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AGENDA

**Planning Committee meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 8 February 2016
at 7.00 pm.**

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Agenda

1. MEMBERSHIP

Councillors

Cr Vince Fontana (Mayor) (Chairperson)
Cr Gaetano Greco
Cr Tim Laurence
Cr Bo Li
Cr Trent McCarthy
Cr Steven Tsitas
Cr Angela 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
Chris Meulblok – Acting 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

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| RECOMMENDATION |
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MOVED: Cr.
SECONDED: Cr.

THAT the Minutes of the Planning Committee meeting held on 14 December 2015 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/933/2015 131 Plenty Road, Preston

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

| Applicant | Owner | Consultant |
|--|----------------------------|--|
| Dr C Tangas and Tanmin Corporation Pty Ltd | Tanmin Corporation Pty Ltd | Efficient Energy Choices Clement Stone Town Planners O'Brien Traffic |

SUMMARY

- It is proposed to demolish all buildings (retrospectively), and construct buildings and works for a mixed use development comprising eight (8) dwellings and a medical centre, use of the land for dwellings and reduce the standard car parking requirement.
- The site is zoned Commercial 1 (C1Z) and the Heritage Overlay (HO305) and Development Contribution Plan Overlay (DCPO) affects the site.
- The site is subject to proposed Planning Scheme Amendment C137 which proposes changes to Clause 22.01 – the Junction Framework Plan and the Design and Development Overlay – Schedule 3 (DDO3).
- The proposal complies with the building envelope controls contained in Planning Scheme Amendment C137 adopted by Council at its meeting on Monday 21 September 2015. The 6 storey height controls and the 30 degree building envelope proposed under Amendment C137 have remained in the version of the planning scheme amendment exhibited through to being adopted by Council. Importantly the 30 degree envelope is not applicable as the land to the rear is a church and not a residential site.
- There is no restrictive covenant on the title for the subject land.
- 16 objections have been received.
- The proposal is generally consistent with the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION

- Public notice was given via two signs posted on site and letters sent to surrounding owners and occupiers.

- This application was referred internally (given this is identical to the previously expired planning permit).
- This application was not required to be referred to external authorities.

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| RECOMMENDATION |
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THAT Planning Permit Application D/933/2015 be supported and a Notice of Decision to grant a Planning Permit be issued subject to the following conditions:

1. As part of the consultant team ADG Pty Ltd or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
2. The plans to be endorsed and which will then form part of the permit are the plans submitted with the application (identified as sheet 8, 9 and 10 of 11, Rev C dated 2 September 2009 and Colour and Material Schedule all Job No 20090010 prepared by ADG Pty Ltd).
3. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. The layout of the uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
5. This Permit will expire if:
 - The development is not completed or the use is not started, 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.
6. The development must be constructed in accordance with the requirements/recommendations of the Efficient Energy Choices ESD assessment report dated 14 March 2011 to the satisfaction of the Responsible Authority.

Prior to the occupation of the development, a report from the author of the ESD assessment report, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.
 7. Before the use starts, a sustainable transport display must be provided, in a visually prominent location, near the front entrance to the medical centre and must include public transport route maps and timetables and maps of walking and cycling routes to and from the site. The display must be regularly monitored and kept up to date to the satisfaction of the Responsible Authority.

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. The design of habitable rooms of all dwellings adjacent to a road and the north boundary must limit internal noise levels to a maximum of 45 dB(a) in accordance with relevant Australian Standards for acoustic control (including AS3671-Road Traffic).
11. Before the development starts, a plan (and, if appropriate, documentation) to the satisfaction of the Responsible Authority, demonstrating the arrangements for garbage and recyclable storage and collection, must be submitted to the satisfaction of the Responsible Authority.

The plan/documentation must demonstrate the means by which garbage and recyclables will be stored on the site and must require that collection be undertaken by a private contractor, with no bins stored in Plenty Road or Yann Street for collection and bins collected by the contractor from the site. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation to the satisfaction of the Responsible Authority.

12. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to dwellings at Yann Street and Plenty Road and pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

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

13. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
14. The land must be drained to the satisfaction of the Responsible Authority.
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. Before the use commences a contribution must be made (equivalent to two (2) bicycle spaces) to cycling infrastructure within the municipality, to the satisfaction of the Responsible Authority.
18. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
19. Where the *Disability Discrimination Act* requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.
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20. Before the construction or carrying out of buildings and works in association with the use commences, either:
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
 - An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use.

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

If the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the development is occupied the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that, without the written consent of the Responsible Authority:

- All conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

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

21. Not more than one (1) communal television antennae may be erected on the site. Individual antennae for individual dwellings/tenancies must not be erected.

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 2 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

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

N5. Please note the Development Contribution Plan levy will be invoiced separately.

N6. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of Sustainable Tools for Environmental Performance Strategy (STEPS) and/or Sustainable Design Scorecard (SDS) to assess the developments environmental performance against appropriate standards.

N7. In relation to the requirements of Condition No. 18 of this Permit, please contact Council's Bicycle Strategy Co-ordinator (Ph: 8470-8468) for details on how to make an equivalent contribution.

REPORT

INTRODUCTION AND BACKGROUND

Planning Permit D/68/2010 was issued 20 December 2010 by Planning Committee for the construction of buildings and works for a mixed use development comprising eight (8) dwellings and a medical centre, use of the land for dwellings and a reduction in the standard car parking requirement. Extension of time EOT/110/2013, issued 29 January 2014, required that works be commenced by 20 December 2014. The permit was amended 16 October 2014 to include demolition. No further extensions to the commencement time were issued and the permit expired. Building Permit BS1113/20151300/0 was issued 1 June 2015 and demolition works occurred after this date.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 7.98 metres in length and 35.56 metres in width with a site area of 272 square metres.
- The land is located within the Commercial 1 Zone and the Heritage Overlay HO305 and Environmental Audit Overlay.
- The site is located on the north east corner of Plenty Road and Yann Street in Preston.

- Previously a single and double storey brick shop was located on site which has now been demolished. The site has a gentle slope down of 0.9 metres to the west.
- To the north, at 133 Plenty Road, is a double storey shop with a dwelling to the rear. Beyond this are two storey commercial developments
- To the west, on the opposite side of the Right of Way (ROW), is a church.
- To the south, on the opposite side of Yann Street, is a single storey shop.
- To the east, on the opposite side of Plenty Road, are two (2) storey commercial developments (typically offices) and restricted retail premises.
- The site is located adjacent to Tram Route 86. Bus Route 552 runs on High 200 metres to the west and Bus Route 513 runs on Bell Street 250 metres to the north. Bell Station is 400 metres to the west.
- On street parking supply in Plenty Road is unrestricted in proximity to the subject site but Monday to Friday clear ways apply on the east side 4pm to 6:30 pm and on west side 7am to 9am. On street parking supply in Yann Street is unrestricted on the north side and restricted on the south side two hours 8:30 am to 6:30 pm Monday to Friday and 8 am to 12:30 pm Saturday.

Proposal

- The proposal is to demolish the existing building (retrospectively) and to construct a three (3) storey development comprising a medical centre and eight (8) dwellings identical to that previously allowed under planning permit D/68/2010.
- The medical centre is to have one (1) practitioner (Ophthalmic Surgeon) with two (2) support staff (a receptionist and an ophthalmic assistant). The practice will see four (4) patients per hour, operating 3 to 4 days a week (normally weekdays) between the hours of 8:30 am and 6:00 pm.
- Two (2) dwellings will be bedsits and six (6) will be one (1) bedroom. Dwellings have an open plan kitchen, living dining arrangement, a bathroom and a bedroom or a bed nook off the main living area. Dwellings have balconies of a minimum 8.66m² area and a minimum 1.6m dimension. Northern light courts are provided to the bedrooms of Dwellings 2, 3, 4, 6, 7 and 8.

The ground floor comprises 117 square metres of medical centre with pedestrian access directly off Plenty Road. Seven (7) secure car parking spaces are to be provided, four (4) in independent car stackers accessed from the rear ROW and three (3) car spaces accessed off Yann Street from a relocated crossover. Storage for dwellings and bins is also provided. It is proposed to allocate the four (4) independent car stacker spaces to the dwellings and the three (3) remaining car spaces to the medical centre. Refer car parking assessment under Clause 55.06.

- At first floor it is proposed to provide Dwellings 1 to 4. At first floor it is proposed to provide Dwellings 5 to 8.
- Dwellings 1 and 5 have a frontage to and access to Plenty Road.
- Dwellings 2 to 4 and 6 to 8 have frontage to and access to Yann Street.
- Materials of construction include blue Rio brick, Metal Plate, timber, concrete panel, perforated metal, powder coated aluminium and render.

Objections

- 16 objections have been received.

Objections summarised

- Overlooking.
- Character – form, scale, materials and contemporary design not appropriate.
- Too many 1 and 2 bedroom dwellings.
- Not sustainable.
- Traffic impacts.
- Insufficient Car Parking.
- Overdevelopment.
- Visual bulk.
- No net value to the community.
- Demolition of heritage building inappropriate.
- Non-compliance with building regulations.
- Impacts associated with roof plant.
- Setting a precedent.

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 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. The objections are identical pro-forma objections. Given words in the singular include the plural (Interpretation of *Legislation Act 1984* - Sect 37) the 9 individual identical letters comprise a “letter with multiple signatories” under the Charter.

The location of objector addressees has been mapped with all being located 1.1km to 1.6km away from the subject site.

- Overlooking.

See assessment below.

- Character – form, scale, materials and contemporary design not appropriate.

The proposal is consistent with the character of the area. The proposed design is not mock historic which is preferred and the design is not overstated or visually obtrusive and will bring a richness of urban form to the street. See assessment below.

- Too many 1 and 2 bedroom dwellings.

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

- Not sustainable.

The proposal has provided an appropriate ESD assessment.

- Traffic impacts.

The site is located adjacent to a Road Zone category 1 and will not generate significant traffic.

- Insufficient Car Parking.

See assessment below.

- Overdevelopment

See assessment below.

- Visual bulk / three storey form inappropriate.

The scale of the development is commensurate with its immediate surrounds which are not residential. The adjacent two storey Victorian era buildings fronting Plenty Road have high parapets which present a two and a half storey scale to the street. The proposal is only nominally higher than these buildings. There are no significant detrimental visual bulk impacts associated with the proposed built form and the building height is consistent with the heritage character of the place and the urban character of Plenty Road.

- No net value to the community.

This ground is unsubstantiated. The proposal provides a mixed use development incorporating medical facilities and 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”

Whilst the land is zoned Commercial 1 the above comments remain relevant.

- Demolition of heritage building inappropriate.

See assessment below.

- Non-compliance with building regulations fire rating requirements.

Construction techniques are not a consideration under the Planning and Environment Act or Darebin Planning Scheme. Compliance with the building regulations is the responsibility of the land owner.

- Setting a precedent.

The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration.

PLANNING ASSESSMENT

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 6 storey / 20 metre mandatory maximum height to apply to this site. The three storey building has a zero setback to Plenty Road where the DDO3 allows up to four storeys with a zero setback. Further the 30 degree envelope is not applicable as the land to the rear is a church and not a residential site. The proposed setbacks from the rear boundary are appropriate and the building complies with the proposed Clause 22.01 - The Junction Framework Plan and Design and Development Overlay – Schedule 3 (DDO3).

Heritage

Heritage Overlay HO305 statement of significance notes the following:

Statement of Significance:

What is significant?

The Plenty Road South Preston Commercial precinct comprises the late nineteenth century commercial buildings at 85-107, 131-141 and 126-134 Plenty Road, Preston. The following elements contribute to the significance of the place:

- *The original detailing to the upper facades of the buildings.*
- *Early timber shopfront at 85 Plenty Road and early twentieth century shopfronts at 130, 131, 135 and 137 Plenty Road.*
- *The consistency of the built form and the extent to which development in one main period is apparent.*

Non-original alterations or additions to contributory buildings, the buildings at 95-105 and the roadway between the buildings are not significant.

Description

The Plenty Road precinct comprises three groups of shops at 85-107, 131-141 and 126-134 Plenty Road, Preston. It is a late nineteenth century commercial precinct of single and double storey shops along both sides of Plenty Road generally between Raglan Street and Seymour Street in Preston.

Further to the north on the west side is another group of two storey shops at Nos. 131-41, extending north from the Yann Street corner. Nos.131-35 is a two storey shop row with an intact upper facade and side elevation to Yann Street. It has a solid parapet with cornice and rendered detailing to the upper part of the windows. Adjacent to it is another group of two storey shops with slightly more elaborate detail at nos. 137-41. 131, 135 and 137 Plenty Road have surviving late nineteenth or early twentieth century shop fronts.

The shop front and the upper level façade to Plenty Road and Yann Street are all significant. Notwithstanding this, a permit has previously been issued allowing its demolition. Whilst this permit expired on 20 December 2014, demolition works have since been undertaken. Demolition of the building is still considered to be appropriate as previously approved under planning permit D/68/2010.

Despite this it is important that the construction of any new building be sensitive to its heritage context. Council's heritage advisor has indicated that the design satisfies this in terms of window proportions and general form.

CLAUSE 15.01 URBAN ENVIRONMENT ASESMENT

In assessing and determining residential development applications not covered by Clause 55, regard must be had to the urban design principles of Clause 15.01.

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.

It generally provides a good quality design with the provision of residential and office (medical centres) uses on the site, furthering urban consolidation.

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

The design is considered to be acceptable in the context of the neighbourhood.

Complies

The public realm

The public realm is maintained with appropriate pedestrian entries for the residential component and the medical centre. A canopy with appropriate clearance and setbacks from the footpath and kerb extends over the footpath of Plenty Road providing additional protection.

Complies

Safety

The pedestrian entries for the dwellings are open and visible. The pedestrian entries provide an appropriate sense of address, which is secure.

Complies

Landmarks, Views and Vistas

As the development is located on a corner it is exposed when viewed from the south from Plenty Road. The architecturally designed building will add to the diversity of built form in Plenty Road and will not detract from the views along Plenty Road. Similarly the building will be visible when viewed from the north along Plenty Road, but given the adjacent buildings, the lower levels of the proposal will not be overly visible.

Views along Plenty Road are not identified as being significant by the planning scheme and there is no right to a view under the planning scheme. However, the design will contribute positively to the visual amenity and character of the area, allows for a reasonable sharing of views, and will not impact significantly upon views enjoyed from adjacent properties.

The building will alter views to the Greek Orthodox church, however this is not a heritage building and view lines to the church are not substantial. Views of the church are not identified as being significant by the planning scheme, sufficient views are maintained of the church from the public realm and general surrounds, and the scale of the development is subordinate to that of the church.

Complies

Pedestrian Spaces

The design provides appropriate pedestrian interaction and pedestrian amenity.

The design is considered appropriate in that the upper floor will not dominate the pedestrian spaces to Plenty Road or Yann Street.

The car parking fronting Yann Street does not dominate or detract from pedestrian amenity and is supported.

Complies

Heritage

The site is located within an area covered by a Heritage Overlay however the building has been demolished. The proposed building is considered to be sufficiently sensitive to the heritage context.

Complies

Consolidation of Empty Sites

The development scale is consistent with the strategic intent of the area. It provides appropriate works to complement the complexity and diversity of the built environment.

Complies

Light and Shade

Having regard to the Commercial 1 Zoning and the orientation of the land there is no unreasonable loss of sunlight/daylight to the public realm in Plenty Road as the new development is only 1.9 metres higher than the existing building (9.5 metres high).

Yann Street is not a heavily utilised part of the public realm and the additional shadows cast are considered to be acceptable in this context having regard to the existing building on the site.

Complies

Energy Resource and Efficiency

The proposal provides a mixed use development in an appropriate area to take advantage of existing services.

Having regards to the location of the site fronting Yann Street and the potential future development to the north the design provides adequate energy efficiency to the dwellings with acceptable solar access, shared walls, multi storey construction and internal stairs.

Dwellings 6 and 7 living areas are provided with north facing clerestory windows.

Given the need to provide additional articulation on the east elevation (see architectural quality assessment above under Clause 15.01), it is recommended that sun shades be provided to the east facing habitable room windows of Dwellings 1 and 5 (to the north and above).

Compliance with the ESD assessment will be required.

Complies subject to condition

Architectural Quality

Materials include precast tilt up panel, render, brick, timber, perforated metal, powdercoated balustrade and decorative metal plate and are of good quality. The development is architecturally designed to a standard that ensures the proposal will sit comfortably within the streetscape.

The elevations show an articulated façade and an appropriate level of design detail.

Complies

Landscape Architecture

The site is located within a Business zone where intense development is encouraged to locate. There is no landscaping provided as part of the proposal, which is acceptable in the context of the commercial/retail uses and development in the area.

Complies

CLAUSE 22.01 JUNCTION LOCAL AREA PLAN ASSEMENT

The proposal is generally consistent with the strategic plan for this area, as embodied in The Junction Integrated Development Plan as assessed throughout this report.

Complies

CLAUSE 22.06 MULTI-RESIDENTIAL AND MIXED USE DEVELOPMENT

The following table is a summary of the assessment of the proposal against the provisions contained in the Policy.

Sustainability

See energy resource and efficiency assessment under Clause 15.01.

CompliesDesign and Materials

See architectural quality assessment above under Clause 15.01.

CompliesBuilding Height

Surrounding development is predominantly two (2) storey. The proposed three (3) storey building height at a maximum height of 9.5 metres above natural ground level is only 1.9 metres higher than the two storey development adjacent and is therefore consistent with the scale of development in the area.

The church to the west is significantly higher than the proposal, having a scale of 4 to 5 storeys and is not a sensitive residential interface.

The proposed three (3) storey building height will have no significant overshadowing impacts of the public realm and is considered to be an appropriate design outcome.

CompliesDwelling Diversity

Two (2) dwellings will be bedsits and six (6) will be one (1) bedroom, providing diversity.

CompliesCar Parking and Vehicle Access

Vehicle access is provided from the ROW at the rear partly in accordance with policy. The existing crossover to Yann Street is to be relocated to the east with no loss of on street car parking.

The site is located 390 metres from Croxton train station and adjacent to Route 86 tram line. The site is within 400 metres of the train station, with excellent public transport available to the site. This is sufficient justification to allow a reduction in the car parking provision.

Adequate security will be provided to the car parking area by way of automated doors.

Complies

Street Address

The proposal meets the policy guidelines in respect to street address in that the medical centre provides an active street frontage and weather protection is provided to Plenty Road in the form of a canopy to the front.

Entrance provides good pedestrian access directly from street frontages.

CompliesAmenity Impacts Including Overshadowing and Overlooking

There are no private open spaces to the west, east or south of the proposal. The development does not significantly overshadow neighbouring existing secluded private open space to the north.

To the north is 131 Plenty Road and screening measures have been provided to ensure there is no overlooking to the north.

Details of roof top plant have been provided.

CompliesOn-site Amenity and Facilities, including Private Open Space

Open spaces range from 8 square metres to 13.2 square metres, with all dwellings having a minimum 8 square metres of private open space in a balcony of minimum 1.6 metres dimension compliant with the standard.

Private open spaces are well integrated with principal living areas. Having regard to the orientation of the land south facing open spaces provide the highest amenity and are appropriate.

The open spaces of dwellings are generally south facing and overshadowed. However, the location of open spaces is appropriate as it ensures that they will not be built out, minimises noise impacts from the east (Plenty Road) and provides an appropriate level of amenity.

Noise from Plenty Road to the dwellings and between dwellings is to be limited by condition.

CompliesWaste Management

An area to store waste and recyclables is provided to the rear of the site on the south boundary.

A waste management plan is to be required, which identifies the arrangements for collection of refuse (including recyclable waste).

Complies subject to condition

Equitable Access

The ground floor of the development is accessible to persons of limited mobility. Appropriate disabled access must be provided to the medical centre.

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

Complies

CLAUSE 34.01 COMMERCIAL 1 ZONE ASSESSMENT

The following is a summary assessment against the decision guidelines:

- The site is located between primary activity centres and close to public transport facilities. Generally, the proposal complies with the SPPF and the LPPF in that the use and development provides appropriate design, which contributes to the area and provides additional housing in an area capable of supporting a higher density. The works are also acceptable as can be seen elsewhere in this report.
- The design provides adequate access for pedestrians from Plenty Road / Yann Street.
- It is not considered that the proposal will lead to an unreasonable increase in traffic in the surrounding street network.
- Car parking provision is considered below, however the provision of car parking is considered acceptable.
- The building will provide an appropriate interface with the properties to the east (having regard to their non-residential use) and will result in a building which will not detrimentally impact on the amenity (in terms of visual impacts, overshadowing, overlooking and the like) of these properties.
- The proposal retains a commercial frontage to Plenty Road.
- An area for the storage of rubbish and materials for recycling is at ground level.
- The site has access to drainage and services.
- The building will have good solar access.
- The use will not detrimentally affect the amenity of the neighbourhood, including through the transport of materials, goods or commodities to or from the land, appearance of any building, works or materials or emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

The use of the land and associated buildings and works are considered acceptable and generally comply with the decision guidelines.

Complies

CLAUSE 45.03 ENVIRONMENTAL AUDIT OVERLAY ASSESSMENT

The Environmental Audit Overlay requires that before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

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

A permit condition reflecting this requirement is recommended.

Complies subject to condition

CLAUSE 52.06 CAR PARKING

Clause 52.06 requires car parking to be provided for the development as follows:

| Use | Rate | Number | Required | Provided | Reduction |
|--------------------------|-------------------------|--------|-----------|----------|-----------|
| Dwellings | 2 space/ dwelling | 8 | 16 | 4 | 12 |
| Medical Centre | 5 spaces / practitioner | 1 | 5 | 3 | 2 |
| Total Requirement | | | 21 | 7 | 14 |

The eight (8) dwellings are allocated four (4) car spaces and the medical centre use is to be allocated three (3) car spaces.

It was previously assessed that a minimum of six (6) car spaces be provided for the dwellings, however this was not supported at the time by VCAT and a planning permit was subsequently issued.

The reduction of car parking for the development is now considered acceptable due to the following:

- There is no parking precinct plan for the area.
- The site has excellent access to fixed rail public transport. The No.86 Tram runs along Plenty Road and Bell Railway Station is 390 metres to the west.
- The existing building is to be demolished and car parking credits do not apply.
- The site is proximate to an activity centre, encouraging multi-purpose trips as well as being readily accessible by public transport.
- Based on the car parking survey contained in the traffic report submitted there is sufficient parking in the surrounding street network to meet the visitor parking demand.

- The dwellings are all small, with six (6) single bedroom dwellings and two (2) bedsits. Smaller dwellings typically have lower parking demand. This view is supported by the Australian Affordable Housing Association Inc v Maribyrnong VCAT Appeal P490/2009 where parking rates in the order of 0.3 car spaces per bedsit dwelling and 0.7 car spaces per 1 bedroom dwelling were considered by the Tribunal (in an out of centre development). These rates are not directly applicable in this location but they provide some guidance.
- The reduction of the car parking is considered acceptable given policy framework from State to Local Planning Policies which encourages development to be located in areas that take advantage of public transport, services, shops and the like. In this respect the subject site is in a perfect location to provide lower car parking rates, rather than in a more suburban location where access to a car would be more critical to being able to travel.
- The medical centre provides three (3) car parking spaces for staff on site and a maximum of three (3) staff are proposed to operate from the medical centre.
- Having regard to the operation of the medical centre it is likely that there will be (2) patients on site at any time. Based on the car parking survey contained in the traffic report submitted there is sufficient parking in the surrounding street network to meet this short term parking demand.
- In addition, as a condition of approval, a sustainable transport display is required to promote the use of sustainable transport measures when attending the site.

It is considered that the proposal is generally acceptable and the reduction of the parking requirement is appropriate under the circumstances.

CLAUSE 52.34 BICYCLE PARKING ASSESSMENT

Bicycle parking is required as follows:

- According to Clause 52.34-3 of the planning scheme no bicycle parking facilities need to be provided for a residential development less than four (4) storeys in height or for a one (1) practitioner medical centre.

It is recommended that the applicant contribute to the provision of two (2) visitor bicycle parking spaces in the street and that nine (9) employee / resident bicycle parking spaces be provided in a lockable compound given the parking dispensation required and to encourage alternative means of transport.

CLAUSE 55 ASSESSMENT

Clause 34.01-8 requires Council to consider as appropriate (in addition to the decision guidelines in Clause 65) "*the objectives, standards and decision guidelines of ... Clause 55.*" Clause 22.06 states that it is policy that development should meet the objectives of Clauses 55.05-1 to 55.05-4, 55.05-6 and 55.06-4 of the Darebin Planning Scheme.

Standard B1 - Neighbourhood Character

This element has been considered above in the Clause 22.06 assessment.

Complies

Standard 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.

CompliesStandard B3: Dwelling Diversity

See dwelling diversity assessment under Clause 22.06.

CompliesStandard B4: Infrastructure

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

It has been determined that drainage is available to the site subject to conditions.

Complies subject to conditionStandard B5: Integration with the Street

See street address assessment under Clause 22.06.

CompliesStandard B6: Street Setback

Excluding southern balconies and northern light wells the building extends across the full width of all boundaries at ground, first and second floor levels.

The prevailing building height in Plenty Road is double storey (7.6 metres). The proposal has a building height of 9.5 metres on the front boundary and the proposed setbacks are acceptable.

CompliesStandard B7: Building Height

See building height assessment under Clause 22.06.

CompliesStandard B8: Site Coverage

In a Commercial 1 Zone intensive development is anticipated and this Standard is not appropriate to apply. The proposed site coverage is considered to be acceptable.

Complies

Standard B9: Permeability

In a Commercial 1 Zone intensive development is anticipated and this Standard is not appropriate to apply. The proposed permeability is considered to be acceptable.

CompliesStandard B10: Energy Efficiency

See energy resource and efficiency assessment above under Clause 15.01.

CompliesStandard B11: Open Space

The site is not adjacent to any areas of public or communal open space.

Not applicableStandard B12: Safety

See safety assessment above under Clause 15.01

CompliesStandard B13: Landscaping

See landscaping assessment above under Clause 15.01

CompliesStandard B14: Access

There is convenient connection to the street network for vehicles.

Vehicles are able to enter and exit the street network in a forward direction via the right of way.

The proposal provides relocates crossovers on Yann Street, with no loss of on-street parking.

The proposal will not result in undue traffic in the ROW and given the provision of visibility splays will improve existing access to the ROW.

CompliesStandard 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.

Complies

Standard B16: Parking Provision

See car parking assessment under Clause 55.06

Complies

Standard B17: Side and Rear Setbacks

To the north of the subject site is number 133 Plenty Road, a shop with a dwelling to the rear. The building has a 6.7m long rear yard. The north façade of the proposal will be visible from the adjacent private open space. Under the standard the following setbacks would be required.

- Max Wall Height 9.8 metres
- Proposed Setback 0 metres
- Required Setback 4.9 metres

NB - these setbacks do not include the light well for Dwellings 4 and 8 bedrooms.

In a business zone there is a reasonable expectation that intensive development will occur and the level of amenity provided for a dwelling in a residential zone cannot be expected the same for that provided for a dwelling in a business zone.

Having regard to the Commercial 1 Zoning of the land, the articulation provided by the light well and that the proposed wall is located to the south of the private open space it is considered that the proposal will not present inappropriate visual bulk. It is however recommended that the wall be painted in a light colour.

To the west is a non-residential land use and the proposed heights and setbacks are considered an appropriate response.

Complies

Standard B18: Walls on Boundaries

In a Commercial 1 Zone intensive development is anticipated and this Standard is not appropriate to apply.

Complies

Standard B19: Daylight to Existing Windows

There are no habitable room windows facing the subject site. The development allows adequate daylight to neighbouring existing habitable room windows.

Complies

Standard B20: North Facing Windows

There are no north facing habitable room windows to the south of the proposal. The development allows adequate solar access to neighbouring existing north facing habitable room windows.

CompliesStandard B21: Overshadowing

See Amenity Impacts Including Overshadowing and Overlooking assessment under Clause 22.06.

CompliesStandard B22: Overlooking

See Amenity Impacts Including Overshadowing and Overlooking assessment under Clause 22.06.

CompliesStandard B23: Internal Views

No internal views

CompliesStandard B24: Noise Impacts

There are no obvious noise sources to or from the development. Shared walls between dwellings will be required to comply with building code requirements for noise transmission.

Having regard to the tram line and road zone to the east, a condition requiring the front dwellings to address noise is recommended.

CompliesStandard B25: Accessibility

The standard requires that dwelling entries of the ground floor of dwellings should be accessible or able to be easily made accessible to people with limited mobility. No dwellings are provided at ground floor, however in a business zone this is an acceptable outcome.

CompliesStandard B26: Dwelling Entry

The entries are visible and easily identifiable. A sense of address and shelter is also provided.

Complies

Standard B27: Daylight to New Windows

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

CompliesStandard B28: Private Open Space

See on-site amenity and facilities, including private open space assessment under Clause 22.06.

CompliesStandard B29: Solar Access to Open Space

See on-site amenity and facilities, including private open space assessment under Clause 22.06.

CompliesStandard B30: Storage

Adequate storage areas have been provided adjacent to the residential car park for each dwelling.

CompliesStandard B31: Design Detail

See Architectural Quality assessment under Clause 15.01.

CompliesStandard B32: Front Fences

No front fencing is proposed.

CompliesStandard B33: Common Property

The public, communal and private areas within the development is clearly delineated. The common property is functional and capable of efficient management.

CompliesStandard B34: Site Services

Garbage and recycle bin areas are provided to the rear of the site and hidden from the public view. They are not located adjacent to a private open space or habitable room window and are considered to be acceptable. A waste collection management plan is recommended.

Mailboxes are provided at frontages and are easily accessible to premises.

All plant is shown and appropriately screened are recommended.

The provision of site facilities is considered appropriate

Complies

CONCLUSION

The site is situated within a commercial area and it is considered that a redevelopment of the site would contribute positively to the site and area. The provision of additional dwellings and maintenance of a commercial frontage allows the continuation of the active frontage and also provides an increased client base for the retail/commercial area, which will contribute to the on-going viability of the area.

Subject to conditions, the proposal complies with all relevant planning policies and planning scheme requirements. It is recommended that the application be approved.

POLICY IMPLICATIONS

Environmental Sustainability

All new dwellings are required to achieve a minimum five (5) star energy rating under the relevant building controls.

A Sustainable Design Statement (SDS) has been required as a condition of approval. The SDS will outline sustainable design initiatives required to be incorporated into the development.

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

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.

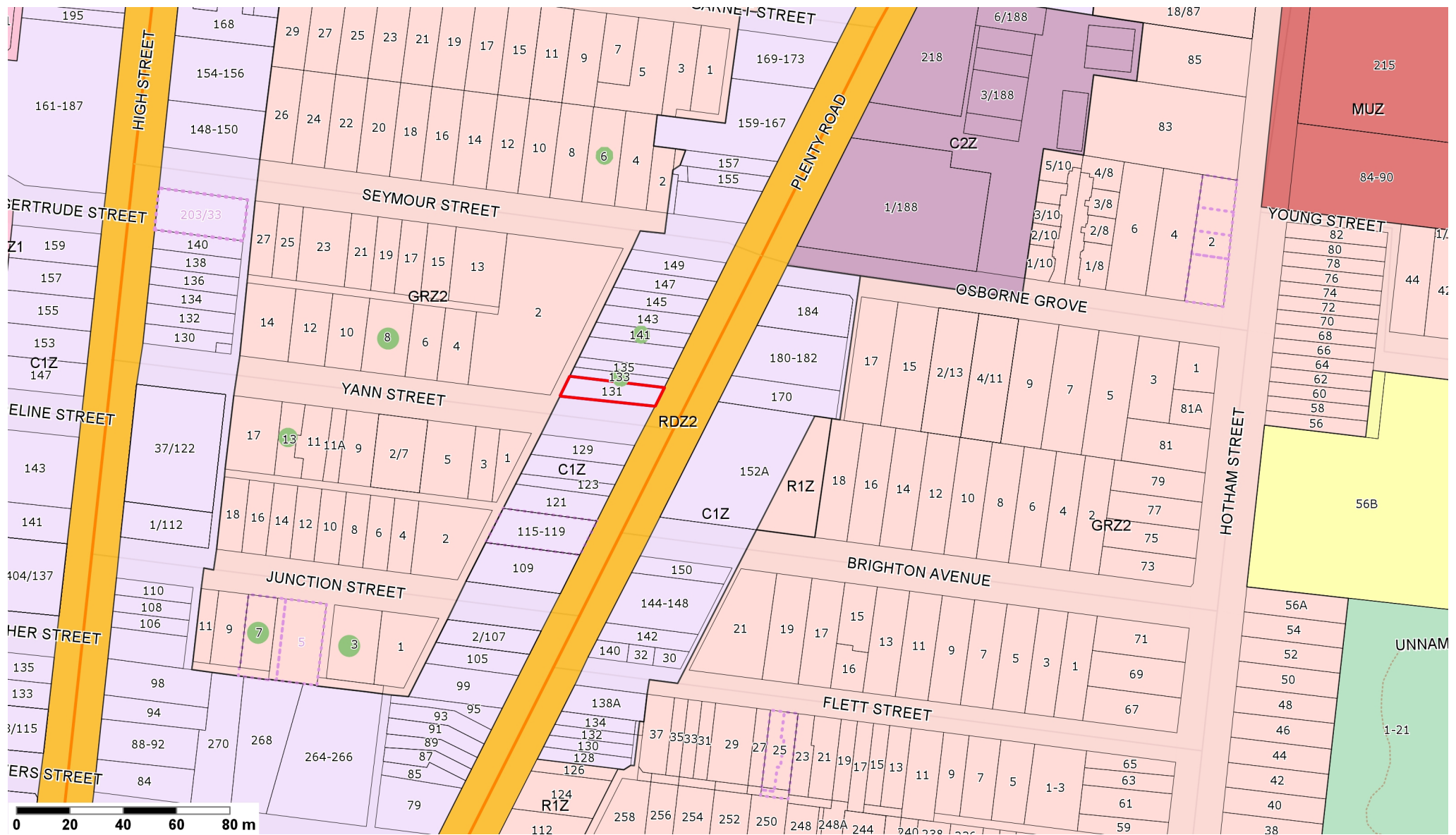
The Manager authorising this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

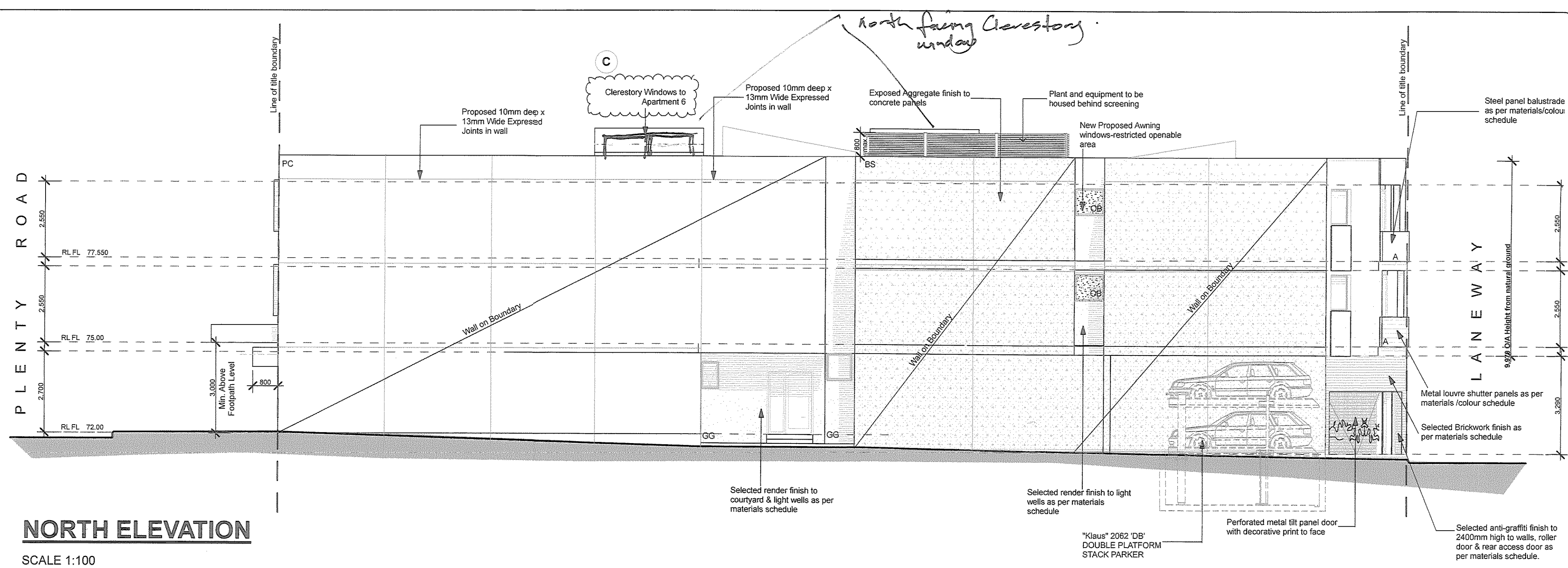


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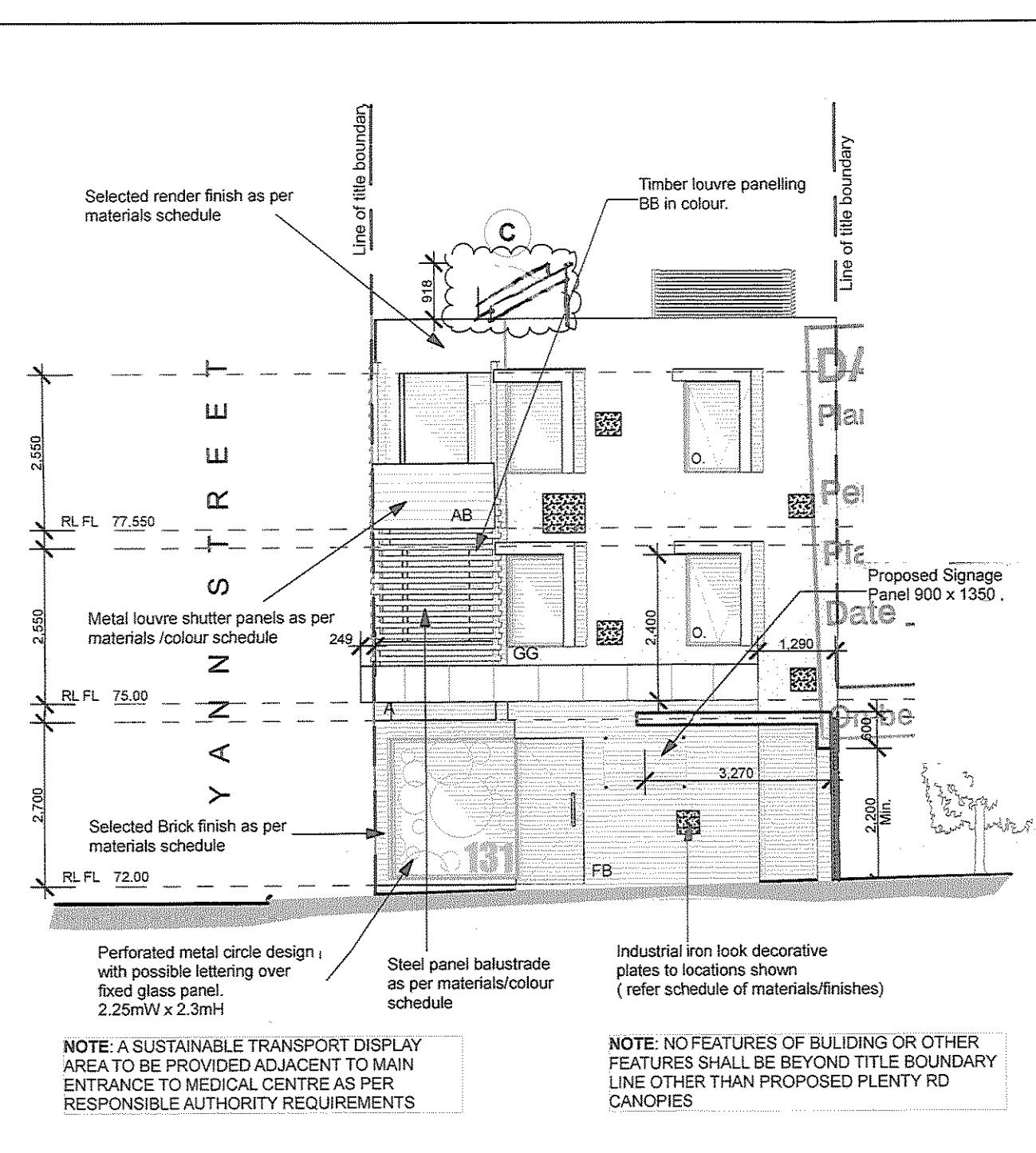






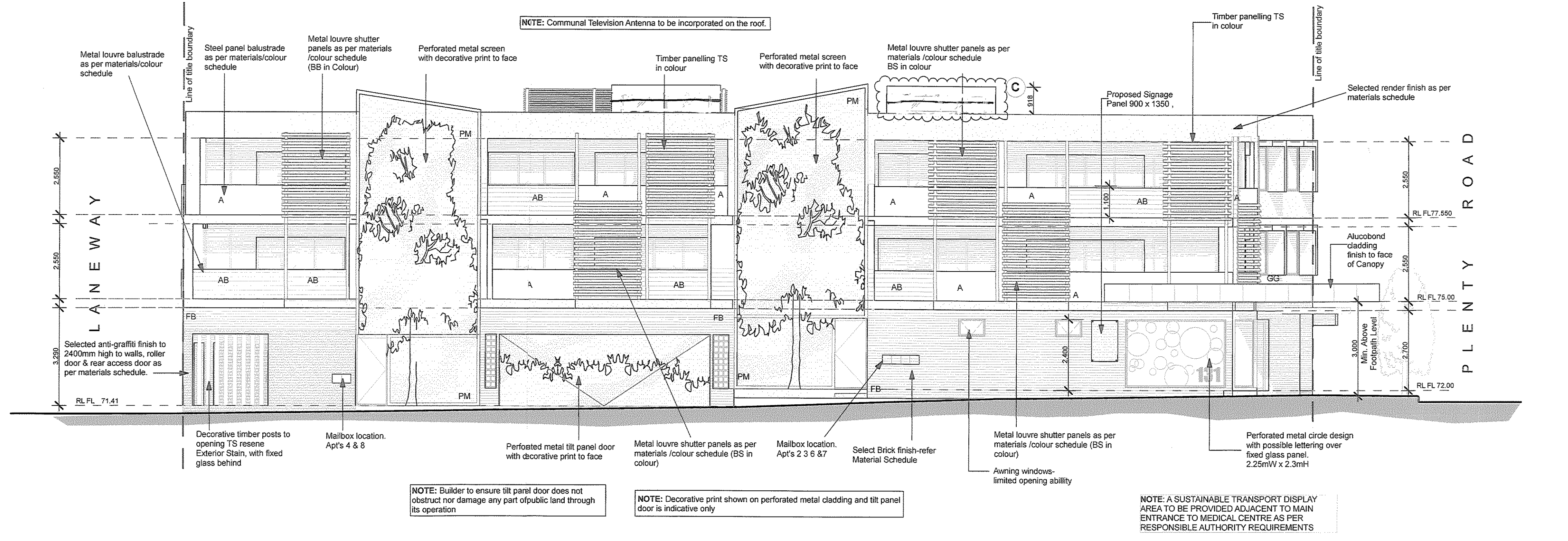
NORTH ELEVATION

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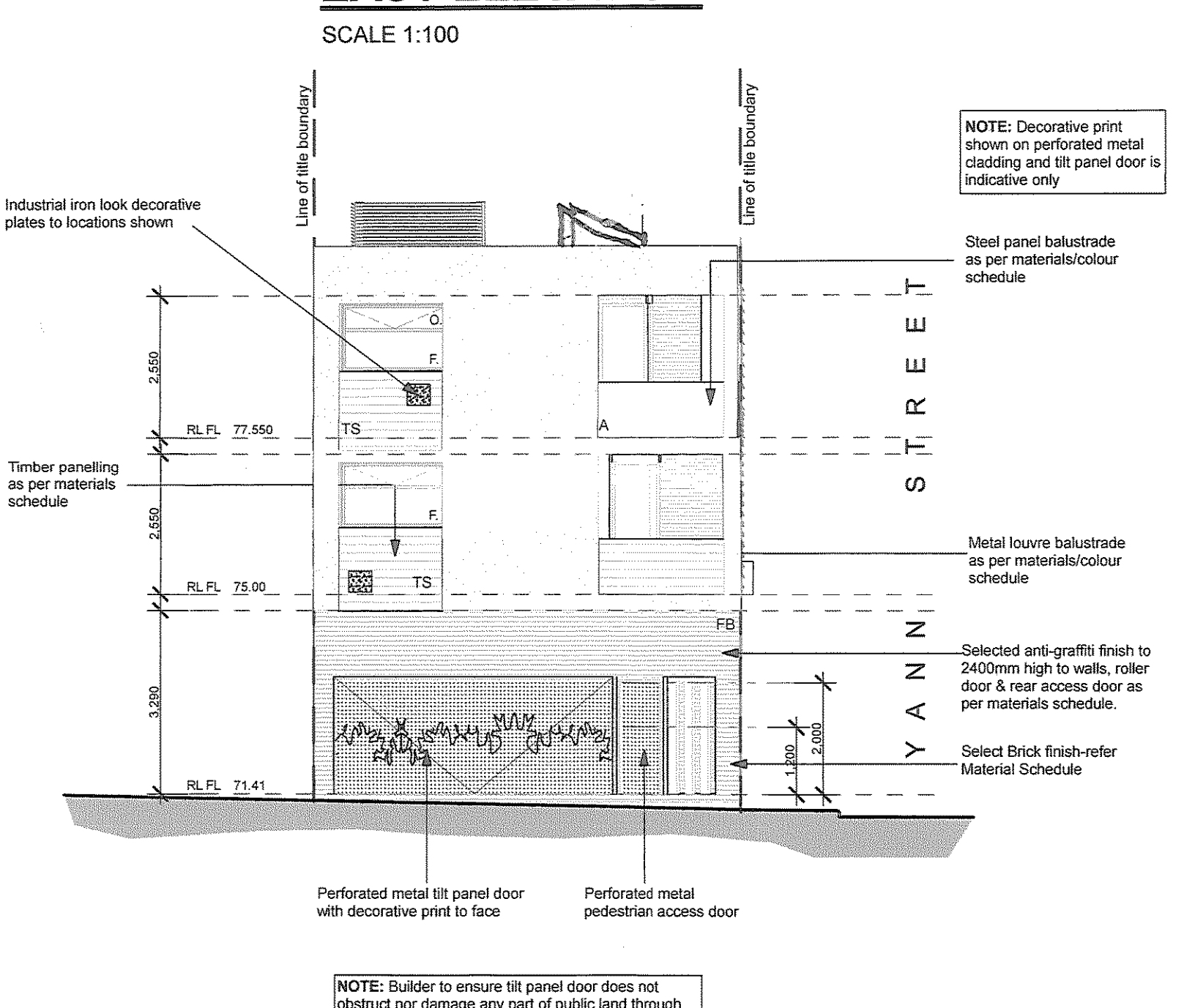
EAST ELEVATION

SCALE 1:100



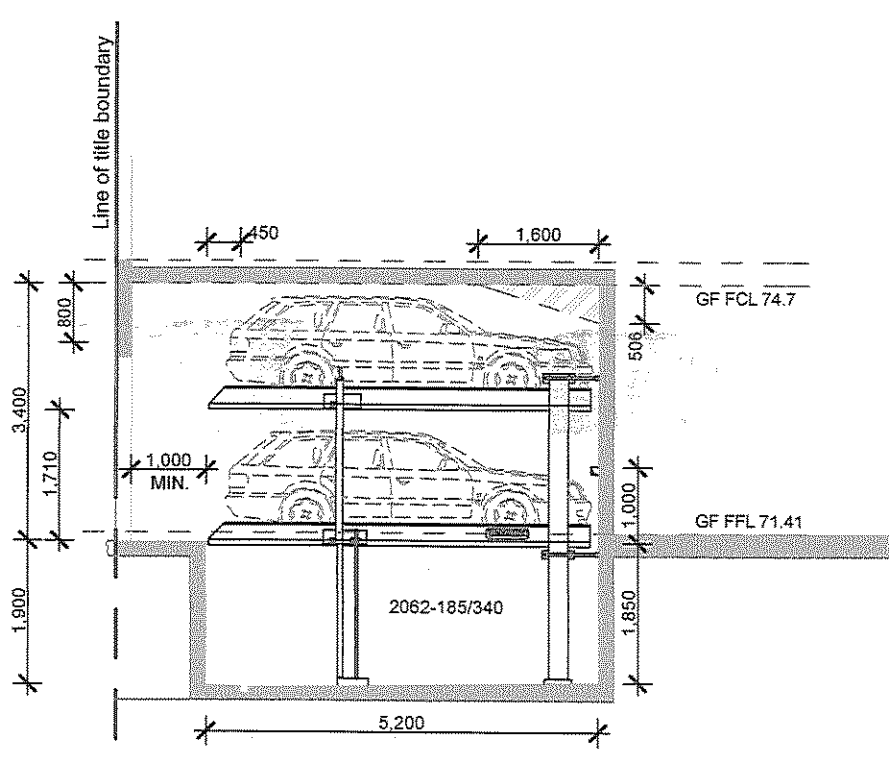
SOUTH ELEVATION

SCALE 1:100



WEST ELEVATION

SCALE 1:100



KLAUS 2062-185 STANDARD CAR STACKER

EXTERNAL FINISHES LEGEND:

| | |
|--|--|
| TS | Resene Exterior Timber Stain - Touch Wood |
| GG | Dulux - Gosanna Grey |
| BB | Dulux - Burning Brier |
| BS | Dulux - Beauty Spot |
| PM | "Pic Per" Perforated Printed Metal |
| A | Aluminium sheet Balustrading-dulux Wax Way |
| AB | Aluminium Balustrading-provide coating-green in colour |
| FB | Face Brick- Dark Colour |
| REFER COLOUR SCHEDULE FOR MATERIALS & FINISHES | |

Level 3
3 Down St
Melbourne, Victoria 3004
Ph: 03 95974111
F: 03 9595 7855
E: info@adg.com.au
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adg
ARCHITECTURAL DESIGN GROUP

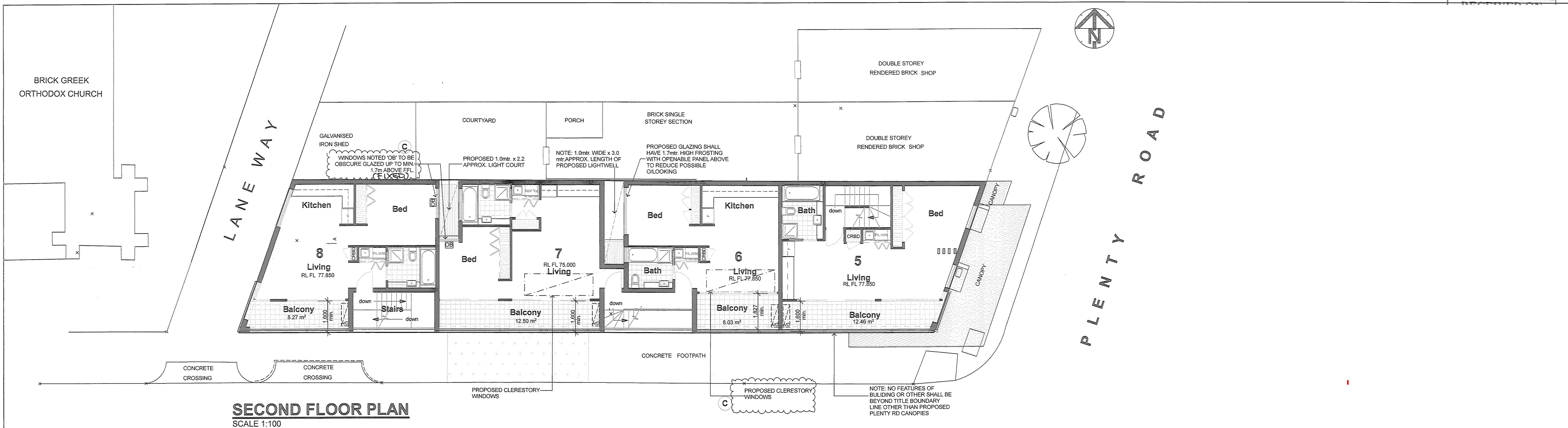
RBP
REGISTERED BUILDING PRACTITIONER
DP-412871
building designers
association of victoria
incorporated
SCALE 1:100
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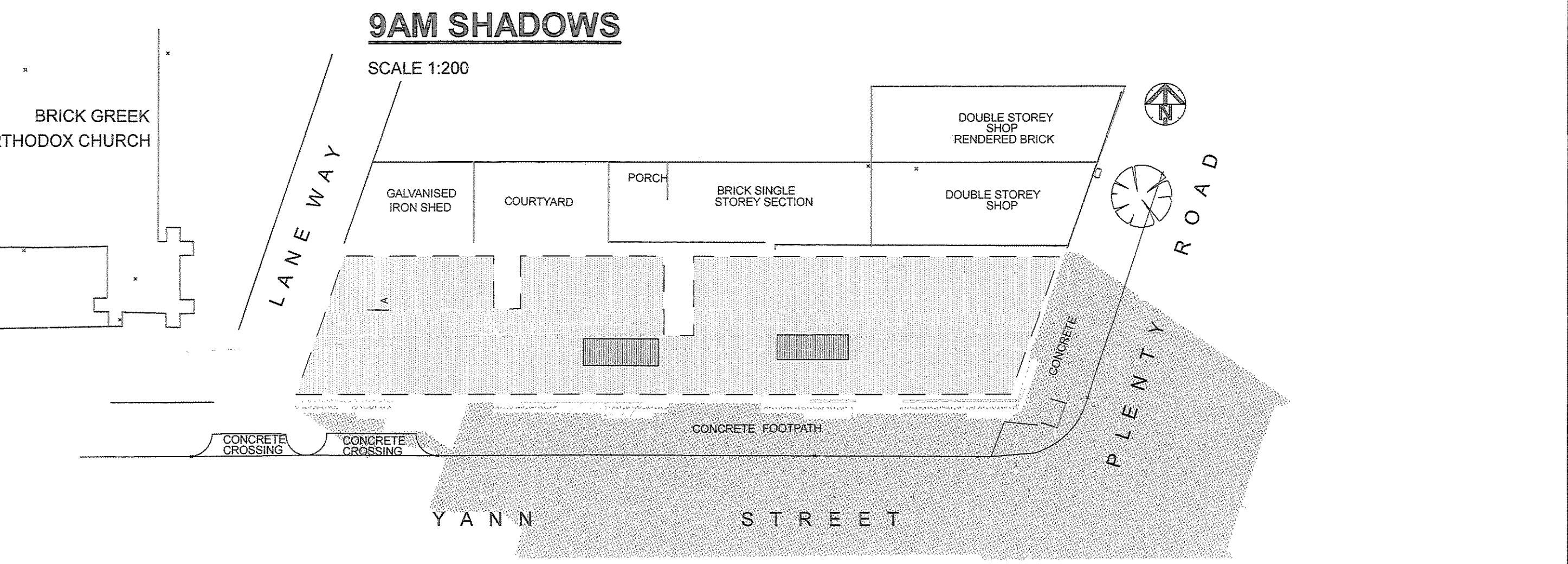
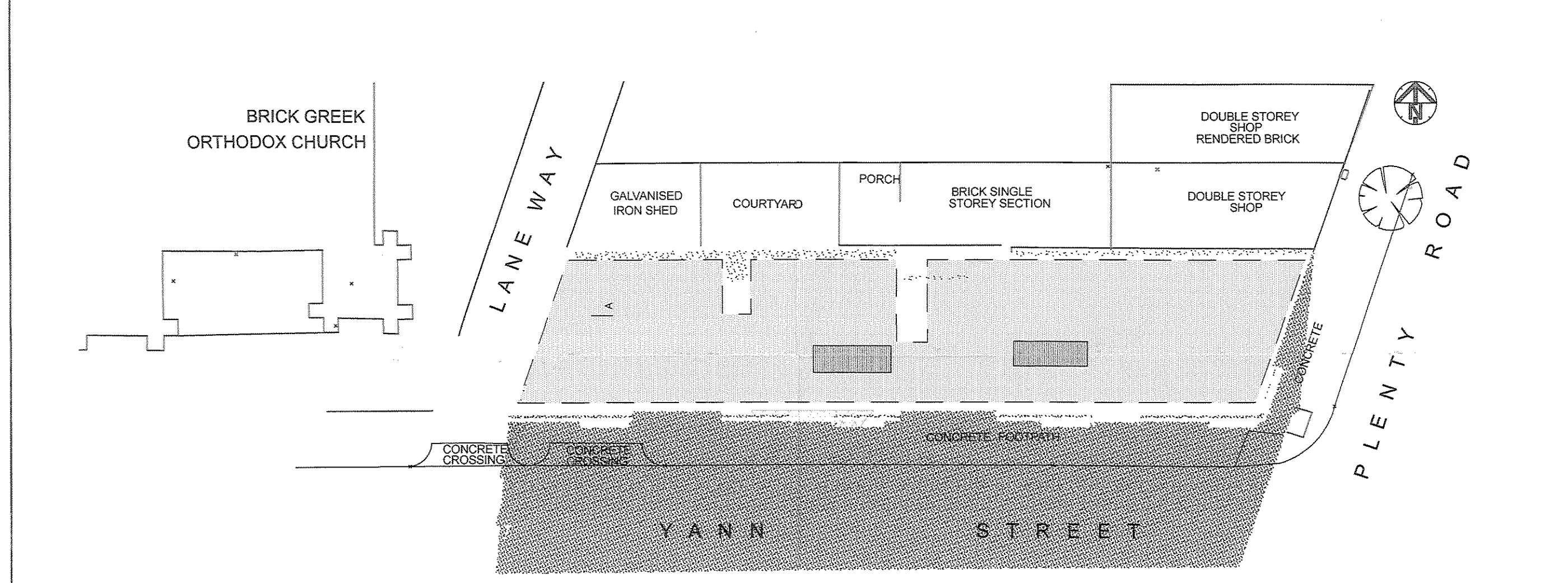
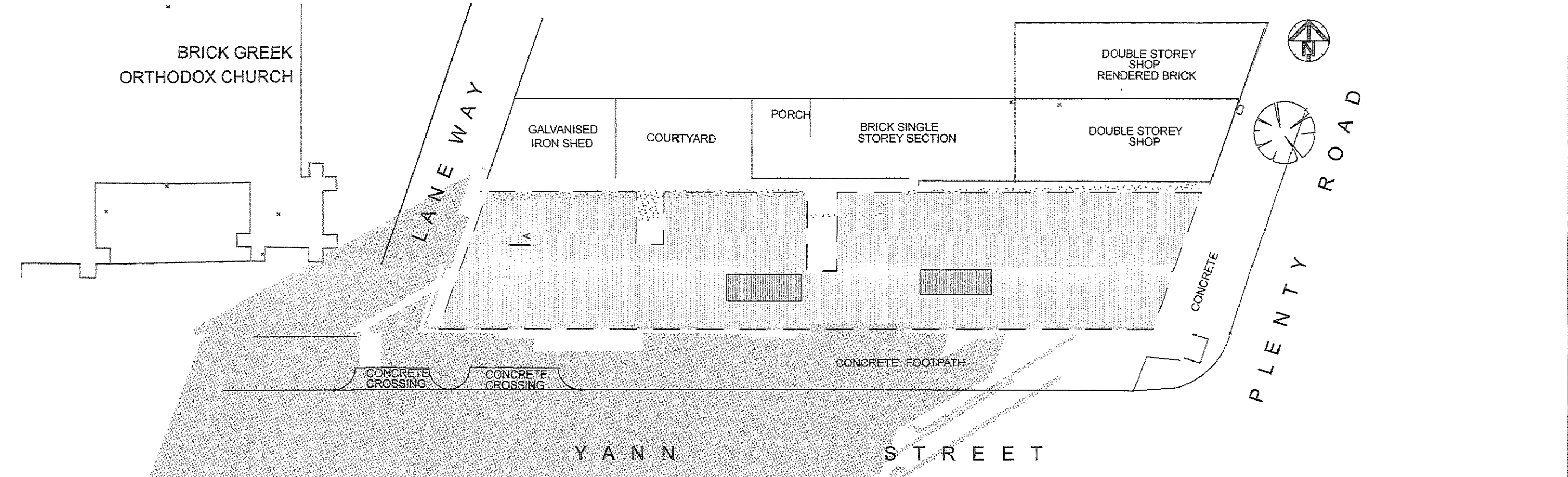
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| CLIENT(S): | Mr Minas & Dr Tangas |
| SCALE: | AS SHOWN @ A1 |
| DRAWN BY: | BF |
| CHECKED BY: | DV |
| REVISION: | C |

| | |
|---------------|---|
| PROJECT: | Proposed Unit Development 131 Plenty Rd Preston |
| DATE: | 2 Sept 2009 |
| SHEET NUMBER: | 10 |
| JOB NUMBER: | 20090010 |
| OF | 11 |

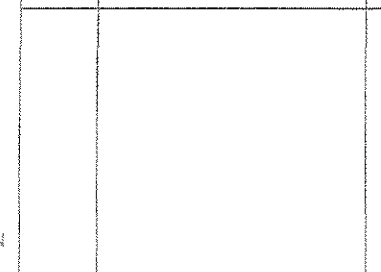
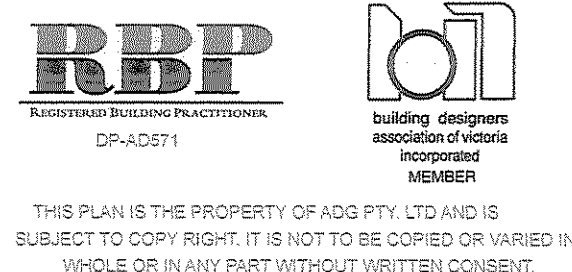
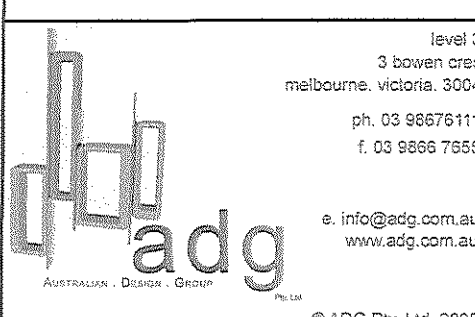
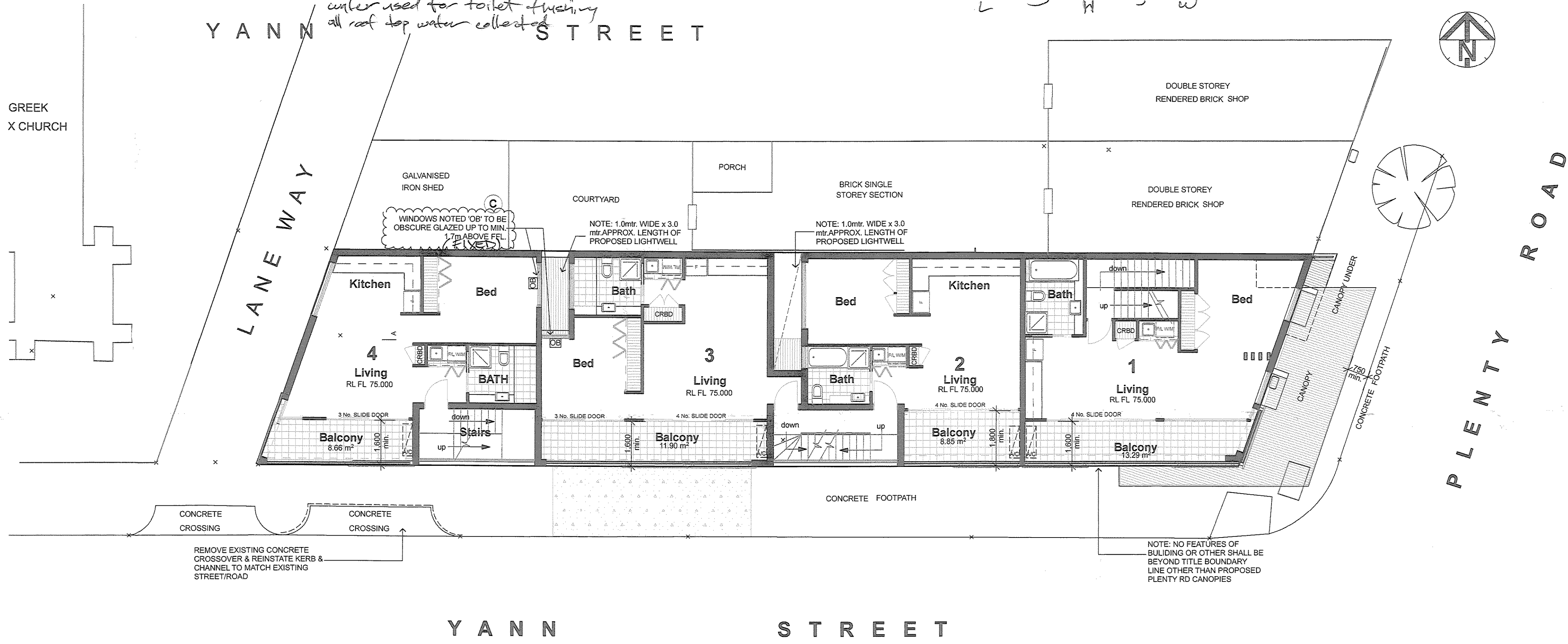
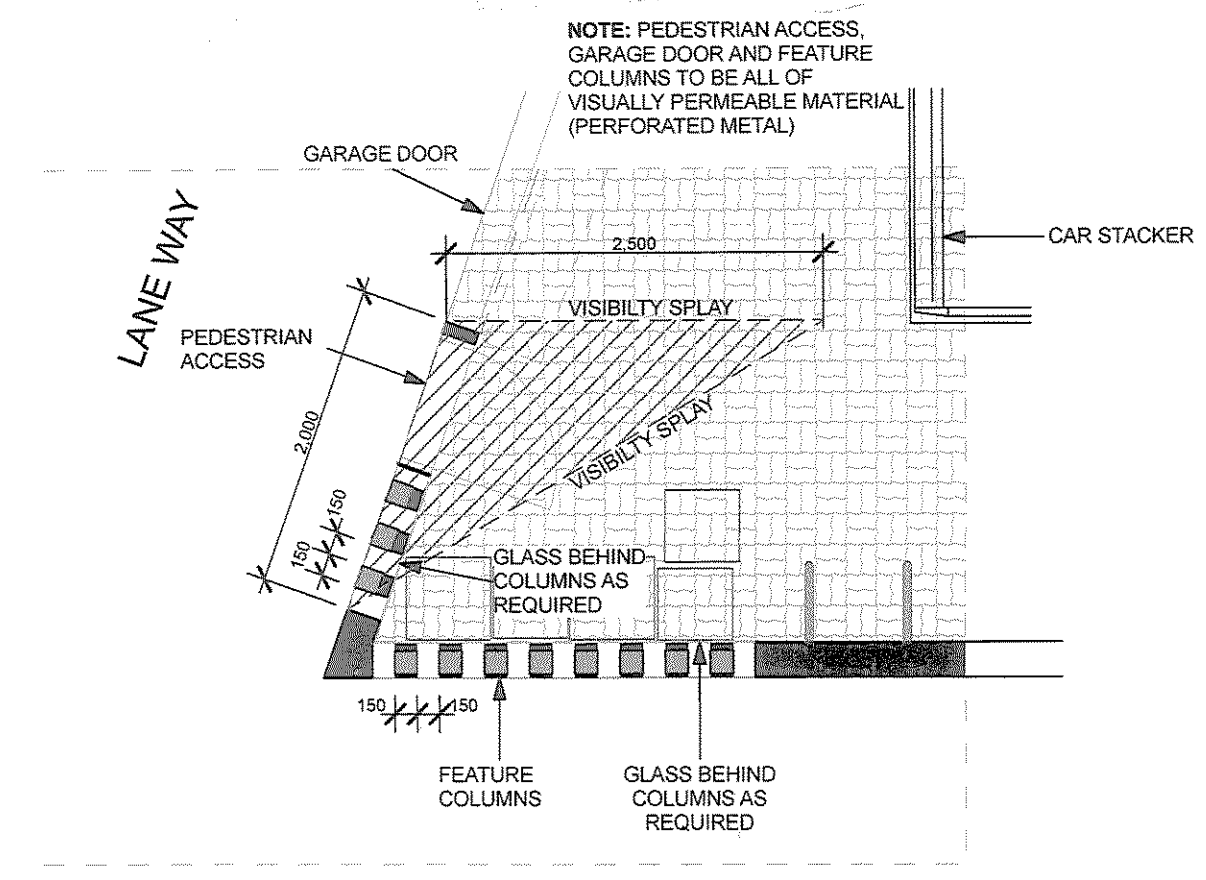
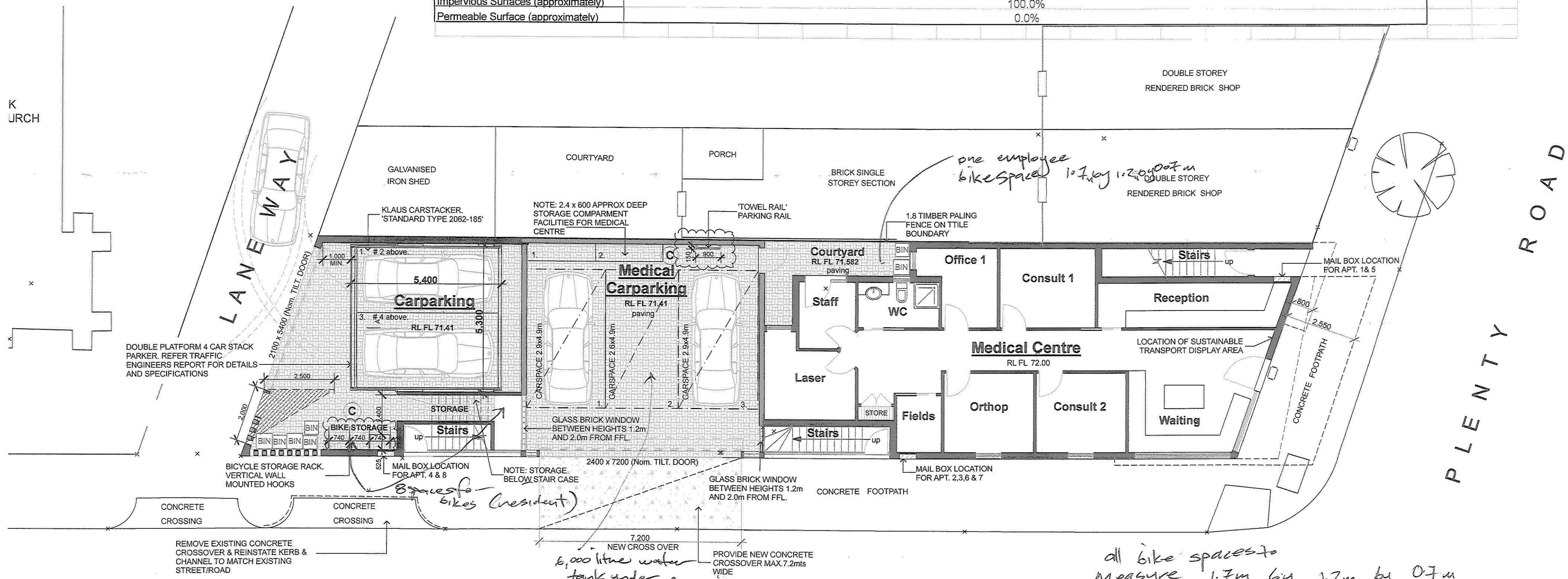


YANN STREET

| Areas | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | |
|--|----------------|-------|----------------|------|----------------|------|----------------|------|----------------|------|----------------|------|----------------|------|----------------|------|----------------|------|---------|
| Site (m ²) | | | | | | | | | | | | | | | | | | | |
| | 272 | | | | | | | | | | | | | | | | | | |
| Ground Floor | 117.48 | 14.52 | 51.36 | 5.43 | 45.42 | 4.89 | 50.10 | 5.92 | 50.90 | 5.35 | 57.36 | 5.43 | 45.42 | 4.89 | 50.49 | 5.92 | 50.20 | 5.35 | |
| Balcony | n/a | n/a | 13.22 | 1.25 | 8.85 | 0.95 | 11.90 | 1.17 | 8.66 | 1.03 | 12.46 | 1.25 | 8.03 | 0.86 | 12.50 | 1.17 | 8.27 | 1.03 | |
| Carparking | 130.71 | 14.07 | | | | | | | | | | | | | | | | | |
| Courtyard | 6.37 | 0.70 | | | | | | | | | | | | | | | | | |
| Total Floor Areas | 272.00 | 29.28 | 62.02 | 6.68 | 54.27 | 5.84 | 65.99 | 7.10 | 59.36 | 6.39 | 62.02 | 6.68 | 52.02 | 5.75 | 65.99 | 7.10 | 59.36 | 6.39 | |
| Site Coverage (approximately) m ² | | | | | | | | | | | | | | | | | | | 272.00 |
| Site Coverage (approximately) % | | | | | | | | | | | | | | | | | | | 100.00% |
| Impervious Surfaces (approximately) m ² | | | | | | | | | | | | | | | | | | | 272.00 |
| Impervious Surfaces (approximately) % | | | | | | | | | | | | | | | | | | | 100.0% |
| Permeable Surface (approximately) % | | | | | | | | | | | | | | | | | | | 0.0% |



| Areas | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | m ² | SQ. | | |
|--|----------------|-------|----------------|------|----------------|------|----------------|------|----------------|------|----------------|------|----------------|------|----------------|------|----------------|------|---------|--|
| Site (m ²) | | | | | | | | | | | | | | | | | | | | |
| | Medical Centre | | Apt. #1 | | Apt. #2 | | Apt. #3 | | 272 | | Apt. #4 | | Apt. #5 | | Apt. #6 | | Apt. #7 | | Apt. #8 | |
| Ground Floor | 117.48 | 14.52 | 51.36 | 5.43 | 45.42 | 4.89 | 50.10 | 5.92 | 50.90 | 5.35 | 57.36 | 5.43 | 45.42 | 4.89 | 50.49 | 5.92 | 50.20 | 5.35 | | |
| Balcony | n/a | n/a | 13.22 | 1.25 | 8.85 | 0.95 | 11.90 | 1.17 | 8.66 | 1.03 | 12.46 | 1.25 | 8.03 | 0.86 | 12.50 | 1.17 | 8.27 | 1.03 | | |
| Carparking | 130.71 | 14.07 | | | | | | | | | | | | | | | | | | |
| Courtyard | 6.37 | 0.70 | | | | | | | | | | | | | | | | | | |
| Total Floor Areas | 272.00 | 29.25 | 62.02 | 6.68 | 54.27 | 5.84 | 66.99 | 7.10 | 59.96 | 6.39 | 62.02 | 6.66 | 52.02 | 5.75 | 65.99 | 7.10 | 59.96 | 6.39 | | |
| Site Coverage (approximately) m ² | 272.00 | | | | | | | | | | | | | | | | | | | |
| Site Coverage (approximately) % | 100.00% | | | | | | | | | | | | | | | | | | | |
| Impervious Surfaces (approximately) m ² | 272.00 | | | | | | | | | | | | | | | | | | | |
| Impervious Surfaces (approximately) % | 100.0% | | | | | | | | | | | | | | | | | | | |
| Permeable Surface (approximately) | 0.0% | | | | | | | | | | | | | | | | | | | |



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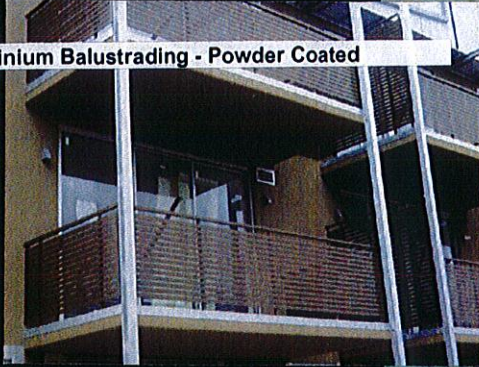
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| TOWN PLANNING | |
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| CLIENT(S): | Mr Minas & Dr Tangas |
| SCALE: | AS SHOWN @ A1 |
| DRAWN BY: | BF |
| CHECKED BY: | DV |
| REVISION: | C |

| PROJECT | |
|---|-------------|
| Proposed Unit Development 131 Plenty Rd Preston | |
| DATE: | 2 Sept 2009 |
| SHEET NUMBER: | 08 |
| JOB NUMBER: | 20090010 |
| OF | 11 |

131 Plenty Rd, PRESTON

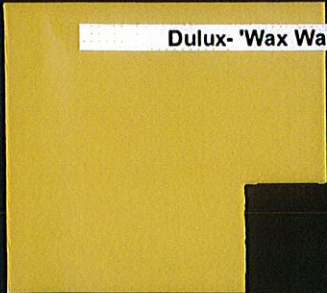
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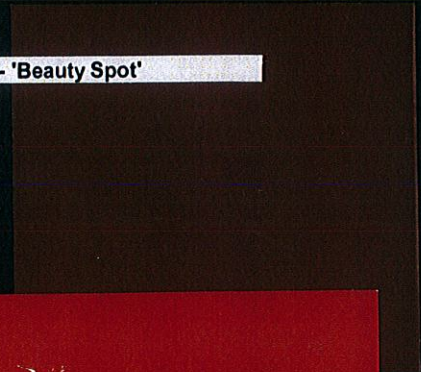
Feature Cladding- 'Pic Perf' Perforated Metal



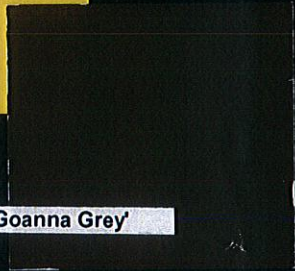
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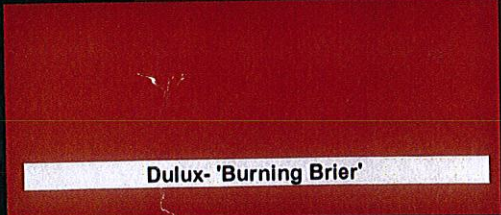
Dulux- 'Beauty Spot'



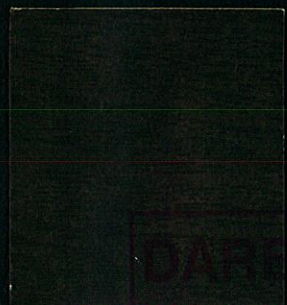
Dulux- 'Goanna Grey'



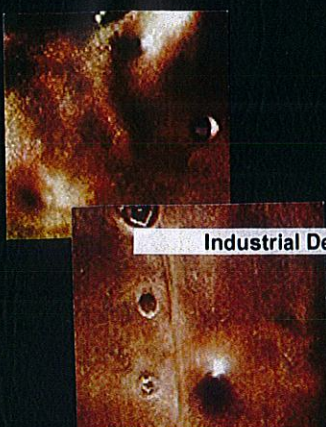
Dulux- 'Burning Brier'



Resene Exterior Timber Stain- Touch Wood



Industrial Decorative Metal Plate



5.2 APPLICATION FOR PLANNING PERMIT D/695/2015
 2-4 Clark Street, Reservoir

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

| Applicant | Owner |
|-------------------------|---|
| Ikonomidis Reid Pty Ltd | Steve Slave Grujovski and Nicky Grujovski |

SUMMARY:

- It is proposed to construct a medium density housing development comprising eight (8) double storey dwellings.
- Dwellings 1 and 8 are reverse living and have three (3) bedrooms with access to a balcony and front yard.
- Dwellings 2 to 7 are conventional in their layout and each dwelling has two (2) bedrooms.
- Each dwelling has a single car garage, however Dwellings 1 and 8 have a second uncovered car space in a tandem arrangement. It is proposed to reduce the standard visitor car parking requirement.
- The secluded private open space for Dwellings 1 and 8 will be provided at first floor level in the form of a balcony both of which incorporate an area of 8.4 square metres. The secluded private open space for Dwellings 2 to 7 will be provided at ground level with areas of between 27 square metres and 37 square metres.
- The site is zoned General Residential Zone (Schedule 2).
- There is a restrictive covenant on the title for the subject land however the proposal is not contrary to the covenant (it relates to quarrying).
- 15 objections were received against this application.
- The proposal fails to meet a number of objectives and standards of Clause 55 and Clause 22:02 Neighbourhood Character Precinct Guideline Assessment of the Darebin Planning Scheme.
- It is recommended that the application is supported.

CONSULTATION:

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

RECOMMENDATION

THAT Planning Permit Application D/695/2015 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 TP04, TP05 and TP06 Revision A Job No 009669 prepared by Ikonmidis Reid) but modified to show:
 - a) Dwelling 4 meals and kitchen wall setback a minimum 3 metres from the east boundary.
 - b) Dwelling 2 and 3 Bedroom 2 wall heights and setbacks as measured from the south boundary in accordance with Standard B29 of Clause 55 of the Darebin Planning Scheme.
 - c) External operable shading devices (excluding roller shutters) to all east and west facing habitable room windows and glazed doors.
 - d) Where not provided with an eave, external fixed shading devices to all north facing habitable room windows and glazed doors.
 - e) Any modifications in accordance with the Sustainable Design Assessment (Refer to Conditions 1.e. and 7 of this Permit).
 - f) A notation of "No fencing on front boundary or in front setback".
 - g) The height of fences on the northern boundary (except within 15.235 metres of the western 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.
 - h) 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 realm (oval and street) 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.
 - i) A landscape plan in accordance with Condition No. 4 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).
 - 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. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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

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

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

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) Drainedto the satisfaction of the Responsible Authority.

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

NOTATIONS

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

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

If any other modifications are proposed, application must also be made for their approval under the relevant sections of the *Planning and Environment Act 1987*. They can only be approved once the required and consequential changes have been approved and the plans endorsed.

It is possible to approve such modifications without notice to other parties, but they must be of limited scope. Modifications of a more significant nature may require a new permit application.

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

REPORT

INTRODUCTION AND BACKGROUND

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

ISSUES AND DISCUSSION

Subject site and surrounding area

- The site is regular in shape comprising two residential allotments with a frontage of 29.26 metres and a depth of 42.67 metres. The total site area is 1248 square metres.
- The site is within a General Residential Zone GRZ2. The land is affected by the Development Contributions Plan Overlay however the power to charge under the overlay control expired on 31 July 2014.
- The site is located on the east side of Clark Street approximately 130 metres south of Broadway.
- The site is currently occupied by two single storey dwelling with secluded private open space and outbuildings to the rear. Vehicle access is gained via two crossovers at the northern edge of each lot. There are some small trees spread in the rear of the property. The site has a rise of approximately 0.35 metres from the south-west corner to the north-east corner.
- To the east is the rear yard of the dwelling at 3 Dennis Street and a medium density housing development under construction at 1 Dennis Street.
- To the south are the rear yards of dwellings fronting Howard Street, Unit 2/48 Howard, 50 Howards and 52 Howard Street Reservoir being single storey detached dwellings.
- To the north across is a single storey dwelling at 6 Clark Street with a driveway and garage on the common boundary.
- The nearest public transport services to the site:
 - Reservoir Train Station is located approximately 350 metres to the north of the site.
 - Bus Route 552, 556 and 561 run along Broadway.
 - Bus Route 555 runs along Howard Street.
- The east side of Howard Street has 2 hour parking restrictions 8:30 am to 6:30 pm Monday to Friday and 8 am to 12:30 pm Saturday.

Proposal

- The proposal is for a medium density housing development comprising the construction of eight (8) double storey dwellings.
- Dwellings 1 and 8 are reverse living and have three (3) bedrooms with access to a balcony and front yard.
- Dwellings 2 to 7 are conventional in their layout and each dwelling has two (2) bedrooms.
- Each dwelling has a single car garage however dwellings 1 and 8 have a second uncovered car space in a tandem arrangement. It is proposed to reduce the standard visitor car parking requirement.
- The secluded private open space for Dwellings 1 and 8 will be provided at first floor level in the form of a balcony both of which incorporate an area of 8.4 square metres. The secluded private open space for Dwellings 2 to 7 will be provided at ground level with areas of between 27 square metres and 37 square metres.

Objections

- 15 objections have been received.

Objections summarised

- Overlooking.
- Overshadowing / impacts on solar heating.
- Number of crossovers / loss of on street parking.
- 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 / insufficient setbacks from boundaries / impacts upon secluded private open spaces.
- No net value to the community.
- Loss of views / outlook.
- Insufficient landscaping opportunities.

Officer comment on summarised objections

The Planning Committee Charter identifies that its scope of activity is to consider and determine planning applications which receive five 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. Importantly it is noted that 12 of the objections are identical pro-forma letters however these letters comprise neither a petition nor a single letter with multiple signatories and as such the matter is being reported to Planning Committee. Of the 15 objections received, nine (9) are proximate to the site whilst six (6) of the objectors are located in Preston and Thornbury between 1.4km and 4.8km from the subject site.

- Overlooking

All windows and/or balconies within 9m of existing habitable room windows and secluded private open space areas are screened in accordance with Standard B22 of Clause 55.

- Overshadowing / impacts on pool solar heating

The submitted shadow diagrams comply with the requirements of Standard B21 of Clause 55.

The pool solar heating is located on the floor roof and overshadowing impacts will be minimal with negligible shadows cast over the solar water heaters between spring and autumn.

- Number of crossovers / loss of on street parking.

See assessment below.

- Contrary to character of the area

See assessment below.

- Too many 1 and 2 bedroom dwellings / no dwelling diversity.

The proposal provides two (2) three (3) bedroom dwellings and housing diversity consistent with state and local planning policy.

- Not sustainable.

See assessment below.

- Traffic impacts.

It is not considered that the increase in traffic from the proposed development would place an unreasonable additional load on the surrounding street network. Additionally, no objections have been raised by Council's Transport Management and Planning Unit regarding traffic within the local street network.

- Insufficient Car Parking / loss of on street car parking.

Car parking is addressed in the Clause 52.06 assessment below.

- Overdevelopment / Density too high

Density of the development is assessed on a quantitative 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. See assessment below.

- Site coverage too high

See assessment below.

- Visual bulk / insufficient setbacks from boundaries / impacts upon secluded private open spaces.

See assessment below.

- No net value to the community.

This ground is unsubstantiated. There have been no demonstrated disbenefits associated with the development. The proposal provides dwellings resulting in community benefit and 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:

- *“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.”

- Loss of views / outlook

The Tribunal has consistently held that there is no legal entitlement to a view, similarly no Design and Development Overlay applies which might require the protection of, or sharing of view lines. Despite this, the development as a whole must be considered upon whether the impact as a result of the proposed development, impose an excessive intrusion in the skyline beyond the ‘reasonable’ expectation of neighbours. See assessment below.

- Insufficient landscaping opportunities

See assessment below.

PLANNING ASSESSMENT

Clause 22:02 Neighbourhood Character Precinct Guideline Assessment - Precinct E7

Existing Buildings

The existing buildings are to be demolished. The dwellings do not have heritage significance and are not within an intact group of interwar and post-war dwellings. The demolition of the dwellings therefore will not compromise the streetscape.

Complies

Vegetation

Provision has been made for landscaping within the front setback. The development provides sufficient setbacks for meaningful landscaping of small to medium sized canopy trees within the rear yards of the dwellings. A landscape plan will be required by way of a permit condition.

Complies subject to condition

Siting

Provision has been made for a front garden that is large enough for the planting of medium sized canopy trees and other vegetation to enable the continuation of the garden setting of the area.

The development provides for landscaping within the front setbacks, and the side/rear yards of each dwelling.

Dwellings 1 and 8 are located on the south and north boundaries respectively, however the central driveway provides ample separation and the development respects the detached rhythm of the street.

Dwelling 1 and 8 have slightly recessed garages fronting the street that will not dominate the street. The car parking structures for Dwellings 2 to 7 are located to the rear of the dwellings and will not be visible from Clark Street.

Complies

Height and building form

The predominant height of buildings in the street is single storey however it is noted that there are examples of double storey dwellings in proximity of the subject site. The upper levels of Dwellings 1 and 8 have been setback from the front wall of the dwelling but not the width of a room. Nevertheless, the upper floor is set back adequately from the ground floor façade. Given the recessive design of the upper level, and that Dwelling 1 and 8 provide an adequate level of articulation, the development satisfies the objective as it does not present visual bulk to the street and will not dominate the streetscape. The proposed dwellings are complementary to surrounding dwellings. The maximum height of 7.2 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 dwellings respond 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 – brickwork, render, scion linea and metal roofing are considered appropriate within the neighbourhood context.

Complies

Front boundary treatment

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

Complies**Clause 55 Assessment**

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

Clause 55.02-1 B1 Neighbourhood Character

The proposal is considered to generally comply with the objectives of the Neighbourhood Character Policy at Clause 22.02 as outlined above.

CompliesClause 55.02-3 B3 Dwelling Diversity

This standard applies to developments of 10 or more dwellings and is not applicable to the subject application.

CompliesClause 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.
- Space for outdoor clothes drying facilities.

A permit condition will require the submission of an ESD assessment and standard conditions will be imposed to ensure an appropriate sustainability outcome.

CompliesClause 55.03-8 B13 Landscaping

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

The open spaces and setbacks are generally large enough to provide sufficient landscaping.

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

Complies subject to condition

Clause 55.03-9 B14 Access

Vehicle access to and from the site is safe, manageable and convenient. The number and design of the vehicle crossover(s) respects the neighbourhood character.

The width of each accessway is 3.0 metres, with 9 metres of the 29.26 metre frontage, taking up 31% of the frontage. This is acceptable given that the standard requires that no more than 33% of the frontage should be taken up by vehicle access ways.

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

Complies

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

| Boundary | Maximum Wall height | Required Setback | Minimum Proposed setback |
|--------------------------------|----------------------------|-------------------------|---------------------------------|
| Northern – Dwelling 5, 6 and 7 | 3.9 metres | 1.09 metres | 1.83 metres |
| Eastern – Dwelling 4 and 5 | 3.9 metres | 1.09 metres | 1.89 metres |
| Southern – Dwelling 2, 3 and 4 | 3.7 metres | 1.03 metres | 1.83 metres |

First Floor

| Boundary | Maximum Wall height | Required Setback | Minimum Proposed setback |
|-----------------------------------|----------------------------|-------------------------|---------------------------------|
| Northern – Dwelling 5, 6, 7 and 8 | 6.1 metres | 1.75 metres | 2 metres |
| Eastern – Dwelling 4 and 5 | 6.1 metres | 1.75 metres | 3.79 metres |
| Southern – Dwelling 1, 2, 3 and 4 | 6 metres | 1.72 metres | 2 metres |

The proposed ground and first floor setbacks exceed the numerical requirements of the standard and ensure the amenity of the adjoining areas of secluded private open space are not compromised. The setbacks also respond to the backyard realm and having regard to the outbuildings to the north, east and south present minimal mass and bulk impacts to surrounding secluded private open spaces.

Complies

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

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

Complies

Clause 55.04-6 B22 Overlooking

Ground floor finished floor levels of each dwelling is less than 0.8 metres above natural ground level at the boundary. Currently there is 1.9 metre to 2.5 metre high boundary fencing along the east and south boundaries which will sufficiently limit overlooking to the east and south. Screening should be provided on the north boundary given the currently existing fencing is 1.7 metres in height. This can be addressed by permit condition.

All habitable room windows at first floor level are appropriately designed and/or screened to ensure no overlooking within 9m at a 45 degree angle in accordance with the standard.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

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

This is achieved for dwellings 2 to 7 through the provision of 40 square metres of private open space with a minimum area of 25 square metres at the side or rear of the dwelling with a minimum dimension of 3 metres and convenient access from a living room and for Dwelling 1 and 8 through the provision of 8 square metres with a minimum width of 1.6 metres with convenient access from a living room.

| | Total POS | Secluded POS | Minimum dimension of secluded POS |
|------------|--------------------|-----------------------------|--|
| Dwelling 1 | 84 square metres | 9.3 square metres (balcony) | 1.8 metres |
| Dwelling 2 | 40.5 square metres | 40.5 square metres | 4.3 metres |
| Dwelling 3 | 40.5 square metres | 40.5 square metres | 4.3 metres |
| Dwelling 4 | 47 square metres | 26.9square metres | 2.987 metres |
| Dwelling 5 | 47 square metres | 26.9 square metres | 3 metres |
| Dwelling 6 | 43 square metres | 40 square metres | 4.3 metres |
| Dwelling 7 | 43 square metres | 40 square metres | 4.3 metres |
| Dwelling 8 | 84 square metres | 9.3 square metres (balcony) | 1.8 metres |

All secluded private open space areas have direct access to a living room. It is noted that Dwellings 1 and 8 are the largest dwellings. The Dwelling 4 open space should be a minimum 3 metres in dimension.

Complies subject to condition

Clause 55.05-5 B29 Solar Access to Open Space

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

Ground floor

| Dwelling | Maximum Wall height | Required Depth | Proposed Depth | Area of SPOS |
|------------------|---------------------|----------------|----------------|--------------------|
| Dwelling 2 and 3 | 3.6 metres | 5.2 metres | 5.2 metres | 17.6 square metres |
| Dwelling 2 and 3 | 3.6 metres | 5.2 metres | 4.35 metres | 22.5 square metres |
| Dwelling 6 | 2.4 metres | 4.16 metres | 5.2 metres | 17.6 square metres |
| Dwelling 6 | 2.4 metres | 4.16 metres | 4.35 metres | 22.5 square metres |

First Floor

| Dwelling | Maximum Wall height | Required Depth | Proposed Depth | Area of SPOS |
|---------------------------------|---------------------|----------------|----------------|--------------------|
| Dwelling 2 and 3 (bedroom 2) | 5.9 metres | 7.3 metres | 7.2 metres | 17.6 square metres |
| Dwelling 2 and 3 | 5.9 metres | 7.3 metres | 4.8 metres | 22.5 square metres |

The standard specifies that no less than 25 square metres with a minimum dimension of 3.0 square metres should be provided with the required depths. A permit condition requiring Dwelling 2 and 3 Bedroom 2 wall heights and setbacks as measured from the south boundary to be in accordance with Standard B29 is recommended. This will provide 17.6 square metres in accordance with the standard, 7.4 square metres less than that required by the standard.

Before deciding on an application, the responsible authority must consider the design response and the useability and amenity of the secluded private open space based on the sunlight it will receive.

Dwelling 2 and 3 have provided generous setbacks from the south boundary and adjacent secluded private open space at both ground and first floor. Alternative layouts that satisfy Standard B29 would likely in part be less generous to the neighbour but supportable. Under the circumstances the design response is sensitive and appropriate to its context.

It is noted that Dwellings 2 and 3 provide 40.5 square metres of secluded private open space, 15.5 square metres in excess of that required under Standard B28. It is noted that these secluded private open space areas are also generous in dimension. With their size the secluded private open space areas will receive adequate sunlight throughout the day and any non-compliance with the standard is more than adequately offset by the amenity that these dwellings will enjoy.

The non-compliance is not sufficient to refuse the application. Requiring setbacks to be increased in accordance with the standard would reduce the amenity of Dwelling 2 and 3 and would be a poor planning outcome which fails to have regard to the objectives and decision guidelines of the standard. As such further increases to setbacks than those outlined above are not required.

Complies with objective subject to condition

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.

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

- There is no parking precinct plan for the area.
- The subject site is within a 400 metre walk of the Reservoir train station on the South Morang line. There are bus routes (Bus Routes 552 and 555) along High Street to west of the site and in Howard Street.
- The frontage of the site to Howard Street provides approximately two (2) on street car spaces. The existing single crossing is being used to service all dwellings and will not result in a reduction in on-street parking capacity.
- One (1) car space 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 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.

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

Access dimensions to the car spaces comply with the standard.

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

CLAUSE 55 COMPLIANCE SUMMARY

| Clause | Std | | Compliance | |
|----------------|------------|--|------------|-----|
| | | | Std | Obj |
| 55.02-1 | B1 | Neighbourhood character | | |
| | | Please see assessment in the body of this report under Clause 22.02. | Y | Y |
| 55.02-2 | B2 | Residential policy | | |
| | | The proposal <i>complies</i> with the relevant residential policies outlined in the Darebin Planning Scheme. | Y | Y |
| 55.02-3 | B3 | Dwelling diversity | | |
| | | N/A as development contains less than 10 dwellings. | Y | Y/ |
| 55.02-4 | B4 | Infrastructure | | |
| | | Adequate infrastructure exists to support new development. | Y | Y |
| 55.02-5 | B5 | Integration with the street | | |
| | | Dwelling 1 and 8 appropriately integrates with the Street. | Y | Y |
| 55.03-1 | B6 | Street setback | | |
| | | The required setback is 7.6 metres, the dwellings are set back 8 metres from the street frontage. | Y | Y |
| 55.03-2 | B7 | Building height | | |
| | | 7.2 metres | Y | Y |
| 55.03-3 | B8 | Site coverage | | |
| | | 47.5% | Y | Y |
| 55.03-4 | B9 | Permeability | | |
| | | 31.7% | Y | Y |
| 55.03-5 | B10 | Energy efficiency | | |
| | | Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties. Given the scale of the development an ESD assessment is recommended | Y | Y |
| 55.03-6 | B11 | Open space | | |
| | | N/A as the site does not abut public open space. / The proposed development appropriately addresses the adjoining public open space area. | Y | Y |
| 55.03-7 | B12 | Safety | | |
| | | The proposed development is secure and the | Y | Y |

| Clause | Std | | Compliance | |
|-----------------|------------|--|------------|---|
| | | creation of unsafe spaces has been avoided. | | |
| 55.03-8 | B13 | Landscaping | | |
| | | Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval. | Y | Y |
| 55.03-9 | B14 | Access | | |
| | | Access is sufficient and respects the character of the area. | Y | Y |
| 55.03-10 | B15 | Parking location | | |
| | | Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from access ways. | Y | Y |
| 55.04-1 | B17 | Side and rear setbacks | | |
| | | Dwellings are set back in accordance with the requirements of this standard. | Y | Y |
| 55.04-2 | B18 | Walls on boundaries | | |
| | | Length: 7.2 metres (north and south). Height: 2.9 metres (max). Walls on boundaries comply with the requirements of this standard. | Y | Y |
| 55.04-3 | B19 | Daylight to existing windows | | |
| | | Sufficient setbacks exist to allow adequate daylight. | Y | Y |
| 55.04-4 | B20 | North-facing windows | | |
| | | Development is set back in accordance with the standard. | Y | Y |
| 55.04-5 | B21 | Overshadowing open space | | |
| | | Shadow cast by the development is within the parameters set out by the standard. | Y | Y |
| 55.04-6 | B22 | Overlooking | | |
| | | Please see assessment in the body of this report. | Y | Y |
| 55.04-7 | B23 | Internal views | | |
| | | There are no internal views. | Y | Y |
| 55.04-8 | B24 | Noise impacts | | |
| | | Noise impacts are consistent with those in a residential zone. | Y | Y |
| 55.05-1 | B25 | Accessibility | | |
| | | The ground levels of the proposal can be made accessible for people with limited mobility. | Y | Y |

| Clause | Std | | Compliance | |
|----------------|------------|--|------------|---|
| 55.05-2 | B26 | Dwelling entry | | |
| | | Entries to the dwellings are identifiable and provide an adequate area for transition. | Y | Y |
| 55.05-3 | B27 | Daylight to new windows | | |
| | | Adequate setbacks are proposed to allow appropriate daylight access. | Y | Y |
| 55.05-4 | B28 | Private open space | | |
| | | Please see assessment in the body of this report. | Y | Y |
| 55.05-5 | B29 | Solar access to open space | | |
| | | Sufficient depth is provided for adequate solar access. | N | Y |
| 55.05-6 | B30 | Storage | | |
| | | Sufficient storage areas are provided. | Y | Y |
| 55.06-1 | B31 | Design detail | | |
| | | Design detail of dwellings is appropriate in the neighbourhood setting. | Y | Y |
| 55.06-2 | B32 | Front fences | | |
| | | No front fence is proposed which is acceptable. | Y | Y |
| 55.06-3 | B33 | Common property | | |
| | | Common property areas are appropriate and manageable. | Y | Y |
| 55.06-4 | B34 | Site services | | |
| | | Sufficient areas for site services are provided. | Y | Y |

REFERRAL SUMMARY

| Department/Authority | Response |
|-----------------------------------|--|
| 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 (General Residential Zone Schedule 2) – construction of two or more dwellings on a lot.
- Clause 45.06 (Development Contributions Plan Overlay). The ability to charge under this overlay control expired on 31 July 2014.

- Clause 52.06-3 (Car Parking) – a planning permit is required to reduce (including reduce to zero) the number of car parking spaces required.

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 | E7 |

POLICY IMPLICATIONS

Environmental Sustainability

All new dwellings are required to achieve a minimum six (6) star energy rating under the relevant building controls. A permit condition requiring an ESD assessment is recommended having regard to the scale of the development.

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

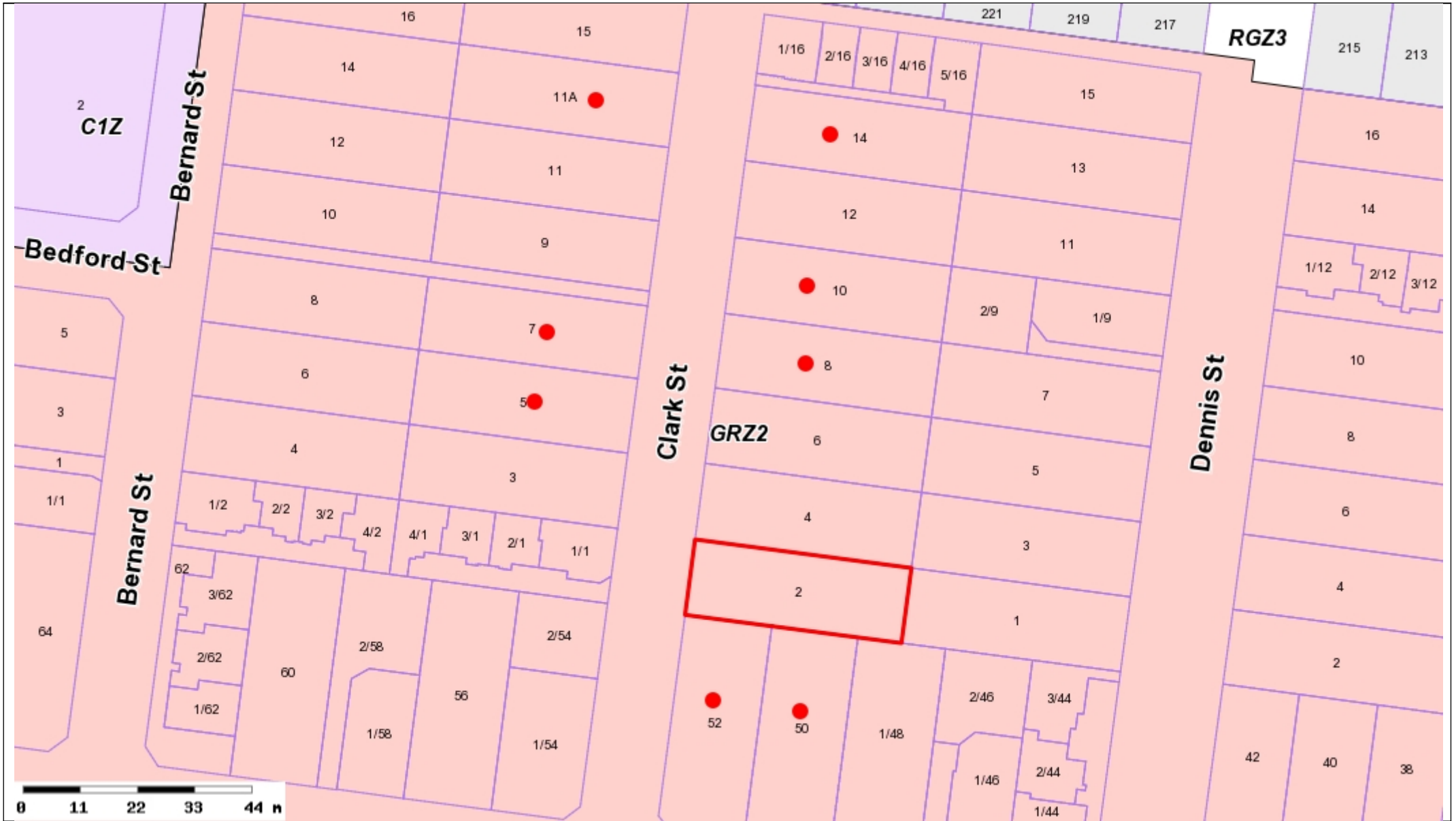
Darebin Planning Scheme and the *Planning and Environment Act (1987)* as amended.



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1/22/2016



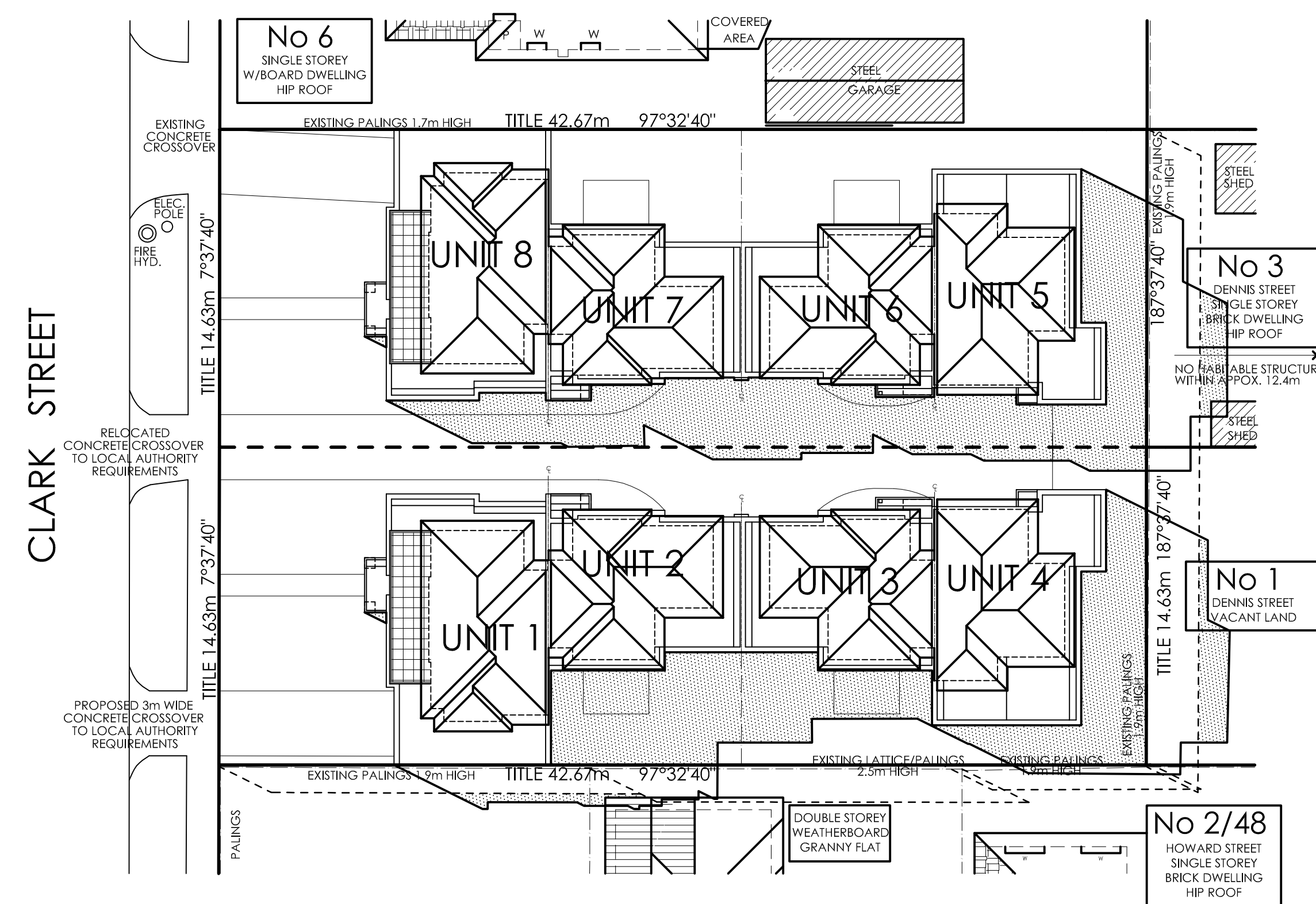
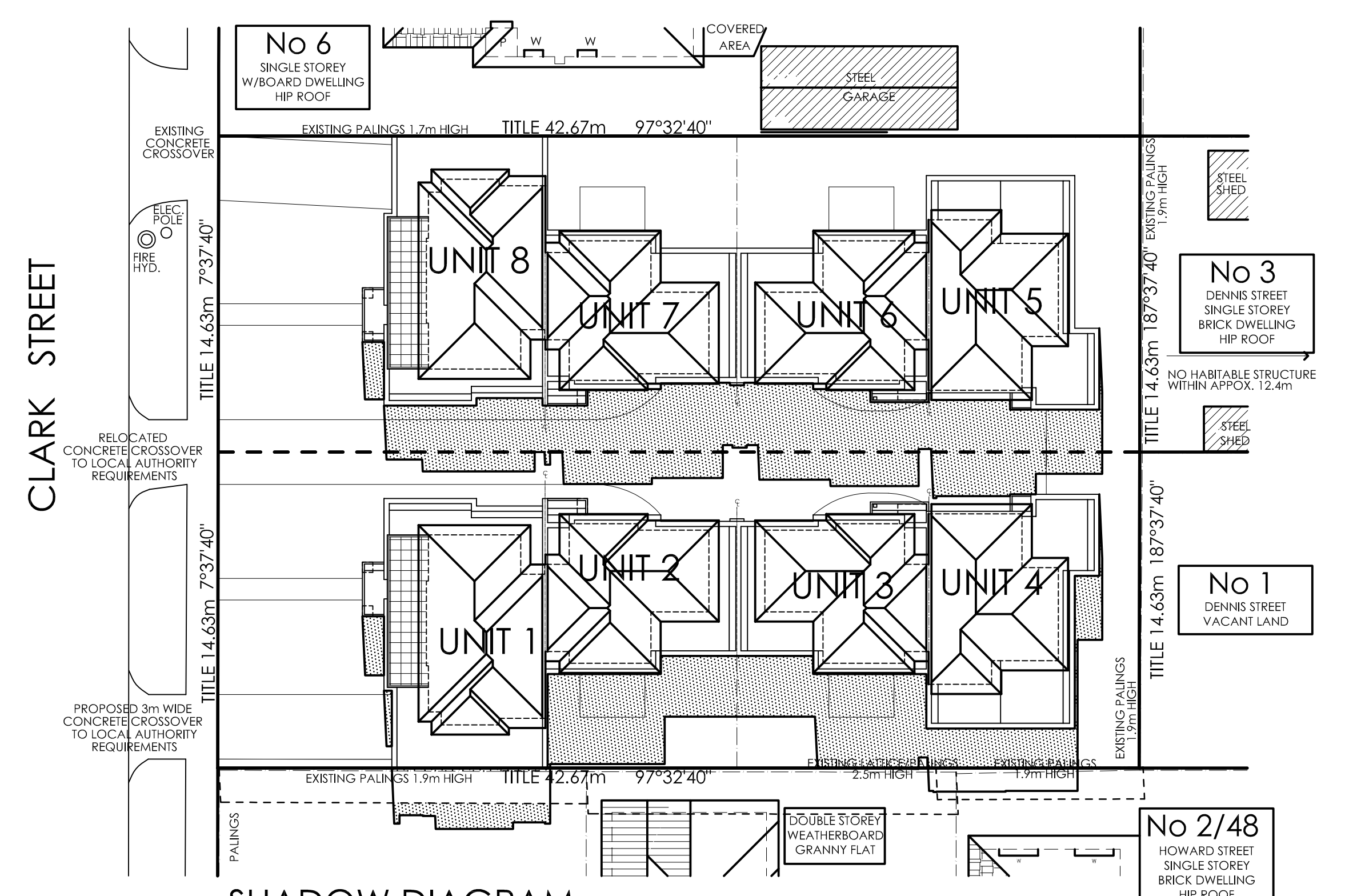
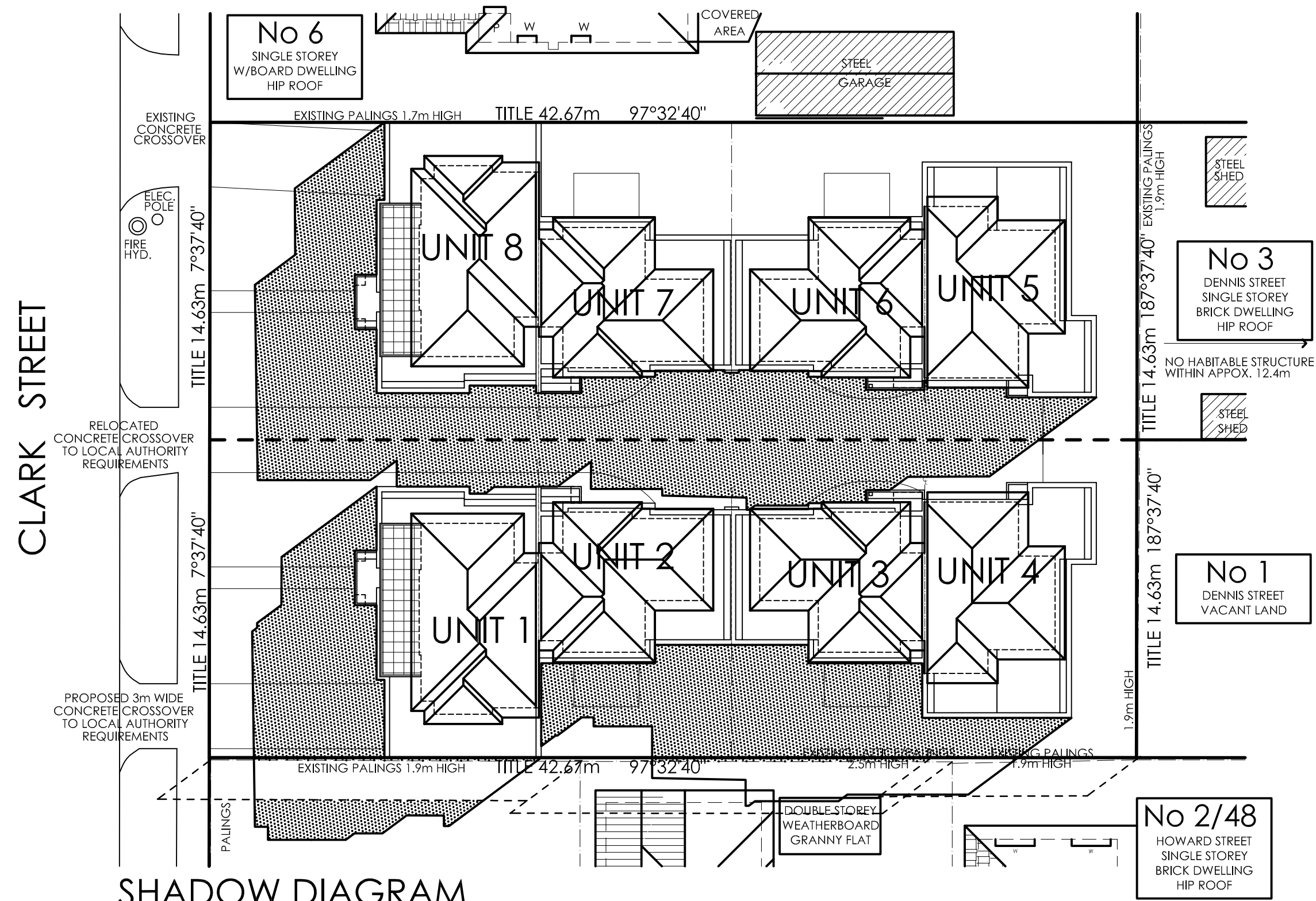
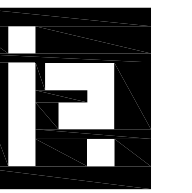


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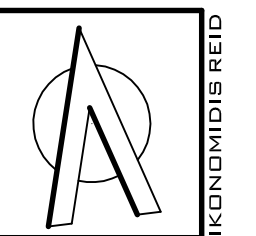


PROPOSED MULTI UNIT DEVELOPMENT
2-4 CLARK STREET, RESERVOIR

TPO3 C JOB No. SCALE. DRAWN. DATE.
009669 1:200 SP OCT 15

SHADOW DIAGRAMS & STREETScape

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LEGEND

- 1500 CONCRETE MAIN SEWER PIPE.
DEPTH 2.74m TO INVERT LEVEL.
OFFSET APPROX. 1.2m WEST FROM EAST BOUNDARY.
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION
- 1500 MAIN SEWER PIPE.
MATERIAL UNKNOWN.
DEPTH 2.31m TO INVERT LEVEL.
OFFSET 1.07m SOUTH FROM SOUTH BOUNDARY.
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION
- DRAINAGE PIPE UNKNOWN SIZE, UNKNOWN MATERIAL.
DEPTH TO INVERT LEVEL UNKNOWN.
OFFSET UNKNOWN.
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

LP02 LEGAL POINT OF DISCHARGE -
 DESIGN PLANS ARE REQUIRED TO BE SUBMITTED FOR APPROVAL BY
 COUNCIL'S ENGINEERING SERVICES DEPARTMENT FOR
 CONSTRUCTION OF STORMWATER DRAINAGE BY THE DEVELOPER VIA
 THE EASEMENT AT REAR OF 46 HOWARD STREET TO COUNCIL
 REQUIREMENTS.

THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE
 PROPOSED DRAIN TO COUNCIL REQUIREMENTS WITH THE DISCHARGE
 FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35
 COEFFICIENT OF RUN OFF DETENTION STORAGE DESIGNED AT 1:10
 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS.

THE DRAINAGE TO BE DESIGNED VIA GNE IN FIVE YEARS
 PERMITTED.

- EXISTING TREES
- EXISTING SPOT LEVELS
- PROPOSED LANDSCAPE TO FUTURE DETAIL
- SEWER TIE IN POINT
- HABITABLE ROOM WINDOW
- PRIVATE OPEN SPACE
- PROPOSED CONCRETE DRIVEWAY
- SELECTED PAVING
- FENCE
- PROPOSED PALING FENCE 1.8m HIGH
- PROPOSED 1.8m HIGH GATE TO MATCH PALING FENCE

PEDESTRIAN VISIBILITY SPREAD NOTE:
 PEDESTRIAN VISIBILITY SPREADS MEASURING 2.0m [WIDTH
 ACROSS THE FRONTAGE BY 2.5m [DEPTH INTO SITE], TO
 THE NORTH & SOUTH SIDES OF THE 1 EXISTING,
 RELOCATED AND 1 PROPOSED CROSSOVER TO CLARK
 STREET WHERE WITHIN THE SUBJECT SITE, ANY STRUCTURES
 OR VEGETATION WITHIN THESE SPREADS MUST NOT BE
 MORE THAN 0.9m IN HEIGHT.

EXTERNAL FINISHES SCHEDULE

| | |
|---------------------|---|
| ROOFING | SHEET METAL ROOFING |
| WALLS | FACE BRICKWORK |
| | LIGHTWEIGHT CLADDING WITH RENDER FINISH |
| | LIGHT WEIGHT CLADDING |
| GUTTERS & DOWNPIPES | COLORBOND |
| WINDOWS & DOORS | POWDERCOATED ALUMINIUM |

DEVELOPMENT SUMMARY

| | | | |
|-----------------|-----------------------|------------------------|---|
| SITE AREA | 1248.52m ² | BUILDING SITE COVERAGE | 593.82m ² (47.56%) |
| DENSITY | 1:156 | SITE PERMEABILITY | 396.05m ² (31.72%) |
| No OF DWELLINGS | 8 | | |
| CAR-PARKING | 10 TOTAL | PRIVATE OPEN SPACE | |
| UNIT 1 | 2 | UNIT 1 | BALC. 11.25m ² + FY |
| UNIT 2 | 1 | UNIT 2 | SPOS 37.16m ² /POS 40.51m ² |
| UNIT 3 | 1 | UNIT 3 | SPOS 37.16m ² /POS 40.51m ² |
| UNIT 4 | 1 | UNIT 4 | SPOS 26.58m ² /POS 46.78m ² |
| UNIT 5 | 1 | UNIT 5 | SPOS 26.58m ² /POS 47.06m ² |
| UNIT 6 | 1 | UNIT 6 | SPOS 37.16m ² /POS 40.51m ² |
| UNIT 7 | 1 | UNIT 7 | SPOS 37.16m ² /POS 40.51m ² |
| UNIT 8 | 2 | UNIT 8 | BALC. 11.25m ² + FY |

GROSS BUILDING AREA / UNIT:

| | UNIT 1 | UNIT 2 | UNIT 3 | UNIT 4 |
|---------|----------------------------------|---------------------------------|---------------------------------|---------------------------------|
| GROUND | 64.88m ² | 38.84m ² | 38.84m ² | 50.29m ² |
| FIRST | 38.11m ² | 38.81m ² | 38.81m ² | 39.79m ² |
| GARAGE | 26.83m ² | 22.82m ² | 22.82m ² | 24.81m ² |
| PORCH | 1.10m ² | 1.10m ² | 1.10m ² | 1.03m ² |
| BALCONY | 11.25m ² | N/A | N/A | N/A |
| TOTAL | 144.18m ² (115.525SQ) | 101.56m ² (10.985SQ) | 101.57m ² (10.935SQ) | 115.92m ² (12.475SQ) |
| | UNIT 5 | UNIT 6 | UNIT 7 | UNIT 8 |
| GROUND | 50.29m ² | 38.84m ² | 38.84m ² | 44.88m ² |
| FIRST | 39.79m ² | 38.81m ² | 38.81m ² | 38.11m ² |
| GARAGE | 24.81m ² | 22.82m ² | 22.82m ² | 26.83m ² |
| PORCH | 1.03m ² | 1.10m ² | 1.49m ² | 3.11m ² |
| BALCONY | NA | N/A | N/A | 11.25m ² |
| TOTAL | 115.92m ² (12.475SQ) | 101.57m ² (10.935SQ) | 101.96m ² (10.985SQ) | 144.18m ² (15.525SQ) |

CONSTRUCTION

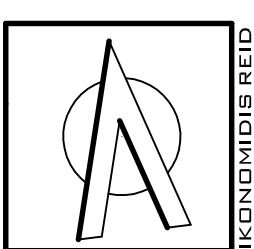
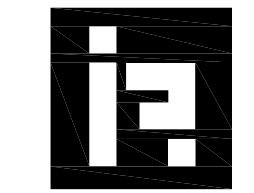
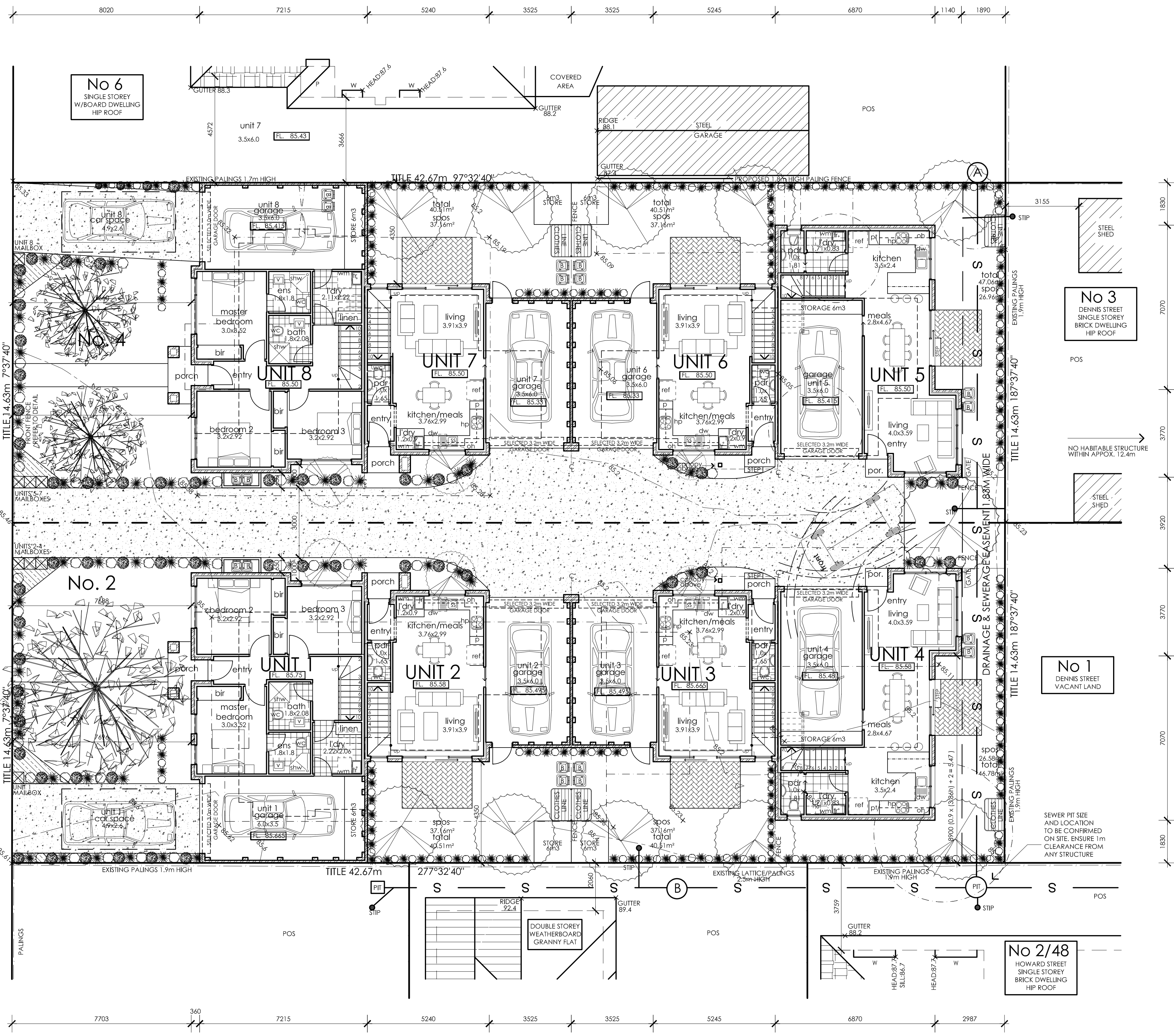
INTERNAL WALLS:-
 90mm THICK TIMBER STUD CONSTRUCTION
 EXTERNAL WALLS:-
 GROUND FLOOR - 240mm THICK BRICK VENEER CONSTRUCTION
 FIRST FLOOR - 90mm THICK TIMBER STUD AND LIGHT WEIGHT CLADDING

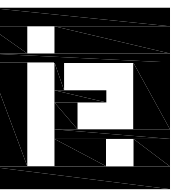
LANDSCAPING

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

STORMWATER

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





LEGEND

- S** 1500 CONCRETE MAIN SEWER PIPE. DEPTH 2.74m TO INVERT LEVEL. OFFSET APPROX. 1.2m WEST FROM EAST BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- S** 1500 MAIN SEWER PIPE. MATERIAL UNKNOWN. DEPTH 2.31m TO INVERT LEVEL. OFFSET 1.07m SOUTH FROM SOUTH BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- D** DRAINAGE PIPE UNKNOWN SIZE. UNKNOWN MATERIAL. DEPTH TO INVERT LEVEL UNKNOWN. OFFSET UNKNOWN. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.

LPOD LEGAL POINT OF DISCHARGE - DESIGN PLANS ARE REQUIRED TO BE SUBMITTED FOR APPROVAL BY COUNCIL'S ENGINEERING SERVICES DEPARTMENT FOR CONSTRUCTION OF STORMWATER DRAINAGE BY THE DEVELOPER VIA THE EASEMENT AT REAR OF 46 HOWARD STREET TO COUNCIL REQUIREMENTS.

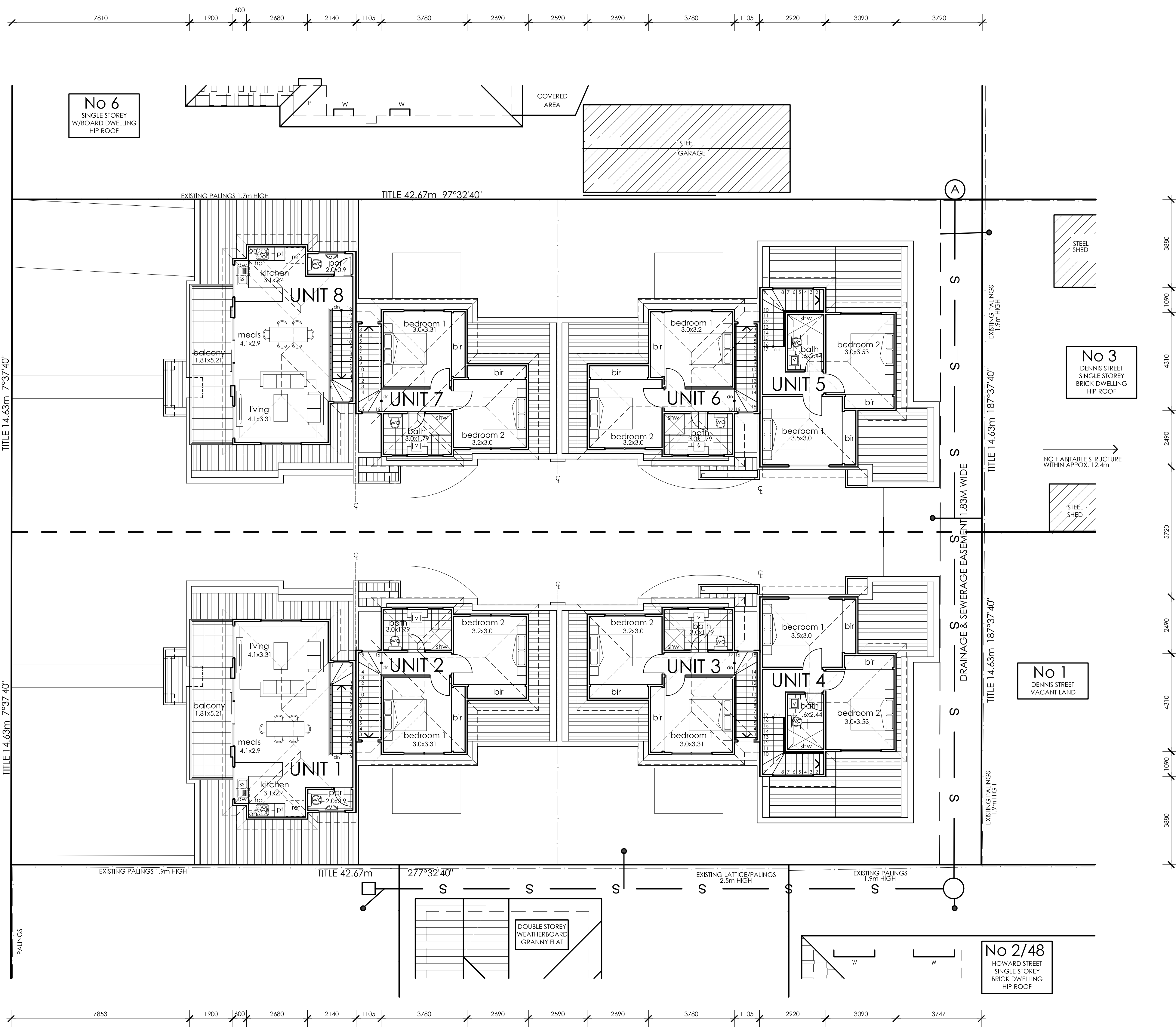
THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE PROPOSED DRAIN TO COUNCIL REQUIREMENTS WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS.

THE DRAINAGE TO BE DESIGNED VIA GRAVITY NO PUMP SYSTEMS PERMITTED.

- EXISTING TREES
- EXISTING SPOT LEVELS
- PROPOSED LANDSCAPE TO FUTURE DETAIL
- SEWER TIE IN POINT
- HABITABLE ROOM WINDOW
- DOOR
- PRIVATE OPEN SPACE

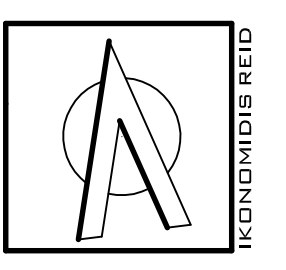
NOTE: ALL LEVELS ARE TO A.H.D.

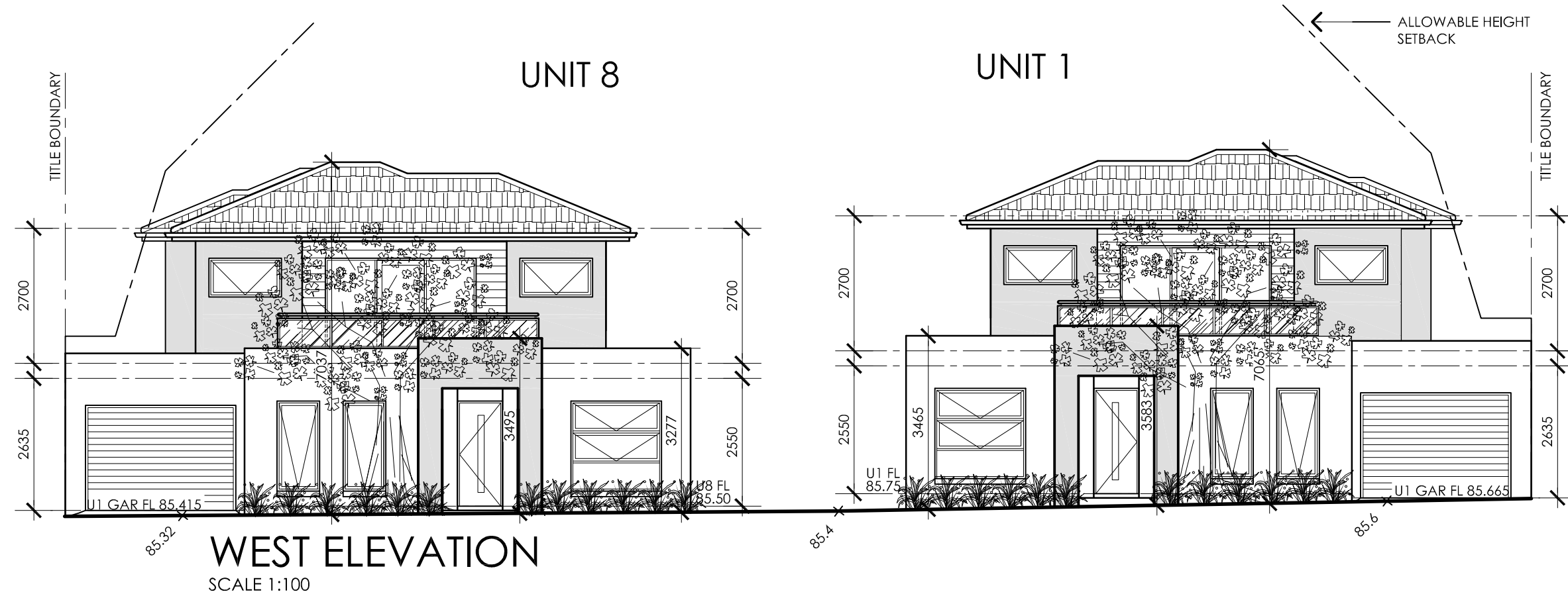
NOTE: ALL SETBACKS DIMENSIONS TO FIRST FLOOR ARE TO STRUCTURAL WALL FACE EXCLUDING CLADDING



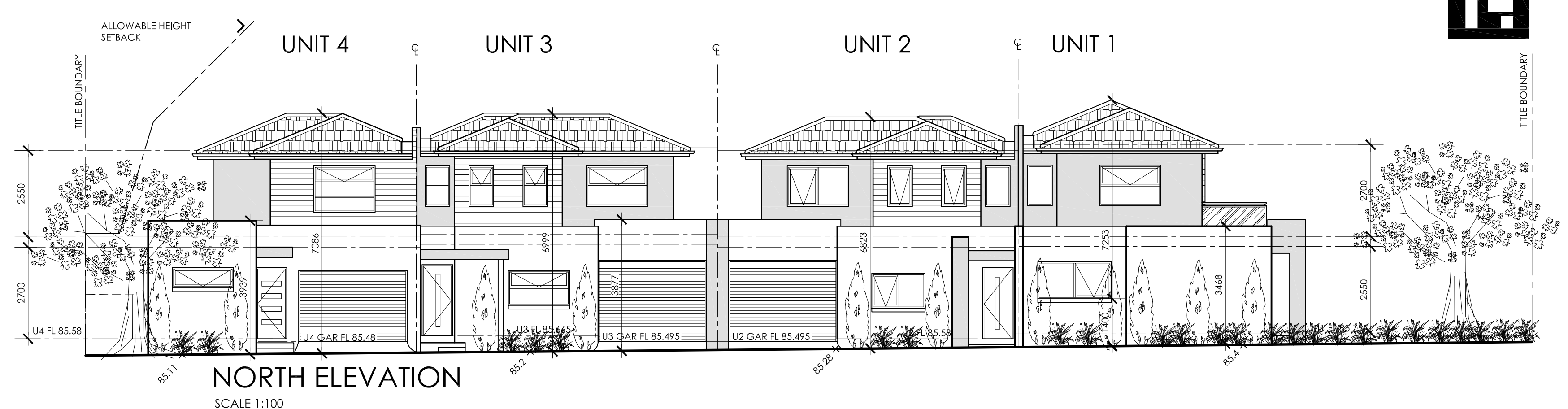
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| REV | DATE | ISSUE | REV | DATE | ISSUE | REV | DATE | ISSUE | REV | DATE | ISSUE |
|-----|-------|---------------------------|-----|-------|---------------------------|-----|-------|------------------|-----|-------|-------|
| P2 | AUG15 | INTERNAL & FACADE CHANGES | A | AUG15 | TOWN PLANNING APPLICATION | B | OCT15 | INTERNAL CHANGES | C | OCT15 | RFI |

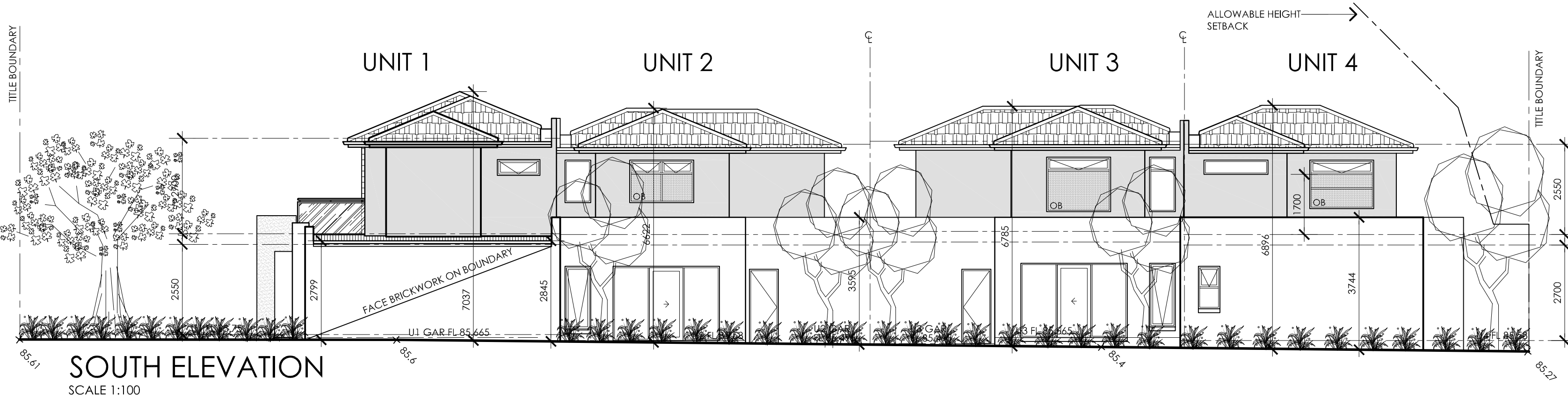




WEST ELEVATION
SCALE 1:100



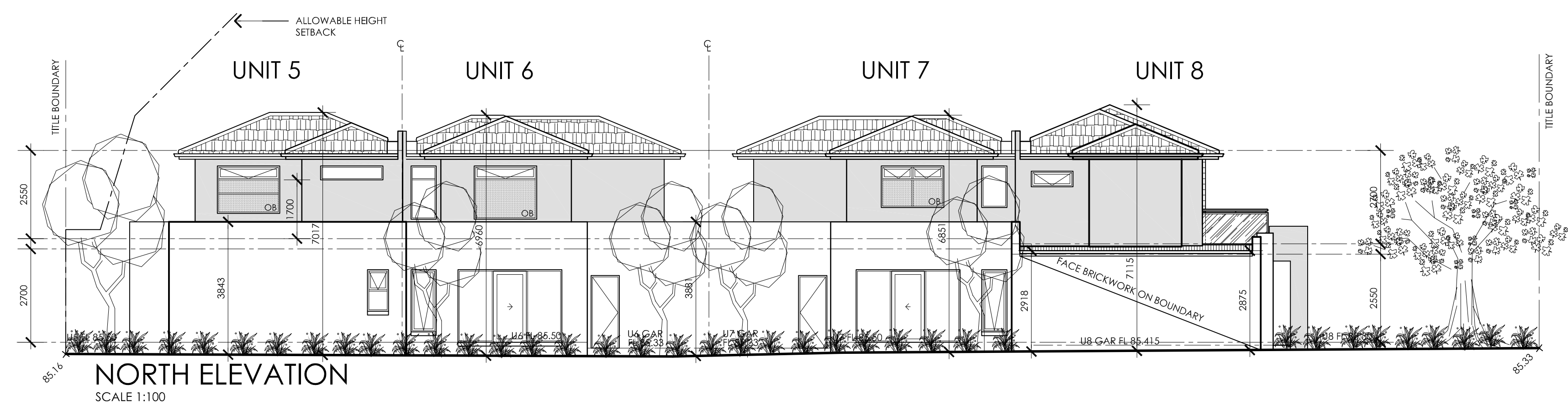
NORTH ELEVATION
SCALE 1:100



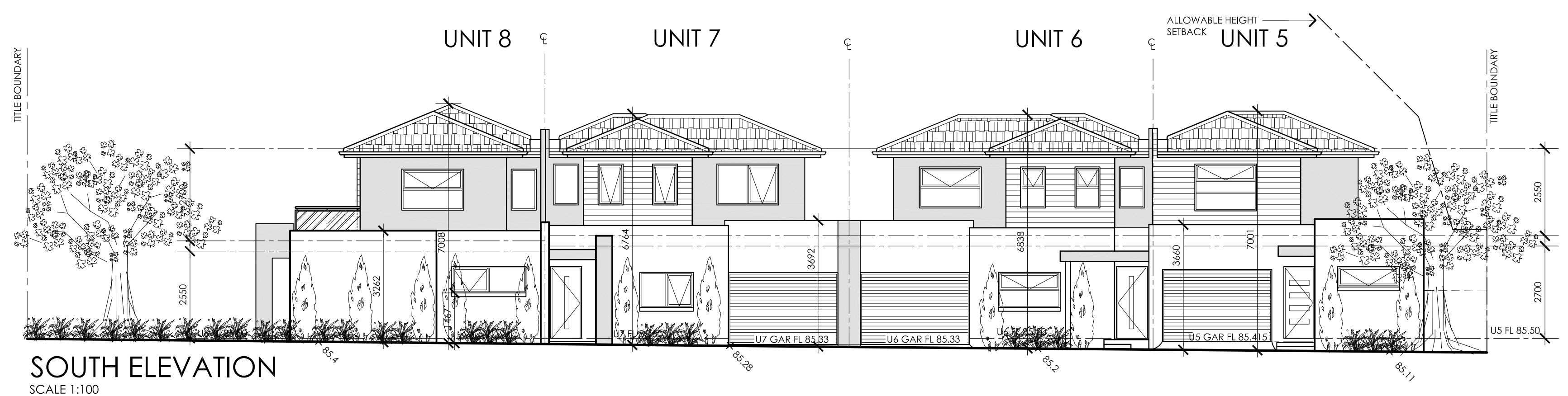
SOUTH ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100

FINISHES LEGEND

- SELECTED RENDER FINISH
- SELECTED FACE BRICK
- SCYON LINEA OR SIMILAR
- METAL SHEET ROOFING @ VARIOUS ROOF PITCHES
- OB FIXED OBSCURED GLAZING TO 1700H ABOVE FFL 25% TRANSPARENT
- OP OPAQUE GLAZING

| REV | DATE | ISSUE | REV | DATE | ISSUE | REV | DATE | ISSUE | REV | DATE | ISSUE |
|-----|--------|---------------------------|-----|--------|---------------------------|-----|--------|------------------|-----|--------|-------|
| P2 | AUG 15 | INTERNAL & FACADE CHANGES | A | AUG 15 | TOWN PLANNING APPLICATION | B | OCT 15 | INTERNAL CHANGES | C | OCT 15 | RFI |

5.3 APPLICATION FOR PLANNING PERMIT D/648/2015
 109 Wood Street, Preston

AUTHOR: Principal Planner – Jacquie Payne

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

| Applicant | Owner | Consultant |
|-----------------|----------------------|------------|
| Ikonomidis Reid | Lan Kha and Buoi Kha | N/A |

SUMMARY:

- It is proposed to construct a medium density housing development comprising the construction of three (3) double storey dwellings. Two (2) of the dwellings will have three (3) bedrooms and access to two (2) on site car spaces (one under cover) while the other dwelling has only two (2) bedrooms and access to a garage. Private open space is provided at the ground level for two (2) of the dwellings and at balcony level for the third.
- The site is zoned General Residential Zone - Schedule 2
- The Certificate of Title indicates that the land is encumbered by a restrictive covenant which prohibits: excavating the land and/or carrying away any marlstone earth clay gravel or sand from the land. The covenant contains the exception relating to the excavation and removal of material for the erection of a building on the land therefore it is not considered that the covenant would restrict the proposed development.
- 15 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 the following units in Council: Capital Works; Transport Management and Planning.
- This application was not required to be referred to external authorities.

RECOMMENDATION

THAT Planning Permit Application D/648/2015 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 Sheet T drawn by Greg Corbin and Associates and received by Council on the 23 June 2015) but modified to show:

- a) The minimum distance between finished garage floor level (FGFL) and the ceiling to be 2.2 metres.
- b) The height of the southern property boundary fence to be a minimum height of 1.8 metres as measured above natural ground level (NGL).

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

- c) A section diagram demonstrating how the external privacy screens to habitable room windows have a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level.
- d) A landscape plan in accordance with Condition No. 4 of this Permit and with the inclusion of a minimum of two (2) medium and four (4) small canopy trees.
- e) External retractable shading devices of all east and west facing habitable room windows.
- f) Fixed external shading devices over all north facing habitable room windows.
- g) The upper level western habitable room window of bedroom 3 of dwelling 2 relocated to the eastern wall.
- h) A fence between the front gardens of dwellings 1 and 2. This fence must be a maximum height of 1.2 metres above NGL.
- i) A revised schedule of construction materials and finishes including colours (including colour samples).
- j) The finished first floor levels shown on the plans for each of the dwellings.

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

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

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

- Before this Permit expires;
 - Within six (6) months after the expiry date; or
 - Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
- a) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified.
 - b) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - c) A diversity of plant species and forms. All proposed planting must be to the satisfaction of the Responsible Authority.
 - d) Where the opportunity exists, a minimum of two (2) medium sized and four (4) small sized canopy trees are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees are to have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).
 - e) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
 - f) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - g) Hard paved surfaces at all entry points to dwellings.
 - h) All constructed items including letter boxes, garbage bin receptacles, lighting, clotheslines, tanks, outdoor storage etc.
 - i) Type and details of edge treatment between all changes in surface (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. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.

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

6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
8. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
9. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
10. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
11. The land must be drained to the satisfaction of the Responsible Authority.
12. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
13. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
14. Provision must be made on the land for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
15. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- a) Constructed;

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

to the satisfaction of the Responsible Authority.

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

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

NOTATIONS

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

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

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

- N4 This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Darebin City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- N5 This planning permit must be attached to the "statement of matters affecting land being sold", under section 32 of the *Sale of the Land Act 1962* and any tenancy agreement or other agreement under the *Residential Tenancies Act 1997*, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be

advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

REPORT

INTRODUCTION AND BACKGROUND

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

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 38 metres long by 20.2 metres wide for a total site area of approximately 765 square metres. The site is wider and larger than most lots between Kathleen Street to the east and Pleasant View Drive to the west which are on average between 530 and 670 square metres.
- The land is located within the General Residential Zone – Schedule 2 and is affected by the Development Contributions Plan Overlay.
- The land is located on the south side of Wood Street, approximately 20 metres west of Kathleen Street and 100 metres west of Albert Street and 150 metres east of Pleasant View Drive 150.
- The subject site is currently occupied by a single storey hipped roof, weatherboard dwelling that is setback approximately 9 metres from the front property boundary. A driveway exists along the western boundary, leading to a brick garage which is located on the title boundary. The dwelling occupies the front half of the site with lawn and concrete occupying the front and rear yards. An easement exists along the rear boundary.
- To the east of the site is a medium density housing development consisting of four (4) single storey dwellings fronting both Wood Street and Kathleen Street. The secluded private open spaces (SPOS) of these dwellings abut the common boundary with the dwellings themselves setback between 1 and 3 metres.
- To the west of the site is a single storey weatherboard dwelling with a hipped roof. This dwelling is setback 9 metres from the frontage and 1.3 metres from the common boundary. A driveway exists along the western boundary leading to a garage in the rear yard.
- To the north of the site is the Wood Street road reserve beyond which are single storey dwellings with pitched hipped roof forms and consistent front setbacks of 10 metres average.
- To the south of the site is the rear yard of a lot facing Kathleen Street. Specifically a brick and cement sheet garage is sited near the existing property boundary with concrete abutting the remainder of the boundary. This site is occupied by a single storey brick clad dwelling with a hipped roof.

- Parking directly in front of the site on both sides of Wood Street is restricted with a bus zone and no standing area declared. There are no parking restrictions along Kathleen Street or Pleasant View Drive. Parking along Wood Street is generally difficult and restricted as this road acts as a thoroughfare between Albert Street and Plenty Road, however there is ample parking available in the side streets.
- The area is well serviced with Northland shops just east of Albert Street, Preston Primary school located off Sylvester Grove and various parks and walking tracks near Darebin Creek. Additionally bus services exist along Wood and Albert Street.

Proposal

It is proposed to construct three (3) double storey dwellings as follows:

Dwelling 1

- This dwelling is reverse living and abuts the driveway.
- Ground floor will consist of an entryway, two (2) bedrooms, family bathroom, study nook, laundry and single garage;
- The first floor will consist of living, meals and kitchen area, toilet and a 12.7 square metre balcony;
- The dwelling will have access to 66 square metres of private open space including a ground level service yard and front garden;

Dwelling 2

- Ground floor will consist of entryway, master bedroom with ensuite and WIR, laundry, toilet and living, meals, kitchen and double garage;
- First floor will consist of two (2) bedrooms, family bathroom, ensuite, toilet and TV room;
- The dwelling will have access to 81 square metres of private open space of which 35 is deemed secluded;

Dwelling 3

- Ground floor will consist of entryway, master bedroom, laundry, family bathroom and living, meals, kitchen area and double garage;
- First floor will consist of two (2) bedrooms, family bathroom and study nook;
- The dwelling will have access to 80 square metres of private open space of which 36 square metres is deemed secluded;

Objections

- 15 objections received.

Objections summarised

- Neighbourhood character – double storey form in the rear yard is inappropriate.
- Overlooking.
- Building height/size is inappropriate/visual bulk.

- Decreased pedestrian safety.
- Parking – Traffic congestion.
- Overdevelopment of the site.
- Overshadowing.
- Inappropriate aesthetic of medium density housing.
- Unit 3 is inadequately setback from the property boundaries.
- Increased noise.

Officer comment on summarised objections

Only four (4) objectors are proximate to the site. This has been shown on the map titled Objector Location Map.

Neighbourhood character – double storey form in the rear yard is inappropriate

The proposed development has been assessed against Council's neighbourhood character guidelines for precinct F5 and is shown to be compliant with all aspects contained within these guidelines. The proposed development consists of three double storey dwellings on a lot of over 750 square metres, which is entirely reasonable. Additionally the site is well located with respect to shops and public transport. See assessment under the guidelines in the body of this report below.

Overlooking

All upper level windows have been shown on the plans as being screened with appropriate glazing/screens up to a height of 1.7 metres above finished floor level (FFL). See Standard B22 in this report for further assessment.

Building height/size is inappropriate/visual bulk

The proposed dwellings are to have a maximum height of 7.1 metres which is under the 9 metre maximum as required by the standard. The proposed double storey construction is an appropriate transition of height above adjoining single storey dwellings and an entirely legitimate design outcome in suburban residential settings such as this.

The size of the development is appropriate with recessed upper levels, separation between the dwellings and ample space on site for vegetation. This ensures the development is well proportioned with respect to the block size.

The proposal is not considered bulky to the street or adjoining lots with generous setbacks provided from the property boundaries, combined with varied materials and modest wall heights (all under 6 metres). See Standard B9 in this report for further assessment on building height.

Decreased pedestrian safety

The proposed development is not considered to increase the risk of pedestrian accidents as only one (1) new vehicle crossover is being proposed. This new crossover will only service three (3) cars which will not detrimentally impact on the safety of pedestrians. Furthermore these cars are able to exit the site in a forwards direction.

The crossover to Dwelling 2 is existing as is the reversing arrangement of the cars.

On balance the proposal will not compromise pedestrian safety as a result of an additional vehicle crossover proposed.

Parking – Traffic congestion

The increase in traffic movements in the street, arising from an additional two (2) dwellings, is considered to be an increment that will not affect local traffic conditions. Furthermore, the development provides the requisite number of car spaces on site for the number of bedrooms each dwelling has. This complies numerically with the Darebin Planning Scheme under Clause 52.06.

It is estimated that vehicle movements to and from the site will be at peak times in the morning and afternoon, however this is not considered to be unreasonable and will not greatly increase existing traffic movements in the street.

Wood Street typically holds a large volume of traffic between Northland and Plenty Road, and the additional vehicles can easily be accommodated on the Wood Street and the surrounding road network.

Overdevelopment of the site

It is noted that the site is of medium size and well proportioned (with a frontage to Wood Street of 20.2 metres, a depth of 38 metres for an overall site area of 765 square metres) and is located in the General Residential Zone – Schedule 2 where residential development at a range of densities and varieties is allowed.

The consideration of a medium density development is based on its compliance with a set of criteria outlined in the 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.

The proposal will provide affordable housing in an area that is well serviced and close to the central business district (CBD). The composition of housing types should be mixed to provide greater choice, as not everyone can afford or wants to live in a large freestanding home or maintain a yard. These townhouses will provide diverse housing options.

It is also noted that the proposed development complies with most elements of Clause 55 of the Darebin Planning Scheme.

Overshadowing

The proposal complies with Standard B22 (Overshadowing) of the Darebin Planning Scheme. Overshadowing of the neighbouring properties is acceptable and marginal beyond the shadow cast from the existing fence.

There will be no additional shadow cast onto the lot to the rear.

Inappropriate aesthetic of medium density housing

The proposed development complies with the neighbourhood character guidelines for Precinct F5.

Unit 3 is inadequately setback from the property boundaries

The proposed setbacks between Unit 3 and the property boundaries comply with Standard B17 of the Darebin Planning Scheme.

Increased noise

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

PLANNING ASSESSMENT**Clause 21.03 Housing**

The site and wider area has been identified as one for incremental change, where a moderate level of development over time is permitted. The land is well located with respect to schools, shops and public transport.

The proposed density of the development is acceptable in this instance with shops, schools and public transport all within an 800 metre catchment of the site. Additionally, the wider area is already experiencing a modest degree of residential infill development (therefore precluding the site as one for only minimal change).

Neighbourhood Character Precinct Guideline Assessment - Precinct F5Vegetation

Scattered shrubs including one small canopy trees are located on the site, however none of these are significant or require protecting.

The vegetation on site will be replaced by six (6) canopy trees of varying size via a condition of approval. These additional canopy trees will enhance the garden landscape of the wider area.

There is no accompanying landscape concept plan (to be required as a condition on any approval), however the proposal is appropriately sited and designed to provide an acceptable amount of garden space to the street frontages, as well as the side and rear boundaries, to contribute to the garden setting of the wider area and soften the development to adjoining lots.

Complies subject to conditionSiting

The proposed front garden is large enough for the planting of vegetation to enable the continuation of the garden setting in this area. The proposal allows sufficient space along the property boundaries to plant canopy trees to soften the development.

The dwellings are setback 8 metres from the front boundary which provides a generous space for larger scale vegetation to the street.

The positioning of garage 2 on the boundary matches the location of the existing garage associated with the original house. The original house extended virtually the entire width of the lot with little relief from the side boundaries. The proposed arrangement improves upon this, with a large setback from the eastern property boundary. This, coupled with the fact the proposed garage is located on the boundary as previously, ensures the proposal maintains a somewhat similar position on site as the original dwelling.

The proposed front garden matches adjoining front gardens. While two (2) crossovers are proposed, the remaining 90 square metres of front garden is ample space to accommodate an appropriate garden arrangement. On balance, the sizeable front yard and lack of visibility of garages 1 and 3 ensures that garages are not seen as a dominant feature of the development. The visibility of garage 2 is not dissimilar to the arrangement of numerous lots along Wood Street, whereby garages are located to the side of dwellings.

Complies

Height and building form

The proposed development is double storey, which respects nearby double storey development. The overall height of the development is approximately 7.1 metres which is below the 9 metre maximum allowed by the standard.

The proposed development provides an appropriate height transition above single storey developments.

Complies

Materials and design detail

The wider area is beginning to show signs of urban renewal as evidenced in the recent developments found proximate to the site, including the rezoning of the eastern area of Wood Street to the Residential Growth Zone. The modest design approach adopted here respects both the existing and preferred neighbourhood character of the area and is considered appropriate.

The use of varying materials (render, brick, scyon linea cladding or similar, concrete roof tiles and glazing), wall surfaces, window openings and a combination of both pitched and flat roofs ensures the proposed building is well articulated.

The materials and construction schedule will need to be resubmitted in colour.

Complies subject to condition

Front boundary treatment

No front fence is proposed as part of this application. This is acceptable because views are maintained between the streetscape and the development.

Complies

Clause 55 Assessment

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

Clause 55.02-4 B4 Infrastructure

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

Complies subject to conditionClause 55.03-2 B7 Building Height

The proposed dwellings are to have a maximum height of 7.1 metres which complies with the standard requiring a maximum height not exceeding 9 metres.

The overall height of the development is modest with walls heights less than 6 metres high above natural ground level (NGL). The proposed development is considered respectful.

CompliesClause 55.03-5 B10 Energy Efficiency

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

- Attached construction.
- Cross ventilation is available in the design.
- The development does not unreasonably affect the solar access and energy efficiency of neighbouring dwellings.
- Open space and living areas with access to north light.
- Space for outdoor clothes drying facilities.
- Use of eaves at the ground and first floors.
- The west facing habitable room window of bedroom 3 of Dwelling 2 should be relocated to the eastern side so that it does not require screening and to alleviate the extent of glazing along the western upper level that must be screened. A window on the eastern elevation will provide at least some type of outlook.
- Additionally a condition of approval will require that all east and west facing habitable room windows are provided with retractable shading devices and that all north facing windows are provided with fixed awnings.

Complies subject to conditionClause 55.03-8 B13 Landscaping

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

The open spaces and setbacks are generally large enough to provide sufficient landscaping.

A detailed landscape plan will be required as a condition of any approval along with the inclusion of a minimum of six (6) canopy trees of varying size.

Complies subject to condition

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

| Boundary | Wall height | Required Setback | Proposed setback | Compliance |
|--------------------------|-------------|------------------|------------------|------------|
| Eastern – Dwelling 1 | 3.7 metres | 1.03 metres | 4 metres | Yes |
| Dwelling 3 | 2.7 metres | 1 metre | 1 metre | Yes |
| Western Dwelling 2 and 3 | 2.7 metres | 1 metre | 3 metres | Yes |
| Southern – Dwelling 3 | 2.7 metres | 1 metre | 1.85 metres | Yes |

First Floor

| Boundary | Wall height | Required Setback | Proposed setback | Compliance |
|-----------------------|-------------|------------------|-------------------|------------|
| Eastern – Dwelling 1 | 5.7 metres | 1.63 metres | 5 and 6.7 metres | Yes |
| Dwelling 3 | 5.6 metres | 1.6 metres | 5 metres | Yes |
| Western – Dwelling 1 | 5.7 metres | 1.63 metres | 3.9 and 4.4 metre | Yes |
| Dwelling 3 | 5 metres | 1.42 metres | 3.4 and 4.8 metre | Yes |
| Southern – Dwelling 3 | 5.5 metres | 1.57 metres | 3.65 metres | Yes |

The ground and first floor setbacks proposed are reasonable and go well beyond what the standard requires. All the first floor walls are less than 6 metres high which is reasonable and considered appropriate within the context of the wider area.

Complies

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

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

Shadow cast beyond shadow already created by the existing fence is marginal and doesn't occur at all along the eastern property boundary.

Complies

Clause 55.04-6 B22 Overlooking

The proposed dwellings at ground floor have finished floor levels (FFL) less than 0.8 metres above NGL at the boundary. A proposed 1.8 metre high boundary fence on the western property boundary, and an existing 1.7 metre high fence on the southern boundary, will sufficiently limit overlooking, provided a trellis be added to the southern boundary fence (included as a condition of approval).

There are no ground floor habitable room windows along the eastern elevation.

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 with a combination of both obscure glazing, sill heights located 1.7 metres above finished floor level and external screens provided. A condition of approval will request that a section diagram of the external screens is provided.

Complies subject to condition

Clause 55.06-3 B33 Common Property

The public, communal and private areas within the development are clearly delineated, however a condition of approval will require that a dividing fence is installed between the two front gardens of Dwellings 1 and 2.

The common property is functional and capable of efficient management.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

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

This is achieved for Dwellings 2 and 3 through the provision of a minimum of 40 square metres of private open space, of which 25 square metres is deemed secluded, located to the side or rear of the dwelling, with a minimum dimension of 3 metres and conveniently accessed from a living room.

Dwelling 1 is provided with a 12.7 square metre balcony conveniently accessed from a living area, along with a front yard and service yard.

| | Total POS | Secluded POS | Minimum dimension of secluded POS |
|------------|------------------|----------------------------|--|
| Dwelling 1 | 66 square metres | 12 square metres (balcony) | 3.5 metres |
| Dwelling 2 | 81 square metres | 35 square metres | 3 metres |

| | Total POS | Secluded POS | Minimum dimension of secluded POS |
|------------|------------------|------------------|-----------------------------------|
| Dwelling 3 | 80 square metres | 36 square metres | 3 metres |

The reverse living arrangement of Dwelling 1 is acceptable as the dwelling is still provided with 66 square metres of private open space, including a ground level service yard and front garden.

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

Complies

Clause 52.06 Car Parking

Number of Parking Spaces Required

One car parking space is provided for the two bedroom dwellings.

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

Design Standards for Car parking

The car parking spaces, garage and the access-way have appropriate dimensions to enable efficient use and management of the site.

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 metres long x 5.5 metres wide comply with the minimum requirements of the standard.

Garage dimensions of 6 metres length x 3.5 metres wide comply with the minimum requirements of the standard.

Access dimensions to the car spaces comply with the standard.

Visibility splays have been shown on the plans and are acceptable.

CLAUSE 55 COMPLIANCE SUMMARY

| Clause | Std | | Compliance | |
|----------------|-----------|---|------------|-----|
| | | | Std | Obj |
| 55.02-1 | B1 | Neighbourhood character | | |
| | | Please see assessment in the body of this report. | Y | Y |
| 55.02-2 | B2 | Residential policy | | |
| | | The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme. | Y | Y |

| Clause | Std | | Compliance | |
|-----------------|------------|---|------------|---|
| 55.02-3 | B3 | Dwelling diversity | | |
| | | N/A as development contains less than 10 dwellings. | Y | Y |
| 55.02-4 | B4 | Infrastructure | | |
| | | Adequate infrastructure exists to support new development. | Y | Y |
| 55.02-5 | B5 | Integration with the street | | |
| | | Dwellings 1 and 2 appropriately integrate with Wood Street. | Y | Y |
| 55.03-1 | B6 | Street setback | | |
| | | The required setback is 8 metres and the dwellings are set back 8 metres from the street frontage. | Y | Y |
| 55.03-2 | B7 | Building height | | |
| | | 7.1 metres. | Y | Y |
| 55.03-3 | B8 | Site coverage | | |
| | | 46%. | Y | Y |
| 55.03-4 | B9 | Permeability | | |
| | | 32%. | Y | Y |
| 55.03-5 | B10 | Energy efficiency | | |
| | | Please see assessment in the body of the report. | Y | Y |
| 55.03-6 | B11 | Open space | | |
| | | N/A as the site does not abut public open space. | Y | Y |
| 55.03-7 | B12 | Safety | | |
| | | The proposed development is secure and the creation of unsafe spaces has been avoided. | Y | Y |
| 55.03-8 | B13 | Landscaping | | |
| | | Please see assessment in the body of the report. | Y | Y |
| 55.03-9 | B14 | Access | | |
| | | Access is sufficient and respects the character of the area. | Y | Y |
| 55.03-10 | B15 | Parking location | | |
| | | Parking facilities are proximate to the dwellings they serve, the access is observable. No habitable room windows will be impacted upon from the access-ways. | Y | Y |
| 55.04-1 | B17 | Side and rear setbacks | | |
| | | Dwellings are set back in accordance with the requirements of this standard. | Y | Y |

| Clause | Std | | Compliance | |
|----------------|------------|---|------------|---|
| 55.04-2 | B18 | Walls on boundaries | | |
| | | Length: 6.5 metres. Height: 3.16 metres. Walls on boundaries comply with the requirements of this standard. | Y | Y |
| 55.04-3 | B19 | Daylight to existing windows | | |
| | | Sufficient setbacks exist to allow adequate daylight to existing habitable room windows. | Y | Y |
| 55.04-4 | B20 | North-facing windows | | |
| | | Development is set back in accordance with the standard. | Y | Y |
| 55.04-5 | B21 | Overshadowing open space | | |
| | | Shadow cast by the development is within the parameters set out by the standard. | Y | Y |
| 55.04-6 | B22 | Overlooking | | |
| | | Please see assessment in the body of this report. | Y | Y |
| 55.04-7 | B23 | Internal views | | |
| | | There are no internal views. | Y | Y |
| 55.04-8 | B24 | Noise impacts | | |
| | | Noise impacts are consistent with those in a residential zone. | Y | Y |
| 55.05-1 | B25 | Accessibility | | |
| | | The ground levels of the proposal can be made accessible for people with limited mobility. | Y | Y |
| 55.05-2 | B26 | Dwelling entry | | |
| | | Entries to the dwellings are identifiable and provide an adequate area for transition. | Y | Y |
| 55.05-3 | B27 | Daylight to new windows | | |
| | | Adequate setbacks are proposed to allow appropriate daylight access. | Y | Y |
| 55.05-4 | B28 | Private open space | | |
| | | Please see assessment in the body of this report. | Y | Y |
| 55.05-5 | B29 | Solar access to open space | | |
| | | Sufficient depth is provided for adequate solar access. | Y | Y |
| 55.05-6 | B30 | Storage | | |
| | | Sufficient storage areas are provided for each | Y | Y |

| Clause | Std | | Compliance | |
|----------------|------------|---|------------|---|
| | | dwelling. | | |
| 55.06-1 | B31 | Design detail | | |
| | | Design detail of dwellings is appropriate in the neighbourhood setting. | Y | Y |
| 55.06-2 | B32 | Front fences | | |
| | | No front fence is proposed which is acceptable. | Y | Y |
| 55.06-3 | B33 | Common property | | |
| | | While the common property areas are appropriate and manageable, a condition of approval will require that a dividing fence between the front gardens is shown on the plans. | Y | Y |
| 55.06-4 | B34 | Site services | | |
| | | Sufficient areas for site services are provided. | Y | Y |

REFERRAL SUMMARY

| Department/Authority | Response |
|-----------------------------------|--|
| Capital Works | No objection, subject to condition included in recommendation. |
| Transport Management and Planning | No objection, subject to conditions being included in the recommendation which relate to the headroom of the garage being a minimum of 2.2 metres. |

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- The site is zoned General Residential Zone – Schedule 2. Under Clause 32.08-4 (General Residential Zone) a planning permit is required to:
 - Construct two or more dwellings on the lot

Applicable provisions of the Darebin Planning Scheme

| Section of Scheme | Relevant Clauses |
|-----------------------|--|
| SPPF | 11.02-1, 15.01-1, 15.01-5, 15.02, 16.01, 19.03-1 |
| LPPF | 21.02-3, 21.03, 21.03-2, 21.03-3, 21.03-4 |
| Zone | 32.08 |
| Overlay | 45.06* |
| Particular provisions | 55 |

| Section of Scheme | Relevant Clauses |
|----------------------------------|------------------|
| General provisions | 65.01 |
| Neighbourhood Character Precinct | F5 |

*Currently Council's ability to request the levy has expired as the Schedule to the Clause expired on the 30 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

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

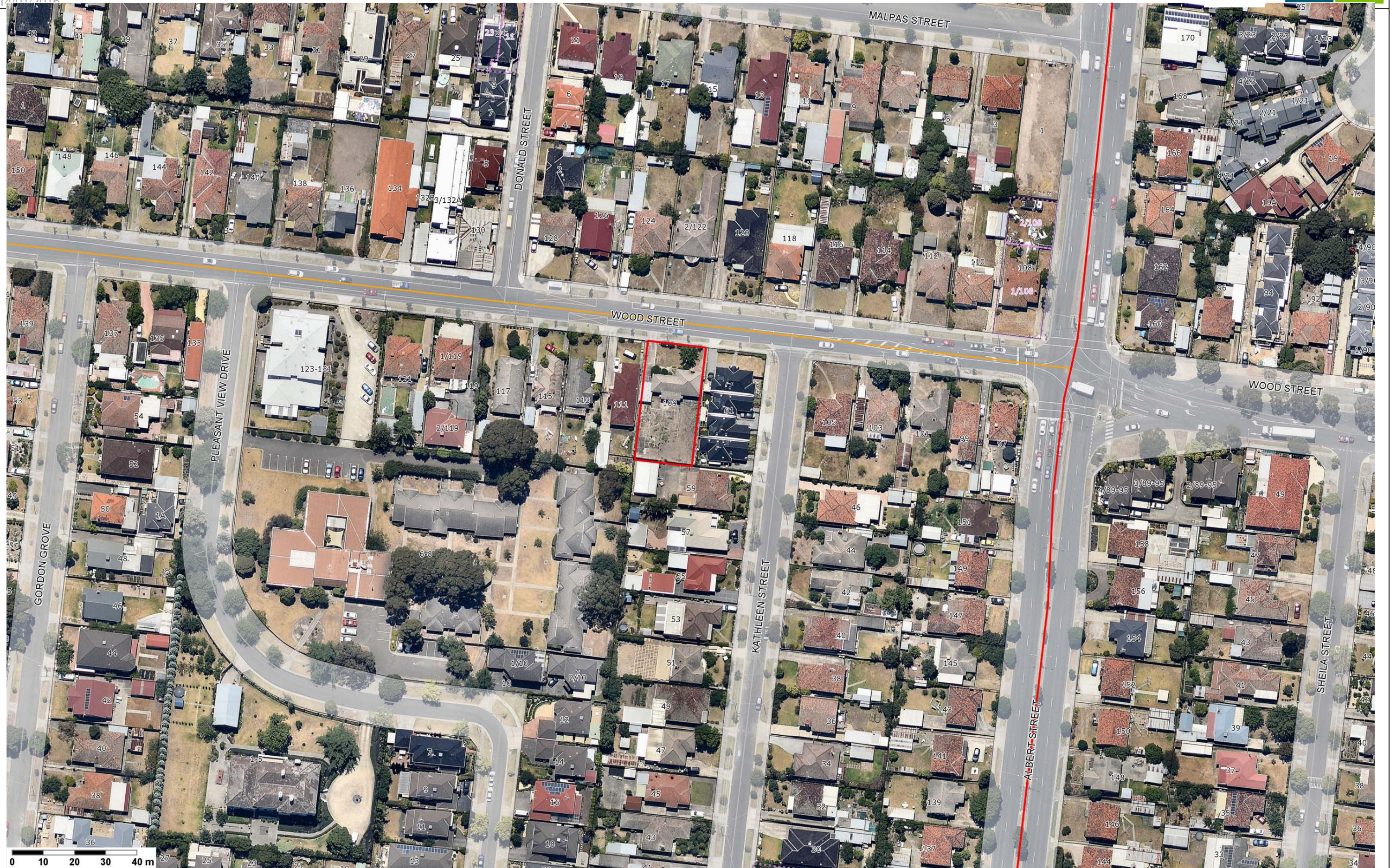
DISCLOSURE OF INTERESTS

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.

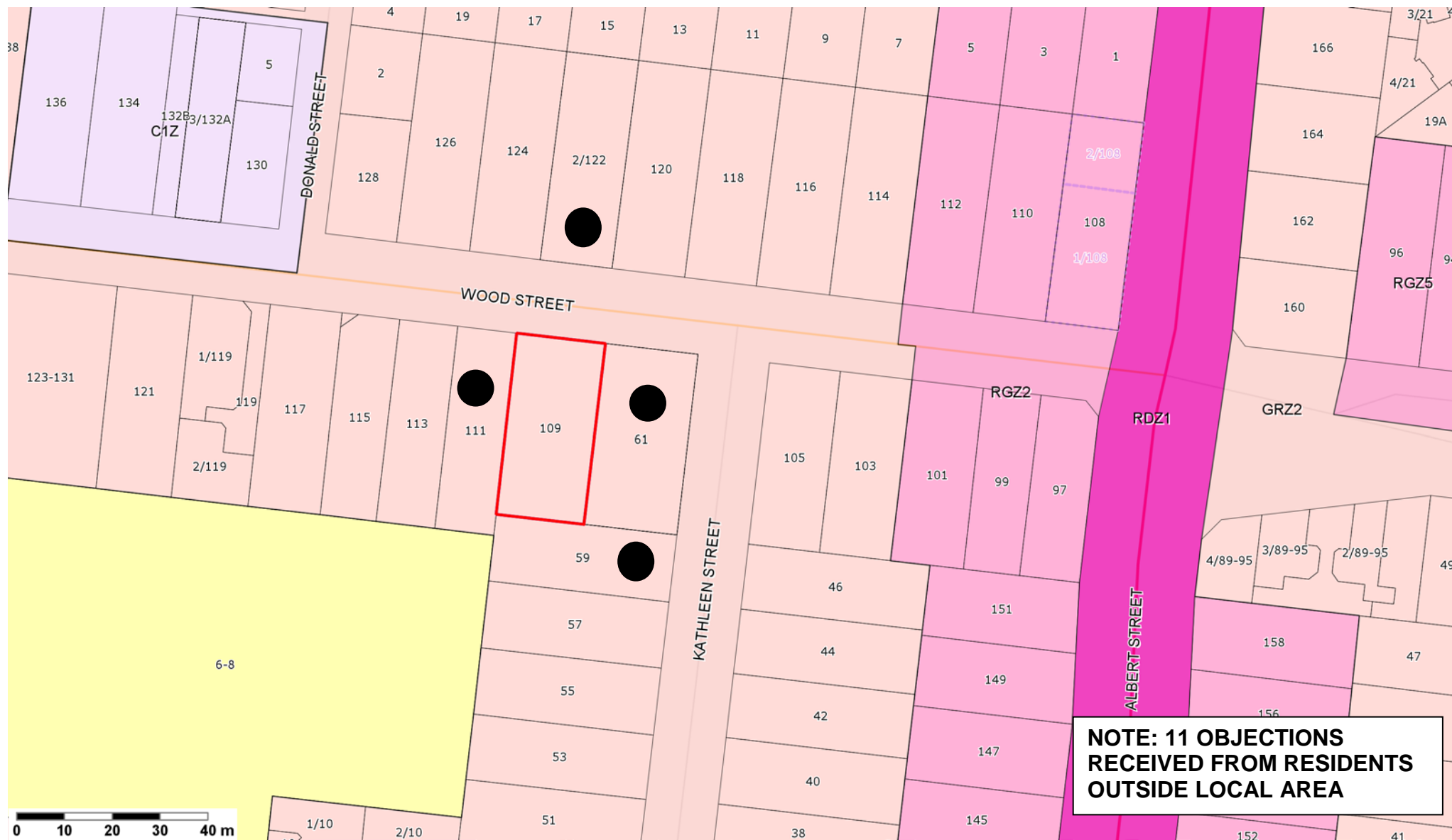
The Manager authorising this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

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

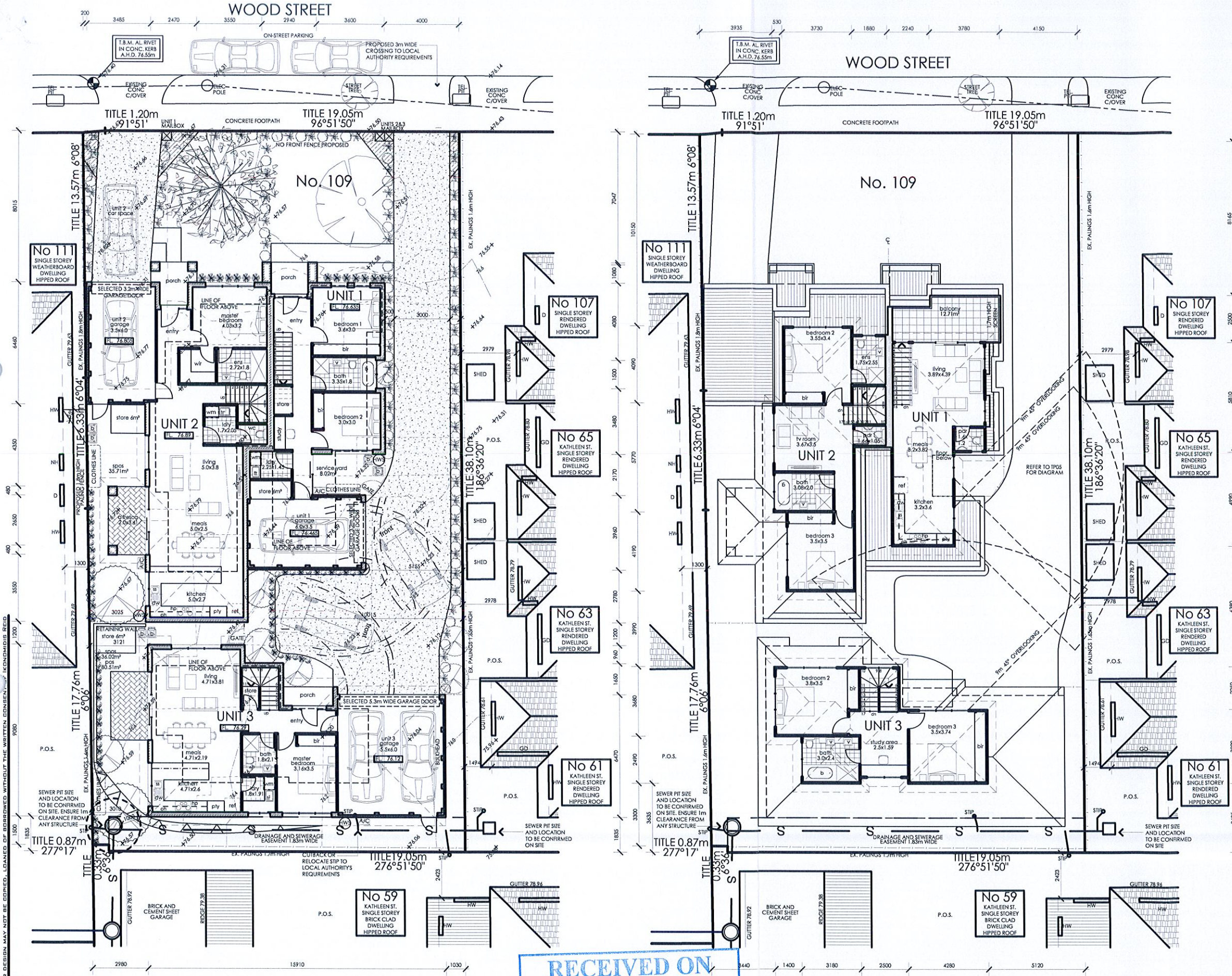


0 10 20 30 40 m



● Objection received

▭ Subject Land



LEGEND

150mmØ CONCRETE MAIN SEWER PIPE, DEPTH 2.2m TO INVERT LEVEL. OFFSET 1.14m NORTH FROM SOUTH BOUNDARY. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.

LP04 LEGAL POINT OF DISCHARGE - THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE KERB AND CHANNEL AT FRONT IN WOOD STREET TO COUNCIL REQUIREMENTS WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS. THE DISCHARGE TO BE GRAVITY. (NO PUMP SYSTEMS PERMITTED)

ACCURATE DEPTH AND OFFSET OF THE DRAIN TO BE CONFIRMED ON SITE.

COMPUTATIONS AND RETENTION DESIGN IS REQUIRED TO BE SUBMITTED TO THIS OFFICE FOR COMPLIANCE WITH LEGAL POINT OF DISCHARGE.

IF UNABLE TO DISCHARGE TO THE KERB AND CHANNEL AT FRONT IN WOOD STREET VIA GRAVITY AN OUTFALL DRAIN WILL BE REQUIRED TO BE DESIGNED AND CONSTRUCTED BY THE DEVELOPER VIA THE EASEMENT OF THE REAR OF THE SITE EAST TO THE KERB AND CHANNEL IN KENNETH STREET TO COUNCIL REQUIREMENTS. RETENTION SYSTEM WILL APPLY AS ABOVE.

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

EXISTING SPOT LEVELS

EXISTING TREES

ADVERTISED

of 13 set

DATE

SEWER TRAP POINT

SEP SIDE ENTRY PIT

HW HABITABLE ROOM WINDOW

NH NON HABITABLE ROOM WINDOW

D DOOR

GD GLASS DOOR

POS PRIVATE OPEN SPACE

OVERHEAD POWERLINES

DWELLING, GARAGE & VEGETATION TO BE DEMOLISHED SHOWN DASHED

FENCE

PROPOSED 1.8 HIGH PAILING FENCE

GATE

PROPOSED 1.8 HIGH GATE TO MATCH PAILING FENCE

A/C AC UNIT LOCATION TO BE CONFIRMED ON SITE.

COLOURED CONCRETE DRIVEWAY / PATH

SELECTED PAVING

PEDESTRIAN VISIBILITY SPAY NOTE:
PEDESTRIAN VISIBILITY SPAYS MEASURING 2.0m (WIDTH ACROSS THE FRONTAGE BY 2.5m (DEPTH INTO SITE), TO THE EAST & WEST SIDES OF THE EXISTING & PROPOSED CROSSOVER TO WOOD STREET WHERE WITHIN THE SUBJECT SITE, ANY STRUCTURES OR VEGETATION WITHIN THESE SPAYS MUST NOT BE MORE THAN 0.9m IN HEIGHT.

EXTERNAL FINISHES SCHEDULE

| | |
|---------------------|-------------------------------------|
| ROOFING | CONCRETE ROOFING TILES |
| WALLS | FACE BRICKWORK |
| | FEATURE STONE/ALTERNATIVE BRICKWORK |
| | LIGHT WEIGHT CLADDING |
| GUTTERS & DOWNPIPES | COLORBOND |
| WINDOWS & DOORS | POWDERCOATED ALUMINIUM |

DEVELOPMENT SUMMARY

| | | | |
|-----------------|----------------------|------------------------|---|
| SITE AREA | 744.82m ² | BUILDING SITE COVERAGE | 352.43m ² (46.06%) |
| DENSITY | 1.254 | SITE PERMEABILITY | 250.48m ² (32.75%) |
| No OF DWELLINGS | 3 | | |
| CAR-PARKING | 5 TOTAL | PRIVATE OPEN SPACE | |
| | UNIT 1 | UNIT 1 | B.A.L.C. 12.71m ² + FY |
| | UNIT 2 | UNIT 2 | POS 35.71m ² + FY |
| | UNIT 3 | UNIT 3 | SPOS 34.02m ² /POS 80.51m ² |

GROSS BUILDING AREA / UNIT:

| | | | |
|----------|--------------------------------|--------------------------------|--------------------------------|
| | UNIT 1 | UNIT 2 | UNIT 3 |
| GROUND | 60.29m ² | 103.79m ² | 81.28m ² |
| FIRST | 47.53m ² | 67.09m ² | 55.30m ² |
| GARAGE | 28.74m ² | 24.33m ² | 37.04m ² |
| POURCH | 4.47m ² | 4.47m ² | 2.74m ² |
| BALCONY | 12.71m ² | NA | NA |
| ALFRESCO | NA | 7.21m ² | NA |
| TOTAL | 151.86m ² (17.365Q) | 206.82m ² (22.265Q) | 176.38m ² (18.985Q) |

CONSTRUCTION

INTERNAL WALLS-
90mm THICK TIMBER STUD CONSTRUCTION

EXTERNAL WALLS-
GROUND FLOOR - 240mm THICK BRICK VENEER CONSTRUCTION
FIRST FLOOR - 90mm THICK TIMBER STUD AND LIGHT WEIGHT CLADDING

LANDSCAPING

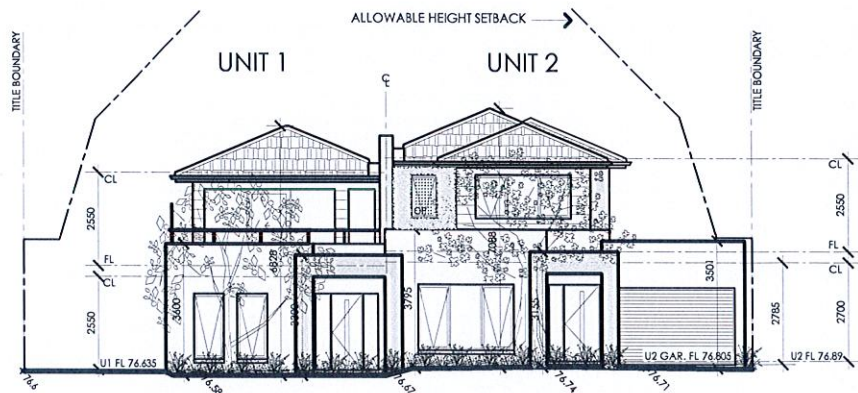
FOR DETAILS OF LANDSCAPING PLEASE REFER TO SEPARATE LANDSCAPE PLAN - TO BE SUBMITTED AT A LATER DATE

STORMWATER

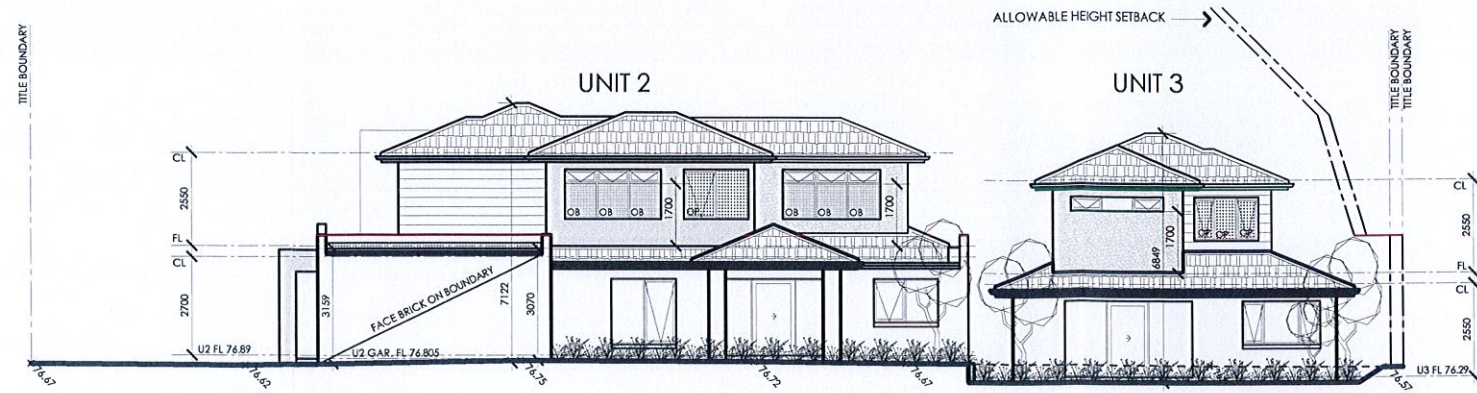
ALL STORMWATER, INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE DETAILS TO BE SUBMITTED AS PART OF BUILDING PERMIT. NO STORMWATER TO BE DISCHARGED

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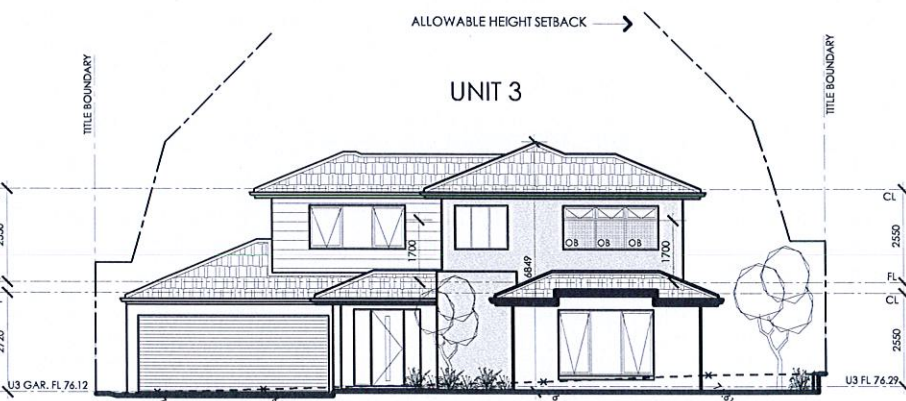




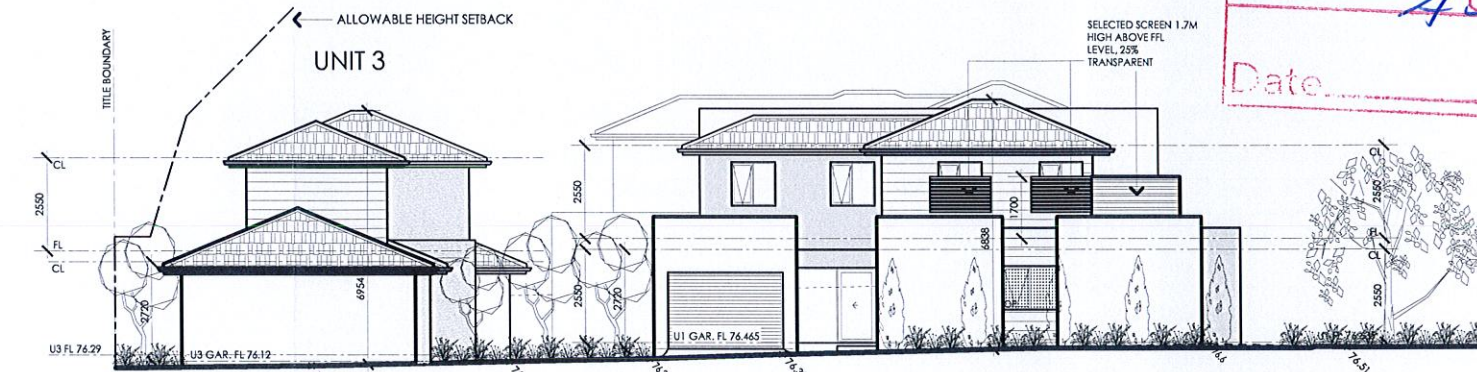
NORTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100

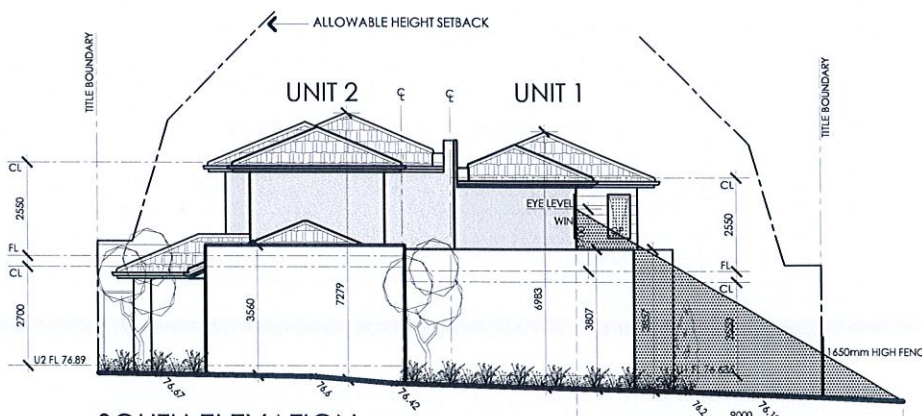


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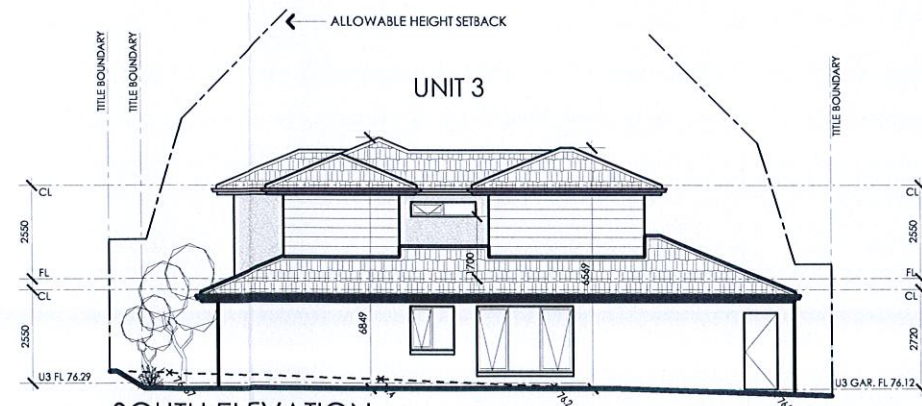


EAST ELEVATION
SCALE 1:100

ADVERTISED
AB sek
Date _____



SOUTH ELEVATION
INTERNAL
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100

FINISHES LEGEND

- SELECTED RENDER FINISH #1
- SELECTED RENDER FINISH #2
- SELECTED FACE BRICK
- SCYON LINEA OR SIMILAR
- CONCRETE TILED ROOF PITCH @ 22.5°
- FIXED OBSCURED GLAZING TO 1700H ABOVE FFL 25% TRANSPARENT
- OPAQUE GLAZING

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PROPOSED MULTI UNIT
DEVELOPMENT
109 WOOD STREET, PRESTON

TP05 B

JOB NO. SCALE. DRAWN. DATE.
009044 1:100 SP OCT15

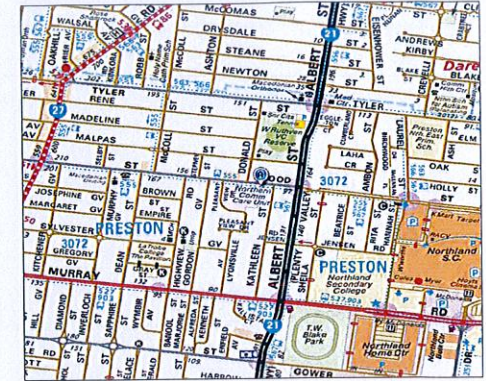
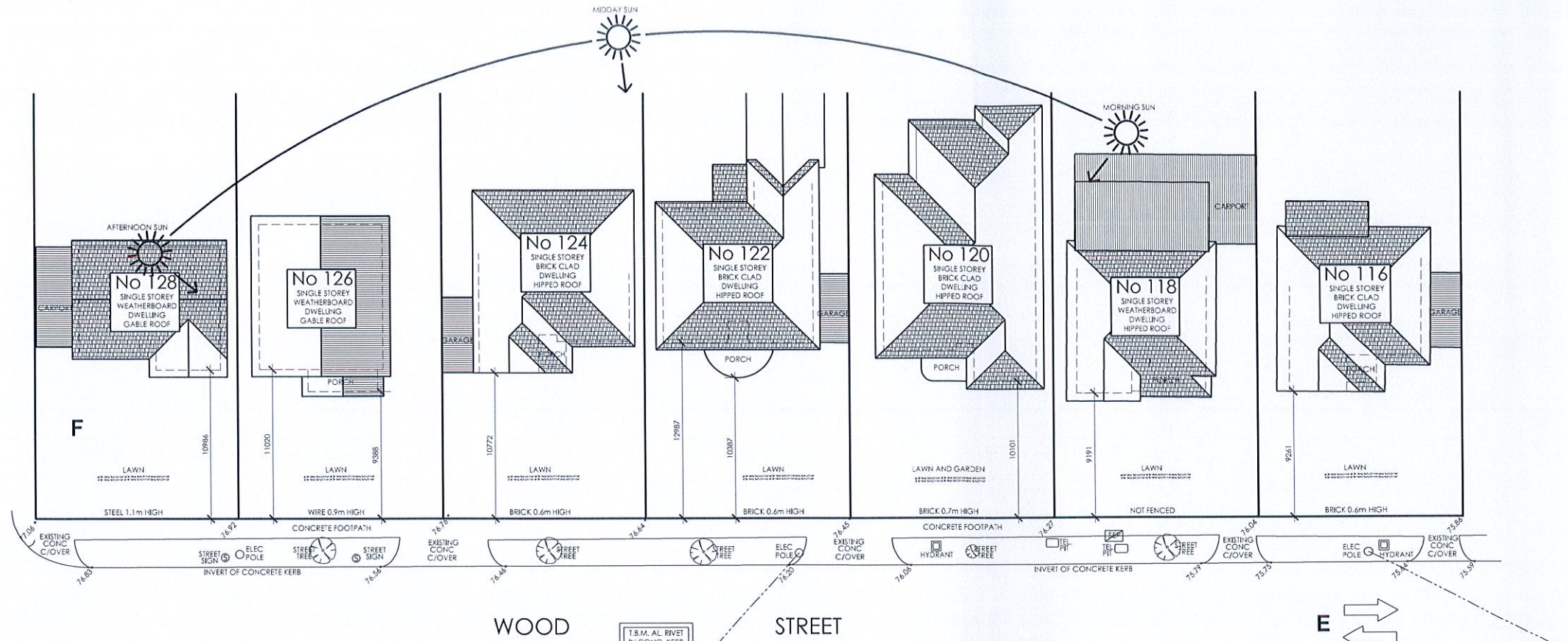
ELEVATIONS

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IKONOMIDIS REID



DONALD STREET



LOCALITY PLAN
NOT TO SCALE
MELB REF 19 A

LEGEND

150mm Ø CONCRETE MAIN SEWER PIPE
DEPTH 2.2m TO INVERT LEVEL.
OFFSET 1.14m NORTH FROM SOUTH BOUNDARY.
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.

LEGAL POINT OF DISCHARGE
THE SEWERWATER FROM THE PROPERTY TO BE CONFERRED TO THE
KERB AND CHANNEL AT FRONT IN WOOD STREET TO COUNCIL
REQUIREMENTS WITH THE DISCHARGE FROM THE WHOLE SITE BEING
LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF
DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE
DISCHARGE OF ONE IN FIVE YEARS, THE DISCHARGE TO BE GRAVITY.
(NO PUMP SYSTEMS PERMITTED)

ACCURATE DEPTH AND OFFSET OF THE DRAIN TO BE CONFIRMED ON
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BE DESIGNED AND CONSTRUCTED BY THE DEVELOPER VIA THE
EASTERN END OF THE SITE EAST TO THE KERB AND CHANNEL
IN KENNETH STREET TO COUNCIL REQUIREMENTS. RETENTION SYSTEM
WILL APPLY AS ABOVE.

- EXISTING TREES
 - EXISTING SPOT LEVELS
 - STIP SEWER TIE IN POINT
 - SEP SIDE ENTRY PIT
 - HW HABITABLE ROOM WINDOW
 - NH NON HABITABLE ROOM WINDOW
 - D DOOR
 - GD GLASS DOOR
 - POS PRIVATE OPEN SPACE
- NOTE: ALL LEVELS ARE TO A.H.D

LOCAL AMENITY SCHEDULE

- | | |
|---|--|
| <p>ACCESS TO PUBLIC TRANSPORT BUS ROUTE No 246, 250, 251, 340, 350, 517, 527, 549, 550, 551, 555, 556, 563, 566 & 567 WITHIN 1.2km RADIUS</p> <p>PLenty ROAD TRAM LINE ROUTE 86 WITHIN 1.4km RADIUS</p> <p>TRAIN STATIONS REGENT & PRESTON TRAIN STATION WITHIN 2.6km RADIUS</p> <p>PARKS / RESERVES RESERVE OIR DISTRICT SECONDARY COLLEGE, NORTHLAND SECONDARY COLLEGE, PRESTON GIRLS SECONDARY, THORNBURY HIGH, BANKSIA/LATROBE COLLEGE, LAITROBE UNIVERSITY, PRESTON HMIT CAMPUS & HERDBERG HMIT CAMPUS WITHIN 2.5km RADIUS</p> <p>PLACES OF WORSHIP GORDON GROVE UNITING CHURCH, TYLER ST MACEDONIAN ORTHODOX CHURCH, MURRAY RD ANGLICAN CHURCH, HIGH ST UNITING CHURCH, HIGH ST BAPTIST CHURCH, SYRAN ORTHODOX CHURCH, SALVATION ARMY CHURCH & ST PIUS CHURCH WITHIN 2.5km RADIUS</p> | <p>HOSPITALS/HEALTH CENTRES 2.1km HERDBERG REPATRIATION HOSPITAL 3.1km AUSTIN & MERCY HOSPITAL</p> <p>PRIMARY SCHOOLS NORTHERN SCHOOL FOR AUTISM, PRESTON NORTH EAST PRIMARY, OLYMPIC VILLAGE PRIMARY, HAIG STREET PRIMARY, ST PIUS SCHOOL, & PRESTON EAST PRIMARY WITHIN 1.6km RADIUS</p> <p>SECONDARY SCHOOLS RESERVE OIR DISTRICT SECONDARY COLLEGE, NORTHLAND SECONDARY COLLEGE, PRESTON GIRLS SECONDARY, THORNBURY HIGH, BANKSIA/LATROBE COLLEGE, LAITROBE UNIVERSITY, PRESTON HMIT CAMPUS & HERDBERG HMIT CAMPUS WITHIN 2.5km RADIUS</p> <p>SHOPPING/ENTERTAINMENT FACILITIES SUNMERHILL VILLAGE, PLenty RD SHOPPING STRIP, HIGH ST SHOPPING STRIP, PRESTON MARKET, MORESBY COURT SHOPPING STRIP, BELL ST SHOPPING STRIP & THE MALL WITHIN 2.0km RADIUS</p> <p>DISTANCE TO CBD APPROX. 11KM</p> |
|---|--|

SITE CHARACTERISTICS

- | | |
|--|--|
| <p>A - SITE FALLS APPROX. 770mm FROM NORTH-WEST TO SOUTH-EAST</p> <p>B - ADJACENT OPEN SPACE TO BE PROTECTED FROM OVER-LOOKING & OVER-SHADOWING</p> <p>C - SOLAR ACCESS & PRIVACY TO ADJOINING WINDOWS TO BE PROTECTED</p> <p>D - SURROUNDING AREA EXPOSED TO PREVAILING WINDS AND BAD WEATHER</p> | <p>E - DIRECTION OF MAIN VEHICULAR & PEDESTRIAN TRAFFIC ACCESS TO THE SITE</p> <p>F - EXISTING MEDIUM DENSITY UNIT DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE</p> <p>G - EXISTING FRONT SETBACKS TO BOTH ADJOINING PROPERTIES</p> <p>H - EXISTING DWELLING, OUTBUILDINGS & VEGETATION TO BE DEMOLISHED AND SITE CLEARED</p> |
|--|--|

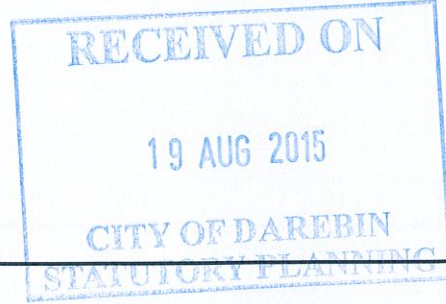
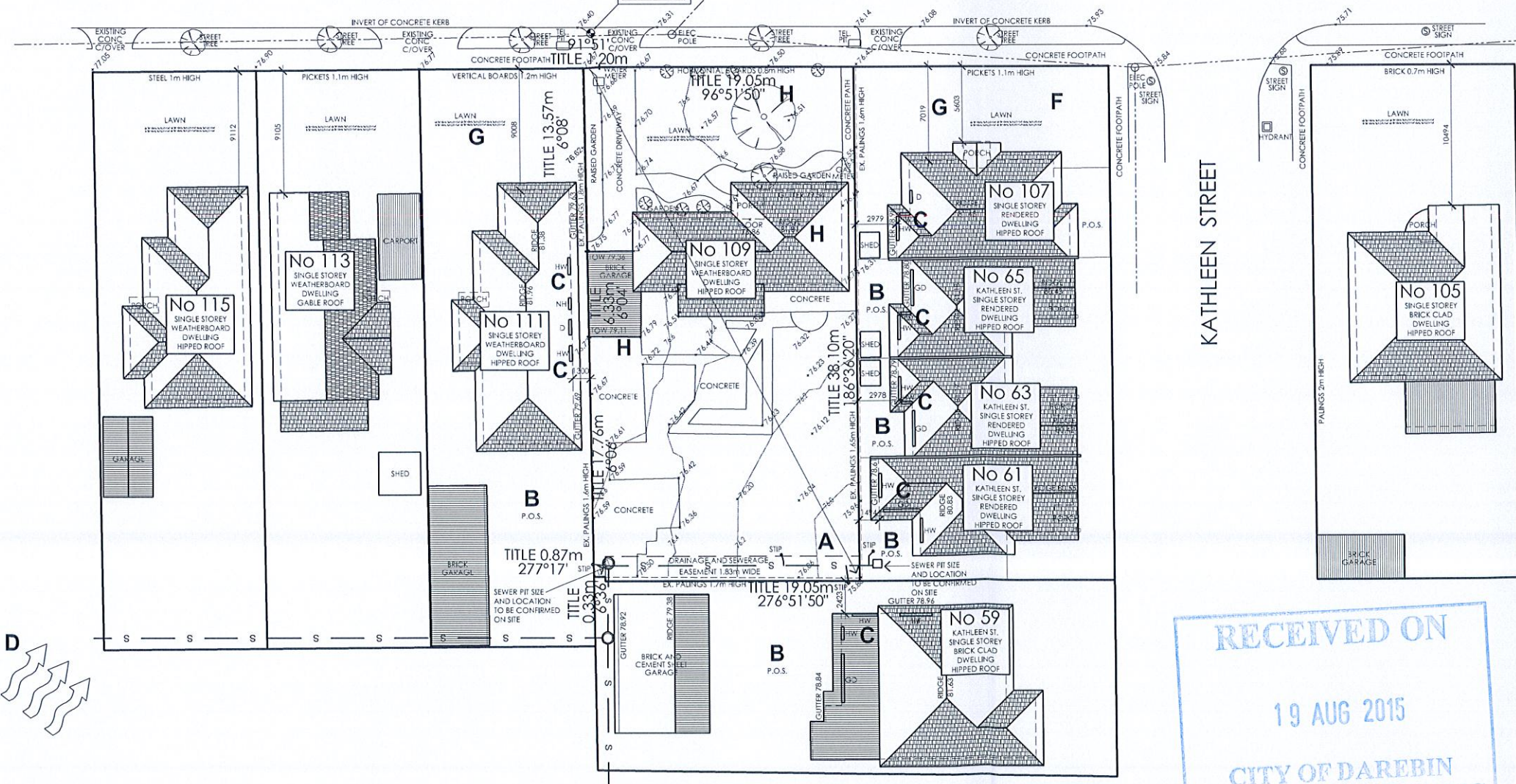
PROPOSED MULTI UNIT DEVELOPMENT
109 WOOD STREET, PRESTON


TPO1 A JOB NO. SCALE, DRAWN, DATE.
009044 1:200 SP AUG 15

NEIGHBOURHOOD & SITE DESCRIPTION PLAN



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ADVERTISE 

of 43 set

LEGEND

Date: s - s - s - s -


150mm CONCRETE MAN SEWER PIPE
DEPTH 2.2m TO TRIVERT LEVEL
OFFSET 1.14m NORTH FROM SOUTH BOUNDARY.
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.


LPD LEGAL POINT OF DISCHARGE - THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE KERB AND CHANNEL AT FRONT IN WOOD STREET TO COUNCIL REQUIREMENTS WITH THE RECHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS. THE DISCHARGE TO BE GRAVITY. (NO PUMP SYSTEMS PERMITTED)








ACCURATE DEPTH AND OFFSET OF THE DRAIN TO BE CONFIRMED ON SITE.

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 EXISTING TREES

 EXISTING SPOT LEVELS

 STP
 SEP
 HW
 NH
 D
 GD
 POS

SEWER TIE IN POINT
SIDE ENTRY PIT
HABITABLE ROOM WINDOW
NON HABITABLE ROOM WINDOW
DOOR
GLASS DOOR
PRIVATE OPEN SPACE

OVERHEAD POWERLINES

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

SITE CHARACTERISTICS

- A** - SITE FALLS APPROX. 770mm FROM NORTH-WEST TO SOUTH-EAST
- B** - ADJACENT OPEN SPACE TO BE PROTECTED FROM OVERLOOKING & OVER-SHADOWING
- C** - SOLAR ACCESS & PRIVACY TO ADJOINING WINDOWS TO BE PROTECTED
- I** - LIVING AND DINING AREAS OPEN UP TO PRIVATE OPEN SPACE APPROPRIATELY DIMENSIONED TO CAPTURE SUN.
- J** - EXISTING ON STREET CAR PARKING TO BE MAINTAINED
- K** - PRIVATE OPEN SPACE IS APPROPRIATELY PROPORTIONED TO PROVIDE GOOD NORTH EXPOSURE TO SOLAR ACCESS
- L** - CAR PARKING AVAILABLE ON SITE IS PROVIDED IN THE FORM OF 1 X SINGLE CAR GARAGE FOR UNIT 1, 1 X SINGLE CAR GARAGE AND 1 X CAR SPACE FOR UNIT 2 AND 1 X DOUBLE CAR GARAGE FOR UNIT 3
- M** - SURVEILLANCE OF WOOD STREET POSSIBLE FROM ALL UNITS & INTERNAL DRIVEWAY
- N** - ACCESS TO THE SITE IS VIA AN EXISTING AND PROPOSED CONCRETE CROSSOVER TO WOOD STREET

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STATUTORY PLANNING

PROPOSED MULTI UNIT DEVELOPMENT
109 WOOD STREET, PRESTON

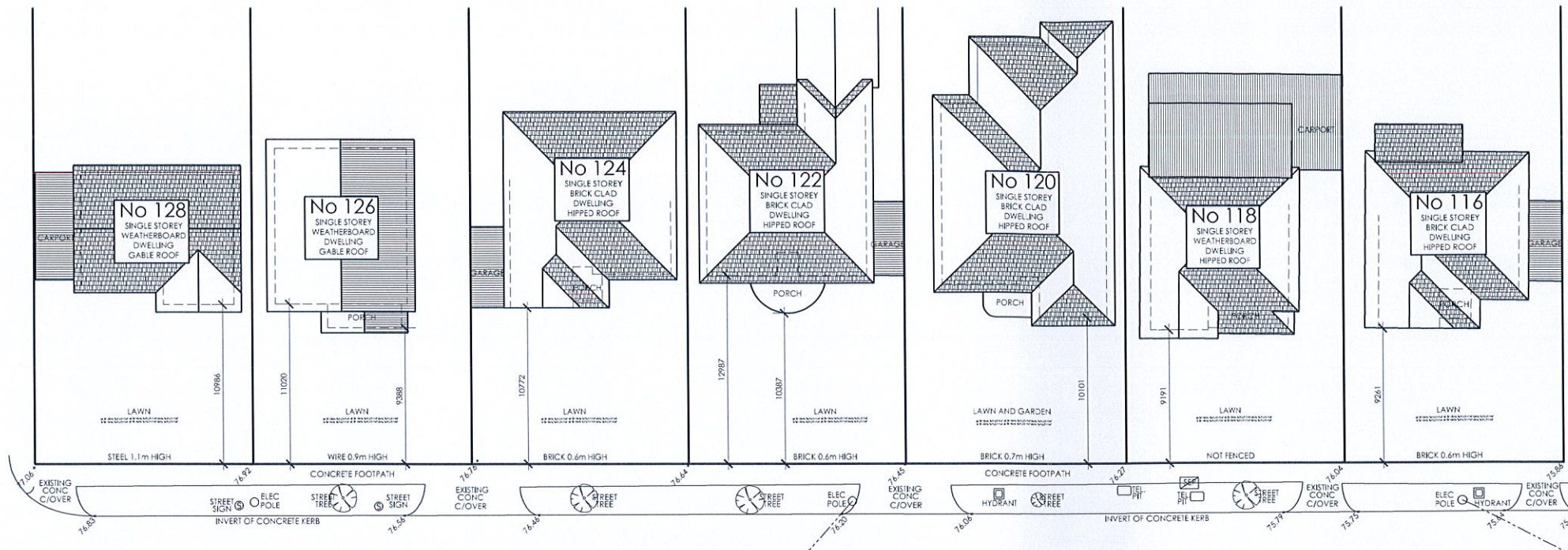
TP02 A

JOB NO. SCALE. DRAWN. DATE.
009044 1:200 SP AUG 15

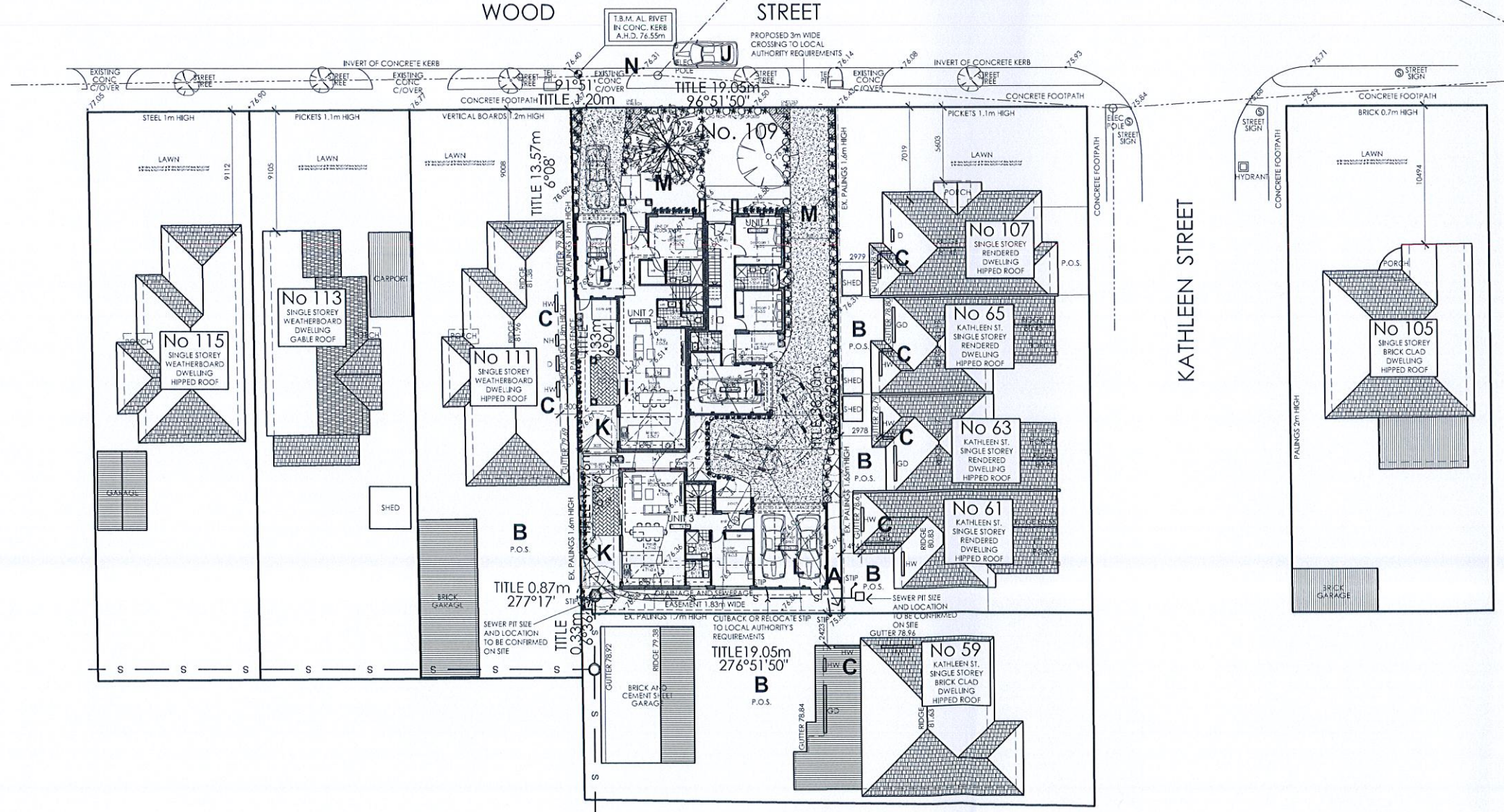
DESIGN RESPONSE PLAN



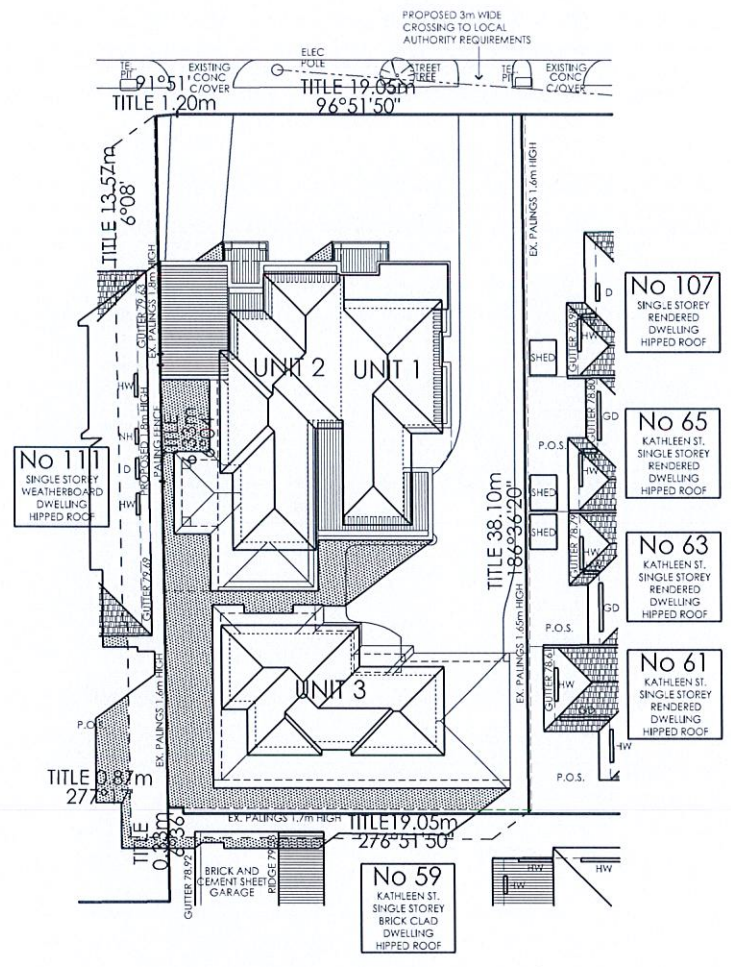
DONALD STREET



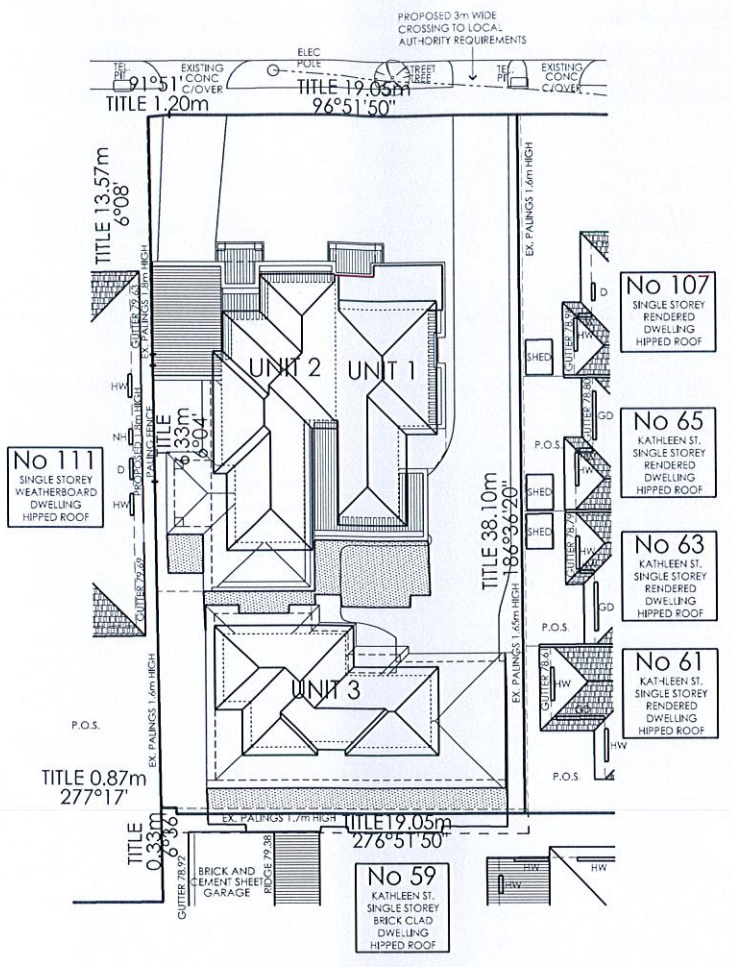
WOOD STREET



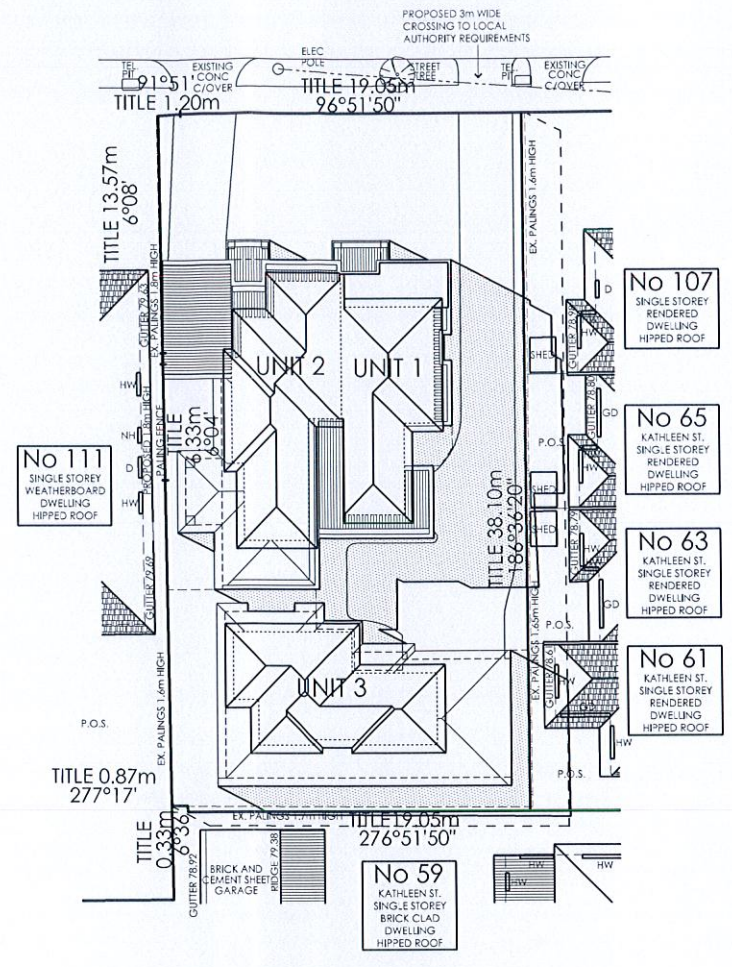
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SHADOW DIAGRAM
21 MAR / 23 SEP - 9.AM
SCALE 1:200
EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS
EXTENT OF SHADOW CAST BY EXISTING FENCE



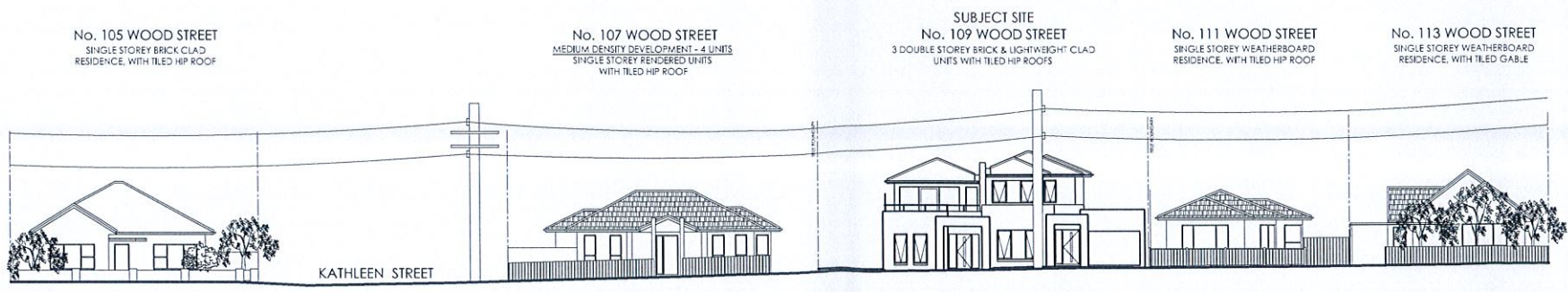
SHADOW DIAGRAM
21 MAR / 23 SEP - 12.PM
SCALE 1:200
EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS
EXTENT OF SHADOW CAST BY EXISTING FENCE



SHADOW DIAGRAM
21 MAR / 23 SEP - 3.PM
SCALE 1:200
EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS
EXTENT OF SHADOW CAST BY EXISTING FENCE

ADVERTISED
of 43 sub
Date: _____

RECEIVED ON
19 AUG 2015
CITY OF DAREBIN
STREET DESIGN & PLANNING

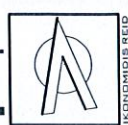


STREETScape ELEVATION WOOD STREET
SCALE 1:200
MASS, ARTICULATION AND ROOF SHAPE SIMILAR TO ADJACENT DWELLINGS
MATERIALS AND FINISHES COMPLEMENTARY TO STREETScape
LOW SCALE RESIDENTIAL BUILDING

PROPOSED MULTI UNIT DEVELOPMENT
109 WOOD STREET, PRESTON

TPO3 A JOB NO. SCALE. DRAWN. DATE. 009D44 1:200 SP AUG 15

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5.4 APPLICATION FOR PLANNING PERMIT D/1071/2014
 117 Flinders Street, Thornbury

AUTHOR: Principal Planner – Craig Murphy

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

| Applicant | Owner | Consultant |
|------------------|------------------------------------|----------------------|
| Ikonomidis Reid | Stephen Duhovic and Sabina Duhovic | Planning Appeals P/L |

SUMMARY:

- On 28 August 2015 the Planning Committee refused an application for the construction of three (3) double storey dwellings to the rear of the existing dwelling. A review of Council’s decision has been lodged with the Tribunal.
- The applicant has circulated substitute plans in accordance with Practice Note PNPE9. A full list of changes is provided in the report below. Council must now form a position on the revised proposal.
- The amended proposal is for a medium density housing development comprising two (2) double storey dwellings to the rear of the existing dwelling.
- The site is zoned General Residential - Schedule 2.
- There is no restrictive covenant on the title for the subject land.
- 13 objections were originally received against this application.
- One (1) objector has lodged a statement of ground with respect to the amended plans however has not elected to be a party to the proceeding.
- It is recommended that Council advise the Tribunal of its revised position to support the amended plans in accordance with the conditions set out in the recommendation below.

CONSULTATION:

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

RECOMMENDATION

THAT Council advise the Tribunal it has considered the substituted plans (identified as Job No. 8333, TP03 – TP06 (Rev. E) prepared by Ikonomidis Reid) and supports the proposal subject to the conditions set out below.

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

This Permit Allows:

A medium density housing development comprising two (2) double storey dwellings to the rear of the existing dwelling, in accordance with the endorsed plans.

Subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Job No. 8333, TP03 – TP06 (Rev. E) prepared by Ikonomidis Reid) but modified to show:
 - a) The car spaces for the existing dwelling dimensioned at 4.9 metres length x 2.6 metres width with a minimum 500 millimetre clearance between.
 - b) The front fence of the existing dwelling with a minimum transparency of 25%.
 - c) A detail/elevation of the 1.8 metre selected feature fence adjacent to the entry of Dwelling 3.
 - d) The internal fence between the existing dwelling and pedestrian path of the proposed dwellings to be of a dressed/capped (or equivalent) style.
 - e) Fixed external shading devices for all north-facing habitable room windows.
 - f) Adjustable external shading devices for all east- and west-facing habitable room windows.
 - g) Unless required to be fixed under Clause 55.04-6 – Standard B22, all windows are to be operable.
 - h) Operable windows are to be of casement, sliding, single/double hung style (not awning) or equivalent to maximise ventilation.
 - i) Skylights, daylight tubes or equivalent provided to the first floor powder rooms of Dwellings 2 and 3.
 - j) All windows shown with 1.7 metre privacy screens on the elevations to refer to the 'Aluminium Louvre Screen Detail' on Sheet No. TP-06 (Rev. E).
The detail must be updated to refer to a maximum transparency of 25%.
 - k) The sill height of Dwelling 3 – Bed 3 (east-facing) dimensioned at a minimum height of 1.7 metres.

- l) The location of all plant and equipment (including air conditioners and the like). These are to be co-located where possible, screened to be minimally visible from the public realm and adjacent properties, located as far as practicable from site boundaries and integrated into the design of the building.
- m) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- n) A landscape plan in accordance with Condition No. 4 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).
 - 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. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.
6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan to the satisfaction of the Responsible Authority.
7. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the *Building Act 1993* and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority.
8. All dwellings that share dividing walls and/or floors must be constructed to limit noise transmission in accordance with Part F(5) of the Building Code of Australia.
9. Before the dwellings are occupied, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.
- The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
-

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

REPORT

INTRODUCTION AND BACKGROUND

On 28 August 2015 Council resolved to refuse application D/398/2014 on the following grounds:

1. *The proposal fails to comply with the desired future character of the area through the absence of meaningful landscaping opportunities throughout the site, extensive boundary to boundary and double storey built form at the rear of the property and expansive use of rendered surfaces.*
2. *The proposal fails to comply with a number of standards and/or objectives of Clause 55 of the Darebin Planning Scheme including:*
 - *Clause 55.02-2 (Residential Policy).*
 - *Clause 55.02-5 (Integration with the Street).*
 - *Clause 55.03-5 (Energy Efficiency).*

- *Clause 55.03-8 (Landscaping).*
 - *Clause 55.03-10 (Parking Location).*
 - *Clause 55.04-1 (Side and Rear Setbacks).*
 - *Clause 55.03-5 (Overshadowing).*
 - *Clause 55.06-3 (Common Property).*
3. *The proposal will adversely impact the amenity of the neighbouring secluded private open space through the presentation of visual bulk, overshadowing of private open and functionality of adjacent solar panels.*
 4. *The proposed dwellings are provide with poor internal amenity through overt reliance on retrofitted screening measures to windows and balconies, excessive depth of living areas, south-facing bedrooms and failure to maximise the northern aspect of the site.*
 5. *The common pedestrian path for the proposed dwellings poorly integrates with the street and does not adequately announce the entry of the three (3) dwellings to the public realm.*
 6. *The proposed car parking location for the existing dwelling is inconvenient for future residents and unnecessarily convoluted.*

On 5 October 2015 Council was advised that an appeal had been lodged with the Tribunal.

On 17 December 2015 amended plans were circulated in accordance with the requirements of Practice Note PNPE9. These plans are referred to as as Job No. 8333, TP03 – TP06 (Rev. E) prepared by Ikonomidis Reid. These are the plans to be considered by Council.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 48.28 metres in length and 14.83 metres in width with a site area of 716 square metres.
- The land is located within the General Residential Zone – Schedule 2 and encumbered by the DCPO (noting that the approved plan has expired).
- The land is located on the northern side of Flinders Street, 90 metres west of the intersection with Victoria Road.
- The site is currently occupied by a four (4) bedroom single storey brick dwelling. A recently constructed crossover on the western side of the dwelling provides access from Flinders Street. The brick garage located at the rear of the site will be demolished to accommodate the proposed development.
- A constructed right of way runs east-west along the rear of the site.
- The land exhibits a discernible slope upward from south (Flinders Street) to north (right of way) of approximately 1.6 metres over the length of the site.
- To the east is a single storey detached brick dwelling. A garage with solar panels located on the roof is located at the rear of the site abutting the common boundary.
- To the west are four (4) single storey units. A common driveway aligns the common boundary with the subject site.

- To the north across the right of way is the rear private open space of the single storey detached weatherboard dwelling fronting Collins Street.
- To the south across Flinders Street are a single and double storey unit development (1 and 2/144 Flinders Street) and a detached single storey dwelling (142A Flinders Street).
- The land is located approximately 1 kilometre east of High Street, Thornbury.
- The nearest public transport services are bus routes 251 (Victoria Road) and 552 (Mansfield Street / Victoria Road).
- On-street car parking is available on both sides of Flinders Street and is unrestricted.

Statement of Changes

Changes to the application from that originally considered by the Planning Committee generally comprise a reduction of dwellings at the rear of the site from three (3) to two (2). The revised configuration allows these dwellings to be provided with ground floor open space in lieu of 'reverse living' balcony space.

Changes to the plans are as follows:

Ground Floor

- Existing house (Dwelling 1) with 2 car spaces using existing crossover from Flinders street.
- Front fence design is semi-permeable and provides visibility splays for vehicles.
- Units 2 and 3 pedestrian entry still via path along west side with recessed entry gazebo and landscaping along path. Unit 3 porch design highlights the entry point.
- Unit 2 is a 3-bedroom conventional design with double garage off laneway (with storage), open plan living areas and 40.6 square metres secluded private open space along western side.
- Unit 3 is a 3-bedroom conventional design with double garage off laneway (with storage), open plan living areas and 40.2 square metres secluded private open space along western side.
- Boundary walls now limited to 6460mm garage wall each side (where west side had 14690mm previously).
- Redesign creates more generous side setbacks with more landscaping opportunity along both sides, with clear mid-block break retained.

Frist Floor

- Existing house as single storey remains the same.
- All first floor balconies removed.
- Dwellings 2 and 3 rear bedrooms setback 860mm-950mm from lane.
- Dwelling 2 side setbacks now range from 2500mm to 4000mm, with Bed 1 now 3700mm opposite POS area for 3/115 Flinders Street (was 1650mm).
- Dwelling 3 side setbacks now range from 2080mm to 3580mm, with Bed 1 now 3280mm opposite rear shed in POS area for 117A Flinders Street (was 1650mm).

Elevations

- Contemporary skillion roof design retained and modified to reflect the new floor plans.
- Side setbacks fully comply with Clause 55 setback profiles.
- All overlooking measures implemented.

Shadow Diagrams

- Updated as above.

PLANNING ASSESSMENT

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

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

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

Ground 1: Neighbourhood Character

Council's original assessment revealed fundamental failures with the neighbourhood character response having regard to the guidelines for Precinct C2. In particular this related to landscaping opportunities throughout the site, extensive boundary-to-boundary and double storey built form at the rear of the property and expansive use of rendered surfaces.

The revised proposal addresses these concerns in the following ways:

- The revised proposal provides more significant in-ground landscaping opportunities along the side boundaries due to the location of the open space to Dwellings 2 and 3. This will sufficiently compliment the landscaping in the front and rear yards of the existing dwellings and along the pedestrian path.

A condition will require a detailed landscape plan be provided and approved by Council's Public Realm Unit prior to the commencement of the development.

- The extent of boundary-to-boundary construction has been markedly reduced and is now limited to the two (2) 6.46 metre garage walls. For the remainder of the side boundaries next to the proposed dwellings a more generous 3 (or more) metre setback is provided which allows for landscaping opportunities detailed above and reduces the bulk and proximity of form to the neighbours.
- The double storey mass at the rear of the property has also been reduced through the reduction of the number of dwellings, and sited more appropriately to respond to the neighbouring interfaces. In particular the majority of the upper level form has been located adjacent to outbuildings and driveway and more generous setbacks provided relative the private open space.

- The materials and finishes palette has been modified to provide greater variation in presentation and texture. In particular the amount of rendered surfaces has been reduced to include a matrix style feature cladding. The render that does remain is proposed and three (3) colours to limit expanses of unarticulated surfaces.

A condition will require a detailed materials and finishes schedule.

Ground 2: Compliance with Clause 55 Requirements

Residential Policy

The site's suitability for some form of medium density housing intensification is not in dispute. Council's previous issues with respect to residential policy related to the proposal's failure to achieve acceptable off-site amenity impacts. As highlighted in the sections below, the revisions provide an improved design outcome that addresses the off-site impacts previously identified.

The proposal now presents a suitable medium density housing proposal that will benefit from the locational attributes of the subject site while managing impacts on the neighbouring properties.

Integration with the Street

The revised proposal retains the separate pedestrian entry for the rear dwellings that runs along the western boundary of the site. As a result of the amendments this entry will now only serve two (2) dwellings in lieu of three (3).

The 1.5 metre wide path is dictated by the location of the lawfully constructed crossover and provides for both pedestrian movement and the planting of complimentary shrubs. Letter boxes and a pergola feature will announce the entry to the street.

Having reviewed the entry layout and also other similar examples in the surrounding area, the proposed treatment provides an appropriate integration with the street network.

Energy Efficiency

The original proposal exhibited two (2) key issues with respect to energy efficiency – internal amenity (namely daylight access), and the impact on neighbouring solar panels. Both of these matters have been satisfactorily addressed in the revised proposal.

The removal of one (1) of the rear dwellings has resulted in a more conventional side-by-side arrangement at the rear of the site with increased setbacks from the side boundaries.

This has improved daylight access to habitable rooms and decreased the relative depth of the living areas. As the two (2) proposed dwellings now adopt a traditional ground floor living typology, the secluded private open space areas are afforded greater amenity (in lieu of previously screened balconies).

Conditions to the effect of the following will achieve a suitable energy efficiency outcome for the dwellings:

- Fixed external shading devices for all north-facing habitable room windows.

- Adjustable external shading devices for all east and west-facing habitable room windows.
- Unless required to be fixed under Clause 55.04-6 – Standard B22, all windows are to be operable.
- Operable windows are to be of casement, sliding, single/double hung style (not awning) or equivalent to maximise ventilation.
- Skylights, daylight tubes or equivalent provided to the first floor powder rooms of Dwellings 2 and 3.

The impact on the neighbouring solar panels (at 117A Flinders Street) is reduced by virtue of the amended proposal. As noted in the original officer assessment the relevant tests are set out in *John Gurry and Assoc Pty Ltd v Moonee Valley CC and Ors (Includes Summary) (Red Dot) [2013] VCAT 1258*.

Having reviewed the amended proposal and ‘on the ground’ characteristics of the respective properties, the following are noted:

- The test under the Darebin Planning Scheme is one of acceptability and reasonableness – not mitigating impact entirely. The equinox is the accepted period of assessment (being the ‘middle ground’ between the winter and summer solstices).
- Anticipated change for the area under policy is one of incremental intensification which anticipates a level of medium density in-fill development. The ‘middle tier’ of residential zoning is somewhat neutral on the extent of intensification.
- The solar panels adjacent to the common boundary are arranged in three rows of 2-2-3 (from north to south). The northern two (2) rows are set back some 1-1.3 metres from the common boundary.
- The greatest impact is caused by the first floor Bedroom 2 and ensuite of Dwelling 3. Sectional analysis derived from the shadow diagrams and elevations provided indicates:
 1. The point of intersection of the neighbouring garage roof is not as severe as indicated on the two-dimensional shadow diagrams as it is elevated above ground level;
 2. The panels are not impacted between 9.00 am and 1.00 pm;
 3. At 2.00 pm the shadow will only partially impact the panel in the south-west corner with the remaining 15 panels unaffected; and
 4. At 3.00 pm the shadow will partially impact three (3) panels with the remaining 13 panels unaffected.

The impact of the revised proposal on the neighbouring solar panels is considered acceptable.

Landscaping

Vegetation to be removed from the rear of the site is generally unremarkable and provides limited amenity to the surrounding neighbourhood.

Council's refusal of the original application raised concern with the opportunity for future landscaping being severely limited throughout the site.

The front setback area will be retained as existing and provides opportunities for the planting of canopy trees and complimentary understorey shrubs/plants. Similarly the 1.5-2.5 metre wide pedestrian path provides further opportunities along the western boundary of the site.

The reduction of dwellings and revised siting at the rear has removed the boundary-to-boundary nature (save for the short section of garage walls) and now provides private open space areas in excess of 3.0 metres wide which can accommodate more meaningful landscaping along the side elevations.

The revised development illustrates that an appropriate landscape response can be developed for the site, and a condition will require a detailed plan be provided to this effect prior to the commencement of the development.

Parking Location

The previous concerns with the car parking location related to the supplementary (third) car parking space located at the rear of the site for existing dwelling.

This garage has been removed under the revised proposal with the existing dwelling provided with the requisite car parking from Flinders Street.

Side and Rear Setbacks

The previous proposal exhibited side and rear setbacks that failed to comply with the requirements of Clause 55.04-1 – Standard B17. Further, the massing of the proposed dwellings was such that the setbacks of the double storey form would unreasonably impact the amenity of the neighbouring properties. The amended proposal generally exhibits compliance with the requirements of the standard.

Ground floor:

| Boundary | Wall height | Required Setback | Proposed setback |
|--------------------|--------------------|-------------------------|-------------------------|
| West – Dwelling 2 | 3.9 metres | 1.09 metres | 3.5 metres |
| North – Dwelling 2 | 2.99 metres | 1.0 metre | 0.81 metre |
| North – Dwelling 3 | 3.55 metres | 1.0 metre | 0.81 metre |
| East – Dwelling 3 | 3.4-3.6 metres | 1.0 metre | 1.33-3 metres |

First Floor

| Boundary | Wall height | Required Setback | Proposed setback |
|--------------------|-----------------------|-------------------------|-------------------------|
| West – Dwelling 2 | 5.7-6.3 metres | 1.63-1.81 metres | 2.5-3.7 metres |
| North – Dwelling 2 | 6.75 metres (average) | 1.95 metres | 0.86 metre |
| North – Dwelling 3 | 6.58 metres (average) | 1.89 metres | 0.86 metre |
| East – Dwelling 3 | 5.6-6.1 metres | 1.6-1.75 metres | 2.08-3.58 metres |

The setback from the two side boundaries where the proposal directly interfaces with the neighbouring residential properties now exceeds the requirements of the standard. In addition, the building mass has been rearranged to limit the impact on secluded private open space and buffer the form adjacent to neighbouring on-boundary construction.

The only areas on non-compliance with the standard now relate to the northern boundary. This interface forms the right of way which provides a further 4 metre buffer to the neighbouring properties. Further, the subject site is to the south of these properties thus does not result in any additional overshadowing. The siting along the northern interface is acceptable for these reasons.

Overshadowing

The original proposal resulted in overshadowing to the neighbouring properties that exceeded the requirements of Clause 55.04-5 – Standard B21. In particular this related to 3/115 Flinders Street which would be further overshadowed despite not receiving compliant solar access under current conditions.

The amended proposal reduces the first floor mass of (now) Dwellings 2 and 3 to the extent that the only additional overshadowing of the neighbouring property at 3/115 Flinders Street falls on roof rather than private open space.

Overshadowing of the private open space to the west remains compliant with the requirements of the standard.

Common Property

The proposed arrangement of common property has been rectified primarily through the removal of the aforementioned rear garage of the existing dwelling.

The amended arrangement provides for clear delineation of common areas and access in a more conventional development layout.

Ground 3: Off-site Amenity Impacts

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

- The visual bulk of the proposal is notably reduced through the reduction of the number of dwellings from three (3) to two (2) with a commensurate reduction of the built form at the rear of the site. Increased setbacks at ground and first floor, greater open space areas, rearrangement of the boundary-to-boundary construction and landscaping opportunities will ensure an appropriate interface with the neighbouring properties.
- The additional overshadowing caused by the proposal now complies with the requirements of Clause 55.04-5 – Standard B21. The only additional overshadowing to the constrained yard of 3/115 Flinders Street falls on roof area with the secluded private open space unaffected during the assessment period.
- The impact on the neighbouring solar panels at 117A Flinders Street has been reduced as a result of the above and is now considered to be acceptable. Details of the solar panels are discussed in detail above.

Ground 4: On-site / Internal Amenity

The on-site/internal amenity concerns sited in Council's refusal covered matters of excessive screening measures, depth of living areas and general orientation of the proposed dwellings. These matters have been discussed above however (in summary) have been rectified as follows:

- The reduced number of dwellings has created two (2) conventional ground floor living homes rather than three (3) reverse living townhouses. Consequently there are no longer first floor screened balconies being relied upon as the primary private open space areas.
- The ground floor yards proposed are afforded northern sunlight access in accordance with the requirements of Clause 55.05-5 – Standard B29.
- Screening measures to habitable rooms now comprises (generally) partially transparent screens in lieu of fixed obscured glazing which allows for an element of outlooks and direct solar access.
- The ground floor living areas are now 4.0 metre deep from the available light source.

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

Ground 5: Pedestrian Entry from Flinders Street

Details relating to the pedestrian entry at Flinders Street are discussed above under Ground 2 above (Integration with the Street)

Ground 6: Car Parking (Existing Dwelling)

Details relating to the rear car parking space for the existing dwelling are discussed above under Ground 2 above (Parking Location and Common Property).

In summary it has been removed and is no longer an issue for the amended proposal.

Any Other Matters

The revised plans do not introduce any new issues which would otherwise require Council to maintain its refusal of the application.

Any outstanding matters are merely clarifications that can be easily and routinely addressed via conditions as set out in the recommendation above.

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

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

Applicable provisions of the Darebin Planning Scheme

| Section of Scheme | Relevant Clauses |
|-------------------------------------|-------------------------|
| SPPF | 11, 15, 16, 19 |
| LPPF | 21.03, 22.02 |
| Zone | 32.08 |
| Overlay | 45.06 |
| Particular provisions | 52.06, 55 |
| General provisions | 65.01 |
| Neighbourhood Character Precinct | C2 |

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

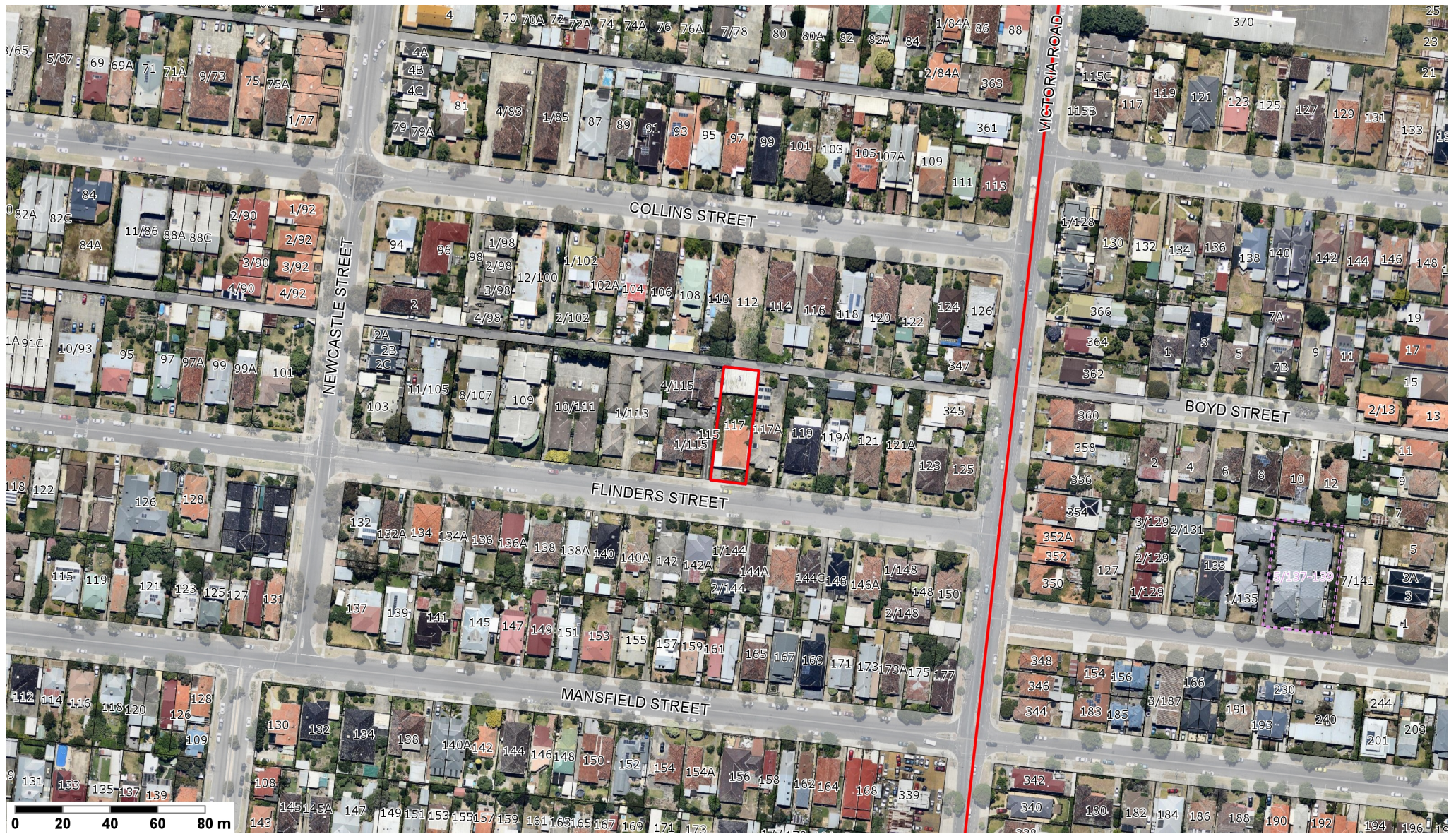
DISCLOSURE OF INTERESTS

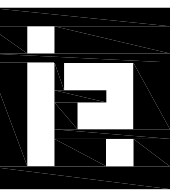
Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

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.





| EXTERNAL FINISHES SCHEDULE | | | |
|-----------------------------|---|-------------------------------|-------------------------------|
| ROOFING | METAL DECK ROOFING | | |
| WALLS | FACE BRICKWORK | | |
| | LIGHTWEIGHT RENDERED CLADDING AS SELECTED | | |
| | MATRIX CLADDING AS SELECTED | | |
| GUTTERS & DOWNPIPES | COLORBOND | | |
| WINDOWS & DOORS | ALUMINIUM POWDERCOAT | | |
| DEVELOPMENT SUMMARY | | | |
| SITE AREA | 716.0m ² | BUILDING SITE COVERAGE | 353.42m ² (49.36%) |
| DENSITY | 1:238.6 | SITE PERMEABILITY | 315.42m ² (44.05%) |
| No OF DWELLINGS | 2 | | |
| CAR-PARKING | 4 | PRIVATE OPEN SPACE | 56.15m ² + FY |
| UNIT 1 | 1 | UNIT 2 | 40.60m ² |
| UNIT 2 | 2 | UNIT 3 | 40.20m ² |
| UNIT 3 | 2 | | |
| GROSS BUILDING AREA / UNIT: | | | |
| | UNIT 1 | UNIT 2 | UNIT 3 |
| GROUND | 160.5m ² (EXISTING) | 45.4m ² | 52.5m ² |
| GARAGE | 22.94m ² (PROPOSED) | 47.0m ² | 43.9m ² |
| FIRST FLOOR | - | 66.7m ² | 65.6m ² |
| PORCH | - | 1.92m ² | 3.45m ² |
| TOTAL | 183.44 (19.73q) | 161.02m ² (17.33q) | 165.45m ² (17.8q) |

| CONSTRUCTION | |
|--|---|
| INTERNAL WALLS: | 90mm THICK TIMBER STUD CONSTRUCTION |
| EXTERNAL WALLS: | GROUND FLOOR - 240mm THICK BRICK VENEER CONSTRUCTION |
| | FIRST FLOOR - 90mm THICK TIMBER STUD CONSTRUCTION WITH LIGHTWEIGHT CLADDING AS SELECTED |
| 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 STORM WATER TO BE DISCHARGED TO STREET. | |

LEGEND

150mm Ø VC MAIN SEWER PIPE, DEPTH 3.1m INVERT LEVEL. OFFSET NORTH FROM NORTH BOUNDARY UNKNOWN. CONFIRM EXACT POSITION ON SITE PRIOR TO ANY CONSTRUCTION.

100mm Ø VC BRANCH SIZE, DEPTH 2.95m INVERT LEVEL. OFFSET CONFIRM EXACT POSITION ON SITE PRIOR TO ANY CONSTRUCTION.

450mm Ø STORMWATER DRAIN, TYPE & DEPTH UNKNOWN. OFFSET SOUTH FROM SOUTH BOUNDARY UNKNOWN. CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.

LPOD THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE EXISTING 450mm Ø UNDERGROUND DRAIN AT THE FRONT IN FLINDERS STREET TO COUNCIL REQUIREMENTS. THE DISCHARGE FROM THE SITE TO BE GRAVITY. NO PUMP SYSTEMS PERMITTED. REFER TO LPOD INFORMATION PROVIDED BY COUNCIL.

PROPOSED LANDSCAPE TO FUTURE DETAIL

EXISTING TREE TO BE RETAINED

EXISTING STRUCTURE, WALL, TREE TO BE REMOVED

INTERNAL 1.8m HIGH PALING FENCE & GATE

OVERHEAD POWER LINES

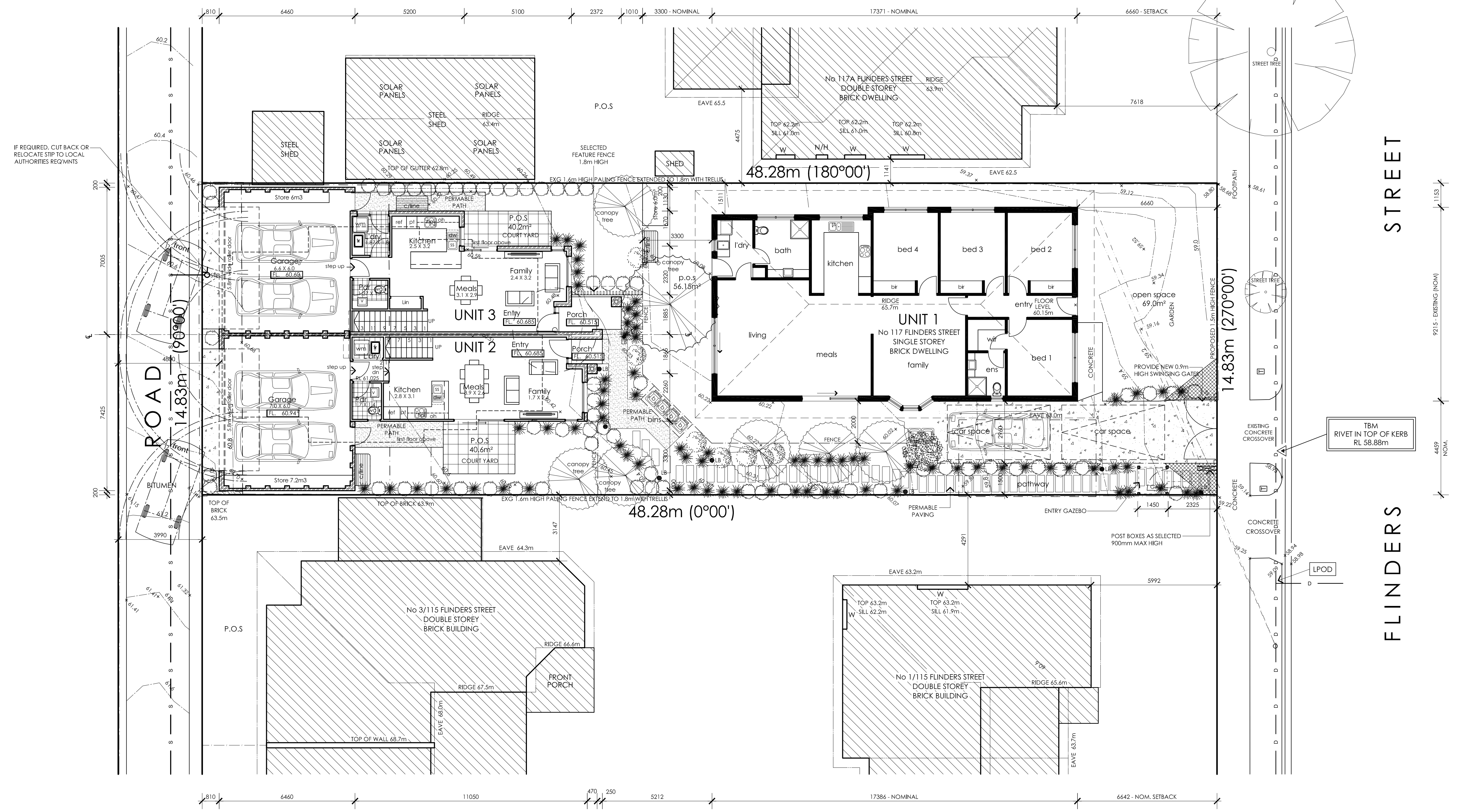
STIP W N/H POS

SEWER TIE IN POINT HABITABLE WINDOW NON HABITABLE WINDOW PRIVATE OPEN SPACE

EXISTING SPOT LEVELS

LIGHT BOLLARD

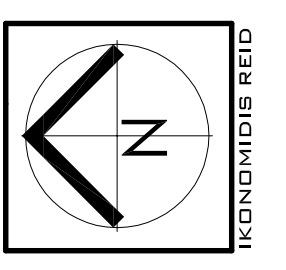
HAVE A CORNER PLAY OR AREA AT LEAST 50 PER CENT CLEAR OF VISUAL OBSTRUCTIONS EXTENDING AT LEAST 2 METRES ALONG THE FRONTAGE ROAD FROM THE EDGE OF AN EXIT LANE AND 2.5 METRES ALONG THE EXIT LANE FROM THE FRONTAGE TO PROVIDE A CLEAR VIEW OF PEDESTRIANS ON THE FOOTPATH OF THE FRONTAGE ROAD. THE AREA CLEAR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

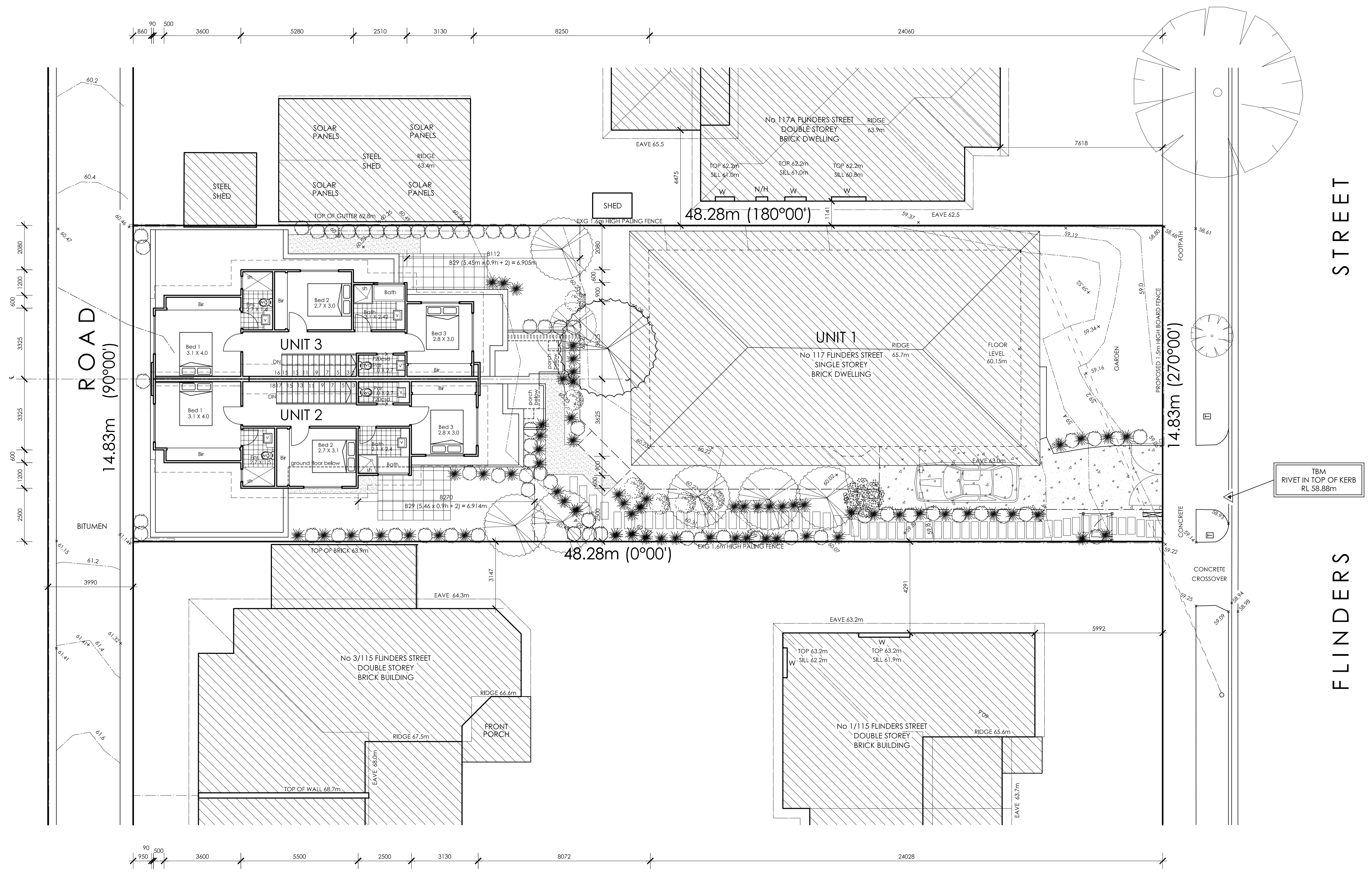
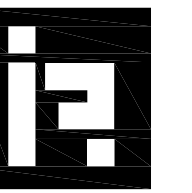


PROPOSED GROUND FLOOR PLAN
SCALE 1:100

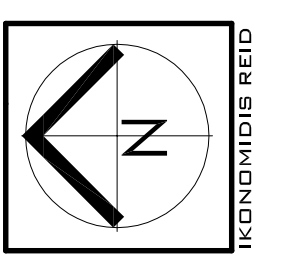
MULTI UNIT DEVELOPMENT
117 FLINDERS STREET
THORBURY
PROPOSED GROUND FLOOR PLAN

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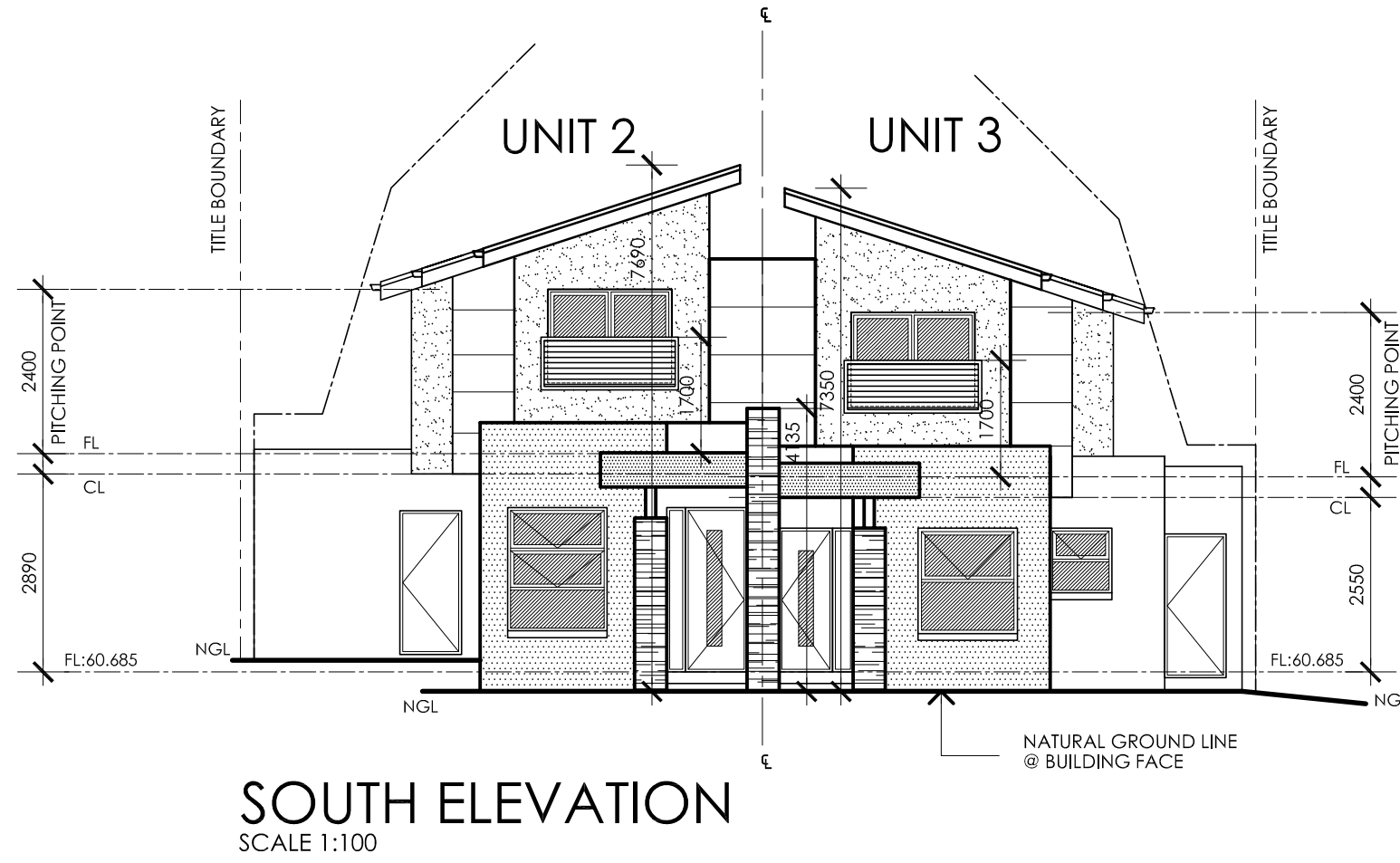
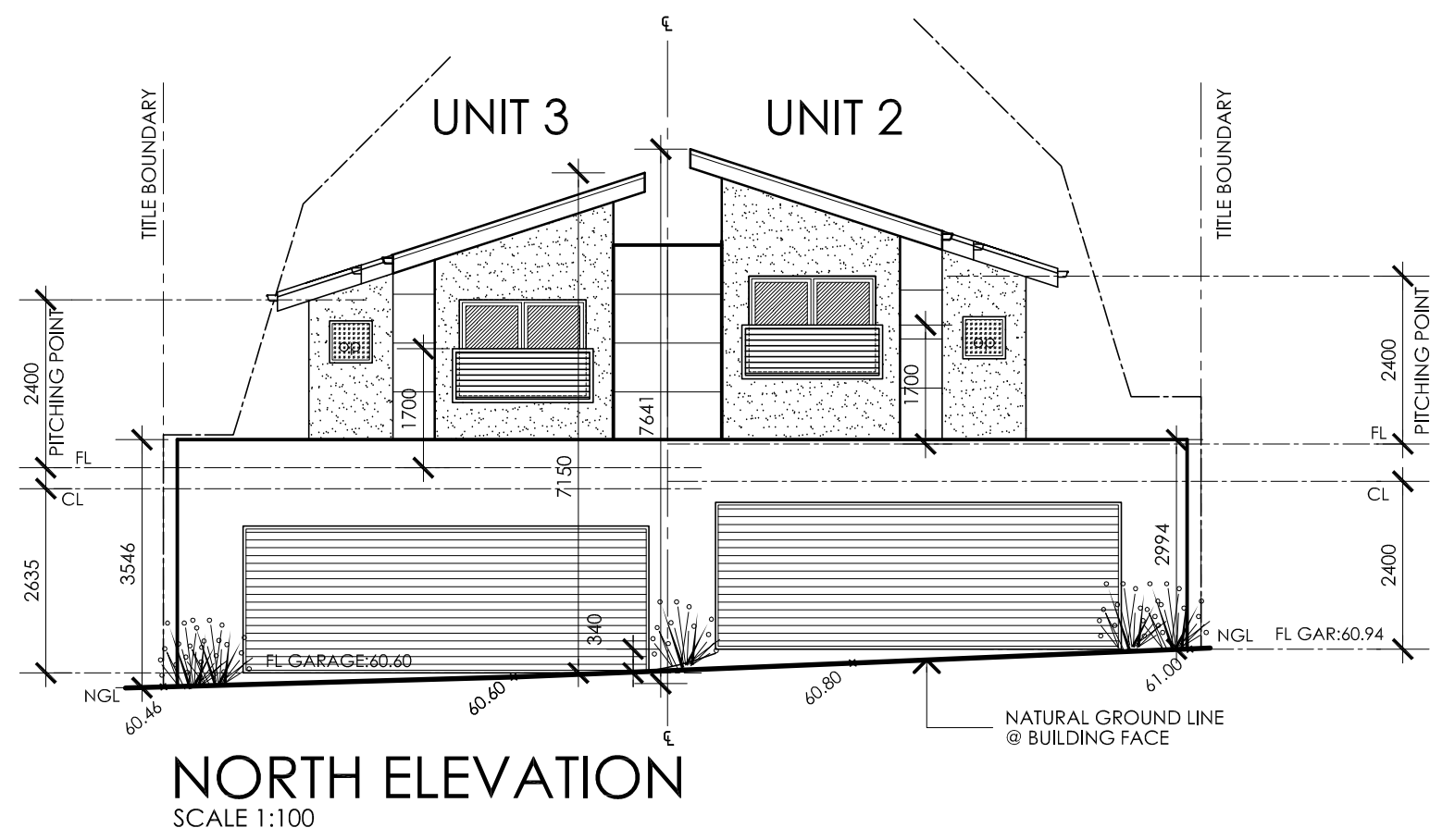




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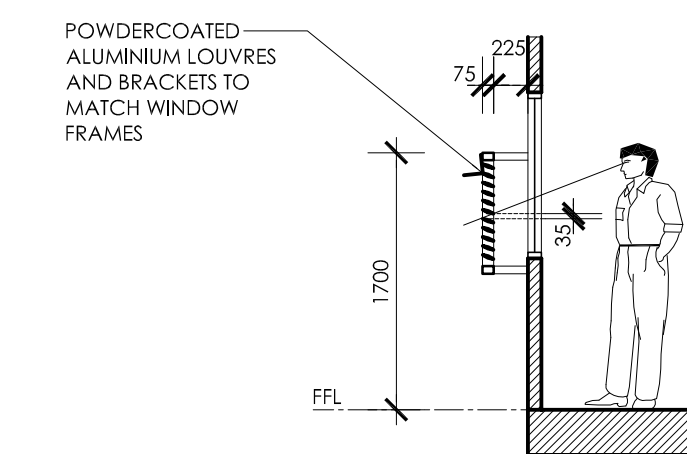
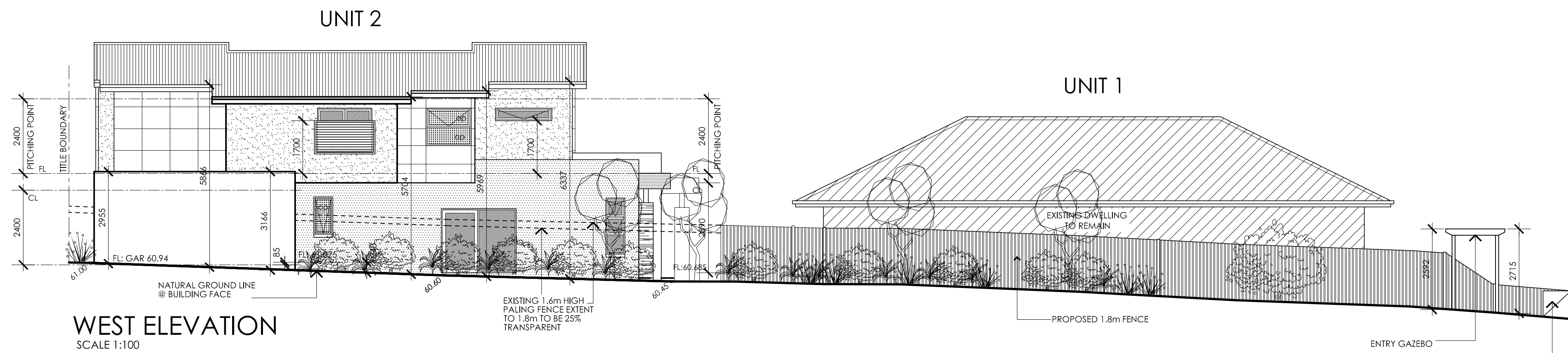
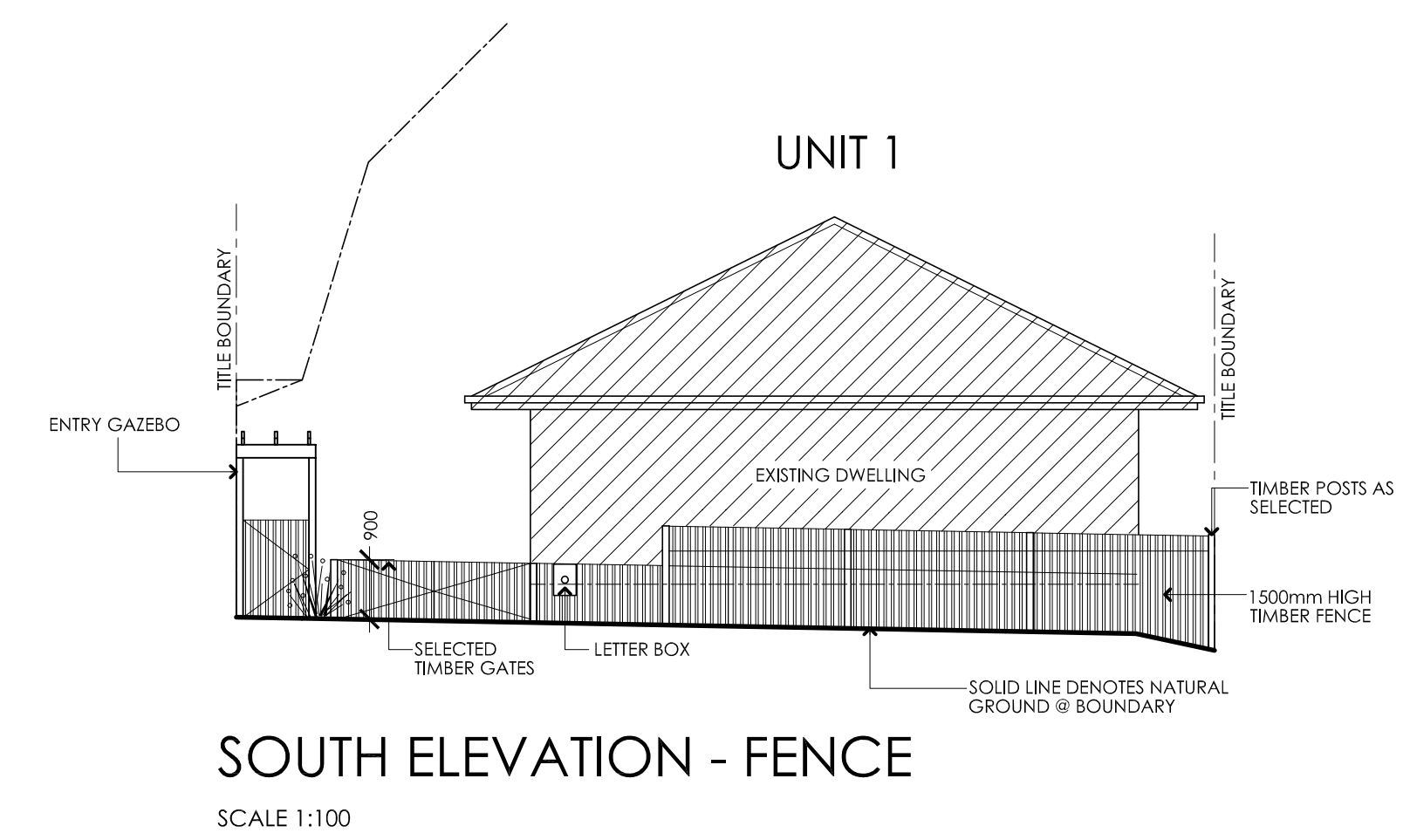
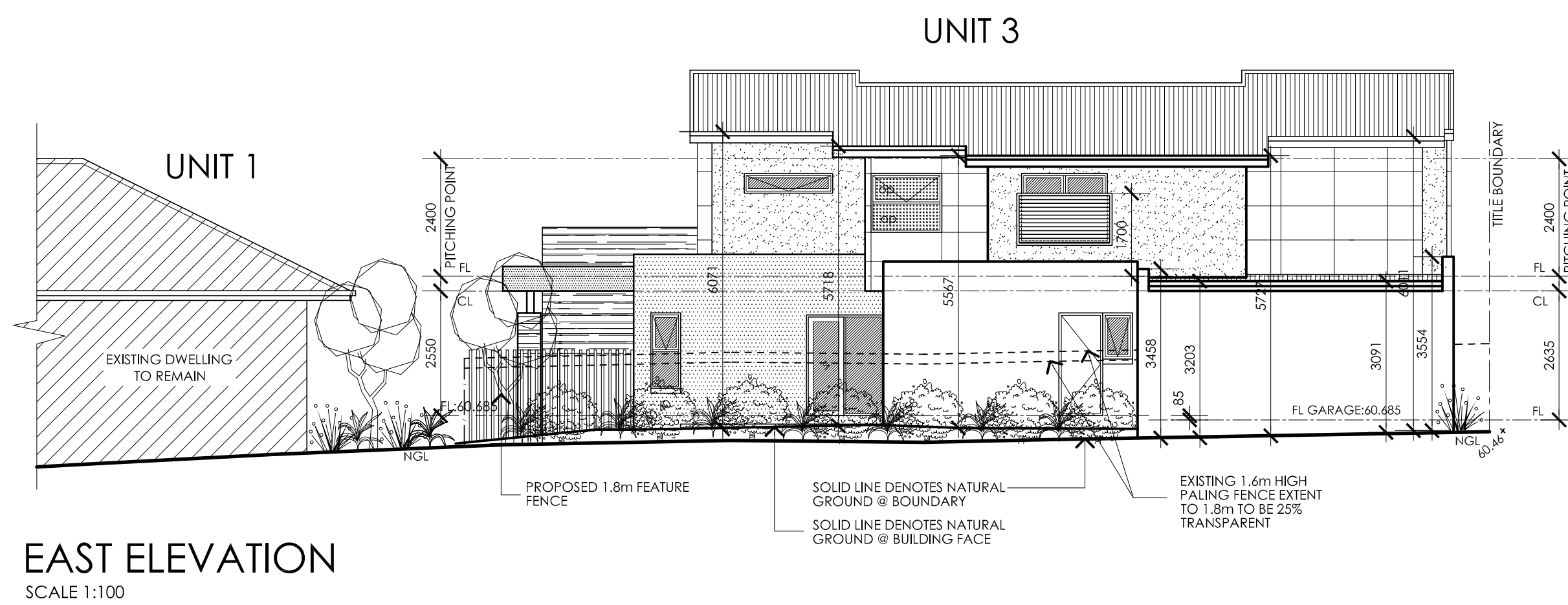


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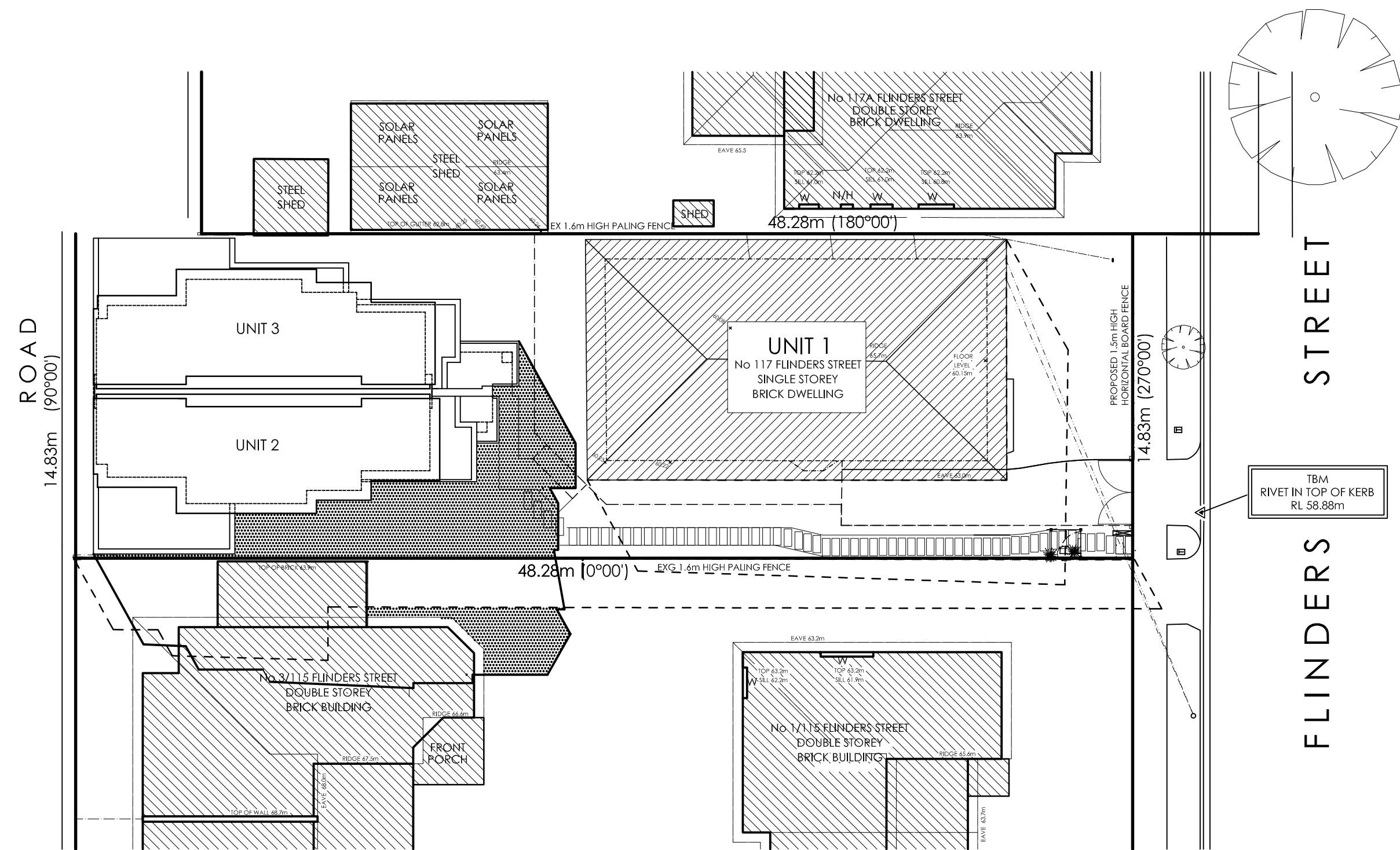
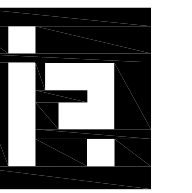
EXTERNAL FINISHES LEGEND

- SELECTED METAL ROOF SHEETING @ 18° PITCH
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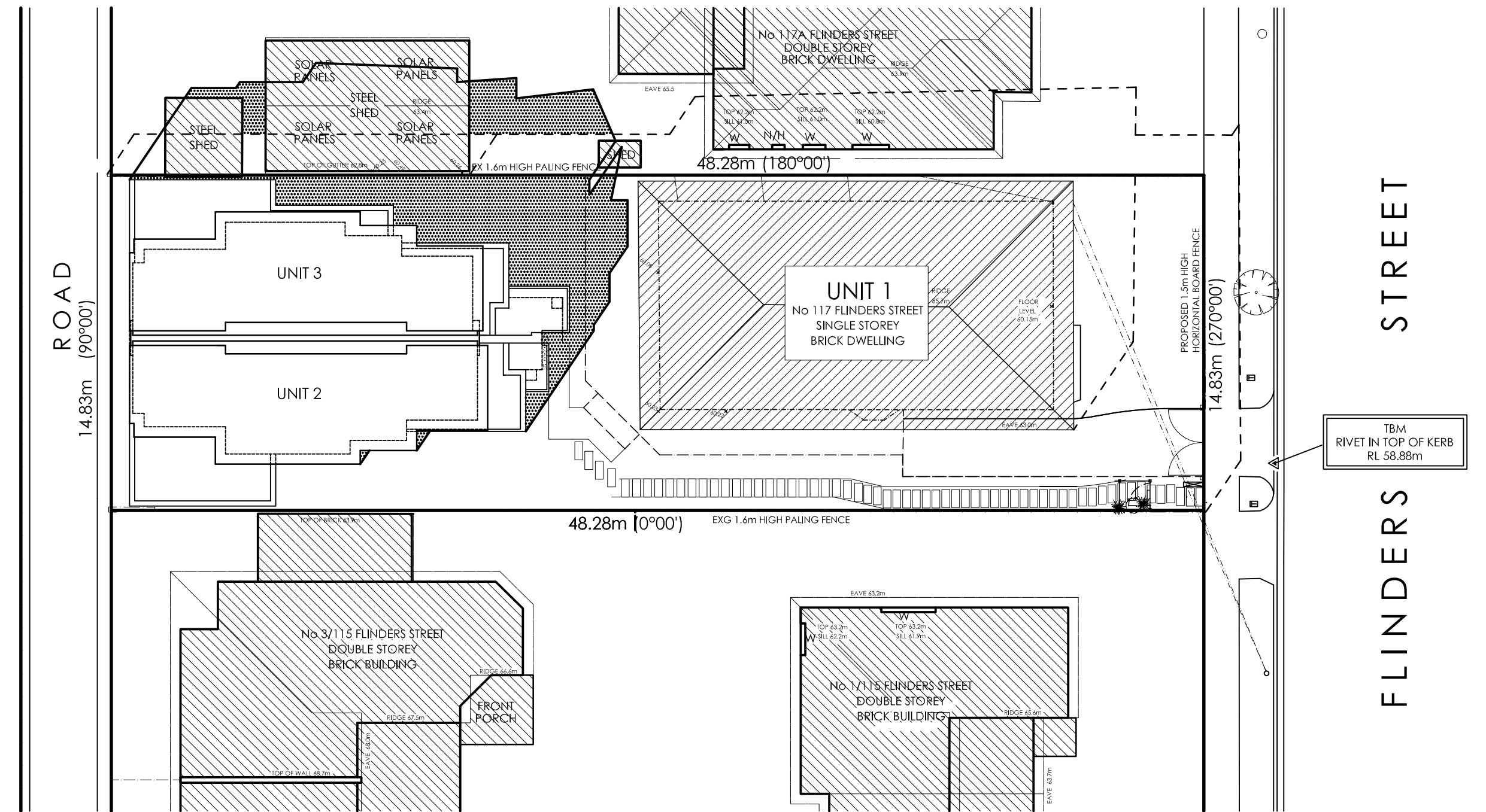
MULTI UNIT DEVELOPMENT 117 FLINDERS STREET THORNBURY ELEVATIONS

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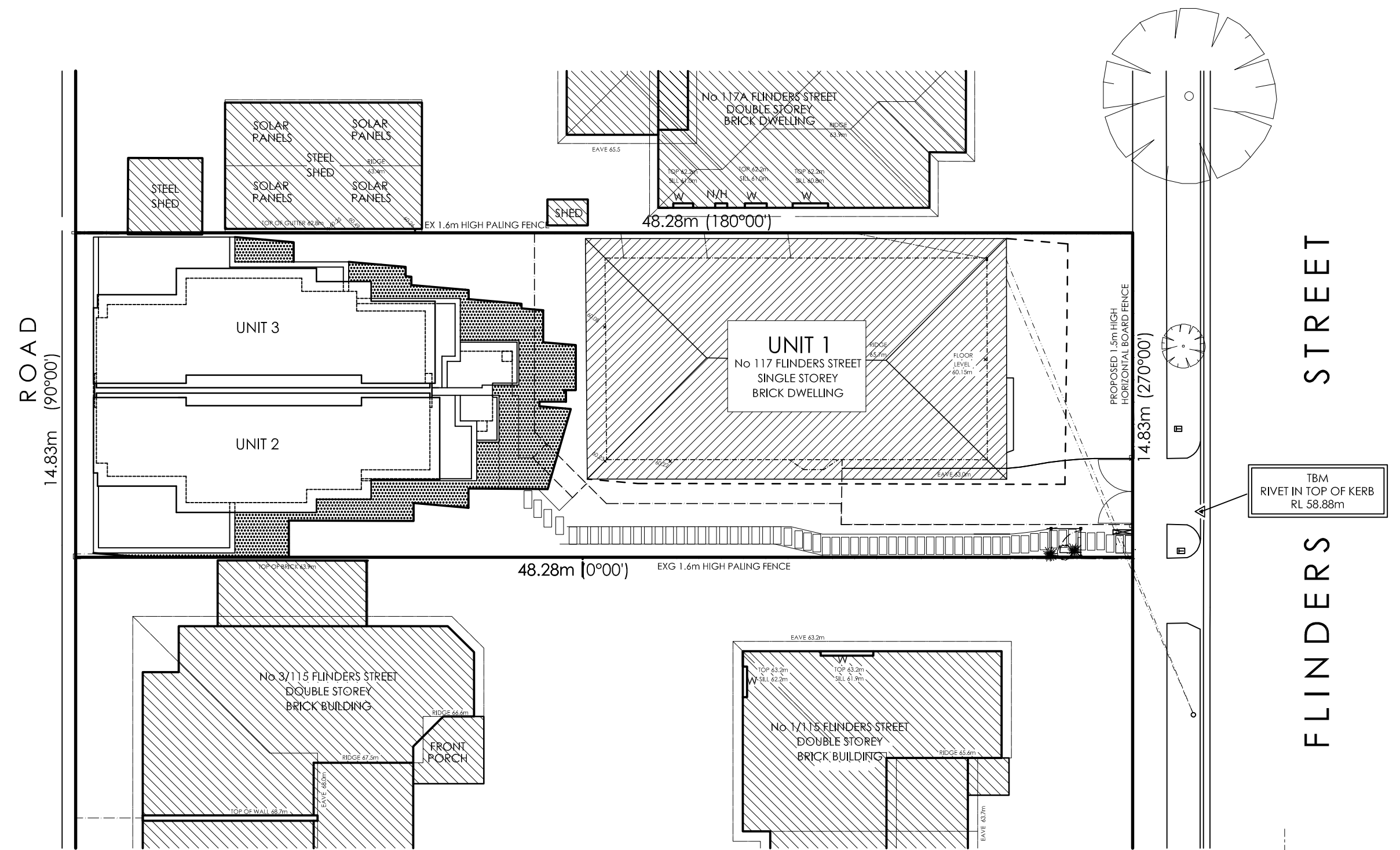
SHADOW DIAGRAM
22 SEPT / 23 MAR - 9AM
SCALE 1:200

EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS
EXTENT OF SHADOW CAST BY EXISTING FENCE/STRUCTURE



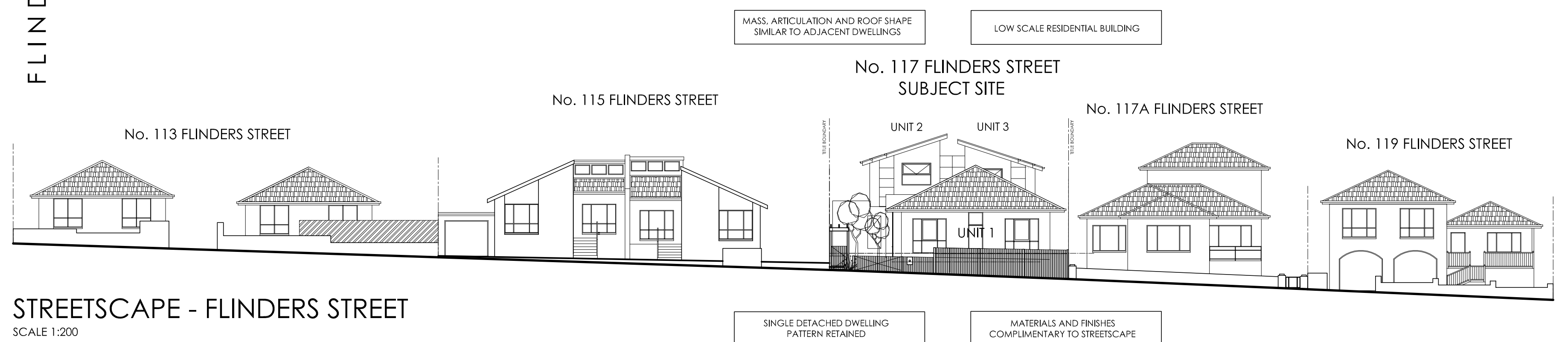
SHADOW DIAGRAM
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SCALE 1:200

EXTENT OF SHADOW CAST BY PROPOSED DWELLINGS
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SHADOW DIAGRAM
22 SEPT / 23 MAR - 12PM
SCALE 1:200

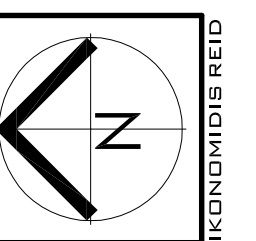
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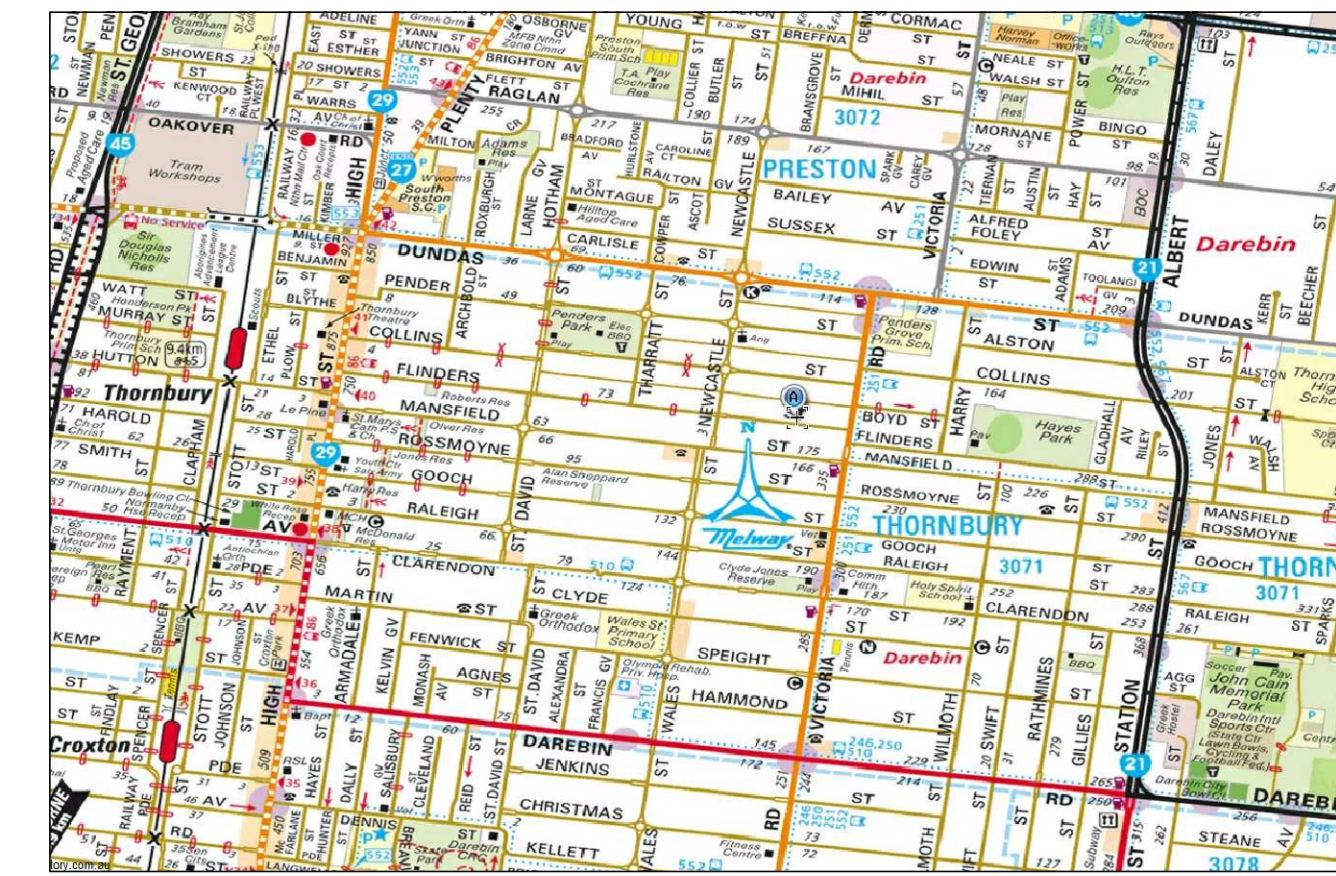
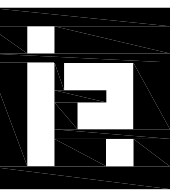


STREETScape - FLINDERS STREET
SCALE 1:200

MULTI UNIT DEVELOPMENT
117 FLINDERS STREET
THORNBURY
SHADOW DIAGRAMS

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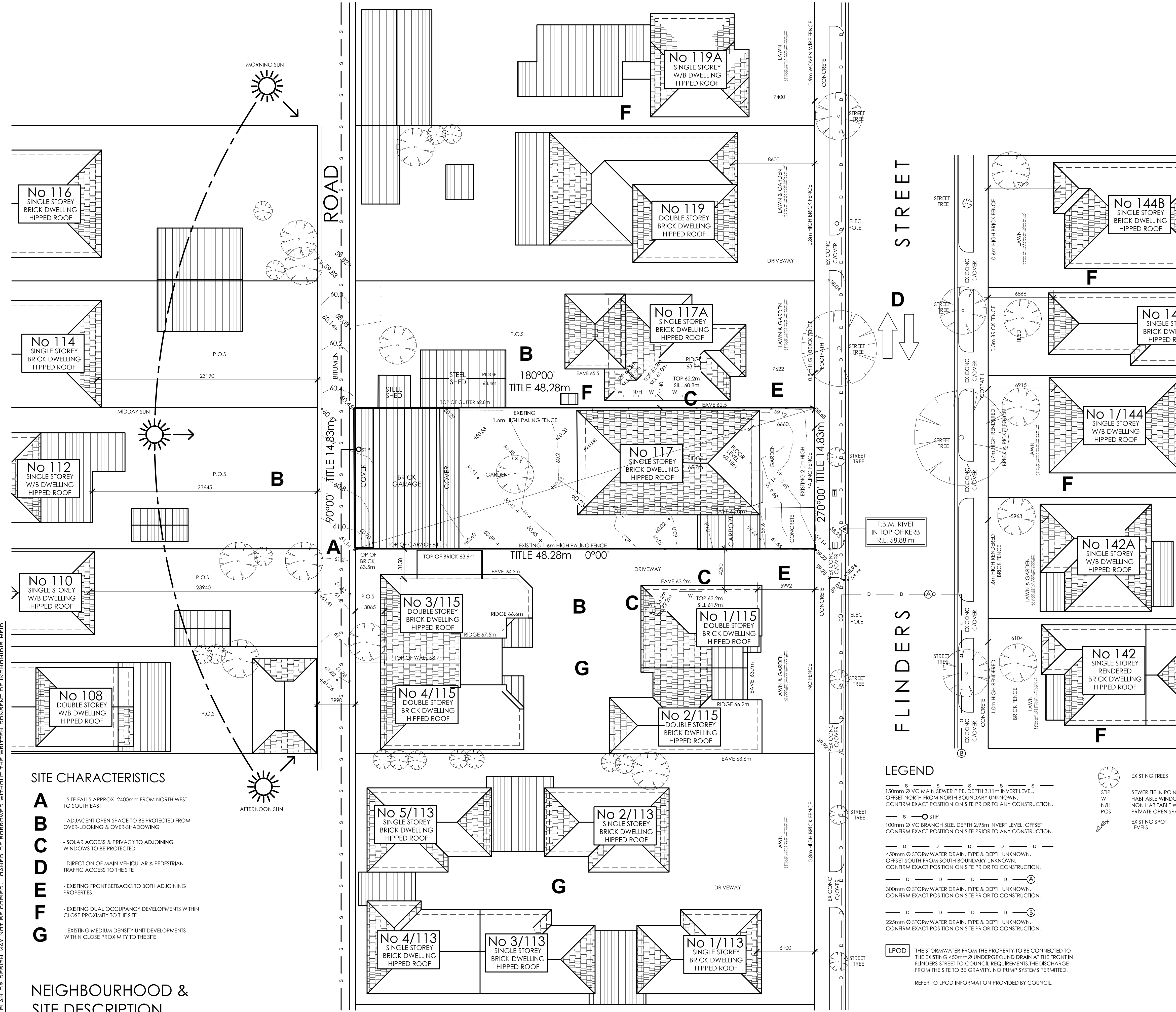




LOCALITY PLAN MELWAY REF. 30 J4 NOT TO SCALE

LOCAL AMENITY SCHEDULE

- ACCESS TO PUBLIC TRANSPORT**
THORNBUARY TRAIN STATION, CROXTON TRAIN STATION - WITHIN 1.5km RADIUS
- ACCESS TO PUBLIC TRANSPORT**
BUS ROUTE NO. 246, 250, 251, 508, 513, 552, 567 - WITHIN 1.5km RADIUS
TRAM ROUTE NO. 11, 112, 86 - WITHIN 1.5km RADIUS
- PRIMARY SCHOOLS**
PENDERS GROVE P.S., PRESTON SOUTH P.S., WALES STREET P.S., THORNBUARY P.S., HOLY SPIRIT P.S., ST JOHN'S GREEK ORTHODOX P.S. - WITHIN 1.5km RADIUS
- SECONDARY COLLEGES/HIGH SCHOOLS**
THORNBUARY H.S., ST JOHN'S GREEK ORTHODOX COLLEGE, SANTA MARIA COLLEGE, PRESTON GIRLS S.C., NORTHLAND S.C. - WITHIN 2.0km RADIUS
- UNIVERSITIES/TAFES**
LATROBE UNIVERSITY - WITHIN 2.5km RADIUS
- MEDICAL CLINICS/HOSPITALS**
HEIDELBERG HEIGHTS HOSPITAL, PRESTON COMMUNITY HOSPITAL, IVANHOE PRIVATE HOSPITAL - WITHIN 3.0km RADIUS
- PLACES OF WORSHIP**
NORTHLAND S.C., NORTHLAND HOME CENTRE, HIGH STREET SHOPS, PRESTON MARKET, NORTHCOTE SHOPPING PLAZA, SOUTH PRESTON S.C., VICTORIA ROAD LOCAL SHOPS - WITHIN 3.0km RADIUS
- PARKS & RESERVE**
PENDERS PARK, HAYES PARK, JOHN CAIN MEMORIAL PARK, ALAN SHEPPARD RESERVE, ALL NATIONS PARK, CLYDE JONES RESERVE, ADAM'S RESERVE, MCDONNELL PARK, HLT OULTON RESERVE, OLVER RESERVE, HARRY RESERVE, SUSAN WALSH RESERVE - WITHIN 1.5km
- DISTANCE TO CBD 6.0km**



SITE CHARACTERISTICS

- A** - SITE FALLS APPROX. 2400mm FROM NORTH WEST TO SOUTH EAST
- B** - ADJACENT OPEN SPACE TO BE PROTECTED FROM OVER-LOOKING & OVER-SHADOWING
- C** - SOLAR ACCESS & PRIVACY TO ADJOINING WINDOWS TO BE PROTECTED
- D** - DIRECTION OF MAIN VEHICULAR & PEDESTRIAN TRAFFIC ACCESS TO THE SITE
- E** - EXISTING FRONT SETBACKS TO BOTH ADJOINING PROPERTIES
- F** - EXISTING DUAL OCCUPANCY DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE
- G** - EXISTING MEDIUM DENSITY UNIT DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE

NEIGHBOURHOOD & SITE DESCRIPTION
SCALE 1:200

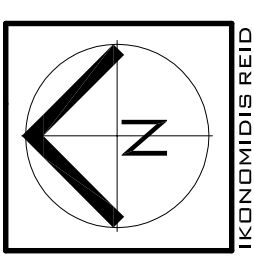
LEGEND

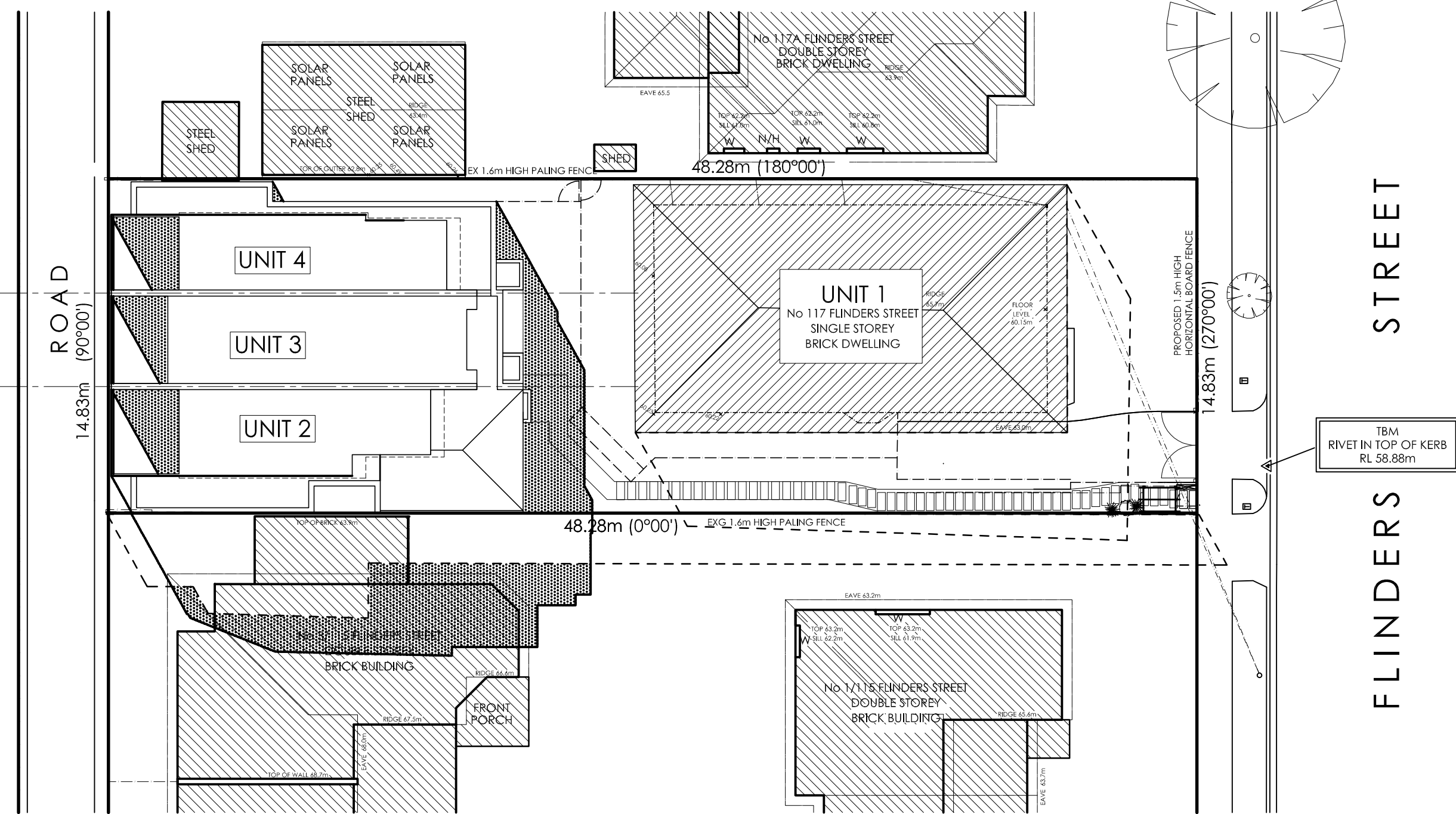
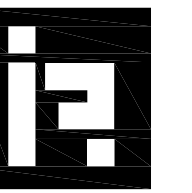
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- 100mm Ø VC BRANCH SIZE, DEPTH 2.95m INVERT LEVEL, OFFSET CONFIRM EXACT POSITION ON SITE PRIOR TO ANY CONSTRUCTION.
- 450mm Ø STORMWATER DRAIN, TYPE & DEPTH UNKNOWN, OFFSET SOUTH FROM SOUTH BOUNDARY UNKNOWN, CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- 300mm Ø STORMWATER DRAIN, TYPE & DEPTH UNKNOWN, CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- 225mm Ø STORMWATER DRAIN, TYPE & DEPTH UNKNOWN, CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.
- LPD** THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE EXISTING 450mmØ UNDERGROUND DRAIN AT THE FRONT IN FLINDERS STREET TO COUNCIL REQUIREMENTS, THE DISCHARGE FROM THE SITE TO BE GRAVITY, NO PUMP SYSTEMS PERMITTED. REFER TO LPD INFORMATION PROVIDED BY COUNCIL.

- EXISTING TREES
- STIP
- W
- N/H
- POS
- EXISTING SPOT LEVELS

NOTE: ALL LEVELS ARE TO A.H.D

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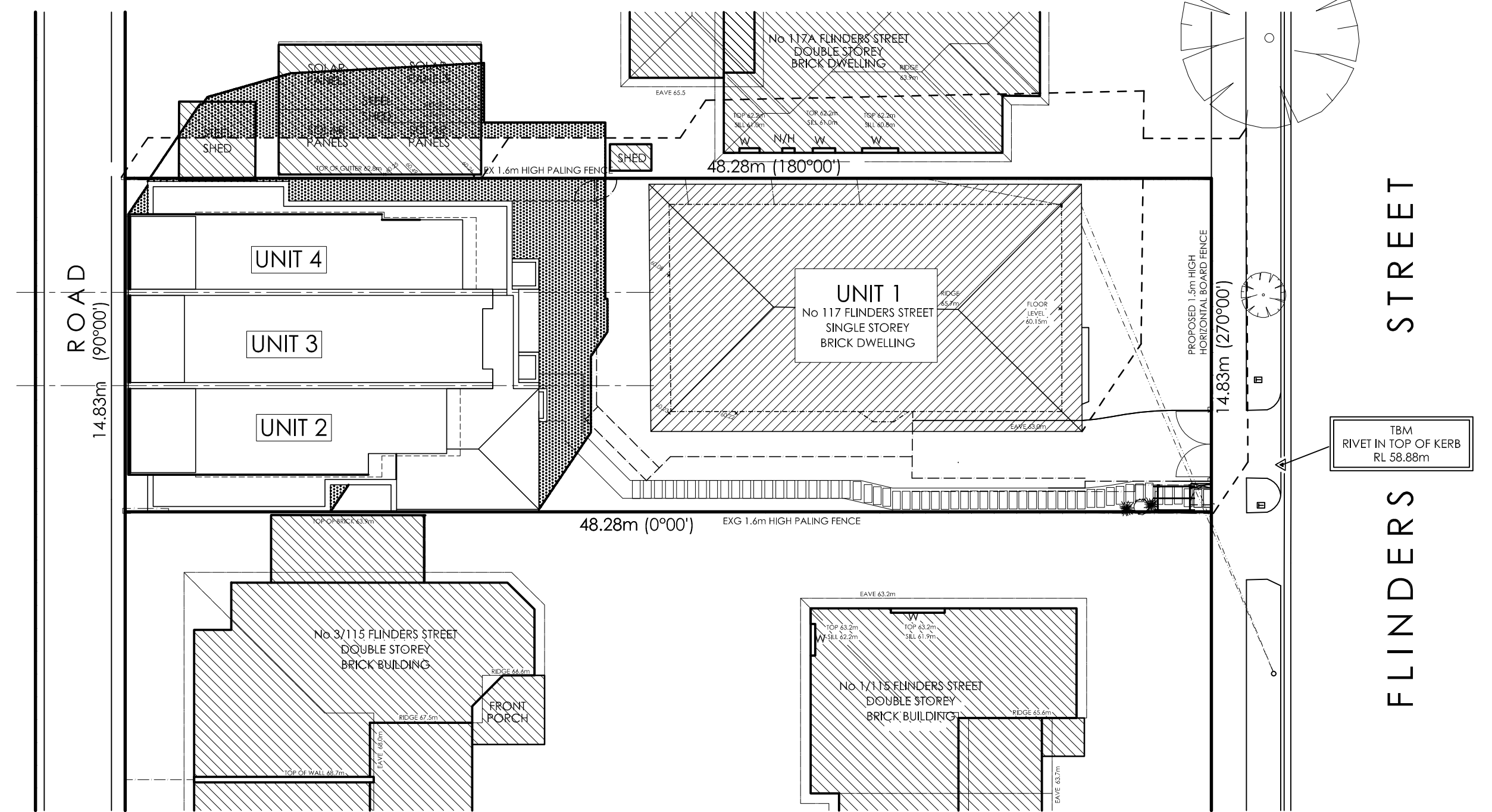




SHADOW DIAGRAM
22 SEPT / 23 MAR - 9AM

SCALE 1:200

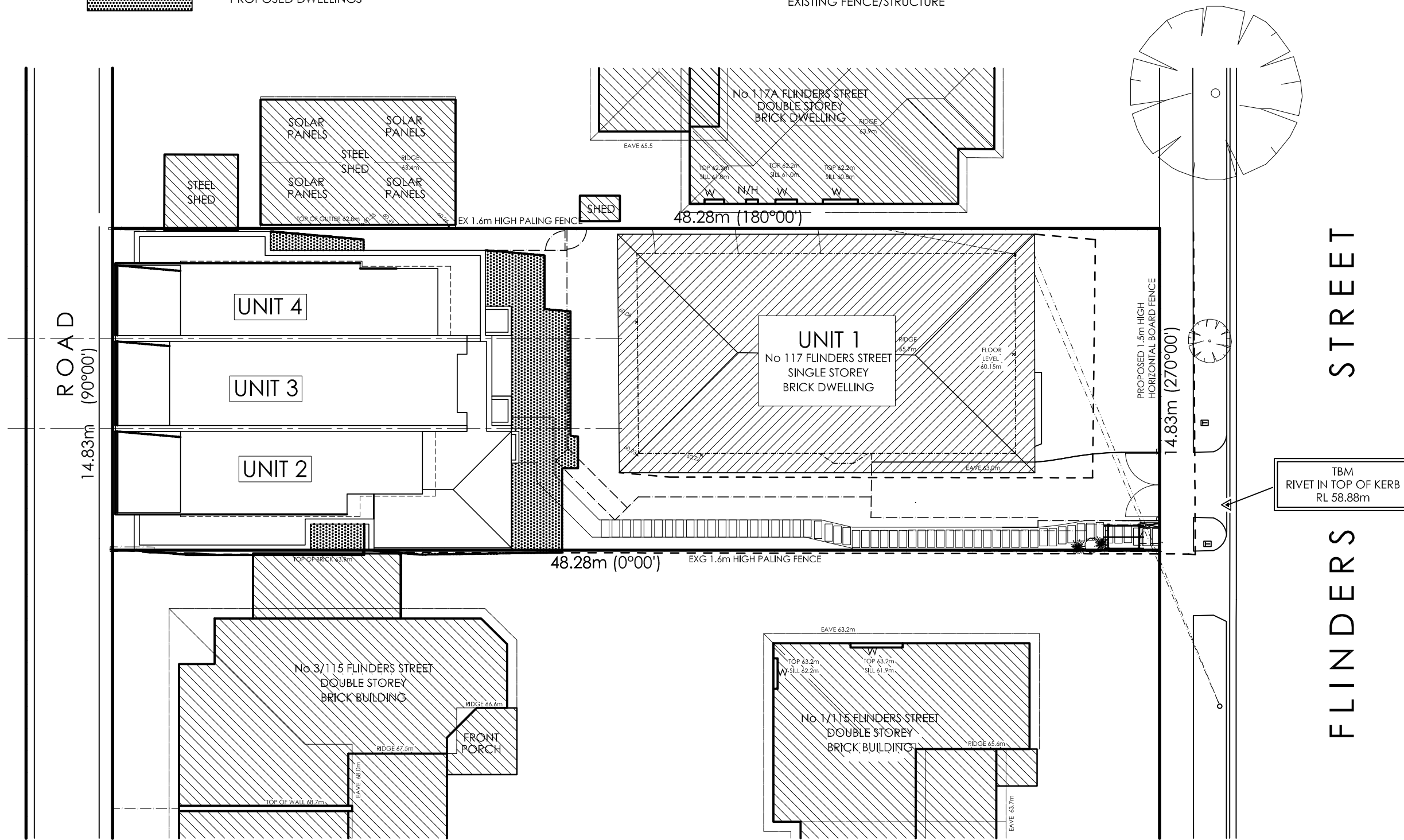
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SHADOW DIAGRAM
22 SEPT / 23 MAR - 3PM

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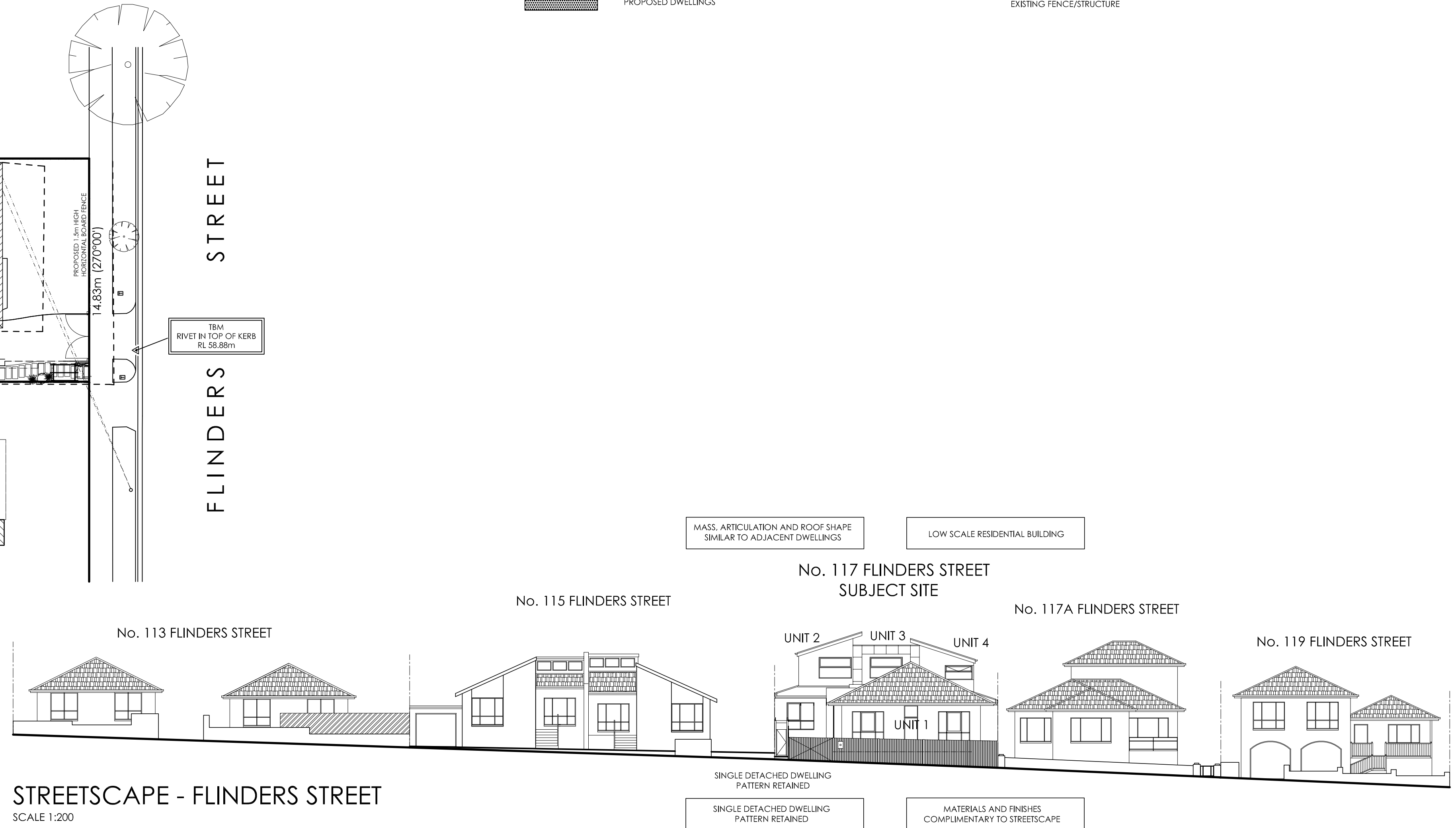
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SHADOW DIAGRAM
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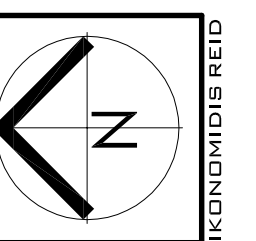
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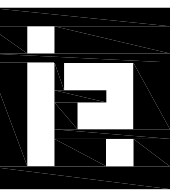


STREETScape - FLINDERS STREET
SCALE 1:200

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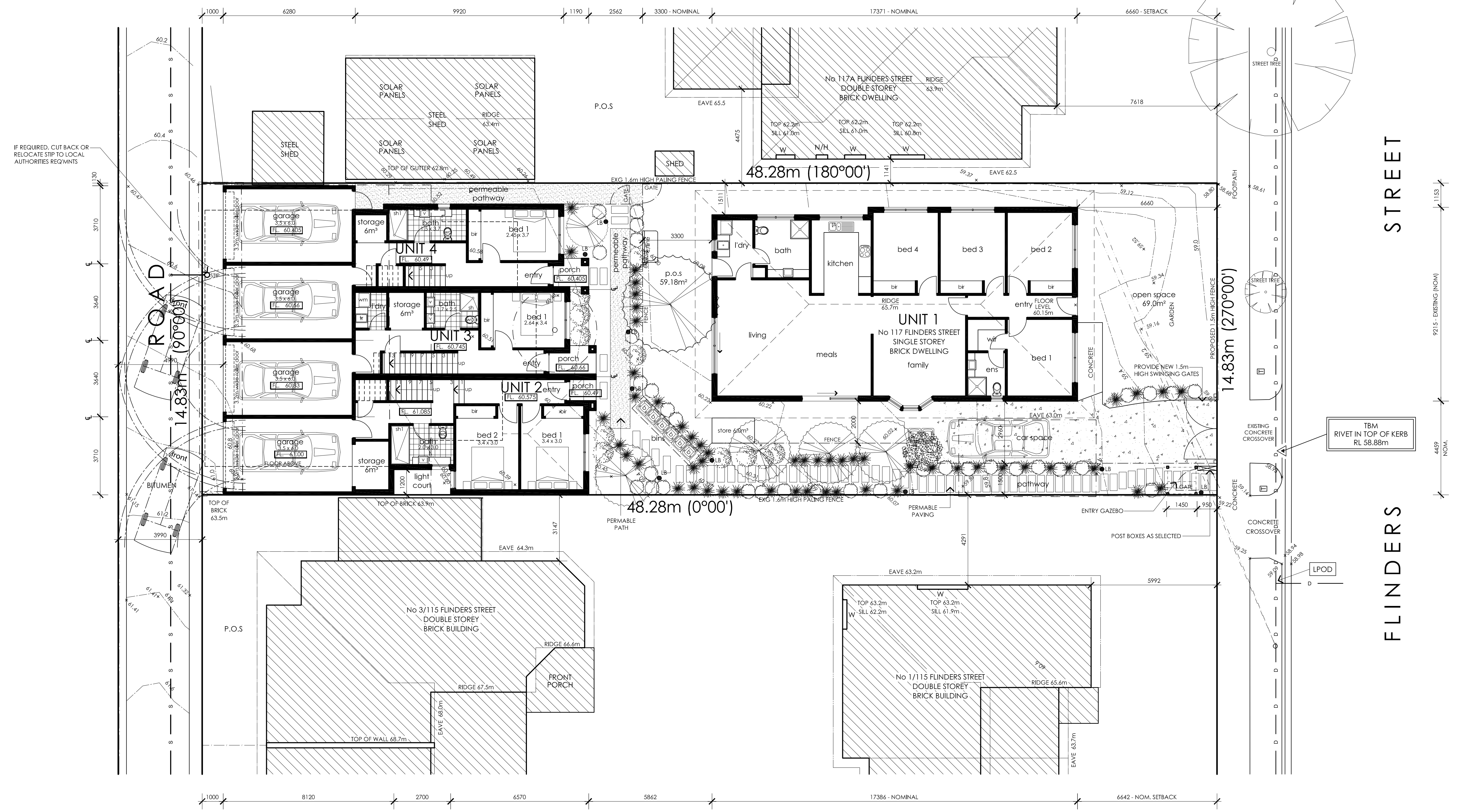


| EXTERNAL FINISHES SCHEDULE | | | | |
|-----------------------------|---|------------------------------|-------------------------------|--------------------------------|
| ROOFING | METAL DECK ROOFING | | | |
| WALLS | FACE BRICKWORK | | | |
| | LIGHTWEIGHT RENDERED CLADDING AS SELECTED | | | |
| | VERTICAL LINEAR CLADDING AS SELECTED | | | |
| GUTTERS & DOWNPIPES | COLORBOND | | | |
| WINDOWS & DOORS | ALUMINIUM POWDERCOAT | | | |
| DEVELOPMENT SUMMARY | | | | |
| SITE AREA | 716.0m ² | BUILDING SITE COVERAGE | 396.19m ² (55.3%) | |
| DENSITY | 1:179.0 | SITE PERMEABILITY | 279.36m ² (39.0%) | |
| No OF DWELLINGS | 4 | PRIVATE OPEN SPACE | 59.18m ² + FY | |
| CAR-PARKING | 5 | | | |
| UNIT 1 | 2 | UNIT 1 | 59.18m ² + FY | |
| UNIT 2 | 1 | UNIT 2 | Balcony: 11.90m ² | |
| UNIT 3 | 1 | UNIT 3 | Balcony: 10.37m ² | |
| UNIT 4 | 1 | UNIT 4 | Balcony: 10.40m ² | |
| GROSS BUILDING AREA / UNIT: | | | | |
| | UNIT 1 | UNIT 2 | UNIT 3 | UNIT 4 |
| GROUND | 160.5m ² (EXISTING) | 58.91m ² | 41.96m ² | 40.03m ² |
| GARAGE | 22.94m ² (PROPOSED) | 22.78m ² | 22.35m ² | 22.35m ² |
| FIRST FLOOR | 41.25m ² | 55.67m ² | 40.47m ² | |
| PORCH | 1.36m ² | 2.79m ² | 2.1m ² | |
| BALCONY | 11.90m ² | 10.37m ² | 10.40m ² | |
| TOTAL | 183.44' [19.7sq] | 136.2m ² [14.7sq] | 133.14m ² [14.3sq] | 115.35m ² [12.42sq] |

| CONSTRUCTION | |
|---|---|
| INTERNAL WALLS: | 90mm THICK TIMBER STUD CONSTRUCTION |
| EXTERNAL WALLS: | GROUND FLOOR - 240mm THICK BRICK VENEER CONSTRUCTION |
| | FIRST FLOOR - 90mm THICK TIMBER STUD CONSTRUCTION WITH LIGHTWEIGHT CLADDING AS SELECTED |
| 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 STORM WATER TO BE DISCHARGED | |

LEGEND

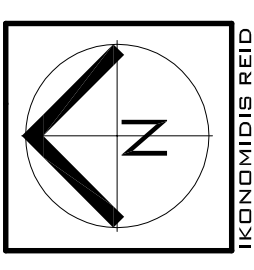
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- REFER TO LPOD INFORMATION PROVIDED BY COUNCIL.
- EXISTING TREE TO BE RETAINED TO FUTURE DETAIL
- EXISTING STRUCTURE, WALL, TREE TO BE REMOVED
- INTERNAL 1.8m HIGH PALING FENCE & GATE
- OVERHEAD POWER LINES
- STIP W/N/H POS
- SEWER TIE IN POINT HABITABLE WINDOW NON HABITABLE WINDOW PRIVATE OPEN SPACE
- EXISTING SPOT LEVELS
- LIGHT BOLLARD
- LPOD THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE EXISTING 450mm Ø UNDERGROUND DRAIN AT THE FRONT IN FLINDERS STREET TO COUNCIL REQUIREMENTS. THE DISCHARGE FROM THE SITE TO BE GRAVITY. NO PUMP SYSTEMS PERMITTED.



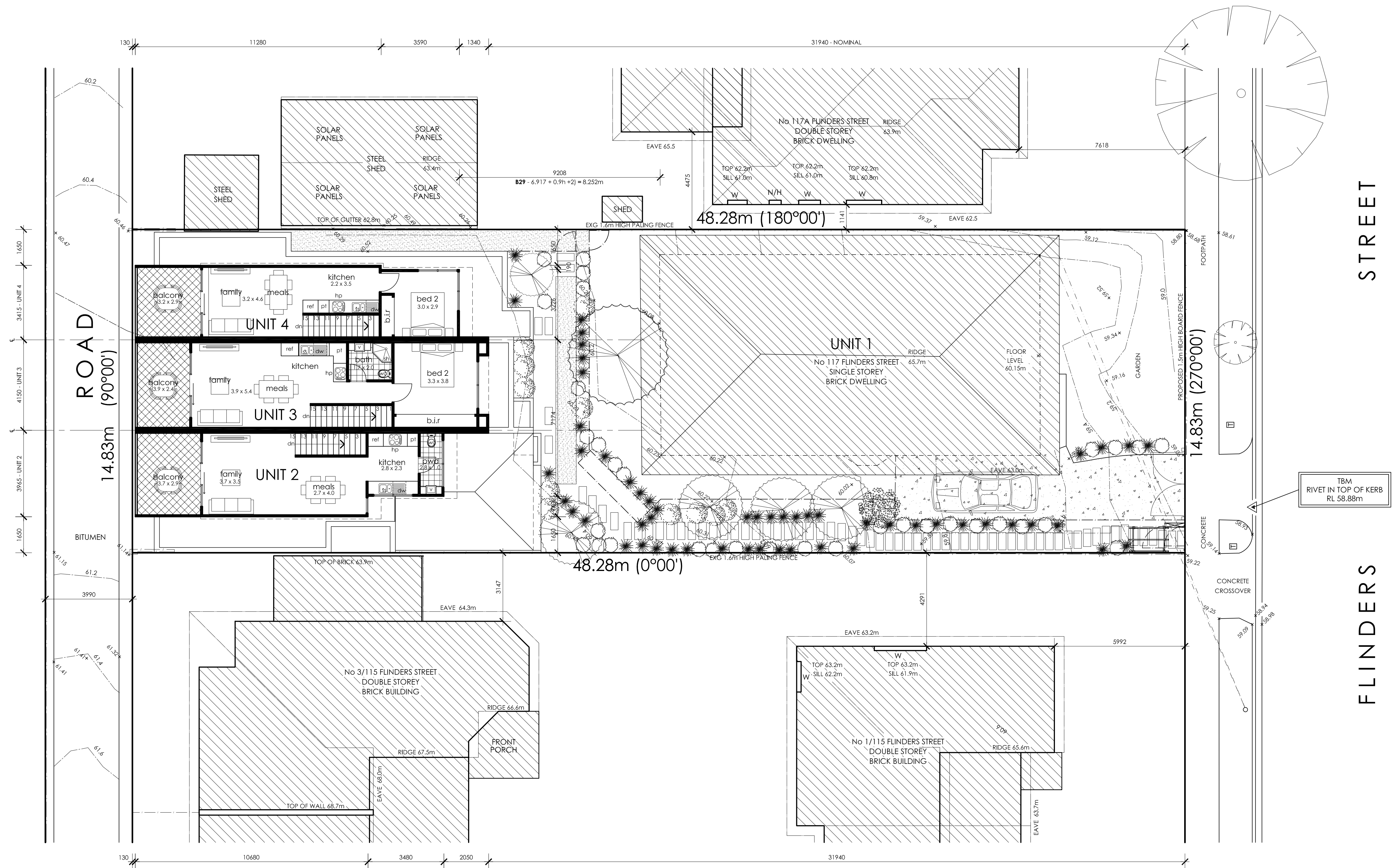
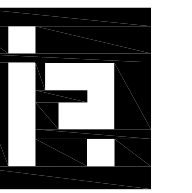
PROPOSED GROUND FLOOR PLAN

SCALE 1:100

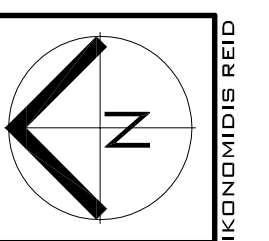
MULTI UNIT DEVELOPMENT 117 FLINDERS STREET THORNBURY PROPOSED GROUND FLOOR PLAN



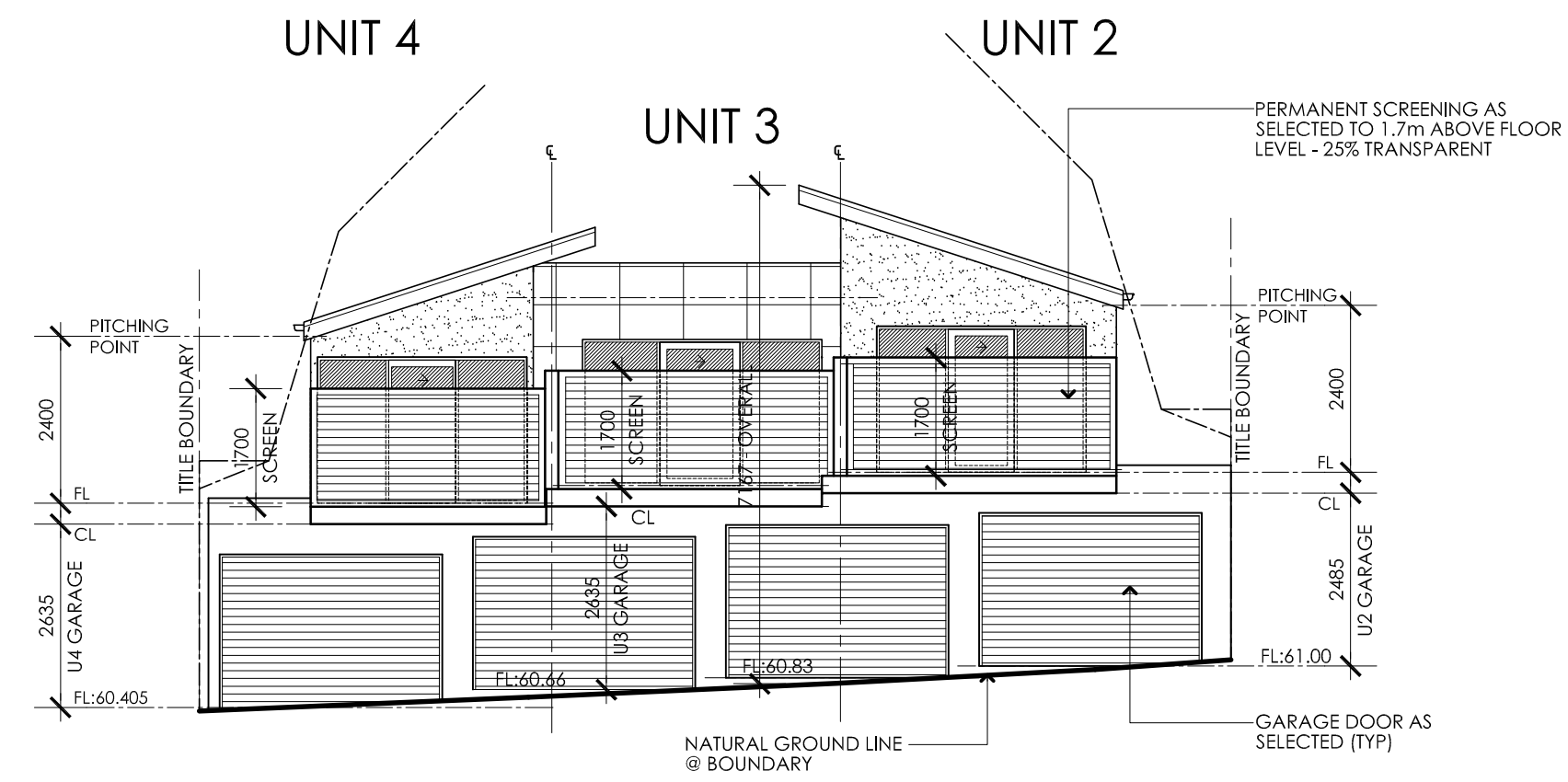
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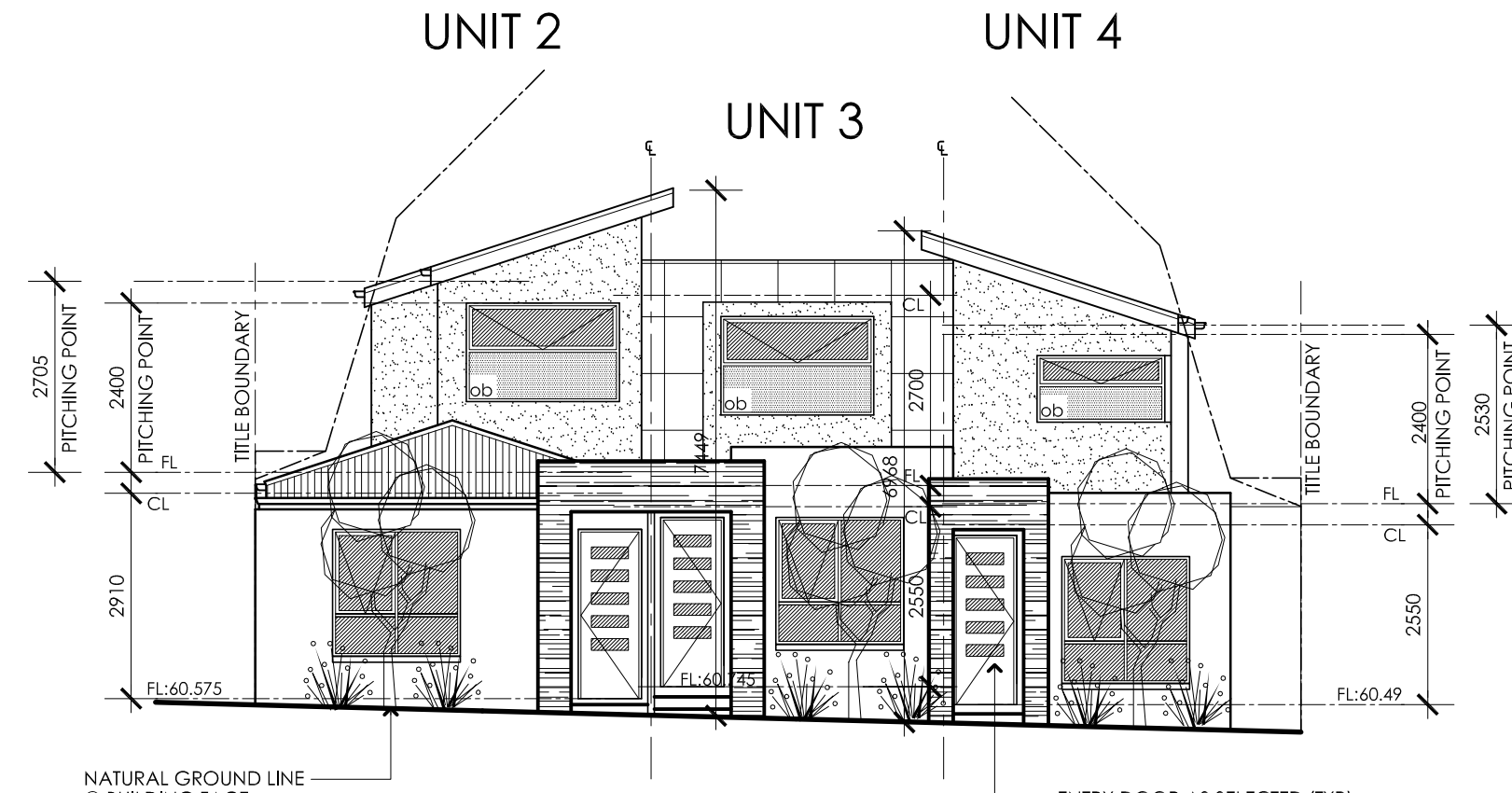


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NORTH ELEVATION

SCALE 1:100

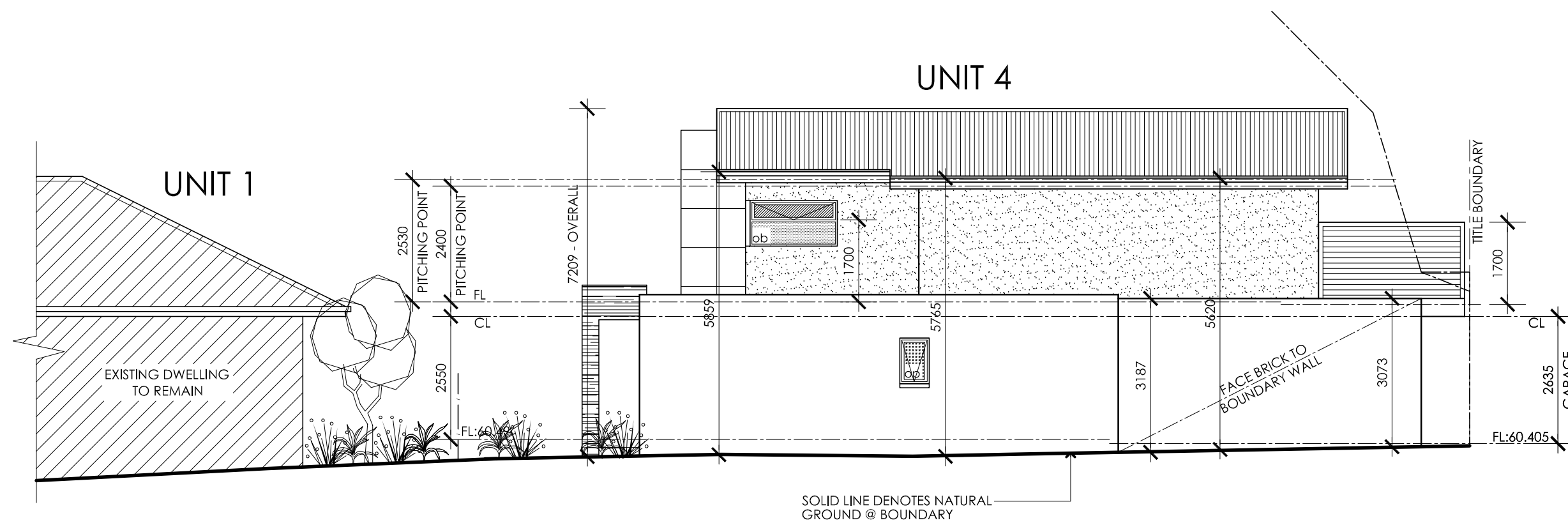


SOUTH ELEVATION

SCALE 1:100

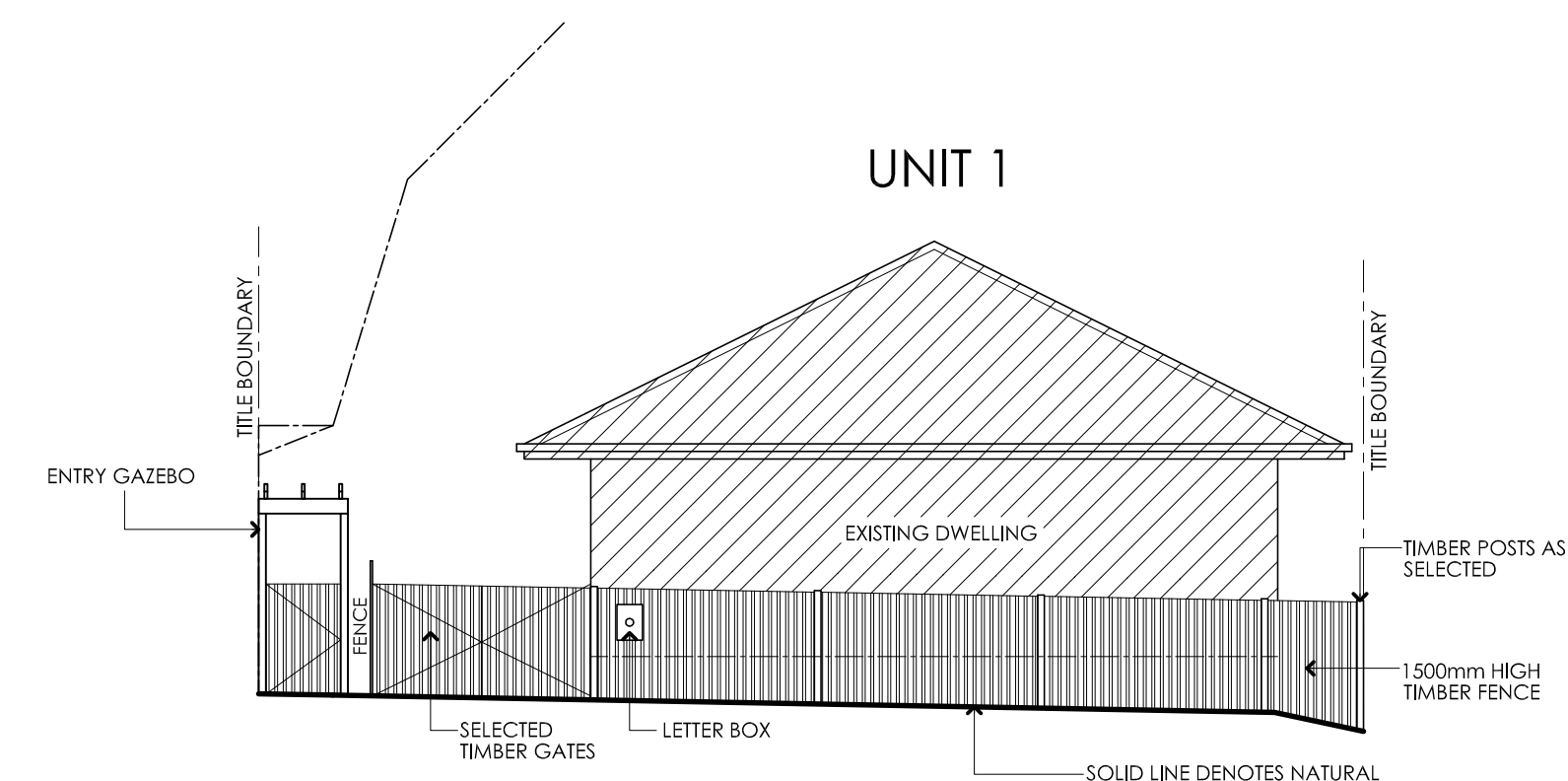
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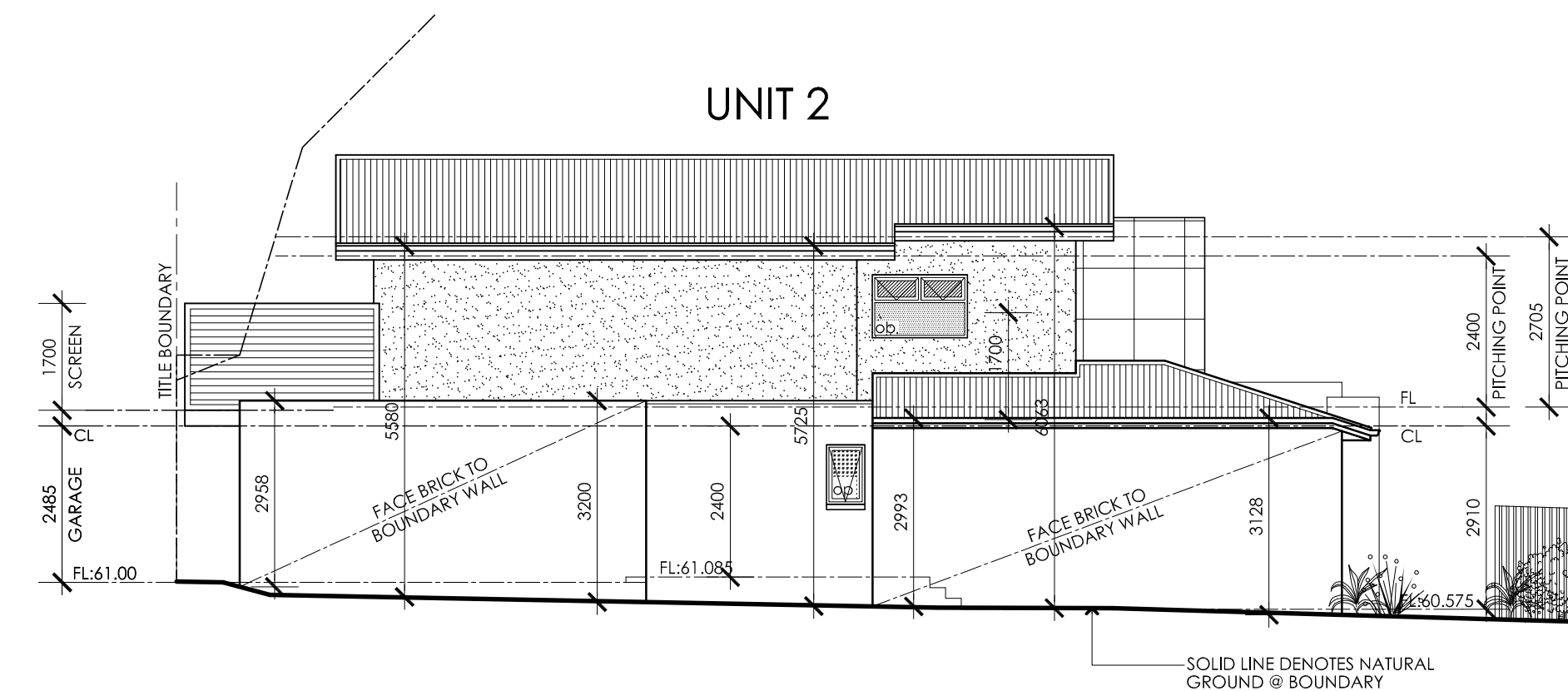
EAST ELEVATION

SCALE 1:100



SOUTH ELEVATION - FENCE

SCALE 1:100



WEST ELEVATION

SCALE 1:100

**MULTI UNIT DEVELOPMENT
117 FLINDERS STREET
THORNBURY
ELEVATIONS**

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5.5 APPLICATION FOR PLANNING PERMIT D/1034/2014
 24 Mutimer Street, Preston

AUTHOR: Principal Planner – Gavin Crawford

DIRECTOR: Director Assets and Business Services – Steve Hamilton

OWNER/APPLICANT/CONSULTANT:

| | |
|---|--|
| Applicant Ikonomidis Reid Pty Ltd | Owner Irene Maria Margaritis |
|---|--|

SUMMARY:

- It is proposed to construct four (4), two (2) bedroom double storey dwellings.
- All dwellings are reverse living double storey dwellings with balcony and service yard.
- One (1) car space provided in the form of a single garage is provided per dwelling.
- The secluded private open space will be provided at first floor level in the form of a balcony with areas of 8.76 square metres to 13 square metres.
- The site is zoned General Residential Zone (Schedule 2).
- There is no restrictive covenant on the title for the subject land.
- 13 objections were received against this application.
- The proposal fails to meet a number of objectives and standards of Clause 55 and Clause 22.02 of the Darebin Planning Scheme.
- It is recommended that the application be refused.

CONSULTATION:

- Public notice was given via one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- The application was referred internally to the Capital Works Unit, Property Management officer, Waste Management officer, Council’s Environmental Sustainable Design (ESD) Officer and Transport Management and Planning Unit
- This application was not required to be referred to external authorities.

RECOMMENDATION

THAT Planning Permit Application D/1034/2014 be refused and a Notice of Refusal be issued on the following grounds:

1. The proposal fails to comply with the desired future character of the area through the absence of meaningful landscaping opportunities throughout the site, dominant built form in the streetscape and the application of incongruous design detailing. The policy objectives of Clause 22.02 of the Darebin Planning Scheme are not met.
2. The proposal fails to comply with a number of standards and/or objectives of Clause 55 of the Darebin Planning Scheme including:
 - a) Clause 55.02-1 (Neighbourhood Character) – See ground 1 above.
 - b) Clause 55.02-2 (Residential Policy) – the development intensity is not in keeping with neighbourhood character and local conditions.
 - c) Clause 55.03-3 (Site Coverage) – Site coverage is excessive and does not provide an appropriate balance of building footprint to open space ratio commensurate with surrounding land.
 - d) Clause 55.03-8 (Landscaping) – Insufficient open areas are available on the site for the purpose of planting canopy trees.
 - e) Clause 55.04-1 (Side and Rear Setbacks) – The development's setbacks form the side and rear boundaries and continuous built form will create visual bulk impacts on the adjoining properties.
 - f) Clause 55.04-6 (Overlooking) – The extent of screening required to prevent overlooking will detrimentally impact on internal daylight and amenity of the proposed dwellings.
 - g) Clause 55.05-4 (Private Open Space) - The proposal provide insufficient secluded private open space for the reasonable recreation needs of residents.
 - h) Clause 55.05-5 (Solar access to open space) – Dwelling 1 and 3 have inadequate solar access.
 - i) Clause 55.06-1 (Design Detail) – The design detailing of the development is not respectful of the existing neighbourhood character and does not contribute to a preferred character for the area.
 - j) Clause 55.05-6 (Storage) – Storage areas are inadequate for user needs.
3. The proposal will result in poor residential amenity to the dwellings due to:
 - a) Lack of outlook from upper floor living spaces due to screening measures employed to prevent internal and external overlooking.
 - b) Enclosure of open spaces.
4. The proposal represents as an overdevelopment of the site.
5. The development will have unreasonable amenity impacts on the adjoining property to the south at No.22 Mutimer Street.

REPORT**INTRODUCTION AND BACKGROUND**

Council records indicate that there are no previous planning permit applications relevant to the subject land.

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

- The land is regular in shape and measures 35.05 metres in length and 14.02 metres in width with a site area of 490 square metres.
- The land is located within the General Residential Zone – Schedule 2 and encumbered by the Development Contributions Plan Overlay – Schedule 1.
- The land is located on the west side of Mutimer Street with a right of way to the north and east. The land is located opposite the intersection of Mutimer Street and Martin Street.
- The site is currently occupied by a single storey weatherboard dwelling with a gable roof. A number of free-standing outbuildings are located within the rear setback.
- To the east is a right of way and beyond this are the rear yards of dwellings fronting Hill Grove (numbers 21 and 23).
- To the west across Mutimer Street are single storey dwellings fronting Martin Street.
- To the north across the right of way are the rear yards of dwellings fronting Murray Road.
- The site is located approximately 700 metres from Preston Principal Activity Centre, 170 metres from Tram Route 86, Bus Routes 527 and 93 on along Murray Road 60m to the north east and 800 metres from Preston Railway Station.
- On street parking supply in Mutimer Street is unrestricted in proximity to the subject site.

Proposal

- The proposal is to demolish the existing double storey dwelling and outbuildings (no permit required) and construct four (4) double storey dwellings each comprising two (2) bedrooms.
- Each dwelling is provided with one (1) on-site car parking space. Vehicle access is to be provided via the right of way on the north boundary.
- The dwellings are to have reverse-living arrangements with all dwellings having bedrooms on the ground floor and open-plan living, dining and kitchen areas on the first floor.
- The secluded private open space will be provided at first floor level in the form of a balcony with areas of 8.76 square metres to 13 square metres.

Objections

- 13 objections have been received.

Objections summarised

- Overdevelopment of the site.
- Overlooking.
- Waste management.
- Increased traffic, safety and impact on the local road network.
- Impact on infrastructure and services.
- Devaluation of property.
- Insufficient landscaping opportunities / loss of trees.
- Loss of existing housing stock.
- Contrary to the single storey Neighbourhood Character / Contrary to Clause 22.03 preferred character statement E4.
- 'Family orientated area'.
- Noise from new units.
- Creating a precedence.
- Obstruction of views.
- Use of unsealed right of way.
- Inadequate turning circles / use of adjacent land.
- Insufficient car parking.
- Overshadowing.
- Visual bulk.
- Insufficient private open space.
- Units fronting right of way inappropriate.
- Contrary to Clause 54.02-01, 54.02-02 and 54.03-04.
- Insufficient ESD measures.
- Impact on the ability for neighbours to provide solar panels.
- Impacts during construction.

Officer comment on summarised objectionsOverdevelopment of the site

There are no minimum or maximum dwelling numbers prescribed within the zone; rather it is the performance based measures contained within Clause 55 which indicate the appropriateness of a development. Furthermore the subject land is located within the Schedule 2 area of the General Residential Zones where this level of residential intensification is encouraged.

In this case, as demonstrated below, the development is non-compliant with the relevant controls.

Overlooking

Overlooking of neighbouring properties from the proposed development is addressed under Clause 55 – Standard B22 in the assessment below.

Waste management

There is sufficient site frontage to Mutimer Street for bins to be collected by Council's waste services without impacting upon pedestrian or streetscape amenity.

Increased traffic, safety and impact on the local road network

The additional vehicle movements generated by the development will not unreasonably burden the local road network.

Impact on infrastructure and services

There is no indication the proposal will result in an unreasonable burden on infrastructure and services. Council's Capital Works Unit has expressed no objection subject to conditions which have been included in the recommendation above.

Water supply is a matter handled by Yarra Valley Water.

Devaluation of property

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

Landscaping opportunities

The proposed development will reduce the available landscaping opportunities on the subject site which goes hand-in-hand with intensification of existing urban areas. Insufficient area is provided for landscaping.

Loss of existing housing stock

The existing dwelling is an example of post-war housing stock which is typical to the area however is not considered to constitute a remarkable or contributory case within the area. Moreover, there are no planning controls (such as a Heritage Overlay) which apply protection to the dwelling. As such, the dwellings removal is acceptable.

Contrary to the single storey Neighbourhood Character / Contrary to Clause 22.03 preferred character statement E4

Providing a suitable 'fit' with neighbourhood character requires having regard to the relevant policy for the area, and prevailing context on the ground. In this case the area exhibits a mixed character comprising inter- and post-war housing stock and a number of medium density in-fill developments. The test under the Darebin Planning Scheme is to achieve a respectful response to these characteristics – not a replica response.

An assessment against the relevant precinct guidelines is provided in the assessment below and demonstrates that the development is contrary to the character of the area.

'Family orientated area'

It is noted that neighbourly relations, general safety, the tidiness of dwellings/ unit developments and whether dwellings are tenanted or owner occupied is not a relevant consideration in assessing medium density development under the provisions of the *Planning and Environment Act 1987*, or the Darebin Planning Scheme.

Noise from new units

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

Creating a precedence

The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration. The consideration of a medium density housing development is based on its compliance with a set of criteria set out in the Darebin Planning Scheme. The Victorian State Government has provided a clear policy imperative of urban consolidation which is heavily dependent on medium density housing development.

Obstruction of Views

In the absence of specific overlay controls designed to protect view lines, no entitlements to a view prevail.

Use of unsealed right of way

Concerns expressed with the accessibility of parking spaces towards via the right of way are noted.

If the application is allowed, the right of way will be required to be fully constructed adjacent to the land to Mutimer Street at the cost of the applicant, to Council standards. Maintenance of all public roads thereafter is the responsibility of Council.

The property enjoys a legal right of access to the right of way on title and for legal purposes a right of way is a road. The right of way will be maintained for public access. By constructing the right of way improved access is provided to the right of way and all properties abutting the right of way.

Whilst it is not constructed, shared pedestrian and vehicle access along the right of way is existing and the proposal maintains this. Having regard to the low volumes of traffic anticipated this is an acceptable and common design outcome for right of ways.

Inadequate turning circles / use of adjacent land

The right of way is of sufficient width to cater for the traffic volumes associated with the development.

Insufficient car parking

The provision of car parking is in accordance with Clause 52.06 and no reduction in car parking is sought. In addition the proposal removes an existing crossover to Mutimer Street, improving on street parking opportunities.

Insufficient private open space

See Clause 55.05-4 assessment.

Units fronting Right of way inappropriate

Dwellings provide an appropriate sense of address with shared access along the right of way. This is a safe and acceptable design outcome which is commonly used and supported in Darebin. The application as lodged originally provided separate pedestrian access via a pedestrian path within the subject site along the north boundary; however this was deleted at the recommendation of officers to improve landscaping opportunities. Reinstatement of the pedestrian path would be a poor planning outcome.

Contrary to Clause 54.02-1 neighbourhood character, 54.02-2 integration with the street and 54.03-4 permeability

Clause 54 applies to the development of a single dwelling on a lot less than 300 square metres. See Clause 55 assessment below.

Insufficient ESD measures

See Clause 55 assessment below.

Impact on the ability for neighbours to provide solar panels

Council cannot assess the impact on potential future development. There are no solar panels overshadowed. Adequate solar access would be maintained to the neighbouring dwelling to the south to allow it to install solar panels.

Impacts during construction

The EPA controls construction noise and hours of construction. Normal work hours for large residential developments in residential areas are: 7 am – 6 pm Weekdays and 9 am – 1 pm Saturday. No construction is permitted on Sunday's.

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.

Construction techniques and effects – noise, dust, stability of existing foundations and damage to nearby dwellings are not a relevant consideration under the *Planning and Environment Act* or Darebin Planning Scheme. The development is setback sufficiently from existing residential development to prevent damage to building foundations.

Overshadowing

See Clause 55 assessment below.

Visual bulk

See Clause 55 assessment below.

PLANNING ASSESSMENT**Clause 22.02 - Neighbourhood Character Precinct Guideline Assessment - Precinct E4**Existing Buildings

The existing dwelling is to be demolished. While the dwelling is typical of the prevailing housing stock of the area, it has not been identified as a significant or contributory example by means of, for example, a Heritage Overlay. The demolition of the dwelling is therefore as of right.

The above notwithstanding, the design and the envelope proposed for the new development is considered to be out of scale and character with the existing Interwar dwelling housing stock in the area. The replacement buildings are not considered to contribute appropriately to the character of the area.

Does not complyVegetation

A number of trees are to be removed from the rear of the site. These are not considered to be significant.

The leafy setting is one of the defining features of the neighbourhood. The design response has not considered the provision of canopy trees and instead favours an inappropriate development yield. No landscape plan has been provided to illustrate the proposed landscape response and as set out below, the siting fails to provide adequate opportunity to do so.

Does not complySiting

The front garden is large enough for planting of vegetation, to enable the continuation of the garden setting in this area.

The development is to retain substantial space for landscaping by setting back from the side and rear boundaries. These areas should be generous enough to accommodate canopy trees and shrubs. The proposal fails in this respect. Whilst the side and rear setbacks provide some space for planting, these areas are unlikely to sustain medium-large canopy planting due to the configuration of the courtyards are suited to paving rather than planting as they would be relied upon as service areas. Any planting is likely to be in the form of strip garden beds along the boundary lines and dominated by the building form.

The car spaces are located to the rear of the site. All access is via the rear right of way and no crossovers are provided to the street. Therefore parking areas do not dominate the front façade.

Does not complyHeight and building form

The development is of a double storey height which (in isolation) is an acceptable scale for the residential context in which the site is located. The precinct design objectives call for the recessing of upper levels in areas predominated by single storey housing stock. This approach has been attempted by the permit applicant however the use of first floor balconies above the ground floor to the front of the site does not respond to its context. The result is an imposing double storey form.

The flat roof forms and the composition of the facades appear to be arbitrary and do not relate to any of the finer-line features and overall forms found in the street, especially not the adjoining period home.

Does not complyMaterials and design detail

The development has a contemporary detached design with a first floor recessed from the street, ground floor flat parapet /first floor pitched roof form. This design is unrelated to its context.

Articulation in the façade is achieved through the use of render and lightweight cladding surfaces to the walls, as well as fenestration in windows and door openings.

Does not complyFront boundary treatment

There is a no front fence proposed, which allows views from the street to the front façade.

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 objective of this Clause is to ensure residential development is provided in accordance with any policy in the state Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The site is well located close to public transport and activity centres and satisfies the locational criteria of State policy objectives for increased housing density in well-serviced areas. The site is therefore considered suitable for medium density development. However the extent and character of development to be provided is guided by other significant factors. The Darebin Housing Strategy 2013 (Revised 2015) includes the site in an Incremental Change Area where future housing objectives include:

- *To provide for moderate housing growth and diversification over time.*

- *To encourage residential development and housing diversity that is generally consistent with the character of the area. This may include a mixture of single and semi-detached dwellings as well as infill development including 2-3 storey town houses and villas. Lower scale apartment developments in a mixture of configurations may also be encouraged in appropriate locations.*
- *To ensure that varying local conditions influence design and scale of the built form outcome.*

A comprehensive site analysis should be the starting point of the design which proves and forms the basis for considering the scale and massing of new development. The proposed development fails to address the effect of local conditions and adjoining conditions i.e. neighbourhood character (see discussion under Neighbourhood Character in earlier parts of this report).

The above objectives for modest development in Incremental Change areas are also echoed in Clause 21.03-1 of the Darebin Planning Scheme – Strategic Housing Framework.

The proposal is considered to be contrary to Residential policy and constitutes an overdevelopment of the site.

Does not comply

Clause 55.02-4 B4 Infrastructure

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

It has been determined that drainage is available to the site subject to conditions.

Complies subject to condition

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 55.03-2 B7 Building Height

The proposed dwellings are to have a maximum height of 7.4 metres which complies with the standard requiring a maximum height not exceeding 9.0 metres.

Complies

Clause 55.03-3 B8 Site Coverage

The area covered by buildings should not exceed a site coverage of 60%. The site coverage is 58.37%. Whilst the site coverage complies with the standard, the design response is considered inappropriate as there is insufficient space for landscaping around the building footprint for the planting of substantial vegetation. Furthermore the land-use pattern proposed is not in keeping with the settlement pattern and site coverage on surrounding sites which preserve open space areas to the rear.

The continuous building footprint will have a significant impact on visual bulk as seen from adjoining properties and the surrounding area given (see Subject Site and Surrounding Area discussion in earlier parts of this report).

Does not comply with objectiveClause 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.

CompliesClause 55.03-7 B12 Safety

The entrances to the dwellings are adequately visible from the internal accessway and/or the street.

The development is designed to provide good lighting, visibility and surveillance of car parking and the internal accessway.

The private open space within the development is protected from inappropriate use as a public thoroughfare.

CompliesClause 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 not generally large enough to provide sufficient landscaping.

Does not comply

Clause 55.03-9 B14 Access

Vehicle access to and from the site is safe, manageable and convenient. The number and design of the vehicle crossover(s) respects the neighbourhood character.

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

Complies

Clause 55.04-1 B17 Side and Rear Setbacks

Ground floor

| Boundary | Wall height | Required Setback | Proposed setback |
|----------------------------|-------------|------------------|---|
| Northern – Dwelling 2 to 4 | 4.2 metres | 1.12 metre | 1.8 metres |
| Eastern – Dwelling 4 | 3.2 metres | 1 metre | 0.2 metres to 0.26 metres – See standard B18 assessment |
| Southern – Dwelling 1 to 4 | 3.6 metres | 1 metre | 1 metre to 3 metres |

First Floor

| Boundary | Wall height | Required Setback | Proposed setback |
|---------------------------------|--------------------------|----------------------------|----------------------------|
| Northern – Dwelling 2 (balcony) | 4.8 metres | 1.36 metres | 1.75 metres |
| Northern – Dwelling 1 to 4 | 6.2 metres | 1.78 metres | 1.94 metres |
| Eastern – Dwelling 4 | 6.2 metres | 1.78 metres | 2.14 metres |
| Southern – Dwelling 1 to 4 | 5.5 metres to 6.7 metres | 1.57 metres to 1.93 metres | 1.82 metres to 4.48 metres |

The building envelope complies with the standard.

In considering side and rear setbacks, Council must consider the amenity impacts on the habitable room windows and secluded private open space of existing dwellings. Having regard to the right of way to the north the dwelling at No.22 Mutimer Street to the south and the dwelling at 23 Hill Grove to the east are considered to form the most sensitive interfaces with the subject site.

The outlook from the open space of these dwellings will be subject to visual bulk associated with two (2)-storey attached built form extending along the length of the site. The form, height and appearance of the development results in a homogenous two (2)-storey wall without breaks at the upper floor with limited opportunity to plant a canopy tree to screen building bulk.

Does not comply with objectiveClause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective.

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

CompliesClause 55.04-6 B22 Overlooking

The proposed dwellings have finished floor levels less than 0.8 metres above natural ground level at the boundary. Existing 1.6 metre high boundary fences on the south boundary and 1.5 metre high fencing on the east boundary would need to be raised to 1.8 metres in height to sufficiently limit overlooking.

The following first floor windows would be required to be screened to limit views in to adjoining residential properties:

Dwelling 2: north facing meals and bedroom 2.

Given conditions are required to address overlooking it will be raised as a ground of refusal.

Does not complyClause 55.04-8 B24 Noise Impacts

There are no obvious noise sources to or from the development.

CompliesClause 55.05-1 B25 Accessibility

The proposed dwellings can be made accessible for people with limited mobility by construction of a ramp, if required.

CompliesClause 55.05-2 B26 Dwelling Entry

The entries are visible and easily identifiable. A sense of address and shelter is also provided.

CompliesClause 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 does not provide adequate private open space (pos) for the reasonable recreation and service needs of residents.

The application seeks to satisfy the standard which requires the provision of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room.

| | Total POS | Secluded POS | Minimum dimension of secluded POS |
|------------|------------------|------------------------------|--|
| Dwelling 1 | 73 square metres | 8.7 square metres (balcony) | 2.1 metres |
| Dwelling 2 | 49 square metres | 13 square metres (balcony) | 1.6 metres |
| Dwelling 3 | 45 square metres | 11.6 square metres (balcony) | 1.68 metres |
| Dwelling 4 | 47 square metres | 10.5 square metres (balcony) | 2.3 metres |

All secluded private open space areas have direct access to a living room. Dwelling 3 and 4 balconies are required to be screened to limit overlooking impacts and provide poor amenity outcomes for residents. Dwelling 3 open space is enclosed by a wall on two sides.

Does not comply with objective

Clause 55.05-5 B29 Solar Access to Open Space

Adequate solar access is provided into the secluded private open space of Dwellings 2 and 4 with no walls to the north. Dwellings 1 and 3 have poor solar access given walls to the north and their enclosed design respectively.

Does not comply

Clause 55.05-6 B30 Storage

Storage facilities are provided for the dwellings in the form of 4 cubic metres to 5 cubic metres of externally accessible secure storage with 2 cubic metres of above car bonnet storage. This represents a poor amenity outcome.

Does not comply

Clause 55.06-1 B31 Design Detail

The design detail of the development does not respect the existing or preferred neighbourhood character; the building form and detailing is not considered to be visually compatible with the existing or preferred neighbourhood setting (see discussion in earlier parts of this report under neighbourhood character).

Does not comply

Clause 55.06-3 B33 Common Property

The public, communal and private areas within the development are clearly delineated. The common property is functional and capable of efficient management.

Complies

Clause 55.06-4 B34 Site Services

Sufficient area is provided to allow for the installation and the maintenance of site services.

Complies

Clause 52.06 Car Parking

Number of Parking Spaces Required

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

Design Standards for Car parking

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

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

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

Access dimensions to the car spaces comply with the standard.

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

CLAUSE 55 COMPLIANCE SUMMARY

| Clause | Std | | Compliance | |
|----------------|-----------|---|------------|-----|
| | | | Std | Obj |
| 55.02-1 | B1 | Neighbourhood character | | |
| | | Please see assessment in the body of this report. | N | N |
| 55.02-2 | B2 | Residential policy | | |
| | | The proposal <i>does not comply</i> with the relevant | N | N |

| Clause | Std | | Compliance | |
|-----------------|------------|--|------------|-----|
| | | residential policies outlined in the Darebin Planning Scheme. | | |
| 55.02-3 | B3 | Dwelling diversity | | |
| | | N/A as development contains less than 10 dwellings. | N/A | N/A |
| 55.02-4 | B4 | Infrastructure | | |
| | | Adequate infrastructure exists to support new development. | Y | Y |
| 55.02-5 | B5 | Integration with the street | | |
| | | Dwelling 1 and 2 appropriately integrates with the Street. | Y | Y |
| 55.03-1 | B6 | Street setback | | |
| | | The required setback is 6 metres, the dwellings are set back 6.1 metres from the street frontage. | Y | Y |
| 55.03-2 | B7 | Building height | | |
| | | 7.4 metres. | Y | Y |
| 55.03-3 | B8 | Site coverage | | |
| | | 58%. | Y | N |
| 55.03-4 | B9 | Permeability | | |
| | | 32%. | Y | Y |
| 55.03-5 | B10 | Energy efficiency | | |
| | | Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties. | Y | Y |
| 55.03-6 | B11 | Open space | | |
| | | N/A as the site does not abut public open space. | N/A | N/A |
| 55.03-7 | B12 | Safety | | |
| | | The proposed development is secure and the creation of unsafe spaces has been avoided. | Y | Y |
| 55.03-8 | B13 | Landscaping | | |
| | | Inadequate areas are provided for appropriate landscaping. | N | N |
| 55.03-9 | B14 | Access | | |
| | | Access is sufficient and respects the character of the area. | Y | Y |
| 55.03-10 | B15 | Parking location | | |
| | | Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from access ways. | Y | Y |

| Clause | Std | | Compliance | |
|----------------|------------|--|------------|---|
| 55.04-1 | B17 | Side and rear setbacks | | |
| | | Dwellings are set back in accordance with the requirements of this standard however the proposal presents undue mass and bulk to its surrounds. | N | N |
| 55.04-2 | B18 | Walls on boundaries | | |
| | | Length: 6.4 metres, 12.5 metres boundary 10.75 metres allowed. Height:3.2 metres maximum. Walls on boundaries comply with the requirements of this standard. | Y | Y |
| 55.04-3 | B19 | Daylight to existing windows | | |
| | | Sufficient setbacks exist to allow adequate daylight. | Y | Y |
| 55.04-4 | B20 | North-facing windows | | |
| | | Development is set back in accordance with the standard. | Y | Y |
| 55.04-5 | B21 | Overshadowing open space | | |
| | | Shadow cast by the development is within the parameters set out by the standard. | Y | Y |
| 55.04-6 | B22 | Overlooking | | |
| | | Please see assessment in the body of this report. | N | N |
| 55.04-7 | B23 | Internal views | | |
| | | There are no internal views. | Y | Y |
| 55.04-8 | B24 | Noise impacts | | |
| | | Noise impacts are consistent with those in a residential zone. | Y | Y |
| 55.05-1 | B25 | Accessibility | | |
| | | The ground levels of the proposal can be made accessible for people with limited mobility. | Y | Y |
| 55.05-2 | B26 | Dwelling entry | | |
| | | Entries to the dwellings are identifiable and provide an adequate area for transition. | Y | Y |
| 55.05-3 | B27 | Daylight to new windows | | |
| | | Adequate setbacks are proposed to allow appropriate daylight access. | Y | Y |
| 55.05-4 | B28 | Private open space | | |
| | | Please see assessment in the body of this report. | Y | N |
| 55.05-5 | B29 | Solar access to open space | | |
| | | Sufficient depth is provided for adequate solar | N | N |

| Clause | Std | | Compliance | |
|----------------|------------|---|------------|---|
| | | access. | | |
| 55.05-6 | B30 | Storage | | |
| | | Sufficient storage areas are provided. | N | N |
| 55.06-1 | B31 | Design detail | | |
| | | Design detail of dwellings is inappropriate in the neighbourhood setting. | N | N |
| 55.06-2 | B32 | Front fences | | |
| | | No front fence is proposed which is acceptable. | Y | Y |
| 55.06-3 | B33 | Common property | | |
| | | Common property areas are appropriate and manageable. | Y | Y |
| 55.06-4 | B34 | Site services | | |
| | | Sufficient areas for site services are provided. | Y | Y |

REFERRAL SUMMARY

| Department/Authority | Response |
|----------------------|---|
| Capital Works | <p>No objection subject to standard drainage condition.</p> <p>Design plans are required to be submitted for approval by Council's Engineering Services Department for construction of the right of way by the developer from Mutimer Street to the extent required for sufficient access to the property including underground drainage via pits and discharging via underground drainage to the kerb and channel in Hill Grove to Council requirements.</p> <p>The stormwater from the property to be connected to the proposed drainage to Council requirements with the discharge from the whole site being limited to not more than 0.35 coefficient of run off detention storage designed at 1:10 year ARI and site discharge of one in five years. The discharge from the site to be via gravity(no pump system permitted).</p> <p>Accurate depth and offset of the drain to be confirmed on site.</p> <p>Computations and retention design is required to be submitted to this office for compliance with legal point of discharge</p> <p>The information provided in and/or attached to this letter with regard to the location of Council assets is provided for asset identification purposes only. The accuracy and/or completeness of the information cannot be guaranteed, and accordingly the City of Darebin does not accept any responsibility or liability whatsoever for any errors,</p> |

| Department/Authority | Response |
|--|--|
| | inaccuracies or omissions. The applicant is to confirm the presence and location of any assets on site prior to any design or construction works. |
| Property Management | No objections subject to the road adjoining the site being constructed as a condition of the permit. The section of road located at the rear of the site abutting 23 Hill Grove is presently under investigation for discontinuance. It will not affect the current permit application. |
| Waste Management | If the site is using private waste collection it should be used for all services to avoid confusion. |
| Sustainable Design Officer | Provide: <ul style="list-style-type: none"> • Clerestory windows for the dwelling 1 living area, • West adjustable shading, water tanks to toilets, • Enough space for bins, • Sliding ground floor windows (not awning). |
| Transport Management and Planning | No objection. Car parking provision and vehicle / pedestrian access acceptable / compliant with the planning scheme. |

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

POLICY IMPLICATIONS**Environmental Sustainability**

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

DISCLOSURE OF INTERESTS

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

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

RELATED DOCUMENTS

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

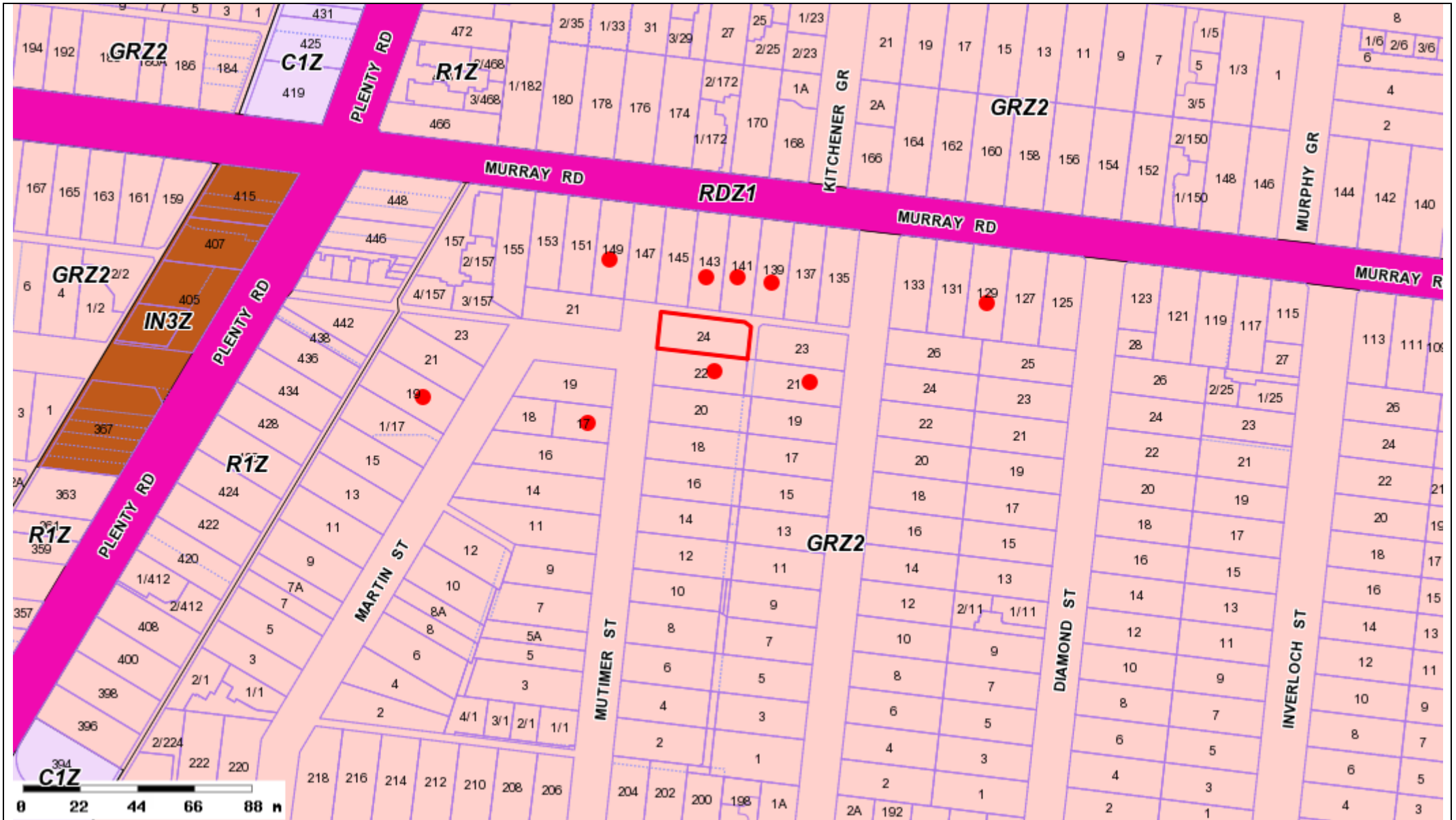


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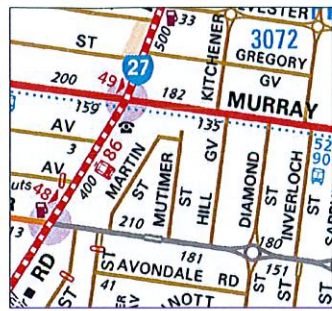
Objections – 2 objections located more than 900m from the site



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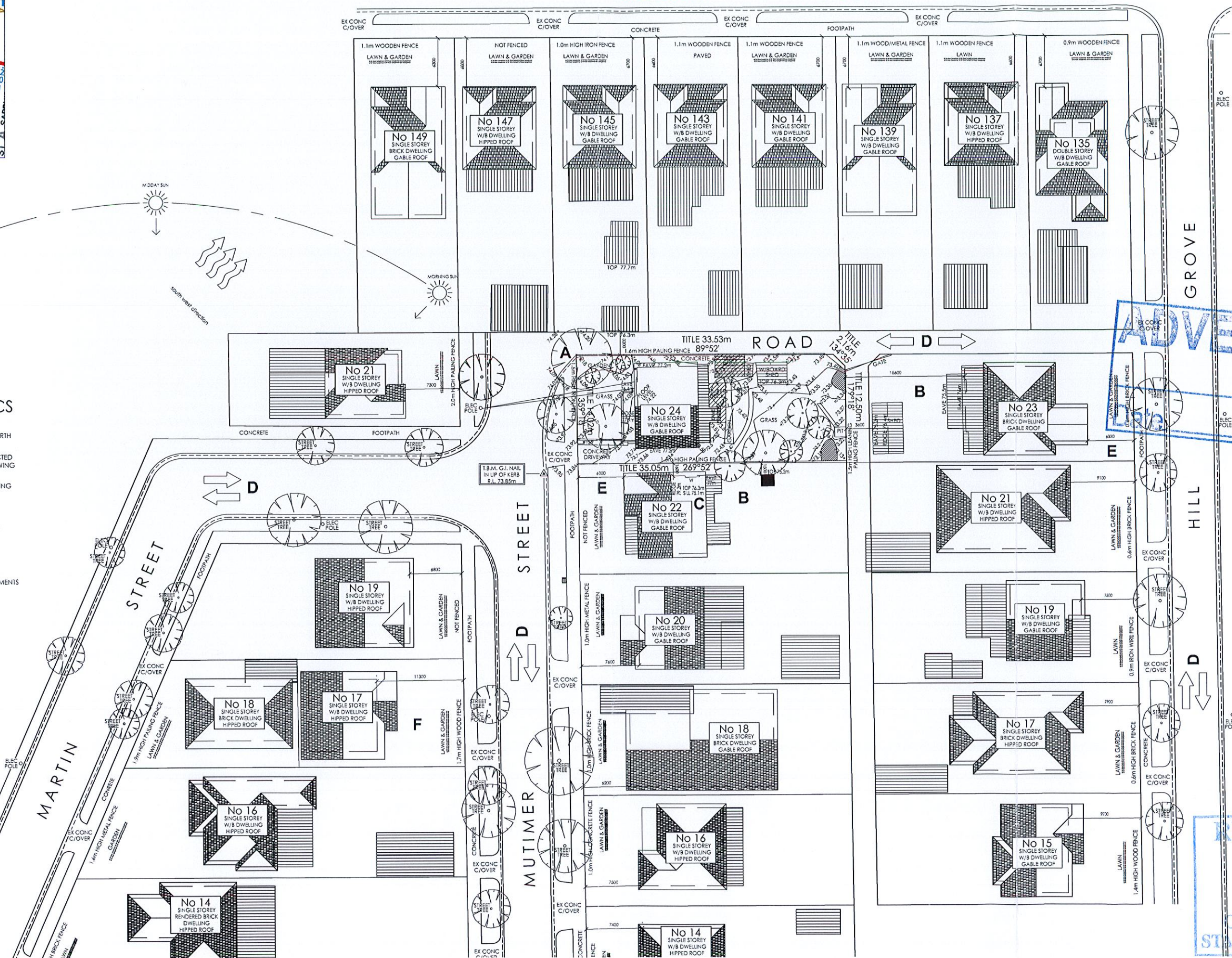
LOCALITY PLAN
NOT TO SCALE
MELWAY REF 18 J12



SITE CHARACTERISTICS

- A** - SITE FALLS APPROX. 1050mm FROM NORTH WEST TO SOUTH EAST
- B** - ADJACENT OPEN SPACE TO BE PROTECTED FROM OVER-LOOKING & OVER-SHADOWING
- C** - SOLAR ACCESS & PRIVACY TO ADJOINING WINDOWS TO BE PROTECTED
- D** - DIRECTION OF MAIN VEHICULAR & PEDESTRIAN TRAFFIC ACCESS TO THE SITE
- E** - EXISTING FRONT SETBACKS TO BOTH ADJOINING PROPERTIES
- F** - EXISTING DUAL OCCUPANCY DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE

LEVELS TO A.H.D.



ADVERTISED
of
Date

RECEIVED ON
19 NOV 2014
CITY OF DAREBIN
STATUTORY PLANNING

PLAN PREPARED BY **JRL** Level 1/120 Upper Heidelberg Road
LAND SURVEYORS Ivanhoe 3079
Phone: (03) 9499 5744

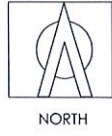
3 LOT DEVELOPMENT
24 MUTIMER STREET, PRESTON

ON BEHALF OF **ikonomidisreid**

TP-01 A SCALE 1:250 JOB NO. 14-101 DRAWN AT DATE 07/14

NEIGHBOURHOOD & SITE DESCRIPTION

A July 14
Rev Date Issue



LEGEND

S 225 Ø TYPE UNKNOWN MAIN SEWER PIPE - 3.16m AVERAGE DEPTH
OFFSET FROM EAST BOUNDARY UNKNOWN
CONFIRM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.

TO BE REMOVED OR DEMOLISHED
STIP SEWER TIE IN POINT
ELEC ELECTRICITY POLE
POLE HABITABLE WINDOW
W POST BOX
PB TRENCH GRATE
TG CLOTHES LINE
CL SECLUDED PRIVATE OPEN SPACE
SPOS FENCE 1.8m MIN. HIGH FENCE

LPD LEGAL POINT OF DISCHARGE
THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE PROPOSED DRAIN TO COUNCIL REQUIREMENTS WITH THE DISCHARGE FROM THE WHOLE SITE BEING LIMITED TO NOT MORE THAN 0.35 COEFFICIENT OF RUN OFF DETENTION STORAGE DESIGNED AT 1:10 YEAR ARI AND SITE DISCHARGE OF ONE IN FIVE YEARS
ACCURATE DEPTH AND OFFSET OF THE DRAIN TO BE CONFIRMED ON SITE - REFER TO LPD INFO FOR MORE INFORMATION

NOTE: ALL LEVELS ARE TO A.H.D

EXISTING SPOT LEVELS
EXISTING TREES
EXISTING TREES TO BE REMOVED
PROPOSED LANDSCAPE TO FUTURE DETAIL
CONCRETE DRIVEWAY/PATH
SELECTED PAVING TO OWNERS SELECTION

PEDESTRIAN VISIBILITY SPREAD NOTE:
PEDESTRIAN VISIBILITY SPREADS MEASURING 2.0m (WIDTH ACROSS THE FRONTAGE) BY 2.5m (DEPTH INTO SITE), TO THE SIDES OF THE EXISTING CROSSOVER TO MUTIMER STREET & PROPOSED CROSSINGS TO THE RIGHT OF WAY WHERE WITHIN THE SUBJECT SITE, ANY STRUCTURES OR VEGETATION WITHIN THESE SPREADS MUST NOT BE MORE THAN 0.90m IN HEIGHT.

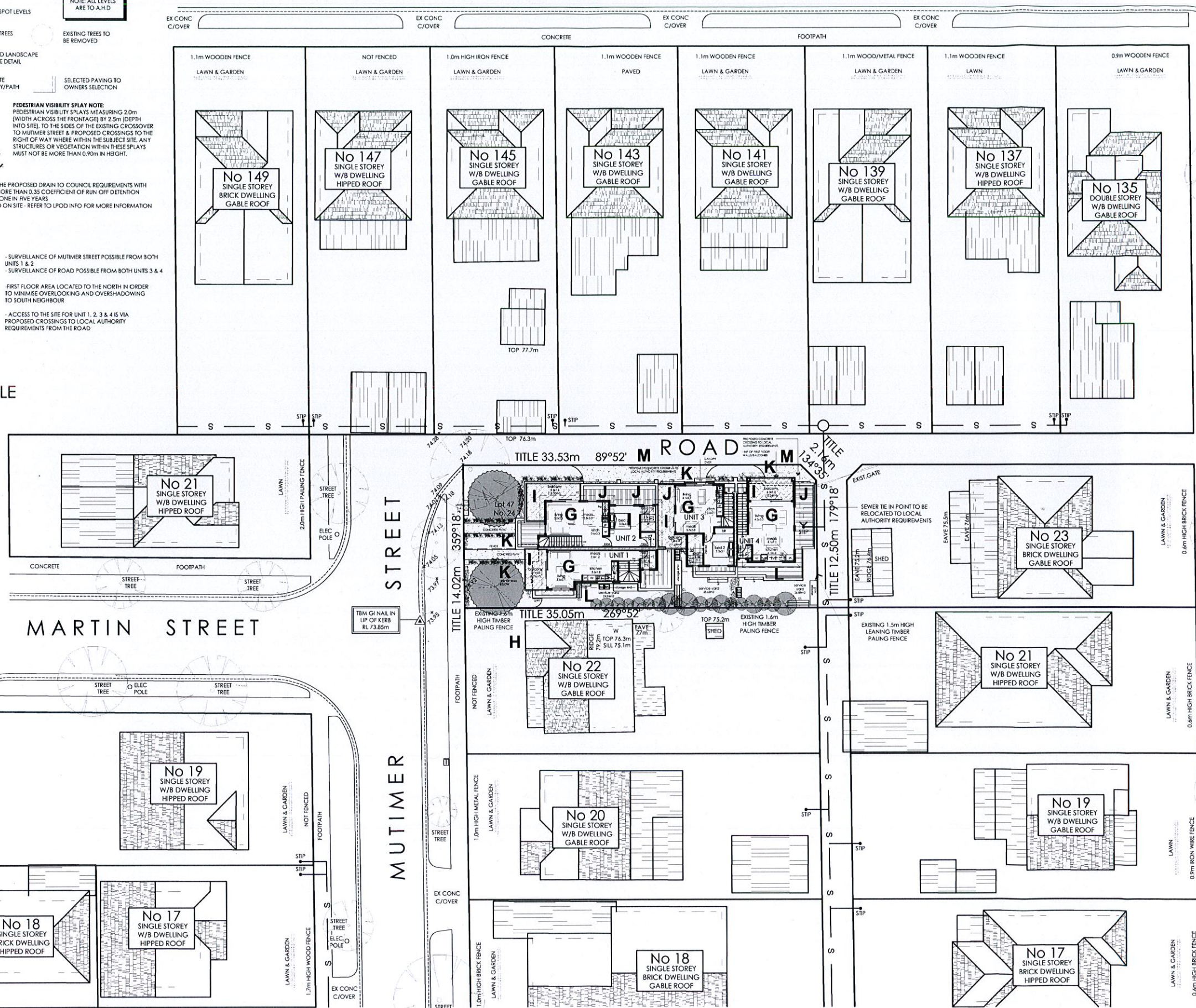
SITE CHARACTERISTICS

- G** - LIVING AND DINING AREAS OPEN UP TO PRIVATE OPEN SPACE APPROPRIATELY DIMENSIONED TO CAPTURE SUN
- H** - FRONT SETBACK DETERMINED BY THE ADJOINING DWELLING TO THE SOUTH OF THE SUBJECT SITE (NO. 22 MUTIMER STREET) & STEPPED TO AID IN TRANSITION & ARTICULATION
- I** - PRIVATE OPEN SPACE IS APPROPRIATELY PROPORTIONED TO PROVIDE GOOD NORTH EXPOSURE TO SOLAR ACCESS
- J** - CAR PARKING AVAILABLE ON SITE IS AS FOLLOWS:
1 x ENCLOSED SECURE SINGLE GARAGE FOR EACH UNIT
- K** - SURVEILLANCE OF MUTIMER STREET POSSIBLE FROM BOTH UNITS 1 & 2
- L** - SURVEILLANCE OF ROAD POSSIBLE FROM BOTH UNITS 3 & 4
- M** - ACCESS TO THE SITE FOR UNIT 1, 2, 3 & 4 IS VIA PROPOSED CROSSINGS TO LOCAL AUTHORITY REQUIREMENTS FROM THE ROAD

LOCAL AMENITY SCHEDULE

- ACCESS TO PUBLIC TRANSPORT**
BUS ROUTES:
No. 527, 903 (FROM MURRAY ROAD)
No. 231, 513 (FROM BELL STREET)
TRAM ROUTES:
No. 86 (FROM PLENTY ROAD)
- TRAIN STATIONS**
PRESTON RAILWAY STATION
APPROX. 1.4KM
- PARKS / RESERVES**
DAVIS PARK APPROX. 0.55KM
MOIT G.H RESERVE APPROX. 0.64KM
PRESTON OVAL APPROX. 1.04KM
BLAKE PARK APPROX. 1.06KM
COCHRANE RESERVE APPROX. 1.11KM
- PRIMARY SCHOOLS**
SACRED HEART SCHOOL APPROX. 0.97KM
PRESTON SOUTH PRIMARY SCHOOL APPROX. 1.05KM
PRESTON WEST PRIMARY SCHOOL APPROX. 1.54KM
ST. MARY'S SCHOOL APPROX. 2.13KM
- SECONDARY SCHOOLS**
CHARLES LA TROBE P-12 COLLEGE APPROX. 0.49KM
PRESTON GIRLS SECONDARY COLLEGE APPROX. 0.63KM
THORNBURY HIGH SCHOOL APPROX. 2.16KM
RESERVOIR HIGH SCHOOL APPROX. 2.40KM
- UNIVERSITIES**
LATROBE UNIVERSITY WITHIN APPROX. 3.85KM
- PLACES OF WORSHIP**
MACEDONIAN EVANGELICAL CHURCH APPROX. 0.57KM
THE UNITING CHURCH IN AUSTRALIA APPROX. 0.62KM
ANGLICAN CHURCH OF AUSTRALIA APPROX. 0.70KM
- HOSPITALS & MEDICAL CENTRES**
PLEASANT VIEW ASSESSMENT CENTRE APPROX. 0.82KM
PRESTON AND NORTHCOTE COMMUNITY HOSPITAL APPROX. 0.86KM
- SHOPPING FACILITIES**
PRESTON MARKET APPROX. 0.87KM
PRESTON CENTRO APPROX. 0.87KM
NORTHLAND HOME CENTRE APPROX. 1.31KM
NORTHLAND SHOPPING CENTRE APPROX. 1.48KM
- DISTANCE TO CBD**
APPROX. 11.20KM

MURRAY ROAD

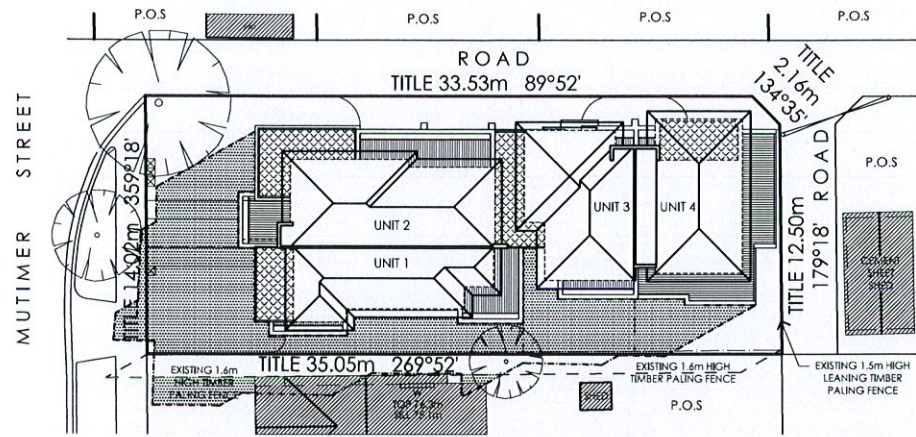


DESIGN RESPONSE
SCALE 1:200

MULTI UNIT DEVELOPMENT
24 MUTIMER STREET
PRESTON
DESIGN RESPONSE

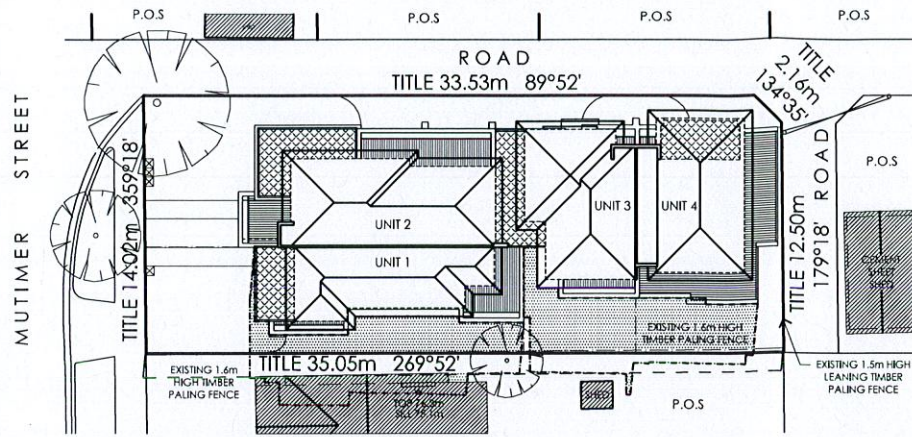


IKONOMIDIS REID



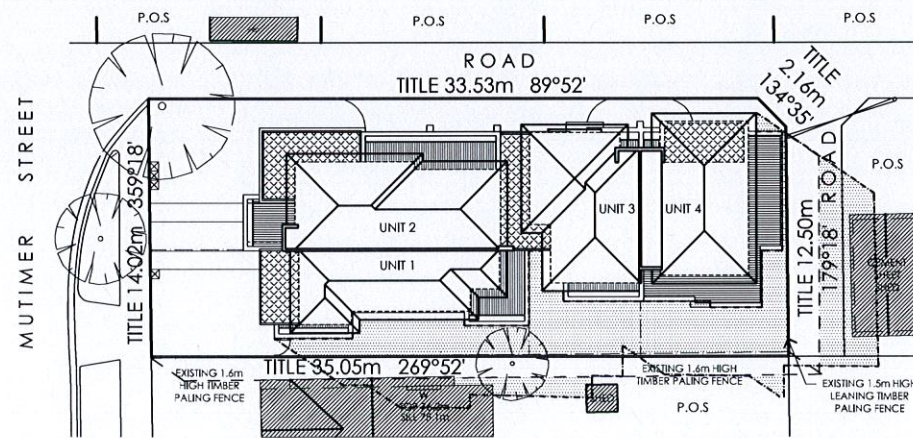
SHADOW DIAGRAM
21 MAR / 23 SEP - 9.AM
SCALE 1:200

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



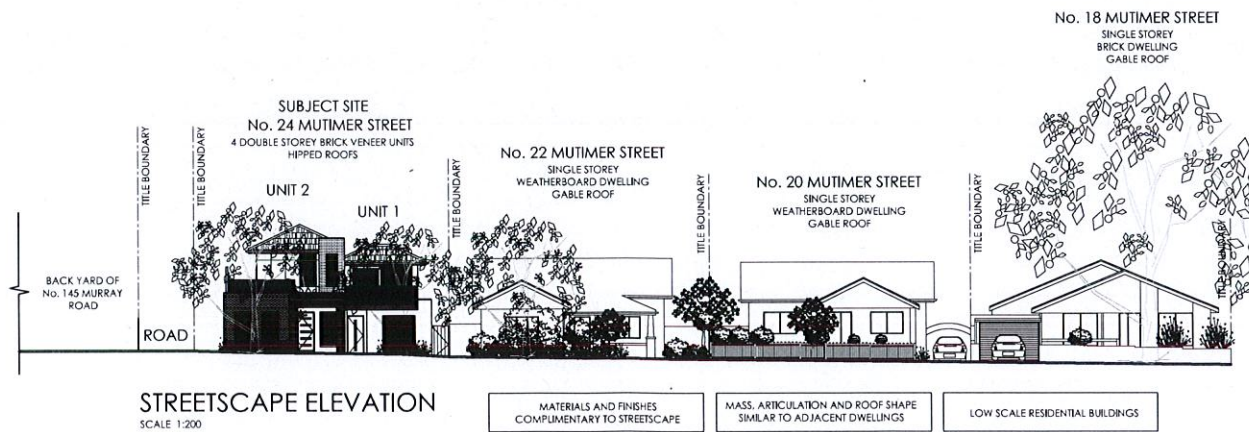
SHADOW DIAGRAM
21 MAR / 23 SEP - 12.PM
SCALE 1:200

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



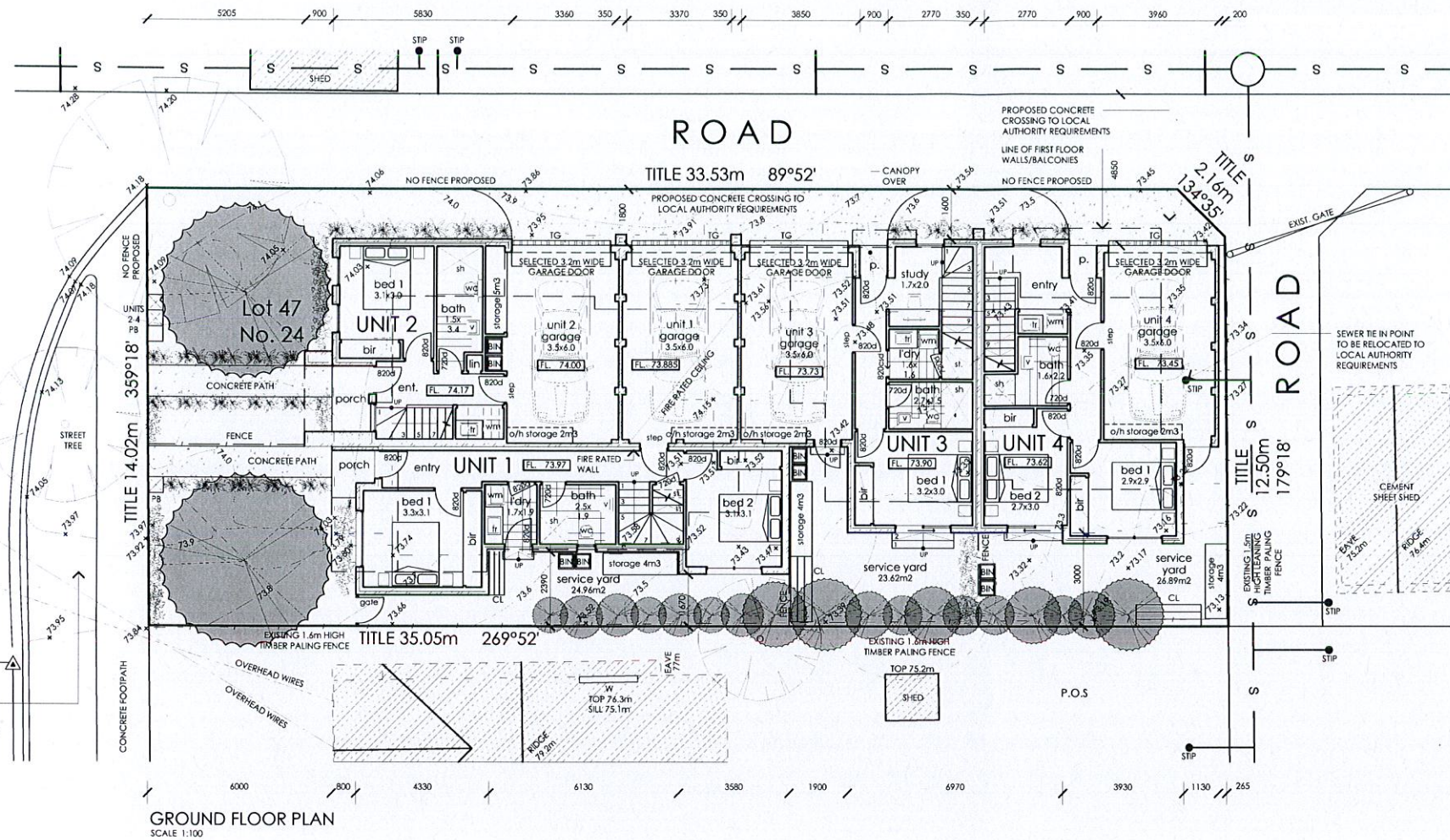
STREETSCAPE ELEVATION
SCALE 1:200

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

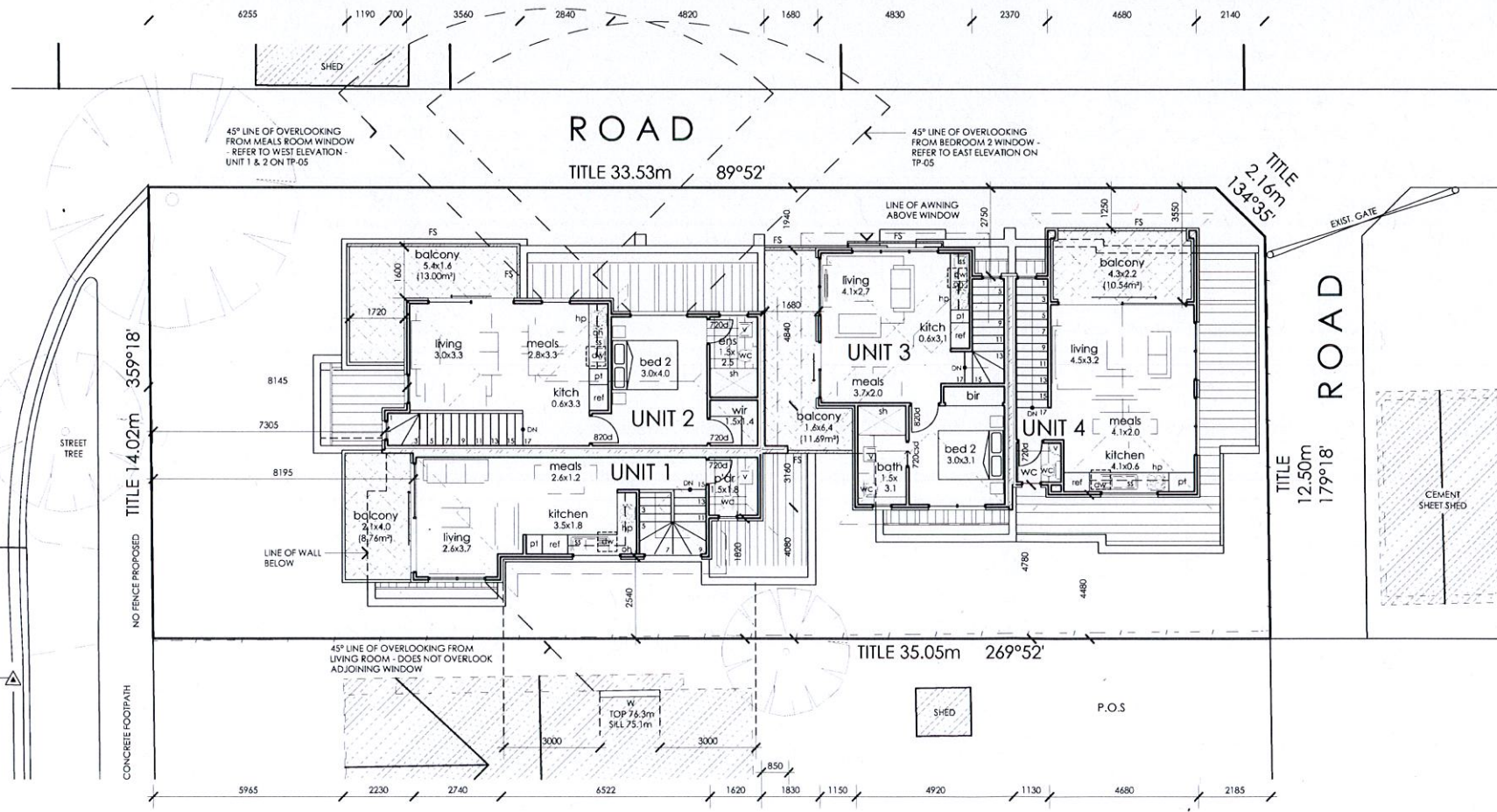
MULTI UNIT DEVELOPMENT
24 MUTIMER STREET
PRESTON
SHADOW DIAGRAMS &
STREETSCAPE ELEVATIONS



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GROUND FLOOR PLAN
SCALE 1:100



FIRST FLOOR PLAN
SCALE 1:100

LEGEND

225 Ø TYPE UNKNOWN MAIN SEWER PIPE - 3.1m AVERAGE DEPTH
OFFSET FROM EAST BOUNDARY UNKNOWN
CONFORM EXACT POSITION ON SITE PRIOR TO CONSTRUCTION.

TO BE REMOVED OR DEMOLISHED
STIP ELEC SEWER TIE IN POINT
POLE ELECTRICITY POLE
W HABITABLE WINDOW
PB POST BOX
TG TRENCH GRADE
CL CLOTHES LINE
SPOS SECLUDED PRIVATE OPEN
FS FIXED SCREENING TO 1.7m
ABOVE FFL WITH MAXIMUM 25%
TRANSPARENCY

FENCE 1.8m MIN. HIGH FENCE
GATE 1.8m MIN. HIGH GATE
EXISTING SPOT LEVELS
EXISTING TREES
PROPOSED LANDSCAPE
TO FUTURE DEAL
CONCRETE DRIVEWAY/PATH
SELECTED PAVING TO OWNERS SELECTION

LEGAL POINT OF DISCHARGE
THE STORMWATER FROM THE PROPERTY TO BE CONNECTED TO THE PROPOSED
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REFER TO LPOD INFO FOR MORE INFORMATION

PEDESTRIAN VISIBILITY SPLAY NOTE:
PEDESTRIAN VISIBILITY SPLAYS MEASURING 2.0m (WIDTH)
ACROSS THE FRONTAGE BY 2.5m (DEPTH INTO SITE),
TO THE SIDES OF THE EXISTING CROSSOVER TO
MUTIMER STREET & PROPOSED CROSSINGS TO THE
RIGHT OF WAY WHERE WITHIN THE SUBJECT SITE. ANY
STRUCTURES OR VEGETATION WITHIN THESE SPLAYS
MUST NOT BE MORE THAN 0.90m IN HEIGHT.

NOTE: ALL LEVELS ARE TO A.H.D.
NOTE: ALL SETBACKS DIMENSIONS TO FIRST FLOOR ARE TO STRUCTURAL WALL FACE EXCLUDING CLADDING
NOTE: 80mm NOMINAL CLADDING ZONE OVER STUDS, 75mm MINIMAL POLYSTYRENE & 50mm MINIMUM RENDER TEXTURE FINISH OVER

EXTERNAL FINISHES SCHEDULE

| | |
|---------------------|---|
| ROOFING | SELECTED COLORBOND ROOF SHEETING FLAT METAL ROOF SHEETING |
| WALLS | FACE BRICKWORK FEATURE BRICKWORK LIGHTWEIGHT CLADDING WITH RENDERED FINISH SCYON MATRIX CLADDING |
| GUTTERS & DOWNPIPES | COLORBOND |
| WINDOWS & DOORS | POWDERCOATED ALUMINIUM |

DEVELOPMENT SUMMARY

| | | | |
|-----------------|----------------------|------------------------|---|
| SITE AREA | 490.02m ² | BUILDING SITE COVERAGE | 286.16m ² (58.37%) |
| DENSITY | 1:122.36 | SITE PERMEABILITY | 161.64m ² (32.33%) |
| No OF DWELLINGS | 4 | | |
| CAR PARKING | 4 TOTAL | PRIVATE OPEN SPACE | |
| | UNIT 1 | UNIT 1 | BALCONY 8.76m ² + SERVICE YARD (24.96m ²) + fy |
| | UNIT 2 | UNIT 2 | BALCONY 13.00m ² + fy |
| | UNIT 3 | UNIT 3 | BALCONY 11.69m ² + SERVICE YARD (23.62m ²) |
| | UNIT 4 | UNIT 4 | BALCONY 10.54m ² + SERVICE YARD (26.89m ²) |

GROSS BUILDING AREA / UNIT

| | UNIT 1 | UNIT 2 | UNIT 3 | UNIT 4 |
|---------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| GROUND | 54.24m ² | 31.98m ² | 47.56m ² | 46.76m ² |
| FIRST | 37.19m ² | 56.06m ² | 45.25m ² | 37.30m ² |
| GARAGE | 25.49m ² | 26.92m ² | 24.17m ² | 23.72m ² |
| BALCONY | 8.76m ² | 13.00m ² | 11.69m ² | 10.54m ² |
| PORCH | 2.91m ² | 5.82m ² | 0.86m ² | 0.86m ² |
| TOTAL | 127.69m ² (13.73sq) | 133.78m ² (14.38sq) | 119.65m ² (12.89sq) | 118.68m ² (12.76sq) |

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 SELECTED LIGHTWEIGHT CLADDING

LANDSCAPING

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

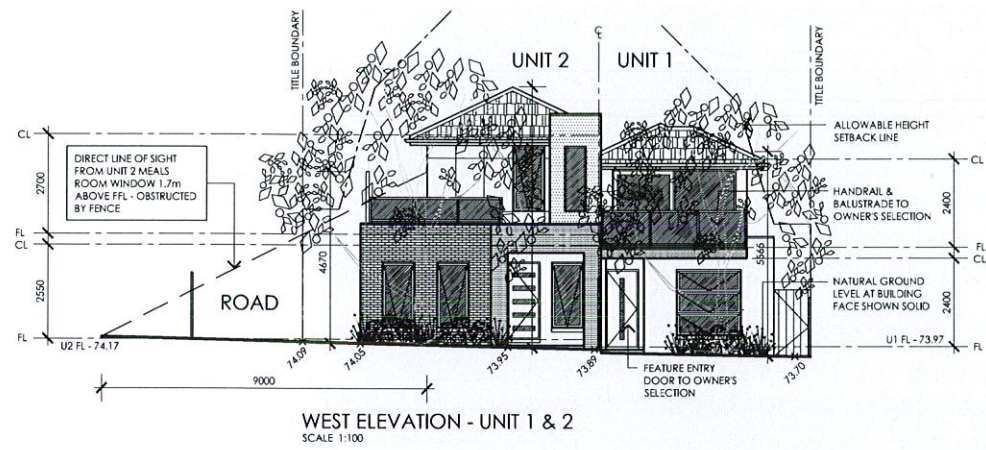
STORMWATER

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

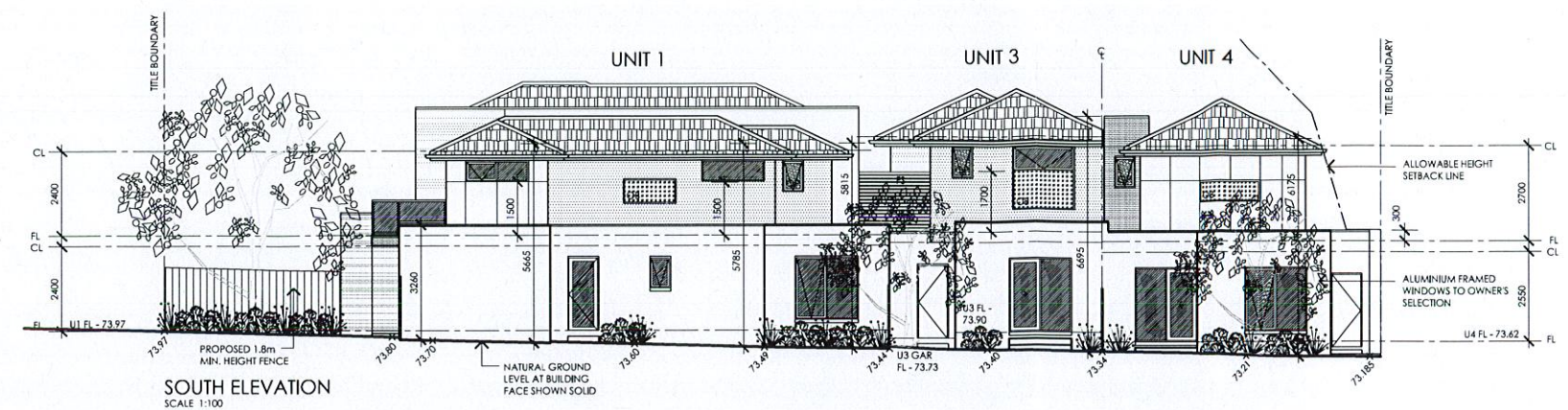
**MULTI UNIT DEVELOPMENT
24 MUTIMER STREET
PRESTON
GROUND FLOOR &
FIRST FLOOR PLAN**



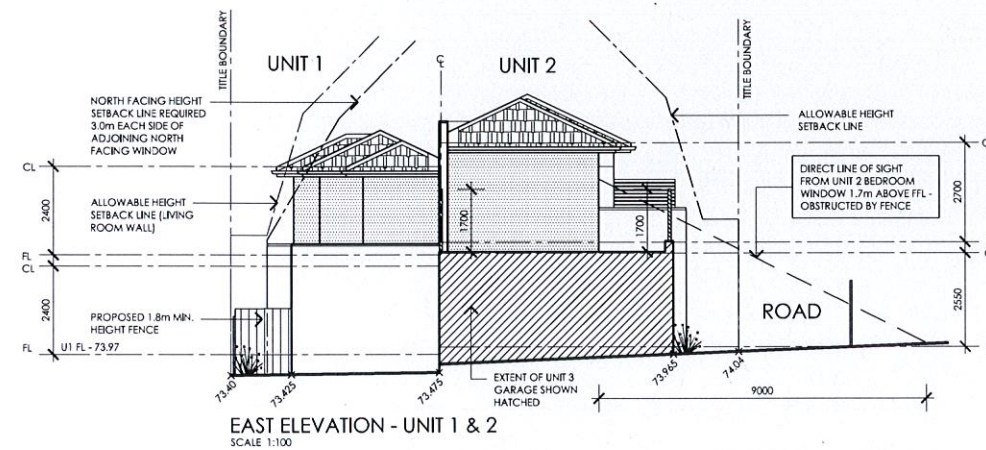
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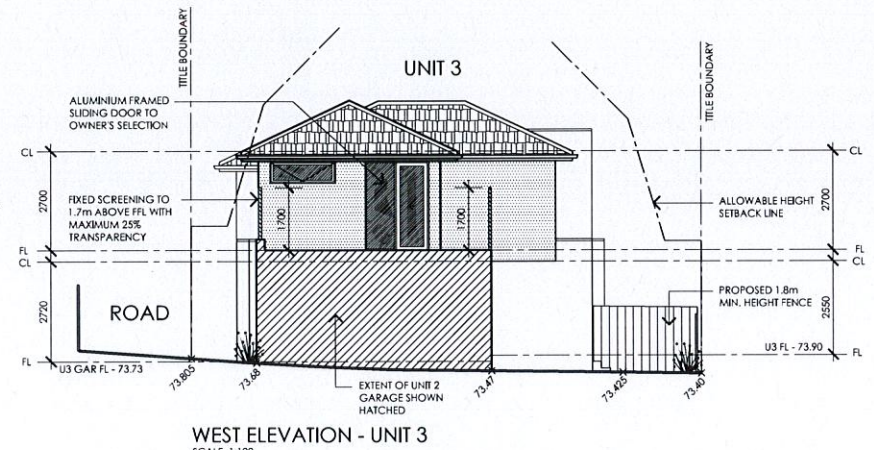
WEST ELEVATION - UNIT 1 & 2
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100



EAST ELEVATION - UNIT 1 & 2
SCALE 1:100



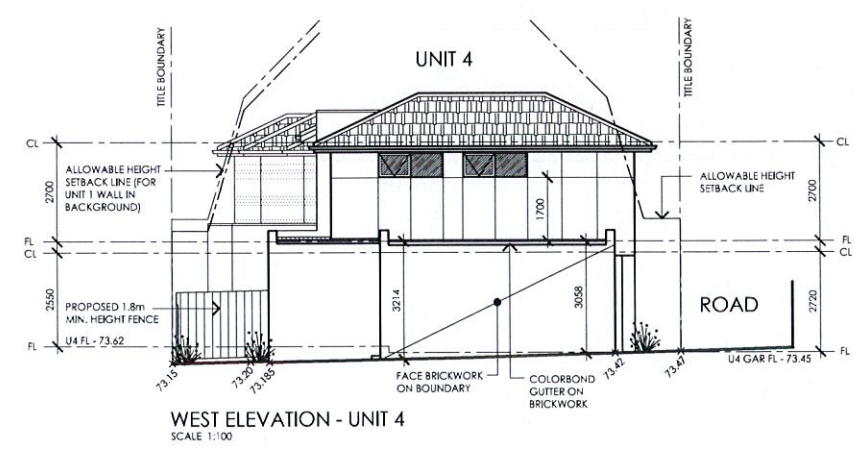
WEST ELEVATION - UNIT 3
SCALE 1:100

LEGEND

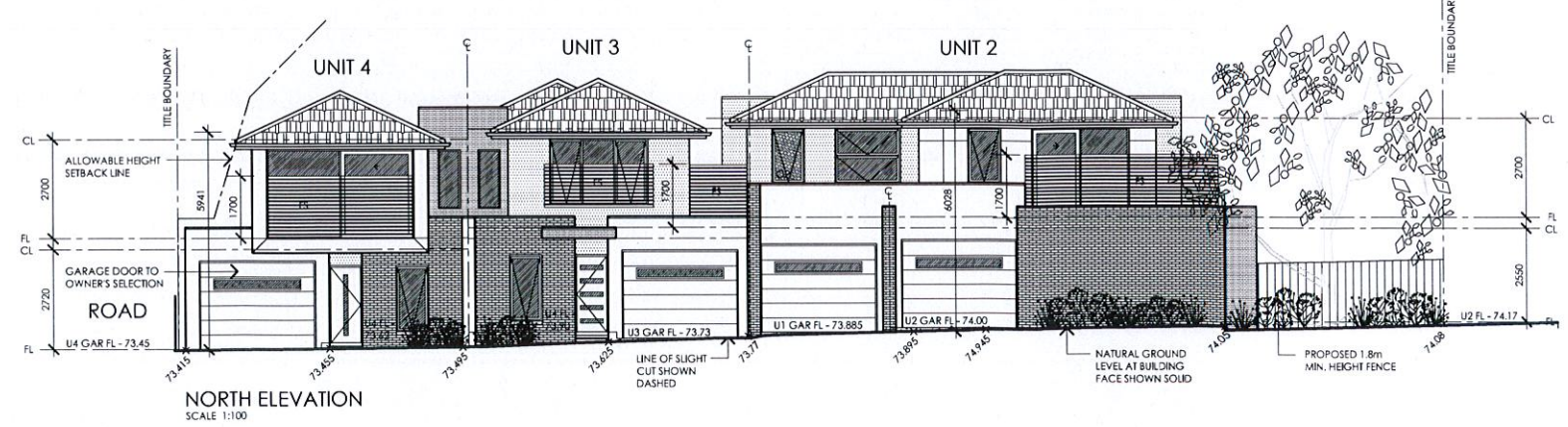
COLOURS AND SPECIFIC SELECTIONS TO OWNER'S SELECTION

| | | | | | |
|--|-------------------|--|--|--|-----------------------------------|
| | FACE BRICKWORK #1 | | FACE BRICKWORK #2 | | SCYON MATRIX CLADDING |
| | RENDER FINISH #1 | | RENDER FINISH #2 | | SELECTED COLORBOND ROOF SHEETING |
| | OPAQUE GLAZING | | FIXED OBSCURED GLAZING TO 1.7m ABOVE FFL WITH MAXIMUM 25% TRANSPARENCY | | SELECTED FLAT METAL ROOF SHEETING |

F5 FIXED SCREENING TO 1.7m ABOVE FFL WITH MAXIMUM 25% TRANSPARENCY



WEST ELEVATION - UNIT 4
SCALE 1:100



NORTH ELEVATION
SCALE 1:100

MULTI UNIT DEVELOPMENT
24 MUTIMER STREET
PRESTON
ELEVATIONS

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6. OTHER BUSINESS

6.1 List of Scheduled VCAT Appeals

Following is a list 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'.

| |
|-----------------------|
| RECOMMENDATION |
|-----------------------|

THAT the list of Scheduled VCAT Appeals be noted.

Delegate Decisions before VCAT

| OCTOBER 2015 | | | | | | |
|-----------------|------------|--|--|-----------------------------------|--|--|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 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. | 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. | 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 |

| OCTOBER 2015 | | | | | | |
|---|------------|--|---|--------------------------------------|--|---|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| | | | | | | 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 | 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 | 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. |
| 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 | 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 | Refusal - Applicant appeal | Council's Decision Set Aside – Permit Granted | The Tribunal viewed the merits of the proposed development as a straightforward matter however greater consideration was given to the proposed |

| OCTOBER 2015 | | | | | | |
|-----------------|-----------------------|---------------------------------|--|-----------------------------------|--|---|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| | | | three (3) double storey dwellings and the variation of the registered restrictive covenant | | | 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 Rucker | 96 Jenkins Street, Northcote | Construction of four (4) double storey dwellings | Deemed Refusal | Council's Deemed Decision Affirmed – No Permit Granted | 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 |

| OCTOBER 2015 | | | | | | |
|------------------------|-----------------|----------------------|-----------------|--|----------------------|--|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| | | | | | | very specific policy intent of the GRZ1, and as such, affirmed Council's deemed refusal. |

| NOVEMBER 2015 | | | | | | |
|---------------------------------------|-----------------------------|---|--|--------------------------------------|---|---|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 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 | 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 | 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 | | 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 | 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 | Notice of Decision - Objector Appeal | Application struck out | The applicant lodged their review outside of time. The Tribunal ordered that no extension was to be granted and the application was struck |

| NOVEMBER 2015 | | | | | | |
|-----------------|-------------|-------------------------------|--|-----------------------------------|---------------|---|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| | | | Make alterations to the access to a road in a Road Zone, Category 1. | | | out accordingly. |
| 30/11/2015 | D226/2008/A | 16 Goldsmith Avenue, Preston | Retrospective application to: <ul style="list-style-type: none"> • Retain the existing crossover • Construct a concrete hardstand area (driveway) within the front setback to accommodate vehicles • Construct a front fence- 1200mm high | Refusal – Applicant Appeal | | Hearing adjourned and rescheduled for 05/02/2016. |
| 30/11/2015 | D226/2008/B | 16A Goldsmith Avenue, Preston | Retrospective application to: <ul style="list-style-type: none"> • Retain the existing crossover • Construct a concrete hardstand area (driveway) within the front setback to accommodate vehicles • Construct a front fence- 1200mm high | Refusal – Applicant Appeal | | 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 | Result |
| 1/12/2015 | D/452/2014 | 66 Mitchell Street, Northcote Rucker | Construction of two (2) double storey dwellings | s87A amendment application | Amendment allowed | 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 | 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. |

| DECEMBER 2015 | | | | | | |
|---------------------------------------|------------|---|---|-----------------------------------|---|---|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 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 | 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. |
| 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 | | Matter did not resolve at the compulsory conference (mediation) – hearing now listed for 4 April 2016 |

| DECEMBER 2016 | | | | | | |
|-----------------|------------|--|---|-----------------------------------|--|---|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 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 | 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 | Refusal – Applicant Appeal | Council's Decision Set Aside Permit Granted | 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 |

| DECEMBER 2016 | | | | | | |
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| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| | | | reduction of car parking, a waiver of loading bay requirements and the removal of an easement | | | successfully mediate a resolution of this appeal. |

| JANUARY 2016 | | | | | | |
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| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 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 | 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 | 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. |

| JANUARY 2016 | | | | | | |
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| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 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 | Prior to the mediation, the permit applicant circulated amended plans which dealt with a large number of Council concerns in respect of visual bulk, height and massing. Together with increased setbacks to the 4 th and 5 th floors, Council's concerns were mostly addressed. The permit applicant then agreed to provide (amongst other things) additional visitor parking to address resident concerns. As all parties were in agreeance by the end of the day, a permit could issue. |
| 27/01/2016 | D/137/2014/A | 35 Gillies Street, Fairfield Rucker | An additional apartment to the first floor parameter and the creation of a loft in the ceiling space via change of roof pitch to 30 degrees | Refusal - Applicant appeal | | |

| JANUARY 2016 | | | | | | |
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| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 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 | | |

| FEBRUARY 2016 | | | | | | |
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| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 1/02/2016 | D/757/2014 | 18 Swift Street, Northcote Rucker | Construction of 2 dwellings | Conditions Appeal | | |
| 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 | | |
| 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 | | |
| 5/02/2016 | D226/2008/B | 16 Goldsmith Avenue, Preston Cazaly | | | | |

| FEBRUARY 2016 | | | | | | |
|-----------------|--------------------------|--|--|-----------------------------------|---------------|--------|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 10/02/2016 | D/374/2004 - EOT/67/2015 | 63-71 Plenty Road, Preston Cazaly | Extension of Time | Refusal – Applicant Appeal | | |
| 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 | | |
| 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 | | |

| FEBRUARY 2016 | | | | | | |
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| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 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 | | |
| 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 | Notice of Decision – Objector Appeal | | |

| FEBRUARY 2016 | | | | | | |
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| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| | | | and east elevation of the building, as shown on the plans accompanying the application. | | | |
| 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 | | | |
| 29/02/2016 | D/519/2015 | 5A-9 Railway Place, Fairfield Rucker | Proposed mixed use development and dispensation of visitor and retail use parking | | | |
| 29/02/2016 | D/318/2015 | Rear 19 and 17 Railway Place, Fairfield Rucker | Removal of easement | | | |

Planning Committee Decisions before VCAT

| SEPTEMBER 2015 | | | | | | |
|-----------------|-------------|--|--|--|---|---|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 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 | 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 | Result |
| 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 | 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 | The main dispute centred around patron and seat limits for the site. Council sought a limit of 60, the Applicant sought a limit of 100. Another dispute centred around a condition requiring demolition of certain works and construction of car parking at the rear of the site. Notwithstanding the Permit Applicant's expert witnesses, the Tribunal was not persuaded by the Permit Applicant that it had made its case out for a car parking reduction associated with 100 persons/seats. As to the car parking condition, the Tribunal was not persuaded the Permit Applicant had adequately considered staff car parking, which has a different |

| OCTOBER 2015 | | | | | | |
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| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| | | | | | | type of demand (i.e. long term) to short term parking from a customer. Accordingly, it did not delete Council's car parking condition. |
| 7/10/2015 (Compulsory Conference – formerly known as mediation) | D/49/2013 | 88-92 Cramer Street, Preston Cazaly | Proposed additions and alterations to the Preston Mosque including additional floorspace (977m ²) and a reduction to the car parking requirement. | Committee Refusal (contrary to officer recommendation) - Council subsequently resolved to support the proposal | | 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) | | Did not finish hearing – adjourned to 24 November 2015. |
| 28/10/2015 (Hearing) | D/49/2013 | 88-92 Cramer Street, Preston | Proposed additions and alterations to the Preston Mosque including additional floorspace (977m ²) and a | Committee (contrary to officer recommendation) - second resolution was to switch back to support | Council's Decision Set Aside Permit Granted | 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 |

| OCTOBER 2015 | | | | | | |
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| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| | | | reduction to the car parking requirement. | | | 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 | Result |
| 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 | 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 | | Not resolved at Compulsory Conference Referred to hearing on 21/03/2016 for 3 days. |

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

| JANUARY 2016 | | | | | | |
|--|-----------------|----------------------|-----------------|--|----------------------|---------------|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| No Committee Matters Scheduled for January 2016 as of 14 December 2015 | | | | | | |

| FEBRUARY 2016 | | | | | | |
|------------------------|-----------------|---|--|--|----------------------|---------------|
| Date of Hearing | App. No. | Property/Ward | Proposal | Council Decision/Nature of Appeal | VCAT Decision | Result |
| 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 | | |

Matters completed and to be heard to 29/02/2016

6.2 Significant Applications Update

Below is a list of applications with a cost of construction of at least \$3,000,000 currently under consideration.

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| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 830 Plenty Road, Reservoir • Cazaly • D/458/2015 • Mixed use development – 10 offices and 326 dwellings • 29 June 2015 • Advertising completed |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 518-528 High Street, Preston • Cazaly • D/297/2015 • Mixed use development – ground floor retail and 96 dwellings • 5 May 2015 • Refusal issued |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 63-71 Plenty Road, Preston • Cazaly • D/474/2015 • Mixed use development – 2 shops and 135 dwellings • 30 June 2015 • Initial assessment |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 36-46 High Street, Preston • Cazaly • D/465/2015 • Mixed use development – 2 commercial tenancies and 90 dwellings • 30 June 2015 • Further information received |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 1/176-180 High Street, Preston • Cazaly • D/456/2015 • Mixed use development – 74 dwellings plus commercial tenancies • 29 June 2015 • Request for further information sent |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 74-80 Bruce Street, Preston • Cazaly • D/466/2015 • Residential aged care facility • 30 June 2015 • Advertising completed |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal | <ul style="list-style-type: none"> • 6-34 High Street, Preston • Cazaly • D/1007/2012 • Construction of a mixed use development |

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| <p>Description</p> <ul style="list-style-type: none"> • Date Received • Status | <p>containing 209 dwellings, seven (7) retail tenancies and gymnasium contained within a 16 level building plus basement car parking.</p> <ul style="list-style-type: none"> • 20 December 2012 • Advertising completed |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 195-209 St Georges Road, Northcote • Rucker • D/1011/2012 • Mixed use development – 102 dwellings and supermarket within a six (6) storey building. • 20 December 2012 • Application being assessed |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 531 St Georges Road, Thornbury • Cazaly • D/485/2014 • Residential development – 33 dwellings within a six (6) storey building. • 17 June 2014 • Further information requested |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 716 High Street, Thornbury • Rucker • D/474/2013 • Mixed use development – 41 dwellings and four (4) retail tenancies within a five (5) storey building. • 3 July 2013 • Refused |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 2 Mc Cutcheon Street, Northcote • Rucker • D/814/2014 • Residential development – 30 dwellings within a four (4) storey building. • 8 September 2014 • Initial assessment commenced |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 208-216 High Street, Preston • Cazaly • D/865/2014 • Mixed use development – 76 dwellings and four (4) shops. • 23 September 2014 • Application has lapsed |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 223 Gower Street, Preston • Cazaly • D/1110/2014 • Construction of 20 dwellings – three (3) storey development. • 9 December 2014 • Further information requested |
| <ul style="list-style-type: none"> • Address • Ward | <ul style="list-style-type: none"> • 29 Railway Place, Fairfield • Rucker |

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| <ul style="list-style-type: none"> • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • D/1164/2014 • Mixed use development – 30 dwellings and one (1) shop. • 29 December 2014 • Advertising completed |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 80 Tyler Street, Reservoir • Cazaly • D/43/2015 • Construction of 107 dwellings comprising 63 townhouses and a four (4) storey apartment building containing 44 dwellings. • 29 January 2015 • Planning permit issued |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 10 Langwells Parade, Northcote • Rucker • D/109/2015 • Construction of eight (8) dwellings contained within a four (4) storey building. • 3 March 2015 • Planning Permit issued |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 332-334 Gooch Street Thornbury • Rucker • D/146/2015 • Construction of 20 dwellings. • 17 March 2015 • Planning permit issued |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 305 Plenty Road, Preston • Cazaly • D/187/2015 • Construction of 19 dwellings contained within a five (5) storey building. • 27 March 2015 • Further information received |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 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 2015 • Further information received |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 1056-1070 Plenty Road, Bundoora • LaTrobe • D/331/2015 • Residential development – 24 dwellings • 14 May 2015 • Planning permit issued |
| <ul style="list-style-type: none"> • Address • Ward • Application No | <ul style="list-style-type: none"> • 27 McColl Street, Reservoir • LaTrobe • D/426/2015 |

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| <ul style="list-style-type: none"> • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • Construction of a four (4) storey building containing 24 dwellings • 16 June 2015 • Notice of Decision issued |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 30 St Georges Road, Preston • Cazaly • D/440/2015 • Use and development of the land for a supermarket including a reduction in car parking requirements • 18 June 2015 • Refused – VCAT appeal received |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 27 Murphy Grove, Preston • Cazaly • D/461/2015 • Medium density development – 14 dwellings • 23 June 2015 • Refusal issued |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 70 Dundas Street, Thornbury • Rucker • D/542/2015 • Construction of a three (3) storey building containing 10 dwellings • 30 June 2015 • Further information received |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 384 St Georges Road, Thornbury • Cazaly • D/742/2015 • Construction of a four (4) storey mixed use building containing 26 dwellings and a shop • 16 September 2015 • Refusal issued |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 167 Station Street, Fairfield • Rucker • D/748/2015 • Construction of a three (3) storey building containing 20 dwellings • 16 September 2015 • On advertising |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 1 Ralph Street, Reservoir • LaTrobe • D/804/2015 • Mixed use development over 5 levels – 22 dwellings and 1 commercial tenancy • 6 October 2015 • Further information requested |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal | <ul style="list-style-type: none"> • 501 Plenty Road, Preston • Cazaly • D/762/2015 • Construction of a six (6) storey building |

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| <ul style="list-style-type: none"> Description • Date Received • Status | <ul style="list-style-type: none"> containing 48 dwellings and four (4) commercial units • 18 September 2015 • Advertising completed |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 752 High Street Thornbury • Rucker • D/839/2015 • Demolition of the existing building and the construction of a five (5) storey building (plus roof terrace) containing 19 dwellings • Planning Committee – 22 February 2016 |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 283-291 Gilbert Road, Preston • Cazaly • D820/2015 • Construction of a three (3) and four (4) storey mixed use building containing 23 dwellings • 14 October 2015 • On advertising |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 55 Tyler Street Preston • Cazaly • D897/2015 • Construction of a gymnasium complex with swimming pool extension associated with an existing school. • 4 November 2015 • Application cancelled |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 742-752 High Street, Reservoir • Cazaly • D/900/2015 • Construction of 14 three (3) storey dwellings and nine (9) double storey dwellings. • 5 November 2015 • Planning Committee – 22 February 2016 |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 314 St Georges Road, Thornbury • Rucker • D939/2015 • Construction of an eight (8) storey building comprising ground floor shops and 77 dwellings above. • 12 November 2015 • Request for further information sent |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 2A Austral Avenue, Preston • Cazaly • D/979/2015 • Medium density development • 27 November 2015 • To be allocated |
| <ul style="list-style-type: none"> • Address • Ward • Application No | <ul style="list-style-type: none"> • 108 Wood Street, Preston • Cazaly • D/971/2015 |

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| <ul style="list-style-type: none"> • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • Mixed use development • 25 November 2015 • Initial assessment commenced |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • Rear of 3B Newlands Road, Reservoir • LaTrobe • D/1009/2015 • Warehouse • 3 December 2015 • Further information requested |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 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 December 2015 • Initial assessment commenced |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 281 Spring Street, Reservoir • Latrobe • D/1026/2015 • Seven (7) level building plus three (3) basement levels of car parking comprising four (4) commercial tenancies and 50 dwellings • 10 December 2015 • Initial assessment commenced |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 72A Station Street, Fairfield • Rucker • D/2/2016 • Construction of a five storey building comprising 20 dwellings, three (3) retail premises and waiver of loading requirements and reduction in car parking to zero (0) • 5 January 2016 • Initial assessment commenced |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 40 Showers Street, Preston • Cazaly • D/30/2016 • Construction of 39 dwellings and a reduction in the visitor car parking requirement • 21 January 2016 • To be allocated |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description | <ul style="list-style-type: none"> • 658 High Street, Thornbury • Rucker • D/1039/2015 • Six (6) storey building comprising ground floor commercial tenancies and 28 dwellings; a reduction in the car parking requirement; a waiver of the loading bay requirement |

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| <ul style="list-style-type: none"> • Date Received • Status | <ul style="list-style-type: none"> • 16 December 2015 • Further information requested |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 1 Matisi Street Thornbury • Rucker • D/1040/2015 • 25 warehouses • 16 December 2015 • Further information requested |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 16 Clarendon Street, Thornbury • Rucker • D/10/2016 • Three (3) storey apartment building • 11 January 2016 • Further information requested |
| <ul style="list-style-type: none"> • Address • Ward • Application No • Proposal Description • Date Received • Status | <ul style="list-style-type: none"> • 1/23 Bell Street, Preston • Cazaly • D/1086/2015 • Use and development part of the site for a restricted retail premises • 23 December 2015 • Further information requested |

RECOMMENDATION

THAT the Significant Applications Update be noted.

6.3 List of Applications for 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.

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| <ul style="list-style-type: none"> • Address • Ward • Application no. • Proposal • No. of objections | <ul style="list-style-type: none"> • 80 Alston Court, Thornbury • Rucker • D/692/2015 • Construction of three (3) dwellings • 11 |
| <ul style="list-style-type: none"> • Address • Ward • Application no. • Proposal • No. of objections | <ul style="list-style-type: none"> • 33 Newcastle St Preston • Cazaly • D/930/2015 • Construction of four (4) dwellings • 11 |
| <ul style="list-style-type: none"> • Address • Ward • Application no. • Proposal • No. of objections | <ul style="list-style-type: none"> • 35 Newcastle St Preston • Cazaly • D/931/2015 • Construction of four (4) dwellings • 11 |
| <ul style="list-style-type: none"> • Address • Ward • Application no. • Proposal • No. of objections | <ul style="list-style-type: none"> • 742-752 High St Reservoir • Cazaly • D/900/2015 • Construction of 23 dwellings • 19 |
| <ul style="list-style-type: none"> • Address • Ward • Application no. • Proposal • No. of objections | <ul style="list-style-type: none"> • 752 High St Thornbury • Rucker • D/839/2019 • Mixed use development comprising a five (5) storey building comprising 15 dwellings and one (1) shop • 36 |
| <ul style="list-style-type: none"> • Address • Ward • Application no. • Proposal • No. of objections | <ul style="list-style-type: none"> • 7 Wilkinson Street, Reservoir • Cazaly • D/489/2015 • Construction of two (2) dwellings • Nine (9) |
| <ul style="list-style-type: none"> • Address • Ward • Application no. • Proposal • No. of objections | <ul style="list-style-type: none"> • 29-31 Railway Place, Fairfield • Rucker • D/1164/2014 • Four (4) storey mixed use development with a shop and 26 dwellings; a reduction in the car parking and loading bay requirement for shop. • Five (5) |
| <ul style="list-style-type: none"> • Address | <ul style="list-style-type: none"> • 16 Leamington Street RESERVOIR |

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| <ul style="list-style-type: none"> • Ward • Application no. • Proposal • No. of objections | <ul style="list-style-type: none"> • Latrobe • D/232/2014 • Construction of a single storey dwelling to the rear of the existing • Five (5) |
| <ul style="list-style-type: none"> • Address • Ward • Application no. • Proposal • No. of objections | <ul style="list-style-type: none"> • 12 Farnan Street up • Rucker • D/423/2015 • Construction of five (5) dwellings and reduction of the standard car parking rate • 21 |
| <ul style="list-style-type: none"> • Address • Ward • Application no. • Proposal • No. of objections | <ul style="list-style-type: none"> • 24 Leamington Street RESERVOIR • LATROBE • D/565/2015 • Construction of a five (5) dwellings • 10 |

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| RECOMMENDATION |
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THAT the List of Applications for the next Planning Committee meeting be noted.

7. CLOSE OF MEETING