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AGENDA

Planning Committee Meeting to be held at
Preston Town Hall,
284 Gower Street Preston
on Tuesday 9 March 2021 at 6.30pm.

This meeting will be open to the public in line with current health restrictions. Masks are mandatory and the number of people in the public gallery will be restricted. This meeting it will also be livestreamed and may be accessed from Councils website www.darebin.vic.gov.au .



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 ਵੈੱਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ 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 8 February 2021 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT - D/103/2020 24A - 26 Harbury Street, Reservoir

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
2181 Planning	Exors Nicola Deleo and Exors Petronila Deleo	Ikonomidis Design Studio EB Traffic Solutions Leigh Design Keystone Alliance Melbourne Arborist Reports

SUMMARY

- The application seeks approval to construct ten (10) double storey dwellings across two (2) allotments.
- The application also seeks approval for a reduction in two (2) visitor car parking spaces.
- The development will provide the following accommodation:
 - Two (2) x 3-bedroom dwellings (Units 1 & 6)
 - Eight (8) x 2-bedroom dwellings (Units 2, 3, 4, 5, 7, 8, 9 & 10)
- With the exception of Units 1 & 10, the dwellings will have traditional living arrangements with open plan living/dining/kitchen and secluded open space at ground floor level and bedrooms at the first floor level.
- Units 1 & 10 will provide reverse living arrangements with bedrooms and service yards at ground floor; and open plan living/kitchen/dining and balcony areas at the first floor level.
- The dwellings are to be arranged in two rows on either side of a central vehicle accessway. A second crossover and vehicle access from Harbury Street is proposed for Unit 1, whilst the existing crossover on the southern side of the frontage will be removed and replaced with a nature strip.
- The development will have a maximum overall height of 7.995 metres.
- The site is zoned General Residential Zone Schedule 2 and is affected by the Development Contributions Plan Overlay (currently expired).
- The site is located outside the identified precinct boundaries within the Reservoir Structure Plan (2012).
- The mandatory garden area requirement is 35%. The proposal achieves a garden area of 35.9%.
- There is no restrictive covenant on the title for the subject land.

- The proposal is generally consistent with the objectives and standards of Clause 55 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via two (2) signs posted on site and letters sent to surrounding owners and occupiers.
- 69 objections were received against this application.
- The application was referred internally to Assets and Capital Delivery Unit, City Designer, City Design Unit, Climate Emergency and Sustainable Transport Unit, ESD Officer and Tree Management Unit.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application on D/103/2020 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 *TP04 Rev R, TP05 Rev R, TP06 Rev R, TP07 Rev R*, dated *Sept 2020* prepared by *Ikonomidis Design Studio; Landscape Plan* dated *28/09/2020* prepared by *Keystone Alliance Pty Ltd*) but modified to show:
 - (a) Confirmation of the height of the front fence as being 0.9 metres or less above the level of the footpath.
 - (b) The secluded private open space fencing of Unit 1 and Unit 10 (visible from the street) to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
 - (c) Details of the fence on the southern boundary of the land (except within the front setback of Unit 10) in accordance with Condition No.12 of this Permit.
 - (d) Any fencing including secluded private open space fencing that is visible from the street (other than fencing along common boundaries shared with an adjoining site) to be of a design, colour and quality of material (not timber palings) that match the character of the development.
 - (e) Replacement of the glass balustrade to the balcony of Units 1 & 10 with metal slats to match the front fence.
 - (f) Provision of a tail rail type bicycle hold on the side walls of the garages of Units 1-10 in place of the Mona Lisa bicycle racks.
 - (g) An increase to the area of the porch landing areas of Units 2, 3, 4, 7 & 8.
 - (h) Provision of increased weather-protection and improved definition of the entrances to Units 2, 3, 4, 7, 8 & 9 through the provision of entry porch roof/canopies or other similar overhead structures.
 - (i) The following changes to first floor window design to improve outlook and ventilation to habitable areas:
 - (i) Unit 6 Bedroom 3 - south elevation

(ii) Units 2, 3, 4 & 5 TV Area - north elevation

The above windows are to be modified so that the fixed obscure glazing to a height of 1.7 metres shown for these windows is replaced with clear glazing and fixed external screens to a height of 1.7 metres, similar to the internal elevation upper floor habitable room window treatments.

Where fixed screens are being utilised a section diagram must be included to demonstrate how the screens minimise overlooking of adjoining properties. Screens must be constructed of durable materials and be integrated with the design of the development.

- (j) The provision of double-glazing to the living room windows adjacent to the shared accessway of Units 2, 3, 4, 7, 8 & 9.
- (k) A reduction in the extent of rendered surfaces to the elevations and the use of metal cladding instead.
- (l) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (m) The provision of a notation to confirm that the TV Area on the first floor of Unit 5 must remain open to the hallway and circulation areas at all times and must not be used as a bedroom at any time.
- (n) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
 - (i) co-located where possible;
 - (ii) located or screened to be minimally visible from the public realm;
 - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
 - (iv) integrated into the design of the building.
- (o) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (p) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4, 5 and 6 of this Permit.
- (q) Any modifications required as a result of the approved Tree Management Plan required by Condition No. 6 of this Permit
- (r) Any modifications required as a result of the approved Sustainable Design Assessment (SDA) required by Condition No. 8 of this Permit.
- (s) Any modifications required as a result of the approved Waste Management Plan (WMP) required by Condition No.11 of this Permit. The layout and design of the waste storage area near entrance of Units 5 & 6 and the layout of bins on the naturestrip for collection must be in accordance with the Reference Plan received by Council on 09/02/2021.

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

generally in accordance with the *Landscape Plan prepared by Keystone Alliance Pty Ltd dated Sep 2020* but modified to show:

- (a) Tree protection measures in accordance with Condition No. 4, 5, 6 & 7 of this Permit.
- (b) Rainwater tank capacities on the plans to match the capacities identified in the WSUD, STORM and SDA reports prepared by Keystone Alliance received by Council on 29/09/2020.
- (c) Increase in the level of vegetation along the shared accessway/common areas through the inclusion of green wall and climbers.
- (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) The provision of at least two (2) medium canopy trees in the front setback of Unit 10; one (1) medium and one (1) small canopy tree in the front setback of Unit 1; one (1) medium canopy tree within the landscape bed at the eastern end of the accessway; eight (8) small canopy trees within the secluded private open space areas of the dwellings, one in each of Units 2-9. 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).
- (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.

- 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 – Street Tree	Naturestrip (in front of 24A Harbury Street)	2.9 metres
Trees 3 – Leyland Cypress	Adjoining property (south)	5.4 metres
Tree 4 – Leyland Cypress	Adjoining property (south)	4.8 metres
Tree 5 - Photinia	Adjoining property (south)	3.4 metres
Tree 6 - Crepe Myrtle	Adjoining property (south)	3.0 metres
Tree 7 - Desert Ash	Adjoining property (south)	6.6 metres
Tree 9 – Southern Mahogany Gum	Adjoining property (south)	4.6 metres
Tree 12 – Prunus armeniaca	Adjoining property (north)	2.0 metres
Tree 13 - Prunus armeniaca	Adjoining property (north)	2.0 metres
Tree 14 – Coprosma repens	Adjoining property (north)	2.0 metres
*as defined in the <i>Arboricultural Report Development Impact Assessment</i> prepared by <i>Melbourne Arborist Reports</i> dated 23/09/20 Version 4		

- 5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
 - (a) Ground and tree protection must be installed within tree protection zones (TPZs) immediately following demolitions works. Ground protection must remain in place for the duration of construction and be installed in accordance with Australian

Standard AS4970 – 2009: Protection of trees on development sites and to the satisfaction of the Responsible Authority.

- (b) 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.
- (c) All works within TPZs must be supervised by a qualified arborist. Any roots uncovered must be pruned with sharp/sterile tools.
- (d) TPZs outside building footprints must remain at grade and permeable.
- (e) Storage sheds and rainwater tanks must be founded above grade where within TPZs.
- (f) Paving within TPZs must be laid above grade.
- (g) 'Toppings' within TPZs must be a crushed rock that contain 'no fines'
- (h) Any fencing within TPZs must be of light timber construction with manually excavated stump holes.
- (i) Any service installation within TPZs must be bored to a minimum depth of 0.6 metres below existing grade. There must strictly be no 'open trench' excavation within TPZs.
- (j) Any clearance pruning to Tree 1 (naturestrip tree in front of 24A Harbury Street) must be undertaken by the Responsible Authority.
- (k) Any clearance pruning to protected trees as identified in Condition No.4 of this Permit must be undertaken by a qualified arborist in accordance with AS4373-2007 and be to the satisfaction of the Responsible Authority. Pruning must not exceed 15% of the total canopy.
- (l) 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 of *protected trees identified in Condition No.4 of this Permit* 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.
- (m) 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.
- (n) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
- (o) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
- (p) 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.
- (q) Tree numbers, Tree Protection Zones and the methods of tree protection must be clearly notated on all plans.

6. Before plans are endorsed under Condition No.1 of this Permit, a Tree Management Plan (TMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the TMP will be endorsed and will then form part of this Permit. The TMP must be prepared by a suitably qualified professional and must include the requirements and recommendations of Conditions No.4, 5 and 6 of this Permit as well as make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following, to the satisfaction of the Responsible Authority, ensuring that protected trees remain healthy and viable during construction.
- (a) A tree protection plan to scale is to be submitted along with the tree management plan that is to show:
 - i. All tree protection zones and structural root zones.
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used.
 - iii. The type of footings within the tree protection zone.
 - iv. Any structures, paving, hard surfaces or services including rainwater tanks, storage sheds and the like within the tree protection zone.
 - v. Any fill or excavation within the tree protection zone i.e. any change to existing at grade levels.
 - vi. All services to be located within the tree protection zone and a notation to state that all services will either be located outside of the tree protection zone or bored under the tree protection zone;
 - vii. A notation to refer to the tree management plan for specific detail on what actions are required within the tree protection zone.
 - (b) Results of exploratory trenching as directed by the responsible authority as a condition of this permit or if there is encroachment (construction or excavation) greater than 10% into the tree protection zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken;
 - (c) Details of appropriate footings within the tree protection zone;
 - (d) Supervision timetable required by the Project Arborist to the satisfaction of the responsible authority;
 - (e) The details of how the root zone within the tree protection zone will be managed throughout the project;
 - (f) All remedial pruning works that are required to be performed on the tree development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

7. Before the development (including demolition) starts, a Tree Replacement Fee of \$505.75 must be paid in full to the Responsible Authority for the planting of a *street tree* within the nature strip adjacent to the frontage of the site or elsewhere within the Municipality.
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 *Sustainable Design Assessment* prepared by *Keystone Alliance Sustainability Solutions* dated *Aug 2020* but modified to show:

- (a) Rainwater tank capacities on the development plans to match the capacities proposed in the BESS and STORM reports.
- (b) BESS Transport: Draw and label the visitor bike hold.

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

9. The development must not be occupied until a report to the satisfaction of the Responsible Authority prepared by the author of the Sustainability Management Plan (SMP) endorsed under Condition No.8 of this Permit, or similarly qualified person, is submitted to the Responsible Authority, confirming that all measures specified in the SMP have been implemented in accordance with the endorsed SMP.
10. Before plans are endorsed under Condition No. 1 of this Permit, a WSUD and Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The WSUD and Site Management Plan must be generally in accordance with the document identified as *WSUD Assessment and Site EMP Rev B* prepared by *Keystone Alliance Sustainability Solutions* dated *Sep 2020*.

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

11. Before plans are endorsed under Condition No. 1 of this Permit, an amended *Waste Management Plan (WMP)* to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended WMP will be endorsed and will then form part of this Permit. The amended WMP must be generally in accordance with the document identified as *Waste Management Plan* prepared by *Leigh Design* dated *21 September 2020* but modified to show the provision of:
 - (a) Five (5) shared 120 litre FOGO bins within the common waste storage area on the site
 - (b) Three (3) shared 240 litre General Waste bins within the common waste storage area on the site.
 - (c) One (1) 240 litre recycle bin for each dwelling within their respective secluded private open space areas.
 - (d) Specify Council collection for waste.
 - (e) Show how bins will fit on the naturestrip in front of the property with 300mm gap between bins.

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

If located outside a building, the waste storage and collection area must be surrounded by a screen so that it is not visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.

The waste storage and collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.

*FOGO: Food Organics and Garden Organics

12. The development must not be occupied until a fence to a minimum height of 1.8 metres above natural ground level is erected along the southern property boundary. The fence must be constructed to the satisfaction of the Responsible Authority.
- If the existing fence on the southern boundary with a height less than 1.8 metres is structurally sound, 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.
13. The TV Area on the first floor of Unit 5 must remain open to the hallway and circulation areas at all times and must not be used as a bedroom at any time.
14. 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).
15. 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, waste storage area, common areas 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.
16. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
17. The land must be drained to the satisfaction of the Responsible Authority.
18. 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.
19. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.
20. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.
21. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
22. Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat;
 - (d) drained;
- to the satisfaction of the Responsible Authority.

23. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
24. Before the occupation of the development 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.
25. 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 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.
- N5. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6. 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.
- N7. 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

There have been no prior planning approvals or refusals for the site.

The current application was amended on two occasions on 2/7/2020 and 29/9/2020 under section 50A of the *Planning and Environment Act 1987*. The amendments were necessary to address a number of Council concerns resulting the following modifications:

- Unit 5 Bedroom 3 amended to a TV Room
- Increase in the upper level setbacks of Unit 5 and Unit 6
- Alterations to the accessway design
- Ground floor layout of the dwellings revised to improve circulation and functionality
- Deletion of the visitor car parking space on site as recommended by Council
- Deletion of the crossover to Unit 10 and reduction in the overall number of crossovers to the site from three to two.
- Relocation of the garage of Unit 10 and provision of access to the garage from the shared accessway.
- Unit 10 revised from standard to reverse living layout with a first floor balcony
- Unit 2 and 3 garages amended to improve accessibility
- Alterations to the accessway to improve accessibility
- Due to accessibility and storage issues, private waste collection abandoned and Council waste collection proposed, including a shared waste area on common property.
- Garden areas increased.
- All reports updated.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The subject site is regular in shape and is comprised of two (2) allotments, with a combined frontage width of 28.96 metres, a site depth of 56.39 metres, with an overall site area of approximately 1,633 square metres.
- The site is located on the east side of Harbury Street, approximately 200 metres north of the intersection with Edwardes Street and 120 metres south of Leamington Street.
- The southern allotment of the site (No.24A Harbury Street) is developed with a single storey brick dwelling and outbuildings and private open space to the rear. Car parking facilities are provided on the site with access provided via the crossover to the southern common boundary. Vegetation is scattered throughout the site.
- The northern allotment of the subject site (No.26 Harbury Street) is developed with a single storey brick dwelling and outbuildings and private open space to the rear. Car parking facilities are provided on the site with access provided via the crossover to the southern common boundary. Vegetation is scattered throughout the site.

- To the north of the site is a single storey weatherboard dwelling, with a pitched and hipped tile roof. This dwelling is set back 7.53 metres from the street frontage and 3.7 metres from the common boundary. The dwelling has vehicle access to a garage in the rear yard area along the common boundary.
- To the south of the site is a single storey weatherboard dwelling, with a pitched and gabled metal roof. This dwelling is set back 6.6 metres from the street frontage and 4.8 metres from the common boundary. The dwelling has vehicle access to a garage in the rear yard area along the common boundary.
- To the east of the site are the rear yards and outbuildings of single storey and double storey dwellings fronting Daventry Street.
- To the west of the site, on the opposite side of the street are single storey dwellings and medium density developments.
- The broader area is residential and features a mixture of single storey and double storey dwellings and medium density development.
- The subject site is located approximately within 600 metres (north-west) of the Reservoir Activity Centre at the Edwardes Street/Broadway/Spring Road/High Street/Cheddar Road junction area.
- The site is accessible via the Reservoir train station (670 metre walk) or via three bus routes being 553, 561 and 558.
- On-street carparking on Harbury Street and Leamington Street is unrestricted.

Proposal

- The application proposes 10 double-storey dwellings across two residential allotments.
- There will be two 3-bedroom and eight 2-bedroom dwellings.
- The dwellings will be arranged in two rows of five (5) dwellings on either side of a central accessway.
- Vehicle parking will be in the form of single garage for each of the 2-bedroom dwellings, and a single garage and tandem parking space for the 3-bedroom dwellings.
- Two crossovers will provide vehicle access to the site. One existing crossover is to be retained with a slight realignment to the centre of the site servicing nine dwellings; and one new crossover is proposed to the northern side of the frontage to provide access to Unit 1.
- Private open space will be provided in the form of a first floor balcony for the two front dwellings, Unit 1 & 10; and in the form of ground floor private open areas to the side and rear of Units 2-9.
- Waste is to be collected and stored within a screened common waste storage area located at the eastern end of the accessway. Each dwelling will have its own recycle waste bin within its secluded private open space area.
- Each garage will provide bicycle parking and infrastructure to allow a future EV charging station.
- Two visitor bicycle parking spaces are located at the end of the accessway.
- Each dwelling will be provided an above-ground rainwater tank of between 2000-2500 litres.
- The development proposes the use of a mix of contemporary and traditional materials and roof forms, including face brickwork, render and seam metal cladding; and a mix of

gable ended and hipped roofs that combine to provide a well-balanced and contemporary appearance to the street.

- The development will have a maximum overall height of 7.995 metres.

Objections summarised

69 objections were received against this application.

- The application was not advertised correctly
- Development not in keeping with neighbourhood character
- Overdevelopment in the zone
- Development does not comply with the Darebin Planning Scheme
- Reverse living proposed because these dwellings cannot provide private open space at ground floor
- Traffic Report findings in relation to parking availability in the area not accurate
- Issues with on-site vehicle manoeuvrability
- SPOS areas of Units 6-9 will not receive 5 hours of sunlight
- Insufficient bin storage area
- Site permeability is not correct
- Insufficient car parking
- Traffic congestion
- The development will block sunlight

Officer comment on summarised objections

The application was not advertised correctly

The first round of notification was undertaken on 27 October 2020 and included the mailing of letters to adjoining and nearby properties. Council exercised its discretion under section 52 of the Act to not require the posting of signs on the site due to Covid-19 restrictions. Instead, the mailing of letters was extended to include additional properties beyond directly adjoining properties.

Due to an error in the initial notification, notification was undertaken on 19 November 2020 and included the posting of two (2) signs on the site.

The notification process carried out by Council is consistent with the provisions of section 52 of the Act.

As well as the notification process meeting the requirements of the Act, the purpose of notification has also been achieved as can be seen from the objections received. The purpose of notification is to ensure that nearby properties are aware of the application and have the opportunity to object or support proposed development.

Development not in keeping with neighbourhood character

Neighbourhood character is not the sole criteria to be considered in the assessment of a development. It is but one of a number of planning policies within a policy matrix characterised by competing objectives. Whether the proposal should be supported or not is to be determined by having regard to and balancing a wide range of considerations within the suite of policies contained in the Darebin Planning Scheme. The development is considered to achieve a high level of compliance with all policies including neighbourhood character, subject to conditions to correct or improve minor matters.

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

Overdevelopment in the zone

From a strategic point of view, the site is in the General Residential Zone Schedule 2 and is located in an Incremental Housing Change Area within the Darebin Housing Strategy 2013 (Amended 2015). The proposed development encompasses two (2) lots each of substantial area (approximately 800 square metres each with a total site area of approximately 1600 square metres). The level of development proposed is consistent with the future housing objectives of the Darebin Housing Strategy and more importantly, the proposed density is appropriate with regard to Garden Area requirements governing the level of open space to be provided on lots greater than 400 square metres.

From a policy perspective, in determining whether the proposal is an overdevelopment it is not possible to put planning policy to one side. The level of compliance with policy (including Clause 55, garden area and Clause 52.06 amongst other policies) is in effect the arbiter of whether a proposal is an overdevelopment. A proposed development which complies with various policy standards and objectives cannot in the absence of exceptional circumstances be described as an overdevelopment. As evidenced in the assessment in following sections of the report, the development achieves a high level of compliance with policy and cannot be described as an overdevelopment based on the number of dwellings alone.

Development does not comply with the Darebin Planning Scheme

The assessment in later sections of this report indicates that the development does satisfactorily comply with the Darebin Planning Scheme, subject to conditions.

Reverse living proposed because these dwellings cannot provide POS at ground floor

Reverse living arrangements provide a valid form of dwelling accommodation with private open space in the form of balconies. Balconies are an accepted method of providing private open space as validated under Standard B28 of Clause 55. Providing all other considerations such as the provision of service yards at ground floor, appropriate level of landscaping being achieved on the site and garden area requirements being met, this type of accommodation has a place in the overall delivery of dwelling diversity.

Traffic Report findings in relation to parking availability in the area not accurate

Council has assessed the Traffic report submitted with the application and agrees with the evidence and findings of the report.

Issues with on-site vehicle manoeuvrability

Vehicle manoeuvrability on the site complies with Australian Standard AS2890.1:2004. Refer to further assessment under Clause 52.06 (Car parking) in later sections of this report.

SPOS areas of Units 6-9 will not receive 5 hours of sunlight

Availability of solar access to the secluded private open space areas of proposed dwellings is governed by Standard B29 of Clause 55. This standard does not mention or require five hours of sunlight access. The measure of solar access is calculated according to the formula within this standard and applies to an area of 25 square metres with a minimum dimension of three metres. Solar access to Units 6-9 will be available in accordance with the standard. Refer to assessment in later sections of this report under Clause 55.

Insufficient bin storage area

The required number of bins can be accommodated comfortably both on the site as well as on the naturestrip for collection by Council services. A reference plan has been prepared by the applicant and submitted to Council on 9/2/2021 that demonstrates how this will be achieved. Conditions of any approval will require that waste storage on the site be shown as per the reference plan.

Site permeability is not correct

Council has undertaken an independent review of site permeability and has found that site permeability is actually 25% (not 42.9% as detailed on the plans). 25% permeability complies with the minimum requirement of 20% under Standard B9 of Clause 55. The assessment assumes all paved areas shown within the secluded private open space area to be non-permeable and takes into account site coverage resulting from storage sheds and the like. Therefore, depending on surface treatments being identified more accurately on the Landscape Plan to be requested via conditions, the site permeability may be greater than 25%.

Insufficient car parking

The development provides the recommended number of resident parking spaces on the site. The application seeks a waiver of two visitor car parking spaces and justifies this in the Traffic report. Council has assessed the evidence and information in the Traffic report and considers that a waiver of visitor parking for the development is warranted in this instance. Refer to further discussion under Clause 52.06 (Car parking) in later sections of this report.

Traffic congestion

There is no empirical evidence to suggest that an additional eight dwellings will create unreasonable traffic conditions in the area. It is considered that the additional vehicle movements can be absorbed by Harbury Street and the surrounding street networks.

The development will block sunlight

The development complies with daylight and overshadowing standards of Clause 55 that are designed to measure the extent of additional detriment created to adjoining sites. The development will not create unreasonable overshadowing or unreasonably reduce daylight to adjoining habitable room windows. Refer to assessment in later sections of this report under Clause 55.

PLANNING ASSESSMENT

Minimum Garden Area Requirement

In accordance with Clause 32.08-4 (General Residential Zone) of the Darebin Planning Scheme there is a mandatory minimum garden area requirement for construction or extension of a dwelling or residential building on a lot.

Lot Size	Minimum percentage of a lot set aside as garden area	Garden area provided
400 - 500sqm	25%	Not applicable
501 - 650sqm	30%	Not applicable
Above 650sqm	35%	35.99%

The application satisfies the garden area requirement under Clause 32.08-4 of the Scheme.

Complies

Maximum Building Height Requirement for a Dwelling or Residential Building

Under the General Residential Zone, a dwelling or residential building must not exceed three storeys or a maximum building height of 11.0 metres.

The proposal comprises two (2) storeys and a maximum height of 7.995 metres.

Complies

Neighbourhood Character Precinct Guideline Assessment - Precinct E6Existing Buildings

The site is not located in an area of Heritage significance and the existing dwellings on the site are not protected under a Heritage Overlay. They may therefore be demolished without planning permission. It is therefore pertinent to consider the replacement buildings which is set out below.

CompliesVegetation

There are no significant trees on the site that are proposed to be removed, with the trees on the site having a low retention value.

Trees on adjoining sites and the naturestrip are to have tree protection measures in place before demolition and development on the land commences. Conditions of any approval will request the provision of a Tree Management Plan to ensure that the tree protection is fully considered as part of the development proposal.

One street tree (newly planted) is proposed to be removed to allow the location of a new crossover. The removal is supported by the Council subject to the payment of a tree replacement fee.

A landscape plan has been submitted with the application and is generally supported subject to minor conditions. On the whole, sufficient open space is maintained on the site to ensure an appropriate level of landscaping can occur.

There is opportunity to increase landscaping along the accessway areas through the inclusion of green walls and climbers. This can be requested via conditions of any approval given.

Complies subject to conditionSiting

The front garden areas of Units 1 & 10 are of sufficient size to allow planting of medium sized canopy trees and understorey vegetation to enable the continuation of the garden setting in this area.

The proposal allows garden space to the side and rear for landscaping, as well as on-axis planting area at the end of the shared accessway. 1.0 metre-wide planting areas are provided between the building walls and accessway at the entrance to the site.

The proposed front dwellings are set back from the common boundaries and separation is available to the centre of the subject site by the proposed common accessway. The adjoining dwellings are also set back from the common boundaries, which maintains separation in building forms to the street. Therefore, it is considered that the proposal respects the rhythm of dwelling spacing in the area.

The proposal does not increase the number of crossovers to Harbury Street. This is achieved through:

- Relocation of the existing crossover to 26 Harbury Street further south
- Deletion of a crossover to 24 Harbury Street (south side of frontage)
- Addition of one crossover (north side of frontage)

The site is comprised of two lots and has a wide frontage with the overall number of crossovers commensurate with the frontage.

The design response avoids dominance of garaging structures and hard surfaces in the front setback of the site. The garages are either set back from the façade (Unit 1) or located at the rear so as not to be visible from the street. The surfaces are varied along the accessway to avoid the gun-barrel effect. It is considered that the garages and accessways do not present an overly dominant feature.

Complies

Height and building form

Dwellings in the area are predominantly single storey, with some double storey dwellings nearby.

The proposed dwellings to the front are to be double storey and the first floor levels are not set back one (1) room from the façades. Nevertheless, this is an appropriate design response as adequate articulation is provided to the façade through setbacks, materials and openings. The proposal presents an appropriate transition to the adjoining single storey dwellings and matches the heights of double storey dwellings in the area. It is not out of scale with adjoining buildings, nor does it dominate the streetscape.

The development is over two allotments and maintains two dwellings to the street frontage.

The building form is contemporary and appropriately utilises common and traditional domestic building elements. The flat, pitched and gable roof design are traditional elements that reflects the roofs forms of dwellings found in the area.



Complies

Materials and design detail

Articulation in the façade is achieved through the use of brick, render and lightweight cladding materials to the walls, as well as setbacks and varied fenestrations in windows and door openings.

The use of face brickwork is characteristic of the street and the character of the older building stock in the area. Its use through the ground floor walls retains the single-storey brickwork forms seen in the street, with lighter less prominent materials used at the upper levels.

Overall, the material palette is largely acceptable. The design and materials appropriately respect the character of dwellings in the area subject to conditions below.

The use of glass balustrade for the first floor balconies should be replaced with metal slats as seen in the front fence design. This will provide a visually cohesive presentation to the street and ensure a greater level of privacy to the balcony areas.

The extent of rendered surfaces should be reduced and replaced with more durable materials such as the metal cladding included in the materials schedule. This can be requested via conditions of any approval.

Complies subject to condition

Front boundary treatment

A metal slatted fence with brick piers is proposed along the front boundary. The fence is low with a height of approximately 900mm, which allows views from the street to the front façade and is appropriate. The height of the fence can be confirmed via conditions.

Any fencing visible to the street, such as the high fencing to the secluded private open space of Unit 1 and Unit 10 should be of high quality to ensure an appropriate streetscape appearance is maintained. This can be included as a condition of any approval.

Complies subject to conditions

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 55.03-10 B15 Parking Location

Parking facilities will be proximate to the dwellings they serve.

The proposed garages are an adequately secure form of parking.

The access is observable.

The south-facing habitable room windows of Units 1 – 4 and the north-facing habitable room windows to Units 7 – 9 are set back 300mm to 1 metre from the accessway where a setback 1.0 metre minimum for a sill height of 1.4 metres is required under the standard.

A consistent separation of 1.0 metre minimum between windows and accessway is not maintained and the sill heights for these windows are less than 1.4 metres.

A condition of any approval can request the sill height be raised to 1.4 metres above the accessway, however privacy/noise needs to be balanced against daylight amenity. The proposal appropriately includes fixed obscure glazing to the window opening that is below 1.4 metres. This will sufficiently protect the privacy of occupants whilst providing greater sense of surveillance to common areas as well as daylight access to the living spaces.

With regard to noise impacts, a condition of any approval can request double glazing to the affected windows for improved noise attenuation.

On the whole, the objective of the standard is considered to be met.

Complies with objective and subject to conditions

Clause 55.04-1 B17 Side and Rear Setbacks

The side and rear setbacks of the development comply and, on the whole, exceed the requirements of the standard. Upper floor setbacks are 3.0 metres or greater to ensure that presentation of visual bulk is avoided.

There is a minor area of noncompliance associated with Unit 1’s garage wall as follows:

Ground floor

Boundary	Wall height	Required Setback	Proposed setback
Northern – Dwelling 1	3.8 metres	1.06 metre	1.0 metre

The variation to the standard is considered acceptable on the basis that:

- The non-compliance constitutes a negligible encroachment (i.e. a setback deficiency of 60mm)
- The area on the adjacent allotment is used for vehicle access rather than any habitable room windows or secluded private open space.
- The non-compliance will not result in unreasonable amenity impacts to an adjoining property.
- A consistent height across the frontage of Unit 1 is maintained in its presentation to the street.

Complies with objective

Clause 55.04-6 B22 Overlooking

There is potential for overlooking from the development to the adjoining properties to the north, east and south.

Ground Floor Windows:

The ground floor of the proposed dwellings have finished floor levels less than 0.8 metres above natural ground level at the boundary. Existing 1.8 and 2.4-metre-high boundary fences on the northern and eastern boundaries will sufficiently limit overlooking from the ground floor. The fence to the southern boundary is shown partly as being 1.8 metres in height and partly as 1.6 metres (towards the rear). This must be increased to a minimum of 1.8 metres to ensure the required level of privacy to the adjoining property to the south.

First Floor Windows:

To the south (Units 6-10), all upper floor habitable room windows are either provided with an external louvre screens to a height of 1.7 metres above finished floor level with a maximum visual permeability of 25%; or have a sill height of 1.7 metres; or have fixed obscure glazing to a height of 1.7 metres above finished floor level.

To the north, all upper floor habitable room windows are either provided with a sill height of 1.7 metres; or have fixed obscure glazing to a height of 1.7 metres above finished floor level.

To the east, there are no habitable room windows proposed.

The following changes should be requested via conditions to improve internal amenity, including daylight, outlook or ventilation as relevant:

- Unit 6 Bedroom 3: Replace fixed obscure glazing to a height of 1.7 metres with the provision of a fixed external screen similar to the internal elevation upper floor habitable room window treatments.
- Units 2, 3, 4 & 5 TV Area: Replace fixed obscure glazing to a height of 1.7 metres with the provision of a fixed external screen similar to the internal elevation upper floor habitable room window treatments.

All upper storey windows can be appropriately designed and/or screened to ensure no overlooking, subject to conditions.

Complies subject to condition

Clause 55.05-2 B26 Dwelling Entry

Entries to dwellings and residential buildings should be visible and easily identifiable from streets and other public areas. Entries should also provide shelter, a sense of personal address and a transitional space around the entry.

The current design of dwelling entries along the shared accessway provides a porch landing with no other defining feature to punctuate or protect individual entrances. There is minimal overhang from the upper floor for some weather-protection, but this would not be sufficient to afford the necessary level of shelter.

A condition of any approval can request an improved design response to the entry areas of Units 2, 3, 4, 7, 8 & 9.

Complies subject to conditions

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.

For Units 2-9 this is achieved through the provision of 40sqm of private open space with a minimum area of 25 of secluded private open space (SPOS) located at the side or rear of the dwelling and with a minimum dimension of 3.0 metres and convenient access from a living room.

For Units 1 & 10, this is achieved through the minimum required provision of 8.0 square metres with a minimum width of 1.6 metres and convenient access from a living room.

Dwelling	Total area of POS	Area of SPOS/ balcony	Minimum dimension of SPOS/balcony
1	88 square metres	8.1 square metres (balcony)	1.7 metres
2	40 square metres	40 square metres	4.2metres
3	40 square metres	40 square metres	4.2 metres
4	40 square metres	40 square metres	4.2 metres
5	46 square metres	46 square metres	3.0 metres
6	42 square metres	42 square metres	3.0 metres
7	42 square metres	42 square metres	4.67 metres
8	42 square metres	42 square metres	4.67 metres
9	42 square metres	42 square metres	4.67 metres
10	112 square metres	10.2 square metres (balcony)	3.2 metres

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

The balconies have been appropriately oriented away from side boundaries to reduce/avoid the need for screening.

All secluded private open space areas have functional dimensions with most dwellings being provided in excess of the minimum 3.0 metre width to their secluded private open space. The services are co-located to avoid encroachment into the recreational areas.

Complies

Clause 52.06 Car Parking

Number of Parking Spaces Required

	No. of dwellings	Car spaces required	Car spaces provided
2-bedroom dwellings	8	8	8
3-bedroom dwellings	2	4	4
Visitors	10	2	0
TOTAL:		14	12

The development will provide car parking in accordance with the statutory requirement (12 spaces) for the dwellings but is seeking a full dispensation for the visitor parking requirement (two spaces).

The development does not fall within the Principal Public Transport Network Area.

The traffic and parking assessment report presents the following reasoning to the appropriateness of the car parking dispensation:

- Within the publicly available on-street parking on Harbury Street and Leamington Street (between Daventry Street and Kelsby Street), the car parking occupancy surveys outlined that within the Friday and Saturday surveyed times there was a peak parking demand for 25% and 24%, respectively. This corresponded to 89 and 90 unoccupied publicly available car parking spaces. The absorption of two additional spaces within the publicly available 89-90 unoccupied car parking spaces accounts for approximately 2% increase.
- The site is accessible via the Reservoir train station (900m walk) or via three bus routes being 553, 561 and 558.
- There are bicycle and pedestrian paths within the vicinity of the site.
- The demand for visitor car parking is likely to be up to two spaces.
- There is no additional crossover proposed that will result in a loss of kerbside car park along the site frontage.

Given the oversupply of unrestricted car parking in convenient proximity to the site, the car parking dispensation of two visitor spaces can be supported.

As the first floor of Unit 5 includes a TV area that has the potential to be separated from the hallway to form an independent third bedroom, a condition of any approval will restrict the use of this area to a common area and state that it must not be used as a third bedroom.

Design Standards for Car Parking

Design standards for car parking are set out in Clause 52.06-9 of the Darebin Planning Scheme as follows:

Design Standard	Comment	Complies
<p>Design standard 1 Accessways</p>	<p>The accessways have appropriate dimension to enable efficient use and management.</p> <p>Vehicle manoeuvrability to and from the garages and parking spaces accord with the Australian Standard AS2890.1:2004 that allows for corrective manoeuvres and reversing into garages in a residential development. Only 25% (3) of the car parking spaces require reversing in and no access requires a corrective manoeuvre. On this basis, as the majority of parking spaces are in accordance with Clause 52.06, the access arrangements are considered acceptable.</p> <p>Visibility splays are provided at the accessway interface with the footpath to protect pedestrians.</p> <p>The accessway is designed so that cars can exit the site in a forward direction given that the access way serves more than four vehicles.</p> <p>A passing area at the entrance with a width of 6.1 metres and a length of 7.0 metres is not required as the accessway is less than 50 metres in length.</p>	<p>Complies</p>
<p>Design standard 2 Car parking spaces</p>	<p>Garage dimensions of 6.0 metres length x 3.5 metres width comply with the minimum requirements of the standard.</p> <p>Tandem car parking spaces are 2.6 x 4.9 metres and allow a 500mm space between the space and intervening garage entry doors.</p> <p>All pedestrian doors swing out of the garage space to ensure there is no encroachment.</p> <p>The bicycle parking space to the end wall of the garages will impact on the minimum parking area reserved for vehicles. Council's preference would be for bicycle parking to be provided at grade and adjacent to the side wall of the garages to ensure they are convenient and will have minimal impact on the entry/exit manoeuvres of vehicles and the entry/exit of passengers/driver. This can be requested via conditions of any approval</p>	<p>Complies subject to conditions</p>
<p>Design standard 3 Gradients</p>	<p>Given the negligible fall across the site of approximately 0.76 metres over 56.39 metres, the accessway grades will not exceed 1:10 within 5 metres of the frontage; nor result in a difference in any grade between two sections of ramp that exceeds 1:8. The overall gradient along the driveway will be 1:71 which is in excess of the standard.</p>	<p>Complies</p>

Design Standard	Comment	Complies
Design standard 4 Mechanical parking	No mechanical parking is proposed.	Not applicable
Design standard 5 Urban design	The ground level car parking, garage doors and accessways do not visually dominate the streetscape.	Complies
Design standard 6 Safety	A condition of approval will require the car parking area to be lit. Natural surveillance of the car parking areas is provided from the proposed dwellings.	Complies subject to conditions
Design standard 7 Landscaping	The layout and design of vehicle access areas provide acceptable outcomes for water sensitive urban design treatment and landscaping. The STORM and WSUD plans are supported subject to conditions. Landscaping and trees to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths. The entry areas to dwellings are treated with a variation in the driveway surface to delineate entry points. Entry to dwellings can be better denoted for sense of address through more prominent entry porches. This can be addressed via conditions.	Complies subject to conditions

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.

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 – Standard W2 – Buildings and Works

It is policy to:

- *Encourage stormwater management that maximises the retention and reuse of stormwater.*
- *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.*
- *Encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*
- *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 WSUD and STORM reports are supported by Council, subject to conditions that consistent rainwater tank capacities are provided across the plans and reports. It is noted that rainwater tanks on the plans are of larger capacity than those detailed in the reports.

Complies subject to conditions

Clause 53.18-5 – Standard W3 – Site Management

It is policy to:

- *Protect drainage infrastructure and receiving waters from sedimentation and contamination.*
- *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.

Melbourne Water’s “*Keeping our Stormwater Clean: A Builder’s Guide*” prepared in conjunction with EPA Victoria, published *October 2006* may be used as a guide for the preparation of the Site Management Plan. 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 has been provided to Council’s satisfaction.

Complies

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 the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
55.02-3	B3	Dwelling diversity		
		The development provides a mix of reverse and traditional living arrangements as well as a mix of two and three bedroom dwellings.	Y	Y

Clause	Std		Compliance	
55.02-4	B4	Infrastructure		
		Adequate infrastructure exists to support new development	Y	Y
55.02-5	B5	Integration with the street		
		Units 1 & 10 appropriately integrate with the street.	Y	Y
55.03-1	B6	Street setback		
		The required setback is 7.065 metres, the dwellings are set back 7.2 & 7.23 metres from the street frontage. The upper floors do not overhang this setback and the entry porches do not encroach the front setbacks by more than 2.5 metres.	Y	Y
55.03-2	B7	Building height		
		7.995 metres meets the standard that allows building heights of up to 9 metres.	Y	Y
55.03-3	B8	Site coverage		
		The area covered by buildings should not exceed a site coverage of 60%. The site coverage is 46.29%.	Y	Y
55.03-4	B9	Permeability		
		The site should have a minimum permeability of 20%. The proposed permeability is 25% (not 42.9% as stated on the plans).	Y	Y
55.03-5	B10	Energy efficiency		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	Open space		
		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 revised landscape plan has been required as a condition of approval. Existing neighbouring trees will be appropriately protected.	Y	Y
55.03-9	B14	Access		
		Access is sufficient and respects the character of the area. The two (2) crossovers to the street taking up 20.7% of the frontage is acceptable given that the standard requires that no more than 33% of the frontage should be taken up by vehicle accessways.	Y	Y
55.03-10	B15	Parking location		
		Please see assessment in the body of this report.	Y	Y
55.04-1	B17	Side and rear setbacks		
		Please see assessment in the body of this report.	N	Y

Clause	Std		Compliance	
55.04-2	B18	Walls on boundaries		
		Length:7.57 metres on the northern and southern boundaries Height: 3.2 metres and 3.22 metres 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		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	Y	Y
55.04-5	B21	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
55.04-6	B22	Overlooking		
		Please see assessment in the body of this report.	Y	Y
55.04-7	B23	Internal views		
		There are no internal views from habitable room windows into secluded open space areas on the site due to measures required under Standard B22.	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		
		Please see assessment in the body of this report.	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		
		At least 25 square metres of the secluded private open space areas of the dwellings will have sufficient depth 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, subject to conditions as discussed under Standard B1.	Y	Y

Clause	Std		Compliance	
55.06-2	B32	Front fences		
		A 0.9-metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y
55.06-3	B33	Common property		
		Common property areas are appropriate and manageable.	Y	Y
55.06-4	B34	Site services		
		Sufficient areas for site services are provided.	Y	Y

REFERRAL SUMMARY

Department/Authority	Response
Assets and Capital Delivery Unit	No objection, subject to condition included in recommendation. Stormwater discharge from the site is to be to Council requirements.
City Design Unit	No objection to the Landscape Plan submitted with the application, subject to conditions included in recommendation. <ul style="list-style-type: none"> All SDA and WSUD items are to be shown clearly on the landscape plan. Currently rainwater tanks listed in the STORM report do not reflect the size of water tanks shown on the landscape plan. A construction detail of the proposed permeable paving within the driveway is required to be included on the landscape plan.
Climate Emergency and Sustainable Transport Unit	No objection, subject to condition included in recommendation. All requirements and standards under Clause 52.06 and the relevant Australian Standard are satisfied in the considered plans. <p>Vehicle manoeuvrability on the site is supported, noting that the previous concerns with vehicle access outlined below have been resolved to Council’s satisfaction in the amended plans. Previous concern was:</p> <ul style="list-style-type: none"> <i>Council have reviewed the swept path assessment of the critical car parking spaces within the development. Access to all but one critical space relies on either a corrective manoeuvre or a reverse entry manoeuvre. Whilst Australian Standard AS2890.1:2004 outlines that both manoeuvres can be acceptable, the reliance on reverse or corrective manoeuvres accounts for 46% of the spaces proposed. Council are unlikely to support this arrangement and would like to see a more accessible car parking layout)</i> <p>Given the oversupply of unrestricted car parking available in in Harbury Street and within convenient proximity of the site, the car parking reduction of two visitor spaces is supported.</p>

Department/Authority	Response
Tree Management Unit	<p>No objection, subject to tree protection conditions included in the recommendation.</p> <p>A Tree Management Plan is required as part of any approval given.</p> <p>Removal of the street tree to accommodate the proposed works is permitted provided a Tree Replacement Fee of \$505.75 is paid by the owner/developer.</p> <p>The following level of replacement landscaping is to be included in the development:</p> <ul style="list-style-type: none"> • 2 x medium canopy trees within the front setback (Unit 10) • 1 x medium canopy tree & 1 x small tree within the front setback (Unit 1) • 1 x medium canopy tree at end of common driveway • 8 x small trees within private open space areas (1 each unit)
ESD Officer	<p>No objection, subject to conditions included in recommendation.</p> <ul style="list-style-type: none"> • Remove the adjustable shading from all first floor north facing windows. The eaves are adequate. • Provide a fixed shading device for the ground floor north facing windows and glazed doors. • Waste: Supply 3 x 240 litre waste, 5 x 120 litre FOGO bins. • Individual recycling bins are acceptable. • The SDA, WSUD reports, STORM report and Site EMP are all acceptable; however, the water tank capacities on the plans and in the STORM and BESS report need to match. • Install a tail rail type bike hold at the side of the garages for easier access. • BESS Transport – draw and label the visitor bike hold. <p>Officer's Comments: The above requirements can be addressed via conditions. A revised reference plan has been provided showing how the required number of bins can be accommodated on the site and on the naturestrip.</p>
City Designer	<p>No objection, subject to condition included in recommendation relating to:</p> <ul style="list-style-type: none"> • Reduced use of render materials • Remove hipped roof forms and replace with combination of gable ended roofs and flat roofs. • Replacement of glass balcony balustrades with slatted metal balustrades. • Entry porches to be better defined • Increased landscaping.

Department/Authority	Response
	<p>Officer's comments: The above suggested changes can be requested via conditions of any approval as follows:</p> <ul style="list-style-type: none"> • Render materials can be reduced and replaced with the metal cladding used elsewhere on the elevations. • Glass balcony balustrades can be replaced with slatted balustrades to match the front fence design. • Dwelling entries can be better defined through the use of canopy cover over the porches. • The reference plan provided by the applicant shows the inclusion of a greater level of landscaping including a medium canopy tree at the eastern end of the accessway. This can be converted into the plans via conditions. • It is not considered necessary to seek changes to the hipped roof forms as the hipped roof forms primarily present the side and rear boundaries of the site and there is sufficient interest in the presentation of the development to the street. Furthermore, any changes to roof forms, such as gable ends, to the side and rear elevations could result in increased height of built form to adjoining sites and compromise solar access to the southern secluded open space areas.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 32.08 (General Residential Zone - Schedule 2) – construction of two or more dwellings on a lot.
- Clause 52.06 (Car Parking) – Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01-1S, 11.01-R1, 11.02-1S, 11.03-1S, 11.03-1R, 13.07-1S, 15, 15.01-1S, 15.01-5S, 15.02-1S, 16, 19.01S, 19.03S
LPPF	21.01-2, 21.01-4, 21.01-6, 21.02, 21.02-3, 21.02-4, 21.03, 21.04, 21.05, 22.02, 22.12
Zone	32.08
Overlay	45.06
Particular provisions	52.06, 53.18, 55
General provisions	65.01
Neighbourhood Character Precinct	E6

POLICY IMPLICATIONS

Environmental Sustainability

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

RELATED DOCUMENTS

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

Attachments

- Aerial Photo (**Appendix A**) [↓](#)
- Development Drawings (**Appendix B**) [↓](#)
- Perspective Drawings (**Appendix C**) [↓](#)
- Reference Plan (**Appendix D**) [↓](#)

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.

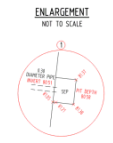
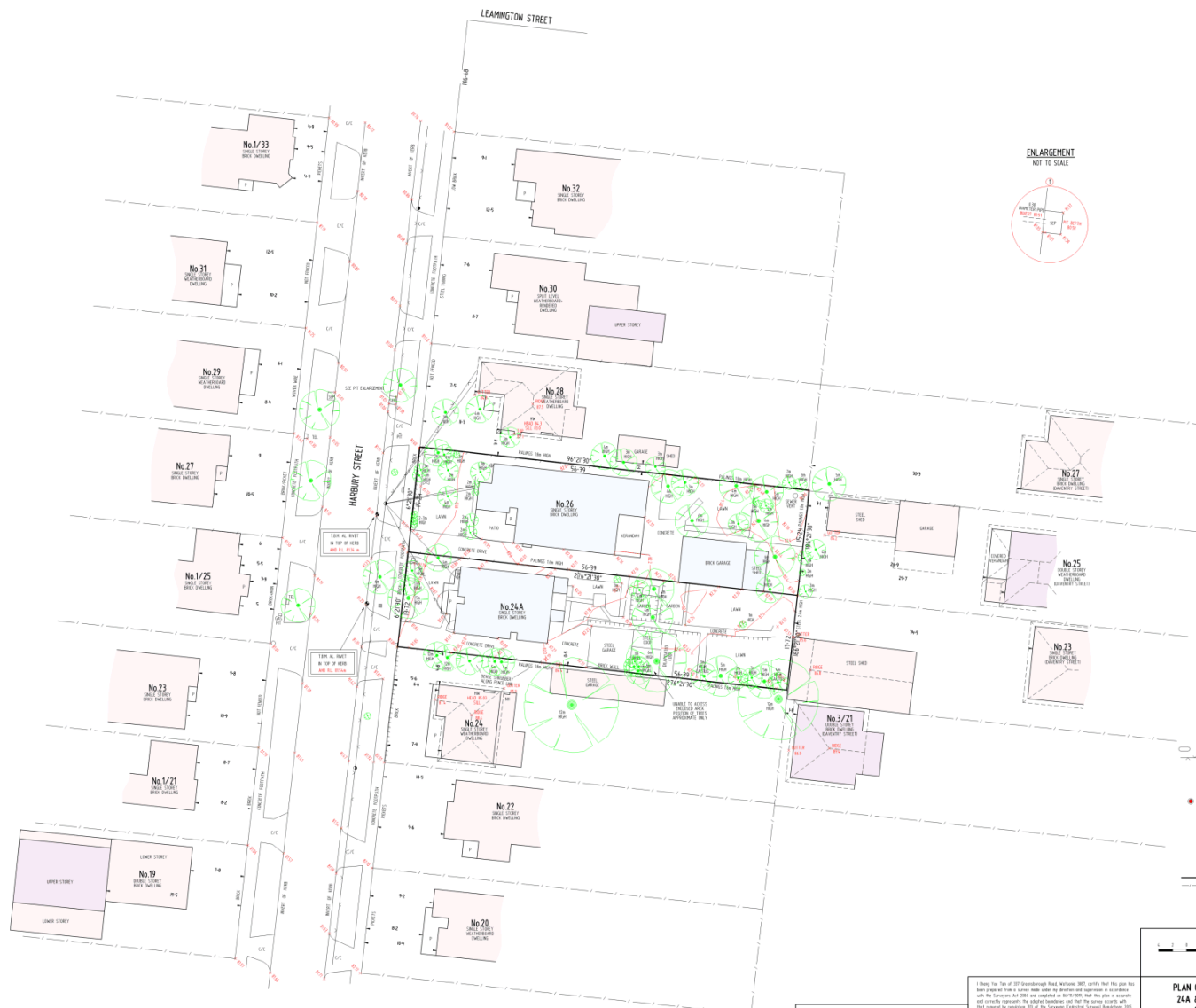
Darebin City Council
12/02/2021

24A-26 Harbury Street 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

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- LEGEND**
- C/C CONCRETE WALLING
 - SLD EXIST' FOOT
 - STW EXIST' FOOT
 - EE EXIST' FOOT
 - SEWED FT
 - SEWERED FT
 - TEL TELEPHONE FT
 - EE EXIST' FOOT & BURNHAM WIRES
 - WATER WIRES
 - SAK METERS
 - SAK
 - LEAD PIPE
 - PIPE WORK
 - POSS
 - NON-FIRE RATED WINDOW
 - FRAGILE WINDOW
 - D DOOR
 - DR DOOR & GLASS WINDOW
 - GL GLASS DOOR
 - GLW GLASS DOOR & WINDOW
 - TRAIL
 - FENCE



I certify that this is a true and correct copy of the original survey plan as shown on the plan and that the same is a true and correct copy of the original survey plan as shown on the plan and that the same is a true and correct copy of the original survey plan as shown on the plan.

**PLAN OF FEATURE SURVEY OF
24A & 26 HARBURY STREET
RESERVOIR 3087
LOT 1 ON TP 538062P, VOL 7446 FOL 105
LOT 1 ON TP 749481Q, VOL 4324 FOL 677**

NOTATIONS

ALL LEVELS AND CONTIGUES ARE TO AHD UNLESS OTHERWISE STATED
 FROM PERMANENT BENCH MARKS
 ALL LEVELS HEIGHTS ARE MEASURED TO THE TOP OF WALL/STRUCTURE
 ALL TOP HEIGHTS ARE MEASURED TO THE TOP OF WALL/STRUCTURE
 ALL LEVELS HEIGHTS ARE MEASURED TO THE TOP OF WALL/STRUCTURE
 ALL TOP HEIGHTS ARE MEASURED TO THE TOP OF WALL/STRUCTURE
 FOR DETAILS BETWEEN OCCUPATION AND TRAIL, AND FOR ADDITIONAL SITE DETAIL SEE PLAN OF SURVEY

WARNING

CONTRACTOR OPERATIONS MUST FIRST OBTAIN OCCUPATION PERMITS AND FILE PERMITS WITH THE LOCAL COUNCIL BEFORE COMMENCING WORK. THE LOCAL COUNCIL SHALL BE ADVISED OF ANY CONSTRUCTION WORK TO BE CARRIED OUT IN THESE AREAS WITHIN THE PROPOSED STRUCTURES OR IN NEAR VICINITY.

DATE OF SURVEY: 26/10/2019
 DRAWN: [Name]
 CHECKED: [Name]
 BY: 9725

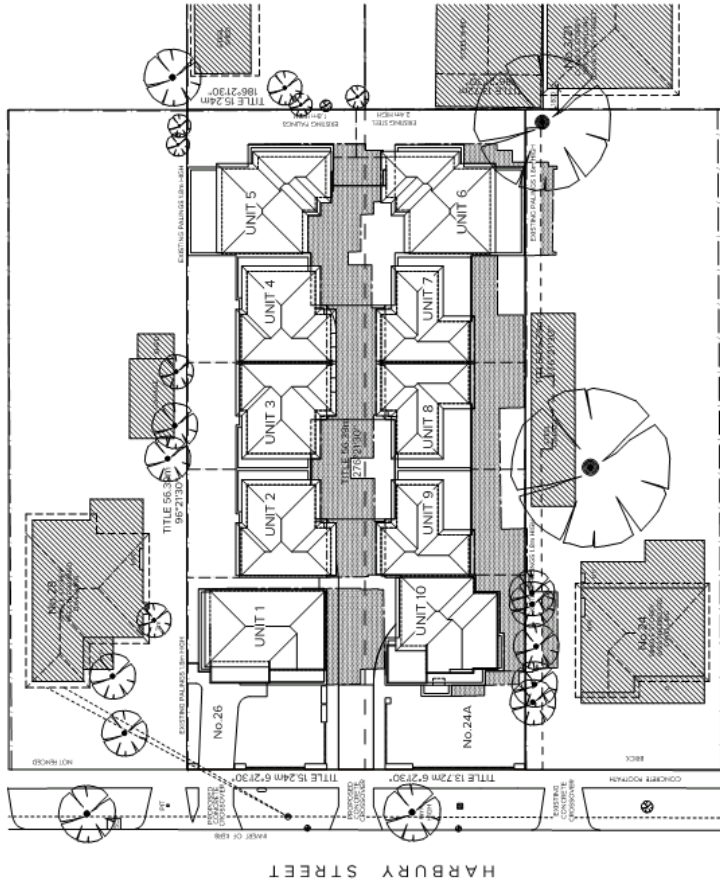
PETER RICHARDS SURVEYING
 LICENSED LAND SURVEYORS
 137-139 GREENSDOROUGH ROAD
 MANTON VIC 3088
 TEL: 9432 4844 FAX: 9436 4452
 Email: info@petersurveying.com.au

Devon City Council Received 29-09-2020

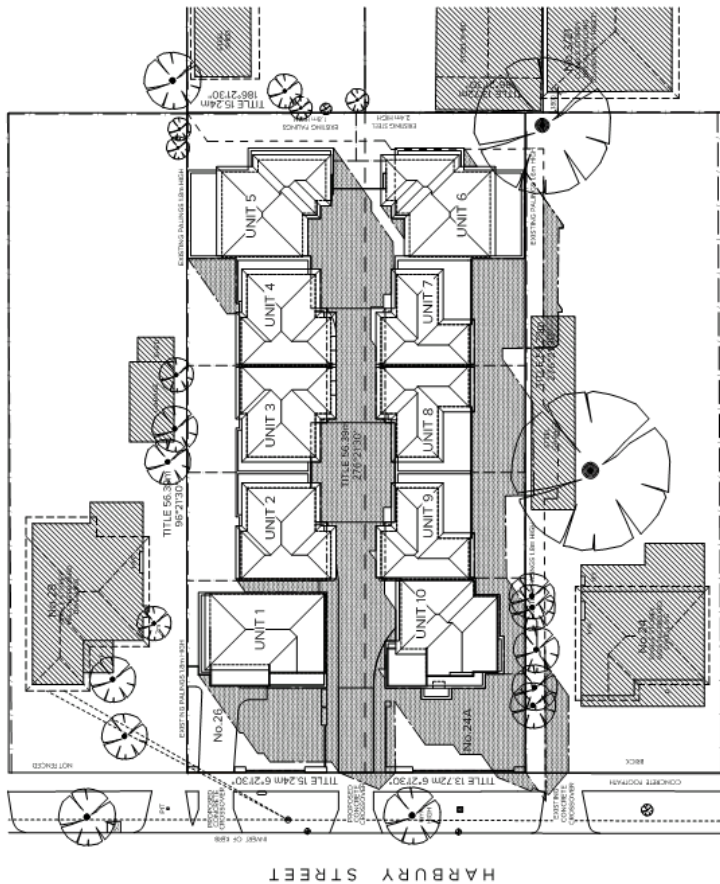
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REV	DATE	ISSUE	INT.
1	2020	SP1 SUBMISSION	EA
2	2020	SP2 SUBMISSION	EA
3	2020	SP3 SUBMISSION	EA
4	2020	SP4 SUBMISSION	EA
5	2020	SP5 SUBMISSION	EA
6	2020	SP6 SUBMISSION	EA
7	2020	SP7 SUBMISSION	EA
8	2020	SP8 SUBMISSION	EA
9	2020	SP9 SUBMISSION	EA
10	2020	SP10 SUBMISSION	EA

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SHADOW DIAGRAM
21 MAR / 23 SEP - 12.PM



SHADOW DIAGRAM
21 MAR / 23 SEP - 9.AM



TPO3 S

244 L 26 HARBURY ST
RESERVOIR
MULTI UNIT DEVELOPMENT
SHADOW DIAGRAMS

SCALE 1:500 @ A1

IKONOMIDIS
DESIGN STUDIO

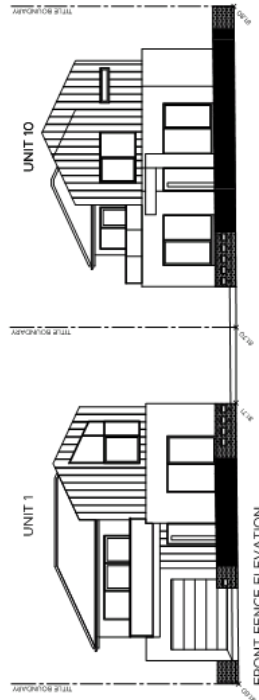
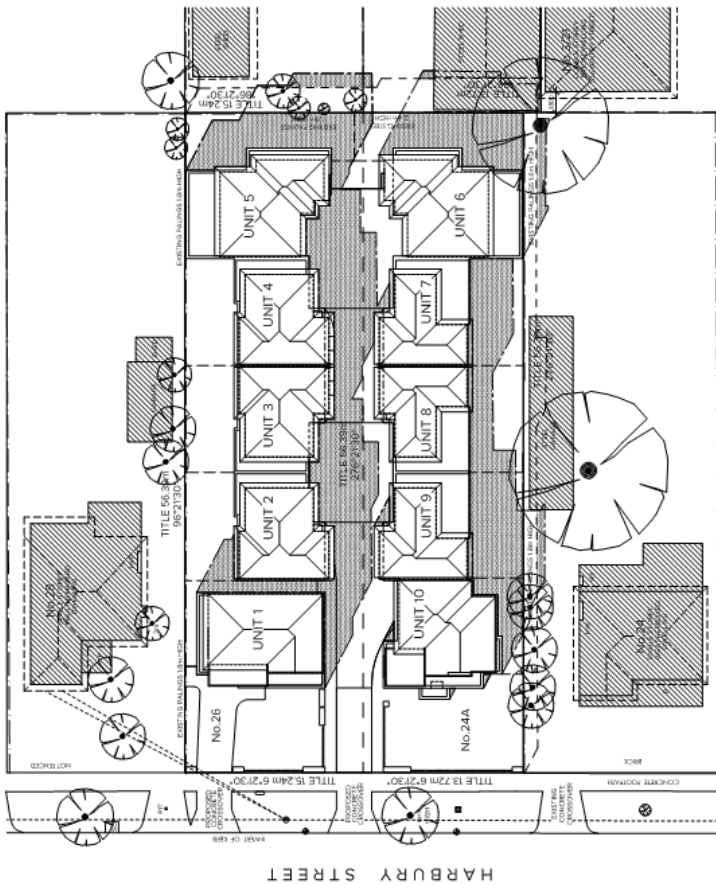
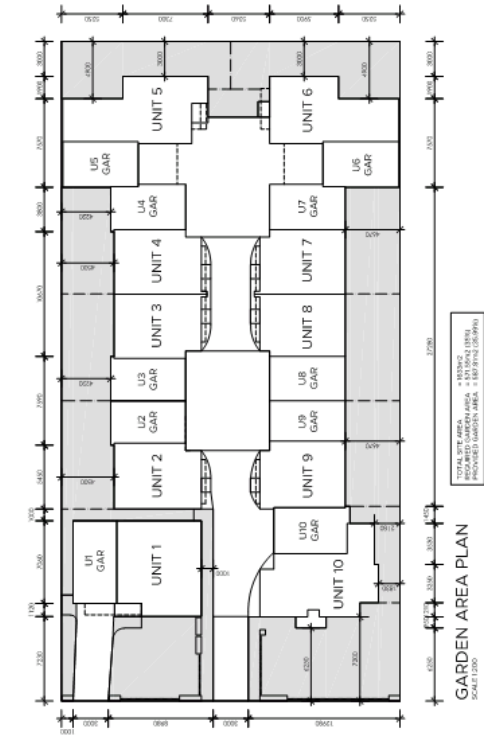
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1	SEP20	IFP SUBMISSION	DA
2	SEP20	IFP SUBMISSION	DA
3	SEP20	IFP SUBMISSION	DA
4	SEP20	IFP SUBMISSION	DA
5	SEP20	IFP SUBMISSION	DA
6	SEP20	IFP SUBMISSION	DA
7	SEP20	IFP SUBMISSION	DA
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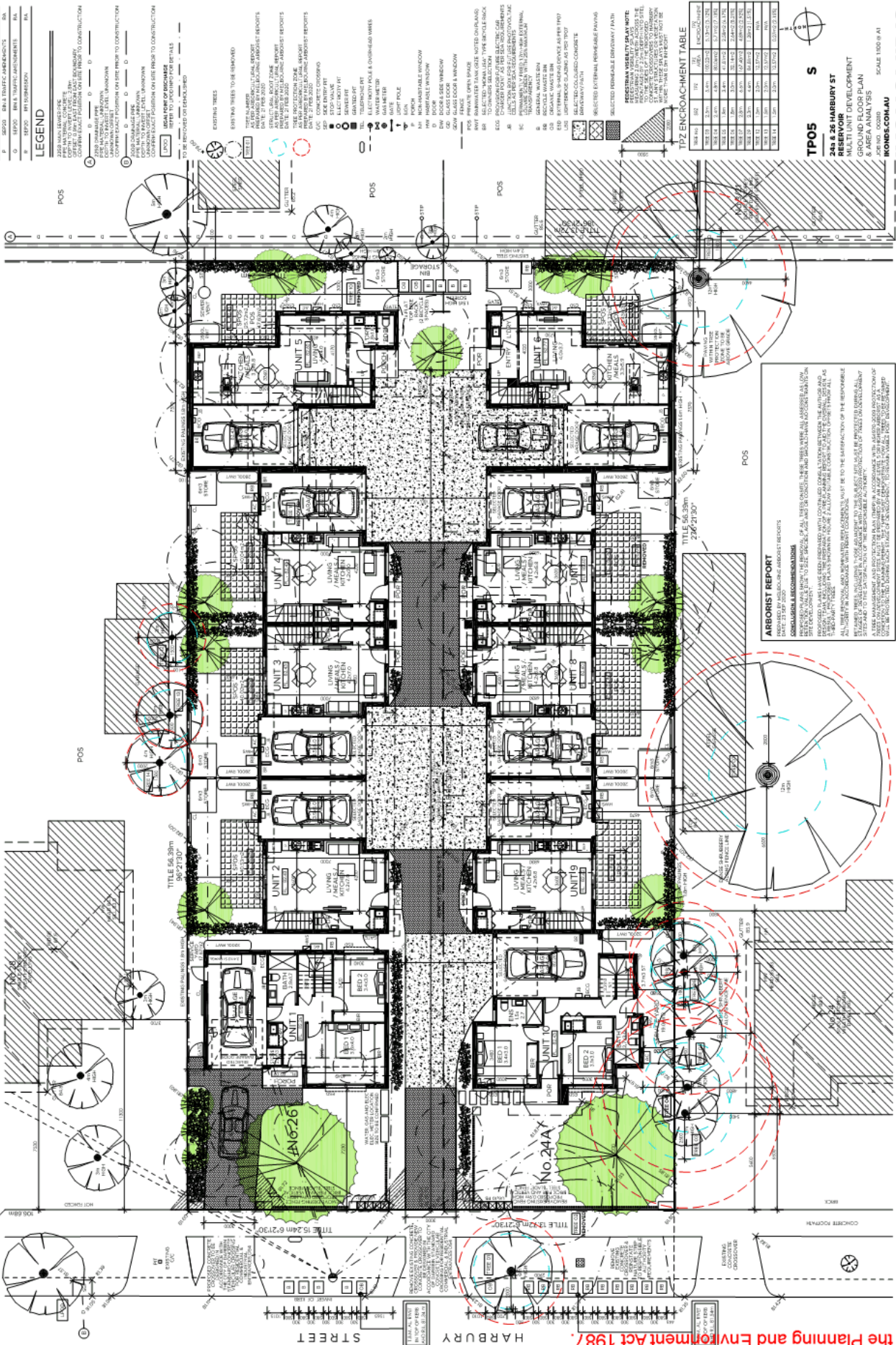
Darbin City Council Received 29-09-2020



TP04 S
 244 & 26 HARBURY ST
 RESERVOIR
 MULTI UNIT DEVELOPMENT
 SHADOW DIAGRAMS, STREETSCAPE & FRONT
 FENCE ELEVATION & GARDEN AREA PLAN
 SCALE 1:500 (P/A)
 IKONOMICOM.AU
IKONOMICOM
 DESIGN STUDIO

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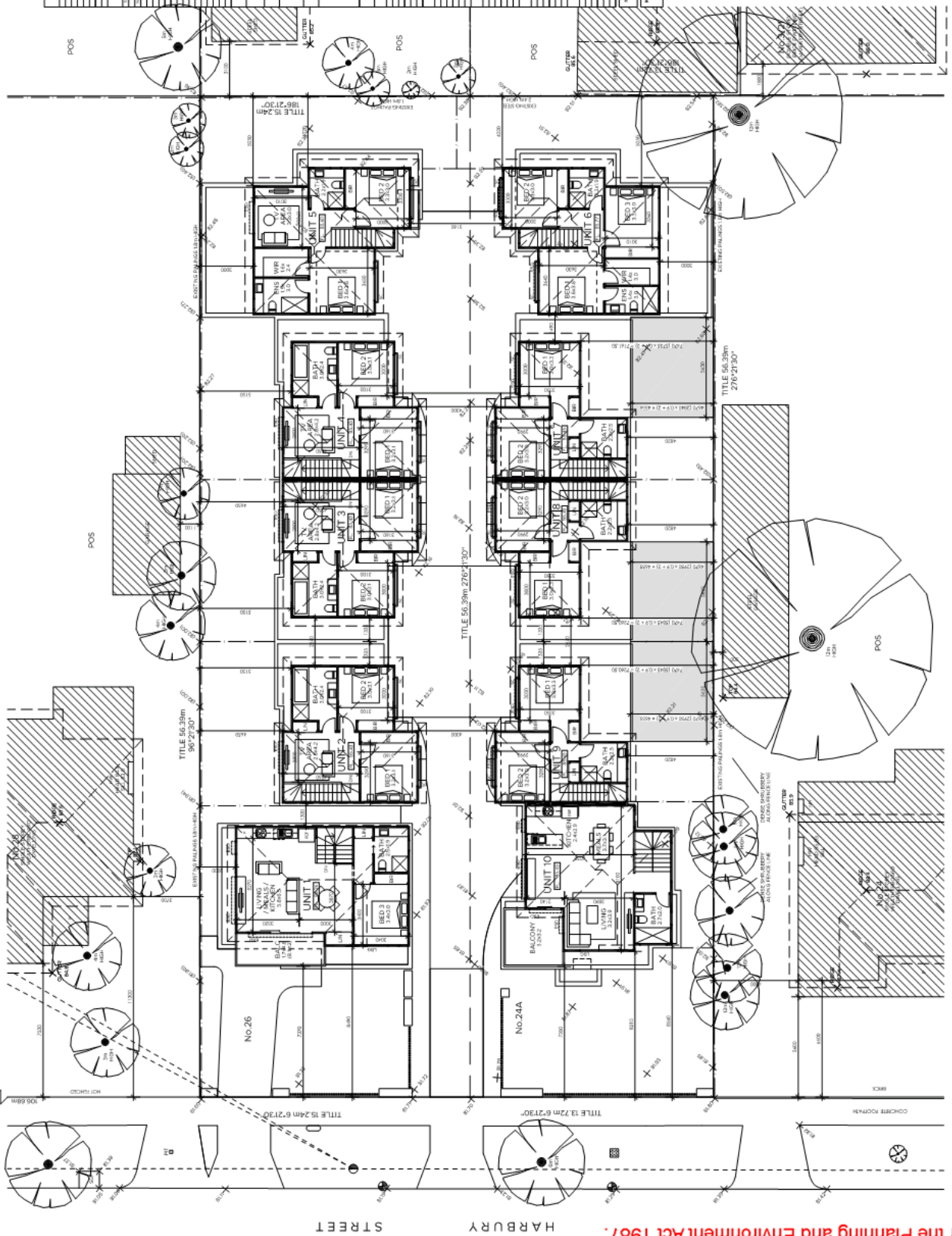


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TPO5 S
 244 & 26 HARBURY ST
 RESERVOIR
 MULTI UNIT DEVELOPMENT
 GROUND FLOOR PLAN
 & AREA ANALYSIS
 IONOMIDIS DESIGN STUDIO
 SCALE 1:100 @ A1

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REV	DATE	ISSUE	INT.
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TP06 S
244 L 26 HARBURY ST
RESERVOIR
MULTI UNIT DEVELOPMENT
 FIRST FLOOR PLAN
 SCALE 1:100 @ A1
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the provisions of the Environmental Planning and Assessment Act 1987.

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Multi-unit Development

24a & 26 Harbury Street,
Reservoir

September 29, 2020

713 Plenty Rd. Reservoir 3037
+61 (03) 9114 1911

connect@ikonds.com.au
ikonds.com.au

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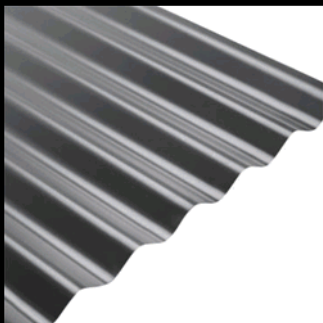
Darakin City Council Document 20.08.2020

Material Schedule

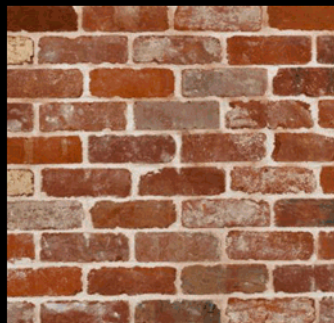
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METAL SHEET ROOFING
COLOUR: MONUMENT



FACE BRICKWORK
TYPE: RECYCLED RED BRICK



RENDERED FINISH - TYPE 1
COLOUR: NATURAL CONCRETE GREY



RENDERED FINISH - TYPE 2
COLOUR: MONUMENT



STANDING SEAM METAL CLADDING
COLOUR: BLACK

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PLANNING AND ENVIRONMENT ACT 1987

ELEVATION VIEWS

24a & 26 HARBURY ST RESERVOIR

WEST ELEVATION

9/29/2020

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ELEVATION VIEWS

24a & 26 HARBURY ST RESERVOIR

EAST ELEVATION

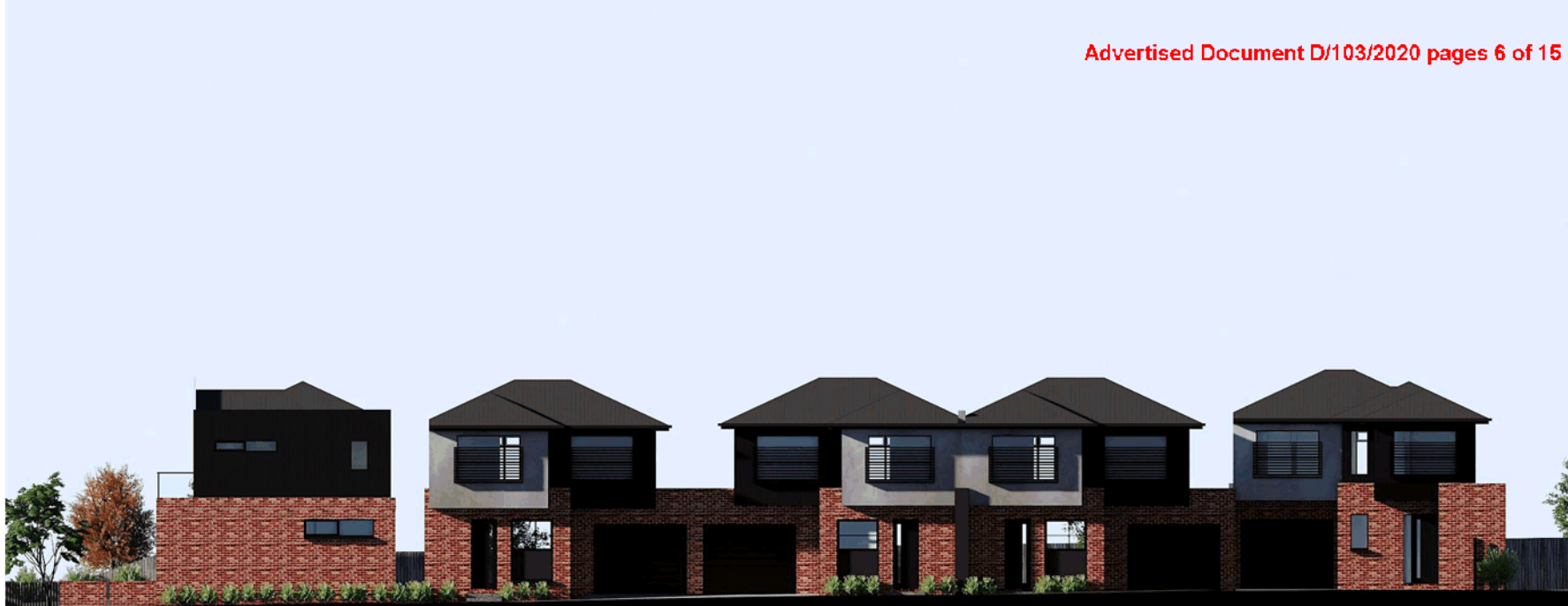
9/29/2020

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ELEVATION VIEWS

24a & 26 HARBURY ST RESERVOIR

SOUTH ELEVATION UNIT
1-5

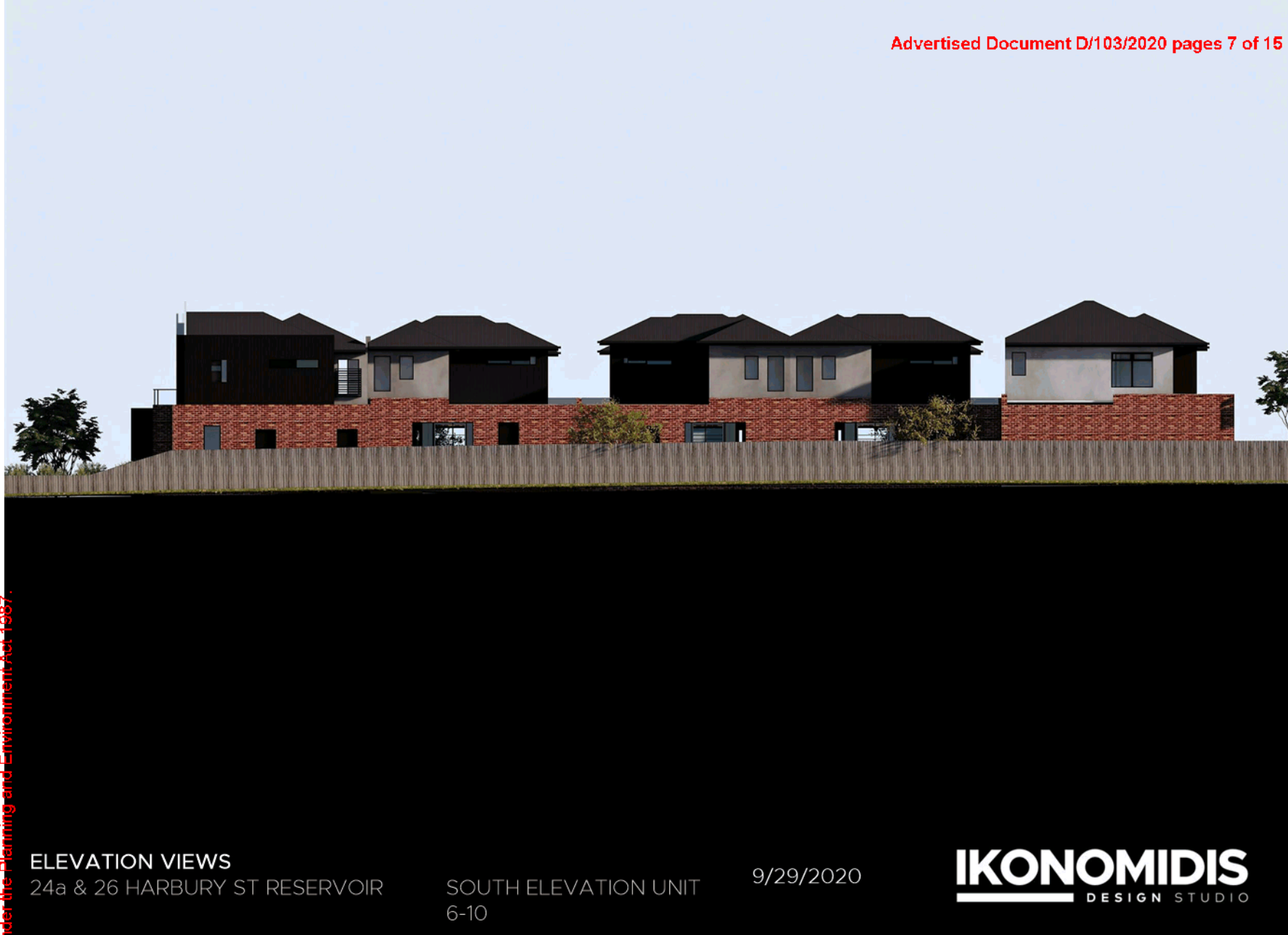
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ELEVATION VIEWS

24a & 26 HARBURY ST RESERVOIR

SOUTH ELEVATION UNIT
6-10

9/29/2020

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ELEVATION VIEWS

24a & 26 HARBURY ST RESERVOIR

NORTH ELEVATION UNIT
1-5

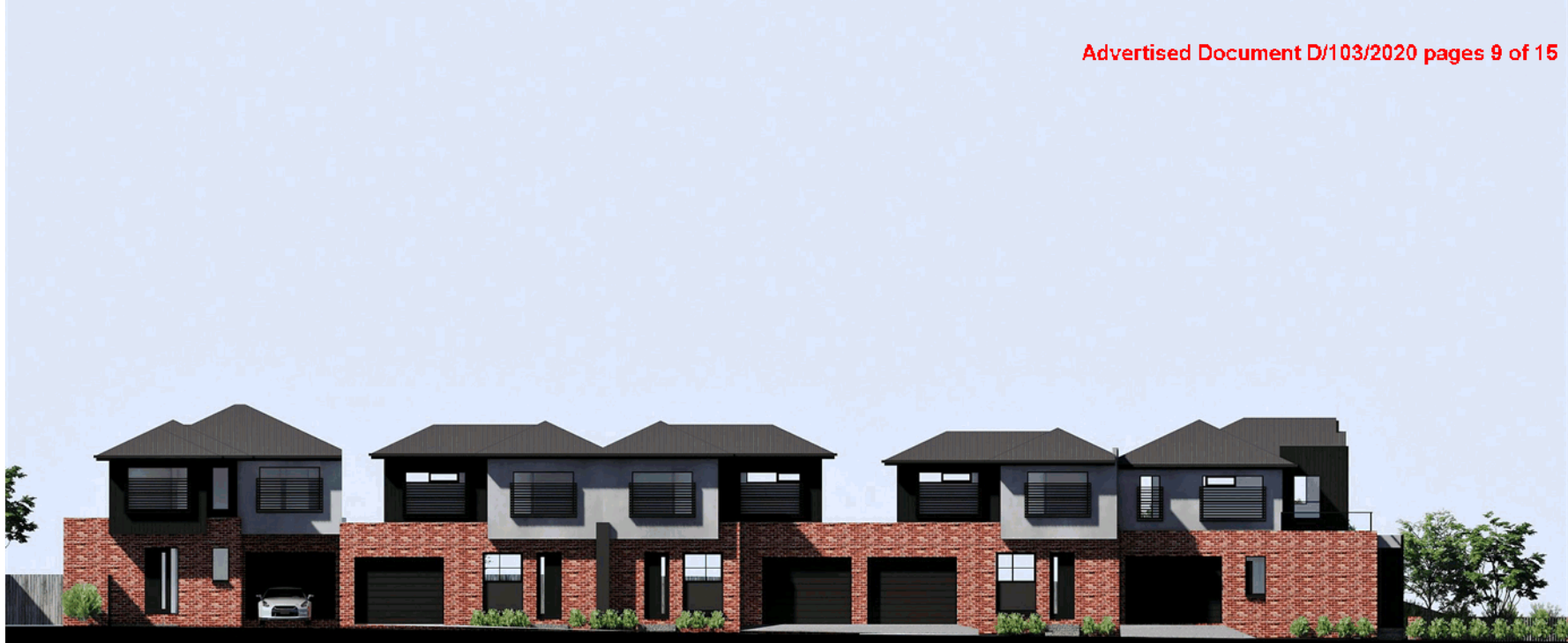
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ELEVATION VIEWS

24a & 26 HARBURY ST RESERVOIR

NORTH ELEVATION UNIT
6-10

9/29/2020

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Schematic Views

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SCHEMATIC VIEWS

24a & 26 HARBURY ST RESERVOIR

FRONT ELEVATION VIEW

9/29/2020

IKONOMIDIS
DESIGN STUDIO

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Darebin City Council Received 29-09-2020

SCHEMATIC VIEWS

24a & 26 HARBURY ST RESERVOIR

FRONT ELEVATION VIEW

9/29/2020

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Advertised Document D/103/2020 pages 13 of 15

Darebin City Council Received 29-09-2020

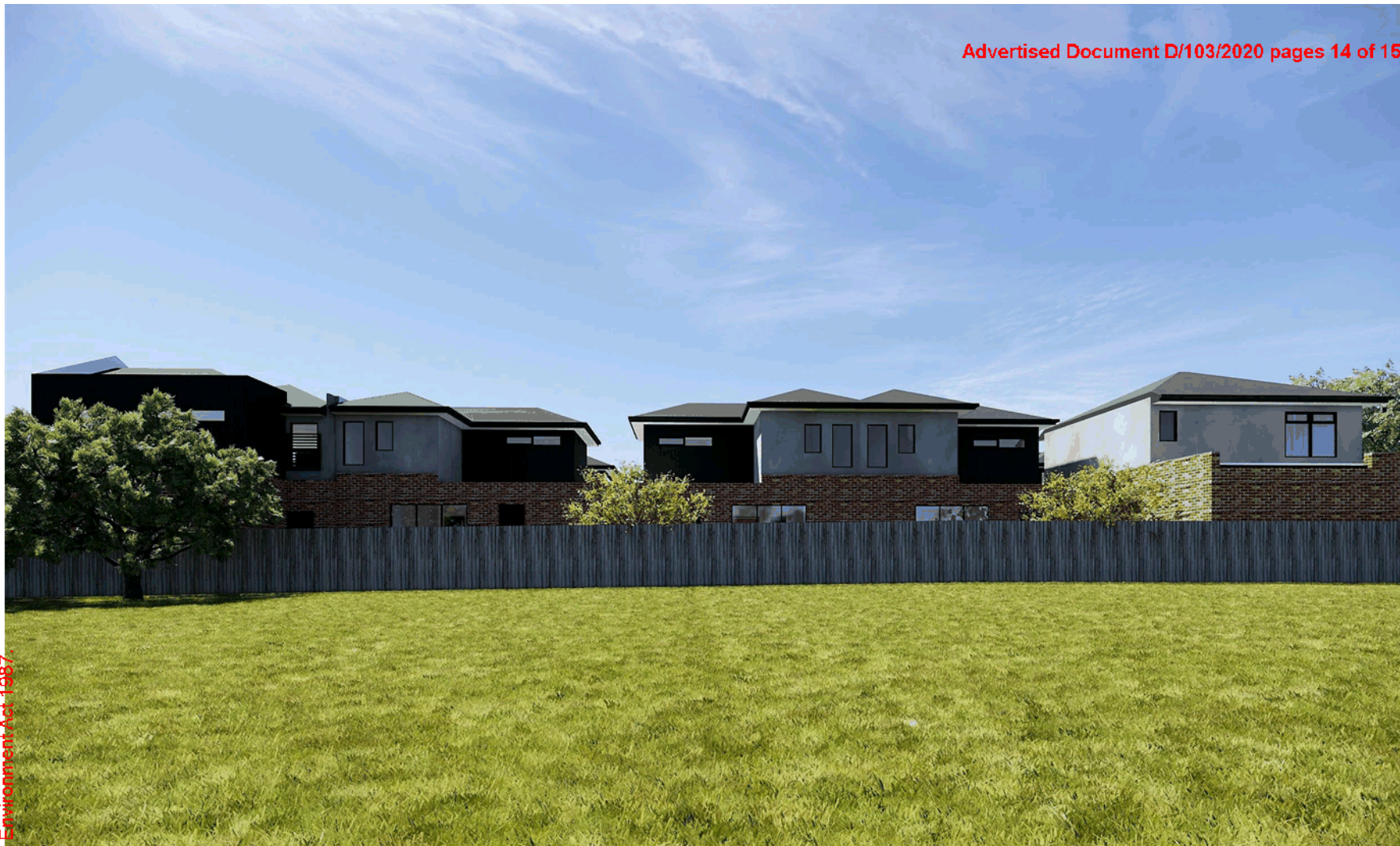
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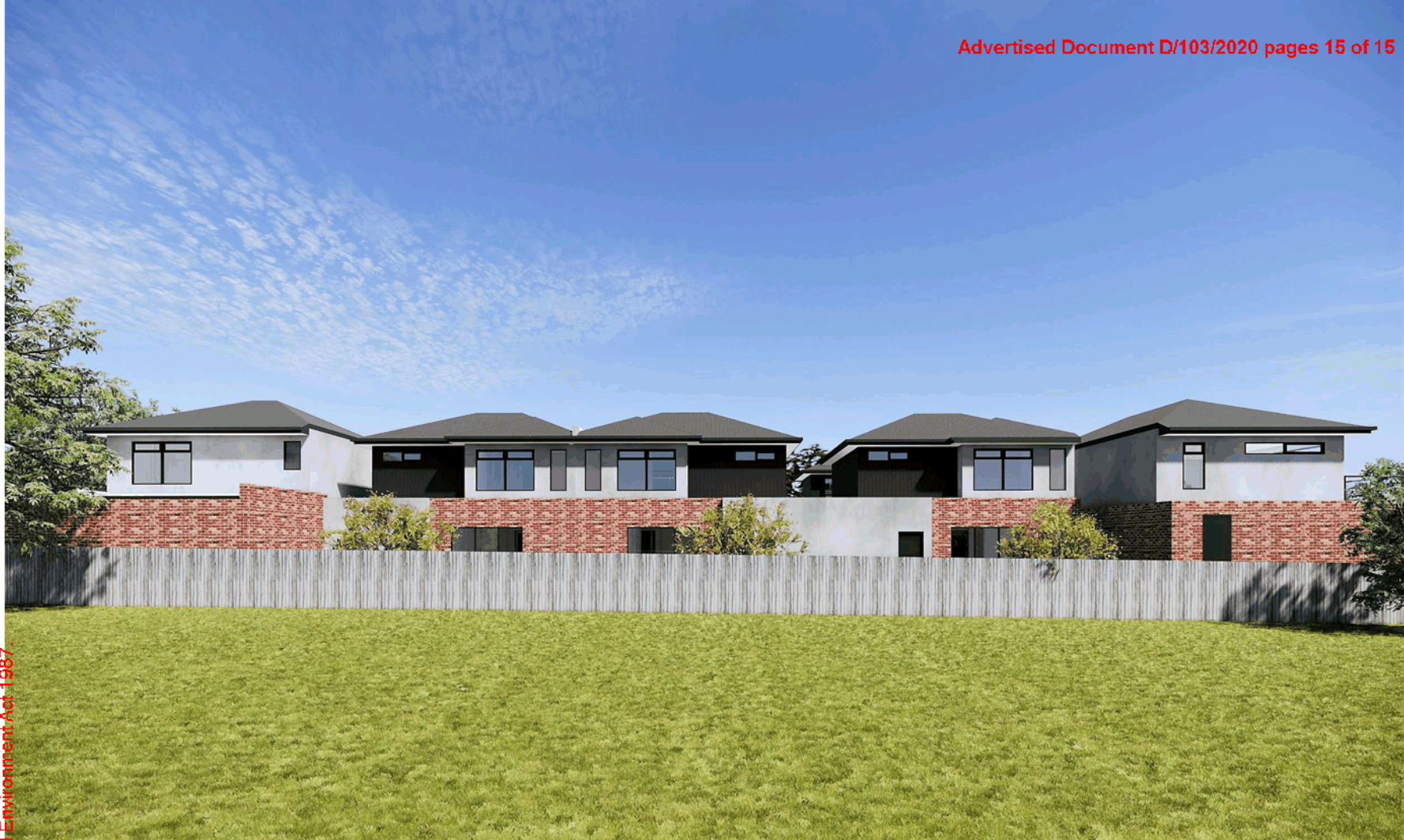
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SIDE ELEVATION VIEW

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Darwin City Council Document 98 08 2020

SCHEMATIC VIEWS

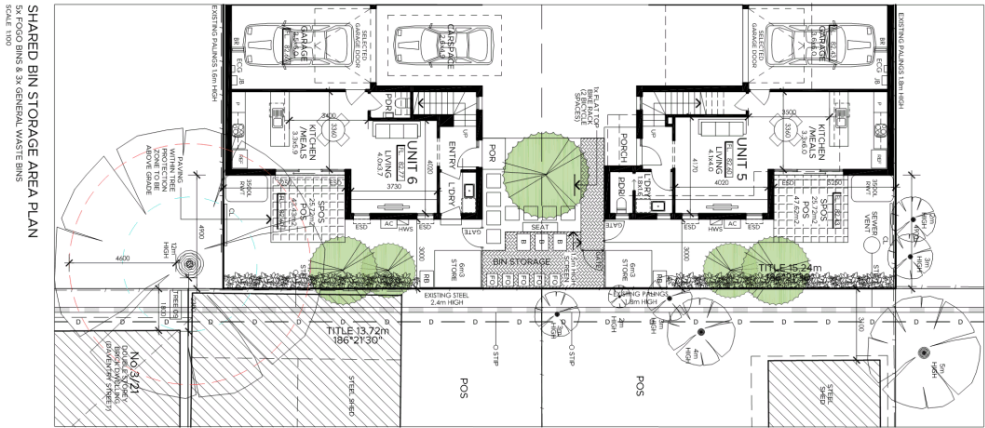
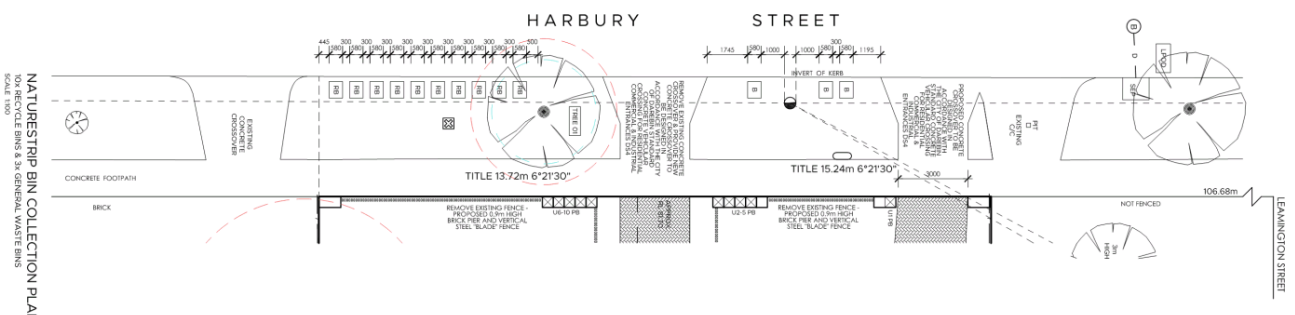
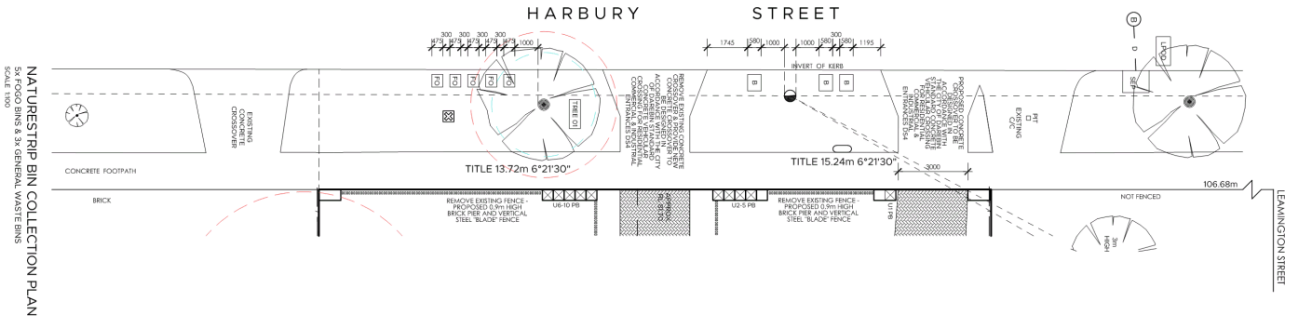
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This plan or design may not be adopted without the approval of the Council of the City of Ipswich.



Rev	Date	Issue	ML
5		REVISED BIN SUBMISSION	SA
4		REVISED BIN SUBMISSIONS	SA
3		REVISED BIN SUBMISSIONS	SA
2		REVISED BIN & TRAFFIC ARRANGEMENTS	SA
1		REVISED BIN SUBMISSION	SA

TP08 U

24a & 26i HARBURY ST
RESERVOIR DEVELOPMENT
MULTI UNIT DEVELOPMENT
BIN STORAGE & COLLECTION PLAN

NO. 3/21
GENERAL WASTE BINS
(GENERAL WASTE BINS)

JCR NO. 00290
IKONMIDIS.COM.AU
SCALE 1:100 @ A1

**5.2 PLANNING COMMITTEE REPORT - D/420/2020
38 Oakhill Avenue Reservoir**

Author: Urban Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Northstar Homes	Roberta Di Vito Peco Trajanovski	N/A

SUMMARY

- The application proposes partial demolition and construction of buildings and works for an extension to existing single storey dwelling in a Heritage Overlay (HO172) and a new double storey detached garage/habitable outbuilding.
- The extension to the existing single storey dwelling will feature three bedrooms, a lounge, combined kitchen/dining/living area and two bathrooms.
- The detached, double storey garage/outbuilding features a double garage at ground floor, with two bedrooms, a bathroom and an open living area at first floor.
- The maximum height of the proposed extension to the existing dwelling is 5.08 metres. The maximum height of the detached garage/outbuilding is 6.8 metres.
- Vehicle access to the subject site is to be relocated, with the existing crossover on Xavier Grove removed and a new crossover provided adjacent the eastern property boundary to align with the new garage. An additional single crossover to Oakhill Avenue is also proposed.
- The site is zoned General Residential Zone – Schedule 2 and is affected by the Heritage and Development Contribution Plan Overlays.
- The mandatory garden area requirement is 239 square metres. The proposal achieves a garden area of 282 square metres.
- There is no restrictive covenant on the title for the subject land.
- Thirteen objections were received against this application.
- The proposal is generally consistent with the objectives of Clause 43.01 of the Darebin Planning Scheme.
- It is recommended that the application be supported.

CONSULTATION:

- Public notice was given via the posting of letters to the surrounding owners and occupiers.
- This application was referred internally to the Heritage Advisor, Infrastructure and Capital Delivery Unit and Tree Management Unit.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/420/2020 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 TP.01 – TP.08, dated July 2020, and prepared by Northstar Homes) but modified to show:
 - (a) The proposed vehicle crossover and accessway in the front setback to Oakhill Avenue deleted.
 - (b) Provision of a single width (3.0 metre wide) crossover to Xavier Grove.
 - (c) Detailed fencing elevation plans for the Xavier Grove boundary fence, including detail of the proposed sliding gate design and a detailed colours and materials schedule for the fence/sliding gate.
 - (d) Construction details for the balustrade to the first-floor balcony of the proposed garage outbuilding, with simple timber pickets with capping or similar provided.
 - (e) A comprehensive schedule of construction materials, external finishes and colours (including colour samples) and material boards, including samples of the proposed materials.
 - (f) Annotations in accordance with Condition No. 3 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. The first floor living area of the outbuilding must not be internally rearranged to feature kitchen facilities.
4. The land must be drained to the satisfaction of the Responsible Authority.
5. 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).

6. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
7. 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.
8. 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.

9. No buildings 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.
10. 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 notations 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 [insert development or use or both] 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 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.

INTRODUCTION AND BACKGROUND

Council, in accordance with the VCAT Order dated 6 August 2008, approved Planning Permit D/638/2007 for the construction of a two-storey dwelling to the rear of an existing dwelling in accordance with the endorsed plans.

Amended Plans to satisfy Condition No. 1 of the above permit were approved and endorsed on 24 October 2008.

An extension of time application for the above permit application was refused on 8 April 2011. This refusal to extend the commencement date of the permit coupled with a site visit, confirmed that the 2008 permit was not acted upon.

No further planning permit history is evident in Council's records.

ISSUES AND DISCUSSION

Subject site and surrounding area

- The land is regular in shape (with a corner splay) and measures a maximum depth of 42.67 metres (northern boundary) and a minimum depth of 40.53 metres. The maximum width of the site measures 15.54 metres and the minimum width (to Oakhill Avenue) measures 13.41 metres. This results in a site area of 684 square metres.
- The land is located on the eastern side of Oakhill Avenue, on a corner at the intersections with Xavier Grove and King William Street.
- The site contains a single storey brick and render dwelling, with a pitched tiled roof. A single garage is provided to the dwelling, accessed via a crossover to Xavier Grove.
- To the north is a single storey brick and render dwelling with a pitched tiled roof. A driveway and garage are located on the common boundary.
- To the south across Xavier Grove, is a single storey weatherboard and brick/render dwelling with a pitched tiled roof.
- To the east is a single storey weatherboard and brick/render dwelling with a pitched tiled roof. A driveway is located on the common boundary.
- To the west across Oakhill Avenue, are a mixture of single and double storey dwellings, of either brick or weatherboard construction.
- On street parking is unrestricted on Oakhill Avenue and Xavier Grove. The wider area does not restrict on-street car parking, with the exception of no stopping zones at street intersections (e.g. at the intersection of Oakhill Avenue and Xavier Grove).
- The site has immediate access to public transport, via the Route 555 bus which runs along Oakhill Avenue. Tram services are available on Plenty Road less than 400m to the east of the site.
- Shops and services are available on Plenty Road less than 400m to the east of the site. Summerhill shopping centre is located 1.1 kilometres north east of the site. The site is located 1.3 kilometres south-east from the Reservoir activity centre.

Proposal

- Partial demolition of the existing single storey dwelling.
- Construction of buildings and works for an extension to the existing single storey dwelling and a new detached double storey garage.
- The extended single storey dwelling will feature three bedrooms, a lounge, combined kitchen/dining/living area and two bathrooms.
- The detached, double storey garage/outbuilding features a double garage at ground floor, with two bedrooms, a bathroom and open living area at first floor.
- Three car parking spaces are proposed on site. One space (via a new crossover to Oakhill Avenue) is proposed within the front garden of the dwelling. Two spaces are proposed within the double garage which will be accessed via a relocated crossover to Xavier Grove.

Objections summarised

- Extension and double storey garage are not in keeping with the Heritage Overlay 172 and surrounding heritage dwellings (Oakhill Estate).
- Scale of the garage is excessive and will unreasonably impact adjoining properties (particularly in Xavier Grove).

- Outbuilding should be single storey.
- Will set a precedent for similar developments.
- Garage is a second dwelling/will be converted to be one after development.
- The site will be subdivided after development is completed.
- Development will result in devaluation of surrounding dwellings.
- Overlooking/Privacy impacts from the double storey garage and balcony.
- Overshadowing impacts to neighbouring dwellings.
- Nature of advertising of the application (no sign provided on site).
- Traffic impacts to the surrounding street network.
- Insufficient first floor setback to balcony of garage.
- Additional single crossover to Oakhill Avenue.
- Removal of trees.
- Proposed materials/colours for extension and garage.

Officer comment on summarised objections**Extension and double storey garage are not in keeping with the Heritage Overlay 172 and surrounding heritage dwellings (Oakhill Estate)**

Council's Heritage Advisor has reviewed the proposed demolition and construction of an extension and outbuilding. A number of revisions and updates were made to the plans by the applicant following advice from Council's Heritage Advisor during the pre-advertising phase of this application. Council considers the extension to the existing dwelling to be acceptable in context of the HO172 and relevant statement of significance. Impacts on the existing heritage dwelling by the extension are minimal, with the new attached extension visually recessive and neutral in design so as not to compete with or confuse the view of the dwelling (which is located behind tall boundary fencing along Xavier Grove). The proposed double storey garage is considered to be sufficiently setback from the Xavier Grove street frontage (considerably more so than the existing single garage). The garage also sits behind the façade of the house and is simple in form, detail and material (with conditions of approval requiring further detail of materials/colours/finishes). The design of the garage is considered by Council's Heritage Advisor to be consistent with the design detail of a garage from the applicable era of the house itself.

Scale of the garage is excessive and will unreasonably impact adjoining properties (particularly in Xavier Grove)

It is noted that the subject site and surrounding area is located in a Neighbourhood Residential Zone. This zone allows a maximum building height for a dwelling (and associated outbuildings) of two storeys and not more than 9 metres. The proposed double storey outbuilding complies with these requirements. While it is accepted that the garage is of an increased scale to the existing dwelling on site and those on adjoining lots, the design of the garage has been reviewed by Council's Heritage Advisor and is considered to be acceptable. The Heritage Advisor considers the setbacks provided to the garage from the side street and from the dwelling (as extended) itself to allow for an appropriately recessive built form. The garage is therefore considered to be acceptable in context of the Heritage Overlay and the relevant statement of significance.

Outbuilding should be single storey

The outbuilding complies with the height requirements of the Neighbourhood Residential Zone. Following revisions to the proposed design negotiated by Council's Heritage Advisor, the

double storey outbuilding is also acceptable in the context of the Heritage Overlay and relevant statement of significance.

Will set a precedent for similar developments

The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration. Every planning permit application must be assessed against the relevant planning policy and on its own merits.

Garage is a second dwelling/will be converted to be one after development

The proposed detached outbuilding contains a double garage at ground floor and two bedrooms, a living area and bathroom/shower at first floor. A small balcony is also proposed along the southern elevation fronting Xavier Grove. Council notes that the outbuilding does not feature all elements of a standalone self-contained dwelling. As defined at Clause 73.03, a dwelling is:

“A building used as a self-contained Bed and breakfast, Accommodation or residence which must include: a) a kitchen sink; b) food preparation facilities; c) a bath or shower; and d) a toilet and wash basin. It includes outbuildings and works normal to a dwelling.”

In reviewing the plans, it is noted that the outbuilding does not feature a kitchen sink or food preparation facilities. While Council notes the objection grounds relating to the ease with which such facilities could be added during/after construction of the outbuilding, these facilities are not currently shown and therefore it would be unfair to presume that this is the intent of the development.

Any permit issued for this proposal would only allow the partial demolition of the existing dwelling, construction of the extension and construction of the detached outbuilding. Should such facilities be added without Council approval, the matter would become a Planning Enforcement issue and would be addressed accordingly through the relevant pathways. Conditions of approval for this application will require deletion of the proposed additional single crossover to Oakhill Avenue, as well as a standalone condition further restricting any internal works following completion of the development. This approval does not represent consent from Council for a second dwelling.

The site will be subdivided after development is completed

Any proposed subdivision would require assessment and approval by Council. In light of Council's response to the objection relating to the potential for the garage to be a second dwelling, it is highly unlikely that Council would approve the subdivision of the land containing the garage/two additional bedrooms. This building features the car parking facilities for the existing dwelling and would be unlikely to comply with the relevant planning controls for subdivision.

Development will result in devaluation of surrounding dwellings

Fluctuations in property values are a not relevant consideration in assessing a planning application, under the provisions of the Planning & Environment Act 1987, or the Darebin Planning Scheme.

Overlooking / Privacy impacts from the double storey garage and balcony

As this application only triggers a planning permit under the Heritage Overlay (in being an extension to a dwelling on a lot over 300 square metres), the overlooking controls under Clause 54 of the Planning Scheme cannot be considered by Council. These matters are addressed under the Building Regulations, when a Building Permit approval is sought.

Overshadowing impacts to neighbouring dwellings

As this application only triggers a planning permit under the Heritage Overlay (in being an extension to a dwelling on a lot over 300 square metres), the overshadowing controls under Clause 54 of the Planning Scheme cannot be considered by Council. These matters are addressed under the Building Regulations, when a Building Permit approval is sought.

Nature of advertising of the application (no sign provided on site)

It is noted that this application was advertised through the sending of letters to the adjoining owners and occupiers of the subject site. The extent of notice was increased as compared to normal, given no sign on site was able to be provided as a result of COVID-19 restrictions at the time of notice. Council considers the extent and format of notice to be sufficient and acceptable in context of the ongoing health emergency at the time notice was directed to be given. In any case the scale of the proposal does not warrant notice to be given by both letters and a sign on site.

Traffic impacts to the surrounding street network

The extension to the dwelling proposes additional off-street car parking within the double garage (and feasibly on the internal accessway) than is currently provided on site (one space in a single garage). The extension to the dwelling is therefore not considered likely to have any unreasonable impacts on local traffic conditions, nor will it place an unreasonable load on the surrounding street network. It should be noted that while the development does not trigger a permit under Clause 52.06, the double garage provides the required number of off-street car parking spaces for what is a dwelling with three or more bedrooms.

Insufficient first floor setback to balcony of garage

As this application only triggers a planning permit under the Heritage Overlay (in being an extension to a dwelling on a lot over 300 square metres), the setback controls under Clause 54 of the Planning Scheme cannot be considered by Council. These matters are addressed under the Building Regulations, when a Building Permit approval is sought.

It is however noted that the proposed setback to the new garage balcony is 4.0 metres from the southern boundary of the site. This is well in excess of the current setback (i.e. zero setback) to the existing garage. The design and location of the new garage on site has been reviewed by Council's Heritage Advisor and is considered to be acceptable.

Additional single crossover to Oakhill Avenue

Council does not support the addition of a new single crossover/car parking spaces at the Oakhill Avenue frontage. This would result in loss of vegetation at the site frontage and an unacceptable dwelling presentation to Oakhill Avenue. The proposed new crossover and double garage to Xavier Grove provides sufficient car parking for the dwelling. A condition of approval will require the deletion of the single crossover/car parking area to Oakhill Avenue from the plans.

Removal of trees

The proposed trees to be removed from the site are not protected under either the Heritage Overlay or Council's Tree Protection Local Law. The removal of the trees is therefore considered to be acceptable.

Proposed materials/colours for extension and garage

Council's Heritage Advisor has reviewed the proposal and considered it to be generally acceptable. Conditions of approval will require provision of detailed colours/materials/finishes schedule, as well as further details of the upper level Xavier Grove balustrade. These conditions of approval and the revisions made to the overall design of the extension and garage during the initial assessment phase are considered satisfactory.

PLANNING ASSESSMENT**Clause 22.02 Neighbourhood Character Precinct Guideline Assessment - Precinct D4**

The application does not trigger an assessment against Clause 22.02 of the Darebin Planning Scheme, as a permit is not required under the provisions of the General Residential Zone – Schedule 2 for the proposed development (the subject site is larger than 300 square metres and therefore does not trigger a permit under Clause 32.08-4).

Clause 32.08-4 General Residential Zone

Minimum Garden Area

The mandatory minimum garden area requirement for construction or extension of a dwelling or residential building on a lot is as follows:

Lot Size	Minimum percentage of a lot set aside as garden area	Garden area provided
Above 650sqm	35% (239 sqm)	282 sqm

Complies

Maximum Building Height Requirement for a Dwelling or Residential Building

Under the General Residential Zone, a dwelling or residential building must not exceed three storeys or a maximum building height of 11.0 metres.

The proposal comprises two storeys (garage) and a maximum height of 6.8 metres.

Complies

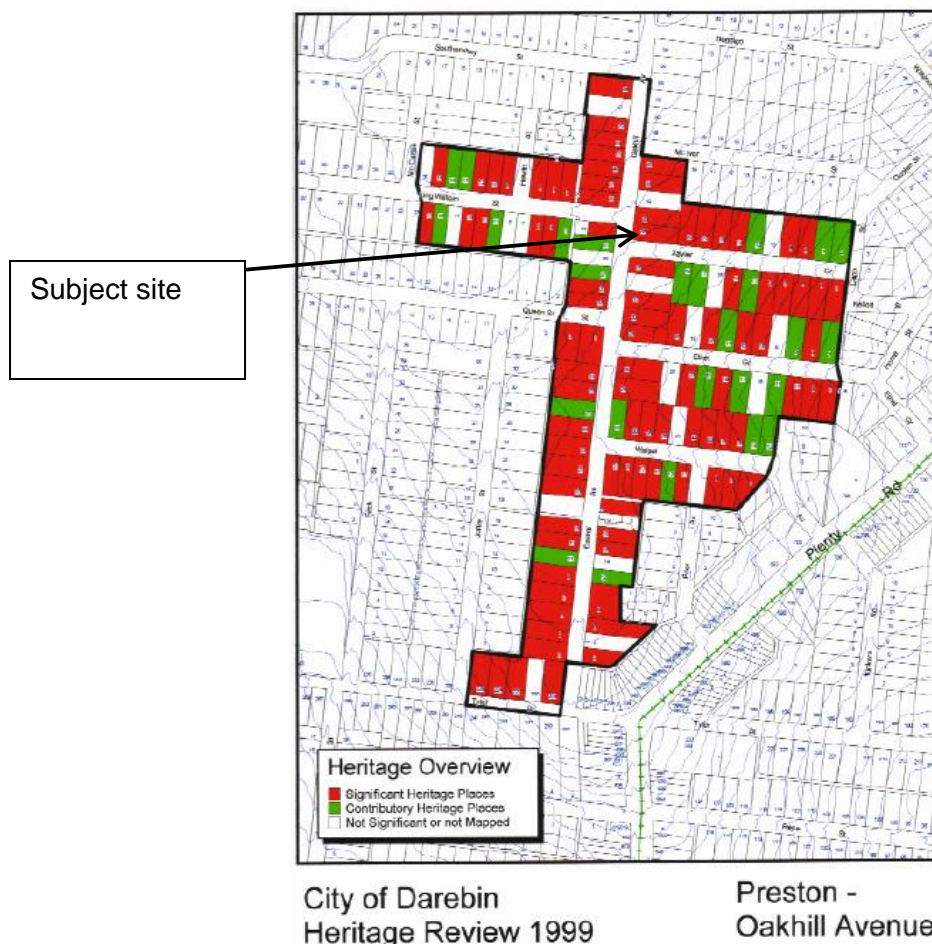
Clause 43.01 Heritage Overlay

The subject site is located within the Preston Oakhill Avenue precinct (HO172) and is identified as a *Significant* heritage place within the *City of Darebin Heritage Review (2000)*.

A *Significant* place is a single heritage place that has cultural heritage significance independent of its context. These places may also contribute to the significance of a heritage precinct.

The schedule to Clause 43.01 does not specify any further controls or requirements, such as external paint controls or internal alteration controls, for HO172.

The subject site is identified in the Preston-Oakhill precinct below:



Statement of Significance

The Statement of Significance for the precinct (taken from the Darebin Heritage Review 2000, Volume 1) notes that:

The Preston – Oakhill Avenue Area has Oakhill Avenue as its north-south spine and is located to the north-west of the Plenty Road/Tyler Street intersection where the higher ground commences its descent to the Darebin Creek. Whilst Alexander Brock’s house “Oakhill” had been built there by the 1890s the suburbanisation of the Area took place took place between 1920 and the Second World War. It is aesthetically significant.

The area is aesthetically significant (Criterion E) as a cohesive middle class Inter-War garden suburb populated by a diverse range of houses representative of the period including many Californian Bungalows and also English Cottage, Spanish Mission, Modernist and Colonial Revival villas. The front gardens are spacious and there are low fences separating them from the public environment which is softened by narrow nature strips.

The housing stock is generally single storeyed and the tiled roofs hipped and gabled. Whilst the houses are not remarkably different to others in the nearby streets, it is evident that the natural attractions of the Oakhill Avenue ridge generated a concentration of predominantly brick houses of the Inter-War years that remains clearly evident today.

The survival of an outbuilding from Alexander Brock’s “Oakhill” has a symbolic importance (Criterion A) for its capacity to recall the earliest days in the settlement of the locale when the Tyler Street intersection was known as “Brock’s Corner.”

Policy Recommendations

The following policy recommendations are noted in the City of Darebin Heritage Review (2000), with the view of conserving the cultural heritage values of the precinct:

- *The Preston – Oakhill Avenue Area should be included in the Schedule to the Heritage Overlay Table in the City of Darebin Planning Scheme.*
- *Control over exterior paint colour schemes is not a requirement arising out of the significance of the place.*
- *Proposals to carry out works should be assessed in terms of their impacts on the cultural heritage values of the area as they have been summarised in the Statement of Significance.*
- *The following contributory elements of the houses should be conserved and enhanced:*
 - *their facades*
 - *their roof forms*
 - *their building envelopes to the extent that they contribute to the cohesive streetscape character*
 - *absence of garages at the façade line*
- *The following significant elements of the front fences should be conserved:*
 - *surviving early fences and gates*
 - *the low heights of fences between the façade line of the street and the front property alignments*
 - *corner splays and corner gateways*
- *The stylistic diversity of the area should be conserved.*
- *New buildings within the area should interpret the Inter-War character of the streets in which they are situated and should avoid the use of materials, forms, colours and envelopes that contrast with the periods of significance of the Area.*
- *New structures should not be erected in the frontage setbacks which establish the garden character of the area but should be set back from the existing façade lines by not less than 500mm.*
- *New garages and carports should be recessive and not dominate the composition of new building designs as seen from the street.*
- *The contribution made by the existing single storeyed dwellings to the cultural values of the area should be conserved by avoiding the construction of additions which impact on this aspect of the significance of the place.*

Decision Guidelines

The proposal is required to be assessed against the Decision Guidelines under Clause 43.01-8 of the Darebin Planning Scheme. Generally, the proposal complies and is consistent with all relevant policies and guidelines as follows:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

The proposal is considered to be designed to be generally in accordance with the relevant State and Local Planning policies, including Clause 43.01 (Heritage Overlay) of the Darebin Planning Scheme and the relevant Statement of Significant for the HO precinct (HO172).

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*

The heritage grading of the existing dwelling is significant. It is not considered that the proposed demolition to the rear, construction of a single storey attached extension, and the two-storey detached outbuilding will adversely affect the natural or cultural significance of the place. The existing front façade and majority of the rear (Xavier Grove fronting) portion of the heritage dwelling is to be retained as part of this proposal.

The proposed built form of the single storey attached extension is appropriately respectful to the retained dwelling (subject to conditions to address colours/materials/finishes – as detailed in the recommendation). The extension is visually recessive and neutral in its design, so as not to compete with or confuse the public views of the dwelling from the streetscape. The extension will for the most part also be screened from the street, given the ample setback from Xavier Grove (and behind the retained existing dwelling) and behind the boundary fencing.

With regard to the double storey outbuilding, the overall height of the building complies with the requirements of the zone (in not exceeding 9 metres/two storeys). Furthermore, the setback provided from the side street frontage to the façade of the garage (a minimum of 4 metres) minimises the visual impact of the building as read in the streetscape. On balance, the garage is designed to be a recessive structure, within the rear corner of the site, which is therefore acceptable in the context of providing appropriate separation from the existing heritage dwelling on site.

- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*

The proposed demolition, extension to the dwelling and new double storey outbuilding are generally compliant with the statement of significance for residential areas in this Heritage Overlay precinct.

The proposal retains the existing front façade as it presents to Oakhill Avenue (subject to a condition deleting the proposed single crossover) and the majority of dwelling (as it presents to Xavier Grove). The single storey addition along the Xavier Grove frontage is visually recessive, set behind the side wall of the significant dwelling (as retained) and the neutral/contemporary built form of the extensions will be screened from the streetscape by the existing dwelling, setbacks and side fencing.

While the garage is double storey, this building is set behind the façade of the dwelling and is appropriately simple in its form, design detail and materials. The garage is designed in the manner of a garage from the era of the dwelling and is set further back into the site (and out of the side street front setback) than the existing garage.

- *Any applicable heritage design guideline specified in the schedule to this overlay.*

There are no heritage design guidelines specified in the schedule to the overlay for Heritage Overlay 172.

- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*

The proposed extension to the dwelling will be largely screened from the streetscape, as noted already above. The new extension interprets elements of the existing heritage dwelling and is respectful of that form in its neutral and contemporary design. Direct impacts of the single storey extension to the existing significant dwelling are minimised, through the recessive design and screening through setbacks and fencing. It is not considered likely that the bulk, form or appearance of the proposed extension to the dwelling will adversely affect the significance of the significant heritage place.

As already noted, while the garage is double storey, it is well set back into the site. The design has been extensively reviewed and refined by Council's Heritage Advisor and is

considered to be appropriate in terms of building location/setbacks, form, and design detail (subject to conditions).

The demolition of the existing garage (located at the Xavier Grove boundary line) and provision of this new building set back into the site, also addresses one of the policy recommendations of the precinct, in that there should be an absence of garages at the façade line.

On balance, given that there is minimal impact to the front and side presentation of the original heritage dwelling and that the new additions are visually recessive and neutral in design, it is not considered that the location bulk, form and appearance of the buildings will adversely affect the significance of the heritage place.

- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*

It is noted that the site is located on a corner and therefore the presentation of the dwelling to both Oakhill Avenue and Xavier Grove must be considered. The single storey extension to the dwelling is largely concealed from view at the Oakhill Avenue frontage. The existing heritage dwelling will be retained as it currently presents to Oakhill Avenue (with the proposed crossover/car park removed via condition of approval). At the Xavier Grove frontage, the majority of the existing significant dwelling is also retained. The extension is designed to be visually recessive and neutral in form, so that the presentation of the extension does not confuse or compete with the retained significant dwelling. This is an appropriate response for a heritage extension.

While the garage is double storey, it is sufficiently set back into the site and is located behind the façade of the existing dwelling and is provided with an acceptable setback in context of the adjacent dwelling fronting Xavier Grove. The form, details and materials of the garage result in a presentation that is consistent with dwellings of the era of the main dwelling. It should be noted that the existing garage is located within the setback from the side street, whereas this new outbuilding is located in the rear corner of the site, with an acceptable setback from the boundary. The subject site is a corner lot, with a front street presentation to Oakhill Avenue. The presentation of an outbuilding to Xavier Grove will necessarily read differently in that streetscape than a dwelling fronting the same (i.e. the immediately adjacent dwelling). On balance, the outbuilding is considered to be designed in a manner which will integrate with the adjacent buildings in Xavier Grove.

- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*

The proposed demolition of the existing significant dwelling is minimal, with demolition mostly internal and where external, confined to the rear (north-east corner) of the site, away from either street frontage. The laundry and bedroom 3 will be demolished, to allow for the new addition along the northern boundary. Given that both the Oakhill Avenue and Xavier Grove streetscape presentations will largely remain as existing, it is not considered that the demolition alteration will adversely affect the significance of the heritage place.

- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

The works required to enable the extension to the dwelling and new outbuilding are not considered to be of a scale that would adversely affect the significance, character or appearance of the heritage place.

The proposal is therefore considered to be consistent with the objectives and purposes of the Heritage Overlay.

Cross-over and car parking space to Oakhill Avenue

The proposal includes a new crossover to Oakhill Avenue and a car parking space located 0.3 metres from the site's northern side boundary. The parking space would be 7 metres deep and 3 metres wide and extend from the front boundary toward the front wall of the dwelling. It would be finished with concrete.

Planning permission is required for the crossover pursuant to clause 43.01-1 of the Darebin Planning Scheme.

The site is within Heritage Overlay HO172. The site is occupied by a significant heritage building. The Statement of Significance for the precinct includes the following extracts:

- *The following contributory elements of the houses should be conserved and enhanced:*
 - *their facades*
 - *streetscape character*
- *New structures should not be erected in the frontage setbacks which establish the garden character of the area but should be set back from the existing façade lines by not less than 500mm.*
- *New garages and carports should be recessive and not dominate the composition of new building designs as seen from the street.*
- *The contribution made by the existing single storeyed dwellings to the cultural values of the area should be conserved by avoiding the construction of additions which impact on this aspect of the significance of the place.*

The precinct has a high degree of integrity. The statement of significance nominates most of dwellings in the precinct as significant. The subject dwelling is consistent with the description of the dwellings in the statement of significance. The dwelling extends close to each side boundary. There is a low front fence and vegetation within the front of the property.

The adjacent property at No. 40 Oakhill Avenue to the north has a low front fence and vegetation within the front setback. It is also a significant building with a double fronted façade, porch, hipped roof that is consistent with the description of dwellings in the statement of significance. While this dwelling provides a crossover to Oakhill Avenue, the driveway and parking space is located to the side of the dwelling, which is typical for most dwellings in the precinct. Some properties have informal car parking spaces in their front setback area, however this is not a common feature.

There is a consistent rhythm in the street in terms of front and side setbacks, open front setback areas, low to medium front fencing and landscaping. These factors contribute to the heritage dwellings being visible and their features being pre-eminent in the streetscape.

The key consideration is whether the proposed crossover and car parking space in the front setback would detract from the heritage place generally, and from the contribution the particular property makes to the heritage place.

It is considered that both the crossover and the parking space would detract from the heritage place. A car parked within the front setback would interrupt the views from the street of the property. Presently the site comprises a low front fence and landscaping.

A vehicle placed in the front setback, close to the front wall of the dwelling and along the side boundary fence, would also interrupt the unity of the streetscape that is an important feature of the precinct. A vehicle parked within the front setback area would attract the viewer's attention because it is in the foreground of the dwelling area. This would be contrary to the development principles in heritage places whereby new development is to be compatible with and not compete with the heritage fabric.

Even when a vehicle is not parked in the space, the paved area and crossover would interrupt the rhythm of the streetscape and landscaping in the front setback.

While it is accepted that most properties have crossovers and driveways, these are appropriately located to the side of the dwellings. A crossover and parking space in the front setback directly in front of the dwelling would be inconsistent with the pattern of development and would set a negative precedent.

For the above reasons, a condition is included in the determination which removes the crossover and car parking space to Oakhill Avenue from the development.

Clause 52.06 Car Parking

Clause 52.06 does not apply to the extension of one dwelling on a lot in a Neighbourhood Residential Zone.

The double storey garage / outbuilding is not a separate dwelling (as per the definition of a dwelling in the Table at Clause 73.03), with the car parking provided at ground level of the building provided for the existing single dwelling on site to be extended.

REFERRAL SUMMARY

Department/Authority	Response
Heritage Advisor	<p>No objection, subject to conditions requiring a detailed colours/materials/finishes schedule and further detail of the construction detail and materials of the proposed balustrade to the upper level balcony overhang of the garage.</p> <p>Officer’s Comment: It is noted that the proposal was reviewed by Council’s Heritage Advisor multiple times prior to notice being given. Various revisions were made to the originally submitted plans as a result of this consultation between the applicant and Council. The proposal as advertised was considered to be generally acceptable by Council’s Heritage Advisor, subject to the conditions detailed above.</p>
Infrastructure and Capital Delivery Unit	<p>No objection, subject to standard drainage condition included in recommendation. No buildings structures or decking, services, water tanks permitted to be built over or encroach upon the easement on the property (eastern boundary).</p> <p>Officer’s Comment: No buildings/structures/decking/services etc. are proposed to be constructed in the easement along the eastern property boundary.</p>
Tree Management Unit	<p>No objection or conditions.</p> <p>Officer’s Comment: Council’s Tree Management Unit noted concerns regarding the removal of vegetation within the front setback for the proposed additional single vehicle crossing. This is not being supported based on Heritage grounds and will be required to be deleted via condition. Further concerns were noted in relation to the proposed double crossover and proximity to the power pole in the Xavier Grove naturestrip. A condition of approval will require this crossover to be narrowed to single width.</p>

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Clause 43.01-1 – A planning permit is required to demolish or remove a building and to construct a building or construct or carry out works

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
PPF	11.01-1S, 11.01-1R, 11.02-1S, 15.01-1S, 15.01-1R, 15.01-2S, 15.01-5, 15.02, 15.03-1S, 16, 19.03-1
LPPF	21.02-3, 21.02-4, 21.03, 21.05-1, 21.05-2, 21.05-3, 22.04
Zone	32.08
Overlay	43.01, 45.06
Particular provisions	N/A
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.

RELATED DOCUMENTS

- City of Darebin Heritage Review (2000) Volume 1, February 2001, Andrew Ward.
- Darebin Planning Scheme and the *Planning and Environment Act (1987)* as amended.

Attachments

- Aerial Map (**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.

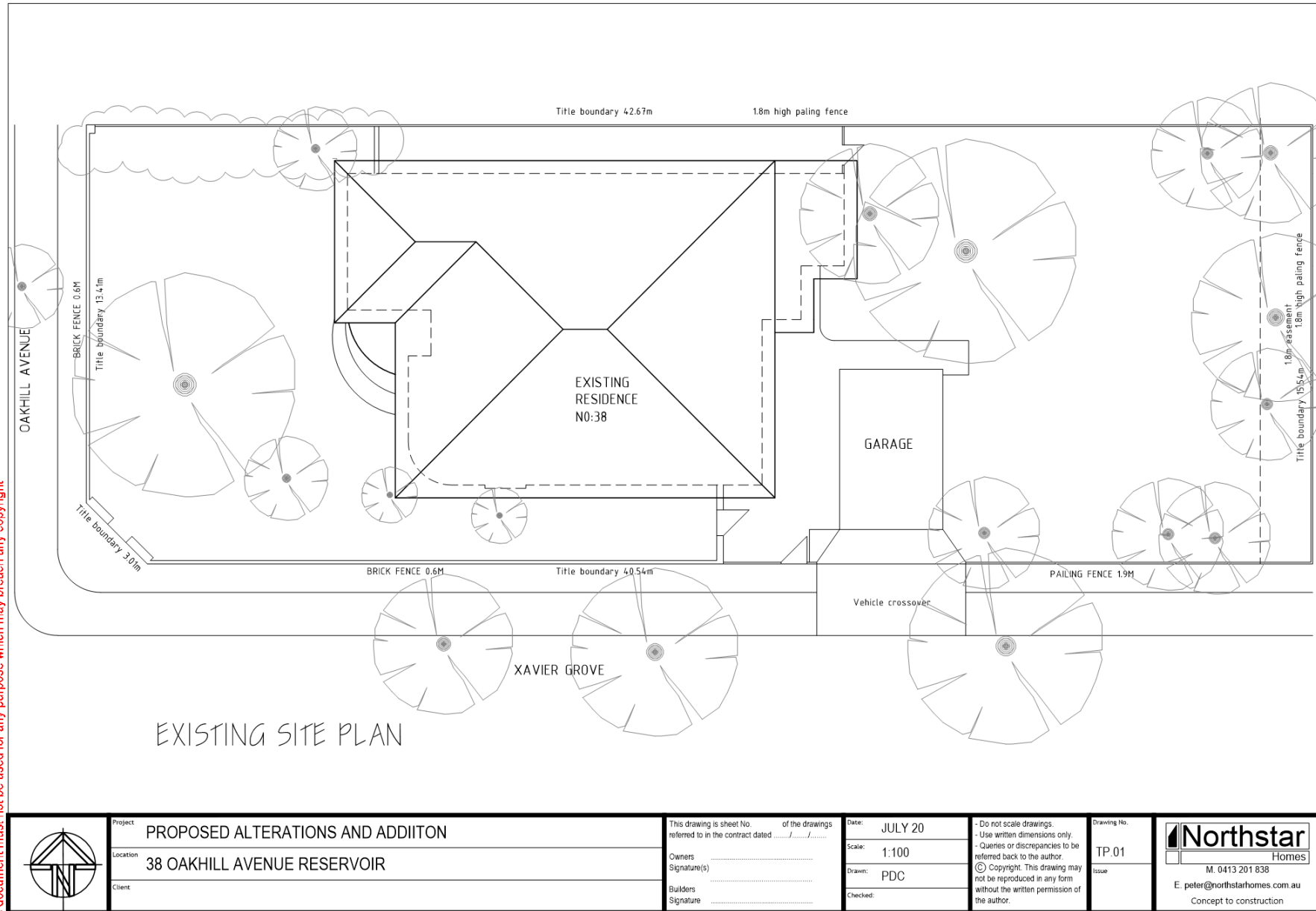
The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Darebin City Council – 38 Oakhill Avenue, Reservoir



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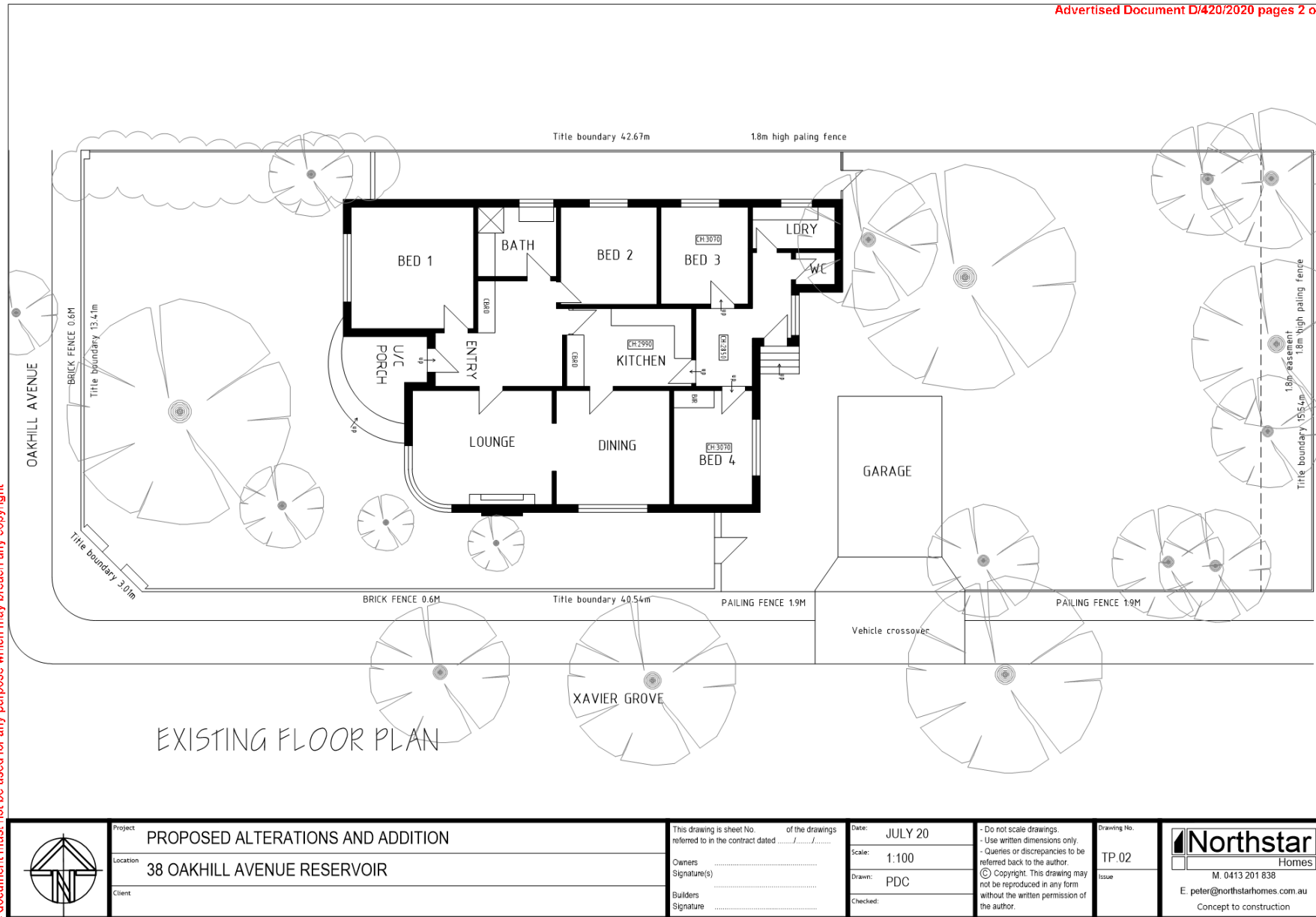
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EXISTING FLOOR PLAN



Project: PROPOSED ALTERATIONS AND ADDITION
 Location: 38 OAKHILL AVENUE RESERVOIR
 Client:

This drawing is sheet No. of the drawings referred to in the contract dated/...../.....
 Owners Signature(s)
 Builders Signature

Date: JULY 20
 Scale: 1:100
 Drawn: PDC
 Checked:

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Drawing No. TP.02
 Issue

Northstar Homes
 M. 0413 201 838
 E. peter@northstarhomes.com.au
 Concept to construction

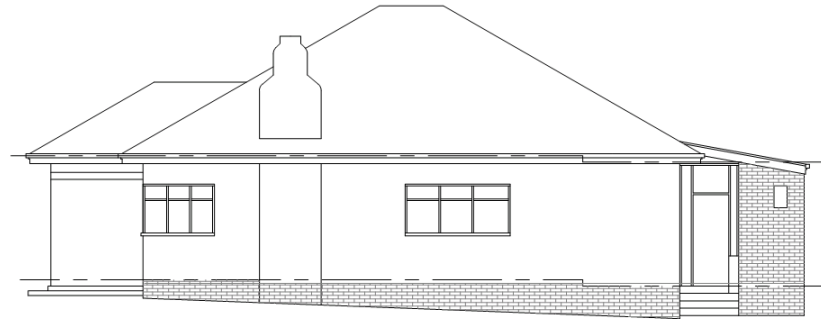
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EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



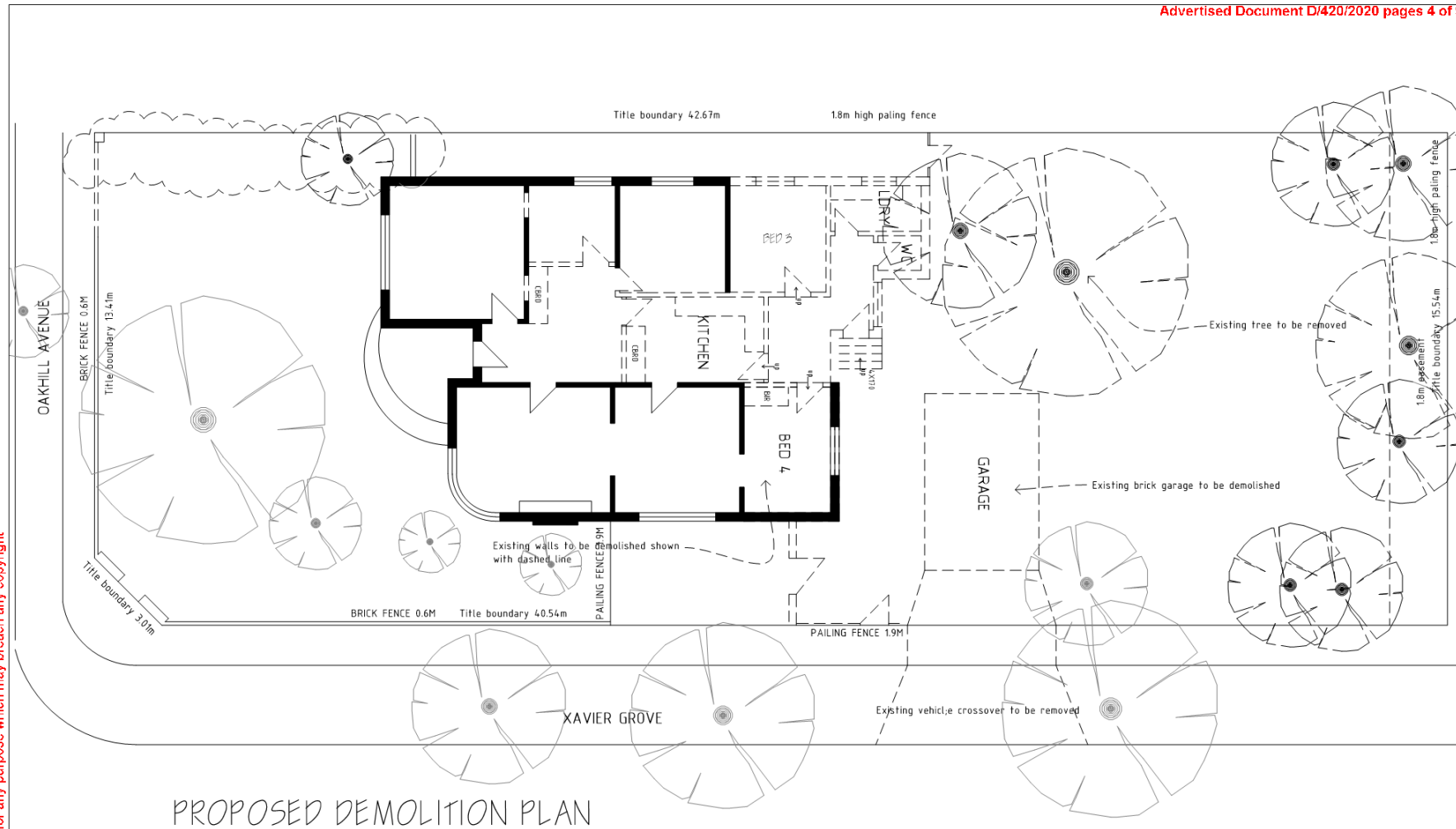
EXISTING NORTH ELEVATION

Project	PROPOSED ALTERATIONS AND ADDIITON	This drawing is sheet No. _____ of the drawings referred to in the contract dated ____/____/____.	Date:	JULY 20	Do not scale drawings. - Use written dimensions only - Queries or discrepancies to be referred back to the author. © Copyright. This drawing may not be reproduced in any form without the written permission of the author.	Drawing No. TP.03	 M. 0413 201 838 E. peter@northstarhomes.com.au Concept to construction	
	Location		38 OAKHILL AVENUE RESERVOIR	Scale:				1:100
	Client			Drawn:				PDC
Owners	Signature(s)	Builders	Signature	Checked:				

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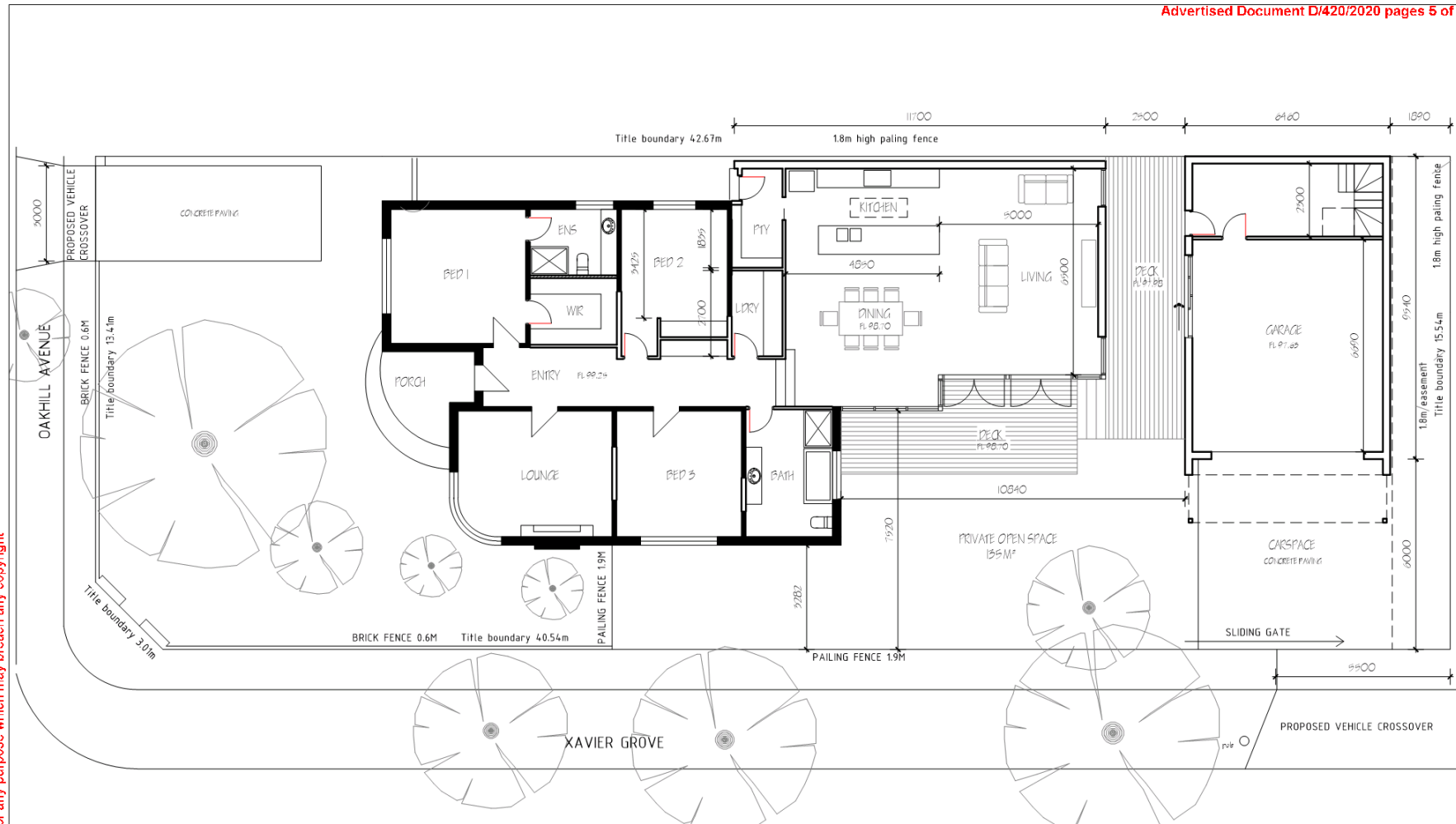
PROPOSED DEMOLITION PLAN

	Project PROPOSED ALTERATIONS AND ADDITION	This drawing is sheet No. _____ of the drawings referred to in the contract dated ____/____/____	Date: JULY 20	- Do not scale drawings. - Use written dimensions only. - Queries or discrepancies to be referred back to the author. © Copyright. This drawing may not be reproduced in any form without the written permission of the author.	Drawing No. TP.04	M. 0413 201 838 E. peter@northstarhomes.com.au Concept to construction
	Location 38 OAKHILL AVENUE RESERVOIR	Owners Signature(s) _____	Scale: 1:100		Drawn: PDC	
Client	Builders Signature _____	Checked:	Checked:			

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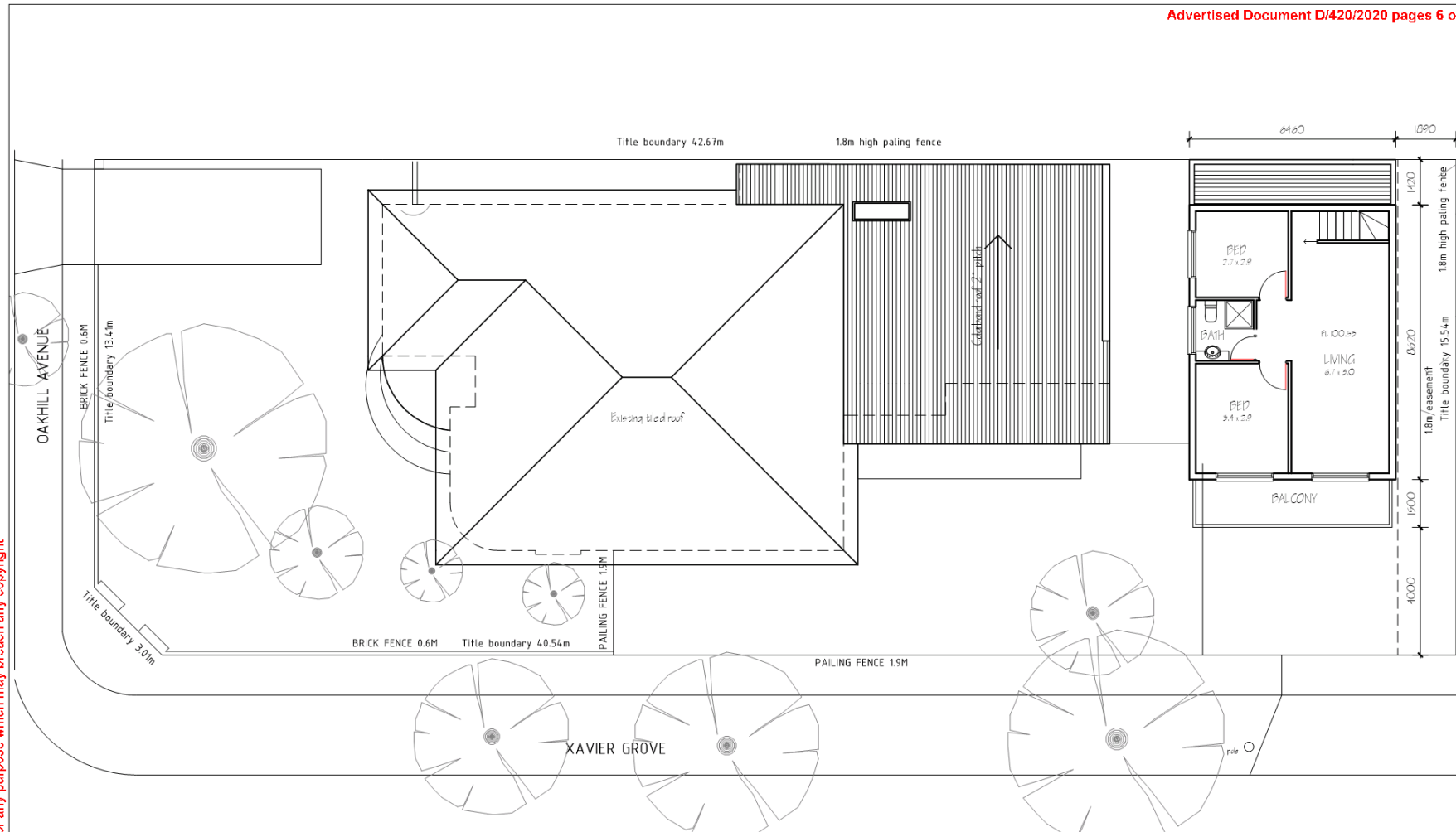
PROPOSED GROUND FLOOR PLAN

	Project PROPOSED ALTERATIONS AND ADDITION	This drawing is sheet No. _____ of the drawings referred to in the contract dated _____/_____/_____.	Date: JULY 20	Do not scale drawings. Use written dimensions only. Queries or discrepancies to be referred back to the author. © Copyright. This drawing may not be reproduced in any form without the written permission of the author.	Drawing No. TP.05	M. 0413 201 838 E. peter@northstarhomes.com.au Concept to construction
	Location 38 OAKHILL AVENUE RESERVOIR		Owners Signature(s) _____		Scale: 1:100	
Client	Builders Signature _____	Drawn: PDC	Checked:			

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PROPOSED FIRST FLOOR PLAN

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	Location	38 OAKHILL AVENUE RESERVOIR	Owners Signature(s) _____	Scale:	1:100		TP.06	
	Client		Builders Signature _____	Drawn:	PDC	Issue		M. 0413 201 838 E. peter@northstarhomes.com.au Concept to construction

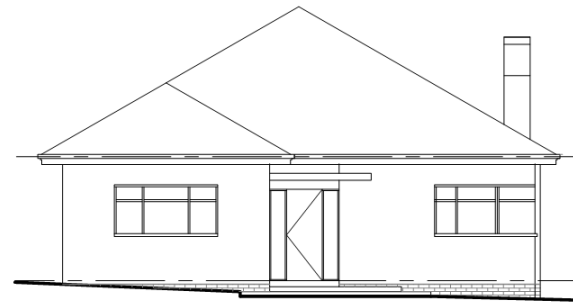
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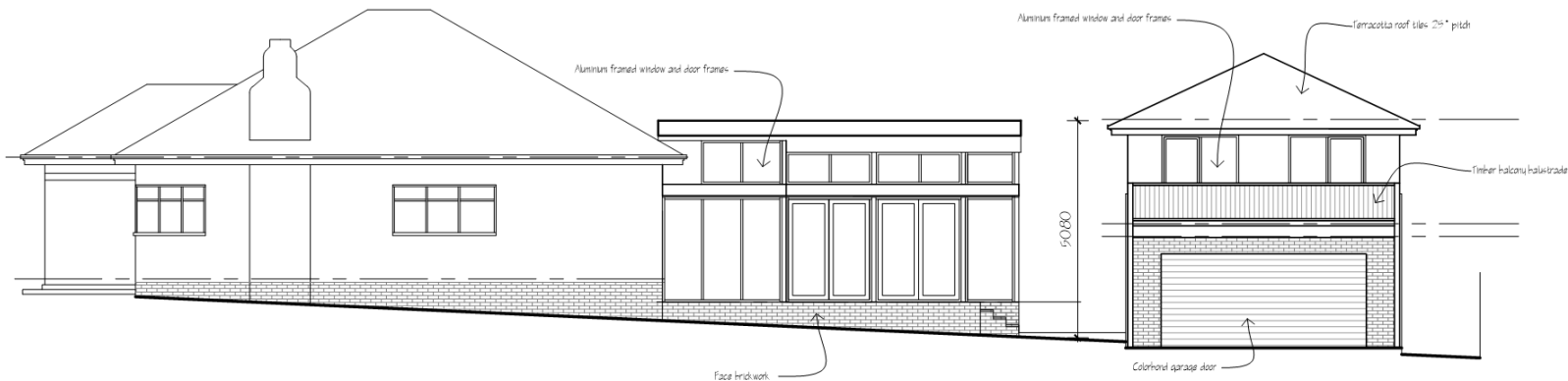
Advertised Document D/420/2020 pages 7 of 9



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

GARAGE SOUTH ELEV

Project PROPOSED ALTERATIONS AND ADDIITON	This drawing is sheet No. _____ of the drawings referred to in the contract dated _____/_____/_____	Date: JULY 20	Do not scale drawings. Use written dimensions only. - Queries or discrepancies to be referred back to the author. © Copyright. This drawing may not be reproduced in any form without the written permission of the author.	Drawing No. TP.07	M. 0413 201 838 E. peter@northstarhomes.com.au Concept to construction
Location 38 OAKHILL AVENUE RESERVOIR	Owners Signature(s)	Scale: 1:100		Issue	
Client	Builders Signature	Drawn: PDC			
		Checked:			

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NORTH ELEVATION

GARAGE WEST ELEV

GARAGE EAST ELEV

<p>Project PROPOSED ALTERATIONS AND ADDITON</p> <p>Location 38 OAKHILL AVENUE RESERVOIR</p> <p>Client</p>	<p>This drawing is sheet No. _____ of the drawings referred to in the contract dated _____/_____/_____.</p> <p>Owners Signature(s) _____</p> <p>Builders Signature _____</p>	<p>Date: JULY 20</p> <p>Scale: 1:100</p> <p>Drawn: PDC</p> <p>Checked:</p>	<p>Do not scale drawings. Use written dimensions only. Queries or discrepancies to be referred back to the author. © Copyright. This drawing may not be reproduced in any form without the written permission of the author.</p>	<p>Drawing No. TP.08</p> <p>Issue</p>	<p>Northstar Homes</p> <p>M. 0413 201 838 E. peter@northstarhomes.com.au Concept to construction</p>
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38 Oakhill Avenue Reservoir

External colour scheme

<p>Face Brickwork – Pressed red</p>	
<p>Render -White</p>	
<p>Roof cladding dwelling extension Monument</p>	
<p>Roof Cladding Garage Monier Marseille - Aurora</p>	
<p>Window / Door frames Aluminium powdercoate Black</p>	

**5.3 APPLICATION FOR PLANNING PERMIT - D/352/2020
31 Albert Street, Preston**

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Kevac Hotels	Draton Pty Ltd	BSP Lawyers

SUMMARY:

- The application proposes an extension of hours to the existing liquor licence for the Olympic Hotel in Preston.
- The following amendments to the Licenced Hours are proposed:
 - Existing:
 - Sunday between 10:00am and 3:00am the following morning (17 hours)
 - Good Friday & Anzac Day between 12:00pm and 3:00am the following morning (15 hours)
 - On any other day between 7am and 3am the following morning (20 hours)
 - Proposed:
 - Good Friday & Anzac Day between 12:00pm and 5:00am the following morning (17 hours)
 - On any other day between 9:00am and 5:00am the following morning (20 hours)
- No changes to patron numbers or the area associated with the service of liquor are proposed.
- The site is located in the Industrial 3 Zone and is affected by the Special Building Overlay and Development Contributions Plan Overlay.
- There are restrictive covenants registered on the title for the subject land. These relate to the removal of soil and brick making and do not affect the proposal.
- The Olympic Hotel is a gaming venue. The application does not propose to change the number of gaming machines.
- Whilst this Planning Permit application relates to an amendment to the hours of operation specified on the Liquor Licence this amendment would also increase the hours for which gaming machines could be played. This increase would be into the early hours of the morning (5:00am).
- Concern is raised in regard to the extended hours of the liquor licence in regard to the amenity of the area and the impacts of alcohol and gaming (social and economic).
- The proposal fails to meet a number of objectives and standards of the Darebin Planning Scheme.
- The permit applicant has initiated proceedings with the Victorian Civil and Administrative Tribunal against Council's failure to make a determination within the prescribe time. The hearing has been listed for 26 August 2021.

- It is recommended that the application not be supported.

CONSULTATION:

- Public notice was given via 2 signs posted on site and letters sent to surrounding owners and occupiers.
- No objections have been received.
- This application was referred internally to Community Development and Wellbeing and Strategic Planning.
- This application was not required to be referred to external authorities.

Recommendation

That Planning Permit Application D/352/2020 not be supported on the following grounds:

- 1) The proposal is inconsistent with the Local Planning Policy Framework, including the Municipal Strategic Statement, particularly Clause 21.04-6 (Gaming) of the Darebin Planning Scheme.
- 2) The proposal is inconsistent with the objectives and guidelines of Clause 52.27 (Licensed Premises) of the Darebin Planning Scheme.
- 3) The proposed expansion of the liquor licensing and gaming hours would have unreasonably detrimental social, economic and amenity impacts on the surrounding area.
- 4) The application is contrary to the overarching intent of Councils Darebin Electronic Gaming Machine Policy and Strategic Action Plan.
- 5) The proposal fails to meet the decision guidelines at Clause 65.01 (Approval of an Application or Plan), in that the proposal is not considered proper or orderly planning and would have unreasonably detrimental social, economic and amenity impacts on the surrounding area.

INTRODUCTION AND BACKGROUND

- A letter by the City of Preston, dated 20 May 1992, confirms the building was erected on 9 February 1953 and it appears to have existing use rights as a Hotel as the use was lawfully established prior to the introduction of planning controls in 1955.
- Planning Permit D/270/95 was issued for 'buildings and works comprising alterations to the roof and façade of the existing building' on 4 July 1995.
- The City of Darebin issued Planning Permit D463/95 for 'display of internally illuminated wall mounted business sign and display of revolving internally illuminated sky (roof mounted) business sign, to replace existing roof mounted sky sign' on 29 September 1995.
- Planning Permit D/350/96 was issued for 'buildings comprising alterations and extensions to the existing hotel and to waive the standard carparking requirement' on 28 November 1996.
- Planning Permit D/214/98 was issued for 'display of five (5) business signs in accordance with the endorsed plans' on 21 April 1998.
- Planning Permit D/238/07 was issued for 'display of business identification signs' on 21 February 2012.

- Planning Permit D/482/07 was issued for 'buildings and works comprising alterations to the sports bar amenities and an increase in the floor area of the hotel at the basement level for a billiard room and a reduction in the car parking requirement' on 29 November 2007.
- Planning Permit D/943/11 for 'buildings and works comprising a ground and first floor extension and a reduction to the car parking requirement on 21 April 2012.
- Planning Permit D/748/2012 was issued on 21 February 2014 for signs.

ISSUES AND DISCUSSION

Subject site

- The site is located on the west side of Albert Street between Ovando Street to the north and Bell Street to the south in Preston.
- The site is currently occupied by the Olympic Hotel.
- The site has a frontage of 37.92m to Albert Street, and a depth of 41.34m to Ovando Street with an area of 2,470sqm.
- The site also has a frontage to Bell Street, for a drive through bottle shop.

Surrounding area

- The surrounding area comprises a mix of commercial, industrial and residential uses.
- To the east is Albert Street, beyond which are further commercial uses, notably a car sales premises.
- To the west are commercial uses fronting Bell Street.
- To the north is Ovando Street, beyond which are further commercial uses fronting Albert Street.
- To the south is a convenience restaurant (KFC) on the corner of Albert and Bell Streets.
- A car park associated with the hotel is located at 31 Ovando Street to the north-west of the site. 120 car parking spaces are provided.

Proposal

Planning permission is sought to extend the Liquor Licence trading hours at the venue as follows:

- Existing:
 - Sunday between 10:00am and 3:00am the following morning (17 hours)
 - Good Friday & Anzac Day between 12:00pm and 3:00am the following morning (15 hours)
 - On any other day between 7:00am and 3:00am the following morning (20 hours)
- Proposed:
 - Good Friday & Anzac Day between 12:00pm and 5:00am the following morning (17 hours)
 - On any other day between 9:00am and 5:00am the following morning (20 hours)

No change is proposed to:

- The trading hours for consumption on the licensed premises for the basement and first floor; or
- The trading hours for consumption off the licenced premises.

The proposed amendments seek to allow the Hotel to serve liquor until 5:00am. The proposal will also allow for gaming machines to be played until 5:00am.

PLANNING ASSESSMENT

Clause 52.27 Licenced Premises

The Hotel currently operates pursuant to Late Night General Licence. The Licence is held by the applicant. The type of licence would not change as a result of this application.

The application seeks that the hours of trading are extended in two ways:

- The number of hours that the Hotel is open is being increased.
- The hours that the Hotel is open is being extended further into the early morning (from 3:00am to 5:00am).

The decision guidelines require that these two scenarios are appropriately considered when making a decision on an application concerning a licensed premises.

Having regard to the relevant planning permit trigger and policies of the Scheme the following assessment is provided:

The Municipal Planning Strategy and the Planning Policy Framework:

- The Hotel is a long established business and was constructed in 1956.
- The Hotel currently offers a range of entertainment facilities, including the following:
 1. Bistro
 2. External courtyards
 3. Children's play room
 4. TAB
 5. Sports Bar
 6. Public bar
 7. Three function rooms
 8. Gaming room with 45 electronic gaming machines
 9. Drive through liquor store
 10. Offices

The Municipal Strategic Statement (MSS) at Clause 21.04-6 (Gaming) states that Darebin is one of the areas in which a regional cap on electronic gaming machines (EGM) has been declared by the state government. While social and economic issues related to gaming should be addressed at various levels, land use planning also has a significant role in addressing and regulating the use of EGMs. As part of the Strategic Action Plan a set of guidelines has been prepared to help in application assessments to gauge the Social and Economic Impact Assessment of proposed gaming machines.

The MSS states that the key strategy is to:

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

As detailed throughout this report it is considered that the increased operating hours of the hotel and the extended gaming into the early morning would be significantly detrimental both socially and economically to the wider community. The application includes no information on the social or economic impacts of the proposal.

It is not considered that the proposal is adequately consistent with the Local Planning Policy Framework.

The following is an assessment of the proposal against the relevant decision guidelines at Clause 52.27 (Licensed Premises) of the Darebin Planning Scheme.

The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.

- The application does not contemplate a change to the maximum number of patrons permitted within the Hotel.
- The area within which liquor can be consumed is not proposed to be increased.
- The hotel already operates with very generous hours until 3:00am. It is not considered that there is a need for a Hotel to be operating until 5:00am.
- It is considered that extending hours from 3:00am - 5:00am would likely increase chances of anti-social behaviour in the area. Impacts associated with increased crime and safety may arise.

The impact of the hours of operation on the amenity of the surrounding area.

- Given the entirety of the assessment covered in this report, on balance it is considered that the extended hours are unnecessary and would lead to a variety of amenity concerns.

The impact of the number of patrons on the amenity of the surrounding area.

- The application does not contemplate a change to the maximum number of patrons permitted within the Hotel.
- However, it is considered that extending opening hours to 5am would have the venue opening at more unsociable hours with additional scope to impact the amenity of the area particularly by way of anti-social behaviour.

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

- The Department of Planning and Community Development produced Practice Note 61 in March 2010 titled 'Licensed Premises: assessing cumulative impact' (Practice Note) with the purpose to explain the concept of cumulative impact in relation to licensed premises and provide guidelines to assist consideration of cumulative impact.
- The Practice Note should be used for all applications that:
 - Will be licensed and open after 11:00pm; and
 - Is in an area where there is a cluster of licensed premises.
- The Hotel is already operates beyond 11:00pm.
- The Practice Note considers a cluster to be three or more licensed premises including the proposed premises within a radius of 100 meters to the subject land; or 15 or more

licensed premises including the proposed premises within a radius of 500 metres from the subject land.

- There is no cluster of licensed premises proximate the site.
- No cumulative impact assessment is required.

Health, Social & Economic Impacts

This application seeks to extend the hours of operation for gaming within the Hotel.

Councils 'Electronic Gaming Machine Policy 2018-2022' sets out the unreasonable harm that is caused by gaming. It is Council's position that gambling through EGMs has had and will continue to have a negative effect on individuals, families and communities. The cumulative detriment caused by the consistent high annual losses incurred in Darebin is reflected in a range of poor socioeconomic and wellbeing indicators.

There is a clear connection established between extending the hours of the liquor licence and the extension to the hours allowed for gaming. This is because gaming machines may only be used during the period that the liquor licence authorises the sale or consumption of liquor on the premises. Accordingly, if the hours of trading permitted under the Liquor Licence are extended, then the hours during which gaming may occur on the land are also extended.

The assessment of this application concludes that the increased hours of operation and the extension of permitted hours for gaming into the early hours of the morning would result in unreasonable health, social and economic impacts and this could be avoided by not permitting the extended hours of operation.

Shifting closing hours to early morning is more likely to lead to reduced productivity and quality of work of a gaming machine user. A 2014 discussion paper by Victorian Responsible Gambling Foundation (2014)¹ noted that one of the harmful effects of gambling to an employee includes fatigue and anxiety at work or they may be increasingly absent due to days off and extended breaks used to gamble.

Extending gambling hours would mean gaming machine users would spend more time in the venue. This is likely to result to them incurring further losses on gaming.

Whilst there is no reference to the consideration of social impacts in Clause 52.27 (Licenced Premises) the decision guidelines at Clause 65, however, require that consideration be given to the matters set out in Section 60 of the Act. Indeed, the wording of Section 60 itself mandates that the matters set out there must be considered before deciding on an application. Included amongst these is:

- *Any significant social effects and economic effects which the responsible authority considers the use or development may have.*

As detailed in Darebin's Electronic Gaming Machine Policy the following is noted:

In Darebin, gambling through Electronic Gaming Machines (EGMs) continues to be directly associated with the greatest harms to individuals, their families and the general community with over \$80M lost every year.

A recent study commissioned by the Victorian Responsible Gambling Foundation examined gambling harm from a public health perspective. The results indicated that 'low risk' and 'moderate risk' gamblers do experience harm. In fact, they account for 85% of gambling harm in Victoria (Victorian Responsible Gambling Foundation 2016).

Gambling losses from EGMs in Darebin are higher than any other form of gambling and create the greatest harm to Darebin's communities and Darebin has the third-highest EGMs losses in the Northern metropolitan region for 2016/2017. The venues with the highest number of EGMs generate the highest losses. As the City of Darebin has the second-highest score of relative

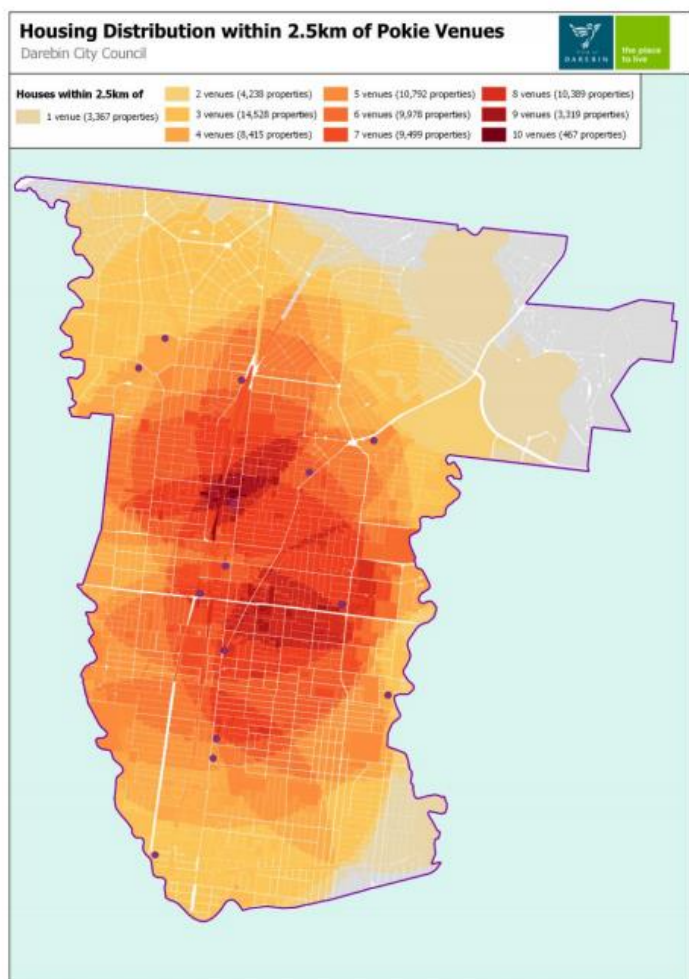
¹ Victorian Responsible Gambling Foundation (2014). Gambling and Workplace: The issue, its impacts and actions for employers. <https://responsiblegambling.vic.gov.au/>

socio-economic disadvantage compared with adjoining municipalities the community harms from these losses is magnified by the relatively high unemployment levels and high levels of disadvantage. The City of Darebin was ranked 10th highest of all metropolitan municipalities and 11th highest of all Victorian municipalities for EGM expenditure in 2016/17 (VCGLR 2017).

The City of Darebin had a higher EGM expenditure per adult compared with metropolitan Melbourne and the second-highest EGM expenditure per adult compared with adjoining municipalities.

Across metropolitan Melbourne, our most disadvantaged municipalities have the highest density of poker machines. This is also reflected in Darebin and is a deliberate strategy of the gambling industry to target disadvantaged neighbourhoods for higher numbers and densities of EGMs (Brown 2011). EGM expenditure and density of EGMs per 1,000 adults in Darebin decreased between 2014/15 and 2016/17, however Darebin had a higher density of EGMs per 1,000 adults compared with metropolitan Melbourne and the second-highest density of EGMs per 1,000 adults compared with adjoining municipalities (VCGLR 2017). Based on current research that indicates that the majority of EGM patronage is generated from gamblers who live within 2.5km of an EGM venue almost the entire City of Darebin is affected by EGMs. The following heat map shows the concentration of EGMs in Darebin.

Figure 1: Heat map of housing distribution within 2.5km of an EGM venue



Olympic Hotel Preston has 80 Electronic Gaming Machines (EGMs), with \$10,249,751 losses in 2019. The losses to EGMs at Olympic Hotel make up 13% of the municipality’s losses. The EGM venue is the third highest for losses in the municipality.

The hotel is located in an area with a high concentration of public housing in the surrounding area. The hotel is located in Preston, a suburb with a low SEIFA Index (Socio-economic Indexes for Areas) of Relative Disadvantage (996). The hotel is in close proximity to one of

the most disadvantaged neighbourhoods in Darebin, with low SEIFA Index of Relative Disadvantage – East Preston (971) compared to the Darebin average of 1,004 (ABS, 2016).

The neighbourhood of Preston (East) includes the geographical neighbourhoods area known as the 'Northland Activity Centre', which has a SEIFA index of 840.5 - the lowest in the municipality and ranked as being among the lowest in the country (ranked in the 4th percentile) (ABS, 2016).

The location borders closely to East Preston, an area of significant disadvantage, poorer health and wellbeing outcomes and lower perceptions of safety.

In 2015, Council conducted a community survey in East Preston and East Reservoir. The survey focused on indicators of the social determinants of health and compared them to Darebin and Victoria averages. The survey had 401 out of 1,875 households participate, with a response rate of 38.9 per cent (Darebin City Council, 2015). With some notable exceptions, this survey found a clear social gradient across a number of health and wellbeing indicators, when compared to other neighbourhoods in Darebin and the municipality as a whole.

The survey found that the perceptions of safety in Preston (East) and Reservoir (East) during the day was 93.5 and 88.2 respectively, which is lower than the Darebin average of 95.9.

The perceptions of safety during the night in Reservoir East was 36.5, significantly lower than the average of both Darebin and Preston (East), which had the same score of 60.9. When people have lower perceptions of safety in their neighbourhood, social connections and interactions are reduced.

Data from the Crime Statistics Victoria (2020) shows that most criminal incidences in Darebin happen in Preston. Between March 2019 - March 2020, a total of 4,151 crime incidences were recorded in this suburb alone. This was 35% of total criminal incidences recorded in Darebin.

There was an increase of criminal incidences in Preston; 115 incidences were recorded for the same period in the previous year. The top five locations where crime incidences happened include street/lane/path, house, flat/unit/apartment, shopping complex and driveway/carport.

Offences recorded by offence type: Mar 2019-Mar 2020

<i>Offence</i>	<i>Preston 3072</i>	<i>% Darebin total</i>
A Crimes against the person	593	34%
B Property and deception offences	3791	36%
C Drug offences	269	38%
D Public order and security offences	231	45%

Hours of operation

Darebin’s EGM background report highlights the role operating hours can have in the risk to harm in association with electronic gaming machines. The Productivity Commission Inquiry report, Gambling (2010) identified opening hours as a risk factor and has recommended shutdown periods of at least six hours commencing earlier than they are currently i.e. no later than 2:00am. Shutdown periods allow people experiencing harm from EGM gambling to have a break in play. However, in order for shutdown periods to be effective in preventing and minimising harm from gambling they need to be consistent between gaming venues in close proximity to one another in order to discourage people from moving to another gaming venue when the gaming venue they are using closes.

In reviewing the hours of operation of EGM venues in the vicinity of Olympic Hotel, it was found that the nearby venues had consistent or shorter hours of operation:

EGM Venue	Address	Proximity to site (direct and approximately)	Hours of operation
Cramer’s Hotel	1 Cramer Street Preston	1750 metres	8:00am-4:00am
Darebin RSL Club	402 Bell Street Preston	1550 metres	10:00am-1:00am
Furlan Club	1 Matisi Street Thornbury	1220 metres	10:00am-1.30pm
Junction Hotel	1 Plenty Road Preston	1730 metres	8:00am-4:00am

The background report found that the fact that the gaming venue was open when other facilities are shut was the third most important reason (following accessibility and size) for a Darebin resident experiencing harm from gambling to visit a gaming venue. As such the extended hours are considered to result in an unreasonable social impact.

It is clear that the area surrounding the Olympic Hotel is one that is particularly vulnerable socially and economically. It would be irresponsible to recommend support for a proposal that increases hours for gaming into the early morning that results in unreasonable detriment to the community both socially and economically.

The application is not supported by any information regarding either statutory and non-statutory harm minimisation measures to be implemented in order to assist in assessing the potential social and economic impacts of the proposal as both a licensed premises and an electronic gaming venue.

The application provides no consideration of the social impacts associated with the proposal and no social impact assessment or community management and safety plan has been submitted in support of the application.

Conclusion:

The hours of operation associated with the existing liquor licence are already exceedingly generous. As detailed in this report any extension of these hours would result in unreasonable amenity, social and economic impacts.

REFERRAL SUMMARY

Department	Response
Strategic Planning	<p>The Olympic Hotel also operates as an Electronic Gaming venue. Whilst the application does not seek to vary its gaming licence, the proposed changes to the hours of operation will impact on the access and use of electronic gaming machines.</p> <p>Darebin’s EGM background report highlights the role operating hours can have in the risk to harm in association with electronic gaming machines. The Productivity Commission Inquiry report, Gambling (2010) identified opening hours as a risk factor and has recommended shutdown periods of at least six hours commencing earlier than they are currently i.e. no later than 2am.</p> <p>Shutdown periods allow people experiencing harm from EGM gambling to have a break in play. However, in order for shutdown periods to be effective in preventing and minimising harm from gambling they need to be consistent between gaming venues in close proximity to one another in order to discourage people from moving to another gaming venue when the gaming venue they are using closes.</p>

Department	Response
	<p>In reviewing the hours of operation of EGM venues in the vicinity of Olympic Hotel, it was found that the nearby venues had consistent or shorter hours of operation.</p> <p>The background report found that the fact that the gaming venue was open when other facilities are shut was the third most important reason (following accessibility and size) for a Darebin resident experiencing harm from gambling to visit a gaming venue.</p> <p>Therefore, it is recommended the applicant supports the application by describing both the statutory and non-statutory harm minimisation measures to be implemented in order to assist in assessing the potential social and economic impacts of the proposal as both a licensed premises and an electronic gaming venue.</p>
Community Development and Wellbeing	<p>The location borders closely to East Preston, an area of significant disadvantage, poorer health and wellbeing outcomes and lower perceptions of safety.</p> <p>The venue sees the third highest EGM losses in Darebin – over \$10M in 2019.</p> <p>Considerations for the applicant:</p> <ul style="list-style-type: none"> • Provide a social impact assessment. • Prepare a community management and safety plan of the area.

PLANNING SCHEME SUMMARY

Darebin Planning Scheme clauses under which a permit is required

- Pursuant to Clause 52.27 (Licensed Premises) of the Darebin Planning Scheme a planning permit is required to extend the trading hours allowed under a liquor licence.

Applicable provisions of the Darebin Planning Scheme

Section of Scheme	Relevant Clauses
SPPF	11.01-1S, 11.01-R1, 11.02-1S, 11.03-1S, 11.03-1R, 13.07-1S, 15, 15.01-1S, 15.01-5S, 15.02-1S, 16, 17, 17.01-1S, 17.01-1R, 17.02, 18, 19, 19.01, 19.02, 19.03
LPPF	21.04, 22.04
Zone	33.03
Overlay	45.06, 44.05
Particular provisions	52.27, 52.28
General provisions	65.01

RELATED DOCUMENTS

- Darebin Planning Scheme and the Planning and Environment Act (1987) as amended.
- Darebin Electronic Gaming Machine Policy 2018-2022.

Attachments

- Aerial - 31 Albert Street, Preston - D/352/2020 (**Appendix A**) [↓](#)
- Planning Statement - 31 Albert Street, Preston - D/352/2020 (**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.

31 Albert Street, Preston



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

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Planning Submission

Site: Olympic Hotel, 31 Albert Street, Preston

31 July 2020



Level 15, 200 Queen Street
MELBOURNE VIC 3000
Tel: (03) 9670 0722
Fax: (03) 9670 0622
ABN 49 684 715 655
Our Ref: SK:194601

Document1

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1. Introduction

BSP Lawyers has been engaged by Kevak Hotels Pty Ltd (**the Applicant**) to prepare and lodge an application for a new planning permit to extend the trading hours relating to the operation of the Olympic Hotel (**Hotel**), located on land known as 31 Albert Street, Preston (**the Subject Site**).

The proposal is for a new permit to allow an extension of trading hours at the Hotel until 5.00am each day.

In summary, this planning submission outlines the following:

1. The subject site and surrounds
2. The proposal
3. The planning context
4. An assessment of the proposal against the key planning considerations

The following sections of the submission outline each of these matters in turn.

2. Subject Site and Surrounds

Subject Site

The Hotel is located on Albert Road, approximately 50 metres north of the intersection with Bell Street.

The Hotel has recently undergone an extensive renovation, engaging all sections of the Hotel creating a refreshing and modern look.

Originally built in 1956 as a watering hole for the Olympic athletes, the Hotel is full of history.



Figure 1 –Hotel historical imagery

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Figure 2 –Hotel current presentation

The Hotel currently offers a range of entertainment facilities, including the following:

1. Bistro
2. External courtyards
3. Childrens’ play room
4. TAB
5. Sports Bar
6. Public bar
7. 3 Function rooms
8. Gaming lounge with 45 electronic gaming machines
9. Drive through liquor store
10. Offices

The Hotel operates pursuant to Late Night General Licence Number 31909980 (**the Licence**). The Licence is held by the Applicant.

The Licence authorises the supply of liquor for consumption on the licensed premises as follows:

For consumption off the licensed premises –

Sunday between 10am and 12 midnight

Good Friday & Anzac Day between 12 noon and 12 midnight

On any other day between 7am and 12 midnight

For consumption on the licensed premises –

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Basement & First Floor

Sunday between 10am and 1am the following morning

Good Friday & Anzac Day between 12 noon and 1am the following morning

On any other day between 7am and 1am the following morning

In the remainder of the premises

Sunday between 10am and 3am the following morning

Good Friday & Anzac Day between 12noon and 3am the following morning

On any other day between 7am and 3am the following morning

The Licence allows for the following maximum patron capacities:

Ground Floor – Bistro (306 patrons) Gaming Room (260 patrons) Smoking room adjacent the gaming room (46 patrons) Tab Bar (100 patrons) Sports Bar/Lounge (328 patrons) Smoking Room adjacent Sport Bar (55 patrons)

First floor – function/conference room south (316 patrons) Function/conference room north (250 patrons) Terrace (25 patrons)

Basement – function room (130 patrons)

Overall maximum 810 persons

Surrounds

North

Land uses to the immediate north of the Subject Site are a Kennards Hire hub and Ambulance Victoria building. The closest residential dwellings are located on Cynga Street, north of Kennards Hire, approximately 200 metres away from the Hotel.

South

Bell Street is located to the south of the Subject Site. A number of commercial and retail uses are located south of the Hotel, including a KFC, Hungry Jacks and petrol station. Further south is a bulky goods development including a Drummond Golf and Macpac Adventure shop. This development backs onto the HLT Oulton Reserve.

East

Land to the immediate east of the Hotel is a Mazda dealership, with further bulky and industrial uses located further east.

West

To the immediate west of the Hotel is a Genesis Health and Fitness studio and Dulux Trade Centre.

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Figure 3 – Google Earth image

3. Proposal

The Applicant now seeks a new planning permit to extend the trading hours at the Hotel as follows:

For consumption on the licensed premises –

In the remainder of the premises

Good Friday & Anzac Day between 12noon and 5am the following morning

On any other day between 9am and 5am the following morning

No change is proposed to:

- (a) The trading hours for consumption on the licensed premises for the basement and first floor; or
- (b) The trading hours for consumption off the licenced premises.

Following lodgement and assessment of this application, the Applicant will apply to the Victorian Commission for Gambling and Liquor Regulation to vary the trading hours on the Licence.

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4. Planning Context

Zoning

The Hotel building is located within Industrial 3 Zone (IN3Z) under the Darebin Planning Scheme (Scheme) as shown in Figure 4 below.

The purpose of the IN3Z includes:

- To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.
- To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.
- To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

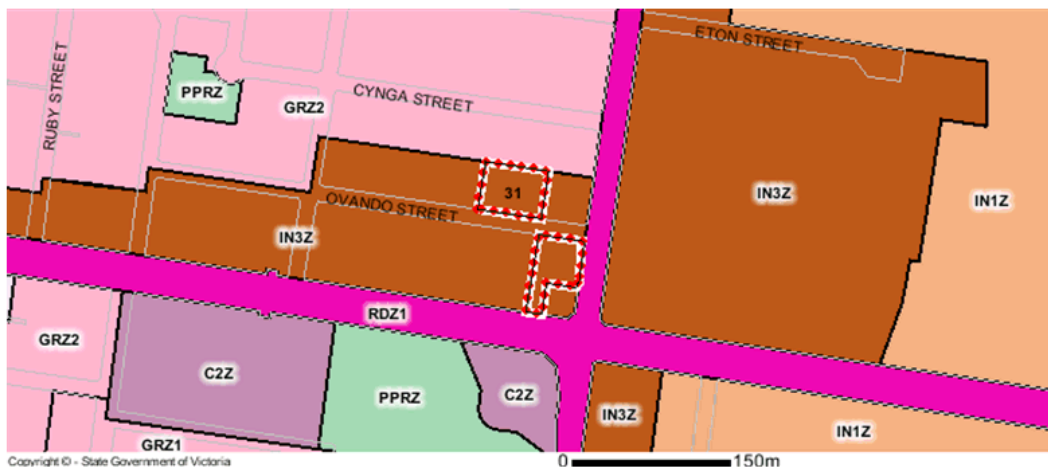


Figure 4: Zoning map

Overlays

The following overlays affect the Subject Site:

1. Development Contributions Plan Overlay Schedule 1
2. Special Building Overlay

Particular Provisions

Permission pursuant to Clause 52.27 of the Scheme is sought to extend the trading hours of the Hotel as set out above.

Relevant decision guidelines are as follows:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

Relevant Planning Policies

Clause 22.04 of the Scheme 'Industrial and Commercial Activity' is relevant. The objectives of Clause 22.04 include:

- *To ensure a high standard of urban design is achieved to improve the visual character, functioning and layout in industrial and commercial areas.*
- *To require the provision of suitable landscaping to improve the appearance of industrial and commercial areas.*
- *To minimise the impact on the amenity of surrounding residential areas from traffic, noise and emissions resulting from industrial land uses.*
- *To reduce and minimise conflict between industrial and non-industrial land uses.*

Relevant policy guidance covers the desire for a high standard of amenity within industrial and commercial areas.

Clause 22.10 of the Scheme 'Bell Street Land Use' is relevant. The objectives of Clause 22.10 include:

- *To maintain the residential character of parts of Bell Street*
- *To encourage the consolidation of Restricted Retail uses west of Albert Street*
- *To maintain land east of Albert Street for industry*

The Subject Site is within Area C as shown on Map 2 of Clause 22.10, where the following policy applies:

- *It is policy to encourage restricted retail uses to locate between... Victoria Street and Albert Street on the south side of Bell Street (Map 2, Area C) and to consolidate that part of Bell Street as a bulky goods precinct by encouraging more intensive development of key sites.*

It is noted that Council does not have any planning policy specifically relating to licensed premises. This is compared to other municipalities where issues surrounding licensed venues have been implemented into the local planning policy framework.

No triggers

For completeness it is noted that given:

1. No buildings and works are proposed as part of this application, so that there are no permit requirements triggered under the applicable overlays.
2. This is not an application to use or install additional gaming machines at the Hotel, so that clause 52.28 of the Scheme is not triggered and has not been considered¹. This is consistent with the Tribunal's findings in *Carlton Football Club Ltd v Hobsons Bay CC [2015] VCAT 645* and *Victoria Amateur Turf Club v Mornington Peninsula SC [2015] VCAT 1991*.

The application does not seek to amend the total number of gaming machines operating at the Hotel. The Hotel is currently approved to operate 80 electronic gaming machines.

6. Assessment of Relevant Policies

Having regard to the relevant planning permit trigger and policies of the Scheme, it is considered that the proposal ought be supported.

- The application does not contemplate a change to the maximum number of patrons permitted within the Hotel.
- The area within which liquor can be consumed is not proposed to be increased.
- The lack of adjoining residential properties ensures that there will be no unreasonable outcomes as a result of the proposal.
- The Hotel is an existing licensed premises, is well removed from other licensed venues and there will not be a cumulative effect on amenity as a result of the proposal.
- The Hotel is located within the Industrial 3 Zone. The proposal accords with the purpose of the zone and is not inconsistent with the objections set out at Clauses 22.04 or 22.10.
- The application will allow the Hotel to satisfy the demand of current and future needs of the community. The Hotel has been receiving feedback from its patrons that the current trading hours are not meeting their needs. This is consistent with the experience of the Hotel's staff, who are finding that, at closing time, they are asking patrons to leave the Hotel because it is closing.
- The existing permissions for the Hotel provide sufficient measures to ensure no adverse amenity impacts are associated with the Hotel.
- The Hotel itself offers a range of entertainment and recreational facilities. All areas of the Hotel, excluding the bistro, will be open during the extended trading hours to provide patrons with a range of recreational activities.
- Food will be available at all times and encouraged.
- The proposed extension of hours will not unreasonably impact the amenity of the area. The Hotel has a long and excellent track record with respect to the management of noise

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emissions and the like. There is no basis to suggest that expanding the current operating hours represents a “tipping point” at which an acceptable business operations becomes unacceptable in terms of amenity impacts.

- The applicant’s experience is that its patrons are leaving the Hotel and going to other competitor venues. It is notable that many of those competitor venues do not offer a full range of facilities, besides gaming, nor offer comprehensive responsible service of alcohol and responsible service of gambling measures. The Hotel prides itself on the following:
 - At all times gaming is provided, the Hotel has a full range of facilities available to its patrons, including food and other activities besides gaming for its patrons.
 - The Hotel has the equal highest number of staff provided, noting that engaged and appropriately trained staff are a recognised protective factor in relation to responsible service of alcohol and gambling measures.
 - The Hotel is a safe venue with 2 security guards being provided and has a well lit car park that adds to patron safety.
- The granting of the application would better serve the Hotel’s patrons and retain customers in an environment that offers a more protective responsible service of alcohol and gambling environment to patrons and would therefore be a sound outcome.
- No complaints have been received in relation to operation of the Hotel. Given the remainder of the Hotel is already approved to trade to 3am, any amenity impacts that might be said to occur by grant of the application would already have arisen.

It is not expected that there will be any cumulative impact of any existing licenced premises for the following reasons:

- The Department of Planning and Community Development produced Practice Note 61 in March 2010 titled ‘*Licensed Premises: assessing cumulative impact*’ (**Practice Note**) with the purpose to explain the concept of cumulative impact in relation to licensed premises and provide guidelines to assist consideration of cumulative impact.
- The Practice Note should be used for all applications that:
 - Will be licensed and open after 11pm; and
 - Is in an area where there is a cluster of licensed premises.
- The Hotel will be open beyond 11pm.
- The Practice Note considers a cluster to be three or more licensed premises including the proposed premises within a radius of 100 meters to the subject land; or 15 or more licensed premises including the proposed premises within a radius of 500 metres from the subject land.
- There is no cluster of licensed premises within 100 metres.
- Therefore, no cumulative impact assessment is required.

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7. Conclusion

It is submitted that the proposal is acceptable given its consistency with planning policy, including Clause 52.27 which seeks to ensure that the impact on licensed premises on the amenity of the surrounding area is considered, and that the planning permit ought be granted.

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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

- Applications determined by VCAT - Report for Planning Committee (**Appendix A**) [↓](#)

PLANNING COMMITTEE MEETING

9 MARCH 2021

danielDelegate Decisions before VCAT

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
4/08/2020 (Compulsory Conference)	D/145/2018	480 Gilbert Road, Preston Cazaly	S87A Amendment request to VCAT remove roof decks to 3 dwellings	Council taking position of opposition	
Result	Matter vacated at the request of the parties - Order dated 28/07/2020.				
6/08/2020	D/181/2013/B	1003 Plenty Road, Kingsbury Latrobe	A medium density housing development comprised of the construction of seven (7) dwellings; a reduction to the car parking requirement for Units 1, 2 & 3; and alteration of access to a road in a Road Zone Category 1	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	While the Tribunal acknowledged that the amendment to provide an additional (fourth) bedroom (through the conversion of part of the existing living area) to three of the dwellings was not an ideal outcome, the proposal resulted in an acceptable outcome. In particular, the Tribunal found that the policy context which encourages higher density development and the fact that living areas and balconies still provided sufficient space for occupants to recreate, favoured supporting the amendment.				
11/08/2020 (Compulsory Conference)	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	
Result	The matter did not settle.				
12/08/2020 (Compulsory Conference)	D/513/2019	69 Mitchell Street, Northcote Rucker	Proposed demolition of existing dwelling and construction of two (2) dwellings	Refusal – Applicant Appeal	
Result	The matter did not settle.				

PLANNING COMMITTEE MEETING

9 MARCH 2021

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/08/2020	D/957/2018	12 Lawson Street, Reservoir La Trobe	Construction of a medium density development consisting of four (4) dwellings	Notice of Decision – Objector Appeal	Council's decision affirmed – Permit Granted
Result	The Tribunal was satisfied that the proposal responded acceptably to its context and had no unreasonable amenity impacts on the Objector Applicants.				
18/08/2020	D/361/2019	60 Pickett Street, Reservoir Latrobe	Construction of five (5) double storey dwellings on the lot and a waiver of visitor car parking	Refusal – Applicant Appeal	Council's refusal affirmed – no Permit granted
Result	In affirming Council's refusal to grant a Permit, the Tribunal noted that fatal elements included the attached unbroken form of the development, the form of the first floor, the setbacks to Johnson Street and rear setbacks, the amount of hard surfaces and extent of crossovers, and correspondingly a limited ability for the site to be landscaped. In considering these issues, the Tribunal determined that the proposal had not responded to Council's neighbourhood character policy.				
18/08/2020 (Compulsory Conference)	D/522/2019	14-16 Wardrop Grove, Northcote Rucker	A 2-3 storey building comprising seven (7) dwellings	Conditions Appeal	
Result	The matter did not settle.				
20/08/2020	D/343/2019	209 Broadway, Reservoir Latrobe	Proposed construction of six (6) double storey dwellings on land affected by the Special Building Overlay and adjacent to a Road Zone Category 1.	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	After the lodging of amended plans by the Permit Applicant, the critical questions for the Tribunal boiled down to the proposal's built form response and whether acceptable landscaping was provided on site which it ultimately concluded it was.				

PLANNING COMMITTEE MEETING

9 MARCH 2021

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
26/08/2020	D/789/2018	566-568 High Street, Preston Cazaly	Proposed construction of a five-storey (plus basement and rooftop terrace) mixed use development and a waiver of the car parking requirements	Refusal – Applicant Appeal	
Result	Adjourned to 12 May 2021				
28/08/2020	D/41/2016/B	154 High Street, Northcote Rucker	Amendment to Existing Permit which allows a 5 storey building comprised of 13 apartments, shop and car parking reduction to become a 5 storey building comprised of 4 dwellings and 2 apartments over a shop	Refusal – Applicant Appeal	
Result	The Permit Applicant withdrew their application for review prior to the hearing (21 August 2020).				
31/08/2020	D/888/2018	114 Elm Street, Northcote Rucker	Proposed partial demolition and alterations (including a double storey addition) to an existing dwelling on a lot less than 300m2 in a Heritage Overlay	Notice of Decision – Objector Appeal	Council's decision varied – Permit granted
Result	The Tribunal found that the new extension is distinguishable from the original heritage fabric and is of a scale that will not overwhelm either its host building or the adjacent heritage dwellings. It went on to find the height and recession from the street façade mean the upper storey extension will not overwhelm the outlook available from the park opposite. While Council's decision was varied, the conditions were to clarify matters of detail relating to overshadowing, and also to render the upper level extension, which were changes volunteered by the Permit Applicant.				

PLANNING COMMITTEE MEETING

9 MARCH 2021

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

9 MARCH 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

9 MARCH 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

9 MARCH 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

9 MARCH 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

9 MARCH 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

9 MARCH 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

9 MARCH 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.				
19/02/2020 (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 (plus basement and rooftop terrace) mixed use development and a waiver of the car parking requirements	Refusal – Applicant Appeal	Decision Pending
Result					
26/02/2020	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 Decisions before VCAT

AUGUST 2020					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/08/2020	D/262/2019	Lot 17, 7 Eunson Avenue, Northcote Rucker	Construction of a double storey dwelling on a lot (Lot 17 of 7 Eunson Avenue, Northcote) less than 300 square metres, removal of vegetation, and a reduction of car parking requirements	Refusal (Contrary to Officer Recommendation) – Applicant Appeal	Council's refusal affirmed – no permit granted
Result	The Tribunal considered the proposal did not respond sensitively to the Merri Creek environs due to its design. In particular, it did not mitigate sufficiently the proposal's visual impact on the Creek. In addition, the Tribunal was concerned about impacts on existing vegetation, which it found were unacceptable.				
20/08/2020	POD/1/2007/H	1056-1070 Plenty Road, Bundoora La Trobe	Application to amend the Polaris 3083 Development Plan in respect of Lot S3 (being precinct 1B. Building 1B-16)	Refusal (In line with Officer Recommendation)	Council's refusal affirmed – no changes to development plan
Result	The Tribunal considered the proposal to alter the building envelope of building 1B-16 from 2-3 storeys to 7 storeys unacceptable given the site's context. While acknowledging taller built form is to be expected along Plenty Road, the Tribunal noted the site did have sensitive interfaces, in particular dwellings to the south. It considered a building of 3 storeys, with 1-2 smaller recessed levels above would be appropriate.				

PLANNING COMMITTEE MEETING

9 MARCH 2021

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

9 MARCH 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

9 MARCH 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

9 MARCH 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 LXP'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

9 MARCH 2021

JANUARY 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
16/12/2020 (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

9 MARCH 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					

All matters listed until 28 February 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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