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AGENDA OF THE PLANNING COMMITTEE MEETING

Monday 12 February 2024 at 4.30pm.

This meeting will be held virtually.

This meeting will also be livestreamed and may be accessed from Council's 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 ਕੌਂਸਲ 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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

1. MEMBERSHIP

- Cr. Susanne Newton (Mayor) (Chairperson)
- Cr. Tim Laurence (Deputy Mayor)
- Cr. Emily Dimitriadis
- Cr. Gaetano Greco
- Cr. Tom Hannan
- Cr. Trent McCarthy
- Cr. Lina Messina
- 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 13 November 2023 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 PLANNING PERMIT APPLICATION D/420/2022 46 WALKER STREET, NORTHCOTE

Author: Statutory Planner

Reviewed By: Manager City Futures

Applicant	Owner	Consultant
Justin Mallia Architecture T B Attard	Thomas Bernard Attard Clementine Anne Isaacson	Justin Mallia Architecture

SUMMARY

Property:	46 Walker Street, Northcote
Proposal:	This application seeks planning approval for alterations and additions to an existing dwelling and the construction of a detached habitable outbuilding in an Environmental Significance Overlay and Land Subject to Inundation Overlay.
Car Parking:	The existing car parking provision on site is being retained. This complies with the requirements of the Darebin Planning Scheme.
Zoning:	General Residential Zone – Schedule 2 (GRZ2)
Overlay/s:	Environmental Significance Overlay – Schedule 1 (ESO1) Land Subject to Inundation Overlay (LSIO) Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Is a Developer Contribution required?	No as the application relates to alterations and additions to a single dwelling.
Council Flooding 100YR:	Yes, a small section of the subject site is identified as potentially impacted by flooding, localised within the south-west corner of the block. The application was referred to Council’s Integrated Water Management Unit who raised no objection to the proposal.
Consultation:	<ul style="list-style-type: none"> • Public notice was provided twice via Section 52 and Section 57A respectively of the <i>Planning and Environment Act 1987</i> as follows: <ul style="list-style-type: none"> ○ Section 52 advertising included one (1) sign posted on site and letters sent to surrounding owners and occupiers; and ○ Section 57A advertising (following an amendment to the

	<p>application) included letters sent to surrounding owners and occupiers.</p>
<p>Objections:</p>	<ul style="list-style-type: none"> • Seven (7) objections were received against this application. • The key objection grounds raised include: <ul style="list-style-type: none"> ○ The development does not comply with Clause 54 (ResCode). ○ The development is out of character for the area. ○ The construction will have a negative environmental impact on the Merri Creek. ○ The additional bedroom is considered a second dwelling on the lot. ○ The terraced landscaping includes no details regarding retaining walls. ○ The additional bedroom is not wheelchair accessible. ○ The development will impact drainage, flood patterns and soil erosion. ○ The tree at 44 Walker Street will be impacted by the proposed works. ○ The fence and privacy screens are excessively high. ○ The extent of the basement is excessive and will adversely impact surrounding buildings. ○ The height of the elevated, habitable bedroom to the rear of the site is excessive and should be lowered as it obstructs shared views.
<p>Key reasons for support:</p>	<ul style="list-style-type: none"> • The proposal meets all relevant planning policy and proposes a modest extension (including a detached outbuilding) to the existing family dwelling on the lot. • The modest extension to the existing dwelling complies with all requirements of the Environmental Significance Overlay – Schedule 1, specifically as there will be no impacts to significant vegetation within the creek corridor and no unreasonable impacts to the visual character of the creek environs. The overall bulk, height, setbacks and siting of the extension have been designed to limit visibility from the creek corridor, due to the design response and presence of the adjoining built-form to the south and east. • The application has been referred to and is supported by both Melbourne Water and the Merri Creek Management Committee (MCMC), subject to conditions which are included as part of the officer recommendation for approval. • Many of the concerns raised by objectors relate directly to the standards and objectives of Clause 54 (ResCode), which do not apply to this application as a permit is not triggered under the General Residential Zone. These matters are assessed at building permit stage. Nonetheless, the proposal is designed to be compliant with residential siting requirements under the

	Building Regulations / Clause 54.
Recommendation:	Notice of Decision to Grant a Planning Permit, subject to conditions.

Recommendation

RECOMMENDATION PART A:

That Planning Permit Application D/420/2022 be supported and a Notice of Decision to Grant a Permit be issued for alterations and additions to an existing dwelling and the construction of a detached habitable outbuilding in an Environmental Significance Overlay and Land Subject to Inundation Overlay, 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 Project 46 Walker Street, Northcote, Drawing Number P401, P404 Revision P3, P402, P403 and P405 Revision P2, P406, 601 and P701 Revision P1, issued 2 June 2023 by Justin Mallia Architecture) but modified to show:
 - (a) Any modifications required as a result of the Landscape Plan required by Condition No. 3 of this Permit.
 - (b) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
 - (c) Any modifications required as a result of Melbourne Water Conditions No. 15 to 21.

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 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, be drawn to scale with dimensions, and must incorporate:
 - (a) Tree protection measures in accordance with Condition No. 4 and 5 of this Permit.
 - (b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
 - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
 - (d) A diversity of plant species and forms.
 - (e) Two (2) medium sized canopy trees, native in species and endemic to Merri Creek (per the Environmental Significance Overlay – Schedule 1), in the private open space of the proposed development, with a minimum mature height of eight

- (8) metres. At the time of planting, these trees are to be from 50 litre sized pots and be at least two (2) metres in height.
- (f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter beds and decking.
 - (g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
 - (h) Hard paved surfaces at all entry points.
 - (i) 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).
 - (j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - (k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
 - (l) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (n) Scale, north point and appropriate legend.
 - (o) 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 – Nature Strip Tree	Nature strip	Two (2) metres
Tree 2 - Feijoa tree	Adjoining property (west)	Three (3) metres

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
- (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
 - (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
 - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow for such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
 - (d) Except with the written consent of the Responsible Authority:
 - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with one (1) litre of clean water for every one (1) centimetre of trunk girth measured at the soil/trunk interface on a weekly basis.
 - (ii) The area within the TPZ of Tree 1 and Tree 2 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.
 - (e) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.
 - (f) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
 - (g) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
 - (h) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
 - (i) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that

vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

6. 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 seven (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).

7. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
8. The land must be drained to the satisfaction of the Responsible Authority.
9. 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.
10. 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.
11. 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.
12. 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; and
 - (d) drained;
- to the satisfaction of the Responsible Authority.
13. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
14. 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.

Melbourne Water Conditions (Conditions No. 15 – 21)

15. The finished floor level of the dwelling extension, habitable outbuilding and arbour walkway must be set no lower than 22.45 metres to Australian Height Datum (AHD), which is 600mm above the applicable flood level of 21.85 metres to AHD.
16. The finished floor level of the garage must be set no lower than 21.85 metres to AHD, which is at the applicable flood level.
17. All basement entry and exits points, including stairwells, windows, openings and vents, that could allow entry of floodwaters to the basement levels, must be set no lower than 22.45 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 21.85 metres to AHD.
18. Any electrical installations must be set no lower than 22.45 metres to AHD which is 300mm above the applicable flood level of 21.85 metres to AHD. Any electrical installations within areas subject to flooding must meet the applicable standards of the relevant authority.
19. Fill is not permitted outside of the development footprint, with the exception of the minimum required for ramping to the garage.
20. The foundations and area under the habitable outbuilding must remain open underneath for the life of the structure and steps contain no vertical risers, for the passage of overland flows.
21. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

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 plans, 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. This planning permit has considered the flood mapping information which became available on 12 May 2023.

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

1. BACKGROUND**1.1 Overview of Subject Site**

The land is regular in shape and measures 53.75 metres in length and 9.27 metres in width, with a site area of approximately 495 square metres. The site slopes 2.4 metres down from the north (front of the site) to the south.

The land is located within the General Residential Zone – Schedule 2 (GRZ2).

The land is located on the south side of Walker Street, at the intersection with Short Street and 75 metres east of the intersection with Ross Street.

The site currently contains a single storey brick dwelling with a tiled roof and a garage to the rear of the site. Vehicle access is provided via a shared crossover to Walker Street, located in the north-eastern corner of the subject site.

There are no restrictive covenants listed on the Certificate of Title.

1.2 Overview of Surrounding Area

To the north of the site (on the opposite side of Walker Street) are several single storey dwellings of varying forms and materials.

To the south are three (3) double storey walk up flats with a frontage to Ross Street.

To the east is a single-storey brick dwelling with a tiled roof.

To the west is a single-storey brick dwelling with a tiled roof which is connected via a party wall to the subject site.

The immediate area incorporates predominantly single storey dwellings, particularly from the 1950s onwards. There is also a prevalence of Victorian and Edwardian style dwellings throughout the surrounding area, as well as blocks of units and flats.

There are no on-street parking restrictions along Walker Street.

The site is well serviced by public transport including the Walker Street/High Street Tram Stop (Route 86) located 315 metres to the west, the Westgarth Railway Station (Mernda Line) located 365 metres north of the subject site and Clifton Hill Railway Station (Mernda Line/Hurstbridge Line) located 650 metres south-west of the subject site.

A location plan forms **Appendix A** and a zoning map forms **Appendix B** of this report.

2. PROPOSAL

This application proposes alterations and an extension to the existing dwelling and the construction of a detached habitable outbuilding.

The dwelling, upon completion of the development, is to feature four (4) bedrooms comprised of three (3) existing bedrooms and one (1) additional bedroom (enclosed within the proposed detached habitable outbuilding).

The proposed extension to the existing dwelling is single-storey throughout, with a basement proposed beneath the new kitchen/living area. Towards the rear of the block, the proposed habitable room is raised above an open garden area below as a result of the slope of the land. Additionally, the extension to the main dwelling proposes an outdoor deck to the rear.

The proposed floor level of the extension comprising of the living/kitchen area is to be a maximum of 1.71 metres above natural ground level, incorporating a maximum ridge height of 6.61 metres above natural ground level. The floor of the proposed basement is 1.55 metres below natural ground level.

The proposed floor of the raised habitable room is approximately 2.7 metres above the natural ground level with the roof of the habitable room being approximately six (6) metres above natural ground level. The solar panel ridge is 6.95 metres above natural ground level.

The development plans form **Appendix C** of this report.

2.1 Planning Permit History

Council’s records do not show any recent planning permit or planning application history for the subject site.

2.2 Statutory Controls – why is a planning permit required?

The planning permit triggers are outlined in the table below.

Clause	Requirement
Clause 42.01-2 Environmental Significance Overlay – Schedule 1	A permit is required to construct a building or construct or carry out works
Clause 44.05-4 Land Subject to Inundation Overlay	A permit is required to construct a building or to construct or carry out works.

As detailed above, the application does not trigger a planning permit under the General Residential Zone, as the land size is greater than 300 square meters. As a result, this application does not require assessment against the residential siting requirements of ResCode (Clause 54). Siting considerations, such as setbacks, overlooking, walls on boundary, will be assessed separately when a Building Permit is sought under the Building Regulations.

3. CONSULTATION

3.1 Public Notification

Notification of the application has been undertaken pursuant to both Section 52 and Section 57A respectively of the *Planning and Environment Act 1987* as follows:

- Section 52 included one (1) sign posted on site and letters sent to surrounding owners and occupiers.
- Section 57A included letters sent to surrounding owners and occupiers.

Council has received seven (7) objections against the application. A map identifying the general location of objectors within a 200 metre radius forms **Appendix D** of this report.

3.2 Objections summarised.

The key issues raised in objections are:

- The development does not comply with Clause 54 (ResCode).
- The development is out of character for the area.
- The construction will have a negative environmental impact on the Merri Creek.
- The additional bedroom within the detached outbuilding could be a second dwelling on the lot.
- The terraced landscaping includes no details regarding retaining walls.
- The additional bedroom is not wheelchair accessible.
- The development will impact drainage, flood patterns and soil erosion.
- The tree at 44 Walker Street will be impacted by the proposed works.
- The fence and privacy screens are excessively high.
- The extent of the basement is excessive and will adversely impact surrounding buildings.
- The height of the elevated, habitable bedroom to the rear of the site is excessive and should be lowered as it obstructs shared views.

4. REFERRALS

The proposal was referred to the following internal departments of Council:

Internal Business Unit	Comments
Infrastructure and Capital Delivery Unit	Supports the proposal subject to the stormwater from the proposed works being connected to the kerb and channel at the front of Walker Street, to Council requirements. Officer Comment: Conditions of the recommendation have been included to this effect.
Integrated Water Management.	Council's Integrated Water Management Unit have reviewed the proposal and have no concerns in relation to proposed floor levels or potential flooding impacts. Officer Comment: No objection and no conditions required.
Tree Management Unit	Council's Tree Management Unit have provided conditions in relation to required tree protection measures. These tree protection measures are required specifically in relation to the existing street tree (Tree 1) as well as the existing Feijoa Tree located within the adjoining site at 44 Walker Street (Tree 2). Officer Comment: Conditions of the recommendation have been included to this effect.

The proposal was referred to the following external agencies:

External agency	Comments
Melbourne Water	Melbourne Water have no objections to the proposal subject to the inclusion of seven (7) conditions. These conditions will be included in conjunction with any approval and are reflected in conditions 14-20 of this report. Officer Comment: Conditions have been included to this effect.
Merri Creek Management Committee (MCMC)	The MCMC have advised that they have no objection to the proposal as the site is a significant distance from the Merri Creek Parklands. As such, there is minimal possibility of any visual impact on the parklands and creek corridor. Officer Comment: The above advice is noted. No objections or conditions of approval have been raised.

5. PLANNING POLICY

5.1 Planning Policy:

The following policies are of most relevance to this application:

Planning Policy Framework (PPF)

- Clause 02.03-1 Settlement
- Clause 02.03-2 Environment and Landscape values
- Clause 02.03-3 Environment risks and amenity

- Clause 02.03-4 Built environment and heritage
- Clause 02.03-5 Housing
- Clause 11.02-1S Supply of urban land
- Clause 12.01-1S Protection of biodiversity
- Clause 12.01 -1L Biodiversity
- Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs
- Clause 12.03-1L Darebin creeks
- Clause 13.03-1S Floodplain management

Zone:

- Clause 32.08 General Residential Zone – Schedule 2

Overlays:

- Clause 42.01 Environmental Significance Overlay – Schedule 1
- Clause 44.04 Land Subject to Inundation Overlay
- Clause 45.06 Development Contributions Plan Overlay – Schedule 1

Neighbourhood Character Study:

- Not applicable as no permit triggered under the General Residential Zone

Recent (Relevant) Planning Scheme Amendments:C199dare – Municipal Planning Strategy and Local Planning Policy Framework

In 2018, the Victorian State Government commenced a major reform of the Victorian Planning System as part of the 'Smart Planning' Program (Amendment VC148).

As part of this reform, the State Government introduced the new format for the Planning Policy Framework (PPF). The PPF format aims to improve the operation of planning policy while retaining local content, making planning schemes more aligned, consistent and easier to navigate, without losing the intent of local policy. The PPF translation is a 'policy neutral' amendment that does not introduce new policy into the planning scheme.

The new Darebin PPF includes:

- A new Municipal Planning Strategy that has been translated mainly from the previous Municipal Strategic Statement (MSS).
- Redistributed local policies into new clauses within the PPF to follow the new integrated thematic and three-tiered policy structure.
- Removing policies that can't be implemented via a planning scheme or do not assist in decision making.
- Removing redundant policies that are outdated.
- Rewriting policies for wording clarity consistent with plain English principles.
- Updating maps to ensure they are legible and accessible.

It is noted that this amendment has no implications on the assessment of this application.

6. RESPONSE TO OBJECTOR CONCERNS

The development does not comply with Clause 54 (ResCode)

As the subject site is greater than 300 square metres in size, the requirements of Clause 54 (ResCode) are not applicable, as no permit for the works is triggered under the General Residential Zone. This is a matter considered at building permit stage, as is the case for all such application types within Victoria. However, to provide assurance to objectors, an assessment has been undertaken and is attached within **Appendix E** of this report. This assessment shows that the proposal entirely complies with all standards and objectives of Clause 54.

The development is out of character for the area

Neighbourhood Character, as assessed under Clause 22.02 is not a relevant consideration for this application. This is as the application does not trigger a planning permit under the General Residential Zone, due to the lot size exceeding 300 square metres. As a result, Council cannot assess the application against the Neighbourhood Character requirements in the Planning Scheme (Clause 22.02). Nonetheless, it is noted that the development will retain the existing streetscape presentation of the dwelling to Walker Street, with the extension and outbuilding proposed to the rear of the site and thus sufficiently screened within the streetscape. The location of the new built form to the rear of the site will therefore minimise impacts on existing neighbourhood character.

It is noted that Schedule 1 to the Environmental Significance Overlay directs an assessment of new development against the natural and visual character of the Merri Creek Corridor. The assessment provided in Section 7 of this report below (and also in **Appendix F**) details that the proposed extension to the dwelling and detached outbuilding have been designed to minimise impacts on the natural and visual characteristics of the creek corridor due to the modest scale and the siting of the proposed buildings being set back from the rear and side boundaries.

The development is well set back from the creek corridor (approximately 50 metres) and has no direct interface with the parklands or creek trail, with the neighbouring built-form between to the south and east. The overall scale of the extension and outbuilding, in terms of height and bulk are such that there will be no visual impact to the creek corridor, as agreed with by the Merri Creek Management Committee in their referral response for this application.

The construction will have negative environmental impact on the Merri Creek

The development is sited approximately 50 metres away from Merri Creek corridor (and does not directly abut the creek parklands or shared trail). The proposal is of a modest nature (a single storey extension with a basement and a detached outbuilding), whereby any potential impacts on the creek environment can be mitigated through the permit conditions included as part of the officer recommendation. Additionally, the Merri Creek Management Committee and Melbourne Water have raised no concerns or objections in relation environmental impacts to the Merri Creek.

The additional bedroom within the detached outbuilding could be a second dwelling on the lot

The definition of a dwelling in the table at Clause 73.03 of the Darebin Planning Scheme is as follows (emphasis added):

'A building used as a self-contained residence which must include:

- *A kitchen sink;*
- *Food preparation facilities;*
- *A bath or shower; and*

- *A toilet and wash basin.*

It includes outbuildings and works normal to a dwelling.'

The detached outbuilding cannot be as defined as a second dwelling as food preparation facilities are not provided. The detached outbuilding therefore cannot operate independently of the main section of the dwelling. A detached outbuilding is an acceptable and common addition to an existing dwelling. Importantly, the detached outbuilding cannot be used or converted into a separate dwelling without further planning approval being granted.

The terraced landscaping includes no details regarding retaining walls

The site is located within the Environmental Significance Overlay – Schedule 1, and as such a recommended condition requires a landscape plan with vegetation that compliments the character of Merri Creek environs. The aesthetic design of retaining walls would be assessed once the required landscape plan is submitted to Council and reviewed by Council's Landscape Architect. The structural design of the retaining walls is a matter which would be considered and approved through a subsequent building permit.

The additional bedroom is not wheelchair accessible

For an application of this type, wheelchair accessibility is not a mandatory consideration under either the *Planning & Environment Act 1987* or the relevant planning controls for this development within the Darebin Planning Scheme.

The development will impact drainage, flood patterns and soil erosion

The subject site is located within the Land Subject to Inundation Overlay – Schedule 1. The Overlay provides guidelines for development within flood prone areas. The application was referred to Melbourne Water (the relevant floodplain authority) who advised that the proposal is acceptable, subject to conditions included in the recommendation above.

The tree at 44 Walker Street will be impacted by the proposed works

Council's Tree Management Unit have provided conditions to ensure the protection of this tree, which are included in the officer recommendation for this application.

The fence and privacy screens are excessively high

The natural wood design of the fencing and privacy screens is suitably integrated into the overall design response and setting and acceptable under the relevant planning provisions for which a planning permit has been triggered and assessed.

The extent of the basement is excessive and will adversely impact surrounding buildings

The construction of a basement is a typical design response in the City of Darebin. Construction techniques and effects such as stability of existing foundations and damage to nearby dwellings are not relevant considerations under the *Planning & Environment Act 1987*, nor the Darebin Planning Scheme. It is standard practice for such considerations to be reviewed and managed through the Building Permit process prior to construction, whereby an owner who is proposing building work has obligations under the *Building Act 1993* to protect adjoining property from potential damage from their work.

The height of the elevated, habitable bedroom to the rear of the site is excessive and should be lowered as it obstructs shared views

Having regard to the topography of the site, the relatively low height of the proposal, and the siting towards the rear of the subject site, the design is generally in keeping with the pattern of development of the area and is an acceptable response in a residential setting.

In terms of impacts on views to and from the Merri Creek Corridor, the proposal has been designed to limit visual impacts through provision of setbacks to the side and rear boundaries. Furthermore, given the subject site does not itself directly abut the creek corridor or parklands due to abutting residential developments to the east and south, the development will not detrimentally impact the visual character of the Merri Creek and environs. Schedule 1 to the ESO does not direct any assessment or requirement for protection of private views to the Merri Creek, rather it seeks to ensure that the visual character of the creek corridor itself is protected. The Merri Creek Management Committee have reviewed the proposal and have not objected to or raised any concerns with the height, setbacks and location of the rear detached habitable outbuilding nor its impact on the visual character of the creek.

As a policy reference, the design is well under the maximum building height of eleven metres and three storeys, allowed within the General Residential Zone - Schedule 2.

The Darebin Planning Scheme does not provide any policy or requirements relating to the protection of private views for this site or neighbouring sites. By way of case law guidance, the Victorian Civil and Administrative Tribunal (VCAT) has consistently held that there is no legal entitlement to a private view.

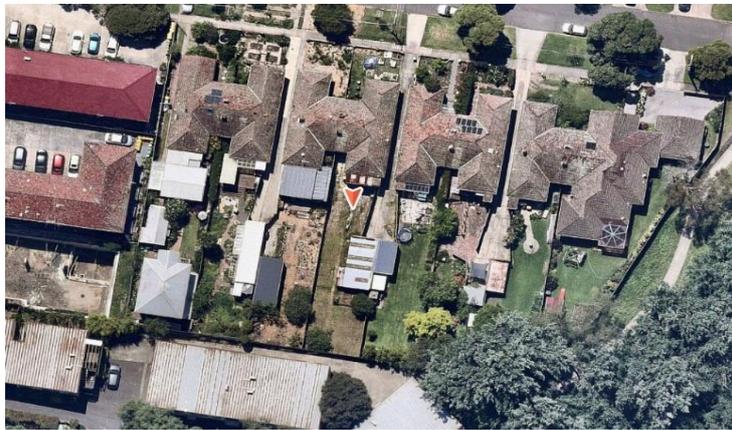


Figure 1 – Aerial imagery of the subject site (marked with a red arrow) and adjacent lots (Source: Nearmap, September 2023).

7. PLANNING ASSESSMENT

7.1 Does the proposal have policy support?

The Planning Policy within the Darebin Planning Scheme relevant to environmental objectives speaks to the preservation of areas of cultural and natural significance, and the need to protect the valued biodiversity from negative impacts of development.

The objective of *Clause 02.03-2 Environment and Landscape values* is to minimise adverse impacts on natural environmental assets such as Merri Creek. These objectives are echoed in *Clause 12.01-1S Protection of biodiversity* and *Clause 12.01 -1L Biodiversity*, which seek to support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas. It should be noted that the Planning Policy which speaks to waterways and their environmental impact also speaks to preservation and protection of the same. The objectives of *Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs* are to safeguard the environmental, cultural, and landscape values of waterway systems, recognizing them as significant assets. The guidelines advocate for development that minimizes visual intrusion, preserves natural landscapes, and remains visually subordinate through vegetation and high-quality materials. Development near waterways must avoid obstructing the natural water flow and mitigating impacts of future flood events. The policy emphasises the protection of topographic features.

The proposed development, located at a considerable distance from Merri Creek and featuring a modest residential scale, will not result in adverse effects on the natural environment or biodiversity of the surrounding creek-side area. It avoids removing any remnant vegetation and will contribute to biodiversity through landscaping required under permit conditions. The development is visually unobtrusive, utilising sensitive siting and materials respectful of the natural environment, i.e. timber and muted natural colours, so as to be visually subservient. The development aligns with local policy, prioritizing view lines, utilising creek-aligned materials, and resulting in a modest scale. The development utilises tiered landscaping to address the change in natural ground level towards the creek. For a detailed examination of the environmental impact of the development, please refer to Section 7.2 below and the Appendices to this report.

The Planning Policy relevant to the built form outcomes speaks to appropriate, high-quality designs, which incorporates environmental sustainability. The objectives of *Clause 02.03-4 Built Environment and Heritage* promote high quality design which balances the preservation of neighbourhood character with increasing housing stock and encouraging environmentally sustainable development through urban form and design. *Clause 02.03-5 Housing* refers to changes in density and *Clause 11.02-1S Supply of Urban Land* refers to the growth of urban land.

Regarding these objectives, the proposed development is of high-quality design and incorporates environmental sustainability. The living areas have good solar access, solar panels are incorporated into the design, and there are opportunities for substantial landscaping that contributes to Merri Creek. The retention of the street-facing dwelling preserving the existing neighbourhood character. Density is not increasing, but rather the quality of existing housing stock is being improved.

Clause 02.03-3 Environment risks and amenity aims to mitigate the impacts of development in areas susceptible to flooding. These objectives are echoed by *Clause 12.03-1L Darebin creeks* and *Clause 13.03-1S Floodplain management* which also seek to protect waterways from development and ensure flooding is managed by sensitive design.

The proposed development addresses the risk of flooding by raising floor levels above the site's flood level. This precaution ensures the effective management of environmental flood risks without compromising the internal or external amenity. Further details on this matter can be found in Section 7.3 of this report. It is noted that the relevant floodplain management authority has reviewed the proposed development and has not objected, subject to conditions which are included as part of the officer recommendation above.

Overall, the proposed development is supported by the applicable Planning Policy.

7.2 Does the proposal provide an acceptable response to the Environmental Significance Overlay, Schedule 1?

The site is located within the Environmental Significance Overlay – Schedule 1 (Merri Creek and Environs). A permit is required to construct a building or construct or carry out works to buildings in a residential zone that are more than 6 metres above ground level.

The development was required to be referred to the Merri Creek Management Committee (MCMC). No objection was offered to the proposal.

The Statement of Significance for the Merri Creek area is as follows:

The Merri Creek is an environmental, heritage and recreation corridor that draws its significance from its role as a continuous corridor as it does from the qualities of individual reaches. All areas of the Creek are important because they contribute to the linking of areas of environmental, heritage and recreational value along the Creek.

The Merri Creek and its immediate surrounds is host to some of the most threatened ecosystems in Australia. The Creek has a unique role to play in the preservation of

threatened flora and fauna and the maintenance of vegetation communities that in other places have almost been totally destroyed.

The creek is the focus of a large number of pre and post contact archaeological sites which as a group is highly significant. Many unknown sites are likely to exist and the areas likely to have the greatest density of these are sensitive to development.

Revegetation works and parkland development including path construction have created a linear park of outstanding quality and landscape character – one which plays an important role in the park system of the metropolitan region.

The proposed development generally complies with the objective of the ESO1. The objectives of the overlay relate to the health of Merri Creek including natural systems, waterway function, recreation use, landscape character and heritage. The objectives function to protect Merri Creek from inappropriate development, including development which adversely impacts the health of the creek and views from the creek.

The key area of consideration is whether the development will have a consequential impact on the scenic nature of area, including views of the creek. The following are relevant objectives that relate to the development:

- *To provide for links, views and access from surrounding areas to the creek and open space.*
- *To ensure that the scenic qualities and visual character of the waterway corridor are not compromised by the inappropriate siting of buildings, the placement of fill, or lack of screening vegetation.*

The proposed connected extension has a maximum height of 6.61 metres above NGL. The proposed detached habitable room to the rear of the site has a maximum height of 6.96 metres above NGL (including the solar panel). The two sections of the extensions are approximately 14 metres apart, which allows views to remain generally unobstructed. Privacy screens are tiered, and as noted in the annotations, in accordance with the relevant planning and building regulations. Importantly, the subject site is located approximately 50 metres from the creek corridor and existing buildings located to the south and east ensure visual impacts of this proposal to the creek are limited. In particular, the multi-storey unit development to the south provides an existing visual buffer between the subject site and the creek, which will remain unchanged as a result of this proposal.

With respect to private views towards the creek, VCAT has consistently held that there is no legal entitlement to a view. Similarly, no Design and Development Overlay applies in the area which might require the protection of, or sharing of, view lines towards the creek. Despite this, it can be considered whether the proposed development of a 6.9 metre high building imposes an excessive intrusion in the skyline beyond the 'reasonable' expectation of neighbours. Given the adequate siting/setbacks of the proposal, the compliant heights of the extension (particularly the rear detached portion), and the slope of the land in this location, the development does not unreasonably intrude upon the skyline and views.

As discussed in the objection section, the fences, siting and overshadowing are not subject to assessment under this planning permit application, as there is no permit trigger for a Clause 54 assessment.

The site is significantly sloped from west to east, towards the river. The development proposes the use of tiered fill in some sections to enable the extension to be level. Given the distance between the subject site and Merri Creek (approximately 50 metres), the extension will not be visually dominant over the creek. The proposed materials (natural wooden walls) positively respond to the preferred materials for developments in this area, as they blend into the natural environment of the creek. Permit conditions requiring the provision of a landscape plan will also ensure the development will not compromise the scenic qualities and visual character of the waterway corridor. The development will not alter the solar access of the creek given its distance from the creek corridor itself. A condition of approval will require any

lights to be baffled to avoid light spill to the creek as per the Development Guidelines for the Merri Creek (Merri Creek Management Committee).

The Merri Creek Management Committee have also offered no objections to the proposal.

Overall, the proposal provides an acceptable response to the Environmental Significance Overlay – Schedule 1, subject to conditions included in the officer's recommendation above.

Please refer to **Appendix F** of this report to view a detailed assessment against the Decision Guidelines of Schedule 1 to the Environmental Significance Overlay.

7.3 Does the proposal provide an acceptable response to the Land Subject to Inundation Overlay?

Melbourne Water is the relevant referral authority for the Land Subject to Inundation Overlay. The application was referred to Melbourne Water, who confirmed that they do not object to the proposed extension to the dwelling, subject to conditions.

Melbourne Water has advised that the site is subject to flooding from Merri Creek Drain. The applicable 1% Annual Exceedance Probability (AEP) flood level (being the flood level for a flood that has a 1% probability of occurring in any given year) is 21.85 metres to AHD. The proposed development accords with the relevant flood level and is therefore sufficiently protected from inundation.

The proposal is required to be assessed against the decision guidelines under Clause 44.04 of the Darebin Planning Scheme. Generally, the proposal complies with the LSIO-1, in providing a residential extension that is supported by Melbourne Water and that adequately responds to the flood risk in this area. The proposal is consistent with all relevant policies and guidelines for land within the LSIO-1 and importantly does not present a risk to water quality or the waterways proximate to the site.

The application therefore provides an acceptable response to the Land Subject to Inundation Overlay, subject to the conditions provided by Melbourne Water.

Please refer to **Appendix G** of this report to view a detailed assessment against the Decision Guidelines of the Land Subject to Inundation Overlay.

8. POLICY IMPLICATIONS

8.1 Environmental Sustainability

All new dwellings are required to achieve a minimum average 6.5 star energy rating under the relevant building controls.

8.2 Social Inclusion and Diversity

Nil

8.3 Other

Nil

9. FINANCIAL AND RESOURCE IMPLICATIONS

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

10. FUTURE ACTIONS

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

11. FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- The Merri Creek and Environs Strategy.
- Development Guidelines for the Merri Creek (Merri Creek Management Committee).

Attachments

- Location Map - 46 Walker Street, Northcote - D/420/2022 (**Appendix A**) [↓](#) 
- Zoning Map - 46 Walker Street, Northcote - D/420/2022 (**Appendix B**) [↓](#) 
- Development Plans - 46 Walker Street, Northcote - D/420/2022 (**Appendix C**) [↓](#) 
- Objector Map - 46 Walker Street, Northcote - D/420/2022 (**Appendix D**) [↓](#) 
- Clause 54 Assessment - 46 Walker Street, Northcote - D/420/2022 (**Appendix E**) [↓](#) 
- Clause 42.01 Assessment - 46 Walker Street, Northcote - D/420/2022 (**Appendix F**) [↓](#) 
- Clause 44.04 Assessment - 46 Walker Street, Northcote - D/420/2022 (**Appendix G**) [↓](#) 

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 conflicts of 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.

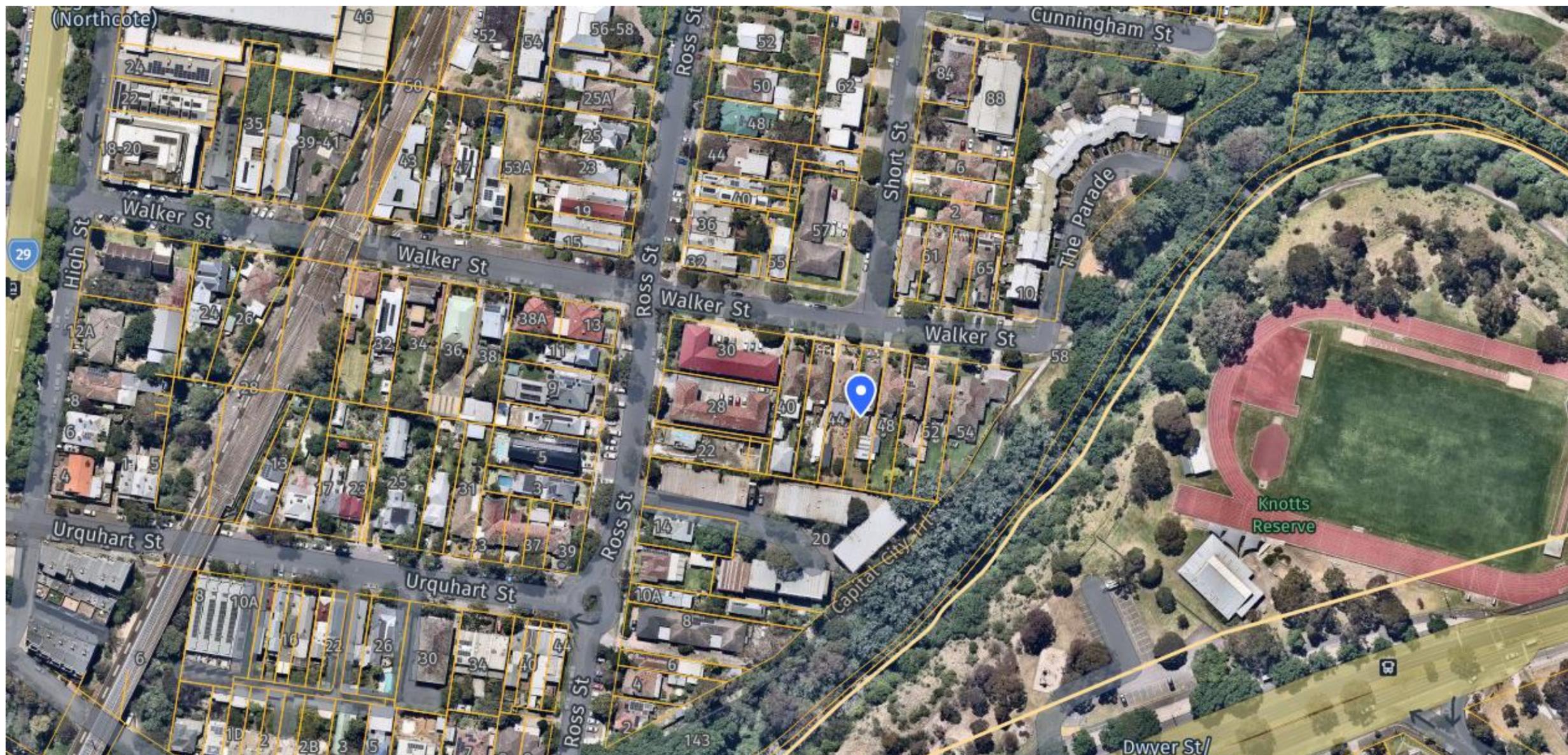
46 WALKER STREET NORTHCOTE 3070

Appendix A – Location Map

Source: Nearmap, 10 November 2023

Darebin City Council

12/01/2024



46 WALKER STREET NORTHCOTE 3070 (Approved property)

Darebin City Council
12/01/2024



Suburb: NORTHCOTE
Ward: South
Charge Area
Property No
Area (m²)
Planning Zone [GRZ2, Schedule](#)
DCPO: [DCPO, Schedule](#)
DDO:
EAO:
ESO: [ESO1, Schedule](#)
HO:
IPO:
LSIO: [LSIO, Schedule](#)
PAO:
RXO:
SBO:
VPO:

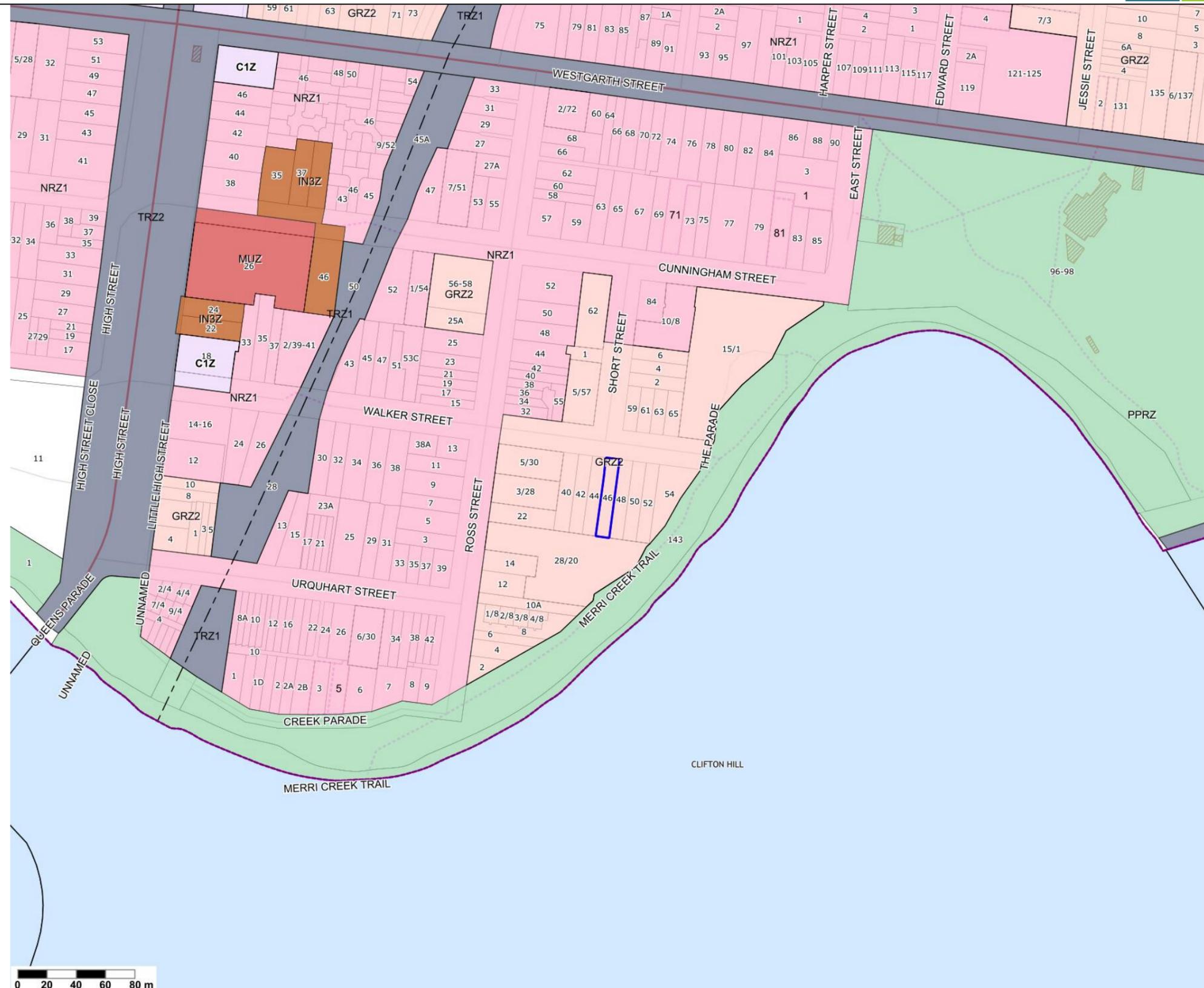
Aboriginal Heritage [Click Here](#)

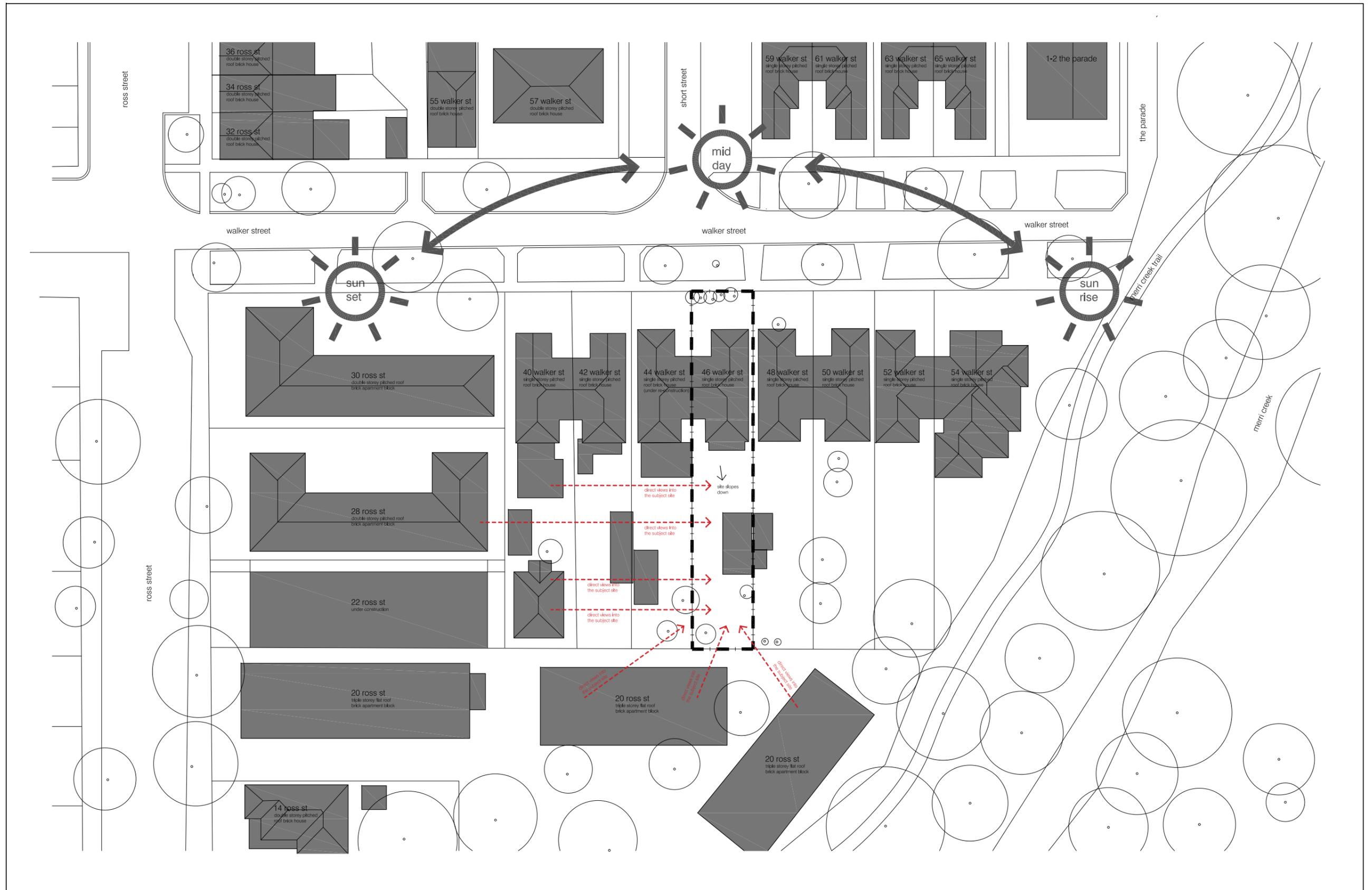
Neighbourhood Character [A4 : Victorian and Edwardian](#)

Housing Change Framework [INCREMENTAL](#)

High Street Precinct

Applications
Open
Closed





NORTH

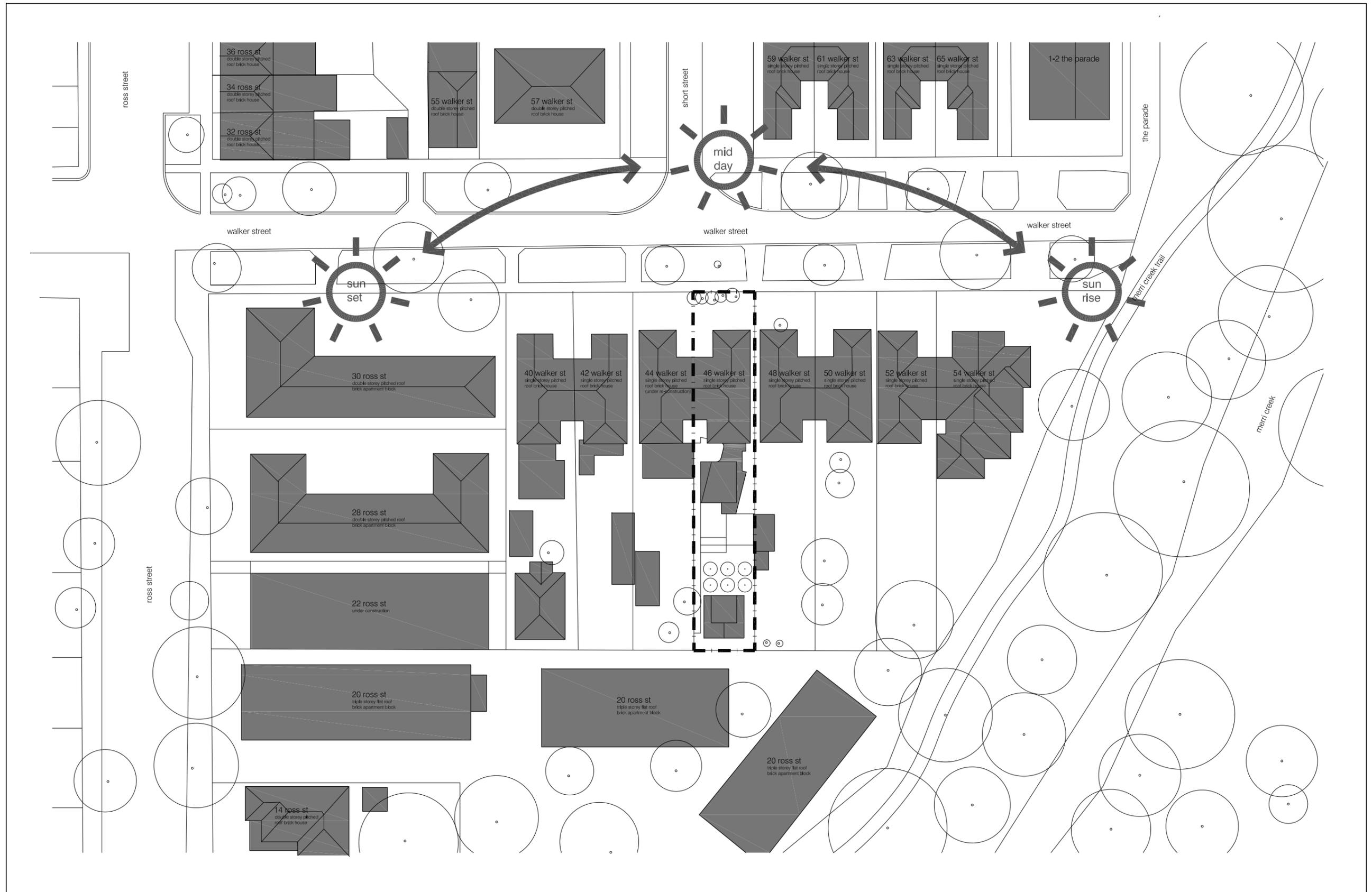
REVISIONS:
 P 20.07.2022 PLANNING PERMIT APPLICATION
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PLANNING PERMIT

JUSTIN MALLIA ARCHITECTURE

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 TELEPHONE: 03 9015 9772
 ABN: 41 424 633 626

PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: **EXISTING SITE CONTEXT PLAN**
 DATE: 02.06.2023
 SCALE: 1:250@A1, 1:500@A3
 REVISION NUMBER: P1
 DRAWING NUMBER: P101



NORTH

REVISIONS:
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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: PROPOSED SITE CONTEXT PLAN
 DATE: 02.06.2023
 SCALE: 1:250@A1, 1:500@A3
 REVISION NUMBER: P1
 DRAWING NUMBER: P102

Darebin City Council Received 22-06-2023



NORTH

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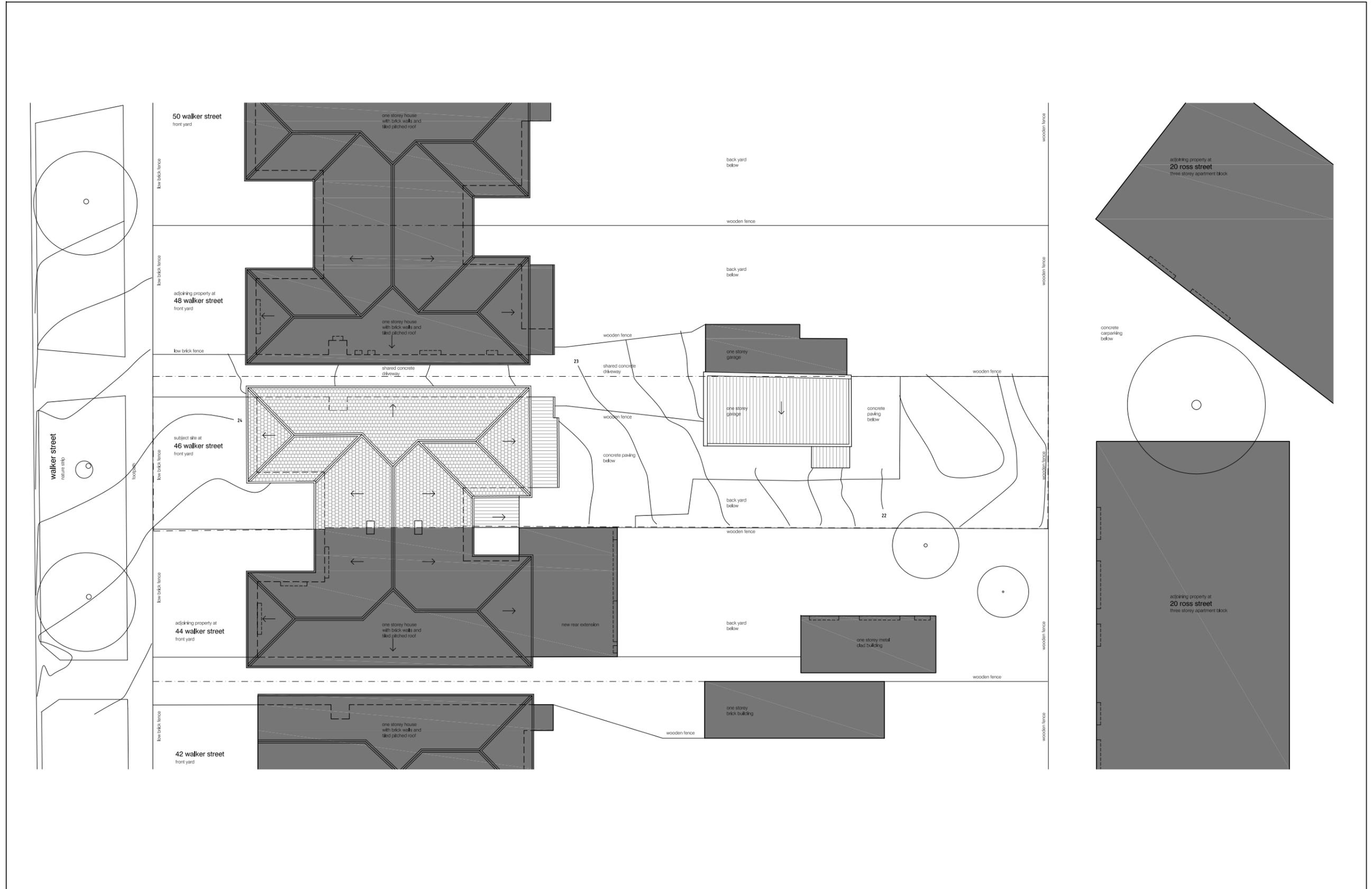
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P1	04.10.2022	RESPONSE TO RFI
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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: EXISTING GROUND FLOOR PLAN
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P2
 DRAWING NUMBER: P201



REVISIONS:	
P	20.07.2022 PLANNING PERMIT APPLICATION
P1	04.10.2022 RESPONSE TO RFI
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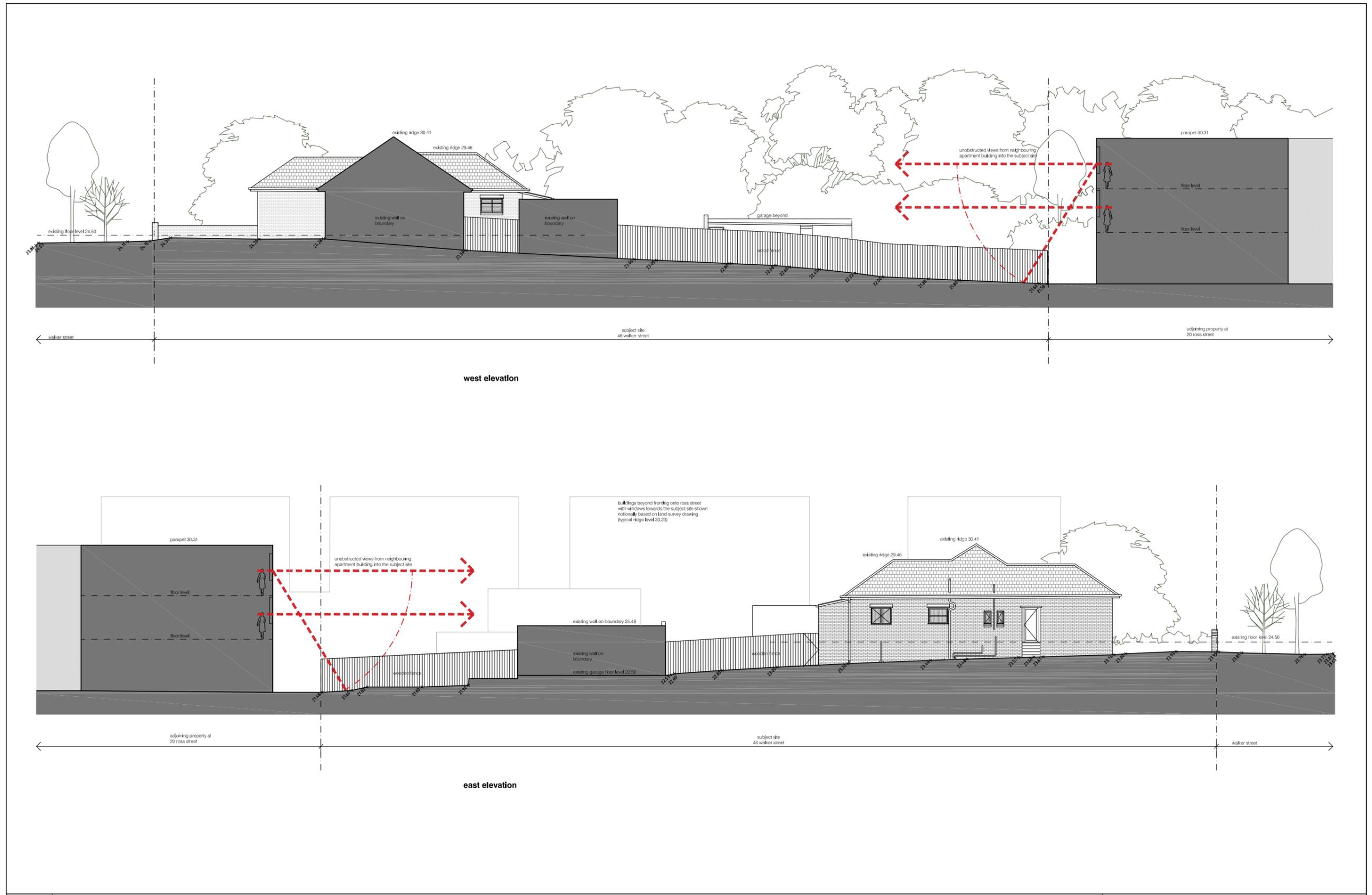
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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: DAREBIN CITY COUNCIL RECEIVED 22-06-2023
 EXISTING ROOF FLOOR PLAN

SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P2
 DATE: 02.06.2023
 DRAWING NUMBER: P202



west elevation

east elevation

NORTH

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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: EXISTING EAST & WEST ELEVATIONS
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P2
 DRAWING NUMBER: P203



north elevation (walker street facade)

south elevation

NORTH



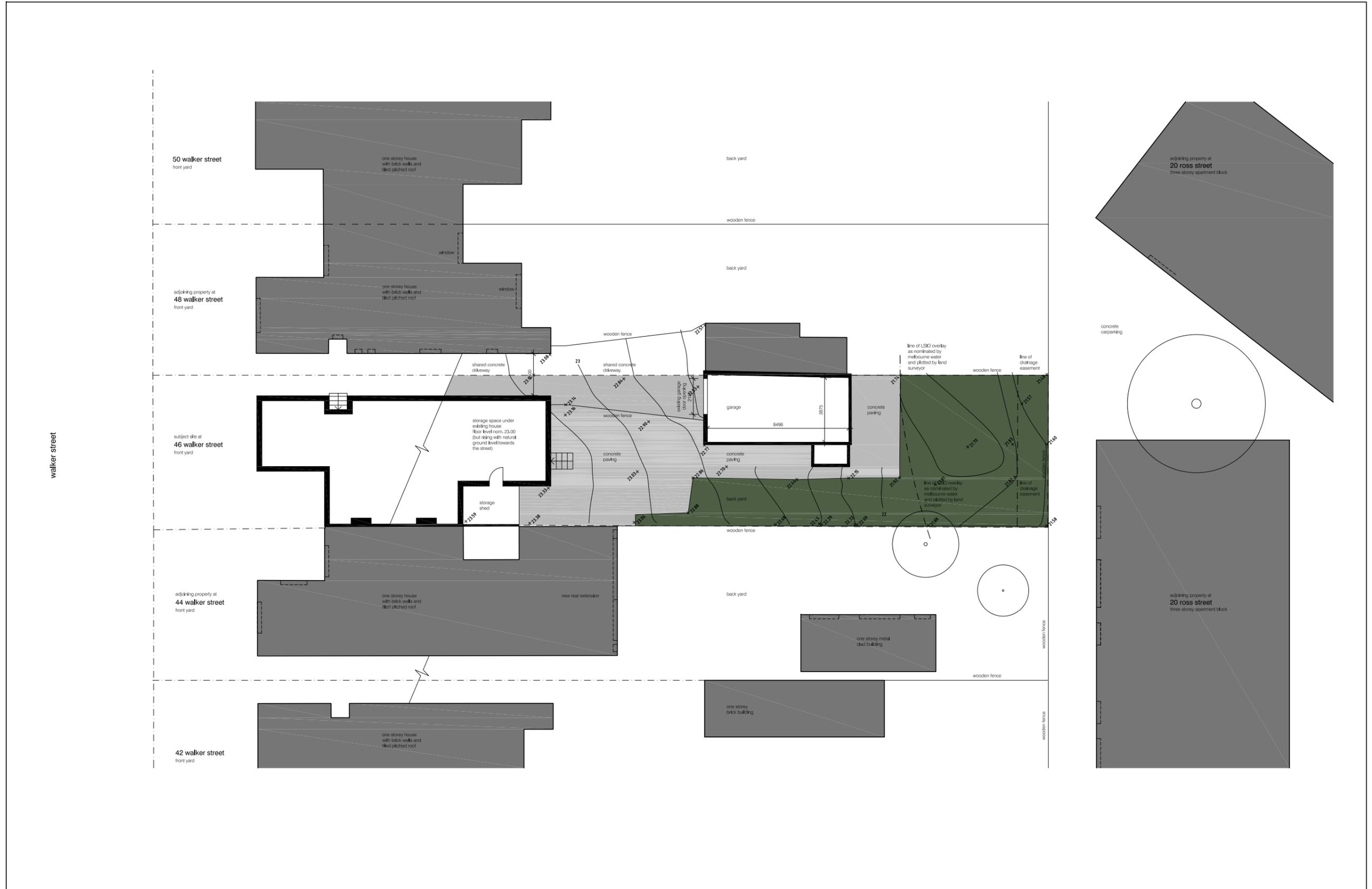
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 P1 04.10.2022 RESPONSE TO RFI
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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: EXISTING NORTH & SOUTH ELEVATIONS
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P2
 DRAWING NUMBER: P204



NORTH

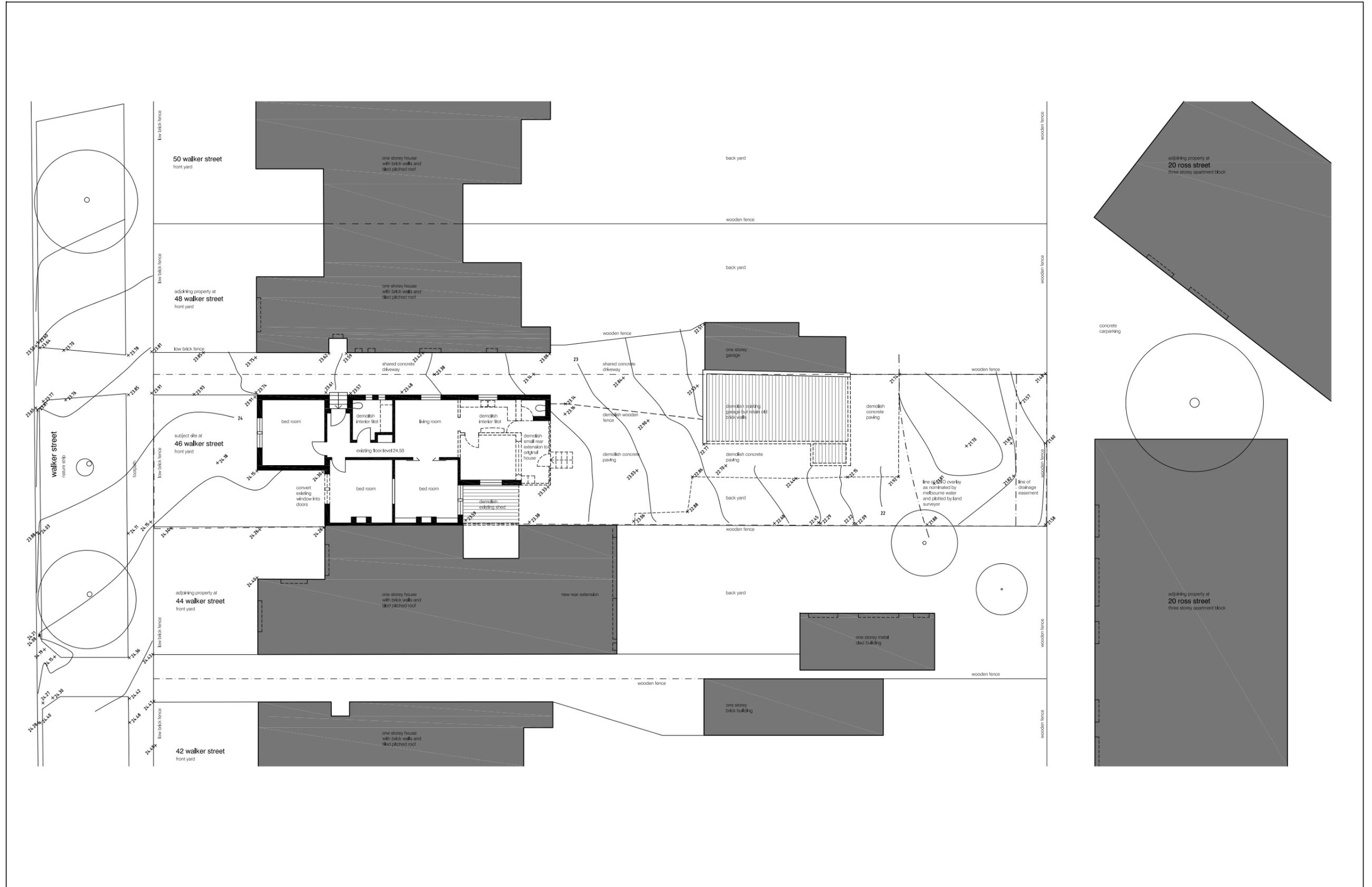
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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: EXISTING SUB FLOOR PLAN
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
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NORTH

REVISIONS:

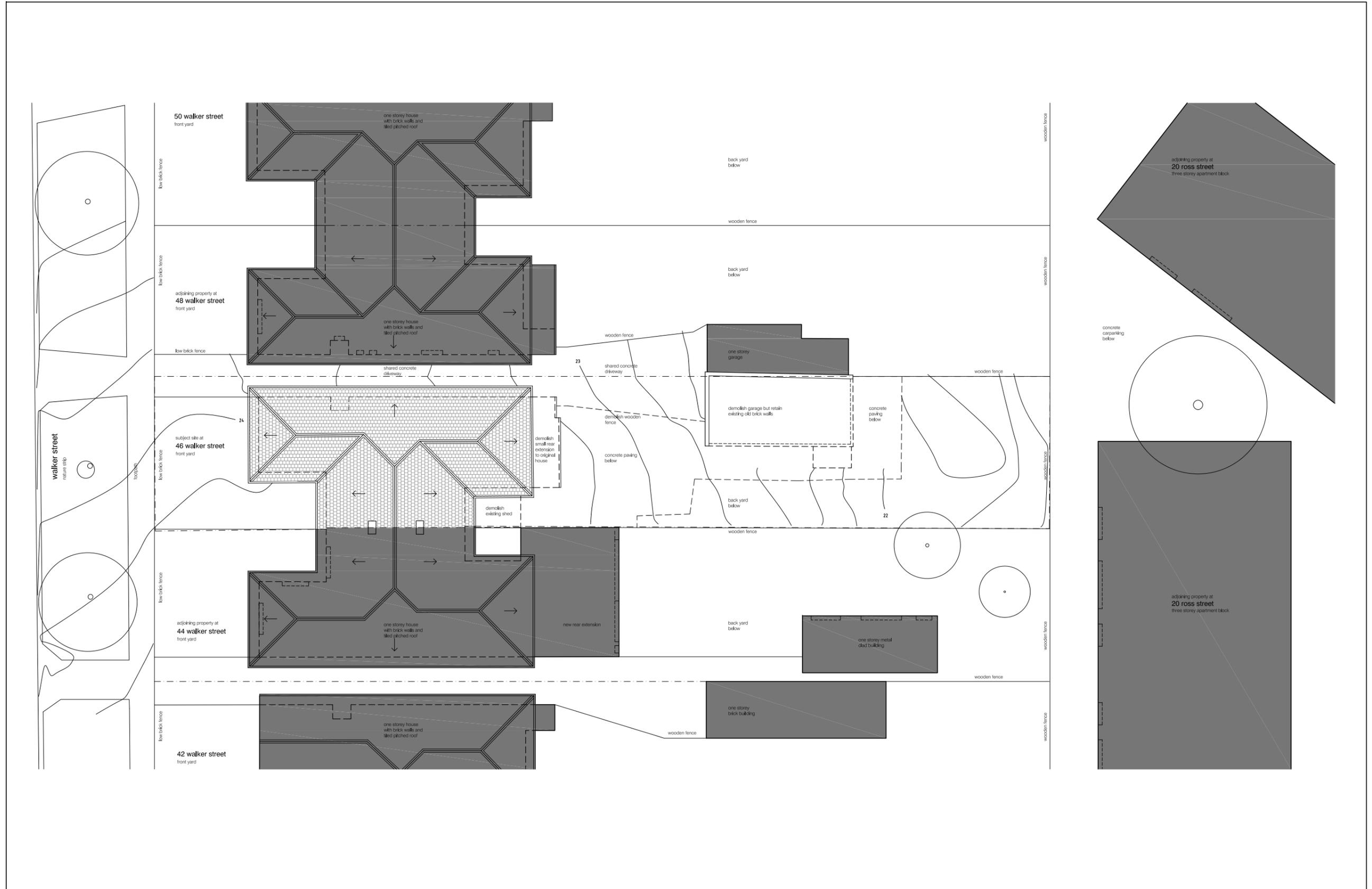
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P1	04.10.2022	RESPONSE TO RFI
P2	02.06.2023	CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: DEMOLITION GROUND FLOOR PLAN
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P2
 DRAWING NUMBER: P301



REVISIONS:	
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P1	04.10.2022 RESPONSE TO RFI
P2	02.06.2023 CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

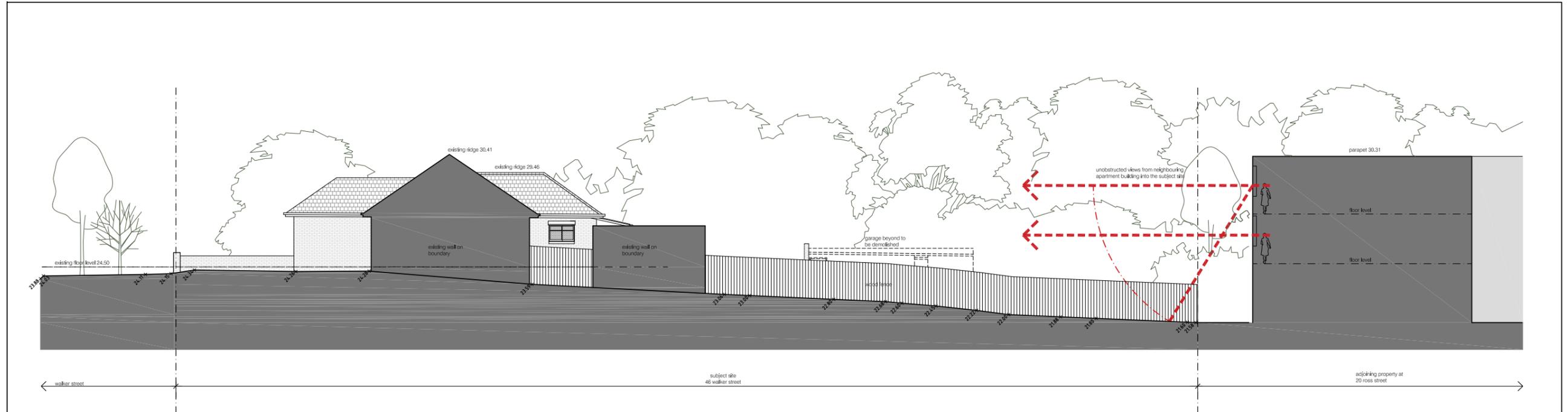
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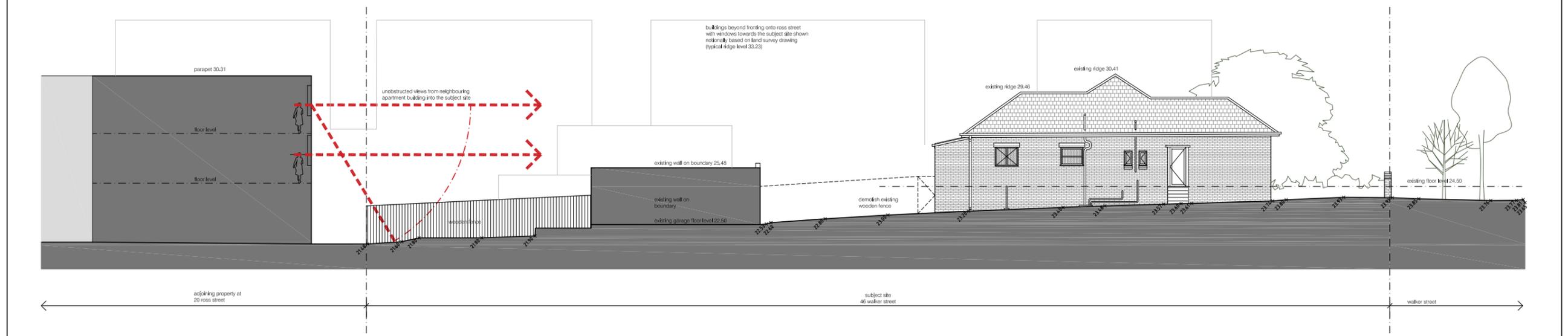
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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: DEMOLITION ROOF FLOOR PLAN
 Darebin City Council Received 22-06-2023

SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P2
 DATE: 02.06.2023
 DRAWING NUMBER: P302



west elevation



east elevation

NORTH

REVISIONS:

P	20.07.2022	PLANNING PERMIT APPLICATION
P1	04.10.2022	RESPONSE TO RFI
P2	02.06.2023	CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

PLANNING PERMIT

JUSTIN MALLIA ARCHITECTURE

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 TELEPHONE: 03 9015 9772
 ABN: 41 424 633 626

PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: DEMOLITION EAST & WEST ELEVATIONS
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P2
 DRAWING NUMBER: P303



north elevation (walker street facade)

south elevation

NORTH

REVISIONS:

P	20.07.2022	PLANNING PERMIT APPLICATION
P1	04.10.2022	RESPONSE TO RFI
P2	02.06.2023	CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

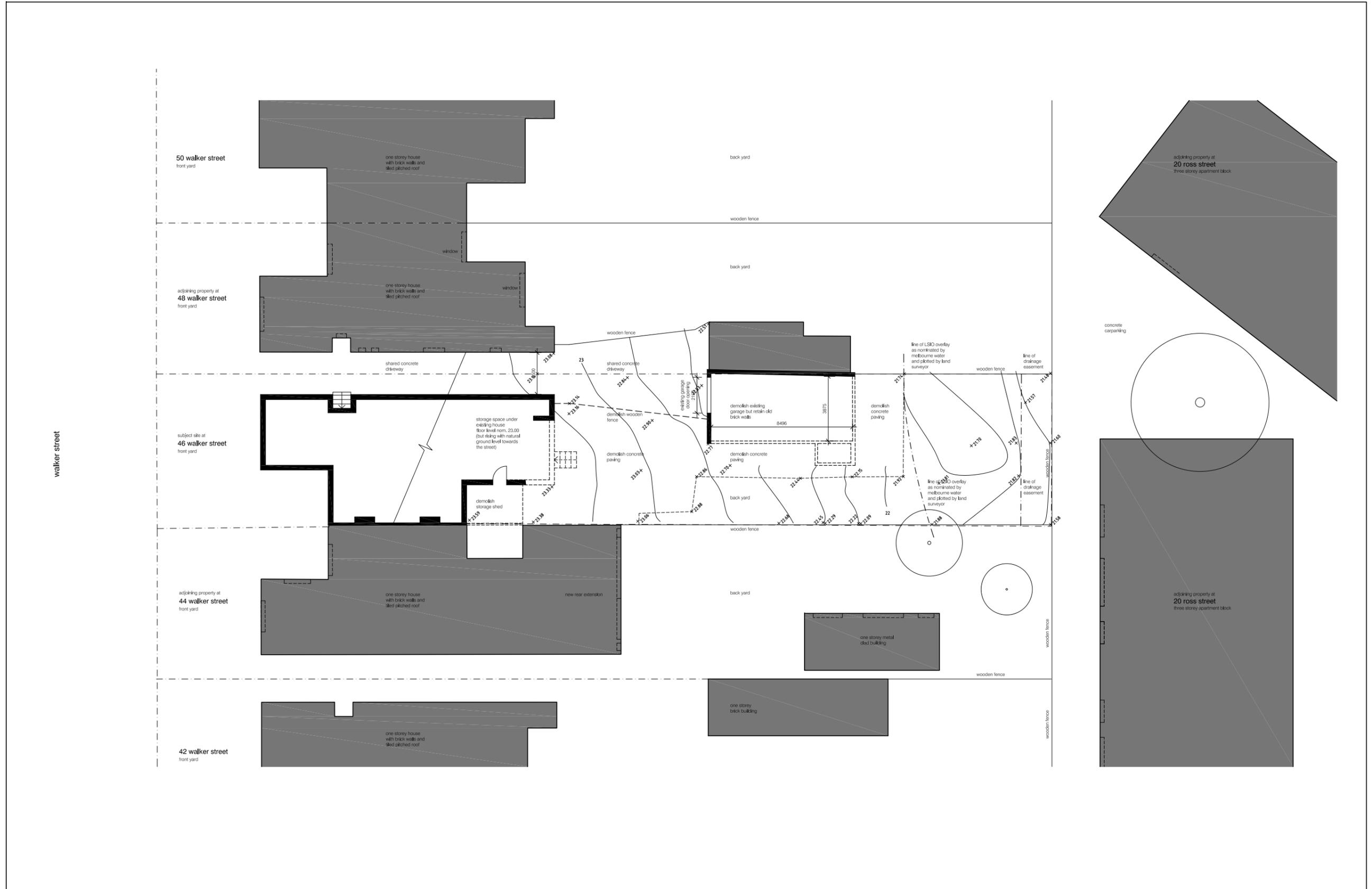
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 ABN: 41 424 633 626

PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: DEMOLITION NORTH & SOUTH ELEVATIONS
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P2
 DRAWING NUMBER: P304

Darebin City Council Received 22-06-2023



NORTH

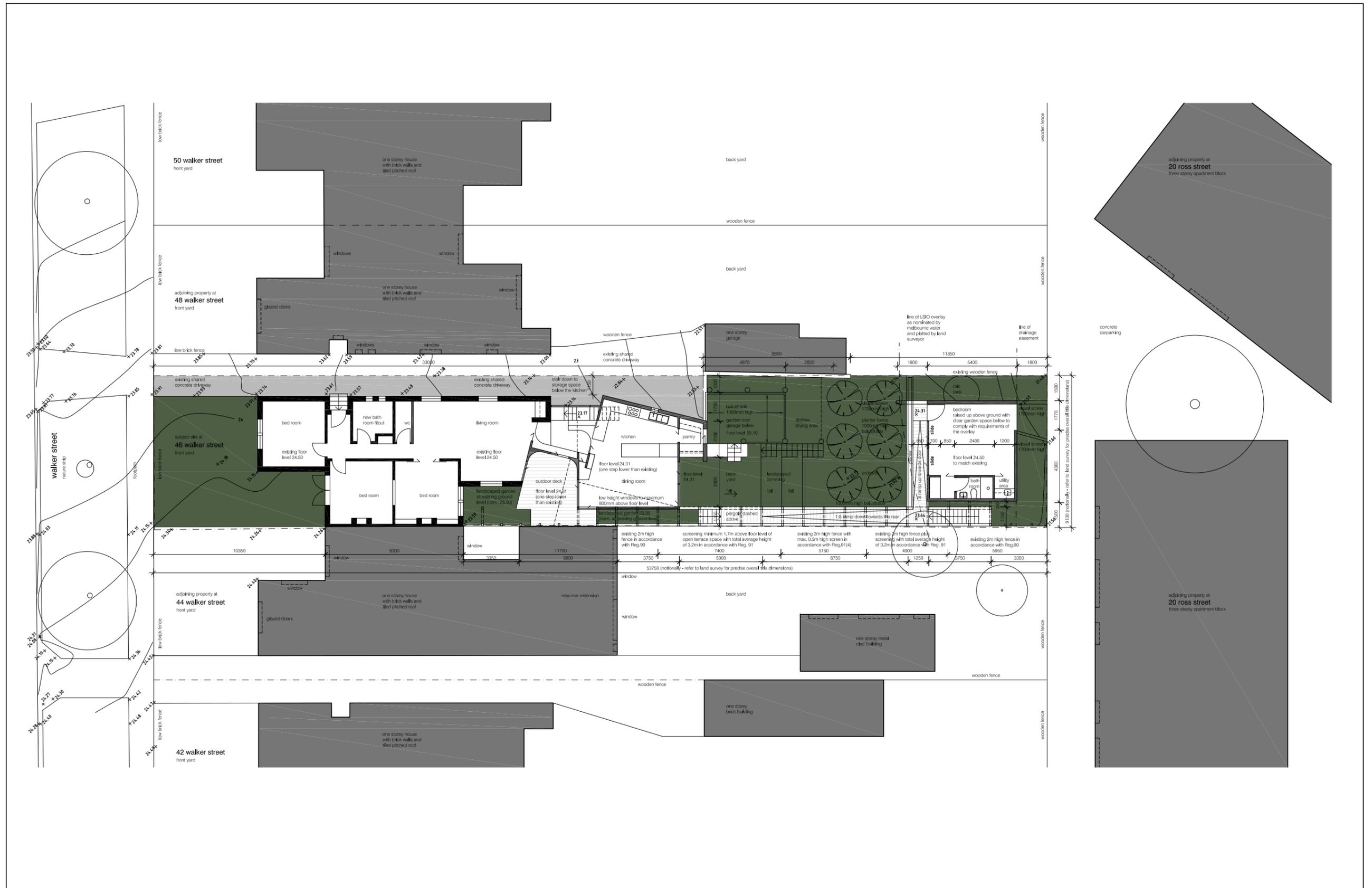
REVISIONS:
 P 04.10.2022 RESPONSE TO RFI
 P1 02.06.2023 CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

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 ABN: 41 424 633 626

PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: DEMOLITION SUB FLOOR PLAN
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P1
 DRAWING NUMBER: P305



<p>NORTH</p>	<p>REVISIONS:</p>	
	<p>P 20.07.2022</p>	<p>PLANNING PERMIT APPLICATION</p>
	<p>P1 04.10.2022</p>	<p>RESPONSE TO RFI</p>
	<p>P2 17.10.2022</p>	<p>RESPONSE TO MELBOURNE WATER RFI</p>
	<p>P3 02.06.2023</p>	<p>CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS</p>

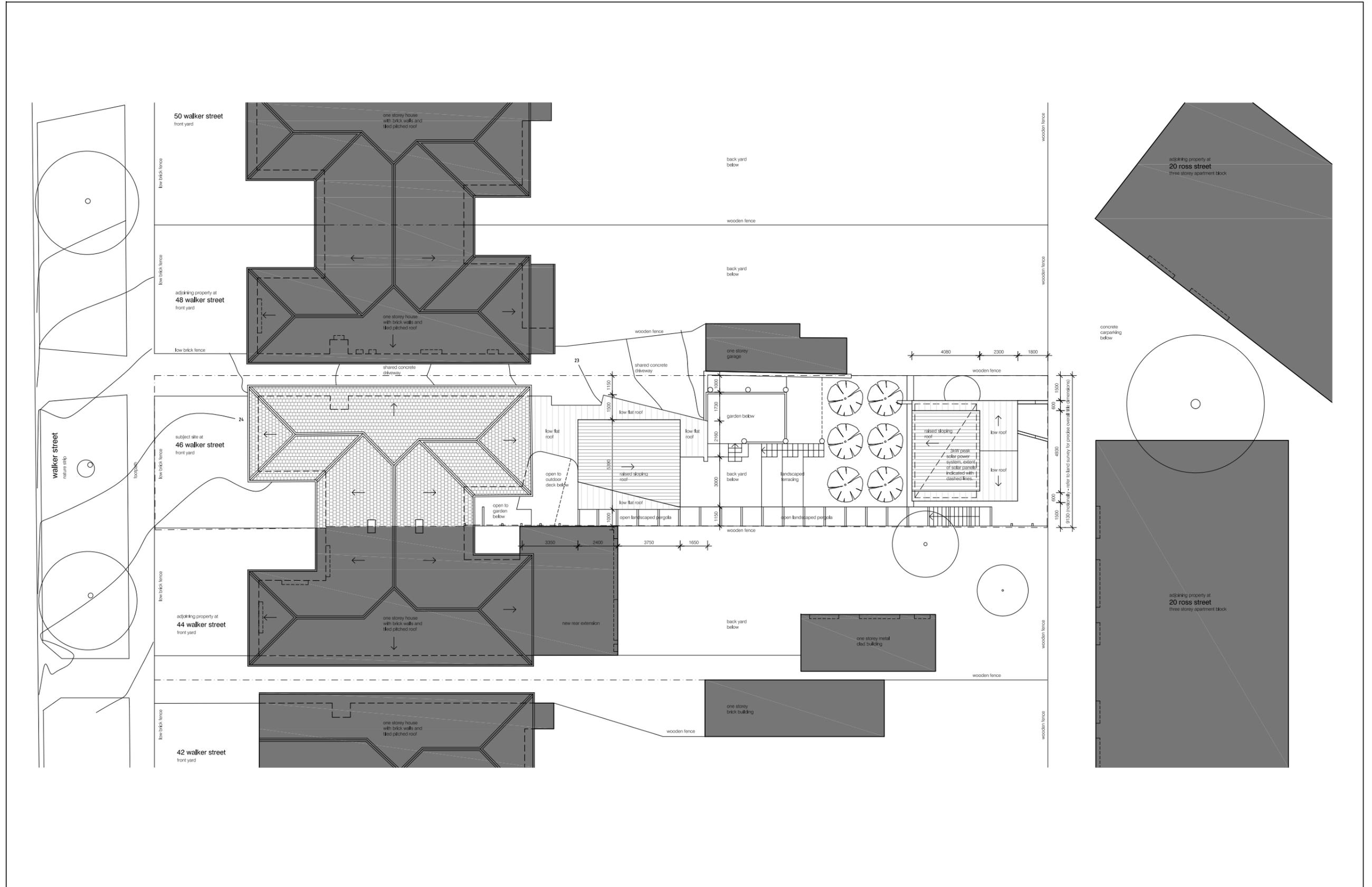
PLANNING PERMIT

- GENERAL NOTES:**
1. ALL NEW GLAZING TO BE DOUBLE GLAZED.
 2. EXTERNAL LIGHTING TO BE CONNECTED TO SENSORS.
 3. MAXIMUM ILLUMINATION POWER DENSITY OF 4W/SQM.

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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: PROPOSED GROUND FLOOR PLAN
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P3
 DRAWING NUMBER: P401



NORTH

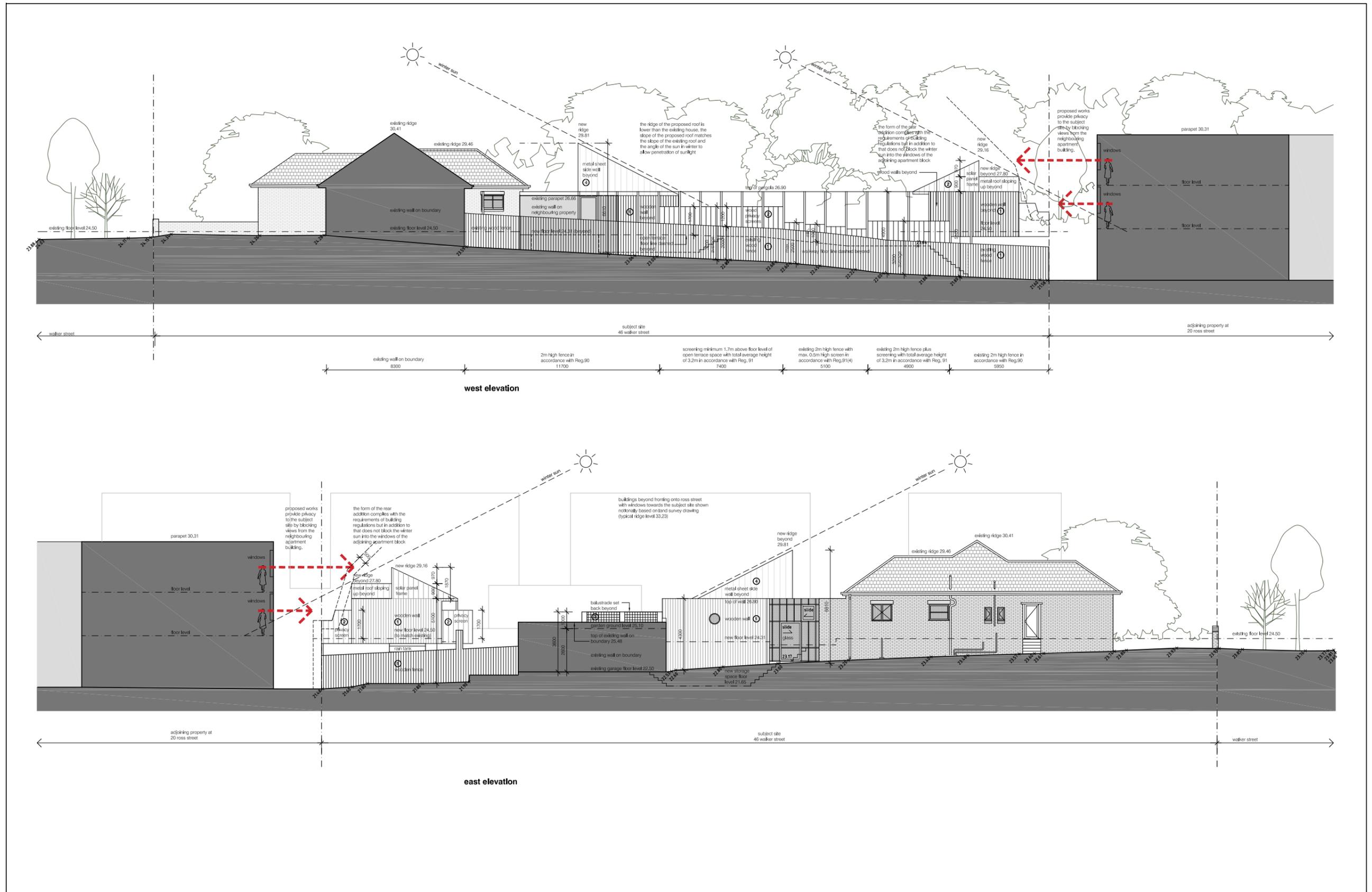
REVISIONS:
 P 20.07.2022 PLANNING PERMIT APPLICATION
 P1 04.10.2022 RESPONSE TO RFI
 P2 02.06.2023 CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

PLANNING PERMIT

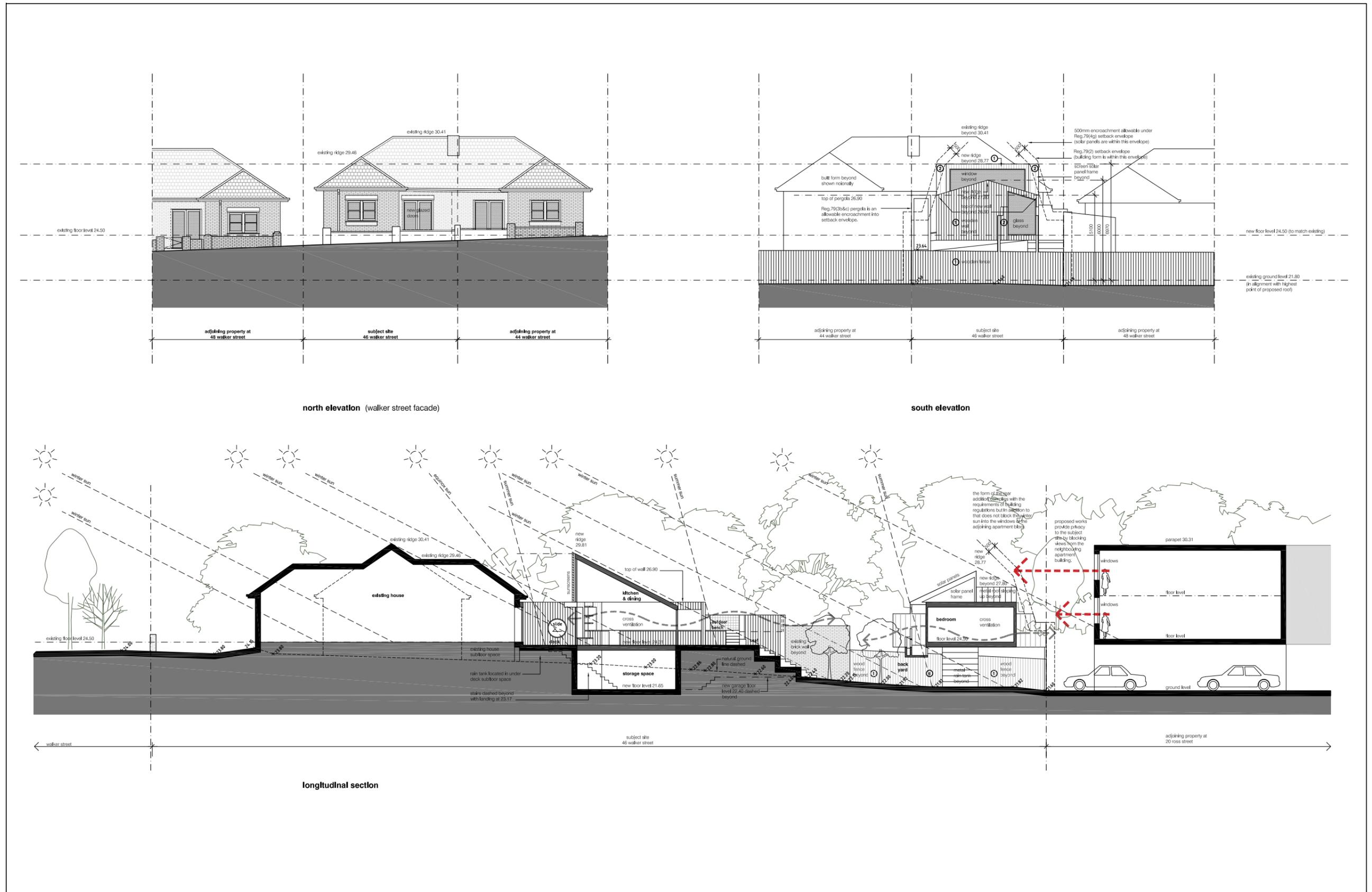
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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: PROPOSED ROOF FLOOR PLAN
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P2
 DRAWING NUMBER: P402



<p>NORTH</p>	<p>REVISIONS:</p> <p>P 20.07.2022 PLANNING PERMIT APPLICATION</p> <p>P1 04.10.2022 RESPONSE TO RFI</p> <p>P2 02.06.2023 CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS</p>	<p>PLANNING PERMIT</p>	<p>JUSTIN MALLIA ARCHITECTURE</p> <p>www.justinmallia.com info@justinmallia.com P.O. BOX 156, RICHMOND VICTORIA 3121 TELEPHONE: 03 9015 9772 ABN: 41 424 633 626</p>	<p>PROJECT: 46 WALKER STREET, NORTHCOTE</p> <p>DRAWING: PROPOSED EAST & WEST ELEVATIONS</p> <p>DATE: 02.06.2023</p> <p>SCALE: 1:100@A1, 1:200@A3</p> <p>REVISION NUMBER: P2</p> <p>DRAWING NUMBER: P403</p>
	<p>Darebin City Council Received 22-06-2023</p>			



<p>NORTH</p>	<p>REVISIONS:</p>		
	P	20.07.2022	PLANNING PERMIT APPLICATION
	P1	04.10.2022	RESPONSE TO RFI
	P2	17.10.2022	RESPONSE TO MELBOURNE WATER RFI
	P3	02.06.2023	CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: PROPOSED NORTH & SOUTH ELEVATIONS
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P3
 DRAWING NUMBER: P404



NORTH

REVISIONS:

P	04.10.2022	RESPONSE TO RFI
P1	17.10.2022	RESPONSE TO MELBOURNE WATER RFI
P2	02.06.2023	CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

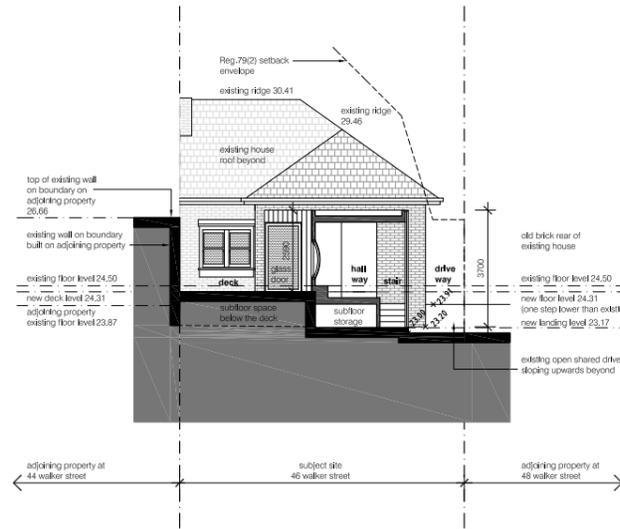
PLANNING PERMIT

JUSTIN MALLIA ARCHITECTURE

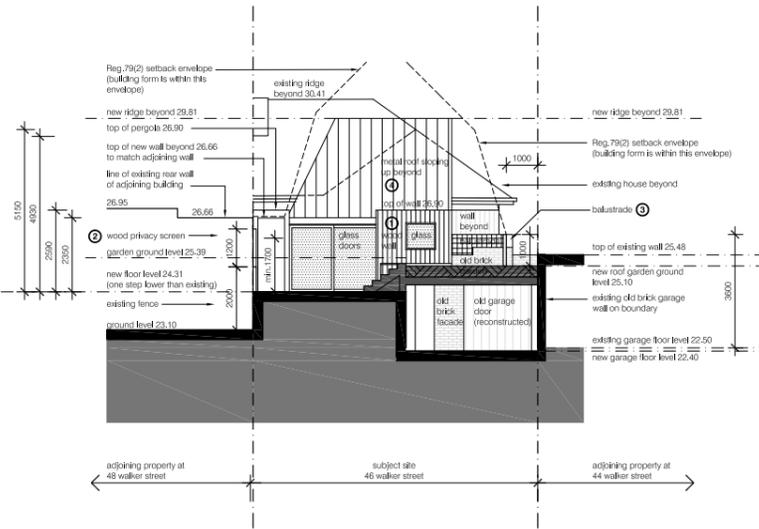
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 ABN: 41 424 633 626

PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: PROPOSED SUB FLOOR PLAN
 DATE: 02.06.2023
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P2
 DRAWING NUMBER: P405

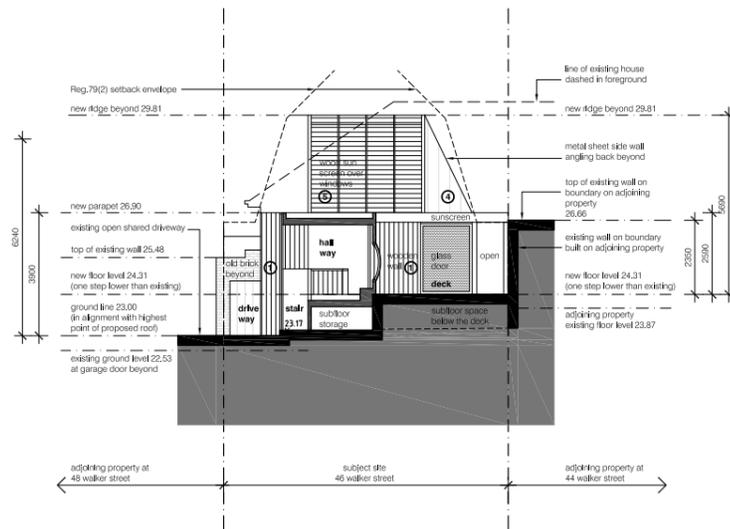
Darebin City Council Received 22-06-2023



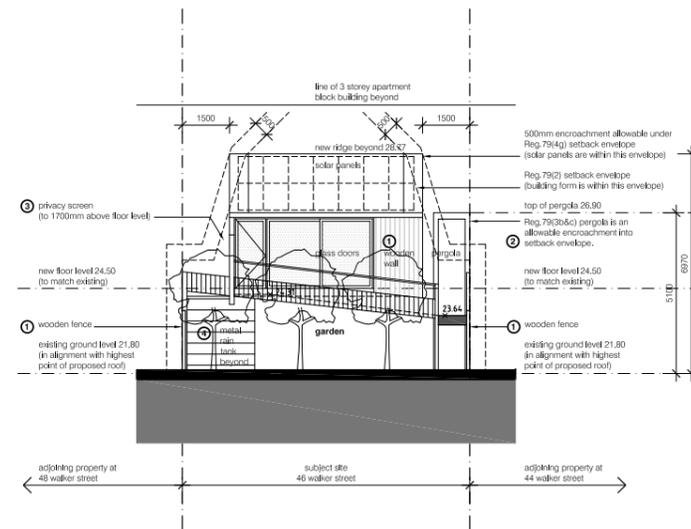
Internal site elevation looking north towards rear of existing house



Internal site elevation looking north towards kitchen & dining room



Internal site elevation looking south towards kitchen and dining room



Internal site elevation looking south towards rear bedroom building

NORTH

REVISIONS:
 P 04.10.2022 RESPONSE TO RFI
 P1 02.06.2023 CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

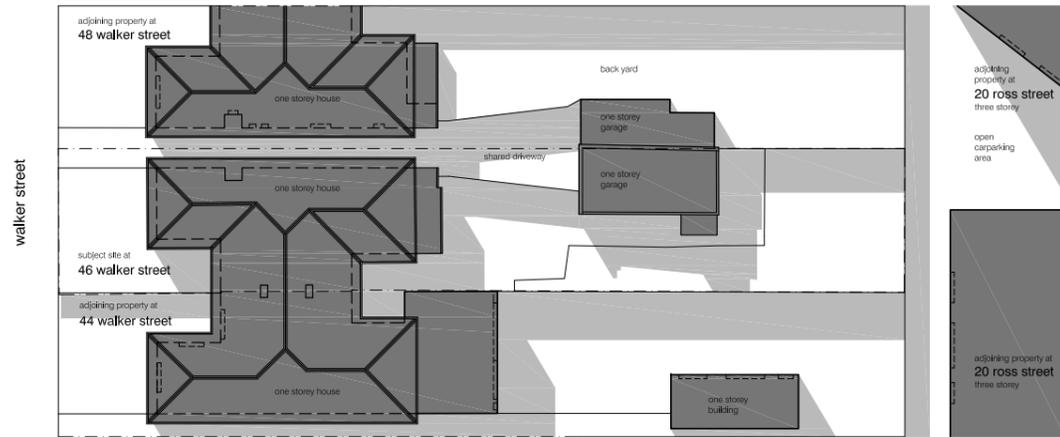


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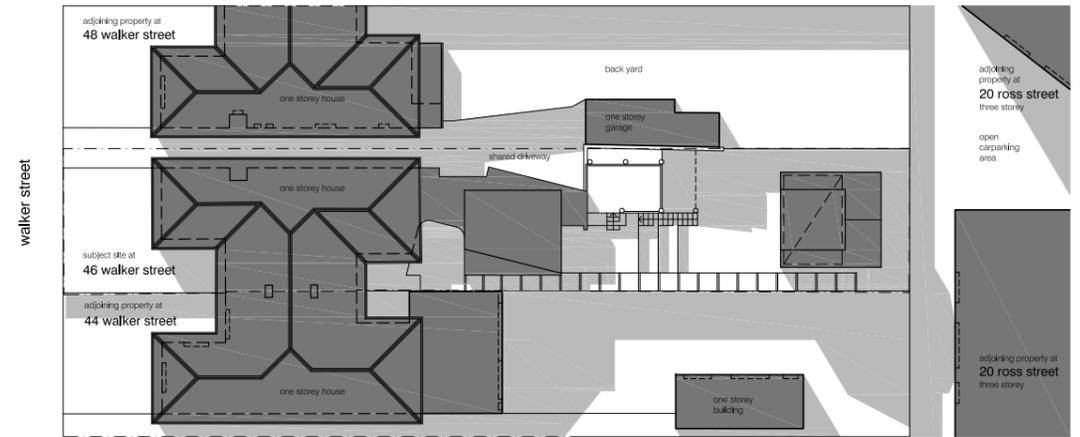
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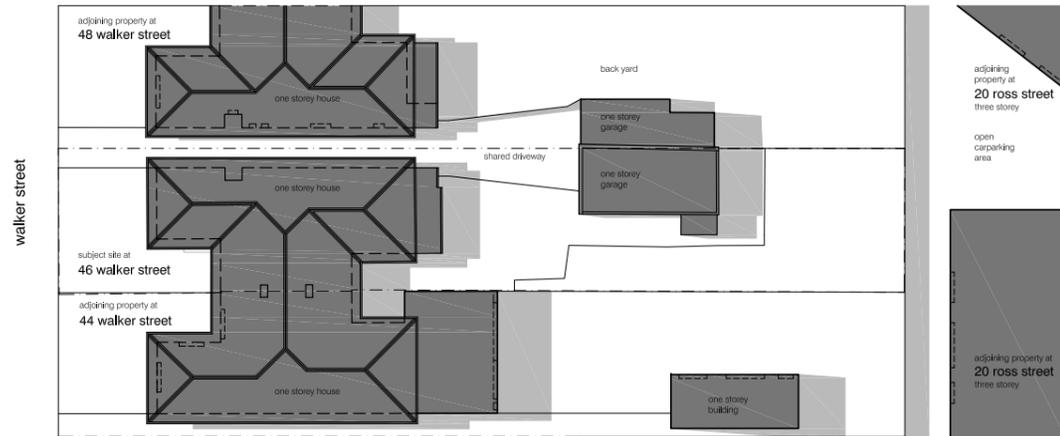
PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: PROPOSED INTERNAL SITE ELEVATIONS
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P1
 DATE: 02.06.2023
 DRAWING NUMBER: P406



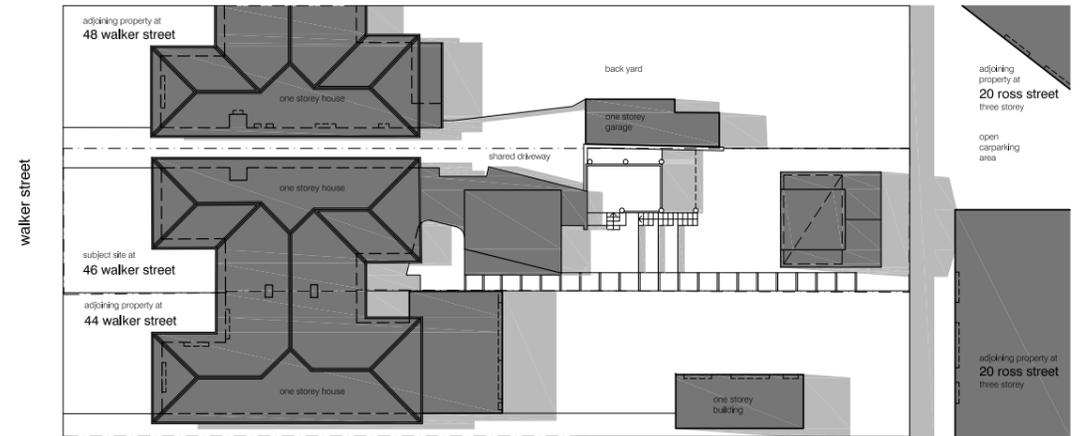
existing shadow dliagram plan 9am 22 September



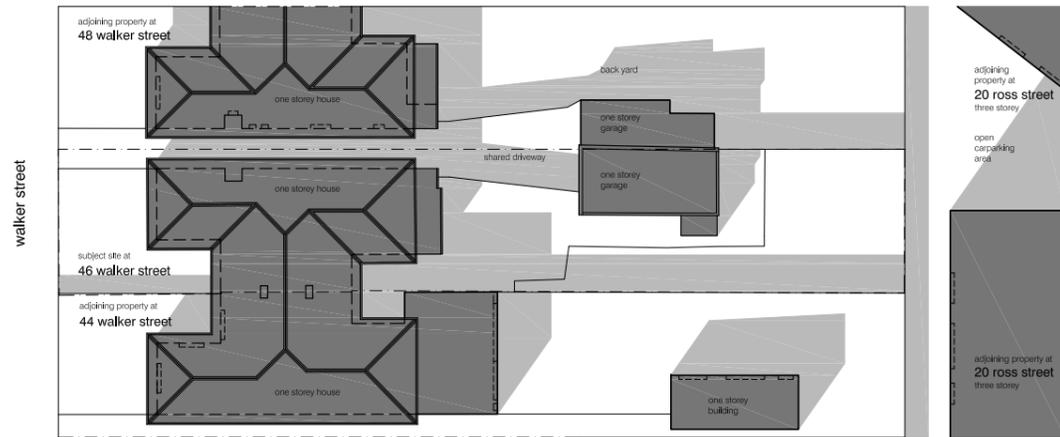
proposed shadow dliagram plan 9am 22 September



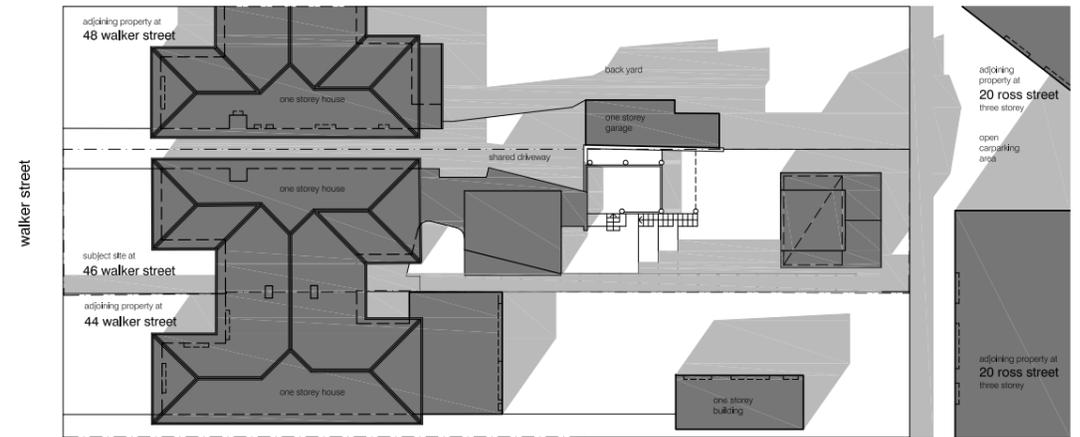
existing shadow dliagram plan 12pm 22 September



proposed shadow dliagram plan 12pm 22 September



existing shadow dliagram plan 3pm 22 September



proposed shadow dliagram plan 3pm 22 September

NORTH
 REVISIONS:
 P 20.07.2022 PLANNING PERMIT APPLICATION
 P1 02.06.2023 CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

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 ABN: 41 424 633 626

PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: EXISTING & PROPOSED SHADOW DIAGRAM PLANS
 SCALE: 1:200@A1, 1:400@A3
 REVISION NUMBER: P1
 DATE: 02.06.2023
 DRAWING NUMBER: P501

① natural wooden walls



② maximum 25% transparency natural wooden batten screening



maximum 25% transparency ③ natural wooden lattice screening



grey corrugated metal ④ walls and roofs

NORTH



REVISIONS:

P	20.07.2022	PLANNING PERMIT APPLICATION
P1	02.06.2023	CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

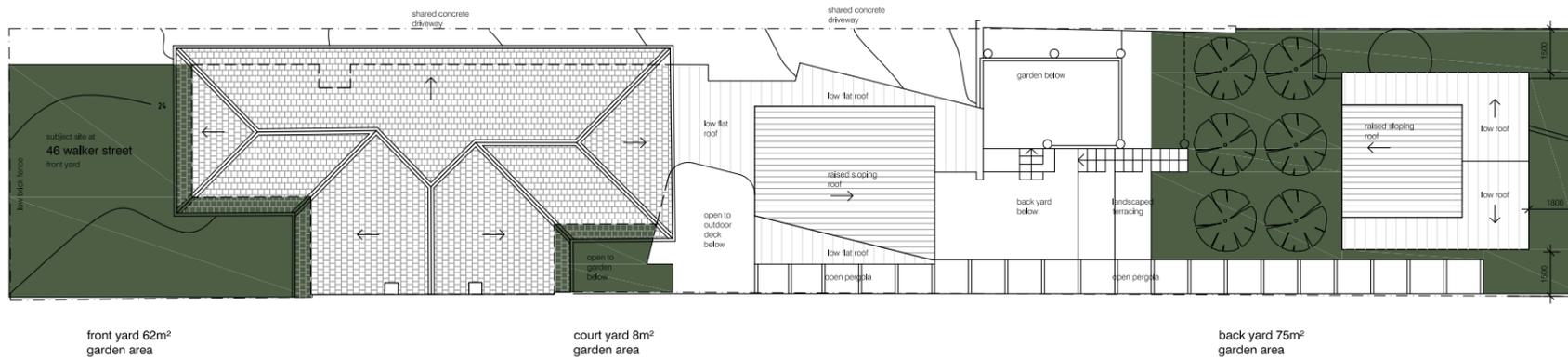
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PROJECT:
 46 WALKER STREET, NORTHCOTE
 DRAWING:
MATERIALS, FINISHES & COLOURS
 SCALE: -
 DATE:
02.06.2023
 REVISION NUMBER:
P1
 DRAWING NUMBER:
P601

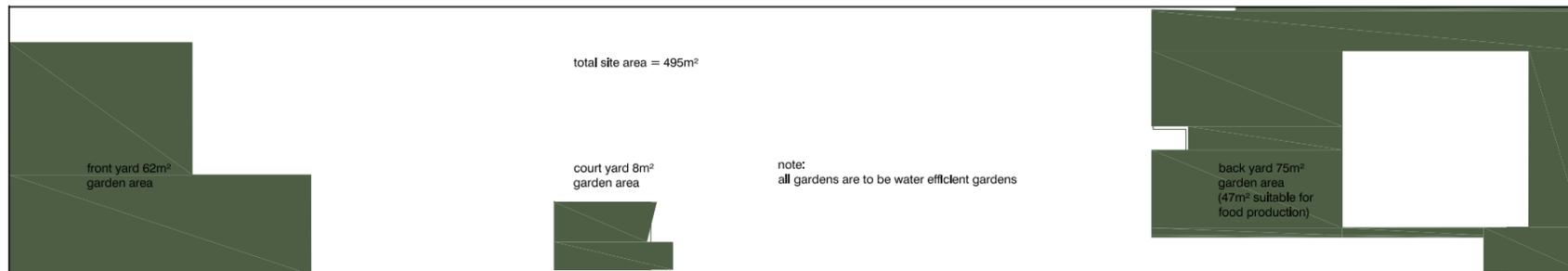
SITING SCHEDULE (CALCULATIONS)
BUILDING REGULATION 76 SITE COVERAGE total site area = 495m ² total building area = 220m ² + 8m ² + 75m ² = 145m ² total site coverage = 46% of site area this is less than the allowable maximum site coverage of 60%
BUILDING REGULATION 77 PERMEABILITY total site area = 495m ² total garden area = 62m ² + 8m ² + 75m ² = 145m ² total garden area = 30% of site area this is more than the allowable minimum area of 20%
BUILDING REGULATION 86 PRIVATE OPEN SPACE total private open space area = 8m ² + 75m ² = 83m ² all of this space is at the rear or side of the property and the area is more than the allowable minimum area of 80m ²



front yard 62m²
garden area

court yard 8m²
garden area

back yard 75m²
garden area



NORTH



REVISIONS:
 P 04.10.2022 RESPONSE TO RFI
 P1 02.06.2023 CHANGES FOR COMPLIANCE WITH BUILDING REGULATION SITING REQUIREMENTS

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PROJECT: 46 WALKER STREET, NORTHCOTE
 DRAWING: PROPOSED GARDEN AREAS DIAGRAM PLAN
 SCALE: 1:100@A1, 1:200@A3
 REVISION NUMBER: P1
 DATE: 02.06.2023
 DRAWING NUMBER: P701

Address:

Application Number:

Map: Seven (7) total objections: seven (7) objections received within 200 metres radius (shown using blue circle) of the subject site (shown selected in red), no objections received outside of the 200 metres radius



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

Appendix E – Clause 54 Assessment

D/420/2022 – 46 Walker Street, Northcote

Clause	Std		Compliance																					
			Std	Obj																				
54.02-1	A1	Neighbourhood character																						
		The extension is located to the rear of the site, therefore the impact on the streetscape will be minimal.	Y	Y																				
54.02-2	A2	Integration with the street																						
		The dwelling's integration with the street is not proposed to be varied.	Y	Y																				
54.03-1	A3	Street setback																						
		The adjacent dwellings to the east and west are setback 6.2 metres and 6.2 metres respectively. The existing 6.2 metre setback from the street complies with the standard, which calls for a setback of 6.2 metres.	Y	Y																				
54.03-2	A4	Building height																						
		The standard calls for a maximum height of 11 metres and three (3) storeys. The proposed extension has a maximum height of 6.95 metres (raised habitable room) and 6.61 metres (extension).	Y	Y																				
54.03-3	A5	Site coverage																						
		The standard calls a maximum site coverage of 60% of the site. The application proposes a site coverage of 46%.	Y	Y																				
54.03-4	A6	Permeability																						
		The standard calls for minimum permeability of 20%. The application proposes 30% permeability.	Y	Y																				
54.03-5	A7	Energy efficiency																						
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y																				
54.03-6	A8	Significant Trees Objective																						
		No significant trees exist on site. An adjacent (third party) tree is expected to be impacted by the proposed works; tree protection measures will be implemented.	Y	Y																				
54.04-1	A10	Side and rear setbacks																						
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y																				
		<table border="1"> <thead> <tr> <th>Orientation</th> <th>Wall height</th> <th>Required setback</th> <th>Proposed setback</th> </tr> </thead> <tbody> <tr> <td>West (extension, kitchen/living)</td> <td>3.55 metres</td> <td>1 metre</td> <td>1 metre</td> </tr> <tr> <td>East (extension, kitchen/living)</td> <td>3.9 metres</td> <td>1.09 metres</td> <td>1.15 metres</td> </tr> <tr> <td>West (raised habitable room)</td> <td>5.1 metres</td> <td>1.45 metres</td> <td>1.5 metres</td> </tr> <tr> <td>East (raised habitable room)</td> <td>5.1 metres</td> <td>1.45 metres</td> <td>1.5 metres</td> </tr> </tbody> </table>			Orientation	Wall height	Required setback	Proposed setback	West (extension, kitchen/living)	3.55 metres	1 metre	1 metre	East (extension, kitchen/living)	3.9 metres	1.09 metres	1.15 metres	West (raised habitable room)	5.1 metres	1.45 metres	1.5 metres	East (raised habitable room)	5.1 metres	1.45 metres	1.5 metres
Orientation	Wall height	Required setback			Proposed setback																			
West (extension, kitchen/living)	3.55 metres	1 metre			1 metre																			
East (extension, kitchen/living)	3.9 metres	1.09 metres			1.15 metres																			
West (raised habitable room)	5.1 metres	1.45 metres	1.5 metres																					
East (raised habitable room)	5.1 metres	1.45 metres	1.5 metres																					
54.04-2	A11	Walls on boundaries																						

Appendix E – Clause 54 Assessment

D/420/2022 – 46 Walker Street, Northcote

Clause	Std		Compliance	
		The standard calls for walls on boundaries to have a maximum height of 20.93 metres, a maximum height of 3.6 metres and an average height of 3.2 metres. The proposed wall on boundary has a length of 9 metres and a height of 3 metres. The wall interfaces with a single-storey garage on the adjacent lot. The proposal complies with the requirements of this standard.	Y	Y
54.04-3	A12	Daylight to existing windows		
		Sufficient setbacks exist to allow adequate daylight.	Y	Y
54.04-4	A13	North-facing windows		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	Y	Y
54.04-5	A14	Overshadowing open space		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
54.04-6	A15	Overlooking		
		The walkway is not subject to planning assessment. The overlooking standard only applies to habitable balcony, terrace, deck or patios. Privacy screens have been provided to the relevant decks or windows.	Y	Y
54.05-1	A16	Daylight to new windows		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
54.05-2	A17	Private open space		
		The standard calls for a minimum of 80m ² of private open space, and a minimum of 25m ² of Secluded Private Open Space. The development has been allocated the below amount of SPOS/POS: Private Open Space (Front Garden, courtyard): 76.6m ² Secluded Private Open Space (Deck and back garden including space underneath the raised habitable room): 178.1m ² Total: 254.7m ²	Y	Y
54.05-3	A18	Solar access to open space		
		Sufficient depth is provided for adequate solar access.	Y	Y
54.06-1	A19	Design detail		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
55.04-2	A20	Front fences		
		The front fence is not proposed to be varied.	Y	Y

Appendix F – Clause 42.01 Assessment

D/420/2022 – 46 Walker Street, Northcote

Clause 42.01 Environmental Significance Overlay

The site is located within the Environmental Significance Overlay - Schedule 1 – Merri Creek and Environs. A permit is required to construct a building or construct or carry out works to buildings in a residential zone that are more than 6 metres above ground level.

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

Decision Guidelines	Response
<p>The Municipal Planning Strategy and Planning Policy Framework.</p>	<p>Clause 02.03-2 (<i>Environmental and Landscape Values</i>) aims to minimise negative impacts from development on natural environmental assets, particularly creeks. The policy emphasises the protection of Merri Creek from development, including protection creek-side environs and waterways. As discussed in the below sections, the extension is not expected to adversely impact the health of the creek (biodiversity or waterways). The development will not unreasonably restrict passive views to the creek (discussed further below) as the height and siting of the development permits views downward toward the creek. The development is also not highly visible from the creek.</p> <p>Clause 12.01-1L (<i>Biodiversity</i>) aims to maintain a cohesive network of linked natural spaces and corridors to provide havens and corridors for wildlife and enhance water quality in the creeks. The development is not anticipated to unreasonably impact Merri Creek given its distance and the relatively minor nature of the work (extension to a dwelling).</p> <p>Clause 12.03-1S (<i>River and riparian corridors, waterways, lakes, wetlands and billabongs</i>) seeks to protect and enhance creeks. The policy aims to (as relevant) minimise the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves, ensure development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development, ensure development adjacent to waterways adopts high quality materials and respectful design and siting and avoid impeding the natural flow of waterways and future flood events. The two relevant referral authorities have offered no objection to the proposal. The development is of a sufficient distance to the creek to mitigate adverse visual impacts from the creek. The height is not excessive and sited to retain views.</p> <p><i>Complies.</i></p>

Appendix F – Clause 42.01 Assessment

D/420/2022 – 46 Walker Street, Northcote

<p>The statement of environmental significance and the environmental objective contained in a schedule to this overlay.</p>	<p><i>Discussed further below.</i></p>
<p>The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.</p>	<p>The site is not within a Bushfire Risk area. No vegetation proposed to be removed for the purpose of fire management.</p> <p><i>Complies.</i></p>
<p>Any other matters specified in a schedule to this overlay.</p>	<p><i>Discussed further below.</i></p>
<p>Decision Guidelines (Schedule 1)</p>	<p>Response</p>
<p>The Merri Creek and Environs Strategy as adopted in principle by the responsible authority in May 1998.</p>	<p>The decision guideline responses below generally address the strategy.</p> <p><i>Complies.</i></p>
<p>Development Guidelines for the Merri Creek (Merri Creek Management Committee).</p>	<p>Please refer to the below responses to the relevant standards within the Development Guidelines for the Merri Creek below:</p>
<p><u>Standard MC 9 Fill</u></p> <p><i>Slopes facing the creek should not be filled.</i></p> <p><i>Areas of old inappropriate fill should be removed as part of new development.</i></p> <p><i>Areas within 12 metres of the top of the bank of the creek valley should not be filled.</i></p> <p><i>Earthworks should not:</i></p> <ul style="list-style-type: none"> • <i>create unnatural landforms that do not blend with adjacent soil surfaces</i> • <i>create a trapezoidal valley shape</i> • <i>create batters greater than 1 in 3. Roads or access lanes should minimise the creation of batters with steep sides</i> 	<p>The development proposes to fill sections of the site to accommodate the building footprint. Natural ground level maintained for the rear of the site, towards the drainage easement.</p> <p>Filling is required due to the slope of the site. The tiered landscaping allows for an incremental slope down from the filled section to natural ground level. Retaining walls are proposed for the relevant section. A condition of approval will require a section diagram demonstrating how the retaining walls will operate.</p> <p>Given the distance of the site from Merri Creek, it is considered that the level of fill is acceptable within the context of the site.</p> <p><i>Complies</i></p>
<p><u>Standard MC 12 Building height</u></p> <p><i>Buildings should appear below tree height when viewed from the path or informal recreation areas.</i></p>	<p>The proposed connected extension has a maximum height of 6.61 metres above Natural Ground Level.</p>

Appendix F – Clause 42.01 Assessment

D/420/2022 – 46 Walker Street, Northcote

<p><i>All parkland should receive sunlight between 9 am and 3 pm on 22 September.</i></p>	<p>The proposed elevated habitable room has a maximum height of 6.96 metres above Natural Ground Level (including the solar panel).</p> <p>Given the distance between the subject site and Merri Creek (50+ metres), it is considered that the extension will not be visually dominant over the creek. The extension will appear below tree height when viewed from the path. The maximum height of the extension is less than that of the surrounding apartments, which indicates that it will be less visually dominant than surrounding buildings.</p> <p>The shadow diagrams show that the development will not change solar access to the creek as it is 50+ metres away.</p> <p><i>Complies</i></p>
<p><u>Standard MC 13 Building setback and screening</u></p> <p><i>Buildings should be predominantly screened from open space areas by planting or topography.</i></p> <p><i>Buildings should be setback as far as possible from the creek, and:</i></p> <ul style="list-style-type: none"> - <i>at least 12 metres or further if possible from the top of any escarpment</i> - <i>at least 30 metres or further if possible from the creek in urban areas</i> - <i>sufficient distance to preserve open space and heritage values in rural areas, or areas undergoing development.</i> <p><i>Landscape areas intended for screening should be at least 12 metres wide. Landscaped semipublic areas may be included within the landscape setback, but private open space areas must not.</i></p> <p><i>Where existing buildings cannot be screened from the creek they should be adapted to provide a positive interface.</i></p>	<p>The proposed extension is sufficiently setback from the creek (approximately 50+ metres).</p> <p>The materials used for the elevated bedroom (natural wooden walls) are a positive interface where visible from the creek. The proposed development is of a lesser height than the surrounding apartment developments.</p> <p>Screening vegetation is not considered necessary given the materials utilised for the extension align with the character of the area (discussed further below).</p> <p><i>Complies.</i></p>
<p><u>Standard MC 14 Positive interface</u></p> <p><i>Buildings should not present blank walls to the open space along the creek.</i></p> <p><i>Where development will be visible from the path or informal recreation areas it should face the open space along waterways.</i></p>	<p>The development is of a sufficient distance to the creek that the layout and walls will not have a consequential impact.</p> <p>The materials proposed (natural wood) will present a sympathetic façade when viewed from a distance.</p>

Appendix F – Clause 42.01 Assessment

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<p><i>Where development cannot face the creek, living areas or office areas should be oriented towards the creek.</i></p> <p><i>Site layout should place semi-public areas such as shared open space, driveways or car parks next to the creek in preference to private open space.</i></p> <p><i>Connection should be provided from semipublic areas to the creek parklands.</i></p>	<p><i>Complies.</i></p>
<p><u>Standard MC 16 Materials and details</u></p> <p><i>The side of buildings facing the creek and visible roofs should:</i></p> <ul style="list-style-type: none"> <i>• not include reflective materials, illuminated elements, bright colours or signage</i> <i>• use muted blue-green greens, greys and browns where visible from the creek valley.</i> <p><i>Electric power lines and telephone lines should be placed underground.</i></p> <p><i>Lights should be baffled to avoid light spill to the creek.</i></p>	<p>The materials used for the elevated bedroom (natural wooden walls) are a positive interface where visible from the creek.</p> <p>The proposed development is of a lesser height than the surrounding apartment developments. The development is not proposing reflective materials or bright colours. A condition of approval will require lights to be baffled to avoid light spill to the creek.</p> <p><i>Complies subject to conditions.</i></p>
<p>The views of the Merri Creek Management Committee, Melbourne Water and Aboriginal Affairs Victoria Heritage Services Branch, as deemed appropriate by the Responsible Authority.</p>	<p>The Merri Creek Management Committee has no objection to the proposal.</p> <p><i>Complies</i></p>
<p>The relevant provisions of any adopted municipal Open Space Strategy and in particular, the relevant open space category and preferred recreational uses and development guidelines.</p>	<p>No open space strategy applies to the site. The Development Guidelines for the Merri Creek (Merri Creek Management Committee) and The Merri Creek and Environs Strategy as adopted in principle by the responsible authority in May 1998 have been assessed in the above decision guidelines.</p> <p><i>Complies.</i></p>
<p>The effect of the proposed removal of vegetation on the habitat value, wildlife corridor, and long term viability of remnant and revegetated areas along the creek corridor.</p>	<p>No significant vegetation is proposed for removal. The site is a sufficient distance from the creek to prevent negative impacts on creek-side vegetation.</p> <p><i>Not applicable.</i></p>

Appendix F – Clause 42.01 Assessment

D/420/2022 – 46 Walker Street, Northcote

<p>The significance of the native vegetation area, including significance of plant communities or significance of plant and animal species supported.</p>	<p>No significant vegetation is proposed for removal. A condition of approval will require a landscape plan with plant species native to the area.</p> <p><i>Complies subject to conditions.</i></p>
<p>The reasons for removing the vegetation and the practicality of alternative options which do not require the removal of the native vegetation.</p>	<p>No significant vegetation is proposed for removal.</p> <p><i>Not applicable.</i></p>
<p>The effect of the height, bulk, and general appearance of any proposed buildings and works on the environmental values and visual character of the creek.</p>	<p>The design has a significant gap between the extension and the elevated bedroom (approximately 14 metres). The space between the rear extension and the elevated habitable room will permit views towards the creek, in particular the mature vegetation surrounding the creek.</p> <p>The rear habitable room will not prevent views for most surrounding dwellings due to the significant setback. Additionally, the slope of the site allows for a higher vantage point for the dwellings to the west, enabling eastward views towards the creek. The combination of the separated design and slope of the site indicate that the development will not unreasonably restrict views.</p> <p><i>Complies.</i></p>
<p>The extent that buildings or works are designed to enhance or promote the environmental values of the creek and the visual character of the creek corridor.</p>	<p>The buildings and works are not expected to adversely impact the environmental values of the creek, or the visual character of the creek corridor.</p> <p>The extension is of a sufficient distance that the visual impact on the creek will be negligible. Where views occur the material used in development subscribes to the area (natural wood).</p> <p><i>Complies.</i></p>
<p>The need for landscaping or vegetation screening.</p>	<p>The site is proposing landscaped terraces and garden planting. A condition of approval will require the landscape plan to subscribe to the preferred vegetation in the area.</p> <p><i>Complies subject to conditions.</i></p>
<p>The need to ensure that buildings or works do not disturb known sites of Aboriginal heritage or areas likely to contain Aboriginal heritage.</p>	<p>The development is unlikely to disturb any known sites of Aboriginal heritage.</p> <p><i>Not applicable.</i></p>

Appendix F – Clause 42.01 Assessment

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<p>The need to protect trees with Aboriginal trunk or branch scars.</p>	<p>No trees with Aboriginal trunk or branch scars are impacted by the proposal.</p> <p><i>Not applicable.</i></p>
<p>The need to retain vegetation and natural features which contributes to the health and water quality of the creek and the visual character of the creek corridor.</p>	<p>No significant trees which contribute to the health or water quality of the creek, or the visual character of the creek corridor are impacted by the proposal.</p> <p><i>Not applicable.</i></p>
<p>The extent that buildings or works are designed to enhance or promote the environmental values of the creek and the visual character of the creek corridor.¹</p>	<p>The buildings and works are not expected to adversely impact the environmental values of the creek, or the visual character of the creek corridor.</p> <p>The extension is of a sufficient distance that the visual impact on the creek will be negligible. Where views occur the material used in development subscribes to the area (natural wood).</p> <p><i>Complies.</i></p>
<p>The need for a retention pond that acts as a filter and collector of sediment and litter.</p>	<p>No retention ponds are proposed or required.</p> <p><i>Not applicable.</i></p>

¹ This is a double up of a decision guideline within the ESO1.

Appendix G – Clause 44.04 Assessment D/420/2022 – 46 Walker Street, Northcote

Clause 44.04 Land Subject to Inundation Overlay

Melbourne Water is the relevant referral authority for the Land Subject to Inundation Overlay. Melbourne Water do not object to the proposal subject to conditions.

The proposal is required to be assessed against the decision guidelines under Clause 44.04 of the Darebin Planning Scheme. Generally, the proposal complies and is consistent with all relevant policies and guidelines as follows:

Decision Guideline	Response
<p>The Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>Clause 12.03-1S (<i>River and riparian corridors, waterways, lakes, wetlands and billabongs</i>) seeks to protect and enhances creeks. The policy aims to (as relevant) minimise the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves, ensure development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development, ensure development adjacent to waterways adopts high quality materials and respectful design and siting and avoid impeding the natural flow of waterways and future flood events. The two relevant referral authorities have offered no objection to the proposal. The development is of a sufficient distance to the creek to mitigate adverse visual impacts from the creek. The height is not excessive and sited to retain views.</p> <p><i>Complies.</i></p>
<p>Any local floodplain development plan.</p>	<p>No local floodplain development plan applies to the site.</p> <p>Not applicable.</p>
<p>Any comments from the relevant floodplain management authority.</p>	<p>Melbourne Water has advised that the site is subject to flooding from Merri Creek Drain. The applicable 1% Annual Exceedance Probability (AEP) flood level (being the flood level for a flood that has a 1% probability of occurring in any given year) is 21.85 metres to AHD.</p> <p>The following conditions have been requested by Melbourne Water and will be implemented on the permit:</p> <ol style="list-style-type: none"> 1) The finished floor level of the dwelling extension, habitable outbuilding and arbour walkway must be set no lower than 22.45 metres to Australian Height Datum (AHD), which is 600mm above the applicable flood level of 21.85 metres to AHD.

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	<ol style="list-style-type: none"> 2) The finished floor level of the garage must be set no lower than 21.85 metres to AHD, which is at the applicable flood level. 3) All basement entry and exits points, including stairwells, windows, openings and vents, that could allow entry of floodwaters to the basement levels, must be set no lower than 22.45 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 21.85 metres to AHD. 4) Any electrical installations must be set no lower than 22.45 metres to AHD which is 300mm above the applicable flood level of 21.85 metres to AHD. Any electrical installations within areas subject to flooding must meet the applicable standards of the relevant authority. 5) Fill is not permitted outside of the development footprint, with the exception of the minimum required for ramping to the garage. 6) The foundations and area under the habitable outbuilding must remain open underneath for the life of the structure and steps contain no vertical risers, for the passage of overland flows. 7) Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system. <p><i>Complies subject to conditions.</i></p>
<p>The existing use and development of the land.</p>	<p>The existing use of the site is residential; this is not proposed to be varied. The development includes an extension to the existing dwelling.</p> <p><i>Complies</i></p>
<p>Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.</p>	<p>The existing development/use on site aligns with the proposal.</p> <p><i>Complies.</i></p>
<p>Alternative design or flood proofing responses.</p>	<p>The applicant has elected to raise the floor levels to address flood risks.</p> <p><i>Complies</i></p>
<p>The susceptibility of the development to flooding and flood damage.</p>	<p>Melbourne Water has confirmed that the property is subject to flooding and provided conditions to mitigate possible flood damage.</p>

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	<i>Complies.</i>
<p>The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:</p> <ul style="list-style-type: none"> • The frequency, duration, extent, depth and velocity of flooding of the site and accessway. • The flood warning time available. • Tidal patterns. • Coastal inundation and erosion. • The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded. 	<p>Melbourne Water has assessed the flood risk to life, health and safety associated with the development and has not objected to the proposal (subject to conditions).</p> <p><i>Complies subject to conditions.</i></p>
<p>The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.</p>	<p>Melbourne Water has assessed the potential impact on floodwater and drainage and has not objected to the proposal (subject to conditions).</p> <p><i>Complies subject to conditions.</i></p>
<p>The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.</p>	<p>The site is located approximately 50 metres from Merri Creek. The proposal includes an extension to the rear of an existing dwelling. It is not considered that the development will have an adverse impact on the creek as the works are minor and sufficiently removed from the creek.</p> <p><i>Complies.</i></p>
<p>Any other matters specified in a schedule to this overlay.</p>	<p>No other measures are specified in the schedule to the overlay.</p> <p><i>Not applicable.</i></p>

**5.2 PLANNING PERMIT APPLICATION D/769/2022
154 HIGH STREET, NORTHCOTE**

Author: Senior Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Taylor's Development Strategists Pty Ltd	Mrs Rigs Pty Ltd	Mason Bright SBE Ratio: Ratio: Waste

SUMMARY

Property:	154 High Street, Northcote
Proposal:	<p>Construction of a six-storey mixed use building and a reduction in the required provision of car parking.</p> <p>The proposed uses comprise office, bar and spa. The bar and office uses do not require a Planning Permit under the Darebin Planning Scheme. The spa use does require a planning permit.</p>
Car parking:	<p>The development proposes a total of 13 on site car spaces within ground level car stackers accessible from Clarke Street.</p> <p>A total of 36 spaces are required under Clause 52.06 of the Darebin Planning Scheme and to the satisfaction of the Responsible Authority.</p> <p>The Darebin Planning Scheme does not specify a car parking requirement for a 'Spa' use. Car parking for such unspecified uses is to be provided to the satisfaction of the Responsible Authority. In this instance, Council's Transport Unit have advised a three space requirement for the Spa. This results in a total car parking requirement of 36 spaces for the proposal.</p> <p>Three of the 13 car parking spaces on site are allocated to the Spa use. As such, this proposal seeks a statutory car parking reduction of 23 spaces for the Office, Retail and Bar uses only.</p>
Zoning and Overlay/s:	<ul style="list-style-type: none"> • Commercial 1 Zone (C1Z) • Design and Development Overlay – Schedule 14 (DDO14) • Development Contribution Plan Overlay – Schedule 1 (DCPO1)

<p>Is a Developer Contribution required?</p>	<p>Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme.</p> <p>A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.</p>
<p>Council 100YR Flooding:</p>	<p>No.</p>
<p>Consultation:</p>	<ul style="list-style-type: none"> • Letters were sent to surrounding owners and occupiers. • Two (2) notices were displayed on the subject site, with one on the High Street frontage and another on the central portion of the Clarke Street frontage.
<p>Objections:</p>	<ul style="list-style-type: none"> • Sixteen (16) objections were received against this application. • The key objection grounds raised in objections include: <ul style="list-style-type: none"> ○ Height ○ Setbacks ○ Overlooking ○ Overshadowing ○ Acoustic Impacts ○ Traffic and Parking Impacts ○ Removal of views to and from Ruckers Hill landmarks ○ Consistency with Planning Policy
<p>Key reasons for support:</p>	<ul style="list-style-type: none"> • The development provides for both short term and long-term economic prosperity to the Darebin community through initial construction cost of over \$7 million and on-going varied employment options for 63 persons. • The proposal promotes walking, cycling and leverages a site with excellent public transport access whilst also providing for car-share use, effectively minimising car dependency. • The development will activate the street and the area, which is described by Council policy as ‘rundown’ and under-utilised. • The proposal delivers policy on the site for uses and built form more effectively than the previous approval for a residential building on the site. • The proposal delivers on the purpose of the Commercial 1 Zone by providing retail and employment opportunities, together with a high quality architectural and ESD response. • The proposal responds to the surrounding streetscape and topography of the site and is designed to minimise the impacts on the immediate and wider context, including views to Town

	<p>Hall.</p> <ul style="list-style-type: none"> • The development incorporates high-quality materials and proposes substantial areas of active frontage along the High Street and Clarke Street frontages. • The proposal achieves sustainable design outcomes and delivers a modern six-storey building with varied commercial floorspace that will meet modern day needs. • The proposed range of commercial and retail spaces, suited to various small businesses, will support the delivery of a diverse range of enterprises in an established activity centre, with associated access to employment opportunities and goods and services for nearby residents.
Recommendation	Notice of Decision to Grant a Planning Permit, with conditions.

Recommendation

RECOMMENDATION PART A:

That Planning Permit Application D/769/2022 be supported and a Notice of Decision to Grant a Permit be issued for the construction of a six-storey mixed use building; use of the land for leisure and recreation; and a reduction in the provision of car parking, 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_03, TP_04, TP_05, TP_06, TP_07, TP_08 and TP_10 of Revision C (dated 10.11.2023) of Project No. 21026 prepared by Mason Bright) but modified to show:
 - (a) A pedestrian canopy on the High Street frontage.
 - (b) Details of the proposed car stacker system (including manufacturer and model type) must be nominated on the plans to the satisfaction of the Responsible Authority. The system must achieve the requirement for 25% of spaces to be capable of accommodating a vehicle of at least 1.8m high and must allow for a car platform width of 2.6m for all spaces.
 - (c) The location of mechanical exhausts, air conditioning units and other external mechanical features.
 - (d) The floor area on Level 1 (TP_04) as being used for 'leisure and recreation' rather than 'retail'.
 - (e) Annotation of the noise attenuation measures described in the Acoustic Report prepared by Enfield Acoustics and dated 3 October 2023.
 - (f) Any modifications required as a result of the Landscape Plan prepared in accordance with Condition No. 3 of this permit.
 - (g) Modifications in accordance with the Sustainability Management Plan (refer to Condition No. 4 of this Permit).
 - (h) Modifications in accordance with the Waste Management Plan (refer to Condition No. 6 of this Permit).

- (i) Modifications in accordance with the Acoustic Report (refer to Condition No. 7 of this Permit).
- (j) Modifications in accordance with the Stormwater Management System Report (SMSR) and Water Sensitive Urban Design (WSUD) Plan (refer to Condition No. 8 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. 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, be drawn to scale with dimensions, and must incorporate:
 - (a) Any modifications relating to landscaping required as a result of the Sustainable Management Plan required by Condition No. 4 of this Permit.
 - (b) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan required by Condition No. 8 of this Permit.
 - (c) At least one advanced replacement street tree along Clarke Street. The tree is to be provided with a two (2) metre minimum Height and in a 40-litre container. Tree species to be *Geijera parviflora* (Wilga).
 - (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, container size and quantities of all plants.
 - (f) A diversity of plant species and forms, including native species.
 - (g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, and raised planter beds.
 - (h) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete). Surfaces are to minimise reflectivity.
 - (i) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, water tanks, storage, bike racks and the like).
 - (j) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
 - (k) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
 - (l) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - (m) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
 - (n) Scale, north point and appropriate legend.

- (o) 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 plans are endorsed under Condition No. 1 of this Permit, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will then form part of this Permit. The amended SMP must be generally in accordance with the document identified as that prepared by Sustainable Built Environments Pty Ltd dated 14 June 2023 but modified to show:
- (a) The rainwater tank connected to flushing toilets and bin washing tap, with the tank's access details annotated.
 - (b) Concrete to be specified with recycled aggregate where appropriate and recycled water used in the manufacture.
 - (c) All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute.
 - (d) Annotate on plans water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection including drought-tolerant turf/lawn.
 - (e) Annotate roof materials to be light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance <0.6).

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

5. Prior to the occupation of the development, a report from the author of the SMP, approved as part of this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.
6. 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 an 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 the WMP submitted with the application prepared by Ratio:Waste and dated 1 March 2023, but modified to show:
- a) The changes to the development as a result of Condition No. 1 of this permit.

The requirements and management procedures as set out in the approved Waste Management Plan must be implemented to the satisfaction of the Responsible

Authority. If collection occurs offsite, bins will be removed from the street promptly after collection. The waste storage areas must be screened from public view at all times through approved screening measures, as shown on the endorsed plans. 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.

7. Before plans are endorsed under Condition No. 1 of this Permit, an amended Acoustic Report (AR) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended AR will be endorsed and will then form part of this Permit. The amended AR must be generally in accordance with the document identified as Acoustic Report prepared by Enfield Acoustics and dated 3 October 2023 but modified to show:

(a) The changes to the development as a result of Condition No. 1 of this Permit.

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

8. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report (SMSR) and Water Sensitive Urban Design (WSUD) Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SMSR and WSUD Plan will be endorsed and will then form part of this Permit. The report must include:

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

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

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

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

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

(v) A construction and maintenance schedule;

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

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

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

9. The operation of the fifth floor (bar area) restricted as follows:

(a) The outdoor terrace associated with the bar to be closed for public access at 10:00pm.

(b) The indoor areas are to cease operations by 1am.

(c) No more than 150 patrons are to be within the indoor and outdoor areas on the fifth floor at any one time.

(d) No live music is to be played on the premises.

(e) No loudspeakers are to be operated on the outdoor terrace areas.

10. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations 2006. This confirmation must be in the form of a report from a licensed land surveyor and must be submitted to the Responsible Authority no later than 7 days from the date of the sub-floor inspection. The upper floor levels must be confirmed before a Certificate of Occupancy is issued, by a report from a licensed land surveyor submitted to the Responsible Authority
11. Before the building is occupied, an automatic external lighting system capable of illuminating the pedestrian and vehicular entry to the building, the basement and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority

The external lighting must be designed, baffled and/or located to ensure that no loss of amenity is caused to adjoining and nearby land, to the satisfaction of the Responsible Authority.
12. Boundary walls facing adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
13. The land must be drained to the satisfaction of the Responsible Authority.
14. With the exception of guttering, rainheads and downpipes, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
15. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
16. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.
17. Before occupation of the development, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all weather sealcoat; and
 - (d) Drained to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
18. Before the development is occupied, the vehicular crossing must be constructed to align with the approved driveway to the satisfaction of the Responsible Authority. Any redundant crossing or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
19. The development and leisure and recreation use must not adversely affect the amenity of the area, including through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works, stored goods or materials;
 - (c) emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil; and

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

20. Prior to the commencement of works, the applicant is to pay the establishment fee for a car share pod, in accordance with Council's Car Share Policy, which is to be installed by a car share operator within the vicinity of the subject site to the satisfaction of the Responsible Authority.

21. 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

- 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 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development or use 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** Where the Disability Discrimination Act requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.
- N6** Except where no planning permission is required under the Darebin Planning Scheme, no sign may be displayed on the site without further planning approval.
- N7** The sale of liquor may require permission from the Victorian Commission for Gambling and Liquor Regulation and Council.
- N8** The use of the land may require approval by, and/or registration with, Council's Health Protection Unit under the provisions of the Food Act 1984, Public Health and Wellbeing Act 2008 and/or Tobacco Act 1987.
- N9** No building or works may be built over any easement on the land except with the written consent of the relevant authority.
- N10** Separate permits may be required for a Road Closure and/or Works in a Road Reserve from the Responsible Authority or Vic Roads.

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

1. BACKGROUND

1.1 Overview of Subject Site

The site comprises the lot at 154 High Street, Northcote. The site is located on the north-eastern side of the intersection with Clarke Street. The site is regular in shape, with a 10.97 metre frontage to High Street (western boundary) and a 36.55 metre frontage to Clarke Street (southern boundary). The site provides a total area of 399 square metres.

The site is occupied by a double storey brick building, known as either 'Marwil' or 'Kelvin R. Dalton & Associates', which was historically used as an estate agent. The building is built to the High Street boundary and a portion of the southern Clarke Street boundary. It has pedestrian access from High Street and vehicular access from Clarke Street. The rear of the site is currently undeveloped.



Figure 1: Subject site viewed from north-west Source: Author

There are notable changes in elevation across the site, with the north-western corner at 55.80 metres Australian Height Datum (AHD) falling 810mm to the south across the High Street frontage. The site continues to fall around the corner to Clarke Street, dropping a further 630mm to 54.36 metres AHD.

There are no restrictive covenants on the Certificate of Title.

1.2 Overview of Surrounding area



Figure 3. Aerial imagery of subject site with blue outline and surrounding area Source: Darebin Council Intramaps

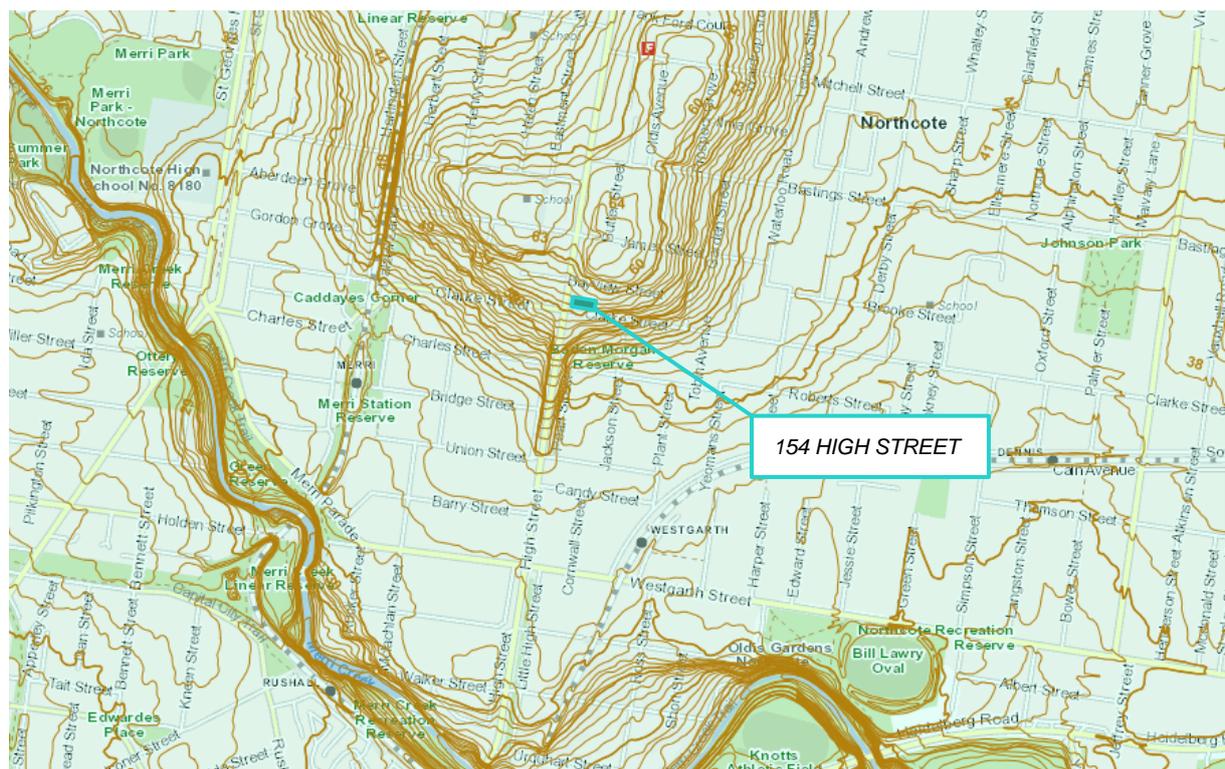


Figure 2. Location of site within topography of Northcote. Source: Land and Spatial Survey Information

The key features of the surrounding area are the dual apexes of Ruckers Hill, which flank each side of High Street. The bisection of the apexes by High Street is emphasised by the tram which runs along the predominantly commercial and retail development along High Street. There are many points on the hill which provide direct and wide views of the city to the south. The apexes of Ruckers Hill are developed with a range of key infrastructure as well as civic and cultural buildings, many of which feature tower forms which take advantage of the area’s prominence. This includes the Northcote Town Hall, Library, the former Presbyterian church and St Josph’s Church on the western side of High Street and the

former Anglican Church (now the Bulgarian Eastern Orthodox cathedral), the telecommunications tower, and the Telstra Exchange building on the eastern side of High Street.

To the north of the subject site is No. 158 High Street. The site is developed to the boundaries with a three-storey brick telephone exchange building (Telstra Exchange). The building exhibits a reserved cost-effective mid-century architectural style. The building, which provides an inactive façade, breaks up this section of High Street and serves to substantially detract from the visual appeal of the area. Whilst the building is only three-storey in height, it utilises generous floor-to-ceiling heights and as such has a very substantial and largely featureless street wall. The building also includes substantial areas of rooftop plant and antenna equipment.



Figure 4: Site photograph from the north of No. 158 High Street exchange building, with subject site's existing building partially visible to the right.

Source: Author

Beyond No. 158 High Street is Bayview Street, on the opposite side of which are No. 164 High Street and No. 3-5 Bayview Street, one of the dual peaks of the hill. The former is currently largely vacant, with a car park and a narrow telecommunications tower. The latter is the original site of 'Ruckers Mansion' or 'Sunnyside'. Following the demolition of the mansion in the 1920s, the site was developed with the Anglican Church building which now stands on the site. The building now serves another denomination, being the Bulgarian Eastern Orthodox Cathedral. The building features a wide stairway on the southern side which reaches the outdoor forecourt. From this point, prior to the construction of the Telstra Exchange, churchgoers and other interested members of the public would have had the clearest and broadest view of the city. The forecourt has subsequently become overgrown with low level vegetation. The building still provides distant views from its tower.



Figure 5. View from the church forecourt towards the city and bay Source: Author

To the west of the subject site is High Street. This portion of High Street carries vehicles as well as the Route 86 Tram. On the opposite side of High Street is a service station at No. 165 High Street (northwest corner of High Street and Clarke Street). The service station is a heavily paved site with a single-storey building and canopy located above petrol bowsers.



Figure 6. Service Station at No. 165 High Street Source: Author

To the south of the subject site is Clarke Street, a local street, on the opposite side of which is No. 146 High Street, a single-storey brick dwelling. Beyond this site are a small number of other single-storey attached dwellings lining southern side of Clarke Street. Many of these dwellings are affected by a Heritage Overlay.



Figure 7. View of buildings to the south of the subject site.

Source: Author

The subject site does not have a direct abuttal to a residential property, noting that the Telstra Exchange (No. 158 High Street) provides a 3.05-metre-wide sewerage easement between the east boundary and nearest residential property to the east.

Beyond the easement is No. 193 Clarke Street, which is occupied a two-storey dwelling. Beyond this site is No. 195 Clarke Street, a multi-level apartment building. This site extends between Bayview Street and Clarke Street, with approximately 7 metres of fall between the northern and southern ends of the site. The building has six-storeys, however by utilising the fall of the land it typically only has between 3.5 and 4.5 storeys above natural ground level.



Figure 8. No. 195 Clarke Street viewed from Clarke Street frontage Source: Author

Beyond the High Street corridor on which the subject site is located the land falls away to the east and west and is almost entirely occupied with residential developments of various scales between single detached residences, medium density housing and apartment developments. The area is serviced by a strong public transport network including the Mernda Train line (nearest station being Merri 450 metres to the south-west) and Hurstbridge train line (nearest station being Westgarth 460 metres to the south-east) train lines, and the 86 Tram running along High Street.

The subject site is also within a moderate walking distance of an extensive network of public open space available for passive and active recreation, along with a range of commercial and retail services along High Street.

A location plan forms **Appendix A** and a zoning map forms **Appendix B**.

2. PROPOSAL

The application proposes the construction of a six-storey mixed use development. The development will be constructed to the boundaries of the subject site. The development will include the following components:

- Retail: A Ground Floor retail tenancy of 76sqm is proposed, with pedestrian access available directly from High Street.
- Office: Provided across the 2nd (342sqm), 3rd (211sqm) and 4th floors (211sqm). The spaces are accessed via both lifts to High Street and Clarke Street's small lobbies as well as the stairway. Each level includes five (5) bicycle parking spaces, end-of-trip facilities, bathrooms and kitchens. The Level 3 office also includes a 121sqm balcony space with landscaping.

- Leisure and Recreation (currently termed retail on the advertised plans): A 342sqm space on the 1st Floor is to be utilised as a spa (which falls within the Leisure and Recreation class of uses in the Darebin Planning Scheme). The space can be accessed via lifts to the High Street and Clarke Street's lobbies, as well as the stairway. Staff will also have access to five (5) bicycle spaces, end-of-trip facilities, bathrooms and kitchens. A condition of approval will require clarification of the correct land use term on the plans.
- Bar: A 115sqm internal floor area is provided on the 5th floor of the building, and will operate from 11am until 1am at the latest. The bar will also utilise a balcony area of 96sqm from 11am until 10pm, concentrated in two spaces on the eastern and western end of this level. The overall space will be utilised by up to 150 patrons. The space is accessed via lifts to High Street and Clarke Street's lobby areas as well as the stairway. The space will include a kitchen area, bar, store and cool room.
- Pedestrian Access and Waiting Areas: Pedestrians can access the building from both High Street and Clarke Street. Cyclists will typically need to access the building via the Clarke Street entry. A lobby and small seating area are provided, with the seating spaces accessible on the exterior of the building.
- Vehicular Access: Vehicle access is via a double-width vehicular crossover from Clarke Street. Thirteen car parking spaces are provided in car stackers. The applicant has also agreed to providing funding for one (1) on-street a car-share space.
- Bicycle Access: The proposal also includes eight (8) internal ground floor bike parking spaces and 11 external bike parking spaces.
- Landscaping: The proposal includes planter boxes along substantial sections of the Ground Floor and the balconies on the 3rd and 5th floors.
- Services: The proposal primarily positions services at Ground Floor, with both lobby entrances utilised to provide access to services. The bin room is also located on the Ground Floor and provides access to further services.

The proposal will be constructed utilising brick, render, metal and glazing in a range of monochrome colours. The lower portion of the development which comprises the pedestrian interface will be predominantly brick with horizontal bands of render and sections of full-floor glazing. The upper office levels will be constructed of full-floor glazing with metal framing. The uppermost level includes full-floor glazing with render walls and aluminium verandah posts.

The development plans form **Appendix C**.

2.1 Planning Permit History

The subject site has an extensive permit history including the following:

- Planning Permit D/41/2016 was approved on 18 June 2016 for '*development of [a] five (5) storey (plus basement) building comprising 13 dwellings, a shop and a car parking reduction*'. The permitted car parking reduction was for nine (9) spaces. Two subsequent amendment applications to this permit were received as detailed below:
 - D/41/2016/A – sought permission to increase the height to seven (7) storeys. The application was refused on 18 July 2017 on grounds including inconsistency with the character of the area, visual bulk, and excessive height that was contrary to policy. The application proceeded to VCAT, though the permit applicant later withdrew the appeal during this process.

- D/41/2016/B – sought permission to amend the permit to four (4) townhouses and two (2) apartments. The application was refused on 24 December 2019 on grounds including the creation of excessive crossovers, unsafe access, and excessive mass and visual bulk.
- Planning Permit Application D/83/2015 was refused on 25 August 2018. The proposal was for a 6-storey building comprising 13 dwellings, a shop and a car parking reduction.

The application was refused on the following grounds:

1. *The development is contrary to the Darebin Planning Scheme in regard to height and rear setbacks, inconsistent with the current and future character of the area, resulting in an adverse visual bulk impact upon the street scene and the adjacent residential property located to the east of the site.*
2. *The application is contrary to the aims and objectives of the following Clauses of the Planning Scheme:*
 - a) 22.10-3.3 Building Height
 - b) 22.10-3.4 Setbacks (Rear setback)
 - c) 43.02 (Schedule 14) (Building Height)
3. *The development is contrary to following sections of the Higher Density Residential Development Guidelines:*
 - a) Urban context
 - b) Building envelope (Height and Rear setback)
 - 630/144/154 – On 20 August 1986 an ‘application’ was lodged for a three-storey office building of with 500sqm of office space and parking for 10 vehicles. At the time, the Planning Scheme required 18 spaces to provided. The ‘application’ as it was termed in the letter to Council seems not to have been a formal permit application, rather it was as an application for support before the applicant sought approval from the Ministry for Planning and Environment. On 6 October 1986 Council adopted the resolution that “support would be given to a rezoning of the land to Office Zone, but that any development of the land would require car parking to be provided at the rate specified in Co. 3 of Table 1 to Clause 28 of the Melbourne Metropolitan Planning Scheme Ordinance”.

2.2 Statutory Controls – why is a planning permit required?

The planning permit triggers for this proposal are outlined in the table below.

Control	Permit Requirement
Clause 34.01 Commercial 1 Zone	<ul style="list-style-type: none"> ● Clause 34.01-1, use of the land for leisure and recreation. ● Clause 34.01-4, to construct a building or to construct or carry out works.
Clause 43.02 Design and Development Overlay	<ul style="list-style-type: none"> ● Clause 43.02-2, to construct a building or to construct or carry out works.
Clause 52.06 Car Parking	<ul style="list-style-type: none"> ● Clause 52.06-3, to reduce the number of car parking spaces.

Under the Commercial 1 Zone, the proposed Bar and Office uses do not trigger a Planning Permit. These uses are as of right under the Darebin Planning Scheme.

Similarly, the proposed liquor licence associated with the Bar use does not trigger a requirement for a Planning Permit under the Planning Scheme. Specifically, Council previously amended the Planning Scheme to ensure all venues operating with an On-Premises, General, Restaurant or Café licence and closing by 1:00am in the Commercial 1 Zone do not trigger a planning permit from Council. The proposed Bar meets these criteria and as such does not trigger a planning permit.

3. CONSULTATION

3.1 Public Notification

Notification of the application has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending notices to the owners and occupiers of adjoining and nearby land.
- Placing two (2) signs – to the High Street frontage of the site and another on the southern boundary facing Clarke Street.

Sixteen (16) objections were received. A map identifying the general location of objector's forms **Appendix D**.

The key grounds raised in objections are:

- Height
- Setbacks
- Overlooking
- Overshadowing
- Acoustic Impacts
- Traffic and Parking Impacts
- Removal of views to and from Ruckers Hill landmarks
- Consistency with Planning Policy

4. REFERRALS

The proposal was referred to the following internal branches/business units:

Internal Business Unit	Comments
Climate Emergency and Sustainable Transport	<p>Supports the proposal, subject to conditions to address dimensions of access and car stackers and provision of on-street car share parking space immediately to the south-east of the power pole on Clarke Street.</p> <p>Officer Comment: Conditions of approval include this.</p>
City Design	<p>Supports the proposal, subject to standard conditions for a landscape plan and conditions for a street tree on Clarke Street.</p> <p>Officer Comment: Conditions of approval will include the requirement for a street tree on Clarke Street.</p>
Environmental Operations	<p>Supports the proposal, subject to a condition for the planting of a replacement street tree on Clarke Street.</p> <p>Officer Comment: No additional condition items required beyond updated WMP to reflect any other changes.</p>
ESD Officer	<p>Supports the proposal, subject to conditions.</p> <p>Officer Comment: The application is accompanied by a Built Environment Sustainability Scorecard (BESS). A condition would be included in the recommendation to incorporate the recommendations of the submitted BESS report as part of any approval issued for the proposal, with the following additional items included following recommendation from ESD officer:</p> <ul style="list-style-type: none"> • The rainwater tank is to be connected to flushing toilets and bin washing tap, with the tank’s access details annotated. • Concrete to be specified with recycled aggregate where appropriate and recycled water used in the manufacture. • Steel – All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute. • Annotate on plans water efficient irrigation, connection of irrigation system to rainwater tank or water efficient plant selection including drought-tolerant turf/lawn. • Annotate roof materials to be light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance <0.6)
Infrastructure and Capital Delivery	<p>Supports the proposal, subject to conditions to provide drainage to the development to the satisfaction of the Responsible Authority.</p> <p>Officer Comment: Conditions of the recommendation have been included to this effect.</p>
Urban Designer	<p>As a result of revisions made to the 5th floor setbacks of the development, Council’s Urban Designer advised that they support the proposal. No conditions proposed.</p>

The proposal was not required to be referred to any external Authorities.

5. PLANNING POLICY

5.1 Planning Policy

The following policies are of most relevance to this application:

Planning Policy Framework (PPF)

- Clause 02.03-1 Settlement
- Clause 02.03-2 Environment and Landscape values
- Clause 02.03-3 Environment risks and amenity
- Clause 02.03-4 Built environment and heritage
- Clause 02.03-6 Economic Development
- Clause 02.03-7 Transport
- Clause 02.03-8 Infrastructure
- Clause 11.01-1S Settlement
- Clause 11.01-1L Urban Renewal
- Clause 11.02-1S Supply of urban land
- Clause 11.03-1L-01 Activity Centres
- Clause 11.03-1L-03 Northcote Activity Centre
- Clause 12.01 -1L Biodiversity
- Clause 13.07-1S Land Use Compatibility
- Clause 15.01-1R Urban Design – Metropolitan Melbourne
- Clause 15.01-1L-01 Urban Design
- Clause 15.01-1L-02 Safe Urban Environments
- Clause 15.01-2S Building Design
- Clause 15.01-2L Building Design
- Clause 15.01-2L-01 Environmentally Sustainable Development
- Clause 15.01-4R Healthy Neighbourhoods – Metropolitan Melbourne
- Clause 17.01-1S Diversified Economy
- Clause 17.01-1L Diverse Economy
- Clause 17.02-1S Business
- Clause 18.01-1S Land use and Transport Integration
- Clause 18.01-3S Sustainable and Safe Transport

- Clause 18.01-3R Sustainable and Safe Transport – Metropolitan Melbourne
- Clause 18.01-3L Accessible Transport
- Clause 18.02 Movement Networks
- Clause 18.02-2S Cycling
- Clause 18.02-3S Public Transport
- Clause 18.02-4S Roads
- Clause 18.02-4L Car Parking
- Clause 19.02-3S Cultural Facilities

Zone:

- Clause 34.01 Commercial 1 Zone

Overlays:

- Clause 43.02 Design and Development Overlay – Schedule 14
- Clause 45.06 Development Contributions Plan Overlay

Particular Provisions:

- Clause 52.06 Car Parking
- Clause 52.27 Licensed Premises
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater Management in Urban Development

Recent (Relevant) Planning Scheme Amendments:

Since the application was received the Planning Scheme has been subject to two relevant amendments:

- C170Dare. This amendment was gazetted on 25 January 2023 and had the effect of introducing the municipal-wide Development Contributions Plan. The proposed development will be required to pay a contribution.
- C199dare. The amendment replaces the Local Planning Policy Framework of the Darebin Planning Scheme with a new Municipal Planning Strategy at Clause 02, a modified Planning Policy Framework at Clauses 11-19 and a selected number of operational provisions in a manner consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148 and the Ministerial Direction – the Form and Content of Planning Schemes.

In 2018, the Victorian State Government commenced a major reform of the Victorian Planning System as part of the 'Smart Planning' Program (Amendment VC148).

As part of this reform, the State Government introduced the new format for the Planning Policy Framework (PPF). The PPF format aims to improve the operation of planning policy while retaining local content, making planning schemes more aligned, consistent and easier to navigate, without losing the intent of local policy. The PPF translation is a 'policy neutral' amendment that does not introduce new policy into the planning scheme.

The new Darebin PPF, implemented under Amendment C199dare, includes:

- A new Municipal Planning Strategy that has been translated mainly from the previous Municipal Strategic Statement (MSS).
- Redistributed local policies into new clauses within the PPF to follow the new integrated thematic and three-tiered policy structure.
- Removing policies that can't be implemented via a planning scheme or do not assist in decision making.
- Removing redundant policies that are outdated.
- Rewriting policies for wording clarity consistent with plain English principles.
- Updating maps to ensure they are legible and accessible.

It is noted that this amendment has no implications on the assessment of this application.

6. RESPONSE TO OBJECTORS CONCERNS

The following key grounds raised by objectors are addressed in Section 7 of this report:

- Height
- Setbacks (front, side and rear)
- Provision of parking
- Suitability of access
- Consistency with Planning Policy
- Removal of views to and from Ruckers Hill landmarks

Responses to the other matters raised in objections are provided below:

Amenity – Overlooking

The proposal does not include any dwellings or other residential uses, and the Darebin Planning Scheme does not require screening to be applied. The built-form is sufficiently distanced away from nearby dwellings to ensure privacy is not compromised.

Amenity – Overshadowing

The main overshadowing controls of the Planning Scheme apply only to residential development. While these controls aren't formally applicable to this application, they can help to guide decision-making on whether the proposed impacts are acceptable. The proposal will not result in any additional overshadowing of Secluded Private Open Space located adjacent to and nearby the site at the equinox (22 September) and so the impacts of the proposal are reasonable in accordance with the Planning Scheme.

Amenity – Noise Impacts on Surrounding Amenity

The proposal includes commercial uses in a zone that Council has designated as Commercial. Following the public notice period, the applicant provided an Acoustic Assessment which concludes that the development is likely to generate noise levels which are appropriate in the context of the site's commercial zoning. The Acoustic Assessment was prepared before the applicant amended the plans to increase the eastern setback of the uppermost level, and as such the current plans are reflective of an improved amenity outcome.

The applicant has also suggested that the outdoor terrace area associated with the bar cease operation at 10:00pm. This will be required as a condition of approval on any permit issued for the application.

Architectural Quality

The proposed architecture is a suitable response to the context and typology of the building and uses and is supported by Council's City Designer.

Parking – Proposed location of on-street car share space is inappropriate

Council's Transport Unit have reviewed the proposed location of the on-street car share space and have raised no objections or conditions. Any new car share space provided on the street will be designed and implemented to Council engineering specifications and in line with the Council adopted Car Share Policy.

Parking – Figures utilised are out of date

Whilst more up-to-date figures are available, particularly including the most recent census data, it is noted that many of these figures were impacted by lockdowns and the recovery of activity following COVID-19 lockdowns. Nevertheless, it is anticipated that an office use, due to the wider acceptance and practice of work-from-home arrangements for many businesses, is likely to generate less parking demand than is estimated under Clause 52.06 (Car parking) of the Darebin Planning Scheme. The bar and leisure and recreation uses are similarly unlikely to generate significant car parking demands, given the subject site's location nearby several active and public transport options and the nature of the bar use. Council's Transport Unit have reviewed the car parking provisions and vehicle access arrangements proposed and support the application.

Removal of views to other substantial buildings in the area

The preservation of views to and from the Telstra Building and other residential buildings are not of significance individually. Views to and from Ruckers Hill are identified in the Planning Scheme as matters to be considered when assessing new developments. This matter is considered further below in the assessment section of the report.

Removal of views to and from Ruckers Hill

The Design and Development Overlay – Schedule 14 notes that '*Significant views are available to and from this hilltop location*', with the design objective being '*To ensure the dominance of the Church spire and the Northcote Town Hall as landmarks is retained*'. Other than these specific view requirements in the DDO14, the Planning Scheme does not protect views, including views to and from residential buildings, and views to and from any other building or building component or natural feature. The assessment below and in **Appendix E** addresses the view considerations raised under the DDO14.

Height and Scale of Built Form – Precedent impact

The proposal will not provide a precedent for greater height. Each permit application on each site must be considered on their individual merits, having regard to contextual considerations, site area, location and relevant planning policy.

Development will change the character of the area

The Planning Scheme directs that under-utilised commercial sites such as this be redeveloped to meet the needs of current and future generations. The Ruckers Hill area is a location where a diversity of built forms exist and where individual sites have been developed at different levels in response to the slope of the land. High Street provides an array of built forms from various eras. The adjacent residential hinterland also provides a mix of dwelling stock. Notable examples include the Northcote Town Hall, together with the recent AMPOL service station directly opposite on High Street, the mid-century utilitarian architecture of the Telstra Exchange directly to the north. No. 171-175 High Street is currently being developed as a contemporary retail and office building. As such the proposal will not detract from the character of the area, rather will add to the current mix of existing and emerging building forms that exist in the area.

Heritage

Whilst the existing building on the site may be understood by some residents to be part of the heritage they value; the site is not affected by a Heritage Overlay under the Darebin Planning Scheme. The demolition of this building therefore cannot be considered as part of this application, as a permit is not triggered for this element of the proposal.

Vehicle Traffic and Pedestrian Safety Concerns

The site is zoned for commercial use and policy directs for increased density. These outcomes will result in increased activity in and around the site, a positive outcome for the prosperity of a community, street activation and commercial opportunity.

The application was accompanied by a traffic report which concludes that the proposal will generate a marginal increase in traffic within the local street network. The proposal is not associated with any unusual high-intensity commercial uses, with the majority of the development being office, which generates relatively low demand for vehicle trips. Existing footpath infrastructure has capacity to manage the expected number of additional pedestrians associated with the development. The presence of excellent public transport nearby ensures that users of the site have benefit of alternative modes of transport.

The proposed crossover will be designed and constructed to the specification of Council's Transport Engineers, ensuring safety of pedestrians is not compromised.

Use – Behavioural Impacts associated with Bar (Use is Unsafe and Inappropriate)

The bar use is an "as-of-right use" under the Darebin Planning Scheme, i.e. it does not trigger a requirement for a planning permit. The behaviour of patrons is governed by a range of laws which sit outside of the planning system and which are governed by different bodies including Victoria Police and the Victorian Liquor Commission.

A separate liquor licence from the Victorian Liquor Commission will be required. This license will regulate hours of operation, noise and other amenity considerations.

Use – Liquor Licence is Inappropriate

Clause 52.27 (Licensed Premises) of the Planning Scheme exempts the proposal from requiring a planning permit for a liquor license. Specifically, Council previously amended the Planning Scheme to ensure all venues operating with an On-Premises, General, Restaurant or Café licence and closing by 1:00am in the Commercial 1 Zone do not trigger a planning permit from Council. The proposed Bar meets these criteria and as such does not trigger a planning permit.

Whilst the applicant included this information within the original application documents provided to Council, this was unnecessary and does not alter the fact that a planning permit exemption is applicable in this instance and that use will be regulated outside of the planning system.

Use – Development Should Be Exclusively Residential

The site is within the Commercial 1 Zone in accordance with Council's strategic planning principles. The Commercial 1 Zone strongly supports the use of land for non-residential uses, with a broad range of commercial and retail uses being 'permit not required'.

Use – Inconsistency with 'Use of land' Clause

Clause 34.01-2 (Commercial 1 Zone) of the Planning Scheme requires that the proposal not '*detrimentally affect the amenity of the neighbourhood, including through the... Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil*'. Condition 19 in the officer recommendation has been included to ensure that the impacts of the proposal do not adversely affect the amenity of the area.

Use – Office and Retail Uses are Inappropriate

Clause 34.01-2 (Commercial 1 Zone) of the Planning Scheme exempts office and retail uses from requiring a planning permit.

Other Policy – Inconsistency with Density Policy

The Darebin Planning Scheme does not direct this site toward low-density development.

Other Policy – Inconsistency with Clause 52.20 (Victoria’s Big Housing Build)

The proposal is a private commercial development. The proposal does not include a residential component. Clause 52.20 (Victoria’s Big Housing Build) of the Darebin Planning Scheme relates to residential development and is not applicable to the assessment of the proposal.

Personal Financial Matters

Potential impacts to residential property prices, landlord’s rental returns and other personal financial matters are not a relevant consideration in assessing a planning permit application under the provisions of the Darebin Planning Scheme or the *Planning and Environment Act 1987*.

7. PLANNING ASSESSMENT

7.1 Does the development require a Cultural Heritage Management Plan?

The subject site is not located within an Area of Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (under the Aboriginal Heritage Act 2006) is not required.

7.2 Does the proposal have strategic policy support?

The proposed development is addressed by Planning Policy, in particular:

- Clause 11.01-1S (Settlement) seeks to develop compact urban areas around existing activity centres to maximise accessibility to facilities and services.
- Clause 11.01-1L (Urban Renewal) seeks to support the transition of redundant industrial or other underutilised land to accommodate new uses.
- Clause 11.02-1S (Supply of Urban Land) seeks to ensure a sufficient supply of land is available for a range of uses including commercial, retail, and recreational.
- Clause 11.03-1L-01 (Activity Centres) encourages day and evening activity in activity centres, supports the consolidation of uses including retail, business, employment, and leisure facilities in identified activity centres, and encourages mixed uses in activity centres along identified strategic corridors.
- Clause 11.03-1L-03 (Northcote Activity Centre) encourages a mix of uses that provide for a range of day and nighttime activities within this central core and seeks to support development that encourages pedestrian based activity in and around the High Street pedestrian spine. Policy encourages development of office accommodation particularly on large development sites on High Street. Development which creates human scale spaces that promote incidental interaction is also encouraged. The Clause also seeks to minimise amenity impacts and land use conflicts of entertainment and late night uses on residential uses, particularly those in residential zones. Additionally, the policy requires development in the Town Hall precinct to consider significant view lines into and out of the precinct.
- Clause 12.01-1L (Biodiversity) encourages the use of planting on private land to increase biodiversity.

- Clause 13.07-1S (Land Use Compatibility) seeks to avoid or otherwise minimise adverse off-site impacts from commercial uses, including through siting, building design and operational measures.
- Clause 15.01-1R (Urban Design – Metropolitan Melbourne) sets out urban design guidance to achieve a high-quality built environment and public realm.
- Clause 15.01-1L-01 (Urban Design) seeks to ensure new development responds to the scale of buildings on nearby streets, to ensure ground level frontage is active with good visibility and accessibility.
- Clause 15.01-1L-02 (Safe Urban Environments) seeks to promote safety through well-designed urban environments that include passive surveillance and good connectivity.
- Clause 15.01-2S (Building Design) seeks to improve the energy performance of buildings and encourages the use of recycled materials and landscaping. Development is to respond to transport movement networks. The policy encourages the adaptive reuse of buildings and ensure development is designed to protect and enhance valued views and vistas.
- Clause 15.01-2L (Building Design) promotes active frontages at ground level and a high standard of design, amenity and security in commercial office development. The policy seeks to ensure that overshadowing and overlooking is not unreasonable. It also encourages horizontal banding to distinguish between levels.
- Clause 15.01-2L-01 (Environmentally Sustainable Development) encourages environmentally sustainable design that adopts best practice through a combination of methods, processes and locally available technology that demonstrably minimises environmental impacts. It also promotes walking, cycling and public transport. Car dependency is to be minimised.
- Clause 15.01-4R (Healthy Neighbourhoods – Metropolitan Melbourne) supports the creation of 20-minute neighbourhoods that give people the ability to meet most of their needs without utilising the state government's road infrastructure.
- Clause 17.01-1S (Diversified Economy) seeks growth in a range of employment sectors and improved access to jobs closer to where people live.
- Clause 17.01-1L (Diverse Economy) supports the development of knowledge sectors.
- Clause 17.02-1S (Business) seeks to ensure; commercial facilities are aggregated and provide net community benefit in relation to their accessibility and efficient use of infrastructure and; commercial facilities are located in existing activity centres.
- Clause 18.01-1S (Land Use and Transport Integration) promotes neighbourhoods that support active living and increase the share of trips made using sustainable transport modes.
- Clause 18.01-3S (Safe and Sustainable Transport) seeks to maximise the efficient use of resources and design development to promote walking, cycling and the use of public transport and to minimise car dependency.
- Clause 18.01-3R (Safe and Sustainable Transport – Metropolitan Melbourne) seeks to provide more travel options to support the walking and cycling within neighbourhoods.
- Clause 18.01-3L (Accessible Transport) encourages pedestrian and cycle priority over motor vehicles within activity centres and for developments to be designed to contribute to a safe, attractive and comfortable pedestrian environment in streets.
- Clause 18.02-2S (Cycling) supports increased cycling by providing cycle parking and related end of trip facilities to meet demand at recreation, shopping and commercial facilities.

- Clause 18.02-3S (Public Transport) seeks to locate higher density and increased development on or close to the Principal Public Transport Network.
- Clause 18.02-4S (Roads) seeks to consolidate car parking facilities to improve efficiency, and to plan an adequate supply of car parking to facilitate the use of public transport. It also directs sufficient parking to be provided to protect residential areas from the effects of road congestion created by on-street parking.
- Clause 18.02-4L (Car Parking) encourages accessible bicycle parking and vehicle access for multi-residential and mixed-use developments from a side or rear street.
- Clause 19.02-3S (Cultural Facilities) seeks to increase access to recreation facilities and establish new facilities at locations well served by public transport.

It is evident that the proposal is afforded broader policy support at the State and Local policy level. The proposal would facilitate a diversity and density of economic, social and cultural activity that will maximise the use of the Northcote Activity Centre and transport infrastructure proximate to the site. The location of the site nearby and adjacent to a range of public transport options also supports the notion of a reduced car parking allocation within the development. The development is designed to achieve excellent environmental and active transport outcomes and will support access to employment, services, commercial facilities and recreation.

The broader policy support for the proposal must be balanced against the consideration of built form, scale and height, key views, off site amenity impacts (including residential amenity) and car parking. Whilst the design of the proposed development has some potential negative outcomes i.e. additional levels, the design also includes mitigating measures to avoid unreasonable outcomes i.e. setback of the upper levels.

In considering the proposal against the relevant policy and built form context, the development presents a high level of compliance with State and Local planning policy. This is further discussed and justified within the assessment section of this report, including within **Appendix E** and **Appendix F**.

Clause 34.01 Commercial 1 Zone (C1Z)

The proposal appropriately responds to the purpose of the zone, including the implementation of the Municipal Planning Strategy and Planning Policy Framework. The development supports the creation of a vibrant mixed use commercial centre for office and retail uses. The use of the land for leisure and recreation is also strongly consistent with the purposes of the zone as the nature of this use will be suited to an activity centre.

Other considerations under the Commercial 1 Zone relate to the interface with adjoining zones, especially the relationship with residential areas, with the decision-making process to consider overlooking and overshadowing of land in a General Residential Zone. The proposal will result in some overshadowing of the land at No. 193 Clarke Street between the hours of 12:00pm and 3:00pm. The overshadowing will be exclusively to the front yard, the front portion of the dwelling and a small area to the side of the dwelling (which is not Secluded Private Open Space). This area of the site is currently overshadowed by the Telstra Exchange at No. 158 High Street. The additional overshadowing would only represent a marginal increase. The proposal also overshadows a portion of the front yards of dwellings at No. 176 and No. 178 Clarke Street. All of these marginal increases to overshadowing will have little impact on the amenity of residents of these dwellings, given the shadowing is contained to the front and side yard areas and will not impact secluded private open space areas and is acceptable when balanced with policy direction for the redevelopment of this site.

7.3 Does the proposal suitably respond to Design and Development Overlay – Schedule 14 (DDO14) and to the specific Design Outcomes for the Town Hall Precinct with regards to height and setbacks?

The broader design objectives and requirements for land affected by the DDO14 are uniform throughout the area. These objectives seek to avoid underdevelopment of sites, encourage buildings with flexible floor plans that can accommodate mixed living/work activity and environmentally sustainable design, protection of economic viability of businesses by designing and limiting unreasonable off-site amenity impacts on adjoining and nearby residential uses. The protection of key views, delivery of suitable uses and development of appropriate heights, setbacks and general design quality are key elements of the policy. The assessment below addresses the key aspects of the DDO14 in context of the proposed development. Further detailed assessment is also provided in **Appendix E**.

Views

The low elevation of the subject site relative to the Town Hall and most of the surrounding precinct means that the potential of the development to impact on the Town Hall's dominance in the streetscape is limited. The impact is further mitigated by setbacks and the large and unarticulated form of the Telstra Exchange building located between the subject site and the Town Hall. As indicated in the diagram at Figure 9, the proposed development will be barely visible from the Town Hall as the Telstra Exchange blocks most of the view of the building from the north.



Figure 9. Applicant Photomontage illustrating view of proposal in red outline from Town Hall area prepared by the applicant (prior to amendments to further increase the setbacks of all levels above the street wall). Source: Hansen

Uses

The proposed uses are strongly consistent with what is sought for the precinct and the Northcote Major Activity Centre (NMAC) more broadly. The commercial and retail use will leverage the best access to public transport of any site within the NMAC to deliver activity, employment and potential goods and service provision to the site.

The surrounding area is poorly activated and has few pedestrian movements due to three substantial lengths of underutilised street frontage – the AMPOL service station opposite the subject site, the Telstra Exchange and the vacant lot adjacent the former Anglican Church. The proposed commercial, retail and recreational uses within the development will add vitality and pedestrian activity to this portion of the activity centre. The design objectives of

the DDO14 aim to encourage buildings with flexible floor plans that can accommodate mixed work activities, which the proposal would deliver.

Height

The DDO14 refers to the *High Street Urban Design Framework 2005* and *High Street Precinct Guidelines, 2005*. The *High Street Precinct Guidelines, 2005* identifies the area between James Street and Clarke Street on the eastern side of High Street as Northcote South or Precinct 4, with predominantly business uses, 2-3 storey building heights and architecture ranging from Victorian era to the 1970s. The preferred outcomes for this portion of the Northcote South precinct includes office or apartment buildings of 3-4 storeys, with 1.5 metre setbacks to High Street (above podium level), rear setbacks and contrasting wall materials above 10 metres.

The design outcomes for the Town Hall Precinct recommend a maximum building height of 4 storeys. This is a discretionary height under the relevant planning policy, as evidenced by the previous approval of a taller building under planning permit D/41/2016 (discussed above) than what is currently proposed with this application. As the proposed development is 6-storeys in height, it represents a departure from this policy position. In these instances, Council must consider the suitability of the proposed design (including the additional height sought over the discretionary limit) in context of the site and surrounding area context.

Regarding height and massing, the proposal achieves an appropriate response to relevant policy and the surrounding built form context. The provision of a 3-storey street wall to High Street and Clarke Street accords with policy. However, the street wall height of 10.95 metres is 950mm above the height sought in the same policy. The additional height is for a balustrade for the balcony. The balcony will serve to both enhance the amenity of the commercial facilities by providing access to the outdoor area and passive surveillance of the adjacent street network. The additional 950mm to the street wall is a minor incursion, which is acceptable in the context of the adjacent Telstra Exchange, which itself provides a maximum street wall height of 15.7 metres.

In considering whether six storeys can be appropriate within a precinct in which four storeys is preferred, it is also relevant to consider the proposed uses of the building. For instance, the previous approval on the site, D/41/2016, approved a building of the same number of storeys (six) but with less policy support for the uses as it was largely residential. The commercial, retail and recreational facilities within the proposed development are all heavily supported by the policy for the Northcote Major Activity Centre specifically, as well as broader strategic directions at both a State and Local level. The need for commercial, retail and recreational facilities is reinforced in reference documents for the overlay, which refer to this portion of High Street as 'rundown' and under-utilised. DDO14 and associated reference documents also recognise this site as suited to acting as a gateway to the centre. The provision of a well activated commercial building which appropriately marks this corner location delivers this policy objective.

Setbacks

Beyond the street wall an additional two levels are proposed which are setback 2.4 metres from the High Street frontage, 3 metres from the Clarke Street frontage and 3.6 metres from the rear eastern boundary (nearest the residential property fronting Clarke Street). These two levels form a consolidated upper-level element distinct in design and materials from the podium form which marks the corner of High Street and Clarke Street. While these additional levels will be visible from the public realm, the visibility of the building is not the relevant test which is applied to an assessment of overall building height.

The height of the 5th storey is level with the adjacent Telstra Exchange (including rooftop plant). By matching the height of the Telstra Exchange at the 5th floor level, the proposal provides an appropriate response to the immediate High Street commercial context. The provision of setbacks at the 4th and 5th storey further moderates the scale resulting in an appropriate transition in scale to the Telstra Exchange and the nearby residential hinterland.

The 6th storey sits above the height of the Telstra Exchange by one additional level. The 6th storey is setback 5.67 to 9.4 metres from High Street, 3.9 metres from Clarke Street and 8 metres from the eastern boundary.

The 6th storey provides appropriate setbacks and is sufficiently subordinate in scale in relation to the lower levels of the building. This ensures that the lower levels, particularly the podium levels, will serve to activate and engage with the street frontages at the human scale. While the 6th level will be visible, it will only be visible from distant vantage points and not within the immediate context, having regard to sight lines.

The proposed development's front setback above the street wall ensures that the extent of overshadowing of High Street is moderated and reasonable, maintaining good solar access through much of the day.

The proposal has limited off-site impacts, including some minor overshadowing, but none of these are at unreasonable levels. While Clause 55 (ResCode) of the Planning Scheme is not directly applicable to the proposal, it provides a useful guide as to what would be a reasonable impact. When assessed against the key standards under Clause 55, the proposal achieves compliance with overshadowing and overlooking requirements and therefore provides sufficient setbacks to the adjoining lots to limit unreasonable amenity impacts.

Design and ESD

In terms of design and materials, the proposal includes a modulated pattern along the façade including vertical and horizontal forms. Vertical articulation emphasises the pedestrian entries, creating an identity to these spaces. The form and materials provide a contemporary appearance which is to be expected for a building of this scale and with the proposed uses. The proposal incorporates a broad range of environmentally sustainable design measures and performs well against key sustainability targets. The embodied energy of the materials used within the development has also been moderated, and the levels of pollutants, particularly volatile organic compounds, are limited.

The overlay includes further design objectives, requirements, and outcomes that are considered in detail at **Appendix E**.

7.3 Does the proposal provide an appropriate transport and car parking outcome?

The proposal provides 13 of the 33 spaces required under Clause 52.06 (Car parking) of the Darebin Planning Scheme. The leisure and recreation use (spa) is not subject to a car parking requirement, with parking to be provided to the satisfaction of the Responsible Authority. Council's Transport Unit have advised that the provision of three (3) car parking spaces is appropriate for the Spa use. The development allocates three (3) of the 13 car parking spaces to the spa use. Therefore, the application seeks a reduction of 23 spaces against the statutory parking requirement. A detailed assessment of this reduction is provided in **Appendix F**.

The proposed car parking reduction is appropriate when accounting for the locational benefits of the site, which has a tram service immediately outside and multiple train lines within a short walking distance. The area is also reasonably walkable and cyclable in general, with the viability of cycling supported by the excellent provision of on-site bike parking facilities proposed as part of the development. Additionally, development on High Street typically does not provide substantial onsite parking. The car parking reduction represents an equitable outcome consistent with other uses in the centre. The Car Parking Demand Assessment provided with the application notes that the expected demand for parking will peak only marginally above the proposed provision of car parking on site. This Car Parking Demand Assessment has been reviewed by Council's Transport Unit and is supported, subject to the provision of an on-street car share space. Given the extensive strategic directions to reduce car dependency, the development is best able to achieve policy by providing marginally less parking than expected demand would require. This will push for

a modal shift and delivers the environmental, social and economic benefits that policy identifies with creating this shift.

As such, the proposed car parking reduction is acceptable under planning policy and is practical and equitable and represents the best outcome for the site.

8. POLICY IMPLICATIONS

8.1 Environmental Sustainability

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

8.2 Social Inclusion and Diversity

Nil

8.3 Other

Nil

9. FINANCIAL AND RESOURCE IMPLICATIONS

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

10. FUTURE ACTIONS

Nil

RELATED DOCUMENTS

- N/A

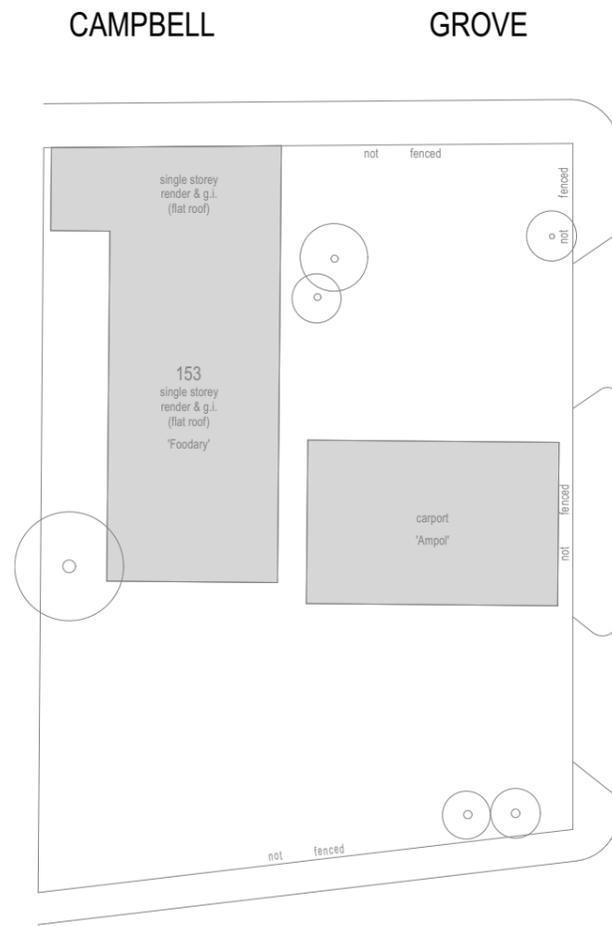
Attachments

- Appendix A - Location Map - 154 High Street, Northcote - D/769/2022 (**Appendix A**) [↓](#) 
- Appendix B - Zoning Map - 154 High Street, Northcote - D/769/2022 (**Appendix B**) [↓](#) 
- Appendix C - Development Plans - 154 High Street, Northcote - D/769/2022 (**Appendix C**) [↓](#) 
- Appendix D - Objector Map - 154 High Street, Northcote - D/769/2022 (**Appendix D**) [↓](#) 
- Appendix E - DDO14 Assessment Tables - 154 High Street, Northcote - D/769/2022 (**Appendix E**) [↓](#) 
- Appendix F - Clause 52.06 Car Parking Reduction Assessment - 154 High Street, Northcote - D/769/2022 (**Appendix F**) [↓](#) 

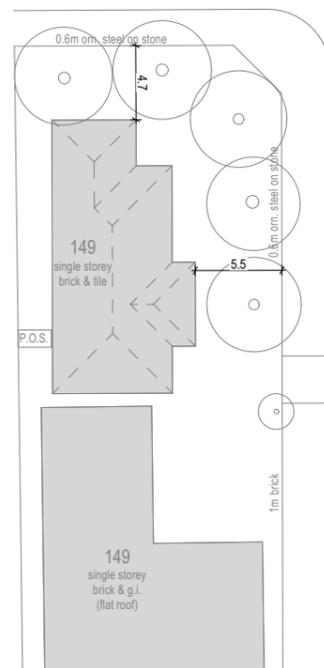
DISCLOSURE OF INTEREST

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 conflicts of interest in a matter to which the advice relates.

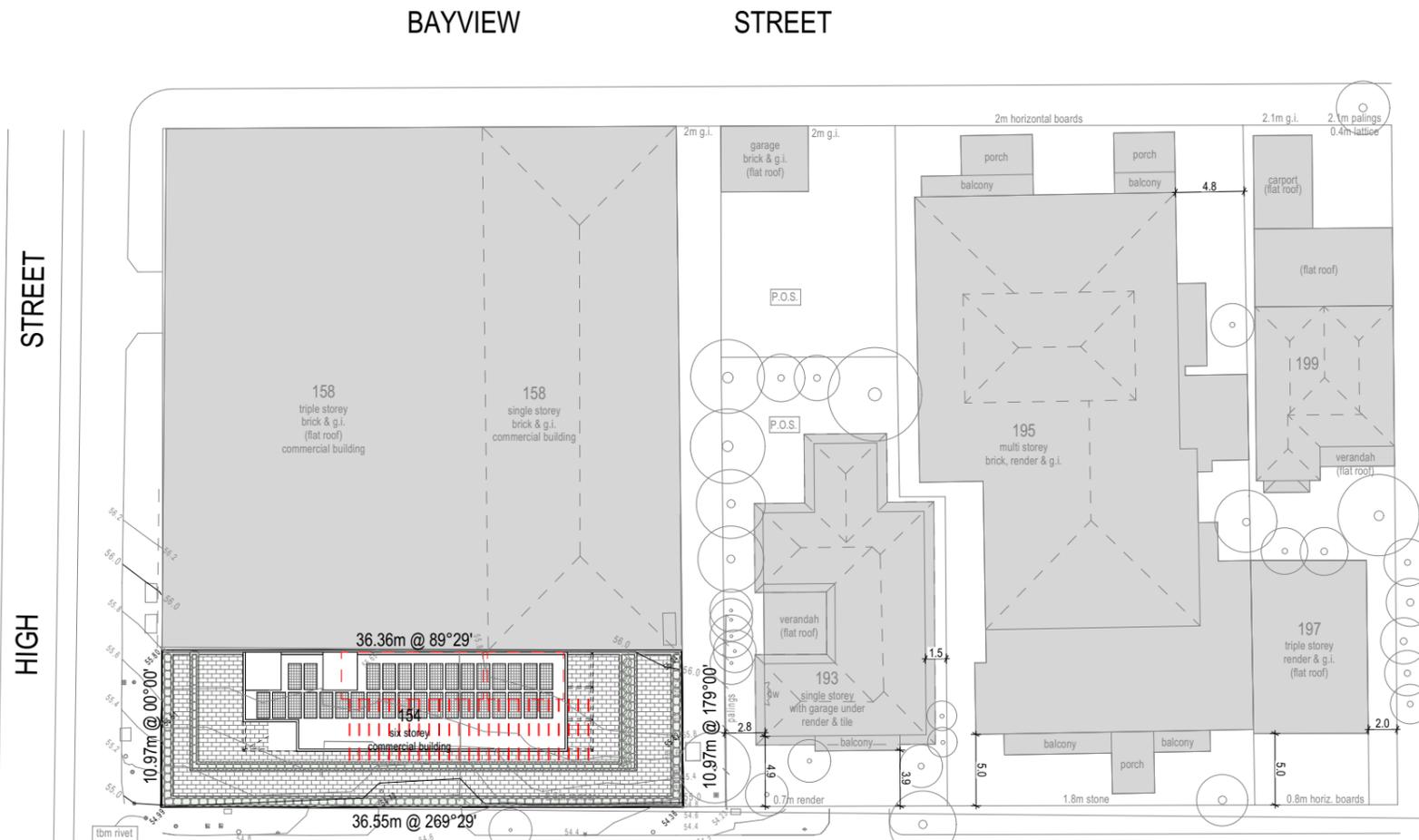
The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



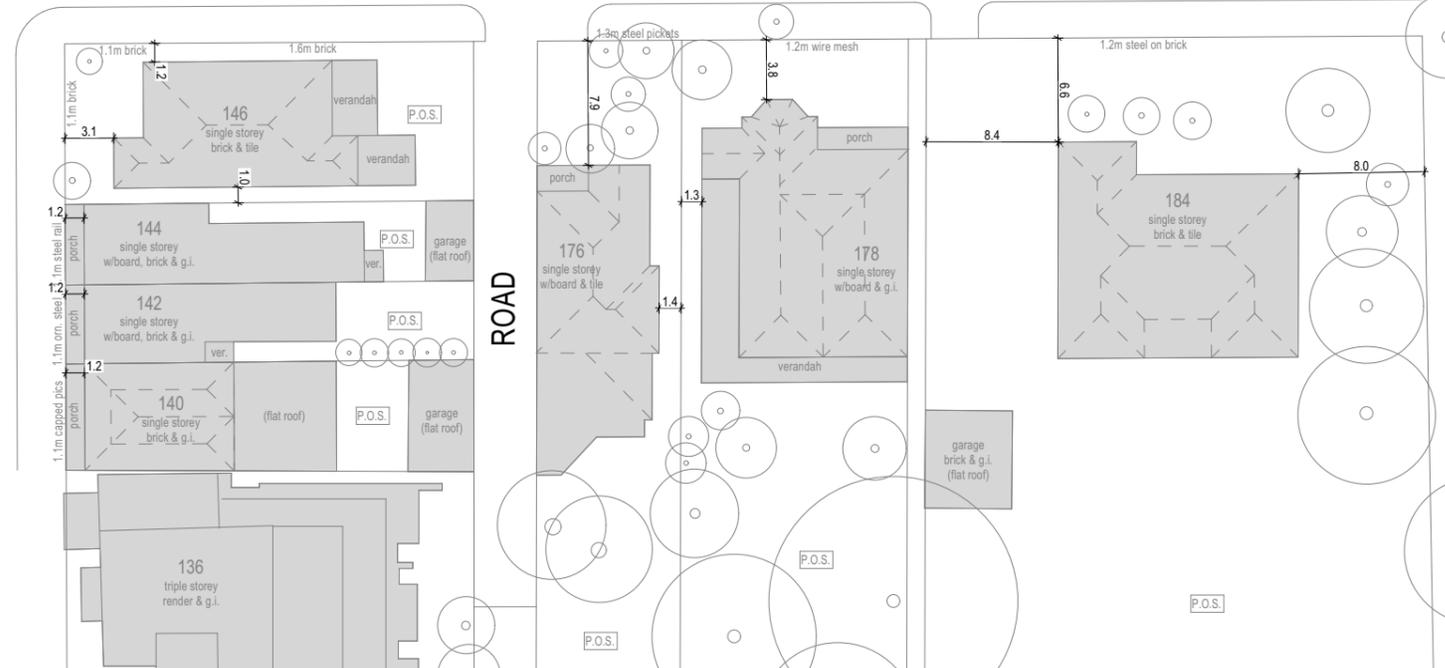
CLARKE STREET



DESIGN RESPONSE PLAN



CLARKE STREET



DRAWING REGISTER		
DWG No.	DRAWINGS TITLE	REVISION
TP_01	Design Response Plan	
TP_02	Streetscape Elevations	
TP_03	Basement & Ground Level Plans	
TP_04	Level 1 & 2 Plan	
TP_05	Level 3 & 4 Plan	
TP_06	Level 5 & Roof Plan	
TP_07	Elevations	
TP_08	Elevation & Section	
TP_09	Shadow Diagram Analysis	
TP_10	WSUD & Licensed Premises Plan	

REVISION	
-	21.12.22 Town Planning Application
A	21.02.23 Modifications made in response to RFI letter dated 18.01.23
B	30.06.23 Modifications made in response to RFI letter dated 18.01.23
C	10.11.23 Issue for information

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Multi-Use Development
 154 High Street Northcote VIC 3070

DRAWING NAME
 Design Response Plan

SCALE
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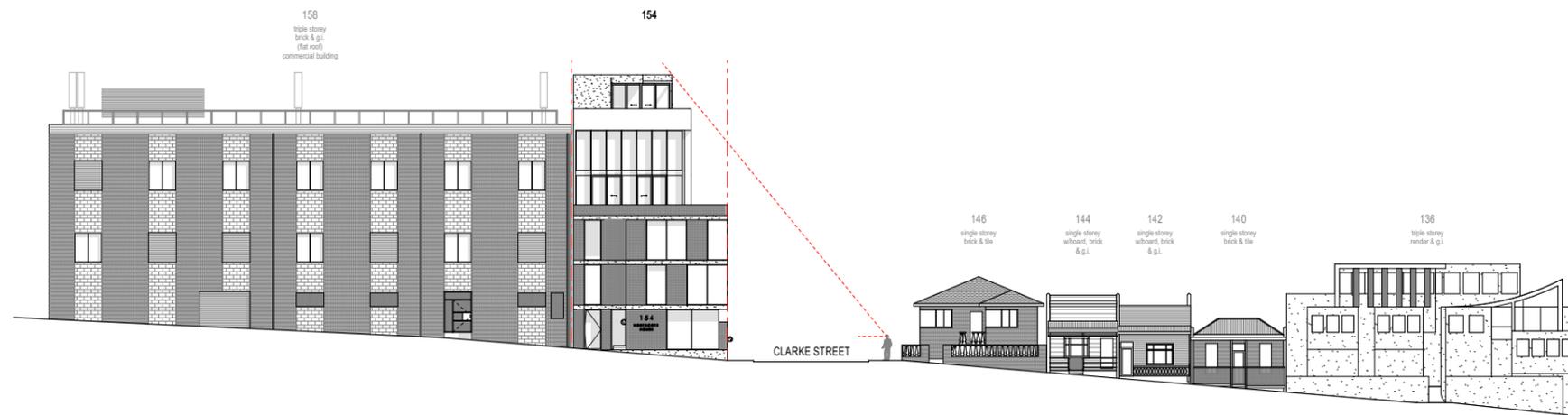
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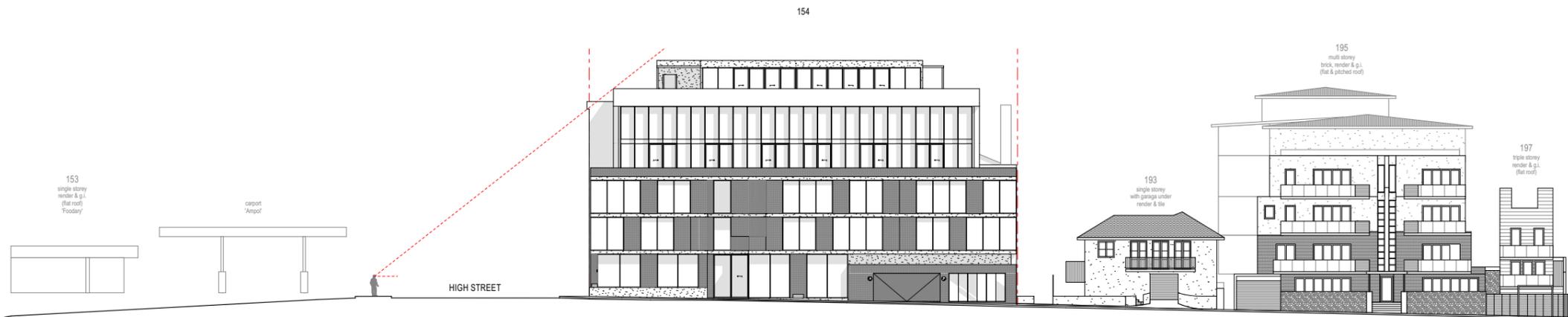
PROJECT STAGE
 Town Planning

TP_01 C

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PROPOSED STREETSCAPE ELEVATION - HIGH STREET



PROPOSED STREETSCAPE ELEVATION - CLARKE STREET

REVISION	
-	21.12.22 Town Planning Application
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Multi-Use Development
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DRAWING NAME
 Streetscape Elevations

SCALE
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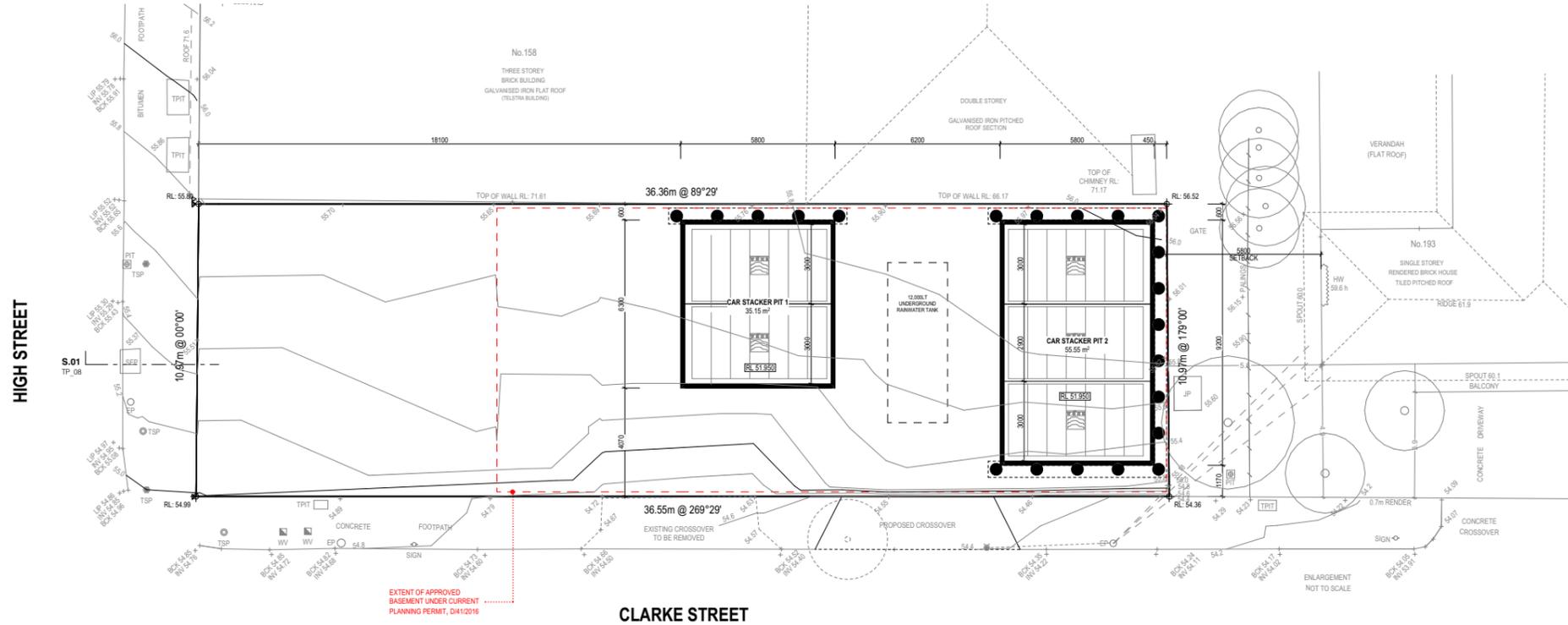
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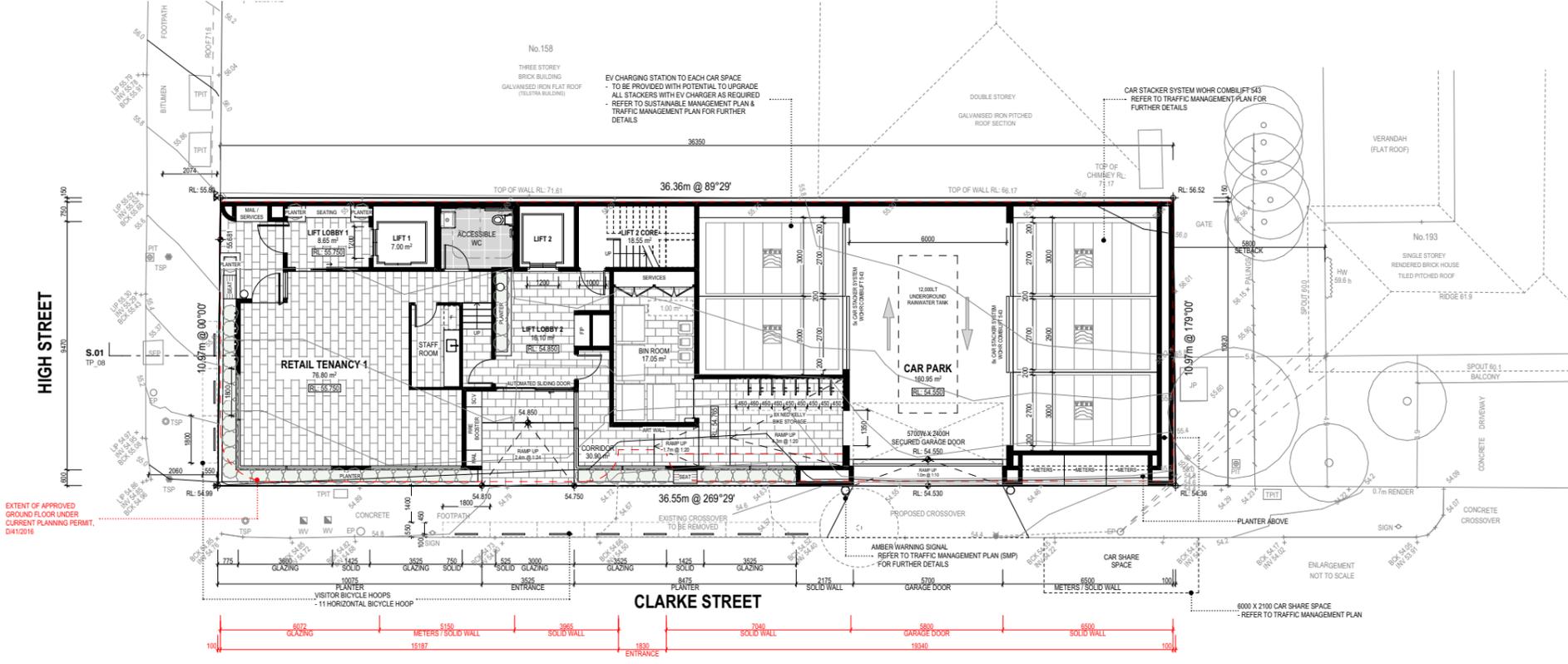
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BASEMENT LEVEL PLAN



GROUND LEVEL PLAN

AREA ANALYSIS			
AREA	M²	%	SG
SITE AREA	400.00		
SITE COVERAGE	383.82	96%	
BASEMENT LEVEL			
CAR STACKER PIT 1	35.17		
CAR STACKER PIT 2	55.55		
GROUND LEVEL			
LIFT LOBBY 1	8.67		
LIFT 1	7.02		
RETAIL TENANCY 1	76.80		
LIFT LOBBY 2	18.08		
LIFT 2 CORE	18.55		
CORRIDOR	30.88		
BIN ROOM	17.05		
CAR PARK	160.95		
LEVEL 1			
LIFT 2 CORE	18.55		
LIFT 1	7.02		
RETAIL TENANCY 2	342.45		
LEVEL 2			
LIFT 2 CORE	18.55		
LIFT 1	7.02		
OFFICE TENANCY 1	342.47		
LEVEL 3			
LIFT 2 CORE	18.55		
LIFT 1	7.02		
BALCONY	121.90		
OFFICE TENANCY 2	211.76		
LEVEL 4			
LIFT 2 CORE	18.55		
LIFT 1	7.02		
OFFICE TENANCY 3	211.76		
LEVEL 5			
LIFT 2 CORE	18.55		
LIFT 1	7.02		
BALCONY	96.32		
BAR TENANCY	115.45		
TOTAL CAR SPACES	13		
TOTAL BICYCLE SPACES	28		
TOTAL VISITOR BICYCLE SPACES	11		

COMPARISON OF SURFACE AREA OF GROUND FLOOR GLAZING (CLARKE ST)			
APPROVED GROUND FLOOR TRANSPARENCY UNDER PLANNING PERMIT D412016			
SOLID	84%	TRANSPARENT	16%
PROPOSED GROUND FLOOR TRANSPARENCY			
SOLID	53%	TRANSPARENT	47%

- REVISION**
- 21.12.22 Town Planning Application
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DRAWING NAME
 Basement & Ground Level Plans

SCALE
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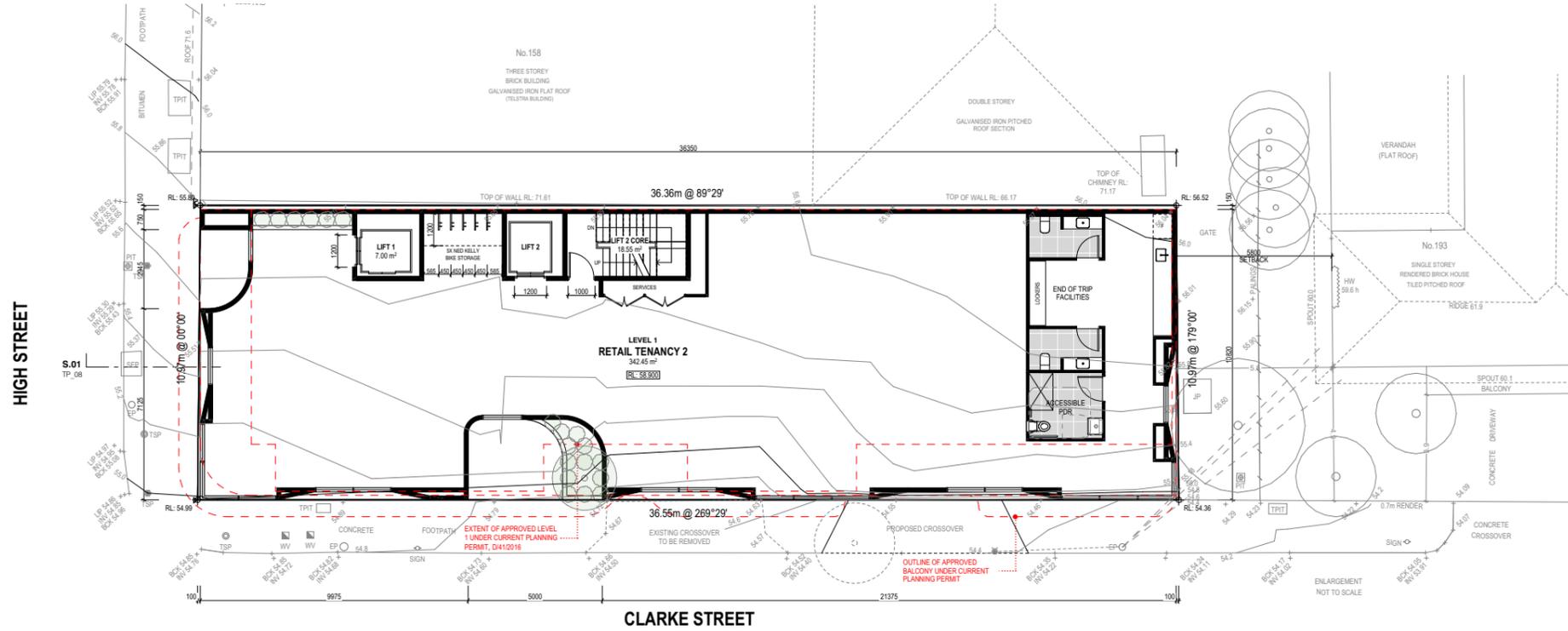
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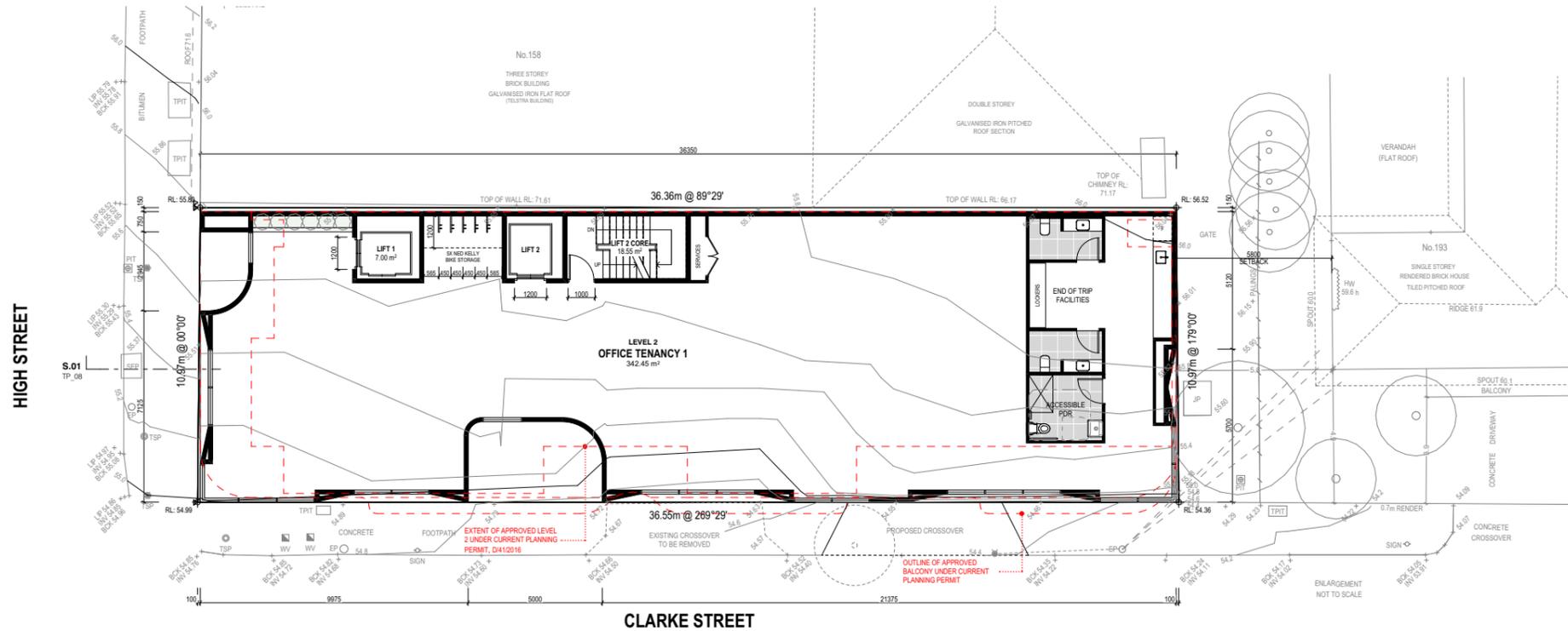
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TP_03 C

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LEVEL 1 PLAN



LEVEL 2 PLAN

AREA ANALYSIS			
AREA	M ²	%	SG
LEVEL 1			
LIFT 2 CORE	18.55		
LIFT 1	7.02		
RETAIL TENANCY 2	342.45		
LEVEL 2			
LIFT 2 CORE	18.55		
LIFT 1	7.02		
OFFICE TENANCY 1	342.47		

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Multi-Use Development
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DRAWING NAME
 Level 1 & 2 Plan

SCALE
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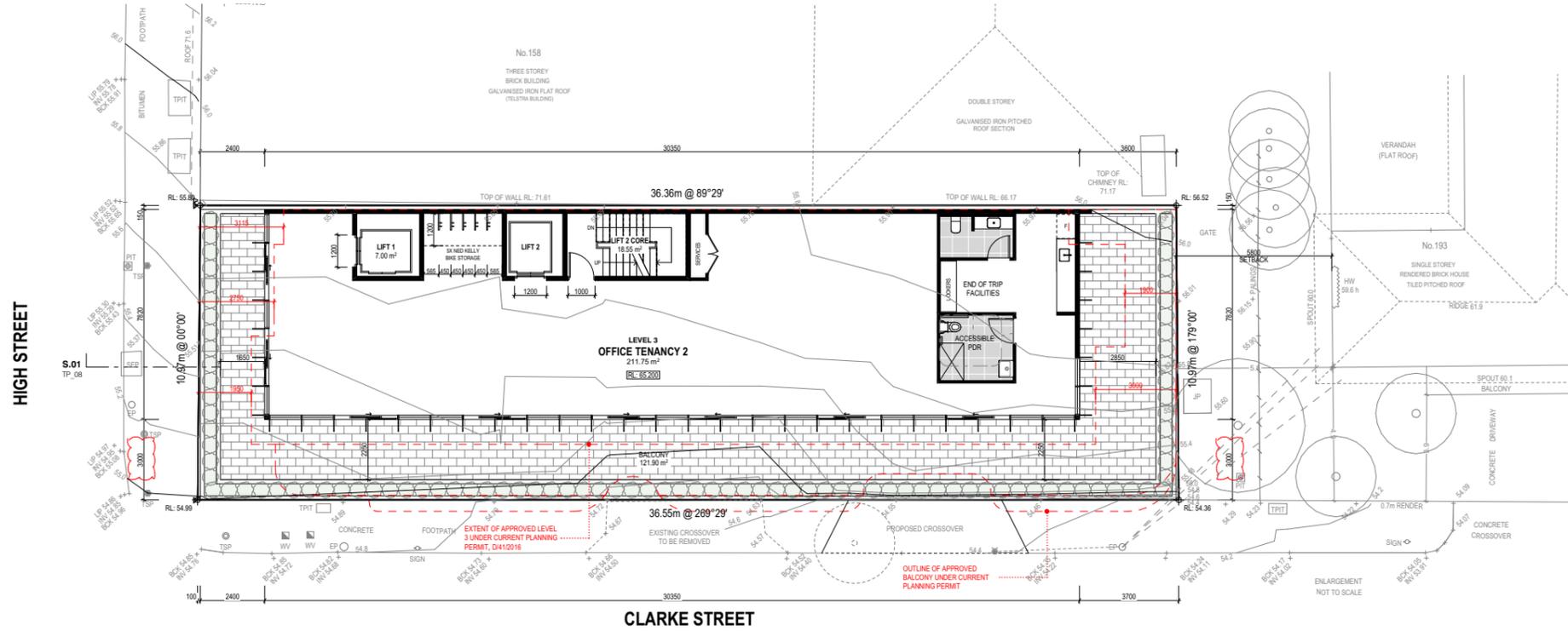
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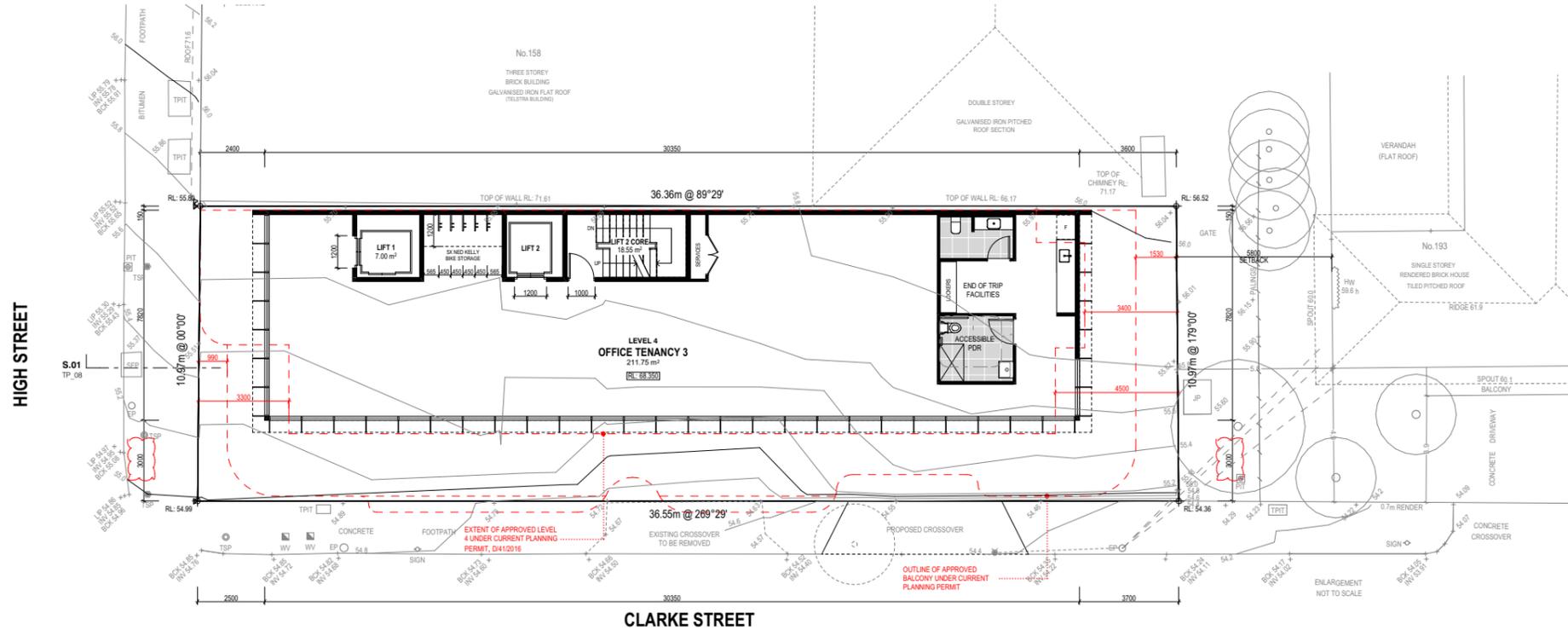
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LEVEL 3 PLAN



LEVEL 4 PLAN

AREA ANALYSIS			
AREA	M ²	%	SG
LEVEL 3			
LIFT 2 CORE	18.55		
LIFT 1	7.02		
BALCONY	121.90		
OFFICE TENANCY 2	211.78		
LEVEL 4			
LIFT 2 CORE	18.55		
LIFT 1	7.02		
OFFICE TENANCY 3	211.78		

REVISION	
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Multi-Use Development
 154 High Street Northcote VIC 3070

DRAWING NAME
 Level 3 & 4 Plan

SCALE
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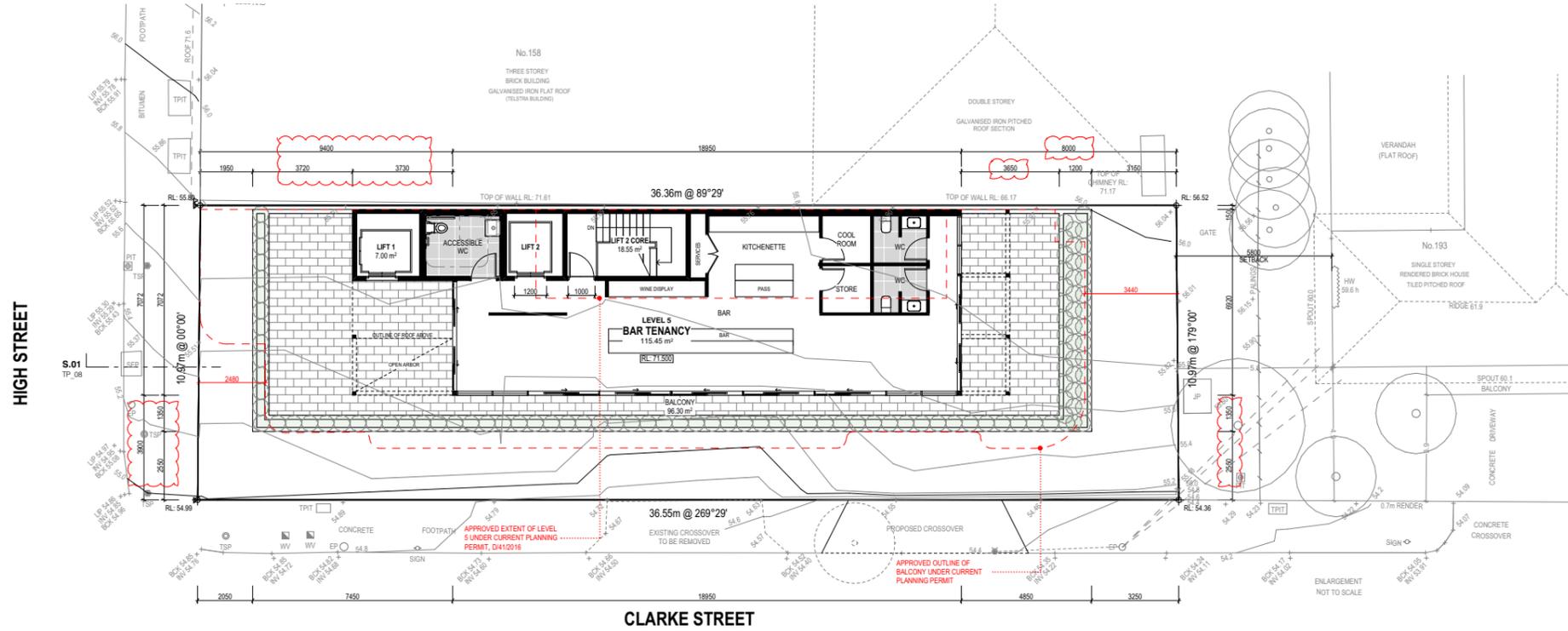
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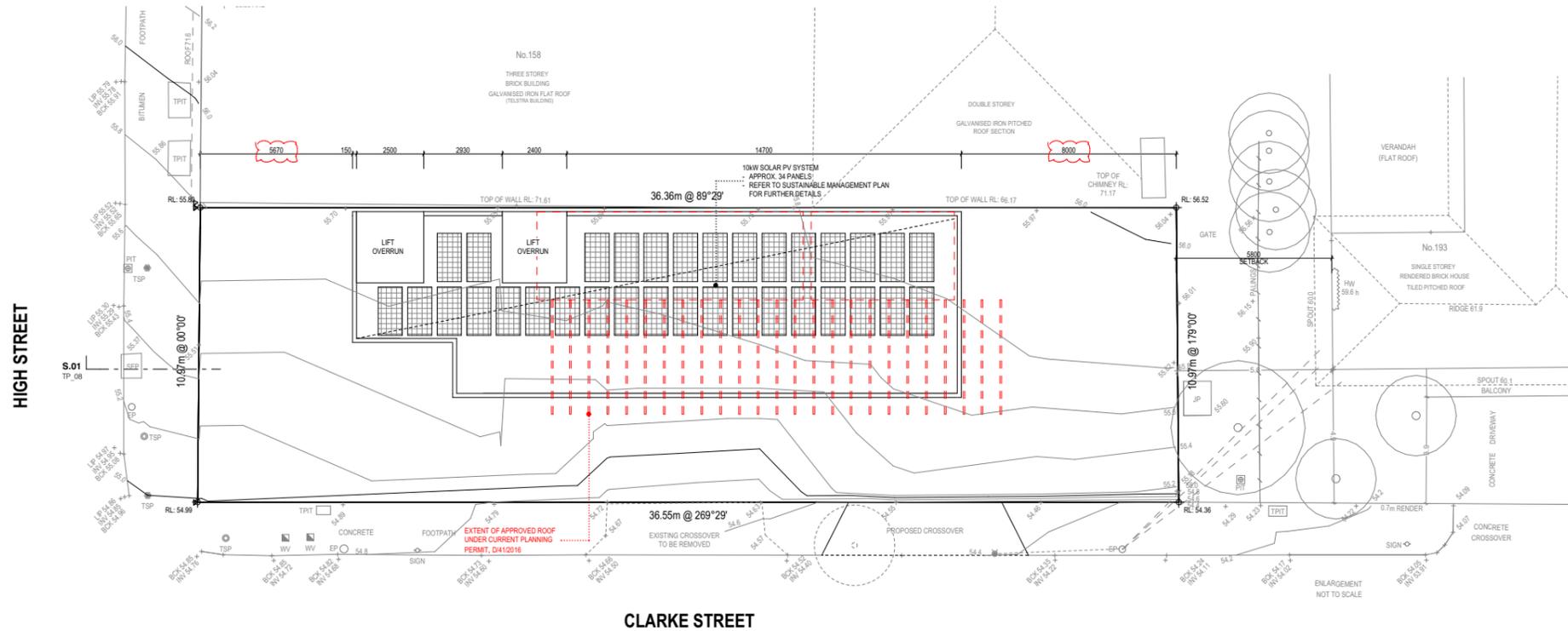
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LEVEL 5 PLAN



ROOF PLAN

AREA ANALYSIS			
AREA	M ²	%	SG
LEVEL 5			
LIFT 2 CORE	18.55		
LIFT 1	7.02		
BALCONY	96.32		
BAR TENANCY	115.45		

REVISION	
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MASON BRIGHT	
Multi-Use Development 154 High Street Northcote VIC 3070	
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TP_06 C	
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WEST ELEVATION - HIGH STREET

MATERIAL SCHEDULE		
IMAGE	LABEL	DESCRIPTION
	B1	FACE BRICKWORK "LIGHT GREY" OR SIMILAR
	C1	RENDER FINISH "CONCRETE" OR SIMILAR COLOUR
	A1	METAL FEATURES "MONUMENT" OR SIMILAR COLOUR
	F1	ALUMINIUM DOOR/WINDOW FRAMES "MONUMENT" OR SIMILAR COLOUR
	G1	GARAGE PANEL LIFT DOOR "MONUMENT" OR SIMILAR COLOUR
	G2	GLAZING CLEAR TINTED GLASS

ESD NOTES:
 NON-VISIBLE FLAT ROOFS, EXPOSED CONCRETE DRIVEWAYS AND TERRACE FLOORING TO HAVE A SOLAR REFLECTIVE INDEX OF +90 OR SOLAR ABSORBANCE <math>< 0.1</math>
 CONCRETE TO BE RECYCLED AGGREGATE (WHERE APPROPRIATE) AND RECYCLED WATER USED IN MANUFACTURE
 ALL FABRICATED STRUCTURAL STEELWORK TO BE SUPPLIED BY A STEEL FABRICATOR/CONTRACTOR ACCREDITED TO THE ENVIRONMENTAL SUSTAINABILITY CHARTER OF THE AUSTRALIAN STEEL INSTITUTE
 REFER TO SUSTAINABLE MANAGEMENT PLAN PREPARED BY SBE FOR FURTHER DETAILS

COMPARISON OF SURFACE AREA OF GROUND FLOOR GLAZING (CLARKE ST)

APPROVED GROUND FLOOR TRANSPARENCY UNDER PLANNING PERMIT 0412016		
	SOLID	TRANSPARENT
	84%	16%

PROPOSED GROUND FLOOR TRANSPARENCY		
	SOLID	TRANSPARENT
	78%	22%

REVISION

NO.	DATE	DESCRIPTION
-	21.12.22	Town Planning Application
A	21.02.23	Modifications made in response to RFI letter dated 18.01.23
B	30.06.23	Modifications made in response to RFI letter dated 18.01.23
C	10.11.23	Issue for information

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Multi-Use Development
 154 High Street Northcote VIC 3070

DRAWING NAME
 Elevations

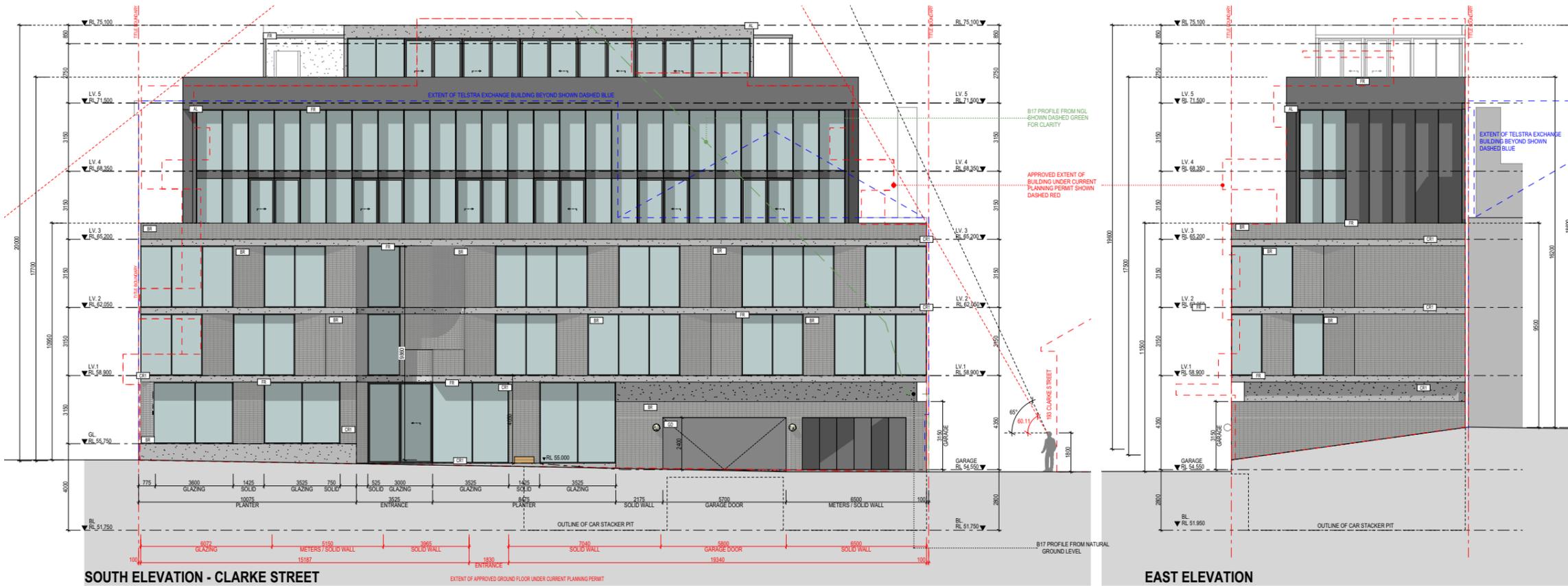
SCALE
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DRAWN BY

PROJECT NO.
 21026

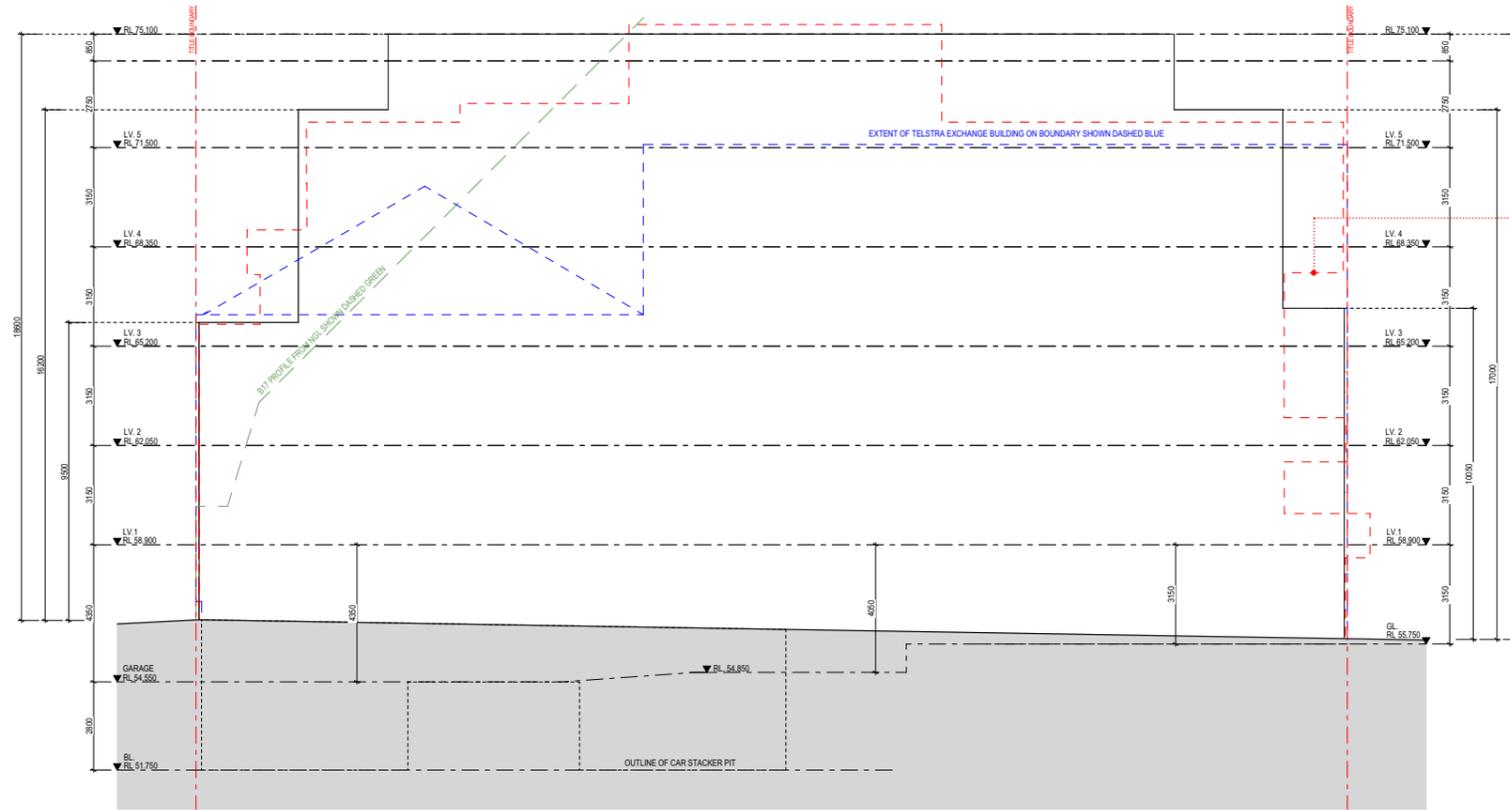
PROJECT STAGE
 Town Planning

TP_07 C
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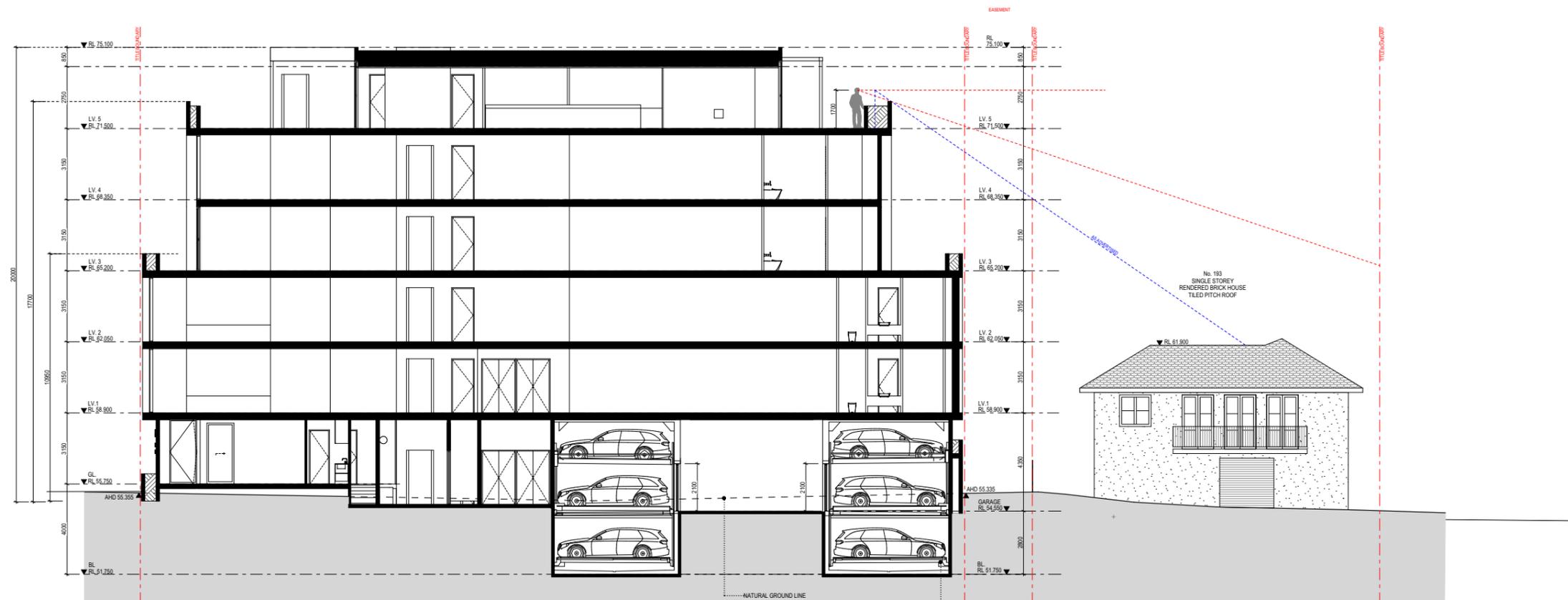


SOUTH ELEVATION - CLARKE STREET

EAST ELEVATION



NORTH ELEVATION



SECTION 1

MATERIAL SCHEDULE		
IMAGE	LABEL	DESCRIPTION
	B1	FACE BRICKWORK "LIGHT GREY" OR SIMILAR
	C1	RENDER FINISH "CONCRETE" OR SIMILAR COLOUR
	A1	METAL FEATURES "MONUMENT" OR SIMILAR COLOUR
	F1	ALUMINIUM DOOR/WINDOW FRAMES "MONUMENT" OR SIMILAR COLOUR
	G1	GARAGE PANEL LIFT DOOR "MONUMENT" OR SIMILAR COLOUR
	G1	GLAZING "CLEAR TINTED GLASS"

ESD NOTES:
 NON-VISIBLE FLAT ROOFS, EXPOSED CONCRETE DRIVEWAYS AND TERRACE FLOORING TO HAVE A SOLAR REFLECTIVE INDEX OF >90 OR SOLAR ABSORBANCE <0.4
 CONCRETE TO BE RECYCLED AGGREGATE (WHERE APPROPRIATE) AND RECYCLED WATER USED IN MANUFACTURE
 ALL FABRICATED STRUCTURAL STEELWORK TO BE SUPPLIED BY A STEEL FABRICATOR/CONTRACTOR ACCREDITED TO THE ENVIRONMENTAL SUSTAINABILITY CHARTER OF THE AUSTRALIAN STEEL INSTITUTE
 REFER TO SUSTAINABLE MANAGEMENT PLAN PREPARED BY SEE FOR FURTHER DETAILS

REVISION	
-	21.12.22 Town Planning Application
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Multi-Use Development
 154 High Street Northcote VIC 3070

DRAWING NAME
 Elevation & Section

SCALE
 @ A1

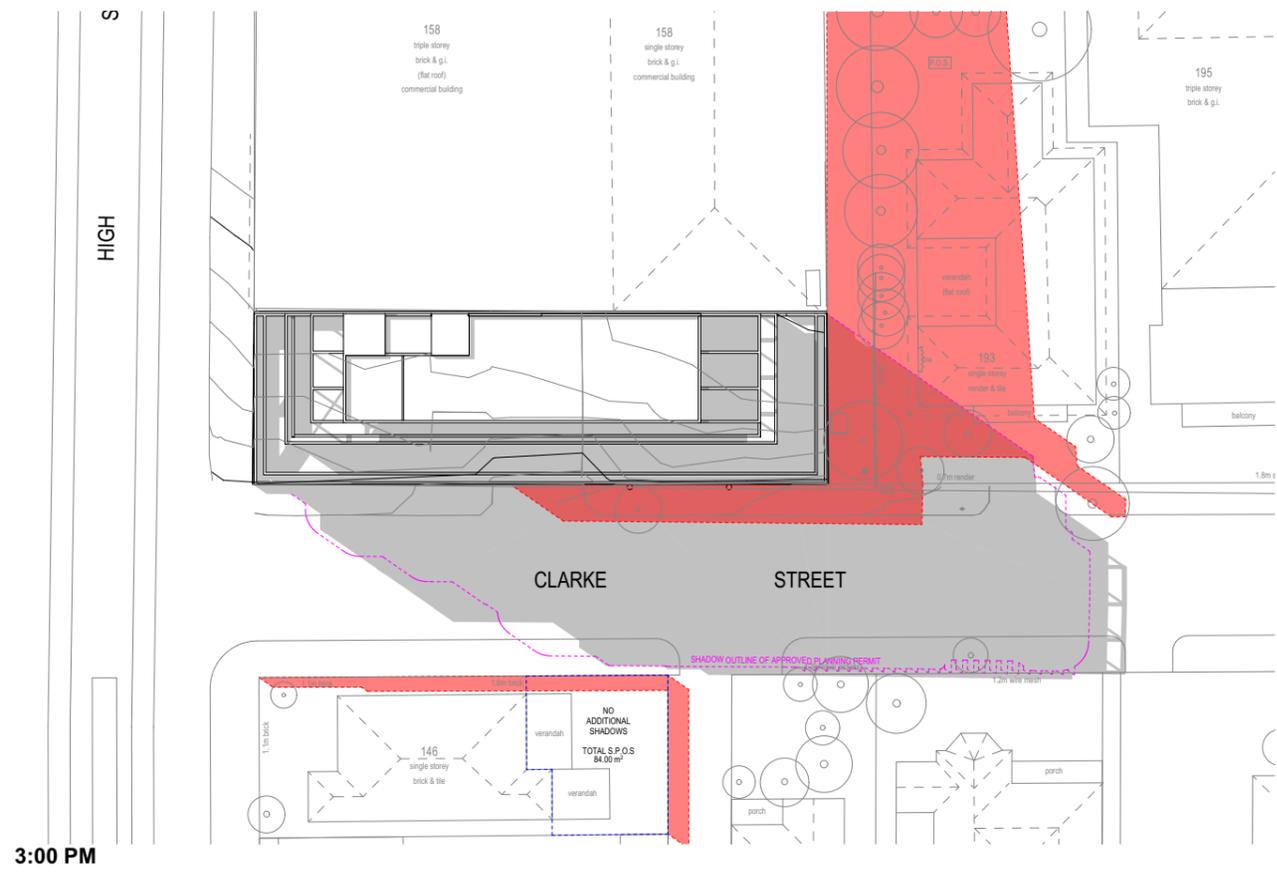
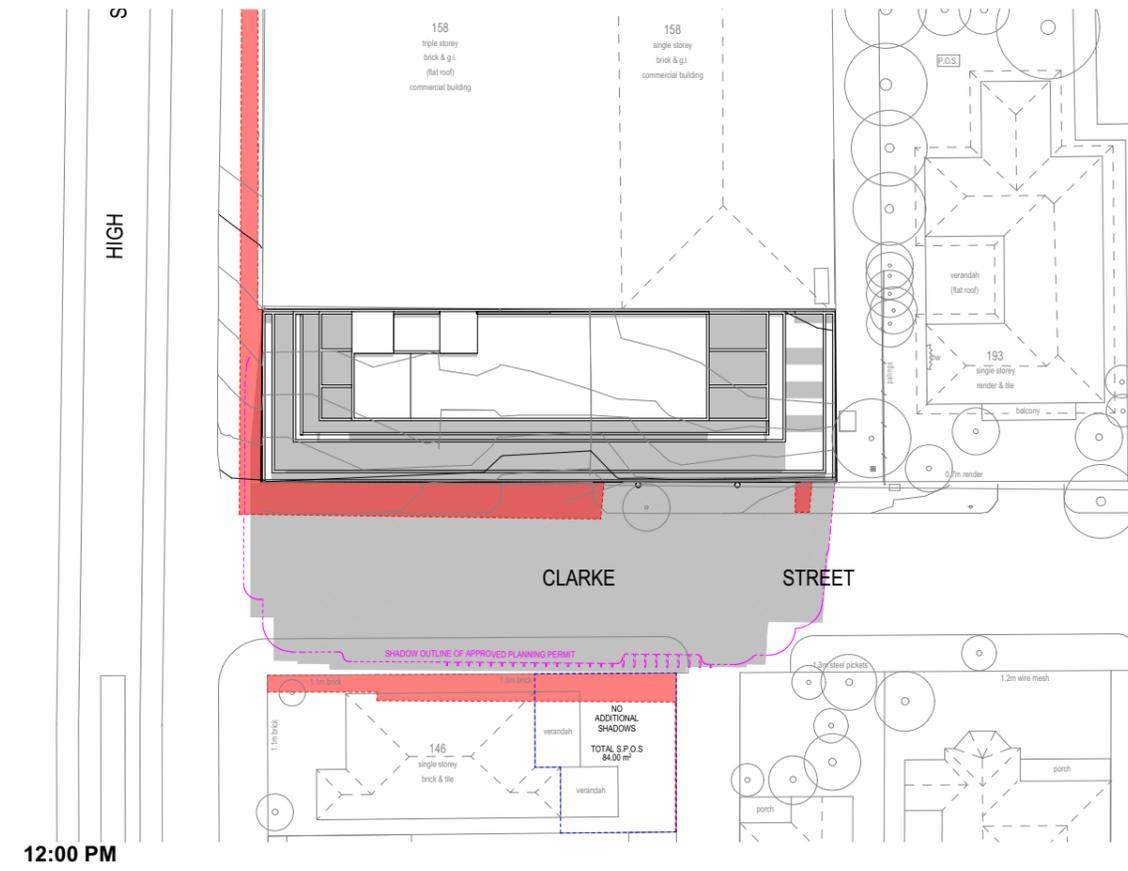
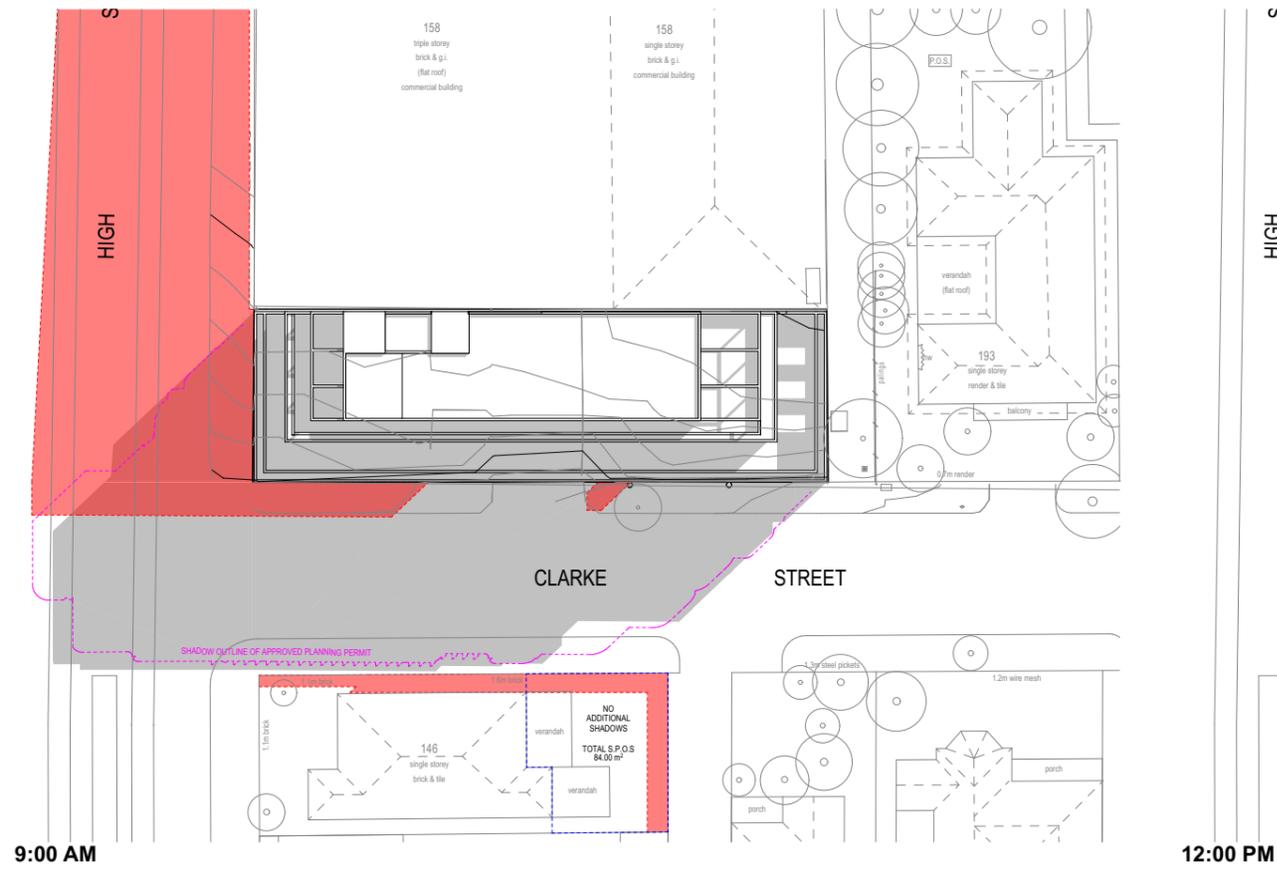
DRAWN BY

PROJECT NO.
 21026

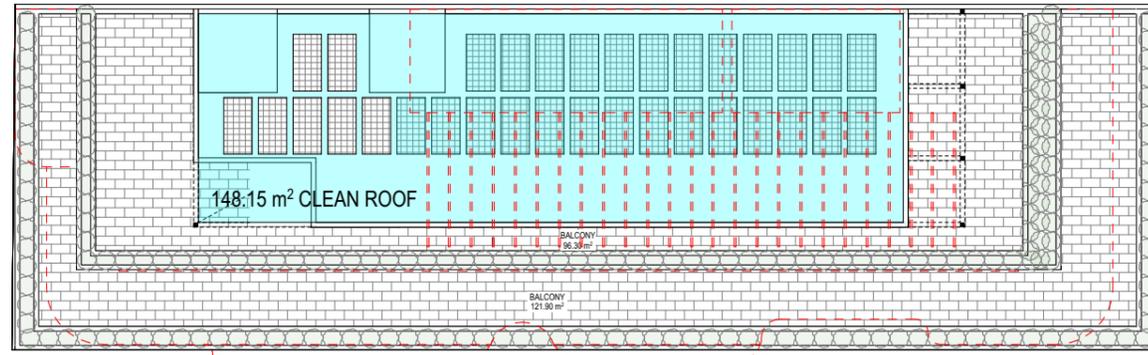
PROJECT STAGE
 Town Planning

TP_08 C

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PLAN LEGEND	
SHADOW DIAGRAM ANALYSIS - 22nd SEPTEMBER	
	PROJECTED SHADOWS CASTED FROM PROPOSED DEVELOPMENT
	PROJECTED SHADOWS CAST FROM EXISTING ADJOINING FENCES/ STRUCTURES
REVISION	
-	21.12.22 Town Planning Application
A	21.02.23 Modifications made in response to RFI letter dated 18.01.23
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C	10.11.23 Issue for information
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MASON BRIGHT	
Multi-Use Development 154 High Street Northcote VIC 3070	
DRAWING NAME Shadow Diagram Analysis	
SCALE 1:200 @ A1	
DRAWN BY -	
PROJECT NO. 21026	PROJECT STAGE Town Planning
TP_09 C	
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WSUD PLAN

WSUD NOTES
 TO BE READ IN CONJUNCTION WITH THE SUSTAINABLE MANAGEMENT PLAN PREPARED BY SBE.
 CLEAN ROOF DRAINAGE TO BE CONNECTED TO A 12,000L RAIN WATER TANK, WHICH IN TURN WILL BE CONNECTED TO ALL WCs TO SUPPLY WATER FOR FLUSHING AND IRRIGATION OF PLANTER BOXES.
 THE REMAINDER OF THE SITE, BALCONY/TERRACE AND PLANTER BOXES, TO BE CONNECTED DIRECTLY TO THE LPOD WITHOUT TREATMENT.

LICENSED PREMISES NOTE
 LEVEL 5 IS THE EXTENT OF THE PROPOSED LICENSED AREA, AS OUTLINED RED.

REVISION

- 21.12.22 Town Planning Application
- A 21.02.23 Modifications made in response to RFI letter dated 18.01.23
- B 30.06.23 Modifications made in response to RFI letter dated 18.01.23
- C 10.11.23 Issue for information

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Multi-Use Development
 154 High Street Northcote VIC 3070

DRAWING NAME
 WSUD & Licensed Premises Plan

SCALE
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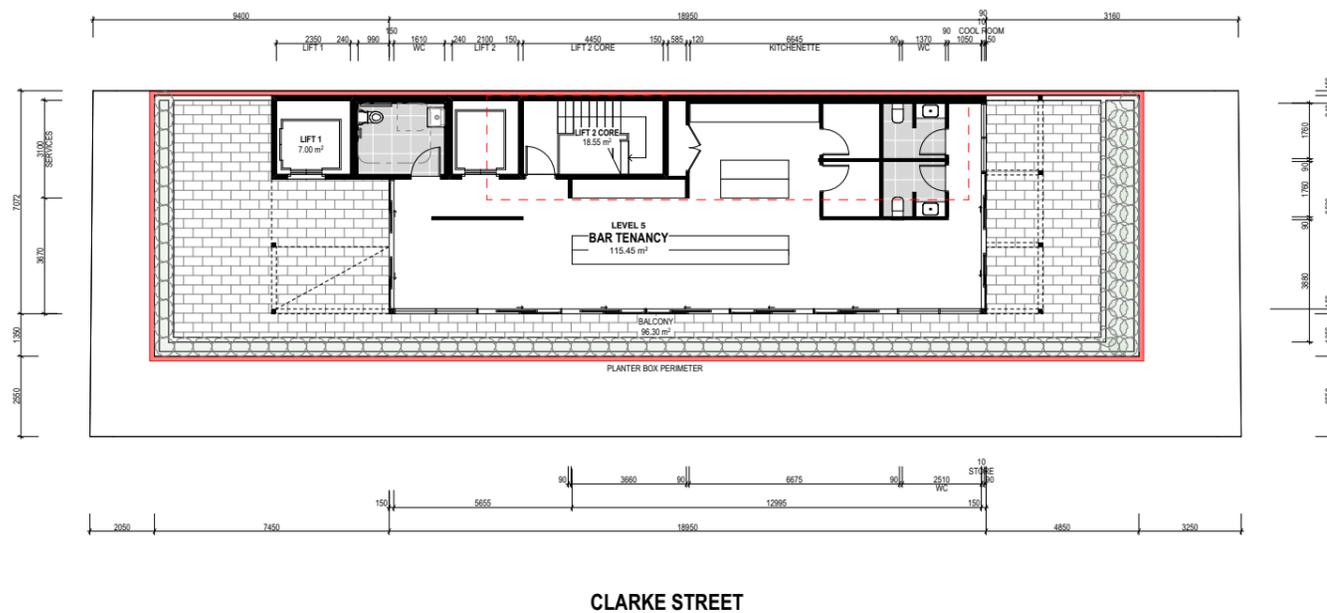
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PROJECT NO.
 21026

PROJECT STAGE
 Town Planning

TP_10 C

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LEVEL 5 PLAN - LICENSED PREMISES

Address:

Application Number:

Map: 16 total objections: Sixteen (16) objections (shown selected in red) received within 100 metres radius (shown using blue circle) of the subject site (shown selected in blue), no objections received outside of the radius



Appendix E – Reference Tables

Clause 43.02 – Design and Development Overlay – Schedule 14

The Design and Development Overlay – Schedule 14 applies to the subject site. The tables below address the design matters raised by the overlay:

Table 1 - Design Objectives

Design Objective	Assessment and/or Applicability	Complies (Yes/No)
<p><i>To ensure the Northcote Major Activity Centre is developed in accordance with preferred built form outcomes set out in the High Street Urban Design Framework 2005 and High Street Precinct Guidelines, 2005 where applicable.</i></p>	<p>The <i>High Street Precinct Guidelines, 2005</i> identifies the area between James Street and Clarke Street on the eastern side of High Street as Northcote South or Precinct 4, with predominantly business use, 2-3 storey building heights and architecture ranging from Victorian era to the 1970s. The preferred outcomes for this portion of the Northcote South precinct includes office or apartment buildings of 3-4 storeys, with 1.5 metre setbacks to High Street (above podium level) and contrasting wall materials above 10 metres and rear setbacks.</p> <p>The design outcomes for the Town Hall Precinct recommend a maximum building height of 4 storeys. This is a discretionary height under the relevant planning policy. As the proposed development is 6-storeys in height, it represents a departure from this policy position.</p> <p>Council previously approved a six-storey building on this site, which departed from the discretionary height – allowing for a responsive outcome to policy and context that has evolved since the adoption of the 2005 guidelines.</p> <p>The design response ensures that the upper sixth floor level is recessive, does not impact on views from Ruckers Hill and does not detract from the amenity of the surrounding area.</p>	<p>Complies with objectives</p>
<p><i>To avoid underdevelopment of sites.</i></p>	<p>The proposed development of six-storeys avoids the underdevelopment of the site with efficient usage of a mid-sized lot.</p>	<p>Yes</p>

<i>To encourage buildings with flexible floor plans that can accommodate mixed living/work activity.</i>	The proposal provides a variety of spaces which will be suited to a diverse range of uses.	Yes
<i>To encourage a range of housing types and forms.</i>	Not applicable.	N/A
<i>To encourage environmentally sustainable design in the Northcote Major Activity Centre.</i>	The proposed development achieves a high standard of sustainable design. The proposal achieves a 61 score on BESS, demonstrating best practice with particularly positive outcomes for transport, energy, water, and stormwater responses. The proposal also includes materials which have been selected to effectively limit emissions.	Yes
<i>To protect the economic viability of businesses by designing and constructing commercial premises to prevent unreasonable off-site amenity impacts on adjoining and nearby residential uses.</i>	The proposal does not result in unreasonable off-site amenity impacts. Whilst Clause 55 of the Planning Scheme are not applicable to the proposal, they provide a useful guide as to what would be a reasonable impact. The proposal, if assessed against these standards as a guide, ensures that overshadowing and overlooking are minimised, resulting in no unreasonable off-site amenity impacts.	Yes
<i>To ensure new housing provides a high level of on-site amenity for residents.</i>	Not applicable.	N/A
<i>To improve pedestrian access between key destination points.</i>	The proposal provides excellent levels of pedestrian access within the design, including multiple pedestrian lobbies and active and legible frontages. It also supports accessibility for visitors, particularly those with reduced mobility, by providing minimal steps and publicly accessible benches to both High Street and Clarke Street.	Yes
<i>To ensure public spaces</i>	The proposed development's front setback above the street wall ensures that the extent of	Yes, subject to

<p><i>including key pedestrian streets have good solar access and weather protection.</i></p>	<p>overshadowing of High Street is moderated and reasonable, maintaining good solar access through much of the day. The development will require an awning over the High Street side to provide weather protection, which will be conditioned.</p>	<p>condition.</p>
<p><i>To ensure that the following valued public views and vistas are retained and protected from unreasonable encroachment by nearby buildings:</i></p> <ul style="list-style-type: none"> • <i>From All Nations Park hilltop to:</i> <ul style="list-style-type: none"> ○ <i>Mount Macedon and the Macedon Ranges</i> ○ <i>the Melbourne Central Business District</i> • <i>The sense of broad views to the horizon and openness in the All Nations Park;</i> • <i>From Rucker's Hill (including the upper levels of the Northcote Town Hall) to the Central City skyline; and</i> • <i>From the junction of Plenty Road, High Street and Miller Street (known as the 'Y' on High') to</i> 	<p>DDO14 notes that '<i>Significant views are available to and from this hilltop location</i>', with the design objective being '<i>To ensure the dominance of the Church spire and the Northcote Town Hall as landmarks is retained</i>'.</p> <p>Ruckers Hill is a precinct within and near the southern part of the Northcote Major Activity Centre. It is a location where, as the name suggests, the topography rises to a hill, the peak of which is occupied by a Catholic School and near to the Northcote Town Hall on the western side of High Street and by the former Anglican Church on the eastern side. It is also a location where a diversity of built form exists, and where properties have developed their individual sites at different levels in response to the slope of the land. The subject site is situated below the peak of Ruckers Hill, on the south facing slope. This topography forms a significant element of the immediate context. From here panoramic views of Melbourne CBD can be gained. There are no views available of the land of the hill itself as nearly all sites on the highpoints of the hill and the surrounding land are developed.</p> <p>It is considered that the proposed development only serves to make the hill marginally more prominent. The proposal does not reduce views from either peak of Ruckers Hill towards the city centre, which is already blocked at ground level by the Telstra Building from one (and remains available from the church tower) and is unobstructed from the other peak's higher constructed viewing points.</p> <p>Additionally, this portion of the hill is not visible from the heights of All Nations Park when looking towards the city, with the only church building visible being the spires of St Jospeh's and the former Presbyterian. What views may have been present, which would have been approximately in line with the cluster of towers notably featuring 101 and 120 Collins Street, have been removed by the growth of native vegetation to the northern side of Separation Street and within Santa Maria College, as well as by the former Anglican Church. As such the proposal is not considered to remove any significant views to and from the hill, except potentially for those church spire views discussed below.</p> <p>As such, the proposal will not unreasonably encroach upon key views.</p>	<p>Yes</p>

<p><i>the Northcote Town Hall.</i></p>	<p>Figure 10. View of City from peak of All Nations Park, with direction where building would be located Source: Author</p>	
<p><i>To ensure the dominance of the Church spire and the Northcote Town Hall as landmarks is retained.</i></p>	 <p>Direction of subject site and former Anglican Church</p> <p>Direction of former Presbyterian and Melbourne Central</p> <p>Direction of St Joseph's</p> <p>There are three (3) churches, together with the Northcote Townhall, located in proximity to the site. The following image provides the location of all three (3) churches located in proximity to the site – the former Presbyterian Church and Hall at No. 40-42 James Street (HO53), St Joseph's Catholic Church at No. 37-41 James Street (HO97), and the former Anglican Church at No. 3-5 Bayview Street (HO10).</p>	<p>Yes</p>

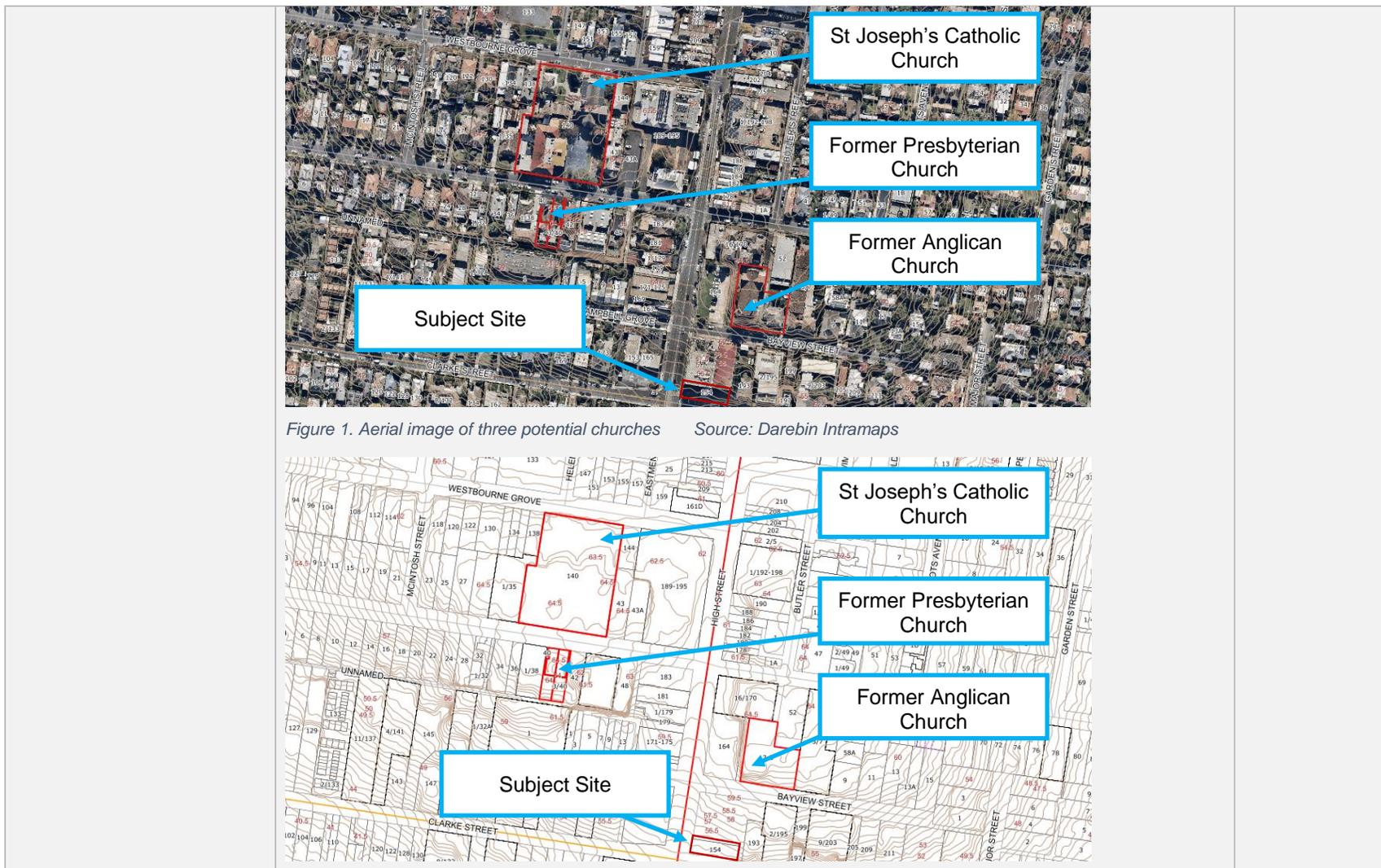


Figure 2. Topography of three potential churches and surrounding area Source: Darebin Intramaps

Images of each church are below:



Figure 3. Left to Right - Former Presbyterian Church, St. Joseph's Catholic Church, Former Anglican Church. Source: Google

The *High Street Study Precinct Urban Design Guidelines (March 2005)* identifies the former Anglican Church, located on Bayview Street, to the north of the subject site, as forming a 'major visual landmark'.

Approaching the site from the north, views of all three (3) churches and the Northcote Town Hall are unchanged.

Approaching the site from the south along High Street, views of the spires of the former Presbyterian Church, St. Joseph's Catholic Church and the Townhall are also maintained. These buildings are located to the northwest of the subject site either on High Street (Northcote Townhall) or within adjacent side streets, a reasonable distance from High Street.

The proposal will result in a partial loss of views of the former Anglican Church, when approaching the site along High Street to the south. The degree to which views are diminished depends upon where on High Street those views are considered, noting that the view line does vary due to the varied elevation of High Street, from the northern portion of the Westgarth shopping strip to Clarke Street. More distant views from High Street and elsewhere to the south are less impacted. Having considered the perspectives provided in the applicant's submission together with further analysis, on balance the proposal does not detrimentally encroach upon views of the former Anglican Church, including views from the south.

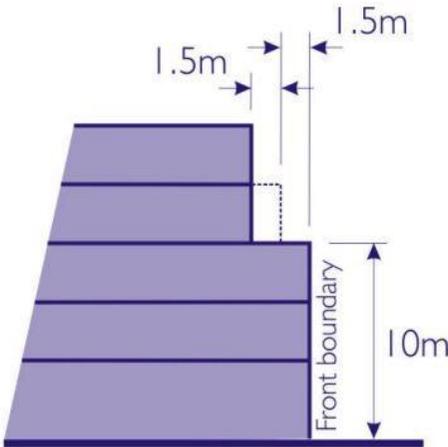
	Overall, the former Anglican Church will maintain its landmark status with a high degree of visibility maintained within the wider local precinct.	
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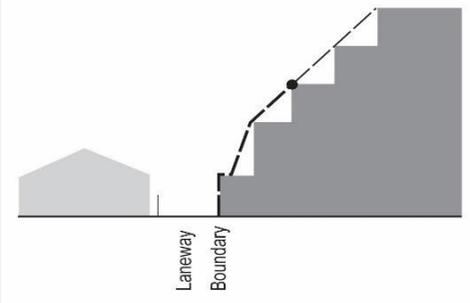
Table 2 – Design Requirements

Design Requirement	Assessment and/or Applicability	Complies (Yes/No)
<i>Development or redevelopment of public and private land within the centre should be designed to provide for private vehicle use and associated car parking as an additional, but not preferred form of access.</i>	The proposal prioritises active and public transport, providing access including lobby area for pedestrians and cyclists. The car parking entry is less direct and more utilitarian in its design.	Yes
<p><i>Minimise the impact of travel on local character by:</i></p> <ul style="list-style-type: none"> • <i>Promoting pedestrian movement as the primary form of access including through infrastructure improvements.</i> • <i>Supporting public and community based transport as the secondary form of access.</i> • <i>Ensuring private vehicle access is the third and subsidiary form of access.</i> • <i>Ensuring new development improves linkages between public transport and key destinations, incorporating better transport interchanges and waiting areas where appropriate.</i> 	The proposal prioritises pedestrian access to High Street. The access is readily visible from the tram stop on the southern side of the intersection between Clarke Street and High Street. Private vehicular access has been treated as a subsidiary form with only a moderate provision of car parking and access provided from the secondary street, Clarke Street.	Yes
<i>All infrastructure improvements in the activity centre, including street widening, paving upgrades and new buildings should have a primary focus of improving pedestrian amenity and access to and through the centre, linking key destination points.</i>	The proposal includes benches, active frontages, sheltered pedestrian entries and landscaping adjacent to pedestrian movement paths. The proposal would be improved by the addition of a pedestrian awning, which is requested as a condition of approval.	Yes, subject to condition.

<p><i>Formal and informal seating and resting spaces should be included as part of streetscape improvements and provision of civic spaces where key sites along High Street, Separation Street, Arthurton Road and other key destination points are developed or redeveloped.</i></p>	<p>The proposal includes pedestrian benches along the boundary, effectively incorporating formal seating opportunities.</p>	<p>Yes</p>
<p><i>New landscaping of public and private spaces should incorporate indigenous and drought tolerant plants.</i></p>	<p>A landscape plan is required as a condition of approval. Indigenous species will be required.</p>	<p>Yes, subject to condition.</p>
<p><i>Encourage the incorporation of public seating and public and community art works into major new developments and the redevelopment of existing forecourts.</i></p>	<p>The proposal includes public seating to High Street. Given the constraints of the site, including site area size and extent of frontage, the incorporation of artwork would limit the ability to include seating, landscaping, and good-quality pedestrian entries.</p>	<p>Yes</p>
<p><i>Buildings and civic/pedestrian spaces should be designed to provide access to people of all abilities.</i></p>	<p>The proposal includes lifts and wide entries which enable access by persons of all abilities.</p>	<p>Yes</p>
<p><i>Surface treatments should comprise of low reflectivity materials and finishes that are of a durable type.</i></p>	<p>Conditions of any permit granted would include the requirement for a detailed materials schedule, which will include low reflective materials.</p>	<p>Yes, subject to conditions.</p>
<p><i>All development should incorporate best practice environmentally sustainable design, demonstrated through the use of Sustainable Tools for Environmental Performance Strategy (STEPS), Sustainable Design Scorecard (SDS) or similar including:</i></p> <ul style="list-style-type: none"> • <i>Energy efficient design e.g. building orientation to achieve passive heating and cooling</i> • <i>Use of appropriate materials</i> • <i>Water sensitive urban design</i> • <i>Sustainable transportation</i> • <i>Waste reduction and management</i> 	<p>The proposal incorporates a broad range of environmentally sustainable design measures and performs well against key sustainability targets. The proposal is identified, within the submitted Sustainability Management Plan, as achieving results for energy, water and stormwater, transport and recycling that reflect best practice. The embodied energy of the materials has also been moderated, and the levels of pollutants, particularly volatile organic compounds, limited.</p>	<p>Yes</p>

<ul style="list-style-type: none"> • Biodiversity 		
<p><i>Encourage active frontages at ground level and opportunities for passive surveillance from upper levels.</i></p>	<p>The proposal includes extensive active frontages, particularly to High Street. The impact of services, mailboxes and meters are limited by their location perpendicular to the street, flanking the pedestrian entries to both Clarke Street and High Street.</p>	<p>Yes</p>
<p><i>New development should reinforce the existing character of predominantly narrow shop fronts by using vertical articulation rather than horizontal.</i></p>	<p>The proposal includes a modulated pattern along the façade including vertical rather than horizontal forms. There is also multi-level articulation for the pedestrian entries to create a sense of address. The overall form and material result in a contemporary appearance which is to be expected for a building of this scale and associated uses.</p>	<p>Yes</p>
<p><i>Development that will accommodate residential or other noise sensitive uses must provide acoustic insulation for habitable rooms that may be affected by noise from businesses, street activity, vehicular traffic and rail activities.</i></p>	<p>Not applicable</p>	<p>N/A</p>
<p><i>Development that will accommodate entertainment and commercial uses must include noise attenuation measures to minimise amenity impacts on residential uses.</i></p>	<p>The proposal includes noise attenuation measures, as detailed in the acoustic report. Effective annotation of these measures will be a condition of permit.</p>	<p>Yes, subject to condition.</p>
<p><i>Front setbacks for buildings with frontage to High Street</i> <i>Buildings with a High Street frontage should be built to the front boundary up to a height of 10 metres and then set back a minimum of 1.5 metres from the front boundary per floor (as shown in Figure 1) unless a different design requirement is set out in Table 1 to this schedule.</i></p> <p>Figure 1 – Front setbacks for buildings with frontage to High Street</p>	<p>The proposed 3-storey street wall to High Street accords with policy in respect of total storeys. However, the overall street wall height of 10.95 metres is 950mm above the heights sought under policy. The additional height is for a balustrade for the balcony, which will serve to enhance the amenity of the commercial facilities by providing access to the outdoor area and passive surveillance of the street.</p> <p>The street wall sits lower than the adjacent Telstra Exchange, which provides a maximum street wall height of 15.7 metres. This limits the visual and amenity impact of the proposal. Overshadowing of the street will be negligible and generally no greater than the Telstra</p>	<p>No, but proposed variation is appropriate.</p>

 <p><i>Rear setbacks for buildings with frontage to High Street</i></p> <p><i>Rear setbacks for buildings with frontage to High Street – Side-on residential properties separated by a laneway</i></p> <p><i>Figure 3 applies where the adjoining residential property fronts at right angles to the properties fronting High Street, as shown in Figure 3A, where a laneway separates the properties.</i></p> <p><i>Figure 4 – Rear setbacks for side-on residential properties not separated by a laneway</i></p>	<p>Exchange.</p> <p>Regarding upper-level setbacks, the form and massing is acceptable. This includes a 2.4 metre 4th floor setback to High Street where a 3-metre setback is recommended under policy. Contextually the reduced setback is very minimal, noting that the Telstra Exchange provides no setback up to a maximum height of 15.7 metres to High Street. The upper level is also designed using contrasting lightweight materials with horizontal banding, consistent with directions for upper storey form. As such the proposed variation is appropriate.</p> <p>The uppermost bar level is suitably setback 5.67 – 9.4 metres from High Street. It is also designed with horizontal banding of materials and differing materials to lower levels.</p>									
<p>The subject site does not have a direct abuttal to a residential property, noting that the Telstra Exchange (No. 158 High Street) provides a 3.05-metre-wide sewerage easement between the east boundary and nearest residential property to the east.</p> <p>The sewerage easement is similar to a laneway in regard to width. In effect the easement provides a buffer to the nearest residential property fronting Clarke Street.</p> <p>The table below sets out the setback required from the east boundary under Clause 55:</p>	<table border="1"> <thead> <tr> <th>East Boundary</th> <th>Wall height</th> <th>Required Setback</th> <th>Proposed setback</th> </tr> </thead> <tbody> <tr> <td>Ground floor</td> <td>2.4 – 4.35 metres</td> <td>To 3 metres in height a 0 metres setback is required At 4.35m</td> <td>0 metre</td> </tr> </tbody> </table>	East Boundary	Wall height	Required Setback	Proposed setback	Ground floor	2.4 – 4.35 metres	To 3 metres in height a 0 metres setback is required At 4.35m	0 metre	<p>Yes</p>
East Boundary	Wall height	Required Setback	Proposed setback							
Ground floor	2.4 – 4.35 metres	To 3 metres in height a 0 metres setback is required At 4.35m	0 metre							

			metres a setback of 1.35 metres is required	
	1 st floor	5.55 – 7.5 metres	1.65 – 2.6 metres	0 metre
	2 nd floor	8.7 – 10.65 metres	3.8 – 5.65 metres	0 metre
	3 rd floor	Balcony Edge: 9.55 – 11.5 metres Setback Wall: 11.85 – 13.8 metres	Balcony Edge: 4.65 – 6.6 metres Setback Wall: 6.95 – 8.9 metres	Balcony edge: 0 metre Setback Wall: 3.6 metres
	4 th floor	15 – 16.95 metres	9.96 – 11.82 metres	3.6 metres
	5 th floor	Balcony Edge: 16.2 - 18.15 metres Setback Wall: 18.6 - 20.55 metres	Balcony Edge: 11.3 – 13.25 metres Setback Wall: 13.7 – 15.65 metres	Balcony Edge: 3.6 metres Setback Wall: 8 metres (6.3 metres to pergola)
<p>Amongst other matters the decision guidelines under Clause 55.04-1 require a consideration of:</p> <ul style="list-style-type: none"> • <i>the impact on the amenity of the habitable room windows and secluded private open space of existing dwellings;</i> • <i>whether the wall is opposite an existing or simultaneously constructed wall built to the boundary, and;</i> 				

	<ul style="list-style-type: none"> • <i>whether the wall abuts a side or rear lane.</i> <p>The development is located near to one dwelling with a residential zoning at No. 193 Clarke Street. An easement of No. 158 High Street, providing a width of 3.05m separates the two sites. The dwelling is located approximately 5.8 metres east of the eastern boundary of the subject site.</p> <p>The rear setback of the development provides a three-storey wall with staggered rear setbacks provided at the 3rd floor and above. The siting and height of the Telstra Exchange provides a context to the site which allows an alternate rear setback to be considered.</p> <p>The nearby dwelling at No. 193 Clarke Street provides a garage and a 1st floor living space located above. At the western end of the living space is a habitable room with windows facing in three directions, including toward the subject development. As the habitable room is located at 1st floor level on its site it is also closest to the first floor of the proposed development, with a horizontal view toward the first floor of the proposal and upward views toward an additional four (4) levels. While the proposal will result in a diminished level of outlook from the west-facing habitable room window, this is not the sole window serving this space. The remaining two (2) windows provide unimpeded views toward the city and over the street and to the north over the internal courtyard serving the dwelling.</p> <p>The subject site is also located within a Commercial 1 Zone where the Tribunal has often highlighted that residents of properties within a nearby residential zone should not expect the same level of amenity as those within the residential hinterland.</p> <p>As shown by the shadow diagrams provided, the overshadowing of the room primarily originates from the form of the Telstra Exchange, with moderate additional shadow provided by the development.</p> <p>Taking all of the above factors into account, including the easement, commercial zoning, substantial pre-existing impacts of the adjacent Telstra Exchange and the relationship between the proposal and the</p>	
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	adjacent dwelling, the rear setbacks represent a satisfactory outcome.	
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Table 3 – Design Outcomes

Design Outcome	Assessment and/or Applicability	Complies (Yes/No)
<i>The town hall and civic square will be promoted as key destination points in the Activity Centre.</i>	The proposal is complimentary to the role of the town hall, maintaining the dominance of the building on High Street and bringing activity to the area that will add to the vibrancy of the precinct.	Yes
<i>The town hall and civic square will be framed with built form.</i>	The proposal will frame High Street with a reserved design. The proposal will have no appreciable impact upon the Town Hall and civic square given the setbacks and presence of the Telstra Exchange.	Yes
<i>Any development on the car park west of the town hall civic square will incorporate an active interface to the former police station at 43 James Street.</i>	Not applicable	N/A
<i>A variety of clear and safe access links will be provided to the town hall and civic square to draw people to the precinct.</i>	The proposal adds activity and built form providing passive surveillance which will increase perceptions of safety along this section of High Street.	Yes
<i>The southern entry to the Activity Centre will be improved through redevelopment of currently underutilised or unattractive properties.</i>	The proposal improves the southern entry to the Activity Centre with the redevelopment of an underdeveloped site.	Yes
<i>The former police station building will be retained.</i>	Not applicable	N/A

<i>Development of land in High Street east of the town hall and civic square should, where possible, consolidate properties and redevelop buildings to multi-level mixed use activities.</i>	Not applicable	N/A
<i>Development of land on the south side of James Street and to the rear of High Street properties on its western side should, where possible, consolidate properties and redevelop single and double storey buildings to create a greater sense of enclosure and 'framing' of the civic square.</i>	Not applicable	N/A
<i>Buildings at 44, 46 or 48 James Street should not exceed 71.4 AHD.</i>	Not applicable	N/A
<i>Building heights on the west side of High Street between James Street and Clarke Street (153-183 High Street) should not exceed an overall height of 2 storeys, or the height of the existing building on the site (whichever is the greater) but not exceeding 12 metres.</i>	Not applicable	N/A
<i>Building heights on the south west corner of High Street and Clarke Street (149 High Street), the adjoining property at 174 Clarke Street and 147 High Street should not exceed 12 metres.</i>	Not applicable	N/A
<i>Buildings on land on the east side of High Street, between the northern end of the precinct and James Street and with a frontage of 15 metres or less, should not exceed one level above the existing building floor levels.</i>	Not applicable	N/A
<i>Buildings on land on the east side of High Street, between the northern end of the precinct and James Street and with a frontage greater than 15 metres, should not exceed an overall height of 4 storeys or the height of any existing</i>	Not applicable	N/A

<i>building on the site (whichever is greater).</i>		
<i>Any redevelopment of the medium density housing development located at the south east corner of James Street and High Street should be designed to create a more active and attractive facade to High Street.</i>	Not applicable	N/A
<i>Any redevelopment of land forming part of the church site at the north east corner of Bayview and High Street (164 High Street) should include active frontage to the street, maintain view lines to the church spire and incorporate a minimum of 5% land as open space at the Bayview Street/High Street corner for civic and landscape space purposes.</i>	Not applicable	N/A
<i>Building heights on the east side of High Street between James Street and Clarke Street (154-170 High Street) should not exceed an overall height of 4 storeys or the height of the existing building on the site (whichever is greater).</i>	<p>The policy seeks maximum building heights of 4-storeys. It is noted that this a discretionary control.</p> <p>A consideration of height requires a balanced deliberation of all the related policy drivers such as: urban design; land use policy direction, together with a contextual consideration of the existing and emerging built form. Furthermore, any discussion of height should also consider the setback and massing of the built form in response to the immediate context.</p> <p>The State planning policy framework generally encourages Melbourne to become a more compact city by accommodating a substantial portion of its future growth within its established urban areas. Activity centres, strategic redevelopment sites and locations well served by public transport are the preferred locations for commercial development, which is encouraged to comprise an intensive scale and built form.</p> <p>At a local planning level, there is a preferred character for higher scale development on this site.</p> <p>The proposed 3-storey street wall to High Street accords with policy.</p>	No

	<p>However, the street wall height 10.95 metres is 950mm above policy. The additional height is for a balustrade for the balcony, which will serve to both enhance the amenity of the commercial facilities by providing access to the outdoor area and passive surveillance of the street. The additional 950mm to the street wall is considered a minor incursion which is acceptable in the context of the adjacent Telstra Exchange, which itself provides a maximum street wall height of 15.7 metres.</p> <p>Beyond the street wall an additional two levels are proposed which are setback 2.4 metres from the High Street frontage, 3 metres from the Clarke Street frontage and 3.6 metres from the rear eastern boundary (nearest the residential property fronting Clarke Street). These two (2) levels form a consolidated upper-level element distinct in design and materials from the podium form which marks the corner of High Street and Clarke Street. While these additional levels will be visible from the public realm, the visibility of the building is not the test which is applied to an assessment of building height.</p> <p>The height to the 5th storey is level with the adjacent Telstra Exchange (including rooftop plant). By matching the height of the Telstra Exchange at the 5th floor level, the proposal provides an appropriate response to the immediate High Street commercial context. The provision of setbacks at the 4th and 5th storey further moderates the scale resulting in an appropriate transition in scale to the Telstra Exchange and nearby residential hinterland.</p> <p>The 6th storey sits above the height of the Telstra Exchange by an additional level. The 6th storey is setback 5.67 to 9.4 metres from High Street, 3.9 metres from Clarke Street and 8 metres from the east boundary.</p> <p>The 6th storey provides appropriate setbacks and is sufficiently subordinate in scale in relation to the lower levels. This ensures that the lower levels, particularly the podium levels will serve to activate and engage with the street frontages at the human scale. While the 6th level will be visible, it will only be visible from more distance</p>	
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	<p>vantage points and not within the immediate context, having regard to site lines.</p> <p>The analysis of key views which is provided in an earlier section of the assessment against DDO14 requirements also indicates that the proposal including height provides an appropriate contextual response and maintains views of identified landmark buildings.</p> <p>The proposed development may have off-site impacts that would occur with any redevelopment of this site, including overshadowing and overlooking, but none of these are considered unreasonable. While Clause 55 of the Planning Scheme is not applicable to the proposal, it provides a useful guide as to what would be a reasonable impact. The proposal is consistent with the intent of those overshadowing and overlooking requirements.</p>	
<p><i>Building heights on the east side of High Street, south of Clarke Street (136-148 High Street) should not exceed an overall height of 3 storeys or the height of the existing building on the site (whichever is the greater).</i></p>	<p>Not applicable</p>	<p>N/A</p>

Table 4 – Preferred Outcomes of High Street Urban Design Framework

Preferred Outcome	Assessment and/or Applicability	Consistency
<p><i>Office or apartment buildings up to 2 storeys high on the west side – to protect the view of the Melbourne CBD from the top of Ruckers Hill - & 3-4 storeys high on the east side, with a 1.5m front setback and contrasting external wall materials above 10m, and rear setbacks in accordance with the diagrams.</i></p>	<p>The proposal is not consistent with this suggested outcome with regard to height, nor the front setbacks, though the external wall materials and degree of setback above the street wall are appropriate.</p> <p>As noted in Table 3, the proposed development is in a portion of the precinct which is notably suited to additional height. The sharp topography of the land means that even relative to neighbouring sites within the same section of</p>	<p>No</p>

	<p>the precinct, the impact of additional height on this site will be much less, due to its location at the lower portion of the hill on a southern street corner.</p> <p>The development meets the intent of this outcome as it suitably protects the view of the Melbourne CBD from the top of Ruckers Hill.</p>	
<i>Speed limit reduced to 50kph</i>	Not applicable	N/A
<i>Wide traffic lanes to support cycling</i>	Not applicable	N/A
<i>New trees at medium spacing in kerbside parking lane on both sides.</i>	Not applicable	N/A
<i>Reinstatement of bluestone kerb and gutter on west side.</i>	Not applicable	N/A

Appendix F –Parking Assessment

Clause 52.06 – Car Parking

The car parking required under Clause 52.06 of the Planning Scheme is set out in the following table.

Use	Area	Parking Rate	Required Provision	Proposed Provision	Surplus/Deficit
Leisure and Recreation (Spa)	342 sqm	To the satisfaction of the Responsible Authority	0	3	N/A, has been considered by Council's transport engineers and the allocation is suitable.
Retail	76 sqm	3.5 spaces to each 100 sqm of leasable floor area	2	1	-1
Office	822 sqm	3 spaces to each 100 sqm of leasable floor area	24	7	-17
Bar	206 sqm	3.5 spaces to each 100 sqm of leasable floor area	7	2	-5
TOTAL			33	13	-23

The development proposes a total 13 on site car spaces within ground level car stackers accessible from Clarke Street (33 spaces are required under Clause 52.06 of the Darebin Planning Scheme). No parking requirement is specified for a 'Spa' use under the Planning Scheme. Car parking for unspecified uses is to be provided to the satisfaction of the Responsible Authority. Council's Transport Unit have advised that three (3) car parking spaces are required for this use. Three (3) of the 13 statutory car parking spaces have therefore been allocated to the spa. As such, this proposal seeks a statutory car parking reduction of 23 spaces.

Table 1 – Decision Guidelines

Clause 52.06 applies to applications which seek to vary the requirement for car parking. The clause includes a range of decision guidelines which are considered below.

Decision Guidelines	Assessment and/or Applicability
<p><i>The Car Parking Demand Assessment</i></p>	<p>The provided Car Parking Demand Assessment (CPDA) provides an empirical assessment of the use, intensity of use, hours of use and location. The assessment indicates that the proposal provides a peak demand of fifteen spaces, two (2) spaces more than the 13 spaces being proposed.</p> <p>Council notes that the CPDA is based on data from before COVID-19 and as such it is anticipated that any office use will have at least marginally lower demand for parking than prior to this period, due to the acceptance of working from home.</p>
<p><i>Any relevant local planning policy or incorporated plan</i></p>	<p>The proposed reduction is strongly consistent with local policy, supporting the prioritisation of access by active transport modes, reducing the prominence of cars, and reducing car dependency.</p>
<p><i>The availability of alternative car parking in the locality of the land, including:</i></p> <ul style="list-style-type: none"> • <i>Efficiencies gained from the consolidation of shared car parking spaces.</i> • <i>Public car parks intended to serve the land.</i> • <i>On street parking in non residential zones.</i> • <i>Streets in residential zones specifically managed for non-residential parking.</i> 	<p>There is not a substantial number of spaces within the locality which are expected to provide alternative options for parking. There are some on-street parking spaces along Clarke Street, but these are in a residential zone. It is not expected that the use will generate a substantial increase in demand on the existing on-street car parking in the area.</p>
<p><i>On street parking in residential zones in the locality of the land that is intended to be for residential use.</i></p>	<p>Not applicable</p>

<i>The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.</i>	The site is constrained in the ability to provide car parking. Any additional car parking beyond the proposed stackers would entail either a reduction to ground floor active uses or required services, deeper stackers which would take longer to access cars, or a basement arrangement which would also be likely to reduce ground floor area for active uses or required services.
<i>Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.</i>	The economic impact will be limited as the centre is easily accessible by public transport, walking and cycling.
<i>The future growth and development of any nearby activity centre.</i>	The lower provision of parking will support the provision of additional office and retail facilities on the site, supporting the development of the activity centre.
<i>Any car parking deficiency associated with the existing use of the land.</i>	Not applicable
<i>Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.</i>	Not applicable
<i>Local traffic management in the locality of the land.</i>	No issues have been raised by Council’s Transport Unit.
<i>The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.</i>	It is not anticipated that the car parking reduction will have a substantial impact on the amenity of the surrounding area, as the likely demand for parking is not anticipated to frequently exceed the on-site provision.
<i>The need to create safe, functional and attractive parking areas.</i>	The proposed spaces are safe and functional.
<i>Access to or provision of alternative transport modes to and from the land.</i>	The subject site has access to an excellent range of train and tram infrastructure and is also within an area of relatively high walkability and cyclability. The proposal includes good access for pedestrians and cyclists, including pedestrians who have come from nearby tram, train, and bus stops.

<i>The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.</i>	Businesses along High Street do not typically provide parking that meets the requirements of 52.06. Many provide no parking. It would not be equitable to require the proposed development to provide substantial parking when nearby sites have seen approvals for more substantial reductions than the proposed 23 spaces (68%) including – 212-214 High Street (525 space reduction, 99% waiver of requirements), 171-175 High Street (28 space reduction, 66% waiver of requirement).
<i>The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.</i>	The proposed reduction in car parking will support a positive urban design outcome by increasing the provision of active frontage.
<i>Any other matter specified in a schedule to the Parking Overlay.</i>	N/A
<i>Any other relevant consideration.</i>	N/A

Clause 52.34 – Bicycle Facilities

The bicycle parking required under Clause 52.34 of the Planning Scheme is set out in the following table.

Use	Area	Parking Rate	Required Provision	Proposed Provision	Surplus/Deficit
Leisure and Recreation (Spa)	342 sqm	N/A	-	-	-
Retail (also includes Bar as the use is not separated)	282 sqm	1 employee space to each 300 sq m of leasable floor area and 1 shopper space to each 500 sq m of leasable floor area	1	5	4

Office	822 sqm	1 employee space to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m and 1 visitor space to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m	0	35	35
TOTAL			1	40	39

As such the proposal has a substantial surplus of bicycle facilities.

6. OTHER BUSINESS

6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE

EXECUTIVE SUMMARY

The General Planning Information attached at Appendix A contains:

- A summary of decisions upheld by VCAT by financial year 2023-2024, to date at Table 1; and
- A summary of decisions issued since last reported to Council (financial year 2023-2024) at Table 2.

Officer Recommendation

That the General Planning Information attached as **Appendix A**, be noted.

Attachments

- Applications Determined by VCAT (**Appendix A**) [↓](#) 

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 conflicts of 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.

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TABLE 1: SUMMARY OF DECISIONS UPHELD BY FINANCIAL YEAR TO DATE - JANUARY 2024

	Number of VCAT Decisions	Percentage of decisions upheld
Council decisions	1	0% (0/1)
Delegate decisions	16	94% (15/16)
All decisions	17	88% (15/17)

Comment on performance and trends

This financial year to date (at the time of reporting) there have been seventeen VCAT decisions. The Statutory Planning Unit aims to continue the positive trend in Tribunal results achieved in the previous financial year whereby the majority of decisions were upheld by VCAT, resulting in good planning outcomes for Council and our community. The current results reflect positively on Council's robust decision making, with 88% of decisions upheld this financial year to date.

Notes on Table 1

Table 1 summarises VCAT decision types and outcomes required to be reported to the Local Government Performance Reporting Framework (LGPRF).

LGPRF reporting for 2023-24 includes mediated outcomes as a decision upheld. Decisions upheld are all decisions where the Tribunal has 'Not Set Aside' Council's decision and includes decisions that are upheld, varied, affirmed, remitted and resolved with the consent of all parties.

Some less common VCAT application types are also not reported to LGPRF (for instance applications to cancel a permit, obtain a declaration and enforcement proceedings). This financial year to date, there have been two VCAT decision that are not reportable to LGPRF and so are not captured in the above table. These were both delegate decisions that were withdrawn by the permit applicant.

Council decisions are decisions made by the Planning Committee. Delegate decisions are decisions made under Council's delegation instrument by Planning Officers in the Statutory Planning Unit.

PLANNING COMMITTEE MEETING

12 February 2024

TABLE 2: SUMMARY OF VCAT DECISIONS ISSUED SINCE LAST REPORT TO COUNCIL (COMMENCING FINANCIAL YEAR 2023-2024)

Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's position upheld?
D/166/2022 P146/2023	72 Speight Street THORNBURY South East	Construction of three (3) dwellings and a reduction of car parking	Support (NOD Issued)	Delegate	S82	Hearing	Varied	Yes
<p>Discussion The Tribunal upheld Council's decision to support the application. The Tribunal agreed that the car parking provision, ESD outcomes and level of compliance with Clause 55 of the Darebin Planning Scheme would result in an appropriate built form outcome. The permit was varied to include a Development Contributions condition, to reflect the recent gazettal of the Development Contributions Plan.</p>								
Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's position upheld?
D/516/2022 P813/2023	24 Bridge Street NORTHCOTE South	Demolition, alterations and additions to a dwelling on a lot less than 300sqm within a Heritage Overlay	Support (NOD Issued)	Delegate	S82	Compulsory Conference	Varied	Yes
<p>Discussion</p>								

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12 February 2024

An agreement was reached at the Compulsory Conference and finalised via consent order. A permit condition was modified, and additional conditions added as agreed to by the permit applicant and objector party, which related to fencing and finishes along the neighbouring property boundary.

Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's position upheld?
EOT/238/2022 (D/393/2016) P752/2023	Preston Market (Cramer & Mary Street) Central	Extension of time to permit allowing a ten storey building (comprising 155 dwellings) and a reduction in car parking	Refuse	Delegate	S81	Compulsory Conference	Remitted	Yes

Discussion

As a result of the gazettal of Amendment C182dare the Minister for Planning became the Responsible Authority for this site. The Minister for Planning agreed with Council that the current proposal no longer complied with policy including Clause 58, Activity Centre Zone 1 policy requirements and the Heritage Overlay of the Darebin Planning Scheme. It was agreed that the Extension of Time application be remitted to the Minister for Planning for assessment in order to facilitate further discussion between the Minister and the permit applicant and ensure policy compliance.

Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's position upheld?
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12 February 2024

EOT/239/2022 (D/398/2016)	Preston Market (Cramer & Mary Street)	Extension of time to permit allowing two (2) x 10- storey mixed use buildings (comprising 128 dwellings, offices and retail), a reduction of car parking and alteration of access to a road Zone.	Refuse	Delegate	S81	Compulsory Conference	Remitted	Yes
P753/2023	Central							
<p>Discussion</p> <p>As a result of the gazettal of Amendment C182 dare the Minister for Planning became the Responsible Authority for this site. The Minister for Planning agreed with Council that the current proposal no longer complied with policy including Clause 58, Activity Centre Zone 1 policy requirements and the Heritage Overlay of the Darebin Planning Scheme. It was agreed that the Extension of Time application be remitted to the Minister for Planning for assessment in order to facilitate further discussion between the Minister and the permit applicant and ensure policy compliance.</p>								
Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's position upheld?

PLANNING COMMITTEE MEETING

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D/24/2023 P1415/2023	8 Cash Street Kingsbury North East	Construction of a three storey building containing 9 apartments	Refuse	Delegate	S77	No hearing	Withdrawn	Yes
Discussion The appeal against Council’s refusal to issue a permit was withdrawn by the permit applicant. No reason was provided to the Tribunal or Council.								
Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin’s position upheld?
D/43/2023 P1256/2023	20 Harbury Street Reservoir North West	Construction of four (4) dwellings	Permit issued	Delegate	S80	No hearing	Varied	Yes
Discussion A consented position was reach between the permit applicant and Council. The applicant sought deletion of several permit conditions, including many related to ESD outcomes. Negotiations resulted in the deletion of one condition related to a materiality finish, the rewording of two conditions to provide greater clarity and the remaining contested conditions retained.								

Notes on Table 2

**VCAT appeal types explained:*

S77 – Section 77 Application for review of Council’s refusal to grant a planning permit, by the applicant.

S78 – Section 78 Application for review of notice or information requirements requested by Council, by the applicant.

S79 – Section 79 Application for review of Council’s failure to determine the application within the 60 day statutory timeframe, by the applicant.

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S80 – Section 80 Application for review of Council’s conditions on a planning permit, by the applicant.

S81 – Section 81 Application for review of Council’s decision to not extend a planning permit, by the applicant.

S82 – Section 82 Application for review of Council’s decision to support a proposal, by objectors.

S87A – Section 87A Application to amend a permit issued at direction of Tribunal.

***VCAT hearing types explained:*

***Practice Day Hearing** – Administration hearing - VCAT gives direction on how the case will proceed, sets dates, discusses preliminary legal issues, etc*

***Compulsory Conference** – Prior to the full hearing, parties confidentially discuss ways to resolve the case with the help of a VCAT member, may result in a mediated outcome being reached.*

***Hearing** – VCAT hearing where parties present their case and the decision is made after consideration by VCAT.*

***None (decision made on the papers)** – decision reached without the need for a hearing, usually where parties reached a mediated outcome outside of the Tribunal or where an appeal is withdrawn or struck out for administrative reasons.*

***Major Case** – Major cases are heard sooner and can reach a resolution quicker than other planning cases. Most cases are eligible to be heard as a major case, but one of the parties must pay higher fees. Applications for review under Sections 77, 79, 80 and 82 are all eligible.*

***Short Case** – These are cases which are not complex and can be handled in a short amount of time, typically involving limited issue/s and less parties. These cases are heard sooner and decisions are typically made orally at the hearing.*

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil.

8. CLOSE OF MEETING

**CITY OF
DAREBIN**

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