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## AGENDA

Planning Committee Meeting to be held at  
Darebin Civic Centre,  
350 High Street Preston  
on Monday 14 August 2023 at 6.30pm.

This meeting is a scheduled hybrid meeting,  
at which both Councillors and members of the  
public may participate either in person or virtually.

The meeting will be livestreamed and may be accessed  
from Councils website [www.darebin.vic.gov.au](http://www.darebin.vic.gov.au)



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

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

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

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

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



### English

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

### Arabic

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

### Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

### Greek

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

### Hindi

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

### Italian

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

### Macedonian

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

### Nepali

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

### Punjabi

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

### Somali

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

### Spanish

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

### Urdu

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

### Vietnamese

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

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# Agenda

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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 10 July 2023 be confirmed as a correct record of business transacted.

## 5. CONSIDERATION OF REPORTS

### 5.1 APPLICATION FOR PLANNING PERMIT D/442/2022 23 JAMES STREET PRESTON

**Author:** Principal Planner

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

Applicant	Owner	Consultant
S Colakidis	S Hammoud	Composite Design and Drafting Eb Traffic Solutions Glenn Waters Arboriculture Luka MR Konjic Town Planning Services

### SUMMARY

<b>Property:</b>	23 James Street, Preston
<b>Proposal:</b>	The application is for the development of two (2) double storey dwellings, each with three (3) bedrooms and a double garage with an upstairs loft.
<b>Car parking:</b>	The required rate of car parking (2 spaces) is provided for each proposed dwelling.  Each dwelling would have access to a double garage adjacent the rear right of way.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>• General Residential Zone – Schedule 2 (GRZ2)</li> <li>• Development Contribution Plan Overlay (DCPO)</li> </ul>
<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 Contributions 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>Consultation:</b>	<ul style="list-style-type: none"> <li>• A public notice consisting of a sign to the front of the property.</li> <li>• Letters sent to surrounding owners and occupiers.</li> </ul>
<b>Objections:</b>	<ul style="list-style-type: none"> <li>• Six (6) objections were received against this application.</li> <li>• The key objection grounds include:                             <ul style="list-style-type: none"> <li>○ Visual bulk, overshadowing and use associated with the</li> </ul> </li> </ul>

	<p>lofts.</p> <ul style="list-style-type: none"> <li>○ Use of and impacts on the right of way.</li> <li>○ Character and limited space for tree planting</li> </ul>
<p><b>Key reasons for support:</b></p>	<ul style="list-style-type: none"> <li>● Consistent with Darebin’s Strategic Housing Framework policy; improves housing diversity and achieves the outcomes sought for Incremental Change Areas, with one additional dwelling.</li> <li>● Vehicle access from the rear right of way responds to the existing James Street pop-up park and vehicle pinch point to the front of the site, supporting Council’s ‘Streets for People’ program which seeks to convert some roads into shared streets where green space, walking and cycling take priority.</li> <li>● The design and layout of the development achieves a good response to Council’s Good Design Guide and is supported by Council’s City Designer.</li> <li>● The proposal provides additional housing outcomes in an area suitable to families, couples or singles, aligns with Council’s Neighbourhood Character policy and responds well to Clause 55 (ResCode) of the Darebin Planning Scheme.</li> <li>● The site is proximate to public transport and the Preston Market Precinct.</li> <li>● The proposal achieves sustainable design outcomes commensurate with a two (2) dwelling development.</li> <li>● There would be no unreasonable off-site amenity impacts, subject to generally limited conditions.</li> </ul>

**Recommendation**

**RECOMMENDATION PART A**

**That** Planning Permit Application D/442/2022 be supported and a Notice of Decision to Grant a Permit be issued for the Construction of two (2) dwellings on land in the General Residential Zone – Schedule 2 in accordance with the endorsed plans, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. 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 Sheet 2, Sheet 3, Sheet 4, Sheet 5, Sheet 8 and Sheet 10, dated 30 November 2022, Job No. 22/013, Drawn by Composite Design Drafting and received by Council on the 30 November 2022) but modified to show:
  - (a) Design Plans in accordance with Condition No. 22 of this Permit.
  - (b) Dwelling 2 complying with the numerical requirements of Clause 55.04-3 – Standard B19 – Daylight to Existing Windows where opposite the eastern most existing habitable room window of 25 James Street Preston.

- (c) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).
- (d) Annotated coloured elevations and 3D renders accurately representing the proposed materials, colours and finishes in accordance with the approved schedule of construction materials.
- (e) Details of the fence on the northern boundary (except within the front setback) in accordance with Condition No. 10 of this Permit.
- (f) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
  - (i) co-located where possible;
  - (ii) located or screened to be minimally visible from the public realm;
  - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
  - (iv) integrated into the design of the building.
- (g) The location of gas, water and electricity metres. Where metres would be visible from the public realm, these are to be:
  - (i) co-located where possible;
  - (ii) positioned on a side boundary or adjacent to the accessway; and
  - (iii) screened from view using either landscaping or durable screening that integrates with the development.
- (h) Where fixed screens are being utilised for overlooking measures 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.
- (i) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- (j) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (k) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Condition No. 4 and 5 of this Permit.
- (l) Any modifications required as a result of the approved Built Environment Sustainability Scorecard (BESS) required by Condition No. 6 of this Permit.
- (m) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
- (n) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.
- (o) Any modifications required as a result of the waste storage and collection area in accordance with Condition No. 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 but modified to show:
- (a) Tree protection measures in accordance with Condition No. 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 No. 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) Within the front setback of each dwelling a small and medium sized canopy tree, are to be shown within the secluded private open space areas of each dwelling and within the front setback of the property, commensurate with the size of planting area available. All canopy trees must have a minimum height of 1.6 metres in 40 litre containers at the time of installation and must have the following minimum widths at maturity: small canopy (4 metres), medium canopy (6 metres).
  - (g) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
  - (h) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
  - (i) Hard paved surfaces at all entry points to dwellings.
  - (j) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
  - (k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
  - (l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
  - (m) The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
  - (n) Clear graphics identifying trees (deciduous and evergreen), shrubs, grasses/sedges, groundcovers and climbers.
  - (o) Scale, north point and appropriate legend.
  - (p) Landscape specification notes including general establishment and maintenance requirements.

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

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

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

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

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

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

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 4 – prunus cerasidera (Cherry Plum)	Adjoining property (north)	2.2 metres
Tree 5 – Camillia Japonica (Chinese Cameilla)	Adjoining property (north)	2.1 metres
Tree 10 – Ulmus Parvifolia (Chinese Elm)	Street tree	2.0 metres
*as defined in Arboricultural Assessment and Report, dated 25 September 2022, prepared by Glenn Water Arboriculture and received by Council on the 19 October 2022		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
  - (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
  - (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing.
  - (c) The tree protection fencing must be maintained at all times and may only be moved the minimum amount necessary for approved buildings and works to occur within a Tree Protection Zone (TPZ). The movement of the fencing to allow such buildings and works shall only occur for the period that such buildings and works are undertaken, after which time the full extent of the fencing must be reinstated.
  - (d) Except with the written consent of the Responsible Authority:
    - (i) The area within the TPZ and Tree Protection Fencing (TPF) must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
    - (ii) No vehicular or pedestrian access, trenching or soil excavation is to occur within a TPZ, save for that allowed to complete the approved development.

- (iii) No storage or dumping of tools, equipment or waste is to occur within a TPZ.
  - (e) Any pruning works must be carried out in accordance with the Australian Standard AS4373 - 2007: Pruning of Amenity Trees and undertaken by a suitably qualified arborist.
  - (f) The construction of the crossover (and any other buildings and works within a TPZ) must be undertaken under the supervision and direction of a qualified arborist.
  - (g) Where applicable to a nature strip tree, a TPZ is confined to the width of the nature strip.
  - (h) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
  - (i) Before any development (including demolition) starts, all existing vegetation shown on the endorsed plan(s) to be retained must be marked and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
6. The Built Environment Sustainability Scorecard (BESS) to be approved and which will then form part of this Permit is the BESS report submitted with the application (identified as BESS report dated 19 October 2022 prepared by Composite Design Drafting and received by Council on the 19 October 2022).

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

7. Before plans are endorsed under Condition No. 1 of this Permit, a 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, a waste storage and collection area must be provided on the subject land in accordance with the endorsed plans.

The waste storage and collection area must have dimensions suitable to accommodate and conveniently access:

- (a) 240 litre recycle waste bin/dwelling/tenancy
- (b) 80 litre general waste bin/dwelling/tenancy
- (c) 120 litre FOGO waste bin/dwelling/tenancy
- (d) 120 litre Glass waste bin/dwelling/tenancy

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

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

\*FOGO: Food Organics and Garden Organics

10. The development must not be occupied until a fence to a minimum height of 1.8 metres above natural ground level is erected along the northern property boundary. The fence must be constructed to the satisfaction of the Responsible Authority.

If the existing fence/s on the northern boundary with a height less than 1.8 metres is structurally sound, the fence height may be increased by the addition of a free-standing, self-supporting trellis adjacent to the fence to the required height. If used, such trellis must be a maximum of 25% visually permeable and be fixed, permanent, durable and of materials, finishes and colour that will blend in with the development.

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. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
  20. 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.
  21. 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.
  22. Prior to the occupation of the development:
    - (a) Plans detailing the construction and surfacing including drainage of the right of way abutting the western boundary of the property, commencing from the southern end of the right of way connecting to Hope Street and continuing for a minimum of one (1) metre past the north-western edge of the property boundary of 23 James Street Preston must be submitted to and approved by Council.
    - (b) The right of way abutting the western boundary of the property, commencing from Hope Street to the south and continuing one (1) metre past the north-western edge of 23 James Street Preston must be constructed and surfaced in accordance with the approved plans.All works must be constructed at the cost of the permit holder to the satisfaction of the Responsible Authority.
  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 No.1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development it must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- 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. 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.
- N6. 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.
- N7. Please note the Development Contribution Plan levy will be invoiced separately.
- N8. This planning permit has considered the flood mapping information which came into effect on 12 May 2023. The subject site is not within a potentially flood affected area.

**RECOMMENDATION PART B**

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

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

The site comprises the lot at 23 James Street Preston.

The site is located on the western side of James Street, approximately 23 metres to the south of the intersection with Cramer Street and approximately 17 metres to the north of the intersection with Hope Street.

The subject site has a frontage width of approximately 12.49 metres and a length of 33.57 metres for an overall site area of 419 square metres. A fall of approximately 1.9 metres affects the site. The site slopes from the front (east) to the rear (west).

The site currently contains a single storey weatherboard dwelling. A single crossover to James Street is located in the north-eastern corner of the site which leads to a carport. The front and rear yard are well vegetated and there are no easements affecting the property.

In the nature strip to the front of the site is a canopy tree and electricity pole.

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

**1.2 James Street Pop-up Park and Traffic Pinch Point**

Directly to the front of the site is the James Street pop-up park and traffic pinch point. This is a Council led and constructed initiative which promotes the re-prioritisation of road safety, reduction of vehicle usage and vehicle speeds in this location. The pop-up park utilises part of the road as open space and priorities bikes.

The proposed development seeks to remove the existing vehicle crossover to James Street, with vehicle access instead relocated to the ROW away from this initiative. This ensures no impacts to the pop-up park/pinch point from the development and reinforces Council’s initiative by reducing cars along James Street.

The use of the rear Right of Way assists the Streets for People initiative which follows the following key principles: *Prioritise people, Minimising conflict and Increasing cycling confidence.*

Preston West Study Corridor & Areas



Figure 1: Council’s Streets for People Preston West Activity Link.



Figure 2: Council's Streets for People Existing James Street Pop-up Park and Traffic Pinch Point

### 1.3 Overview of Surrounding area

The surrounding area is generally low density residential with single dwellings on large lots that provide for front and rear gardens. A medium density housing development is located diagonally opposite the site to the north-east at 152 Cramer Street. This development consists of three (3) double storey dwellings.

The site is located approximately 433 metres west of the tram line along Gilbert Road and 1.2km west of the Preston Train Station and wider Preston Market Precinct which includes an Aldi and Safeway, entertainment and civic office. Preston High School is located approximately 1.4km east of the site as are other parks including Preston Oval which includes the home of the Preston Bullants football club.

To the north of the subject site is 25 James Street Preston. This lot contains a single storey weatherboard dwelling with a terracotta tiled roof and large single storey extension to the rear adjacent the common boundary. A low profile timber fence exists along the front boundary with a pedestrian gate along the northern boundary. Medium sized canopy trees exist in the front and rear yard. The dwelling is setback 0.951 metres from the common boundary and 6.2 metres from the front boundary.

To the south of the subject site is 21 James Street Preston. This dwelling is a single storey brick house with a tiled pitched roof. A large shed structure exists in the rear yard and is accessed from Hope Street. Secluded private open space is located between the dwelling and the shed structure. The front yard is well vegetated with a transparent brick and wrought iron fence. This dwelling is setback 1.351 metres from the common boundary and 6.3 metres from the front boundary.





Figure 3: Aerial image of the pop-up park to the front of 21 and 23 James Street Northcote and rear right of way to be reconstructed, April 2023.

To the east of the site on the opposite side of James Street is 157 Cramer Street, Preston. This lot is developed with a double storey dwelling which has high pitched gable roofs, a large first floor balcony in the rear yard with a solid brick and timber paling fence. The side profile of this dwelling faces the subject site.

To the west of the site is a 3 metre wide, right of way which is made up of grass and gravel. Beyond the right of way is the secluded private open space and side profile of the dwelling at 31 Hope Street, Preston. This dwelling is a single storey, weatherboard dwellings with a well manicured front lawn with medium sized trees and shrubs.

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 side by side dwellings on a lot size of approximately 419 square metres. Each dwelling has ground floor living areas and open space, three (3) bedrooms on the first floor and access to a double garage from the rear right of way.

- Due to the fall of the site the development would have a maximum height of 6.8 metres at any point across two (2) storeys.
- The proposed dwellings are centrally attached, fronting James Street.
- The layout of each dwelling is symmetrical with ground floor front porch, entryway, study, toilet, kitchen, living and dining area. On the first floor are three (3) bedrooms, one with an ensuite and family bathroom.

- To the rear of the site, adjoining the right of way, is a double garage with upstairs loft, bathroom and 2.7 square metres of storage space.
- Each dwelling has access to over 70 square metres of private open space including a fully landscape front yard and pedestrian access with no vehicle crossover proposed to James Street. Each dwelling has a deck and 28 square metre courtyard connecting to the ground floor living area.
- Site services, including a bin storage area are provided in the side setback of each dwelling ensuring these aren't visible from the public realm.
- The external cladding includes a mix of grey coloured face brick and vertically profiled cladding in a mix of painted and timber finishes.



Figure 4: 3D image of the proposal prepared by Composite Drafting

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.

Control	Permit Requirement
Clause 32.08 General Residential Zone Schedule 2	Clause 32.08-6 Construct two 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 six (6) objections. A map identifying the general location of objectors forms **Appendix D**.

The key issues raised in objections are:

- Visual bulk created by the loft above the garage.
- Overshadowing created by the first floor above the garage.
- Use of the loft as a second dwelling.
- The configuration of the loft would set an undesirable precedent.
- Increased traffic along the right of way.
- Potential damage to the adjoining fencing due to limited space to manoeuvre into the proposed garages.
- The proposed development is not in-keeping with neighbourhood character.
- Limited space for canopy tree planting.
- Current maintenance and upkeep of the property.
- Noise pollution.
- Maintenance and use of the rear right of way which is in disrepair.

**4. REFERRALS**

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

Internal Business Unit	Comments
<b>Climate Emergency and Sustainable Transport</b>	<p>Supports the proposal, subject to conditions to address construction and drainage of the right of way.</p> <p>Supportive of the deletion of the existing crossover to James Street and the use of the right of way, for which acceptable swept path diagrams have been provided.</p> <p><b>Officer Comment:</b> Conditions of approval would require the construction and drainage of the southern section of the right of way.</p>
<b>ESD Officer</b>	<p>Supports the proposal, subject to conditions.</p> <p><b>Officer Comment:</b> The application is accompanied by a Built Environment Sustainability Scorecard (BESS) A condition would be included in the recommendation to incorporate the recommendations of the submitted BESS report as part of any approval issued for the proposal.</p>
<b>Infrastructure and Capital Delivery</b>	<p>Supports the proposal, subject to conditions to provide drainage to the dwellings and construction and drainage of the right of way to the satisfaction of the Responsible Authority.</p> <p><b>Officer Comment:</b> Condition of approval would require drainage of the development and construction/drainage of the southern portion of the right of way to the satisfaction of the Responsible Authority.</p>
<b>Property</b>	<p>The laneway is shown as a road (right of way) on the Plan of Subdivision so is a road vested in Council – under its management and control. It is currently not on Council’s Register of Public Roads but is a Council laneway.</p>

Internal Business Unit	Comments
	<p>Provided that the right of way is constructed to Council standards by the owner / developer (and addressing any drainage requirements) along the boundary of both 21 and 23 James Street, there is no objection to the proposal. Once constructed and approved, that section of the laneway would need to be included in Council's Register of Public Roads which would oblige Council to maintain it.</p> <p><b>Officer Comment:</b> A condition of approval would require the construction and drainage of the southern portion of the right of way.</p>
<p><b>Tree Management Unit</b></p>	<p>Supports the proposal, subject to provision of tree protection fencing which can be addressed by conditions of approval.</p> <p><u>Canopy tree planting</u> One small and one medium canopy tree within the front setback of each dwelling.</p> <p><b>Officer Comment:</b> Conditions of the recommendation have been included to this effect.</p>
<p><b>Urban Designer</b></p>	<p>Supports the proposal as it is responsive to the Darebin Good Design Guide for Medium Density. Further information is provided at Section 7.3 of this report.</p>

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

## 5.PLANNING POLICY

### 5.1 Planning Policy Framework (PPF)

The following policies are of most relevance to this application:

- 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)
- Movement Networks (Clause 18.02).
- Infrastructure (Clause 19)
  - Development Infrastructure (19.03-5S)
- Introduction (Clause 21.01)



- Environment (Clause 21.02)
- Housing (Clause 21.03)
- Transport and Infrastructure (Clause 21.05)
- Neighbourhood Character (Clause 22.02)
- Environmentally Sustainable Design (Clause 22.12)

**Zone:**

- General Residential Zone, Schedule 2 (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)

## 6. RESPONSE TO OBJECTORS CONCERNS

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

- Visual bulk created by the loft above the garage
- Overshadowing created by the first floor above the garage
- The proposed development is not in-keeping with neighbourhood character
- Limited space for canopy planting

Responses to the other matters raised are provided below:

### Use of the loft as a second dwelling

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

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

- *A kitchen sink;*
- *Food preparation facilities;*
- *A bath or shower; and*
- *A toilet and wash basin.*

*It includes outbuildings and works normal to a dwelling.'*

The loft space is not defined as a dwelling as it does not contain a kitchen sink or food preparation facilities.

Overall, it is not unusual to develop a garage with an open area and bathroom above it, for use as another bedroom or office or similar space in association with the rest of the dwelling.

Importantly, the loft space cannot be used or converted into a separate dwelling without further planning approval and doing so without planning approval would result in planning compliance action.

The configuration of the loft would set an undesirable precedent

The configuration of the loft would not set an undesirable precedent as double storey form is evident in the rear yard area of nearby dwellings.

The location of the double storey loft is such that it abuts built form to the north and an equally large garage to the south for part of the rear boundary. However, the first floor would be setback from all boundaries to minimise off-site amenity impacts.

With respect to both adjoining lots, the loft would not be overly visible from either area of secluded private open space or the wider public as it abuts a laneway and abuts large garage structures.

The modest double storey form is appropriate in this context and responds to policy direction that allows for up to three stores in height.

Increased traffic along the right of way

The introduction of one (1) additional dwelling to this section of ROW is not expected to significantly increase vehicle use of the rear right of way (ROW) from Hope Street to the south

Council's Property unit have advised that the right of way is shown as a road on the Plan of Subdivision and is vested in Council under Council's management and control. The use of this right of way by vehicles is allowed, supported and encouraged by Council's Climate Emergency and Sustainable Transport Unit per Council's Vehicle Crossings Policy.

The front setback to James Street is improved with use of the rear laneway and removal of the current vehicle crossover and reinstatement of the naturestrip. This provides an improved pedestrian environment to James Street and the pop-up park which is part of Council's Street for People initiative.

Potential damage to the adjoining fencing due to limited space to manoeuvre into the proposed garages

Council's Climate Emergency and Sustainable Transport unit have reviewed the swept paths provided for the proposed development and confirmed they meet engineering requirements, ensuring there is sufficient space to manoeuvre vehicles.

Current maintenance and upkeep of the property

Maintenance of the yard, the tidiness of dwellings and yard presentation to the street and whether dwellings are tenanted, or owner occupied are not relevant considerations under the *Planning & Environment Act 1987* or the Darebin Planning Scheme.

Noise pollution

The proposed residential use would have noise impacts consistent with those normal to a residential zone. Speech, laughter, music etc. are noises associated with people are normal in urban areas.

The noise levels generated by the development would not be significantly above that of the surrounding area. Occupants of this type of development are no more or less likely to generate excessive noise than the occupiers of the surrounding dwellings and business.

A condition of any approval would ensure the location of plant and equipment are located in an appropriate location away from sensitive areas.

Noise and trucks etc. during the construction phase of development is a temporary and unavoidable consequence of development. Construction noise and other impacts are regulated under the Building and other regulations.

Maintenance and use of the rear right of way which is in disrepair.

Conditions would require that the southern portion of the right of way is constructed and drained to Council standards by the developer. Once approved and constructed, that section of the laneway would be included in Council's Register of Public Roads which would oblige Council to maintain it.

## **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.

In consideration of the above policy, it is evident that the site is well located and suitable for redevelopment for the purpose of new medium density housing.

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

#### Clause 21.03 – Housing

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

The subject site is identified as an area of Incremental change in the Strategic Housing Framework Plan and is defined as:

*'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 yet modest types of development are accommodated.'*

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 Incremental change and the proposal results in an acceptable level of development envisaged in this context. The development proposes a medium density development of one (1) additional dwelling which would allow for a variation of the existing neighbourhood character from the predominant single and double storey dwellings on large blocks, to semi attached, double storey dwellings which would subsequently contribute to the preferred future character of the area.

The addition of one (1) extra dwelling is an appropriate level of change in the incremental housing change area in Council's Housing Strategy. Council supports a vision of housing that provides for diversity and preferences for all residents.

#### General Residential Zone – Clause 32.08

The proposal successfully responds to the purpose of the zone, which ensures the development would implement the Municipal Planning Strategy and Planning Policy Framework. The development respects the neighbourhood character of the area, as outlined later in this report. The proposal provides a diversity of housing types, including three (3) bedroom dwellings with two (2) car parking spaces located in an area well located to provide access to services, commercial centres, schools, and public transport to future residents.

Key considerations as outlined within the General Residential Zone (GRZ) relate to impacts on solar energy facilities for dwellings on adjoining lots, meeting garden area requirements and achieving a suitable response to Clause 55 assessment. The proposal adequately complies with the requirements of Clause 55.

The solar panels located at 25 James Street Preston are angled away from the site to the north and would not be impacted upon by the proposed development.

Further to the above, the application exceeds the garden area requirement of the zone, by providing 36% (154 sqm) of the site as garden area (the minimum mandatory requirement is 25% 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 E3 (Inter-War/Post-war) of the Darebin Neighbourhood Character Study. The existing neighbourhood character of this precinct is one of a range of dwelling styles from the post war era with recent second storey additions and an established rhythm of dwelling spacing.

The preferred character statement for Precinct E3 states there are opportunities to introduce well designed, contemporary architectural styles that adopt the established front and side setbacks to ensure consistency of dwelling spacing and adequate garden area.

The preferred character statement also envisages respecting the predominant height and setbacks of nearby buildings, maintaining the predominant single storey scale of building frontages, keeping front fences low to medium height and preferably transparent, use of respectful building materials that blend in with the street, retaining adequate space for planting of trees and shrubs and maintaining consistent front and side building setbacks.

The proposed development is a contextual response that provides a high-quality outcome in terms of neighbourhood character. The layout of the buildings would maintain a sense of space between buildings and the relocation of car access to the rear of the site via the right of way opens the front yard to the street. No walls are proposed on existing boundaries toward the front of the site, to ensure the side setback rhythm of the street is protected.

The materials of the development are generally muted and present a contemporary interpretation of the existing materials along James Street, using cream/light grey cladding and darker bricks and cladding to create visual interest.

While a single storey building frontage is not provided to James Street, the response is consistent with the emerging neighbourhood character, which includes double storey built form fronting the street.

The design guidelines relating to neighbourhood character, design, form and materials are addressed in full within Appendix E. Overall, the development would respond adequately in a contemporary manner to key elements of the neighbourhood character, as required by the Precinct Guidelines.

Darebin Good Design Guide

The proposal is also 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 car parking from the rear right of way. This allows the reinstatement of the nature strip, a larger front yard which is not dominated by driveways and vehicle crossovers.
- An increase of one (1) on street car park should the Pop-Up Park be removed.
- The side by side arrangement is not a mirror image with a dominant party wall, rather an asymmetrical appearance prevails so that the building presents as one building.

- Rather than have a bulky party wall in the centre between the two (2) dwellings a recessive element prevails so that a single dwelling rhythm to the streetscape is retained.
- The dwellings have private open space at ground level with high levels of amenity for future residents.
- The development maintains the rhythm of dwellings fronting the street by providing side setbacks in a contemporary design.
- Dwellings front the street, and include a direct separate pedestrian entry creating a high-quality public realm interface.
- A minimal palette of robust materials is used to reduce visual clutter and the architectural expression of buildings is consistent across the development.

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

The assessment below addresses key Clause 55 standards with respect to amenity impacts 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 E** of this report provides an overview of compliance with all Clause 55 standards and objectives. The majority of standards are met either through the current design or via minor amendments through recommended conditions, with all objectives satisfied.

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

The proposed front setback at ground level of 6.25 metres complies with the numerical requirements of the standard.

The front setbacks of the adjoining dwellings are 6.2 metres and 6.3 metres. The standard therefore requires a street setback of 6.25 metres which is provided.

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

The proposed dwellings are to have a maximum height of 6.8 metres to the top of the ridge from natural ground level which complies with the standard requiring a maximum height not exceeding 11 metres (General Residential Zone).

The proposed height of two (2) storeys represents an incremental increase in height compared to the properties in the vicinity and is appropriate.

#### Clause 55.03-9 – Standard B14 – Access

Vehicle access to and from the site is safe, manageable and convenient with vehicle access proposed from the rear right of way.

This design arrangement is recommended as it respects neighbourhood character principles in removing vehicle access points from the front yard, improving the quality of landscaping within the front setback and minimising conflict points between pedestrians and vehicles in James Street.

This arrangement is also supported by Council’s Vehicle Crossing Policy which promotes vehicle access from rear laneways, meeting the objectives of: Retention of Public Space (road reserve), Safety of all Road Users, Protection of Urban Amenity and Improvement of Environmental Sustainability.

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

Clause 55.04-1 – Standard B17 – Side and Rear Setbacks

The development generally meets all side and rear numerical setback requirements of the standard, with a minor variation of 0.38 metres to the rear setback to the adjacent laneway, which is away from sensitive interfaces. The 3 metres wide laneway between the built-form and the property at 31 Hope Street ensures that the setback far exceeds that required to protect amenity.

Where the proposal abuts sensitive interfaces such as secluded private open spaces and habitable room windows the upper storey, built form is sufficiently setback to address amenity impacts.

The proposed first floor of the dwellings are built adjacent single storey built form in line with neighbouring building envelopes. Therefore, the upper levels would have minimal impact to neighbouring areas of secluded private open space.

The first floor loft is built adjacent to a single storey extension to the north and partly against a garage to the south, therefore would have minimal impact on sensitive areas of secluded private open space. The sensitive area of SPOS to the south is located away from the common boundary.

The upper levels, are sufficiently articulated and set back from the boundaries to ensure there are minimum amenity impacts arising from visual bulk.



Figure 5: Arrows indicate primary areas of adjoining secluded private open space, which are located away from the common boundaries of the site and the location of the rear garage and loft.

Clause 55.04-2 – Standard B18 – Wall on Boundaries

The ground floor wall heights do not exceed an average of 3.2 metres and a maximum of 3.6 metres to comply with the standard.

The standard requires that a wall on the boundary 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.

Boundary & length	Maximum length allowable	Proposed length
Northern: 33.57 metres	15.89 metres	7.36 metres - Complies
Southern: 33.57 metres	15.89 metres	7.36 metres - Complies

Clause 55.04-3 – Standard B19 – Daylight to Existing Windows

The development responds well to this standard with one (1) variation proposed, which would be required to achieve compliance through a recommended condition of approval.

Dwelling 1 has a maximum first floor height of 5.94 metres requiring a minimum of 2.97 metres from any existing habitable room windows. The first floor of Dwelling 1 is setback in excess of 3 metres from the edge of the eave above these windows which complies with the numerical requirements of the standard.

Where directly opposite the existing habitable room window of 25 James Street toward the front of the property, Dwelling 2 has a maximum wall height of 5.6 metres to the parapet. This requires a setback of 2.8 metres. The first floor is setback 2.1 metres from the edge of the existing eave.

This is a shortfall of 0.7 metres. A recommended condition of approval would require an alteration to Dwelling 2 to ensure compliance with the numerical requirements of Clause 55.04-3 – Standard B19 – Daylight to Existing Windows where opposite the eastern most existing habitable room window of 25 James Street, Preston.

Clause 55.04-4 – Standard B20 – North-facing windows

There are a number of existing north-facing habitable room windows to the south of the site at 21 James Street Preston which are protected through the design response.

The standard requires a minimum setback from the southern boundary of 1 metre at ground floor level and 2.4 metres at first floor level. The proposed development exceeds the standard by providing a setback of 1.4 metres at ground floor and 2.4 metres at first floor from the southern boundary.

Clause 55.04-5 – Standard B21 – Overshadowing

The standard requires that if existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Due to the orientation of the site, there are no additional overshadowing impacts resulting from the development to the adjoining property to the north, at 25 James Street.



The secluded private open space of the adjoining lot to the south at 21 James Street is located to the south of their existing verandah (see Figure 5 of this report). The standard requires that at least 40 square metres of neighbouring dwellings' secluded private open space with a minimum dimension of 3 metres, or 75% (whichever is the lesser) receives a minimum of five (5) hours sunlight between 9am and 3pm on 22 September.

In this instance the area to the south of the existing verandah of 21 James Street, which has a minimum dimension of 3 metres and is approximately 33 square metres in area would not be impacted upon as a result of the proposed development. Shadow cast by the proposed development does not extend to this area of secluded private open space, therefore the proposed development does not increase overshadowing to the adjoining secluded private open space to the south.

The overall design of the development minimises overshadowing of existing secluded private open as it has been designed to ensure overshadowing predominately falls onto existing built structures.

#### Clause 55.04-6 – Standard B22 – Overlooking

The proposed development can achieve compliance with the standard through incorporation of industry accepted design inclusions such as increased boundary fence height and screening to windows.

##### *Ground Floor*

Overlooking toward the south from the ground floor within the development is appropriately managed by an existing 1.9 metre high paling fence and finished floor levels (FFLs) less than 0.8 metres high above natural ground level (NGL).

Overlooking toward the north from the ground floor within the development would be addressed by a condition which would require the fence height to be raised to 1.8 metres high above NGL.

##### *Upper Floors*

The upper-level habitable rooms of the development are appropriately designed and/or screened to limit views into neighbouring secluded private open space and habitable room windows. This is a combination of 1.7 metre high sills above finished floor level and external screens.

A recommended condition of approval would require the drawings to include a section diagram of the screens demonstrating how they limit overlooking.

#### Clause 55.04-8 – Standard B24 – Noise Impacts

There are no obvious noise sources to or from the development. The application is a for a residential development within a residential zone, as such the noise generated by the day-to-day occupation of the dwellings would be commensurate with expectations in a residential area, unlike a commercial or an industrial use which would create noise impacts that are not normal to a residential zone.

Notwithstanding this, the proposal has not specified the location of air-conditioning units. A condition of the recommendation would require the location of all plant and equipment, including air-conditioning units to be located as far as practicable from existing habitable room windows (and acoustically screened if this cannot be achieved) and co-located where possible.

Clause 55.05-4 – Standard B28 – Private Open Space

The development provides adequate private and secluded private open space (SPOS) for the reasonable recreation and service needs of residents. Each dwelling is provided with in excess of 70 square metres of private open space of which a minimum of 25 square metres or more, with a minimum dimension of 3 metres is deemed secluded, which meets the Standard B28 requirements for Secluded Private Open Space.

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

Clause 18.01-3S Sustainable and Safe Transport seeks to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing. The policy supports the promotion of walking, cycling and the use of public transport and the minimisation of car dependency.

Cause 21.05-2 Integrated and Sustainable Transport 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 proposed development provides the requisite number of car spaces required under Clause 52.06 Car Parking of the Darebin Planning Scheme. Similarly, the subject site is in close proximity to the Preston Market precinct and Preston Train station which may reduce car usage and dependence.

Number of Parking Spaces Required

Car parking provision is calculated via Table 1 of Clause 52.06 (car parking). The rate of car parking required and provided is illustrated in the table below.

Use	Measure (column B of Clause 52.06-5)	Dwellings	Required Spaces	Provided
	2 spaces to each 3-bedroom dwelling	2	4	4
Visitor	N/A – as only two (2) dwellings proposed			
		Total:	4	4

A car parking reduction is not proposed as the required statutory rate of car parking would be provided for each dwelling (2 spaces within the garages).

Design Standards for Car Parking

The car parking enables efficient use and management of the site with parking from the rear right of way.

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

The applicant has provided a swept path analysis which demonstrates appropriate room for vehicles to enter and exit the site from the rear right of way.

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

The applicant has provided a BESS report demonstrating that the sustainability response is commensurate with that expected of a two (2) dwelling development.

The proposal also satisfactorily responds to Clause 52.18 (Stormwater Management in Urban Development). The development would include Water Sensitive Urban Design initiatives and would adequately manage Stormwater runoff during the life of the development. A condition of approval would require a Site Environmental Management Plan to ensure stormwater runoff is managed during the construction phase.

**8 POLICY IMPLICATIONS****Environmental Sustainability**

The applicant has provided a satisfactory BESS report as part of the application. A condition of the recommendation requires the initiatives contained in the BESS report to be shown on the plans.

**Social Inclusion and Diversity**

Nil

**Other**

Nil

**9 FINANCIAL AND RESOURCE IMPLICATIONS**

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

**10 FUTURE ACTIONS**

Nil

**RELATED DOCUMENTS**

- Council's Vehicle Crossing Policy 2014

**Attachments**

- Appendix A - Location Map - 23 James Street Preston - D/442/2022 (**Appendix A**)
- Appendix B - Zoning Definition Map - 23 James Street Preston - D/442/2022 (**Appendix B**)
- Appendix C - Development Plan - 23 James Street Preston - D/442/2022 (**Appendix C**)
- Appendix D - Objector Radius Map - 23 James Street Preston - D/442/2022 (**Appendix D**)
- Appendix E - Reference Tables - 23 James Street Preston - D/442/2022 (**Appendix E**)

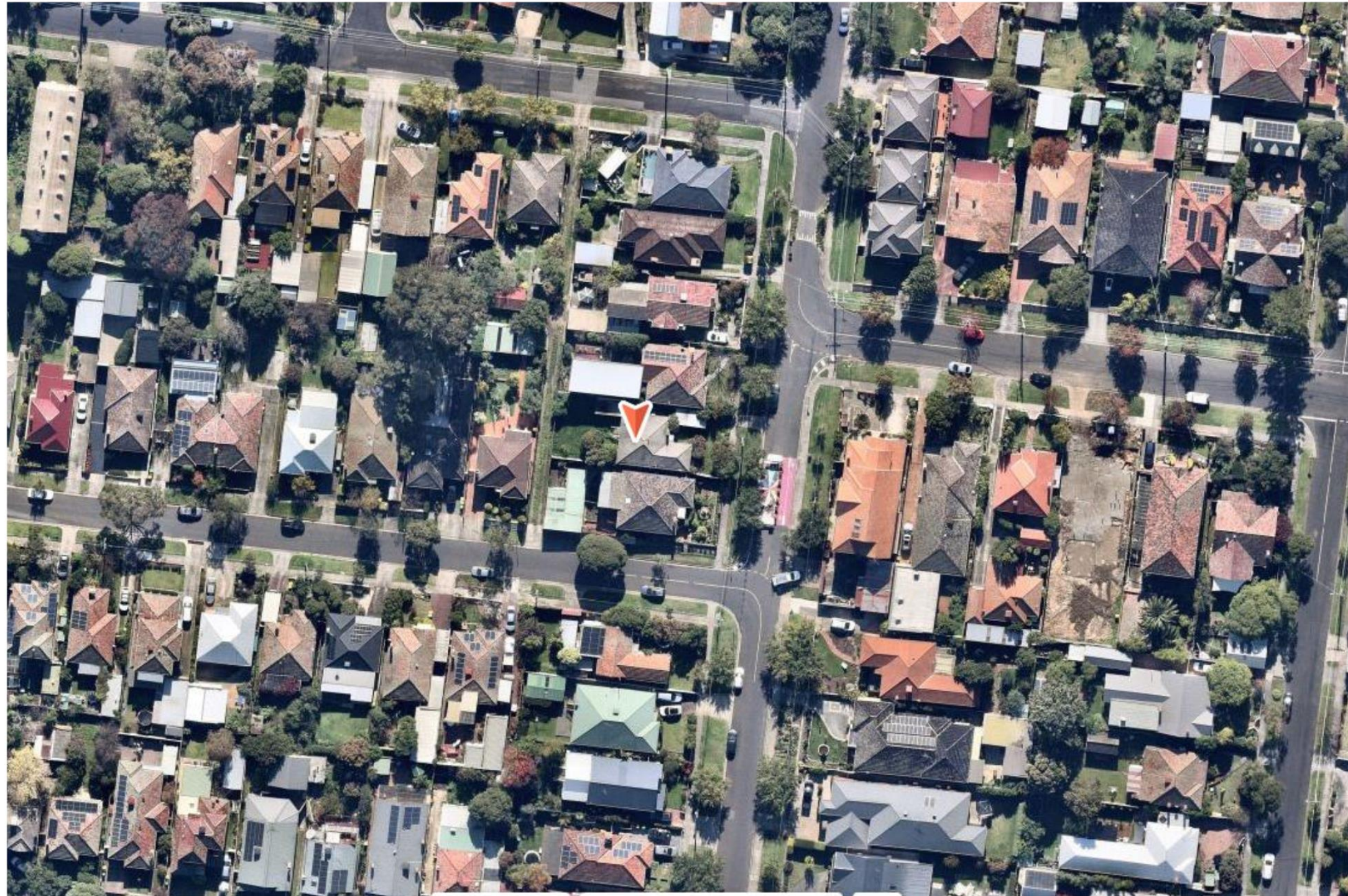
**DISCLOSURE OF INTEREST**

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.



**Appendix A – Location Map**  
**23 JAMES STREET PRESTON 3072 (Approved property)**  
Darebin City Council



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

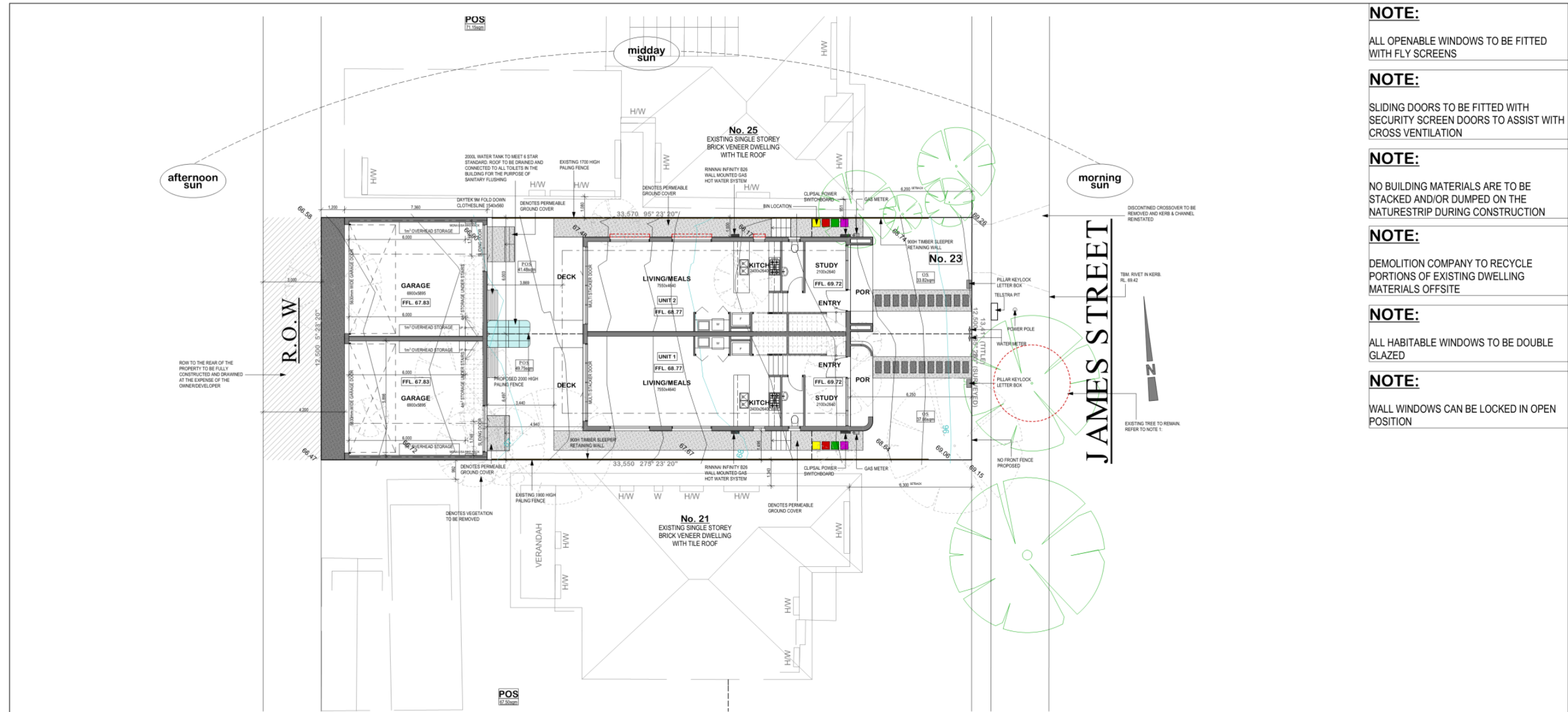


**Zoning Definition Map**  
**23 JAMES STREET PRESTON 3072** (Approved property)  
Darebin City Council



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





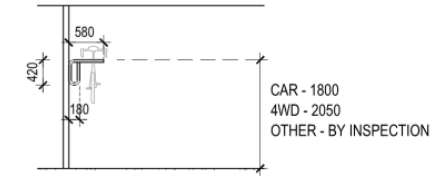
- NOTE:**  
ALL OPENABLE WINDOWS TO BE FITTED WITH FLY SCREENS
- NOTE:**  
SLIDING DOORS TO BE FITTED WITH SECURITY SCREEN DOORS TO ASSIST WITH CROSS VENTILATION
- NOTE:**  
NO BUILDING MATERIALS ARE TO BE STACKED AND/OR DUMPED ON THE NATURESTRIP DURING CONSTRUCTION
- NOTE:**  
DEMOLITION COMPANY TO RECYCLE PORTIONS OF EXISTING DWELLING MATERIALS OFFSITE
- NOTE:**  
ALL HABITABLE WINDOWS TO BE DOUBLE GLAZED
- NOTE:**  
WALL WINDOWS CAN BE LOCKED IN OPEN POSITION

**FRONT (EAST BOUNDARY) TITLED AS 44 FEET IS ONLY 41 FEET MEASURED ON SITE**

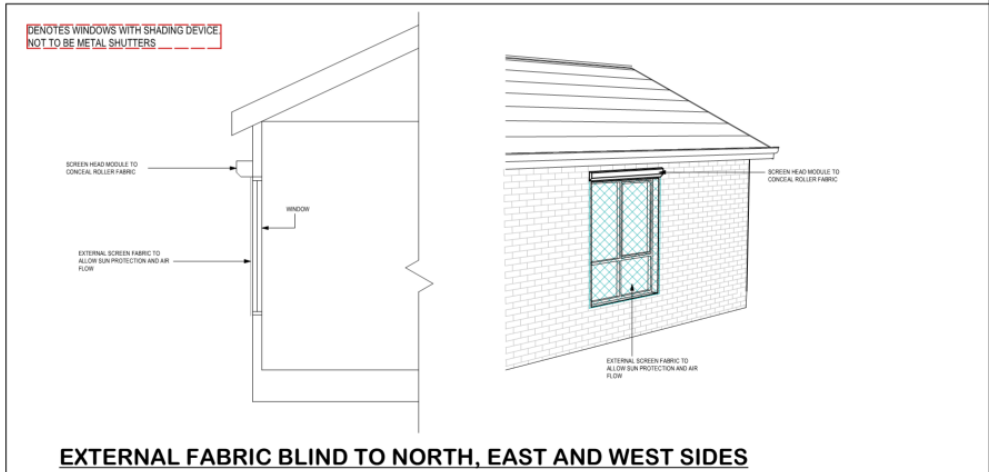
<b>SITE AREA</b>	419.56 SqM
<b>SITE COVERAGE</b>	59.82%
<b>GARDEN AREA</b>	154.67 Sqm (36.86%)
<b>PERMEABLE AREA</b>	154.67 Sqm (36.86%)
<b>GROUND FLOOR AREA</b>	
<b>UNIT 1 TOTAL AREA</b>	124.89sqm
<b>PRIVATE OPEN SPACE</b>	49.75sqm
<b>UNIT 2 TOTAL AREA</b>	125.29sqm
<b>PRIVATE OPEN SPACE</b>	41.48sqm

BUILDING AREA UNIT 1		BUILDING AREA UNIT 2	
GROUND FLOOR	69.07sqm	7.43sq	69.07sqm
FIRST FLOOR	60.35sqm	6.49sq	63.38sqm
PORCH	5.31sqm	0.96sq	5.61sqm
GARAGE	46.00sqm	4.96sq	46.00sqm
LOFT	30.84sqm	3.31sq	30.84sqm
<b>TOTAL AREA</b>	<b>211.47sqm</b>	<b>22.78sq</b>	<b>214.90sqm</b>

BICYCLE RACK TO BE OF THE MONA LISA SYSTEM OR SIMILAR; BUILDER TO CONFIRM LOCATION OF RACK PRIOR TO CONSTRUCTION



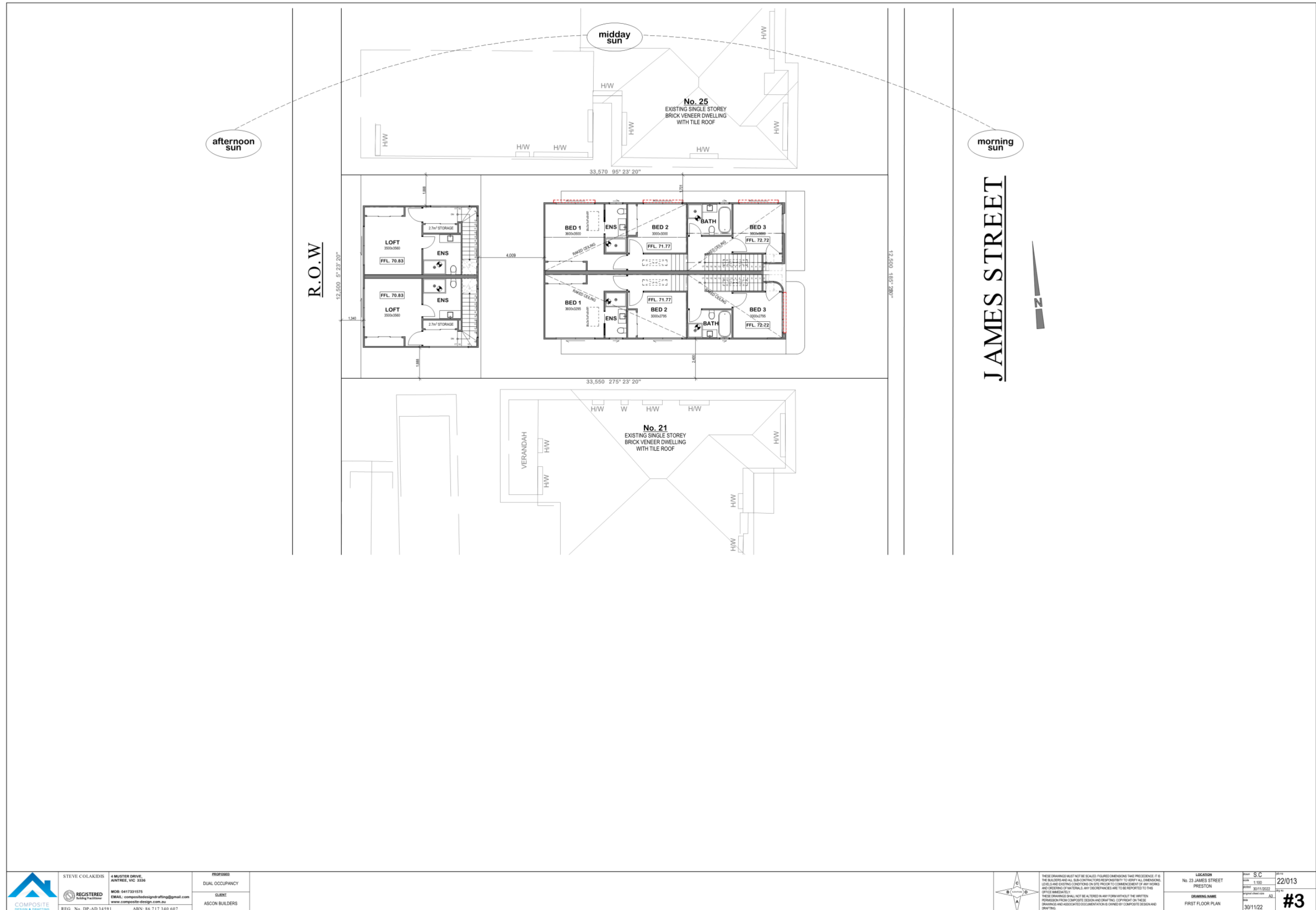
**MONA LISA BICYCLE RACK**  
SCALE 1:50



**EXTERNAL FABRIC BLIND TO NORTH, EAST AND WEST SIDES**

<p>STEVE COLAKIDIS REGISTERED REG. No. DP-AD 34591</p>	<p>4 MUSTER DRIVE AINTREE, VIC 3236</p> <p>MOB: 041733 1925 EMAIL: <a href="mailto:compositedesigndrafting@gmail.com">compositedesigndrafting@gmail.com</a> <a href="http://www.composite-design.com.au">www.composite-design.com.au</a></p>	<p>PROPOSER DUAL OCCUPANCY</p>	<p>LOCATION No 23 JAMES STREET PRESTON</p>	<p>DATE 1.10.22</p>	<p>SCALE 22/013</p>
		<p>CLIENT ASCION BUILDERS</p>			





	STEVE COLAKIDIS 4 MUSTER DRIVE ANDREWS, VIC 3336 MOBILE: 041733 1525 EMAIL: <a href="mailto:steve@compositedesignanddrafting.com.au">compositedesignanddrafting@gmail.com</a> www.composite-design.com.au REG No. DP-AD 34591      ABN: 86 717 340 607	PROPOSER DUAL OCCUPANCY CLIENT ASCON BUILDERS	<p>THESE DRAWINGS MUST NOT BE SCALED. FIGURED DIMENSIONS TAKE PRECEDENCE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL DIMENSIONS, LEVELS AND EXISTING CONDITIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS AND PROVIDING MATERIALS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE OFFICE IMMEDIATELY. THESE DRAWINGS SHALL NOT BE ALTERED IN ANY FORM WITHOUT THE WRITTEN PERMISSION FROM COMPOSITE DESIGN AND DRAFTING. COPYRIGHT ON THESE DRAWINGS AND ASSOCIATED DOCUMENTATION IS OWNED BY COMPOSITE DESIGN AND DRAFTING.</p>	LOCATION No 23 JAMES STREET PRESTON	DATE 30/11/22	DRAWING NAME FIRST FLOOR PLAN	SCALE 1:100	SHEET NO. 22/013	SHEET COUNT 3/3	SHEET NO. #3
	REG No. DP-AD 34591      ABN: 86 717 340 607	CLIENT ASCON BUILDERS		DATE 30/11/22	SHEET NO. 22/013	SHEET COUNT 3/3	SHEET NO. #3			





SIDE VIEW FROM No. 25 JAMES STREET



SIDE VIEW FROM No. 21 JAMES STREET



BACKYARD VIEW No. 25 JAMES STREET

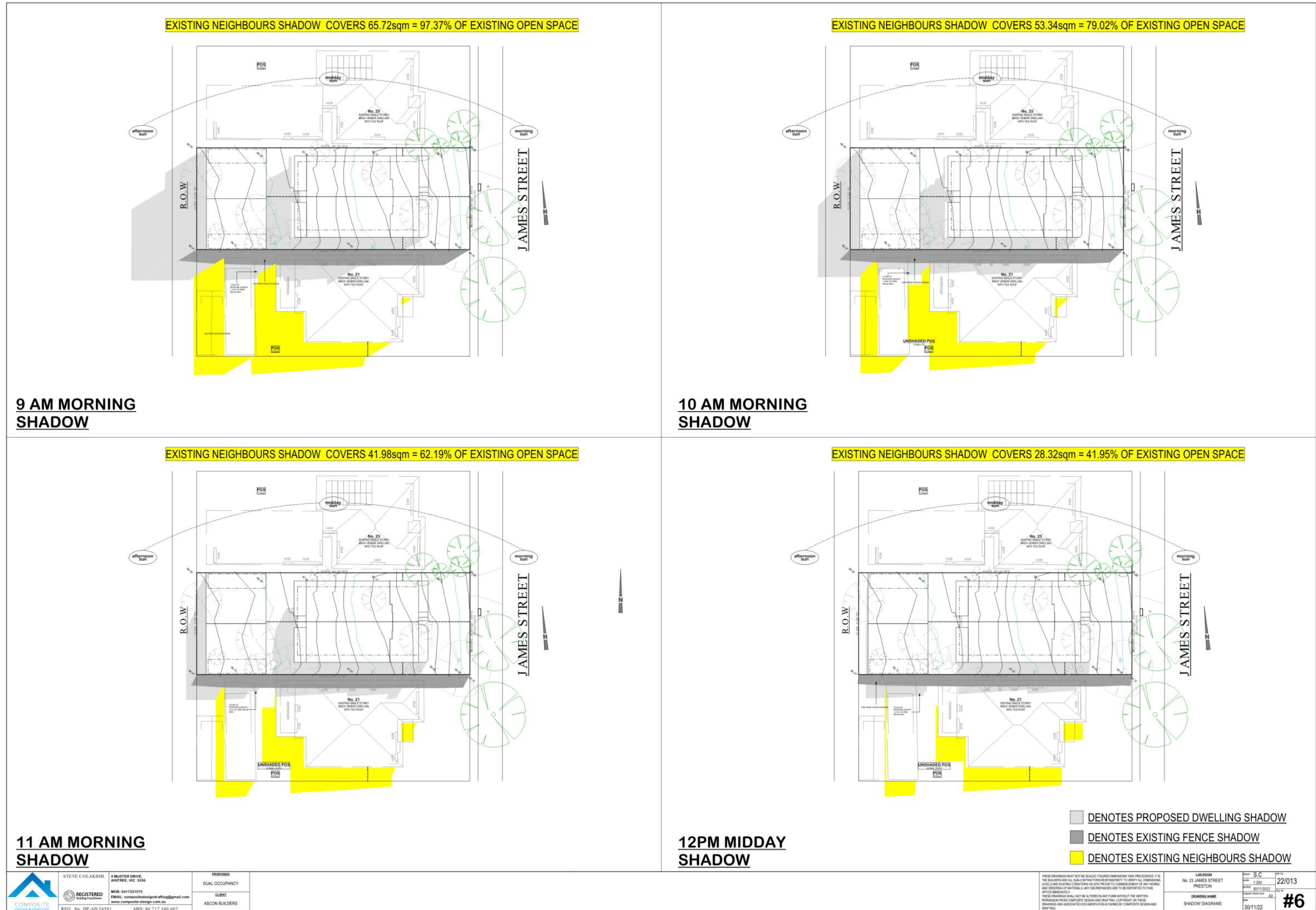


BACKYARD VIEW No. 21 JAMES STREET



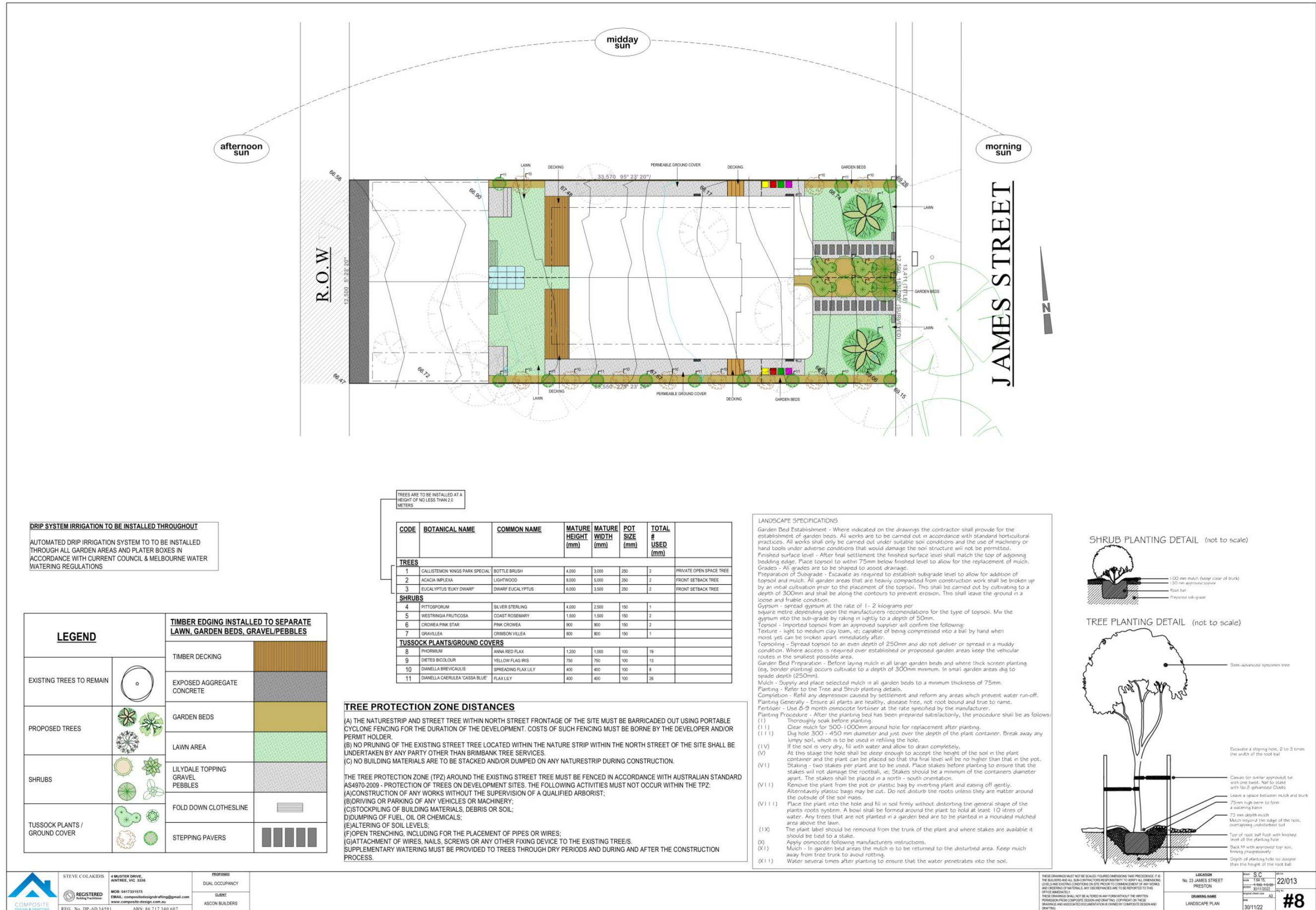
	STEVE COLAKIDIS 4 MUSTER DRIVE ANDREWS, VIC 3038 MOBILE: 0417331925 EMAIL: <a href="mailto:steve@composite-design.com.au">steve@composite-design.com.au</a> WWW: <a href="http://www.composite-design.com.au">www.composite-design.com.au</a> REG No. DP-AD 34591 ABN: 86 717 340 607	PROFESSIONAL DUAL OCCUPANCY SUBMIT ASCON BUILDERS	THESE DRAWINGS MUST NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION FROM COMPOSITE DESIGN AND DRAFTING. COPYRIGHT ON THESE DRAWINGS AND ASSOCIATED DOCUMENTATION IS OWNED BY COMPOSITE DESIGN AND DRAFTING.	LOKASION No 23 JAMES STREET PRESTON	DATE: 22/013 DRAWING NAME: 3D VIEWS 30/11/22	#5
	REG No. DP-AD 34591 ABN: 86 717 340 607		THESE DRAWINGS MUST NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION FROM COMPOSITE DESIGN AND DRAFTING. COPYRIGHT ON THESE DRAWINGS AND ASSOCIATED DOCUMENTATION IS OWNED BY COMPOSITE DESIGN AND DRAFTING.	LOKASION No 23 JAMES STREET PRESTON	DATE: 22/013 DRAWING NAME: 3D VIEWS 30/11/22	#5

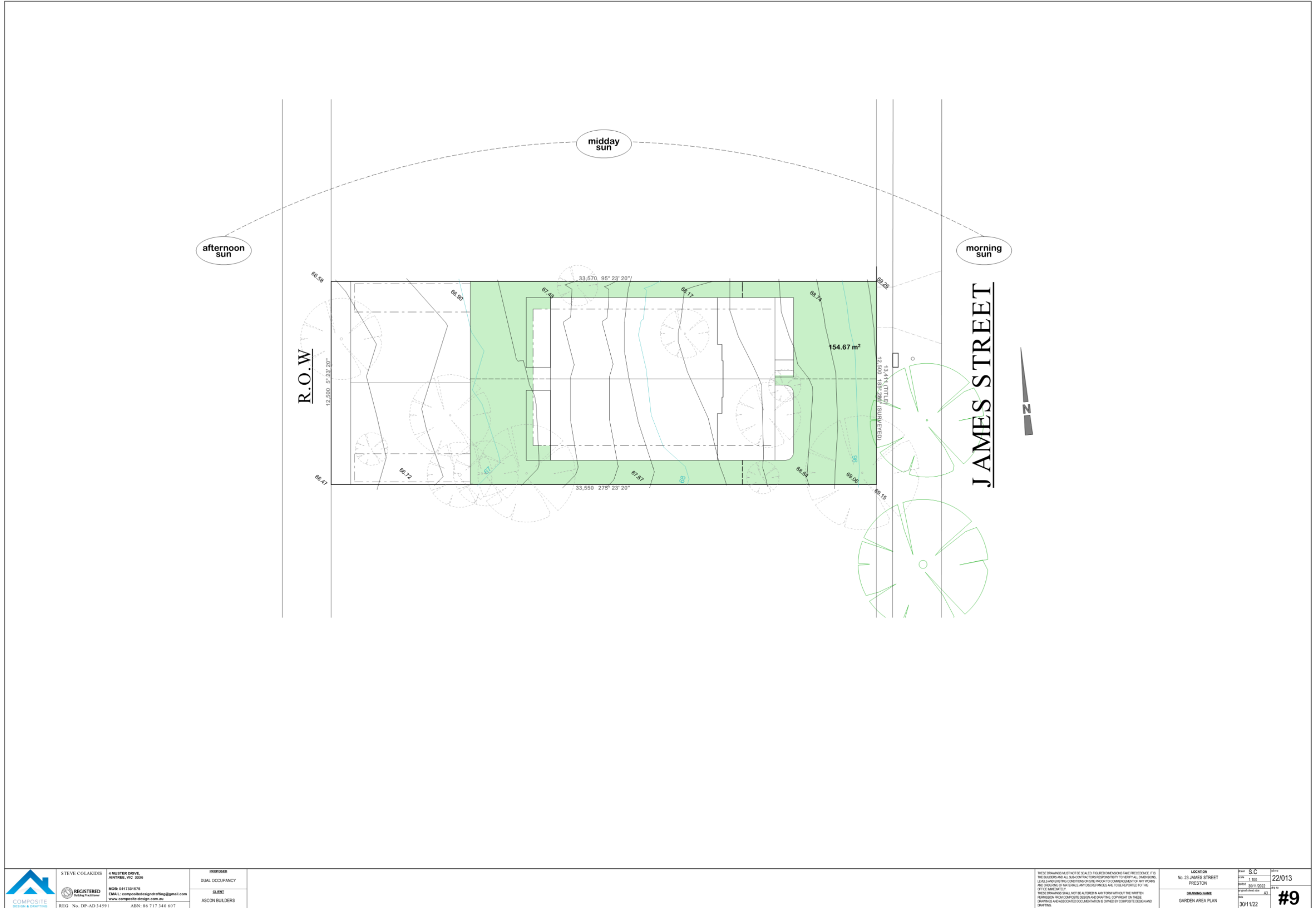




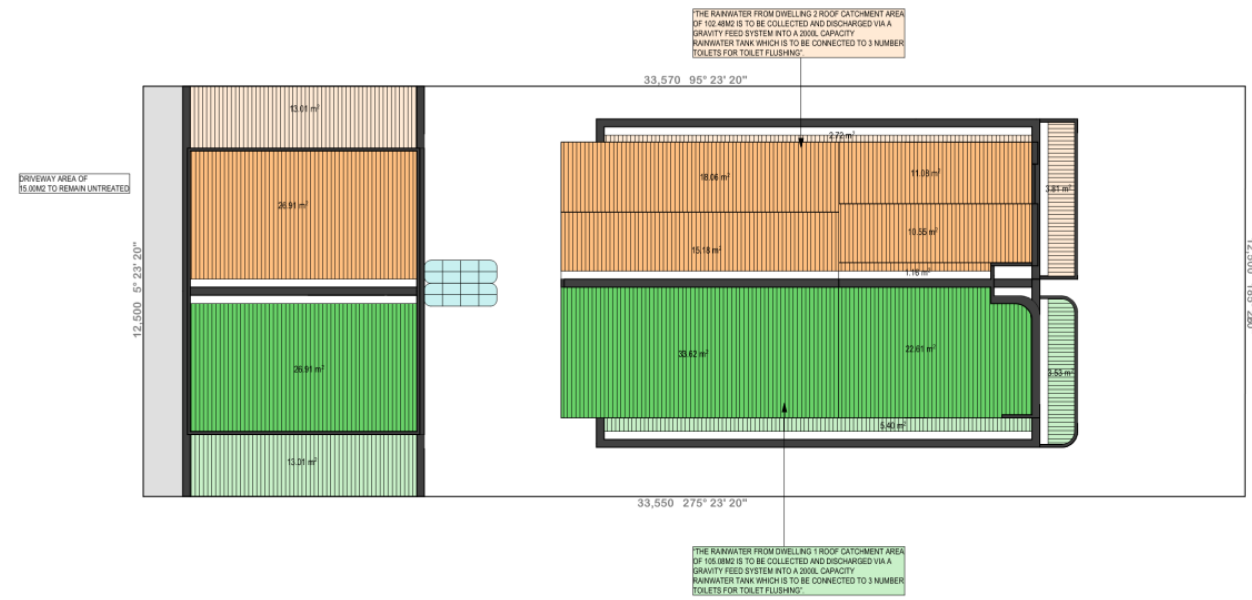






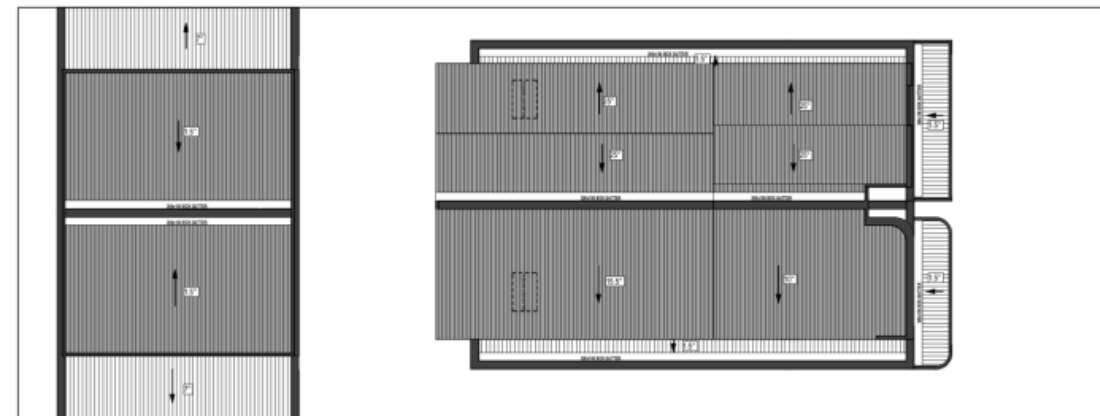


	STEVE COLAKIDIS 4 MUSTER DRIVE ANDREY, VIC 3336 MOBILE: 041733 1925 EMAIL: <a href="mailto:compositedesigndrafting@gmail.com">compositedesigndrafting@gmail.com</a> www.composite-design.com.au REG No. DP-AD 34591 ABN: 86 717 340 607	PROPOSER DUAL OCCUPANCY SUBMIT ASCON BUILDERS	THESE DRAWINGS MUST NOT BE SCALED. FIGURES COMING INTO PRECEDENCE IF IN THE FIELD OF WORK. ALL SUB CONTRACTORS RESPONSIBILITY TO VERIFY ALL DIMENSIONS, LEVELS AND EXISTING CONDITIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS AND PROVIDING MATERIALS ANY DISCREPANCIES ARE TO BE REPORTED TO THE OFFICE IMMEDIATELY. THESE DRAWINGS SHALL NOT BE ALTERED IN ANY FORM WITHOUT THE WRITTEN PERMISSION FROM COMPOSITE DESIGN AND DRAFTING. COPYRIGHT ON THESE DRAWINGS AND ASSOCIATED DOCUMENTATION IS OWNED BY COMPOSITE DESIGN AND DRAFTING.	LOCATION No 23 JAMES STREET PRESTON	DRAWING NAME GARDEN AREA PLAN	DATE 30/11/22	SCALE 1:100	SHEET NO. 22/013	TOTAL SHEETS 1	#9
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	STEVE COLAKIDIS 4 MUSTER DRIVE ANDREWS, VIC 3336	PROPOSER DUAL OCCUPANCY	THESE DRAWINGS MUST NOT BE SCALED. FOLDED CONDITIONS TAKE PRECEDENCE. IF IN THE FUTURE ANYAL SUB CONTRACTORS PREPARE TO REVEAL ALL DIMENSIONS, LEVELS AND EXISTING CONDITIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS AND CHECKING OF MATERIALS ANY DISCREPANCIES ARE TO BE REPORTED TO THE OFFICE IMMEDIATELY. THESE DRAWINGS SHALL NOT BE ALTERED IN ANY FORM WITHOUT THE WRITTEN PERMISSION FROM COMPOSITE DESIGN AND DRAFTING. COPYRIGHT ON THESE DRAWINGS AND ASSOCIATED DOCUMENTATION IS OWNED BY COMPOSITE DESIGN AND DRAFTING.	LOCATION No 23 JAMES STREET PRESTON	Scale 1:100 Date 30/11/22	Sheet S.C 22/013
	REG No. DP-AD 34591 ABN: 86 717 340 607	CLIENT ASCON BUILDERS		DRAWING NAME WSLD PLAN	Date 30/11/22	Page No. #10





	STEVE COLAKIDIS 4 WILSTER DRIVE ANTRELL VIC 3036 MOBILE: 0417331019 EMAIL: steve@colakidis.com.au WWW: www.colakidis.com.au REG No: DP-AD 14591      ABN: 86 717 349 687	PREPARED BY DUAL OCCUPANCY CHECKED BY ASCON BUILDERS	PROJECT NO: 22/013	THESE DRAWINGS MUST NOT BE REPRODUCED, COPIED, REPRODUCED, TRANSMITTED, OR IN ANY MANNER DISCLOSED TO ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION FROM COMPOSITE DESIGN AND DRAFTING. COPYRIGHT ON THESE DRAWINGS AND ASSOCIATED DOCUMENTATION IS OWNED BY COMPOSITE DESIGN AND DRAFTING.	ARCHITECT No. 23 JAMES STREET PRESTON DRAWING NAME ROOF PLAN	DATE 30/11/22	SCALE AS SHOWN	SHEET NO. 11	TOTAL SHEETS 11
	REG No: DP-AD 14591      ABN: 86 717 349 687	PROJECT NO: 22/013	ARCHITECT No. 23 JAMES STREET PRESTON	DATE 30/11/22	SCALE AS SHOWN	SHEET NO. 11	TOTAL SHEETS 11		

**23 JAMES STREET PRESTON 3072**

**Appendix D – Objector Map**

Six (6) objections total were received, all within a 100 metre radius of the site.

100 metres radius shown in blue.

Subject site shown in red.





23 James Street Preston – Consideration of Planning Permit Application D/442/2022

## APPENDIX E – REFERENCE TABLES

### Clause 22.02 – Neighbourhood Character Assessment

The subject site is located within Neighbourhood Character Precinct E3 (Inter-war/Post-war) of Darebin’s Neighbourhood Character study (Clause 22.02). The table below addresses the applicable Neighbourhood Character Assessment objectives.

Objective	Comment	Complies
<b>Existing Buildings</b>		
To encourage the retention of older dwellings that contribute to the valued character of the area in the design of development proposals.	The existing dwelling is not covered by a heritage overlay and can be removed from the site. Retention of the existing dwelling is not conducive with creating two (2) new dwellings on the land.	Complies
<b>Vegetation</b>		
To maintain and strengthen the garden setting of the dwellings.	A landscape plan has been provided (by the applicant) which indicates the planting of new vegetation in the front and rear yards. A condition of approval will require an amended landscape plan in accordance with the canopy tree planting required by Council’s Tree Management Unit, as well as other administrative requirements (e.g Construction details of garden beds and tree protection measures).	Complies subject to condition
<b>Siting</b>		
To provide space for front gardens.	The development increases the amount of front garden by relocating vehicle access from the rear right of way.  Each dwelling will have over 30 square metres of front yard.	Complies
To ensure new development retains substantial space for landscaping.	The proposal provides substantial space of landscaping. A detailed landscape plan is requested as a condition of the recommendation.	Complies
To maintain and reinforce the side boundary setback pattern and the existing rhythm of spacing between dwellings.	Each dwelling is setback from the side boundaries which maintains the setback pattern and existing rhythm of spacing between dwellings on James Street.	Complies





23 James Street Preston – Consideration of Planning Permit Application D/442/2022

To minimise the loss of front garden space and the dominance of car parking structures.	The proposal increases the amount of front garden space by relocating vehicle access to the site from the rear right of way.	Complies
<b>Height and Building Form</b>		
To ensure that buildings and extensions respect the predominant height and form of buildings in the streetscape.	The proposed double storey built form would respect the predominant height and form of buildings in the streetscape with is single and double storey dwellings. Further to this, the double storey proposal is consistent with the incremental housing change policy applicable to the subject site as it would present an incremental change from one (1) storey to two (2) storey built form.	Complies
To maintain, where present, the consistency of frontage widths and building heights and forms.	The proposal development maintains frontage widths with setbacks from both side boundaries.	Complies
<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.	The proposal offers a contemporary design response for a side by side dwelling configuration.  The recessive party wall at the first floor creates singular dwelling rhythm and achieves the design objectives of Council's Darebin Good Design Guide.  The proposed materials are domestic in appearance in light, muted tones.	Complies
<b>Front Boundary Treatment</b>		
To maintain the openness of the streetscape and views to established gardens and dwellings.	No front fence is proposed which is acceptable.	Complies

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

**Clause 55 – Rescode Assessment – Compliance Summary**

Clause	Std		Compliance	
			Std	Obj
55.02-1	B1	Clause 22.02 – Neighbourhood Character Assessment		
		<b>Neighbourhood character</b>		



23 James Street Preston – Consideration of Planning Permit Application D/442/2022

Clause	Std		Compliance	
		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>		
		Not applicable as the 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 with a condition relating to drainage being to Council's satisfaction.	Y	Y
<b>55.02-5</b>	<b>B5</b>	<b>Integration with the street</b>		
		Both dwellings front the street with pedestrian pathways directly linked to James Street. The proposal appropriately integrates with the street.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		Please see assessment in the body of this report	Y	Y
<b>55.03-2</b>	<b>B7</b>	<b>Building height</b>		
		Please see assessment in the body of this report.	Y	Y
<b>55.03-3</b>	<b>B8</b>	<b>Site coverage</b>		
		The area covered by buildings should not exceed a site coverage of 60%. The site coverage is 59% or 250 square metres.	Y	Y
<b>55.03-4</b>	<b>B9</b>	<b>Permeability</b>		
		To reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration, at least 20% of the site should be permeable. Permeability is 36% or 154 square metres of the total site area.	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.	Y	Y
<b>55.03-6</b>	<b>B11</b>	<b>Open space</b>		
		Not applicable 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>		





23 James Street Preston – Consideration of Planning Permit Application D/442/2022

Clause		Std		Compliance		
	Boundary	Dwelling	Wall Height	Required Setback	Proposed Setback	Compliance
	Southern	1	5.94 metres (dwelling) 6.1 metres (garage)	1.7 metres 1.75 metres	2.4 metres 1.88 metres	Yes
	Northern	2	5.98 metres (dwelling) 5.9 metres (garage)	1.714 metres 1.7 metres	1.7 metres 1.88 metres	Yes
	Western	1 & 2	6 metres (garage)	1.72 metres	1.34 metres	No
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>				
		Please see assessment in the body of this report.			Y	Y
<b>55.04-3</b>	<b>B19</b>	<b>Daylight to existing windows</b>				
		Please see assessment in the body of this report.			N	Y
<b>55.04-4</b>	<b>B20</b>	<b>North-facing windows</b>				
		Please see assessment in the body of this report.			Y	Y
<b>55.04-5</b>	<b>B21</b>	<b>Overshadowing open space</b>				
		Please see assessment in the body of this report.			N	Y
<b>55.04-6</b>	<b>B22</b>	<b>Overlooking</b>				
		Please see assessment in the body of this report.			N	Y
<b>55.04-7</b>	<b>B23</b>	<b>Internal views</b>				
		There are no internal views			Y	Y
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>				
		Please see assessment in the body of this report.			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 to the north of the proposed secluded private open spaces.			Y	Y
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>				



## 23 James Street Preston – Consideration of Planning Permit Application D/442/2022

Clause	Std		Compliance	
		Sufficient storage areas are provide in each garage in the form of under stair storage and two (2) overhead storage spaces.	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>		
		No front fence is proposed which is acceptable.	Y	Y
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		Common property areas are appropriate and manageable.	Y	Y
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		Sufficient areas for site services are provided.	Y	Y



**5.2 APPLICATION FOR PLANNING PERMIT D/559/2022  
26 Jenkins Street, Northcote**

**Author:** Senior Statutory Planner

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

Applicant	Owner	Consultant
Sync Architecture	Assad Ibrahim	Sync Architecture

**SUMMARY**

<b>Property:</b>	26 Jenkins Street, Northcote
<b>Proposal:</b>	The application is for the development of two double-storey dwellings in a side-by-side configuration with basements for car parking.
<b>Car parking:</b>	Three (3) car parking spaces are provided to each dwelling within basements. The required statutory rate of car parking is therefore met for both dwellings.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>• Neighbourhood Residential Zone – Schedule 1 (NRZ1)</li> <li>• Development Contribution Plan Overlay (DCPO)</li> </ul>
<b>Is a Developer Contribution required?</b>	<p>Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme.</p> <p>A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.</p>
<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> </ul>
<b>Objections:</b>	<p>Seventeen (17) objections in total were received against this application.</p> <p>The key objection grounds raised include:</p> <ul style="list-style-type: none"> <li>• Proposal is inconsistent with ‘Minimal Housing Change’ designation.</li> <li>• Setbacks, built form (including bedroom numbers) and materiality are discordant and not in accordance with neighbourhood character.</li> <li>• Over-development and dominance of the development within streetscape.</li> <li>• Heritage dwellings proximate to site are not considered.</li> <li>• Overlooking/privacy concerns.</li> </ul>

	<ul style="list-style-type: none"> <li>• Overshadowing and impact on existing solar panels at No. 28 Jenkins Street.</li> <li>• Limited landscaping opportunities and permeability.</li> <li>• Impact of basement car parking arrangement to on-street parking availability.</li> <li>• Pedestrian safety concerns with vehicles exiting from basements.</li> <li>• Noise impacts from mechanical systems and pool area on amenity of adjoining area.</li> <li>• Additional impact on local infrastructure resulting from the proposed development.</li> <li>• Would set an unwelcome precedent for development in the area.</li> </ul>
<b>Key reasons for support:</b>	<ul style="list-style-type: none"> <li>• High-quality contemporary design which has a high level of compliance with Clause 55 (ResCode) of the Darebin Planning Scheme and which would have no unreasonable off-site amenity impacts. Car parking would be provided in excess of the planning scheme requirements.</li> </ul>
<b>Recommendation:</b>	Notice of Decision to Grant a Planning Permit, with conditions

**Recommendation**

**That** Planning Permit Application on D/559/2022 be supported and a Notice of Decision to Grant a Permit be issued for the Construction of two (2) double storey dwellings (with basements) on a lot, in accordance with the endorsed plans at 26 Jenkins Street Northcote, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as *TP04 – TP08 prepared by SYNC Architecture, received 01/03/2023*), but modified to show:
  - (a) Double glazing treatment annotated on all habitable room windows and glazed doors.
  - (b) Toilets annotated as connected to water-tanks and annotated onto WSUD Plan, in accordance with Condition No. 6 of this Permit.
  - (c) Dimensions confirming a minimum 5.4 metre length for the on-street car parking space shown on the plans.
  - (d) Air conditioning units relocated to the secluded private open spaces of each dwelling.
  - (e) Minimum garage dimensions of 6.0 metres length x 5.5 metres width shown on the plans in accordance with Clause 52.06-9 of the Darebin Planning Scheme.
  - (f) A comprehensive schedule of construction materials, external finishes and colours (including colour samples).

- (g) The provision of pedestrian visibility splays measuring 2.0 metres (width across the frontage) by 2.5 metres (depth into the site), to the crossovers to Jenkins 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.
- (h) The location of all plant and equipment (including air-conditioners, condenser units, rainwater tanks, solar panels, hot water units and the like). These are to be:
  - (i) co-located where possible;
  - (ii) located or screened to be minimally visible from the public realm;
  - (iii) air conditioners located as far as practicable from neighbouring bedroom windows or acoustically screened; and
  - (iv) integrated into the design of the building.
- (i) Any fencing visible from the street, other than fencing along common boundaries shared with an adjoining site, to be of a design, colour and quality of material (not timber palings) that matches the character of the development.
- (j) Any modifications required as a result of the approved Landscape Plan required by Condition No. 3 of this Permit.
- (k) Annotations detailing Tree Protection Zone(s), associated tree protection fencing and tree protection measures in accordance with the requirements of Conditions No. 4, 5 and 6 of this Permit.
- (l) The provision of a Stormwater Management System Plan, including a Water Sensitive Urban Design Plan, in accordance with Standard W1 of Clause 53.18-4 of the Darebin Planning Scheme. Refer to Condition No. 7 of this Permit.
- (m) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 8 of this Permit.

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

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
  - (a) Tree protection measures in accordance with Conditions No. 4, 5 and 6 of this Permit.
  - (b) Details of all existing trees to be retained and all existing trees to be removed, including overhanging trees on adjoining properties and street trees within the nature strip. The genus, species, height and spread of all trees must be specified. All existing trees to be retained must be retained and protected in accordance with Australian Standards.
  - (c) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.
  - (d) A diversity of plant species and forms.

- (e) Three (3) medium sized canopy trees provided within the front setback. These must have a minimum mature height of 8 metres. At the time of planting these trees are to be from 45L size pots and at least 1.5 metres in height.
- (f) Annotated graphic construction details showing all landscape applications and structures including tree and shrub planting, retaining walls, raised planter bed and decking.
- (g) Type and details of all surfaces including lawns, mulched garden beds and permeable and/or hard paving (such as pavers, brick, gravel, asphalt and concrete) demonstrating a minimum site permeability of 20%. Percentage cover of permeable surfaces must be stated on the plan. Where paving is specified, material types and construction methods (including cross sections where appropriate) must be provided.
- (h) Hard paved surfaces at all entry points to dwellings.
- (i) Suitable planting including climbers to be provided to soften side boundaries.
- (j) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, clotheslines, tanks, storage, bike racks and the like).
- (k) Type and details of edge treatment between all changes in surface (e.g. grass (lawn), gravel, paving and garden beds).
- (l) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.
- (m) Scale, north point and appropriate legend.
- (n) Landscape specification notes including general establishment and maintenance requirements.

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

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

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

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

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

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

Tree*	Location	TPZ (radius from the base of the tree trunk)
Tree 1 – Liquidamber styraciflua (Sweet gum)	Rear south-east corner of site	4.8 metres
Tree 2 – <i>Robinia pseudoacacia</i>	Rear south-east corner of site	7.3 metres

Tree*	Location	TPZ (radius from the base of the tree trunk)
(Blacklocust)		
Tree 8 – Chinese Elm	Nature-strip	2.0 metres
Tree 9 – <i>Brachychiton populneus</i> (Kurrajong)	Adjoining property (east)	4.8 metres
Tree 10 – <i>Corymbia ficifolia</i> (Red flowering gum)	Adjoining property (east)	2.0 metres
Tree 11 – <i>Agonis flexuosa</i> (Peppermint Willow)	Adjoining property (east)	2.0 metres
Tree 12 – <i>Robinia pseudoacacia</i> (Blacklocust)	Adjoining property (east)	4.8 metres
Tree 13 – <i>Robinia pseudoacacia</i> (Blacklocust)	Adjoining property (east)	5.4 metres
*as defined in Arborist Report by Root Zone dated 07/02/2023.		

5. The following tree protection measures must be implemented for trees identified in the table to Condition No. 4 of this Permit:
  - (a) Tree protection measures must be in accordance with Australian Standard AS4970 – 2009: Protection of trees on development sites or as otherwise approved in writing by the Responsible Authority.
  - (b) Tree protection fencing must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed or unless otherwise agreed by the Responsible Authority in writing. Tree protection is required for neighbouring trees.
  - (c) All tree protection fencing is to be erected prior to the commencement of all works on the site including demolition and can only be reduced by the minimum amount necessary for construction of the approved crossover.
  - (d) All excavations for the construction of the proposed crossover are to be supervised by a suitably qualified and experienced arborist with all root pruning undertaken in accordance with section 9 of AS4373-2007 Pruning of Amenity Trees.
  - (e) Proposed paving and alfresco areas adjacent Tree 1 TPZ must be constructed at or above the existing soil level, with permeable materials, and with no trenching or major excavation inside the TPZ of Tree 1. The footing system for the living room must be non-continuous, either bored piers or screw piles. Once the position of potentially affected roots is known, prior to auguring the affected roots must be cleanly root pruned with secateurs or sharp loppers just beyond the pier between it and the tree.
  - (f) No machinery is to be stored in the area between the Dwelling and the eastern property boundary fence. Where this cannot be avoided, track mats or other ground protection must be installed.

- (g) The use of scaffolding to the east of the Dwelling 2 living room must not unduly interfere with canopy of Tree 1.
  - (h) The use of scaffolding to the west of the living room of Dwelling 2 must not unduly impact adjoining trees. Works along this interface must be supervised by the project arborist, to ensure there is no inadvertent impact to the roots of potentially impacted trees to the west.
  - (i) The proposed paving and alfresco area for Dwelling 2 must be constructed at or above the existing soil level, with permeable materials, and with no trenching or major excavation inside the TPZ of Tree 2. Excavation within the TPZ of Tree 2 to construct the proposed pool must not encroach more than 1 metre in accordance with the Australian Standards (AS-4970-2009). Works must be closely supervised by the project arborist, to ensure there is no inadvertent impact to the roots of this tree.
  - (j) Excavation within the TPZ of Tree 9 for the construction of the driveway must not encroach more than 0.5 metres in accordance with the Australian Standards (AS-4970-2009). Works must be closely supervised by the project arborist, to ensure there is no inadvertent impact to the roots of Tree 9.
  - (k) A qualified arborist must oversee all works in and around Tree Protection Zones (TPZ) for Trees 1, 2, and 8-13.
  - (l) All services must be routed outside 'Tree Protection Zones'. If this is not possible, the local authority and the consulting arborist must be advised in writing on the need for directional boring beneath root zone; this must be maintained at a minimum depth of 45cm in soil depth when inside the TPZ of a retained tree.
  - (m) All tree protection zones must be observed according to Australian Standard AS4970-2009 Protection of trees on development sites. Tree protection zones are to be shown all plans and must be put in place before any works occur on site.
  - (n) All pruning recommended is to be carried out to Australian Standards, AS4373-2007 Pruning of Amenity Trees. This work should be supervised or carried out by a qualified arborist.
  - (o) Minimisation of paved areas in the rear private open space to allow for the planting of canopy trees as specified below is required.
6. Prior to the endorsement of plans, including any related demolition, Tree Protection Management Plan (TPMP) prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Darebin City Council. This report must be made available to all relevant parties involved with the site.
- (a) The TPMP must include:
    - (i) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site;
    - (ii) Protection measures to be utilised and at what stage of the development they will be implemented;
    - (iii) Appointment of a project arborist detailing their role and responsibilities;
    - (iv) Stages of development at which the project arborist will inspect tree protection measures and;

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- (v) Monitoring and certification by the project arborist of implemented protection measures.
  - (b) Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.
  - (c) Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
  - (d) The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.
  - (e) The TPMP must:
    - (i) Be legible, accurate and drawn to scale;
    - (ii) Indicate the location of all tree protection measures to be utilised and;
    - (iii) Include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised and;
    - (iv) Include a key describing all tree protection measures to be utilised.
  - (f) All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
  - (g) Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.
  - (h) Three (3) medium sized canopy trees in the private open space of the proposed development, with a minimum mature height of 8m. At the time of planting these trees are to be from 45L size pots and at least 1.5m in height.
  - (i) Where applicable to a tree on a neighbouring lot, a TPZ only applies where within the site.
  - (j) 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.
  - (k) Minimisation of paved areas in the rear private open space to allow for the planting of canopy trees as specified below is required.
7. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management System Report will be endorsed and will then form part of this Permit. The report must include:
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including:
    - (i) An assessment using an industry recognised stormwater tool;

- (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
  - (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
  - (iv) A plan illustrating where all impervious surfaces will be treated and drained;
  - (v) A construction and maintenance schedule;
  - (vi) Toilets must be detailed as connected to water-tanks and laundry, detailed in the WSUD report and annotated onto the WSUD Plan.
- (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 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.

10. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
11. The land must be drained to the satisfaction of the Responsible Authority.
12. 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.
13. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.



14. 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.
15. A clothesline must be provided to each dwelling.
16. Provision must be made on the land for letter boxes and a slot for newspapers to the satisfaction of the Responsible Authority.
17. 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.
18. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
19. 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.
20. 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.
21. This Permit will expire if either:
  - (a) The development does not start within three (3) years from the date of this Permit; or
  - (b) The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
  - (a) Before this Permit expires;
  - (b) Within six (6) months after the expiry date; or
  - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

## NOTATIONS

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

- N3. This Planning Permit represents the planning approval for the 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.
- N4. 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.
- N5. 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.
- N6. Please note the Development Contribution Plan levy will be invoiced separately.
- N7. This planning permit has considered the flood mapping information which came into effect on 12 May 2023. The subject site is not within a potentially flood affected area.

## **RECOMMENDATION PART B:**

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

## **1. BACKGROUND**

### **1.1 Overview of Subject Site**

- The land is regular in shape and measures 45.11 metres in length and 18.29 metres in width with a site area of 825 square metres.
- The land is located on the south side of Jenkins Street, approximately 130 metres west of Wales Street.
- The site currently contains a single storey Victorian weatherboard dwelling with hipped metal roof. The dwelling is sited within the eastern half of the wide site, abutting the eastern boundary with the majority of the remaining land devoted to vehicle access, a garage and outbuildings.
- There are no restrictive covenants indicated on the Certificates of Title.

### **1.2 Overview of Surrounding area**

- To the north across Jenkins Street are various single storey Victorian and Edwardian dwellings of various forms and materiality.
- To the south is a 1970s double storey brick blocks of flats with uncovered car parking.
- To the east is a single storey Victorian weatherboard dwelling with metal hipped roof and outbuildings.
- To the west is a single storey Victorian weatherboard dwelling with metal hipped roof and outbuildings with car parking in the front setback.

- The surrounding area is generally low density residential with single detached dwellings on large lots that provide for front and rear gardens. There are several medium density dwelling developments in the vicinity of the site, including at No. 12 (two double storey dwellings), No. 15 (two single storey dwellings), No. 18 (three single storey dwellings), No. 48 Jenkins Street (two single storey dwellings).
- Within Jenkins Street there are only two (2) sites identified by a heritage overlay (No. 34 and No. 38 Jenkins Street). Both are single storey Victorian brick dwellings with metal roofs and front verandahs.
- On-street car parking is unrestricted on Jenkins Street and on the immediately surrounding streets.
- The site is outside the 400 metre Principal Public Transport Network (PPTN) but has reasonable access to public transport including bus routes along Victoria and Darebin Roads.
- The site is located approximately 400 metres east of the nearest activity centre (Northcote Shopping Plaza).

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 three (3) cars.
- Dwelling 1 features 5 bedrooms and Dwelling 2 features 4 bedrooms. Both dwellings are arranged in a traditional, ground floor living format, with bedrooms at first floor.
- The development proposes a side-by-side format and alfresco areas with pool at the rear of the site.
- The development proposes a contemporary design, featuring flat roofs and well-articulated built form incorporating a sculptural façade with textured render finish in neutral tones.
- Two large trees located at the rear of the site are to be retained.
- One existing crossover to Jenkins 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.

<b>Control</b>	<b>Permit Requirement</b>
Clause 32.09 Neighbourhood Residential Zone – Schedule 1	Construct two 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 17 objections from 17 properties. A map identifying the general location of objector’s forms **Appendix D**.

The key issues raised in objections are:

- Proposal is inconsistent with ‘Minimal Housing Change’ designation.
- Setbacks, built form (including bedroom numbers) and materiality are discordant and not in accordance with neighbourhood character.
- Over-development and dominance of the development within streetscape.
- Heritage dwellings proximate to site are not considered.
- Overlooking/privacy concerns.
- Overshadowing and impact on existing solar panels at No. 28 Jenkins Street.
- Limited landscaping opportunities and permeability.
- Impact of basement car parking arrangement to on-street car parking availability.
- Pedestrian safety concerns with vehicles exiting from basements.
- Noise impacts from mechanical systems and pool area on amenity of adjoining area.
- Additional impact on local infrastructure resulting from the proposed development.
- Would set an unwelcome precedent for development in the area.

### 4. REFERRALS

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

Internal Business Unit	Comments
<b>Assets and Capital Delivery Unit</b>	Supports the proposal subject to drainage being provided to the satisfaction of the Responsible Authority.  <b>Officer Comment:</b> Conditions of the recommendation have been included to this effect.
<b>City Design Unit (Landscaping)</b>	Supports the proposal subject to conditions requiring provision of canopy tree planting.  <b>Officer Comment:</b> Conditions of the recommendation have been included to this effect.
<b>City Designer</b>	Supports the proposed design of the development, subject to minor conditions to address materiality of driveway, provision of sun shading devices and tree planting.  <b>Officer Comment:</b> Conditions of the recommendation have been

Internal Business Unit	Comments
<p><b>Climate Emergency and Sustainable Transport Unit</b></p>	<p>included to this effect.</p> <p>Supports the proposal, subject to conditions to provide pedestrian visibility splays and confirmation of car parking space dimensions on the plans.</p> <p><b>Officer Comment:</b> Conditions of the recommendation have been included to this effect.</p>
<p><b>Strategic Planning Unit</b></p>	<p>The site is not identified for investigation in the heritage gaps and anomalies register. No. 34 and 36 Jenkins Street are the only sites already identified within the schedule to the heritage overlay.</p> <p><b>Officer Comment:</b> The subject site and dwelling are not included in a heritage overlay and as such can be demolished without a planning permit.</p>
<p><b>Tree Management Unit</b></p>	<p>Supports the proposal, subject to the provision of a Tree Protection Management Plan, including tree protection measures, for significant trees adjacent to the south-eastern property boundary to be retained (the significant trees within the subject site specifically).</p> <p>The tree protection zones relating to the significant trees on site can be accommodated by the design proposed, subject to supervised pruning by an arborist.</p> <p><u>Canopy tree planting</u></p> <p>3 medium sized canopy trees in the front setback of the proposed development. These must have a minimum mature height of 8metres. At the time of planting these trees are to be from 45L size pots and at least 1.5m in height.</p> <p><b>Officer Comment:</b> Conditions of the recommendation have been included to this effect.</p>
<p><b>WSUD Officer</b></p>	<p>Supports the proposal, with comment provided in relation to grade of driveways being greater than 1:20, at approx. 1:4, therefore the surface cannot be permeable. Drainage must be addressed as part of future approvals and WSUD amended accordingly. Water-tanks and raingarden(s) to be shown and annotated on WSUD plan.</p> <p><b>Officer Comment:</b> Conditions of the recommendation have been included to this effect.</p>

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

## 5. PLANNING POLICY

### 5.1 Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- 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)
- Introduction (Clause 21.01)
- Environment (Clause 21.02)
- Housing (Clause 21.03)
- Transport and Infrastructure (Clause 21.05)
- Neighbourhood Character (Clause 22.02)
- Environmentally Sustainable Design (Clause 22.12)

**Zone:**

- Neighbourhood Residential Zone – Schedule 1 (Clause 32.09)

**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)

**6. RESPONSE TO OBJECTORS CONCERNS**

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

- Proposal is inconsistent with 'Minimal Housing Change' designation.
- Setbacks, built form (including bedroom numbers) and materiality are discordant and not in accordance with neighbourhood character.
- Over-development and dominance of the development within streetscape.
- Heritage dwellings proximate to site are not considered.
- Overlooking/privacy concerns.
- Overshadowing and impact on existing solar panels at No. 28 Jenkins Street.
- Limited landscaping opportunities and permeability.



- Impact of basement car parking arrangement to on-street car parking availability.
- Pedestrian safety concerns with vehicles exiting from basements.

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

#### Noise impacting local amenity

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.

Use of the proposed rear secluded private open spaces comprising the pool area are a reasonable and contemporary use of the land for recreation and normal within the residential setting.

#### 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 another dwelling.

#### Additional impact on infrastructure.

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 specifications and satisfaction. The proposal would not place an unreasonable strain on existing local infrastructure.

## **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 additional dwelling.

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 minimal change in the Strategic Housing Framework Plan at Clause 21.03:

*"Residential areas that have a limited capacity to accommodate future residential development. Minimal Change Areas do not prohibit all residential development but seek to allow a modest level of development that respects the type, scale and character of the area."*

#### 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 Minimal Change Areas are sites and precincts that generally display one or more of the following characteristics:

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

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

The proposed development of two (2) double storey 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 within a walkable 500 metre catchment to the Northcote Plaza redevelopment and adjoining activity centre. The All-Nations Park is accessible to the south. The site is outside the 400metre PPTNA buffer area however has reasonable access to public transport including proximate bus routes along Victoria and Darebin Roads.

The surrounding local area features evidence of housing change with different building typologies such as 1960s single dwellings and blocks of flats as well as more recent contemporary and reproduction style dwellings. The western end of Jenkins Street exhibits a relatively low level of change, however there are several more contemporary multi-unit developments and double storey dwellings within 50 metres of the development site.

The development proposes a medium density development which 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.

#### Neighbourhood Residential Zone – Clause 32.09

The proposal responds to 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 diversity of housing type is provided with ample car parking provision on site and the subject site is well-located to provide access to services, commercial centres, schools, and public transport for future residents.

In relation to existing neighbourhood character, the guidelines require consideration be given to retaining and/or adapting older buildings that are in good condition, particularly the front section, wherever possible in new development. However, in this instance it is proposed to demolish, or relocate off site, the whole of the existing dwelling due to the awkward siting on the land and deep front setback which limit opportunities for redevelopment.

The zoning of the land (NRZ1) allows two (2) storeys at a maximum height of 9.0 metres. The proposal is two (2) storeys at 8.31 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 supported by Council's City Designer. The proposal also 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. Proposed built form within the rear of the site is reflective of numerous developed sites within close proximity. Notably the site directly to the south has double storey built form set back approximately 2.0 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 10.0 metres.

The proposal provides satisfactory space for front and rear gardens. Additional canopy trees will be provided to improve the landscaping contribution to the street. Two (2) large trees are to be retained within the secluded private open space at the rear of the site. The canopies of Tree 01 and Tree 02 will require pruning to accommodate the dwelling, which must be undertaken by a suitably qualified arborist. These measures will be incorporated into a Tree Management Plan required as per conditions in the recommendation. The development will result in a net gain to tree cover across the site; noting the front setback is currently sparsely vegetated.

The proposed façade incorporates curves and sculptural detailing which responds to more period ornate detailing – albeit in a contemporary way.

Regarding pedestrian safety concerns with exiting vehicles from basement, there is no policy requiring vehicles exit in a forward movement from a basement where the accessway serves a single dwelling. This is because this is not a main road. Vehicles will necessarily move at a reduced speed when utilising the basement accessway, thus minimising risk to pedestrian safety. Visibility splays would be required as condition of any permit issued.

The application meets the garden area requirement of the zone, with 35.25% (290.89sqm) of the site for garden area, with minimum mandatory requirement being 35% 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 A2 (Victorian and Edwardian) 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 existing Victorian block-fronted dwelling is sited on the eastern boundary of a large wide lot beyond a sparsely vegetated 11.0 metre front setback. These characteristics result in a poor use of a large well-located site and lend weight to the proposed redevelopment being supported, given it would result in a more efficient use of the large site through provision of an additional dwelling in a well-located area.

The preferred character statement for Precinct A2 states there are opportunities to introduce well-designed, contemporary architectural styles that adopt the established front and side setbacks to ensure consistency of dwelling spacing and adequate garden area. The proposal will provide a more consistent separation between dwellings typical of the street by making a more efficient use of the significant portion of the site that is currently under-utilised.

The preferred character statement also envisages respecting the predominant height and setbacks of nearby buildings, maintaining the predominant single storey scale of building frontages, keeping front fences low to medium height and preferably transparent, use of respectful building materials that blend in with the street, retaining adequate space for planting of trees and shrubs and enhancing the consistency of front and side building setbacks within the streetscape. The proposed development generally achieves these objectives.

The scale and form of the proposal is characteristic of the emerging preferred residential character within the broader municipality, although not representative of the existing dwellings along the immediate stretch of Jenkins Street west of Wales Street. Dwellings in the immediate area are predominantly single storey and generally subject to minor redevelopments, such as rear extensions. While not overly evident in the immediate area, there are medium density developments nearby at 12 and 18 Jenkins Street.

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 – which is akin to that of Victorian-era terraces. 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 proposed design has support from Council's City Designer, which lends further weight to supporting the proposal.

The design maintains a consistent sense of space between buildings, and the low front fence maintains street openness. No walls are proposed on side boundaries, to ensure the rhythm of the street is protected. The transition from single storey built-form on adjacent lots to a double storey structure is commonplace in the context of contemporary inner-urban development and increased densification sought by the Darebin Planning Scheme.

Although a single storey building frontage is not provided, the response is consistent with the emerging neighbourhood character, which includes double storey built form fronting the street. The deep front setback evident on the site at present is generally maintained under the new proposal. The proposed landscaping including three (3) canopy trees within the front setback will greatly reduce the initial visual impact of the proposed building within the streetscape over time.

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 level of change is broadly supported under Clause 21.03 of the Darebin Planning Scheme, for a site in a Minimal Change Area. The site is located in an established residential area, proximate to services and facilities. Minimal Change areas do not prohibit all development but seek retention of existing buildings of merit that contribute to the valued character of an area.

Neighbourhood Character policy aims to retain existing Victorian and Edwardian dwellings, where located within the Heritage Overlay or where these dwellings contribute to the valued character of the area. It also supports new dwellings that interpret defining elements of Victorian or Edwardian eras in a contemporary manner, while respecting existing period architecture.

The subject site and dwelling are not affected by a Heritage Overlay which is the only means by which demolition of a dwelling can be controlled under the Darebin Planning Scheme. Accordingly, the existing dwelling could be demolished without planning permission. Council's Strategic Planning unit has also confirmed that the street has not been identified for investigation into potential future implementation of new heritage controls.

Retention of all older buildings is not the primary goal of neighbourhood character policy or the Neighbourhood Residential Zone. Retention may not provide the best outcome where there is potential for new more liveable and environmentally sustainable dwellings to be constructed. Allowing some new development in Minimal Change areas provides opportunity for high-quality sustainable residential design which will over time, contribute positively to the future character of the area.

Overall, while the dwelling does appear to make some value to local character, there is no control to prevent its demolition and the proposal has been designed sensitively to respond to the surrounding area and policy. The application presents an opportunity to ensure redevelopment of this site with two new well-designed dwellings that has been designed to address the neighbourhood character policy and Neighbourhood Residential Zone.

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 E**.

#### 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.
- 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 a generous 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 7.5 of this report below.

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

The assessment below addresses key Clause 55 standards with respect to amenity impacts 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 E** of this report provides an overview of compliance with all Clause 55 standards and objectives. All standards and objectives of ResCode are met through the current design.

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

The front setbacks of the adjoining dwellings are 6.71 metres and 7.62 metres. The standard therefore requires a street setback of 7.16 metres.

The existing dwelling on the subject site is set back approximately 11.0 metres from the street, which exceeds all other dwellings within Jenkins Street however this does not represent an efficient use of the site.

The proposed ground floor street setback of the dwelling at 8.10 metres exceeds the minimum set back required by the standard.

The proposed upper level of the dwellings is set back 7.49 metres from the street, increasing to almost 10.0 metres associated with the central curved forms of the façade that divides the two dwellings. The projection of the upper level forward of the ground floor façade is acceptable as it allows for provision of shelter of the ground floor entries and visual interest at the façade line. Overall, as a result of the proposed ground and first floor setbacks, the dwellings would fit comfortably within the streetscape.

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

The proposed dwellings are to have a maximum height of 8.23 metres or two storeys which complies with the standard requiring a maximum height not exceeding 9.0 metres (Neighbourhood Residential Zone).

The proposed height of two (2) storeys represents a graduated increase in height compared to the properties in the vicinity and is appropriate.

#### Clause 55.03-4 – Standard B9 – Permeability

The proposed level of permeability across the site exceeds the 20% requirement of Standard B9, at 22.34%. The proposal provides for satisfactory landscaping opportunity within the front setback.

#### Clause 55.03-5 – Standard B10 – Energy Efficiency

Key considerations under this standard relate to the impacts of proposed developments on existing solar energy facilities for dwellings on adjoining lots and ensuring the orientation of proposed dwellings make appropriate use of daylight and solar energy and reduce fossil fuel energy use.

The adjoining dwelling to the east (28 Jenkins Street) has solar panels across the extent of the roof of the rear extension. Isometric shadow diagrams (attached at **Appendix F**) were provided by the permit applicant and shared with the objector.

These plans indicate the solar panels would not be affected at 3pm on 22 September, however, by 4pm, some minor overshadowing would encroach onto the roof area where several of the solar panels are located.

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.

Overall, the impact on the performance of the solar panels would not be unreasonable. The key matters that have informed this position includes that the shadowing would only occur late in the day (after 3pm), ensuring the solar panels would be able to take advantage of allowable sunlight throughout most of the day. Further, the proposed development meets the side and rear setback and north facing windows standards under Clause 55.

Notwithstanding the above conclusion, it also appears that there would be room to move the lower panels that would be shadowed later in the day onto the eastern part of the roof at 28 Jenkins Street, should the owner/occupier of that property wish to increase the performance of the panels.

Regarding the energy efficiency of the proposal more broadly, the orientation of the lot prevents provision of north facing secluded private open space (SPOS). Nonetheless, the proposed dwellings are both designed to take advantage of morning and afternoon sun to the SPOS areas. Both dwellings would therefore be generally energy efficient as compared to the existing dwelling occupying the site.

#### Clause 55.04-5 – Standard B21 – Overshadowing

The standard requires that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space (SPOS) should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

The shadow diagrams show some additional shadowing to the SPOS areas of the adjoining properties created primarily at 9am (22 Jenkins Street) and after 2pm (28 Jenkins Street).

The extent of additional shadow cast on the properties to the east and west is not unreasonable and complies with the requirements of the Standard. Specifically, more than 40 square metres of each SPOS area would receive sunlight for 5 hours between 9am and 3pm on 22 September.

#### Clause 55.04-6 – Standard B22 – Overlooking

Standard B22 requires that development is designed to limit views into neighbouring secluded private open space and habitable room windows. Overlooking screening is compliant with relevant controls.

L

### *Ground Floor*

Overlooking from the ground floor within the development is addressed by boundary fences 2.0 metres in height. A minimum of 1.8 metre height is required to limit overlooking, therefore this response complies with the requirements of Standard B22.

### *Upper Floors*

The upper-level habitable rooms of the development are appropriately designed and/or screened to 1.7m above finished floor level to limit views into neighbouring secluded private open space and habitable room windows.

### Clause 55.04-8 – Standard B24 – Noise Impacts

There are no obvious noise sources to or from the development. The application is for a residential development within a residential zone. As such the noise generated by the day-to-day occupation of the dwellings and use of outdoor areas would be commensurate with expectations in a residential area.

Notwithstanding this, the proposal has specified the location of air-conditioning units. A condition of the recommendation would require the location of all plant and equipment, including air-conditioning units to be located as far as practicable from existing habitable room windows (and acoustically screened if this cannot be achieved) and co-located where possible.

### Clause 55.05-5 – Standard B29 – Solar Access to Open Space

The design response is acceptable as the secluded private open space areas would be useable, have an acceptable amount of amenity and have good access to sunlight, especially in the afternoon. The proposal complies with the objective and standard, with both dwellings featuring 25 square metres of SPOS without a wall to the north, ensuring adequate solar access into the SPOS areas of the new dwellings.

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

Clause 21.05-2 Integrated and Sustainable Transport 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 three (3) car spaces for each dwelling, which exceeds the requirements in Clause 52.06 in relation to car parking provision for new dwellings.

There would be a reduction of one on-street car parking space at the front of the site as a result of the proposed additional single crossover. However, as up to six vehicles able to be accommodated within the development, this is acceptable. 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 32% of the frontage width. While one on-street car parking space will be removed as a result of the proposal, in providing space for 6 vehicles on-site, the proposal represents an overall increase to car parking availability in the area and will not have significant impacts on local car parking availability.

Council's 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 and car parking space dimensions.

**7.7 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 dwellings on a lot, however a Water Sensitive Urban Design report including a STORM assessment has been provided in accordance with Clause 53.18. This has been reviewed by Council's ESD officer and is supported.

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 submitted Water Sensitive Urban Design plan be corrected to show the water-tanks and raingarden to correspond to the report submitted.

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

## **8 POLICY IMPLICATIONS**

### **Environmental Sustainability**

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

### **Social Inclusion and Diversity**

Nil

### **Other**

Nil

## **9 FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **10 FUTURE ACTIONS**

Nil

**Attachments**

- Appendix A - Location Map - 26 Jenkins Street Northcote (**Appendix A**)
- Appendix B - Zoning Map - 26 Jenkins Street Northcote (**Appendix B**)
- Appendix C - Development Plans (**Appendix C**)
- Appendix D - Objector Radius Map (**Appendix D**)
- Appendix E - Reference Tables - 26 Jenkins Street Northcote (**Appendix E**)
- Appendix F - Isometric Shadow diagrams 22 September equinox (**Appendix F**)

**DISCLOSURE OF INTEREST**

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

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

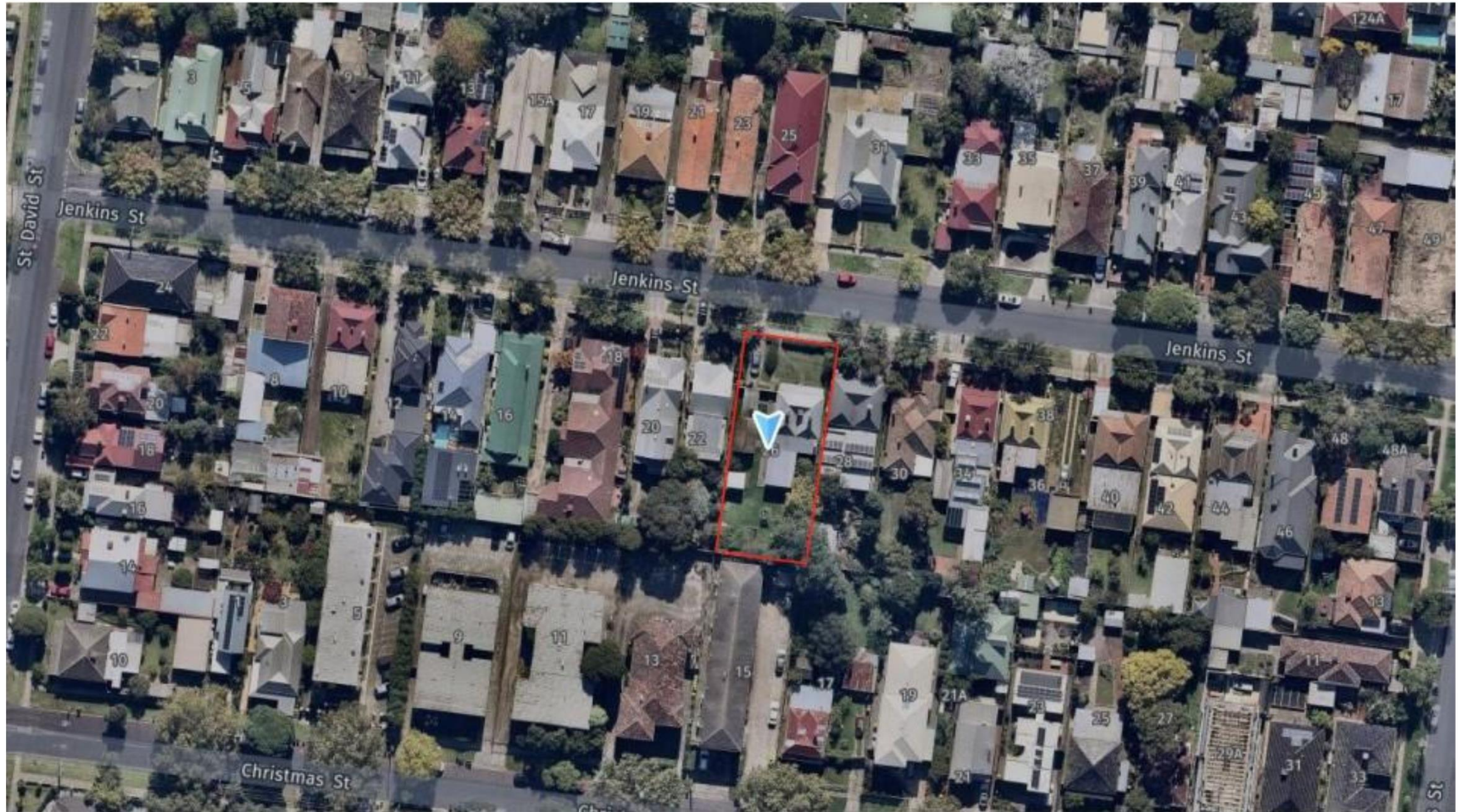


26 JENKINS STREET NORTHCOTE VIC 3070

Appendix A - Location Map

Source: Nearmap, 2023

16/06/2023





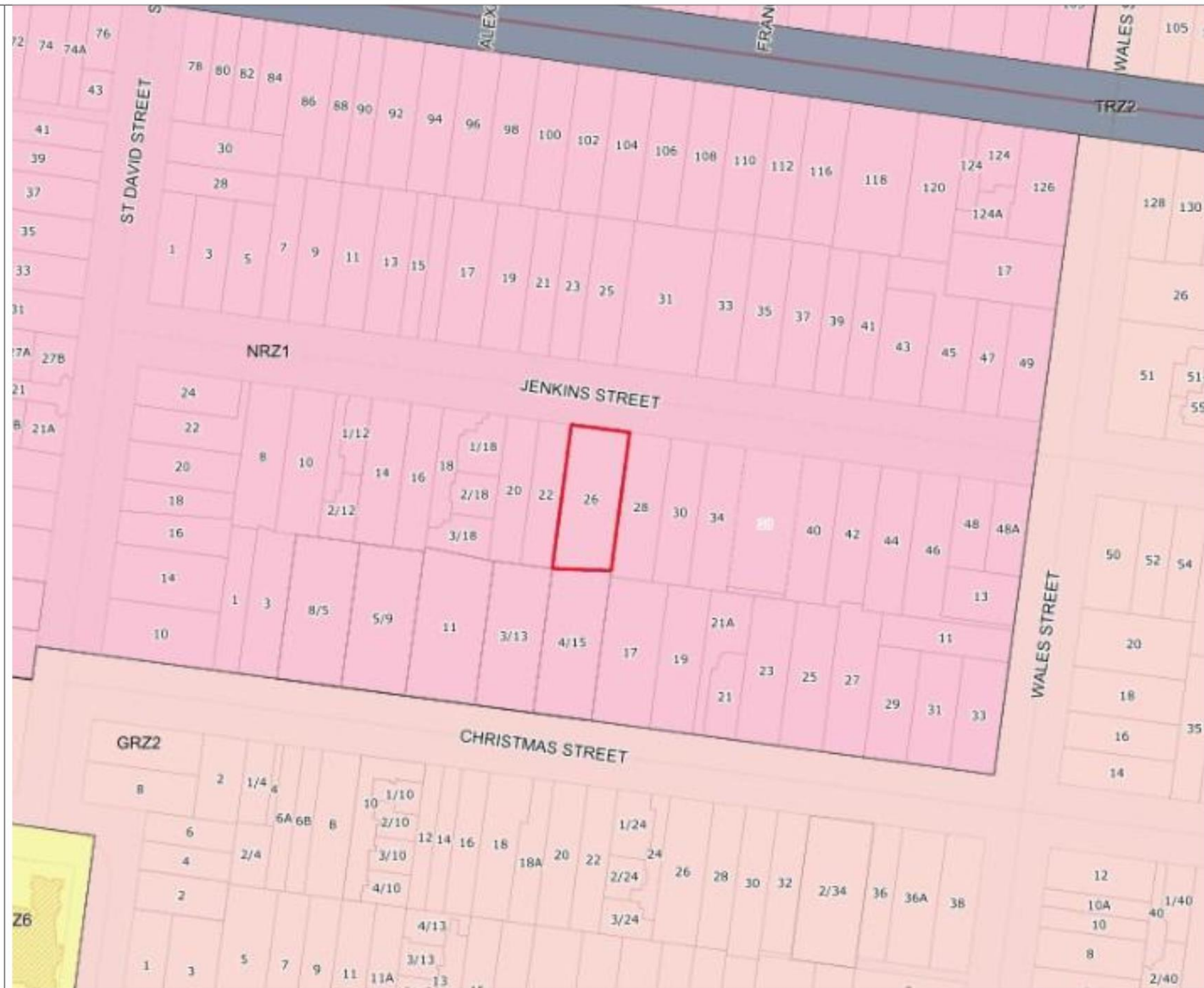
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**26 JENKINS STREET NORTHCOTE VIC 3070 (Approved property)**  
**Appendix B - Zoning Map**

Darebin City Council  
 16/06/2023



Suburb:	NORTHCOTE
Ward:	South Central
Charge Area	
Property No	
Area (m <sup>2</sup> )	
Planning Zone	<a href="#">NRZ1</a> , <a href="#">Schedule</a>
DCPO:	<a href="#">DCPO</a> , <a href="#">Schedule</a>
DDO:	
EAO:	
ESO:	
HO:	
IPO:	
LSIO:	
PAO:	
RXO:	
SBO:	
VPO:	
Aboriginal Heritage	
Neighbourhood Character	<a href="#">A2 : Victorian and Edwardian</a>
Housing Change Framework	<a href="#">MINIMAL</a>
High Street Precinct	
Applications Open	37749/2007
Closed	



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# PROJECT:

26 JENKINS STREET  
NORTHCOTE

TOWN PLANNING ISSUE

SHEET INDEX

SHEET No.	SHEET NAME
TP.00	COVER SHEET
TP.01	SITE CONTEXT PLAN
TP.02	URBAN CONTEXT REPORT
TP.03	DESIGN RESPONSE PLAN
TP.04	BASEMENT PLAN
TP.05	GROUND FLOOR PLANS
TP.06	FIRST FLOOR PLANS
TP.07	STREETSCAPES
TP.08	ELEVATIONS
TP.09	GARDEN AREA PLAN & PERMEABILITY
TP.10	PROPOSED SHADOWPLANS 1
TP.11	PROPOSED SHADOWPLANS 2
TP.12	ROOF PLAN



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REV	DATE	DETAIL	SIGN
A	24.08.2022	CONCEPT PRESENTATION	VD
B	07.09.2022	REVISED CONCEPT PLAN	VD
C	14.09.2022	TOWN PLANNING SUBMISSION	DW
D	04.11.2022	TOWN PLANNING BY RESPONSE	DW
E	21.03.2023	INCORPORATING COUNCIL LETTER 22.02.23	DW

PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOTE

PROJECT PHASE  
TOWN PLANNING ISSUE  
SHEET NAME  
COVER PAGE



PROJECT NO.  
2144  
SCALE AT A1  
1 : 50

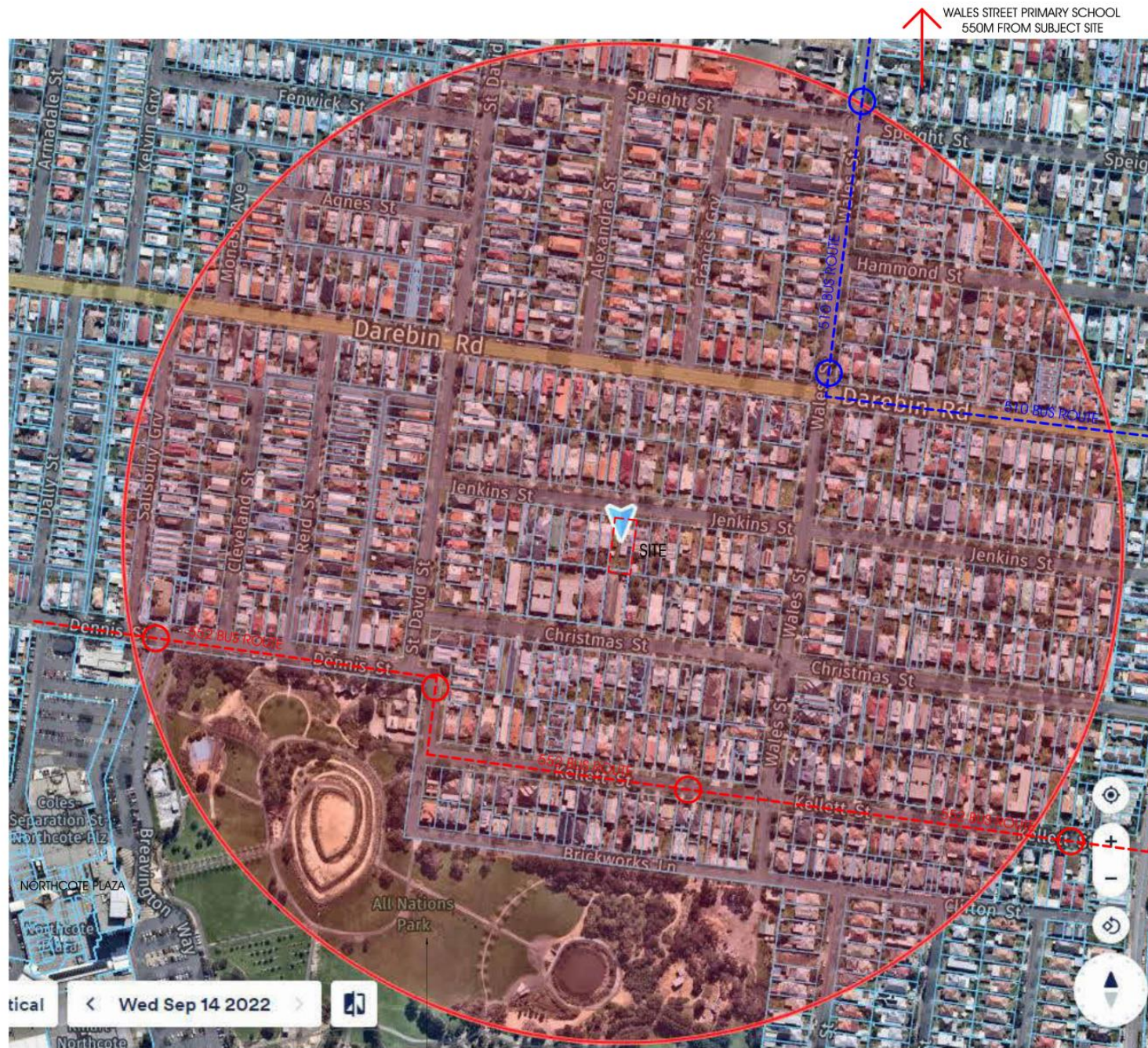
PAGE NO.  
TP.00











↖ NORTHCOTE HIGH SCHOOL  
2.5KM FROM SUBJECT SITE

↘ SANTA MARIA COLLEGE  
1.5KM FROM SUBJECT SITE

↖ WALES STREET PRIMARY SCHOOL  
550M FROM SUBJECT SITE

--- ⊙ --- BUS ROUTE/ STOP

ALL NATIONS PARK

**LOCAL CONTEXT PLAN**  
400(M) RADIUS N.T.S.

**THE SITE**

THE 825M<sup>2</sup> SITE IS LOCATED AT 26 JENKINS STREET, NORTHCOTE WHICH IS CURRENTLY OCCUPIED BY A SINGLE STOREY WEATHERBOARD DWELLING.

THE SITE HAS EXISTING VEHICULAR ACCESS VIA JENKINS STREET.

THE SITE HAS A SLOPE OF APPROX. 860MM FALLING FROM NORTH TO SOUTH.

**OPPORTUNITY**

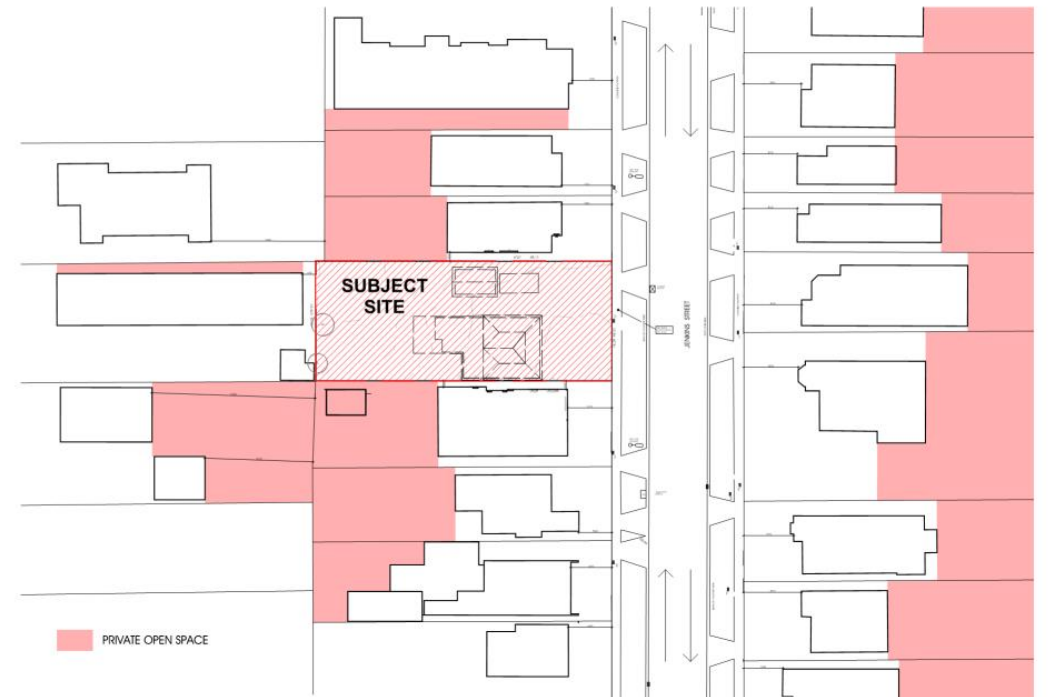
AN OPPORTUNITY PRESENTS IN THE FORM OF UTILIZING UNDERUSED LAND IN AN AREA WHICH IS EXTREMELY CLOSE TO ALL AMENITIES AND SERVICES AN INNER CITY FRINGE NEIGHBOURHOOD PROVIDES.

THE SITE ALLOWS A CONSIDERED CONTEMPORARY DESIGN TO ALIGN WITH THE EVOLVING CHARACTER OF MELBOURNE'S INNER FRINGE SUBURBS.

**PROPOSAL**

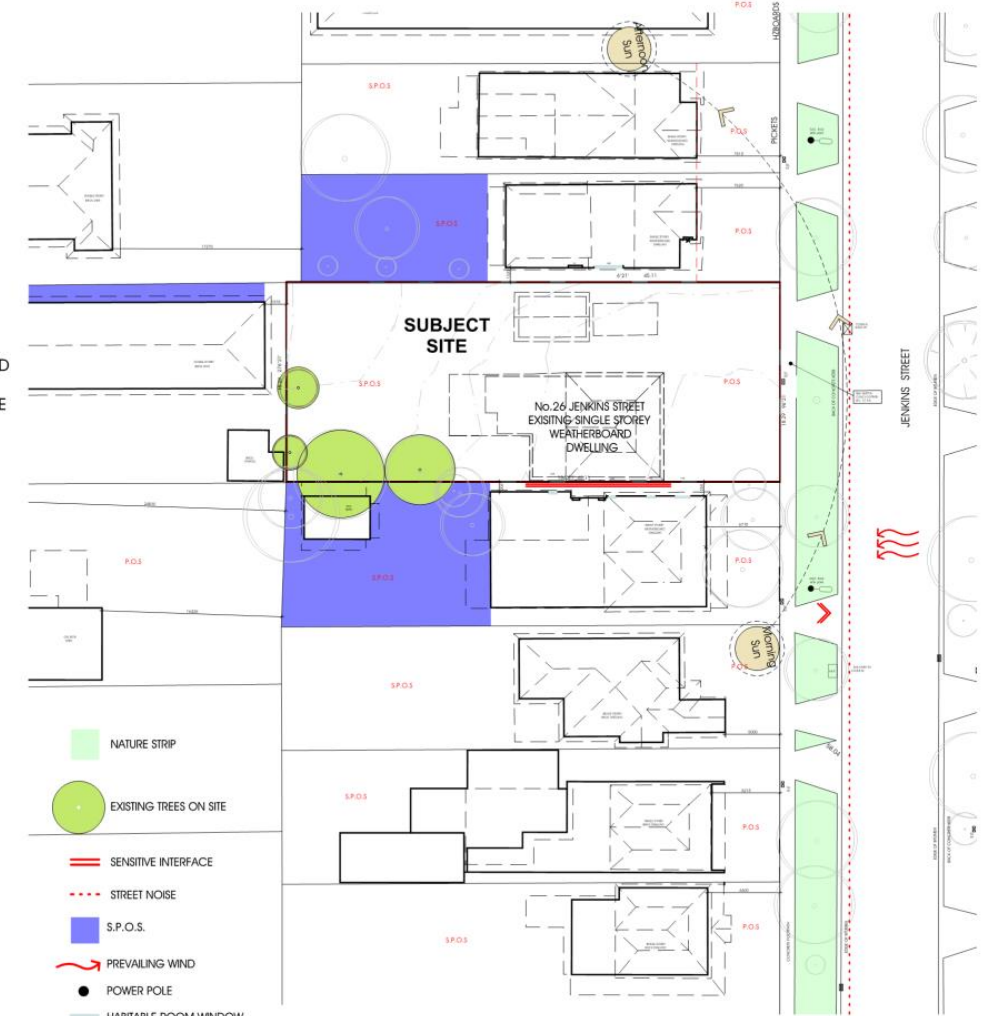
A CONTEMPORARY DUAL OCCUPANCY DEVELOPMENT WITH AMPLE OFF STREET PARKING HAS BEEN PROPOSED.

ALL PLANNING ZONE REQUIREMENTS HAVE BEEN TAKEN INTO ACCOUNT REGARDING HEIGHTS, SETBACKS AND OVERLOOKING/ SHADOWING. ALLOWING ACCEPTABLE DENSITY TO A SUBURB REQUIRING INFILL DEVELOPMENT, CLOSE TO ALL FORMS OF PUBLIC TRANSPORT AND AMENITIES ALLOWING TO A VIBRANT INNER FRINGE SUBURB.



**SITE CONTEXT PLAN A**  
SCALE 1 : 500

↖ NORTHCOTE AQUATIC AND RECREATION CENTRE  
.85KM FROM SUBJECT SITE



**OPPORTUNITIES & CONSTRAINTS**  
SCALE 1 : 300

- NATURE STRIP
- EXISTING TREES ON SITE
- SENSITIVE INTERFACE
- STREET NOISE
- S.P.O.S.
- ~ PREVAILING WIND
- POWER POLE
- HABITABLE ROOM WINDOW
- ↗ VEHICLE ACCESS

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C	14.09.2022	TOWN PLANNING SUBMISSION	VD
D	04.11.2022	TOWN PLANNING BY RESPONSE	VD
E	01.03.2023	INCORPORATING ALL PUBLIC COMMENTS	VD

**PROJECT**  
PROPOSED DUAL OCCUPANCY

**ADDRESS**  
26 JENKINS STREET NORTHCOTE

**PROJECT PHASE**  
TOWN PLANNING ISSUE

**SHEET NAME**  
URBAN CONTEXT REPORT



**PROJECT NO.**  
2144

**SCALE**  
As Indicated

**PAGE NO.**  
TP.02







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C	14.09.2022	TOWN PLANNING SUBMISSION	DV
3A	04.11.2022	TOWN PLANNING BY RESPONSE	DV
3B	21.03.2023	INCLUSION ALTERNATIVE COACH LETTER 22.03.23	DV

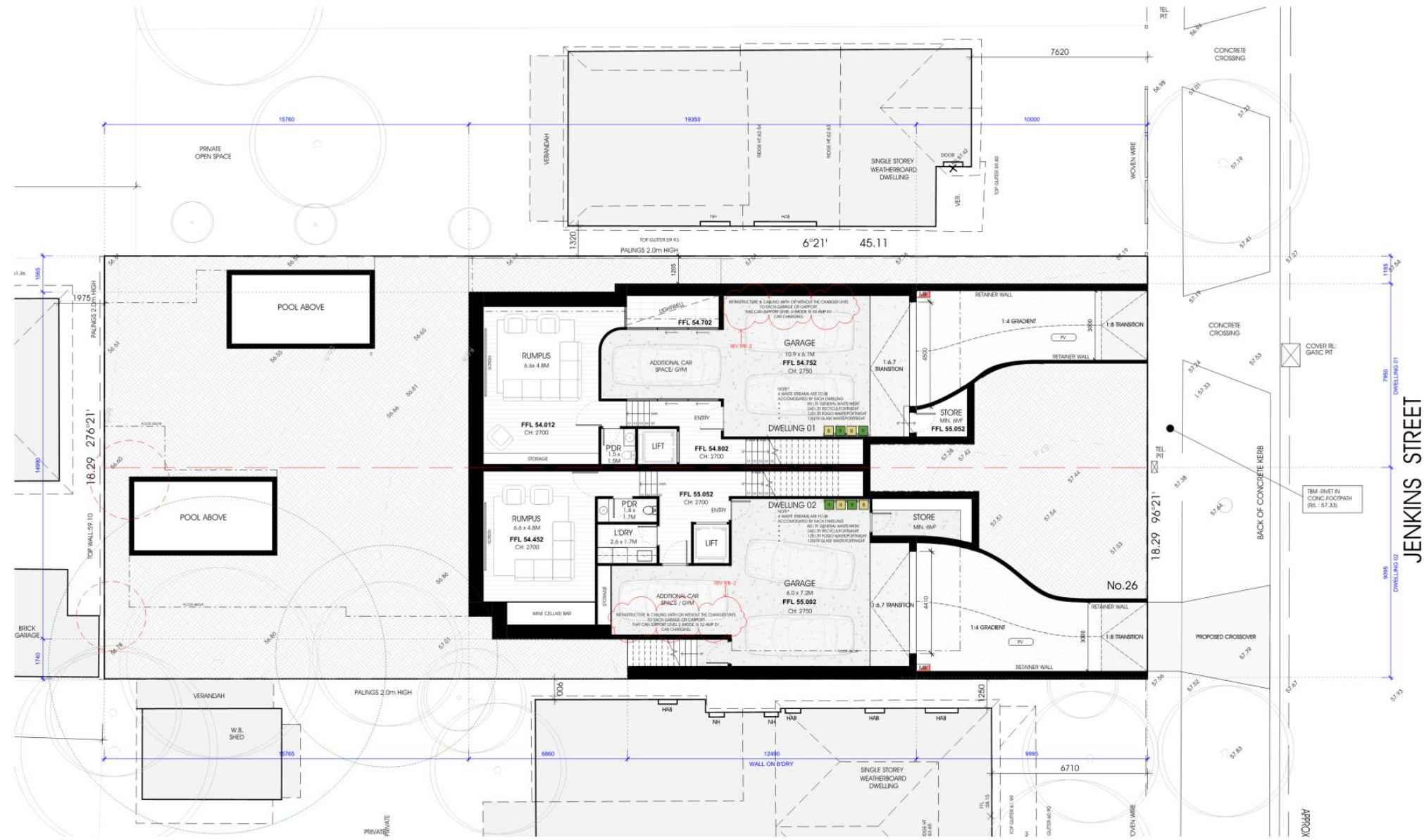
PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOTE

PROJECT PHASE  
TOWN PLANNING ISSUE  
SHEET NAME  
DESIGN RESPONSE PLAN

PROJECT NO.  
2144  
SCALE AT A1  
1 : 200

PAGE NO.  
TP.03





TP - BASEMENT LEVEL  
SCALE 1 : 100

AREA ANALYSIS			
TOTAL SITE AREA			820m <sup>2</sup>
AREA	M <sup>2</sup>	SQUARES	PERCENTAGE
<b>DWELLING 1</b>			
BASEMENT GARAGE	71.3	7.7	
BASEMENT LIVING	69.4	7.5	
GROUND LIVING	203.7	21.9	
PORCH	6.5	0.7	
COVERED ALFRESCO	26.0	2.8	
FIRST FLOOR LIVING	166.1	17.8	
DRY COURTYARD	4.0	0.4	
S.F.O.S	109.24		
P.O.S	48.28		
TOTAL LIVING	439.2	47.2	
TOTAL BUILDING	546.8	58.6	
<b>DWELLING 2</b>			
BASEMENT GARAGE	87.6	9.4	
BASEMENT LIVING	73.1	7.8	
GROUND FLOOR	182.5	19.6	
PORCH	4.7	0.5	
COVERED ALFRESCO	30.9	3.3	
FIRST FLOOR	174.5	18.7	
S.F.O.S	129.75		
P.O.S	42.75		
TOTAL LIVING	430.1	46.2	
TOTAL BUILDING	553.3	59.5	
SITE COVERAGE	482.15		58.81%
PERMEABILITY	184.34		22.54%
GARDEN AREA (MIN 30%)	305.04		36.99%

DRAWING LEGEND	
SYMBOL	DESCRIPTION
[LB]	LETTER BOX
[TWT]	RAIN WATER TANK - REFER TO PLAN FOR SIZE
[IHW]	INSTANTANEOUS HOT WATER SERVICE
[RUB]	RUBBER BINS
[CL]	CLOSURELINE
[SIB]	STORAGE SHED
[PL]	PROPOSED FENCE LINE
[EM]	ELECTRICITY METER BOARD
[GM]	GAS METER
[WM]	WATER METER
[WT]	WATER TAP
[ET]	EXISTING TREE TO BE RETAINED
[RT]	EXISTING TREE TO BE REMOVED
[TZ]	TREE PROTECTION ZONE
[SR]	STRUCTURAL ROOT ZONE
[AJ]	ARTICULATION JOINTS TO MASONRY WALLS
[CE]	CEILING EXHAUST FAN TO BE EXTERNALLY VENTED TO OUTSIDE AIR & SELF CLOSING
[SA]	SMOKE ALARMS TO BE HARD WIRED, INTERCONNECTED WITH BATTERY BACKUP
[AC]	AC CONDENSOR
[BG]	BOX GUTTER SUMP
[BH]	BANWATER HEAD
[BHC]	BANWATER HEAD CONNECTED TO SPREADER
[D]	SELECTED DOWN PIPE TO BE CONNECTED TO LEGAL POINT OF DISCHARGE
[DPS]	SELECTED DOWN PIPE CONNECTED TO SPREADER

NOTE: ALL LEVELS TO BE TAKEN FROM AHD.

AHD AUSTRALIAN HEIGHT DATUM FFL FINISHED FLOOR LEVEL  
 MGL NATURAL GROUND LEVEL RL REDUCED LEVEL  
 FGL FINISHED GROUND LEVEL TM TEMP. BENCHMARK

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3A	04.11.2022	TOWN PLANNING BY RESPONSE	CV
3B	01.03.2023	REVISIONAL ALPHABETICALLY LETTERED 22.02.23	CV

PROJECT  
PROPOSED DUAL OCCUPANCY  
26 JENKINS STREET NORTHCOE

PROJECT PHASE  
TOWN PLANNING ISSUE  
SHEET NAME  
BASEMENT PLAN

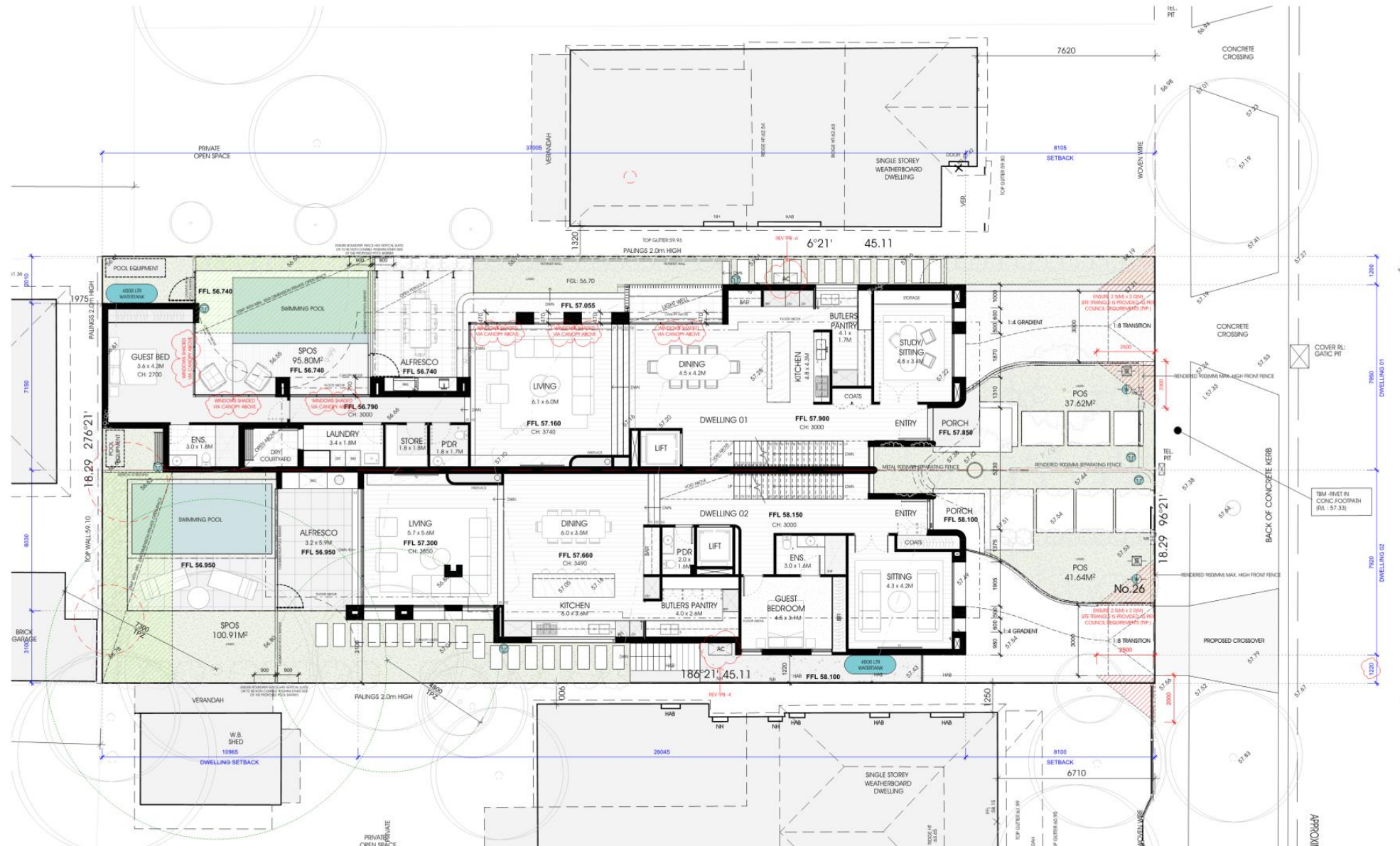
PROJECT NO.  
2144  
SCALE AT  
1 : 100

PAGE NO.  
TP.04





NOTE:  
WHERE WALLS ON BOUNDARY ARE IN DISREPAIR, THEY ARE TO BE REPLACED  
TO THE SATISFACTION OF THE NEIGHBOUR AND OWNER. WHERE WALLS ON BOUNDARY  
ARE PROPOSED, EXISTING FENCE TO BE REMOVED.



TP - GROUND LEVEL  
SCALE 1 : 100

AREA ANALYSIS			
TOTAL SITE AREA			825m <sup>2</sup>
AREA	M <sup>2</sup>	SQUARES	PERCENTAGE
<b>DWELLING 1</b>			
BASEMENT GARAGE	71.3	7.7	
BASEMENT LIVING	69.4	7.5	
GROUND LIVING	203.7	21.9	
PORCH	6.5	0.7	
COVERED ALFRESCO	26.0	2.8	
FIRST FLOOR LIVING	166.1	17.8	
DRY COURTYARD	4.0	0.4	
S.P.O.S	109.24		
P.O.S	48.28		
TOTAL LIVING	439.2	47.2	
TOTAL BUILDING	546.8	58.6	
<b>DWELLING 2</b>			
BASEMENT GARAGE	87.6	9.4	
BASEMENT LIVING	73.1	7.8	
GROUND FLOOR	182.5	19.6	
PORCH	4.7	0.5	
COVERED ALFRESCO	30.9	3.3	
FIRST FLOOR	174.5	18.7	
S.P.O.S	129.75		
P.O.S	42.75		
TOTAL LIVING	430.1	46.2	
TOTAL BUILDING	553.3	59.5	
SITE COVERAGE	482.15		58.44%
PERMEABILITY	184.34		22.34%
GARDEN AREA (MIN 30%)	305.04		36.96%

DRAWING LEGEND	
SYMBOL	DESCRIPTION
[Symbol]	LETTER BOX
[Symbol]	RAIN WATER TANK - REFER TO PLAN FOR SIZE
[Symbol]	INSTANTANEOUS HOT WATER SERVICE
[Symbol]	RUBBER BINS
[Symbol]	CLOSETLINE
[Symbol]	STORAGE SHED
[Symbol]	PROPOSED FENCE LINE
[Symbol]	ELECTRICITY METER BOARD
[Symbol]	GAS METER
[Symbol]	WATER METER
[Symbol]	WATER TAP
[Symbol]	EXISTING TREE TO BE RETAINED
[Symbol]	EXISTING TREE TO BE REMOVED
[Symbol]	TREE PROTECTION ZONE
[Symbol]	STRUCTURAL ROOT ZONE
[Symbol]	ARTICULATION JOINTS TO MASONRY WALLS
[Symbol]	CEILING EXHAUST FAN TO BE EXTERNALLY VENTED TO OUTSIDE AIR & SELF CLOSING
[Symbol]	SMOKE ALARMS TO BE HARD WIRED, INTERCONNECTED WITH BATTERY BACKUP
[Symbol]	AC CONDENSOR
[Symbol]	BOX GUTTER SUMP
[Symbol]	RANWATER HEAD
[Symbol]	RANWATER HEAD CONNECTED TO SPREADER
[Symbol]	SELECTED DOWN PIPE TO BE CONNECTED TO LEGAL POINT OF DISCHARGE
[Symbol]	SELECTED DOWN PIPE CONNECTED TO SPREADER

NOTE: ALL LEVELS TO BE TAKEN FROM AHD.  
 AHD AUSTRALIAN HEIGHT DATUM FFL FINISHED FLOOR LEVEL  
 MGL NATURAL GROUND LEVEL RL REDUCED LEVEL  
 FGL FINISHED GROUND LEVEL TM TEMP. BENCHMARK

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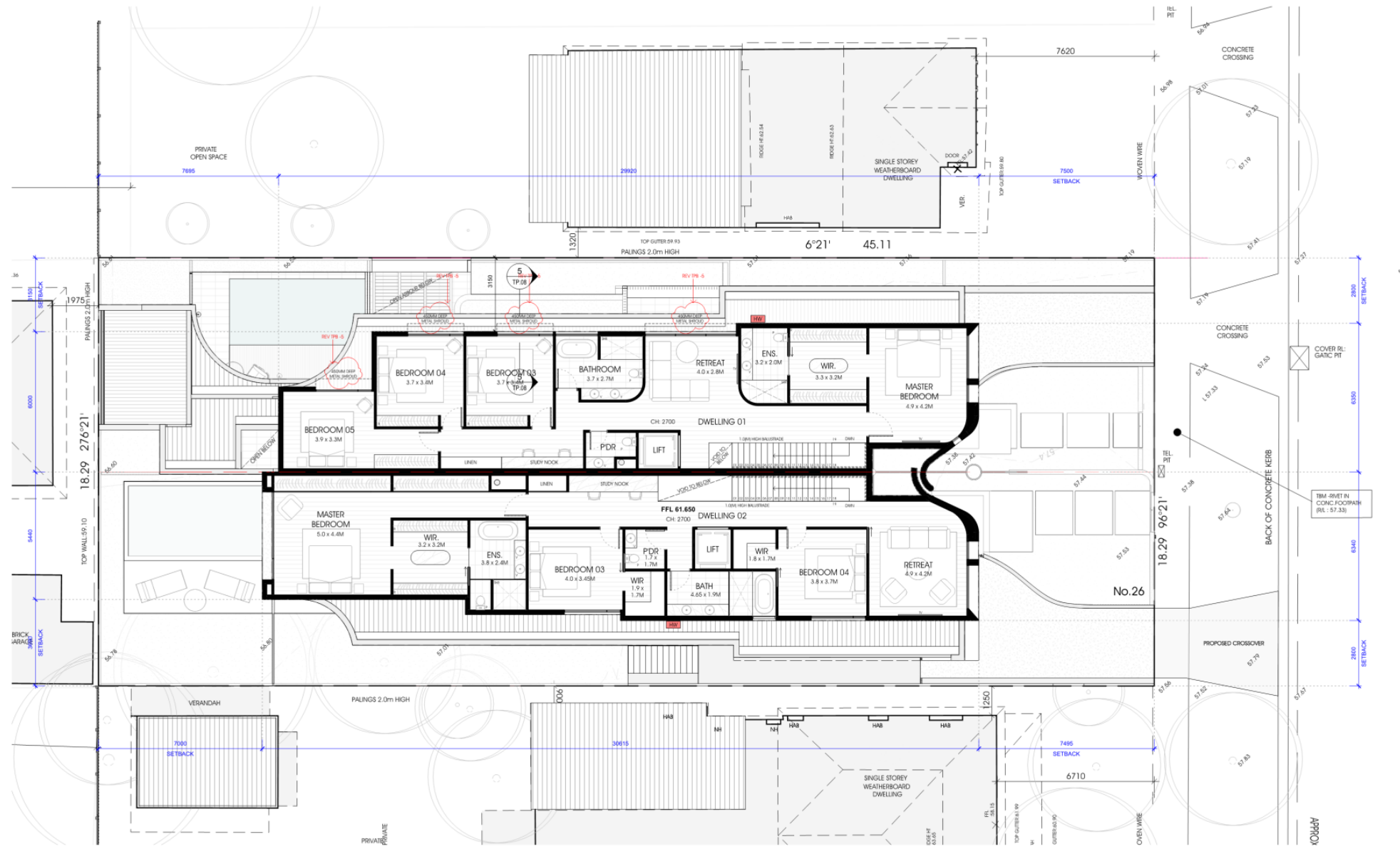
PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOTE

PROJECT PHASE  
TOWN PLANNING ISSUE  
SHEET NAME  
GROUND FLOOR PLAN

PROJECT NO.  
2144  
SCALE AT  
1 : 100

PAGE NO.  
TP.05





TP - FIRST LEVEL  
SCALE 1 : 100

AREA ANALYSIS			
TOTAL SITE AREA			820m <sup>2</sup>
AREA	MF	SQUARES	PERCENTAGE
<b>DWELLING 1</b>			
BASEMENT GARAGE	71.3	7.7	
BASEMENT LIVING	69.4	7.5	
GROUND LIVING	203.7	21.9	
PORCH	6.5	0.7	
COVERED ALFRESCO	26.0	2.8	
FIRST FLOOR LIVING	166.1	17.8	
DRY COURTYARD	4.0	0.4	
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BASEMENT LIVING	73.1	7.8	
GROUND FLOOR	182.5	19.6	
PORCH	4.7	0.5	
COVERED ALFRESCO	30.9	3.3	
FIRST FLOOR	174.5	18.7	
S.P.O.S	129.75		
P.O.S	42.75		
TOTAL LIVING	430.1	46.2	
TOTAL BUILDING	553.3	59.5	
SITE COVERAGE	482.15		58.41%
PERMEABILITY	184.34		22.34%
GARDEN AREA (MIN 30%)	305.04		36.96%

DRAWING LEGEND	
SYMBOL	DESCRIPTION
LB	LETTER BOX
SWT	RAIN WATER TANK - REFER TO PLAN FOR SIZE
IHW	INSTANTANEOUS HOT WATER SERVICE
RB	RUBBISH BINS
CL	CLOTHESLINE
SR	STORAGE SHED
PL	PROPOSED FENCE LINE
EM	ELECTRICITY METER BOARD
GM	GAS METER
WM	WATER METER
WT	WATER TAP
ET	EXISTING TREE TO BE RETAINED
RT	EXISTING TREE TO BE REMOVED
PT	TREE PROTECTION ZONE
SR	STRUCTURAL ROOF ZONE
AJ	ARTICULATION JOINTS TO MASONRY WALLS
CE	CEILING EXHAUST FAN TO BE EXTERNALLY VENTED TO OUTSIDE AIR & SELF CLOSING
SA	SMOKE ALARMS TO BE HARD WIRED, INTERCONNECTED WITH BATTERY BACKUP
AC	AC CONDENSOR
GS	BOX GUTTER SUMP
BH	RANWATER HEAD
BC	RANWATER HEAD CONNECTED TO SPREADER
CD	SELECTED DOWN PIPE TO BE CONNECTED TO LEGAL POINT OF DISCHARGE
DP	SELECTED DOWN PIPE CONNECTED TO SPREADER

NOTE: ALL LEVELS TO BE TAKEN FROM AHD  
 AHD AUSTRALIAN HEIGHT DATUM FFL FINISHED FLOOR LEVEL  
 MGL NATURAL GROUND LEVEL RL REDUCED LEVEL  
 FGL FINISHED GROUND LEVEL TRM TEMP. BENCHMARK

JENKINS STREET

No.26

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PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOE

PROJECT PHASE  
TOWN PLANNING ISSUE  
SHEET NAME  
FIRST FLOOR PLAN

PROJECT NO.  
2144  
SCALE AS AT  
1 : 100

PAGE NO.  
TP.06







EXISTING STREETSCAPE ELEVATION  
SCALE 1 : 100



PROPOSED STREETSCAPE ELEVATION  
SCALE 1 : 100



PROPOSED FINISHES RENDER - SIDE ELEVATION A



PROPOSED FINISHES RENDER - SIDE ELEVATION B

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PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOE

PROJECT PHASE  
TOWN PLANNING ISSUE  
SHEET NAME  
STREETSCAPES



PROJECT NO.  
2144  
SCALE AS AT  
1 : 100

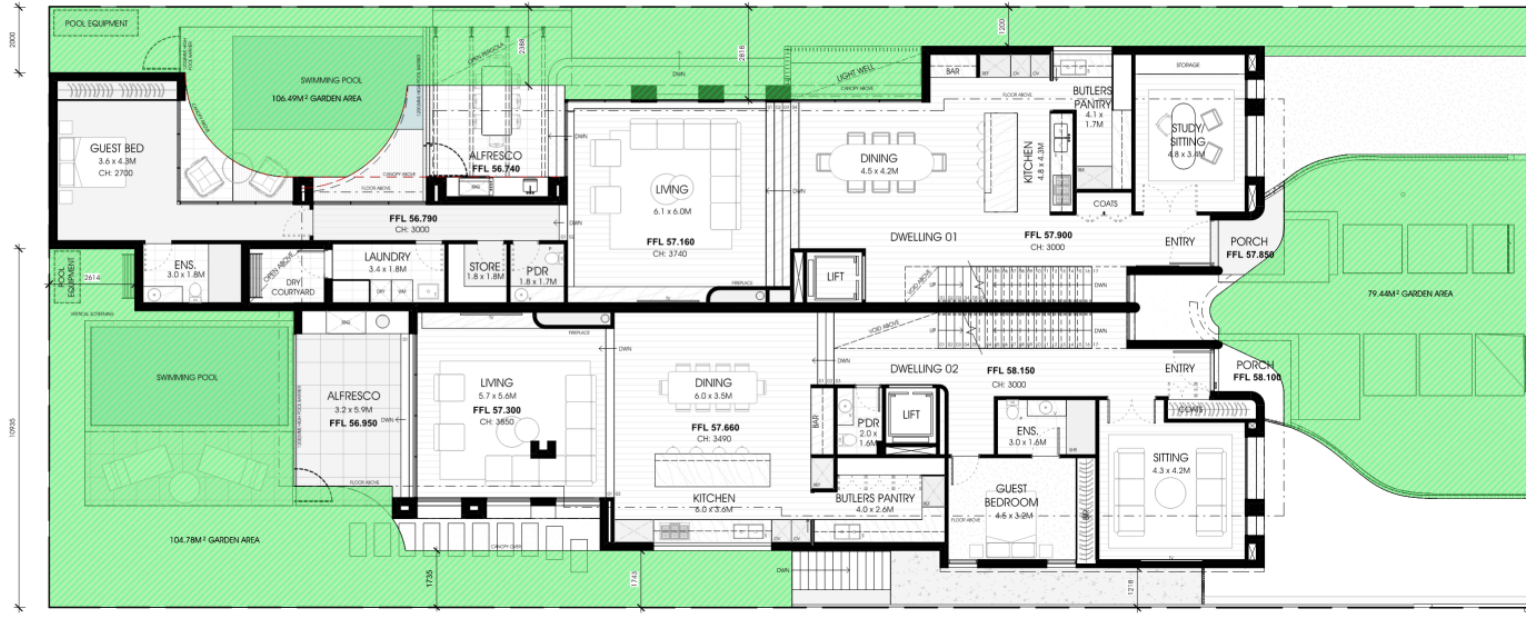
PAGE NO.  
TP.07









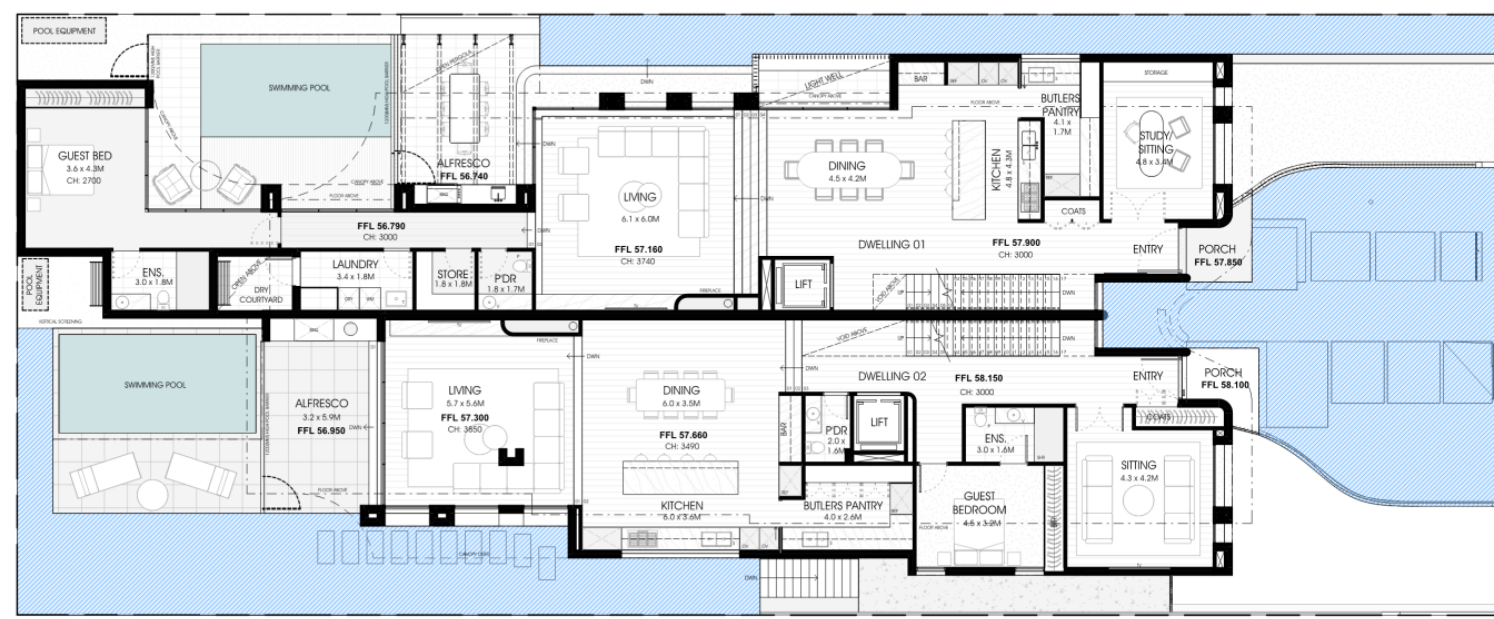


HATCH DENOTES GARDEN AREA

GARDEN SPACE REQUIREMENT			
TOTAL SITE AREA		825.06 m <sup>2</sup>	
AREA	M <sup>2</sup>	SQUARES	PERCENTAGE
REGD GARDEN SPACE (35%)	290.87 M <sup>2</sup>		35.25%

ALL SECTIONS OF GARDEN AREA WITHIN THE DEVELOPMENT LANDST IN ACCORDANCE WITH THE DEFINITION OF GARDEN AREA IN CLAUSE 13.07 OF THE GARDEN PLANNING SCHEME (AS PER PLANNING SCHEME AMENDMENT VC143 DATED ON 15 MAY 2018) AND AS PER PLANNING PRACTICE NOTE 84 DATED MAY 2018.

TP - GARDEN AREA PLAN  
SCALE 1 : 100



HATCH DENOTES SITE COVERAGE

TOTAL SITE AREA		825.06 m <sup>2</sup>	
PERMEABLE COVERAGE (MIN. 20%)		164.34 M <sup>2</sup>	
		22.34%	

TP - PERMEABILITY PLAN  
SCALE 1 : 100

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PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOE

PROJECT NAME  
TOWN PLANNING ISSUE  
SHEET NAME  
GARDEN AREA & PERMEABILITY PLANS

PROJECT NO.  
2144  
SCALE AT A1  
1 : 100

PAGE NO.  
TP.09





SH - 9AM SHADOW 22 SEPTEMBER  
SCALE 1 : 200

SH - 10AM SHADOW 22 SEPTEMBER  
SCALE 1 : 200



SH - 11AM SHADOW 22 SEPTEMBER  
SCALE 1 : 200

SHADOWS CAST BY 26 JENKINS STREET	9AM	10AM	11AM	12PM	1PM	2PM	3PM	
EXISTING OVERSHADOWING TO SPOS: 22 JENKINS STREET	64.13M <sup>2</sup> 34.66%	48.67M <sup>2</sup> 26.30%	37.26M <sup>2</sup> 20.14%	EXISTING OVERSHADOWING TO SPOS: 28 JENKINS STREET	NO ADDITIONAL OVERSHADOWING	NO ADDITIONAL OVERSHADOWING	58.03M <sup>2</sup> 24.28%	73.81M <sup>2</sup> 30.62%
ADDITIONAL OVERSHADOWING TO SPOS: 22 JENKINS STREET	76.14M <sup>2</sup> 41.15%	18.69M <sup>2</sup> 10.10%	NO ADDITIONAL OVERSHADOWING	ADDITIONAL OVERSHADOWING TO SPOS: 28 JENKINS STREET	NO ADDITIONAL OVERSHADOWING	NO ADDITIONAL OVERSHADOWING	10.68M <sup>2</sup> 4.46%	35.25M <sup>2</sup> 14.74%

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3B	01.03.2023	INCLUSION ALTERNATIVE COORDINATION LETTER 22.02.23	DV

PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOTE

PROJECT PHASE  
TOWN PLANNING ISSUE  
SHEET NAME  
SHADOWPLAN1

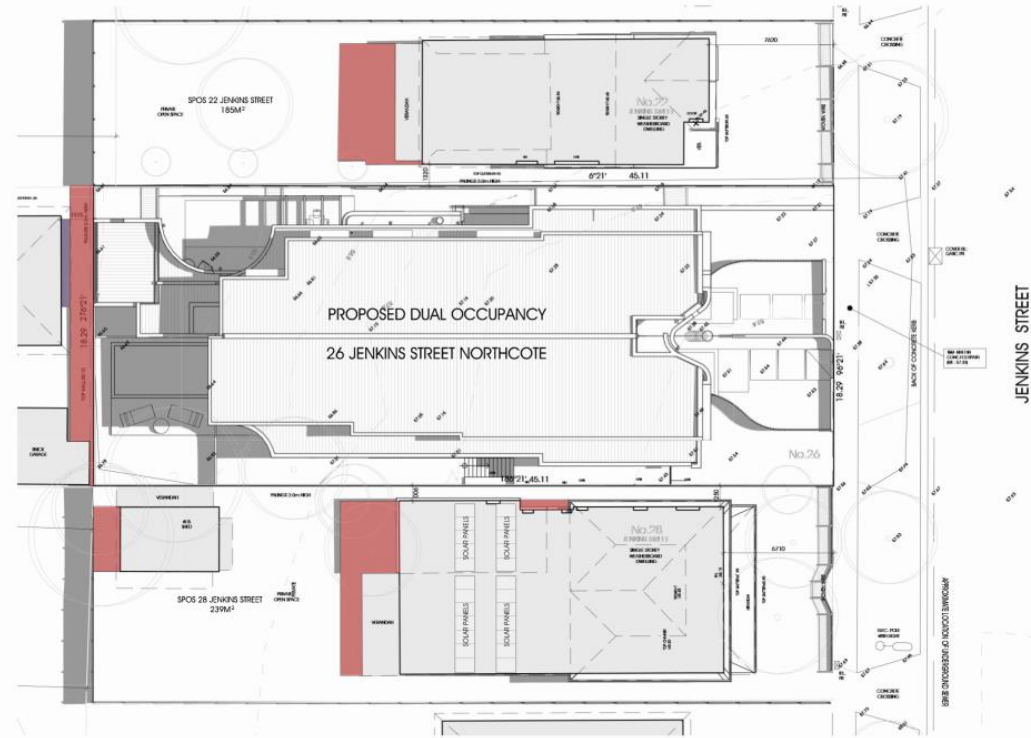


PROJECT NO.  
2144  
SCALE AT A1  
As Indicated

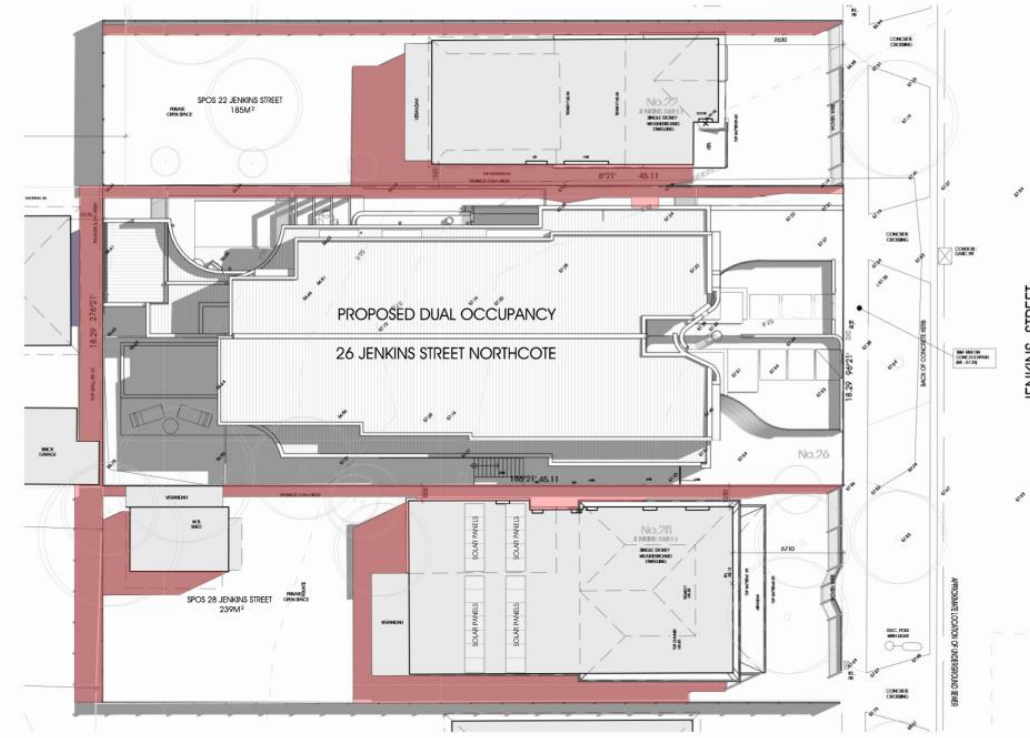
PAGE NO.  
TP.10







SH - 12 NOON SHADOW 22 SEPTEMBER  
SCALE 1 : 200



SH - 1PM SHADOW 22 SEPTEMBER  
SCALE 1 : 200



SH - 2PM SHADOW 22 SEPTEMBER Copy 1  
SCALE 1 : 200



SH - 3PM SHADOW 22 SEPTEMBER  
SCALE 1 : 200

SHADOWS CAST BY 26 JENKINS STREET	9AM	10AM	11AM	12PM	1PM	2PM	3PM
EXISTING OVERSHADOWING TO SPOS: 22 JENKINS STREET	64.13M² 34.66%	48.67M² 26.30%	37.26M² 20.14%	EXISTING OVERSHADOWING TO SPOS: 28 JENKINS STREET	NO ADDITIONAL OVERSHADOWING	58.03M² 24.28%	73.81M² 30.62%
ADDITIONAL OVERSHADOWING TO SPOS: 22 JENKINS STREET	76.14M² 41.15%	18.69M² 10.10%	NO ADDITIONAL OVERSHADOWING	ADDITIONAL OVERSHADOWING TO SPOS: 28 JENKINS STREET	NO ADDITIONAL OVERSHADOWING	10.68M² 4.46%	35.25M² 14.74%

CONTACT  
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PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOTE

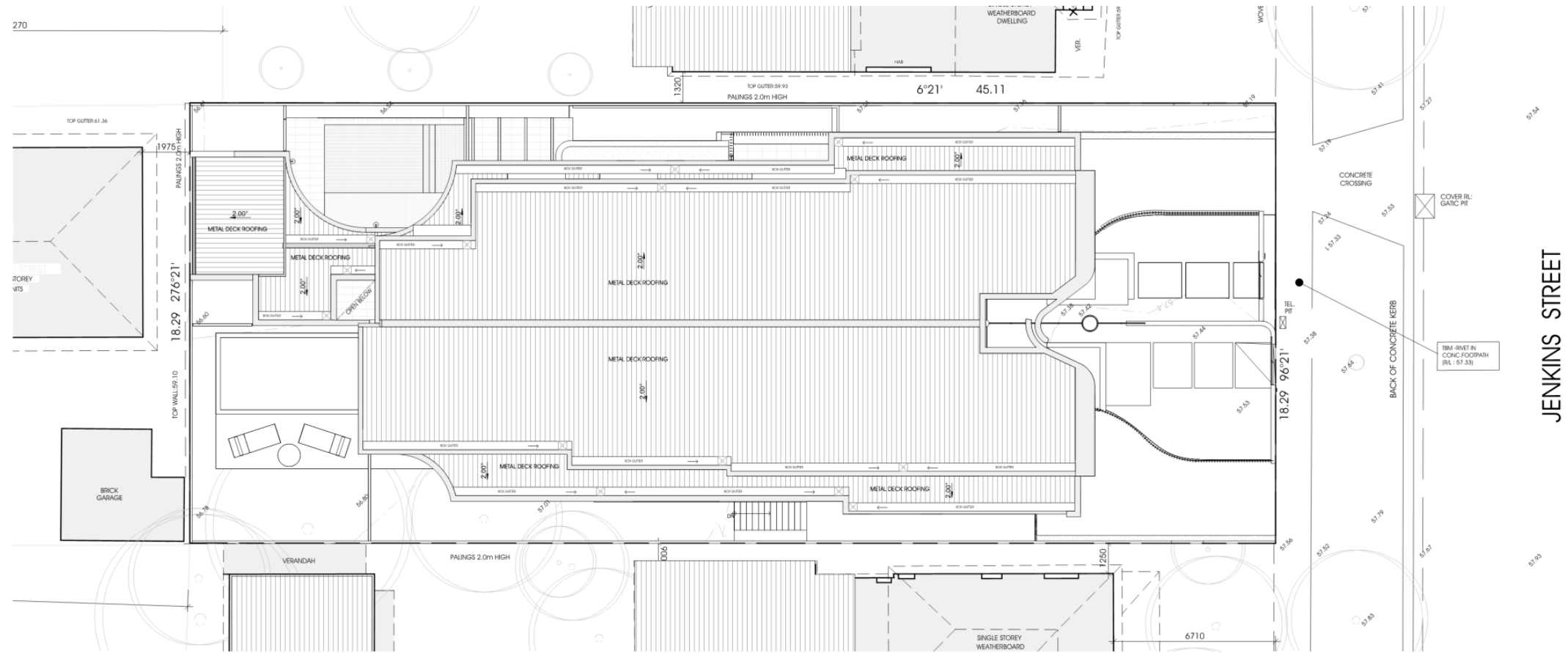
PROJECT PHASE  
TOWN PLANNING ISSUE  
SHEET NAME  
SHADOWPLANS2



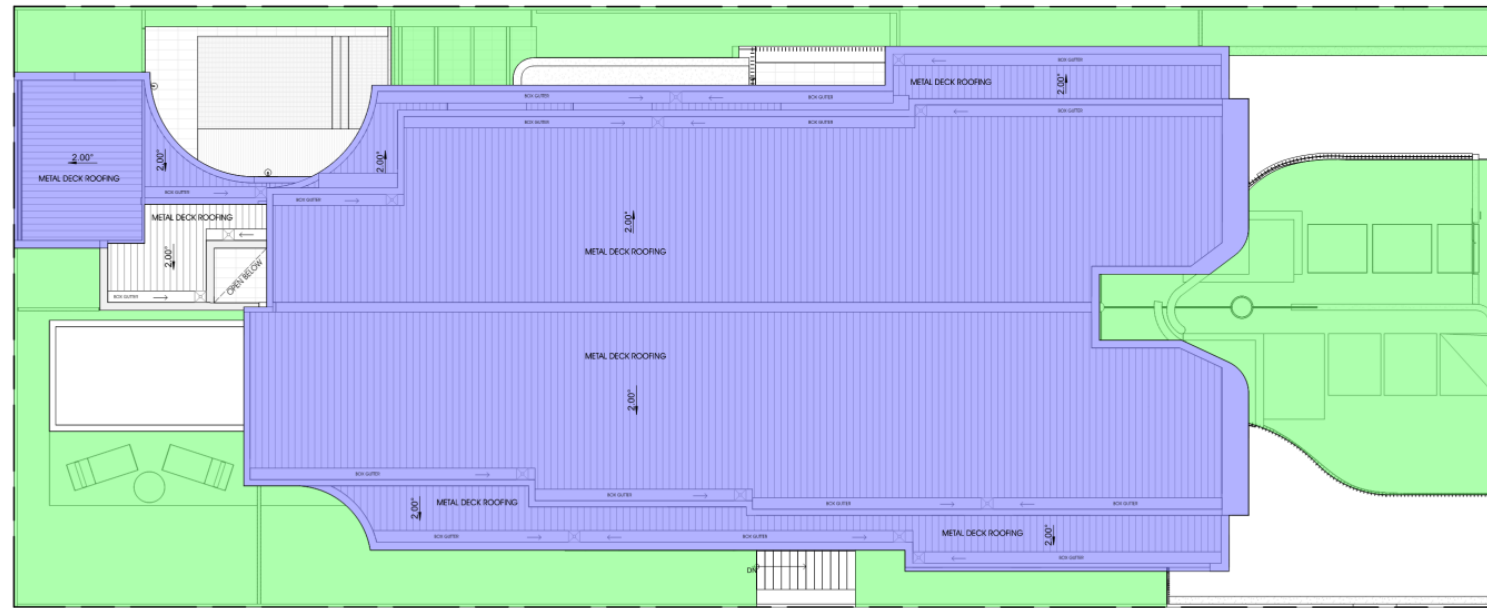
PROJECT NO.  
2144  
SCALE AT A1  
As Indicated

PAGE NO.  
TP. 11





WD - ROOF PLAN  
SCALE 1 : 100



WD - WSUD PLAN  
SCALE 1 : 100

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E	01.03.2023	INCORPORATE ALPINE COUNCIL LETTER 22.02.23	DV

PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOLE

PROJECT PHASE  
TOWN PLANNING ISSUE  
SHEET NAME  
PROPOSED ROOF & WSUD PLAN

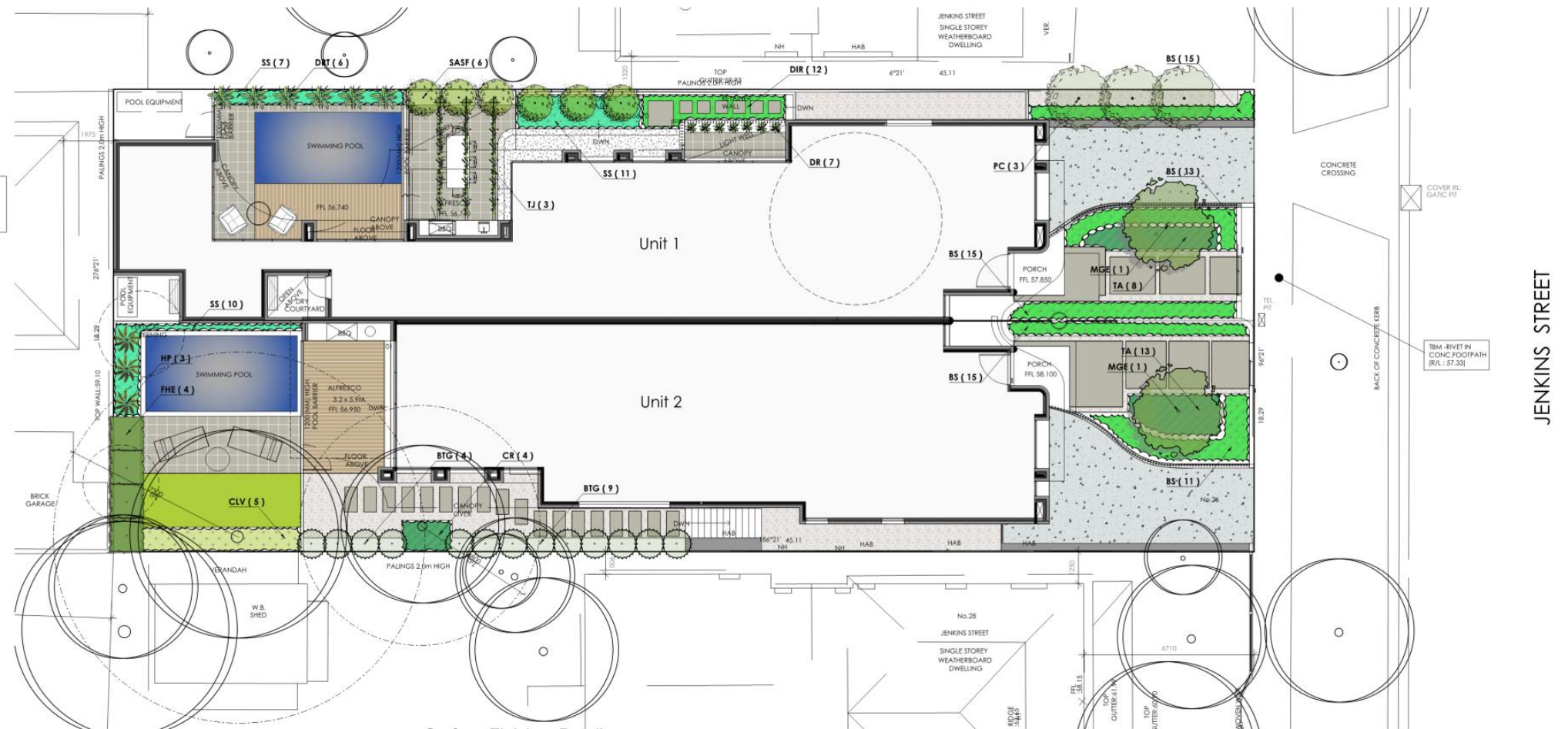


PROJECT NO.  
2144  
SCALE AT A1  
1 : 100

PAGE NO.  
TP.12







Specifications

**Subgrade preparation**  
Site preparation to be carried out in accordance with best horticultural practice and under suitable conditions. Disturbance to indigenous soil structure is to be minimised. The use of machinery that may damage soil structure or profile is not acceptable. Subgrade to all lawn and planted areas is to be cultivated to a minimum depth of 150mm and shaped to achieve drainage falls prior to topsoiling. Subgrade to be tested prior to preparation and conditioning to determine pH, salinity and gypsum requirement. Any gypsum required is to be distributed at the manufacturer's recommended rate and cultivated into the sub-grade at a minimum depth of 150mm. Proposed topping areas to be graded / drained to prevent water discharge into neighbouring properties.

**Weed control**  
Remove and dispose of environmental weeds off site prior to subgrade preparation, topsoiling and planting works.

**Soil Preparation**  
Topsoil is to be spread in maximum 150mm layers, lightly compacted by use of a 150 - 200kg roller, or by thoroughly walking until it accords with finished kerb levels or to within 75mm below edging levels to accommodate mulch. Imported topsoil for garden beds is to be medium texture general purpose garden soil and lightly compacted to minimum 300mm depth to garden beds. Soil is to comply with s.u.a. 2223-1978, and as follows:

- free from perennial weeds and their roots, bulbs and rhizomes
- free from building rubble and any other matter deleterious to plant growth
- pH to be 6.0 - 7.0
- texture to be light to medium friable loam
- free from all material

Imported topsoil for lawn rejuvenation / establishment shall have the above characteristics, but shall be a free draining sandy loam, lightly compacted to minimum 100mm depth.

**Mulch**  
The specified mulch for garden beds is to be an aged organic material with 60 - 80 percent of its volume being wood chips particles in a size range of 25 - 50 mm maximum. Mulch is to be spread at a consolidated depth of 75mm.

**Planting Procedure**  
If soil to planting hole is dry - fill with water and allow to drain completely. Tree roots are to be tested (subside) if needed or ending assure prior to building. Place tree in centre of hole on firm soil to prevent sinking, ensuring top of the rootball is flush with the surrounding soil surface and the trunk is vertical. Backfill material is to be in a loose, friable state, with no bricks, rocks or foreign material. If sufficient material is not available from the original site to backfill, a similar soil type must be sourced and used. Soil material must be firmly backfilled in layers to prevent large air pockets from occurring, then thoroughly watered in. Trees to be staked with two 225mm x 70mm hardwood stakes driven firmly into the ground - stakes must not be placed through the rootball area. Trees are to be secured to each stake with a strong, soft and flexible material, tight enough to support the tree in windy conditions - yet loose enough to stimulate development of a good supportive root system. Tree tie material must not be made of rope or twine for growth for a minimum period of three years. Slow release fertiliser (3/6 month formulation) such as 'Osmocote' is to be applied to the top of the rootball area away from the trunk 1.5m to manufacturers specifications and watered in immediately. All trees to be mulched to a diameter of 1200mm wide and to a depth of 100mm but must not be in contact with the tree trunk. Mulch is to be an aged organic material with 60 - 80 percent of its volume being wood chip particles in a size range of 25 - 50 mm maximum. Mulch is to be spread at a consolidated depth of 75mm. The planting hole surface is to be shaped to minimise waterlogging/excessive water retention but retain the mulch material nearby. The site must be left in a clean and safe condition.

**Plant Establishment Period**  
The landscape is to be maintained by applying best horticultural practice to promote healthy plant performance for a 13 week establishment period following the approval of Practical Completion by the responsible authority including (but not limited to) the following tasks - Pruning as necessary to maintain plants in a healthy and structurally sound manner, pest and diseases - vegetation to be pest and disease free, mulching, staking and tying - 75mm mulch depth to be maintained around tree bases throughout maintenance period, watering - as often as necessary to ensure healthy and vigorous growth in accordance with current local watering regulations, weeding - maintained in a weed free state over the entire mulch area by spraying or mechanical means, fertilising - 3/6 monthly slow release fertiliser in accordance with manufacturers recommended application rates, replacement of deceased, staked or unlanded plants beyond repair or regrass with the same species as specified in the plant schedule within the assigned maintenance period.

**Irrigation**  
An in-ground automatic drip irrigation system is to be installed to all garden areas and planter boxes (if applicable) in accordance with current local watering regulations.

**Timber Edging**  
Timber edging to be 75mm x 25mm treated pine secured to 300mm long treated pine stakes at 1000mm spacings with galvanised screws and installed to all junctions between garden beds, lawn and topping / pebble areas.

**Drainage**  
Landscape and / or building contractor(s) are responsible for civil and hydraulic computations for landscape building areas including, but not limited to surface and sub surface drainage for all landscape areas prior to commencement of works.

**General**  
While care has been taken to select tree species with non-invasive root systems it is recommended that root control barriers be installed for any trees located within two metres of any building lines.

Climbing plants (if applicable) are to be trained to support mesh, wire or lattice fixed over entire fence section from base to top.

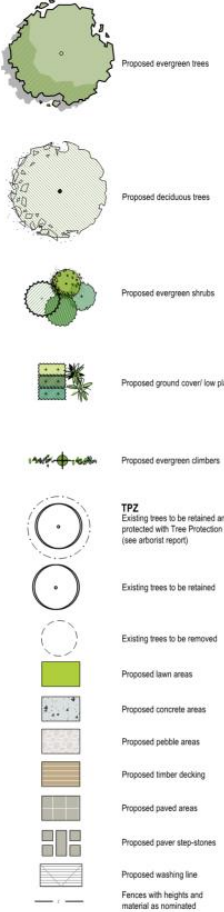
Do not scale from plan - contractor to verify all dimensions on site prior to commencing construction.

**Plants - Quality of Trees and Shrubs**  
Trees and shrubs shall be healthy nursery stock free from insects, diseases and weeds. The specified plant heights, and pot sizes are minimums. If plant material is unavailable in these sizes, larger stock must be used. Plant substitution is not acceptable unless confirmed by the responsible authority in writing. The contractor is to supply and install semi mature trees which meet the following criteria: Have a minimum planted height to size as indicated in the plant schedule, have a minimum trunk caliper of 50mm at ground level, be undamaged and free of diseases and insect pests, not be root bound or have circling or girdling roots but have roots grown to the edge of the container, should bear a single straight trunk, strong branching pattern, and full canopy, show healthy, vigorous growth.

**Protection of Existing Trees**  
All existing vegetation shown on the endorsed plan (subject site and neighbouring properties) is to be retained and suitably marked before any development (including demolition) commences on the land and that vegetation must not be removed, destroyed or topped without the written consent of the responsible authority. Before the commencement of works (including demolition) start, tree protection barriers must be erected around trees (subject site and neighbouring properties) to form a defined tree protection zone during demolition and construction in accordance with tree protection measures as per AS 4975-2009 (Tree Protection in development sites).

Any pruning that is required must be carried out by a trained and competent arborist with a thorough knowledge of tree physiology and pruning methods to carry out pruning to the Australian standard - AS 4373-2007 (Pruning of amenity trees). All tree protection practices must be in accordance with a consulting arborist and / or to the satisfaction of the responsible authority.

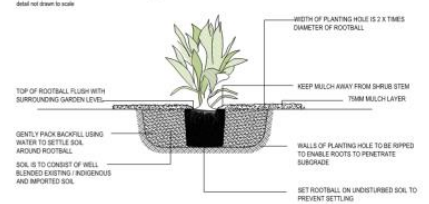
Legend



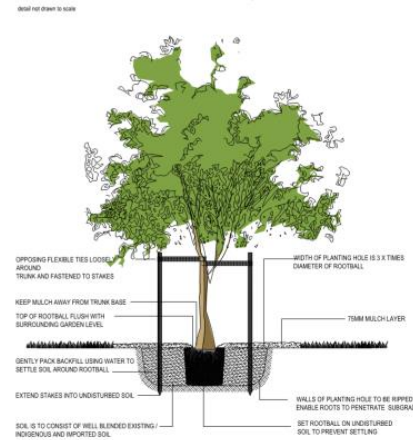
Surface Finishes Detail



Shrub Planting



Advanced Tree Planting



Plant Schedule

CODE	BOTANICAL NAME	COMMON NAME	QTY	SUPPLY SIZE	MATURE H x W
<b>TREES</b>					
FHE	Ficus Neri 'Emerald Standard Form'	Emerald Standard Ficus	4	400 / min 1.8m high	4m x 2m
MGE	Magnolia grandiflora 'Emouti'	Bull Bay Magnolia	2	400 / min 1.8m high	12m x 8m
PC	Pyrus calleryana 'Capitaf'	Capitaf Pear	3	400 / min 1.8m high	11m x 2.5m
<b>SHRUBS</b>					
BS	Buxus sempervirens	English Box	69	20cm pot	1m x 1m
BTG	Bambusa textilis var. Gracilis	Slender Weavers Bamboo	13	20cm pot	7m x 2m
HP	Hosta plantaginea	Plantain Lily	3	20cm pot	8m x 1m
SASF	Syzygium australe 'Select Form'	Select Form Lilly Pilly	6	20cm pot	3 x 1.2m (dipped)
<b>GROUND COVERS &amp; LOW SHRUBS</b>					
CLV	Clivia miniata	Clivia	5	14cm pot	7m x 7m
CR	Correa reflexa	Common Correa	4	14cm pot	2m x 1.2m
DIR	Dichondra repens	Kidney Weed	12	14cm pot	1m x 1.5m
SS	Senecio Chalk Sticks	Chalk Sticks	28	14cm pot	8m x 9m
TA	Trachelospermum asiaticum	Asiatic Jasmine	21	14cm pot	3m x 2m
<b>CLIMBERS</b>					
TJ	Trachelospermum jasminoides	Chinese Star Jasmine	3	14cm pot	NA
<b>TUSsocks / GRASSES / EVERGREEN PERENNIALS</b>					
DR	Dianella revoluta var. revoluta	Black-Anther Flax-Lily	7	14cm pot	8m x 6m
DRT	Dracaena fragrans	Mother-in-law's Tongue	6	14cm pot	7m x 6m

Landscape Plan

PROJECT ADDRESS: 26 JENKINS STREET NORTH COOTEE  
 DATE: 11/08/2022  
 SHEET SIZE: A1  
 DESIGNED BY: NH/MA Landscape Arch./UEL/UK  
 DRAWN BY: AS

PROPOSED DUAL OCCUPANCY  
 PROJECT NO. # U9341  
 REV. # A  
 E: nina@keystonealliance.com.au  
 W: keystonealliance.com.au

277 Florry Road Preston VIC 3072  
 T: 03 9478 8991 M

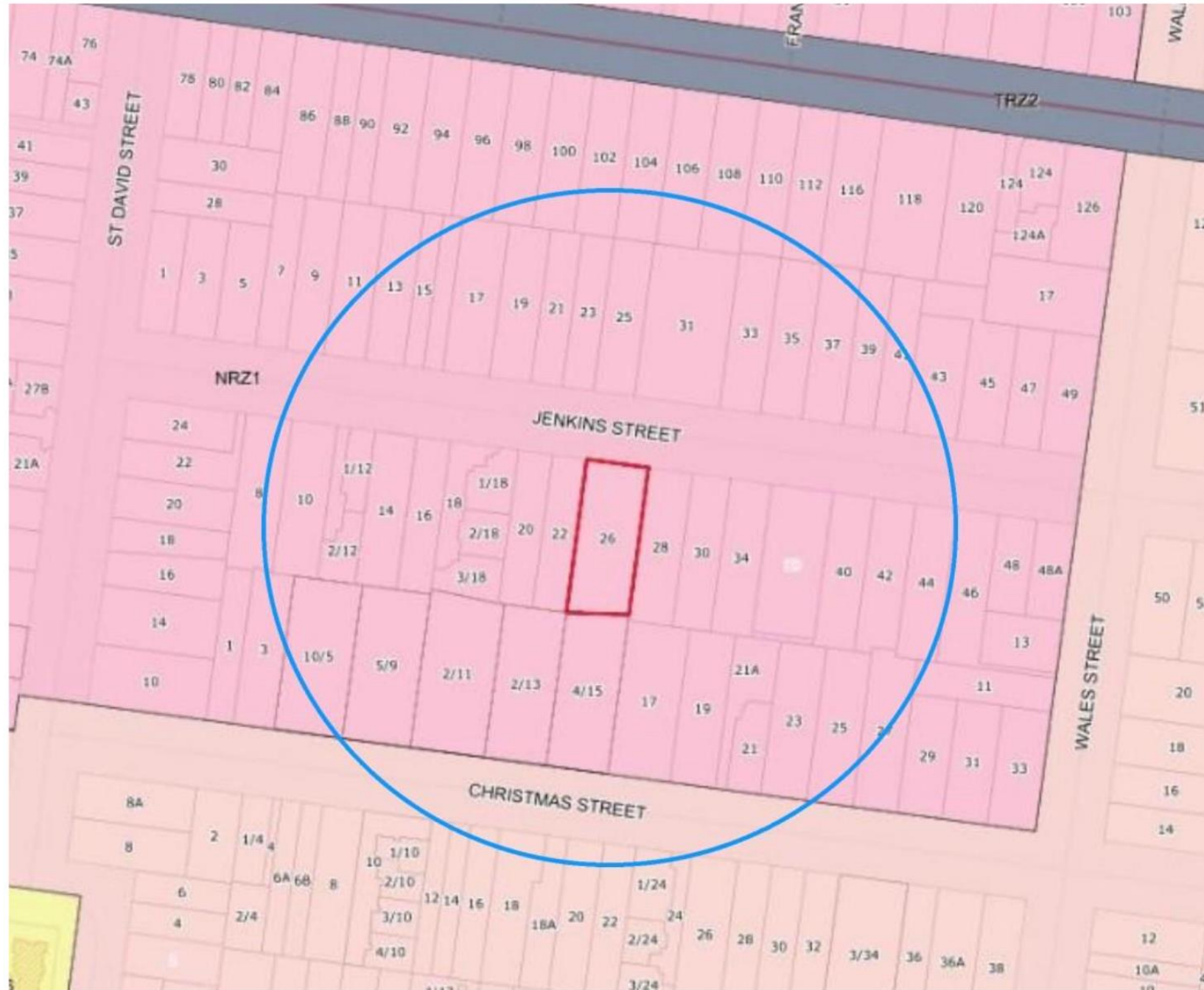
Scale 1:100



**26 Jenkins Street Northcote 3070**

Appendix D – Objector Map

Seventeen (17) objections total were received; twelve (12) of which within a 100 metres radius (blue) – Subject site (red)



**Legend**

- Subject Site
- 100 metre Radius

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





26 Jenkins Street Northcote – Consideration of Planning Permit Application D/559/2022

## Appendix E - Reference Tables

### Clause 22.02 - Neighbourhood Character Assessment

The subject site is located within Neighbourhood Character Precinct A2 (Victorian and Edwardian) of Darebin's Neighbourhood Character study (Clause 22.02). The table below addresses the applicable Neighbourhood Character assessment objectives.

Objective	Comment	Complies
Existing Buildings		
To encourage the retention of older dwellings that contribute to the valued character of the area in the design of development proposals.	The existing Victorian weatherboard dwelling is not covered by heritage overlay and can be removed from the site. The current siting of the existing dwelling fails to support efficient use of the site. Retention of the dwelling is not conducive with creating an additional dwelling on the land.	Complies
Vegetation		
To maintain and strengthen the garden setting of the dwellings and the presence of trees in the streetscape.	A detailed landscape plan has been provided (via Keystone Alliance) which indicates substantial planting of new vegetation is possible. A condition of approval would require an amended landscape plan in accordance with the canopy tree planting required by Council's Tree Management Unit, as well as other administrative requirements (e.g. Construction details of garden beds and tree protection measures).	Complies subject to conditions
Siting		
To provide space for front gardens.	The proposal would provide an 8.1 metre setback for a front garden in accordance with the preferred neighbourhood character. A condition of approval would require three (3) medium canopy trees be provided within the front setback.	Complies subject to conditions
To maintain and reinforce the existing rhythm of spacing between dwellings.	The proposal is set back from both side boundaries which corresponds to the predominant existing spacing between buildings and to both adjoining sites fronting Jenkins Street.  Dwelling 1 is shown with single level construction to the rear boundary with a 4.5	Complies

	<p>metre length of wall on boundary set back 2.01 metres from the south-west corner of the site, adjoining the double storey block of flats at No. 15 Christmas Street. This built form will not be apparent from the public realm.</p>	
<p>To minimise the loss of front garden space and the dominance of car parking structures.</p>	<p>The car parking is located in the basement below natural ground level aligned with the façade above and will not dominate the presentation to the street.</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 six (6) car spaces provided on-site.</p> <p>The proposal provides satisfactory areas for landscaping. An amended landscape plan is requested as a condition of the recommendation.</p>	<p>Complies subject to conditions</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 in the area are a combination of both single and double storey. However, it is acknowledged Jenkins Street west of Wales Street is predominantly single storey, with only No. 8 and 12 being double storey construction.</p> <p>Notably, there is a current planning application for No. 17 Jenkins Street, which is double storey proposal of similar contemporary design to that of No. 26 Jenkins Street. No. 17 notification process has attracted four (4) objections.</p> <p>The No. 26 proposal presents a graduated increase in height over adjoining single storey buildings with the flat roof minimising overall height and bulkiness. The façade is set back 8.10 metres which exceeds the front setback of the adjoining dwellings. The upper level is similarly set back from the street interface, creating a simpler overall form which responds to the Council-adopted Good Design guidelines by limiting unnecessary articulation.</p> <p>The proposal is supported by Council’s Designer noting: High-quality design comprising curved and staggered forms, displaying a level of contemporary asymmetry – which is what our policy asks for.</p>	

	<p>There is a level of responsiveness to typical duplication of Victorian dwellings, with the proposal presenting as two dwellings. Partial mirroring lessened by the sculptural gap treatment of the façade does respond in part, to Victorian symmetry of local built form, as does the bold vertical rhythm of the proposed fenestration. The proposed basement car parking reduces car dominance to the streetscape.</p> <p>There is strong contrast with local heritage buildings which is positive.</p> <p>Furthermore, the incremental change from one storey to two storey built form is consistent with the zoning.</p>	
Materials and Design Detail		
<p>To ensure that the use of materials and design detail in new development complements that of the predominant building styles in the street.</p>	<p>The proposal offers a contemporary design response to the local heritage dwellings by re-imagining attributes such as entrance verandahs, batten and fretwork detailing, large sash windows with connection to the street and the low permeable front fence.</p> <p>The proposed building is to be rendered in a high-quality textured finish somewhat reminiscent of rough stucco; punctuated by anodised metal slimline fenestration and low permeable metal batten fencing. Considered architectural detailing emphasises the curved walls and articulation of the development.</p> <p>The palette is of warm light neutral tones which are 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
<p>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>	<p>The proposal is supported by Council's Designer as it is a high-quality contemporary architectural response that interprets local built form in a bold and innovative way. The setback, curved forms and architectural detailing combine to provide a visually interesting and activated façade to the street.</p>	Complies
Front Boundary Treatment		

To maintain the openness of the streetscape and views to established gardens and dwellings.	The proposed low front fencing is in-keeping with the local character and overall design, being generally permeable allowing views into the landscaped front setback and the façade beyond.	
---	---	--

Overall, the proposal is compliant with the requirement 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.	N	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.	Y	Y
<b>55.03-1</b>	<b>B6</b>	<b>Street setback</b>		
		The required setback is 7.16 metres, the dwellings are set back 8.10 metres from the street frontage.	Y	Y

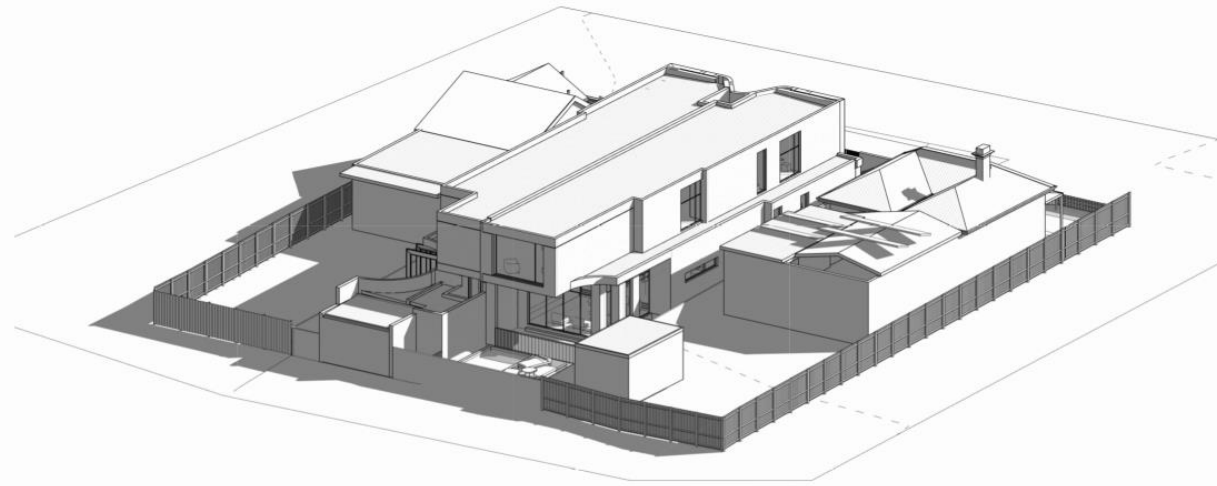
Clause	Std		Compliance	
55.03-2	B7	<b>Building height</b>		
		8.23 metres	Y	Y
55.03-3	B8	<b>Site coverage</b>		
		58.44%	Y	Y
55.03-4	B9	<b>Permeability</b>		
		22.34%	Y	Y
55.03-5	B10	<b>Energy efficiency</b>		
		Dwellings are considered to be generally energy efficient and will not unreasonably impact adjoining properties.	Y	Y
55.03-6	B11	<b>Open space</b>		
		N/A as the site does not abut public open space.	N/A	N/A
55.03-7	B12	<b>Safety</b>		
		The proposed development is secure and the creation of unsafe spaces has been avoided.	Y	Y
55.03-8	B13	<b>Landscaping</b>		
		Adequate areas are provided for appropriate landscaping and a landscape plan has been required as a condition of approval.	Y	Y
55.03-9	B14	<b>Access</b>		
		Access is sufficient and respects the character of the area.	Y	Y
55.03-10	B15	<b>Parking location</b>		



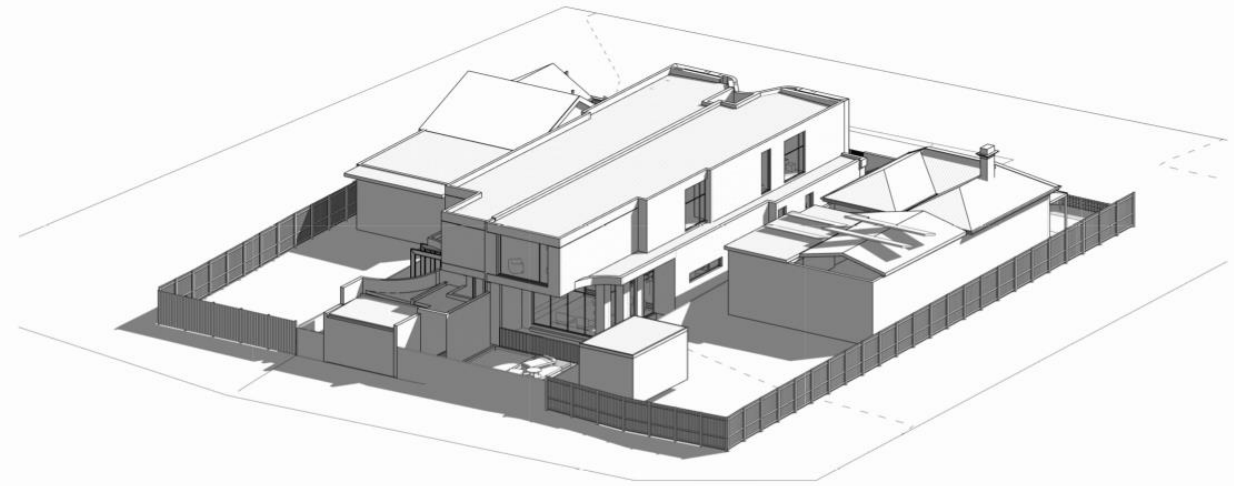
Clause	Std		Compliance	
		Parking facilities are proximate to the dwellings they serve, the access is observable, habitable room windows are sufficiently set back from accessways.	Y	Y
<b>55.04-1</b>	<b>B17</b>	<b>Side and rear setbacks</b>		
		Dwellings are set back in accordance with the requirements of this standard.	Y	Y
<b>55.04-2</b>	<b>B18</b>	<b>Walls on boundaries</b>		
		Length: 5.38 metres Height: 3.075 metres average Walls on boundaries 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.	Y	Y
<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>		
		Internal views are appropriately managed.	Y	Y
<b>55.04-8</b>	<b>B24</b>	<b>Noise impacts</b>		

Clause	Std		Compliance	
		Noise impacts are consistent with those in a residential zone.	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>		
		Sufficient depth is provided for adequate solar access.	Y	Y
<b>55.05-6</b>	<b>B30</b>	<b>Storage</b>		
		Sufficient storage areas are provided.	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 0.9 metre high front fence is proposed which is appropriate in the neighbourhood context.	Y	Y

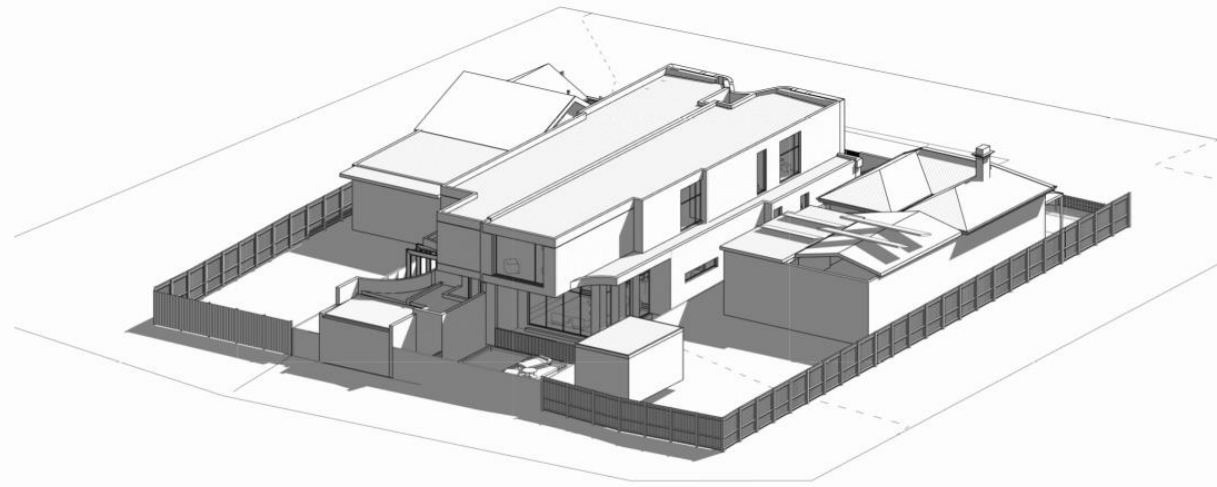
Clause	Std		Compliance	
<b>55.06-3</b>	<b>B33</b>	<b>Common property</b>		
		No Common property areas.	N/A	N/A
<b>55.06-4</b>	<b>B34</b>	<b>Site services</b>		
		Sufficient areas for site services are provided.	Y	Y



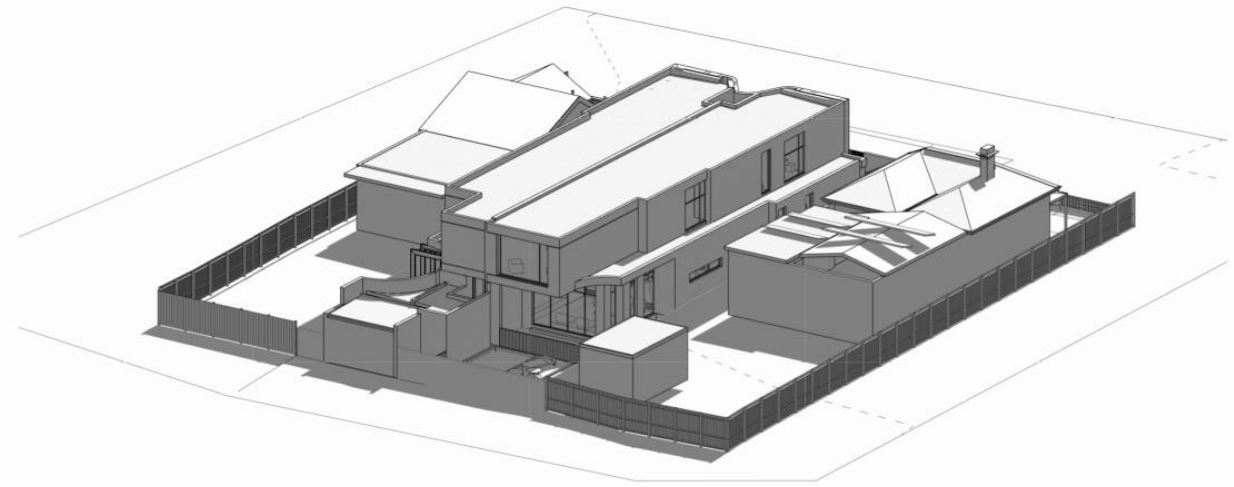
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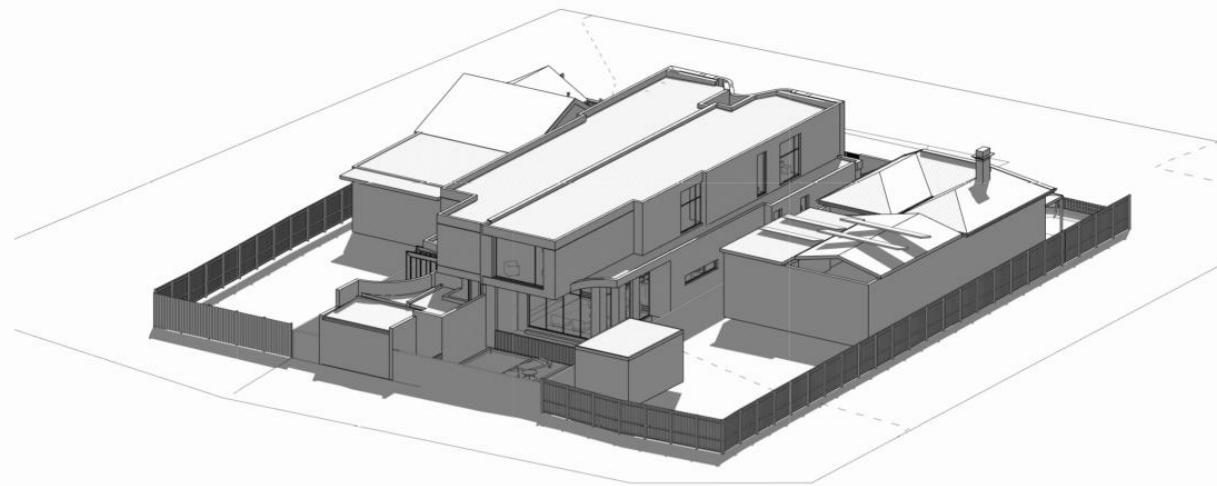
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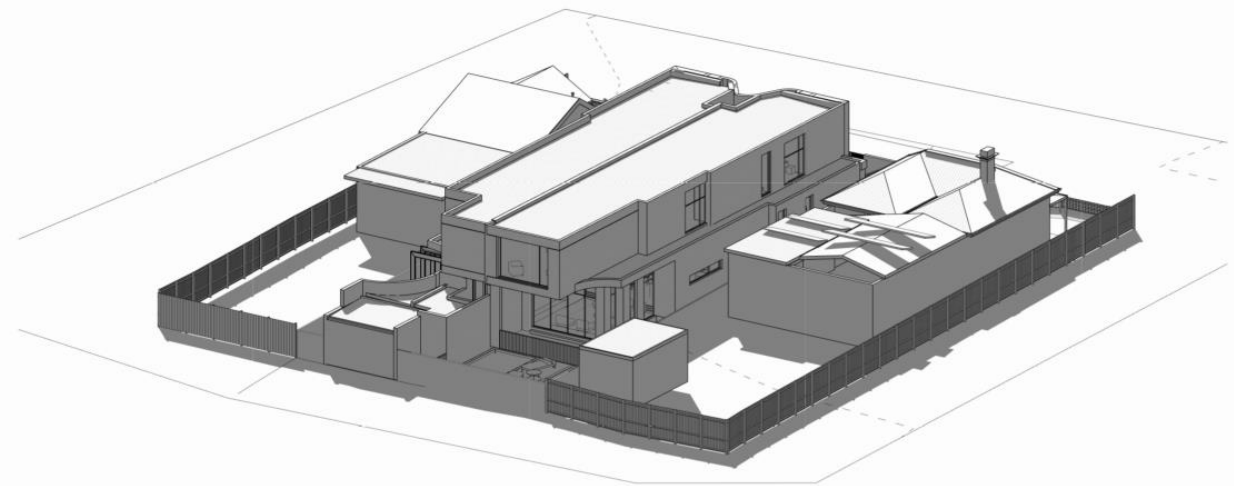
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12PM ISO SHADOWPLAN  
SCALE



1PM ISO SHADOWPLAN  
SCALE



2PM ISO SHADOWPLAN  
SCALE

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REV	DATE	DETAIL	SIGN	
A	24.08.2022	CONCEPT PRESENTATION	VD	E 28.09.2023 ISOMETRIC SHADOWS INCLUDED DW
B	07.09.2022	REVISED CONCEPT PLANS	VD	
F	14.09.2022	TOWN PLANNING SUBMISSION	DW	
C	04.11.2022	TOWN PLANNING BY RESPONSE	DW	
D	01.03.2023	INCORPORATING COUNCIL LETTER 22.02.23	DW	

PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOE

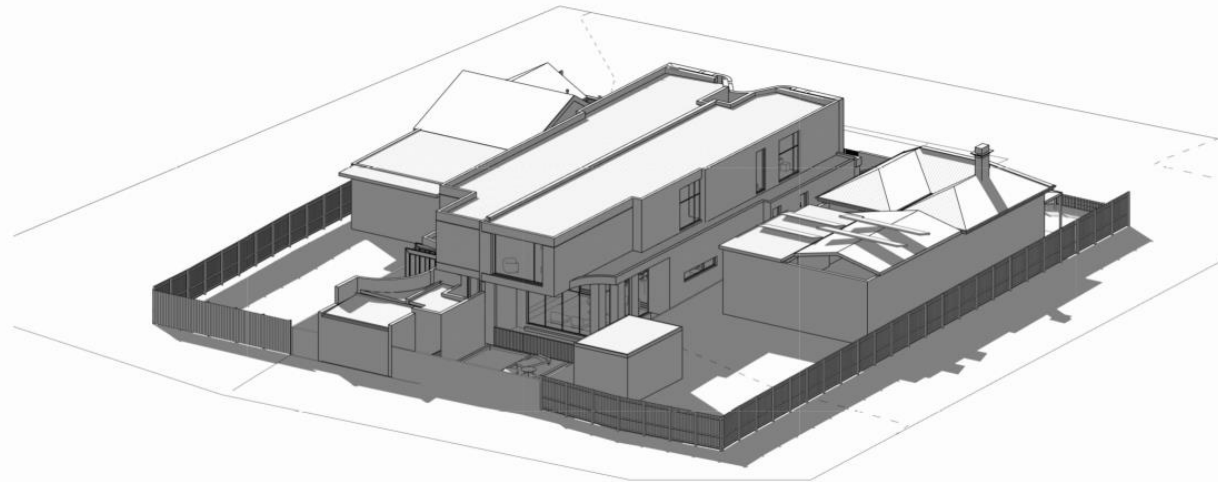
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SHEET NAME  
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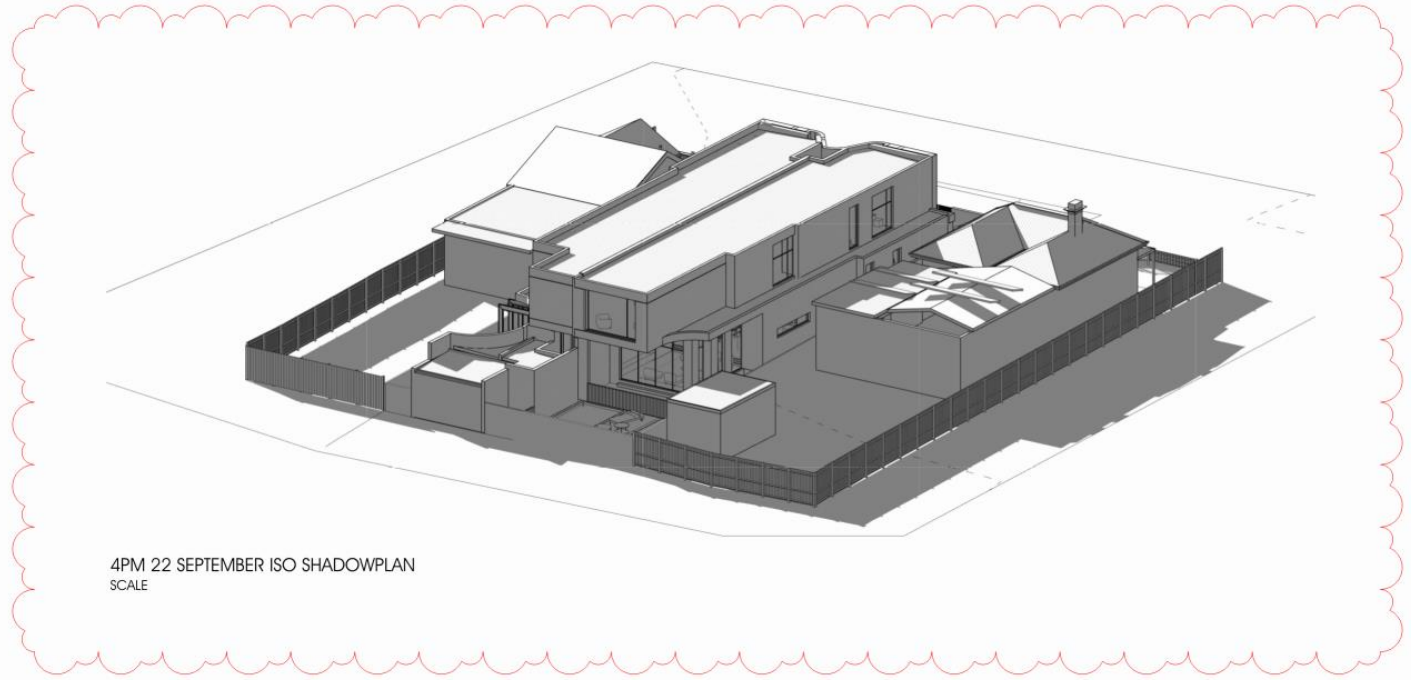
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TP.13





3PM ISO SHADOWPLAN  
SCALE



4PM 22 SEPTEMBER ISO SHADOWPLAN  
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REV	DATE	DETAIL	SIGN
A	24.08.2022	CONCEPT PRESENTATION	VD
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C	04.11.2022	TOWN PLANNING BY RESPONSE	DV
D	01.03.2023	INCLUSIONAL PRE-COUNCIL LETTER 22.02.23	DV

PROJECT  
PROPOSED DUAL OCCUPANCY  
ADDRESS  
26 JENKINS STREET NORTHCOTE

PROJECT PHASE  
TOWN PLANNING ISSUE  
SHEET NAME  
ISOMETRIC SHADOWPLANS 2



PROJECT NO.  
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## 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 VCAT decisions upheld for financial year 2022-2023; and
- A summary of decisions issued since last report to Council (financial year 2022-2023).

The General Planning Information attached at Appendix B contains:

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

<b>Officer Recommendation</b>
-------------------------------

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

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#### Attachments

- Applications Determined by VCAT to end of FY 22-23 (**Appendix A**)
- Applications Determined by VCAT start of FY 23-24 (**Appendix B**)

#### DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any 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

14 August 2023

**TABLE 1: SUMMARY OF DECISIONS UPHELD BY FINANCIAL YEAR JUL 2022 – JUNE 2023**

	Number of VCAT Decisions	Percentage of decisions upheld (excluding mediated outcomes/LGPRF reported)	Percentage of decisions upheld (including mediated outcomes)
<b>Council decisions</b>	6	100% (3/3 decisions)	100% (6/6 decisions)
<b>Delegated decisions</b>	32	83.33% (15/18 decisions)	91% (29/32) decisions)
<b>All decisions</b>	<b>38</b>	<b>85.71% (18/21 decisions)</b>	<b>92% (35/38 decisions)</b>

**Comment on performance and trends**

The results of this financial year (2022 – 2023) are a significant improvement on the results of the previous financial year which were 20% of decisions upheld (excluding mediated outcomes) or around 50% (including mediated outcomes). The typical percentage of decisions upheld (excluding mediated outcomes) across similar Council’s is around 58% or 50% for all decisions.

The results of the previous financial year were particularly low. This was in part affected by there being a lower than usual number of overall VCAT applications, a trend that continued into 2022 – 2023.

An improvement in results this financial year is in part accounted for by improvements to VCAT procedures that the team have been implementing. In addition, VCAT have increased the number of matters that can go to a compulsory conference, which is increasing the number of mediated outcomes reached.

**Notes on Table 1**

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

*As LGPRF reporting does not reflect mediated outcomes as a decision upheld, decisions upheld based on a mediated outcome are distinguished in the table as percentage of decisions upheld including mediated outcomes.*

*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 are not reported). This financial year to date, there have been six VCAT decisions that are not reportable to LGPRF and are not captured in the above table. Five of these decisions concerned delegated decisions of Council and were withdrawn (by the appellant) or struck out by the Tribunal, while one upheld Council’s position.*

*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.*

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**TABLE 2: SUMMARY OF VCAT DECISIONS ISSUED SINCE LAST REPORT TO COUNCIL**

Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's position upheld?
D/710/2021 P1223/2022	169-171 Gower Street Preston Central	Construction of 10 dwellings (4 double storey and 6 triple storey) with associated basement car parking	Support (NOD)	Council	S82	Hearing	Varied  23 June 2023	Yes
<p><b>Discussion</b> The appellant sought a review of Council's decision on a number of grounds, including visual bulk, overdevelopment, overshadowing of solar panels and parking/traffic impacts. The Tribunal supported Council's decision to approve, noting policy expectations for housing growth in the GRZ, compliance with the various standards of the planning scheme and guidance as related to solar panels.</p>								

**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*

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14 August 2023

**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

**\*\*VCAT hearing types explained:**

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

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

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

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

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

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

**\*\*\*Decision upheld** is all decisions where the Tribunal affirms Council’s decision/recommendation with no change or varies Council’s decision/recommendation with changes (i.e. adds conditions)



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

	Number of VCAT Decisions	Percentage of decisions upheld
Council decisions	1	0 (0/1)
Delegated decisions	2	100% (2/2)
All decisions	3	67% (2/3)

**Comment on performance and trends**

This financial year to date (at the time of reporting) there have only been three VCAT decisions. The Statutory Planning Unit aims to continue the positive trend in Tribunal results that was achieved in the 2022 – 2023 financial year whereby 92% of decisions were upheld by VCAT.

**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 based on a mediated outcome are distinguished in the table as percentage of decisions upheld including mediated outcomes where the Tribunal has found in favour of Council’s original decision.*

*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 are not reported). This financial year to date, there have been no decisions that are not captured in the above table.*

*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.*

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**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/277/2022 P36/2023	79 May Street Preston  West	Two dwellings	Refuse	Delegated	S77	No hearing	Permit granted (with conditions)  4/07/2023	Yes
<p><b>Discussion</b> A mediated position was reached prior to the hearing as the applicant agreed to incorporate changes in order to address Council concerns related to the built form presentation to the street and car parking dominance.</p>								
D/520/2021 P1543/2022	102 Perry Street Fairfield  South East	Three dwellings	Refuse	Council	S77	Hearing	Set Aside  6/07/2023	No
<p><b>Discussion</b> The Tribunal disagreed with Council's position. They considered the set back and high front fence to Perry Street an appropriate design response, which provided privacy to the secluded private open space and appropriately responded to neighbourhood character for a corner allotment. However, they did impose a permit condition for the upper level of the development to be set back, while amended plans addressed site coverage compliance.</p>								

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D/701/2021	839 Plenty Road	Seven dwellings	Refuse	Delegated	S79	No hearing	Permit granted (with conditions)	Yes
P228/2023	Reservoir						10/07/2023	
	North Central							
<p><b>Discussion</b></p> <p>A mediated position was reached prior to the hearing as the applicant amended plans to address Council concerns. Amended plans directly responded to Council's concerns through the provision of dwellings facing Plenty Road, as well as amending balcony screening measures to allow for greater solar access and an improved outlook.</p>								

**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*

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

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**7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**

**8. CLOSE OF MEETING**




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