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## AGENDA

Planning Committee Meeting to be held at  
Darebin Civic Centre, 350 High Street Preston  
on Monday 13 November 2023 at 6.30pm.



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

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

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

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

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



### English

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

### Arabic

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

### Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

### Greek

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

### Hindi

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

### Italian

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

### Macedonian

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

### Nepali

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

### Punjabi

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

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## 1. MEMBERSHIP

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

## 2. APOLOGIES

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

## 4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

<b>Recommendation</b>
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**That** the Minutes of the Planning Committee Meeting held on 9 October 2023 be confirmed as a correct record of business transacted.

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR A PLANNING PERMIT D/381/2022 159 Collins Street, Thornbury VIC 3071

**Author:** Senior Statutory Planner

**Reviewed By:** General Manager City Sustainability and Strategy

<b>Applicant</b>	<b>Owner</b>	<b>Consultant</b>
BQ Architects	Melcas Pty Ltd	BQ Architects

### SUMMARY

<b>Property:</b>	159 Collins Street, Thornbury
<b>Proposal:</b>	The application is for the development of two (2) double-storey dwellings in a side-by-side configuration with basement car parking and roof top terraces.
<b>Car Parking:</b>	Two (2) car parking spaces are provided to each dwelling within their respective basements. The required statutory rate of car parking is met for both dwellings.
<b>Zoning:</b>	General Residential Zone – Schedule 1 (GRZ1)
<b>Overlay/s:</b>	Development Contribution Plan Overlay (DCPO)
<b>Is a Developer Contribution required?</b>	Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contribution Plan Overlay) of the Darebin Planning Scheme.  A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.
<b>Council Flooding 100YR:</b>	Yes. Part of the land (along the western boundary) is affected by 'nuisance flooding'. This flooding impact can be mitigated via a condition of approval to include a swale drain along the affected western side of the subject site.
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• A public notice sign to the front of the property.</li> <li>• Letters sent to surrounding owners and occupiers.</li> <li>• A face to face meeting with the representatives for the objectors.</li> </ul>
<b>Objections:</b>	<ul style="list-style-type: none"> <li>• 38 objections were received against this application.</li> <li>• 1 petition objection with 129 signatories.</li> </ul> <p>The key objection grounds raised include:</p> <ul style="list-style-type: none"> <li>• Overdevelopment, visual bulk and excessive height.</li> <li>• The proposed design style and scale, including dual driveways, is not in keeping with existing neighbourhood character.</li> </ul>

	<ul style="list-style-type: none"> <li>• Proposed development is inconsistent with incremental change policy affecting the area.</li> <li>• Loss of privacy and amenity for neighbours.</li> <li>• Loss of landscaping and green space with limited space for landscaping within the front, side and rear of the site.</li> <li>• Insufficient capacity for drainage and stormwater runoff.</li> <li>• Limited and reduced side/rear setbacks, including basement.</li> <li>• Overshadowing and loss of light for existing neighbours and solar panels.</li> <li>• Loss of views.</li> <li>• Noise concerns from the roof top terrace, pool pump, air-conditioners and construction of the development.</li> <li>• Development would reduce property value of neighbouring sites.</li> <li>• Inaccuracies in plans, such as the location of existing buildings and north point.</li> <li>• Loss of car parking on the street due to additional crossover</li> <li>• Would set an unwelcome precedent.</li> </ul>
<p><b>Key reasons for support:</b></p>	<p>High-quality contemporary design, supported by Council's City Designer, high level of compliance with Clause 55 (ResCode) of the Darebin Planning Scheme and would have no unreasonable off-site amenity impacts. Car parking would be provided in accordance with the planning scheme and Council policy.</p>
<p><b>Recommendation:</b></p>	<p>Notice of Decision to Grant a Planning Permit, with conditions.</p>

**Recommendation**

**RECOMMENDATION PART A**

**That** Planning Permit Application D/381/2022 be supported and a Notice of Decision to Grant a Permit be issued for the *Construction of two (2) dwellings in accordance with the endorsed plans at 159 Collins Street, Thornbury*, 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 BQ Architects; Project Number: BQ22-004; Revision number: TP02; Dated 25 October 2022; pages A2.1, A2.2, A2.3, A2.4, A3.1, A3.2, A3.3) but modified to show:
  - (a) Individual pedestrian footpaths from each dwelling entry connecting the front door/porch to the street.
  - (b) A 1.15 metre high metal slat fence perpendicular to the front fence to divide the front garden area into individual front gardens for each dwelling.

- (c) External operable sun shading devices (excluding roller shutters to windows that face the street or common areas at ground floor) to all east and west facing habitable room windows/ glazed doors. Where sun shading devices are used a dimensioned section diagram or photograph must be provided.
- (d) Fixed external sun shading devices to all north facing habitable room windows/ glazed doors where not located directly under an eave or overhang. Where sun shading devices are used a dimensioned section diagram or photograph must be provided. Shading must not extend to within 1 metre of a property boundary.
- (e) The dimensions of the internally accessible secure storage located within the basement in accordance with the requirements of Standard B30 (Storage) at Clause 55.05-6 of the Darebin Planning Scheme.
- (f) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the eastern and western sides of the existing and proposed crossover to Collins Street. Where within the site, the splays must be at least 50% clear of any visual obstructions (structures, vegetation and the like). The splays may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- (g) The first floor northern habitable room windows of the Master Bedroom for Dwellings 1 and 2 with either:
  - (i) a sill with a minimum height of 1.7 metres above finished floor level;
  - (ii) a fixed external screen with a maximum permeability of 25% to a minimum height of 1.7 metres above finished floor level; or
  - (iii) fixed obscure glazing (not film) with a maximum transparency of 25% to a minimum height of 1.7 metres above finished floor level.

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

- (h) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units, pool equipment/pumps and the like). These are to be:
  - (i) co-located where possible;
  - (ii) located or screened to be minimally visible from the public realm;
  - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
  - (iv) integrated into the design of the building.
- (i) A reference to the Tree Protection Management Plan (TPMP) required by Condition 6 of this permit, including contact details for the TPMP.
- (j) The details of the materials of the retaining walls on the plans including the Landscape Plans.
- (k) A swale drain located along the western side of the site to reduce and prevent the 'nuisance flooding' occurring over the subject site.
- (l) Any modifications required as a result of the approved Landscape Plan required by Condition 3 of this Permit.
- (m) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition 4 and 5 of this Permit.



- (n) The provisions of an Arborist Report and Tree Protection Management Plan in accordance with Condition 6 of this Permit
- (o) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition 7 of this Permit.
- (p) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition 8 of this Permit.
- (q) The provision of swale drain documentation in accordance with Condition 9 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 and drawn to scale with dimensions. The Landscape Plan must be generally in accordance with the Landscape Plan, prepared by Infinity Landscape Architects; dated 25 October 2022; pages L01B, and L02B, but modified to show:
  - (a) Tree protection measures in accordance with Condition 4 and 5 of this Permit.
  - (b) Any modifications relating to landscaping required as a result of the Water Sensitive Urban Design Plan/Report required by Condition 7 of this Permit.
  - (c) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
  - (d) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - (e) A diversity of plant species and forms.
  - (f) Five (5) medium sized canopy trees within the front setback of the proposed development. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: medium canopy (6-8 metres).
  - (g) Where the opportunity exists, an appropriate number and size of canopy trees are to be shown within the rear secluded private open space areas of each dwelling, commensurate with the size of planting area available. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation. Canopy trees must adhere to Darebin City Council's standards for canopy trees at maturity (Height x Width): small canopy trees (4-6m x 4m), medium canopy trees (6-8m x 6m), large canopy trees (8-12m x 10m).
  - (h) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.

- (i) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- (j) Hard paved surfaces at all entry points to dwellings.
- (k) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
- (l) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (m) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (n) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
- (o) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
- (p) Scale, north point and appropriate legend.
- (q) Landscape specification notes including general establishment and maintenance requirements.

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

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

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

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

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

- 4. Before the development (including demolition) starts, tree protection fencing (TPF) must be erected in accordance with the requirements of the Arborist Report and Tree Protection Management Plan to provide a Tree Protection Zone (TPZ). Refer to Condition 6 of this Permit.
- 5. The following tree protection measures must be implemented for trees identified within the Arborist Report and Tree Protection Management Plan identified in Condition 6 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 (such as temporary fencing panels) must be constructed to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.

- (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
  - (d) Except with the written consent of the Responsible Authority:
    - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
    - (ii) The area within the TPZ of all protected trees 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) Open space areas within the TPZ of the trees identified within the TPMP must remain at or above existing grade and remain permeable.
    - (i) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
    - (ii) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
  - (h) 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. Before plans are endorsed under Condition No. 1 of this Permit and before the commencement of any works including demolition and site preparation works, an amended Arborist Report and Tree Protection Management Plan (TPMP) including reports and plan/s to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Arborist Report and Tree Protection Management Plan will be approved and will then form part of this Permit. The Arborist Report and Tree Protection Management Plan must be prepared by a suitably qualified and experienced arborist. The Arborist Report and Tree Protection Management Plan must be generally in accordance with the Arborist Report and Tree Protection Management Plan, prepared by Arbor Report Victoria; dated 21 October 2022 and must incorporate:
- (a) Section 4 amended to include TPZ fencing for trees 5, 6, 8, 9, 10, 13, 14, 24 and 25 where TPZ occur onsite and all works within the TPZ's of these trees must be supervised by the project arborist. These TPZ must be added to the plan.  
Notes added where TPZ fencing is allowed to be moved for construction.
  - (b) Tree 28 protection fencing correspond with the TPZ within the nature strip.
  - (c) Amend Section 11 to reference Darebin City Council.

7. Before plans are endorsed under Condition 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
    - (i) An assessment using an industry recognised stormwater tool;
    - (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
    - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
    - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
    - (v) A construction and maintenance schedule;
  - (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
  - (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

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

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

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

9. Before plans are endorsed under Condition No. 1 of this Permit, documentation demonstrating how water flow will be adequately managed on the site via provision of a swale drain along the western side of the site, must be submitted to and approved by the Responsible Authority. This documentation should include design details, specification and calculations of the swale drain to be designed to the satisfaction of the Responsible Authority. The documentation must be prepared by a suitably qualified Drainage Engineer. When approved, the Swale Drain documentation will be endorsed and will then form part of this Permit.
10. The development must not be occupied until fences to a minimum height of 1.8 metres above natural ground level are erected along the east, west and south property boundary. The fence must be constructed to the satisfaction of the Responsible Authority.

11. Before the use starts, an automatic external lighting system capable of illuminating the entry to each unit, access to each garage and car parking space and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.  
The external lighting must be designed, baffled and located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
12. The walls on the boundary of the 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. 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.
15. 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.
16. 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.
17. A clothesline must be provided to each dwelling.
18. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
19. Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather sealcoat;
  - (d) drained;to the satisfaction of the Responsible Authority.
20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
21. Before the occupation of the development all vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
22. 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.
23. This Permit will expire if either:
  - (a) The development does not start within three (3) years from the date of this Permit; or
  - (b) The development is not completed within five (5) years of the date of this Permit.

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

- (a) Before this Permit expires;
- (b) Within six (6) months after the expiry date; or
- (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

## NOTATIONS

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

- N1. Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. To complete a satisfactory Sustainable Design Assessment (SDA) the Responsible Authority recommends the use of the Built Environment Sustainability Scorecard (BESS) to assess the developments environmental performance against appropriate standards.
- N6. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N7. This planning permit is to be attached to the "statement of matters affecting land being sold", under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
- N8. Please note the Development Contribution Plan levy will be invoiced separately.
- N9. 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.

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## 1. BACKGROUND

### 1.1 Overview of Subject Site

The land is regular in shape and measures 35.97 metres in length and 14.63 metres in width with a site area of 526.2 square metres.

The land is located on the north side of Collins Street, approximately 150 metres east of Harry Street.

The site currently contains a single storey weatherboard dwelling with a hipped tiled roof. Car access is provided via a single crossover to Collins Street, located in the south-western corner of the subject site. A single car garage/outbuilding is located along the western boundary behind the existing dwelling. The remaining land is devoted to private open space.

There are no restrictive covenants indicated on the Certificates of Title

### 1.2 Overview of Surrounding Area

To the north (rear of subject site) fronting Alston Street is the rear secluded private open space (SPOS) associated with a single storey brick dwelling with a hipped tile roof. This site features an outbuilding to the rear of the dwelling and solar panels located on the western roof plane.

To the south, opposite side of Collins Street is a medium density housing development comprising of three (3) double storey brick and weatherboard dwellings with metal hipped roofs.

To the east is a double storey weatherboard and rendered dwelling with a tiled gable roof. This dwelling has a ground level front setback of 7.1 metres with the first floor projecting over the ground level porch at a height greater than 3.6 metres and is setback 6.3 metres. The dwelling has an attached garage constructed to the eastern boundary and several outbuildings to the rear of the dwelling, also constructed along the eastern boundary of this site.

To the west is a double storey weatherboard dwelling with tiled gable roof. This dwelling has a front setback of 6 metres. A detached garage is located to the rear of the dwelling constructed along the north-eastern common boundary of the subject site. Solar panels are located on the first floor northern and western roof planes.

The surrounding area is generally developed with a mixture of single detached dwellings and multi dwelling developments on large lots that provide for front and rear gardens. There are several medium density dwelling developments in the vicinity of the site, including but not limited to, No. 152 (eight apartments within a double storey building), No. 172 (three double storey dwellings), No. 174 (one single storey and one double storey dwellings), No. 175 (two double storey dwellings), No. 192 (three double storey dwellings), and No. 194 (three single storey dwellings).

On-street car parking is unrestricted on Collins Street and on the immediately surrounding streets.

The site is within the 400 metre Principal Public Transport Network (PPTN).

The site is located approximately 85 metres north of Hayes Park.

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

## 2. PROPOSAL

The application is for the construction of two (2) double storey dwellings on the lot, both with basement car parking for two (2) cars, a roof top terrace and a swimming pool.

Both dwellings would feature 4 bedrooms and are designed with a traditional layout. An open plan living, dining and kitchen and one (1) bedroom is located on the ground floor, while the remaining three (3) bedrooms are located on the first floor along with a rumpus room.

The development proposes a side-by-side format with a pool for each dwelling located within their respective rear secluded private open space areas. Basement carparking is proposed for each dwelling with a turntable parking disc to allow for the cars to enter and exit in a forward direction for safety. Each dwelling would have a roof top terrace, with views towards Collins Street.

The development proposes a contemporary design, featuring flat roofs and an articulated built form incorporating a sculptural façade with quality face bricks, textured render, and timber cladding finish in neutral and natural tones.

One existing crossover to Collins Street is to be retained and one new crossover is proposed, both providing access to basement car parking.

The development plans form **Appendix C**.

### 2.1 Planning Permit History

Council’s records do not show any recent planning 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 32.08-6 General Residential Zone	A permit is required to construct two (2) or more dwellings on a lot.

## 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 a sign on the frontage of the site

Council has received 38 objections and one (1) petition with 129 signatories. A map identifying the general location of objectors forms **Appendix D**.

### 3.2 Objections summarised.

The key issues raised in objections are:

- Overdevelopment, visual bulk and excessive height.



- The proposed design style and scale, including dual driveways, is not in keeping with existing neighbourhood character.
- Proposed development is inconsistent with incremental change policy affecting the area.
- Loss of privacy and amenity for neighbours.
- Loss of landscaping and green space with limited space for landscaping within the front, side and rear of the site.
- Insufficient capacity for drainage and stormwater runoff.
- Limited and reduced side/rear setbacks, including basement.
- Overshadowing and loss of light for existing neighbours and solar panels.
- Loss of views.
- Noise concerns from the roof top terrace, pool pump, air-conditioners and construction of the development.
- Development would reduce property value of neighbouring sites.
- Inaccuracies in plans, such as the location of existing buildings and north point.
- Loss of car parking on the street due to additional crossover
- Would set an unwelcome precedent.

**3.3 Consultation Meeting**

Post public notification a consultation meeting was arranged between Council officers and key representatives of the objectors, to allow for further discussion and explanation related to the key grounds of objection raised.

Following this meeting, discussions were then held between Council officers and the applicant to discuss ongoing objectors concerns and seek further clarity on specific information relating to shadow diagrams, the accuracy of north points shown on the plans and any impacts on existing solar panels on neighbouring lots that would result from the development. As a result of this consultation, the applicant provided additional documentation relating to these concerns associated with overshadowing and north points (refer to **Appendix C** for documentation). This additional documentation was sent to all objectors for their information and importantly, confirmed that the plans are accurately drafted and that there would be no impact on existing solar panels (refer to Section 7.4 for further information).

**4. REFERRALS**

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

Internal Business Unit	Comments
Capital and Major Projects	<p>Supports the proposal subject to drainage being provided to the satisfaction of the Responsible Authority.</p> <p><b>Officer Comment:</b> Conditions of the recommendation have been included to this effect.</p>

Climate Emergency and Sustainable Transport Unit.	Supports the proposal as the crossovers can be reduced to 2.75 metres in compliance with <u>Vehicle Crossing Policy – October 2014 drawing number DS4</u> attached as <b>Appendix E</b> .  <b>Officer Comment:</b> No objections received.
Integrated Water Management.	Supports the proposal subject to the inclusion of a condition to include a swale drainage system along the affected western side of the subject site.  <b>Officer Comment:</b> Conditions of the recommendation have been included to this effect.
Tree Management Unit.	Supports the proposal, subject to the Tree Protection Management Plan (TPMP) being amended to include additional tree protection measures for adjoining neighbour's trees, alter the proposed Tree Protection measures for the nature strip tree and correct the Section 11 of the plan to refer to Darebin City Council.  <b>Officer Comment:</b> Conditions of the recommendation have been included to this effect associated with the TPMP.

The proposal was not required to be referred to any external referral authorities.

## 5. PLANNING POLICY

### 5.1 Planning Policy:

The following policies are of most relevance to this application:

#### Planning Policy Framework (PPF)

- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13)
  - Noise (Clause 13.05)
- Built Environment and Heritage (Clause 15)
  - Urban Design – Metropolitan Melbourne (Clause 15.01-1R)
  - Building Design (Clause 15.01-2S)
  - Healthy Neighbourhoods – Metropolitan Melbourne (Clause 15.01-4R)
  - Neighbourhood character (Clause 15.01-5S)
- Residential Development (Clause 16.01)
- Land use and Transport (Clause 18.01)
- Infrastructure (Clause 19)
  - Development Infrastructure (19.03-5S)

#### Local Planning Policy Framework (LPPF)

- Introduction (Clause 21.01)
- Environment (Clause 21.02)
- Housing (Clause 21.03)
- Transport and Infrastructure (Clause 21.05)

- Neighbourhood Character (Clause 22.02)

**Zone:**

- General Residential Zone – Schedule 1 (Clause 32.08)

**Overlays:**

- Development Contributions Plan Overlay (Clause 45.06)

**Particular Provisions:**

- Car Parking (Clause 52.06)
- Stormwater Management in Urban Development (Clause 53.18)
- Two or More Dwellings on a Lot (Clause 55)

**Neighbourhood Character Study:**

- Precinct F4 – Post-war

**Recent Planning Scheme Amendment:**

Amendment VC243 gazetted on 22 September 2023 made changes to the Victoria Planning Provisions (VPP) and all planning schemes to codify residential development standards, implement the Future Homes project across Victoria, remove permit requirements for single dwellings on lots of 300 square metres or more and introduce VicSmart permits for single dwellings on lots less than 300 square metres. These changes support the delivery of housing in Victoria.

The amendment 'codified' specified residential development standards at clauses 54 and 55 of the VPP in all planning schemes, to facilitate assessment of these standards. The operation of the provisions is modified to state that where the standard is met, the objective is deemed to have been met, and the associated decision guidelines for the standard are not required to be considered.

Therefore, as the development complies with the Clause 55 Standards (some subject to conditions) the development is deemed to comply with the objectives of Clause 55. Refer to Appendix F for further details on compliance.

## **6. RESPONSE TO OBJECTORS CONCERNS**

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

- Overdevelopment, visual bulk and excessive height.
- The proposed design style and scale, including dual driveways, is not in keeping with existing neighbourhood character.
- Proposed development is inconsistent with incremental change policy affecting the area.
- Loss of privacy and amenity for neighbours.
- Loss of landscaping and green space with limited space for landscaping within the front, side and rear of the site.
- Limited and reduced side/rear setbacks, including basement.
- Overshadowing and loss of light for existing neighbours and solar panels.
- Loss of car parking on the street due to additional crossover

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

Noise concerns from the roof top terrace, pool pump, air-conditioners and construction of the development.

Noise from trucks etc. during the construction phase of development is a temporary and unavoidable consequence of development and not a reason to refuse development. Construction techniques and effects – noise, dust, stability of existing foundations and damage to nearby dwellings are not a consideration under the Planning & Environment Act or Darebin Planning Scheme. An owner who is proposing building work has obligations under the Building Act 1993 to protect adjoining property from potential damage from their work.

Noise impacts from mechanical systems would be moderated by standard planning permit conditions requiring systems be appropriately sited and/or acoustically screened to properly limit impact on adjoining properties to Council satisfaction. The proposed turntables for the cars are centrally located within the development to provide an adequate buffer to adjoining properties mitigating any possible impacts.

The proposed use is residential and will have noise impacts consistent with those normal to a residential zone, unlike a commercial or an industrial use which would create noise impacts that are not normal to a residential zone. Speech, laughter, music etc. are noises associated with people living their lives and are all part of life in an urban area. Inclusion of a pool in the rear secluded private open spaces is a reasonable and contemporary use of the land for recreation normal to a dwelling within a residential setting.

Development would reduce property value of neighbouring sites.

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

Would set an unwelcome precedent.

The proposal is supported by Council's City Designer and broadly addresses Council's Good Design goals with a high-quality design that is an example of emerging preferred character, on a large well-located site that could accommodate two dwellings.

Insufficient capacity for drainage and stormwater runoff.

Council's Assets and Capital Delivery unit have indicated support for the development, subject to standard conditions requiring drainage of the site to Council's satisfaction. The proposal would not place an unreasonable strain on existing local infrastructure.

Loss of views.

The Tribunal has consistently held that there is no legal entitlement to a view, similarly no Design and Development Overlay applies which might require the protection of/ or sharing of view lines.

Inaccuracies in plans, such as the location of existing buildings and north point

After further discussions and consultation with the applicant, it was confirmed that the north point depicted on the plans is the true north point which corresponds with the survey plans provided by Terrain Consulting Group. Further shadow diagrams provided show both the true north point, (originally detailed on the plans) and the solar north point.

These plans confirm that the true north point was accurately shown on the advertised plans along with the extent of overshadowing in accordance with the solar north point.

## 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 supported by State policy, in particular:

- Clause 11.02-1S seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Clause 15.01-1S sets out urban design guidance to achieve a high-quality built environment and public realm.
- Clause 15.01-4S seeks to create neighbourhoods that foster healthy and active living and community wellbeing.
- Clause 16.01-1S seeks to encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Clause 16.01-1R seeks to identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne.
- Clause 18.01-1S seeks to design neighbourhoods to better support active living and increase the share of trips made using sustainable transport modes.

Overall, the site is well-located and suitable for redevelopment for the purpose of one (1) additional dwelling on the land (net).

The provisions of the Local Planning Policy Framework provide further guidance on the expected form, scale and intensity of development appropriate for this site.

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

The subject site is identified as an area of incremental change in the Strategic Housing Framework Plan at Clause 21.03:

*"Residential and commercial areas that have the capacity to accommodate a moderate level of residential development over time. It is expected that the general character of Incremental Change Areas will evolve over time as new modest types of development are accommodated."* (Clause 21.03)

#### Clause 21.03 – Housing

The Strategic Housing Framework Plan builds on the directions for residential land use and development in Darebin as set out by the Darebin Housing Strategy (2013). The policy states that Incremental Change Areas generally display one (1) or more of the following characteristics:

- *A diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character. Typically areas include some medium density and small apartment development, but the predominant dwelling stock is single to double storey dwellings.*

- *Have some stand-alone or small clusters of heritage sites, including along strategic corridors, however are generally unaffected by extensive heritage recognition.*
- *Are located:*
  - *within an 800 metre walkable catchment of an activity centre*
  - *generally within an 800 metre walkable catchment of train, tram or SmartBus services.*

The site meets the characteristics for an Incremental Change area and the proposal results in an acceptable level of development envisaged in this context while also addressing increase in housing density, diversity of lot sizes and housing stock with regard to Council's Housing Strategy under Clause 21.03 of the Darebin Planning Scheme.

The proposed development of two (2) dwellings is an acceptable level of development envisaged in this context, given the site area and location in proximity to services and public transport. The site is located approximately 1.5 kilometres east of the High Street Activity Centre and Hayes Park is accessible to the south. The site is located within the 400 metre Principle Public Transport Network Area (PPTNA) buffer area and has reasonable access to public transport including proximate bus routes along Albert Street and Dundas Street. The surrounding local area features evidence of housing change with different building typologies such as single dwellings, 1970s walk up block of flats, as well as more recent contemporary and reproduction style medium density development dwellings.

The development proposes a medium density typology which sits between two existing double storey dwellings. It aligns with the Council-adopted goals contained in the Darebin Good Design Guide for Medium Density. Overall, the proposed development would be representative of an emerging preferred character for the area.

#### General Residential Zone – Clause 32.08

The proposal responds to the purpose of the zone, which ensures the development would implement the Municipal Planning Strategy and Planning Policy Framework. The consideration of a medium density development is based on its compliance with a set of criteria outlined in the Darebin Planning Scheme. The Victorian State Government has a clear policy on urban consolidation which is heavily dependent on medium density housing development. The development responds to the neighbourhood character of the area, as outlined later in this report. A suitable housing typology is provided in context of the applicable zoning and housing change designation. Ample car parking is provided on site (assessed further in Section 7.5 below) and the subject site is well-located to provide access to services, commercial centres, schools, and public transport for future residents.

The zoning of the land (GRZ1) allows a maximum building height of three (3) storeys and not more than 11.0 metres. The proposal is two (2) storeys, with access to a basement and roof top terrace. The basement is not considered a storey in and of itself as it does not project more than 1.2 metres above ground level. The overall maximum height of the development from the natural ground level is 8.44 metres and therefore complies with the zoning requirements. The design is of a high quality, innovative and is consistent with the Good Design guidelines and complies with the requirements of Clause 55.

The front setback and minimal side setback patterns of the surrounding built form are provided in the proposed development. A generous rear set back is provided which is reflective of setback patterns proximate to the site, both for existing single dwellings and sites with multi-unit redevelopments.

Notably the development has been orientated so that the open plan living space has direct northern aspect to improve the energy efficiency of the dwellings, while the double storey built form is set back approximately 1.7 metres – 6.0 metres from the shared boundary. The proposal will provide a more consistent separation between dwellings which is more typical of the local streetscape.

The roof form is typical of the emerging preferred contemporary character across the municipality. The car parking is largely recessive being below street level and set back from the street interface by approximately 10 metres.

The proposal provides satisfactory space for front and rear gardens. Five (5) canopy trees have been proposed within the front setback to improve the landscaping contribution to the street. Should the development be supported, the Tree Protection Management Plan would be required to be updated via a condition of approval to include the protection of additional neighbouring trees to ensure the existing landscaping of the area is maintained and protected. The development would result additional canopy cover across the subject site, particularly increasing the amount of vegetation visible to the street.

The proposed façade incorporates curves, glazing, robust materials and sculptural detailing which responds to the post-war architecture detailing – albeit in a contemporary manner.

Regarding pedestrian safety concerns with vehicles exiting from the basement, the development would include a vehicle turntable for each dwelling, allowing vehicles to exit from the basements in a forward direction. This arrangement allows for the safety for future residents of the development, pedestrians along Collins Street, and other cars on the street, by minimising the potential for conflict between vehicles and pedestrians due to increased visibility. Visibility splays would also be required as condition of any permit issued.

The application exceeds the minimum garden area requirement of the zone, with 39.7% (208.8 square metres) of the site for garden area, with minimum mandatory requirement being 30% of the site area.

### **7.3 Does the proposal respond to neighbourhood character and to Council's preferred future character?**

#### Neighbourhood Character Precinct Guidelines

The subject site is in Precinct F4 (Post-war) of the Darebin Neighbourhood Character Study.

Local policy in Clause 22.02 directs that new development contributes to the preferred future character of the precinct while retaining and enhancing existing elements that contribute to local character. Clause 21.03-2 acknowledges the challenge is accommodating the required increase in dwellings in locations with good public transport access, while conserving and enhancing the valued character and heritage qualities of residential areas.

The preferred character statement for Precinct F4 encourages new dwellings adopt a contemporary architectural style, that also maintain the consistent setbacks, height and scale of buildings in the area. With front gardens becoming a more prominent feature of the precinct through increased planting of shrubs and canopy trees and keeping front fences low to medium height and transparent. The proposed development achieves these objectives.

The scale and form of the proposal is characteristic of the emerging preferred residential character within the broader municipality, The new dwellings will sit between double storey dwellings on either side of the development. Similar scaled developments with reduced side setbacks containing single dwellings are located at No. 167 and No. 169 Collins Street. There is a mixture of housing typologies in the immediately surrounding area.

Single dwellings in the area are predominantly single or double storey and generally subject to minor redevelopments, such as rear and upper storey extensions. There are however medium density developments nearby and directly opposite the subject site. Although the development does propose a basement and roof top terrace, which are not typical within the area, the development has been designed to minimise the visibility of these features to the streetscape. This is done by ensuring the basement is below ground level, along with the inclusion of a front fence to reduce visibility of the driveways. This is designed to ensure the front elevation is not dominated by car parking structures. The roof top terrace is well setback and designed to blend into the roof form of the first floor to help reduce its visibility.

The proposed development is a contextual response that provides a high-quality outcome in terms of neighbourhood character. The two dwellings display a balance and symmetry in their façade duplication to allow for the dwellings to read as one form to the street, while referencing postwar architecture in an innovative way through the interpretation of materials and a unique take on 1950's architecture style. The proposed dwellings do not seek to reproduce surrounding period dwellings, rather they adopt key elements of the existing neighbourhood character in a contemporary manner.

The design maintains a consistent sense of space between buildings, while a low, transparent front fence maintains openness to the street. No walls are proposed on side boundaries of the ground and first floors (with the exception of the eastern basement wall; refer to section 7.4 for further details), to ensure the rhythm of the street is protected along the streetscape. The increase in the scale of built-form is commonplace in the context of contemporary inner-urban development and increased densification sought by the Darebin Planning Scheme.

The front setback satisfies the requirements of Clause 55.03-1 and the five (5) canopy trees proposed would further reduce the visual impact of the development within the streetscape. The materials palette of the development is robust and neutral, offering a contemporary interpretation of existing local materiality and cladding to create visual interest.

The development responds satisfactorily in a contemporary manner to key elements of the neighbourhood character, as outlined in the Precinct Guidelines. The design guidelines relating to neighbourhood character, design, form and materials are addressed in full within **Appendix F**.

#### Darebin Good Design Guide

The proposal is highly responsive to Darebin's Good Design Guide for Medium Density Development, which correlates with the proposal satisfactorily meeting neighbourhood character objectives.

Specifically, the proposal responds to the Darebin Good Design Guide in the following ways:

- The development provides high-quality architectural design that responds to the local character in a contemporary and innovative way, using a side-by-side attached typology.
- The proposed structure uses bold sculptural forms and restrained articulation creating a cohesive distinct appearance which provides visual interest in the street.
- Car parking is recessive, being provided in a basement for each dwelling, with front fencing further reducing visibility of the car parking facilities.
- The existing pattern of landscaping is maintained within the street.
- There is limited offsite amenity impacts in terms of overshadowing.



- The proposal provides well-articulated dwelling entries for shelter and sense of address.
- Street interface fenestration provides a balance of passive surveillance and privacy.
- The development maintains the rhythm of dwellings fronting the street by providing an appropriate front setback and improves consistency of side setbacks between buildings evident in the street.
- A minimal palette of materials is used to reduce visual clutter and the architectural expression is consistent across the development.
- The proposed built form is increasingly typical of the emerging preferred contemporary character across the municipality. Council-adopted Good Design guidelines seek to encourage innovative high-quality architecture that is not inappropriately encumbered by existing and notionally increasingly out-dated neighbourhood character guidelines. The proposed dwellings, while large in comparison to adjoining dwellings, are representative of market-led preferences for contemporary dwellings and subject to conditions (detailed within the recommendation) largely comply with the relevant requirements of Neighbourhood Character and ResCode. This is discussed further in Section 7.4 of this report below.

#### **7.4 Does the proposal provide an acceptable response to Clause 55?**

The assessment below addresses key Clause 55 standards with respect to amenity impacts, objector concerns and any areas of direct non-compliance with Clause 55 standards that are being supported as compliant with the relevant Clause 55 objective, either as presented or through conditions of approval.

The table at **Appendix F** of this report provides an overview of compliance with all Clause 55 standards and objectives. All standards and objectives of Clause 55 are met through the current design.

##### Clause 55.03-1 B6 Street Setback

The front setbacks of the adjoining dwellings are 6.3 metres (measured to the first floor that is located over the porch and has a height above 3.6 metres) and 6.0 metres. The standard therefore requires a setback of 6.15 metres.

The proposed front setback to the ground floor wall is 7.166 metres; however, as the porch is higher than 3.6 metres (3.9 metres) the setback will be required to be measured to the porch of 6.15 metres, therefore, the proposal complies with the standard.

The setback addresses the relevant requirements of the Neighbourhood Character Study, in that it allows adequate provision for landscaping.

The dwellings front façades are appropriately articulated.

The front setback will not result in unreasonable visual bulk when viewed from the street or adjoining properties.

The proposed setback results in efficient use of the site.

##### Clause 55.03-2 B7 Building Height

The proposed dwellings have a maximum height of 8.44 metres from the natural ground level, which complies with the standard requiring a maximum height not exceeding 11.0 metres or three storeys at any point.

Clause 55.03-5 B10 Energy Efficiency

The proposal is generally energy efficient due to the following:

- Attached construction.
- Cross ventilation is available in the design.
- Open space and living areas with access to north light.
- Space for outdoor clothes drying facilities.

A condition of approval will require fixed shading devices on the northern habitable room windows and glazed doors and adjustable shading devices on the eastern habitable room windows and glazed doors to improve the energy efficiency of the dwellings.

An additional key consideration under this standard relates to the impact of proposed development on existing solar energy systems for dwellings on adjoining lots. The performance of the existing solar panels to the adjoining dwelling to the west (157 Collins Street) would not be unreasonably impacted by the proposed development. Plans illustrate that the proposed development would result in no overshadowing of the existing solar panels to the west during the Spring Equinox (September 22) and very minor overshadowing during the Winter Solstice (June 22) at 9am only (1.4% of the panels shaded at this time). This level of increased shadow is not unreasonable and would have minimal impact on the overall performance of the existing solar energy system. A detailed assessment of the proposed development's potential impacts on the neighbouring solar energy system is provided at **Appendix G**.

Clause 55.03-8 B13 Landscaping

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

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

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

Clause 55.03-9 B14 Access

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

The width of the accessway is 3.0 metres for most parts, with the expectation of it being reduced to 2.75 metres where it meets the crossover. This reduction in the accessway complies with Council's *Vehicle Crossing Policy – October 2014 drawing number DS4*, which allows for a minimum of 2.75 metres.

The two (2) crossovers to the street, taking up 37.6% of the frontage, is acceptable given that the standard requires that no more than 40% of the frontage should be taken up by vehicle accessways.

Adequate turning areas are provided to allow vehicles to enter and exit the site in a forward direction through the inclusion of a vehicle turntable located within the basement.

Clause 55.04-1 B17 Side and Rear Setbacks

All side and rear setbacks at all ground floor, first floor and the roof top terrace comply with the standards of B17. The height and setback of the dwellings respects the existing and preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Clause 55.04-2 B18 Walls on Boundaries

The standard requires that a wall be of a length of no more than 10 metres plus 25% of the remaining length of the boundary of an adjoining lot and a height not exceeding an average of 3.2 metres. The proposed development complies with this requirement, with the only wall located on the boundary being part of the eastern basement wall that protrudes above the natural ground level, with a maximum wall on boundary length of 3.44 metres and a maximum wall on boundary height of 0.22 metres.

Clause 55.04-3 B19 Daylight to Existing Windows

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

Upper floor walls are set back at least half their height from neighbouring windows.

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

Clause 55.04-5 B21 Overshadowing

Overshadowing of adjoining open space meets the standard and objective. A set of shadow diagrams have been provided and forwarded to all objectors for information purposes.

Overshadowing of neighbouring properties to the east and west by the proposed dwellings is minimal, with at least 40 square metres of neighbouring dwellings' secluded private open space with a minimum dimension of 3.5 metres, receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September. The development does not cast any shadows on the secluded private open space of the dwelling to the north.

Therefore, the proposed development does not significantly overshadow existing secluded open space.

Clause 55.04-6 B22 Overlooking

The proposed dwellings are double storey, with access to a roof top terrace and have ground floor finished floor levels less than 0.8m above natural ground level at the boundary.

The 2.0 metre high boundary fence with the inclusion of an addition 0.5 metre lattice on top for the northern and eastern boundaries, and the 1.9 metre high fence on the western boundary detailed on the plans, will sufficiently limit overlooking for the ground floor.

Subject to a condition requiring screening to the first floor northern Master Bedroom windows for both dwellings, all upper storey windows are appropriately designed and/or screened to ensure no overlooking.

The roof top terraces include fixed louvers with a transparency of no more than 25% at a height of 1.7 metres from the finished floor level to prevent overlooking.

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

Clause 55.04-8 B24 Noise Impacts

There are no obvious noise sources to or from the development. A condition of approval will require confirmation on the plans that air conditioning units and other services (including pool equipment and pumps) are suitably located to minimise noise impacts on the surrounding properties. Such infrastructure is commonplace in residential areas and if appropriately located would be acceptable.

Clause 55.05-4 B28 Private Open Space

The development provides adequate private open space (POS) for the reasonable recreation and service needs of residents. Each dwelling is provided with in excess of 120 square meters of POS, of which a minimum of 48 square metres with a minimum dimension of 6.5 metres is deemed secluded, which meets the varied requirements of Standard B28 for Secluded Private Open Space in the General Residential Zone – Schedule 1. All secluded private open space areas have direct access to a living room.

It is noted that the development would also include an additional 20 square meter roof top terrace for each dwelling, which are adequately setback and screened to ensure impacts to neighbouring properties are minimised.

Clause 55.05-6 B30 Storage

Adequate storage facilities are provided for the dwellings. This is provided in the form of internally accessible secure storage located within the basement. A condition of the approval would require confirmation on the plans that the storage complies with the minimum requirement of the standard, i.e., 6 cubic metres minimum.

**7.5 Is the proposal acceptable with respect to transport impacts and car parking provision?**

Clause 21.05-2 (Integrated and Sustainable Transport) of the Darebin Planning Scheme seeks to manage the provision of car parking and congestion of car parking in Darebin and encourage use of sustainable transport modes to reduce car parking demand.

The proposal provides two (2) basement car spaces for each dwelling, which complies with the requirements in Clause 52.06-5 in relation to car parking provision for new dwellings.

There is sufficient width between the existing crossover and the proposed crossover to allow for one (1) on street car parking space. In addition, up to four (4) vehicles will be accommodated within the development. Overall, the development complies with Standard B14 Access (which requires no more than 40% of the frontage width to be provided as crossovers), with crossover taking up only 37.6% of the frontage width.

Council's Climate Emergency and Sustainable Transport Unit did not object to the proposal regarding traffic, car parking or vehicle safety impacts on the local street network.

Design Standards for Car Parking

The car parking spaces and accessways enable efficient use and management of the site. The application has been assessed against the Car Parking Design Guidelines of Clause 52.06 and meets the relevant requirements for accessway length, width, gradient, safety and car parking space dimensions.

While the width of the accessway is reduced to 2.75 metres where it meets the crossover, this variation to the *Design Standard 1 – Accessway* (Clause 52.06-9) is supported under Council's *Vehicle Crossing Policy – October 2014 (Appendix E)*. It is noted this reduction to the crossover/accessway is supported by Council's Climate Emergency and Sustainable Transport Unit.

Visibility splays are required at the accessway interface with the footpath to protect pedestrians. A condition of approval would require these to be detailed on the plans.

### **7.6 Does the proposal provide a suitable response to environmental and sustainability requirements?**

The proposal satisfactorily responds to guidelines at Clause 22.12 (Environmentally Sustainable Design) and Clause 52.18 (Stormwater Management in Urban Development).

Provision of a Sustainable Design Assessment report is not mandatory for applications of two (2) dwellings on a lot; however, a Water Sensitive Urban Design report including a STORM assessment would be required in accordance with Clause 53.18. The development application indicates that the proposal would include Water Sensitive Urban Design initiatives and adequately manage Stormwater runoff during the life of the development. A condition of approval would require the Water Sensitive Urban Design plan to comply with this clause of the planning scheme.

A condition of approval would also require a Site Environmental Management Plan to ensure stormwater run-off is managed during the construction phase.

The subject site has been identified with part of the land (along the western boundary) affected by '*nuisance flooding*'. A condition of approval would require a swale drain to be provided along the affected western side of the subject site to the satisfaction of the Responsible Authority.

## **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

### Attachments

- Location Map - 159 Collins Street, Thornbury - D/381/2022 (**Appendix A**) [↓](#) 
- Zoning Map - 159 Collins Street, Thornbury - D/381/2022 (**Appendix B**) [↓](#) 
- Development Plans - 159 Collins Street, Thornbury - D/381/2022 (**Appendix C**) [↓](#) 
- Objector Radius Map - 159 Collins Street, Thornbury - D/381/2022 (**Appendix D**) [↓](#) 
- Vehicle Crossing Policy, October 2014, Drawing DS4 - 159 Collins Street, Thornbury - D/381/2022 (**Appendix E**) [↓](#) 
- Reference Tables - 159 Collins Street, Thornbury - D/381/2022 (**Appendix F**) [↓](#) 
- Practice Note Assessment PPN88: Planning for domestic rooftop solar energy systems - 159 Collins Street, Thornbury - D/381/2022 (**Appendix G**) [↓](#) 

## DISCLOSURE OF INTEREST

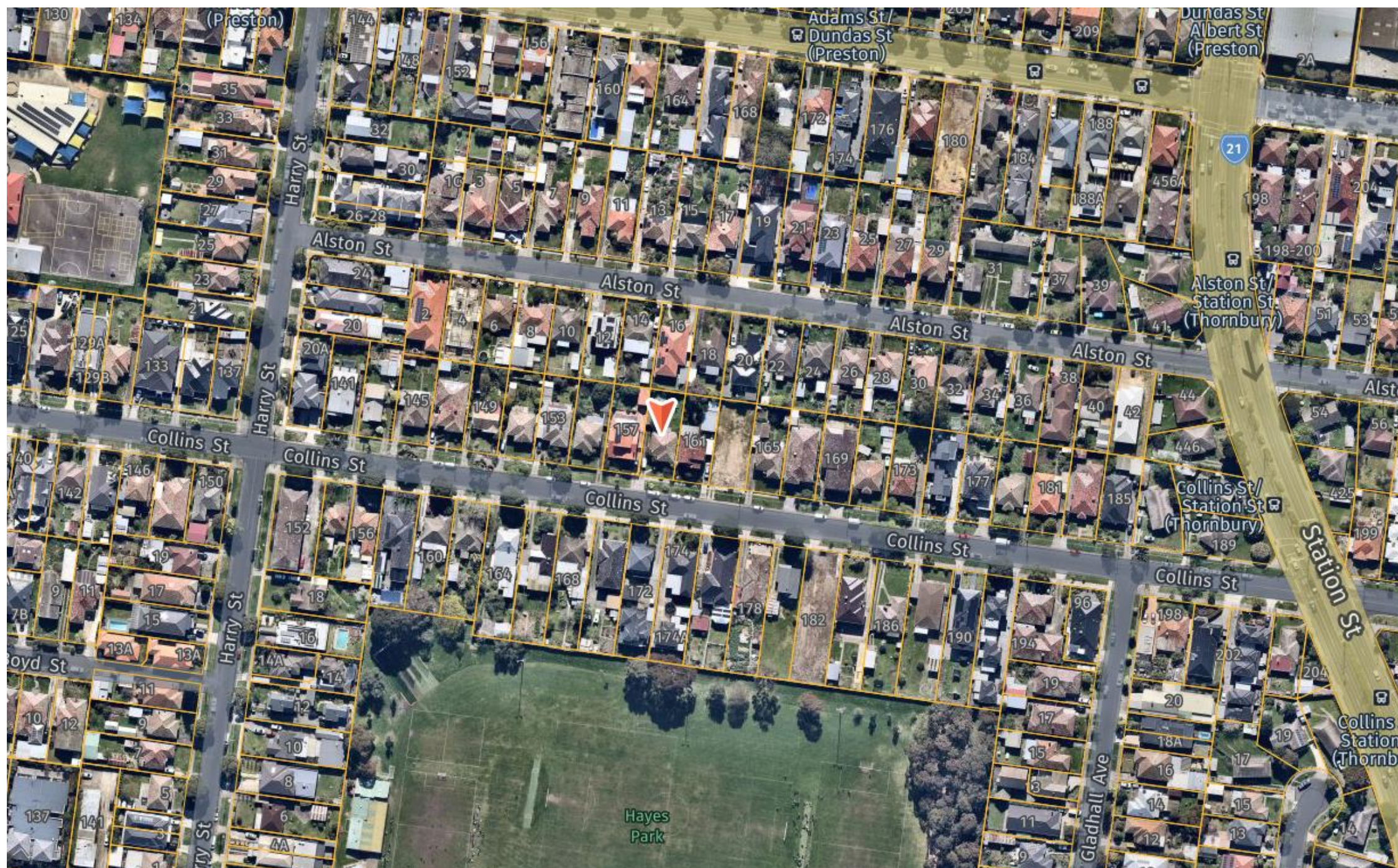
Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

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.

**159 COLLINS STREET THORNBURY 3071**

**Appendix A – Location Map**

Source: Nearmap, 3 September 2023  
Darebin City Council



**159 COLLINS STREET THORNBURY 3071**

Appendix B – Zoning Map  
Darebin City Council



Suburb: THORNBURY  
Ward: South East  
Charge Area  
Property No  
Area (m<sup>2</sup>)  
Planning Zone [GRZ1, Schedule](#)  
DCPO: [DCPO, Schedule](#)  
DDO:  
EAO:  
ESO:  
HO:  
IPO:  
LSIO:  
PAO:  
RXO:  
SBO:  
VPO:

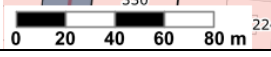
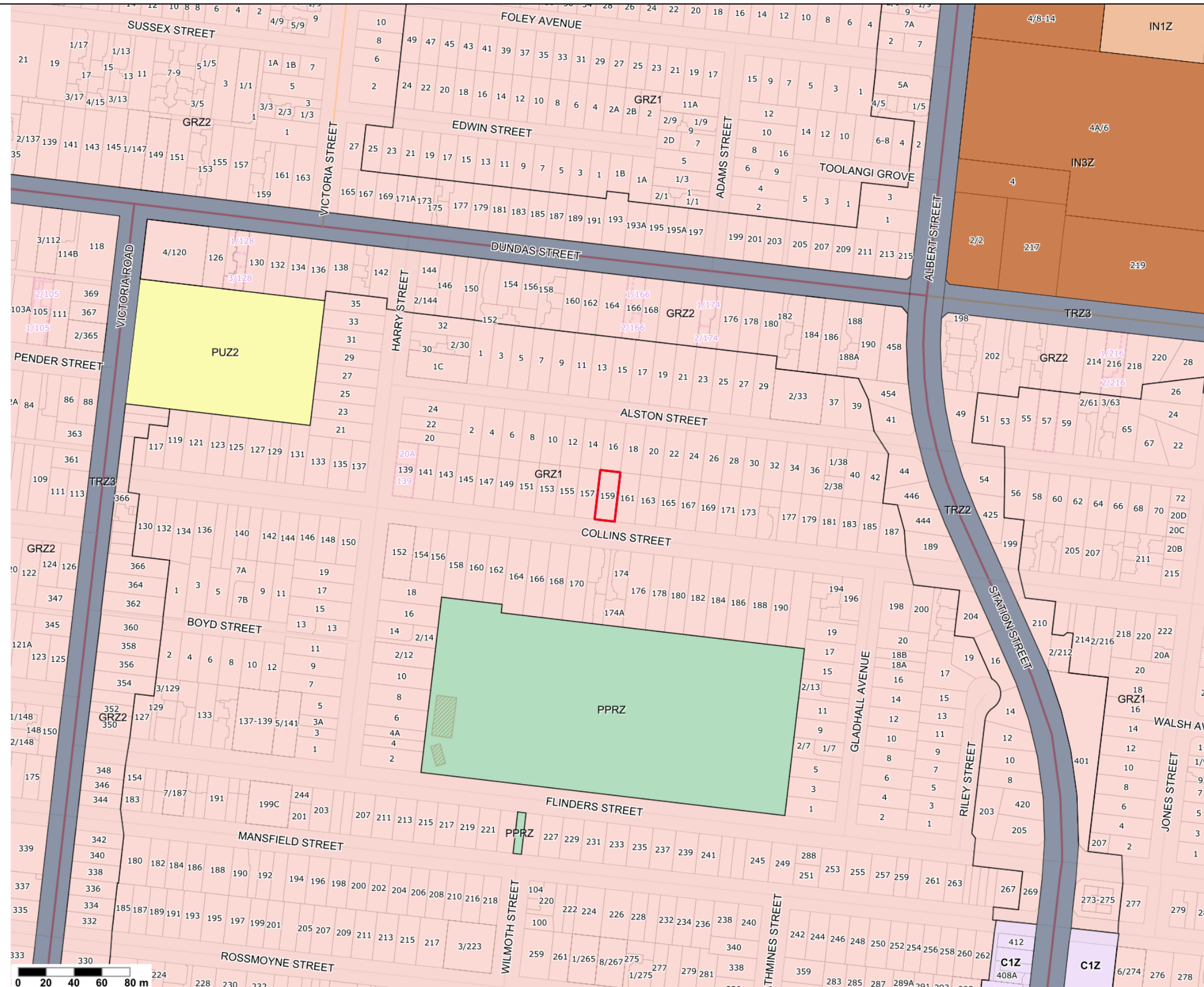
Aboriginal  
Heritage

Neighbourhood [F4 : Post-war](#)  
Character

Housing [INCREMENTAL](#)  
Change  
Framework

High Street  
Precinct

Applications  
Open  
Closed





Contents	
A0.1	Aerial View
A0.2	Land & Feature Survey
A0.3	Neighbourhood Character Study
A1.1	Existing Site/Demolition Plan
A1.2	Design Response Plan
A1.3	Existing & Proposed Streetscape Elevations
A2.1	Proposed Basement Plan
A2.2	Proposed Ground Floor Plan
A2.3	Proposed Level 1 Floor Plan
A2.4	Proposed Roof Terrace Plan
A3.1	Proposed Elevations/Materials
A3.2	Proposed Elevations
A3.3	Proposed Sections
A4.1	Shadow Analysis - 9am
A4.2	Shadow Analysis - 12pm
A4.3	Shadow Analysis - 3pm
A5.1	Proposed Garden Area Plan
A6.1	Proposed 3D Views
A6.2	Proposed 3D Views
A7.1	WSUD Plan



artist impression

**Project:**  
 Townhouse Development  
 159 Collins St Thornbury

**Stage:**  
 Town Planning RFI  
 Response - TP02

**Client:**  
 John Fakhri

**Municipality:**  
 Darebin

20221025

Development Summary

site: 526.2m<sup>2</sup> (approx.)  
 proposed coverage: 263.0m<sup>2</sup> (50%)  
 permeability: 121.8m<sup>2</sup> (23.2%)  
 garden area: 208.8m<sup>2</sup> (39.7%)

**Dwelling 1:**

basement: 148.4m<sup>2</sup> (excl. ramp)  
 ground level: 123.1m<sup>2</sup>  
 level 1: 115.0m<sup>2</sup>  
 balcony: 3.1m<sup>2</sup>  
 roof terrace: 39.6m<sup>2</sup>  
 s.p.o.s: 48.0m<sup>2</sup>

**Dwelling 2:**

basement: 157.4m<sup>2</sup> (excl. ramp)  
 ground level: 124.8m<sup>2</sup>  
 level 1: 115.0m<sup>2</sup>  
 balcony: 3.1m<sup>2</sup>  
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 s.p.o.s: 48.0m<sup>2</sup>



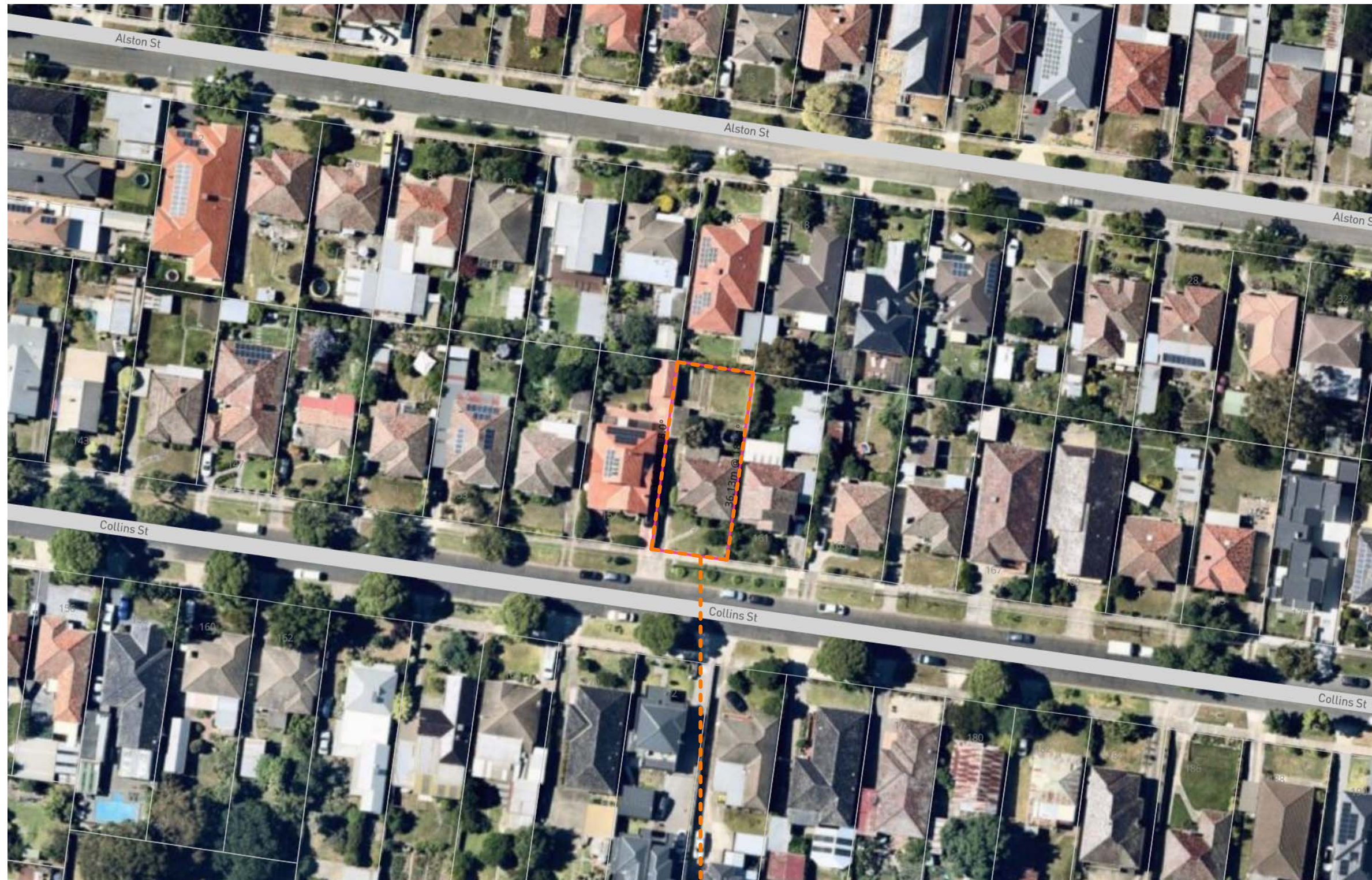
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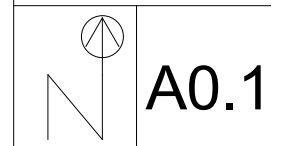


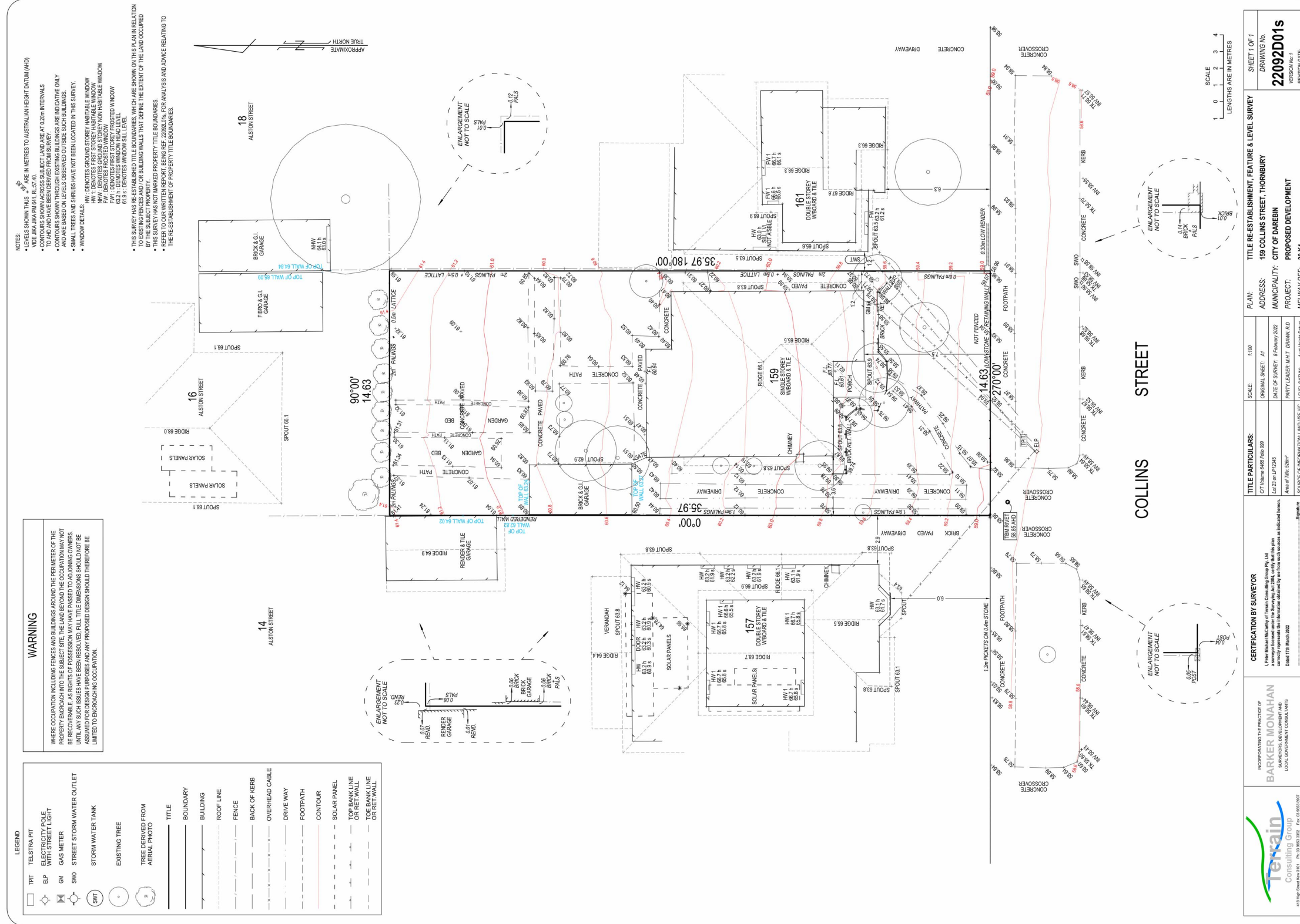
SUBJECT SITE

Darebin City Council Received 25-10-2022

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Aerial View	
Project number	BQ22-004
Date	2022/10/25
Scale	@ A1





Darebin City Council Received 25-10-2022



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No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Land & Feature Survey	
Project number	BQ22-004
Date	2022.10.25
Scale	@ A1

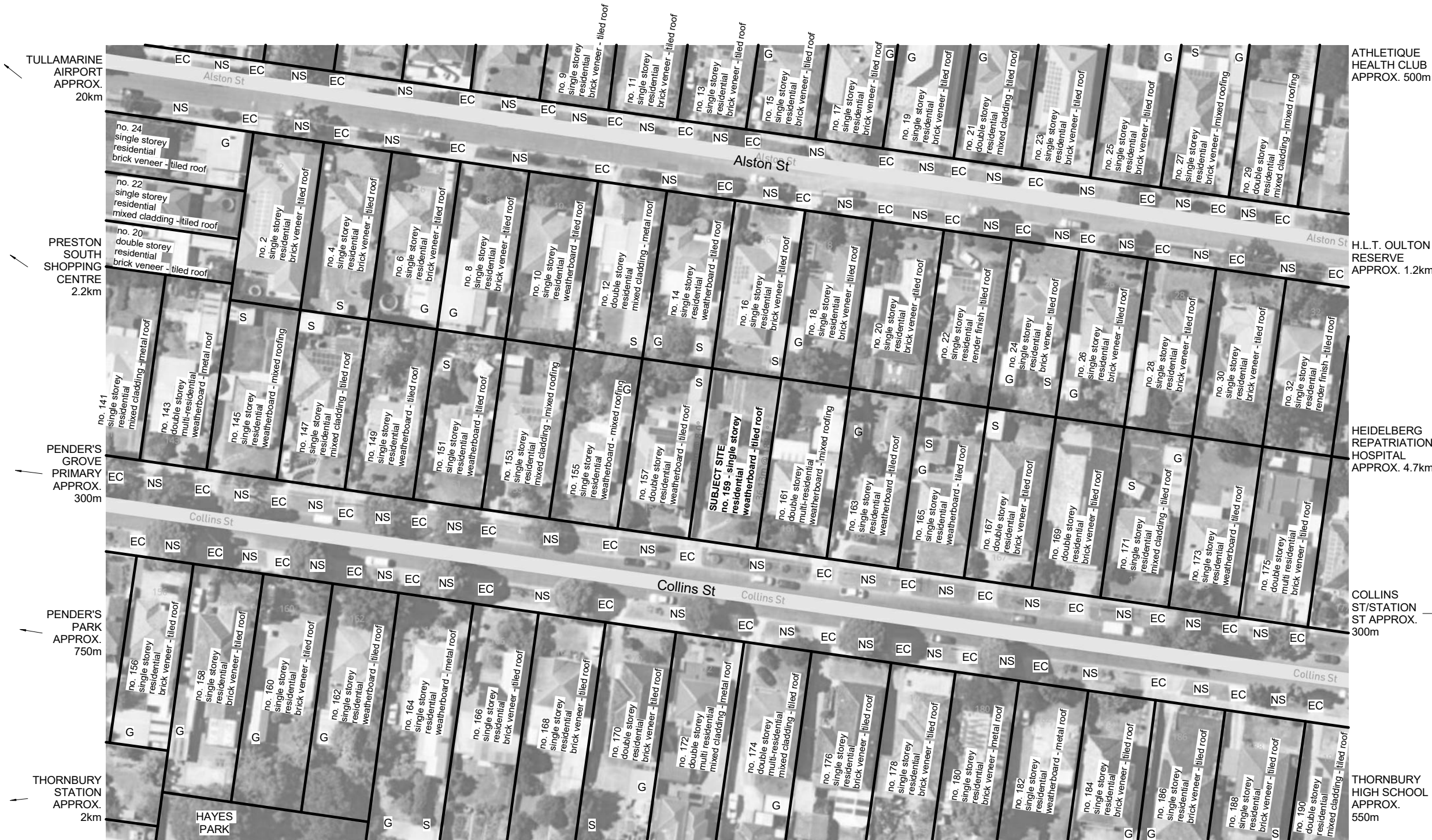


A0.2



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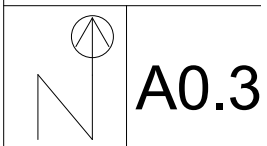


ATHLETIQUE HEALTH CLUB APPROX. 500m  
H.L.T. OULTON RESERVE APPROX. 1.2km  
HEIDELBERG REPATRIATION HOSPITAL APPROX. 4.7km  
COLLINS ST/STATION ST APPROX. 300m  
THORBURY HIGH SCHOOL APPROX. 550m

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Neighbourhood Character Study	
Project number	BQ22-004
Date	20221025
Scale	@ A1

LEGEND:  
EC: Existing Crossing  
NS: Nature Strip  
G: Garage  
S: Shed





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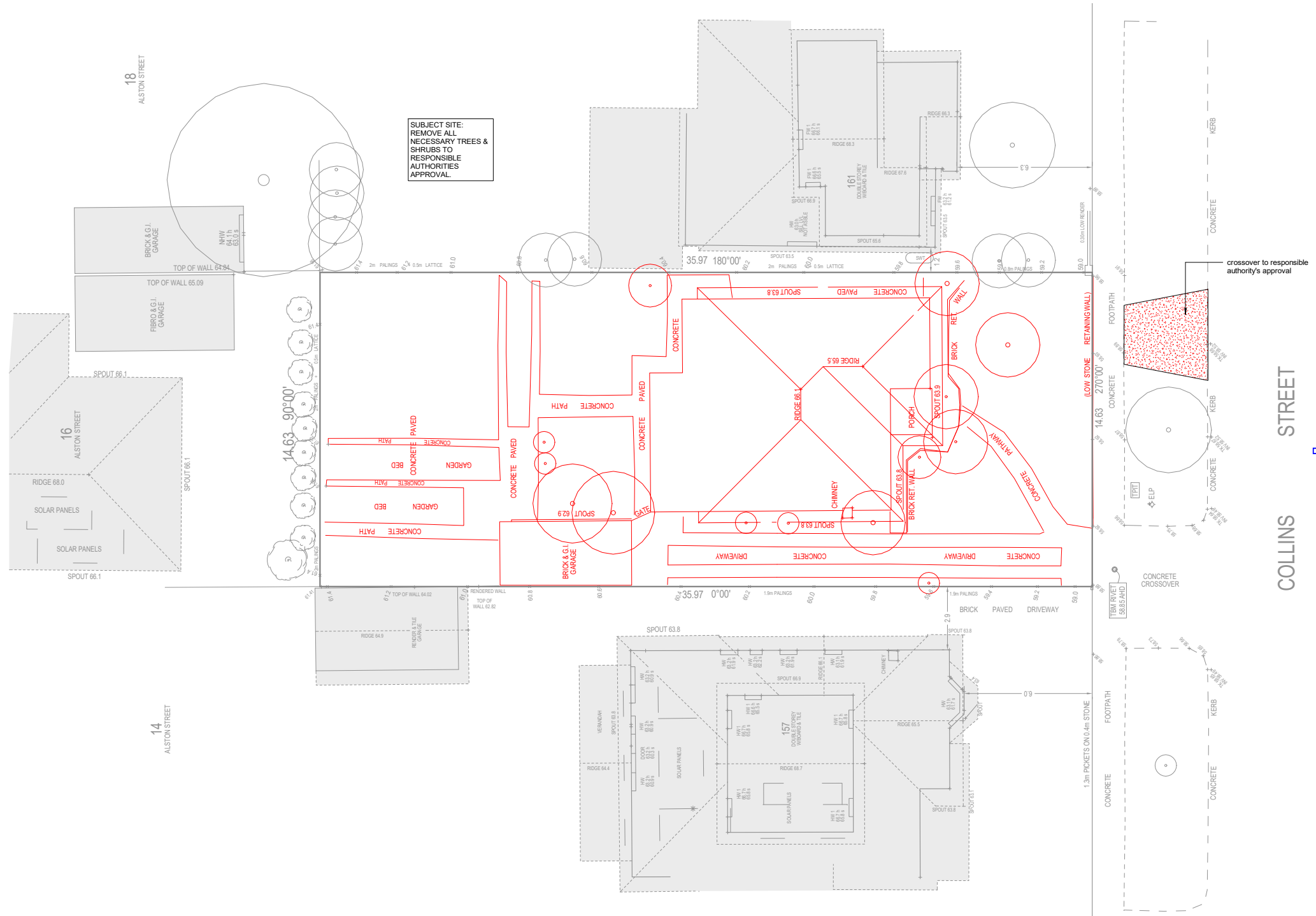
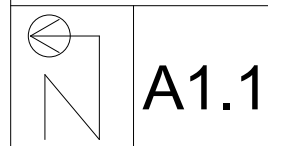
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Darebin City Council Received 25-10-2022

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

**Existing Site/Demolition Plan**

Project number	BQ22-004
Date	20221025
Scale @ A1	1 : 100

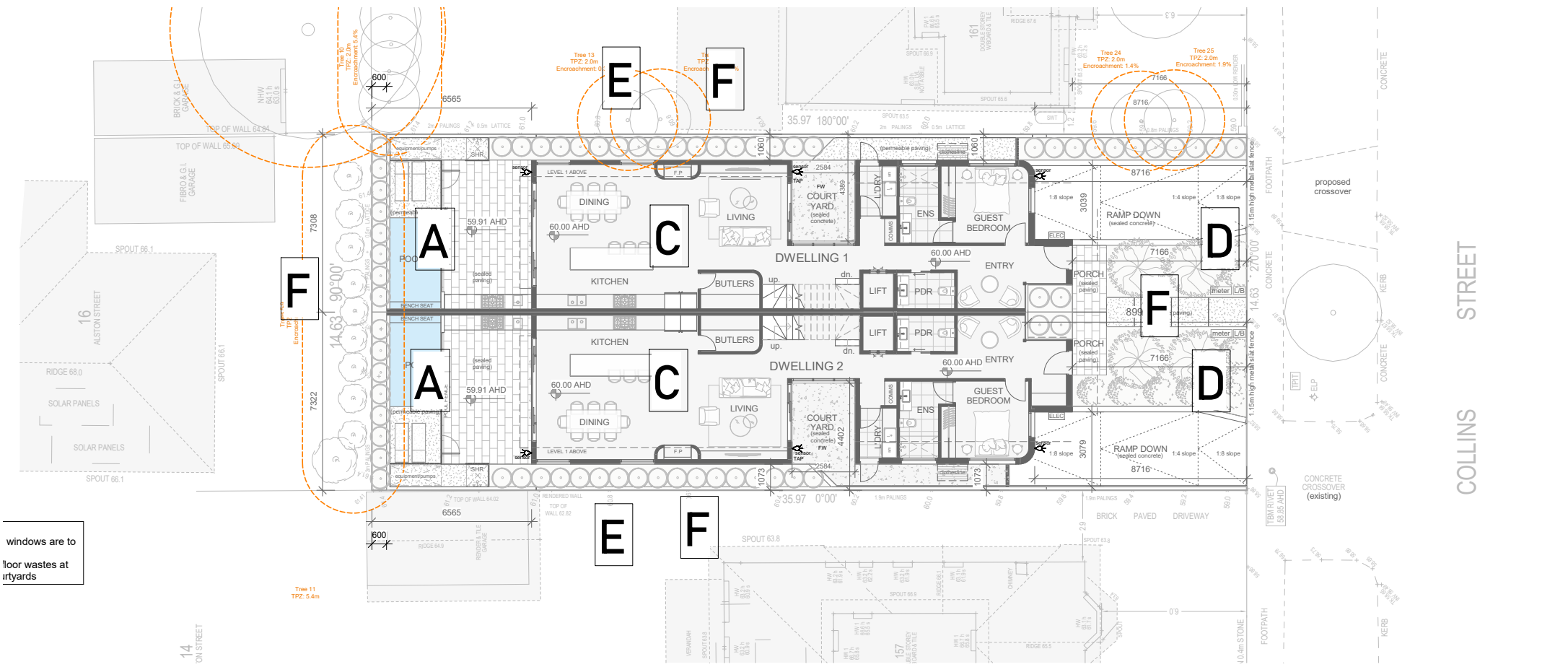




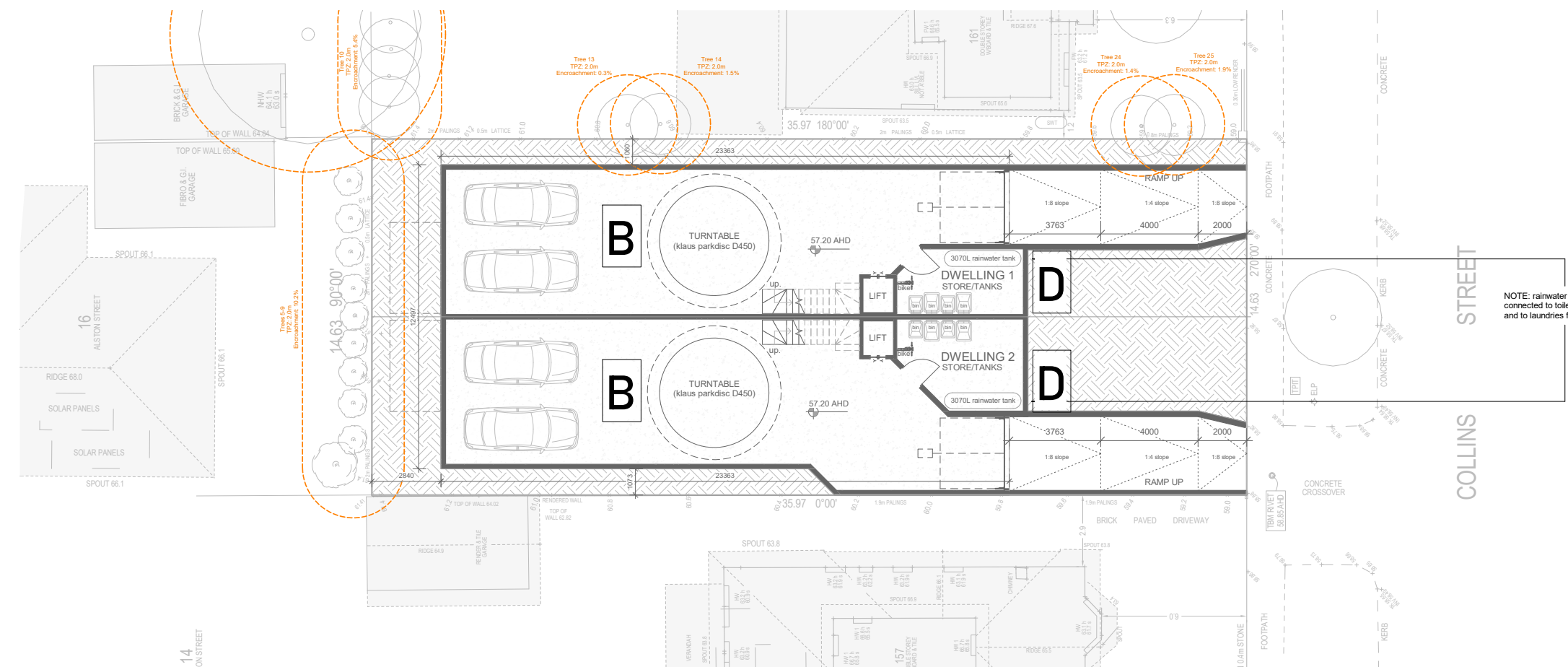
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Ground Floor Design Response



Basement Design Response

**A** northern oriented secluded open space provided

**B** sufficient car parking provided to all dwelling. Turn tables provided to facilitate vehicular egress in forward motion.

**C** interior of dwelling influenced by energy efficiency, open plan living and cross-ventilation

**D** 6m<sup>3</sup> storage, 3070L rainwater tanks and bin storage provided

**E** overlooking into adjoining properties minimized via landscape buffers

**F** dwellings sufficiently set back from all boundaries

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Design Response Plan	
Project number	BQ22-004
Date	20221025
Scale @ A1	1 : 100

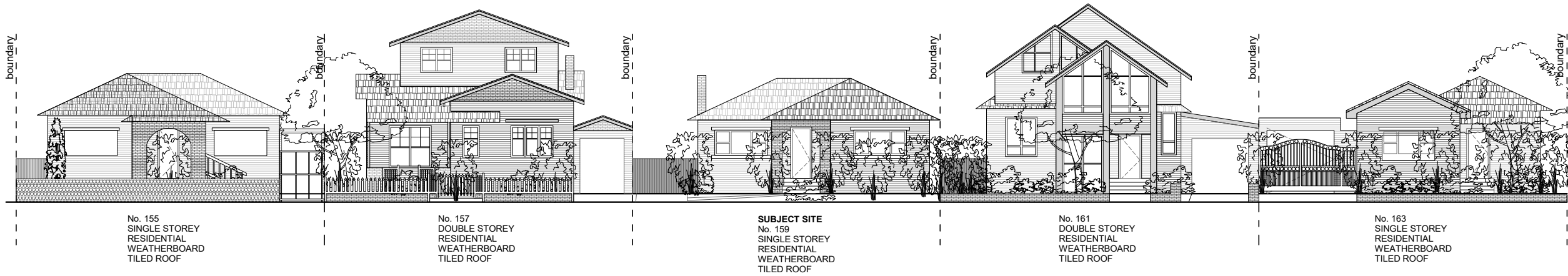




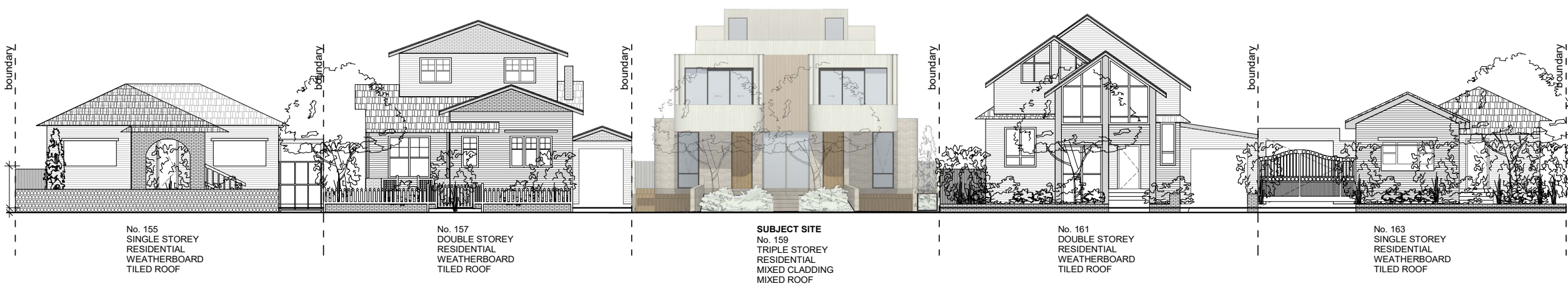
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Existing Streetscape Elevation



Proposed Streetscape Elevation

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Existing & Proposed Streetscape Elevations	
Project number	BQ22-004
Date	2022.10.25
Scale @ A1	1 : 100

Darebin City Council Received 25-10-2022

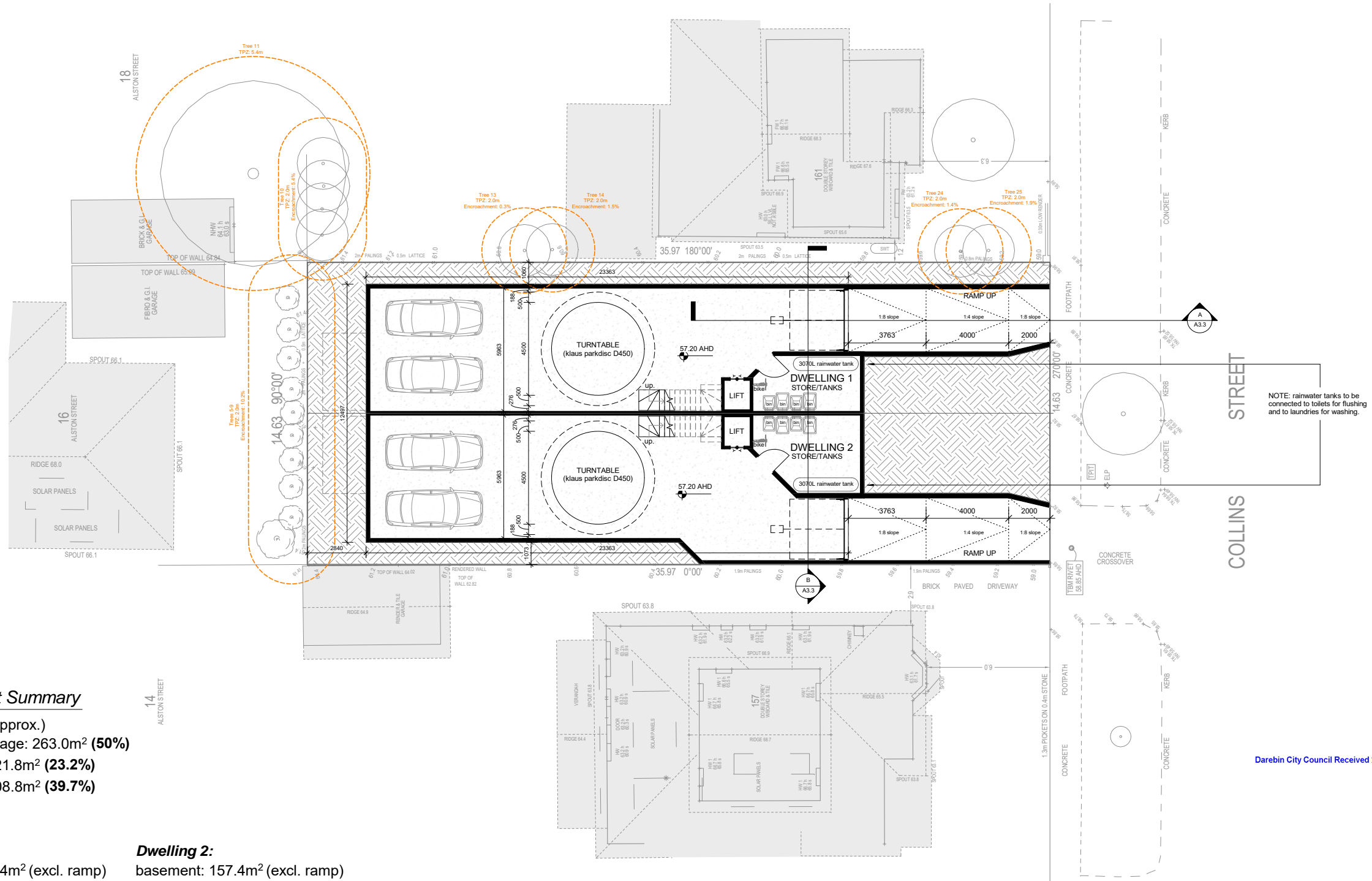
A1.3



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NOTE: rainwater tanks to be connected to toilets for flushing and to laundries for washing.

Darebin City Council Received 25-10-2022

**Development Summary**

site: 526.2m<sup>2</sup> (approx.)  
 proposed coverage: 263.0m<sup>2</sup> (50%)  
 permeability: 121.8m<sup>2</sup> (23.2%)  
 garden area: 208.8m<sup>2</sup> (39.7%)

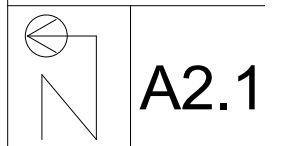
**Dwelling 1:**  
 basement: 148.4m<sup>2</sup> (excl. ramp)  
 ground level: 123.1m<sup>2</sup>  
 level 1: 115.0m<sup>2</sup>  
 balcony: 3.1m<sup>2</sup>  
 roof terrace: 39.6m<sup>2</sup>  
 s.p.o.s: 48.0m<sup>2</sup>

**Dwelling 2:**  
 basement: 157.4m<sup>2</sup> (excl. ramp)  
 ground level: 124.8m<sup>2</sup>  
 level 1: 115.0m<sup>2</sup>  
 balcony: 3.1m<sup>2</sup>  
 roof terrace: 39.6m<sup>2</sup>  
 s.p.o.s: 48.0m<sup>2</sup>

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

**Proposed Basement Plan**

Project number	BQ22-004
Date	20221025
Scale @ A1	1 : 100



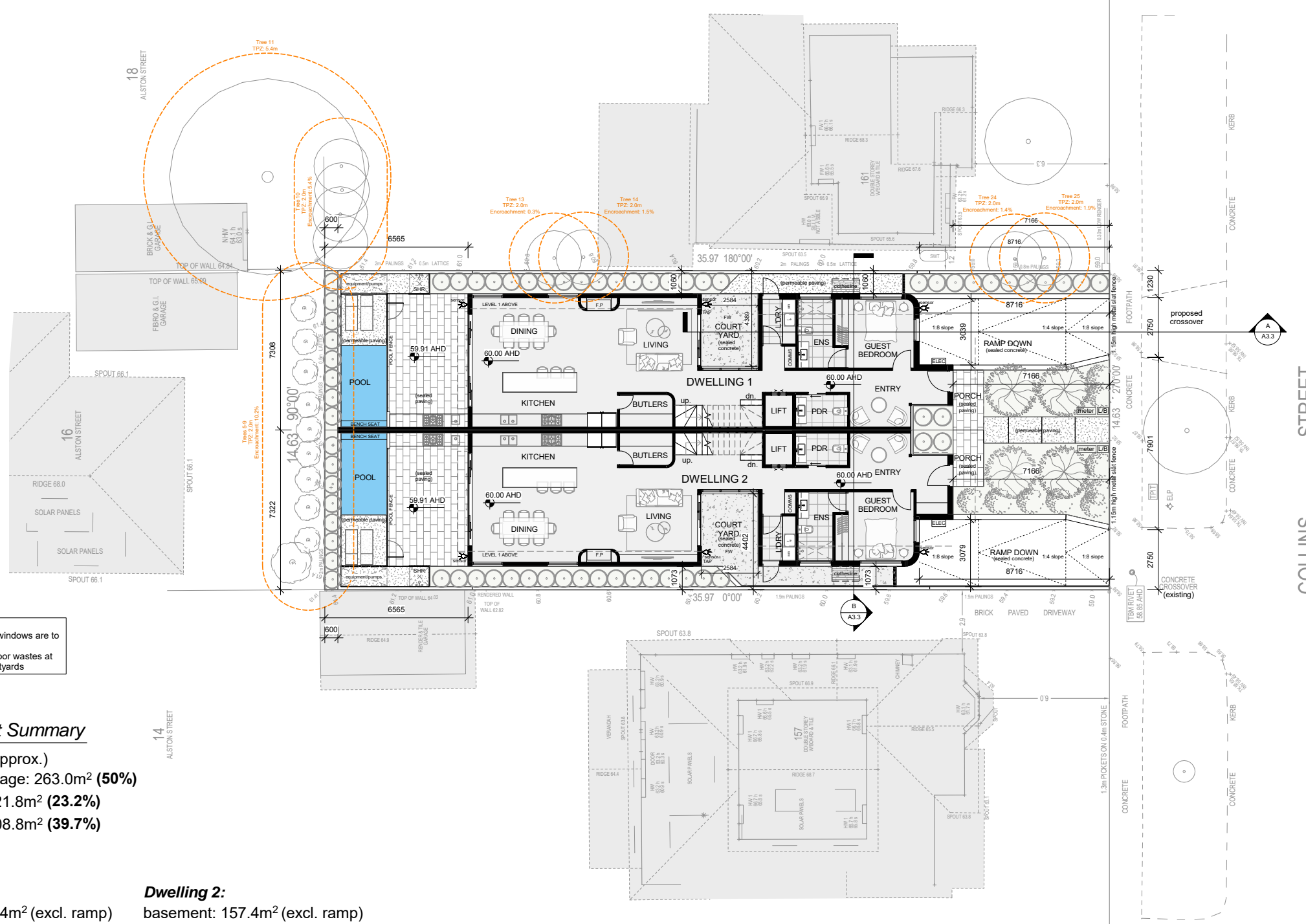




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Darebin City Council Received 25-10-2022

NOTE:  
• all habitable room windows are to be double glazed  
• provide taps and floor wastes at balconies and courtyards

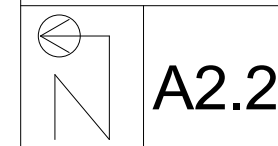
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balcony: 3.1m<sup>2</sup>  
roof terrace: 39.6m<sup>2</sup>  
s.p.o.s: 48.0m<sup>2</sup>

**Dwelling 2:**  
basement: 157.4m<sup>2</sup> (excl. ramp)  
ground level: 124.8m<sup>2</sup>  
level 1: 115.0m<sup>2</sup>  
balcony: 3.1m<sup>2</sup>  
roof terrace: 39.6m<sup>2</sup>  
s.p.o.s: 48.0m<sup>2</sup>

No.	Description	Date
TPD1	Town Planning Submission	1.07.2022
TPD2	RFI Response	25.10.2022

Proposed Ground Floor Plan	
Project number	BQ22-004
Date	2022.10.25
Scale @ A1	1 : 100





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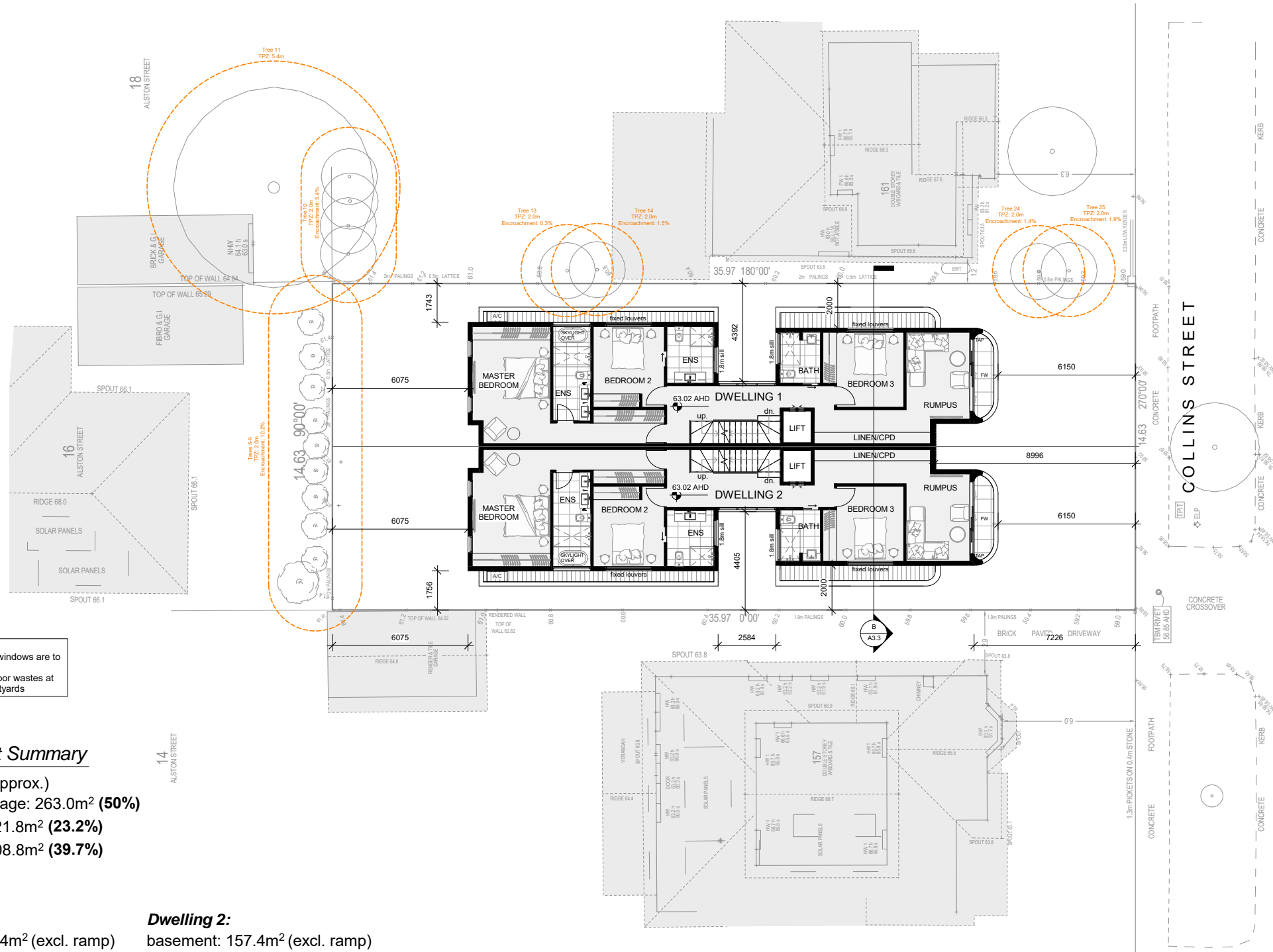
**NOTE:**  
• all habitable room windows are to be double glazed  
• provide taps and floor wastes at balconies and courtyards

**Development Summary**

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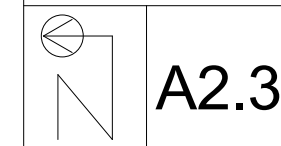
**Dwelling 2:**  
basement: 157.4m<sup>2</sup> (excl. ramp)  
ground level: 124.8m<sup>2</sup>  
level 1: 115.0m<sup>2</sup>  
balcony: 3.1m<sup>2</sup>  
roof terrace: 39.6m<sup>2</sup>  
s.p.o.s: 48.0m<sup>2</sup>



COLLINS STREET

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Proposed Level 1 Floor Plan	
Project number	BQ22-004
Date	20221025
Scale @ A1	1 : 100



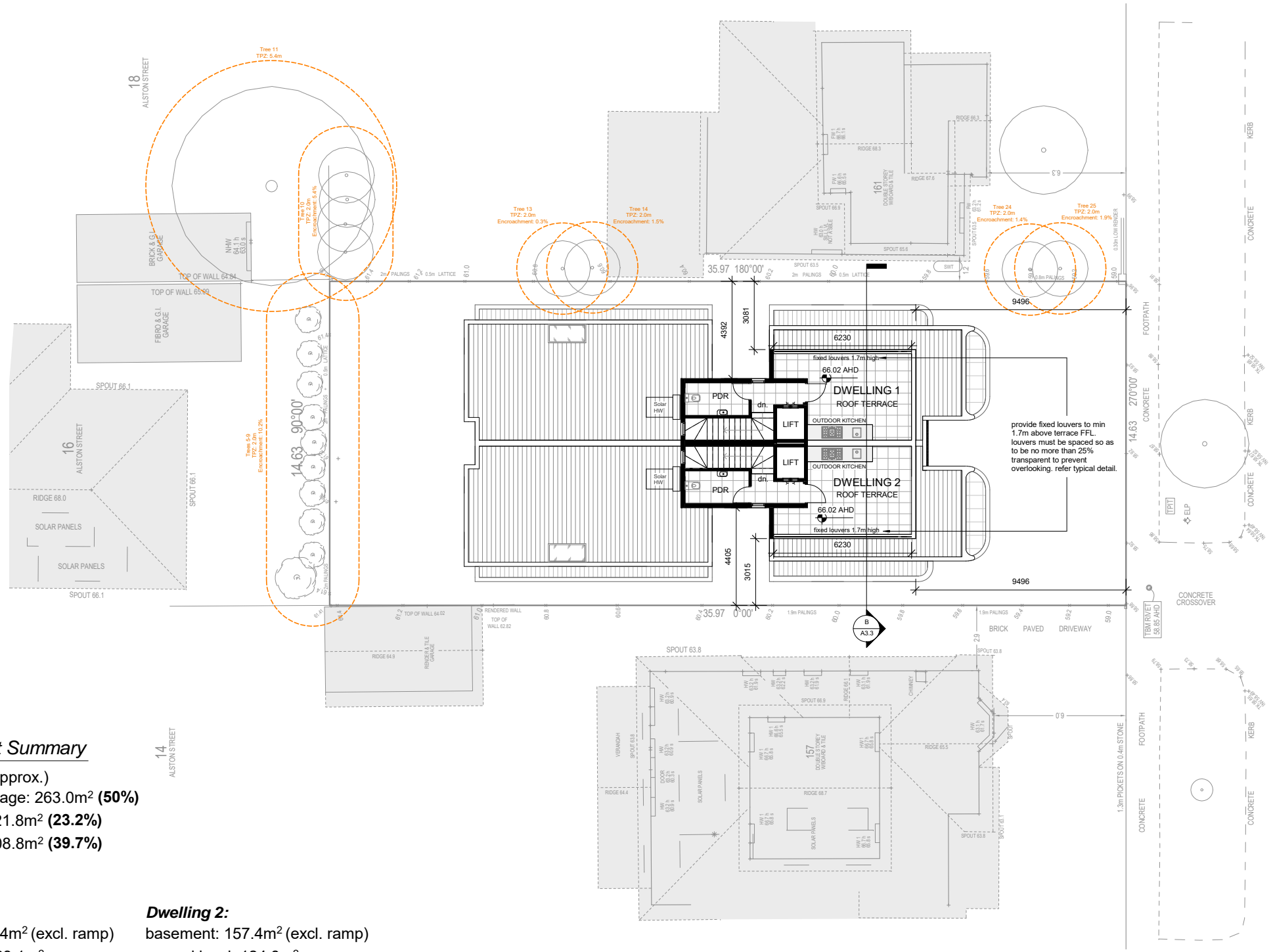


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Darbin City Council Received 25-10-2022



**Development Summary**

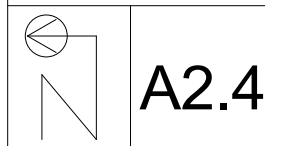
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roof terrace: 39.6m<sup>2</sup>  
s.p.o.s: 48.0m<sup>2</sup>

**Dwelling 2:**  
basement: 157.4m<sup>2</sup> (excl. ramp)  
ground level: 124.8m<sup>2</sup>  
level 1: 115.0m<sup>2</sup>  
balcony: 3.1m<sup>2</sup>  
roof terrace: 39.6m<sup>2</sup>  
s.p.o.s: 48.0m<sup>2</sup>

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Proposed Roof Terrace Plan	
Project number	BQ22-004
Date	2022.10.25
Scale @ A1	1 : 100





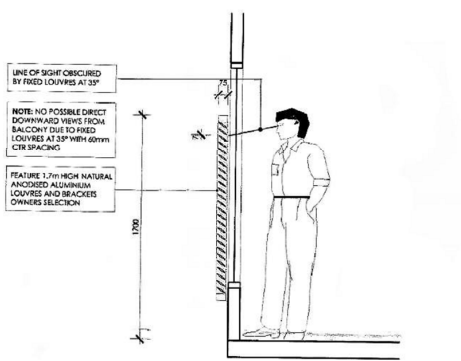
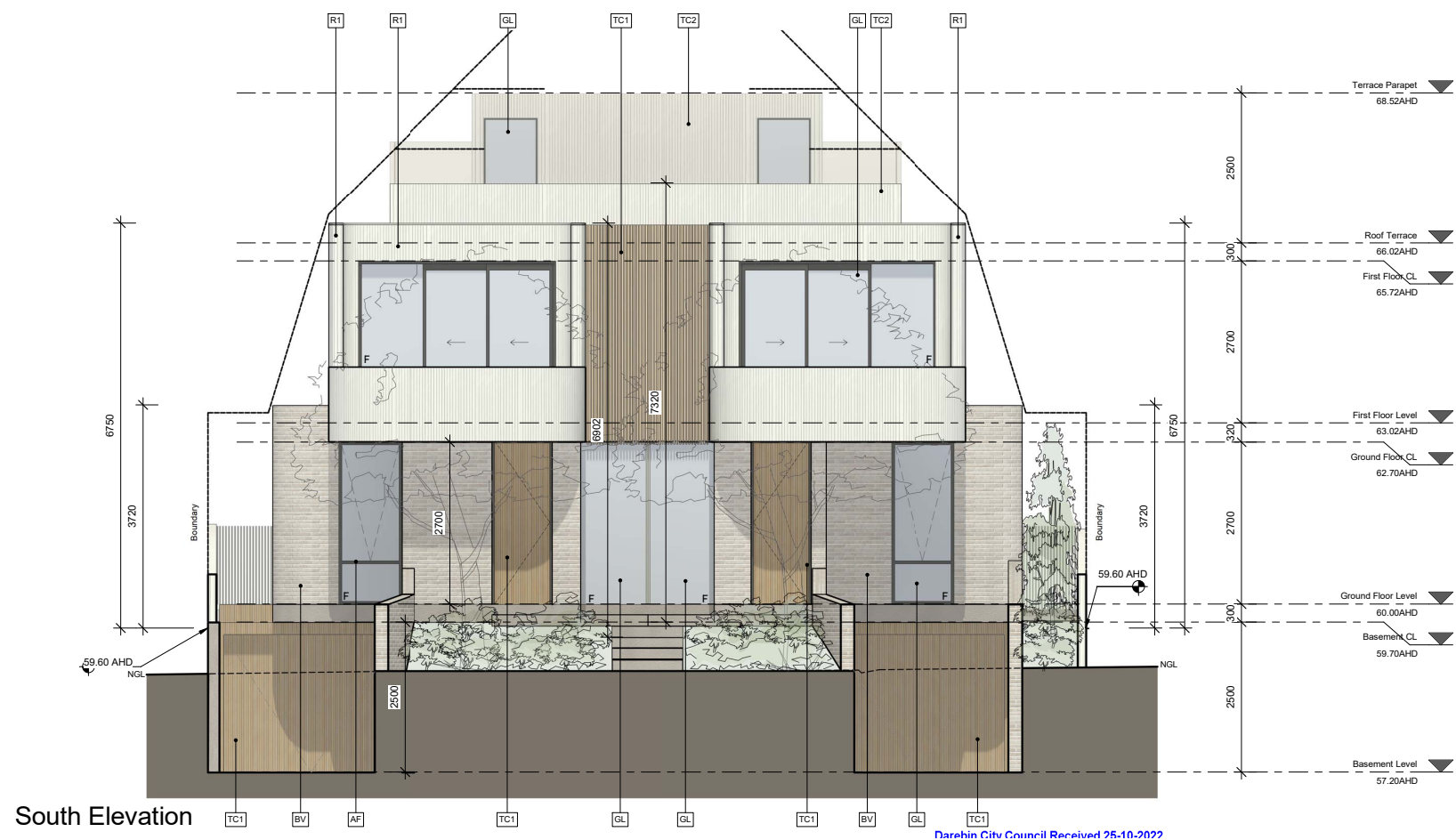
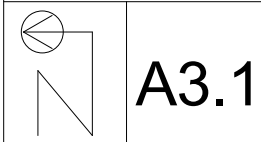
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No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Proposed Elevations/Materials	
Project number	BQ22-004
Date	20221025
Scale @ A1	1 : 50



MATERIALS LEGEND	AC	
	Aluminium Composite Cladding - Surfist Matt	
AF	Aluminium Framing - Dulux Satin Black Powdercoat	
	BV	Quality Face Brick - Austral San Selmo Corso - Livenza Textured
GL	Clear Glazing (F: Fixed)	
R1	Acrylic Base Textured Render - Light Grey Concrete Finish	
	TC1	Composite Timber Cladding - Natural Vertical Timber Finish
TC2	Composite Timber Cladding - White Vertical Timber Finish	

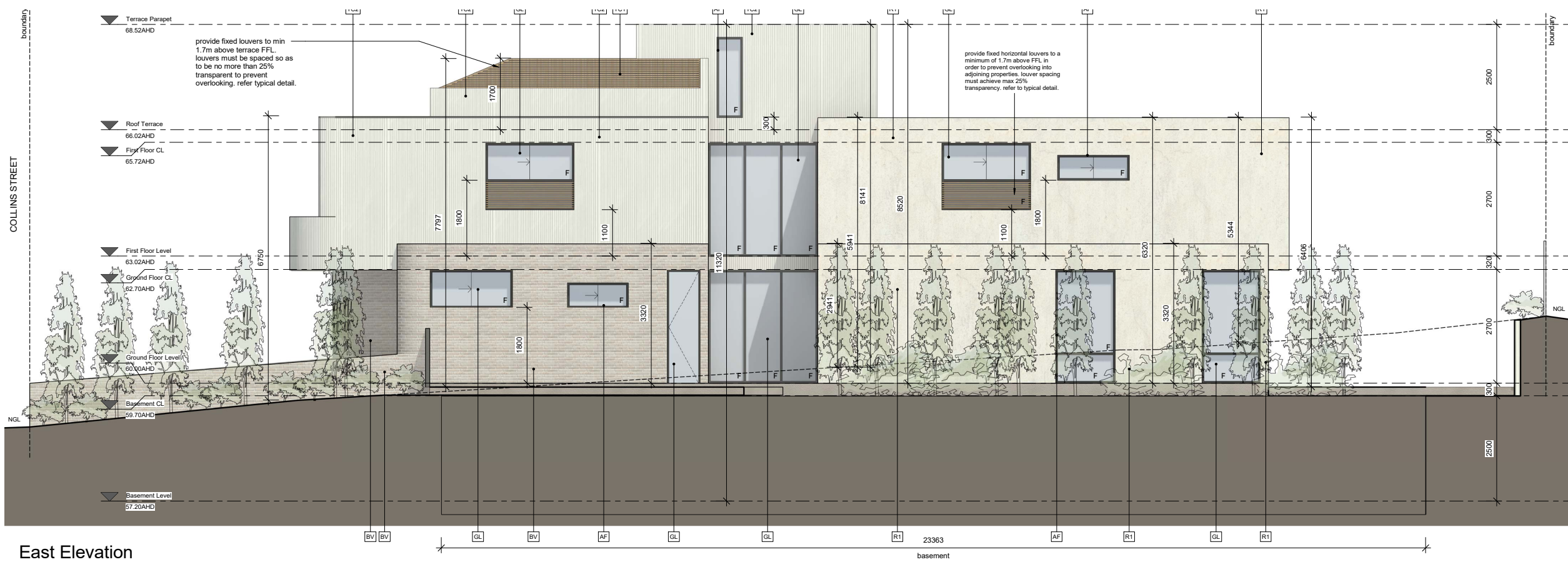
NOTE:  
 • all habitable room windows are to be double glazed



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East Elevation

NOTE:  
 • all habitable room windows are to be double glazed



West Elevation

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

**Proposed Elevations**

Project number	BQ22-004
Date	20221025
Scale @ A1	1 : 50

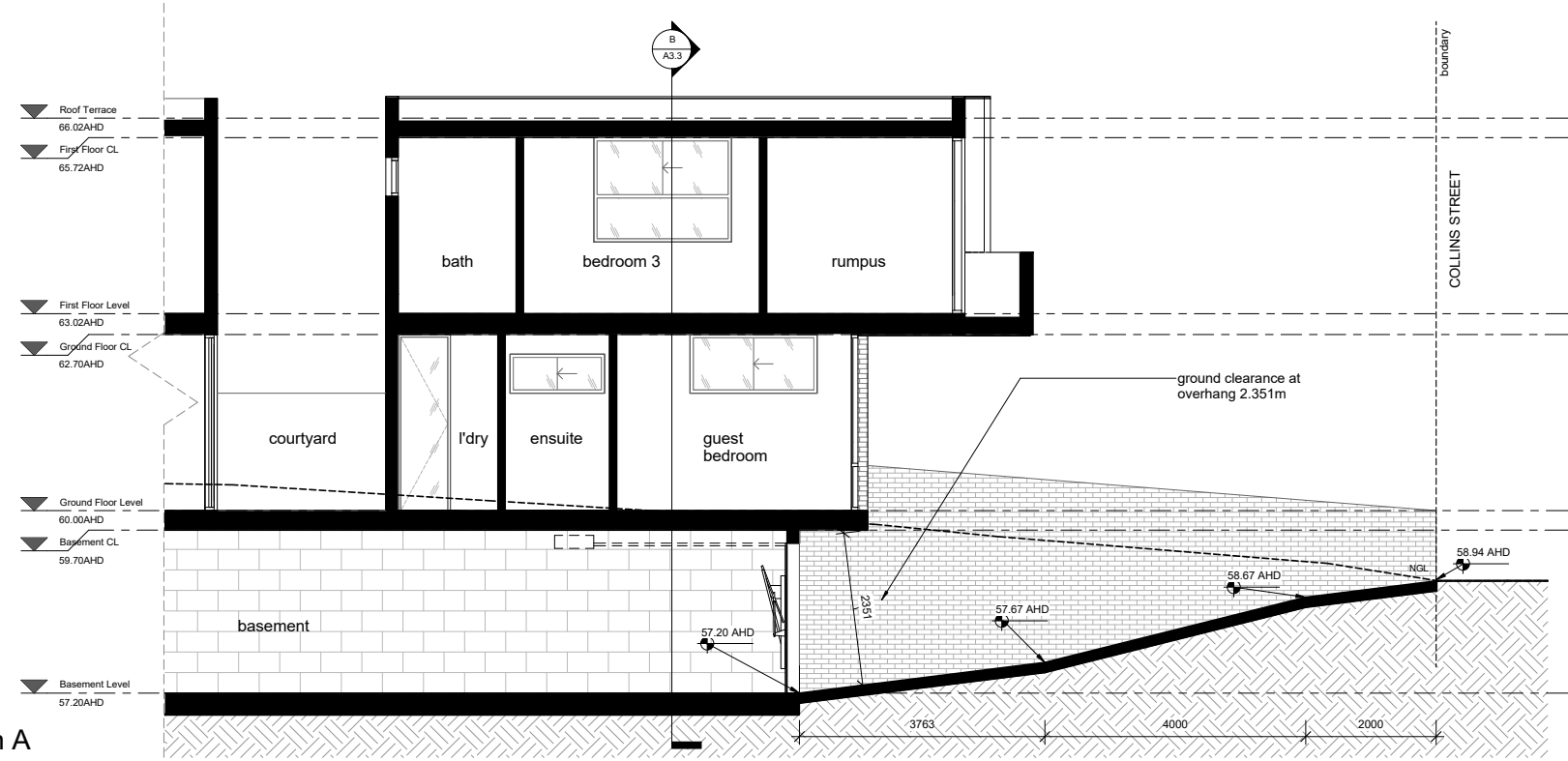
A3.2



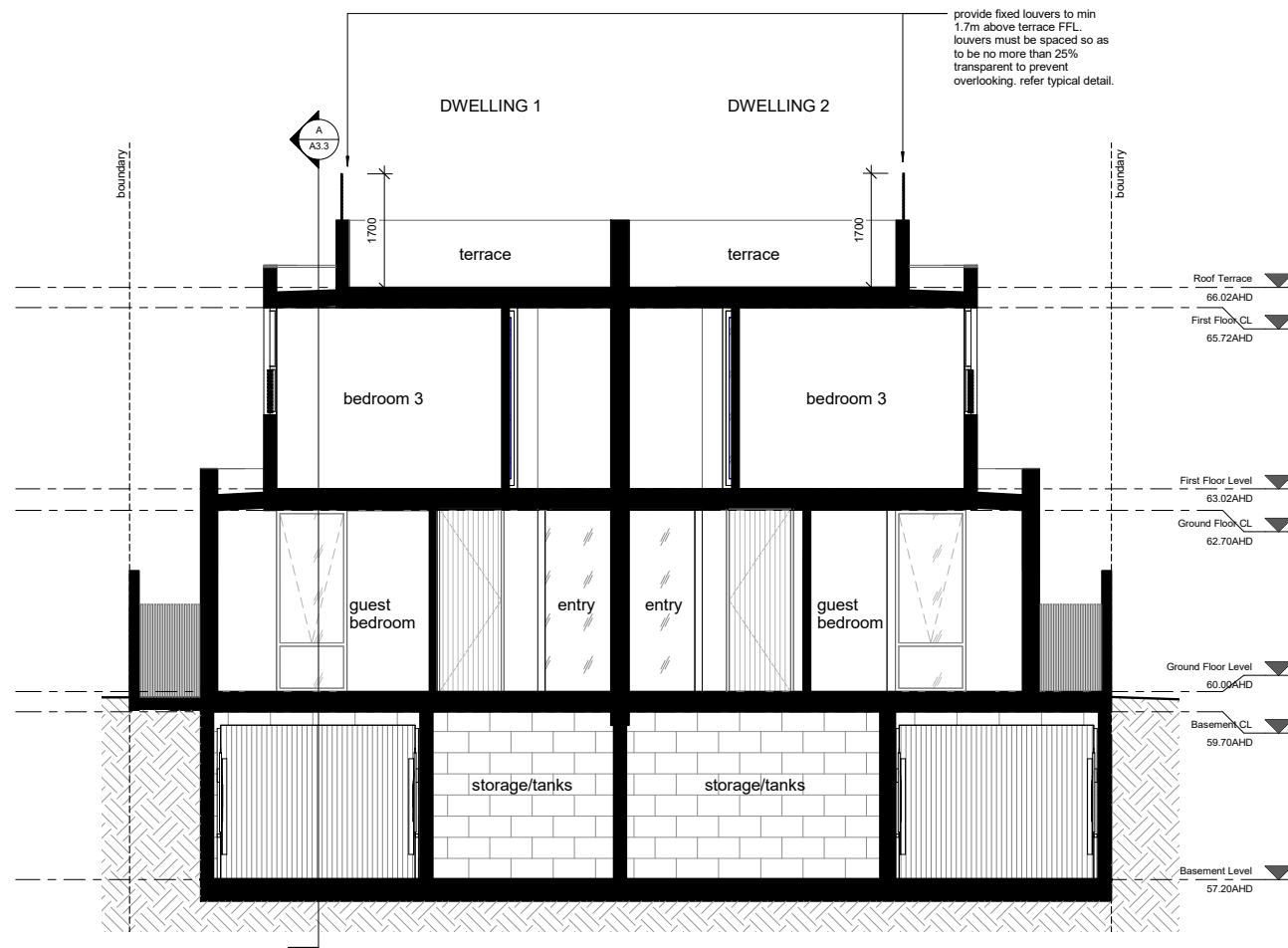
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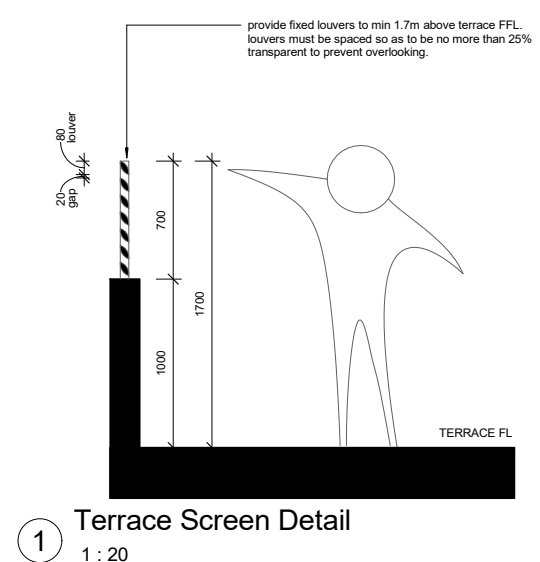
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159 Collins St Thornbury



Section A  
1 : 50



Section 2  
1 : 50

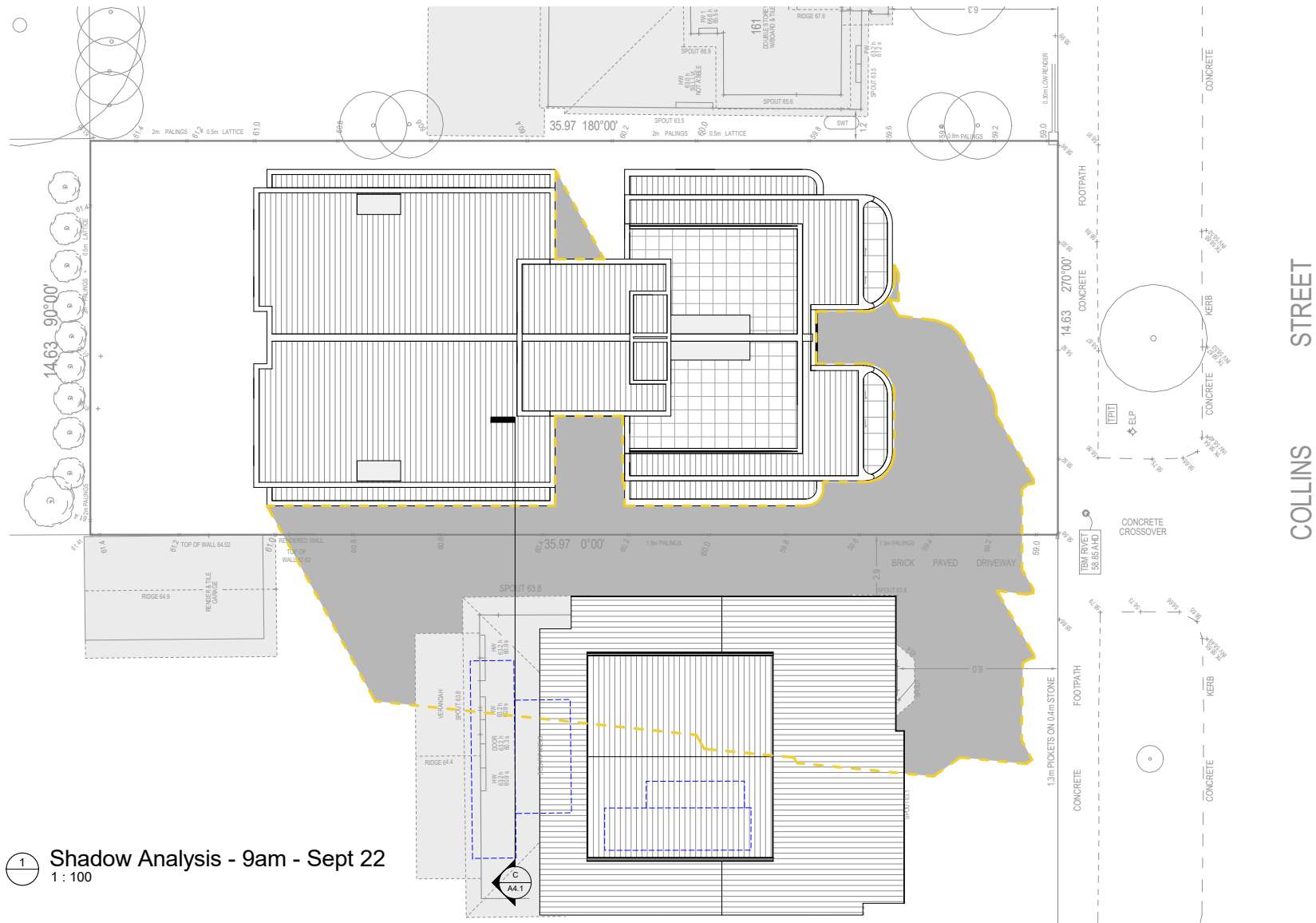


1 Terrace Screen Detail  
1 : 20

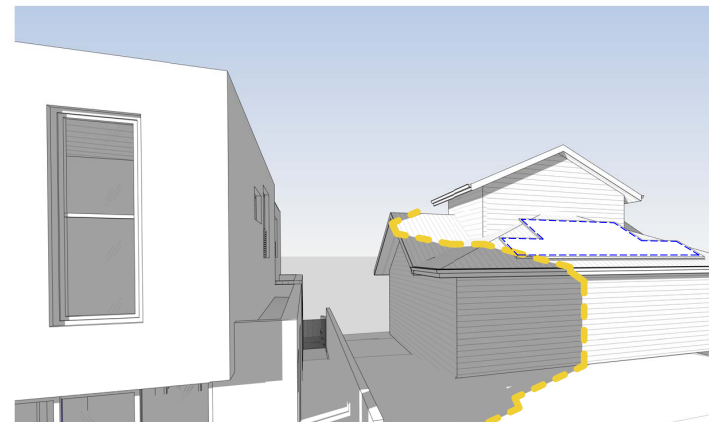
No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Proposed Sections	
Project number	BQ22-004
Date	20221025
Scale @ A1	As indicated

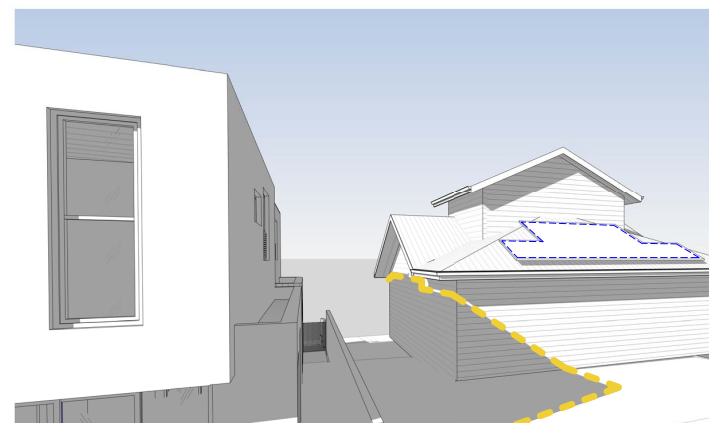
A3.3



COLLINS STREET



Axo View - 9am June 22



Axo View - 9am Sept 22

1 Shadow Analysis - 9am - Sept 22  
1 : 100

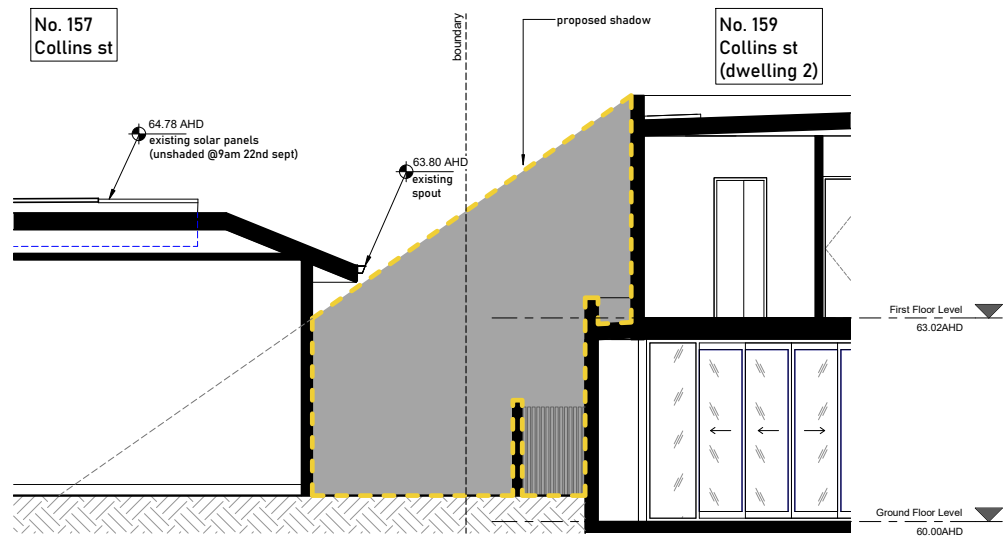


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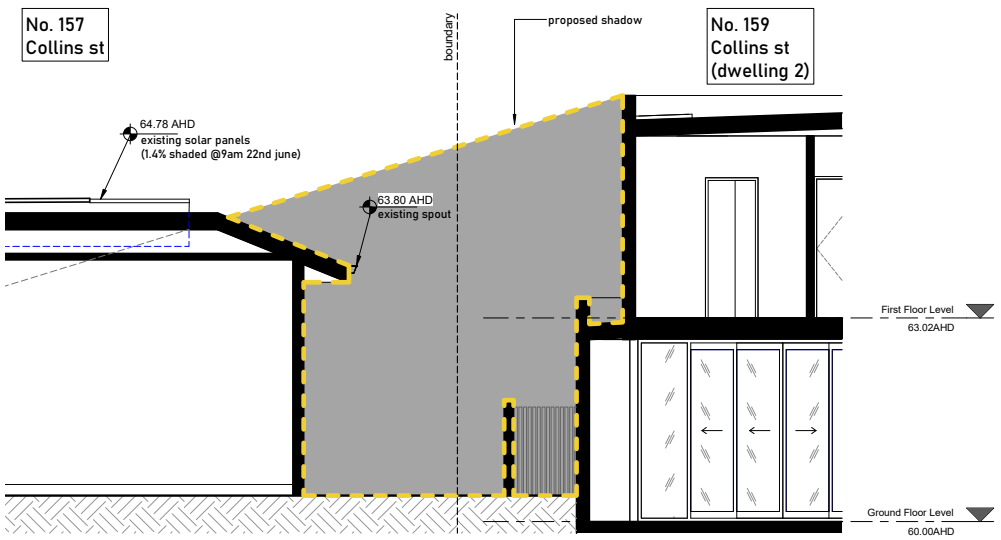
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No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

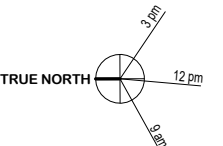


Section C - 9am - Sept 22



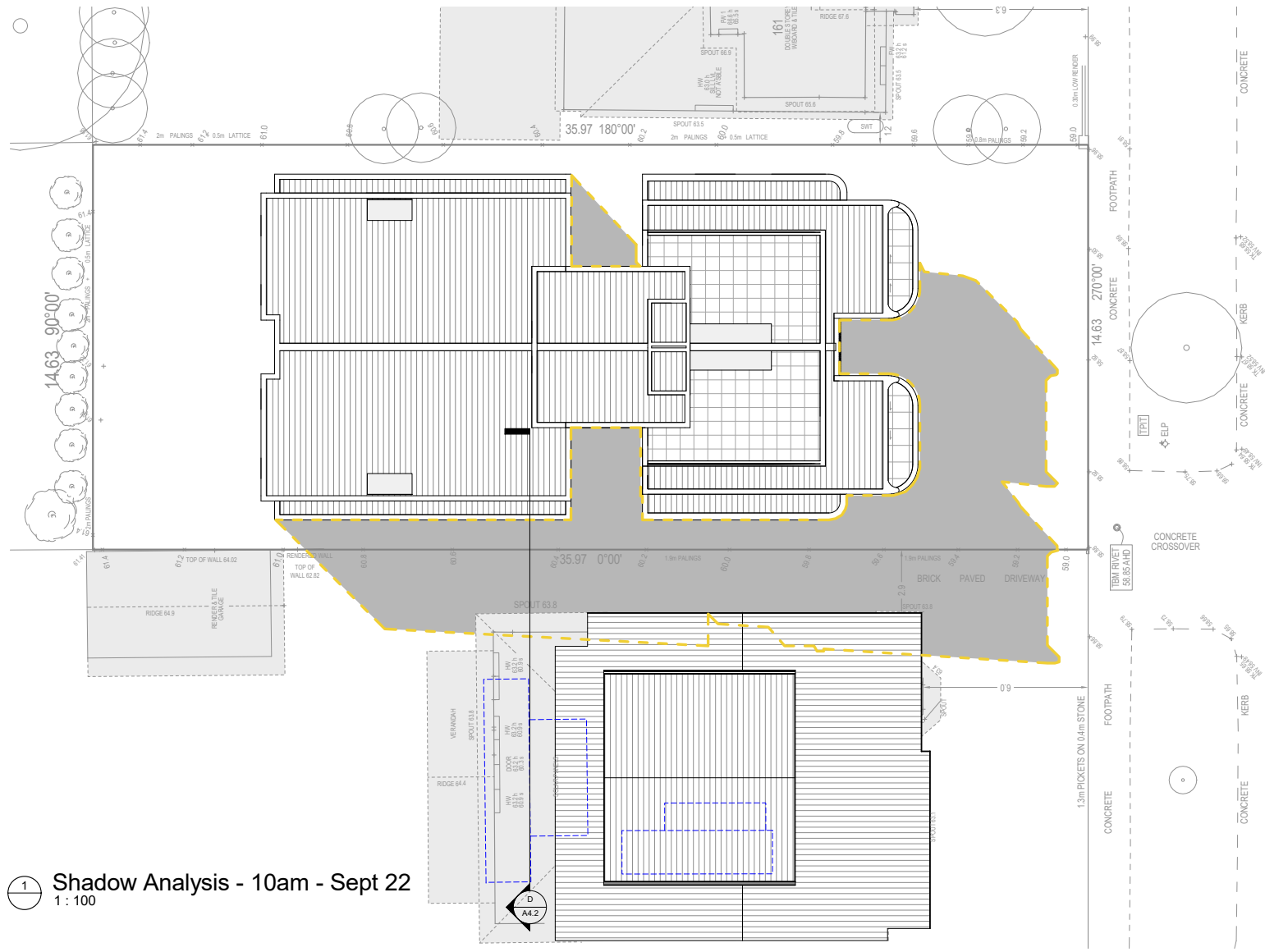
Section C - 9am - June 22

Legend:  
  existing solar panels  
  proposed shadow



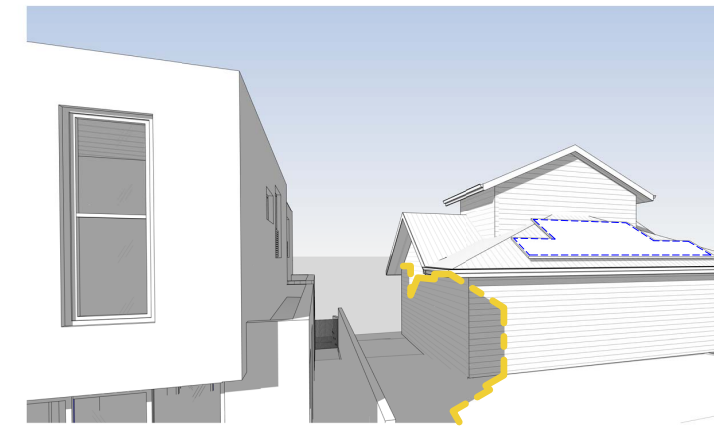
Shadow Analysis - 9am	
Project number	BQ22-004
Date	20230912
Scale @ A1	As indicated

**A4.1**  
 Darebin City Council Received 12/09/2023

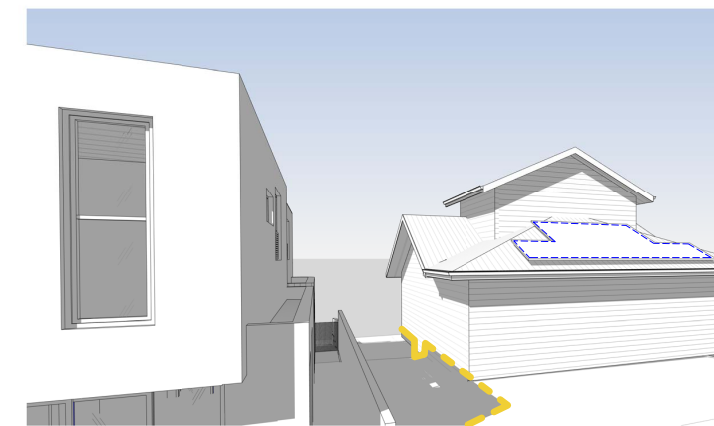


Shadow Analysis - 10am - Sept 22  
1:100

STREET  
COLLINS



Axo View - 10am June 22



Axo View - 10am Sept 22

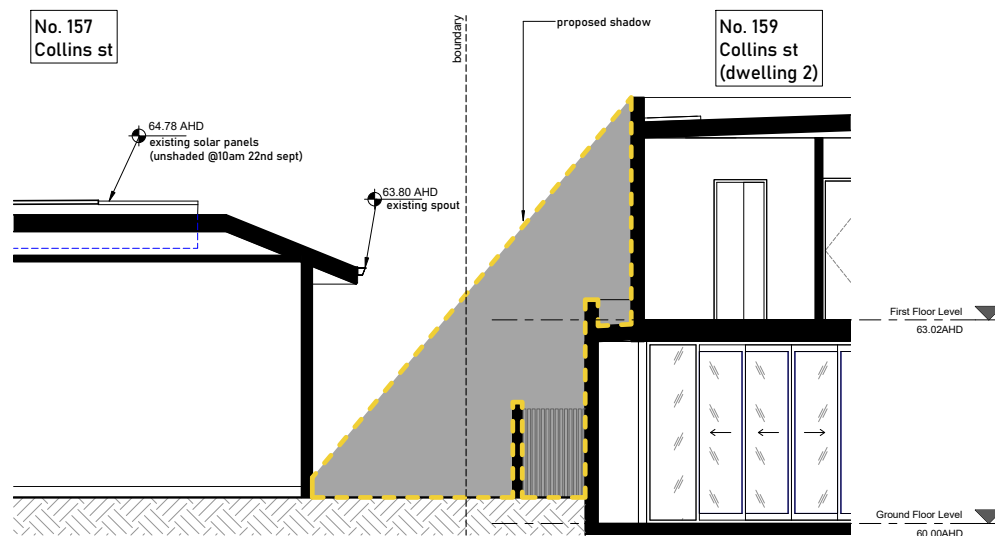


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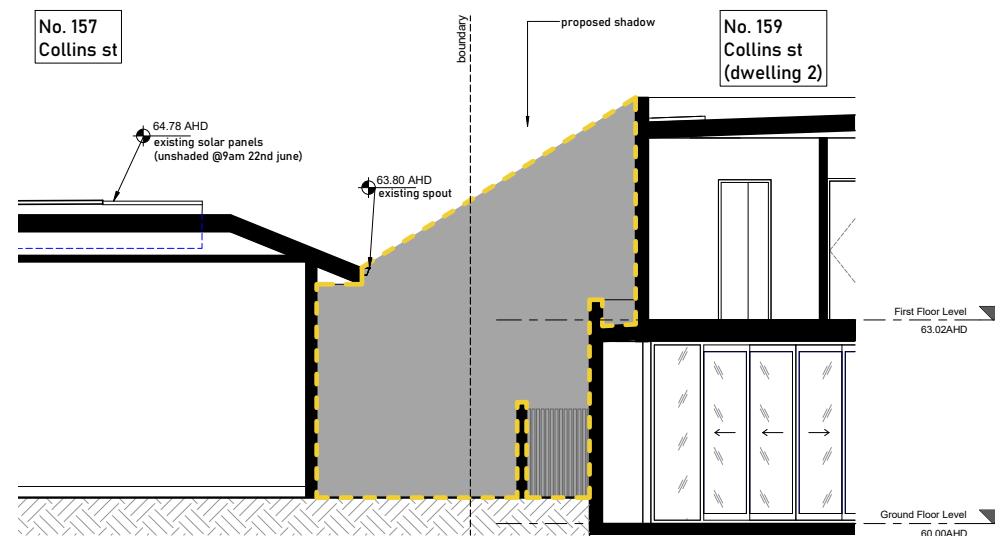
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No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

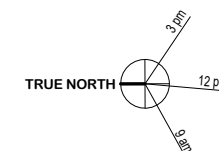


Section D - 10am - Sept 22



Section D - 10am - June 22

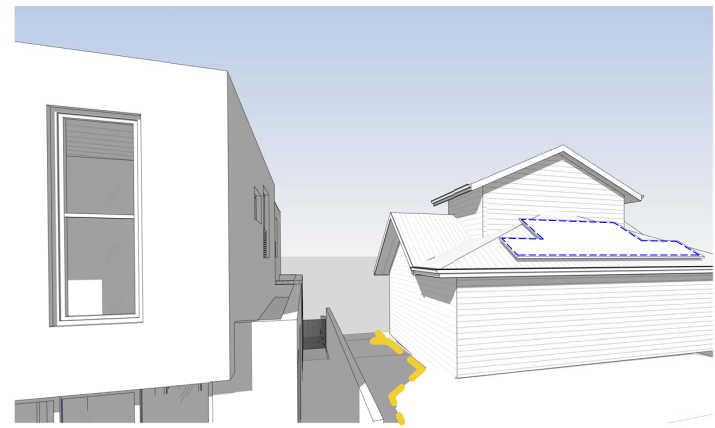
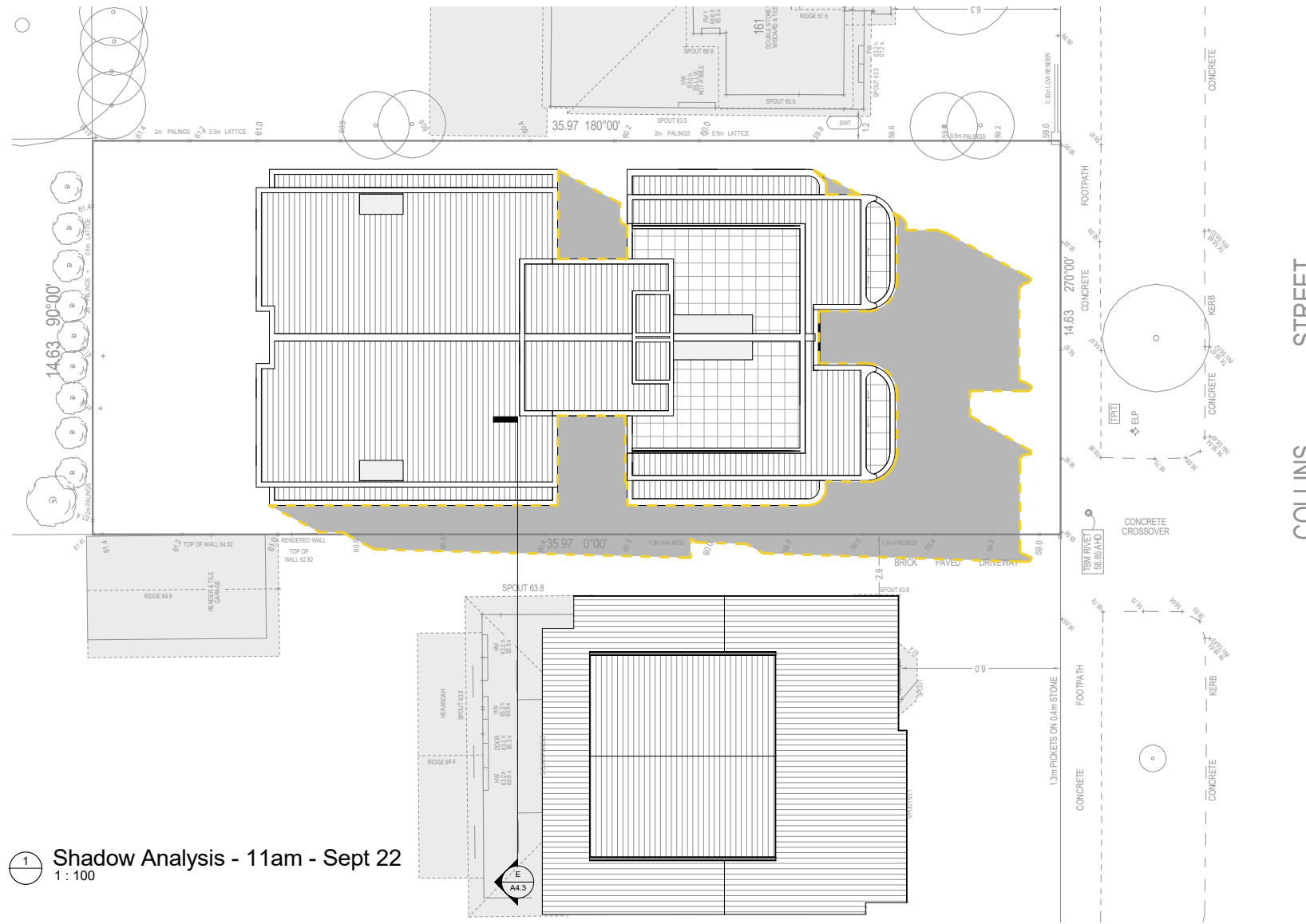
Legend:  
- - - - existing solar panels  
- - - - proposed shadow



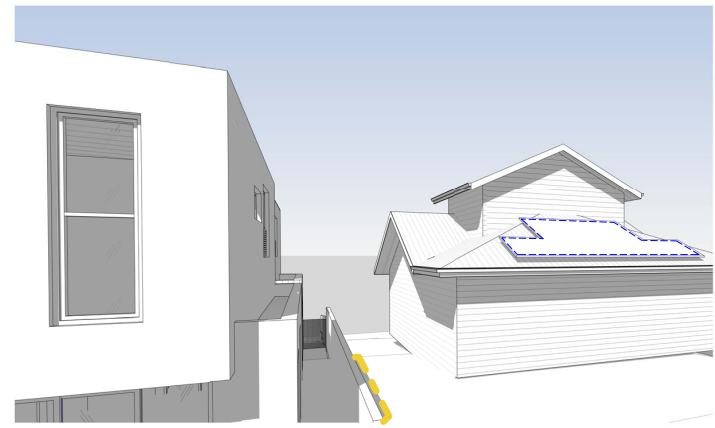
Shadow Analysis - 10am  
Project number BQ22-004  
Date 20230912  
Scale @ A1 As indicated

**A4.2**  
Darebin City Council Received 12/09/2023



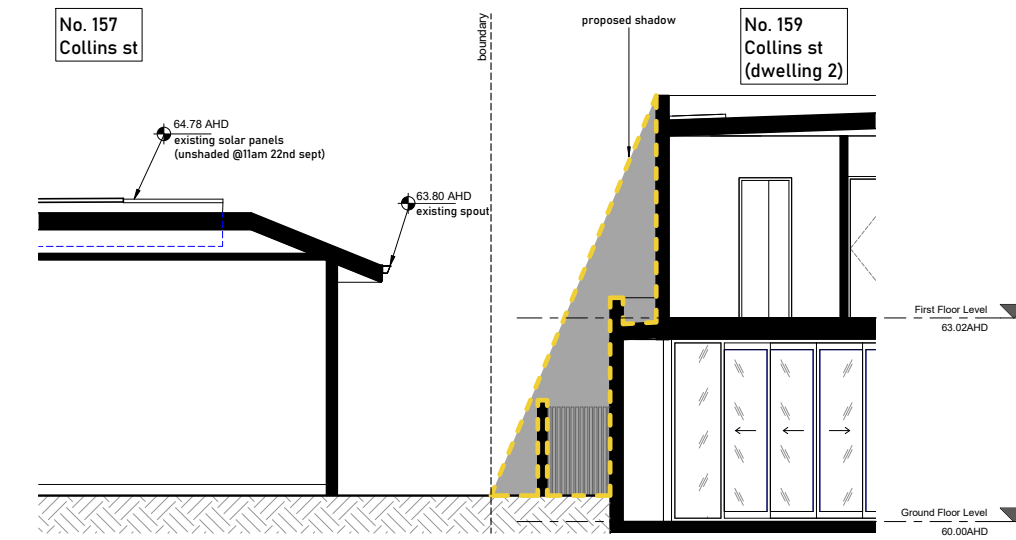


Axo View - 11am June 22

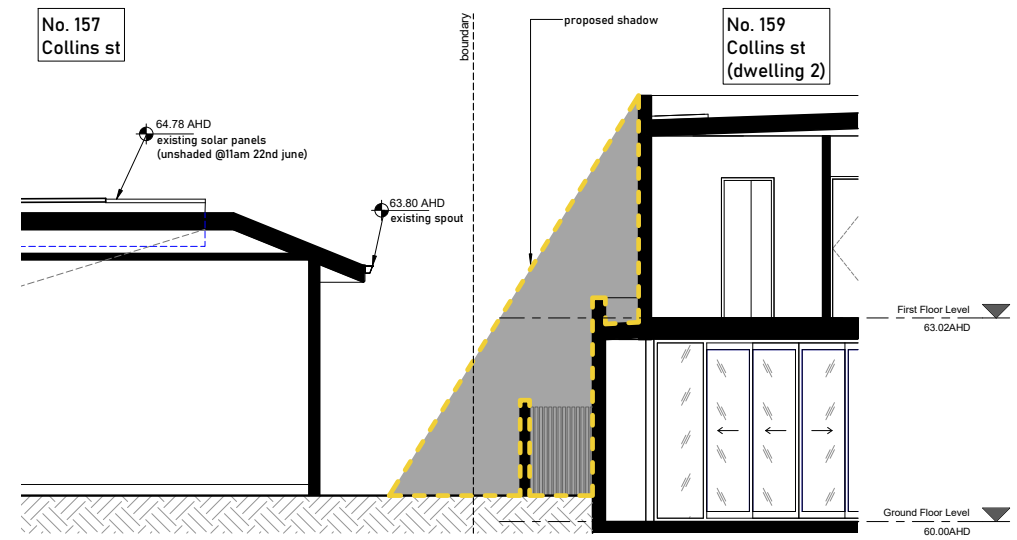


Axo View - 11am Sept 22

① Shadow Analysis - 11am - Sept 22  
1 : 100

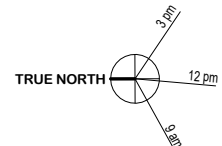


Section E - 11am - Sept 22



Section E - 11am - June 22

Legend:  
 [dashed blue line] existing solar panels  
 [dashed yellow line] proposed shadow



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No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

**Shadow Analysis - 11am**

Project number	BQ22-004
Date	20230912
Scale @ A1	As indicated

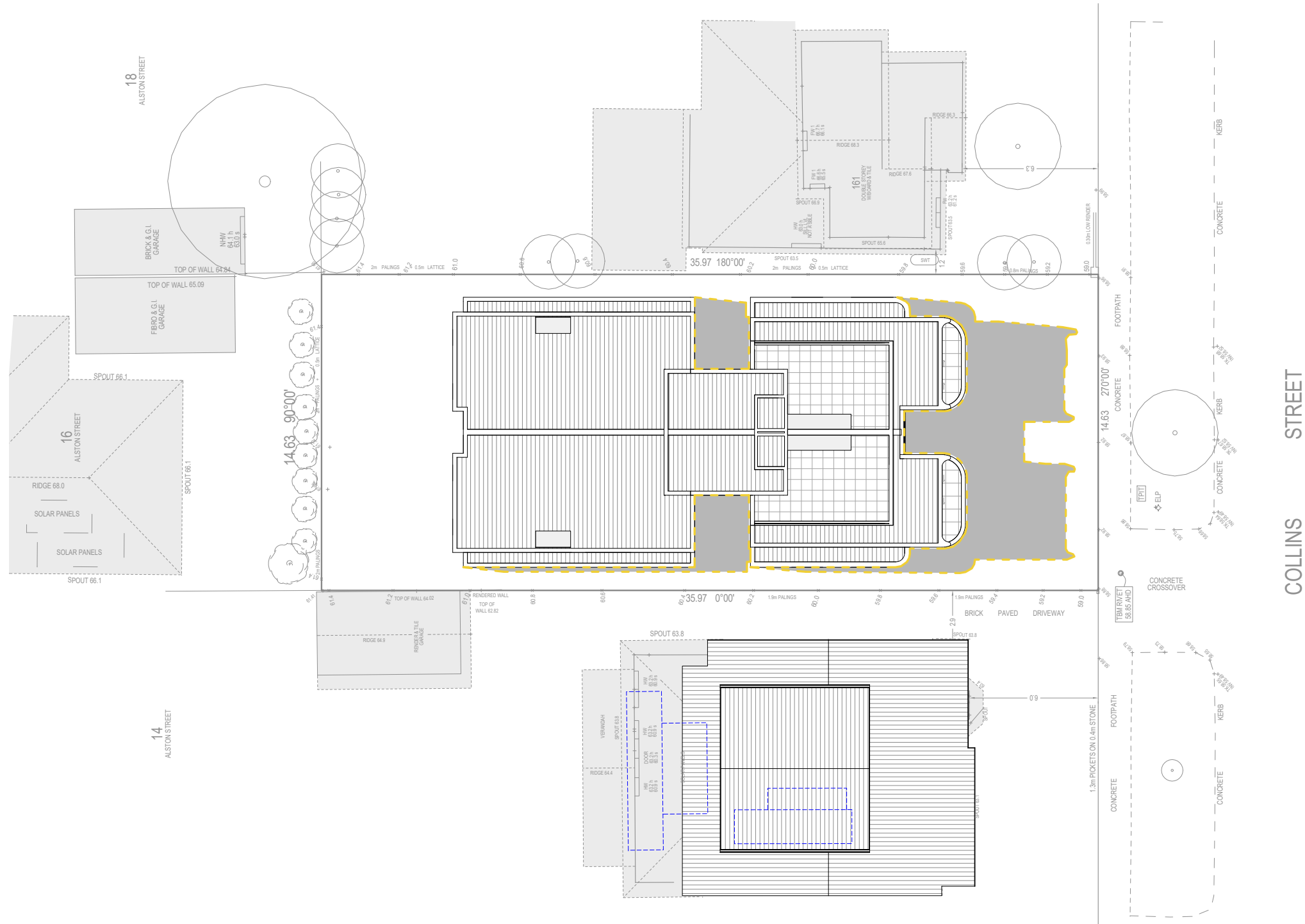
**A4.3**  
 Darebin City Council Received 12/09/2023



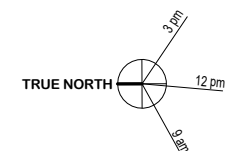
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Legend:  
 existing solar panels  
 proposed shadow



No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

**Shadow Analysis - 12pm**

Project number	BQ22-004
Date	20230912
Scale @ A1	1 : 100

**A4.4**

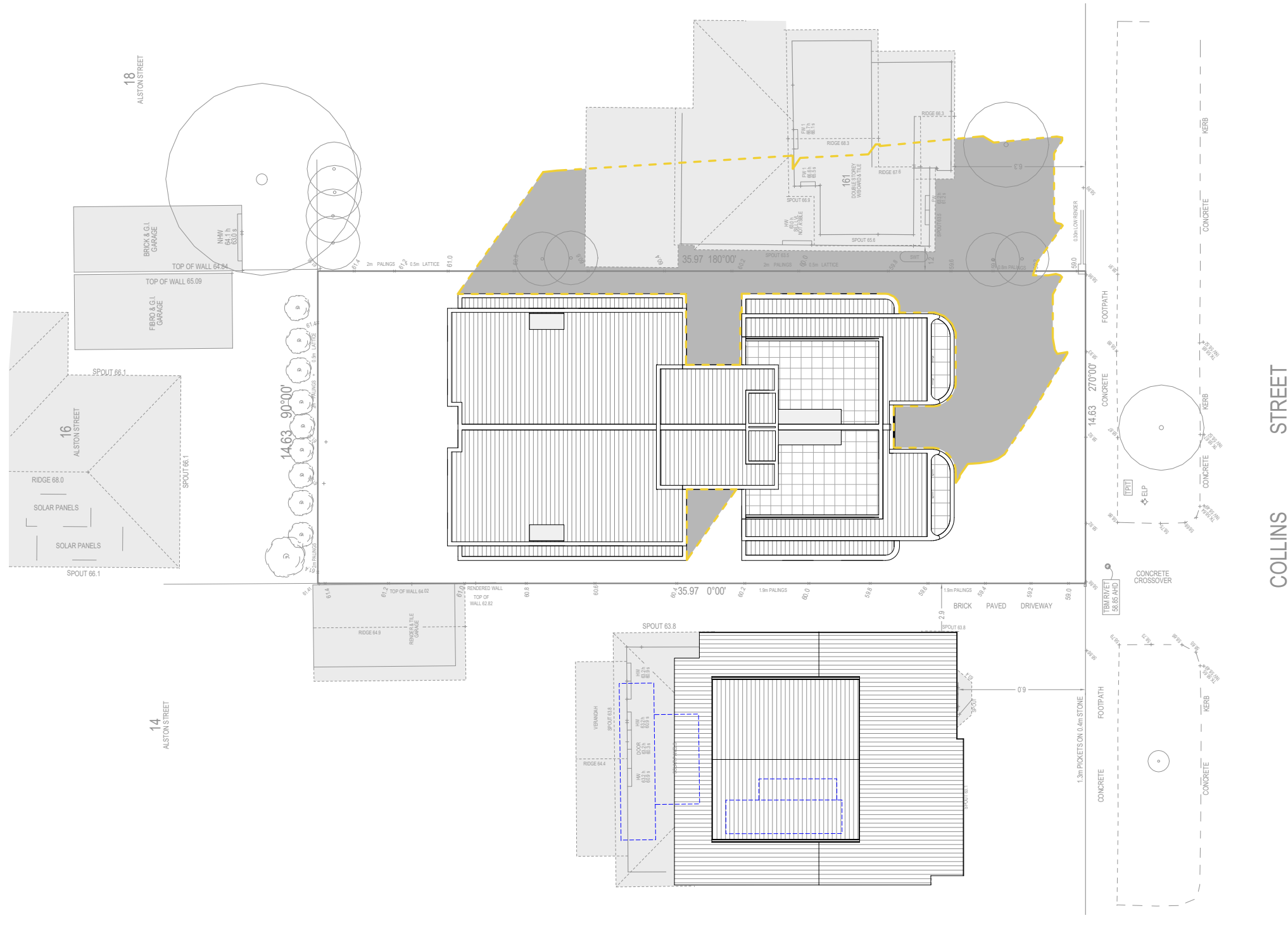
Darebin City Council Received 12/09/2023



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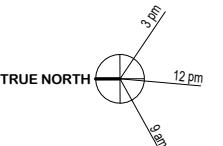
COLLINS STREET

18 ALSTON STREET

16 ALSTON STREET

14 ALSTON STREET

Legend:  
existing solar panels  
proposed shadow



No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Shadow Analysis - 3pm	
Project number	BQ22-004
Date	20230912
Scale @ A1	1 : 100

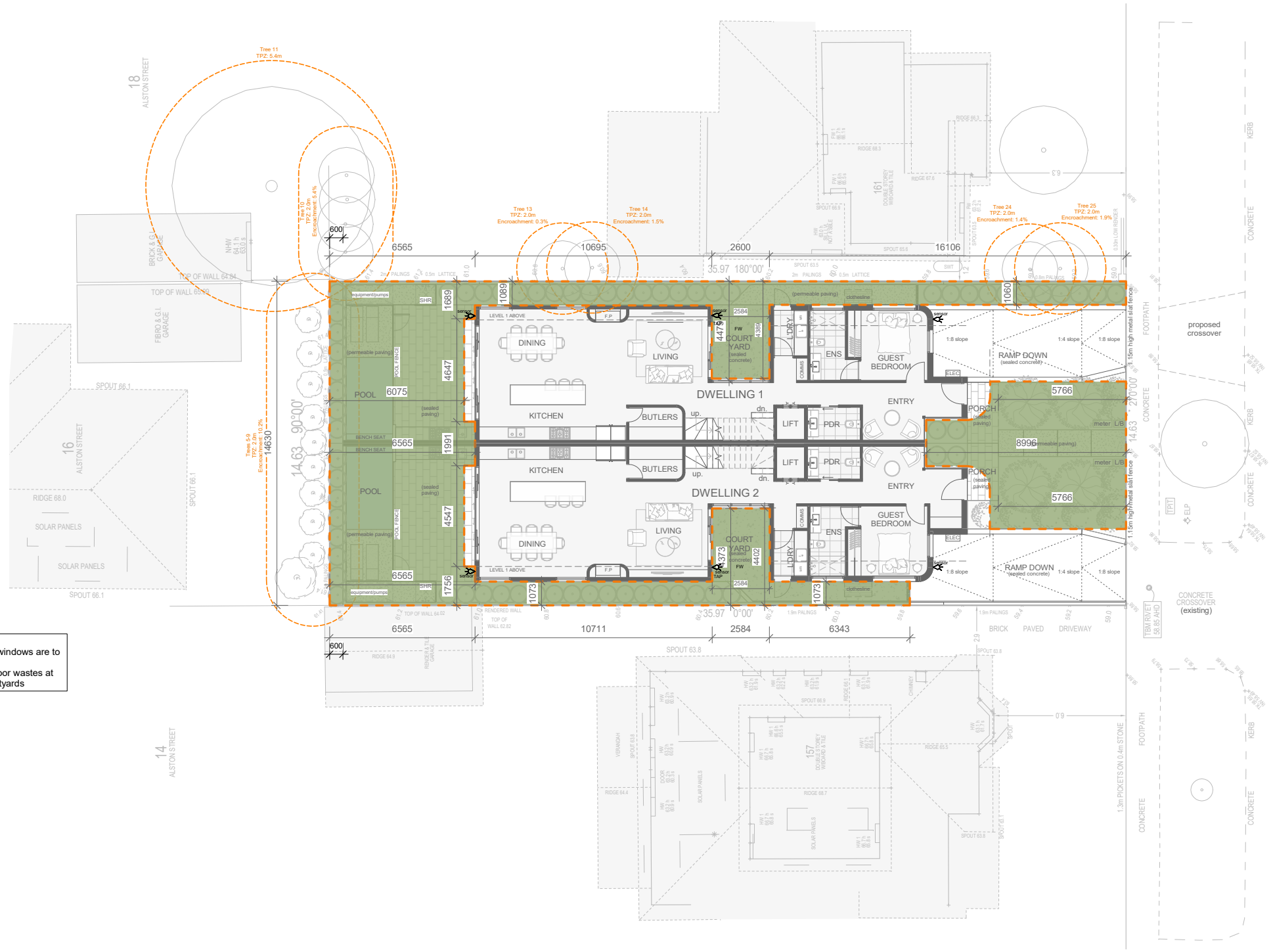
**A4.5**  
Darebin City Council | Received 12/09/2023



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**NOTE:**

- all habitable room windows are to be double glazed
- provide taps and floor wastes at balconies and courtyards

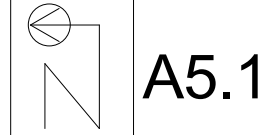
**LEGEND:**

proposed garden area: 208.8m<sup>2</sup> (39.7%)

COLLINS STREET

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

Proposed Garden Area Plan	
Project number	BQ22-004
Date	20221025
Scale @ A1	1 : 100





artist impression - east elevation



artist impression - west elevation

Darebin City Council Received 26-10-2022



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No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

**Proposed 3D Views**

Project number	BQ22-004
Date	2022.10.25
Scale	@ A1

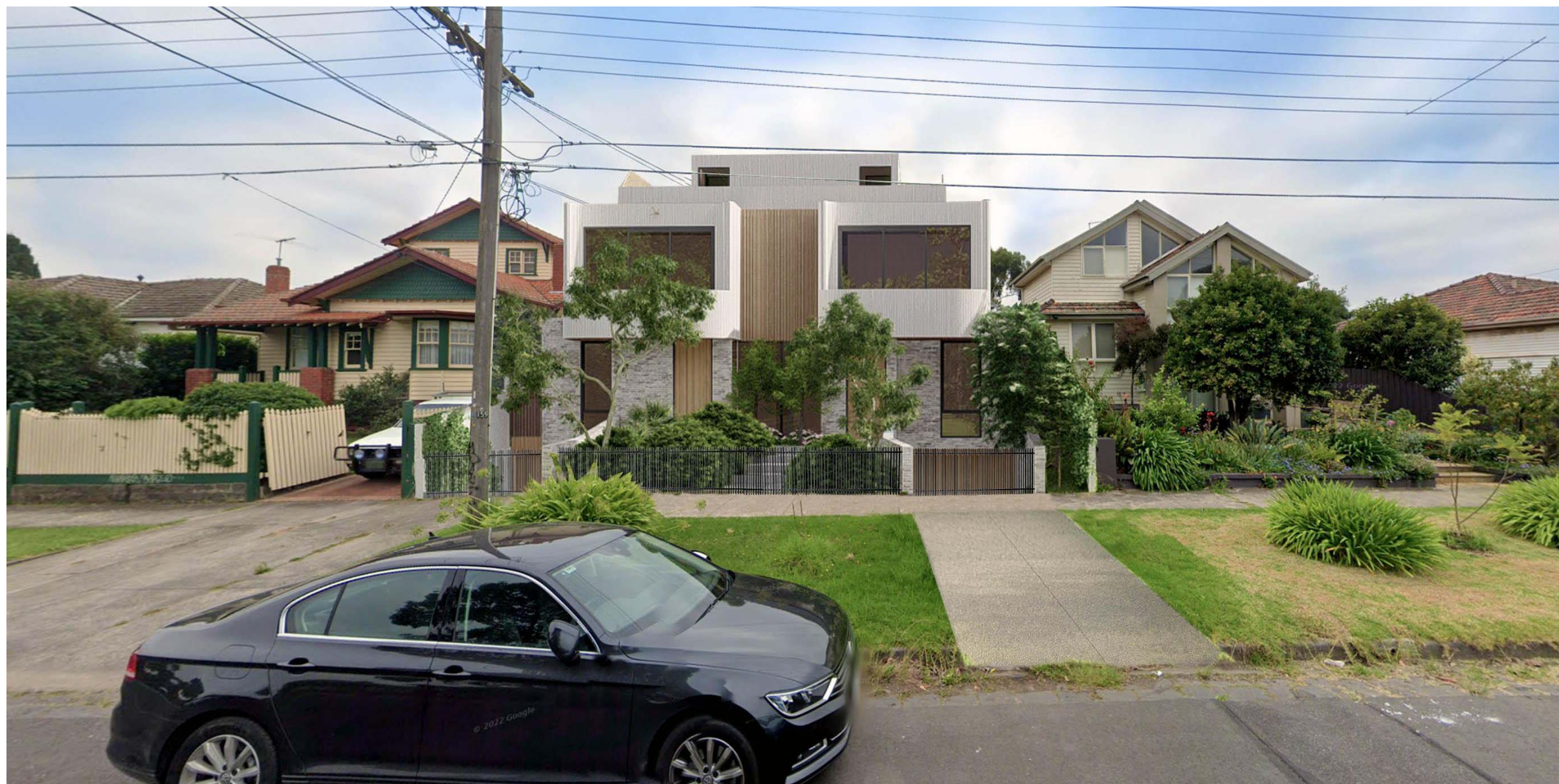
A6.1



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artist impression - streetscape

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

**Proposed 3D Views**

Project number	BQ22-004
Date	2022.10.25
Scale	@ A1

Darebin City Council Received 26-10-2022

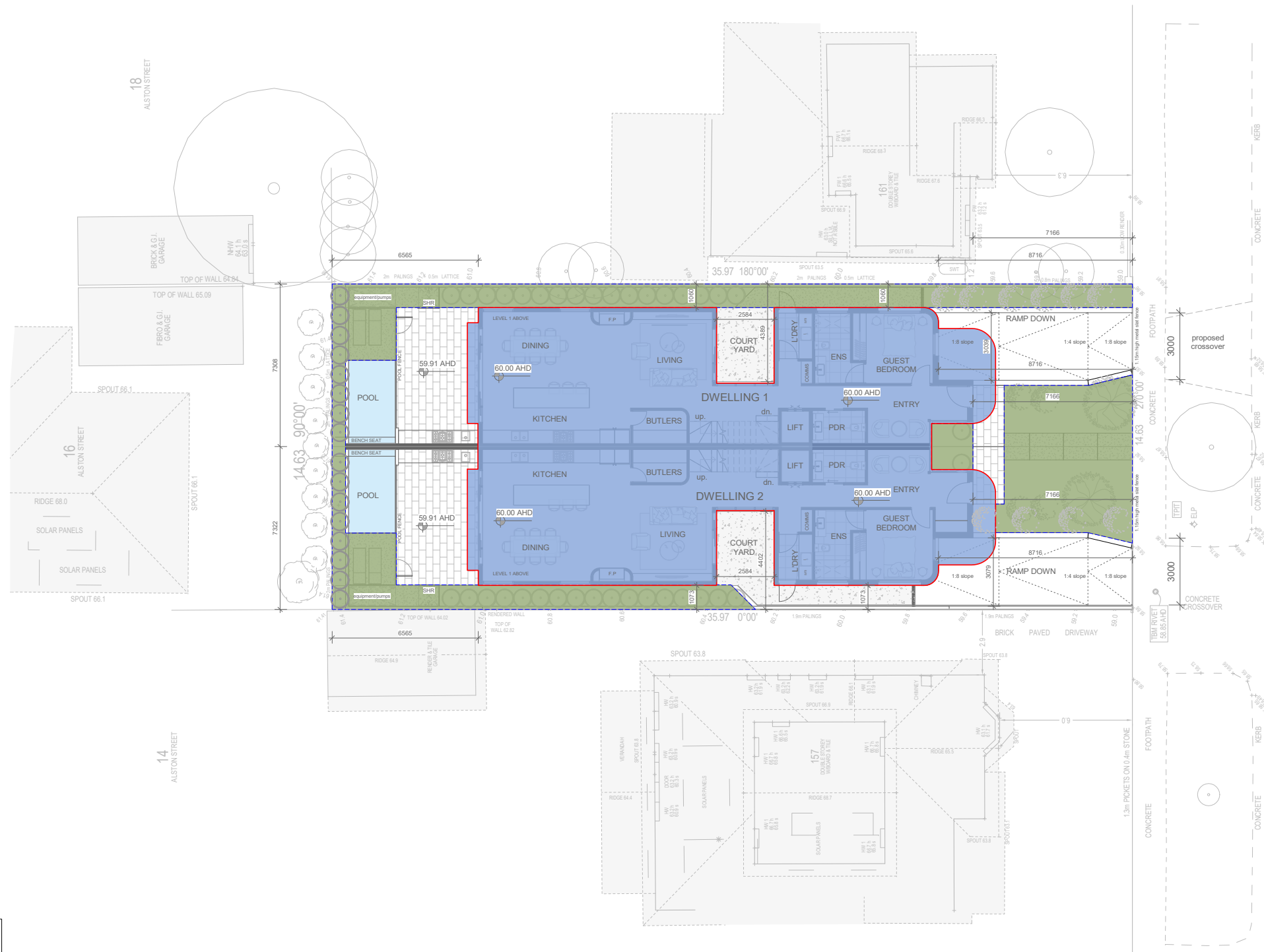
A6.2



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NOTE: rainwater tanks to be connected to toilets for flushing and to laundries for washing.

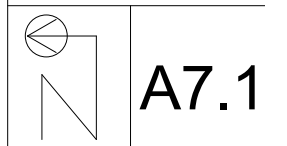
**LEGEND:**

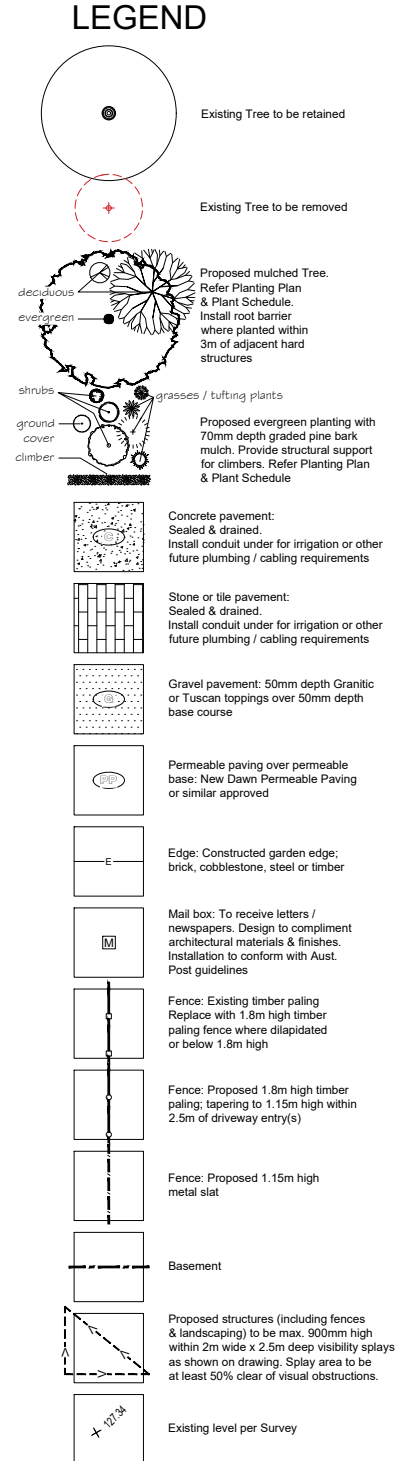
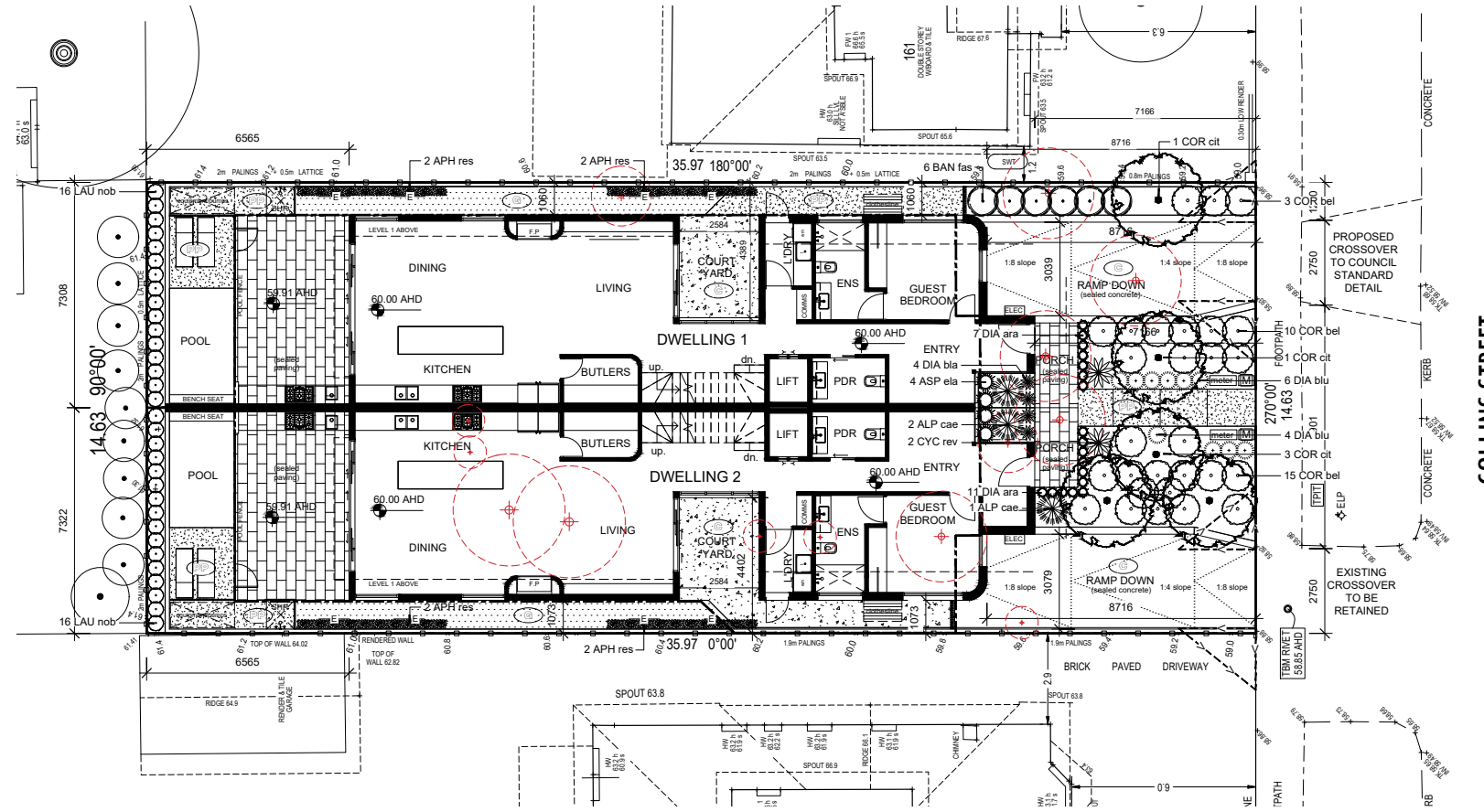
- proposed permeable areas: 121.8m<sup>2</sup> (23.2%)
- proposed roofs to be treated by tanks: 265.5m<sup>2</sup> (50.5%)

Darebin City Council Received 25-10-2022

No.	Description	Date
TP01	Town Planning Submission	1.07.2022
TP02	RFI Response	25.10.2022

WSUD Plan	
Project number	BQ22-004
Date	20221025
Scale @ A1	1 : 100





**SITE PERMEABILITY**

SURFACE FINISH	AREA m <sup>2</sup>	SITE AREA m <sup>2</sup>
GARDEN	71	
GRAVEL	19.6	
LAWN	0	
PERMEABLE DECK	0	
PERMEABLE PAVING	31.6	
<b>TOTAL</b>	<b>122.2</b>	<b>526</b>

SITE PERMEABILITY: 23.2%

**PROPOSED PLANT SCHEDULE**

CODE	BOTANICAL NAME	COMMON NAME	Approx. H x W (m) @ Maturity	SUPPLY SIZE	QTY
<b>TREES</b>					
COR cit	<i>Corymbia citriodora</i> 'Scentuosus'	Dwarf Lemon Scent. Gum	7 x 3	40L/1.6m H	5
<b>SHRUBS</b>					
BAN fas	<i>Banksia integrifolia fastigiata</i> 'Sentinel'	Dwarf Coastal Banksia	2.5 x 1	140mm	6
COR bel	<i>Correa reflexa</i> 'Bellissimo'	Bellissimo Correa	0.5 x 1	140mm	28
LAU nob	<i>Laurus nobilis</i> 'Flavour Master'	Flavour Master Bay	1.8 x 0.5	140mm	32
<b>GRASSES &amp; TUFTING FORMS</b>					
ALP cae	<i>Alpinia caerulea</i> 'Red Back'	Native Ginger	2 x 0.5-1	200mm	3
ASP ela	<i>Aspidistra elatior</i>	Cast Iron Plant	0.7 x 0.5	140mm	4
CYC rev	<i>Cycas revoluta</i>	Sago Palm	1-1.2 X 1-1.2	300mm	2
DIA ara	<i>Dianella caerulea</i> 'Aranda'	Aranda Flax-lily	0.3 x 0.35	140mm	18
DIA bla	<i>Dianella tasmanica</i> 'Blaze'	Blaze Flax-lily	0.45 x 0.4-0.5	140mm	4
DIA blu	<i>Dianella revoluta</i> 'Blue Stream'	Blue Flax Lily	0.7 x 0.5	140mm	10
<b>CLIMBERS</b>					
APH res	<i>Aphanopetalum resinosum</i>	Gum Vine	2 x 2	140mm	4

SPECIES & SUPPLY POT SIZES ARE SUBJECT TO AVAILABILITY  
 All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use.  
 All plants must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist.

**LANDSCAPE NOTES**  
**PLANT INSTALLATION**  
 PLANTS SHOULD BE SETOUT IN CONSIDERATION OF MATURE HEIGHTS & WIDTHS (REFER PLANT SCHEDULE) TO AVOID FUTURE GROWTH PROJECTING ACROSS SERVICE METERS, POWER LINES, PATHWAYS ETC. INSTALL PROTECTIVE ROOT BARRIERS TO TREES LOCATED WITHIN 3m OF HARD SURFACES & BUILDINGS.

**IRRIGATION**  
 ALL LANDSCAPED AREAS ON THE SITE TO BE SERVICED BY A FULLY AUTOMATED DRIP IRRIGATION SYSTEM OR MANUALLY OPERATED DRIP SYSTEM WITH TIMER(S) TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. PROVIDE CONDUITS UNDER / THROUGH HARD STRUCTURES TO ENABLE CABLING & PLUMBING ACCESS TO ALL LANDSCAPED AREAS.

**MAINTENANCE**  
 LANDSCAPE TO BE KEPT IN A NEAT & TIDY CONDITION AT ALL TIMES BY REGULAR ROUTINE MAINTENANCE ACTIVITIES INCLUDING:  
 • WATERING THROUGH INITIAL PLANT ESTABLISHMENT PERIOD  
 • CHECKING IRRIGATION SYSTEM (SENSORS, PROGRAM FREQUENCY, CONTROLLER OPERATION, PRESSURE, COVERAGE, FILTERS, BLOCKAGES, DAMAGE & LEAKS)  
 • REPLACING DEAD & DISEASED PLANTS  
 • WEED REMOVAL  
 • DEAD HEADING  
 • TRIMMING FOR SHAPE & DENSITY  
 • FORMATIVE TREE PRUNING  
 • TOPPING UP GRAVEL SURFACING &/OR MULCH DEPTHS  
 • FERTILISING  
 • RE-SEEDING / RE-TURFING & MOWING  
 • REMOVAL OF STAKES, TREE TIES & WATER WELLS AFTER 2 YEARS

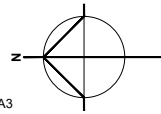
LANDSCAPE PLAN



**PROPOSED DEVELOPMENT**  
 159 Collins Street, Thornbury

8 Bluechip Court  
 Point Cook Victoria 3030  
 T (03) 9395 3650 M 0447 813 930  
 office@infinityla.com.au

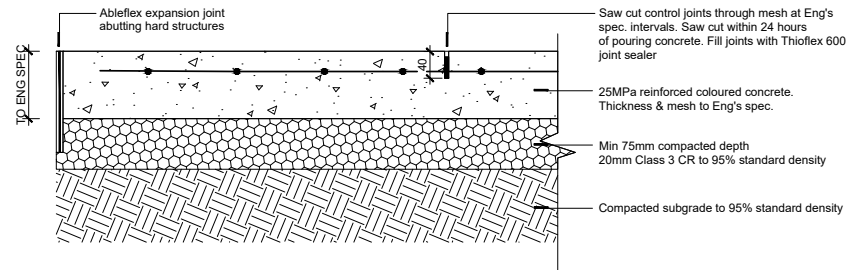
Stage: Town Planning Approval  
 Date: 25.10.2022  
 Project No.: 075.2022  
 Drawn: SM  
 Checked: SM  
 Scale: 1:100@A1/1:200@A3  
 Drawing No.: L01B



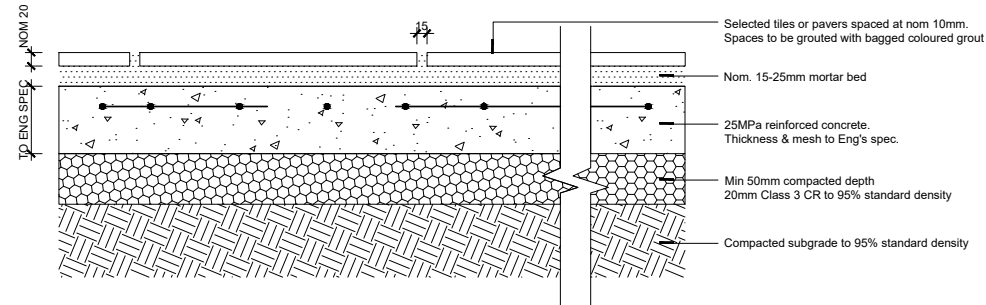
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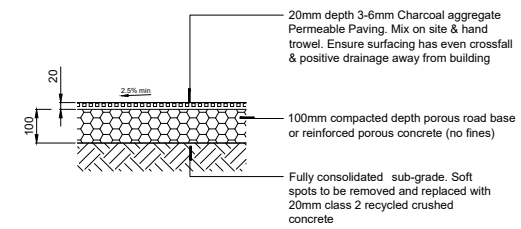




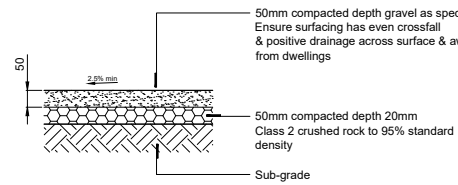
**1**  
**02** CONCRETE PAVEMENT DETAIL  
SCALE 1:5



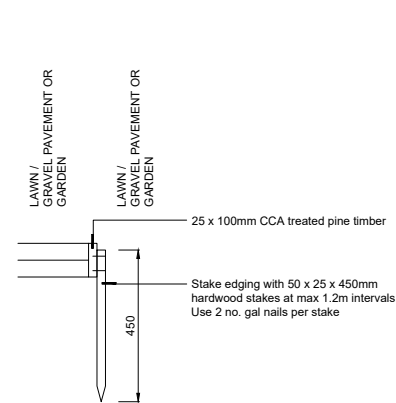
**2**  
**02** TILES / PAVERS ON CONCRETE BASE  
SCALE 1:5



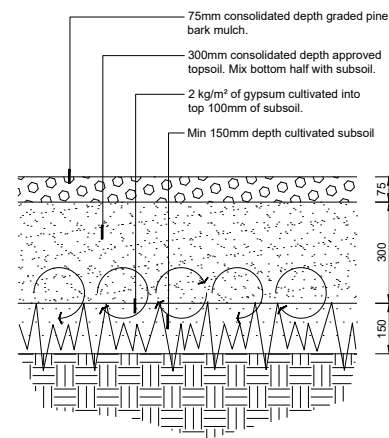
**3**  
**02** PERMEABLE PAVEMENT DETAIL  
SCALE 1:10



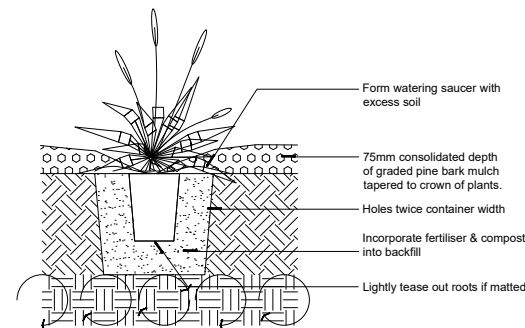
**4**  
**02** GRAVEL PAVEMENT DETAIL  
SCALE 1:10



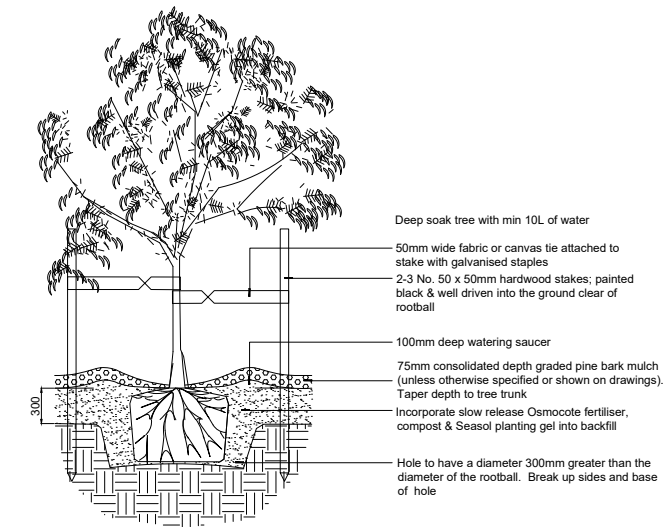
**5**  
**02** EDGE DETAIL - TIMBER  
SCALE 1:10



**6**  
**02** GARDEN PREPARATION DETAIL  
SCALE 1:10



**7**  
**02** SHRUB PLANTING DETAIL  
SCALE 1:10



**8**  
**02** TREE PLANTING DETAIL  
SCALE 1:20

Rev	Date	Amendment
A	25 Oct 2022	Architect   Client [DRAFT]

LANDSCAPE DETAILS



INFINITY LANDSCAPE ARCHITECTS

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office@infinityla.com.au

**PROPOSED DEVELOPMENT**  
159 Collins Street, Thornbury

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Stage **Town Planning Approval**

Date 25.10.2022

Project No. 075.2022

Drawn SM

Checked SM

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

Drawing No. **L02B**

Darebin City Council Received 25-10-20

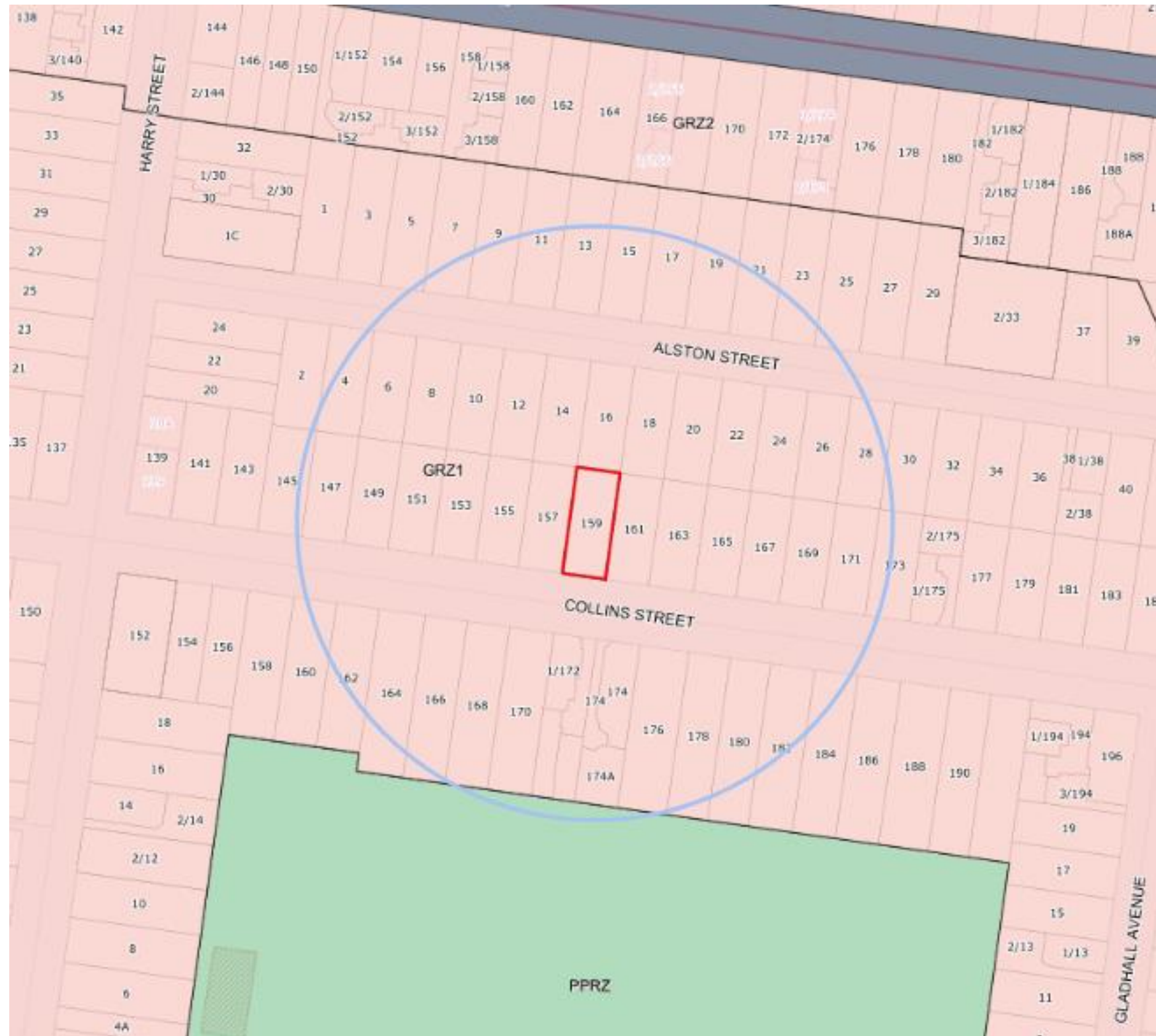
### 159 COLLINS STREET THORNBURY 3071

#### Appendix D – Objector Radius Map

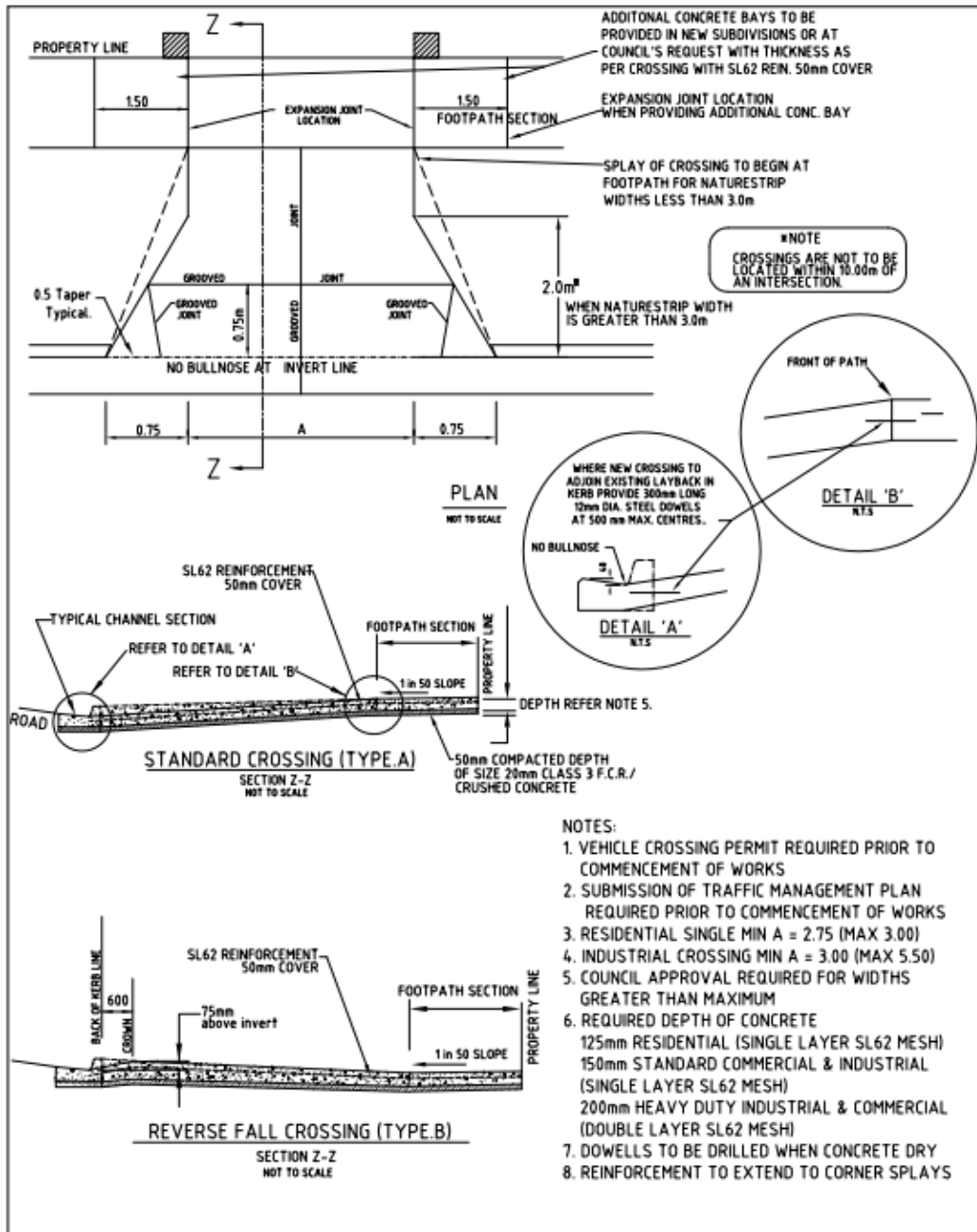
38 objections total were received; 18 of which are within a 100 metre radius of the site.


100 metres radius shown in blue.

Subject site shown in red.



**159 COLLINS STREET THORNBURY 3071**  
*Appendix E – Vehicle Crossing Policy, October 2014, Drawing DS4*  
 Darebin City Council



 CITY OF DAREBIN	STANDARD CONCRETE VEHICLE CROSSINGS FOR RESIDENTIAL COMMERCIAL & INDUSTRIAL ENTRANCES		DAREBIN ENGINEERING SERVICES	
	ACAD NAME DS4.DWG	DWG No DS4	DRAWN AM	DATE NOV14

159 Collins Street, Thornbury – Consideration of Planning Permit Application D/381/2022

**Appendix E – Reference Tables**

**Clause 22.02 – Neighbourhood Character Assessment**

The subject site is located within Neighbourhood Character Precinct F4 (Postwar) of the Darebin’s Neighbourhood Character study (Clause 22.02). The table below addresses the applicable Neighbourhood Character assessment objectives.

Objective	Comment	Complies
Vegetation		
To maintain and strengthen the garden setting of the dwellings.	<p>A detailed landscape plan has been provided (via Infinity Landscape Architectures) which indicates substantial planting of new vegetation is possible, with the inclusion of five (5) canopy trees within the front setback.</p> <p>A condition of approval would require an amended landscape plan to show the more detailed administrative requirements (for example, construction details of garden beds to the satisfaction of the responsible authority and tree protection zones referenced in the Tree Protection Management Plan).</p>	Complies subject to conditions
Siting		
To provide space for front gardens.	The proposal provides a 7.16 metre (including the front porch) front setback to allow for a front garden, and the landscape plan indicates five (5) canopy trees are to be placed within this space indicating the garden space is in accordance with the preferred neighbourhood character.	Complies
To ensure new development retains substantial space for landscaping.	The development allows for adequate space to contribute to a continuous canopy of trees across the precinct. The inclusion of five (5) canopy trees along with other landscaping within the front setback as detailed within the proposed Landscape Plan ensures the development will contribute to the streetscape positively and that the development allows for substantial space for landscaping.	Complies
To maintain and reinforce the side	The ground and first floors are set back from both side boundaries which reflects	Complies

<p>boundary setback pattern and the existing rhythm of spacing between dwellings.</p>	<p>the existing setback patterns and the existing rhythm of spacing between dwellings in Collins Street. It is noted that the setbacks also comply with Clause 55.</p>	
<p>To minimise the loss of front garden space and the dominance of car parking structures.</p>	<p>The car parking is located within the basement below natural ground level. This allows for the car parking structures to be minimally visible and therefore, reducing their dominance within the development.</p> <p>The retention of the existing crossover and proposed additional single crossover are supported by Council’s Transport Unit given the width of the site and net gain to on-street parking with four (4) car spaces provided on-site.</p> <p>The low height fence helps to reduce the visibility of the driveways, while the inclusion of five (5) canopy trees and a well landscaped front garden results in the gardens becoming one of the dominant features within the development that fronts the street.</p>	<p>Complies</p>
<p>Height and Building Form</p>		
<p>To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.</p>	<p>Dwellings within the streetscape are a combination of single and double storey. The proposed double storey dwellings will sit comfortably between existing double storey dwellings on adjoining sites. The proposed dwellings provide for a basement (projects no more than 1.2 metres above ground level) and roof top terrace. The overall maximum height of the development from the natural ground level is 8.44 metres with complies with Clause 32.08 and Clause 55, with side setbacks included on both sides of the development for the ground and first floors to reduce visible bulk.</p> <p>The scale and form of the proposal is characteristic of the emerging preferred residential character within the broader municipality. Although the development proposes a basement and roof top terrace, which are not typical within the street, the development has been designed to minimise the visibility of these features to the streetscape. Additional canopy trees and a well landscape front garden is included within the front setback and the</p>	<p>Complies</p>

	roof top terrace is well setback at 9.496 metres from the street and designed to blend into the roof form of the first floor.	
<b>Materials and Design Detail</b>		
To encourage buildings that contribute positively to the streetscape through the use of innovative architectural responses and by presenting visually interesting facades to the street.	<p>The proposal offers a contemporary design response by re-imagining attributes such as porches, materials, low permeable front fence and articulation through use of materials, while designing the development to respond to the slope of the land.</p> <p>The development incorporates brick work on the ground floor to reference the dominant building material evident within the street. The first floor is to be constructed in render and the roof top terrace in timber cladding. Again, directly incorporating other dominant materials used within the street. However, the use of these materials has been used in a positive and innovative way through a contemporary design, while creating articulation for a visually interesting façade.</p> <p>The palate uses natural and neutral tones while is appropriate within the surrounding streetscape and will not be discordant. As the site is not affected by heritage controls, the use of texture and materiality is acceptable as being interpretative of surrounding structures.</p>	Complies
<b>Front Boundary Treatment</b>		
To maintain the openness of the streetscape and views to established gardens and dwellings.	The proposed low 1.15 metre metal slat front fence is in-keeping with the local character and overall development design. As the proposed fence is permeable, it allows for views into the landscaped front setback and the façade beyond, while allowing for views to the established gardens and dwellings.	Complies

Overall, the proposal is compliant with the requirements of the Neighbourhood Character Study and Design guidelines for the precinct.

**Clause 55 – Compliance Summary**

Clause	Std		Compliance	
			Std	Obj
<b>55.02-1</b>	<b>B1</b>	<b>Neighbourhood character</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.02-2</b>	<b>B2</b>	<b>Residential policy</b>		
		The proposal complies with the relevant residential policies outlined in the Darebin Planning Scheme.	Y	Y
<b>55.02-3</b>	<b>B3</b>	<b>Dwelling diversity</b>		
		N/A as development contains less than 10 dwellings	N/A	N/A
<b>55.02-4</b>	<b>B4</b>	<b>Infrastructure</b>		
		Adequate infrastructure exists to support new development	Y	Y
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		Dwellings appropriately integrate with the Street. A condition of approval will be to have individual footpaths direct from the street to the dwellings.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The required setback is 6.15 metres, the dwellings are set back 6.15 metres from the street frontage.	Y	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		8.44 metres from natural ground level	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		50%	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		23.2%	Y	Y
<b>55.03-5</b>	<b>B10</b>	<b>Energy efficiency</b>		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties. A condition of approval will be to include shading devices on the northern, eastern and western habitable room windows and glazed doors.	Y	Y
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		N/A as the site does not abut public open space	N/A	N/A
<b>55.03-7</b>	<b>B12</b>	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y

<b>55.03-8</b>	<b>B13</b>	<b>Landscaping</b>		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
<b>55.03-9</b>	<b>B14</b>	<b>Access</b>		
		Access is sufficient and respects the character of the area.	Y	Y
<b>55.03-10</b>	<b>B15</b>	<b>Parking location</b>		
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		Length: 3.440 metres Height: 0.228 metres  The only walls on boundaries are basement walls that protrude above the natural ground level which comply with the requirements of this standard.	Y	Y
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>		
		Sufficient setbacks exist to allow adequate daylight	Y	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>		
		There are no north facing windows within 3.0 metres of the common boundary with the subject site.	N/A	N/A
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>		
		Shadow cast by the development is within the parameters set out by the standard.	Y	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>		
		Any potential for internal views between dwellings is minimised by proposed internal fencing and measures outlined under Standard B22.	Y	Y
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		
		Noise impacts are consistent with those in a residential zone. A condition is included that requires services such as air-conditions and pool equipment/pumps in suitable locations to minimise noise impacts on the surrounding properties.	Y	Y



<b>55.05-1</b>	<b>B25</b>	<b>Accessibility</b>		
		The ground levels of the proposal can be made accessible for people with limited mobility.	Y	Y
<b>55.05-2</b>	<b>B26</b>	<b>Dwelling entry</b>		
		Entries to the dwellings are identifiable and provide an adequate area for transition.	Y	Y
<b>55.05-3</b>	<b>B27</b>	<b>Daylight to new windows</b>		
		Adequate setbacks are proposed to allow appropriate daylight access.	Y	Y
<b>55.05-4</b>	<b>B28</b>	<b>Private open space</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.05-5</b>	<b>B29</b>	<b>Solar access to open space</b>		
		There are no walls located to the north of the secluded private open space.	N/A	N/A
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		Sufficient storage areas are provided. However, a condition of approval will be to detail the internal measurements of these internal secure storage on the plans.	Y	Y
<b>55.06-1</b>	<b>B31</b>	<b>Design detail</b>		
		Design detail of dwellings is appropriate in the neighbourhood setting.	Y	Y
<b>55.06-2</b>	<b>B32</b>	<b>Front fences</b>		
		A 1.15 metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		A condition requiring separate paths and a fence to separate the front gardens of the dwellings will result in no common property within the development.	Y	Y
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		Sufficient areas for site services are provided.	Y	Y

159 Collins Street, Thornbury – Consideration of Planning Permit Application D/381/2022

**Appendix G – Practice Note assessment PPN88: Planning for domestic rooftop solar energy systems.**

Clause 55.03-5 (Energy efficiency objectives) of the Darebin Planning Scheme (Standard B10) states:

*Buildings should be:*

- *Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.*

A key determination to be made in relation to the above criteria is in relation to how to categorise to what extent a solar energy system is ‘unreasonably’ impacted. Planning Practice Note 88 – Planning for Domestic Rooftop Solar Energy Systems, (Department of Environment, Land, Water and Planning (DELWP) May 2022), lists relevant factors which are to be considered in determining whether the impact of a development is unreasonable. Further, the Victorian Civil and Administrative Tribunal (VCAT) in *Ramjee v Manningham CC (Red Dot) 2020* determined that a potential minimal reduction in performance of an existing solar energy facility is reasonable and therefore acceptable, where a proposed development may have impacts.

The adjoining dwelling to the west (157 Collins Street) has solar panels across the northern ground floor roof and western first floor roof. Sections and 3D images detailing the shadows cast by proposed development in relation to the existing solar panels located on the roof of 157 Collins Street, were provided by the permit applicant, and shared with the objector.

The table below addresses the relevant factors to consider in determining whether the impact of a development is unreasonable on existing domestic rooftop solar energy systems.

Relevant Factors	Comment
The extent of existing overshadowing of the domestic rooftop solar energy system from existing buildings or permanent structures.	The existing dwelling on the subject site of 159 Collins Street would not cast any overshadowing on the existing solar panels at 157 Collins Street.
Whether the proposed development meets the side and rear setback and north-facing windows standards under clauses 54 and 55.	The proposed development complies with Clause 55.04-1 – Side and Rear Setback and Clause 55.04-4 – North Facing Windows is not applicable to this proposed development as there are no north facing windows within 3 metres of the common boundary of the subject site.
Whether the protection of the existing domestic rooftop solar energy	The proposed development has been designed to protect the existing domestic rooftop solar energy

<p>system will unreasonably constrain or compromise the proposed development</p>	<p>systems against unreasonable constrain or compromise.</p> <p>The plans highlight that no shadows are cast onto any of the solar panels during the 22 September solstice and some minimal overshadowing would encroach onto the ground floor northern roof solar panels at 9am on 22 June solstice. It is noted that no shadows are cast over any of the solar panels on 22 June after 10am. Therefore, the impact on the performance of the solar panels would not be unreasonable and the proposed development has been designed to protect the existing solar panels.</p>
<p>The type of existing domestic rooftop solar energy system. A multiple string system is less affected by shading than a single string, which is more vulnerable to shading. Other system features such as micro inverters or bypass diodes can also operate with partial shading.</p>	<p>The existing solar panels at 157 Collins Street are located on two (2) separate roof areas on two (2) different orientation. Therefore, it is considered that the existing system is less affected by shading as it is likely to be a multiple string system. It is noted that the first floor western roof solar panels will not be affected by the proposed development at any time.</p>
<p>Whether the siting of the existing domestic rooftop solar energy system takes into account the potential future development of adjoining lots promoted or permitted under the planning scheme.</p>	<p>The existing domestic rooftop solar energy system has been located partially to the rear of the dwelling ground floor northern roof and partially on the first floor western roof to allow for the best exposures to northern and western sun orientation. This siting is considered to reasonably take into account potential future development of adjoining lots while allowing for the best exposure to northern and western sun light.</p> <p>Notwithstanding the above conclusion, it also appears that there would be room to move the lower panel that would be shadowed in that early part of the day on 22 June Solstice to be relocate onto the first floor western roof where of existing solar panels are located, should the owner/occupier of that property wish to increase the performance of the panels.</p>
<p>The extent to which the existing domestic rooftop solar energy system has been located to protect it from overshadowing through placement higher on the roof and further from existing lot boundaries.</p>	<p>As noted above there is scope for more panels to be located on the higher western first floor roof over the lower northern ground floor roof. This placement to the western first floor roof would result in better protection from overshadowing through the placement on a higher roof area and further from existing lot boundaries, such as the common boundary between the subject site at 159 Collins Street and the location of the solar panels at 157 Collins Street.</p>

Overall, the impact on the performance of the solar panels at 157 Collins Street would not be unreasonable. The key matters that have informed this position includes that the shadowing would only occur during the 22 June Solstice at 9am, ensuring the solar panels would be able to take advantage of allowable sunlight throughout most of the day on 22 June and all day on the 22 September. Further, the proposed development complies with the relevant factors noted under practice note PPN88 as referenced above.

## 6. OTHER BUSINESS

### 6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE

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#### 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.

<b>Officer Recommendation</b>
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**That** the General Planning Information attached as **Appendix A** be noted.

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#### Attachments

- Applications Determined by VCAT - Report for Planning Committee (**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.

PLANNING COMMITTEE MEETING

13 November 2023

**TABLE 1: SUMMARY OF DECISIONS UPHELD BY FINANCIAL YEAR TO DATE - OCTOBER 2023**

	Number of VCAT Decisions	Percentage of decisions upheld
<b>Council decisions</b>	1	0 (0/1)
<b>Delegated decisions</b>	8	100% (8/8)
<b>All decisions</b>	<b>9</b>	<b>88% (8/9)</b>

**Comment on performance and trends**

This financial year to date (at the time of reporting) there have been nine 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 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 has been one VCAT decision that is not reportable to LGPRF and so is not captured in the above table. This was a delegated decisions of Council and was withdrawn by the permit applicant.*

*Council decisions are decisions made by the Planning Committee. Delegated decisions are decisions made under Council's delegation instruments by Planning Officers in the Statutory Planning Unit.*

PLANNING COMMITTEE MEETING

13 November 2023

**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/290/2022 P851/2023	70 Waterloo Road NORTHCOTE  South	Construction of four (4), triple storey dwellings	Refuse	Delegate	S77	No hearing	Withdrawn	Yes
<p><b>Discussion</b> The applicant determined to withdraw the appeal and intends to submit a revised proposal to Council for assessment.</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/441/2004/C P463/2023	1/84A Pender Street THORNBURY  South Central	Extension to dwelling and deck/balcony	Support (NOD Issued)	Delegate	S82	Compulsory Conference	Varied	Yes
<p><b>Discussion</b> The applicant agreed to alter the proposal in order to address objector concerns related to noise.</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

13 November 2023

D/692/2021 P413/2023	532 Bell Street PRESTON  West	Five (5) double storey dwellings and alteration of access to a road in a Transport Zone 2	Refuse	Delegate	S77	No hearing	Resolved with the consent of all parties	Yes
<p><b>Discussion</b> A mediated outcome was reached prior to the hearing where the applicant agreed to amend plans to address Council concerns that related to on and offsite amenity matters, such as secluded private open space allocation and overlooking.</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/624/2022 P609/2023	30 Allenby Avenue RESERVOIR  North West	Two (2) double storey dwellings	Support (NOD issued)	Delegate	S82	Compulsory Conference	Varied	Yes
<p><b>Discussion</b> A mediated outcome was reached prior to the hearing where the applicant agreed to amend plans to address objector concerns that related to privacy and visual bulk.</p>								

**CORRECTION TO THE 9 OCTOBER 2023 PLANNING COMMITTEE REPORT:**

Table 2 of the VCAT Report for Planning Committee, tabled at the 9 October 2023 Planning Committee meeting, contained an administrative error which incorrectly identified D/465/2015 (VCAT Ref: P467/2023), 36-46 High Street Preston, as a Council decision. The decision column should



PLANNING COMMITTEE MEETING

13 November 2023

have referred to a Delegated decision, not a Council decision. The report was otherwise correct, including the overall reporting of all VCAT decisions for the current financial year, as shown within Table 1.

**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*

*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

PLANNING COMMITTEE MEETING

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***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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