Boundary construction and setbacks are inappropriate.

Boundary construction and setbacks are addressed below and are considered to comply with the relevant standard.

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Loss of privacy

Overlooking to the sensitive interfaces may be addressed by appropriate fencing and screening to a height of 1700mm above floor level, where appropriate.

Overshadowing and daylight impacts

Given the proposed setbacks and shadows cast by existing fences and structures on adjoining sites, the shadow diagrams indicate the extent of overshadowing is within the prescriptive measures of Standard B21.

Inadequate screen planting to west

Given that the proposed boundary wall abuts existing adjoining outbuildings and complies with the standard, this is considered suitable. A condition of approval will require additional planting adjoining the west boundary towards the end of the common accessway.

**PLANNING ASSESSMENT****Neighbourhood Character Precinct Guideline Assessment – Precinct F4**Vegetation

The proposal will not result in the loss of significant trees from the site. There is no accompanying landscape concept plan; however, this may be required by condition.

Notwithstanding the above, it is considered that the landscaping may be improved by reducing the driveway area to the rear and replacing the paved area with landscaping (including one (1) medium canopy tree), provision of eight (8) canopy trees overall and areas noted in the rear yards as ‘pavers with grass’ to be replaced with ‘grass’.

These measures will ensure the development provides adequate setbacks and sufficient space for landscaping and appropriate canopy planting to the front and sides. In addition, the removal of the existing crossover and provision of only one (1) access point limits impervious surfaces.

Therefore, it is considered that sufficient measures have been undertaken to ensure the development complies with the overall landscape character.

**Complies subject to conditions**Siting

The front garden is ample for planting of vegetation, to enable the continuation of the garden setting in this area. The proposal also allows large enough garden space to the side and rear for appropriate landscaping.

Dwelling 1 is set back from the side boundaries. Therefore, ample separation is maintained in building forms to the street, respecting the rhythm of dwelling spacing.

There is to be one (1) crossover provided to the street, with all car spaces located behind the façade, so that parking areas do not dominate the front façade. There is ample space to plant in the front garden and there are no significant areas of paving to the frontage.

**Complies**



### Height and building form

Dwellings in the area are largely single storey; however, there are some double storey dwellings nearby. The dwelling at the front is double storey and the proposed upper floor is not set back one (1) room. Nevertheless, the upper floor is set back adequately from the ground floor façade. This is an appropriate design response, as adequate articulation is provided, with a strong single storey element to the streetscape façade. The dwellings have been largely designed to minimise bulk, with first floor areas smaller than the ground floor envelope.

The development is not out of scale with the adjoining buildings and does not dominate the streetscape, as it presents a graduated increase in height over nearby single storey buildings.

### **Complies**

### Materials and design detail

Articulation in the façade is achieved through the use of brick and lightweight surfaces to the walls, as well as setbacks and varied fenestrations in windows and door openings. The pitched roof design is a traditional element that reflects the pitched roofs forms of dwellings in the area.

The design and materials appropriately respect the character dwellings in the area.

### **Complies**

### Front boundary treatment

There is a 1.2 metre high front boundary fence, which allows views from the street to the front façade and is appropriate.

### **Complies**

### **Clause 55 Assessment**

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

### Clause 55.03-1 B6 Street Setback

The front setbacks of the adjoining dwellings are 6.34 metres and 8.33 metres. The standard therefore requires a setback of 7.335 metres.

The proposed front setback of 7.3 metres does not comply with the standard by 35 millimetres, which is negligible and considered to be an acceptable encroachment.

### **Complies with the objective**

### Clause 55.03-10 B15 Parking Location

Parking facilities will be proximate to the dwellings they serve.

The proposed garages are an adequately secure form of parking.

The access is observable.

The south-facing kitchen window of Dwelling 2 is set back 1-1.5 metres from the accessway and has sill heights of at least 1.4 metres above the accessway.

The south-facing kitchen windows of Dwelling 3 are set back approximately 700mm from the accessway and have sill heights of at least 1.4 metres above the accessway. Whilst this does not comply with the requirements of the standard it is noted that this area will primarily be used by as the reversing area for this dwelling therefore amenity impact is reasonable. In addition, the requirement to increase this landscaping area will further minimise amenity impact from vehicular noise.

### **Complies with objective subject to conditions**

#### Clause 55.04-6 B22 Overlooking

The ground floor level of the proposed dwellings has finished floor levels of less than 0.8 metres above natural ground level at the boundary. The existing boundary fences appear to be less than 1.8 metres and should be increased to 1.8 metres to sufficiently limit overlooking.

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

Dwelling 1: The first floor north-facing landing and the first floor south-facing bedroom 2 windows have obscure glass to 1700mm, which should be noted as being fixed. The north-facing balcony edge has downward views to the habitable room windows in the adjoining dwelling

All Dwellings: All south-facing upper floor balcony edges to be screened.

### **Complies subject to condition**

#### Clause 55.04-7 B23 Internal Views

Any potential for internal views between dwellings is to be minimised by proposed 1.8 metre high fences separating each dwelling's secluded private open space.

Measures outlined under Standard B22 to screen views of adjoining properties also largely minimise internal views from upper levels. However, the east facing first floor bedroom windows of Dwellings 2 and 3 must be screened to 1700mm.

### **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.

The site is located in a **General Residential Zone – Schedule 1**, where the Schedule to the zone varies this standard to the following:

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



	Total POS	Secluded POS	Minimum dimension of secluded POS
Dwelling 1	192 square metres	44 square metres	3.5 metres
Dwelling 2	64 square metres	44 square metres	3.5 metres
Dwelling 3	71 square metres	47 square metres	3.5 metres

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

It is noted that with the increase in the landscaping to the south of Dwelling 3, which could be allocated to this Dwelling, the proposed first floor terrace for this dwelling is not necessary. A condition of approval will require the deletion of the first floor terrace to reduce visual bulk and to provide increased separation between the first floors of Dwellings 2 and 3.

The additional private open space for Dwelling is located within a first floor terrace which is suitable.

**Complies subject to conditions**

**Clause 52.06 Car Parking**

Number of Parking Spaces Required

One car parking space is provided for each of the one and two bedroom dwellings. No visitor car parking is required.

To ensure that the first floor ‘rumpus’ areas of the dwellings are not used as bedrooms, conditions will require that they remain open to the landing and stairway and not to be used as bedrooms.

Design Standards for Car parking

The car parking spaces, the carports, the garaging and the access ways have appropriate dimension to enable efficient use and management.

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

The garage dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard.

Access dimensions to the car spaces comply with the standard.

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

**CLAUSE 55 COMPLIANCE SUMMARY**

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

Clause	Std		Compliance	
			Std	Obj
<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 appropriately integrates with the Street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The required setback is 7.335 metres, the dwellings are set back 7.33 metres from the street frontage.	N	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		7.9 metres	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage (varied by Schedule 1 to the zone)</b>		
		39%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		35%	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	Y	Y



Clause	Std		Compliance	
			Std	Obj
		windows are sufficiently set back from accessways.		
<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>		
		Length: 8.65 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 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.	N	N
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		Subject to condition addressing fence height 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 (varied by Schedule 1 to the zone)</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

Clause	Std		Compliance	
			Std	Obj
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		6.0 cubic metres of external storage areas are provided to each dwelling	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>		
		A 1.2 metre high front fence is proposed which is appropriate in the neighbourhood context.	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, subject to condition included in recommendation
Darebin Parks	No objection, subject to condition included in recommendation.
Transport Management and Planning Unit	No objections

**PLANNING SCHEME SUMMARY**

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

- Clause 32.08-4 – Construct two or more dwellings on a lot

**Applicable provisions of the Darebin Planning Scheme**

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3; 21.03-2; 21.03-3; 21.03-4;21.05; 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 55
General provisions	65.01
Neighbourhood Character Precinct	F4



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

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

**Social Inclusion and Diversity**

There are no Social Inclusion and Diversity implications as a result of the determination of this application.

**Other**

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

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil

**DISCLOSURE OF INTERESTS**

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

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

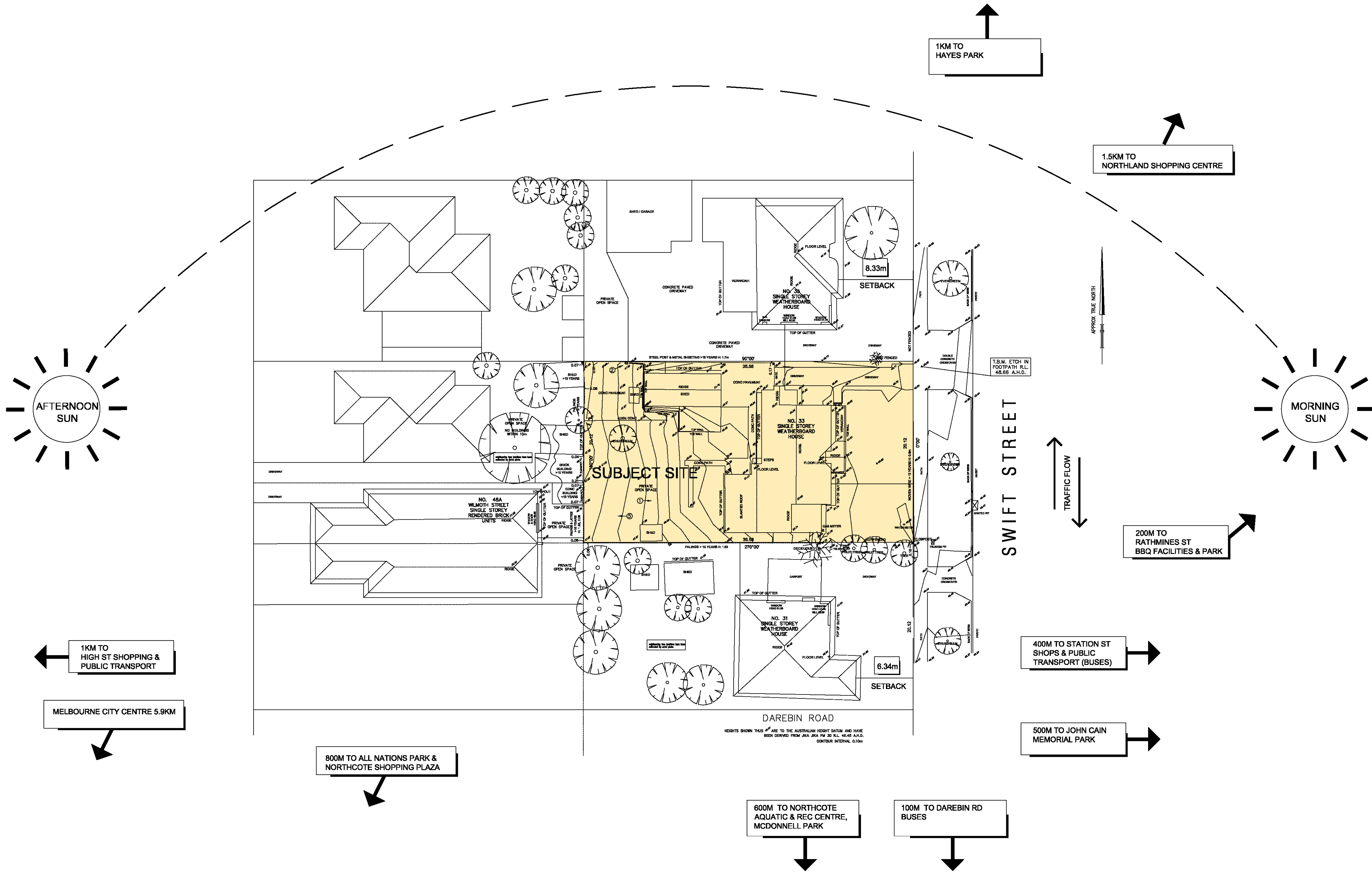
**RELATED DOCUMENTS**

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





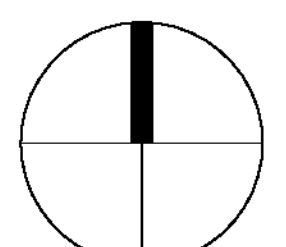




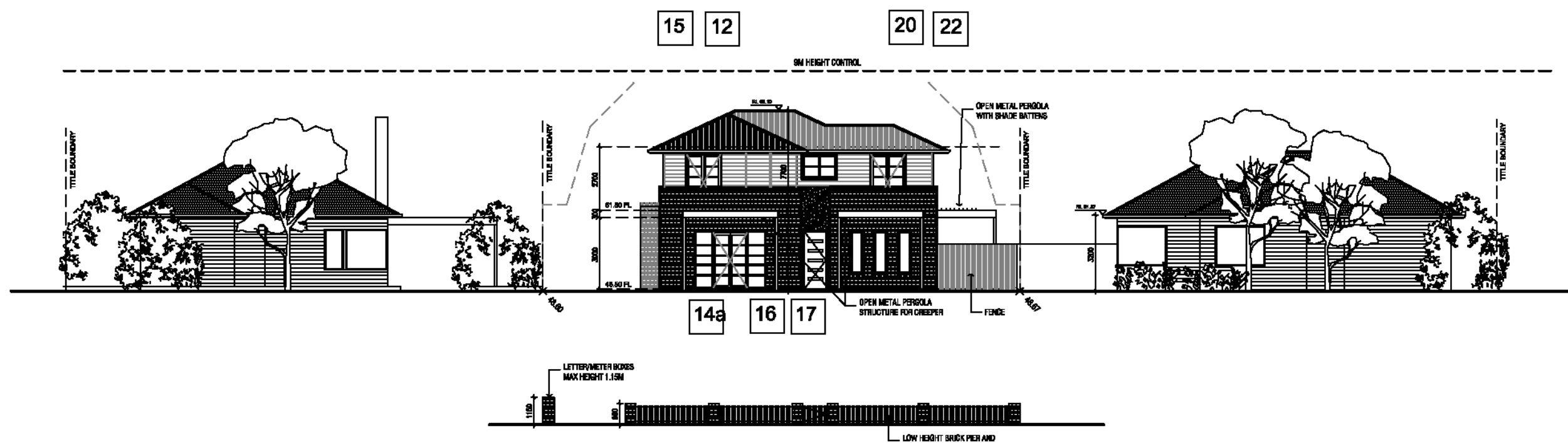
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REVISIONS	
A	27 AUG 15 APPLICATION ISSUE
B	28 OCT 15 AMENDMENTS FOR COUNCIL RFI
C	5 NOV 15 AMENDMENTS FOR COUNCIL RFI - PAVING SOUTH OF ENTRIES DWELLING 2 & 3, INCREASED DEPTH OF LANDSCAPING AT END OF DRIVEWAY

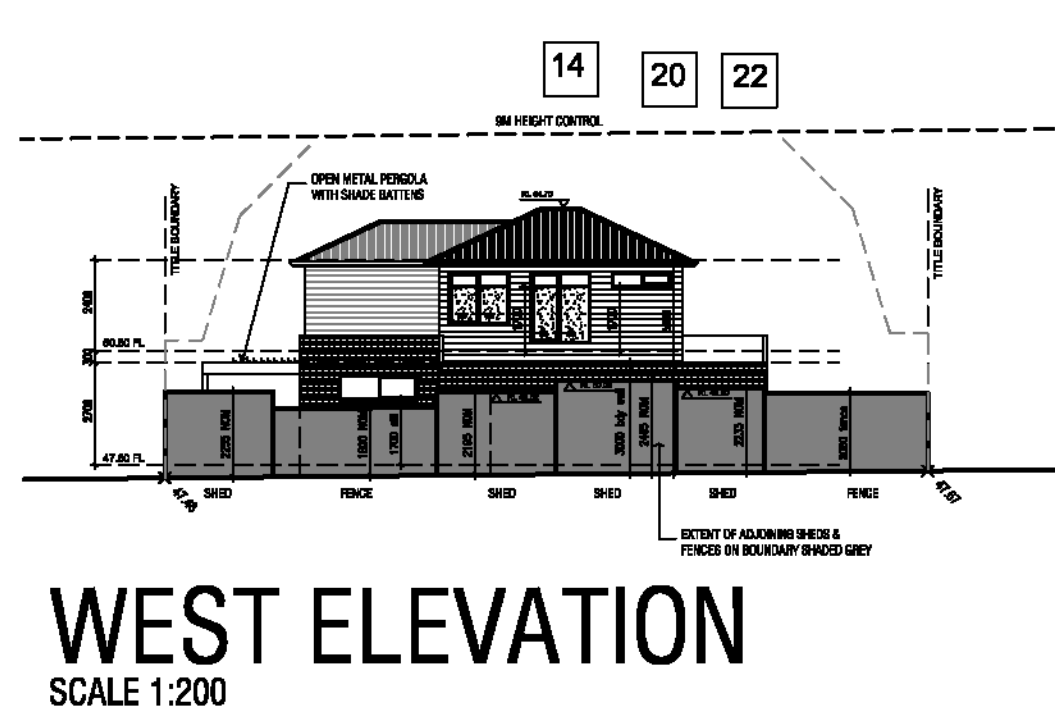
PROJECT	PROPOSED NEW DWELLINGS AT: <b>33 SWIFT ST, THORNBURY</b>
TITLE	<b>EXISTING CONDITIONS &amp; SITE ANALYSIS PLAN</b>

DATE:	AUG 2015	SCALE:	1:200		<b>TP01</b> REV: <b>C</b>
DRAWN BY:	CV	CHK BY:	CV		
JOB NO:	2015-03				

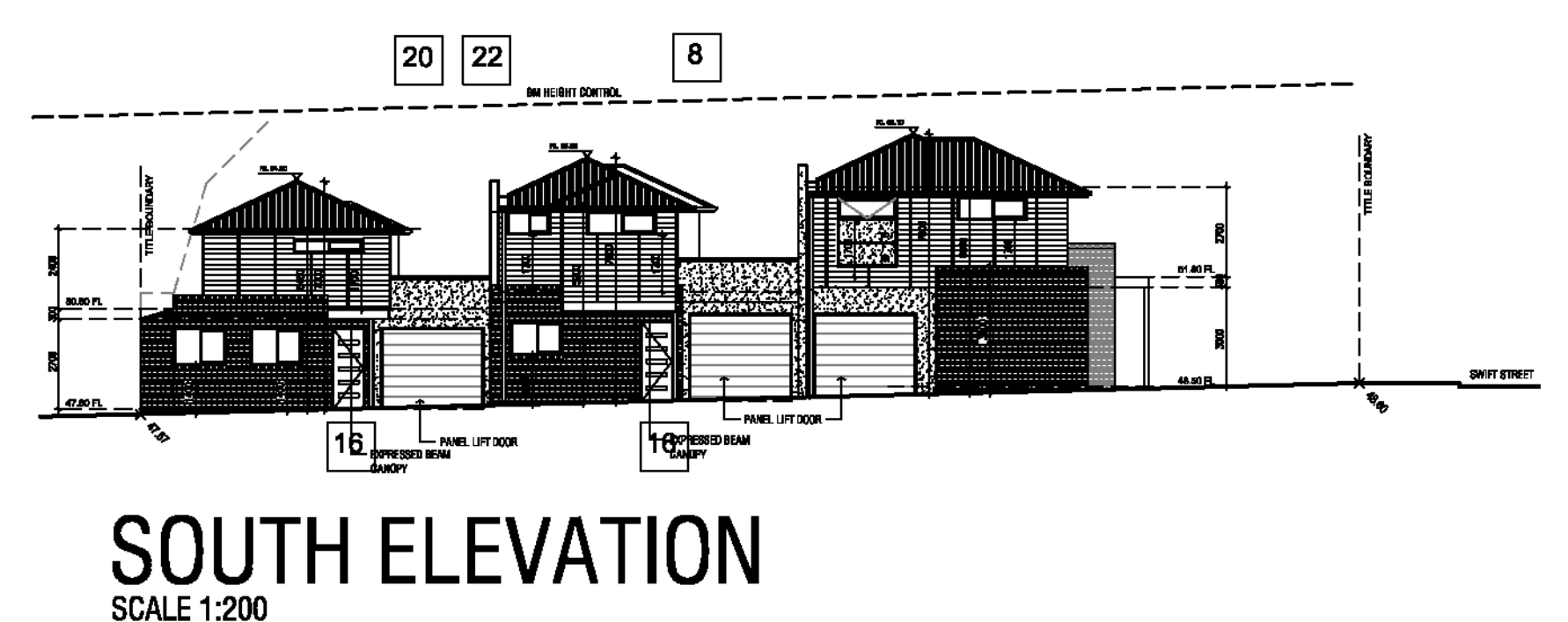




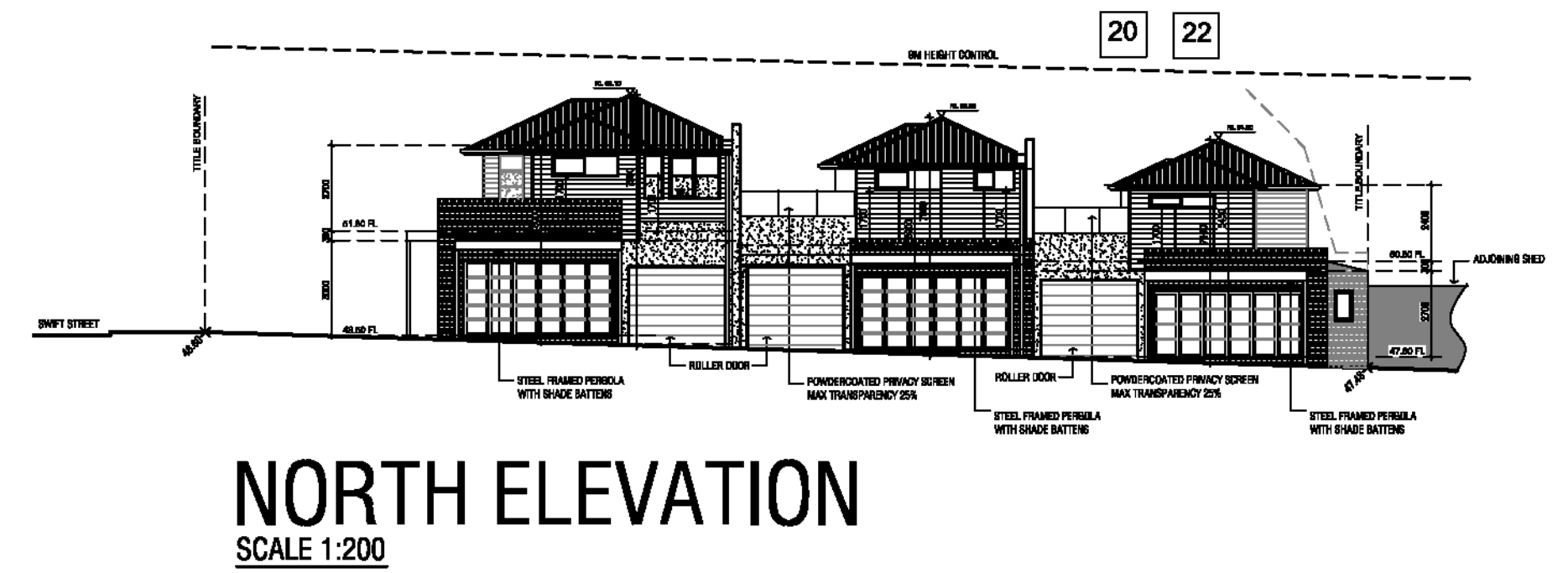
**SWIFT ST STREETSCAPE - EAST ELEVATION**  
SCALE 1:200



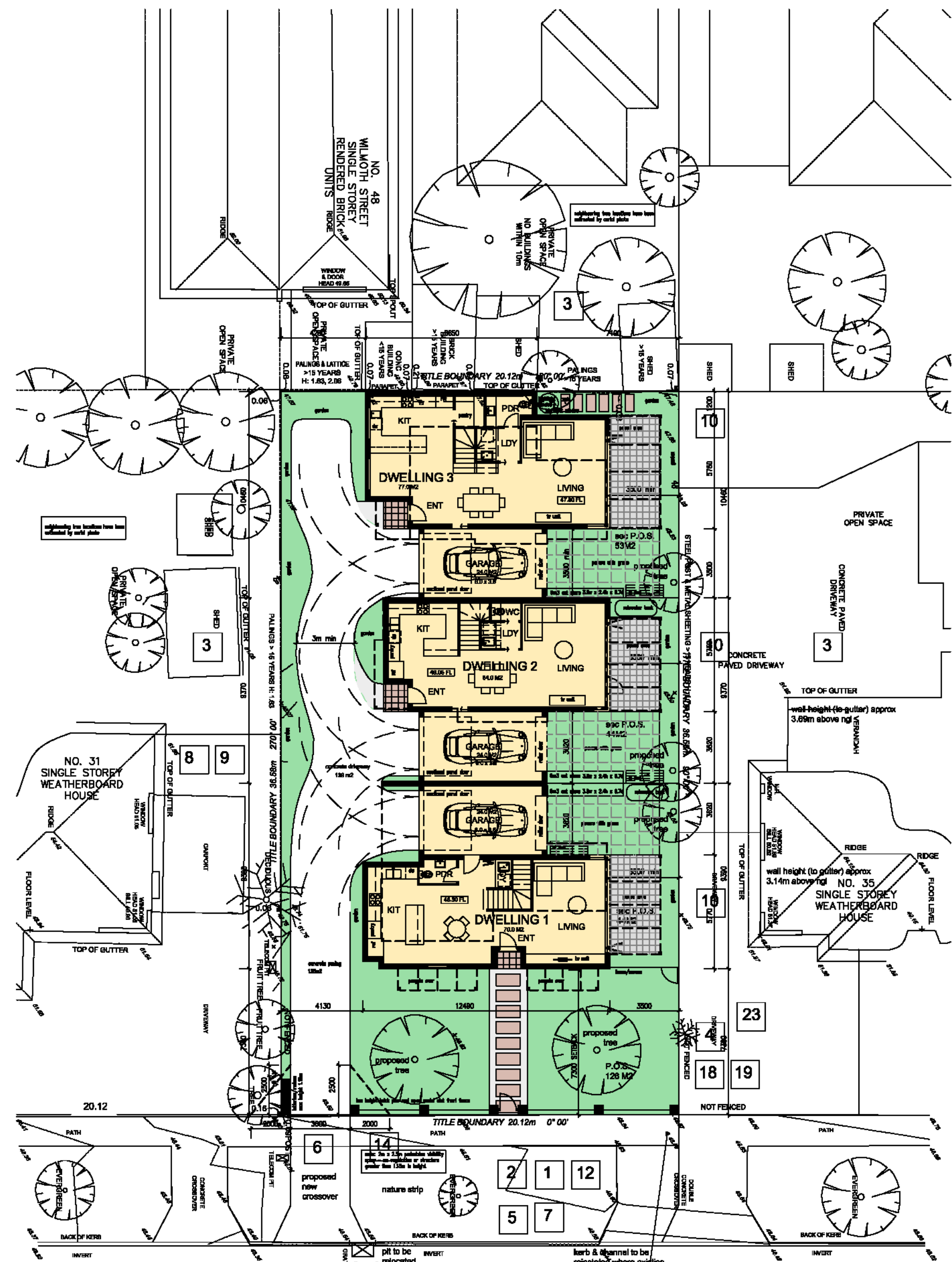
**WEST ELEVATION**  
SCALE 1:200



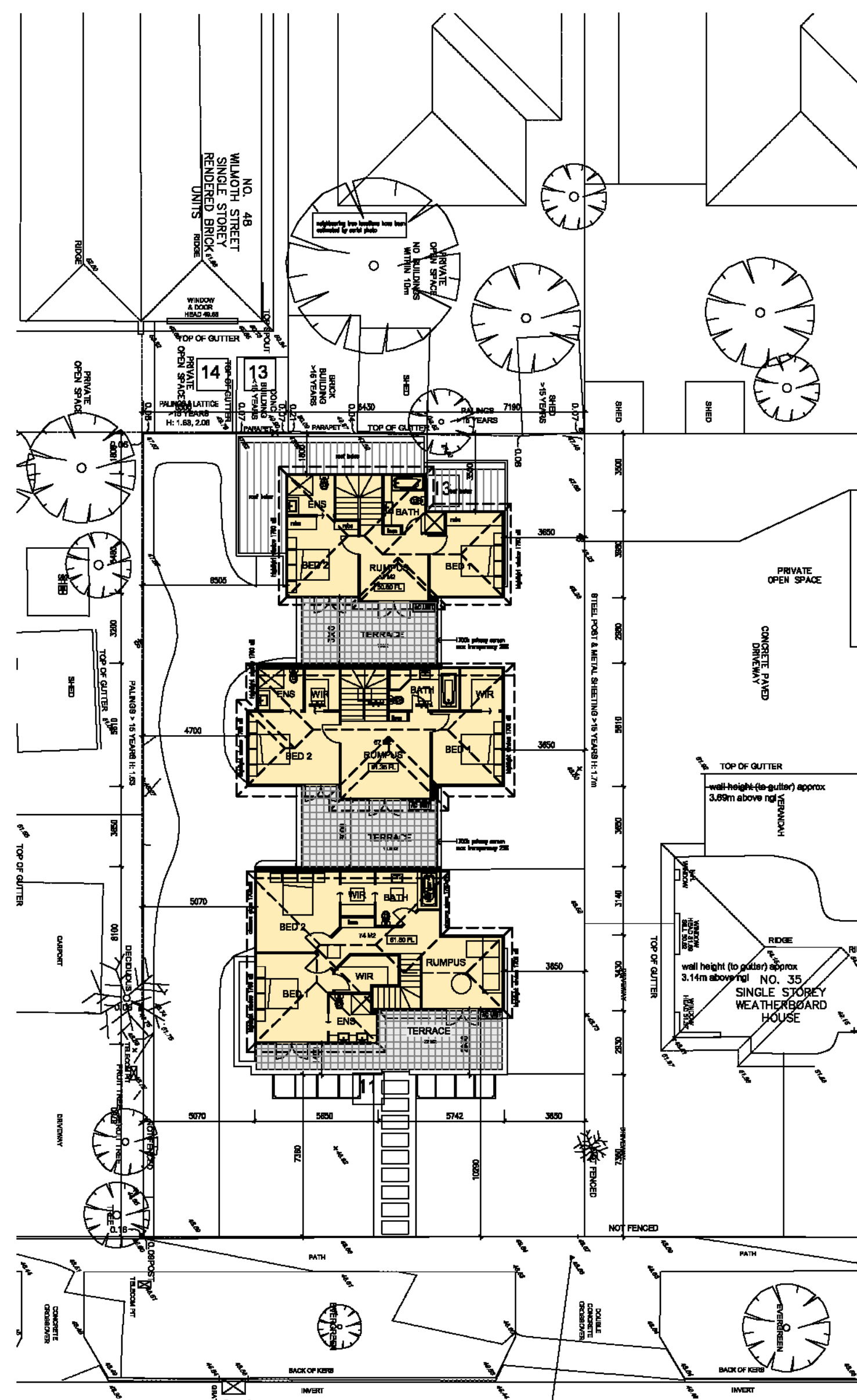
**SOUTH ELEVATION**  
SCALE 1:200



**NORTH ELEVATION**  
SCALE 1:200



**GROUND FLOOR PLAN**  
SCALE 1:200



**FIRST FLOOR PLAN**  
SCALE 1:200

**DESIGN RESPONSE NOTES**

- 1 THE SITE IS LOCATED IN A RESIDENTIAL AREA JUST NORTH OF DAREBIN RD AT 33 SWIFT ST, THORNBURY. IT IS ZONED FOR RESIDENTIAL LAND USE & IS IN PRECINCT F4 OF THE DAREBIN NEIGHBOURHOOD CHARACTER STUDY
- 2 THE SITE IS RECTANGULAR IN SHAPE AND MEASURES 36.58M ALONG THE NORTH & SOUTH BOUNDARIES AND 20.12M ALONG THE EAST AND WEST BOUNDARIES. THIS GIVES RISE TO AN AREA OF APPROXIMATELY 735M<sup>2</sup>.
- 3 THE SITE HAS SINGLE STOREY DWELLINGS ON ITS NORTH AND SOUTH SIDE AND A SERIES OF SHEDS AND FENCING ALONG ITS REAR (WEST) BOUNDARY. AS SUCH THERE IS AN OPPORTUNITY TO LOCATE A BOUNDARY WALL ALONG THE REAR BOUNDARY ADJACENT TO THE EXISTING BUILT FORMS.
- 4 THE 7.3M FRONT SETBACK OF THE PROPOSED DESIGN HAS BEEN DERIVED FROM THE AVERAGE SETBACKS OF ITS IMMEDIATE NEIGHBOURS. THIS PROVIDES A SPACIOUS AND OPEN FRONT YARD IN KEEPING WITH THE LANDSCAPE CHARACTER OF THE AREA.
- 5 THERE ARE A MIX OF HOUSING TYPES IN THE AREA INCLUDING SINGLE & DOUBLE STOREY DWELLINGS AND UNITS, AS WELL AS AN APARTMENT STYLE DEVELOPMENT AT 42 SWIFT ST.
- 6 THE EXISTING CROSSOVER ALONG THE NORTHERN BOUNDARY IS TO BE REINSTATED AS A KERB & CHANNEL AND A NEW CROSSOVER LOCATED ALONG THE SOUTHERN BOUNDARY. THIS IS IN KEEPING WITH THE PREVAILING NEIGHBOURHOOD CHARACTERISTIC OF SIDE DRIVEWAYS.
- 7 THE SITE IS WELL LOCATED WITHIN EASY WALKING DISTANCE OF LOCAL AMENITIES, PARKS, SHOPPING, SCHOOLS, BUSINESSES AS WELL AS PUBLIC TRANSPORT (BUS) ROUTES
- 8 THE DESIGN PROPOSAL IS FOR 3 X 2 BED UNITS WITH ASSOCIATED CARPARKING
- 9 THE SIZE & LAYOUT OF THE DWELLINGS HAVE BEEN DESIGNED TO APPEAL TO A RANGE OF DEMOGRAPHICS INCL. DOWNSIZERS, COUPLES AND SMALL FAMILIES
- 10 EACH UNIT IS DESIGNED TO HAVE GROUND FLOOR LIVING AREAS WITH ACCESS TO NORTH FACING PRIVATE SECLUDED OPEN SPACE
- 11 EACH UNIT ALSO HAS FIRST FLOOR NORTH FACING TERRACE AREAS, PROVIDING ADDITIONAL SECLUDED PRIVATE OPEN SPACE OPPORTUNITIES.
- 12 THE SIZE & SCALE OF THE PROPOSED DWELLINGS IS IN CONTEXT WITH OTHER EXISTING BUILT FORM IN THE AREA. THERE ARE NUMEROUS EXAMPLES OF DOUBLE STOREY UNITS & SINGLE DWELLINGS IN THE IMMEDIATE AREA.
- 13 BUILDING BULK AND SCALE HAS BEEN MINIMISED BY THE USE OF UPPER FLOOR SETBACKS & ARTICULATION OF THE BUILT FORM INTO SINGLE STOREY ELEMENTS.
- 14 BUILDING BULK TO THE REAR IS REDUCED VIA THE USE OF INCREASED SETBACKS ADJACENT TO SECLUDED PRIVATE OPEN SPACE. THERE IS NO INCREASE IN OVERSHADOWING OF POS TO 28A WILMOTH ST.
- 14a COHESION WITH THE STREETSCAPE IS ACHIEVED VIA THE USE OF HIPPED ROOF FORMS, SINGLE STOREY ELEMENTS, MATERIAL SELECTION AND A SPACIOUS OPEN FRONT YARD.
- 15 EXTERNAL MATERIALS & FINISHES HAVE BEEN SELECTED TO COMPLEMENT THE STREETSCAPE, BE HARDWEARING, LOW MAINTENANCE, THERMALLY COMFORTABLE, VISUALLY INTERESTING & ENERGY EFFICIENT.
- 16 ENTRIES TO EACH DWELLING ARE CLEARLY DEFINED, SHELTERED AND ORIENTED AWAY FROM THE CARSPACE.
- 17 UNIT 1 HAS A DIRECT PHYSICAL AND VISUAL LINK WITH THE STREET VIA A FRONT DOOR ACCESSED OFF SWIFT ST AND LARGE WINDOWS FROM THE MEALS AND LIVING ROOMS HAVING AN ASPECT OVER THE FRONT YARD TOWARDS THE STREET.
- 18 THE PROPOSED AREAS OF LANDSCAPING ALLOWS FOR THE PLANTING OF CANOPY TREES TO THE FRONT AND REAR YARDS, AS WELL AS 'SOFTENING PLANTING' ALONG THE COMMON DRIVEWAY.
- 19 LANDSCAPING WILL BE OF A HIGH QUALITY & DESIGNED TO PROVIDE AN AESTHETICALLY PLEASING LAYOUT THAT INCORPORATES A RANGE OF DROUGHT TOLERANT & INDIGENOUS SPECIES. IT WILL BE DESIGNED BY A SUITABLY QUALIFIED LANDSCAPE PROFESSIONAL.
- 20 THE SELECTION OF QUALITY FINISHES, THOUGHTFUL DETAILING & ARTICULATION OF BUILDING FORMS IN GENERAL WILL CREATE AN IMPRESSIVE AND PLEASING ADDITION TO THE SWIFT ST STREETSCAPE
- 21 CARPARKING IS PROVIDED FOR EACH UNIT SO THERE IS NO UNDUE DEMAND FOR ON-STREET PARKING
- 22 EXISTING DWELLINGS IN THE AREA UTILISE HIPPED ROOFS AND A MIX OF MATERIALS INCLUDING BRICK VENEER, RENDER AND WEATHERBOARD. THE DESIGN PROPOSAL UTILISES SIMILAR ARCHITECTURAL THEMES IN A MODERN INTERPRETATION TO FIT IN WITH THE STREETSCAPE.
- 23 THE BUILDING FOOTPRINT IS LOWER THAN OTHER EXISTING DEVELOPMENTS AS EACH UNIT HAS BEEN DESIGN TO MEET MORE STRINGENT PRIVATE OPEN SPACE REQUIREMENTS UNDER THE SCHEDULE TO THE ZONING. AS SUCH THESE UNITS WILL MAKE A DESIRABLE CONTRIBUTION TO THE DIVERSITY OF HOUSING IN THE AREA.

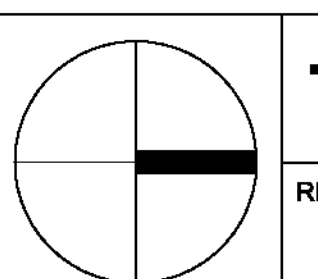
INFORMATION ON THIS DRAWING HAS BEEN TAKEN FROM SURVEY PLAN NO 215101, PREPARED BY DIGITAL LAND SURVEYS P/L

REVISIONS	
A	27 AUG 15 APPLICATION ISSUE
B	28 OCT 15 AMENDMENTS FOR COUNCIL RFI
C	5 NOV 15 AMENDMENTS FOR COUNCIL RFI - PAVING SOUTH OF ENTRIES DWELLING 2 & 3, INCREASED DEPTH OF LANDSCAPING AT END OF DRIVEWAY

PROJECT  
**PROPOSED NEW DWELLINGS AT:  
33 SWIFT ST, THORNBURY**

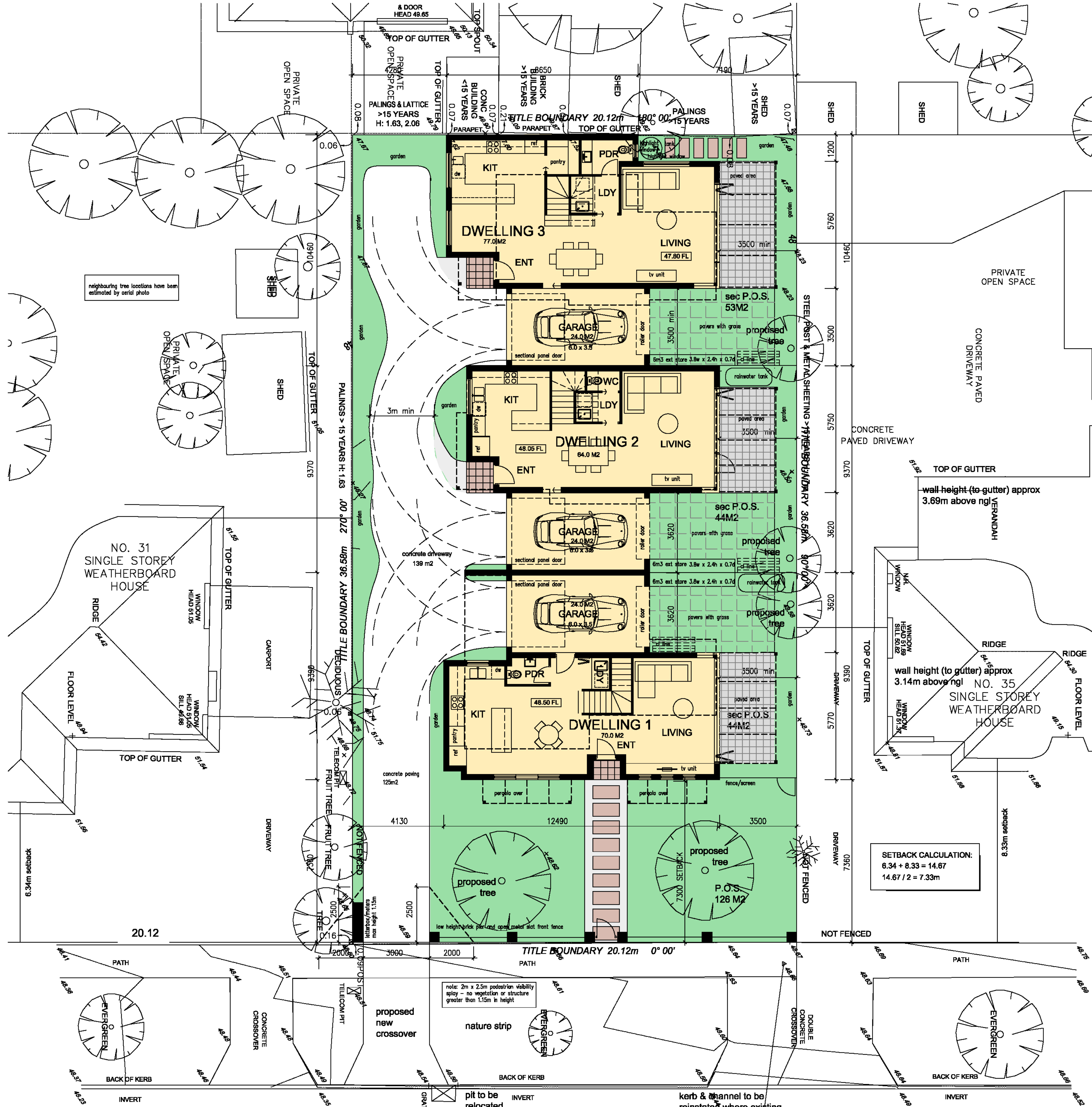
TITLE  
**DESIGN RESPONSE PLAN & ELEVATIONS**

DATE: 2015-03  
SCALE: 1:200  
DRAWN BY: CV  
JOB NO: 2015-03



**TP02**  
REV: C





**GROUND FLOOR PLAN**  
SCALE 1:100

T.B.M. FOOTPRINT 48.66

INFORMATION ON THIS DRAWING HAS BEEN TAKEN FROM SURVEY PLAN NO 215101, PREPARED BY DIGITAL LAND SURVEYS P/L  
ALL SETBACK DIMENSIONS ARE FROM THE BOUNDARY TO THE WALL STRUCTURE

SETBACK CALCULATION:  
6.34 + 8.33 = 14.67  
14.67 / 2 = 7.33m

AREA SUMMARY			
DWELLING 1	DWELLING 2	DWELLING 3	
ALLOTMENT AREA	284 M2	ALLOTMENT AREA	178 M2
GROUND FLR	70 M2	GROUND FLR	77 M2
FIRST FLR	74 M2	FIRST FLR	51 M2
GARAGE	24 M2	GARAGE	24 M2
TOTAL FLR AREA (ex.garage)	144 M2	TOTAL FLR AREA	128 M2
SEC P.O.S (at ground level)	44 M2	SEC P.O.S (at ground level)	53 M2
TOTAL P.O.S (terrace + front + rear yards)	185 M2	TOTAL P.O.S (terrace + rear yards + garden beds)	70 M2

SITE AREA: 735m2  
TOTAL BUILDING SITE COVERAGE (GROUND FLOOR FOOTPRINT): 283M2 or 39.0% (MAX 50%)  
IMPERMEABLE SURFACE AREA: 65% (building footprint + pathways + patios)  
impermeable area = 479m2 (65%) permeable 35%



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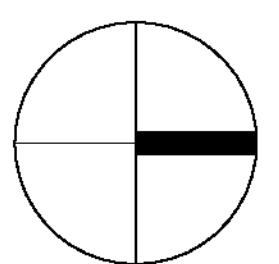
REVISONS	APPLICATION ISSUE	CV
A	27 AUG 15	CV
B	28 OCT 15	CV
C	5 NOV 15	CV

PROJECT  
**PROPOSED NEW DWELLINGS AT:  
33 SWIFT ST, THORNBURY**

TITLE  
**PROPOSED GROUND FLOOR PLANS**

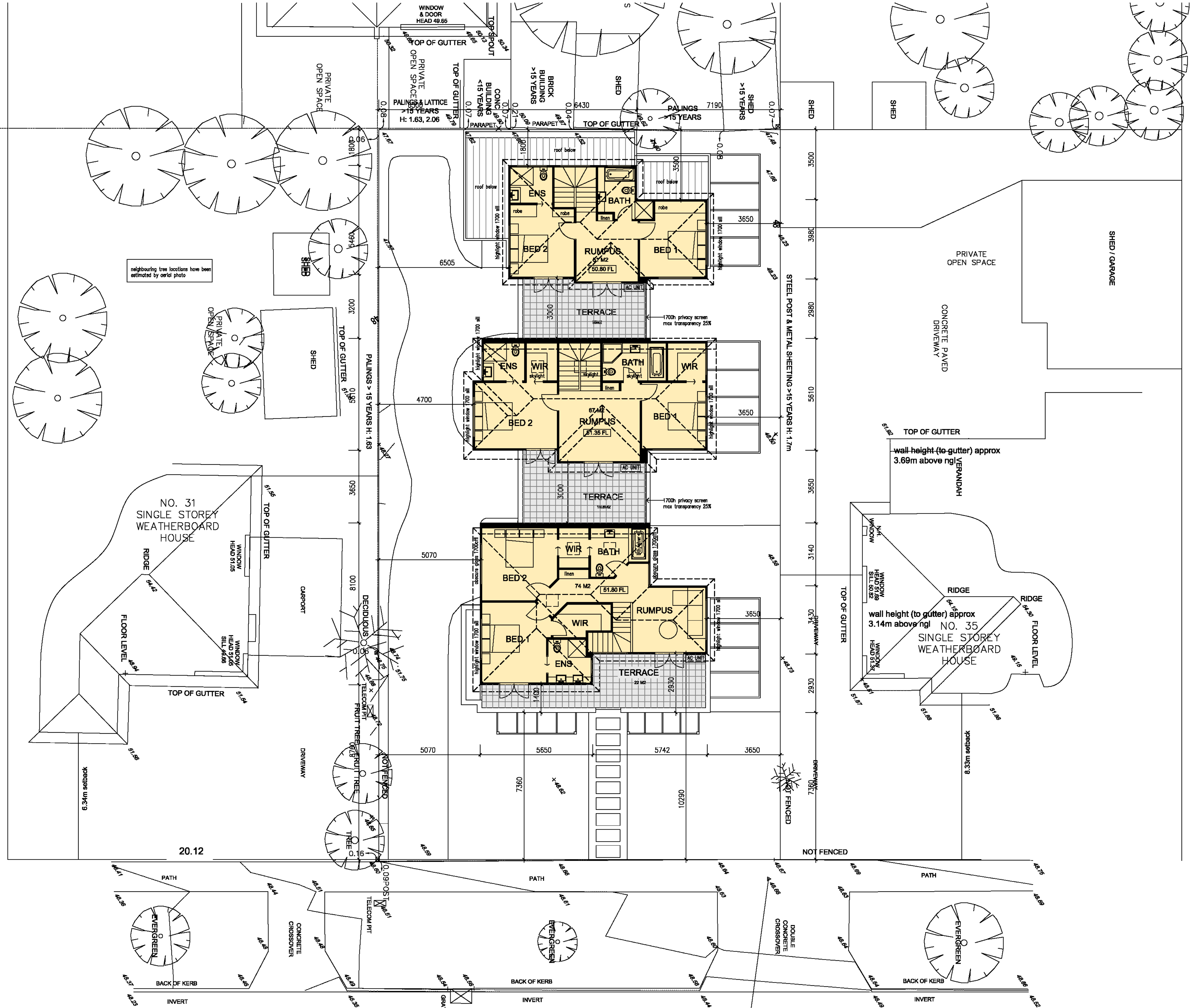
DATE: AUG 2015  
DRAWN BY: CV  
JOB NO: 2015-03

SCALE: 1:100  
CHK BY: CV



**TP03**  
REV: C





**FIRST FLOOR PLAN**  
SCALE 1:100

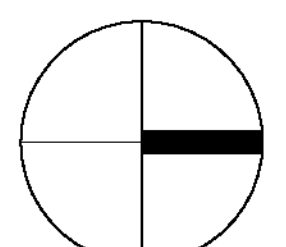
INFORMATION ON THIS DRAWING HAS BEEN TAKEN FROM SURVEY PLAN NO 215101, PREPARED BY DIGITAL LAND SURVEYS P/L  
ALL SETBACK DIMENSIONS ARE FROM THE BOUNDARY TO THE WALL STRUCTURE

**cva**  
CAROLINE VERNON ARCHITECT  
3 NEW ST KEW VIC 3101 ph 9853 7919 mob 0412 043 966

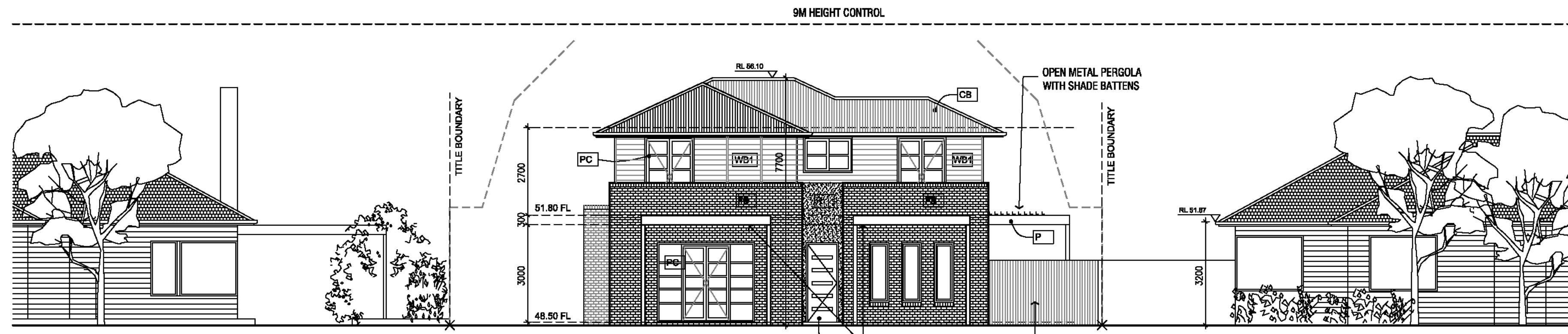
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REVISIONS	
A	27 AUG 15 APPLICATION ISSUE
B	28 OCT 15 AMENDMENTS FOR COUNCIL RFI
C	5 NOV 15 AMENDMENTS FOR COUNCIL RFI - PAVING SOUTH OF ENTRIES DWELLING 2 & 3, INCREASED DEPTH OF LANDSCAPING AT END OF DRIVEWAY

PROJECT	PROPOSED NEW DWELLINGS AT: <b>33 SWIFT ST, THORNBURY</b>
TITLE	<b>PROPOSED FIRST FLOOR PLANS</b>

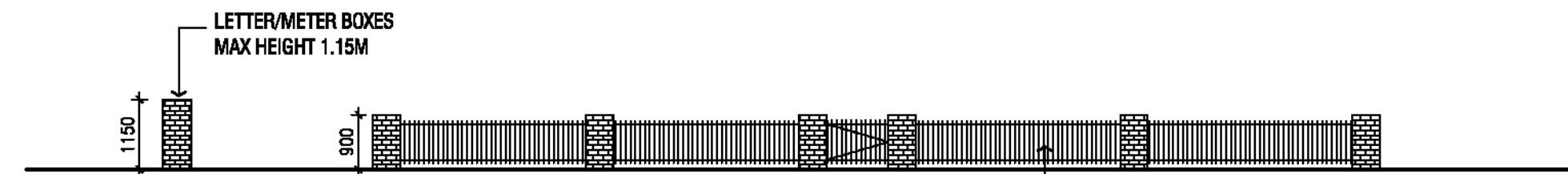
DATE: AUG 2015	SCALE: 1:100		TP03.1	
DRAWN BY: CV	CHK BY: CV			REV: <b>C</b>
JOB NO: <b>2015-03</b>				





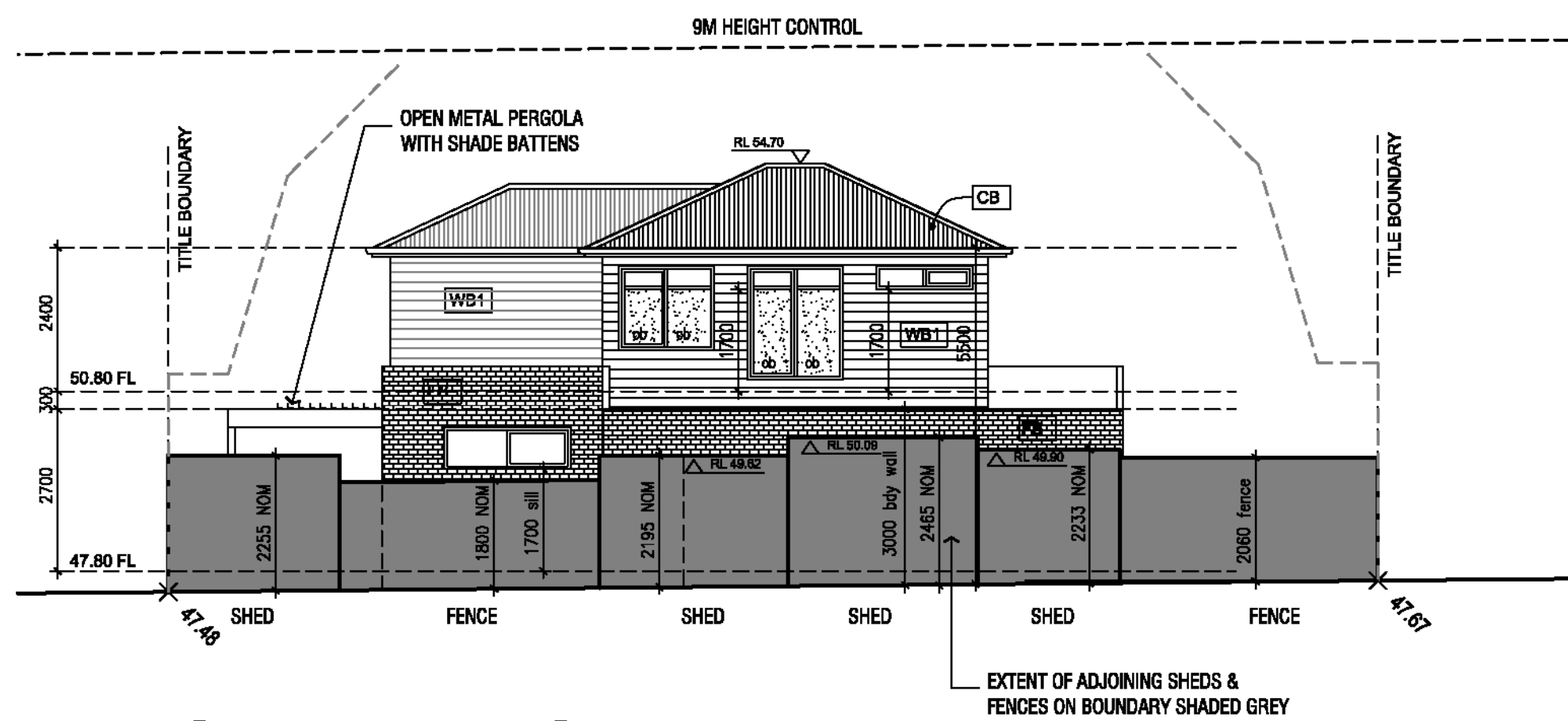
**EAST ELEVATION**

SCALE 1:100



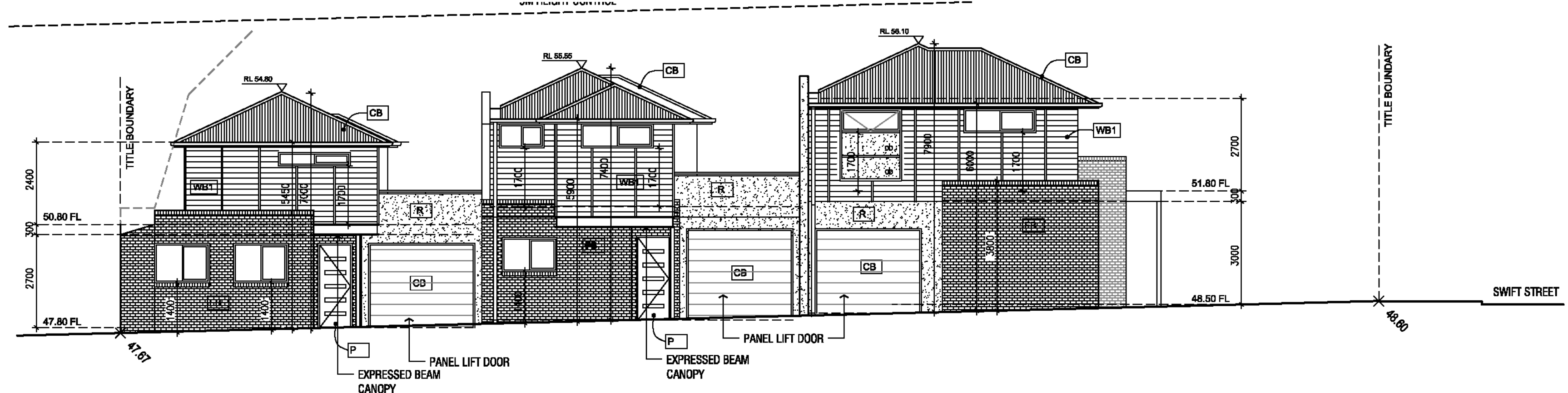
**FENCE ELEVATION**

SCALE 1:100



**WEST ELEVATION**

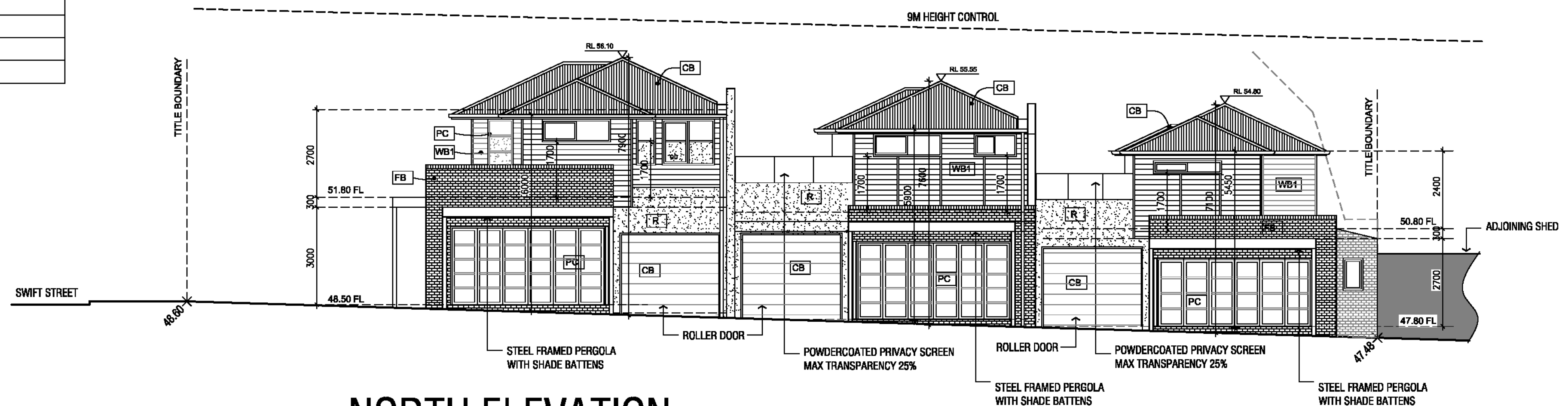
SCALE 1:100



**SOUTH ELEVATION**

SCALE 1:100

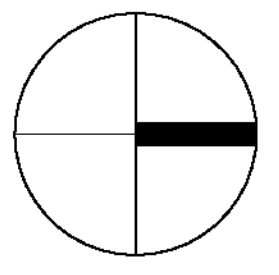
EXTERNAL MATERIALS & FINISHES SCHEDULE	
FB	FACE BRICKWORK
WB1	SCYON WEATHERBOARD CLADDING - COLOUR 1
WB2	SCYON WEATHERBOARD CLADDING - COLOUR 2
CB	COLORBOND ROOFING, FASCIA & GUTTERING
R	RENDER
P	PAINT FINISH
PC	POWDERCOATED ALUMINIUM



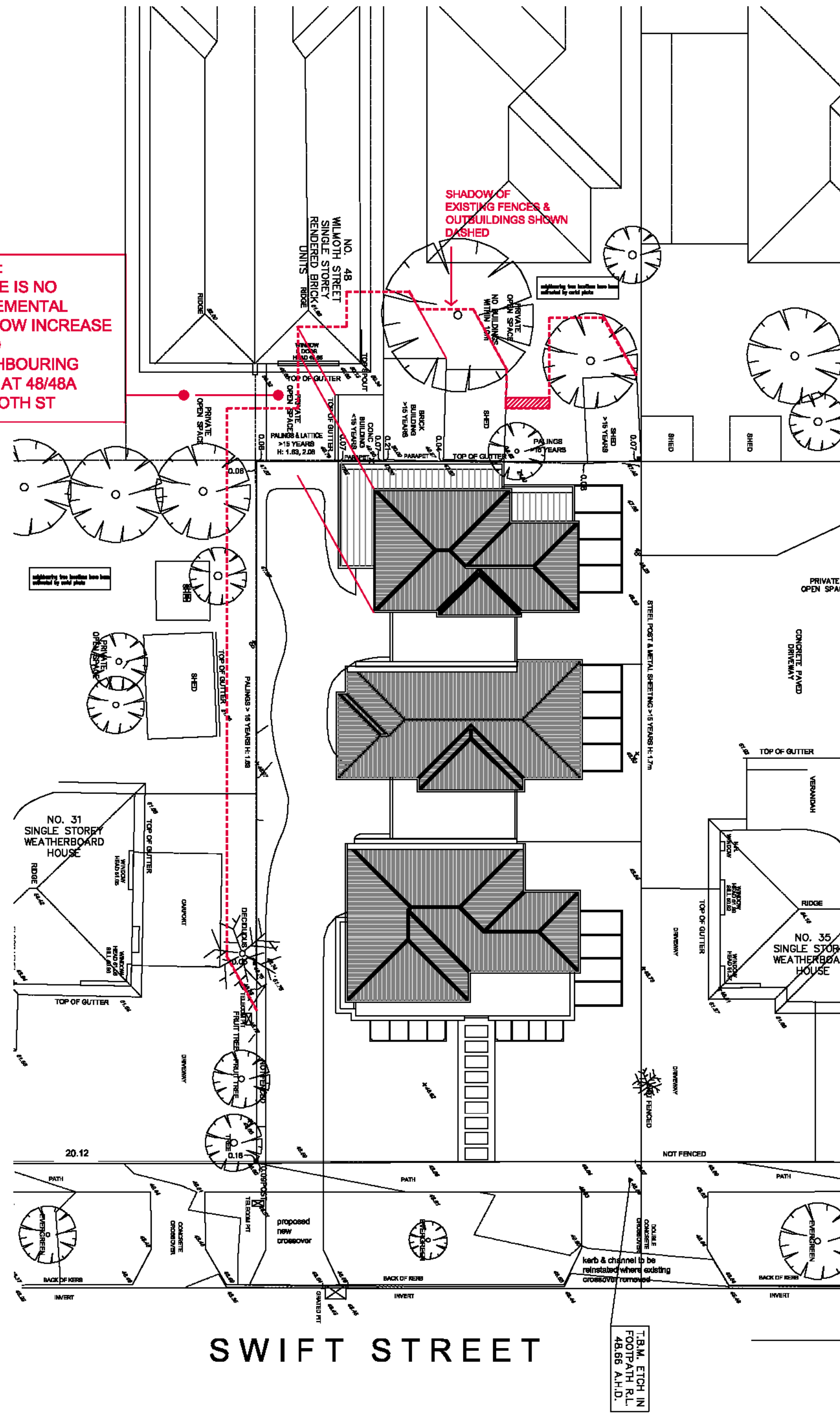
**NORTH ELEVATION**

SCALE 1:100

REVISIONS	
A	27 AUG 15 APPLICATION ISSUE
B	28 OCT 15 AMENDMENTS FOR COUNCIL RFI
C	5 NOV 15 AMENDMENTS FOR COUNCIL RFI - PAVING SOUTH OF ENTRIES DWELLING 2 & 3, INCREASED DEPTH OF LANDSCAPING AT END OF DRIVEWAY

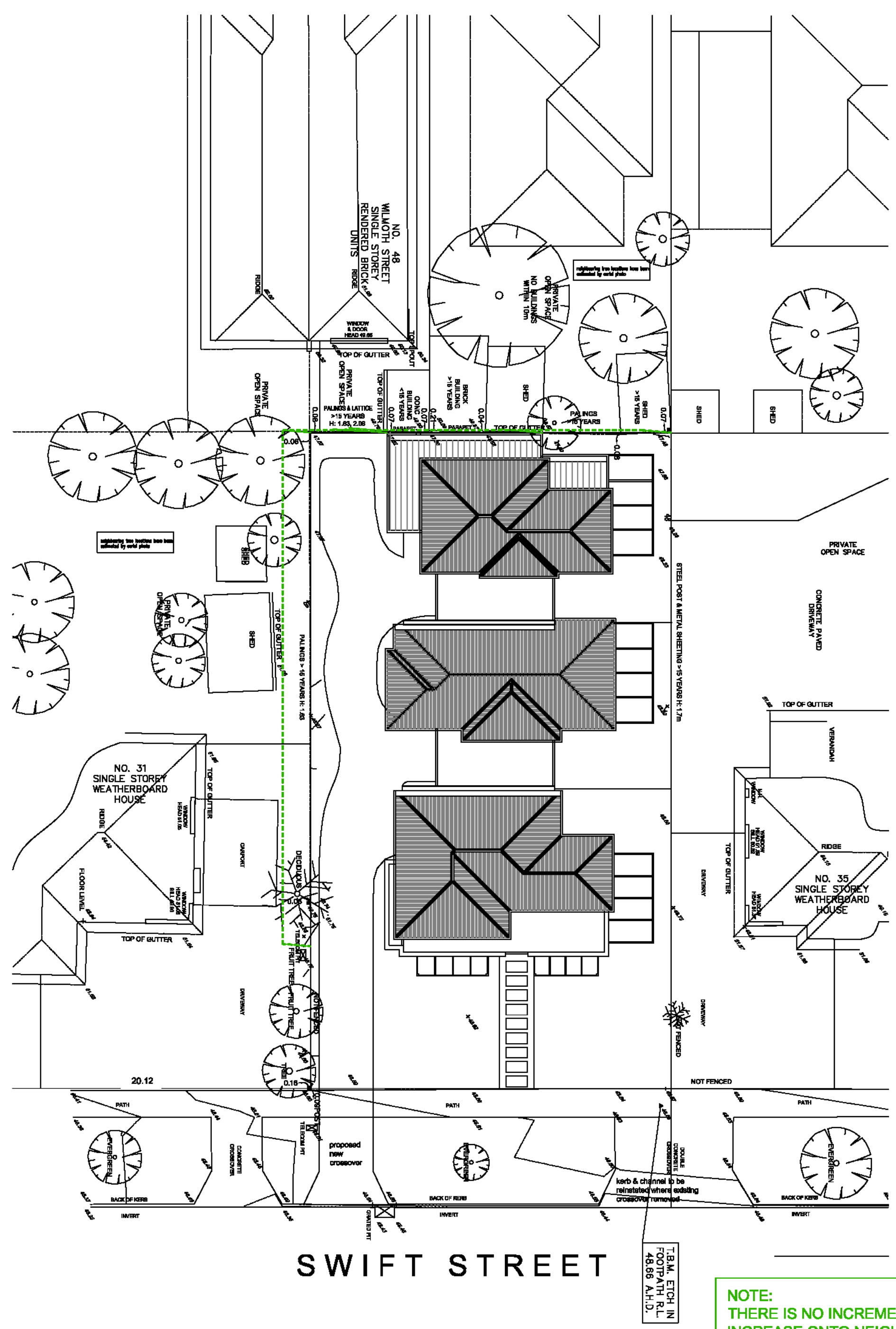


NOTE:  
THERE IS NO  
INCREMENTAL  
SHADOW INCREASE  
ONTO  
NEIGHBOURING  
LAND AT 48/48A  
WILMOTH ST



SHADOW CAST AT 9.00AM SEPT 22

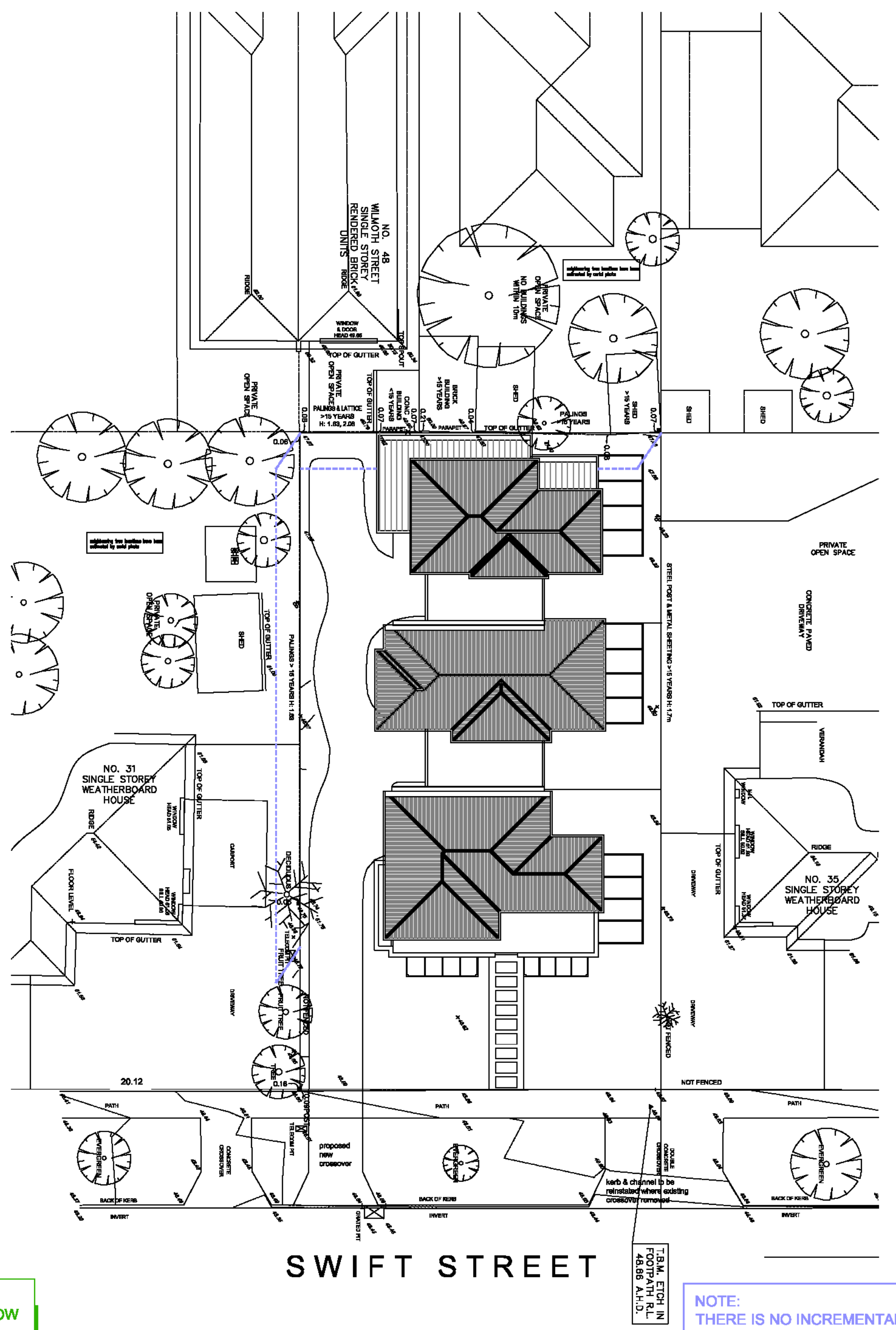
— SHADOW OF PROPOSED DEVELOPMENT  
 - - - SHADOW OF EXISTING FENCES / BUILDINGS  
 [Hatched Area] INCREMENTAL SHADOW INCREASE ONTO ADJACENT LAND BY PROPOSED DWELLINGS



SHADOW CAST AT 12 NOON SEPT 22

— SHADOW OF PROPOSED DEVELOPMENT  
 - - - SHADOW OF EXISTING FENCES / BUILDINGS  
 [Hatched Area] INCREMENTAL SHADOW INCREASE ONTO ADJACENT LAND BY PROPOSED DWELLINGS

NOTE:  
THERE IS NO INCREMENTAL SHADOW  
INCREASE ONTO NEIGHBOURING  
PROPERTIES AT 12 NOON



SHADOW CAST AT 3.00PM SEPT 22

— SHADOW OF PROPOSED DEVELOPMENT  
 - - - SHADOW OF EXISTING FENCES / BUILDINGS  
 [Hatched Area] INCREMENTAL SHADOW INCREASE ONTO ADJACENT LAND BY PROPOSED DWELLINGS

NOTE:  
THERE IS NO INCREMENTAL SHADOW  
INCREASE ONTO NEIGHBOURING  
PROPERTIES AT 3PM

REVISIONS	
A	27 AUG 15 APPLICATION ISSUE
B	28 OCT 15 AMENDMENTS FOR COUNCIL RFI
C	5 NOV 15 AMENDMENTS FOR COUNCIL RFI - PAVING SOUTH OF ENTRIES DWELLING 2 & 3, INCREASED DEPTH OF LANDSCAPING AT END OF DRIVEWAY

PROJECT	PROPOSED NEW DWELLINGS AT: 33 SWIFT ST, THORNBURY
TITLE	SHADOW DIAGRAMS

DATE:	AUG 2015	SCALE:	1:200
DRAWN BY:	CV	CHK BY:	CV
JOB NO:	2015-03		

TP05  
REV: C



**5.7 APPLICATION FOR PLANNING PERMIT D/762/2015**  
 448-452 Plenty Road, Preston VIC 3071

**AUTHOR:** Principal Planner – Gavin Crawford

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

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>
Cornetta Partners Architects	Meng Chong

**SUMMARY:**

- It is proposed to amend the endorsed plans to provide a third floor (increasing from three storeys to four storeys with dwelling numbers unaltered - 12 dwellings), with dwellings 10 and 11 living areas, amenities and bedroom areas increased in size.
- Planning Permit D1020/2011 was granted on 30 April 2012 and this application proposes to amend the plans approved under the planning permit.
- The site is zoned General Residential Zone Schedule 3.
- There is no restrictive covenant on the title for the subject land.
- 11 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 amendments to the endorsed plans 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 not required to be referred to other Council units.
- This application was not required to be referred to external authorities.

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

**THAT** the application to amend Planning Permit D/1020/2011 be supported and a Notice of Decision to Amend a Permit be issued as follows:

**WHAT AMENDMENT IS BEING MADE TO THE PERMIT?**

**Amend the Planning Permit description from:**

- Construction of a medium density housing development comprising a three (3) storey building with twelve (12) dwellings and use the land for dwellings in accordance with the endorsed plans.

**To:**

- Construction of a medium density housing development comprising a four (4) storey building with twelve (12) dwellings and use the land for dwellings in accordance with the endorsed plans.

**Amend condition 1 from:**

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 plan submitted with the application (identified as drawing numbers TPA03, TPA04, TPA05, TPA06, dated December 2011, job no. 10-39, prepared by Cornetta Partners Architects) but modified to show:
  - a) Provision of appropriate turning circles showing all vehicles able to enter and exit the street network in a forward direction.
  - b) Provision of sunshades to west and east facing windows (where not already shaded by balconies or other architectural shade feature).
  - c) Full details of mechanical car parking systems to be provided on plan with adequate dimensions to accommodate the system.
  - d) Noise attenuation to address traffic and tramline noise from both Murray and Plenty Roads.
  - e) Full details of all wall heights and setbacks to ensure compliance with standard B20 of clause 55.04-4 of the Planning Scheme (north-facing windows).
  - f) Additional variety of materials to the south elevation with the each of two largest wall planes at first and second floor respectively provided with a minimum of two (2) different materials of approximately equal areas and comprising no more than 50% render.
  - g) A Landscape Plan in accordance with Condition No.6 of this Permit.

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



**To:**

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 plan submitted with the application (identified as drawing numbers TPA03, TPA04, TPA05, TPA06, TPA09 Rev C, dated 13 November 2015, job no. 10-39, prepared by Cornetta Partners Architects, external colours and materials schedule received by Council 15 December 2011 and Landscape Concept Plan Rev B dated 22 October 2015 prepared by Justin Hutchison ) but modified to show:
  - a) Dwelling 11 bedroom 2 south facing third floor window with a sill height 1.7m above finished floor level.

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

**Amending the endorsed plans to show:**

- Addition of an additional storey with dwelling 10 and 11 increased in size.

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

**INTRODUCTION AND BACKGROUND**

- Planning permit D/1020/2011 was issued by Council on 30 April 2012 for the construction of a medium density housing development comprising a three (3) storey building with twelve (12) dwellings and use the land for dwellings in accordance with the endorsed plans.
- Extension of time EOT/18/2015 was issued 17 March 2015 with development to commence 30 April 2016.
- Plans were endorsed under condition 1 on 7 November 2015.
- Development of the site is yet to be commenced.

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

- The land is irregular in shape and measures 38.23 metres in length and 20.52 metres in width with a site area of 721 square metres.
- The land is located within the General Residential Zone Schedule 3.
- The land is located on the on the south east corner of Plenty Road and Murray Road.
- The site contains a double storey brick building used as a medical centre.
- To the east, beyond the right of way, is a medium density development of four (4) single storey brick dwellings, with the vehicle access adjacent to its west boundary (closest to the subject site).
- To the west is Plenty Road, which has a tramline along its length. On the opposite side of Plenty Road is a motor vehicle sales use, with a double storey brick building to its south used for commercial purposes.

- To the north on the opposite side of Murray Road, is a single storey brick dwelling used as a medical centre, with a paved car parking area to the rear, accessed from Murray Road.
- To the south is a single storey weatherboard dwelling, set back 9.73m from the street frontage and 1.15m from the common boundary. This dwelling has a garage in the rear yard area, adjacent to the common boundary, with the main secluded private open space area further to the south. To its south is a dwelling and then commercial/industrial uses.

### **Proposal**

- It is proposed to amend the endorsed plans to add an additional storey (increasing from three storeys to four storeys with dwelling numbers unaltered - 12 dwellings), with dwellings 10 and 11 increased in size.

### **Objections**

- 11 objections have been received.

### **Objections summarised**

- Character.
- Too many 1 and 2 bedroom dwellings.
- Not sustainable.
- Traffic impacts / safety.
- Insufficient Car Parking / use of tandem parking / stackers
- Overdevelopment.
- Visual bulk.
- No net value to the community.

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

It is noted that all objections are pro-forma objections from people who are not in proximity to the site. The objections primarily raise issues that were relevant to the original decision to grant a planning permit and are not directly relevant to the specific changes proposed in the current application to amend the permit. The objections read as though this is an entirely new proposal when in fact it is an application to amend an existing planning permit. If this were being considered by VCAT all objections that relate to the original application would be simply struck out on the basis of being only relevant to the original merits decision and not the specific changes proposed in the application to amend an existing planning permit.

#### Character

See assessment below.

#### Too many 1 and 2 bedroom dwellings

The proposal does not change the number of bedrooms in any dwellings and this ground is unrelated to the proposed amendment.



Not sustainable

This ground is unrelated to the proposed amendment.

Traffic impacts

The proposal does not change the number of bedrooms in any dwellings and this ground is unrelated to the proposed amendment.

Insufficient Car Parking / use of tandem parking / stackers

The proposal does not change the number of bedrooms in any dwellings, the number of dwellings or the number / layout of car spaces and this ground is unrelated to the proposed amendment.

Overdevelopment

The proposed amendments are consistent with Council adopted policy and are not an overdevelopment.

Visual bulk.

There are no significant detrimental visual bulk impacts associated with the proposed built form and the building height is consistent with the preferred urban character of Plenty Road.

No net value to the community.

This ground is unrelated to the proposed amendment.

**PLANNING ASSESSMENT**

The only matter changing is that a new third floor is proposed to the top of the building. The number of bedrooms, number of dwellings, number of car spaces, open space provision and the design, materials, setbacks, heights, form and layout of the ground, first and second floor generally remain unaltered except to provide stairs in dwelling 10 and 11 to the third floor and other minor internal alterations to these dwellings.

The assessment below considers (and is only able to consider) the proposed third floor addition.

**Urban Environment – Clause 15.01**Context

The proposal has had sufficient regard to the context of the location, in that it takes into account the strategic direction for the land and area.

The immediately adjacent interfaces to the south and west have been appropriately responded too. Having regard to the strategic intent of Plenty Road and the immediate context interfaces are appropriate.

Landmarks, Views and Vistas

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

**Complies**Architectural Quality

Materials are consistent with those approved.

**Complies****Amendment C137**

Amendment C137 seeks to introduce built form controls to the Plenty Road corridor. It is important to note that the planning scheme amendment has been exhibited, supported by an independent planning panel and adopted by Council with a 4 storey / 14 metres maximum height to apply to this site. This amendment is yet to be approved by the Minister.

Setbacks of the existing approved development from the east of the right of way comply with standard B17 and consequently comfortably comply with the 45 degree envelope exhibited under amendment C137. The existing approved building does not comply with the proposed 30 degree envelope measured from the east of the right of way. Number 157 Murray Road has a common driveway on its west boundary and the existing development was found to interface appropriately with this non sensitive interface.

The proposed additional level is only slightly non-compliant with the 30 degree envelope as adopted by Council with a nominal area to the south east of the third floor which measures 1.5 metres by 3.5 metres exceeding the envelope. This non-compliance will not be perceptible outside the site and will have neighbourhood character impacts on the surrounds and, having regard to the existing approved setbacks of the second storey and the interface to the east the non-compliance will have no amenity impacts to the east. The non-compliance is of no significance.

**Housing - Clause 21.03**

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

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

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



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

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

### **Neighbourhood Character – Clause 22.02 Precinct E4 Guideline Assessment**

Having regard to the recent amendments to Clause 21.03 and proposed amendment C137 the Darebin Neighbourhood Character Precinct Guidelines are not considered overly relevant to the assessment of the proposal.

#### Height and building form

The predominant height of buildings in the street is double with some triple storey scale buildings in proximity of the subject site. The proposed additional floor is setback 7.9 metres to 10.9 metres from Plenty Road and is a recessive element. The proposed building is complementary to surrounding buildings. The maximum height of 12.2 metres is consistent with the built form in the immediate and wider surrounding area.

### **Complies**

#### Materials and design detail

The form and facades of the proposed development are adequately articulated through the use of materials, openings, setbacks and variations in wall surfaces.

The materials are consistent with the existing approved development and are considered appropriate within the neighbourhood context.

### **Amenity assessment**

The proposed changes do not increase number of dwellings, number of bedrooms or parking demand. The additional built form is located towards Plenty Road and raises no amenity impacts upon surrounding residential properties. There are no overshadowing or visual bulk impacts with adequate setbacks provided from all boundaries. The proposal improves the internal amenity of Dwellings 10 and 11.

Subject to the third floor south facing dwelling 11 bedroom 2 window being screened are no overlooking impacts to the south adjacent secluded private open space and habitable room windows. There are no overlooking impacts to the east

### **Character assessment**

The proposal is consistent with amendment C137 and represents a minor alteration to an existing building with no detrimental impacts upon the character of the area. The amendments are consistent with the preferred streetscape character.

**CLAUSE 55 COMPLIANCE SUMMARY**

Clause	Std		Compliance	
			Std	Obj
<b>55.02-1</b>	<b>B1</b>	<b>Neighbourhood character</b>		
		The proposal <i>complies</i> 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>		
		The proposal does not change the number of bedrooms in any dwellings, number of dwellings or number / layout of car spaces and this is not able to be considered.	N/A	N/A
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The third floor provides appropriate setbacks from Plenty Road and Murray Road. Beyond this this is not able to be considered.	Y	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		12.2 metres – see amendment C137 comments	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<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. An ESD assessment is already required by permit condition	Y	Y
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		This is not altered and is unable to be considered.	N/A	N/A



Clause	Std		Compliance	
			Std	Obj
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<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>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		Sufficient setbacks exist to allow adequate daylight.	Y	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		
		Development is set back in accordance with the standard.	Y	Y
<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>		
		A new south facing window is proposed which should be screened by permit 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>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<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>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.05-5</b>	<b>B29</b>	<b>Solar access to open space</b>		
		This is not altered and is unable to be considered.	N/A	N/A

Clause	Std		Compliance	
			Std	Obj
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<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>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		This is not altered and is unable to be considered.	N/A	N/A
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		This is not altered and is unable to be considered.	N/A	N/A

**PLANNING SCHEME SUMMARY**

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

- Clause 32.08-4 (General Residential Zone GRZ3), a permit is required to construct two or more dwellings on a lot.
- Clause 52.06-1 (Car Parking), a new use must not commence until the required car spaces have been provided on the land. In accordance with Clause 52.06-1, a permit may be granted to reduce or waive the number of car spaces required by the table at Clause 52.06-5.
- Clause 52.29 (Land Adjacent to a Road Zone, Category 1), a permit is required to create or alter access to a road in a Road Zone Category 1.

**Applicable provisions of the Darebin Planning Scheme**

Section of Scheme	Relevant Clauses
SPPF	11.01, 11.02-1, 11.04-2, 13.03, 15.01-1, 15.01-2, 15.01-5, 15.02, 16.01, 17.01.
LPPF	21, 22.03, 22.04, 22.10.
Zone	32.08.
Overlay	45.01, 45.06.
Particular provisions	52.06, 52.07, 52.29, 55.
General provisions	65.01.
Neighbourhood Character Precinct	D5.

**POLICY IMPLICATIONS**

**Environmental Sustainability**

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



**Social Inclusion and Diversity**

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

**Other**

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

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil

**DISCLOSURE OF INTERESTS**

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

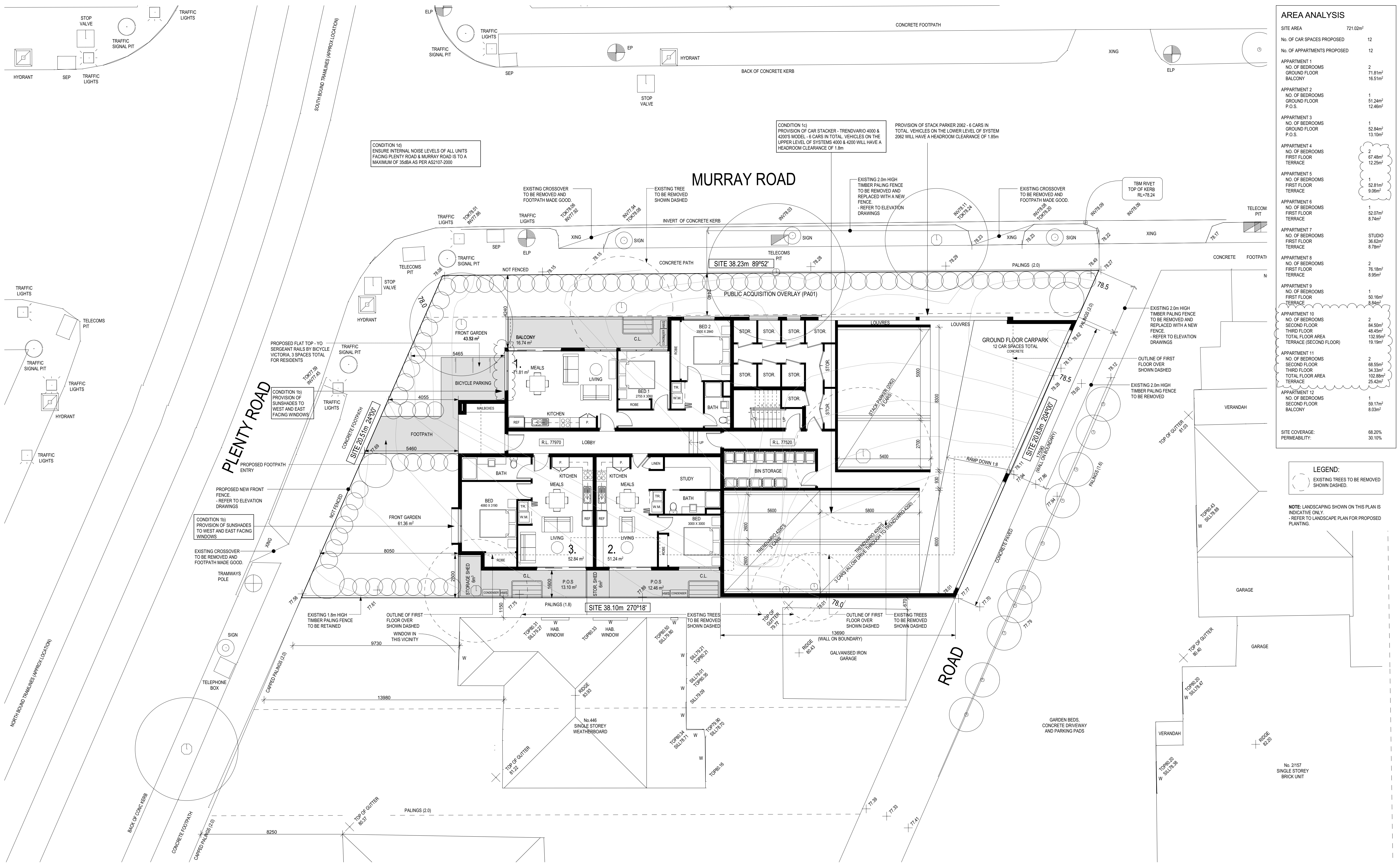
The Manager authorising this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**RELATED DOCUMENTS**

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







**AREA ANALYSIS**

SITE AREA	721.02m <sup>2</sup>
No. OF CAR SPACES PROPOSED	12
No. OF APARTMENTS PROPOSED	12
APARTMENT 1	
NO. OF BEDROOMS	2
GROUND FLOOR	71.81m <sup>2</sup>
BALCONY	16.51m <sup>2</sup>
APARTMENT 2	
NO. OF BEDROOMS	1
GROUND FLOOR	51.24m <sup>2</sup>
P.O.S.	12.48m <sup>2</sup>
APARTMENT 3	
NO. OF BEDROOMS	1
GROUND FLOOR	52.84m <sup>2</sup>
P.O.S.	13.10m <sup>2</sup>
APARTMENT 4	
NO. OF BEDROOMS	1
FIRST FLOOR	67.48m <sup>2</sup>
TERRACE	12.25m <sup>2</sup>
APARTMENT 5	
NO. OF BEDROOMS	1
FIRST FLOOR	52.81m <sup>2</sup>
TERRACE	9.06m <sup>2</sup>
APARTMENT 6	
NO. OF BEDROOMS	1
FIRST FLOOR	52.07m <sup>2</sup>
TERRACE	8.74m <sup>2</sup>
APARTMENT 7	
NO. OF BEDROOMS	1
FIRST FLOOR	38.62m <sup>2</sup>
TERRACE	8.78m <sup>2</sup>
APARTMENT 8	
NO. OF BEDROOMS	2
FIRST FLOOR	76.18m <sup>2</sup>
TERRACE	8.95m <sup>2</sup>
APARTMENT 9	
NO. OF BEDROOMS	1
FIRST FLOOR	50.16m <sup>2</sup>
TERRACE	8.84m <sup>2</sup>
APARTMENT 10	
NO. OF BEDROOMS	2
SECOND FLOOR	84.50m <sup>2</sup>
THIRD FLOOR	48.45m <sup>2</sup>
TOTAL FLOOR AREA	132.95m <sup>2</sup>
TERRACE (SECOND FLOOR)	19.19m <sup>2</sup>
APARTMENT 11	
NO. OF BEDROOMS	2
SECOND FLOOR	68.55m <sup>2</sup>
THIRD FLOOR	34.33m <sup>2</sup>
TOTAL FLOOR AREA	102.88m <sup>2</sup>
TERRACE	25.42m <sup>2</sup>
APARTMENT 12	
NO. OF BEDROOMS	1
SECOND FLOOR	59.17m <sup>2</sup>
BALCONY	8.03m <sup>2</sup>
SITE COVERAGE:	68.20%
PERMEABILITY:	30.10%

**LEGEND:**

(---) EXISTING TREES TO BE REMOVED SHOWN DASHED.

NOTE: LANDSCAPING SHOWN ON THIS PLAN IS INDICATIVE ONLY.  
 - REFER TO ELEVATION DRAWINGS  
 - REFER TO LANDSCAPE PLAN FOR PROPOSED PLANTING.

Revision

REV A : 28/07/2015	DRAWINGS AMENDED IN RESPONSE TO PLANNING PERMIT CONDITION 1
REV B : 12/10/2015	DRAWINGS AMENDED IN RESPONSE TO PLANNING PERMIT CONDITION 1
REV C : 13/11/2015	AMENDMENT APPLICATION

**cornetta partners architects**

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Project  
**448-452 PLENTY ROAD, PRESTON**

Drawing Title  
**GROUND FLOOR PLAN**

TOWN PLANNING APPLICATION

Drawn M.F. Designed J.C.

Scale @ A1  
**1:100**

Date  
**DECEMBER 2011**

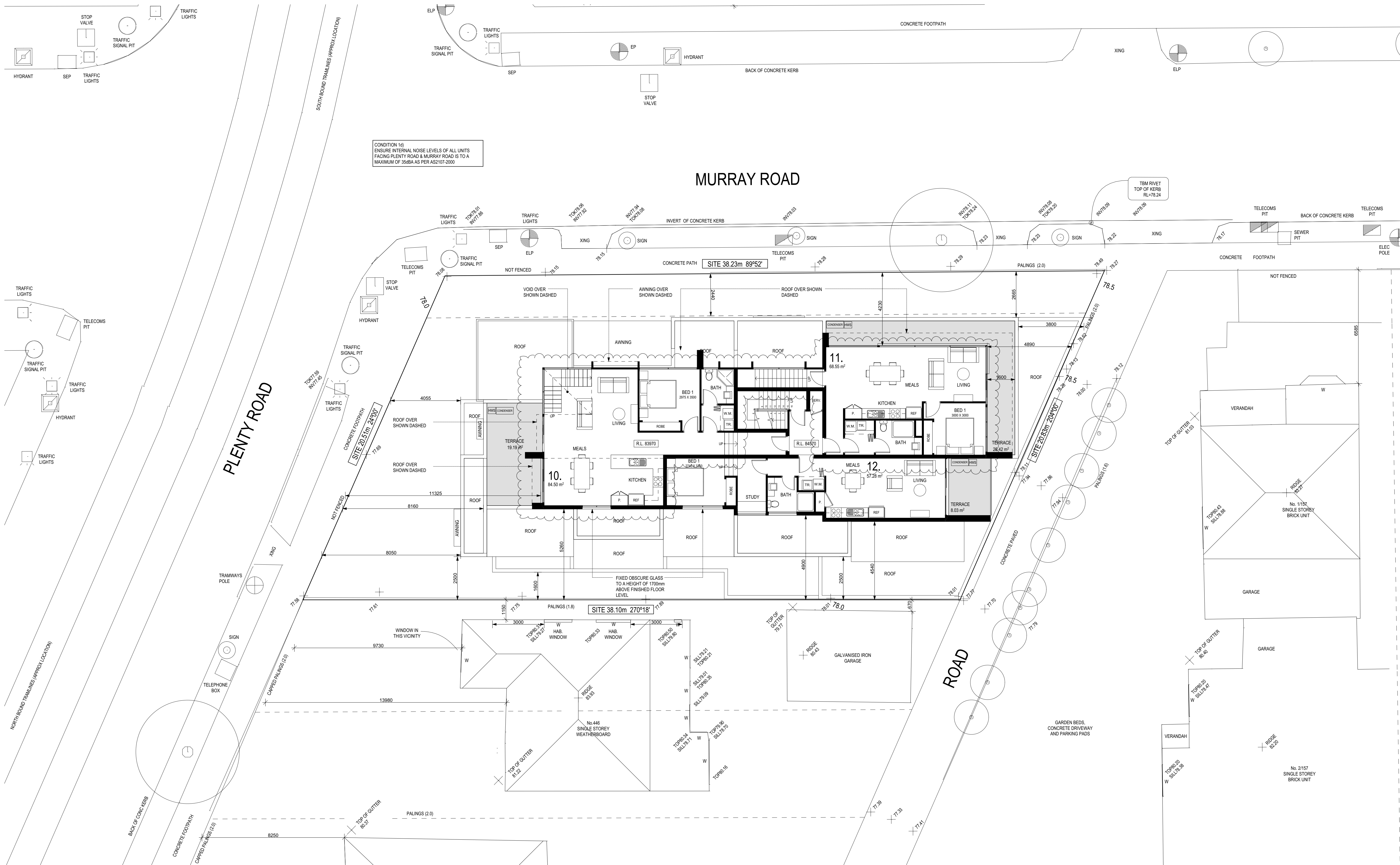
Revision  
**1**

Job No.  
**10-39**

Drawing No.  
**TPA03 OF 9**







CONDITION 1d)  
 ENSURE INTERNAL NOISE LEVELS OF ALL UNITS  
 FACING PLENTY ROAD & MURRAY ROAD IS TO A  
 MAXIMUM OF 35dBA AS PER AS2107-2000

MURRAY ROAD

PLENTY ROAD

ROAD

Revision
REV A : 28/07/2015 DRAWINGS AMENDED IN RESPONSE TO PLANNING PERMIT CONDITION 1
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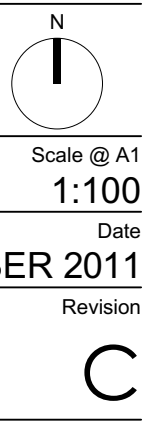
Project  
**448-452 PLENTY ROAD,  
 PRESTON**  
 Drawing Title  
**SECOND FLOOR PLAN**

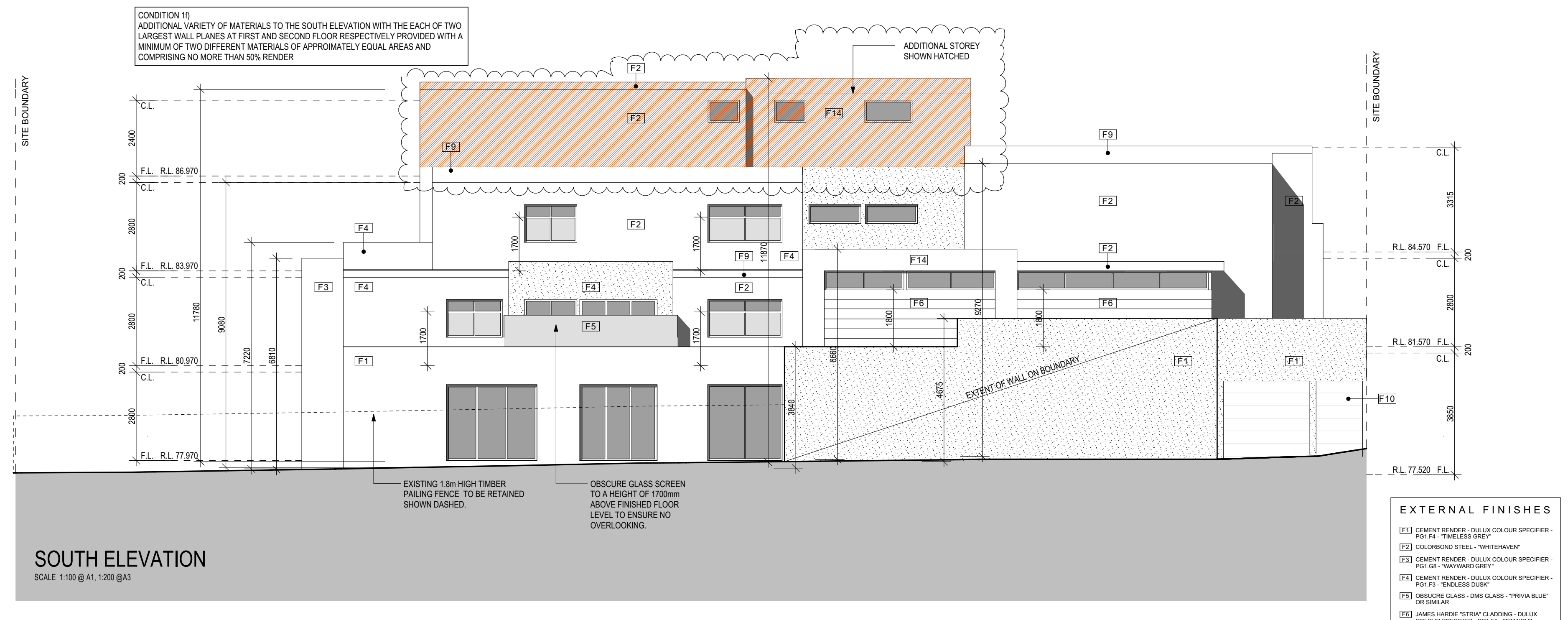
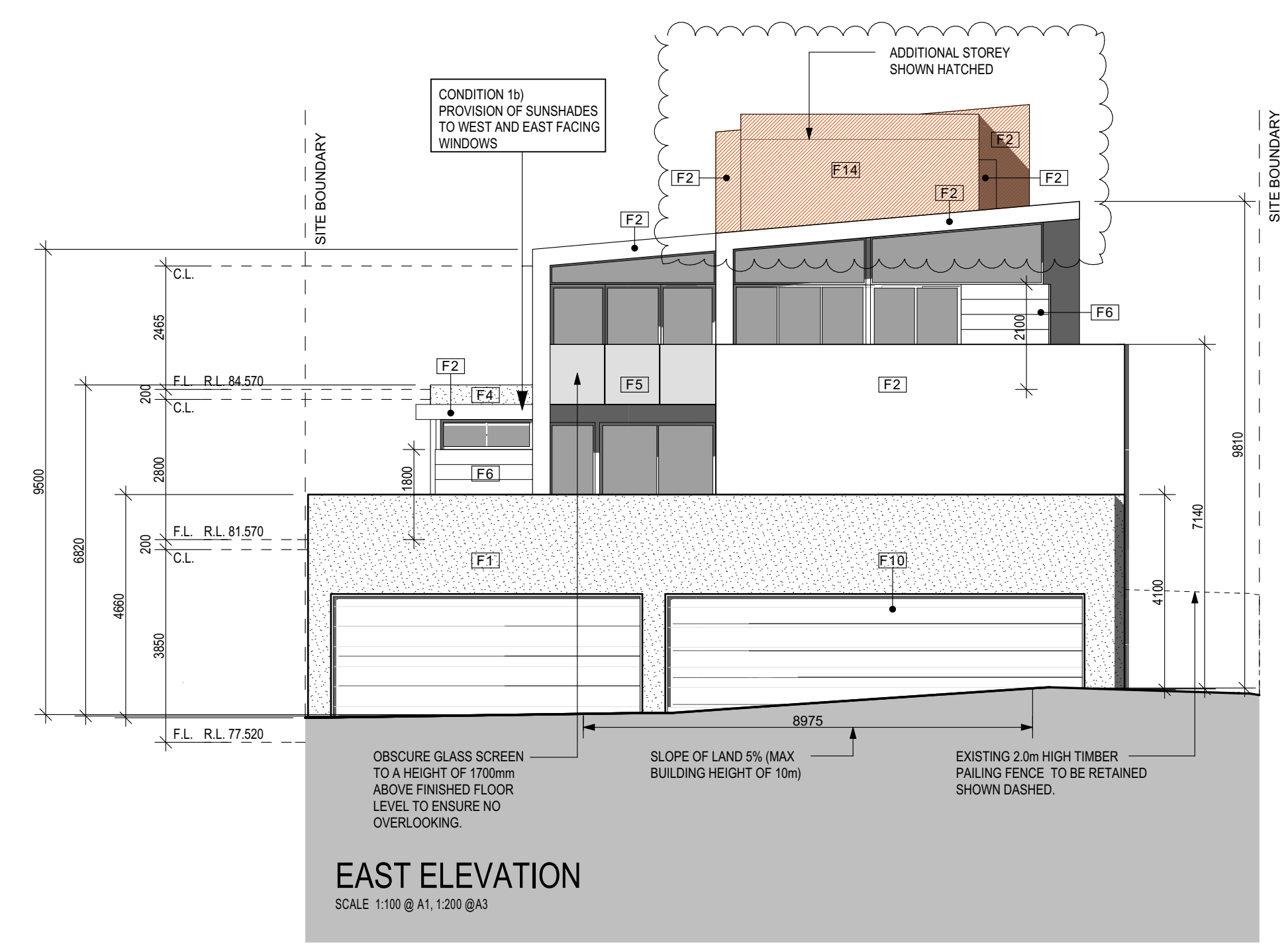
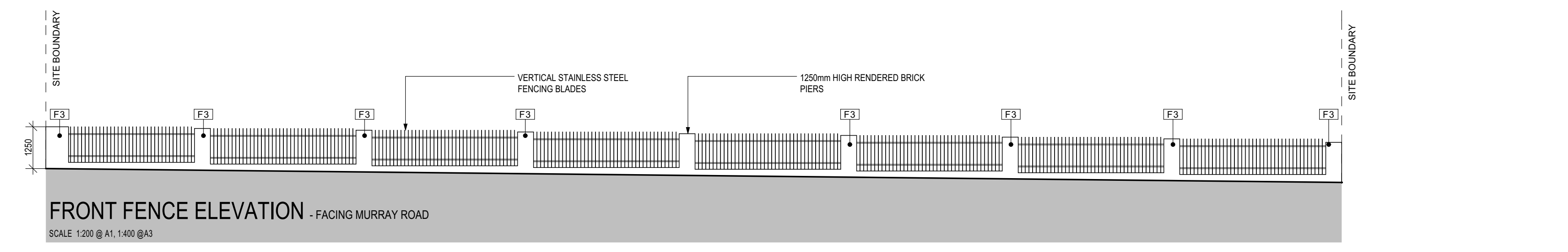
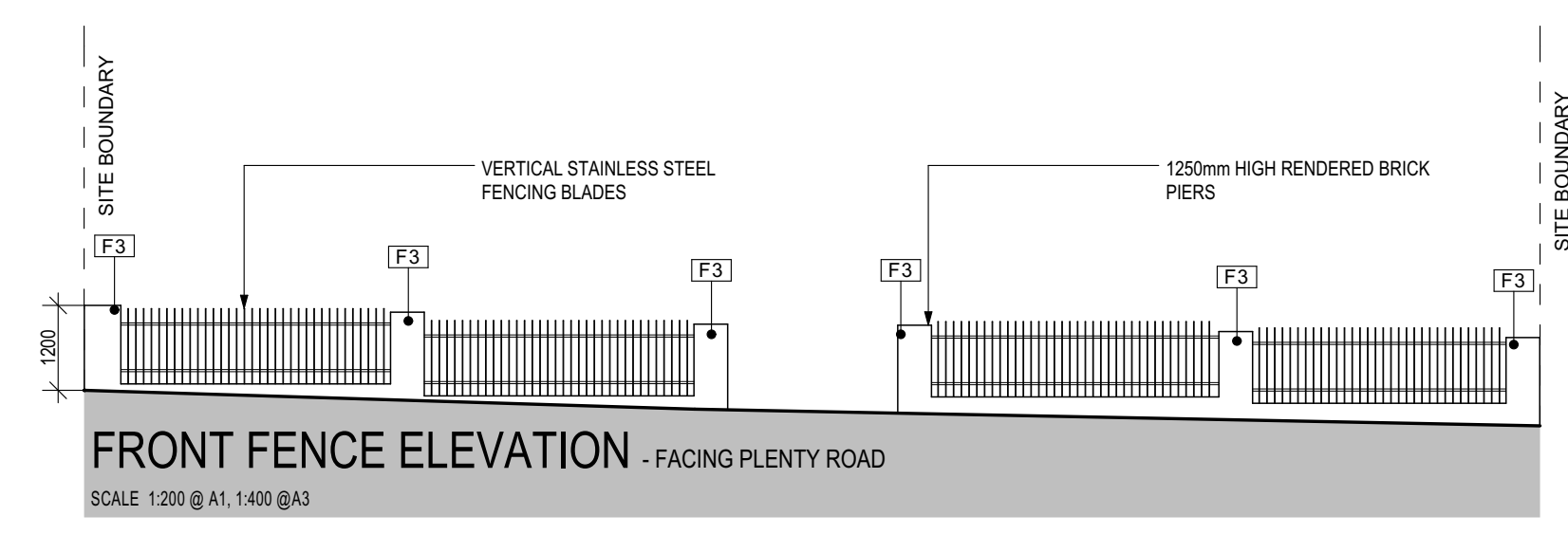
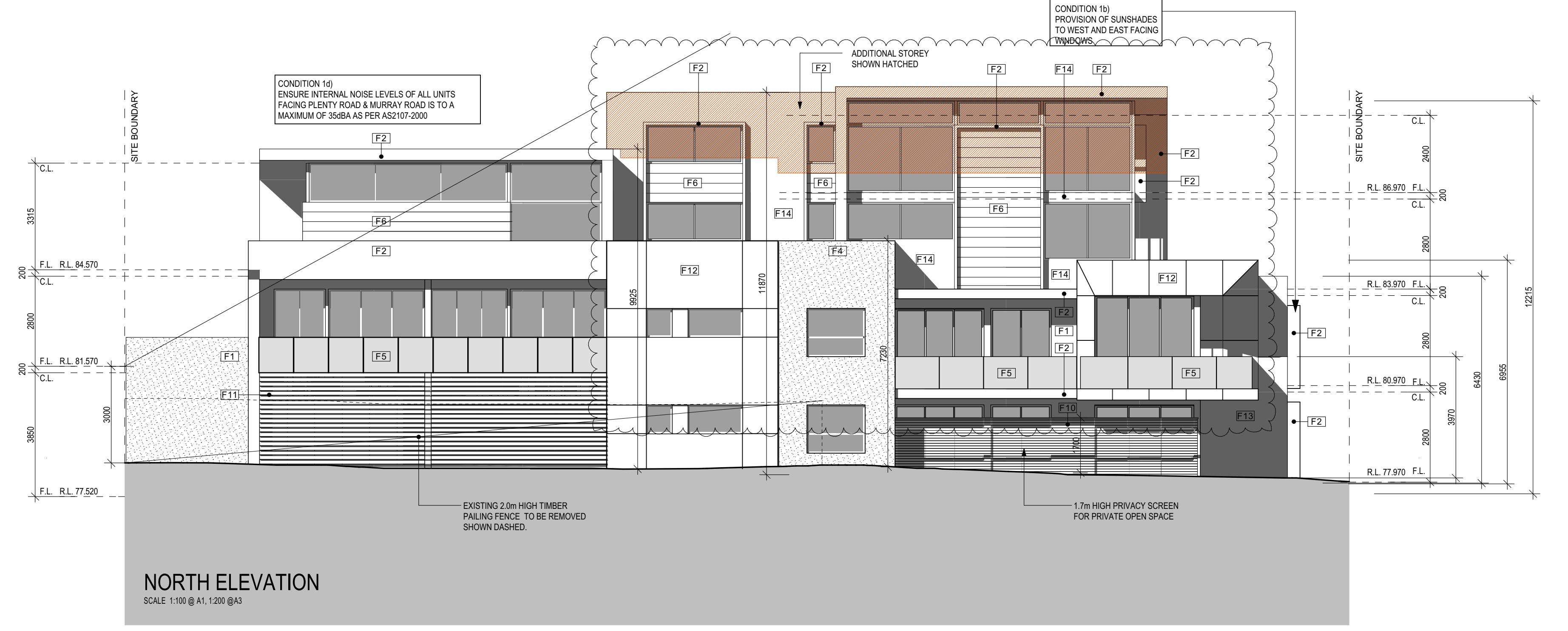
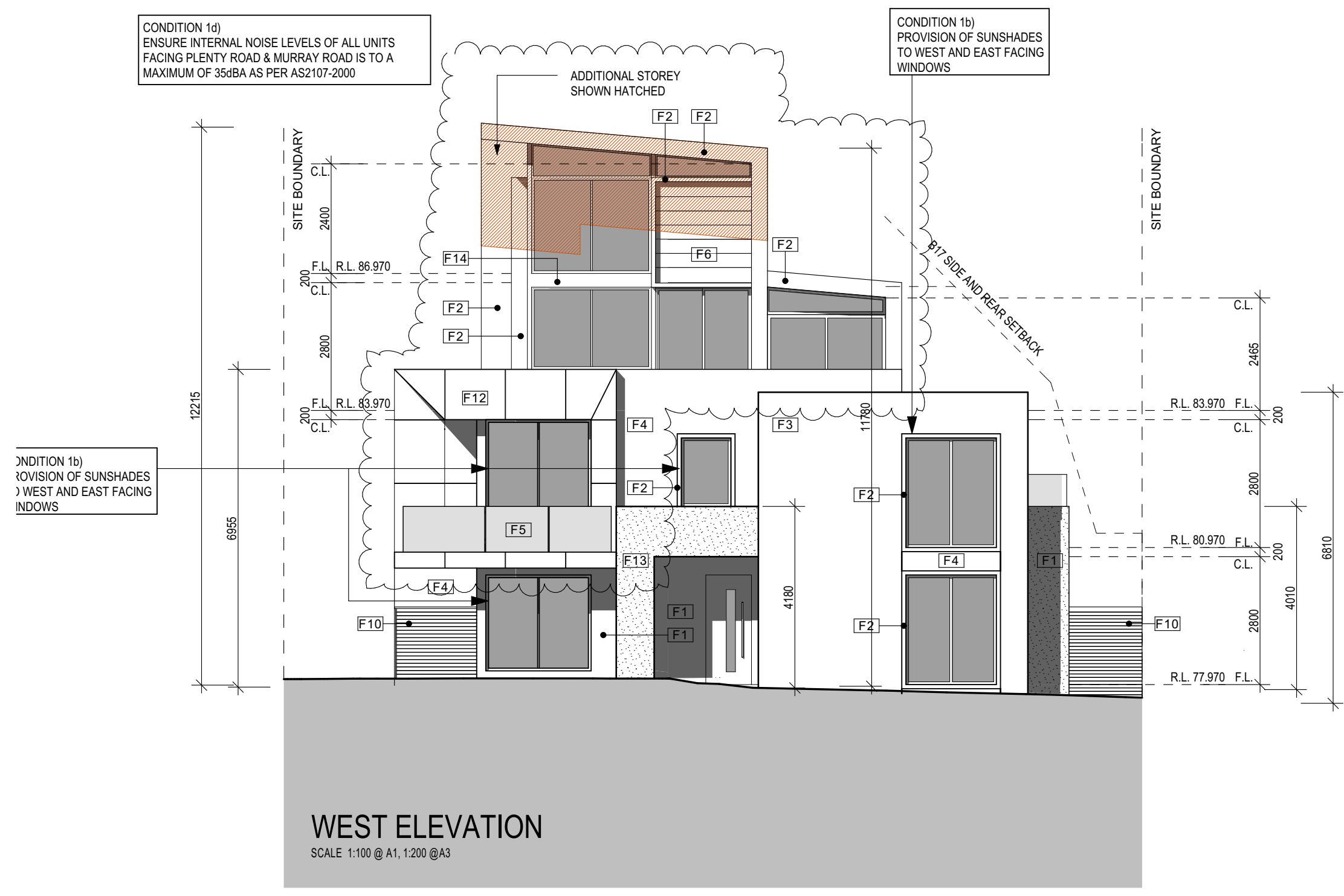
TOWN PLANNING APPLICATION

Drawn  
**M.F.**  
 Designed  
**J.C.**  
 Job No.  
**10-39**  
 Drawing No.

Date  
**DECEMBER 2011**  
 Revision

**TPA05** OF 9





**EXTERNAL FINISHES**

- F1 CEMENT RENDER - DULUX COLOUR SPECIFIER - PG1 F4 - "TIMELESS GREY"
- F2 COLORBOND STEEL - "WHITEHAVEN"
- F3 CEMENT RENDER - DULUX COLOUR SPECIFIER - PG1 G8 - "WAYWARD GREY"
- F4 CEMENT RENDER - DULUX COLOUR SPECIFIER - PG1 F3 - "INDLES BLUE"
- F5 OBSCURE GLASS - DMS GLASS - "PRIVA BLUE" OR SIMILAR
- F6 JAMES HARDIE "STRA" CLADDING - DULUX COLOUR SPECIFIER - PG1 F1 - "TRANQUIL RETREAT"
- F7 FEATURE FRONT DOOR - DULUX COLOUR SPECIFIER - FOR S4 - "VIVID WHITE"
- F8 WINDOWS - DULUX POWDER COATINGS - GLOSS FINISH - "NEW BRIGHT WHITE"
- F9 ROOF - COLORBOND STEEL - "WHITEHAVEN"
- F10 GARAGE DOOR & GROUND FLOOR SCREENING - NATURAL TIMBER STAIN FINISH
- F11 LEAVES - DULUX POWDER COATINGS - GLOSS FINISH - "PRECIOUS SILVER PEARL"
- F12 ALUMINIUM - "DARK GREY METALLIC"
- F13 CEMENT RENDER - DULUX COLOUR SPECIFIER - FOR S4 - "VIVID WHITE"
- F14 COLORBOND STEEL - "WINDSPRAY"

Revision

REV A : 28/07/2015	DRAWINGS AMENDED IN RESPONSE TO PLANNING PERMIT CONDITION 1
REV B : 12/10/2015	DRAWINGS AMENDED IN RESPONSE TO PLANNING PERMIT CONDITION 1
REV C : 13/11/2015	AMENDMENT APPLICATION

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Project  
**448-452 PLENTY ROAD, PRESTON**

Drawing Title  
**FRONT FENCE & ELEVATIONS**

TOWN PLANNING APPLICATION

Drawn M.F. Designed J.C.

Job No. 10-39 Date DECEMBER 2011

Drawing No. TPA06 OF 9

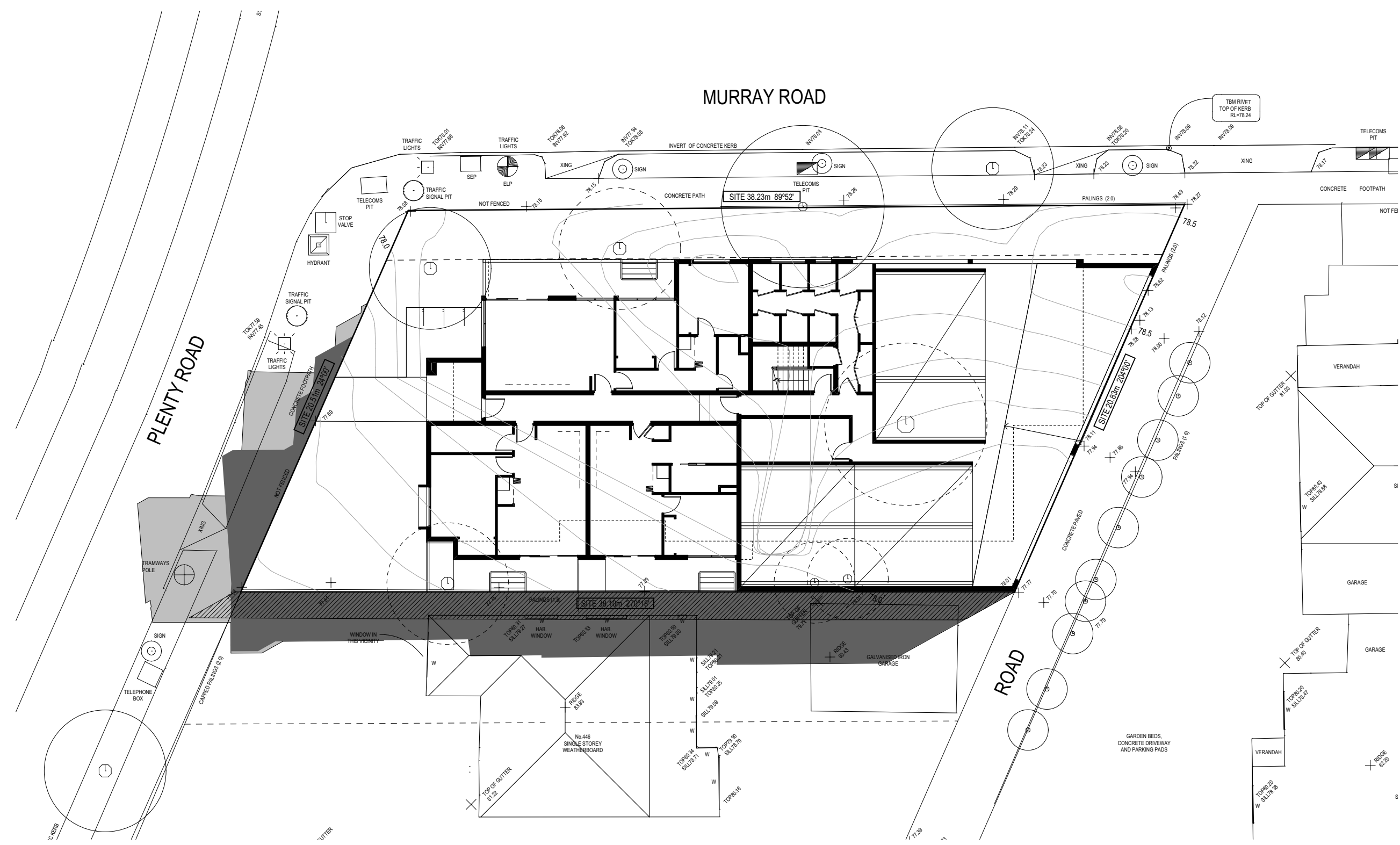
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Revision C

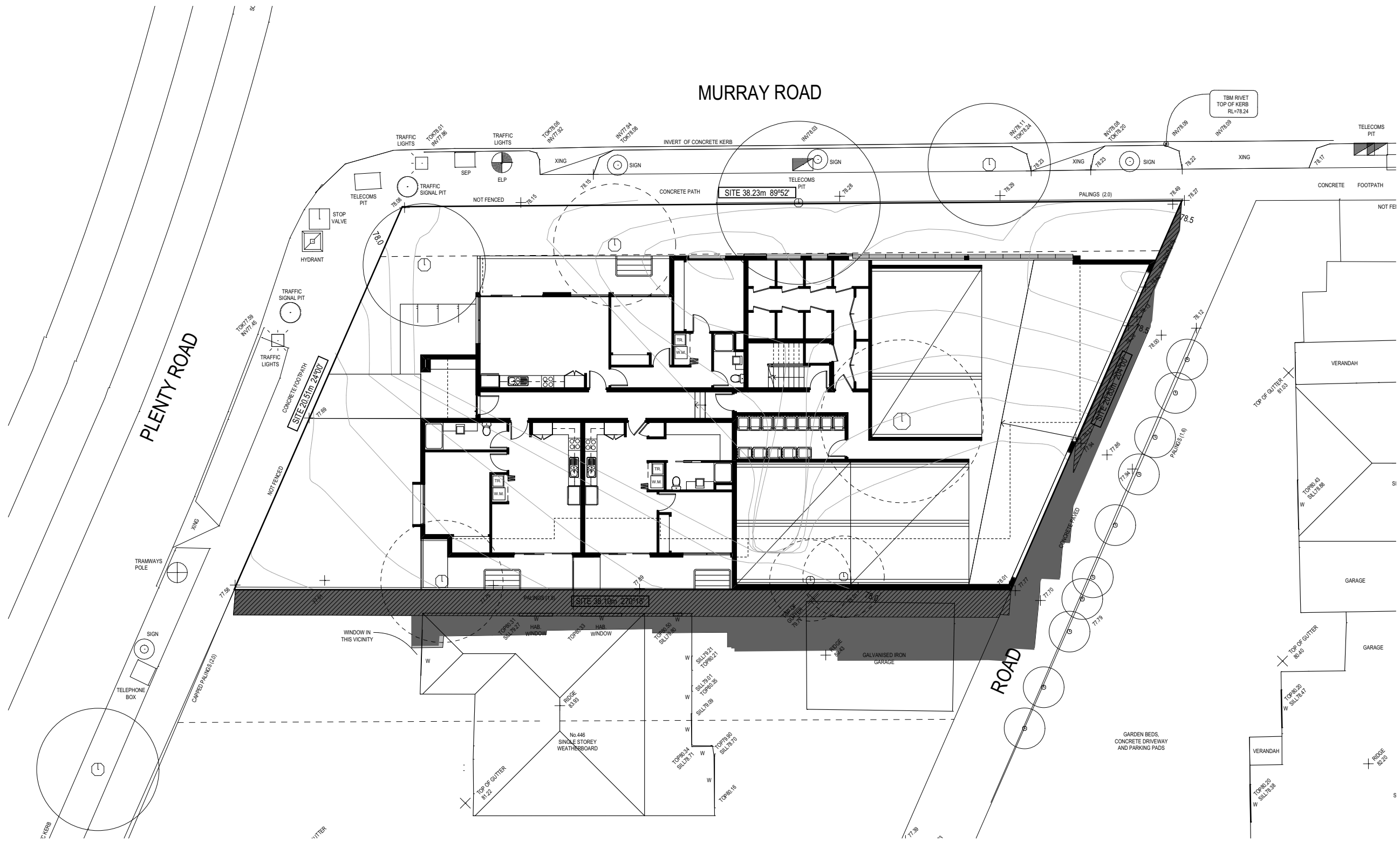


**LEGEND**

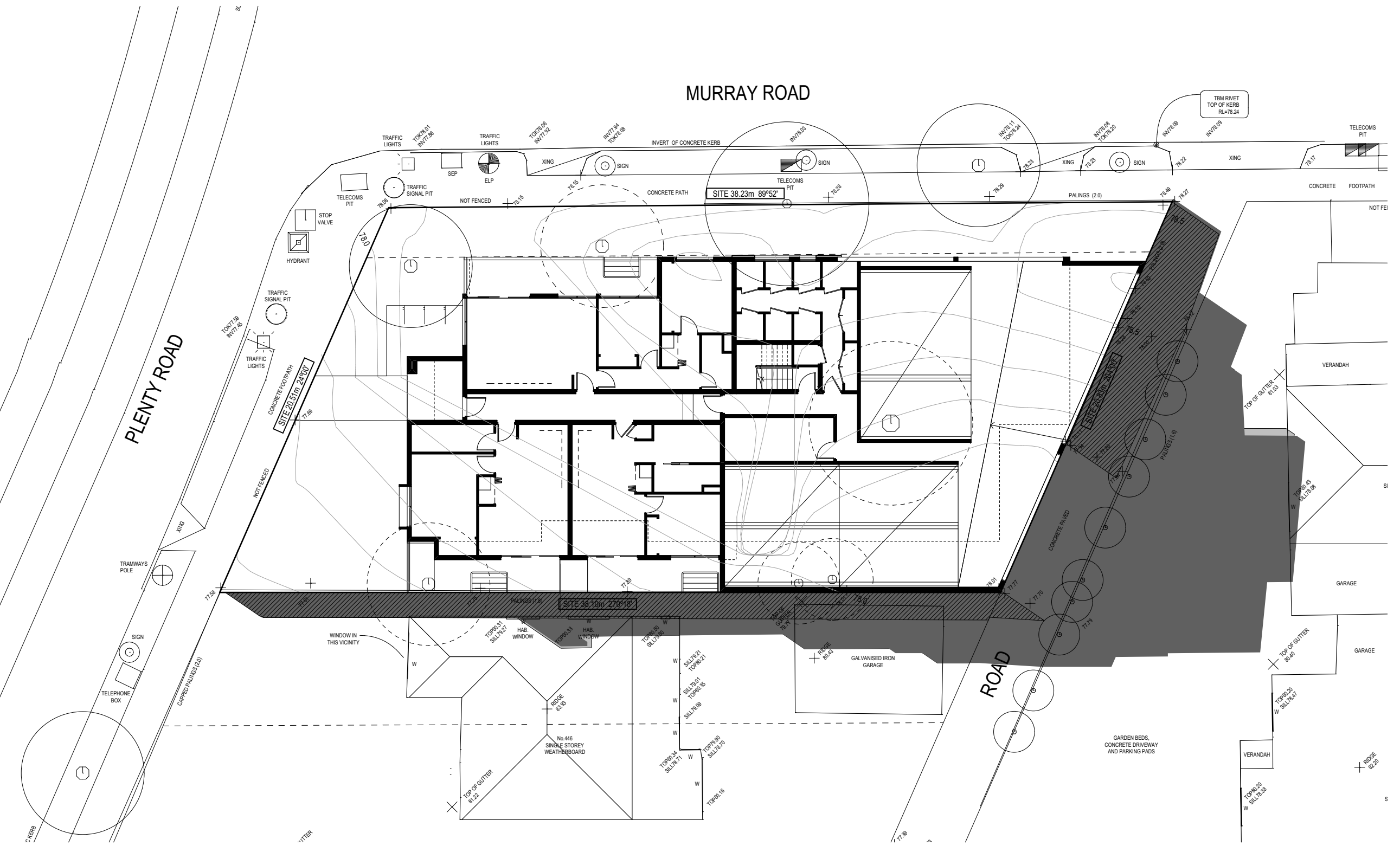
- SHADOWS CAST BY EXISTING 1.8m & 2.0m HIGH FENCE ON BOUNDARIES
- SHADOWS CAST BY PREVIOUS PROPOSED DEVELOPMENT
- ADDITIONAL SHADOWS CAST BY CURRENT PROPOSED DEVELOPMENT



SHADOW EQUINOX 9:00AM SEP. 22



SHADOW EQUINOX 12:00 NOON SEP. 22



SHADOW EQUINOX 3:00PM SEP. 22

<p>Revision</p> <p>REV A : 28/07/2015 DRAWINGS AMENDED IN RESPONSE TO PLANNING PERMIT CONDITION 1</p> <p>REV B : 12/10/2015 DRAWINGS AMENDED IN RESPONSE TO PLANNING PERMIT CONDITION 1</p> <p>REV C : 13/11/2015 AMENDMENT APPLICATION</p>				

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Project  
**448-452 PLENTY ROAD, PRESTON**

Drawing Title  
**SHADOW DIAGRAMS**

TOWN PLANNING APPLICATION

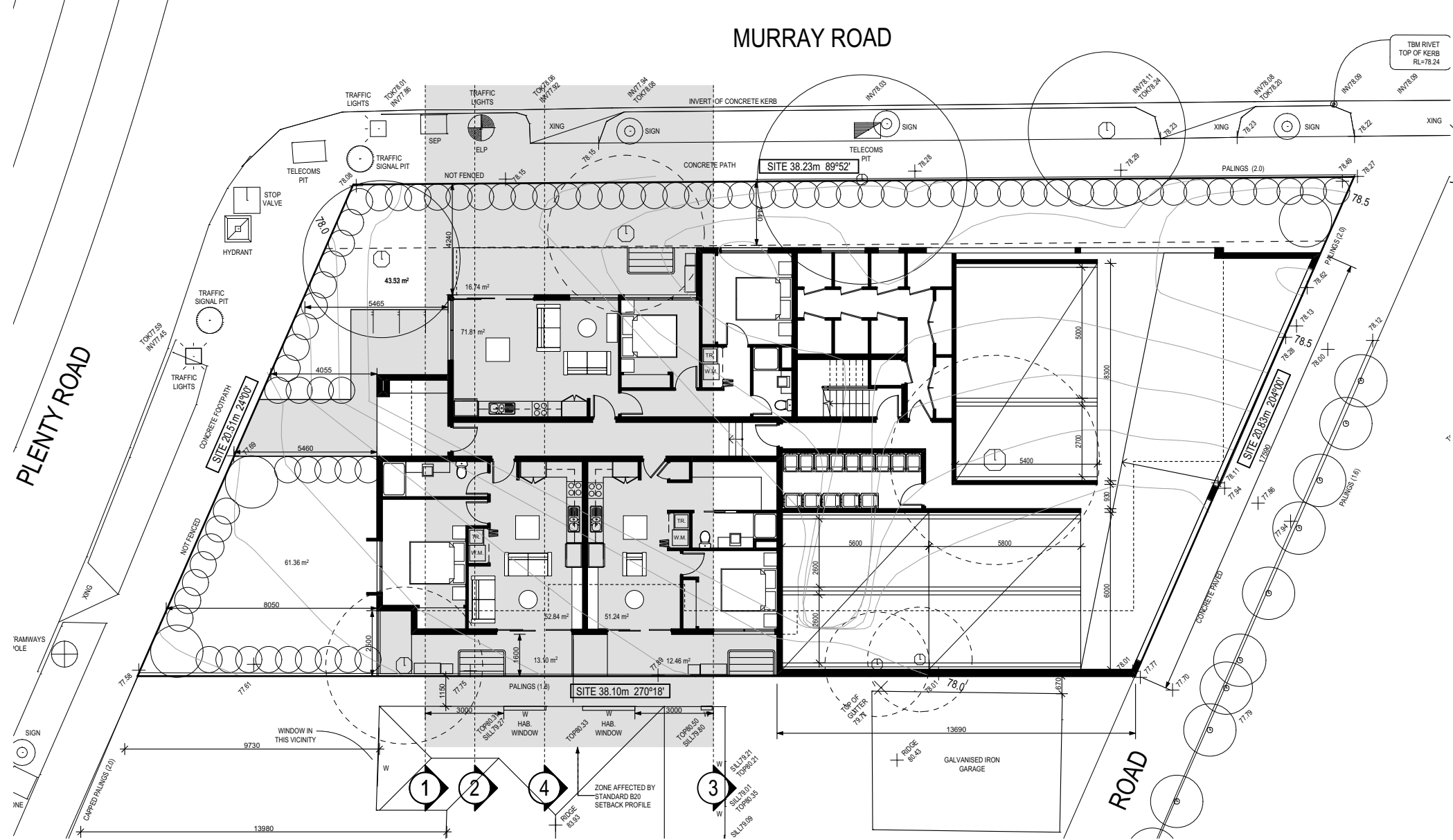
Drawn M.F. Designed J.C.

Job No. 10-39 Date DECEMBER 2011

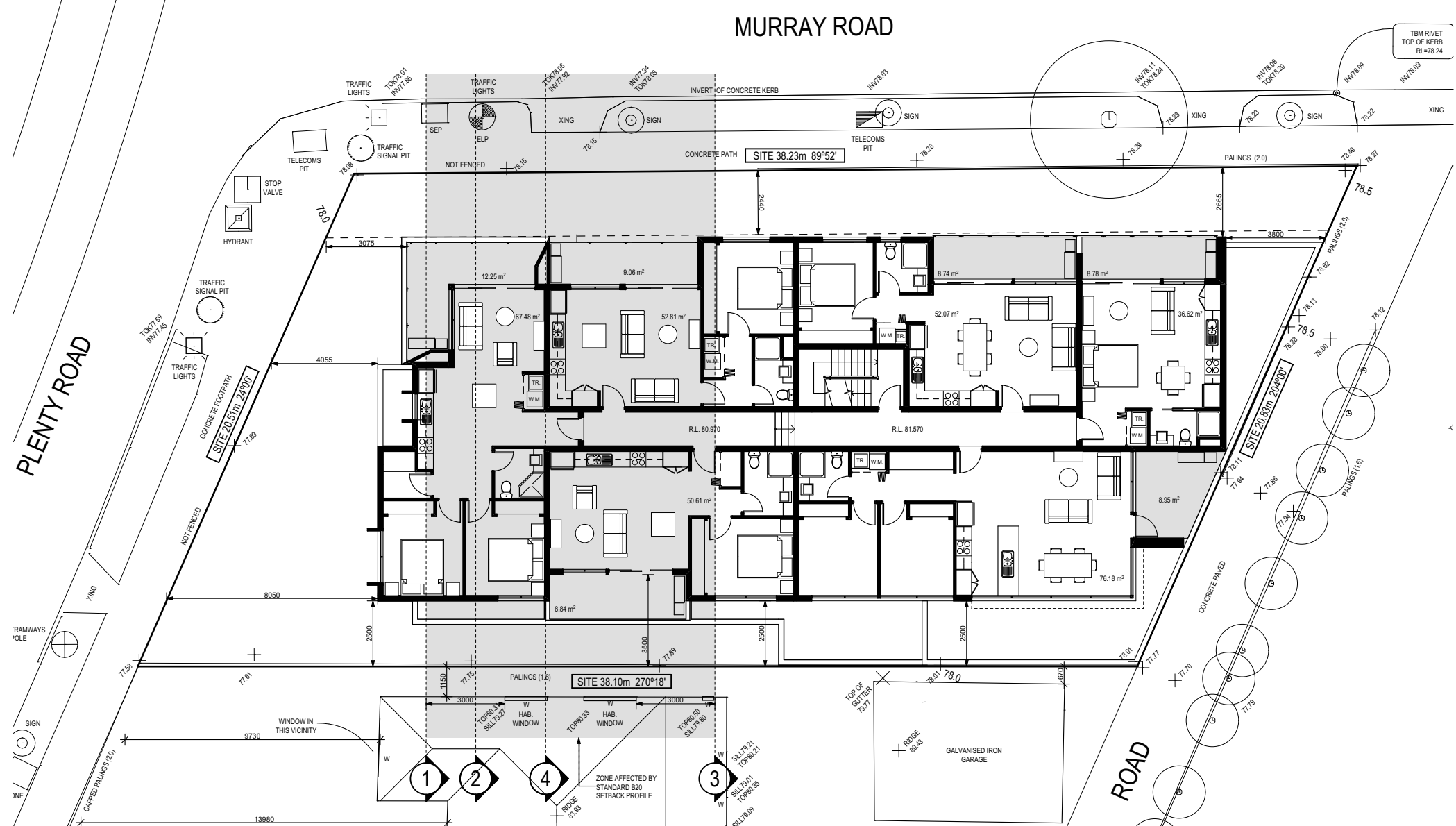
Drawing No. TPA07 OF 9

Scale @ A1 1:200

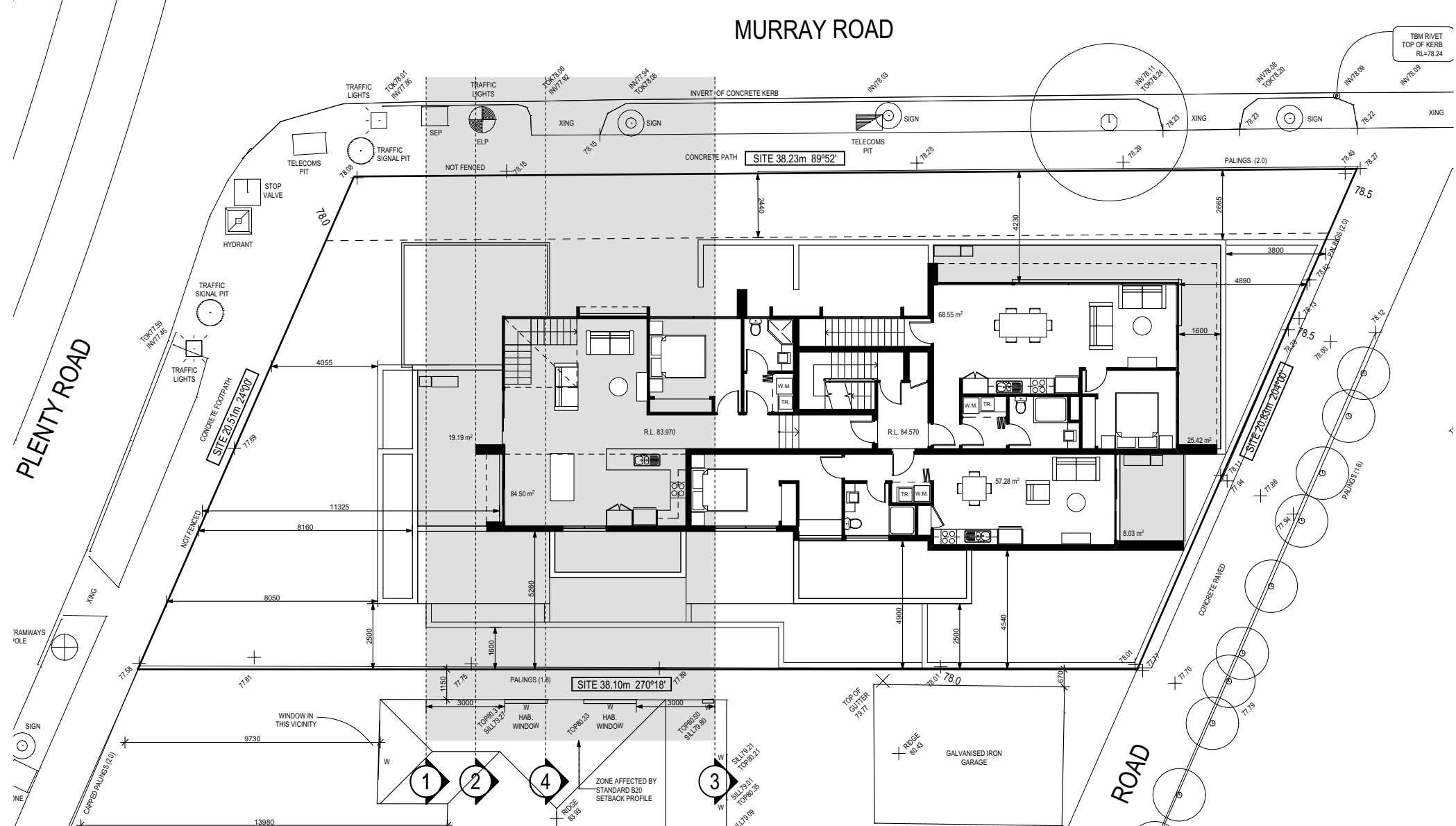
Revision



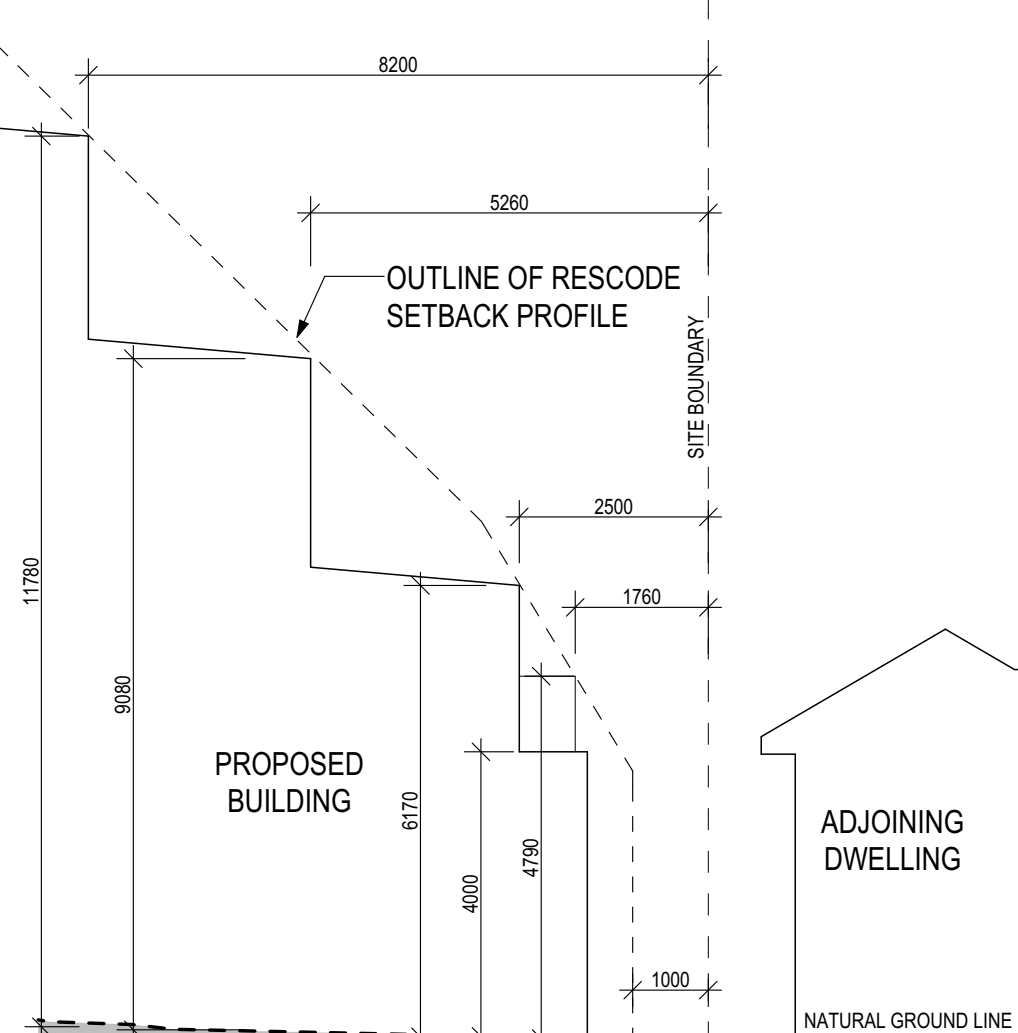
**GROUND FLOOR PLAN**  
SCALE 1:200 @ A1, 1:400 @A3



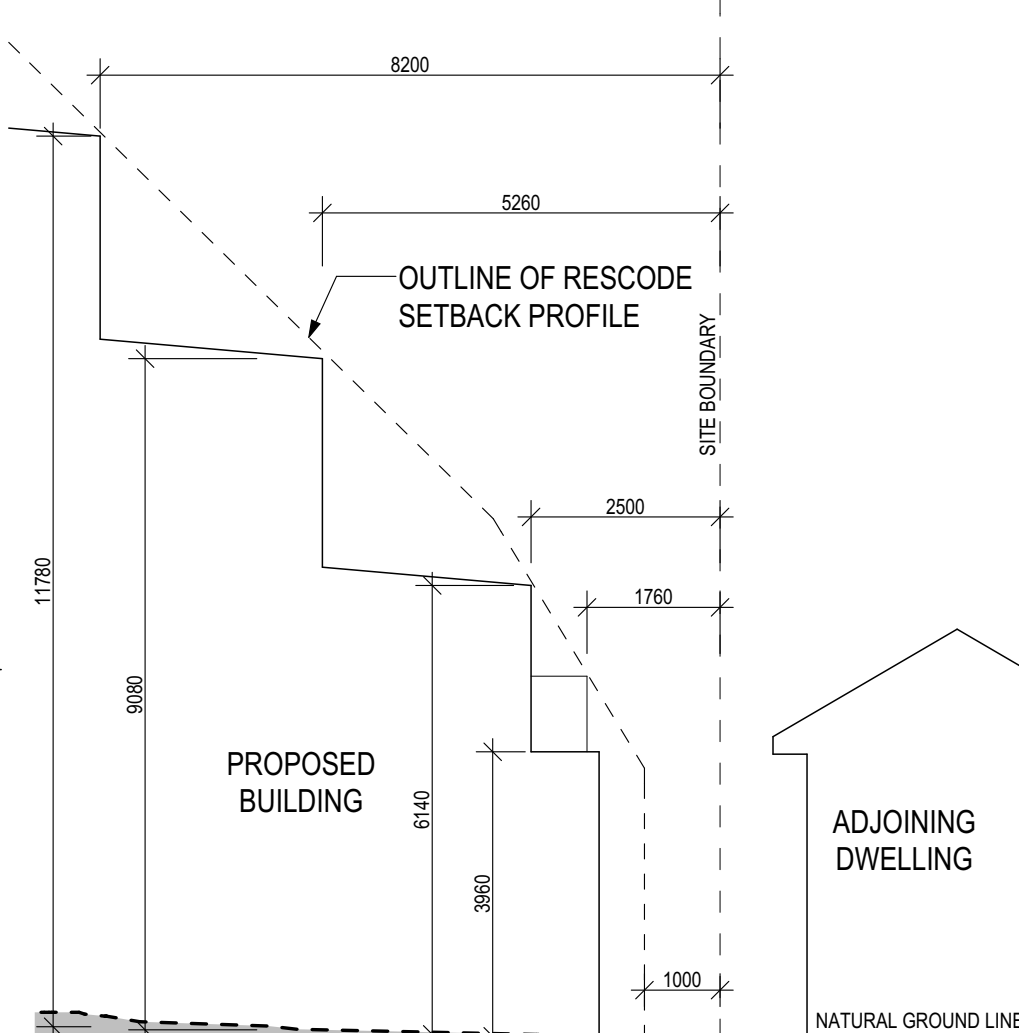
**FIRST FLOOR PLAN**  
SCALE 1:200 @ A1, 1:400 @A3



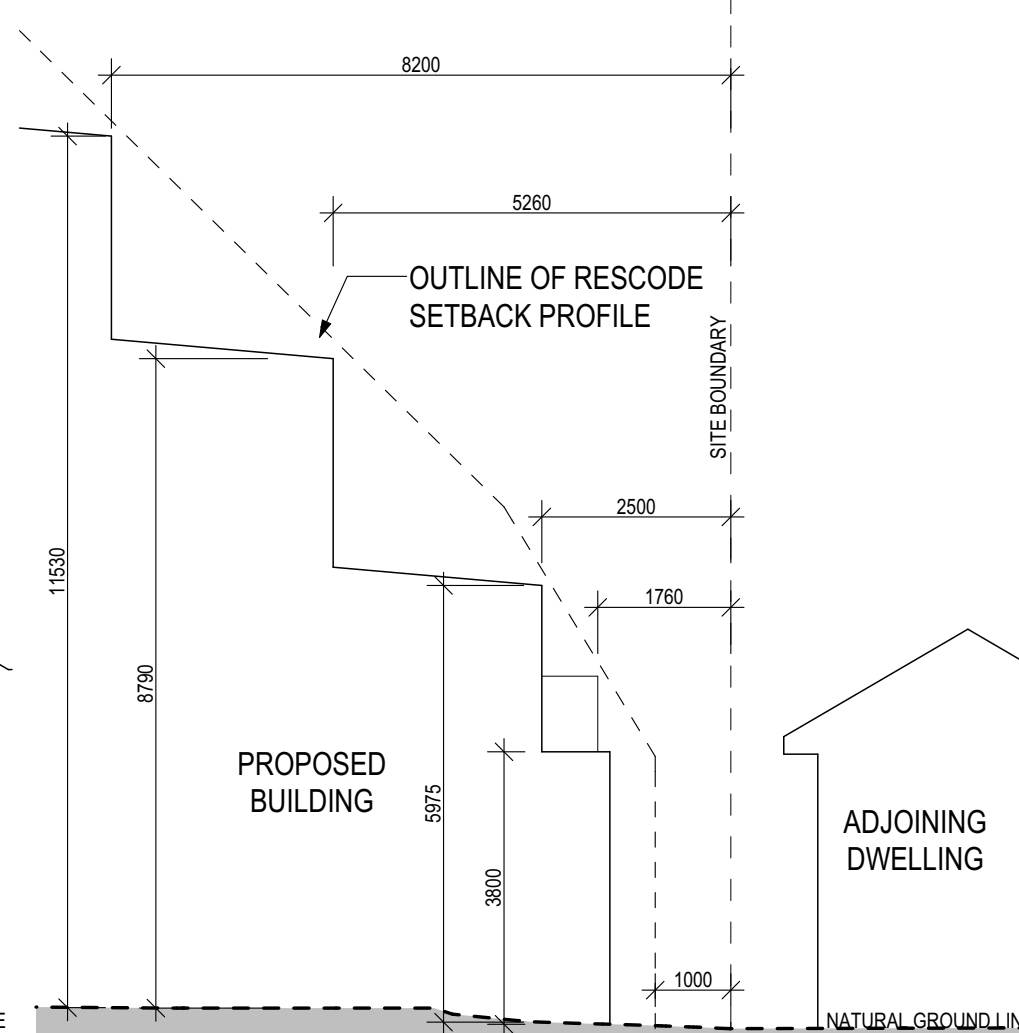
**SECOND FLOOR PLAN**  
SCALE 1:200 @ A1, 1:400 @A3



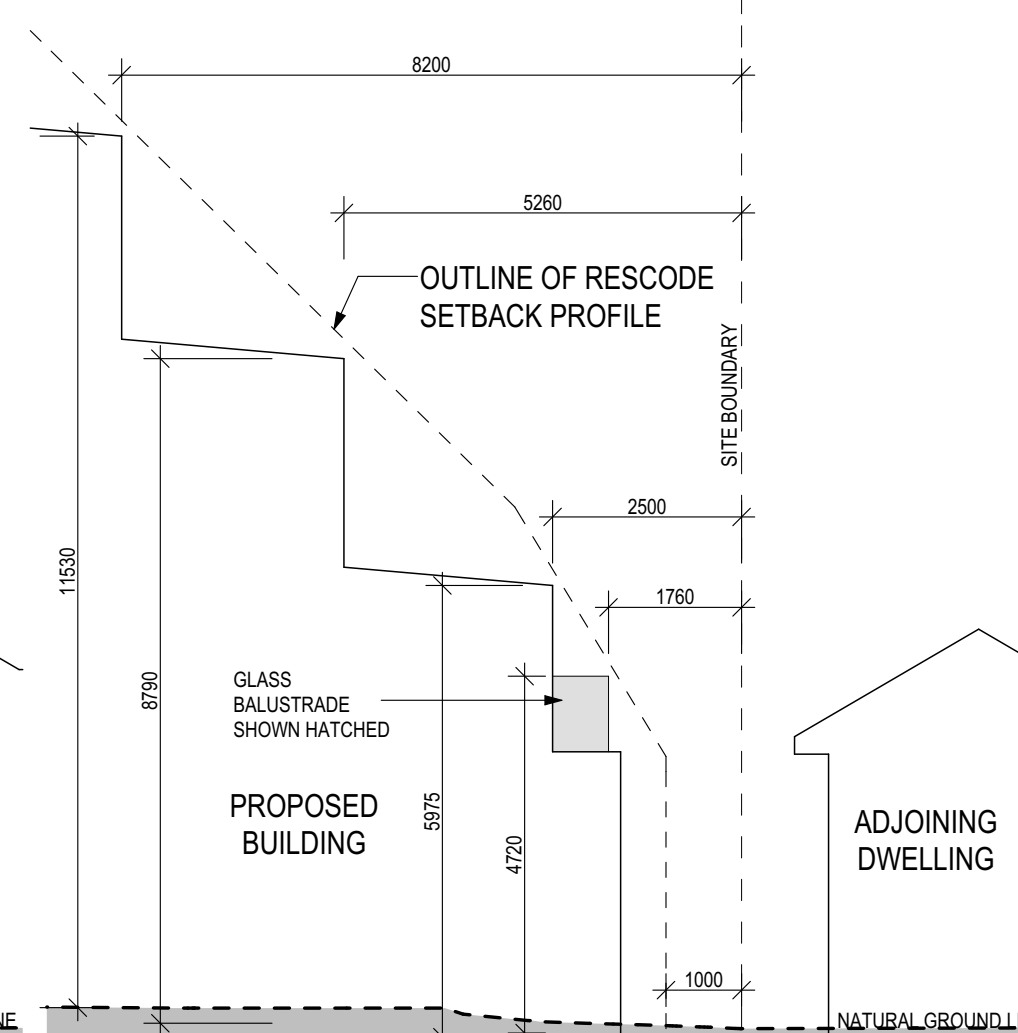
**SECTION 1**  
SCALE 1:100 @ A1, 1:200 @A3



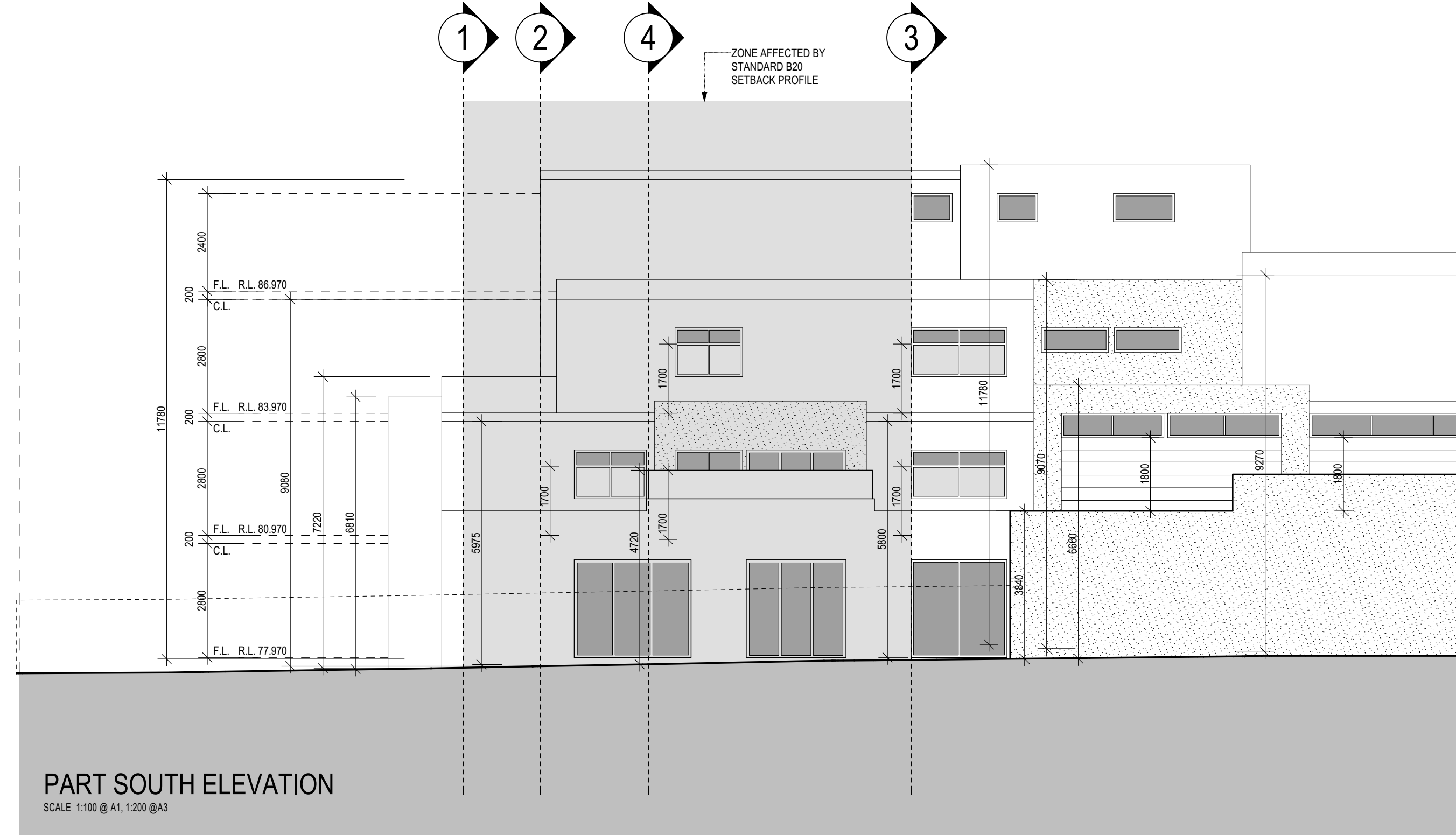
**SECTION 2**  
SCALE 1:100 @ A1, 1:200 @A3



**SECTION 3**  
SCALE 1:100 @ A1, 1:200 @A3



**SECTION 4**  
SCALE 1:100 @ A1, 1:200 @A3



**PART SOUTH ELEVATION**  
SCALE 1:100 @ A1, 1:200 @A3

Revision	Description
REV A : 28/07/2015	DRAWINGS AMENDED IN RESPONSE TO PLANNING PERMIT CONDITION 1
REV B : 12/10/2015	DRAWINGS AMENDED IN RESPONSE TO PLANNING PERMIT CONDITION 1
REV C : 13/11/2015	AMENDMENT APPLICATION



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Project  
**448-452 PLENTY ROAD,  
PRESTON**

Drawing Title  
**DIAGRAMS OF BUILDING HEIGHT TO  
ADJOINING HABITABLE SOUTHERN  
WINDOWS - PLANS & SECTIONS**

TOWN PLANNING APPLICATION

Drawn  
**M.F.**

Designed  
**J.C.**

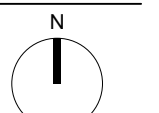
Job No.  
**10-39**

Drawing No.  
**TPA08**

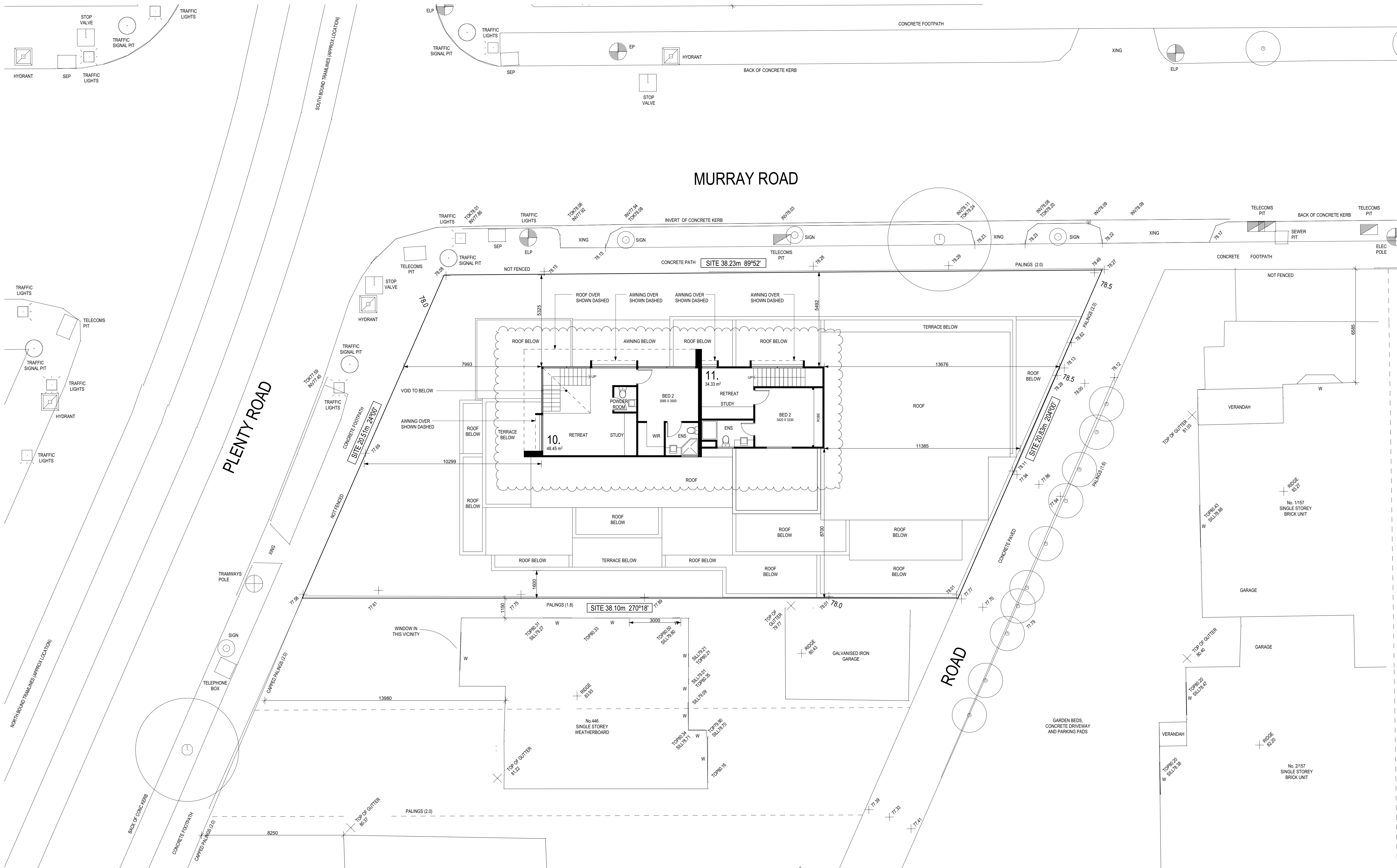
Scale @ A1  
**1:100**

Date  
**DECEMBER 2011**

Revision  
**C**







MURRAY ROAD

PLENTY ROAD

ROAD

SITE 38.23m 89°52'

SITE 20.51m 28°00'

SITE 20.83m 20°00'

SITE 38.10m 270°18'

Revision
REV A : 28/07/2015 DRAWINGS AMENDED IN RESPONSE TO PLANNING PERMIT CONDITION 1
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REV C : 13/11/2015 AMENDMENT APPLICATION



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Project  
**448-452 PLENTY ROAD,  
PRESTON**  
Drawing Title  
**THIRD FLOOR PLAN**

TOWN PLANNING APPLICATION

Drawn M.F.  
Designed J.C.  
Job No. 10-39  
Drawing No.

Scale @ A1  
**1:100**  
Date  
**DECEMBER 2011**  
Revision

TPA09 OF 9



**5.8 APPLICATION FOR PLANNING PERMIT D/327/2015**  
 20 Chingford Street, Fairfield VIC 3078

**AUTHOR: Senior Planner – Chris Lelliott**

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

**OWNER/APPLICANT/CONSULTANT:**

<p><b>Applicant</b></p> <p>Vnt Engineering Pty Ltd</p>	<p><b>Owner</b></p> <ul style="list-style-type: none"> <li>• Exors Antonio Di Giovine</li> <li>• Exors Olga Di Giovine</li> <li>• Frank Di Giovine</li> <li>• Catherine Di Giovine</li> </ul>
--	---

**SUMMARY:**

- The application seeks planning approval to use of the land for a warehouse (timber flooring) with ancillary office and showroom and to reduce the standard car parking requirement.
- The site is Zoned Industrial 3 and is covered by the Development Contributions Plan Overlay.
- There is no restrictive covenant on the title for the subject land.
- Nine (9) objections were received to the application.
- The proposal is generally consistent with the provisions of the Darebin Planning Scheme including Clause 33.03 (Industrial 3 Zone).
- It is recommended that the application be supported subject to conditions.

**CONSULTATION:**

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Transport Management and Planning.
- This application was not required to be referred to external authorities.



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

**THAT** Planning Permit Application D/327/2015 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as; Proposed Ground Floor Plan and Proposed First Floor Plan, date stamped by Council on 15 May 2015).
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.

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.

3. The use may operate (including loading and unloading) only between the hours of 8:00AM to 6:00PM Monday to Sunday.
4. The amenity of the area must not be adversely affected by the use or development as a result of the:
  - a) Transport of materials, goods or commodities to or from the land; and/or
  - b) Appearance of any building, works, stored goods or materials; and/or
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or  
and/or in any other way, to the satisfaction of the Responsible Authority.
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. No external sound amplification equipment or loudspeakers are to be used on the land.
7. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
8. Before the use starts areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather sealcoat;
  - d) Drained;
  - e) Line-marked to indicate each car space and all access lanes;
  - f) Clearly marked to show the direction of traffic along the access lanes and driveways

to the satisfaction of the Responsible Authority.

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

9. The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
10. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land or on abutting streets.
11. Before the use starts, two (2) bicycle racks must be provided within the warehouse building to the satisfaction of the Responsible Authority.

**NOTATIONS:**

- 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.

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

Permit 17661 was issued by the Melbourne and Metropolitan Board of Works on 23/11/1959 for an extension to the existing factory (pickle manufacturing).

Planning Permit D/635/1999 was issued by the City of Darebin on 10/1/2000 for buildings and works comprising a first floor office to the existing warehouse and to reduce the standard car parking requirement.

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

- The land is regular in shape and measures 40 metres in length and 21.33 metres in width with a site area of approximately 853.20 square metres.
- The land is located within the Industrial 3 Zone and is covered by the Development Contributions Plan Overlay. It is noted that the provisions of the overlay are currently expired.
- The land is located on the north side of Chingford Street to the east of Sparks Avenue and to the West of Perry Street in Fairfield.



- The subject site contains an existing warehouse building. A showroom and amenities are located to the front of the site at the ground level whilst administration space is located at the first floor. A crossover and loading bay is located to the west boundary and a second crossover roller door provides access to a small workshop. The front of the site is paved with space for two (2) vehicles to be parked. There is no pedestrian footpath provided on the north side of Chingford Street.
- To the north, east and west of the site are industrial buildings located with a core industrial area.
- To the south are single and double storey dwellings located within a residential zone. A pedestrian footpath is located on the south side of Chingford Street.
- There are no on-street car parking controls in this part of Chingford Street and there is a significant capacity for on street parking to the west of the subject site on the north side of Chingford Street.
- The site does have access to some public transport. Busses run along Chingford Street with the bus stop situated 30 metres from the subject site. The nearest train stations are Fairfield (1.4kms) and Northcote (2.7kms).

### **Proposal**

- The application seeks planning approval to use the land for a warehouse (timber flooring) with ancillary office and showroom and to reduce the standard car parking requirement.

### **Objections**

- Nine (9) objections were received to the application.

### **Objections summarised**

- Impact to on street car parking.
- Fumes from vehicles.
- Shipping containers being located and unloaded outside of the site.
- Noise from loading and unloading.
- Cars parked on street impacting access and memorability in and out of driveways and collection of bins.
- Fire risk.
- Unclear of the proposed use of the site.
- Concerns about a change to the hours of operation.

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

#### Impact to on street car parking

It is not considered that the proposed warehouse would adversely impact on street car parking.

#### Fumes from vehicles

There would be some vehicles accessing the site. This would be within normal limits and impact of exhaust emissions could not be considered unreasonable.

Shipping containers being located and unloaded outside of the site. Unloading shipping containers from outside of the subject site

It is unreasonable for storage of any goods to be outside of the subject land. A condition is proposed in the recommendation to ensure goods are stored within the warehouse building. The applicant has advised that the method of delivery to the site has been changed and shipping containers would no longer be used. The shipping agent unloads the containers at the yard and deliveries to the site are via a flat-bed truck.

A condition will also require that unloading goods is undertaken from the loading bay.

Noise from loading and unloading

A condition is included in the recommendation would restrict operating hours (including loading and unloading) to 8am to 6pm. Loading and unloading would be within normal business hours for a site located within an industrial zone within one of Darebin's core industrial areas. The main noise issues raised by objectors were in regards to shipping containers being dropped off and collected. Council has been advised this is no longer occurring at the site due to the changing delivery type to flat-bed trucks.

Cars parked on street impacting access and manoeuvrability in and out of driveways and collection of bins

Chingford Street does not have any parking controls and vehicles may be parked on the street. There is substantial provision for on street car parking on the north side of Chingford Street to the west of the subject site.

Parking close to crossovers is a matter for parking enforcement and could not be considered in the assessment of a planning application. There is also no evidence that any vehicles belong to employees/visitors of the subject site.

Parking on the street in areas which may restrict access to bins on a nature strip is beyond the scope of the Planning Scheme. Many people would use Chingford Street for car parking and on street issues could not be wholly attributed to the operators of the subject site.

There is significant capacity for on street car parking and it is not considered that the proposed use results in any unreasonable parking impacts.

Fire risk

Fire risk is not a Planning Consideration and would be considered by legislation outside of the *Planning and Environment Act*.

Unclear of the proposed use of the site

This report clarifies the use of the site is for a warehouse with ancillary administration and showroom.

A warehouse is defined in the Planning Scheme as:

Land used to store or display goods. It may include the distribution and the wholesale selling of the goods.

Concerns about a change to the hours of operation

Previous industrial uses at the site have not had the hours of operation controlled.



It is recommended that a planning permit condition be imposed to restrict the hours of operation to 8:00AM to 6:00PM Monday to Sunday.

## PLANNING ASSESSMENT

The purpose of the Industrial 3 Zone is to:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
- *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
- *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations. To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

Council records indicate that the subject site has a long history of being used for industrial purposes (manufacturing and warehousing) since 1953. The proposed warehouse use is in no way a departure from the historical use of the land.

The most recent Planning Permit (D/635/1999) issued for the land does not formally control hours of operation or noise/emissions and allows the use to operate with one on site car space. A general amenity condition is provided.

The subject site is located on the periphery of one of Darebin's core industrial zones and employment areas. In this area businesses would naturally attract a number of people including employees and wholesale customers and be subject to operations including deliveries (loading and unloading). It is expected that noise and disturbance from industrial uses would be higher than those in a residential zone and that residents living opposite an established industrial area could not be afforded the same amenity expectations as those living further away from a core industrial area.

The proposed use is for warehousing and not for a heavy industrial or manufacturing use. A warehouse use in this location is considered to be a wholly appropriate use for a site in this transitional area.

Noise and emissions from the site are limited to those surrounding loading and unloading timber flooring products at the site.

Concern has also been raised by objectors regarding the storage and appearance of shipping containers on and outside of the site. The applicant has informed Council that delivery arrangements have now changed and that no shipping containers are brought to the site. Deliveries are undertaken by conventional flatbed trucks.

It is considered appropriate in this instance to impose a condition to control the hours of operation so that loading and unloading is within more sociable hours from 8:00AM to 6:00PM Monday to Sunday. Furthermore conditions will require that loading and unloading is undertaken within the curtilage of the site and that no goods shall be stored externally from the warehouse.

**33.03-2 Use of land Amenity of the neighbourhood**

A use must not adversely affect the amenity of the neighbourhood, including through the:

- *Transport of materials, goods or commodities to or from the land.*

Subject to conditions regarding hours and operation, no storage outside of the warehouse and undertaking loading and unloading within the curtilage of the site it is not considered the proposed use would unreasonably impact the amenity of the area.

- *Appearance of any stored goods or materials.*

*Subject to a condition restricting storage of materials outside of the warehouse there would not be any unreasonable impact on the amenity of the area.*

- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Emissions from the proposed use would be limited to noise and potentially fumes from vehicles associated with loading and unloading. Subject to the conditions included in the recommendation it is not considered that the proposed use would unreasonably impact the amenity of the area.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The proposed use is considered to accord with the State and local Planning Policy Framework. The warehousing use is wholly appropriate in an Industrial 3 Zone, the use provides vital employment opportunities in a core industrial area and the use respects the amenity considerations given the site context (subject to conditions).

- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

Impacts associated with the use on amenity of the neighbouring residential area is discussed in detail above and is considered acceptable subject to conditions to be included on any permit.

The application was not required to be referred to any authority.

- The effect that nearby industries may have on the proposed use.

Nearby industries would not affect the proposed warehouse use.

- The drainage of the land.

Drainage is existing.

- The availability of and connection to services.

All necessary services are existing.

- The effect of traffic to be generated on roads.

This is considered below in the car parking assessment against Clause 52.06.

- The interim use of those parts of the land not required for the proposed use.

The whole site would be utilised.



- The effect on nearby industries.

It is not considered that the proposed use would adversely affect nearby industries.

**Car Parking Clause 52.06**

Clause 52.06-2 states that before a new use commences, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

A warehouse requires two (2) car spaces for each premises plus 1.5 spaces per 100sqm of leasable floor area.

The leasable floor area is 898.4 square metres.

The car parking requirement would be 15 spaces.

Two car parking spaces are provided on the site and as such the application seeks to reduce the standard car parking requirement by 13 spaces.

It is considered appropriate to allow a reduction in the standard car parking requirement for the following reasons:

- The most recent existing planning permit D/635/1999 allowed a warehouse to operate with on on-site car space.
- On street car parking in the area is unrestricted.
- There is substantial provision for on street car parking particularly to the west of the site on Chingford Street. Site inspections generally conclude that the on street car parking is underutilised.
- Councils Transport Management and Planning Unit has reviewed the application and has not objected subject to the provision of two (2) bicycle spaces being provided within the warehouse.

**Loading and Unloading of Vehicles Clause 52.07**

The loading bay on the site is existing and usable to the satisfaction of the responsible authority. A condition will be included to ensure loading and unloading of goods is undertaken within the curtilage of the site.

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

Clause 33.03-1 requires a Planning Permit to use the land as a Warehouse.

Clause 52.06-3 requires a Planning Permit to reduce the standard car parking requirement.

**Applicable provisions of the Darebin Planning Scheme**

<b>Section of Scheme</b>	<b>Relevant Clauses</b>
SPPF	13, 17, 18, 19
LPPF	21.01, 21.04, 22.04
Zone	33.03
Overlay	45.06
Particular provisions	52.06
General provisions	65.01
Neighbourhood Character Precinct	N/A

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

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

**Social Inclusion and Diversity**

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

**Other**

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

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil

**DISCLOSURE OF INTERESTS**

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

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

**RELATED DOCUMENTS**

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



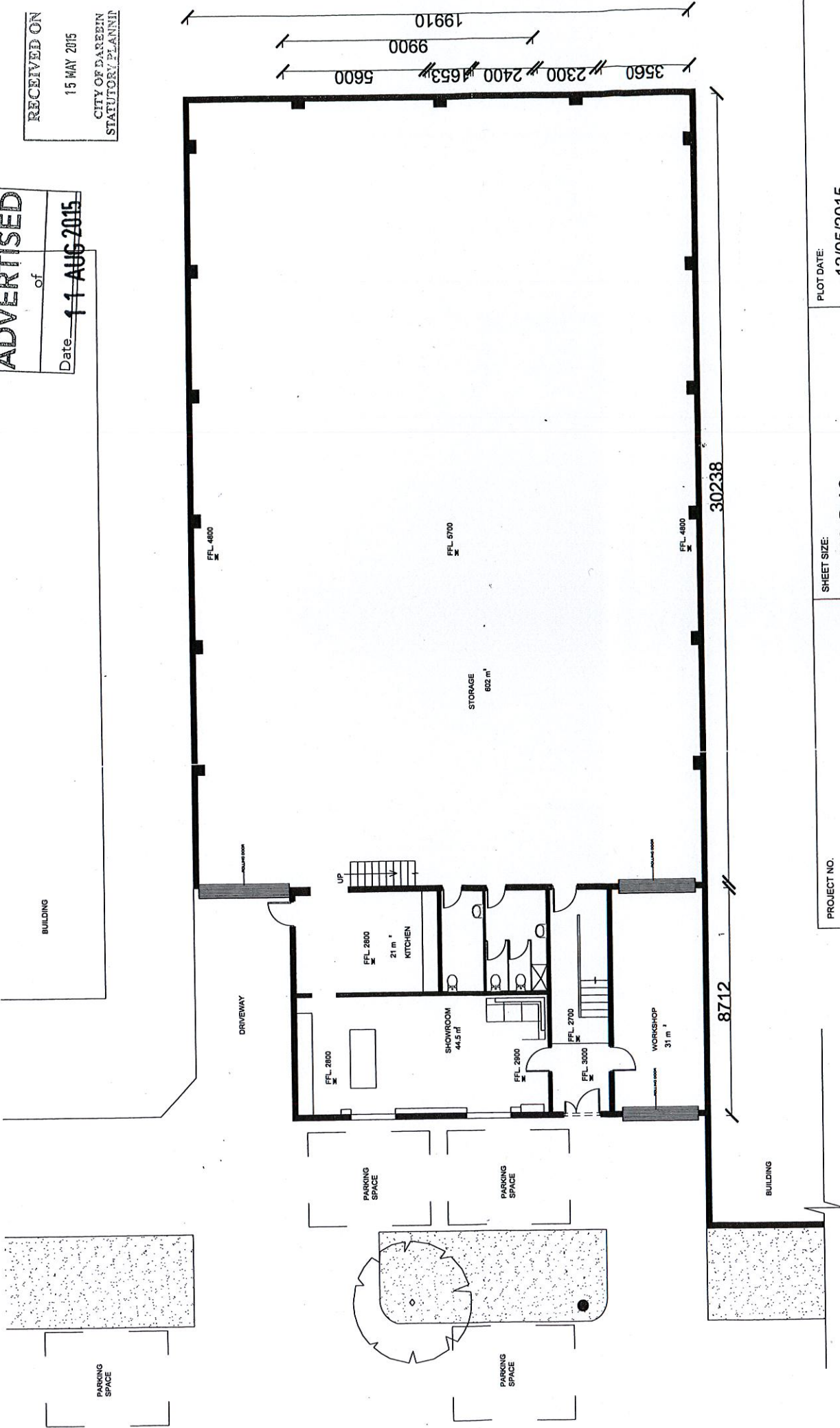




**ADVERTISED**  
of  
Date: **11 AUG 2015**

RECEIVED ON  
15 MAY 2015  
CITY OF DAREBIN  
STATUTORY PLANNING

CHINGFORD STREET



PROJECT NO.	SHEET SIZE: 1:100 @ A2	PLOT DATE: 12/05/2015
PROJECT ADDRESS 20 CHINGFORD STREET FAIRFIELD VIC 3078	DRAWING NP. & TITLE EXISTING GROUND FLOOR PLAN	DRAWN BY: EL FILE VERSION:

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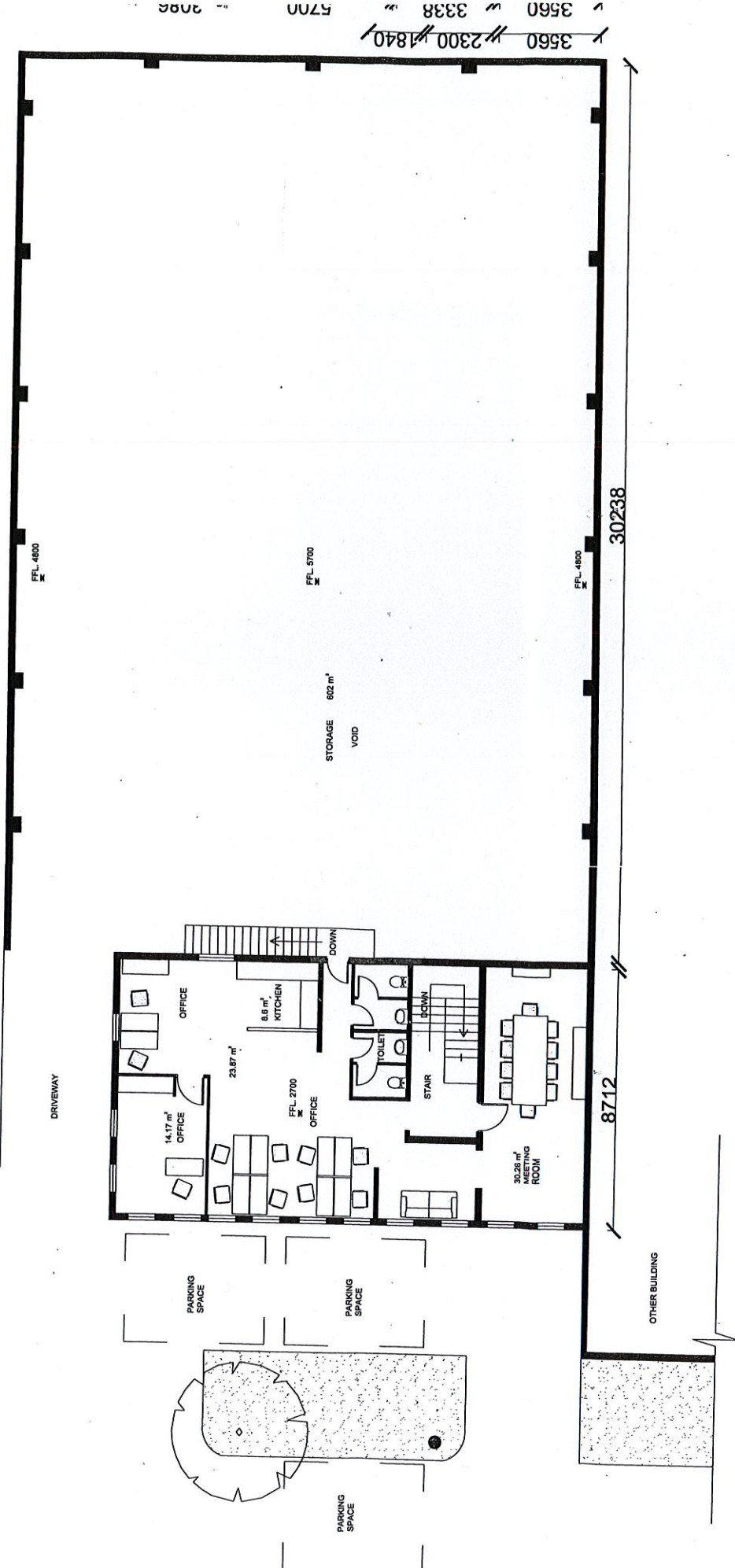
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**ADVERTISED**

of

Date **11 AUG 2015**

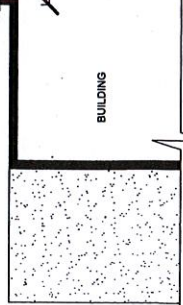
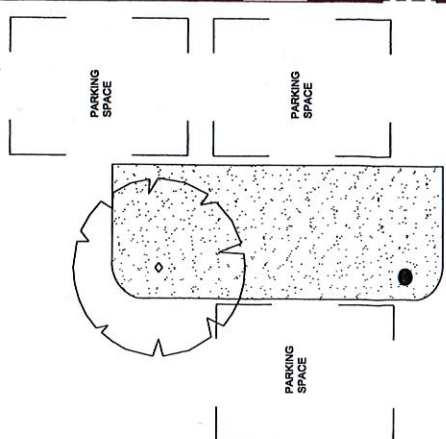
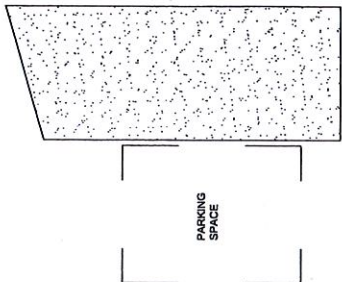
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15 MAY 2015  
CITY OF DAREBIN  
STATUTORY PLANNING



PROJECT NO.	SHEET SIZE: <b>1:100 @ A2</b>	PLOT DATE: <b>12/05/2015</b>	DRAWN BY: <b>EL</b>
PROJECT ADDRESS <b>20 CHINGFORD STREET FAIRFIELD VIC 3078</b>	DRAWING NO. & TITLE <b>EXISTING 1ST FLOOR PLAN</b>		
FILE VERSION:			

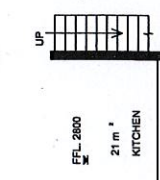


# CHINGFORD STREET



BUILDING

DRIVEWAY



SHOWROOM  
44.5 m<sup>2</sup>

F.F.L. 2800

F.F.L. 2800

F.F.L. 3000

F.F.L. 2700

WORKSHOP  
31 m<sup>2</sup>

WAREHOUSE  
602 m<sup>2</sup>

F.F.L. 5700

F.F.L. 4800

F.F.L. 4800

8712

30238

5600  
2300  
2400  
4653  
9900  
19910

RECEIVED ON  
15 MAY 2015  
CITY OF DARBIN  
STATUTORY PLANNING

ADVERTISED

of  
Date 11 AUG 2015

PROJECT NO.

PROJECT ADDRESS

20 CHINGFORD STREET  
FAIRFIELD VIC 3078

SHEET SIZE:

1:100 @ A2

DRAWING NO. & TITLE

PROPOSED GROUND FLOOR  
PLAN

PLOT DATE:

12/05/2015

DRAWN BY:

EL

FILE VERSION:



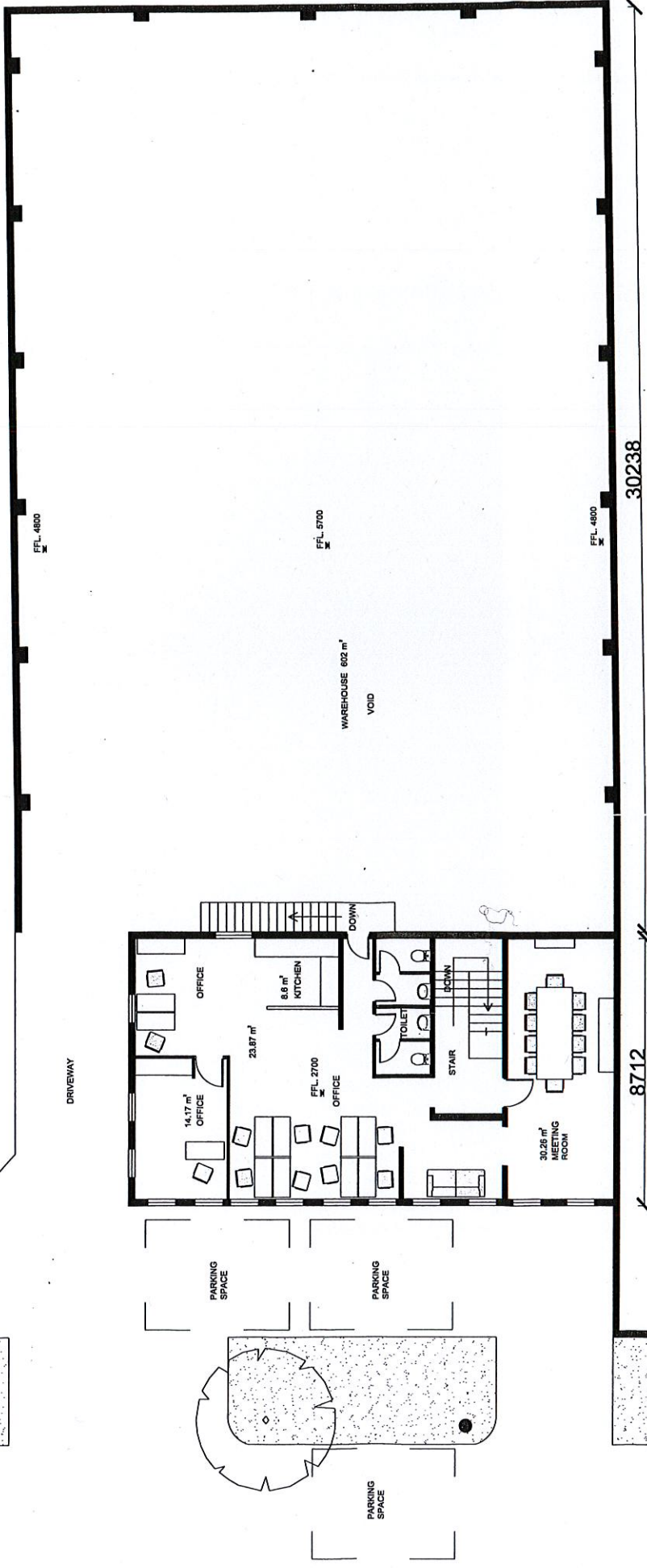
# CHINGFORD STREET

RECEIVED ON  
15 MAY 2015  
CITY OF DAREBIN  
STATUTORY PLANNING

ADVERTISED  
of

Date  
11 AUG 2015

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PROJECT NO.	SHEET SIZE: 1:100 @ A2	PLOT DATE: 12/05/2015
PROJECT ADDRESS 20 CHINGFORD STREET FAIRFIELD VIC 3078	DRAWING NP. & TITLE PROPOSED 1ST FLOOR PLAN	DRAWN BY: EL FILE VERSION:



**5.9 APPLICATION FOR PLANNING PERMIT D/1109/2014**  
 682-684 Bell Street, Preston VIC 3072

**AUTHOR: Principal Planner – Gavin Crawford**

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

**OWNER/APPLICANT/CONSULTANT:**

<b>Applicant</b>	<b>Owner</b>	<b>Consultants</b>
L and L Investments (Vic) Pty Ltd	L and M Crapper	MAP Architecture and Design Ask Planning Services P/L Prior and Kelly P/L

**SUMMARY:**

- It is proposed to demolish the existing building on the site and construct six (6) dwellings, four (4) double storey and two (2) triple storey comprised of three (3) x two (2) bedroom dwellings and three (3) x three (3) bedroom dwellings. Private open space will be provided in the form of balconies on the first floor and Dwellings 1, 3, 4, 5 and 6 will have access to a ground floor courtyard. Each two (2) bedroom dwelling has a single garage. Each three (3) bedroom dwelling has two car spaces with either a single garage and uncovered car space in a tandem arrangement or a double garage. A reduction of one (1) visitor car space is proposed.
- The site is zoned General Residential Zone - Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- Six (6) objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

**CONSULTATION:**

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to the Transport Management and Planning Unit, Capital Works Unit, Council's Environmental Sustainable Design (ESD) Officer and Darebin Parks.
- This application was not required to be referred to external authorities.

<b>Recommendation</b>
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**THAT** Planning Permit Application D/1109/2014 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 and Site Plan, TP1 Rev A, First Floor and Site Plan TP2 Rev A and Elevations TP3 Rev A, dated 04.09.15 and prepared by Beyond Design Group) but modified to show:
  - a) Dwelling 5 and 6 garages setback 5.4 metres from the east boundary with internal garage dimensions of 3.5 metres by 6 metres, bin areas maintained and no reduction in any setbacks.
  - b) Dwelling 1 ground floor bedroom 1 wall setback 1m from the west boundary.
  - c) Pedestrian doors to not open into garages.
  - d) Dwelling 2 and 3 ground floor study east internal wall removed and the door to the garage relocated to the west side of the room.
  - e) Dwelling 4 and 6 balconies setback a minimum 3 metres from the Bischoff Street frontage with no reduction in any other boundary setbacks with balconies a minimum 8 square metres in area with a minimum 1.6 metre width.
  - f) The material palette to comprise predominantly brick and weatherboard or other timber cladding on the facades, minimisation / deletion of cement sheet, metal cladding and custom or, light colours applied to upper level facades and deletion of all reference to "or similar" on the materials schedule.
  - g) Clerestory windows provided to:
    - i. Dwelling 4, 5 and 6 above the living / dining room setback approximately 7.2 metres from the west boundary to ensure no overshadowing to the west.
    - ii. Dwelling 1 provided above the living / dining room setback approximately 3 metres from the west boundary to ensure no overshadowing to the west.
  - h) The plans to match the elevations with:
    - i. Dwelling 6 first floor north facing dining room window shown on the elevations with a sill height of 1.7 metres above finished floor level.
    - ii. Dwelling 6 first floor bathroom window shown on the plans.
    - iii. Dwelling 3 second floor east facing stairway window shown on the plans.
    - iv. Dwelling 2 and 3 first floor north facing kitchen windows shown on the plans.
  - i) Dwelling 5 bedroom 3 south facing window with a sill height of 1.7 metres above finished floor level.
  - j) Natural light and / or ventilation provided to non-habitable rooms with:
    - i. Dwelling 1 and 6 first floor bathroom provided with a north facing obscure glazed highlight (1.7 metres high sill height) window.
    - ii. Dwelling 6 ground floor bathroom and Dwelling 5 first floor bathroom provided with a west facing obscure glazed highlight (1.7 metres high sill height) window.



- iii. Dwelling 2 and 3 second floor bath rooms provided with skylights / light tubes.
- k) Fence on the north boundary retained as existing.
- l) Deletion of internal boundary fencing in the front setbacks to Bell Street and Bischoff Street with fencing to the dwelling 3 service yard retained.
- m) Details of access to the dwelling 3 service yard.
- n) Landscaping increased / paving reduced with:
  - i. The Dwelling 1, 2, 3 and 4 driveway width measured at the east boundary a maximum 3 metres wide
  - ii. The Dwelling 1, 2, 3 and 4 crossover a maximum 3 metres wide.
  - iii. A 0.5 metre wide landscape strip adjacent to the Dwelling 4 south facing bedroom walls.
  - iv. Turning circles for Dwelling 1, 2, 3 and 4 garages shown with increased landscaping.
  - v. The Dwelling 5 and 6 driveway width measured at the east boundary a maximum 5.2 metres wide to provide a "wine glass" arrangement to the uncovered car spaces.
  - vi. The Dwelling 5 and 6 crossover a maximum 5.2 metres wide.
  - vii. A 0.8 metres wide landscape strip setback 3 metres from the east boundary between the Dwelling 5 and 6 uncovered car spaces.
- o) A landscape plan in accordance with Condition No. 4 of this Permit.
- p) Modifications in accordance with the Sustainable Design Assessment (refer to Condition No. 5 of this Permit).
- q) 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 west sides of the existing crossover to Bailey Avenue. Where within the subject site, any structures or vegetation within these splays must be not more than 1.15 metres in height.

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

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

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

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

4. 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, the location of entry doors, windows, gates and fences must be shown on the landscape plan. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - k) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - l) Scale, north point and appropriate legend. Landscape plans are to be clear, legible and with graphics drawn to scale, and provide only relevant information.
5. Before the development starts, a Sustainable Design Assessment (SDA) detailing sustainable design strategies to be incorporated into the development to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by the Responsible Authority. The SDA must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection.

It is recommended that a 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.

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

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

7. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 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.
11. The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
12. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
13. The land must be drained to the satisfaction of the Responsible Authority.
14. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
15. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
16. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
17. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather sealcoat; and
  - d) Drainedto the satisfaction of the Responsible Authority.



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

#### VicRoads

18. The redundant vehicle crossing to Bell Street must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings or works hereby approved.
19. The redundant vehicle crossing to Bell Street must not be used for the purpose of the construction of the development hereby approved.
20. Proposed new vehicle crossings to Bischoff Street must be setback a minimum of 18 metres from the Bell Street intersection unless with the written consent of VicRoads.
21. Plantings and fencing at the south-eastern corner of the development near Bischoff/Bell St intersection must maintain sufficient sightlines for traffic safety to the satisfaction of VicRoads and the responsible authority.

#### NOTATIONS

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

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

No relevant planning history. Rate records indicate that the land was previously used as a shop.

## ISSUES AND DISCUSSION

### Subject site and surrounding area

- The land is regular in shape and measures 45.72 metres in length and 17.68 metres in width with a site area of 808 square metres.
- The land is located within the General Residential Zone Schedule 2.
- The land is encumbered by a Development Contributions Plan Overlay however the approved plan to require payments expired on 30 June 2014. There is no active Development Contributions Plan.
- The land is located on the north-west corner of Bell Street and Bischoff Street.
- The site is occupied by a single storey shop / dwelling located on the south and east boundary (with a zero setback to both Bell Street and Bischoff Street).
- To the west is a single storey brick and tile roofed three (3) dwelling medium density housing development fronting Bell Street with garages and secluded private open spaces abutting the common boundary.
- To the north is a 3 metre wide accessway for 2 Tasman Street, beyond which is a single storey weatherboard dwelling fronting Bischoff Street, with secluded private open space and outbuildings to the rear.
- To the south, across Bell Street, are single and double storey dwellings of brick veneer or weatherboard construction.
- To the east, across Bischoff Street are single storey dwellings of brick veneer construction.
- This area has an ordered and spacious appearance, with the regular layout of its streets, standard site sizes and even spacing of buildings. Plantings of prunus, paperbark and Queensland brush box add to the quality of streetscapes. Gardens are generally low level, with low or open fences that contribute to a sense of openness in the area. Housing styles in the precinct are mixed and include a number of different styles from the Interwar and post-war eras. This includes Californian bungalows, clinker brick 1940s dwellings and 1950s weatherboard homes. There has also been substantial infill since the 1960s with a number of cream brick and brown brick veneer homes. More recently developed buildings often dominate streetscapes and include reproduction and contemporary style single dwellings and units.
- The nearest public transport services to the site.
  - Bell Railway Station is 1.2km to the east.
  - Tram Route 11 112 on Gilbert Road is 0.22km to the east.
  - Bus Route 513 and 913 runs along Bell Street.
- On-street parking is un-restricted on Bischoff Street Avenue. Clearway controls apply on both sides of Bell Street from 6:30am to 9:30am and 3:30pm to 6:30pm Monday to Friday.

**Proposal**

- The existing buildings on the site are to be demolished.
- There are to be six (6) dwellings, four (4) double storey and two (2) triple storey.
- There are to be three (3) x two (2) bedroom and three (3) x three (3) bedroom dwellings.
- Private open space will be provided in the form of a balcony on the first floor as well Dwellings 1, 4, 5 and 6 having access to a ground floor courtyard.
- Each two (2) bedroom dwelling has a single garage. Each three (3) bedroom dwellings has two car spaces with either a single garage and uncovered car space in a tandem arrangement or a double garage. A reduction of one (1) visitor car space is proposed.
- Vehicle access is proposed via three crossovers to Bischoff Street with a common driveway providing vehicle access to Dwellings 1, 2, 3 and 4.
- The maximum height of the dwellings is to be 9 metres.
- Private open space is provided as follows:
  - Dwelling 1 – 70 square metres including 11 square metres of service yard and 8 square metres of balcony space of 1.65 metres dimension.
  - Dwelling 2 – 56 square metres of private open space including 8 square metres of balcony space of 1.65 metres dimension.
  - Dwelling 3 – 82 square metres of private open space including 19 square metres of service yard and 8 square metres of balcony space of 1.7 metres dimension.
  - Dwelling 4 – 38 square metres of private open space including 12 square metres of service yard and 11 square metres of balcony space of 1.73 metres dimension.
  - Dwelling 5 – 32 square metres of private open space including 15 square metres of service yard and 13 square metres of balcony space of 1.73 metres dimension.
  - Dwelling 6 – 35 square metres of private open space including 16 square metres of service yard and 12 square metres of balcony space of 2.1 metres dimension.

**Objections**

- Six (6) objections have been received.

**Objections summarised**

- Neighbourhood character – three storey built form / materials.
- Heat impacts associated with dark colours.
- Overlooking.
- Noise associated with driveway.
- Insufficient landscaping detail.
- Contrary to Clause 22.09.
- Parking – Traffic congestion.
- Insufficient parking / study comprises a bedroom / loss of on street parking.
- Overdevelopment of the site.



- Overshadowing – Loss of solar access / lighter colours should be used.

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

#### Neighbourhood character

The proposed development has been assessed against Council's neighbourhood character guidelines for precinct E3 (Clause 22.02) and the Bell Street Land Use policy (Clause 22.10) and is shown to be compliant with most aspects contained within these guidelines. Relevant to the application is the existing shop building with a zero setback to Bell Street and Bischoff Street and that the site is located adjacent to a Road Zone Category 1. See assessment under the guidelines in the body of this report below.

#### Heat impacts associated with dark colours

This matter was discussed with Council's ESD officer and it was concluded that there will be no appreciable heat impacts upon neighbour. Notwithstanding this lighter colours to improve light reflection are recommended by permit condition.

#### Overlooking

All west facing upper level windows have been shown with sills to a height of 1.7 metres above finished floor level (FFL). See Standard B22 in this report for further assessment.

#### Noise associated with driveway

The proposed use is residential and will have noise impacts consistent with those normal to a residential zone, unlike a commercial or an industrial use which would create noise impacts that are not normal to a residential zone. Vehicles accessing the site will not generate unreasonable noise impacts beyond those that normally occur in a residential zone.

#### Insufficient landscaping detail

A landscape plan will be required as part of any approval.

#### Contrary to Clause 22.09

Clause 22.09 relates to the Preston Central Structure Plan and does not apply to the subject land. An assessment under all relevant parts of the planning scheme is however provided in this report.

#### Parking – Traffic congestion (particularly around school pick up/drop off times)

The increase in traffic movements in the street, arising from an additional six (6) dwellings, is considered to be an increment that will not affect local traffic conditions.

It is estimated that vehicle movements to and from the site will be at peak times in the morning and afternoon, this is not considered to be unreasonable and will not greatly increase existing traffic movements in the street.

#### Insufficient parking

A reduction is sought in one visitor car space and this reduction is assessed below under Clause 52.06.

Resident parking cannot be controlled through planning as the development provides one (1) on-site car space for each two (2) bedroom dwelling and two (2) on-site car space for each three (3) bedroom dwelling. Conditions are recommended to ensure that study's cannot be used as bedrooms. Parking provision for dwelling residents complies numerically with the Darebin Planning scheme under Clause 52.06.

#### Overdevelopment of the site

It is noted that the site is of medium size and well proportioned, located on a corner adjacent to a Road Zone Category 1 and is located in the General Residential Zone – Schedule 2 where residential development at a range of densities and varieties is encouraged.

The consideration of a medium density development is based on its compliance with a set of criteria outlined in the Darebin Planning Scheme and not based on a subjective concern of '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.

It is also noted that the proposed development complies with most elements of Clause 55 of the Darebin Planning Scheme.

#### Overshadowing – Loss of solar access / lighter colours should be used.

The proposal complies with Standard B22 (Overshadowing) of the Darebin Planning Scheme. Overshadowing of the neighbouring properties to the west by the proposed development is acceptable because the existing 2 metre high common boundary fence casts shadows in excess of the development at 9am, 10am and 11 am and as such there will be no additional overshadowing of the adjacent secluded private open spaces. A condition requiring light materials at upper levels is recommended.

## **PLANNING ASSESSMENT**

### **Clause 22.02 Neighbourhood Character Precinct Guideline Assessment - Precinct E3**

#### Existing Buildings

The proposal demolishes the existing old commercial building. This building with its zero setbacks to south and east boundaries is contrary to the residential character of the street.

#### **Complies**

#### Vegetation

Existing vegetation is proposed to be removed.

It is recommended that landscape areas be increased and paving areas be reduced with:

- The Dwellings 1, 2, 3 and 4 driveway width measured at the east boundary a maximum 3 metres wide
- The Dwellings 1, 2, 3 and 4 crossover a maximum 3 metres wide.
- A 0.5 metre wide landscape strip adjacent to the Dwelling 4 south facing bedroom walls.
- Turning circles for Dwellings 1, 2, 3 and 4 garages shown with increased landscaping.
- The Dwellings 5 and 6 driveway width measured at the east boundary a maximum 5.2 metres wide to provide a "wine glass" arrangement to the uncovered car spaces.
- The Dwelling 5 and 6 crossover a maximum 5.2 metres wide.

- A 0.8 metres wide landscape strip setback 3 metres from the east boundary between the Dwelling 5 and 6 uncovered car spaces.

Having regard to the number of dwellings proposed and the reverse living layout the development provides minimal space within the front, side and rear setbacks for replacement landscaping. Notwithstanding this subject to the above changes the proposal is on a Road Zone Category 1 and provides a landscape outcome consistent with the character of Bell Street.

### **Complies**

#### Siting

Provision has been made for a front garden. The predominant style of development in the street is detached dwellings with setbacks along both side boundaries. The proposed development will be built on the north boundary but represents an appropriate interface to the adjacent accessway.

The proposal provides three crossovers which whilst not ideal is acceptable.

### **Complies**

#### Height and building form

The scale of the development as it presents to Bell Street is acceptable.

### **Complies**

#### Materials and design detail

The materials comprise metal sheet cladding or similar, selected face brickwork, cement sheet with paint finish, alucabond, colorbond and glazed balustrades. The material palette is not consistent with that found in the area and it is recommended that it comprise predominantly brick and weatherboard or other timber cladding on the facades with the minimisation / deletion of cement sheet, metal cladding and custom orb. As requested by the objector light should be colours applied to upper level facades. Plans should be amended to delete all reference to "or similar" on the materials schedule.

The design is contemporary with flat roofs. Pitched roofs dominate the area and the design should incorporate pitched roof elements with clerestory roofs provided to Dwellings 1, 4, 5 and 6.

### **Complies subject to condition**

#### Front boundary treatment

No front fencing is proposed. It is noted that the proposal seeks to provide a 1.2 metre high fence on the north boundary. The existing high fence (given it is a back fence for a neighbouring property) should be maintained. The plans show internal boundary fencing in front setbacks. This should be removed as it is contrary to the character of the area and impedes landscaping opportunities in the streetscape.

### **Complies subject to condition**



**Clause 22.10 Bell Street Land Use policy Assessment**

Clause 22.10 Bell Street Land Use policy places the site in precinct A and seeks to discourage commercial and industrial uses and encourage a mix of housing types in the General Residential Zone. The preferred vision states that:

*The 'live' precinct will retain a core residential focus and will accommodate incremental residential change, providing a mix of housing types and styles through the re-development and consolidation of sites over time".*

Design Principles include to protect the sense of 'place' of the neighbourhood and to ensure the precinct evolves as a green suburban setting with new developments to respect the existing residential scale and rhythm of subdivision pattern and to continue and enhance a strong landscaped theme throughout the precinct.

The proposal is broadly consistent with this land use policy, removing an old commercial building and providing a new residential development in a landscaped setting.

**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 55.02-2 B2 Residential Policy

The proposal is accompanied by an acceptable written statement and design response. The proposal generally complies with the State Planning Policy Framework, the Local Planning Policy Framework including Council's Municipal Strategic Statement and local planning policies.

**Complies**Clause 55.03-1 B6 Street Setback

The front setback of the adjoining dwelling is 11 metres. The standard therefore requires a setback of 9 metres.

The proposed front setback of 8.015 metres does not comply with the standard, however the design response is considered to be acceptable due to the following:

The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping.

The existing shop building has a zero setback and if retained this setback could be maintained.

The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.

The proposed setback results in efficient use of the site.

As the site is on a corner the front walls of Dwellings 4, 5 and 6 fronting Bischoff Street should be setback at least 3 metres under the standard. The front walls comply however the balconies of Dwellings 4, 5 and 6 should be setback 3 metres from Bischoff Street.

Side walls of Dwelling 3 should be setback 2 metres under the standard and Dwelling 3 side walls comply.

**Complies with objective subject to condition**

Clause 55.03-8 B13 Landscaping

See Clause 22.02 assessment above.

**Complies subject to condition**

Clause 55.03-9 B14 Access

Vehicle access to and from the site is considered safe, manageable and convenient. Subject to conditions the number and design of the vehicle crossovers respects the neighbourhood character.

The width of access ways is a minimum 3.0 metres.

Two crossovers to Bischoff Street are proposed, which measure 5.2 metres and 7.2 metres, taking up 28% of the frontage. This complies with the standard which allows that no more than 33% of the frontage to be taken up by vehicle access ways. Notwithstanding the compliance given that a reduction of visitor parking is sought it is recommended that crossovers be reduced to 3 metres and 5.2 metres respectively to provide increased on street parking. This will also reduce hard paved area and increase landscaping opportunities which is important having regard to the scale of the development.

More than adequate turning areas are provided to allow vehicles to enter and exit the site in a forward direction and it is recommended that turning circles be shown and that additional landscaping be provided.

**Complies subject to condition**

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

<b>Boundary</b>	<b>Wall height</b>	<b>Required Setback</b>	<b>Proposed setback</b>
Western – Dwelling 1	3 metres	1.0 metres	0.7 metres to 1.85 metres
Western – Dwelling 4, 5 and 6	3.4 metres	1.0 metres	2 metres

First Floor

<b>Boundary</b>	<b>Wall height</b>	<b>Required Setback</b>	<b>Proposed setback</b>
Western – Dwelling 1	6 metres	1.72 metres	1.93 metres
Western – Dwelling 4, 5 and 6	6.2 metres	1.78 metres	4.05 metres
Northern – Dwelling 6	6.17 metres to 6.48 metres	1.77 metres to 1.83 metres	1.715 metres to 2.7 metres

Second Floor

Boundary	Wall height	Required Setback	Proposed setback
Western – Dwelling 2	8.76 metres	3.85 metres	6.63 metres

The Dwelling 1 ground floor wall height is non-compliant with the standard as it is not on the boundary or set back 1 metre from the boundary. The proposed 0.7 metres setback creates access and maintenance issues. It is recommended that this wall be setback 1 metres (as recommended in Condition 1,b) from the west boundary as.

**Complies subject to condition**

Clause 55.04-2 B18 Walls on Boundaries

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

Boundary and length	Maximum length allowable	Proposed length
Northern: 17.86 metres	11.92 metres	12.5 metres

The wall length and height of 3.455 metres does not comply with the standard. However, as this wall is located adjacent to an access drive and it is assessed as not presenting an unreasonable amenity impact upon the accessway and the character of the area, is therefore considered an acceptable design outcome.

**Complies with objective**

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective. Overshadowing of neighbouring properties to the west by the proposed dwellings is minimal, with no additional overshadowing than is cast by existing structures between 9am and 3pm on 22 September.

**Complies**

Clause 55.04-6 B22 Overlooking

The proposed dwellings ground floors have finished floor levels less than 0.8 metres above natural ground level at the boundary. Existing 2 metre high boundary fences on the north and west boundaries will sufficiently limit overlooking. All upper storey windows are appropriately designed and/or screened to ensure no overlooking.

**Complies**

Clause 55.04-8 B24 Noise Impacts

There are no obvious noise sources to or from the development.

**Complies**



Clause 55.05-4 B28 Private Open Space

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

This is achieved through the provision of 8 square metres with a minimum width of 1.6 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	70 square metres	11 square metre service yard and 8 square metre balcony	1.65 metre
Dwelling 2	56 square metres	8 square metre balcony	1.65 metre
Dwelling 3	82 square metres	19 square metre service yard and 8 square metre balcony	1.7 metre
Dwelling 4	38 square metres	12 square metre service yard and 11 square metre balcony	1.73 metre
Dwelling 5	32 square metres	15 square metre service yard and 13 square metre balcony	1.73 metre
Dwelling 6	35 square metres	16 square metre service yard and 12 square metre balcony	2.1 metre

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

**Complies**

**Clause 52.06 Car Parking**

One (1) car parking space is provided for each of the two (2) bedroom dwellings and two (2) car spaces are provided for each of the three (3) bedroom dwellings.

One (1) visitor parking space is required for each five (5) dwellings, rounded down. The proposed development would require the provision of one (1) visitor parking space. There are no visitor parking spaces provided.

Design Standards for Car parking

The garaging and, subject to conditions, the access ways have appropriate dimension to enable efficient use and management.

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

Single garage dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard. Tandem car spaces for Dwellings 5 and 6 require a length of 5.4 metres and this should be required by permit condition. The double garage carport's dimensions of 6.0 metres length x 5.5 metres width comply with the minimum requirements of the standard. Access dimensions to the car spaces comply with the standard however these should be reduced to the minimum allowable to improve landscaping.

Condition 1d, requires modifications to the study of Dwellings 2 and 3 to require the removal of an internal wall and relocation of door access to the garage. This condition is recommended to reduce the option of the study being converted for use as a bedroom.

Pedestrian doors should be shown to not open into garages.

Visibility splays are required at the accessway interface with the footpath to protect pedestrians. This has been requested as a condition of approval.

### Decision Guidelines

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

- There is no parking precinct plan for the area.
- Conditions are recommended to reduce crossover widths to minimise the loss of on street parking in Bischoff Street.
- Convenient public transport services to the site comprise.
  - Tram Route 11 112 on Gilbert Road is 0.22km to the east.
  - Bus Route 513 and 913 runs along Bell Street.
- On-street parking is un-restricted on Bischoff Street Avenue. Clearway controls apply on both sides of Bell Street from 6:30am to 9:30am and 3:30pm to 6:30pm Monday to Friday.
- Car parking has been provided for each of the dwellings in accordance with the provisions of this clause.
- The proposed reduction in car parking ratios will not compromise traffic flow in the precinct.
- The reduction in parking provision will not increase the risk to pedestrian safety or amenity.

It is therefore considered that the proposal is generally acceptable and the reduction of parking is appropriate. Appropriate vehicle access is also provided.

### **Land Adjacent to a Road Zone Category 1 – Clause 52.29**

The application was referred to VicRoads, who stated that they had no objection or comment to make on the application.

**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	Y	Y
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		Adequate infrastructure exists to support new development	Y	Y
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		Dwellings appropriately integrate 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>		
		9 metres	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		50%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		34%	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. See assessment.	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.	Y	Y
<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>		
		Subject to conditions access is sufficient and respects the character of the area.	Y	Y



Clause	Std		Compliance	
			Std	Obj
<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>		
		Please see assessment in the body of this report.	N	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.	Y	Y
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Please see assessment in the body of this report.	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>		
		Please see assessment in the body of this report.	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

Clause	Std		Compliance	
			Std	Obj
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		Please see assessment in the body of this report.	N	Y
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		Please see assessment in the body of this report.	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, subject to condition included in recommendation
Transport Management and Planning	No objection
VicRoads	No objection, subject to condition included in recommendation

**PLANNING SCHEME SUMMARY**

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

- Clause 32.08-4 (General Residential Zone - Schedule 2) – construction of two or more dwellings on a lot.
- Clause 52.06-3 – A permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
- Clause 52.29 (Land Adjacent to a Road Zone, Category 1), a permit is required to create or alter access to a road in a Road Zone Category 1.

**Applicable provisions of the Darebin Planning Scheme**

Section of Scheme	Relevant Clauses
SPPF	11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1
LPPF	21.02-3, 21.03-2, 21.05, 21.03-4, 22.02
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 52.29, 55
General provisions	65.01
Neighbourhood Character Precinct	F4

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

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

**Social Inclusion and Diversity**

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

**Other**

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

**FINANCIAL AND RESOURCE IMPLICATIONS**

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

**FUTURE ACTIONS**

Nil

**DISCLOSURE OF INTERESTS**

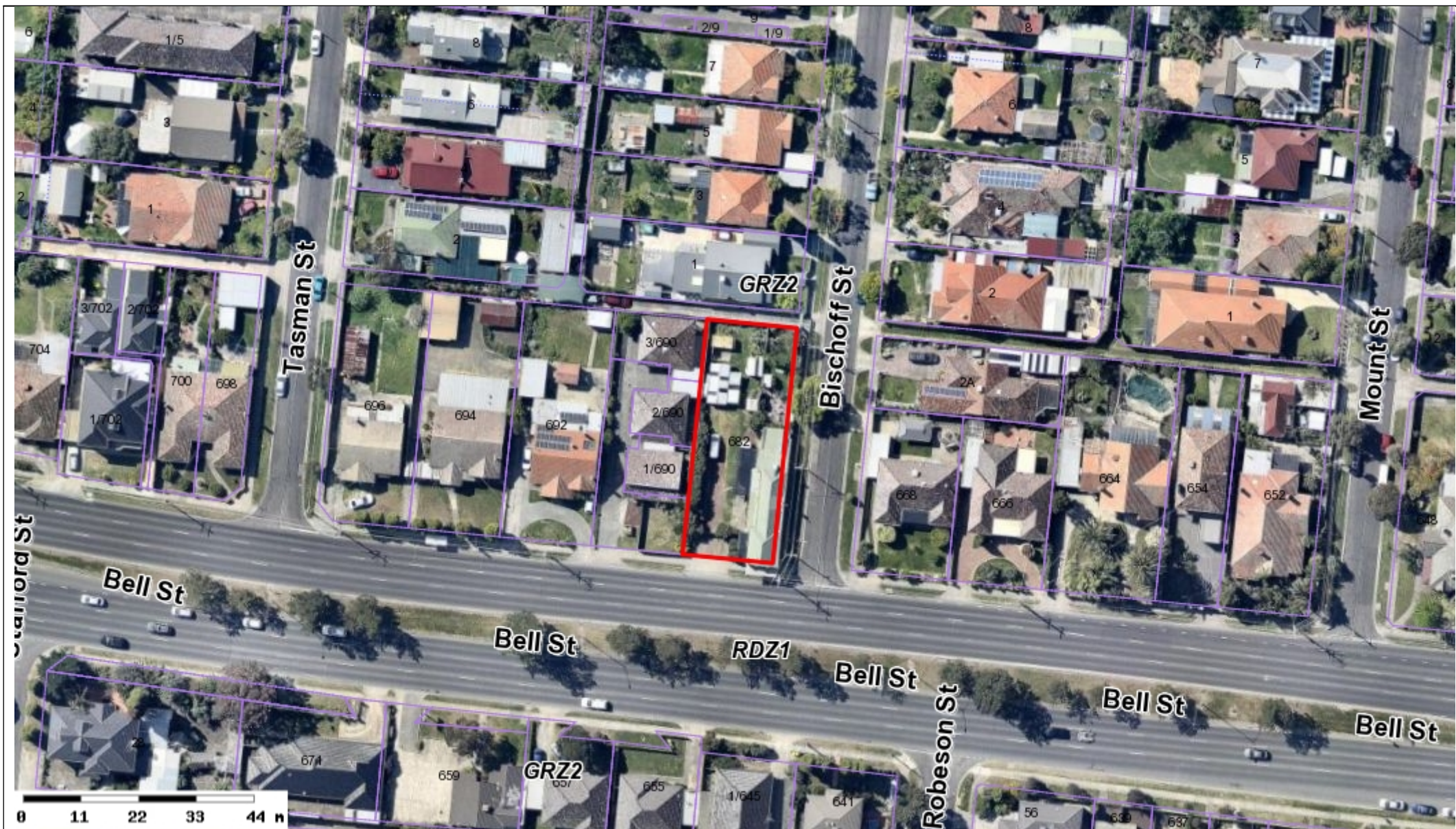
Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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

**RELATED DOCUMENTS**

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





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3/15/2016





**SITE AREA ANALYSIS**

SITE AREA	808 m <sup>2</sup>
SITE COVERAGE	50 %
PERMEABILITY	275 m <sup>2</sup>
PERMEABILITY COVERAGE	34 %

UNIT No.	GARAGE	GROUND FLOOR	FIRST FLOOR	SECOND FLOOR	TOTAL
UNIT 1	29 m <sup>2</sup>	23 m <sup>2</sup>	48 m <sup>2</sup>		100 m <sup>2</sup>
UNIT 2	27 m <sup>2</sup>	15 m <sup>2</sup>	42 m <sup>2</sup>	40 m <sup>2</sup>	124 m <sup>2</sup>
UNIT 3	28 m <sup>2</sup>	15 m <sup>2</sup>	42 m <sup>2</sup>	41 m <sup>2</sup>	126 m <sup>2</sup>
UNIT 4	40 m <sup>2</sup>	42 m <sup>2</sup>	70 m <sup>2</sup>		152 m <sup>2</sup>
UNIT 5	24 m <sup>2</sup>	64 m <sup>2</sup>	63 m <sup>2</sup>		151 m <sup>2</sup>
UNIT 6	23 m <sup>2</sup>	74 m <sup>2</sup>	56 m <sup>2</sup>		153 m <sup>2</sup>

UNIT No.	FRONT OPEN SPACE	REAR OPEN SPACE	BALCONY	TOTAL
UNIT 1	53 m <sup>2</sup>	14 m <sup>2</sup>	8 m <sup>2</sup>	75 m <sup>2</sup>
UNIT 2	38 m <sup>2</sup>	N/A	8 m <sup>2</sup>	46 m <sup>2</sup>
UNIT 3	75 m <sup>2</sup>	N/A	8 m <sup>2</sup>	83 m <sup>2</sup>
UNIT 4	20 m <sup>2</sup>	14 m <sup>2</sup>	11 m <sup>2</sup>	45 m <sup>2</sup>
UNIT 5	11 m <sup>2</sup>	15 m <sup>2</sup>	13 m <sup>2</sup>	39 m <sup>2</sup>
UNIT 6	14 m <sup>2</sup>	16 m <sup>2</sup>	12 m <sup>2</sup>	40 m <sup>2</sup>

**KEY / LEGEND WHERE SHOWN**

	DENOTES SELECTED LANDSCAPING TO BE FULLY SPECIFIED AT LATER STAGE
	DENOTES EXISTING TREES
	DENOTES SELECTED CONCRETE TO DRIVEWAY & CARSPACES
	SELECTED CLOTHESLINE @ 900mm AFFL
	EXTERNAL CEILING LIGHTING
	BIN LOCATION
	1800MM HIGH TIMBER FENCE
	DENOTES MAIL BOX
	H/W HIGH LEVEL WINDOW @700 AFFL

**GROUND FLOOR PLAN**



**MAP**  
Architecture & Design Pty Ltd

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All dimensions shown on this plan are to the face of construction unless otherwise stated. All dimensions are to the face of construction unless otherwise stated. All dimensions are to the face of construction unless otherwise stated. All dimensions are to the face of construction unless otherwise stated.

**PROJECT**  
Townhouse development  
682-684 Bell Street, Preston

**DRAWING TITLE**  
GROUND FLOOR PLAN

**DWG ISSUE**  
TOWN PLANNING SS

**DATE**  
20-10-14

**AMENDMENTS**

No.	DATE	AMENDMENTS
A	10/04/15	CHANGES TO ADDRESS COUNCIL RFI
B	02/09/15	CHANGES TO ADDRESS COUNCIL RFI

**NOTES**

1. All dimensions shown on this plan are to the face of construction unless otherwise stated.

2. All dimensions are to the face of construction unless otherwise stated.

3. All dimensions are to the face of construction unless otherwise stated.

4. All dimensions are to the face of construction unless otherwise stated.

**PROJECT**  
Townhouse development  
682-684 Bell Street, Preston

**DRAWING TITLE**  
GROUND FLOOR PLAN

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TOWN PLANNING SS

**DATE**  
20-10-14

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Townhouse development  
682-684 Bell Street, Preston

**DRAWING TITLE**  
GROUND FLOOR PLAN

**DWG ISSUE**  
TOWN PLANNING SS

**DATE**  
20-10-14

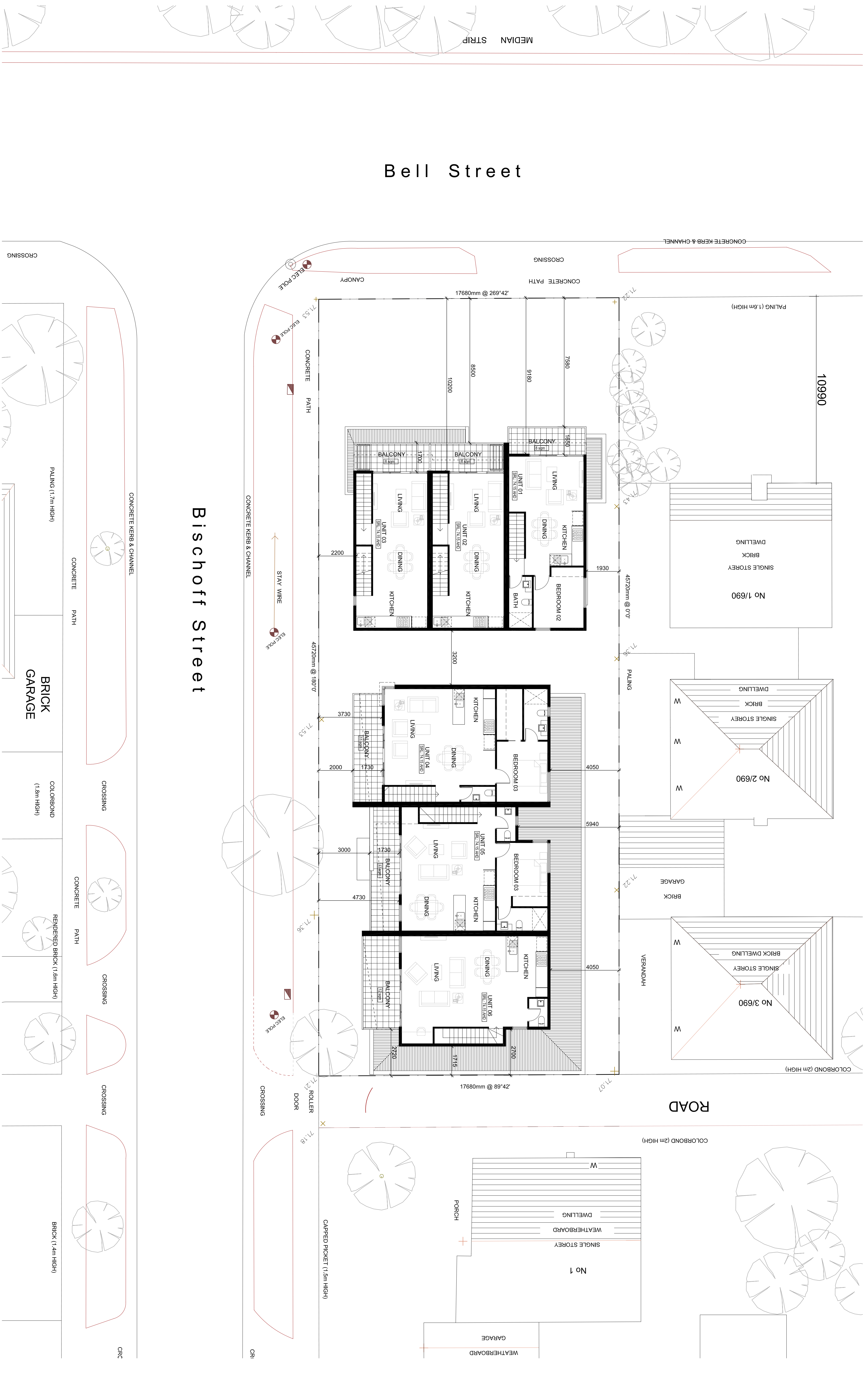
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Townhouse development  
682-684 Bell Street, Preston

**DRAWING TITLE**  
GROUND FLOOR PLAN

**DWG ISSUE**  
TOWN PLANNING SS

**DATE**  
20-10-14





# Bell Street

# Bischoff Street

## LEVEL 01 FLOOR PLAN

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No.	DATE	AMENDMENTS	No.	DATE	AMENDMENTS
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B	02/09/15	CHANGES TO ADDRESS COUNCIL RFI			

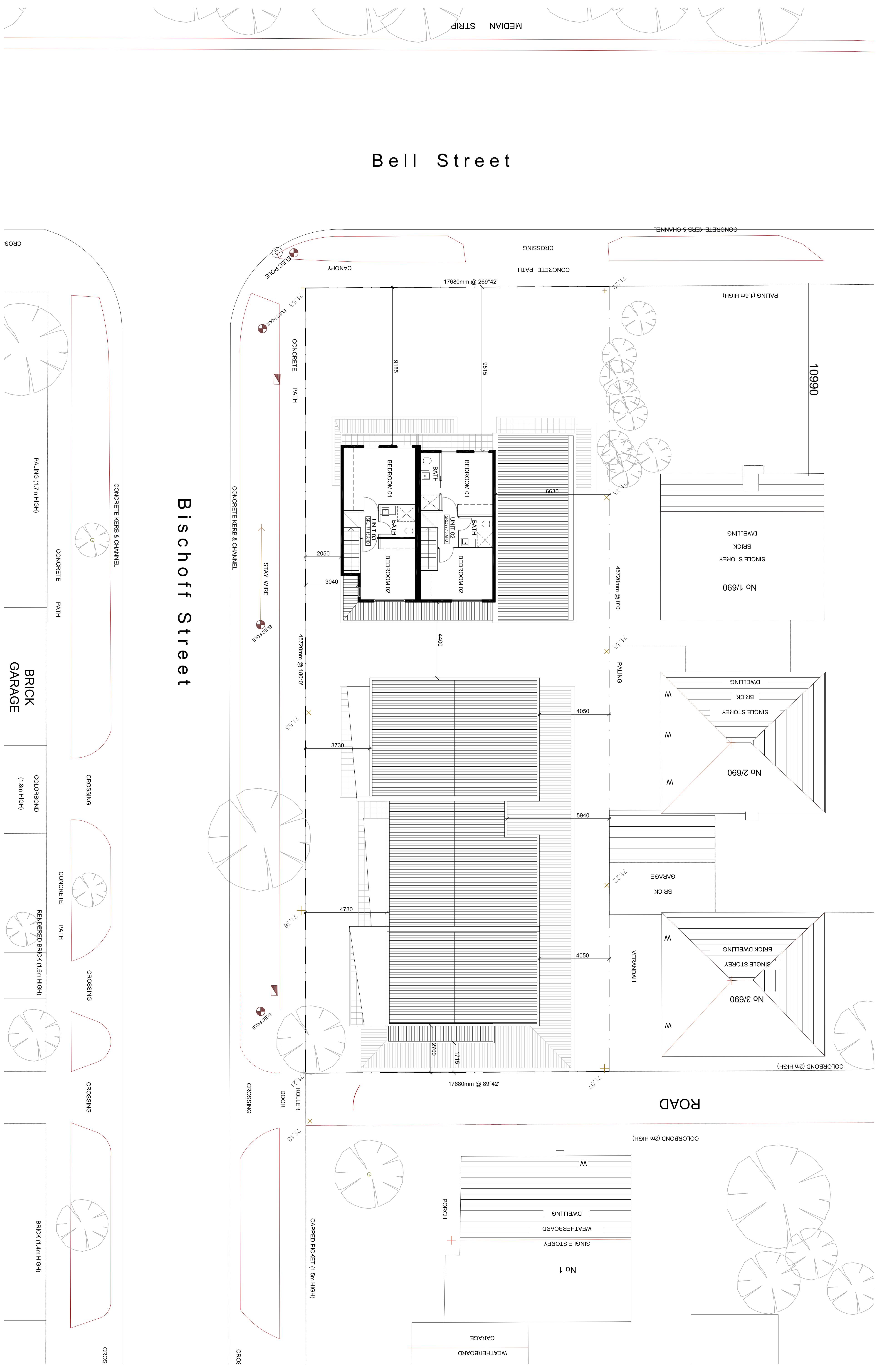
  

PROJECT	DWG ISSUE	DRAWN	SCALE	PROJECT NO
Townhouse development 682-684 Bell Street, Preston	TOWN PLANNING	SS	1:100 @ A1	141348

DATE	CHECKED	DRAWING NO	REVISION
20-10-14	FM	TP02	B





Bell Street

Bischoff Street

LEVEL 02 FLOOR PLAN

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No.	DATE	AMENDMENTS
A	10/04/15	CHANGES TO ADDRESS COUNCIL RFI
B	02/09/15	CHANGES TO ADDRESS COUNCIL RFI

No.	DATE	AMENDMENTS

PROJECT  
Townhouse development  
682-684 Bell Street, Preston  
DRAWING TITLE  
LEVEL 02 PLAN

DWG ISSUE  
TOWN PLANNING SS  
DATE  
20-10-14

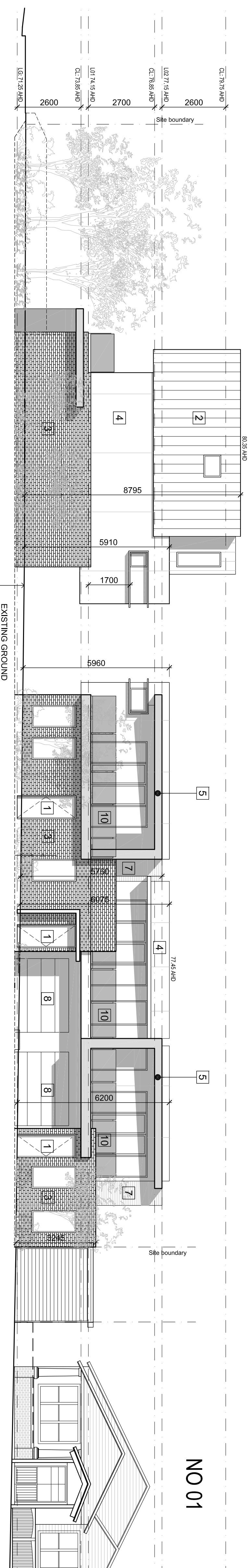
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SS  
SCALE  
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DRAWING NO  
TP03

REVISION  
B



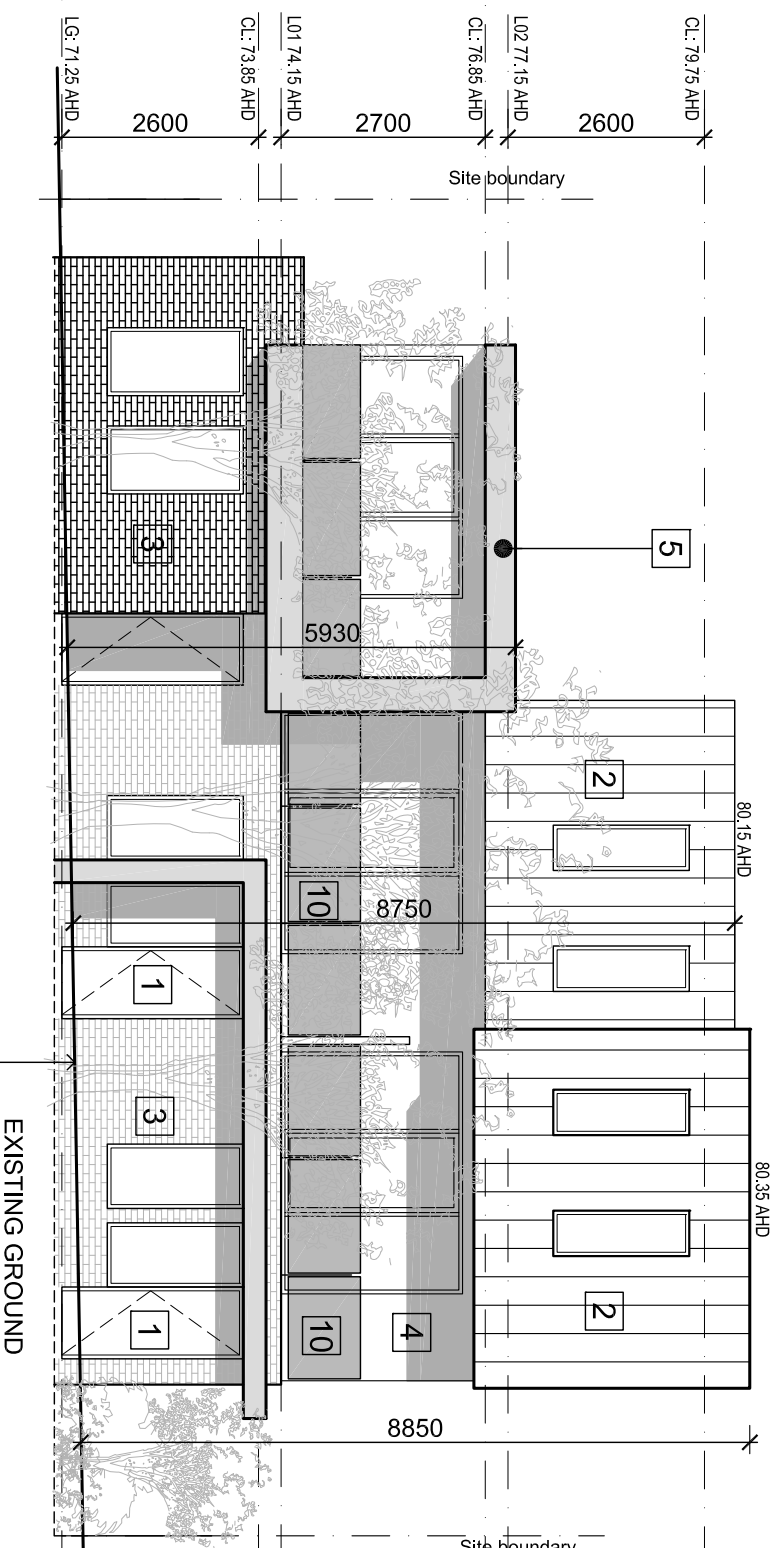
NO 682 - 684



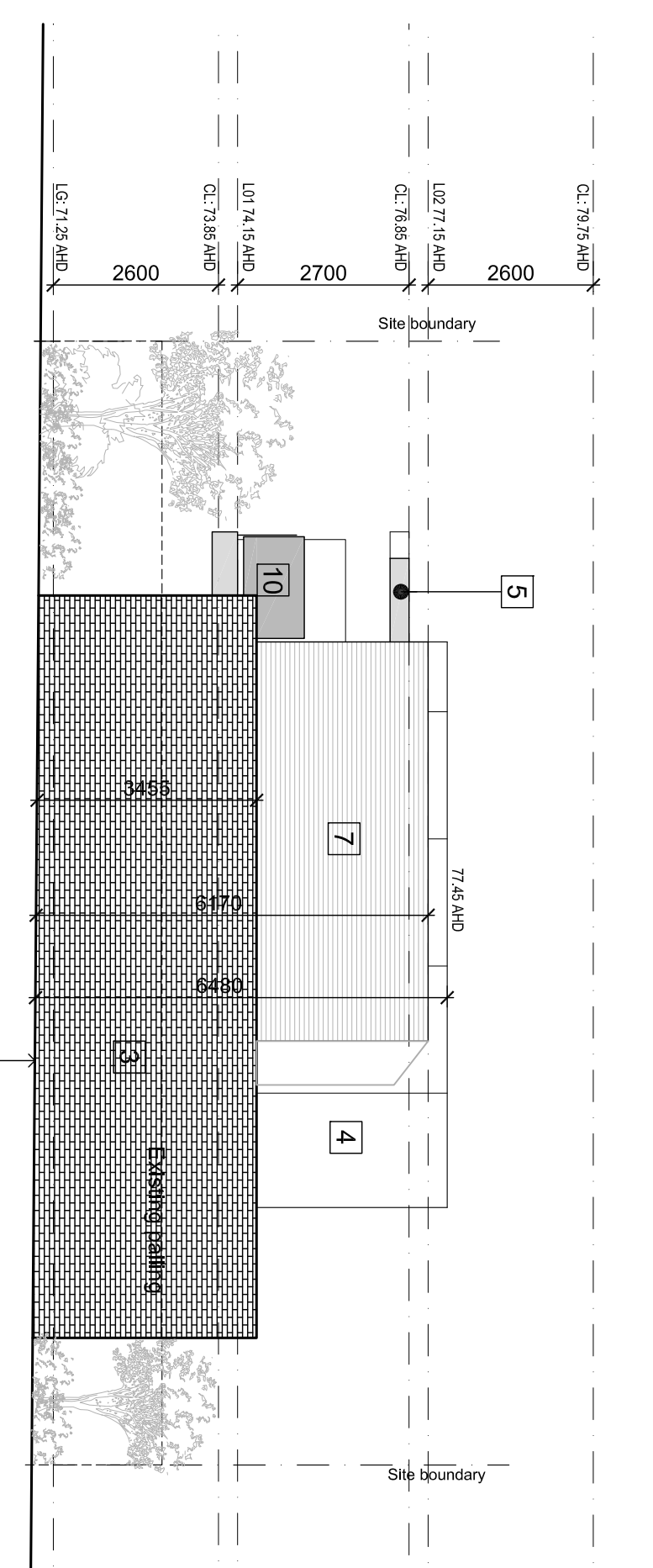
- 1 SELECTED DOOR
- 2 METAL SHEET CLADDING OR SIMILAR - LIGHT GREY
- 3 SELECTED FACE BRICKWORK
- 4 CEMENT SHEET PAINT FINISH - DARK GREY
- 5 ALUCOBOND CANOPY - OFF WHITE
- 6 ALUCOBOND CANOPY - DARK GREY
- 7 COLORBOND CUSTOMORB CLADDING
- 8 HORIZON SHINE SECTIONAL OVERHEAD GARAGE DOOR
- 9 VERTICAL TIMBER FENCE
- 10 GLAZED CLEAR BALUSTRADE

NO 01

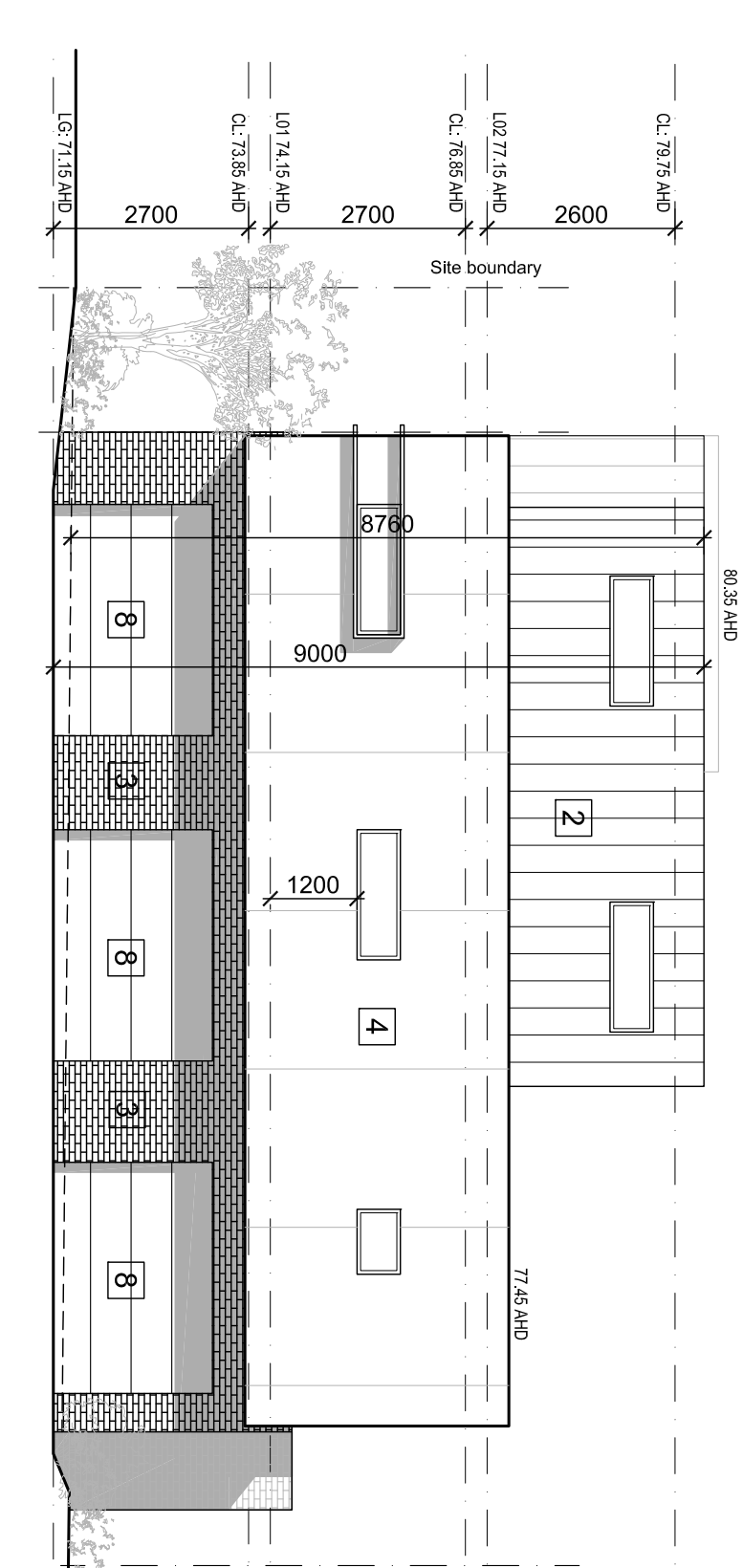
EAST ELEVATION



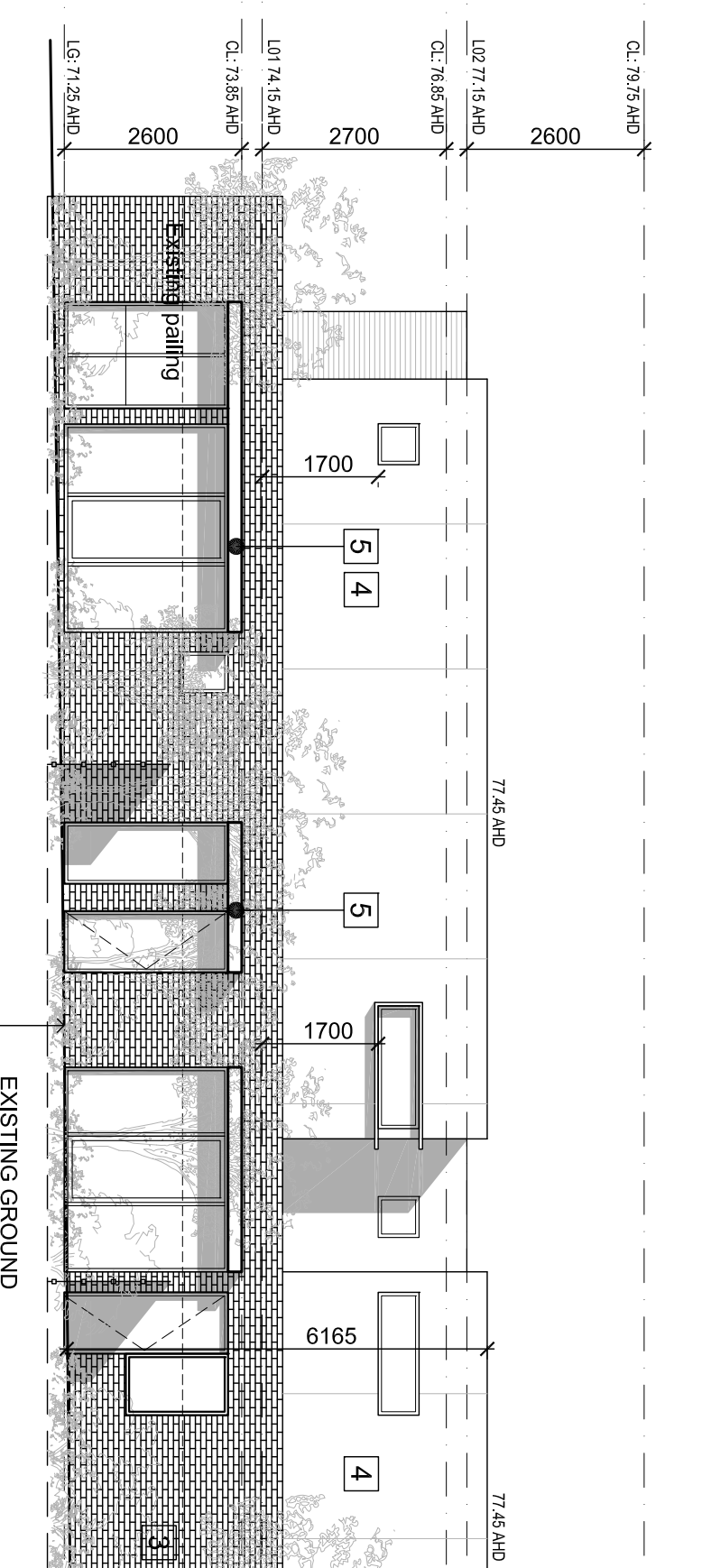
SOUTH ELEVATION



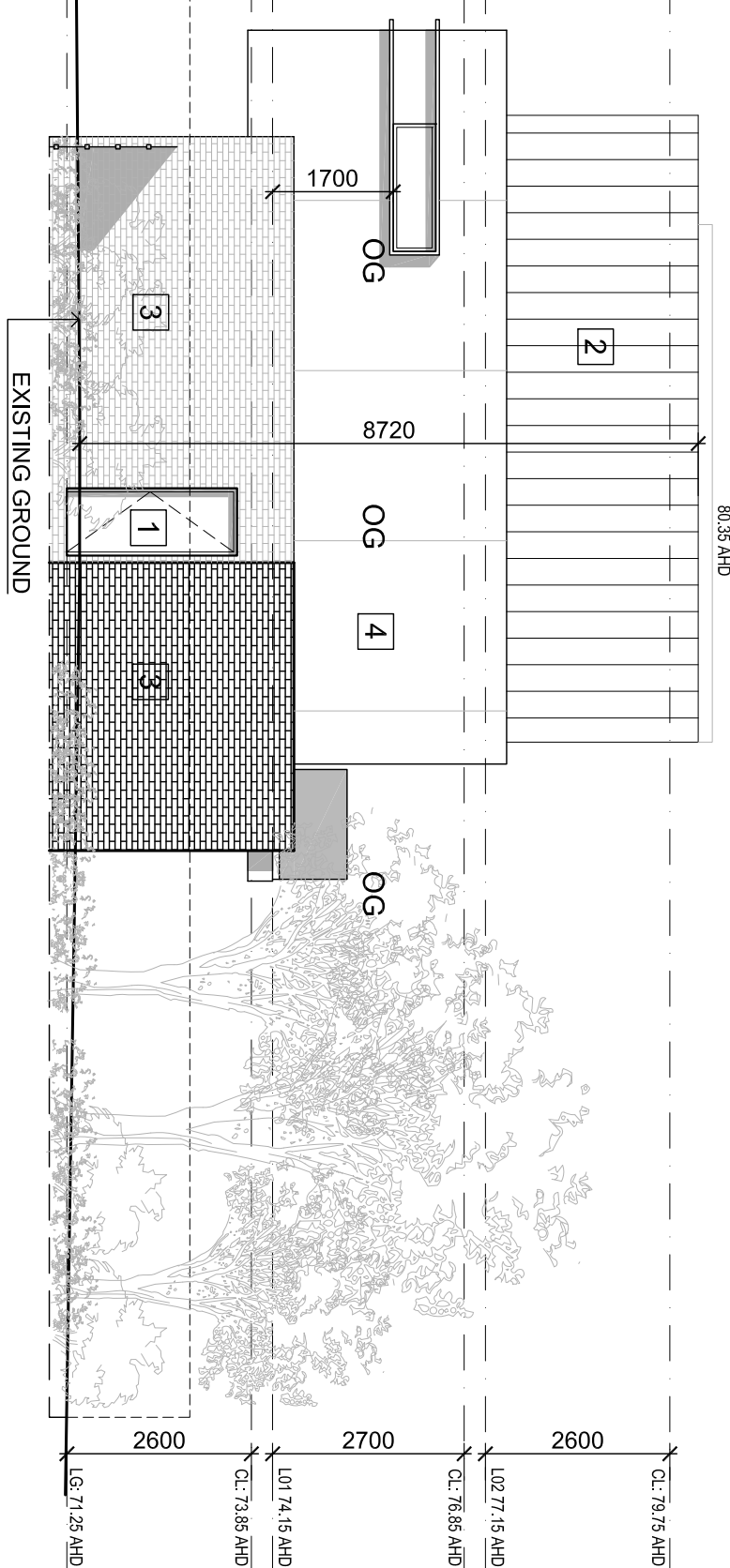
NORTH ELEVATION



INTERNAL NORTH ELEVATION



WEST ELEVATION



INTERNAL SOUTH ELEVATION

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**AMENDMENTS**

No.	DATE	AMENDMENTS
A	10/04/15	CHANGES TO ADDRESS COUNCIL RFI
B	02/09/15	CHANGES TO ADDRESS COUNCIL RFI

**PROJECT**

Townhouse development  
682-684 Bell Street, Preston

**DWG ISSUE**

TOWN PLANNING SS

**DATE**

20-10-14

**PROJECT NO**

141348

**SCALE**

1:100 @ A1

**CHECKED**

FM

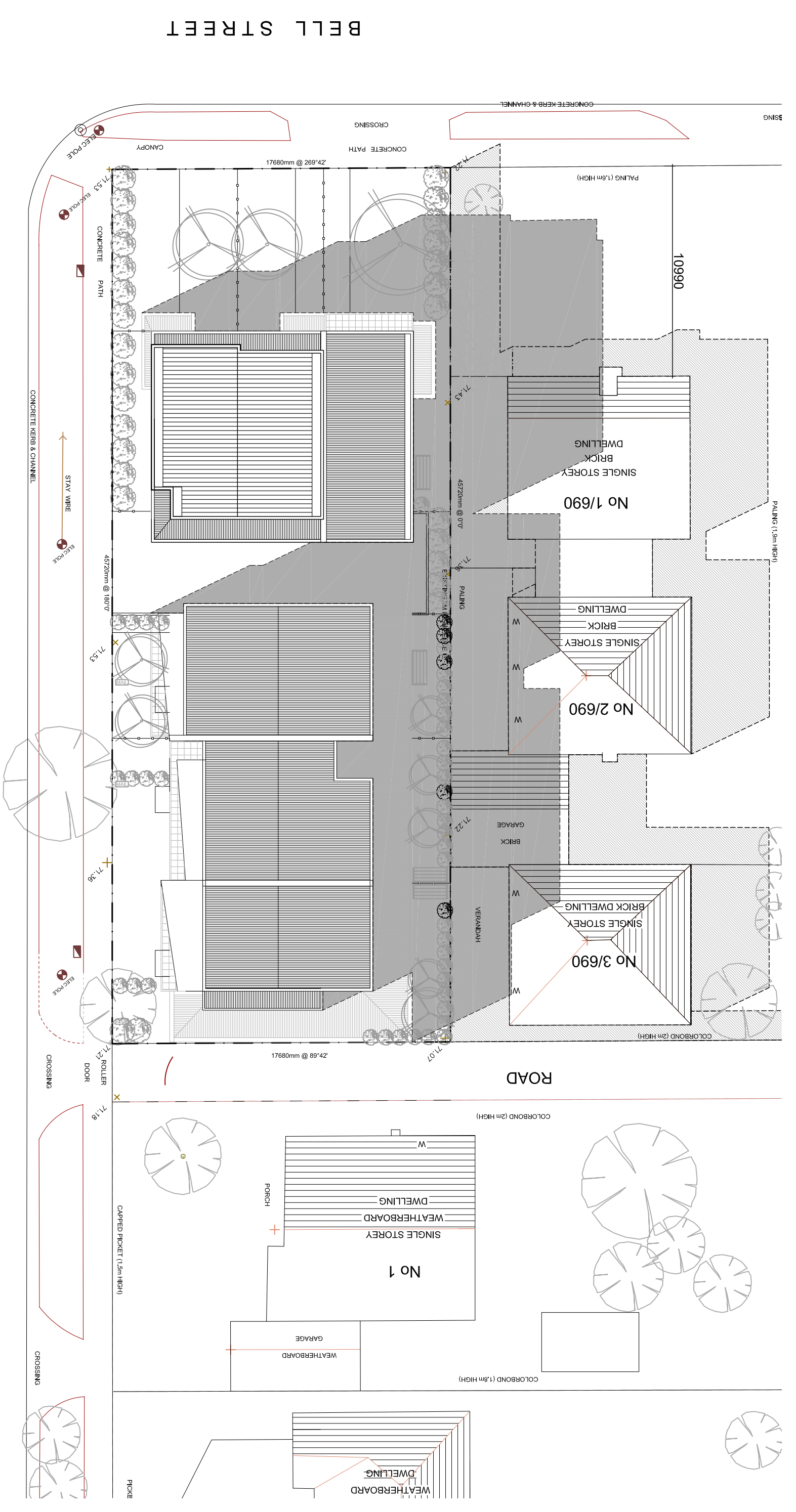
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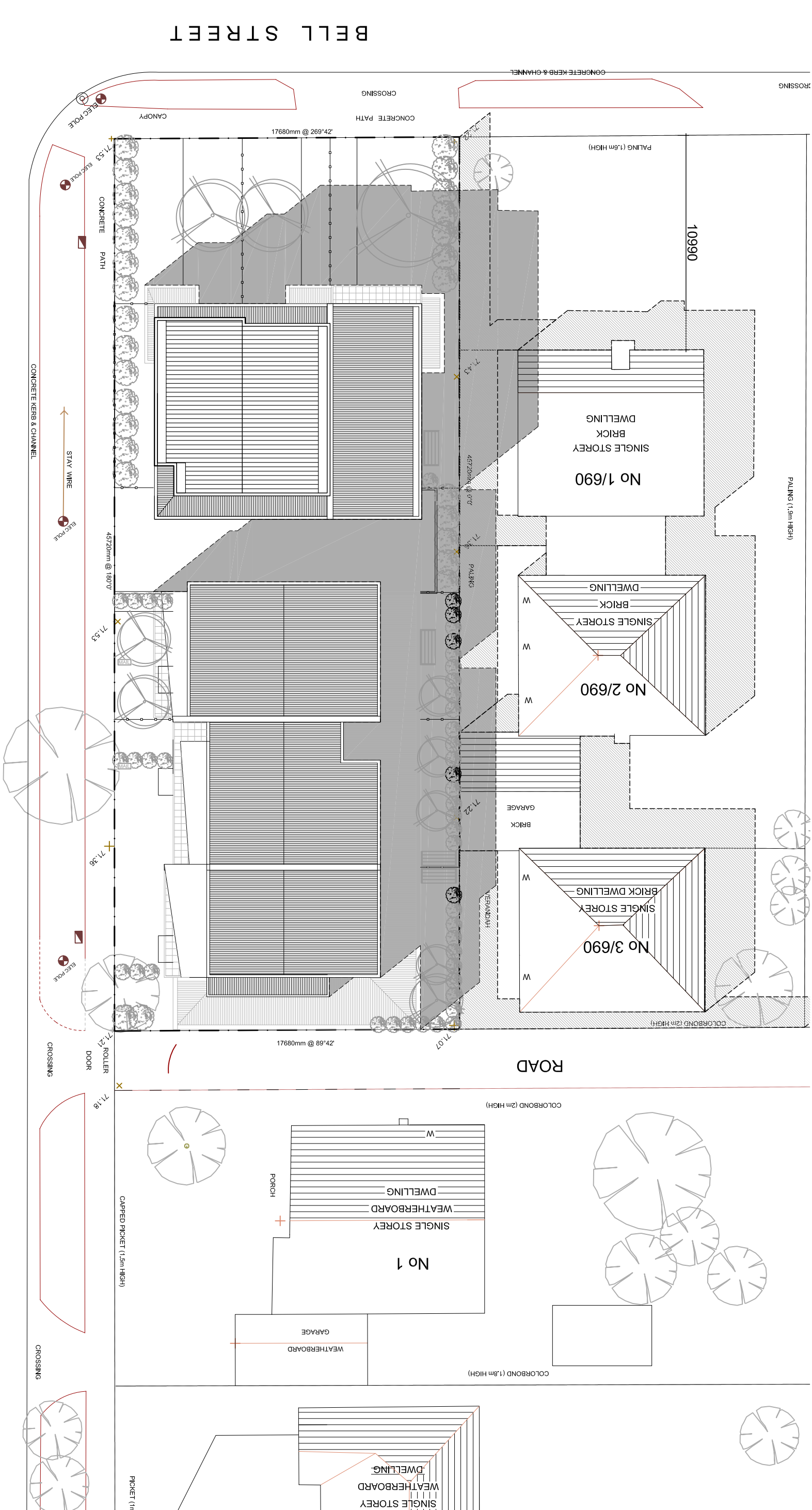
**REVISION**

B

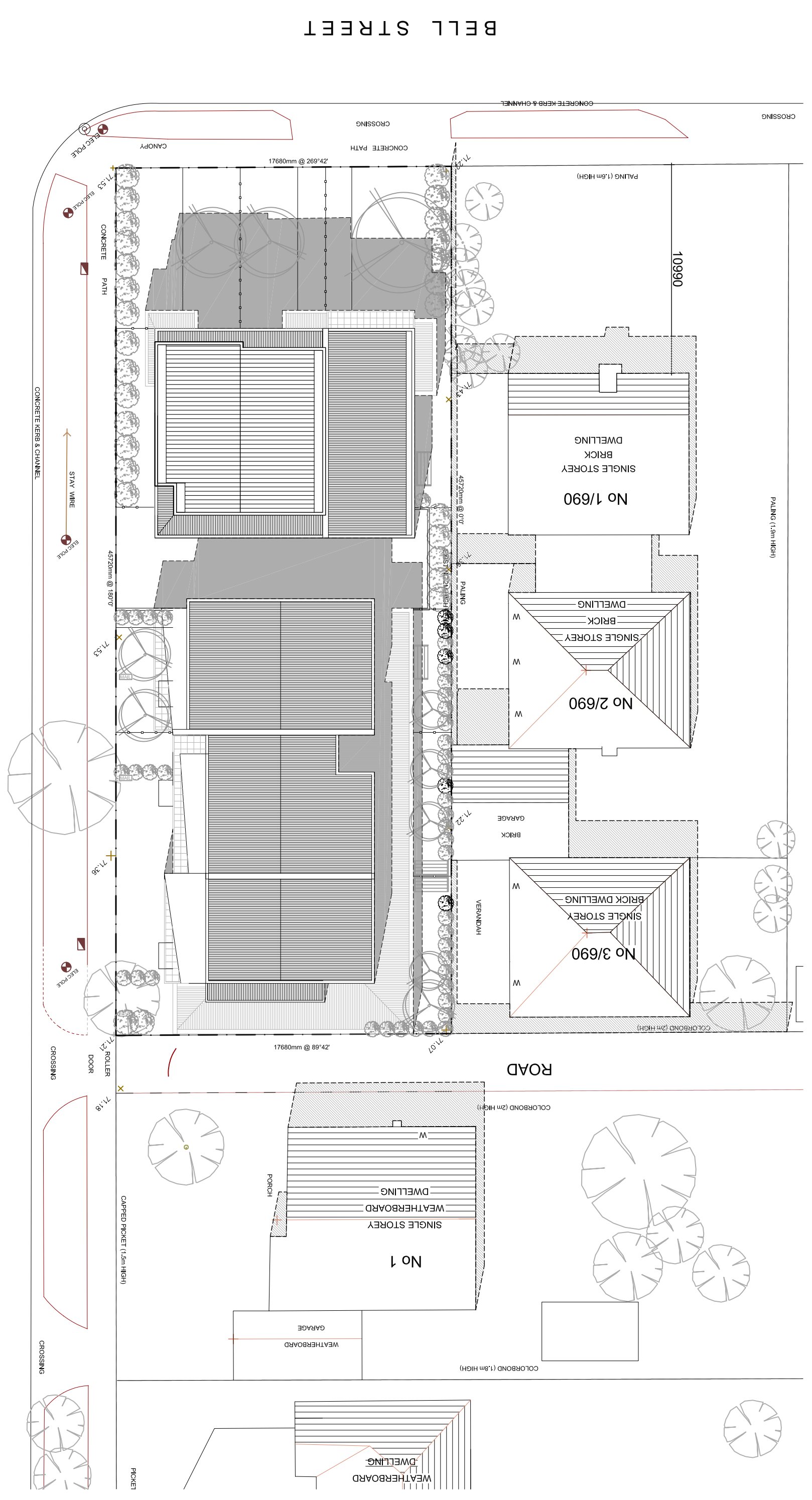




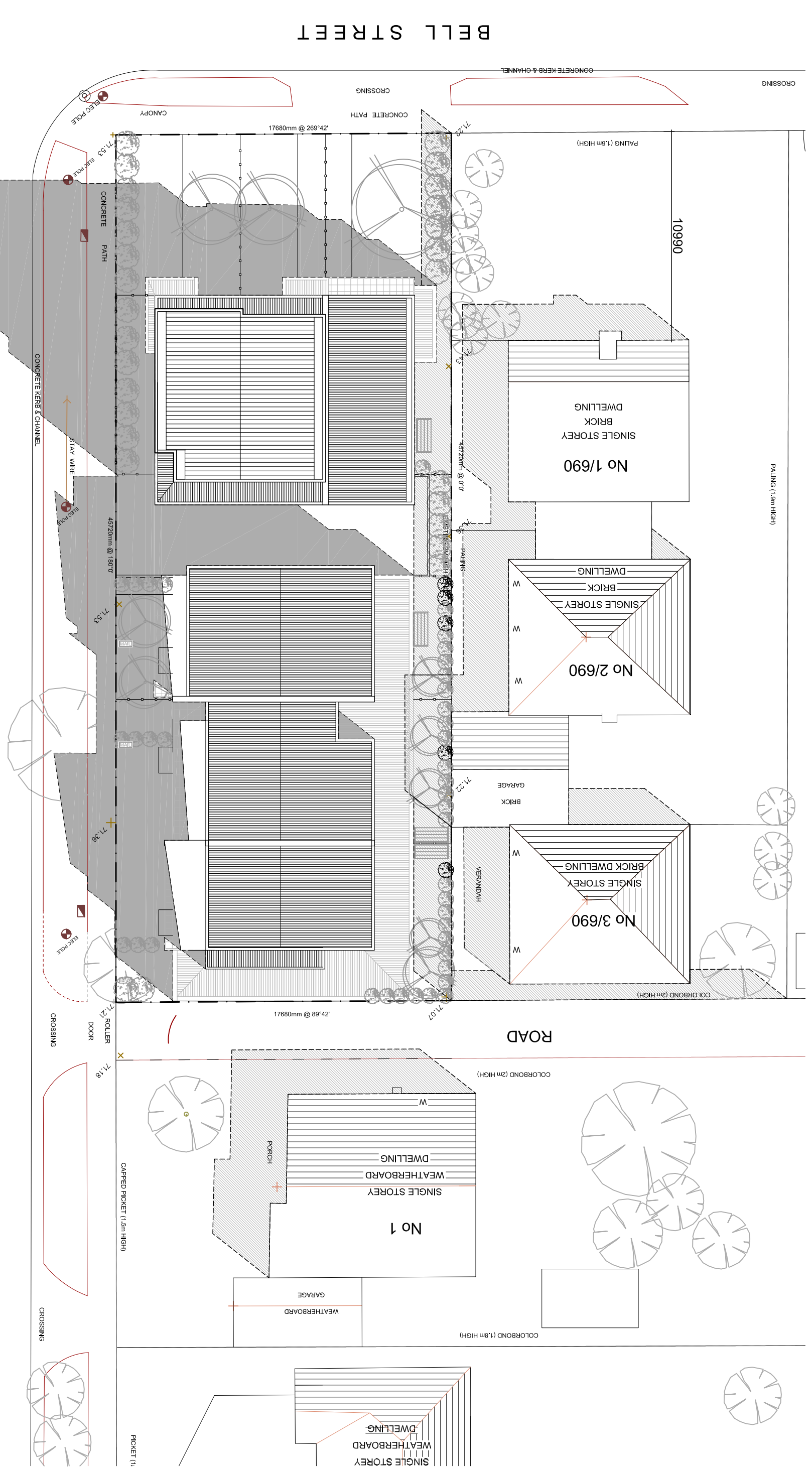
SHADOW - 9.00 AM  
22 SEPTEMBER



SHADOW - 10.00 AM  
22 SEPTEMBER



SHADOW - 12.00 PM  
22 SEPTEMBER



SHADOW - 3.00 PM  
22 SEPTEMBER

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No.	DATE	AMENDMENTS
A	10/04/15	CHANGES TO ADDRESS COUNCIL RFI
B	02/09/15	CHANGES TO ADDRESS COUNCIL RFI

PROJECT  
Townhouse development  
682-684 Bell Street, Preston

DWG ISSUE  
TOWN PLANNING SS  
1:100 @ A1  
141348

DATE  
20-10-14

CHECKED  
FM

DRAWING NO  
TP05

REVISION  
B





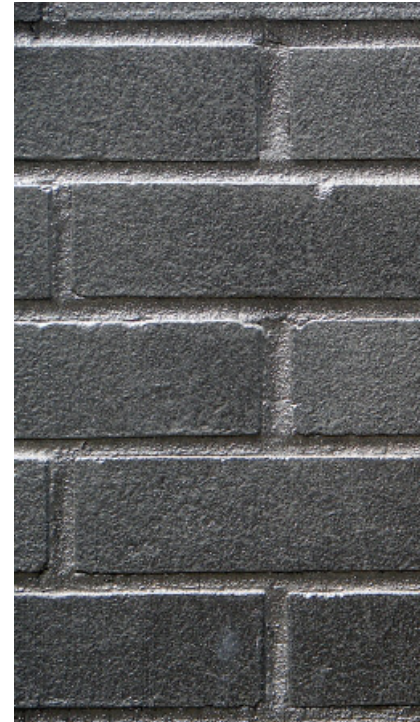
Metal Sheet Cladding

Dark Grey



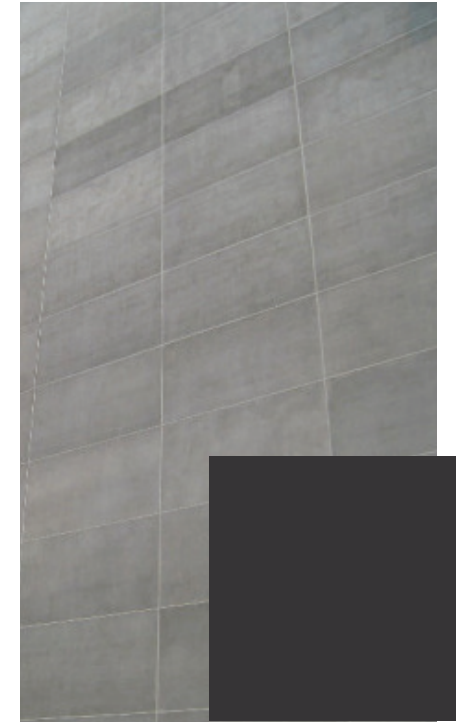
Metal Sheet Cladding

Light Grey



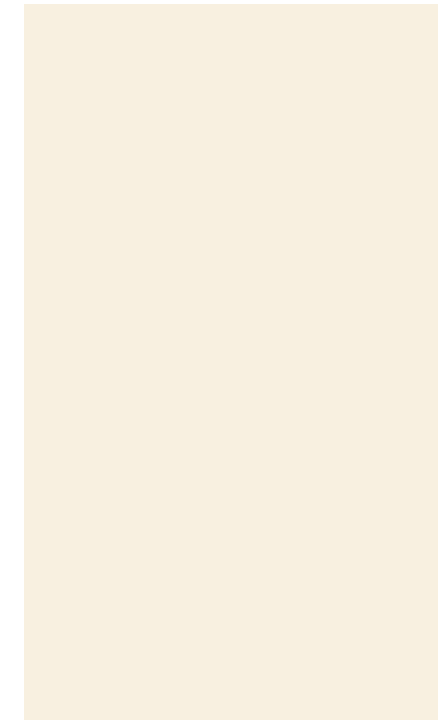
Brickwork

Dark Grey



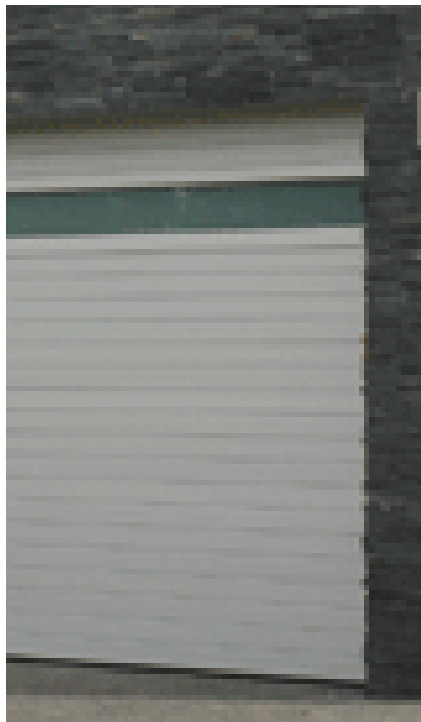
Cement Sheet  
Paint Finish

Dark Grey



Alucobond Canopy

Dulux - Off White



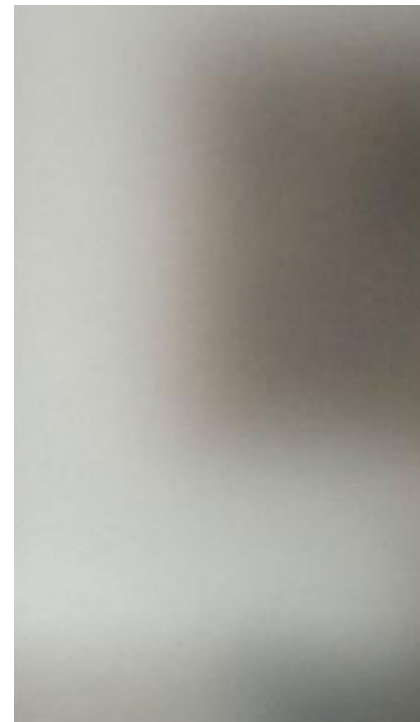
Garage Door

"Horizon" Shine Sectional Door  
Colorbond



Timber Fence

1800mm Height



Obscure Glazing



Semi Frameless Glass Balustrade

1050mm Height

## 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**

<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>
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.				

<b>NOVEMBER 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>
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.				



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

DECEMBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
14/12/2015 (Compulsory Conference)	D/468/2015	125 Grange Road, Fairfield Rucker	A three (3) storey building (plus basement) comprising twelve (12) dwellings and a reduction car parking requirement.	Refusal – Applicant appeal	
<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 agreement 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.				



JANUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
29/01/2016  Compulsory Conference	D/473/2015	73 Newman Street, Thornbury Cazaly	Alterations to the roof of the existing building (sawtooth roof altered to a flat roof), including an increase to the maximum height of the roof, as shown on the plans accompanying the application.	Notice of Decision - Objector Appeal	Hearing Confirmed  Subsequently, Council's decision set aside by consent of all parties.
<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>				

FEBRUARY 2016					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
1/02/2016	D/757/2014	18 Swift Street, Northcote Rucker	Construction of 2 dwellings	Conditions Appeal	Council's decision varied Permit Granted
<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>	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.				



OCTOBER 2015					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
5/10/2015	D/577/2014	9 Rosenthal Crescent, Reservoir La Trobe	A medium density housing development comprised of the construction of four (4) double storey dwellings.	Committee Refusal (contrary to officer recommendation)	Council's Decision Set Aside Permit Granted
<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.				



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



<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>					
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>					

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	Initial assessment
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
74-80 Bruce Street, Preston	Cazaly	D/466/2015	Residential aged care facility	30-Jun-15	Notice of Decision to Grant a Planning Permit issued
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	Further information requested
2 McCutcheon Street, Northcote	Rucker	D/814/2014	Residential development – 30 dwellings within a four (4) storey building.	8-Sep-14	Application being assessed
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
29 Railway Place, Fairfield	Rucker	D/1164/2014	Mixed use development – 30 dwellings & one (1) shop.	29-Dec-14	Report to the Planning Committee Meeting 15 March 2016
305 Plenty Road, Preston	Cazaly	D/187/2015	Construction of 19 dwellings contained within a five (5) storey building.	27-Mar-15	On advertising
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	Further information 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	Advertising completed
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	Report to the Planning Committee Meeting 29 March 2016

Address	Ward	Application No	Proposal Description	Date Received	Status
55 Tyler Street Preston	Cazaly	D87/2016	Construction of a swimming pool associated with an existing school.	16-Feb-16	Initial assessment commenced
314 St Georges Road, Thornbury	Rucker	D939/2015	Mixed use development 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
Rear of 3B Newlands Road, Reservoir	LaTrobe	D/1009/2015	Warehouse	3-Dec-15	Application lapsed
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 requested
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	Initial assessment commenced
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.

Address	Ward	Application No.	Proposal Description	No. of Objections
45 Lewis Street, Thornbury	Cazaly	D/746/2015	Construction of two (2) dwellings	14
255 Darebin Road, Thornbury	Rucker	D/716/2015	Construction of three (3) dwellings	14
75 Gooch Street, Thornbury	Rucker	D/483/2015	Construction of four (4) dwellings	8
704-706 Gilbert Road, Reservoir	La Trobe	D/944/2015	Construction of 10 dwellings	17
126 Albert Street, Preston	Cazaly	D/382/2015	Construction of three (3) dwellings	13
36 Holly Street, Preston	Cazaly	D/1059/2015	Construction of three (3) dwellings	15
26 Cool Street, Reservoir	Cazaly	D/739/2011A	Amendment to window layout	13
98 Royal Parade, Reservoir	La Trobe	D/1098/2015	Construction of two (2) dwellings	15
73 Seston Street, Reservoir	Cazaly	D/932/2015	Construction of three (3) dwellings	15
10 Symons Street, Preston	Cazaly	D/714/2015	Construction of three (3) dwellings	9
30 Cuthbert Road, Reservoir	La Trobe	D/1088/2014	Construction of four (4) dwellings	12
11 Mihil Street, Preston	Cazaly	D/475/2015	Construction of three (3) dwellings	17
10-12 Fordham Road, Reservoir	La Trobe	D/925/2015	Construction of six (6) dwellings	48
11 Hurlstone Avenue, Reservoir	Cazaly	D/626/2015	Construction of two (2) dwellings	13
466 High Street, Preston	Cazaly	D/1115/2015	Construction of a five (5) storey building comprising 18 dwellings, three (3) shops and reduction in car parking	20

**7. CLOSE OF MEETING**