City of DAREBIN

the place to live

AGENDA

Planning Committee Meeting to be held at
Preston Town Hall,
284 Gower Street Preston
on Monday 12 April 2021 at 6.30pm.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.

English
This is the Agenda for the Council Meeting. For assistance with any of the agenda items, please telephone 8470 8888.

Arabic
هذا هو جدول اعمال اجتماع المجلس. للحصول على المساعدة في أي من بنود جدول الاعمال، يرجى الاتصال بالهاتف 8888 8470.

Chinese
这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek
Αυτή είναι η Ημερήσια Διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα της ημερήσιας διάταξης, παρακαλείστε να καλέσετε το 8470 8888.

Hindi
यह काउंसिल की बैठक के लिए एजेंडा है। एजेंडा के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian
Questo è l'ordine del giorno della riunione del Comune. Per assistenza con qualsiasi punto all'ordine del giorno, si prega di chiamare il numero 8470 8888.

Macedonian
Ова е Дневниот ред за состанокот на Општинскиот одбор. За помош во врска со која и да било точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

Nepali
यो परिषद्को बैठकको एजेन्डा हो। एजेन्डाका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi
ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫ਼ੋਨ ਕਰੋ।

Somali
Kani waa Ajandaha Kulanka Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

Spanish
Este es el Orden del día de la Reunión del Concejo. Para recibir ayuda acerca de algún tema del orden del día, llame al teléfono 8470 8888.

Urdu
یہ کاؤنسل کی میٹنگ کا ایجنڈا ہے۔ایجنڈے کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese
Đây là Chương trình Nghị sự phiên họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong chương trình nghị sự, xin quý vị gọi điện thoại số 8470 8888.

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Agenda

1. MEMBERSHIP

Cr. Lina Messina (Mayor) (Chairperson)
Cr. Gaetano Greco (Deputy Mayor)
Cr. Emily Dimitriadis
Cr. Tom Hannan
Cr. Tim Laurence
Cr. Trent McCarthy
Cr. Susanne Newton
Cr. Susan Rennie
Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 9 March 2021 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/664/2020 765-769 Gilbert Road Reservoir

Author: Principal Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Khoury & Sons Funerals	Mitcar Nominees	Mister Plan Man Site Matters

SUMMARY

- The application is for use as a funeral parlour and associated buildings and works comprising construction of a single storey extension. The use does not include a crematorium.
- The single storey extension consists of a garage and storage area with a maximum height of 3.7 metres.
- Proposed hours of operation are Monday to Friday 9.00am to 6.00pm with appointment only to 9.00pm.
- The use will have a maximum occupancy of 45 patrons and four staff at any one time.
- Access to 22 car parking spaces and three bicycle parking spaces is proposed via existing crossovers to Gilbert Road and Henty Street.
- The site is zoned Commercial 1 Zone and is affected by the Development Contribution Plan Overlay. Gilbert Road is within the Road Zone – Category 2.
- There is no restrictive covenant on the title for the subject land.
- 59 objections were received against this application.
- The use and minor extent of development are considered acceptable in an activity centre setting and are generally in accordance with the relevant purpose of the Commercial 1 Zone of the Darebin Planning Scheme (the Scheme) to create mixed use commercial centres for retail, office, business, entertainment and community uses.
- 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 to Council's Assets and Capital Delivery Unit, Property Services Unit, Strategic Planning Unit and Climate Emergency and Sustainable Transport Unit.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/664/2020 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as *drawing numbers 01220/01 Rev B, 01220/02 Rev A, 01220/01 Rev A, 01220/04 Rev A, prepared by Mister Plan Man and dated 9 October 2020*) but modified to show:

   (a) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design (WSUD) Plan, in accordance with Standard W2 of Clause 53.18-5 of the Darebin Planning Scheme. Refer to Condition No. 15 of this Permit.

   (b) The provision of a Stormwater Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 16 of this Permit.

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

2. The development and layout of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. The use may operate only between the hours of 9.00am to 6.00pm with appointment only to 9.00pm on Monday to Friday.

4. No more than 45 patrons may be present on the premises at any one time.

5. Provision must be made for the storage and collection of waste, to the satisfaction of the Responsible Authority.

   All bins and receptacles used for the storage and collection waste must be kept in a storage area on the site and screened from the street to the satisfaction of the Responsible Authority.

   The waste area and bins must be maintained in a clean and tidy condition and free from offensive odour to the satisfaction of the Responsible Authority.

6. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

7. The use/development must not adversely affect the amenity of the area, including through the:

   (a) transport of materials, goods or commodities to or from the land;

   (b) appearance of any building, works, stored goods or materials;

   (c) emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil; and

   and/or in any other way, to the satisfaction of the Responsible Authority.

8. Noise levels from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 and industry accepted sleep disturbance criteria.

9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

10. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:

    (a) concealed in service ducts or otherwise hidden from view; or

    (b) located and designed to integrate with the development,

    to the satisfaction of the Responsible Authority.

11. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.

12. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building that will be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.

13. No buildings, structures or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and/or any relevant authority with vested interest in the easement.

14. The land must be drained to the satisfaction of the Responsible Authority.

15. Before plans are endorsed under Condition No. 1 of this Permit, a revised Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:

    (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;

        (i) An assessment using an industry recognised stormwater tool;

        (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;

        (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;

        (iv) A plan illustrating where all impervious surfaces will be treated and drained;

        (v) A construction and maintenance schedule;

    (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;

    (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

    The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

16. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean – A Builder's Guide* (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:

    (a) Erosion and sediment.

(b) Stormwater.

(c) Litter, concrete and other construction wastes.

(d) Chemical contamination.

The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

17. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

18. Before the use starts the redundant portion of the crossover to Gilbert Road must be removed and the area reinstated with footpath, naturestrip and kerb and channel in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.

19. Before the use starts three (3) ground mounted bicycle parking spaces shown on the endorsed plans must be provided on the site to the satisfaction of the Responsible Authority.

20. This Permit will expire if either:

    (a) The development does not start within three (3) years from the date of this Permit; or

    (b) The development is not completed 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:

    (a) Before this Permit expires;

    (b) Within six (6) months after the expiry date; or

    (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

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 planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

N2 This Planning Permit represents the planning approval for the use and/or development of the site, and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.

N3 Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.

N4 Except where no planning permission is required under the Darebin Planning Scheme, no sign may be displayed on the site without further planning approval.

INTRODUCTION AND BACKGROUND

Council issued Planning Permit D/397/2013 for 'the use of the land to sell and consume liquor (restaurant and Café Liquor License) to an existing convenience restaurant in accordance with the endorsed plans' on 25 September 2013. The permit was amended on 13 March 2014.

Council issued Planning Permit D/663/2005 for 'the construction of buildings and works and display of advertising signs associated with the existing convenience restaurant in accordance with the endorsed plans' on 31 October 2005.

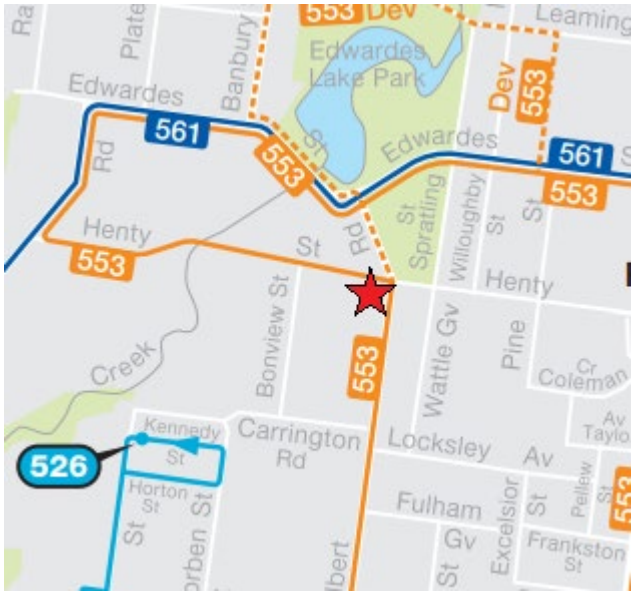
Council issued Planning Permit PT.2276 for 'the use of land as a Café, together with associated car parking and advertising signs in accordance with the attached endorsed plans' on 9 July 1982.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is irregular in shape with a frontage of 37.50 metres to Gilbert Road, a frontage of 42.74 metres to Henty Street and a total site area of 1689.20 square metres. A 1.83 metre wide easement extends along the width of the southern west corner of the site.
- The land is located on the south western corner of the intersection between Gilbert Road and Henty Street.
- The site contains a single storey vacant building, formerly used as a convenience restaurant, surrounded by landscaping and a car park that can be accessed from both Gilbert Road and Henty Street.
- To the north of the site, on the opposite side of Henty Street, is a double storey brick building used as a gym.
- To the south is a single storey rendered brick building and both covered and uncovered play areas used as a childcare centre.
- The car park to the childcare centre adjoins the subject site to the west, with residential properties further to the west.
- To the east, on the opposite side of Gilbert Street, is a single storey brick building surrounded by car parking, used as a convenience shop '7-Eleven' and several single storey brick buildings with uses including shop, medical centre, pharmacy, food and drinks premises and beauty salon.
- There is a bus zone adjacent to the site on Gilbert Road, with no standing to both frontages of the property. Further to the south, on both sides of Gilbert Road, car parking is restricted to two hours between 8.30am and 6.30pm Monday to Friday and 8.00am to 12.30pm on Saturdays. Henty Street is unrestricted to the west.
- The site is located within the Gilbert Road / Henty Street Local Convenience Activity Centre.
- The site is not located within the Principal Public Transport Network Area, however, has access to public transport within walking distance in the form of bus services as follows:
    - Bus route 526 (Coburg – Reservoir via Elizabeth Street)
    - Bus route 553 (Preston – West Preston via Reservoir)
    - Bus route 561 (Macleod – Pascoe Vale via La Trobe University)

  The map below shows the approximate location of the site within its public transport network context, noting that a bus stop for route 553 (Preston – West Preston via Reservoir) is located adjacent to the site on Gilbert Road.



Source: PTV website

Proposal

- The application is for use as a funeral parlour and associated buildings and works comprising the construction of a single storey extension. The use does not include a crematorium.
- The single storey extension consists of a garage and storage area with a maximum height of 3.7 metres.
- Proposed hours of operation are Monday to Friday 9.00am to 6.00pm with appointment only to 9.00pm.
- The use will have a maximum occupancy of 45 patrons and four staff at any one time.
- Access to 22 car parking spaces and three bicycle parking spaces is proposed via existing crossovers to Gilbert Road and Henty Street.

Objections summarised

- Car parking, traffic and impact on motorist, pedestrian and cyclist safety
- Not a compatible use with adjoining childcare centre
- A reminder of mortality and subsequent detrimental impact on mental health
- Negative impact on positive atmosphere/vibrancy/character of the area
- Adverse impacts on existing retail and food and drinks premises
- Not an appropriate use in a residential area
- Will result in a reduction in nearby property values
- Pollution (noise, air and ground)
- Too many funeral parlours in the area
- Council will not be able to enforce opening hours
- Visual impact of building extension
- Existing uses and traffic are noisy which will impact the quiet required for funeral services
- Insufficient information

Officer comment on summarised objections

Car parking, traffic and impact on motorist, pedestrian and cyclist safety

There is an overprovision of car parking provided given that 13 spaces are required and 22 spaces are proposed. The design of the car park and the nature of the use will mean that traffic generation will be at an acceptable level and the safety of other motorists, pedestrians and cyclists will be maintained. Car parking and traffic are addressed further in the assessment section of this report, with particular focus on the decision guidelines of the Commercial 1 Zone and Clause 52.06 of the Scheme.

Not a compatible use with adjoining childcare centre

A funeral parlour provides a necessary commercial service to people within an area as does a childcare centre. There is nothing to suggest that the two uses cannot exist as neighbours, especially given that the funeral parlour use will be largely conducted in-doors and the properties are separated by a fence, screening planting and a car park.

A reminder of mortality and subsequent detrimental impact on mental health

Whilst a funeral parlour use may remind people of their mortality, this is not a relevant planning reason to refuse the application. It is noted that the use will provide assistance to those who have lost someone to death during a sad and difficult time.

Negative impact on positive atmosphere/vibrancy/character of the area

A commercial service, such as the funeral parlour proposed, is not unusual in a Commercial 1 Zone, nor within a retail activity centre and is therefore unlikely to have a negative impact on the atmosphere, vibrancy and character of the area.

Adverse impacts on existing retail and food and drinks premises

The use is unlikely to have an adverse impact on the existing retail and food and drink premises as it will attract patrons and staff to the area who may utilise local retail and food and drink offerings.

Not an appropriate use in a residential area

The subject site is within the Commercial 1 Zone within the Gilbert Road/ Henty Street Local Convenience Activity Centre, not in a residential zone or area. A funeral parlour is considered to be an appropriate use in this zone as set out in the assessment section of the report.

Will result in a reduction in nearby property values

Property values are speculative and not a valid planning consideration.

Pollution (noise, air and ground)

No crematorium is proposed as part of the funeral parlour use, the site is fully paved, and the applicant does not propose to store dangerous chemicals that would require an assessment under Clause 53.10 (Uses with Adverse Amenity Potential) of the Scheme.

The noise generated by an indoor funeral is unlikely to cause detriment, however, conditions of any approval will protect the amenity of the area in terms of noise and other emissions.

Too many funeral parlours in the area

Whilst there are a number of funeral parlours in Darebin, and generally within the northern suburbs of Melbourne, this is not a reason to refuse the application. It is noted that the site is located a short drive east of the Fawkner Memorial Park Cemetery and so it makes sense that a number of funeral parlours would be located in this local catchment area.

Council will not be able to enforce opening hours

Council can enforce the opening hours under the *Planning and Environment Act 1987* given that they are to be included as conditions of any approval.

Visual impact of building extension

The extension is single storey, minor in nature and will have limited impact on the visual amenity of the streetscape.

Existing uses and traffic are noisy which will impact the quiet required for funeral services

Existing uses within the Gilbert Road/ Henty Street Local Convenience Activity Centre are unlikely to have a detrimental effect on the proposed use given that the use will be largely conducted in-doors and the building is not located on a property boundary. The existing car park and road network effectively act as a buffer between the proposed and existing uses. The impact of traffic noise will be reduced by funerals occurring in-doors and can be managed by the operators with noise attenuation measures if required.

Insufficient information

The application is accompanied by the required information listed at Section 47 of the *Planning and Environment Act 1987*, including the relevant application requirements for a use and buildings and works application in the Commercial 1 Zone as set out at Clause 34.01-6 of the Scheme and as deemed appropriate by Council as the responsible authority.

PLANNING ASSESSMENT

Planning Policy Framework

The starting point with respect to policy analysis is relevant Planning Policy Framework. The proposal gathers widespread support from policy, in particular:

- Clause 11.03-1S encourages the concentration of commercial uses into activity centres that are highly accessible to the community.
- Clause 11.03-1R furthers the above policy with particular focus on ensuring a broad range of land uses are available.
- Clause 17.02-1S encourages development which meets the community's need for commercial services.

From the above, it is evident that the subject site is well located within an existing activity centre to provide a commercial service that meets the needs of the community.

Local Planning Policy Framework

Council's Municipal Strategic Statement ('MSS')

Council's MSS provides the strategic guidance for the municipality and sets out (among other things) the provision of appropriate commercial opportunity through land supply for businesses as a key future issue. With reference to Local Centres specifically, new shops and services are generally encouraged.

In terms of economic development, the following objective is relevant to the function of the Gilbert Road/ Henty Street Local Convenience Activity Centre:

> *Encourage local centres to continue to accommodate local convenience retail and other local service business as appropriate.*

The above policy emphasises that a local service business, such as the proposed funeral parlour, is appropriately located within this retail activity centre.

Clause 34.01 Commercial 1 Zone

The application is assessed against the relevant purposes and decision guidelines of the Commercial 1 Zone as follows:

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

As set out earlier in this report, the proposed use as a funeral parlour has support in both Council's Municipal Strategic Statement and relevant Planning Policy Framework.

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

The funeral parlour contributes to the mix of retail and services within the Gilbert Road/ Henty Street Local Convenience Activity Centre.

General

The interface with adjoining zones, especially the relationship with residential areas.

The interface with the adjoining residential zone to the west will remain as currently exists noting that the western side of the existing car park is to remain unaltered and the adjoining property, which sits within the General Residential Zone, is occupied by the car park of a childcare centre.

Use

The effect that existing uses may have on the proposed use.

Existing uses within the Gilbert Road/ Henty Street Local Convenience Activity Centre are unlikely to have a detrimental effect on the proposed use given that the use will be largely conducted in-doors and the building is not located on a property boundary. The existing car park and road network effectively act as a buffer between the proposed and existing uses.

The drainage of the land.

The land is connected to existing drainage. A condition of any approval will require the land to continue to be drained to the satisfaction of Council.

The availability of and connection to services.

Services are available and connected to the property.

The effect of traffic to be generated on roads.

The maximum patronage for the proposal is 45 persons. Four staff will be required to operate the use. The associated traffic generation is unlikely to be significant due to the number of patrons and the likelihood that some of these patrons will share vehicles when travelling to the property. Traffic will be concentrated to those times before and after a funeral rather than being the constant stream you would expect from retail and food and drink uses within an activity centre. A condition of any approval will limit the patron numbers to 45 as proposed.

The traffic generated by the use will be split between Gilbert Road and Henty Street, utilising existing crossovers and access points that are free from visual obstruction, allowing for safe and efficient entry and exit.

The design of the car park allows for all vehicles to enter and exit in a forward direction with no need to reverse onto Gilbert Road or Henty Street, lessening the impact on the safety of pedestrians, cyclist and other motorists.

The design of the garage allows the hearse to enter and exit the site in a forward direction.

The interim use of those parts of the land not required for the proposed use.
All of the subject site is required for the proposed use.

A use must 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.*
- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

A condition of any approval will require the use to be operated in a manner that does not detrimentally affect the amenity of the neighbourhood.

<u>Buildings and Works</u>

The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

The proposed extension is minor in nature and will not impact on the movement of pedestrians, cyclists, vehicles waste removal, emergency services or public transport on the local road network.

The provision of car parking.

Whilst the location of the extension will result in the loss of six car parking spaces, the 22 remaining car parking spaces are an overprovision as set out in the Clause 52.06 assessment later in this report. Three bicycle parking spaces will be provided for staff and patrons and the garage will be used as a parking/ loading bay for the hearse.

The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

The proposed extension is minor in nature, will not be overly dominant where visible to the street and will not be out of character in this activity centre setting.

The storage of rubbish and materials for recycling.

Rubbish can be stored within the existing building and within the storage area provided as part of the proposed extension.

Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

The proposed extension is a simple and utilitarian structure that will not require specialised maintenance. It is noted that landscaping and paved areas on the site are existing.

Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

The proposed extension is single storey and is located towards an existing childcare centre to the south, which is within the Commercial 1 Zone. The property does not adjoin any residentially zoned land apart from the adjoining property to the west, which is occupied by the car park of the childcare centre.

The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

The site does not adjoin any residential properties within a residential zone, nor will the extension be likely to have any shadow impact on any existing, or future rooftop solar energy systems given that it is a single storey building.

The availability of and connection to services.

Services are available and connected to the property.

The design of buildings to provide for solar access.

The extension is to be sited to the south of the existing building and so it will not reduce northern solar access to that building.

Clause 52.06 Car Parking

<u>Number of Parking Spaces Required</u>

The proposal includes a reduction in car parking spaces from the 28 existing to 22.

The proposed funeral parlour has a maximum patronage of 45.

Based on a car parking requirement of 0.3 spaces per patron, the development has a statutory requirement to provide 13 on-site car parking spaces. 22 existing spaces are proposed so the parking provision exceeds the statutory requirement.

Design Standards for Car parking

Accessways are at least 3.0 metres wide and aisle widths are appropriate.

Access allows vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.

At least 2.1 metres headroom beneath overhead obstructions is provided in the proposed garage.

The accessways serve more than four spaces and the Gilbert Road accessway is in a Road Zone. The accessway is appropriately designed so that cars can exit the site in a forward direction.

A passing area (aisle) that meets the minimum requirement of 6.1 metres wide and 7.0 metres long is provided for the Gilbert Road access given that it is in a Road Zone and has more than 10 car parking spaces.

The existing car parking layout provides for pedestrian visibility and so pedestrian visibility splays are not required to be shown on the plans.

Car parking space 19 is within 6.0m of Gilbert Road, which is in a Road Zone, however, this is an existing site condition and is therefore considered acceptable.

Car parking spaces and accessways have the minimum dimensions in Table 2 of the Clause.

Accessway gradients are existing and in accordance with the Design Standard.

Clause 52.34 Bicycle Parking

As a funeral parlour use is not listed at Clause 52.34-5 of the Scheme, there is no requirement for bicycle parking, nor is there a requirement to provide bicycle parking to justify on-site car parking as no reduction/waiver is sought.

The application has, however, included the provision of three bicycle parking spaces, which will provide the opportunity for patrons and staff to utilise a sustainable transport option rather than visiting the property utilising a private vehicle.

Clause 53.18 Stormwater Management in Urban Development

Standard W2

The application was accompanied by a WSUD Plan. The WSUD plan must be further supplemented by information that illustrates the stormwater management system is designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces

A condition of any approval will require a full WSUD Report.

Standard W3

A condition of any approval will require a Stormwater Site Management Plan to be submitted describing how the site will be managed prior to and during the construction period and will set out requirements for managing:

- Erosion and sediment.
- Stormwater.
- Litter, concrete and other construction wastes.
- Chemical contamination.

REFERRAL SUMMARY

Department/Authority	Response
Assets and Capital Delivery	No objection, subject to condition included in recommendation
Climate Emergency and Sustainable Transport	No objection, subject to condition included in recommendation
Property Services	No objection
Strategic Planning	No objection

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 34.01-1 (Commercial 1 Zone) – use as a funeral parlour requires a planning permit.
- Clause 34.01-4 (Commercial 1 Zone) – a permit is required to construct a building or construct or carry out works.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
PPF	11.03-1S, 11.03-1R, 15.01-2S, 17.02-1S
LPPF	21.01, 21.04
Zone	34.01-1
Overlay	45.06
Particular provisions	52.06, 52.34, 53.18
General provisions	65.01

POLICY IMPLICATIONS

Environmental Sustainability

Conditions of any approval will require compliance with the requirements of Clause 53.18 which seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Social Inclusion and Diversity

Nil

Other

Nil

RELATED DOCUMENTS

- Planning and Environment Act 1987
- The Darebin Planning Scheme
- Darebin Economic Land Use Strategy August 2014

Attachments

- Aerial Photograph (**Appendix A**)
- Advertised Plans (**Appendix B**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any general or material interest in a matter to which the advice relates.

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

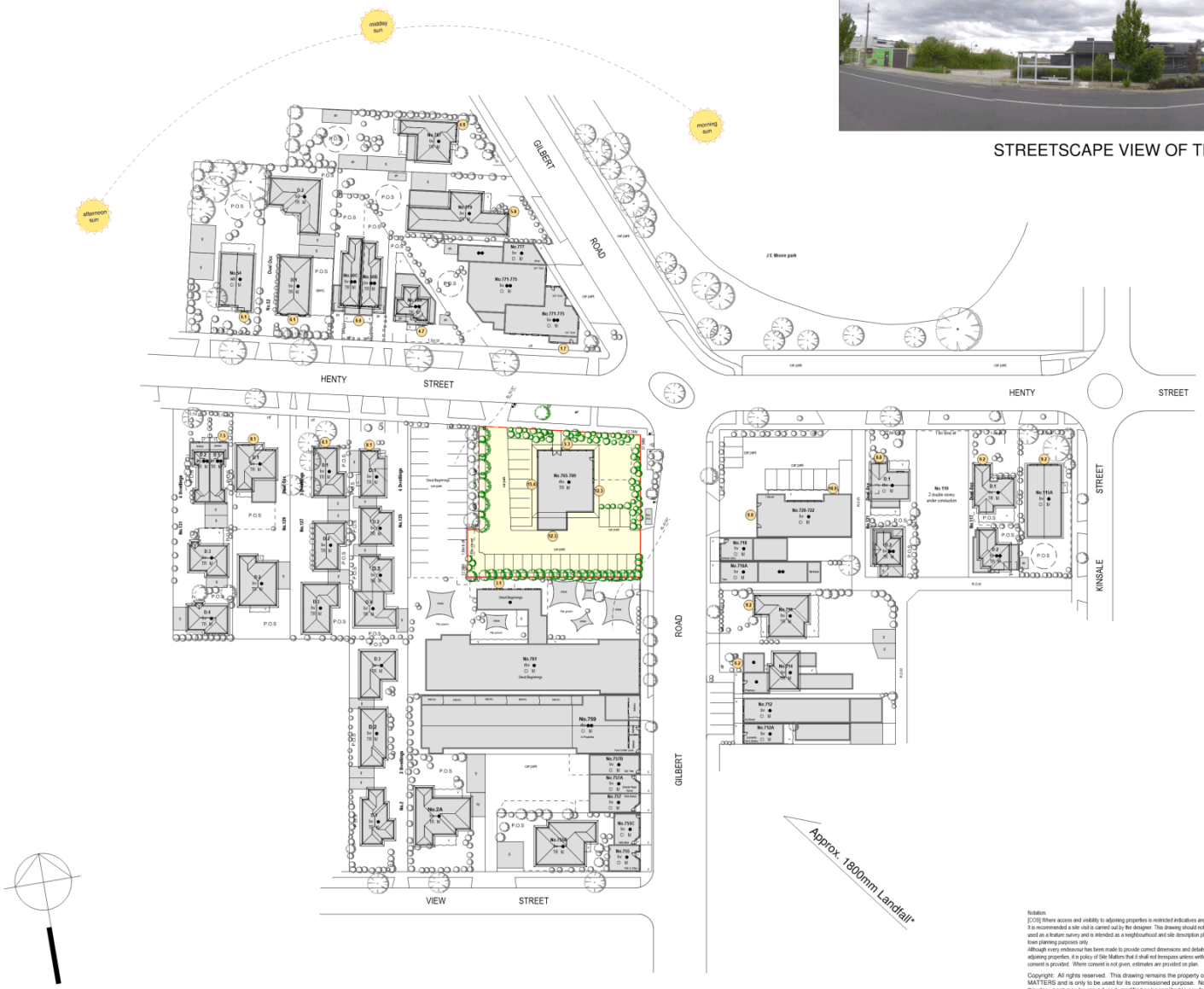
765-769 Gilbert Road Reservoir

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

Advertised Document D/664/2020 pages 1 of 12

NEIGHBOURHOOD AND SITE PLAN

STREETSCAPE VIEW OF THE SITE



NEIGHBOURHOOD & SITE LEGEND

In relation to the neighbourhood

Building materials and height

bv.	Brick Veneer Const.	fc.	Fibro Const.
cc.	Concrete Const.		
wb.	Weatherboard Const.		
rbv.	Rendered Brick Const.		
●	Single Storey		
●●	2 Storey		
●●●	3 Storey		

Architectural styles & roof materials

C	Californian Bungalow	TR	Tiled Roof
E	Edwardian	CI	Corrugated Iron Roof
F	Federation	FR	Flat Roof
I	Inter War		
P	Post War		
V	Victorian		
M	Modern Contemporary		

Front Fencing

cif	Corrugated iron fence	sf	Steel fence
wf	Wire fence		
pf	Picket fence		
bf	Solid brick fence		
tf	Timber fence		
tpf	Timber paling fence		
nff	No front fence		

Other Notable Features

sb	Setback from front and side boundaries		
v.	Verandah	vu.	Verandah Under
perg.	Pergola	c.	Canopy
sh.	Shed	o/b	Outbuilding
g.	Garage	gu.	Garage Under
cp.	Carport	cpu.	Carport Under
cs.	Carspace	rw	Retaining wall

In relation to the site (as indicated on plan)

Approx. site area 1689.2m sq.*

Site shape, orientation and easements

Levels of site and surrounding properties

Location of existing buildings on site

Location and height of walls built to the boundary

The use of surrounding buildings (residential unless otherwise indicated)

Habitable room windows only which have an outlook to the site within 9m

P.O.S Secluded private open space which have an outlook to the site within 9m

Location of trees on site

Small to Medium sized ornamental trees & shrubs

Mature significant canopy trees (larger trees include ht)

NTR No trees removed from site within last 12 months

R Recently removed trees

No contaminated soils

Street frontage features

			Railway/LRT
D	Drainage pit		Water valve
T	Telecommunication pit	B	Telstra Bollard
P	M.M.B.W. pit		Traffic Control Box
E	Electricity pit		Sanitary Sewer Manhole
P	Utility Pole		Sewer Inspection Chamber
S	Street sign	P	Postal Box
F	Fire hydrant		

★ Denotes to be confirmed by the Designer or the Owner

Kerb crossovers as indicated
Street trees as indicated

Notation:
[COS] Where access and visibility to adjoining properties is restricted indicatives are shown. It is recommended a site visit is carried out by the designer. This drawing should not be used as a feature survey and is intended as a neighbourhood and site description plan for town planning purposes only.
Although every endeavour has been made to provide correct dimensions and details of adjoining properties, it is policy of Site Matters that if shall not trespass unless written consent is provided. Where consent is not given, estimates are provided on plan.

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SITE MATTERS
SITE ANALYSIS CONSULTANTS
Ph. 9388 8365 Fax. 9388 8369

Proposed	Change of Use (funeral Parlour) and buildings and works
Address	765-769 Gilbert Road Reservoir
Date	November 2020
Drawn by	HT
Sheet no.	1
Scale	1:500
Ref. no.	20 1007

Darebin City Council Received 09.11.2020

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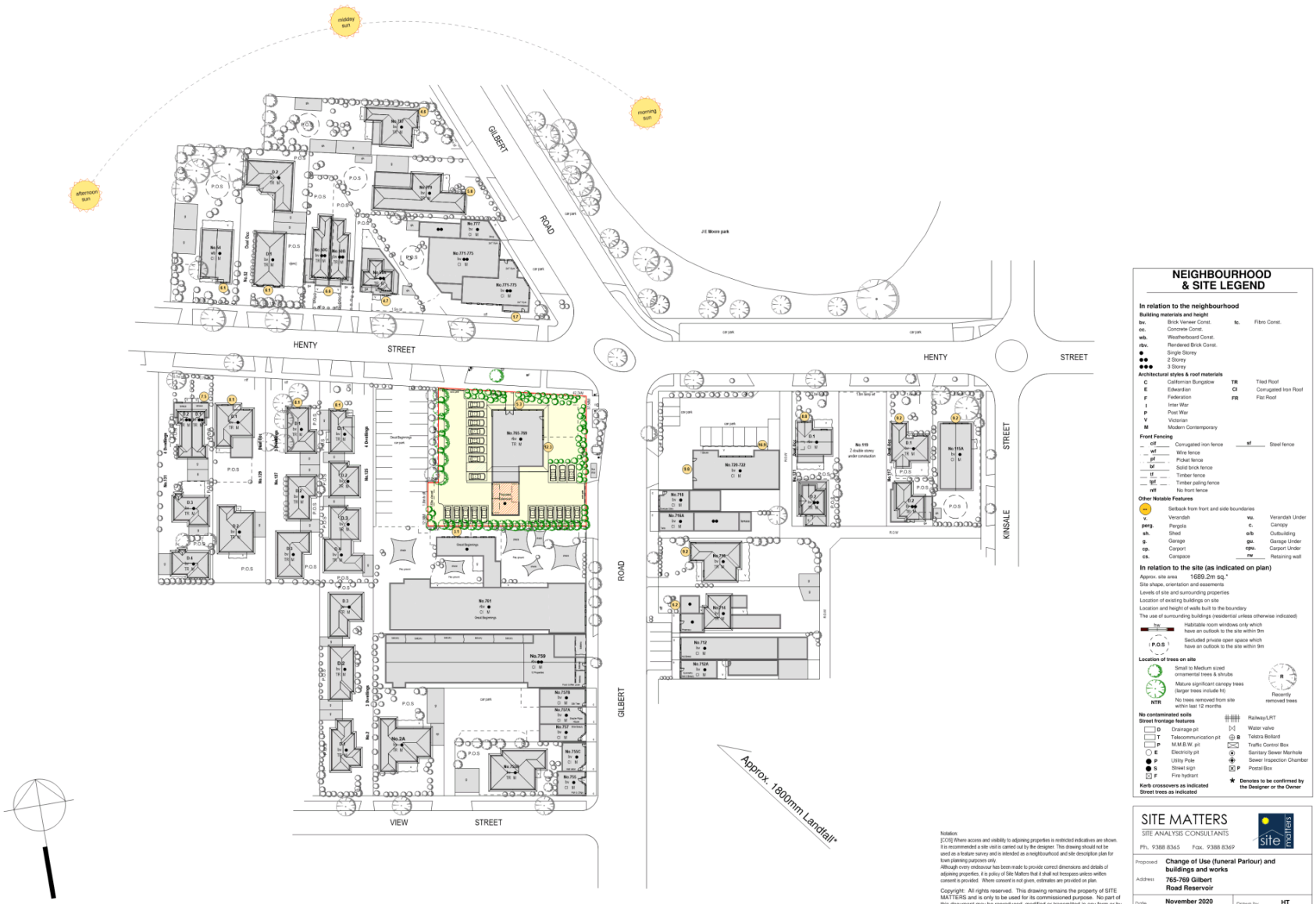
Advertised Document D/664/2020 pages 2 of 12

DESIGN RESPONSE PLAN



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DESIGN RESPONSE STREETSCAPE ELEVATION

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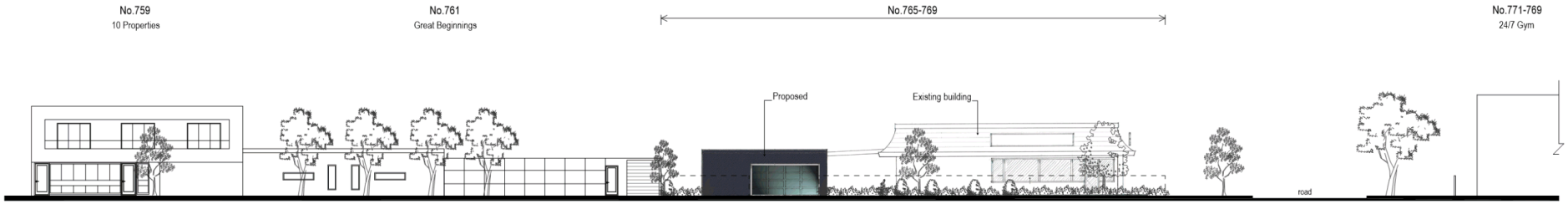

Gilbert Road Elevation

SITE MATTERS
TOWNPLANNING & SITE ANALYSIS CONSULTANTS
Ph. 9388 8365 Fax. 9388 8369

Proposed	Change of Use (funeral Parlour) and buildings and works		
Address	765-769 Gilbert Road Reservoir		
Date	November 2020	Drawn by	HT
Sheet no. 3	Scale 1:200	Ref. no.	20 1007

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No.765- 769 Gilbert Road, Reservoir.

Ref. No. 20 1007

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THE SITE

THE SITE

STREETSCAPE VIEW ALONG THE WEST SIDE OF GILBERT ROAD, RESERVOIR.

DIRECTLY OPPOSITE

STREETSCAPE VIEW ALONG THE EAST SIDE OF GILBERT ROAD, RESERVOIR.

No. 765- 769 Gilbert Road, Reservoir.

Ref. No 20 1007

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Advertised Document D/664/2020 pages 6 of 12

THE SITE

THE SITE

STREETSCAPE VIEW ALONG THE SOUTH SIDE OF HENTY SRTEET, RESERVOIR.

DIRECTLY OPPOSITE

STREETSCAPE VIEW ALONG THE NORTH SIDE OF HENTY SRTEET, RESERVOIR.

No. 765- 769 Gilbert Road, Reservoir.

Ref. No 20 1007

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Advertised Document D/664/2020 pages 7 of 12

INTERFACE ALONG THE SOUTH BOUNDARY OF THE SITE

INTERFACE ALONG THE REAR WEST BOUNDARY OF THE SITE

No. 765- 769 Gilbert Road, Reservoir. Ref. No. 20.1007

Darebin City Council Received 09.11.2020

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Darebin City Council Received 15-12-2020

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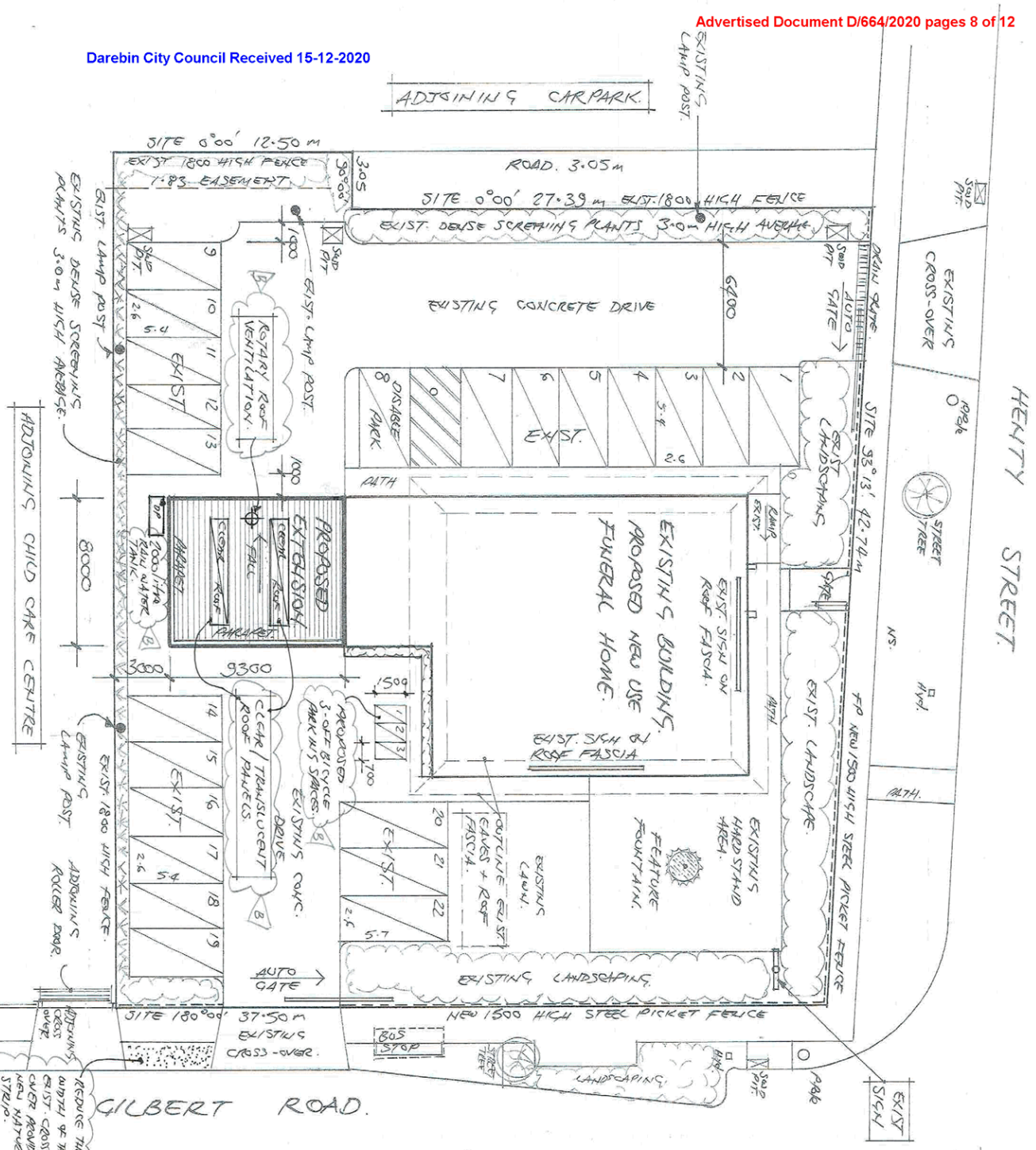

NOTES:

NUMBER OF STAFF = 4.

NUMBER OF PATRONS = 45

HOURS OF OPERATION.

9am to 6pm MON – FRIDAY

AFTER 6pm BY APPOINTMENT.

CLOSED SAT + SUNDAY.

4. CARSPACES PROVIDED = 22

REVISION B: REVISED AS PER RFI.

REVISION-A: TOWNPLANNING ISSUE.

SITE PLAN. 1:200

Project	PROPOSED CHANGE OF USE TO A FUNERAL HOME.				
Address	765 GILBERT ROAD RESERVOIR.				
Client	K + S FUNERALS.				
Date	9/10/20	Drawn	P.V.C.		
Scale	1:200	Drwg.No	01220/01	Rev	B.

Mr. PM
Mister Plan Man
PO Box 420
Thomastown Vic 3074
E: planman@tpg.com.au
M: 0412 220 236
P: (03) 9462 0889

Advertised Document D/664/2020 pages 9 of 12

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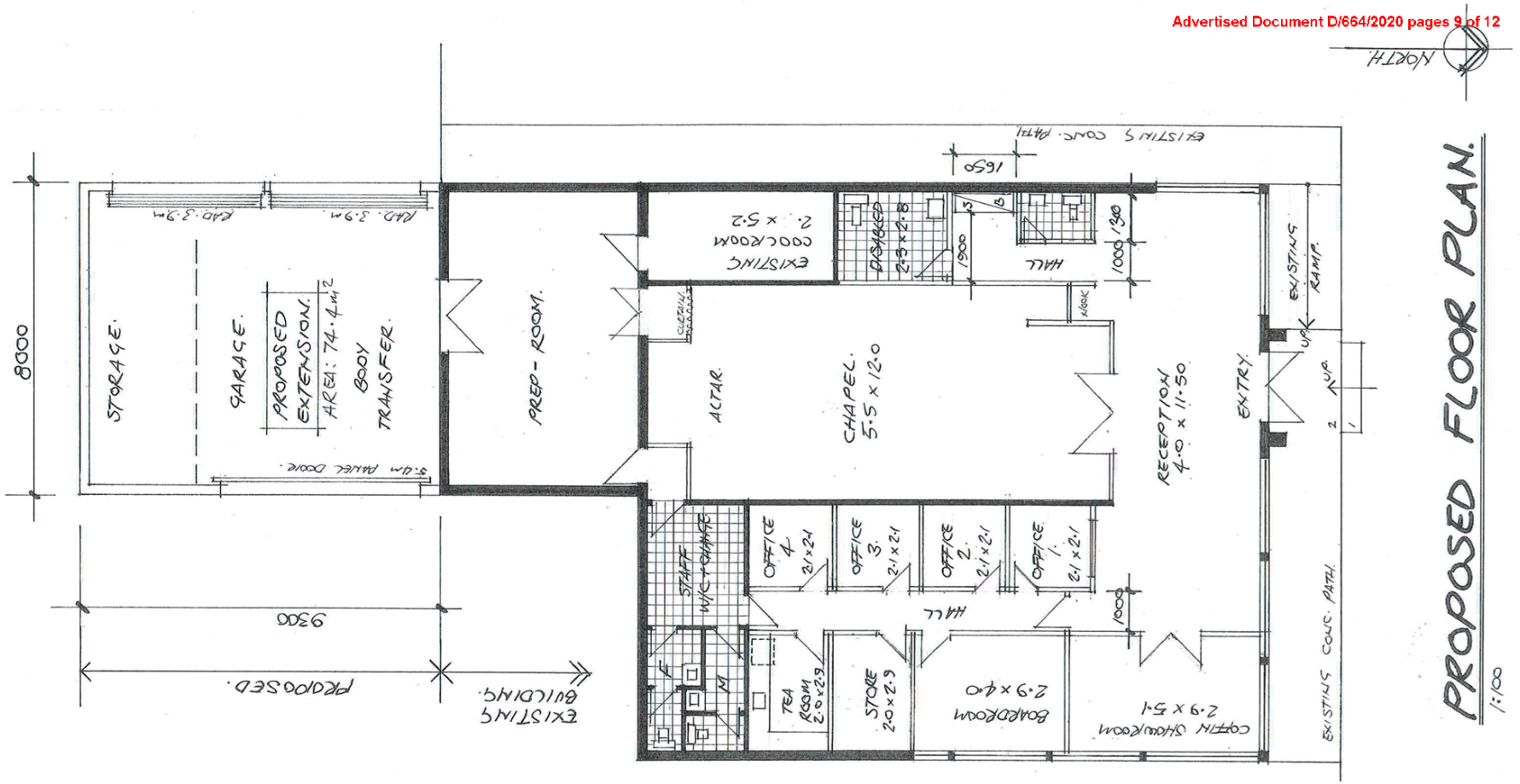

Project	PROPOSED CHANGE OF USE TO A FUNERAL HOME + BUILDING WORKS.				
Address	765 GILBERT ROAD RESERVOIR.				
Client	K + S FUNERALS.				
Date	9/10/20	Drawn	P.V.C.		
Scale	1:100	Drwg.No	01220/02	Rev	A.

Mr. PM
Mister Plan Man
PO Box 420
Thomastown Vic 3074
E: planman@tpg.com.au
M: 0412 220 236
P: (03) 9462 0889

REVISION-A: TOWN PLANNING ISSUE.

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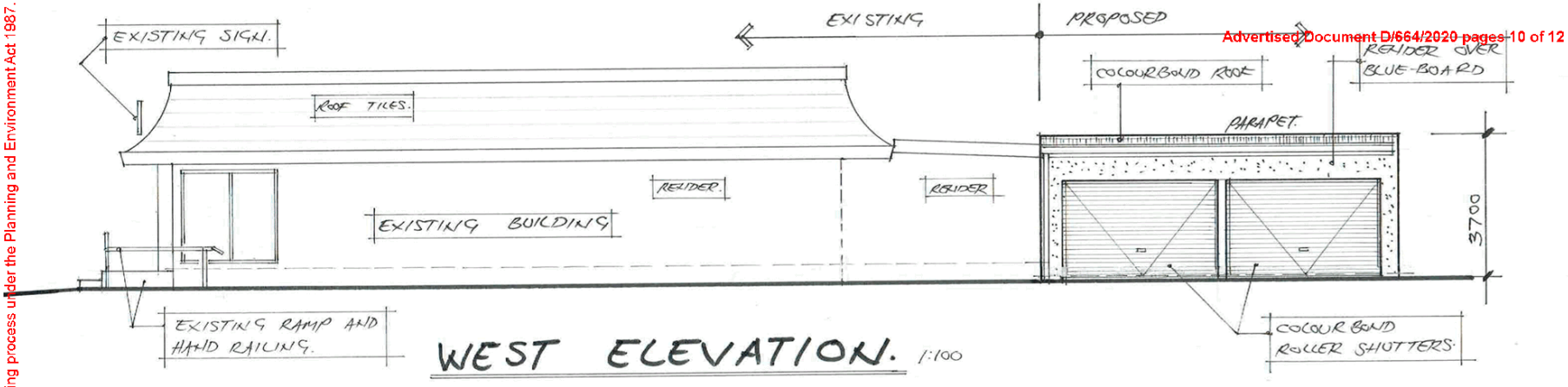
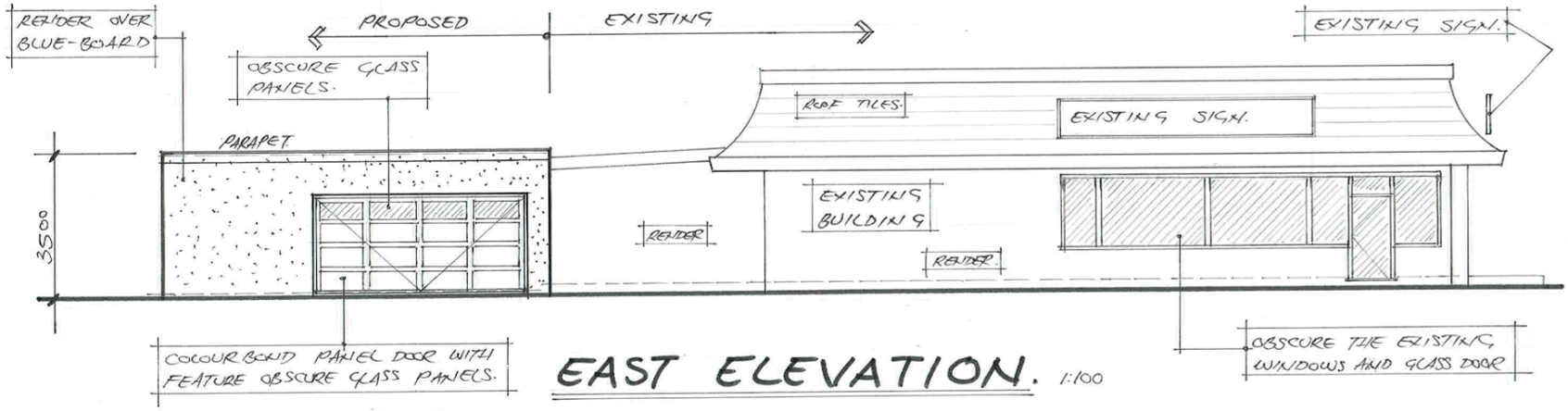


WEST ELEVATION. 1:100



EAST ELEVATION. 1:100

PROPOSED EXTENSION EXTERNAL MATERIALS AND FINISHES SCHEDULE.

ITEM	MATERIAL	FINISH	COLOUR
ROOFING GUTTERS + DOWNPIPE	METAL	COLORBOND	MONUMENT.
WALLS	BLUEBOARD	RENDER	MONUMENT.
GARAGE DOORS	METAL	POWDER COAT	MONUMENT.

REVISION - A: TOWNPLANNING ISSUE

Project	PROPOSED CHANGE OF USE TO A FUNERAL HOME + BUILDING WORKS.				
Address	765 GILBERT ROAD RESERVOIR.				
Client	K + S FUNERALS.				
Date	9/10/20	Drawn	P.V.C.		
Scale	1:100	Drwg.No	01220/03.	Rev	A.

Mr. PM
Mister Plan Man
PO Box 420
Thomastown Vic 3074
E: planman@tpg.com.au
M: 0412 220 236
P: (03) 9462 0889

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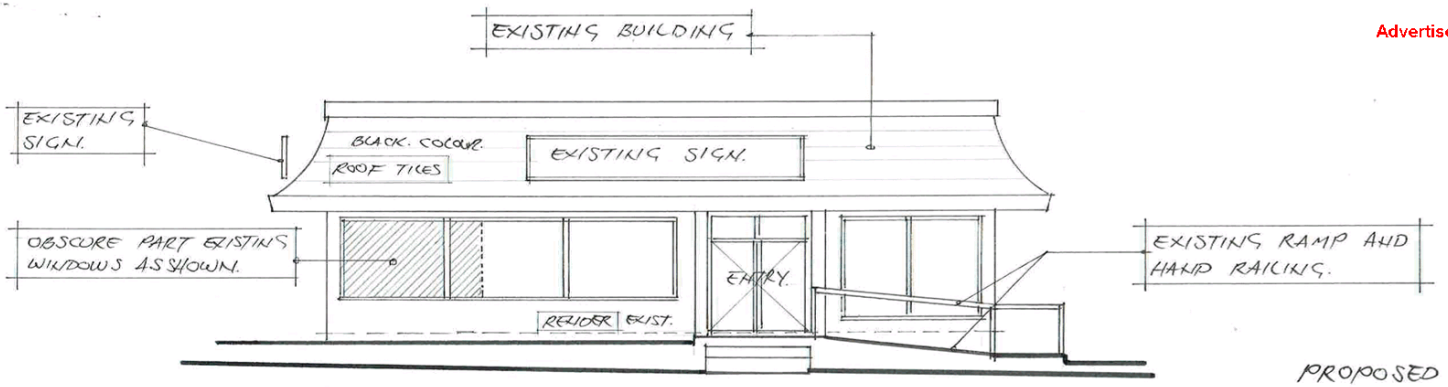
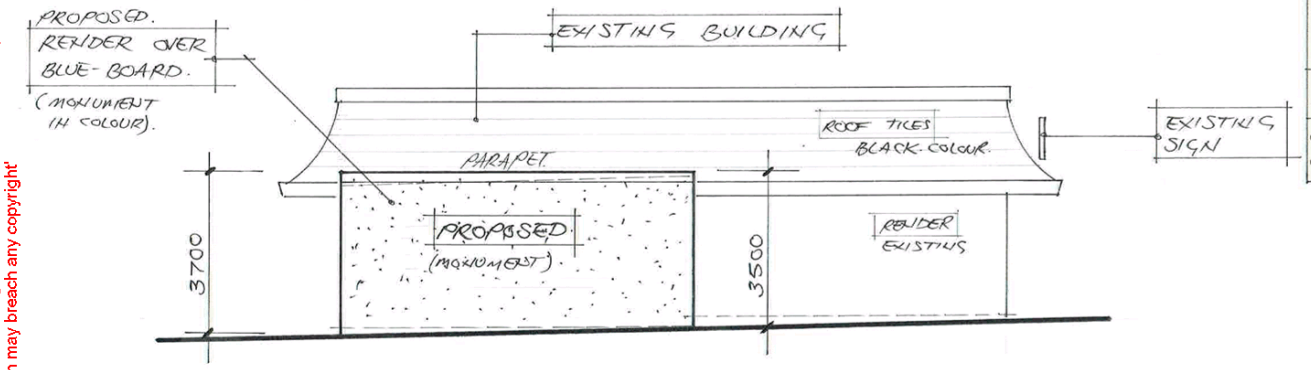


NORTH ELEVATION. 1:100



SOUTH ELEVATION. 1:100

PROPOSED EXTENSION EXTERNAL MATERIALS AND FINISHES SCHEDULE.

ITEM	MATERIAL	FINISH	COLOUR
ROOFING GUTTERS + DOWNPIPE	METAL	COLORBOND	MONUMENT.
WALLS	BLUEBOARD	RENDER	MONUMENT.
GARAGE DOORS	METAL	POWDER COAT	MONUMENT.

REVISION - A: TOWN PLANNING ISSUE

Project	PROPOSED CHANGE OF USE TO A FUNERAL HOME + BUILDING WORKS.				
Address	765 GILBERT ROAD RESERVOIR.				
Client	K + S FUNERALS.				
Date	9/10/20	Drawn	P.V.C.		
Scale	1:100	Drwg.No	01220/04	Rev	A.

Mr. PM
Mister Plan Man
PO Box 420
Thomastown Vic 3074
E: planman@tpg.com.au
M: 0412 220 236
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Darebin City Council Received 15-12-2020

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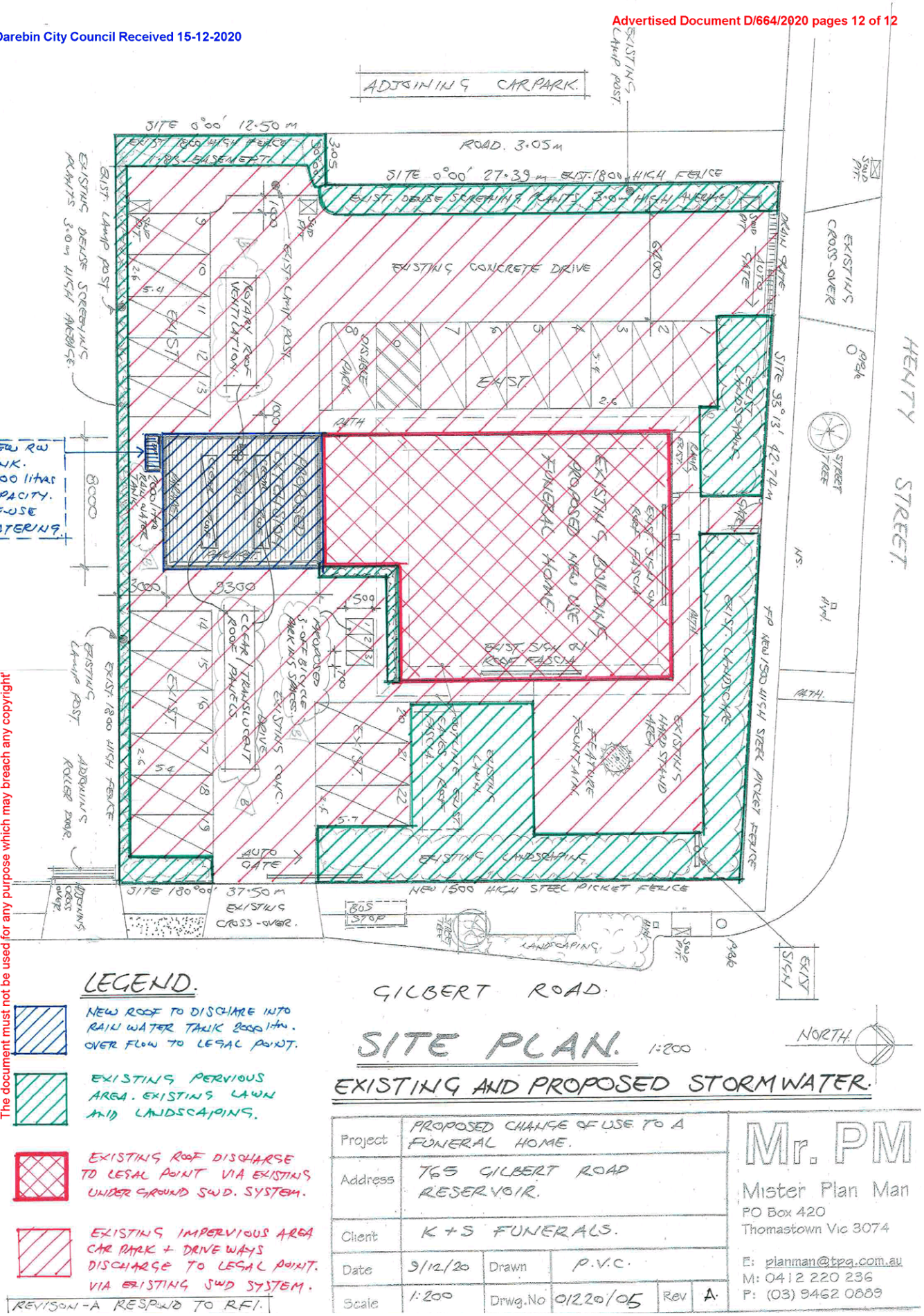


5.2 APPLICATION FOR PLANNING PERMIT D/93/2020 1 UNION STREET PRESTON VIC 3072

Author: Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Taouk Architects	A T Taouk	Aspect Planning Services Gum & Maple Consulting Frater Consulting Services

SUMMARY

- The development proposes five double storey dwellings, as detailed:
  - Dwellings 1-4: Traditional dwelling arrangement with living, dining, kitchen areas and secluded private open space (25sqm – 32sqm) at ground level, two bedrooms with en-suite at the first-floor level and additional 4.15sqm balcony/terrace areas for Dwellings 2-4.
  - Dwelling 5: Reverse living arrangement with ground floor entrance accessed via shared walkway and kitchen/dining/living areas and two bedrooms at the first-floor level. Balcony private open space with a total area of 12.89 square metres is provided.
  - One car parking space, accessed via the rear right of way (ROW), is provided for each dwelling in accordance with standard requirements.
- The development is not required to provide a visitor car parking space as the site is located within the Principle Public Transport Network (PPTN) area.
- A contemporary built form is proposed, which incorporates a gable roof, face brickwork (recycled red brick) at the ground floor level and horizontal cladding (axon cladding – grey & timber composite cladding) at the first-floor level. The fenestration is consistent across the development, provides an outlook to the street and is consistent with the character of the street.
- The dwellings will have a maximum building height of 8.29 metres.
- The mandatory garden area requirement is 30%. The proposal achieves a garden area of 35.31%.
- The site is zoned General Residential Zone (Schedule 2) and is affected by the Development Contributions Plan Overlay (expired).
- There is no restrictive covenant on the title for the subject land.
- Thirty-three (33) objections were received against the application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via a sign posted on site and letters sent to surrounding owners and occupiers.
- A Section 57A amendment to the application was lodged post advertising in order to incorporate design changes. The application was subsequently re-advertised.
- This application was referred internally to Council's:
  - Arboricultural Planning Unit;
  - Infrastructure and Capital Delivery Unit;
  - Climate Emergency and Sustainable Transport Unit;
  - Property Officer;
  - ESD officer; and
  - WSUD officer.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/93/2020 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. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application, identified as plans TP03 – TP04 (inclusive), Rev. A, dated 6 May 2020, drawn by Taouk Architects, but modified to show:

   (a) The height of the fence along the western property boundary to be a minimum height of 1.8 metres as measured above natural ground level.

   (b) The height of the fences separating each dwelling's secluded private open space to have a minimum height of 1.8 metres as measured above natural ground level.

   (c) The 2.2m high boundary fence adjacent to the laneway (east elevation) must be splayed down to a maximum height of 900mm for a length of 2.5m into the subject site.

   (d) All obscure glazing to first floor habitable room windows at the southern and western elevation noted as being fixed obscure glazing, not more than 25% transparent and not film.

   (e) The Dwelling 5 balcony (south elevation) provided with a permanently fixed screen to a height of 1.7 metres above floor level and not more than 25 per cent transparent. The screen is to be designed and coloured to blend in with the development and section diagram provided, which demonstrates effectiveness.

   (f) A notation on ground floor plan confirming the ROW to the rear of the site is to be constructed to the satisfaction of the Responsible Authority. The ROW must be constructed along the entire length of the rear and extend to the west for a length which meets the property boundary of No. 2 and No. 4 McNamara Street.

   (g) Fixed external sun shading devices to all north facing habitable room windows/glazed doors where not located directly under an eave or overhang. Where sun shading devices are use a dimensioned section diagram or photograph

must be provided. Shading must not to extend within 1 metre of a property boundary.

(h) External operable sun shading devices (excluding roller shutters to windows that face the street, laneway or common areas at Ground Floor) to all east and west facing habitable room windows/glazed doors. Where sun shading devices are used a dimensioned section diagram or photograph must be provided.

(i) A daylight tube provided to the first floor en-suites of Bedroom 1 associated with Dwellings 2, 3, 4 and a window provided to the bathroom of Dwelling 5.

(j) A shared waste store provided to the south of the gas and water meters. The waste store is to be designed and screened to blend with the development and allow capacity for 3 x 120L FOGO bins.

(k) The eastern boundary fence reduced to a maximum height of 1.5 metres from Natural Ground Level (NGL) and be designed in a style consistent with the development.

(l) A Landscape Plan in accordance with Condition No. 4 of this Permit.

(m) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 5 of this Permit.

(n) Any modifications and annotation in accordance with the Sustainable Design Assessment (SDA) referred to in Condition No. 8 of this Permit.

(o) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 9 of this Permit.

(p) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 10 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:

(a) The development does not start within three (3) years from the date of this Permit; or

(b) The development is not completed within five (5) years of the date of this Permit.

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

(c) Before this Permit expires;

(d) Within six (6) months after the expiry date; or

(e) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

4. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

(a) Tree protection measures in accordance with Condition No. 5 this Permit.

(b) Any modifications relating to landscaping required as a result of the Sustainable Design Assessment required by Condition No. 8 of this Permit)

(c) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 9 of this Permit)

(d) 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. All existing trees to be retained must be retained and protected in accordance with Australian Standards.

(e) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.

(f) A diversity of plant species and forms.

(g) 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.

This must include a minimum:

- Two (2) medium canopy trees within the front setback; and
- Four (4) small 'upright' trees within rear SPOS of units 1-4.

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 adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy (4-6m x 4m), medium canopy (6-8m x 6m), large canopy (8-12m x 10m).

(h) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

(i) 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.

(j) Hard paved surfaces at all entry points to dwellings.

(k) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).

(l) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).

(m) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.

(n) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.

(o) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.

(p) Scale, north point and appropriate legend.

(q) Landscape specification notes including general establishment and maintenance requirements.

The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

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.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

5. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	***Location***	***TPZ (radius from the base of the tree trunk)***	***Additional tree protection measures***
Tree 1 – *Lophostemon confertus* (Brush Box)	Naturestrip	5.2 metres	• The front fence is constructed root sensitively as outlined in the arborist report <u>or</u> be of light timber construction with manually excavated stump holes. • All works within TPZs must be supervised by a qualified arborist. • Any roots uncovered must be pruned with sharp/sterile tools. • Any service installation within TPZs must be bored to a minimum depth of 0.6m below existing grade. There must strictly be no 'open trench' excavation within TPZs. • There must be no landscape plantings within Structural Root Zones (SRZs).
Tree 7 – *Citrus limon* (Lemon)	Adjoining property (west)	2.2 metres	• Notation confirming TPZ of Tree 7 is to remain permeable within the SPOS of Dwelling 4. • The ROW (including associated drainage) within the TPZ of Trees 8 & 9 must be fully constructed above grade.
Tree 8 - *Corymbia ficifolia* (Red-flowering Gum)	Adjoining property (south)	3.6 metres	

Tree*	***Location***	***TPZ (radius from the base of the tree trunk)***	***Additional tree protection measures***
Tree 9 - *Pinus radiata* (Monterey Pine)	Adjoining property (south)	10.8 metres	• The common 'driveway' area in front of the garages must be constructed above grade using a permeable material. • Strictly all works within TPZs must be supervised by a qualified arborist. ○ Any roots uncovered must be pruned with sharp/sterile tools. • Any fencing within TPZs must be of light timber construction with manually excavated stump holes. • Any service installation within TPZs must be bored to a minimum depth of 0.6m below existing grade. There must strictly be no 'open trench' excavation within TPZs. • Any pruning works must be carried out by a qualified arborist in accordance with *AS4373-2007*. • There must be no landscape plantings within Structural Root Zones (SRZs)
*as defined in the Arborist Report - Development Impact Assessment, Ref No. LJK20-04-23-1Union, dated 23 April 2020, prepared by Gum and Maple Consulting.			

Tree numbers, Tree Protection Zones and the methods of tree protection must be clearly notated on all plans.

6. The following tree protection measures must be implemented for trees identified in the table to Condition 5 of this Permit:

   (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

   (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.

   (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

(d) Except with the written consent of the Responsible Authority:

(i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

(ii) The area within the TPZ must be provided with 100mm layer of coarse mulch.

(iii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

(iv) No storage or dumping of tools, equipment or waste is to occur within a TPZ.

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

(g) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.

(h) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.

(i) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

7. Any pruning that is required to be done to the canopy of any trees retained on-site and on adjoining sites is to be undertaken by a suitably qualified person to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia to the satisfaction of the Responsible Authority.

Any pruning of the root system of any existing tree to be retained is to be undertaken by hand by a suitably qualified person to the satisfaction of the Responsible Authority.

8. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will then form part of this Permit. The amended SDA must be generally in accordance with the document identified as the Sustainable Design Assessment, dated 14 May 2020, prepared by Frater Frater Consulting Services, but modified to show:

(a) NatHERS ratings to be a minimum 6.5 stars for Class 1 dwellings.

(b) A revised STORM assessment with number of bedrooms corrected to be in accordance with the development plans.

(c) Maintenance details to be provided for the rainwater tanks including tasks, timeframes and responsibilities.

(d) BESS item Urban Ecology 2.1 Vegetation amended to exclude paths, paved outdoor areas, decking and all other areas not associated with garden beds.

A minimum 100% STORM Rating, minimum BESS score of 50% and pass in Water, Energy, Stormwater and IEQ must be maintained. The requirements of the endorsed SDA must be implemented and complied with to the satisfaction of the Responsible Authority.

9. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:

(a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;

(i) An assessment using an industry recognised stormwater tool;

(ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;

(iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;

(iv) A plan illustrating where all impervious surfaces will be treated and drained;

(v) A construction and maintenance schedule;

(b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;

(c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

10. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must describe how the site will be managed prior to and during the construction period, including requirements for:

(a) Erosion and sediment.

(b) Stormwater.

(c) Litter, concrete and other construction wastes.

(d) Chemical contamination.

The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

11. Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans 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.

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

13. Before the development is occupied, all disused or redundant vehicle crossings must be removed and the area reinstated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

14. The land must be drained to the satisfaction of the Responsible Authority.

15. At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls, a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority, confirming the ground floor level(s). The report must be submitted to the Responsible Authority no later than 7 days from the date of the inspection.

    The development must not be occupied until a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority is submitted to the Responsible Authority, confirming the floor level(s).

16. Before the development is 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

17. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:

    (a) concealed in service ducts or otherwise hidden from view; or

    (b) located and designed to integrate with the development,

    to the satisfaction of the Responsible Authority.

18. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the building without the prior written consent of the Responsible Authority.

19. The walls on the boundary of the adjoining properties must be cleaned and finished 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)

- Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development, it must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or

other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

INTRODUCTION AND BACKGROUND

Application D/615/2019 - Development of five (5) dwellings was submitted and subsequently withdrawn in December 2019.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 41.14 metres (length) and 15.24 metres (width) and has a total site area of 626.97 square metres.
- The site includes a fall of approximately 500mm from the north to the south boundary.
- The land is located within the General Residential Zone – Schedule 2 and Neighbourhood Character Precinct E3 (Inter-war/Post-war Mix).
- The site is designated for Incremental Change within Council's Housing Strategy.
- The land is located on the southern side of Union Street approximately 50 metres west of Gilbert Road.
- The intersection of Gilbert Road and Regent Street is designated as an Activity Centre under the Planning Scheme. The activity centre provides a mix of retail and commercial uses.
- Tram Route 11 terminates at the Gilbert Road and Regent Street intersection.
- The site currently contains a single storey weatherboard bungalow with galvanised iron gable roof. The dwelling is setback 4.0 metres from the eastern boundary, 1.8 metres from the western boundary and has a front setback of 8.4 metres. A timber picket fence with pedestrian access gate is located along the street frontage. A 4.5-metre-wide crossover to Union Street and driveway, located along the eastern boundary, provides access to a single carport.
- To the north, on the opposite side the street, are two attached, single storey clinker brick dwellings with tiled cross gable roofs and off-street parking to the rear, accessed via single width crossovers running parallel to their respective east and west property boundaries.
- To the south, separated by a ROW, is the rear secluded private open space associated with a single storey rendered clinker brick dwelling with tiled hipped roof, fronting McNamara Street.
- To the east, separated by a right of way, are commercial tenancies and a residential mixed-use apartment development fronting Gilbert Road. The apartment building provides a maximum height of three storeys, which reduces to two storeys adjacent the subject site. Vehicle access to the apartment building is via the ROW.
- To the west is a single storey brick dwelling with tiled hipped roof and single width crossover located along the eastern property boundary. The dwelling is setback 2.95 - 3.05 metres from the common boundary. A garage is located to the rear of the site adjacent the common boundary.

- On street parking restrictions are as follows:
  - No parking between 8.30am and 4.30pm Mon-Fri on the northern side of Union Street between 2 and 8 Union Street;
  - Unrestricted parking along the northern side of Union St, from 8 Union Street heading west; and
  - Restricted 1-hour parking between 8.30am and 6.30pm (Mon – Fri) and 8am – 12.30 pm (Sat) on the southern side of Union Street.
- The site is within proximity to public transport including Tram Route 11 (West Preston to Victoria Harbour Docklands) and bus routes 526 (Coburg - Reservoir via Elizabeth Street), 527 (Gowrie - Northland via Murray Road) and 553 (Preston - West Preston via Reservoir).
- The site is located within 100m of retail and services along Gilbert Road and Regent Street, within 1.5km of the High Street Preston shopping precinct and within walking distance to schools and parks.

Proposal

- The development proposes five double storey dwellings, as detailed:
  - Dwellings 1-4: Traditional dwelling arrangement with living, dining, kitchen areas and secluded private open space (25sqm – 32sqm) at ground level, two (2) bedrooms with en-suite at the first-floor level and additional 4.15sqm balcony/terrace areas for Dwellings 2-4.
  - Dwelling 5: Reverse living arrangement with ground floor entrance accessed via shared walkway and kitchen/dining/living areas and two (2) bedrooms at the first-floor level. Balcony private open space with a total area of 12.89 square metres is provided.
  - One (1) car parking space, accessed via the rear laneway, is provided for each dwelling in accordance with standard requirements.
- The development is not required to provide a visitor car parking space as the site is located within the Principle Public Transport Network (PPTN) area.
- A contemporary built form is proposed, which incorporates a gable roof, face brickwork (recycled red brick) at the ground floor level and horizontal cladding (axon cladding – grey & timber composite cladding) at the first-floor level. The fenestration is consistent across the development, provides an outlook to the street and is consistent with the character of the street.
- The dwellings will have a maximum building height of 8.29 metres.
- The mandatory garden area requirement is 30%. The proposal achieves a garden area of 35.31%.
- The proposed development is comprised of five attached double storey dwellings. A mix of external cladding is proposed – predominately brick at ground level and a mix of light weight cladding at the second level.
- Parking is to be located to the rear of the site and be accessed via the existing ROW.
- Secluded private open space, accessed via living areas, is provided for dwellings at ground (Dwellings 1-4) and within a balcony area provided for Unit 5.
- Each dwelling is proposed to comprise two bedrooms.
- Space is provided at the front and sides of the development to incorporate landscaping.

Objections summarised

- Object to existing dwelling demolition/should be heritage listed
- Existing traffic congestion/parking/access/pedestrian safety issues – will be made worse
- Insufficient car parking, poorly located & laneway access will be compromised
- Built form/materials/design/colours not in accordance with neighbourhood character
- Overdevelopment/density too high – too many units
- Overlooking/privacy concerns
- Overshadowing
- Front setbacks not consistent with existing street setbacks
- Poor internal & external amenity for future occupants/too small
- Laneway obstructions while building
- Too many bins
- Insufficient demand for this housing type
- Residential noise
- Impacts to existing trees
- Obstruction of views
- Property devaluation
- Negative financial impact to existing business
- Reduction of green space/garden areas

Officer comment on summarised objections

<u>Object to existing dwelling demolition/should be heritage listed</u>

The site is located within Neighbourhood Character Precinct E3, which encourages the retention of older dwellings that contribute to the valued character of the area. The loss of intact streetscapes and new development that is out of scale and character with existing Inter-war dwellings should be avoided.

In this regard, it is noted that while the existing California bungalow contributes to the streetscape, the streetscape itself cannot be described as intact and is characterised by a mixture of Inter-war and Post-war dwellings as well as more modern developments. Examples of newer built forms within proximity to the subject site are located at 3 Union Street (1980's brick dwelling), directly adjacent to the subject site, 19 Union Street (dual occupancy side by side development) and 21 Union Street (1980's brick dwelling).

In addition, the existing dwelling has not been identified as a place of heritage significance and does not benefit from heritage protection. As such a balance must be struck between maintaining older dwellings and providing new dwellings as appropriate. Ultimately the development meets policy guidelines and provides an appropriate design response to the context.

Existing traffic congestion/parking/access/pedestrian safety issues – will be made worse

Each of the two-bedroom dwellings have been provided with one car parking space, in accordance with standard requirements. It is reasonably expected that residents will use these spaces to park their vehicles.

Any issues related to multiple car ownership, on street parking, existing traffic congestion etc. are behavioural issues that cannot be regulated through the requirements of the Darebin Planning Scheme or the *Planning and Environment Act 1987.*

The full complement of car parking is to be provided on the site and accessed from the abutting constructed ROW. On this basis, the existing crossover connecting to Union Street is required to be reinstated to curb and channel to Council's satisfaction via condition of any approval. This would result in the provision of an additional on-street car parking space that would benefit the residents of Union Street.

Insufficient car parking, poorly located & laneway access will be compromised

Each of the two-bedroom dwellings have been provided with one car parking space each in accordance with standard planning requirements.

The car parking is located to the rear of the site and is accessed via the existing ROW, in accordance with Council's Vehicle Crossing Policy, which requires vehicle access to be provided from a ROW if available and suitable.

Furthermore, it is noted that the copy of Title indicates the property owners have a legal right of carriageway over the ROW and are legally entitled to use it for access.

No concerns have been raised through Council's internal referral process in regard to access being compromised.

Built form/materials/design/colours not in accordance with neighbourhood character

A contemporary built form is proposed, which maintains a single dwelling appearance to the street and includes a gable roof, vertical timber composite cladding and face brickwork, which are all evident along the street. The built form presentation to the street incorporates modern detailing, such as window shrouds to provide shading and contemporary gable roof forms at the first floor. Overall the built form is a contemporary interpretation of the traditional built form and is appropriate to and in keeping with the variety of built forms along the street and considered to contribute to the preferred character of the street.

Overdevelopment/density too high – too many units

The assessment of medium density housing proposals is not based upon the number of dwellings on a lot, but how well the proposal responds to State and Local planning policy as well as the qualitative and quantitative requirements of the Darebin Planning Scheme. These requirements in part, consider the amenity of future residents, seek to protect the amenity of existing residents, respond to the attributes and constraints of the site and seek to ensure housing meets the needs of a growing population, in appropriate locations.

In relation to density, there is no clear guideline as to what is considered a lower or a higher density. However, in terms of overdevelopment, it is generally considered that overdevelopment is present if the proposal fails to meet a number of the standards and objectives of Clause 55, particularly as they relate to on and off-site amenity.

It is therefore considered reasonable that when considering whether any proposal is an overdevelopment or too high a density to be accommodated relative to lot size, the manner in which the development responds to the standards and objectives of ResCode can be used as an effective guide.

In regard to the proposed development, it is not considered an overdevelopment or to be of too high a density for the site, as the proposal meets the requirements of ResCode and is a built form outcome that fits within the existing built form context.

Overlooking/privacy concerns

The development has generally been designed to ensure no overlooking of neighbouring habitable room windows or secluded private open space.

Conditions will however be included to ensure the western boundary fence has a minimum height of 1.8 metres, to ensure no overlooking at the ground level, the obscure glazing associated with west and south elevation habitable room windows is noted as being not more than 25% transparent and not film, and for the south elevation of the balcony to be provided with fixed screening to a height of 1.7 metres.

A full overlooking assessment is provided within the ResCode assessment below.

Overshadowing

The development complies with the overshadowing objective and standard. To the south and west, at least 40sqm of neighbouring secluded private open space, with a minimum dimension of 3.0 metres, receives a minimum of five hours of sunlight between 9am and 3pm on the 22 September in accordance with the standard requirement.

There is no other secluded private open space, which will be impacted by the development.

Front setbacks not consistent with existing street setbacks

Whilst the ground floor front setback is not as per existing setbacks in the street and not in accordance with the numerical requirement, it is considered appropriate to the context and compliant with the objective of the standard. A full assessment and justification for the reduced setback is provided within the ResCode assessment below.

In regard to the first-floor setback, while precinct guidelines recommend upper levels be setback the distance of one room, the design objective seeks to avoid buildings that are out of scale with adjoining buildings or that appear to dominate the streetscape. The proposed first floor has not been setback; however, it is considered appropriate as the built form is well articulated and consistent with double storey-built forms within the streetscape. Furthermore, the ROW and neighbouring crossover provide a buffer on each side the development, which, along with side setbacks in excess of those required by the standard, ensure the built form is an appropriate fit within the context and does not dominate the streetscape.

Poor internal & external amenity for future occupants/too small

The dwellings have each been provided with open plan living areas with separate areas allocated for the kitchen, dining and lounge rooms. These are all appropriately dimensioned to ensure a suitable level of internal residential amenity and are designed to have access to individual private open space areas. In addition, it is noted that the dwellings have been designed to ensure only minimal screening of windows is required. As such, it is considered the dwellings will provide future occupants with an appropriate level of internal and external amenity.

ROW obstructions while building

Noise, truck movements and other associated impacts during the construction phase of development are a temporary and unavoidable consequence of development and not justification to withhold development of the site.

Too many bins

A shared bin arrangement has been proposed for the development, which includes 2 X 240 litre general waste and 4 X 240 litre recycling bins. This is not an excessive number of bins and can be easily accommodated on the street frontage. A condition of permit is proposed to require 3 x 120L FOGO bins for which there is also sufficient room on the street frontage to accommodate.

Insufficient demand for this housing type

There is no evidence to suggest that two-bedroom dwellings are not in demand in this area. However, planning policy broadly seeks to ensure a range of housing types are provided within proximity to services, retail and public transport. In this regard, the proposed development meets the criteria and contributes to a varied housing type for the area.

Residential 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.

Impacts to existing trees

No issues are raised regarding the development detrimentally impacting existing trees, subject to tree protection measures, which have been included as conditions within the permit.

Obstruction of views

The Victorian Civil and Administrative Tribunal (VCAT) 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. As such, in the absence of specific overlay controls designed to protect view lines, no entitlements to a view prevails.

Property devaluation

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

Negative financial impact to existing business

There is no evidence to suggest that the provision of additional housing stock to the area will detrimentally impact upon existing businesses in the area.

Reduction of green space/garden areas

The development incorporates sufficient areas to allow for the planting of vegetation and canopy trees. In addition, the proposal comfortably meets the garden area requirement as required by the planning scheme.

PLANNING ASSESSMENT

Neighbourhood Character Precinct Guideline Assessment - Precinct E3 (Inter-war/Post-war mix)

Existing Buildings

In relation to existing buildings, guidelines seek to avoid the loss of intact streetscapes and buildings that are out of scale and character with the existing buildings.

In this regard it is noted that the existing California Bungalow is one of the original dwellings constructed in the area. Nonetheless, the streetscape is not intact and is characterised by a mixture of Inter-war and Post-war dwellings as well as more modern developments.
Examples of newer built forms within proximity to the subject site are located at 3 Union Street (1980's brick dwelling) directly adjacent to the subject site, 19 Union Street (dual occupancy side by side development) and 21 Union Street (1980's brick dwelling).

Particularly of relevance to this proposal is the immediate built forms, to the east and west. As noted, 3 Union Street directly to the west of the subject site, is a 1980's brick dwelling (see Image 1) while to the east are the rear of a commercial tenancy and a mixed-use apartment development fronting Gilbert Road (see Image 2).

Image 1: Subject site (left) and adjoining property - 3 Union Street

Image 2: Subject site (right) and neighbouring built forms east

Within this built form context, the proposed dwellings are an appropriate built form response, which are in keeping with the immediate surrounds.

Complies

Vegetation

The proposed development maintains sufficient area within front and side setback areas to incorporate vegetation, shrubs and canopy trees and includes the removal of existing hardscaping within the front yard. This outcome is in keeping with neighbourhood character guidelines, which seek to strengthen the garden setting of dwellings.

In addition, any approval will require the submission of a landscape plans, which at a minimum includes the planting of six small to medium canopy trees. These are to be located within the front setback and individual secluded private open space areas.

Complies, subject to condition

Siting

The proposed dwellings have been appropriately sited to incorporate a front garden and substantial side setbacks, which will ensure the side setback pattern and separation between dwellings is maintained as per the existing setback pattern of the street.

In addition, car parking structures have been located to the rear of the site, thereby ensuring these do not impact upon the streetscape; allowing the front garden to be fully utilised.

The existing crossover to Union Street will be reinstated to kerb and channel.

Complies

Height and building form

The proposed built form is consistent with the predominant height and form of buildings in the streetscape, maintains a single dwelling frontage width to the street and does not dominate the streetscape or adjoining properties.

This is achieved through the use of substantial side setbacks at the ground and first floor, which provide an appropriate level of separation between new and existing built forms and through the provision of a staggered upper level setback.

These aspects of the proposal assist to provide an appropriate transition in scale from east to west and ensures the new built form does not dominate the streetscape or the existing single storey dwelling to the west.

Complies

Materials and design detail

The dwellings incorporate a gable roof, vertical timber cladding and face brickwork, which is consistent with the material palette as evident along the street and newer built forms.

Overall, the detailing is a modern interpretation of the traditional built form and is appropriate to the street and immediate built form context.

Complies

Front boundary treatment

A brick pier and aluminium blade fence to a height of 1.2 metres is proposed. This is consistent with existing fence heights and will allow views to the dwelling and front garden to be maintained.

Complies

Clause 55 Assessment

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

Clause 55.03-1 B6 Street Setback

The standard requires that where there is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner, a setback equal to that of the neighbouring dwelling or 9.0m (whichever is the lessor) is required.

In this instance a setback of 8.35 metre is required. However, a setback of 6.1 metres has been provided.

Whilst this is not in accordance with the numerical standard requirement, the setback is considered to meet the objective of the standard for a number of reasons, as follows:

- The setback makes efficient use of the site and maintains a front garden area in accordance with neighbourhood character guidelines;
- The setback results in a transition of built form, from the zero setback of the commercial property to the east, which directly abuts the Union Street pedestrian path, to the deeper setback to the west at 3 Union Street;
- The existing driveway at 3 Union Street allows for a buffer between the new built form and existing, which will help ameliorate the impact of the new built form;
- The proposed side setbacks to the west, which are in excess of that required by the standard, which additionally help to mitigate the impact of the new built form;

- The reduced setback does not result in detrimental impacts to existing habitable room windows or secluded private open space to the west; and
- The reduced setback does not result in any adverse impact to amenity to the east as these areas are associated with the rear of commercial tenancies and car parking areas.

Complies with objective

Clause 55.04-2 Walls on Boundary

The standard requires that a wall be of a length of no more than 10 metres plus 25% of the remaining length of the boundary of an adjoining lot, and a height not exceeding a maximum of 3.6 metres and an average of 3.2 metres.

Walls on boundary have been provided as follows, with areas of non-compliance underlined:

Boundary & length	Maximum length allowable	Max height/Ave height	Proposed length
Eastern: 41.15 metres	17.78 metres	4.42m/4.36m	6.35 metres
Western: 41.15 metres	17.78 metres	3.23m/3.2m	6.35 metres

The wall on boundary heights along the eastern boundary are considered acceptable as the interface is to the existing ROW and the wall on boundary does not adjoin or impact the amenity of nearby residential dwellings. As such, it is considered an appropriate design response within the context.

Complies with objective

Clause 55.04-6 B22 Overlooking

The proposal generally complies with the standard and requirements of the clause subject to conditions.

The standard specifies that where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary, screening requirements do not apply. As such, to ensure no overlooking from the ground floor, a permit condition has been added for a western boundary fence be provided that has a minimum height of 1.8 metres from natural ground level.

There are no overlooking concerns at the ground level from any other site boundary as the remaining interfaces are to the side and rear ROW.

At the first floor, upper storey windows are generally designed and/or screened to ensure no overlooking. However, a permit condition has been added to ensure all obscure glazing associated with south and west facing habitable room windows are confirmed as being not more than 25% transparent and not film, in accordance with standard requirements.

A condition has also been added for the Dwelling 5 balcony to be provided with a fixed screen at the south elevation as this is within 9m of neighbouring secluded private open space. No screening is required for the north and east elevation of this balcony as there are no habitable room windows or balconies within 9m.

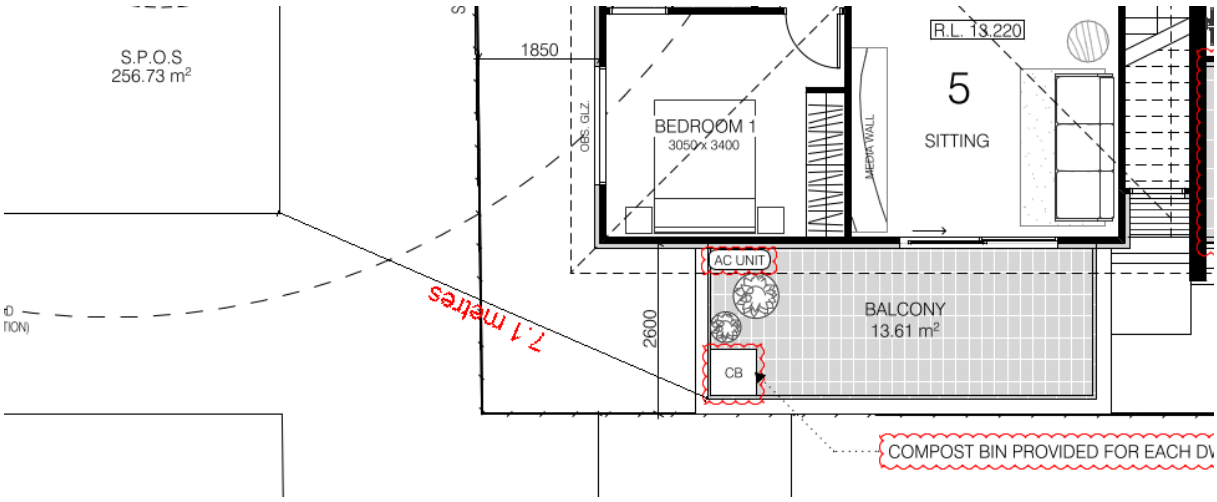


Image 3: Distance from secluded private open space to south

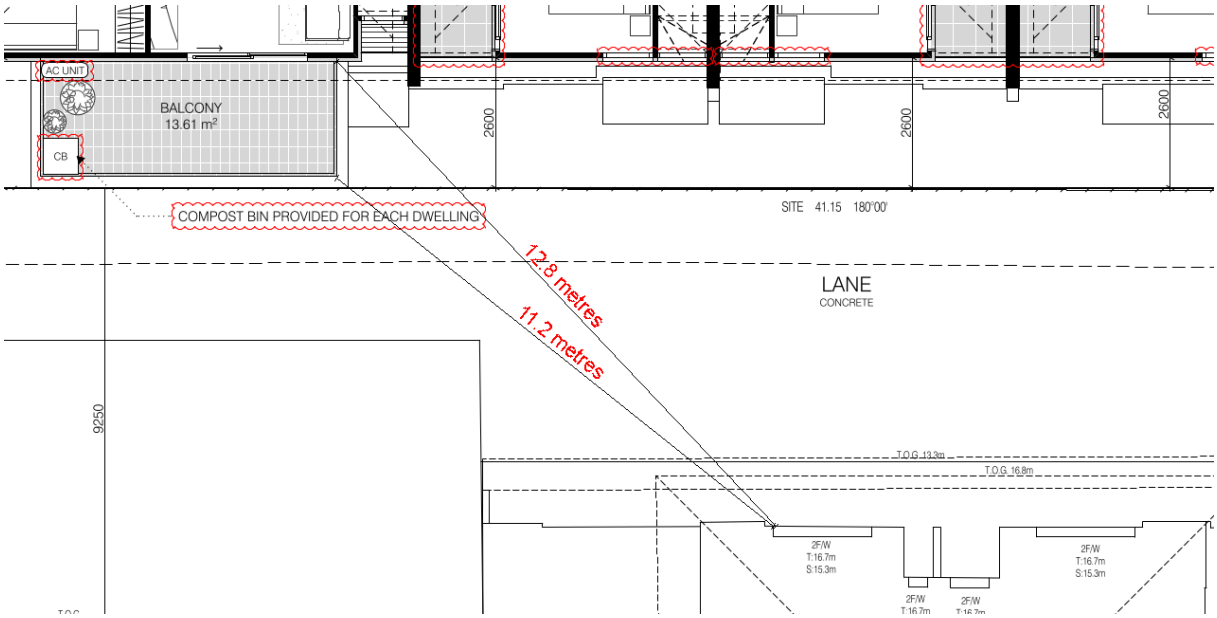


Image 4: Distance from new balcony to existing neighbouring windows east of the site.

Screening measures do not apply to east elevation windows and terraces for Dwellings 1 – 4 as these are not within 9 metres of neighbouring habitable room windows and balconies.

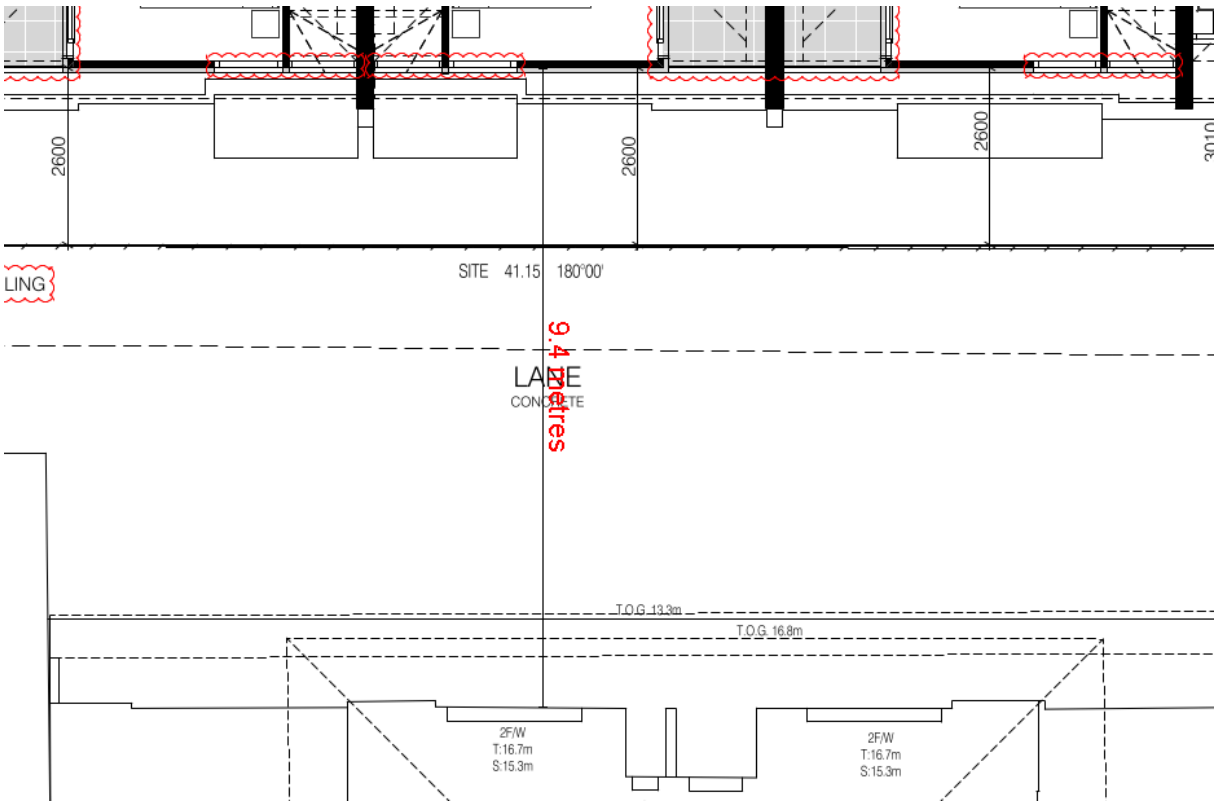


Image 5: Distance from new windows to existing windows

Complies, subject to condition

<u>Clause 55.05-4 B28 Private Open Space</u>

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

The standard requires a minimum private open space area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3.0 metres and convenient access from a living room, or

A balcony of 8.0 square metres with a minimum width of 1.6 metres and convenient access from a living room.

Private and secluded private open space areas have been provided as follows, with areas of non-compliance underlined:

	Total POS	**Secluded POS**	**Minimum dimension of secluded POS**
Dwelling 1	165.01 square metres	25.42 square metres	4.16 metres
Dwelling 2	<u>34.15 square metres</u>	30 square metres	4.64 metres
Dwelling 3	<u>34.61 square metres</u>	30.46 square metres	4.64 metres
Dwelling 4	<u>36.17 square metres</u>	32.02 square metres	4.64 metres
Dwelling 5	12.89 square metres (balcony)	-	2.04 metres

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

In relation to Dwellings 2-4, whilst a total open space area of 40 square metres hasn't been provided, it is considered the objective has been met due to the following:

- Secluded portion is greater than the minimum requirement of 25sqm and exceeds minimum width requirement of 3 metres;
- The areas are designed to have access to living areas;
- All will receive direct northern sunlight;
- Site service (clothes lines, A/C units etc) have been located to not detrimentally impact on the useability of open space areas;
- The spaces are considered to be of a suitable size to provide for the reasonable recreational needs of a smaller 2-bedroom household; and
- The dwellings are located within a 150-metre walking distance of parkland i.e. J.S. Grey Reserve, which can be accessed by residents as required.

Complies with objective

Clause 52.06 Car Parking

Number of Parking Spaces Required

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

No visitor parking space is required as the site is located within the Principle Public Transport Network area.

Design Standards for Car parking

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

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

Car parking spaces are an appropriate width and length with additional width provided to end spaces to allow for door opening as they are adjacent solid walls.

Access dimensions to the car spaces comply with the standard.

The 2.2m high boundary fence adjacent to the laneway must be splayed down to a maximum height of 900mm, 2.5m into the subject site to accommodate visibility splay requirements. This has been added as a condition.

Complies, subject to condition

Clause 53.18 Stormwater Management in Urban Development

The purpose of the clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Given the development site's zoning, the provision of this clause applies to the application and stormwater management objectives for the buildings and works must be met, as follows:

Clause 53.18-5 – Buildings and Works (Standard W2)

It is policy:

- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*
- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.*

Standard W2 requires any stormwater management system to:

- *Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.*
- *Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

Part of the above requirements are covered under the STORM tool, as required under Clause 22.12-4 application requirements. *Table 1 – ESD Application requirements* recommend the application to be accompanied by a Sustainable Design Assessment (SDA) utilising the BESS and STORM tools. The STORM tool will sufficiently address best practice performance for stormwater quality.

The application is supported with an effective STORM report which demonstrates 100% STORM rating and a Stormwater Management Plan will need to be submitted and approved.

Clause 53.18-5 – Site Management (Standard W3)

It is policy:

- *To protect drainage infrastructure and receiving waters from sedimentation and contamination.*
- *To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.*

The above is to be implemented through appropriate site management practices prior to and during the construction period, to be included in a Site Management Plan that sets out how the following are to be addressed:

- Erosion and sediment.
- Stormwater.
- Litter, concrete and other construction wastes.
- Chemical contamination.

Given the scope of the development, the above requirement for a site management plan to manage and protect drainage infrastructure from receiving sedimentation and contamination on site may be addressed by condition.

Complies subject to conditions

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	**B1**	**Neighbourhood character**		
		Please see assessment in the body of this report.	Y	Y
55.02-2	**B2**	**Residential policy**		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	**B3**	**Dwelling diversity**		
		N/A as development contains less than 10 dwellings	-	-
55.02-4	**B4**	**Infrastructure**		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	**B5**	**Integration with the street**		
		Dwelling 1 is appropriately orientated to front the street network, the development includes suitable pedestrian links to the rear dwellings and overall appropriately integrates with the street.	Y	Y
55.03-1	**B6**	**Street setback**		
		The required setback is 8.35 metres, the dwellings are set back 6.1 metres from the street frontage. Please see assessment in the body of this report.	N	Y
55.03-2	**B7**	**Building height**		
		The proposed dwellings are to have a maximum height of 8.29 metres which complies with the standard requiring a maximum height not exceeding 11 metres.	Y	Y
55.03-3	**B8**	**Site coverage**		
		58.53%	Y	Y
55.03-4	**B9**	**Permeability**		
		34.46%	Y	Y
55.03-5	**B10**	**Energy efficiency**		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties. Conditions will be included to ensure external shading is provided as appropriate to orientation and daylight tubes or windows (as appropriate) are incorporated within en-suite/bathroom areas. FOGO bins and a shared store will be required by way of condition.	Y	Y

Clause	Std		Compliance	
		In addition, a Sustainable Design Assessment has been submitted with the application and all measures delineated therein will need to be incorporated into the development.		
55.03-6	**B11**	**Open space**		
		N/A as the site does not adjoin public open space.	-	-
55.03-7	**B12**	**Safety**		
		The proposed development is secure, and the creation of unsafe spaces has been avoided. However, in order to increase safety, improve passive surveillance and activate the laneway area, a condition will require the eastern boundary fence to be reduced to a maximum height of 1.5 metres and be designed in a style consistent with the development.	Y	Y
55.03-8	**B13**	**Landscaping**		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	**B14**	**Access**		
		N/A as access is proposed to be from the existing ROW to the rear and the existing crossover to Union Street is proposed to be reinstated footpath, nature strip and kerb and channel. Provision of additional on-street parking will be beneficial for the residents on Union Street.	-	-
55.03-10	**B15**	**Parking location**		
		Parking facilities are proximate to the dwellings they serve, the access is safe and secure and vehicle movement will not impact on habitable room windows.	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: 6.35m (eastern) & 6.35 (western). Height: 4.42m (eastern) & 3.23m (western) Walls on boundaries comply with the objective of this standard. Please see full assessment in the body of this report.	N	Y
55.04-3	**B19**	**Daylight to existing windows**		
		Sufficient setbacks allow adequate daylight to existing windows.	Y	Y
55.04-4	**B20**	**North-facing windows**		
		N/A as there are no north facing windows within 3 metres of the common boundary with the subject site.	-	-
55.04-5	**B21**	**Overshadowing open space**		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y

Clause	Std		Compliance	
55.04-6	**B22**	**Overlooking**		
		Please see assessment in the body of this report.	Y	Y
55.04-7	**B23**	**Internal views**		
		A condition has been included to ensure boundary fences separating each dwelling secluded private open space have a minimum height of 1.8m. Measures to ensure no overlooking of neighbouring habitable room windows and secluded private open space will additionally ensure no overlooking into secluded private open space within the development.	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 have been provided with shelter and a transitional space around the entry.	Y	Y
55.05-3	**B27**	**Daylight to new windows**		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	**B28**	**Private open space**		
		Please see assessment in the body of this report.	N	Y
55.05-5	**B29**	**Solar access to open space**		
		N/A as no walls to the north impacting secluded private open space.	-	-
55.05-6	**B30**	**Storage**		
		Sufficient storage areas are provided.	Y	Y
55.06-1	**B31**	**Design detail**		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	**B32**	**Front fences**		
		A brick pier and aluminium blade fence to a height of 1.2 metres is proposed.	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. These have been located and designed to blend with the development.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Infrastructure and Capital Delivery	No objection, subject to condition included in recommendation
Climate Emergency and Sustainable Transport	No objection, subject to condition included in recommendation
Arboricultural Planning	No objection, subject to condition included in recommendation
Property Officer	No objection, subject to condition included in recommendation
ESD officer	No objection, subject to condition included in recommendation
WSUD officer	No objection, subject to condition included in recommendation

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-6 (General Residential Zone) – Construction and extension of two or more dwellings on a lot

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.02-1; 15.01-1; 15.01-5; 15.02; 16.01; 19.03-1
LPPF	21.05-1; 21.05-2; 21.05-3; 22.04
Zone	32.08
Overlay	45.06
Particular provisions	52.06; 53.18; 55
General provisions	65.01
Neighbourhood Character Precinct	E3

POLICY IMPLICATIONS

Environmental Sustainability

A Sustainable Design Assessment has been submitted with the application and all measures delineated therein will need to be incorporated into the development.

Social Inclusion and Diversity

Nil

Other

Nil

RELATED DOCUMENTS

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

Attachments

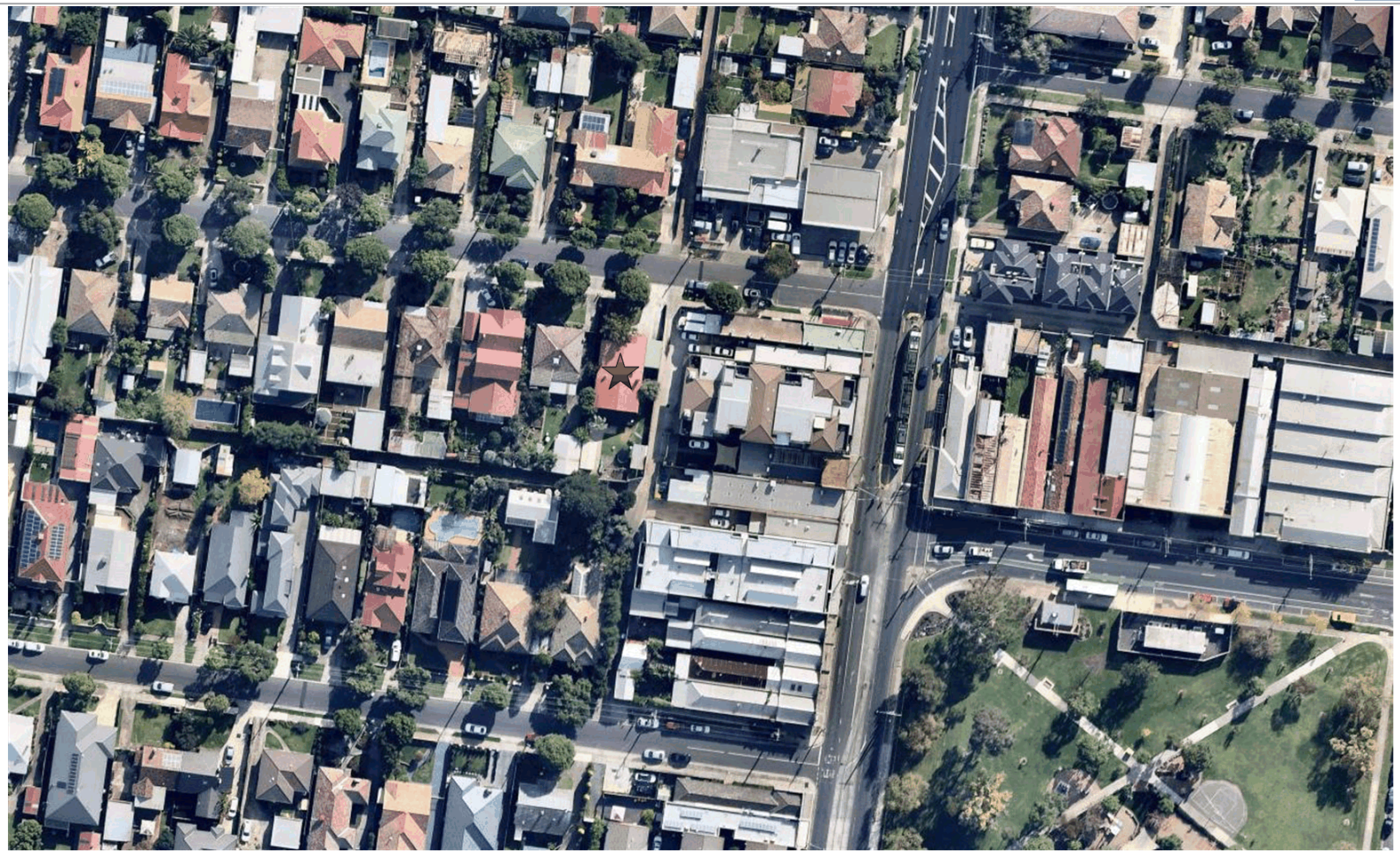
- 1 Union Street PRESTON - Aerial Map (**Appendix A**)
- 1 Union Street PRESTON - Development Plans (**Appendix B**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any general or material interest in a matter to which the advice relates.

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

1 UNION STREET PRESTON 3072
Darebin City Council
28/08/2020



TAOUKARCHITECTS
1
UNION STREET
PRESTON
TOWN PLANNING - REV B
DECEMBER 2020
TAOUK ARCHITECTS 448 HEIDELBERG ROAD FAIRFIELD VIC 3078
t 03 9486 8080 info@taoukarchitects.com.au www.taoukarchitects.com.au

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DESIGN CONCEPT 1.0

1.1 MATERIALS AND FINISHES

BR1

FACE BRICKWORK:
RED RECYCLED BRICKS

RE1

RENDER:
DULUX COLOUR SPECIFIER-
'STEPNEY'

RE2

RENDER:
COLORBOND 'MONUMENT' PAINT
COLOUR

FC1

TIMBER COMPOSITE CLADDING:
BROWN COLOUR- SMOOTH FINISH

BL1

ALUMINIUM BLADE FENCE:
DULUX POWDERCOATINGS -
'MONUMENT'

FR1

WINDOW & DOOR FRAMES:
ALUMINIUM FRAMING,
DULUX POWDERCOATINGS - 'MONUMENT'

FR2

TIMBER ENTRY DOOR FRAMING:
SEMI GLOSS PAINT FINISH -
BLACK COLOUR

RF1

METAL SHEET ROOFING -
COLORBOND 'MONUMENT' COLOUR

AL1

ALUMNIUM SHROUD/AWNING:
DULUX POWDERCOATINGS -
'MONUMENT'

GD1

GARAGE DOORS:
DULUX POWDERCOATINGS -
'MONUMENT'

CO1

CLADDING: COLORBOND
'MONUMENT' COLOUR

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ARTIST IMPRESSION **CAMERA 01**

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ARTIST IMPRESSION **CAMERA 02**

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APPENDIX A 3.0

2.1 ARCHITECTURAL DRAWINGS

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NEIGHBOURHOOD SITE DESCRIPTION PLAN

EXISTING CONDITIONS + ORIENTATION

- SITE
- A — SITE HAS AN NORTH TO SOUTH ORIENTATION
- B — THE SITE IS RELATIVELY FLAT WITH A CENTRALLY LOCATED SLOPE OF APPROXIMATELY 400mm FROM THE FRONT AND REAR OF THE SITE

VEGETATION

- C — VEGETATION ON THE LAND
- D1 — PEDESTRIAN ACCESS IS AVAILABLE FROM UNION STREET
- D2 — VEHICULAR ACCESS IS AVAILABLE FROM UNION STREET
- E1 — EXISTING STREET CROSSOVER

DRAINAGE + SERVICES

- F — DRAINAGE POINT LOCATED AT THE REAR OF THE SITE
- G — SITE HAS ACCESS TO INFRASTRUCTURE (SEWER, WATER SUPPLY, ELECTRICITY, GAS AND COMMUNICATIONS)

FENCING, BOUNDARIES + EASEMENTS

- H1 — TIMBER PALING FENCE
- H2 — TIMBER PICKET FENCE
- H3 — BRICK FENCE
- H4 — METAL POST FENCE
- H5 — WOVEN MESH FENCE
- H6 — NOT FENCED

LOCATION/USE OF SURROUNDING BUILDINGS

- J1 — SINGLE STOREY WEATHERBOARD DWELLING
- J2 — SINGLE STOREY BRICK DWELLING
- J3 — SINGLE STOREY RENDERED DWELLING
- J4 — TWO STOREY RENDERED DWELLING
- J5 — TWO STOREY BRICK DWELLING
- J6 — THREE STOREY BUILDING
- J7 — SINGLE STOREY SERVICE STATION

TOPOGRAPHY OF LAND

- K — LEVELS AT SITE BOUNDARIES FOLLOW TOPOGRAPHY OF THE LAND

S.P.O.S + HABITABLE ROOM WINDOWS

- L — SECLUDED PRIVATE OPEN SPACE ON ADJOINING PROPERTIES
- M — HABITABLE ROOM WINDOWS WITHIN 9M OF THE SITE
- N — POTENTIAL OVERSHADOWING TO ADJOINING PROPERTIES

NEARBY PUBLIC OPEN SPACE

- P1 — GREY J.E. RESERVE (0.16KM EAST) - INCLUDES PLAY AREA
- P2 — LARKING RESERVE (0.23KM SOUTH WEST)
- P3 — WILLIAMS L.W. RESERVE (0.75KM SOUTH EAST) - INCLUDES PLAY AREA
- P4 — COX, F. RESERVE (0.85KM SOUTH WEST) - INCLUDES WALKING TRACK - INCLUDES PLAY AREA

LOCAL SHOPS

- Q1 — REGENT WEST VILLAGE (0.1KM SOUTH)
- Q2 — PRESTON SHOPPING CENTER (1.42KM SOUTH EAST)

PUBLIC TRANSPORT

- R1 — BUS ROUTE 552 ON GILBERT ROAD
- R2 — REGENT TRAIN STATION (1.05 EAST)
- R3 — PRESTON TRAIN STATION (1.25 SOUTH EAST)
- R4 — TRAM ROUTE 11 ON GILBERT ROAD

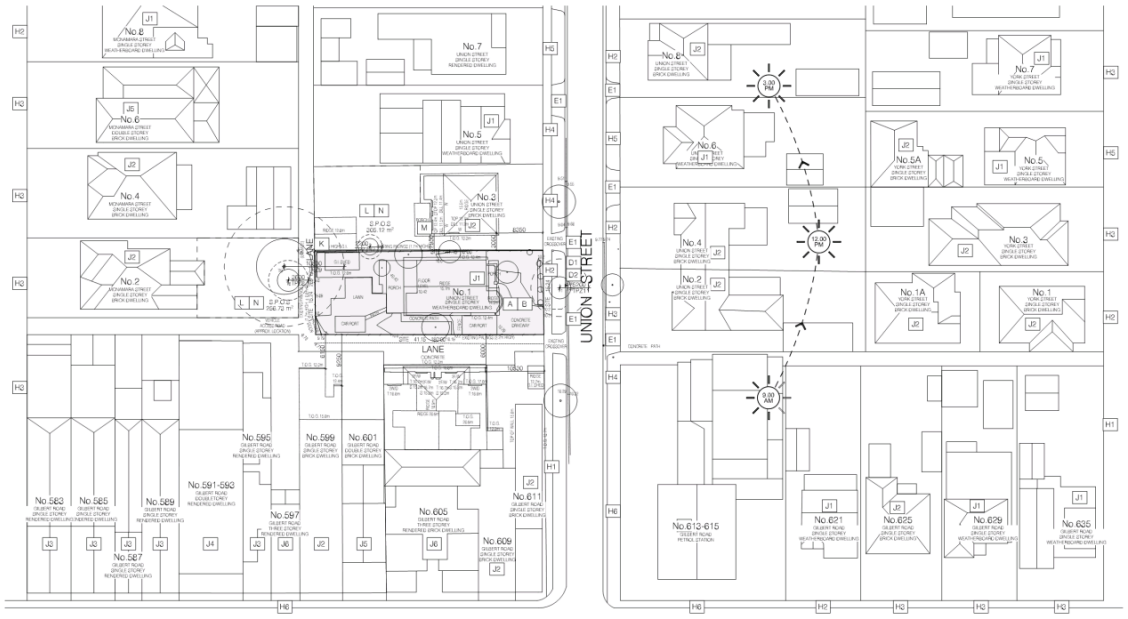
SCHOOLS/EDUCATION

- S1 — NEWLANDS PRIMARY SCHOOL (0.3KM SOUTH WEST)
- S2 — RESERVOIR WEST PRIMARY SCHOOL (0.78KM NORTH)
- S3 — COBURG SENIOR HIGH SCHOOL (1.55KM SOUTH WEST)

SITE CONTEXT

THE EXISTING CHARACTER IS GENERALLY FORMED BY BRICK OR WEATHERBOARD SINGLE STOREY DWELLINGS, INTERSPERSED WITH THE OCCASIONAL DOUBLE STOREY AND TRIPLE STOREY BUILDING, WITH GENERALLY TILED HIP ROOFS. GARDENS GENERALLY CONSIST OF SCATTERED TREES AND SHRUBS WITH A LAWN AREA BEHIND FRONT FENCES.

THE SITE ABUTS A MAIN ROAD, WHICH HAS CONTRIBUTED TO THE CREATION OF A VARIED BUILT FORM.



REVISION
- 00.12.19 TOWN PLANNING APPLICATION
A 06.05.20 CHANGES IN RESPONSE TO COUNCILS RFI
B 25.11.20 CHANGES IN RESPONSE TO COUNCILS DESIGN GUIDELINES

TAOUKARCHITECTS
D. 9496 5080
e. info@taoukarchitects.com.au
449 HEIDELBERG ROAD FAIRFIELD VIC 3078
w taoukarchitects.com.au

PROJECT
RESIDENTIAL DEVELOPMENT
1 UNION STREET
PRESTON VIC 3072

CLIENT: TONY TAOUK

DRAWING TITLE: NEIGHBOURHOOD SITE DESCRIPTION PLAN

ISSUE: TOWN PLANNING

SCALE: 1:400 @ A1

JOB No.: 19-08

DRAWN: IA

DATE: DECEMBER 2020

DRAWING No.: **TP_01**

REVISION: B

Darebin City Council Received 7/12/2020

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DESIGN RESPONSE PLAN

THE PROPOSAL

THE SUBJECT LAND IS LOCATED IN PRESTON ON THE SOUTHERN SIDE OF UNION STREET. THE SITE HAS A REGULAR SHAPE WITH A FRONTAGE OF 15.24m AND AN OVERALL AREA OF 677.0m²

THE PROPOSAL INCLUDES THE DEVELOPMENT OF THE LAND FOR FIVE (5) DOUBLE STOREY DWELLINGS. THE EXISTING CROSSOVER ON UNION STREET IS TO BE REMOVED AND THE NATURE STRIP AND KERB IS TO BE REINSTATED. ACCESS TO THE SITE WILL BE FROM THE ADJACENT LANEWAY WITH CARPARKING PROVIDED AT THE REAR.

DWELLINGS 1 - 4:

G.F. CONSISTS OF A POWDER ROOM, LAUNDRY AND LIVING AREAS.

F.F. CONSISTS OF A MASTER BEDROOM WITH ENSUITE, ONE SECONDARY BEDROOM, BATHROOM AND A STUDY NOOK.

DWELLING 5:

G.F. CONSISTS OF ENTRY.

F.F. CONSISTS OF A BATHROOM, LAUNDRY, LIVING AREAS, MASTER BEDROOM WITH ENSUITE, ONE SECONDARY BEDROOM AND A BALCONY.

CAR PARKING IS PROVIDED TO ALL DWELLINGS IN THE FORM OF A COMMUNAL FIVE CAR GARAGE ATTACHED TO THE DWELLINGS WITH ACCESS VIA THE REAR LANEWAY.

THE PROPOSED BUILDING FORM PROVIDES A TRADITIONAL ARCHITECTURAL STYLE THAT IS RESPECTFUL OF THE BULK AND SCALE OF DWELLINGS FOUND IN THE NEIGHBOURHOOD. THROUGH ITS ARTICULATED FORMS AND RECESSIVE UPPER LEVELS, THE NEW DWELLINGS ARE A CONTEMPORARY INTERPRETATION OF THE BUILDING STYLES WHICH ARE COMMONLY FOUND IN THE AREA. IT RESPONDS TO THE PREFERRED NEIGHBOURHOOD CHARACTER BY ADOPTING A WELL-ARTICULATED BULK FORM, A VARIETY OF MATERIALS AND FINISHES AND PROVIDING A FRONT SETBACK THAT WILL ENHANCE THE CURRENT LANDSCAPE AND STREETSCAPE CONDITIONS.

THE DOUBLE STOREY SCALE IS JUSTIFIED IN THE STREETSCAPE CONTEXT BY THE RECESSIVE NATURE OF THE UPPER LEVEL BUILDING FORM AND USE OF MATERIALS THAT CONTRAST AND COMPLEMENT EACH OTHER. THE PROPOSED DEVELOPMENT INCORPORATES MATERIALS AND FINISHES THAT CREATE A WELL ARTICULATED DEVELOPMENT AND MAKES A POSITIVE CONTRIBUTION TO THE STREETSCAPE.

LEGEND

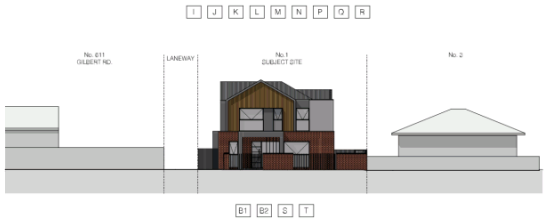
- A — LAND USE AND DENSITY RESPONDS TO:
  - LOCATION WITHIN ESTABLISHED RESIDENTIAL AREA
  - OVERALL AREA OF 677.0m² WITH A STREET FRONTAGE OF 15.24m
  - ACCESSIBILITY TO PUBLIC TRANSPORT, OPEN SPACE AND LOCAL SHOPPING
- B1 — MINIMAL CUT & FILL IS REQUIRED. THIS IS NOT A DESIGN CONSTRAINT
- B2 — NOT LOCATING GROUND FLOOR A SUBSTANTIAL DISTANCE ABOVE NATURAL GROUND
- C — LOCATING PRIVATE OPEN SPACE TO ENSURE THEY HAVE SUFFICIENT NATURAL DAYLIGHT
- D — PROVIDING LIVING AREAS WITH DIRECT CONNECTION TO PRIVATE OPEN SPACE
- E — PROVIDING SUFFICIENT SETBACKS TO ALLOW GOOD DAYLIGHT ACCESS TO HABITABLE ROOM WINDOWS
- F — THE GARAGE SPACE AND SHARED FOOTPATH ARE COMMON PROPERTY
- G — PROVIDING CAR PARKING AT A RATIO OF 1 CAR SPACE PER 2 BEDROOM DWELLING
- H — EXISTING VEHICULAR CROSSOVER TO BE REMOVED AND NATURE STRIP TO BE REINSTATED

THE PROPOSAL MINIMISES THE IMPACT ON THE ADJOINING PROPERTIES AND INTERNAL DWELLINGS BY:

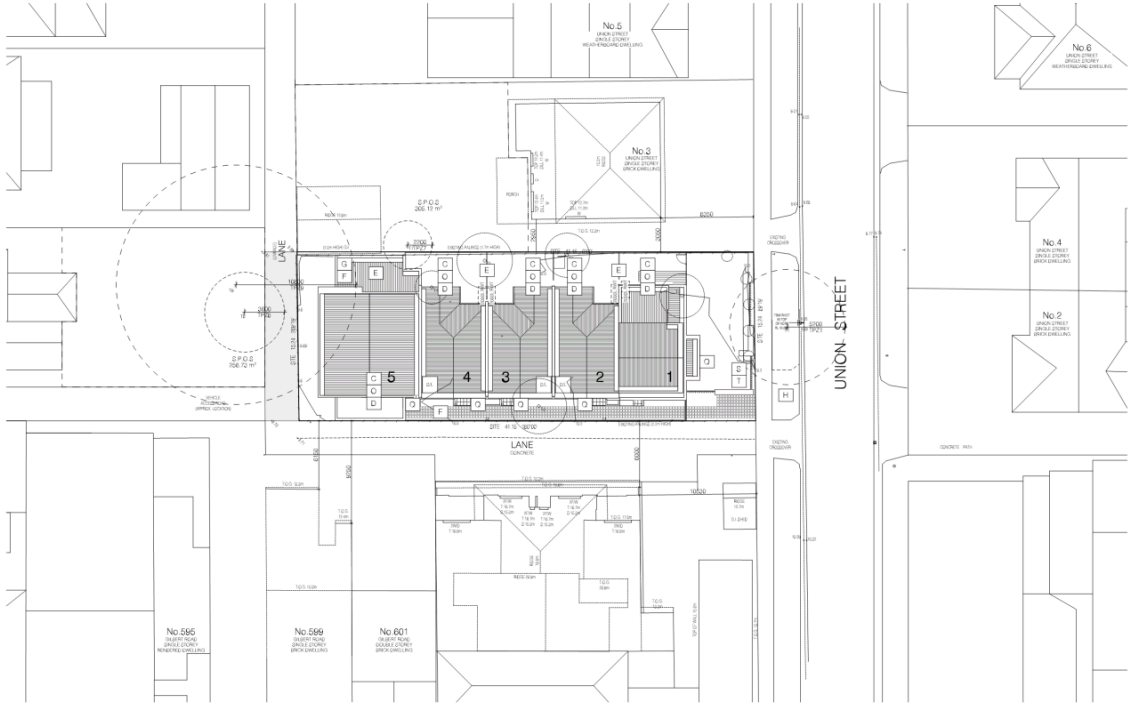
- I — LIMITING POTENTIAL FOR OVERSHADOWING TO ADJOINING PROPERTIES TO THE WEST BY CAREFULLY SITING BULK FORM AWAY FROM THE TITLE BOUNDARY
- J — LIMITING POTENTIAL FOR OVERLOOKING TO INTERNAL DWELLINGS BY CAREFULLY LOCATED UPPER LEVEL HABITABLE ROOM WINDOWS, USE OF HIGHLIGHT WINDOWS AND SCREENING TO 1.7m ABOVE FINISHED FLOOR LEVEL
- K — PROVIDING BUILDING FORMS WHICH ARE HEAVILY ARTICULATED TO REDUCE BULK
- L — PROVIDING A TRADITIONAL DEVELOPMENT WITHIN THE STREETSCAPE THAT IS COMPLEMENTARY TO THE PREVAILING CHARACTER OF THE AREA AND INVOLVES MATERIALS AND FORMS WHICH ARE NOT DOMINANT
- M — DESIGNING THE UPPER LEVEL SO THAT IT IS A RECESSIVE ELEMENT IN THE COMPOSITION
- N — ENSURING THAT EXTERNAL AREAS ARE LOW MAINTENANCE
- O — ENSURING THAT PRIVATE AREAS AND SPACES ARE MAXIMISED

THE PROPOSAL RESPECTS, ACKNOWLEDGES AND IMPROVES THE NEIGHBOURHOOD CHARACTER BY:

- P — PROVIDING A TRADITIONAL BUILDING STYLE
- Q — PROVIDING ENTRIES INTO THE DWELLINGS WHICH DIRECTLY ADDRESS THE STREET AND FOOTPATH
- R — INCORPORATING MODERN MATERIALS AND FINISHES THAT CREATE A WELL ARTICULATED DEVELOPMENT WHICH MAKES A POSITIVE CONTRIBUTION TO THE STREETSCAPES
- S — PROVIDING FRONT SETBACKS THAT WILL ENHANCE THE CURRENT LANDSCAPE AND STREETSCAPE CHARACTER
- T — PROVIDING LOW PERMEABLE FRONT FENCE



STREETSCAPE ELEVATION [UNION STREET]



REVISION		
-	03.12.19	TOWN PLANNING APPLICATION
A	06.05.20	CHANGES IN RESPONSE TO COUNCILS RFI
B	15.11.20	CHANGES IN RESPONSE TO COUNCILS DESIGN GUIDELINES

TAOUKARCHITECTS
D. 9486 5080
e. info@taoukarchitects.com.au
448 HEIDELBERG ROAD FAIRFIELD VIC 3078
w taoukarchitects.com.au

PROJECT	DRAWING TITLE	ISSUE
RESIDENTIAL DEVELOPMENT 1 UNION STREET PRESTON VIC 3072	DESIGN RESPONSE PLAN	TOWN PLANNING
	SCALE: 1:200 @ A1	JOB No.: 19-08
		DRAWN: IA
CLIENT: TONY TAOUK	DATE: DECEMBER 2020	DRAWING No.: **TP_02**
		REVISION: B

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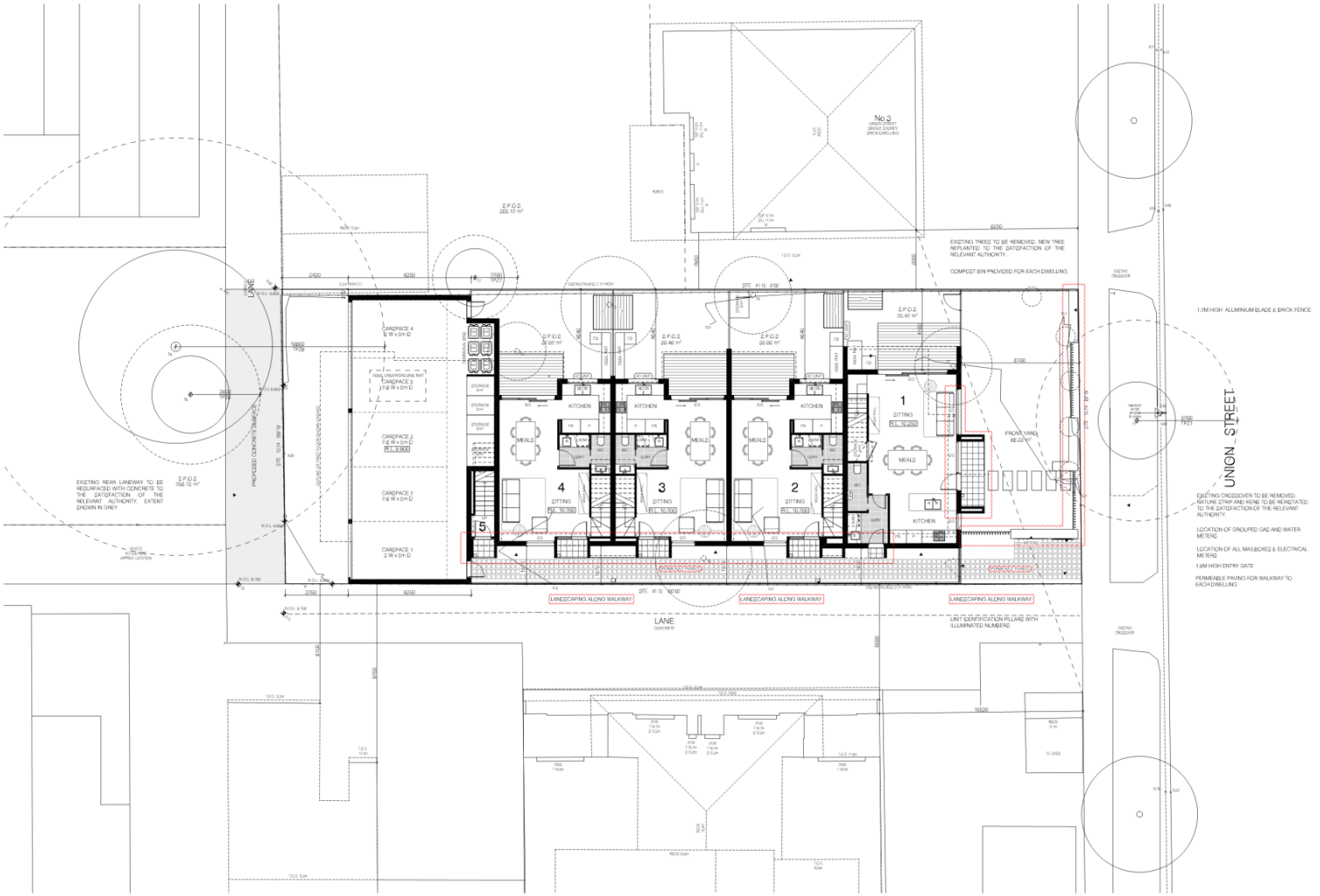

AREA ANALYSIS

SITE AREA		627.08	m²
SITE COVERAGE	56.52%	266.62	m²
GARDEN AREA	20.21%	211.48	m²
PERMEABLE SURFACE	24.48%	116.12	m²
P.O.S		117.79	m²
GARAGE		104.45	m²
DWELLING 1			
	G1 GROUND FLOOR	55.20	m²
	G2 FIRST FLOOR	47.40	m²
	G3 S.P.O.S	35.40	m²
OVERALL		137.73	m²
DWELLING 3			
	G1 GROUND FLOOR	48.78	m²
	G2 FIRST FLOOR	47.98	m²
	G3 S.P.O.S	20.00	m²
	G4 BALCONY	4.15	m²
OVERALL		100.91	m²
DWELLING 2			
	G1 GROUND FLOOR	48.04	m²
	G2 FIRST FLOOR	47.98	m²
	G3 S.P.O.S	20.46	m²
	G4 BALCONY	4.15	m²
OVERALL		100.67	m²
DWELLING 4			
	G1 GROUND FLOOR	48.58	m²
	G2 FIRST FLOOR	47.98	m²
	G3 S.P.O.S	27.07	m²
	G4 BALCONY	4.15	m²
OVERALL		100.71	m²
DWELLING 5			
	G1 GROUND FLOOR	5.88	m²
	G2 FIRST FLOOR	84.90	m²
	G3 BALCONY	12.89	m²
OVERALL		102.70	m²

IDENTIFICATION PILLAR

CD: DENOTES COMPOST BIN. PROVIDED FOR EACH DWELLING

TAP & FW: TAP AND FLOOR WASTE TO BE PROVIDED TO EACH COURTYARD/BALCONY

VEGETATION:
WHERE POSSIBLE, NATIVE OR DROUGHT TOLERANT SPECIES IS TO BE USED.
IF IRRIGATION IS REQUIRED, DRIP IRRIGATION AND MULCH IS TO BE USED.

WELS RATING:
WATER EFFICIENCY TO EACH DWELLING:

SHOWER HEAD:	3 STAR WELS (>6 BUT <=7.5)
KITCHEN/BATHROOM TAPS:	5 STAR WELS
DISHWASHERS:	5 STAR WELS
WC:	4 STAR WELS

LIGHTING REQUIREMENTS:
ALL DWELLINGS ARE TO ACHIEVE 4W/m² LIGHTING DENSITY.

EXTERNAL LIGHTING:
ANY EXTERNAL LIGHTING IS TO BE FITTED WITH DAYLIGHT SENSORS

EXTERNAL SHADING:
DOLARE T0000 ROLLER BLIND OR SIMILAR APPROVED SYSTEM TO BE FITTED TO ALL EAST AND WEST FACING HABITABLE ROOM WINDOWS.

FIXED AWNING SHADING SYSTEM TO ALL NORTH FACING HABITABLE ROOM WINDOWS.

DOUBLE GLAZING:
ALL HABITABLE ROOM WINDOWS ARE TO BE DOUBLE GLAZED.

REVISION
- 03.12.19 TOWN PLANNING APPLICATION
A 06.05.20 CHANGES IN RESPONSE TO COUNCILS RFI
B 25.11.20 CHANGES IN RESPONSE TO COUNCILS DESIGN GUIDELINES

TAOUKARCHITECTS
D. 9496 5090
e. info@taoukarchitects.com.au
448 HEIDELBERG ROAD FAIRFIELD VIC 3078
w taoukarchitects.com.au

PROJECT
RESIDENTIAL DEVELOPMENT
1 UNION STREET
PRESTON VIC 3072

CLIENT
TONY TAOUK

DRAWING TITLE
GROUND FLOOR PLAN

SCALE
1:100 @ A1

JOB No.
19-08

DATE
DECEMBER 2020

ISSUE
TOWN PLANNING

DRAWN
IA

DRAWING No.
TP_03

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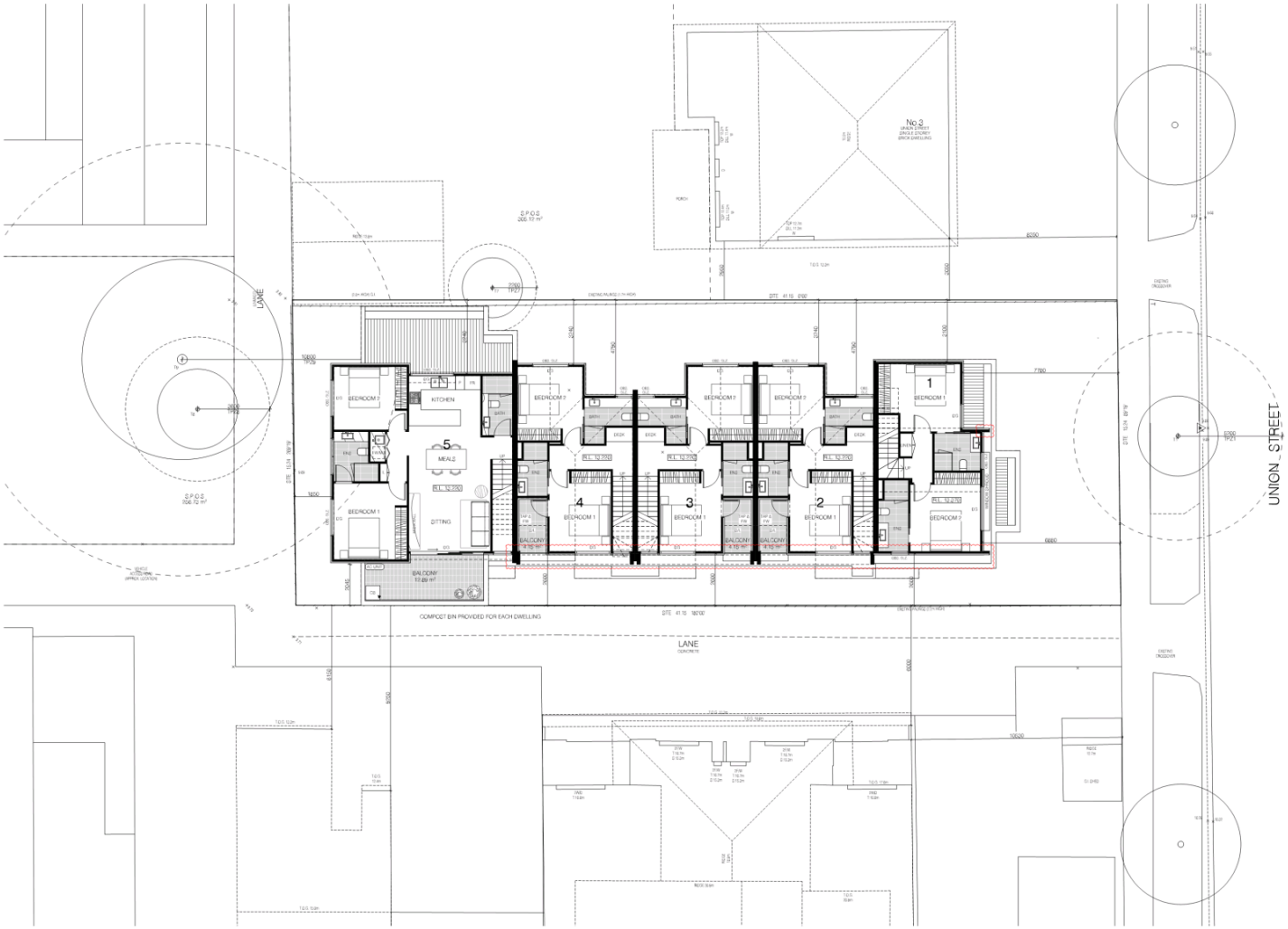

REVISION
- 03.12.19 TOWN PLANNING APPLICATION
A 06.05.20 CHANGES IN RESPONSE TO COUNCILS RFI
B 25.11.20 CHANGES IN RESPONSE TO COUNCILS DESIGN GUIDELINES

TAOUKARCHITECTS
D. 9496 5090
e. info@taoukarchitects.com.au
448 HEIDELBERG ROAD FAIRFIELD VIC 3078
w taoukarchitects.com.au

PROJECT
RESIDENTIAL DEVELOPMENT
1 UNION STREET
PRESTON VIC 3072

CLIENT
TONY TAOUK

DRAWING TITLE
FIRST FLOOR PLAN

SCALE
1:100 @ A1

JOB No.
19-08

DATE
DECEMBER 2020

ISSUE
TOWN PLANNING

DRAWN
IA

DRAWING No.
TP_04

REVISION
B

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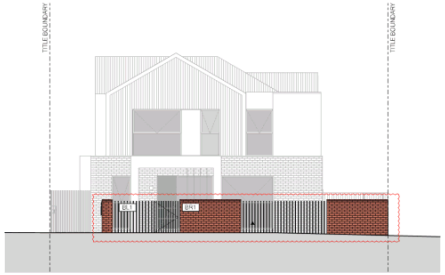


NORTH FENCE ELEVATION

1.8M HIGH FENCE - ALUMINIUM BLADE & BRICK FENCE

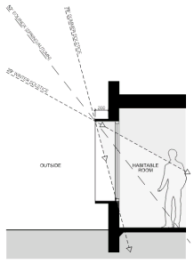
MATERIALS + FINISHES SCHEDULE

BRK	FACE BRICKWORK: RED RECYCLED BRICKS	ALB	ALUMINIUM BLADE FENCE: DULUX POWDERCOATING - 'MONUMENT'
RE1	RENDER: DULUX COLOUR SPECIFIER - 'STERNEY'	ALC	ALUMINIUM WINDOW SHROUD/AWNING: DULUX POWDERCOATING - 'MONUMENT'
RE2	RENDER: COLORBOND 'MONUMENT' PAINT COLOUR	FR1	WINDOW & DOOR FRAMES: ALUMINIUM FRAMING, COLORBOND - 'MONUMENT'
EDT	GARAGE DOORS: DULUX POWDERCOATING2 - 'MONUMENT'	FR2	TIMBER ENTRY DOOR FRAMING: SEMI GLOSS PAINT FINISH - BLACK COLOUR
EXC	TIMBER COMPOSITE CLADDING: BADWIN COLOUR- SMOOTH FINISH	ESS	EXTERNAL SHADING: SOLARE T1000 ROLLER BLIND SYSTEM OR SIMILAR
RF1	METAL SHEET ROOFING - COLORBOND 'MONUMENT' COLOUR	AXT	AXON CLADDING - 152MM SMOOTH GREY COLOUR- SMOOTH FINISH

EXTERNAL SHADING

SOLARE T1000 ROLLER BLIND SYSTEM OR SIMILAR

EXTERNAL SHADING: SOLARE T1000 ROLLER BLIND OR SIMILAR APPROVED SYSTEM TO BE FITTED TO ALL EAST AND WEST FACING HABITABLE ROOM WINDOWS



AWNING DETAIL

SCALE: 1:50 @ A1 / 1:100 @ A2

AWNING DETAIL: ALUMINIUM WINDOW SHROUDS/AWNINGS TO BE USED FOR ALL NORTH FACING HABITABLE ROOM WINDOWS.

NORTH ELEVATION

OUTLINE OF NATURAL GROUND AT BUILDING LINE

OUTLINE OF NATURAL GROUND AT BOUNDARY LINE

EAST ELEVATION

WALLS ON BOUNDARY TO BE CONSTRUCTED AND FINISHED TO THE SATISFACTION OF RELEVANT AUTHORITY

OUTLINE OF NATURAL GROUND AT BUILDING LINE

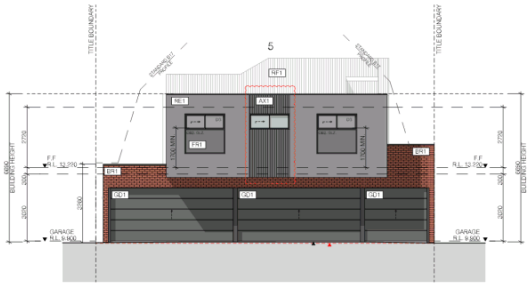
OUTLINE OF NATURAL GROUND AT BOUNDARY LINE

CREEPERS TO VERTICAL STEEL ELEMENTS

ILLUMINATED IDENTIFICATION NUMBER

LOCATION OF GROUPED METERS

LOCATION OF MAILBOXES



SOUTH ELEVATION

OUTLINE OF NATURAL GROUND AT BUILDING LINE

OUTLINE OF NATURAL GROUND AT BOUNDARY LINE

WEST ELEVATION

OUTLINE OF NATURAL GROUND AT BUILDING LINE

OUTLINE OF NATURAL GROUND AT BOUNDARY LINE

REVISION

- 03.12.19 TOWN PLANNING APPLICATION
A 08.05.20 CHANGES IN RESPONSE TO COUNCILS RFI
B 25.11.20 CHANGES IN RESPONSE TO COUNCILS DESIGN GUIDELINES

TAOUKARCHITECTS

D. 9486 5080
e. info@taoukarchitects.com.au

448 HEIDELBERG ROAD FAIRFIELD VIC 3078
w taoukarchitects.com.au

PROJECT
RESIDENTIAL DEVELOPMENT
1 UNION STREET
PRESTON VIC 3072

CLIENT
TONY TAOUK

DRAWING TITLE
ELEVATIONS

SCALE
1:100 @ A1

JOB No.
19-08

DRAWN
IA

DATE
DECEMBER 2020

ISSUE
TOWN PLANNING

DRAWING No.
TP_05

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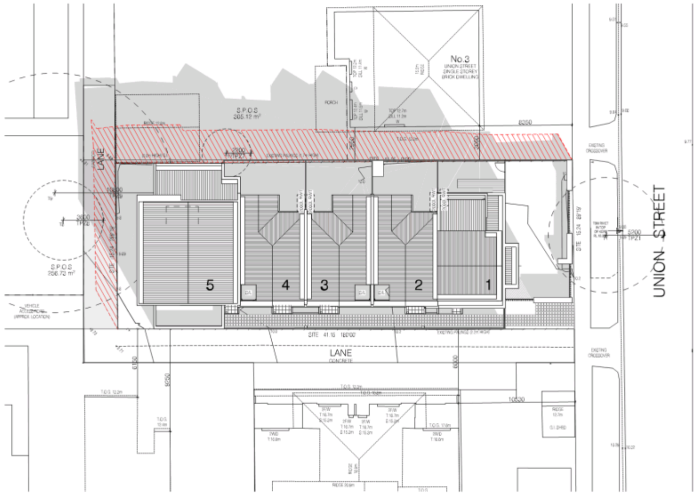
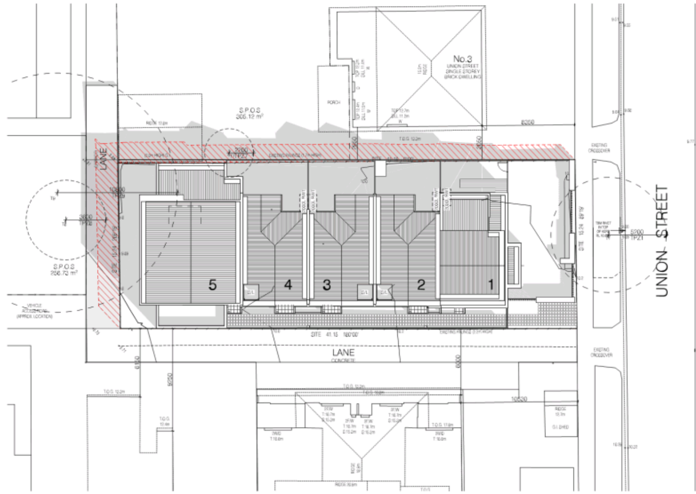
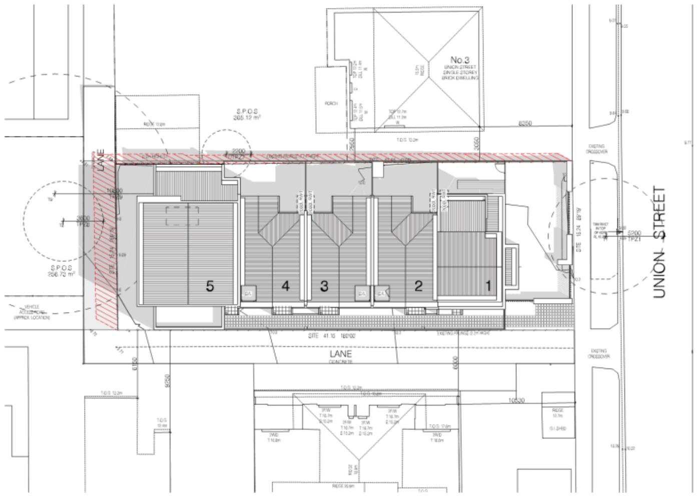


9:00 AM



10:00 AM



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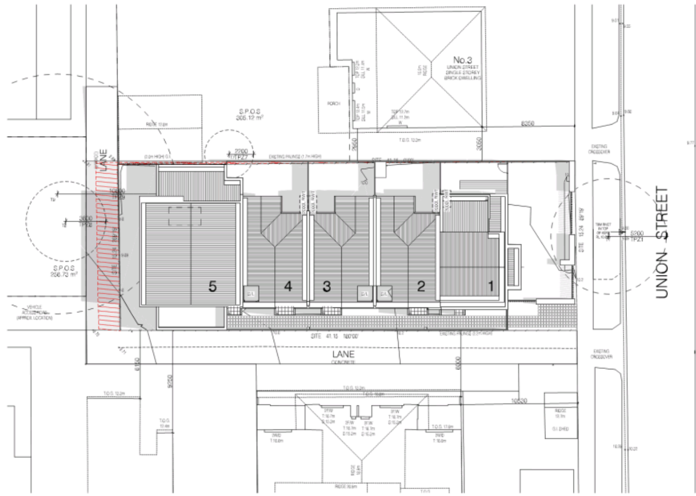

12:00 PM

LEGEND

SHADOW DIAGRAM - 22ND SEPTEMBER

PROJECTED SHADOWS FROM PROPOSED DEVELOPMENT

PROJECTED SHADOWS FROM EXISTING FENCE/WALL ON BOUNDARY

S.P.O.S AREAS OF NEIGHBOURING DWELLINGS

REVISION
- 02.12.19 TOWN PLANNING APPLICATION
A 06.05.20 CHANGES IN RESPONSE TO COUNCILS RFI
B 25.11.20 CHANGES IN RESPONSE TO COUNCILS DESIGN GUIDELINES

TAOUKARCHITECTS

PROJECT	RESIDENTIAL DEVELOPMENT 1 UNION STREET PRESTON VIC 3072
CLIENT	TONY TAOUK
DRAWING TITLE	SHADOW DIAGRAM ANALYSIS
SCALE	1:200 @ A1
JOB No.	19-08
DATE	DECEMBER 2020
ISSUE	TOWN PLANNING
DRAWN	IA
DRAWING No.	TP_06
REVISION	B

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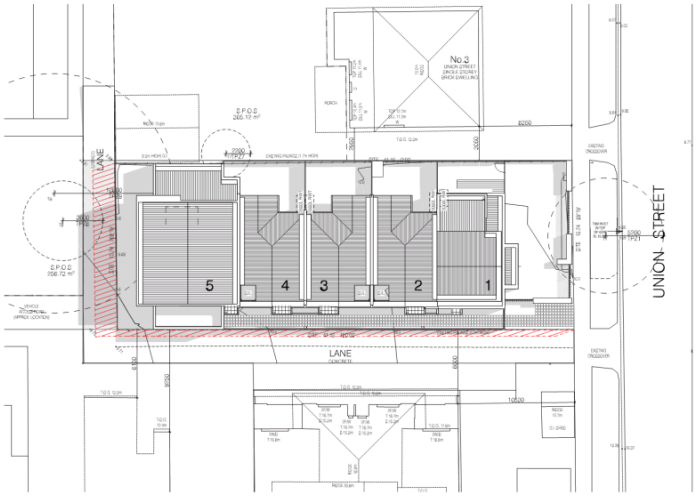
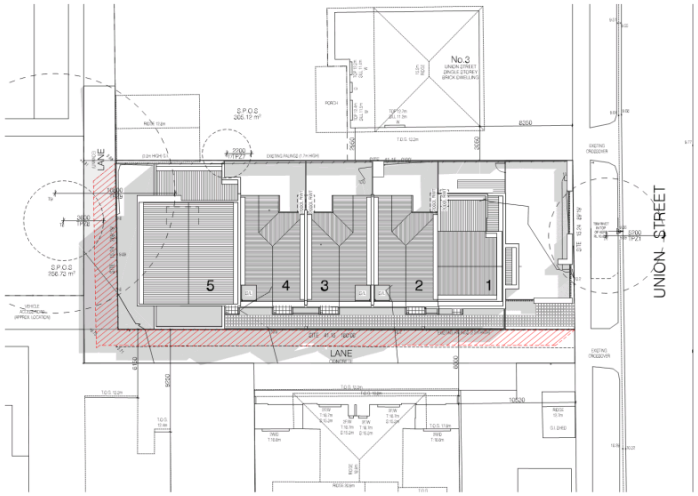


1:00 PM



2:00 PM

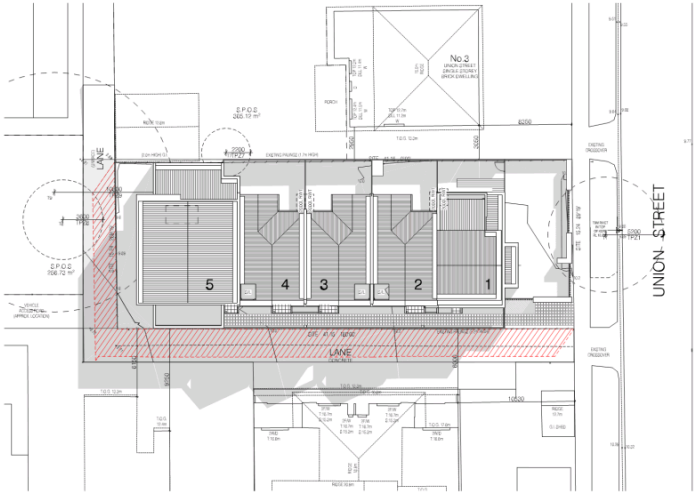
LEGEND

SHADOW DIAGRAM - 22ND SEPTEMBER

PROJECTED SHADOWS FROM PROPOSED DEVELOPMENT

PROJECTED SHADOWS FROM EXISTING FENCE/WALL ON BOUNDARY

S.P.O.S AREAS OF NEIGHBOURING DWELLINGS



3:00 PM

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B 25.11.20 CHANGES IN RESPONSE TO COUNCILS DESIGN GUIDELINES

TAOUKARCHITECTS
D. 9496 5090
e. info@taoukarchitects.com.au
448 HEIDELBERG ROAD FAIRFIELD VIC 3078
w taoukarchitects.com.au

PROJECT
RESIDENTIAL DEVELOPMENT
1 UNION STREET
PRESTON VIC 3072

CLIENT
TONY TAOUK

DRAWING TITLE
SHADOW DIAGRAM ANALYSIS

SCALE
1:200 @ A1

JOB No.
19-08

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IA

DATE
DECEMBER 2020

ISSUE
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DRAWING No.
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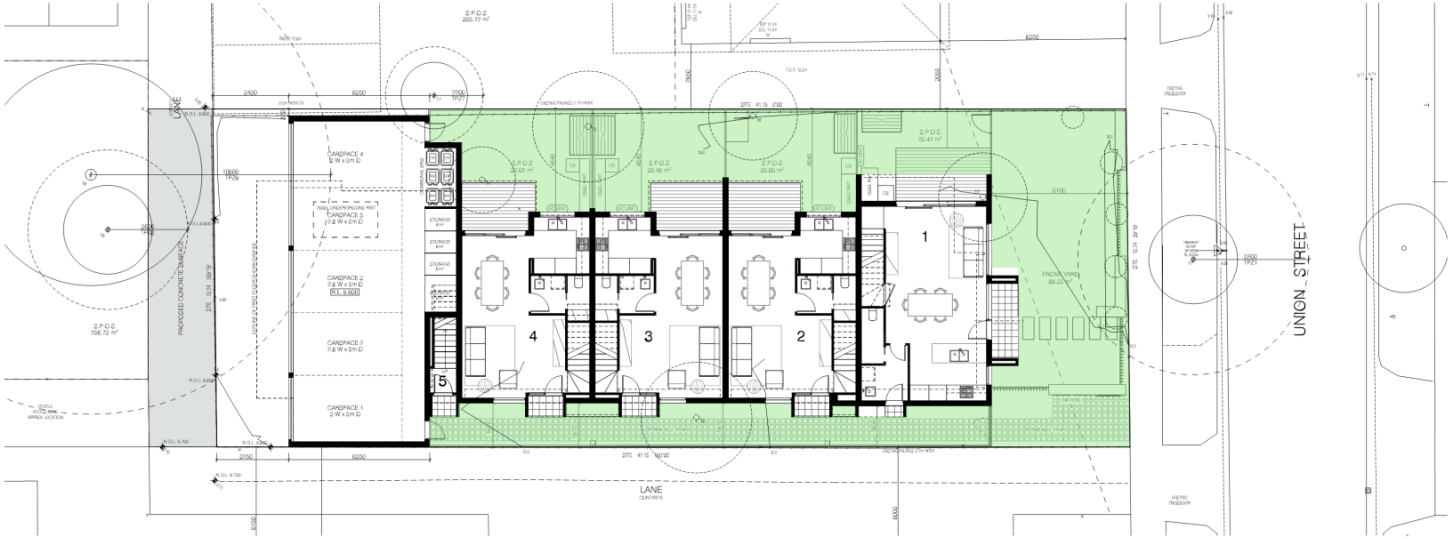
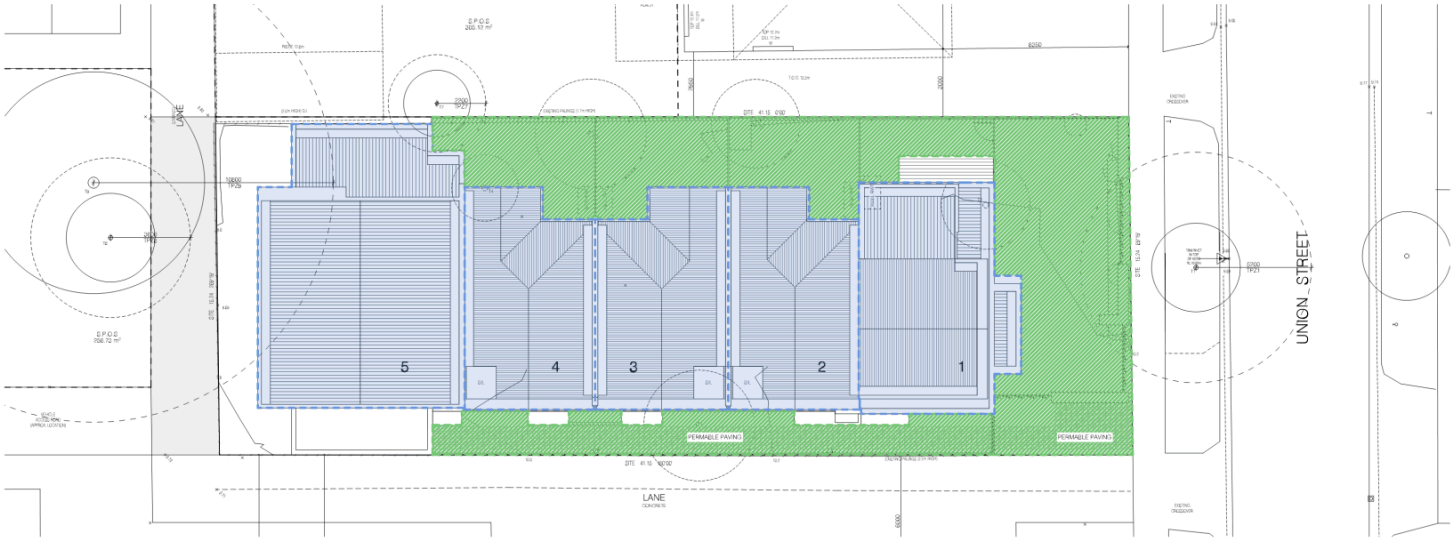


GARDEN AREA PLAN



WSUD/ROOF PLAN

AREA ANALYSIS

SITE AREA		627.08 m²
SITE COVERAGE	56.52%	266.62 m²
GARDEN AREA	20.21%	221.48 m²
PERMEABLE SURFACE	24.46%	216.12 m²

GARDEN AREA:
GREEN HATCH DENOTES THE EXTENT OF GARDEN AREA WITHIN THE DEVELOPMENT.

RAINWATER TANKS:
DWELLING 1 ROOF CATCHMENT AREA (66m²) IS TO BE CONNECTED TO 2 TOILETS AND USED FOR FLUSHING AND IRRIGATION.

DWELLING 2 ROOF CATCHMENT AREA (66m²) IS TO BE CONNECTED TO 2 TOILETS AND USED FOR FLUSHING AND IRRIGATION.

DWELLING 3 ROOF CATCHMENT AREA (66m²) IS TO BE CONNECTED TO 2 TOILETS AND USED FOR FLUSHING AND IRRIGATION.

DWELLING 4 ROOF CATCHMENT AREA (66m²) IS TO BE CONNECTED TO 2 TOILETS AND USED FOR FLUSHING AND IRRIGATION.

DWELLING 5 ROOF CATCHMENT AREA (111m²) IS TO BE CONNECTED TO 2 TOILETS AND USED FOR FLUSHING AND IRRIGATION.

GRAVITY FED SYSTEM TO EACH RAINWATER TANK - PIPES ARE NOT TO RUN UNDERNEATH THE BUILDING FOOTPRINT.

WSUD/ROOF AREA:
BLUE HATCH DENOTES THE EXTENT OF ROOF CATCHMENT AREA WITHIN THE DEVELOPMENT.

GREEN CROSS HATCH DENOTES THE EXTENT OF PERMEABLE AREA WITHIN THE DEVELOPMENT.

DENOTES THE EXTENT OF ROOF CATCHMENT AREA WITHIN THE DEVELOPMENT

DENOTES THE EXTENT OF PERMEABLE AREA

REVISION
- 03.12.19 TOWN PLANNING APPLICATION
A 06.05.20 CHANGES IN RESPONSE TO COUNCILS RFI
B 15.11.20 CHANGES IN RESPONSE TO COUNCILS DESIGN GUIDELINES

TAOUKARCHITECTS
D. 9486 5080
e. info@taoukarchitects.com.au
448 HEIDELBERG ROAD FAIRFIELD VIC 3078
w taoukarchitects.com.au

PROJECT
RESIDENTIAL DEVELOPMENT
1 UNION STREET
PRESTON VIC 3072

CLIENT
TONY TAOUK

DRAWING TITLE
GARDEN AREA/WSUD PLAN

SCALE
1:100 @ A1

JOB No.
19-08

DATE
DECEMBER 2020

ISSUE
TOWN PLANNING

DRAWN
IA

DRAWING No.
TP_08

REVISION
B

Darebin City Council Received 7/12/2020

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5.3 APPLICATION FOR PLANNING PERMIT D/515/2020 41 Kingsley Road Reservoir

Author: Principal Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
A. Osman of BDN Projects	Mahamad El Haouli	BDN Projects Benchmark Land Surveyors McLeod Trees ARX Consulting Engineers

SUMMARY

- The application is for a medium density housing development comprising the construction of two double storey dwellings in a side-by-side configuration.
- The maximum height of the development is 8.25 metres.
- The dwellings have four bedrooms and are provided with two car parking spaces each in the form of single garages with tandem spaces.
- The dwellings are provided with secluded private open space areas in the form of rear yards with areas of 66 square metres and 73 square metres, with additional open space in the form of front garden areas.
- The site is zoned General Residential Zone – Schedule 2 and is affected by the Development Contribution Plan Overlay.
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 36%.
- There is no restrictive covenant on the title for the subject land.
- Nine objections were received against this application.
- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme (the Scheme).
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via one sign posted on site and letters sent to surrounding owners and occupiers.
- This application was referred internally to Council's Assets and Capital Delivery Unit, Climate Change and Sustainable Transport Unit, Tree Protection Unit and WSUD Engineer. Comments can be found later in this report.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/515/2020 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. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as drawing numbers 10PB, 11PB, 112B and 50PB, Rev B, prepared by BDN and dated 26 October 2020 and Exterior Materials and Finishes prepared by BDA and received by Council on 28 October 2020) but modified to show:

   (a) The rainwater tanks are to be relocated within the rear garden area so that they are not located within the easement to the rear of the property.

   (b) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to both sides of both driveways. Where within the site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include adjacent landscaped areas provided the landscaping in those areas is less than 900mm in height.

   (c) Details of the fence on the western property boundary (except within 7.705 metres of the front (northern) boundary of the land) in accordance with Condition No. 9 of this Permit.

   (d) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.

   (e) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition Nos. 4 and 5 of this Permit.

   (f) The tree numbers on the floor plans consistent with the tree numbers in the Arborist Report referred to in Condition No. 4 of this Permit.

   (g) The provision of a Stormwater Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.

   (h) A consolidated palette of materials/colours for the front facade with no more than three (3) main materials proposed and a reduction in the use of render.

   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. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions.

   The Landscape Plan must be prepared by a suitably qualified person and must incorporate:

   (a) Tree protection measures in accordance with Condition No. 4 of this Permit.

   (b) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition No. 6 of this Permit)

(c) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.

(d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.

(e) A diversity of plant species and forms.

(f) 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 must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres), large canopy (10 metres).

(g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

(h) 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.

(i) Hard paved surfaces at all entry points to dwellings.

(j) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).

(k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).

(l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.

(m) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.

(n) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.

(o) Scale, north point and appropriate legend.

(p) Landscape specification notes including general establishment and maintenance requirements.

The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

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.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority

4. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the following requirements to provide a Tree Protection Zone (TPZ):

Tree*	**Location**	**TPZ (radius from the base of the tree trunk)**
Tree 1 (Lilly Pilly)	Naturestrip	2.1 metres
Tree 5 (Prunus)	Property to south	2.3 metres
Tree 6 James Stirling Pittosporum)	Property to west	2.0 metres
Tree 7 (Crepe Mertyle)	Property to west	2.0 metres
Tree 10 (Fig)	Property to east	2.0 metres
Tree 12 (Olive Tree)	Naturestrip	2.0 metres
*as defined in the Arborist Report identified as 'Arboricultural Assessment and Tree Preservation Strategy V4' prepared by McLeod Trees and dated 19 March 2021.		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:

   (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.

   (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.

   (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.

   (d) Except with the written consent of the Responsible Authority:

      i. The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

      ii. Construction of the concrete footpath directly adjacent Tree 7 be performed sympathetically to ensure minimal damage to any roots that may have developed in this location. This process must occur under Arboricultural supervision. Preparation of the footpath footprint within the TPZ of Tree 7 must occur sensitivity, by hand to ensure that if any roots are present, they are managed by the Project Arborist appropriately, using sterilized clean, and sharp root pruning tools fit for purpose.

      iii. No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

      iv. No storage or dumping of tools, equipment or waste is to occur within a TPZ.

(e) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.

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

(g) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

6. The Stormwater Management System Report to be endorsed and which will then form part of this Permit is the Stormwater Management System Report submitted with the application (identified as prepared by ARX Consulting Engineers, date generated 13 October 2020 and received by Council on 28 October 2020.

   The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

7. Before plans are endorsed under Condition No. 1 of this Permit, a Stormwater Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's *Keeping Our Stormwater Clean – A Builder's Guide* (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:

   (a) Erosion and sediment.

   (b) Stormwater.

   (c) Litter, concrete and other construction wastes.

   (d) Chemical contamination.

   The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

8. During the construction phase of the development:

   (a) Only clean rainwater may be discharged to the stormwater drainage system;

   (b) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;

   (c) Vehicle borne materials must not accumulate on the roads abutting the site;

   (d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;

   (e) All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly;

   (f) All site operations must comply with the Environment Protection (Residential Noise) Regulations 2008 and Darebin General Local Law No.1 2015 Clause 16.

9. The development must not be occupied until a fence to a minimum height of 1.7 metres above ground floor finished floor level of Unit 2 is erected along the western property boundary. The fence must be constructed to the satisfaction of the Responsible Authority.

   Where above 1.8 metres in height, the fence height may be increased by the addition of a free-standing, self-supporting trellis adjacent to the fence to the required height. If used,

such trellis must be a maximum of 25% visually permeable and be fixed, permanent, durable and of materials, finishes and colour that will blend in with the development.

10. Before the use starts, 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 located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

11. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:

    (a) concealed in service ducts or otherwise hidden from view; or

    (b) located and designed to integrate with the development,

    to the satisfaction of the Responsible Authority.

12. Before the development starts all 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.

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

14. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.

15. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

16. No plant, equipment, services or structures 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. At the completion of the constructed ground floor level(s), and before the starting of the building frame or walls, a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority, confirming the ground floor level(s). The report must be submitted to the Responsible Authority no later than 7 days from the date of the inspection.

    The development must not be occupied until a report prepared by a licensed land surveyor to the satisfaction of the Responsible Authority is submitted to the Responsible Authority, confirming the floor level(s).

18. No buildings, structures or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority or the Responsible Authority without the prior written consent of the Responsible Authority and/or any relevant authority with vested interest in the easement.

19. The land must be drained to the satisfaction of the Responsible Authority.

20. This Permit will expire if either:

    (a) The development does not start within three (3) years from the date of this Permit; or

    (b) The development is not completed within five (5) years of the date of this Permit.

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

    (a) Before this Permit expires;

(b) Within six (6) months after the expiry date; or

(c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

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 planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

N2 This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.

N3 Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development, they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.

N4 This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the *Sale of Land Act 1962* and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.

INTRODUCTION AND BACKGROUND

A search of Council records has found no relevant planning history for the subject site.

The application was received on 31 August 2020.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape and measures 15.24 metres in width and 36.58 metres in depth.
- The land is located on the southern side of Kingsley Road, between Bonview Street to the east and Glenvale Road to the west.
- The site contains a single storey, weatherboard post-war style dwelling with a large front garden and secluded private open space and outbuildings to the rear. The site includes vehicle access, in the form of a driveway, along the eastern boundary. The property does not have a front fence.
- To the north, on the opposite side of Kinglsey Road, are single storey, brick and weatherboard post war style dwellings with large front gardens, low front fences and side driveways.
- To the rear are the gardens of single store dwellings that front Carrington Road.

- To site to the east contains a single storey, weatherboard post-war style dwelling with a large front garden and secluded private open space and outbuildings to the rear. The site includes vehicle access, in the form of a driveway, along the eastern boundary. The property has a wooden picket front fence.
- To site to the west contains a single storey, weatherboard post-war style dwelling with a large front garden and secluded private open space and outbuildings to the rear. The site includes vehicle access, in the form of a driveway, along the western boundary. The property has a wooden picket front fence.
- There are no on-street car parking restrictions in the area.
- The site is not located within the Principal Public Transport Network Area and has access to public transport within walking distance in the form of bus services as follows:
    - Bus route 526 (Coburg – Reservoir via Elizabeth Street)
    - Bus route 553 (Preston – West Preston via Reservoir)
    - Bus route 561 (Macleod – Pascoe Vale via La Trobe University)

  The map below shows the approximate location of the site within its public transport network context.

Source: PTV website

- The site is located approximately 410 metres to the south west of the Gilbert Road/Henty Street local convenience activity centre.

Proposal

- The application is for a medium density housing development comprising the construction of two double storey dwellings in a side-by-side configuration.
- The maximum height of the development is 8.25 metres.
- The dwellings have four bedrooms and are provided with two car parking spaces each in the form of single garages with tandem spaces.

- The dwellings are provided with secluded private open space areas in the form of rear yards with areas of 66 square metres and 73 square metres, with additional open space in the form of front garden areas.

Objections summarised

- Amenity impacts due to sloping block
- Design, visual bulk and neighbourhood character
- Daylight to existing windows
- Overshadowing
- Overlooking
- Overdevelopment
- Loss of on-street parking
- Lack of car parking
- Road and pedestrian safety impacts due to additional driveway and associated traffic generation
- Low site permeability
- Requires existing power pole to be moved
- Impact on rear easement
- Impact on trees on adjoining properties and the naturestrip
- Density
- Drainage
- Error on the aerial
- Roof shown over part of the rear garden of No. 43 Kingsley Road is transparent
- Townhouses will attract the wrong type of people
- Removal of asbestos from existing dwelling
- Impact on infrastructure
- Demolition of existing dwelling
- Will set a precedent for future development
- Noise
- Front setback
- Driveways are too narrow
- Solar access to private open space
- Access to sunlight and outlook for proposed dwellings

Officer comment on summarised objections

<u>Amenity impacts due to sloping block</u>

Amenity impacts are addressed in the assessment section of this report with particular focus upon standards B17-B24 at Clause 55 of the Scheme.

Design, visual bulk and neighbourhood character

Design, visual bulk and neighbourhood character are addressed in the assessment section of this report with particular focus on standards B1, B7, B17 and B31 at Clause 55 of the Scheme and the Neighbourhood Character Precinct Guideline Assessment.

Daylight to existing windows

Daylight to existing windows is addressed in the assessment section of this report with particular focus on standard B19 at Clause 55 of the Scheme.

Overshadowing

Overshadowing is addressed in the assessment section of this report with particular focus on Standard B21 at Clause 55 of the Scheme.

Overlooking

Overlooking is addressed in the assessment section of this report with particular focus on Standard B22 at Clause 55 of the Scheme.

Overdevelopment

The development complies with the standards and objectives of Clause 55 of the Scheme, which are used to gauge whether or not a development can be considered an overdevelopment.

Loss of on-street parking

Whilst the proposal will result in a partial loss of on-street car parking, the design and location of the crossovers will ensure that an on-street car parking space will be retained between the driveways.

Lack of car parking

The dwellings have been provided with two on-site car parking spaces each, in the form of single garages with tandem spaces, which is in accordance with the requirements at Clause 52.06 of the Scheme as addressed in the assessment section of this report.

Road and pedestrian safety impacts due to additional driveway and associated traffic generation

Whilst it is acknowledged that the development will generate some additional vehicle movements on the local road network, it is not considered that such additional movements would necessarily be concentrated or conflict substantially with existing traffic. Furthermore, some residents may choose to walk or use public transport which is available within a short walking distance of the site.

The traffic generated by the development is not considered likely to cause safety issues for other vehicles and/or pedestrians, however a recommended condition of permit will seek for pedestrian visibility splays to be included on both sides of both driveways to improve safety.

Low site permeability

Site permeability is addressed in the assessment section of this report with particular focus on Standard B9 at Clause 55 of the Scheme.

Requires existing power pole to be moved

The proposed repositioning of the existing power pole is a matter for the relevant utility provider as it does not trigger the requirement for a planning permit.

Impact on rear easement

There is a requirement for no structures to be built over the easement at the rear of the property and recommended conditions of permit will require the easement to remain clear and for the water tanks to be moved.

Impact on trees on adjoining properties and the naturestrip

The application was accompanied by an arborist report which discusses development impacts on trees on adjoining properties and street trees. Recommended conditions of permit will require tree protection measures to be implemented during construction.

Density

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.

Drainage

The development must be drained to the satisfaction of Council, and this is a recommended condition of permit.

Error on the aerial

It is noted that the aerial photo that was submitted as part of the application incorrectly labels Kingsley Road as Cook Street.

Roof shown over part of the rear garden of No. 43 Kingsley Road is transparent

It is noted that the roof over part of the rear garden of the adjoining property to the west is transparent, as evidenced by aerial photography.

Townhouses will attract the wrong type of people

Whether the dwellings are tenanted, or owner occupied is not a relevant consideration in assessing medium density development under the provisions of the Planning & Environment Act 1987, or the Scheme.

Removal of asbestos from existing dwelling

The removal of asbestos is not a relevant consideration under the provisions of the *Planning & Environment Act 1987*, or the Scheme. The removal of asbestos is governed by the Occupational Health and Safety Act 2004. The Occupational Health and Safety Regulations 2017 outline all responsibilities and duties relating to workplace health and safety in Victoria and any person and/or company that removed asbestos must act in accordance with those responsibilities and duties.

Impact on infrastructure

The fact that existing infrastructure is well used is not a reason to veto this application. The developer is required to provide the necessary improvements to electricity and water supply to accommodate the proposed development. The general provision of improvements to infrastructure, whether that be public transport, electricity or water supply is the responsibility of the relevant service providers.

Demolition of existing dwelling

The demolition of the existing dwelling does not trigger the requirement for a planning permit and so is acceptable.

Will set a precedent for future development

The possibility of setting a precedent cannot be substantiated and is not a relevant planning consideration. Each application for a planning permit is assessed on its own merits.

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.

Front setback

The front setback is addressed in the assessment section of this report with particular focus on Standard B6 at Clause 55 of the Scheme.

Driveways are too narrow

Driveways with a width of 2.75 metres are considered appropriate in this instance given that they serve only one dwelling each and do not require any turning to function.

Solar access to private open space

Solar access to open space is addressed in the assessment section of this report with particular focus on Standard B29 at Clause 55 of the Scheme.

Access to sunlight and outlook for proposed dwellings

Access to sunlight and outlook is addressed in the assessment section of this report with particular focus on Standard B27 at Clause 55 of the Scheme.

PLANNING ASSESSMENT

Neighbourhood Character Precinct Guideline Assessment - Precinct F9

Vegetation

The dwellings are sited and designed to incorporate space for the planting of vegetation, including canopy trees.

Complies

Siting

The dwellings are set back from the front boundary a sufficient distance to accommodate a front garden each.

The development includes side and rear setbacks and provides generous space for landscaping.

Unit 2 is set back from the side boundary to maintain and reinforce the side boundary setback pattern and the existing rhythm of spacing between dwellings.

The garages are set back from the line of the dwellings to reduce their visual dominance.

Complies

Height and building form

The upper floors are set back a sufficient distance from the ground floor facades so that the development respects the predominantly single storey character of the area.

Complies

Materials and design detail

The form and façade of the dwellings are articulated using different colours and materials and through the composition of openings and setbacks.

The materials, including vertical cladding, horizontal cladding, brickwork and render are considered acceptable in this neighbourhood character setting, however, a condition of any approval will require a consolidated palette of materials/colours for the front facade with no more than three main materials proposed so as to simplify and improve the appearance of the dwellings.

Complies subject to condition

Front boundary treatment

A contemporary steel slat fence with a height of 1.2 metres is proposed to the street, which will allow views of the landscaping and dwellings behind.

Complies

Clause 55 Assessment

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

Clause 55.04-6 B22 Overlooking

The ground floors of the proposed dwellings are single storey and have finished floor levels less than 0.8 metres above natural ground level at the boundary to the south and east. Boundary fences with a minimum height of 1.8 metres will generally limit any overlooking, however, given that the land slopes down towards the west a condition of any approval will require the fence to be extended so as to be a minimum of 1.7 metres above the finished floor level of any habitable room with a west facing window or glazed door to Unit 2.

First floor windows are designed to limit views into neighbouring secluded private open space and habitable room windows with the use of 1.7 metre high sill heights and obscure glazing.

Complies subject to condition

Clause 55.05-4 B28 Private Open Space

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

This is achieved through the provision of 40 square metres of secluded private open space at the side or rear of the dwelling with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room or

	Total POS	**Secluded POS**	**Minimum dimension of secluded POS**
Unit 1	91 square metres	66 square metres	5.69 metres
Unit 2	107 square metres	73 square metres	5.59 metres

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

Complies

Clause 52.06 Car Parking

Number of Parking Spaces Required

Two car parking spaces are provided for each of the dwellings with one space under cover given that they include more than three bedrooms.

Design Standards for Car parking

The garaging and the accessways have appropriate dimension to enable efficient use and management.

The car parking facilities are designed, surfaced and able to be 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.

Decision Guidelines

The accessways are 2.75 metres in width, which is under the standard requirement of 3.0 metres, however, this is considered acceptable given that it will allow for increased landscaping to the front setback and will not cause manoeuvrability issues as the driveways serve only a single dwelling and do not require vehicles to turn within the site to enter or exit.

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

Clause 53.18 Stormwater Management in Urban Development

Standard W2

The application was accompanied by a WSUD Plan that illustrates the stormwater management system is designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces

A condition of any approval will ensure that the development is constructed in accordance with the WSUD Plan.

Standard W3

A condition of any approval will require a Stormwater Site Management Plan to be submitted describing how the site will be managed prior to and during the construction period and will set out requirements for managing:

- Erosion and sediment.
- Stormwater.
- Litter, concrete and other construction wastes.
- Chemical contamination.

CLAUSE 55 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
55.02-1	**B1**	**Neighbourhood character**		
		Please see assessment in the body of this report.	Y	Y
55.02-2	**B2**	**Residential policy**		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	**B3**	**Dwelling diversity**		
		N/A as development contains less than 10 dwellings.	Y	Y
55.02-4	**B4**	**Infrastructure**		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	**B5**	**Integration with the street**		
		Both dwellings directly front and integrate with the street. No high front fencing is proposed.	Y	Y
55.03-1	**B6**	**Street setback**		
		The required setback is 6.03 metres, the dwellings are set back 6.08 metres from the street frontage.	Y	Y
55.03-2	**B7**	**Building height**		
		The development has a maximum height of 8.25 metres and is two (2) storey, which is under the	Y	Y

Clause	Std		Compliance	
		mandatory maximum height of 11 metres and three (3) storeys in the General Residential Zone.		
55.03-3	**B8**	**Site coverage**		
		Site coverage is 57%, which is less than the maximum 60% allowed.	Y	Y
55.03-4	**B9**	**Permeability**		
		Permeability is at 30.50%, which is greater than the minimum 20% required.	Y	Y
55.03-5	**B10**	**Energy efficiency**		
		Dwellings are generally energy efficient and will not unreasonably impact adjoining properties. The application was accompanied by a WSUD Plan which is considered acceptable and will be secured by way of condition.	Y	Y
55.03-6	**B11**	**Open space**		
		N/A as the site does not abut public open space.	N/A	N/A
55.03-7	**B12**	**Safety**		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	**B13**	**Landscaping**		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	**B14**	**Access**		
		Access is sufficient and respects the character of the area. The width of the accessways take up 36.09% of the frontage, which is less than the 40% maximum allowed.	Y	Y
55.03-10	**B15**	**Parking location**		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
55.04-1	**B17**	**Side and rear setbacks**		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
55.04-2	**B18**	**Walls on boundaries**		
		Length: 6.49 metres Height: 3.19 metre maximum and average 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**		

Clause	Std		Compliance	
		There are no north facing windows within 3 metres of the common boundary with the subject site.	Y	Y
55.04-5	**B21**	**Overshadowing open space**		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	**B22**	**Overlooking**		
		Please see assessment in the body of this report.	Y	Y
55.04-7	**B23**	**Internal views**		
		There are no internal views.	Y	Y
55.04-8	**B24**	**Noise impacts**		
		Noise impacts are consistent with those in a residential zone.	Y	Y
55.05-1	**B25**	**Accessibility**		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
55.05-2	**B26**	**Dwelling entry**		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
55.05-3	**B27**	**Daylight to new windows**		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
55.05-4	**B28**	**Private open space**		
		Please see assessment in the body of this report.	Y	Y
55.05-5	**B29**	**Solar access to open space**		
		Sufficient depth is provided for adequate solar access.	Y	Y
55.05-6	**B30**	**Storage**		
		Sufficient storage areas are provided.	Y	Y
55.06-1	**B31**	**Design detail**		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.06-2	**B32**	**Front fences**		
		A 1.2 metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y
55.06-3	**B33**	**Common property**		
		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
Assets and Capital Delivery	No objection, subject to conditions included in recommendation
Climate Change and Sustainable Transport	No objection
Tree Protection	No objection, subject to conditions included in recommendation
WSUD Engineer	No objection, subject to conditions included in recommendation

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08-6 – 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	21.05-1, 21.05-2, 21.05-3, 22.04
Zone	32.01
Overlay	45.06
Particular provisions	52.06, 53.18, 55
General provisions	65.01
Neighbourhood Character Precinct	F9

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

RELATED DOCUMENTS

- *Planning and Environment Act 1987*
- The Darebin Planning Scheme

Attachments

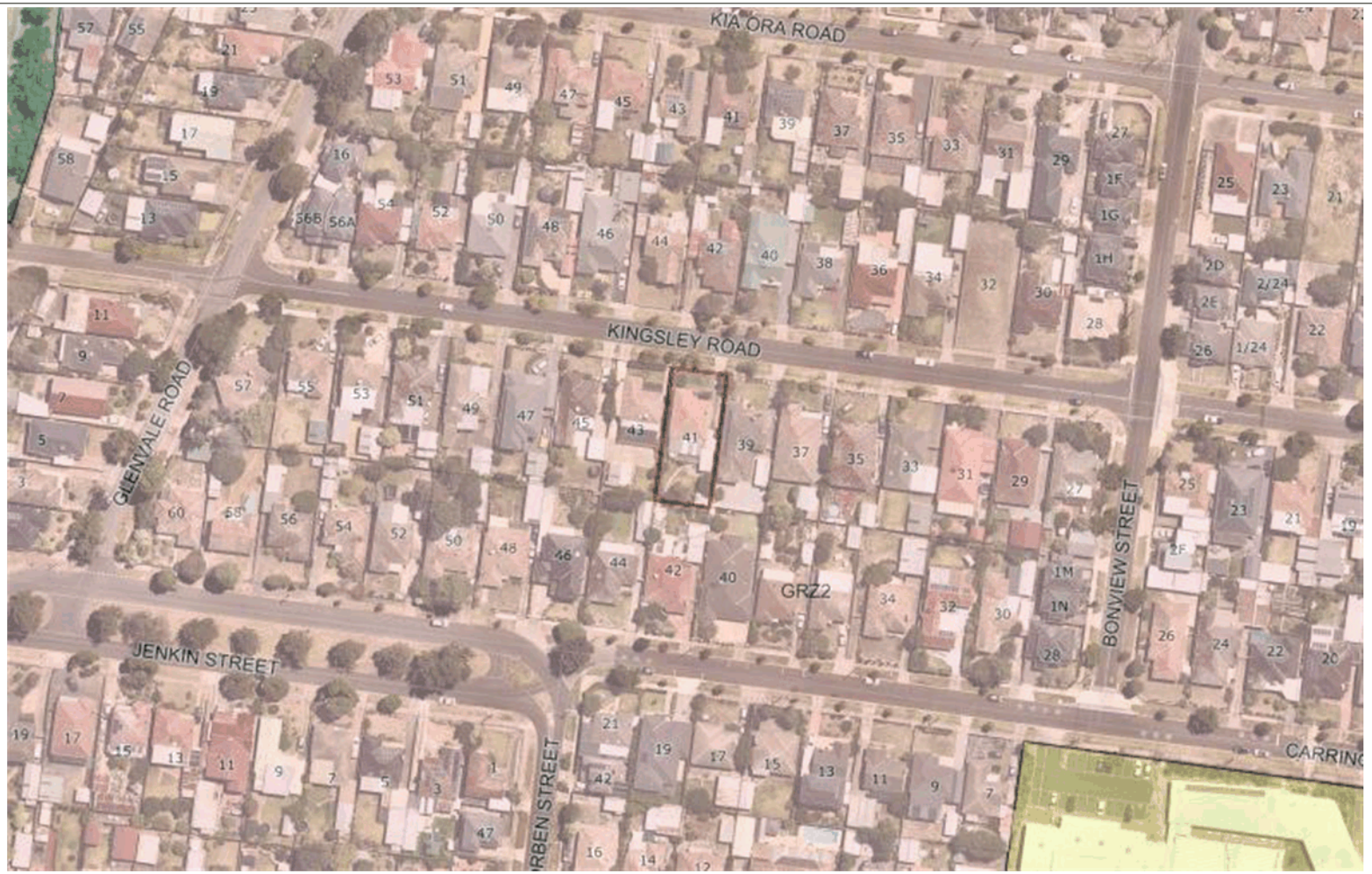
- Aerial Photograph (**Appendix A**)
- Advertised Plans (**Appendix B**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any general or material interest in a matter to which the advice relates.

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

41 Kingsley Road Reservoir



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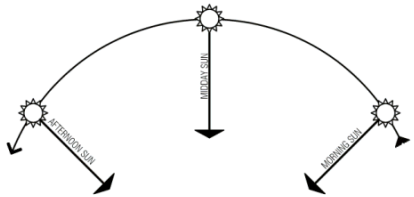
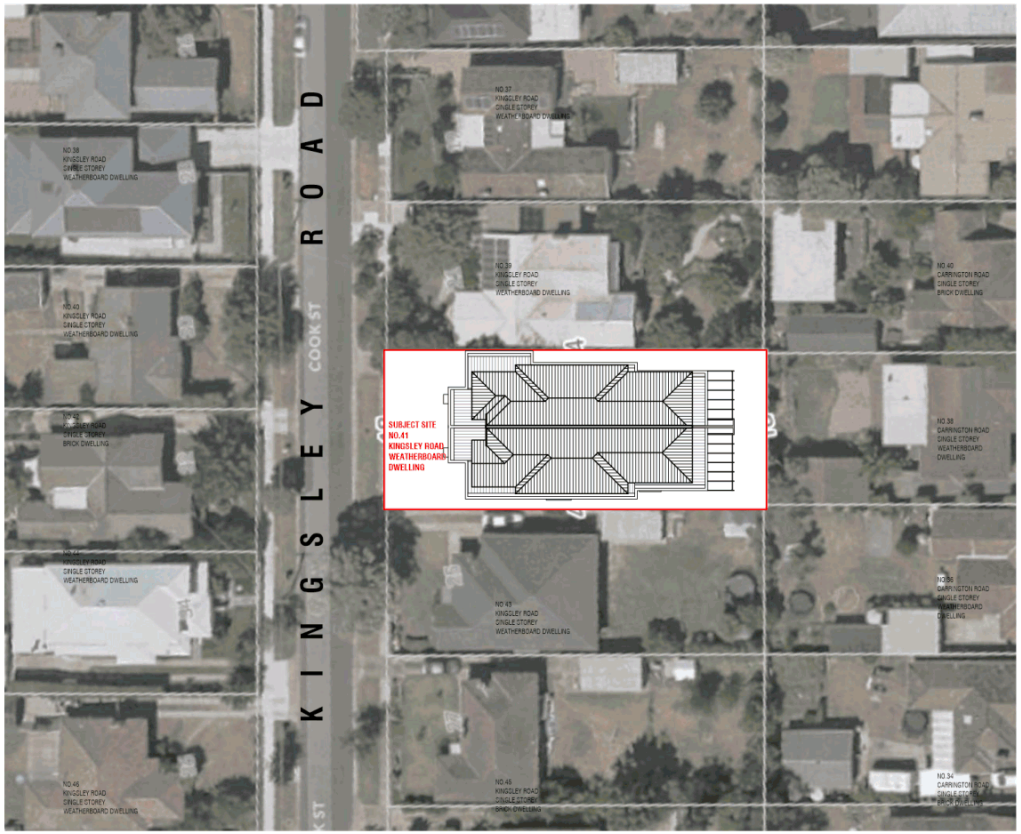


N	- ST JOSEPH THE WORKER SCHOOL	2.1km
	- J.E.MOORE PARK	1.0km
	- EDWARDES LAKE PARK	1.4km
NE	- ST GABRIEL'S SCHOOL	1.5km
	- RESERVIOR LIBRARY	2.1km
	- RESERVIOR STATION	2.0km
NW	- CHARLES MUTTON RESERVE	1.7km
	- B.T.CONNOR RESERVE	2.0km
E	- CRISPE PARK	1.4km
	- WRIGHT RESERVE PLAYGROUND	1.4km
S	- NEWLANDS PRIMARY SCHOOL	1.4km
	- J.S GREY KINDERGARTEN	1.4km
SE	- RESERVIOR WEST PRIMARY SCHOOL	217m
	- REGENT STATION	2.0km
SW	- WOOLWORTHS COBURG HILLS	1.3km
	- JACKSON RESERVE	2.0km
W	- DAREBIN RESOURCE RECOVERY CENTRE	1.3km
	- DAREBIN CITY COUNCIL	1.8km



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Rev	Date	By	Description
A	120820	IY	Issue to Council
B	261020	IY	RFI

Site Context Plan

Address 41 Kingsley Rd, Reservoir
Proposal 2x Townhouses
Date 220720

Dwg No. 01PB

Project No. AH 0318
Scale. 1:300 @A2
Drawn. IY

Darebin City Council Received 28/10/2020

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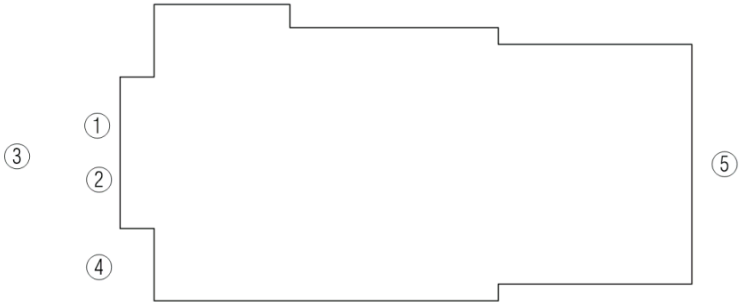

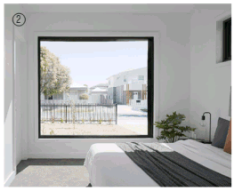

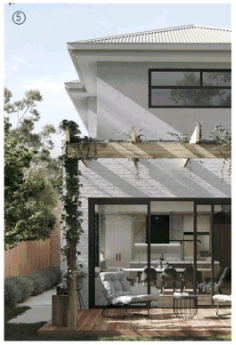

DESIGN RESPONSE

1. Individual address and readily identifiable entry
2. Provision of habitable spaces to frontage to provide opportunities for casual surveillance
3. Landscaping within frontage to soften hardstand areas and provide for canopy tree planting within the front setback
4. Articulation of the dwellings with a variation in materials and built form elements to minimize building bulk and enhance outlook
5. SPOS of sufficient size and dimensions to cater for service and recreation needs and provide for meaningful planting. Direct access to living area/s enhances indoor-outdoor relationship.

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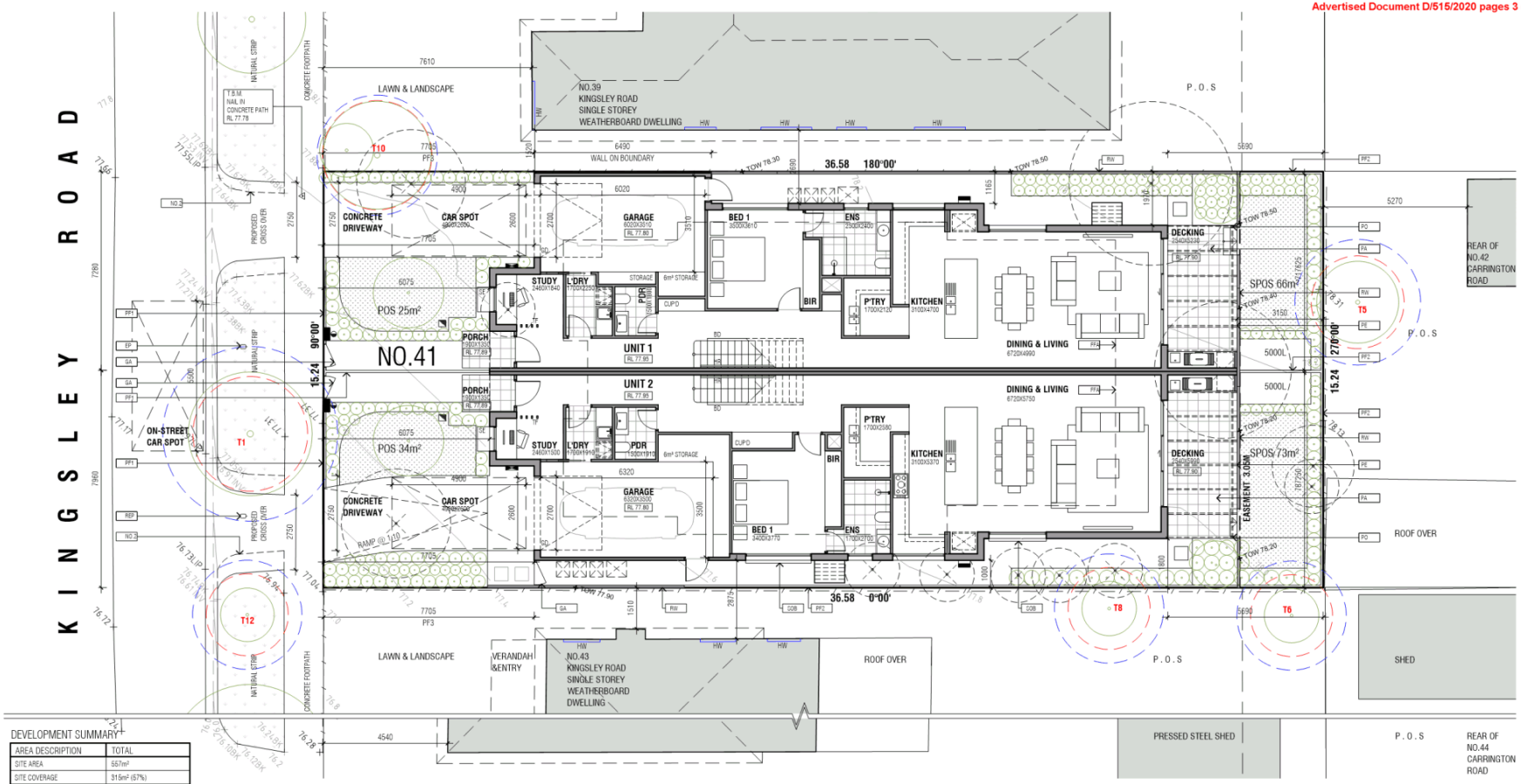

DEVELOPMENT SUMMARY

AREA DESCRIPTION	TOTAL
SITE AREA	557m²
SITE COVERAGE	315m² (57%)
PERMEABLE AREA	200m² (36%)
GARDEN AREA	199m² (36%)

AREAS	UNIT 1	UNIT 2
GROUND FLOOR	124m²	131m²
PORCH	3m²	3m²
GARAGE	25m²	28m²
FIRST FLOOR	103m²	110m²
TOTAL	255m²	272m²
	27.4sq	29.3sq
POS	25m²	35m²
SPOS	66m²	73m²

SYMBOLS LEGEND

SYMBOL	DESCRIPTION
	LETTER BOX
	WATER METER
	GAS METER
	ELECTRICAL METER
	HOT WATER SERVICE
	BINS
	SPLIT SYSTEM
	CLOTHES LINE
	5000L WATER TANK
	EXISTING TREES TO BE RETAINED
	EXISTING TREES TO BE REMOVED
	SMALL PLANTS & SHRUBS
	GRAVEL
	STRUCTURAL ROOT ZONE
	TREE PROTECTION ZONE

NOTES

1. THE NOMINATED ELECTRICITY AUTHORITY SHALL CONNECT TO EACH DWELLING BY AN UNDERGROUND CONNECTION.
2. REINSTATE NATURE STRIP AND KERB TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

LEGEND

BD	BALUSTRADE 1100MM (H)
EP	ELECTRICAL POLE & LIGHT
FB	FACE BRICK
FFA	FIRST FLOOR ABOVE
GA	GATE TO MATCH FENCE
GD	GARAGE DOOR (REMOTE OPENING)
HR	HANDRAIL 900MM (H)
HW	HABITABLE WINDOW
LB	LETTER BOX
NGL	NATURAL GROUND LEVEL
NGLS	NATURAL GROUND LEVEL AT STREET
OG	OBSCURE GLASS
PA	PAVERS
PE	OPEN PERGOLA
PF1	PROPOSED VERTICAL STEEL FENCE 1200MM (H)
PF2	PROPOSED TIMBER PALING FENCE 1800MM (H)
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PGL	PROPOSED GROUND LEVEL
PO	POST
RA	ROOF ABOVE
RE	RENDERED WALL
REP	ELECTRICAL POLE & LIGHT TO BE RELOCATED
RW	RETAINING WALL
SE	STEEL EAVE 450mm DEEP
SKL	SKYLIGHT
SOB	SCREEN OUTDOOR BLIND
SR1	STEEL ROOF 1 - 3 DEGREE
SR2	STEEL ROOF 2 - 30 DEGREE
VC	VERTICAL CLADDING
TF	TIMBER FEATURE

TREE PROTECTION NOTES

1. TREE 1: EXCAVATION REQUIRED FOR CROSSOVER MUST BE PERFORMED SYMPATHETICALLY AND UNDER ARBORICULTURAL SUPERVISION. TREE MUST BE PROTECTED THROUGHOUT THE DEVELOPMENT PROCESS, INCLUDING ALL TREE PROTECTION MEASURES AS PER AS 4970 - 2009.
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A	120820	IY	Issue to Council
B	261020	IY	RFI

Ground Floor Plan

Address 41 Kingsley Road, Reservoir
Proposal 2x Townhouses
Date 200720

Dwg No. 10PB

Project No. AH 0318 PB
Scale. 1:100 @A2
Drawn. MD

Darebin City Council Received 28/10/2020

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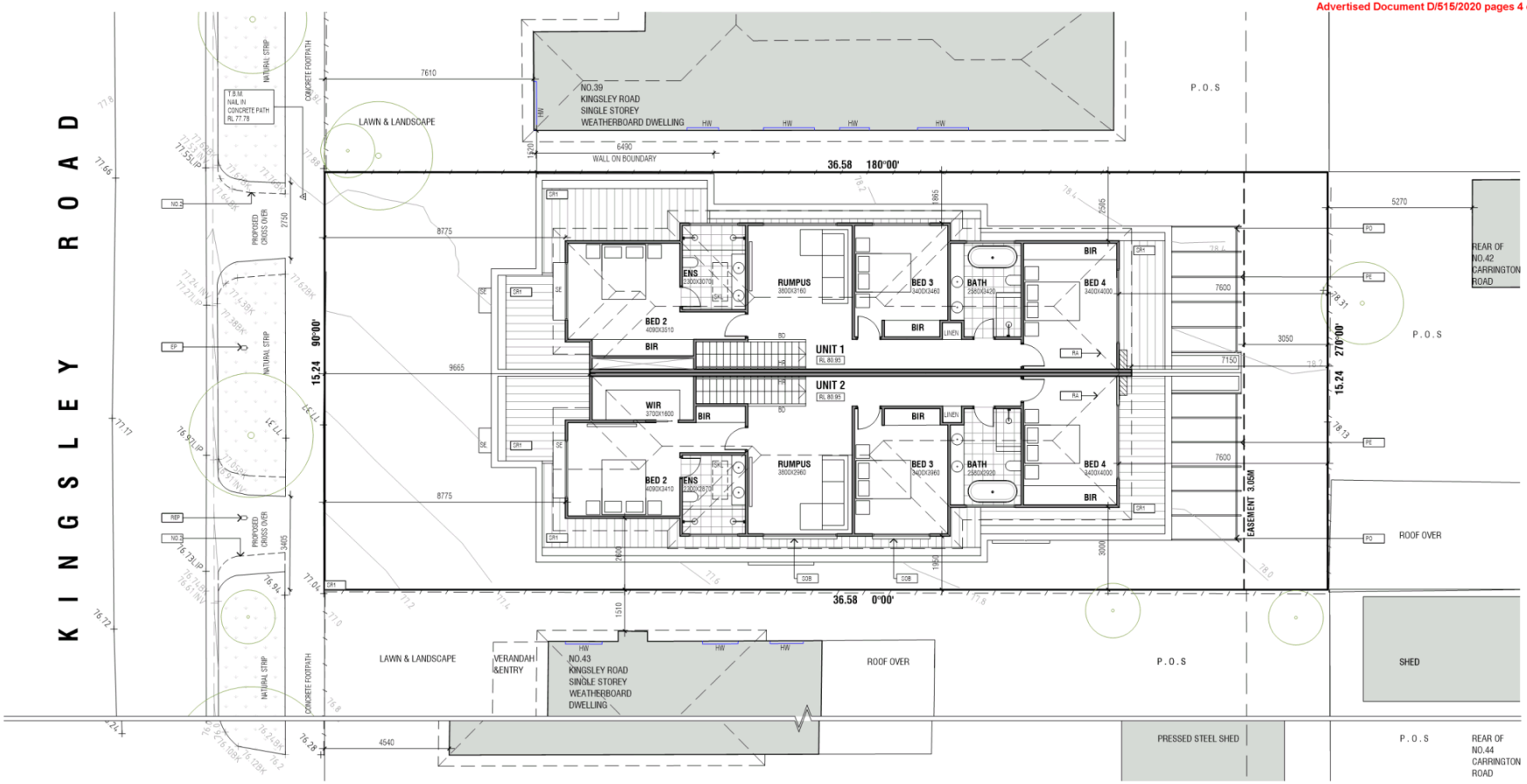

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A	120820	IY	Issue to Council
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First Floor Plan

Address 41 Kingsley Road, Reservoir
Proposal 2x Townhouses
Date 200720

Dwg No. 11PB

Project No. AH 0318 PB
Scale. 1:100 @A2
Drawn. IY

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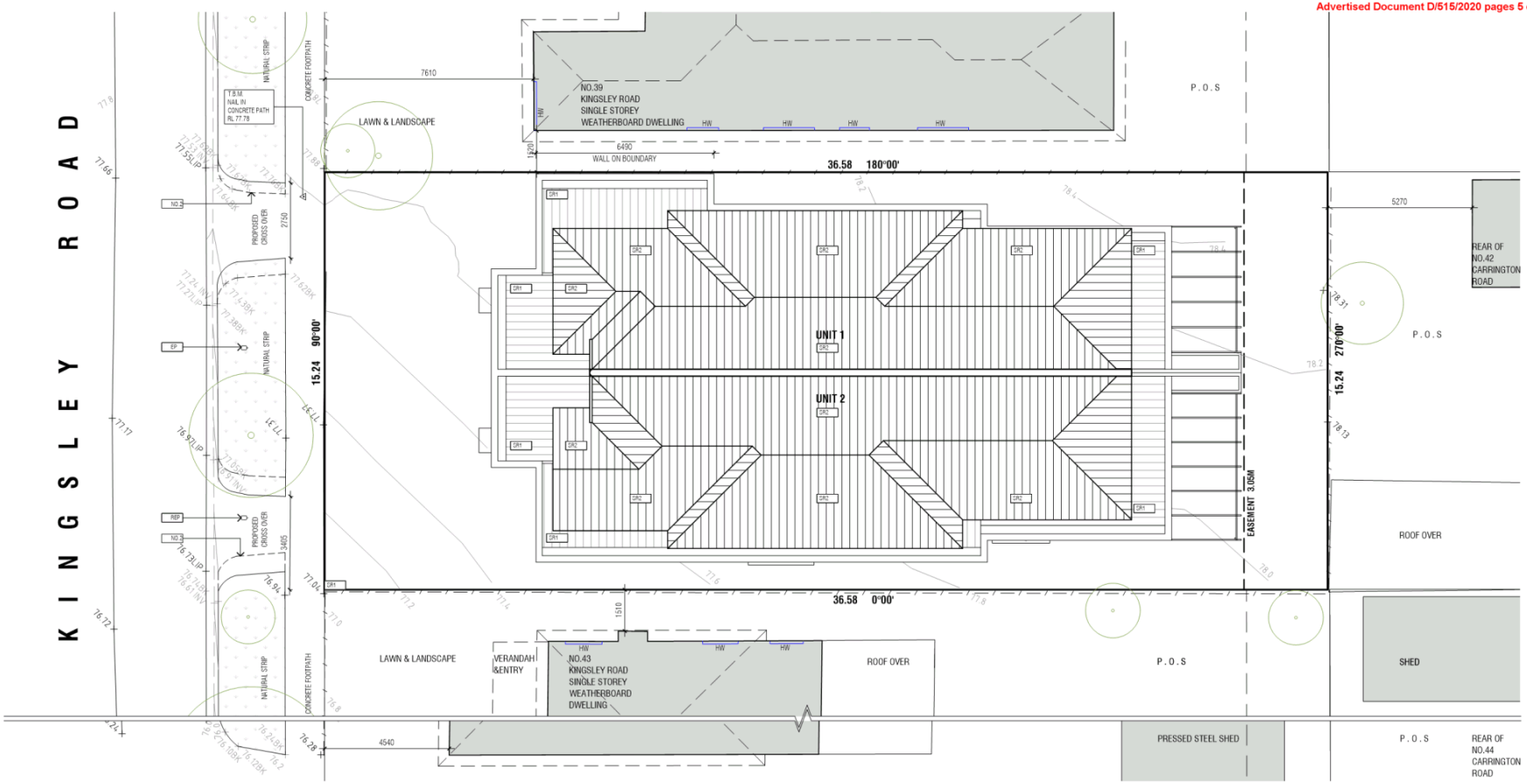

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A	120820	IY	Issue to Council
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Roof Plan

Address 41 Kingsley Road, Reservoir
Proposal 2x Townhouses
Date 200720

Dwg No. 112B

Project No. AH 0318 PB
Scale. 1:100 @A2
Drawn. IY

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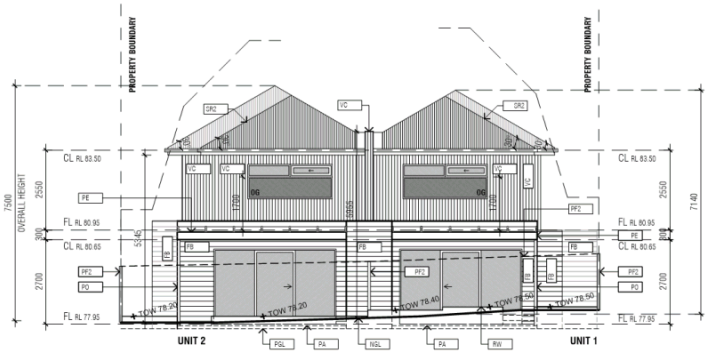
NORTH ELEVATION



SOUTH ELEVATION

WEST ELEVATION

EAST ELEVATION

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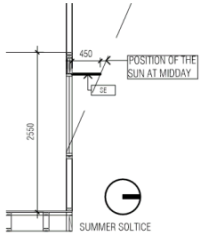

SHADING DEVICE SECTION

SOB -
SCREEN OUTDOOR BLIND

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Elevations

Address 41 Kingsley Road, Reservoir
Proposal 2x Townhouses
Date 280720

Dwg No. 50PB

Project No. AH 0318 PB
Scale. 1:100 @A2
Drawn. IY

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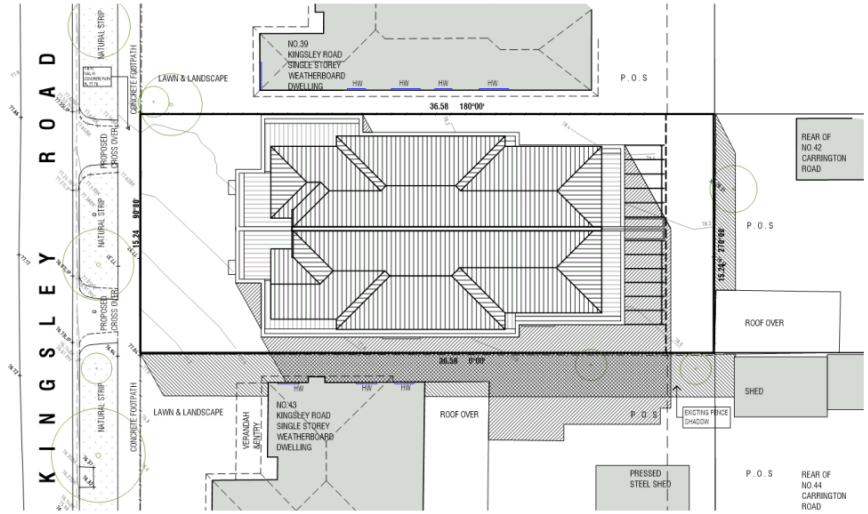
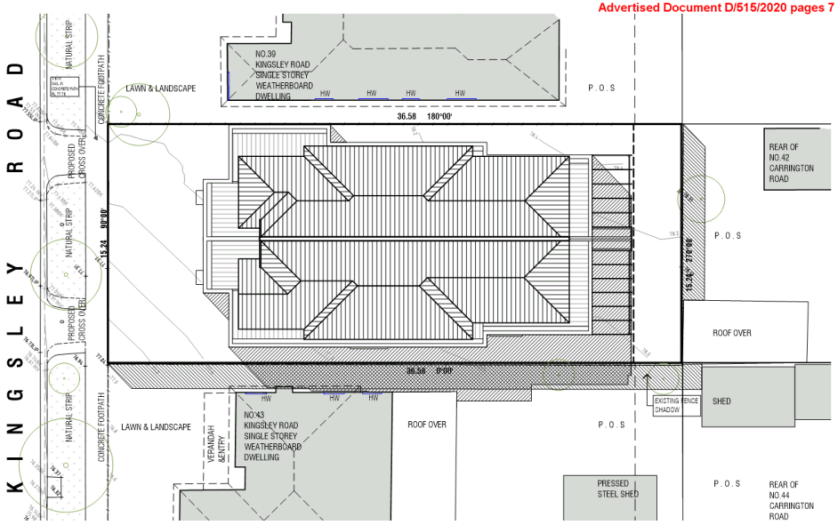
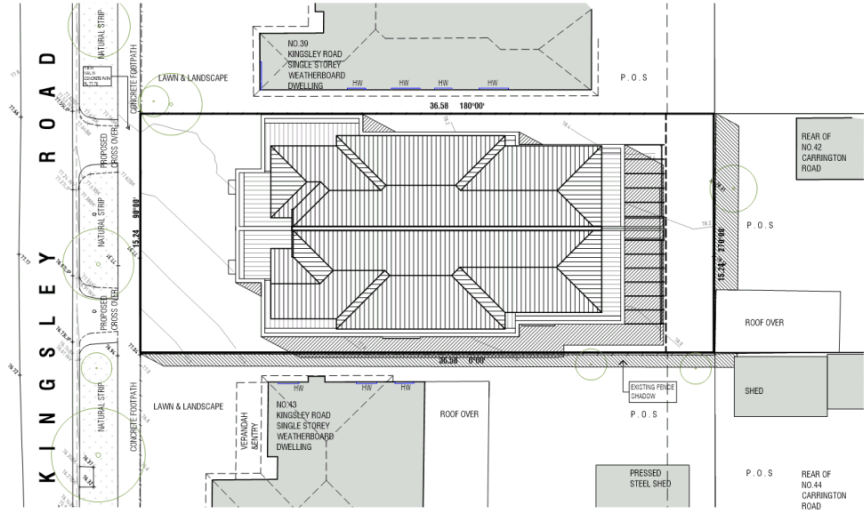


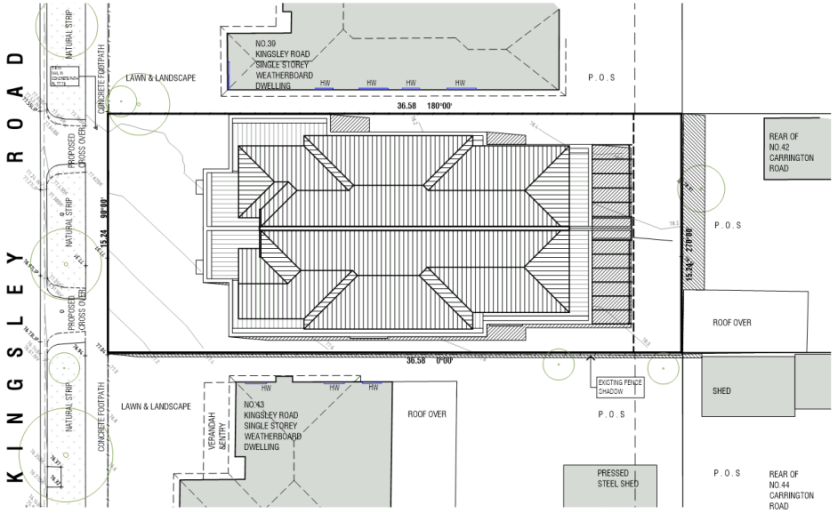
9am EQUINOX SHADOW



10am EQUINOX SHADOW



11am EQUINOX SHADOW



12pm EQUINOX SHADOW

Studio 3, 64 Johnston Street
Collingwood 3066, VIC
9486 0154
info@bdnprojects.com.au

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Rev	Date	By	Description
A	120820	IY	Issue to Council
B	261020	IY	RFI

Shadow Diagrams

Address 41 Kingsley Road, Reservoir
Proposal 2x Townhouses
Date 200720

Dwg No. 61PB

Project No. AH 0318 PA
Scale. 1:100 @A2
Drawn. IY

Darebin City Council Received 28/10/2020

Advertised Document D/515/2020 pages 8 of 9

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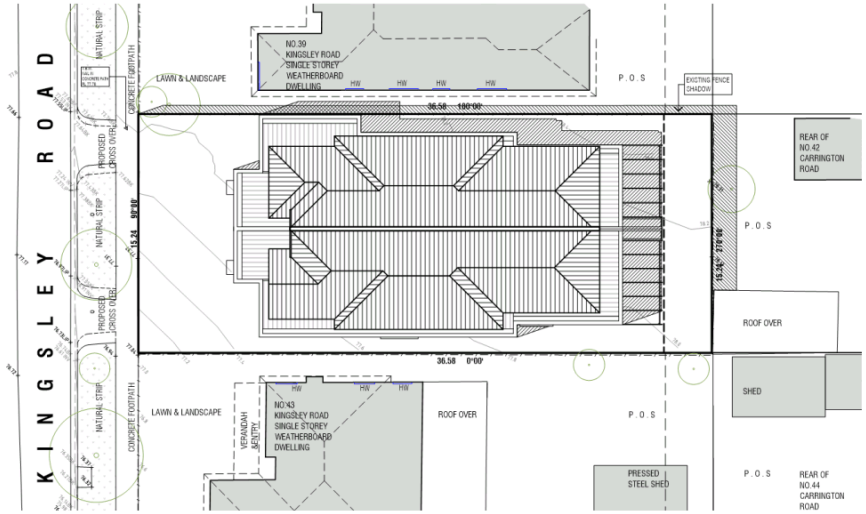
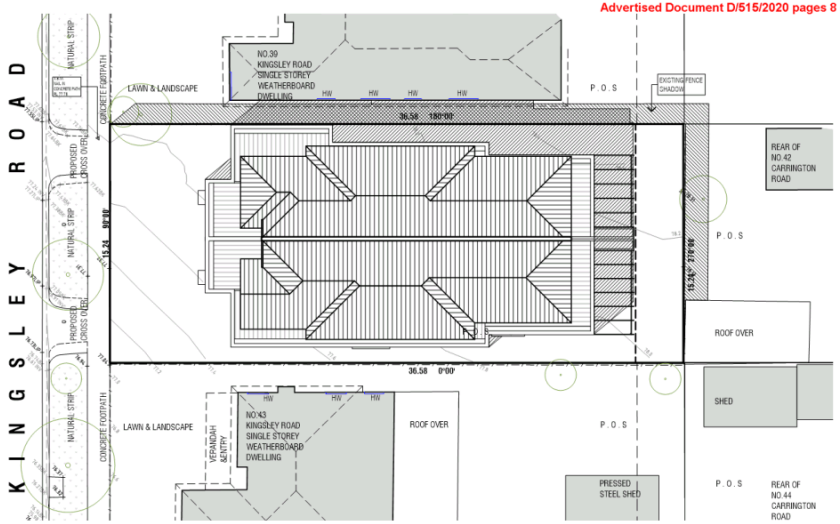
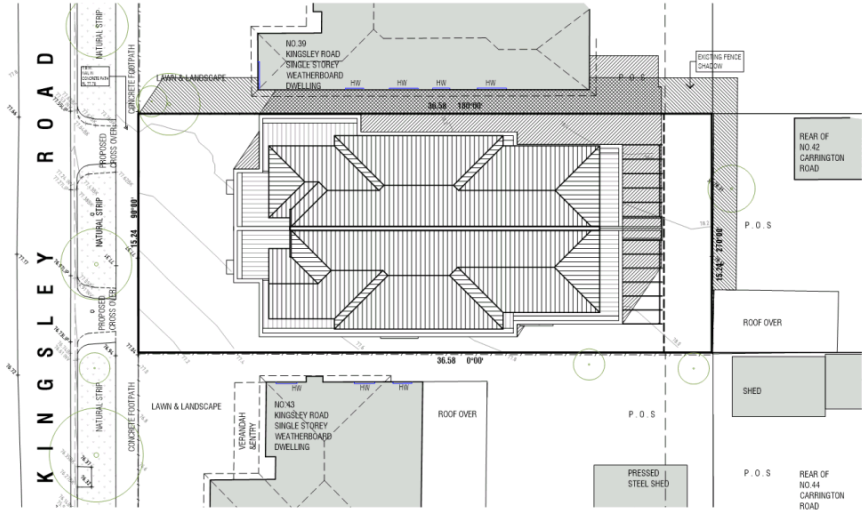


1pm EQUINOX SHADOW



2pm EQUINOX SHADOW



3pm EQUINOX SHADOW

Studio 3, 64 Johnston Street
Collingwood 3066, VIC
9486 0154
info@bdnprojects.com.au

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Shadow Diagrams

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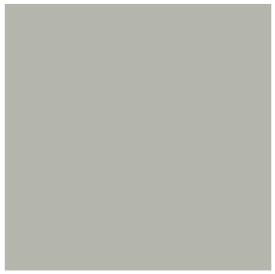
Advertised Document D/515/2020 pages 9 of 9

FACE BRICK
Light Grey 230 x 110 x 76
Image: Metallix 'Platinum'
Supplier: Austral Bricks



RENDER - GROUND FLOOR [RE]
Light Grey
Dulux Shale Grey or similar

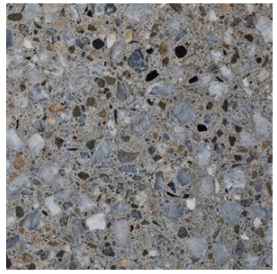
VERTICAL CLADDING [VC1]
James Hardie -Axon 133mm
"Surfmist " or similar

VERTICAL CLADDING [VC2]
& GARAGE DOOR
James Hardie -Axon 133mm
"Monument " or similar

HORIZONTAL CLADDING - [HC]
James Hardie -Scyon Linea 180mm
"Monument " or similar

WINDOW FRAMES,STEEL EAVES
Powdercoat Aluminium
'Monument'or similar

FENCE & LETTER BOX
Vertical Steel fencing
Black



DRIVEWAY
Exposed aggregate

SHEET ROOF [SR2]
Colourbond Monument or similar

FASCIA GUTTERS & DOWNPIPES
Colour to match the wall

EXTERIOR MATERIALS & FINISHES

Proposed Dual Occupancy
41 Kingsley Rd, Reservoir VIC 3073

Darebin City Council Received 28/10/2020

5.4 APPLICATION FOR PLANNING PERMIT D/696/2020 48 High Street, Northcote

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
48 High Street Northcote Pty Ltd	48 High Street Northcote Pty Ltd	• SJB Planning • Simon Howe – Consultant Arborist • Landscape Architecture and Urban Design Studio • Jackson Clements Burrows Architects • Hip V Hype • Traffix Group • Leigh Design Pty Ltd • Webster Survey Group

SUMMARY

- It is proposed to construct a six (6) storey building with a basement, containing 28 dwellings, 27 car spaces and one (1) shop.
- The building will be constructed to Westgarth Street to the north and High Street to the west, for an overall height of 22.7 metres above natural ground level (NGL).
- The proposal will consist of 7 x one (1) bedroom dwellings, 17 x two (2) bedroom dwellings and 4 x three (3) bedroom dwellings.
- The site is zoned Commercial 1 Zone.
- There is no restrictive covenant on the title for the subject land.
- The application has not been advertised.
- On the 5 March 2021 Council received an order from the Victorian Civil and Administrative Tribunal (VCAT) that an appeal under Section 79 of the Planning and Environment Act 1987 had been lodged for failure to grant a permit within the prescribed time.
- The proposal fails to meet a number of policy objectives and standards of the Darebin Planning Scheme.
- Recommendation – Advise the Tribunal that Council has formed a position to not support planning application D/696/2020.

CONSULTATION:

- The application was not advertised.
- This application was referred internally to Asset and Capital Delivery; City Designer; Environmental Sustainability Officer; Heritage Officer; Planning Landscape Architect; Tree Protection Arborist; Climate Emergency and Sustainable Transport & City Works.
- This application was referred externally to CitiPower and VicRoads.

Recommendation

That Planning Committee advise the Tribunal that it has formed a position to not support planning application D/696/2020 on the following grounds:

1. The proposal fails to provide an appropriate design response to adequately address Objective 1 and 3 of Clause 21.03 - Housing of the Darebin Planning Scheme.
2. The proposal does not comply with the objective of Clause 22.05 High Street Corridor Land Use and Urban Design policy with regards to protecting adjoining residential amenity and retaining a predominately low-rise residential built form.
3. The proposal fails to meet a number of objectives of Clause 22.06 Multi – Residential and Mixed-Use Development with regard to:
   - 22.06-3.3 – Design and Materials
     - The development is out of scale with dwellings on adjoining lots. The building does not adopt an appropriate design response with regard to the predominately single and double storey low-scale residential buildings abutting the site to the east and south.
   - 22.06-3.3 – Building Height
     - The building height is not sympathetic with regard to the adjoining single and double storey dwellings to the south and east. The building does not respond to the relevant local strategic direction for the area.
   - 22.06-3.8 – Amenity Impacts, Including Overshadowing and Overlooking
     - Privacy screening is excessive to the side facing south oriented dwellings on level 1 and 2.
   - 22.06-3.9 On-Site Amenity and Facilities, including Private Open Space
     - Multiple balcony spaces do not comply with the minimum area requirements as detailed under Clause 58 and which are south facing so will receive minimal sunlight.
   - 22.06-3.10 – Waste Management
     - Waste collection is not to the satisfaction of the Responsible Authority as a truck will need to park in the access-way which could lead to traffic operation and safety issues in the ground floor carpark.
4. Clause 22.12 – Environmentally Sustainable Development – The proposed design provides inadequate environmentally sustainable design with regard to the following:
   - There are no fixed external sun shading devices to the top-level north facing habitable room windows;
   - South facing side facing dwellings which require screening to both the balcony and habitable room windows.
   - Poor solar access to dwellings as a result of large overhanging balconies that will block out direct sunlight;
5. The proposal does not comply with the following decision guidelines with respect to Clause 43.01 Heritage Overlay of the Darebin Planning Scheme, as follows:
   - The location, bulk, form and appearance of the proposed building is not in keeping with the character and appearance of adjacent buildings and the heritage overlay.

- The proposed works will adversely impact the significance, character and appearance of the heritage place.

6. The proposal does not meet the following objectives of Clause 58 of the Darebin Planning Scheme:
   - Standard D1: Urban Context – The design response is inappropriate and fails to adequately respond to the specific attributes of the adjoining lots which are in a heritage overlay and neighbourhood residential zone. The planning controls limit future development to a mandatory height of two storeys.
   - Standard B2: Residential Policy – The proposed design response is inappropriate and therefore non-compliant with residential policy.
   - Standard D14: Building setback - The first floor and part of the second floor, south facing dwellings have not been adequately setback to achieve reasonable daylight access with screening to all windows and balconies. These dwellings will not have reasonable internal amenity as they are not provided a meaningful outlook to the outside environment.
   - Standard D19: Private open space – Multiple balcony spaces do not comply with the minimum area requirements with several balcony spaces less than 8 square metres. Additionally, there are several inconsistences on the plans with respect to the dimensions of each balcony space and overall area.
   - Standard D20: Storage - It is unclear how the storage cages to the rear of the car-stackers will be accessed when the car spaces are occupied. The car spaces are only measuring 5 metres, with no space provided between the car-stacker and the storage cages.
   - Standard D23 – Waste and recycling - The proposed waste collection from the accessway on the ground floor is not supported as this arrangement could lead to traffic operation and safety issues in the ground floor car park.
7. Clause 52.06-9 – Design Standard 4 – Mechanical Parking - There are inconsistencies between the traffic report and plans with regard to the vehicle length of the car-stacker which is nominated as 5.2 metres in the traffic report, whereas the plans show only 5 metres due to the location of the storage cages. This arrangement could negatively impact vehicle circulation within the ground floor car park and access to the storage cages when the car spaces are occupied.

INTRODUCTION AND BACKGROUND

Planning application D/696/2020 was lodged on the 24 November 2020 for a six (6) storey building containing 28 dwellings, 27 on-site car spaces and one (1) shop.

On 5 March 2021, Council received an order from VCAT that the permit applicant had lodged an appeal under Section 79 of the Planning and Environment Act 1987 for Council's failure to grant a permit within the prescribed time.

A Compulsory Conference (mediation) has been listed for 17 June 2021.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is rectangular in shape and measures 40.64 metres in length and 25.15 metres in width. The site area is 1027 square metres.

- The land is located within the Commercial 1 Zone and is affected by an Environmental Audit Overlay and Heritage Overlay (Schedule 160).
- The subject site is located on the corner of Little High Street and Westgarth Street. The remaining two interfaces to the east and south are residential.
- The subject site is separated from High Street by Little High Street, a designated 'Access Road', under the Darebin City Council's *Register of Public Roads (dated July 2019)*, and High Street Linear reserve, a landscaped boulevard with a width of approximately 9 metres. Little High Street terminates in front of the subject site and does not connect through to Westgarth Street. High Street Linear Reserve comprises a public toilet in front of the site.
- The subject site is currently occupied by a double storey concrete commercial (office) building and associated car parking, which is accessed via a 6.2 metre wide vehicle crossover to Westgarth Street approximately 5 metres from the site's eastern boundary. The existing building is built to the eastern boundary, comprising a two (2) storey wall along the entire length of the eastern boundary. The southern boundary comprises a 1.7 metre tall paling fence.
- The subject site currently has minimal vegetation – however, in recent times it appears that trees have been removed from the site. The applicant has identified that the trees removed were under the threshold for the requirement of a Darebin Tree Protection Local Law permit. A larger tree currently exists on the site, which is to be removed by the electricity provider.

Figure 1: View of the subject site from the corner of Little High Street and Westgarth Street.

- To the east are the units at No. 46 Westgarth Street. The properties are occupied by contemporary double storey rendered brick dwellings, divided by party walls. The units form part of a broader townhouse development that extends east to the railway line and consists of 15 townhouses (see figure 2 below).

Figure 2: 46 Westgarth Street, Northcote to the east of the subject site.

- The townhouses are serviced by a central driveway, accessed via a single crossover to Westgarth Street and oriented away from the subject site. The secluded private open space areas are located to the rear of the dwellings, along the shared boundary with the subject site and are divided by a combination of paling fences at a height of approximately 2 metres and solid rendered brick walls at a height of approximately 8.95 metres. The three (3) dwellings to the east have habitable room windows facing the subject site at ground and first floor. The sites are located within the Neighbourhood Residential Zone – Schedule 1 and not subject to a Heritage Overlay.
- To the west of the site is Little High Street, a designated 'Access Road', under the Darebin City Council's *Register of Public Roads (dated July 2019)*, and the High Street Linear reserve, a landscaped boulevard with a width of approximately 9 metres. Further west is High Street, which is an Arterial Road and located within a Road Zone - Category 1. To the north of the subject site is Westgarth Street which is a Road Zone – Category 2.
- Further west is No's. 53 and 51 High Street, which are in excess of 60 metres from the subject site. Both sites have a frontage to Cunningham Street, which provides pedestrian and vehicular access to the sites (see figure 3 below).

Figure 3: view of No's. 53 and 51 High Street from Cunningham Street.

- Three (3) properties are located to the north of the subject site on the opposite side of Westgarth Street; No. 54-58 High Street, No. 57 Westgarth Street and No. 59 Westgarth Street (see figure 4 below).
- No. 54-58 High Street is occupied by a single storey brick building located at the north-eastern corner of the site, comprising an Auto Service Centre with at grade at grade parking.

Figure 4: No. 54-58 High Street and No's. 57 (left) and 59 (right) Westgarth Street to the north of the subject site.

- No. 57 Westgarth Street comprises a single storey rendered brick dwelling with an iron roof, whilst No. 59 Westgarth Street comprises a single storey brick dwelling with a tiled roof. Both site frontages to Westgarth Street comprise a solid brick fence. Secluded private open space is provided to the rear of the dwellings. The dwellings are located within the General Residential Zone – Schedule 2 and are not subject to a Heritage Overlay.
- To the south of the site is No. 46 High Street. This site shares a common boundary with the subject site and is occupied by a single storey weatherboard dwelling with an iron roof. Vehicular access is provided via a single crossover to Little High Street. The site's frontage comprises a timber picket fence and gate (see figure 5 below).

Figure 5: front elevation of No. 46 High Street, Northcote

- The dwelling is built to its southern boundary, sited towards the front of the site and generally set back 2.91 metres from the shared boundary with the subject site. Secluded private open space is provided to the rear of the dwelling and comprises a shed along its rear (eastern) boundary and a row of five (5) mature trees along the shared boundary with the subject site. The dwelling comprises a number of north-facing habitable room windows facing the subject site.
- The site is located within the Neighbourhood Residential Zone – Schedule 1 and affected by Heritage Overlay – Schedule 102. The building contains a 'significant' heritage grading.
- Westgarth Street is an Arterial Road located within a Road Zone – Category 1 consisting of a single traffic lane in each direction, a bicycle lane and kerbside car parking. The predominant built form comprises single storey detached dwellings with more contemporary double storey dwelling developments interspersed. Building styles are highly varied and many are included within a Heritage Overlay. Edwardian, Victorian and Federation cottages are prevalent along with contemporary housing.
- Closer to the intersection with High Street, buildings adopt a commercial robust character. High Street is a broad treed boulevard with a central avenue that accommodates a double line tramway and double carriageway. Planting on either side of the central avenue includes mature elms, which provide a shady buffer to the street and create a strong sense of canopy.
- High Street, as it extends between Westgarth Street to the north and Merri Creek to the south forms part of the heritage character for its aesthetic importance as a planned grand boulevard.
- To the north of Westgarth Street is the Westgarth Village Neighbourhood Activity Centre, which includes heritage shopfronts and single and double storey shopfronts in well-preserved late Victorian, Federation and Inter-War styles.

- Parking in the vicinity of the subject site is restricted to No-Stopping and 15-minute parking.
- The subject site is located proximate to services including: Merri Creek Walking and Bicycle Trail approximately 400 metres to the south; Westgarth Kindergarten and Westgarth Primary School approximately 1.3 kilometres to the north-east; Northcote High School approximately 1 kilometre to the north-west; Fitzroy High School approximately 1.5 kilometres to the south-west; Palace Westgarth Cinemas approximately 110 metres to the north; and a host of other entertainment, leisure and food and drink premises within Westgarth Village to the north.
- Westgarth Train Station is 200 metres to the north-east and Rushall Train Station is 700 metres to the south-west.
- The subject site is proximate to numerous high amenity open spaces, community facilities and public transport options.

Proposal

- The proposed development comprises one basement level, a two (2) storey podium and receding upper levels that are concentrated towards the centre and north-western corner of the site.

<u>Basement</u>

- The basement is built to the northern, eastern and western boundaries and setback 3.5 metres from the southern boundary. The basement contains services and storage units, 2 x 5000 litre rainwater tanks, 1 employee car space for the shop (which is DDA compliant); and 15 residential car spaces.

<u>Podium</u>

- The podium comprises a two-storey form, which has been articulated by an array of different architectural features to ensure the development places emphasis on the commercial corner.
- Glazing is provided to the commercial premises at the north-western corner of the site.
- A feature archway to the High Street frontage at the north-western corner of the site, comprising hit and miss brickwork aims to distinguish it from other parts of the building clad in standard brickwork. The feature archway has also been carefully designed to take advantage of any potential future improvements to the adjacent landscape provision in the Road reserve of High and Little High Streets.
- The building will feature a restrained palette of external colours to the building consisting of contrasting charcoal grey, olive green, light beige and neutral tones. The building façade will feature brickwork for the podium and concrete of both textured and smooth finishes for the upper levels, with metal balustrading and screening in a charcoal and olive green colour.
- The building will have a flat roof form.

<u>Ground Floor Level</u>

- Pedestrian access to the commercial tenancy is provided via a primary entrance from High Street and a secondary entrance from Westgarth Street adjacent to the residential entry. The shop has a floor area of 243 square metres.
- The residential entry is from Westgarth Street with the bike and bin area located to the front of the lobby. A secondary bike room is located further to the south for a total of 24 bicycle spaces.

- Vehicle access is also from Westgarth Street via the existing crossover which is located in the north-eastern corner of the site. The crossover will lead to a car stacker that operates in a shuffle system. The car stacker accommodates 11 car spaces.
- One dwelling is located in the south-west corner accessed from Little High Street. This dwelling has access to 53 square metres of open space.

Level 1

- Level 1 contains five (5) x one (1) bedroom dwellings; four (4) x two (2) bedroom dwellings and one (1) x three (3) bedroom dwelling.
- This level has a zero setback from High and Westgarth Street and from the east and a setback of 3.55 metres from the southern boundary.

Level 2

- Level 2 contains one (1) x one (1) bedroom dwellings; four (4) x two (2) bedroom dwellings and one (1) x three (3) bedroom dwelling.
- This level has a 2.0 metre setback to High Street and a 2.2 metre setback from Westgarth Street, with balconies and landscaping beds to the boundary line.
- A 3.55 metre setback exists from the southern boundary to the edge of the landscaping bed and the balcony. A setback of 5.75 metres exists to the building wall.
- A zero setback exists to the eastern boundary to the landscaping bed and the balcony. A setback of 3.0 metres exists to the building wall.

Level 3

- Level 3 contains one (1) x one (1) bedroom dwellings and five (5) x two (2) bedroom dwellings.
- This level has a 2.0 metre setback to High Street and a 2.2 metre setback from Westgarth Street. Balconies and landscaping beds are inset further, creating breaks in the building wall.
- A 3.0 metre setback exists to the eastern boundary and a 5.75 metre setback exists from the southern boundary, with no encroachments from balconies and landscaping beds.

Level 4

- Level 4 contains four (4) x two (2) bedroom dwellings.
- This level has a 2.0 metre setback to High Street and a 2.2 metre setback from Westgarth Street. Balconies and landscaping beds are inset further, creating breaks in the building wall.
- A 3.0 metre setback exists from the eastern boundary to the edge of the landscaping bed and balcony with the building wall setback 6.0 metres.
- A 5.75 metre setback exists between the southern boundary and the edge of the landscaping beds and the balcony with the building wall setback 9.0 metres from the southern boundary.

Level 5

- Level 5 contains one (1) x three (3) bedroom dwelling.
- This level has a 2.0 metre setback from High Street; a 2.2 metre setback from Westgarth Street.
- A 6.0 metre setback exists from the eastern boundary to the edge of the landscaping bed and balcony with a 11.75 metre setback to the building wall.

- To the south a 9.0 metre setback exists between the southern boundary and the edge of the landscaping bed and balcony, with a 13.3 metre setback to the building wall.
- This dwelling has 129 square metres of balcony space.

Notification

- Under Section 52(1A) the Responsible Authority may refuse an application and, if it does so, it does not have to comply with subsections (1) and (1AA) Notice of Application under the Planning and Environment Act 1987.

PLANNING ASSESSMENT

Municipal Strategic Statement & Local Policies

Clause 21.03 - Housing

The Darebin Housing Strategy 2013-2033 provides a housing change framework plan that indicates *"the appropriate level of change in terms of the intensity and type of residential development that could be accommodated in areas that permit residential use."*

The subject site is located in a minimal housing change area in the Strategic Housing Framework Plan, which is defined as:

> *"Residential areas that have a limited capacity to accommodate future residential development. Minimal change areas do not prohibit all residential development, but seek to allow a modest level of development that respects the type, scale and character of the area. Minimal Change Areas are sites and precincts that generally display one or more of the following characteristics"* (Clause 21.03).

- *Are heritage Overlay precincts.*
- *Are identified in the Darebin Neighbourhood Character Study (2007) as 'potential Neighbourhood Character Overlay areas.*
- *Have a high intact pattern of subdivision in favour of detached dwellings on individual lots, generally evidenced by more than 80 percent of housing stock having this attribute.*
- *Have a strong neighbourhood character, evidenced by a high degree of consistency in architectural style and streetscape, in particular where 80 percent or more of the housing stock is consistent with precinct descriptions in the Darebin Neighbourhood Character Study (2007), and where restoration of original housing stock is prevalent.*
- *Have identified environmental or landscaped significant, including land with frontage to creek bodies.*
- *Excluding heritage precincts, are located:*
  - *Outside an 800 metre walkable catchment of an activity centre;*
  - *Generally, outside an 800 metre walkable catchment of train, tram or Smartbus services.*

The subject site is within a minimal housing change area, due to its heritage designation and because of existing housing stock found in the vicinity of the subject site to the south (and across High and Westgarth Street to the west and north).

Additionally, there is limited capacity to accommodate intensive residential development on adjoining sites as the land is zoned Neighbourhood Residential to the east and south and is zoned General Residential to the north. Both zones encourage between 1 and 2 stories, with the exception of a third level in the General Residential zone, where the context prevails. This

is in conflict with the Commercial zoning of the subject site, which has the capacity to accommodate a larger built form.

The Strategic Housing Framework Plan illustrates the directions for residential land use and development in Darebin and provides greater certainty as to where growth and change can be expected in terms of the intensity and type of residential development in different areas.

The applicant has indicated in their report on page 49 that, *'The only consistent and clear message conveyed by the LPPF is that Northcote and the City of Darebin more broadly, is facing a housing crisis and a critical need for greater and more diverse housing options…'.*

While it is acknowledged that the subject site could have a greater level of development intensity than the adjoining residentially zoned land, a six (6) storey building is considered to be excessively large in this urban context. The adjoining dwellings are covered by a Heritage Overlay and Neighbourhood Residential Zone and designated in the 'Minimal Housing Change Area'.

<u>Clause 21.03-2 Housing Development: Objective 1 – Housing Provision</u>

It is policy to ensure that the design of development at interfaces between Substantial Change and Incremental or Minimal Change Areas, or between Incremental and Minimal Change Areas, provides a sensitive transition, with particular consideration given to:

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

The subject site and adjoining sites to the south along High Street are located in a minimal housing change area and Heritage Overlay. The proposal is not sympathetic to the scale of the adjoining heritage dwellings and will result in the loss of amenity for these dwellings.

A more considered response would be a reduction to the number of levels.

Does not comply

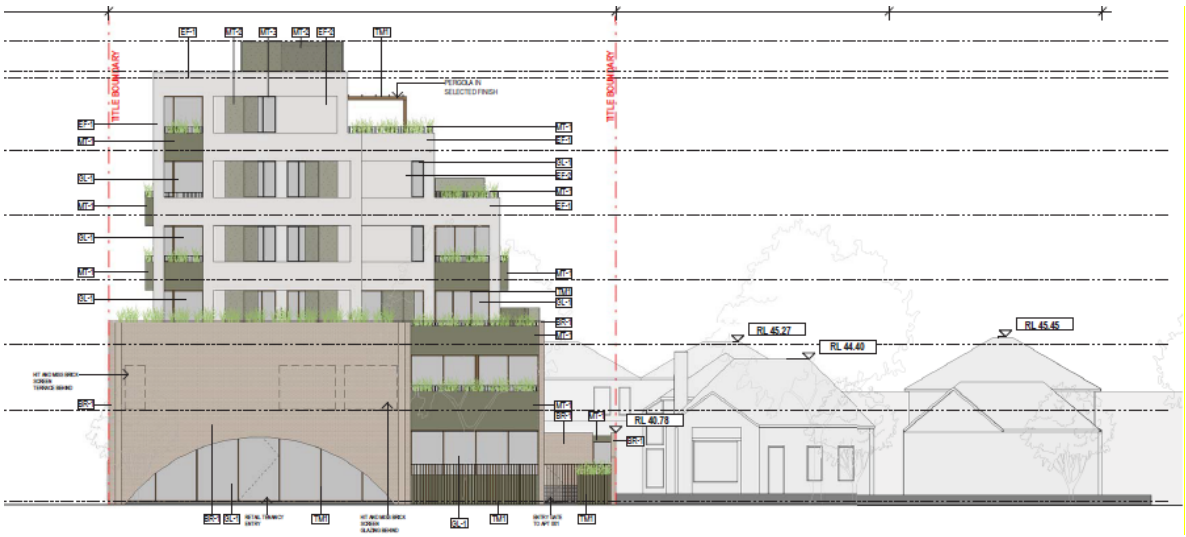


Figure 6: West elevation showing the disparity in height and building massing between the proposed development and adjoining lots along 'Little' High Street.

Clause 21.03-2 Housing Development: Objective 2 – Housing Density

It is policy to achieve higher density housing outcomes in identified locations to accommodate Darebin's projected population growth and discourage underdevelopment in these areas.

Importantly, strategies at clause 21.03-4 are to, '*Support low scale medium density housing development that respects existing neighbourhood character in Incremental Housing Change Areas, particularly in areas that are in proximity to shops, facilities, services and transport*.

As the site is in proximity to Westgarth Village, there is policy support for greater levels of intensification, where appropriate. The site provides an opportunity for greater intensification due to its commercial zoning and corner location, however, this must be adequately balanced against all existing interfaces. While it is anticipated that the character of the area will evolve over time, the expectation is that the change will be, 'minimal'.

Partially complies

Clause 21.03-2 Housing Development: Objective 3 – Residential Amenity

It is policy to facilitate developments that display a high standard of design, limit off-site amenity impacts and provide appropriate internal amenity for residents.

The proposed development is not considered to meet policy objectives with regard to off-site amenity impacts and fails to respect the residential amenity of the adjoining lots specifically those dwellings that are covered by a heritage overlay and neighbourhood residential zone, that limits future development to a mandatory two (2) storeys.

Does not comply

Clause 22.02: Neighbourhood Character

This policy applies to the consideration of applications for development and works on land in the Neighbourhood Residential Zone and the General Residential Zone that is covered by the Neighbourhood Character precinct plan of clause 22.02. The site is in a Commercial 1 Zone and therefore this clause does not apply.

Not applicable

Clause 22.05 High Street Corridor Land Use and Urban Design

This policy sets out objectives to protect key public views and vistas and strengthen the core retail function of the designated activity centres along High Street. It is also policy to promote redevelopment on the intermodal areas in High Street, protect residential land adjacent to commercial land and progressively widen rear laneways where possible.

The following is an assessment against the decision guidelines at Clause 22.05-3 which apply for all precincts.

- *Where vehicular access to the site is obtained by a laneway, the laneway is to be widened to 6 metres.*

Not applicable

- *New development is required to have rear setbacks adjacent to residential properties in accordance with the Diagrams below.*

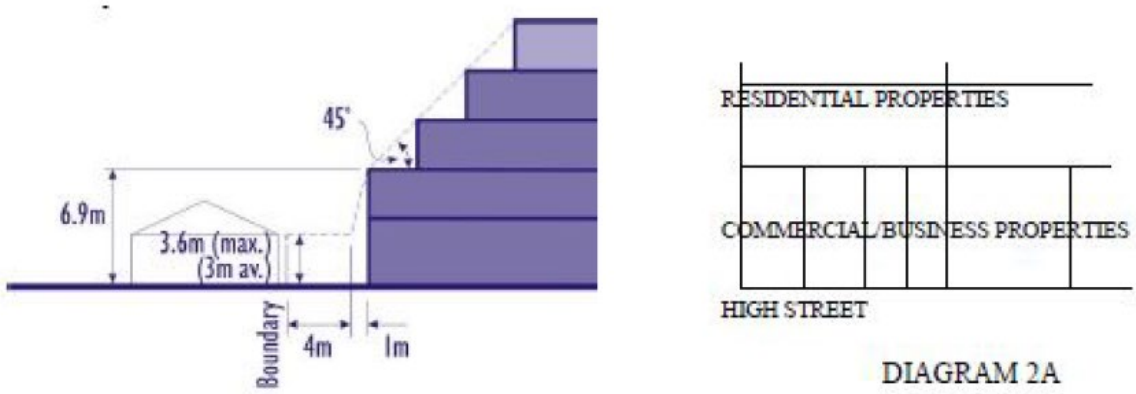


Figure 7: The above diagram 2 as detailed in Clause 22.05 High Street Corridor Land Use and Urban Design. Diagram 2 is called side-on Residential Properties Not separated by a Laneway.

The proposal does not comply with the above diagram because a 4.0 metre setback is envisaged from the boundary of the adjoining (rear) residential property. The applicant is maintaining that the setback is not applicable because the intent is to retain part of the existing 8.95 metre high wall of the existing development and incorporate this into the new development.

Does not comply

- *Buildings with street frontage are to maintain a street wall height of 8-10 metres with upper levels set back.*

The proposal provides an 8.95 metre high podium wall to the ground and first floor with the upper levels setback accordingly.

Complies

- *Where preferred building height is expressed as a number of storeys, the ground floor storey is expected to be up to 4 metres high and storeys above ground floor to be 3 metres high.*

The proposed development will be six (6) storeys. The ground floor is proposed to be 4.52 metres and the storeys above exceeding 3 metres i.e. ranging from 3.18 metres to 3.6 metres.

Compliance to the 3 and 4 metre floor height, would lower the overall height of the development by approximately 1.9 metres.

Does not comply

<u>Precinct 1: Westgarth South</u>

The site is located in Precinct 1: Westgarth South.

It is policy:

- *To retain the predominately low-rise residential, historically significant built form character and streetscape.*

The existing building is proposed to be demolished as part of this application. While demolition of the current building is acceptable as the building is not considered 'Significant' or 'Contributory' within the Heritage Overlay, the scale of the replacement building is considered

to be excessively tall and therefore does not respect the scale of adjoining single and double storey dwellings.

Does not comply

- *To encourage the redevelopment of the industrial sites on the eastern side of High Street between Walker and Cunningham Streets (Nos. 18-36 High Street, Westgarth) for a mix of commercial and residential uses, within the existing buildings or in new buildings of a similar form.*

The site is not one of the industrial sites.

Not applicable

- *To encourage the redevelopment of the industrial site on the south side of Urquhart Street for a residential apartment building that takes advantage of the sloping topography, while minimising its impact on adjoining land uses including the Merri Creek open space corridor.*

The site is north of Urquhart Street.

Not applicable

- *To encourage the redevelopment of the Walker Street public housing site on the west side of High Street in accordance with DPO13.*

The site is not the Walker Street public housing site.

Not applicable

<u>Design Guidelines</u>

The decision guidelines for Precinct 1 only apply to land on the eastern side of High Street between Cunningham and Walker Streets.

Not applicable

High Street Study Urban Design Framework and High Street Study Precinct Guidelines, David Lock Associates & Planisphere, March 2005.

This document outlines the key objectives for Westgarth South, which is, *'To protect heritage places and valued built form character'.* The vision for the precinct is to retain the predominant 1 – 2 storey detached housing profile of the precinct in accordance with the Heritage Overlay and zoning of the land.

'The vision for Westgarth South is for it to remain predominantly low-rise residential precinct centred on a broad treed avenue, respecting and retaining its relatively intact, historically significant and valued Edwardian built form character and streetscape.

The industrial sites on the east side of High Street between Walker and Cunningham Streets will house a mix of commercial and residential uses in the existing buildings or new buildings of a similar form.

The precinct is a major gateway to Darebin. However, the value of its built form precludes the opportunity to express this through 'gateway' buildings. Instead, the existing avenue of trees creates a gate, which will be enhanced through further planting.

Ultimately, while Westgarth Village is a successful activity centre, Westgarth Street provides a clear boundary that separates the 'Village' from the lower scale residential areas that are mainly in separate ownership and a Heritage Overlay to the south, resulting in fewer opportunities for large-scale development.

Critically, the vision for this precinct is one where Substantial Change is undesirable, however where the opportunity does exist, allowing development that can strengthen the centre through incremental change is supported.

In balancing the vision for the precinct, including the heritage overlay and low scale residential built form against the need for housing consolidation and the location of the site which has exceptional physical and strategic attributes, a lower scale building would seem more reasonable.

The design expectations of Clause 22.05 do not precisely include the scenario with a corner commercial site with residential abuttal to the side and rear. Furthermore Precinct 1 - Westgarth South is silent on design guidelines north of Cunningham Street, however, this is clarified by the *High Street Study Urban Design Framework and High Street Study Precinct Guidelines,* which nominates a vision for the area of 1 – 2 storeys, or where the opportunity does exist, allowing development that can strengthen the centre through incremental change.

As such, in weighing up the policy objectives of Clause 22.05, including the site's location in a minimal housing change area, Heritage Overlay and sites abuttal to the Neighbourhood Residential Zone, a six (6) storey building cannot be supported.

Does not Comply

Clause 22.06: Multi Residential and Mixed-Use Development

Objectives:

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

This policy applies to mixed-use development (that includes a residential use) and multi-dwelling apartment development in a Residential Growth Zone, Mixed Use Zone, Commercial Zone, Priority Development Zone and a General Residential Zone (excluding land within DDO14 Northcote Major Activity Centre. It provides the following policy direction with regard to development.

The assessment against the policy objectives and design guidelines is as follows:

Element	Comment	Compliance
Sustainability	The development provides shared floors, internal stairs, multi storey construction, all of which contribute to energy efficiency. The proposal provides appropriate rainwater harvesting. A Sustainable Design Assessment has been submitted but it is not satisfactory. See assessment under Clause 22.12 of this report.	**Does not comply**
Design and Materials	The development significantly exceeds the nearby existing single and double storey building heights and is considered to be unacceptable. The mass of the building is generally located towards the street frontage which is acceptable. Materials are considered acceptable for a corner allotment in a Commercial Zone.	**Does not comply**
Building Height	A consideration of height requires a balanced deliberation of all the related policy drivers such as: urban design; policy direction; housing diversity; affordability; and urban consolidation. Furthermore, the consideration of height should be balanced against the design and massing of the building and its response to the preferred character. The State Planning Policy Framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future household growth within its established urban areas. Activity centres, strategic redevelopment sites and locations well served by public transport are the preferred locations for new residential development, which is encouraged to comprise an intensive scale and built form. There is justification for a higher scale of development given the land is zoned in Commercial 1. However, the proposed six (6) storey building is excessive when considering the low scale surrounding urban context and the scale of development envisaged by planning controls that apply to neighbouring residential sites.	**Does not Comply**
Dwelling diversity	The development provides a diversity of layouts.	Complies
Parking and vehicle access	The proposal provides one (1) double width crossover. This is acceptable. The car parking is in the basement and ground floor and is not a dominant feature. Adequate parking is provided.	Complies subject to condition
Street address	Dwellings are provided with windows and balconies to street frontages.	Complies

Element	Comment	Compliance
	Mailboxes may be located to the entry areas and conditions may require the entry and common areas to be adequately lit.	
Amenity Impacts Including Overshadowing and Overlooking	Issues of overlooking and overshadowing impacts are addressed below in the assessment against Clause 58.	**Does not comply**
On-site amenity and facilities including private open space	Dwelling 1 is on the ground floor and accessible from the pedestrian path from Westgarth Street. This is convenient for people with limited mobility. The dwellings have a direct pedestrian entry from Westgarth Street that is clear and visible. There are multiple south facing balconies that will not receive adequate sunlight and which will require screening to avoid overlooking. Several dwellings have a dual aspect for daylight and ventilation. However, a number of the dwellings have significant overhanging balconies that will limit solar access to habitable rooms. Private open space areas are considered integrated with principal living areas, however, the location of some of the private open spaces are not ideal because they are south facing and therefore do not receive adequate solar access. There is adequate space for internal and external storage and for site services. A single communal antenna may be required by condition.	**Does not comply**
Waste Management	An area to store waste and recyclables is provided at the ground level, however, the proposed collection from the accessway of the ground floor is not as this arrangement could lead to traffic operation and safety issues in the ground floor car park. It is recommended that dedicated private waste collection be provided to undertake loading and waste collection from the subject site. A Waste Management Plan has been provided.	**Does not comply**
Equitable Access	The development allows access to persons of limited mobility.	Complies

Clause 22.12 – Environmentally Sustainable Development

This policy applies throughout the City of Darebin to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy.

Under Table 1 – ESD Application requirements, a Sustainable Design Assessment (using BESS and STORM tools) is required and has been submitted, however it is currently not satisfactory due to current issues with regard to internal amenity and energy efficiency:

- There are no fixed external sun shading devices to multiple top-level north facing habitable room windows. While it is acknowledged that the proposed development will have a high energy rating, the dwelling on the top floor will be susceptible to excessive heat gain.
- South (side) facing dwellings (on level 1 and level 2) which have an overhang above the balconies (see figure 8 below).

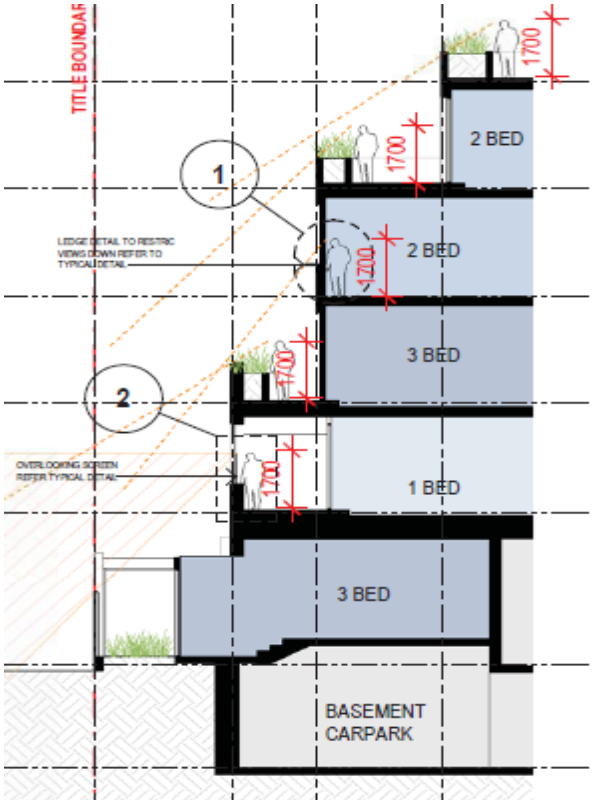


Figure 8: The balcony noted with 'number 2' in the diagram shows a south facing dwelling which has the balcony completely covered by an upper level balcony.

- No detail provided of window type and operation.
- Over-hanging balconies which will reduce sunlight into lower level habitable rooms.

<u>Clause 34.01 – Commercial 1 Zone</u>

The site is located in a Commercial 1 zone where the purpose is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The proposed shop and dwellings are an acceptable use for a commercial zone.

Complies

Clause 43.01 Heritage Overlay (HO160)

The proposed demolition of the existing commercial building is deemed acceptable as the building is not considered either contributory or significant.

The proposed building, however, is excessively large and therefore considered to be out of scale amongst the mainly single and double storey heritage precinct which is subject to heritage controls.

Therefore, the proposed building does not comply with the following decision guidelines of the Heritage Overlay:

- *Whether the location, bulk, form or appearance of the proposed building will is in keeping with the character and appearance of adjacent buildings and the heritage overlay.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

Does not comply

Clause 45.03 Environmental Audit Overlay

The purpose of the EAO is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
- *To ensure that potentially contaminated land is suitable for a new use which could be significantly adversely affected by any contamination.*

Under Clause 45.03-1, before a sensitive use (in this case, a residential use) commences or before the construction or carrying out of buildings and works associated with a sensitive use commences, either a certificate of environmental audit must be issued for the land or a Statement made by an environmental auditor that environmental conditions of the land are suitable for a sensitive use.

Complies subject to condition

Clause 58 – Apartment Development Assessment

The following sections provide discussion on fundamental areas of non-compliance with Clause 58.

<u>Standard D1 – Urban Context</u>:

With respect to guidance on responding to context, there are distinctive features and characteristics in different contexts that need to be considered in designing an apartment development. In looking at the Apartment Design Guidelines for Victoria, DELWP, 2017 there are four (4) typical contexts; Central City; Activity Centres; Neighbourhood Centres and Residential Neighbourhoods.

The Activity and Neighbourhood Centres, are defined as established shopping strips with medium built form on various sized blocks.

The site context, while opposite an activity centre, is more akin to a Residential Neighbourhood, which is defined as follows;

This context is characterised by lower rise residential buildings, including detached houses and townhouses as well as infill apartment development in appropriate residential zones.

New apartment development should be responsive to the low-rise residential character of the area.

Low rise apartment buildings typically require setbacks to the street and other boundaries to achieve amenity objectives and respond to the preferred landscape character.

While the subject site is located in a Commercial Zone, the neighbouring dwellings to the east and south are covered by the Neighbourhood Residential Zone – Schedule 1. This zone does not envisage a low level of development change in the future. In this regard, it is considered that the proposal does not respond appropriately to the neighbourhood established residential urban context which is expected to remain at a mandatory height of two (2) storeys.

The proposal is out of scale with the streetscape, which is not envisaged to significantly alter due to the zoning and heritage overlay controls.

Does not comply

Standard D2: Residential Policy

The proposal is accompanied by a written statement and design response in terms of information provision and assessment against relevant policies, however, issues are raised with regard to the design and the response to the opportunities and constraints of the site.

Does not comply

Standard D6: Energy efficiency

Buildings should be *oriented to make appropriate use of solar energy; sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*

The following matters are unsatisfactory:

- There are no fixed external sun shading devices to multiple top-level north facing habitable room windows. This is particularly applicable to the dwelling on the uppermost level of the development;
- No detail provided of window type and operation;
- Over-hanging balconies which will reduce sunlight into lower level habitable rooms; and
- South facing apartments.

Does not comply

Standard D14: Building setback

The built form must respect the existing or preferred urban context and respond to the features of the site and surrounds. Buildings should achieve the following: be set back from side and rear boundaries and other buildings in vicinity of the site; ensure adequate daylight into new habitable room windows; avoid direct views into habitable rooms and private open space of new and existing dwellings; and provide an outlook from new dwellings that creates visual connection to the external environment.

The following south facing dwellings - 04, 105, 106, 107, 203 and 204 are entirely screened with a perforated screen and obscure glass. The outlook from these dwellings is restricted impacting internal amenity for future residents.

Figure 10: Southern elevation, showing the first floor balconies and windows screened to prevent overlooking.

While there is no numerical requirement under this standard, the Apartment Design Guidelines for Victoria, DELWP, 2017, provides guidance and states that greater building separation is preferred to achieve adequate outlook and to avoid the need for excessive overlooking screens.

Does not comply

<u>Standard D19: Private Open Space</u>

The applicant has indicated that all dwellings have private open space in the form of a balcony or terrace with direct access from a living room in compliance with the requirements of this standard.

However, the plans do not show the location of air-conditioning units. It is assumed that air-conditioning units will be provided on balconies and therefore the balconies will fall short of the necessary open space requirement of this standard.

The plans provided show incorrect dimensions and areas relating to balcony spaces as follows:

Dwelling 108 is a three (3) bedroom dwelling and should have a minimum area of 12 square metres with a minimum depth of 2.5 metres. The balcony space is shown to be 11.1 square metres with a depth of 2.4 metres and therefore not compliant with the standard.

Dwelling 105, 106 and 107 are noted as having 8 square metre balconies, however, the dimensions on the plan show that the balconies are 3.15 metres by 2.5 metres which equates to a balcony area of 7.8 metres not complaint with the standard.

Dwelling 104 is shown to have a balcony space of 9sqm, however, the dimensions on the plan show that the balcony is 3.53 metres by 2.3 metres which equates to a balcony area of 8.11 square metres.

Dwelling 102 and 103 are shown to have balcony space of 8 square metres, however, the dimensions on the plans equate to a balcony spaces exceeding 8 square metres.

Dwelling 101 is shown on the plans as having an 8 square metre balcony, however, the dimensions of 2.2 metres by 3.45 metres equate to a balcony area of 7.59 metres.

Dwelling 2.06 shows the balcony measuring 2.25 metres by 3.57 metres which equates to a balcony area of 8.03 metres. The plan notes that this balcony is 15 square metres.

An assessment of other balcony spaces on the other levels, shows a similar pattern of inconsistencies and non-compliance.

Does not comply

<u>Standard D20: Storage</u>

The applicant has indicated that all dwellings have storage space in the form of both internal and external storage cages in compliance with the requirements of this standard, however, it is unclear how the storage cages to the rear of the car stackers will be accessed when the car spaces are occupied. The car spaces measure 5 metres in length, with no space provided between the car stackers and the storage cages (see figure 10 below).

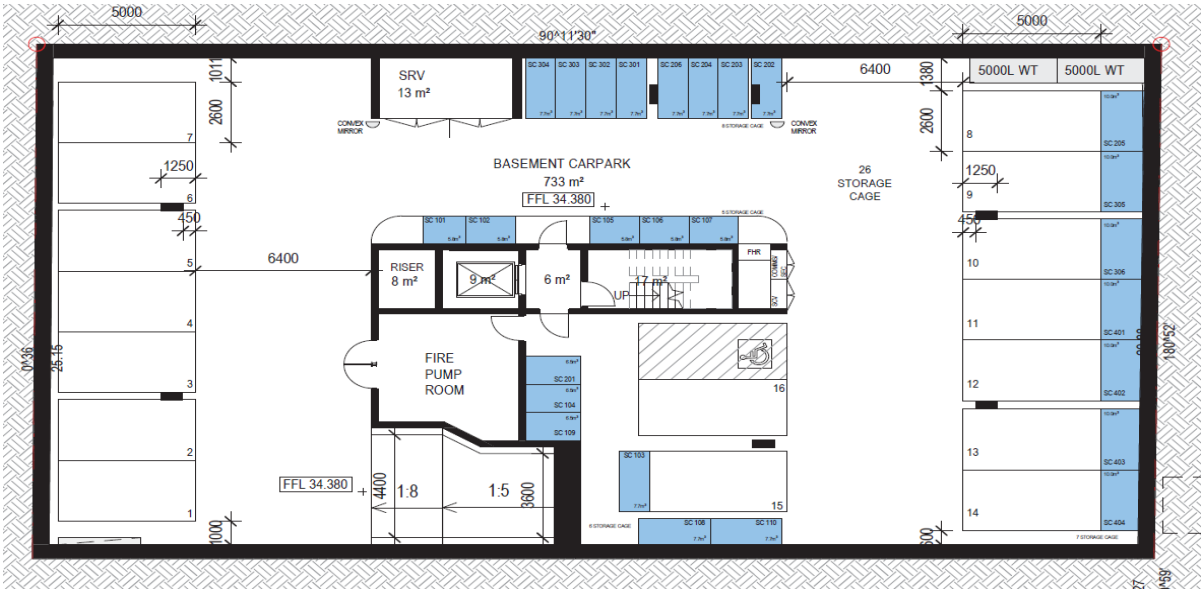


Figure 10: Basement level of the development showing 5 metre long car spaces with storage cages abutting.

Does not comply

<u>Standard D23: Waste and Recycling</u>

The proposed waste collection from the accessway on the ground floor is not supported because the arrangement could lead to traffic operation and safety issues in the ground floor car park. It is recommended that a dedicated private waste collection and loading bay be provided.

Does not comply

Clause 52.06 Car Parking

Number of Parking Spaces Required

Use	No.	Statutory car parking rate	Car parking requirement	Car parking provision	Shortfall
One-bedroom dwelling	7	1 per dwelling	7	18 in total	-6
Two-bedroom dwelling	17	1 per dwelling	17		
Three-bedroom dwelling	4	2 per dwelling	8	8	0
Shop	243 sqm floor area	3.5 car spaces per 100sqm of floor area	8	1	-7

The development has a statutory parking requirement under Clause 52.06-5 of 40 car spaces i.e. 32 resident spaces and 8 shop spaces.
Six of the one (1) or two (2) bedroom dwellings will not be provided with on-site carparking. In addition, a shortfall of 7 on-site car parking applies to the shop.

The total shortfall of 13 car spaces is deemed satisfactory in this instance due to the numerous public transport options proximate to the subject site.

Car parking reduction justified - complies

Design Standard 4: Mechanical Car parking

There are 11 car spaces within a two (2) level independent car stacker system. The traffic report which accompanies the application states that the access aisle is 6.4 metres, however, the plans show an aisle width to be 6.1 metres opposite structural piers. Additionally, the traffic report notes that a vehicle length of 5.2 metres can be accommodated by the stackers, however, there are a storage cages at the end of these spaces which reduces the car lengths to 5 metres (see figure 10 above).

The storage cages abutting the car stacker system will not be conveniently accessed when the car stacker is occupied and therefore deemed to be unsatisfactory.

Does not comply

Clause 65.01 Approval of an application

Before deciding on an application or approval of a plan, the responsible authority must consider as appropriate the following that are relevant to the application.

- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

The orderly planning of the area

The proposed development is not considered to be orderly planning of the area. This is because the scale of the development envisaged is not in keeping with the low scale of

development immediately abutting which will remain as such because of restrictive planning controls i.e. heritage overlay and residential zoning mandating a maximum two (2) storey height limit.

The effect on the amenity of the area

The proposed development will have a negative effect on the amenity of the area. This is because north facing habitable room windows of the dwelling to the south will be overshadowed unreasonably.

Conclusion

Based on the above assessment against planning controls, it is considered that the proposed development for a six (6) storey mixed used development should not be supported.

CLAUSE 58 COMPLIANCE SUMMARY

Clause	Std		Compliance	
			Std	Obj
58.02-1	**D1**	**Urban context objective**		
		Please see assessment in the body of this report.	N	N
58.02-2	**D2**	**Residential policy**		
		Please see assessment in the body of this report.	N	N
58.03-3	**D3**	**Dwelling diversity**		
		At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin has been included at ground floor level.	Y	Y
58.02-4	**D4**	**Infrastructure**		
		Adequate infrastructure exists to support new development	Y	Y
58.02-5	**D5**	**Integration with the street**		
		The development is appropriately integrated with the Street.	Y	Y
58.03-1	**D6**	**Energy Efficiency**		
		Please see assessment in the body of this report.	N	N
58.03-2	**D7**	**Communal Open Space**		
		Not applicable as this applies to developments with 40 dwellings or more.	N/A	N/A
58.03-3	**D8**	**Solar Access to communal outdoor space**		
		Not applicable as this applies to developments with 40 dwellings or more.	N/A	N/A
5B.03-4	**D9**	**Safety**		
		The residential entry to the development is satisfactory and not obscured from the street.	Y	Y

Clause	Std		Compliance	
		The proposed development is secure, and the creation of unsafe spaces has been avoided.		
58.03-5	**D10**	**Landscaping**		
		In accordance with Table D2 of Clause 58.03-5, a site area of 1027 square metres requires 7.5% of the site as deep soil planting with a minimum area of 3 metres and a minimum tree provision of 1 medium tree (8-12 metres) per 50 square metres of deep soil area. This has not been met. Construction details for the planter boxes and green roof planting, including drainage and service details have not been provided and therefore the applicant has not shown how these areas will be maintained.	N	Y
58.03-6	**D11**	**Access**		
		The development proposes to utilise the existing vehicle crossover to Westgarth Street, which has a width of approximately 6.4 metres. This is calculated at approximately 15.7% of the Westgarth Street frontage which is considered to be satisfactory. Utilising the existing crossover to Westgarth Street will not negatively impact on-street car parking provision. The crossover will provide two-way access.	Y	Y
58.03-7	**D12**	**Parking Location**		
		The proposed development provides secure carparking.	Y	Y
58.03-8	**D13**	**Integrated water and stormwater management**		
		A STORM assessment has been submitted. A condition of approval would require a WSUD plan.	N	Y
58.04-1	**D14**	**Building setback**		
		Please see assessment in the body of the report	N	N
58.04-2	**D15**	**Internal Views**		
		Due to the location and setback of balconies within the built form, it is considered there are limited opportunities for internal views. A combination of planter boxes and balustrading prevent overlooking to lower-level balconies.	Y	Y
58.04-3	**D16**	**Noise Impacts**		
		While the site is not within a noise sensitive area as nominated in Table 3, it is still considered proximate to noise sources i.e. the Westgarth Train Station, trams along High Street, cars along both High and Westgarth streets and general activity associated with the Westgarth commercial precinct.	Y	N

Clause	Std		Compliance	
		An acoustic assessment should be provided to demonstrate that noise will not detrimentally impact future residents of the proposed dwellings. The acoustic assessment should identify acoustic attenuation measures that could be incorporated into the design to ensure these dwellings are protected from inappropriate noise.		
58.05-1	**D17**	**Accessibility**		
		Fourteen of the 28 apartments have been designed to be accessible which meets the recommendation of the standard. The BADS assessment on drawings TP10-102 details that 50% of the dwellings have been provided with the following: -a door opening of at least 850mm wide at the entrance and main bedroom (the plans show the entry door opening as being 1.02 metres wide); -A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area; -A main bedroom with access to an adaptable bathroom; A condition of any approval would be to nominate on the plans which dwelling has the adaptable bathroom that meets either Design Option A or B.	N	Y
58.05-2	**D18**	**Building entry and circulation**		
		The ground floor residential entry is clearly identifiable and separate from the primary shop entries, whilst the entries to the dwellings are identifiable from the internal corridors. The ground floor entrance and upper level corridors are provided with northern light.	Y	Y
58.05-3	**D19**	**Private open space**		
		Please see assessment in the body of this report.	N	N
58.05-4	**B20**	**Storage**		
		Please see assessment in the body of this report.	N	N
58.06-1	**D21**	**Common Property**		
		Common property is easily identifiable and can be easily maintained.	Y	Y
58.06-2	**D22**	**Site Services**		
		Mailboxes will be conveniently located within the ground floor lobby.	Y	Y

Clause	Std		Compliance	
		Site services are appropriately installed and can be maintained.		
58.06-3	**D23**	**Waste and recycling**		
		Please see assessment in the body of this report.	N	Y
58.07-1	**D24**	**Functional layout**		
		Table D7 – Bedroom dimensions The requirements of this standard are that main bedrooms must be a minimum of 3.0 metres by 3.4 metres and all other bedrooms must be 3.0 metres by 3.0 metres. A review of all bedroom sizes depicts the rooms as having the appropriate dimensions as detailed above. *Table D8 – Living room dimensions* The requirements of this standard are that living zones must be a minimum area of 10 square metres for a 1 bedroom dwelling and 12 square metres for a 2 or more bedroom dwelling. A review of all living areas shows them as having the requisite size, depending on the number of bedrooms each dwelling has.	Y	Y
58.07-2	**D25**	**Room depth**		
		This standard requires that single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. A discrepancy exists within the BESS report and plans. The report notes the height at 2.5 metres whilst the plans note the ceiling height at 2.7 metres. If the ceiling height is 2.7 metres a room depth of 6.75 metres is required. A room depth of 6.631 metres has been provided the south facing dwellings. To further confirm compliance with the standard, a condition of approval would require that the finished floor level to finished ceiling level be accurately shown on the plans.	N	Y
58.07-3	**D26**	**Windows**		
		The proposal demonstrates compliance with all habitable room windows located within an external wall.	Y	Y
58.07-4	**D27**	**Natural ventilation**		
		The applicant has noted that 18 of the dwellings are naturally cross-ventilated which exceeds the minimum 40% recommended by the standard.	N	Y

Clause	Std		Compliance	
		A condition of approval will require a breeze path analysis.		

REFERRAL SUMMARY

Department/Authority	Response
Capital Works	No objection, subject to condition included in recommendation.
City Designer	Objection based on the following concerns: • The presentation to the east and south is like a wedding cake with 3 upper level setbacks. This is not preferred and should be rationalised to a maximum of 2 upper level setbacks to create a more robust form similar to the one on High Street and Westgarth Street. • The textured brick wall with an arch adds some variety to the podium design although the building fails to respond to the corner. The idea of the arched opening with a potential open space is good but it is facing an old toilet block which is likely to stay there for a while. Preference would be to have the textured brick wall wrap around the corner or similar treatment to mark the corner. • There is an acceptable site context analysis, but it fails to clearly identify the sensitive interface to the east and south of the site. This is clearly one of the biggest constraints for the site. • Apt 001 on ground level has a balcony type private open space right on the street. This generally results in closed blinds and impact on the amenity of the dwelling. A greater setback should be provided on the ground level so landscaping can be used to buffer the private open space from the street. This should be possible to do considering the apartment includes a storeroom that is bigger than a bedroom. • Apt 104-107 have balconies facing south with privacy screens. These apartments will have poor amenity due to their orientation which is further compromised by privacy screen reducing natural light and outlook to the dwelling. Appropriate building separation should be provided if Primary Outlook is provided along the southern façade.
Transport Management and Planning	Objection based on the following concerns: • The proposed accessible car space is located on the basement floor. It is recommended that this space be on the ground floor, so it is convenient to access the retail use located on the ground floor. • No information has been provided in relation to the car-stackers and its impact on vehicle circulation within the ground floor car park and how the storage

Department/Authority	Response
	cages are accessed when the car spaces are occupied. • The Traffic report states that for the car stackers to operate effectively an aisle width is 6.4 metres is required, however the plans show only an aisle width of 6.1 metres. This indicates that the car stackers will not operate effectively. • Visibility issues between the proposed accessible space and the vehicles circulating the parking aisle in the basement car park. • The proposed collection of waste from the accessway is not supported as this arrangement could lead to traffic operation and safety issues in the ground floor car park. It is recommended that dedicated waste collection and loading bays are provided to undertake loading and waste collection from the site.
Darebin Parks	No objection, however, clarification must be sought on trees removed from the site, and whether they required a Tree Protection Local Law permit.
ESD	Objection, based on the following concerns: • There are no fixed external sun shading devices to multiple top-level north facing habitable room windows; • No details provided of the window operation; • Excessive south facing apartments;
Planning Landscape Arborist	No objection, City Design is generally supportive of the proposed plans, with reasonable landscaping opportunities and presentation of the built form to neighbouring properties and the streetscape. The proposal does not provide adequate deep soil areas to accommodate canopy trees. To compensate, the development demonstrates extensive vegetated planters and areas of green roof planting Green roof planting to Level 1 is limited to light court areas, which are unlikely to receive adequate sunlight to ensure reasonable growth and long-term viability, particularly for the light court notated as L1.03. The green roof planting proposed at Level 2 however is entirely north facing and will receive adequate sunlight. Construction details for planter boxes and green roof planting are not clear- details regarding formwork retaining these garden beds has not been provided, and drainage details are not included. These details must be provided on the landscape plan Species selection for planting appear reasonable, with native and indigenous plants selected and a mixture of ground covers, grasses, small shrubs and cascading plants providing visual interest and depth to the planter boxes and green roof areas.

Department/Authority	Response
Heritage	The proposed building is out of scale with the adjoining heritage buildings.
VicRoads	No objection, subject to condition included in recommendation should a planning permit be issued.
CitiPower	No objection, subject to condition included in recommendation should a planning permit be issued.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Use of the land as a dwelling as the frontage at ground level exceeds 2 metres under Clause 34.01-1 of the Commercial 1 Zone.
- To construct a building and carry out works under Clause 34.01-4 of the Commercial 1 Zone.
- To demolish a building under Clause 43.01-1 Heritage Overlay.
- To construct a building under Clause 43.01-2 Heritage Overlay.
- To reduce the number of car parking spaces required under Clause 52.06 – 5 Car-Parking.
- To create or alter access to a road in a road Zone Category 1 under Clause 52.29-2.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01-1S, 11.02-1S, 11.03-1S, 13.04-1S, 13.05-1S, 13.07-1S, 15, 15.01-1S, 15.01-1R, 15.01-2S, 15.01-4R, 15.01-5S, 15.02-1S, 15.03-1S, 16, 17, 17.02, 18, 19, 19.01, 19.02, 19.03
LPPF	21.01-2, 21.01-4, 21.01-6, 21.02, 21.03, 21.02-4, 21.03, 21.04, 21.05
Zone	34.01
Overlay	43.01, 45.03, 45.06
Particular provisions	52.06, 52.29, 58
General provisions	65.01
Neighbourhood Character Precinct	N/A

POLICY IMPLICATIONS

Environmental Sustainability

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

Social Inclusion and Diversity

Nil

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

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

FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- Apartment Design Guidelines for Victoria, DELWP, 2017.
- City of Darebin Heritage Review, Andrew Ward, 2000
- Darebin Planning Scheme and the Planning and Environment Act (1987) as amended.
- High Street Study Urban Design Framework and High Street Study Precinct Guidelines, David Lock Associates & Planisphere, March 2005.

Attachments

- Aerial View 48 High Street, Northcote - d-696-2020 (**Appendix A**)
- Plans - 48 High Street, Northcote - D/696/2020 (**Appendix B**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any general or material interest in a matter to which the advice relates.

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

Aerial view of subject site
48 High Street, Northcote

48 High St Northcote

Town Planning Submission | 19 November 2020

Jackson
Clements
Burrows
Architects

Darebin City Council Received 24.11.2020

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Architects Statement

The proposed development is for a six-storey mixed-use residential and commercial building on the corner site of High St and Westgarth St, consisting of 28 individual residences and one commercial tenancy at ground floor. This prominent location creates the opportunity for a 'gateway' building identifying the arrival to Westgarth Village and the broader municipality of Northcote.

In form, the six-storey composition is presented as a two-storey podium with four stories of setback levels above. Height is maintained and emphasised on the primary north-western corner, whilst a series of stepped setbacks are used to mitigate the impact on amenity to the southern and eastern neighbouring residential properties.

At podium level, the western facade fronting High St has been articulated in response to both the internal building programme and the immediate and proposed urban context. This includes the residential scale of Little High St, the transition to a commercial corner at the intersection of High St and Westgarth St and a potential community park in the reimagined public space west of the subject site. This articulation includes a recessed, single level form to the southern boundary, a two-storey residential interface with deep balconies reminiscent of a Terrace house in scale and proportion, and a featured brick arch facade to the commercial tenancy. This element has been incorporated to evoke a sense of civic generosity and create a distinctive visual identity for the High St frontage.

The northern facade of the podium fronting Westgarth St has been utilised for the building's pedestrian and vehicle entry points, including access to the resident's shared bike-parking facility. Midway along this frontage, a lowered parapet height emphasises the entrance to the residential lobby which is further highlighted by a recessed vertical break in the upper levels which allows light and ventilation into the common circulation spaces.

The podium is represented in brick as a sympathetic, residential scale material yet robust for an exposed and busy traffic intersection. The choice of material is also a historical nod to the Northcote brickworks established in the late nineteenth century and the many brick arches constructed to allow heavy transportation over the Merri Creek.

As a counterpoint to the podium, the upper levels are represented using a concrete grid format. Recessed balconies, windows and textured in-fill panels sit within the grid creating an ordered appearance. Cantilevered balcony planters in an olive-green colour add interest and highlight the many opportunities for landscaping. Sliding shutters to assist with privacy and solar control adds further interest and dynamism to the facade.

In summary, we believe this proposal will make a significant contribution to the Northcote gateway experience and leave a memorable impression on visitors to the municipality. It employs carefully considered, amenity orientated design principles, that acknowledge sustainability is both social and environmental. We believe it is a building that demonstrates a clarity in composition and programme that will engage with the local context in a new and positive way.

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Precinct Analysis

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Subject Site
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Transport + Infrastructure

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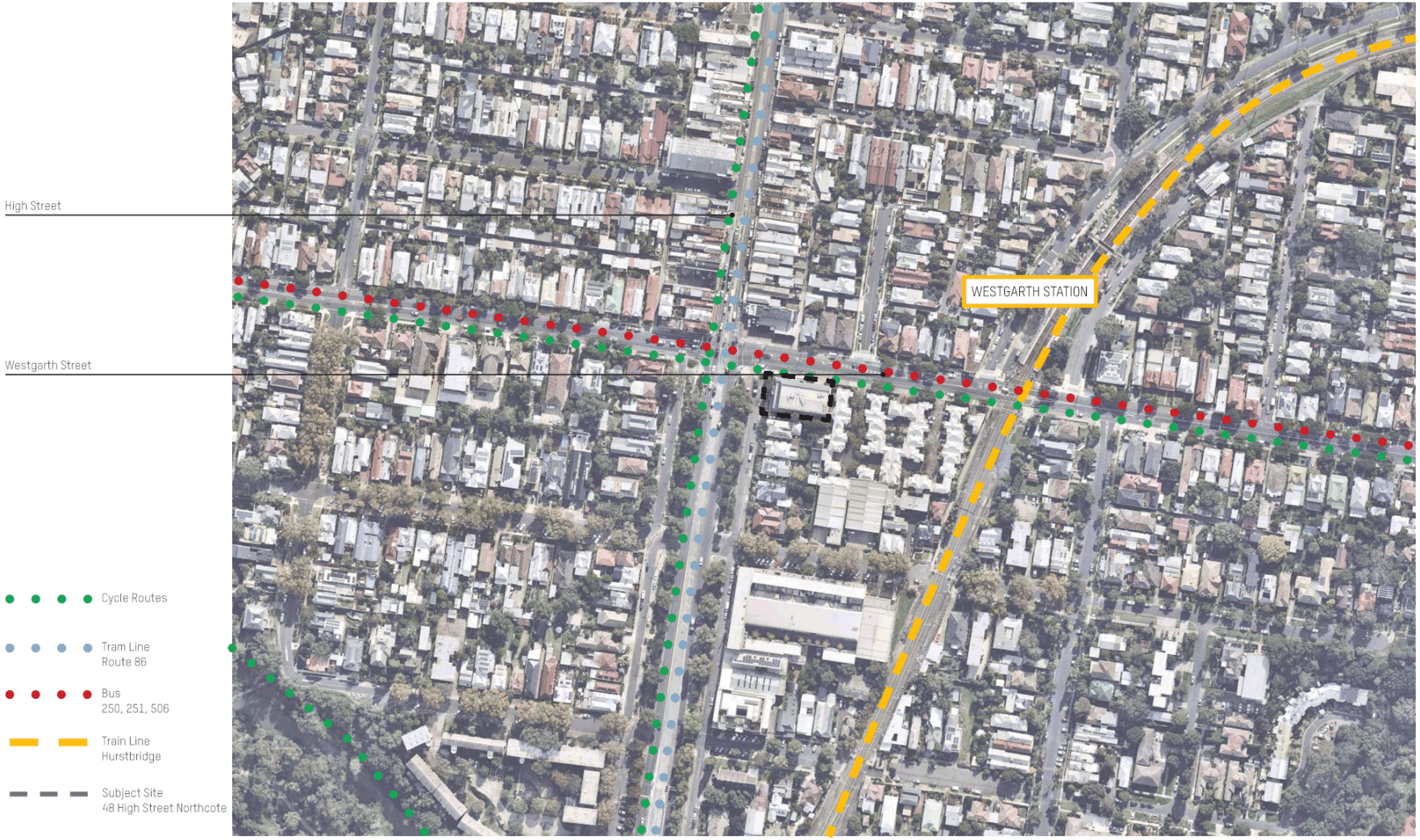

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Zonal Plan

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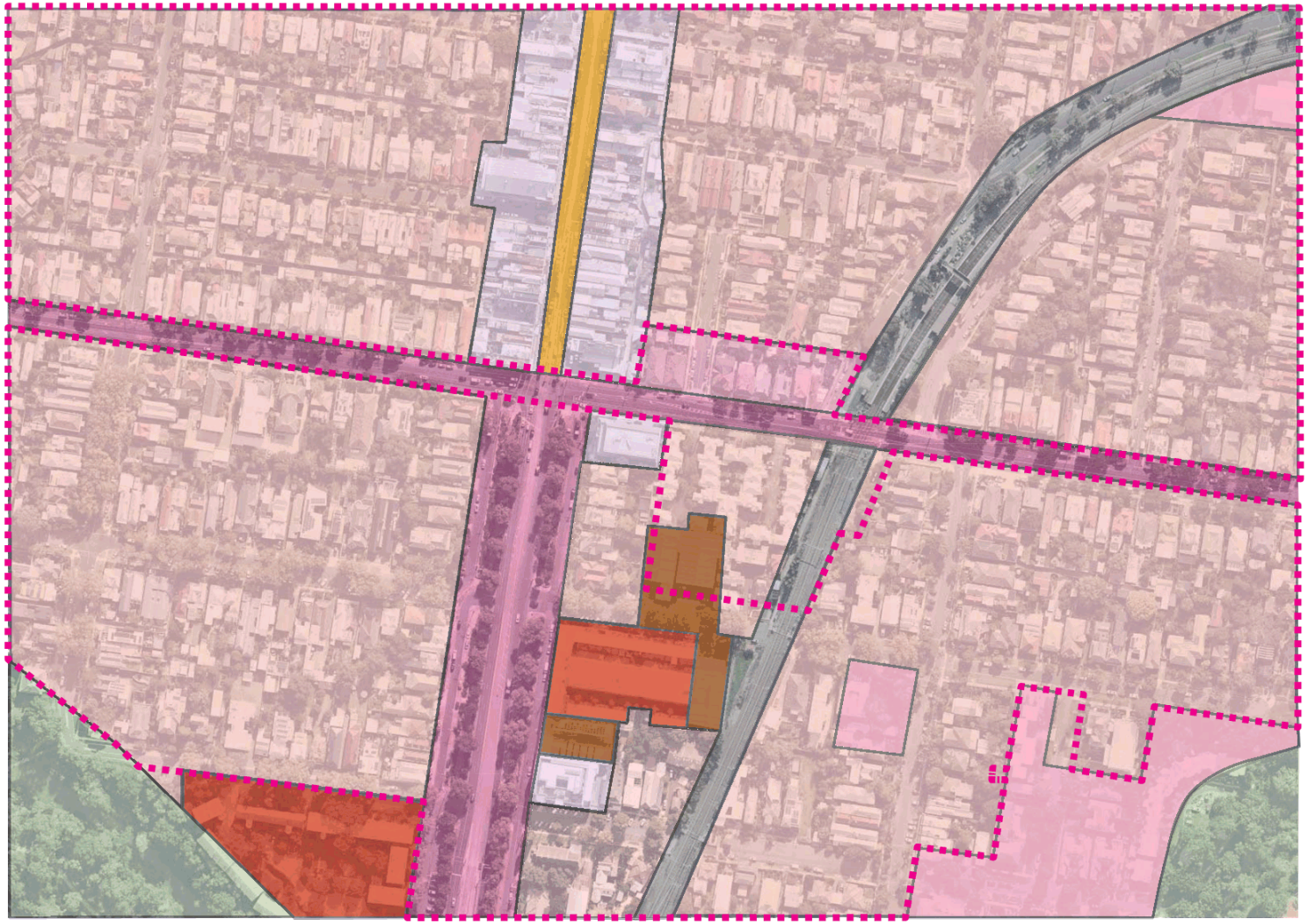

- HO (Heritage Overlay)
- RDZ2 (Road Zone Category 2)
- PUZ4 (Public Use Zone Schedule 4)
- GRZ (General Residential)
- NRZ (Neighbourhood Residential)
- C1Z (Commercial Zone 1)
- RDZ1 (Road Category 1)
- MUZ (Mixed-used zone)
- IN3Z (Industrial 3 zone)
- PPRZ (Public Park and Recreation zone)

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Site + Context

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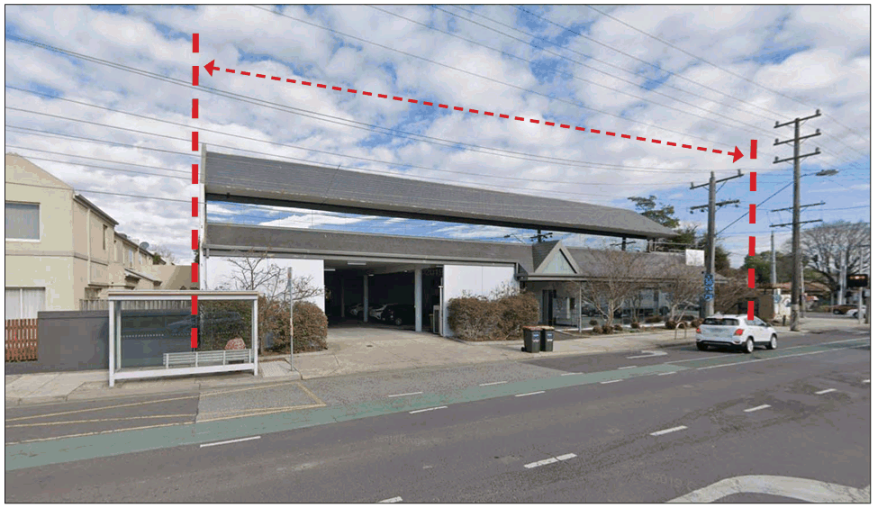
Site Photographs

Photograph 01 - View from Westgarth St looking south



Photograph 02 - View from Westgarth St looking south-west

Photograph 03 - View from corner of Westgarth St and High St looking south-east

Photograph 04 - View from Little High St looking north-east

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Photograph 02 - View of neighbouring residential property south of site

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Site Photographs

Photograph 01 - View from south-east towards corner of Westgarth and High St

Photograph 02 - View of neighbouring residential property south of site

Photograph 03 - View of neighbouring residential properties east of site

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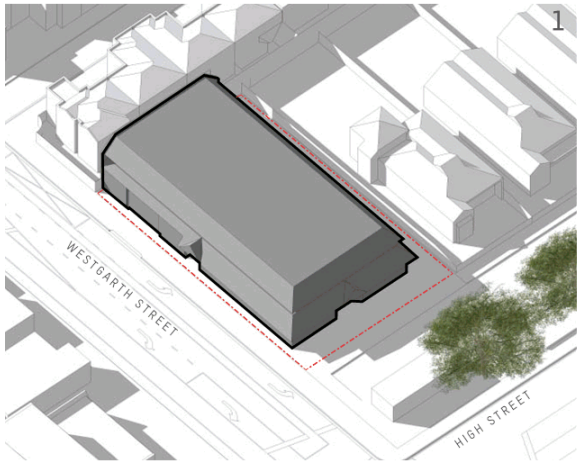
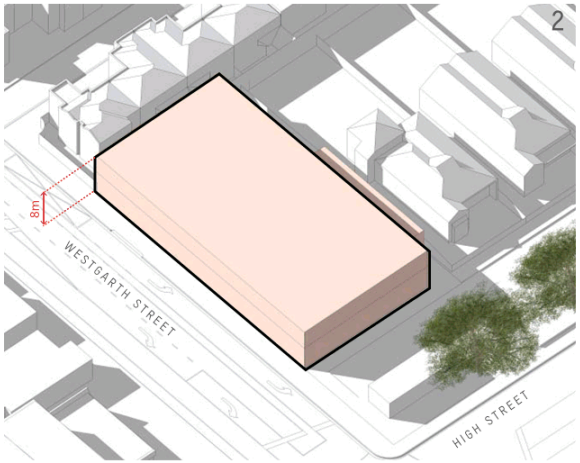
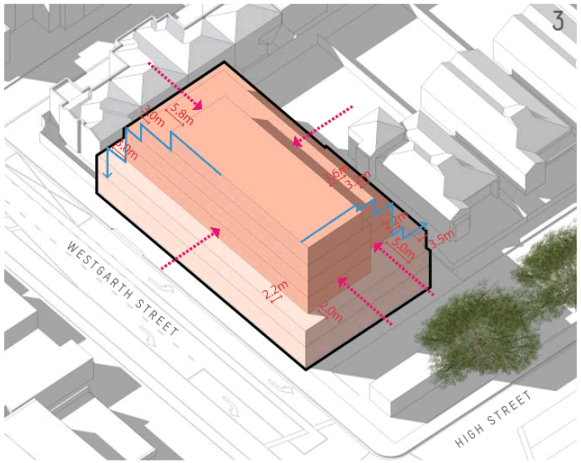
Site Context + Massing Approach



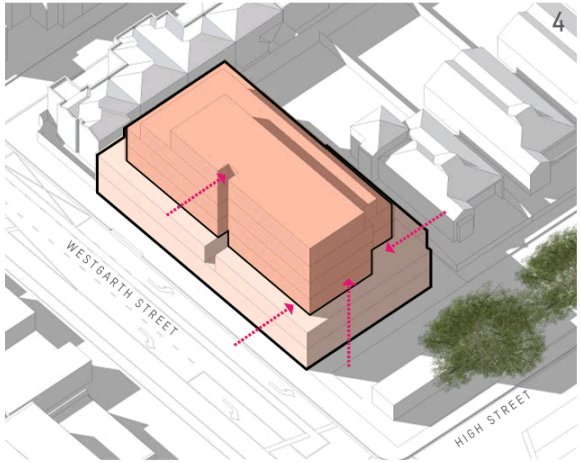
Existing conditions



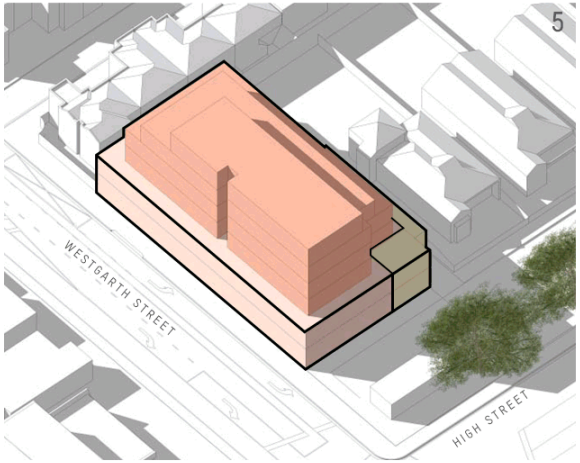
New 2 storey podium form



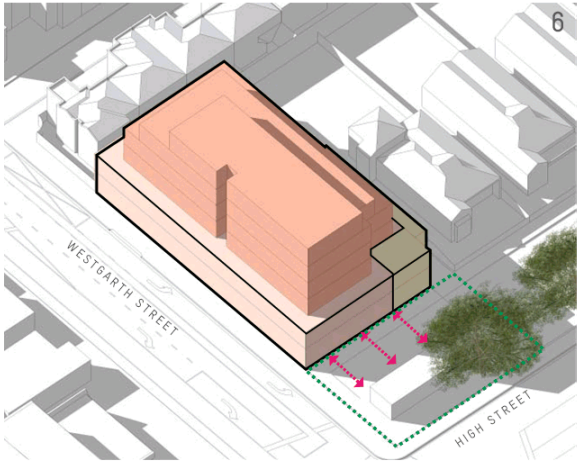
Introduce setbacks by stepping the form from north to south and east to west to improve amenity to neighbouring properties



Introduce light and ventilation to the building circulation. Recess helps breakdown the building mass and narrow the building proportion to emphasis the building height



South-western corner of podium represented as a two-storey Terrace to assist the transition from commercial corner to existing residential street frontages



Consider shortening Little High Street to expand existing open space at the corner. Consider relationship between facade and this possibility

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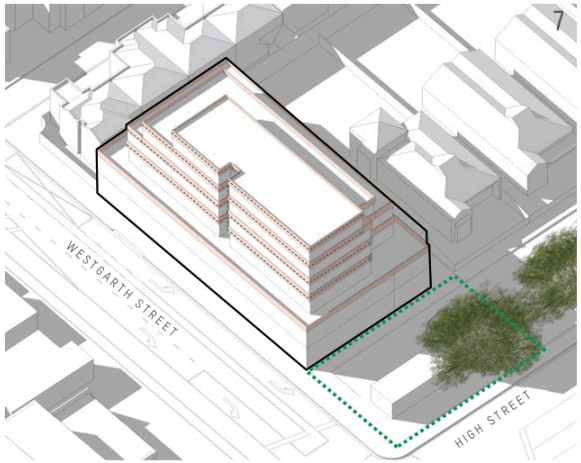
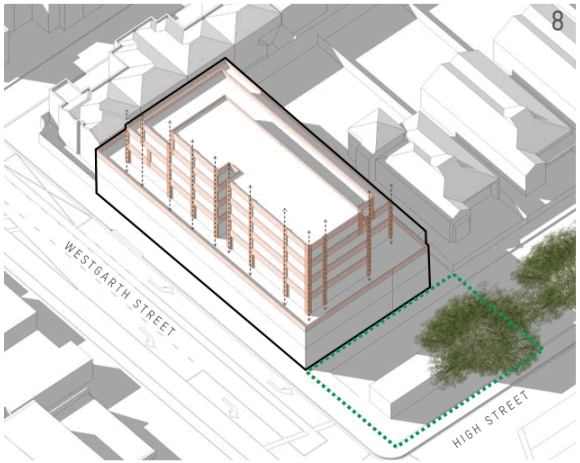
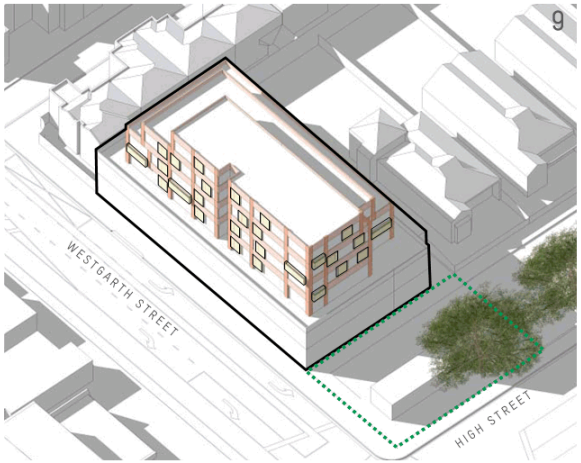
Form + Articulation



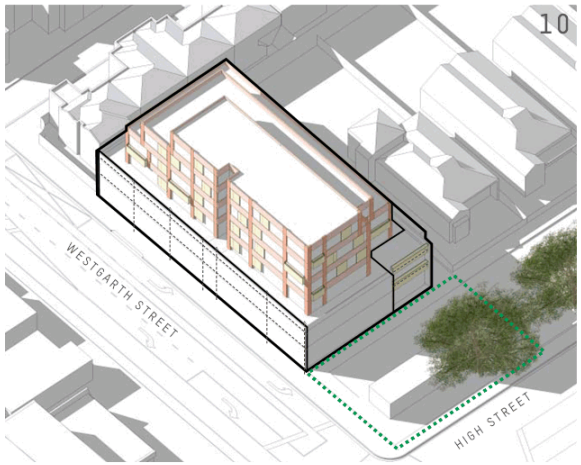
Avoid floor to ceiling windows for privacy control and consider the impact of balustrades on horizontal banding



Use vertical articulation to emphasis the building height



Introduce a mix of balustrades, planters and solid panels to manage privacy, solar control and promote facade interest



Consider podium articulation. Westgarth St to become an active street edge and the south-western corner articulated to emphasis connection to the residential frontages along Little High St

Introduce an 'arch' as a singular and generous civic gesture to engage with the potential community park and create a distinctive visual identity.

Grand or intimate, an arch is a welcoming architectural gesture to reference a gathering space or shelter. It is also a form that can invite exploration or frame a view.

High St Bridge over Merri Creek

Westgarth Theatre

Wukalina Bay of Fires Shelter, Tasmania

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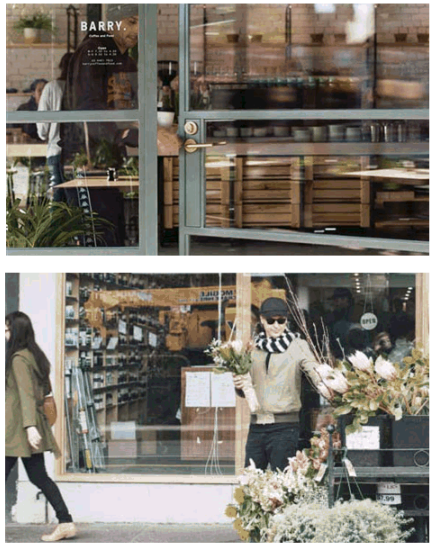
Local Inspiration

Westgarth Theatre

Merri Creek



Westgarth Village Shop-fronts

High St Bridge over Merri Creek

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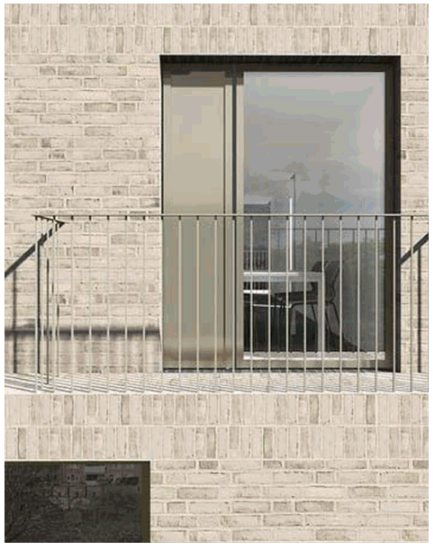
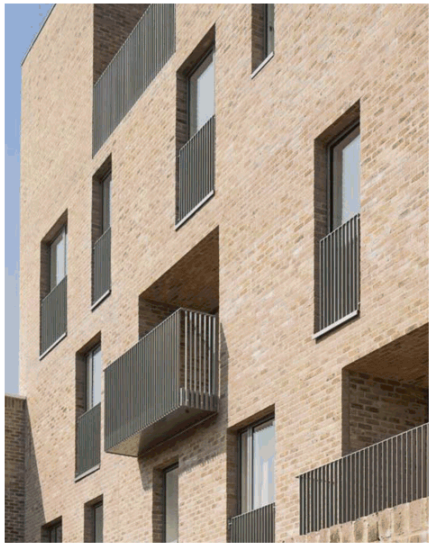
Precedent Imagery





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Render Images - View Angles

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View 1

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Westgarth St looking south

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View 2

High St looking east

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View 3

Little High St looking north-east

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View 4

Westgarth St looking south

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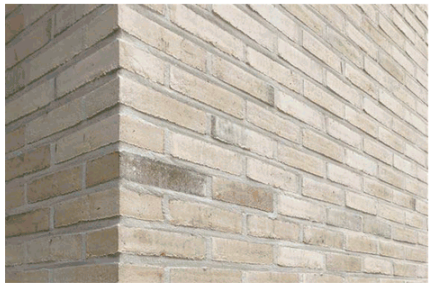
Exterior Finishes



BR-1
Brick
Light beige / warm grey

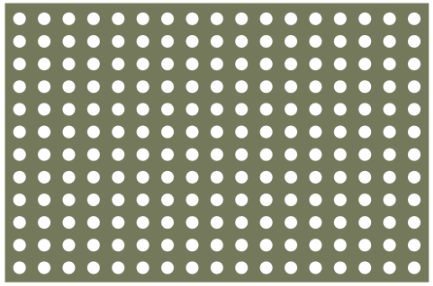
EF-2
Textured Finish
Light beige / warm grey

EF-1
Smooth Concrete
Light beige / warm grey

AL-1
Aluminium Windows
Charcoal grey

TM-1
Timber Windows / Doors / Battens
Native hardwood - natural finish

MT-1
Metal
Olive green



MT-2
Perforated Metal (25%)
Olive Green

GL-1
Glass
Clear

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TOWN PLANNING APPLICATION

48 HIGH ST, NORTHCOTE

NOVEMBER 2020

DRAWING REGISTER - TP			
DRAWING NUMBER	DRAWING TITLE	REV	Sheet Scale
TP SERIES			
TP0-000	COVER PAGE		
TP0-201	EXISITNG SITE PLAN		1 : 500
TP0-202	EXISITNG / DEMOLITION ROOF PLAN		1 : 200
TP0-203	EXISITNG / NORTH AND SOUTH ELEVATION		1 : 200
TP0-204	EXISITNG / EAST AND WEST ELEVATION		1 : 200
TP1-101	PROPOSED SITE PLAN		1 : 500
TP1-102	BASEMENT PLAN		1 : 200
TP1-103	GROUND FLOOR PLAN		1 : 200
TP1-104	LEVEL 01		1 : 200
TP1-105	LEVEL 02		1 : 200
TP1-106	LEVEL 03		1 : 200
TP1-107	LEVEL 04		1 : 200
TP1-108	LEVEL 05		1 : 200
TP1-109	ROOF PLAN		1 : 200
TP2-101	NORTH ELEVATION		1 : 200
TP2-102	SOUTH ELEVATION		1 : 200
TP2-103	EAST ELEVATION		1 : 200
TP2-104	WEST ELEVATION		1 : 200
TP3-101	NORTH SOUTH SECTION		1 : 200
TP3-102	EAST WEST SECTION		1 : 200
TP3-103	EAST WEST SECTION		1 : 200
TP3-110	OVERLOOKING DIAGRAMS		1 : 200
TP3-111	OVERLOOKING DIAGRAMS		1 : 200
TP3-112	OVERLOOKING DETAILS		1 : 200
TP10-101	BADS ASSESMENT - BASEMENT		1 : 200
TP10-102	BADS ASSESMENT - GROUND		1 : 200
TP10-103	BADS ASSESMENT - LEVEL 01		1 : 200
TP10-104	BADS ASSESMENT - LEVEL 02		1 : 200
TP10-105	BADS ASSESMENT - LEVEL 03		1 : 200
TP10-106	BADS ASSESMENT - LEVEL 04		1 : 200
TP10-107	BADS ASSESMENT - LEVEL 05		1 : 200
TP10-110	BADS ASSESMENT - SCHEDULE		1 : 200
TP10-210	SHADOW STUDY 9AM 22/09/2020		1 : 400
TP10-211	SHADOW STUDY 10AM 22/09/2020		1 : 400
TP10-212	SHADOW STUDY 11AM 22/09/2020		1 : 400
TP10-213	SHADOW STUDY 12PM 22/09/2020		1 : 400
TP10-214	SHADOW STUDY 1PM 22/09/2020		1 : 400
TP10-215	SHADOW STUDY 2PM 22/09/2020		1 : 400
TP10-216	SHADOW STUDY 3PM 22/09/2020		1 : 400
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DEVELOPMENT SUMMARY

48 HIGH ST NORTHCOTE
SITE AREA - 1027m2

LEVEL	TENANCY NLA	RES NSA	BALC / TERRACE	SERVICES / STORE / PARK	CIRC / LOBBY	CORE	GFA	GBA	1 BED	2 BED	3 BED	TOTAL	CAR	BIKE
B1	0	0	0	760	6	26	792	792	0	0	0	0	16	0
GROUND	243	189	67	381	48	26	887	954	0	0	1	1	11	34
LEVEL 01	0	662	92	16	54	26	758	850	5	4	1	10	0	
LEVEL 02	0	479	135	16	36	26	557	692	1	4	1	6	0	
LEVEL 03	0	455	54	16	36	26	533	587	1	5	0	6	0	
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	243	2342	568	1221	211	182	4199	4767	7	17	4	28	27	34
		56%							25%	61%	14%			

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REV	DATE	DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020

PROJECT
48 HIGH ST, NORTHCOTE
NORTHCOTE
STATUS

DRAWING TITLE
COVER PAGE
DRAWING NUMBER TP0-000
REVISION

Jackson
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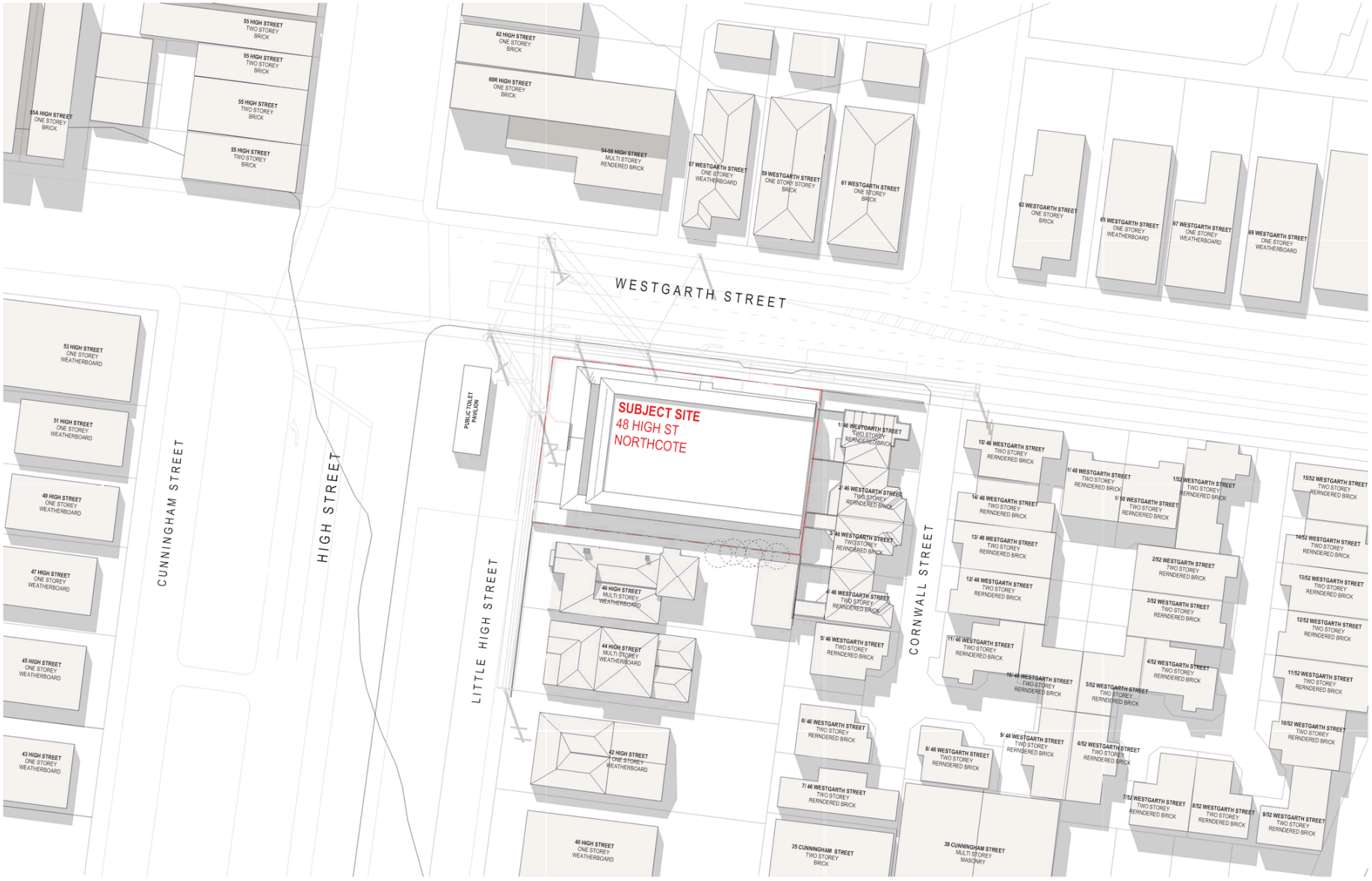
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SUBJECT SITE
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NORTHCOTE
PUBLIC TOILET PAVILION
55 HIGH STREET TWO STOREY BRICK
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60R HIGH STREET ONE STOREY BRICK
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PROJECT # 20-030
DATE 19/11/2020
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
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DRAWING NUMBER TP0-201
REVISION
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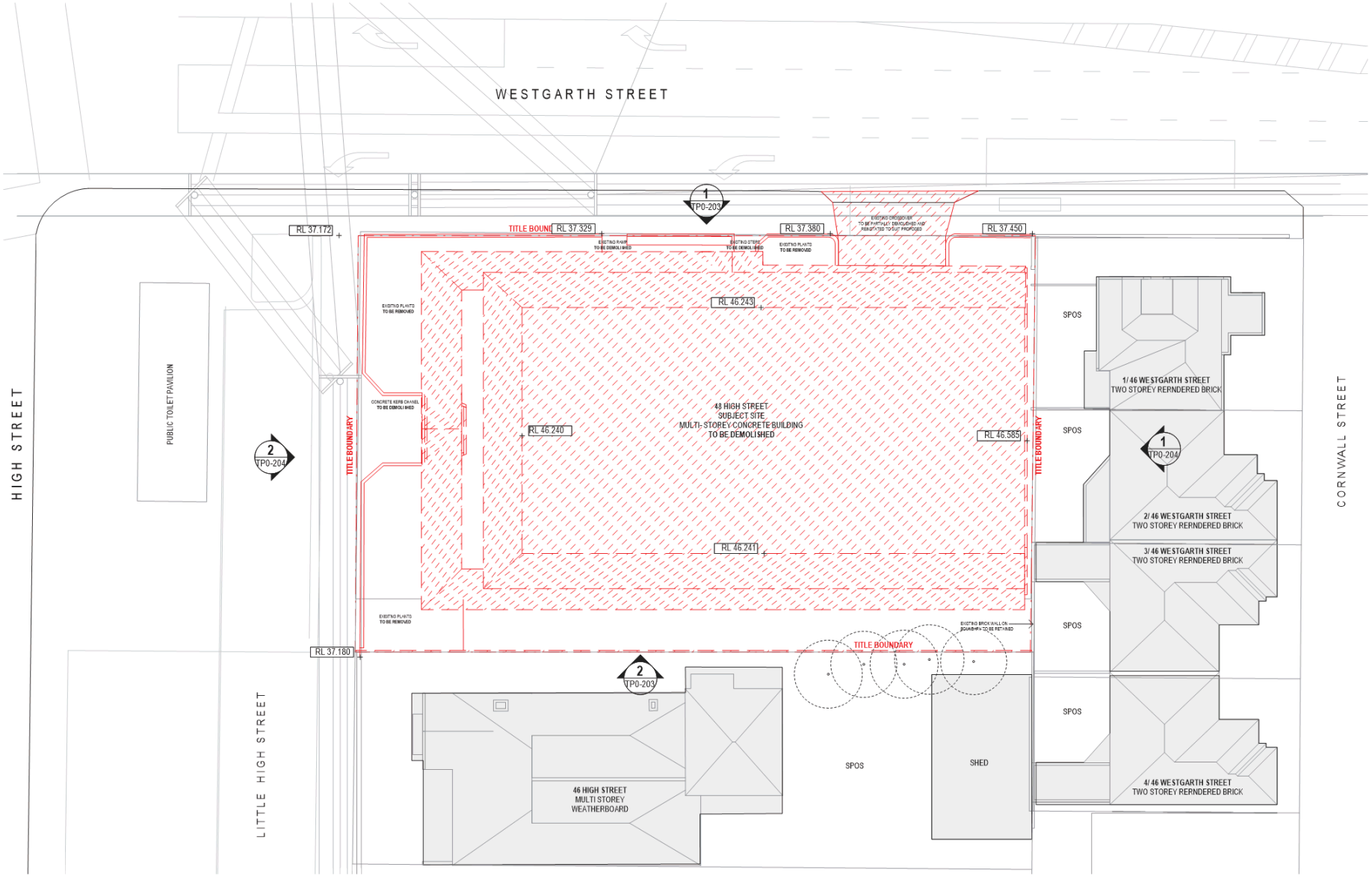
Darebin City Council Received 24.11.2020



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DATE 19/11/2020
SCALE 1 : 200 @A3
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
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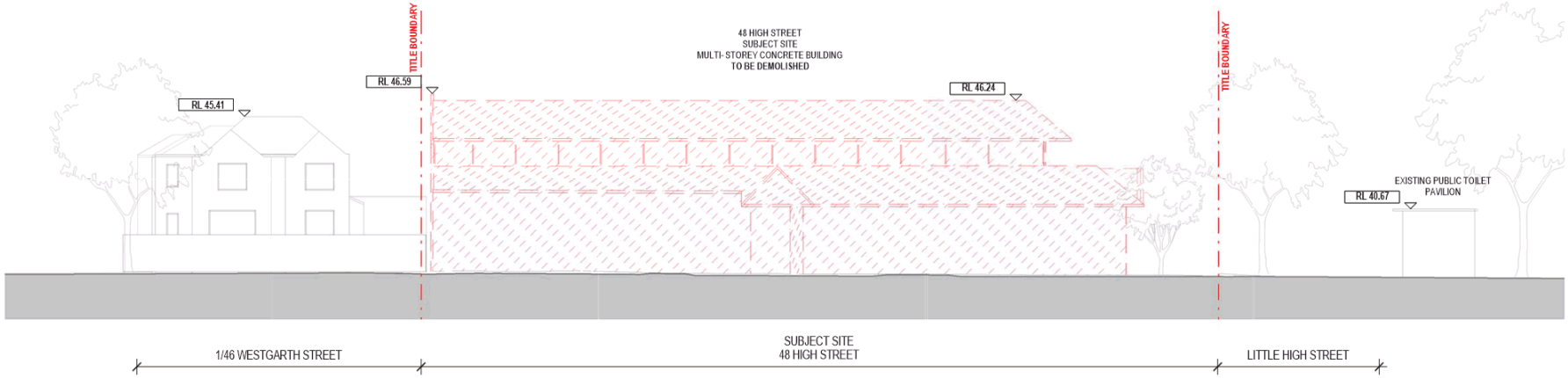
DRAWING NUMBER TP0-202
REVISION

Jackson Clements Burrows Architects

Darebin City Council Received 24.11.2020



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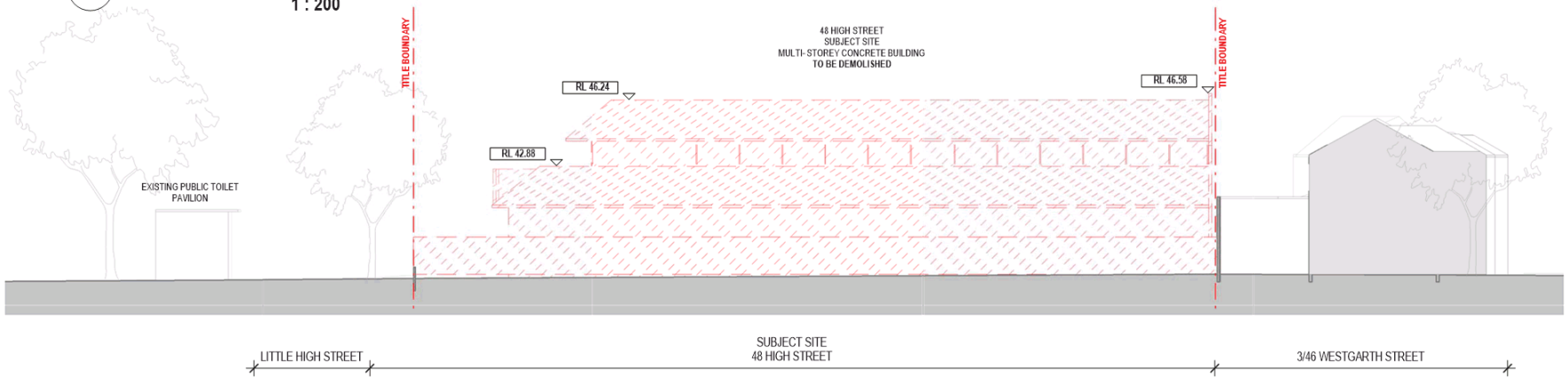

2 TP0-202 **DEMOLITION - SOUTH ELEVATION**

1 : 200

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REV	DATE	DESCRIPTION

PROJECT # 20-030

DATE 19/11/2020

SCALE 1 : 200 @A3

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PROJECT
48 HIGH ST, NORTHCOTE
NORTHCOTE

STATUS

DRAWING TITLE
EXISITNG / NORTH AND SOUTH ELEVATION

DRAWING NUMBER TP0-203

REVISION

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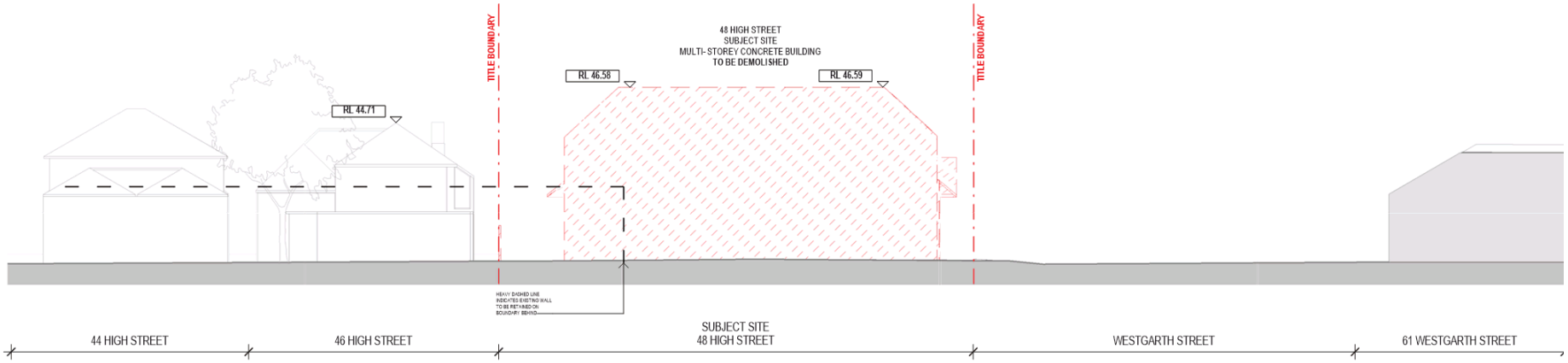

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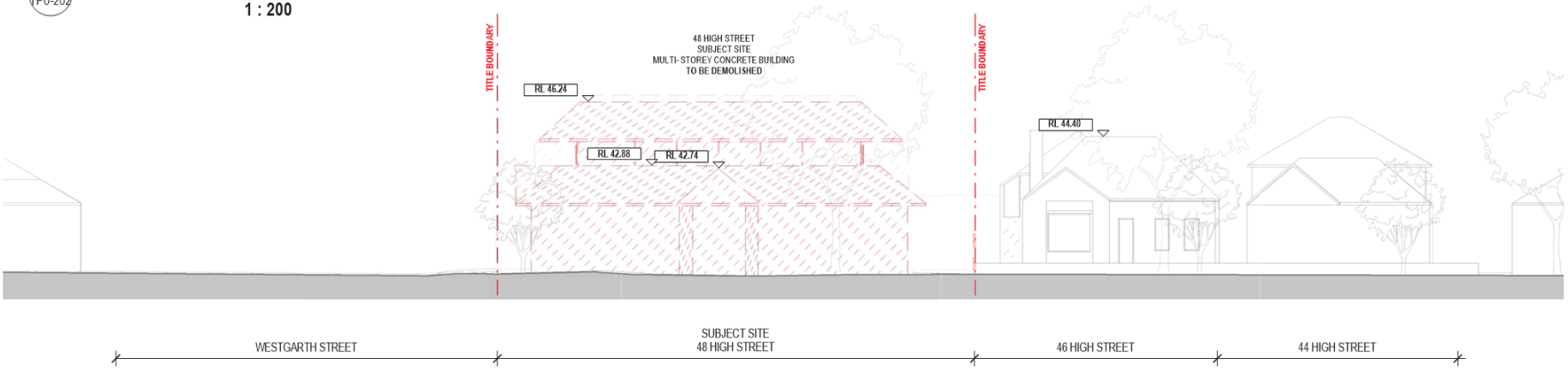

2 TP0-202 **DEMOLITION - WEST ELEVATION**
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DATE 19/11/2020
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
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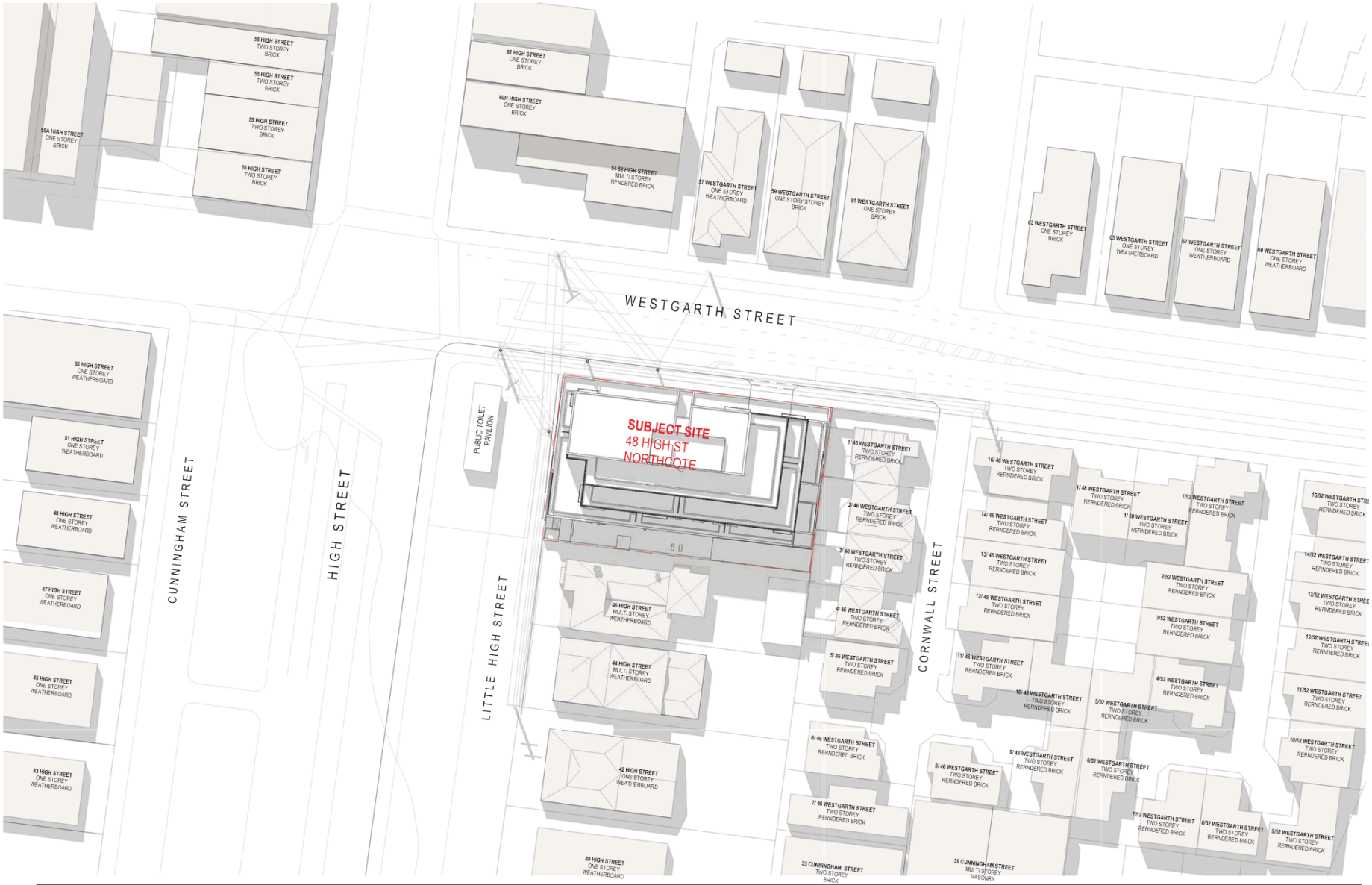
DRAWING NUMBER TP0-204
REVISION
Jackson Clements Burrows Architects

Darebin City Council Received 24.11.2020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NORTHCOTE
PUBLIC TOILET PAVILION
55 HIGH STREET TWO STOREY BRICK
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DATE 19/11/2020
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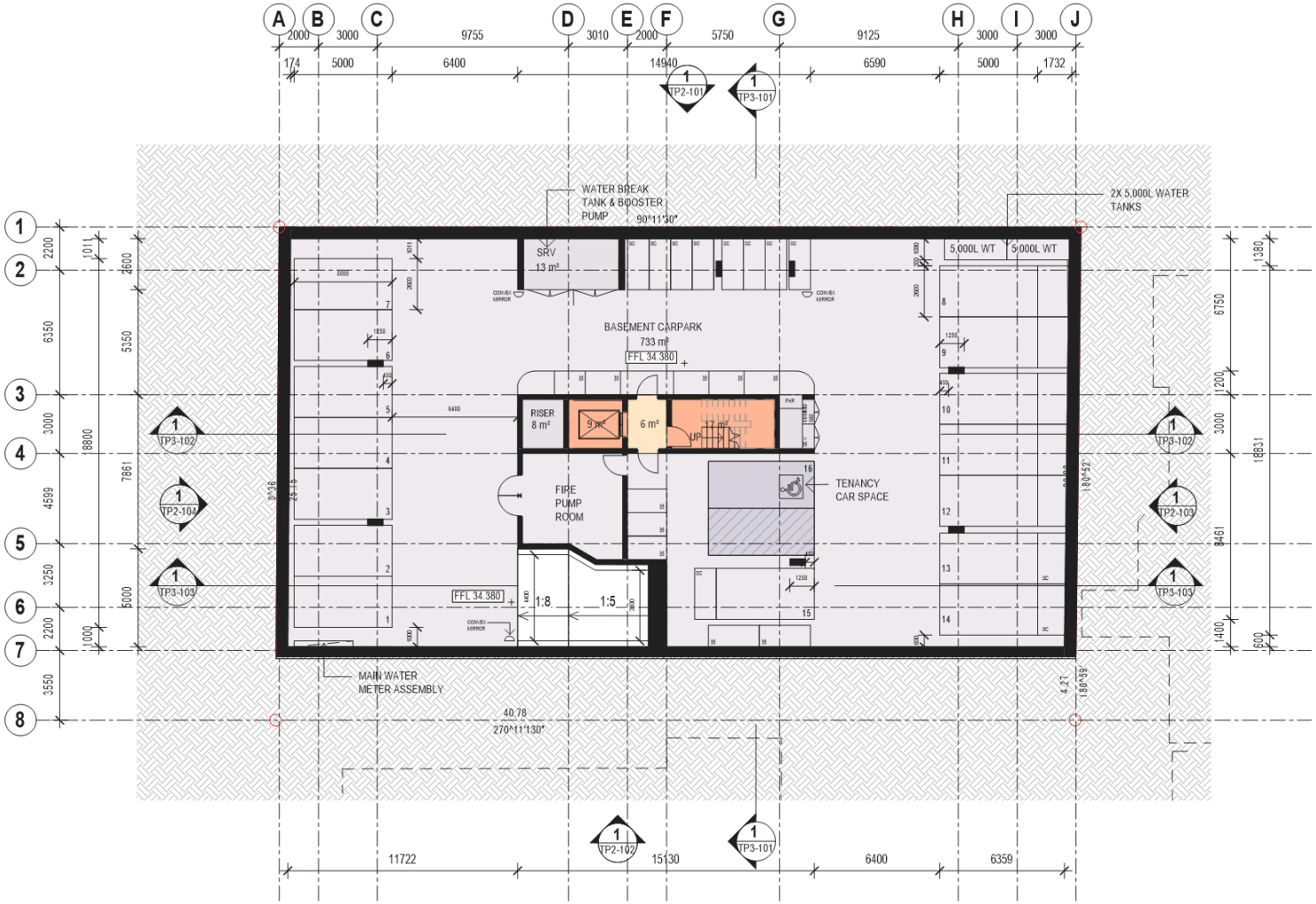
DRAWING NUMBER TP1-101
REVISION
Jackson Clements Burrows Architects
Darebin City Council Received 24.11.2020



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REVISION

Jackson Clements Burrows Architects

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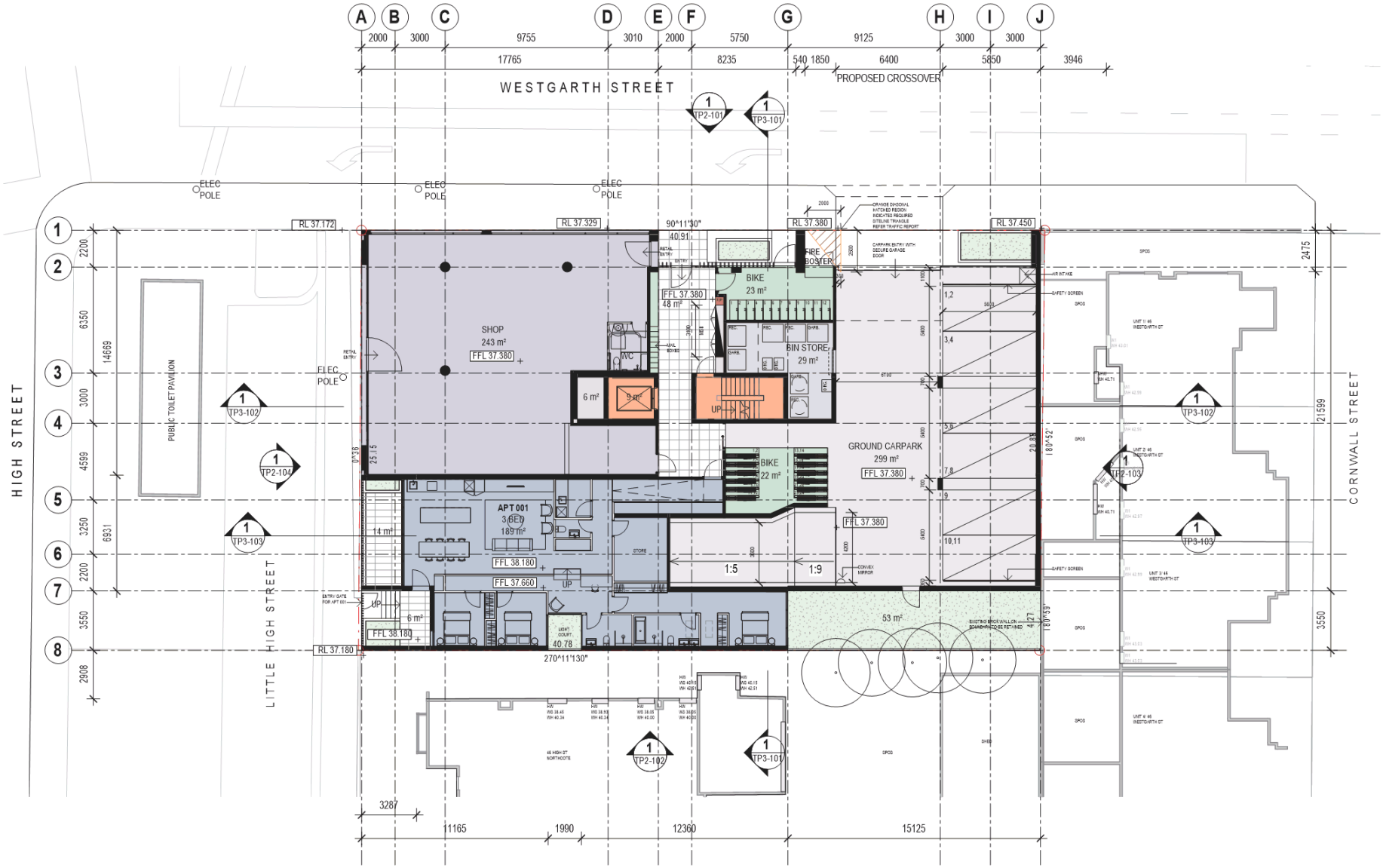

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REVISION

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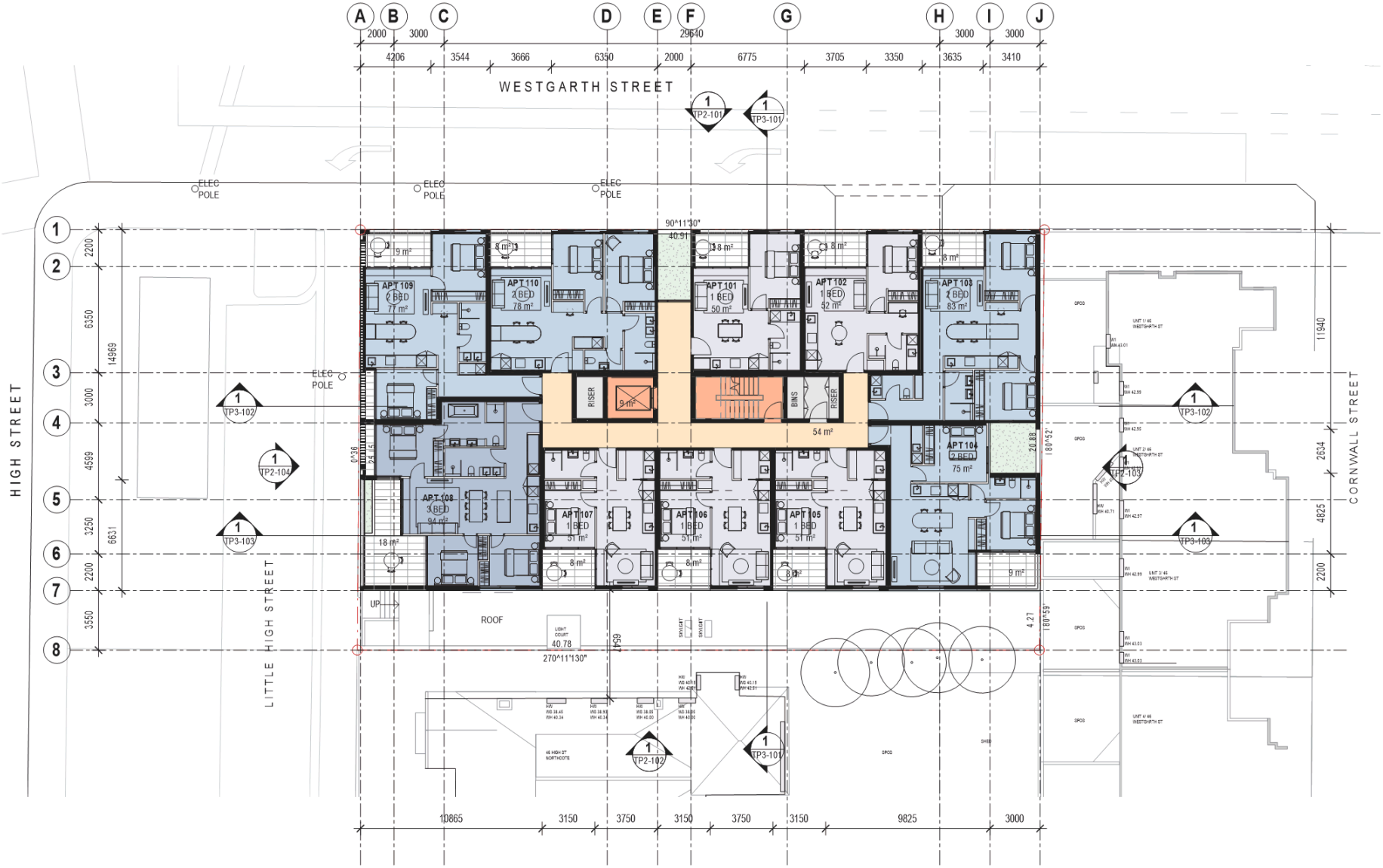

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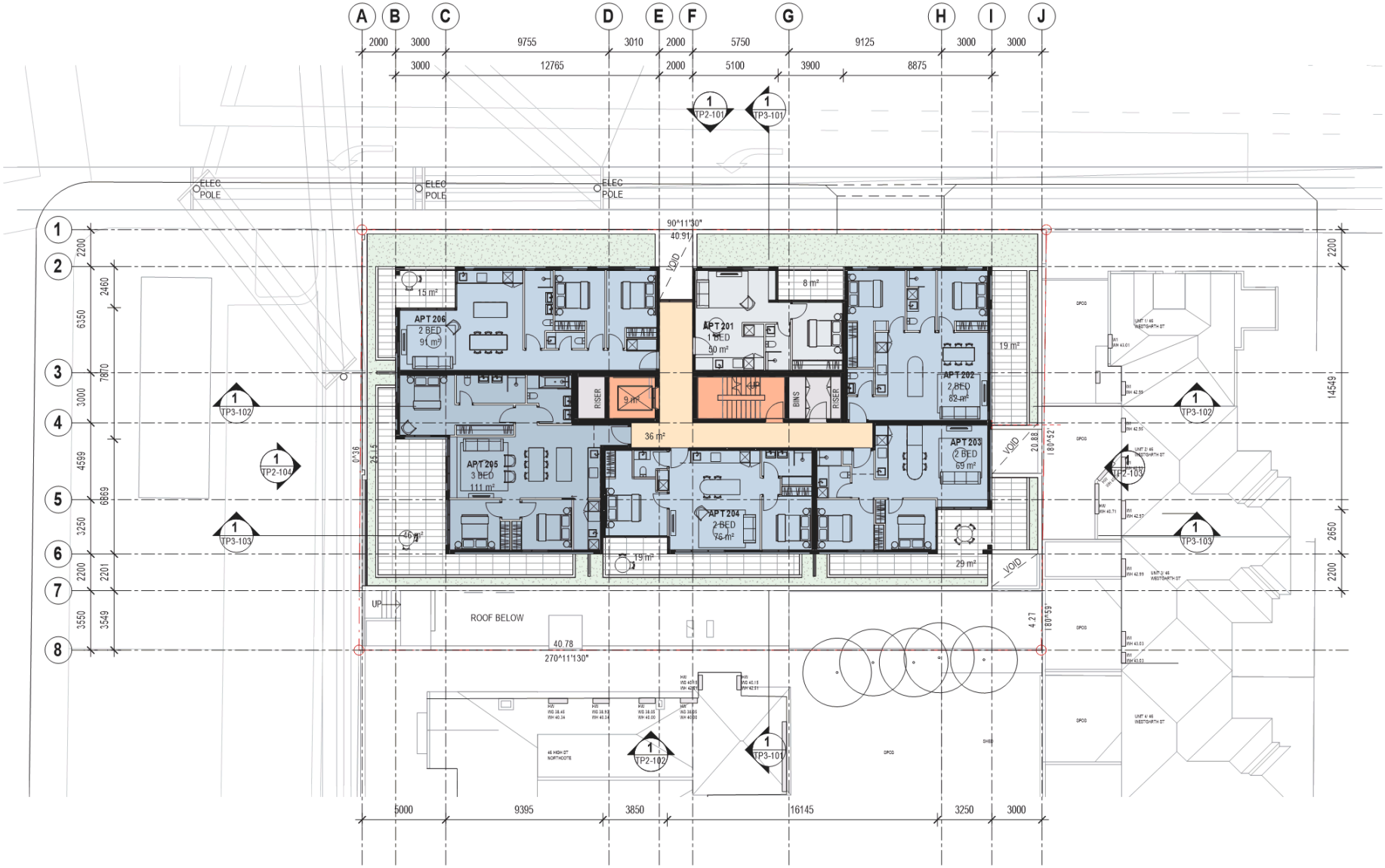

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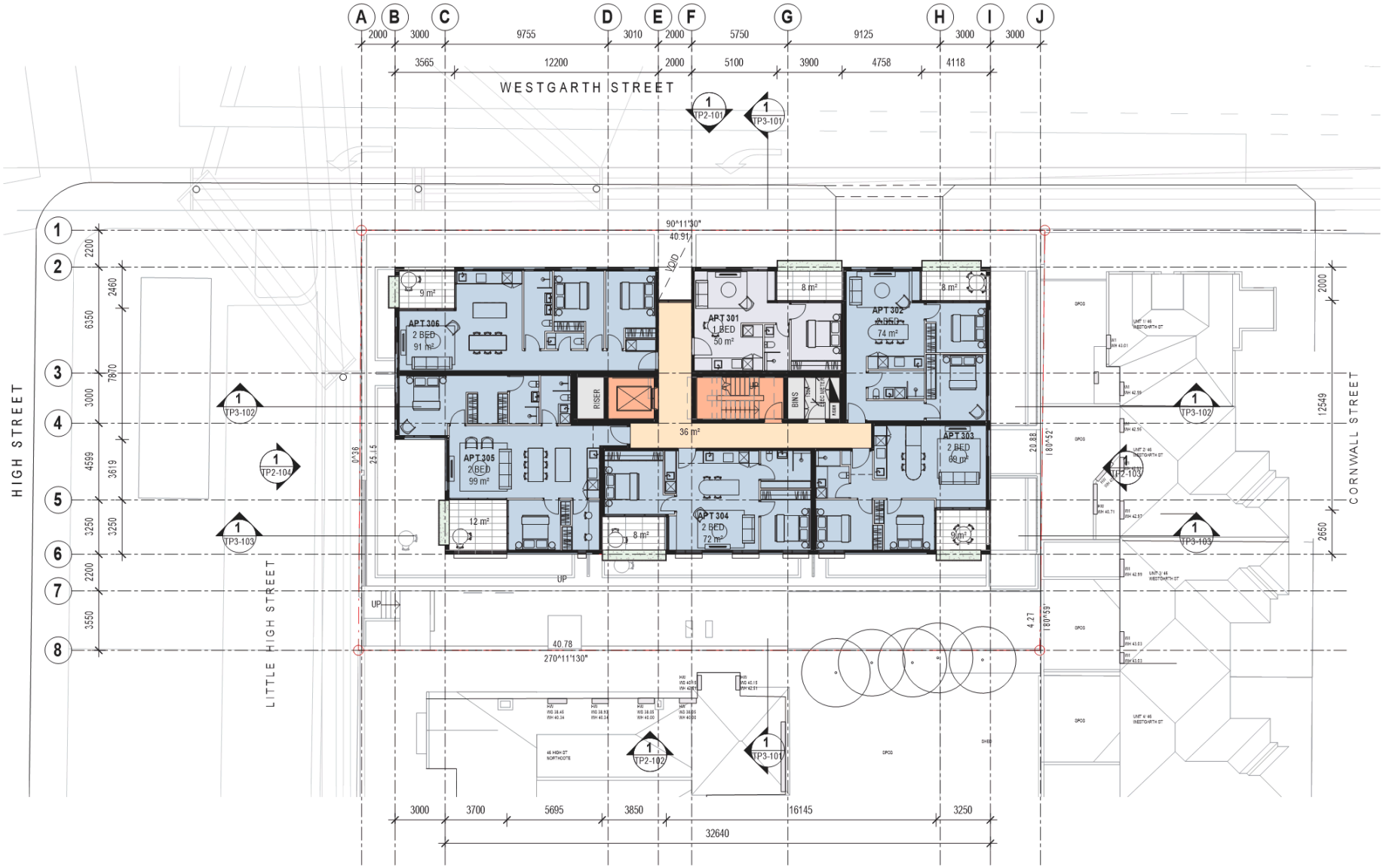

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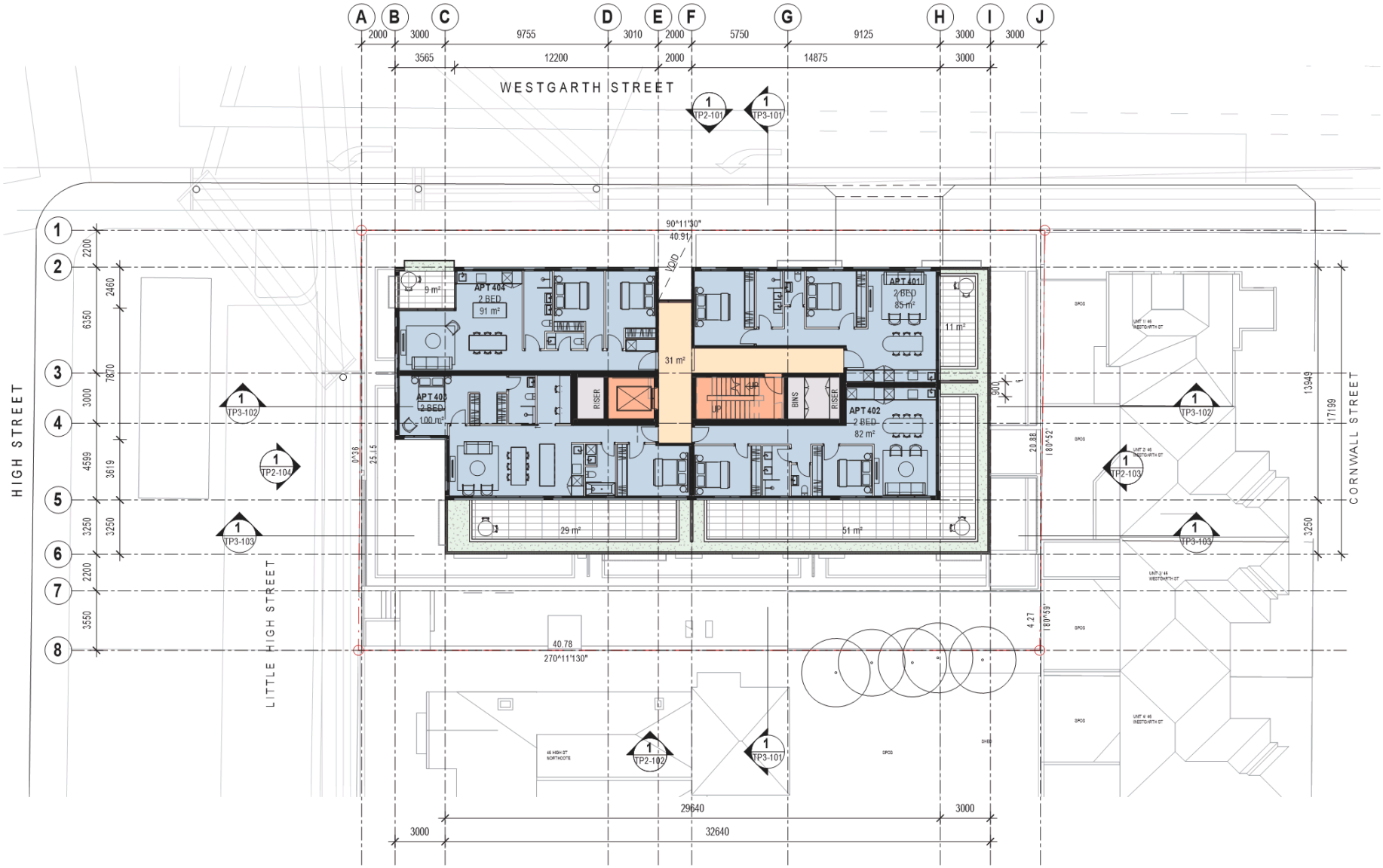

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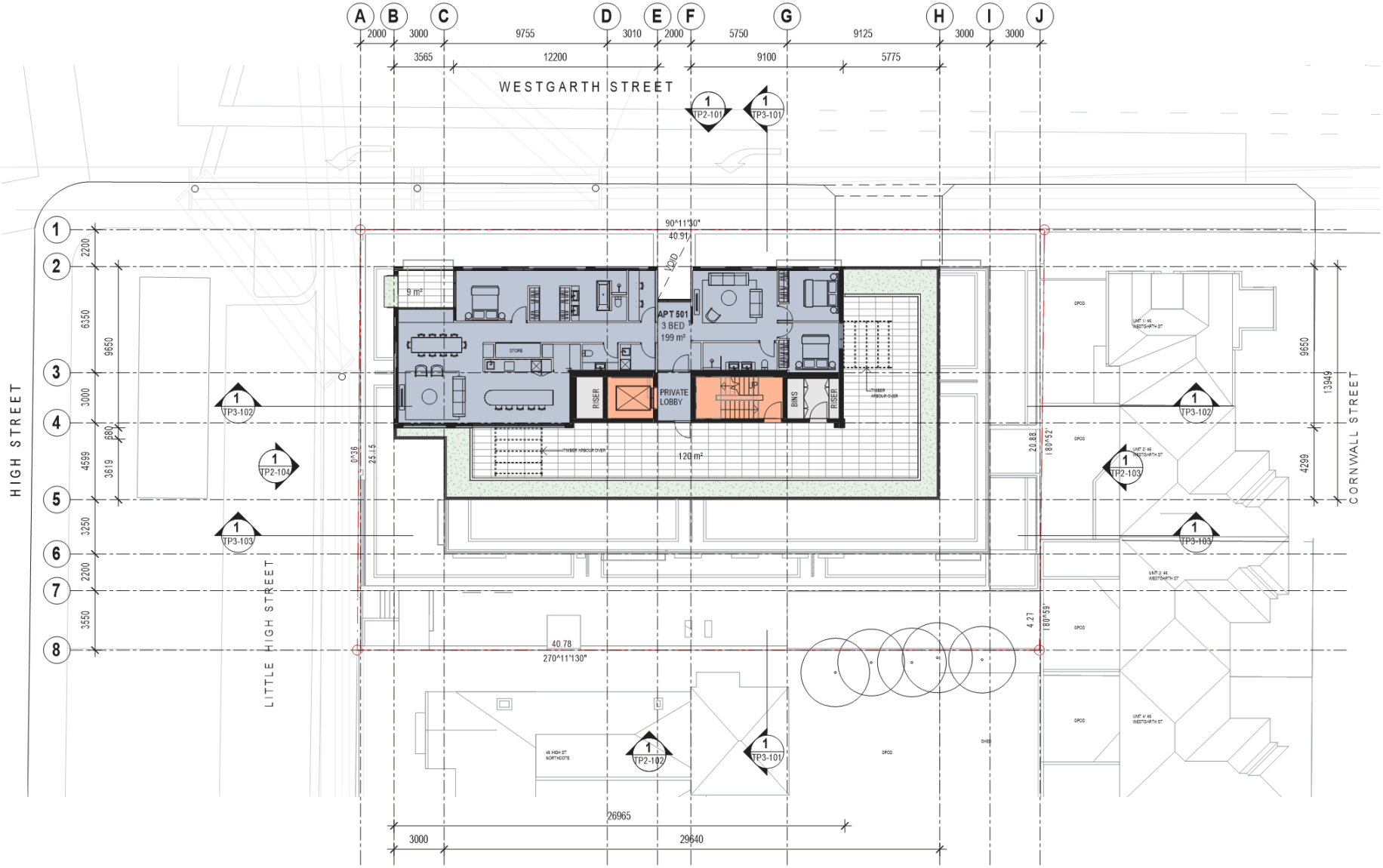

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REVISION

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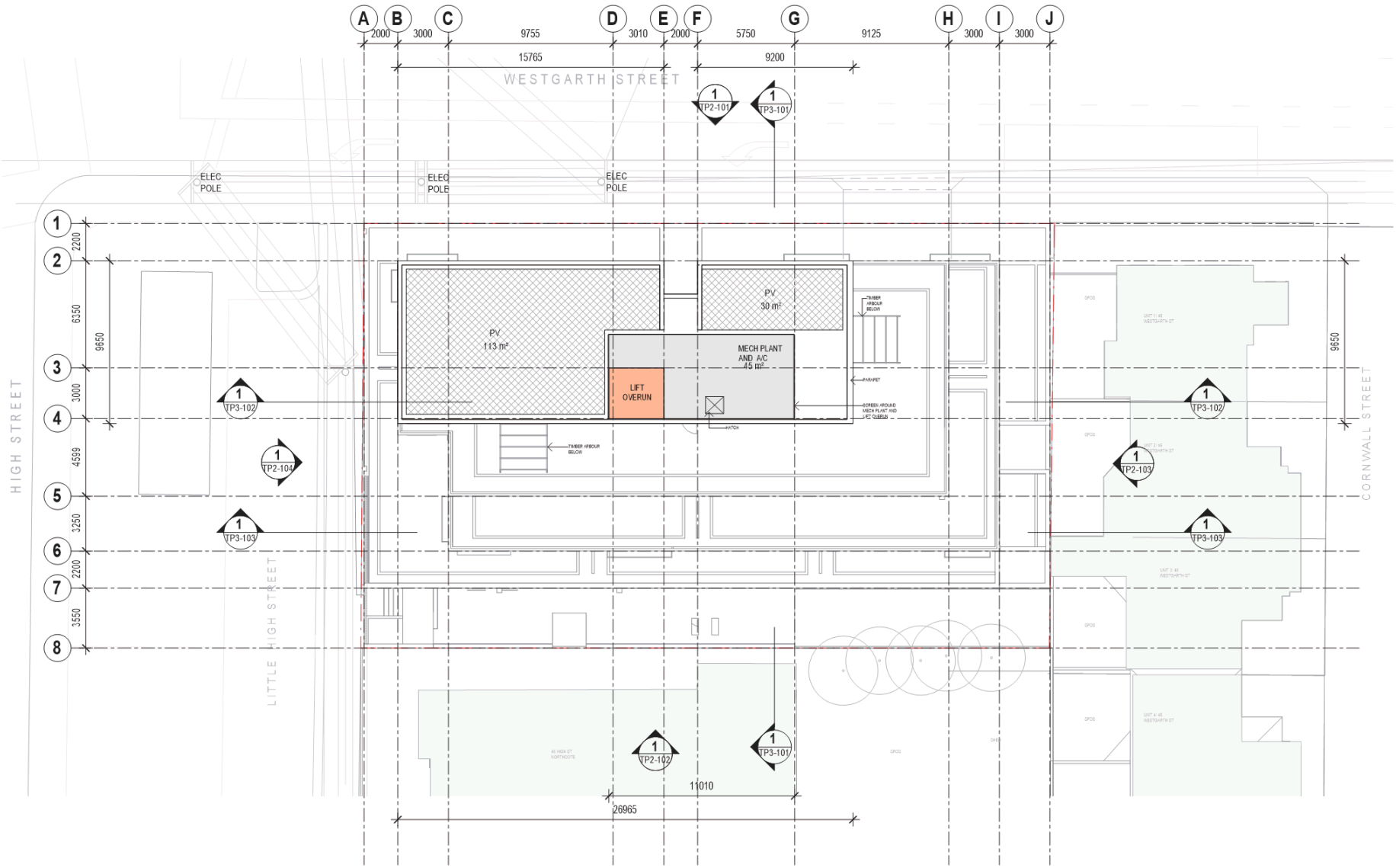
Darebin City Council Received 24.11.2020



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STATUS
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DRAWING NUMBER TP1-109
REVISION

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SCALE
1 : 200
@A3

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PROJECT
48 HIGH ST, NORTHCOTE

DRAWING TITLE
NORTH ELEVATION

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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE SOUTH ELEVATION
DRAWING NUMBER TP2-102
REVISION

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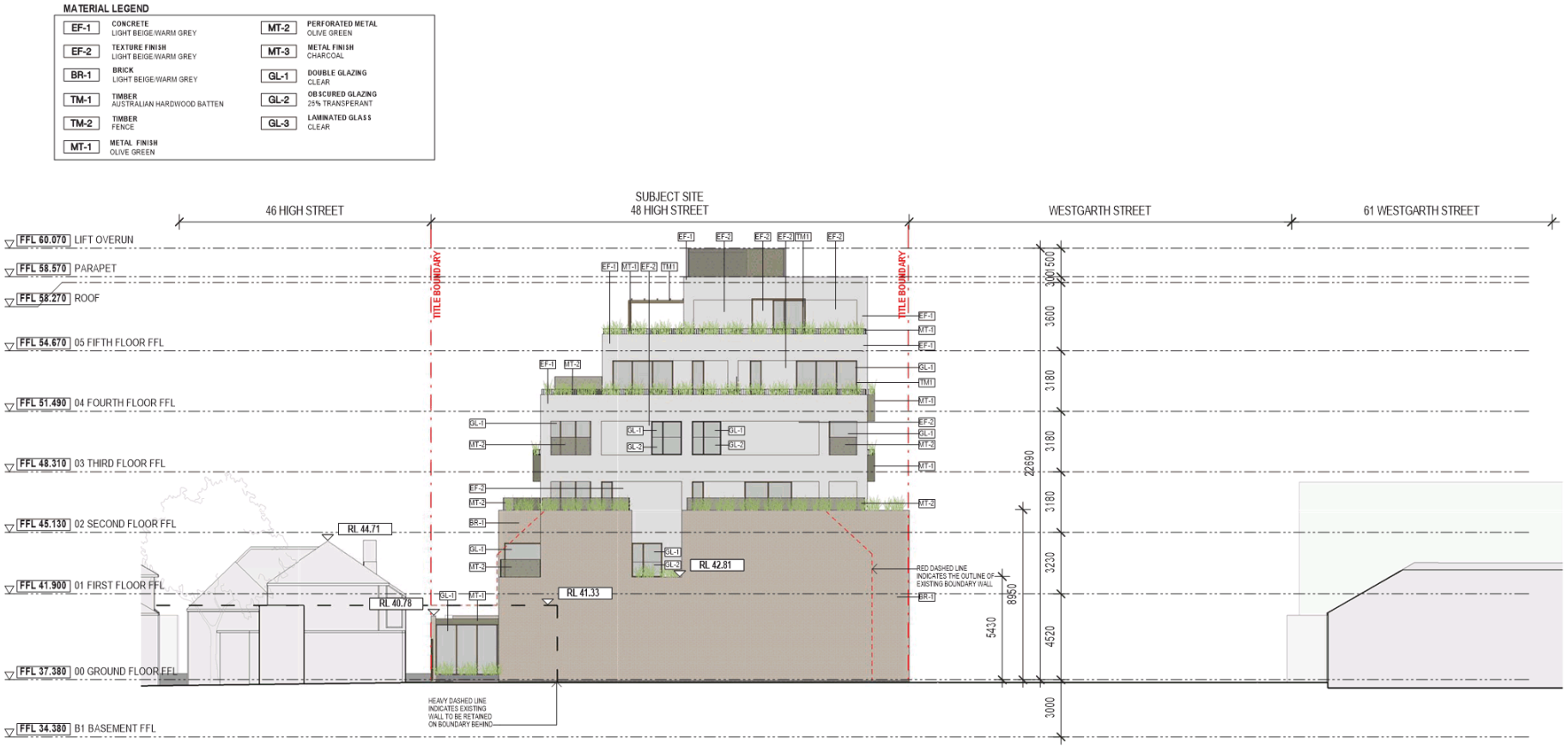

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REV	DATE	DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020
SCALE 1 : 200 @A3
0 0.5 1 2 3 5m
PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE EAST ELEVATION
DRAWING NUMBER TP2-103
REVISION

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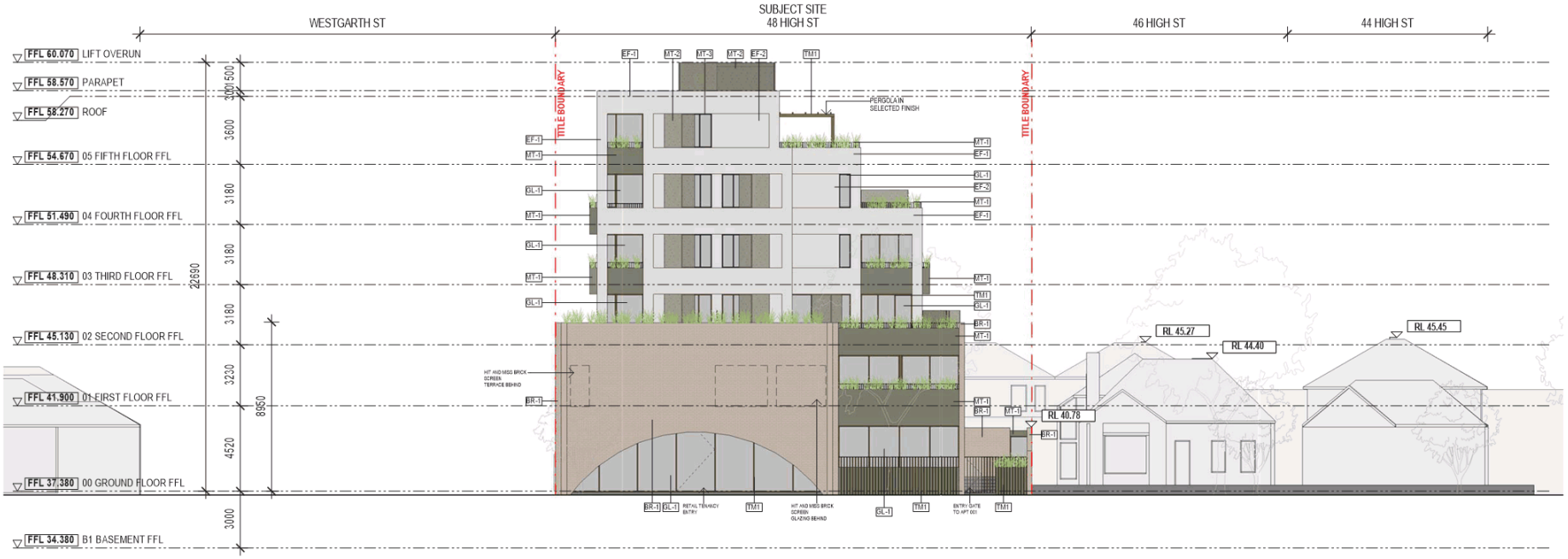
MATERIAL LEGEND

EF-1	CONCRETE LIGHT BEIGE/WARM GREY	MT-2	PERFORATED METAL OLIVE GREEN
EF-2	TEXTURE FINISH LIGHT BEIGE/WARM GREY	MT-3	METAL FINISH CHARCOAL
BR-1	BRICK LIGHT BEIGE/WARM GREY	GL-1	DOUBLE GLAZING CLEAR
TM-1	TIMBER AUSTRALIAN HARDWOOD BATTEN	GL-2	OBSCURED GLAZING 25% TRANSPERANT
TM-2	TIMBER FENCE	GL-3	LAMINATED GLASS CLEAR
MT-1	METAL FINISH OLIVE GREEN		



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REV	DATE	DESCRIPTION

PROJECT #
20-030

DATE
19/11/2020

SCALE
1 : 200
@A3

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PROJECT
48 HIGH ST, NORTHCOTE
NORTHCOTE

STATUS

DRAWING TITLE
WEST ELEVATION

DRAWING NUMBER
TP2-104

REVISION

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REV DATE DESCRIPTION

PROJECT # 20-030

DATE 19/11/2020

SCALE 1 : 200 @A3

0 0.5 1 2 3 5m

PROJECT
48 HIGH ST, NORTHCOTE
NORTHCOTE

STATUS

DRAWING TITLE
NORTH SOUTH SECTION

DRAWING NUMBER TP3-101

REVISION

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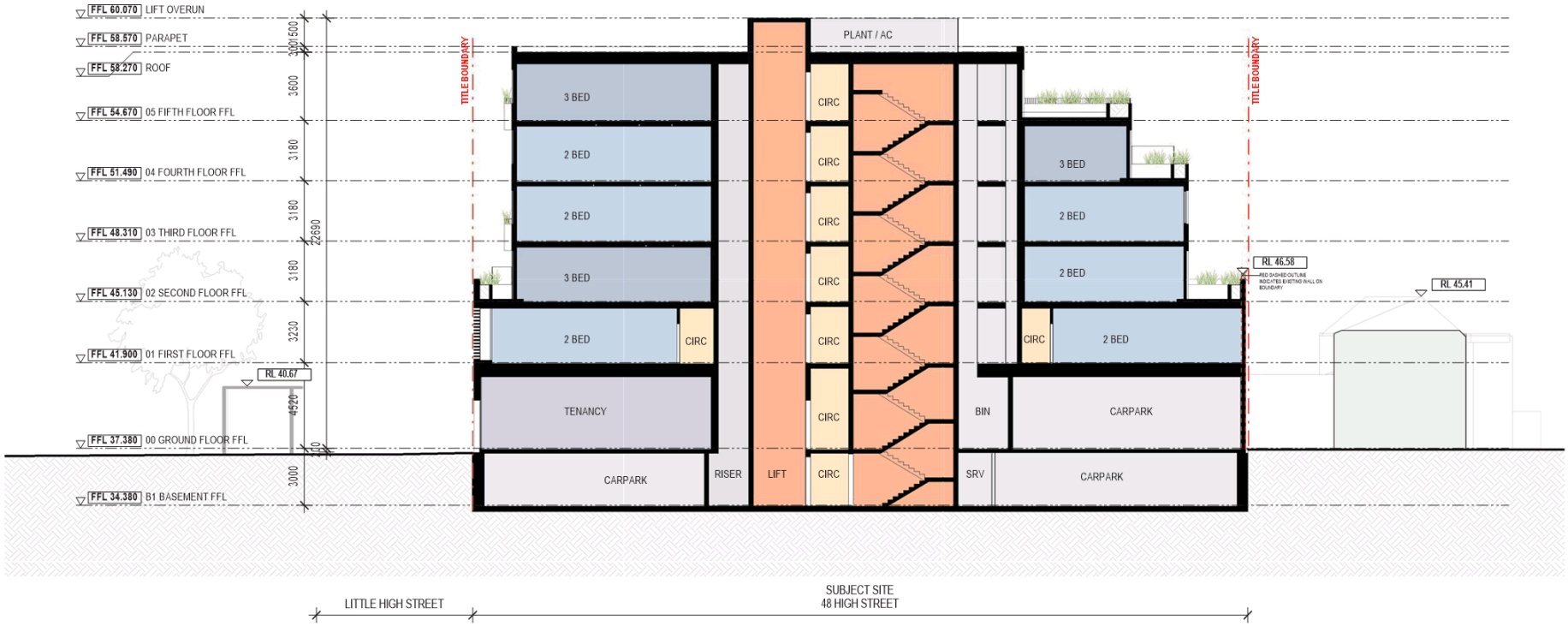

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REV	DATE	DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020
SCALE 1 : 200 @A3
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE EAST WEST SECTION
DRAWING NUMBER TP3-102
REVISION

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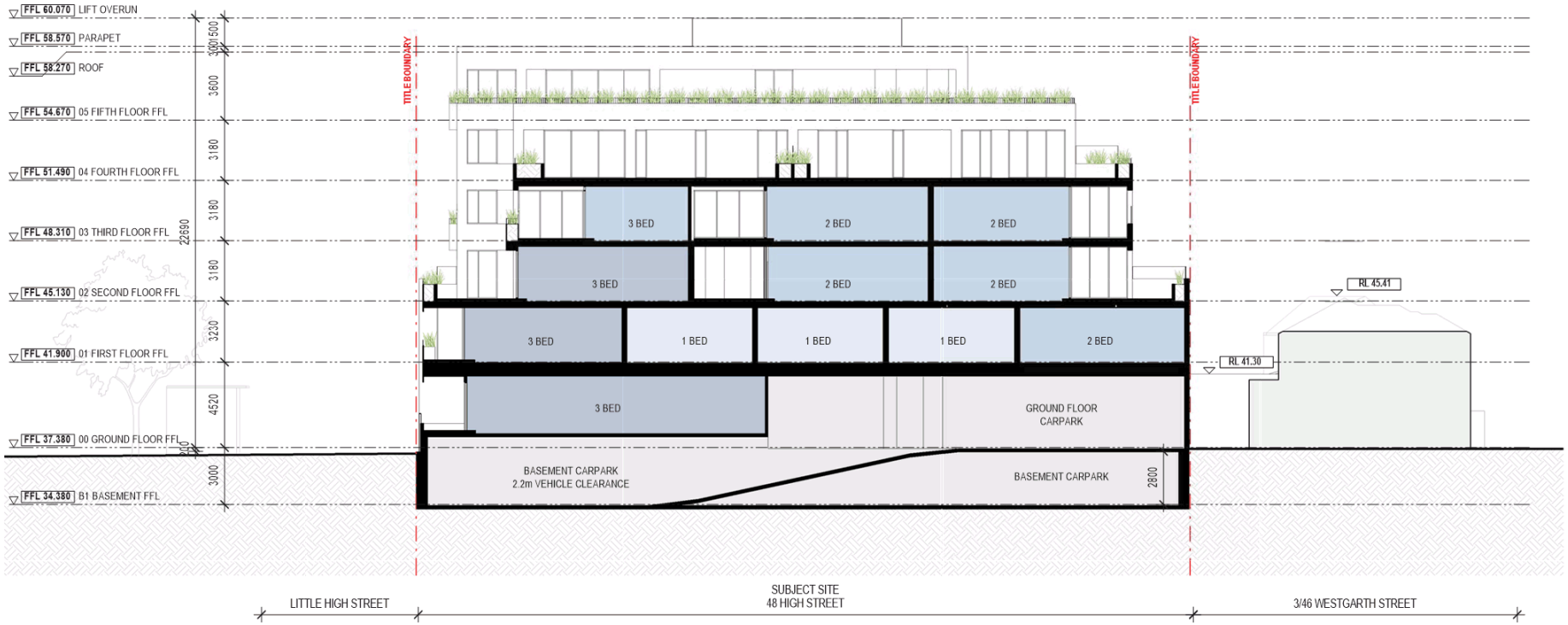

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PROJECT # 20-030
DATE 19/11/2020
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE EAST WEST SECTION
DRAWING NUMBER TP3-103
REVISION

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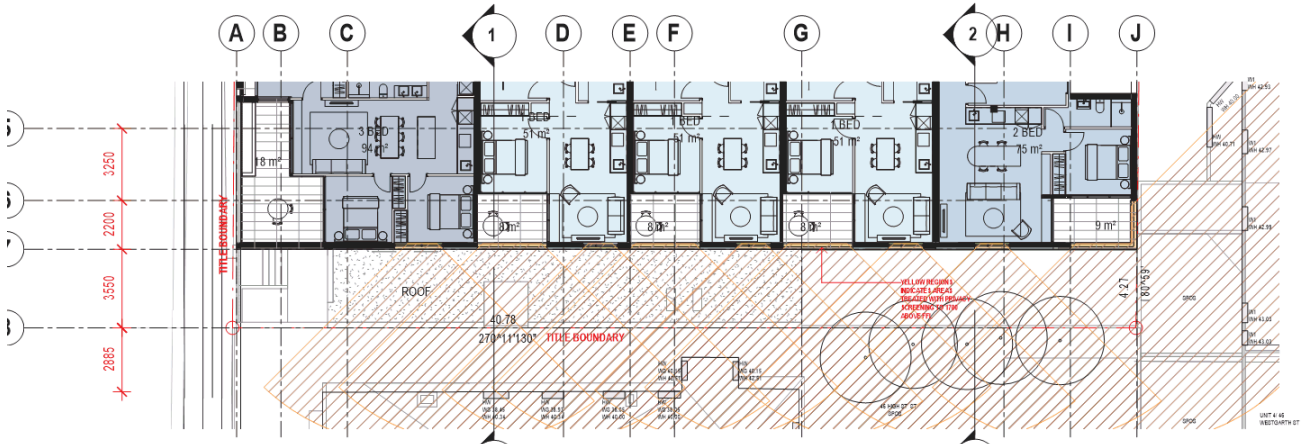
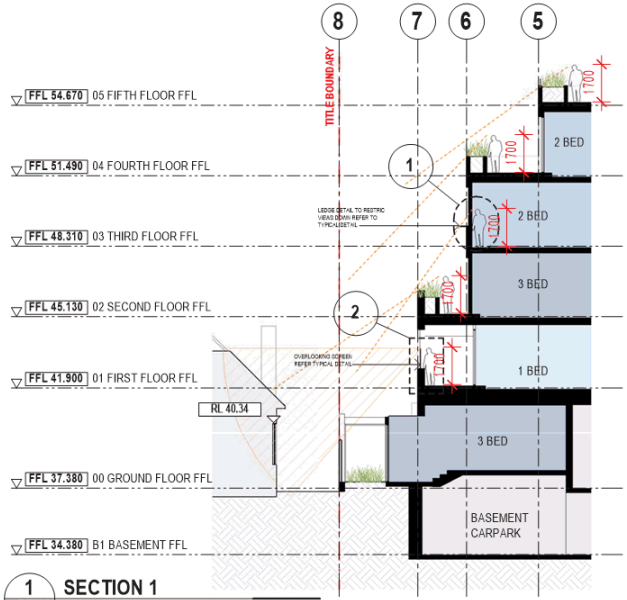


3 LA_01 **PARTIAL FIRST FLOOR PLAN**

1 : 200

OVERLOOKING DIAGRAM LEGEND

- VIEWING ENVELOPE WITH NO OVERLOOKING
- VIEWING ENVELOPE WHERE OVERLOOKING SCREEN REQUIRED



1 TP3-110 **SECTION 1**

1 : 200

2 TP3-110 **SECTION 1**

1 : 200

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PROJECT # 20-030

DATE 19/11/2020

SCALE 1 : 200 @A3

0 0.5 1 2 3 5m

PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE

STATUS

DRAWING TITLE OVERLOOKING DIAGRAMS

DRAWING NUMBER TP3-110

REVISION

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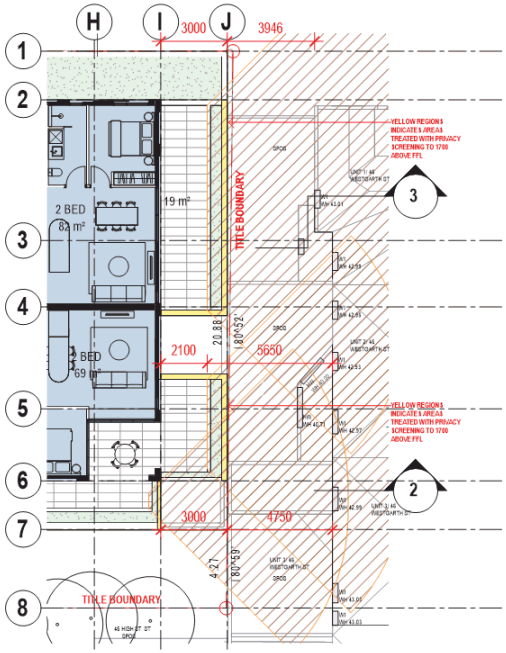
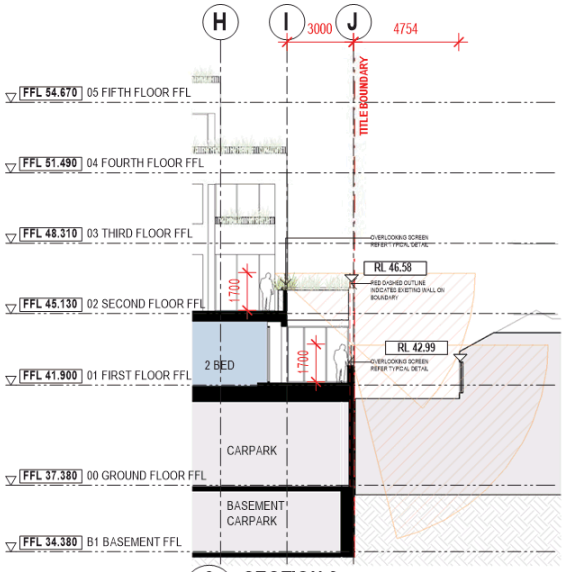
OVERLOOKING DIAGRAM LEGEND

VIEWING ENVELOPE WITH NO OVERLOOKING

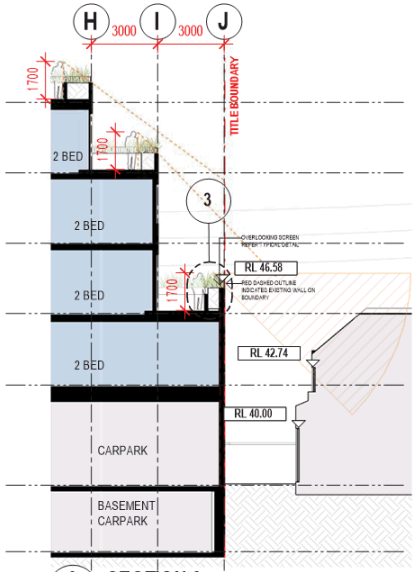
VIEWING ENVELOPE WHERE OVERLOOKING SCREEN REQUIRED



1 LA_02 PARTIAL SECOND FLOOR PLAN OVERLOOKING 1 : 200



2 TP3-111 SECTION 2 1 : 200



3 TP3-111 SECTION 3 1 : 200

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REV	DATE	DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020
SCALE 1 : 200 @A3
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE OVERLOOKING DIAGRAMS
DRAWING NUMBER TP3-111
REVISION

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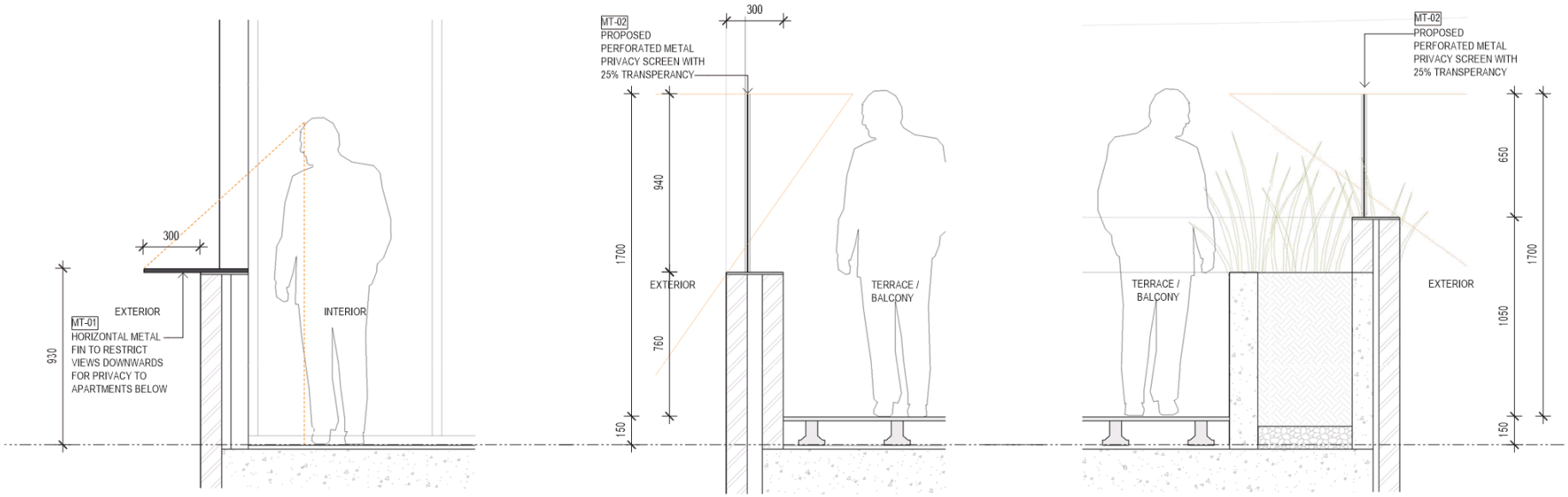

1 TP3-110 **OVERLOOKING DETAIL 01**
1 : 20

2 TP3-110 **OVERLOOKING DETAIL 02**
1 : 20

3 TP3-111 **OVERLOOKING DETAIL 03**
1 : 20

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REV	DATE	DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020
SCALE 1 : 20 @A3
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE OVERLOOKING DETAILS
DRAWING NUMBER TP3-112
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PROJECT # 20-030
DATE 19/11/2020
SCALE 1 : 200 @A3
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE BADS ASSESMENT - BASEMENT
DRAWING NUMBER TP10-101
REVISION

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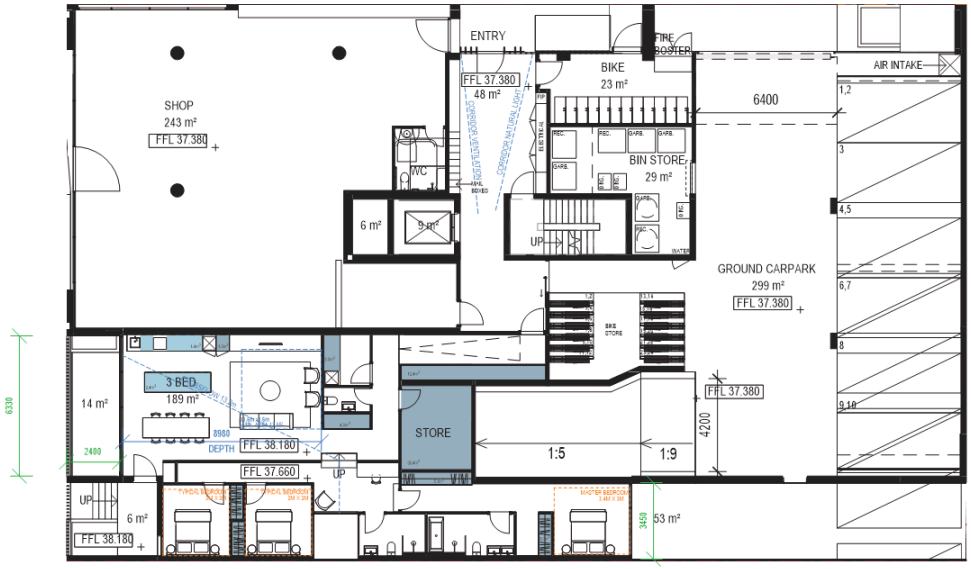

LEGEND:

- 900H STORAGE
- 900H OVERHEAD STORAGE
- 2700H STORAGE
- 2500H CAGE STORAGE UNIT
- 2700H CAGE STORAGE UNIT

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PROJECT # 20-030
DATE 19/11/2020
SCALE 1 : 200 @A3
0 0.5 1 2 3 5m
PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE BADS ASSESMENT - GROUND
DRAWING NUMBER TP10-102
REVISION
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PROJECT # 20-030
DATE 19/11/2020
SCALE 1 : 200 @A3
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE BADS ASSESMENT - LEVEL 01
DRAWING NUMBER TP10-103
REVISION

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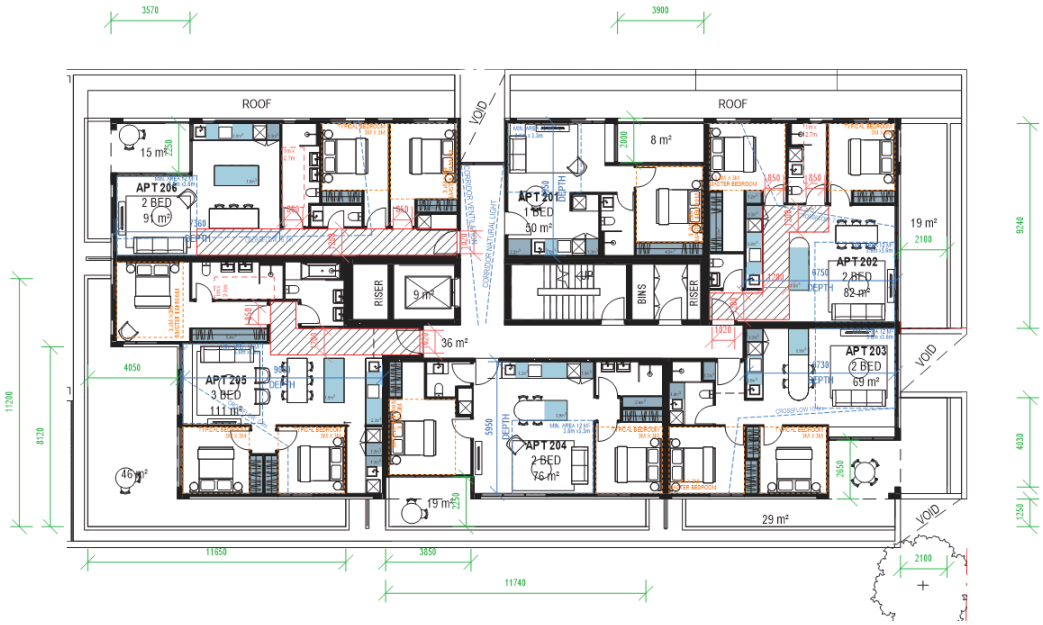

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REV	DATE	DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE BADS ASSESMENT - LEVEL 02
DRAWING NUMBER TP10-104
REVISION

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REV	DATE	DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
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DRAWING NUMBER TP10-105
REVISION
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REV	DATE	DESCRIPTION

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DRAWING NUMBER TP10-106
REVISION

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REV	DATE	DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020
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PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
DRAWING TITLE BADS ASSESMENT - LEVEL 05
DRAWING NUMBER TP10-107
REVISION

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BADS SCHEDULE

PROJECT 48 HIGH STREET, NORTHCOTE
STAGE TOWNPLANNING
DATE 18.11.2020
NOTES
SITE AREA 1027sqm

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APARTMENT TYPE	ROOMS		AREA		ROOM/DWELLING REQUIREMENTS												NUMBER OF APARTMENTS
					PRIVATE OPEN	MIN ROOM DEPTH	ACCESSIBILITY	NATURAL	STORAGE								
	BEDROOMS	BATHROOMS	INTERIOR	EXTERIOR	MINIMUM AREA	9M SINGLE ASPECT	CLEAR PATH	CROSSFLOW	1 BEDROOM DWELLING (10M³)		2 BEDROOM DWELLING (14M)		3 BEDROOM DWELLING (18M³)				
			M²	M²	1.8M / 8M² - 2M / 8M² - 2.4M / 12M²		ADAPTABLE BATHROOM	5-18M PATH	INTERNAL (MIN 6M³)	EXTERNAL REQ. (CAGE)	INTERNAL (MIN 9M³)	EXTERNAL REQ. (CAGE)	INTERNAL (MIN 12M³)	EXTERNAL REQ. (CAGE)			
							850MM DOOR OPENING										
001	3 BED	2 BATH	189	67	✓	✓	×	✓					✓ 37.4M³	✓ -			1
101	1 BED	1 BATH	50	8	✓	✓	✓	×	✓ 7.0M³	✓ 3.0 M³							1
102	1 BED	1 BATH	52	8	✓	✓	✓	×	✓ 6.3M³	✓ 3.7M³							1
103	2 BED	1 BATH	83	8	✓	✓	×	✓			✓ 12.7M³	✓ 1.3M³					1
104	2 BED	1 BATH	75	9	✓	✓	×	✓			✓ 13.4M³	✓ 0.6M³					1
105/106/107	1 BED	1 BATH	51	8	✓	✓	✓	×	✓ 7.9M³	✓ 2.1M³							3
108	3 BED	2 BATH	94	18	✓	✓	×	✓					✓ 13.2M³	✓ 0.8M³			1
109	2 BED	1 BATH	77	9	✓	✓	×	✓			✓ 11.3M³	✓ 2.7 M³					1
110	2 BED	1 BATH	78	8	✓	✓	✓	×			✓ 9.9M³	✓ 4.1M³					1
201/301	1 BED	1 BATH	50	8	✓	✓	×	×	✓ 8.9M³	✓ 1.1M³							2
202	2 BED	1 BATH	82	19	✓	✓	✓	✓			✓ 11.0M³	✓ 3.0M³					1
203	2 BED	1 BATH	69	28	✓	✓	×	✓			✓ 10.0M³	✓ 4.0M³					1
204	2 BED	1 BATH	76	19	✓	✓	×	×			✓ 11.1M³	✓ 2.9M³					1
205	3 BED	2 BATH	111	46	✓	✓	✓	✓					✓ 17.1M³	✓ 0.9M³			1
206/306/404	2 BED	1 BATH	91	15, 9	✓	✓	✓	✓			✓ 10.1M³	✓ 3.9M³					3
302	2 BED	1 BATH	74	8	✓	✓	✓	✓			✓ 9.1M³	✓ 4.9M³					1
303	2 BED	1 BATH	69	9	✓	✓	×	✓			✓ 10.1M³	✓ 3.9M³					1
304	2 BED	1 BATH	72	9	✓	✓	×	×			✓ 18.6M³	✓ -					1
305	2 BED	2 BATH	99	12	✓	✓	✓	✓			✓ 18.2M³	✓ -					1
401	2 BED	1 BATH	85	11	✓	✓	×	✓			✓ 13.0M³	✓ 1.0M³					1
402	2 BED	1 BATH	82	51	✓	✓	×	✓			✓ 12.0M³	✓ 2.0M³					1
403	2 BED	2 BATH	100	29	✓	✓	×	✓			✓ 14.3M³	✓ -					1
501	3 BED	2 BATH	199	129	✓	✓	✓	✓					✓ 31.7M³	✓ -			1
															TOTAL APARTMENTS		28

	NUMBER COMPLIANT	% COMPLIANT	BADS MINIMUM	BADS COMPLIANT
ACCESSIBILITY	14	50.0%	50.00%	✓
CROSS VENTILATION	18	64.3%	40.00%	✓
STORAGE	28	100.0%	100.00%	✓
POS	28	100.0%	100.00%	✓
ROOM DEPTH	28	100.0%	100.00%	✓

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REV DATE DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020
SCALE @A3 0 0.5 1 2 3 5m
PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS
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DRAWING NUMBER TP10-110
REVISION

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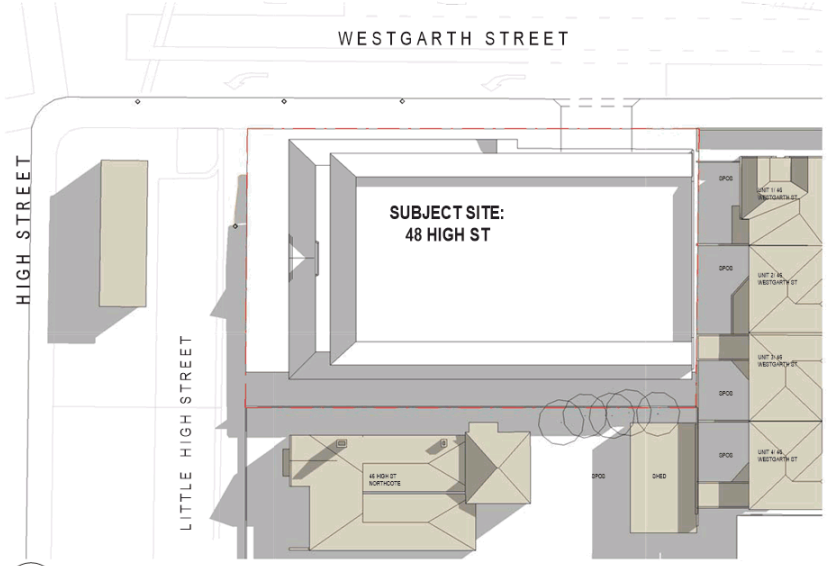

1 LA_03 **SHADOWS 9AM 22/09**
EXISTING
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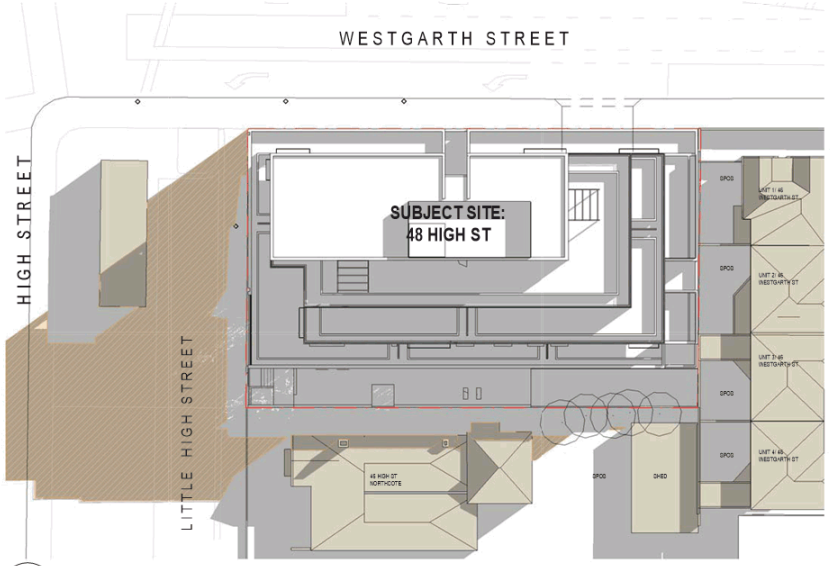

2 LA_03 **SHADOWS 9AM 22/09**
PROPOSED
1 : 400

	TOTAL SPOS (m²)	EXISTING SHADOW (m²)	PROPOSED SHADOW (m²)
46 HIGH ST	250	210	219
1/46 WESTGARTH ST	55	45	45
2/46 WESTGARTH ST	30	30	30
3/46 WESTGARTH ST	24	23	23
4/46 WESTGARTH ST	24	23	23

SHADOW DIAGRAM LEGEND

- ADDITIONAL SHADOW OUTSIDE SUBJECT SITE
- EXISTING SHADOW
- CONTEXT BUILDING ROOF

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REV	DATE	DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020

SCALE As indicated 0 0.5 1 2 3 5m

PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS

DRAWING TITLE SHADOW STUDY 9AM 22/09/2020
DRAWING NUMBER TP10-210
REVISION

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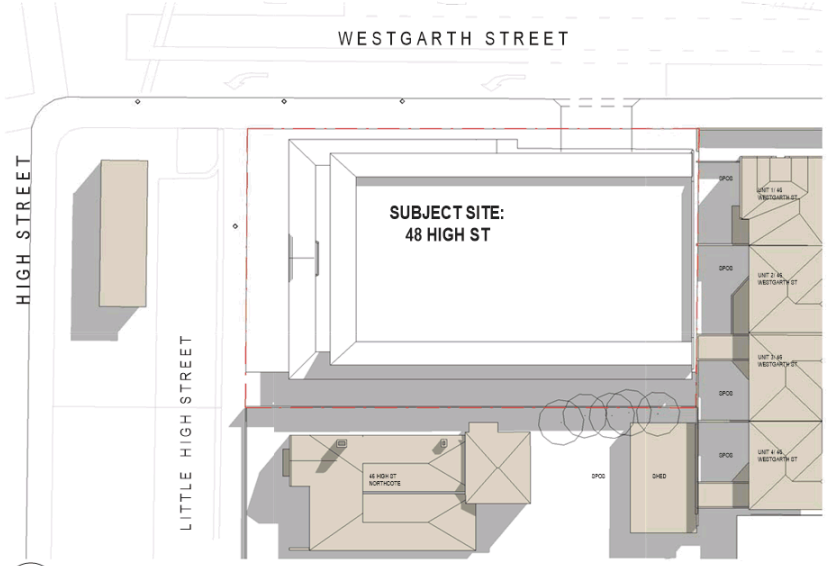
Darebin City Council Received 24.11.2020



1 LA_03 **SHADOWS 10AM 22/09**
EXISTING
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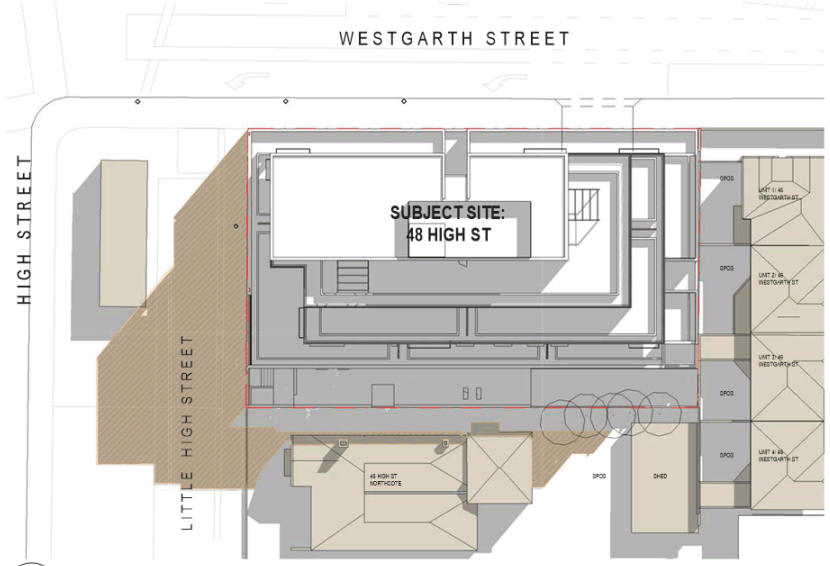

2 LA_03 **SHADOWS 10AM 22/09**
PROPOSED
1 : 400

	TOTAL SPOS (m²)	EXISTING SHADOW (m²)	PROPOSED SHADOW (m²)
46 HIGH ST	250	173	209
1/46 WESTGARTH ST	55	42	42
2/46 WESTGARTH ST	30	30	30
3/46 WESTGARTH ST	24	23	23
4/46 WESTGARTH ST	24	23	23

SHADOW DIAGRAM LEGEND

- ADDITIONAL SHADOW OUTSIDE SUBJECT SITE
- EXISTING SHADOW
- CONTEXT BUILDING ROOF

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REV	DATE	DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020

SCALE As indicated 0 0.5 1 2 3 5m

PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS

DRAWING TITLE SHADOW STUDY 10AM 22/09/2020
DRAWING NUMBER TP10-211
REVISION

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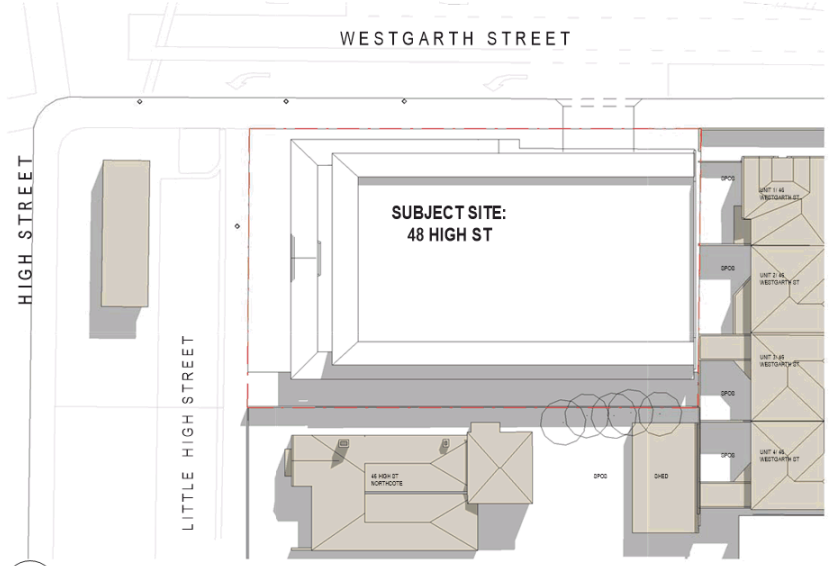
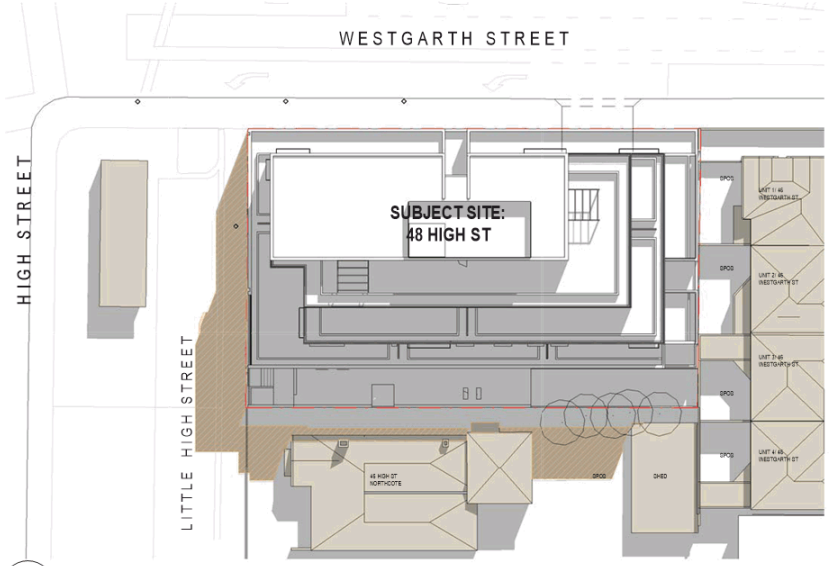
Darebin City Council Received 24.11.2020



1 LA_03 SHADOWS 11AM 22/09
EXISTING
1 : 400



2 LA_03 SHADOWS 11AM 22/09
PROPOSED
1 : 400

	TOTAL SPOS (m²)	EXISTING SHADOW (m²)	PROPOSED SHADOW (m²)
46 HIGH ST	250	138	203
1/46 WESTGARTH ST	55	30	30
2/46 WESTGARTH ST	30	17	17
3/46 WESTGARTH ST	24	18	18
4/46 WESTGARTH ST	24	17	17

SHADOW DIAGRAM LEGEND

- ADDITIONAL SHADOW OUTSIDE SUBJECT SITE
- EXISTING SHADOW
- CONTEXT BUILDING ROOF

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REV DATE DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020

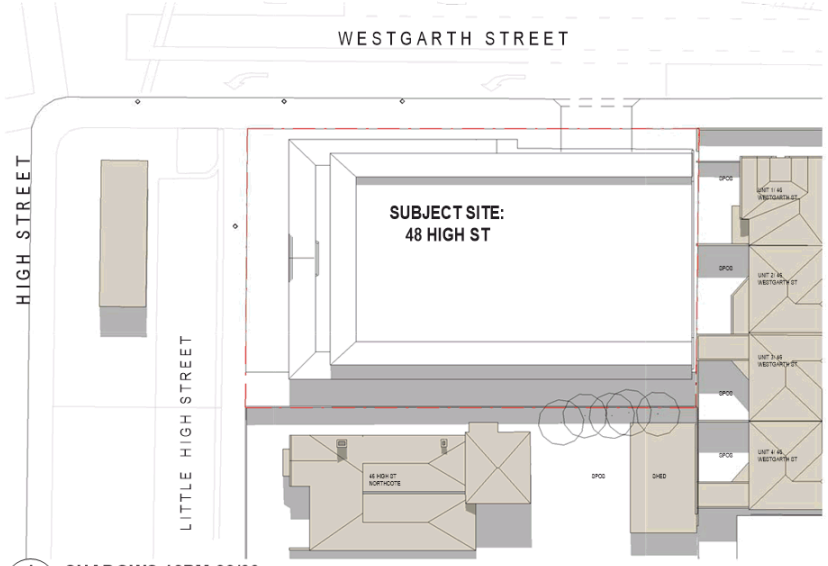
SCALE As indicated 0 0.5 1 2 3 5m

PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS

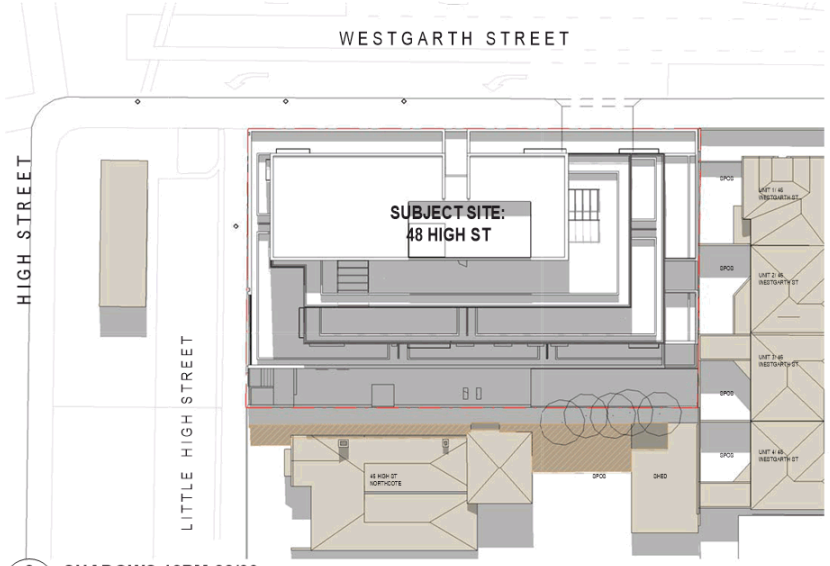
DRAWING TITLE SHADOW STUDY 11AM 22/09/2020
DRAWING NUMBER TP10-212
REVISION

Jackson Clements Burrows Architects

Darebin City Council Received 24.11.2020



1 LA_03 **SHADOWS 12PM 22/09**
EXISTING
1 : 400



2 LA_03 **SHADOWS 12PM 22/09**
PROPOSED
1 : 400

	TOTAL SPOS (m²)	EXISTING SHADOW (m²)	PROPOSED SHADOW (m²)
46 HIGH ST	250	114	176
1/46 WESTGARTH ST	55	22	22
2/46 WESTGARTH ST	30	14	14
3/46 WESTGARTH ST	24	14	14
4/46 WESTGARTH ST	24	13	13

SHADOW DIAGRAM LEGEND

- ADDITIONAL SHADOW OUTSIDE SUBJECT SITE
- EXISTING SHADOW
- CONTEXT BUILDING ROOF

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REV DATE DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020

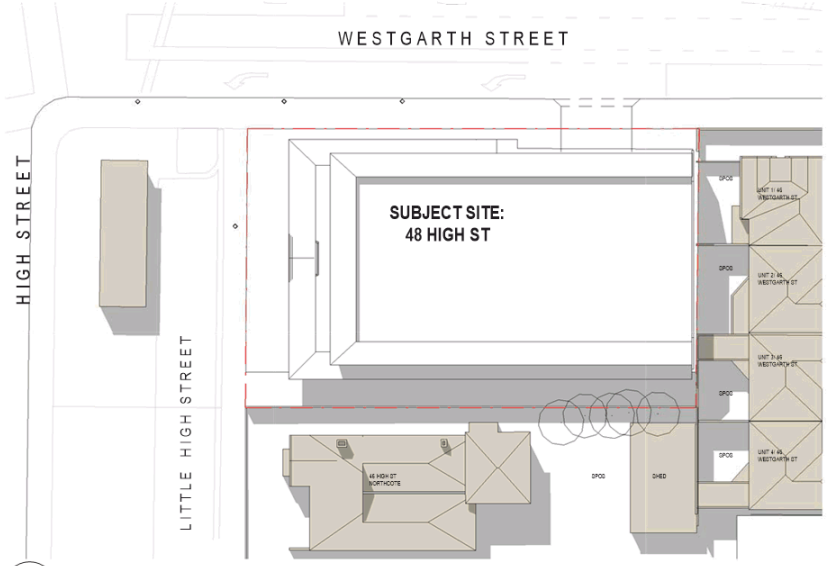
SCALE As indicated 0 0.5 1 2 3 5m

PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS

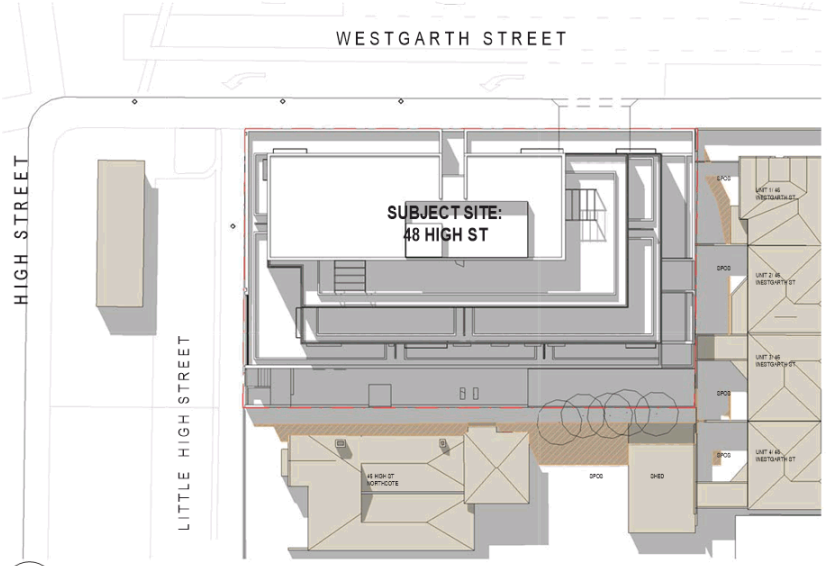
DRAWING TITLE SHADOW STUDY 12PM 22/09/2020
DRAWING NUMBER TP10-213
REVISION

Jackson Clements Burrows Architects

Darebin City Council Received 24.11.2020



1 LA_03 SHADOWS 1PM 22/09 EXISTING 1 : 400



2 LA_03 SHADOWS 1PM 22/09 PROPOSED 1 : 400

	TOTAL SPOS (m²)	EXISTING SHADOW (m²)	PROPOSED SHADOW (m²)
46 HIGH ST	250	126	180
1/46 WESTGARTH ST	55	33	39
2/46 WESTGARTH ST	30	28	29
3/46 WESTGARTH ST	24	19	20
4/46 WESTGARTH ST	24	16	17

SHADOW DIAGRAM LEGEND

- ADDITIONAL SHADOW OUTSIDE SUBJECT SITE
- EXISTING SHADOW
- CONTEXT BUILDING ROOF

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REV DATE DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020

SCALE As indicated 0 0.5 1 2 3 5m

PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS

DRAWING TITLE SHADOW STUDY 1PM 22/09/2020
DRAWING NUMBER TP10-214
REVISION

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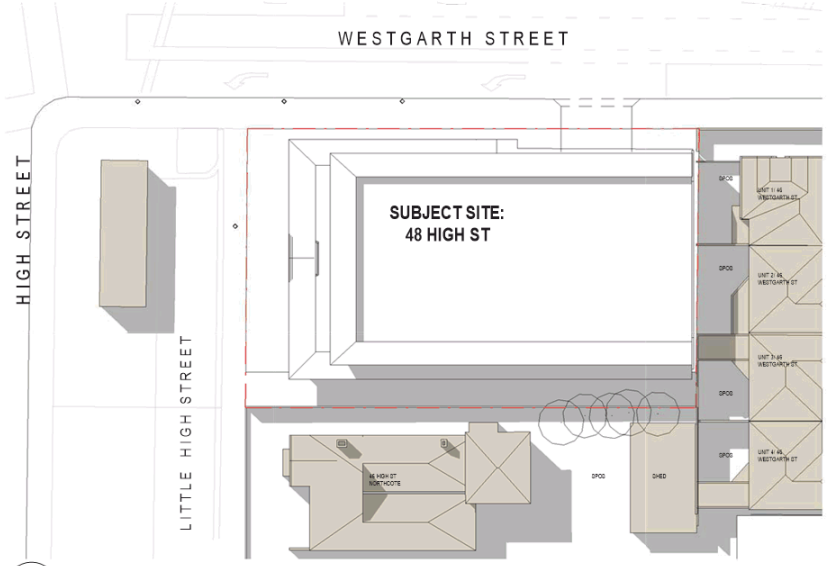
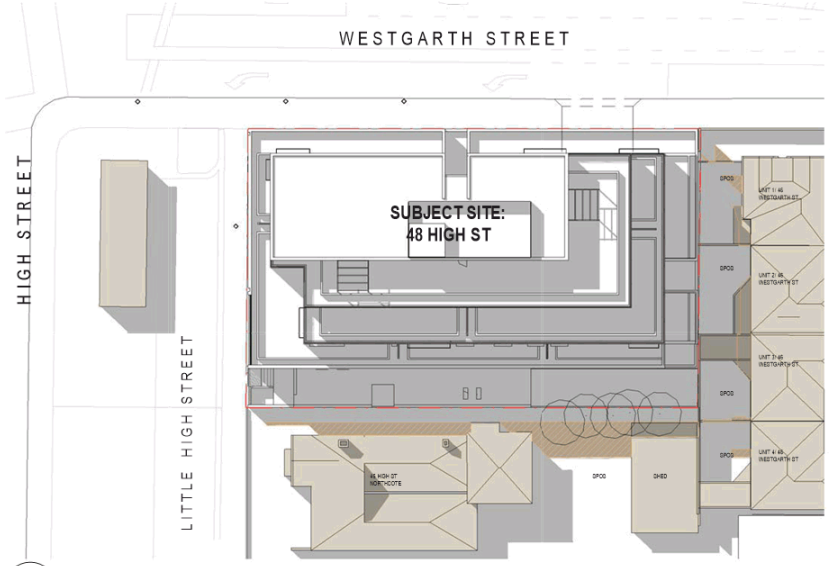
Darebin City Council Received 24.11.2020



1 LA_03 SHADOWS 2PM 22/09
EXISTING
1 : 400



2 LA_03 SHADOWS 2PM 22/09
PROPOSED
1 : 400

	TOTAL SPOS (m²)	EXISTING SHADOW (m²)	PROPOSED SHADOW (m²)
46 HIGH ST	250	144	191
1/46 WESTGARTH ST	55	40	43
2/46 WESTGARTH ST	30	30	30
3/46 WESTGARTH ST	24	23	24
4/46 WESTGARTH ST	24	20	21

SHADOW DIAGRAM LEGEND

- ADDITIONAL SHADOW OUTSIDE SUBJECT SITE
- EXISTING SHADOW
- CONTEXT BUILDING ROOF

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REV DATE DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020

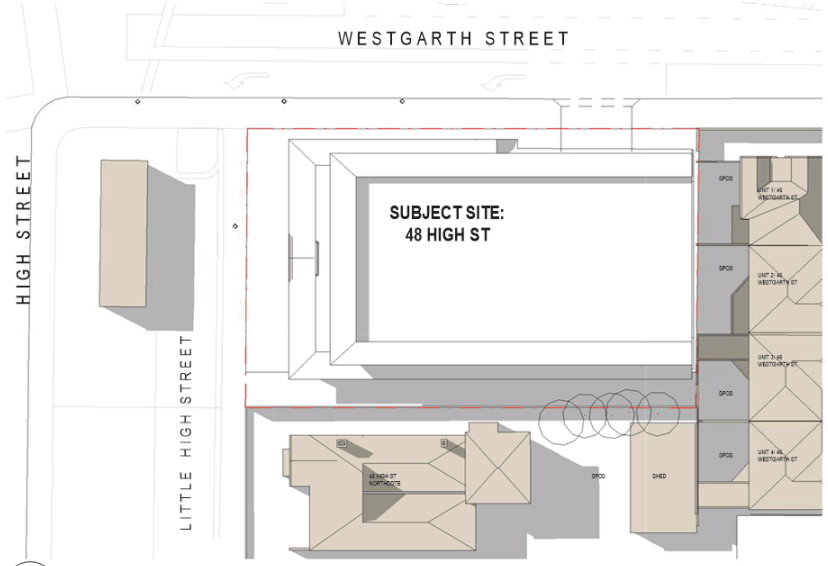
SCALE As indicated 0 0.5 1 2 3 5m

PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS

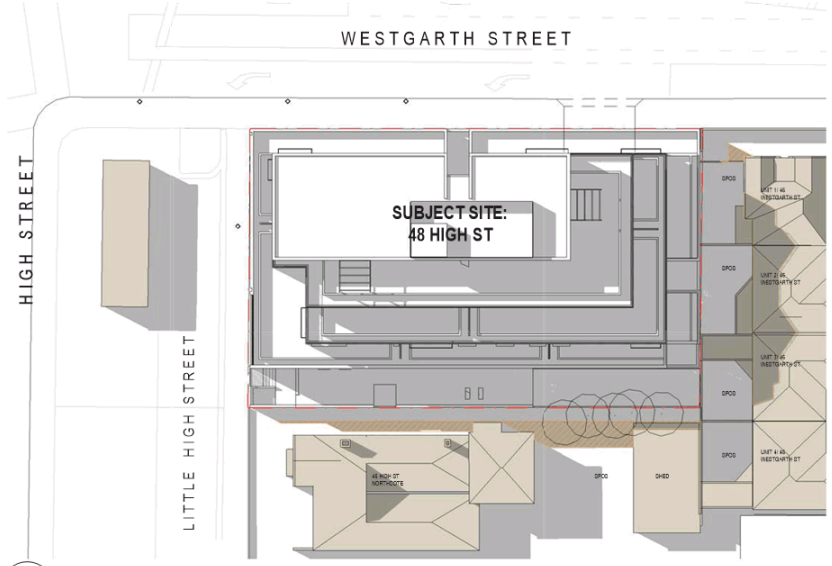
DRAWING TITLE SHADOW STUDY 2PM 22/09/2020
DRAWING NUMBER TP10-215
REVISION

Jackson Clements Burrows Architects

Darebin City Council Received 24.11.2020



1 LA_03 SHADOWS 3PM 22/09
EXISTING
1 : 400



2 LA_03 SHADOWS 3PM 22/09
PROPOSED
1 : 400

	TOTAL SPOS (m²)	EXISTING SHADOW (m²)	PROPOSED SHADOW (m²)
46 HIGH ST	250	170	208
1/46 WESTGARTH ST	55	42	44
2/46 WESTGARTH ST	30	30	30
3/46 WESTGARTH ST	24	24	24
4/46 WESTGARTH ST	24	24	24

SHADOW DIAGRAM LEGEND

- ADDITIONAL SHADOW OUTSIDE SUBJECT SITE
- EXISTING SHADOW
- CONTEXT BUILDING ROOF

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REV DATE DESCRIPTION

PROJECT # 20-030
DATE 19/11/2020

SCALE As indicated 0 0.5 1 2 3 5m

PROJECT 48 HIGH ST, NORTHCOTE NORTHCOTE
STATUS

DRAWING TITLE SHADOW STUDY 3PM 22/09/2020
DRAWING NUMBER TP10-216
REVISION

Jackson Clements Burrows Architects

Darebin City Council Received 24.11.2020

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

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

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

Recommendation

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

Related Documents

Nil

Attachments

- VCAT Applications (**Appendix A**)

PLANNING COMMITTEE MEETING 12 APRIL 2021

Delegate Decisions before VCAT

SEPTEMBER 2020					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
7/09/2020	D/637/2018	181 Hutton Street, Thornbury Cazaly	Construction of two (2) double storey dwellings	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	The Tribunal found that, subject to conditions which ameliorated concerns about neighbourhood character, the proposal would provide an acceptable design response.				
11/09/2020	D/492/2018/A	536 Murray Road, Preston Cazaly	Approved construction of a double storey out-building associated with use as a home-based business.	Notice of Decision – Objector Appeal	Council's decision affirmed – Permit Granted
Result	The Tribunal was satisfied that the proposed amendment responded acceptably to its context and had no unreasonable amenity impacts on the Objector Applicants.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

SEPTEMBER 2020					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
16/09/2020	D/212/2019	37 Bruce Street, Preston Cazaly	Medium density development comprising the construction of four (4) three storey dwellings	Refusal – Applicant Appeal	Council's decision affirmed – No permit Granted
Result	In affirming Council's decision, the Tribunal found that there was insufficient support for the full demolition of an existing heritage dwelling ('graded' contributory). Moreover, it was determined that the proposal was an overdevelopment which would result in unreasonable off-site amenity impacts on adjoining properties.				
16/09/2020	D/709/2018	1 Wardrop Grove, Northcote Rucker	Medium density housing development comprising the construction of four (4) triple storey dwellings	Notice of Decision – Objector Appeal	Council's decision set aside – No permit granted
Result	Although the subject site is located within the Northcote Activity Centre which may encourage infill redevelopment, the Tribunal found that the proposed development did not adequately respond to the relevant planning policy. In particular, it was found that the contemporary design would be out of place in the streetscape. Moreover, it was determined that the proposal would provide insufficient setbacks or visual relief, resulting in unacceptable off-site amenity impacts.				
24/09/2020	D/513/2019	69 Mitchell Street, Northcote Rucker	Proposed demolition of existing dwelling and construction of two (2) dwellings	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
	The Tribunal found that, in the absence of specific policy guidance for the site in respect of preferred neighbourhood character, the design response, including the presence of two crossovers and car parking in the front setback was consistent with the existing neighbourhood character. In setting aside Council's refusal, the Tribunal placed a condition on the permit deleting the rooftop terraces as they were not considered to be a characteristic of the existing neighbourhood character.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

SEPTEMBER 2020					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
30/09/2020	D/673/2018	9-10 Griffiths Street, Reservoir La Trobe	The construction of an apartment development comprising 13 double-storey dwellings and basement car parking.	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	In finding the development acceptable, the Tribunal determined that the main issues with the development raised by Council were matters of detail which could be corrected by permit conditions, rather than being fundamentally problematic.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

OCTOBER 2020					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
6/10/2020	D/145/2018	480 Gilbert Road, Preston Cazaly	S87A Amendment request to VCAT remove roof decks to 3 dwellings	Council taking position of opposition	Council's position of refusal set aside – Permit granted.
Result	In deleting the permit condition requiring the provision of rooftop terraces, the Tribunal disagreed with Council's position that providing private open space within the front setback would not provide adequate privacy and size for the recreation needs of future occupants.				
19/10/2020 (Compulsory Conference)	D/111/2020	439 Gilbert Road, Preston Cazaly	Proposed medium density development of six (6) double storey dwellings above a basement carpark and a waiver of the car parking requirements	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The parties were able to reach agreement as to a suitable form of development, as such, they were in position that Council's refusal could be set aside by consent.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

NOVEMBER 2020					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
9/11/2020 (Compulsory Conference)	D/672/2019	61 Edwardes Street, Reservoir La Trobe	A medium density housing development comprising the construction of 15 triple storey dwellings and one (1) double storey dwelling and a basement level; and Reduction of the car parking requirements	Notice of Decision – Objector Appeal	Council's decision varied (by consent) – Permit granted
Result	This matter was listed for an administrative mention on 15 December 2020 where Council advised the Tribunal of the outcome of the 14 December 2020 Planning Committee meeting.				
11/11/2020 (Compulsory Conference)	D/605/2019	14-16 Storey Road, Reservoir La Trobe	Proposed construction of 12 double storey dwellings and a waiver of the visitor car space requirements	Refusal – Applicant Appeal	
Result	The matter did not settle.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

DECEMBER 2020					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
16/12/2020 (Compulsory Conference)	D/668/2019	552-558 Plenty Road, Preston Cazaly	Use of land for the purpose of a childcare centre (100 places) and food and drink premises; construction of a four-storey building with food and drink premises at Ground Floor, five (5) dwellings and childcare centre at the upper floors; a reduction in the car parking requirement and alteration of access to a road in a Road Zone Category 1	Failure Appeal – Council is yet to formalise a position on the Application.	
Result	The matter did not settle.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

JANUARY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	No matters determined by Council delegates were heard in January 2021				

PLANNING COMMITTEE MEETING 12 APRIL 2021

FEBRUARY 2021					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
17/02/2021	D/790/2018	600-606 Plenty Road, Preston Central	Proposed use of land as a food and drink premises together with part demolition of the existing building, the construction of buildings and works for 11 dwellings and a reduction of the required car parking provision	Refusal – Applicant Appeal	Withdrawn
Result	This application was withdrawn by the Applicant prior to the scheduled hearing.				
19/02/2021 (Compulsory Conference)	D/668/2019	78 Shaftesbury Parade, Thornbury South West	Medium density housing development comprising: •Double storey extension to the existing dwelling; •Construction of two triple storey dwellings (where the third storeys are roof decks and covered access areas) to the rear of the existing dwelling;	Notice of Decision – Objector Appeal.	Council's decision varied (by consent) – Permit granted
Result	The parties were able to reach agreement as to a suitable form of development, as such, they were in position that Council's decision could be varied by consent.				
24/02/2021	D/762/2018	560-562 High Street, Preston Central	Proposed five (5) storey (pus basement and rooftop terrace) mixed use development and a waiver of the car parking requirements	Refusal – Applicant Appeal	Decision Pending
Result					
26/02/2021	D/522/2019	14-16 Wardrop Grove, Northcote Rucker	A 2-3 storey building comprising seven (7) dwellings	Conditions Appeal	Council's decision varied (by consent) – Permit granted
Result	The parties were able to reach agreement prior to the hearing as to a suitable form of development, as such, Council's decision was varied by way of consent order.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

MARCH 2021					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
1/03/2021	D/533/2019	191 Bell Street, Preston Central	A two (2) storey rooming house comprising 14 rooms.	Refusal – Applicant Appeal	Decision Pending
Result					
3/03/2021 (Compulsory Conference)	D/349/2020	171-175 High Street, Northcote South	Proposed buildings and works to the existing building including extensions and an additional two storey's use of the for offices and a reduction in the standard car parking requirement	Failure Appeal – Council has formed a position to oppose the application.	
Result	The matter did not settle.				
4/03/2021 (Compulsory Conference)	D/188/2019/A	6A Christmas Street, Northcote South Central	Permit No. D/188/2019 for Construction of a single storey dwelling, a reduction in the standard car parking requirement and associated works	Refusal – Applicant Appeal	
Result	The matter did not settle.				
5/03/2021	D/211/2019	232 Albert Street, Reservoir North Central	A medium density housing development comprising the construction of four (4) dwellings over three (3) levels and alteration of access to road zone 1	Refusal – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The parties were able to reach agreement prior to the hearing as to a suitable form of development, as such, Council's decision was varied by way of consent order.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

MARCH 2021					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
9/03/2021	D/384/2019	279-281 St Georges Road, Northcote South West	Buildings and works comprising the construction of a four (4) storey residential development (28 dwellings) and alteration of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.	Notice of Decision – Objector Appeal.	Council's decision varied (by consent) – Permit granted
Result	The parties were able to reach agreement as to a suitable form of development, as such, Council's decision was varied by way of consent order.				
11/03/2021 (Compulsory Conference)	D/327/2019	72 James Street, Northcote South	In accordance with the endorsed plans: • Demolish the existing dwelling, and • Construct a medium density housing development comprised of two (2) double storey dwellings.	Notice of Decision – Objector Appeal.	
Result	The matter did not settle.				
18/03/2021 (Compulsory Conference)	D/311/2003/A	73A Victoria Road, Northcote South Central	A medium density housing development comprised of a double storey dwelling to the rear of an existing dwelling	Notice of Decision – Objector Appeal.	
Result	The matter did not settle.				
18/03/2021	D/677/2019	71 Northernhay Street, Reservoir North Central	Proposed construction of two (2) double storey dwellings with double garage and studio above to rear of site	Refusal – Applicant Appeal	Decision Pending
Result					

PLANNING COMMITTEE MEETING 12 APRIL 2021

MARCH 2021					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
19/03/2021	D/284/2019	53 William Street, Preston Central	Proposed construction of a second dwelling to the rear of the existing dwelling on land within a residential zone	Refusal – Applicant Appeal	Decision Pending
Result					
19/03/2021	D/33/2019/A	158 Mansfield Street, Thornbury South Central	Amendment to Planning Permit D/33/2019 as follows: •Relocate the rear extension so that the new works are along the eastern boundary; •Reduce the length of wall along the western boundary to accommodate a west-facing courtyard; •Create a new room to the rear (south) of the block for the purposes of a main bedroom; •Create a car space within the front setback; •Changes to the internal layout changes.	Refusal – Applicant Appeal.	Withdrawn
Result	This application was withdrawn by the Applicant prior to the scheduled hearing.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

Planning Committee Decisions before VCAT

SEPTEMBER 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	No matters determined by the Committee were heard in September 2020				

PLANNING COMMITTEE MEETING 12 APRIL 2021

OCTOBER 2020					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
7/10/2020 (Compulsory Conference)	D/722/2018	800-802 & 820 Plenty Road, Reservoir Cazaly	Use and development of the land for the purpose of a retirement village and residential aged care facility, removal of native vegetation and alteration of access to a road in a Road Zone Category 1	Committee (contrary to Officer Recommendation)	Council's decision set aside (by consent) – Permit granted
Result	This matter was listed for an administrative mention on 15 December 2020 where Council advised the Tribunal of the outcome of the 14 December 2020 Planning Committee meeting.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

NOVEMBER 2020					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
30/11/2020 (Compulsory Conference)	D/550/2019	35 Dean Street, Preston Cazaly	A medium density housing development comprised of the construction of three (3) double-storey dwellings, in accordance with the endorsed plans.	Notice of Decision (in line with Officer Recommendation) – Objector Appeal	
Result	The matter did not settle.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

DECEMBER 2020					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
7/12/2020	D/722/2018	800-802 & 820 Plenty Road, Reservoir Cazaly	Use and development of the land for the purpose of a retirement village and residential aged care facility, removal of native vegetation and alteration of access to a road in a Road Zone Category 1	Committee (contrary Officer Recommendation)	Adjourned
Result	Hearing date vacated.				
8/12/2020	EOT/31/2020 and EOT/32/2020	Preston Market, Cramer & Mary Street Cazaly	Extension of Time (Refusal)	Committee (in line with Officer Recommendation)	Council's decision set aside – Extension of Time granted
Result	In balancing the relevant considerations, VCAT determined that there was insufficient reason to refuse the request for an extension based on the relevant legal principles. In particular, VCAT did not share Council's concern that the recent strategic work undertaken by the VPA on new planning controls or the LXRP's work on elevated rail would prejudice the future vision for the site. Nor did VCAT share Council's concern that the Applicant was 'sitting on their hands' to see what the updated planning controls would entail. It was also noted that the circumstances of the COVID-19 Global Pandemic weighed in favour of extending the permits, because in VCAT's view, this may have contributed to the delays in commencing the development.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

JANUARY 2021					
Date of Hearing	**App. No.**	**Property/Ward**	**Proposal**	**Council Decision/Nature of Appeal**	**VCAT Decision**
16/12/2021 (Preliminary Hearing)	D/266/2019	10 Benambra Street, Preston West	Development of seven (7) double storey (plus basement) dwellings.	Committee (contrary Officer Recommendation)	Application Allowed
Result	The purpose of this preliminary hearing was to consider a question of law raised by an objector as to whether VCAT had jurisdiction to consider the Application having regard to Chapter III of the Australian Constitution. The question followed a recent decision by the Victorian Supreme Court of Appeal, which found that VCAT would not have jurisdiction in certain circumstances where Chapter III of the Australian Constitution was a relevant consideration to the 'matter'. The Tribunal found that current application requires the exercise of the Tribunal's administrative power and not judicial power, therefore Chapter III is not a relevant consideration. The Tribunal found that there is no jurisdictional issue preventing VCAT from hearing this Application.				

PLANNING COMMITTEE MEETING 12 APRIL 2021

FEBRUARY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	No matters determined by the Committee were heard in February 2021				

PLANNING COMMITTEE MEETING 12 APRIL 2021

MARCH 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
	No matters determined by the Committee were heard in March 2021				

All matters listed until 31 March 2021

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

8. CLOSE OF MEETING

CITY OF DAREBIN

274 Gower Street, Preston
PO Box 91, Preston, Vic 3072
T 8470 8888 F 8470 8877
E mailbox@darebin.vic.gov.au
darebin.vic.gov.au

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